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HOUSE OF REPRESENTATIVES—*Thursday, February 2, 1989*

The House met at 11 a.m.

The Reverend John F. Murtha, president, St. Vincent College, Latrobe, PA, offered the following prayer:

God of all nations, bless, nourish, and bring peace to Your world. Bless America and her leaders and their commitment to peace and justice for all peoples. We seek wisdom, understanding, and compassion for this body of legislators as they pursue their weighty task of governance. Guide them in their mission and sustain the dedication they exhibit for the good of this country and the world.

On this particular day, dear God, grant to these Representatives graces needed for the labor at hand. Look kindly on these Your servants and let their resolve effect the good they earnestly seek for the citizens of this great land.

Trusting always in Your loving mercy, we humbly ask these blessings in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Virginia [Mr. SLAUGHTER] will kindly lead the Members in the Pledge of Allegiance.

Mr. SLAUGHTER of Virginia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE HONORABLE LEON E. PANETTA, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable LEON E. PANETTA:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1989.

Hon. JIM WRIGHT,
Speaker of the House, H-204 Capitol.

DEAR MR. SPEAKER: This is to you, pursuant to Rule L (50) of the Rules of the House of Representatives, that my office has been served with a subpoena duces tecum issued by the Superior Court of the State of California.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

LEON E. PANETTA,
Member of Congress.

WELCOMING THE REVEREND JOHN F. MURTHA

(Mr. MURTHA asked and was given permission to address the House for 1 minute.)

Mr. MURTHA. Mr. Speaker, I just want to add my welcome to my cousin, John Murtha, the president of St. Vincent College and a legend in the Murtha family, who was a missionary in Taiwan for years. He has taken the vow of poverty, and he reminds me of that quite often, and I am always glad to walk in his shadow back in the district because people at least do not swear at me when I am walking down the street with my cousin, John.

Mr. Speaker, he really has done such wonderful work over the years, and he said that this is the first time he has been in this Chamber. We are so proud of him, and we wish him well, and we appreciate him being the chaplain for the day.

INTRODUCTION OF THE FEDERAL EMPLOYEES LONG-TERM CARE INSURANCE ACT

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, there is much the Federal Government can do to spur the demand and supply of private long-term care insurance. I believe such action is imperative because the Federal Government cannot solve the growing problem of financing long-term care without appealing to a substantial degree to the private sector.

One way the Federal Government can help is to offer group long-term care insurance on a voluntary basis to some of its 2.5 million workers. I introduced legislation last year to do precisely that, and I am reintroducing the same bill today along with eight of my colleagues.

I believe this legislation would provide significant incentives for insurance companies to enhance their long-term care policies and for Federal employees to purchase attractive group policies at affordable rates. In addition, this program would encourage other businesses and State and local governments to offer similar policies to their employees, thereby increasing both the supply of and demand for long-term care insurance.

Senator PETE WILSON introduced the Senate version of this legislation last week with 36 original cosponsors, including Majority Leader MITCHELL and Minority Leader DOLE. We hope for quick action in the 101st Congress to provide this initial Federal response to a clear and growing national need; financing long-term health care.

THE HOME OWNERSHIP ACT OF 1989

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, in the past decade our Nation has seen a decline in its ability to provide adequate and affordable housing to its citizens. Until the 1980's, we had made steady progress, through a coupling of pri-

vate and public efforts, in raising the quality and maintaining the affordability of housing in our country, alleviating overcrowding and unfit conditions, and increasing the rate of home ownership. It is time to get back on that path.

Today, I am introducing legislation, the Home Ownership Assistance Act of 1989, to address one aspect of this national problem: the decline in home ownership. The percentage decline may seem small, from 65.6 percent of households as homeowners to 63.8 percent, but it means that nearly 2 million fewer families own homes today than would have, had the prior rate been sustained. The decline in home ownership among young households has been particularly acute: A decline of 7.4 percentage points for those 25 to 29 years old—from 43.3 to 35.9 percent—and a decline of 7.9 percentage points for persons 30 to 34 years old—from 61.6 to 53.2 percent.

The Home Ownership Assistance Act of 1989 eases this pressing problem by increasing the percentage of a home's value that the Federal Housing Administration [FHA] is able to insure. Currently, the FHA can only insure 97 percent of the first $25,000 of the home's value and 95 percent of the remaining loan value. The bill will authorize FHA to insure 97 percent of the entire home's value for first-time home buyers and would, therefore, permit a reduction of over 30 percent in the downpayment, for example, on a $95,000 home—the U.S. median—this change will help more young families realize the American dream of home ownership.

The bill also makes changes in the FHA Program which will lower the monthly payment home buyers pay in the early years of the mortgage. It does this by permitting FHA to insure adjustable rate mortgages that can change by 2 percent a year—from the current 1 percent—though the interest rate can only rise by 5 percent over the entire life of the loan. In addition, the bill adjusts the FHA mortgage insurance limit in areas where moderate-income families are being priced out of the housing market because the current limits do not allow FHA to insure the median priced house in that area. This is of growing concern in my district as the median price of homes in Wake and Orange Counties increases steadily and exceeds the current FHA limit of $101,250.

I want to stress to my colleagues that this expansion of FHA assistance programs will not add 1 penny to Federal spending obligations. The basic FHA Program, even with these modifications, should continue to run a surplus for the Federal Government.

I invite my colleagues to join me, LES AUCOIN, CHALMERS WYLIE, BOB CLEMENT, and the 49 other original cosponsors, in supporting this important measure. Through this effort we will begin to meet the many housing challenges that face us in this Congress as we look toward the 1990's.

AGRICULTURAL PROGRAM REPORTING AND RECORDKEEPING IMPROVEMENT ACT OF 1989

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, today I am introducing legislation requiring the Secretary of Agriculture to prepare a report and make recommendations to Congress aimed at reducing the overwhelming burden of program and regulatory paperwork which is drowning America's farm and ranch producers in a bottomless sea of Government forms and torrents of ink. Farm producers today are required to spend countless hours each month completing lengthy applications, updating detailed financial reports, complying with regulatory inquiries, and providing production and marketing information to first one Government agency and then another.

The worst part of all is that much of the information required by the different agencies is repetitive, and the forms must still be completed by hand because the agencies do not presently have a modern information or data sharing system which could eliminate these time-consuming, nonproductive duplications of effort.

Over the past 8 to 10 years, the various branches of the Department of Agriculture have acquired more than $300 million of computer hardware for installation both here in Washington and across the country. In addition, there are additional purchases contemplated in the budget which will bring the total to well over $1 billion by 1992. Unfortunately, these acquisitions and plans have been made on an agency-by-agency basis. No real forethought was given to building a unified data management and communications system which would benefit both the Department and individual producers. Each agency has acquired equipment and designed plans to a large extent for only its own in-house purposes.

The result is that the ASCS—which manages the day-to-day implementation of farm programs—has computers in its 3,000 or so county offices which will not directly share basic information regarding a farmer's operations with the computers of the local Farmers Home Administration or the Farm Credit System bank who may need much of the identical data in order to make sound lending decisions. Federal Crop Insurance computers cannot access that same basic information in order to speed the issuance of crop insurance policies and processing of claims. The Soil Conservation Service's computers likewise cannot retrieve any of the information from the local ASCS or Farmers Home computer records in order to assist the producer in meeting the highly complex and critical conservation requirements of the 1985 farm bill.

My point is that America's farm and ranch producers can and should be freed from the chains and shackles of ever-increasing paperwork and reports by providing them access to state-of-the-art electronic information gathering and processing capabilities. Savings in time alone will allow farmers and ranchers to become even more productive and efficient, while a modern data processing and communications system would also provide significant budget savings to the Department of Agriculture.

We can look at the recent history of the Department of Defense where similar piecemeal acquisitions of differing computer systems and capabilities had occurred among various offices, divisions, and agencies in the late 1970's. I understand that at DOD a major effort was undertaken in recent years to link each of these varying systems into a complete, modern data management and communications network in order to save time, manpower, and money.

My legislation requires the Secretary of Agriculture to examine and make recommendations regarding the feasibility of undertaking a similar project within the Department to upgrade and link into a electronic network the computer equipment we have already bought and paid for.

Typically a farmer must spend 4 to 7 days or more each month grappling with paperwork and reporting requirements. He must drive to the nearest appropriate USDA agency office—then wait for service by the local employees—and then complete endless forms, applications, and reports. Doesn't it make sense that our modern computer technology should be utilized to allow that farmer or rancher to accomplish a large part of this burdensome task with greater efficiency, less waste of time, less expense, less hassle?

An updated USDA data management and communications network which allows producers to sit down to a tabletop computer in the kitchen, den, or ranch office and electronically transmit applications and reports to computers in the appropriate agency offices is a realistic and affordable alternative to the present situation. Taking into consideration the large sums of money USDA has already invested in acquiring computer hardware for its thousands of agency offices throughout the country, the additional costs of linking these resources into a

modern network will not be all that great.

Many agricultural producers already own computer equipment to help them manage their operations, and there is no reason that they should not be able to readily access the USDA network in order to meet a large portion of their paperwork requirements. If the network were made available, virtually all producers would likely take advantage of this time-saving tool, and I feel reasonably certain they would be more than willing to pay a modest users fee to help defray the operation and maintenance costs of the system in the future.

Thus, I believe it is only fair that we enact my bill requiring the Secretary to thoroughly examine this subject and promptly make his recommendations back to the Congress for our further consideration. Ultimately, we could save literally hundreds of millions of dollars in USDA employees' wasted time, reduce much emotional strain for farmers and ranchers while also making them more productive, and reduce the burdens of complying with increasingly complex farm programs and conservation requirements.

TIME TO MODERNIZE USDA'S COMPUTER NETWORK

(Mr. THOMAS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Georgia. Mr. Speaker, it is with considerable pleasure that I join my collegue RON MARLENEE in support of his bill to establish a study of computer systems for the purpose of streamlining the U.S. Department of Agriculture operations.

Now is the time to take the proverbial bull by the horns and institute a computer system that makes the most of the taxpayers' money. Now is the time to reduce the hours our farmers have to spend away from their fields because of long lines in the ASCS offices. Now is the time to modernize the USDA's computer network which presently contains systems that often have identical information, but cannot interface.

We are envisioning a system that allows our farmers to come in from the dairy barn, sit down at the kitchen table and input their planting intentions directly from their home computer to a computer located in the ASCS office. The next morning the ASCS employees will be able to approve or disapprove the plan and then communicate that information directly to the farmers and the appropriate Federal office.

Now is the time to move toward these goals, before we invest still more of the taxpayers' money in computer systems that do not communicate with each other. I am hopeful that our colleagues will recognize the wisdom of this move and perhaps use it as a model for other agencies as well.

PUNXSUTAWNEY PHIL HAS PROCLAIMED HIS PREDICTION

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, a scant few hours ago, the one true groundhog and medium of the weather vane, Punxsutawney Phil, emerged from his burrow and proclaimed his prediction for the remaining weeks of winter. As in the past, I am certain Phil will prove to be correct.

I have received, directly from Gobbler's Knob, the home of Punxsutawney Phil, the following proclamation and I feel compelled to share it with my colleagues and the rest of the Nation.

Hear Ye, Hear Ye, to all true believers here on Gobbler's Knob and around the world. I, James H. Means, President of the Punxsutawney Ground Hog Club, proclaim that the only true weather-prophet, Punxsutawney Phil, has just come out of his official home at exactly 7:28 a.m. In honor of America's new President, George Bush, the groundhog stood tall and proud. He spotted a thin, short shadow. The king of all groundhogs is returning to his burrow with a promise of a "kinder and gentler winter."

That's the good news from Punxsutawney, PA, the weather capital of the world.

LEGISLATION TO PROVIDE A 2-YEAR (BIENNIAL) BUDGET CYCLE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, it is with considerable pleasure that I join my colleague, the gentleman from Oklahoma [Mr. CALLAHAN] in support of his bill introducing legislation that would amend the Congressional Budget Act of 1974 to provide for a 2-year, biennial, budgeting cycle.

A primary issue faced by each of us in the 101st Congress is the reduction of our national debt. To accomplish this and reduce in excess of $170 billion of interest spent annually on the national debt, it is necessary to get a handle on and control Federal spending. We are convinced that implementing of a 2-year budgeting cycle will facilitate our oversight responsibilities and the timely passage of authorization and appropriation measures.

Many of us will recall that last year, during the second session of the 100th Congress, was the first time since 1976 that all spending bills made their way through Congress before the new fiscal year began. Looking back on the legislative process during this period, the late 1987 summit agreement reached between our leadership and the executive branch, as well as biennial budgets of the Defense Department, Coast Guard and other activities contributed to this accomplishment. For a change, there was no huge continuing resolution legislation confronting us or the administration at the end of the fiscal year. We would like to see this continue and believe that the biennial budget cycle is the vehicle that will help us accomplish this.

Under our proposal, the Congress will complete all authorization and appropriation actions during the first year of the cycle. A single concurrent resolution on the budget for the 2 fiscal year period will be completed by May 15. The second year of the cycle will be devoted to planning, evaluation, oversight and supplemental funding and emergency authorization.

Rationale favoring the biennial approach includes:

Better planning by Federal agencies because of greater funding certainty resulting in improved program efficiencies and cost reductions.

Reducing the number of budget measures by half, thus enabling Congress to move through legislative agendas in an orderly and more deliberate manner.

Providing more time for oversight activities and nonbudgetary matters.

Giving Members more opportunity for reflection and review, thus improving the quality of legislation and congressional responsiveness to policy issues.

Very specific advantages will result from starting the 2-year budget cycle on an odd-numbered year [1991]. These advantages include:

Simplifying the transition from an annual to a 2-year cycle.

Scheduling of primary budget votes in nonelection years.

Allowing new Members, and a new President, to quickly make their imprint on budget policies.

Reserving a full year (the second session) principally for oversight activities.

We urge and encourage the support of our House colleagues in endorsing this bill that provides for a 2-year budgeting cycle.

THE ENERGY TAX REFORM ACT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, America is losing its energy security. The American Petroleum Institute reports that domestic oil production has fallen to its lowest level in 24 years. And we are now importing 42 percent of our oil from abroad.

As we lose the capacity to produce oil and gas, we hand our energy future over to foreign powers. Losing our energy security means losing our national security.

Today I am introducing the Energy Tax Reform Act, a bill containing five energy tax reforms to provide relief to the independent oil and gas industry.

Independents, whose sole business is the discovery and production of domestic oil and gas, have developed 80 percent of the new oil and gas wells in this country, and they produce one-third of our domestic oil and gas.

It is time for Congress to reduce the tax burden and restore the incentive to explore for new oil and gas.

Tax incentives helped build the industry in the early part of this century, and we should use that approach again to rebuild the industry and restore our energy security.

THE COMMUNITY REVITALIZATION TAX ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation with Mr. SCHULZE and 49 of our colleagues designed to revitalize and reinvigorate the rehabilitation and low-income housing tax credit programs. Our bill, the Community Revitalization Tax Act of 1989, would increase access to the investment capital required by both the low-income housing and rehabilitation credit programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. Identical legislation is being introduced today in the Senate by Senators DANFORTH and MITCHELL.

The bill encourages the preservation of the Nation's historic buildings and the production of low-income housing using the rehabilitation and low-income housing credits. These credits were created by Congress in an effort to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. The programs were established to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. Unfortunately, because of their interaction with the passive activity rules, enacted as part of the Tax Reform Act of 1986, neither program is currently functioning as intended.

The passive activity rules marked a dramatic change in Federal tax policy. The rules were designed to prevent individual taxpayers from using losses from certain passive activities to shelter income from wages, salaries, and other types of investment income. The rules addressed a significant increase in the use of losses from certain investments, typically investments stemming from transactions involving heavily leveraged investments in real estate, to offset active income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

The passive activity rules, as drafted, would also restrict the use of certain credits, primarily the rehabilitation tax credits and the low-income housing credit, as well as passive losses. Under the rules, a taxpayer generally may now use the credits only to offset tax liability generated by income from passive activities. Recognizing that the passive activity rules could have a significant negative impact on the rehabilitation and low-income housing credit programs, Congress provided a special exception for both in the 1986 act, permitting taxpayers with adjusted gross incomes of less than $250,000 to use up $7,000 of either credit annually to offset tax on nonpassive income. This limited exception phases out as an individual's income exceeds $200,000, creating two major problems in the financing of low-income housing and rehabilitation projects.

Such projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the Securities and Exchange Commission. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such an approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Recently available data demonstrates that the current credit exception to the passive activity provisions has not achieved its purpose. The most recent National Park Service study reveals that historic rehabilitation activity in 1988 declined to the lowest levels since the first year of the rehabilitation tax credit program. In fact, the number of approved projects is now running at one-third the pre-Tax Reform Act level—down from 3,117 in fiscal year 1985 to 1,092 in fiscal year 1988. Invested dollars is also down about the same, from $2.4 billion in fiscal year 1985 to $866 million in fiscal year 1988. In Connecticut, the number of part 2 historic applications received by the National Park Service declined a whopping 76 percent between fiscal year 1985 and fiscal year 1988. But the decline was even steeper in other States, such as Pennsylvania—83 percent, Washington—83 percent, South Carolina—84 percent, Montana—91 percent, and Louisiana—94 percent.

Although statistics on use of the newly created low-income housing credit are just coming in, it appears that the market for those projects has been severely restricted by the passive credit limitations as well. Approximately 19 percent of the allocation for the low-income housing tax credit was used in 1987, and only an estimated 60 to 70 percent of that available in 1988 was used, according to the recent Mitchell-Danforth report on the credit.

Vitality and viability must be restored to both the rehabilitation and the low-income house credit programs. Under the Community Revitalization Tax Act of 1989, this would be accomplished by shifting the credit use limitations for these programs from the passive activity rules to the general rules that limit use of business credits.

The Community Revitalization Tax Act of 1989 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors. The bill would have the additional benefit of simplifying the tax law since it would modify the passive activity rules to limit their scope to include only losses, not credits.

The bill also tightens the general business limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to "zero out" through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability below the 20-percent minimum tax rate.

Mr. Speaker, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credits in the 1986 Tax Reform Act. These credit programs have been carefully monitored since that time and clearly a steady decline in the effectiveness of the historic rehabilitation tax credit and a disappointing start for the low-income housing credit has occurred. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits. I am convinced that the Community Revitalization Tax Act of 1989 can meet those goals. I urge my colleagues to join in sponsoring and supporting this legislation.

OPPOSITION TO NIOBRARA RIVER BILL

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentlewoman from Nebraska [Mrs. SMITH] is recognized for 5 minutes.

Mrs. SMITH of Nebraska. Mr. Speaker, it is my understanding that later this morning there will be a bill introduced to establish a scenic river on the Niobrara in my congressional district. The establishment of scenic rivers has long been one of the most controversial issues that comes up in the House of Representatives. A significant number of the local leaders and local landowners in my district are opposed to this scenic river designa-

tion. This includes the natural resources district in the area, the county commissioners, the municipal boards and other individuals; so I will not be supporting this legislation unless there is a consensus among the local people in my district.

Mr. Speaker, I am going to insert in the RECORD an article on this subject which appeared in yesterday morning's Omaha World Herald, entitled "Some Upset by Niobrara River Bill."

I think it is very important in issues of this kind that the local people who are directly affected have an input, and so I am always in favor of allowing the local people to express their opinions, and let me repeat that I will not be supporting this type of legislation unless we do have a consensus of the local people.

Mr. Speaker, I include the article above referred to, as follows:

[From the Omaha (NE) World Herald, Feb. 1, 1989]

SOME UPSET BY NIOBRARA RIVER BILL

(By John Share)

LINCOLN.—The federal government should not meddle in local affairs by including a 76-mile stretch along the Niobrara River in the national scenic river system, State Sen. Howard Lamb of Anselmo said Tuesday.

"The people just do not want the federal government interfering with what they feel is a local concern." Lamb said. "The river has been well-protected by the residents in the past."

Lamb, accompanied by about a dozen Natural Resource District officials, held a press conference on the State Capitol rotunda to oppose a bill that Sen. J.J. Exon, D-Neb., said he would introduce Tuesday in Congress. Exon's bill would designate the Niobrara River from Valentine to Nebraska Highway 137 for federal protection from development.

Exon said Monday that Gov. Orr has endorsed his bill, which is cosponsored by Sen. Bob Kerrey. D-Neb., Rep. Peter Hoagland, D-Neb., said he would introduce an identical bill in the House of Representatives.

1986 SURVEY

Lamb said most landowners along the 76-mile stretch, which is in his legislative district, oppose the designation. He cited a 1986 survey conducted by SRI Research Center, which indicated that 52 percent of the landowners in the area opposed the designation.

Lamb said he doesn't believe the survey results would have changed.

The Middle Niobrara and Lower Niobrara Natural Resources Districts have gone on record as opposing the scenic river bill, Lamb said. He said the Brown, Cherry and Rock County Boards, which represent the area, also are on record as opposing the designation.

"One thing we have always advocated is local control along the river," said Robert Hilshe of Valentine, Neb. Manager of the Middle Niobrara NRD. He said the resources district is concerned about people in eastern Nebraska dictating how the river may be used.

"We may be locking up a resource forever" by passing Exon's bill, Hilshe said. Federal protection for the river may be regretted 20 to 30 years from now, when the river may be needed for non-recreational uses such as hydroelectric power, he said.

EXCELLENT CONDITION

Hilshe said the resources district has purchased some property along the river to develop rest areas and demonstrate its willingness to use the river for recreational purposes without federal help.

Dave Jones of Ainsworth, a board member of the Middle Niobrara NRD, said the recognition of the Niobrara as a beautiful recreation area shows that the landowners and resources districts have done a good job protecting the river.

Keith Drury of Butte, manager of the Lower Niobrara NRD, agreed with Jones, saying. "We feel the river is in excellent condition—we have been good stewards of the area."

THE FEDERAL DEPOSIT INSURANCE REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, the FSLIC crisis has moved off the business page of the newspaper.

Now it's on the front page.

Members of this House now hear not just from the usual cast of characters from the various financial interests lobbying on this issue.

This week, we're hearing from constitutents genuinely concerned about the safety of their savings.

Not surprisingly, much of the discussion thus far about the thrift industry crisis revolves around money. How big is the size of the problem, and who should pay for it? Should we throw $75 billion of taxpayer funds at the thrift crisis, $100 billion or $125 billion? Should depositors pay fees or should banks have their insurance assessments increased?

While the money questions—how much and who should pay it—are good for headlines, we face a far greater task it we are to resolve this crisis. We must take steps with an eye toward the next century, not the next fiscal year. In my view, that means fundamental changes in our system of regulation.

DEPOSIT INSURANCE IN THE 21ST CENTURY

Legislation I introduce today, the Federal Deposit Insurance Reform Act, is a first step toward establishing a system of Federal deposit insurance for the 21st century. While retaining separate and distinct deposit insurance funds for the commercial bank, thrift, and credit union industry, this legislation, effective January 1, 1990, removes, FSLIC from the authority of the Federal Home Loan Bank Board, the current chartering, regulatory, and advocacy agency for thrifts. FSLIC would come under the direct authority of a revamped Board of Directors of the Federal Deposit Insurance Corporation, an independent body with no mandate to act as an advocate or protector of a particular industry. A reconstituted Board of Directors of the FDIC, which would be expanded to include as member the Chairman of the Bank Board and an additional public member, would be the decisionmaking unit for both insurance funds.

This is not a new idea. Title I of the Depository Institution Regulatory Modernization Act, legislation I introduced in February 1988 and will reintroduce next month, achieved the same purpose. This legislation is a modified and less sweeping version of Depository Institution Regulatory Modernization Act. Quite simply, the Federal Deposit Insurance Reform Act would bring FSLIC, an agency now akin to a suddenly united balloon, spurting uncontrollably around a room just before the air goes out completely, under control.

The air is indeed leaving FSLIC's balloon. That should prompt quick congressional action. While stripping the FSLIC from the jurisdiction of the Bank Board seemed a novel, even radical idea just a year ago, events have served to make yesterday's somewhat controversial modernization proposal today's accepted wisdom. The flurry of year-end closeout deals undertaken by FSLIC, many of which will expose the Federal Government to further losses in future years, sharply reduced the number of defenders of the current Bank Board/FSLIC relationship. In my view, retention of an independent FSLIC, which some advocate, an agency which would presumably be the recipient of billions of upon billions of tax dollars, is another idea whose time has come and gone. The pooling FDIC and FSLIC managerial services and staff, the standardization of liquidation policies, and common management of similar, sometimes identical assets are obvious benefits of combined administration of the funds. In liquidation and other areas, FSLIC needs all the assistance it is able to procure.

HOW WE GOT HERE

How did we get to this point? FDIC Chairman William Seidman recently made a very astute observation. Of the three deposit insurance funds, two have been recapitalized by congressional action in the last 5 years—the national credit union share insurance fund and the Federal Savings and Loan Insurance Corporation. Both funds are creatures of their respective chartering and regulatory agencies, the National Credit Union Administration and the Federal Home Loan Bank Board. Only the independent FDIC has not required a congressional recapitalization authorization.

This should tell us something. It is asking the impossible to have an agency regulate, oversee, and supervise an industry, and its deposit insurance fund, while at the same time promoting the industry's interests.

This legislation, which I hope will initiate discussion about the proper role of Federal deposit insurance, is a beginning. As we develop a legislative response to the thrift crisis, I look forward to fine tuning the approach. Some have suggested, for example, that a consolidation of the decisionmaking apparatus in Federal deposit insurance might better be served by creating a new corporation, over and above the FDIC, which would govern both the FDIC and the FSLIC and, eventually the national credit union share insurance fund. This approach, as I mentioned earlier, has much merit. For the year term, however, the removal of the FSLIC from the control of the bank Board should be the paramount task. The Federal Deposit Insurance Reform Act would accomplish this in the simplest and most straightforward manner.

However we reform in Federal deposit insurance, and reform is long overdue, I hope the debate includes discussion of the structure of our Federal deposit insurance system as well as the size of the bailout. If not, we are destined to revisit this problem again and again. I need not remind my colleagues that when Congress recapitalized FSLIC in 1987—less than 2 years ago—we were assured that the problem was manageable and that taxpayer funds would not be needed. Who gave Congress this assurance? The Federal Home Loan Bank Board. Placed in the dual position of industry advocate and administrator of an increasingly bankrupt FSLIC, the Bank Board consistently underestimated the size of the problem.

COMMON MANAGEMENT IS THE FIRST STEP

Our Federal deposit insurance system needs to be independent. The Federal insurer must be allowed to operate as much as possible like a private insurer, adjusting rates of assessment that reflect experience and cost. The Chairman of the Board which oversees the Federal deposit insurance funds should be a Presidential appointee, in the same manner as the Federal Reserve Board Chairman. The Board must have the right to determine who will have Federal deposit insurance and who will not, a right which necessarily means the ability to terminate deposit insurance promptly, where necessary. All insured institutions should be regulated according to common accounting and supervisory standards. Liquidation of properties should, where it is logical, be a joint effort of the various funds. FADA-type operations must end.

These are prudent, essential steps necessary for the resolution of the deposit insurance crisis. The first assignment for this Congress, however, is common management of the funds. The other exercises will follow logically. If we fail to provide common management, we risk delay in the accomplishment of these steps toward stability in our deposit insurance system.

I look forward to working with my colleagues interested in long-term reform of the deposit insurance system and urge their consideration legislation designed to address a very near term problem, the Federal Deposit Insurance Reform Act.

At this point, I include the text of the Federal Deposit Insurance Reform Act in the RECORD:

H.R. 797

A bill to provide for the common management of the deposit insurance funds of the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation and to expand the membership of the Board of Directors of the Federal Deposit Insurance Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Deposit Insurance Reform Act of 1989".

SEC. 2. FDIC BOARD OF DIRECTORS TO SERVE AS BOARD OF TRUSTEES OF FSLIC FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Section 402(a) of the National Housing Act (12 U.S.C. 1725(a)) is amended—

(1) by striking out "(a) There is hereby" and inserting in lieu thereof "(a) CREATION AND MANAGEMENT.—

"(1) IN GENERAL.—There is hereby";

(2) by striking out "The members of the Federal Home Loan Bank Board" and inserting in lieu thereof "Except as provided in paragraph (2), the Board of Directors of the Federal Deposit Insurance Corporation"; and

(3) by adding at the end thereof the following new paragraphs:

"(2) REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES.—All functions and activities of the Corporation under section 408 (other than subsection (m) of such section) shall be under the direction of the Federal Home Loan Bank Board.

"(3) COOPERATION AND CONSULTATION BETWEEN BANK BOARD AND FDIC BOARD.—The Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board shall consult with and cooperate with each other in carrying out the duties of the respective Boards under this title.".

(b) SAVING PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, CLAIMS, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, claim, or obligation of the United States, the Federal Savings and Loan Insurance Corporation, or any other person which—

(A) arises under or pursuant to any provision of title IV of the National Housing Act; and

(B) was in effect on the day before the effective date of this Act.

(2) REGULATIONS.—Any regulation prescribed, order issued, or agreement entered into by the Federal Savings and Loan Insurance Corporation under title IV of the National Housing Act shall continue in effect until superseded by regulations prescribed, orders issued, or agreements entered into (as the case may be) by the Board of Directors of the Federal Deposit Insurance Corporation (or the Federal Home Loan Bank Board, in the case of regulations, orders, or agreements under section 408 of such Act).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Federal Savings and Loan Insurance Corporation shall abate by reason of the enactment of this section.

SEC. 3. ADDITIONAL MEMBERS OF THE FDIC BOARD OF DIRECTORS.

Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended—

(1) in the first sentence, by striking out "three members, one of whom shall be the Comptroller of the Currency, and two of whom shall be citizens" and inserting in lieu thereof "5 members, 1 of whom shall be the Comptroller of the Currency, 1 of whom shall be the Chairman of the Federal Home Loan Bank Board, and 3 of whom shall be citizens"; and

(2) in the second sentence, by striking out "two of the members" and inserting in lieu thereof "3 of the members".

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect January 1, 1990.

□ 1120

ORDER OF BUSINESS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that I be permitted to accede to the request of my colleague, the gentleman from Nebraska [Mr. HOAGLAND], and that he precede me in his request for 15 minutes.

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Texas?

There was no objection.

IN SUPPORT OF H.R. 761, PROTECTION OF THE NIOBRARA RIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 15 minutes.

Mr. HOAGLAND. Mr. Speaker, I am proud to be making my first speech in the 101st Congress today in support of H.R. 761, which I have just introduced, a bill that is cosponsored by Chairman UDALL of the Committee on the Interior, and I am very pleased to be able to make this first speech about an issue that is of considerable personal importance and concern to me and, I know, tens of thousands of other citizens in our great State of Nebraska; and that is an issue that involves the protection of our natural resources in my home State of Nebraska, specifically the protection of a very beautiful river we have in north central Nebraska, the Niobrara River.

I believe that it is fitting that my first speech before this distinguished body should be accompanied by a piece of legislation that is as important to the future of all Nebraskans as is preservation of the Niobrara River. This bill also is being introduced in the U.S. Senate this week by Senator EXON and Senator KERREY, and it is called the Niobrara Scenic River Designation Act, a bill that would protect our lovely river in north central Nebraska for many, many generations to come.

This river is truly one of the unique spots in the Midwest. It is a river that I have been to on several occasions, that I have canoed once myself, and a river that is unique in a number of ways. This river joins, or has joining in the river basin through the 76-mile stretch of river on this chart to my right, seven separate ecological, paleontological, and geological ecozones. Within this stretch of river we see the coming together of prairie lands and sandhills, meeting in a corridor between the Rocky Mountain pine forest to the west and the eastern hardwood forests.

Many of the landowners, indeed, a substantial majority of the owners of the lands alongside the Niobrara River, as shown by the color green in this chart, are in favor of this project, are in favor of the scenic-river-designation status, and this bill would give authority to the Department of the Interior to buy scenic-river easements for a stretch of one-half mile back from the centerline of the river.

History is evident in this part of Nebraska, not just to the nearby ranchers who call the Niobrara home, but also by the natural glaciers that millions of years ago deposited materials in this region and are today responsible for the aspen and birch trees; yes, we have aspen and birch trees in Nebraska that adorn the valley.

In recent years, Niobrara has attracted increasing interest from conservationists throughout the Nation, and an increasing number of tourists to Nebraska. For instance, 2 years ago over 25,000 people canoed this stretch of Nebraska, and it brought a substantial tourism industry to this part of our State.

I know that those who have toured Nebraska, and the vast majority of Nebraskans, join me in hoping that this legislation can pass to provide for future generations the peacefulness and tranquillity of this lovely valley.

It has been my observation in my 10 years of public service in the Nebraska Legislature and now the U.S. Congress that so often our elected officials and our public servants have difficulty looking beyond the next election, looking beyond the budgetary exigencies of the coming year, looking beyond those pressing problems always pressed upon us in the near future, and then we take too little time to look to the problems of the next generation and the problems of the future. What is so wonderful about an opportunity to sponsor this kind of legislation is that we, as a body, the U.S. Congress, should we adopt this bill, will know that we are setting aside a particular treasure of Nebraska for future generations, and we know that our children and our children's children will more than appreciate the efforts that we make in the late 1980's and the 1990's to try to get this legislation passed.

Mr. Speaker, just the other day, Senator JIM EXON of Nebraska and I were at Bellevue West High School where we discussed our plans with several classes of history students. They invited Senator EXON and me and our staffs to join them in a canoe trip down the Niobrara this spring, and I know that many, many other Nebraskans will be enjoying the river this spring. I am very hopeful that our colleagues here in the U.S. Congress will understand the particular uniqueness of this area, the pleasure so associated with hiking, canoeing, birdwatching that have drawn thousands to the area, and the fact that without the protective easements this bill would provide, why the tranquillity and peace of the Niobrara River Valley, which is virtually undeveloped, will undoubtedly give way to neon signs, motels, and condominiums, and a land use that will not be consistent with the present use of this ecological system.

This bill is a product of many, many years of effort by Senator EXON and his staff. As I indicated before, the majority of landowners in this area are in favor of it; indeed, many of them participated in Lincoln in a press conference by Senator EXON announcing his intent and Senator KERRY's intent to introduce a bill in the U.S. Senate this week, and I know that there is considerable support from men and women who live in that area and are most interested in having this land preserved for future generations, as there is among Nebraskans generally. Mr. Speaker, let me also indicate how pleased Senator EXON and I are to have learned last Monday that Gov. Kay Orr of Nebraska supports the concept of the bill and that her office is eager to work with our offices in resolving any minor differences that we might have. I understand also that my colleague from the First Congressional District in Nebraska, the gentleman from Nebraska [Mr. BEREUTER], also supports the concept of the bill and is eager to work with us in working out a measure that we all can support.

Mr. Speaker, I thank the Speaker once again for having the time to talk about this wonderful, wonderful resource that we have in the State of Nebraska, this opportunity to attempt to persuade my colleagues to support this legislation and this opportunity to tell fellow Nebraskans about this project and to ask for their support in the coming Congress, to get this legislation passed.

IN PRAISE OF GEORGE SHULTZ

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, it is impossible, in the space of 1 minute, to adequately praise George Shultz, but I'm going to try. He departs with the admiration and respect earned from hard work and dedication to the principles of democracy. I sincerely believe that our Founding Fathers, were they to speak to us from the past, would echo the words "well done" to our former Secretary of State who fulfilled the responsibilities of American representation on a global scale. His tenure as Secretary was, in my estimation, distinguished by the traits that mark honorable men and find a rich and rewarding place for them in history: Among those traits are integrity, consistency, candor, and credibility. In this age of reckless terrorism, in a world fragile with international crisis and violent possibilities, our ship of state has been guided through turbulent waters by a man with a steady hand on the wheel.

George Shultz sought not to change the world to fit America's criteria of what is pure and proper. But neither did he passively accept the status quo of a world pressed by international problems which knows no ideology or boundary but were common to all peoples and places.

With George Shultz' departure I would believe, sincerely, that those who enjoy the blessings of liberty would, in turn, know we've been blessed by the service of this good and decent man. Thank you, Mr. Secretary.

H.R. 762, EQUITY FOR RURAL HOSPITALS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I have just introduced this morning a bill, H.R. 762, which is labeled "Equity for Rural Hospitals."

The difficulties that rural hospitals are experiencing throughout this country are growing more severe each day.

□ 1130

Some 43 rural hospitals closed last year throughout the United States, and 18 of them were in my own State of Texas. This is a national problem. We have to find some way to help rural hospitals stay open. We have to examine how Medicare handles these hospitals in it's reimbursement policies.

Twenty-seven of my colleagues have joined in the introduction of this measure. We will be talking about it more during the year. I hope that my other colleagues will have a chance to look at this measure and see if they, too, can join with us to provide equity for rural hospitals throughout this country.

Mr. Speaker, this country's system for delivering health care services to rural areas is crumbling. Since 1984, a total of 159 rural hospitals—many of them the only source of acute health care for great distances—have been forced to lock their doors and turn away their patients.

And the crisis is growing worse. A recent survey of hospital administrators found that as many as 600 hospitals could shut down over the next 5 years. In that survey, almost 60 percent of the administrators of rural hospitals believe their institutions are at risk of having to close their doors.

These facilities need our help, and they will not survive much longer without it. In response to that need, Mr. Speaker, I am joining with 27 of my colleagues today in introducing the "Equity for Rural Hospitals Act of 1989." This measure is essentially a companion to S. 306, introduced by Senator LLOYD BENTSEN, of Texas, and Senate Minority Leader ROBERT DOLE, of Kansas. It provides faltering rural hospitals with immediate relief from their crippling economic problems and makes structural

changes necessary to restore fairness to Medicare payments.

Mr. Speaker, rural hospitals are the very heart of health care delivery in their communities. In their absence, people in isolated rural areas often do not have access to vital health care services. This is of special concern in the case of older Americans who are enrolled in Medicare. The elderly make up 12 percent of our country's total population, but one in every four rural residents is over 65. That's important because studies indicate that the elderly require more health care, yet they are less likely to seek health care outside their own community. But the closing of a rural hospital doesn't just affect the elderly. Patients of all ages with acute illnesses or injuries often need to have their condition stabilized at a local facility before they can be sent to another hospital for specialized care.

Most of these facilities are truly community hospitals, and the closure of a rural hospital can be devastating. A major source of employment is lost. Without a hospital, a rural community will have a hard time attracting physicians or keeping the doctors it has. And new businesses will be far less likely to locate in a rural community which has no hospital.

The financial status of these facilities has deteriorated every year since Congress created the Medicare prospective payment system [PPS]. For them, the law of averages just isn't working. Over half of rural hospitals are losing money treating Medicare patients, according to the Prospective Payment Assessment Commission [PROPAC]. In the third year under prospective payment, rural facilities, which make up half of the country's hospitals, accounted for 80 percent of the hospitals that fared the worst under PPS.

Some dramatic changes in health care delivery under prospective payment have contributed to the current crisis. Both the number of patients admitted to the hospital and the average length of stay have dropped dramatically. Small rural hospitals have had no choice but to try to spread their fixed costs of operation over a smaller group of patients, despite the fact that many of these costs—like 24-hour laboratory services and a qualified emergency room—are the same as those of larger hospitals in urban areas.

The hardship created by these changes in delivery of services has been compounded by the manner in which the prospective payment system was designed. A separate and lower rate of payment was established for rural hospitals, based on historical data that on average their costs of providing care are lower than those incurred by urban hospitals. This differential of about 12 to 13 percent between what Medicare pays rural and urban hospitals has become an unfair and unjustified distinction in the view of rural hospital administrators. They do not argue that Medicare should ignore the higher costs incurred by hospitals with more complex cases or higher wages. However, Mr. Speaker, the basic Medicare payment system should not systematically penalize the class of rural hospitals simply because they have been able to deliver quality health care services at lower costs. That is inherently unfair, and it must be stopped if rural hospitals are going to survive.

The legislation I am introducing today will eliminate the existing differential between Medicare payment rates for urban and rural hospitals in favor of a single national rate which will apply to all hospitals. Because this fundamental change will have a significant impact on over 5,000 hospitals currently under the prospective payment system, the new national rate would be phased in over a period of 4 years beginning in fiscal year 1992. The bill requires the Secretary of HHS to conduct an analysis of each special feature of PPS and to develop a legislative proposal that would treat urban and rural hospitals equitably while giving recognition to the legitimate cost difference among facilities.

For example, an issue of concern to many hospital administrators in urban areas is that there is no feature of PPS which recognizes the severity of a patient's illness. Hospitals receive the same payment for all patients with the same diagnosis, even though urban hospitals frequently treat more severely ill patients. The Secretary's report will be due to Congress early in 1991, allowing sufficient time for both PROPAC and the Congressional Budget Office to review its findings, and I hope this report will give us a better understanding of the current system's shortcomings in reimbursing all hospitals, urban and rural. This legislation is a major step toward making the prospective payment system more equitable for all hospitals.

However, Mr. Speaker, the most vulnerable rural hospitals cannot wait until 1991 for help; without immediate help, many of them won't last that long. For that reason, on an interim basis, this bill provides some financial relief to rural hospitals with fewer than 100 beds that depend on Medicare for 70 percent or more of their revenues. While these facilities will continue to be paid prospectively and have the opportunity to benefit financially from any management improvements, they will also be protected against financial losses in treating Medicare patients. It is clear that the current prospective payment system just isn't working for these small hospitals, and until the system can be modified I am very concerned that hospitals which are vital sources of care for the elderly not be forced out of business.

Another facet of prospective payment that needs another look is the special status accorded to 360 sole community hospitals [SCH's]. The Secretary of HHS designates these hospitals for special status because they are isolated by location, weather conditions, travel distance, and lack of other facilities. They receive payment on the basis of 75 percent of their own hospital specific costs and 25 percent of the prospective payment rate for their region.

Over time, however, the shortcomings of this formula have become clear, and indeed PROPAC has found that many facilities that might qualify as SCH's don't even apply for that status because of flaws in the current payment formula. For example, hospital specific costs per case have gone up a lot faster than the increases allowed by Congress as the volume of cases declines, and the regional rate in many cases is now well below the national rate all hospitals receive.

This legislation will require the Secretary of HHS, where it would be to the financial advantage of a SCH, to recompute SCH rates to use more up-to-date information on hospital specific costs per case and national, rather than regional, PPS rates. Hopefully, this change will make SCH status more attractive to many hospitals, especially in the South, where this valuable payment option has been underused. The bill also requires the Secretary to take into account the time it takes individuals to get to the next nearest hospital, as well as the distance, and a hospital's market share in determining whether a facility qualifies for SCH status.

Mr. Speaker, this legislation offers equity not only to isolated rural hospitals, but also those who face special problems as a result of being located so close to an urban area that they must compete for the same labor and materials with more generously compensated hospitals. Rural hospitals bordering on urban areas have come to many Members of Congress seeking assistance in this situation, especially because the Health Care Financing Administration [HCFA] has refused to use its administrative authority to grant relief for even the most legitimate inequities. I share the frustration and disappointment of many Members at the last administration's unwillingness to take action in this area, despite repeated requests. As a result, this bill would create a five-member Medicare Geographic Classification Review Board which will examine the requests of rural border hospitals who believe they are unfairly treated by Medicare. I think this is preferable to continuing to legislate case-by-case exceptions.

The legislation we are introducing today also expands two demonstration programs created in the 1987 budget reconciliation bill which have been of great interest to rural hospital administrators. Within the last 2 weeks, HCFA has announced plans for awarding 2 year transition grants to about 90 rural hospitals to encourage managers to look for innovative ways to modify the type of services they deliver to improve service to their communities. There has been tremendous interest in these grants from administrators, who until now have been struggling on their own with limited resources to find ways to diversify, such as adding outpatient facilities or converting acute care beds to long-term care use.

However, many hospitals will be unable to qualify because the program received only $8.9 million in fiscal year 1989, although $15 million was authorized. Under this legislation, the program's authorization would be extended through fiscal year 1992 and increased to $25 million annually. Further, the Secretary of HHS would be allowed to waive the program's limit of $50,000 annually for each hospital should such a waiver help the hospital actually make changes in its operation.

One of the major causes of rural hospital closures has been identified as the absence of physicians in the community. Such shortages are particularly severe in the smallest, most isolated rural areas. No payment system, however generous, will keep a hospital open if there are not doctors to treat the community's patients and refer those who need further care to the hospital. Physicians, most of whom are trained in urban teaching hospitals, have very little exposure to clinical practice in

small rural communities and are unlikely to consider setting up shop in an unfamiliar environment.

To address this problem, the legislation we are introducing will expand from four sites to ten a demonstration program created in the 1987 reconciliation bill that makes it easier for teaching hospitals to send resident physicians to rural areas during their training. Under the demonstrations, Medicare will help pay additional costs which the teaching facility might incur. This expansion is appropriate not just because at least 80 hospitals are interested in taking part, but because resident physicians will gain valuable clinical experience and rural communities will be served by an additional primary care provider.

The bill also recognizes the importance of nursing to the Nation's rural health care system. We know there is a severe shortage of nurses in this country, and the impact of this shortage on rural communities is acute. We were able to include a demonstration project in the tax technical corrections bill last year to promote graduate clinical training for nurses. Under this program, hospitals that coordinate with nursing schools to offer expanded clinical training opportunities can qualify for Medicare payment for stipends, supervision and classroom costs for 5 years. In this bill, we are proposing to establish new demonstrations focusing on clinical training for undergraduate nurses. By easing the financial burdens facing providers, schools and students, these projects will hopefully encourage students to enter the nursing profession and, at the same time, expand clinical training opportunities.

Finally, Mr. Speaker, the bill recognizes the importance of a special set of rural facilities which act as regional centers for patients transferred from neighboring hospitals. These facilities offer a wider variety of specialized services, employ more specially trained personnel, and have a medical staff composed of a wide variety of specialists. In these ways and in the services they provide, these rural referral centers [RRC's] are similar to urban acute care centers, paying similar salaries and incurring similar costs.

Congress recognized these special circumstances by basing payments to RRC's on the rate paid to small urban facilities as adjusted by the hospital's area wage index. This special designation will cease to exist in October 1989, unless Congress takes action to extend it beyond then. This bill would allow those facilities designated as rural referral centers on September 30, 1989 to maintain that designation until the single national payment rate is fully effective on October 1, 1994. In addition, the bill instructs the Secretary to base payments to an RRC on the average standardized amount applicable to an urban hospital in the same region.

Mr. Speaker, I ask that a copy of the Equity for Rural Hospitals Act of 1989 be printed in the RECORD immediately following my remarks.

Mr. Speaker, I urge my colleagues to join me as cosponsors of this legislation and to press for its enactment this year.

REPORT ON ACTIVITIES OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ], is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise this week as I did the two prior weeks to report on the stewardship as chairman of the Committee on Banking, Finance and Urban Affairs. On the first occasion I mentioned the reason was that I had been asked repeatedly by both Members as well as non-Members of the Congress if I was going to change my course of conduct and once I was elected chairman of this very historical, important committee, would I not be taking special orders and the like. I said I saw no reason, and I reminded them that I took advantage of this great privilege the first week after I was sworn into the House of Representatives.

But at that time we had a very different environment in the use of special orders. For instance, a Member could write out his special order, send it in, and it would be printed as if he had given it on the floor. I felt from the outset that the original, historical intent, and I studied the history of the rise of special orders, was that a Member would be given a chance to report on, enlarge on a subject matter over which he would have limited time during the limited debate rules in a numerous body such as the U.S. House of Representatives. I thought that it would not be quite proper not to come in person and give whatever statements were found necessary to give by the Member, and so I have done that all along.

The rules have been changed, of course, and today if a Member does not address the House, his remarks are shown by a different type of type in the RECORD. I have no quarrel with any of that. I did not judge then and I do not judge now. I just made an independent decision.

But I said in answer to the questions that whether or not I was elected chairman of the Committee on Banking, Finance and Urban Affairs, I intended to continue; that if elected I felt it almost a mandate to report because I have felt all along that both the Membership and our general constituencies have been pretty much in the dark as to some of these issues that I have said for 25 years are critical, and had anticipated some of the things that now seem to be agitating us very much and about which I had spoken on the record here before my colleagues and in the CONGRESSIONAL RECORD for those almost 28 years anyway.

It is not what I am saying now. It is what I said on the record in anticipation of these problems. So as time permits and the duties permit, I do seek to render a report periodically. At this point it is possible to do it once a week.

Last week I reported that the committee was in the throes of the beginning of what we call the organization of the committee. For those Members who have not had to face a chairmanship of either a subcommittee or full committee, they perhaps will not fully grasp the intricacies and the time-consuming attention one must pay to this ever since the 1974 Legislative Reform Act which mandated that there be a committee to be known as a Steering and Policy Committee which, in effect, is the Committee on Committees. Before that, I might advise newer Members, the Committee on Committees, even though it was not called that, in effect was the Ways and Means Committee, and it was very rigorously following a very limited membership on the committee. For example, the Committee on Banking and Currency that I was assigned to at that time, 28 years ago, was little better than half the size of what it is today, which is 51 Members. So I think it has realized that finally the Reform Act recognized that some kind of procedural method had to be devised, and the device was that there should be such things as a general caucus of the majority which under our traditions and precedents and rules is the one that organizes the House of Representatives. It is the majority Members who elect the Speaker, who elect the officers that the Constitution prescribes should be the officers of the House, and it is the one that selects the chairman of the committees.

Then the committees, under the Reform Act, will gather as soon as the Congress has convened, in this case the 101st Congress convening on January 3, and then organize. That means it adopts the rules to govern the caucus and the committee. It elects the chairman and decides the competition of the subcommittees and the size and the number of the subcommittees.

Last week, Tuesday before last, we began under the very able chairmanship of the newly elected Caucus Committee chairman, the gentleman from Georgia, Mr. BARNARD, from the great State of Georgia, who has done a preeminent job in handling that gavel, with what I discovered to be one of the happiest, harmonious group of Members where we were able to complete fully yesterday in less than 1½ hours the election of the subcommittee chairmen, the size and composition and determination of the subcommittees.

For example, we made a very decisive change; that is, the majority did. We decided to combine two subcommittees, two of what we call international subcommittees. Incidentally,

these were actually set apart in 1975, and I happen to have been the chairman then of what was known as the International Finance Subcommittee, and that was split in 1975. The reason it was split was that other committees were created in order that the chairman, then selected, could reward some of the those who had remained loyal to him in his effort to become chairman. So after some 13 years it is recognized that in practice it was not too workable. So the will of the majority was that we combine that. We also formed a new subcommittee known as a Committee on General Policy, urban growth policy and the like, and insurance. This is something our committee has never, never really undertaken. The whole matter of insurance jurisdiction is sort of a twilight zone because, as everybody knows, the insurance industry is mostly regulated, in fact is regulated by the States. However, there have been issues lately arising in which the safety and solemnness of our banking system is impacted by some of the financial practices of large insurance corporations and the like and some other tangential insurance issues. So this new subcommittee will have legislative jurisdiction over that and policymaking or advisory capacity in these other broad urban policy areas.

So I think everybody on the committee did a wonderful job on the majority side. I am very grateful, and very gratified that yesterday's session did not even last 1½ hours, so that we will continue that way. My pledge for the Members was that I did not feel that these decisions should be completed and considered in iron at the beginning, that we should have continuing meetings and oversight as to how we could better perfect the subcommittee structures and ability to perform.

□ 1140

I reminded my colleagues on the majority side that the people that we represent could care less about how we arrange our chairs. What they wanted to know is "What are you going to do about the FSLIC crisis and what are you going to do about the other crises affecting the financial institutions? What are you going to do, if you have any power, in such things as interest rates and the like?"

I think everyone agrees that that is indeed the whole thing, that we should not indulge in wasteful and resentment-creating struggles for turf and power.

There was a lot of give and take and yielding which I think our system is all about I am very gratified. I am pleased to announce to my colleagues that the Banking Committee is fully organized as of yesterday, ready to go ahead and work as it is intended to. And I, as chairman, am not one of those who wishes to accumulate more power than any one man can competently handle and I intend to work strictly as the rules intend, and that is in those areas where the subcommittees have been submitted legislation they will work on a subcommittee level, the respective chairmen will guide the destinies of those subcommittees. However, this year, realizing that the Committee on Banking as such, is facing the most critical issues that have come before it in 50 years, five decades, it was obvious in December that we have to start very quickly and we had to accept responsibilities very quickly.

I had been critical for years that our committee was abdicating and was not, at least considering, some of the issues that even though they were not critical at the time would have been obvious to any observer that they would be; more than critical, they would be supremely important to the continued well-being not only of our fiscal and monetary policies, but as to the safety and soundness of our financial institutional environment in our country.

So that is the past. We now have the power, as chairmen, to set the agenda. I announced on the last two occasions that that was my interpretation of the only real power of a chairman, that was to set the course, set the agenda, to blaze the path and then, through the consensus and the wonderful democratic processes that our country has developed, we work the will of the majority.

I have announced in years past and I have done this off and on, as to the committee hearings, that is that we in the Congress and we on this committee particularly, are not here for the convenience and satisfaction of the industries involved; we are here because we should seek the greatest interest of the greatest number and, in carrying out the congressional constitutional responsibility, to fix policy for the Nation.

The Congress is a national policymaking body. In my opinion, and it is my opinion, to the extent that the Congress has strayed from that, we have been in trouble, not only the Congress but the country.

It is the only reason that motivated me to introduce impeachment resolutions. For instance, the one against Chairman Volcker for which I received much ridicule, but it was obvious that I was not being bombastic or anything; my introduction of not one but two resolutions of impeachment with respect to President Reagan were not motivated because of any political factionalism but because they were very much concerned with what I think history and the American people will ask questions about. Why did the Congress, at a critical juncture in our history, when the issue was the upholding, in the year of the 200th anniversary of our Constitution, of the constitutional processes? It was this and only this reason. It had nothing to do with my duties as a member of the Committee on Banking or the Committee on Small Business to which I used to belong concurrently. But it had everything to do with my responsibility to uphold my oath of office as a member of the first branch in article I of the Constitution, as a separate, co-equal and independent branch of Government.

I mentioned and have said so, ad nauseam, that I see with great apprehension that in and out of the country and among our general citizenry the thought has found firm root that the President is above the other two branches, that the President is omniscient, all-powerful and overwhelmingly to be the one force that shall determine the decisions that will forever and a day fix the course of destiny for a nation.

I have deplored that, I have criticized it. I have seen it grow in awesome dimensions and I think to that extent it is ironic that fate would decree that may assessment of the danger of this encroachment of executive power is coincidental with our 200th anniversary of the system, because it is this year, 1989, on March 3, that we will commemorate and not until then, the actual 200th anniversary of the beginning of our form of Government. That is the Congress, the Presidency and what turned out to be, as a Congress later legislated, the judiciary. It will not be until then, because that was the date of the first Congress, March 3, 1789. And I think that it is an awesome responsibility that those of us who are creatures of, beneficiaries of and committed to the preservation of the system, see with apprehension should be critical issues that should be confronted by us in representation of the American people.

It is a reason why nobody accused me of being partisan when all during the Vietnam era I was raising the challenge to the presidency's right to impress and conscript an unwilling American, to send him beyond our shores, outside the Continental United States in the words of the first peacetime draft act, into an undeclared war; presidential wars, twilight wars, whatever you want to call it. But even before that, before I dreamed that I would ever be in a Congress or in a political office, because that was certainly not my ambition until after the war, in fact, 6 years after the war, that I saw with grave apprehension, as just an individual citizen, President Truman's response to the Korean involvement, though even there we went under the color of authority of the United Nations. We still drafted, conscripted individuals. I think my colleagues—I said all during the sixties that everybody

had forgotten, everybody seemed to think that the demonstrations, the protests were something new and novel in the sixties. They were not. If we read our history, and I recall it vividly, this was the same feeling that was beginning to awaken among many of our citizens as the Korean War extended itself into 1953.

The armistice, the truce of 1953 prevented and stopped what was already apparent; demonstrators stopping locomotives in California which bore either servicemen or munitions or military equipment. Those were beginning to come across the horizon in newspaper reports in 1952, and 1953. So that I was then researching the history of the first Universal Service Act of 1941, and one that passed by one vote in the summer of 1941. And that one vote was obtained when, and not until, there was a clause in that draft act that said "Notwithstanding any other hearing above no person subject to the terms of this act shall be compelled to serve involuntarily outside of the Continental United States except in the case of declaration of war by the Congress or expressly provided by the Congress." The Congress never did.

□ 1150

So I think it is a continuing constitutional situation that the people ultimately must decide for themselves. I have heard all the arguments and I spoke out in the 1960's and that was interpreted as being critical of this great fellow Texan, a great man, a great leader, and one who was honored and revered and respected, but nevertheless, felt he had gone beyond the prerogatives of our Constitution in compelling and conscripting an unwilling American to serve outside of colonized States in an undeclared war.

That was my thinking. I sustained it, the record shows, in 1967 when the first extension in that decade of the Draft Act, 4-year extension, came out, I was a lone voice that got in the Congress, trying to get a vote on the amendment I had, and could not get a sufficient number to stand for a vote; however, when the next 4 years were up in 1971, President Nixon being President, I got up, did the same thing, offered the same amendment. I got a vote and we had 150 Members of the House supporting me then. So I think my colleagues ought to recognize that times, circumstances could change, but in the meanwhile, I did confront the criticism and resentment as expressed by President Johnson's supporters and advisers in the White House, so that when I submitted impeachment resolution, I did so in the case of the last one on March 5, 1987, after 6 months of very careful legislative and juridical or legal study and evaluation, and I am very proud of that resolution. I think it would stand if it had received examination as I asked of a committee hearing, the test of validity, but that is history, it is past, but it does not mean that now, simply because I am chairman of a committee that if necessary I would make my comportment to in order to conform to somebody's idea of what the proper conduct of a chairman should be.

So I wanted to make that clear, and this is a reason that I wanted to report as of this moment I have sent a letter to Chairman Greenspan in which I second a first letter I sent shortly after the announcement on the part of the Federal Reserve Board Friday before last, that they were granting permission to five of the largest banks in our country to enter into what they called, it is unbelievable, trading equity for debt. But this is exactly the mania that has been seizing hold of the biggest corporate ventures, the fever in the stock market about which I introduced a bill that I felt the Congress should consider, but of course that is over in the Committee on Taxation because the fever has not abated. To those who are still thinking that the October 19, 1987, occurrence has gone and the impact has left, let me remind you that shadow is still over us, and more ominously, we have the pressures of seeing the banking industry permitted to go into high-risk ventures even though we have had this calamitous development in the S&L industry about which I have reported here.

Let me say that I would like to ask consent to introduce into the RECORD at this point the copies of the two letters I have addressed to Chairman Greenspan, the last one I pointed out to him that his reason for granting this was very tenuous and questionable, and that he should be fully advised that he should cease and desist any further implementation of that first decision until the Congress acted because we intended to act and that there is a possibility that the Congress could, if it so desired, act retroactively, and therefore cast a shadow or a pall over his decision announced Friday before last. So I would like to ask consent to put both letters in the RECORD, so that my colleagues will have the benefit of participating in the deliberations of myself as chairman, insofar as we are attempting to protect the congressional policymaking power which in my opinion has been usurped by the Federal Reserve Board.

The material referred to follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, January 31, 1989.

Hon. ALAN GREENSPAN,
Chairman, Federal Reserve Board,
Washington, DC.

DEAR CHAIRMAN GREENSPAN: On January 18, 1989, the Federal Reserve Board conditionally approved the applications of five bank holding companies to engage to a limited extent in underwriting and dealing certain debt and equity securities. I strongly oppose this action.

Over the past three years the Federal Reserve Board has usurped Congressional authority by using liberal interpretations of both section 4(c)8 of the Bank Holding Company Act and section 20 of the Glass-Steagall Act to expand the permissible securities activities of bank holding companies. I find the Board's actions most disconcerting since they have occurred at a time when the majority of the record bank and savings and loan failures have been the result of insider abuse, fraud, and shoddy management. In addition, the Federal deposit insurance funds are under extreme financial stress and are in need of thorough reassessment. The Committee clearly has a responsibility to review conditions within the entire financial services industry to ensure that an adequate regulatory structure exists in order to safeguard the safety and soundness of the financial system.

Structural reform of the financial services industry is rightfully reserved for the Congress of the United States. Congress, while failing to enact into law needed Glass-Steagall reform legislation, made useful and constructive progress towards reform during the 100th Congress. I trust you are aware that during the 101st Congress Glass-Steagall reform is clearly a top priority of the Committee on Banking, Finance and Urban Affairs and that decisive action will be taken when it is determined that it is in the best interest of the citizens of this nation. Accordingly, I strongly urge the Board to delay acting on future bank holding company applications under section 4(c)8 of the Bank Holding Company Act that seek expanded securities powers.

A Federal Reserve Board and the banking industry should be aware that Congress reserves the right to act retroactively regarding expanded powers, thus, conceivably vacating any orders heretofore issued by the Board.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

STATEMENT OF CHAIRMAN HENRY B. GONZALEZ ON THE FEDERAL RESERVE BOARD'S DECISION ON SECURITIES POWERS FOR BANKS—JANUARY 18, 1989

The decision to give banks corporate debt and corporate equity powers is far reaching and has an enormous effect on the economy and the safety and soundness of our financial institutions. I do not know what decision this Committee or the Congress will ultimately make on these powers, but the magnitude of the issue demands full debate and votes at every level. This process can only occur in the Congress.

The narrow decision-making process of the Federal Reserve Board, operating behind closed doors, preempts any opportunity for the Bush Administration or for the upcoming Congress to make this policy decision in the proper forum. The Federal Reserve Board has thus overreached its authority. It has crossed the line into policy making clearly reserved for the Congress under the Constitution.

Some may argue that the Congress has moved too slowly to resolve the issue, but this indicates the divisiveness and complexity of the issue and does not cloak the Federal Reserve with the authority to supplant Congressional action.

I am fearful that the Federal Reserve's precipitous actions on the eve of a new Administration and new Congress will complicate, rather than resolve, the difficult issue of what powers can properly and safely be given the bank holding companies. Many Members, regardless of their opinion on bank powers, will look askance at an unelected bureacracy reaching beyond its proper bounds to establish new policy and to restructure the entire financial community with effects unknown and unknowable.

Second, I wish to announce to all and sundry that it is my intent to put on the agenda, and not at some faraway time but soon, the general question which I believe has long been overdue, and that is a general oversight on the entire Federal Reserve Board arrangement. I think it is due for an in-depth Congressional look-into. What is wrong? I have always felt, and this is my message relayed to the chairman of the Home Loan Bank Board, Mr. Wall, who at the height of the fever a few weeks ago wanted me to meet him in private and I said no. I said that that has been the trouble. Even some of us on the committee ignored the number, which were many last year, of the private meetings between the regulator and the heads of our committees. I am just a chairman. If someone meets with me, I am going to insist they meet with the rest. There is nothing that I can recall ever since I have been in public elective office, and that is 35 years and 9 months, that I have involved myself, despite the arguments and the pressures to the contrary notwithstanding, ever since I was on the city council that things had to be secret, that there was nothing I could see that I either sought to participate in or had that I could not go out and shout from the rooftops, and if there was something, then there was something wrong with something. That has been my basic principle. It is nothing having to do with being a goody-two-shoes or what have you, but just a question of what I think is indispensable in an open society.

I am a fervent believer in the phrase used by President Wilson when he came back from the treaty in Paris after World War I and said, "We in America stand for open covenants, openly arrived at." Why not? If there is something so secretive that cannot stand examination, then there must be something questionable, either then or later. Now there are some areas. For instance, if we had, like we did on the city council, and later in the State senate and even here now, discussions as to appointments, not so much in the Congress but in the city council. I felt that their personalities would be discussed, charges could be very—almost amounting to calumny, and I felt yes, there may be perhaps, and perhaps everything being equal, I can truthfully stand before my colleagues and tell them at no time, even when this House in 1984 decided to close the doors and the windows and have a private briefing from the CIA, I refused to attend on the basis that there would be absolutely nothing the CIA could tell us that was not already known outside of our shores, and that I think turned out to be absolutely correct. I see no reason. I think in a democracy, if we have reached a point where we cannot trust the ultimate good judgment and sense of justice of the American people as a whole, then we should just openly admit we are really not a democratic Nation. We just have the trapppings and the colorizations thereof. I do not think we have reached that point. I see no calamitous and grievous results either to me or to anybody else because I have refused to have these private briefings. As a matter of fact, I think a lot of good has come out of it, and I am not just saying that because it is me or that I am not casting judgments on anybody that wishes to decide differently, I am just saying I am reporting to Members what will be the processes and have been thus far.

On another level, after organization we will proceed immediately on such things, for instance, of FSLIC, that is properly within the domain of the Subcommittee on Financial Institutions, Supervision, Regulation and Insurance, which has as its chairman a very illustrious and long-experienced colleague, Mr. ANNUNZIO, and he has experience and has been chairman of the House Administration Committee for sometime. We have other equally distinguished Members that will chair their respective committees. For instance, a Subcommittee on Domestic Monetary Policy is chaired by an equally most capable gentleman.

□ 1200

One thing I have discovered is that the talent, the range of depth of intelligence, the know-how, and the ability that exists in those chosen and elected by the people are enormous. I think collectively the Congress has always been damned, but individually I think we find great praise for individual Members. Nowhere in business, in other activities, even church-related activities, have I found the level or the sense of responsibility, probity, and honesty that I have found among the overwhelming preponderate majority of my colleagues.

I have been delighted to see the Members who have sought membership on the Banking Committee, especially the brand new freshmen who come to us with a great deal of talent. I have seen that for some time, and my pledge has been that every member on that committee, no matter how many years or how few weeks they have served, is regarded as they always have been, as a peer. The fact that I have the gavel never gives me a sense of superiority. Every one of them has been elected exactly and precisely the same way I have, through the good fortune and the happy judgment and generous support I have received in my areas for years. I have nothing but gratitude for that, and in recompense the only thing I can do and hope to do is to keep to the words of the oath of office we take to serve faithfully and well. And that is all. That is what we promise to do, to uphold the Constitution against foreign and domestic enemies. I have tried to do that, and I will try to do that in the future. The rest is up to distilled wisdom of the majority and the consensus among us.

We have 435 Members from every segment of America, what I call the "sacred segments of America." What I find is that the citizens as a whole, when we talk about the citizens as a collective group, are way ahead of many of us in our leadership.

As I said once before—and I think it was the first time I got up here 2 weeks ago, of all the legislative proposals I have been honored to see enacted into law, the overwhelming preponderance of them emerged from the midst of plain, ordinary, vanilla constituents or citizens. To me that is the great and glorious thing about our system.

I am committed to the preservation, not the destruction of our system. I would never dream of being smart enough to know what to substitute for it. I do believe in its preservation and keeping it healthy, and I, in my time and in my own individual way, will do nothing that will diminish by one iota that system which my predecessors were able to bring about, thus granting me an opportunity to serve.

Of course, it has not always been easy, but we have had the freedom and we have had the great distilled judgment and wisdom of the majority of our citizens, freely expressing themselves at a given time. What more could any man in the world want?

So I feel that there is a solemn trusteeship and commitment to uphold that in such a way that it is undiminished to those who will follow us. I remind everyone who wants to listen to me that at this point we have less than 11 years before we are right on the threshold of a new century. It will be the younger Members who will come along and fill our shoes. We will survive if mankind in the meantime, through the grace of God, does not commit the supreme folly of committing suicide, because mankind has reached the point where it has accumulated awesome self-destructive power.

But I believe that collectively the world has reached a point—and I think internally I have always detected this among our citizens—where there is a desire to do that which

every American desires, to work in peace, go to the church of one's choice, to raise a family if that is their desire, to have an opportunity to have a safe, decent home, and to have an opportunity to have a safe, adequate income to provide for one's family. That, I think, is what every one of us in America really basically desires.

This is what is at stake in some of the issues that have been confronting us for some time. That is another area, I want to announce to my colleagues, that we want to look into. I have informed the committee that we will look into this matter. We started, even before we were organized, on the very date after the 101st Congress convened several weeks ago, and we held hearings on January 4 and 5 on the Third World dilemma as it affects the viability, the safety, and the soundness of our banking institutions, some of whom have tremendous debt outlays in these area.

But it is not only those. As a matter of fact, I think it will astound my colleagues to learn that the American bankers are really less involved than the collective European bankers, for instance, the so-called European Community. As a matter of fact, the world has shrunk to the point where it also can be taken as a potential threat, or if we have the wit and wisdom to act, it can be perhaps a boon.

I have long and often talked about what I consider to be the egregiously wrong policies of the Reagan administration in the countries south of the border, for the main and simple reason that I felt that out of that development we could gain great benefit and we could maintain even down there that which they expect, and that is leadership from us, not an involvement in which, instead of trying to help them raise their standard of living, we help them raise armies. There is no question that everything that has been written reflects the opinion of the thinkers at the moderate level of those countries, and they all express that desire. They have expressed that desire, and they still do. But the Third World debt situation is a threatening one because it could put pressures on our banking system, because in conjunction with the situation we are already facing with the S&L's individually, it could be calamitous.

Third, we have the question of the emerging integration of Europe. As I said before, it seems tragic that while Europe is integrating, and we have gone a long way to bring that about, we are disintegrating. We have this disarray that everybody knows about from reading the papers, particularly since December.

So if we have the wit, if we have the will, and if we have the wisdom, we not only will overcome these seemingly intractable problems but we will forge ahead in keeping America as what I consider to be the last bulwark of true individual personal freedom, in the vanguard of sustained world leadership.

Now, there has been a loss there. I have not agreed with those who have considered Mr. Reagan as a success in that respect. The reason is that I read the utterances and the publications of the thinkers and leaders of other countries. However, the proof of the pudding is that there can be a threat, as I said before in my last report, to the dollar as the continued international reserve unit.

Now, a lot of people say that that is a lot of gobbledygook. And what does it mean? Well, it means everything to our bread and butter because if the dollar is replaced—and we could face that danger if we just rock along—it means that with regard to the enormous debt that we have entered into with foreign interests, we would have to pay all of that not in dollars but in their currencies.

At this point there is still a lot of faith in America. There are a lot of investments in America. Some of the key financial institutions in Europe, for instance, have a tremendous percentage of their capital involved in the United States in dollars.

So the issue is present, and it is very, very grave, and my intention is not to wait until we have a crisis but to anticipate what might happen and obtain all that is possible to obtain in the way of knowledge and information and documentation so that then our Members will have before them the ability to make an intelligent choice.

□ 1210

Mr. Speaker, we have scheduled hearings next week on the full committee level set for February 7 and 8 on the question of the bailouts, LBO's, in that area in which they impact the safety and soundness of our banking system.

With that, Mr. Speaker, I appreciate this privilege, and I yield back the balance of my time.

NATIONAL HOME CARE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution to designate the week of November 26 to December 2, 1989, as National Home Care Week. I am very pleased to be joined by my colleagues, Mr. PEPPER, chairman of the House Aging Committee's Subcommittee on Health and Long-Term Care, and Mr. RINALDO, ranking member of the Aging Committee, in sponsoring this resolution. Congress has approved similar resolutions for the past 7 years to recognize the valuable services of home care programs and personnel, and I look forward to congressional passage once again.

As you all know, thousands of home care agencies around the Nation have responded to the need to offer effective alternatives to our health care delivery system. By providing skilled medical assistance to those who can be properly treated outside the hospital or nursing home setting, these agencies recognize the demand for new health care options, and conserve tax dollars currently expended on needless placement in these institutions. This valuable concept of care provides a serviceable answer to the needs of our health care system, and offers a comforting, dignified environment for patients. Such alternatives to our health care programs must be offered, and home care agencies have proven very effective in answering that need.

Mr. Speaker, as you know, one of the most critical issues to face our Nation today centers around our health care system. While the growing elderly population, expected to total well over 30 million by the year 2000, places greater demand on our current system, home care agencies have helped many of the elderly remain at home and in their communities. In addition, home care has proven a very suitable setting for many others with chronic impairing diseases, as well as the large and growing number of persons suffering from AIDS and related illnesses. Home care creates an atmosphere of greater independence and dignity, and maintenance of health as well as recovery. For this valuable service, home care agencies and persons employed in the home care industry should be properly recognized and commended.

As we reevaluate and reform our Nation's health care programs, especially in the vital area of long-term care, it is essential for us to take full notice of the benefits of home care and act to encourage its use. I thank my colleagues for their past support in cosponsoring this important resolution, and look forward to the opportunity to again recognize this effective and humane health care alternative the week of November 26, 1989. For the convenience of my colleagues, the text of the resolution follows:

H.J. RES. 122

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 26, 1989, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

RULES OF THE HOUSE COMMITTEE ON RULES FOR THE 101ST CONGRESS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, rule XI, clause 2(a) of the House of Representatives in part directs each standing committee of the House to adopt written rules governing its procedure and requires publication of those rules in the CONGRESSIONAL RECORD not later than 30 days after a new Congress convenes.

Pursuant to clause 2(a) of rule XI and the unanimous-consent request of January 27, 1989, which extends the date of the printing requirement to February 21, 1989, I submit for printing the rules of the Committee on Rules for the present Congress, adopted at the committee's organizational meeting January 31, 1989:

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Rules (hereafter in these rules referred to as the "Committee") so far as applicable, together with the rules contained herein.

RULE 2—SCHEDULING AND NOTICE OF MEETINGS AND HEARINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A Tuesday meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair or by the filing of a written request, signed by a majority of the members of the Committee, with the Staff Director of the Committee.

Notice for regular meetings

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting or hearing of the Committee at least 48 hours before the time of the meeting or hearing and shall provide to each such member, at least 24 hours before the time of each regular meeting or hearing—

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of (A) the bill or resolution, (B) any committee reports thereon, and (C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda, a copy of (A) the bill, resolution, report, or materials relating to the other matter in question, and (B) any report on the bill, resolution, report, or other matter made by any subcommittee of the Committee.

Emergency meetings and hearings

(c)(1) The Chair may call an emergency meeting or hearing of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature: *Provided, however,* That the Chair has made an effort to consult the Ranking Minority Member.

(2) As soon as possible after calling an emergency meeting or hearing of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting or hearing and shall particularly make an effort to consult the Ranking Minority member of the Committee or, in such Member's absence, the next ranking minority party members of the Committee.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting or hearing and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting or hearing was a regular meeting or hearing.

RULE 3—MEETING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the Ranking Majority Member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Voting

(b)(1) No measure or recommendation shall be reported, deferred, or tabled by the Committee unless a majority of the members of the Committee is actually present.

(2) A rollcall vote of the Committee shall be provided on any question before the Committee upon the request of any member of the Committee.

(3) A record of the vote of each member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee.

(4) Notwithstanding subsection (f)(3), the members of the Committee, or one of its subcommittees, present at a meeting or hearing of the Committee or the subcommittee, respectively, may, by majority vote, limit the duration of debate, testimony, or Committee or subcommittee consideration with respect to any measure or matter before the Committee or subcommittee, respectively, or provide for such debate, testimony, or consideration to end at a time certain.

Media coverage of committee and subcommittee proceedings

(c)(1) The Committee and each of its subcommittees may permit, by majority vote for each day of an open meeting or hearing of the Committee or of that subcommittee, respectively, the coverage of that meeting or hearing, in whole or in part, by television broadcast, radio broadcast, or still photography.

(2) Any media coverage under this subsection shall be subject to all the requirements and limitations set forth in clause 3 of rule XI of the Rules of the House of Representatives, and the provisions of subparagraphs (1) through (13) of paragraph (f) of such clause are hereby incorporated as part of the rules of the Committee applicable to such coverage.

Quorum

(d)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of hearing and taking testimony on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) For the purpose of the Committee's ordering a measure or recommendation reported, closing any of its meetings or hearings to the public, sitting in executive session, or issuing a subpoena, a majority of the members of the Committee shall constitute a quorum.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee, on its own initiative or on behalf of a subcommittee thereof, in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee, may administer oaths to witnesses before the Committee.

Hearings on rules

(f) The following procedures shall apply, as determined by the Chair, acting on behalf of the Committee, in cooperation with the Ranking Minority Member of the Committee, to Committee meetings and hearings on rules:

(1) A measure or matter before the Committee which is determined to be non-controversial as to both type of rule and substantive content may be scheduled for consideration by the Committee without any hearing.

(2) A measure or matter before the Committee which is determined non-controversial as to substantive content but controversial as to type of rule may be the subject of a Committee hearing at which the principal proponents and opponents of the rule will be provided an opportunity to testify only as to the type of rule to be granted.

(3) A measure or matter before the Committee which is determined to be controversial as to substantive content by at least six members of the Committee will be the subject of a Committee hearing at which all interested Members of Congress who are proponents or opponents of the measure or matter will be provided a reasonable opportunity to testify.

General oversight responsibility

(g)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the

subject matter of which is within its jurisdiction.

(2) Upon direction of the Chair, the Committee shall meet to discuss and formulate oversight plans for each new Congress, as described in clause 2(c) of rule X of the Rules of the House of Representatives.

RULE 4—SUBCOMMITTEES

Application of house and committee rules

(a)(1) As provided by clause 1(a)(2) of rule XI of the Rules of the House of Representatives, subcommittees of the Committee are a part of the Committee and are subject to its authority and direction.

(2) Subcommittees of the Committee shall be subject (insofar as applicable) to the Rules of the House of Representatives and, except as provided in this rule, to the rules of the Committee.

Establishment and responsibilities of subcommittees

(b)(1) There shall be two subcommittees of the Committee as follows:

(A) *Subcommittee on the Legislative Process,* which shall have general responsibility for measures or matters related to relations between the Congress and the Executive branch.

(B) *Subcommittee on Rules of the House,* which shall have general responsibility for measures or matters related to relations between the House of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

In addition, each such subcommittee shall have specific responsibility for each other measures or matters as the Chair refers to it.

(2) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Reference of measures and matters to subcommittees

(c)(1) In view of the unique procedural responsibilities of the Committee—

(A) no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee, and

(B) all other measures or matters shall be subject to consideration by the full Committee except for those measures or matters referred by the Chair to one or both subcommittees of the Committee.

(2) The Chair may refer a measure or matter, which is within the general responsibility of one of the subcommittees of the Committee, jointly or exclusively to the other subcommittee of the Committee where the Chair deems it appropriate.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair or a majority of the members of the Committee may re-call for full Committee consideration any measure or matter referred to a subcommittee of the Committee.

Subcommittee membership

(d) The size and ratio of each subcommittee shall be determined by the Committee at its organizational meeting at the beginning of each Congress. Members of the Committee shall be appointed to a subcommittee by the Chair in accordance with the rules applicable to each party.

Subcommittee leadership

(e)(1) The majority party members of the Committee shall have the right, in order of full Committee seniority, to bid to be the chairman of one of the subcommittees of the Committee. Any such bid shall be subject to approval by secret ballot of a majority of the members of the majority party caucus of the Committee. If such members reject a member's bid to chair a subcommittee, the next most senior majority member of the Committee may bid for the chair as in the first instance.

(2) The Ranking Minority Member of the Committee shall designate one of the minority party members appointed to each subcommittee of the Committee to serve as ranking minority member for that subcommittee.

Subcommittee meetings and hearings

(f)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may, without the Chair's approval, meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chair of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

(4) A member of the Committee who is not a member of a particular subcommittee of the Committee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

Quorum

(g) A quorum of each subcommittee of the Committee shall consist of a majority of the members of the subcommittee for purposes of closing a meeting or hearing of the subcommittee to the public or for ordering a measure or recommendation reported to the full Committee. For all other purposes, one-third of the members of a subcommittee shall constitute a quorum. Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(h) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—BUDGET AND TRAVEL

Budget

(a) The Chair, in consultation with other members of the Committee, shall prepare for each session of Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 6—STAFF

In general

(a)(1) Except as otherwise provided in this rule, a Staff Director of the Committee, professional and clerical staff of the Committee, and investigating staff of the Committee compensated from funds provided by any expense resolution, shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Except for any staff appointed by the ranking minority party member of a subcommittee (pursuant to subsection (c)) or by any other minority party member of the Committee (pursuant to subsection (b)), all professional and clerical staff provided to the minority party members of the Committee under paragraphs (a)(2) and (b)(2), respectively, of clause 6 of rule XI of the Rules of the House of Representatives, shall be appointed, and may be removed, by the Ranking Minority Member of the Committee and shall work under the general supervision and direction of such Member.

Associate staff

(b) Each member of the Committee is authorized to designate one person, whom the Chair shall appoint to the staff of the Committee and who shall work under the general supervision and direction of the member. The type of staff to which such a person is appointed shall be determined by the Chair, in the case of a person recommended by a majority party member, and shall be determined by the Ranking Minority Member of the Committee, in the case of a person recommended by a minority party member.

Subcommittee staff

(c)(1) The chair and ranking minority member of each subcommittee of the Committee are each authorized to designate one person, whom the Chair shall appoint to the professional staff of the Committee and who shall work under the general supervision and direction of the chair or the ranking minority member, respectively, of the subcommittee.

(2) The chair may assign investigating staff of the Committee compensated from funds provided by any expense resolution to assist in work of a subcommittee of the Committee to the extent the Chair determines it to be appropriate, and any such staff to the extent so assigned shall work under the general supervision and direction of the chair of the subcommittee.

Compensation of staff

(d)(1) Subject to paragraph (2), the Chair shall fix the compensation of all professional, clerical, and investigating staff of the Committee, as provided by clause 6(c) of rule XI of the Rules of the House of Representatives.

(2) Compensation paid to associate staff appointed under subsection (b) shall not exceed 75 per centum of the maximum established in clause 6(c) of rule XI of the Rules of the House of Representatives.

Certification of staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the supervision and direction of the Chair, the member of the Committee who supervises and directs the staff member's work shall file with the Staff Director of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittee, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's supervision and direction.

RULE 7—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or Acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing.

(2) The minutes of each executive meeting of the Committee shall be available to all Members of the House of Representatives in compliance with clause 2(e)(2) of rule XI of the Rules of the House of Representatives.

(3) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(d)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

Calendars

(c)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions and other matters reported by any other Committee on which a rule has been granted or formally requested. The Calendar shall contain (A) the number, a brief description, and the name of the principal sponsoring Member of each such bill or resolution, (B) the name of the committee or committees which reported such bill or resolution (in the case of measures on which a rule has been granted or formally requested), and (C) such further information as the Chair may direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session and shall contain (A) the number, a brief description, and the name of the principal sponsoring Member, of each such bill or resolution, (B) the name of the committee or committees which reported such bill or resolution and the dates of such reports, (C) the date on which a rule was formally requested, and (D) a description (if any) of the rule requested by each such committee.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the chairman's behalf) (A) has requested, in writting to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(d) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees.

RULE 8—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed by a vote of a majority vote of its members, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs.

RULES OF THE HOUSE COMMITTEE ON THE BUDGET OF THE 101ST CONGRESS

(Mr. PANETTA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PANETTA. Mr. Speaker, pursuant to House rule XI, clause 2, I hereby submit the rules of the House Committee on the Budget for the 101st Congress for printing in the CONGRESSIONAL RECORD.

MEETINGS

RULE 1—REGULAR MEETINGS *

The regular meeting of the Committee shall be the 2nd Wednesday of each month at 11:00 a.m., while the House is in session.

The Chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the Committee, provided that he gives written notice to that effect to each member of the Committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference.

RULE 2—ADDITIONAL AND SPECIAL MEETINGS

The Chairman may call and convene additional meetings of the Committee as he considers necessary, or special meetings at the request of a majority of the members of the Committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the Chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

RULE 3—OPEN BUSINESS MEETINGS

Each meeting for the transaction of Committee business, including the markup of measures, shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1). No person other than members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the Committee.

RULE 4—QUORUMS

A majority of the Committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

RULE 5—RECOGNITION

Any member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

RULE 6—CONSIDERATION OF BUSINESS

Measures or matters may be placed before the Committee, for its consideration, by the

* Written rule required by House Rules.

Chairman or by a majority vote of the members of the Committee, a quorum being present.

RULE 7—PROCEDURE FOR CONSIDERATION OF BUDGET RESOLUTIONS

In developing a concurrent resolution on the budget, the Committee shall first proceed, unless otherwise determined by the Committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the Committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

RULE 8—ROLLCALL VOTES

A rollcall of the members may be had upon the request of at least one-fifth of those present.

RULE 9—PROXIES *

Any member of the Committee may vote by special proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

RULE 10—PARLIAMENTARIAN'S STATUS REPORT AND SECTION 302 STATUS REPORT

(a) In order to carry out its duty under section 311(a) and (b) of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the Committee shall periodically advise the Speaker as to its estimates of the current level of spending and revenue. Such estimates shall be prepared by the staff of the Committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to section 302(b) of the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the Committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the Committee and transmitted to the Speaker in the form of a Section 302 Status Report.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

HEARINGS

RULE 11—ANNOUNCEMENT OF HEARINGS

The Chairman shall publicly announce the date, place, and subject matter of any Committee hearing at least one week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

RULE 12—OPEN HEARINGS

Each hearing conducted by the Committee or any of its Task Forces shall be open to the public except when the Committee or Task Force, in open session and with a quorum present, determines by rollcall vote that call that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any rule or rule of the House of Representatives. The Committee or Task Forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g) (2) the Task Forces of the Committee are considered to be subcommittees.

RULE 13—QUORUMS*

For the purpose of hearing testimony, not less than two members of the Committee shall constitute a quorum.

RULE 14—TIME FOR QUESTIONING WITNESSES

Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 15—SUBPOENAS AND OATHS

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the Committee may be issued over the signature of the Chairman or of any member of the Committee designated by him, and may be served by any person designated by the Chairman or such Member.

The Chairman, or any member of the Committee, may administer oaths to witnesses.

RULE 16—WITNESSES' STATEMENTS

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the Committee at least 24 hours in advance of presentation, and shall be distributed to all members of the Committee in advance of delivery.

RULE 17—COMMITTEE PRINTS

All Committee prints and other materials prepared for public distribution shall be approved by the Committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the Committee.

BROADCASTING

RULE 18—BROADCASTING OF MEETINGS AND HEARINGS

It shall be the policy of the Committee to give all news media access to open hearings of the Committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any Committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3. However, radio, television, and still camera equipment may be excluded from the Committee room by a majority vote of the Committee, a quorum being present.

STAFF

RULE 19—COMMITTEE STAFF

(a) Subject to approval by the Committee, and to the provisions of the following paragraphs, the professional and clerical staff of the Committee shall be appointed, and may be removed, by the Chairman.

Committee staff shall not be assigned any duties other than those pertaining to Committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All Committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official Committee records, leave, and hours of work.

(b) In addition to the staff provided in paragraph (a) each member of the Committee may select and designate an associate staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives: *Provided*, That no member shall appoint more than one person pursuant to these provisions: *Provided further*, That members designating a staff member under this subsection must certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(c) In addition to the staff provided in the above paragraphs, the Chairman shall appoint no fewer than five staff, recommended by the minority members, who shall provide staff assistance to the minority members.

RULE 20—STAFF SUPERVISION

Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the Committee, who may delegate such authority as they deem appropriate.

* Written rule required by House Rules.

* Written rule required by House Rules.

COMMITTEE RECORDS

RULE 21—PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings.

The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the Committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof.

Any witness may examine the transcript of his own testimony and make grammatical or technical changes that do not substantially alter the record of testimony.

The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for corrections, and that further delay would seriously impede the Committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

RULE 22—ACCESS TO COMMITTEE RECORDS

(a) The Chariman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to Committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the Committee members. Such information shall be kept in the Committee safe, and shall be available to members in the Committee office.

(b)* The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

APPLICABILITY OF HOUSE RULES

RULE 23—APPLICABILITY OF HOUSE RULES

Except as otherwise specified herein, the Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

RULE 24—APPOINTMENT OF CONFEREES

Majority party members recommended to the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the Committee. The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party: *Provided*, That the recommended party representation shall be in approximately the same proportion as that in the Committee.

* Written rule required by House

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOUGLAS) to revise and extend their remarks and include extraneous matter:)

Mrs. SMITH of Nebraska, for 5 minutes, today.

(The following Members (at the request of Mr. HOAGLAND) to revise and extend their remarks and include extraneous matter:)

Mrs. KENNELLY, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. KLECZKA, for 5 minutes, today.
Mr. STOKES, for 60 minutes, on February 28.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous matter:)

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOUGLAS) and to include extraneous matter:)

Mr. BEREUTER.
Mr. EDWARDS of Oklahoma.
Mrs. MARTIN of Illinois.
Mr. SOLOMON in three instances.
Mr. GALLO.
Mr. SAXTON.
Mr. CHANDLER.
Mr. YOUNG of Alaska.
Mrs. ROUKEMA.
Mr. MCCANDLESS.
Mr. SCHULZE.
Mr. BILIRAKIS.
Mr. STANGELAND.

(The following Members (at the request of Mr. HOAGLAND) and to include extraneous matter:)

Mr. MAZZOLI in three instances.
Mrs. SCHROEDER.
Mr. KENNEDY.
Mr. FAUNTROY.
Mr. FAZIO.
Mr. SCHUMER in two instances.
Mr. TRAFICANT in three instances.
Mr. TRAXLER.
Mr. BEILENSON.
Mr. GUARINI in two instances.
Mr. JACOBS in three instances.
Mr. ROE.
Mr. DONNELLY in two instances.
Mr. WAXMAN.
Mr. LELAND in two instances.
Mr. FASCELL.
Mr. CROCKETT in two instances.
Mr. ROYBAL in two instances.
Ms. PELOSI in two instances.
Mr. LAFALCE in two instances.
Mr. KASTENMEIER in two instances.
Mr. DINGELL.
Mr. STUDDS.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p.m.) under its previous order, the House adjourned until Monday, February 6, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

505. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Switzerland for defense articles (Transmittal No. 89-02), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

506. A letter from the Secretaries of Education and of Health and Human Services, transmitting a report on early intervention services for children with handicaps, pursuant to 20 U.S.C. 1485; to the Committee on Education and Labor.

507. A letter from the Secretary of Transportation, transmitting the annual report on railroad financial assistance for fiscal year 1988, pursuant to Public Law 96-448, section 409; to the Committee on Energy and Commerce.

508. A letter from the Director—Office of Legislative Affairs, Agency for International Development, transmitting the report of economic conditions prevailing in Turkey which may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

509. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 11-89 concerning the Department of the Navy's proposed lease of defense articles to Brazil, pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

510. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance (LOA) to Switzerland for defense articles and services (Transmittal No. 89-02), pursuant to 22 U.S.C. 2776(b); Public Law 100-202, section 573; 100-461, section 566(c); to the Committee on Foreign Affairs.

511. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Colombia for defense articles and services (transmittal No. 89-05), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

512. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Thomas R. Pickering, Ambassador Extraordinary and Plenipotentiary-designate to the United Nations and the Security Council, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

513. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting the Department's annual report on contract competition covering fiscal year 1988, pursuant to 41 U.S.C. 419;

to the Committee on Government Operations.

514. A letter from the Acting Secretary of Commerce, transmitting the Department's annual report on contract competition covering fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

515. A letter from the Executive Director, Committee For Purchase From the Blind and Other Severely Handicapped, transmitting a report of activities under the Freedom of Information Act for 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

516. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's annual report on contract competition covering fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

517. A letter from the Chairman, Federal Trade Commission, transmitting a report on the evaluation of its systems of internal accounting and administrative control in effect during fiscal year 1988, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

518. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's annual report on contract competition covering fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

519. A letter from the Director, Human Resources Directorate, U.S. Army Community and Family Support Center, transmitting a report for the U.S. Army nonappropriated fund employee retirement plan for the year ended September 30, 1986, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

520. A letter from the General Counsel, Immigration and Naturalization Service, transmitting a report of the grants of suspension of deportation of certain aliens pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

521. A letter from the Under Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the Ninety-Seventh Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

522. A letter from the Director, Office of Personnel Management, transmitting a copy of the fiscal year 1988 report on the implementation of the Federal Equal Opportunity Recruitment Program, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

523. A letter from the Deputy Secretary of Transportation, transmitting a report on the mass transportation needs of the Virgin Islands, pursuant to Public Law 100-17, section 335(b) (101 Stat. 240); to the Committee on Public Works and Transportation.

524. A letter from the Deputy Secretary of Transportation, transmitting the feasibility study of restoring trolley service in Philadelphia, pursuant to Public Law 100-17, section 334(b) (101 Stat. 240); to the Committee on Public Works and Transportation.

525. A letter from the Deputy Secretary of Transportation, transmitting copies of two reports, the "Status of the Nation's Highways: Conditions and Performance," and the "Eighth Annual Report on the Highway Bridge Replacement and Rehabilitation Program," pursuant to 23 U.S.C. 307(f); 23 U.S.C. 144(i); to the Committee on Public Works and Transportation.

526. A letter from the Acting Administrator, General Services Administration, transmitting prospectuses for the fiscal year 1990 for the GSA's Public Buildings Service Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

527. A letter from the Secretary of Commerce, transmitting the Department's first report from the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation for the period ending December 31, 1988, pursuant to Public Law 100-418, section 5122(d); to the Committee on Science, Space and Technology.

528. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the administration's intent to sell Stinger missiles to the Government of France, pursuant to Public Law 100-202, section 573(d) (101 Stat. 1329-177); Public Law 100-461, section 566(c); jointly, to the Committees on Appropriations and Foreign Affairs.

529. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the second calendar quarter of 1988, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

530. A letter from the Department of Energy, transmitting a final report on dry cask storage study, pursuant to Public Law 100-203, section 5604(a) (101 Stat. 1330-254); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

531. A letter from the Acting Secretary of Health and Human Services, transmitting the annual report with respect to actions taken to recruit and train Indians to qualify them for positions subject to Indian preference; the annual report on actions taken to place non-Indians employed by the Bureau of Indian Affairs in other Federal agencies, pursuant to 25 U.S.C. 472a(d); 25 U.S.C. 472a(e)(2); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PEPPER:

H.R. 758. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation Research to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Education and Labor.

By Mr. MINETA (for himself, Mr. EDWARDS of California, and Mr. PANETTA):

H.R. 759. A bill to amend the Export Administration Act of 1979 to require the maintenance of an export assistance office in northern California; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas:

H.R. 760. A bill to amend the Internal Revenue Code of 1986 to restore incentives for oil and natural gas exploration, and for other purposes; to the Committee on Ways and Means.

By Mr. HOAGLAND (for himself and Mr. UDALL):

H.R. 761. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Niobrara River in Nebraska as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. PICKLE (for himself, Mr. ANTHONY, Mr. DORGAN of North Dakota, Mr. FLIPPO, Mr. LAUGHLIN, Mr. ESPY, Mr. UPTON, Mr. ENGLISH, Mr. BOUCHER, Mr. YOUNG of Alaska, Mr. GRANT, Mr. MCHUGH, Mr. STANGELAND, Mr. LANCASTER, Mr. SARPALIUS, Mr. SCHUETTE, Mr. LEATH of Texas, Mr. GUNDERSON, Mr. HALL of Texas, Mr. BARTON of Texas, Mr. EVANS, Mr. ROTH, Mr. TRAXLER, Mr. JOHNSON of South Dakota, Mr. STENHOLM, Mr. BAKER, Mr. CHAPMAN, and Mr. CRAIG):

H.R. 762. A bill to amend the Social Security Act to make certain modifications in the Medicare Program with respect to payments made under such program to hospitals located in rural areas, to improve the delivery of health services to individuals residing in such areas, and for other purposes; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 763. A bill to amend title 5, United States Code, to establish certain restrictions relating to drug testing by Federal agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANTHONY:

H.R. 764. A bill to amend the Agricultural Act of 1949 to allow producers to devote acreage conservation reserve acreage to water storage; to the Committee on Agriculture.

By Mr. DINGELL (for himself, Mr. LENT, Mr. UDALL, Mr. THOMAS A. LUKEN, Mr. WHITTAKER, Mr. SWIFT, Mr. ECKART, Mr. DERRICK, Mr. HUBBARD, Mr. MADIGAN, Mr. MORRISON of Washington, Mr. DICKS, Mr. WYDEN, Mr. COOPER, Mr. SCHAEFER, Mr. WHEAT, Mr. SKAGGS, Mr. BRUCE, Mr. MARKEY, Mr. SIKORSKI, Mr. STARK, Mrs. UNSOELD, Mr. MCDERMOTT, Mr. SLATTERY, Mr. BRYANT, Mr. BOUCHER, Mr. WAXMAN, and Mr. SPRATT):

H.R. 765. A bill to establish a commission to make recommendations to the President and Congress to assure a comprehensive national approach to effective, efficient, and expeditious environmental cleanup of contamination resulting from releases of hazardous substances at Department of Energy facilities; jointly, to the Committees on Energy and Commerce and Armed Services.

By Mr. BEILENSON (for himself, Mr. ATKINS, Mr. BATES, Mrs. COLLINS, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. HENRY, Mr. LEVINE of California, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. OWENS of New York, Mr. STARK, and Mr. ROBINSON):

H.R. 766. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the motor vehicle bumper standard established by the Secretary of Transportation shall be restored to that in effect January 1, 1982; to the Committee on Energy and Commerce.

By Mr. BILBRAY:

H.R. 767. A bill to provide duty-free treatment for three-dimensional cameras; to the Committee on Ways and Means.

By Mr. BRUCE (for himself, Mr. COSTELLO, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. MADIGAN, Mr. PERKINS, Mr. STALLINGS, Mr. TOWNS, and Mr. TRAFICANT):

H.R. 768. A bill to amend the United States Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security; to the Committee on Agriculture.

By Mr. CHANDLER (for himself, Mr. FOLEY, Mr. BONIOR, Mr. MORRISON of Washington, Mr. SWIFT, Mrs. UNSOELD, Mr. YOUNG of Alaska, Mr. MCDERMOTT, Mr. SHAYS, Mr. DICKS, Mr. PAXON, Mr. MARTINEZ, Mr. HORTON, Mr. ROE, Mr. LAGOMARSINO, Mr. MATSUI, Mr. ATKINS, Mrs. MEYERS of Kansas, Mr. GUNDERSON, Mrs. KENNELLY, and Mr. MILLER of Washington):

H.R. 769. A bill to designate the alcoholism and chemical dependency wing of the Seattle Veterans Administration Medical Center located in Seattle, WA, as the "Joe Hooper Alcoholism and Substance Abuse Center"; to the Committee on Veterans' Affairs.

By Mr. CLAY (for himself, Mrs. ROUKEMA, Mrs. SCHROEDER, Mr. HAWKINS, Mr. ACKERMAN, Mr. AKAKA, Mr. ATKINS, Mr. AUCOIN, Mr. BATES, Mr. BEILENSON, Mr. BERMAN, Mr. BOEHLERT, Mrs. BOGGS, Mr. BONIOR, Mr. BORSKI, Mrs. BOXER, Mr. BRENNAN, Mr. BROWN of California, Mr. BRUCE, Mr. CARDIN, Mr. CARPER, Mr. COELHO, Mrs. COLLINS, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. CROCKETT, Mr. DAVIS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DOWNEY, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ESPY, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FLAKE, Mr. FLORIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GAYDOS, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GILMAN, Mr. GONZALEZ, Mr. GRAY, Mr. GREEN, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. JONES of North Carolina, Mr. JONTZ, Mr. KASTENMEIER, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCDERMOTT, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MOODY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PEASE, Ms. PELOSI, Mr. PEPPER, Mr. PERKINS, Mr. POSHARD, Mr. RAHALL, Mr. RANGEL, Mr. ROE, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SCHEUER, Ms. SCHNEIDER, Mr. SCHUMER, Mr. SHAYS, Mr. SIKORSKI, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Ms. SNOWE, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TORRES, Mr. SWIFT, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL, Mrs. UNSOELD, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WILLIAMS, Mr. WISE, Mr. WOLPE, and Mr. YATES):

H.R. 770. A bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. CHANDLER (for himself, Mr. BRYANT, and Mr. FRENZEL):

H.R. 771. A bill to provide for the continuation of parallel imports under section 526 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. COMBEST:

H.R. 772. A bill to amend the Soil Conservation and Domestic Allotment Act to extend the date for entering into contracts under the Great Plains Conservation Program; to the Committee on Agriculture.

H.R. 773. A bill to amend title 23, United States Code, to provide for a maximum speed limit of 65 miles per hour on highways with four lanes or more located outside of urbanized areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. COYNE (for himself, Mr. HUGHES, Mr. FAUNTROY, Mr. ACKERMAN, Mr. ROE, Mr. LEWIS of Georgia, Mr. SYNAR, Mr. BATES, Mr. KENNEDY, Mr. STANGELAND, Mr. LEVIN of Michigan, Mr. DOWNEY, Mr. RANGEL, Mr. TAUKE, Mr. MORRISON of Connecticut, Mr. KOLTER, Mr. MOODY, Mr. JONTZ, Mrs. SAIKI, Mrs. BOXER, Mr. DE LUGO, Mr. BONIOR, Mr. DORGAN of North Dakota, Mr. KOSTMAYER, Ms. PELOSI, Mr. DARDEN, Mr. LAGOMARSINO, Mr. ENGLISH, Mr. WISE, Mr. DEFAZIO, Mr. SKEEN, Mr. HAYES of Illinois, Mr. LANCASTER, Mr. HORTON, Mr. RICHARDSON, Mr. RAHALL, Mr. TORRES, Mr. ROWLAND of Georgia, Mr. CLINGER, and Mr. FAZIO):

H.R. 774. A bill to amend title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DARDEN:

H.R. 775. A bill to establish grazing fees for domestic livestock on the public rangelands; to the Committee on Interior and Insular Affairs.

H.R. 776. A bill to amend the Federal Salary Act of 1967 to provide that any pay adjustment under that Act for Members of Congress be deferred until the beginning of the Congress following the Congress in which it would otherwise occur, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. DINGELL (for himself, Mr. LENT, Mr. WAXMAN, Mr. MADIGAN, Mr. SHARP, Mr. RINALDO, Mr. MARKEY, Mr. WHITTAKER, Mr. THOMAS A. LUKEN, Mr. RITTER, Mr. WALGREN, Mr. SWIFT, Mr. BLILEY, Mr. LELAND, Mrs. COLLINS, Mr. SYNAR, Mr. WYDEN, Mr. HALL of Texas, Mr. ECKART, Mr. RICHARDSON, Mr. SLATTERY, Mr. SIKORSKI, Mr. BRYANT, Mr. BATES, Mr. BOUCHER, Mr. COOPER, Mr. BRUCE, Mr. ROWLAND of Georgia, Mr. MANTON, Mr. AKAKA, Mr. ARCHER, Mrs. BENTLEY, Mr. DE LUGO, Mr. ENGLISH, Mr. GARCIA, Mr. HOUGHTON, Ms. KAPTUR, Mr. LEHMAN of Florida, Ms. PELOSI, Mr. SCHUETTE, Mr. WOLPE, and Ms. OAKAR):

H.R. 777. A bill to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for quality assurance in the sale of such fasteners, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DORNAN of California:

H.R. 778. A bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia; to the Committee on House Administration.

By Mr. FASCELL:

H.R. 779. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself, Mr. UDALL, Mr. CLARKE, Mr. DEFAZIO, Mr. DE LUGO, Mr. FALEOMAVAEGA, Mr. FUSTER, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MARKEY, Mr. OWENS of Utah, Mr. RICHARDSON, Mr. BATES, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN of California, Mr. CAMPBELL of California, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. HAWKINS, Mr. LANTOS, Mr. MARTINEZ, Mr. MATSUI, Mr. MINETA, Ms. PELOSI, Mr. ROYBAL, Mr. STARK, Mr. TORRES, Mr. WAXMAN, Mr. BENNETT, Mr. COYNE, Mr. JONTZ, Mr. MRAZEK, Mr. OWENS of New York, Mr. SCHEUER, Mr. SHAYS, and Mr. RAVENEL):

H.R. 780. A bill to designate certain lands in the California desert as wilderness, to establish the Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. GAYDOS:

H.R. 781. A bill to establish the Civilian Conservation Corps II to perform such projects on public or Indian lands or waters as the Secretary of the Interior may authorize, and for other purposes; to the Committee on Education and Labor.

H.R. 782. A bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes; to the Committee on Government Operations.

H.R. 783. A bill to revive and extend the authorization of appropriations for the general revenue sharing program; to the Committee on Government Operations.

H.R. 784. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

By Mr. HOAGLAND:

H.R. 785. A bill to prevent or nullify the pay increases recommended by the President with respect to the executive and legislative branches, and to provide that Members of Congress may not accept honoraria; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

By Mr. HUTTO (for himself and Mr. CALLAHAN)

H.R. 786. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year (biennial) budgeting cycle, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. JACOBS:

H.R. 787. A bill to require that passenger vans shall be subject to the same Federal motor vehicle safety standards as are applicable to passenger motor vehicles; to the Committee on Energy and Commerce.

H.R. 788. A bill to provide a Federal charter for the National Academy of Social Insurance; to the Committee on the Judiciary.

H.R. 789. A bill to amend title II of the Social Security Act to require actual dependency as a condition of a stepchild's eligibility for child's insurance benefits, thereby preventing an insured individual's stepchildren from qualifying for such benefits on his or her wage record—and thereby reducing the benefits of his or her natural children—if they are being supported by their natural parent; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. STARK, Mr. FORD of Tennessee, Mr. DOWNEY, Mr. PEASE, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mr. DONNELLY, Mr. ANDREWS, Mr. ARCHER, Mr. CRANE, Mr. SCHULZE, Mr. GRADISON, Mr. MCGRATH, Mr. BROWN of Colorado, and Mr. CHANDLER):

H.R. 790. A bill to provide for improved investment policies for the social security trust funds; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. FORD of Tennessee, Mr. GEPHARDT, Mr. DOWNEY, Mr. GUARINI, Mr. PEASE, Mr. MATSUI, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mr. DONNELLY, Mr. ANDREWS, Mr. LEVIN of Michigan, Mr. MOODY, Mr. ARCHER, Mr. CRANE, Mr. SCHULZE, Mr. MCGRATH, Mr. BROWN of Colorado, and Mr. CHANDLER):

H.R. 791. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the Old-Age Survivors, and Disability Insurance Program under title II of the Social Security Act and the Supplemental Security Income Program under title XVI of such act; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 792. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Lake Andes-Wagner Unit and Marty II Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program; to the Committee on Interior and Insular Affairs.

By Mr. KANJORSKI:

H.R. 793. A bill to amend Public Law 87-328, granting the consent of Congress to the Delaware River Basin Compact and making the United States a signatory member thereof; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. TOWNS, Mr. FOGLIETTA, Mr. MOODY, Mr. LEWIS of Georgia, Mr. STOKES, Mr. OBEY, Mr. DYMALLY, Mr. MARTINEZ, Mr. WOLPE, Mr. MCHUGH, Mrs. COLLINS, Mr. DE LUGO, Mr. GUNDERSON, Mr. WEISS, Mr. VENTO, Mr. FEIGHAN, Mr. OWENS of New York, Mr. FRANK, Mr. BONIOR, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. TORRES, Mr. DEFAZIO, Mr. KLECZKA, Mr. RANGEL, Mrs. KENNELLY, Mr. CROCKETT, Mr. ACKERMAN, Mr. FAZIO, Mr. STUDDS, Mrs. BOXER, Mr. ESPY, Mr. BUSTAMANTE, Mr. GILMAN, and Mr. EVANS):

H.R. 794. A bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of post-traumatic stress disorders in veterans who served in Southeast Asia during the Vietnam era; to the Committee on Veterans' Affairs.

By Mrs. KENNELLY (for herself, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. OWENS of New York, Mr. DEFAZIO, Mr. FROST, Mr. MATSUI, Mr. FAUNTROY, Mrs. COLLINS, Mr. RANGEL, Mr. EVANS, Mr. DE LUGO, Mrs. MORELLA, Mr. WILLIAMS, Mr. GARCIA, Mrs. BOXER, Mr. PEPPER, and Mr. WEISS):

H.R. 795. A bill to amend title XX of the Social Security Act to increase the amount available for social services block grants thereunder, and to require the States to submit more detailed annual reports on the expenditure and use of the funds provided by such grants; to the Committee on Ways and Means.

By Mrs. KENNELLY (for herself, Mr. SCHULZE, Mr. RANGEL, Mr. GEPHARDT, Mr. DOWNEY, Mr. MATSUI, Mr. FLIPPO, Mr. COYNE, Mr. ANDREWS, Mr. MOODY, Mrs. JOHNSON of Connecticut, Mr. FOGLIETTA, Mr. ROWLAND of Connecticut, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mrs. MORELLA, Mr. HILER, Mrs. COLLINS, Mrs. MARTIN of Illinois, Mr. FRANK, Mr. MAZZOLI, Mr. MARTINEZ, Mr. NOWAK, Mr. FASCELL, Mrs. BENTLEY, Mr. MCHUGH, Mr. HAYES of Illinois, Mr. WOLPE, Mr. WALKER, Ms. SCHNEIDER, Mr. MOAKLEY, Mr. MURPHY, Mr. TRAFICANT, Mr. ATKINS, Mr. GILMAN, Mr. GEJDENSON, Mr. CHAPMAN, Mr. GRAY, Mr. HORTON, Mrs. VUCANOVICH, Mr. MCDADE, Mr. GARCIA, Mr. RINALDO, Mr. SCHUMER, Mrs. BYRON, Mr. STUDDS, Mr. MAVROULES, Mr. TOWNS, Mr. BORSKI, Mr. KOLTER, Mr. MORRISON of Connecticut, and Mr. SHAYS):

H.R. 796. A bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 797. A bill to provide for the common management of the deposit insurance funds of the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation and to expand the membership of the Board of Directors of the Federal Deposit Insurance Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANTOS:

H.R. 798. A bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home; to the Committee on Ways and Means.

By Mr. LEACH of Iowa:

H.R. 799. A bill to authorize the Secretary of Agriculture to establish and carry out programs to eradicate the disease of scrapie in the sheep and goat populations of the United States and conduct research regarding scrapie; to the Committee on Agriculture.

By Mr. LELAND (for himself, Mr. WAXMAN, Mr. HYDE, Mr. MILLER of California, Mr. PAYNE of New Jersey, Mr. WHEAT, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mrs. COLLINS, Mr. SYNAR, Mr. RICHARDSON, and Mr. MCDERMOTT):

H.R. 800. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 801. A bill to designate the United States Court of Appeals Building at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle Court of Appeals Building"; to the Committee on Public Works and Transportation.

By Mr. MARLENEE (for himself, Mr. DE LA GARZA, Mr. MADIGAN, Mr. THOMAS of Georgia, Mr. EMERSON, Mr. HARRIS, Mr. ROBERTS, Mr. WATKINS, Mr. GRANDY, Mr. STENHOLM, Mr. STANGELAND, Mr. RAY, Mr. GLICKMAN, Mr. COLEMAN of Missouri, Mr. ROBERT F. SMITH, and Mr. NAGLE):

H.R. 802. A bill directing the Secretary of Agriculture to formulate proposals to reduce paperwork and recordkeeping required of agricultural producers, to study the feasibility of establishing an electronic system or network to facilitate such reduction, and for other purposes; to the Committee on Agriculture.

By Mr. MARTINEZ:

H.R. 803. A bill to amend the Job Training Partnership Act to establish additional fiscal controls; to the Committee on Education and Labor.

By Mr. MICHEL:

H.R. 804. A bill to amend title XVIII of the Social Security Act to eliminate the urban/rural differential in prospective payment rates for payment for inpatient hospital services under the Medicare Program; to the Committee on Ways and Means.

By Mr. MOODY:

H.R. 805. A bill to amend the Internal Revenue Code of 1986 to provide for 10-year basis recovery in the case of annuities under governmental plans; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 806. A bill to require the Secretary of Defense to disclose all biological agents used in, or the subject of, research, development, testing, or evaluation which is conducted under the Biological Defense Research Program; to the Committee on Armed Services.

H.R. 807. A bill to effect an exchange of lands between the U.S. Forest Service and the Salt Lake City Corporation within the State of Utah, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

H.R. 808. A bill to amend the Impoundment Control Act of 1974 to provide that a rescission of budget authority proposed by the President take effect unless Congress specifically adopts a joint resolution disapproving the proposed rescission; jointly, to the Committees on Government Operations and Rules.

By Mr. PANETTA:

H.R. 809. A bill to amend the Internal Revenue Code of 1986 to treat parsonage allowances as compensation for purposes of the limitations on benefits payable under

defined benefit plans; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 810. A bill to authorize the Great American Flag Association to establish a monument in honor of the American Flag at Oxon Cove Park in the District of Columbia where the largest American flag in the world will be permanently displayed; to the Committee on Interior and Insular Affairs.

H.R. 811. A bill requiring port-of-entry interviews of certain aliens apprehended in territorial waters of the United States; jointly, to the Committees on Merchant Marine and Fisheries and the Judiciary.

By Mr. PRICE (for himself, Mr. AUCOIN, Mr. WYLIE, Mr. CLEMENT, Mr. ROE, Mr. FLORIO, Mr. GORDON, Mr. WOLF, Mr. MILLER of California, Mr. FRANK, Mrs. PATTERSON, Mr. BEREUTER, Mrs. ROUKEMA, Mr. FAUNTROY, Mr. ATKINS, Mr. HUBBARD, Mr. FOGLIETTA, Mr. BARNARD, Mrs. COLLINS, Mr. BONIOR, Mr. LANCASTER, Mrs. LLOYD, Mr. MARTINEZ, Mr. FLAKE, Mrs. KENNELLY, Mr. PALLONE, Mr. DEFAZIO, Mr. DARDEN, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. RINALDO, Mr. GILMAN, Mr. STUDDS, Mr. WOLPE, Mr. ROWLAND of Connecticut, Mr. MFUME, Mr. AKAKA, Mr. MCEWEN, Mr. HATCHER, Mr. GEPHARDT, Mr. EVANS, Mr. ACKERMAN, Mr. LAGOMARSINO, Mr. DYMALLY, Mr. LEWIS of Georgia, Mr. COSTELLO, Mr. TALLON, Mr. GARCIA, Mr. PARRIS, Mr. FLIPPO, Mrs. BOXER, Mr. FAZIO, and Mr. SAXTON):

H.R. 812. A bill to authorize the insurance of certain mortgages for first-time home buyers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. QUILLEN:

H.R. 813. A bill to amend the Railroad Retirement Act of 1974 to change benefit eligibility requirements so that individuals who have completed 30 years of service as an employee and have attained the age of 55 years are eligible and so that certain other individuals who have attained the age of 55 years and are related to employees are also eligible; to the Committee on Energy and Commerce.

By Mr. RAHALL (for himself, Mr. STAGGERS, and Mr. BOUCHER):

H.R. 814. A bill to clarify the intent of Congress regarding the interim presumption of eligibility for black lung benefits; to the Committee on Education and Labor.

By Mr. RANGEL:

H.R. 815. A bill to amend the Internal Revenue Code of 1986 to allow a credit for contributions to programs designed to counsel and train school dropouts, and for other purposes; to the Committee on Ways and Means.

H.R. 816. A bill to amend the Internal Revenue Code of 1986 to increase the earned income credit where the taxpayer's child regularly attends school; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 817. A bill to amend the Federal Aviation Act of 1958 to make permanent the prohibition against smoking on scheduled domestic flights of 2 hours or less in duration and to extend such prohibition to all scheduled domestic flights; to the Committee on Public Works and Transportation.

By Mr. SCHEUER (for himself and Mr. RITTER):

H.R. 818. A bill to protect the health of nonsmokers working and visiting in U.S. Government buildings from the hazards of involuntary smoking by restricting smoking to designated areas in all buildings or building sections occupied by the U.S. Government; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, and Government Operations.

By Mr. SLATTERY (for himself and Mr. RAVENEL):

H.R. 819. A bill to authorize the issuance of prisoner-of-war medals to members of the crew of the U.S.S. *Pueblo* who were captured by North Korea; to the Committee on Armed Services.

By Mr. SLAUGHTER of Virginia (for himself, Mr. RINALDO, Mr. BURTON of Indiana, Mrs. KENNELLY, Mr. MYERS of Indiana, Mr. HUGHES, Mrs. BENTLEY, Mr. LAGOMARSINO, and Mrs. MEYERS of Kansas):

H.R. 820. A bill to make long-term care insurance available to civilian Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.R. 821. A bill to amend title XVIII of the Social Security Act to improve protections of individuals against inappropriate transfers from Medicare participating hospitals; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TANNER:

H.R. 822. A bill to require a recorded vote on pay adjustments for Members of Congress; to defer any pay adjustment for Members until the beginning of the Congress following the one in which it would otherwise occur; and for other purposes; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

By Mr. TAUKE (for himself and Mr. SWIFT):

H.R. 823. A bill to permit the television industry to conduct certain activities relating to promoting improvements in television broadcast programming and to avoiding improper advertising practices during such programming; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 824. A bill to conserve the coastal wetlands of the United States to the Committee on Merchant Marine and Fisheries.

By Mr. TORRICELLI:

H.R. 825. A bill to prohibit the possession or transfer of certain semiautomatic shotguns and rifles determined by the Secretary of the Treasury to be unsuitable for recreation, and to establish a Firearms Evaluation Panel to assist in the development of standards to be used in making such determination; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 826. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for closed-circuit televising of the testimony of children who are victims of abuse; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 827. A bill to amend title 14, United States Code, to provide for an increase in retired pay for officers of the regular Coast Guard who are cited for extraordinary heroism; to the Committee on Merchant Marine and Fisheries.

By Mr. VENTO:

H.R. 828. A bill to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993; to the Committee on Interior and Insular Affairs.

By Mr. VOLKMER (for himself, Mr. MORRISON of Washington, Mr. AUCOIN, Mr. DEFAZIO, Mr. HERGER, Mr. LEHMAN of California, Mr. SCHUETTE, Mr. ROBERT F. SMITH, and Mr. VENTO):

H.R. 829. A bill to make permanent the authority provided under the Temporary Emergency Wildfire Suppression Act; jointly, to the Committees on Agriculture, Foreign Affairs, and Interior and Insular Affairs.

By Mr. WALGREN (for himself and Mr. TAUKE):

H.R. 830. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. WATKINS:

H.R. 831. A bill to provide that the Department of Agriculture shall be known as the Department of Agriculture and Rural Development, to transfer the administration of certain conservation programs from the Farmers Home Administration to the Soil Conservation Service, to establish the Rural Development Administration within the Department of Agriculture and Rural Development, to transfer the administration of certain rural housing programs from the Farmers Home Administration to the Rural Development Administration, to provide that the Farmers Home Administration shall be known as the Farm Administration, and for other purposes; jointly, to the Committees on Agriculture and Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself, Mr. LELAND, Mr. MILLER of California, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mrs. COLLINS, Mr. SYNAR, Mr. RICHARDSON, and Mr. MCDERMOTT):

H.R. 832. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of certain technology-dependent children; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. LELAND, Mr. MILLER of California, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mrs. COLLINS, Mr. SYNAR, Mr. RICHARDSON, Mr. PAYNE of New Jersey and Mr. MCDERMOTT):

H.R. 833. A bill to amend title XIX of the Social Security Act to improve access to basic health care services to needy children; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 834. A bill to amend section 225 of the Federal Salary Act of 1967 to provide that no salary increase under that section shall become effective until the first day of the succeeding Congress; to the Committee on Post Office and Civil Service.

H.R. 835. A bill to nullify the recent increases in certain Federal salaries; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H.J. Res. 117. Joint resolution to proclaim March 20, 1989, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H.J. Res. 118. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 119. Joint resolution to disapprove the salary increases recommended by the President for certain executive, legislative, and judicial positions; to prohibit the acceptance of political action committee

contributions; and to prohibit the acceptance and payment of honoria; jointly, to the Committees on Post Office and Civil Service, House Administration, and the Judiciary.

By Mr. LEHMAN of Florida (for himself, Mr. BEVILL, Mrs. COLLINS, Mr. CONTE, Mr. DE LA GARZA, Mr. DONNELLY, Mr. ERDREICH, Mr. FAUNTROY, Mr. FLORIO, Mr. FOGLIETTA, Mr. HEFNER, Mr. HORTON, Mr. HUGHES, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. LEWIS of Georgia, Mr. MCCLOSKEY, Mr. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MINETA, Mr. MOAKLEY, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mr. PRICE, Mr. RANGEL, Mr. RICHARDSON, and Mr. WOLF):

H.J. Res. 120. Joint resolution to designate May 1989 as "National Trauma Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.J. Res. 121. Joint resolution designating October 15 through 21, 1989, as "National Culinary Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. PEPPER, and Mr. RINALDO):

H.J. Res. 122. Joint resolution designating the week beginning November 26, 1989, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. RICHARDSON:

H.J. Res. 123. Joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. TRAXLER (for himself, Mr. DE LA GARZA, Mr. MADIGAN, Mr. WHITTEN, Mrs. SMITH of Nebraska, Mr. BROWN of California and, Mr. ROBERTS):

H.J. Res. 124. Joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services; to the Committee on Agriculture.

By Mr. DOUGLAS:

H. Con. Res. 43. Concurrent resolution commemorating the bicentennial of Bastille Day; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. PEPPER (for himself and Mr. QUILLEN):

H. Res. 58. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. FORD of Michigan (for himself and Mr. GILMAN):

H. Res. 59. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. DELLUMS:

H. Res. 60. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 1st session of the 101st Congress: to the Committee on House Administration.

By Mr. EDWARDS of Oklahoma (for himself, Mr MICHEL, Mr. CHENEY, Mr. LEWIS of California, Mr. HUNTER, Mr. MCCOLLUM, Mr. WEBER, Mr. VANDER JAGT, Mr. ARCHER, Mr. CONTE, Mr. QUILLEN, Mr. SOLOMON, Mrs. MARTIN of Illinois, Mr. PASHAYAN, Mr. BAKER, Mr. BARTON of Texas, Mr. BUECHNER, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. CHANDLER, Mr. COBLE, Mr. COMBEST, Mr. COX, Mr. CRAIG, Mr. DANNEMEYER, Mr. DELAY, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GOODLING, Mr. GRADISON, Mr. GREEN, Mr. GUNDERSON, Mr. HASTERT, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOUGHTON, Mr. IRELAND, Mr. KYL, Mr. LEACH of Iowa, Mr. LENT, Mr. MCMILLAN of North Carolina, Mrs. MEYERS of Kansas, Mr. MORRISON of Washington, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. RAVENEL, Mr. RHODES, Mr. ROWLAND of Connecticut, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SLAUGHTER of Virginia, Mr. ROBERT F. SMITH, Mr. SMITH of Texas, Mrs. SMITH of Nebraska, Mr. SCHUETTE, Mr. THOMAS of California, Mr. UPTON, Mr. WALKER, Mr. WALSH, Mr. WELDON, Mr. WOLF, and Mr. YOUNG of Alaska):

H. Res. 61. Resolution to amend the Rules of the House of Representatives for the purpose of making the legislative process more responsible representative and deliberative; to the Committee on Rules.

By Mr. ROE:

H. Res. 62. Resolution providing amounts from the contingent fund for the House for expenses of investigations and studies by the Committee on Science, Space, and Technology in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. ROYBAL:

H. Res. 63. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Aging in the 1st session of the 101st Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PANETTA:

H.R. 836. A bill for the relief of Wayne Greenfield; to the Committee on the Judiciary.

H.R. 837. A bill for the relief of Thomas J. Scanlon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. HERGER, Mrs. MARTIN of Illinois, Mr. ECKART, Mr. JONTZ, Mrs. BOXER, Mr. GEPHARDT, Mr. TALLON, and Mr. JOHNSON of South Dakota.

H.R. 14: Mr. GORDON, Mr. STAGGERS, Mr. ACKERMAN, Mr. MFUME, Mr. DURBIN, Mrs. BOXER, Mr. CLARKE, Mr. YATES, Mr. GRAY, Mr. RICHARDSON, Mr. GEJDENSON, Mr. TORRES, Ms. KAPTUR, Mr. DELLUMS, and Mr. HALL of Ohio.

H.R. 19: Mr. COLEMAN of Texas, Mr. DWYER of New Jersey, Mr. NEAL of North Carolina, and Mr. PACKARD.

H.R. 32: Mr. PRICE, Mr. PARRIS, and Mr. ANNUNZIO.

H.R. 40: Mrs. SAIKI, Mr. WEBER, Mr. JOHNSTON of Florida, Mr. NIELSON of Utah, Mr. ATKINS, Mr. BUECHNER, and Mr. BALLENGER, Mr. SENSENBRENNER, Mr. MILLER of California, Mr. SYNAR, Mr. BOEHLERT, Mr. MILLER of Washington, Mr. FOGLIETTA, and Mr. RITTER.

H.R. 46: Mr. TORRES, Mr. DWYER of New Jersey, Mr. KOLTER, Mr. MARTINEZ, Mr. BOEHLERT, Mr. LAGOMARSINO, and Mrs. BOXER.

H.R. 101: Mr. MARKEY, Mr. NOWAK, Mr. CLAY, Mr. SOLARZ, Mr. WOLPE, Mrs. COLLINS, Mr. DWYER of New Jersey, and Mr. DEFAZIO.

H.R. 109: Mr. BOUCHER.

H.R. 112: Mr. COLEMAN of Texas.

H.R. 145: Mr. MILLER of California, Mr. FOGLIETTA, Mr. JACOBS, Mr. CLAY, Mr. FAZIO, Mr. ROBINSON, Mr. JOHNSTON of Florida, Mr. VOLKMER, Mr. MCGRATH, Mr. HUGHES, Mr. PEASE, Mr. LEWIS of Georgia, Mr. BILBRAY, Mr. KANJORSKI, Mr. LEWIS of Florida, Mr. COLEMAN of Missouri, Mr. SWIFT, and Mr. RIDGE.

H.R. 239: Mr. ERDREICH, Mr. BEREUTER, Mr. LEHMAN of California, Mr. ROE, Mr. CLAY, Mr. ATKINS, Mr. SMITH of Florida, Mr. STUDDS, Mr. DANNEMEYER, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. OWENS of Utah, Mr. EVANS, Mr. FRANK, and Mr. HILER.

H.R. 240: Mr. DYMALLY.

H.R. 242: Mrs. COLLINS, Mr. FAUNTROY, Mr. FAZIO, Mr. GARCIA, Mr. GONZALEZ, Mr. HORTON, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. ROE, Mr. WEISS, Mr. FUSTER, and Mr. FOGLIETTA.

H.R. 243: Mr. GALLEGLY, Mr. TALLON, Mr. BEREUTER, Mrs. MARTIN of Illinois, Mr. COBLE, and Mr. PURSELL.

H.R. 271: Mr. NELSON of Florida.

H.R. 283: Mr. BLILEY, Mr. MURPHY, and Mr. HENRY.

H.R. 303: Mr. CLEMENT, Mr. MURPHY, Mr. WATKINS, Mr. JAMES, Mr. HYDE, Mr. BUSTAMANTE, Mr. GILMAN, Mr. PICKETT, Mr. CLINGER, and Mr. BRENNAN.

H.R. 305: Mr. KILDEE.

H.R. 310: Mr. PAYNE of Virginia, Mr. SISISKY, and Mr. BATEMAN.

H.R. 360: Mr. TORRES, Mr. FASCELL, Mr. BONIOR, Mr. SMITH of New Jersey, Mr. FROST, Mr. STUDDS, Mr. DYMALLY, Mr. FLORIO, and Mr. MILLER of Ohio.

H.R. 361: Mr. TORRES, Mr. FASCELL, Mr. BONIOR, Mr. SMITH of New Jersey, Mr. FROST, Mr. STUDDS, Mr. DYMALLY, and Mr. FLORIO.

H.R. 362: Mr. ARMEY, Mr. SKEEN, Mr. MOORHEAD, Mrs. BENTLEY, and Mr. RITTER.

H.R. 377: Mr. PARRIS, Mr. TAUZIN, Mr. PALLONE, Mr. HATCHER, Mr. FLIPPO, Mr. VANDER JAGT, Mr. JACOBS, Mr. PAXON, Mr. ATKINS, Mr. BALLENGER, and Mrs. MEYERS of Kansas.

H.R. 401: Ms. SCHNEIDER, Mr. MCMILLAN of North Carolina, Mr. PICKLE, Mr. STANGELAND, Mr. COX, Mr. SCHUETTE, Mr. WALGREN, Mr. FIELDS, Mr. MCCLOSKEY, Mr. PAXON, Mr. KOLBE, Mr. THOMAS A. LUKEN, Mr. GILLMOR, Mr. CRANE, and Mr. KOSTMAYER.

H.R. 413: Mr. RAHALL.

H.R. 418: Mr. MRAZEK, Mrs. BOXER, and Mr. BONIOR.

H.R. 423: Mr. HAYES of Illinois, Mr. ROE, Mr. HATCHER, Mr. DE LUGO, and Mr. ATKINS.

H.R. 425: Mr. DORNAN of California, Mr. OWENS of New York, Mr. SMITH of Florida, Mr. GUARINI, Mr. DYMALLY, Mr. LAGOMARSINO, Mr. KLECZKA, Mr. JACOBS, Mr. CLEMENT, Mr. FOGLIETTA, Mrs. COLLINS, Mr. KASTENMEIER, Mr. LEWIS of Florida, Mr. KOLTER, Mr. MCGRATH, Mr. BUECHNER, and Mr. WEISS.

H.R. 469: Mr. MAZZOLI.

H.R. 488: Mr. CLARKE, Mr. LENT, Mr. JOHNSON of South Dakota, Mr. YATRON, and Mr. HORTON.

H.R. 500: Mr. CLEMENT, Ms. SCHNEIDER, Mr. HENRY, Mrs. MORELLA, Mr. FAUNTROY, and Mr. RAVENEL.

H.R. 501: Mr. HENRY and Mr. DONALD E. LUKENS.

H.R. 509: Mr. BATES, Mr. BENNETT, Mr. BUSTAMANTE, Mr. CLEMENT, Mr. COUGHLIN, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAVIS, Mr. DOUGLAS, Mr. DYMALLY, Mr. ERDREICH, Mr. FASCELL, Mr. FAWELL, Mr. FAZIO, Mr. FIELDS, Mr. FUSTER, Mr. GONZALEZ, Mr. HARRIS, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. MCGRATH, Mr. MANTON, Mr. MONTGOMERY, Mr. PALLONE, Ms. PELOSI, Mr. PICKETT, Mr. RANGEL, Mr. ROE, Mrs. SAIKI, Mr. SMITH of Florida, Mr. SMITH of Vermont, Mr. STUDDS, Mr. STUMP, Mr. THOMAS of Georgia, Mr. VANDER JAGT, Mr. WAXMAN, and Mr. YOUNG of Alaska.

H.R. 514: Mr. BATES, Mr. SCHUMER, Mr. FOGLIETTA, Mrs. BOXER, Mr. RANGEL, Mr. ATKINS, Mr. SMITH of Florida, Mr. MFUME, Mr. OWENS of New York, Mr. GORDON, Mr. DYMALLY, Mr. FAUNTROY, Mrs. SAIKI, and Mr. SLATTERY.

H.R. 520: Mr. MORRISON of Connecticut, Mr. PARRIS, Mr. SWIFT, Mr. GILMAN, Mr. FRANK, Mr. MCDADE, Mr. DEFAZIO, Mrs. BOXER, Mr. MCEWEN, Mr. DANNEMEYER, Mr. COLEMAN of Texas, Mr. PICKETT, Mr. COSTELLO, Mr. BOUCHER, Mr. SPRATT, Mr. LAFALCE, Mrs. PATTERSON, Mr. PEASE, Mr. COYNE, Mr. BOEHLERT, Mr. THOMAS of Georgia, Mr. MARTINEZ, Mr. WOLF, Mr. FAUNTROY, Mr. TORRES, Mr. PAYNE of Virginia, Mr. GALLO, Mr. STOKES, Mr. KOLTER, Ms. PELOSI, Mr. PETRI, and Mr. PALLONE.

H.R. 521: Mr. MORRISON of Connecticut, Mr. PARRIS, Mr. SWIFT, Mr. GILMAN, Mr. FRANK, Mr. MCDADE, Mr. DEFAZIO, Mrs. BOXER, Mr. MCEWEN, Mr. DANNEMEYER, Mr. COLEMAN of Texas, Mr. PICKETT, Mr. COSTELLO, Mr. BOUCHER, Mr. SPRATT, Mr. LAFALCE, Mrs. PATTERSON, Mr. PEASE, Mr. COYNE, Mr. BOEHLERT, Mr. THOMAS of Georgia, Mr. MARTINEZ, Mr. WOLF, Mr. FAUNTROY, Mr. TORRES, Mr. PAYNE of Virginia, Mr. GALLO, Mr. STOKES, Mr. KOLTER, Ms. PELOSI, Mr. PETRI, and Mr. PALLONE.

H.R. 522: Mr. MORRISON of Connecticut, Mr. PARRIS, Mr. SWIFT, Mr. GILMAN, Mr. FRANK, Mr. MCDADE, Mr. DEFAZIO, Mrs. BOXER, Mr. MCEWEN, Mr. DANNEMEYER, Mr. COLEMAN of Texas, Mr. PICKETT, Mr. COSTELLO, Mr. BOUCHER, Mr. SPRATT, Mr. LAFALCE, Mrs. PATTERSON, Mr. PEASE, Mr. COYNE, Mr. BOEHLERT, Mr. THOMAS of Georgia, Mr. MARTINEZ, Mr. WOLF, Mr. FAUNTROY, Mr. TORRES, Mr. PAYNE of Virginia, Mr. GALLO, Mr. STOKES, Mr. KOLTER, Ms. PELOSI, Mr. PETRI, and Mr. PALLONE.

H.R. 523: Mr. MORRISON of Connecticut, Mr. PARRIS, Mr. SWIFT, Mr. GILMAN, Mr. FRANK, Mr. MCDADE, Mr. DEFAZIO, Mrs. BOXER, Mr. MCEWEN, Mr. DANNEMEYER, Mr. COLEMAN of Texas, Mr. PICKETT, Mr. COSTELLO, Mr. BOUCHER, Mr. SPRATT, Mr. LAFALCE, Mrs. PATTERSON, Mr. PEASE, Mr. COYNE, Mr. BOEHLERT, Mr. THOMAS of Georgia, Mr. MARTINEZ, Mr. WOLF, Mr. FAUNTROY, Mr. TORRES, Mr. PAYNE of Virginia, Mr. GALLO, Mr. STOKES, Mr. KOLTER, Ms. PELOSI, Mr. PETRI, and Mr. PALLONE.

H.R. 526: Mr. ACKERMAN, Mr. FUSTER, Mr. LEWIS of Georgia, Ms. OAKAR, Mr. COLEMAN of Texas, Mr. DE LUGO, Mr. MANTON, Mr. MATSUI, Mrs. COLLINS, Mr. TOWNS, Mr. WAXMAN, Mr. VOLKMER, Mr. MFUME, Mr. ANDERSON, Mr. BATES, Mr. BEILENSON, Mr. BERMAN, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mr. COELHO, Mr. DELLUMS, Mr. DIXON, Mr. FAZIO, Mr. HAWKINS, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MARTINEZ, Mr. MILLER of California, Mr. MINETA, Mr. PANETTA, Ms. PELOSI, Mr. ROYBAL, Mr. STARK, and Mr. TORRES.

H.R. 545: Mrs. COLLINS, Mr. OWENS of New York, Mr. PENNY, Mr. AUCOIN, Mr. ROE, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. FAUNTROY, Mr. CLEMENT, Mr. BERMAN, Mr. STARK, Mrs. BOXER, Mr. ATKINS, Mr. GEJDENSON, Ms. OAKAR, Mr. WEISS, and Mr. WOLPE.

H.R. 554: Mr. NIELSON of Utah, Mr. BILIRAKIS, Mr. HYDE, and Mr. GALLEGLY.

H.R. 565: Mr. CAMPBELL of California.

H.R. 567: Mrs. SAIKI, Mr. HAWKINS, Mrs. BOXER, Mr. MARTINEZ, Mr. DYSON, Mr. KOLTER, Mr. CLEMENT, Mr. SMITH of Florida, Mr. TRAXLER, Mr. DELLUMS, Mrs. BENTLEY, Mr. FIELDS, and Mr. PALLONE.

H.R. 594: Mr. ATKINS and Mr. MOODY.

H.R. 595: Mr. OWENS of Utah, Mr. ERDREICH, Mr. CRAIG, Mr. MCCLOSKEY, Mr. DUNCAN, Mrs. JOHNSON of Connecticut, Mr. MCEWEN, Mr. HATCHER, Mr. DANNEMEYER, Mr. RHODES, Mrs. BENTLEY, Mr. SLAUGHTER of Virginia, and Mr. GALLEGLY.

H.R. 596: Mr. MCGRATH, Mr. FAWELL, Mrs. SAIKI, and Mr. SOLOMON.

H.R. 611: Mr. VISCLOSKY and Mr. KILDEE.

H.R. 632: Mr. BENNETT and Mr. CAMPBELL of California.

H.R. 634: Mr. ROWLAND of Connecticut, Mr. GORDON, Mr. SENSENBRENNER, Mr. BARTLETT, Mr. PAYNE of Virginia, Mr. ROTH, Mr. HUGHES, Mrs. SAIKI, Mr. MILLER of Washington, Mr. LIPINSKI, Mr. DEWINE, and Mr. WEISS.

H.R. 659: Mr. LEATH of Texas.

H.R. 668: Mr. FIELDS and Mr. LIPINSKI.

H.R 683: Mr. ATKINS, Mr. COLEMAN of Texas, Mr. FOGLIETTA, Ms. KAPTUR, Mr. MILLER of California, Mr. MORRISON of Washington, Mr. OWENS of New York, Mr. PALLONE, Mr. RICHARDSON, Mr. SABO, Mrs. SAIKI, and Mr. STUDDS.

H.R. 696: Mr. WYDEN, Mr. COYNE, Mr. MCGRATH, Mr. PENNY, Mr. BUSTAMANTE, Mr. OWENS of New York, Mr. AUCOIN, Mr. DONALD E. LUKENS, Mrs. BOXER, Mr. FUSTER, Mr. MARKEY, Mr. FEIGHAN, Ms. SCHNEIDER, Mr. KASTENMEIER, Ms. OAKAR, Mr. FRANK, Mr. TORRES, Mrs. COLLINS, Mr. UDALL, Mr. FAUNTROY, Mr. DEFAZIO, Mr. LEWIS of Florida, Mr. CARPER, and Mr. SMITH of Florida.

H.R. 720: Ms. SCHNEIDER and Mr. FAZIO.

H.R. 725: Mr. ENGEL and Mr. RUSSO.

H.R. 743: Mr. AKAKA and Mr. DE LUGO.

H.R. 746: Mr. KASTENMEIER, Mr. GIBBONS, Mr. KLECZKA, Mr. KOSTMAYER, Mr. ANDREWS, Mrs. JOHNSON of Connecticut, and Mr. MILLER of Washington.

H.J. Res. 30: Mr. PENNY, Mrs. BENTLEY, Mr. HYDE, Mr. BILIRAKIS, Mr. WALSH, Mr. MCGRATH, Mrs. MEYERS of Kansas, and Mr. GILMAN.

H.J. Res. 56: Mr. CAMPBELL of California.

H.J. Res. 75: Mr. DORGAN of North Dakota and Mr. GRANT.

H.J. Res. 77: Mr. DYMALLY, Mr. DONALD E. LUKENS, Mr. FAUNTROY, Mr. LEVIN of Michigan, Mr. MAVROULES, Mr. COLEMAN of Missouri, Mr. ROE, Mr. ERDREICH, Mr. FUSTER, Mr. HORTON, Mr. RUSSO, Mr. WAXMAN, Mr. OWENS of New York, Mr. HUGHES, Mrs. SAIKI, and Mr. EVANS.

H.J. Res. 83: Mr. CAMPBELL of California.

H.J. Res. 88: Mr. CAMPBELL of California, Mr. VALENTINE, Mr. CRANE, and Mr. SMITH of New Jersey.

H.J. Res. 90: Mr. KILDEE and Mr. VISCLOSKY.

H.J. Res. 109: Mr. INHOFE, Mr. PENNY, Mr. COURTER, Mr. KOLBE, Mr. COBLE, Mr. HYDE, and Mr. FIELDS.

H.J. Res. 113: Mr. STAGGERS.

H. Con. Res. 34: Mr. LEATH of Texas.

H. Con. Res. 40: Mr. HAMMERSCHMIDT, Mr. SHARP, Mr. MCEWEN, Mr. HOCHBRUECKNER, Mr. SAVAGE, Mr. DURBIN, Mr. BOSCO, Mr. TANNER, Mr. STANGELAND, Mr. SOLARZ, Mr. MAVROULES, Mr. HAMILTON, Mr. WEBER, Mr. DONALD E. LUKENS, Mr. SCHAEFER, Ms. PELOSI, Mr. CLEMENT, Mr. WYLIE, Mr. SMITH of New Jersey, Mr. MCNULTY, Mr. BILIRAKIS, Mr. HERTEL, Mr. TORRES, Mr. COELHO, Mr. PRICE, Mr. BILBRAY, Mr. HARRIS, and Mr. GILLMOR.

H. Con. Res. 41: Mr. FAUNTROY, Mr. MFUME, Mr. PRICE, Mr. HOAGLAND, Mr. HENRY, Mr. FOGLIETTA, and Mr. JONTZ.

H. Con. Res. 42: Mr. OBERSTAR.

H. Res. 27: Mr. MOORHEAD, Mr. STUMP, Mr. PORTER, Mr. SCHAEFER, Mr. HYDE, Mr. LAGOMARSINO, Mr. GALLEGLY, Mr. WALSH, Mr. DENNY SMITH, Mr. CRAIG, Mr. MAZZOLI, Mr. LIGHTFOOT, Mr. HORTON, and Mr. MADIGAN.

H. Res. 43: Mr. CONTE, Mr. SLAUGHTER of Virginia, Mr. MCGRATH, Mr. BEREUTER, Mr. BILIRAKIS, Mr. EMERSON, Mr. NEAL of North Carolina, Mr. GALLEGLY, Mr. DANNEMEYER, Mr. COURTER, Mr. LAGOMARSINO, Mr. WILSON, Mr. INHOFE, Mr. BATEMAN, Mr. MOORHEAD, Mr. CRAIG, Mrs. BENTLEY, Mr. GILMAN, Mrs. PATTERSON, and Mr. SHUMWAY.

H. Res. 44: Mr. STUMP, Mr. UPTON, Mr. HYDE, Mrs. MEYERS of Kansas, Mr. LAGOMARSINO, Mr. GALLEGLY, Mr. INHOFE, Mr. MOORHEAD, Mrs. BENTLEY, and Mr. GILMAN.

SENATE—*Thursday, February 2, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Hear, O Israel: The Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might.—Deuteronomy 6:4, 5.

Eternal God, "who giveth to all life and breath and all things * * *" we acknowledge Thy presence in this place. Let us not think of this moment as a routine formality which we do because it has always been done. We thank Thee that our Founding Fathers opened the Senate with prayer, not as a gesture but because they knew they needed to pray. Thank Thee for their insight, their wisdom, their vision which realized that, "If a sparrow could not fall to the ground without Your knowledge, an empire could not rise without Your blessing." Save us, Lord, from the spirit of tipping the hat to God and proceeding as though He is irrelevant. Keep us mindful of our constant, unending need of Thee.

To Thy glory, O Lord, and in Thy name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized under the standing order.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, I will describe my intentions regarding the schedule for the remainder of the day. I have consulted with the distinguished Republican leader and, following requests for unanimous consent which I will describe shortly, there will be a period for morning business until 2:45 p.m., at which time if the first unanimous-consent request, regarding the proposed nominations of four of the President's nominees, is approved, we will proceed to the consideration of those nominations, voting on them between the hours of 4:45 and 5:45.

We are presently seeking unanimous consent to then proceed to consideration of the resolution disapproving the recommendations of the Quadrennial Commission on executive, judicial and congressional pay raise. We hope to have that agreement shortly and, if it is approved, we will proceed to that at approximately 5:45 or 6 p.m. and hopefully conclude that matter this evening.

PROCEDURE ON CONSIDERATION OF NOMINATIONS TODAY

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that at 2:45 p.m. today, the Senate go into executive session to consider the nomination of Manuel Lujan, Jr., to be Secretary of the Interior, under a time agreement of 30 minutes equally divided between the Senator from Louisiana, Mr. JOHNSTON, and the Senator from Idaho, Mr. MCCLURE, or their designees; provided that no motions be in order and that at the conclusion or yielding back of time the nomination be temporarily laid aside and that the Senate proceed, without any intervening business, to the nomination of Michael J. Boskin, to be a Member of the Council of Economic Advisers, under a time agreement of 30 minutes equally divided between the Senator from Michigan, Mr. RIEGLE, and the Senator from Utah, Mr. GARN, or their designees; provided that no motions be in order and that at the conclusion or yielding back of time the nomination be temporarily laid aside and that the Senate proceed, without any intervening business, to the nomination of Jack Kemp, to be Secretary of Housing and Urban Development, under a time agreement of 30 minutes equally divided between the Senator from Michigan, Mr. RIEGLE, and the Senator from Utah, Mr. GARN, or their designees; provided that no motions be in order and that at the conclusion or yielding back of time the nomination be temporarily laid aside and that the Senate proceed, without any intervening business, to the nomination of William Kane Reilly, to be Administrator of the Environmental Protection Agency, under a time agreement of 30 minutes equally divided between the Senator from North Dakota, Mr. BURDICK, and the Senator from Rhode Island, Mr. CHAFEE, or their designees.

Provided further, that no motions be in order and that at 4:45 p.m., the Senate proceed without any intervening business to a 15-minute vote on the nomination of Manuel Lujan, and upon completion of that vote, the Senate proceed without any intervening business to a 15-minute vote on the nomination of Michael J. Boskin, and that upon completion of the vote, the Senate proceed without any intervening business to a 15-minute vote on the nomination of Jack Kemp, and that upon completion of the vote, the Senate proceed without any intervening business to a 15-minute vote on the nomination of William Kane Reilly.

Provided further, that upon the disposition of these nominations, the motion to reconsider, en bloc, be laid upon the table, the President be immediately notified of the confirmation of the nominations and the Senate return to legislative session.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. That will be the order of the Senate.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on all four nominations with one show of seconds.

The PRESIDENT pro tempore. Is there objection to the request? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays en bloc?

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered en bloc.

Mr. MITCHELL. Mr. President, I now yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I thank the majority leader and Presiding Officer and indicate we hope to have an agreement soon. We are inching toward an agreement to take care of the remainder of the business for the day, which includes the pay raise issue

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and also, I guess, the honoraria issue. So hopefully they will have some agreement on this side and I understand they may have an agreement on that side.

So I will be working on that, I might indicate to the majority leader. As soon as we have that I will be back to the majority leader.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. The Republican leader yields the floor and reserves the remainder of his time. The majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period of morning business for speeches only not to extend beyond 2:45 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The junior Senator from Illinois, Mr. SIMON, is recognized for not to exceed 5 minutes.

WILLIAM BLAKEY AND THE SENATE STAFF

Mr. SIMON. Mr. President and my colleagues in the Senate, all of us are frequently in the same situation. We take bows when something is accomplished that has our name on it, but much of the credit for that really goes to the people on our staffs. I have had the good fortune of having on my staff in both the House and the Senate a gentleman by the name of William Blakey. I have never gotten up on the floor of the House or Senate to pay tribute to my staff, and I should have done that a long time ago. I want this to be a tribute not only to him but to my entire staff. But he has really done a dedicated job and contributed immensely to the cause of education in this Nation. He is a graduate of Knoxville College and Howard University Law School. He then worked for the old Department of HEW in the education area and then came to work for me to head the subcommittee that I chaired in the other body and has headed my subcommittee staff here in the Senate. He has done an absolutely superb job not just for PAUL SIMON but for the people of this Nation—a whole series of amendments helping young people like these pages I see down in front of me who want to go to college. A lot of young people are in colleges today because of what Bud Blakey has done as a member of my staff. Now, as he prepares to leave his work with the Senate to take a senior position with a law firm, I want him to know I am grateful to him. The people of this Nation ought to be grateful to him.

As I said, Mr. President, I want to use this opportunity to pay tribute not simply to him but to my staff and all of your staffs who really perform in a largely unseen way, performing a magnificent job for the people of this country. I yield back the remainder of my time.

The PRESIDENT pro tempore. The senior Senator from Nevada, Mr. REID, is recognized for not to exceed 5 minutes.

Mr. REID. I thank the Chair.

CAMPAIGN FINANCING

Mr. REID. Mr. President, we are moving beyond the limits. We are headed into the twilight zone of campaign finance practices.

In this imaginary region, the basic tenets regulating campaign expenditures are stretched to extraordinary lengths.

Sometimes the rules are violated. Most of the time, the penalties for those convicted of wrongdoing come too little—and too late.

The melodrama I invoke, Mr. President, comes from fear—fear that our system of enforcing proper campaign practices is being steamrolled by detractors.

I am speaking of the people who funnel illegal contributions through a maze of channels, just to name one of the wrongdoings. They play a game of skill and cunning. Noncompliance and fraud are cloaked in a shroud of credibility.

What can we do about this nonchalant attitude toward our laws?

Federal Election Commission regulations and enforcement measures have an alarmingly significant impact.

An evaluation of attitudes toward the FEC's purview led a major news magazine to observe: "Campaign managers know that strictly abiding by the rules is an invitation to almost certain defeat."

The notion of voluntary compliance generates snickers in campaign operations throughout the country. Why is it such a joke?

The FEC is laboring under the law of diminishing returns. They have too much work and too little authority. Alleged violations range from flagrant to subtle. They all require the same amount of painstaking work to investigate.

The FEC is victim to politically motivated actions from disgruntled campaigners. These opportunists use FEC petitions to embarrass their opponents, and most of the time they accomplish that. They believe that filing with the FEC makes their charges of alleged misconduct somehow more official.

Finally, compliance is difficult when the statutes are ambiguous. In the most recent election cycle, an FEC Commissioner spoke of claims that raised sensitive questions in election law—questions that would provoke dispute in the weeks and months ahead. That response was prophetic of the delays that are now anticipated and expected.

Campaign finance reform proposals that will be considered by this Congress seek to eliminate the vagaries of existing law. The proposals will set forth new standards by which we pay for and conduct our campaigns. This legislation should go a long way toward clarifying election law uncertainties.

But let us put the question of future laws aside. Regardless of the outcome of campaign finance reform, we must be able to enforce our present laws.

In the coming week, I will therefore introduce the Federal Election Enforcement Act.

My bill addresses the timeliness of FEC probes and actions. It provides for expediency. I am sure many of my colleagues remember the fable of the tortoise and the hare. The slow, plodding, persistent tortoise won the race. The reality of FEC actions is to the contrary. By the time the FEC acts and the case concludes, it is too late. The election is history.

In many cases, the convicted violator has already emerged victorious from the campaign. He gets a slap on the wrist and then heads back to the Capitol to continue his duties as an elected representative. As columnists Germond and Witcover wrote, "we can only lock the barn after the horse is stolen."

Just this past Tuesday, the FEC ruled on violations that occurred involving my opponent in the 1986 U.S. Senate race in Nevada. The first of many complaints lodged was in March 1986—almost 3 years ago. My proposed legislation seeks an end to this protracted process.

In another instance, it took more than 2 years for the FEC to rule against a Presidential contender's campaign. The organization was fined $25,000. This is a paltry, inconsequential sum when compared with the more than $20 million that the campaign raised. My bill increases the severity of penalties that violators must pay.

My bill will ensure that Federal election laws are enforced. No strong-arm tactics are called for in the proposal. The intent is to revitalize the Federal Election Commission with a mandate and authority to carry out their mission.

Regulations are not a joke. My bill ensures they will not be treated as such. I encourage my colleagues to cosponsor and support this proposal.

I yield the floor.

The PRESIDENT pro tempore. The junior Senator from West Virginia, Mr. ROCKEFELLER, is recognized.

Mr. ROCKEFELLER. I thank the President pro tempore.

THE U.S. STEEL INDUSTRY

Mr. ROCKEFELLER. Today the senior Senator from Pennsylvania, Senator HEINZ, and I begin a series of statements on the U.S. steel industry, on its workers, some of the problems that it faces, and the renewal of the Voluntary Restraint, the VRA Program.

Mr. President, the VRA Program was in fact instituted by President Reagan in 1984 in response to a flood of unfairly traded imports. Import penetration in fact had reached 26 percent in 1984. A bipartisan effort resulted, and then from that flowed passage of enforcement authority for the President's program, which was called the Steel Import Stabilization Act.

That act required that industry reinvest all of its net cash flow in modernization. That was a strong requirement, something that American industry in a rush for profits has tended not to do. But, Mr. President, in each year of the program the President of the United States was able to certify that in fact the industry had met this requirement, reinvesting all of its net cash flow back into modernization.

Mr. President, I do not want to recite the long litany of problems of the steel industry in the United States in the 1980's, but I do want to mention a few—the fact that $12 billion was lost by the steel industry between 1982 and 1986, 25 bankruptcies of large producers of steel have taken place, 15 percent of the industry, in fact, still is in bankruptcy this day, the closing of almost one-third of the capacity of steel—in fact, probably a layoff of close to 55 percent of all steelworkers who were working at the beginning of this decade. A number of very large steel mills, often in fact the largest local employer, and a very important part of the community's tax base, have closed their doors in this decade.

I, as chairman of the steel caucus in the Senate and the State of West Virginia, am certainly aware of that, as is the senior Senator from West Virginia.

The impact has been devastating on the workers and their families. We are talking about 350,000 jobs lost since 1980. It is a staggering and painful fact—manufacturing jobs, jobs that pay well, jobs that allow the recipients to buy homes and send their kids to college.

Now, what caused these massive cutbacks in U.S. capacity and employment? Mr. President, world excess capacity was No. 1. Unfairly traded imports was No. 2. And, therefore, an enormous import penetration of the U.S. market.

In 1974, when world steel consumption began its downward spiral, many developing countries were adding capacity, and continued to do so through the 1980's, and do so until this day. Developed countries, like those in the European communities, moved to preserve employment by pumping subsidies into existing mills. The United States took a different tack—the industry itself began downsizing and modernizing, while at the same time, the VRA's were put in place to have some control on the growth of dumped and subsidized imports.

The industry faces many problems in the future. While in the last 18 months some recovery has been seen from the dark days of the early 1980's, much remains to be done. The research and development capability of the industry has been decimated. With billions of dollars in losses, R&D was bound to suffer, and it has. It is important to begin rebuilding the industry's R&D, or U.S. companies will not be able to develop technology to remain competitive.

The industry must increase its use of continuous casting. Continuous casting, the best method of producing semifinish steel, eliminates several steps in the steelmaking process. Use of continuous casting is up from 20 percent in 1980 to 60 percent now, but it needs to move toward 100 percent.

The industry also has tremendous pension costs, as well as escalating health care costs for its workers and retirees. In fact, one of the major problems in the bankruptcy of LTV and Wheeling-Pitt is the founding of pension plans.

There is no doubt that the industry and its workers have made tremendous progress in modernizing, but there is much more to be done. The VRA Program has enabled the industry to begin the restructuring process. The continuation of the program is essential to the success of this process.

So in closing, Mr. President, I simply point out that our U.S. steel industry is important to our national defense, important to our country, important to our workers in trouble, and we need to continue the Voluntary Restraint Agreement Program supported by President Bush.

I think industry workers have done a terrific job so far but there is much work to be done.

I ask my colleagues in these intervening days to listen to what it is that Senator HEINZ and I have to say so that when on February 8 we introduce the Voluntary Restraint Agreement Program our colleagues will in fact be able to understand that our cause is just.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. I thank the Chair. I will be very brief.

(The remarks of Mr. LEAHY pertaining to the introduction of legislation appear in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HEINZ addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Pennsylvania, Mr. HEINZ, is recognized.

EXTENSION OF PRESIDENT'S STEEL PROGRAM

Mr. HEINZ. Mr. President, as the Senator from West Virginia [Mr. ROCKEFELLER] indicated just a few minutes ago, we are going to be discussing the issue of the President's steel program and the need for its extension.

We will conclude our discussion on February 8 with the introduction of legislation that will give the President authority to continue the program for an additional 5 years. That legislation will simultaneously be introduced in the House by Congressman MURTHA.

Today I want to begin our discussion by outlining some of the history of this program and particularly the reasons for its creation. I do so because many of the factors in international trade in steel, that led to this program, such as pervasive unfair trade practices, still exist and will grow worse if the program is not continued.

I would like to draw rather heavily from the book entitled "Steel and the State," by former Deputy Special Trade Representative Alan Wolff and three of his colleagues to explain these circumstances.

It clearly lays out the facts about the extent to which foreign governments have rigged the world's steel supply, and about our Government's past failures to do anything about it until the 11th hour.

Several charts from the book illustrate the sad state of steel trade today—which is anything but free and fair.

First is the question of subsidies and Government support.

Here is some evidence for all of us to see, that between 1980 and 1985 the European community represented here during this 5-year period authorized some $37 billion in government subsidies to the steel companies, nearly $13 billion in Italy alone.

Therefore, it was not surprising that in the last 6 years, the U.S. Department of Commerce has found dumping of subsidized steel in this country on the part of some 25 different nations, as illustrated in the fine print that I brought along.

In 1987 alone, the Canadian Government pumped over $118 million into Sydney Steel Corp., SYSCO, a rail producer in Nova Scotia. This followed $350 million the Government had put into the same plant over the previous

10 years. Those funds helped offset over one-half billion dollars in losses.

One Toronto-based investment analyst called the bailout, "a stupid attempt to keep jobs, irrelevant of costs. * * * I've never seen figures like these in 20 years as an investment analyst."

Rail produced by that mill is now coming into the United States and is the subject of a countervailing duty complaint.

Taiwan, a successful newly industrialized country, offers a wide array of tax breaks to selected industries, including steel. Taiwan's China Steel Corp. has spent roughly $3.8 billion on construction and expansion since 1972, more than half provided by the government, which owns the company.

These examples are only illustrations of unfair trading practices that are pervasive in this industry. They are by no means all of them. We have to face facts, Mr. President. To many countries a steel mill is a symbol of their status as an industrial power and the economic status that goes with it. They will build them without regard to cost, without regard to need, and without regard to any basic economic considerations. Comparative advantage is irrelevant.

The result is too much capacity all over the world; mills built deliberately to export rather than serve limited domestic markets, and then kept alive by government handouts in order to maintain employment.

The result is a first-class mess which has had a devastating effect on the world steel industry and the U.S. market in particular.

By 1986, as we can see from this chart, LDC Steel capacity had tripled from 1970 to the present. Much of that growth, by the way, was financed by the World Bank, which only last year loaned Mexico some $400 million. At the same time, I might add, developed countries, our principal trading competitors, continue to build far beyond their needs, and as this chart shows, Japan, Germany, the United Kingdom, France, Italy, Canada, and Korea now provide for steel far in excess of their own requirements. The United States is the only one that does not have as much capacity as it needs.

The result is that excess capacity has ended up on our world markets, and as a result, the penetration of the U.S. markets has been upsized 27 percent; it is a lot lower at about 14 percent in Europe; and at only a fraction of that, 7 percent, in Japan. Of course, the result of that has been that our share of world steel production, once 45 percent in 1950, has dwindled to some 12 percent or somewhat more today.

Mr. President, this is from nobody's point of view a happy story. Our industry has been devastated. It lost $12 billion between 1982 and 1986. It lost 56 percent of its work force in the last 12 years. Entire communities in my home State of Pennsylvania, and in Ohio, West Virginia, and elsewhere have literally been wiped out economically.

Nor has it been all that good elsewhere. European producers have been undergoing the same retrenchment, as have the Japanese to a lesser extent. LDC governments have found the continuing operating subsidies, along with the debt burden from the loans that built the mills, an ever-growing financial millstone around their necks.

Breaking this cycle of subsidies will be difficult but essential for the survival of the American steel industry. When President Reagan announced his program in 1984, he made specific reference to unfair trade practices and directed the U.S. Trade Representative to work to eliminate them. Unfortunately, no real progress has been made—which is one of the main reasons why President Bush has indicated his intention to extend the program. When I next take the floor on this matter, I will discuss in greater detail how the VRA Program has worked and precisely what it has accomplished.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Alabama.

(The remarks of Mr. SHELBY pertaining to the introduction of legislation appear in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WIRTH addressed the Chair.

The PRESIDENT pro tempore. The junior Senator from Colorado [Mr. WIRTH] is recognized.

Mr. WIRTH. Mr. President, I ask unanimous consent that notwithstanding the previous unanimous-consent request relating to morning business, I be allowed to introduce legislation at this point.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(The remarks of Mr. WIRTH pertaining to the introduction of legislation appear in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from North Carolina is recognized.

(The remarks of Mr. SANFORD pertaining to the introduction of legislation appear in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 7

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed to the consideration of Senate Joint Resolution 7, the resolution disapproving the recommendations of the Quadrennial Commission on Executive, Judicial, and Congressional Pay Rates, at any time, and that it be considered under the following time limitation:

Two hours on the resolution equally divided and controlled between the two leaders or their designees;

Two hours on a substitute amendment to be offered by Senators PRESSLER, GRASSLEY, and others that rescinds the pay raise for everyone except for the Judiciary and requires an affirmative rollcall vote by the Congress before any future pay raise may take effect, with a vote occurring on, or in relation to the amendment;

That no other amendments or motions be in order with respect to the resolution; and that upon the conclusion or yielding back of time, the Senate proceed to an immediate vote on the resolution;

Provided further, that immediately upon disposition of Senate Joint Resolution 7, the Senate then proceed, without any intervening debate or motions, to the consideration of a joint leadership resolution on honoraria to be considered under a 1-hour time limitation, equally divided and controlled between the two leaders or their designees, with no amendments or motions to be in order.

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object and I will not object, I will just take a moment or two first to thank the colleagues on this side of the aisle, the ones we have contacted to forgo amendments so we might reach an agreement and dispose of this matter this evening.

We do have an agreement. I do know Senator SYMMS, for example, had a very good amendment. He will forgo offering that amendment.

I think we have the essential elements in the disapproval resolution, plus the amendment by Senator PRESSLER which will deal with a pay raise, and then the amendment to be offered by the leaders will deal with honoraria. So I think we have the basic elements.

I believe it is a good amendment. I would hope we would not use all the time. It seemed to me we could shorten up the debate. There are not many people in doubt on this issue. I have not found any. Some are in doubt privately but not publicly. So I would have no objection.

The PRESIDENT pro tempore. Does the Chair understand this is a Senate joint resolution and not a House joint resolution?

Mr. MITCHELL. That is correct.

The PRESIDENT pro tempore. Is the Chair correct?

Mr. MITCHELL. The Chair is correct.

The PRESIDENT pro tempore. The Republican leader.

Mr. DOLE. If I might, if the majority leader has no objection, suggest the absence of quorum for a few seconds, we have a phone call that might interfere with this.

The PRESIDENT pro tempore. What does the majority leader request as to the previous order that required an executive session at 2:45 p.m.?

ORDER FOR EXECUTIVE SESSION AT 3 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the previous order be amended to provide that we go into executive session at the hour of 3 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now renew the unanimous consent request regarding the issue of pay and honoraria which I previously propounded.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request as proposed by the majority leader? The Chair hears none. That will be the order of the Senate.

REDUCING DEBATE TIME TO 15 MINUTES ON THE NOMINATION OF MANUEL LUJAN, JR., TO BE SECRETARY OF THE INTERIOR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for debate on the nomination of Manuel Lujan be reduced from 30 minutes, as under the request previously approved, to 15 minutes to accommodate the delay in going into executive session.

The PRESIDENT pro tempore. With the time to be evenly divided as agreed to previously?

Mr. MITCHELL. Yes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield to the Senator from South Dakota.

PRIVILEGES OF THE FLOOR

Mr. PRESSLER. Mr. President, I ask unanimous consent that privileges of the floor be granted to Stan Bach of the Congressional Research Service during the pendency of Senate Joint Resolution 7, Senate Joint Resolution 8, or any other legislation relating to the congressional pay raise issue for today, February 2, 1989; each day the measure is pending; and for rollcall votes thereon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. PRESSLER. Mr. President, I will yield the floor at any moment to the majority leader. I would like to deliver a couple of speeches. At any time the leadership wishes the floor, I will yield it.

The PRESIDENT pro tempore. The Senate has until 3 o'clock.

A COCOM FOR CHEMICAL AND BIOLOGICAL WEAPONS

Mr. PRESSLER. Mr. President, the revelations of the past month have made it abundantly clear to all that the supplies of materials and technology related to the production of chemical and biological weapons must be controlled. It is absolutely vital that international trade be cleansed of this merchandise of death.

Wanting it to happen and making it happen, however, are two different things. Anyone who has considered the chemical and biological weapons production problem recognizes that controlling it will be very complex. Nearly every chemical precursor to chemical weapons production is a dual use item. That is, the chemicals which must be controlled also have common application in the pesticide and other fields. It has even been reported that the chemicals in ballpoint pen production could be misused.

Not only is it clear that this area is technically complex, it is equally clear that a unilateral American embargo of these materials and technology will not be sufficient. On January 24, Gen. William Burns told the Senate Foreign Relations Committee that it is hardly accidental that the names of firms alleged to be involved in this vile trade are not U.S.-based. Our export control system, while not perfect, has been fairly effective.

In order to control the supplies of chemical and biological agents, we must have the cooperation of all the potential suppliers. The suppliers must agree on what is to be controlled. Inevitably there will be differences of opinion to be resolved. Since technology does not stand still, discussions of technical experts on this subject should be more or less continuous. As a practical matter, the experts will need a regular place to meet and some sort of clerical assistance, copying facilities and the like.

The Coordinating Committee for Export Controls, known as Cocom, performs a similar function today in the field of strategic trade. It is composed of 16 major suppliers of high tech equipment, including the United States, and meets regularly in an annex of the American Embassy in Paris. Cocom has a small clerical staff and the usual office machines.

Currently there is no regular organization for the control of chemical and biological weapons. There is an informal organization, known as the Australia Group, which has met infrequently, has no regular meeting place and no assigned clerical staff.

This week, therefore, I wrote to President Bush proposing that the supplier nations should meet with a view to creating a Cocom for the control of chemical and biological agents. Such an organization would be small, perhaps modeled on Cocom, established in one of the supplier countries, and would contain a small clerical staff. It would be a place for experts to meet, discuss the latest technology and reach a mutual accommodation on what should and should not be controlled.

Mr. President, if we are serious about slowing down the proliferation of chemical and biological weapons, we must become serious about an organization of supplier countries to limit the trade in materials and technology necessary to produce such weapons. Failure to do so will send a dangerous message about our lack of resolve.

Mr. President, I ask unanimous consent that my letter, dated January 31, to President Bush be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 31, 1989.

Hon. GEORGE BUSH,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The shocking revelations of the past few months have made it abundantly clear that the supplies of materials and technology necessary to produce chemical and biological weapons must be controlled. It is absolutely vital that international trade be cleansed of this merchandise of death.

Given the complexity of the subject matter and the need for uniform standards of control, consultation and cooperation among the leading supplier nations must be a high priority. However, unlike the area of strategic trade which is coordinated by COCOM, there is no regular meeting place

for international coordination of controls on chemical and biological weapons. The Australia Group has met infrequently, and has neither an established location nor the clerical staff to assist the work of experts in the field.

I hope, therefore, that you will consider calling the supplier nations together at some suitable location with the intention of creating a COCOM for the control of chemical and biological agents. Such an organization should be small, perhaps modeled on COCOM, established in one of the supplier countries, and should contain a small clerical staff. It would be a place for experts to meet, discuss the latest technology and reach a mutual accommodation on what should and should not be controlled.

If we are serious about slowing down the proliferation of chemical and biological weapons, we must find a mechanism, such as an organization of supplier countries, to limit trade in materials and technology necessary to produce these weapons. Our resolve and determination on this matter is crucial to stopping the spread of chemical and biological weapons.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

THE AGREEMENT ON THE PAY RAISE VOTE

Mr. PRESSLER. Mr. President, I wish to thank the leadership for their cooperation in entering into the agreement on the pay raise vote. I think it is a very good agreement. The legislation which we will be voting on, of which I am a sponsor, has three parts developed in working with Senator GRASSLEY's office and others. I look forward to that debate.

I wish to thank our leadership and also our colleagues who gave up amendments so that an agreement could be entered into. I believe we have 30-some cosponsors of that legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EMORY HEBARD, QUINTESSENTIAL VERMONTER

Mr. LEAHY. Mr. President, flatlander is a Vermont term for anyone not born in the rolling terrain of our Green Mountain State. It's not a complimentary term. It is a way Vermonters have of distinguishing between who's who—and who's new.

Emory Hebard of Glover, who just retired as Vermont treasurer after being elected to that office for 12 years, and who served as a legislator before that for a great deal longer, was born in Massachusetts.

As soon as he was old enough to realize that mistake, he moved to Vermont and has been one of us ever since, becoming the quintessential Vermonter.

A graduate of Middlebury College, Em asserted his independence early. After working for the airlines and an insurance company here in Washington, he knew he wasn't a corporation man and he and his uncle bought a country store in East Charleston.

East Charleston is a lovely town in the northeast kingdom of Vermont, Mr. President. In the early days, that little town had two covered bridges within a couple hundred yards of each other. They were eventually torn down to the great sorrow of many of us who still remember how beautiful they looked.

Em did a second hitch in the Coast Guard during the Korean war—he had served during World War II—and returned to Vermont to resume his career as a storekeeper, this time in Glover.

He and his wife, Irma, who was working in Washington as a legal secretary when he first met her, kept that store going 7 days a week. Since just about everyone in the community got to know him, Em was a natural candidate for the Vermont Legislature when Glover's seat became vacant in 1961.

Em liked the legislature and the lawmakers liked Em—and pretty soon he had to make a choice—the store or the State capital.

He studied to become a real estate broker and appraiser so that he could earn a living around his service in Montpelier. Em became one of the most powerful men in State government—and there are some who still say he never should have stopped short of being Governor.

I'm one of those who feel that way, Mr. President—though up to now I hadn't mentioned that Em is a Republican—and come to think of it, that's not very important in the measure of a man's contribution to his State.

He was elected State treasurer in 1977, reluctantly giving up his chairmanship of the House Appropriations Committee to seek that office. He's been elected ever since, most often with the Democrats having the good sense to nominate him on our ticket as well.

I know few men who leave political life with as much love and respect from the people they have served, as has been shown to Em.

Mr. President, I would like to conclude this dissertation about a man who embodies the Vermont spirit of honesty and fairness by asking unanimous consent that this editorial that appeared in the State's largest paper, the Burlington Free Press, be printed in the RECORD as part of this tribute to an old family friend and fine gentleman.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Burlington [VT] Free Press, Dec. 24, 1988]

GOODBYE, MR. HEBARD

Here's the simple view of the retirement of State Treasurer Emory Hebard: He's managed the state's money for 12 years. He's done a good job at a highly technical task. It's too bad he's leaving.

Here's the not-so-simple view: Em Hebard is a last symbol of a bygone era in Vermont politics, and his departure should be greeted with general mourning.

Which is right? Both of the above.

Hebard was elected to the Vermont House from Glover in 1961, when every small town had its own representative. A rumpled country storekeeper with thrift in his heart and a twang in his voice wasn't just a stereotype, he was an accurate stereotype.

It was no surprise that Rep. Hebard denounced welfare payments, the coming of Medicaid, federal interference and reapportionment. It was no wonder he rose to chair the powerful Appropriations Committee.

He had ambition to be governor in the 1970s, but by then Vermont had changed. Media buys and campaign consultants had replaced small-town politics. Hebard measured his debits and credits with the cold eye of a man who has balanced the books of a general store. He settled for the treasurer's job.

But this capsule history sells Hebard short. He is, in fact, a Massachusetts boy who got his twang in Maine and his education at Middlebury long before buying a store in the Northeast Kingdom. Any narrowness he brought with him or acquired there, he outgrew in Montpelier.

The man who hated reapportionment chaired the House committee to carry it out. Better than letting a federal court do it, he said.

The man who fought Medicaid and welfare programs later convinced the House to spend record amounts on welfare. No sense letting Vermonters go cold and hungry, he argued.

The man who believed in independence and local government, ended up fighting to increase Vermont's share of federal funds. "If we don't take our share they'll just divide it in 49 pieces instead of 50," he said.

A Republican who sometimes talked like a Democrat, Hebard's real affiliation was always Pragmatist. This made him a rarity—a politician who listens to reason, a politician with a clear view of his own limits.

He understood that managing money really means managing people and programs. He succeeded as state treasurer not because he could make money stand up and dance, but because he had a storekeeper's shrewdness about door-to-door salesmen.

He continued to look and talk like he got off the last horse-and-buggy from Glover, but the New York City financial hotshots couldn't sell Em anything he didn't want.

That is the simple, and the complicated view of Emory Hebard. He has graced the Republican Party and state government by his presence. His departure leaves an empty place Vermont is unlikely to fill.

TERRENCE E. SAUVAIN

Mr. HOLLINGS. Mr. President, it is always a pleasure for me as the chairman of the Senate Commerce Committee to bring the Coast Guard promotions list to the floor of the U.S. Senate for approval.

Today, it is more of a pleasure because one of the promotions is for Terrence E. Sauvain, a member of the Senate Appropriations Committee staff who has served this Member and many others with distinction and dedication during his 15 years in the U.S. Senate.

Mr. President, I can remember clearly when Terry first came to the U.S. Senate as a clerk on the D.C. Appropriations Subcommittee in the service of Senator Birch Bayh. At that time, Terry also served as an assistant clerk for the Labor, Health and Human Services Subcommittee. In both positions, Terry manifested a tremendous compassion for the poor and underprivileged of the Nation and a real desire to help the Senator deal with pressing human needs. Terry then moved on as clerk for the State, Justice, Commerce, and Legislative Subcommittees. After serving with distinction on the Appropriations Committee, Terry became the minority secretary of the U.S. Senate in 1981–82 and a most able floor assistant to Senator BYRD for the last 6 years.

A native of Cleveland, a graduate of the University of Notre Dame, Terry's career in the U.S. Senate has been one of distinction, and it is with great honor today that I ask the Senate to add the rank of captain in the U.S. Coast Guard to Terry's already distinguished record. I am sure I speak for the whole Senate when I congratulate Terry for this promotion and for being named as the new deputy director of the Senate Appropriations Committee.

LEVERAGED BUYOUTS

Mr. DOLE. Mr. President, I am submitting the attached articles which were published in the January 14, 1989 issue of the New York Times and ask that they be printed in the RECORD. These articles demonstrate some of the competing considerations involved in the issue of leveraged buyouts. I commend them to my colleagues.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 14, 1989]

(A POP QUIZ) LEVERAGED BUYOUTS ARE: GOOD FOR U.S. BUSINESS

(By Harry K. Schwartz)

WASHINGTON.—Somewhere, in the midst of the public clamor about leveraged buyouts, a small but persistent voice is trying to be heard. If we listen carefully, we will hear some things that may surprise us: that disassembling inefficient conglomerates can be good for American business, that when managers own equity in their corporations they perform better and that LBO's can help make industry more competitive.

Today the pack is in full cry against LBO's. We are being told that this country must curtail LBO's and other destructive business activities and that there is something seriously wrong in a system that provides incentives for the liquidation of corporate conglomerates.

But if we could tune down the hyperbole, we might hear this:

1. Huge conglomerates are not divinely ordained. They are the consequences of an economic and regulatory system that has permitted them to be assembled, partly for the ego gratification of their founders. Some of them work well; others do not.

LBO's have performed a useful and perhaps a necessary function in downsizing conglomerates that have become too large, too bureaucratic and too inefficient to be effective players in a world economy. By giving back independence to smaller companies that were gobbled up in the feeding frenzy of an earlier era, LBO's have played a conservative role. LBO's are, in fact, the means by which big companies are made into small companies, not the reverse.

2. It has been more than 55 years since A. A. Berle and Gardner Means established, in "The Modern Corporation and Private Property," that the typical publicly held corporation is characterized by a separation of ownership and control. They pointed out that in most large businesses the people who run the company do not participate in the benefits of ownership, and the people who own it do not run it. This gap has produced corporate managers who, as bureaucrats, are more interested in preserving the status quo than in taking extreme risks.

Given the genius of American entrepreneurship, it is hard to see why one would favor a system that stultified and suppressed it by separating ownership and control. We have lived with such a system since World War II, and we find our industrial base hard pressed by aggressive competitors in the Far East and Europe. If we are serious about making business less sluggish and bureaucratic, we should seek to repair the breach of interest identified by Berle and Means and to encourage the people who run our giant businesses to take an equity stake in them. Since, typically, managers are not people of great wealth, the most attainable route to ownership is the management LBO.

Critics ask, Why couldn't management work as hard and as creatively under the old arrangement? The answers are complex, but at bottom the reason is the genius of the capitalist system: The chance to "make it big" calls forth energy, resourcefulness and ingenuity that simply cannot be summoned in any other way.

It is ironic that we have begun to think pejoratively of this basic motivation as greed at the time that the Chinese and Russians have begun to search for ways to nurture it in their own torpid economies.

3. What we heard of competitiveness in the Presidential campaign would suggest that it is something that government can do for business. Candidates vied with one another in their support of proposed government programs and policies to make businesses stronger competitors. But none of them told us the hard truth that competitiveness is something that American business must accomplish, basically, for and by itself.

Waking up a sleepy company involves tough choices—decisions that will be inevitably unpopular in parts of the organization. Someone's project needs to be defunded, someone's plant needs to be consolidated, layers of approvals need to be stripped out, committees need to be disbanded. Decisions like these are not likely to be sought by bureaucrats reluctant to roil the waters.

But not after an LBO. Obligations to make interest and principal payments on the acquisition loan have a way of forcing decisions that ought to have been made but weren't. The twin igniters of management ownership and debt service requirements can jolt a company into new life, frequently without any change in executive personnel. A sleepy backwater of a conglomerate can be transformed into a leaner, tougher competitor with management ownership.

The unwisdom of fixing things that are not "broke" is a precept not much heard in Washington these days. Too bad. It is advice that Government needs to hear as it considers the fate of the LBO.

(A POP QUIZ) LEVERAGED BUYOUTS ARE: "A BLIGHT ON THE LAND"

(By James Grant)

Leveraged buyouts are a blight on the land. They are risky, ill-conceived and—perhaps most objectionable from an investment point of view—popular. In America, nowadays, everyone is on the same side of the financial boat, and that is the side of debt.

"Leveraged" means "indebted." An LBO, therefore, is a business in debt. Its management has used the company's credit to buy out the former owners—that is, the stockholders. After the buyout, the company's balance sheet has a nontraditional look, showing more debt than equity. If there was $90 million in equity and $10 million in debt before the deal, there is likely to be $10 million in equity and $90 million in debt afterward.

Under the lash of this new debt—or so the theory goes—the new owners streamline operations, sell redundant assets and fire unwanted people. They build no empires, buy no corporate jets and make no unnecessary investments. They can't afford to.

It is a wonderful theory and for years it yielded good results. A decade ago, when the many of the better deals were done, stock prices were low. Interest rates were low. And the typical LBO candidate was an established company in a steady line of business.

Oddly enough, however, investors that would have nothing to do with financial leverage in the halcyon days of the 1970's are throwing money at deals today.

On Wall Street, a law of paradox governs investments. It holds that good ideas are almost never popular and that the class of asset most favored by bankers is the one least likely to succeed. It is worth nothing, therefore, that banks are thronging the LBO market and that state-employee pension plans—not generally known for their hot investment hands—have committed most of the funds to the $5.6 billion buyout partnership of Kohlberg, Kravis, Roberts & Company.

A decade ago, when the LBO investing climate was balmy, Kohlberg, Kravis did $25 million deals. Nowadays, a time of high inflation-adjusted interest rates and high stock prices, it proposes to do a $25 billion deal.

The irony of Michael Miken, Drexel Burnham's junk-bond king, is that he has never been nearer the center of the financial establishment than he is in the hour of his legal crisis. If he is beyond the pale, his securities, however, are mainstream.

LBO's are bigger than ever, and shabbier, too. To effect a change of ownership in a public corporation, the acquiring group must borrow massively. That is, it must first damage the credit of the company it wishes to acquire, wrecking the investments of existing bondholders. If the acquiring group is the incumbent management, it must bid for the stock of the public stockholders for whom it theoretically works.

As deals have grown bigger, investment returns become skimpier. Why, then, this rush to do deals? The answer is simple: The deal makers and their investment bankers are paid on piecework. The more deals, the bigger their fees. Being honorable men and women, they would prefer that the LBO's they create not go bankrupt. On the other hand, they would rather do marginal deals than none at all.

Some canons of faith have evolved. First, it is suggested, the business cycle is as obsolete as the old-fashioned norms of corporate finance. Second, the Government will not allow a major banking debacle. Never mind that the balance sheet of the typical new LBO is almost indistinguishable from that of a bankrupt. The economy will continue to grow and the needy will continue to find credit. Is a leveraged company in urgent need of funds? Not to worry: It can sell assets to a greater optimist.

Critics of the palpable excess of LBO makers have suggested legislative reform, including (most sensibly, I think) the elimination of the double taxation of dividend income. By removing the tax incentive to borrow, they contend, the Government can foster greater use of equity capital.

Still, I have my doubts about any such reform. After all, the LBO phenomenon is only one feature of the debt predicament. These are odd times but there is a coherence in their strangeness. As the economic expansion rolls on, so does borrowing on ever more liberal terms. In the 1920's, the term of the average auto loan was one year. In 1955, it was three years. In 1989, it is five years and going on six. In 1946, fewer than 9,000 Americans filed for personal bankruptcy. In 1987, 9,000 filed a week. In the shank of the Reagan prosperity, there are record bank failures.

The deeper debt problem in America is that lenders and borrowers are doing things with money that have rarely, if ever, been done before. The resolution of this debt problem awaits a change in financial attitude, a reversion to financial conservatism. Laws don't make lenders and borrowers conservative. Recessions do.

RICHARD D. ANDREWS

Mr. BIDEN. Mr. President, today concludes 16 years of Senate service by my longtime staff member, Richard D. Andrews. While I wish he and his wife, Ann, all the best as they begin a new chapter in their life, I also want to say how very much I will miss Dick Andrews.

When I came to the Senate in 1973, Dick was one of the very first people that I hired. He had been a top aide to the New Castle county executive during my term as a county councilman and had impressed me greatly with his ability to calmly and constructively resolve a wide variety of difficult situations. As a 30-year-old lawyer who suddenly found himself a Member of this distinguished body, I very much needed the wisdom and counsel that Dick brings to every situation.

He has served me ably ever since with his intellect, his extensive knowledge of the workings of the Senate and the complexities of the budget process, and his dedication to the ideals which make this body function. During my tenure on the Budget Committee, Dick was invaluable in our efforts to control a process whose intricacies sometime seem overwhelming. He earned the respect of both Senators and staff alike, and will be sorely missed by all.

Having spent better than a third of my life here in the Senate, I have grown a great deal since I first took the oath of office. Through it all, good times and bad, victories and defeats, frustrations and accomplishments, I have been fortunate to have Dick at my side. He has been a counselor and a friend, and I will always owe him a debt of gratitude.

The Senate as an institution, is 16 years the better for his service.

FUNDS ARE LACKING, CANCER IS GAINING

Mr. STEVENS. Mr. President, Armand Hammer, the chairman of Occidental Petroleum Corp., is well-known for his business acumen, his knowledge of U.S.-U.S.S.R. relations, and his support for the arts. He is also a tremendous philanthropist, and I want to bring to the attention of my colleagues his latest effort in the area of health.

At the age of 90, Dr. Hammer is embarking on the greatest philanthropic endeavor of his life. His Stop Cancer campaign is intended to raise $1 billion from new sources over the next 4 years. These funds would be used to expand cancer research, accelerating the search for a cure for this terrible disease. Stop Cancer's goal is to eliminate cancer by the year 2000.

Discovering a cure for cancer would not only save the lives of 500,000 Americans a year, it could also provide scientists with clues to the AIDS engima and other diseases which attack the body's immune system. I hope that my colleagues will carefully examine Dr. Hammer's important initiative.

Mr. President, I ask unanimous consent that the following article by Dr. Hammer, which appeared in the New York Times on January 16, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 16, 1989]

FUNDS ARE LACKING, CANCER IS GAINING

(By Armand Hammer)

LOS ANGELES.—The impressive gains made over the last few years in the battle against cancer are at risk. Simply put, there is not enough money to do the research work necessary to find the elusive cure.

Today, only 25 percent of the research projects approved by the National Cancer Institute are being funded, compared to 60 percent in the mid-1970's.

Not only are we missing out on potentially important new cancer research because of inadequate funding, but are losing some great medical minds as they become frustrated and turn their energies elsewhere.

Scientists are on the brink of a major breakthrough, especially in adaptive immunotherapy—the regime that fights cancer by strengthening the body's immune system. Many scientists believe a clue to the mystery of AIDS also may lie in this area of research since AIDS, like cancer, is a result of the failure of the immune system.

On Jan. 4, as chairman of the President's Cancer Panel, I presided over the first meeting of a committee to recommend ways to expedite effective new treatments and drugs for cancer patients and AIDS victims. This committee of leading scientists was appointed at the specific request of President-elect Bush.

While this work is vitally important to assure patients access to new treatments, we must at the same time expand the number of scientists at work in the laboratory and in clinical research to build on the progress we have made. That is why I formed Stop Cancer, a nationwide crusade to speed the search for a cure the way the March of Dimes accelerated the cure for polio.

The goal of this crusade is ambitious, seeking to raise $1 billion over the next four years—half from private donations and half from matching funds from Congress. With the extra effort these funds would finance, I believe we would succeed in eliminating cancer by the year 2000.

As a boy living in New York City, I remember my father, who was a doctor, talking about the helplessness he felt in treating polio patients. He believed there was no hope of finding a cure for that terrible disease, which was so crippling to children. Yet Jonas Salk found the way, and today polio has been virtually eliminated around the world.

In my lifetime, I have seen the same happen with smallpox, typhoid fever, diphtheria and tuberculosis, all of which were thought to be incurable. Today we have the right tools to defeat cancer—we cannot afford to backslide.

This crusade is a onetime effort to locate new sources of funding by raising the consciousness of the general public and targeting major donors who have not given before. It has never been our intent to take funds that would normally go to other organizations. We believe it is possible to raise funds from new sources.

Efforts to find a cure for cancer may eventually succeed at their current pace. In the meantime, however, the price of delay is unacceptable. Each year, this disease affects one out of three Americans and kills 500,000, almost as many as were killed in World War II, the Korean War and Vietnam combined.

The longer we wait, the greater the toll will be.

SPONTANEOUS ERUPTION IN ISRAEL IS SCARCELY SPONTANEOUS

Mr. HELMS. For more than a year, the major media have focused upon the uprising in what is too commonly referred to as Israel's occupied territories. The networks and newspapers such as the Washington Post and the New York Times have gone to great lengths to convince the American people that this uprising is a spontaneous eruption caused by years of deprivation and oppression.

But knowing the propensity of the media to malign all governments—such as Israel's—which are most fervently anti-Communist, I have long doubted the veracity of the picture the media are trying to paint.

Is the uprising a spontaneous uprising? Or is it an orchestrated campaign aimed at weakening Israel, diminishing America's influence in the region, and propelling radical forces to power? As time passes, evidence points increasingly to the latter.

According to an account by United Press International on January 8, the past year has seen radical forces in the territories assassinate dozens of moderate Palestinians.

Just days after his most recent renunciation of terrorism, Yasser Arafat threatened the life of any Palestinian advocating a cessation of the violence. Immediately afterward, the Palestinian mayor of Bethlehem dropped his proposal for a cease-fire in the territories.

Further evidence that the uprising is more than a spontaneous eruption was provided to me last week by Rev. Kenneth Fellenbaum, pastor of Grace Baptist Church of Milford, CT, and president of the Connecticut Association of Evangelicals. The Rev. Mr. Fellenbaum stopped by to share his observations gained from a number of trips of the territories over the past year.

According to the Rev. Mr. Fellenbaum, the PLO has done everything possible to orchestrate the violence in the territories. The strikes planned by the PLO are not intended to punish the Israelis, but rather to make news.

In addition, the Rev. Mr. Fellenbaum describes the financial incentives fueling the uprising. He notes that the PLO pays stone throwers $35 a day. In fact, Palestinian men are told not to go to work and are assured of payment from the PLO if their youth participate in demonstrations.

The Rev. Mr. Fellenbaum's report is consistent with evidence now coming to light on the funding of PLO activities in the territories. According to a story in the Kuwaiti press late last month, Arab leaders agreed last June in Algiers to pay the PLO $128 million immediately, and $43 million monthly to support the uprising. Of this $43 million, Qadhafi pays $5 million per month, and Iraq pays $4 million. It is unclear what other countries foot the balance of the $43 million monthly payment.

Mr. President, the Middle East is a very complex place, and there are many causes of the uprising in Judea and Samaria. As the Rev. Mr. Fellenbaum has discovered, the uprising cannot be attributed solely and simply to spontaneous outbursts of frustration as the media suggests.

If America's interests in the Middle East are to be preserved and promoted, it is essential that policymakers in the State Department and in Congress look beyond the simple explanations of the major media. With this in mind, I hope Senators will take a moment to review an article written by the Rev. Mr. Fellenbaum last year for the New Haven Register which sums up his observations.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARABS MAKING ISRAELIS LOOK LIKE BAD GUYS

(By Kenneth Fellenbaum)

The current situation on the West Bank reminds me of two boys who were caught fighting. When an adult tried to find out who caused the scrap, one pointed a finger at the other and blurted out, "He started it, he hit me back!"

It seems to me that this is exactly what we are seeing on the front pages of our newspapers and at the top of the nightly news on television. The pictures coming to us only show Israel's reaction to Arab provocation.

I recently returned from my third trip in three years to Israel and the occupied West Bank. There are, indeed, two sides to every story and in the Middle East there are many versions and variations to the basic Arab-Israeli conflict.

You must view the Palestinian unrest and Israeli countermeasures in the historical context. I would like to share some findings from this year's trip.

The first question I asked was why is all the unrest occurring now? The standard answer I got was because the people of the occupied territories are fed up after 20 years of occupation and the spontaneous protests just broke out.

While there may be some truth to this, it is also widely known that the PLO has certainly done all it can to orchestrate the protests and strikes. It has done this through radio broadcasts from Damascus, literature distribution and local "enforcers."

Anyone who does not cooperate is in danger of punishment. Often mysterious fires burn homes or businesses.

During the strikes, the Arabs close their shops. It is interesting that they all just happen to close at the same time and when they do open for a few hours again it is done together. Since the people who shop in these stores are either Arab or tourists, it seems to me to be a case of cutting off your nose to spite your face.

I must have asked the question about the reason for the strikes a dozen times. Finally, I got the message by reading between the lines. The purpose of the strikes is not to punish the Israelis, but to make the news.

It is amazing how the presence of the cameras and news teams can produce a demonstration. In fact, it has gotten very predictable where and when the unrest will occur so that it makes the nightly news.

Another consequence of the strikes is to make it difficult on the Palestinians so they will become more angry at the Israeli government, which is blamed for the strikes that the PLO calls for.

Interesting to me as well was that even though the stores were closed in East Jerusalem, the shopkeepers were only too happy to let me, an American, in. When they found out that I was a tour leader and that my group was staying at the Hilton, they offered to send taxis over to pick us up anytime free.

One Palestinian, who called himself Charlie, must have called and left a half dozen messages for me at the hotel reiterating his offer. Apparently, greenbacks have the power to circumvent a strike.

An Arab told me the PLO was paying the stone throwers $35 per day. This story was confirmed by several other Arabs with whom I spoke.

The men are told not to go to work at their jobs in Israel proper and are offered the money if their youth join the demonstrations. Again this is something that I had problems relating to.

Maybe there are circumstances where I as an adult might put myself at risk to protest against authority, but I would not encourage or permit my youngsters to do so.

Why are so many young people involved in the protest? The answer is more than teen rebellion—it's $35 per day.

I actually had one Palestinian tell me in no uncertain terms that the more beatings and killings the better. "How is that?" I asked.

Because it helps to create more nationalistic fervor I was told. And what was not said—the younger the victim, the better, because it stirs up the people all the more and gets bigger headlines.

Israel, you see, is facing just another form of warfare. A year ago I had visited Hebron, Ramallah, and other parts of the West Bank. Before the current situation reached the present crises level, it was apparent to me that sooner or later the Palestinians would try to capitalize on their occupation.

The Arabs have discovered another means of combating Israel and from all appearances their recent success at capturing world opinion is only going to produce more of the same.

Remember the story of the two boys related in the beginning of this article and remember some of this information the next time you view pictures of Israeli soldiers trying to control anarchy and riots.

Remember also how Israel became an occupying power. In 1948, and again in 1967, Arab hostility created wars in which the Arabs lost territory to the Jews.

Israel is holding the land it won in wars for security. Prior to 1967 the northern and southern sections of Israel were connected only by a coastal strip nine miles wide. During those 19 years many attacks were launched over the so-called "green line" from the territory of the West Bank.

Perhaps one day Israel will feel secure enough to permit another country for Palestinians to exist side by side with the Jewish state.

I doubt that the current Arab unrest will convince a majority of the Israelis of this

possibility. It is past time for the Arabs to put down their guns and rocks, recognize Israel's existence and sit down and negotiate with their neighbors a solution to the West Bank.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the hour of 3 o'clock has arrived and morning business is closed.

EXECUTIVE SESSION

DEPARTMENT OF THE INTERIOR

NOMINATION OF MANUEL LUJAN, JR., OF NEW MEXICO, TO BE SECRETARY OF THE INTERIOR

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Manuel Lujan, Jr., of New Mexico, to be Secretary of the Interior.

The PRESIDENT pro tempore. Under the present order, the time is limited to 15 minutes on this nomination to be equally divided and controlled by the senior Senator from Louisiana, Mr. JOHNSTON, and the senior Senator from Idaho, Mr. MCCLURE.

Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself such time as I may require.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. JOHNSTON. Mr. President, I am very pleased to bring before the Senate the nomination of Manuel Lujan, Jr., of New Mexico to be Secretary of the Interior. We had hearings on this nomination in the Interior Committee, after which we approved Mr. Lujan's nomination by a vote of 19 to 0.

Mr. President, Manny Lujan, as he is known to Members of the Congress with whom he has served for some 20 years, has built a reputation, very solid, in the field of resource matters. He is sensitive to the environment. He is aware of the need to develop our infrastructure. In summary, he is balanced in this knowledge of, his attention to, and his dedication to managing the great resources of this country, which is the responsibility of the Secretary of the Interior.

Mr. President, this is, perhaps, one of the least controversial nominations that any President could ever make, and is as well received by Members on both sides of the aisle. We have had the opportunity, not only to discuss the matters relating to the Interior Department in public, in our hearings, but in private where we could deal with all of these concerns in greater length. And I can say that all members of the committee were very satisfied.

At this point, Mr. President, I would like to have printed in the RECORD copies of:

My opening statement at Congressman Lujan's nomination hearing;

His statement at that hearing;

The committee background questionnaire for the nominee; and

The letter from the Director of the Office of Government Ethics stating that Mr. Lujan will be in compliance with applicable laws and regulations governing conflicts of interest.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE J. BENNETT JOHNSTON

The purpose of the hearing this morning is to consider the nomination of Manuel Lujan Jr. of New Mexico to be Secretary of the Department of the Interior.

For the past 20 years, Congressman Lujan has served as a member of the U.S. House of Representatives.

During all or a portion of this period, he has served as a member of the Committee on Interior and Insular Affairs, the Joint Committee on Atomic Energy and the Committee on Science, Space and Technology. He served as the ranking minority member for several years on both the Interior Committee and the Science Committee. So Congressman Lujan comes before us today well acquainted with a number of the major issues which will confront him at the Department of the Interior.

We sometimes forget the enormity of the responsibilities which rest upon the Secretary of the Interior. He or she is the steward of our natural heritage—charged with the protection of our richest treasures as a nation. Our children and grandchildren—all Americans present and future must rely upon the Secretary of the Interior to safeguard our public lands and their wildlife and to preserve our precious natural environment while wisely managing the development of coal, oil and gas, as well as other renewable and nonrenewable resources. This adds up to a complex and difficult job—one which leaves no room for partisanship or inflexible ideological motives. No area of public policy has a richer tradition of bipartisanship than the history of the conservation movement in America.

It is my sincere hope that Congressman Lujan will continue this tradition of bipartisanship. In this regard, I would like to share a thought with Congressman Lujan and the members of the committee. Throughout the 1960's and 70's, virtually every bureau chief within the Department of the Interior was a career professional. During the last eight years, political appointees have been placed in almost every one of these positions at the Department.

I hope we can count on you to reverse what I see as a dangerous trend in the Department and to seek the good judgment and counsel of the large cadre of career resource managers and other professionals you have throughout the Department of the Interior.

Finally, Congressman Lujan, when I came to the Senate in November, 1972 this committee's predecessor, the Committee on Interior and Insular Affairs had 16 members. Only one was from a State lying east of the 100th meridian. Today, the committee has 19 members and a majority of the committee comes from non-public lands States. I say this only to underscore the enormous complexity and the breadth of the job that you are about to undertake. You do not only deal with the west and western problems. You are responsible to all Americans and to all parts of the country.

I have met with you in my office and feel confident that you can do a professional and responsible job at the Department of the Interior. I look forward to your testimony today and look forward to voting for your confirmation.

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Lujan, Manuel, Jr.

Position to which nominated: Secretary of the Interior.

Date of birth: May 12, 1928.

Place of birth: San Ildefonso, New Mexico.

Marital status: Married.

Full name of spouse: Jean Couchman Lujan.

Name and ages of children: Tera Everett (39), Jay Lujan (32), Barbara Lujan (28), Jeff Lujan (26).

Education: St. Mary's College (Calif.), 1946–47; College of Santa Fe, B.A., 1950.

Employment record: Manuel Lujan Agency, Albuquerque, New Mexico, 1948–1968. Member of Congress, Washington, DC, 1968–1988.

Honors and awards: Honorary Doctorate: College of Santa Fe, University of Albuquerque and Western New Mexico University.

Memberships—Organization, Dates, Office held (if any):

BPOE Elks, 1946-Present, None.

Kiwanis International, 1951-Present, President (Santa Fe) in 1964.

Knight of Columbus, 1946-Present, Grand Knight (Santa Fe) in 1960.

Manuel Lujan Insurance Agency, 1948-Present, Board (Resigned).

Lujan & Lujan (Real Estate Ptrshp), 1965-Present, Partner.

Lujan, Marchi, Lujan (Eqpt Leasing), 1965-Present, Partner.

Sunwest Bank, May 1988-Dec. 1988, Board (Resigned).

Lovelace Medical Foundation, May 1988-Dec. 1988, Board (Resigned).

1st Congr. District Scholarship Foundation, 1984-Dec. 1988, Chairman (Resigned).

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Yes.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

None.

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

I will serve at the pleasure of the President.

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No.

Financial statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

Only those shown on Form SF 278.

3. Are you currently a party to any legal action? If so, describe its nature and status.

No.

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes, 1982, 1983, 1984. I received a refund of $800 for all 3 years combined.

Potential conflicts of interest:

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None.

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

Member of Congress—no other Associations.

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

None.

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes, I requested and have met with Agency Ethics Officials.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action taken required to resolve such conflicts.

In order to eliminate potential conflicts, I have sold certain assets and resigned various positions as reflected on Form SF 278.

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

I intend to recuse myself from participating in any particular matters which may have a direct and predictable effect within the meaning of Section 208 of Title 18 United States Code on my financial interests. I also intend to recuse myself from participation, on a case-by-case basis, in any particular matter which, in my judgment, it is desirable for me to do so in order to avoid even the appearance of impropriety, despite the lack of actual conflict of interest. I will also inform Department officials of my recusal policy, and I intend to direct my staff to advise me when any particular matter arises in which it may be necessary or desirable for me to recuse myself.

Public disclosure:

Do you have any objections to this form and the attachments thereto being made public?

No.

AFFIDAVIT

I, Manuel Lujan, Jr., being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

MANUEL LUJAN, JR.

Subscribed and sworn to before me this 19th day of January 1989.

——— ———,

My Commission expires April 14, 1992.

STATEMENT OF MANUEL LUJAN, JR., BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, U.S. SENATE, JANUARY 26, 1989

Mr. Chairman and distinguished Members of the Committee, I am honored to appear before you today as President Bush's nominee to be Secretary of the Interior.

I am particularly pleased to be before so many friends with whom I had the pleasure of serving during my 20 years in Congress. I hope that you will find me qualified for this important position and that we can continue to work together. Although we sometimes disagreed in the past on specific issues, we always worked toward achieving a consensus that each of us thought was best for our constituents, and best for the Nation. If confirmed, my new constituency will be the Nation. And I pledge to you that I will continue to be a consensus-builder.

I would like to take a few moments to review my background.

BACKGROUND

I am a Westerner, I am a native of New Mexico, where I grew up in a tricultural environment—Spanish, Indian, and Anglo—where reverence for the beauty and the sanctity of our land was instilled in me from the earliest days of my youth. I am also an "Easterner," having lived and worked in the Washington area for the past 20 years. I subscribe to the philosophy so eloquently articulated by President Theodore Roosevelt: "This country will not be a good place to live in unless it is a good place for all of us to live in."

During my 20 years in Congress, I served on the House Committee on Interior and Insular Affairs from 1969 until my retirement this year, including a four-year stint from 1981 to 1985 as the Committee's Ranking Republican Member. I also served on the Joint Committee on Atomic Energy from 1969 to 1977, and on the House Committee on Science, Space, and Technology from 1977 until my retirement, where I was that Committee's Ranking Republican Member since 1985.

I believe that a careful review of my record for the past two decades will demonstrate that I have consistently shown a sensitivity for the preservation of the land and waters and the environment we all cherish.

Over the years, I have introduced, cosponsored and supported numerous pieces of legislation to create Wilderness Areas, to designate Wild and Scenic Rivers, and to establish National Trails. For example, I voted for the environmentally-oriented Alaska land legislation in 1979. In 1980, I sponsored the New Mexico Wilderness Act, Public Law 96-550, which set aside more than 600,000 acres of New Mexico land as Wilderness Areas, ensuring its beauty and enjoyment for future generations. During the 100th Congress, I sponsored the Santa Fe Trail Act, the El Malpais National Monument Act, the legislation which created the Rio Chama Wild and Scenic River, and a bill to create the Petroglyphs National Monument.

I also consponsored seven major environmental protection bills including the Clean Air Act of 1970 and the Clean Water Act.

Let me now turn to the goals and agenda that President Bush and I have agreed upon if you confirm me as Secretary of the Interior.

STEWARDSHIP

In his inaugural address last Friday, President Bush said that "not only leadership is passed from generation to generation, but so is stewardship." The President and I agree that the conservation and wise management of our natural resources—this whole notion of stewardship—will have high priority in his Administration. We are committed to protecting and enhancing the Nation's valuable resources, as well as proceeding with their environmentally sound development. We can do both; we do not have to choose between them.

In addition to this principal goal of stewardship, the President and I have jointly agreed to an expanded ten-point agenda for the Department. And the word "stewardship" naturally expands into an acronym outlining these ten points: "Stewardship; Territories; Education; War on Drugs; America the Beautiful; Responsible, Efficient and Ethical Management; Domestic Resources; Science and Technology; Harmony; Indian Tribes and Alaska Native Groups; and Partnerships.

I will comment briefly on each of these ten points.

TERRITORIES

The Secretary of the Interior has responsibilities with respect to the U.S. Territories of Guam, American Samoa, and the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Trust Territory of Palau, as well as the new Freely Associated States of the Federated States of Micronesia and the Republic of the Marshall Islands.

I will work with the leadership of the Territories and Freely Associated States to further the political, economic and social development of their peoples.

EDUCATION

Education has an important role to play in assuring the public's knowledge, appreciation, and support of our natural resource policies which are essential if I am to achieve my principal goal of stewardship.

On a personal note, I take a deep interest in the education of young people. In 1984, I established the Endowment for Excellence in Education, a privately-endowed scholarship fund for students graduating from high schools in the First Congressional District of New Mexico. Each year, an outstanding student from each of the 25 high schools is

selected to receive a $2,000 scholarship for his or her continued education. I have helped raise nearly $322,000 for the Endowment, and last month I signed over the $123,000 in my campaign treasury which remained at the end of my tenure in Congress giving the Endowment a total of $445,000. So far, close to 60 young people have received scholarships and 6 have now graduated from college. It is my belief that many educational initiatives such as this can be crafted to aid in educating America's youth.

Consistent with the Department's mission, if confirmed as Secretary of the Interior, I will work with others to develop a long-range plan to reform, rejuvenate, and revitalize our educational system by targeting Departmental resources to ensure access to appropriate high-quality educational programs. I will use these resources to establish throughout all the Bureau cooperative work-study and stay-in-school programs, and educational programs for Department employees. It is my hope that through these programs we could entice 5,000 to 10,000 youngsters to stay in school.

WAR ON DRUGS

I will be an aggressive soldier in the Nation's war on drugs. I will take all appropriate measures to assist the President including: (1) increased efforts toward working with State and local law enforcement officials on a coordinated basis to eradicate illegal crops and to interdict the sale and transportation of drugs on the Department's lands and properties; (2) providing a drug-free workplace; and (3) encouraging treatment for drug users.

I am committed to maintaining a drug-free workplace, and I expect no less of those who will serve with me at the Department. To demonstrate this commitment, I was tested for drugs on January 13 as part of the Department's new program. I am told that I was the first U.S. Government employee to be tested under the new law which mandates that new employees be tested.

AMERICA THE BEAUTIFUL

President Bush has often spoken of "America the Beautiful." This concept has particular relevance to our commitment to strengthen and preserve our National Parks, wildlife refuges, and Wilderness Areas. President Bush and I want to be known as a team who passed on these national treasures to the next generation in better shape than we found them.

RESPONSIBLE, EFFICIENT AND ETHICAL MANAGEMENT

If confirmed, I will manage the Department in a fiscally responsible, efficient, and ethical manner. I will expect all employees of the Department to demonstrate unquestioned character, integrity, loyalty and dedication to public service. I will also see that individual opportunities for women and minorities are available at all levels. My own appointments will reflect a diversity of ethnic backgrounds and an increase in women and minority managers as an example to the senior managers of the Department of what I expect of them.

DOMESTIC RESOURCES

Consistent with my principal goal of stewardship, I will manage the multiple-use Federal lands and waters to provide the widest range of benefits from these domestic resources to the American people, including preservation, recreation, energy, minerals, water supply, food and fiber.

President Bush and I are committed to protecting and enhancing the Nation's natural resources, as well as proceeding with their environmentally sound development. We believe that development of our most promising domestic resources is called for, because continued development is essential to the national security and economic well-being of the United States.

At the same time, we will oppose development in those environmentally sensitive areas where the risk of damage is great. If confirmed as Secretary of the Interior, I will not permit mining, drilling or timber harvesting in the National Parks and Wilderness Areas.

SCIENCE AND TECHNOLOGY

The Nation's continued progress depends in part on scientific and technological innovation. I will seek to strengthen the Department's science and technology base, and, in concert with other Federal agencies, will aggressively apply the Department's unique resources to aid in the solution of national and international problems such as water and air quality, global climate change, acid rain, and biodiversity.

HARMONY

President Bush has called for a "kinder, gentler nation." This means, in part, a nation in which disparate opinions are treated with respect. Discussions of natural resource issues have too often been marked by bitter controversy. We all need to lower our voices so that we can hear each other.

As a Member of Congress for 20 years, I appreciate the necessity for an "open-door" policy of communication among the Executive Branch, Congress, and outside groups of all interests. Lengthy confrontation is costly, so if confirmed as Secretary of the Interior, I will always encourage discussion, and I will always try to bring a spirit of harmony to these discussions through a process of consultation, cooperation, and coordination, instead of confrontation among competing interests. I intend to bring the people and the land together.

INDIAN TRIBES AND ALASKA NATIVE GROUPS

Growing up in a tricultural environment has given me a deep appreciation of Native Americans. President Bush and I also share a commitment to make the ideals of Native American self-government and self-determination a reality. If confirmed as Secretary of the Interior, I will respect and honor all treaties and laws which establish the unique political status for Native Americans. I will work with Native Americans to promote economic development, improved educational opportunities, and other measures to enhance the quality of their lives. One of my first official actions will be to travel with Secretary of Education Cavazos to the Bureau of Indian Affairs' schools to raise the awareness of and to assess the needs of our Indian schools.

PARTNERSHIPS

If confirmed, I will promote partnerships with State and local governments, individuals, and public and private groups at all levels, as well as utilize President Bush's "thousand points of light"—the varied, voluntary and unique organizations within our nation of communities—to achieve my primary goal of stewardship. It is my goal to have at least 50,000 volunteers throughout the Park Service, Fish and Wildlife Service, and other Bureaus within the Department. I know this is an ambitious goal, but one I will strive to accomplish.

President Bush, in his inaugural address, said: "We must bring in the generations, harnessing the unused talent of the elderly and the unfocused energy of the young." I could not agree more. Volunteerism is a traditional American trait, and I will use it at every opportunity. There is much to do and there are many who are willing and able to contribute.

CONCLUSION

Mr. Chairman, and Members of the Committee, this is the agenda which I will work to implement if you confirm me as the 46th Secretary of the Interior. I pledge to you and to the American people that I will strive to achieve my principal goal of stewardship of our national resources of unlimited beauty and value entrusted to me.

But I obviously cannot do it alone. I will need your help and cooperation, the help and coooperation of the Department's 71,000 dedicated employees, and the help and cooperation of the American people.

John Donne wrote: "No man is an island, entire of itself; every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less . . .". I believe that we as individuals, as a nation, and as part of all mankind are diminished if we allow our natural heritage to deteriorate.

Thank you for your consideration of my nominaton.

BIOGRAPHY OF SECRETARY-DESIGNATE MANUEL LUJAN, JR.

On December 22, 1988, President-Elect George Bush selected Congressman Manuel Lujan, Jr. to join his Cabinet as Secretary of the Interior.

First elected in 1968, Mr. Lujan represented the First District of New Mexico for 10 terms in the Congress. He served on the House Interior and Insular Affairs Committee from 1969 until his retirement in January, 1989, including a four-year term from 1981 to 1985 as the Committee's Ranking Republican Member. He also served on the Joint Committee on Atomic Energy from 1969 to 1977, and on the House Committee on Science, Space, and Technology from 1977 until his retirement, where he was that Committee's Ranking Republican Member since 1985.

Over the years, Mr. Lujan introduced, cosponsored and supported numerous pieces of legislation to create Wilderness Areas, to designate Wild and Scenic Rivers, and to establish National Trails. He also cosponsored seven major environmental protection bills, including the Clean Air Act of 1970 and the Clean Water Act.

Mr. Lujan's other major interests during his legislative career included space policy, energy and scientific research, education and fiscal responsibility in government.

Mr. Lujan was born in San Ildefonso, New Mexico on May 12, 1928. He was raised in Santa Fe where his father, Manuel Lujan, Sr., served three terms as Mayor. Lujan received a B.A. from the College of Santa Fe.

Lujan and his wife, the former Jean Couchman, have four children: Terra, Jay, Barbara and Jeff.

U.S. OFFICE OF GOVERNMENT ETHICS,
Washington, DC, January 23, 1989.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Manuel Lujan, who has been nominated by President Bush for the posi-

tion of Secretary of the Department of the Interior.

The report has been reviewed and advice has been obtained from the Department of the Interior concerning any possible conflict in light of its functions and the nominee's proposed duties. In their letters of January 23, 1989, which are also enclosed, Mr. Lujan and the ethics officials of the Department have advised us that he will divest his interest in the Manuel Lujan Insurance Agency.

Based thereon, it appears that Mr. Lujan will be in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

FRANK Q. NEBEKER,
Director.

DEPARTMENT OF THE INTERIOR,
Washington, DC, January 23, 1989.

Hon. FRANK Q. NEBEKER,
Director, Office of Government Ethics, Office of Personnel Management, Washington, DC.

DEAR JUDGE NEBEKER: The enclosed financial disclosure report filed by Manuel Lujan for the position of Secretary of the Interior, has been reviewed in compliance with 5 CFR 734.604(a). In addition to the standard conflict of interest prohibitions contained in 18 U.S.C. §§ 201-209 and Executive Order 11222, as amended, the Secretary of the Interior is also subject to five statutory prohibitions that apply only to employees in our Department. These statutory prohibitions are: 18 U.S.C. § 437; 30 U.S.C. § 6; 30 U.S.C. § 1211(f); 43 U.S.C. § 11 and 43 U.S.C. § 31(a). Except for 30 U.S.C. § 1211(f), the provisions of each of these statutes are extended to the Secretary of the Interior by Department of the Interior regulations in 43 CFR Part 20.

We have compared each reported interest on Mr. Lujan's financial disclosure form to the provisions that will apply to his position. The Manuel Lujan Insurance Agency has no direct business with the Department of the Interior. However, it is possible that the agency insured people or organizations that do have business with the Department of the Interior. For this reason, Mr. Lujan has resigned from his board member position in the Manuel Lujan Insurance Agency. He will divest himself of his 10% interest in the Manuel Lujan Insurance Agency upon confirmation as Secretary of the Interior.

The Lujan & Lujan partnership and the Lujan Marchi Lujan partnership have no business with the Department of the Interior. The Lujan Marchi Lujan partnership leases office equipment to the Manuel Lujan Insurance Agency. Neither partnership has any real estate or other holdings which can be affected by the programs of the Department of the Interior or the duties of the Secretary of the Interior. Further, none of the real estate holdings reported by Mr. Lujan involve any permits, leases or other rights in Federal lands administered by the Department of the Interior. Accordingly, Mr. Lujan may retain his partnership interests in the Lujan & Lujan and the Lujan Marchi Lujan partnerships in full compliance with applicable conflict of interest laws.

The entry for contract on the sale of a house refers to a mortgage held by Mr. Lujan on property he sold to Monique Chantel. Mr. Lujan paid the capital gains associated with that sale in one sum and therefore reports only the interest he is receiving on this note. To our knowledge, Monique Chantel has no business with the Department of the Interior.

The Keystone Tax Free Fund is a diversified mutual fund consisting of tax free bonds. The bond interests reported for Casa Grande, Arizona, Tucson, Arizona and Washington State are zero coupon Fannie Mae mortgage bonds. The Texas State Water Development services interest is not a prohibited interest under the laws applicable to the Secretary of the Interior.

Mr. Lujan loaned $100,000 to the Manuel Lujan Agency. This is a personal loan reported in the entry listing "Promissory Note" on Page 4 of Schedule A.

Mr. Lujan has been informed about the regulations governing the acceptance of honorariums and about the 15% limitation on outside earned income. All of the other financial interests reported by Mr. Lujan are acceptable under the conflict of interest statutes and regulations that will apply to him as Secretary of the Interior. Based on our review and analysis and on the actions agreed to by Mr. Lujan in the enclosed commitment letter, I have certified to the enclosed financial disclosure report.

Sincerely,

CHARLES E. KAY,
Principal Deputy Assistant Secretary—Policy, Budget and Administration and Designated Agency Ethics Official.

DEPARTMENT OF THE INTERIOR,
Washington, DC, January 23, 1989.

Hon. FRANK Q. NEBEKER,
Director, Office of Government Ethics, Office of Personnel Management, Washington, DC.

DEAR JUDGE NEBEKER: This letter will document the actions I intend to take to prevent any actual or apparent conflicts of interest under the statutes and regulations that will apply to me as Secretary of the Interior.

Upon confirmation as Secretary of the Interior I will divest myself of my 10 percent interest in the Manuel Lujan Insurance Agency.

I have been advised by the Department of the Interior Designated Agency Ethics Official that all of the other financial interests and associations reported on my Financial Disclosure Report are in full compliance with the laws that will be applicable to me as Secretary of the Interior.

Sincerely,

MANUEL LUJAN, Jr.

Mr. JOHNSTON. Mr. President, I congratulate President Bush on his choice for this post. I look forward to working with Manny Lujan in the days and weeks and months to come and I know that my colleagues will join, as they did in the Energy Committee, in giving him a vote of resounding success which I hope will auger well for a new period of cooperation between the Congress and the Secretary of the Interior. Not that the last Secretary had difficulty. He did not. I thought a great deal of the last Secretary but I think Manny Lujan will be an outstanding Secretary and I urge my colleagues to endorse his nomination.

I yield the floor.

The PRESIDENT pro tempore. Who yields time? The Senator from Idaho.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

Mr. President, I thank the distinguished chairman of the committee for the statement that he has made. I agree with the points that have been made here with respect to the appearances of Manuel Lujan before our committee.

For those of us who have known him for a long period of time, it came as no surprise that he was knowledgeable on the issues. He is experienced. He has studied those issues. He has worked with them for a long period of time.

I will take very little time today to extol the virtues and competence of Manuel Lujan, but I want to underscore just one area because, while I understand it, I am not sure everyone in the country does, and that is the responsibility that the Secretary of the Department of the Interior has to large areas of our country. I am speaking now, not just of policy choices, but of areas of the country such as my State of Idaho, where two-thirds of the surface area of my State is owned by the Federal Government and 12 million acres are administered by the Bureau of Land Management, an agency of the Department of the Interior.

Much has been written over the last decade of the conflict between State interests and local interests and that of the Federal Government. The sagebrush rebellion may have been one of the reasons that lay behind the massive victory of Ronald Reagan in 1980. Because there was a tremendous dissatisfaction by people affected by Federal decisions and the fact that they were not involved in the decisions. They felt they were ignored and they felt that their interests were not represented accurately and faithfully by the Federal Government agencies.

That is better today than it was 10 years ago for a variety of reasons. One of the most important reasons is there has been a change of attitude in the way in which Federal personnel relate to the local citizens.

One of the admonitions I gave to Mr. Lujan in the committee and which I would repeat now is that every Federal employee must be sensitized to the absolute necessity of listening carefully and attentively and speaking respectfully to the people that are affected by his or her decisions.

For those of us in the West, in the public-land States, the leverage of the Department of the Interior on the quality of our life is very, very great. The impact of a decision made by the Federal Government can change the life of a community. When the Federal Government has that kind of authority and can have that kind of influence on what happens, it is absolutely imperative that the spokesmen for, and the people that bear the administrative responsibility for the Department of the Interior, speak not ar-

rogantly—certainly not submissively, but not arrogantly, to the people whose lives are being affected by those decisions.

Mr. Lujan understands that and, because he does, he will be an excellent Secretary. He needs to make certain that every employee of the Department of the Interior, no matter what his post, no matter how small or remote the village, the hamlet or the community may be, he must speak to the people in that community as their servant and not as their master.

I believe, if we keep that admonition in mind and if that is actually the way it works at the grass roots—if I can use that term—then we will not have another sagebrush rebellion.

But I can guarantee if the Government acts with arrogance and disregard of the sensibilities and emotions as well as the impact of their actions on the local people that, once again, there will grow the resentment that became characterized as a rebellion.

I am confident that will not happen but I take this time today only, to the extent that others may listen to our discussion, that they recognize how the Federal Government is seen by people who are subject, as those in the public lands are subject, to the decisions made by a Federal Government that is sometimes very, very remote.

Mr. President, on February 1, 1989, the Committee on Energy and Natural Resources favorably reported the nomination of Manuel Lujan to be Secretary of the Interior by a unanimous vote. Mr. Lujan and I served together on the House Interior and Insular Affairs Committee some 20 years ago, and have worked together on numerous occasions during his distinguished career representing the First District of New Mexico. I look forward to a close working relationship with him in his new post.

I look forward to that relationship not only as ranking member of this committee, but as a Senator from Idaho. As of the day he is confirmed and sworn in as Secretary, he will become one of the most important individuals to my State and the people working and living there. The Federal Government owns almost 64 percent of the land in Idaho. The Bureau of Land Management alone administers nearly 12 million acres. Literally every day, there are thousands of interactions between the people of my State and the employees of the Department of the Interior. Those occurrences may involve lofty discussions of policy or mundane, but critical administrative actions. Each in its own way is important.

I am concerned that too often these interactions are confrontational, rather than cooperative, excessively bureaucratic rather than efficient. I believe one of the most important things which Mr. Lujan must do immediately as Secretary, is to reiterate a commitment to working in a constructive and cooperative way with the States and the people. Moreover, he must impress that message on the people who work for him not only here in Washington but also in the smallest office in the most remote outpost in this land.

The issues which he is about to face are tough ones, made tougher in times of severe fiscal constraints. Whether it be a controversy regarding water rights, wilderness, grazing, mining, creation of a new park, preserving a historic building, or issuing a special use permit, a solution will be found much more quickly if we all listen a lot more and litigate a lot less.

Mr. Lujan is about to become the steward of a vast treasure of natural and cultural resources. During his confirmation hearing, I urged him to strive to maintain the proper balance between development and conservation of these resources, but most importantly, not to forget that his decisions will have impact on our greatest resource—our people.

I raised certain concerns of particular importance to me with the Secretary-designate; and from his responses I am confident that these concerns will be satisfied. I look forward to working with him in assuring that the Department of the Interior is part of the solution not part of the problem in meeting the challenges ahead.

Mr. President, I urge my colleagues to join me in supporting Mr. Lujan's confirmation as Secretary of the Interior.

The PRESIDENT pro tempore. Who yields time?

Mr. JOHNSTON. Mr. President, I yield to the distinguished senior Senator from West Virginia such time as he may require.

Mr. BYRD. Mr. President, I thank the distinguished chairman.

Mr. President, I am pleased that President Bush has nominated the Honorable Manuel Lujan, Jr., to join his Cabinet as Secretary of the Interior.

Mr. Lujan represented the First District of New Mexico for 10 terms in the House of Representatives. During that time, he served on the House Interior and Insular Affairs Committee, including 4 years, from 1981 to 1985, as the committee's ranking Republican member. He also served on the Joint Committee on Atomic Energy from 1969 to 1977, and, since 1977, on the House Committee on Science, Space, and Technology, where he was the ranking Republican member from 1985 until his retirement from the Congress this year.

Mr. Lujan begins his stewardship over the many natural resource programs falling under the jurisdiction of the Interior Department with great ability and experience. He is well equipped for the job. The Secretary of the Interior is responsible for the management of 354 units of the National Park System, 445 refuges of the Fish and Wildlife Service, 270 million acres managed by the Bureau of Land Management, and 52 million acres of Indian trust lands. Thus, programs under his jurisdiction affect every State in one form or another.

In total, the Interior Department manages approximately one-fourth of the land area of the United States. In addition, the Bureau of Land Management has mineral leasing responsibilities over another 300 million acres. The Secretary of the Interior regularly must make difficult decisions on natural resource issues, but also has great opportunities to provide enlightened stewardship over public lands and resources, which the Federal Government holds in trust for all Americans.

Mr. President, it is obvious that not all Americans agree as to how these vast holdings of public lands should be managed. The many, very intense debates which have occurred in this very body over issues such as minerals development and creation of wilderness areas reflect honest differences in public opinion. As Secretary of the Interior, Mr. Lujan will be the principal advisor to the President, the Congress, and ultimately, the American people on the best use of our public lands and resources.

Protecting and preserving wilderness lands, parks, and refuges, reasoned development of the Nation's resources on public and private lands, assuring the continued existence of endangered species, mineral leasing on the Outer Continental Shelf, preservation of wetlands, and trust responsibilities for native Americans and territorial peoples are only some of the areas where the Secretary is called upon to resolve conflicts in the best interests of the American public. In my recent discussions with Mr. Lujan, I have found him to be very open, direct, and forthright in his views. These are important qualities for a Secretary of the Interior.

In keeping with President Bush's call for bipartisan efforts to address the issues confronting the Nation, I believe the nomination of Mr. Lujan is an excellent step in that direction. I hope, and expect, to work closely with him on the issues he will soon face as Secretary of the Interior.

As chairman of the Appropriations Subcommittee on the Department of the Interior, working with my distinguished colleague across the aisle, Mr. McCLURE, the senior Senator from Idaho, the ranking member, we will both be working with the Secretary very closely, and I look forward to that association.

I am pleased to vote in favor of the nomination of the Honorable Manuel Lujan, Jr., to be the next Secretary of the Interior, and I hope we get 100 votes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. I yield 5 minutes to the distinguished Senator from New Mexico.

Mr. DOMENICI. I thank my good friend, the ranking Republican on the Energy and Natural Resources Committee. Let me also thank the chairman, Senator JOHNSTON, for the expeditious and extremely fair hearings he chaired on our former New Mexico Congressman, Manuel Lujan, who I hope will soon be Secretary of the Interior.

Mr. President, I come to the floor today, I think, speaking for almost all New Mexicans. We are a long way from here, but we are very pleased the way the Senate is set up. Two U.S. Senators come up here and, from time to time, we have a sense that we might be speaking for all our people.

In this case, I come in their behalf to say to the Senate we are very proud of our President for having appointed one of our own, a Congressman of 20 years, a very significant public servant in our State—Manuel Lujan, Jr. As many said, he is one who is not prone to polarize issues but rather to talk about them and resolve them. That is exactly the kind of quality needed in the dynamic, ever-changing, and very serious operations of the Department of the Interior.

Mr. President, as I have said, Manuel Lujan is one of our own. One of our own in the sense that his family's origins in New Mexico are older than we are as a State. We have only been a State since 1912, and the Lujan family traces itself back centuries before that. One of our own because we are very proud of our heritage, and we are equally proud of what the Lujan family represents. Their father, Manuel Lujan, Sr., instilled in his children, all of them some very basic qualities. They are filled with integrity; they understand stewardship and public service, and do it well.

Our Secretary-designate is no exception. He got those qualities and he preserved them and utilized them well. We think he is going to be a very good Secretary. We think he will work with us whether we are Democrats or Republicans. He is not blindly philosophical or partisan, but he is strong in his views. He understands development and preservation issues well.

I am hopeful, to, as the distinguished former majority leader said, that everyone will support him today. I thank the Senator for yielding.

Mr. McCLURE. How much time remains?

The PRESIDING OFFICER. The Senator from Louisiana controls 35 seconds. The time of the Senator from Idaho has expired.

Mr. JOHNSTON. Mr. President, I yield 35 seconds to the distinguished Senator from South Carolina.

Mr. THURMOND. I wish to express my appreciation to the able Senator from Louisiana.

Mr. President, I rise today in support of the nomination of former Congresssman Manuel Lujan, Jr., to be Secretary of the Interior. The experience of Congressman Lujan in the Congress and Federal Government amply qualifies him for this important position.

Born in San Ildefonso, NM, Mr. Lujan grew up in Santa Fe where his father, Manuel Lujan, Sr., served three terms as the mayor.

First elected to the House in 1968, Mr. Lujan represented the First District of New Mexico for a total of 10 terms. While a Member of Congress, he served on the House Interior and Insular Affairs Committee from 1969 until the end of last year. From 1981 to 1985, Mr. Lujan served as the ranking Republican member of the committee and provided very able and dedicated leadership. His experience and outstanding service on this committee will serve him well as the new Secretary of the Interior.

In addition, Mr. Lujan served on the Joint Committee on Atomic Energy from 1969 to 1977, as well as the House Committee on Science, Space, and Technology, where he was the ranking Republican from 1985 until his retirement.

In the Congress, Mr. Lujan was an effective and proven legislator. He played an active role in creating several wilderness areas, promoting wild and scenic river designations, and establishing national trails. As the cosponsor of seven major environmental protection bills—including the Clean Air Act and the Clean Water Act—he has demonstrated his commitment to the natural resources of this country.

All these experiences provide a solid foundation for this well-qualified and outstanding nominee. His dedication to public service is proven, and I am convinced he will be a great asset to the Department of the Interior and the Bush administration.

I strongly endorse the nomination of Mr. Lujan to be Secretary of the Interior and I urge my colleagues to expeditiously approve his nomination.

Mr. DOLE. Mr. President, the Department of the Interior is the guardian of one of America's most precious resources—its land, and all that it carries with it.

And the man who heads that Department must have a total commitment to balancing two sometimes conflicting goals: protecting and preserving our natural resources, but at the same time, acknowledging the need and desire to utilize some of that land.

Manuel Lujan served as the ranking Republican on the House Interior Committee for a number of years, and is knowledgeable about both the problems and the possibilities the Interior Department faces as anyone around. In fact, his name had been mentioned on a number of prior occasions as a possible Interior Secretary. Thankfully, President Bush was wise enough to offer him the job, and he was willing to accept.

I say thankfully, Mr. President, because I have no doubt that Manuel Lujan will show the same thoughtful, even-handed approach to guiding the Department of the Interior, as he did during the 20 years he served in the House of Representatives. He understands the needs of the environmentalists, as well as the developers; the needs of the American people who want to enjoy the beauty of the American landscape, and their need to have energy and water. And Manuel Lujan has the expertise and the political acumen to balance all these interests and develop solutions acceptable to all.

I urge my colleagues to show their support, by unanimously confirming Manuel Lujan's nomination as Secretary of the Interior.

Mr. BURNS. I rise today to endorse the nomination of Manual Lujan, Jr., as Secretary of the Interior.

From all I have gathered, Mr. Lujan has all the elements and talents to be a good Secretary of the Interior.

Twenty years of public service in the House of Representatives.

His work in the House mostly dealt with public land management. He represented a State where the Federal Government is charged with managing a large share of the lands.

He has not only a keen knowledge of lands held in public trust, but also has knowledge of water and mineral development on those lands, and the importance of the impact of bad decisions on those lands.

Montana is the largest watershed State in the Union so water development, storage, and conservation is of importance.

Mr. Lujan understands that.

I heartily recommend Mr. Lujan's confirmation and urge all Senators to support him.

Mr. HEFLIN. Mr. President, I rise today to congratulate Mr. Manuel Lujan, Jr., of New Mexico, on his confirmation as Secretary of the Interior. I met him in my office recently and subsequently listened to his testimony before the Senate Energy Committee. I found him to be very competent and highly qualified to serve as the Nation's largest landlord.

Mr. Lujan has served with great distinction in the U.S. House of Representatives for approximately 20 years.

Although a Westerner by birth, and an Easterner by acclimation, I believe that he has demonstrated a commitment to balance the interests of all four major geographical regions of this country.

Not only is he inclined to weigh and balance regional issues, but he understands and is willing to strike balances, where necessary, between development and conservation interests.

I believe that Mr. Lujan will work very closely with the Members of Congress in trying to solve many of the highly controversial issues awaiting him as the new Secretary of the Interior.

I was pleased to support Mr. Lujan's confirmation in the Senate Committee on Energy and Natural Resources, and I am delighted to have done so today before the full Senate. I congratulate him again, and wish him the very best of luck.

Mr. SPECTER. Mr. President, I am pleased to express my support for the Honorable Manuel Lujan, Jr., as Secretary of the Interior.

Congressman Lujan is well-qualified for the position of Secretary of the Interior, as reflected in his impressive list of accomplishments and experiences. Manuel Lujan, first elected to Congress in 1968, represented New Mexico's First District for 10 terms. He served on the House Interior and Insular Affairs Committee from 1969 until January 1989, and was the committee's ranking Republican member for 4 years.

In addition, Congressman Lujan served for 8 years on the Joint Committee on Atomic Energy, and for 12 on the House Committee on Science, Space, and Technology, on which he was ranking Republican member from 1985 until his retirement in 1989. Certainly these experiences will serve him well as Secretary of the Interior.

A graduate of the College of Santa Fe, Manuel Lujan worked in the insurance business prior to his election to Congress.

While serving in Congress, Manuel Lujan worked on natural resources and space policy, energy and scientific research, and education and fiscal responsibility. I am confident that he will be an effective leader on these and other important issues addressed by the Interior Department.

I support the nomination of Manual Lujan to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skill, as he has in the other positions he has held in the past.

Mr. BINGAMAN. Mr. President, I rise today to voice my strong support for the nomination of Manuel Lujan, a good friend and former colleague for whom I have great respect and trust, to be Secretary of the Interior.

I congratulate President Bush for having nominated Manuel Lujan to serve as Secretary of the Interior, the steward of our Nation's public lands. Manuel's long and distinguished career in the House of Representatives which he served for many years as ranking member of the Interior and Insular Affairs Committee gives him the experience and knowledge to appreciate the tremendous responsibility he has been given.

He reflected that sense of responsibility when he acknowledged immediately upon accepting the appointment that even placing 1 acre of our public lands at risk was too great a risk to take.

Clearly, Manuel understands the importance of our national treasure—our public lands. New Mexico is one of the great public lands States of the West and we in the Land of Enchantment pride ourselves for preserving and protecting these lands.

This protective legacy was begun, in large part, under the leadership of another New Mexican, Senator Clinton Anderson when he chaired the Senate Interior Committee during the 1960's in what has been called the Conservation Congress. Senator Anderson led the fight for legislation creating our national wilderness system and the Land and Water Conservation Fund. Manuel is ably qualified to carry on in that tradition.

Manuel is from a northern New Mexico family that has distinguished itself in public service. He continues that fine tradition.

Manuel inherits a Department that has in many ways, lost the trust of the American people through policies that raise questions about our government's commmitment to protect and preserve our lands. Under Manuel's leadership, I think the Department will find its way and once again earn the public's trust.

It has been an honor to have served with him in the Congress for the past 6 years. I have witnessed his commitment to finding the importance balance between multiple use management and public lands protection. I know he will give us the leadership at the national level required to maintain that proper balance.

I share the pride of my fellow citizens in New Mexico in the nomination of Manuel Lujan to be Secretary of the Interior. I urge your support for his nomination.

Mr. MATSUNAGA. Mr. President, I rise to voice my strong support for the confirmation of the nomination of Congressman Manuel Lujan, Jr. as Secretary of the Interior.

President Bush has said that his administration will give greater attention to the environmental concerns of our Nation. His selection of Congressman Lujan, in my estimation, is an appropriate one to achieve this end. I have known the nominee personally since 1968, when he was first elected to the House representing New Mexico's First Congressional District. It has been my observation that his is a judicious temperament, a lawmaker who listens to both sides of the issues before taking a position. This is a practice that will serve him in good stead in dealing with the contention involved in Interior policies. His call at his confirmation hearing for "lower voices" in order that all might be heard is evidence of his judicious approach to resolving conflict.

Manny Lujan also has been a legislator with a wide-ranging interest in science, as he demonstrated to good effect as a member of the House Science, Space, and Technology Committee. His service on the House Interior Committee, especially on the Energy and the Environment and Water and Power Resources Subcommittees, makes him thoroughly familiar with the programs of the Department he will head and the issues he will face.

I for one am comforted by the fact that he has flatly ruled out mineral and timber extraction in national parks and wilderness areas. He has shown a pragmatic sensitivity to environmental issues associated with resource development and he is knowledgeable about weighing risks, a trait acquired, no doubt, from his days in the insurance business before coming to Washington.

Mr. President, I fully support the nomination of my good friend Manny Lujan to be our next Secretary of the Interior and urge my colleagues to confirm it.

Mr. LEAHY. Mr. President, today the Senate will consider the nomination of Mr. Manuel K. Lujan to the position of Secretary of the Department of the Interior.

In the spirit of bipartisanship, and following the favorable recommendation delivered by the Committee on Energy and Natural Resources, I will be voting in favor today of Mr. Lujan's confirmation. I do so, however, with reservation.

My criticism is not meant as a personal attack against Mr. Lujan. In fact, I find the Secretary-designate amiable, hard working, and dedicated to public service.

My criticism focuses on his voting record. During his 20-year tenure in the House, Mr. Lujan compiled a voting record on environmental issues that I would consider disturbing.

At this point in the confirmation process, the League of Conservation Voter's assessment of Mr. Lujan's environmental voting record is familiar. Out of a possible 100 points, he averaged merely 18—a score approached by few of his colleagues.

He supported, and pledged his continued support, for oil and gas explo-

ration in the Alaska National Wildlife Refuge. Mr. Lujan voted twice in favor of weakening amendments to the Endangered Species Act. The Secretary-designate has been a consistent foe of clean air legislation. In short, he opposed environmental initiatives offered from both sides of the aisle.

I am confident that Mr. Lujan is aware of the significance of the position of Secretary of the Interior. I also hope he is aware of the extraordinary challenge this position represents today.

Not only will he have to balance the need to conserve our natural resources at a time when they are in such demand, as every Secretary of the Interior has had to do;

Not only must he manage these resources with equal attention to productivity and conservation, as every Secretary of the Interior has had to do;

Not only must he conform to the current budget climate at a time when Federal support for public projects is so much in demand, as every Secretary of the Interior has had to do;

Not only must he carry out the duties ascribed to him by law as Secretary of the Interior;

He must do more than was ever expected of a Secretary of the Interior. At no time before has our environment faced the crises it does now; it will not withstand the neglect of another environmentally disinterested administration.

I encourage Mr. Lujan to rise and meet this extraordinary challenge as Secretary of the Interior. I look forward to working with him to effectively address the issues threatening our environment today.

Mr. SIMPSON. Mr. President, I rise today in support of the nomination of Manuel Lujan, Jr., to be the next Secretary of the Interior. President Bush has made an excellent choice by selecting Manuel Lujan for this very important position.

As a westerner, I have particular interest in the secretarial post for the Department of the Interior. Approximately 50 percent of the State of Wyoming is owned by the Federal Government and that is largely controlled by the Department of the Interior through the Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Bureau of Indian Affairs, and other agencies.

Manuel Lujan has the experience so crucial to successfully running the Department of the Interior. He has served for many years on the House of Representatives Interior and Insular Affairs Committee, including service as the ranking Republican member for a long period of time.

Manuel Lujan knows the value of protecting the grandeur of the American outdoors for public recreation and relaxation while at the same time respecting the concept of multiple use which allows development of very crucial natural resources so vital to our economy. In addition to Manny's experience as a native of New Mexico, a westerner and a Congressman, he has the advantage of having grown up in a tricultural environment, including Spanish, Indian, and Anglo influence—and yet he knows Washington from the inside and just how the system can most effectively function.

I have reviewed his statement which he presented to the Committee on Energy and Natural Resources on January 26, and I am encouraged by his dedication to the many responsibilities incumbent upon a Secretary of the Interior. He has shown through his opening remarks that he is willing to work with Congress, State and local governments, as well as volunteers throughout the United States, in order to accomplish the mandates of the Department of the Interior.

I do greatly look forward to working with him in the coming years. There is no question that we will have the opportunity to work together on some very tough issues. While I certainly trust that the ill-designed policies which led to the intensity of Yellowstone fires of last year have been identified and are being revised, it is very likely that some other, presently unknown issue looming just out of sight, will require immediate attention by the Secretary and the Congress. With Manuel Lujan at the helm, I am confident that we will be able to work toward the improvement of our stewardship of public lands, minerals, and water.

So then, Mr. President, I heartily endorse the nomination of Manuel Lujan as Secretary of the Interior. I also greet his vivacious wife Jeannie and wish them well in this near assignment. I urge my colleagues to join me in providing Mr. Lujan with a unanimous vote of approval which he so richly deserves.

COUNCIL OF ECONOMIC ADVISERS

The PRESIDING OFFICER. All time having expired, the Senate will now proceed to the nomination of Michael J. Boskin to be a member of the Council of Economic Advisers.

The legislative clerk read the nomination of Michael J. Boskin, of California, to be a member of the Council of Economic Advisers.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum. Mr. President, I ask unanimous consent that the time consuming the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I rise to put before the Senate the nomination of Dr. Michael Boskin to be Chairman of the President's Council of Economic Advisers. The Senate Banking Committee reported this nomination unanimously earlier today. So now the full Senate is in a position to be able to act on it this afternoon.

Mr. Boskin is an economist of distinguished background and achievement, graduating from the University of California at Berkeley with a B.A. degree in 1967, an M.A. degree in 1968, and a Ph.D. in 1971. He has won a number of awards and commendations for his academic scholarship, his teaching and his writings. He has written and published many books and articles. Since 1971 he has been on the economics faculty at Stanford University. He has also been a visiting professor at Harvard University and has done work for the National Bureau of Economic Research. During his career he also served as a consultant advisor to the House Ways and Means Committee, the Joint Economic Committee and the Treasury Department. So he is familiar not only with the crucial economic issues facing our Nation, but also with the political institutions, we have to resolve those problems. That is important for he will need both economic and political skills. He is, I think, by any measure destined to become a central figure in terms of developing economic stategy policies and alternatives within the new Bush adminstration. It is clear, I think, that he enjoys the full confidence of and has a close working relationship with the new President. From his appearance before our committee, he is clearly deeply involved already in thinking through many of the major economic issues that confront the country; not just major structural issues and policy issues but also the broad macroeconomic circumstances that face us within the country and increasingly on the global scale.

So certainly he is a person that brings the kind of established, thorough, professional background in economic analysis and economic policy, and he will be coming into the job obviously at a very critical time in our Nation's history.

I say as well to my colleagues that I thought he was very forthcoming in his responses to the committee the day that we held his confirmation hearing. The hearing went on at quite some length, and I thought his answers were direct and to the point. He was asked questions about some of the more controversial views that he has expressed in the past, particularly by

myself on the issue of Social Security that he had earlier published in a couple of books that he had written. He said the Bush administration had no intention to move on Social Security in any adverse way. It was very important that that be stated and be stated on the record.

But I would say that anyone who wants to obtain a sampling of his thinking on numerous issues ought to review that committee record. I think it touches on most of the critical issues. And, as I said, we found him to be direct and responsive in his answers. I think he is a person who is well suited to chair the Council of Economic Advisers.

So with that, Mr. President, let me put his nomination before the Senate. There may be others who wish to speak or have statements inserted in the RECORD.

So I ask unanimous consent that any statements any Members wish to insert in the RECORD on behalf of this nominee be in order, and be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I am very pleased to rise in support of Michael J. Boskin, for the President did very well by choosing Mike to serve as the Chairman of his Council of Economic Advisers.

Mike Boskin is an extremely talented economist and teacher who has spent his entire career perfecting his craft.

He started on the right path very early by his decision to attend the University of California, where he received his B.A., M.A., and Ph.D. in economics. At Berkeley he excelled. He was elected Phi Beta Kappa, received an award for the outstanding honors thesis as an undergraduate, and was further recognized by receipt of the National Tax Association Award for his doctoral dissertation. From Berkeley, he went on to another fine California university, Stanford, where he has been on the faculty for 20 years—10 as a full professor.

Mike's expertise and integrity are recognized throughout the economic community. He is not a doctrinaire of any stripe. No, Mike Boskin does not promote a doctrine: He studies a problem fully, he considers a host of proposed solutions and their impact not only on the economy but also on individuals, and he promotes what is effective.

This clear-eyed approach to economic problems is not only recognized and commended by Mike Boskin's peers, as I have said, but it has also been recognized on both sides of the political aisle. Mike has been asked to testify at more than a dozen congressional hearings, including a number held by the Joint Economic Committee, both when it was controlled by Republicans and by Democrats.

It has been widely reported that Mike Boskin is the father of the flexible freeze concept. He recognizes, correctly, that spending must be restrained, but that it makes no sense to simply freeze present spending in place—that would allow bad programs to linger while overlooking real needs for increases, such as for AIDS and long-term care for the elderly.

Mike also knows how to read lips, so even if he had a moments thought about a tax increase—which he has assured me he does not—he thoroughly understands the President's position on the matter.

Mike Boskin's writings, his accomplishments, his ideas are all impressive and commendable. But as impressive as any of what he has done is his dedication to teaching. He is not simply an accomplished economist, he is also a teacher of economics. He is not a distant educator; rather, he is eager to meet with students to hash out theories and answer their questions. Just last year, in recognition of his work as a teacher, he was awarded the Deans' Award for Distinguished Teaching—an award that is granted on the recommendation of both teachers and students at Stanford.

Mike's expertise as a teacher of economics will benefit us all, for not only will he provide invaluable advice to President George Bush just as he did to candidate George Bush, but he will also help us all understand what must be done and what must not be done to deal with economic enemy No. 1—the Federal budget deficit.

Michael Boskin's service on the Council of Economic Advisers will not only serve well our President, but also our entire Nation. I commend the President for his sage selection and I commend Mike for taking up the challenge.

Mr. DOLE. Mr. President, I rise in support of President Bush's nominee for Chairman of the Council of Economic Advisers, Dr. Michael J. Boskin.

I congratulate President Bush for choosing one of the economics profession's brightest rising stars to serve as his Chief Economics Adviser. Although only 43 years old, he is a highly regarded expert on taxation, saving and the Social Security Program, and the effect of government policy on the economy. He has, in fact, published over 80 books and articles on these and other topics.

In addition to being one of Stanford's most popular professors, he is director of the center for economic policy research. He has won numerous awards for both his teaching and his research, including the First National Tax Association's Outstanding Doctoral Dissertation Award, the Abramson Award for outstanding research and Stanford University's Distinguished Teaching Award.

Dr. Boskin is probably best known as the author of President Bush's plan for a flexible freeze. I have learned a great deal about this plan since the campaign and am anxious to learn more. His commitment to solving the budget problem without raising taxes is something all Republicans should be pleased with.

In the past, Dr. Boskin has generously shared his expertise with those in Congress, testifying on numerous occasions before the Senate Finance, Budget and Joint Economic Committees. I am sure we, on Capitol Hill, can look forward to seeing him often during his tenure in the administration.

I urge my colleagues to support his nomination as Chairman of the Council of Economic Advisers.

Mr. SIMPSON. Mr. President, I rise to speak in support of the appointment of Michael Boskin as Chairman of the Council of Economic Advisers.

I enthusiastically support the selection of Michael Boskin as the next Chairman of President's Bush's Council of Economic Advisers.

I have come to know Michael Boskin—when he served as an economic adviser to then-Senate Majority Leader Howard Baker and most recently through his writings and participation in various seminars.

As an economics professor at Stanford University he has written extensively on Social Security and savings issues. And very lividly so.

I have read some of his works and I know Michael Boskin to be a steady thinker. He writes and speaks with great clarity—unlike some of his peers in the economic realm!

Michael Boskin worked closely with Nick Brady and Richard Darman throughout President Bush's campaign—and I know he will continue to provide high-quality economic advice in his new role as Chairman of CEA.

Michael Boskin will be good for President George Bush. He will be good for the Congress. And, Ann and I are pleased to welcome he and his wife Chris to Washington, DC.

We also appreciate his willingness to serve his country in this way.

Mr. RIEGLE. Mr. President, we will have some additional time here if others want to come to the floor and be heard directly on the issue. I would be happy to accommodate any requests within the limits of the time that we have.

In addition, let me ask the Chair. Now, having presented the information with respect to Dr. Boskin—I know we have a vote scheduled later in the afternoon and votes are coming in sequence—would it be in order for me now to set his nomination aside and take up the Kemp nomination?

The PRESIDING OFFICER. The time under the control of the minority, which is 9 minutes, 8 seconds, would have to be yielded back before the motion would be in order.

Mr. RIEGLE. I believe that the majority and the minority are together on this. The ranking minority member, Senator GARN, is not able to be on the floor at this particular time. But let me suggest the absence of a quorum so that we can allow anyone else who wishes to come to the floor on the nomination to do so at this time.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I have been informed by the minority side of the aisle that they have no objection to my yielding back their time and I am prepared to yield back the balance of my time in the absence of any requests. So I do that.

The PRESIDING OFFICER. Without objection, the minority and the majority time has been yielded back.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. The Senate will proceed to the nomination of Mr. Jack Kemp to be Secretary of the Department of Housing and Urban Development.

The clerk will report the nomination.

The legislative clerk reported the nomination of Jack Kemp of New York to be Secretary of the Department of Housing and Urban Development.

The Senate proceeded to consider the nomination.

Mr. RIEGLE. Mr. President, the Banking Committee also has jurisdiction over the presentation of some Cabinet nominees to the Senate. So I now present our observations on Jack Kemp, our former House colleague, to become the Cabinet officer of the Department of Housing and Urban Development.

Representative Kemp recently appeared before the Senate Banking Committee in regard to his nomination. We were able to cover with him a very broad range of subjects that related to current policy issues before that department.

We talked with him about the homelessness problem which he listed as his top operational priority. And we spoke at great length about the need to make sure that the Department's programs and thrust are aimed in such a way that they really reach all the people across the society that are in need of those services and assistance.

In addition, let me just say with respect to his background that Mr. Kemp has served a good many years in the House of Representatives representing the district around Buffalo, NY, and certainly is well known for his activist efforts in the House of Representatives on a wide range of policy issues. He is a graduate of Occidental College with a BA degree in 1967. He did some additional college work beyond that. He has received a number of honorary degrees, and has participated as well in a number of outside civic organizations.

His service in the House of Representatives began in 1971, and ran through January 2, 1989. Prior to that time, which is well known, he had a very active and distinguished career in professional football playing as a quarterback for various teams, over a series of years.

He, too, has widely written and published articles in a number of areas, and on a variety of policy subjects. When we questioned Mr. Kemp at his nomination hearing, he was very direct and forthcoming in his responses. He, I think, evidenced great interest and enthusiasm for the job, is very anxious to take it on, and a number of supportive comments were made by Members on both sides of the aisle about his nomination and the way he said he would carry his responsibilities if confirmed.

He was introduced by the two Senators from the State of New York, Senator MOYNIHAN and Senator D'AMATO, who were present, and who spoke warmly on his behalf.

I will shortly, in the absence of other requests for time on either side, entertain a quorum call, so that people will have the opportunity to come and speak on this nomination if they wish.

Mr. SHELBY. President, I am pleased that we have the opportunity to vote on the nomination of Jack Kemp to be the Secretary of the Department of Housing and Urban Development. Let me reveal my bias by saying that I believe Jack Kemp is an excellent choice to tackle one of the more urgent problems of this new administration.

Housing was not a priority of the Reagan administration. Consequently, problems that were with us in 1981 persist and have worsened. We are falling short of the commitment made in the House Act of 1949 to provide "a decent home and a suitable living environment" to all Americans. Homelessness has reached disturbing proportions and it has been necessary to pass an Emergency Assistance Act to provide temporary aid. From the report of the National Housing Task Force, I learned that the homeownership rate in this country steadily increased from the post-Depression rate of 44 percent in 1938 to a high of 65.6 percent in 1980. At that point, our progress faltered. Between 1973 and 1983, we lost 4.5 million units from the Nation's housing stock. On the heels of this loss, the amount spent to rehabilitate existing units doubled, putting many more units out of reach of the poor.

A more shocking comparison is the decrease in the production of new units. More than 1 million new units of federally subsidized low-income housing were built during the 6-year period of 1976 to 1982. However, in recent years, fewer than 25,000 units have been produced annually. Moreover, our deficit-constrained budget dictates that we can do relatively little financially to improve the situation.

Thus the stage is set for a Jack Kemp. He is a man of energy and initiative that believes, as I do, that Government's role is to assist people in helping themselves. He understands that the mission established by the Housing Act of 1949 of providing decent housing is more than a socially desirable goal. It makes economic sense. It is difficult to work—although 20 percent of the homeless do—when you do not have a home to go to at night, a place where you can take a shower, and keep your clothes, and get your evening's rest. Having an affordable residence in a decent neighborhood is essential to securing steady employment.

Business knows that an affordable housing stock is necessary to attract qualified employees. Jack Kemp knows this and thus sees a role for the private sector in working with Government, for mutual benefit. He realizes that providing decent, affordable housing is not an end in itself but a means to an end. Stimulating community development starts with encouraging people to establish a permanent home, to take pride in the community. A clean, safe neighborhood nurtures family stability and provides a good place for children to grow up. A clean, safe neighborhood fosters entrepreneurship and job creation; home ownership affords an avenue to the accumulation of assets and a way off public assistance. Jack Kemp is a champion of these ideas and often led the charge in housing/job related initiatives during his tenure in the House.

The job of HUD Secretary requires someone with stamina and persistence. Countering the decrease in affordable housing at a time of severe budget constraints will demand fresh ideas. It requires someone who can speak up at Cabinet meetings and insist that housing be a priority issue once again. Jack Kemp has said that we will not balance the budget on the backs of the poor. I am confident that Congressman Kemp will dedicate his usual

vigor and determination to the task before him and that 4 years from now we will be hailing HUD's progress, rather than lamenting its problems.

I wholeheartedly support Congressman Kemp's nomination.

Mr. DOLE. Mr. President, I rise in support of President Bush's nominee for Secretary of the Department of Housing and Urban Development, Jack Kemp.

In his nine terms in the House of Representatives, Jack Kemp has demonstrated his commitment to rebuilding America's inner cities, as well as providing shelter for the poor and homeless. He understands the need to bring strong leadership and high visibility to the Department, while making every effort to balance the economic and social needs of a broad range of citizens in both rural and urban America.

Jack Kemp brings commitment and creativity to solving the problems of the poor and the average American—those who are struggling to find shelter for their family, those young people trying to save enough for a down payment on their first home, and those families in small towns across America who fight to scrape enough together to pay their rent.

But in our drive to care for those less fortunate in our cities, we must not forget the men, women, and children in the Nation's rural areas. Urban enterprise zones and urban revitalization does not touch, cannot help these people. Yet their needs are the same. Talented and innovative leadership which reaches out to all our citizens is critical. Jack Kemp faces a difficult challenge in meeting these diverse needs. I am confident that Jack Kemp will exhibit strong leadership and compassion to this post. And I urge my colleagues to confirm his nomination.

Mr. SANFORD. Mr. President, I rise today in support of the nomination of Jack Kemp to be the next Secretary of the Department of Housing and Urban Development.

The importance of the Secretary's position cannot be overestimated. As we walk through the streets of our Nation's Capital, we are constantly reminded of the failure of this great country to provide the basic necessity of shelter to its people. The destitute, urban homeless provide the most shocking symbol of the tragic housing crisis, but the housing problems facing the Nation's rural communities are no less acute. The entire Nation cries out for innovative and constructive thinking to provide all Americans with decent shelter at an affordable price.

When undertaking the tasks of the Department of Housing and Urban Development, I urge the Secretary to remember that housing assistance cannot merely be directed to urban problems; the plight of the rural poor and homeless must not be ignored. While I understand that many rural housing programs are directed by the Department of Agriculture, through the Farmer's Home Administration, I hope that Mr. Kemp, as Secretary of HUD, will work to coordinate the Federal housing efforts to ensure that the housing needs of all Americans are being met.

The housing situation in America is becoming bleak. Millions of Americans live in substandard housing units with little or no indoor plumbing, crumbling foundations, and inadequate heating. Millions of Americans reside in cramped, overcrowded dwellings, and still more Americans pay beyond their means for modest shelter.

During the next 5 years, over 300,000 units of HUD-assisted housing will become eligible for prepayment, placing a tremendous strain on the already short supply of low-income housing. Also, much of the existing public housing needs immediate rehabilitation. First-time homebuyers face tremendous obstacles to homeownership, and the ever-increasing homeless population cannot find any shelter at all.

These serious challenges will require strong leadership, steadfast courage, and effective administration by the Secretary of HUD. It is my hope and my belief that Jack Kemp will fulfill the duties of this position with the integrity and innovation that have characterized his tenure in Washington.

During his 13-year professional football career, and his 18-year stint in Congress, Jack Kemp has stood at the center of public attention. I believe that he will bring a well-deserved and long-needed prominence to the housing problems of the Nation. Public opinion strongly supports the inclusion of housing as a top agenda item for the next administration, and I think that Jack Kemp is the man to focus and energize public support into positive action.

We all understand the need for fiscal restraint created by the looming Federal deficit. I am pleased with Congressman Kemp's creative ideas for public/private partnerships, and his support for a nationwide effort by public entities, private businesses, and nonprofit organizations to provide decent shelter for all Americans. However, I hope that he will see the need for the Federal Government to play a crucial role in housing low-income citizens.

The Department of Housing and Urban Development cannot take a back seat in the Bush administration. Instead, HUD must be revitalized to take on the challenges of the future. I look forward to working closely with Jack Kemp in his efforts, and I wish him the best of luck in the next 4 years.

Thank you, Mr. President.

Mr. RIEGLE. Mr. President, I yield to the Senator from South Dakota [Mr. PRESSLER].

Mr. PRESSLER. Mr. President, first of all, I am very honored to have joined the Banking, Housing, and Urban Affairs Committee. I think we are very well led by our chairman and our ranking member. I think the spirit of that committee was reflected during the hearings on Jack Kemp. I want to compliment our chairman for the way he is leading us in the search for a bipartisan solution to the problems of the savings and loan industry. I intend to work to help him become a great chairman of that committee.

I would like to proceed with a few remarks on Jack Kemp, if I may. I think Jack Kemp is a great choice for Secretary of Housing and Urban Development. I served with him in the House of Representatives from 1975 to January 4, 1979, I have observed him closely.

I am proud to say that his ancestors founded Watertown, SD, and the main street there is called Kemp Avenue. It was from there that he launched his Presidential campaign. So we South Dakotans also have a special interest in Jack Kemp.

I think one of the reasons that it is good to have Jack Kemp in this particular job is that he has shown an ability to take a new approach to certain social problems. For example, the old Kemp-Roth tax bill caused a lot of skepticism at first, but it was new thinking and something different in the social tax area.

Many of the problems that he will be dealing with will require some new thinking. I do not know what some of the solutions to some of the problems are, but, for example, in the housing area, the area of the homeless is much-discussed in our society. Very few people have the courage to say that in addition to spending more money on the problem, building more homes and shelters, there is also an issue of the power of detention by governments.

You could build beautiful homes for some of the people who are homeless, and they would not go into them because they, very frankly, have a mental condition or an addiction to drugs or alcohol, so that they will not accept free shelter.

In the 1950's and early 1960's, our mental institutions were almost emptied by changes in Supreme Court rulings, as well as decisions by administrators in our States and legislative action in the Congress.

To deal with this problem effectively is going to take somebody who has the courage to examine and state the whole problem and to define what needs to be done. I think Jack Kemp is capable of such thinking and following with appropriate action.

With respect to many of our urban problems and in the area on our Indian reservations, Jack Kemp has a major responsibility. Much of the housing on Indian reservations is HUD housing. The record there in the utilization of the assisted housing, I regret, is not good. After a time, many of the properties are virtually wrecked, and the whole syndrome is one of poverty, alcoholism, and unfortunate people.

It will require some real thinking to analyze what the real problem is and tackle it and bring it to this Congress. Some of the things Jack Kemp will have to say and do may not be popular, but I think we need a rigorous analysis of the problems, not only of the homeless but also of what happens to some of our public housing after it is built, in urban areas as well as in some rural areas.

The new Secretary will also take on the difficult social problems of urban areas, the formulas for our cities, great and small. Some of our small towns have enormous problems, proportionately maybe greater. So it is with that hope that I endorse Jack Kemp's nomination, and I shall vote for him with pride. I am excited about his becoming Secretary of HUD, because I have confidence that he will bring some new thinking and will address directly and intellectually the problem that exists in our country and for which solutions can be found within the jurisdiction of the Department of Housing and Urban Development.

I hope that he will be able to visit some of our Indian reservations and consider what can be done to better assist the people there. Those in their need for decent housing and the need to properly maintaining it. I wish him well, and I think we are very lucky to be getting him to serve as Secretary.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. RIEGLE. Does the Senator from Mississippi want to be recognized? If so, I will be pleased to yield to him at this time.

Mr. LOTT. I thank the Senator for yielding.

Mr. President, I, too, rise to endorse the nomination of my colleague in the other body, when I served there, to be the Secretary of Housing and Urban Development.

Jack Kemp is an outstanding man. I have known him well for the past 18 years, having served with him and worked with him in the Congress, but I have also known him on a personal basis, in his home and with his family. I have known him to be a man of vision and great ideas. He will not be a Secretary of Housing and Urban Development that just pushes the paperwork, schedules his appointments, does the minimum work he has to do. He will be a real leader in that Department, and he will be an activist across this country.

I believe as the Secretary of Housing and Urban Development he will look at housing needs in this country, in the urban areas, and in the rural areas.

I know that he will go to New York City and Chicago and Philadelphia and Detroit, MI, but also I believe he will be in places like Laramie, WY, and Alligator, MI, where we have housing needs, also. But the solutions to our problems with housing and urban development in this country are not always just money, although I acknowledge sometimes that is necessary. I think that he will look for innovative ways for our people to have their own home or to build up equity in their public housing. I believe he will find ways to help people to manage their own lives and their own homes, as they have an opportunity to live in Federal housing or to develop private ownership.

So I think that he has the leadership, the inspirational leadership that we need in this very important Department. Quite honestly, I was somewhat surprised at first that President Bush selected Jack Kemp for this important position, but I think it was an ingenious move. So I want to say to my colleagues in the Senate and to the American people that I think we are going to have one of the most active Secretaries of Housing and Urban Development we have ever had in Jack Kemp. He will be a man that will run the Department very honestly, and I think we will be inspired by the leadership that he gives to this position.

I thank the Senator for yielding and urge my colleagues to support this fine former Congressman from New York, as he is confirmed for Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Who yields time?

Mr. RIEGLE. Mr. President, I think what I am going to do is propose that the time that will be used here that has been used by the two Senators who have just spoken and the remarks I am about to make in reading three letters into the RECORD, three letters of support, be taken from both sides equally. I do not imagine there will be a problem with that. Let me just suggest that.

Let me cite the first letter which has come to us from the President of the National League of Cities, Terry Goddard, the mayor of Phoenix, AZ, who serves as president of that national organization at this time. He says as follows:

On behalf of the National League of Cities and our member cities, I would like to express our support for confirmation of Jack Kemp as Secretary of Housing and Urban Development (HUD).

We believe he will be both committed and sensitive to municipal issues. We believe he will bring leadership to the Administration as an advocate for our concerns. He will be a spokesman for housing, community and economic development and confrontation of urban poverty.

And the letter goes on in that vein. I ask unanimous consent the entire letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

January 18, 1989.

Hon. DONALD W. RIEGLE,
Chairman, Subcommittee on Housing and Urban Affairs, Senate Dirksen Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National League of Cities and our member cities, I would like to express our support for confirmation of Jack Kemp as Secretary of Housing and Urban Development (HUD).

We believe he will be both committed and sensitive to municipal issues. We believe he will bring leadership to the Administration as an advocate for our concerns. He will be a spokesman for housing, community and economic development and confrontation of urban poverty.

I have met with Mr. Kemp and I am very encouraged by his genuine interest in forging a new federal-local partnership.

We are very impressed and welcome his earnest desire to develop a working relationship with the nation's cities and, once confirmed, look forward to working with him and his staff towards placing the issue of housing at the top of the national agenda.

Sincerely,

TERRY GODDARD,
President, Mayor, Phoenix, AZ.

Mr. RIEGLE. The second letter I would like to make reference to is one we received from the National Association of Homebuilders over the signature of Shirley McVay Wiseman, who serves as president at this time. This letter, dated January 25 of this year, to our committee says as follows:

On behalf of the more than 155,000 members of the National Association of Home Builders (NAHB), I would like to extend our strong support for the nomination of the Honorable Jack Kemp for the position of Secretary of the Department of Housing and Urban Development.

As the former Congressman of the 31st District of New York, he has played a significant role in the development of this nation's laws which affect housing and economic policy. He was instrumental in amending the 1987 Housing Act to allow the sale of public housing to tenants and included enterprise zones as a means to regenerate the economy of distressed inner cities. Furthermore, he has been a strong advocate for lower interest rates that are so important for first-time homebuyers to qualify for homeownership.

And this letter of support goes on in that vein. I ask unanimous consent that that also be printed in the RECORD in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, January 25, 1989.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: On behalf of the more than 155,000 members of the National Association of Home Builders (NAHB), I would like to extend our strong support for the nomination of the Honorable Jack Kemp for the position of Secretary of the Department of Housing and Urban Development.

As the former Congressman of the 31st District of New York, he has played a significant role in the development of this nation's laws which affect housing and economic policy. He was instrumental in amending the 1987 Housing Act to allow the sale of public housing to tenants and included enterprise zones as a means to regenerate the economy of distressed inner cities. Furthermore, he has been a strong advocate for lower interest rates that are so important for first-time homebuyers to qualify for homeownership.

Congressman Kemp has distinguished himself as an energetic, innovative and thoughtful leader. We believe he will bring these skills to address America's housing needs and promote affordable housing through facilitating strong public/private partnerships.

His dedication to this nation and its government has been continually demonstrated. I urge the committee to confirm Congressman Kemp as Secretary of the Department of Housing and Urban Development.

Sincerely,

SHIRLEY MCVAY WISEMAN,
President.

Mr. RIEGLE. Next I make reference to a letter that comes to us by the Mortgage Bankers Association of America addressed to our committee that read as follows:

The Mortgage Bankers Association of America is pleased to endorse the selection by President Bush of Jack Kemp to be Secretary of the U.S. Department of Housing and Urban Development. We look forward to working closely with Mr. Kemp on the many housing issues he will face at HUD.

The Mortgage Bankers Association of America is a national trade association representing more than 2,700 mortgage companies, savings and loan associations, savings banks, commercial banks and others in the mortgage lending business. Our members provide mortgage funds for homeownership and the development of multifamily and commercial properties. Mortgage bankers currently service more than $870 billion in home and apartment mortgages and, in the first three quarters of 1988, originated over $278 billion in new mortgage loans.

It goes on to say:

We believe we are among HUD's principal constituents, recognizing that addressing the housing needs of the nation's citizens is a primary concern of Congress.

It goes on to say—and I will paraphrase it omitting a few paragraphs; I will ask that the whole letter be made a part of the RECORD and it concludes by saying:

MBA believes that Jack Kemp has displayed a positive, "can do" approach to many of the issues facing HUD. His stature as an American leader will help put housing on the front burner of issues which must be addressed by the Bush Administration.

The letter is signed by Mr. Willard Gourley, Jr., who is serving at the present time as the national president of the Mortgage Bankers Association of America.

So I ask unanimous consent that the entire text of that letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MORTGAGE BANKERS ASSOCIATION,
January 30, 1989.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Mortgage Bankers Association of America is pleased to endorse the selection by President Bush of Jack Kemp to be Secretary of the U.S. Department of Housing and Urban Development. We look forward to working closely with Mr. Kemp on the many housing issues he will face at HUD.

The Mortgage Bankers Association of America is a national trade association representing more than 2,700 mortgage companies, savings and loan associations, savings banks, commercial banks and others in the mortgage lending business. Our members provide mortgage funds for homeownership and the development of multifamily and commercial properties. Mortgage bankers currently service more than $870 billion in home and apartment mortgages and, in the first three quarters of 1988, originated over $278 billion in new mortgage loans.

We believe we are among HUD's principal constituents, recognizing that addressing the housing needs of the nation's citizens is a primary concern of Congress. Members of MBA make and service virtually all loans insured by HUD, and issue nearly all GNMA guaranteed securities. We are proud of the fact that over 10 million American families live in homes of their own with mortgages backed by HUD and made and serviced by our members.

MBA believes that Jack Kemp has displayed a positive, "can do" approach to many of the issues facing HUD. His stature as an American leader will help put housing on the front burner of issues which must be addressed by the Bush Administration.

We wish Mr. Kemp well and thank you for the opportunity to endorse his selection.

Sincerely,

WILLARD GOURLEY, Jr., *CMB.*

Mr. RIEGLE. I will say this to my colleague, Senator DOLE, who has just joined us on the floor, that when we spoke by telephone last night, he said, "Is there any way we can go ahead and report the Kemp nomination through?"

I would like to be able to be responsive at this time, and I am happy to be able to be so this time.

Mr. DOLE. If the chairman will yield, I appreciate very much his expeditious response. It is important to Jack Kemp. I know he appreciates it very much and I appreciate it.

I have known Jack Kemp for a long time. I think he has the right attitude and he is ready to go and has a lot of energy which he will need in the job, as the Senator just indicated.

I personally thank the chairman for his response to my request.

Mr. RIEGLE. I thank the minority leader.

We were complimenting Kemp on his football prowess in the earlier days. We were using lot of sports anologies, and he said that he thought he knew what broken field running was all about until he ran up against Senator DOLE in Iowa. Then he said Senator DOLE taught him a lesson that he has not forgotten.

In any event, we appreciate the Senator's comments and are pleased we can have the nomination on the floor today.

Mr. President, there are other Senators who I know have comments they wish to make. So I am going to reserve the remainder of the time and ask it be drawn down in equal measure here in the time that remains.

The PRESIDING OFFICER. The Senator from Michigan has consumed the 15 minutes allocated to the majority. There are 10 minutes, 30 seconds for the minority.

Mr. RIEGLE. I would indicate that that time should be reserved. I do not see a minority colleague on the floor right now. In the interim I would ask that a quorum call be initiated. And I ask that it be done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask the distinguished chairman of the Banking Committee to yield time.

The PRESIDING OFFICER. The majority has utilized its time. There are 10 minutes, 58 seconds for the minority.

Mr. SYMMS. Mr. President, I yield myself 3 minutes of the minority's time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I am extremely happy to be able to come to the Senate floor today to encourage my colleagues to support and endorse the nomination of Jack Kemp to be the new Secretary of Housing and Urban Development.

Often Representatives are elected and do not make a major impact on policy and ideas. But Jack Kemp is one man that came to Congress in 1970 and immediately started pointing out excessive marginal tax rates. Furthermore, he emphasized the necessity for this country to restore incentives

and rewards back into our economic system. He had a major and profound impact on where this Nation is today. Incentives and rewards have been put back into the Tax Code of the United States and there has been an across-the-board reduction of marginal tax rates.

I believe he will give this administration many new ideas, ideas that are imaginative, entrepreneurial, and that will have a real impact in this administration's goal of increasing private ownership of housing. I think in time we all will see that Jack is a great humanitarian. He has great faith in the marketplace. Jack will be a strong voice in the Cabinet, reminding all of us that the reason things are better in the United States than they are in other nations is because we have free markets and allow people to make decisions voluntarily through institutions in the marketplace. I think that Jack Kemp will be an asset and well respected leader of the Bush administration.

I have known Jack Kemp since 1972 when I was elected to the House of Representatives. I consider him a friend, a patriot, a great leader, and a fine addition to the Bush administration.

I yield the floor.

Mr. DIXON. Mr. President, I wonder if my friend from Idaho on the opposite side would consent to give me a brief moment or two to speak in support of the nominee.

Mr. SYMMS. Certainly; I yield the Senator as much time as he may need.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Illinois.

Mr. DIXON. Mr. President, I am pleased to support the nominee. I think Jack Kemp has been a fine Congressman. His views, incidentally, Mr. President, on questions involving those who live in housing developments around the country, I think, are interesting views and ought to be developed by the Banking, Housing, and Urban Affairs Committee on which I serve.

As the Chair and others here know, I was the sponsor of tenant management legislation that passed last year that I think is an exciting new concept that will enhance living in housing developments around the country. Mr. Kemp has expressed some very enlightened ideas about ownership and tenant management and other things in these housing developments that I think are exciting concepts worthy of consideration by the Congress. When he came to call upon me with his staff, we visited at length about those concepts. I was well pleased with his assertion that he will assiduously pursue the goal of providing better housing for the poor and unfortunate of America. That is an encouraging thing.

So, Mr. President, I am pleased to rise from this side to suggest that we have in this nominee a man who may bring some exciting new concepts to the thought of public housing in America. I am happy to support his nomination.

I yield back whatever additional time may have been allotted to me, Mr. President.

Mr. THURMOND. Mr. President, I yield myself as much time as may be required.

Mr. President, I rise today in strong support of the nomination of former Congressman Jack Kemp to be Secretary of Housing and Urban Development. He is no stranger to public service and his qualifications are well known.

First elected to the House in 1970, Mr. Kemp's election to Congress followed a 13-year career as a quarterback in the American and National Football Leagues. Both on and off the field, he has demonstrated a commitment to leadership and excellence.

Mr. President, as a member of the House Appropriations Committee, Mr. Kemp served as ranking Republican on the Foreign Operations Subcommittee. He was instrumental in carrying out United States foreign policy goals, including aid to freedom fighters in Central America, Angola, and Afghanistan. In addition, he has been a strong supporter of economic and security assistance to United States allies in Europe, Israel, and around the world. Mr. Kemp served as a senior counselor to the President's National Bipartisan Commission on Central America, and as an observer of the El Salvador elections.

Mr. Kemp also has demonstrated his leadership skills as former chairman of the House Republican Conference, the third ranking party leadership post in the House of Representatives. He served in this capacity for 7 years.

In addition to these leadership posts, Mr. Kemp received wide acclaim for his work in authoring the Kemp-Roth 30 percent across the board tax cut, which became the cornerstone of President Reagan's economic recovery plan when it was enacted by Congress and signed into law in 1981.

He had led the way for further tax reductions in 1986. As author of the Kemp-Kasten fair and simple tax plan, Mr. Kemp was instrumental in lowering tax rates on working families, removing the tax burden from the working poor, doubling the personal exemption to $2,000 for each family member, and creating incentives for investment and economic growth. This Kemp-Kasten plan formed the basis for the Tax Reform Act of 1986.

Finally, Mr. President, this nominee believes very strongly that the family is the foundation of American life. I agree with him 100 percent. He has worked for initiatives that strengthen the family and traditional values, including measures to put an end to abortion, and measures to combat child pornography. Mr. Kemp has a fine record of demonstrated excellence. His past public service will serve him well in his new position.

I strongly urge my colleagues to support this talented nominee. He will be a great asset to this country and the administration as Secretary of Housing and Urban Development.

Mr. CRANSTON. Mr. President, I rise simply to express support with enthusiasm for the nomination of Jack Kemp to be Secretary of HUD. I know it is a foregone conclusion that he will be confirmed, so I will not go on at any length. I simply want to say that he has great enthusiasm, and I believe great creativity, great energy, and a great commitment that he will bring to the task of seeing to it that we deal with the plight of the homeless in our country to the best of our ability within constrained resources, deal with the plight of those living in dilapidated and deteriorated housing, and seek to deal with the plight of new young families with reasonably good incomes who now cannot find homes they can afford in so many communities in our country.

I look forward as chairman of the Housing Subcommittee of the Banking Committee to working intimately with Jack Kemp as we seek to cope effectively with these problems for the people of our country.

In recent weeks, I have met with Jack Kemp and talked with him on several occasions. I have talked with many people from around the country who know of Jack Kemp's abilities and who understand the enormous challenge and opportunity that lie before the new Secretary of HUD. All of these conversations leave me very encouraged.

The Senate Housing Committee, which I chair, has been working on housing and urban affairs for several years in a spirit of strong bipartisanship. Now I expect that same cooperative spirit can mark the working relationship between Congress and the administration on the country's housing problems. It is long overdue.

I'm convinced Jack Kemp shares my enthusiasm about the challenge that lies before us in housing. We have a rare opportunity to launch a fresh, effective attack on the country's housing and urban problems—problems that are becoming ever more urgent.

I believe that Jack Kemp and I have much in common.

We both are committed to end the scandal of homelessness in America. Congress has learned clearly that homelessness is not an isolated problem—it is one bitter symptom of a whole chain of problems that make decent housing increasingly unaffordable for many Americans. I'm sure we can work with Jack Kemp, not only to

fully fund the McKinney Act, but also to solve the root causes of homelessness in America.

We both support an increase in tenant management and ownership of public housing. The 1987 Housing Act took an important step in this direction. I'm sure we can make further progress without reducing the Nation's very scarce supply of housing for the poor.

We both believe that tenant-based housing assistance must be a key element in national housing policy. I'm sure that Jack Kemp can work with us to find better ways to do this—by building on the best features of vouchers and section 8 certificates.

We both understand the need for improving incentives for the production of housing for low-income and moderate-income families. I'm sure that—with Jack Kemp's leadership at HUD—the administration, the Banking Committees and the tax committees can together develop an effective mix of incentives.

We both support enterprise zones. The 1987 Housing Act authorized only the framework for enterprise zones. I'm sure we can make them into a powerful tool for urban economic development.

We both believe the country needs to build partnerships among Government and the private sector and nonprofit organizations—mobilizing the Nation's skills and resources to provide decent, affordable housing and economic opportunity for all Americans.

Most importantly, we both share a common desire to search widely for the best and most workable ideas that the country has to offer—so that we can put those ideas to work to provide decent and affordable housing, to improve the quality of life in our cities, and to expand economic opportunity for those who are disadvantaged.

The Senate has made enormous progress in this regard during the past 2 years. Senator AL D'AMATO and I issued a nationwide invitation to build an effective, new housing policy—and we received a remarkable outpouring of enthusiasm and effort.

Virtually every major housing organization came forward with carefully considered recommendations. Under the leadership of MIT, some of the Nation's top housing researchers reviewed what we have learned about what works in housing policy. A landmark effort came from the National Housing Task Force, which included housing leaders from private industry, State and local government and nonprofit organizations—led by Jim Rouse and David Maxwell. The Senate Housing Subcommittee has held an extensive series of hearings.

I believe the ideas that have emerged are the best the country has to offer. They are not Democratic ideas. They are not Republican ideas. They are just sound, imaginative, workable ideas for improving America's housing.

We are not drafting those recommendations into the National Affordable Housing Act, which we hope to introduce in the coming weeks. It will be bipartisan legislation. My sincere hope is that the new administration will work closely with us to refine that legislation and launch an effective national housing policy without delay.

I am confident that Jack Kemp will follow through on this opportunity.

Jack Kemp couldn't be coming to the responsibilities of the Secretary of HUD at a better time. I'm excited by the possibilities for cooperative and productive work that his confirmation will bring.

Mr. DOMENICI. Mr. President, it is with great pleasure that I fully endorse and support the nomination of Congressman Jack Kemp, of New York, to be this Nation's next Secretary of Housing and Urban Development.

As a former chairman of the Albuquerque City Commission, I have great empathy for the plight of our Nation's inner cities. In New Mexico, we call these areas the "barrios."

The homeless, the poor, and too many minority citizens find themselves trapped in the downward spiral of poverty in the inner city. Poverty in the inner cities has lately degenerated further due to the explosion of drug abuse, especially new derivatives of cocaine.

Jack Kemp believes we can do a far better job in our inner cities, and so do I.

When selected by President Bush for this Cabinet position, Mr. Kemp quoted words of Dr. Martin Luther King, Jr. When Dr. King accepted the Nobel Peace Prize 25 years ago, he did so: "With an abiding faith in America and an audacious faith in the future of mankind."

Jack Kemp believes in the American way of solving problems, the way of freedom. Combined with Dr. King's faith in the future, I believe we will see fresh thinking and exciting innovations during a Kemp stewardship of the U.S. Department of Housing and Urban Development.

Let me add a few specific thoughts on specific issues facing American and Secretary Kemp.

HOMELESSNESS

As Mr. Kemp pointed out in his confirmation hearing before the Senate Banking Committee, full funding of the McKinney Act is "necessary" but "not sufficient" to begin to solve the problem of homelessness. He pointed to the need for a "complete and effective safety net consisting of both public and private sector efforts." I couldn't agree more.

Mr. President, I have shared a vital concern of mine with Mr. Kemp. Both McKinney Acts are very complicated from a local point of view. This is an issue that directly affects the ability of mayors and Governors to make full use of available programs in the McKinney Acts.

The worst example, as I see it, is the case of the mentally ill homeless. Without transitional housing, we will be able to do very little for them. A local program in Albuquerque or Santa Fe, under the current McKinney Act, has to apply to the Governor for service funds. The problem comes in the housing area. If housing is to be part of a local program, a city must succeed in a national competition.

This means that too many local programs for the homeless mentally ill will have no housing component from the McKinney Act because there is no coordination mechanism to match service funds with housing funds.

I look forward to working with Secretary Kemp to lower the legislative and administrative barriers now in place for housing the homeless who are mentally ill.

NATIONAL HOUSING POLICY

Mr. President, 1989 will be a very important year in the formulation and improvement of our national housing policies, particularly for the poor. That is a major responsibility of HUD.

Again, I believe we will have good reason to have confidence in the vision and leadership of Jack Kemp. In his confirmation hearing, he told the story of Kimi Gray at the Kenilworth/Parkside housing project in Washington, DC. Under her leadership, this failing public housing project has become a community symbol for the success of resident management and ownership.

The U.S. Government cannot afford to build a house for every poor person, Mr. President. We need examples of public housing successes to inspire more local leadership and better support from our Federal resources. I believe Jack Kemp will take us closer to this goal of a working federalism to achieve a goal never achieved in any previous society—a safe and decent place for each citizen to live.

ENTERPRISE ZONES

Like Mr. Kemp, I believe our poorest areas need economic incentives. The enterprise zone concept must be shaped to meet the special needs and potential of many inner-city problems. In New Mexico, I am convinced that the enterprise zone concept will work in many cities: Santa Fe, Albuquerque, Las Cruces, as well as Espanola, Grants, and Gallup.

I believe, Mr. President, that enterprise zones will also prove a boon to native Americans. This is a concept I am exploring for use on Indian reservations, and I have Mr. Kemp's promise of full support for applying this important economic development tool on

our Nation's Indian reservations—the worst pockets of poverty in the United States.

As Jack Kemp says, "We need to unlease the power of free enterprise in our inner cities." He reminded us in his confirmation hearing that "there is still a forgotten frontier in our midst—ghettos and barrios that still experience unconscionable levels of poverty, unemployment, and despair."

Mr. President, I am proud to support Jack Kemp's confirmation as the next Secretary of Housing and Urban Development. Jack Kemp is a man who believes in trying new solutions to old problems. As Secretary of HUD, he will have a golden opportunity to help lead the poorest of the poor out of the misery of a life of despair in the ghetto or the barrio.

I will do all that I can to support his efforts to improve the lives of millions of Americans, Mr. President. I ask my colleagues to vote in favor of Jack Kemp as the next national leader in urban affairs. The issues are tough ones and Jack Kemp is the right leader at the right time.

I thank the Chair and urge my colleagues to vote in favor of Jack Kemp's confirmation as Secretary of Housing and Urban Development.

Mr. SPECTER. Mr. President, I congratulate President Bush on his selection of the Honorable Jack Kemp as Secretary of the U.S. Department of Housing and Urban Development, and I am pleased to express my support and vote for his confirmation today.

My confidence in Representative Kemp's ability and integrity arises from having known and worked with him for over a decade. He displays tremendous energy, great innovation, and a real dedication to public service.

Even before Representative Kemp's confirmation hearings began, he personally expressed to me his interest in matters of concern in Pennsylvania. I am especially pleased with his expressions of concern for the homeless and housing for the needy.

He is well-qualified for the position as Secretary of Housing and Urban Development, as reflected in his impressive list of accomplishments and experiences. Jack Kemp served in the U.S. Congress from 1971 through 1988 as the representative of New York's 31st District. While in the House, he was elected to the leadership post of chairman of the House Republican Conference in 1981, in which capacity he served until his resignation in 1987. He also served as a member of the House Appropriations Committee, the Budget Committee, the Select Committee on Children, Youth, and Families, the Education and Labor Committee, and the Select Committee on Small Business.

As a Member of Congress, Representative Kemp helped develop new and creative initiatives to address some of the major housing problems in our country. These include the Enterprise Zone Job Creation Act, an initiative to allow public housing tenants to manage their own projects leading to the ultimate purchase of their own homes, and the Fair Housing Act amendments, which was enacted with strong bipartisan support in Congress and from President Reagan and Vice President Bush.

A graduate of Occidental College, Representative Kemp also received honorary doctor of laws degrees from Wake Forest University, Medaill College, Clarkson College, and the Miami University of Ohio. He also has served as an honorary chairman or board member of numerous charitable organizations.

Enshrined in the hearts of many avid sports fans, Jack Kemp also played professional football for the Pittsburgh Steelers, the New York Giants, the San Francisco 49'ers, the Los Angeles Raiders, the San Diego Chargers, and the Buffalo Bills, when he retired in 1970. A strong and effective quarterback on the field, Jack Kemp will be an effective leader in the many important housing issues facing our country.

I support the nomination of Representative Kemp to this post. If confirmed by the Senate, as I am sure he will be, I expect him to be an outstanding Secretary of Housing and Urban Development.

Mr. GARN. Mr. President, I rise today on behalf of the Honorable Jack Kemp, President Bush's nominee for Secretary of HUD.

The Banking Committee voted unanimously in favor of Secretary-designate Kemp this morning, and I look forward to the full Senate showing their support for Mr. Kemp this afternoon.

Jack Kemp brings 18 years of legislative experience to the post of Secretary of HUD. He's well known for innovative ideas in legislation, for example, tax legislation he coauthored with the Senator from New Jersey.

While in the House of Representatives, Jack Kemp started discussing other ideas, ideas on housing, community, and economic development issues such as enterprise zones and tenant ownership of public housing. With Jack Kemp as HUD Secretary, we have an opportunity to see a person with incredible energy and ideas turn both into sound new housing policy.

Jack Kemp described himself before the committee as audacious. Appropriately, the American Heritage Dictionary defines "audacious" to mean "fearlessly daring, bold." Bold and daring are exactly the qualities necessary in a HUD Secretary when the Nation is faced with the budget deficit we have before us, and so few dollars to spend on programs for the less fortunate in our society.

In his testimony before the committee, Secretary Kemp talked about his personal conviction that the lack of suitable housing and the problem of homelessness should not be tolerated or accepted as an unavoidable evil in society. He also discussed the fact that he was raised in a family where everyone was urged to succeed, and no individual should be left behind while others went on to achieve greater things. The Nation desperately needs a Secretary of HUD who does not tolerate the status quo in housing problems, and who will not be content until he arrives at creative solutions to difficult problems.

I applaud President Bush in his choice for HUD Secretary. Jack Kemp is one of the few people I can think of with the energy, experience, and audaciousness, to serve the country as HUD Secretary.

Mr. DODD. Mr. President, I'm honored to stand here today and vote for the confirmation of Jack Kemp to be Secretary of Housing and Urban Development.

One of the ancient poets—Virgil, I think—exhorted us to "look with favor upon a bold beginning." With Jack, and with the energy and enthusiasm he brings to the Secretary's Office at HUD, we have reason to look with favor upon the bold beginning that his stewardship signals and we have reason to expect the bold return of housing to its rightful and high place on the agenda of national priorities.

Affordable, decent housing—a fundamental component of the American dream—has never been more out of reach for American families. And the proud streets and avenues of most American cities are now paved with the broken dreams of the homeless.

At his confirmation hearings last week, I was heartened to hear Jack say that the eradication of the national tragedy of homelessness will be his No. 1 priority. I was further heartened to hear Jack say that we must not only provide shelter for homeless Americans but we must also commit ourselves to considering additional areas where further assistance can be made available to attack the causes of homelessness. We must pave the way, in his words, to jobs, training, permanent housing, health care, and human dignity.

Shelter is a basic need, a need addressed by national leaders across the political spectrum for half of a century. Although it was a Democratic President, Franklin Roosevelt, who in 1937 first affirmed a Federal commitment to decent housing for every American, much of the Federal spending on housing has occurred under Republican administrations, perhaps most notably under Nixon and Ford, with the bipartisan support of Congress.

That pattern changed dramatically—and regrettably—in this decade: Housing funds were slashed by 70 percent under President Reagan. The result is that today our housing problem has grown to proportions unconscionable for the greatest Nation in the world, and unseen since the depths of the Great Depression.

The need to reestablish a Federal housing role has never been more urgent. Last Congress, Senator D'AMATO and I introduced the Housing Grant Action Program [GAP] Act which represents a realistic, Federal approach to creating housing but which emphasizes local and State expertise and flexibility. The GAP Act proposes to bridge the gap between taxpayer dollars and consumer need by recognizing the central role of State and local governments and nonprofit organizations in the establishment of an effective national housing policy; using limited Federal resources to leverage substantial private investment; targeting limited Federal resources based on need; and better coordinating tax and spending policies.

I mention the GAP Act here today because it is a paradigm for the 1980's: A bipartisan solution incorporating the best cost-saving ideas both Democrats and Republicans have to offer. It reflects a consensus that while arduous and painful budgetary decisions constrain every area of policy debate, the administration and Congress have cut housing dollars beyond the bounds of reason during the past 8 years—and policy must change.

Jack indicated at his hearing last week that he is serious about changing our national housing policies and making them more responsive to the daunting realities we face in providing shelter for all Americans. I was particularly pleased to hear him say that tax and housing policy—like all domestic policies—must be more effectively coordinated and not work at cross-purposes. The Secretary designate went on to say that "we must reexamine tax policy to determine whether we can more effectively provide greater incentives in low-income housing. I believe we can use tax policy to promote and achieve social goals." We have reason to look with favor on Jack Kemp's beginning at HUD.

There is a bipartisan sense in this Congress that too much distance has grown between the rhetoric and reality of the American dream of home ownership. It is my hope that the Bush administration and the Kemp Department of Housing and Urban Development will work with Congress to make a strategic investment in the future of a nation that has badly neglected housing—and reaped devastating consequences.

I welcome my former House colleague and friend to his new position at HUD. I look forward to working with Jack Kemp and colleagues on both sides of the aisle, to fashion a national housing policy worthy of the trust of those who look to us for leadership.

Mr. SIMPSON. Mr. President, Jack Kemp is a person whose boundless energy and enthusiasm can be well-utilized in this Government. During his years as a Representative from New York we came to have high respect for his great determination.

President George Bush has nominated Jack for a task for which he is very well suited. The Secretary of Housing and Urban Development will find himself right smack in the middle of some of this country's most distressing problems—the issues of the homeless and urban poverty. They are the issues that tug at us all. And yet they demand creative solutions—new approaches—and Jack Kemp is just the right person for that task.

Many of us have worked with Jack Kemp on any number of issues. He is well grounded in issues of the budget. We know from his previous record that he will pursue his new task with a keen eye always on the budget. For we all know as well, that America has passed the point where we could simply create a new program—and pay for it later.

I am impressed, too, by Jack Kemp's efforts—now and in years passed—to reach out to all segments of this country. He is a responsive person who will be accessible to all of the various groups that deal most frequently with his agency. His door is always open, and that augers well for the resolution of the many tough issues he faces.

I look forward to working with Secretary Kemp as he brings his proposals to the Congress. For I know those proposals will always have a good basis in common sense. And from working with Jack Kemp in the past, I know he will be right there—pressing his case in a spirited way—and always ready to discuss his proposals.

Jack Kemp is a man truly dedicated to public service. We are fortunate that he has accepted the job of Secretary of Housing and Urban Development. I am very pleased.

Mr. BYRD. Mr. President, I am delighted to express my support for the nomination of Jack F. Kemp to be the Secretary of Housing and Urban Development.

I met with Mr. Kemp in my office last week and I was impressed by his eagerness to meet, head-on, the many challenges which he faces. Our country's current stock of low-income housing is inadequate and communities all over this country—certainly in my own State of West Virginia—are in desperate need of assistance in improving their basic infrastructure in order to increase economic development and to create jobs.

Mr. Kemp has a number of innovative ideas as to how to address these problems, some of which are controversial and will require careful congressional review.

But he brings to his task a genuine and refreshing enthusiasm which, coupled with the experience of nine terms of service in the House of Representatives, should serve him well.

I look forward to working with him, and I wish him well in his new role.

Mr. Kemp will be inheriting a housing and community development crisis which is the result of 8 years of neglect. Millions of units of low-income housing have disappeared from our Nation's inventory and Federal grants to State and local governments for physical capital have been cut by more than half. If President Bush's fiscal year 1990 budget for housing and community development follows the lead of President Reagan's last budget, my own State of West Virginia will lose millions of dollars needed to create housing, improve infrastructure, and increase jobs and economic development.

I hope that Mr. Kemp will use his new position to redirect this Nation's attention to the serious needs of States like mine in the areas of housing and community infrastructure.

Mr. MACK. Mr. President, I am pleased to cast my favorable vote to confirm Jack Kemp's nomination as Secretary of Housing and Urban Development.

During the course of Mr. Kemp's confirmation hearings it was very clear to me and to everyone present that his nomination is welcomed with open arms—not only by Members of the Senate but by all Americans who support individual freedoms.

I spent 6 years in the House with Jack Kemp. He's a good friend and a leader in the cause of economic opportunity for all Americans.

Jack Kemp will bring to HUD the forceful energy needed to revitalize the Nation's housing programs and help each individual American family realize the dream of home ownership.

President Bush could not have chosen a better person than Jack Kemp for HUD Secretary.

Jack Kemp believes in the power of individual ideas and dreams—but he doesn't stop there. Jack Kemp is driven by forcing action through ideas.

He has spent his career in public service, fighting for the belief that individual freedoms are the backbone of our country. He realizes that our housing problems don't rest with more government, but with less government as evidenced by his strong support of enterprise zones. Jack Kemp's support of enterprise zones would strengthen the bond between the public and private sectors by realizing that Government alone can't solve our problems.

I've always been a strong supporter of enterprise zones and I'm excited that we have Jack Kemp in the position to put that idea into practice.

He knows that an economically strong and vibrant America begins with the basics such as family, jobs, and home ownership.

As I noted in committee, we are taking the first step in reestablishing the American dream of home ownership for all Americans.

Jack Kemp has caught the imagination of the entire Nation. I'm delighted with the prospect of working with Jack Kemp and look forward to moving ahead in shaping new policy initiatives to meet our housing and urban development needs.

The PRESIDING OFFICER. The Chair observes there are 1½ minutes remaining. Does anyone yield time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENVIRONMENTAL PROTECTION AGENCY NOMINATION OF WILLIAM KANE REILLY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of William Kane Reilly, of Virginia, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, the job of Administrator of the Environmental Protection Agency is one of the most important—and one of the toughest—jobs in Washington.

On a daily basis, the Administrator and his staff are called upon to protect the public's health and to be the environmental conscience of our Nation. They are asked to tread through minefields of competing factions—environmental, economic, and personal—to resolve difficult environmental problems which adversely affect our quality of life. And, all too often, while taking considered action in the public interest, they are put upon by one group or another for failing to act on a special agenda. As chairman of the Committee on Environmental and Public Works, I have publicly stated my priorities for the work of the committee during the 101st Congress. Clean air legislation will be our clear legislative priority.

We must also consider reauthorization of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. We may fine tune the hazardous waste title, but we must emphasize solid waste issues.

The Nation is rapidly running out of landfill capacity. However, we must couple our work with pollution prevention or waste reduction legislation to minimize the possibility of solid or hazardous waste pollution in the future. I expect my committee and the Senate will address ground water legislation, picking up where we left off last year with our cooperative research bill. This congressional proposal should help guide the Nation's ground water policy.

I also believe that the Congress should consider, and pass, legislation elevating EPA to Cabinet status given the extraordinary national and global environmental issues of our time.

Global warming and stratospheric ozone problems affect the very existence of life on Earth. These issues, too, must be addressed, but from an international perspective they will be more effectively addressed by a Cabinet-level EPA.

This agenda for the Committee on Environment and Public Works is ambitious. For the sake of humankind, it is necessary. It is subject to pitfalls, arguments, finger pointing, and adversarial relations among and between all those interested parties with a stake in the outcome of such legislation. We cannot hope to achieve national and international environmental improvements without the help of the administration, and especially its administrator of the Environmental Protection Agency. To his credit, President Bush has nominated a man who has made conservation and environmental protection his life's work.

William K. Reilly has been the president of the Conservation Foundation for over 15 years, and the World Wildlife Fund for over 3 years. Bill Reilly has the respect of environmental leaders, business leaders and political leaders not solely from the United States, but throughout the world as well. He is a consensus seeker. An environmental advocate with a strong, reasonable, if quiet, approach.

He has a vision for our environmental future which he eloquently elucidated before my committee. He has promised to work cooperatively, and to consult with the Congress. He has said he will vigorously enforce our environmental statutes.

And I have the feeling that, the road ahead being long, circuitous, and difficult, Bill Reilly may be just the traveling companion we need right now. That translates to high expectations of him.

I recommended him for Senate consideration without reservation and I wish him well as he begins this very difficult job.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I rise in support of the nomination of William Reilly to be the Administrator of the Environmental Protection Agency.

I would like to state at the outset of my remarks that the President could not have made a better choice than Mr. Reilly to head the EPA.

As the first conservationist to head EPA, Mr. Reilly brings indepth knowledge and a special understanding to the myriad of problems threatening our environment. He has served as president of the Conservation Fund and the World Wildlife Fund, two top-notch organizations that have made enormous contributions in the areas of environmental protection and wildlife conservation—not just here at home, but around the world.

His work at the Council on Environmental Quality and the Urban Policy Center give him expertise in the areas protecting our public lands and providing open spaces in our crowded urban areas.

Two days ago, the Committee on Environment and Public Works held its confirmation hearing on Mr. Reilly, and the members were very impressed with Mr. Reilly's views on what he should do in that agency.

When asked about the reauthorization of the Clean Air Act, Mr. Reilly stated he would be mounting a major effort to get that law reauthorized. Mind you, we have not heard that before from the administration. As the chairman said, it is a provision that would result in substantial reductions in acid rain by the end of the century.

Regarding the greenhouse effect, Mr. Reilly recognized it as a very serious problem and agreed that it should be addressed here at home as well as in the international arena. What is more, he stated that last year's decision by the Department of Transportation to relax the average fuel economy standards—that puts more carbon dioxide in the air and aggravates the greenhouse effect—was a move in the wrong direction.

That was a wrong move on the part of those who did it, in his judgment. He also said he would work to strengthen the Montreal protocols which deal with CFC's that are emitted in our Nation and around the world, and the reduction, thereto. These, as you know, are greenhouse gases.

In the area of enforcement, which is extremely important, since we can pass all the laws we want, but if they are not enforced, we are not getting to first base, he testified that he will aggressively enforce our laws.

This year, we will hopefully reauthorize the Resource Conservation

and Recovery Act and concentrate our efforts on waste mineralization and recycling. Mr. Reilly testified that those efforts would be high on his priority list.

Even though Bill Ruckelshaus and Lee Thomas did an excellent job in restoring EPA's credibility, unquestionably the last 8 years at that agency have been difficult ones, and I believe that Mr. Reilly will be a strong, fresh breeze in that organization.

President Bush is to be complimented on this nomination. I think it sends a splendid signal everywhere that the President is serious about environmental protection. He talked about this in his campaign speeches, and he shows that it is more than rhetoric; it was not campaign or rhetoric. He meant it.

Despite the very great challenges that lie ahead—solving the acid rain problem; for example, dealing with climate changes, reducing the billions of tons of waste we generate—I am optimistic about the future of our environment. Mr. Reilly has a tough job, that is for sure, and sometimes it is going to be highly frustrating for him. He is a strong conservationist; he is a conscientious builder. In my book, that is all a plus, since anyone who has been involved in environmental protection knows that you need to develop strong support in order to win approval for these programs. We have seen it here where for 8 years on the floor of the Congress, we have not been able to get a clean air bill considered, never mind being passed.

I want Mr. Reilly to know that we wish him every success in his job, and that all of us—I speak for the Republicans, but I am sure our distinguished chairman would agree with me—will work with Mr. Reilly at every turn to help make our land and our air and water clean and safe. So it is a pleasure to join in this support of Mr. Reilly's nomination.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Is there a time limitation?

The PRESIDING OFFICER. The time is equally divided 15 minutes on each side.

Mr. CHAFEE. How much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 11 minutes. The Senator from Rhode Island has 9 minutes.

Mr. BURDICK. I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana, Mr. BAUCUS, is recognized.

Mr. BAUCUS. Mr. President, I thank the Chair and the Senator from North Dakota, the chairman of the Environment and Public Works Committee. Mr. President, I very much support the nomination of William Reilly, to be Administrator of the Environmental Protection Agency. I am encouraged by his nomination. I think it will be a signal of a break from the past, certainly given some previous Administrators we have had, although I think the most recent has been a fairly good Administrator. What counts is not Mr. Reilly's intentions, which I believe are very good. What counts are obviously deeds. Mr. Reilly has a lot of deeds ahead of him if he is to be a very successful and effective Administrator of the Environmental Protection Agency.

His job will be tough partly because the past administration had lost sight of the need for environmental protection. In fact, things have been so bad in the not too distant past that the EPA was ridiculed in comic strips, in the Doonesbury comic strip.

There is another reason. Environmental policy is entering a new and more complex stage. What used to be local problems are now problems of national proportion and international proportion. For example, deforestation as far away as the tropics of South America may be affecting our own Nation's climate. And nitrogen oxides, which are poorly controlled, are threatening the Earth's upper atmosphere.

If these new problems are not enough, Mr. Reilly must visit problems we thought we had solved. Auto emissions controls for example, which we hoped would clean our city's air, have proven to be simply inadequate. And pollutants supposedly disposed of we are finding are not disposed of. They are in the ground poisoning our drinking water or floating in our oceans.

We know these and other examples all too well. My point is not to cite a laundry list of examples, but to suggest that the need for a strong environmental leader has never been greater.

Mr. Reilly, as EPA Administrator, must lead the Nation in protecting the environment. EPA needs to once again be known as the Environmental Protection Agency, not the environmental accommodation agency or any other stranger titles we could come up with. He must be the head of the Environmental Protection Agency.

In my opinion, Mr. Reilly must be a strong advocate for the environment. There are certainly other departments, other administrators, who will be advocating their points of views. He must enforce the environmental laws and, like a tough cop, he must find violators, take away their licenses and put them in jail.

When he disagrees with our laws, he must ask Congress to change them. That is, he must enforce the laws, whatever the laws are. He cannot exercise his own discretion and decide not to enforce the law.

If, in fact, he tries valiantly within the administration to advocate a point of view which in his conscience he knows is best to protect the environment and those views are ignored by the administration, I think he has no choice but to inform the Congress if need be, to change the law, or, he should resign. I think it is a matter of conscience.

Mr. Reilly, if he is not able to in good conscience effect changes needed to protect the environment he deems appropriate, must step aside so that the world knows, so this Congress knows, and changes can be made.

Mr. President, in conclusion, I urge Mr. Reilly good luck. He will need good luck. As I said and others have said, in many ways he is the most important person, not only in America, but in the world. He has on his shoulders the load to bear of figuring out ways to improve not only our Nation's environment, but our global environment. I wish him Godspeed. I thank the Chair and I thank the Senator from North Dakota.

Mr. CHAFEE. I yield 5 minutes to the distinguished Senator from Idaho.

Mr. SYMMS. I thank the distinguished Senator from Rhode Island and my colleagues on the committee.

Mr. President, during the last week or two since President Bush named Bill Reilly to head the Environmental Protection Agency, I have had an opportunity to speak with him and seriously study his writings that have appeared in over 17 publications and his statements from the times he has testified before Congress. Bill Reilly is no stranger to this town or to the environmental movement in this country. My review of Mr. Reilly's career has led me to conclusions which I would like to share with my colleagues.

First, I have no doubt in my mind that Bill Reilly will do his best to fully enforce the law. Second, I happen to believe that some of our current environmental statutes have their flaws, flaws which result in costly and needless burdens on our industries and our ability to work and compete and be competitive in the world markets.

I have had several occasions to discuss these flaws with the previous EPA Administrator, Lee Thomas. In several of those discussions we often took solace in the fact that if a law is bad, the best way to get rid of it is to enforce it. If we fully enforce some of our environmental laws it will lead to the massive shutdown of nearly 25 percent of all service stations in this country. The inconvenience and costs this will bring to millions of Americans is a good reason to question some of the rigid statutes that Congress has previously passed.

I think that Bill Reilly will make an effort to get rid of some of these rigid, inflexible, inappropriate statutes that

are on the books. These regulations go beyond common sense in trying to regulate out the last scintilla, part per trillion of some product from our air or water.

There is no question, Mr. President, that Bill Reilly and I have some very clear differences of opinion on a number of issues. Perhaps the greatest concern to me is our very different views with respect to private property and the rights inherent in it.

Recent Supreme Court rulings in this area have reaffirmed the rights of property owners against the whims of Government. While Bill Reilly may have taken a different position on those cases, I believe from my conversations with him that he would carry out these mandates and the Attorney General's guidelines that preceded them. Mr. Reilly is a very astute and persistent environmental advocate. I think that Senator BAUCUS makes a good point, the EPA Administrator should be an advocate of the environment. Many will advocate only industry and business; what is needed is a balance between concerns for the environment and big business.

So, having made these observations and looking at the overall Bush administration as it is coming to town—and we all have hopes and aspirations for its success—I ask myself: Which would help the most, voting for him or against him? And I am convinced the best course of action is to support this nomination. I may not agree with him on everything, but I am convinced that he has the opportunity to develop a good, sound, commonsense consensus that allows us to enjoy economic growth with great concern for the protection of the environment for future generations as well as our own.

I wish Mr. Reilly every success. I look forward to working with the administration in many of these areas and hope that they can build on what I think has been a very credible job done by Lee Thomas in the past administration of the Environmental Protection Agency.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I yield 3 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise today in support of President Bush's nomination of Mr. William Reilly to be Administrator of the Environmental Protection Agency. His education, background as a lawyer, and his lifelong dedication to the preservation of the environment well qualify him for this position.

Graduating from Yale University in 1962, Mr. Reilly continued his education and obtained a law degree from Harvard University in 1965, and a masters in urban planning from Columbia University in 1971.

Mr. Reilly practiced law in Chicago with the firm of Ross & Hardies prior to becoming associate director of the Urban Policy Center and the National Urban Coalition in Washington, DC, from 1969 to 1970. From 1973 to the present, Mr. Reilly has served ably as president of the Conservation Foundation, a division of the World Wildlife Fund. In 1985, Mr. Reilly was named president of the World Wildlife Fund. As president of the Conservation Foundation, Mr. Reilly directed international comparative land use projects for business and environmental purposes.

In terms of Government experience, Mr. Reilly has topnotch credentials. He served as a senior staff member of the President's Council on Environmental Quality from 1970 to 1972. He was also executive director of the Task Force on Land Use and Urban Growth from 1972 to 1973. In 1978, he served as workshop chairman of the White House Conference on Balanced Growth and Economic Development.

In addition to this tremendous amount of career experience, Mr. Reilly has also devoted a great deal of time sitting on several boards of trustees for environmental groups and as a member of many of these organizations.

Clearly, Mr. Reilly's education, experience, and dedication to the preservation of the environment are of the highest level of excellence.

I feel confident that, as Administrator of the Environmental Protection Agency, Mr. Reilly will serve honorably and capably, and be reasonable in his decisions. I urge my colleagues to act expeditiously to confirm the nomination of Mr. Reilly.

The PRESIDING OFFICER. All time of the Senator from Rhode Island has expired. The Senator from North Dakota has 6 minutes remaining.

Mr. BURDICK. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey, Mr. LAUTENBERG, is recognized for 5 minutes.

Mr. LAUTENBERG. Mr. President, I rise to support the nomination of Bill Reilly to become the next Administrator of the Environmental Protection Agency.

It is clear from my meeting with him and his performance at the Environment Committee's confirmation hearing that Bill Reilly has the experience and commitment to the environment that bodes well for EPA in the years ahead. We need the kind of advocate for the environment he has committed himself to be.

That is all the more important because the welfare of our Nation's citizens is determined more directly by EPA than by any other Federal agency. We face no greater challenge over the next few years than in restoring the integrity of our environment. Bill Reilly understands that we need urgent action.

And these problems affect not just U.S. citizens, but citizens across the Earth. Destruction of rain forests in South America, air pollution in Europe, use of CFC's in Japan, extinction of species in Africa, and wasteful energy practices in the United States affect citizens everywhere. Bill Reilly has pledged to make these international environmental issues a priority.

The commitment and experience he brings to the job also is important because of the legacy he will inherit. We need only ask, is the environment better off today than it was 8 years ago?

The beaches say no. Sewage has stained our oceans and syringes and blood-filled vials invaded our coasts. The EPA had the power to act, to end sludge dumping and to track medical waste, but it failed to do so. The Congress had to pass laws. It had to override a Clean Water Act veto, and to fight for funds to meet its mandate.

Is the environment better off? The countryside—scarred by 1,100 toxic waste sites—says no. In 8 years, only 19 sites have been taken off the cleanup list. Deadlines have been missed. Enforcement is weak. There is waste and there is inefficiency. And EPA has done little to stop the generation of waste before it is produced.

Is the environment better off? The budget says no. We have enacted tough new laws in the last 8 years—the Superfund amendments, Right to Know, radon protection, RCRA, and the Clean Water Act. Yet the last Reagan budget has not moved much beyond where we were in fiscal year 1981.

Bill Reilly inherits an environmental legacy of fouled beaches, seeping toxic wastes, acidified lakes, and unbreathable air. He inherits an EPA which has been gentler and kinder to polluters. And he inherits a legacy of neglect and mismanagement. As the GAO and OTA recently confirmed in separate reports, the Superfund program is running late and wasting resources as it goes.

Bill Reilly has committed to stemming this tidal wave of mismanagement and neglect. He is committed to immediately review mismanagement in the Superfund program and find ways to speed up Superfund cleanups, address improper medical waste disposal, aggressively enforce our laws, work to reduce the generation of wastes, propose legislation to strengthen the Clean Air Act, and work with the Congress to address indoor air and ground water contamination.

He also inherits an atmosphere between the Congress and the administration that has been polluted with ill-will. We hope that the new breeze the President mentioned in his inaugural will clear the air in our relationship. Bill Reilly's nomination is a positive sign. Bill Reilly has committed to improving this relationship and working constructively with the Congress.

Regardless of whom we supported in the election, regardless of where we stand on other issues, we must all be environmentalists now. That is why I sincerely hope that 4 years from now we can honestly say the environment is better off than it was in 1989.

Given the legacy he inherits, Bill Reilly has an inenviable task. But it is one that I am committed to working with him on, and one we must not fail to achieve. And I believe that Bill Reilly has the experience and commitment for the job. I urge my colleagues to join me in supporting the confirmation of Bill Reilly as the next Administrator of EPA.

Mr. DOLE. Mr. President, I am pleased to vote today for William K. Reilly to be the new Administrator at the Environmental Protection Agency.

Throughout the Presidential campaign, George Bush made a clear and consistent commitment to environmental issues. He promised a new look at some old problems—problems that concern all of us. That is why President Bush selected Bill Reilly for this tough job.

He has the credentials the new team at the White House was looking for, and—just as important—he has expressed his willingness to work with Congress to build a consensus on our environmental challenges.

Let's face it, there are no easy answers to acid rain, or clean air, or toxic waste. The issues flip-flop from State to State, region to region, East to West, and North to South.

No doubt about it, there will be disagreements because the very valid concerns of farmers and ranchers; industrialists and environmentalists; and Federal and State interests must be balanced—no one group can have it all their way.

As Senate Republican leader, I am committed to working with Mr. Reilly. I am committed to seeing action on clean air, reductions in emissions from acid rain, reviewing the entire Superfund system, taking a fresh look at toxic waste disposal and ocean dumping, and stopping any further loss of our valuable wetlands.

On this last front, I am pleased that some of President Bush's key supporters—Governor Tom Kean of New Jersey, and Carroll Campbell of South Carolina, to name two—have made tremendous progress toward a national consensus on the wetlands issue. I salute them for their efforts.

There's plenty of work to do on the environmental front, and I believe that William K. Reilly can—and will—provide the leadership America needs.

Mr. HELMS. Mr. President, many of our colleagues have voiced strong support for the nomination of Mr. William Reilly to be the next Administrator of the Environmental Protection Agency. I regret to say that I am unable to be as enthusiastic.

I have no doubt that Mr. Reilly is a fine person, dedicated to a clean, healthy America. There is not one member of this body who does not share those same goals. I am concerned about Mr. Reilly's past ambivalence regarding constitutional principles which protect the American people from the power of big government.

Mr. President, in his testimony before the Senate Committee on Environment and Public Works, Mr. Reilly said that the environmental enforcement efforts of the EPA "must respect due process and the rights of property." He committed himself to the constitutional guarantees that protect the rights of "all our citizens including those whose activities are subject to regulation."

Mr. President, those assurances are comforting. But they must be viewed in the context of views that Mr. Reilly has previously expressed.

Mr. President, the fifth amendment states that no person shall be deprived of property without due process of law nor will any private property be taken for public use without just compensation. But as late as 1985, Mr. Reilly wrote a book in which he took the position that when it comes to competition between Federal lands and property owners whose land is next to Federal holdings, mainstream attitudes about property rights must change.

Mr. Reilly also took the position that private property which adjoins Federal parks and wilderness areas must—repeat: must—be made part of the park system and, further, that use by the owner should be limited to accommodate the needs of the park.

In other words, as I understand Mr. Reilly's positions, the Federal Government shouldn't have to buy land which adjoins Federal parks and wilderness areas. Congress should be able merely to declare it part of the park system and prevent the owner from using it as he sees fit.

Mr. President, Mr. Reilly's recent writings are not the only place we find this different notion of property rights. When he served on the Council on Environmental Quality in the 1970's, he was a forceful advocate of land use restrictions at the expense of state sovereignty and personal liberty. The January 14, 1989, edition of Human Events chronicles Mr. Reilly's tenure in the Nixon administration. I ask unanimous consent that a copy of that article be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, I have expressed my concerns with the hope that Mr. Reilly will take them to heart. I hope he now has moderated his positions, and that he has assured President Bush that he no longer holds the views he expressed previously. Because of his assurances to the Environment Committee that he will indeed respect the private property rights of individuals, I will vote to confirm his nomination. I do hope that I have not been misled, and I want to give him the benefit of the doubt.

EXHIBIT 1

ENVIRONMENTAL ACTIVIST TO HEAD EPA—PROPERTY RIGHTS ENDANGERED?

President-elect Bush's selection of William K. Reilly to head the Environmental Protection Agency has aroused concern among conservatives especially in the Western states, of a possible return to the heavy-handed regulatory approach to environmental issues characteristic of the pre-Reagan years.

Giving rise to these fears is that Reilly, who has been president of the Conservation Foundation since 1973 and president of the World Wildlife Fund—U.S. since it became affiliated with the Conservation Foundation in 1985, is the first head of an environmental group ever picked as EPA administrator.

Indeed, except for a brief stint with a Chicago law firm in 1965, the year he finished Harvard Law School, and two years in the Army ending in 1967, Reilly has spent his entire career in the environmental movement.

Reilly, who holds a master's degree in urban planning from Columbia University, was a key staff member for the President's Council on Environmental Quality (CEQ) from 1970 to '72. He then served as executive director of a 12-member land-use task force, chaired by Laurance S. Rockefeller, before taking the helm at the Conservation Foundation.

While conservatives would like to see a shift at EPA toward heavier reliance on market-oriented solutions to environmental problems, together with a return of the primary responsibility for such issues to the state governments, Reilly's background suggests to many that he may push the Bush Administration toward more and stricter regulatory standards in ways that may threaten competing concerns, such as federalism and private property rights.

As a senior CEQ staff member during the Nixon Administration, Reilly, together with another colleague, drafted a major federal land-use bill that, if enacted, would have inflicted a tremendous blow to the traditional American concept of private land ownership.

The Reilly-shaped measure, which passed the Senate in 1973, but died in the House a year later, would have authorized the federal government to distribute grants to the states for use in the development of statewide zoning programs. Supporters said such zoning was necessary to preserve the country's environment and provide for balanced economic development. They also maintained that the bill was a voluntary grant-

in-aid program intended merely to encourage the states to develop their own zoning plans, not an attempt by the federal government to impose a federal plan on the states.

But, as then-Sen. Paul J. Fanning (R-Ariz.) noted, the measure told the states they would get millions of dollars in federal aid simply by setting up a land-use planning scheme under a "process" approved by Washington. The catch was that the so-called process entailed so many specific provisions that were subject to federal approval that, instead of carrying out their own zoning plans, the states would have soon found themselves acting as mere agents for the federal government.

Perhaps the greatest opening toward federal control was a provision giving the Interior Department the power to ensure that the states restrict the use of all "areas of critical environmental concern which are of more than statewide significance." So broadly did the bill define what was meant by those "critical" areas, opponents charged, that almost any land could be considered subject to federally dictated zoning restrictions.

Included in the measure's definition of environmentally "critical" areas, for example, were all geographic areas whose development might "substantially impair the historic, cultural, scientific, or esthetic values or natural systems or process within fragile or historic lands."

What particularly worried opponents of the federal controls supported by Reilly was the danger that such land-use restrictions would erode constitutionally guaranteed property rights. As Fanin and two other senators pointed out in a minority report, "the 5th and 14th Amendments to the Constitution of the United States provide that 'private property' shall not 'be taken for public use, without just compensation.'"

The critical issue, however, is how far the use of the property can be restricted without compensating the property owner for diminution of value.

It is conceivable, for instance, that a state government, in restricting the development of a piece of property so as to preserve it as a habitat for wildlife, all in accordance with federal demands, might vastly reduce that property's value to its owner. Yet nothing in the federal land-use bill guaranteed that owners would be compensated for such losses. On the contrary, the bill specified that none of the grant money to the states could be used for that purpose.

Thanks to an outcry by conservatives, Reilly's federal land-use measure was killed in the House in 1974. But Reilly, as evidenced by more recent publications put out by the Conservation Foundation, remains committed to approaches that would put restrictions on the use of private land.

Reilly, for instance, has been beating the drums for a concept known as "greenline parks"—the notion that privately owned land adjacent to federal or state parks could be declared part of the park system and its use restricted to conform with park purposes.

In the introduction to a 1985 book published by the Conservation Foundation entitled National Parks for a New Generation, he argued that the "accommodation of permanently nonfederal lands within park boundaries is critical for further expansion of the system." Given existing budgetary restraints, he added, "greenline parks appear to represent the most important opportunity to extend the park system on a significant scale."

In the same book, Reilly complained that the "tradition of park stewardship has stood as a notable exception to the mainstream of our national attitudes toward land. In the mainstream, the country has cherished the right of citizens to exercise dominion over land they own, subject perhaps to modest limitations, often grudgingly imposed, to protect resources or accommodate the exigencies of urban life."

But the "mainstream" view of property rights must change, said Reilly.

"[I]f parks are to be protected for use and enjoyment of future generations of Americans, the tradition of park stewardship must gradually be extended beyond park boundaries, to domains where mainstream attitudes about private property and freedom of action still prevail today."

Reilly and the Conservation Foundation have been generally critical of the Reagan Administration's deregulatory approach. In the Foundation's 1982 State of the Environment report, for example, the Administration was taken to task not only for its efforts to reduce red tape in areas related to the environment but also for its efforts along the same lines at such agencies as the Consumer Product Safety Commission and the Occupational Safety and Health Administration.

Yet, as disquieting to conservatives as some aspects of Reilly's record may be, most observers agree that, compared with many environmentalists, his record, and those of the organizations he heads, is relatively moderate and sensible.

Reilly is seen as a mediator who has sought to get diverse interests, such as representatives of business, government, and the environmental movement, to work together in the spirit of compromise.

Though Reilly is intensely concerned about a wide range of environmental issues—including clean air, protection of surface and ground water quality, and preservation of wetlands and other wildlife habitat—it is also evident from his writings that, unlike many environmentalists, he is not wholly oblivious of competing costs and needs.

For that reason, spokesmen for some of the militant environmental groups, while publicly greeting Reilly's nomination with enthusiasm, are privately griping that he is not aggressive enough for their tastes. As the representative of one such group groused to Human Events:

"The Conservation Foundation which he headed for a long time and which recently merged with the World Wildlife Fund is not really an advocacy organization. . . . He [Reilly] hasn't been honed by fighting for environmentally protective policies. I think he's basically made his reputation more as a mediator between environmental interests on the one hand and industry interests on the other."

In the meantime, Rob Rivett, chief of the environmental law section of the conservative, California-based Pacific Legal Foundation, termed the Reilly selection "a pretty good appointment."

Although PLF hasn't had any direct dealings with Reilly, said Rivett, "the Conservation Foundation is an organization we do respect. The Conservation Foundation, of course, is not what we call an extremist environmental organization. From that standpoint, they've taken more of a mainline, moderate environmental position where they recognize other considerations as well as just exalting environmental considerations over everything else. . . .

"What Bush has done here is to really follow through on his commitment to the environment. At the same time he's shown that he's going to be making sure that other important considerations, fundamental needs, are going to be met as well, not just environmental issues."

But other conservatives, including some in the Reagan Administration, insist that Reilly's apparent reasonableness is more a matter of style than substance. As a result, they are hoping that Sen. Steve Symms (R.-Idaho) and other members of the Environment and Public Works Committee, which has jurisdiction over his nomination, will question Reilly closely about his attitudes toward regulation in general, paying particular attention to his views on private property and federalism.

Mr. SPECTER. I am pleased to express my support for William Kane Reilly, Esq., as Administrator of the U.S. Environmental Protection Agency. I compliment the President on selecting a career conservationist, who is well-equipped to address the environmental concerns in our country and the world which are of tremendous priority.

Mr. Reilly is well-qualified for the position as EPA Administrator as reflected in his impressive list of accomplishments and experiences. Mr. Reilly served as president of the Conservation Fund since 1973 and became president of the World Wildlife Fund in October 1985, when the foundation joined the fund in a formal affiliation. The World Wildlife Fund, a private organization, has supported over 1,300 projects in over 100 countries, including programs in Latin America, Africa, and Asia. These programs help protect endangered wildlife and habitat, including tropical forests.

During Mr. Reilly's 15-year presidency, the Conservation Foundation supported numerous programs regarding park and forest policy, environmental dispute resolution, control of water toxic substances, urban conservation and energy.

Under Mr. Reilly's leadership, I understand that the Conservation Foundation developed an impressive interdisciplinary staff of scientists, lawyers, economists, political scientists, urban planners, engineers, business experts, and writers. Prior to joining the foundation, Mr. Reilly served as executive director of the Task Force on Land Use and Urban Growth, as associate director of the Urban Policy Center, a captain of the U.S. Army in Europe, and he also practiced law in Chicago.

This position as the Administrator of the Environmental Protection Agency is especially critical in many of the Nation's environmental matters, including cleanup of toxic waste sites, enforcement of the Superfund laws, ensuring the quality of our air and water, as well as representing the United States in the international arena on the growing problems of acid rain, global warming, and depletion of

the ozone layer. I am confident that Mr. Reilly will be an effective leader in these important areas.

I support the nomination of Mr. Reilly to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skills, as he has in the other positions he has held in the past.

Mr. MITCHELL. Mr. President, I rise in support of the nomination of Mr. William Reilly to be Administrator of the Environmental Protection Agency.

President Bush has called for a fresh start in dealing with many of our pressing national issues. A fresh start is especially needed in the area of environmental policy.

The President made a commitment during the campaign to "appoint the finest, most qualified individuals in the land to serve in my Environmental Protection Agency." He has taken an important first step in fulfilling that pledge with the nomination of Bill Reilly to be Administrator of the EPA.

As a candidate for President, Mr. Bush outlined an ambitious agenda to improve environmental protection, which Mr. Reilly will be expected to carry out if he is confirmed as Administrator. Mr. Bush has said, for instance, that:

> The time for action, on clean air and for acid rain, is now. [Oct. 14, 1988, University of California, San Diego]

And that:

> "No net loss of wetlands" should be our national goal. [Aug. 31, 1988, Lake Erie Metropark, MI]

Mr. Reilly will face not only the challenges of carrying out these policies, but also carrying out the commitments that have been made by the President with respect to toxic waste, ground water protection, and protection of our coastal waters.

In implementing this agenda, Mr. Bush has stated that Mr. Reilly and his other appointees at the EPA, "will have my support. They will have my ear. They will have my confidence."

If confirmed, Mr. Reilly also will have my support. We will need to work together to reduce the pollution from which we all suffer. In that regard, I want to take this opportunity to urge that the administration make a greater effort in several areas.

First, the Agency and the administration must reverse the basic policy of opposing every major environmental law developed by Congress. Over the past 8 years, EPA has opposed the Clean Air Act, Superfund, RCRA, the Safe Drinking Water Act and the Clean Water Act. The President vetoed the Clean Water Act amendments twice and opposed acid rain control legislation at every opportunity. I sincerely hope that we can establish a more cooperative and constructive relationship in the future.

Second, the next EPA Administrator must reverse the dramatic underfunding of environmental programs over the past decade. The EPA 1989 budget for core operating programs has the purchasing power that it did in 1975 while responsibilities have increased.

The bottom line is that the Agency is not effectively implementing many of its core programs and has inconsistently implemented new programs passed by Congress in the past decade.

The next Administrator must give higher priority to convincing President Bush, OMB, and other administration officials of the need to fully fund environmental programs. He must make this case to Congress in a compelling way. And, he must work to identify and develop new sources of funding.

Finally, the next Administrator must work with Congress to rebuild the Agency's capacity for research and development, to more effectively identify and address emerging environmental and human health problems, and to build an institutional foundation for addressing environmental problems on a global scale.

Even the preliminary evidence we have concerning global environmental problems, such as climate change, ocean pollution, and declines in biological diversity and endangered species, tells us we have just scratched the surface of these problems. Future generations may well judge our efforts largely on whether we were alert to the emergence of global pollution problems and whether we were successful in responding to these problems.

I will do everything I can to help Mr. Reilly address these pressing problems. Thank you, Mr. President.

Mr. DOMENICI. Mr. President, I will be brief. We are about to vote on the nomination of William K. Reilly for the position of Administrator of the Environmental Protection Agency.

I have met with Mr. Reilly and have studied statements he has made, and I believe he will ably guide the Agency. He takes over as head of the Environmental Protection Agency at a difficult time. The Congress has been struggling with reauthorization of the Clean Air Act for the past 8 years and will be looking to Mr. Reilly for the guidance that will bring about final resolution of that issue.

He comes on-board at a time when the Superfund Program faces grave challenges. He has promised to initiate an internal Agency review of that program and to offer recommendations on how to make the program work more effectively to meet our goals of improving the environment and using the money wisely.

Mr. Reilly takes over the helm at the time when new environmental problems come to the forefront, such as global warming and indoor air pollution.

The task ahead of Mr. Reilly is a difficult one. However, his years in the environmental community and as head of the respected Conservation Foundation prepare him for the challenges ahead.

I respect his past successes in working with diverse groups to solve difficult problems. I will vote enthusiastically for his confirmation and look forward to working with him to address the many important environmental challenges ahead.

Mr. GRAHAM. Mr. President, for more than 15 years, William Reilly has been a friend and a colleague of mine. Our shared interest in conservation dates to my days as a State Senator in Florida; it continued during my tenure as Governor during which time I served on the Conservation Foundation's board of directors. Today it remains a bond we fully share.

Bill Reilly's leadership and effective advocacy helped shape many of the environmental initiatives in Florida, of which I am most proud. Since then, he has contributed enormously to our collective understanding of major environmental problems in this country and internationally.

Bill is a leader who searches for innovative ideas and feels at home with a variety of people often representing diverse points of view. His goal is to forge creative solutions to complex environmental problems. This has been the hallmark of the foundation's work in Florida, and I expect it to be a measure of Bill's time at EPA.

I first came to know and work with Bill when he was executive director of the Task Force on Land Use and Urban Growth, in an effort to confront a wave of unprecedented growth in the early 1970's. That work and Bill's direct involvement helped bring about a number of far-reaching improvements in the way we Floridians managed our resources.

Our ties continued when he was tapped to head the Conservation Foundation. The foundation helped the citizens of Sanibel Island formulate a comprehensive development plan based on protecting the unique natural resources and the natural systems of this world famous island. The foundation's ground breaking plan applied scientific principles to wise land use management.

Bill's leadership helped Sanibel Island accommodate growth while protecting the resources and assets that lend it distinction. By working with diverse interests and pursuing scientific consensus on needed steps, the Conservation Foundation's work on Sanibel has endured. It has served as a model for other communities in Florida and elsewhere.

Bill Reilly has been with us at other crucial times on behalf of Florida's environment. When I sought to establish

the Save Our Everglades Program to help restore this magnificant natural area to the way it looked and functioned at the turn of the century, I called on Bill. He helped galvanize support from other conservation leaders in Washington and provided key staff work in the initial phase of our effort.

Bill's consensus approach also helped play a major role in shaping a habitat conservation plan for endangered species on North Key Largo threatened by impending development. His staff worked with government officials, landowners, and environmentalists in designing a process to ensure that endangered species were protected while the legitimate interests of landowners were accommodated to the extent permissible under the law.

I also had the pleasure of serving on the board of directors of the Conservation Foundation during the late 1970's and to witness first-hand Bill's leadership. I saw someone committed to a better environment. I saw someone filled with integrity, with vision, with concern for the legitimate interests of all affected parties.

Mr. President, President Bush has made an astute choice for EPA Administrator. The responsibilities before this Agency are formidable—the consequences of inaction or the wrong choices immense. I am confident that Bill can help us steer a wise course through the many competing demands on our environment.

I urge your support for his nomination. I and many others on both sides of the aisle look forward to his energetic leadership at EPA and to working with him to improve the environment. Thank you, Mr. President.

Mr. REID. Mr. President, I rise in strong support of the nomination of Mr. William Kane Reilly to be the Administrator of the U.S. Environmental Protection Agency. As one reviews Mr. Reilly's credentials, it becomes readily apparent that he is eminently qualified to serve at the helm of our Nation's foremost environmental agency.

For 15 years, Mr. Reilly has served as president of the Conservation Foundation, an independent environmental research and communications organization. Since 1985, he has also been president of the World Wildlife Fund. Prior to joining the Conservation Foundation in 1973, Mr. Reilly was a senior staff member of the Council on Environmental Quality.

Cooperation and commitment by Government, conservationists, and industry are absolutely necessary if we are to resolve the many environmental challenges before us. It is also clear that the pollution problems confronting us are not confined to the geographical boundaries of the United States. Only serious efforts by the international community to address various environmental failings will result in success.

Mr. President, I believe Mr. Reilly's years of service in Government and with private, international organizations devoted to the environment will be of great benefit. He possesses the knowledge, the experience, and the resolve to tackle the global challenges before us. He is a pragmatist who values the art of compromise. I should point out that in testimony before the Environment and Public Works Committee, Mr. Reilly demonstrated that he is also an idealist. He noted that "nothing could be more important or rewarding than protecting this Earth and the magnificent life upon it." I look forward to working with Bill Reilly.

Mr. WARNER. Mr. President, I rise to support the confirmation of William K. Reilly, President Bush's nominee to be Administrator of the U.S. Environmental Protection Agency.

This past Tuesday it was my privilege to introduce Bill Reilly to my fellow members of the Environment and Public Works Committee. This morning it was a pleasure to cast my vote in committee in support of his nomination.

I would like to take a moment to recap the statement I made about Mr. Reilly to the committee on Tuesday.

The position of EPA Administrator is among the most demanding in the Federal Government. The environmental challenges that confront our Nation are as fundamental as the air we breathe, the water we drink, and the land we live and work on. Decisions made by the EPA Administrator affect every city, every town, and every citizen in this country.

We in Congress are truly fortunate that Mr. Reilly is the President's nominee to head this important Agency. And we in Virginia are especially proud of him.

Mr. Reilly has rightfully been called a "world class" environmentalist. It is a title few others can share, and it has been earned through years of leadership, vision, and accomplishment.

By training, Mr. Reilly is an attorney and an urban planner. He served at the Federal level during the earliest days of America's efforts to reverse our environmental decline as a senior staff member of the President's Council on Environmental Quality from 1970 to 1972. In 1973, he became president of the Conservation Foundation, one of the country's most respected environmental organizations.

For 15 years, Mr. Reilly has led the Conservation Foundation, building it into a thoughtful and effective organization for environmental progress. In 1985, he also became president of the World Wildlife Fund, an internationally respected organization dedicated to preserving the diversity of life around the globe.

I believe that because of his training, his career experiences, and his international stature, Mr. Reilly is well suited to carry out the responsibilities given him by the President. And his reputation as a thoughtful leader who solves problems through aggressive negotiation and consensus building wherever possible gives us all hope that the era of environmental confrontation and polarization are finally behind us.

I am very pleased to cast my vote in support of Bill Reilly's confirmation. I heartily endorse his nomination for he has proven himself to be a man of integrity, ability, and experience in the issues that will confront him at the EPA helm.

Mr. SIMPSON. Mr. President, as we review the administration's nominee for the position of EPA Administrator—we shall certainly miss Lee Thomas—who brought a remarkable degree of credibility to his job as Administrator in these recent years.

In reviewing Bill Reilly's résumé, statements and speeches it surely appears that Bill has a wealth of experience in certain environmental areas. He has been an advocate of the Conservation Foundation for 15 years. This has been a great deal of time to spend with one organization. It does strike me that Bill Reilly's experience may well be heavily focused on urban issues. While this is certainly good news for Senators with large population areas, it does give some of us from Western and Southern States some pause. Certainly, many of the extreme environmental problems we face today are a result of activities taking place in large urban areas—for instance, ozone nonattainment, compliance with the Clean Water Act, and hazardous waste disposal issues are primarily urban issues.

I trust that Bill Reilly and his staff will keep an open mind about environmental issues that have a distinctively Western or rural flavor. We often find in this committee that the Midwest and the West are simply different from the East and really do warrant special consideration.

I have been very interested in Bill Reilly's thoughts about what he would do to improve the environmental quality in the United States. The Conservation Foundation has acted as a consultant to the EPA over the years and has been involved in several important environmental issues. However, the consultants view is often different than the EPA Administrator's view and I know that Bill has already come to understand that difference.

I am somewhat disturbed to hear talk about a possible need for a lengthy, all-encompassing piece of environmental legislation that will take the place of the current media-by-media approach exemplified by the

Clean Air Act, the Clean Water Act, Superfund, and the Safe Drinking Water Act. It does not seem to me that the writing of an ever more convoluted and increasingly complex environmental statute is what we need to solve the Nation's environmental problems. Indeed, I doubt that anyone in the administration will find a readily mobilized constituency for any such massive restructuring. We ought to be more concerned about making our existing laws work better than about creating new ones. And we ought to remember that every new solution creates a new problem.

I was pleased to see that Mr. Reilly has noted the limited usefulness of air quality and other models. Models are helpful in giving us a general picture about environmental concerns, but they are certainly not a panacea for enlightened decisionmaking. I trust that same concern about models will be exercised as we begin consideration of the Clean Air Act reauthorization.

I have long been concerned about our inability to reauthorize the Clean Air Act. It has now been over 8 years since we have reauthorized this important piece of legislation. I look forward to working with President Bush, Bill Reilly, and Senator MITCHELL and others, on and off the committee, in developing a clean air compromise this year.

There is one other issue I would like to emphasize to Mr. Reilly today. That is the issue of the percentage reduction requirement, which was put into law in 1977 by the high sulfur coal interests whose sole interest was to gimmick the coal marketplace. I trust Mr. Reilly and his staff will certainly make an effort to learn about the percentage reduction requirement and the Clean Coal Technology Program, both of which are Federal programs geared solely to protect and enhance the high sulfur coal interests of this country. Until these issues are honestly addressed, it is unlikely that any clean air compromise is possible.

We have made great progress in the area of the environment in this country in recent years, but we have a great deal more to do. We need to accelerate the Superfund Program, deal with the acid rain issue, reduce urban ozone and chlorofluorocarbon use, and we need to look more closely at the biotechnology issue. I am looking forward to working with the Bush administration and Bill Reilly in order to find solutions to these important issues.

Mr. BURDICK. Mr. President, I yield back the remainder of my time, if I have any.

Mr. CHAFEE. Mr. President, I think our time has expired; has it not?

The PRESIDING OFFICER. The Senator is correct. All time has expired. The Chair notes the absence of a quorum, and the votes will occur on all four Cabinet appointments seriatim at 4:45.

In the meantime, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. The question now occurs on the confirmation of Mr. Manuel Lujan, Jr., to be Secretary of the Interior.

The question is, Will the Senate advise and consent to the nomination of Manuel Lujan, Jr., of New Mexico, to be Secretary of the Department of the Interior? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 7 Ex.]

YEAS—100

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Nickles
Boren	Harkin	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	
Fowler	McClure	

So the nomination was confirmed.

The PRESIDING OFFICER. The Chair advises all Senators that there will be three more votes on nominations. Each vote will be 15 minutes, and the votes will occur seriatim.

COUNCIL OF ECONOMIC ADVISERS

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael J. Boskin to be a member of the Council of Economic Advisers? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—100

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Nickles
Boren	Harkin	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	
Fowler	McClure	

So the nomination was confirmed.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDENT pro tempore. The question now occurs on the nomination of Mr. Jack Kemp. The question is, Will the Senate advise and consent to the nomination of Jack Kemp, of New York, to be Secretary of Housing and Urban Development. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 9 Ex.]

YEAS—100

Adams	Conrad	Grassley
Armstrong	Cranston	Harkin
Baucus	D'Amato	Hatch
Bentsen	Danforth	Hatfield
Biden	Daschle	Heflin
Bingaman	DeConcini	Heinz
Bond	Dixon	Helms
Boren	Dodd	Hollings
Boschwitz	Dole	Humphrey
Bradley	Domenici	Inouye
Breaux	Durenberger	Jeffords
Bryan	Exon	Johnston
Bumpers	Ford	Kassebaum
Burdick	Fowler	Kasten
Burns	Garn	Kennedy
Byrd	Glenn	Kerrey
Chafee	Gore	Kerry
Coats	Gorton	Kohl
Cochran	Graham	Lautenberg
Cohen	Gramm	Leahy

Levin	Nickles	Sasser
Lieberman	Nunn	Shelby
Lott	Packwood	Simon
Lugar	Pell	Simpson
Mack	Pressler	Specter
Matsunaga	Pryor	Stevens
McCain	Reid	Symms
McClure	Riegle	Thurmond
McConnell	Robb	Wallop
Metzenbaum	Rockefeller	Warner
Mikulski	Roth	Wilson
Mitchell	Rudman	Wirth
Moynihan	Sanford	
Murkowski	Sarbanes	

So the nomination was confirmed.

ENVIRONMENTAL PROTECTION AGENCY

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Mr. William Kane Reilly to be Administrator of the Environmental Protection Agency? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—100

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Nickles
Boren	Harkin	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	
Fowler	McClure	

So the nomination was confirmed.

The PRESIDENT pro tempore. On this question, does the Senate advise and consent to the nomination of William Kane Reilly to be Administrator of the Environmental Protection Agency, 100 Senators having voted in the affirmative, no Senators voting in the negative, the nomination is confirmed.

Under the order previously entered, the motion to reconsider en bloc is laid on the table en bloc. The President is immediately notified of the confirmation of the nominees and the Senate returns to legislative session.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The majority leader is recognized.

FEDERAL PAY RATE RECOMMENDATIONS

Mr. MITCHELL. Mr. President, I have consulted with the Republican leader on this request. I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 7, Senator SANFORD's resolution disapproving the President's pay raise recommendations.

The PRESIDENT pro tempore. In accordance with the order previously entered, the Chair lays before the Senate the Senate Joint Resolution 7, which the clerk will read for the second time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 7) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

The Senate proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, for the information of Senators, many of whom have asked me about the schedule for this evening, I intend shortly to yield to Senator SANFORD, the author of the joint resolution now before the Senate, who will make brief introductory remarks. I then intend to seek recognition to make a statement of my own, following which I understand the distinguished Republican leader would like to make a statement. Anyone else who wishes to do so, of course, is free to seek recognition to make their statements.

It is my understanding that shortly thereafter the distinguished Senator from South Dakota, the author of what will be a substitute amendment for the Sanford joint resolution, will seek recognition and make a brief statement. Under the unanimous-consent agreement 2 hours have been allocated maximum for the joint resolution and 2 hours maximum for the amendment.

If all of the time is used, then the vote will occur on Senator PRESSLER's amendment at approximately 10 p.m.

I understand that Senator PRESSLER has indicated he will use only a few minutes; Senator GRASSLEY the same. And if large numbers of Senators do not then wish to speak on this subject, it is possible to have the vote in a relatively short time from now.

Thereafter, we will proceed in accordance with the unanimous-consent agreement to consideration of a resolution which Senator DOLE and I will jointly submit dealing with the subject of honoraria. A maximum of 1 hour has been allocated on that. I intend to speak for just a few minutes. I believe Senator DOLE intends to use about the same amount of time.

It is possible, therefore, for the benefits of Senators, that we could complete action this evening on both the pending disapproval resolution and the resolution regarding honoraria in a relatively short period of time, far less than the maximum 5 hours allocated under the unanimous-consent agreement or permitted under the unanimous-consent agreement.

That is merely informational for Senators, and the exact timing will depend, of course, upon how much debate ensues.

Mr. PRESSLER. If my friend will yield, that is my intention. If there are questions on the technicalities of our amendment, I of course would have to spend more time answering. But I intend to talk for about 5 or 6 minutes.

Mr. MITCHELL. I thank the Senator. I thank the Chair.

Mr. MURKOWSKI. I wonder if I may make an inquiry for clarification of the leader. Will there be one rollcall vote on the Pressler substitute?

Mr. MITCHELL. There could be as many as three, if there is a vote on a substitute, and then any Senator may insist that we proceed as scheduled to a vote on the underlying resolution as amended by the substitute—and then a third vote on the resolution to be introduced by Senator DOLE and I. After the vote on Senator PRESSLER's resolution, which I anticipate will be approved by a very large margin, I will then seek to determine the will of the Senate with respect to a vote on the underlying resolution as amended.

Mr. MURKOWSKI. I thank the majority leader.

The PRESIDING OFFICER. The time is under the control of the two leaders or their designees.

Who yields time?

Mr. MITCHELL. Mr. President, I yield to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I will take a moment to say a word in support of Senate Joint Resolution 7 which is a joint resolution to disapprove the pay raise recommended by the quadrennial commission and the President.

I will be very brief. I think people have made up their minds on this. I hope we can move with dispatch.

Our Nation is in the——

The PRESIDING OFFICER. Will the Senator suspend? There are too many conversations going on in the Chamber. Staff will please be seated and Senators refrain from talking.

The Senator is recognized.

Mr. SANFORD. Mr. President, our Nation is in the midst of budget deficit crisis which will only be remedied if Government exercises a great deal of

fiscal responsibility. The proposed 51-percent pay raise for Congressmen and top Federal officials can only be considered fiscal irresponsibility.

The American people have stated their position very clearly. I have no doubt that, at some future date, Americans will support an increase in pay for Congress and the President. But that increase should be commensurate with cost-of-living increases.

I see room for reform of this process which determines the salaries of Federal officials. There exists an important need to unlink congessional and executive pay from that of nonelected officials and civil servants.

Research and development efforts made by Government scientists enable our country to grow and become stronger. Our Government deserves the best scientists and researchers the country has to offer. It is imperative that we have sufficient funds to attract quality people to these posts.

I have previously suggested that we give block grants to Federal scientific endeavors and institutions, so that they might determine what amount of compensation will attract the brightest minds to conduct research for our Nation.

Unfortunately, this pay raise issue has generated a lot of acrimony, acrimony between and within political parties and more tragically acrimony between the American people and their elected officials.

Mr. President, I suggest we take a fresh look at this issue. The intense debate surrounding the pay proposal has generated more than just rhetorical exuberance. It has also produced some good ideas about the pay issue.

I hope that we can put our differences aside long enough to have a serious and productive debate, and fashion a solution to this politically explosive issue.

The proposal before us now, however, is not that solution.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, of all the problems with which Members of Congress must deal, none is more contentious than the question of compensation. It has been that way for 200 years.

The First Congress approved a constitutional amendment requiring an election to intervene before a pay raise for Congress could take effect. The States rejected it.

In 1816, the first attempt to raise congressional pay was repealed because of the clamor it caused.

All subsequent compensation laws have been equally condemned, regardless of the circumstances surrounding them.

We have never had a satisfactory method for setting compensation for high Government officials. We still do not.

Our society believes, and practices its belief, that money is an important and appropriate incentive for persons in virtually every area of activity. Public service is one of the exceptions.

Americans do not want government service limited only to the wealthy. But they also do not want government to be a means of enrichment for those who are not wealthy.

Most Americans do not believe that high salaries are in themselves undesirable. But most Americans do believe that high salaries for public servants are undesirable.

That is the public attitude. We must acknowledge and respect it. We must also recognize that the pay of high Government officials has not kept pace with the cost of living. It is now effectively a third lower than it was 20 years ago.

Despite that, the American people oppose this proposed pay raise, just as they have opposed every such pay raise in our Nation's history. If contemporary public opinion were the sole determinant, the pay of Members of Congress today would be the same as it was in 1789.

The American people are especially angry about this proposed pay raise because of the large percentage increase at one time and because of the procedure by which it is being considered.

We must listen to, understand, and act on the concerns of the people.

It is not surprising that the size of the pay raise has earned it overwhelming disapproval. Very few Americans see their pay checks rise by 50 percent at one time. Most of them receive some form of merit or cost-of-living increase every year or so that protects their purchasing power against the rise in the cost of livng.

But the salaries of high Government officials have not kept pace with the cost of living. These salaries today purchase about a third less than they purchased 20 years ago.

Instead of getting a small annual increase, as do most Americans, Members of Congress, Federal judges, and high officials in the executive branch go for years with no increase at all, followed by an intense controversy as a one-time catchup effort is made.

So it is not surprising that to people who get a modest pay raise each year, if at all, a 50-percent increase at one time seems enormous. That is the price we are paying for not having accepted annual cost-of-living increases.

The Presidential Commission which initially recommended these increases to President Reagan did not compare Government service salaries with salaries in private enterprise.

Clearly, in the private sector, an executive who controls billions of dollars of assets is paid hundreds of thousands of dollars. Just five Federal officials, including the President, earn more than $100,000.

Private sector executive salaries average $229,000 for the lower paid tier of corporate senior executives and $594,000 for the higher paid tier of such executives. But the Commission recognized that careers in Government derive their incentives from more than money.

Comparisons were therefore made with persons in nonprofit organizations, such as universities, hospitals, and other institutions where the profit motive and its large monetary rewards are absent. Even in those comparative circumstances, the Commission found that some university presidents, hospital administrators, city managers, police chiefs, school superintendents, and similar persons are paid substantially more than persons in the highest levels of the Federal Government.

It found, for example, that the Director of the National Institutes of Health has been unable to hire a senior research scientist for 10 years.

It heard of one case in which 10 persons approached about appointment to the Federal judiciary rejected the opportunity before the 11th was persuaded to accept.

It is not that nobody will take these jobs. Clearly, somebody will take every one of them. The question is whether we want first-rate judges, highly qualified scientists, experienced researchers.

There are powerful incentives other than money in public service, just as there are in the nonprofit sector. They help make up for lower pay. But incentives cannot entirely substitute for pay. Medical researchers, VA physicians, Federal judges all have to educate their children. Like every other American, they want to give their children more than they had themselves.

Yet those who accept nomination to the Federal bench, for instance, now experience, on average, an immediate salary loss of 62 percent. Some persons coming into the executive branch from the private sector experience salary losses many times greater.

Of course, those of us in public service freely choose to be there. We run for office voluntarily. We serve voluntarily.

As a result of the voluntary nature of our service, indeed the eagerness with which most of us sought our offices, some say we should never seek or accept compensation higher than it was when we entered office. Put bluntly, they say we knew what the pay was when we ran.

But carried to its logical conclusion, this argument ultimately would preclude all but the independently

wealthy from ever serving. Wholly apart from the interest of any individual, I do not believe that outcome to be in the interest of the Nation.

The Constitution requires Members of Congress to be paid "out of the Treasury of the United States." It says the President shall receive a compensation that may not be raised or reduced during a term of office, but only following the next election. And it says that judges shall receive a compensation which shall not be diminished during their tenure.

These instructions are simple. But they have always been difficult to carry out. One obvious reason is that few people have the opportunity to determine their own pay.

It was this self-evident conflict of interest which led to the creation of the Presidential Commission.

The idea was that Members of Congress should not set their own pay levels. It was intended that an independent commission would make the judgment instead.

The requirement that the President review that recommendation was designed to make the one Government official who cannot himself receive a pay raise be the judge of whether others in Government should get one.

Until President Reagan totally endorsed this Commission's recommendation, all but the first Commission's recommendations had been modified by successive Presidents, and always downward.

Of seven recommendations for pay raises four were not adopted, three were passed, and each was for an amount less than recommended by the Commission.

As so often happens, a law intended to solve a problem simply made it worse. Instead of eliminating the conflict of interest problem, the Commission procedure has focused attention on it. Instead of public confidence being enhanced, it has been further undermined.

There were apparently sound reasons for the creation and operation of the Commission, and for the President's role in the process.

But that does not change the fact that it now gives too many Americans the impression that there is something wrong with it.

A better, fairer, and more rational system would be to permit annual cost-of-living adjsutments to take effect for high Government officials, judges, and Members of Congress when Governmentwide cost-of-living adjustments are made.

In this decade, cost-of-living adjustments for Fedreal workers have been in the range of 3 to 4 percent. It was zero in 1986. If the cost-of-living increases had been accepted since 1969, we wouldn't be facing this problem today, because the salaries of high officials would not have lost a third of their purchasing power over the past 20 years.

From 1969 to 1988, the Consumer Price Index rose 225 percent. The salaries of high Government officials did not keep pace with that increase. By contrast, the pay levels of Americans have risen slightly more than the Consumer Price Index, so that, on average, Americans effectively earn 1½ percent more today than in 1969.

One obvious deficiency in the current system is the public mistrust it has created. Another is that it effectively limits our choices. Of course, that was one of the reasons it was created in the first place. But that has backfired.

We now must vote up or down on a proposal that we had no say in forming and which we effectively cannot alter under the Commission procedure alone.

That is a lousy position to be in, especially for those of us who believe that some increase is warranted if honoraria are barred, but who think the proposed increase is too large, especially if it is received all at once.

I favor a comprehensive approach which includes:

First, enactment of a tough ethics bill which covers Members of Congress;

Second, enactment of a campaign finance reform bill; and

Third, enactment of a bill prohibiting Members of Congress from receiving honoraria and, to replace the income lost through the prohibition on honoraria, an increase in compensation.

I was under the impression, indeed, I hoped, that President Reagan would modify the recommendations of the Commission. A smaller increase could be justified.

Earlier today, the Speaker announced his intention to present to the House next week a proposal to ban honoraria and increase pay by 30 percent rather than the 50 percent recommended by the President.

That creates an alternative to the proposal now before us. As I have said publicly many times, although I believe the 50-percent increase is too large, and will, therefore, oppose it, I also believe that honoraria should be banned and our compensation increased to offset the loss of honoraria income.

It is important now, as we struggle with our consciences and our personal and political futures, that we consider how we can better and more fairly handle this matter in the future.

I suggest these alternatives for consideration by my colleagues:

First, as I have already suggested, the pay of those subject to the President's recommendations should be adjusted when there is a Governmentwide cost of living adjustment.

If that had happened over the past 20 years, we would not be in the position we are in now.

Second, any increase in pay other than a Governmentwide cost-of-living adjustment should take effect only after an affirmative vote of approval by both Houses of Congress.

Whatever the practical arguments for the current system, it has heightened public mistrust of Government, and it has unfairly focused public criticism on the Speaker of the House. The burden which should be borne by all 535 Members of Congress is, instead, being borne by just one. That is unfair to JIM WRIGHT. It will be just as unfair to whoever holds that office after him. It should not happen again.

Third, any increase in pay other than a Governmentwide cost-of-living adjustment should take effect in the Congress following the one in which it is approved. The practice which now applies only to the President's salary should apply to all others involved. An election should intervene between a vote on a pay raise and its taking effect.

This is a controversial issue. Members of Congress are caught in a vise between editorial writers and reporters, who want a ban on honoraria, and voters, who are against any pay raise.

As I noted earlier, the large amount of the proposed increase and the manner in which it is being considered have intensified that opposition.

It is obvious that the Senate will today reject this proposal. I hope we will also soon reject the system which produced it and replace both with something better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair inquires as to who yields time.

Mr. DOLE. Mr. President, I yield myself whatever time I may consume. I will not take long.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. DOLE. Mr. President, I associate myself with the remarks of the distinguished majority leader.

I have been through a number of pay raise votes. I cannot recall any time that anyone was for it, and I think, as the majority leader indicated, it is probably almost a miracle we are not still getting $6 a day.

There was a pay raise in 1816 from $6 a day to $1,500 a session. This passed. There was such a public outcry that it was repealed the next year. I do not think they had a pay raise then for several years after that.

So it is a very sensitive issue, a very sensitive issue.

I do not know the best way. I recall Senator Baker from Tennessee, and Senator Long from Louisiana, suggesting to make maybe a constitutional change or we amend the Constitution and then anything we do by statute we

can undo by statute, and by a constitutional amendment you would have a commission and they would determine the pay.

I am not certain what the State legislatures would think of that. Maybe they would not want to get into that.

But I think, in line with that, after the 1816 vote the political reaction caused a swift retreat, and the measure was repealed the next year. The public outcry was vividly described by Lewis Condict of New Jersey, a Member of the House, when he said:

> The tranquility of the public mind at that season [in 1816] was highly favorable for the views of the demagogues of faction and noise. A universal calm pervaded every section. Party animosity had subsided. Political distinction had nearly ceased. The Federal co-partnership was dissolved. The Hartford Convention had dispersed. Bonaparte in St. Helena. No embargo. No war. Newspaper editors were in danger of starvation, and for want of other prey, they pounced upon the compensation law, and, like Peter's brown loaf, it has served them for beef and mutton, custard, and plum pudding. It was standing dish for months, and was served up in every possible shape, boiled and roasted, stewed and fricassed. Devoured by the demagogues of faction, it has been reissued from their pestiferous jaws at the trippling houses and dram shops, highly seasoned with falsehood and misrepresentation. And this is called "public sentiment", and "public opinion". This is "instruction from our constituents", which the Representative is bound to obey.

That may or may not be accurate. That was only one Member's view.

But I do think there should be a pay raise. I think if we did 50 percent, 51 percent, that was never going to be explained. There is no way you can explain that, as the majority leader pointed out. Nobody gets a 50 or 51 percent pay increase.

And so now the issue is shifted: if you vote against this are you going to take the money?

Very frankly, I do not see anything wrong with the present system. I do not believe that the limit on honoraria we are entitled to make is going to corrupt anyone in this body, and I hope not, and most everyone in this body does a lot of speaking they would not have to do and they give most of their speaking fees to charitable organizations, whether it be disabled or voluntary groups or nonprofit groups.

So I do not really see anything wrong with the honoraria. Neither do the people in my State see much wrong with that.

But that, in accordance with some, at least, raises the possibility of some influence. I know Members who will not accept honoraria but take PAC money from the same group, and I do not see any distinction except you get more from the PAC. You get $2,000 for a speech or $5,000 or $10,000 from the same organization for political action funds.

So I share the majority leader's view, and this is going to be the pay raise or at least the resolution of disapproval, as amended by Senator PRESSLER, Senator GRASSLEY, and others, will prevail with probably a large margin.

I do not know what will happen. The House will have a vote next week under suspension, I understand, where those who do not really have a choice are either going to vote for a 50-percent raise or a 30-percent raise and if those who are against the raise vote for anything, it is going to be misinterpreted.

So the effort by the Speaker to reduce it from 50 percent to 30 percent could well fail, because you are still going to be charged at home with voting for a 30-percent increase.

So I do not know what will happen.

But, in any event, it is possible we could go to conference; they would send something over here and we could be on this for months. As I understand it, as we will get into later—if, in fact, the pay raise is in effect during all that time, honoraria is banned, as it should be. We have made that agreement. And I am going to submit that resolution with the majority leader.

But I want the record to reflect that this is not an easy choice. I watched on C-SPAN the other night a couple of hours of hearings. I wish to commend Lloyd Cutler, as everyone else did, as they said they disagreed with him. It was a very brilliant presentation he made. But I am not certain how many of my constituents were listening that evening; probably not too many.

If Lloyd Cutler could talk to each of them, each of our constituents, it would make it much easier, because he pointed out time after time, as the majority leader just mentioned, had we not in 1969 and since that time rejected the cost-of-living increases we would not be here today. I hope we will get back on that schedule somehow and accept what other Federal employees accept, and have enough courage, enough of us, to stand up and table anybody who wants to take that away from the Congress.

But there is another problem. If we are not willing to raise our pay, should we punish the executive branch—some would say punish—and the judicial branch? As Mr. Cutler pointed out, we are coequal branches. Why should we receive less?

Well, we do not want to raise our pay. It is not as difficult for us to vote for an increase for members of the judiciary and for top senior officials in the Government, whether they be at NIH or whether they be in the Cabinet or whether they be four-star generals. Four-star generals now can only receive the pay of a two-star general. They have not had increases for a long time because we put a cap on it, that they cannot receive more than Members of Congress.

Is that fair to that four-star general or three-star general or even many two-star generals who have worked very hard to achieve the status that they have? Now they cannot get a pay increase because Members of Congress put a cap on it. They cannot be paid more than we are.

I know that Senator STEVENS talked in the hearings about decoupling—let us go ahead and vote for the increase for the executive and the judicial and not have any increase for Members of Congress—but I think it has been decided not to offer that amendment at this time. But that is something we are going to have to face up to.

So I would just conclude by suggesting that it is politically sensitive. It seems to me that—and I am not a prophet—we are probably going to be having a number of votes this year. I would hope that we could have some resolution.

I wish to thank my colleagues, as I did earlier today, for coming together with just one or two amendments instead of 12 or 13. We know what the issue is, as the Senator from North Carolina pointed out, it will be refined some by the Senator from South Dakota's amendment, and then we have a clear issue to vote upon.

But I want the record to reflect, as the majority leader has indicated, that we are entitled to an increase in pay. It should not be incumbent upon the Speaker to take all the heat. He has taken a lot. But I think—I do not know what will happen—if I had to guess I would guess this maybe is going to go on for several months and we may have a pay raise one day and not a pay raise the next day. But if that is the will of the Congress, it will happen. But if that does happen, I hope we can maybe separate the executive branch. The judicial branch is going to be excepted anyway because they are going to get a pay raise. They are the only ones who got it made, the judges. And I have great respect for judges. They do not pay one cent into their retirement. They have a lifetime appointment. They do not run for office. They do not need any buttons. They just get paid forever, and some get paid for not working. Now they may want to change that.

But they are going to get a raise. The judicial branch is the one branch that is going to get a raise. And they probably deserve it. But if they deserve it, maybe the executive branch and the legislative branch deserve it, too.

So, hopefully, when it is all said and done, either next week or next month or next year, we will have some parity and we will have some equality, because I do not believe that judges

ought to be having a bigger increase than the executive branch or even the legislative branch. But that is going to happen. We cannot do anything about that because of the Constitution, as was pointed out by the majority leader.

So I want to support the majority leader's efforts where I can and support his statement that a pay increase is past due.

Mr. CONRAD. Mr. President, I rise to support Senate Joint Resolution 7, Senator SANFORD's resolution to disapprove the pay raise recommendation submitted by President Reagan in his fiscal year 1990 budget. I believe the approval of such increases undermines the credibility of our Government just when we need to show real leadership to reduce the Federal deficit, which severely threatens our economic security.

Within the past 6 years, our national debt has tripled. The trade deficit has grown sixfold. The United States is now the world's largest debtor nation. We will need the help of every American to address these problems, and put our Nation back on the road to economic security and health. We cannot ask our people to tighten their belts, while in the same breath we adopt a 50-percent pay increase.

The people of my State and those of many other States have been hit hard by the downturn in the agriculture and energy industries. My constituents have made major sacrifices over the last several years, and they'll have to make many more. I believe it is unfair to ask for 50 percent pay increases for Members of Congress and other high-paid governmental officials when our constituents cannot expect raises.

I have received nearly a thousand letters on this issue from my constituents, and I agree with what they have to say. My constituents point out that we have not been able to control the Federal budget deficit, and yet we consider rewarding ourselves for our good work. The irony does not escape them. It should not escape us.

I urge my colleagues to join me in voting for this joint resolution to disapprove the recommended pay raise.

Mr. HARKIN. Mr. President, I rise in opposition to former President Reagan's recommendation calling for a 50-percent congressional pay raise.

The Members of this body are well aware of the public outcry against the raise.

I too am outraged.

This pay raise is too high, it is coming at the wrong time, and it is being handled in the wrong way.

The first thing I think rankles the American public is the amount of this raise.

The Quadrennial Commission recommendation is to set congressional pay at $135,000.

Two years ago, President Reagan was presented with almost the same pay increase and he chose to recommend a lower amount.

This year, with his party safely entrenched in the White House for another 4 years, Mr. Reagan decided to approve the whole kit and caboodle.

It turns out it also was a pretty sweet deal for the outgoing President.

Federal law states that former Presidents will receive annual pensions equal to the salaries of Cabinet Secretaries. So when Mr. Reagan approved a 56 percent raise for Cabinet Secretaries—from $99,500 to $155,000—he also gave himself a 56-percent pay raise, for the rest of his life.

There is nothing like giving yourself a generous going away gift.

Somehow I find it ironic that the President who came in pledging to save taxpayers' dollars left office by feathering his own nest.

This hefty retirement package for Mr. Reagan gives new meaning to the phrase "Win one for the Gipper."

I remember when I first came to Congress in 1974, Senators and Representatives made $42,500. It seemed like a lot then, certaintly enough, yet it was less than just the raise that is being proposed today.

Senators and Representatives now make $89,500, which puts them at a higher income than 99 percent of all Americans.

That ought to be more than enough.

The average American family gets by on about a fourth of that.

The minimum wage hasn't gone up in this country since 1981—the workers who have to get by on $3.35 an hour or 6,700 a year surely deserve a raise before we do.

Sure, we would all like a raise.

And perhaps if what we were considering was a cost-of-living increase for Congress, that might be another story.

Perhaps even this Senator might consider voting for a modest increase of that size, provided some changes are made in the way the raise goes into effect—about which I will have more to say in a moment.

But frankly, after coming off of 8 years of Reaganomics, in which the gap between the rich and the poor grew wider and wider, I do not think now is the time to start worrying about the folks at the top. Now is the time to do something to raise the incomes at the bottom.

We ought to be doing something to help the young families in this country who cannot afford to buy their first homes.

The homeless need something better than street grates to warm their bodies at night. What are we doing to help them?

There are young people in my home State of Iowa who are being forced to leave their families and friends and move thousands of miles away just to find jobs. We ought to be investing in their futures, in their hometowns, so they can finds jobs they can afford to support a family on and live where they want to.

We have farmers who have lost their land, who could buy back that land if they could just get affordable credit—and young farmers who would like to get started, but cannot.

And now the administration is telling us we cannot afford to provide school lunches for children anymore.

The deficit has got us in such desperate straights that this administration is trying to balance the budget by taking quarters away from kids.

President Reagan sent up a budget that calls for sacrifices from virtually every American.

It includes:

Cuts in Medicare for our senior citizens.

Cuts in 24 education programs, at a time when we desperately need to invest in education.

Cuts in nutrition programs for our children.

Cuts in military readiness for our Armed Services, and cuts in pensions and hard-earned benefits for our veterans.

Cuts in rural development for our struggling small towns.

Now I am not saying some of these cuts are not necessary.

We all have to tighten our belts if we are going to get this deficit down.

But I have always believed you should not ask other people to do something you would not be willing to do yourself.

If this administration and this Congress are serious about budget cutting, let's start with ourselves.

As I told my colleagues in the Senate Democratic caucus, it is unconsionable that Congress could even consider raising salaries when we are asking the rest of America to cut back and make sacrifices.

So, it should not be any mystery why the vast majority of the American people oppose this pay raise.

Our mandate is to govern, to serve the people, not to serve ourselves.

But there is another thing that sticks in people's craw just as much about this pay raise—and that is the unaccountable way it is being railroad through Congress without allowing a vote.

America is a representative democracy. Fundamental to this system is the understanding, the implicit pact, made between the governed and their governors, that decisions will be made in an open and accountable manner.

Leadership is about making decisions and then standing by those decisions once they are made.

Day in and day out, we are asked to vote on the important issues of our time. We do it openly, above board, be-

cause we are not acting for ourselves, we are acting on behalf of the voters who sent us to Washington.

Imagine a system where Representatives and Senators cast their votes in secret, behind closed doors. Then on election day, they went back to their constituents and said: "You'll just have to take my word for it. I've been taking care of your business while I've been in Washington."

How could the voters determine whether they had been represented well or not? They would have no way of knowing, because they would not have the information they need to make an educated decision.

By and large, and thankfully, Congress does not act in this way—we do cast our votes openly and we are accountable for our actions.

But the pay raise is the one notable exception to this rule.

However, if Congress seeks to restore the public's trust, there is an answer.

That answer lies in the legislation I first introduced in 1976 and have reintroduced in similar measures in 1979, 1981, 1982, and 1987.

It is a proposal first drafted by James Madison as 1 of 12 proposed amendments to the U.S. Constitution.

The second article read as follows:

> No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Madison recognized that there is an inherent conflict of interest, or at least the appearance of a conflict of interest, that arises when sitting Members of Congress vote to increase the pay they themselves will receive during their term of office.

On June 8, 1789, during the first session of the First Congress, Madison said on the floor of the House of Representatives:

> There is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets; there is a seeming indecorum in such power which leads me to propose a change.

Well, 10 of those original 12 amendments were adopted and became our Bill of Rights.

The pay raise amendment was one of two amendments rejected by the States. Six States approved the pay raise amendment; four States did not: New Jersey, New Hampshire, New York, and Rhode Island.

Historian agree that those States did not object to the pay raise amendment being included in the Constitution; they just did not think it ought to be included in the Bill of Rights.

Another bone of contention at that time was whether the Federal Government or the States themselves ought to establish the salaries of Members of Congress.

However, since no deadline was established for ratification, in the intervening years an increasing number of States have voted to ratify the Madison amendment.

In 1873, Virginia voted to ratify. In 1978, Wyoming did. In 1983, Maine. In 1984, Colorado. In 1985, South Dakota, New Hampshire, Arizona, Tennessee, and Oklahoma. In 1986, New Mexico, Indiana, and Utah. In 1987, Arkansas, Montana, Connecticut, and Wisconsin. In 1988, Georgia, West Virginia, and most recently on July 6, 1988, Louisiana. All told, 25 States have now ratified the Madison amendment—18 of them in the last 11 years.

I would also just note that New Jersey and New York have since seen the light and their State constitutions now contain a similar provision. In fact, there are now 31 States with constitutions or statutory provisions delaying the effective date of State legislators' salary increases until after the convening of a new legislature.

The Federal Government ought to follow their wise examples. Certainly, the public outrage that has accompanied every attempt by Congress to raise its own pay in recent years proves that James Madison's amendment is still urgent unfinished business.

Though 25 States have now ratified, there is some legal question whether or not the Madison amendment is still valid after all these years.

Since the first 12 proposed amendments, a tradition has arisen to allow 7 years for final ratification.

To remove any question, I reintroduced the Madison proposal as a constitutional amendment in 1976—and I will reintroduce this constitutional amendment today. I will work to enact into law and into our Constitution Madison's wise proposal, along with the requirement that every pay raise be approved on an up-or-down vote by both Houses of Congress.

I have worked with many of my colleagues on both sides of the aisle to pass this legislation during the 14 years I have been in Congress. Unfortunately, we have not met with success.

Once again, it appears a raise will go into effect without a rollcall vote in the House and without the approval of the people.

I will vote against this proposal when it comes before the Senate. However, given the seeming inevitability of this pay raise slipping through, I will do more than cast a symbolic vote in opposition.

I will put my money where my mouth is by abiding by the proposals I have authored and not take any pay raise until after my constituents have had a chance to vote in an intervening election.

I will do as I have done in the past and not take the pay raise even if it is approved. I will return the check to the Federal Treasury.

Now, I know there are those who argue that the pay raise is justified if honoraria are banned. But honoraria are a separate issue and a separate problem.

Now, the whole system of honoraria has gotten out of hand. Speaking before any group and receiving an honorarium creates the appearance of a conflict of interest than further undermines the trust of the American people.

I expect there will be a vote to ban honoraria, and if so, I will vote for such a ban.

But the issue of honoraria should be not be allowed to cloud how Congress deals with pay raises.

In the coming days, I will work to convince my colleagues to face this issue squarely and be held accountable.

The American people are not being misled. They can see very clearly what is going on, and they do not like what they see.

The issue here is not salaries. It is that Congress has been elected to serve but has acted in a way that is only self-serving.

If this pay raise goes into effect over my objections, I will not be a party to it.

As I said in 1977, I believe no Member of Congress should be able to raise his or her own salary until an election has intervened. The final decision should not rest with those who will get the extra money. That decision should be made by the people who pay the bill, the American taxpayers.

So again, Mr. President, I hope we can defeat this raise. Already we have spent far too much time on this issue that only takes time away from the real issues that face the American people.

This country faces challenges that have grown more urgent from the policies of neglect of the Reagan administration.

Let us deal with this pay raise openly and honestly. Let us once and for all reform the system that produced this misguided pay raise.

And let us get back to the peoples' business and do the job we were elected to do. Thank you, Mr. President.

Mrs. KASSEBAUM. Mr. President, I rise today in strong opposition to the proposed pay increase for Members of Congress and other top Federal officials.

As we are all aware, the pay raise proposal released last month by President Reagan recommends that congressional salaries be increased by more than 50 percent, from $89,500 to $135,000 a year. Unless both the Senate and the House vote to stop it before February 8, the pay recommendation will go into effect automatically. Not surprisingly, this proposal has

touched off an avalanche of protest in recent weeks, both here in Congress and across the country.

In the wake of this outcry, it now appears that House Speaker JIM WRIGHT may be moving away from his earlier position in strong support of a 50-percent raise. Although he apparently still intends to delay a House vote long enough to allow the raise to go into effect, the Speaker indicated just yesterday that he may then support an effort to scale back the increase from 50 to 30 percent.

Although 30 percent is clearly better than 50 percent, I firmly believe that any increase is inappropriate at a time when many worthwhile Government programs are undergoing necessary budget cutbacks. Over the past several years, we in Congress have asked the American people to endure significant cuts in programs ranging from Medicare to student aid to environmental protection. And regrettably, additional cutbacks lie ahead as we strive to eliminate our budget deficit of more than $150 billion. Just last month, the President submitted a budget to Congress which recommends, among other things, that Medicare payments be cut by some $3.2 billion next year and that farm subsidies be curtailed by $2 billion in 1990.

Mr. President, how, in good conscience, can we demand such sacrifice of our constituents even as we approve a substantial pay raise for ourselves? Proponents of the raise may be right that the salary increase would add little to the budget deficit, but they lose sight of the fact that it is certain to tarnish the credibility of our deficit-reduction efforts, as well as of Congress itself. In deficit reduction, as in all else, Congress cannot expect to lead effectively unless it leads by example.

Advocates of the pay raise are fond of pointing out that congressional salaries lag far behind pay for comparable work in the private sector. While this is certainly true, I do not believe that comparisons should be made between those of us serving the public interest and those who pursue careers in private industry. None of us entered government to get rich. Rather, we came to Washington to represent the interests of our constituents—most of whom earn quite a bit less than we do.

Considering that the average wage earner in my home State of Kansas makes about $18,500 a year, it is certainly no surprise to me that public opinion is running against the pay raise by a margin of more than seven to one.

Nearly as objectionable to me as the raise itself is the roundabout, "backdoor" way in which it is being implemented. As we all know, the President's 50-percent pay proposal before us today will go into effect automatically unless both the Senate and the House pass resolutions disapproving it before midnight February 7. We in the Senate are about to vote on just such a resolution, but we do so comfortable in the knowledge that the House is likely to take no action until after the raise has become law.

Mr. President, this legislative sleight-of-hand is not about to fool anyone, least of all the American people. Speaker WRIGHT's plan to reduce the size of the pay raise after it has gone into effect may yet succeed—but the fact remains that the raise itself will have been achieved without the House ever having voted on it.

Over the years, I have repeatedly cosponsored legislation to require that both Houses of Congress vote openly on any and all pay raises—and I am proud to do so again this year. As I see it, we in Congress have a basic obligation to assume public responsibility for the actions we take—regardless of how sensitive or controversial those actions may be.

No doubt realizing that a large pay increase would be a bitter political pill to swallow, proponents of the raise have sought to link it to legislation forbidding Members of Congress from accepting speaking fees, or honoraria, from special interest groups. Though I disapprove of the way the proposed honoraria ban is being used to help make a pay hike more palatable to voters, I strongly support such a ban as a much-needed reform in its own right.

Under current congressional rules, Senators may take home an amount equal to 40 percent of their salary in speaking fees, while House Members are allowed to accept 30 percent. At first glance, this practice may appear to be little more than an innocent way for Senators and Representatives to supplement their incomes. However, when corporations, associations, and various special interest groups are paying more than $9.6 million annually to Members of Congress, a host of troubling questions arises. Regardless of whether or not Members of Congress do, in fact, allow their votes and policy decisions to be influenced by honoraria they receive, the very appearance of a conflict of interest is reason enough to abolish this practice.

Mr. President, I urge all of my colleagues—both in the House and the Senate—to oppose any congressional pay raise recommendations and to support an end to honoraria. We in Congress are constantly encouraging fiscal restraint, and when push comes to shove, we must follow through. If deficit reduction is to be successful, sacrifice cannot be selective.

AMENDMENT NO. 2

(Purpose: Disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government, and for other purposes)

Mr. PRESSLER. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. GRASSLEY, Mr. DECONCINI, Mr. HELMS, Mr. HUMPHREY, Mr. EXON, Mr. BURDICK, Mr. KASTEN, Mr. COHEN, Mrs. KASSEBAUM, and Mr. BOND, proposes an amendment numbered 2.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the substitute amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof:

SECTION 1. DISAPPROVAL OF PRESIDENTIAL RECOMMENDATIONS FOR CONGRESSIONAL PAY INCREASE.

The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1990, are disapproved.

SEC. 2. EFFECTIVE DATE PROVISIONS AND RECORDED VOTES ON CONGRESSIONAL PAY INCREASES.

(a) EFFECTIVE DATE PROVISIONS.—(1) Subject to paragraph (2), if the date of the enactment of this resolution is on or after February 8, 1989, the rates of pay for all offices and positions increased by the recommendations described in the first section shall be the rate of pay in effect for each such office and position before such recommendations took effect.

(2)(A) The provisions of paragraph (1) shall not be applied to reduce the rate of pay of any office or position which was increased during the period of February 8, 1989, through the date of the enactment of this resolution by reason other than the recommendations described in the first section.

(B) The provisions of the first section and this section shall not apply to reduce the rate of pay of any judge or justice appointed pursuant to article III of the Constitution of the United States.

(b) AMENDMENT TO FEDERAL SALARY ACT OF 1967.—Section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF PRESIDENTIAL RECOMMENDATIONS; CONGRESSIONAL VOTE ON INCREASES IN CONGRESSIONAL RATES OF PAY.—(1)(A) Except for the recommendations relating to Members of Congress (which shall be subject to the provisions of paragraph (2)), the recommendations of the President which are transmitted to the Congress pursuant to subsection (h) of this section shall be effective as provided in subparagraph (B) of this paragraph, unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which

begins on the date on which such recommendations are transmitted to the Congress.

"(B) The effective date of the rate or rates of pay which take effect for an office or position under subparagraph (A) of this paragraph shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in subparagraph (A).

"(2)(A) The recommendations of the President relating to the rates of pay of Members of Congress which are transmitted to the Congress under subsection (h) of this section shall become effective only after the enactment of a joint resolution as provided under subparagraph (B).

"(B) The joint resolution described under subparagraph (A) shall—

"(i) relate only to the issue of such recommendation to increase the rates of pay of Members of Congress; and

"(ii) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(C) For purposes of this paragraph the term "Members of Congress" includes all positions described under section 225(f)(A), except for the Vice President of the United States.".

(c) CONGRESSIONAL VOTE TO INCREASE CONGRESSIONAL RATES OF PAY WITH INCREASES IN THE GENERAL SCHEDULE.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended to read as follows:

"(2)(A) Any increase in the rates of pay of Members of Congress which corresponds to an increase in the rates of pay in the General Schedule under section 5305 of title 5, United States Code, in any fiscal year shall become effective only after enactment of a joint resolution as provided under subparagraph (B).

"(B) The joint resolution described under subparagraph (A) shall—

"(i) relate only to the issue of the increase in the rates of pay of Members of Congress; and

"(ii) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(C) If a joint resolution is enacted as provided under subparagraphs (A) and (B), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which such joint resolution is enacted, each annual rate of pay of Members of Congress shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set in the report transmitted to the Congress under section 5305) of the adjustment in the rates of pay under the General Schedule.".

(d) CONGRESSIONAL VOTE ON ANY INCREASE IN THE RATES OF PAY OF MEMBERS OF CONGRESS.—(1) Notwithstanding any other provision of law, any increase in the rates of pay of Members of Congress shall become effective only after the enactment of a joint resolution as provided in paragraph (2).

(2) The joint resolution described under paragraph (1) shall—

(A) relate only to the issue of the increase in the rates of pay of Members of Congress; and

(B) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

Mr. PRESSLER. Mr. President, the reason we find ourselves in the situation we are in tonight is because of the method that has been used to move salary increases forward. Most of the American people strongly disagree with the automatic pay raise concept which allows a pay raise to go forward without a recorded vote. I think that the American people might well feel that if we could balance the budget there may be times when a pay raise is appropriate. But they feel very strongly that there should be a rollcall vote.

This particular amendment that I have sent to the desk was worked out and cosponsored by some 30 Senators in terms of the resolution which is identical to it. It has been endorsed by the National Taxpayers Union and by Public Citizen. It was worked out over a period of time. Senator GRASSLEY did a great deal of work on this. He and his staff are to be commended.

This represents the collective thinking of many Members of the Senate, Democratic and Republican. In fact, the number of Democratic cosponsors are equal to the number of Republican cosponsors.

It is a resolution of disapproval, first of all, but it goes two steps further to correct the back door methods by which congressional raises are allowed.

Let me explain this piece of legislation. It has three main parts.

The first part is a simple resolution disapproving the current pay raise recommended by the quadrennial commission and proposed by the President.

The second part directs that if the House should allow the current raise proposal to go forward, it still has the ability to return the raise and return to current pay levels—if they are really serious about rejecting the raise. It could be subject to a discharge petition in the House or action by the House if the House wished, thereby giving House Members the ability to reject the raise even if they do not meet the February 7 deadline. They should have no excuse.

The third part of this amendment provides that in the future there must be a vote in the House and Senate regarding congressional pay raises. That would clear up the controversy that has surrounded this pay raise in the sense that Congress would be accountable. This is the permanent fix to the shameless back door approach used today.

Let me state my basic philosophy on this issue. I support the resolution of disapproval because I strongly believe, because of the size of the deficit, this is not the time for a pay raise—particularly a 50-percent pay raise. I have spoken out on that issue very strongly.

Also, we have heard a lot about high salaries. In my home State of South Dakota a head nurse makes between $24,000 and $28,000. That head nurse is in charge of supervising other nurses who are in charge of large numbers of patients. That head nurse makes life-or-death decisions. People in those positions make between $24,000 and $28,000. And we have thousands more who make much less. It's hard to justify a $45,000 raise for ourselves when we refuse to raise the minimum wage.

So, looking to Washington, looking at the situation, this sounds like a very, very big pay raise. Indeed, it is a pay raise that is larger than that nurse's salary, and over double the entire salary of thousands of wage earners in my State. It just isn't right.

Also I might point out that in my State of South Dakota we have people lined up to be Federal judges. We have people who are anxious for Federal jobs and the pay and benefits that go with them. So I don't place great stock in the recruiting argument. We could argue this issue circuitously, but I'm ready for a vote.

I shall be putting additional material into the RECORD to discuss these matters.

I strongly believe that a pay raise is not in order at this time. But I also believe that the method that we use here, the automatic Quadrennial Commission procedure is basically part of the reason that Congress is so disrespected around the country. Increasingly this Congress is delegating to commissions things that it should do itself. It passes off the responsibility and hides behind commissions and administrative recommendations.

What if the Supreme Court were to appoint a commission to decide a controversial case and say, "If we do not vote on it, it will go forward automatically"? There would be an outcry in the country.

So here we have a case where the method we are using has caused many of our citizens to be angry. That is why this legislation contains section 3, which supplements the resolution of disapproval. Section 1 disapproves. Section 2 is a backup disapproval which can subsequently rescind the increase if the House fails to act by February 7. Section 3 is the permanent fix to the back door procedure, requiring public rollcall votes on future pay raises.

This legislation was cosponsored in a resolution form by 30 Members of this body, Democrats and Republicans. This amendment contains the identical language. It is the language that has been agreed upon by a variety of Senators. Many had other things that they wanted to offer. But they stepped aside in favor of this amendment because they felt it was the most comprehensive, because it allowed Senators to vote, not only for a resolution of disapproval, but also for

reform in the basic system. That is what we are trying to do.

So, Mr. President, in conclusion, let me say that this Congress is a new Congress. It is the ninth Congress that I am serving in. I think it would be a great mistake for us to start this Congress with a 50-percent pay raise. That would be wrong, in view of the deficit and other problems in the country that must be dealt with.

Also, I think it would be wrong for us to do this without a vote in both Chambers. That rubs the American people wrong, and it should.

This substitute amendment deals with the problem. It places the Senate squarely on record as being for the resolution of disapproval, and also being for reform in the system. I hope the House follows suit.

I want to commend Senator GRASSLEY and the other Senators who worked together to pull this package together. Mr. President, I have additional materials to submit for the RECORD: Letters from the National Taxpayers Union, public citizen, an article from the Washington Post, and my prepared remarks. I ask unanimous consent that they appear in the RECORD at this point, but in view of the number of speakers who wish to speak, I shall conclude my formal remarks at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
Washington, DC, January 30, 1989.

Hon. LARRY PRESSLER,
United States Senate, Washington, DC.

DEAR SENATOR PRESSLER: On behalf of the 150,000 members of the National Taxpayers Union and millions of citizens around the country, THANK YOU for taking a leadership role in fighting the 50 percent congressional pay raise. We fully support and endorse the bipartisan Congressional Salary Accountability Act, S.J. Res. 6.

We look forward to continuing our work with you and the other courageous senators who have sponsored this important legislation.

Sincerely,

DAVID KEATING,
Executive Vice President.

PUBLIC CITIZEN,
February 1, 1989.

DEAR SENATOR: Only one piece of proposed legislation will actually disapprove the fifty-one percent raise and prevent future imbroglios over congressional pay. Public Citizen, the national consumer and environmental advocacy organization, strongly urges you to cosponsor and support S.J. Res. 6 and 20, which is expected to come up for a vote tomorrow.

Recent weeks have seen a firestorm of public opposition to the proposed fifty-one percent pay raise for Congress, federal judges and senior executives. Survey after survey shows more than eighty percent of the public opposed to the raise. This opposition rests on a solid factual base: Congress already earns more than 98 percent of the public; congressional salaries have kept pace with inflation since the early 1960s; and neither judges nor legislators are leaving in great number, despite the unsupported assertions of pay raise advocates. Moreover, public ire is fueled by the pay-setting process itself, under which President Reagan's proposal becomes law if Congress merely avoids a vote.

This huge salary increase for government officials will surely invite much higher salaries for millions of government employees, huge pension cost increases, windfalls (elaborated at the hearings yesterday by Sen. Levin), and emulation at the state and local level and among government contractors. Its true cost will certainly exceed the $300 million base cost for top executives, judges and members of Congress and the senior executive service. This is a multibillion dollar inflation kick which a government ridden by deficits and debt can ill afford.

The Salary Accountability Act, proposed by Senators Larry Pressler, Charles Grassley, Dennis DeConcini and a bipartisan group of thirty cosponsors, addresses these justifiable public concerns. First, it contains a resolution of disapproval for the pay raise. Second, it rolls back congressional and executive pay to current levels if the February 7 deadline passes. Thus, under this section, if this bill passes the Senate, the House can ratify it at any time and send it to the President's desk—thus repealing the pay raise. Finally, the legislation reforms the way Congress sets its pay for the future by requiring a roll-call vote.

This resolution affects the entire salary increase package, including judges and executive officials. Competent candidates for high government office are attracted not primarily by salaries over $90,000 (a more than living wage), but by inspired and effective policies and dedicated leadership. Further, many of these are political appointees tapped primarily for ideological reasons. In addition, comparisons with the salaries of state and local public servants (governors, attorney general, administrators, etc.), as well as prior salaries of incoming Members of Congress, reveal that very few earn over $90,000. Even private attorneys, with whom judges and lawmakers are compared, fare worse; according to the American Bar Association, the median salary for attorneys in the United States in 1987 was $65,995 (and the average was $101,455).

Without doubt, Congress should address concerns expressed about the need to fill a few, highly specialized positions in executive agencies. However, lawmakers should thoroughly evaluate personnel recruitment, civil service hiring policies, and the role of government contracting (whereby private contractors lure officials with higher salaries, funded by the government)—before precipitously paying different amounts to separate branches of the government. In the end, it belies reality to suggest that the 5,000 top level government jobs cannot be filled from among the about 200 million talented citizens of this country, 98 percent of whom earn less than $89,500.

At a time of impending austerity for many in need, Congress should show leadership by example by rejecting the raise. Only legislation that stops the salary increase and reforms future processes will effectively accomplish this task. A plain resolution of disapproval, which would lose all effect after next week, simply fails to heed the wishes of the overwhelming majority of the American people. It is far better to resolve this issue now than to face a building drive for a rollback in coming months. We urge you to support the Pressler-Grassley-DeConcini bill, as the only effective and sensible way to disapprove the raise and improve the process.

Sincerely,

JOAN CLAYBROOK,
President.

[From the Washington Post, Feb. 2, 1989]

PAY BOOST MAY PUSH UP LIVING COSTS

(By Jerry Knight)

The proposed 50 percent pay raise for members of Congress, federal judges and top government officials would pump hundreds of millions of dollars a year into the already roaring Washington economy, sending out ripples that economists say could lead to higher pay and higher prices throughout the region.

Though the raises for members of Congress are the most controversial provision of the bill, it is the higher pay for others on government payrolls—from federal judges to senior government executives—that would have the greatest economic impact, economists said.

"It has very major implications for the economy," said Phillip Dearborn, vice president of the Greater Washington Research Center, a private regional think tank. "There has always been a keying of the salary structure of the Washington area to the federal government."

As a result, he said, private companies eventually will have to raise their pay as well.

Dearborn and other economists also predicted that the sharp increases in pay would lead to stronger demand—and thus higher prices—for furniture, clothing, new cars and especially houses.

"Our cost of living will go up," agreed Stephen Fuller, chairman of urban and regional planning at George Washington University. "We'll see it primarily in housing costs, we'll see it in food costs," he said, noting that Washington already is one of the most expensive places to live.

"I feel very strongly that it is going to set off an inflationary spiral," said Hamid Naz, an economist and former Montgomery County planning official who has studied the regional economy for more than 30 years.

The economists agreed that every $1 of federal spending generates another $3 of additional economic activity as it percolates through the local economy.

The Office of Personnel Management has said the proposed pay package will add about $300 million a year to the federal payroll. Some of the money will wind up in the pockets of federal judges and other officials around the country, but most will be spent in the Washington area.

The boost in payrolls doesn't stop with the 2,498 elected and appointed officials covered directly by the bill. Thousands of other workers whose salaries are linked directly or indirectly to it also will be affected.

The White House already has decided that some 10,000 senior career government executives will get raises of from 16.5 percent to 50 percent if the congressional pay raises go into effect.

Many of the 19,000 congressional staff members also would be in line for raises, because salaries for top jobs on Capitol Hill have long been linked to the pay of members of Congress. Top aides frequently earn 80 percent or 90 percent of what their bosses make, congressional sources said.

In addition, several hundred government consultants—no one knows how many—by

law are paid at the same rate as top members of the Senior Executive Service and will get raises automatically if the SES pay increases go into effect. The consultants are paid at a daily rate equivalent to the top SES scale—now about $80,000 a year and scheduled to increase to $120,000.

The proposed raises at the top of the federal pay scale would come on the heels of increases granted to more than 500,000 government workers and retirees this year.

Last month there was a 4.1 percent raise for about 350,000 whitecollar workers, 19,000 skilled-crafts workers and 65,000 military personnel stationed in the Washington area.

Roughly one-third of the white-collar workers also moved up a step in the federal pay grade system and picked up another 3 percent raise. And an estimated 100,000 federal retirees living here also got a 4 percent increase in their pensions in January.

Accurate figures on how much those increases and the ones still pending will add to local payrolls are not yet available, but economists estimate that the total would be in the $1 billion range. The total federal payroll now stands at about $14 billion a year.

Economists said the most immediate impact of the wage escalation may be felt at the bottom of the pay scale, where there already is a shortage of workers.

"It's going to tighten up the market for fast food, bank tellers, hospital service workers, and retail," said David Eisenberg, president of Peoples Drug Stores.

Eisenberg, a leader of the Greater Washington Board of Trade, said there is growing concern in the business community that "the Washington economy could be pricing itself out of the market" and no longer will be able to lure the big corporations whose emigration has fueled growth for the past decade.

Drugstore and supermarket sales should not increase much as a result of any of the raises, he said, but upscale retailers' will.

"Automobile sales, jewelry, furs, restaurant meals, things like that will all feel the effect," agreed Dearborn. "Surely it means a lot of people will be able to afford bigger mortgage payments."

Naz said giving 50 percent raises to government workers who already earn $75,000 a year "is just going to raise their consumption. Some of it will be channeled into savings, but a lot of it is just going to be consumed."

At that end of the scale, much of the raise will go into buying more expensive houses, he said.

"What really worries me is the expectation of inflation," said Naz. "The government sector is the leading sector, the leading sector is what sets inflationary expectations."

Naz said a similar jump in federal pay in the early 1970s set off a round of inflation, and the effect could be even greater this time because the local economy is becoming more service oriented, with a greater share of spending going for wages.

He said local governments will be among the first to feel the effect of federal pay raises because unionized workers expect to keep pace with their federal counterparts.

PAY RAISES SHOULD BE DEFEATED

Mr. PRESSLER. Mr. President, I along with Senators GRASSLEY, REID, HELMS, MCCAIN, DECONCINI, SIMON, HUMPHREY, BOREN, BURDICK, THURMOND, HEFLIN, KASTEN, KASSEBAUM, HARKIN, BOND, BRYAN, DOMENICI, COATS, BOSCHWITZ, LEVIN, SHELBY, NICKLES, DASCHLE, CONRAD, COHEN, GORE, EXON, SPECTER, BAUCUS, and KERREY of Nebraska, have introduced a proposal to not only disapprove these pay raises, but also rescind the pay raises upon enactment of our resolution, regardless of whether it passes after the 30-day deadline. Additionally, it would require a recorded vote of all future congressional pay raises. I want to thank my fellow colleagues on both sides of the aisle for their assistance and support.

The leaders in the House have announced that they do not plan to permit a vote on this issue before the 30-day deadline. Therefore, the second provision is the key component of our Senate resolution. It would rescind the pay raises even after the February deadline. Thus, it would keep this issue alive well after February 7. It would give the American people time to put sufficient pressure on the House leadership to produce a meaningful vote on this issue in the House.

Automatic congressional pay increases are bad public policy. The American people deserve a forthright, candid, up-or-down vote on congressional pay. This resolution ensures that the House will have a chance to vote to rescind the pay raises and would do away permanently with automatic congressional salary increases.

I believe that our three-part proposal is the best legislative vehicle to put pressure on the House to vote. Because the House does not plan to vote on this issue before February 8, a vote in the Senate on a resolution to simply disapprove the pay raises would be meaningless. Our proposal includes a provision to rescind the pay raises. Thus, a vote after February 7 will count. So this time, even a vote after the deadline will have teeth—in contrast to the meaningless vote by the Houses of Representatives the last time Congress sneaked through a pay raise.

Many already believe, with justifiable skepticism, that the pay raises will go forward. From past years, they have seen that a simple resolution to disapprove an increase before the 30-day deadline has little chance for success. If the Senate is sincere in its efforts to defeat these pay raises, it should vote on and approve our resolution.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

Mr. GRAMM. Mr. President, I ask the distinguished majority leader to yield me 10 minutes.

Mr. MITCHELL. I yield 10 minutes off the joint resolution to the Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished majority leader. I will try not to take the whole 10 minutes although over the past 10 years, I have seen that often when people say that, they end up asking for more time.

Like most Members of Congress I hate to debate and vote on pay raises. It is the one issue that I always feel uncomfortable with because no matter what you say or how you vote, in a sense you feel like a hypocrite.

How many of our fellow citizens would like to vote against giving themselves a pay raise? Who works on behalf of their own interest or the public's interest that does not believe that they do a good job? And I can certainly say, having had the privilege of working in the Congress now for 10 years, that there are a lot of Members of this body and of the House of Representatives that perform services that are worth a lot more than $89,000 a year to the American people.

There may be people who are worth less but the plain truth is, Mr. President, that the issue here, as I see it, is one of credibility in a very difficult year. And I wanted to try to say briefly why I intend to vote against the pay raise and vote for the resolution of disapproval.

This is going to be a tough year because under a law that we adopted—70 Members of the Congress voted for the Gramm-Rudman-Hollings balanced budget law—this year we have to reduce the deficit to $100 billion. That means reducing the deficit by about $50 billion and limiting the overall growth in Federal spending to about 3 percent.

That is going to mean that, beginning next week when the President sets forth his budget message, if we are going to meet those targets, reduce the deficit, keep the economic recovery going, we are going to have to tell one special interest group after another: No.

Now, Mr. President, if we begin today by telling ourselves yes on a 50-percent pay increase, we are going to lose the credibility that I believe is critical to do the job we have to do on the budget.

Every time we say to a special interest group that we have to deny you an increase, or take money away from your program to fund a higher priority program, that special interest group will say to the Congress: Well, if these priorities are so tough to set, if the budget is so tight, why did you take a 50-percent pay increase?

Mr. President, I am convinced that if we say yes to this pay increase, that we will not have the political courage to say no to the groups that will have to hear the word "no" from us to meet the deficit reduction target, to move toward a balanced budget, and to sustain a recovery that has created 19 million new jobs.

So, it is not a question of merit. It is not a question of whether the pay

raise is deserved or not deserved. It goes back to leadership by example. It is an old adage that I first heard from my grandmother, I assume everybody in this body has heard it, and that is: Practice what you preach. And, since this year we are going to have to preach fiscal austerity, since this year we are going to have to tell so many other groups no, I think if we begin by telling ourselves no that we are going to have a lot more credibility. By practicing what we preach, our sermon is going to ring truer in terms of our effort to control Federal spending and to balance the budget.

So, it is not that I believe, as some have said, that no pay raise is deserved or that Members of Congress are paid enough. I think one could debate those issues endlessly. I intend to vote no because we have to lead by example. We have to practice what we preach. And I do not think we can do the job that is far more important to America than this issue if we do not begin by saying no.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. I yield to the Senator from Nebraska, but first a housekeeping matter. I forgot to ask for the yeas and nays on this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESSLER. I yield as much time to the Senator from Iowa as he wishes.

The PRESIDING OFFICER. The Senator from Iowa is recognized. Mr. GRASSLEY.

Mr. GRASSLEY. Mr. President, I thank Senator PRESSLER for yielding me time. I also thank him for his leadership in the area of this legislation.

Mr. President, I have to set something straight. There are conditions under which I would vote for a pay raise. There appears to be legitimate doubt whether those of us who oppose this pay raise would ever vote for one. I want to assure the Members of this body who have doubts about whether or not I would ever vote for a pay raise, that I would vote for a pay raise when we get the budget balanced. I will support a raise for Congress after we have closed the books on that period of time in which there hasn't been a surplus in a budget. I will vote for a raise after we have been able to show the people of this country that we can run the Federal Government in a businesslike manner, the same way that the mom-and-pop stores and the family farms have to be run. Not only can we then show that we are entitled to a pay raise, but I think we will have none of the problems that the Senator from Texas just talked about. Then we will have credibility on budget issues.

Also, I think that the majority leader and the Republican leader have raised points that we should discuss. Their question is whether or not we would ever have a pay raise if it was not approved through the back door. The answer to that is obvious. Not only would there be pay raises in the future, but there have been pay raises in the past. The present method has been on the books only since 1967.

We do not have to wring our hands and suggest that this body is not equipped to deal with the issues of its own pay. In my State, like most States, legislative pay for State law makers has been increased appropriately over the last 150 years.

Legislative pay has been raised because those legislative bodies have voted for those pay raises. There is no procedure, like the one we have in Congress, in my State for increasing pay. Yet pay of legislators are periodically increased. It is openly debated and openly voted up or down. Obviously, if it was increased, it is because there was a majority in the legislature who wanted to increase it.

We need to understand that this body and the other body have had the intestinal fortitude to vote for massive pay increases in the past. Since Senator DOLE has been a Member of Congress, there has been a 33-percent pay increase. In 1965, pay was increased from $22,500 to $30,000. Congress voted itself an 80-percent pay increase, simply by voting it up or down, when the pay was increased from $12,500 to $22,500, in 1955. Congress voted for a 25-percent pay increase when the pay was increased from $10,000 to $12,500 in 1947.

There are many other instances which I am not going to detail. But the pay of this body has been increased with a recorded vote. Although it may have been a tough decision at the particular time, that tough decision was made. A big bite of the bullet was taken by a majority of the House and Senate in those years the same way that other tough issues are decided in this body. That is, by open debate. It might be a little tougher on the pay raise issue. But I suggest that without a pay commission, such as the Quadrennial Commission, we could build public support if a pay raise is needed, just like we do on every other controversial issue. That is to introduce a bill and build public support for it.

The former chairman of the Federal Reserve System, Paul Volker, is devoting a great deal of his time in private life to a matter just like this. Through a commission, he is building public support for pay increases. His efforts are directed not only for public officials, but also for civil servants generally.

So I suggest to my colleagues, do not wring your hands. In particular, the leaders of the majority and minority parties should not wring their hands about whether Congress can deal with this issue. History shows that it has been handled in the way that it should be handled.

There really is not anything new on the issues of pay raises. It has all been said before. As I said to the Committee on Governmental Affairs the other day, why say any more if it has all been said?

The reason why is because each time this issue comes up, it is new and fresh in our constituents' minds. If we are not speaking up on whether we are for the raise or against it, our constituents' minds. If we are not speaking up on whether we are for the raise or against it, our constituency generally assumes the worst.

Once again, I am speaking out on this issue. I want my constituents to know how I feel about it.

I want to commend Senator PRESSLER for his leadership to restore accountability to the congressional pay process. His dedication on this matter has been steadfast for many years. His efforts are especially commendable since congressional pay is not typically an issue that increases one's popularity in this body or the other body. I am not saying we should endeavor for an increase in popularity, but it is human nature to want to be liked. This is not a way to become liked.

I have said in the past that bringing up the pay raise issue is about as welcome in a legislative body as a skunk is at a Sunday school picnic.

I would also like to thank Senators HELMS, HUMPHREY, MCCAIN, and DECONCINI. Their leadership and contributions to this matter have been valuable. Their combined forces and diligence have kept this issue pertinent, not only in the Congress, but also with the folks back home. The significance of this issue is further emphasized by the 30 people who have joined on this bill. That is pretty evenly divided—16 Democrats, 14 Republicans.

Such broad bipartisan support reveals that, tough controversial, the legislation is critical.

Finally, if I may continue, I would also like to compliment the leadership with this issue in the other body. A Congressman from my State of Iowa Congressman TOM TAUKE has been taking the lead with this issue. I doubt that without his leadership and that of 40 other Members helping him, that we would have any hope of having a corresponding vote on this matter in the other body. Such a vote is necessary to give the Senate's vote genuine meaning.

I urge the Senate to reject the pay raise. I believe the Senate should take

the lead in rejecting the raise. In particular, the Senate should take the lead with legislation that gives substance to the anti-pay-raise talk. That legislation is this amendment that is now before us. It includes the vital provision of rolling back the raise for members of the executive and legislative branches of government after next Tuesday's deadline.

Obviously, I would prefer to simply reject the pay raise. Such a vote, however, would be meaningless since the House is in recess. Its Members will not have an opportunity to reject the pay raise in a timely manner. We know that the pay raise will go into effect regardless of the vote of rejection by the Senate. That is, of course, unless the leader of that other body, the Speaker, feels compelled to honor the wishes of the majority of the Members of this body and calls them back into session for a vote on Monday or Tuesday. Unfortunately, the Speaker's intentions call for a vote a week from now, after the pay raise has gone into effect.

This situation raises some very basic questions. How is it that we have a law which allows something to go into effect despite the fact that 85 percent of the American people oppose it, despite the fact that 270 Members of the House of Representatives say they oppose it, and despite the fact that the Senate has consistently voted to reject it?

I wonder how that can happen in the Congress, which is known worldwide for being a truly representative body in a debating society.

Obviously, the only meaningful vote the Senate can take today must be to roll back that 51-percent salary increase. From that standpoint, Mr. President, I suggest that we do that. I also suggest that we go beyond that and change the procedure. By adopting this resolution, we have an opportunity to provide a more accountable process for making changes in salaries for Members of Congress.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Republican leader.

Mr. DOLE. Mr. President, I want to make an inquiry. We have to make a judgment here fairly soon whether we are going to vote by 7:30 or will it be 10:30. I would like to ask that on this side the Senator from South Carolina have 3 minutes, the Senator from Indiana 3 minutes, the junior Senator from Alaska 3 minutes, the senior Senator from Alaska 10 minutes, the Senator from New Mexico 2 minutes, the Senator from North Carolina 3 minutes, Senator HELMS, and the Senator from New Hampshire, Senator HUMPHREY, 10 minutes. I know of no further request for time on this side.

Mr. PRESSLER. I would like to give a 2-minute summary.

Mr. DOLE. At 10:30?

Mr. PRESSLER. I have consumed only about 3 or 4 minutes of my time.

Mr. DOLE. Two additional minutes to the Senator from South Dakota.

Mr. MITCHELL. Mr. President, if the Senator will yield, the Senator from Alabama has requested 2 minutes, and earlier today the Senator from Arizona, Mr. DECONCINI, requested 10 minutes, but we have not been able to reach him recently to determine whether he still wishes to do that. So what does the time add up to on that side?

Mr. DOLE. Thirty-six minutes, which would get us finished about 25 after.

Mr. MITCHELL. I am just advised that Senator DECONCINI is prepared not to use that time, so with the exception of Senator HELFIN, with 2 minutes, there will be no other requests that I know of on this side. That would make it a total of 38 minutes, or at 7:30.

Then I will ask unanimous consent that the Senate vote on the Pressler amendment——

Mr. PRESSLER. Is Senator WILSON on that list?

Mr. DOLE. Two minutes.

Mr. MITCHELL. I now have an additional request of Senator DODD for 5 minutes. Is there a request of Senator WILSON?

Mr. DOLE. Three minutes. The Senator from New Mexico now wants another minute.

Mr. MITCHELL. I think, if I might suggest to the minority leader, we should permit the next couple of speakers to go ahead, and ask if anyone else wants time to let us know and then we will go ahead and try to set a time certain.

Mr. STEVENS. Mr. President, reserving the right to object—I do not know whether I am going to object or not—how much does that mean the proponents have had and how much time opponents have had on this matter, if we add up all what we just said?

Mr. MITCHELL. Almost all of the time will have been used by proponents of this measure and the opponents will have had none or very little time.

Mr. STEVENS. Mr. President, it sounds to me as if the only person in the body who wants to support the Quadrennial Commission and two Presidents of the United States, this Senator from Alaska, is going to end up with 10 minutes on the issue.

My good friend from Connecticut will take a trip with me again. All right.

Mr. MITCHELL. Does the Senator wish more time to express his views? I do not want to foreclose anyone.

Mr. STEVENS. I do not want it to look like I am trying to delay this vote at all, but I do want the Members who are all rushing to join the attack to be reasonable.

Mr. MITCHELL. I will then, Mr. President, propound the unanimous-consent request that the vote on the Pressler amendment to the Sanford resolution be held at 7:45 p.m., which is 50 minutes from now and which should permit ample time for all of those who expressed an intention to speak to do so.

Mr. HUMPHREY. Mr. President, reserving the right to object, I can see, as can anyone who has been in this situation before, a very sticky situation developing. If Senators take more time than they thought they were going to, then some of us are not going to get a chance to speak before the magic hour.

Mr. DOLE. We have that locked into the request.

Mr. HUMPHREY. That was not part of the request.

Mr. DOLE. It was earlier.

Mr. HUMPHREY. Pardon me. I missed that. What about things like parliamentary inquiries and other things that could delay things? How much time is built in beyond the known requested time?

Mr. DOLE. We are voting on the Senator's resolution.

Mr. HUMPHREY. If there is only 5 minutes' margin built in, I would urge that we increase that to 10 minutes. It is not my intent to delay this. I might use less than 10 minutes, but I want to say what I have to say.

Mr. MITCHELL. Mr. President, I just want to make it clear and repeat, there is no intention to prevent anyone from speaking who wishes to do so for as long as they wish to speak within the constraints of the existing unanimous-consent agreement.

I want to make that very clear. We are trying to accommodate a lot of Senators. We offered the Senator from New Hampshire 10 minutes as part of this agreement. If he wishes to object to this agreement, he has the perfect right to do so, and we will simply proceed and try to accommodate all of the other Senators as best we can. But I do not want any impression to be left here that any effort is being made to prevent any Senator, whatever his or her view, from expressing that view fully and thoroughly within the limits of the agreement which now exists.

Now, on that basis I will restate the unanimous-consent request, and I emphasize any Senator who has an objection to it, do so. The only reason for this request is to accommodate several Senators who have asked that we attempt to schedule this vote at a time certain as promptly as possible.

Mr. President, I now ask unanimous consent that the vote on the Pressler amendment to the Sanford resolution occur at 7:55 p.m., and that between

now and then the following Senators be permitted to speak for the times stated: Senator HEFLIN for 2 minutes, Senator DODD for 5 minutes, Senator THURMOND for 3 minutes, Senator COATS for 3 minutes, Senator HUMPHREY for 10 minutes, Senator MURKOWSKI for 3 minutes, Senator STEVENS for 10 minutes, Senator HELMS for 3 minutes, Senator WILSON for 3 minutes.

Mr. PRESSLER. And Senator PRESSLER for 2 minutes.

Mr. MITCHELL. Senator PRESSLER for 2 minutes.

Mr. DOMENICI. The list does not have me on it.

Mr. MITCHELL. Senator DOMENICI for 2 minutes.

Mr. DOLE. Three.

Mr. MITCHELL. Senator DOMENICI for 3 minutes.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. MITCHELL. I thank the Chair. I thank the distinguished Republican leader.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, recently, there has been a great deal of talk about the proposed pay raise and not much congressional action. This vote will provide us with an opportunity to block the raise and send a message to the American people.

We must act now to reject the proposal based on the recommendations of the Quadrennial Commission on executive, legislative, and judicial salaries. As Members of Congress, we would be callous to let this pay raise go into effect. With the justified concern over the massive Federal deficit of $150 billion per year, we cannot expect the American people to accept a 50 percent pay raise for their Senators and Congressmen. Our first priority should be to bring the Federal deficit under control. I have worked toward a balanced budget my entire time here in the U.S. Senate. In my judgment, this raise will only increase the budget deficit. It is entirely inappropriate in this time of fiscal helter skelter to allow this salary raise to go into effect.

Mr. President, I am glad that, today, we will have a rollcall vote on this matter, rather than merely receiving the raise without a vote. In my judgment, we must vote down the pay raise proposed by the Commission. To give ourselves a pay raise at a time when we are trying to reduce deficits is inconsistent, and certainly sends a wrong message to the American people.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HUMPHREY and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, a great deal has been said about this controversial issue in the last 2 weeks. I have not heard a great deal of discussion about the constitutional aspect, and that is the aspect which I wish to address now.

The Founding Fathers had a very keen understanding of human nature, Mr. President, and designed into our system of government a system of checks and balances to rein in human nature. The Founders made accountability a central feature of our Government. It is one of the checks and balances. We in Congress are certainly very big on accountability. We regularly haul up before our committees men and women from the executive branch and make them account to us for their actions. And that is as it should be because we are charged with oversight responsibility. And who oversees us? Who oversees the Congress? The answer to that, of course, is the voters, and so accountability is important.

It is the glue that holds our system together. What is most unfortunate of all in the pay raise controversy, is that Congress has devised a system under which pay raises are automatic, if we can avoid a vote before the deadline. It is a perfect system for evading accountability. We get the dough and leave no footprints for the voters to follow at election time.

I must admit that there is a certain evil genius about the scheme. But I emphasize the word "evil" because not only does it destroy accountability in an important area, it also destroys whatever shred of respect remains for this institution among Congress and the American people. And even worse, this scheme undermines respect for the Constitution.

The words of article 1, section 6 of the Constitution could not be clearer: To vote it, "the Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States."

The Constitution does not say how we are to pay the Civil Service. But it is certainly very explicit on how we are to set the pay for Members of Congress, and that is by passage of a law. This provision was controversial from the start. Some critics at the time the Constitution was under consideration felt that provision gave Members of Congress a license to steal but the author of that provision, Governor Morris of Pennsylvania, insisted to the worrywarts:

> [There] could be no reason to fear that they would overpay themselves.

Meaning, of course, that there could be no reason to fear greed on the part of Members, since pay raises could be secured only by enacting law, a law could only be enacted if a majority of those in both Houses voted for it, and the citizens could hold Members accountable at the next election.

So Governor Morris calmed the fears of the time by ensuring to everyone that this check and balance would hold in check, hold in rein human nature.

Likewise in the debates at the ratifying conventions within States, the record of the debate makes clear that the intent of the ascertainment clause was to provide that kind of a check. At the Virginia Convention, Patrick Henry, that old cynic and worrywart, worried that giving Members discretion over their own pay was foolhardy.

> Mr. HENRY. The pay of the Members is, by the Constitution, to be fixed by themselves, without limitation or restraint * * *.

Mr. Madison, James Madison, stood up and said, "Don't worry, Patrick."

He said:

> This is a power which cannot be abused without rousing universal attention and indignation * * *.
>
> Should the general Congress annex wages disproportionate to their service, or repugnant to the sense of the community, they would be universally execrated.
>
> The certainty of incurring the general detestation of the people will prevent abuse.

Similarly, a colloquy during the Massachusetts Ratifying Convention makes clear the deliberate intention of the framers with regard to congressional pay:

> Dr. TAYLOR. Mr. President, it was hitherto being customary for the gentlemen of Congress to be paid by the several State legislatures out of the State Treasury. As no state has hitherto failed paying its delegates, why should we leave the good old path?
>
> Hon. Mr. Sedgwick hoped gentlemen would consider that the Federal officers of Government would be responsible for their conduct; and, as they would regard their reputations, will not assess exorbitant wages.
>
> Can a man, he ask, who has the least respect for the good opinion of his fellow-countrymen, go home to his constituents, after having robbed them by voting himself an exorbitant salary? * * * Therefore, concluded the honorable gentleman, if left to themselves to provide for their own payment, as long as they wish for the good opinion of mankind, they will assess no more than they really deserve, as a compensation for their services.

Mr. President, the intent of the Founders is quite clear and very important. It has not gotten enough attention so far. They meant for us to raise our pay through enactment of law, and by affirmative votes in each House just the way we enact other laws.

For nearly two centuries, Congress upheld the intent of the framers. But in 1967, Congress created the Quadrennial Commission and that's where we began to get into trouble. The Post Office and Civil Service Committee, a predecessor of today's Governmental Affairs Committee warned in its report at the time:

The committee is unanimously opposed to any legislative proposal which would vest in the executive branch the authority to establish, affirmatively or negatively, the salaries of Members of Congress.

What we pay ourselves is a constitutional responsibility vested in us and to be exercised by us. To shirk that positive duty by handing the responsibility to the President, a salary commission, or any other person or group, and then allowing his or their recommendations to take effect is an abdication of constitutuional responsibility * * *.

It is worth noting that the provision had an inauspicious birth: It was inserted in the massive fiscal year 1986 continuing resolution—Public Law 99-190—without hearings in committee, floor debate, or record vote in either House.

Unfortunately, the Congress disregarded that sage wisdom, that wise observation.

The most recent change in the basic system of 1967 was made in 1985.

Indeed, the printed version of the Appropriations Committee report was not available on the day the committee amendment was adopted on the floor by unanimous consent.

So much for the history. The point is that now we have the uproar of the automatic pay raise of 1987 still ringing in our ears and ringing even louder the uproar in 1989 over the new pending pay raise.

Clearly the law must be changed. Clearly it violates the intent of the Constitution. The law must be changed to restore accountability, and that is the purpose of the Pressler-Grassley amendment. I command Senator PRESSLER, Senator GRASSLEY, and the others who have worked. It has not been a whole lot fun, I suspect. But they have done yeomen work.

This is not the end. The Senate, we hope and expect, will adopt the amendment and pass this joint resolution. We hope the House will act on it but we are not terribly optimistic in light of recent events.

So it may well be necessary to offer this or very similar legislation to other legislative matter which comes before the Senate in the coming months on which the House will have to act sooner or later.

So we hope it will be sooner. We hope it will be sooner. We have had enough agony over this issue. It is time to deal with it forthrightly. That is why I urge my colleagues to vote in support of the Pressler amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who seeks recognition?

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. COATS. Mr. President, on December 15, 1988, the President's Commission on Executive, Legislative, and Judicial Salaries recommended major adjustments in Federal salaries, including a pay increase to $135,000 for Members of Congress, a boost of over 50 percent above the current salary level of $89,500 a year. Under current law these recommendations take effect automatically within 30 days from the date the President's budget was transmitted to Congress, unless disapproved by both Houses in separate resolutions.

Mr. President, we are here this evening because the Senate leadership has scheduled and guaranteed a vote on this issue in this Chamber. That is proper. I think we ought to do that. We will do that. I have already indicated publicly my opposition to the pay raise and indicated that I will vote against it. In my opinion it would be inappropriate for me, particularly as an appointed Senator, to accept any raise. I have also indicated that if the raise does go into effect I will distribute that raise to charity.

I further indicated that I would refuse any honoraria for speeches until such time as that issue of acceptance of honoraria is either restricted or prohibited, and until that is finally settled.

I am therefore pleased that tonight we will finally dispose of both of these questions.

The immediate question, as we all know, is whether the House of Representatives will also be given an opportunity to vote on the pay raise since it takes the action of both Houses to disapprove the recommended increases.

The real problem, however, in addition to the debate over whether or not we ought to have a pay raise—and there have been many statements as to why we should not at this particular time, and I agree with those—is the process by which we in Congress handle Federal salary matters generally and congressional pay increases in particular.

I have no doubt that my colleagues have heard as much from their constituents about this issue as I have from the people of Indiana. Since I entered the Senate a few weeks ago my office has been deluged by letters, postcards, and phone calls from Hoosiers who are very upset by this whole matter. Not only are they virtually unanimous in their opposition to any boost in congressional salaries, but they are all demanding that the issue be voted on in both Houses. They are outraged that a pay raise could go into effect without a recorded vote. In fact, of all those letters to my office, I only recall one that is in favor of a pay increase, and the handwriting looks a lot like my wife's. She will not admit it, but we are having the handwriting analyzed.

Mr. President, I share the anger and frustration of my Hoosier constituents over this issue. That is why I introduced S. 153, the Congressional Pay Reform Act of 1989, and why I am pleased to cosponsor the Senate resolution of disapproval and the pending substitute before us.

Congressional salary adjustments are a perpetual source of controversy and embarrassment. There should be a better, more effective way of dealing openly and equitably with this issue. I believe that the Congressional Pay Reform Act and the Pressler substitute to Senate Joint Resolution 7 will provide the kind of reforms we need to avoid future public condemnation of the way we handle Federal pay increases.

My bill, S. 153, would institute the following three basic reforms in the way salary increases are considered:

First, any congressional pay adjustments would be deferred until an election has intervened and the next Congress is seated, thereby preventing Members from voting for a pay raise which would go into effect during their current term of office. That prevents Members from voting themselves a pay raise and gives the public a chance to ratify or reject their Member's vote on the basis of how that Member voted.

By the way, this particular reform was first recommended by our Founding Fathers in the First Congress 200 years ago and was included in one of the proposed first 12 amendments to the Constitution.

Second, recorded votes would be required in both Houses of Congress under my bill. It gives, again, the public a chance to know how their representatives in Congress voted on that particular issue. This reform would enable the public to know how their elected representatives stood on the issue. It would dispel the popular perception that pay raises are pushed through by anonymous voice vote or obtained through artifice and deception. This reform is also included in the Pressler substitute we are now considering.

Finally, congressional pay adjustments would be considered independently of other appropriation measures. This would end the practice of combining Senate and House pay increases with agency appropriations and with increases for Federal judges or other Federal employees.

An identical bill was introduced in the House of Representatives by Congressman TOM TAUKE of Iowa.

Mr. President, it is time we instituted reforms in the way we handle—or try to avoid dealing with—congressional salary increases. We must show our willingness and ability to deal frankly and honestly with this question of congressional pay. We have an opportunity now to act on this matter by supporting the Pressler substitute resolution. This will go a long way to restore public trust and confidence in the Congress and faith in the process

by which we address controversial issues.

Mr. DOMENICI. Mr. President, I oppose the pay raise, and I shall vote for the resolution of disapproval. A pay raise at this time is wrong, purely and simply wrong.

Congress cannot, and must not, allow a 50-percent pay raise to take effect when the American people are looking to us for leadership on fiscal issues. This is not the time for such an increase. Nor is this the way to obtain any increase.

Should this pay raise go through, I will not accept it. I will return it to the Department of the Treasury, or I will donate it to charity.

When President Bush took the oath of office on January 20, Americans were reminded that 200 years had passed since George Washington was sworn in as our Nation's first President.

But the inauguration represented another anniversary. One hundred and fifteen years earlier, on January 20, 1874, congressional annual pay was reduced from $7,500 to $5,000. It's not often that Congress votes to reduce its salary.

And today we are gathered to debate whether to accept a proposed raise of 50 percent, from $89,500 to $135,000.

For the first 179 years of this Republic, Senators and Congressmen determined their salaries with votes on those salaries. This was changed when the Quadrennial Commission on Executive, Legislative and Judicial Salaries was established in 1967 to recommend salary levels to the President of the United States.

The Quadrennial Commission has made recommendations to the President on six occasions, including the recommendation made late last year. The President's subsequent recommendation to Congress takes effect automatically unless voted down within 30 days after the recommendation is received. Past recommendations for an increase have been approved on three occasions, with Congress rejecting increases twice.

To be fully accountable to the American voter—as we must be—I believe that Congress should be required to take a rollcall vote on any congressional pay raise. The President's pay recommendations should not take effect without such a vote.

I am honored to be a sponsor of legislation offered by my good friend from Iowa [Mr. GRASSLEY]. His bill, S. 299, requires that no congressional pay increases recommended by the President take effect until approved by a joint resolution of the Congress.

I have also cosponsored Senate Joint Resolution 6, offered by my friend from South Dakota [Mr. PRESSLER], to disapprove the salary increase. I will also be a cosponsor of an amendment offered today by Senator PRESSLER.

I am prepared to vote against the pay raise for Members of Congress. I urge my colleagues to join me in this position.

Mr. President, I think at this point in my Senate career I have only one truly outstanding record. It is probably a record for all the history of the Senate. I had more children in college at one time than any Senator in the history of this Republic. I had five in undergraduate school and two in law school. They are all out now. Two are left. The twins are in college and the rest are finished.

I make that point because some of us are not rich. Some of us are poor; some of us have a lot of personal responsibility at home; some do not. Frequently, that becomes the issue. I do not think that is the issue tonight. Clearly, it was difficult for my wife and me on past salaries with that kind of responsibility. But, frankly, tonight the issue of merit, need, what is right, is paled by this pay raise being too big. Fifty percent is an affront to the American people. Whether it is called catchup or whatever, you just cannot expect our people, in the orderly way that they are expected to run their lives, to expect that this is fair to them and justified to us. It is not. They do not believe it, and they are right.

Second, you cannot expect them, with that kind of pay raise, to believe that we should get that without declaring ourselves. Perhaps some system would work whereby it is automatic, but when you get to this point, with this kind of increase, I think the people are right. We are not being responsible as to the amount. It is too big.

You cannot expect our people in a democracy to let us do that without being accountable for it and voting yes or no. That is why it must fail in the Senate and why something like the amendment that is pending before us will be adopted and should be adopted.

We should not expect the American people to go behind this and reason with us, as some believe. It is unreasonable to expect them to accept this raise, and we cannot tonight expect it. I am not saying it is justified. That, in and of itself, in our system, says it is not justified; it is not justified tonight, this year, and we should not do it. I will not do it.

I am going to vote against it. I think we should not let it go into effect.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, let me say again what I have said many times in the past couple of weeks. One of the most compelling issues in this matter is the sinking respect that the American people have for one of the most important institutions the world has ever known, one-third of the tripartite system of the U.S. Government—that is to say, Congress. The people do not understand it, and there is no reason why they should, because I do not understand how this system developed. I do not understand how they have arrived at the 51-percent increase. Do not ask the average man on the street. He makes only a fraction of what Senators make right now, let alone with a 51-percent increase.

No wonder this issue is controversial. Think of the way it happened. Think of the way it developed. Congress created a system under which Members of Congress and Federal workers and judges can get an automatic pay increase without a vote. They can hide it. Of course, it is not up so that when the people complain, a Member of Congress can assert that he or she had nothing whatsoever to do with that pay increase and would never have voted for such a thing.

Let us call it what it is. This is a legislative game of cop-out and robbery. Senator GRASSLEY and Senator HUMPHREY, this Senator, and others, feel that Congress should vote on the issue. That is what we are saying. For openers, we ought to vote down this proposition entirely and say, "Start over again and next time do it right," if you are going to do it at all.

I commend the majority and minority leaders for bringing this issue to the Senate floor, at least.

Unfortunately, Mr. President, I do not know exactly what is going to happen over in the House; I do not think they know yet. But the announcement has been made that the House will not vote until after February 7, if at all. Consequently, our amendment provides that if the resolution is passed after the deadline, midnight of February 7, the resolution will take effect retroactively, except for Federal judges.

Let me address the issue of pay for Federal judges. I have heard many, many times that Federal judges should be left out of this disapproval resolution, that they deserve more pay, that they are dropping out. But I do not know of anybody who is dropping out. Every time there is even a hint of a vacancy in the Federal bench in North Carolina, I am deluged with campaigns from patriots who are willing to serve. They want these judgeships, and they think the pay is enough. The bottom line is, Mr. President, that there is not a Member of the Senate, not a Member of the House of Representatives, not a member of the executive branch, not a Federal judge, who did not know what the compensation was when they sought election or otherwise sought

appointment to the post they now have.

Mr. President, Congress was given the constitutional responsibility to control the Nation's purse strings. We must not continue to allow Congress to shirk that responsibility. If Members of Congress are willing to vote themselves a pay raise, fine. I will not vote with them, but they certainly have the right to do so. It is unconscionable, however, that we can tolerate a system under which Senators and other Federal workers can receive a hefty pay raise without even one vote on it in Congress.

Consequently, the final provision of our amendment will also provide that future pay raise recommendations for Members of Congress will not take effect unless both Houses of Congress pass a joint resolution approving the pay increase, This will require Members of Congress to vote on whether they receive a pay increase.

Mr. President, I yield back any time I have remaining.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, in the brief time allocated to me, I want to pay tribute to Senator GRASSLEY and Carol Olson for their work in getting the 29 cosponsors and helping with this legislation. Also, I want to thank Stan Bach of CRS for his help on parliamentary procedure. But I wish to especially thank Shelly Haahr of my own staff who has worked 14- and 16-hour days, 7 days a week, for 2 months on this legislation and its successful conclusion. She has done an outstanding job and I am very proud of her. She is a tireless, dedicated public servant who has earned my lasting respect and appreciation.

If a Senator is against the pay raise, this is the amendment to vote for, because it puts pressure on the House to act. Also, it includes judges' salaries. But the part 2, which calls for a rollback after the House acts, could not constitutionally apply to judges. But we want it to apply to everybody—executives, judges, and the administration—across the board.

There has been some misunderstanding that this does not include judges. It does, but if this bill were to pass the House and Senate, it would roll back every one's pay. But judges' pay cannot be rolled back under the Constitution.

That is to clarify that point.

So, Mr. President, to conclude, this particular piece of legislation has been worked out and cosponsored by 30 Senators, and it goes beyond disapproving the pay increase; it takes steps to correct the method permanently so we don't find outselves in this position in the future.

The PRESIDING OFFICER. Who seeks recognition?

Mr. STEVENS. Mr. President, I had agreed to go after some other Members of the Senate. I yield to my colleague from Alaska.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and I thank my senior colleague. I apologize for being absent from the Chamber. I did not realize things were going to move quite as fast as they apparently are.

First of all, let me acknowledge the willingness of our majority leader to allow the appropriate amount of time to address this issue.

I think we would all agree that the pay raise question is a most difficult one for this body as evidenced by the enormous time that has been spent internally by the Congress and the media attention that this issue has generated nationally on the problem of Federal pay.

But I think it is fair to remind my colleagues that within this body we look to each other for leadership, those Senators whom we all recognize as experts in a particular field because of their committee assignments, their interests or their tenure. Perhaps in military preparedness, we turn to Senator JOHN WARNER or Senator SAM NUNN. On agricultural issues, we may turn to Senator LUGAR or Senator BOSCHWITZ. We refer budget questions to PETE DOMENICI. We depend on the President pro tempore from time to time for his knowledge of the intricacies of Senate procedure.

Mr. President, I submit that my colleague, the senior Senator from Alaska, is an expert, an expert on the issue that we debate here today. That expertise has been gained over many, many years that Senator TED STEVENS has spent in the Senate since coming into this body in 1968.

Since that time he has been a member of the committee with jurisdiction over the civil service, the Senate Governmental Affairs Committee. Through this service he is rather uniquely qualified to speak on the issue, and I think he has made that very clear in the discussions in the committee as well as recent discussions with such recognized individuals as Ralph Nader and others.

But I am not here, Mr. President, to speak on behalf of TED STEVENS; he can speak for himself, as we all know, and rather well. I am here to support and lend my voice in support of the position which he has communicated to this body. I certainly agree with him that we must adequately pay top level civil servants and the Federal judiciary, if we want to retain a cadre of highly qualified people. We are certainly left with little other choice.

Speaking individually, this is not a new cause for me. Since joining this body in 1980——

The PRESIDING OFFICER. The time allocated to the Senator from Alaska has expired.

Mr. MURKOWSKI. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

This is not a new cause for me. Since joining this body in 1980. I supported pay raises for public officials and proposals to ban the acceptance of honoraria. However, rather than simply cast my vote I want to come to the floor and make my intentions known and tell my colleague that I am not going to let him hang out there alone on a "political" vote. And that is what this is. You have seen it in the papers. Not too many people are excited about taking a vote on this, for political reasons. But we are voting on the recommendation from a commission that was established with the purpose of taking the "politics" out of the question of Federal pay.

Mr. President, personally I think the recommendation is too high. Twenty percent would be more palatable. But we can only vote on the question before us. I intend to vote for the recommendations of the bipartisan Commission on Executive, Legislative and Judicial Salaries. I am also going to vote for the termination of the honorarium process as we know it.

Mr. President, a ban on honorarium is a step toward restoring the faith and integrity in this institution by ensuring that we are paid only by those we are elected to serve, the American people, and not by the special interest groups who provide the honorariam that flowed into this Congress in the neighborhood of $10 million.

Mr. President, I wish our procedures permitted me to take separate votes on the issues of judges' salaries, civil service pay, and congressional pay. But the Commission's recommendation is not separated under the unanimous consent agreement we are operating under today. Left with only voting for the package before us, I shall support the bi-partisan Commission's recommendation.

One thing is certain: Under our current procedures, the pay raise issue will continue to generate political heat. Not even this vote today will end the debate on this issue this Congress. Who knows what the House will do? Perhaps we may even be voting on different salary levels next week.

What all this means, is that we need to take another look at how we address this issue. Let's try to find a way to let us vote on the merits of compensation—not on the politics.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the senior Senator from Alaska.

Mr. STEVENS. Mr. President, the issue before the Senate today is the acceptance or rejection of a resolution of disapproval regarding the President's recommendations on salaries for senior executives in the three branches of the Federal Government. But the narrowly defined procedural issue of the disposition of the resolution of disapproval is not, by any definition, the heart of the matter.

On the contrary, the issue is much larger. In fact, I would argue that the decision which we will make today will have a greater impact on the long-term course of our Government than almost any other single decision which we will make this Congress. For today, Mr. President, the Senate has a rare opportunity to reaffirm the value of public service in a democratic society. I urge my colleagues to carefully weigh the public policy issues which underlie the President's recommendation and urge that you not be swayed by the voices of political expediency.

Mr. President, there is an old adage which says that "America gets the quality of Government that it pays for". In 1989, we face the very real possibility that the Senate will again refuse to agree to the President's proposed salary increases. If adopted by the Congress, the inevitable result of this decision will be that the salary levels of senior Federal officials will continue to fall even farther behind the actual cost of living faced by those individuals and their families, [Chart No. 1]. As this graph shows quite clearly, since 1969, the cost of living, as measured by the Consumer Price Index for Wages, has risen by nearly 230 percent while the salary level set for Level II of the Executive Schedule has risen only 110 percent since 1975. In other words, the salary of a Level II executive has been cut in half since 1969, in terms of purchasing power.

A secondary result of this decision will be that in the next few years literally hundreds of middle and senior level Federal employees will call it quits without any prospect of a replacement coming forward to accept the open position. But that is not the full extent of the problem. For those individuals who remain in the senior levels of Federal service, the effects of inflation continue to rob them of the purchasing power which they enjoyed when they entered the Government. When measured in constant, inflation adjusted dollars, the current salaries of senior executives are 30 to 35 percent below what those same salaries were in 1969, [Chart No. 2]. This chart shows that, based upon statistics provided by the Office of Management and Budget, the value in 1969 of the salary provided to Federal employees at Level II of the Executive Schedule has been eroded by inflation by a factor of nearly 35 percent when measured in 1988 dollars.

Mr. President, if it isn't already, it must be made clear to America that we are facing a brain drain from Federal service of unprecedented magnitude, the consequences of which are truly frightening.

Numerous examples of the brain drain are included in the report of the Quadrennial Commission. For members of the Federal judiciary the problem is becoming especially acute. The judicial conference of the United States reports that in the 15 years from 1958 to 1973, only six judges resigned from the Federal bench. However, in the 15 years from 1974 to 1988, there have been 57 resignations. The judicial conference conducted exit interviews with 26 of the judges who resigned after 1978 and found that almost all of those 26 judges cited financial considerations as a principal factor in their decision to resign. Mr. President, what does it say about a Government which pays its Federal district court judges less than the salary which is earned by a first year graduate of Harvard, Yale, Chicago, or Michigan Law Schools who enters private practice?

As another example of the extent of this problem, the Senate should be aware that one of the greatest problems facing career civil servants is the issue of pay compression. By law, pay for General Schedule civil servants is limited to the level of compensation paid to Level Five of the Executive Schedule, which is now $75,500. At that rate of pay, all career civil servants in the grades of GS-17, step 6 and above are capped as to compensation. In the military, general officers above the rank of two stars are capped. What does that mean, Mr. President? It means that there is no hope of an increase in pay—one of the principal attributes of any job promotion—for any executive above GS-17, step 6 or any general officer in the military above two stars. At present, according to the Quadrennial. Commission report, this pay cap affects 1,044 individuals in the General Schedule and, according to the Department of Defense, 158 general officers in the Armed Forces of the United States.

As a practical consequence of this pay cap the senior management ranks of the civilian and military sectors of our Government are being thinned at an alarming rate. We are now losing the best minds and most able administrators in our Government. A graphic example of this brain drain is that since 1986, nearly one-quarter [24 percent] of the winners of the Presidential Rank Award for Distinguished Executive Service have left the Federal Government, 80 percent of whom have accepted higher paying jobs in private business. As my colleagues know, the Presidential Rank Award is the highest award offered to senior executives for excellence in management.

But the problem is not the retention of current Government managers alone. An equally striking problem faces senior managers who are given the responsibility of recruiting new talent for senior executive positions in the Federal Government. The magnitude of this recruitment problem is best illustrated by recent public testimony offered to the Quadrennial Commission. In his appearance before the President's Quadrennial Commission on November 10, 1988, Dr. Anthony Fauci (Fou-shee), former head of the National Cancer Institute and now head of the National Institutes of Health, testified that, for 10 years, NIH has not been able to recruit a single senior research scientist from the private or academic sectors to conduct clinical or basic biomedical research. Mr. President, by refusing to adequately compensate Federal employees, we are slowly, but inevitably, strangling the most productive and innovative areas of the Federal service. We are making a conscious decision to drive the best people from Government. Our grandchildren will hold us accountable.

The question is often asked, "what is an adequate salary level for senior managers in the Federal Government in 1989?" Comparisons with the compensation structure of private enterprise are often difficult to make. However, the Hay Group, a major employee benefits/compensation management consulting company, has done a recent study of the average salary for both higher paid and lower paid private sector corporate executives. As we can see from this chart [chart No. 3), the average salary level for higher paid executives in 1988 was $594,200, while the average salary level for lower paid executives was $229,800.

Comparisons with the salary levels of executives working for nonprofit organizations may be more valid. As this chart shows [Chart No. 4], the presidents of large, private universities earn, on average, $185,000; hospital administrators earn, on average, $160,000; presidents of large, public universities earn, on average, $125,000; and city managers of cities with populations in excess of 500,000 earn, on average, $110,000.

Three additional comparisons are illustrative of the point that I have been making on the inadequacy of current levels of Federal compensation. I would like to turn to comparisons of the level of pay for the New York City School Chief [Chart No. 5], the Los Angeles Police Chief [Chart No. 6], and the Los Angeles School Chief [Chart No. 7]. Each of these charts shows the growth of the level of com-

pensation for each of these individuals since 1969 and each chart has been overlaid with a graphed reference line which shows the increase in the compensation paid to Level II senior Federal executives over the same time period. The comparisons are striking, Mr. President.

In my view, Mr. President, the day-to-day responsibilities borne by senior Federal executives, Members of Congress, and Federal judicial appointees are on a par, by anyone's definition, with the occupations which are listed on the previous charts. Yet, each of the professions illustrated on the preceding charts earns far in excess of any senior Federal executive, Member of Congress, or district court judge [Chart No. 8]. This inequity must be corrected before we lose any additional senior executives from the Federal Government. If the correction is not made, senior managers and Federal judges will resign in ever growing numbers because the cost of living continues to rise and these individuals will decide that they must act to protect their families for the future. As this chart shows [Chart No. 9], increases in the cost of living continue while senior Federal salaries fail to keep pace. The average home price of a Washington, DC, area residence and the tuition costs for both private and public universities has far outpaced the rise in the Consumer Price Index, which is itself far greater than the rise in the rate of compensation for Level II of the Executive Schedule.

In testimony before the Quadrennial Commission and the Committee on Governmental Affairs, opponents of the President's recommendation made much of the fact that the pay increases recommended for the three branches of the Federal Government were far in excess of the average wage increases received by the typical American worker over the last few decades and that the President's proposed increases were completely unjustified when viewed in light of the wage increases which typical working men and women received for their labor in the fields and factories of America. These assertions intrigued me, Mr. President, and I asked the Congressional Research Service at the Library of Congress to review private sector pay gains for the last 80 years, back to the turn of the century. The result of the C.R.S. analysis is quite interesting. In fact, as this chart [Chart No. 10] demonstrates, the assertions of the opponents are untrue. Using the study entitled "Manpower in Economic Growth: The American Record Since 1800," which was prepared last year by the Department of Commerce, Bureau of Economic Analysis, and the Department of Labor, Bureau of Labor Statistics, the Congressional Research Service has found that between 1907 and 1987 the Consumer Price Index rose 1,122 percent. During the same 80-year period, the average earnings for full-time employees in America's agriculture sector rose 5,293 percent; the earnings for full-time employees in the manufacturing sector rose 4,307 percent; the earnings for full-time employees in the service sector rose 4,891 percent; and the earnings of full-time employees in the Government [Federal, State, and local] sector rose 3,459 percent. Mr. President, during that 80-year period, congressional pay rose 1,093 percent. In other words, Federal Judicial, Executive and congressional pay has dramatically fallen behind all other sectors of the American economy since 1907 and has not even kept pace with inflation.

These charts illustrate one essential truth: since 1907, while the Consumer Price Index has been rising by 1,122 percent, and since 1969, while the Consumer Price Index has been advancing by over 200 percent, while the cost of providing a college education and purchasing a house in the Washington, DC metropolitan area have more than tripled, and while the average wages of all comparable private sector workers have risen to more than keep pace with inflation, the compensation of senior Federal employees has actually fallen some 30-35 percent behind 1969 pay levels when measured in constant dollars. With the value of compensation actually falling for senior Federal employees, no one should be surprised by the decisions of increasing numbers of senior executives and managers to leave the Federal Government.

By driving the most productive and innovative minds from the senior levels of Government, we are leaving Federal service open to only two groups of individuals: the independently wealthy millionaire and the ideologically driven person for whom a particular cause is the motivating reason behind entering Federal service. I submit that such candidates for senior Federal positions have the two types of backgrounds which should cause the American people the greatest amount of concern because they represent two of the most clearly anti-democratic motivations. On the other hand, we have been successful as a democracy for the last two centuries largely because we have developed a citizen legislature and a civil service where public service and service to mankind have been the chief motivator. Mr. President, leaving Federal court appointments, congressional seats, and positions in Federal regulatory agencies exclusively to millionaires or self-described public interest advocates is not, in my view, in the best interests of our democracy.

For 200 years as a Nation, we have periodically addressed the issue of increasing the pay of Federal Government employees. For 200 years, Congress has wrestled with the issue of the adequacy of Federal salaries, including its own. For 200 years we have attempted to develop a system by which Federal pay can be raised without creating an issue which can be demogogued by those who appear to believe that any Federal wage increase, no matter its size, is unjustified. Having listened to the well-orchestrated criticism which followed the President's recommendation earlier this month, I must reluctantly conclude that our efforts may again come to naught. Political expediency appears to have won the day. This realization and its implication for America's future leaves me greatly concerned, Mr. President.

Over the years, the issue of increasing Federal pay has been met with a negativism rarely found in any other issue which comes before the Congress. Because of the difficulty facing Congress over this issue, we agreed to the Federal Salary Act in 1967 which created the Quadrennial Commission to recommend changes in the Federal salary structure to the President and then to the Congress. In 1985, the way in which these recommendations became law was changed by Congress in order that it would be consistent with the decision of the United States Supreme Court in *I.N.S.* v. *Chadha*, 462 U.S. 919 (1983), respecting the use of a one House veto by Congress.

Unfortunately, since 1969, the Quadrennial Commission approach has met with little more success than if the decision on raising Federal pay had been directly undertaken by Congress, as it was prior to 1967. In the 20 years since the first Quadrennial Commission recommendation in 1969, requests for salary increases have been sent up to Congress every 4 years and, more often than not, have been met with more outrage than acceptance. The single most noticeable result of this hostility has been that, when measured in constant dollars, the pay of senior managers in the Federal Government has fallen 35 percent below that of the level fixed for the same position in 1969. During the same 20-year period, the compensation levels for all private sector wage earners has slightly improved over inflation. [Chart No. 2]

Between 1970 and the end of 1987, the cost of living, as measured by the Consumer Price Index, rose at a rate of 204.5 percent. During the same period, letter carriers at the USPS have seen wage increases of 239.4 percent, Social Security beneficiaries have seen their entitlements raise 232.1 percent, military personal have seen their pay increase by 212.7 percent [excluding fringe benefits], private sector white collar workers have received wage increases [through 1986] of 196.5 percent, private sector

blue collar workers have received [through 1986] wage advances of 183.8 percent, and Federal retirees have had pension adjustments of 197.1 percent. On the other hand, since 1970, Mr. President, Federal civilian employees in the General Schedule have received pay increases totaling 132.6 percent while Members of Congress have received pay adjustments totaling only 109.6 percent.

In 1968, when I began my Senate service, I knew full well what the salary and conditions of employment were. I knew that I would be required to put in 80-hour weeks and to fly half-way around the globe to meet with my constituents. But I undertook the job without reservation because I thought that I could contribute something to the welfare of our State and the Nation. I made a commitment to the people of Alaska in 1968 to enforce the promises made to the people of Alaska by the Federal Government at the time of statehood. I told the people of Alaska that I would remain in the Senate for as long as it might take to fulfill all of those promises. Whether or not this pay increase becomes effective does not matter to me. I will remain here, the people of my State willing, to keep my pledge to Alaska, pay increase or not.

In closing let me say that I argue for the President's recommendation because it is supportable on the merits and because it is the right thing to do. My argument in favor of the recommendation looks to the future not to the past. I am very concerned about the future of our Government. The thought of a Congress, a judiciary, or an administration filled with either millionaires or ideological purists is very unsettling to me. But without reasonable and periodic pay increases, that is exactly the kind of Federal Government which will face our grandchildren in the next century.

Two hundred years ago, Thomas Jefferson envisioned a Federal Government made up of yeoman farmers and small businessmen, merchants and laborers, doctors, lawyers and skilled mechanics. Jefferson felt that each would bring to his Government the experiences of life beyond the confines of the Federal city. Such breadth of experience would keep the Congress, the courts, and the executive branch in touch with the concerns and interests of the people.

Today, we face the prospect that the Federal civilian service envisioned by Jefferson and in place for the last two centuries is no longer a reality. We have come to a fork in the road, Mr. President. One road leads off to a Government which provides inadequate compensation and relies on millionaires and ideologues who are motivated by self-interest to fill the ranks. The other road leads to a Government which provides adequate and periodically adjusted compensation and which, as a result, can recruit throughout society for the best and the brightest among its citizens. Keeping Federal salaries artificially and unrealistically low in 1989 will lead, without doubt, down the first road, Mr. President. Choosing that road is a mistake of the highest order and history will forever recall our shortsightedness.

I ask unanimous consent that my complete statement and attachments including the tabulation of increases and specific examples of jobs that remain unfilled in the executive branch of the Government, together with a legislative history of the changes in the provisions pertaining to the Quadrennial Commission be printed in the RECORD in full at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Year	Consumer Price Index	CPI change from previous	Proposed increases for Members of Congress				Actual increases					
			Quadrennial Commission recommendations		Presidential recommendations						Members of Congress	
			Proposed salary	Percentage increase	Proposed salary	Percentage increase	Postal workers (percent)	Military (without fringe benefits, percent)	Judges (percent)	Civil servants (percent)	Actual increase	Actual salary
1970	38.8	5.7					8.0	8.1		6.0		$42,500
1971	40.5	4.4					6.3	20.4		6.0		42,500
1972	41.8	3.2					8.0	14.4		10.9		42,500
1973	44.4	6.2	$53,000	24.7	[1] $52,800	[1] 24.2	12.3	6.2		4.8		42,500
1974	49.3	11.0					12.5	5.5		5.5		42,500
1975	53.8	9.1					7.6	5.0		5.0		42,500
1976	56.9	5.8					8.1	3.6	4.8	4.8	5.0	44,600
1977	60.6	6.5	57,500	28.9	57,500	28.9	9.0	6.2	23.8	7.1	28.9	57,500
1978	65.2	7.6					7.0	5.5		5.5		57,500
1979	72.6	11.3					11.4	7.0	12.8	7.0	5.5	57,500
1980	82.4	13.5						11.5	11.7	9.1	9.1	60,663
1981	90.9	10.3	85,000	40.1	70,900	16.8	7.3	14.3	4.8	4.8		60,663
1982	96.5	6.2					4.9	4.0	4.0	4.0	15.0	60,663
1983	99.6	3.2					3.3					69,800
1984	103.9	4.3					4.6	4.0	4.0	4.0	4.0	72,600
1985	107.6	3.6					4.5	7.1	3.5	3.5	3.5	75,100
1986	109.6	2.0					3.4					75,100
1987	113.6	3.7	135,000	74.4	89,500	15.6	4.1	3.0	13.7	3.0	18.6	89,500
1988	118.5	4.1					3.8	2.0		2.0		89,500
Cumulative percentage increases from 1970 to 1988		218.0					247.2	238.1	122.3	146.4	110.5	

[1] Over a 3-yr periods.

ON VACANT POSITIONS IN THE GOVERNMENT

FOOD AND DRUG ADMINISTRATION

The position of Director of the Center for Drugs and Biologics is still vacant.

FDA is receiving turn-downs from candidates outside of the agency

An equivalent position in academia for a qualified clinical pharmacologist pays from $115,000 to $150,000 a year.

NATIONAL INSTITUTES OF HEALTH

There are currently over 100 vacant Senior Executive Service and Senior Scientific Service positions vacant at NIH.

NATIONAL INSTITUTES OF HEALTH

Since 1982, over 20 prominent senior scientists expressed interest in positions for which NIH was recruiting. All declined further consideration because they were currently earning salaries ranging from 20 to 263 percent more than NIH could pay.

NATIONAL INSTITUTES OF HEALTH

Over the last 10 years, NIH has suffered a net loss of 28% of its most senior research scientists.

All left NIH to accept positions in academic institutions, industry, and independent research laboratories at salary increases ranging from 50 to 300 percent.

NATIONAL INSTITUTES OF HEALTH

The chiefs of surgical branches in two NIH institutes left in 1985 and 1986 for salaries triple their Federal compensation.

One took a position at a large cancer center in the South and the other to an eastern medical school.

As of this time, those positions have not been filed on a permanent basis.

NATIONAL INSTITUTES OF HEALTH

Three SES positions in major programs in the National Cancer Institute have been vacant since 1984.

One position has been advertised three times, one advertised twice, and the other once.

In each instance, NIH could not offer sufficient salary to attract desirable candidates.

NATIONAL INSTITUTES OF HEALTH

Since 1982 on at least six occasions, top candidates for four different Institute Director positions have asked not to be considered further principally because NIH could not offer an adequate salary.

These candidates had already shown substantial interest in the position, filed applications, were interviewed, and had visited the campus.

The salary differentials range from $8,700 to $56,300, and in each instance the fringe benefits available from the Government were substantially less favorable.

NATIONAL INSTITUTES OF HEALTH

In 1985, a highly qualified candidate was identified for the position as head of a major program in the Office of the Director at NIH.

NIH offered the maximum salary at that time, $68,700, but the candidate's university salary was $105,000. He withdrew from consideration.

NATIONAL INSTITUTES OF HEALTH

The average compensation (base salary, recruitment and retention allowances) that NIH pays to SES physicians is $89,000.

This is half of the $179,000 average supplemented compensation paid to the chairmen of clinical science departments of American medical schools.

NATIONAL INSTITUTES OF HEALTH

Director and Associate Director positions at NIH remain unfilled for extensive periods. One recently-filled directorship (cancer research) was vacant for 2½ years and NIH spent $50,000 in advertising costs.

SECURITIES AND EXCHANGE COMMISSION

From December 1984 to November 1987, the SEC experienced a turnover rate of 40.4% of all executives.

Of the executives who left SEC, 79% were attorneys.

78% of the executive positions at SEC are filled by attorneys.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Most SES employees who retire or resign from NASA are attracted by high-level opportunities with corporations which offer significant increases in pay and benefits.

In the past 5 years, three retiring Center Directors accepted executive positions with private industries ranging in basic salary from $150,000 to $250,000.

A former Associate Administrator and top executive on the Space Shuttle Program left to join industry with compensation packages in excess of $100,000.

POSITIONS

DOD, Navy—Director, Navy Center for Applied Research and Artifical Intelligence; vacant from 1980 to 1988 (position went unfilled for two years, was cancelled and then re-established only after viable candidates were identified).

DOD, DARPA—Physical Scientist involved in classified land warfare research; previous incumbent hired by major university at double his government salary. His previous duties and responsibilities have been reassigned to other employees.

NASA—Director of Microgravity Programs; position has been vacant for over two years, with lack of qualified candidates attributed to insufficient salary. NASA has had to employ the President's Executive Exchange Program (which allows pay in excess of current limits) to obtain a qualified candidate to direct the program on a 12-month temporary basis.

[From Senate Report 99-210, December 6 (legislative day, December 2), 1985]

FURTHER CONTINUING APPROPRIATIONS, 1986—REPORT TO ACCOMPANY H.J. RES. 465

QUADRENNIAL PAY COMMISSION

The Committee recommends an amendment to the Federal Salary Act of 1967 which changes the statutory requirements for the Quadrennial Pay Commission. The Quadrennial Pay Commission meets every 4 years and decides salary recommendations for the Congress, high level officials in the executive branch, and the judiciary. The Commission has just completed its work this year and has issued a report that does not recommend any salary changes at this time. Rather, the report recommends a change in the process by which salary recommendations may be approved.

Current law requires that for the Commission's recommendations to be effective, the President must first present them to Congress for approval. The Department of Justice has determined that this process is constitutionally defective as a result of the *Chadha* decision. The recommended provision will resolve this constitutional defect by establishing a new procedure as recommended by the Commission to meet the requirements of the *Chadha* decision.

Essentially, the Commission will make its decision known to the President. The President will transmit either those recommendations or some alteration of those to the Congress. They will become effective 30 days after their transmission to Congress unless the Congress jointly disapproves of the recommendations.

The next Commission is scheduled to meet at the end of next year and must report to the President by December 15, 1986. The President must transmit the recommendations to Congress with the budget. The Congress will have 30 days to pass a joint resolution disapproving those recommendations.

The provision does not alter any existing salary levels or honorarium limitations for either the legislative, executive, or judicial branches.

[From House of Representatives Report 99-443, Dec. 16, 1985]

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1986, AND FOR OTHER PURPOSES—CONFERENCE REPORT TO ACCOMPANY H.J. RES. 465

LEGISLATIVE BRANCH MISCELLANEOUS PROVISIONS

Amendment No. 114: Conforms the section number and amends the Federal Salary Act in accordance with the findings of the Department of Justice and the recommendations of the Quadrennial Commission, as proposed by the Senate.

[From House of Representatives Report 99-450, Dec. 19, 1985]

HOUSE JOINT RESOLUTION 465, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1986—CONFERENCE REPORT TO ACCOMPANY H.J. RES. 465

Amendment No. 114: Conforms the section number and amends the Federal Salary Act in accordance with the findings of the Department of Justice and the recommendations of the Quadrennial Commission, as proposed by the Senate.

[From the Congressional Record, Dec. 5, 1985]

QUADRENNIAL PAY COMMISSION

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[From The Quiet Crisis—a Report by the 1984-85 Commission on Executive, Legislative, and Judicial Salaries]

THE UNCONSTITUTIONAL PROCESS

Meanwhile, the already battered system designed to permit the practical adjustment of Congressional and other salaries suffered a further blow. In 1983, the Supreme Court ruled in *INS* v. *Chadha* that under the Constitution, the so-called "legislative veto" is invalid. The Congressional lawmaking process, it ruled, must include the presentation of an act or resolution to the President for his signature or veto.

At the Commission's request, the Department of Justice considered the application of this decision to the Commission's procedures. The Department concluded that the process of Congressional approval set forth in the Quadrennial Commission statute is "a legislative veto device that is unconstitutional under the Court's rationale in *Chadha.*"

As a result, a key part of the process by which the Commission's work had been implemented now appears to be unlawful.

There is, therefore, no legal, practical machinery today for setting and adjusting salaries of these essential public servants—the Members of Congress, the federal judges, and the top level members of the executive branch. Congress must legislate any salary increases, and Congress consistently has been unwilling to do so for itself or for the

other two branches. The matter is at an impasse. There can be no movement until the process is shaped to conform both to the Constitution and to political reality.

[From an appendix to 1984-85 Report by the Commission on Executive, Legislative, and Judicial Salaries]

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL,
Washington, DC, March 29, 1985.

Mr. NICHOLAS F. BRADY,
Chairman, Commission on Executive, Legislative, and Judicial Salaries, Washington, DC.

DEAR MR. BRADY: The Attorney General has asked us to respond to your letter of February 8, 1985. In that letter, you raise a number of questions concerning the effect of the Supreme Court's decision in *INS* v. *Chadha*, 103 S. Ct. 2764 (1983), on the Postal Revenue and Federal Salary Act of 1967, Pub. L. No. 90-206, 81 Stat. 642, 2 U.S.C. §§ 351 et seq. ("Salary Act"). That statute provides for establishment every four years of the Commission on Executive, Legislative, and Judicial Salaries ("Commission"), with a mandate to review and recommend to the President appropriate salary levels for members of Congress, federal judges, Cabinet officers and other agency heads, and certain other officials in the Executive, Legislative and Judicial Branches. It contains a legislative veto device that authorized Congress to approve, by majority vote, salary recommendations made by the President, following his review of the Commission's findings and recommendations. See 2 U.S.C. § 359.

You have asked us to address the following questions in light of the holding in *Chadha* that legislative veto devices violate the presentment, bicameralism, and separation of powers requirements of the Constitution:

1. Would the Supreme Court's decision in *INS.* v. *Chadha* invalidate the statute under which the Commission operates?

2. Would the actions of the Commission, or the provisions establishing the Commission itself, survive invalidation of the statute on the ground that the legislative veto provision is severable from the remainder of the statute?

3. If the legislative veto provision is severable from the remainder of the statute and the remainder of the statute survives, what power does the President retain with respect to recommending or setting salaries?

4. Would a proposal which establishes the President's salary recommendations as law unless Congress rejects them by enacting a disapproving statute satisfy the requirements of *Chadha*?

For the reasons set forth below, we believe that the *Chadha* decision clearly invalidates the authority provided in § 359 for Congress to implement particular salary levels without passing legislation and submitting that legislation to the President for his signature or veto. However, we do not believe that the unconstitutionality of that provision affects the establishment and operations of the Commission, or the authority of the Commission and the President to make recommendations of appropriate salary levels. What *Chadha* does mean is that, once those recommendations have been made, they can be implemented only by enactment of legislation in accordance with the plenary legislative process required by Art. 1, § 7 of the Constitution.

Prior to passage of the Salary Act in 1967, the rates of pay for members of Congress, members of the federal judiciary, and most positions in the Executive Branch covered by the Executive Schedule [1] were sporadically adjusted by Congress through legislation. The Salary Act was intended to provide a more systematic method of adjustment in those salary levels. The Salary Act created a Commission on Executive, Legislative, and Judicial Salaries, to be established every four years. 2 U.S.C. § 351. The Commission is composed of nine members, three of whom are appointed by the President, two by the President of the Senate, two by the Speaker of the House, and two by the Chief Justice. Id. § 352. Its primary responsibility is to review the rates of pay of members of Congress, the federal judiciary, offices and positions covered by the Executive Schedule, and certain other related personnel, for the purpose of:

Determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.

Id. § 356. Not later than January 1 following the close of the fiscal year in which the review is conducted, the Commission is required to submit to the President a report of the results of its review and its recommendations as to appropriate salary levels. Id. § 357. Section § 358 provides that the President "shall include, in the budget next transmitted by him to the Congress . . . his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions. . . ." Id. § 358.

Congressional review of the recommendations made by the President is provided in § 359. As amended in 1977, that section provides that:

(1) Within sixty calendar days of the submission of the President's recommendations to the Congress, each House shall conduct a separate vote on each of the recommendations of the President with respect to the offices and positions described . . ., and shall thereby approve or disapprove the recommendations of the President regarding each such subparagraph. Such votes shall be recorded so as to reflect the votes of each individual Member thereon. If both Houses approve by majority vote the recommendations pertaining to the offices and positions described . . . , the recommendations shall become effective for the offices and positions covered by such subparagraph at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second House to approve the recommendation.

(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

2 U.S.C. § 359.

Thus, under the scheme set up by § 359, the President's recommendations as to appropriate salary levels for the covered positions would become effective upon "approval" by both Houses of Congress. The scheme does not contemplate that Congress's approval would take the form of a bill or joint resolution that would then be presented to the President for his signature or veto. In fact, the language of the section stating that each House, by majority vote, "shall *thereby* approve or disapprove the recommendations" (emphasis added), and the tying of the effective date of the new salaries to action by Congress, make clear that "approval" would be by resolutions that would not be presented to the President in accordance with the constitutional requirements for legislation.[2]

We believe that § 359 contains a legislative veto device that is unconstitutional under the Court's rationale in *Chadha*. Approval by Congress of revised salary levels is clearly "legislative action" that has "the purpose and effect of altering the legal rights, duties and relations of persons . . . outside the legislative branch," 103 S. Ct. at 2784. Congress can therefore act only in accordance with the "single, finely wrought and exhaustively considered, procedure" set forth in the Constitution for legislative action—passage by both Houses and submission of the legislation to the President. Id. Because § 359 purports to authorize Congress to enact salary levels without presentment to the President, it falls squarely within the Court's reasoning in *Chadha*.[3]

Given this conclusion, we must examine what is left of the statutory scheme. There are two interrelated questions involved in that analysis: (1) is the device severable from the remainder of the statute? and (2) if the device is severable, what authority remains in the Commission and the President?

To answer these questions, we look to the legislative history of the 1977 amendment to § 359. Prior to 1977, § 359 contained a one-House veto provision similar to the device at issue in *Chadha*. Under that section, the President's recommendations as to appropriate salary levels would become effective at the expiration of a sixty-day period, unless, inter alia, either House of Congress disapproved by resolution the recommended adjustment. 2 U.S.C. § 359 (1976).[4] Pursuant to

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[1] Congress established the Executive Schedule in 1964, as a higher-based pay system for upper-level management and policy-making positions in the federal service. Cabinet secretaries, heads and deputies of numerous specialized regulatory boards and commissions, and similar personnel, are classified under that Schedule. See 5 U.S.C. §§ 5311 et seq.

[2] Congressional practice is consistent with this interpretation. In 1981, the House and Senate adopted separate resolutions disapproving salary recommendations made by the President under the Salary Act. See H. Res. No. 109, 96th Cong., 1st Sess.; S. Res. No. 89, 96th Cong., 1st Sess.; S. Res. No. 91, 96th Cong., 1st Sess.; S. Res. No. 92, 96th Cong., 1st Sess.; note following 2 U.S.C. § 359.

[3] As we discuss below, Congress clearly intended that "recommendations" of the President have no legally binding effect absent congressional approval. Therefore, "disapproval" by Congress of those recommendations would only maintain the status quo, much as Congress's failure to enact any legislation proposed by the President would not alter any existing rights, duties, or obligations. The unconstitutionality of the congressional review mechanism in § 359 lies in the authority given Congress to approve recommendations, and thereby make the recommended levels legally binding, without complying with the constitutional requirement that legislation be presented to the President. Thus, although we use the term "legislative veto" to describe the generic category of devices that fall within *Chadha*, we recognize that the device in § 359 is not a "veto" in the usual sense of the word.

[4] The prior version of § 359 also provided that Congress could enact, by law, different pay rates for the covered offices and positions. 2 U.S.C. § 359 (1976).

this provision, salary recommendations made by the President in 1969 and 1977 went into effect, without congressional disapproval. See note following 2 U.S.C. § 359. Recommendations made in 1974 were disapproved by the Senate.[5]

The failure of Congress to act on the 1977 presidential recommendations engendered considerable public criticism, because the effect of Congress's silence was to allow increases in congressional salaries to go into effect without a record vote by the members of Congress. See, e.g., 123 Cong. Rec. 9662 (1977) (remarks of Sen. Bartlett). In response to this criticism, Congress amended § 359 to remove the one-House veto provision, and to substitute the current requirement that Congress vote separately on each salary recommendation to approve or disapprove the recommendation. The legislative history of this amendment makes clear that Congress intended to preclude the possibility that congressional salary increases could go into effect without affirmative congressional action.[6] Senator Bartlett, the sponsor of the amendment, stated during debate on the amendment that:

"The amendment which I now offer . . . would wipe out those provisions of law which allow for automatic or anonymous pay increases, without Members of Congress having to vote on them. It would provide that any recommendation of the Commission on Executive, Legislative, and Judicial Salaries would have to be approved by both Houses of Congress before it could go into effect. The 'back-door' pay increase feature of the present law would hence be eliminated."

123 Cong. Rec. at 9662. His comments were echoed by others in the debates. See, e.g., id. at 9663 (remarks of Sen. Allen) ("Under [the existing scheme], it is almost impossible to get an up or down vote on this issue, and if no action is taken, then the recommendations of the President would go into effect. Under the amendment . . . that is changed, and when the recommendations are made, it would require an affirmative vote of both Houses of Congress to accede to those changes, . . ."); id. at 10236 (remarks of Rep. Frenzel) ("I am advised that under the language of the Senate amendment . . . the increases cannot become effective absent a vote"); id. at 10238 (remarks of Rep. Ashbrook) ("The amendment . . . will insure that there will be no more backdoor congressional pay raises. Representatives of the people will have to show the people where they stand on future pay increases"). The amendment did not alter those portions of the statutory scheme that established the Commission, gave the Commission responsibility for review and recommendations, and provided for presidential recommendations on salary levels. Effectively, however, the amendment precludes a statutory interpretation that the President's recommendations have any binding legal effect in the absence of congressional action.

Thus, § 359 is slightly different from the typical legislative veto device, in which Congress delegates authority to the President or to another official in the Executive Branch to take certain actions, but retains a "veto" over particular actions. Here, the Salary Act contains no delegation to the President to make legally binding decisions as to revised salary levels for the covered offices and positions. The legislative history of the 1977 amendment to § 359 makes absolutely clear that the President's authority is limited to making nonbinding recommendations. The "string" that Congress reserved for itself was not the authority to disapprove particular presidential actions that otherwise would become law, but rather to approve presidential recommendations, and thereby make the recommendations legally binding, without compliance with the constitutionally mandated legislative process.

Consequently, the most typical, and difficult, severability question raised by legislative veto statutes—i.e., whether the President (or other Executive Branch officers) may continue to exercise substantive, legally binding authority delegated by Congress subject to the legislative veto device—is not presented by § 359. Nonetheless, § 359 is part of a larger statutory scheme that authorizes the establishment and operation of the Commission, and the making of salary recommendations according to a designated timetable. Therefore, we must address whether the unconstitutionality of the device contained in § 359 affects the remainder of the statutory scheme.

Applying the principles of severability articulated by the Court in *Chadha*, we conclude that the legislative veto device in § 359 does not affect the remainder of the statutory scheme that establishes the Commission and provides for salary recommendations to be made by the Commission and then by the President. In *Chadha*, the Court identified three inquiries that shape the analysis of severability. The first presents a question of legislative intent: would Congress have wished the remainder of the statute to continue in effect had it recognized that the provision was unconstitutional and therefore could not have been included in the statute? See *Dorchy* v. *Kansas*, 264 U.S. 286, 290 (1924). "Unless it is evident that the legislature would not have enacted those provisions which are within its power, independent of that which is not," the invalid portion should be severed and the remaining statutory authority continued. *INS* v. *Chadha*, 103 S. Ct. at 2774, quoting *Champlin Refining Co.* v. *Corporation Comm'n*, 286 U.S. 210, 234 (1932). Thus, unless there are clear indications that Congress would have intended authority provided by additional parts of the Salary Act to fall because of the invalidity of the legislative veto device, the invalid provision can be severed.

Here there is no indication in the legislative history that Congress would have wanted the entire statutory scheme to fall, if it had known the legislative veto device could have no effect. In fact, it would be somewhat anomalous to suggest that Congress would have been unwilling to authorize the Commission and the President even to make salary recommendations, absent the legislative veto device, when those recommendations could have no legally binding effect and therefore would not threaten congressional oversight and control. In addition, Congress's amendment of § 359 in 1977 did not purport to alter the remainder of the statutory scheme, which we believe is strong indication that Congress would have intended that scheme to remain in place, even absent the legislative veto device. See generally *Consumers Union of U.S., Inc.* v. *FTC*, 691 F.2d 575 (D.C. Cir. 1982), aff'd sub nom. *Process Gas Consumers Corp.* v. *Consumers Energy Council of America*, 103 S. Ct. 3556 (1983).

It is perhaps even more significant that the remainder of the statutory scheme meets the second criterion outlined in *Chadha*—that it be "fully operative as a law" without the legislative veto device. *INS.* v. *Chadha*, 103 S. Ct. at 2775, quoting *Champlin Refining Co.* v. *Corporation Comm'n*, 286 U.S. at 234. The severance of the legislative veto device would have very little effect on the operation of the remainder of the statute. The Commission would continue to review salary levels, based on the considerations outlined in the statute, and to make recommendations to the President. See 2 U.S.C. §§ 356, 357. Likewise, the President would continue to make recommendations to Congress as to what he believes the appropriate salary levels should be. Id. § 358. The only operational difference in the statute would be that Congress could enact those recommendations only through the plenary legislative process—i.e., by passage of a bill and presentment to the President—rather than by simple majority vote of each House. It would therefore do no violence to the statutory scheme or to the responsibilities of the Commission and the President to sever the legislative veto device.

The only factor enumerated in *Chadha* as relevant to the severability analysis that is not present here is a severability clause. In *Chadha*, the Court stated that a severability clause is strong evidence that Congress did not intend that the entire statute or any other part of it would fall simply because another provision is unconstitutional. 103 S. Ct. at 2774. The lack of such a clause does not change our conclusion here. The Supreme Court has stated that "the ultimate determination of severability will rarely turn on the presence or absence of such a clause." *United States* v. *Jackson*, 390 U.S. 570, 585 n.27 (1968). Indeed, although *Chadha* seemed to suggest that the presence of a severability would tilt the balance decidedly toward severability, the Supreme Court, several weeks after it decided *Chadha*, summarily affirmed a decision that a particular legislative veto provision in the Natural Gas Policy Act was severable, despite the absence of a severability clause. *Consumer Energy Council of America* v. *FERC*, 673 F.2d 425 (D.C. Cir. 1982), aff'd sub nom. *Process Gas Consumers Energy Group* v. *Consumer Energy Council of America*, 103 S. Ct. 3556 (1983). Given the strength of the case to be made under the first two factors outlined in *Chadha* (see discussion supra), we do not believe the absence of a severability clause changes our conclusion here.

Based on the foregoing, we believe your specific questions can be answered as follows:

(1) Would the Supreme Court's decision in *INS* v. *Chadha* invalidate the statute under which the Commission operates?

(2) Would the action of the Commission, or the provisions establishing the Commission itself, survive invalidation of the statute on the ground that the legislative veto provision is severable from the remainder of the statute?

These two questions both involve the severability of the legislative veto device from the remainder of the Salary Act. As discussed above, we believe the legislative veto device in § 359 is severable from the remainder of the statute, and that therefore the authority of the Commission and the Presi-

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[5] *See* S. Res. 293, 93rd Cong., 1st Sess., 120 Cong. Rec. 5508 (1974).

[6] The amendment was added to the Unemployment Compensation Act of 1977, Pub. L. No. 95-19, on the floor of the Senate. The only substantive legislative history of the amendment is contained in the floor debates. See 123 Cong. Rec. 9660-66, 10234-38 (1977).

dent with respect to review and recommendations on salary levels continues unaffected.

(3) If the legislative veto provision is severable from the remainder of the statute and the remainder of the statute survives, what power does the President retain with respect to recommending or setting salaries?

As we discussed, the legislative history of the 1977 amendment to § 359 makes clear that the President has the authority only to recommend new salary levels for covered individuals. In the absence of legislation passed by Congress and approved by the President, those recommendations can have no legal effect.

(4) Would a proposal which establishes the President's salary recommendations as law unless Congress rejects them by enacting a disapproving statute satisfy the requirements of *Chadha*?

We assume that what is intended by this question would be a statute that delegates to the President the authority to establish new salary levels for the covered individuals, based on certain criteria, but that would also give Congress a certain time period before those salaries take effect to enact legislation disapproving the new levels. Provided that such disapproval legislation would then be presented to the President for his signature or veto, in accordance with Art. 1, § 7 of the Constitution, such a scheme would satisfy the requirements of *Chadha*.

We trust this analysis will be helpful to you. Please advise us if we can be of further assistance.

Sincerely,

RALPH W. TARR,
Acting Assistant Attorney General,
Office of Legal Counsel.

Mr. STEVENS. Mr. President, because time is short and because my full statement will appear in the RECORD, I would like to take this time to use graphs to show my point of view concerning this Quadrennial Commission. It is my judgment that as a net result of the failure of Congress to be willing to accept the responsibility imposed by the Constitution and establish salaries for itself and for the Government as a whole, there has developed in our Federal Government a crisis of recruitment and retention. Mr. President, Congress has, since 1970 turned down on 11 occasions its own cost-of-living adjustment, and in doing so it has held down the pay raises that were due to the executive branch and to the military. Because our actions in salary increases are tied to the military, this 50 percent does not even bring those people back into comparability with the private sector.

Let me point out one of the charts I have just put into the RECORD—it is really a tabulation not a chart. This tabulation shows that in the period since 1970, postal workers have had a 247.2-percent increase, the military has had a 238-percent increase, judges have had a 122.3-percent increase, civil servants a 146.4-percent increase, and Members of Congress a 110.5-percent increase.

This chart shows that during the period of time since 1969, considering the salary for an executive level 2, which is the key salary in our executive service, we have had a total disparity between the increases for that salary level compared to the cost of living, as determined by the Consumer Price Index.

It has gotten to the point, Mr. President, considering the current salary of the level 2 executive, the salary established in 1969 for level 2 is now worth 35 percent less in purchasing power today.

We all know that housing in this area has gone up in the last few years more than our salary adjustments. We all know that in 1 year housing alone has increased 35 percent in this area.

Now, I would like to compare the salaries of executives in the private sector, even the lower level executives in the private sector, with the salary level for executive level 2, which is the same as the Member of Congress. By the way, this chart shows that there is a six times differential with the one-quarter of 1 percent of senior level executives in the private sector.

What does it really mean, Mr. President? It means that in the last 10 years, we have not been able to hire into Government to do AIDS research, cancer research, one single senior level research scientist. Not one has come in to the Government who could accept this level of salary.

On the contrary, as my statement points out, we have lost a whole series of people. There are currently 100 senior executive and senior scientific service positions vacant at the National Institutes of Health alone—at NIH alone.

By refusing to increase our own salaries, we hold down the salaries of many others in the executive branch. And what do we do? It ends up that agencies make grants to nonprofit corporations that hire those same researchers and they then do the same work for the Federal taxpayers at much more than it would have cost us if we would have been realistic about these salaries in the first place.

I do not think anyone has done as much work lately on this subject as Lloyd Cutler. It is a bipartisan issue, I assure you. Lloyd Cutler was President Carter's counsel. He has served two Republican Presidents now in trying to find a way out of this dilemma. And it is a dilemma. But I want to commend Mr. Cutler for his good efforts and sacrifice.

The dilemma facing us is illustrated by the following:

The New York City school chief, and the Los Angeles police chief show the level of salaries which are available to individuals outside the Federal Government.

But where is the career objective for someone who seeks to come from law enforcement to the FBI or come into our law enforcement agencies or come to the Congress? Unless they are extremely wealthy, they are not going to be able to do that.

Look at the comparison between the Members of Congress and city officials. We think perhaps people start in politics at the local level and then they go into county government and then they go to the State and then they are supposed to come here to Congress. But why should they leave to come to Washington, knowing the salaries which face Federal employees.

This chart shows our actual salary today. This shows the salary of the New York City mayor. This shows the salary of the New York City police chief. This shows the salary of the New York City school chief. This shows the current salaries of the Members of Congress, and this chart shows the salary of the major metropolitan police chiefs.

All I am telling you is that this recommendation is not out of line. This is not an increase of 50 percent. It simply is an attempt to bring us back into parity.

As I said yesterday at the Governmental Affairs Committee hearings, I am willing to take Congress out of this recommendation entirely. I think that is what we ought to do. If there is a dilemma here, exempt Congress entirely. Let us deal with the executive branch, let us deal with the judiciary and find some way sometime in the future to decide what Congress should be paid.

People said yesterday at our committee hearing that we were unfair, we were using a faulty comparison to the private sector. It is not. The Quadrennial Commission compared current Federal salaries to those in the nonprofit portion of the private sector.

This is the salary of a public university president; the private university president; the average home price in Washington, DC. This shows the Consumer Price Index. And look at the salary of a level II of the executive level. That is the amount we pay those scientists that want to come to NIH and the Cancer Institute. When this is the increase of the price of a home in Washington, how many people can afford to come in and work at NIH?

We are unrealistic, Mr. President, to think we can run a Government this way.

Yesterday one of the witnesses at the hearing on this issue Mr. Nader, tilted. He told me, "Well, you are wrong in your calculations because you have taken just the period since 1970. If you just go back a few years, maybe it would be different." It was not "maybe." He said it would be different. So we did that. We said to the Library of Congress, "Go back 80 years." And they went back to 1907 to look at the statistics on salary in-

creases for various sectors in the American economy.

In the last 80 years the agricultural sector of the United States has had a salary increase of 5,293 percent; the service sector, 4,891 percent; the manufacturing sector 4,307 percent. The Civil Service itself has gone up 3,459 percent. Congress has gone up only 1,903 percent.

There is our problem. The problem is that we will not pay ourselves what we are worth and as a result, we will not pay anyone else what they are worth.

America, someone said a long time ago, gets the government it pays for.

Now I have told the people of Alaska why I am arguing this issue. They know it. A lot of them object. But, as a practical matter, I believe that we must have increased competence in government. I do not think we can try to hire new people to do the top jobs in government based upon what we pay the lowest levels in the private sector. What we pay the lowest levels, the average levels of the private sector, will not attract to this government the quality people we need.

Mr. President, I know that my argument is not popular and I know that we have few supporters here for my point of view. I can only tell this Senate and anyone that is listening, that unless we make some changes in the way we compensate our Federal employees we are going to have worse fraud, worse abuse, more losses, less competence in government, and we will not be a free country long if this keeps up.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by Senator PRESSLER, Senator HELMS, Senator GRASSLEY, myself, and others to Senate Joint Resolution 7, a joint resolution which would disallow salary increases for Members of Congress, high level Federal officials, and Federal judges.

Today, our national debt exceeds $2.6 trillion. Last fiscal year alone, $155.1 billion was added to this already huge national debt. Stated simply, it is not the appropriate time for Members of Congress to vote ourselves a 51-percent pay raise.

After having served 34 years in the Senate, I am very much aware that Members of Congress have substantial responsibilities. All Members of this distinguished body are deeply committed to the States they serve and the people they represent. To be effective, long working hours, which separate us from our families, are expected. We make difficult decisions daily, and I am fully aware of arguments in support of these salary increases. However, we should not consider increasing our compensation until such time as we fulfill our responsibility to the American people to balance the Federal budget. At some future time when we have achieved that goal, it would be more appropriate to examine this issue.

With regard to balancing the budget, in 1984, I authored through the Senate a constitutional amendment to mandate a balanced budget but the House killed it. In 1986, I introduced it again and it received 66 of 67 votes needed for approval. In 1987, I introduced it again but the Judiciary Committee did not report it out. In 1989, I have introduced it again. We should first address this pressing problem before seeking a pay raise.

Not surprisingly, the overwhelming majority of the citizens of this country oppose these large pay increases. Of the many letters and calls I have received from my constitutents in South Carolina, very few have been in favor of this pay increase. They know that our economy is burdened by a huge national debt. They are legitimately concerned about the effects of the budget crisis on our economy. We should not ignore these concerns. To the contrary, our vote tonight to disallow the pay raise should set the standard for our future efforts to balance that Federal budget.

In closing, we are the leadership of this country. With our huge Federal debt, it is imperative that we set the example. The budget deficit cannot be reduced unless the Federal Government spends less. There is no magic formula to stop run-away spending. Spending less is the only way. The effort to reduce the budget deficit must begin at the top. We cannot ask the people of this country to set an example if we fail to do so ourselves. With this vote, let us send a clear, strong message to the American public that we, as leaders of this country, will initiate and continue the fight to balance the budget. Let us begin by refusing to spend more on ourselves and other high-level Government officials. I strongly urge my colleagues to vote in favor of this resolution of disapproval.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Connecticut.

Mr. DODD. I thank the Chair for that recognition.

Mr. President, first of all I want to commend the majority leader and the minority leader. This has not been an easy issue to deal with these last couple of weeks. It has dominated the headlines of newspapers across this country. It has been the subject of countless talk shows and television programs. Hardly a news program at any moment in the last several weeks has not led with or at least had some major portion of it devoted to this issue.

But I must say that the issue before us today is not the most difficult question the Congress will face this year. We are not talking about war and peace here. We are not talking about the homeless or the hungry or the sick. We are not authorizing an intricate new program for acid rain.

What we are dealing with, Mr. President, is a relatively straightforward question of fairness and honesty in the pay of our Nation's top public servants, including ourselves. It is an important question. And it is, I am afraid, an uncomfortable question for many of us here and in the other body.

We have all read the reams of news stories and editorials and letters from our States on the proposed pay raise. We have heard the talk shows and the phone calls from our constituents.

Some, Mr. President, amidst this avalanche of criticism that may be all out of proportion to the issue at hand, have chosen to remain silent. Some have preferred not even to vote, and I regret that. And some have adopted what I regard as a trickier position on this issue: expressing public outrage over this proposal while privately planning to accept whatever raise is ultimately approved.

In some quarters, and only in private, the feeling has been that we should "vote no and take the dough." I reject that hypocrisy.

I will say here publicly—and not for the first time—what I have said since the Quadrennial Commission's salary recommendations have been announced. Our current method of paying Members of Congress, with part of their salary provided by the Federal Government and part by a handful of special interest groups in the form of speaking fees, is an accident waiting to happen. It is a method I and many of my colleagues were elected into and did not create. It is a method with ample disclosure and accounting requirements. But it is, Mr. President, burdened by the potential of abuse.

Members of Congress, like all employees, should be paid by the people they work for: the taxpayers, not the interest groups. On that point, we all must be very clear. The issue in this debate ought to be a simple question: "Who pays Congress?"

Further, we must acknowledge the true current salary of Members of Congress. It is not alone the $89,500 we receive from the Treasury. That is an illusion. We settled that matter many years ago. It is a combination of what the Treasury pays us and what our rules allow us to earn in speaking fees: in the Senate, a de facto pay level of $125,300. In that context, Mr. President, the Quadrennial Commission's

recommendation is excessive. This is not the time for Congress to vote itself and other top Federal officials a substantial raise.

What I would favor, what I would prefer to vote on today, is a salary level that answers the question of who pays our salaries, holding Members harmless with a salary level of $125,300, the amount I and my colleagues here were entitled to earn in 1987, 1988, and could expect to earn in 1989.

I will support measures that come before the Senate in the coming days to lower this recommended pay level to that amount, and I will most certainly support a ban on honoraria that is coupled to a salary increase. And should the recommended level be enacted, regardless of the stated wishes of what I expect is a majority here and the wishes of many Members of the other body, and should the ban on honoraria be enacted, then I will return to the Treasury this year, which is a very simple thing to do, the difference between my current de facto salary and the new Government pay level.

Let us keep in mind, finally, as we approach this vote, that it is not simply, as the distinguished Senator from Alaska has pointed out, the pay of Members of Congress that we are weighing today. Only one in five officials affected by this proposal that former President Reagan put forward and President Bush endorses are Members of Congress. The rest are Federal district and appeals court judges, Cabinet secretaries and their deputies, and a whole cadre of scientists, engineers, physicians, prosecutors, and managers—the people who make our Government work and whose services we are increasingly unable to afford in market competition with the private sector. That is a fact, and we all know it.

I believe it is the obligation of Members of Congress to say where we stand on issues as controversial as our own salary, and I believe we must go on record, however difficult that may sometimes be. I agree with my colleague from South Dakota, LARRY PRESSLER, on the key point in his amendment, that there should be an affirmative vote in both Houses of Congress on this matter. But we must deal here with the system that exists, not some ideal procedure for setting the salary levels of the Nation's top executive, legislative, and judicial officials.

Therefore, Mr. President, I will oppose the Pressler amendment and I would urge my colleagues to weigh that amendment, as I hope they have considered the President's proposal, with honesty and fairness.

We are going to vote on this issue, Mr. President, not just once tonight. I would predict we will vote on this issue about 10 or 20 times before this session is over with. And I would also predict that the majority of people here will keep the salary.

And that is where the cynicism comes from. That is where the problem is. People do not think we are straightforward on these questions. So you will end up with an overwhelming vote against this, somehow this will be approved, Members will take the salary who voted against it—and there is where you have cynicism growing larger.

We are not being honest and straightforward with our constituents. I would urge that we do the right thing, take the approach the Senator from Alaska has adopted and be honest with our constituents. I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from California.

Mr. WILSON. Mr. President, at the risk of oversimplifying the issue, I think the question before us, as it relates not to the judiciary, not to the executive, but to ourselves, is simply this: the question is not one of need. There are a number of Members of Congress who quite legitimately can assert the need. They have large and young families, who would benefit by this increase.

The question is not merit. There are Members on this floor and in the other House who work long hours, diligently, in the public interest. They earn a good deal more than in fact they will ever be paid.

The question is neither need nor merit. The question, very simply stated, is that we find ourselves at this juncture with an overriding responsibility which Congress has yet to discharge. That responsibility is to deal with the deficit and in the course of doing so we are, indeed, as my friend from Connecticut has pointed out at other times on this floor, going to be talking about services and the cost of providing those services; what it will cost to initiate new programs, why we will have to cut back on old programs that are not undesirable but simply less desirable—those that do not meet the test of competition between competing goods.

So I think what is at stake is neither our need nor our merit but rather, as we set about doing the most difficult and the overriding responsibility that we have which is to set and keep priorities for the public, the issue is that an increase for us, even if you believe it to be merited, is not the most urgent public priority. We are required to rank how we will spend the taxpayers' dollars.

We have been through a campaign in which the winning candidate for President preached that there would be no tax increase. In the context of deficit reduction that means that we are going to be compelled to reduce the deficit even as we initiate some, very few, selective new projects, by cutting spending for others. Are we able to cut services that are desirable, are we able to be credible in doing that if we have set as one of the most pressing and most urgent of public priorities the increase of our own salary? I think the answer very simply is no.

Having said that, I am concerned about the judiciary. Each Member of this body has had the opportunity, the obligation to seek to nominate district court judges. It is getting difficult to recruit the kind of people that ought to be on the Federal bench. I do not really want people for whom it is a raise serving on the Federal bench. The kind of people whom I have nominated have in every case made a substantial financial sacrifice in order to take that judicial responsibility. It better not become too great a sacrifice for them or we will find out that we have been penny wise and pound foolish in the area of providing the Nation with the kind of judges which it must have on its Federal court benches.

So, while I would prefer a more straightforward approach, I am going to support the Pressler amendment because it will have the effect if, as we suspect, the House allows this raise to go through, of at least assuring that the judiciary will receive the increase while the rest of us do not.

I thank the Chair.

The PRESIDING OFFICER. who seeks recognition?

The Chair recognizes the majority leader.

Mr. MITCHELL. Under this agreement, this vote will occur at 7:55. In view of the fact that all but two of the speakers who have spoken on this issue have been in support of the resolution and the time has been allocated disproportinately on that side, I would like to yield the remainder of the time prior to the vote to Senator STEVENS, who has spoken on the opposite side of the issue, in an attempt to achieve some minimum level of balance in the debate.

I yield the remaining time to Senator STEVENS.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the leader. I will be brief.

Many people ask me why I persist in this effort of trying to bring about comparability in Federal salaries. You know, Mr. President, the real difficulty is, under the current system, we have not been able to devise any better way. But we have to face our responsibility.

Congress for years raised salaries without public accountability. People have said we have now created a mechanism that means that these salary increases can go into effect without a

vote. That is not true. We have voted here in the Senate on every pay raise that I have received. But such votes occur not very often, Mr. President, and that is the trouble.

Let me call the Senate's attention, as I close, to this fact. Pay raises of the type recommended by the Quadrennial Commission take place at the time of the change of a Presidency. In 1968, as President Johnson left, he received a recommendation from the Quadrennial Commission that there be a 50-percent pay increase. He approved that, but he allocated $7,500 of it to an expense allowance and $42,500, which was the remaining portion of the recommendation, to salary. Congress approved that request reluctantly.

The next time we changed our pay by any substantial amount was at the change between 1976 and 1977. Again, a change in the Presidency.

Then we had the problem of the Chadha case, a Supreme Court case in 1983 which ruled that a one-House veto over an executive action was unconstitutional. And in 1985, the Quadrennial Commission did not make recommendations, but recommended to Congress that the procedure for setting Federal salaries by law be changed and be changed so that it would require a two-House action to veto the decision of the President. That request was represented in the recommendations which President Reagan submitted to Congress in 1985.

Following that, in 1987, we did approve an 18.6-percent pay increase, but that in effect, rejected the President's actual recommendation. The 1984 recommendation of the President was $135,000. Let me say that again. The Quadrennial Commission's recommendation in 1984, to be submitted in 1985, was the same recommendation that is before us now.

Again, I have a bill, which I will be happy to introduce, to take Congress entirely out of the Quadrennial Commission recommendations. I wish we would do that. Let us deal with the executive branch and judiciary and find another way to deal with Congressional salaries. I am afraid we will once more find Congress putting off the Quadrennial Commission's recommendations that affect the judiciary and executive branch, that affect who is going to do the AIDS research, the cancer research, that affect who will be hired to be the surgeons in our armed services hospitals.

Can we attract the best and the brightest to perform the functions that the taxpayers want to be performed by government? We cannot do it if we refuse to accept the fact that they are entitled to pay increases to meet the ever-escalating cost of living. We must accept that we do not have the courage to face our own salary requirements.

President John F. Kennedy wrote a book, if you will recall, "Profiles in Courage." I wish that President George Bush, who has shown courage in supporting the recommendations of President Reagan, could write a book in which he could show that there were enough Members of Congress who showed courage, who had that profile in courage to accept the fact that there are times when we must act in the public interest because we have the knowledge that necessitates that action and the courage to lead rather than to follow.

Mr. President, I shall join my colleagues from Connecticut, Senator DODD. I thank my friend and colleague from Alaska for his kind words. I shall oppose this amendment. I shall vote for the Quadrennial Pay Commission recommendation, and I shall continue to defend the Commission's actions and urge each and every Member of Congress to examine his or her heart to find an answer to this dilemma. The actions we take tonight, I agree with the Senator from Connecticut, are not final. We will face this issue again and again and again this year. I thank the leader.

Mr. KASTEN. Mr. President, I rise in opposition to the proposed pay increase for Members of Congress. I believe the American people deserve better from their elected officials than to allow this 50-percent pay increase to go into effect. This proposed pay increase is especially offensive at a time when we are struggling with a very serious deficit problem.

The American taxpayer is being asked to carry a heavy burden. I believe we should block this pay increase to keep from adding to that burden.

I am an original cosponsor of legislation to block this pay increase. Since coming to Congress, I have voted for every single measure that came before the Senate to block increases in congressional salaries.

Like some legislation I introduced in the last Congress, this legislation will require a rollcall vote on any future pay increase. I believe the American people have the right to know where their elected officials stand on this issue.

We should enact this legislation with all due haste. We owe it to the American taxpayer—and to our own sense of institutional self-respect.

Mr. DECONCINI. Mr. President, I am pleased to join many of my Senate colleagues in cosponsoring the bipartisan amendment before us which really puts teeth into Senator SANFORD's joint resolution of disapproval. The Pressler-Grassley-DeConcini amendment accomplishes the same goals as Senate Joint Resolution 6. It disapproves the pay raise for all three branches of Government. It rescinds the pay rise, even if it is allowed to go into effect, once the House acts on this legislation. Finally, it requires that Congress act in an affirmative manner to receive any future pay raises. It is simple, it is direct and it is what the American people have indicated they want Congress to do.

Two of these provisions have been addressed previously by the Senate. The Senate is already on record opposing major increases in congressional pay. On at least two occasions in the 100th Congress we passed resolutions of disapproval by overwhelming margins.

Last session, the Senate also passed legislation to require an up or down roll call vote on future congressional pay raises. I cosponsored this legislation and was disappointed that it was dropped in conference with the House.

The third provision of the amendment ensures that these raises do not simply go into effect if either house fails to act on a disapproval resolution within the requisite 30-day time limit for action. Unlike 2 years ago, when the Senate passed a resolution of disapproval only to have the House vote on the resolution after the raises went into effect, this resolution ensures that the raises would be rescinded once the House acts on this legislation. Upon passage of this amendment, the Congress can no longer hide behind a convoluted legislative procedure.

The proponents of this amendment, along with the sponsors of the underlying resolution, are to be congratulated for their diligent action in bringing this issue before the Senate and the American people. I thank my colleagues, Senator PRESSLER, GRASSLEY, and SANFORD for their timely action in addressing this matter.

In this era of budget deficits—and I believe we have reached a critical point—it is unconscionable for President Bush and former-President Reagan and the Congress to seriously consider raising Federal salaries at the same time that cutbacks are being made in programs which directly affect the lives of working Americans. We cannot tell working mothers that there is no money for child care programs and accept this raise. We must not tell our young people that we cannot afford to assist them in getting a college education and accept this raise. We cannot tell the American people that we do not have the funds to aggressively wage the war on drugs and accept this raise.

And we must not allow this raise to go into effect by not taking any action to prevent it. Every Member of Congress should be on record indicating his or her support for or denial of the proposed 50 percent pay increase. Preventing a to vote on this pay raise would send a signal to the Nation that Congress is unwilling to address the deficit in a straightforward and realistic manner.

I am pleased that the leadership has brought this issue before the Senate in a timely manner. In addition to those senators mentioned earlier, a number of others are to be congratulated for their hard work and diligence on this issue. Senator GLENN and Senator ROTH, the chairman and ranking minority member, are to be congratulated for giving proponents and opponents an opportunity to express their views during two days of hearings in the Governmental Affairs Committee.

Finally, I would like to thank the leadership, particularly our new majority leader, Mr. MITCHELL, and minority leader, Mr. DOLE, for bringing this issue to the floor and for allowing the full Senate to work its will on this highly emotional and controversial issue.

I am confident that the Senate will overwhelmingly oppose these increases and I am hopeful that the House will do likewise. We must first resolve our Nation's budget crisis before we even consider increasing our pay. The voice of the American people loudly call out in unison in opposition to the proposed raises. Congress must listen to these voices.

Like many of my colleagues, I have received hundreds upon hundreds of emotional letters from my Arizona constituents strongly opposing these proposals. "Why raise congressional salaries?" they ask. There does not appear to be a shortage of people wanting to run for office. Few working Americans get the opportunity to set their own salaries, much less give themselves a 50-percent increase.

They correctly state that raises are usually earned after proving ability in getting the job done and done well. Have we completed the job on the budget deficit, or the environmental crisis, or the war on drugs? Or are we just trying to do a job on the American people?

Finally, they ask, if you think you deserve this huge pay increase, you should at least vote for it. Once again, I agree. I have introduced legislation to provide for affirmative votes on pay increases. I have also cosponsored the legislation before us today. I believe that Congress must vote on whether we deserve this raise or not. We cannot duck this issue anymore.

At this time, however, when we are asking the American people to sacrifice programs which are important to them, we also be willing to sacrifice. As leaders in Congress, we must set an example for the country and not feather our own nests. Because of the budget deficit, we cannot afford to add $76 million in red ink that these raises would cost. We cannot take an additional $45,500 in pay when the median family income in this country hovers around $35,000 a year. With a budget deficit of over $155 billion, we cannot look in the mirror and say we need this additional money. We have too many people on the streets, too many people on limited incomes to honestly say we need this additional money.

I ask my colleagues to support this legislation and to disapprove the pay increase. Once we have accomplished this, then we must move to reform the entire pay system to avoid these games in the future. For now, we must be leaders and shoulder our share of the burden of deficit reduction.

Mr. ROCKEFELLER. Mr. President, I rise to express my strong, strong feelings about the issue before this body. Tonight we are responding to the recommendations forwarded by President Reagan that would, unless the Senate and House take the necessary action, substantially increase the salaries for Members of Congress and other top Government officials.

From the moment the possibility of a pay increase for Congress emerged, I vigorously opposed it. I still oppose the pay increase, and I will vote tonight accordingly, I don't think there could be a worse time than now to hike the salaries of lawmakers. This is exactly when we should be acting according to what we preach. And that means we should resist and condemn any and all ideas of increasing our pay.

Mr. President, 3 years ago Congress approved Gramm-Rudman legislation as a serious and aggressive process for tackling a Federal deficit of intolerable proportion. The American people understandably had many questions about the legislation, worried about its effects on vital services and programs. As I have explained in great length to my constituents in West Virginia, Gramm-Rudman was enacted to finally begin the absolutely crucial process of eliminating the deficit.

But to succeed in achieving the Gramm-Rudman goal of a balanced budget, tough choices must be made. Cuts must be made in some areas, and they have been made. We must be disciplined and impose austerity whenever and wherever possible.

If Congress were to allow a pay increase to go into effect for itself, it would be a direct violation of our supposed commitment to fiscal responsibility, sacrifice, and austerity. I can completly understand why the vast majority of Americans—and indeed, of the people of my State—are outraged that the very idea of a pay increase has been considered. My State has suffered hard times in the recent years, with unemployment that has wracked many of our communities. If there are additional resources to distribute from the Federal Treasury, they should go to road construction, child nutrition, health care, and education in the distressed regions of West Virginia and other parts of the country—not to a pay increase for Members of Congress.

I am very grateful that we are voting on the pay increase in the Senate. I have argued strenuously that we should have a recorded vote. For the reasons I have stated, I am voting against the pay increase.

Mr. WARNER. Mr. President, I only wish to take a few moments of the Senate's time to share what I find to be the most unfortunate aspect of this process.

There are in the Federal Government outstanding individuals, in both the judiciary and the executive branch, who are deserving of improved compensation. Through no fault of their own, these senior Government officials are tied to the Congress in terms of their pay. Because of this link, they too have been subject to the public outcry over the manner in which present law provides for Federal executive pay raises.

I am proud to number among my constituents many members of the senior executive service and officers of the judiciary. These individuals have come to public service through many paths, but they are on the job today providing the wealth of ability and managerial experience it takes to run the Federal Government.

Mr. President, 50 percent of the SES will be eligible to retire in 1989. They are watching the Senate tonight to see if they are going to be denied the most significant incentive in recent history to stay with the Government—a measure of comparability with the private sector.

The judiciary is also watching tonight. How many judges are debating whether to stay at the bench or take that standing offer for greatly increased pay as a senior law partner.

It is my hope that if we have learned one thing from this debate, it is that the Congress should take action to dissolve the compensation link between ourselves and our colleagues in the other two branches. Let the needs of each sector be separately assessed and voted on by the Congress, expressing the will of the people.

Mr. BOSCHWITZ. Mr. President, I rise today as an original cosponsor of the resolution to disapprove the congressional pay raise. I urge its passage by the Senate.

Reducing the deficit is the most important challenge facing this Congress, and it will guide many of the decisions we make in the next 2 years. It must guide this decision.

We as a Congress cannot hope to restrain Federal spending if we don't oppose this pay raise. If our first decision as a Congress is to raise our own pay by 50 percent, we almost ensure failure in our efforts to control other spending.

Right now, as intractable as these deficits seem, the fact remains that we can balance the Federal budget in 4

years by just holding the increase in Federal spending to 3 or 4 percent. But—and this is the key—every body has to pitch in.

How can we expect others to do their share when we exempt ourselves? Americans will accept smaller increases in their favorite programs if they think we are being fair. But when they see us giving ourselves a hefty 50-percent pay raise—and asking them to hold to 3 percent—they'll object, and for good reason. They won't want to share the burden we are unwilling to shoulder ourselves.

Frankly, I think Americans might not resent paying Members of Congress more if we did a better job of bringing the budget under control. An executive who turns around an ailing company and gets it back in the black deserves a bonus. One who bankrupts the company does not.

That's why I like the idea of tying a pay raise to success in reducing the deficit. For instance, if Members of Congress got a $3,000 bonus for each $10 billion in deficit reduction, we would receive this full pay raise only if we eliminated the deficit entirely from this year's level of $155 billion. If we made substantial progress on the deficit, say a $40 billion cut, we'd get a $12,000 bonus. That kind of a performance-based bonus would be worth the money to taxpayers—this kind of a raise certainly isn't.

I can't help but add something about the whole way we go about making this decision.

We face these pay raise decisions every so often around here. The last time this all happened was in 1987. We in the Senate voted down the pay raise in a timely fashion. In the House—which has very little turnover and has been controlled by one party for 35 consecutive years—there is a certain arrogance of power. The House acted one day after its 30-day deadline, and then almost all of them voted against the pay raise. Because it was a day late, though, their vote had no effect, and the pay raise took effect. But Members could still brag back home that they voted against the pay raise. It's no wonder that people are so thoroughly cynical about Congress.

They will be cynical about anything we do to restrain Federal spending this year if we give ourselves another backdoor raise. That's why we must start out on the right foot and vote this raise down.

I believe we can reduce the deficit significantly in the next two years. But we haven't done it yet. And we shouldn't be giving out any raises until we do.

Mr. KERRY. Mr. President, I will vote to oppose the pay increase.

The Commission on Executive, Legislative and Judicial Salaries, former President Reagan and President Bush have agreed to increase the salaries for the most important governmental positions, including judges, Cabinet chiefs, and Congress, by approximately 50 percent.

Yet there is no question that for Congress to increase its own salary by 50 percent at a time when we have an enormous Federal budget deficit strikes many people as simply wrong. While some raise is deserved, a raise in one 50-percent increment in 1 year is too much. For that reason I will vote to disapprove the salary mandated by the Commission and the President.

I will also vote in favor of the bill to prohibit any pay raises for Congress in the future except through a rollcall vote in both Houses of Congress. I do so with mixed feelings.

I agree with those who believe Congress should not vote on its own salary because to do so creates a conflict of interest. For this reason, I have in the past supported the current system, in which the President, not the Congress, makes the final determination as to what the Federal judiciary, high-level Government officials, and the Congress are paid.

On the other hand, I also believe that elected representatives should be held accountable for what they do, and should make tough choices, even when a vote is difficult. The pay raise has become such an issue. On balance, I believe the substitution to require a rollcall vote on pay raises is appropriate, because we must be accountable for what we vote for and vote against.

I will also vote to support the Mitchell-Dole amendment on honoraria, which would link acceptance of the pay raise proposed by the Commission and the President to a ban on honoraria.

Finally, after voting against this 50-percent pay raise, we need to do something to make sure that the Congress and Government generally do not become places where only the independently wealthy can afford to serve. As the Salary Commission found, salaries in Government have not kept pace with the private sector. The growing dispairty between Government salaries and salaries outside Government is causing qualified people to leave Government, with the result that our ability to carry out our responsibilities to the people may be imperiled.

We need to find a way to pay Government workers what they need and deserve in order to attract and keep people who are capable of giving the Nation what it needs and deserves in a government. I hope that we will find a way to do that in the months to come.

Mr. JEFFORDS. Mr. President, before this evening, I had intended to vote in favor of the Quadrennial Commission's proposal to raise the pay of the executive, legislative, and judicial branches of Government. I believed that doing this, with the full knowledge that the proposal would be overwhelmingly defeated by the Senate, was necessary to bring the issues to the public's attention and record my position.

One of these issues is the need to ban honoraria. The reality is, the Senate has already received most of the pay raise we are voting on tonight. The question here is whether we want to continue to receive this pay raise from special interest groups, or whether the American public should pay its U.S. Senators' salary.

I strongly believe it is bad policy to be dependent upon special interest groups. The only way to abolish or limit honoraria is to tie it to a pay raise. This has been my aim. Let me review the situation.

In addition to their salary, Senators can receive up to 40 percent of their salary in honoraria. It is not difficult for a Senator to obtain sufficient invitations to reach this limit. In the House, the situation is somewhat different. Members there can receive up to 30 percent of their salaries in honoraria, but few Members are offered that amount. So the disparity in actual terms is greater than the 10 percent suggested by the differing limits.

Since I was elected to the House in 1974, the purchasing power of salaries paid to Members of Congress, the executive branch, and the judiciary has diminished by 30 percent. Not by coincidence, the 30- and 40-percent limits on honoraria in the House and Senate respectively have entirely supplanted that loss for the Congress. This supplement is not allowed for the judiciary or the executive branch. This presents several problems, one of which is the issue of equity.

It is important to keep in mind that executive and judicial branch employees are forbidden from accepting honoraria. Therefore, the equity of pay which is supposed to exist between the three branches in fact does not exist. Currently, every Senator has the opportunity to earn $125,300 in salary and honoraria. Executive and judicial employees are limited to their substantially smaller Federal salary. This is not equity. This inequity is causing problems in attracting and keeping good people in the executive and judicial branches.

I believe a raise accompanied by a ban on honoraria is in order, both to correct this inequity, to establish a healthy pay policy, and to restore salaries to the level they stood at when I entered Congress in the seventies.

However, I have repeatedly stated that I felt the proposed raise was too high and hoped that legislation would follow immediately that would cut the size of the increase and would ban honoraria.

This afternoon, Speaker JIM WRIGHT committed to holding a vote in the

House of Representatives that would do just that. The vote would cut the raise from 50 to 30 percent and would ban honoraria. Earlier this evening, the majority leader of the Senate echoed a desire for this kind of compromise. In talking with my colleagues on both sides of the aisle I am confident that when the House sends its proposal to the Senate, it will be approved.

Such a raise, along with a ban on honoraria, would reestablish the equity between the judicial, executive, and legislative bodies, and would help to offset the loss of purchasing power since the inflationary period of the seventies.

The end result, if a vote to cut the raise to 30 percent passes, will be a raise for the executive, judicial, and most Members of the House and a cut in the income available to Members of the Senate by $8,950. Senators now can earn $125,300 in salary and honoraria. If the 30-percent raise goes through along with a ban on honoraria, Senators will then be able to earn $116,350. In essence, we will earn a straightforward salary from the public of $116,350 rather than the current salary limit of $125,300 from the public and special interests.

Although I will vote against the recommendation of the Quadrennial Commission this evening, I do so with confidence that in the very near future we will have the opportunity to vote for a modified proposal which will address my concerns.

Mr. MITCHELL. On behalf of Senator DOLE and myself, I yield back all remaining time on the joint resolution in order that final passage on the joint resolution may occur immediately after this vote. I know of no Senator who has requested a rollcall vote on final passage. It is my hope that we can voice vote final passage on the joint resolution and then proceed directly to the honoraria resolution. With respect to that resolution, I know of no Senator who has requested a rollcall vote. It is my hope we can proceed to voice vote that resolution after it is presented and discussed——

Mr. STEVENS. Reserving the right to object, Mr. President, the joint resolution is the resolution of disapproval that will be voice voted and the honorarium resolution is the resolution that takes away the right of Members of the Senate to collect and retain honoraria.

Mr. MITCHELL. That is correct.

Mr. STEVENS. So we are not going to vote either pay raise or honoraria by rollcall vote.

Mr. MITCHELL. That is right. The rollcall vote will be on the Pressler amendment to the Sanford joint resolution. If, as anticipated, that is approved, then we will voice vote the Sanford joint resolution as amended by the Pressler amendment which disapproves the proposed pay raise. We will then proceed to offer and describe a separate resolution to be offered by Senator DOLE and myself banning honoraria in the event a pay raise does take effect beginning next Tuesday midnight, notwithstanding the vote in the Senate on the Pressler amendment and the Sanford joint resolution. No one has requested a rollcall vote on that.

So it is my hope that we will have a rollcall vote on the Pressler amendment, then voice vote the Sanford resolution as amended by the Pressler amendment and then voice vote the Mitchell-Dole resolution banning honoraria in the event a pay raise takes effect.

Mr. HARKIN. Will the leader yield on that point?

Mr. MITCHELL. Yes.

Mr. HARKIN. I have not had a chance to see the final version of the honorarium resolution. I ask the question, when that comes up, will that be subject to amendment?

Mr. MITCHELL. No. A unanimous-consent agreement was entered into several hours ago this afternoon in which it was agreed that it would be presented and voted on without amendment or motion.

Mr. HARKIN. So the portion in there that still has that Members can have honorarium go to charity is still in there?

Mr. MITCHELL. It is. It is limited to $2,000.

Mr. HARKIN. No overall limit; it can be 100 or 200.

Mr. MITCHELL. If the Senator chose to make 100 separate appearances in behalf of charity, that is correct.

Mr. MURKOWSKI. Mr. President, inquire. For clarification, the voice vote on the Sanford resolution pending has the consequence of amending the Pressler substitute and will put the Sanford resolution in the same status of interpretation; is that correct?

Mr. MITCHELL. Yes; if I understand the Senator correctly, the Pressler amendment is a substitute for the Sanford resolution. So the Sanford resolution would be as amended by the Pressler amendment.

Mr. MURKOWSKI. So we basically have a rollcall as well as a voice vote on what constitutes the same substantive material.

Mr. MITCHELL. That is correct. That is the reason why I asked that there not be a rollcall vote.

Mr. MURKOWSKI. I simply ask, when I made my statement, I was under a mistaken procedure and assumed the Sanford resolution would stand on its own and, as a consequence, I would defer for the record the basis of my statement. I will be accompanying my colleagues, the senior Senator of the minority, on this vote rather than the position I announced presently because I anticipated I would accept the recommendation of the Commission which I anticipate would be a voice vote. I wanted the record to clarify that. I thank the majority leader.

The PRESIDING OFFICER (Mr. KERREY). Under the previous order, the hour of 7:55 having arrived, the Senate will now vote on the substitute amendment offered by the Senator from South Dakota to Senate Joint Resolution 7. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 95, nays 5, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—95

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Symms
Dixon	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Lugar	Wilson
Exon	Mack	Wirth
Ford	McCain	

NAYS—5

Dodd	Matsunaga	Stevens
Kennedy	Murkowski	

So the amendment was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment in the nature of a substitute was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 7) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S.J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISAPPROVAL OF PRESIDENTIAL RECOMMENDATIONS FOR CONGRESSIONAL PAY INCREASE.

The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1990, are disapproved.

SEC. 2. EFFECTIVE DATE PROVISIONS AND RECORDED VOTES ON CONGRESSIONAL PAY INCREASES.

(a) EFFECTIVE DATE PROVISIONS.—(1) Subject to paragraph (2), if the date of the enactment of this resolution is on or after February 8, 1989, the rates of pay for all offices and positions increased by the recommendations described in the first section shall be the rate of pay in effect for each such office and position before such recommendations took effect.

(2)(A) The provisions of paragraph (1) shall not be applied to reduce the rate of pay of any office or position which was increased during the period of February 8, 1989, through the date of the enactment of this resolution by reason other than the recommendations described in the first section.

(B) The provisions of the first section and this section shall not apply to reduce the rate of pay of any judge or justice appointed pursuant to article III of the Constitution of the United States.

(b) AMENDMENT TO FEDERAL SALARY ACT OF 1967.—Section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF PRESIDENTIAL RECOMMENDATIONS; CONGRESSIONAL VOTE ON INCREASES IN CONGRESSIONAL RATES OF PAY.—(1)(A) Except for the recommendations relating to Members of Congress (which shall be subject to the provisions of paragraph (2)), the recommendations of the President which are transmitted to the Congress pursuant to subsection (h) of this section shall be effective as provided in subparagraph (B) of this paragraph, unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which begins on the date on which such recommendations are transmitted to the Congress.

"(B) The effective date of the rate or rates of pay which take effect for an office or position under subparagraph (A) of this paragraph shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in subparagraph (A).

"(2)(A) The recommendations of the President relating to the rates of pay of Members of Congress which are transmitted to the Congress under subsection (h) of this section shall become effective only after the enactment of a joint resolution as provided under subparagraph (B).

"(B) The joint resolution described under subparagraph (A) shall—

"(i) relate only to the issue of such recommendation to increase the rates of pay of Members of Congress; and

"(ii) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(C) For purposes of this paragraph the term "Members of Congress" includes all positions described under section 225(f)(A), except for the Vice President of the United States.".

(c) CONGRESSIONAL VOTE TO INCREASE CONGRESSIONAL RATES OF PAY WITH INCREASES IN THE GENERAL SCHEDULE.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended to read as follows:

"(2)(A) Any increase in the rates of pay of Members of Congress which corresponds to an increase in the rates of pay in the General Schedule under section 5305 of title 5, United States Code, in any fiscal year shall become effective only after enactment of a joint resolution as provided under subparagraph (B).

"(B) The joint resolution described under subparagraph (A) shall—

"(i) relate only to the issue of the increase in the rates of pay of Members of Congress; and

"(ii) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(C) If a joint resolution is enacted as provided under subparagraphs (A) and (B), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which such joint resolution is enacted, each annual rate of pay of Members of Congress shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiple of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set in the report transmitted to the Congress under section 5305) of the adjustment in the rates of pay under the General Schedule.".

(d) CONGRESSIONAL VOTE ON ANY INCREASE IN THE RATES OF PAY OF MEMBERS OF CONGRESS.—(1) Notwithstanding any other provision of law, any increase in the rates of pay of Members of Congress shall become effective only after the enactment of a joint resolution as provided in paragraph (2).

(2) The joint resolution described under paragraph (1) shall—

(A) relate only to the issue of the increase in the rates of pay of Members of Congress; and

(B) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution, as amended, was passed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, tonight the Senate took a modest step toward regaining the trust of the American people. We rejected the 50-percent pay raise which Presidents Reagan and Bush had endorsed. More importantly, we did so in a meaningful way: Even if the pay raise theoretically goes into effect next week, we have indicated our intention to rescind it. Finally, we have set up a system which ought to help us avoid the embarrassing way this issue was handled this year.

But Mr. President, we have not gone far enough. We have rejected honorarium—but only conditionally. If the pay raise does not go into effect, members can still legally take money for giving speeches. There are enough conditions on honorarium as it is. We ought to ban the practice once and for all. Finally, fixing the way we get paid once we are in office isn't enough—we also have to fix the way we pay for the campaigns that get us into office. If we want to protect the Congress from conflicts of interest, be they real or not, then we ought to adopt some meaningful campaign finance reform legislation. I hope that the same bipartisan support we had to restrict spending on our salaries will be evident when we try to limit the amount we spend on our campaigns.

Mr. BIDEN. Mr. President, I have always voted against pay raises for Senators. That is why I voted for the Pressler substitute, because it was the Senate's only chance to insure that the 50-percent pay raise recommended by President Reagan would be defeated. I am happy that the Pressler substitute was adopted by the Senate.

However, the Pressler substitute also contained a provision calling for all future pay raises to be subejct to an affirmative vote by the Congress. I oppose this provision. In my opinion Members of Congress should not be voting on their own salaries. I believe we must find a way to take salary decisions out of the hands of Congress.

HONORARIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of a resolution sponsored by the joint leadership.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. May we have order in the Senate?

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 40) to prohibit the receipt of honoraria by Members, officers, or employees of the Senate on or after the first day that there takes effect any increase in the salaries of Members, officers, or employees of the Senate as recommended by the Commission of Executive, Legislative, and Judicial salaries and included in the budget transmitted by the President to the Congress.

The Senate proceeded to consider the resolution.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, for the benefit of our colleagues, I will now seek immediate consideration of this resolution offered by Senator DOLE and myself to ban honoraria in the event a pay raise takes effect. At this moment, no one has requested a rollcall vote. With so many Senators in the Chamber, for the benefit of those colleagues who wish to leave, it is our intention to proceed to a discussion of this resolution, and then to voice vote it, no opposition having been expressed, unless some Senator requests a rollcall vote.

Just for the benefit of those who want to know whether or not they can leave without a rollcall vote, I observe that no Senator has indicated a desire for a rollcall vote.

Mr. President, this resolution offered by Senator DOLE and myself will ban honoraria, and will become effective on the first day that there takes effect the recommendations of the President relating to rates of pay for the executive, legislative, and judicial branches as included in the budget transmitted to the Congress for fiscal year 1990.

It will remain in effect so long as those recommendations are in place. It is possible, some say likely, that the pay raise may not go into effect, or if it does, that it may not remain in effect. Senator DOLE and I felt that we should put this resolution before the Senate now and urge its passage now, lest we in the Senate find ourselves in the position of having received a pay increase and still permitting Senators to collect large amounts of honoraria.

We do not believe that should occur. Once effective, this resolution will put an end to the practice of Members receiving monetary compensation for any appearance, speech, or article.

This resolution also prohibits Members from accepting honoraria payments prior to the effective date of the resolution for activities to be performed after the effective date.

This resolution will still allow payment on a Member's behalf of honoraria to charitable organizations. Each such payment will be limited to a maximum of $2,000 and no pension or annuity benefit can accrue to a Member, based on these charitable donations. This effectively bans the use of honoraria income to enable contributions to a Keogh retirement plan. The resolution will also forbid any Member or former Member from acquiring any personal financial benefit from any such charitable donations made on his behalf or her behalf to a charitable organization.

This provision is similar in nature to Senate rule XXXVIII, which forbids a Member or former Member from converting unused campaign funds to personal use. This resolution also requires the Senate Committee on Ethics to develop guidelines regarding travel by Members which is reimbursed by others.

It is our intention that the Members be given appropriate guidelines in advance regarding the reasonableness of the type of reimbursed expenses, as well as appropriate lengths of stay.

Existing Senate rules already address certain other concerns related to this issue, which I understand are being addressed by the House. Senate rule XXXVII, clause 5, prohibits affiliation with a business entity or use of a Member's name in connection therewith, or the practice of a profession for compensation to any extent during regular office hours of the Senate office in which employed.

Senate rule XXXVII, clause 6, prohibits Members from serving as officers or members on the board of a publicly held or publicly regulated corporation.

Senate rule XXXVIII, clause 2, prohibits Members and former Members from converting any campaign contributions to their personal use. Through the enactment of its code of conduct in Senate rules XXXIV through XLII, the Senate has already taken significant steps to prohibit conflicts of interest and to eliminate the appearance of impropriety. I believe the Senate must take the additional important step of passing this resolution, which bans honoraria, effective at the same time that the recommended salary increase goes into effect, if it goes into effect, and the honoraria ban would remain in effect so long as the salary increase did so.

I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, I will just take a minute or two, and I want to thank the distinguished majority leader and members of staff on both sides who worked on this resolution.

I think we have tried to accommodate the concerns some Members have, but at the same time make it very clear that as long as the President's pay recommendation was in effect, honoraria would be banned. If something happens, if it is modified, canceled, rescinded, then we will be right back where we are today. Say you received a 30-percent raise. This resolution would self-destruct. We would have to revisit the honoraria section, because then we would be allowed to make more honoraria than we are now. We do not want to do that.

We thought it better to address that after we know what is going to happen. No one knows whether there will ever be a pay raise, except for judges who are now going to be assured of it; nor whether the executive or legislative branch will ever have a pay raise, and if so, how long, and at what level.

I do not believe we will know that for a matter of weeks or months. However, in the meantime, if the raise takes effect and stays in effect, honoraria are banned, except for charitable contributions, and some Members have included volunteer fire departments and all kinds of definitions in the code.

I would like to place in the RECORD at this point, from the United States Code, the definition of "honorarium." Some have asked, "What do you mean by honorarium?" It means, a payment of money or anything of value to a Member for an appearance, speech, or article by the Member. That is the definition that has been used in the code.

I also submit the definition used in the Cutler report, the Quadrennial Commission Report, where it describes honoraria:

"Honoraria" are payments for public appearances to deliver a talk or engage in a colloquy at the invitation of some non-governmental groups, often one with a material interest in pending or anticipated legislation.

There are, in other words, some areas that would not be covered by this. It is pretty clear.

I ask unanimous consent that this definition from the United States Code be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

§ 31-1. Maximum amount of honoraria which may be accepted by Members of Congress

(a) Definitions: For the purposes of this section—

(1) "charitable organization" means an organization described in section 170(c) of Title 26;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(3) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives or the Resident Commissioner from Puerto Rico; and

(4) "travel expenses" means with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b) Maximum as percentage of aggregate salary:

(1) Notwithstanding any other provision of law, except as provided in paragraph (2), on and after January 1, 1986, a Member shall not accept honoraria which are attributable to any calendar year and total more than the amount that is equal to 40 percent of the aggregate salary paid to such Member for service as a Member during such calendar year.

(2) An individual who becomes a Member on a date after the first day of a calendar year shall not accept honoraria which are attributable to the remaining portion of that calendar year on and after the date such individual becomes a Member and total more than the amount that is equal to 30 percent of the aggregate salary paid to the Member for service as a Member during such calandar year.

(3) For the purpose of this subsection, an honorarium shall be attributable to the period or calendar year in which payment is received.

(c) Honoraria paid to charitable organizations: Any honorarium, or any part thereof, paid by or on behalf of a Member to a charitable organization shall be deemed not to be

accepted for the purposes of subsection (b) of this section (July 30, 1983, Pub. L. 98-63, § 908(a)-(c), 97 Stat. 337, 338, as amended Dec. 19, 1985, Pub. L. 99-100, § 137, 99 Stat. 1323).

Mr. DOLE. Mr. President, in my view, the majority leader covered the other questions: that there are no Keogh benefits; the $2,000 limit; that if you make a speech for charity, it is still a $2,000 limit. That also takes care of any personal use or personal interest in any charity, and it does indicate that we will ask the appropriate committee to take a look at expenses for travel and other things through the normal course of business.

I thank the majority leader for his efforts and again Joe Stewart and other members of the staff on both sides who have developed this resolution.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, will the minority leader yield?

Mr. DOLE. I yield.

Mr. CHAFEE. Mr. President, I would like to address a question to the distinguished majority leader and our leader.

It is my understanding that this goes into effect if the President's plan—the President's recommended salary increases—does go into effect or, vice versa, if the President's plan does not go into effect, then the honoraria continues?

Mr. MITCHELL. That is correct.

Mr. CHAFEE. So if you get the situation where, say, there is some discussion of a 30-percent raise, that would not eliminate the honoraria?

Mr. MITCHELL. No, but it is our intention that we would at that time return to address the issue in the light of those circumstances.

Mr. CHAFEE. That is right. So we would address that in a separate matter, where, for example, they might adopt a 5-percent pay increase. Then the honoraria would stay in effect as they are currently, 40 percent of our current pay?

Mr. MITCHELL. Right.

Mr. CHAFEE. Or I guess it would be 40 percent of the increased pay?

Mr. MITCHELL. The then current pay.

Mr. CHAFEE. Then we come back and address the issue?

Mr. MITCHELL. The Senator is correct. The reason for that is that the only certain thing about this issue is the uncertainty which surrounds it. No one of us can now know what will happen next week in the House or, beyond that, in the House or the Senate. When we started drafting this, we attempted to anticipate alternative courses of action. Frankly, if we tried to write into here provisions dealing with every conceivable set of circumstances, it would be much more than a resolution of a few pages.

What this says is exactly as the Senator described it. If the pay raise goes into effect as recommended by the President, honoraria are banned. If at a later time the President's recommendations on pay are repealed, the honoraria ban terminates; but if an action is taken somewhere between those two, honoraria would continue until such time as we return to address it.

I can state that in line with the discussion of the distinguished minority leader and me, we would intend to come back at that time and address that situation.

Mr. CHAFEE. We would start fresh.

Mr. MITCHELL. Exactly right.

Mr. CHAFEE. I thank the majority leader.

Mr. ARMSTRONG. Mr. President, will the minority leader yield to me?

Mr. DOLE. I am happy to yield.

Mr. ARMSTRONG. Mr. President, I am a sucker for an unpopluar cause, and I judge that honoraria is an unpopular cause.

I rise to say that were there to be a rollcall vote, I would vote against this.

I think this is really an ill-considered idea. In fact, the premise upon which it rests strikes me as quite an unusual one. I know there are some Members in this Chamber who think it is unethical to speak or write articles for money. And they may have some very good reasons for that.

It so happens I do not choose to do that. I do not accept honoraria. I do not happen to agree with those who think something is morally wrong or reprehensible or unethical about it. I do not think that way.

I know that some of the outstanding Members of this Chamber will tell you in private moments they would not be in this body if they did not have an opportunity to earn some income on the outside. I do not choose to do that. I know some do. I respect the opinon of those who think that is unethical, though I do not agree with them.

I also respect the opinion of those who say, "Yes, sir, it is ethical. What I do on my own time is my own business and if there is something wrong about it when disclosed then that is between me and my constituent." I respect that point of view.

What I cannot really fathom is the new motion introduced by this resolution which is that it is morally right and ethical at one salary level but reprehensible and to be precluded at another salary level.

So I am not trying to persuade anyone, and I did not ask for a rollcall vote and I know what the outcome of such a rollcall vote would have been. But I want to note in passing that I think it is ill-considered, and I think it is just the latest in a quite long series of ill-considered measures which have been characterized as reform but which in fact have lowered the public esteem for this body much is to the disadvantage of Members but more importantly to the disadvantage of those we serve.

Mr. MITCHELL. Under the previous agreement there is a total of 1 hour of debate on this resolution, and 30 minutes remain. How much time does the Senator wish?

Mr. HARKIN. Just 5 minutes.

Mr. MITCHELL. I yield 5 minutes to the Senator from Iowa.

Mr. HARKIN. I thank the leader for yielding.

Mr. President, I support the resolution doing away with honoraria. I obviously will not ask for a rollcall vote either.

I wish to raise one point perhaps as something that bothers me and I think maybe a warning shot in the future. I think there is a loophole left in it that is going to come back and trouble us, and that is the provision that Members can still go out and earn honoraria to give to charity.

Perhaps at the risk of sounding like someone opposed to giving to charity, let me just state that it looks like what we have done is shifted the honoraria from personal to perhaps political.

I do not doubt anyone's motives in giving to charity. I hope people do give to charity. It is indeed an honorable thing to do to give to charity.

But I just wonder that without the limits, without any limits at all, whether or not we are going to have people out there now vying with one another seeing how much money they can raise for charities in the State and going to spread it over the State. Sure it is good. Does anyone doubt there is a residual political benefit to that? Of course there is a residual political benefit to that.

I can see a contest building up in the future, one vying against another to see how much money can be raised for charity and spread it over the State. It makes you look good.

It seems to me if you want to give to charity, you should give it out of your own resources like everyone else does without going out and earning it.

I am troubled by this, troubled more I guess by the fact there is no limit on it. Maybe if this was a $10,000 or $20,000 limit that would be okay, but there is absolutely no limit at all in what you can earn in honoraria and give to charity.

So I predict, standing here right now tonight, a year from now or 2 years from now the amount of honoraria earned by Members will not go down; it will simply be shifted. It will be shifted from them to charities. They will be disbursed all around the State.

Again I believe that is going to come back to haunt us in the future. I wish it were not in there. I wish there were some kink of a cap or limit in there because I think this is going to be a very troubling measure.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. I would like to ask whoever is controlling the time if I could have maybe 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I would like the attention of the Senate for one moment or, if they do not wish to pay attention, I would like them to read the RECORD. I would just point out that on page 3 of this document, line 12, and I hope everybody will read it because it is going to cause us a lot of problems, at least it is going to cause HOWELL HEFLIN and WARREN RUDMAN a lot of problems being the chairman and vice chairman respectly of the Senate Committee on Ethics. It says:

(d) The Select Committee on Ethics shall prescribe regulations specifying which expenses are and are not permitted to be included as "acctual and necessary travel expenses" (as such term is used in section 908(a) of the Supplemental Appropriations Act, 1983). Such regulations shall exclude any expenses which the committee determines to be unreasonable or excessive, including expenses attributable to an unreasonable length of stay.

I point out to the Senate that the history of why this language is in here is that there has been a great deal of criticism of Members who will go to a particular location and give a speech. They generally do not go to New Hampshire in the winter or Miami in the summer. It is usually quite reversed. If it is a wonderful balmy summer day, they will go and give a speech in New Hampshire or Maine. I am not sure they have any fish in Kansas. But they go to those kinds of places and give a speech and have 2 or 3 days of fishing or whatever with families and then return to the city.

I point out that even under this new resolution that charity or noncharity people are still free to go to places and give speeches because they want to speak to the group. I expect many of us will do that.

There are certain groups that we like to speak to because they can be very important in terms of support of legislation we might hold dear, such as acid rain legislation or all kinds of legislation.

The Ethics Committee is going to have to tell the Senator if you go to California, then it is all right to get out there on a Friday night, spend Saturday night there and maybe Sunday night but better be back by Monday night. If you want to stay beyond Monday, you better pay your own way back or maybe pay for your own hotel.

I submit to the Senate you are putting a burden on the Ethics Committee which I do not receive happily. I dare say Senator HEFLIN and I, by the time 6 months is over, we will be lucky if anybody speaks to us.

I am going to suggest in spite of what you have written in this resolution, I just serve notice on the Senate I intend to find some way to bring these regulations, which is not a rule, a rule the Senate would have to adopt, but these regulations which we have the power to adopt now to the floor in some way and let the Senate comment on the rules or regulations, if you will, that Senator Heflin and I and the other fortunate members of the Senate Ethics Committee bring to you and let the Senate decide what is reasonable and unreasonable because I am not sure we ought to try to do that by ourselves.

Mr. DOLE. No time limit. You could do that next year or whatever.

Mr. RUDMAN. I will let the majority leader make the decisions on the record. I will not repeat them.

Mr. MITCHELL. The Senator means the minority leader.

Mr. RUDMAN. The minority leader. Excuse me, Senator MITCHELL. I have a very bad memory of what happened a few years ago.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Two minutes.

Mr. MITCHELL. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to associate myself with the concerns expressed by the Senator from Iowa as to the fact that without any limit on honoraria it could very well be used as a very effective political process.

A group wanting to help a particular candidate could figure out a way to arrange for 30 or 40 or 50 speeches and make it possible for a candidate to distribute that money very effectively in a political campaign.

I am aware of the fact that we are operating under a unanimous-consent agreement and that, therefore, an amendment would not be acceptable at this point.

And I am also aware of the fact that to attempt to get a unanimous-consent agreement to offer an amendment notwithstanding the agreement that is in effect would really not be fair to many other Members of the Senate who may have a point of view on this subject.

But I would hope that we do proceed forward and if this becomes the reality that the leadership of the Senate would see fit to come back to the Senate with some limitation on the matter of honoraria notwithstanding the fact that it will be given to charity.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. The Senator from Iowa and the Senator from Ohio have raised an important and serious point. But I would point out to them and to make the record clear that this provision tightens the existing rules on honoraria contributions to charity. Under the existing rules, although it may not be widely recognized, the $2,000 limit per appearance applies only to the amount of income from honoraria which a Senator can retain. There is no limit on the amount which a single appearance now can produce for charitable contributions. So that under the existing rule, if the Senator from Ohio chose to do so, he could make an appearance, be paid $12,000, $10,000 of which would go to charity, $2,000 of which he would retain.

This provision reduces the maximum amount which can be contributed to charity from any one appearance to the $2,000 limit which, under existing rules, applies only to the portion that can be retained by the Senator.

That does not detract from the validity and the significance of the point they raise. It may well be that if the predictions made by the Senator from Iowa come true, we will want to revisit and reconsider this issue. In that case, it is something we ought to look at.

This attempts to strike a balance. It may not be the proper balance. Only time will tell that. We are all aware of the problems that have arisen in the past of being able to avoid the effect and application of these rules. So I say to the Senator, I respect the view he has expressed. He has raised a good point. He should be aware that the provision does tighten existing rules and that we ought to watch this, we ought to monitor it carefully and, should the circumstances which he predicted occur, then I think clearly we all ought to come back and revisit this. And, of course, Senators are free at any time to suggest proposals to modify this if this takes effect. So I thank the Senator for his views.

Mr. MURKOWSKI. Will the majority leader yield for an observation?

Mr. MITCHELL. I yield to the Senator from Alaska.

Mr. MURKOWSKI. I thank my friend the majority leader.

As the debate this evening comes to a close, it would be the observation of the junior Senator from Alaska and perhaps others, that what we have accomplished this evening is to vote no on a pay raise, to vote no on taking an honorarium, yet to leave the door open to take both. So, I thank the majority leader. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. I yield back all remaining time on this side.

Mr. MITCHELL. If no other Senator wishes to speak, I will yield back all remaining time on this side.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the resolution.

The resolution (S. Res. 40) was agreed to, as follows:

S. RES. 40

Resolved, That (a)(1) on or after the first day that there takes effect the recommendations of the President relating to rates of pay for the Executive, Legislative, and Judicial branches as included (pursuant to section 225(h) of the Federal Salary Act of 1967) in the budget transmitted to the Congress for fiscal year 1990, no Member, officer, or employee of the Senate may accept any honorarium on or after such first day, or accept any honorarium before such first day if it is to be earned on or after such first day.

(2) Any payment which, except for paragraph (1) of this subsection, might be made to a Member, officer, or employee of the Senate, but which is made instead on behalf of such Member, officer, or employee to a charitable organization, shall be deemed not to have been accepted for purposes of this subsection. No payment may be made pursuant to this paragraph which exceeds $2,000 for any speech, appearance, or article.

(b)(1) No contribution by or on behalf of a Member, officer, or employee of the Senate may be made under a pension, annuity, or other retirement plan if—

(A) a deduction for such contribution would be allowable to such Member, officer, or employee for Federal income tax purposes, but

(B) such contribution would not be so deductible if amounts to which paragraph (2) of subsection (a) applies were not taken into account.

(2) The provisions of paragraph (1) shall not apply to any contribution made with respect to amounts received before the first day referred to in subsection (a).

(c) For purposes of this resolution—

(1) the term "employee" has the same meaning as defined in paragraph 10(a) of Rule XXXVII of the Standing Rules of the Senate;

(2) the term "honorarium" has the same meaning as defined in section 908(a)(2) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1); and

(3) the term "charitable organization" has the same meaning as defined in section 908(a)(1) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1).

(d) The Select Committee on Ethics shall prescribe regulations specifying which expenses are and are not permitted to be included as "actual and necessary travel expenses" (as such term is used in section 908(a) of the Supplemental Appropriations Act, 1983). Such regulations shall exclude any expenses which the committee determines to be unreasonable or excessive, including expenses attributable to an unreasonable length of stay.

(e) No donation to a charitable organization, or other entity, made at the request of or on behalf of a Member, officer, or employee of the Senate may be converted to the personal use of such Member, officer, or employee either during or following the term of service of such Member, officer, or employee in the Senate.

(f) After the effective date of this resolution, nothing in section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) shall be construed to permit the acceptance of any honorarium by any Member, officer, or employee of the Senate.

SEC. 2. This resolution shall be in effect so long as the recommendations referred to in the first section are in effect.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COSPONSORSHIP

Mr. MITCHELL. Mr. President, several Senators have inquired about cosponsorship. We would like to permit every Senator the opportunity to cosponsor this resolution who wishes to do so. I would, therefore ask, unanimous consent that the matter be left open for cosponsorship through next Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the vote that we have just had is significant. Although there was not a recorded vote, it would have, if recorded, been overwhelmingly in favor. That is indicated by the fact that there was very little said in opposition to the resolution, but some questions raised about some aspects of it. I think it is significant that the Senate, by an overwhelming vote, has chosen to go on record stating that in the event the pay raise goes into effect there will immediately go into effect a ban on honoraria.

As I said earlier, Senator DOLE and I wanted to do that lest any question arise that the pay raise take effect and then we would be in a position to continue receiving large amounts of honoraria.

AIDS UPDATE

Mr. CRANSTON. Mr. President, according to the January 30, 1989, AIDS Weekly Surveillance Report, 84,985 Americans have been diagnosed with AIDS; 48,582 Americans have died from AIDS; and 36,403 Americans are currently living with AIDS.

Mr. President, 2,581 more Americans have developed AIDS and 2,448 Americans have died from this horrible disease since I last noted these statistics 5 weeks ago.

Mr. President, a few days ago, the FDA approved the drug pentamidine for use under certain circumstances to treat Pneumocystis carinii pneumonia, the most common opportunistic infection associated with AIDS. Approval of the drug comes under a new policy that allows more rapid release of drugs for life-threatening diseases.

Mr. President, this is a bold and promising step. However, very careful followup surveillance and monitoring of the drug must continue to determine for certain its safety and effectiveness.

I ask unanimous consent that a February 2 Washington Post article describing this decision be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIDS DRUG APPROVAL: A SHIFT IN RESPONSIBILITY?

(By Michael Specter)

By deciding to permit unusually rapid release of a drug that promises to extend the lives of AIDS patients, federal health officials have demonstrated their willingness to hasten a drug-approval process critics have called needlessly burdensome.

AIDS activists have hailed the move as bold and compassionate. But for many scientists Tuesday's decision by the Food and Drug Administration to approve the drug pentamidine raises anew questions about the degree of scientific certainty required to permit release of drugs used to treat any life-threatening disease.

The decision, scheduled to be announced next week, will permit physicians to prescribe pentamidine, inhaled as an aerosol spray, to people infected with the AIDS virus and whose count of certain immune system cells, called T-4, has dropped to 200 or less. The drug will be used as a preventive against Pneumocystis carinii pneumonia, the most common killer among the many AIDS-related infections.

"My highest priority since I came to the agency is to get drugs to the desperately ill and people that need them as quickly as possible," said FDA Commissioner Frank E. Young. "For those people, it is clear they are prepared to take a different set of risks when a disease threatens their lives."

This decision illustrates that the burden of judging the value of many experimental drugs may shift from the FDA to physicians and their patients.

Most experts agree that, just three years ago, aerosolized pentamidine would not have been approved unless more were known about it. Research shows that it is effective in preventing a return bout of the pneumonia, but there is not yet enough information to be certain that it will prevent the first occurrence as well, a use for which it is to be approved.

Yet, this infection kills such a high proportion of people with AIDS—nearly two-thirds—that federal health officials agree the probable benefits outweigh some uncertainty about its side effects.

"I really wish there were ways that make everyone a little more comfortable about this process," said Jere Goyan, a former FDA commissioner who is dean of the pharmacy school at the University of California at San Francisco. "If you extrapolate from what looks right, there are a lot of AIDS and cancer drugs you could approve without further testing. Some of them would work, but certainly some of them wouldn't."

Federal health officials said they are comfortable with this decision but that each case will have to be considered on its merits. They also stress that because the burden of judging who should receive experimental treatments has shifted—at least in this case—it will become more important to follow up the drug's release with detailed studies of its effectiveness and safety.

Assistant Secretary of Health and Human Services Robert E. Windom said surveillance after release will be one of the most critical elements of the new program. In the past, he said, FDA gathered a huge cache of data

before releasing a drug. After release, study was sporadic.

"Now we have shifted gears," he said. "We don't have as much preliminary information so we need to follow the drug aggressively once it is on the market."

Under FDA's plan, the drug—which is inhaled once a month—will be given a "treatment IND," or investigational new drug status, which will allow it to be made available on a somewhat restricted basis before the agency grants final approval to sell it through normal commercial channels.

Federal sources said final approval should be routine and come within six months.

"This is a very courageous move on their part," said Jerome Groopman, an AIDS researcher at Harvard Medical School. "It sets an important precedent because it is a realization on the part of the FDA that drug development needs to be tailored to the realities of AIDS."

NATIONAL WOMEN IN SPORTS DAY

Mr. BRADLEY. Mr. President, I rise to join the Senator from Oregon [Mr. PACKWOOD] in introducing a joint resolution, Senate Joint Resolution 32, to designate February 2, 1989, as "National Women in Sports Day."

Although the history of women in sports is rich and long, there has been little national recognition of the significance of women's athletic achievements. Over the last 15 years, many women athletes in our country have emerged as international figures. Their talent, determination, and dedication serve as an example for all Americans. National Women in Sports Day recognizes the importance of these athletic achievements to our country.

Today, over 10,000 women attend college on athletic scholarships. Women represent 30 percent of all college athletes, yet the athletic opportunities available to male students at collegiate and high school levels remain significantly greater than those for female students. This day provides us the opportunity to acknowledge the existence of such injustices, while emphasizing the progress women have made in the athletic community.

Over the last decade, there has been a decline in the number of women in athletic leadership positions including coaches, officials, and administrators. Women need to be restored to these positions in order to ensure equitable representation of women's abilities and to provide role models for young female athletes.

Mr. President, athletic fitness contributes to emotional as well as physical health. Women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, and confidence, as well as acquire leadership and communication skills. The bonds built among women through athletics help to break down social barriers of racism and prejudice. The positive effects of participation in athletics are bound to carry over to the athlete's contribution at home, at work, and to society.

"National Women in Sports Day" is an affirmation of these positive effects.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. PACKWOOD. Mr. President, today marks the third anniversary of the national recognition of National Women and Girls in Sports Day. It is a day to mark how far female athletes have come in achieving their goals and a day to set their sights to the future.

Throughout the country today and during the coming week, different groups are recognizing outstanding women athletes and the importance that sports have played in their lives. Besides the tremendous benefit of physical fitness, athletic activities have been shown to increase a woman's self-image and confidence. Girls who regularly participate in sports are more likely to develop into talented leaders and to avoid the pitfalls of drugs and dependency which lay claim to far too many of our youth.

In the 3 years since I first introduced this day, I have met many outstanding female athletes who point to the passage of title IX of the Education Act Amendments of 1972 as a watershed mark on their lives. Title IX, coupled with last year's Civil Rights Restoration Act, give real hope for female athletes who clearly have the drive to succeed but only lack the necessary means.

By appreciating the strides taken by female athletes across the last decade, we can see that we clearly have the momentum to reach the ultimate goal of sporting opportunity for all girls and women. A great step toward this goal will be taken with the effective enforcement of the Civil Rights Restoration Act by the executive branch.

Apart from the legislative approach, one of this day's most important activities is recognizing outstanding role models for young athletes. Earlier today, I was privileged to announce that this year's Flo Hyman Award winner is Evelyn Ashford.

The Flo Hyman award is named in honor of the late American volleyball star who died tragically from a rare heart disorder in 1986. I first met Flo in 1984 when she was lobbying Congress on behalf of the Civil Rights Restoration Act. She impressed me with her commitment and leadership. Even when it became apparent that in 1984 the Senate was not yet ready for our bill, Flo never gave up and was still supporting our efforts at the time of her death.

Evelyn Ashford embodies the best attributes of leadership and commitment to women in sports that befits one who is to receive an award bearing Flo's name.

Her athletic achievements are breathtaking. She has been an American Olympian since the 1976 Montreal games. A multiple medal winner in the last two Olympics, she is the proud owner of three gold medals and is a former world record holder in the 100 meter dash.

Off the field, Evelyn is an outstanding citizen of her profession. She is the cochairperson of Athletes for Literacy, demonstrating a willingness to share in the fruits of her success. Just today, at our press conference, she made a moving plea for a women's track movement which is free from the taint of drugs.

Most importantly, her fellow athletes seem to recognize those qualities which make Evelyn so special. She has been repeatedly cited for the inspiration and motivation which she supplies to younger athletes. She was elected by her peers to carry the American flag at last year's Seoul Olympic games. It was no accident that she was selected to anchor the gold medal effort by our women's 4x100 meter relay team. She is an anchor of integrity and talent, as well as one of the few anchors who can run the 100 meters in under 11 seconds.

I wish Evelyn well and hope to see her continue running for years to come.

WOMEN'S SPORTS FOUNDATION

Mr. STEVENS. Mr. President, I rise to join my colleagues to commend the Women's Sports Foundation on another successful day to recognize and pay tribute to the contribution of girls and women to various sports. However, we should simply not recognize the strides made by women in the world of sports for 1 day. It is important to support women's athletics as well as traditional men's sporting activities.

It is revealing to reflect on the fact that the world record time of Janet Evans put in 4:03:85 in the 400-meter freestyle during the recent Olympic games would have won the men's event 20 years ago. As more opportunities in sports become available, women will continue to close the gap between comparable men's and women's events. The issue in women's athletics has never been ability, it has always been the availability of opportunity to compete.

Today, Evelyn Ashford was presented with the Flo Hyman Award by the President. Her achievement at the Seoul Olympics, her third gold and a silver medal, distinguish her as a great athlete by any standards. Evelyn is a cochairperson for Athletes for Literacy. Her leadership and example will inspire countless young Americans. I commend her, the other athletes par-

ticipating in National Girls and Women in Sports Day, and all those who took a moment today to reflect on the growing role women play in American athletics.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. KENNEDY. Mr. President, it was in 1971 that a young student in Connecticut tried out for the men's cross country team because her high school did not have a women's team. She won a spot on the roster but lost her day in court. The judge, in upholding an interscholastic athletic rule, prohibited Susan Hollander from competing with her teammates. In rendering his decision, the judge declared that "athletic competition builds character in our boys. We do not need that kind of character in our girls."

Fortunately, attitudes like that have changed, and so too have the opportunities for women in sports. Unfortunately, there is still a long way to go.

I am proud to join my colleagues as a cosponsor of Senate Joint Resolution 32 which designates February 2, 1989, as "National Women and Girls in Sports Day." It is a day to reflect on the important contributions of women in sports. There are the accomplishments of triple gold medalist and recipient of this year's Flo Hyman Award, Evelyn Ashford. There is Chris Evert—winner of 18 Grand Slam singles titles—who will retire at the end of this year, and who has been an outstanding role model for young women in sports for two decades. There were the outstanding Olympic performances in 1988 by Florence Griffith-Joyner, Janet Evans, Bonnie Blair, Jackie Joyner-Kersee, and the women's basketball team. There is Pam Ann Fletcher of Acton, MA, who is America's best hope for a gold medal in the World Alpine Downhill Skiing Championship this Sunday in Vail, CO. There are many heroes and role models. But it is also important to celebrate the achievements of the thousands of girls competing in Little League and the millions of young women participating on high school and college athletic teams.

In 1972, Congress passed title IX as part of the Education Act amendments to provide statutory protection against sex discrimination. The impact of title IX on the growth and development of women's sports is one of the great success stories of the past two decades. In 1972, there were 32,000 women participating in college athletics; by 1983 the number of female college athletes had soared to 150,000. During the same period, expenditures for women's athletic programs at NCAA schools increased from $4 million annually to $116 million.

Progress was sidetracked for a time, however, and the fragile nature of statutory prohibitions against discrimination made clear, by the Supreme Court decision in the Grove City College case, in which the Court ruled that title IX applied only to the specific college programs which received Federal funding. Thus, college athletic departments which rarely, if ever, received Federal funds, were free to discriminate, even though other parts of the college received substantial Federal aid. Congress never intended that bizarre result, and last year we restored the antidiscrimination law to its broad prior status.

I am encouraged by the restoration of title IX, but I remain concerned about the pace of progress for women in sports. A 1982 study found that only 28 percent of financial aid to division I athletes went to women. Less than half of the intercollegiate women's athletic teams are coached by women. And only 16 percent of women's athletic programs in colleges are headed by women.

While progress has been obvious for women in individual sports like tennis, golf, and skiing, our goals for support, recognition, and equality for women's team sports have not been achieved. Many of us have watched the men's basketball teams from Oklahoma, Georgetown, Notre Dame, and UCLA compete this season, but how many even know that undefeated Auburn is the No. 1 ranked team in women's basketball? This season, the three major networks plan to televise more than 80 men's basketball games, yet they will televise only one women's game—the championship. As Billie Jean King, a pioneer for women in sports, wrote in her autobiography, "women's sports will have arrived only when women's teams sports are accepted."

A "National Men and Boys in Sports Day" is not necessary—the achievements and opportunities for men are celebrated continuously with the Superbowl, the World Series, and the NBA and NCAA championships. While I am encouraged by the progress made during the last two decades, I look forward to the day when such a resolution will be as redundant for women as it now is for men.

FSX SALE: A BAD DEAL FOR THE UNITED STATES

Mr. DIXON. Mr. President, yesterday 12 members of the Senate sent a letter to President Bush, urging him to have a complete review of the FSX Japanese Fighter Plane Agreement. This request was made in the spirit of "bipartisanship in foreign policy and the close consultation with the Congress" that President Bush proposed in his inaugural address.

Just last Sunday, Mr. Clyde V. Prestowitz wrote an article for the Washington Post entitled "Giving Japan a Handout." Mr. Prestowitz points out that this FSX deal "* * * does not provide the most cost-effective defense for either country." I agree with Mr. Prestowitz.

The FSX codevelopment agreement between our country and the Japanese allows them to acquire advanced United States technology to develop competitive commercial and defense aircraft industries that will compete against our firms sooner, probably much sooner, than they otherwise would. This program gives the Japanese access to coveted United States technology that will enable them to compete against our own companies and threaten United States jobs. I do not believe this technology sale, as presently constituted, is in the best interest of our country. I believe we need to do a better job of negotiating this program to protect our technology base and to protect future American jobs.

I am extremely disappointed that the Defense Department has ignored congressional direction by not working with the Commerce Department in negotiating these sales. I know my good friend Senator BINGAMAN, as subcommittee chairman of the Defense Industry and Technology Subcommittee, shares this concern. He was responsible for the language in last year's defense authorization bill which directed the Defense Department to consult with Commerce in negotiating memorandums of understanding.

I find it hard to believe that the Defense Department and State Department do not realize that we need to protect the long-term health and competitiveness of our aerospace industry. I see the same errors being made as were made in the sale of the F-15 to Japan. The General Accounting Office report to Congress on that sale pointed out that State and Defense were not concerned with the U.S. industrial base; they were more concerned with the foreign policy implications. Well, I think it is about time that those Departments of Government that are concerned about our industrial well-being are included in these decisions. If these questions are left solely to the State and Defense Departments, in a few years we will not have any technology left to sell.

Mr. President, we had a $50 billion plus trade deficit with Japan in 1988. Still, the Japanese refuse to buy the best fighter plane in the world today. They want to use the F-16 technology to build 120 fighter planes. They can buy these 120 fighter planes from us for far less than it will cost them to do the research and development for the FSX.

Mr. President, I want to congratulate the ranking member of the Senate Foreign Relations Committee, my friend from North Carolina, Senator HELMS, for taking the lead in asking

the administration to delay sending this agreement to Congress for 60 days. I also extend congratulations to my friend, the Senator from New Mexico, Senator BINGAMAN, for his hard work on this FSX sale.

I urge all of my colleagues to read the Prestowitz article and also the letter which a number of us have sent to the President.

Mr. President, I ask unanimous consent that the Prestowitz article and the copy of the letter I discussed previously be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GIVING JAPAN A HANDOUT: WHY FORK OVER $7 BILLION IN AIRCRAFT TECHNOLOGY?

(By Clyde V. Prestowitz)

First it was TV sets, then VCRs, then semiconductors. Now, unless Congress and the administration act quickly the United States will shortly give Japan a big boost toward its long-sought goal: leadership in aircraft manufacture, one of the last areas of American high-technology dominance.

A few days ago, General Dynamics signed a licensing agreement under which—despite its technological superiority—it will become a subcontractor to Japan's Mitsubishi Heavy Industries in a so-called co-development project to create Japan's next-generation "FSX" fighter.

The administration must now process an export license and notify Congress. If neither Congress nor the affected federal agencies raise an objection within 30 days, the deal will go through. Before it does, we should pause and reconsider. This agreement may not be in the best interests of the United States for a number of reasons:

By diverting scarce Japanese defense dollars (Japan spends only 1 percent of its GNP on defense) from immediate procurement needs into a 10-year project, the deal will increase the U.S. burden in defending Japan. It does not provide the most cost of effective defense for either country.

The deal is being done with practically no consideration of its potential long-term impact on the competitive capability of U.S. industry or of its possible exacerbation of the U.S. trade deficit with Japan.

It will transfer technology developed at great expense to U.S. taxpayers at very low cost to a country whose primary interest is not defense but catching up with America in aircraft and other high-technology industries.

The fighter deal is typical of a broader problem in America's relationship with Japan. When dealing with Tokyo on trade issues, the United States is a pussycat. Too often, our government and corporate officials act as if there's something wrong with bargaining hard to maintain America's economic position in the world. In our anxiety about offending the Japanese, we're ready to give away the store. The Japanese don't bargain that way. They seek to protect their nation's economic interests. And so should we.

Under the General Dynamics-Mitsubishi arrangement, the GD-built F16, currently one of the Air Force's hottest fighters, will be stripped and virtually redesigned into a new fighter for deployment by Japan's Defense Agency (JDA) in the late 1990s. General Dynamics will provide all the technology—developed at an estimated cost of $7 billion from designing, producing and improving the F16 over the years. In addition, because GD is a competitor in the Air Force's latest development program (the advanced tactical fighter) and knowledge is fluid within the company, it is likely that some technology from the ATF program will also be transferred.

This is what General Dynamics will get in return: $440 million in subcontracting work from Mitsubishi on four development prototypes, possibly a share of component manufacture for eventual production of 130 planes, a possible transfer of allegedly advanced Japanese radar and composite-wing technology and possible royalties on future production of $75–$150 million.

The deal originated in the late '70s with a Japanese plan to replace its old fighters with new U.S.-made models in the mid-1980s. But soon thereafter, with Japan's growing emphasis on technology independence, the idea evolved into a plan to develop a Japanese plane from scratch. By 1985, the JDA had cut its original (and prohibitive) cost estimates by half and claimed that developing its own FSX would cost the same as buying from America.

Analysts in both countries were skeptical. In several meetings during 1986 and 1987—as the U.S. trade deficit with Japan neared $50 billion—Pentagon officials and American industry experts told the Japanese that the United States had three planes (the F18, F15 and F16) that could perform the required missions faster, cheaper and better. Alternatively, if Japan would not buy U.S. planes outright, they argued, it would still be better to produce slightly modified versions under license rather than reinvent the wheel.

In the spring of 1987 (as the U.S. Navy began to patrol the Persian Gulf, from which most of Japan's oil comes), the JDA again rejected the U.S. proposals in favor of self-development. While warning Japan that its attitude could harm relations between the two countries, U.S. officials compromised further, proposing "co-development"—which turned out to mean design modifications so extensive as to constitute virtually a new airplane.

In this country, the deal was announced a successful compromise. But Japan's noted aerospace analyst Eiichiro Sekigawa said in Tokyo that "Japanese industry got most of what it wanted. In the end 80 percent will be Japanese."

Proponents of the agreement in the departments of State and Defense have been touting it as a breakthrough and a model for future projects. Among the advantages they cite: It will maintain U.S. influence and deter Japan from becoming a leading independent aircraft producer by denying it the experience of developing a plane entirely on its own. It will improve defense capabilities by yielding a better plane than Japan could make on its own, and get U.S. industry 40 percent of the development work and a piece of the eventual $8 billion production expenditure instead of nothing. It will also give us access to advanced Japanese technology and develop cooperative industrial relationships that will ensure continuing access and costsharing in the future. And it will do all this at no risk to American industry because the U.S. contribution is "mostly old technology."

Critics, however, argue that technology is only old if you already have it. Since the Japanese do not, infusion of U.S. technology can only spur rather than delay Japan's advance. The deal may yield a better plane than Japan could have made. But the U.S. could have done that itself.

The other putative benefits of the deal are tentative. Although GD's $440 million subcontract is supposed to be 40 percent of the development budget, both Japanese and American analysts believe that budget to be underestimated by half or more. Thus GD's share may be less than 20 percent.

Moreover, whether GD will get any of the eventual production run depends on Japan's evaluation of the prototypes. If they are found unacceptable, Japan could cancel the deal, take the technology and go on to build its own FSX as it planned originally. But even with a "go" on production, GD's share is subject to negotiations after prototype evaluation. Industry experts in both countries are skeptical that the JDA, which has been the main force behind development of the Japanese aircraft industry, will give GD more than a few bones.

There is also serious doubt as to whether the advertised Japanese technology is genuinely advanced—and whether GD will get it if it is. Industry experts are unanimous in the view that U.S. firms such as McDonnell-Douglas, Lockheed and Boeing are the world leaders in composite-materials technology. The Air Force's top composite engineer, Ted Reinhardt (who was consulted on the deal only last month after three years of negotiation had brought it near conclusion), says that on the basis of what the Japanese showed his people, they are far behind U.S. companies. In addition, even if Mitsubishi does have something interesting, GD officials have told the Pentagon that the company would have to build at least six of the 14 planned test wings in order to benefit from Japanese composite technology. But under the agreement, GD will be making only four.

Finally, because Japan doesn't make advanced jet engines, the plan will have to be powered by engines from either Pratt & Whitney or General Electric. The criteria for selection will likely involve how willing either company is to transfer "hot-section" and digital fuel-pump technology.

Thus, say the critics, in the worst-case scenario the United States could be creating a powerful competitor in its best export industry for a relative pittance in subcontract fees. And even if GD gets a substantial amount of eventual production work, the return to the United States will be far less than if we had sold Japan our planes or licensed their manufacture there.

Ultimately, however, the issue is much broader. It goes to the heart of the U.S. relationship with Japan. To ensure the best defense for that country, both supporters and critics of the GD-MHI arrangement agree on a number of points: Japan needs a fighter now rather than eight to 10 years from now, when the FSX will become available; the specifications for the FSX are far more demanding than necessary to perform most of its presumed missions; the same specs make it less than optimal for other probable missions; three existing U.S. planes can perform all possible missions and can do them now or in the near future; the U.S. planes would cost half to a third as much as developing and producing the FSX; interoperability of U.S. and Japanese aircraft is highly desirable, but cannot be obtained with the FSX.

Two obvious questions arise. First: Why would Japan, when it is under immense international pressure to share more of the defense burden, choose a course that will

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waste scarce resources in both countries, aggravate the trade problem and still provide a suboptimal defense? And second: Why would the United States cooperate in such an undertaking?

U.S. SENATE,
Washington, DC, January 31, 1989.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing in regard to the proposed sale of U.S. F-16 fighter technology to the Japanese for incorporation into their FSX aircraft. There are complex issues involved in this program, including defense burden-sharing and the larger question of its long-term impact on the health and competitiveness of the American aerospace industry, the only high technology area in which the United States remains the undisputed world leader.

It is this latter question that we believe in particular has been ignored in the FSX negotiations, which have been conducted by the Departments of State and Defense to the exclusion of USTR and the Department of Commerce. Executive Branch proponents of the FSX deal cite it as the model for the future. However, before the United States goes a step further down this road, we think that the FSX program should be fully considered by all cognizant Cabinet departments and that all relevant issues should be thoroughly reviewed.

Therefore, in the spirit of the bipartisanship in foreign policy and the close consultation with the Congress that you proposed in your inaugural address, we are requesting that you order a complete review of the FSX program within the Administration, including the Departments of Commerce, Labor, and Energy, as well as the Office of the Trade Representative and the White House Science Office. We hope that your Administration will refrain from any further commitments on the FSX until that review has been completed and the Congress has been fully consulted.

We realize that during the upcoming visit of Japanese Prime Minister Takeshita, there will be intense pressure from the Japanese, and perhaps from those within DoD and State who negotiated the FSX deal, to give the full commitment of the President to the program. However, to do so without a full assessment of the program's long-term impact would not be in the best interests of the United States.

It is our hope that the proposed review will establish guidelines for programs like the FSX which may be considered in the future and that all concerned Executive Branch agencies will be included both in internal Administration discussions and in negotiations with foreign governments from the very inception of consideration of a proposed program.

We would like to thank you for your consideration of this critical issue and we look forward to receiving your reply.

Sincerely,

Senators Helms, Bingaman, Dixon, Murkowski, Ford, Danforth, D'Amato, Hollings, Byrd, Wirth, Gore.

UKRAINIAN INDEPENDENCE DAY

Mr. DIXON. Mr. President, January 22, 1989, marked the 71st anniversary of the independence of the Ukraine from the Soviet Republic forged by the success of the Russian revolution. Though divided, the Ukraine resisted Communist takeover until the early 1920's, only to face the wrath of the Stalin government in the 1930's. At the end of the Second World War, the Ukraine once again found itself occupied by Soviet troops, which continues until the present day.

Although Ukraine has its own officially separate Soviet Government and is a founding member of the United Nations, any attempt by Ukraine to exercise its right to self-determination and independence is brutally punished by Moscow.

The people of the Ukraine, and their relatives worldwide, many of whom reside in my State of Illinois, have been peacefully resisting occupation of their land, deportation of their peoples, and russification of their culture.

Ukrainian immigrants have brought with them their love of freedom, their work ethic, and their culture. Indeed, Ukrainian achievements in art, music, scholarship, science, industry, philosophy, and commerce have enriched every aspect of our lives.

I am completely committed to self-determination and freedom for the Ukraine. We must never forget the Ukrainian struggle. For, when we support the people of the Ukraine, we support the pursuance of liberty in the United States and everywhere. And when we continue our support of the Ukraine, we know that one day freedom will come to the Ukraine. As Taras Shevchenko, the poet who has come to be known as the Father of the Modern Ukrainian nation once wrote, "the Ukraine awaits its own General Washington!"

STRATTON LINES

Mr. LEAHY. Mr. President, I go back to Vermont almost every weekend. It is the best way I know to find out what's going on in Washington.

Sure, we watch the evening television news and read the hometown newspapers to measure public reaction to the events of the day. During election years, we take polls as well.

But in Vermont, you can catch up on all the news of the State and world—and get an earful of editorial opinion as well—just by dropping by the Oasis Diner on Bank Street in Burlington.

The food is wonderful, and the prices very modest. The conversation, however, is priceless, and the biggest attraction is the man who pours your coffee—Stratton Lines.

Stratty has presided over this downtown debating and chowder society for 35 years—and his clientele includes former and present Governors, U.S. Senators, mayors, State legislators and visiting dignitaries including a former Vice President of the United States.

It was a heady experience for a young, Burlington lawyer seeking his first public office to enter this political hall of fame—I can tell you. I would sit at the counter and just listen to these men and women, awed by their very presence in the same room.

But even more awesome was the direct cross examination they endured—and enjoyed—from Stratty on the other side of the counter.

My biggest regret today is that I can no longer slip into one of the booths unnoticed—and enjoy the advantages of anonymity that would allow me to eavesdrop on the wonderful give and take between Stratty and his customers.

Today, I am the one who feels the heat—Stratty plays no favorites—and the fact that I keep going back for more is a tribute to both the food and the conversation.

It does not seem that 35 years have gone by since the diner was erected on that corner. But for those of us who have lived in Vermont all our lives, it remains one of those institutions unaffected by the passage of time that you cling to as you grow older—or as Stratty would not hesitate to say—as your hair grows thinner.

By my figuring, only my mother and wife have served me more coffee than Stratty Lines—or more meals. It has been quite a bargain when you toss in the political education that went with it. And I am still learning from my friend.

Of all my fond recollections of the times I have spent with the Oasis regulars, a cold, November morning in 1974 remains foremost in the minds of the Leahy family.

I had just become the first Vermont Democrat popularly elected to the U.S. Senate.

When I went down to the Oasis the next morning, I brought Marcelle and the children, Kevin, Alicia, and Mark. Stratty met me at the door to announce a new management policy.

On that day, Stratty said, newly elected U.S. Senators, and their families, were entitled to a postelection breakfast on the house.

He made us feel special—in a very special place. Our lives were changing—but some things never change. We never forgot that. Today, I rarely miss the chance to have a cup of coffee with my friend whenever I am in Burlington.

Mr. President, it is the 35th anniversary of the Oasis—and as long as there are Vermonters who enjoy a good cup of coffee, a tasty meal and friendly conversation, the Oasis Diner will have the lights on.

To Stratty and his family and all the folks who work behind the counter and in the kitchen, the Leahy family says thanks for the wonderful memories, and the times still to come.

In honor of this special occasion, Mr. President, I ask unanimous consent that an article that appeared in the January 26, 1989, edition of the Bur-

lington Free Press be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Burlington (VT) Free Press, Jan. 26, 1989]

FOR 35 YEARS, DOWNTOWN DINER AN OASIS FOR LUNCHTIME CROWD

(By Ian Polumbaum)

Wednesday was mid-life at the Oasis.

Three and a half decades is a long life for any restaurant, but Stratton "Stratty" Lines shows no sign of slowing down.

The day began with a live radio broadcast and gathering of several well-known customers, including former Gov. Philip Hoff. By early afternoon, aside from the flowers and 35th anniversary cards near the cash register, it appeared just another lunchtime at Lines' Oasis Diner on Bank Street.

A mix of long-time and first-time customers sampled the simple, made-to-order fare while Lines, 59, remarked on how little the stainless steel Art Deco structure had changed since his father opened it Jan. 25, 1954.

"The only thing we've really changed, we've reupholstered the seats," he said. "And we got some new coffee urns."

Prices, of course, have changed: Coffee once cost a dime a cup and a hamburger, now $2.10, cost a quarter. But the regulars' allegiance has not.

"It's kind of a club affair," said R.E. "Whitey" Palmer, a Burlington funeral director. Just back from Florida, he popped in for a chicken salad sandwich and a piece of pie and said, "I didn't realize it had been 35 years."

A prominent local lawyer, Charles Tetzlaff, sat at the counter for a Blue Plate Special, which on this particular day was tomato macaroni soup, hot dogs and beans.

"He normally has a soup and a sandwich," Lines offered, as he and Tetzlaff struggled to remember when the attorney first ate there. They agreed it roughly coincided with his departure from the prosecutor's office, around 1970.

The "club affair" includes a long line of local politicians. In fact, a 1979 obituary for former state Treasurer Frank Davis listed him as "chairman of the board of the Oasis Dining Club."

Palmer's history as a customer predates the Oasis, to the years when Harry Lines ran the Miss Burlington Diner on South Winooski Avenue, on a site now occupied by the Nickelodeon cinemas. "I'm an institution here, about 100 years," said the 75-year-old Palmer.

The start of the Oasis was not without twists. Hoff, who as friend and lawyer helped Harry Lines acquire the Bank Street property, recalled that when Mountain View Diners of Singac, N.J., finished making the new building, New York State officials refused to let it be transported to Vermont.

"There was a time I thought it was going to stay in New Jersey forever," Hoff said.

Eventually, the Oasis was shipped to Vermont in pieces in late 1953. "Stratty" Lines, then 24, left his job at the General Electric Co. plant and plunged into his father's business. When Harry Lines died in 1962, "Stratty" took over.

This reins may be passed again within the family. Nothing is definite, but Lines would like to retire and let Jon, the oldest of his four children, take over.

"If he wants me to, I will," said Jon Lines, 25, who has worked full-time at the diner for four years. "It's definitely something that's too good to give up.

"Everybody comes here for a certain reason. There's a lot of things that go on just between the help and the customers, little inside jokes, that can bring someone up if they're down," he said.

Hoff said of his frequent visits: "I expect a lot of political conversation, a lot of good-natured joshing. You can go there and see the same people day in and day out."

WEIRTON STEEL: AN ESOP SUCCESS

Mr. ROCKEFELLER. Mr. President, on January 11, the community of Weirton, WV, celebrated a tremendous anniversary. On that date 5 years ago Weirton Steel became the Nation's largest employee-owned corporation [ESOP]. Since the employees first made the decision to purchase their mill, both the citizens of Weirton and the employees have demonstrated a remarkable combination of tenacity and innovation that serve as an inspiration to us all.

This year, Weirton Steel will distribute profit-sharing bonuses totaling $75 million to its 8,000 employee-owners. Anyone at all familiar with the recent history of our steel industry will recognize what a truly remarkable achievement this is.

Weirton's accomplishments are all the more noteworthy in light of the circumstances of its founding. The decision by National Steel in 1982 to close the mill and eliminate 8,000 jobs was a devastating blow. The lifeline of the community was to be cut.

Instead of accepting defeat or being overwhelmed by the task of rescuing the plant, the mill's employees and the citizens of Weirton took matters into their own hands. As Govenor of our State then, I was privileged to work with those involved. I saw first hand the enormous courage they mustered. Before negotiations to buy the mill could even begin, money had to be raised to study the plan's feasibility. Through a combination of local, State, and Federal grants and private contributions, the initial funds were raised and the study undertaken. After reviewing a generally optimistic report which nevertheless recognized the need to cut wages and benefit costs by 20 percent, the employees in 1984 overwhelmingly agreed to make the concessions and accept the proposal to buy Weirton Steel.

Since then, the plant has become a shining example of successful cooperation between labor and management. From the shop floor to the board room, worker participation in decisions affecting the mill's operation has flourished. In the years since the buyout, Weirton has become one of the Nation's most profitable integrated steel mills. It has shown profits for 20 consecutive quarters, at a time when most of the steel industry experienced dismal returns. Recognizing the crucial role of research and development, Weirton has pushed to improve and expand its products. Confronting the hard realities of a rapidly changing industry, it has been steadfast in its commitment to plant modernization.

I am proud of these successes, and pleased to share in the sense of accomplishment so rightly felt this month on the fifth anniversary of Weirton's creation. Tough times and hard decisions still face Weirton Steel, but the future is full of promise. Already, Weirton has served as a beacon of hope for distressed communities across America. I am confident that the vision which animated its founding will continue to light the way.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-409. A communication from the Chairman, Commodities Futures Trading Commission, transmitting, a draft of proposed legislation to amend the Commodity Exchange Act, as amended; to the Committee on Agriculture, Nutrition, and Forestry.

EC-410. A communication from the Secretary of Defense, transmitting, pursuant to law, a report certifying that the Navy has budgeted sufficient funds for fiscal years 1990 through 1994 to participate in the demonstration and validation program for the Advanced Tactical Fighter; and the Air Force has budgeted sufficient funds for fiscal years 1990 through 1994 to participate in the full-scale development of the Advanced Tactical Aircraft; pursuant to P.L. 100-180, referred jointly to the Committee on Armed Services and the Committee on Appropriations.

EC-411. A communication from the Chairman, Panama Canal Commission, transmitting, pursuant to law a report covering the operations of the Panama Canal during the fiscal year 1988; to the Committee on Armed Services.

EC-412. A communication from the Chairman, Securities and Exchange Commission, transmitting, a draft of proposed legislation to authorize new types of enforcement remedies; to the Committee on Banking, Housing, and Urban Affairs.

EC-413. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report extending for the period January 21, 1989 through January 20, 1990, certain report controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-414. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report on the methods of air traffic control which might be utilized at the Grand Canyon Airport in Grand Canyon, Arizona; to the Committee on Commerce, Science, and Transportation.

EC-415. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a preliminary status report on the long-term airport capacity needs study; to the Committee on Commerce, Science, and Transportation.

EC-416. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report describing the regulatory and research and development programs of the FAA to minimize the postcrash fire and explosion hazard for transport category airplanes, general aviation airplanes, and rotocraft; to the Committee on Commerce, Science, and Transportation.

EC-417. A communication from the Assistant Secretary (Land and Mineral Management), Department of the Interior, transmitting, pursuant to law, notice on leasing systems for the Central Gulf of Mexico, Sale 118, scheduled to be held in March 1989; to the Committee on Energy and Natural Resources.

EC-418. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Administration's annual report to Congress 1988; to the Committee on Energy and Natural Resources.

EC-419. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1988 annual report of the Bonneville Power Administration; to the Committee on Energy and Natural Resources.

EC-420. A communication from the Chairman, National Critical Materials Council, Executive Office of the President, transmitting, pursuant to law, a copy of the Council's Advanced Materials Program Plan; to the Committee on Energy and Natural Resources.

EC-421. A communication from the Federal Highway Administrator, Department of Transportation, transmitting, pursuant to law, a report of the demonstration projects authorized under the Surface Transportation and Uniform Relocation Assistance Act of 1987, P.L. 100-17; to the Committee on Environment and Public Works.

EC-422. A communication from the Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report on the New York Bight Plastics Study; to the Committee on Environment and Public Works.

EC-423. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, the biennial report on the status of the nation's highways and bridges: conditions and performance; to the Committee on Environment and Public Works.

EC-424. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's third annual report on the impact of the Medicare Hospital Prospective Payment System; to the Committee on Finance.

EC-425. A communication from the Acting Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the Commission's annual report for 1988; to the Committee on Finance.

EC-426. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Advocate for Competition for the Department of Education; to the Committee on Governmental Affairs.

EC-427. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Report on Competition; to the Committee on Governmental Affairs.

EC-428. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report on the Foundation's system of internal accounting and administrative control; to the Committee on Government Affairs.

EC-429. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's 1988 report on competition; to the Committee on Government Affairs.

EC-430. A communication from the Secretary of Housing and Development, transmitting, pursuant to law, a report on the Department's internal control and financial systems; to the Committee on Government Affairs.

EC-431. A communication from the Chairman, National Critical Materials Council, transmitting, a draft of proposed legislation to amend the National Critical Materials Act of 1984, and for other purposes; to the Committee on Government Affairs.

EC-432. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the first annual report of the Interagency Council on the Homeless; to the Committee on Government Affairs.

EC-433. A communication from the Vice Chairman, Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, a copy of the balance sheet of Potomac Electric Power Company as of December 31, 1988; to the Committee on Government Affairs.

EC-434. A communication from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, the Department's fourth annual report; to the Committee on Government Affairs.

EC-435. A communication from the Chairman, U.S. Federal Trade Commission, transmitting, pursuant to law, the Commission's annual report; to the Committee on Government Affairs.

EC-436. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled Review of the University of the District of Columbia Contract Number GA/A88110 (Dow, Lohnes & Albertson); to the Committee on Government Affairs.

EC-437. A communication from the Executive Vice President, National Music Council, transmitting, pursuant to law, the Council's most recent audited financial report; to the Committee on Government Affairs.

EC-438. A communication from the Chairman, Board of Directors, Future Farmers of America, transmitting, pursuant to law, a report of the audit of the accounts of the Future Farmers of America for the period ending August 31, 1988; to the Committee on the Judiciary.

EC-439. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's annual report; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 38. An original resolution to provide for the appointment of a Committee to receive and to report evidence with respect to articles of impeachment against Judge Alcee L. Hastings (Rept. No. 101-1).

By Mr. BUMPERS, from the Committee on Small Business, without amendment:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Small Business; referred to the Committee on Rules and Administration.

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Finance; referred to the Committee on Rules and Administration.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Rules and Administration; referred to the Committee on Rules and Administration.

S. Res. 36. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

S. Con. Res. 12. An original resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the Chairman of the Committee.

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. Res. 41. An original resolution authorizing expenditures by the Committee on Appropriations; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Manuel Lujan, Jr., of New Mexico, to be Secretary of the Interior.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Michael J. Boskin, of California, to be a Member of the Council of Economic Advisers.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to

appear and testify before any duly constituted committee of the Senate.)

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Jack Kemp, of New York, to be Secretary of Housing and Urban Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BURDICK, from the Committee on Environment and Public Works:

William Kane Reilly, of Virginia, to be Administrator of the Environmental Protection Agency.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. SIMON, and Mr. MATSUNAGA):

S. 322. A bill to establish the American Conservation Corps and Youth Service Corps, to provide for the education and training of participants in such Corps, to establish the Commission on National Service Opportunities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID (for himself and Mr. BRYAN):

S. 323. A bill to provide duty-free treatment for three-dimensional cameras; to the Committee on Finance.

By Mr. WIRTH (for himself, Mr. BUMPERS, Mr. GORE, Mr. CRANSTON, Mr. HEINZ, Mr. FOWLER, Mr. PELL, Mr. BINGAMAN, Mr. LEAHY, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. INOUYE, Mr. ADAMS, Mr. BREAUX, Mr. SANFORD, Mr. DASCHLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. DODD, Ms. MIKULSKI, Mr. GORTON, Mr. SARBANES, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. SIMON, Mrs. KASSEBAUM, Mr. DECONCINI, Mr. SPECTER, Mr. BRYAN, Mr. BOSCHWITZ, and Mr. RIEGLE):

S. 324. A bill to establish a national energy policy to reduce global warming, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANFORD:

S. 325. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction on corporate stock acquisition indebtedness; to the Committee on Finance.

By Mr. SHELBY:

S. 326. A bill to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions; to the Committee on Rules and Administration.

By Mr. BIDEN (for himself, Mr. MCCONNELL, Mr. SIMON, Mr. THURMOND, Mr. METZENBAUM, and Mr. DECONCINI):

S. 327. A bill to amend title 18 of the United States Code to punish corruption; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 328. A bill to amend title 38, United States Code, to modify the eligibility requirements for the mandatory furnishing of Department of Veterans Affairs hospital care to a veteran for a non-service-connected disibility; to the Committee on Veterans' Affairs.

By Mr. DIXON:

S. 329. A bill to amend the United States Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCONNELL (for himself, Mr. PACKWOOD, and Mr. HEINZ):

S. 330. A bill to amend the Federal Election Campaign Act of 1971 to prohibit direct contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, and correct inequities resulting from personal financing of campaigns; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. 331. A bill to amend the Federal Election Campaign Act of 1971 to repeal public financing and spending limits in Presidential elections, prohibit contributions to Presidential candidates by multicandidate political committees, require disclosure of attempts to influence Presidential elections through "soft money" and independent expenditures, and correct inequities resulting from personal financing of Presidential campaigns; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. 332. A bill to prohibit candidates in Federal elections from soliciting contributions to repay contributions or loans made by such candidate to his campaign; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 333. A bill entitled the Global Environmental Protection Act of 1989; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. PELL):

S. 334. A bill to promote state-wide health promotion campaigns, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MCCAIN:

S. 335. A bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under Part B of the Medicare program, with the exception of the spousal impoverishment benefit; to the Committee on Finance.

By Mr. DODD:

S. 336. A bill to amend title 38, United States Code, to authorize certain additional medical services for veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. FORD:

S. 337. A bill for the relief of Ljubica Warren; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 338. A bill to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY (for himself, Mr. RIEGLE, Mr. CHAFEE, Mr. MATSUNAGA, Mr. DURENBERGER, and Mr. MOYNIHAN):

S. 339. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid program; to the Committee on Finance.

By Mr. PELL:

S. 340. A bill to amend the Presidential Election Fund Act to curtail negative campaign advertising; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. FORD, Mr. METZENBAUM, Mr. MCCAIN Mr. JEFFORDS, Mr. SANFORD, Mr. DODD, Mr. DIXON, Mr. THURMOND, Mr. DOMENICI, Mr. SIMON, Mr. DURENBERGER, Mr. HARKIN, Mr. PRYOR, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. SHELBY, Mr. ADAMS, and Mr. LEVIN):

S. 341. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. BOND, Mr. CHAFEE, Mr. HEINZ, Mr. PRYOR, Mr. BOREN, Mr. MCCAIN, Mr. COHEN, Mr. FOWLER, Mr. DASCHLE, Mr. SASSER, Mr. KENNEDY, and Mr. DODD):

S. 342. A bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. BOREN):

S. 343. A bill to amend the Internal Revenue Code of 1986 to extend for 10 years the credit for producing fuel from a nonconventional source; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. BOREN, and Mrs. KASSEBAUM):

S. 344. A bill to require certain work on aircraft to be performed by a domestic repair station; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. METZENBAUM, Mr. HATFIELD, Ms. MIKULSKI, Mr. JEFFORDS, Mr. PELL, Mr. MOYNIHAN, Mr. KERRY, Mr. SIMON, Mr. ADAMS, Mr. INOUYE, Mr. BURDICK, Mr. BIDEN, Mr. ROCKEFELLER, Mr. GORE, Mr. WIRTH, Mr. LIEBERMAN, Mr. KOHL, and Mr. LAUTENBERG):

S. 345. A bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WIRTH (for himself, Mr. LEAHY, Mr. ROTH, Mr. MOYNIHAN, Mr. HARKIN, Mr. REID, Mr. BURDICK, Mr. LUGAR, Mr. PELL, Mr. JEFFORDS, Mr. FOWLER, Mr. LIEBERMAN, Mr. KERRY, Mr. SANFORD, and Mr. GORE):

S. 346. A bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. LUGAR, and Mr. LAUTENBERG):

S. 347. A bill to combat international terrorism and otherwise further the national

security and foreign policy interests of the United States; to the Committee on Foreign Relations.

By Mr. DECONCINI (for himself and Mr. DODD):

S.J. Res. 46. Joint resolution to designate the month of April 1989, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

By Mr. PRESSLER:

S.J. Res. 47. Joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State cooperative extension services; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mr. CRANSTON, Mrs. KASSEBAUM, Mr. ROTH, Mr. DECONCINI, and Mr. DODD):

S.J. Res. 48. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect Congressional and Presidential elections; to the Committee on the Judiciary.

By Mr. HARKIN:

S.J. Res. 49. Joint resolution proposing an amendment to the Constitution of the United States relating to the compensation of Senators and Representatives; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUMPERS, from the Committee on Small Business:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. BENTSEN, from the Committee on Finance:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Finance; to the Committee on Rules and Administration.

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Rules and Administration; to the Committee on Rules and Administration.

S. Res. 36. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library considered and agreed to.

By Mr. SIMON (for himself and Mr. PRESSLER):

S. Res. 37. A resolution requesting the Secretary of State to submit a report regarding United States assistance to Soviet Armenia; to the Committee on Foreign Relations.

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 38. An original resolution to provide for the appointment of a Committee to receive and to report evidence with respect to articles of impeachment against Judge Alcee L. Hastings; placed on the calendar.

S. Res. 39. An original resolution to provide for the filing and argument of motions by Judge Alcee L. Hastings to dismiss articles of impeachment; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 40. A resolution to prohibit the receipt of honoraria by Members, officers, or employees of the Senate on or after the first day that there takes effect any increase in the salaries of Members, officers, or employees of the Senate as reccommended by the Commission on Executive, Legislative, and Judicial Salaries and included in the budget transmitted by the President to the Congress.

By Mr. BYRD, from the Committee on Appropriations:

S. Res. 41. An original resolution authorizing expenditures by the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 42. A resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in *American Foreign Service Association, et al.* v. *Steven Garfinkel, et al;* considered and agreed to.

By Mr. MITCHELL:

S. Res. 43. A bill to amend paragraphs 2 and 3(a) of rule XXV; considered and agreed to.

By Mr. MITCHELL:

S. Res. 44. A resolution to make majority party appointments to Senate committees under paragraph 2 of rule XXV for the One Hundred and First Congress; considered and agreed to.

By Mr. LOTT (for Mr. DOLE):

S. Res. 45. A resolution making minority party appointments to Senate committees for the 101st Congress; considered and agreed to.

By Mr. MITCHELL:

S. Res. 46. A resolution to make majority party appointments to Senate Committees under paragraphs 3 (a), (b), and (c) of rule XXV for the One Hundred First Congress; considered and agreed to.

By Mr. LOTT (for Mr. DOLE):

S. Res. 47. A resolution making minority party appointments to Senate committees for the 101st Congress; considered and agreed to.

By Mr. MITCHELL:

S. Res. 48. A resolution to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate; considered and agreed to.

By Mr. LOTT (for Mr. DOLE):

S. Res. 49. A resolution to amend paragraph 4 of rule XXV of the Standing Rules of the Senate; considered and agreed to.

By Mr. FORD, from the Committee on Rules and Administration:

S. Con. Res. 12. An original resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the Committee; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. SIMON, and Mr. MATSUNAGA):

S. 322. A bill to establish the American Conservation Corps and Youth Service Corps, to provide for the education and training of participants in such Corps, to establish the Commission on National Service Opportunities, and for other purposes; to the Committee on Labor and Human Resources.

AMERICAN CONSERVATION AND YOUTH SERVICE CORPS ACT

Mr. DODD. Mr. President, I rise today to introduce the American Conservation and Youth Service Corps Act of 1989 and am delighted to be joined by Senators JEFFORDS, MOYNIHAN, SIMON, and MATSUNAGA. The bill is a companion measure to the one Congressman PANETTA will be introducing in the House with 65 original cosponsors.

We join our colleagues and the administration in an effort to bolster a national volunteer service ethic. The challenge we face is two-fold. First and foremost, we need to convince youth that they should volunteer. Simultaneously, we need to encourage States to expand or develop a network of conservation and volunteer service corps.

We know youth will volunteer to make this a better country if they are encouraged to do so. When President Kennedy called on Americans to serve, thousands responded—I know, I was one of them. One of the earliest Peace Corps volunteers summed things up succinctly in 1962 when he said: "I'd never done anything political, patriotic or unselfish because no one ever asked me to. President Kennedy asked." It is time to ask again.

It is time to ask because today's youth are not mindful of their responsibility as citizens. Americans least likely to vote are 18 to 25 year olds. We need to encourage in our citizens a sense of shared responsibility in their community and Nation. People responded to President Kennedy—but in the 25 years since, no one has thought to ask again. Every President, Senator, Congressman, and Governor should ask.

We should ask because it is right and because we need them to help address the problems conforming this Nation—illiteracy, homelessness, a high school dropout rate of 40 percent, a shrinking pool of workers qualified to fill new jobs and poverty stricken communities. If we reactivevate the citizenry and develop a partnership between Federal and State volunteer programs, there is a good possibility that these problems can be greatly ameliorated.

We should ask because youth need to know they have an important role to play in the betterment of our Nation. Many youth want to serve. At the State and local level, over 50,000 youth are participating in conservation and urban volunteer programs. And these programs have proven successful. When I have asked high school students for a show of hands of those in favor of some form of national service, the enthusiasm has been tremendous.

Youth service has another component. In addition to meeting the needs of a State or community, participation

in a service would benefit the participant. Volunteers feel good about themselves when they participate in service corps. Their service duties teach those with no previous work experience a work ethic. Volunteers with 1 or 2 years of volunteer service develop skills they can later parlay into paying jobs. In some States, volunteers who are high school dropouts benefit from in-service education programs or incentives to help prepare for a high school equivalency test. The Connecticut Conservation Corps offers volunteers either $750 for passing their high school equivalency exam or $50 per credit hour for college courses taken and passed.

The operative mechanism of the American Conservation and Youth Service Corps bill would be the development of a Federal/State partnership. It would make Federal matching grants available to States for the development of volunteer programs tailored to meet their States' needs. Some States have already taken this step. Over 50 full and part-time conservation and volunteer service corps—with close to 50,000 volunteers—are in operation in 9 States, including New York, California, and my own State of Connecticut. These programs have reached thousands of disadvantaged youth. Our bill would encourage the same outreach efforts.

The legislation is designed to serve youth ages 16 to 25. It would make volunteer service available to a wide variety of youth, ranging from the most to the least fortunate. This way, service programs qualifying for Federal grants could provide a helpful transition to those youth who have fallen through the cracks of our society. Disadvantaged youth who would benefit considerably from volunteer service might include high school dropouts and youth aging out of foster care. Two years of service would add continuity to their lives. In-service education programs would further their knowledge, while volunteer responsibilities would generate a sense of commitment, pride and satisfaction in a job well done.

In addition to disadvantaged youth, the legislation encourages a flexibility that would allow youth to volunteer after they graduated from high school or college. Five percent of Federal funds would be earmarked for part-time volunteer opportunities that might be offered in the high schools.

If we are serious about encouraging a national service ethic, we need to encourage the grassroots efforts by State and local volunteer corps. The American Conservation and Youth Service Corps Act would lay the foundation for a cohesive partnership between Federal initiative and State and local programs. It is cost effective and would only authorize $152.4 million to provide one-to-one matching grants to States or local programs. In light of the current budget deficit and the successful service corps already in place, it is the most constructive way to encourage youth service at this time.

I urge my colleagues to join me in promoting youth service and look forward to working with those who have introduced their own service proposals.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Conservation and Youth Service Corps Act of 1989".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—AMERICAN CONSERVATION CORPS

Sec. 101. Establishment.
Sec. 102. Allocation of authorized funds.

TITLE II—YOUTH SERVICE CORPS

Sec. 201. Youth service project grants.
Sec. 202. Service categories.

TITLE III—YOUTH SKILLS ENHANCEMENT

Sec. 301. Certification and academic credit.
Sec. 302. Training and education services.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Grants to states.
Sec. 402. Approval of applications and supervision of programs.
Sec. 403. Preference for certain projects.
Sec. 404. Effect of earnings on eligibility for other Federal assistance.
Sec. 405. Enrollment.
Sec. 406. Coordination and participation with other entities.
Sec. 407. YSC State advisory boards.
Sec. 408. Federal and State employee status.
Sec. 409. Nonduplication and nondisplacement.
Sec. 410. Grievance procedure.
Sec. 411. Use of volunteers.
Sec. 412. Nondiscrimination provision.
Sec. 413. Labor market information.
Sec. 414. Review and reporting requirements.
Sec. 415. Authority of state legislature.
Sec. 416. Authorization of appropriations and other fiscal provisions.

TITLE V—COMMISSION ON NATIONAL SERVICE OPPORTUNITIES

Sec. 501. Findings and purposes.
Sec. 502. Commission.
Sec. 503. Reports and recommendations.
Sec. 504. Termination and effective date.

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to provide opportunities for work and service to the Nation's youth that will—

(A) increase and maintain their educational skills and employability; and

(B) provide benefits to the Nation in meeting unmet human, environmental, and conservation needs (particularly needs related to poverty);

(2) to assure that such opportunities are conducted in coordination with other conservation, education, training, work, and service programs;

(3) to establish the American Conservation Corps to carry out a program to improve, restore, maintain, and conserve public lands and resources (including Indian lands and community lands) in the most cost-effective manner; and

(4) to establish the Youth Service Corps to encourage young persons to participate in voluntary national service and to provide matching grants to eligible public and private nonprofit agencies to administer programs conducted under such service.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTERING SECRETARY.—The term "administering Secretary" means, for purposes of title I, the Secretary of the Interior (in the case of any lands or programs involving the Department of the Interior), or the Secretary of Agriculture (in the case of lands or programs involving the Department of Agriculture).

(2) APPLYING ENTITY.—The term "applying entity" means any program agency or any nonprofit organization which applies for a grant under section 402.

(3) CHIEF ADMINISTRATOR.—The term "chief administrator" means the head of any program agency.

(4) COMMERCIAL FOREST LAND.—The term "commercial forest land" means land in the National Forest System or land administered by the Secretary of the Interior through the Bureau of Land Management that is producing, or is capable of producing, 50 cubic feet per acre per year of industrial wood and which is not withdrawn from timber utilization by statute or administrative decision.

(5) CREW LEADER.—The term "crew leader" means an enrollee appointed under the authority of this Act for the purpose of assisting in the supervision of other enrollees engaged in work projects pursuant to this Act.

(6) CREW SUPERVISOR.—The term "crew supervisor" means the adult staff person responsible for supervising a crew of enrollees (including the crew leader).

(7) DISPLACEMENT.—The term "displacement" includes any partial displacement through reduction of nonovertime hours, wages, or employment benefits.

(8) ECONOMICALLY DISADVANTAGED.—The term "economically disadvantaged" with respect to youths has the same meaning given such term in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)).

(9) EMPLOYMENT SECURITY SERVICE.—The term "employment security service" means the agency in each of the several States with responsibility for the administration of unemployment and employment programs and the oversight of local labor conditions.

(10) ENROLLEE.—The term "enrollee" means any individual enrolled in the ACC and Youth Service Corps in accordance with section 405.

(11) INDIAN.—The term "Indian" means an individual who is a member of an Indian tribe.

(12) INDIAN LANDS.—The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for Indian tribes, and any real property held by Indian tribes which is subject to restrictions on alienation imposed by the United States.

(13) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(14) PROGRAM.—The term "program" means activities carried out under titles I or II.

(15) PROGRAM AGENCY.—The term "program agency" means—

(A) any Federal or State agency designated to manage any program in that State, or

(B) the governing body of any Indian tribe.

(16) PROJECT.—The term "project" means any activity (or group of activities) which result in a specific identifiable service or product that otherwise would not be done with existing funds, and which shall not duplicate the routine services or functions of the employer to whom enrollees are assigned.

(17) PUBLIC LANDS.—The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States or by any agency or instrumentality of a State or local government.

(18) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

TITLE I—AMERICAN CONSERVATION CORPS

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—There is hereby established the American Conservation Corps (hereinafter referred to in this act as the "ACC") to be administered in accordance with this section.

(b) FEDERAL COMPONENT.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall establish the Federal component of the ACC within their respective agencies to administer certain programs on Federal lands.

(2) APPLICATIONS.—Applications for participation in programs on Federal public lands authorized under paragraph (1) shall be submitted to the administering Secretary in the manner described in title IV and under regulations promulgated under subsection (e).

(3) USE OF FUNDS.—Funds provided for purposes of this title to any Federal agency shall be used to carry out projects on Federal lands and to provide for the Federal administrative costs of implementing this title.

(4) CONTRACTS AND AGREEMENTS.— In utilizing such funds, Federal agencies are encouraged to enter into contracts or other agreements with program agencies and with local governments and nonprofit organizations approved for participation under section 406(a).

(c) STATE COMPONENT.—

(1) GRANTS.—The Secretary of the Interior shall establish a program under which grants shall be made to States to administer the State component of the ACC that involves work on non-Federal public lands and waters within a given State.

(2) PROGRAM AGENCY.—The chief executive officer of each State shall designate a State program agency to administer the ACC program within the State.

(3) ESTABLISHMENT OF PROGRAM BY LOCAL GOVERNMENT.—If at the commencement of a fiscal year, the State agency has not been designated under paragraph (2), any local government within such State may establish a program agency to carry out the State component within the political subdivision under the jurisdiction of such local government.

(4) APPLICATION FOR GRANTS.— Any program agency designated under paragraph (2) may apply for a grant under this title in the manner described in section 401.

(d) LOCAL GOVERNMENT PARTICIPATION.—

(1) REQUIREMENTS AND ALLOCATION OF FUNDS.—

(A) REQUIREMENTS.—Any local government program agency shall be subject to the same requirements as a State program agency.

(B) ALLOCATION OF FUNDS.—Where more than one local government within a State has established a program agency under subsection (a)(3), the administering Secretary shall allocate funds between such agencies in such manner as such Secretary considers equitable.

(2) PARTICIPATION BY OTHERS.—Any State participating in the ACC program under this Act shall provide a mechanism under which local governments and nonprofit organizations within the State may participate in the ACC.

(e) REGULATIONS AND ASSISTANCE.—

(1) IN GENERAL.—Before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretaries of the Interior and of Agriculture, after consultation with the Secretary of Labor, shall jointly promulgate regulations necessary to implement the ACC established under subsection (a).

(2) PUBLIC COMMENT AND REPORTING.—

(A) PUBLIC COMMENT.—Before the end of the 30-day period beginning on the date of the enactment of this Act, the Secretaries of the Interior and of Agriculture shall establish procedures to give program agencies and other interested parties (including the general public) adequate notice and opportunity to comment on and participate in the formulation of such regulations.

(B) REPORTING.—Regulations promulgated under this subsection shall include provisions to assure uniform reporting on—

(i) the activities and accomplishments of ACC programs,

(ii) the demographic characteristics of enrollees in the ACC, and

(iii) such other information as may be necessary to prepare the annual report required by section 414(a).

(f) PROJECTS INCLUDED.—The ACC established under this section may carry out projects that focus on—

(1) conservation, rehabilitation, and improvement of wildlife habitat, rangelands, parks, and recreational areas;

(2) urban revitalization and historical and cultural site preservation;

(3) fish culture and habitat maintenance and improvement and other fishery assistance;

(4) road and trail maintenance and improvement;

(5)(A) ercsion, flood, drought, and storm damage assistance and controls,

(B) stream, lake, and waterfront harbor and port improvement, and

(C) wetlands protection and pollution control;

(6) insect, disease, rodent, and fire prevention and control;

(7) the improvement of abandoned railroad bed and right-of-way;

(8) energy conservation projects, renewable resource enhancement, and recovery of biomass;

(9) reclamation and improvement of strip-mined land; and

(10) forestry, nursery, and cultural operations.

(g) LIMITATION TO PUBLIC LANDS.—Projects to be carried out under the ACC shall be limited to projects on public lands or Indian lands, except where a project involving other lands will provide a public benefit as determined by the administering Secretary. The regulations promulgated under subsection (e) shall establish the criteria necessary to make such determinations.

(h) CONSISTENCY.—All projects carried out under this title for conservation, rehabilitation, or improvement of any public lands or Indian lands shall be consistent with—

(1) the provisions of law and policies relating to the management and administration of such lands, and all other applicable provisions of law; and

(2) all management, operational, and other plans and documents which govern the administration of the area.

(i) PARTICIPATION BY OTHER CONSERVATION PROGRAMS.—Any land or water conservation program (or any related program) administered in any State under the authority of any Federal program shall use services available under this title to carry out its program.

SEC. 102. ALLOCATION OF AUTHORIZED FUNDS.

Of the amounts appropriated under section 416(b)(1)(A) to carry out this title in any fiscal year—

(1) 50 percent of such amounts shall be made available to the administering Secretary for expenditures by State program agencies that have been approved for participation in the ACC for work on State and county lands;

(2) 15 percent of such amounts shall be made available to the administering Secretary for expenditures by agencies within the Department of Agriculture, subject to section 416(d);

(3) 5 percent of such amounts shall be made available to the administering Secretary, under such terms as are provided for in regulations promulgated under section 101(e), for expenditure by other Federal agencies, subject to section 416(d);

(4) 25 percent of such amounts shall be made available to the administering Secretary for expenditure by agencies within the Department of the Interior, subject to section 416(d), and for demonstration projects or projects of special merit carried out by any program agency or by any nonprofit organization or local government that is undertaking or proposing to undertake projects consistent with the purposes of this title; and

(5) 5 percent of such amounts shall be made available to the administering Secretary for expenditure by the governing bodies of participating Indian tribes.

TITLE II—YOUTH SERVICE CORPS

SEC. 201. YOUTH SERVICE PROJECT GRANTS.

The Director of ACTION shall appoint a Deputy Director for Youth Service (hereinafter referred to in this Act as the "Deputy Director") who shall provide, to public and private nonprofit agencies determined to be eligible under section 402, grants for youth service projects, and who shall otherwise administer this title.

SEC. 202. SERVICE CATEGORIES.

(a) DESIGNATION OF SERVICE CATEGORIES.—The Deputy Director shall, by regulation, designate specific activities as service categories in which persons serving in youth

service projects may serve for purposes of this title.

(b) ELIGIBILITY REQUIREMENTS.—An activity may be designated as a service category under subsection (a) if the Deputy Director determines that—

(1) such activity is of a substantial social benefit in meeting unmet human, social, or environmental needs (particularly needs related to poverty) or in the community where service is to be performed;

(2) involvement of persons serving in youth service projects under this title in such activity will not interfere unreasonably with the availability and the terms of employment of employees of sponsoring organizations with positions available in such activity;

(3) persons serving in youth service projects under this title are able to meet the physical, mental, and educational qualifications that such activity requires; and

(4) such activity is otherwise appropriate for purposes of this title.

(c) SPECIFIC ELIGIBLE SERVICE CATEGORIES.—The service categories referred to in subsection (a) may include service in—

(1) State, local, and regional governmental agencies;

(2) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, day care centers, and schools;

(3) law enforcement agencies, and penal and probation systems;

(4) private nonprofit organizations whose principal purpose is social service;

(5) the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged persons, weatherization of and basic repairs to low-income housing, energy conservation, including solar energy techniques, removal of architectural barriers to access by handicapped persons to public facilities, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

(6) any other nonpartisan civic activities and services that the Deputy Director determines to be appropriate for purposes of this title.

(d) INELIGIBLE SERVICE CATEGORIES.—The service categories referred to in subsection (a) may not include any position in any—

(1) business organized for profit;

(2) labor union;

(3) partisan political organization;

(4) organization engaged in religious activities, unless such position does not involve any religious functions; or

(5) domestic or personal service company or organization.

(e) RELATED PROGRAMS.—Any program administered under the authority of the Secretary of Health and Human Services, that is operated for the same purpose as any program eligible under this title, is encouraged to use services available under this title to carry out its program.

TITLE III—YOUTH SKILLS ENHANCEMENT

SEC. 301. CERTIFICATION AND ACADEMIC CREDIT.

The administering Secretary or the Deputy Director (as appropriate) shall provide guidance and assistance to States in securing certification of training skills or academic credit for competencies developed under this Act.

SEC. 302. TRAINING AND EDUCATION SERVICES.

(a) ASSESSMENT OF SKILLS.—Each program agency shall, through programs and projects administered under this Act, maintain or enhance the educational skills of enrollees in the program. Each such agency shall assess the educational level of enrollees at the time of entrance into the program, using any available records or simplified assessment means or methodology.

(b) PROVISION OF IN-SERVICE TRAINING AND EDUCATION.—

(1) REQUIREMENT.—Program agencies receiving assistance under this Act shall use not less than 10 percent of the funds made available to such agency to provide in-service training and educational materials and services for enrollees and individuals serving in such projects and may enter into arrangements with academic institutions or education providers, including—

(A) local education agencies,

(B) community colleges,

(C) 4-year colleges,

(D) area vocational-technical schools, and

(E) community based organizations,

for academic study by enrollees and individuals serving in youth service projects during nonworking hours to upgrade literacy skills, to obtain a high school diploma (or its equivalency) or college degrees, or to enhance employable skills. Career counseling shall be provided to enrollees and persons serving in youth service projects during any period of in-service training.

(2) PRIORITY FOR ENROLLEES WITHOUT HIGH SCHOOL DIPLOMAS.—Enrollees and individuals serving in youth service projects who have not obtained a high school diploma or its equivalent shall have priority to receive services under this subsection.

(3) ASSIGNMENTS.—Whenever possible, an enrollee seeking study or training not provided at his or her assigned facility shall be offered assignment to a facility providing such study or training.

(c) POST-SERVICE EDUCATION AND TRAINING ASSISTANCE.—

(1) USE OF FUNDS.—Any program or project receiving funds under this Act shall use not less than 10 percent of such funds to provide the services described in subsection (b)(1) for post-service education and training assistance.

(2) AMOUNT OF ASSISTANCE.—The amount of assistance provided to any eligible individual under this subsection shall be based the period of time such person served in a program or project under this Act.

(3) ACTIVITIES.— The activities conducted under this section may include activities available to eligible enrollees under in-service education and training assistance programs, career and vocational counseling, assistance in entering a program under the Job Training Partnership Act, and assistance for other activities considered appropriate for the enrollee by the program agency and the advisory board.

(d) STANDARDS AND PROCEDURES.—Appropriate State and local officials shall certify that standards and procedures with respect to the awarding of academic credit and the certification of educational attainment in programs conducted under subsection (b) are consistent with the requirements of applicable State and local law and regulations. Such standards and procedures shall specify, among other things, that any individual serving in a program or project under this Act—

(1) who is not a high school graduate, shall participate in an educational component so such individual can progress toward a high school diploma or its equivalent; and

(2) may arrange to receive academic credit in recognition of learning and skills obtained from service satisfactorily completed.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. GRANTS.

(a) AWARDING OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of appropriations legislation pursuant to this Act, any eligible entity may apply to the administering Secretary or the Deputy Director (as appropriate) for funds under this Act in the manner specified under titles I or II.

(2) AMOUNT OF AWARD.—In determining the amount of funds to be awarded to any applicant under this Act, the administering Secretary or the Deputy Director (as appropriate) shall consider—

(A) the proportion of the unemployed youth population of the area to be served; and

(B)(i) in the case of title I, the conservation, rehabilitation, and improvement needs on public lands within the State; and

(ii) in the case of title II, the unmet human, social, or environmental needs (particularly needs related to poverty) within the area to be served.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To receive a grant under this Act, a State or program agency shall demonstrate to the satisfaction of the administering Secretary or the Deputy Director (as appropriate) that such State or agency will expend (in cash or in kind), for purposes of any project funded under this Act, an amount from public or private non-Federal sources (including the direct cost of employment or training services provided by State or local programs, private nonprofit organizations, and private for-profit employers) equal to the amount made available to such State or agency under this Act.

(2) EFFECTIVENESS.—To receive a grant under this Act a State or program agency shall demonstrate to the satisfaction of the administering Secretary or the Deputy Director (as appropriate) that the effectiveness of the program will be enhanced by the use of such Federal funds.

(c) PAYMENT TERMS.—Payments under grants awarded under this Act may be made in advance or by way of reimbursement and at such intervals and on such conditions as the administering Secretary or the Deputy Director (as appropriate) considers necessary.

(d) USE OF FUNDS; LIMITATIONS.—

(1) USE OF FUNDS.—The authority to make contracts under this Act shall be subject to the availability of appropriations. Funds provided under this Act shall only be used for activities that are in addition to those that would otherwise be carried out in the area in the absence of such funds.

(2) LIMITATION.—

(A) CAPITAL EQUIPMENT.—Not more than 10 percent of the amount of funds made available to any State or program agency under this Act for projects during each fiscal year may be used for the purchase of major capital equipment.

(B) ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the amount of funds made available to any State or program agency under this Act may be used to cover administrative expenses.

(C) LOCAL GOVERNMENT.—In any case in which a grant is being awarded to a specific unit of local government rather than to a State, the State may not use more than 3 percent of such grant to cover administrative expenses, and the remainder of the grant shall be transferred to the relevant unit of local government.

(D) CONSERVATION PROGRAMS.—Not more than 5 percent of the amount of funds provided under this Act may be used for part-time service or conservation programs. For purposes of this paragraph the term "part-time" means unpaid service of not more than 15 hours per week.

SEC. 402. APPROVAL OF APPLICATIONS AND SUPERVISION OF PROGRAMS.

(a) APPLICATION.—

(1) SUBMISSION OF PLAN.—In order to be eligible for any grant under this section, an applying entity shall submit, in accordance with subsection (c), a plan that describes the existing or proposed program or project for which such grant is requested.

(2) EMPLOYMENT AND EDUCATION TRAINING.—Any entity that is eligible to provide employment and educational training under other Federal employment training programs may apply for a grant under this section.

(b) CONTENTS OF PLAN FOR ELIGIBILITY FOR GRANTS.—The plan referred to in subsection (a) shall include the following:

(1) GENERAL CONTENTS.—A comprehensive description of the objectives and performance goals for the program, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided.

(2) CERTIFICATION PROGRAM.—A plan for certification of the training skills acquired by enrollees and award of academic credit to enrollees for competencies developed from training programs or work experience obtained under this Act.

(3) ESTIMATES OF PERSONNEL NUMBERS.—An estimate of the number of enrollees and crew leaders necessary for the proposed projects, the length of time for which the services of such personnel will be required, and the services which will be required for their support.

(4) FACILITIES AND EQUIPMENT.—A description of the location and types of facilities and equipment to be used in carrying out the programs.

(5) LIST OF POSITIONS.—A list of positions from which any individual serving in such project may choose a service position, such list shall, to the extent practicable, identify a sufficient number and variety of positions so that any individual living within a program area who desires to serve in voluntary youth service may serve in a position that fulfills the needs of such individual.

(6) LIST OF REQUIREMENTS TO BE IMPOSED.—A list of requirements to be imposed on any sponsoring organization of any individual serving in a program or project under this Act, including a provision that any sponsoring organization that invests in any project under this Act by making a cash contribution or by providing free training of any individual participating in such project shall be given preference over any sponsoring organization that does not make such an investment.

(7) DESCRIPTION OF FACILITIES AND TRANSPORTATION.—With respect to the specified location and type of any facility to be used in carrying out the program, a description of—

(A) the proximity of any such facility to the work to be done;

(B) the cost and means of transportation available between any such facility and the homes of the enrollees who may be assigned to that facility;

(C) the participation of economically, socially, physically, or educationally disadvantaged youths; and

(D) the cost of establishing, maintaining, and staffing the facility.

(8) SUPERVISORY STAFF.—

(A) DESCRIPTION OF MANNER OF APPOINTMENT.—A provision describing the manner of appointment of sufficient supervisory staff by the chief administrator to provide for other central elements of a youth corps, such as crew structure and a youth development component. Supervisory staff may include enrollees who have displayed exceptional leadership qualities.

(B) ON SITE PRESENCE OF SUPERVISORY PERSONNEL.—A provision describing a plan to assure the on-site presence of knowledgeable and competent supervision at program facilities.

(9) DESCRIPTION OF NECESSITIES.—A description of the facilities, quarters, and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities to work sites, and other appropriate services, supplies, and equipment that will be provided by the agency.

(10) WORK STANDARDS.—A description of basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner by which such standards shall be enforced.

(11) ASSIGNMENT OF YOUTH.—A description of the program's plan to assign youths to facilities as near to their homes as is reasonable and practicable.

(12) OTHER INFORMATION.—Such other information as the administering Secretary or the Assistant Director (whichever the case may be) may prescribe.

(c) PRELIMINARY APPROVAL OF TITLE I APPLICATIONS.—

(1) SUBMISSION OF APPLICATION TO STATE AGENCY.—An application for participation in the State component under title I shall first be submitted to the designated State agency for preliminary review and approval.

(2) SUBMISSION TO JOB TRAINING COORDINATING COUNCIL.—Such agency shall forward to the appropriate State job training coordinating council, if any (established under the Job Training Partnership Act (29 U.S.C. 1502 et seq.)), for further review and comment, any application it approves.

(3) SUBMISSION TO ADMINISTERING SECRETARY.—On the expiration of the 30-day review period referred to in subsection (e), the State agency shall submit any approved application, along with any comments by the job training coordinating council, to the administering Secretary.

(4) REVIEW AND COMMENT.—A State may submit any application for its own program under title I to the administering Secretary after complying with the review and comment requirement under subsection (e).

(5) APPEALS PROCEDURE.—The administering Secretary shall establish an appeals procedure (involving review and comment by the State job training council) for applying entities whose applications are disapproved under paragraph (1).

(d) TITLE II APPLICATIONS.—An application for participation under title II may be submitted by any public or private nonprofit entity to the administering Secretary of Deputy Director after review and comment under subsection (e).

(e) REVIEW AND COMMENT ON APPLICATIONS.—No application for participation under title I or II shall be submitted to the administering Secretary or the Deputy Director (as appropriate) before the end of the 30-day period for review and comment by the council under subsection (c) (except in the case of an appeal).

(f) CRITERIA FOR APPROVAL OF APPLICATIONS.—In approving an application under this section, the administering Secretary or the Deputy Director (as appropriate) shall consider the extent to which the specifics of the program or project (as described in the application) meet the goals of the program for which the grant is sought.

SEC. 403. PREFERENCE FOR CERTAIN PROJECTS.

In the approval of applications for programs and projects submitted under section 402, the Administering Secretary or the Deputy Director (as appropriate) shall give preference to those programs and projects that—

(1) will provide long-term benefits to the public;

(2) will instill in the enrollees a work ethic and a sense of public service;

(3) will be labor intensive, and involve youth operating in crews;

(4) can be planned and initiated promptly;

(5) will enhance the enrollees' educational level and opportunities, and skills development;

(6) in the case of a proposed title I project, will meet the unmet needs for conservation, rehabilitation, and improvement work on public lands within the State; and

(7) in the case of a proposed title II project, will meet human, social, and environmental needs (particularly needs related to poverty).

SEC. 404. EFFECT OF EARNINGS ON ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.

Earnings and allowances received under this Act by an economically disadvantaged youth, as defined in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)), shall be disregarded in determining the eligibility of the family of the youth for, and the amount of, any benefits based upon need under any program established under this Act.

SEC. 405. ENROLLMENT.

(a) CRITERIA.—

(1) AGE AND EDUCATION CRITERIA.—

(A) IN GENERAL.—Enrollment in the ACC and Youth Service Corps shall be limited to individuals who, at the time of enrollment, are—

(i) not less than 16 years or more than 25 years of age, except that programs limited to the months of June, July, and August may include individuals not less than 15 years and not more than 21 years of age at the time of their enrollment; and

(ii) citizens or nationals of the United States (including those citizens of the Northern Mariana Islands as defined in section 24(b) of the Act entitled "An Act to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes.", approved December 8, 1983 (Public Law 98-213; 48 U.S.C. 1681 note) or lawful permanent resident aliens of the United States.

(B) ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Special efforts shall be made to recruit and enroll individuals who, at the time of enrollment, are economically disadvantaged.

(C) SOCIALLY DISADVANTAGED INDIVIDUALS.—In addition to enrollment efforts required in subparagraph (B), the administering Secretary or the Deputy Director (as appropriate) shall make special efforts to recruit enrollees who are socially, physically, and educationally disadvantaged youths.

(D) HIGH SCHOOL DIPLOMA'S REQUIRED.—Any person who does not hold a high school

diploma or its equivalent may not be accepted for service in a program or project under this Act unless such person has not been enrolled as a high school student during the 3-month period before the date of such acceptance.

(E) SPECIAL SKILLS.—Notwithstanding subparagraph (A), a limited number of special corps members may be enrolled without regard to their age so that the corps may draw on their special skills which may contribute to the attainment of the purposes of this Act.

(2) HIGH SCHOOL STUDENTS.—Except in the case of a program limited to the months of June, July, and August, individuals who at the time of applying for enrollment have attained 16 years of age but not attained 19 years of age, and who are no longer enrolled in any secondary school shall not be enrolled unless they give adequate written assurances, under criteria to be established by the administering Secretary or the Deputy Director (as appropriate), that they did not leave school for the express purpose of enrolling. The regulations promulgated under section 101(e) shall provide such criteria.

(3) SELECTION OF ENROLLERS.—The selection of enrollees to serve in the ACC and Youth Service Corps shall be the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified persons who have applied to, or been recruited by, the program agency, a State employment security service, a local school district with an employment referral service, an administrative entity under the Job Training Partnership Act (29 U.S.C. 1502 et seq.), a community or community-based nonprofit organization, the sponsor of an Indian program, or the sponsor of a migrant or seasonal agricultural worker program.

(4) LENGTH OF ENROLLMENT.—

(A) IN GENERAL.—Except for a program limited to the months of June, July, and August, any qualified individual selected for enrollment may be enrolled for a period not to exceed 24 months. When the term of enrollment does not consist of one continuous 24-month term, the total of shorter terms may not exceed 24 months.

(B) AGE OF ENROLLEE.—No individual may remain enrolled in the ACC and Youth Service Corps after that individual has attained the age of 26 years, except as provided in paragraph (1)(D).

(C) PERFORMANCE OF SERVICE.—No enrollee shall perform services in any project for more than a 6 month-period.

(5) STANDARDS OF CONDUCT.—

(A) ESTABLISHMENT.—Within the ACC and Youth Service Corps the directors of programs shall establish and stringently enforce standards of conduct to promote proper moral and disciplinary conditions.

(B) VIOLATIONS.—Enrollees who violate these standards shall be transferred to other locations, or dismissed, if it is determined that their retention in that particular program, or in the Corps, will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(C) APPEALS.—Such disciplinary measures shall be subject to expeditious appeal to the administering Secretary or the Deputy Director (as appropriate).

(b) REQUIREMENT OF PAYMENT FOR CERTAIN SERVICES.—

(1) IN GENERAL.—A reasonable portion of the costs of the rates for room and board provided at residential facilities may be deducted from amounts determined under subsection (c) and deposited into rollover funds administered by the appropriate program agency.

(2) EVALUATIONS.—The deductions and rates under paragraph (1) are to be established after evaluation of costs of providing the services.

(3) ROLLOVER FUNDS.—The rollover funds established pursuant to this section shall be used solely to defray the costs of room and board for enrollees.

(4) SURPLUS FOOD AND EQUIPMENT.—The administering Secretary, or the Deputy Director (as appropriate), and the Secretary of Defense may make available to program agencies any surplus food and equipment available from Federal programs.

(c) STIPENDS AND OTHER BENEFITS.—

(1) SCHEDULE OF STIPENDS.—The administering Secretary or the Deputy Director (as appropriate), shall devise a schedule providing an aggregate amount of stipends and other benefits, including education and training benefits (such as loans, scholarships, and grants) in an amount that is equal to not less than 100 percent and not more than 160 percent of the amount such enrollee would have earned if such person had been paid at a rate equal to the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) during the period of service of such enrollee.

(2) ALLOWANCE.—During the period of an enrollee's service, the enrollee shall receive, from amounts determined under paragraph (1), an allowance (in cash or in kind) of not less than 50 percent and not more than 100 percent of such minimum wage, to be paid to such person during such period of service.

(3) DETERMINATION OF AMOUNTS.—In any case in which enrollees would perform services substantially similar to the duties and responsibilities of a regular employee employed by the employer to whom such enrollee is assigned, the program agency shall ensure that the amount determined under paragraph (1) shall be based on a rate not less than the highest of—

(A) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938;

(B) the minimum wage under the applicable State or local mininum wage law; or

(C) the prevailing rates of pay for such regular employees of the employer.

(d) FACILITIES, SERVICES, AND SUPPLIES.—

(1) PROGRAM AGENCY.—The program agency shall provide facilities, quarters, and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities to work sites, and other appropriate services, supplies, and equipment.

(2) ADMINISTERING SECRETARY OR DEPUTY DIRECTOR.—

(A) IN GENERAL.—The administering Secretary or the Deputy Director (as appropriate) may provide services, facilities, supplies, and equipment to any program agency carrying out projects under this Act.

(B) LOGISTICAL SUPPORT.—Whenever possible, the administering Secretary or the Deputy Director (as appropriate) shall make arrangements with the Secretary of Defense to have logistical support provided by a military installation near the work site, including the provision of temporary tent centers where needed, and other supplies and equipment.

(e) HEALTH AND SAFETY STANDARDS.—The administering Secretary or the Deputy Director (as appropriate), along with the program agency, shall establish standards and enforcement procedures concerning enrollee health and safety for all projects, consistent with Federal, State, and local health and safety standards.

(f) GUIDANCE AND PLACEMENT.—Program agencies shall provide such job guidance and placement information and assistance for enrollees as may be necessary. Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

SEC. 406. COORDINATION AND PARTICIPATION WITH OTHER ENTITIES.

(a) AGREEMENTS.—Program agencies may enter into contracts and other appropriate arrangements with local government agencies and nonprofit organizations for the operation or management of any projects or facilities under the program.

(b) COORDINATION.—The administering Secretary or the Deputy Director (as appropriate) and the chief administrators of program agencies carrying out programs under this Act shall coordinate the programs with related Federal, State, local, and private activities.

(c) JOINT PROJECTS INVOLVING THE DEPARTMENT OF LABOR.—

(1) DEVELOPMENT.—The administering Secretary or the Deputy Director (as appropriate) may develop, jointly with the Secretary of Labor, regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this Act are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Job Training Partnership Act (29 U.S.C. 1502 et seq.)).

(2) STANDARDS.—Regulations promulgated under paragraph (1) shall provide standards for approval of joint projects which meet both the purposes of this Act and the purposes of such employment and training statutes under which funds are available to support the activities proposed for approval.

(3) APPROVAL.—Regulations promulgated under paragraph (1) shall establish a single mechanism for approval of joint projects developed at the State or local level.

SEC. 407. AMERICAN CONSERVATION AND YOUTH SERVICE CORPS STATE ADVISORY BOARDS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—On the approval of a project within a State, the State job training coordinating council within the State shall appoint an advisory board for the purpose of conducting regular oversight and review of projects within the State.

(2) CERTIFICATION.—The advisory board shall certify that the project satisfies the requirements and limitations under this Act, including limitations respecting the displacement of existing employees and the types of projects and responsibilities appropriate for enrollees.

(3) ADMINISTRATION.—Members of the advisory board shall provide guidance and assistance for the development and administration of projects.

(b) COMPOSITION.—

(1) IN GENERAL.—Each advisory board shall be composed of not less than seven individuals, of whom—

(A) two individuals who shall be representatives of organized labor (one of each representing the State and local levels); and

(B) five individuals, one each of whom is a representative of the business community, community based organizations, State government (or an appropriate State agency),

local elected office, and State or local school administration.

(2) ADDITIONAL MEMBERS.—If more than 7 individuals are appointed to the advisory board, the representation scheme described in paragraph (1) shall be met, to the extent practicable.

(c) ANNUAL MEETINGS.—Each advisory board shall meet not less often than twice annually.

SEC. 408. FEDERAL AND STATE EMPLOYEE STATUS.

(a) IN GENERAL.—Enrollees, crew leaders, and volunteers are considered as being responsible to, or the responsibility of, the program agency administering the project on which they work.

(b) NOT FEDERAL EMPLOYERS.—Except as otherwise specifically provided in the following paragraphs, enrollees and crew leaders in projects for which funds have been authorized pursuant to section 415 shall not be considered Federal employees and should not be subject to the provisions of law relating to Federal employment:

(1) TITLE 5.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, enrollees and crew leaders serving American Conservation and Youth Service Corps program agencies shall be considered employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty" shall not include any act of an enrollee or crew leader while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction and supervision of a program agency (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee's or crew leader's employment is terminated.

(2) TITLE 22.—For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, enrollees and crew leaders on ACC and Youth Service Corps projects shall be considered employees of the United States within the meaning of the term "employee of the Government" as defined in section 2671 of such title.

(3) ALLOWANCE FOR QUARTERS.—For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section.

SEC. 409. NONDUPLICATION AND NONDISPLACEMENT.

(a) NONDUPLICATION.—

(1) IN GENERAL.—Funds provided pursuant to this Act shall be used only for activities that do not duplicate and that are in addition to programs and activities that are otherwise available in the local area. States shall certify that proposed projects shall not duplicate ongoing programs.

(2) STATE OR LOCAL ACTIVITIES.—No funds made available under this Act may be provided to any private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by the State or local government in the local area unless the level of State or local government employees working in the same or substantially equivalent activities is maintained at the levels specified in sections 409(c)(4), (5), and (6).

(b) LIMITATIONS ON CERTAIN PROJECTS AND ACTIVITIES.—

(1) DISPLACEMENT PROHIBITED.—Projects conducted under this Act shall be designed by the project grantee, along with any labor organization representing employees engaged in the same or substantially similar work, to achieve the objective of avoiding the displacement of regular jobs and employees.

(2) INVOLVEMENT OF LABOR ORGANIZATION.—Any labor organization identified in paragraph (1) shall, if it so elects, assist in supervising the project.

(3) ACHIEVING NONDISPLACEMENT.—To achieve such objective, the Deputy Director or appropriate official of the State or local government shall take into account the following factors in determining whether to approve a proposed project that complement existing services:

(A) The number of projects in the local area that would complement existing employment services.

(B) The imposition of a limitation on the maximum length of time projects are conducted within the local area.

(C) The number of enrollees participating in any ongoing project extending beyond a specific period determined by the State.

(D) The number of service years (or months) allowed for participation in such projects.

(E) The transfer of enrollees to different types of projects.

(c) NONDISPLACEMENT.—

(1) PROHIBITION.—No currently employed worker or position shall be displaced by any enrollee (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) LAYOFFS OR TERMINATIONS.—

(A) LAYOFFS.—No enrollee under this Act shall be employed or placed in a position in any case in which an individual is on layoff from the same or any substantially equivalent position.

(B) TERMINATIONS.—No enrollee under this Act shall be placed in a position of service when, following the submission of a project proposal for the local area, the employer terminates the employment of any regular employee in the same or any substantially equivalent position job or otherwise reduces the number of regular employees in any such position.

(3) PROMOTIONAL ACTIVITIES.—No jobs shall be created in a promotional line that will infringe in any way on the promotional opportunities of currently employed individuals.

(4) AGENCIES OR ORGANIZATIONS.—No enrollee under this Act shall be assigned to any local agency or organization unless the number of employees in such agency or organization is at least equal to the number of regular employees who were employed in the local workforce of such agency or organization in the two years preceding the application submitted under this Act.

(5) INCREASE IN POSITIONS.—No enrollee under this Act shall be assigned to any position if the rate of increase in the number of regular local employees in substantially equivalent positions is less than the rate of increase of regular local employees in all positions of the employer in the two years preceding the calendar quarter in which the project application is submitted and in each succeeding calendar quarter.

(6) INCREASE IN POSITIONS AT DEPARTMENT OR AGENCIES.—No enrollee under this Act shall be assigned to any State or local government department or agency if the rate of increase in the number of regular employees in such department or agency is less than the rate of increase of regular employees in all of the departments or agencies of such State or local government in the calendar year preceding the calendar quarter in which the application for a project is submitted and in each succeeding two year period.

(d) LABOR IMPACT REPORTS.—

(1) REQUIREMENT.—Any recipient of a grant made under this Act shall transmit an annual report to any local labor organization representing government employees who are engaged in similar work to that performed by enrollees in a local project.

(2) CONTENTS.—Each report submitted under paragraph (1) shall, with respect to each relevant position, organization, and relevant government department or agency in which enrollees serve under a project, describe—

(A) the number of all regular employees in each such position, organization, and department or agency affected by such enrollees

(i) during the year to which such report applies, and

(ii) during the quarter preceding the enactment of this Act; and

(B) the number of enrollees performing services in such position, organization, and department or agency during each such quarter.

(e) USE OF FUNDS IN CONNECTION WITH UNION ORGANIZING.—Each recipient of funds under this Act shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(f) REVIEW OF PROPOSED PROJECTS BY LABOR ORGANIZATIONS.—In any case in which services performed by enrollees under a proposed project would be similar to employment performed by employees represented by a labor organization, such organization shall be afforded an opportunity to review the proposed project. If such organization determines that the proposed project would not satisfy the nondisplacement and nonduplication protections under this section, the project shall be revised by the program agency in order to satisfy such protections.

SEC. 410. GRIEVANCE PROCEDURE.

(a) COMPLAINTS.—

(1) IN GENERAL.—Each program agency shall establish and maintain a grievance procedure for grievances and complaints about its projects from enrollees and, labor organizations and other interested persons.

(2) HEARINGS.—Hearings on any grievance shall be conducted not later than 30 days after the filing of a grievance and decisions shall be made not later than 60 days after such filing.

(3) LIMITATION.—Except for complaints alleging fraud or criminal activity, complaints shall be made not later than 1 year after the date of the alleged occurrence.

(b) INVESTIGATION BY THE ADMINISTERING SECRETARY OR THE DEPUTY DIRECTOR.—On exhaustion of a grievance proceeding without decision, or where the administering Secretary or the Deputy Director (as appropriate) has reason to believe that the program agency is failing to comply with the requirements of this Act or the terms of a project, the administering Secretary or the Deputy Director (as appropriate) shall investigate the allegation or belief within the complaint and determine, not later than 129 days after receiving the complaint, whether such allegation or belief is true.

SEC. 411. USE OF VOLUNTEERS.

Where any program agency has the authority to use volunteer services in carrying out the functions of the agency, such agency may use volunteer services for purposes of assisting projects carried out under this Act and may expend funds made available for those purposes to the agency, including funds made available under this Act, to provide for services or costs incidental to the utilization of such volunteers, including transportation, supplies, lodging, recruiting, training, and supervision. The use of volunteer services permitted by this section shall be subject to the condition that such use does not result in the displacement of any enrollee.

SEC. 412. NONDISCRIMINATION PROVISION.

(a) IN GENERAL.—No individual shall on the ground of race, creed, belief, color, national origin, sex, handicap, or political affiliation, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or project for which any State receives assistance under this Act.

(b) CONSTRUCTION UNDER CIVIL RIGHTS ACT OF 1964.—For purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), any program or project for which any State is receiving assistance under this Act shall be considered to be receiving Federal financial assistance.

SEC. 413. LABOR MARKET INFORMATION.

The Secretary of Labor shall make available to the administering Secretary or to the Deputy Director (as appropriate) and to any program agency under this Act such labor market information as is appropriate for use in carrying out the purposes of this Act.

SEC. 414. REVIEW AND REPORTING REQUIREMENTS.

(a) REPORT TO THE PRESIDENT AND CONGRESS.—The administering Secretary or the Deputy Director (as appropriate) shall prepare and submit to the President and to the appropriate committees of Congress, at least annually, a report detailing the activities carried out under this Act during the preceding fiscal year. Such report shall be submitted not later than December 31 of each year following the date of the enactment of this Act.

(b) OVERSIGHT.—

(1) REQUIREMENT.—Each recipient of a grant made under section 402 shall provide oversight of service by any person in an ACC and Youth Service Corps project under this Act, and of the operations of any employer of such person, in accordance with procedures established by the administering Secretary or the Deputy Director (as appropriate).

(2) PROCEDURES.—Procedures established under paragraph (1) shall include fiscal control, accounting, audit, and debt collection procedures to ensure the proper disbursal of, and accounting for, funds received under this Act.

(3) ACCESS TO INFORMATION.—In order to carry out this section, each such recipient shall have access to such information concerning the operations of any sponsoring organization as the administering Secretary or the Deputy Director (as appropriate) determines to be appropriate.

(c) ANNUAL REPORT TO THE SECRETARY.—Any recipient of a grant made under this Act shall prepare and submit an annual report to the administering Secretary or the Deputy Director (as appropriate) on such date as the Secretary shall determine to be appropriate. Such report shall include—

(1) a description of activities conducted by program or project for which such grant was awarded during the year involved;

(2) characteristics of the individuals serving in such program or project;

(3) characteristics of the positions held by such individuals;

(4) a determination of the extent to which relevant standards, as determined by the administering Secretary or the Deputy Director (as appropriate), were met by such individuals and their sponsoring organizations;

(5) a description of the post-service experiences, including employment and educational achievements, of individuals who have served, during the year that is the subject of the report, in projects under this Act; and

(6) any additional information that the administering Secretary or the Deputy Director (as appropriate) determines to be appropriate for purposes of this Act.

(d) RESEARCH AND EVALUATION.—The administering Secretary or the Deputy Director (as appropriate) shall provide for research and evaluation to—

(1) determine the costs and benefits, tangible and otherwise, of the work performed under this Act and of training and employable skills and other benefits gained by enrollees; and

(2) identify the options for improving program productivity and youth benefits, that may include alternatives for—

(A) organization, subjects, sponsorship, and funding of work projects;

(B) recruitment and personnel policies;

(C) siting and functions of facilities;

(D) work and training regimes for youth of various origins and needs; and

(E) cooperative arrangements with programs, persons, and institutions not covered under this Act.

(e) TECHNICAL ASSISTANCE.—Each administering Secretary or the Deputy Director (as appropriate) shall provide technical assistance to the States, to local governments, nonprofit entities and other entities eligible to participate under this Act.

SEC. 415. AUTHORITY OF STATE LEGISLATURE.

Nothing in this Act shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with this Act, of the programs administered under this Act. In any case in which the participant activities overlap with the routine services or functions of an employer, no participant shall work in the same project for more than 6 months.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS AND OTHER FISCAL PROVISIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, $152,400,000 for fiscal year 1990 and such sums as may be necessary for succeeding fiscal years.

(b) FISCAL YEAR 1990.—

(1) ALLOCATIONS.—Of amounts appropriated for fiscal year 1990—

(A) $70,000,000 shall be allocated to carry out title I (the American Conservation Corps);

(B) $50,000,000 shall be allocated to carry out title II (the Youth Service Corps);

(C) $15,240,000 shall be allocated for in-service education and $15,240,000 for post-service education as authorized under this Act; and

(D) $1,000,000 shall be allocated to carry out title V (relating to the Commission), and an additional $1,000,000 shall be authorized to be appropriated for fiscal year 1991 for such purpose.

(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended.

(c) LIMITATION ON APPROPRIATIONS.—Of amounts appropriated to carry out this Act, funds shall first be made available for part A of title I of the Domestic Volunteer Service Act in an amount necessary to provide the number of service years required for authorized fiscal year under such Act.

(d) LIMITATIONS ON ADMINISTRATIVE EXPENSES.—The regulations promulgated under this Act shall establish appropriate limitations on the administrative expenses incurred by Federal agencies carrying out programs under this Act, including a cost reimbursement system under which the administrative expenses are paid under this Act through reimbursement.

(e) CARRYOVER.—Funds obligated for any program year may be expended by each recipient during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

TITLE V—COMMISSION ON NATIONAL SERVICE OPPORTUNITIES

SEC. 501. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) national service in a variety of areas represents a vast and essentially untapped resource that can and should be used to meet national and local needs;

(2) greater leadership is needed on the part of the Federal government to encourage the people of the United States to serve and to encourage State and local authorities to provide opportunities for meaningful service;

(3) the United States faces numerous challenges which can be better met if we draw on the creative energies of young people and others through a program of national service;

(4) the people of the United States could benefit from improving the quality of, and expanding the number of, opportunities for young people to perform voluntary national service;

(5) an expansion in the number of opportunities for young people to perform voluntary national service could—

(A) take advantage of the huge reservoir of talent among young people;

(B) give young people the opportunity to experience and perform public service before they choose a definite career path; and

(C) contribute to the educational and personal growth of young people;

(6) disagreement exists among the people of the United States regarding the best method to implement and administer programs designed to offer young people the opportunity to perform voluntary national service; and

(7) a high-level commission is needed to—

(A) make recommendations to the President and the Congress concerning the effectiveness of existing national service programs and the costs and benefits of alternative types of national service programs;

(B) focus national attention on the desirability of improving the quality of, and expanding the number of, opportunities for voluntary national service; and

(C) make recommendations to the President and the Congress regarding the best method to improve and expand such opportunities;

(b) PURPOSES.—It is the purpose of this title to—

(1) establish a commission to examine the issues associated with national service, including the American Conservation Service (established under title I) and the Youth Service Corps (established under title II);

(2) focus national attention on the need for and benefits of national service, on opportunities that exist for such service, and on alternative types of national service programs that may help the United States to meet a broad range of national and local needs;

(3) explore and assess alternative methods for providing the people of the United States with the incentives and the opportunities to provide useful service to the community and the United States; and

(4) provide the President, the Congress, and the people of the United States with an overview and assessment of existing opportunities for national service (including Federal government, State government, and local government programs) and a series of options for alternative types of national service programs designed to help the United States deal with youth unemployment, conservation of natural and cultural resources, protection of the environment, reconstruction of the inner cities, education, services for older Americans and handicapped individuals, and personnel requirements for a wide variety of Federal, State, and local programs and agencies.

SEC. 502. COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on National Service Opportunities (hereinafter in this title referred to as the "Commission").

(b) DUTIES.—

(1) STUDY.—The Commission shall conduct a study relating to the opportunities for young people to perform voluntary national service and the effect of improving the quality of, and expanding the number of, such opportunities on Federal and other employees. The Commission shall include in such study an assessment of—

(A) existing service opportunities in the public and private sectors of the United States and the effectiveness of such opportunities in meeting national and local needs, in building a sense of commitment to the community and the United States, and in instilling in the participants a sense of accomplishment and pride;

(B) existing and potential incentives to encourage service in the public and private sectors of the United States;

(C) alternative types of national service programs and the relative costs and benefits of such national service programs, including the desirability, feasibility, and cost of providing to young people who volunteer to perform public service in the Federal government—

(i) a stipend; and

(ii) travel expenses and health insurance benefits similar to the travel expenses and health insurance benefits available to Federal employees;

(D) the need for and the desirability, feasibility, and cost of expanding existing service opportunities and incentives and establishing any of the alternative types of national service programs;

(E) the extent to which such improvement and expansion could—

(i) help participants develop a sense of commitment to their communities and the United States;

(ii) enhance the personal growth and education of participants; and

(iii) improve future employment opportunities for more participants;

(F) the feasibility of improving the quality of, and expanding the number of, voluntary national service opportunities in the Federal Government that are available to participants without—

(i) displacing Federal employees;

(ii) displacing other volunteers; or

(iii) curtailing employment opportunities with the Federal Government;

(G) the desirability and feasibility of allowing Federal agencies, at the request of a State or local government, to assign participants to State and local projects and programs;

(H) the impact of potential changes in the incentives for service, and of various alternative types of national service programs, on existing institutions (including educational institutions, labor organizations, private and public service programs, and Federal youth, jobs, and training programs);

(I) the cost effectiveness of both alternative and existing voluntary service programs and the feasibility and desirability of incorporating these programs into a comprehensive national service program;

(J) the need for and the desirability, feasibility, and cost of establishing and carrying out a program of mandatory national service;

(K) the role of all individuals (regardless of age, sex, income, and education) in existing service programs and in the alternative types of national service programs;

(L) the ways in which existing service programs and alternative types of national service programs will provide participants with a sense of accomplishment and pride and an opportunity to contribute to the welfare of the society by responding to unmet needs of the community and the United States; and

(M) alternative ways to furnish educational assistance to participants in national service programs and assess the cost of furnishing assistance in each such way.

(2) CONSULTATION AND MEETINGS.—As part of the study conducted under paragraph (1), the Commission shall—

(A) consult with young people and representatives of groups most likely to be adversely affected by improving the quality of, and expanding the number of, opportunities for participants to perform voluntary national service; and

(B) conduct meetings, hearings, and conferences in various regions and localities in the United States to gather the opinions of a wide variety of people, particularly young people and those people and groups most likely to be affected by any changes in existing service programs or the establishment of a program of national service.

(c) MEMBERSHIP, APPOINTMENT, PAY, AND MEETINGS.—

(1) MEMBERSHIP.—The Commission shall be composed of 21 members to be appointed as follows:

(A) PRESIDENT.—Eleven members shall be appointed by the President from among individuals who are broadly representative of private volunteer organizations, secondary and higher education, business, organized labor, the military, social service and civil liberty organizations, Federal, State, and local governments, and groups with a primary interest in service opportunities for youth, handicapped individuals, and older Americans, of which not fewer than three such members shall be individuals who are not less than 17 years of age and not more than 25 years of age on the date of their appointment to the Commission.

(B) SPEAKER OF THE HOUSE.—Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, of which two such members shall be Members of the House of Representatives and one such member shall be an individual who is not less than 17 years of age and not more than 25 years of age on the date of the individual's appointment to the Commission.

(C) MAJORITY LEADER OF THE SENATE.—Five members shall be appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate, of which two such members shall be Senators and one such member shall be an individual who is not less than 17 years of age and not more than 25 years of age on the date of the individual's appointment to the Commission.

(2) CONTINUED SERVICE.—If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, such member may continue as a member of the Commission until a successor is appointed.

(3) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) TERM OF SERVICE.—Members of the Commission shall be appointed for the life of the Commission.

(5) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Commission shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of the duties of the Commission.

(B) EXPENSES.—Members of the Commission shall be paid per diem and reimbursed for travel and transportation expenses in connection with the performance of the functions and duties of the Commission as provided in sections 5702 and 5703 of title 5, United States Code.

(C) LIMITATION.—Members of the Commission who are officers or employees of the United States or Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(6) QUORUM.—Eleven members of the Commission shall constitute a quorum, but a smaller number of members may hold hearings.

(7) CHAIRPERSON.—Not later than 45 days after the effective date of this section, the President shall designate the Chairperson of the Commission from among those individuals appointed by the President under paragraph (1)(A).

(8) MEETINGS.—The first meeting of the Commission shall be held not later than 60 days after the designation of the Chairperson under paragraph (7). The Commission shall meet at least once every 3 months after its first meeting. The date and time of all meetings of the Commission shall be at the call of the Chairman or a majority of its members.

(d) EXECUTIVE DIRECTOR AND STAFF.—

(1) IN GENERAL.—The Commission shall have an Executive Director who shall be appointed by the Chairperson of the Commission and who shall be paid at a rate determined by the Chairperson. The rate of pay may not exceed the annual rate of basic pay payable for GS-18 of the General Schedule.

(2) OTHER PERSONNEL.—Subject to such rules as may be prescribed by the Commis-

sion, the Chairperson of the Commission may appoint and fix the rate of pay of such additional personnel as the Chairperson considers appropriate. A rate of pay fixed pursuant to this subsection may not exceed the annual rate of basic pay payable for GS-18 of the General Schedule.

(3) COMPENSATION.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code (governing appointments in the competitive service), and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) TEMPORARY SERVICES.—Subject to such rules as may be prescribed by the Commission, the Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for GS-18 of the General Schedule.

(5) DETAILING OF PERSONNEL.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(e) POWERS.—

(1) HEARINGS, ETC.—The Commission may, for the purpose of carrying out this section, hold such hearings and conferences, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) ACTION.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(7) CONTRACTS.—The Commission, through its Chairperson, may enter into any contract which the Commission considers necessary to carry out this section.

SEC. 503. REPORTS AND RECOMMENDATIONS.

(a) COMMISSION REPORTS.—The Commission may transmit to the President and to each House of the Congress such interim reports as the Commission considers appropriate and shall transmit a final report to the President and to each House of the Congress not later than 15 months after the date of the first meeting of the Commission. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(b) EXECUTIVE AGENCY RECOMMENDATIONS.—After the final report is transmitted to the President and each House of the Congress pursuant to subsection (a), each executive department and agency affected by the final report, as determined by the President, shall submit to the President recommendations for implementing the final report.

(c) PRESIDENTIAL INTERIM REPORT.—

(1) IN GENERAL.—Not later than 90 days after the final report is transmitted by the Commission to each House of the Congress pursuant to subsection (a), the President shall transmit to each House of the Congress an interim report containing a detailed statement on—

(A) the desirability, feasibility, and cost of implementing each of the recommendations of the Commission, and the actions taken or planned with respect to the implementation; and

(B) recommendations with respect to any legislation proposed by the Commission and the need for any alternative or additional legislation to implement the recommendations of the Commission.

(2) FINAL REPORT.—Not later than 90 days after the interim report is transmitted to each House of the Congress under paragraph (1), the President shall transmit to each House of the Congress a final report containing a detailed statement on any actions taken to implement the recommendations of the Commission, together with any further recommendations for legislation or administrative actions.

SEC. 504. TERMINATION AND EFFECTIVE DATE.

(a) TERMINATION.—The Commission shall terminate 180 days after its final report is transmitted to the President and each House of the Congress under section 503(a).

(b) EFFECTIVE DATE.—This title shall become effective on October 1, 1989.●

● Mr. MOYNIHAN. Mr. President, I rise today as an original cosponsor of the American Conservation Corps and Youth Service Act of 1989, introduced by my good friend, Senator DODD. This bill is sorely needed to help eliminate the nagging problem of teen unemployment, to foster a healthier brand of citizenship, and to provide needed social and environmental services across the country.

As we are all painfully aware, youth unemployment remains intolerably high despite the economic recovery of the last few years. In my own State of New York, more than 54,000 youths aged 16 to 19 were unemployed in the first 9 months of 1988. Teens were almost three times as likely to be unemployed as all New Yorkers. This reflects a pattern of youth unemployment that plagues the country. Nationwide, in December 1988, 15 percent of Americans 16 to 19 were unemployed; 29.6 percent of black teenagers were unemployed; 1.2 million teens wanted but could not find work last month. This must not continue.

I have long proposed the establishment an American Conservation Corps as a method of providing youth employment. Such a corps, like its predecessor the Civilian Conservation Corps of the 1930's, would also provide an opportunity for disadvantaged youth to perform much needed conservation and reclamation work. I have introduced the American Conservation Corps Act five times in the last 8 years—most recently last Wednesday—and have seen it pass the Senate twice.

The bill Senator DODD and Representative LEON PANETTA introduced today would establish a Conservation Corps, and contain two other important features. First, in addition to the ACC, the bill establishes a Youth Service Corps to assist public and private nonprofit groups in providing human service assistance to their communities.

Second, the bill contains provisions encouraging local education facilities to provide in-service and postservice education and job-training. The corps will therefore provide more than just experience. It will provide an opportunity for participants to improve their literacy and to become more productive members of society.

The idea of a national public service program is enjoying something of a renaissance. And with good reason. The call to "ask what you can do for your country" spoken by President Kennedy at his inauguration, and echoed by President Bush in his, still has great resonance. Because few callings are more valuable than those that enrich one's own experience while enriching the Nation.●

By Mr. WIRTH (for himself, Mr. BUMPERS, Mr. GORE, Mr. CRANSTON, Mr. HEINZ, Mr. FOWLER, Mr. PELL, Mr. BINGAMAN, Mr. LEAHY, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. INOUYE, Mr. ADAMS, Mr. BREAUX, Mr. SANFORD, Mr. DASCHLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. DODD, Ms. MIKULSKI, Mr. GORTON, Mr. SARBANES, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. SIMON, Mrs. KASSEBAUM, Mr. DECONCINI, Mr. SPECTER, Mr. BRYAN, Mr. BOSCHWITZ, and Mr. RIEGLE):

S. 324. A bill to establish a national energy policy to reduce global warming, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL ENERGY POLICY ACT

Mr. WIRTH. Mr. President, I send to the desk, for appropriate reference, an omnibus global warming bill entitled "The National Energy Policy Act of 1989."

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. WIRTH. Mr. President, the time has come to stop our assault on the atmosphere and to wage a new battle to protect the global environment. Citizens of our country and people around the world are becoming increasingly concerned and in fact alarmed about our global environmental systems, many of which are today stretched to the breaking point.

Last summer's stories of needles on the beaches of New Jersey told us about the absorptive capacity of the ocean and the problems of ocean dumping. Air pollution problems which infect our cities, infect our relationships with our neighbors to the north and infect European countries and countries around the world continue to plague us. Toxic waste issues and garbage disposal are too familiar to us all. The problems of ozone depletion are becoming well known. Overpopulation plagues many areas in the world. We are rapidly destroying extraordinarily precious rain forests in South America and elsewhere, and we are on a course toward rapidly warming our globe.

This last issue, global warming, may be the most important issue of them all. The world is getting warmer. The theory of global warming is well-established. We do not have to debate that any longer. The facts of global warming are also becoming increasingly clear. The trend is increasingly apparent and it is up. As we examine the upward trend, we come to understand that the impacts of global warming could be appalling and very dangerous for us all—in the area of agriculture, it could dry out our soils and dramatically change the face of agriculture in the United States and around the world; our oceans, expanding with increased warmth, could expand in a fashion that will have very deleterious effects on our coasts and coasts around the world; the availability of water is threatened in areas like my own where we are dependent upon capturing scarce spring runoff; and the survival of species could be in danger. All of these are impacts of global warming, and there are many others.

So it is time for us now, Mr. President, to act, to act decisively, clearly, and comprehensively.

The legislation that I am introducing this afternoon is exactly that kind of a broad, ambitious, and comprehensive bill. The fact that this issue is important and has reached the Senate is reflected in the 26 cosponsors of the legislation, running all the way from the chairman of the Commerce Committee, Senator HOLLINGS and his colleague, Senator GORE—one of the Senate's longest and most persistent leaders on these matters—to the chairman of the Foreign Relations Committee, Senator PELL; the majority whip, Senator CRANSTON; the ranking member of the Energy Committee, Senator BUMPERS; many Members on the other side of the aisle, including Senator HEINZ, Senator D'AMATO, Senator KASSEBAUM, and many, many others who are joining me today in introducing this important piece of legislation.

The specifics of the bill range all the way from energy conservation, steps that should be taken immediately which are going to be good for the economy anyway and which are imperative for us to take on the issue of global warming; alternative energy and energy research programs, ranging all the way from clean coal technologies, conversion of natural gas where possible, development of solar energy, starting all over again on nuclear power; questions of forestation and deforestation which we must undertake immediately; examination of and recommitting ourselves to addressing worldwide population growth and developing the overall international institutions and scientific capabilities which we will need to fashion a precise response to this enormous global issue.

These measures and others are outlined in the legislation which I am introducing today.

Mr. President, during the past year, concern about our global environment has risen steadily here in the United States and throughout the world. Foremost among those concerns, and perhaps the most important issue for our future, is the prospect of global warming.

In an extraordinary address Monday, the new Secretary of State, James Baker, issued a challenge to the nations of the world to get to work on this issue. He urged the nations of the world to act now.

Our challenge lies in finding innovative strategies to power the economic institutions of the developed and developing nations in ways that will reduce the risks and potential costs of issues like global warming. And it has been well documented that the costs of climate change could be staggering.

Climate is our ally. We base our social and economic institutions on the climates in which we live. The Dutch plan their institutions based on their fragile relationship with the sea—and they know very well how rising sea levels could affect their society. And we in the United States—the breadbasket of the world—plan our activities around a set of predictable climatic conditions.

A fine example of the degree to which we rely on the predictability of our climate is well known to all Coloradans. Each year, from November 1 to May 1, we know that Trail Ridge Road in Rocky Mountain National Park will be closed by snow. So like so many others, Wren and I make plans to pass over the Nation's highest paved road during the summer and early fall months. We make our plans around the weather.

But the world's leading scientists are now telling us that we are threatening the predictability of our climate by man's effect on the so-called greenhouse effect. The greenhouse effect is well understood. Without the water vapor and other gases in our atmosphere, our planet would be about 60-degrees cooler than it is—possibly making life on this planet impossible. There is no controversy about the greenhouse effect, it is very well understood. However, scientists are concerned that man is altering the composition of the atmosphere and could threaten the delicate balance that influences climate by warming the globe.

The concentration of the so-called greenhouse gases are rising in the atmosphere. Carbon dioxide is increasing at the rate of one-half a percent a year; CFC's are increasing at the rate of 5 percent a year and gases such as methane and nitrous oxide are increasing by 1 percent each year. And the scientific record indicates that temperatures around the globe are rising. Over the last 100 years, the Earth's global average temperature has risen by about 1 degree. During the past decade, the thermostat has been turned up rapidly. The 5 warmest years on record have all occurred during the 1980's.

The Environmental Protection Agency and others have also shown that the impacts of a warming world could be staggering. Scientists currently predict that at present emissions rates, the Earth will warm by 3 to 8 degrees early in the next century. What does that mean? Consider that 10,000 years ago, at the height of the last little ice-age, thick ice covered New York and Michigan. For our future, the consensus prediction of a 3- to 8-degree rise in global temperatures could raise sea levels, change precipitation patterns and alter agriculture productivity in regions around the world. In my home State of Colorado that could seriously stress the persistent Western dilemma of providing water for our farms and communities.

The majority of the greenhouse gas emissions are the result of the growth of modern society, and, in large part, can be traced to the burning of fossil fuels—the engine of economic development. That is why I am introducing a comprehensive bill, today with 26 of my colleagues, focusing on energy policy, that will help slow down this assault on the atmosphere.

It is now clear that energy policies and environmental policies are inextricably linked. We cannot talk about one without also discussing the other. And I believe that good energy policy can be good environmental policy and good economic policy.

This bill sets as a goal, a 20-percent reduction from 1988 CO_2 emission levels by the year 2000. And it goes on to lay out energy strategies that will help us realize that aim.

The top priority of our effort stresses the need for this Nation to use energy more efficiently. Through a strong program of research and development, and with new initiatives to encourage efficiency in all sectors of our

economy—especially in the building and transportation sectors—we can save energy, reduce emissions of the greenhouse gases and address the rising level of our oil imports and trade deficit.

Second, this bill proposes an accelerated examination of alternative sources of energy. Solar, wind and geothermal energy have the potential to meet the energy demand of the future in a more environmentally benign manner. Solar photovoltaic technologies, for example, are rapidly becoming cost-competitive and we have to go the extra mile to ensure that these kinds of promising technologies make it to the marketplace.

Also among the alternatives to fossil fuels, the bill proposes a reexamination of the nuclear option to see if it is possible to develop a new generation of nuclear that is cost-effective and safe, and that addresses such concerns as waste disposal and proliferation. Unless we meet those basic criteria, nuclear will not pass the critical test of public acceptability.

We also are proposing suggestions about ways to increase the use of natural gas in this country. Natural gas is the cleanest burning of the fossil fuels and we should do all that we can to encourage the development of unconventional reserves and to develop alternative fuel vehicles that can utilize our vast natural gas resources. At the same time, we should be looking for new ways to burn coal more efficiently to reduce CO_2 emissions from that resource.

In addition to these energy strategies, this bill frames a number of other issues that must be addressed if we are to get a handle on this problem. This is a global issue and will require unprecedented levels of international cooperation. The bill proposes that the United States seek an international agreement that establishes at least the 20-percent goal we set for ourselves.

While the developed nations—who are responsible for about 75 percent of greenhouse gas emissions—work together to minimize their collective contribution to the problem, we also have an enormous task ahead to help the Third World reconcile the dilemma of achieving their development goals without fouling the global commons.

That is why we propose some creative strategies that would lend our assistance and expertise to halt the troubling deforestation of the world's tropical rainforests—responsible for some 20 percent of global CO_2 emissions. We must lend similar assistance and provide alternatives to these nations to help them develop with clean sources of energy.

And we address the tremendous challenge of trying to get a handle on world population growth. There are troubling demographic trends that could overwhelm any other steps we might take to address the global warming issue. We suggest that our contribution to international family planning programs be increased to help ensure that counseling services are available to those who want them around the world.

Finally, there remains a large science agenda in order for us to better understand the Earth's processes and its delicate relationship with the atmosphere. These efforts will help us improve the precision of our response. I know that Senator HOLLINGS, Senator GORE, and others on the Science Committee will be vigorously pursuing this agenda in the coming months.

I expect that this issue will require the attention of virtually every committee in the Senate. And I am encouraged that so many Senators have expressed to me a deep concern about this issue and their commitment to begin now to examine the public policy implications of global warming. The implications of this issue are so vast that we must work together, here in the Senate, with the Federal agencies and with the other nations of the world, if we are to develop effective measures to prevent global warming.

Let me conclude by saying that it is time for us to stop the war we are waging on this planet's atmosphere. The United States must lead the world, as it has so often in the past, to wage a new battle to protect the global environment. Working with the new administration, which has pledged to get to work on this issue, with this bill we are committing to firing the first shots. It is an enormous task, but we must act now with the same urgency currently given to such issues as nuclear arms control. It seems to me that the stakes are that high.

If the Earth's history is compressed into just 100 years, the dinosaurs came and left about 1 year ago. Man arrived only 2 short weeks ago. We began widespread use of fossil fuels at the start of the industrial revolution only 5 minutes ago. But the legacy of those 5 minutes is large. In those brief 5 minutes we have upset more than 99 years of development of the Earth's environment. If we are to protect the predictability of our climate for future generations, we must act in the next few seconds.

I trust that we are up to the task, and I look forward to working with my colleagues on this issue during the 101st Congress.

Mr. President, I ask unanimous consent that a copy of this legislation, a summary and cost analysis, a copy of an article from the Washington Post about Secretary Baker's remarks and an amendment to this bill offered by Senator HEINZ and me be printed in the RECORD at the appropriate point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 324

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SEC. 1. SHORT TITLE.—(a) This Act may be referred to as the "National Energy Policy Act of 1989."

(b) TABLE OF CONTENTS.—

Title I. National Energy Plan
Title II. Office of Climate Protection
Title III. Energy Efficiency
Title IV. Energy Research and Development Priorities
Title V. State Energy Conservation Programs
Title VI. Renewable Energy
Title VII. Advanced Civilian Reactor Programs
Title VIII. Fusion
Title IX. Coal
Title X. Natural Gas
Title XI. Natural Resource Policy
Title XII. Basic Science Initiatives
Title XIII. Development Assistance
Title XIV. International Activities
Title XV. Moderating World Population Growth

FINDINGS AND PURPOSES

SEC. 2. (a) FINDINGS.—The Congress finds that:

(1) The earth's atmosphere is being altered by the generation of carbon dioxide and other trace gases (methane, tropospheric ozone, chlorofluorocarbons, and nitrous oxide);

(2) These gases are, in large part, the result of human activities including the widespread use of fossil fuels, population growth, deforestation, agricultural practices, and use of chlorofluorocarbons;

(3) Current scientific understanding predicts that continued alteration of the global atmosphere will cause widespread temperature extremes and sea level rise which will, in turn, have serious implications for the earth's ecosystems, agricultural production, water supply, human health, wetlands, and climate;

(4) Shifts in regional precipitation, growing seasons, sea level, and possible increases in the severity and frequency of storms and hurricanes will cause major disruptions in the economic, political, social, and ecological systems of all nations;

(5) Energy and natural resources policies must be designed to reduce carbon dioxide and trace gas generation including reduction in the combustion of fossil fuels through energy efficiency, fuel switching, and conservation; use of safe nuclear, innovative clean coal and renewable energy technologies; and reforestation policies;

(6) In the near-term, increasing the nation's energy efficiency can make the largest and least costly contribution to reducing carbon dioxide and trace gas production and reliance on imported oil;

(7) Development of affordable solar energy technologies, particularly solar photovoltaics, promises to provide major new means of energy production and use that can reduce dependence on fossil fuels;

(8) Policies are urgently needed for reducing deforestation and increasing reforestation; and for promoting economic growth and development through sustainable devel-

opment at the national and international levels;

(9) In so far as some degree of further atmospheric change is inevitable, the Federal government must take immediate steps to devise and implement adaptive strategies for coping with the environmental and economic impacts of climate change; and

(10) Adoption and implementation of these energy and natural resources policies will help promote national and international economic growth and development, achieve a secure energy supply, and protect the national and global environment.

(b) PURPOSES.—The overall purpose of this Act is to establish a national energy policy that will reduce generation of carbon dioxide and trace gases as quickly as is feasible in order to reduce to the maximum extent practicable, risks associated with an atmospheric warming and global climate change. The specific purposes are:

(1) to require the Secretary of Energy, hereinafter referred to as the "Secretary", to prepare a least-cost National Energy Plan;

(2) to establish an Office of Climate Protection in the Department of Energy;

(3) to provide for the establishment and financing of energy efficiency research and development projects;

(4) to establish criteria to be used by the Secretary to determine priorities in energy research and development and, to consider global climate change in all research and development policies;

(5) to require states to update their energy conservation plans and establish new targets for conservation;

(6) to commercially develop solar; fuel cell, hydrogen, and other renewable energy technologies;

(7) to provide for the establishment and financing of an advanced passively safe nuclear reactor research program;

(8) to provide for the preparation of a comprehensive report on research, development and demonstration technology for the production of electricity from thermonuclear fusion;

(9) to provide for the preparation of a comprehensive report on the Clean Coal program's implications for global climate change;

(10) to provide financial assistance for demonstration projects for natural gas-powered vehicles;

(11) to study the natural resources that would be affected by global climate change;

(12) to expand financial support for ongoing and new research initiatives at NOAA, NASA, NSF, USGS, and NIST;

(13) to require an interagency study of the contribution international deforestation and reforestation play in global climate change;

(14) to call for the convening of international conferences on nuclear power, a strengthening of the Montreal Protocol, and a special office at UNEP and WMO to monitor global carbon dioxide production; and

(15) to address world population growth by establishing a policy and providing financial assistance for international family planning and information services.

SEC. 3 NATIONAL GOAL.—The Congress hereby establishes as national goals—

(a) that the introduction into the atmosphere of CO_2 from the United States of America shall be reduced from 1988 levels by at least 20 percent by the year 2000 through a mix of Federal and State energy policies that are designed to mitigate the costs and risks, both economic and environmental, associated with meeting national energy needs while reducing the generation of carbon dioxide and trace gases and sustaining economic growth and development; and

(b) the establishment of an International Global Agreement on the Atmosphere by 1992.

TITLE I—NATIONAL ENERGY PLAN

(a) Not later than 18 months after the enactment of this Act, the Secretary, and the Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Interior, the National Academy of Sciences and other agencies, shall prepare and after public review and comment, transmit to Congress a "Least-Cost National Energy Plan" for meeting the national goal set out in section 3 of this Act.

For puproses of the Plan, (1) "energy resources" shall be defined as those sources of additional energy supply involving either the production of additional energy or additional improvements in the efficiency of energy processing and end use.

(2) "Cost-effective" shall be defined as those resources projected to be reliable and available within a needed time frame, and that could be used to meet anticipated energy needs at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof. (3) "System costs" shall be defined as all direct costs of a resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer and, also including among other factors, waste disposal costs and fuel costs (including projected increases), and such quantifiable environmental and national security costs and benefits as the Secretary and the Administrator determine are directly attributable to such resources. (4) "Estimated incremental system cost" of such conservation resources is in excess of at least 110 per centum of the incremental system cost of the other resource.

(b) The Plan shall include—

(1) an assignment of the priorities among energy resources that the Secretary determines to be cost-effective, according to their impact on the global climate;

(2) a range of national energy demand forecasts for the short-, medium-, and long-term (at least 50 years), reflecting plausible high and low economic growth scenarios, and assuming no improvements in current average efficiencies of energy use in new buildings, machines, and vehicles;

(3) a comprehensive inventory of resource availability and system cost, taking into account all sectors of energy use and production which shall include but not limited to—

(i) coal, including clean coal technologies and underground coal gasification;

(ii) energy efficiency, including existing technologies for increased efficiency and end use, as well as the potential of further research and development;

(iii) efficiency improvements and technological gains in electrical energy generation and transmission and energy extraction;

(iv) other alternative energy sources such as renewable resources, solar, nuclear fission, nuclear fusion, geothermal, fuel cells, and hydroelectric power; and

(v) improvements in the fuel efficiency of automobiles and light trucks.

(4) targets for the cost-effective resource acquisitions that will be needed to ensure that the nation can meet short-, medium-, and long-term energy needs without exceeding the national goal for carbon dioxide generation;

(5) a Two-Year Action Plan for meeting the Plan's resource acquisition targets, including, but not limited to, all practicable actions within the Secretary's and other Federal agencies' current legislative authority;

(6) a Research and Development Plan for investigating promising but unproven technologies identified in the planning process as potentially significant future contributors to meeting the Plan's goals;

(7) recommendations for any new Federal legislation that may be needed to meet the Plan's goals, including estimates of accompanying carbon dioxide and trace gases generation;

(8) recommendations for any new State agency or legislative actions that are needed to meet the Plan's goals, and for any new Federal policies that are needed to encourage such actions, including estimates of accompanying carbon dioxide and costs impacts of such actions.

(c) Immediately following submission to Congress of the Least-Cost National Energy Plan, the Department of Energy shall implement the provisions of its Action Plan to the maximum extent practicable; and

(d) The Plan, its Action Plan, and its Research and Development Plan shall be revised and resubmitted to the Congress every two years.

TITLE II—OFFICE OF CLIMATE PROTECTION

SEC. 201.—In order to elevate the priority attached to climate change considerations within the Department of Energy, there is hereby established the Office of Climate Protection. The Director of the Office shall be appointed by the President, by and with the consent of the Senate, and shall report directly to the Deputy Secretary. This office shall be responsible for:

(a) the Department of Energy's participation in studies, environmental assessments and other work being conducted by the various domestic and international agencies involved in global climate change analysis; and

(b) monitoring United States' energy policies for atmospheric and global warming effects and providing an annual report on these effects to Congress.

TITLE III—ENERGY EFFICIENCY

Subtitle A

SEC. 301.—The Secretary in conjunction with appropriate Federal agencies shall—

(a) give a high priority to improvements in energy efficiency in Departmental planning, research and development programs, private assistance programs, and to improvements in buildings and equipment of the Department;

(b) submit to Congress within one year after the enactment of this Title, and every three years thereafter, a report evaluating the policy options that would be necessary to produce a decrease of two through four per centum per year in the energy use per unit of GNP in the United States through the year 2005. These policy options and programs shall be ranked according to their cost effectiveness.

SEC. 302. (a) The President's budget request for fiscal years 1991 through 1993 shall include the Secretary's recommendations of amounts to be set aside for new initiatives in energy efficiency research, development, and demonstration. Funds made available for new initiatives shall supplement and not supplant funds available to complete on-going energy efficiency re-

search and development projects supported in whole or in part by the Secretary during the fiscal year 1990. Funds made available for new initiatives shall be used by the Secretary to support the most promising and deserving new ideas in energy efficiency research and development brought to the attention of the Secretary during the previous fiscal year.

(b)(1) There is hereby authorized to be appropriated to the Secretary for the energy efficiency research, development, and demonstration programs of the Secretary, an amount not to exceed $209,181,000 in fiscal year 1991, of which $6,000,000 shall be available for new initiatives, as set forth below:

(A) for transportation energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $65,460,000 of which $2,000,000 shall be made available for new initiatives;

(B) for industrial energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $46,740,000, of which $1,000,000 shall be available for new initiatives;

(C) for buildings and community systems energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $58,100,000 of which $2,000,000 shall be available for new initiatives;

(D) for multi-sector energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $37,050,000, of which $1,000,000 shall be available for new initiatives; and

(E) for energy efficiency research, development, and demonstration policy and management, there is authorized to be appropriated to the Secretary an amount not to exceed $1,797,000.

(2) There is hereby authorized to be appropriated to the Secretary for the energy efficiency research, development, and demonstration programs of the Secretary, an amount not to exceed $253,000,000 in fiscal year 1992, of which $7,000,000 shall be available for new initiatives as set forth below:

(A) for transportation energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $84,000,000, of which $3,000,000 shall be made available for new initiatives;

(B) for industrial energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $45,000,000 of which $1,000,000 shall be available for new initiatives;

(C) for buildings and community systems energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $55,000,000 of which $2,000,000 shall be available for new initiatives;

(D) for multi-sector energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $64,000,000 of which $1,000,000 shall be available for new initiatives; and

(E) for energy efficiency research, development, and demonstration policy and management, there is authorized to be appropriated to the Secretary an amount not to exceed $5,000,000.

(3) There is hereby authorized to be appropriated to the Secretary for the energy efficiency research, development, and demonstration programs of the Secretary, an amount not to exceed $301,000,000 in fiscal year 1993, of which $8,000,000 shall be available for new initiatives, as set forth below:

(A) for transportation energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $98,000,000 of which $3,000,000 shall be made available for new initiatives;

(B) for industrial energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $50,000,000, of which $2,000,000 shall be available for new initiatives;

(C) for buildings and community systems energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $65,000,000, of which $2,000,000 shall be available for new initiatives;

(D) for multi-sector energy efficiency research, development, and demonstration there is authorized to be appropriated to the Secretary an amount not to exceed $83,000,000, of which $1,000,000 shall be available for new initiatives; and

(E) for energy efficiency research, development, and demonstration policy and management, there is authorized to be appropriated to the Secretary an amount not to exceed $5,000,000.

SEC. 303. (a) As used in this section and in section 304 the term "joint research and development venture" has the meaning given such term in the National Cooperative Research Act of 1984 (98 Stat. 1815).

(b)(1) The Secretary shall solicit proposals in accordance with the provisions of this section for joint research and development ventures for the commercial demonstration of energy efficiency technologies that show significant promise for cost-effective commercial application and that can contribute significantly to reducing the rate and scope of carbon dioxide and trace gas generation. Each joint research and development venture under this section shall include manufacturing firms, investors, and such other participation as the Secretary deems appropriate to achieve the purposes of this section;

(2) Not later than 120 days after the date of the enactment of this section the Secretary shall publish plans to implement this section, provide opportunity for public comment on such plans, and report to Congress on the plans;

(3)(A) Not later than one year after the date of the enactment of this subsection the Secretary shall issue a general request for proposals under this subsection. Such general request shall contain a description of the criteria the Secretary will use in awarding financial assistance under this subsection. The primary criterion shall be the probability of significant near-term impact of the proposal on the rate of carbon dioxide and trace gas generation. The secondary criterion shall be the probability of significant near-term impact of the proposal on reduction of oil imports. The Secretary may include such other criteria as the Secretary finds appropriate, including the net cost under the proposal in Federal financial assistance and the likelihood of early commercial application of technology demonstrated under the proposal;

(B) Proposals shall be submitted to the Secretary within 120 days after such general solicitation is published in the Federal Register; and

(C) The Secretary shall not provide Federal financial assistance for more than 50 per centum of the costs of any proposal under this subsection as estimated by the Secretary at the time of acceptance of such proposal. For purposes of this subsection, other Federal funds, existing facilities, equipment and supplies, and previously expended research and development funds are not cost sharing.

(4) The Secretary shall issue general requests for proposals under this subsection on the first and second anniversaries of the issuance under paragraph (3).

(5)(A) The Secretary may provide technical assistance to persons developing proposals under this subsection.

(B) The Secretary may provide technical and financial assistance in accordance with this subsection to proposals that have been accepted by the Secretary under this subsection.

(C) There is authorized to be appropriated to the Secretary for purposes of this subsection not more than $50,000,000 for each of the fiscal years 1991, 1992, and 1993, such amounts to remain available until expended.

SEC. 304. (a) The Secretary shall establish and provide financial assistant to joint research and development ventures with such specialized private firms and investors as the Secretary deems appropriate in order to establish at least five regional centers for energy-intensive industries. The centers shall conduct basic and applied research and development on common industrial processes. The centers shall focus their efforts on changes to industrial processes that may result in improved energy efficiency. The centers may also conduct research on other improvements of benefit to industry so long as energy efficiency improvements are an integral part of that research. In locating the regional centers under this section, the Secretary shall consider the regional distribution of energy-intensive industries. The research centers shall be established in the region in which the Secretary determines each energy-intensive industry is located.

(b) The regional centers under this paragraph shall carry out research and development efforts to reduce the production of CO2 and trace gases into the atmosphere by improving the quality and energy efficiency of industrial processes.

(c) The research and development strategy under this paragraph shall be guided by—

(1) a detailed characterization of the needs of domestic manufacturing industries;

(2) a close working relationship with all sectors of the domestic manufacturing industry; and

(3) coordination among the centers to pool and conserve resources.

(d) There is authorized to be appropriated to the Secretary $5 million for fiscal year 1991, $15 million for fiscal year 1992, and $25 million for fiscal year 1993. Industries for which the centers are established shall contribute matching funds starting in 1992.

SEC. 305. (a) As used in this section, the term "Federal building" has the meaning given such term in section 521 of the National Energy Conservation Policy Act and includes facilities used in connection with such Federal building.

(b)(1) The Secretary shall establish a Federal Energy Analysis Team to analyze, and make recommendations with respect to energy efficiency and the use of renewable energy in, specific Federal buildings selected by the Secretary under this section. The Team shall be made up of individuals—

(A) engaged in research on energy efficiency or the use of renewable energy in buildings at the National Laboratories of the Department of Energy; and

(B) nominated by the Secretary of Defense, the Administrator of the General Services Administration and the Director of the National Institute of Standards and Technology, respectively, on the basis of their expertise in energy efficiency and the use of renewable forms of energy in buildings. Persons who serve on the Team shall be transferred to the Team for purposes of this section without loss of salary or benefits.

(2) The Team shall conduct an analysis of energy use in Federal buildings designated by the Secretary under paragraph (3) to determine the potential for the use of renewable forms of energy and for improved energy efficiency in such buildings and make recommendations for cost-effective renewable energy and energy efficiency improvements in such buildings. For purposes of this section an improvement shall be considered cost effective if the cost of the energy saved or displaced by the improvement exceeds the cost of the improvement over the life or remaining term of lease of the building;

(3) The Secretary shall designate buildings to be analyzed by the Team so as to obtain a sample of buildings of the types and in the climates that is representative of the Federal buildings owned or leased by Federal agencies in the United States that consume the major fraction of the energy consumed in Federal buildings;

(4) The Secretary shall submit a plan for implementing this subsection to Congress within six months after the date of the enactment of this section;

(5) The Team shall report its findings and recommendations based on the analyses carried out under paragraph (2) to the Secretary and to the head of the agency owning or leasing each building analyzed within eighteen months after the date of the enactment of this section.

(b)(1) The Secretary shall use the results of the analyses under subsection (a) to develop goals for 1995 for energy efficiency and the use of renewable energy in Federal buildings generally and in the categories identified by the Secretary under subsection (a)(3). Goals developed under this subsection shall be submitted to Congress within twenty four months after the date of the enactment of this section;

(2) Any agency that chooses not to implement promptly the recommendations of the Team with respect to a Federal building analyzed under subsection (a)(2) shall provide Congress with a written explanation of the reasons for such choice;

(3) Any agency that implements the recommendations of the Team with respect to a Federal building analyzed under subsection (a)(2) may retain for purposes of furthering the objectives of the agency one half of the dollar savings realized as a result of such recommendations. The Secretary shall consult with the heads of the appropriate Federal agencies to insure that the maximum dollar savings under this section are realized;

(c) There is hereby authorized to be appropriated to the Secretary for purposes of carrying out this section $2,500,000.

SEC. 306. REPEAL OF PROHIBITIONS ON SUPPLY AND INSTALLATION OF RESIDENTIAL ENERGY CONSERVATION MEASURES BY UTILITIES.—Section 216 of the National Energy Conservation Policy Act (42 U.S.C. 8217) is repealed and subsequent sections are renumbered accordingly.

SEC. 307. HOME ENERGY EFFICIENCY RATINGS.—Title II of the National Energy Conservation Policy Act is amended by adding a new Part 6 as follows:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"SEC. 271. (a) Within 12 months after the date of the enactment of this section the Secretary in consultation with the Secretary of Housing and Urban Development and State governments shall by rule promulgate guidelines for regulations to be formulated and implemented by State governments that would require the assignment of an energy efficiency rating to residential buildings.

"(b) The rule under subsection (a) shall—

"(1) provide for a numerical rating of the efficiency with which any residential building may be supplied with heating and cooling energy on an annual basis, and evaluate the practicality of including major energy consuming appliances in such rating;

"(2) provide that all residential buildings receive a rating at time of sale;

"(3) ensure that the rating is prominently communicated to potential buyers and renters; and

"(4) ensure that the rating system is designed to facilitate its use by the secondary mortgage markets to promote energy efficiency;

"(c) Within twelve months of the date of enactment of this Act, the Secretary shall establish a program to provide technical and managerial support for State and local governments adopting energy efficiency rating systems or building codes. The program shall utilize the Federal government's experience in developing Federal building energy performance standards and shall provide compliance methods, educational materials for builders and code officials, and other technical support.

"(d) For puposes of the rule under subsection (a) supply of energy to any residential building from the level of the contribution of renewable sources shall not result in a reduction in the energy efficiency rating of such building.".

SEC. 308. ENERGY EFFICIENCY LABELS FOR MAJOR APPLICATIONS OF INCANDESCENT AND FLUORESCENT LAMPS.—Part B of Title III of the Energy Policy and Conservation Act, as amended, is further amended—

"(a) in section 322(a) by striking paragraph (14) and inserting in lieu thereof new paragraphs (14), (15) and (16) as follows:

"(14) Incandescent Lamps—which are the predominant consumers of energy used for lighting in the commercial, industrial, and residential sectors.

"(15) Fluorescent Lamps—which are the predominant consumers of energy used for lighting in the commercial, industrial, and residential sectors.

"(16) Any other type of consumer product that the Secretary classifies as a covered product under subsection (b)."

(b)(1) in section 324(a)(1) by inserting after the phrase "through (12)", "(14) and (15)"; and

"(2) in the remaining provisions of section 324 by striking the phrase "paragraph (14)" everywhere it appears and inserting in lieu thereof the phrase "paragraph (16)".

(c)(1) in section 325(i) by striking the phrase "paragraph (14)" everywhere it appears and inserting in lieu thereof the phrase "paragraph (16)".

(2) by adding at the end of subsection 325(i) a new paragraph (4) as follows:

"(4) The Secretary, before January 1, 1990, shall prescribe an energy conservation standard for each of the covered products specified in paragraphs (13) and (14) of section 322(a). Concurrent with the Secretary's prescription of such standards the Secretary shall also prescribe test procedures."

SEC. 309. ENERGY EFFICIENCY LABELS FOR WINDOWS.—Within 18 months of the date of enactment of this Act, the Secretary, after consultation with the National Institute of Standards and Technology, shall establish labels for thermal and optical properties and performance for windows and window systems.

SEC. 310. REVIEW.—The Secretary shall periodically review standards and labels established under sections 308 and 309 at least every three years and strengthen the standards for the products or any other energy-consuming device that the Secretary deems justified.

Subtitle B.—Amendments to Public Utility Regulatory Policies Act of 1978

SEC. 311. ENCOURAGEMENT OF LEAST COST INVESTMENT.—The Public Utility Regulatory Policies Act of 1978, P. L. 95-617 (November 9, 1978), as amended, is further amended by inserting the following new section after section 113 and renumbering the sections accordingly:

"SEC. 114. LEAST COST INVESTMENT.—

"(a) ADOPTION OF STANDARDS.—Not later than two years after the date of enactment of this section, each State regulatory authority (with respect to each gas utility and electric utility for which it has ratemaking authority) shall provide public notice and conduct a hearing respecting the standard established by subsection (b) and, on the basis of such hearing, shall adopt and implement the standard established by subsection (b) if, and to the extent, such authority determines that such adoption and implementation is appropriate and consistent with otherwise applicable State law. For purposes of any determination made on the basis of such hearing and any review of such determination in any court in accordance with section 125, the purposes of this Title supplement otherwise applicable State law.

"(b) ESTABLISHMENT.—The following Federal standard is hereby established:

The rates permitted to be charged by a gas utility or electric utility shall be such that the implementation of least cost supply measures permits the utility to realize higher earnings than would be realized from the implemenation of other supply measures. For purposes of this standard, the term "implementation of least cost supply measures" shall mean action (including, but not limited to, conservation and other means of demand reduction) taken to provide adequate and reliable service to consumers with the incurrence of lowest total costs to society, such costs to include costs incurred by the utility and its customers, and environmental costs.

"(c) PROCEDURAL REQUIREMENTS.—Each State regulatory authority (with respect to each gas utility and electric utility for which it has ratemaking authority) within the two year period specified in subsection (a), shall (1) adopt and implement, pursuant to subsection (a), the standard established by subsection (b) or, (2) if the standard is not adopted and implemented, such authority shall state in writing that it has determined not to adopt and implement such standard, together with the reasons for such determinations. Such statement of reasons shall be available to the public.

"(d) DEFINITIONS.—(1) For purposes of this section, the term 'gas utility'; means any person who is engaged in the local distribution and sale of natural gas to any ultimate consumer and over whom a State regulatory authority has ratemaking authority.

"(2) For purposes of this section, the term "electric utility" means any person who is engaged in the local distribution and sale of electricity to any ultimate consumer and over whom a State regulatory authority has ratemaking authority.

"SEC. 115. LEAST COST INVESTMENT FOR NONREGULATED UTILITIES.

"(a) ADOPTION OF STANDARDS.—Not later than two years after the date of enactment of this section, each nonregulated electric utility and nonregulated gas utility shall provide public notice and conduct a hearing respecting the standard established by subsection (b) and, on the basis of such hearing, shall adopt and implement the standard established by subsection (b) if, and to the extent, such utility determines that such adoption and implementation is appropriate and consistent with otherwise applicable State law. For purposes of any determination made on the basis of such hearing and any review of such determination in any court in accordance with section 125, the purposes of this Title supplement otherwise applicable State law.

"(b) ESTABLISHMENT.—The following Federal standard is hereby established:

Each nonregulated gas utility and nonegulated electric utility shall implement least cost supply measures. For purposes of this standard, the phrase "implement least cost supply measures" shall mean actions (including, but not limited to, conservation and other means of demand reduction) taken to provide adequate and reliable service to consumers with the incurrence of lowest costs to society, such costs to include costs incurred by the utility and its customers, and environmental costs.

"(c) PROCEDURAL REQUIREMENTS—Each nonregulated electric utility and nonregulated gas utility shall, within the two year period specified in subsection (a), (1) adopt and implement, pursuant to subsection (a), the standard established by subsection (b) or, (2) if the standard is not adopted and implemented, such utility shall state in writing that it has determined not to adopt and implement such standard, together with the reasons for such determination. Such statement of reasons shall be available to the public.

"(d) DEFINITIONS.—(1) For purposes of this action, the term 'nonregulated gas utility' means any person who is engaged in the local distribution and sale of natural gas to any ultimate consumer and over whom a State regulatory authority does not have ratemaking authority.

"(2) For purposes of this section, the term 'nonregulated electric utility' means any person who is engaged in the local distribution and sale of electricity to any ultimate consumer and over whom a State regulatory authority does not have ratemaking authority.".

SEC. 312. DEFINITIONS.—Section 3 of the Federal Power Act, as amended, (16 U.S.C. 796 *et seq.*) is further amended by inserting the following definitions after the definition of "qualifying cogenerator" and renumbering the definitions accordingly:

"(19)(A) 'qualifying conservation' means any reduction at any time in the demand for electric energy by the customers of a utility, which reduction—

"(i) would not occur but for payment received by a qualifying conservation entity; and

"(ii) the Commission determines, by rule, meets such requirements as the Commission may, by rule, prescribe;

"(B) 'qualifying conservation entity' means a person who—

"(i) the Commission determines, by rule, meets such requirements as the Commission may, by rule, prescribe;

"(ii) is not primarily engaged in the generation or sale of electric power (other than electric power from cogeneration facilities or small production facilities);".

SEC. 313. PURCHASES OF QUALIFYING CONSERVATION BY UTILITIES.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3), as amended, is further amended by:

(a) inserting the following new subsection after subsection (a) and relettering the remaining subsections accordingly:

"(b) CONSERVATION RULES.—Not later than 1 year after the date of enactment of this subsection, the Commission shall prescribe, and from time to time thereafter revise, such rules as it determines necessary to encourage the achievement of qualifying conservation. Such rules shall require electric utilities to offer to purchase qualifying conservation from qualifying conservation entities under such terms as the Commission may prescribe and shall include provisions concerning verification of the achievement of qualifying conservation. Such rules shall be prescribed, after consultation with representatives of Federal and State regulatory agencies having ratemaking authority for electric utilities, and after public notice and a reasonable opportunity for interested persons (including State and Federal agencies) to submit oral as well as written data, views, and arguments.";

(b) striking subsection (b) and inserting the following in lieu thereof:

"(c) RATES FOR PURCHASES BY ELECTRIC UTILITIES.—The rules prescribed under subsections (a) and (b) shall insure that, in requiring any electric utility to offer to purchase electric energy from any qualifying cogeneration facility or qualifying small power production facility, or to purchase qualifying conservation from a qualifying conservation entity, the rates for such purchase—

"(1) shall, in the case of purchases from qualifying cogeneration facilities and qualifying small power production facilities, be just and reasonable to the electric consumers of the electric utility;

"(2) shall be in the public interest; and

"(3) shall not discriminate against qualifying cogenerators, qualifying small power producers, or qualifying conservation entities. No such rule prescribed under subsection (a) shall provide for a rate which exceeds the incremental cost to the electric utility of alternative electric energy. Rules prescribed under subsection (b) shall give State regulatory authorities and nonregulated electric utilities the option of restricting the rate paid for qualifying conservation to an amount no greater than:

"(A) the incremental cost of alternative electric energy; or

"(B) the amount by which the incremental cost of alternative electric energy exceeds the price for the generation of electric energy paid by the customers whose demand for electric energy is reduced as a result of qualifying conservation."; and

(c) adding the following at the end of subsection (d): "The term 'incremental cost of alternative electric energy' means, with respect to purchases of qualifying conservation from qualifying conservation entities, the cost to the purchasing electric utility for the electric energy which, but of the purchase from such conservation entity, such utility would generate or purchase from another source.".

SEC. 314. CONFORMING CHANGES.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3), as amended, is further amended—

(a) in subsection (f) by striking "subsection (a) of this section or revised under such subsection" in each place it appears and substituting "subsection (a) or (b) of this section or revised under such subsections" in lieu thereof;

(b) in subsection (g) by striking "subsection (a)" and substituting "subsection (a) or (b)" in lieu thereof;

(c) in subsection (g) by striking "or qualifying cogenerator" and inserting "qualifying cogenerator, or qualifying conservation entity" in lieu thereof;

(d) in paragraph (2) of subsection (h) by striking "or qualifying small power producer" and substituting "qualifying small power producer, or qualifying conservation entity" in lieu thereof;

(e) in subsection (j) by striking "and 'qualifying cogenerator'" and substituting "'qualifying cogenerator', 'qualifying conservation', and 'qualifying conservation entity'" in lieu thereof; and

(f) in subsection (j) by striking "3(17) and 3(18)" and substituting "3(17), 3(18) and 3(19)" in lieu thereof.

TITLE IV—ENERGY RESEARCH AND DEVELOPMENT PRIORITIES

SEC. 401. The Secretary of Energy shall establish priorities, using the following criteria in order of importance, for research and development programs:

(1) potential to reduce generation of carbon dioxide and trace gases sooner than alternative projects;

(2) the projected cost effectiveness of the energy ultimately to be produced or saved, including an evaluation of the likelihood of success of the research;

(3) the environmental and public health impacts of the energy ultimately to be produced or saved by the specific research;

(4) the national security impact of the energy produced or saved, including its projected reduction of oil imports and contribution to the diversity of the fuel mix;

(5) the obstacles inherent in private industry's development of new energy technologies and steps necessary for establishing or restoring technical leadership in the area of renewable energy technologies, including, but not limited to, solar, fuel cells, and hydrogen;

(6) the impact of given research in the area of fundamental scientific inquiry; and

(7) the impact of the research on special or targeted populations, including low-income or aged persons.

TITLE V—STATE ENERGY CONSERVATION PROGRAM

SEC. 501. STATE ENERGY CONSERVATION GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"ENERGY CONSERVATION GOALS

"SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after October 1, 1990, shall contain a goal consisting of a reduction, as a result of the imple-

mentation of such plan, of 10 percent or more in the amount of energy consumed in such State in the year 2000 from the projected energy consumption, as of October 1, 1990, for such State in the year 2000.".

SEC. 502. REQUIRED STATE ENERGY CONSERVATION PLAN ELEMENTS AND CONSOLIDATION OF ENERGY EXTENSION SERVICE.—(a) In General.—Section 362(c) of the Energy Policy and Conservation Act (42 U.S.C. 6322(c)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph 5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs;

"(6) and energy emergency planning program for an energy supply disruption which shall include a specific implementation strategy regional coordination and may include planning for petroleum, electricity, natural gas, coal, and nuclear power supply and delivery disruptions;

"(7) procedures for ensuring that effective coordination exists among various local, State, and Federal energy conservation programs within the State, including any program administered within the Office of State and Local Assistance Programs of the Department of Energy as of December 31, 1987, and the Low Income Energy Assistance Program administered by the Department of Health and Human Services; and

"(8) programs to implement all the functions of the Energy Extension Service, as provided by law on the day before the date of enactment of the State Energy Conservation Programs Improvement Act of 1989, which shall—

"(A) include programs for identification, development, and demonstration of energy efficiency opportunities, techniques, methods, materials, and equipment (including those that are responsive to local needs or resources) and alternative energy technologies such as solar heating and cooling for agricultural, commercial, and small business operations, individual energy consumers, and new existing residential, commercial, and agricultural buildings or structures;

"(B) provide for technical assistance, instructions, information dissemination, and practical demonstrations with respect to energy efficiency opportunities;

"(C) provide, to the maximum extent practicable within personnel and funding limitations, active outreach energy extension assistance (including information on end-user technology requirements) at the local level through appropriate offices (including metropolitan offices) and through county agents and technical staff assistants;

"(D) make maximum use of existing outreach or delivery mechanisms or programs and include, to the maximum extent practicable, any State, local, university, college, or other organization's programs for energy information, education, or technology transfer which have activities or purposes similar to those of this part; and

"(E) establish and implement policies and procedures designed to assure that assistance provided under this part does not replace or supplant the expenditure of other Federal or State or local funds for the same purposes, but instead supplements such funds and increases the expenditure of such State or local funds to the maximum extent practicable.".

(b) ELIMINATION OF EES.—The National Energy Extension Service Act (Title V of Public Law 95-39) is repealed.

OPTIONAL STATE ENERGY CONSERVATION PLAN ELEMENTS AND CONSOLIDATION OF SUPPLEMENTAL STATE ENERGY CONSERVATION PLAN

SEC. 503. (a) IN GENERAL.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

"(6) programs for financing energy efficiency and renewable energy capital investments, projects, and programs—

"(A) which may include loan programs and performance contracting programs for leveraging of additional public and private sector funds, and programs which allow rebates, grants, or other incentives for the purchase and installation of energy efficiency and renewable energy measures; or

"(B) in addition to or in lieu of programs described in subparagraph (A), which may be used in connection with public or nonprofit buildings owned and operated by a State, a political subdivision of a State or an agency or instrumentality of a State, or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(7) programs to increase transportation energy efficiency, including programs to accelerate the use of alternative transportation fuels for State government vehicles, fleet vehicles, taxis, mass transit and privately owned vehicles;

"(8) programs for encouraging and for carrying out energy audits with respect to buildings and industrial plants within the State;

"(9) programs to promote the adoption of integrated energy plans which provide for—

"(A) periodic evaluation of State's energy needs, available energy resources (including greater energy efficiency), and energy costs; and

"(B) utilization for reliable energy supplies, including greater energy efficiency, that meet applicable safety, environmental, and policy requirements at the lowest cost;

"(10) programs to promote energy efficiency in residential housing, such as—

"(a) programs for development and promotion of energy efficiency rating systems for newly constructed housing and existing housing so that consumers can compare the energy efficiency of different housing; and

"(b) programs for the adoption of incentives for builders, utilities, and mortgage lenders to build, service, or finance energy efficient housing; and

"(11) programs to protect consumers from any unfair or deceptive acts or practices which relate to the implementation of energy efficiency measures and renewable resource energy measures.".

(b) ELIMINATION OF SSECP.—Section 367 of the Energy Policy and Conservation Act (42 U.S.C. 6327) is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 504.—(a) State Plan Program.—Section 365(F) of the Energy Policy and Conservation Act (42 U.S.C. 6325(F) of the Energy Policy and Conservation Act (42 U.S.C. 6325(F) is amended to read as follows:

"(f) For the purpose of carrying out this part, there are authorized to be appropriated $25,000,000 for fiscal year 1991, $35,000,000 for fiscal year 1992, and $45,000,000 for fiscal year 1993."

(b) ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS.—Section 397 of the Energy Policy and Conservation Act (42 U.S.C. 6371(a)) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated $40,000,000 for fiscal year 1991, $50,000,000 for fiscal year 1992, and $60,000,000 for fiscal year 1993.".

(c) WEATHERIZATION ASSISTANCE.—Section 422 of the Energy Conservation Production Act (42 U.S.C. 6872) is amended tor ead as follows;

AUTHORIZATION OF APPROPRIATIONS

SEC. 422. There are authorized to be appropriated for purposes of carrying out the weatherization program under this part $200,000,000 for fiscal year 1991 and such sums as may be necessary for 1992 and 1993.

SEC. 505. STATE ENERGY ADVISORY BOARD.—Seciton 365 of the Energy Policy and Conservation Act (42 U.S.C. 6325) is amended by adding at the end the following:

"(g)(1) There is hereby established within the Department of Energy a State Energy Advisory Board (hereafter in this subsection referred to as the 'Board') which shall consist of not less than 10 nor more than 15 members appointed by the Secretary. Not less than one-half of the members of the Board shall be persons who serve as directors for the State agency, or a division of such agency, responsible for developing State energy conservation plans pursuant to section 362. At least one member of the Board shall be a director of a State weatherization assistance programs. Other members shall be appointed from other persons, including those who have experience in energy efficiency or renewable energy programs for the private sector, consumer interest groups, utilities, public utility commission, educational institutions or research institution.

"(2) The Board shall—

"(A) make recommendations with respect to the energy efficiency objectives of the programs carried out under this part, part G of this Title, and under part A of Title IV of the Energy Conservation and Production Act to the Assistant Secretary for Conservation and Renewable Energy, the Director of the Office of State and Local Assistance Programs, and the Director of the Building and Community Systems Office within the Department of Energy;

"(B) serve as a liaison between the States and such Department on energy efficiency and renewable energy resource programs;

"(C) recommend changes to State and Federal energy policies; and

"(D) encourage technology transfer of the results of research and development activities carried out by the Federal Government with respect to energy efficiency and renewable energy resources.

"(3) The Secretary shall designate one of the members of the Board to serve as its chairman and one to serve as its vice-chairman. The chairman and vice-chairman shall serve in those offices no longer than two years.

"(4) The Secretary shall provide the Board with such services and facilities as may be necessary for the performance of its functions.

"(5) The Board shall be nonpartisan.

"(6) The Board may adopt administrative rules and procedures and may elect one of its members Secretary of the Board.

"(7) The Secretary shall reimburse members of the Board for expenses (including travel expenses) necessarily incurred by them in the performance of their duties.

"(8) The Board shall meet at least annually and shall submit an annual report to the Secretary and the Congress on the activities carried out by the Board in the previous fiscal year, including any recommendations it may have for administrative or legislative changes."

UPDATE OF ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS

SEC. 506. (a) Non-Federal Share of a Project—Section 396(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6371e(b)(1) is amended by adding at the end thereof the following: "The non-Federal share of the costs of any such energy conservation project may be provided by using programs of innovative financing for energy conservation projects, including loan programs and performance contracting.".

(b) DEFINITION—Section 391(1) of such Act (42 U.S.C. 6371(1)) is amended by striking "April 20, 1977" and inserting in lieu thereof "December 31, 1984"

WEATHERIZATION ASSISTANCE FOR LOW-INCOME

SEC. 507. (a) WAIVER OF 40-PERCENT REQUIREMENT.—Section 415(a) of the Energy Conservation and Production Act (42 U.S.C. 6865(a)) is amended—

(1) in the first sentence, by striking "An average" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an average"; and

(2) by adding at the end the following:

"(2)(A) The Secretary may approve a State application to waive the 40-percent requirement established in paragraph (1) if the State includes in the State's plan—

"(i) an energy evaluation which establishes priorities for selection of weatherization measures bases on their contribution to energy efficiency; and

"(ii) a standard for determining whether to invest in individual measures based on a rate of return that will ensure that investment in each measure is an appropriate use of funds.

"(B) For States applying for a waiver under this paragraph, the Secretary shall establish standards for determining whether the energy audit techniquese of each such State measure—

"(i) the energy requirement of individual dwellings;

"(ii) the rate of return of each conservation investment; and

(iii) the interaction between conservation measures. State applications for waivers shall be judged on these standards.

"(c) The Secretary shall make information on energy evaluation instruments available to States applying for a waiver under this paragraph and shall provide training for State and local agencies in the implementation for such instruments.:.

(b) DWELLING UNIT LIMITATION.—Section 415(c) of such Act (42 U.S.C. 6865(c)) is amended—

(1) in paragraph (1), by striking "The expenditure" and inserting in lieu thereof "except as provided in paragraphs (3) and (4), the expenditure"; and

(2) by adding at the end thereof the following new paragraphs:

"(3) Beginning with fiscal year 1991, the $1,600 per dwelling unit limitation provided in paragraph (1) shall be adjusted annually by increasing the limitation amount by an amount equal to the percentage increase in the Consumer Price Index for the previous fiscal year multiplied by the limitation amount for such previous fiscal year. The increase under the preceding sentence for any fiscal year shall not exceed three percent.

"(4)(A) In addition to the average per dwelling unit limitation applicable in a State under paragraphs (1) and (3), the Secretary may, upon application by a State, establish an average per dwelling unit limitation for dwelling units in such State—

"(i) which conform to program requirements;

"(ii) which, in addition to any other weatherization modifications, have furnace efficiency modifications made under this part; and

"(iii) for which a determination is made pursuant to regulations prescribed by the Secretary that such furnace efficiency modifications are a cost-effective use of funds.

"(B) The average per dwelling unit limitation applicable in a State to units described in subparagraph (A) shall not exceed an amount equal to—

"(i) the amount permitted for the expenditure of financial assistance for labor, weatherization materials, and related matters for dwelling units in such State under paragraphs (1) and (3), plus

"(ii) an amount determined by the Secretary to be the average amount that is appropriate for furnace efficiency modifications of dwelling units of the type assisted under this part in such State."

TITLE VI.—RENEWABLE ENERGY

Subtitle A

SHORT TITLE

SEC. 601.—This subtitle may be cited as the Solar Development Initiative Act of 1989.

FINDINGS AND PURPOSE

SEC. 602. (a) The Congress finds that—

(1) a diversified and balanced energy resource base is important for the nation's economic growth;

(2) renewable energy sources, including solar energy, can make a significant contribution toward minimizing the potential for undue dependence on any single energy source;

(3) recent energy trends, including increased imports of foreign oil, increased consumption of petroleum and declining domestic production of petroleum, have reaffirmed the importance of continued Federal support for, and encouragement of, solar energy technologies; and

(4) the international competitiveness of domestic solar thermal and photovoltaics industries depends upon maintaining our technological lead and providing development and marketing assistance to exporters of solar technologies.

(b) PURPOSE.—The purpose of this subtitle is to—

(1) establish multi-year funding levels for a Federal solar research and development program that will maintain current efforts and provide funding stability; and

(2) reaffirm existing federal policies and establish new policies which promote and encourage investments in solar energy technologies by the private and public sectors.

SOLAR AND RENEWABLE ENERGY RESEARCH PROGRAM

SEC. 603.—(a) The Secretary of Energy is directed to consult with the solar energy industry to develop a complimentary program of solar and renewable research, development, and demonstration projects which:

(1) have near-term commercial applications; and

(2) will enhance the international competitiveness of the solar and renewable energy industries.

(b) The Secretary shall include the funding necessary to implement this program in the fiscal year 1991 budget.

FEDERAL SOLAR BUILDINGS DEMONSTRATION PROGRAM

SEC. 604. (a) PROGRAM SUCCESSFULLY IMPLEMENTED.—Congress finds that the Secretary of Energy, in consultation with the Administrator of the General Services Administration, has successfully implemented a program to demonstrate in federal buildings the application of solar heating and solar heating and cooling technology pursuant to part 2 of Title V of the National Energy Conservation Policy Act Public Law 95-619).

(b) INFORMATION ABOUT FEDERAL SOLAR BUILDINGS PROGRAM.—In order to more widely disseminate information about the Federal solar buildings program and the benefits of solar heating and solar heating and cooling technology, the Secretary of Energy shall establish a program to disseminate such information for Federal procurement officers and Federal loan officers which shall include site visits and technical briefings. The Secretary shall utilize existing funds for this program.

INTERNATIONAL MARKET ENHANCEMENT

SEC. 605. (a) CONTINUATION OF ACTIVITIES BY THE COMMITTEE ON RENEWABLE ENERGY, COMMERCE, AND TRADE.—The Committee of Renewable Energy, Commerce, and Trade established by section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) shall continue its activities to coordinate the actions and programs of the Federal government affecting commerce in renewable energy products and services.

(b) COMMERCE PROGRAMS.—It is the sense of the Congress that the programs established by the Secretary of Commerce under section 256(c)(1) of the Energy Policy and Conservation Act should be funded through the Department of Energy at a minimum of $1,500,000 in fiscal years 1991, 1992, and 1993.

(c) AMENDMENT TO CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—Section 212(c)(7) of the Caribbean Basin Economic Recovery Act (97 Stat. 387; 19 U.S.C. 2703(c)(7)) is amended to read as follows:

"(7) the degree to which such country is under-taking self-help measures to promote its own economic development and energy self-sufficiency using locally available renewable resources;".

FEDERAL PROCUREMENT

SEC. 606. (a) SECRETARY OF DEFENSE.—Section 2857(b)(1) of Title 10, United States Code, is amended by inserting after "has the potential for" the following: "reduced energy costs".

(b) UTILIZATION OF SOLAR ENERGY BY OTHER FEDERAL AGENCIES.—The Secretary of State, the Secretary of Energy, the Secretary of Housing and Urban Development, the Director of the General Services Administration, and the Commissioner of the United States Postal Service shall require that the design of all new Federal facilities built under their respective jurisdictions shall include consideration of energy systems using solar energy or other renewable forms of energy in those cases in which use of such form of energy has the potential for

significant savings of fossil-fuel-derived energy.

AMENDMENT TO THE EXPORT-IMPORT BANK ACT OF 1945

SEC. 607. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended by adding at the end thereof the following:

"(c) Not less than .025 percent of the loan authority of the Bank shall be available only for solar and renewable energy loans.".

SPECIAL ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 608. Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

AMENDMENT TO THE SMALL BUSINESS ACT

SEC. 609. (a) Section 7(1) of the Small Business Act (15 U.S.C. 636(1) is repealed.

(b) Section 7(a)(12) of such Act (15 U.S.C. 636(a)(12) is amended to read as follows:

"(12) the Administrator may provide loans under this subsection to assist any small business concern, including startup, to enable such concern to design architecturally or engineer, manufacture, distribute, market, install, or service energy measures. Proceeds of loans under this paragraph shall not be used for research and development. Not less than .025 percent of the loan authority provided under this subsection shall be available only for loans under this paragraph. The Administrator shall include a list of solar and renewable energy loans in an annual report to the Congress.".

(c) Section 7(a)(14) of such Act (15 U.S.C. 636(a)(14)) is amended to read as follows:

"(14) The Administrator under this subsection may provide extentions and revolving lines of credit for export purposes to enable small business concerns to develop foreign markets and for preexport financing. No such extension or revolving line of credit may be made for a period or periods exceeding 18 months. A bank or participating lending institution may establish the rate of interest in extensions and revolving lines of credit as may be legal and reasonable. The Administrator shall give due consideration to the export potential of solar and renewable energy products in implementing his authorities under this subsection and shall include a list of solar and renewable energy loan guarantees in an annual report to the Congress.".

Subtitle B

This subtitle may be cited as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

PURPOSE

SEC. 610. It is the purpose of this Title to direct the Secretary of Energy, acting in accordance with authority contained in the Federal Non-nuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy technologies in order to ensure a stable and secure future energy supply by—

(1) providing a long-term stable environment for renewable energy technology research and development activities through the establishment of long-term goals and multi-year funding levels;

(2) directing the Secretary to undertake initiatives to hasten the commercialization in the near term of renewable energy technologies; and

(3) fostering collaborative research and development efforts involving the private sector through government support of a vigorous program of innovative joint research and development venture projects.

DEFINITIONS

SEC. 611. As used in this Title the term

(a) "Secretary" means the Secretary of Energy; and

(b) "joint research and development venture" means a joint research and development venture under the National Cooperative Research Act of 1984 (98 Stat. 1815).

NATIONAL GOALS AND MULTI-YEAR FUNDING FOR FEDERAL WIND, PHOTOVOLTAICS AND SOLAR THERMAL PROGRAMS

SEC. 612. (a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaics and solar thermal energy programs currently being carried out by the Secretary under existing law:

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall emphasize—

(i) activities that address near-term technical problems and permit exploitation of current market opportunities of the wind energy industry;

(ii) developing advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue, and electrical systems interactions as applied to current wind energy technology; and

(iv) improving the compatibility of electricity produced from windfarms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) increase installed wind generating capacity to 4000 to 8000 megawatts by 1995;

(iv) reduce operation and maintenace costs for wind energy systems to less than 1.0 cents per kilowatt hour by 2000; and

(v) increase capacity factors for new wind energy systems to 25 to 30 percent by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy System Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995:

(ii) increase photovoltaic conversion efficiency of new photovoltaic amorphous silicon modules to 15 percent by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $800 per kilowatt by 1995; and

(iv) increase installed capacity of photovoltaic electric power production capacity to 100 to 200 megawatts by 1992.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources and to promote the integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall emphasize development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour.

(C) The President's budget request for fiscal year 1991 shall contain the Secretary's recommendations for specific cost, installed capacity, and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems and Geothermal Energy.

(b) AMENDED GOALS.—Whenever the Secretary determines that any of the goals established under this section are no longer appropriate, he shall notify Congress of the reason for the determination and provide an amended goal that is consistent with the purposes of this Title.

(c) AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary—

(1) for the Wind Energy Research Program, an amount not to exceed $19,000,000 in fiscal year 1991; $22,000,000 in fiscal year 1992; and $26,000,000 in fiscal year 1993;

(2) for the Photovoltaic Energy Systems Program, an amount not to exceed $43,100,000 in fiscal year 1991; $45,000,000 in fiscal year 1992; and $50,000,000 in fiscal year 1993;

(3) for the Solar Thermal Energy Systems Program, an amount not to exceed $28,700,000 in fiscal year 1991; $32,000,000 in fiscal year 1992; and $35,000,000 in fiscal year 1993;

(4) for the Biofuels Energy Systems Program, an amount not to exceed $32,100,000 in fiscal year 1991; $35,100,000 in fiscal year 1992; and $40,000,000 in fiscal year 1993:

(5) for the Solar Buildings Energy Systems Program, an amount not to exceed $8,000,000 in fiscal year 1991; $9,000,000 in fiscal year 1992; and $10,000,000 in fiscal year 1993:

(6) for the Ocean Energy Systems Program, an amount not to exceed $5,000,000 in fiscal year 1991; $5,000,000 in fiscal year 1992; and $5,000,000 in fiscal year 1993; and

(7) for the Geothermal Program, an amount not to exceed $34,900,000 in fiscal year 1991; $35,700,000 in fiscal year 1992; and $38,700,000 in fiscal year 1993.

(d) REPORT ON OPTIONS.—On or before May 1, 1991, the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to accelerate the timely commercialization of wind, photovoltaic, solar thermal, biofuels, biomass, solar buildings, ocean and geothermal renewable energy technologies through

emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

JOINT RESEARCH AND DEVELOPMENT VENTURES

SEC. 614.—(a) FINDINGS.—For purposes of this section, Congress finds that joint research and development ventures can—

(1) improve coordination in technology development among firms in industries attempting to commercialize renewable energy technologies;

(2) assist in setting national standards to improve the operation of markets for these technologies; and

(3) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy technologies.

(b) PURPOSE.—The purpose of this section is to direct the Secretary of Energy to make use of joint research and development ventures to further commercialization of renewable energy technologies.

(c) ESTABLISHMENT.—(1) The Secretary shall establish seven joint research and development ventures in accordance with the provisions of this section. Each joint research and development venture under this section shall include manufacturing firms, investors, an advisory committee appointed in accordance with this section, and such other participation as the Secretary deems appropriate to achieve the purposes of this section. Any facilities constructed under this section shall be located in the United States, Puerto Rico, the Virgin Islands, or the territories and possessions of the United States.

(2) The Secretary shall require that at least 30 per centum of all costs of any joint research and development venture under this section be provided from non-Federal sources.

(3) Before establishing the joint research and development ventures under paragraph (1), the Secretary shall consult with, and take into consideration the recommendations of, the Advisory Committee on Renewable Energy and Energy Efficiency Technology under paragraph (4).

(4)(A) The Secretary shall appoint members to an Advisory Committee on Renewable Energy and Energy Efficiency Technology (hereafter referred to as the 'Advisory Committee') to assist the Secretary in carrying out his responsibilities under this section. The Advisory Committee shall include at least one member representing each of the following—

(i) the Secretary of Commerce;

(ii) the Secretary of Housing and Urban Development;

(iii) the Solar Energy Research Institute;

(iv) the Electric Power Research Institute;

(v) the National Institute of Building Sciences;

(vi) associations of firms in each of the major renewable energy manufacturing industries; and

(vii) associations of firms in each of the major energy efficiency manufacturing industries.

(B) The Advisory Committee, within 120 days after its formation, provide the Secretary with recommendations for the establishment of joint ventures under paragraph (1) and shall advise the Secretary from time to time about the implementation of such ventures. Recommendations of the Advisory Committee shall be available to the public.

(5) The Secretary shall establish at least one joint research and development venture in accordance with subsection (d) to develop technology and expertise in each of the following areas—

(A) photovoltaics technology;

(B) wind energy technology;

(C) solar thermal technology;

(D) factory-made housing;

(E) advanced district cooling technology;

(F) renewable energy and energy efficiency technology exports; and

(G) fuel cell energy systems.

(6) Not later than 180 days after the date of the enactment of this section the Secretary shall publish plans to implement this section and report to Congress on such plans.

PHOTOVOLTAICS TECHNOLOGY

(d) VENTURES. (1)

(A) The Secretary shall establish and provide financial assistance to a joint research and development venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of the venture under subparagraph (A) shall be to design, test and demonstrate systems employing critical enabling technologies for photovoltaic conversion of solar energy so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems Program set forth in section 613(a)(2), as those goals may be amended under section 613(b). The venture under this paragraph may emphasize production, distribution, storage, or end use of electricity from photovoltaic conversion of solar energy or any combination thereof.

(C) In soliciting proposals for the joint research and development venture under this paragraph, the Secretary shall consider the recommendations of the Advisory Subcommittee on Photovoltaic Energy Technology under subparagraph (D).

(D) The Secretary shall appoint members to an Advisory Subcommittee on Photovoltaic Energy Technology to assist the Secretary in carrying out his responsibilities with respect to the joint venture under this paragraph. Such subcommittee shall include such members of the Advisory Committee as the Secretary deems appropriate and, in addition, at least one member representing each of the following—

(i) firms in the photovoltaic manufacturing industry;

(ii) the Director of the Agency for International Development; and

(iii) the Director of the Export-Import Bank.

(E) There is authorized to be appropriated to the Secretary a total of not more than $1,200,000 for each of the fiscal years 1991, 1992 and 1993 to carry out the purposes of this paragraph.

WIND ENERGY TECHNOLOGY

(2) (A) The Secretary shall establish and provide financial assistance to a joint research and development venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of the venture under subparagraph (A) shall be to design, test and demonstrate systems employing critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 613(a)(1), as those goals may be amended under section 613(e). The venture under this paragraph may emphasize production, distribution, storage, or end use of wind energy or any combination thereof and may include systems employing other sources of energy in addition to wind energy.

(C) In soliciting proposals for the joint research and development venture under this paragraph, the Secretary shall consider the recommendations of the Advisory Subcommittee on Wind Energy Technology under subparagraph (D).

(D) The Secretary shall appoint members to an Advisory Subcommittee on Wind Energy Technology to assist the Secretary in carrying out his responsibilities with respect to the joint venture under this paragraph. Such subcommittee shall include such members of the Advisory Committee as the Secretary deems appropriate and, in addition, at least one member representing each of the following—

(i) firms in the wind energy equipment manufacturing industry;

(ii) the Director of the Agency for International Development; and

(iii) the Director of the Export-Import Bank.

(E) There is authorized to be appropriated to the Secretary a total of not more than $1,200,000 for each of the fiscal years 1991, 1992 and 1993 to carry out the purposes of this paragraph.

SOLAR THERMAL TECHNOLOGY

(3) (A) The Secretary shall establish and provide financial assistance to a joint research and development venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of the venture under subparagraph (A) shall be to design, test and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 613(a)(3), as those goals may be amended under section 613(b). The venture under this paragraph may emphasize production, distribution, storage, or end use of solar thermal energy or any combination thereof and may include systems employing other sources of energy in addition to solar thermal energy.

(C) In soliciting proposals for the joint research and development venture under this paragraph, the Secretary shall consider the recommendations of the Advisory Subcommittee on Solar Thermal Energy Technology under subparagraph (D).

(D) The Secretary shall appoint members to an Advisory Subcommittee on Wind Energy Technology to assist the Secretary in carrying out his responsibilities with respect to the joint venture under this paragraph. Such subcommittee shall include such members of the Advisory Committee as the Secretary deems appropriate and, in addition, at least one member representing each of the following—

(i) firms in the solar thermal manufacturing industry;

(ii) the Director of the Agency for International Development;

(iii) the Director of the Export-Import Bank; and

(iv) the Gas Research Institute.

(E) There is authorized to be appropriated to the Secretary a total of not more than $900,000 for each of the fiscal years 1991 through 1993 to carry out the purposes of this paragraph.

FACTORY MADE HOUSING

(4) (A) The Secretary shall establish and provide financial assistance to a joint re-

search and development venture with such specialized private firms and investors as the Secretary deems appropriate in order to establish at least three regional projects to demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating the projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction technique, marketing practices, and construction materials.

(B) The projects under this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. The projects shall be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, marketing, and product export techniques.

(C) The demonstration strategy under this paragraph shall be guided by—

(i) a detailed characterization of the needs of the home building industry;

(ii) a close working relationship with all sectors of the home building industry; and

(iii) coordination among the projects to pool and conserve resources.

(D) In selecting projects under this section, the Secretary shall consider the recommendations of the Advisory Subcommittee on Energy Performance in Factory-Made Housing established under subparagraph (E).

(E) The Secretary shall appoint members to an Advisory Subcommittee on Energy Performance in Factory-Made Housing to assist the Secretary in carrying out his responsibilities with respect to the joint research and development venture established under this paragraph. Such subcommittee shall include such members of the Advisory Committee as the Secretary deems appropriate and, in addition, at least one member representing each of the following—

(i) the National Association of Home Builders;

(ii) the National Laboratories of the Department of Energy; and

(iii) the National Institute of Standards and Technolgoy.

(F) There is authorized to be appropriated to the Secretary a total of not more than $5,000,000 for each of the fiscal years 1991 through 1993 to carry out the purposes of this paragraph.

ADVANCED DISTRICT COOLING TECHNOLOGY

(5)(A)(i) The Secretary shall establish and provide financial assistance to a joint research and development venture with such specialized private firms and investors as the Secretary deems appropriate in order to develop advanced district cooling technologies that are applicable in cities with high cooling loads.

(ii) The purpose of the joint venture under this paragraph is to develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district heating and cooling available to local governments.

(B) The Secretary shall select three cities for application of advanced district cooling technologies developed by the joint venture under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

(C) In selecting the cities under subparagraph (B), the Secretary shall consider the recommendations of the Advisory Subcommittee on Advanced District Cooling Technology established under subparagraph (D).

(D) The Secretary shall appoint members to an Advisory Subcommittee on Advanced District Cooling Technology to assist the Secretary in carrying out his responsibilities with respect to the joint research and development venture under this paragraph. Such subcommittee shall include such members of the Advisory Committee as the Secretary deems appropriate and, in addition, at least one member representing each of the following:

(i) firms manufacturing district cooling equipment; and

(ii) the National League of Cities.

(E) There is authorized to be appropriated for each of the fiscal years 1991 through 1993 not more than $1,000,000 per year to carry out the purposes of this paragraph.

EXPORT TECHNOLOGY PROJECTS

(6)(A) For purposes of this paragraph Congress finds that—

(i) the United States has several advanced energy efficiency and renewable energy technologies that lack only sufficient coordination, support, and emphasis to become important export items capable of reducing the United States' trade deficit;

(ii) a major barrier to export of energy efficiency and renewable energy technology is the lack of information on overseas markets and technology development by foreign competitors;

(iii) the industry that markets energy efficiency technology is highly fragmented, and the renewable energy industry is comprised of small firms that lack the necessary resources to identify and target overseas markets; and

(iv) a joint research and development venture is needed to bring together a broad array of manufacturing firms, financial institutions, and Federal agencies to identify and develop promising technologies and export markets for energy efficiency and renewable energy technologies.

(B) The Secretary shall establish and provide financial assistance to a joint research and development venture with such specialized private firms and investors as the Secretary determines appropriate for the purpose of commercializing and marketing domestically-developed energy efficiency and renewable energy technologies in order to enhance sales of products developed from such technologies relative to foreign-made products.

(C) In designing the joint venture under subparagraph (B), the Secretary shall consider the recommendations of the Advisory Subcommittee on Renewable Energy and Energy Efficiency Technology Exports established under subparagraph (D).

(D) The Secretary shall appoint members to an Advisory Subcommittee on Renewable Energy and Energy Efficiency Technology Exports to assist the Secretary in carrying out his responsibilities with respect to the joint research and development venture under this paragraph. Such subcommittee shall include such members of the Advisory Committee as the Secretary deems appropriate and, in addition, at least one member representing each of the following—

(i) the Director of the Agency for International Development;

(ii) the Director of the Export-Import Bank;

(iii) the United States Export Council for Renewable Energy;

(iv) the National Laboratories of the Department of Energy.

(E) There is authorized to be appropriated to the Secretary to carry out the purposes of this paragraph a total amount for each of the fiscal years 1991 through 1993 not to exceed $5,000,000 with respect to renewable energy activities under this paragraph and $5,000,000 with respect to energy efficiency activities under this paragraph.

(e) SECRETARIAL DISCRETION—(1) If the Secretary, based on the recommendations of the Advisory Committee under subsection (c)(4)(B) with respect to a joint research and development venture described under subsection (d), determines, in consultation with the Advisory Committee, that—

(A) there is insufficient private sector interest in such venture to satisfy the requirement of subsection (c)(2);

(B) carrying out the venture will not further the purposes of this Title; or

(C) timely commercialization of the technology to be demonstrated will not be advanced by the venture, then the Secretary shall not be subject to the requirements of subsection (d) with respect to the technology to be demonstrated by the joint research and development venture.

(2) The Secretary shall notify Congress of any determination under paragraph (1) and provide a written explanation of the reasons for the determination. Immediately thereafter, the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for the establishment of a substitute joint research and development venture to demonstrate, consistent with this section, an alternative renewable energy or energy efficiency technology so as to accomplish the purposes of this Title. Any unexpended funds authorized to be appropriated under subsection (d) for the joint research and development venture with respect to which a determination is made under paragraph (1) may be used for a substitute joint research and development venture established under this subsection.

(3) When 30 calendar days have elapsed after transmittal of the plan under paragraph (2), the Secretary shall proceed with the joint research and development venture described in his plan as if such venture were required under subsection (d).

(f) ADDITIONAL COMMERCIALIZATION PROJECTS.—(1) The President's budget request for fiscal year 1992 shall include the Secretary's recommendations for at least one proposed proof-of-concept or near-commercial demonstration project in each of the categories represented by section 3(a)(1), (2) and (3). Each proposed project shall be described in sufficient detail to support congressional authorization and solicitation of bids for construction of necessary facilities.

(2) A list and description of alternative project plans under this subsection shall be submitted in President's fiscal year 1991 budget request. Such plans shall require funding or in-kind contributions from private sources in support of at least thirty per centum of total project costs.

(3) In selecting proposed projects under this subsection, the Secretary shall take into account the extent to which such projects will contribute to earlier commercialization of key technologies within such categories than might occur without Federal support under this subsection and the extent to which such projects will contribute to the competitiveness of U.S. firms engaged in international trade in renewable energy technologies.

RENEWABLE ENERGY EXPORTS

SEC. 615. (a) FINDINGS AND PURPOSES.—(1) For purposes of this section, Congress finds that—

(A) among the major problems in promoting exports of renewable energy technology are the lack of available information on overseas markets and the absence of financing for the purchase of the technologies; and

(B) the Committee on Renewable Energy, Commerce, and Trade ("CORECT") established under the Renewable Energy Industry Development Act (Public Law 98-370) currently coordinates Federal government activities to promote renewable energy exports.

(2) The purpose of this section is to evaluate current efforts to promote exports of renewable energy technology, to establish a joint government-industry plan to identify promising technologies and increase the financing available for exports of renewable energy technologies, to target potential markets for these technologies, and to authorize funding of these activities.

(b) ANNUAL REPORT.—The Committee on Renewable Energy, Commerce, and Trade shall annually report to Congress.

(c) AGENCY ACTIONS.—Each report submitted under subsection (b) shall describe the actions of each agency represented by a member of the Committee on Renewable Energy, Commerce, and Trade taken during the previous fiscal year to achieve the purposes of such Committee and of this section. Such repost shall describe the exports of renewable energy technology that have occurred as a result of such agency actions.

(d) PLAN.—The Committee on Renewable Energy, Commerce, and Trade shall—

(1) establish a joint government-industry plan to maintain or increase the market share of the United States in international trade in renewable energy technologies, including technologies for production of alcohol fuels, biomass energy, geothermal energy, wood energy and in technologies for fuel cell energy conversion, passive solar energy conversion, photovoltaics, solar thermal energy conversion and wind energy conversion. Such plan shall include guidelines for agencies that are members of the Committee with respect to the financing of exports of such renewable energy technologies;

(2) develop, in consultation with representatives of affected industries, administrative guidelines for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy technologies from agencies implementing such programs; and

(3) target renewable energy technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

(e) The Committee on Renewable Energy, Commerce, and Trade shall include a description of the plan under paragraph (1) in no later than the second report submitted under subsection (b), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

(f) AUTHORIZATIONS.—There is hereby authorized to be appropriated to the Secretary for activities of the Committee on Renewable Energy, Commerce, and Trade an amount not to exceed—

(1) $1,200,000 in fiscal year 1991;

(2) $1,500,000 in fiscal year 1992; and

(3) $1,800,000 in fiscal year 1993.

RENEWABLE ENERGY

SEC. 616. (a) DISSEMINATION OF INFORMATION.—Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding a new subsection (d) as follows:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of solar heating and solar heating and cooling technology, the Secretary shall establish a program to disseminate such information for Federal procurement officers and Federal loan officers that shall include site visits and technical briefings. The Secretary shall utilize available funds for the program under this subsection.".

(b) DEPARTMENT OF DEFENSE HOUSING.—Section 2857(b)(1) of Title 10, United States Code, is amended by inserting after "has the potential for" the following: "reduced energy costs".

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION LOANS.—Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

REPORTS

SEC. 617(a). REPORT BY THE SECRETARY.—One year after the date of the enactment of this Title and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint research and development ventures conducted under this Title and the progress being made towards accomplishing the goals and purposes set forth in this Title, including the national goals set forth in section 613(a).

(b) NATIONAL ENERGY POLICY PLAN REPORT.—Each annual submission of the National Energy Policy Plan under Title VIII of Public Law 95-91 shall be accompanied by a three-year strategic plan for energy technology research, development, and demonstration. Such plan shall address the role of Federally-assisted research, development, and demonstration projects in the achievement of the national policy goals of the National Energy Policy Plan and shall assess both the level of support for energy research, development, and demonstration reasonably necessary to achieve these goals and the basis for allocating the support recommended by the President among the available alternatives. At a minimum, these alternatives shall include energy efficiency and renewable energy technologies.

Subtitle C

RENEWABLE ENERGY/FUEL CELL SYSTEMS INTEGRATION AND UTILIZATION

SEC. 618. FINDINGS.—The Congress finds that—

(a) while the Federal government has invested substantially in fuel cell technology through research and development during the past ten years, additional research on technologies that enable fuel cells to use alternative fuel sources needs to be undertaken in order to fulfill the conservation promise of fuel cells as an energy source;

(b) there is no national policy for acting upon the findings of this research and development; and

(c) if such a national policy were developed, the public investment in fuel cell technology would be realized through reduced dependency on imported oil and the subsequent improvement in the international trade accounts of the United States.

RESEARCH PROGRAMS

SEC. 619. (a) PROGRAM AUTHORIZATION.—The Secretary shall implement and carry out a research program for the purposes of:

(1) exploring the operation of fuel cells employing methane gas generated from various forms of biomass;

(2) developing technologies to use renewable energy sources, including wind and solar energy, to produce hydrogen for use in fuel cells; and

(3) determining the technical requirements for employing fuel cells for electric power production as backup spinning reserve components to renewable power systems in rural and isolated areas.

(b) GRANTS.—In carrying out the research program authorized in subsection (a), the Secretary may make grants to, or enter into contracts with, private research laboratories.

(c) REPORT TO CONGRESS.—The Secretary shall transmit to the Congress on or before September 30, 1991, a comprehensive report on research carried out pursuant to this Act.

(d) AUTHORIZATION.—There are hereby authorized to be appropriated $5,000,000 for fiscal year 1991 to the Secretary to be used to conduct research as provided in this Act.

SEC. 620. INCLUSION OF FUEL CELLS AS A FUEL CONSERVATION TECHNOLOGY UNDER REIDA.—Section 256 of the Energy Policy and Conservation Act is amended by inserting at the end thereof the following:

"(e) For purposes of this section, the term 'domestic renewable energy industry' shall include industries using fuel cell technology.".

SEC. 621. ENVIRONMENTAL PROTECTION AGENCY GUIDELINES FOR THE USE OF FUEL CELL TECHNOLOGIES.—Within 180 days of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall prepare Federal guidelines for cities and municipalities specifying environmental and safety standards for the use of fuel cell technology. In the preparation of the guidelines, the Administrator shall utilize the successful experience of the New York City Fire Department in the use of fuel cell technologies.

SEC. 622. DEPARTMENT OF COMMERCE INVESTIGATION OF EXPORT MARKET POTENTIAL FOR INTEGRATED FUEL CELL SYSTEMS.—Within 180 days of the date of enactment of this Act, the Secretary of Commerce shall assess and report to Congress concerning the export market potential for integrated systems of fuel cells with renewable power technologies.

Subtitle D

HYDROGEN RESEARCH AND DEVELOPMENT ACT

SEC. 623. FINDINGS AND PURPOSE.—(a) The Congress finds that—

(1) due to the limited quantities of naturally occurring petroleum-based fuels, viable alternative fuels and feedstocks must be developed;

(2) priority should be given to the development of alternative fuels with universal availability;

(3) hydrogen is one of the most abundant elements in the universe, with water, a primary source of hydrogen, covering three-fourths of the Earth;

(4) hydrogen appears promising as an alternative to environmentally damaging fossil fuels;

(5) hydrogen can be transported more efficiently and at less cost than electricity over long distances;

(6) renewable energy resources are potential energy sources that can be convert hydrogen from its naturally occurring states into high quality fuel, feedstock, and energy storage media; and

(7) it is in the national interest to accelerate efforts to develop a domestic capability to economically produce hydrogen in quantities which will make a significant contribution toward reducing the Nation's dependence on conventional fuels.

(b) The purpose of this title is to—

(1) direct the Secretary of Energy to prepare and implement a comprehensive five-year plan and program to accelerate research and development activities leading to the realization of a domestic capability to produce, distribute, and use hydrogen economically within the shortest time practicable; and

(2) develop renewable energy resources as primary energy sources to be used in the production of hydrogen.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 624. (a) The Secretary shall prepare a comprehensive five-year program management plan for research and development activities which shall be conducted over a period of no less than five years and shall be consistent with the provisions of sections 625 and 626. In the preparation of such plan, the Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Secretary of Transporatation, the Hydrogen Technical Advisory Panel established under section 628, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen production capability within the shortest time practicable.

(b) The Secretary shall transmit the comprehensive program management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within six months after the date of the enactment of this Act—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation of the program.

(c) Concurrently with the submission of the President's annual budget to the congress for each year after the year in which the comprehensive five-year plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on, and recommendations for, improvements in the comprehensive program management plan made by the Hydrogen Technical Advisory Panel established under section 628.

RESEARCH AND DEVELOPMENT

SEC. 625. (a) The Secretary shall establish, within the Department of Energy, a research and development program, consistent with the comprehensive five-year management plan under section 624, to ensure the development of a domestic hydrogen fuel production capability within the shortest time practicable.

(b)(1) The Secretary shall initiate research or accelerate existing research in areas which may contribute to the development of hydrogen production and use.

(2) Areas researched shall include production, liquefaction transmission, distribution, storage, and use. Particular attention shall be given to developing an understanding and resolution of all potential problems of introducing hydrogen production and use into the marketplace.

(c) The Secretary shall give priority to those production techniques that use renewable energy resources as their primary energy source.

(d) The Secretary shall, for the purpose of performing his responsibilities pursuant to this Title, solicit proposals for and evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of hydrogen production technology.

(e) The Secretary shall conduct evaluations, arrange for tests and demonstrations, and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

DEMONSTRATION AND PLAN

SEC. 626. (a)(1) The Secretary shall conduct demonstrations of hydrogen technology, preferable in self-contained locations, so that technical and non-technical parameters can be evaluated to best determine commercial applicability of the technology.

(2) Concurrently with activities conducted pursuant to section 624, the Secretary shall conduct small-scale demonstrations of hydrogen technology at self-contained sites.

(b) The Secretary shall, in consultation with the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and Hydrogen Technical Advisory Panel established under section 628, prepare a comprehensive larger-scale hydrogen demonstration plan with respect to demonstrations carried out pursuant to subsection (a)(1). Such plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a large-scale hydrogen production demonstration program;

(2) an assessment of the appropriateness of a largest-scale demonstration immediately upon completion of the necessary research and development activities; and

(3) an implementation schedule with associated budget and program management resource requirements.

COORDINATION AND CONSULTATION

SEC. 627. (a) The Secretary shall have overall management responsibility for carrying out the program under this Title. In carrying out such program, the Secretary, consistent with such overall management responsibility—

(1) shall use the expertise of the National Aeronautics and Space Administration and the Department of Transportation; and

(2) may use the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this title, to the extent that the Secretary determines that any such agency has capabilities which would allow such agency to contribute to the purpose of this Title.

(b) The Secretary may, in accordance with subsection (a), obtain the assistance of any department, agency or instrumentality of the Executive branch of the Federal government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Secretary deems necessary to carry out any duty under this Title.

(c) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen Technical Advisory Panel established under section 628 in carrying out his authorities pursuant to this Title.

TECHNICAL PANEL

SEC. 628. (a) There is hereby established a technical panel of the Energy Research Advisory Board, to be known as the Hydrogen Technical Advisory Panel, to advise the Secretary on the program under this Title.

(b)(1) The technical panel shall be appointed by the Secretary and shall be comprised of such representatives from domestic industry, universities, professional societies, Government laboratories, financial, environmental, and other organizations as the Secretary, in consultation with the Chairman of the Energy Research Advisory Board, deems appropriate based on his assessment of the technical and qualifications of such representatives. Appointments to the technical panel shall be made within ninety days after the enactment of this Act. The technical panel shall have a chairman, who shall be elected by the members from among their number.

(2) Members of the technical panel need not be members of the full Energy Research Advisory Board.

(c) The activities of the technical panel shall be in compliance with any laws and regulations guiding the activities of technical and fact-finding groups reporting to the Energy Research Advisory Board.

(d) The heads of the departments, agencies, and instrumentalities of the Executive branch of the Federal government shall cooperate with the technical panel in carrying out the requirements of this section and shall furnish to the technical panel such information as the technical panel deems necessary to carry out this section.

(e) The technical panel shall review and make any necessary recommendations to the following items, among others—

(1) the implementation and conduct of the program under this Title; and

(2) the economic, technological, and environmental consequences of the deployment of hydrogen production and use systems.

(f) The technical panel shall prepare and submit annually to the Energy Research Advisory Board a written report of its findings and recommendations with regard to the program under this Title. The report shall include—

(1) a summary of the technical panel's activities for the preceding year;

(2) an assessment and evaluation of the status of the program; and

(3) comments on and recommendations for improvements in the comprehensive five-year program management plan required under section 624.

(g) After consideration of the technical panel report and within thirty days after its receipt, the Energy Research Advisory Board shall submit the report, together with any comments which the Board deems appropriate, to the Secretary.

(h) The Secretary shall provide such staff, funds, and other support as may be necessary to enable the technical panel to carry out the functions described in this section.

DEFINITIONS

SEC. 629. As used in this title—

(a) the term "Secretary" means the Secretary of Energy; and

(b) the term "capability" means proven technical ability.

AUTHORIZATION OF APPROPRIATIONS

SEC. 630. There is hereby authorized to be appropriated to carry out the purpose of this Title (in addition to any amounts made available for such purpose pursuant to other Acts)—

(a) $10,000,000 for the fiscal year beginning October 1, 1991;

(b) $15,000,000 for the fiscal year beginning October 1, 1992;

(c) $20,000,000 for the fiscal year beginning October 1, 1993;

(d) $25,000,000 for the fiscal year beginning October 1, 1994;

(e) $30,000,000 for the fiscal year beginning October 1, 1995;

HYDROGEN-FUELED AIRCRAFT RESEARCH AND DEVELOPMENT

SEC. 631. FINDINGS AND PURPOSE.—(a) The Congress finds that—

(1) long-term future decreases in petroleum-based fuel availability will seriously impair the operation of the world's air transport fleets;

(2) hydrogen appears to be an attractice alternative to petroleum in the long-term to fuel commercial aircraft;

(3) it is therefore in the national interest to accelerate efforts to develop a domestic hydrogen-fueled supersonic and subsonic aircraft capability; and

(4) the use of liquid hydrogen as a commercial air transport fuel has sufficient long-term promise to justify a substantial research, development demonstration program.

(b) The purpose of this Title is to—

(1) direct the Administrator of the National Aeronautics and Space Administration to prepare and implement a comprehensive five-year plan and program for the conduct of research, development, and demonstration activities leading to the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable.

(2) establish as a goal broad multinational participation in the program; and

(3) provide a basis for public, industry, and certifying agency acceptance of hydrogen-fueled aircraft as a mode of commercial air transport.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 632. (a) The Administrator shall prepare a comprehensive five-year program management plan for research, development, and demonstration activities consistent with the provisions of sections 633, 634, and 635. In the preparation of such plan, the Administrator shall consult with the Secretary of Energy, the Secretary of Transportation, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable.

(b) The Administrator shall transmit the comprehensive five-year program management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate within six months after the date of the enactment of this Act. The plan shall include, but not necessarily be limited to—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including detailed technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) The estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation for the program.

(c) Concurrently the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive five-year plan is initially transmitted under subsection (b), the Administrator shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on and recommendations for improvements in the comprehensive program management plan made by the Hydrogen-Fueled Aircraft Advisory Committee established under section 637.

RESEARCH AND DEVELOPMENT

SEC. 633. (a) The Administrator shall establish, within the National Aeronautics and Space Administration, a research and development program consistent with the comprehensive five-year program management plan under section 632 to ensure the development of a domestic hydrogen-fueled aircraft capability within the shortest time practicable.

(b) The Administrator shall initiate research or accelerate existing research in areas which may contribute to the development of a hydrogen-fueled aircraft capability.

(c) In conducting the program pursuant to this section, the Administrator shall encourage the establishment of domestic industrial capabilities to supply hydrogen-fueled aircraft systems or subsystems to the commercial marketplace.

(d) The Administrator shall, for the purpose of performing his responsibilities pursuant to this Act, solicit proposals for and evaluate any reasonable new or improved technology, a description of which could lead or contribute to the development of hydrogen-fueled aircraft technology.

(e) The Administrator shall conduct evaluations, arrange for tests and demonstrations and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

FLIGHT DEMONSTRATION

SEC. 634. (a) Concurrent with the activities carried out pursuant to section 633, the Administrator shall, in consultation with the Secretary of Transportation, the Secretary of Energy, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 637, prepare a comprehensive flight demonstration plan, the implementation of which shall provide confirmation of the technical feasibility, economic viability, and safety of liquid hydrogen as a fuel for commercial transport aircraft. The comprehensive flight plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a flight demonstration program;

(2) the selection of a domestic site where demonstration activities can lead to early commercialization of the concept;

(3) an assessment of a preliminary flight demonstration to occur concurrently with the later states of research and development activities; and

(4) an implementation schedule with associated budget and program management resource requirements

(b) The Administration shall transmit such comprehensive flight demonstration plan to the Congress within two years after the date of the enactment of this Act.

HYDROGEN PRODUCTION AND GROUND FACILITIES

SEC. 635. (a) The Administrator, in consultation with the Secretary of Transportation and the Secretary of Energy, shall define the systems, subsystems, or components associated with the production, transportation, storage, and handling of liquid hydrogen that are specifically required for and unique to the use of such fuel for commercial aircraft application.

(b) The Administrator shall structure the research and development program pursuant to section 633 to allow the development of the systems, subsystems, or components defined pursuant to subsection (a) of this section.

(c) The research and development program for hydrogen production, transportation, and storage systems, subsystems, and components which are suitable for inclusion as part of fully integrated hydrogen-fueled aircraft system, but which are not being specifically developed for such application shall be the responsibility of the Secretary of Energy. Such activities shall be included as part of the program established pursuant to Title I of this Act, and shall be so conducted as to ensure compliance with dydrogen-fueled aircraft system constraints.

COORDINATION AND CONSULTATION

Sec. 636. (a) The Administrator shall have overall management responsibility for carrying out the program under this Title. In carrying out such program, the Administrator, consistent with such overall management responsibility—

(1) shall utilize the expertise of the Departments of Transportation and Energy to the extent deemed appropriate by the Administrator, and

(2) may utilize the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under

this Title, to the extent that the Administrator determines that any such agency has capabilities which would allow such agency to contribute to the purposes of this Title.

(b) The Administrator may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the Executive branch of the Federal government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Administrator deems necessary to carry out any duty under this Title.

(c) The Administrator shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 207 in carrying out his authorities pursuant to this Title.

ADVISORY COMMITTEE

SEC. 637. (a) There is hereby established a Hydrogen Fueled Aircraft Advisory Committee, which shall advise the Administrator on the Program under this title.

(b) The Committee shall be appointed by the Administrator and shall be composed of at least seven members from industrial, academic, financial, environmental, and legal organizations and such other entities as the Administrator deems appropriate. Appointments to the Committee shall be made within ninety days after the enactment of this Act. The Committee shall have a chairman, who shall be elected by the members from among their number.

(c) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal government shall cooperate with the Committee in carrying out the requirements of this section and shall furnish to the Committee such information as the Committee deems necessary to carry out this section.

(d) The Committee shall meet at least four times annually, notwithstanding subsections (e) and (f) of section 10 of Public Law 92-463.

(e) The Committee shall review and make any necessary recommendations on the following items, among others—

(1) the implementation and conduct of the program under this Title; and

(2) the economic, technological, and environmental consequences of developing a hydrogen-fueled aircraft capability.

(f) The Committee shall prepare and submit annually to the Administrator a written report of its findings and recommendations with regard to the program under this Title. The report shall include—

(1) a summary of the Committee's activities for the preceding year;

(2) an assessment and evaluation of the status of the program; and

(3) comments on the recommendations for inprovements in the comprehensive five-year program management plan required under section 632.

(g) The Administrator shall provide such staff, funds, and other support as may be necessary to enable the Committee to carry out the functions described in this section.

DEFINITIONS

SEC. 638. As used in this Title—

(a) The term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(b) the term "capability" means proven technical ability; and

(c) the term "certifying agency" means any government entity with direct responsibility for assuring public safety in the operation of the air transport system.

AUTHORIZATION OF APPROPRIATIONS

SEC. 639—Authorizations.—There is hereby authorized to be appropriated to carry out the purpose of this Title—

(1) $10,000,000 for the fiscal year beginning October 1, 1991;

(2) $15,000,000 for the fiscal year beginning October 1, 1992;

(3) $20,000,000 for the fiscal year beginning October 1, 1993;

(4) $25,000,000 for the fiscal year beginning October 1, 1994; amd

(5) $30,000,000 for the fiscal year beginning October 1, 1995.

TITLE VII—ADVANCED CIVILIAN REACTOR PROGRAMS

SEC. 701. FINDINGS AND PURPOSES.—(a) Congress finds that the use of energy generated from nuclear fission could potentially supplant economically the burning of fossil fuels and thereby contribute substantially to reducing the rate and scope of global climate change;

(b) the purpose of this Title is to redirect programs in existence on the date of the enactment of this Title for research, development, and demonstration of technologies for the generation of commercial electric power from nuclear fission. Notwithstanding any other provision of law, this Title shall be the exclusive source of authority for appropriations for such programs; and

(c) for purposes of this section, programs for research, development, and demonstration of technologies for the generation of commercial electric power from nuclear fission include programs of the Secretary designated in appropriations acts for the fiscal year beginning on October 1, 1988, as Advanced Reactor Research and Development, Advanced Nuclear Systems, Facilities, and Program Direction.

SEC. 702. RESEARCH AND DEVELOPMENT PROGRAM.—(a) The Secretary shall carry out a comprehensive program of research and development of technologies for the generation of commercial electric power from nuclear fission that to the maximum extent practicable—

(1) permit modular design;

(2) exhibit passive safety;

(3) are adaptable to standardized construction and licensing;

(4) are cost-effective in comparison to alternative sources of electricity of comparable availability, reliability, and impact on the rate and scope of global climate change;

(5) minimize the volume of nuclear waste produced and the cost of nuclear waste disposal;

(6) prevent diversions of radioactive material for use in nuclear weapons; and

(7) minimize the cost of power plant decommissioning.

SEC. 703. APPROPRIATIONS.—(a) There is authorized to be appropriated to carry out the purposes of this Title for the fiscal year beginning on October 1, 1991, not more than $100 million; for the fiscal year beginning October 1, 1992, not more than $200 million, and for the fiscal year beginning October 1, 1993, not more than $200 million.

SEC. 704. REPORTS.—The Secretary shall submit to the Congress by October 1, 1991, and every year thereafter, a comprehensive report on progress made toward the development of reactor designs which meet the criteria set out in section 702(a) of this Act. The report shall rank each design or technology in terms of its ability to meet these criteria, and shall show how the Secretary will focus his research efforts to most expeditiously achieve the development of a reactor design which meets these criteria. In addition, the report shall include the Secretary's recommendations for whatever steps he deems are needed to successfully achieve the purposes of this Title.

TITLE VIII—FUSION

SEC. 801.—(a) Within one year after the date of the enactment of this section, the Secretary shall report to Congress on the status of research, development, and demonstration in technology for the production of electricity from both magnetic and inertial confinement fusion, including international collaboration;

(b) The report under subsection (a) shall present a program of research, development, and demonstration of magnetic confinement and inertial confinement fusion for energy that would insure by 2010:

(1) a demonstration of the achievement of ignition conditions in both magnetic and inertial fusion test facilities;

(2) a demonstration of the technological feasibility of magnetic and inertial fusion as a source of electric power; and

(3) in the event that such feasibility is determined, the development of a design of a prototype commercial fusion reactor, accompanied by cost estimates and specifications sufficient to permit bids for construction of the reactor;

(c) the report shall include:

(i) an assessment of the actions needed and the funds that would be necessary to achieve the goals of the program under subsection (b);

(ii) an assessment of funds that would be provided by the United States under appropriate scenarios for international collaboration in a program of fusion research, development, and demonstration that would achieve such goals;

(iii) a review and analysis of the major obstacles to international collaboration in such a program; and

(iv) the Secretary's recommendations for additional legal and budgetary authority required to implement the preferred scenario among those considered under paragraph (2).

TITLE IX—COAL

SEC. 901. REPORT.—(a) Within 9 months after the date of the enactment of this Title the Secretary shall provide Congress with a comprehensive report reviewing the clean coal technologies to be developed in projects that have received Federal funds under the Department of Energy's Clean Coal Technology Program. This report shall analyze each such project to determine the change in the production of CO2 that is likely to result from the project specifically and in total were the technology being developed widely implemented relative to alternative coal use technologies;

(b) Before submitting the report under subsection (a), the Secretary shall make a draft report available to the public and provide an opportunity for comment on such draft report. The Secretary shall provide appropriate responses to comments received in the final report; and

(c) The Secretary shall include in the report his recommendations as to the most promising clean coal technologies that also would reduce the production of CO2 per unit of energy delivered relative to alternative coal use technologies.

SEC. 902. PROGRAM.—(a) The Secretary shall establish and carry out a program of research, development and demonstration of techniques for recovery and disposal of CO2 from automobiles, trucks and buses, electric utility power operations, and industrial manufacturing processes; and

(b) Within 6 months after the date of the enactment of this section the Secretary shall submit a report to Congress on his plans to implement subsection (a). Such report shall include the Secretary's recommendations of priority in research, development, and demonstration opportunities under this section. The report shall also include the Secretary's five-year budget for the program under this section.

SEC. 903. COAL STUDY.—(a) The Secretary, through one or more of the Department's National Laboratories, shall establish and carry out a comprehensive program in the fundamental physics and chemistry of coal combustion. The program under this section shall examine the breakup of representative types of coal under combustion into final products at the molecular level;

(b) In designing the program under this section, the Secretary shall give priority to research that will clarify the fundamental mechanisms for the production of oxides of sulphur and nitrogen during the combustion process, with the ultimate goal of using information gained thereby to limit or control the introduction of these gases into the atmosphere; and

(c) Within 6 months after the date of the enactment of this section the Secretary shall submit a report to Congress on his plans to implement subsection (a), including a five-year budget for the program under this section.

SEC. 904. IMPROVED EFFICIENCY.—The Secretary shall support research that will improve the efficiency of coal generated electricity and industrial processes with priority given to those projects which have the greatest potential for reducing the generation of carbon dioxide.

SEC. 905. AUTHORIZATION.—There is authorized to be appropriated to the Secretary for purposes of this Title not more than $5,000 for fiscal year 1991 and not more than $15,000,000 for fiscal year 1992, and not more than $25,000,000 for fiscal year 1993.

TITLE X—NATURAL GAS

SEC. 1001. NATURAL GAS FOR MASS TRANSIT PROGRAM.—(a) The Secretary shall, consistent with the Alternative Motor Fuels Act of 1988, PL 100-494, enter into cooperative agreements with, and provide financial assistance under this section to any municipal, county, or regional transit authority (hereinafter "authority") to demonstrate the feasibility of using natural gas as a fuel for mass transit in urban areas.

(b) The program of the Secretary to implement the agreements under subsection (a) may include interested or affected private firms willing to provide assistance in cash or in kind for any such demonstration.

(c) The Secretary shall not enter into any agreement under subsection (a) with any municipal, county or regional transit authority unless such government body agrees to provide at least twenty-five per centum of the costs of such demonstration.

(d) The authority may petition the Secretary for priority in allocating financial assistance under this section.

(e) The Secretary, at his discretion, may grant such priority under this section to any authority that demonstrates that the use of natural gas as a transportation fuel would have a significant effect on the ability of an air quality region to comply with applicable regulations governing air quality.

(f) Within 6 months after the date of the enactment of this section the Secretary shall report to Congress on his plans to implement this section.

(g) There is authorized to be appropriated to the Secretary not more than $30,000,000 for each fiscal years 1991, 1992 and 1993 for purposes of this section.

SEC. 1002. REPORT.—Within 18 months after the date of the enactment of this Title the Secretary, in consultation with the Administrator of the Environmental Protection Agency and the President of the Gas Research Institute, shall submit to Congress a report on the feasibility of using natural gas in gasoline and diesel-powered vehicles to facilitate compliance by such vehicles with applicable emissions requirements for such vehicles.

SEC. 1003. NATURAL GAS USE IN FLEETS.—(a) The Secretary, consistent with the Alternative Motor Fuels Act of 1988, and after consultation with the president of the Gas Research Institute, shall establish and carry out a program, and provide financial assistance, to encourage the development and commercialization of natural gas use in passenger fleets, light duty trucks and heavy duty trucks by providing for the purchase and construction of alternative fuel vehicles and associated refueling equipment.

(b) Both Federal and private fleets may be eligible for private assistance under this section. A public or private operator of a fleet may petition the Secretary for priority in allocating financial assistance under this section.

(c) The Secretary, at his discretion, may grant such priority to those fleets where the use of natural gas as a transportation fuel would have a significant effect on the ability of an air quality region to comply with applicable regulations governing air quality.

(d) To facilitate the use of natural gas fueled vehicles, the existing Federal vehicle anti-tampering regulations shall be amended by adding the following:

"The conversion of a vehicle from gasoline only to natural gas or natural gas and gasoline shall not be considered a violation of any anti-tampering provisions of the Federal law and implementing regulations provided that the conversion complies with emissions standards which shall be issued by the EPA administrator not later than October 31, 1989."

(e) There is authorized to be appropriated to the Secretary not more than $30 million for each of fiscal years 1991, 1992, 1993, for purposes of this section.

SEC. 1004. TRAINING PROGRAM.—(a) The Secretary shall establish and carry out a training program for technicians who are responsible for vehicle installations of equipment that converts gasoline or diesel-fueled vehicles to the capability to run on natural gas alone, or on natural gas and either diesel or gasoline. Such training program shall provide these technicians with instruction on the correct installation procedures and techniques, adherence to specifications, vehicle operating procedures, and other appropriate mechanical concerns applicable to these vehicle conversions.

(b) The Secretary, at his discretion, shall enter into cooperative agreements with, and provide financial assistance, under this section, to appropriate parties to provide training programs that will ensure the proper operation and performance of conversion equipment.

(c) There is authorized to appropriated to the Secretary, consistent with the Alternative Motor Fuels Act of 1988, and after consultation with the president of the Gas Research Institute, not more than $5 million for each of the fiscal years 1991, 1992, and 1993 for purposes of this section.

SEC. 1005. VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—(a) The Secretary, in consultation with the president of the Gas Research Institute, shall establish and carry out a program of research, development, and demonstration on techniques related to improving natural gas vehicle technology including, but not limited to, the following areas—

(1) gaseous fuel injection;
(2) carburetion;
(3) manifolding;
(4) combustion;
(5) power optimization;
(6) emissions control;
(7) novel gas compression concepts;
(8) advanced storage system; and
(9) advanced gaseous fueling technologies.

(b) The Secretary, consistent with the Alternative Motor Fuels Act of 1988, after consultation with the president of the Gas Research Institute, shall enter into cooperative agreements with, and provide financial assistance, under this section, to the Gas Research Institute to perform the research and development to improve natural gas vehicle technology.

(c) There is authorized to be appropriated to the Secretary not more than $10 million for each of the fiscal years 1991, 1992, and 1993 for purposes of this section.

SEC. 1006. NATURAL GAS RECOVERY, RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) The Secretary, in consultation with the president of the Gas Research Institute, shall expand and continue a program of research, development, and demonstration on techniques to increase the availability of natural gas from—

(1) intensive recovery of natural gas in place in discovered reservoirs or formations; and

(2) more economic recovery of unconventional natural gas, including gas from tight sands, Eastern shales gas from less permeable formations, coal-bed methane, and geopressured reservoirs.

(b) The Secretary shall seek to enter into joint research and development ventures with persons engaged in the production, transportation or major use of natural gas to implement the program under subsection (a). For purposes of this section a 'joint research and development venture' means a joint research and development venture under the National Cooperative Research Act of 1984.

(c) There is authorized to be appropriated to the Secretary not more than $25 million for each of the fiscal years 1991, 1992, and 1993 for purposes of this section.

SEC. 1007. ENGINE RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) The Secretary, in consultation with the President of the Gas Research Institute, shall establish and carry out a program of research, development, and demonstration on high efficiency heat engines including, but not limited to, advanced gas turbine cycles for high efficiency electric power generation, such as—

(1) advanced combined cycle turbines;
(2) steam-injected gas turbines (STIG); and
(3) intercooled steam-injected gas turbines (ISTIG);

(b) The Secretary, after consultation with the president of the Gas Research Institute, shall enter into cooperative agreements with, and provide financial assistance, under this section, to appropriate parties, including, but not limited to the Gas Research Institute, to construct and demonstrate the high efficiency heat engines.

(c) There is authorized to be appropriated to the Secretary not more than $25 million for each of the fiscal years 1991, 1992, and 1993 for purposes of this section.

SEC. 1008.—The Secretary, after consultation with the president of the Gas Research Institute, shall establish priorities for research, development, and demonstration programs, and transmit a list of priorities to the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce for guidance in its use of research, development, and demonstration funds. The Secretary shall update the list every two years and submit the update version to the aforementioned Congressional Committees.

TITLE XI—NATURAL RESOURCE POLICY

Subtitle A—General

SEC. 1101.—ECOLOGICAL AND ENVIRONMENTAL RESOURCE STUDY.—(a) The Secretary of the Interior shall conduct a study of the ecological and environmental resources that would be affected by a global climate change. The study should include effects in wildlife habitat preservation, coastal protection, inland rivers and lakes, irrigation and reclamation, groundwater protection, and national wildlife refuges and parks, national forests, and other Federal lands.

(b) The study should—

(1) include specific regional climatic and resource base information useful in anticipatory and mitigatory planning;

(2) identify actions that, if taken, could help mitigate the effects of global climate change; and

(3) evaluate the cost-effectiveness, including environmental externalities of possible action.

(c) The Secretary of the Interior shall consider the relative impact on global warming of all mineral leasing programs.

(d) The Secretary of the Interior and the Secretary of Agriculture shall consider the relative impact on global warming of all Federal forest land management programs, including timber sales and reforestation.

SEC. 1102.—NATIONAL FORESTATION INITIATIVE.—The Secretary Agriculture, in cooperation with the Secretary of Interior, shall report to the President and the Congress on the feasibility of a national forestation initiative. Such report shall include—

(a) an inventory of public, State, and private forested lands;

(b) an evaluation of the status of timber harvesting on those lands, including the extent to which those lands are being reforested;

(c) an assessment of the extent to which Federal, State, and private lands can be reforested and afforested, including lands not necessarily suitable for timber harvesting such as urban areas;

(d) an evaluation of (1) the potential of a national forestation initiative reducing, mitigating, or preventing climate change, and (2) the measures needed to achieve that potential; and

(e) an assessment of the potential economic and environmental benefits and costs of such an initiative, the measures available to mitigate such costs, and an evaluation of the effectiveness of such measures.

SEC. 1103. URBAN FORESTRY AND ENERGY SAVINGS.—The Secretary of Energy, in consultation with the Secretary of Agriculture, and other relevant government agencies, shall conduct a study of the potential for reducing carbon dioxide emissions by undertaking targeted urban tree plantings designed to reduce the air-conditioning needs of buildings. The study shall provide estimates of the cost-effectiveness of such a program and shall outline a range of Federal, State, and local public policies and incentives that would encourage public and private efforts to undertake such plantings.

The Secretary shall complete the study and submit it to the Congress within 18 months after the date of enactment of this Act.

SUBTITLE B—TONGASS TIMBER REFORM ACT

TONGASS TIMBER REFORM ACT

SEC. 1103. DEFINITIONS.—As used in this Title—(a) The term "The Secretary" means the Secretary of Agriculture.

(b) Unless otherwise specified, any other term has the same meaning as used in the Alaska National Interest Lands Conservation Act as amended (Public Law 96-487), hereinafter referred to as ANILCA.

AMENDMENTS TO THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

SEC. 1104. ANNUAL APPROPRIATIONS FOR TIMBER MANAGEMENT AND RESOURCE CONSERVATION ON THE TONGASS NATIONAL FOREST.—Section 705(a) of ANILCA (16 U.S.C. 539d(a)0 is hereby repealed effective September 30, 1989, and subsections (b) and (c) of section 705 are redesignated as subsections (a) and (b), respectively.

SEC. 1105. IDENTIFICATION OF LANDS UNSUITABLE FOR TIMBER PRODUCTION.—Section 705(d) of ANILCA 916 U.S.C. 539d(d)) is hereby repealed.

REPORTS ON THE TONGASS NATIONAL FOREST

SEC. 1106. (a) MONITORING—Section 706(a) of ANILCA (16 U.S.C. 539e(a)) is hereby repealed.

(b) STATUS—Section 706 (b) of ANILCA (16 U.S.C. 539e(b)) is amended as follows:

(1) Strike out "(b)" and insert in lieu thereof "(a)";

(2) Strike out "and (4)" and insert in lieu thereof "(4)";

(3) Strike out the period at the end of the section and insert in lieu thereof"; (5) the impact of timber harvest on subsistence resources, wildlife and fisheries resources, commercial fisheries, recreation resources and tourism; (6) effects of timber harvest on biological diversity; (7) effects of timber harvest on the old growth rain forest ecosystem, especially in areas of high volume, and measures to conserve the old growth ecosystem, (8) timber supply and demand in southeastern Alaska; and (9) costs and revenues of the timber sale program.".

(c) CONSULTATION.—Section 706(c) of ANILCA 916 U.S.C. 539e(e)) is amended as follows:

(1) strike out "(c) and insert in lieu thereof "(b).

(2) strike out "and the Alaska Land Use Council" and insert in lieu thereof "the southeast Alaska commercial fishing industry, and the Alaska Land Use Council".

SEC. 1107.—TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA.—Title V of ANILCA is amended by adding at the end thereof the following new section:

"SEC. 508. TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA.

"Not later than 90 days after the date of enactment of this section, the Secretary shall terminate the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 between the United States and Alaska Pulp Corporation, and between the United States and Ketchikan Pulp Company, respectively."

MANAGEMENT OF THE TONGASS NATIONAL FOREST

SEC. 1108. (a) FINDINGS.—The Congress finds that—

(1) natural resources of the Tongass National Forest possess outstanding natural characteristics of high value and benefit to the American people, and these resources are essential for subsistence activities and for the commercial fishing, recreation, and tourism industries which contribute significantly to the economy of southeast Alaska;

(2) the Tongass National Forest contains one of the last largely intact rain forest in the world's temperate latitudes, and must serve as an example of the type of protection, preservation and management that will be required to stop the destruction of rain forest resources in other nations;

(3) current Forest Service management of the Tongass National Forest, in particular the amount of high volume old growth timber offered for sale and harvested, gives priority to timber harvest over other uses of the forest and thus is not consistent with the principle of multiple use or with requirements of the Forest and Rangeland Renewable Resources Planning Act of 1974 and the National Forest Management Act of 1976, and cannot be sustained without jeopardizing natural resources that are of national significance and upon which the commercial fishing, recreation, and tourism industries and subsistence users of southeast Alaska depend;

(4) current Forest Service management practices are based on the Tongass National Forest Land Management Plan of 1979, as amended, which should be revised consistent with the provisions of this Act and with other laws applicable to the National Forest System, to significantly increase protection and enhancement of fish, wildlife, watershed, recreation, cultural, biological diversity, and old growth forest ecosystem resources, and to support the long-term best interest of all natural resource dependent industries and subsistence communities in southeast Alaska.

(b) PURPOSE.—The purpose of this Title is to require revision of the Tongass National Forest Land Management Plan of 1979, as amended, in conformance with this Act and other laws applicable to the National Forest System, to significantly increase protection of resources that are critical to the long-term best interests of the commercial fishing, recreation, and tourism industries, and the subsistence users in southeast Alaska, and which are of high value and benefit to the people of the United States. These include the fish, wildlife, watershed, recreation, cultural, biological diversity and old growth ecosystem resources and subsistence values of the Tongass National Forest.

SEC. 1109. DIRECTIVE AND REPORTS.—(a) In furtherance of the purpose of this Title, the Secretary is hereby authorized and directed to fully revise the Tongass National Forest Land Management Plan of 1979, as amended, to conform with provisions of this Act and other laws applicable to the National Forest System. This revision shall replace any efforts to revise the Forest Plan that are predicated on sections of ANILCA that are repealed or amended by this Act.

(b) In revising the Forest Plan, the Secretary shall significantly increase the protection of fish, wildlife, watershed, recreation, cultural, biological diversity and old growth ecosystem resources and subsistence values of the Tongass National Forest. Planning and management of old growth resources shall give specific attention to areas of high volume old growth ecosystem as a whole.

(c) In revising the Forest Plan, the Secretary shall ensure that priority is given to the protection of fish, wildlife, watershed, recreation, cultural, biological diversity, and old growth ecosystem resources and subsistence values of the areas listed in section 302(b) of this Act.

(d) Within 30 days after this Act takes effect, the Secretary shall provide the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives with a report on the schedule for revision of the Tongass Land Management Plan, including the expected dates of publication of the draft and final plans.

(e) Within one year after this Act takes effect, and each year thereafter until the revised Tongass National Forest Land Management Plan is complete and ready for implementation, the Secretary shall provide the Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the House of Representatives with a report describing the steps taken in furtherance of section 201(b) of this Act.

MORATORIUM ON TIMBER SALES AND HARVEST

SEC. 1110. (a) PURPOSE.—The purpose of this Title is to impose a moratorium on the sale or commercial harvest of timber in certain areas having special values for fish and wildlife, subsistence, recreation, old growth, and other resources, pending revision of the Tongass National Forest Land Management Plan to conform with the new management directives provided in this Act.

(b) MORATORIUM.—Until such time as the Tongass National Forest Land Management Plan is completely revised and ready for implementation, there shall be no sale or harvest of timber, nor any associated development (including timber sale preparation or road construction), within any area specified in subsection (b) of this section. The moratorium shall apply to lands administered by the Forest Service, as generally depicted on appropriately referenced maps, as follows:

Area	Approximate acreage
Anan Creek	37,331
Berners Bay	35,379
Calder-Holbrook	62,335
Chichagof	353,540
Chuck River	125,574
Kadashan	33,641
Karta River	38,671
Kegan Lake	23,858
Naha River	31,926
Nutkwa	53,635
Outside Island	95,524
Pleasant Island-Lemesurier Island	15,527
Pt. Adolphus-Mud Bay	72,091
Port Houghton-Sanborn Canal	59,712
Rocky Pass	74,423
Sarkar Lakes	23,500
South Etolin Island	81,939
South Kuiu	190,301
Sullivan Island	3,985
Trap Bay	6,446
West Duncan Canal	118,812
Yakutat Forelands	232,962
Young Lake	18,173

Copies of maps depicting these areas shall be on file and available for public inspection in the offices of the Chief of the Forest Service in Washington, D.C., and the Regional Forester in Juneau, Alaska.

TITLE XII—BASIC SCIENCE INITIATIVES

SEC. 1201. (a) PURPOSES.—The overall purpose of this Title is to expand support for ongoing and new scientific research initiatives regarding the causes, mechanisms, and implications of the greenhouse effect and global climate change, on the part of the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), the United States Geological Survey (USGS) ("the Agencies"), and the National Institute of Standards and Technology (NIST) for research on the development of safe, non-ozone depleting substitutes for chlorofluorocarbons (CFCs). The specific purposes of this Title shall include—

(1) support for NASA, NSF, NOAA, and USGS in their research in such major climate-related processes as interactive atmospheric dynamics and chemistry, natural emissions of greenhouse gases; ocean-atmosphere-ice interactions; carbon cycle links to ocean and terrestrial nutrients; cloud formation, dynamics, and radiative properties; precipitation processes; tropical global-ocean atmosphere interaction; global ocean circulation and heat capacity; sea-ice dynamics; global tropospheric chemistry; and stratospheric ozone chemistry; solar irradiance variations; paleoclimate; biosystem-climate interactions; and sea level-climate interactions; monitoring of river and coastal levels;

(2) support for the Agencies in providing research to address scientific issues such as: detection of the greenhouse warming signal through land and ocean measurements of temperature and other climate-sensitive variables; research in past climate change; improvement of models to assess the rate and scope of climate change; understanding the role of clouds in reflecting solar radiation and in trapping terrestrial radiation; identifying sources and sinks of carbon dioxide and trace gases, especially methane; understanding the relationship between stratospheric ozone depletion and global climate change; the role of oceans in the global carbon cycle; modelling regional climate changes and hydrology; understanding the effects of climate change on ecosystems and climate biota feedbacks; understanding the role of changes in the polar ice packs on climate, (e.g., reflection of solar radiation, influence on the heat budget, and contribution to sea level rise); assessing the validity of climate models by testing them against the past climate record; and predicting the possible range of future climatic conditions that could arise from natural processes and selected scenarios of human perturbations;

(3) support for the completion or continuation of the Agencies' space missions and experiments to study the composition and dynamics of the atmosphere; measure the Earth's energy balance; observe ocean and ice surfaces; collect data on the Earth's radiation budget; measure sea surface temperature and monitor ocean biological activity and land vegetation; measure volcanic activity; and

(4) support for the National Institute of Standards and Technology's efforts to find alternative refrigerants or other technologies that meet stringent requirements with respect to health, stability, thermophysical properties, and cost, and do not result in decreased energy efficiency; develop effective replacements for harmful CFCs in time to be of value to CFC dependent industries in meeting their product line changes for the Montreal Protocol schedule; develop models to correlate and extend the available measured property data; and assist industry in evaluating the full potential of alternative fluids.

(b) There is hereby authorized to be appropriated $275 million in additional funding to the following agencies over the fiscal years 1991, 1992, and 1993, to support each agency's efforts in carrying out the purposes of this Title:

(1) $100,000,000 to NASA;
(2) $60,000,000 to NOAA;
(3) $75,000,000 to NSF;
(4) $30,000,000 to USGS; and
(5) $10,000,000 to NIST.

TITLE XIII—DEVELOPMENT ASSISTANCE

SEC. 1301. BILATERAL TROPICAL FORESTRY PROGRAM.—(a) Not later than one year after the enactment of this Title, the Secretary of State, in conjunction with the Secretary of the Treasury, Administrator of the Agency for International Development, the Secretary of Interior, and the Secretary of Agriculture shall transmit to Congress a report containing—

(1) a description and inventory of the existing forest resources in all tropical countries of the world;

(2) an evaluation of the potential in each tropical nation for reforestation, afforestation, and conservation of existing forest resources;

(3) a description of appropriate mechanisms in each country for preserving forest resources and creating new forested area, including, but not limited to, choice of mixed species to encourage a diverse forest and discourage monoculture estates, and involvement of local groups in the design, implementation, and monitoring of projects; and

(4) the potential for reducing, mitigating, or preventing climate disruption by providing bilateral development assistance and other forms of assistance and incentives to tropical countries for reforestation, afforestation, and conservation of existing forest resources. The report referred to in this subsection shall be prepared in consultation with the government and the public in each tropical country and shall be updated and transmitted to Congress every three years.

(b) Within one year after the completion of the report required under subsection (a) and every three years thereafter, the same agencies, in consultation with the government and public in each tropical country and interested members of the public in the United States, shall establish and transmit to Congress a forest plan with goals for each tropical country. These goals shall include maximum feasible conservation of existing forest areas and reforestation and afforestation in areas not covered by forests.

(c) The Administrator of the Agency for International Development shall make development assistance monies, export credits, and other forms of financial support available for projects and programs to implement the plan required by subsection (b). The Administrator shall ensure that all activities supported by the United States bilateral foreign assistance are consistent with the plan. Beginning two years after the approval of the first plan, the Administrator, in allocating development assistance monies to countries identified in the plan, shall

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take account of the success or lack of success of each country in meeting the goals established in the plan.

(d) The Administrator shall promote support by other bilateral donors for activities necessary to implement the plan.

(e) Not later than one year after the date of enactment of this Title, and annually thereafter, the Department of State, in cooperation with the Department of Interior, and the Department of the Treasury, the Department of Agriculture, and the Agency for International Development shall submit to Congress a report describing actions taken pursuant to this section, the extent to which other donors have supported actions necessary to implement the forest plan, the extent to which each tropical country has succeeded in achieving the goals set out in the plan, and how the success or lack of success of each country in meeting the goals established in the plan have been taken into account in allocating development assistance monies to each country.

SEC. 1302. MULTILATERAL TROPICAL FORESTRY PROGRAM.—(a) The Secretary of the Treasury shall instruct the United States' Executive Director of the multilateral development banks to promote the adoption by each such bank of a forestry program substantially equivalent to the program set out in section 1301 and containing the following components:

(1) identification of each borrowing country's potential for afforestation;

(2) establishment of goals for afforestation for each borrowing country, in consultation with the government and the public in that country;

(3) creation of incentives to encourage afforestation and disincentives to discourage deforestation; and

(4) allocation of the resources of each such bank to each borrowing country in proportion to the degree with which such country has created new forested areas and protected existing forested areas.

(b) Beginning two years after the enactment of this Title, the Secretary of the Treasury shall instruct the United States' Executive Director to each of the multilateral developlment banks to oppose loans and other financial or technical assistance to any borrowing country that has not successfully established and successfully implemented a program setting reasonable goals for that country for preserving existing forest resources and creating new forested areas, except where the Secretary determines that such goals are advanced more effectively by actions other than voting against such assistance.

(c) The Secretary of State shall instruct the United States representative to the United Nations Food and Agriculture Program to promote the establishment and coordinate the implementation of forestry plans for tropical countries substantially equivalent to those set out in section 1301 and subsection (a) of this section that contains incentives to encourage afforestation and disincentives to discourage deforestation.

(d) The Secretary of State shall instruct the United States Ambassador to the United Nations Development Program to adopt and implement forestry programs for recipient countries substantially equivalent to those set out in section 1301 and subsection (a) of this section that contain incentives to encourage afforestation and disincentives to encourage deforestation. Beginning two years after the enactment of this Title, the Secretary of State shall instruct the United States Ambassador to the United Nations to oppose the adoption of any country programs for any recipient country that has not established and successfuly implemented a program setting reasonable goals for that country for preserving existing forest resources and creating new forested areas, except where the Secretary determines that such goals are advanced more effectively by actions other than opposing the adoption of such a plan.

(e) The Secretary of State shall instruct the United States representative to the International Tropical Timber Organization to promote:

(1) a major emphasis by the Organization on conservation activities and financing of forest conservation projects; and

(2) the adoption of codes of conduct for commercial logging and private sector timber operations.

(f) not later than one year after the date of enactment of this Title, and annually thereafter, the Secretary of the Treasury and the Secretary of State shall submit to Congress a report describing progress by each of the multilateral development banks, the United Nations Food and Agriculture Program, the United Nations Development Program, and the International Tropical Timber Organization in adopting and implementing programs meeting the standards set out in this section, including in particular:

(1) efforts by the Department of the Treasury, the Department of State, and other Federal agencies to assure implementation of multilateral development programs substantially equivalent to that set forth in section 1302 and subsection (a) of this section, and the result of such efforts;

(2) progress by the United Nations Food and Agriculture Organization in promoting the establishment and coordinating the implementation of forestry plans for torpical countries meeting the criteria set forth in section 1301 and subsection (a) of this section;

(3) progress in the identification of each multilaterial development bank, the United Nations Food and Agriculture Program, the United Nations Development Program of the potential for afforestation by recipient countries;

(4) progress in the establishment of goals by each multilateral development bank, the United States Food and Agriculture Program, and the United States Development Program for afforestation by each recipient country;

(5) the nature of incentives and disincentives created by each multilateral development bank and the United Nations Development Program to encourage afforestation and to discourage deforestation, respectively;

(6) the extent to which the allocation of the resources of each multilateral development bank and the United Nations Development Program to recipient countries is proportional to the success or lack of success of such country in creating new forest areas and protecting existing forest areas; and

(7) a description of proposed loans, country programs, and other financial and technical assistance to which subsections (b) and (d) apply, and votes and other actions on proposal by United States Executive Director to the relevant multilateral development bank and the United States Ambassador to the United Nations.

SEC. 1303. TRADE IN WOOD AND WOOD PRODUCTS.—(A) Not later than one year after the enactment of this Title, the Secretary of Commerce, in consultation with interested members of the public, shall promulgate regulations requiring wood and products containing wood imported into the United States to bear a label containing the following information:

(1) the country or countries in which wood or woods were harvested; and

(2) the scientific and common names of such wood or woods.

(b) Not later than four years after the enactment of this Title, the Secretary of Commerce, in consultation with the Secretary of State, the Administrator of the Agency for International Development, the Secretary of the Treasury, and interested members of the public, shall by regulation prohibit the importation into the United States of wood and products containing wood from:

(1) those tropical countries that have not successfully achieved the goals established under sections 1301 and 1302 of this Title;

(2) those countries that import wood or products containing wood harvested in the countries identified in paragraph (1); and

(3) those countries that permit transit of wood or products containing wood harvested in those countries identified in paragraph (1).

(c) Not later than two years after the publication of the regulation referred to in subsection (a) and no less frequently than biennially thereafter, the Secretary of Commerce, in consultation with the Administrator of the Agency for International Development, the Secretary of the Treasury, and interested members of the public, shall review and, as necessary, revise the regulation referred to in subsection (a).

(d) The President shall encourage those countries which import or consume wood or wood products from countries identified in sections 1303 and 1302 to adopt laws and regulations substantially equivalent to the regulation referred to in subsection (a).

(e) The Secretary of Commerce, not later than one year after the initial publication of the regulation referred to in subsection (a) and annually thereafter, shall submit a report to the Congress describing:

(1) progress in controlling imports into the United States of wood and wood products from countries that have not successfully achieved the goals established under sections 1301 and 1302; and

(2) progress by those countries which import or consume wood or wood products from countries identified in paragraph (1) in controlling imports of such wood and wood products.

SEC. 1304. BILATERAL ENERGY PROGRAM.—Section 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d) is amended by:

(a) changing the Title of the secton to read: "Sustainable Energy Development, Private Voluntary Organizations, and Selected Development Activities.";

(b) striking out all subsection (a)(1) except the first two sentences and striking out all of subsection (a)(2);

(c) inserting the following new subsection (a)(2):

"(2) The Congress finds that energy conservation, improvements in end use energy efficiency, and energy production from renewable, decentralized sources have great potential for meeting energy needs in developing nations, especially the needs of the rural poor. These techniques can enable developing countries to make efficient use of scarce resources; minimize environmental harm (including warming of the Earth's atmosphere due to the "greenhouse effect"); lessen the danger of nuclear weapons prolif-

eration and reduce dependence on dwindling oil reserves and expensive imported energy. Often, energy needs can be met more cheaply and more employment can be generated by these methods than by production of energy from conventional sources.".

(d) striking out the last sentence of subsection (b)(2), redesignating that subsection as subsection (a)(3), and inserting at the end of that subsection the following: "Such programs also may include any type of assistance aimed at energy efficiency, improvements in end use energy efficiency, and assistance for transmission facilities to increase the availability of energy in rural areas. No assistance shall be furnished under this Act for large-scale production of energy from fossil fuels.".

(e) inserting the following new subsection (a)(4):

"(4) In providing assistance to developing countries as authorized in subsection (3), the President shall—

"(A) prepare for each aid-receiving country, in cooperation with the government and the public in each country and interested members of the public in the United States, an analysis—

"(i) describing feasible actions that can reduce emissions of 'greenhouse gases,' while at the same time meeting development needs, through actions which improve end use energy efficiency, promote reliance on renewable energy sources, or encourage energy efficiency or use of alternative fuels;

"(ii) comparing the economic and environmental costs of the actions described in subparagraph (i) with the economic and environmental costs of investments to provide additional supplies of energy; and

"(iii) analyzing the need for foreign assistance, and especially United States bilateral assistance, to make possible the actions described in subparagraph (i).

"(B) provide technical assistance and support projects to improve energy efficiency, with emphasis on training, information and institution-building in all sectors; improvement of indigenous capabilities to develop and implement least cost planning strategies and programs of energy efficiency; developing indigenous capabilities to adapt technologies of energy conservation and end use energy efficiency; and, in transportation, energy-saving methods of mass transit (such as light rail, buses, and van pools), energy-efficient motor vehicles and railroads, traffic management techniques (such as computerization of traffic signals and fuel savings at airports), and transfer of appropriate United States technologies;

"(C) support projects to develop and demonstrate energy conservation, improvements in end use energy efficiency, and small-scale, decentralized, renewable energy sources for rural areas. Such projects shall use appropriate technologies and methods suited to the local environment, shall feature close consultation with and involvement of local people at all stages of project design and implementation, and shall be directed toward the earliest possible widespread application. Appropriate technologies include but are not limited to biomass, biogas, wind energy, passive solar, solar electricity, fuel cells, and low-head hydroelectric generation;

"(D) whenever appropriate, accomplish the objectives of this subsection through projects managed by private and voluntary organizations or international or regional or national nongovernmental organizations;

"(E) direct the Administrator of the Agency for International Development, in consultation with the President of the Export-Import Bank and the President of the Overseas Private Investment Corporation, to encourage private sector investment in energy efficient technologies in developing countries;

"(F) make the analyses referred to in subsection (A) available to the public and transmit them to the Congress at least annually;

"(G) beginning one year after the enactment of this Title, refuse to approve any project or program authorized by this subsection involving the obligation of more than $100,000 unless such an analysis has been prepared, transmitted to the Congress, and made available to the public;

"(H) promote vigorously the adoption by other bilateral donors of energy efficient programs for countries that receive development assistance that emphasize least-cost energy planning, energy conservation, and end use energy efficiency; and

"(I) not later than one year after the date of enactment of this Title, and annually thereafter, submit to the Congress a report describing progress under the program established by this section, including in particular, the nature of all projects supported; their costs and results; progress in reducing emissions of greenhouse gases; and progress by other bilateral donors in implementing programs of least cost energy planning, energy conservation, and end use energy efficiency for aid-receiving countries".

(f) striking out subsection (b), redesignating subsection (c) as subsection (a)(5), and redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

SEC. 1305. MULTILATERAL ENERGY CONSERVATION AND EFFICIENCY PROGRAM.—(a) The Secretary of the Treasury shall instruct the United States Executive Director to each of the multilateral development banks vigorously to promote the adoption by each such bank of an energy conservation and efficiency and containing the following components:

(1) least cost energy planning for each borrowing country that—

(A) gives priority to projects and programs to support energy conservation, end use energy efficiency, and renewable energy sources in major economic sectors; and

(B) compares the economic and environmental costs of the actions described in subparagraph (A) with the economic and environmental costs of investments to provide additional supplies of energy.

(2) analysis for each proposed loan to support additional power generating capacity comparing the economic and environmental costs of investments in reduction of demand for energy, including energy conservation and end use energy efficiency, with the economic and environmental costs of the proposal;

(3) an implementation strategy, including technical assistance grants as appropriate, for implementing the plan referred to in paragraph (1);

(4) strict standards requiring consistency of each proposed loan with the relevant least cost energy plan for each borrowing country; and

(5) measures to encourage reform of macroeconomic policies, such as energy prices, to facilitate energy conservation and end use energy efficiency.

(b) Beginning two years after the enactment of this Title, the Secretary of the Treasury shall instruct the United States, Executive Director to each of the multilateral development banks to oppose loans and other financial or technical assistance to any borrowing country for which a least cost energy plan giving priority to energy conservation, end use energy efficiency, and renewable energy sources is not in place, except where the Secretary determines that such goals are advanced more effectively by actions other than voting against such assistance.

(c) The Secretary of State shall instruct the United States Ambassador to the United Nations vigorously to encourage the United Nations Development Program to adopt and implement energy conservation and efficiency programs for recipient countries substantially equivalent to those set out in subsection (a) that require least cost energy planning to give priority to energy conservation, end use energy efficiency, and renewable energy sources. Beginning two years after the enactment of this Title, the Secretary of State shall instruct the United States Ambassador to the United Nations to oppose the adoption of any country programs for any country for which a program of least cost energy planning giving priority to energy conservation, end use energy efficiency, and renewable energy sources is not in place, except where the Secretary determines that such goals are advanced more effectively by actions other than opposing the adoption of such plan.

(d) Not later than one year after the date of enactment of this Title, and annually thereafter, the Secretary of the Treasury and the Secretary of State shall submit to the Congress a report describing progress by each of the multilateral development banks and the United Nations Development Program in adopting and implementing programs meeting the standards set out in subsections (a) and (c), including in particular:

(1) efforts by the Department of the Treasury, the Department of State, and other Federal agencies to assure implementation by each of the multilateral development banks and the United Nations Development program of programs substantially equivalent to those set out in this section, and the results of such efforts;

(2) progress by each multilateral development banks and the United Nations Development Program in drafting and adopting least cost energy plans for each recipient country;

(3) the absolute dollar amounts, and portions of total lending in the energy sector, of loans, portions of loans, or projects approved by each multilateral development bank and the United Nations Development Program in the previous year for projects or programs of energy conservation and end use energy efficiency; and

(4) a description of proposed loans, country programs, and other financial and technical assistance to which subsections (b) and (c) apply, and votes and other actions on proposals by the United States Executive Director to the relevant multilateral development bank and the United States Ambassador to the United Nations.

SEC. 1306. ENVIRONMENTAL CONSERVATION AND DEBT REDUCTION.—(a) It is the policy of the United States that the Secretary of the Treasury, in consultation with interested members of the public including commercial banks, shall enter into negotiations with selected developing country governments to obtain improvements in policies in the forestry and energy sectors by those countries as a condition of reducing or converting sovereign and private debt owed to creditors in the United States. As a condition of the adoption of policies or programs to preserve existing forested areas, encourage the cre-

ation of new forested areas, or promote energy conservation or end use energy efficiency, the Secretary may reduce the principal of, extend payments on, or reduce the rate of interest on up to one-half of the total sovereign debt owed to the United States by developing country governments.

(b) Not later than one year after the enactment of this Title, the Secretary of the Treasury, in consultation with interested members of the public including commercial banks, shall promulgate regulations to implement the program established in subsection (a). Such regulations shall:

(1) identify those developing countries that are promising candidates for participation in such a program from the point of view of their contribution to global climate disruption and the total amount of debt owed to official and private creditors in the United States;

(2) establish a timetable of the initiation of negotiations with each such country; and

(3) establish criteria and standards for the adoption, implementation, and monitoring or programs and policies in the forest and energy sectors by developing country governments that wish to participate in the program established by subsection (a).

(c) The Secretary of the Treasury, in consultation with interested members of the public including commercial banks, shall encourage the adoption of joint initiatives of debt reduction and conversion by the public and private sectors in other member countries of the Organization for Economic Cooperation and Development. (a) Not later than one year after the enactment of this Title, the Administrator of the Agency for International Development shall transmit to the Congress a report for each country that receives development assistance monies from the United States containing:

(1) a least cost energy plan that provides for economic development;

(2) a comparison of the economic and environmental costs of alternative investments in the energy sector, such as conservation and end use efficiency, with the economic and environmental costs of investments to provide additional power generating capacity;

(3) an implementation strategy, including technical assistance grants as appropriate, for implementing the plan referred to in paragraph (1); and

(4) the potential for reducing, mitigating, or preventing climate disruption by providing bilateral development assistance for least cost energy planning, energy efficiency, and end use efficiency.

(b) The report referred to in subsection (a) shall be updated and transmitted to the Congress every two years. The first report and all subsequent reports shall be prepared in consultation with the government and the public in each recipient country and interested members of the public in the United States. The administrator shall assure that all development assistance moneys expended in each recipient country are consistent with the least cost plan applicable to that country;

(c) The Administrator shall promote the adoption by other bilateral donors of energy efficiency programs for countries that receive development assistance that emphasize least cost energy planning, energy efficiency, and end use efficiency;

(d) Not later than one year after the date of enactment of this Title, and annually thereafter, the Administrator shall submit to the Congress a report describing progress under the program established by this section, including in particular;

(1) the nature of energy projects supported in each recipient country and the dollar amount of each;

(2) improvements in energy conservation and end use efficiency resulting from projects financed in each recipient country;

(3) progress in reducing, mitigating, or preventing climate disruption by providing bilateral development assistance to recipient countries through support of projects to encourage energy conservation and end use efficiency; and

(4) progress by other bilateral donors in implementing least cost energy programs for recipient countries.

SEC. 1307. MULTILATERAL ENERGY EFFICIENCY PROGRAM.—(a) The Secretary of the Treasury shall instruct the United States Executive Director to each of the multilateral development banks to promote the adoption by each such bank of an energy efficiency program substantially equivalent to the program set out in section 1304 and containing the following components:

(1) least cost energy planning for each borrowing country;

(2) analysis for each proposed loan to support additional power generating capacity comparing the economic and environmental costs of alternative investments in the energy sector, including energy conservation and end use efficiency, with the economic and environmental costs of the proposal;

(3) an implementation strategy, including technical assistance grants as appropriate, for implementing the plan referred to in paragraph (1); and

(4) strict standards requiring consistency of each poposed loan with the relevant least cost energy plan for each borrowing country;

(b) The Secretary of the Treasury shall instruct the United States Executive Director to each of the multilateral development banks to notify the staff of each bank that all future contributions to such bank from the United States shall be conditioned upon adoption and successful implementation of a program meeting the standards set out in subsection (a);

(c) Not later than one year after the date of enactment of this Title, and annually thereafter, the Secretary of the Treasury shall submit to the Congress a report describing progress by each of the multilateral development banks in adopting and implementing programs meeting the standards set out in subsection (a), including in particular:

(1) efforts by the Department of the Treasury and other executive branch agencies to assure implementation by each of the multilateral development banks of a program substantially equivalent to that set out in this section, and the results of such efforts;

(2) progress by each multilateral development bank in drafting and adopting least cost energy plans for each borrowing country; and

(3) the absolute dollar amounts, and proportion as total lending in the energy sector, of loans or portions of loans approved by each multilateral development bank in the previous year for products or programs of energy efficiency and end use efficiency.

SEC. 1308. REPORT BY THE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—Not later than one year after the enactment of this Title, the Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit to the Congress a report describing options and strategies for the use of bilateral and multilateral development assistance programs sponsored by the United States to control emissions into the atmosphere of carbon dioxide, nitrous oxide, methane, and other greenhouse gases. Interalia, this report shall analyze mechanisms by which strategies to encourage afforestation, reforestation, energy conservation, end use energy efficiency, and renewable energy sources can be incorporated into the programs of the International Monetary Fund.

TITLE XIV—INTERNATIONAL ACTIVITIES

SUBTITLE A

SEC. 1401. MULTILATERAL GLOBAL CLIMATE PROTECTION CONVENTION.—(a) It is the policy of the United States that the Secretary of State, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, and science agencies (e.g., NASA, NOAA, and NSF) shall convene an international meeting to be held in the United States with invitations to representatives of all countries of the world, the purpose of which shall be to actively encourage the adoption of a binding multilateral global climate protection convention containing measures at least as stringent as those in this Act;

(b) The Secretary of State shall sponsor such other meetings as may be necessary to assure that the convention is opened for signature no later than the end of 1992; and

(c) The Secretary of State shall seek to assure that the convention, through least cost energy planning, energy efficiency, and end use efficiency, requires a reduction of not less than 20 percent in global generation of carbon dioxide over 1988 levels by the year 2000, a reduction not less than 50 percent in global generation of carbon dioxide over 1988 levels by the year 2015, and appropriate reductions in emissions of nitrous oxide, methane and other greenhouse gases.

SEC. 1402. MULTILATERAL AGREEMENT TO REDUCE EMISSIONS OF OXIDES OF NITROGEN.—Not later than one year after the enactment of this Title, the Secretary of State, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the administrators of NIST, NOAA, and NASA shall initiate negotiations on behalf of the United States and actively encourage the adoption by the end of 1991 of a binding multilateral agreement requiring reductions of not less than 30 per centum in emissions of oxides of nitrogen over 1987 levels by the year 1998.

SEC. 1403. REASSESSMENT OF MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER.—(a) Not later than one year after the enactment of this Title, the Secretary of State, in consultation with the Administrator of the Environmental Protection Agency, shall request and, if necessary, convene in the United States such meetings of the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer as may be necessary for the reassessment of the control measures contain therein;

(b) The Secretary of State shall actively encourage the adoption of additional control measures requiring the virtual elimination of emissions of all substances identified in the Montreal Protocol within five to seven years from the date of enactment of this Title and appropriate control measures for other ozone-depleting chemicals not identified in the Montreal Protocol.

SEC. 1404. International Nuclear Conference.—The Secretary of State, in consulta-

tion with the Secretary of Energy, shall convene an international meeting to be held in the United States with invitations to representatives of all countries of the world, the purpose of which shall be to encourage the exchange of information concerning passively safe nuclear reactors, nuclear safety, and disposal of nuclear waste.

SEC. 1405. SPECIAL PROGRAMS.—The Secretary of State should encourage the establishment of a special office of the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) to monitor annual generation of CO2 and estimated trace gases on a country-by-country basis. That office shall also be responsible for assisting global negotiations and ultimately administering a global protocol.

SEC. 1406. (a) It is the policy of the United States that sustainable economic growth must be predicated on sustainable use of natural resources. The Secretary of the Treasury shall Instruct the United States Executive Directors of the Multilateral Development Banks (MDBs)—

(1) promote the adoption of internal guidelines requiring the use of least-cost planning techniques in evaluating proposed energy loans, and consider refusal to support power generation, utilization or energy sector loans unless cost-effective conservation measures have been fully evaluated and considered;

(2) encourage each MDB to offer technical assistance to borrower nations in preparing national energy plans. Special emphasis shall be given to least-cost analysis in making decision on energy use and development, and such analyses shall take into account all demand-side as well as supply-side options;

(3) promote expansion of MDB expertise in the areas of energy conservation and renewable energy sources;

(4) promote the adoption of lending strategies which place increases emphasis on energy efficiency as opposed to merely increasing generating capacity;

(5) promote adoption of policies which minimize the generation of carbon dioxide and trace gases;

(6) promote the adoption of lending strategies that placer increased emphasis on energy efficient transportation programs. Such strategies shall consider alternatives to conventional mechanized transport such as non-motorized vehicles, public transport and increased energy and cost efficiency of transportation systems; and

(7) promote the use of existing and the development of new mechanisms to promote conservation of biological diversity. Existing resources to be consulted shall include but not be limited to Conservation Data Centers.

(b) The Administrator of the Agency for International Development shall—

(1) in the submission of future "early warning system" reports, as required by the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, make use of resources that promote the conservation of biological diversity, such as Conservation Data Centers;

(2) submit a report to the Committee on Appropriation, by January 15, 1991, on the Agency's activities and practices which encourage or discourage the use of renewable energy technologies overseas, and on ways to correct or refocus those efforts. This report shall include but is not limited to Agency activities which could be directed to develop a stronger interface with the private sector through the establishment of a United States Renewable Energy Industry Advisory Council;

(3) issue guidance to all Agency missions stating that renewable energy resources and conservation are to be the centerpiece of their energy efforts, and meeting energy needs through these means shall be discussed in every country Development Strategy Statement; and

(4) take steps to implement recommendations set forth by a report of the Committee on Health and Environment on opportunities for the Agency to assist developing countries in the proper use of agricultural and industrial chemicals.

SEC. 1407. INTERNATIONAL RESEARCH.—(a) It is the policy of the United States to promote and support—

(1) domestic and international research efforts with respect to the greenhouse effect and its impact;

(2) studies of methods to reduce the rate of increase in the concentration of carbon dioxide and trace gases in the atmosphere of the earth; and

(3) efforts to prevent degradation of the environment of the Earth by the greenhouse effect;

(b) The President is requested to take all appropriate actions, in cooperation with any international organizations with the President determines to be appropriate, to establish a long term study, beginning with a 1-year cooperative international research program, with respect to the greenhouse effect with the purposes of—

(1) increasing the worldwide dissemination of information with respect to the causes of the greenhouse effect and methods to alleviate or avoid the effects of global warming and climate change;

(2) coordinating the research efforts to the participating nations with respect to the greenhouse effect;

(3) fostering cooperation among nations to develop more extensive research efforts with respect to the greenhouse effect;

(4) preparing a report on the accomplishments of the program;

(5) identifying the potential alternative policies necessary to avoid a buildup of carbon dioxide and trace gases beyond levels which could have catastrophic results; and

(6) developing a long-term plan for future research efforts with respect to the greenhouse effect.

(c) Any such program established by the President should be started during or before the calender year 1991, which year shall be known as the "International Year of the Greenhouse Effect"; and

(d) The participation of the United States in any such program established by the President should be planned and coordinated on behalf of the United States by the Chairman of the National Academy of Sciences and the Secretary of Energy.

TITLE XV—MODERATING WORLD POPULATION GROWTH

SEC. 1501. FINDINGS.—Taking into account the impact that future world population growth will have on increased demand for energy and on the rate of tropical deforestation, Congress hereby finds that:

(1) In order to avoid that potentially catastrophic consequences of significant global warming a coordinated effort to address world population growth must be initiated;

(2) U.S. participation in international programs to moderate high rates of population growth is necessary to control rising levels of atmospheric pollutants and greenhouse gases;

(3) at current birth and death rates the world population now at 5 billion, is adding an additional billion people every ten years;

(4) half of the world's people depend primarily on biomass energy, principally fuelwood, for their most basic nonfood energy needs—cooking, water heating, and space heating—and 1.5 billion people are cutting wood faster than forests can grow back;

(5) growing rural populations will continue to encroach on remaining forests in search of land for food and commercial crops, for fuelwood needed for cooking and heating and fodder for livestock;

(6) the World Bank estimates that an average fertility rate of 2.4 children per woman, the rate needed for eventual population stabilization at present death rates, could be achieved by the year 2000 if the proportion of couples in developing countries using contraception were to rise from the current rate of 40 percent to 72 percent; and

(7) these population stabilization goals can be accomplished through a mix of bilateral and international population policies to make family planning services universally available on a voluntary basis in order to slow the rate of population growth and therefore reduce pressures on global resources.

(b) The overall purpose of this Title is to:

(1) significantly increase funding for new investments in international family planning information services to ensure universal access to effective modern contraception; and

(2) increase funds available for applied research and development of new contraceptive technologies with a particular focus on methods adaptable for use in developing countries.

(c) There is hereby authorized to be appropriated to the President $500 million for fiscal year 1991 and $540 million for fiscal year 1992 and $580 million for fiscal year 1993 for international population and family planning assistance. Of the funds appropriated, not less than 16 percent or $60 million, whichever amount is less, shall be solely available for the United Nations Population Fund. None of the funds made available for international population and family planning assistance may be used to pay for the performance of involuntary sterilization or abortion or to coerce any person to accept family planning services. Restrictions may be applied by the President to information, counseling, or services that may be provided by family planning entities abroad only to the extent that the same restrictions are applied by the President to information, counseling, and services that may be provided by family planning entities receiving funds under the grants and contracts made under Title X of the Public Health Service Act (42 U.S.C. 300 and following).

SUMMARY OF NATIONAL ENERGY POLICY ACT OF 1989

The overall purpose of this Act is to establish a national energy policy that will reduce the generation of carbon dioxide and trace gases as quickly as possible in order to slow the pace and degree of atmospheric warming and global climate change. The bill focuses on energy efficiency, fuel switching, and conservation; use of nuclear, innovative clean coal and renewable energy technologies; reforestation and natural resource management policies; and international development and population practices to promote national and international growth and

development, achieve a secure energy supply, and protect the global environment.

Title I requires the development of a "Least-Cost National Energy Plan" designed to meet the goal of a 20 percent reduction in CO_2 generation by the year 2000 through a mix of Federal and State energy policies. The Plan would outline policies for conserving fossil fuel energy and expanding the use of renewable energy sources in order to meet short-, medium-, and long-term domestic energy demands without exceeding the CO_2 emissions levels outlined in this bill.

Title II establishes an Office of Climate Protection at the Department of Energy for purposes of monitoring U.S. energy policy for atmospheric and global warming effects and for directing Departmental policy with regard to strategies for reducing generation of CO_2 and trace gases.

Title III provides for the establishment and financing of energy efficiency research and development projects, and for the establishment of eight regional centers which will develop techniques for improving the energy efficiency of industrial processes. This title also provides for the repeal of the existing prohibition on sale and installation of energy conservation measures by utilities and for the purchase of "qualifying conservation" by utilities under section 210 of PURPA.

Title IV establishes national energy research and development priorities for the Secretary of Energy designed to reduce the generation of carbon dioxide and trace gases.

Title V is designed to update and revitalize the state energy conservation programs (SECP) established in 1976 under EPCA. The title requires states to update their energy conservation plans and establish new energy conservation targets to replace those which expired in 1980. In addition, title V also consolidates the Energy Extension Service and the Supplemental State Energy Conservation Plans into the SECP, establishes State Energy Advisory Boards to recommend programs and policies to achieve energy conservation goals and to coordinate state and federal efforts, and authorizes several new optional programs for inclusion into State Energy Conservation Plans.

Title VI would authorize approximately $450 million between fiscal 1991 and fiscal 1993 for research and development of renewable energy sources such as wind, solar, photovoltaic biomass, geothermal, and hydrogen fuel cells. Establishes a program for additional research on fuel cell technologies that employ alternative fuel sources.

Title VII provides for the establishment and funding of a research and development program designed to provide the basis for a second generation of nuclear reactors that would be passively safe, modular, and cost-effective. Approximately $100 million is authorized to be appropriated for fiscal year 1991 and not more than $200 million for each of the fiscal years 1992 and 1993.

Title VIII provides for a comprehensive report to Congress on international collaboration in research, development, and demonstration projects into technology for the production of electricity from thermonuclear fusion.

Title IX provides for a comprehensive report to be submitted to Congress on the Department of Energy's Clean Coal Program and the program's likely implications for CO_2 generation, atmospheric warming and global climate change.

Title X provides $100 million for fiscal years 1991 through 1993 to fund demonstration projects on the feasibility of using natural gas as a fuel for mass transit systems, fleet use, and training programs for conversion of gas and diesel-fueled vehicles to natural gas. The program also encourages research, development, and demonstration of high efficiency heat engines for generating electricity.

Title XI directs the Secretary of the Interior to conduct a study of the ecological and environmental resources that would be affected by global climate change. This title directs the Secretary of Energy, in consultation with the Secretary of Agriculture, to submit an analysis of the potential for reducing the air conditioning needs of buildings by undertaking targeted urban tree plantings. In addition, title XI also provides for the management and resource conservation of the Tongass National Forest.

Title XII provides $275 million in additional funding over fiscal years 1991, 1992, and 1993, for new and continuing research initiatives at the National Aeronautics and Space Administration (NASA), National Oceanic and Atmospheric Administration (NOAA), United States Geological Survey (DOI/USGS), and the National Science Foundation (NSF) to study the mechanisms and implications of global warming and atmospheric change. In addition, the National Institute of Standards and Technology (NIST) would receive funding for the development of safe, non-ozone depleting substitutes for chlorofluorocarbons (CFCs).

Title XIII directs the Administrator of AID, in conjunction with the Secretaries of the Interior, Agriculture, and the Treasury to provide Congress with a comprehensive report on the world's tropical forests, and to establish inventory, conservation, and forest plans for each tropical country. This title also directs the appropriate agencies to create incentives to encourage afforestation and disincentives to discourage deforestation. The Agency for International development, the Export-Import Bank, and the Overseas Private Investment Corporation would be instructed to promote private investment in energy efficiency technologies in developing countries.

Title XIV calls for the convening of a multilateral global climate protection conference, the convening of an international conference on nuclear power, a multilateral agreement to reduce emissions of oxides of nitrogen, a reassessment of the Montreal Protocol on Substances that Deplete the Ozone Layer, and the establishment of a special office at UNEP and WMO to monitor global C02 emissions.

Title XV establishes the importance of population growth as a contributory factor in global warming and climate change and authorizes appropriations of more than $1.5 billion for international family planning and information services programs between fiscal years 1991 and 1993.

FUNDS AUTHORIZED IN THE NATIONAL ENERGY POLICY ACT OF 1989

Program	Fiscal year—			Comparison to funding in fiscal years 1989, 1981	
	1991	1992	1993	1989 level	1981 level
Energy efficiency R&D	$209,181,000	$253,000,000	$301,000,000	$165,700,000	[1] $343,000,000
Efficiency demonstration	55,000,000	65,000,000	75,000,000	[2]	[2]
Subtotal (efficiency)	264,181,000	318,000,000	376,000,000		
State/local conservation and weatherization	265,000,000	85,000,000	105,000,000	211,200,000	403,000,000
Renewable R&D:					
Wind energy	19,000,000	22,000,000	26,000,000	8,839,000	83,700,000
Photovoltaic energy	43,100,000	45,000,000	50,000,000	35,500,000	153,200,000
Solar thermal energy	28,700,000	32,000,000	35,000,000	15,000,000	119,900,000
Biofuels energy	32,100,000	35,100,000	40,000,000	13,435,000	57,700,000
Solar buildings energy	8,000,000	9,000,000	10,000,000	5,365,000	74,900,000
Ocean energy	5,000,000	5,000,000	5,000,000	4,105,000	35,000,000
Geothermal energy	34,900,000	35,700,000	38,700,000	19,500,000	156,000,000
Hydrogen/fuel cells	20,000,000	30,000,000	40,000,000	[2]	[2]
Subtotal (renewables)	190,800,000	213,800,000	244,700,000	101,742,000	680,400,000
Clean coal	5,000,000	15,000,000	25,000,000	[3] 525,000,000	[2]
Natural gas R&D	125,000,000	125,000,000	125,000,000	[2]	[2]
Advanced civilian nuclear	100,000,000	200,000,000	200,000,000	286,700,000	650,000,000
Basic science initiatives	91,300,000	91,300,000	91,300,000	[2]	[2]
World population growth	500,000,000	540,000,000	580,000,000	200,000,000	190,000,000
Total (each fiscal year)	1,536,281,000	1,587,300,000	1,747,000,000	[4] 965,342,000	2,226,400,000
Grand total (over 3 years)	4,870,581,000				

[1] Fiscal year 1980. [2] Not applicable. [3] All clean coal R&D. [4] Does not include clean coal funding.

[From the Washington Post, Jan. 31, 1989]

BAKER URGES STEPS ON GLOBAL WARMING: REDUCED EMISSIONS, ENERGY EFFICIENCY, REFORESTATION RECOMMENDED

(By John M. Goshko)

Secretary of States James A. Baker III, in his first public appearance since taking office, called yesterday for countering the dangers of the global warming trend through reduced emissions, improved energy efficiency and reforestation.

In a brief address to an international environmental conference at the State Department, Baker stressed that finding ways for countries to cooperate in solving air, water and resource problems will become an increasingly important concern of diplomacy in the 1990s.

"The truth is that we face some very difficult problems," he said. "But is also is true that we now recognize them to be problems. And in my experience in government, that is half the battle."

Baker's statement represented a significant change from the Reagan administration, which ignored the global warming problem. It also went beyond previous statements on the subject by President Bush, who has not specifically advocated reduced emissions.

Baker welcomed scientists and government officials from several nations and international organizations to a three-day meeting connected with the Intergovernmental Panel on Climate Change (IPCC). It was established by participating governments last year to deal with problems of global warming caused by the accumulation of so-called greenhouse gases in the atmosphere.

At a November meeting in Geneva, the IPCC established three working groups to investigate various aspects of the problem and issue a joint report and recommendations later this year. The group meeting here is charged with considering "response strategies" and is chaired by the United States.

The other two working groups, which will meet in Europe in coming weeks, deal with the scientific cause and impact aspects of the problem. They are headed by Britain and the Soviet Union.

This cooperation across political and ideological lines appears to indicate growing awareness that greater international teamwork will be needed to protect the earth from such ills as acid rain, pollution of oceans and streams and destruction of forests and arable soil.

The Soviet Union has sought to stake out a position in the forefront of concern about these problems. In his speech to the United Nations last Dec. 7, Soviet President Mikhail Gorbachev called for a series of high-level meetings culminating in a U.N. environmental conference in 1992, and he proposed establishing within the U.N. framework "a center for emergency environmental assistance."

In discussing the climate-change situation, Baker suggested four points for the conference delegates to consider. First, he said, nations should start to act now rather than waiting "until all the uncertainties have been resolved." Next, they should focus immediately on steps that are known to affect climate change such as reducing CFC (chlorofluorocarbon) gas emissions, increasing energy efficiency and promoting reforestation.

In addition, he said, global solution to climate change "should be as specific and cost-effective as possible." Lastly, Baker said, "those solutions will be most effective if they transcend the fault line of our times, the need to reconcile the transcendent requirements for both economic development and a safe environment."

Mr. HEINZ. Mr. President, I am pleased to join my distinguished colleague from Colorado in introducing today the National Energy Policy Act of 1989. Through the comprehensive provisions of this act, energy efficiency and conservation will take the lead in our battle against global climate change.

Although our planet has experienced periods of warming and cooling in the past, scientists now believe that the Earth is heating up more—and faster—than ever before. From all accounts, the resulting climatic changes would alter everything that we now associate with normal daily life—from what we eat, to where we live. We are not at a crisis point yet. But we cannot wait. We must start now. Trends take time to establish and solutions time to implement. Stemming the trend toward global warming will not be easy. Ignoring it would be catastrophic.

Mr. President, our global warming bill represents a crucial first step. The 15 titles of this bill seek to support energy efficiency at home and international cooperation abroad.

For decades now, scientists have raised questions about the long-term effects of deforestation, fossil-fuel burning, and the increased emission of other greenhouse gases. it is time to review some of this alarming evidence and expert testimony.

Speaking to the Senate Energy Committee last June, Dr. Jim Hansen of NASA's Goddard Institute for Space Studies and one of the world's leading authorities on climate, said that this decade has seen the 4 hottest years of the last century. The first 5 months of 1988 were the warmest on record.

Dr. Hanson and others are 99 percent certain that the trend in rising temperatures is not random, but part of the greenhouse effect—a gradual warming of our planet's climate. We are no longer talking about theory—the greenhouse is upon us and global warming has begun.

Scientists predict that average global temperatures could increase by anywhere from 3 to 9 degrees Fahrenheit in the next 40 to 60 years. This compares to a rise of only 3 degrees in the last 10,000 years. More important than the increase in temperatures themselves, however, are the damage and disruption that will occur if the trend is not reversed.

What are the implications of these dramatic changes? What will happen to the Great Plains, the breadbasket of our Nation, as it reverts to a dust bowl? Or to the Western Corn Belt as yields drop from 100 bushels per acre to 40? Meteorological models suggest that the world's major food-producing regions are likely to become dryer and dryer, while future farmlands shift northward.

Scientists believe the sea level may rise as much as 7 feet due to the thermal expansion of oceans. What would happen to the 200 million Americans who live on or near the coast? New Orleans would be threatened, but so would Cairo and Shanghai. A rise of only 3 feet would cause Egypt alone to lose 15 percent of its arable land. Bangladesh would lose 11 percent of its national crop output and permanently flood the land that 11 million people currently inhabit. For developed and underdeveloped regions of the world alike, the impacts could be catastrophic.

The cause of global warming is no mystery. The warming of the Earth's surface is the result of an increase in the release of certain gases commonly referred to as greenhouse gases, including carbon dioxide, nitrous oxide, methane, and chlorofluorocarbons [CFR's]. By the year 2025, greenhouse gases will be twice our preindustrial level—all as a result of man's actions.

This increase in gases has upset a natural atmospheric balance that has taken thousands of years to establish. Normally, water vapor and carbon dioxide in our atmosphere produce an average surface temperature of 59 degrees. However, as the amount of greenhouse gases increase, this natural balance is destroyed and the Earth's surface temperature increases.

Carbon dioxide [CO_2], produced by the combustion of fossil fuels, is the most significant greenhouse gas—it is believed to account for about half of the warming effect of all the greenhouse gases. In the past 30 years, concentrations of CO_2 in the atmosphere have increased by 25 percent. And without changes, the world will experience an 80-percent increase in the next two decades. Carbon dioxide is not inherently harmful. It is needed in the atmosphere to provide plant life with its food. Until recently, the Earth managed to keep the amount of carbon dioxide in a balance to permit life as we know it to flourish. Now the equilibrium is disrupted because man produces more carbon dioxide than the Earth can absorb and because man is destroying nature's carbon dioxide absorbers—the tropical forests of the world.

The trees and plants abundant in rain forests absorb CO_2. Thus, with fewer trees on the planet, less carbon dioxide is absorbed and more carbon dioxide remains in the air. Moreover, these giant old trees contain large quantities of carbon. When they are burned for fuel or are cut and decay, the carbon is released into the atmosphere. Land-clearing fires in the Amazon region alone contributed as

much as 10 percent of the world's total emissions of CO_2 in 1987.

But carbon dioxide is not alone in wreaking havoc on the environment. Scientists now estimate that rising levels of chlorofluorocarbons [CFC's], methane, and nitrous oxides and other gases may contribute as much to the greenhouse effect as CO_2 alone. Although less in atmospheric concentration than CO_2, these greenhouse gases have the potential to absorb up to 10,000 times more radiation than CO_2. This category of "super" greenhouse gases compounds our problem. In addition to increasing the global warming, CFC's are also resposibile for destroying the stratospheric ozone—exposing the world's population to increased amounts of dangerous ultraviolet rays.

Slowing the rate of change in our climate is not going to be easy, yet solutions do exist, and the time to act is now. By far, the most important solution that we must turn our attention to is increasing the efficient use of energy. Energy efficiency means we can do the same amount of work, while burning less fuels, and thus releasing less greenhouse gases into the atmosphere. Moreover, It means being less dependent on other countries for imports of fossil fuels.

According to the Worldwatch Institute:

"As much energy leaks through American windows every year as flows through the Alaskan pipeline.

Energy efficiency is the fastest way to reduce emissions of gases that lead to global warming. If applied, the best available technology could reduce energy usage by 50 percent or more. A 2-percent worldwide efficiency effort alone however, could drastically slow the warming trend. We must insulate our homes better, use efficient light bulbs and electrical appliances, drive fuel efficient cars, and increase research on alternatives to fossil fuels, such as solar power and renewable energy sources.

In the past I have supported legislation to promote the use of energy efficiency; for example, the Appliance Energy Standards Act, which sets energy efficiency standards from 13 categories of major household appliances. It was estimated that greater appliance efficiency could yield energy savings of up to 22,000 new coal-fired powerplants. Our bill today will establish a least-cost national energy efficiency plan and provide for signficant improvements in our current energy research and development efforts. Our bill will require States to update their energy conservation plans and commit the United States to leading the necessary international effort to bring about energy conservation.

I also support increasing the corporate fuel economy [Cafe] standards to reduce the gasoline consumption in automobiles. I advocate increasing the Cafe standards by at least 1 mile per gallon per year in order to reduce consumption of gasoline by nearly half—32 billion gallons per year by the turn of the century. Such a reduction in gasoline consumption would slash carbon dioxide production.

Speaking to the First World Congress on Changing Atmosphere, Prime Minister Brundlandt of Norway, declared that—

The impact of climate change may be greater and more drastic than any challenges mankind has faced with the exception of nuclear war.

The implications of global warming are indeed immense. The United States is taking the lead in confronting this enormous threat to our planet. However, no one country can by itself solve the global warming problem. How our Nation, working with all other nations, meet this challenge may determine whether future generations inherit a livable world as we now know it.

Mr. CRANSTON. Mr. President, today I rise in support of the National Energy Policy Act of 1989 introduced by my distinguished colleague from Colorado, Senator WIRTH. This comprehensive legislation represents a sound and practical first step in our effort to deal with the problem of global warming, and I am pleased to add my name as an original cosponsor.

Secretary of State James A. Baker earlier this week told an International Environmental Conference that combatting the causes of global warming will be a top priority of diplomatic efforts during the 1990's.

That is a welcome change from the Reagan administration which ignored the global warming problem for years—at the peril of all of us.

Global warming is an environmental problem of such magnitude that it is unprecedented in the history of man. If scientific predictions are correct, it could produce the warmest conditions the human species has ever experienced, with potentially devastating results.

Scientists have been studying the greenhouse effect for a long time. Recently, due to somewhat alarming trends in climate patterns, the theory of global warming has moved from the realm of science fiction to science fact. The 4 hottest years in the past century have all occurred during this decade. The heat wave experienced in California and around the country last summer, the drought that gripped the midwest and the forest fires that raged through Yellowstone Park, further focused national attention on the threat that a global warming trend may already be underway.

The build-up of greenhouse gases in the atmosphere may be causing the Earth's surface temperature to rise. These gases allow the Sun's light in, but trap the resulting heat. Carbon dioxide, the single most important contributor, accounts for almost 50 percent of the warming. A 1985 Department of Energy study revealed that atmospheric levels of carbon dioxide have increased about 25 percent since 1800. The other 50 percent is made up of a combination of methane, chlorofluorocarbons [CFC's], nitrous oxide and ozone. Except for CFC's, each of these gases is directly linked to the burning of fossil fuels.

Climate models project that average global temperatures could rise between the three to eight degrees fahrenheit as early as 2030. Considering that during the ice age, when ice covered most of North America and Europe, the average temperature was only about 9 degrees fahrenheit colder than today, it is easy to imagine what the future could hold in store for us. Shifts of entire ecosystems could take place with many species becoming extinct due to an inability to migrate. The U.S. Grain Belt could become a dustbowl. And thermal expansion of the oceans could cause disastrous floods to overwhelm coastal areas in California and elsewhere around the world.

Although the exact consequences of global warming are uncertain, and further research is certainly needed so that we have a better understanding of climate change—that should not be an excuse to sit back and do nothing. If the predictions are correct, much of the damage that occurs will be irreversible due to the long lag time between the emission of these gases and the resulting warming effect. For example, it is estimated that if all greenhouse gas emissions stopped today, the climate would still warm another 2 to 4 degrees Fahrenheit.

In order to slow the rate of the warming trend, energy policies must be formulated to reduce emissions of carbon dioxide and other greenhouse gases. The legislation being introduced today calls for a 20-percent reduction of carbon dioxide emissions from 1988 levels by the year 2000. To accomplish that goal, the bill tackles the problem on several fronts:

First, it establishes an energy policy that moves us from an energy scenario dominated by the combustion of fossil fuels toward a policy that focuses on renewable sources in the long term, and increased efficiency and burning cleaner fossil fuels in the short term.

Energy efficiency is certainly one area where tremendous strides can be made. Today, the United States remains only half as efficient energy-wise as Japan, West Germany, and France. By increasing our efficiency, we use less energy, emit less carbon dioxide to produce the same amount of goods. Improving energy efficiency is our most viable, least expensive option to achieve early results. Similarly,

switching to natural gas, which is the cleanest of all fossil fuels, emitting about half the carbon dioxide of coal and about one-third that of oil, is also another short-term option.

The legislation authorizes and increases funding for research and development of renewable sources such as solar, wind, photovoltaics, geothermal and hydrogen fuel cells—all promising technologies for the future.

The bill also calls for a major effort regarding deforestation. Deforestation, by itself, accounts for 20 percent of the warming, and efforts must be made to reverse the destruction of tropical rain forests around the world.

Finally, the bill redirects funding currently spent on nuclear research into research on the so-called inherently safe, second-generation reactors. Although I have grave reservations about nuclear power and the future role it will play in our society, especially in light of the waste problem, I also believe that global warming is a problem of such magnitude that, at this point, it would be unwise not to explore all the options available to us.

Mr. President, in reflecting on this problem I am reminded of an old saying that I think is particularly appropriate to the challenge that lies ahead of us—"we have not inherited the Earth from our fathers, we are merely borrowing it from our children." With that in mind, we should work together to make sure that we do not conduct some irreversible experiment with our planet, but that we act wisely and consider the generations to follow so that the legacy we leave behind is one they can live with.

Mrs. KASSEBAUM. Mr. President, I am pleased to join with my colleagues today in cosponsoring the National Energy Policy Act. This is a comprehensive piece of legislation, and I will say at the start that I do not fully agree with each of its many provisions. I do, however, believe it is vital that we bring the issue of global warming to public debate. And I do very strongly support this legislation's objective: to establish a national energy policy that acknowledges and addresses the damage that mankind can do to this planet.

We have heard much in recent years about the changes scientists have observed in the Earth's atmosphere, oceans, and land masses. Rising temperatures, possible shifts in climate and agricultural patterns, ozonelayer depletion, sea-level rises, and storms of growing intensity are only a few of the changes that may carry grave implications for plant life, wildlife, entire ecosystems, and even man himself. For those of us from agricultural states, the possibility that last summer's drought and heat wave may have been associated with the greenhouse effect brought these fears home.

Most evidence to date points to the growing accumulation of heattrapping carbon dioxide and other gases in the atmosphere as the major contributors to global climate change. Much of this is the result of fossil fuel combustion and industrial activities. To begin addressing these problems, I have joined with a number of my colleagues in urging the new administration to take a lead role in promoting international cooperation in addressing these global problems. If this Nation is to be prepared to take concrete action, however, more must be done.

The National Energy Policy Act addresses these problems by emphasizing energy efficiency, conservation, and renewable energy technology. It provides for research and development of cleaner energy sources such as wind, solar, photovoltaics, biomass, geothermal, hydrogen fuel cells, safer nuclear reactors, and the use of natural gas for mass transit. In addition to calling for further international cooperation in a number of areas, the bill directs that the Departments of State, Interior, Agriculture, and Treasury work together to create incentives for developing countries to stop deforestation, another contributor to global warming.

I cannot help but observe that many of the efforts set forth in this proposal could undoubtedly lead to increased energy independence and security, as well. These are objectives which, in recent years of stable and affordable energy prices, have all too often been left as afterthoughts. It is time that we see comprehensive energy policy as a goal again and that we view it in its proper context with the environment.

I want to commend Senator WIRTH for the effort he has made to bring these issues to public debate. And debate there will be. The National Energy Policy Act is an ambitious bill and leaves virtually no American agency, industry, or citizen comfortably untouched. In cosponsoring this legislation, I am deeply aware of the costs and inconveniences this bill involves, and I plan to challenge a few of them myself. It is clear, however, that all of us must be willing to be flexible if we are to undertake the enormous job of finding realistic responses to environmental and energy questions. Avoiding an inconvenience now may require a sacrifice in the future. The environmental consequences of no action at all could carry an enormous price tag for future generations.

As one of my favorite authors, Sigurd Olsen, has written:

> We know we cannot forsake our technology, but we must find a balance between it and environment. If we can use this tremendous backlog of knowledge to work toward the preservation of the land instead of its desecration, if we can improve the quality of life, change our priorities, achieve balance and understanding of our role as human beings in a complex world, this coming era may well set the stage for a richer civilization than man has ever known. This is the challenge of the new American frontier.

● Mr. DECONCINI. Mr. President, I am pleased to add my name as a cosponsor of Senator WIRTH's bill entitled "The National Energy Policy Act."

I commend my friend and colleague from Colorado, Senator WIRTH, for putting together this comprehensive energy policy package. While I do not support every provision of this measure, I believe the bill provides a solid framework for discussion on where this country ought to be heading in order to avert an energy and/or pollution crisis in the years ahead. It is time to establish an energy policy which addresses the needs of the 21st century. Senator WIRTH's bill meets that objective.

Scientists, environmentalists, and educators alike have begun to focus the public's attention on the serious problems posed by the "greenhouse effect." We legislators need to act in a reasonable and responsible way before these problems reach crisis proportions. This planet Earth is a fragile place. We know that our ecosystems are deteriorating. We know that fossil fuels are polluting our air. We know that chlorofluorocarbons are damaging our ozone layer. And we know that we have an obligation to preserve and protect this planet for future generations. The time for delay is over. The time for action is now.

I look forward to working with Senator WIRTH in developing a consensus energy policy bill that will meet the needs of the next century. There will be hard and, undoubtedly, unpopular decisions that will have to be made along the way, but we must begin to make the difficult choices if we hope to preserve our planet.●

Mr. BINGAMAN. Mr. President, I rise today to join Senator WIRTH in introducing the National Energy Policy Act of 1989. This important legislation, which addresses the potentially catastrophic problem of global climate warming, comes at an opportune time. It calls for the United States and the other nations on our fragile planet to move quickly and decisively to slow the accumulation of carbon dioxide and other "greenhouse" trace gases that are forcing an unprecedented heating of Earth.

A critical mass of world opinion is converging to speed action in this area. Time magazine named Earth its Planet of the Year, rather than choose its traditional Man of the Year. There was good news this week, when E.I. du Pont de Nemours & Co. announced it has developed a gas to replace some chlorofluorocarbons [CFC's], which erode the stratospheric ozone layer. And in a welcome change, the new administration is paying attention to the issue. Secretary of State James A.

Baker on Monday called for countering global warming by cutting carbon dioxide emissions, improving energy efficiency and replanting forests. On Tuesday, President Bush's Environmental Protection Agency Administrator-designate, William K. Reilly, suggested cuts in greenhouse gases. Reilly recognized that the peril is pressing. "We are at an historic moment, characterized by urgency and opportunity," Reilly told the Senate Environment and Public Works Committee.

We must not let that opportunity slip away.

We in New Mexico understand the value of a livable, generous, and productive climate. For 12,000 years, man has prospered in the blessed light of the Land of Enchantment. That delicate balance of Sun, rain, and wind must not be upset.

Yet, there is compelling evidence that not only our quality of life on Earth, but our way of life is imperiled by climate warming. The 1980's have seen the four hottest years in the last century. Scientists tell us greenhouse gases could boost average temperatures worldwide by more than 8 degrees Fahrenheit in 100 years. This brings fearsome consequences. The seas could rise 5 feet by 2100, displacing millions of people in low-lying areas worldwide. On the Gulf and Atlantic coasts, waves would crash 1,000 feet inside present beaches. For every 1-foot rise in sea level, the EPA predicts 5,000 to 10,000 square miles would be inundated. Already shrinking wetlands, which provide habitat to waterfowl and other species, would be devastated.

And with flood would come drought. The American grain and corn belts would be reduced to the shriveled images flashed on our television screens last summer, as precipitation dropped 40 percent. The Oglala Aquifer, which provides water to much of the Central and Southern Plains, would be pumped dry. The Upper Colorado River Basin, lifeblood to many of us in the West, would see its annual flow fall 40 percent.

In part because of desperate economic conditions in developing nations, slash-and-burn agriculture, woodcutting for fuel, and debt crisis are destroying the band of tropical forests girding the globe. Those forests account for up to 25 percent of world carbon dioxide depletion. Their destruction is harming watersheds, prompting downstream flooding, erosion, and sedimentation. Many creatures of the rain forests, which offer biological diversity of great value to researchers, are being extinguished, stripping science of the opportunity to make breakthroughs benefiting all mankind. And we must remember this: These forests are unlike those we know; they are not easily regenerated.

As the leading producer of carbon dioxide, we in the United States must lead the way in slowing the greenhouse effect. The National Energy Policy Act squarely meets this challenge. The bill focuses on energy efficiency, switching of fuels, and conservation; use of safe nuclear power, clean coal and renewable energy; reforestation and natural resource management; and promotion of international population and development practices that ensure an adequate energy supply and protection of the environment.

More specifically, the bill requires a 20 percent cut in CO_2 generation over the next 11 years. It substantially boosts research, which is of special interest to New Mexicans, who have a long history of contribution to the Nation's science. In fact, Paul Risser, vice president for research and a professor of biology at the University of New Mexico, is playing a key role as a member of the National Research Council's U.S. Committee for Global Change. He and two other UNM biologists, Jim Gosz and Cliff Dahm, are exploring how plants interact with atmospheric gases. The national labs in New Mexico, at Los Alamos and Sandia, also will make a tremendous contribution in this arena.

The bill authorizes $450 million between fiscal 1991 and 1993 for research and development of renewable energy sources, such as wind, solar, photovoltaic, biomass, geothermal, and hydrogen fuel cells. Another $100 million is authorized in fiscal year 1991 for R&D of a safe, cost-effective, second generaton of modular nuclear reactors. Not more than $200 million is authorized for each fiscal year 1992 and fiscal year 1993. The bill establishes an Office of Climate Protection to monitor U.S. energy policy and its relationship to global warming. It provides for research of energy efficiency and allows utilities to sell and install conservation measures. This measure also revitalizes State energy conservation programs, requiring States to update their plans and set new conservation targets to replace those that expired 9 years ago.

The bill provides for a report on clean coal and $100 million in funding for demonstration projects on the feasibility of using natural gas for mass transit systems and conversion of gasoline- and diesel-powered vehicles to natural gas. It directs the Secretary of the Interior to conduct a study of the ecological and environmental resources affected by climate change. Still more research funding, $275 million over fiscal years 1991, 1992, and 1993, is provided for the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the U.S. Geological Survey and the National Science Foundation to study the mechanism and impact of global warming. Also, the National Institute of Standards and Technology would receive funding for development of safe, nonozone depleting substitutes for CFC's.

The bill calls for the Administrator of the Agency for International Development, along with the Secretaries of the Interior, Agriculture, and the Treasury, to report to Congress on the world's tropical forests, and to craft conservation and forest plans for each tropical country. It also directs these agencies to create incentives for afforestation and disincentives for deforestation. World investment institutions would be instructed to promote private investment in energy-efficiency technologies in developing countries. In this arena, the bill allows the United States to take the lead by making efforts to reduce air-conditioning needs by planting trees in urban areas. It also calls for proper management and conservation of North America's last tropical rain forest, the Tongass National Forest in Alaska.

The measure urges convening a multilateral global climate protection conference, an international conference on nuclear power, a multilateral agreement to reduce emissions of oxides of nitrogen, a reassessment of the Montreal Protocol on Substances that Deplete the Ozone Layer, and the establishment of a special office to monitor global CO_2 emissions. Finally, the bill recognizes the importance of population growth as a factor in global warming and authorizes appropriations of more than $15 billion for international family planning and information services between fiscal year 1991 and fiscal year 1993.

This is an impressive package, the kind of sweeping measure necessary to counter this vast problem that jeopardizes the quality and way of life for us and for future generations. I urge my colleagues to support this effort.

Mr. PELL. Mr. President, I am joining in introducing the National Energy Policy Act because it addresses a major environmental crisis that clearly is of global proportions. We cannot afford to wait any longer, when experts are warning us that the "greenhouse effect" is upon us.

My colleague, the junior Senator from Colorado [Mr. WIRTH], has done a remarkable job of gathering and melding suggestions. This measure is his initiative, but an important part is the coalition of participants that he has helped to form.

This bill is an important step in the right direction and I hope to see it improved and refined. It already includes several changes that I recommended, including my provisions for research into fusion—a potentially unlimited source of clean, safe energy.

Experts have warned us that the Earth's atmosphere is being altered by

human activities, including the widespread use of fossil fuels, population growth, deforestation, agricultural practices and use of chlorofluorocarbons.

The National Energy Policy Act is designed to reduce the generation of carbon dioxide (CO_2) and trace gases and to help lead the nations of the world in a collective effort to stabilize and protect our climate.

Title VIII of this legislation, which was added at my request, provides for a comprehensive report to Congress on international collaboration in research, development, and demonstration projects into technology for the production of electricity from thermonuclear fusion.

If we can develop this technology, it may prove to be a source of safe and abundant energy. Fusion may be an energy source without many of the drawbacks of fission—drawbacks that include safety concerns and radioactive waste disposal.

Major provisions of the bill include the development of a plan to reduce CO_2 generation by 20 percent by the year 2000; the creation of energy efficiency research and development projects, including the formation of regional centers; the development of alternative energy sources; and research into passively safe, nuclear power.

Many of the provisions of this bill reach far beyond our Nation, but there is one that will directly affect New England. That provision is designed to update and revitalize the State energy conservation programs.

As chairman of the Senate Foreign Relations Committee, I anticipate that we will want to examine provisions of this legislation that would help establish tropical forest plans and that would foster several international conferences and environmental agreements.

Mr. President, the National Energy Policy Act is only a start to address one of our most serious environmental threats, but it is a good start and one that is badly needed. We must work now and we must work hard to avoid runaway global warming and the catastrophic changes that would accompany it.

● Mr. DASCHLE. Mr. President, I rise today to discuss the problem of global warming, and in particular, some of the national policy implications associated with the problem. As scientists sort out the mechanics of recent climatic trends, policymakers must prepare to meet the challenges ahead. We cannot afford to let our global environment deteriorate further, yet remedies will mean changes in the daily lives of all Americans and people everywhere.

The phenomenon of global warming is difficult to quantify. Scientists show us that carbon dioxide (CO_2) accumulations in the Earth's atmosphere have risen by approximately 20 percent since the Industrial Revolution. Correspondingly, temperatures since this time have risen 0.3–0.7 degrees C. At current levels of increase, CO_2 concentrations in the atmosphere could double by 2030, and this could mean a rise of temperatures of up to 4° C.

The predictions are speculative. The science of climatic modeling is still emerging, and much depends on the ability of scientists to piece together the traces of climatic evidence from historic and prehistoric data. It was recently reported that the drought of 1988—and it appears, 1989—in South Dakota and elsewhere was not the result of global warming but instead abnormal ocean currents in the southern Pacific Ocean. But the reports also indicate that the phenomenon of global warming and the greenhouse effect may make such occurrences more likely.

The long-term result of global warming appears to be worldwide climatic change. This may include increased frequency of drought, rising sea levels, and various effects from other trapped greenhouse gases, including nitrous oxide (NO_x), chlorofluorocarbons [CFC's], and methane. In light of the scientific questions as to the exact extent and magnitude of climatic change, the question arises as to whether we can afford to take substantive action.

I believe that we cannot afford not to take action. While the data is not fully in, the trends are there for all to see. Manmade changes in the environment are dramatically altering the Earth's atmosphere and life as we know it. At our current pace, we will leave our grandchildren a legacy of missed opportunity and negligence.

Mr. President, I am cosponsoring the National Energy Policy Act, which my good friend and colleague Senator TIM WIRTH is sponsoring. I commend my colleague from Colorado for initiating this action, and for his continued leadership and commitment to the global environment. Senator WIRTH's bill is very expansive, and contains sections which will require further study and debate. However, I wholeheartedly agree that we must take action on the issue of global climatic change, and I thank Senator WIRTH for focusing the attention of the Senate on this important issue.

There are several sections of the bill I wish to comment on specifically. I endorse the call for the development of a national energy policy. The lack of such a policy for the last 8 years is a national disgrace. Our Nation has looked for quick fixes, such as developing our pristine public lands and offshore areas, instead of making hard choices. Conservation has been ignored, at best, and at times, actively discouraged. Renewable energy research and development has been retarded. All this while the administration cried about the desperate need for energy security.

I commend the bill's directives for energy efficiency, and the provisions of the bill mandating research and development of renewable fuels. The bill attempts to foster international reforestation and forestry efforts, and this is essential in any attempt to tackle this global climatic problem.

In his inaugural speech, President Bush spoke of stewardship. He said that stewardship, like leadership, is passed from generation to generation. I wait to see if the commitment to stewardship from this administration is greater than what we have witnessed over the last 8 years. Because, with regard to the environment, stewardship is the issue. Do we leave a legacy of growth with health and stability, or do we throw in the towel and let our grandchildren fend for themselves?

I commend the new consciousness I see across the Nation in reference to the world around us. I hope that my colleagues can take this consciousness and translate it into action with substance.●

By Mr. SANFORD:

S. 325. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction on corporate stock acquisition indebtedness; to the Committee on Finance.

LIMITATION ON DEDUCTION FOR INTEREST ON CORPORATE STOCK ACQUISITION INDEBTEDNESS

Mr. SANFORD. Mr. President, I rise today to introduce legislation that will help bring and end to the destructive wave of leveraged buyouts and leveraged takeovers. These debt driven mega-deals are leaving companies so financially strapped that they cannot compete on world markets and will not survive a recession or a significant rise in interest rates.

In introducing this legislation, I want to make it clear that I do not believe that all leveraged buyouts or takeovers are bad. On the contrary, some restructurings bring more focused operating strategies or more efficient management, or a streamlining of operations and a lowering of costs.

But recently we have seen a wave of highly leveraged transactions, motivated not by a desire to run the company better, but by sheer greed—by the huge amount of fees and short swing stock profits that can be made simply by putting the company in play. As Michael Blumenthal commented in a recent editorial,

> These types of deals rarely have a genuine industrial purpose in mind and are not structured in ways that allow effective competition over the longer run. They leave no margin for error or for leaner times. Their purpose is financial manipulation pure and simple, and their motivation lies most of all

in the huge up-front fees for promoters, bankers, lawyers, who have no real stake in the long-run vitality of the firm.

In my home State of North Carolina, we have seen all too many of these highly leveraged, destructive transactions. Last year, the State's largest employer, Burlington Industries, was the subject of a hostile takeover in which the initial raider made over $65 million in profits, while leaving the company with such staggering levels of debt that it was forced to sell its research and development division and to lay off thousands of workers. Yet, even with these drastic measures, Burlington still struggles to meet the tremendous debt burdens it faces.

Now, this summer, in what has been characterized as the deal of the century, another major North Carolina company was put into play, this time in grab by its management. The deal left RJR-Nabisco in the hands of a leveraged-buyout firm, and with a total of $31 billion in buyout expenses, not million—billion.

There is no doubt that RJR-Nabisco, as currently structured, simply cannot afford this level of leverage. Its interest and preferred dividend costs will total $10.6 million a day, with no possibility of producing that level of cash flow without substantial cutbacks. The new owners, from Kohlberg, Kravis, Roberts & Co. have stated that they will sell $6 billion in food assets and dismiss no more people than it has to. But projections based on an assumption that $6 billion in assets would be sold would, in 10 years time, leave RJR with a negative net worth of $7.5 billion.

There is no doubt that substantial additional cuts will be made. I am very concerned that many benefits essential to so many people who have worked for long years for RJR will be cut in the process. While the pension benefits of defined plans may be protected, RJR has for years provided health care and life insurance benefits for its employees and retirees which are not fully funded like a pension. I fear that in the crunch to meet the $10.6 million a day interest payments, RJR might reduce the benefits that so many people are counting on.

In many ways, the RJR deal represents much that is very troubling about these highly leveraged deals. The initial offer of Ross Johnson was a full 45 percent below the final offer, yet was declared to be a fair offer when made, despite Mr. Johnson's later admission that he knew the price would go up considerably.

Moreover, the final offer is typical of coercive two-tiered offers. Those who are in the first group of shareholders to tender their shares will receive $81 in cash, while those who end up in the second tier will get an exchange package of some securities and some convertible debentures of undetermined value. The respected independent rating firm of Duff & Phelps recently assigned its lowest rating to the securities that Kohlberg Kravis will exchange for the RJR Nabisco stock. The low rating reflects Duff & Phelps' belief that there is a great risk that holders of the securities will never realize any value from them, thus placing an even greater incentive on RJR shareholders to tender their shares as part of the first tier to sell.

As is all too often the case in these highly leveraged transactions, the shareholders in the first tier may gain, but many others lose, while the Wall Street dealmakers walk away with millions, or in the RJR case, nearly $1 billion. It is estimated that the RJR Nabisco transaction generated almost $1 billion in fees, including an estimated $153 million in advisory fees; $294 million in financing fees for investment banks, and $325 million in commercial-bank fees. Lawyers' fees are estimated to run in the millions.

The big losers in the transaction are the other stakeholders in RJR, including its employees and its creditors. RJR bonds lost nearly 20 percent of their value overnight, with many North Carolina funds with large holdings in RJR suffering the losses associated from a downgrading of RJR's debt from AA to the level of junk debt.

And finally, the transaction involves the taking on of substantial debt. Indeed, RJR-Nabisco's debt to equity ratio will go from a fairly typical ratio of 40 percent debt and 60 percent equity to over 75 percent debt. While RJR might have had the cushion in bad times to stop paying dividends, the post-LBO company has no such cushion, as it cannot avoid making its interest payments.

This transaction is bad for the company, bad for the loyal RJR employees of North Carolina and bad for country. At a time when debt levels across America are rising to new heights, when tremendous amounts of equity are being replaced by debt, I think we must take steps to discourage this type of highly leveraged transaction. As the chairman of the Federal Reserve Board Alan Greenspan recently noted, more than $500 billion in equity has been retired since 1983, while the aggregate book value debt-equity ratios of American corporations have increased sharply in the 1980's.

Therefore, the bill I am introducing today takes the initial step of discouraging these types of transactions by eliminating the tax deduction for interest on corporate debt in those situations in which a corporation has purchased more than 50 percent of the stock of another corporation and where, as a result of the transaction, the debt-to-equity ratio of the corporation is at least 3 to 1 and the debt-to-equity ratio of the corporation has increased by more than 50 percent as a result of the transaction. This 50 percent requirement tracks the current margin requirement on the purchase of stock, which requires that investors have at least 50 percent cash to purchase stock.

This bill is thus carefully tailored so that legitimate corporate restructurings and takeovers that are adequately capitalized will not be affected. Only those transactions that are piling debt onto the resulting corporation, thereby damaging bondholders and placing the corporation at risk, will be made more expensive. For years, the Congress has deemed it proper to be selective in determining which types of interest payments shall be deductible on individual tax returns. The time has come to make similar discriminations with regard to the deductibility of interest on various types of corporate debt. The distinction drawn by this bill is that debt acquired in a transaction with excessive debt is not allowed. If the prospective takeover or leveraged buyout promises new efficiencies, as most proponents of such transactions contend, the deal should be attractive enough to survive without the extra sweetener of a tax incentive.

This legislation has as its effective date December 31, 1988, so that it only affects debt incurred to purchase stock after December 31, 1988, if that debt was incurred to purchase more than 50 percent of the stock of another corporation and if as a result of the purchase, the corporation's debt to equity ratio is greater than 3 to 1 and its debt-to-equity ratio has increased by more than 50 percent from its ratio prior to the transaction.

The time has come to say enough is enough. Restructuring done for the sole purpose of generating transactions fees must end. The days of doing deals for the sake of deal, of leveraging our corporations to the point that they cannot survive should the economy hit tough times can no longer be tolerated. Therefore, the tax incentives on highly leveraged transactions simply must be cut back in order to put the brakes on the rampant wave of mammoth takeovers and leveraged buyouts.

There is a great amount of support for doing something about the LBO mania. I believe we will pass legislation this year. I hope it will relate to the 1989 tax year. There is much sentiment for doing something now. I urge my colleagues to join me in promoting this important legislation.

By Mr. SHELBY:

S. 326. A bill to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions; to the Committee on Rules and Administration.

USE OF EXCESS CONTRIBUTIONS

Mr. SHELBY. Mr. President, I rise today to introduce legislation which will close what has become a loophole in our campaign finance law. My bill will amend section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) to prohibit all Members of Congress from using campaign funds for personal use after retirement.

The law, as currently written, exempts those Members who were in office on January 8, 1980. This so-called grandfather clause exemption allows eligible Members or their estates to convert leftover campaign contributions to personal funds.

A standing rule of the Senate also addresses the issue of use of political contributions. Senate Rule No. 38 states that "no contribution shall be converted to the personal use of any Member of the Senate or any former Member." Under current law, leftover campaign funds may be given to other political campaigns, charity or back to the donors. However, the enforceability of the Senate rule against former Members is subject to question. Further, the Senate rule is certainly not enforceable against the estate of a Member.

My legislation simply deletes the grandfather clause and thus amends the applicable portion of the existing statute to read "except that no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office." The Federal Election Commission has issued an advisory opinion to the effect that an estate of a Member would be covered by this language.

According to my estimate, this legislation will affect 190 House Members and 73 Members of the Senate and I believe such action is long overdue. When donors contribute to a political candidate they do so with an understanding that their money will be used to further the candidate's campaign, not to augment his or her personal wealth. By prohibiting all candidates and their estates from converting campaign funds into personal funds, I am attempting to effectively return our campaign contribution system to its original intent.

Since the Senate standing rule that prohibits any conversion of campaign funds for personal use does not have the full force of law, I believe it is necessary to introduce legislation that removes the grandfather clause and thus the potential for abuse.

Public office is a trusteeship—and is not a means to accrue personal wealth. As one of the 73 Senators who would be affected by the enactment of this legislation, I am pleased to take this initial step toward restoring the integrity of our Federal election campaign system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking out "except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of January 8, 1980," and inserting in lieu thereof "except that".

By Mr. BIDEN (for himself, Mr. MCCONNELL, Mr. SIMON, Mr. THURMOND, Mr. METZENBAUM, and Mr. DECONCINI):

S. 327. A bill to amend title 18 of the United States Code to punish corruption; to the Committee on the Judiciary.

ANTI-CORRUPTION ACT

Mr. BIDEN. Mr. President, I am pleased today to join with my colleagues in reintroducing the Anti-Corruption Act of 1989. Like its predecessor, S. 2793, which I introduced in the 100th Congress, this bill is a response to a 1987 decision of the Supreme Court that limited Federal prosecutors' ability to rid all levels of government of public corruption. After the Court decided McNally versus United States, lower courts were forced to reverse the criminal convictions of a number of corrupt officials, other pending investigations were halted, and the government was left with virtually no means of rooting out future acts of corruption in our public agencies unless some form of extortion were involved or an official was caught actually stealing money from the public till. This was an intolerable situation.

The bill I introduced last year passed the Senate, but in the little time that remained in the 100th Congress we were unable to obtain passage in the House. The House did agree to an amendment to the mail and wire fraud statutes that presently serves as a stopgap measure allowing the government to prosecute at least some public corruption cases; but that provision was seen as a temporary fix. I am hopeful, therefore, that this much more comprehensive piece of anti-corruption legislation will once again have the support of the Senate and will be enacted into law as swiftly as possible.

The purpose of this bill is to make it possible, once again, to prosecute and send to prison persons who corrupt the administration of government at the Federal, State, and local level. In the McNally case, the Supreme Court said that the mail and wire fraud statutes could only be used in corruption cases where the government could show that the intent had been to steal public property. Simply depriving the public of its right to honest government was not enough, the Court said. This bill reverses McNally by creating a new public corruption statute that will be used to bring charges against anyone who attempts to deprive the citizens of the United States or of any State of the honest services of a public official, anyone who attempts to corrupt the election process, or any public official or employee who subverts the administration of a public agency by providing the agency with false information.

The provision enacted by the 100th Congress was only a partial solution to these problems. That provision amended that mail and wire fraud statutes to define fraud to include a scheme to deprive a person of the intangible right to another's honest services. This allowed the government to resume prosecution of those public corruption cases that involve bribes, kickbacks, and conflicts of interest, since such acts of wrongdoing deprive the public of its right to the honest services of a public official. It also permitted the Government to resume white collar crime prosecutions that involve commercial bribery and other serious breaches of fiduciary duty. But current law remains inadequate in a number of very important areas.

First, current law does not permit prosecution of election fraud because such offenses do not involve anyone's "honest services." This bill makes it a Federal offense to corrupt any State or local election process.

Second, the penalty provisions of the mail and wire fraud statutes are not appropriate for public corruption cases. The maximum penalty for mail and wire fraud is 5 years. This bill provides for a maximum sentence of 10 years or for a longer period if the corrupt official intended by his corrupt act to facilitate the commission of an offense that carries a sentence of more than 10 years. This assures that a person who takes a bribe in order to make it possible for others to import a large quantity of drugs or to commit a crime of violence, would be subject to a penalty benefiting the crime he or she facilitated.

Third, current law contains no protection for persons who are victimized by a public corruption scheme, such as other public employees who are demoted, harassed, or discharged by the defendant in the course of, or in an attempt to conceal, his or her illegal activity. This bill makes it a separate offense, with a maximum sentence of 5 years, to take such action against another public employee, and it gives the

employee a civil cause of action against the corrupt official.

Fourth, current law does not allow for prosecution of persons who provide false information to public agencies. Before McNally, such cases were prosecuted under the mail and wire fraud statutes on the theory that a person who, as part of a scheme to defraud, concealed information from, or provided false information to, a State agency, defrauded the agency of its right to conduct public business on the basis of complete true and accurate information. Examples included persons who obtained State licenses intended only for charities by falsely claiming to be members of a charitable organization; persons who concealed information from State racing and gaming authorities in order to obtain valuable State privileges; and persons who filed false financial data with a State elections commission.

Because of the abolition of the intangible rights doctrine in McNally, such cases can no longer be prosecuted. This bill restores the ability of the Government to prosecute them when a public official or employee is involved.

Finally, the mail and wire fraud statutes are limited to use of the mail, telephone, and other forms of communication that do not take into account the use of modern technology and commercial delivery systems that have become popular in the 1980's. This bill bases Federal jurisdiction for public corruption prosecutions on the use of any facility of interstate or foreign commerce.

This legislation is the product of a bipartisan group of Senators who have worked with representatives of the Department of Justice to arrive at a consensus bill. Attorney General Dick Thornburgh and the U.S. attorneys strongly supported the bill I introduced in the 100th Congress, and I anticipate having their support again.

There is nothing more essential to the ability of a government to function effectively than the belief on the part of the governed that the decisions that affect their lives are being made by honest men and women acting in the best interest of the people on the basis of complete, true and accurate information. When this public trust is violated, the punishment must be swift and sure. This legislation will give back to the Federal Government the tools it needs to guarantee the public trust through the sanction of criminal prosecution. I hope my colleagues will support it.

Finally, Mr. President, I ask unanimous consent that both the text of the bill and a statement explaining its provisions in greater detail be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Corruption Act of 1989".

SEC. 2. OFFENSE.

Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public Corruption

"(a) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of such State or subdivision, shall be fined under this title, or imprisoned for not more than ten years (or, if the defendant intended that the scheme or artifice promote conduct constituting an offense under the laws of the United States or a State for which the maximum term of imprisonment is greater than ten years, shall be imprisoned as required or authorized by the law punishing such offense or for not more than twenty years, whichever is less), or both.

"(b) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, fraudulent, or are invalid, under the laws of the State in which the election is held;

"(2) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(3) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title or imprisoned for not more than ten years, or both.

"(c) Whoever, being a public official or an official or employee of a State or political subdivision of a State, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the right to have the affairs of the State or subdivision conducted on the basis of complete, true, and accurate material information, shall be fined under this title or imprisoned for not more than ten years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the actor—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) uses any facility of interstate or foreign commerce; or

"(2) the scheme or artifice affects in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce.

"(e) Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title or imprisoned for not more than ten years (or, if the defendant intended that the scheme or artifice promote conduct constituting an offense under the laws of the United States or a State for which the maximum term of imprisonment is greater than ten years, shall be imprisoned as required or authorized by the law punishing such offense, or for not more than twenty years, whichever is less), or both.

"(f) Whoever being an official, or public official, or person who has been selected to be a public official, directly or indirectly, discharges, demotes, suspends, threatens, harasses, or, in any manner, discriminates against any employee or official of the United States or any State or political subdivision of such State, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title or subject to imprisonment of up to five years or both.

"(g)(1) Any employee or official of the United States or any State or political subdivision of such State who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the employee as a result of a violation of subsection (e) or because of actions by the employee on behalf of himself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may in a civil action, obtain all relief necessary to make such individual whole. Such relief shall include reinstatement with the same seniority status such individual would have had but for the discrimination, three times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including reasonable litigation costs and reasonable attorney's fees.

"(2) An individual is not eligible for such relief if that individual participated in the violation of this section with respect to which such relief would be awarded.

"(h) For purposes of this section—

"(1) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other territory or possession of the United States;

"(2) the term 'agency' means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(3) the terms 'public official' and 'person who has been selected to be a public official'

have the meaning set forth in section 201 of this title; the terms 'official', 'public official', and 'person who has been selected to be a public official' shall also include any person acting under color of official authority; and

"(4) the term 'official' includes a person who has been nominated or appointed to be an official or who has been officially informed that he or she will be so nominated or appointed.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public Corruption.".

(b) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(c) INTERRUPTION OF COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 4. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce".

(b) CONFORMING AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended by striking "Fraud by wire, radio, or television" and inserting "Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

SECTION BY SECTION ANALYSIS OF THE ANTI-CORRUPTION ACT OF 1988

The purpose of this bill is to overturn the Supreme Court's decision in *McNally* v. *United States*, 107 S. Ct. 2875 (1987), as it applies to public corruption. In that case the Court held that the mail and wire fraud statutes, 18 U.S.C. 1341 and 1343, apply only to schemes to defraud another of property. Previously, every federal appellate court had held that those statutes also protected intangible rights, such as the right to the public to the honest and faithful services of public officials and others responsible for the conduct of public affairs, *United States* v. *Mandel*, 591 F.2d 1347, 1358-64 (4th Cir. 1979); *United States* v. *Margiotta*, 688 F.2d 108, 121-22 (2nd Cir. 1982), and the right of the public to have its affairs conducted on the basis of complete, true and accurate information, *Mandel*, 591 F.2d at 1364; *United States* v. *Curry*, 681 F.2d 406, 411 (5th Cir. 1982). Under this bill, the holdings of these cases will once again be part of the Federal criminal law.

Section 1 contains the short title of the bill, the "Anti-Corruption Act of 1989."

Section 2 creates a new public corruption statute to be codified as section 225 of title 18, United States Code. Subsection 225(a) is intended to cover the type of corrupt conduct prosecuted under the mail and wire fraud statutes before *McNally* under the theory that a corrupt public official deprives the public of its right to his or her honest or faithful services. This provision, therefore, is to be read in the context of the pre-*McNally* case law. In particular, the terms "deprive" and "defraud" in section 225(a) should be read in conjunction with pre-*McNally* case law interpreting the phrase "scheme of artifice to defraud" in the mail and wire fraud statutes in public corruption cases. See, e.g., *United States* v. *Isaacs*, 493 F.2d 1124 (7th Cir. 1974); *United States* v. *Mandel*, 591 F.2d 1347 (4th Cir. 1979); *United States* v. *Bush*, 522 F.2d 641, 647-48 (7th Cir. 1975); *United States* v. *Keane*, 522 F.2d 534, 545-46 (7th Cir. 1975); *United States* v. *Brown*, 540 F.2d 364, 374-75 (8th Cir. 1976).

While this type of conduct presently may be prosecuted under the recent amendment to the mail and wire frauds statutes codified at 18 U.S.C. 1346, the penalty provisions of subsection 225(a) are more appropriate for public corruption cases. The statute provides for a maximum prison sentence of 10 years, or for a period of up to 20 years if the defendant intended that the scheme would enhance the probability of success of other illegal conduct for which the maximum penalty would be more than 10 years. This assures, for example, that a public official who takes a bribe to "look the other way" when a major drug trafficking offense is taking place, can be punished in accordance with the seriousness of the crime he or she was facilitating.

Subsection 225(b) makes it a criminal violation to deprive or to defraud the inhabitants of a state or political subdivision of a state of a fair and impartially conducted election process. This type of conduct also had been prosecuted under the mail and wire fraud statutes before *McNally*, but may not be covered by present law. *See Ingber* v. *Enzor*, 664 F. Supp. 814 (S.D.N.Y. 1987), aff'd 841 F.2d 450 (2nd Cir. 1988). The elements of the new offense should be construed in light of the pre-existing case law. See *United States* v. *States*, 488 F.2d 761, 765 (8th Cir. 1973).

Subsection 225(c) restores the ability of the Government to prosecute fraudulent schemes that involve the regulatory functions of a state agency. Before *McNally*, such cases were prosecuted under the mail and wire fraud statutes on the theory that a person who, as part of a scheme to defraud, concealed information from, or provided false information to, a state agency defrauded the agency of its right to conduct public business on the basis of complete, true and accurate information.

In *United States* v. *Curry*, 681 F.2d 406 (5th Cir. 1982), for example, the chairman of a political action committee, who mailed false documents to a state election committee, was convicted under the mail fraud statute of defrauding the committee of its right to obtain true and correct financial information, as required by state law. *Id.* at 411. Similarly, in *United States* v. *Green*, F. Supp. 935 (N.D. Cal. 1978), a person who fraudulently obtained a driver's license under an assumed name was convicted under the mail fraud statue because he had used the mails "to defraud the California Department of Motor Vehicles of its right to have its license program administered free from falsehood." *Id.* 936-37.

And in *United States* v. *Mandel*, 591 F.2d 1347 (4th Cir. 1979), the governor of Maryland, who had fraudulently concealed facts relevant to the actions of the State racing authority, was convicted of mail fraud for defrauding the state of its right to have its officials act on truthful information. *Id.* at 1364.

Because of the abolition of the intangible rights doctrine in McNally such cases can no longer be prosecuted. In *United States* v. *Murphy*, 836 F.2d (6th Cir. 1988), a defendant applied for a state bingo license for which only charitable organizations were eligible. In his application, the defendant falsely claimed that he was a member of such an organization. Shortly before the *McNally* decision was announced, the defendant was convicted under the mail fraud statute of depriving the State of its right to issue bingo licenses "based on complete, true and accurate information." *Id.* at 258 (quoting text of the indictment).

After the *McNally* decision, the defendant appealed, claiming that the conviction was based on the intangible rights doctrine. The Sixth Circuit reversed because it found that the State had not been defrauded of any property, but only of its right to accurate information, which is an intangible right not protected by the mail fraud statute. *Id.* at 254.

Subsection 225(c), therefore, is intended to restore the ability of the government to prosecute the types of fraud against state agencies, not involving state property, that were involved in *Curry*, *Green*, *Mandel*, and *Murphy*. It may also be used to prosecute cases that do involve property and which may also be covered by the mail and wire fraud statutes. See *United States* v. *Biaggi*, 675 F. Supp. 790 (S.D.N.Y. 1987) (defendant falsely represented business as one eligible for government contract, depriving government of right to control how its money is spent). It is limited, however, to situations in which a public official or employee is involved. The subsection uses the words "complete, true and accurate," which are taken verbatim from the indictment in *Murphy*, to reflect the need to ensure that the statute covers concealment of information, as well as false or misleading information.

Subsection 225(d) sets forth the basis for federal jurisdiction over cases brought under subsections (a), (b) and (c), which involve state and local governments. Jurisdiction is based both on the Commerce Clause and on the Republican Form of Government Clause of the constitution (U.S. Constitution, Art. IV, Sec. 4). See 133 Cong. Rec. H10656 (daily edition November 19, 1987). Commerce Clause jurisdiction is intended to be broad, encompassing any scheme that affects interstate or foreign commerce, or is accomplished or attempted through the use of any facility of interstate or foreign commerce.

Subsection 225(e) is a parallel provision to subsection (a) that is applicable to federal officials. Subsection (e) uses the phrase "public official" instead of "official or employee" which is used in subsection (a) because "public official" is the term used in the federal bribery statute, 18 U.S.C. 201, and is defined in subsection (h) by reference to that provision.

Subsection 225(f) makes it an offense, punishable by five years incarceration, for any public official to harass or to retaliate against another public employee in order to carry out or to conceal any scheme described in sections (a), (b), (c) or (e).

Subsection 225(g) provides that any person victimized by conduct described in subsection (f) may file a civil suit to obtain reinstatement of his or her position, three times the amount of back pay, and reasona-

ble litigation cost and reasonable litigation costs and reasonable attorney's fees.

Subsection 225(h) contains various definitions applicable to all of section 225. In particular, it includes within the definition of "public official" and "official" those who exercise power over public affairs and are therefore *de facto* officials even if they hold no formal office. Before *McNally*, such persons were routinely prosecuted under the mail and wire fraud statutes for acts of public corruption. *See Margiotta, supra; United States* v. *Clapps*, 732 F.2d 1148 (3rd Cir. 1984); *United States* v. *Gray*, 790 F.2d 1290, 1294-96 (6th Cir. 1986), reversed sub nom. *United States* v. *McNally*, —— U.S. —— (1987). The phrase "any person acting under color of official authority" is intended to cover the persons and conduct involved in those cases.

Section 3 of the bill contains technical and conforming amendments. In particular, the new statute, 18 U.S.C. 225, is made a predicate offense for RICO and for the the authorization of electronic surveillance pursuant to court order.

Finally, Section 4 amends the wire fraud statute, 18 U.S.C. 1343, to take into account advances in interstate communication facilities since the statute was enacted in the 1950's. The present statute bases federal jurisdiction on the use of wire, radio or television communications in interstate commerce. The amendment would replace this with the phrase "any facility in interstate or foreign commerce" so as to encompass the use of new technologies and commercial express mail carriers.

Mr. McCONNELL. Mr. President, I join my colleague from Delaware in introducing the Anti-Corruption Act of 1989, or "Biden-McConnell II," along with Senators THURMOND, SIMON, METZENBAUM, and DECONCINI. This bill will build upon what we accomplished in the last Congress in the fight against election fraud and corruption.

Last year, we added an amendment to the drug bill, to close a loophole created by the Supreme Court in McNally against United States. This case held that U.S. attorneys could not use the mail fraud laws to prosecute election fraud and corruption. In doing so, it jeopardized hundreds of convictions now on the books and brought further investigations to a halt.

A number of us worked together for over 1 year—on a bipartisan basis—to close the McNally loophole. I started with my own bill in 1987, dealing specifically with the problem of election fraud. Then I joined forces with the U.S. Justice Department to develop a comprehensive answer to the McNally problem. Finally, I forged a coalition with members of the Senate Judiciary Committee who believe that Federal prosecutors ought to have every available resource to stop corruption.

Fortunately, our hard work paid off. On November 18, 1988, President Reagan signed the omnibus drug bill into law with our anticorruption provision. Federal prosecutors are back on line to fight election fraud and public corruption. But I believe we still have further to go. Despite our work in Congress, there still were reports of election fraud in the last election in Kentucky. Those who abuse the public trust and seek to defraud the Government are getting cleverer in evading the law.

The bill we are introducing today, Biden-McConnell II, will give us the other 20 percent we wanted but didn't get last year. Even in this day and age, and with all our work last year, it still is not certain whether the Federal Government can investigate and prosecute election fraud. This legislation will make every act of election fraud—at every level of Government—a Federal offense. It will raise the maximum penalty for both election fraud and public corruption to 10 years in Federal prison and a $10,000 fine. And it will greatly expand the jurisdictional basis for Federal prosecutors to investigate reports of fraud and go after the wrongdoers.

I cannot stress enough the importance of this legislation. In some parts of this country, if you buy or sell votes and somehow get caught, you go see your friend, the judge, and he gives you a wink and a slap on the wrists. If this legislation passes, and I am sure it will, then anyone who gets caught in "election-day shenanigans" will be facing a Federal grand jury and a ticket to Federal prison.

Last year, we secured commitments from both Senate and House Judiciary Committees to hold hearings on this legislation early this year. I look forward to those hearings and hope to move forward in the same spirit of urgency and bipartisanship that marked our efforts last year. If we are going to make Kentucky and the rest of this Nation a better place for our children, we need to take care of the basics. Two of those basics are a clean election process and a government that is kept free of corruption.

Mr. President, I yield the floor.

Mr. SIMON. Mr. President, I am pleased to join with Senators BIDEN, METZENBAUM, DECONCINI, MCCONNELL, and THURMOND in introducing the Anti-Corruption Act of 1989.

Headline after headline from newspapers all across the country indicate that there continues to be a problem of public corruption at all levels of government. Just 2 weeks ago, the Chicago Tribune ran a cover story in its Sunday magazine on corruption in the judicial system in Chicago. The reporters told a sad story of judges, clerks, and attorneys who were all part of a web of bribery and corruption. Chicago is certainly not alone in the struggle against corruption. New York, Washington, DC, and Los Angeles to name just a few cities have also been afflicted. The Federal Government, as well, has been the subject of scandal and controversy. Undoubtedly, this corruption undermines the public's confidence in our system of government and must be stopped. Those of us who have dedicated much of our time to making sure government works for the people, must do all we can to ensure that our statutes adequately address this problem. The purpose of the Anti-Corruption Act of 1989 is to do just that, by restoring to prosecutors the tools they need to prosecute public corruption cases.

The bill specifically responds to the recent Supreme Court case of *McNally v. The United States*, 107 S. Ct. 2878 (1987), which made it far more difficult to prosecute cases of public corruption under the mail fraud statute. Prior to McNally, U.S. attorneys relied extensively on the mail fraud statute to try those public officials who deprived citizens of their honest services. Post-McNally, the mail fraud statute could only be used in cases where the prosecuters could prove a tangible property loss, as opposed to the loss of honest and faithful service.

The mail fraud statute was particularly useful to the U.S. attorney's office in Chicago during the Greylord prosecutions, a highly successful investigation into public corruption in Chicago's judicial system. The U.S. attorney for the Northern District of Illinois, Anton Valucas, reported this fall, in a letter to the editors of the Chicago Sun-Times, that nearly all of the Greylord prosecutions involved charges that corrupt lawyers and judges schemed to defraud the citizens of Cook County of their right to honest government. As a result of the Court's decision in McNally, several of those convicted defendants obtained reversals of their convictions and many others are filing appeals.

The Anti-Corruption Act of 1989 will, once again, make it possible for prosecutors to effectively prosecute those who violate the public trust like the defendants in Greylord. The bill creates a new section in the Criminal Code for the prosecution of public officials who deprive citizens of their honest services, and it makes it a Federal offense to corrupt the election process. The bill provides tough penalties for those convicted under the act.

Today's bill is very similar to legislation passed by the Senate in the 100th Congress. This bill was significantly narrowed in a House-Senate conference. While the narrower bill, which passed as part of the omnibus drug bill, addresses some of the problems created by McNally, the Anti-Corruption Act of 1989 fills in the remaining gaps. For example, the act includes a whistleblower protection section, and it specifically covers election fraud. The bill also mandates a broader jurisdictional base than last year's legislation, and it creates a tougher sentencing structure.

In closing, I wish to thank my colleagues for working in a bipartisan

fashion to address a problem which crosses party lines. There is simply no place in public life for one who violates the public trust. While it would be naive to think that any one piece of legislation will eliminate corruption, it is important that Congress reaffirm its commitment to do all it can to keep government honest. The Anti-Corruption Act of 1989 takes an important step in this direction. I urge the Senate to quickly act on this measure which is vitally needed by our U.S. attorneys.

Mr. THURMOND. Mr. President, I rise today in support of the Anti-Corruption Act of 1989 and am pleased to be an original cosponsor of this bipartisan measure. Corruption, especially corruption of public officials, is a problem which affects the entire Nation, and is an issue which deeply concerns me.

Until 2 years ago, many corruption schemes involving public officials were prosecuted under the Federal mail and wire fraud statute. However, the Supreme Court in McNally versus United States, a case of statutory interpretation, ruled that the mail fraud statute could only be used to prosecute corruption schemes to defraud another of property. Consequently, schemes in which there was no economic loss could not be prosecuted. Until this decision, these statutes had been interpreted to also protect intangible rights, such as the right of the public to honest and faithful service of public officials and the right of employers to the loyal and faithful services of their employees. Since the McNally decision, lower courts have been compelled to reverse the criminal convictions of a number of officials.

At the close of the 100th Congress, an amendment to the mail and wire fraud statutes was enacted as part of the Anti-Drug Abuse Act of 1988. This provision is intended to cover corrupt conduct prosecuted under the theory that a corrupt public official deprives the public of its right to honest services. However, this valuable first step on the part of Congress does not go far enough.

This bipartisan measure will make it possible, once again, to send to prison those public officials who corrupt their offices and betray the trust placed in them. This bill reverses McNally and expands legislation included in the drug bill by creating a new public corruption statute that will be used against those who attempt to not only deprive the citizens of the United States or of any State of the honest services of a public official, but also against those who attempt to corrupt the election process. This bill assures that a public official who accepts a bribe to "look the other way" when a major felony is taking place, can be punished in acccordance with the seriousness of the crime he or she was facilitating. It also restores the ability of the Government to prosecute certain fraudulent schemes that involve the regulatory functions of a State agency.

Finally, this bill will expand the Federal authority in these type cases beyond the traditional jurisdiction which currently requires use of the mails, wire communications, or transporting or traveling in interstate commerce. The expansion would provide for prosecution to include corrupt schemes which involve the use of a facility of interstate or foreign commerce, such as a Federal highway, or affect interstate or foreign commerce. This amendment is intended to address those cases in which new technologies or commercial express mail carriers are used to facilitate a corrupt scheme.

Mr. President, this legislation will ensure that cases of public corruption will be appropriately prosecuted. Breach of the public trust is a serious offense that warrants prosecution and tough penalties. The citizens of this country demand that public corruption be zealously investigated and vigorously prosecuted. I urge the Senate to act in an expeditious manner to fill this gap in current law.

Mr. METZENBAUM. Mr. President, I am pleased to be an original cosponsor of this important legislation and urge its immediate passage. The Anti-Corruption Act of 1989 will clear up confusion caused by recent Supreme Court decisions interpreting the Federal mail and wire fraud statutes. It will also restore to Federal prosecutors a needed tool in the fight against public corruption.

The Federal Criminal Code prohibits the use of the mails or the telephone to commit fraud. Until recently, the courts have interpreted these statutes rather broadly and have given prosecutors a potent weapon to use against criminal fraud schemes and public and private corruption.

The use of these fraud statutes against public corruption was dealt a severe blow in 1987, however by the Supreme Court's decision in McNally versus United States. In that case, the Court concluded that "the mail fraud statute clearly protects property rights, but does not refer to the intangible right of the citizen to good government."

Many convictions for criminal fraud were invalidated by this decision. A subsequent Supreme Court case, Carpenter versus United States, did lessen the adverse impact of McNally. These cases have left the law confused and have greatly impeded Federal prosecutors in their daily work. In the words of Attorney General Richard Thornburgh:

Prosecution of public corruption cases has been one of the Department's highest priorities since the mid-1970's and, if anything, has increased in recent years, in part because of the proven link between public corruption and large scale drug trafficking.

As a result of the Supreme Court's unexpected McNally interpretation 2 years ago, a sizable gap currently exists in the Federal statutory arsenal. Under McNally, a prosecution can be brought only if a monetary loss occurs as a result of corrupt practices. However, after McNally, a prosecution may not be brought if a public official lies or withholds important information needed to make a governmental decision. In addition, McNally has been interpreted to preclude prosecutions for election fraud. We cannot allow our Federal prosecutors to sit by idly without the tools they need to fight crime. The need to clarify the scope of these Federal fraud statutes could not be more urgent.

This bill makes it clear that more is at stake in fighting public corruption than financial loss. The integrity of government institutions must also be preserved. That is why I've joined my colleagues in introducing this bill.

Last year the Senate perceived the importance of integrity in government and passed the Public Anti-Corruption Act of 1988. Unfortunately, the House did not act on our bill. This year I will join my colleagues in seeking early passage of this bill during the 101st Congress.

Mr. DECONCINI. Mr. President, today I once again join my distinguished colleagues, Senators BIDEN, MCCONNELL, SIMON, METZENBAUM, and THURMOND in introducing legislation which addresses many of the wrongs committed in the public corruption area.

In 1987 the Supreme Court, in McNally versus United States, overruled 15 years of case laws permitting Federal prosecutors to use the mail fraud statutes to prosecute public corruption and other breaches of fiduciary responsibility in court under the "intangible rights" doctrine. Following that ruling, RICO/mail fraud convictions were challenged, and in many jurisdictions, overturned. Furthermore, and possibly even more damaging to a successful campaign against public corruption, prosecutors suffered a chilling effect from the Court ruling, hesitating to prosecute public corruption cases for fear that courts relying on the McNally decision would rule against the public's interest in honest government.

As a result of this opinion and the influence it had on the prosecution of public corruption cases, the Senate passed a stopgap measure reversing the Supreme Court's McNally decision. The final compromise, which was incorporated in the 1988 drug bill, inserted a one-sentence provision into the mail and wire fraud statutes adding "scheme or artifice to deprive another of the intangible right of

honest services" to the definition of mail and wire fraud. This compromise language was not as broad as the original language of S. 2793, the Anti-Corruption Act of 1988, introduced by Senator BIDEN, and cosponsored by myself and others in the 100th Congress.

After further consideration, and after consultation with the Department of Justice, it was determined that although the compromise language found in the drug bill will assist prosecutors in some public corruption cases, certain other public corruption cases will remain outside the net of prosecution. The "honest services" theory of the compromise language will cover bribery, kickback, and conflict of interest cases that had been successfully prosecuted under the mail fraud statute prior to the Supreme Court's ruling in McNally. The "honest services" theory will not, however, cover public corruption cases which do not involve public employees' honest services such as election fraud or cases of false information being given to a Government agency.

In light of the shortcomings of the compromise language, I join with Senator BIDEN and others to introduce legislation which I believe will enhance the ability of Federal prosecutors to protect the public's right to good government.

During the early days of his Presidency, President Bush has repeatedly emphasized the importance of integrity by public officials at all levels of government. This is a welcome change from the Reagan administration when excuses and misrepresentations were the norm for questionable activities engaged in by many officials. President Bush has an opportunity to help reestablish public confidence in government. I hope he follows the lead of Attorney General Thornburgh and lends his support to this bill.

Too often the American public is led to believe that corruption permeates all levels of government. Whether it be a local, State, or Federal official, the citizenry doubts the integrity of the officeholder. Admittedly, these doubts are sometimes well founded. Yet the vast majority of public servants are good, honest, hard-working people. By once more introducing legislation aimed at defeating public corruption we reiterate our message to the public that no one is above the law. We are again telling them that public officials must answer for their actions.

Mr. President, the Anti-Corruption Act of 1989 provides additional weapons in the arsenal of Federal prosecutors to fight against public corruption. By clarifying an area of criminal law limited by Supreme Court review, Congress is provided with a chance to confirm the right of the public to good, honest government. I urge my colleagues to take this opportunity and join in supporting this legislation and in seeking early consideration of this measure.

By Mr. PRESSLER:

S. 328. A bill to amend title 38, United States Code, to modify the eligibility requirements for the mandatory furnishing of Department of Veterans Affairs hospital care to a veteran for a nonservice-connected disability; to the Committee on Veterans' Affairs.

VETERANS HEALTH CARE IMPROVEMENT ACT

Mr. PRESSLER. Mr. President, I rise today to introduce legislation to provide that the Secretary of Veterans Affairs shall furnish hospital care, and may furnish nursing home care, which he determines is needed, to a veteran for a nonservice-connected disability to the extent that resources and facilities are available.

One of the most urgent problems facing the Nation pertains to thousands of veterans who are being deprived of the health care services to which I feel they are entitled. As our colleagues may know, until October 1988, a large percentage of these veterans were receiving care at the hospitals and other medical facilities of the Veterans' Administration [VA]. Then, because of a major shortfall in funding of its medical care account, the VA ordered a drastic cutback in health care services for so-called category B and category C veterans.

Category B veterans are nonservice-connected veterans who have income of more than $16,466 but not more than $21,954, if single with no dependents; and above $21,954 but less than $27,443 if married, plus $1,098 for each additional dependent. Category C veterans are defined as those nonservice-connected veterans with incomes in excess of the amounts just mentioned. Prior to October 1988, veterans in categories B and C were able to obtain medical care if resources and facilities were otherwise available and if category C veterans agreed to pay the VA a copayment. Today thousands of these veterans are beng denied care by the VA unless they require emergency attention.

I cannot recall another time when such a large number of veterans were barred from receiving necessary health care services. Had proper steps been taken, this would not have occurred. The VA did not adequately apprise the congressional committees having jurisdiction over veterans' affairs of the need for additional appropriations. Not long before Congress adjourned last year, a supplemental request was submitted to the Office of Management and Budget, but it still has not been approved. Also, no action was taken by the committees to initiate an urgent supplemental appropriation for fiscal year 1989.

It is outrageous that this situation is allowed to continue. Beds in VA hospitals are being closed. Reductions are being made in VA medical staffing and support activities. Many veterans who were being cared for at VA facilities must now seek medical attention at distant hospitals or clinics that lack the necessary staff and equipment to properly care for their needs. If OMB will not send over the request for a supplemental appropriation, House and Senate Appropriations Committees should immediately report out an urgent supplemental measure. I am confident it would pass without delay.

My legislation mandates that category B and category C veterans will be given necessary health care services in the VA hospitals, and that they may receive care in nursing homes, to the extent that VA resources and facilities are available. Enactment of the bill would bring about two important changes. It would require the VA to maintain existing medical facilities and not close a medical ward, as recently happened, for example, at the VA Medical Center in Sioux Falls, SD. It also would clarify the true intent of Congress to provide health care services for category B and C veterans—not to leave funding for their care in some "discretionary" account.

Mr. President, I wish to close by quoting one of the many hundreds of letters I have received on this subject. This is a letter that came to me from the wife of a veteran. It reads:

> Please do what you can to stop the unfair cuts to VA hospitals, especially the B and C patients. These veterans were told they wouldn't need insurance because the Government would always take care of them. Now, when many are too old and too sick to even get insurance, they are being told that their VA hospital benefits are gone. This is one of the most unfair things the Government has ever done.

Mr. President, I think that if the resources and facilities are available, if we have the beds available, that we should provide these services to those veterans who need them because frequently they will be taken into other facilities or be on Medicaid or some other type of public assistance and will end up costing taxpayers just as much. As a veteran myself, I can say that I think this is something expected of us and is something that is badly needed.

I urge my colleagues to give this bill their full support and ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY HOSPITAL CARE FOR A NON-SERVICE-CONNECTED DISABILITY.

Section 610(a)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking out "may furnish hospital care and nursing home care" and inserting in lieu thereof "shall furnish hospital care, and may furnish nursing home care,"; and

(2) in subparagraph (B), by striking out "may furnish hospital care and nursing home care" and inserting in lieu thereof "shall furnish hospital care, and may furnish nursing home care,".

By Mr. DIXON:

S. 329. A bill to amend the United States Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security; to the Committee on Agriculture, Nutrition, and Forestry.

STATE GRAIN FUND PROTECTION ACT

Mr. DIXON. Mr. President, I rise today to introduce legislation which addresses a serious problem facing farmers and our rural communities. This legislation, the State Grain Fund Protection Act of 1989, is identical to legislation currently being introduced in the House of Representatives by my good friend, TERRY BRUCE.

The intent of this legislation is to ensure that all farmers are protected from severe financial losses resulting from the failure of a grain warehouse facility.

In a recent U.S. district court decision, it was ruled that elevators that are federally licensed, are not required to participate in a State's indemnity program. There are federally licensed elevators which have opted to participate in State grain funds. At the same time, however, there are many federally licensed elevators which have not.

Mr. President, farmers are not concerned with the type of license an elevator possesses. Rather, they are concerned, and rightly so, with the protections they are accorded by storing their grain with an elevator. It is my firm belief that every farmer is entitled to have his or her investment protected, to the fullest extent, when it is stored with an elevator, regardless of whether the elevator holds a State or a Federal license.

Mr. President, history has demonstrated that federally licensed warehouses are not immune from the financial difficulties which can plague State licensed facilities. It is an unfortunate fact, but the Federal requirements provide only limited and inadequate protection to our farmers. Those elevators not participating in State programs do not provide the same degree of protection that farmers receive from elevators which do participate in the State programs.

In my State of Illinois, there are 77 elevator facilities licensed by the Federal Government which do not participate in the State insurance program. The current protection system, established under the U.S. Warehouse Act, provides that grain storage companies licensed by the Federal Government must post a storage bond to cover losses. These bonds, however, would not be adequate to cover the losses incurred by all farmers with grain stored in federally licensed elevators.

The farmers of Illinois are adversely affected by this recent court ruling, but they are not alone. Other States which currently have some form of State indemnity funds on the books included Iowa, Ohio, South Carolina, Oklahoma, Kentucky, and New York. Moreover, the States of Idaho, Michigan, South Dakota, and Washington are presently considering the establishment of State indemnity programs to protect their farmers.

The legislation that I am introducing will amend the U.S. Warehouse Act to allow States to require that all elevators participate in State grain funds, whether they are licensed by the Federal Government or the State government. In essence, this will allow States the right to decide how they want to handle elevator liability in the event of a failure.

The State Grain Fund Protection Act of 1989 restores protection to farmers while their grain is being warehoused. It is an approach which represents both common sense and fairness. I urge my colleagues to join me in this important and worthy effort.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Grain Fund Protection Act of 1989".

SEC. 2. WAREHOUSE ACT.

Section 6 of the United States Warehouse Act (7 U.S.C. 247) is amended—

(1) by striking out "That each" and by inserting in lieu thereof "(a) Each"; and

(2) by adding at the end thereof the following new subsection:

"(b) The provisions of this Act shall not prevent or preempt any State from requiring a licensee under this Act to participate in any form of grain indemnity fund or from requiring any bond or other form of collateral security designated to secure the faithful performance of grain obligations.".

By Mr. MCCONNELL (for himself, Mr. PACKWOOD, and Mr. HEINZ):

S. 330. A bill to amend the Federal Election Campaign Act of 1971 to prohibit direct contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through soft money and independent expenditures, and correct inequities resulting from personal financing of campaigns; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. 331. A bill to amend the Federal Election Campaign Act of 1971 to repeal public financing and spending limits in Presidential elections, prohibit contributions to Presidential candidates by multicandidate political committees, require disclosure of attempts to influence Presidential elections through soft money and independent expenditures, and correct inequities resulting from personal financing of Presidential campaigns; to the Committee on Rules and Administration.

S. 332. A bill to prohibit candidates in Federal elections from soliciting contributions to repay contributions or loans made by such candidate to his campaign; to the Committee on Rules and Administration.

CAMPAIGN FINANCE REFORM

● Mr. MCCONNELL. Mr. President, last week I joined the Republican leader and 11 other Senators in introducing S. 7 the Congressional Campaign Reform Act of 1989. S. 7, was developed by a task force on campaign finance reform, appointed by the distinguished Republican leader, that I chaired last year. This bill is designed to cut the cost of campaigns and reduce special interest influence in politics—without restricting individual political participation and free competition.

Further, most of this bill's provisions were agreed to by the bipartisan committee of eight appointed by the leadership last year to seek a compromise on campaign finance reform. Unfortunately, those efforts were stalled because of partisan insistence on two measures that Republicans never will accept: Taxpayer financing and spending limits in elections.

This year, we Republicans are ready to return to the bargaining table, to pursue reforms on which both sides can agree. I believe the Dole-McConnell campaign reform bill is an excellent starting point for those discussions. At the same time, I think we need to go further than the Dole-McConnell bill takes us. I am introducing today several other campaign finance reform bills that should be considered by this body:

FEDERAL ELECTION REFORM ACT OF 1989

This bill is similar to the McConnell-Packwood bill in the last Congress. Cosponsored by Senators PACKWOOD and HEINZ, it would outlaw all PAC contributions to candidates and political parties; constrict the millionaire's loophole; require full disclosure of soft money; restrict and require reporting of independent expenditures; and prohibit bundling.

PRESIDENTIAL ELECTION REFORM ACT OF 1989

I introduced this legislation last year with 26 cosponsors. The system by which we elect Presidents in this country is a disgrace. This bill would clean up the mess by repealing taxpayer financing and spending limits in Presidential races; prohibiting PAC contributions to Presidential candidates; requiring disclosure of soft money in Presidential races; restricting and requiring reporting of independent expenditures; prohibit bundling; and strengthening the broadcast discount law.

ETHICS IN POST-ELECTION ACT

This measure is a part of all three of the above bills. It quite simply would prohibit candidates from recovering personal funds or loans they put into their race from contributions which they raise after the election. It actually passed the Senate last year—the only campaign finance bill to pass last year—as an amendment to the Ethics in Post-Employment Act.

Mr. President, These measures—taken as a whole—add up to real reform. We could achieve most of them on a bipartisan basis and pass them by an overwhelming margin. I plan to pursue these bills aggressively in the months ahead and I invite the support of my colleagues in this important effort to reform our campaign finance laws.

Mr. President, I yield the floor.●

● Mr. PACKWOOD. Mr. President, today Senator MCCONNELL and I are introducing legislation to reform our campaign finance laws. We have had extended debate on this issue in past Congresses, and it is apparent our desire for reform is sincere. The question is how best to go about it without restricting individual political participation and free competition.

In my view, the goal of any campaign finance reform legislation should be: First, to discourage, the disproportionate influence of special interests over the financing of elections and second, to encourage as many people as possible to contribute small amounts of money directly to campaigns.

How do we wish to achieve these goals? I submit that these goals can be achieved without the public financing and spending limits contained in other reform legislation before this body. Public financing and spending limits only serve to discourage voter participation. Instead, we can lower the allowable amount of PAC contributions, or eliminate them outright as we have done in this measure being introduced today. This will adddress the problem of special interest influence. Although not contained in this legislation, my own personal preference, in addition to eliminating PACS, would be to lower the individual contribution limit ot $100. Unfortunately, this approach has not met with much support in Congress. If one were to lower the individual contribution limit, the effect would be to encourage money being raised on a broad base from many, many donors. In my own race for the Senate, 82 percent of my contributions were small contributions from individuals.

If we eliminate PAC contributions and lower the individual contribution limits, the overall effect will be to bring down spending without resorting to public financing of campaigns and without discouraging voter participation.

Other necessary components of campaign finance reform legislation should be full reporting and disclosure of soft money contributions and independent expenditures, a prohibition on bundling, and closing the millionaire's loophole. These are all a part of the measure being introduced today.

Mr. President. It is time to put aside partisan differences and ambitions and correct the flaws in our campaign finance system. The time has come, and the commitment is there, to enact comprehensive, meaningful reform.●

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 333. A bill entitled the "Global Environmental Protection Act of 1989"; to the Committee on Environment and Public Works.

GLOBAL ENVIRONMENTAL PROTECTION ACT

Mr. LEAHY. Mr. President, I am introducing today the Global Environmental Protection Act of 1989. This legislation is a legacy of my friend, the retired senior Senator from Vermont, Bob Stafford. It is a legacy of conviction, one which stems from the enduring concern which Bob Stafford had for our global environment.

I am glad that Senator JEFFORDS has joined me in introducing this measure, and in expressing also his well founded concern.

This is Bob Stafford's bill. It was developed by his excellent staff. It represents the culmination of years of work which he spent on protecting the environment. I am proud to help insure that Bob Stafford's work will continue after his departure from the Senate.

This bill represents an important step in attacking the emission of greenhouse gases and ozone-depleting chemicals. As we know, the potential for climate change resulting from these emissions is a threat of enormous proportions.

The Stafford bill which I introducing will not pass today, nor will it pass tomorrow. What is important is the signal that it sends to the Nation and to the world that we are very serious about the problem of climate change, and that the important work of Bob Stafford will remain a strong factor on the environmental legislative agenda.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Environmental Protection Act of 1989".

SEC. 2. FINDINGS.

The Congress, recognizing the profound, irreversible and potentially catastrophic impacts of humanity's activities on the global atmosphere and the world's environment, and the inability of science to predict with certainty the consequences for humanity of any such changes, hereby declares that each person has a responsibility and obligation to avoid contamination of the atmosphere.

TITLE I—ELIMINATION AND REGULATION OF GLOBAL CHANGE POLLUTANTS

PART A—CHLOROFLUOROCARBONS AND RELATED CHEMICALS

SECTION 101. SHORT TITLE.

This part may be cited as the "Act to Eliminate Chlorofluorocarbons and Related Chemicals".

SEC. 102. FINDINGS.

The Congress finds that—

(1) the best available scientific evidence shows that manufactured substances, including chlorofluorocarbons, are polluting the atmosphere and destroying stratospheric ozone, as well as contributing to global climate change, and other atmospheric modifications;

(2) no level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe;

(3) stratospheric ozone depletion will lead to increased incidence of solar ultraviolet radiation at the surface of the Earth;

(4) increased incidence of solar ultraviolet radiation will cause increased rates of disease in humans (including skin cancer), threaten food crops, and otherwise damage the natural environment;

(5) stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and emissions of other gases, imperil human health and the environment worldwide;

(6) in order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change—

(A) emissions of chlorofluorocarbons and other substances covered by this Act, including halogenated carbons with ozone depleting potential, should be terminated rapidly, and

(B) it is necessary to control international trade in substances covered by this Act and products containing or made with processes that use such substances;

(7) the highest priority must be given to developing and deploying safe substitutes to replace ozone depleting substances within six years; and

(8) the United States needs to develop and deploy safe substitutes to replace ozone depleting substances in order to demonstrate

to the world its commitment to protect the stratosphere.

SEC. 103. OBJECTIVES AND NATIONAL GOAL.

(a) The objectives of this Act are to restore and maintain the chemical and physical integrity of the Earth's atmosphere and to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, that is or may be related to the chlorofluorocarbons or other substances covered by this Act by—

(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

(2) promoting the rapid development and deployment of alternatives to the use of the chlorofluorocarbons and other substances covered by this Act, and

(3) promoting additional scientific research on atmospheric or climatic modification, including stratospheric ozone depletion, and on the known and potential adverse effects therefrom on human health and the global environment.

(b) In order to achieve the objectives of this Act, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential, including chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and to reduce significantly emissions of other gases caused by human activities that are likely to affect adversely the global climate.

SEC. 104. DEFINITIONS.

As used in this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "household appliances" means noncommercial personal effects, including air-conditioners, refrigerators, and motor vehicles.

(3) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) The term "manufactured substances" means any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

(5) The term "medical purposes" means medical devices and diagnostic products (A) for which no safe substitute has been developed and (B) which, after notice and opportunity for public comment, has been approved and determined to be essential by the Commissioner of the Food and Drug Administration, in consultation with the Administrator.

(6) The term "person" means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality).

(7) The term "substances covered by this Act" means those substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsection (a) or (b) of section 105.

SEC. 105. LISTING OF REGULATED SUBSTANCES.

(a) SUBSTANCES TO BE PHASED-OUT.—Within sixty days after enactment of this Act, the Administrator shall publish a priority list of manufactured substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, halon-1211, and halon-1301.

(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a). The list of other substances shall be subject to the limitations on ozone depletion potential under section 109 of this Act and shall include chlorofluorocarbon-22, chlorofluorocarbon-114, chlorofluorocarbon-115, carbon tetrachloride, methyl chloroform, and methylene chloride. At least annually thereafter, the Administrator shall publish a proposal to add to such list each other manufactured substance which, in the judgment of the Administrator, meets the criteria set forth in the first sentence of subsection (a). Within one hundred and eighty days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a).

(c) OZONE DEPLETION FACTOR.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance a numerical value representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11. The numerical value shall, for the purposes of section 109, constitute the ozone depletion factor of each such substance. Until the Administrator promulgates regulations under this subsection, the following ozone depletion factors shall apply:

SUBSTANCE	OZONE DEPLETING FACTOR
Chlorofluorocarbon-11	1.0
Chlorofluorocarbon-12	1.0
Chlorofluorocarbon-22	0.05
Chlorofluorocarbon-113	0.78
Carbon tetrachloride	1.06
Methyl chloroform	0.10
Halon-1211	2.69
Halon-1301	11.43

SEC. 106. REPORTING REQUIREMENTS.

(a) PRIORITY LIST.—Within ninety days after enactment of this Act, each person producing a substance listed pursuant to subsection (a) of section 105 shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during calendar year 1987. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive twelve-month period until such producer ceases production of the substance. Each such report shall be signed and attested by a responsible corporate officer.

(b) OTHER REGULATED SUBSTANCES.—Within ninety days of the date on which a substance is placed on the list under subsection (b) of section 105, each person shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during the twelve months preceding the date of listing. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive twelve-month period until such producer ceases production of the substance. Each such report shall be signed and attested by a responsible corporate officer.

SEC. 107. PRODUCTION PHASEOUT.

(a) Effective January 1, 1990, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than that produced by such person during calendar year 1987.

(b) Effective January 1, 1991, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than 75 per centum of that produced by such person during calendar year 1987.

(c) Effective January 1, 1992, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than 50 per centum of that produced by such person during calendar year 1987.

(d) Effective January 1, 1994, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than 5 per centum of that produced by such person during calendar year 1987.

(e) Effective January 1, 1996, it shall be unlawful for any person to produce or release a substance listed pursuant to subsection (a) for any use other than medical purposes.

(f) Effective January 1, 2000, it shall be unlawful for any person to produce or release a substance listed pursuant to section 105 for any use other than medical purposes.

SEC. 108. LIMITATION ON USE.

(a) Effective January 1, 1995, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (a) of section 105 except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, for a period not to exceed ten years after January 1, 1995, to maintain and service household appliances.

(b) Effective January 1, 2000, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (b) of section 105 except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, for a period not to extend beyond January 1, 2005, to maintain and service household appliances. For purposes of this subsection and subsection 107(f), a manufacturing process utilizing such a substance solely as an intermediate in a manufacturing process in which the substance is wholly consumed and none is released, does not constitute a use.

SEC. 109. LIMITATION ON OZONE DEPLETION POTENTIAL.

(a) Effective January 1, 1990, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance

under subsection (c) of section 105, yield a total ozone depletion potential greater than that produced by such person during calendar year 1987.

(b) Effective January 1, 1991, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 105, yield a total ozone depletion potential greater than 75 per centum of that produced by such person during calendar year 1987.

(c) Effective January 1, 1992, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 105, yield a total ozone depletion potential greater than 50 per centum of that produced by such person during calendar year 1987.

(d) Effective January 1, 1996, it shall be unlawful for any person to produce a substance listed pursuant to section 105(a) for any use other than medical purposes.

(e) The Administrator shall promulgate regulations, after notice and opportunity for public comment, which require each producer to reduce its production of—

(1) a substance listed under subsection (a) of section 105 more rapidly than the schedule provided under this Act; or

(2) a substance listed under subsection (b) of section 105 on a specific schedule not otherwise provided for in this Act.

if the Administrator determines that such revised or specific schedule (A) based on new information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, is necessary to protect human health and the environment or (B) based on the availability of substitutes for a listed substance, is attainable. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within one hundred and eighty days after receipt of any such petition, unless the Administrator denies the petition.

SEC. 110. PRODUCTION PHASE-OUT EXCEPTION FOR NATIONAL SECURITY.

(a) The President may issue such orders regarding production and use of halon-1211 and halon-1301 at any specified site or facility as may be necessary to protect the national security interests of the United States if the President personally finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this Act. The President shall notify the Congress within thirty days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

SEC. 111. CERTIFICATION OF EQUIVALENT PROGRAMS.

(a) IMPORTS.—Effective twelve months after the date on which a substance is placed on the priority list pursuant to section 105, it shall be unlawful for any person to import such substance, any product containing such substance, or any product manufactured with a process that uses such substance unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substance, and limit production of other substances covered by this Act, on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic production which apply under this Act. The prohibition on the import of any product manufactured with a process that uses a substance listed under subsection (a) of section 105 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe may have been manufactured with a process that uses such substance. The Administrator's decision that a product may have been manufactured with a process that uses such substance shall constitute a rebuttable presumption.

(b) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under subsection (a) unless it is determined that—

(1) the Nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force of law; and

(2) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in this Act, and that the information contained in such reports is available to the Administrator and the Secretary.

(c) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

(d) ALLOCATION.—Any person who imports a substance covered by this Act or a product containing such substance shall, for the purposes of section 107 (production phaseout for priority list) and section 109 (limitation on ozone depletion potential), shall be deemed to have produced an equivalent amount of such substance on the date of such importation.

SEC. 112. LABELING.

(a) Effective ninety days after the date on which a substance is placed on a list maintained under subsection (a) or (b) of section 105, no container in which such substance is stored or transported, no product containing such substance, and no product manufactured with a process that uses a listed substance shall be introduced into interstate commerce unless it bears a label stating either of the following, as appropriate—

(1) Contains (insert name of listed substance) a substance which harms public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate.

(2) Manufactured with (insert name of listed substance), a substance which harms public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate.

The Administrator shall issue regulations to implement the labeling requirements of this section within six months after enactment of this section, after notice and opportunity for public comment. Such regulations shall require all containers and products which are subject to this section and introduced or reintroduced into commerce later than ninety days after promulgation of such regulations to bear the appropriate label. Unless and until such regulations have been promulgated and become effective, the required label shall be permanently affixed on the face of such product, with the lettering and background in contrasting colors and the letters themselves not less than two inches in height (or 20 per centum of the height of the product which is less than four inches in height). Neither the labeling requirement nor any other provision of the Global Environmental Protection Act of 1989, including the Act as a whole, shall constitute, in whole or part, a defense to liability or a cause for reduction in damages in any suit, whether civil or criminal, brought under any law, whether Federal or State, other than a suit for failure to comply with the labeling requirements of this section.

SEC. 113. MANUFACTURE AND DISPOSAL.

(a) Effective January 1, 1991—

(1) A substance listed pursuant to this Act shall be deemed to meet the requirements of section 3001 of the Resource Conservation and Recovery Act.

(2) A substance listed pursuant to this Act shall be disposed of only through incineration or other means which assures 99.999 per centum destruction of such substance.

(3) Any appliance, machine or other good containing a listed substance in bulk (including but not limited to refrigerators and air-conditioners) shall be accepted for disposal only by persons licensed to accept such goods and shall be disposed of only after such substance has been removed from confinement and destroyed pursuant to the requirements of this Act. Unless and until regulations establishing a program for approving, licensing, and assuring the financial responsibility of persons to accept goods containing such substances, only governmental entities, or their agents, contractors or employees, are authorized to do so.

(4) No listed substance shall be vented into the atmosphere or otherwise released in a fashion which permits it to enter the environment in other than de minimus quantities.

(5) Any product in which a listed substance has been incorporated so as to constitute an inherent element of such product, including but not limited to rigid and soft foams, shall be disposed of only through incineration or other means which result in not less than 99.999 per centum destruction.

(b) Effective July 1, 1991—

(1) No person shall manufacture, process, distribute in commerce or otherwise use (except for medical purposes) any listed substance in any manner other than a totally enclosed manner. "Totally enclosed" means that during the lifetime of the good in ques-

tion not more than 5 per centum of the original charge or volume of such substance will be released during the course of ordinary and customary use of such good, including repairs or disposal.

(2) No person shall manufacture, process, distribute in commerce or otherwise use (except for medical purposes) a listed substance in a totally enclosed manner without—

(A) installing on such device a servicing aperture which will allow service and repair of such good with release of only de minimus amounts of such substance,

(B) assuring the availability and actual use of servicing equipment adequate to assure the achievement of no more than a de minimus release of such substance.

(c) For purposes of this section a "de minimus" amount is 0.050 per centum of the total charge of such substance or five pounds, whichever is less, released during a period of twelve months.

PART B—CARBON DIOXIDE

SEC. 114. SHORT TITLE.

This part may be cited as the "Act to Reduce and Stabilize Atmospheric Concentrations of Carbon Dioxide".

SEC. 115. FINDINGS.

The Congress finds that—

(1) there is widespread agreement, and no credible scientific dispute, that increases in atmospheric concentrations of carbon dioxide will increase the temperature of the planet;

(2) current emissions of carbon dioxide are approximately seventy times as great as those a century ago;

(3) average concentrations of carbon dioxide in the absence of major contributions from human activity have ranged between one hundred and eighty and two hundred and eighty parts per million;

(4) the current concentration of carbon dioxide is approximate three hundred and eighty parts per million;

(5) concentrations of carbon dioxide because of human activity are increasing at the rate of about 4 per centum per decade;

(6) there has already been an observed increase in globally averaged temperature of 0.7 degrees Centigrade during the last century;

(7) increases in North Atlantic Ocean temperatures of 0.2 to 0.3 degrees Centigrade have been measured;

(8) ocean water levels have increased;

(9) the years 1981, 1983, and 1987 are the hottest on record;

(10) elevated temperatures and drought are now prevailing in many of the world's agricultural areas;

(11) all of these changes are consistent with predictions that increases in carbon dioxide will lead to global temperature increases;

(12) further temperature increases may be experienced by the year 2030 if concentrations of carbon dioxide and other trace gases continue to accelerate at current rates;

(13) even with stringent and immediate controls, global average temperatures may increase 1.0 to 2.5 degrees Centigrade;

(14) scientists are unable to state with certainty whether the global environment will respond predictably to further temperature increases, especially if they occur in combination with other alterations in the atmosphere and oceans;

(15) probable consequences of further warming will include, but cannot with certainty be said to be limited to, the following:

(A) Sea level rise of between one and four feet, accompanied by widespread flooding, estuary destruction, and increased frequency of extreme storm events such as cyclones;

(B) Disappearance of many tree and plant species in areas where they now predominate;

(C) Widespread and endemic drought in many areas of the world which now supply the bulk of humanity's foods;

(16) to minimize further climate destruction and mitigate that which is already inevitable will require that atmospheric concentrations of carbon dioxide be stabilized;

(17) the level of carbon dioxide emission reductions necessary to achieve atmospheric stabilization is uncertain, but has been estimated by some to be 50 per centum or more;

(18) given the uncertainty of the response of the global environment to further temperature increases, the prudent policy is to strive to minimize carbon dioxide emissions through all possible means rather than establish an arbitrary goal;

(19) between 20 and 25 per centum of the world-wide emissions of carbon dioxide originate in the United States;

(20) technologies and practices exist which could reduce carbon dioxide emissions substantially;

(21) the adoption of these technologies and practices would increase the efficiency and competitiveness of the United States business and industrial sector, decrease the Nation's dependence on foreign supplies of fuel, protect the agricultural sector, preserve the natural environment, and simultaneously achieve reductions in other chemicals which cause acid rain, ground level ozone, and fine particle pollution; and

(22) therefore, the United States can protect the global environment directly by reducing emissions of carbon dioxide emissions and indirectly protect such environment by demonstrating the technologies and practices which can be applied elsewhere.

SEC. 116. STATIONARY SOURCE CONTROLS.

(a)(1) Not later than January 1, 1991, the Administrator of the Environmental Protection Agency shall revise the standards under section 111(b) of the Clean Air Act to require—

(A) that such standards be expressed in terms of carbon dioxide emitted per unit of electricity output;

(B) that such standards applicable to fossil fuel fired electric utility generating units provide for emissions of carbon dioxide not to exceed the following:

(i) effective January 1, 1991, six hundred and ten pounds of carbon dioxide per million British thermal units of heat output;

(ii) effective January 1, 2001, four hundred and thirty-five pounds of carbon dioxide per million British thermal units of heat output; and

(iii) effective January 1, 2011, two hundred and eighty pounds of carbon dioxide per million British thermal units of heat output.

For purposes of this section, "heat output" includes usable energy, whether electric or thermal, measured at the point of distribution to residential, commercial, or other customers.

(2) Effective January 1, 1996, each fossil fuel fired stationary source shall comply with the standards established under section 111(b) of the Clean Air Act for new sources within such class or category, in the case of each electric utility generating source, on and after the date thirty years following the completion of construction of such source and, in the case of each other source, on and after the date thirty-five years following the completion of construction of such source.

(3) To the extent that the emissions rate limits required by this section and section 111 of the Clean Air Act through increases in combustion, generation, transmission, and utilization efficiencies, such program for achieving reductions shall constitute enforceable continuous emissions reduction measures, enforceable by the Federal Government, States other than those in which the emissions occur, and citizens under section 304 of the Clean Air Act.

SEC. 117. MOBILE SOURCE CONTROLS.

(a) The Clean Air Act is amended as follows:

(1) In section 202(a)(3)(A)(i) inserting before the period at the end of the first sentence, the following: "and, for emissions of carbon dioxide, during and after model year 1991".

(2) in section 202(a)(3)(A)(ii) inserting the following new clause:

"(III) 1991 in the case of carbon dioxide shall contain standards which require a reduction of at least 10 per centum in 1991; at least 25 per centum in 1996; at least 50 per centum in 2001; and at least 75 per centum in 2011.".

(3) inserting in section 202(b)(1)(B) the following new language immediately before the period:

"The regulations under subsection (a) applicable to emissions of carbon dioxide from light duty vehicles and engines shall provide that emissions of carbon dioxide may not exceed—

"three hundred and sixty grams of carbon dioxide per vehicle mile from light-duty vehicles and engines manufactured during and after model year 1991;

"three hundred grams per mile for light-duty vehicles and engines manufactured during and after model year 1996;

"two hundred grams per mile for light-duty vehicles and engines manufactured during and after model year 2001; and,

"one hundred grams per mile for light-duty vehicles and engines manufactured during and after model year 2011.".

SEC. 118. RESIDENTIAL CONTROLS.

(a) Not later than January 1, 1992, the Administrator shall promulgate regulations identifying the best available residential control technology available for central furnaces, air-conditioners, and hot water heaters designed and sold for installation in single-family dwellings. For purposes of this section, "best available residential control technology" means that technology which achieves in a unit which is commercially available the maximum degree of reduction of emissions of carbon dioxide, whether directly through combustion or indirectly through consumption of electrical energy. Unless and until such regulations are promulgated and become effective, the best available control technology shall be deemed to be as follows:

(1) for furnaces, that which achieves an AFUE of 0.90 for oil, an AFUE of 0.95 for gas and a COP of 2.6 for electric heat pumps;

(2) for central air-conditioners, that which achieves an Energy Efficiency Rating of not less than 15.0; and

(3) for hot water heaters, that which achieves an EF of 64 for gas and 96 for electricity.

(b) Each new single-family dwelling for which a building permit is issued on or after

January 1, 1993, which is equipped with a central furnace, central air-conditioner, or hot water heater, shall be equipped only with one which meets or exceeds the emission limitation achieved by the best available residential control technology.

(c) Effective January 1, 1994, each replacement central furnace, central air-conditioner, or hot water heater installed in a single-family dwelling shall meet or exceed the emissions limit achieved by the best available residential control technology.

(d) Not later than January 1, 1991, the Secretary of the Treasury shall recommend to the Congress means of encouraging the replacement of central furnaces, air-conditioners and water heaters and otherwise minimizing the emissions of carbon dioxide and other greenhouse gases from residential units through a system of tax or other incentives.

PART C—GROUND LEVEL OZONE

SEC. 119. SHORT TITLE.

This part may be cited as the "Act to Minimize Ground Level Ozone".

SEC. 120. FINDINGS.

The Congress finds that—

(a) ground level ozone, and the pollutants which lead to its formation, contribute substantially to the following damages—

(1) increases in global average temperatures and the consequent threats to humanity and the global environment, as described in greater particularity in the findings accompanying part B;

(2) widespread and substantial damage to crops and other vegetation, including the forests of eastern North America and Europe;

(3) injury to human health, including probable long-term damage comparable to that resulting from tobacco smoking;

(4) acidification of the soils and waters of North America and Europe;

(b) concentrations of free tropospheric ozone have doubled to quadrupled in the last century;

(c) ground level ozone is formed by the reaction of volatile organic chemicals with oxides of nitrogen in the presence of sunlight;

(d) elevated temperatures and extended summer seasons likely to accompany the global temperature increases will cause increased production of ground level ozone;

(e) virtually all oxides of nitrogen and the majority of the volatile organic chemicals result from human activities;

(f) technologies and practices exist to reduce substantially emissions of oxides of nitrogen and volatile organic chemicals; and

(g) in the absence of a program to minimize emissions of volatile organic chemicals and oxides of nitrogen, emissions and concentrations of these pollutants are projected to increase.

SEC. 121. STATIONARY SOURCE CONTROLS: OXIDES OF NITROGEN.

(a)(1) Not later than January 1, 1991, the Administrator shall propose revised standards of performance pursuant to section 111 of the Clean Air Act for emissions of oxides of nitrogen (including nitrous oxide) from fossil fuel-fired steam or electricity generating units, including both electric utility and nonutility units. Not later than January 1, 1992, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen and shall require an emissions rate equal to or less than 0.1 pound per million British thermal units of heat input or a reduction of not less than 90 per centum from an uncontrolled state unless the Administrator determines that such limits are technologically infeasible. Unless and until such revised standards are promulgated and become final, the application of selective catalytic reduction to achieve an emissions reduction of 90 per centum shall be deemed to be such standard.

(2) Not later than January 1, 1991, the Administrator shall propose standards of performance pursuant to section 111 of the Clean Air Act for emissions of oxides of nitrogen (including nitrous oxide) from large stationary diesel and turbine engines. Not later than January 1, 1992, the Administrator shall promulgate such standards of performance. Unless and until such revised standards are promulgated and become final, the application of selective catalytic reduction to achieve an emissions reduction of 90 per centum shall be deemed to be such standard.

(b) Effective January 1, 1994, each unit of a major stationary source that is a fossil fuel-fired steam generating unit shall achieve an emissions rate of oxides of nitrogen that does not exceed, on an annual average basis, 1.0 pound per million British thermal units of heat input for cyclone boilers, 0.5 pound per million British thermal units of heat input for wall-fired boilers, and 0.4 pound per million British thermal units of heat input for tangential-fired and other boilers.

SEC. 122. STATIONARY SOURCE CONTROLS: HYDROCARBONS.

(a) Not later than two years after the enactment of this subsection, the Administrator of the Environmental Protection Agency shall publish control technique guidelines consistent with section 171(6) of the Clean Air Act for the following categories of sources:

(A) wood furniture coating;

(B) autobody refinishing;

(C) metal rolling;

(D) SOCMI distillation; and

(E) SOCMI batch process.

(b) SECTION 304(a), part A of title I of the Clean Air Act, is amended by adding the following new section:

"HYDROCARBON EMISSION CONTROLS

"SEC. 130. (a) Not later than two years after the enactment of this section, the Administrator shall promulgate regulations establishing emission limitations, standards of performance, or standards for product composition or application for hydrocarbon emissions associated with the following categories of sources—

"(1) commercial solvents;

"(2) consumer solvents;

"(3) architectural coatings;

"(4) pesticide application;

"(5) traffic marking coatings; and

"(6) metal parts coatings in military specification applications and aerospace industry applications.

"(b) With respect to existing sources or activities not subject to section 111 or section 173, the regulations under this section shall require the degree of emission reduction or control, at a minimum, achievable through the adoption of reasonably available control technology, as defined in section 171(6). In developing regulations under subsection (a)(1) and (a)(6) of this section, the Administrator shall consult with the affected industry, including the industries procuring such parts, and with representatives of the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration involved in the establishment of specifications for such parts or coatings.

"(c) For the purposes of this Act, any requirement of a regulation promulgated under this section shall be deemed a requirement of an applicable implementation plan.".

(b) Section 116 of the Clean Air Act is amended by striking "111 or 112" and inserting in lieu thereof "111, 112, or 130".

(c) Effective January 1, 1996, each major stationary source of hydrocarbons shall comply with the standards established under section 111(b) of the Clean Air Act for new sources within such class or category, on and after the date thirty-five years following the completion of construction of such source.

SEC. 123. MOBILE SOURCE CONTROLS.

VEHICLE EMISSION STANDARDS

SEC. 301. (a) Section 202(b)(1)(A) of the Clean Air Act is amended by adding at the end thereof the following new sentence: "The regulations under subsection (a) applicable to emission of hydrocarbons from light-duty vehicles and engines manufactured during and after model year 1993 shall contain standards which provide that such emissions may not exceed 0.25 gram per vehicle mile.".

(b) Section 202(b)(1)(B) of the Clean Air Act is amended by adding at the end thereof the following new sentence: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during and after model year 1991 shall contain standards which provide that such emissions may not exceed 0.4 gram per vehicle mile.".

(c) Section 202(b)(1) of the Clean Air Act is amended by adding the following new paragraph:

"(D) The Administrator shall promulgate regulations under subsection (a) applicable to emissions of particulates from light-duty vehicles and engines manufactured during and after model year 1991, and such regulations shall contain standards which provide that such emissions, may not exceed 0.08 gram per vehicle mile.".

(d) Section 202(a)(3) of the Clean Air Act is amended by inserting after subparagraph (E) the following new subparagraphs and redesignating succeeding subparagraphs accordingly:

"(F) Regulations under paragraph (1) applicable to emissions of oxides of nitrogen from heavy-duty vehicles and engines shall contain standards that provide that such emissions shall not exceed 4.0 grams per brake horsepower-hour for vehicles manufactured during and after model year 1992 and that such emissions shall not exceed 1.7 grams per brake horsepower-hour for vehicles manufactured during and after model year 1996. Regulations applicable to emissions of particulates from heavy-duty diesel vehicles and engines shall require that such emissions may not exceed 0.1 gram per brake horsepower-hour, beginning in model year 1992 with respect to buses, and in model year 1995 with respect to other heavy-duty diesel vehicles and engines.

"(G) Regulations under paragraph (1) applicable to emissions from light-duty trucks and engines manufactured during and after model year 1991 shall contain standards that provide that such emissions may not exceed 0.5 gram per vehicle mile of oxides of nitrogen, 0.5 gram per vehicle mile of hydrocarbons, 0.08 gram per vehicle mile of par-

ticulates, and 5.0 grams per vehicle mile of carbon monoxide. Such regulations shall require that light-duty trucks and engines manufactured during and after model year 1991 comply with the standard for emissions of carbon monoxide regardless of the altitude at which they are sold. For the purposes of this subparagraph, the terms 'light-duty truck' and 'light-duty truck and engine' means any motor vehicle (including the engine thereof) with a gross vehicle weight (as determined under regulations promulgated by the Administrator) of eight thousand five hundred pounds or less and a curb weight of six thousand pounds or less (as determined under regulations promulgated by the Administrator) and which—

"(i) is designed primarily for purposes of transportation of property or is a derivation of such a vehicle,

"(ii) is designated primarily for transportation of persons and has a capacity of more than twelve persons, or

"(iii) has special features enabling off-street or off-highway operation and use.

For the purposes of this section, any motor vehicle with a gross vehicle weight of six thousand pounds or less shall be a light-duty vehicle.".

(e) Section 202(a)(3)(H) of the Clean Air Act (as redesignated by this Act) is amended by adding the following new sentence: "Regulations under this section applicable to exhaust and evaporative emissions from motorcycles and motorcycle engines manufactured during and after model year 1993 shall contain standards that provide that such emissions, in the case of motorcycle engines with a displacement of less than seven hundred cubic centimeters, may not exceed 2.0 grams per vehicle mile of hydrocarbons, 17.6 grams per vehicle mile of carbon monoxide, and 2.0 grams per test of evaporative emissions, and in the case of motorcycle engines with a displacement of seven hundred cubic centimeters or more, may not exceed 3.6 grams per vehicle mile of hydrocarbons, 17.6 grams per vehicle mile of carbon monoxide, and 4.0 grams per test of evaporate emissions.".

(f) Section 202(a)(6) of the Clean Air Act is amended to read as follows:

"(6) Regulations under this section applicable to vehicles manufactured during and after model year 1992 shall require the use of onboard hydrocarbon control technology to recover emissions from the fueling of such vehicles. Such onboard hydrocarbon control technology shall be designed to accommodate all available fuels.".

(g) Section 209(b)(1) of the Clean Air Act is amended by striking ", in the aggregate,".

(h)(1) Section 202(b)(1) of the Clean Air Act is further amended by adding the following new paragraph:

"(E) The Administrator shall promulgate regulations under subsection (a) applicable to emissions of formaldehyde from light-duty vehicles and engines manufactured during and after model year 1991 which may be fueled, in whole or in part, by fuels other than gasoline. In no event may such regulations permit emissions of formaldehyde at a higher rate than from comparable gasoline-fueled vehicles.".

(2) Section 202(a)(3) of the Clean Air Act is further amended by adding at the end thereof the following new subparagraph:

"(I) The Administrator shall promulgate regulations under subsection (1) applicable to emissions of formaldehyde (i) from heavy-duty vehicles and engines and (ii) from light-duty trucks and engines manufactured during and after model year 1992 which may be fueled, in whole or in part, by fuels other than gasoline. In no event may such regulations permit emissions of formaldehyde at a higher rate than from comparable gasoline-fueled vehicles.".

(i) Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(g) The Administrator shall promulgate regulations applicable to motor vehicle and other engines manufactured during and after model year 1992 that prohibit the manufacture, sale, or introduction into commerce of any engine that requires leaded gasoline.".

(j) Section 202(a) of the Clean Air Act is amended by adding the following new paragraph:

"(7)(A) To augment existing regulations controlling carbon monoxide emissions under temperatures between 68 and 86 degrees Fahrenheit, the Administrator shall prescribe regulations under paragraph (1) of this subsection applicable to emissions of carbon monoxide over a temperature range of 20 to 68 degrees Fahrenheit from light-duty vehicles and light-duty trucks manufactured during and after model year 1991.

"(B) Regulations under subparagraph (A) shall require a reduction of at least 90 per centum from the average emissions from light-duty gasoline-fueled vehicles and trucks manufactured in model year 1970 to a level not to exceed 6.2 grams per vehicle mile of carbon monoxide at 20 degrees Fahrenheit. Demonstration of compliance shall be determined under regulations promulgated by the Administrator and may be based on testing of randomly selected engine families.".

ASSURANCE OF IN-USE COMPLIANCE

SEC. 302. (a)(1) Section 202(d)(1) of the Clean Air Act is amended by striking "five years or of fifty thousand miles" and inserting in lieu thereof "ten years or of one hundred thousand miles".

(2) The amendment made by this subsection shall take effect with respect to light-duty vehicles and engines manufactured during and after model year 1991.

(b) Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(h) Each emission standard under this section shall apply to and be met by each and every vehicle or engine sold, offered for sale, introduced into commerce, or imported, and may not be met or complied with by the average of the performance of various vehicles, engines, engine families, or models manufactured by the same manufacturer.".

(c) Section 206(a) of the Clean Air Act is amended by adding the following new paragraph:

"(4) Not later than one year after the enactment of this paragraph, the Administrator shall promulgate regulations adding an idle test mode to the Federal Test Procedure for light-duty vehicles as in effect on such date of enactment. Such modified test procedure shall be used for the certification of light-duty vehicles and engines manufactured during or after model year 1991.".

(d) Section 206(b)(2)(A) of the Clean Air Act is amended by adding the following new clause:

"(iii) A certificate of conformity shall be suspended or revoked under clause (i) with respect to a class or subclass of vehicles if that class or subclass fails a sampling plan having an acceptance quality level of 10 per centum.".

(e)(1) Section 207(c)(1) of the Clean Air Act is amended by striking the word "properly" each time it occurs and inserting in lieu thereof "normally".

(2) Section 207(c) of the Clean Air Act is amended by adding the following new paragraphs:

"(4) In making determinations of nonconformity under this subsection, the Administrator shall take into account information collected under any State vehicle emission control inspection and maintenance program. Any State in which such a program is operating may petition the Administrator to make a determination of nonconformity under paragraph (1) on the basis of information collected in such program. The Administrator shall act upon such petition within sixty days of receipt of such petition.

"(5) For the purpose of paragraph (1), the phrase 'normally maintained and used' means the maintenance and use ordinarily to be expected in the hands of the ultimate purchasers, not necessarily in accordance with instructions under paragraph (3), but not including intentional misfueling or intentional violations of section 203(a)(3).".

(3) Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph at the end thereof:

"(6) Not later than one hundred and eighty days after enactment of the Clean Air Standards Attainment Act of 1987, the Administrator shall establish at least one testing center in addition to the existing two testing centers, which shall be located at a site that represents high altitude conditions, to ascertain whether, when in actual use throughout their useful life (as determined under section 202(d)), each class or category of vehicle and engine to which regulations under section 202 apply conforms to the emission standards of such regulations. The Administrator shall, in cooperation with the States, conduct routine testing of a representative sample of classes or categories of vehicles and engines to which regulations under section 202 apply. In carrying out such tests, the Administrator shall assure that the testing procedures and methods are of sufficient accuracy and consistency to carry out the purposes of this section. For the purposes of this paragraph, the term 'high altitude conditions' refers to high altitude as defined in Environmental Protection Agency regulations in effect as of the enactment of this Act.".

(f)(1) Section 203(a)(3) of the Clean Air Act is amended to read as follows:

"(3)(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser, except as may be temporarily necessary in the course of routine proper maintenance; or

"(B) for any person to manufacture or sell, or offer to sell, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal use of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title, and where such part or component is being offered for sale for such use or put to such use within the specific knowledge of such person; or".

(2) Section 205 of the Clean Air Act is amended to read as follows:

"SEC. 205. (a) Any person who violates paragraph (1), (2), or (4) of section 203(a) or any manufacturer or dealer who violates paragraph (3)(A) of section 203(a) shall be subject to a civil penalty of not more than $10,000. Any other person who violates paragraph (3)(A) of section 203(a) or any person who violates paragraph (3)(B) of section 203(a) shall be subject to a civil penalty of not more than $2,500. Any such violation with respect to paragraph (1), (3), or (4) of section 203(a) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.

"(b) A civil penalty for a violation of section 203 shall be assessed by the Administrator by an order made on the record after opportunity for a hearing. In connection with any proceeding under this section the presiding officer may issue subpoenas for the attendance and testimony of witnesses and the production of papers, books, and documents.

"(c) In determining the amount of a civil penalty, the Administrator shall take into account the gravity of the violation, the size of the violator's business, the violator's history of compliance, action taken to remedy the violation, and the effect of the penalty on the violator's ability to continue in business.

"(d) If any person fails to pay a civil penalty assessed under this section—

"(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with section 307, or

"(2) after a court in any action brought for judicial review has entered a final judgment in favor of the Administrator or the action has otherwise been terminated if such person has filed a petition for review under section 307, the Attorney General shall recover the amount assessed (plus interest from the date of the expiration of sixty days from the date of the order, or from the date of such final judgment, as the case may be) in an action brought in any appropriate district court for the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(3) Section 203(c) of the Clean Air Act is amended by striking "from section 203(a)(3)" the second time it appears.

(g)(1)(A) Section 207(a)(3) of the Clean Air Act is amended by striking the last sentence and inserting in lieu thereof the following: "The term 'designed for emission control' as used in the preceding sentence means a catalytic converter, thermal reactor, trap oxidizer, oxygen sensor, air pump, air flow sensor, electronic control unit and other elements of a fuel metering system, exhaust gas recirculation system, evaporative emission control system, and altitude compensation system, or any other component that is first installed on or in a vehicle in mass production after the date of enactment of the Clean Air Standards Attainment Act of 1987 and that is installed for the primary purpose of reducing vehicle emissions. Such term shall not include those vehicle components which were in general use prior to model year 1968.".

(B) The penultimate sentence of section 207(b)(2) of the Clean Air Act is amended by striking all after "catalytic converter, thermal reactor," and inserting in lieu thereof "trap oxidizer, oxygen sensor, air pump, air flow sensor, electronic control unit and other elements of a fuel metering system, exhaust gas recirculation system, evaporative emission control system, and altitude compensation system, or any other component that is first installed on or in a vehicle in mass production after the date of enactment of the Clean Air Standards Attainment Act of 1987 and that is installed for the primary purpose of reducing vehicle emissions.".

(2) Section 207(c) of the Clean Air Act is further amended by adding at the end thereof the following new paragraph:

"(7) The Administrator shall promulgate regulations requiring each State which is required to implement a vehicle inspection and maintenance program to adopt quality control audits to assure that such inspections detect and report to the Administrator any patterns of defects in any manufacturer's emission control systems. The Administrator shall annually report to the Congress, with respect to each manufacturer, any significant finding of repeated or common emission system defects and the actions taken to remedy such nonconformity through ordered or voluntary recalls or other actions authorized by this Act.".

(3)(A) Section 207(c)(3)(B) of the Clean Air Act is amended by striking all after "no commercial relationship" and inserting in lieu thereof a period.

(B) Section 203(a)(4)(C) of the Clean Air Act is amended by striking "except as provided in subsection (c)(3) of section 207,".

(C) Section 203(a) of the Clean Air Act is amended by adding at the end thereof the following: "Paragraph (4)(C) shall not apply to the provision of any communication regarding any part, component, or system, or service provided without charge under the terms of the purchase agreement.".

(4) Section 207(e) of the Clean Air Act is amended by inserting "(1)" after "(e)" and by adding the following new paragraph:

"(2)(A) Each manufacturer of a new motor vehicle shall affix, and each dealer shall maintain, on each motor vehicle manufactured during and after model year 1991, a label indicating the full cost of applying the warranty under subsections (a) and (b) to such new motor vehicle. The form and content of such label, and the manner in which such label shall be affixed, shall be prescribed by the Administrator by rule, except that each such label shall contain, in bold face type, the following statement: 'The vehicle manufacturer or dealer may offer to sell warranties extending beyond those required by sections 207 (a) and (b) of the Clean Air Act and covering the emission system or other components or parts of the vehicle. The purchaser of the vehicle does not have any obligation to purchase the extended warranty from the manufacturer or the dealer. The vehicle purchaser may elect to buy an extended warranty from any other vendor of such warranties.'.

"(B) The Administrator may permit a manufacturer to comply with the provisions of subparagraph (A) by permitting such manufacturer to disclose the information required under this paragraph on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(C) A violation of subparagraph (A) shall be treated as a violation of section 3 of the Automobile Disclosure Act (15 U.S.C. 1232).

"(D) The Administrator shall utilize the authorities of section 208 of this Act to verify the costs disclosed by each manufacturer under subparagraph (A).".

(5) Section 207(g) of the Clean Air Act is amended to read as follows:

"(g) For the purposes of this section, the owner of any motor vehicle or motor vehicle engine warranted under this section is responsible in the proper maintenance of such vehicle or engine to replace and to maintain, at his expense and at any service establishment or facility of his choosing, such items as spark plugs, points, condensers, and any other part, item, or device related to emission control (but not designed for emission control under the last two sentences of subsection (a)(3)), unless such part, item, or device is covered by any warranty not required by this Act.".

REGULATION OF FUELS

SEC. 303. (a) Section 211 of the Clean Air Act is amended by adding the following new subsections:

"(h)(1) After July 1, 1991, the sale or introduction into commerce of diesel fuel for use in motor vehicles, which fuel has a sulfur content in excess of 0.05 per centum by weight, shall be prohibited.

"(2) The fuel required to be used in certification of heavy-duty diesel vehicles and engines manufactured during and after model year 1992 shall have a sulfur content that does not exceed 0.05 per centum by weight.

"(3)(A) Paragraph (1) of this subsection and any regulations promulgated by the Administrator thereunder shall not require a small refinery to reduce the sulfur content of diesel fuel to 0.05 per centum by weight prior to July 1, 1994.

"(B) For the purpose of this subsection, the term "small refinery" means a refinery—

"(i) the diesel fuel producing capacity of which was in operation or under construction at any time during the one-year period immediately preceding October 1, 1988,

"(ii) which has a crude oil or bona fide feed stock capacity (as determined by the Administrator) of one hundred and seventy-five thousand barrels per day or less, and

"(iii) which is owned or controlled by a refiner with a total combined crude oil or bona fide feed stock capacity (as determined by the Administrator) of three hundred and fifty thousand barrels per day or less.

"(4) The Administrator shall report to the Congress not later than the date six months after the enactment of this subsection, on whether a sulfur content in diesel fuel of 0.05 per centum by weight is necessary to assure that heavy-duty diesel vehicles and engines can achieve the particulate emission standards specified in section 202(a)(3)(F) or in regulations under section 202 for model year 1992 and model year 1995, or is otherwise warranted for the protection of public health.

"(i) Not later than two years after the date of enactment of this subsection, the Administrator shall promulgate regulations under this subsection requiring that the Reid vapor pressure of gasoline sold, offered for sale, or introduced into commerce during warm weather months (as defined by the Administrator), shall not exceed nine pounds per square inch, or with respect to any region established under section 178, any lower level requested by the regional commission for such region established under section 178(b). After April 1, 1991, no manufacturer or importer of gasoline may sell, offer for sale, or introduce into commerce any fuel which does not comply with such regulations. For ethanol/gasoline blends containing 10 per centum denatured anhydrous ethanol, the Reid vapor pressure limitations promulgated pursuant to this subsection shall be 1.0 pound per square inch greater than the applicable Reid vapor pressure limitations which apply to gaso-

line: *Provided, however,* That a refiner, distributor, blender, marketer, reseller, carrier, retailer, or wholesale purchaser-consumer shall be deemed to be in full compliance with the provisions of this subsection and the regulations promulgated thereunder if it can demonstrate (by showing receipt of a certification or other evidence acceptable to the Administrator) that (I) the gasoline portion of the blend complies with the Reid vapor pressure limitations promulgated pursuant to this subsection, and (II) the ethanol portion of the blend does not exceed its waiver condition under subsection (f)(4).

"(j)(1) After October 1, 1990, the sale or introduction into commerce of gasoline for use in motor vehicles, in any area that is a nonattainment area as defined in section 171(2) for carbon monoxide, during the period from October 1 to April 1 of each year, which fuel has an oxygen content less than 2 per centum oxygen by weight, shall be prohibited.

"(2) After October 1, 1991, the sale or introduction into commerce of gasoline for use in motor vehicles, in any area that is a nonattainment area as defined in section 171(2) for carbon monoxide during the period from October 1 to April 1 of each year, which fuel has an oxygen content less than 3.7 per centum oxygen by weight, shall be prohibited.

"(3) The Administrator may waive the requirements of paragraph (1) or (2) in whole or in part with respect to the level of oxygen content, the timing of available oxygenated gasoline, or the use of oxygenated fuels, in a specific area, where full implementation of such provision may reasonably be anticipated to result in an unacceptable increase in levels of other air pollutants.

"(4) Not later than two years after the enactment of this subsection, the Administrator shall submit a report to the Environment and Public Works Committee of the United States Senate and the Energy and Commerce Committee of the House of Representatives concerning the increased use of oxygenated fuels nationwide; and the use of oxygenated fuels with an oxygen content by weight greater than 3.7 per centum. Such report shall include an analysis of emissions, drivability, fuel volatility and availability of gasoline with increased oxygen levels.".

(b)(1) Section 211(d) of the Clean Air Act is amended to read as follows:

"(d)(1) Any person who violates subsection (a), (f), (h) or (j) or the regulations prescribed under subsection (c), (h), or (i) or who fails to furnish any information required by the Administrator under subsection (b) shall be subject to a civil penalty of not more than $10,000 for each and every day of such violation. Such civil penalty shall be assessed by the Administrator by an order made on the record after opportunity for a hearing. In connection with any proceeding under this section the presiding officer may issue subpoenas for the attendance and testimony of witnesses and the production of papers, books, and documents.

"(2) In determining the amount of a civil penalty, the Administration shall take into account the gravity of the violation, the size of the violator's business, the violator's history of compliance, action taken to remedy the violation, and the effect of the penalty on the violator's ability to continue in business.

"(3) If a person fails to pay a civil penalty assessed under this subsection—

"(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with section 307, or

"(B) after a court in any action brought for judicial review has entered a final judgment in favor of the Administrator or the action has otherwise been terminated if such person has filed a petition for review under section 307,

the Attorney General shall recover the amount assessed (plus interest from the date of the expiration of sixty days from the date of the order, or from the date of such final judgment, as the case may be) in an action brought in any appropriate district court for the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(2) Section 211(c) of the Clean Air Act is amended by adding a new paragraph as follows:

"(5) Regulations under this subsection shall prohibit any person from introducing, or causing or allowing the introduction, of a regulated fuel or fuel additive into a motor vehicle not designed for such fuel or fuel additive.".

(b)(1) Effective January 1, 1993 each State shall implement a vehicle emission control inspection and maintenance program.

(2) The term "vehicle emission control inspection and maintenance program" as used in section 172(d) means a program to reduce in-use emissions of hydrocarbons, carbon monoxide, oxides of nitrogen, and diesel particulates from motor vehicles that—

(A) covers all vehicles regularly operating in the program area;

(B) includes at a minimum (i) each Metropolitan Statistical Area (as defined by the Director of the Bureau of the Census) with a population of one hundred thousand or more according to the 1985 Census, containing a nonattainment area, and (ii) each area identified under section 178(c)(1);

(C) requires annual emission testing and necessary adjustment, repair, or maintenance;

(D) requires direct inspection of components of vehicle emission control systems (including evidence of misfueling) and, where such components have been rendered inoperative, the repair or replacement of such components;

(E) requires inspection of heavy-duty vehicle exhaust or compliance with existing standards for the opacity of such exhaust;

(F) is operated on a centralized or, with respect to emission testing, computerized basis; and

(G) has a repair cost waiver in the case of failure of at least $200, or provides that any repair cost waiver limit shall apply only to costs that are not covered by a warranty under section 207.".

PART D—METHANE

SEC. 123. SHORT TITLE.

This part may be cited as the "Methane Emissions Elimination Act".

SEC. 124. METHANE SOURCE IDENTIFICATION AND ASSESSMENT.

(a) Not later than January 1, 1992, the Administrator of the Environmental Protection Agency, in consultation with the Administrators of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, shall submit to the Congress a report on the following:

(1) the contribution of methane to global climate change;

(2) the sources and sinks of methane;

(3) the methods of controlling emissions of methane; and,

(4) the relationship between emissions of methane and concentrations of other trace gases, including the hydroxyl radical.

(b) The Solid Waste Disposal Act is amended by—

(1) inserting in section 4001 immediately before "are environmentally" the following: "minimize emissions and other releases to the environment and which are otherwise".

(2) in section 4002(c)(1) striking the words "reasonable protection of ambient air quality" and substituting "and the minimization of emissions and other releases to the environment of pollutants including, but not limited to, methane or other harmful gases or materials."

(3) in section 4003(a) adding a new subsection (7) as follows:

"(7) The plan shall provide for methods (including prohibitions on the nature of materials which are disposed), practices, or technologies which minimize emissions of methane and other gases, both during operation and after closure."

(4) in section 4007(a) inserting immediately before the period at the end of the second sentence the following:

", provided that the Administrator determines that such plan satisfies the requirements of paragraph (7) of section 4003. Plans which fail to satisfy such requirements shall be disapproved".

(c) Not later than January 1, 1992, the Administrator shall promulgate regulations implementing the requirements of this section and requiring State plans developed under subtitle D of the Solid Waste Disposal Act to be amended and either approved or disapproved by July 1, 1993. Any plan not affirmatively approved by such date shall be deemed disapproved for purposes of the Solid Waste Disposal Act. Amended plans shall require all facilities constructed after January 1, 1994 subject to subtitle D to be designed, constructed and operated so as to minimize emissions of methane and shall require all existing facilities to be modified prior to January 1, 1994 and thereafter operated so as to minimize emissions of methane and other pollutants.

(d) Effective January 1, 1995 mass releases of methane, whether through intentional venting of wells or otherwise, and flaring of methane are prohibited.

PART E—MISCELLANEOUS PROVISIONS

SEC. 125. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this title, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this Act. In assessing such a penalty, the Administrator shall take into account the seriousness of

the violation and any good faith efforts to comply with applicable requirements.

(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

(d) CRIMINAL PENALTIES.—Any person who—

(1) knowingly exceeds the production limits under section 107 (production phase-out for initial list) or section 109 (limitation on ozone depletion potential);

(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 107 or section 109;

(3) knowingly imports a substance listed under section 105, a product containing such substance, or a product manufactured with a process that uses such substance, in violation of section 111 (certification of equivalent programs);

(4) knowingly introduces into interstate commerce a substance or product in violation of section 108 (limitation on use) or section 112 (labeling);

(5) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this title; or

(6) knowingly produces, transports, distributes, or uses any substance listed under section 105, a product containing such substance, or a product manufactured with a process that uses such substance, and who knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this title

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.

(e) CIVIL PENALTY.—Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(f) VIOLATIONS.—Each day of violation of any requirement of this title shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 107 (production phase-out for initial list), section 108 (limitation on use), section 109 (limitation on ozone depletion potential), and paragraphs (1), (2), (3), and (4) of subsection (d) of this section, the production, introduction into commerce, or importation of each one hundred pounds of a substance listed under section 105 that is in excess of the production limits under section 107 or section 109 shall constitute a separate violation.

SEC. 126. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any fiscal action of the Administrator pursuant to this title shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such promulgation or denial or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(2) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

SEC. 127. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this title; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this title which is not discretionary with the Administrator.

Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (a)(2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(1) prior to sixty days after the plaintiff has given notice of the violation to—

(A) the Administrator; and

(B) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

(c) NOTICE.—No action may be commenced under paragraph (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 125, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section, or this title, shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

SEC. 128. SEPARABILITY.

If any provision of this title, or the application of any provision of this title to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

SEC. 129. RELATIONSHIP TO OTHER LAWS.

(a) Nothing in this title shall be construed to diminish the authority of the Administrator under the Clean Air Act, the Resource Conservation and Recovery Act, or the Toxic Substances Control Act, or any other law, or to affect the authority of any other department, agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere, or the global environment.

(b) Nothing in this Act shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere or the global environment.

SEC. 130. AUTHORITY OF ADMINISTRATOR.

The Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.

TITLE II—GLOBAL CHANGE ADJUSTMENT AND MITIGATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Environmental Adjustment Act of 1989".

SEC. 202. FINDINGS.

The Congress finds that—

(a) there has been an observed increase in global average temperatures of 0.7 degrees Centigrade in the last century;

(b) regardless of any action taken by humanity, there will be further global average temperature increases of up to one degree Centigrade;

(c) such temperature increases will manifest themselves in widespread alterations of the current environment;

(d) such changes may include, but will almost certainly not be limited to, the following:

(1) a rise in the level of oceans, bays, sounds, and other bodies of water, with ensuing destruction of natural and manmade structures;

(2) shifts in patterns of rainfall and soil moisture, resulting in marked changes in agricultural productivity;

(3) changes in the distribution and seasonal availability of fresh water resources, including the exhaustion of surface and ground water supplies;

(4) increased political instability, with the potential for international conflict; and,

(5) accelerated extinction of plant and animal species, including many now classified as endangered;

(e) the adverse effects of some such changes can be mitigated through proper long range planning, analysis and, most importantly, action; and

(f) substantial resources can be saved through the adoption of a program to systematically identify the impacts of proposed actions on global environmental change and the effects of such changes on the natural environment and engineered structures and systems.

SEC. 203. AMENDMENT TO THE NATIONAL ENVIRONMENTAL POLICY ACT.

The National Environmental Policy Act of 1969 is amended by adding at the end thereof a new title as follows:

"TITLE III—GLOBAL PROTECTION

"Subtitle A—Atmospheric Protection

"SEC. 301. SHORT TITLE.

"This subtitle may be cited as the "Atmosphere Protection Act of 1989".

"SEC. 302. FINDINGS.

"The Congress, recognizing the profound and irreversible and potentially catastrophic impacts of humanity's activities on the global atmosphere and the world's environment, and the inability of science to predict with certainty the consequences for humanity of any such changes, hereby declares that each person has a responsibility and obligation to avoid contamination of the atmosphere.

"SEC. 303. AUTHORIZATION.

"The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all agencies of the Federal Government shall, with respect to pollutants, substances, products, or practices which may contribute to global climate change, stratospheric ozone depletion, or trace gas modification of the atmosphere—

"(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

"(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will assure that environmental contamination is minimized;

"(C) include in every recommendation on report or proposals for legislation and other major actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Such pollutants and substances shall include, at a minimum, the following: carbon dioxide, oxides of nitrogen, chlorofluorocarbons, halons, methyl chloroform, carbon tetrachloride and methane. Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, and shall accompany the proposal through the existing agency review processes;

"(D) study, develop, describe and select appropriate alternatives which recognize and minimize the environmental impacts of such proposed action.

"(E) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

"(F) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

"(G) assist the Council on Environmental Quality established by subchapter II of this chapter.".

SEC. 204. INVENTORY AND REVIEW OF FEDERAL FACILITIES, HOLDINGS AND ACTIVITIES.

(a)(1) Not later than January 1, 1991, the President shall direct each agency and instrumentality of the executive branch to undertake a systematic and comprehensive survey of all Federal lands and structures to ascertain their vulnerability to changes associated with changes in the global environment. To the maximum extent practicable, such survey shall include the lands and structures of State and local government and Indian tribes as well. Such survey shall include, but not be limited to, the following:

(A) public highways, bridges, tunnels, and other transportation structures;

(B) ports, waterways, locks and dams;

(C) public buildings and monuments;

(D) publicly owned treatment works;

(E) national parks, forests, wilderness areas, wildlife refuges, marine sanctuaries, and all other comparable facilities; and,

(F) national defense facilities, including but not limited to military bases and reservations, whether located in the United States or elsewhere.

(2) Not later than January 1, 1993, the President shall submit a report to the Congress containing the results of the survey required by this section and recommending both generic and site-specific actions and policies to—

(A) preclude further public or private investment in areas susceptible to loss or damage due to global environmental change;

(B) minimize and mitigate the loss or damage due to the global environmental change which is likely to occur.

SEC. 205. GROUND WATER PROTECTION AND RECHARGE.

(a) FINDINGS.—The Congress finds that—

(1) a consequence of global climate change may be the exhaustion of ground water resources essential to the maintenance of agricultural productivity, the loss of which could jeopardize the national economy and security;

(2) existing knowledge and technology of artificial recharge of ground water is inadequate to meet existing and anticipated future water resource problems and to take advantage of possible water resource opportunities;

(3) a program to support and assure the study and development of artificial ground water recharge techniques is essential.

(b) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") acting through the Chief of Engineers, is authorized to undertake a program of research, development, and demonstration of artificial ground water recharge techniques. The purpose of such program shall be to—

(A) demonstrate the usefulness of artificial ground water recharge as a method for improving ground water quantity and for preventing degradation of, or improving ground water quality;

(B) determine the economic viability of artificial ground water recharge as a method of augmenting existing water supplies and improving ground water quality on a local or regional basis; and

(C) develop new and more efficient techniques for the transfer of surface water to existing or potential water bearing underground strata.

(3) In order to advance the purpose of this subsection, the Secretary shall, at different locations throughout the United States, design, construct, and operate and maintain projects to demonstrate different artificial ground water recharge techniques. To the maximum extent feasible, such locations shall be chosen to reflect a variety of geological, physical, and chemical conditions affecting ground water quality and quantity. In selecting such locations, and carrying out such work, the Secretary shall consult and coordinate with appropriate State and local governmental agencies.

(c) COORDINATION.—In order to prevent any unnecessary duplication of effort, and in order to fully utilize the available expertise of other agencies and departments of

the United States, the Secretary, in carrying out subsection (b) of this section, shall consult and coordinate with the United States Geological Survey, the Environmental Protection Agency, the Bureau of Reclamation, and other appropriate agencies and departments of the United States.

(d) UTILIZATION OF CURRENT RESOURCES.—To the extent possible, activities undertaken pursuant to subsection (b) of this section shall utilize existing or authorized Corps of Engineers water resources projects, programs, facilities, and personnel.

(e) REPORT.—Not later than May 30, 1994, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works in the Senate, a final report describing the results of activities undertaken pursuant to this section. Not later than 30 months after the date of enactment of this Act, the Secretary shall transmit to such Committees of Congress a brief report describing the progress of such activities.

(f) DEFINITIONS.—For the purposes of this section, the term—

(1) "artificial ground water recharge" shall include but not be limited to techniques to supplement or otherwise affect ground water supplies such as wells, pits, ponds, spreading basins, or gravel chains; and

(2) "non-Federal sponsor" shall mean a State, city, county, or any other entity which derives its powers from a State constitution, or was created pursuant to an Act of a State legislature.

(g) SHORT TITLE.—This section shall be known as the "Ground Water Recharge Research and Demonstration Act".

TITLE III—INTERNATIONAL COOPERATION

SEC. 301. FINDINGS.

The Congress finds that—

(a) complete elimination of chlorofluorocarbons and related chemicals which are destroying the Earth's protective ozone layer and adding to global temperature increases requires concerted international agreement and action;

(b) the most effective controls on emissions of carbon dioxide, hydrocarbons, oxides of nitrogen, methane and other trace gases which are increasing global temperatures will require concerted international agreement and action;

(c) international agreements to address some aspects of these global threats are already underway and include—

(1) an international protocol to reduce production and use of chlorofluorocarbons;

(2) an international agreement to reduce emissions and transboundary transport of oxides of sulfur;

(3) an international agreement to reduce emissions and transboundary transport of oxides of nitrogen.

(d) in the absence of such international cooperation and agreement, the interests of the United States will be directly and substantially threatened due to—

(1) damage to the domestic environment;

(2) damage to the national economy;

(3) increased international tension; and

(4) increased danger of international armed conflict.

SEC. 302. INTERNATIONAL COOPERATION.

(a) The President is hereby directed to request that the United Nations promptly establish a temporary new agency to be headed by the director of the United Nations Environmental Program, to—

(1) coordinate international efforts to minimize and mitigate the effects of unavoidable environmental alterations; and,

(2) provide financial, technical and other assistance to developing nations to facilitate improvements in their domestic standards of living while minimizing or eliminating contributions to global, continental and subcontinental scale environmental damages.

(b) The President is hereby directed to request that the United Nations establish a temporary program of forestation to—

(1) assist and encourage nations in halting activities which are resulting in destruction of the world's forests; and

(2) undertake a global program of reforestation.

(c) The President is hereby directed to instruct United States representatives to bilateral and multilateral organizations other than the United Nations to review the activities of such organizations to assure that their actions and programs are consistent with the goals and objectives of this Act and, where necessary, to persuade such organizations to adopt programs to implement the goals and objectives of this Act.

TITLE IV—DEVELOPMENT OF NON-POLLUTING ENERGY SOURCES

SEC. 401. NATIONAL COMMISSION ON INHERENTLY SAFE NUCLEAR ENERGY.

(a) There is established a commission to be known as the National Commission on Inherently Safe Nuclear Energy (hereinafter in this section referred to as the "Commission").

(b) The duties of the Commission are to—

(1) assess generally the safety and reliability of the current generation of nuclear power plants in the United States;

(2) review the nuclear industries of other nations which rely heavily on nuclear power for the generation of their electricity and report on the comparative safety and reliability of the programs of those nations, which shall included but not be limited to France, West Germany, Canada, Japan, Sweden, and Finland;

(3) review each incident in the United States related to the operation of a nuclear power plant in which there has been personal injury, or a significant threat thereof, and report on the causes of consequences of such incident, including ways in which it could have been avoided;

(4) review and assess the nature and magnitude of public opposition and concern with the safety of nuclear power and the reasons for such concern and opposition;

(5) evaluate options for responding to the concerns and fears of the public in a fashion which allays fears by responding substantively;

(6) evaluate the suitability of the current structure of the domestic utility industry with respect to the safe and efficient operation of nuclear units, and alternatives to such current structure;

(6) identify and evaluate each inherently safe passive control technology which might reasonably become available by the year 2010 and examine explicitly whether each such technology has the potential to minimize or eliminate the risks, whether real or perceived, associated with nuclear power by the American public;

(7) review the difference in operating records of each utility operating nuclear generating plants and make specific recommendations for changes in technologies, policies, practices, and organizational structure of the industry designed to assure that the best of those safety records become the standard for the United States industry; and

(8) conclude and state specifically whether it is possible to develop in the United States a nuclear industry capable of supplying not less than 50 per centum of the Nation's electricity needs through the year 2100 in a way which enjoys the trust, confidence and support of the public.

(c)(1) The Commission shall be composed of nineteen members as follows:

(A) six appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives;

(B) four appointed by the majority leader of the United States Senate from among the Members of the United States Senate;

(C) eight appointed by the President as follows:

(i) four from among a list of nominations submitted to the President by the National Governors Association;

(ii) one from among a list of nominations submitted to the President by the National League of Cities and the United States Conference of Mayors;

(iii) three from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are representative of persons concerned with pollution and environmental issues and which have participated, at the State or Federal level, in studies, administration proceedings, or litigation (or any combination thereof) relating to nuclear energy; and

(D) the Chairman of the Nuclear Regulatory Commission.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than four of the six members appointed under subparagraph (A) and not more than three of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(3) Members shall be appointed for the life of the Commission.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled (subject to appropriations provided in advance) to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the majority leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they cease to be members of the Commission before the termination of the Commission.

(7) The Commission shall meet at the call of the Chairman or a majority of its members.

(d)(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) The Commission shall request, and the head of any Executive Branch Agency is authorized to detail on a reimbursable nonreimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section.

(e)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f)(1) The Commission shall transmit to the President and each House of the Congress a report not later than October 30, 1995. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation; and administrative actions, as it considers appropriate.

(g) The Commission shall cease to exist on January 1, 1996.

(h) There is authorized to be appropriated for the fiscal years 1990 through 1996 not to exceed $50,000,000 to carry out this section.

SEC. 402. NATIONAL GOAL.

It is hereby established as a national goal of the United States to derive 50 per centum of the national supply of energy from nonpolluting technologies and practices by the year 2000 and 100 per centum by the year 2050.

Mr. JEFFORDS. Mr. President, I am pleased to join the senior Senator from Vermont in introducing this most important environmental bill—a bill which stands as a testimony to the legacy of Robert T. Stafford, Senator Stafford gave his career to the service of his community, his State and his country. It is most befitting that in the final months of his distinguished senatorial career he devoted so much effort toward developing a bill to preserve, and to certain extent to rescue, this planet from destructive ways of its own inhabitants.

The Global Environment Protection Act is the work of Robert Stafford and the competent staff with which he had come to surround himself. Far reaching in scope and with particular attention to our planet's most pressing concerns, this bill is a model from which a comprehensive global environmental strategy can be built.

This bill attacks with particular vigor the root causes of stratospheric depletion and carbon dioxide accumulation. Setting as a goal the complete elimination of halogenated CFC use and sale by 1999, the bill prohibits the use of CFC's except in a totally enclosed system effective 24 months after enactment and bans the production and sale of fully halogenated CFC's 6 years from enactment. With the purpose of achieving a 50 percent reduction in emissions of CO_2 by the year 2000, the bill establishes graduated regulatory standards for mobile and stationary emittors of carbon dioxide.

The act addresses sources of ozone pollution through stricter regulation of nitrogen oxides and hydrocarbons from vehicular and stationary sources. The Environmental Protection Agency would be required to inventory and report on all sources of methane emissions, with interim requirements for refineries and landfills.

The Stafford bill makes law an issue on which the Environmental Protection Agency has failed to render an interpretation. The National Environmental Protection Act would be amended to require environmental impact statements to assess the effects of proposed action on the global environment and minimize the impacts of any proposed action on the environment. This step would ensure that Americans lead the way in reducing the effects that future actions might have on global climate change.

International cooperation in global environmental issues would be assured by requiring the President to petition the United Nations to establish a program to coordinate international efforts and provide financial, technical and other assistance to minimize and mitigate environmental problems. Particular and immediate attention would be directed toward halting deforestation and desertification, and to reforest areas already deforested.

This legislation sets a national goal of the United States to generate 100 percent of the Nation's power from nonpolluting energy sources by the year 2050.

While the time is not too late to put in place the mechanics of law described by Senator Stafford's Global Environment Protection Act, neither is the time too soon. As a nation we face tough choices in solving environmental deficiencies; as a planet we are imperiled by the gravity of the situation and by the enormity of the task.

The 101st Congress has a unique opportunity to address these pending issues with competent and effective legislation. Senator LEAHY and I offer this bill as launching point for debate, and as a tribute to a most distinguished Vermont Senator who, in constantly considering the welfare of his fellow man, saw malady at hand for this planet's environment and sat down to the task of describing its remedies.

By Mr. BINGAMAN (for himself and Mr. PELL):

S. 334. A bill to promote state-wide health promotion campaigns, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL HEALTH PROMOTION ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce the National Health Promotion Act, legislation aimed at improving the health and well being of Americans nationwide through the creation of innovative Federal-State health promotion campaigns.

Last year, the Surgeon General issued his first Report on Nutrition and Health. That landmark document revealed that two-thirds—66 percent—of all deaths in the United States are caused by chronic ailments such as coronary heart disease, stroke, atherosclerosis, diabetes, and cancer. The report also, for the first time, detailed important evidence linking diet and disease.

The Surgeon General made some important recommendations for improving our diets and decreasing our risk of developing a chronic disease. These include lowering our consumption of saturated fats, high-cholesterol foods, sugar, sodium, and alcoholic beverages, and eating more foods containing complex carbohydrates and fiber.

Unfortunately, neither these changes nor the other critical steps to better health will come about simply because the Surgeon General issued a report. Change will come only from informed individual action by each

person in our society. But the reality is that many Americans, across the country, will never hear or read the Surgeon General's report. Many Americans will remain unaware of the relationship between their diet and their risk from chronic diseases, and they will remain unsure of what foods they should and should not eat.

If we could find a way to reach into every State, reservation, city, and town in the country with information on diet, fitness, and good health habits, our country would benefit in a multitude of ways. Evidence is clear that better health habits enhance personal well-being and quality of life, improve work-place productivity, and decrease medical costs. These, in turn, lead to greater economic well-being for the country as a whole.

In my home State of New Mexico, I helped develop the type of health promotion program I envision for the Nation. That program, HealthNet New Mexico, has just begun its third year of helping New Mexicans lead healthier lives. By the end of its second year, more than 44,000 New Mexicans in more than 60 communities and 642 worksites and schools had participated in the program.

HealthNet's mission is to help New Mexicans make important diet and fitness changes and live healthier lives. Its goal is to have New Mexicans eating healthy diets, exercising regularly, and living tobacco-free lives.

HealthNet targets individual behavior change annual health campaigns. The campaigns, Eat Right New Mexico and Get Fit—Tobacco Free New Mexico, focus on improving nutrition, encouraging fitness, and eliminating tobacco use. During the campaigns, participants register at worksites, schools, senior centers, health care institutions, and other appropriate locations. They come away with charts and materials to guide them through the 10-week session. The materials include information on diet, fitness, or tobacco use, and outline step-by-step goals that can be tailored to an individual's particular needs.

Each person is responsible for improving his or her health habits and motivation. The program also encourages participation by entire offices, competitions between offices or towns, lectures, demonstrations, group walks and exercise classes. In New Mexico last year, a number of health professionals gave weekly lectures to the public free of charge in communities and worksites throughout the State.

To ensure a successful series of campaigns, community-wide organization is crucial. HealthNet New Mexico, a nonprofit organization funded by private contributions, involves individuals from Federal, State, and local agencies, professional organizations, education institutions, businesses, health care institutions, and the media. Media participation is central, particularly because many New Mexicans live in rural areas. With the cooperation of major television stations, local radio stations, and newspapers, HealthNet messages can reach virtually all of the State's 1.4 million people.

HealthNet now is evaluating the results and benefits of its campaigns. We do not have to wait for the statistical results, however, to know that heightened individual awareness of good health habits is benefiting many people around the State. For many New Mexicans, energy and fitness levels are up, and the State has benefited from lower health care costs and increased worker productivity.

I believe our country as a whole can, and should, share the benefits we have experienced in New Mexico. The legislation that I am introducing will help other States develop their own HealthNet programs. It calls for a grant program administered by the Secretary of Health and Human Services. During the 5-year program, each State can apply for funds for any three consecutive years on a 75-, 50-, and 25-percent Federal matching basis, respectively.

The State would be responsible for developing a program and enlisting the support of appropriate organizations and professionals. The State would also establish an advisory board of individuals from Government, health care organizations, the private business sector, the education profession, and the general public, which will develop a comprehensive plan for the health promotion campaigns.

The plans should focus on improving physical fitness and nutrition, reducing tobacco use and misuse of drugs and alcohol, controlling high blood pressure, preventing lifestyle-related accidents, and reducing stress.

Finally, my bill stipulates that the States must assure an equitable distribution of the grants within their State. And if the States plan to charge individual participation fees, they must do so on a sliding scale, based on ability to pay. This will help assure the widest possible participation in all of the States.

If we in the Federal Government help get these campaigns started, each State eventually will be able to operate the programs on their own. Given the many benefits of these health promotion campaigns, it will be in the States' interest to continue them beyond the 3-year development period.

I am convinced that good health leads not only to a longer life, but to a better life. I am convinced that good health is absolutely essential to remaining a productive, competitive Nation in the world economy. And I am convinced that if this legislation is enacted and effectively implemented, our Nation will experience a revolution in health awareness that will alter significantly, and positively, the quality of life for all Americans.

By Mr. McCAIN:

S. 335. A bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit; to the Committee on Finance.

MEDICARE CATASTROPHIC COVERAGE REVISION ACT

● Mr. McCAIN. Mr. President, this afternoon I am introducing a bill to delay, for 1 year, certain provisions of the "Medicare Catastrophic Coverage Act of 1988." The legislation I am introducing, the "Medicare Catastrophic Coverage Revision Act of 1989," will afford Congress the opportunity to reevaluate, through public hearings, the "Medicare Catastrophic Coverage Act" to assess whether it truly meets the real catastrophic illness protection needs of our Nation's seniors.

HISTORY OF INVOLVEMENT WITH CATASTROPHIC COVERAGE ISSUE

Last June, Mr. President, just prior to the final vote on the Medicare Catastrophic Coverage Act, I stood on the floor of the Senate to share with my colleagues what I was hearing from Arizonans regarding the legislation which we were about to consider.

In my remarks last June, I reported that I joined Senator DOLE, and others, in February 1987 in introducing the original catastrophic illness protection legislation. As you know, this legislation would have added—for a nominal additional flat premium for Medicare beneficiaries—a long-term hospitalization benefit to the pool of benefits available through the Medicare Program. While some argued this legislation was not comprehensive enough, I felt it was a good start at addressing the catastrophic health care protection needs of our Nation's seniors.

In October 1987, we in the Senate considered a more comprehensive piece of legislation aimed at providing seniors with protection from the financial ravages of a catastrophic illness. While it added a drug benefit, and several other benefits, like the original legislation, it did not provide protection from that which seniors feel is their greatest health care protection need—protection from the financial ravages of long-term care. Because this legislation did not mandate that beneficiaries pay the premiums even if opted not to participate in the part B program, and a perception that this proposal enjoyed the support of the vast majority of our Nation's seniors, I voted for it.

SENSING DISCONTENT AMONG SENIORS

As this issue was further addressed in the House, however, I began to sense some rumblings over the direction that Congress seemed to be moving in this area. Rumblings that seemed to be growing.

VIEWS OF ARIZONA'S SENIORS

I decided the only way to get a good handle on what was going on with respect to the views of seniors, was to take this issue directly to the seniors. So, I sent the majority of seniors in Arizona a comprehensive mailing outlining the major provisions of the Senate bill, including the bill's costs. Mr. President, I heard back from over 30,000 senior Arizonans in response to the mailing.

The response was very telling.

Less than 1 out of every 3 of the respondents supported the legislation.

Many of those responding to the mailing took the time to elaborate on their stated position. The following were the major comments of those who were concerned about the bill:

First, the overwhelming concern expressed was a need for long-term coverage.

Second, very few seemed to support the prescription drug benefit—believing that the money would be better spent on some protection in the area of long-term care.

Third, there was a high level of concern about the issue of spousal impoverishment—which is where the spouse of an individual who is receiving long-term care services is forced to spend the majority of their assets before they get assistance with their health care bills.

And, last, the majority of the respondents wanted the freedom of choice with regard to participation in the plan. They objected strongly to being prohibited from participating in the Medicare Part B Program if they opted not to participate in the catastrophic benefit.

Mr. President, many relayed that they had the option of purchasing much of the acute-care protection through the private sector, and wanted the Federal Government's policy to be geared toward a continuation of the policy that people would purchase insurance in the private sector to provide partial coverage of their needs. Most felt this private-sector coverage was fairly affordable—either paid for by themselves or their former employer, but that insurance policies providing protection against the expenses of long-term care is way out of reach financially for most seniors.

I followed up this mailing by meeting with many senior groups. I would like to briefly touch on one of these occasions—a speech given before 80 to 100 seniors at a typical middle-income mobile home park. After presenting these seniors with the details of the final conference version of the catastrophic illness legislation, I was shocked to find that none of them seemed to support the legislation.

First, they protested the fact that the cost of the supplemental premium had risen so dramatically as the legislation had moved through Congress.

Second, they were extremely upset that under the conference version, participation in the financing was mandatory—regardless of whether or not a beneficiary already had coverage through the private sector.

Third, 80 percent of them cited a desire to see some public-sector coverage of long-term care services. And, they were willing to pay up to an additional $500 or 600 a year for meaningful coverage in this area.

And, last, only about 5 percent believed prescription drug coverage was one of the components that should be included in a catastrophic illness protection bill.

VOTE ON FINAL CONFERENCE VERSION

Mr. President, as I stated in my remarks prior to the final vote on the Medicare Catastrophic Coverage Act, if the views of this typical middle income group from Phoenix, Arizona was going to be representative of the response from the senior community at large, we were considering the wrong solution. It was the input from seniors in my State, and major changes in the legislation—such as participation in the financing of the program becoming mandatory, regardless of whether the individual wanted to participate in the program—that led me to ultimately decide to vote against the final version of the bill.

What made this vote particularly tough for me is that I had been on board this issue from the beginning, and believed that something needed to be done to provide seniors with some catastrophic illness protection. But, the input I was receiving from Arizona's seniors told me that what we were voting for did not represent what the majority of the seniors desired in the say of catastrophic illness protection. And, after all, they are paying the bill.

Mr. President, I am convinced that the views being expressed by the seniors of Arizona were not an aberration. Rather, they were a snapshot of the views many of the Nation's seniors would come to hold of the Medicare Catastrophic Coverage Act as they studied it in detail—learning what the bill does and does not cover, and what it costs. In fact, since its enactment, I have received close to 5,000 letters—and all but a literal handful have been opposed to the Act. And these letters are not generated by special interests or mail campaigns either.

IMAGES EVOKED FROM BILL'S TITLE

When I was working through the legislation with my state's senior population, I found that the title of the legislation—the Catastrophic Coverage Act—conjured up certain images in seniors minds about what would be covered. Seniors thought of health services needed for such illness, or maladies, as Alzheimer's disease, a stroke, or the breaking of a hip. Yet, Mr. President, all of these require long-term care services in one form or another. And, for the most part, seniors found that they will not receive such coverage through this act. And, this has evoked some concern.

In opinion, many seniors thought this new catastrophic coverage would solve their long-term care worries. And, they are upset upon learning that this is just not the case. Thus, in the eyes of seniors, the act does not really live up to the promise of its name. For the most part, it does not cover the "catastrophe" of the huge bills that result from long-term nursing home care, or the "catastrophe" of extended health care provided at home. Because this act so dramatically increases Medicare premiums, I do not know where Congress can responsibly turn to pay for any meaningful provision of long-term care coverage through the public sector.

EFFECT OF MY LEGISLATION

That is why I am offering this legislation this morning. As I stated previously, the legislation I am offering this morning will allow the long-term hospitalization, which has already been implemented to stay online. Second, it will permit the spousal impoverishment protection to come online—as currently scheduled—beginning in July 1989. Third, it will delay implementation of the other benefits in the act for a year. Fourth, it will delay implementation of the supplemental premiums for a year. This would afford Congress the opportunity to review, through public hearings, whether we indeed have taken the wrong road.

Mr. President, I believe the senior population of this country is willing to pay for a benefit package that provides them with protection from the financial ravages of a catastrophic illness. And, given the high deficits, and the fact that our Nation's elderly population is fairly well off financially, I believe the only way we can provide additional benefits is if the elderly population at large supports the bulk of the cost. Mr. President, I think the package we are providing through the Catastrophic Illness Coverage Act is inconsistent with what seniors see as their true need. If it were consistent with the seniors needs, I think the response would be very different—including the response to the supplemental premium.

Mr. President, as Arizona seniors have communicated with me about their catastrophic illness protection needs, long-term hospitalization and spousal impoverishment consistently

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rank at the top of their list. This appears to be consistent with national opinion, according to a recent AARP poll. As a result, I believe it is important that these two benefits are added to the existing pool of benefits available to Medicare beneficiaries. Given the limited resources, however, that are available for adding catastrophic illness benefits on the public sector side, we need to make sure that all the benefits we are offering meet the true need.

COST OF LONG-TERM CARE—GREATEST FEAR OF SENIORS

It is with good reason that the greatest fear of older Americans in the health care area is the expense of long-term care services.

We are told that by the time you hit 65, you stand a 50-percent chance of entering a nursing home during the remaining period of your life. And, with the cost of a year's stay in a nursing home ranging from $22,000 to $35,000, all but the most affluent elderly can be bankrupted. It is alarming that close to 90 percent of single older Americans become impoverished within a year after they enter a nursing home, as a result of the financial burden of the cost of this care.

While many of the benefits in the Medicare Catastrophic Coverage Act, are available—in one form or another—in the private sector, at fairly reasonable cost, the same is not true for long-term care. There are a number of policies available on the private market that cover nursing home services, but the price of those offering real protection is very high. According to a Consumer Reports analysis of 53 policies, published in May, the cost to a 65-year-old for an average plan offering real protection is $1,200 a year and up, and $3,500 a year and up if purchased at age 75. A study by the Brookings Institution, last year, echoed these findings.

While I do not advocate that the public sector take the place of the private sector in this area, I do think there is a legitimate role the public sector might be able to play. Perhaps it could be to provide coverage of those stays that exceed a specific period of time or cost—leaving the individual to fill, through the private sector, the gap. In addition, I believe we need to work with the private sector to make long-term care insurance more affordable, and available to a great many more people. And, for those who cannot afford the full cost, perhaps we should look at ways we might assist them in meeting such costs.

CONGRESS OUGHT TO REVIEW TRUE CATASTROPHIC COVERAGE NEEDS OF SENIORS

Mr. President, I strongly believe we need to review where we have gone with the Medicare Catastrophic Coverage Act. While the process of reviewing the act will certainly take time—which may conflict with all the agenda priorities for this 101st Congress—I believe we have a responsibility to provide the seniors with a package that meets their true needs, particularly since they are paying the bill.

Mr. President, I urge my colleagues to look at what their constituents are saying to them about the Catastrophic Illness Coverage Act. I know many of them, as have I, have been hearing from a great many seniors regarding their discontent with where we went with the catastrophic illness legislation. In doing so, I would encourage them to look at the legislation I am offering this morning to determine whether the approach I am taking would meet the concerns of their senior population.

DIFFERENCE BETWEEN THIS AND OTHER LEGISLATION

Before closing, I would just like to share the difference between this legislation I am offering, and a couple of different approaches that have been taken to date.

First, there are currently a number of proposals that would repeal the entire act. I do not believe, as do some, that we should pull down the whole act—as there are certainly some provisions which are truly catastrophic-related. What's more, we may indeed find that by and large the seniors of this country would prefer to have all of the provisions in the act rather than see us do something in the way of long-term care.

Second, there are a couple of proposals that would delay what has not already been implemented and establish a commission to study whether we should change that portion of the act which has not already been implemented. While I do think we should delay those provisions that have not already been implemented, I think the spousal impoverishment benefit ranks high on the list of catastrophic illness-related benefits that the seniors want. In addition, I think that Congress should be in charge of reviewing the act and not duck behind a commission. I think we owe it to the seniors of this country to take responsibility for what we have done. In saying this, however, I do not believe that seniors will hold it against us to correct our course—given that we were embarking in uncharted waters.

CLOSING

Mr. President, I welcome the participation of my colleagues with the proposal I am introducing this afternoon—legislation to attempt to correct the course, and provide this Nation's seniors with true protection from the financial ravages of those catastrophic illness-related services that are of the greatest concern.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That the Act be cited as the "The Medicare Catastrophic Coverage Revision Act of 1989".

SEC. 2. PURPOSES.

It is the purpose of this Act—

(1) to provide Medicare beneficiaries with protection from the financial ravages of an illness that results in a long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(2) to provide Medicare beneficiaries with protection from what is commonly referred to as spousal impoverishment—the near total liquidation of a couple's assets in order to meet the income eligibility requirements for long-term care benefits through the Medicaid program—by permitting the spouse who is not in need of long-term care services to retain a certain level of assets and/or income (provided for in the Medicare Catastrophic Coverage Act of 1988, to be phased-in—beginning in July 1989);

(3) to permit a nominal, flat, increase in Medicare premiums in order to pay for the long-term hospitalization and spousal impoverishment benefit (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(4) to delay, for a year, implementation of all other benefits provided for in the Medicare Catastrophic Coverage Act of 1988;

(5) to delay, for a year, implementation of the supplemental premium provided for in the Medicare Catastrophic Coverage Act of 1988;

(6) so Congress will be afforded the opportunity to review the portions of the Act which this legislation delays to determine whether it ought re-structure the Act to deal with the concerns of our nation's seniors. Their concerns being that the Act includes some items which are seen by the seniors as not truly catastrophic-related, that the financing ought to be spread more generally across the senior population, and that the Act does not provide much in the way of protection from the financial ravages of an illness requiring long-term care services.

SEC. 3. DELAY IN PART B BENEFITS AND RELATED PROVISIONS.

(1) Section 1833(c) of the Social Security Act (42 U.S.C. 13951(c)), as inserted by section 201(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(A) in paragraph (1), by striking "1990" and inserting "1991";

(B) in paragraph (3), by striking "1990" each place it appears and inserting "1991"; and

(C) in paragraph (3)(A)—

(i) by striking the first sentence,

(ii) in the second sentence, by striking "succeeding year" the first place it appears and inserting "year (beginning with 1991)", and

(iii) in the second sentence, by striking "succeeding the second place it appears.

(2) Paragraph (4)(B) of section 1861(t) of the Social Security Act, as added by section 202(a) (2) (C) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(3) Section 1834(c) of the Social Security Act, as added by section 202(b)(4) of the Medicare Catastrophic Coverage Act, is amended–

(A) in paragraph (1) (C) (i), by striking subclause (I) and (II) and inserting the following:

"(I) 1991 is $600,

"(II) 1992 is $652, and";

(B) in paragraph (1) (C) (i) by striking subclause (III) and redesignating subclause (IV) as subclause (III);

(C) in paragraph (1) (C) (iii), by striking "1992" and inserting "1993";

(D) in paragraph (2) (C) (ii), by striking "1990", "1991", "1992", and "1993" and inserting "1991", "1992", "1993", and "1994" respectively;

(E) in paragraph (3) (A), by striking "1992" and inserting "1993";

(F) in paragraph (3) (C) (i), by striking "1990" and inserting "1991";

(G) in paragraph (4) (A) (i), by striking "1990" or "1991" and inserting "1991" or "1992";

(H) in paragraph (7) (B), striking "1991" and inserting "1992";

(I) in paragraph (8) (A), by striking "6 years" and inserting "7 years"; and

(J) in subparagraphs (B), (C), (D), and (F) of paragraph (8), by striking "1989", "1990", "1991", "1992", "1993" and "1994" and inserting "1990", "1991", "1992", "1993", "1994", and "1995", respectively.

(4) Paragraphs (1) and (4) of section 1842(o) of the Social Security Act, as added by section 202(c) (1) (C) of the Medicare Catastrophic Coverage Act, are each amended by striking "1991" and inserting "1992".

(5) Section 202(e)(4) (B) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(6) Section 202(i)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989, 1990, 1991, 1992, and 1993" and inserting "1990, 1991, 1992, 1993, and 1994", respectively.

(7) Section 202(1)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989" and "1990" and inserting "1990" and "1991", respectively.

(8) Section 202(m) of the Medicare Catastrophic Coverage Act is amended by striking "1989", "1990", and "1991", and "1992", respectively.

(9) Section 1834(d)(2) of the Social Security Act, as added by section 203(c)(1)(F) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(10) Section 203(c)(2) of the Medicare Catastrophic Coverage Act is amended by "1991" and inserting "1992".

(11) Section 1835(a)(2)(G) of the Social Security Act, as inserted by section 203(d)(1)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(12) Section 1154(a)(16) of the Social Security Act, as amended by section 203(d)(2) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(13) Section 203(g) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(14) Section 1834(e) of the Social Security Act, as added by section 204(b)(2) of the Medicare Catastrophic Coverage Act, is amended—

(A) In paragraph (2)(B)(ii), by striking "1992" and inserting "1993",

(B) In paragraph (4)(A)(i), by striking "1990" and inserting "1991", and

(C) In paragraph (4)(B), by striking "1991" and inserting "1992",

(D) In paragraph (5), by striking "1990" and "1991" each place each appears and inserting "1991" and "1992", respectively.

(15) Section 204(3) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(16) Section 205(f) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(17) Section 206(b) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

SEC. 4. DELAY IN CERTAIN REVENUE-RELATED PROVISIONS.

(1) Section 59B of the Internal Revenue code of 1986, as added by section 111(a) of the Medicare Catastrophic Coverage Act, is amended—

(A) in the table in subsection (c)(2)(A), by striking the line relating to 1989;

(B) in the table in subsection (d), by striking the line relating to 1989; and

(C) in Subsection (e)(4)—

(i) by striking "before 1998" each place it appears and inserting "before 1999", and

(ii) in the percentage table in subparagraph (A), by striking "1994", "1995", "1996", and "1997" and inserting "1995", "1996", "1997" and "1998", respectively.

(2) Section 111(e) of the Medicare Catastrophic Coverage Act is amended—

(A) in paragraph (1), by striking "1988" and inserting "1990", and

(B) in paragraph (2) by striking "1989" and "1989" and inserting "1990" and "1990", respectively.

(3) Section 112(b) of the Medicare Catastrophic Coverage Act by striking "1990" and "1989" and inserting "1991" and "1990", respectively.

(4) Section 1839(g) of the Social Security Act, as added by section 211(a) of the Medicare Catastrophic Coverage Act, is amended—

(5) Section 1841A of the Social Security Act, as inserted by section 212(a) of the Medicare Catastrophic Coverage Act, is amended—

(A) in subsection (c), by striking "1990" and inserting "1991", and

(B) in subsection (d), by striking "1992" each place it appears and inserting "1993".

(6) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of the Medicare Catastrophic Coverage Act, is amended by inserting "(1)" after "(i)" and by adding at the end of the following new paragraph:

"(2)(A) Notwithstanding the previous provisions of this subsection but subject to subparagraph (B), premiums collected under this part which are attributable to subsection (g) for any month in 1989 shall, instead of being transferred to (or deposited to the credit) of the Federal Supplementary Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A).

"(B) The total amount of the transfers or deposits made under subparagraph (A) shall not exceed the Secretary's estimate of the total amount of additional expenditures made under Part A which are attributable to benefits during 1989 and which would not have been made but for the amendments made by the Medicare Catastrophic Coverage Act of 1988."

(7) Section 1841B(c) of the Social Security Act, as inserted by section 213 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "1991".

SEC. 5. MEDICAID PROVISIONS.

(1) Section 1905(p)(2) of the Social Security Act, as amended by section 301(b) of the Medicare Catastrophic Coverage Act, is amended by striking "1990", "1991", "1992", and "1993" each place each appears and inserting "1991", "1992", "1993", and "1994", respectively.

(2) Clauses (ii) and (iii) of section 1902(1)(2)(A) of the Social Security Act, as added by section 302(a)(2)(iii) of the Medicare Catastrophic Coverage Act, by striking "1990" each place it appears and inserting "1991".

SEC. 6. MAINTENANCE OF EFFORT.

Section 412 of the Medicare Catastrophic Coverage act is amended by striking "1990" each place it appears and inserting "1991".●

By Mr. DODD:

S. 336. A bill to amend title 38, United States Code, to authorize certain additional medical services for veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

ADDITIONAL MEDICAL SERVICES FOR CERTAIN VETERANS

● Mr. DODD. Mr. President, I am today introducing legislation to authorize the provision of certain fertility services to veterans with service-connected disabilities which impair their ability to conceive children.

The Veterans' Administration maintains that it has the authority only to treat a disability medically or surgically, but not to help overcome its effects. On this basis, the VA has declined to provide or pay for fertility services such as in vitro fertilization on the basis that such procedures cannot repair, cure or result in decided improvement of the disability. Many have argued—in my judgment soundly—that this position is inconsistent with the VA's routine provision of items such as prosthetics, orthotics and sensory aids, none of which cure or repair a disability but rather help to overcome its resulting effect.

During the 100th Congress, the Senate Veterans' Affairs Committee labored diligently to craft a positive response to the needs of these veterans. Following a substantial degree of legislative effort and consultation, the committee reported and the Senate passed the Veterans Omnibus Health Care Act, including language to grant the Veterans' Administration the specific authority to provide fertility services. This provision did not survive a Senate-House conference, however, and the bill became law without reference to fertility services.

Mr. President, it is difficult to understand how we as a nation can deny this critical treatment to eligible veterans. Rather than discouraging parenthood, we ought to open every possible avenue to a rich and full family life to those who, in the service of their country, sacrificed the ability to parent a

child without certain essential medical services. I hope that the introduction of this measure will be a catalyst for reopening the debate regarding the provision of fertility services for eligible veterans, and that the list of accomplishments of the 101st Congress will include its enactment into public law.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAL SERVICES RELATING TO CONCEPTION.

(a) TREATMENT OF SERVICE-CONNECTED INABILITY TO PROCREATE.—Section 612 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(1) The Administrator may provide medical services to a veteran (and, if necessary, a veteran's spouse) to the extent reasonably necessary to overcome the effects of a service-connected disability of the veteran which prevents or impairs the ability of the veteran and the veteran's spouse from conceiving a child. Such services may not include—

"(A) procedures to achieve pregnancy using gametes of an individual other than the veteran and the veteran's spouse;

"(B) the services of a surrogate gestational mother; or

"(C) services other than those reasonably necessary to overcome the effects of the veteran's service-connected disability.".

(b) EFFECTIVE DATE—The amendment made by subsection (a) shall take effect on October 1, 1989.●

BY Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 338. A bill to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes; to the Committee on Energy and Natural Resources.

ESTABLISHMENT OF WESTERN HISTORIC TRAILS CENTER

● Mr. HARKIN. Mr. President, today I am introducing legislation to authorize the establishment of a Western Historic Trails Center along the Missouri River in my State of Iowa. I am pleased to be joined in offering this legislation by my friend and colleague from Iowa, Mr. GRASSLEY.

The westward expansion of this country is one of the great historical events which shaped our Nation. Indeed, I would put it on a par with the Revolutionary War and the signing of the Declaration of Independence. For while these well-known events set the framework for our great democratic experiment, the explorers and pioneers who settled the West carried that experiment across an entire continent. If any of my colleagues think I overstate my case, I would ask them to try to imagine a United States which ended at the Missouri River.

I think every Senator understands the importance of studying and learning from our past. Within just a few miles of this Capitol Building, we can visit the National Archives, President Washington's Mount Vernon, the Manassas National Battlefield, and a host of other historic sites. Yet when I began to look several years ago at the history of the westward expansion of the United States, I found that there is no single facility where one can learn about this pivotal event in American history.

One of the reasons, perhaps, for this lack of a center for the recognition and teaching of the westward movement is the difficulty in memorializing an event, rather than a place. It is estimated that some 350,000 persons migrated west from 1841 through 1866. While you can see signs indicating the route of the Oregon Trail, the Mormon Trail, and the route followed by the great explorers Lewis and Clark, there is no one place to gain a real understanding of the people who made this great migration. And that's what history is really about—people.

Because of what I saw as this great need to fill a gap in American history, I introduced legislation in the last Congress to create a Western Historic Trails Center near Council Bluffs, IA. Council Bluffs, on the banks of the Missouri River, was the single most important starting point for the emigrants, so it is an ideal place for a center to interpret this event for today's Americans.

Last year, the Senate Committee on Energy and Natural Resources held hearings on this bill. Following those hearings the committee indicated several concerns it had with the legislation Senator GRASSLEY and I had introduced and suggested several changes. Those changes have been incorporated in the bill we introduced today.

It is my hope that the Senate will move quickly to approve this revised legislation so that Americans can soon learn more about this important chapter in our history.●

● Mr. GRASSLEY. Mr. President, there is one city in the United States where three major historical trails meet, the city is Council Bluffs, IA. It is there that the Lewis and Clark Trail, the Mormon Pioneer Trail, and the Oregon Trail all intersect. These trails were the courses our ancestors chose in their westward movement. They each possess traditional, historical, and cultural value.

These trails met at Council Bluffs and created a crossroads, it offered a stopping point for weary travelers. Thousands of pioneers stopped in Council Bluffs before beginning on the long laborious journey West. In fact, available information proves that more people passed through Council Bluffs on the way West than through any other place in the country. The reason for this is largely due to the location of Council Bluffs, it is situated on the plains along the Missouri River. Even today Council Bluffs is an accessible area to travelers, it is set between Interstates 80 and 29. This accessibility combined with the historical relationship would prove to make the Council Bluffs area a prime location for a National Western Historic Trail Center.

Today, I join Senator HARKIN and allow all Americans access to and preservation of our historical western trails movement. I am introducing legislation that would establish such a center in Council Bluffs. The establishment of the Center would stimulate interest, further educate, and also facilitate research. This would be accomplished by centrally locating documentation of the westward movement in one place.

Most Americans take pride in the westward movement. It was a time of bravery, courage, and boundless vision. These characteristics of our ancestors should not be lost. By supporting this legislation we may preserve part of our heritage while also educating.●

By Mr. BRADLEY (for himself, Mr. RIEGLE, Mr. CHAFEE, Mr. MATSUNAGA, Mr. DURENBERGER, and Mr. MOYNIHAN):

S. 339. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Finance.

INFANT MORTALITY AND CHILDREN'S HEALTH ACT

Mr. BRADLEY. Mr. President, I rise to introduce the Medicaid Infant Mortality and Children's Health Act of 1989. Joining me in introducing this legislation are Senators RIEGLE, CHAFEE, MATSUNAGA, DURENBERGER, and MOYNIHAN. This legislation amends the Medicaid Program to require States to provide health care coverage for pregnant women and infants up to 185 percent of the Federal poverty level, to phase in coverage for children up to age 18 from families living at or below 100 percent of the Federal poverty level, and to increase provider participation in the Medicaid Program.

Mr. President, one of the ways that we judge progress in a society is the health of its people—particularly through such indicators as life expectancy and infant mortality. Although we can be proud of the progress we have made in extending life, we can take no pride in our progress in protecting the lives of infants and chil-

dren. It is appalling that the infant mortality rate of a nation as technologically advanced and wealthy as ours ranks so far behind most other industrialized nations.

Unless we, as a nation, take further action the United States will have little chance of meeting the Surgeon General's goal of reducing the infant mortality rate from its current level of 10.4 deaths per 1,000 live births to 9 deaths per 1,000 live births by 1990. In recent years, we have instead seen a serious decline in the progress we had been making in reducing the rate of infant mortality. The infant mortality rate in some of our central cities is higher than the rate in some developing countries. Neonatal mortality actually increased by 4 percent between 1984 and 1985 for black infants. It will be virtually impossible to reach the Surgeon General's goal unless we concentrate on eliminating the discrepancy in infant mortality rates among different segments of our population. The infant mortality rate for whites is already 9.3 per 1,000 live births, but for blacks it is a disgraceful 19.4 per 1,000 live births.

The Institute of Medicine has determined that the most critical step we can take to reduce infant mortality is to expand access to early prenatal care and services for infants in the first year of life. Quality prenatal care can reduce the incidence of low birthweight, a major contributor to infant mortality. It is also extremely cost-effective; for every $1 spent on prenatal care, $3 is saved over the first year of the infant's life. The Office of Technology Assessment recently reported that every low birthweight birth avoided by prenatal care saves the U.S. health care system between $14,000 and $30,000 in initial hospitalization and long-term costs. OTA further concluded that the health care savings from preventing low birthweight would outweigh the costs of extending Medicaid eligibility to all poor pregnant women.

Mr. President, good prenatal care is certainly an important step but it is not the only one needed to ensure that the children of this country are healthy. After a baby is born, developmental checkups are essential, especially for poor infants and children who are more likely to start life sick and in deprived surroundings. Yet even infant or well baby care is not enough. The ongoing availability of medical screenings and checkups is critical to the health and development of children, which as we all know is the foundation of good performance in school.

Despite the obvious benefits of expanding access to health care for pregnant women, infants, and children, serious gaps in access persist. One-third of all poor children, a fast growing population in this country, are uninsured and nearly 15 million women of child-bearing age have no private or government health insurance covering maternity. Each year, 555,000 of these women give birth. Overall, 3 in every 10 women—including 1 in every 2 black women—do not receive adequate prenatal care.

Since 1984, we have been slowly moving forward to correct this unfortunate situation by expanding and strengthening public health programs for pregnant women and children. Many of us in the Senate worked hard to give States the option to expand health care coverage to pregnant women and infants up to 185 percent of the Federal poverty line and to children through age 8 from families living up to 100 percent of the Federal poverty line. The Bradley-Waxman initiatives contained the catastrophic care legislation mandated State coverage of pregnant women and infants up to 100 percent of the Federal poverty level.

Mr. President, Medicaid eligibility is not the only problem. Even when Medicaid coverage is available to women and children, they may not get medically appropriate services. Many health care providers are simply unwilling to serve Medicaid patients because they find Medicaid payments to be insufficient and require burdensome paperwork. Furthermore, Medicaid patients tend to fall on and off coverage so that providers are never sure whether or not they will receive any reimbursement at all.

Other Federal programs aimed at meeting the needs of pregnant women and children have also fallen short because of limited funding and poor coordination among programs aimed at serving the same population. We all know how effective the WIC Program is. Yet it serves only half of all financially eligible, nutritionally at-risk women, infants, and children and in many States is not coordinated with the Medicaid Program.

My bill would greatly improve the system of health care for pregnant women, infants, and children by addressing some of major problems with the current system. It would require that States offer Medicaid coverage for all pregnant women and infants up to 185 percent of the poverty level and it would phase in coverage for children up through age 18 in families at or below the Federal poverty level; it would increase beneficiary as well as provider participation in the Medicaid Program; it would overcome several of Medicaid's administrative barriers by requiring States to streamline the eligibility process for pregnant women and by requiring them to provide continuous Medicaid coverage for pregnant women and infants, even if their financial status were to change; it would also better coordinate the Medicaid Program with the WIC Program.

The esteemed colleague Congressman LELAND is today introducing a companion bill in the House of Representatives. Joining him are Congressmen WAXMAN, HYDE, and PAYNE. I look forward to working with them in our continuing effort to reach pregnant women and children with needed health care.

Mr. President, we frequently talk about the problems facing our poor. Inadequate prenatal care is among the most serious because it contributes to incidence of low birth weight infants. These low birth weight infants, if they survive, experience a range of health problems. If these health problems go unresolved, they contribute to school difficulties and failure. Children who do poorly in school are more likely to become dropouts and join the ranks of the unemployed. And, in turn, these unemployed, undereducated, and welfare-dependent individuals are more likely to become teen parents who, in turn, are unable to secure prenatal care. Thus, the cycle continues unabated.

Mr. President, if there ever was a place to intervene, this is it. We can have an impact on our citizens, giving them a chance to be the best they can be from the very beginning. We can no longer afford, in dollar costs or human costs, not to extend prenatal care and health services to pregnant women, infants, and children. I strongly urge my colleagues to support this bill.

Mr. President, before I conclude, I would like to tell my colleagues about a women from New Jersey. Diane Frazier lives in Little Falls, NJ. About 4 years ago, she became pregnant with her second child. Her husband's accident, a broken leg, followed by a new job, left the family without any health insurance for an extended period of time. Because of the absence of health insurance, Mrs. Frazier delayed seeking prenatal care. She delayed seeking out a doctor until her medical bills would be covered by health insurance.

Six and a half months into her pregnancy, still without health insurance, Mrs. Frazier went into labor. She gave birth to a tiny baby boy, Noah. He lived his first 2 months at St. Joseph's Hospital in Paterson, NJ, in the Neonatal Intensive Care Unit. Noah overcame his medical problems and is now a thriving, happy 3-year-old.

The cost for Noah's hospitalization exceeded $50,000. Would early prenatal care have prevented Noah's premature birth? No one can say for sure. But all the evidence indicates that early and regular prenatal care significantly lowers the incidence of low-birth weight babies. Government needs to help the Diane Fraziers and the Noahs of the world by expanding access to quality prenatal care.

I ask unanimous consent that the text of the bill, short and detailed

summaries of the legislation appear at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Infant Mortality and Childrens Health Act of 1989".

SEC. 2. PHASED-IN MANDATORY COVERAGE OF CHILDREN UP TO 100 PERCENT OF POVERTY LEVEL.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)—

(A) by striking "or" at the end of subclause (III),

(B) by striking the semicolon at the end of subclause (IV) and inserting ", or", and

(C) by adding at the end the following new subclause:

"(V) who are described in subparagraph (C) of subsection (l)(1) and whose family income does not exceed the income level the State is required to establish under subsection (l)(2)(B) for such a family;";

(2) in subsection (a)(10)(A)(ii)(IX), by inserting "or clause (i)(V)" after "clause (i)(IV)";

(3) in subsection (l)—

(A) by amending subparagraph (C) of paragraph (1) to read as follows:

"(C) children born after September 30, 1983, who have attained one year of age but have not attained 18 years of age,";

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

"(B) For purposes of paragraph (1) with respect to individuals described in subparagraph (C) of that paragraph, the State shall establish an income level which is equal to the minimum percentage provided under subclause (I) or (II) of subparagraph (A)(ii) of the income official poverty line described in subparagraph (A) applicable to a family of the size involved.";

(C) in paragraph (3)—

(i) by inserting ", (a)(10)(A)(i)(V)," after "(a)(10)(A)(i)(IV)",

(ii) by amending subparagraph (A) to read as follows:

"(A)(i) no resource standard or methodology shall be applied to individuals who are eligible for medical assistance because of subsection (a)(10)(A)(i) (IV) or (V), and (ii) application of a resource standard for individuals who are eligible for medical assistance because of subsection (a)(10)(A)(ii)(IV) shall be at the option of the State;";

(iii) by striking subparagraphs (B) and (C);

(iv) in subparagraph (E), by striking "the methodology employed" and inserting "a methodology which is no more restrictive than the methodology employed"; and

(v) in subparagraph (E), by inserting "and except that there shall be disregarded costs for such child care as is necessary for the employment of the pregnant woman or the caretaker relative of the child)" after "(a)(17)".

(D) in paragraph (4)(A), by inserting "and for children described in subsection (a)(10)(A)(i)(V)" after "(a)(10)(A)(i)(IV)";

(E) in paragraph (4)(B), by inserting "or (a)(10)(A)(i)(V)" after "(a)(10)(A)(i)(IV)"; and

(4) in subsection (r)(2)(A), by inserting "(a)(10)(A)(i)(V)," after "(a)(10)(A)(i)(IV),".

(b) OPTIONAL 1 YEAR CONTINUED ELIGIBILITY FOR CHILDREN.—Section 1902(e)(6) of such Act (42 U.S.C. 1396a(e)(6)) is amended by inserting "(A)" after "(6)" and by adding at the end the following new subparagraph:

"(B) At the option of a State, in the case of an individual described in subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(V), or (a)(10)(A)(ii)(IX) who, because of a change in income of the family of which the individual is a member, would not otherwise continue to be described in such subsection, the State may nonetheless treat the individual as being an individual described in that respective subsection and subsection (B) or (C) of subsection (l)(1) (as the case may be) without regard to such change of income through the end of the 1-year period beginning on the last date on which the individual was determined to be eligible for medical assistance as an individual described in such subsection.".

(c) APPLICATIONS USING OUTREACH LOCATIONS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (51),

(2) by striking the period at the end of paragraph (52) and inserting "; and", and

(3) by inserting after paragraph (52) the following new paragraph:

"(53) provide for receipt and initial processing of applications of individuals for medical assistance under subsections (a)(10)(A)(i)(IV), (a)(10)(A)(i)(V), or (a)(10)(A)(ii)(IX) at locations which include locations (such as hospitals or clinics providing covered services to such individuals) which are other than those used for applications for aid under part A of title IV;".

(d) CONFORMING AMENDMENT TO QUALIFIED CHILDREN.—Section 1905(n)(2) of such Act (42 U.S.C. 1396d(n)(2)) is amended by striking "age of 7 (or any age designated by the State that exceeds 7 but does not exceed 8)" and inserting "age of 18".

(e) ADDITIONAL CONFORMING AMENDMENT.—Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting "(a)(10)(A)(i)(V)," after "(a)(10)(A)(i)(IV),".

(f) EFFECTIVE DATE.—(1) The amendments made by this section apply (except as otherwise provided in this subsection) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(3) During the period beginning on January 1, 1990, and ending on June 30, 1990, a State may substitute, for the minimum percentage otherwise described in section 1902(l)(2)(B) of the Social Security Act (as amended by this section), any percentage greater than 75 percent (but not more than 100 percent, or, if less, the percentage established by the State under section 1902(l)(2)(A) of such Act).

SEC. 3. MEDICAID COVERAGE OF PREGNANT WOMEN AND INFANTS.

(a) PHASED-IN COVERAGE OF PREGNANT WOMEN AND INFANTS WITH INCOME BELOW 185 PERCENT OF THE POVERTY LEVEL.—Section 1902(l)(2)(A) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)) is amended—

(1) in clause (ii)—

(A) in subclause (I), by striking "by striking "and" at the end of subclause (I), and

(B) in subclause (II), by striking the period at the end and inserting "or, if greater, the percentage provided under clause (iv),", and

(C) by adding at the end the following new subclauses:

"(III) July 1, 1991, 125 percent, or, if greater, the percentage provided under clause (iv),

"(IV) July 1, 1992, 150 percent, or, if greater, the percentage provided under clause (iv), and

"(V) July 1, 1993, 185 percent."; and

(2) by adding at the end the following new clause:

"(iv) In the case of a State which, as of the date of the enactment of this clause, has established under clause (i), or has enacted legislation authorizing, or appropriating funds, to provide for, a percentage (of the income official poverty line) that is greater than 100 percent, the percentage provided under clause (ii) for medical assistance on or after July 1, 1990, shall not be less than—

"(I) the percentage specified by the State in an amendment to its State plan (whether approved or not) as of the date of the enactment of this clause, or

"(II) if no such percentage is specified as of the date of the enactment of this clause, the percentage established under the State's authorizing legislation or provided for under the State's appropriations.".

(b) FLEXIBILITY IN INCOME METHODOLOGY AND DEDUCTION OF CHILD CARE IN COMPUTATION OF INCOME.—Section 1902(l)(3)(E) of such Act (42 U.S.C. 1396a(l)(3)(E)) is amended by striking "(E)" and inserting the following:

"(E)(i) with respect to an individual described in subparagraph (A) or (B) of paragraph (1), family income shall be determined in accordance with a methodology which is no more restrictive than the methodology employed under the State plan under part A or E of title IV (except to the extent such methodology is inconsistent with clause (D) of subsection (a)(17) and except that there shall be disregarded costs for such child care as is necessary for the employment of the pregnant woman or the caretaker of the infant), and costs incurred for medical care or for any other type of remedial care shall not be taken into account, and

"(ii) with respect to an individual described in paragraph (1)(C),".

(c) PROHIBITING APPLICATION OF RESOURCE TEST.—Section 1902(l)(3) of such Act (42 U.S.C. 1396a(l)(3)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) the State may not apply any resource standard or methodology;",

(2) by striking subparagraphs (B) and (C), and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(d) MANDATORY CONTINUATION OF BENEFITS THROUGHOUT PREGNANCY OR FIRST YEAR OF LIFE.—Section 1902(e) of such Act (42 U.S.C. 1396a(e)) is amended—

(1) in the first sentence of paragraph (4), by striking "so long as" and all that follows through "the woman remains eligible for such assistance"; and

(2) in paragraph (6)—

(A) by striking "At the option of a State, in" and inserting "In", and

(B) by striking "the State plan may nonetheless treat the woman as being" and inserting "the woman shall be deemed to continue to be".

(e) REPORT AND TRANSITION ON ERRORS IN ELIGIBILITY DETERMINATIONS.—

(1) REPORT.—The Secretary of Health and Human Services shall report to Congress, by not later than July 1, 1990, on error rates by States in determining eligibility of individuals described in subparagraph (A) or (B) of section 1902(l)(1) of the Social Security Act for medical assistance under plans approved under title XIX of such Act. Such report may include data for medical assistance provided before July 1, 1989.

(2) ERROR RATE TRANSITION.—There shall not be taken into account, for purposes of section 1903(u) of the Social Security Act, payments and expenditures for medical assistance which—

(A) are attributable to medical assistance for individuals described in subparagraph (A) or (B) of section 1902(l)(1) of such Act, and

(B) are made on or after July 1, 1989, and before the first calendar quarter that begins more than 12 months after the date of submission of the report under paragraph (1) .

(f) EFFECTIVE DATES.—

(1) HIGHER INCOME STANDARDS.—The amendments made by subsection (a) shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1990, with respect to eligibility for medical assistance on or after such date, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) INCOME METHODOLOGY AND RESOURCE STANDARD.—The amendments made by subsections (b) and (c) shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1990, with respect to eligibility for medical assistance on or after such date, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(3) CONTINUATION OF MEDICAL ASSISTANCE.—

(A) INFANTS.—The amendment made by subsection (d)(1) shall apply to individuals born on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(B) PREGNANT WOMEN.—The amendments made by subsection (d)(2) shall apply to women effective with respect to determinations to terminate eligibility, based on change of income, is made on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date. For purposes of the previous sentence, in the case of a woman who is provided ambulatory prenatal care pursuant to section 1920 of the Social Security Act during a presumptive eligibility period, the determination that the woman is not eligible for medical assistance (other than under such section) shall not constitute a termination of eligibility.

SEC. 4. OPTIONAL COVERAGE OF ALL CHILDREN UP TO 100 PERCENT OF POVERTY LEVEL.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (l)(1), as amended by section 2(a)(3)(A) of this Act—

(A) by striking "and" at the end of subparagraph (B),

(B) by adding "and" at the end of subparagraph (C), and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) at the option of the State, children not described in subparagraph (B) or (C) who have not attained 18 years of age (or such lesser number of years of age as the State may specify),";

(2) in subsection (l)(2)(B), as amended by section 2(a)(3)(B) of this Act, by inserting "or (D)" after "subparagraph (C)";

(3) in subsection (l)(3), as amended by section 2(a)(3)(C)(iii), by inserting after subparagraph (A) the following new subparagraph:

"(B) any resource standard or methodology that is applied with respect to an individual described in subparagraph (D) of paragraph (1) may not be more restrictive than the corresponding methodology that is applied under the State plan under part A of title IV;".

(b) OPTIONAL 1 YEAR CONTINUED ELIGIBILITY FOR CHILDREN.—Section 1902(e)(6)(B) of such Act (42 U.S.C. 1396a(e)(6)), as amended by section 2(b) of this Act, is amended by striking "(B) or (C)" and inserting "(B), (C), or (D)".

(c) EFFECTIVE DATE.—(1) The amendments made by this section apply (except as otherwise provided in this subsection) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 5. PRESUMPTIVE ELIGIBILITY AND OUTREACH FOR PREGNANT WOMEN.

(a) MAKING PRESUMPTIVE ELIGIBILITY A STATE PLAN REQUIREMENT.—

(1) IN GENERAL.—Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by striking "at the option of the State,".

(2) CONFORMING AMENDMENT.—Section 1920(a) of such Act (42 U.S.C. 1396r-1(a)) is amended by striking "may provide" and inserting ", in order to meet the requirement of section 1902(a)(47), must provide".

(b) EXTENSION OF PRESUMPTIVE ELIGIBILITY PERIOD TO DATE OF ELIGIBILITY DETERMINATION.—Section 1920(b)(1)(B) of such Act (42 U.S.C. 1396r-1(b)(1)(B)) is amended—

(1) by inserting "or" at the end of clause (i),

(2) by striking clause (ii), and

(3) by redesignating clause (iii) as clause (ii).

(c) FLEXIBILITY IN APPLICATION.—Section 1920(c)(3) of such Act (42 U.S.C. 1396r-1(c)(3)) is amended by inserting before the period at the end the following: ", which application may be the application used for the receipt of medical assistance by individuals described in section 1902(l)(1)(A)".

(d) REQUIRING OUTREACH FOR PREGNANT WOMEN AND INFANTS UNDER THE MATERNAL AND CHILD HEALTH PROGRAM.—Section 505(2)(E) of such Act (42 U.S.C. 705(2)(E)) is amended—

(1) by striking "participate" before clause (i),

(2) by inserting "participate" after "(i)", after "(ii)", and after "(iii)",

(3) by striking "and" at the end of clause (ii),

(4) by striking the period at the end of clause (iii) and inserting ", and", and

(5) by adding after clause (iii) the following new clause:

"(iv) provide, directly and through their grantees and institutional contractors, for outreach services for pregnant women and infants (described in section 1902(l)(5)).".

(e) OPTIONAL COVERAGE OF OUTREACH SERVICES FOR PREGNANT WOMEN AND INFANTS.—

(1) PERMITTING PAYMENT FOR OUTREACH SERVICES FOR PREGNANT WOMEN AND INFANTS AT FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 1903(a)(1) of the Social Security Act (42 U.S.C. 1396b(a)(1)) is amended by inserting "for outreach services for pregnant women and infants described in section 1902(l)(5) or" after "total amount expended during such quarter".

(2) OUTREACH SERVICES FOR PREGNANT WOMEN AND INFANTS DEFINED.—Section 1902(l) of such Act is amended by adding at the end the following new paragraph:

"(5) For purposes of section 1903(a), the term 'outreach services for pregnant women and infants' means, with respect to pregnant women and infants, services to identify individuals described in subparagraph (A) or (B), respectively, of paragraph (1) and, once identified, to assist them in applying for medical assistance under this title.".

(f) EFFECTIVE DATES.—

(1)(A) The amendments made by this subsections (a) and (b) apply (except as provided under subparagraph (B)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a) or subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close

of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a regular legislative session of 2 years, each year of such session shall be deemed to be a separate regular session of the State legislature.

(2) The amendment made by subsection (c) shall be effective as if included in the enactment of section 9407(b) of the Omnibus Budget Reconciliation Act of 1986.

(3) The amendments made by subsection (d) shall apply to payments for allotments for fiscal years beginning with fiscal year 1990.

(4) The amendments made by subsection (e) shall apply to outreach services provided on or after January 1, 1990.

SEC. 7. PAYMENT FOR OBSTETRICAL AND PEDIATRIC SERVICES.

(a) CODIFICATION OF ADEQUATE PAYMENT LEVEL PROVISIONS.—Section 1902(a)(30)(A) of the Social Security Act (42 U.S.C. 1396a(a)(30)(A)) is amended by inserting before the semicolon at the end the following: "and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population".

(b) ASSURING ADEQUATE PAYMENT LEVELS FOR OBSTETRIC AND PEDIATRIC SERVICES.—Title XIX of such Act, as amended by section 303 of the Family Support Act of 1988, is amended by redesignating section 1926 as section 1927 and by inserting after section 1925 the following new section:

"ASSURING ADEQUATE PAYMENT LEVELS FOR OBSTETRIC AND PEDIATRIC SERVICES

"SEC. 1926. (a)(1) A State plan under this title shall not be considered to meet the requirement of section 1902(a)(30)(A) with respect to obstetric services (as defined in paragraph (4)(A)), as of July 1 of each year (beginning with 1990), unless, by not later than April 1 of such year, the State submits to the Secretary an amendment to the plan that specifies, by obstetric procedure, the payment rates to be used for such services under the plan in the succeeding period and includes in such submission such additional data as will assist the Secretary in evaluating the State's compliance with such requirement.

"(2) A State plan under this title shall not be considered to meet the requirement of section 1902(a)(30)(A) with respect to pediatric services (as defined in paragraph (4)(B)) for infants under one year of age, as of July 1 of each year (beginning with 1990), unless, by not later than April 1 of such year, the State submits to the Secretary an amendment to the plan that specifies, by pediatric procedure, the payment rates to be used for such services under the plan in the succeeding period and includes in such submission such additional data as will assist the Secretary in evaluating the State's compliance with such requirement.

"(3) The Secretary, by not later than 90 days after the date of submission of a plan amendment under paragraph (1) or (2), shall—

"(A) review each such amendment for compliance with the requirement of section 1902(a)(30)(A), and

"(B) approve or disapprove each such amendment.

If the Secretary disapproves such an amendment, the State shall immediately submit a revised amendment which meets such requirement.

"(4) In this section:

"(A) The term 'obstetrical services' means services relating to pregnancy covered under the State plan provided by an obstetrician, family practitioner, certified nurse midwife, or family nurse practitioner and does not include inpatient or outpatient hospital services or other institutional services.

"(B) The term 'pediatric services' means services covered under the State plan provided by a pediatrician, family practitioner, or pediatric nurse practitioner to infants under 1 year of age and does not include inpatient or outpatient hospital services or other institutional services.

"(b) For amendments submitted under subsection (a)(1) in 1992 and thereafter, the data submitted under such subsection must include, for the second previous year, at least the following:

"(1) The number of obstetricians, family practitioners, family nurse practitioners, and certified nurse midwives who were licensed in the State in the year and the percentage of such number who provided obstetrical services to medicaid pregnant beneficiaries.

"(2) An estimate of—

"(A) the number of pregnant women who were in the State in the year, and the percentage of such number of women who received, before their third trimester, prenatal services in the State in the year, and

"(B) the number of pregnant women who were medicaid pregnant beneficiaries in the State in the year, and the percentage of such number of women who received, before their third trimester, prenatal services in the State in the year.

"(3) The statewide average payment rates under the State plan for obstetrical services furnished by obstetricians, family practitioners, family nurse practitioners, and certified nurse midwives, by procedure, stated in dollar amounts and as a percentage of the statewide average payment rates for such procedures other than under the State plan.

Information described in paragraphs (1) and (3) shall be provided separately for providers located in each of the urban and rural service areas in the State and the information described in paragraph (2) shall be provided, to the extent practicable, for individuals located in each of the urban and rural service areas in the State. In this subsection, the term 'medicaid pregnant beneficiaries' means women who are pregnant and who are entitled to benefits for obstetrical services under the State plan under this title.

"(c) For amendments submitted under subsection (a)(2) in 1992 and thereafter, the data submitted under such subsection must include, for the second previous year, at least the following:

"(1) The number of pediatricians, family practitioners, and pediatric nurse practitioners who were licensed in the State in the year and the percentage of such number who provided pediatric services to medicaid infant beneficiaries.

"(2) An estimate of—

"(A) the number of infants under one year of age who were in the State in the year, and the percentage of such number of infants who received pediatric services in the State in the year, and

"(B) the number of medicaid infant beneficiaries in the State in the year, and the percentage of such number of beneficiaries who received pediatric services in the State in the year.

"(3) The statewide average payment rates under the State plan for pediatric services furnished by pediatricians, family practitioners, and pediatric nurse practitioners by procedure, stated in dollar amounts and as a percentage of the statewide average payment rates for such procedures other than under the State plan.

Information described in paragraphs (1) and (3) shall be provided separately for providers located in each of the urban and rural service areas in the State and the information described in paragraph (2) shall be provided, to the extent practicable, for infants located in each of the urban and rural service areas in the State. To the extent practicable, information described in paragraphs (1), (2), and (3) with respect to pediatric services shall be provided separately for 'EPSDT' services (described in section 1905(a)(4)(B)) and for other pediatric services. In this subsection, the term 'medicaid infant beneficiaries' means infants under one year of age who are entitled to benefits under the State plan under this title.

"(d) Nothing in this title (including section 1902(a)(30)(A)) shall be construed as preventing a State from establishing payment levels for obstetrical or pediatric services that are higher for those services furnished in rural areas than those furnished in urban areas.".

(c) EFFECTIVE DATE.—The amendments made by this section (except as otherwise provided in such amendments) shall take effect on the date of the enactment of this Act.

SEC. 9. DEMONSTRATION PROJECTS TO IMPROVE ACCESS TO NEEDED PHYSICIAN SERVICES BY PREGNANT WOMEN, INFANTS, AND CHILDREN.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide for demonstration projects by States to reduce infant mortality and childhood morbidity through improving the access of eligible pregnant women, infants, and children under the medicaid program to obstetricians and pediatricians.

(b) NATURE OF PROJECTS.—Demonstration projects under this section shall incorporate innovative approaches to increasing participation (including participation in a back-up capacity for health centers and public health clinics) of obstetricians, pediatricians, or family practitioners under the medicaid program, by means (other than payment rate adjustments under section 4) such as—

(1) expediting reimbursement and using innovative payment mechanisms, including global fees for maternity and pediatric services (with guaranteed periodic payments);

(2) assisting in securing, or paying for, medical malpractice insurance or otherwise sharing in the risk of liability for medical malpractice;

(3) decreasing unnecessary administrative burdens in submitting claims or securing authorization for treatment; and

(4) covering medical services to meet the needs of high-risk pregnant women and infants.

(c) SUPPLEMENTAL FUNDING.—With respect to the additional expenditures for medical assistance made under a State plan under title XIX of the Social Security Act to carry out a demonstration project under this section, the Federal medical assistance percentage (otherwise determined under section 1905(b) of such Act) shall be increased by 25 percentage points (but in no case to a percentage greater than 90 percent).

(d) WAIVER AUTHORITY.—(1) Except as provided under paragraphs (2) and (3), the Secretary is authorized to waive the require-

ments of title XIX of the Social Security Act to the extent necessary to implement demonstration projects under this section.

(2) Except as permitted under section 1915(b)(1) of the Social Security Act, the Secretary may not waive under paragraph (1) the requirements of sections 1902(a)(23) and 1916 of such Act.

(3) The Secretary may not approve a demonstration project under this section, or a waiver under paragraph (1), that reduces the amount, duration, or scope of medical assistance made available under title XIX of the Social Security Act or that results in a loss of eligibility for individuals otherwise eligible for such assistance.

(e) TIMELY ACTION ON APPLICATIONS.—A request to the Secretary by a State for approval of a demonstration project under this section (and any accompanying waiver of a requirement of title XIX of the Social Security Act) shall be deemed granted unless the Secretary, within 90 days after the date of its submission to the Secretary, either denies such request in writing or informs the State in writing with respect to any additional information which is needed in order to make a final determination with respect to the request. After the date the Secretary receives such additional information, the request shall be deemed granted unless the Secretary, within 90 days of such date, denies such request.

(f) AMOUNTS AND USE OF FUNDS.—The Secretary may not approve demonstration projects under this section that result in aggregate, additional Federal expenditures under title XIX of the Social Security Act that exceed $30,000,000 in fiscal year 1990. Amounts appropriated and obligated to carry out this section shall be available until expended.

(g) REPORT.—The Secretary shall report to Congress, not later than March 1, 1992, on the demonstration projects carried out under this section and on how the results of such projects may be used to lower infant mortality and morbidity through improving the access of indigent pregnant women and infants to needed physician services.

SEC. 10. EXTENSION OF PAYMENT PROVISIONS FOR MEDICALLY NECESSARY SERVICES IN DISPROPORTIONATE SHARE HOSPITALS TO CHILDREN UNDER 18 YEARS OF AGE.

(a) COVERAGE OF MEDICALLY NECESSARY SERVICES FOR CHILDREN.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended, in the subdivision (X) following subparagraph (E), inserted by section 302(b)(1)(B) of the Medicare Catastrophic Coverage Act of 1988, by striking "under one year of age" and inserting "under 18 years of age".

(b) ASSURING ADEQUATE PAYMENT FOR INPATIENT HOSPITAL SERVICES FOR CHILDREN IN DISPROPORTIONATE SHARE HOSPITALS.—Section 1923(a)(2) of such Act (42 U.S.C. 1396r-4), as amended by section 302(b)(2) of the Medicare Catastrophic Coverage Act of 1988, is amended by adding at the end the following new subparagraph:

"(D) If a State plan under this title provides for payments for inpatient hospital services on a prospective basis (whether per diem, per case, or otherwise), in order for the plan to be considered to have met such requirement of section 1902(a)(13)(A) as of July 1, 1990, the State must submit to the Secretary by not later than April 1, 1990, a State plan amendment that provides, in the case of hospitals defined by the State as disproportionate share hospitals under paragraph (1)(A), for an outlier adjustment in payment amounts for medically necessary inpatient hospital services provided on or after July 1, 1990, involving exceptionally high costs or exceptionally long lengths of stay for individuals one year of age or older, but under 18 years of age.".

(c) EFFECTIVE DATE.—(1)(A) The amendment made by subsection (a) applies (except as provided under subparagraph (B)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 11. REQUIRED MEDICAID NOTICE AND COORDINATION WITH SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC).

(a) STATE PLAN REQUIREMENTS OF NOTICE AND COORDINATION.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (11), by striking "and" before "(B)" and by inserting before the semicolon at the end the following: ", and (C) provide for coordination of the operations under this title with the State's operations under the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966";

(2) by striking "and" at the end of paragraph (51);

(3) by striking the period at the end of paragraph (52) and inserting "; and"; and

(4) by inserting after paragraph (52) the following new paragraph:

"(53) provide—

"(A) for notifying in a timely manner all individuals in the State who are determined to be eligible for medical assistance and who are pregnant women, breastfeeding or postpartum women (as defined in section 17 of the Child Nutrition Act of 1966), or children below the age of 5, of the availability of benefits furnished by the special supplemental food program under such section, and

"(B) for referring any such individual to the State agency responsible for administering such program.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1990, without regard to whether regulations to carry out such amendments have been promulgated by such date.

SEC. 12. MATERNAL AND CHILD HEALTH TOLL FREE PHONE NUMBER.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall study and develop a design for a national toll free phone number to provide basic health education, information, and referral to health services for pregnant women, new mothers, and other interested individuals. The toll free number shall be developed to also provide a means to collect information on the needs and concerns of women and families regarding prenatal, delivery, and postpartum care. Such toll free phone number shall be developed and in service no later than January 1, 1990.

(b) REPORT.—The Secretary shall issue a report to the Senate Committee on Finance describing the proposed design for the national toll free number described in subsection (a) no later than January 1, 1990.

(c) EFFECTIVE DATE.—The provisions of this section shall become effective upon the date of enactment of this Act.

SHORT SUMMARY—INFANT MORTALITY AND CHILDREN'S HEALTH ACT OF 1989

This legislation builds on prior initiatives enacted by Congress, including optional state Medicaid coverage of pregnant women and infants up to 185 percent of the poverty level, mandated coverage of pregnant women and infants living below 100 percent of the poverty level, and optional coverage of children up to age 8 in families living below 100 percent of the poverty level. The proposed legislation builds on the policies President Bush outlined during the campaign as part of his agenda for investing in children.

HEALTH CARE COVERAGE OF PREGNANT WOMEN AND INFANTS

This legislation requires states to cover pregnant women and infants with incomes below 125 percent of poverty as of 7/1/91, 150 percent of poverty as of 7/1/92, and 185 percent of poverty as of 7/1/93.

HEALTH CARE COVERAGE OF CHILDREN

States would also be required to phase-in coverage of children up to age 18 in families with incomes below 100 percent of poverty. Effective 1/1/90, states would cover all poor children age 6 and under and continue to do so until they reach age 18. States would be given a new option of extending Medicaid coverage immediately to all children up to age 18 with incomes below the poverty level.

PAYMENT FOR OBSTETRICAL AND PEDIATRIC SERVICES

According to a National Governor's Association survey, in 1986, Medicaid reimbursement for obstetric services averaged approximately 44 percent of the private insurance reimbursement rate. This legislation requires state Medicaid payments to providers of obstetric and pediatric services to be sufficient to maintain or increase provider participation so that services are available to Medicaid beneficiaries to the extent that the same services are available to the general population.

CUTTING RED TAPE

Under this legislation, states would have to streamline their eligibility process for pregnant women so that pregnant women are automatically covered for prenatal care for at least 45 days from the earliest point of contact until final eligibility is determined. Also, the legislation would guarantee that eligible pregnant women have continuous Medicaid coverage through 60 days after her delivery, and that eligible infants are continuously covered through their first year of life.

INCREASING ACCESS TO WIC BENEFITS

States would be required to coordinate their Medicaid plans with the WIC program and make information about, and referrals for, Special Supplemental Food Programs for Women, Infants, and Children available to all pregnant, breast-feeding and post-partum women and children applying for Medicaid.

DETAILED SUMMARY—INFANT MORTALITY AND CHILDREN'S HEALTH ACT OF 1989

COVERAGE OF PREGNANT WOMEN AND INFANTS

Current Law: States must cover all pregnant women and infants with incomes at or below 75 percent of the poverty level as of 7/1/89, and 100 percent of the poverty level as of 7/1/90. States may cover all pregnant women and infants with incomes at or below 185 percent of the poverty level. States have the option of imposing resource tests, but these may be no more restrictive than those under SSI in the case of pregnant women and AFDC in the case of infants. States also have the option of imposing an income-related premium with respect to pregnant women with incomes above 150 percent of poverty. In 1985, three in ten women and one in two black and nonwhite women did not receive adequate prenatal care.

Bush Policy: "George Bush supports mandatory Medicaid coverage for prenatal care and infant services." George Bush supports phasing in coverage of all pregnant women and children under one year of age, up to 185 percent of poverty. Building on measures enacted this year, he proposes that the Maternal and Child Health Block Grant be expanded for an extensive education effort which would provide all pregnant women at the time their pregnancy is confirmed with health education materials and information about Medicaid and the availability of community prenatal services if the mother is uninsured. In addition, he proposes that case management be provided as an essential component for high-risk and teenage pregnancies that are likely to result in low birthweight babies." From Bush-Quayle 88, *Access to Health Care for all Americans Fact Sheet;* and Bush/Quayle 88, *Invest in Our Children,* p. 5 (October 1988).

Proposal: States would be required to cover pregnant women and infants with incomes below 125 percent of poverty as of 7/1/91, 150 percent of poverty as of 7/1/92, and 185 percent of poverty as of 7/1/93. the states that, as of 7/1/91 (the effective date for the 100 percent mandate), had already opted to cover pregnant women and infants with incomes above 100 percent of poverty would be required to continue to do so.

This legislation would prohibit states from imposing any resource test on pregnant women and infants receiving Medicaid only, whether above or below 100 percent of poverty. It would require the states, in calculating income for pregnant women and infants, to deduct the costs of necessary child care from gross income (parallel to the Medicaid transition benefit policy), and to use a methodology that is no more restrictive than that under AFDC.

The legislation would also require the Secretary, by 7/1/90, to report to the Congress on error rates with respect to pregnant woman and infants receiving Medicaid only, and suspend any error rate penalties attributable to payments made on behalf of this population on or after July 1, 1989, until 12 months after the receipt of the Secretary's report.

Expansion of continuation coverage

Currently, states have the option to provide Medicaid coverage for pregnant women through the end of the 60 day period beginning on the last day of pregnancy. As of April 1988, 27 states had begun providing this option. In most states, pregnant women can lose their Medicaid eligibility in the middle of pregnancy. In these cases, the physician may be unable to receive compensation for the delivery of the baby and as a result are often unwilling to treat Medicaid recipients. In an effort to encourage physician participation and expand access to prenatal and well-baby care, this legislation would mandate states to provide continuous Medicaid coverage to eligible women until the end of the month in which the 60 day post-partum period expires, and to eligible infants throughout their first year of life.

Presumptive eligibility

The Medicaid eligibility determination process is often a barrier to the timely and appropriate receipt of prenatal care. In response to this problem, states were recently given the option to provide "presumptive eligibility" for pregnant women. This allows for short-term eligibility, which begins at the earliest point of contact between the patient and the provider. By April, 1988 16 states had implemented this option.

This legislation would require states to provide presumptive eligibility for ambulatory prenatal care from private practitioners who are not qualified to do eligibility determinations. It would also require state Title V MCH agencies and their grantees and institutional contractors (i.e., hospitals, clinics) to notify pregnant women and infants of their potential eligibility for Medicaid-only coverage and to help them apply for coverage. Finally, this legislation would clarify that application for presumptive eligibility need not be application used for regular Medicaid or AFDC eligibility.

Outreach services

Many Medicaid-eligible pregnant women are unaware that they are eligible for Medicaid and consequently, forego appropriate prenatal care. Starting 1/1/90, states would be given the option to cover outreach services for pregnant women and children.

COVERAGE OF CHILDREN

Current Law: States are currently required to extend Medicaid coverage to all children born after September 30, 1983, in families with incomes and resources below state AFDC standards, up to age 7. States have the option of covering children born after September 30, 1983, in families with incomes at or below 100 percent of the federal poverty level, up to age 8. With respect to this optional coverage group, states may impose a resource test, but it may not be more restrictive than that under the state's AFDC program. Infants up to age one from families with incomes below the poverty level must be covered by July 1990. In recent years, only one half of this nation's poor children have been covered by Medicaid.

Bush Policy: "George Bush supports proper health care through mandatory Medicaid coverage for all children with family incomes below 100 percent of the federal poverty level, working with those at highest risk as a first priority." From Bush/Quayle 88, *Invest in Our Children,* p. 4 (October, 1988).

Proposal: This legislation would require states to phase-in coverage for children up to age 18 in families with incomes below 100 percent of poverty. The phase-in process would proceed according to both age (retaining the current birthdate with date eligibility cut-off of post September 30, 1983) and family income. The income threshold for families would be tied to the mandatory minimums established in current law for pregnant women and infants (i.e., 75 percent of poverty on 7/1/89, and 100 percent of poverty on 7/1/90), thus retaining the current law principle that requires states to keep their income limits for children age 1 or older at or below the income limits for pregnant women and infants.

As a result of these provisions, states would be required to cover all children born after September 30, 1983, with incomes at or below 75 percent of the federal poverty level by 7/1/89. States would then be required to cover all children born after September 30, 1983, with incomes at or below 100 percent of poverty by 7/1/90. States would not be required to, and would not have the option of, extending coverage to children over age 1 with incomes above 100 percent of poverty.

States would continue to have the current law option of extending coverage to children born on or after September 30, 1983, with incomes below 100 percent of poverty, thereby allowing them to accelerate the mandatory phase-in schedule described above.

The legislation would prohibit the states from imposing assets tests on this class of children. In determining family income it would require states to disregard the costs of child care, and to use income methodologies that are no more restrictive than those under AFDC.

States would be given a new option of extending coverage immediately to all children up to age 18 with incomes below the poverty level, rather than aging them in, as implied by the September 30, 1983, cutoff. States would be allowed to impose an assets test no more restrictive than that under AFDC, but would be required to follow the same income methodologies as would apply to the mandatory group described above. This option would be effective January 1, 1990.

States would be given the option of guarantee eligibility for children in either the mandatory and optional child groups at locations other than welfare offices, including hospitals and clinics that serve large numbers of low-income families.

Demonstration project to improve access to obstetrical and pediatric health care

The Secretary would be required to provide for demonstration projects to improve the access of Medicaid-eligible women, infants and children to obstetricians, pediatricians or family practitioners. Participating states would receive a 25 percentage point increase in their regular matching rates. $30 million would be designated for this purpose in FY90, with funds available until expended.

ASSURING PROVISION OF NECESSARY SERVICES

Payment for obstetrical and pediatric health care services

A minority of physicians and other health care providers deliver the bulk of services to low-income patients. This is especially true, and increasingly so, for providers of obstetric and pediatric services. Rising malpractice premiums coupled with low Medicaid reimbursement rates, as well as administrative complexities, are the primary reasons for low participation. Almost all state Medicaid agencies report that ob-gyns are dropping

obstetrical practice and the majority claim that ob-gyns are not taking new patients.

This legislation would codify current regulations requiring that state payments to providers of obstetric and pediatric care be sufficient enough to enlist enough providers so that services under Medicaid are available to recipients at least to the extent that those services are available to the general population. States would have to report on Medicaid reimbursement levels and the extent of provider participation to the Secretary on an annual basis.

An important component of this legislation requires the states to file with the Secretary no later than April 1, 1990, a Medicaid plan amendment setting forth the payment rates it will use for obstetric and pediatric services as of July 1, 1990. The states will also have to provide additional data to assist HCFA in determining whether the rates are sufficient enough to elicit the requisite participation. Within 90 days of receiving the state plan amendment, the Secretary must approve or disapprove the amendment; if the Secretary disapproves, the state must immediately submit a revised amendment which brings the state into compliance. These plan amendments would be submitted annually on April 1, with implementation of the new rates annually on July 1.

The legislation would also allow states the option of setting higher payment levels for prenatal delivery and pediatric services delivered by ob-gyns, pediatricians, and other qualified providers (e.g. family practitioners, certified nurse midwives) with practices located in rural areas.

In addition to the payment adjustments, the legislation would require the Secretary to conduct Medicaid demonstration projects to increase participation of obstetricians and pediatricians in the Medicaid program. The demonstrations would include assistance in securing or paying for malpractice insurance coverage. Participating states would receive a 25 percentage point increase in their regular matching rates. $15 million would be designated for this purpose in FY90, with funds available until expended.

Payment for exceptionally lengthy hospital stays

Under current law, states must establish exceptions to payment limits for inpatient hospital services for medically necessary inpatient services received by an infant (up to age (1) in a disproportionate share hospital, or one that serves a large proportion of low income patients. Many state Medicaid programs still place limits on coverage for young children with expended or highly medically intensive hospital stays. Some hospitals place limits on the number of days for which they provide reimbursement for inpatient care, with virtually no exceptions for cases of medical necessity. Others place limits on the prospective payment Medicaid makes, with no additional coverage for high cost "outlier" cases. These benefit limitations lead to inadequate coverage for low income children with special health care needs

This legislation would require states to extend these exceptions to children through age 17.

INCREASING COORDINATION WITH WIC

Under current law, all Medicaid-eligible pregnant women and children are also eligible for benefits under the Special Supplemental Food Program for Women, Infants, and Children (WIC). This program provides food assistance and nutritional screening to low-income pregnant and post-partum women and their infants as well as to low-income children. The WIC program is aimed at women and children who are considered "at risk" for nutritionally-related medical problems. Recent evidence proves that WIC's services aid in the prevention of premature births, fetal deaths, and other problems among pregnant women and infants.

This legislation would make the WIC program more accessible to Medicaid-eligible pregnant women and children up to age 5 by requiring states to coordinate their Medicaid plans with the WIC program and requiring states to make information about and referrals for, WIC services available to all pregnant, breast-feeding and post-partum women and children applying for Medicaid.

MATERNAL AND CHILD HEALTH HOTLINE

The Department of Health and Human Services would be required to develop a national 1-800 hotline to provide basic health education, information and referral to needed services for pregnant women, new mothers and other interested parties. The hotline would also provide a means to collect information on the needs and concerns of women and families regarding prenatal, delivery and postpartum care.

Mr. DURENBERGER. Mr. President, I am pleased to rise to introduce the Infant Mortality and Children's Health Act of 1989 with my colleagues, Senators BRADLEY, RIEGLE, and CHAFEE. This bill amends title XIX of the Social Security Act to require all States to provide health care for pregnant women and for infants in families with incomes below 125 percent of the poverty level as of July 1, 1991, expanding to cover those at 150 percent of poverty 1 year later, and to 185 percent of poverty on July 1, 1993.

It was my privilege to serve on the National Commission to Prevent Infant Mortality last year. We learned, to our shame that with all our country has to offer, we rank 15th in reducing infant deaths, 10.8 for every 1,000 births. Japan, which ranks first in that effort, loses 6 out of every 1,000 live births.

In June 1988, I chaired a hearing of the National Commission in Minneapolis at which a number of local and national experts on infant mortality offered testimony. One of those testifying was Dr. George Malkasian who is chairman of the American College of Obstetrics and Gynecologists.

Dr. Malkasian made the observation that even in a State like Minnesota—that ranks fourth or fifth among the 50 States in infant mortality—there are serious problems.

"Not all Minnesotans are equally blessed," Dr. Malkasian testified. "We know that a black infant in Minnesota is almost twice as likely to die in the first year of life as a white infant. * * * And, about half of all pregnant teenagers in Minnesota do not receive early prenatal care."

Dr. Malkasian went on to urge action on two fronts, both dealt with the legislation we are introducing today. The first is that we need to eliminate the financial barriers to prenatal care. And, second, we need to make the information and services available to all women to enable them to take advantage of the assistance that are available.

Mr. President, this legislation will clearly move us farther along in our efforts to prevent death and disability in our Nation's newborns. In 1987, my distinguished colleague Senator BRADLEY teamed up with me on this issue to introduce legislation to allow States to enroll pregnant women and children in Medicaid up to 185 percent of the Federal poverty level. That legislation was passed by Congress and takes effect July 1, 1988, improving health for many pregnant women and their children while attacking the problem of infant mortality.

Clearly, the cost of infant mortality is borne by all of American society. And that cost is outrageous—both in dollars and in human misery—in comparison to the cost of the preventive care that would be provided through this bill. As the National Commission to Prevent Infant Mortality stated in its concluding report, "Every low birthweight that could be averted would save the U.S. health care system between $14,000 and $30,000. The lifetime costs of caring for a low birthweight infant can reach $400,000. The costs of prenatal care—care that might prevent the low birthweight condition in the first place—can be as little as $400."

A landmark study by the National Institute of Medicine reported that for every dollar spent on prenatal care, over $3 can be saved in the first year of a child's life, not to mention the improvement in quality of life for the whole family and country.

Under current law, in addition to Medicaid coverage provided through Aid to Families with Dependent Children, the Deficit Reduction Act of 1984, and the Consolidated Omnibus Budget Reconciliation Act of 1985 requires States to provide Medicaid coverage to certain categories of pregnant women and children. DEFRA required States to provide Medicaid coverage for women who would qualify for AFDC and Medicaid when their children are born and pregnant women in two-parent families where the primary wage earner is unemployed. COBRA, by requiring States to provide Medicaid coverage to pregnant women in two-parent families even when the primary wage earner is employed, further expanded eligibility for women who meet AFDC income and resource standards.

Although I support presumptive eligibility, I am not certain it is the answer for all States. I'd like to clarify what my home State is doing with eligibility issues. Minnesota has chosen to address presumptive eligibility by developing a one-page application

form and requiring an expedited review of 15 days for all women applicants. Since Minnesota relies primarily on private providers to serve low-income women for prenatal and obstetrical/gynecological care who already offer the first prenatal visit free, Minnesota adequately meets these same needs that presumptive eligibility would. Thus, my State would prefer that the moneys designated for mandatory presumptive eligibility be used for outstationing eligibility worker. Then this money could be used to expand utilization of services for prenatal and child health care.

Currently, they are streamlining and requiring expedited review for pregnant women applying for medical assistance. These women must be seen and eligibility determined within 15 working days. Thus, Minnesota has chosen not to add presumption eligibility.

The responsibility for ensuring the provision of health care for pregnant women and for children is fundamental to our basic character as a country. Of the 3.7 million women that deliver babies each year, 40 percent are unemployed or work only part time and 25 percent are poor. Four out of every 10 mothers have a major health problem during pregnancy, and one in seven had health problems prior to the pregnancy. Every year, about 10 percent of babies are born with major health problems, and 40,000 infants die during the first year of life.

Nowhere is the reality of those problems more evident than in the urban and rural parts of this country that are populated by low-income and minority families. One such area is the west side of the city of St. Paul, MN.

At last year's National Infant Mortality Commission hearing in Minnesota, some of the most telling testimony came from health professionals who work in such communities. One was Angeles Juarez who is head nurse at the West Side Community Health Center in St. Paul.

"It is a shame that a country as rich as the United States is just ahead of Cuba in infant mortality," Ms Juarez noted in her testimony. "This should not be happening, and it can be prevented, if we really care."

"Look at the women out of the main stream," she said. "They are poor, either do not speak English or speak it poorly; live under an incredible amount of stress; are physically or emotionally abused, either by their partner or by the system; have more children than they can handle, and have no assistance and are generally powerless".

Ms. Juarez then went on the describe both the challenges and successes that her clinic has experienced in increasing the level of prenatal care in her community.

"I can proudly say," she said, "that the incidence of infant mortality and morbidity and C sections among West Side Clinic patients are much lower than in other similar communities. Our success is due to our commitment to high quality prenatal care from educational to nutritional needs and everything in between."

Despite the success, new challenges are emerging, Ms. Juarez said, including the special problems of dealing with pregnant mothers who are recent immigrants and have language and cultural barriers to overcome in seeking and accepting prenatal care.

Mr. President, these and other experiences in Minnesota have convinced me that health care in America must be judged not only on its ability to cure the sick, but on its capacity to keep people well. Isn't it better, more sensible and farsighted, to strive for wellness, for self-responsibility, for accident prevention, and for research and development in delivery, not just new treatment of diseases? Can we afford as a nation, to turn our backs on women who are poor, who are black or native American, who have no health insurance, who live in inner cities or heavily rural areas? These women are much more likely to lose their children in the first year of life, simply because they don't have access to the proper health care to the information telling them how to get it.

In a nation that prides itself on equity and compassion that is a crime. As I have said so many times, the best incubator of all is the mother's womb, not the machinery of the neonatal intensive care. If we are going to make better lives for our children, we need to assure a better start for all, through adequate, available health care even before they are born.

I am convinced that as a nation, we must commit ourselves to treating every baby as a national treasure. We must begin before conception, but certainly we must have early prenatal care and make sure that no barrier stands in the way of the most physically and emotionally nurturing environment. The essential protections must be made available throughout pregnancy, delivery and through the first critical years of life.

The older I get and the more I see—as a public official, as a father, and a neighbor—the devastating effects of individual and societal neglect and abuse on the coming generation, the more committed I become to redirecting our national priorities to salvaging this generation and stopping the damage before it happens to the next generation. Even if we did not want to do these things for reasons of compassion and humanity, we would have to do them for our own futures and the future of our children and grandchildren.

Herbert Humphrey once said, "The moral test of government is how it treats those in the dawn of life, the children; those in the twilight of life, the elderly; and those in the shadows of life, the sick, the needy and the handicapped." Let us live up to our commitment.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator BRADLEY in introducing the Infant Mortality and Children's Health Amendments of 1989. This legislation is our next step forward in reducing the rate of infant deaths and illness in this country and ensuring that all children have access to necessary health care services.

When infant mortality trends deteriorate as they have in the United States, we must step back and ask whether our health delivery system is adequate and effective. When the United States has poorer pregnancy outcomes than 11 other developed countries, we must ask why. When low birthweight is excessive among the poor, the poorly educated and those that do not receive proper prenatal care, we must take action. Our bill is necessary in order to ensure that those who do not currently receive proper health care services have access to them.

Eleven babies die out of every 1,000 born in this country. Few events are as tragic as the death of a baby or the birth of a child with a disability that could have been prevented. It has been estimated that half the birth defects which occur in this country could be prevented through proper prenatal care. Such care can drastically reduce the frequency of low-birthweight babies who are 40 times more likely than other infants to die within the first year and who tend to suffer a wide range of long-term health problems.

Think of the incalculable human cost which can be avoided if we improve the delivery of prenatal services. In purely economic terms, an average investment of $600 for routine prenatal services and counseling could save as much as $120,000 to $200,000 for extended neonatal intensive care and an average of $40,000 per year for 50 years for a person with disabilities in an institution.

As a member of the Senate Finance Committee and the Subcommittee on Health one of my highest priorities has been to provide widespread and effective preventive health care for low-income children. Since 1984, we have been successful in moving forward in incremental steps toward this goal.

The legislation we are introducing today will improve the delivery of prenatal care and health services to pregnant women, infants, and children. State Medicaid Programs would be required on a phase-in basis to provide coverage for pregnant women and in-

fants with incomes under 185 percent of the Federal poverty level.

Our legislation also addresses an important problem that exists under the current system; because Medicaid's application process can take several months, pregnant women may not begin receiving prenatal care until well into their pregnancies. This legislation would require States to assume presumptive eligibility of pregnant women and begin providing necessary ambulatory care early in the pregnancy.

Senator BRADLEY and I believe that further extension of Medicaid coverage is critical for low-income children. Therefore, we have included a phase in of coverage for impoverished children up to age 18. Children need a good healthy start in their lives. We must recognize this now and act on it before its too late for a generation of children living in poverty.

This legislation also fine tunes present law regarding assets tests and reimbursement for physicians—changes that are all necessary to create a system of services that will achieve our goals.

I know there is concern about how we can afford to address this problem in light of the continuing problem of the deficit. In my opinion it is a question of choosing priorities. I believe there are few goals more important than ensuring that the coming generations of Americans begin life with good health and have the opportunity to grow and flourish.

Mr. President, I commend Senator BRADLEY for his continued efforts in this critical area of infant mortality and child health. Our successful work in the past to improve access to health care for mothers and children leaves me encouraged about the prospects for this legislation. I hope my colleagues agree that Federal dollars for this legislation would be well spent and that even during a time of fiscal restraint it is sound economic policy to invest in the health of mothers and children.

By Mr. PELL:

S. 340. A bill to amend the Presidential Election Campaign Fund Act to curtail negative campaign advertising; to the Committee on Finance.

NEGATIVE CAMPAIGN ADVERTISING

Mr. PELL. Mr. President, I am introducing today a bill to amend the Presidential Election Campaign Fund Act to elevate the tone of Presidential election campaigns by placing limits on the use of public funds for media advertising.

While memories of the 1988 election campaign are fading into historical perspective, those that linger are of a rancorous contest waged on TV screens by media specialists more interested in defaming the opposition than in promoting an honest examination of the issues.

What escaped general public notice was that some of these advertisements were purchased by public funds raised through the voluntary checkoff of funds for the Presidential Election Campaign Fund, as provided under chapter 95 of the Internal Revenue Code. Each of the major party contenders in 1988 drew $46 million from that fund, although each in turn raised more than that amount in additional funds from other sources.

This intrusion of additional soft money into publicly funded campaigns is a separate issue that needs to be addressed by regulation or law, but in the meantime we should do what we can to see that the public funds which are provided are used in ways which the public finds acceptable. The case for doing so was perhaps summed up in a recent article by John Chancellor:

George Bush and Michael S. Dukakis each got more than $46 million of taxpayers money for their fall campaigns. They spent much of it on television advertising that voters found insulting. It is our money, and we should instruct the Congress to set conditions on how it can be spent.

The legislation which I am introducing today would hopefully do just that. It would amend the Presidential Election Campaign Fund Act by expanding the definition of expenses qualifying for public subsidy to include the cost of media advertising only to the extent the eligible candidate presents his own program, opinions and qualifications. The same limitation would apply to the operative provisions of the statute by dealing with the entitlement of eligible candidates to payments.

My proposal of course would not cure the whole problem of negative campaign ads, nor does it purport to outlaw such advertising altogether. As long as soft money continues to be available, a campaign bent on airing such ads could finance them from this source. And of course they can always be purchased by independent, third party sponsors.

But my proposal, if enacted, does impose a limitation on the one area of campaign expenditure where the public has a right to impose standards, and that is the sector which is financed from public funds. And hopefully the existence of a clear standard in this area might have the effect of elevating standards in the unregulated area as well.

I am aware that any regulation in the realm of advertising treads close to the first amendment guarantees of freedom of expression. But it seems to me that the limitation which I propose falls within the accepted scheme of public financing, namely that the acceptance of public funds carries with it the obligation to accept public limits.

In Buckley versus Valeo, the landmark decision of Federal election law, the Supreme Court stated that "acceptance of public financing entails voluntary acceptance of an expenditure ceiling." And in a separate notation, the Court expanded on the idea:

Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.

The Court in 1975 was considering limitations in terms of magnitude of expenditures, which was the problem which the Federal Election Campaign Act sought to address. The whole question of defamatory advertising was not then an issue. But it seems likely that in the context of today's world this remedy for a new problem would fall within the ambit of the doctrine of limitations as a condition for public financing.

At any rate, the events of recent months suggest that we are dealing with a new phenomenon which requires new solutions. If the remedy which I suggest requires further testing of the doctrine of limitations, that test will never be made unless we proceed with the remedy. So I urge my colleagues to consider and support this reasonable restraint on the use of public funds in Presidential campaigns. Hopefully, it could help avoid a repetition of the ugly campaign of 1988.

By Mr. HOLLINGS (for himself, Mr. FORD, Mr. METZENBAUM, Mr. MCCAIN, Mr. JEFFORDS, Mr. SANFORD, Mr. DODD, Mr. DIXON, Mr. THURMOND, Mr. DOMENICI, Mr. SIMON, Mr. DURENBERGER, Mr. HARKIN, Mr. PRYOR, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. SHELBY, Mr. ADAMS, and Mr. LEVIN):

S. 341. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on Commerce, Science, and Transportation.

AIR TRAVEL RIGHTS FOR BLIND INDIVIDUALS ACT

Mr. HOLLINGS. Mr. President, I am introducing legislation today to ensure that no passenger flying aboard a U.S. air carrier is discriminated against by that airline. This bill is to clarify and strengthen existing law to ensure that seating restrictions in commercial airlines are prohibited if based on the visual impairment or blindness of any passenger, or the use by any such passenger of a white cane or dog guide.

I am pleased to be joined by a number of my distinguished colleagues in sponsoring this legislation, including Senator FORD, chairman of our Aviation Subcommittee, and Senator MCCAIN, the subcommittee's new rank-

ing member, as well as Senator METZENBAUM, Senator JEFFORDS, Senator SANFORD, Senator DODD, Senator DIXON, Senator THURMOND, Senator DOMENICI, Senator SIMON, Senator DURENBERGER, Senator HARKIN, Senator PRYOR, Senator MOYNIHAN, Senator BINGAMAN, Senator SHELBY, Senator ADAMS, and Senator LEVIN.

Mr. President, the Air Travel Rights for Blind Individuals Act of 1989, is identical to a bill I introduced in the 2d session of the 100th Congress. It has the strong support of not only the National Federation of the Blind, but the Society for the Advancement of Travel for the Handicapped as well.

In 1986, Congress attempted to guarantee that commercial airlines not discriminate against any individual with a physical or mental impairment. The Air Carrier Access Act of 1986 [P.L. 99-435] was overwhelmingly approved to ensure that no individual be subjected to discrimination by any airline. More than 2 years have elapsed since that legislation became law and we are still awaiting issuance of the final implementing regulations. It now appears that the Department of Transportation [DOT] and the Federal Aviation Administration [FAA] intend to issue regulations that would begin eliminating the protections against discrimination that Congress strongly mandated in the 99th Congress.

Specifically, the FAA has announced its intention to issue regulations concerning the seating of passengers near emergency exits. The premise for this rulemaking is that blind passengers will be hazardous to themselves and others in emergency evacuations of commercial aircraft. But the FAA has never before had a regulation to limit seat assignments of the blind, and there is no present or known justification for a new regulation now.

Mr. President, blind people are as capable and competent to use and enjoy the benefits and privileges of air transportation as any other group of individuals. Their only disability is the lack of eyesight, which cannot and should not be a barrier to travel. Those of us who can see often forget that maneuvering effectively without sight is a normal way of life for the blind. They are accustomed to using other senses and skills that the sighted are not trained to use.

It is unfortunate that the blind have been subjected to many unreasonable restrictions in air travel. These restrictions are not caused by the physical conditions of blindness, but rather the lack of knowledge about blindness and the understandable fear that many people have in dealing with blindness. This fear and lack of knowledge have in numerous instances led to policies that restrict the activities, movement, or rights of the blind.

Air transportation for the blind is now an essential part of business and commerce, as well as leisure time activities. Blind people who travel by air are rightfully concerned that they be treated in a dignified and respectful manner. And it is appalling to me that exactly the opposite trend has developed.

In a rising tide of incidents, Mr. President, blind passengers have become the targets of abusive treatment and harassment on board airplanes. The situations I am referring to have involved flight delays of up to 2 hours or more, and in some cases the arrest of blind persons who are seated near emergency exit windows or doors, after they have been assigned to those seats by airline personnel.

Airline personnel admit that they do not reliably screen or assess passenger abilities to perform as required in the event of an emergency. In many instances, they do not even challenge passengers who pose obvious safety problems for themselves and others. For example, passengers who have already had too much to drink are often, without question, seated near emergency exists. In many other instances, an airline will seat an infant, small children, or elderly people in emergency exist rows, which many will argue puts the other passengers on the aircraft at risk.

Mr. President, last year, when I introduced similar legislation, I stated that it was up to DOT to resolve this problem as expeditiously as possible. I had hoped that legislation would serve as a signal to DOT and the airlines that we were serious in our efforts to ensure that blind travelers are no longer subjected to harassment and discriminatory treatment aboard commercial aircraft. It is indeed unfortunate that legislation now appears to be the only way that we have to assure the blind of fair and safe treatment when they fly.

Our passage of the Air Carrier Access Act in 1986 was intended to provide the blind and other handicapped passengers with a legal means of protection against unwarranted airline demands and improper arrests. But implementation of this law has broken down. Therefore, I have concluded that legislation clarifying our intent is in the best interest of the aviation industry and the blind consumer of air travel services.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point, and I urge my colleagues to join me in protecting this important segment of the traveling public.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Travel Rights for Blind Individuals Act".

SEC. 2. Section 404(c)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1374(c)(1)) is amended by adding at the end thereof the following: "An air carrier shall not restrict seating in aircraft on the basis of the visual acuity of a passenger or the use by a passenger of a white cane, dog guide, or other such means of assistance.".

Mr. McCAIN. Mr. President, today I am cosponsoring Senator HOLLINGS' Air Travel Rights for Blind Individuals Act, a measure to amend the Federal Aviation Act of 1958 in order to prohibit discrimination against blind individuals in air travel. The blind community, as with all people who are differently abled, have in the past faced unjust discrimination and been the victims of numerous misconceptions. These discriminations and misperceptions are some of the most difficult handicaps that face the disabled community, and removing them is the best way to ensure equal opportunity for all citizens.

This legislation seeks to strengthen existing laws to ensure that discrimination against a person on a commercial airliner does not occur because of a person's visual impairment or use a white cane or a guide dog. Section 404(c) of the 1958 Federal Aviation Act, enacted by Public Law 99-435, prohibits discrimination against qualified handicapped individuals in air travel. The spirit of this law, however, has not been fulfilled. Today blind citizens have faced humiliation and undue discrimination as passengers on this Nation's air travel system.

I do not believe the airlines deliberately embarass blind passengers, but it happens too often. As I said before, increasing awareness of this problem may be the best solution. There is no question that safety hazards to all passengers must be considered while simultaneously not violating individual rights. The Department of Transportation and the Federal Aviation Administration must thoroughly investigate this situation so that discrimination not only against the blind, but against any air traveler does not occur, while also ensuring that our air travel system remains the safest in the world.

Half a million blind Americans have been able to overcome the physical loss of sight with proper instruction and education. We must now overcome the misconceptions that many of the sighted hold. The Air Travel Rights for Blind Individuals Act brings the attention to this situation that is due. There may be different or better ways to address this problem, and I would be happy to get everyone's perspective on this issue, but it is time to ensure that all citizens are treated in a fair and equitable manner.

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. BOND, Mr. DURENBERGER, Mr. CHAFEE, Mr. HEINZ, Mr. PRYOR, Mr. BOREN, Mr. MCCAIN, Mr. COHEN, Mr. FOWLER, Mr. DASCHLE, Mr. SASSER, Mr. KENNEDY, and Mr. DODD):

S. 342. A bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes; to the Committee on Finance.

COMMUNITY REVITALIZATION TAX ACT

Mr. DANFORTH. Mr. President, today I am introducing a bill that represents the first step in an effort to help revitalize the cities in our country and to provide affordable housing for low-income Americans. Specifically, my bill is designed to reinvigorate the rehabilitation tax credit and low-income housing tax credit programs. The Community Revitalization Act would provide access to the investment capital required by both the low-income housing and rehabilitation credit programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. In this effort, I am pleased to be joined by my colleagues, Senators MITCHELL, BOND, CHAFEE, DURENBERGER, HEINZ, PRYOR, BOREN, MCCAIN, COHEN, FOWLER, DASCHLE, SASSER, KENNEDY, and DODD. Identical legislation is being introduced today in the House by Representatives KENNELLY and SCHULZE.

Mr. President, during the last several decades, our Nation's cities have become increasingly blighted. Widespread deterioration and squalid living conditions in many older residential areas stand in dramatic contrast to the large comfortable and beautifully landscaped residences of the new suburbs. Neighborhoods that once flourished are now ghettos that offer no hope for those who live there. With moderate income individuals and families moving out to the suburbs, the poor and less educated are often left in the inner cities. Often, these people do not have the time or interest to spend on the welfare of the general community. This lack of economic mix perpetuates the ghetto and destroys communities.

In middle American cities, the problem is particularly severe. Disinvestment has ravaged these cities during the last several decades. Economic activity does not just happen there; it needs to be aggressively encouraged. In the last 7 or 8 years, we have begun to see successes with reinvestment in many of these cities. However, many neighborhoods still do not have the critical mass of development necessary to sustain their communities. As a result, entire cities are left without an adequate tax base, and vital services cannot be provided.

At the same time, we are in the midst of a vast and growing housing affordability and availability crisis. There is a large and expanding gap between the cost of decent housing, as provided by the private sector, and the income which is available to pay for it. The most tragic and visible indicator of the low-income housing crisis is homelessness. As many as 700,000 persons could be homeless on a given night in 1989, and considerably more could experience homelessness over the course of the year. National estimates range from 350,000—from a report by HUD—to over 3 million—National Coalition for the Homeless. This figure is expected to rise by as much as 25 percent each year. While there is no satisfactory method of counting the homeless, there is general consensus that the problem is a growing one. Whatever the number of homeless people and families was 2 or 3 years ago, it is substantially larger now.

The housing affordability crisis is creating a more severe economic situation in inner cities. City governments are being forced to spend much larger percentages of their resources on the provision of low-income housing. As a result, those cities with soft real estate markets have fewer resources to spend on neighborhood stabilization or the development of housing for more moderate income individuals. Without any relief, these cities will only decline further, increasing the problems that already exist.

Clearly, these problems are extremely complex and deserve comprehensive solutions. Today, I am introducing a bill that will reinvigorate existing tax credits and provide a first step in our fight to address these problems. The low-income housing and rehabilitation credits were created by Congress specifically to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. They were restablished to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. It is this type of investment that is crucial to our Nation's inner cities and the poor who need affordable places to live.

Unfortunately, the Tax Reform Act of 1986 ensured that these important credits would not work. Congress destroyed the effectiveness of the existing tax incentives and created a low-income tax credit that has been unable to produce a meaningful amount of affordable housing. In fact, the National Council of State Housing Agencies reports that States used only 20 percent of available low-income housing credits in 1987. While this percentage rose in 1988 to approximately 60 percent, investment in low-income housing still needs further encouragement.

The effect of the inadequacy of the credits has been devastating for poor people across the country. The production of multifamily housing has dropped considerably since 1986. In 1985, 666,000 units were built. In 1987, only 474,000 units were built. The National Association of Home Builders blamed the slow down primarily on the 1986 tax changes. In my own State of Missouri, the city of St. Louis developed an average of 210 units a year of below-market rate housing before the Tax Reform Act of 1986. In 1988, the city only developed 133 units of subsidized housing. This is a shocking drop that will certainly create additional suffering and homelessness in that city.

The rehabilitation of historic buildings, a key to urban revitalization, has also plummeted due to the Tax Reform Act of 1986. The most recent National Park Service study of historic rehabilitations reveals that historic rehabilitation activity in 1988 declined to the lowest levels since the first year of the rehabilitation tax credit program. According to the National Park Service report, "Tax Incentives for Rehabilitating Historic Buildings: Fiscal Year 1988 Analysis," both the amount of yearly investment and the number of projects is approximately one-third of levels existing before the 1986 Tax Reform Act.

Provisions of the Tax Reform Act of 1986 limit how the tax credit can be used, and by whom, thereby dramatically reducing the viability of historic rehabilitation as an investment program. Applications for rehabilitation certification nationwide declined by 46 percent between 1987 and 1988. The decline between 1985 and 1988 is a startling 69 percent. Applications for approval of rehabilitation work since 1986 are down 52 percent from the level of a 12-month period in 1985 prior to congressional action on tax reform. Even worse, the National Park Service expects that those levels showed a further decline in 1988. In St. Louis, renovations using the rehabilitation tax credit fell by more than 75 percent between 1985 and 1988. The city rehabilitated 908 units in 1985 and only 80 units in 1988.

Both the low-income housing and the rehabilitation tax credits suffer from the inability to attract capital. Because of their interaction with the passive loss rules, enacted as part of the Tax Reform Act of 1986, neither program is able to function as Congress intended. The passive loss rules were designed to prevent individual taxpayers from using losses from certain "passive" activities to shelter income from wages, salaries, and other types of investment income. The rules addressed the significant increase in

the use of losses from certain investments, typically those involving heavily leveraged investments in real estate, to offset "active" income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

Unfortunately, in addition to restricting the use of passive losses, the rules enacted in 1986 also restrict the use of credits, primarily the rehabilitation tax credit and the low-income housing credit. Under the rules, a taxpayer generally may use the credits only to offset tax liability from passive activities. In an attempt to lessen the negative impact of the passive activity rules on the rehabilitation and low-income housing credit programs, Congress provided a special exception for both credits in the 1986 act. In general, the exception permits taxpayers with adjusted gross incomes of less then $250,000 to use up to $7,000 of either credit annually to offset nonpassive income. This limited exception phases out as an individual's income exceeds $200,000. This exception has been underutilized and has created two major problems in the financing of low-income housing and rehabilitation projects.

Low-income housing and rehabilitation projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the SEC. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Vitality and viability must be restored to both the rehabilitation and the low-income housing credit programs. Under the Community Revitalization Tax Act of 1989, this would be accomplished by shifting the credit use limitations for these programs from the passive loss rules into the general rules that limit use of business credits. This is not a complete answer to the problems created in 1986 for low-income housing. I want to make it clear that it will still be necessary to modify and extend the low-income housing credit in the future.

The Community Revitalization Tax Act of 1989 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors.

The bill would have the additional benefit of simplifying the tax law in two ways. First, it would modify the passive activity rules to limit their scope to include only losses, not credits. Second, it would leave any limitations on credits where they conceptually belong, in the general business credit limitation. More specifically, the bill would tighten the limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to zero out through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability.

Mr. President, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credit in the 1986 Tax Reform Act. We have monitored these credit programs carefully since that time and have watched a steady and sharp decline in the effectiveness of the rehabilitation tax credit and a disappointing start for the low-income housing credit. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits. The Community Revitalization Tax Act of 1989 is an important first step in our efforts to ensure that the credits work and that low-income housing is available and cities in our Nation are decent, safe places to live.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Revitalization Tax Act of 1989".

SEC. 2. EXCEPTION FROM PASSIVE ACTIVITY RULES FOR REHABILITATION CREDIT AND LOW-INCOME HOUSING CREDIT.

(a) GENERAL RULE.—Paragraph (2) of section 469(d) of the Internal Revenue Code of 1986 (defining passive activity credit) is amended by adding at the end thereof the following new flush sentence:

"For purposes of the preceding sentence, and rehabilitation investment credit (within the meaning of section 48(o)) and any credit determined under section 42 shall be treated as a credit which is not from passive activities."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 469(i) of such Code is amended by striking subparagraphs (B) and (C) and by redesignating subparagraph (D) as subparagraph (B).

(2) Paragraph (6) of section 469(i) of such Code is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1988, in taxable years ending after such date.

SEC. 3. LIMITATION PROVISIONS OF GENERAL BUSINESS CREDIT MODIFIED WITH RESPECT TO INDIVIDUALS.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(4) of the Internal Revenue Code of 1986 (relating to special rules for limitation of general business credit based on amount of tax) is amended to read as follows:

"(A) INDIVIDUALS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of an individual—

"(I) the amount specified under subparagraph (B) of paragraph (1) shall be $20,000 in lieu of $25,000, and

"(II) the percentage specified under subparagraph (B) of paragraph (1) shall be 80 percent in lieu of 25 percent.

"(ii) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a husband or wife who files a separate return, clause (i)(I) shall be applied by substituting '$10,000' for '$20,000'. This clause shall not apply if the spouse of the taxpayer has no business credit carryforward or carryback to, and has no current year business credit for, the taxable year of such spouse which ends within or with the taxpayer's taxable year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1988.

Mr. MITCHELL. Mr. President, I am pleased to join Senator DANFORTH and other Senators today in the introduction of the Community Revitalization Act of 1989. This legislation would remove the low-income housing tax credit and historic rehabilitation credits from the passive loss rules. In place of the passive loss restrictions, the bill would limit the ability to taxpayers to reduce their tax liability by tightening the general business credit limitation in current law.

The Tax Reform Act of 1986 preserved tax incentives for investment in historic rehabilitation and established new incentives for investment in low-income housing. It then imposed limitations on investors through the passive loss rules that prevent the credit incentives from working as Congress intended.

The passive loss rules were proposed during Senate consideration of the 1986 tax reform legislation as a means of limiting the ability of taxpayers to

reduce their tax liability through passive investments that generate paper losses. The passive loss rules were originally designed to limit tax losses but were also applied to tax credits so that taxpayers could not use credits from passive investments as a means of reducing salary and portfolio income. In the case of historic rehabilitation and low-income housing, a limited exception applies that permits taxpayers with less than $200,000 of adjusted gross income to use credits that provide up to $25,000 of loss equivalents, notwithstanding whether the taxpayer materially participates in the activity. Thus, taxpayers that meet the income test who are in the 33-percent tax bracket can use up to $8,250 of tax credits annually.

The special rules for low-income housing and rehabilitation credits are useful. They create a small market of investors that would not otherwise exist under the general passive loss rules. But the market is indeed quite small making it far more difficult and expensive to attract capital to low-income housing and historic rehabilitation projects. Congress gave credits with one hand and then sharply limited their use with the other hand.

It has been estimated that 90 percent of the equity invested in low income housing prior to tax reform came from taxpayers whose income makes them ineligible for the full low-income housing tax credit under the passive loss rules. It is even worse than that, however, because the low-income credit is a multiyear program that provides tax incentives over a 10-year period. Thus, in order to utilize the full benefits, an investor must have less than $200,000 adjusted gross income in the first year and also in every year he holds the investment through the 10th year.

Syndicators of the low-income credit must locate that small market of individuals with sufficient income to invest in low-income housing but who do not expect to exceed the income limits for a 10-year period. Obviously, that market is quite limited.

The Tax Credit Program was created in 1986 and there has been some success in attracting equity investors. But the equity investors already attracted are locked out of the market for a 10-year period once they invest up to the limit of the tax benefit. It will thus be even harder in the future to find investors.

The more important concern is that this artifical constriction of the market makes the low-income credit less efficient. It is simply a matter of supply-demand economics. To induce capital out of a smaller market, higher rates of return must be offered investors and greater overhead cost must be expended to reach the market. That means less of the tax incentive goes into housing to directly subsidize the availability of housing units at affordable rents to low-income families.

In tax reform, Congress established a well targeted low-income housing program through the low-income housing credit. Then, through the passive loss rules it reduced the efficiency and effectiveness of the credit by imposing artificial constraints on who can use the credit.

Last year Senator DANFORTH and I established a task force of individuals to study the low-income housing tax credit and to make recommendations to us for ways to make the credit program more effective and efficient in encouraging the availability of affordable housing. That task force completed its work last month and identified this passive loss rule as one of the most important issues to be addressed.

The historic rehabilitation community has found it just as difficult to attract capital to its projects as a result of the passive loss rules. When the 1986 tax reform legislation was considered in Congress, we thought we were preserving incentives for historic rehabilitation. However, because of the passive loss rules, that turns out not to have been the case. According to a recent report by the National Park Service, Tax Incentives for Rehabilitating Historic Buildings: fiscal year 1988 analysis, "the yearly investment is now about one-third of the pre-Tax Reform Act levels of more than $2 billion per year" and "the number of projects is now at about one-third" as well.

The Community Revitalization Act attempts to deal with this problem by removing the historic and low-income housing credits from the passive loss rules. However, this would be done in a way that is consistent with the intent of tax reform because other means would be used to ensure that no individual's taxes are reduced too much. First, the bill would make the general credit limitation much tougher. Under current law, taxpayers may use $25,000 of credits annually, plus an amount that would reduce up to 75 percent of any additional tax liability. As a practical matter, the alternative minimum tax operates to prevent even this much credit from being used. We propose to establish a general credit limitation even more strict than the alternative minimum tax by limiting the use of credits to no more than $20,000 annually, plus an amount that would not reduce tax liability by more than 20 percent. In addition, for those individuals who would not be sufficiently restrained by the business credit limitation, the alternative minimum tax would continue to apply.

I was an early supporter of tax reform and continue to fully support the tax policy principle that no individual should be permitted to use the tax laws to reduce their tax liability in excessive amounts. I believe this legislation we are introducing today is consistent with that principle. It would greatly expand the market for historic and low-income housing credits making these program more efficient. But, it would not permit individuals to reduce their tax liability to an excessive degree.

Mr. CHAFEE. Mr. President, today I am joining in the introduction of legislation that is vitally important to all low-income Americans, especially the homeless. This bill is also important to the preservation of historically significant buildings, through the rehabilitation tax credit for certified historic structures.

We created this low-income housing tax credit as part of the Tax Reform Act of 1986 to encourage the construction and rehabilitation of housing for low-income Americans. The credit has the potential for expanding the supply of available and affordable housing and, in fact, it is necessary to provide the incentive to develop or renovate housing for the poor.

The tax credit for rehabilitation expenditures was created in the Revenue Act of 1978 to provide an incentive for developers to restore and preserve historical structures. This incentive was necessary to avoid the demolition of thousands of historically significant buildings across the country. The studies that have been done on this credit show a dramatic response to our concerns and millions of dollars have been spent on rehabilitating historic building in all part of this Nation.

Unfortunately, the application of the new passive loss rules to both of these credits has significantly reduced the effectiveness of both programs. The limitations on the available credits have caused a sharp decline in the availability of equity capital for low-income housing and rehabilitation projects. I have received specific information from the Rhode Island Historical Preservation Commission that shows a dramatic decline in the number of rehabilitation projects that have been started since the passive loss rules went into effect.

History has shown that investment in low-income housing and rehabilitation projects is highly dependent on the tax benefits provided by these credits. I would therefore urge my colleagues to give this bill their full support.

By Mr. BINGAMAN (for himself and Mr. BOREN):

S. 343. A bill to amend the Internal Revenue Code of 1986 to extend for 10 years the credit for producing fuel from a nonconventional source; to the Committee on Finance.

NONCONVENTIONAL FUELS

● Mr. BINGAMAN. Mr. President, I rise today on behalf of myself and Senator BOREN to introduce legislation

to extend the nonconventional fuels tax credit. This tax credit was originally established in 1980 to provide an incentive to produce energy resources from new, less established sources. The fuels that would qualify for this credit include: Oil produced from shale and tar sands; gas produced from geopressurized brine, Devonian shale, coal seams, a tight formation, or biomass; liquid, gaseous, or solid synthetic fuels produced from coal, qualifying processed wood fuels, and steam produced from solid agricultural byproducts. These fuels constitute an important resource for our energy future.

The 1980 statute establishing this credit provided the credit for wells drilled after 1979 and before 1990. The credit was extended an additional year in 1988. The credit applies to all qualifying production from those wells and is calculated on a Btu-oil equivalent to the amount of gas produced. My legislation would extend those provisions for 10 years.

The extension is warranted to ensure continued development of our fossil fuel resources. At a time when imports of crude oil out-paced domestic oil output in 1988, and when our domestic production is at alarming low levels, it is essential that we provide incentives to ensure a viable domestic oil and gas industry. The incentive provided by the nonconventional fuel tax credit will help accomplish this goal.

The tax credit extension is important to my constituents in New Mexico. One of the most significant coal seam methane finds in the Nation is located in the San Juan Basin in northwestern New Mexico. This resource has provided new jobs and opportunities to the people of San Juan County and a reliable source of gas to serve the area.

My legislation also makes clear that the qualified fuels for the tax credit includes natural gas found in geologic formations known as tight sands. A Supreme Court ruling last year made it necessary to reinstate the credit for tight sands. Tight sands are gas filled rock formation of varying complexities with low permeability. This is a difficult resource to develop. The reinstatement of the tax credit for tights sands will help avoid the premature abandonment of many natural gas wells in the United States.

As is the case with coal seam methane gas, New Mexico has one of the largest tight sands resources in the United States and the continued development of this resource is in my State's interest as well as the national interest.

In summary, I ask my colleagues to give serious consideration to this legislation. Our Nation's future depends on a reliable domestic energy supply at a reasonable cost. The action I am taking today is one step toward meeting our energy security needs.

I urge my colleagues to support this legislation.●

By Mr. NICKLES (for himself, Mr. BOREN, and Mrs. KASSEBAUM):

S. 344. A bill to require certain work on aircraft to be performed by a domestic repair station; to the Committee on Commerce, Science, and Transportation.

DOMESTIC REPAIR OF AIRCRAFT

Mr. NICKLES. Mr. President, I rise today to offer legislation, with Senator BOREN, to address a problem that threatens the safety of our skies and the jobs of thousands of aircraft maintenance workers across the United States. This problem was created when the Federal Aviation Administration promulgated rules which allow domestic airlines to have their aircraft maintained and repaired overseas.

These rules were enacted over the objection of Congress and after a comment period in which the overwhelming majorty opposed the rules. In fact, the FAA reported in the Federal Register of November 22, 1988, that of the 1,116 comments received, there were only 79 in favor of the proposed rules.

It is hard for me to understand why the FAA sought to push through rules that had little support outside of the agency. It concerns me that labor and safety concerns were seemingly ignored in this bureaucratic attempt to legislate. The FAA's reasons for promulgating the new repair rules simply do not outweigh their disadvantages.

At the encouragement of the FAA, many airlines have invested large sums of money into their domestic maintenance operations which are the best in the world. The enactment of the new rules are counterproductive to this FAA policy, and undercut these investments. Because of the threat that foreign repair stations pose to our domestic maintenance operations, the 5,800 employees at the American Airlines maintenance facility in Tulsa are worried that they may lose their jobs. As a result of these concerns, American Airlines and their union, the Transport Workers of America, both support the bill that I am introducing today.

The FAA ruling should be repealed for safety's sake as much as for the economic considerations. It is clear to me that the addition of more than 200 foreign repair stations, which are unnecessary to meet the demand for work, will be an inspection nightmare. There is no way possible for the FAA to inspect and certify these stations in the comprehensive manner that is required. Therefore, there are no assurances that the repairs performed at foreign stations are of the quality normally demanded by the FAA.

These safety concerns, combined with an increased vulnerability to terrorist attacks, are reasons enough to strike down the new rules. We simply cannot assure quality repairs free from sabotage on work done beyond our borders.

The bill I am introducing with Senator BOREN today would do two things. First of all, it would again restrict the use of foreign repair stations except in cases of emergency when foreign repair is necessary for a plane to return safely to the United States. Second, the bill would clarify that aircrafts or their components that are manufactured overseas can be repaired there by the manufacturer or their recognized subsidiary. In most instances this would include only warranty work.

In conclusion, I would like to cite the results of a recent Media General-Associated Press poll which I believe further points out the need for this legislation. This poll was conducted January 4 to 12 of this year and consisted of interviews of 1,162 adults. Of those respondents, more than 56 percent stated that they did not feel security on international flights was adequate. Asked whether or not they felt terrorism or inadequate airline maintenance posed a greater threat, 64 percent stated that they felt a greater danger from improper maintenance.

It is obvious, Mr. President, that the public needs reassurances from the Federal Government that our planes are safe. We cannot give those guarantees by allowing foreign maintenance. Therefore, I ask my colleagues to join with me in striking down the ill-conceived rules recently adopted by the FAA, which only increase the concern of the public that airline maintenance is being done properly. The flying public deserves prudent action and a guarantee of safer skies. It is our responsibility to give them that guarantee.

Mr. BOREN. Mr. President, I am pleased to rise today with my colleague from Oklahoma, Senator NICKLES, to offer a bill to address recent regulations by the Federal Aviation Administration allowing for the use of foreign repair stations by domestically operated airlines. We are concerned about these revisions in the Federal air regulations and their effect on not only our constituents in Oklahoma, but everyone who depends on the safety of air travel.

Mr. President, very simply, this legislation will ensure that safety in the air is provided at all costs. Although this bill requires that the Secretary of Transportation issue rules to assure that only domestic repair stations are used on U.S.-registered aircraft and parts, two exceptions are made to accommodate special situations: First, where equipment is manufactured by

a foreign company and therefore maintenance is protected by that company; and second, where safety is at risk and an aircraft or parts need immediate repair to safely fly.

In addition, there are repair stations in the United States that employ thousands of people who depend on these jobs. The last thing we want to do is take these jobs away. I want to encourage jobs and work to be done here on American soil, not discourage it. We need this business, and I will do everything I can to prevent services like this from being moved abroad.

Mr. President, similar legislation has been offered in the House of Representatives by Congressman INHOFE and Congressman SYNAR. I hope that Congress will move quickly to require the Secretary of Transportation to repeal these rules and protect our own workers. Air safety will only be enhanced.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. METZENBAUM, Mr. HATFIELD, Ms. MIKULSKI, Mr. JEFFORDS, Mr. PELL, Mr. MOYNIHAN, Mr. KERRY, Mr. SIMON, Mr. ADAMS, Mr. INOUYE, Mr. BURDICK, Mr. BIDEN, Mr. ROCKEFELLER, Mr. GORE, Mr. WIRTH, Mr. LIEBERMAN, Mr. KOHL, and Mr. LAUTENBERG):

S. 345. A bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY AND MEDICAL LEAVE ACT

Mr. DODD. Mr. President, I rise today to introduce the Family and Medical Leave Act of 1989. I am pleased to be joined by 19 of my Senate colleagues and over 150 national children's, family, health, labor, and business organizations in reintroducing this legislation today. We are united behind an important and timely idea—that parents ought to be able to have jobs and their families too.

The American family is changing right before our eyes. Ozzie and Harriet and June and Ward Cleaver have been replaced by Roseanne and My Two Dads. Only 1 in 10 American families has dad at work while mom stays home with the kids. Fifty-six percent of all American women and more than one-half of all mothers with infants under 1 year of age work outside the home. We have 29 million two-earner families with 25 million children; almost 8 million single parent families with an equal number of children. And by 1995, two-thirds of all preschool children will have mothers working full time. The statistics go on and on—we can run, but we can't hide.

What do these people do when a family crisis hits? The sad news is that many working people are on their own—caught in a Hobson's choice between their families and their jobs. Let's set aside the stories we heard from parents in seven hearings across the country last year—good people and productive workers losing their jobs because they have families too. Let's just look at the numbers.

According to a recent survey of Fortune 500 companies, only half the employers surveyed offer critical infant-mother bonding leave beyond the childbirth-related disability period. The U.S. Chamber of Commerce reported a survey last fall which revealed that 82 percent of employers provide no leave to care for sick children; 85 percent provide no leave for elder care; and 75 percent offer no leave for fathers. Only six States and about a quarter of employers offer the leave time for adoption which most adoption agencies require. A recent survey in my home State of Connecticut—one of the most progressive States in the Nation—revealed that fewer than 10 percent of the 750 firms surveyed offer infant care leave over and above normal sick leave policies. As a nation, I believe we can do better.

The Family and Medical Leave Act. The idea is simple, the cost is small. Ten weeks of unpaid leave for birth, adoption, or the serious illness of a child or elderly parent. Thirteen weeks of unpaid leave if an employee is incapacitated by a serious illness and cannot work. Job protection during the two kinds of crises which can remove the primary breadwinner from the labor force and cripple a family's economic security.

What is the cost of this bill? Well, it doesn't cost the Federal Government 1 red cent. And according to the General Accounting Office study released this morning, the cost to American business will be less than $236 million each year. That's $4.35 per covered worker; less than 2 cents a day. Eighty-eight percent of all businesses are exempt and some of those covered already offer similar plans. Two cents a day for job security during a family crisis; less than 2 cents a day.

We often hear the Washington business lobby make "educated guesses" about the effect of the bill on employer flexibility and the potential reduction of existing employee benefits. This despite repeated assertions by State departments of labor, unions, and businesses with leave policies in place, that there simply is no relationship between family leave and the costly ongoing benefits which businesses typically provide. They tell us what they think family leave will do to business if this bill is enacted. But we also hear from independent business people who already offer leave policies similar to this bill which actually save them money—in reduced turnover, absenteeism, and hiring and training costs.

As Yogi Berra used to say, "this is deja vu all over again." Over the last 50 years, in times of national consensus, when the Government has stepped in to ensure a minimum floor of protection and human decency for American workers, we have heard the same "Chicken Little" arguments from the business lobby that we will hear today. Child labor laws, occupational safety and health, minimum wage and civil rights—each time we put fair labor standards in place, we were told the sky was falling. And yet, I think most Americans agree that these laws have not only made us a more decent and humane nation but have made us stronger economically as well. Five years from now, when this family leave policy is in place throughout the Nation, we too will be wondering what all the fuss was about in 1989.

Mr. President, I would like to begin the 101st Congress with our best feet forward. To our colleagues in the business community, we extend a hand of mutual interest and cooperation. We want to work with them to develop legislation which provides job security for American parents in a way that is fair and affordable to American business too. To those in Congress and the administration who oppose this legislation, we extend the very same offer. We all want profamily policies which make it economically feasible for parents to be home with their children; that's what this legislation is all about. We all want adoption to expand women's pregnancy-related options; that's what this legislation is all about. We are all concerned about children at risk of drug abuse—children whose future productivity as employees depends on the early intervention which only parental bonding can provide; that's what this legislation is all about too. I look forward to working with the business community and my colleagues in the Senate to see if—together—we can achieve the mutual goals which we all espouse.

A list of endorsing organizations follows:

ORGANIZATIONS ENDORSING THE FAMILY AND MEDICAL LEAVE ACT OF 1989

9 to 5, National Association of Working Women.
ACTWU.
ACORN.
ALF-CIO.
AFL-CIO Dept. of Occupational Safety, Health and Social Security.
AFSCME.
Amalgamated Transit Union.
Ambulatory Pediatric Association.
American Academy of Child and Adolescent Psychiatry.
American Academy of Pediatrics.
American Association of University Professors.
American Association of University Women.
American Bar Association.
American Civil Liberties Union.

American Federation of Government Employees.
American Federation of Teachers.
American Home Economics Association.
American Jewish Committee.
American Jewish Congress.
American Medical Women's Association.
American Nurses Association.
American Occupational Therapy Association.
American Postal Workers Union.
American Psychological Association.
American Psychiatric Association.
Americans For Democratic Action.
Association for Children and Adults with Learning Disabilities.
Association for Gerontology in Higher Education.
Association for Retarded Citizens.
Association of Flight Attendants.
Association of Junior Leagues.
Berry T. Brazelton, M.D.
Center for Law and Social Policy.
Child Welfare League of America.
Children's Defense Fund.
Church of the Bretheren.
Church Women United.
Citizen Action.
Coal Employment Project.
Coalition of Labor Union Women.
Colorado Psychiatric Association.
Commission on Human Rights.
Committee for Children.
Committee of Interns and Residents.
Communications Workers of America.
County of Santa Clara Commission on the Status of Women.
Disability Rights Education and Defense Fund, Inc.
Economic Policy Council, United Nations Association.
Epilepsy Foundation of America.
Families for Private Adoption.
Fathering Support Services.
Federally Employed Women.
Feminists for Life of America.
Food and Allied Service Trades Dept. AFL–CIO.
Gray Panters.
ILGWU.
Institute for Child Mental Health.
Institute for Peace and Justice.
International Brotherhood of Teamsters.
International Association of Fire Fighters.
IUE.
Jewish Labor Committee.
Alfred Kahn.
Sheila Kamerman.
Leadership Conference on Civil Rights.
Longshoreman's and Warehousemen's Union, International.
March of Dimes.
Men's Rights, Inc.
Mennonite Central Committee, U.S. Peace Section, Wash. Office.
Mental Health Law Project.
Mexican American Business and Women's Professional Club of San Antonio.
Mothers Matter.
NA'AMAT USA.
NAACOG.
National Adoption Center.
National Alliance for the Mentally Ill.
National Association of Area Agencies on Aging.
National Association of Developmental Disabilities Councils.
National Association of Letter Carriers.
National Association of Protection and Advocacy Systems.
National Association of Social Workers.
National Center for Clinical Infant Programs.
National Committee to Preserve Social Security and Medicare.
National Conference of State Legislators.
National Conference of Women's Bar Association.
National Consumers League.
National Council of Catholic Women.
National Council for Children's Rights.
National Council for Research on Women.
National Council of Jewish Women.
National Council of the Churches of Christ in the USA.
National Council on Family Relations.
National Down Syndrome Congress.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National Federation of Federal Employees.
National Federation of Temple Sisterhoods.
National Jewish Community Relations Advisory Council.
National Multiple Sclerosis Society.
National Parents and Teachers Association.
National Perinatal Association.
National Treasury Employees Union
National Union of Hospital and Health Care Employees.
National Woman's Party.
National Women's Law Center.
National Women's Political Caucus.
NETWORK: A Catholic Social Justice Lobby.
New Ways to Work.
Northeastern Gerontological Society.
Office and Professional Employees International Union.
Older Women's League.
OURS, Inc.
Pension Rights Center.
SEIU.
Society for Research in Child Development.
U.S. Catholic Conference.
UAW.
UFCW.
Union of American Hebrew Congregations.
United Cerebral Palsy Association, Inc.
United Church Board for Homeland Ministries.
United Methodist Church, General Board of Church and Society.
Washington Council of Lawyers.
Wider Opportunities for Women, Inc.
WEAL.
WEAL of Ohio.
Women's Legal Defense Fund.
YWCA of the USA, National Board.

Mr. PACKWOOD. Mr. President, I am proud to be a cosponsor of the Family and Medical Leave Act being introduced here today, and even prouder still to acknowledge my home State of Oregon which has already taken the lead and implemented similar parental leave protection last year. Earlier today, Oregon's commissioner of labor, Mary Wendy Roberts, by invitation of the Subcommittee on Children, Family, Drugs and Alcoholism, testified to the wonderful success of the Oregon parental leave law. It is her agency which has been responsible for enforcement of the Oregon law and which wrote the administrative rules implementing that statute.

Mr. President, I ask unanimous consent that the testimony of Oregon's labor commissioner be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MARY WENDY ROBERTS, COMMISSIONER, OREGON BUREAU OF LABOR AND INDUSTRIES, ON THE 1989 PARENTAL AND MEDICAL LEAVE ACT

Thank you, Chairman Dodd. I deeply appreciate this opportunity to testify before the subcommittee on the Parental and Medical Leave Act of 1989 and to share our experience in administering Oregon's Parental Leave Law.

My name is Mary Wendy Roberts. I am Commissioner of the Oregon Bureau of Labor and Industries, elected statewide. Currently I am serving my third 4-year term.

My agency enforces the State's civil rights and wage and hour laws and also coordinates apprenticeship training. When the legislature enacted Oregon's parental leave law it assigned enforcement of the statute to the Bureau's Civil Rights Division. In addition, we were responsible for drafting the administrative rules implementing parental leave.

BACKGROUND

The 1987 legislature enacted the parental leave law, effective Jan. 1, 1988 (Chapter 319, Oregon Laws 1987). The law provides up to 12 weeks unpaid leave following the birth of a child, or the adoption of a youngster under the age of 6 years. Businesses and government entities with 25 or more fulltime and parttime employees are covered by the statute. Temporary employees are not eligible for this leave, unless employed 6 months or more during the year that leave is requested.

Both mothers and fathers working for covered employers are eligible for parental leave, but not concurrently. For example, the mother may wish to take the first 6 weeks off and the father the remaining 6 weeks, or any combination thereof.

Upon completion of the leave, an employee must be reinstated in his or her old position at the same work site, without loss of seniority, vacation, sick leave or other accrued benefits, service credits under a pension plan or any other company or union benefits. These benefits do not accumulate during the period of unpaid parental leave.

If an employee's position has been eliminated due to a company reorganization or other condition not related to parental leave, that employee must be offered an equivalent position. If that is not available, then, he or she must be put in a job that is available and suitable. An employer cannot eliminate a position solely because the employee took parental leave.

In Oregon, about 11.5 percent of the private employers come under the provisions of the law because they employ 25 or more. That 11.5 percent accounts for 70 percent of the work force in the State.

I noticed in General Accounting Office Analysis of the Federal Legislation that the Parental and Medical Leave Act of 1989 covers about 12 percent of the U.S. firms employing 20 or more. But only 47 percent of the Nation's employees.

I mentioned the Oregon law provides for unpaid leave. However, an employee is entitled to use any accrued compensable leave for parental leave, for example sick leave or vacation time. An employer may require the employee to utilize any of his or her accrued level unless otherwise provided by employer

policy or a union collective-bargaining agreement.

In other words, our rules interpreting the law give the employee the absolute right to the use of any accrued paid leave; an employer, however, cannot force a worker to use other leave for parental leave if company policy or a union collective-bargaining agreement bars such a practice

Other provisions of the Oregon law include a 30-day notice provision prior to the anticipated date of delivery or taking of custody in an adoption. Exceptions are if the birth is premature, the mother is incapacitated due to birth or physical custody in an adoption comes with no notice.

Companies that offer a cafeteria plan with a parental leave component equal to the Oregon statute are exempt from the law.

Those are some of the highlights of the Oregon law, Mr. Chairman. Many of the provisions parallel those of the federal act as it relates to parental leave. The Orgeon statute does not provide medical leave.

SURVEY RESULTS

Mr. Chairman. When you were considering the parential and medical leave bill last year, you and the chairman of the Senate Committee on Labor and Human Resources, Mr. Kennedy, contacted the Bureau for information on how our law was working. Specifically you asked us to address the issue of whether mandated parental leave resulted in employers reducing or limiting other employee benefits.

We were pleased to respond. We complied a list of employees in Oregon and posed the question, concentrating in the Portland metropolitan area but also including businesses in Eugene, the State's second most populous city; Salem, the State capital, and eastern Oregon where the population is small.

We were able to reach companies employing an estimated 34,500. In addition we surveyed six insurance brokerages that specialize in employee benefit packages.

To prepare for my testimony today, Bureau staff talked to another 42 companies (personnel managers) employing between 60,000 and 70,000 in Oregon. A note of caution, however. Our surveys are not statistically valid as we did not utilize a random selection process, and are weighted to large companies because time constraints prevented us from reaching more busineses on the cutting edge of the 25 employee threshhold.

The results were heartening. Not one company that we surveyed had concrete plans to reduce other benefits because of parental leave, including smaller companies ranging from 35 to 114 employees. A few said they "might" consider offsets if costs dictate. Any reductions in benefits currently under way are motivated by rising costs, primarily for health benefits, and not imposition of a parental leave law.

Our survey found that many companies have generous leave policies in place for new mothers (but not fathers) over and above the normal medical disability leave for pregnancy. For example, Nordstrom's Department Stores with 1,800 employees in Oregon grants 6 weeks paid maternal leave. That will be extended to 12 weeks on March 1. A Portland architectural firm. Zimmer Gunsul Frasca, provides up to 6 months unpaid personal leave. Standard Insurance of Portland, with 1,000 employees, also grants 6 months maternal leave.

US West Communications' Oregon division provides 6 months parental leave for all employees following birth of a child. With the passage of the State law, it plans to extend that to adoptive parents. In addition, US West is considering bringing the 14 States in the western region under the same leave provisions. ESCO, a Portland-based electronics firm which employees 900 in Oregon and 600 in other States plans to extend parental leave benefits to all employees.

In short, virtually every company we surveyed said passage of the parental leave law will not result in a reduction in other benefits. Many personnel managers expressed support for the law, and I am including letters of endorsement from several major companies as part of the record.

The extent to which employees availed themselves of parental leave varied widely. Some companies said few of their personnel had sought parental leave. They tended to have generous leave policies already in place for female employees. Others said usage was fairly high the first year, for example, Good Samaritan Hosptial with just over 3,000 employees had between 150 and 200 employees go on parental leave. (The hospital offers an employee-paid short term disability plan but otherwise has paid leave limited to the time the mother is medically disabled.) Few men have elected to use the leave time, according to our survey. However, the personnel manager for Precision Castparts said he was "surprised" at how many of his firm's male employees had taken parental leave. The Portland machinist employs 3,100.

Most employees elected to use accrued leave time such as vacation or sick leave when taking parental leave. Again, these tended to work for firms with limited or unpaid pregnancy leave policies.

In summary, Mr. Chairman, Oregon's parental leave law has not resulted in other benefits being reduced. To date the Bureau has received only 20 complaints involving parental leave, the majority involving failure of management to allow the use of sick leave during parental leave. One case, involving a male employee of a large utility, was the subject of a contested hearing. In my final order I found for the employee and directed the utility pay the value of the 9 weeks and 2 days of sick leave requested that he had requested plus an additional $2,000 for mental anguish and distress.

CLOSE

Mr. Chairman, members of the subcommittee, I hope the Oregon experience will convince Congress to approve a Federal Family and Medical Leave Act. I support the bill before you without reservation. Many of the provisions parallel the Oregon statute and address the needs and concerns of a work force that includes more and more women and two-earner households.

I am very proud of my State for its foresight in providing parental leave. I consider both the Oregon law and the Federal act to be probusiness and profamily, despite some of the testimony you have heard from various business groups and what we heard when our bill was before the Oregon Legislature.

Our work force has changed dramatically from the days when the traditional breadwinner was the white, male head of household. The fastest growing segment of the labor force is women of child bearing age. Between now and the year 2000 women, minorities and immigrants will constitute 85 percent of the new entrants into the labor market. The majority of two-parent households include dual wage earners, and the reason is simple: women are in the workforce out of economic necessity. Two out of three women working outside the home today are either the sole providers for their children, or have husbands who earn less than $15,000 a year.

Parental and medical leave is a recognition of this startling shift in demographics. The fact that 6 States have a parental leave law, that 16 others are considering it, and that this panel is deliberating on a Federal Parental/Medical Leave Act attests to the need to give new parents an opportunity to bond with their children during the formative first weeks of their lives, at the same time guaranteeing that they will have their jobs back following expiration of the leave.

Thank you very much, Mr. Chairman, members of the subcommittee. I would be happy to answer any questions you may have.

Mr. PACKWOOD. Mr. President, the need for Federal law has become urgent. President Bush talks of a kinder, gentler nation. We now have the opportunity to be that kinder, gentler nation. The measure is a step in the right direction.

What we are saying with this bill is simple justice: A single mother shouldn't be forced to lose her job to take care of a dangerously ill child. A father should be able to count on returning to work after taking care of his family's emergency at home.

Fairness in the workplace will pay off for employers, too. Understanding the problems that families face will bring dividends in the way workers feel about their work. Instead of losing valuable productivity on the job, employers will motivate more initiative from their workers by building an important sense of trust and compassion.

The demographic revolution in the American work force is having a profund effect on the lives of working men and women and their families. Today, more than half of the 45.6 million children in two parent families have both parents in the work force. Fifty-two million women work outside the home, an increase of 178 percent since 1950. By 1990, 75 percent of all mothers will be working outside the home. More than one-half of all mothers with infants under 1 year of age now work outside the home. We are no stranger to these statistics. We have heard them here before. It is time we face up to the changing reality of our economy—single parents and two wage-earning parents dominate the work force. It is time now to take action, to ensure that no longer will American workers have to face difficult choices as they seek to balance family and workplace responsibilities. The dual goals of family and work are important to our Nation's well-being. It is time we support working parents by providing flexible leave options which promote family stability and job security.

The Family and Medical Leave Act being introduced today is the vehicle which can ameliorate the tremendous

pressures parents face in balancing workplace and family responsibilities. Under this proposal, all employers with 20 or more employees would be required to allow employees up to 10 weeks of unpaid leave within any 2-year period upon birth, adoption, or serious illness of a child or parent. Employees would also be allowed up to 13 weeks of leave within any 1-year period in the event of the worker's own illness or injury. Only workers who have been on the job for a year or more, and who have worked an average of half time or more during that year would be eligible for unpaid leave. Employees would be assured of reinstatement to the same or equivalent job upon their return, and would continue to receive health care coverage during their absence. The General Accounting Office estimates the cost of the bill to be no more than $236 million, most of which will result from the continuation of health insurance coverage for employees.

This bill is a reasonable approach. It seeks to meet the needs of families while helping businesses plan for workers taking leave. An estimated 88 percent of all firms, those with fewer than 20 employees, would be exempt from the bill's requirements. The Family and Medical Leave Act is not antibusiness. Indeed, many firms that already have leave policies in place report improved employee loyalty, reduced turnover and absenteeism, and enhanced productivity. It seems clear that business owners and their employees will benefit mutually from an unpaid leave policy such as envisioned in this bill. I urge my colleagues to support this long-overdue measure to help America's families.

Mr. KENNEDY. Mr. President, I am proud to join in sponsoring the Family and Medical Leave Act of 1989 and I look forward to moving this bill as quickly as possible in the Senate Labor Committee this spring.

It is no secret that the reason we have a Family and Medical Leave Act of 1989 is that the Family and Medical Leave Act of 1988 was defeated in the Senate by an election-eve filibuster.

I am hopeful that the new Congress and the new administration can agree on the importance of this measure and work together to expedite its enactment. No working mother in this day and age should be forced to choose between the child she loves and the job she needs.

When we say "family leave," we mean both paternal and maternal leave. When my son Teddy was hospitalized with cancer in the 1970's, I spent a great deal of time away from my Senate office in order to be with him. As a Senator, I could do that and still keep my job. But millions of other working parents are not as fortunate. This legislation is designed to remedy that need, and give all workers the opportunity to meet their responsibility as parents when a new baby is born or a child is seriously ill.

In a new provision added to our bill this year, we also permit workers to take leave to perform another responsibility that should be encouraged, in our society—caring for an elderly parent.

Some of the most distressing aspects of last year's debate were the distortions and scare tactics used by the opponents. The chamber of commerce initially claimed that the legislation would cost business $16 billion a year. That preposterous figure was later revised downward to a preposterous $2.6 billion. Now, as I understand it, our opponents prefer to do battle this year by criticizing our cost estimate, without offering as estimate of their own.

Our estimate is prepared by the Congressional General Accounting Office, which is known for both its impartiality and its accuracy. According to GAO, the cost of the bill will be $236 million year—approximately $4.35 per employee, or a bit more than 8 cents a week. That is a small price to pay for this large benefit to working in all parts of the Nation.

Finally, it is at least half a century too late to argue that it is wrong for Congress to mandate benefits like this. Where workplace injustices and abuses abound, Congress has not hesitated to step in, whether the issue is minimum wages, maximum hours, child labor, safe and healthy workplaces, or other fair labor standards.

The reality is that a revolution in the workplace has taken place in recent years. Millions of women have entered the work force—because they want to work or have to work, They are entitled to know that they will not risk their jobs or their careers or their futures because they need reasonable time off from work to nurse a new baby, care for a sick child, or help a disabled parent.

This measure is years overdue. It is simple workplace justice. I find it hard to believe that President Reagan would have vetoed this bill last year. I am condfident that President Bush will sign it this year—and when he does, I suspect we will all wonder what all the controversy was about.

Mr. METZENBAUM. Mr. President, I rise as an original cosponsor of the Family and Medical Leave Act of 1989. This legislation is critical so that America's working families can have a chance to grow and prosper.

It is no secret that last Congress, when we debated this issue, the Reagan administration did everything in its power to stop the bill. The opposition strategy of blocking any amendments while engaging in a filibuster successfully killed the legislation.

President Bush has promised that a fresh breeze will blow; that he wants a kinder, gentler nation. The Family and Medical Leave Act will be a test of whether the new President's words are more than just high-flown rhetoric. Senator DODD has been a tireless champion for this bill. I know he is prepared to work with the administration to enact a bill this year.

Working families need the job protection afforded by this legislation. We must face facts. The once typical family where the father is the sole earner while the mother stays at home to care for the family is rapidly vanishing. Less than 10 percent of America's families fit that model. Instead, today's typical family depends on two incomes to survive. Nearly 60 percent of American women are now in the work force. Two out of every three working women are either the sole support for their families or have husbands earning less than $15,000 per year.

Workplace practices have not kept pace with this revolutionary change in the makeup of the work force. Workers are being forced to choose between a job and a family. This bill allows workers to have both—job security along with the time needed to care for a family member. No worker should lose a job because he or she needs to take a few days or a few weeks off to care for a newborn infant, a sick child, or a dying parent.

The bill is also fair to employers. All leave authorized under the bill is unpaid. There is a generous small business exemption—though nearly one-half the work force will be eligible for unpaid leave, over 85 percent of the firms in the country are exempted from coverage. For those firms that are covered, the only cost results from the continuation of health insurance coverage for employees on unpaid leave. The General Accounting Office estimates the cost at $4.35 per covered employee per year.

I am particularly pleased that the Family and Medical Leave Act of 1989 includes a provision on elder care—unpaid leave to care for a seriously ill parent. The combination of an increasing number of working women and the tremendous growth in the elderly population has created a critical need for job protection for elder care.

Last week's New York Times reported that nearly 7 million caregivers, three-fourths of them women, are assisting elderly family members. Over half of those caregivers have jobs outside the home which in many cases must be compromised or even sacrificed because of caregiving responsibilities. I ask unanimous consent that the complete New York Times article be inserted in the RECORD.

The workplace must adjust to the work force. The Family and Medical Leave Act will help all working families, both young and old, function better at home and on the job. It is a

matter of simple fairness and basic decency that should be adopted as a national standard. I urge all my colleagues to support this pro-family legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 1989]

JUGGLING FAMILY, JOB AND AGED DEPENDENT

WASHINGTON, DC.—A substantial number of working mothers are finding that they must juggle another responsibility: providing unpaid personal care in the homes of elderly relatives and friends.

Close to seven million people, three-fourths of them women, provide such assistance to elderly relatives and friends, according to a recent study conducted for the American Association of Retired Persons and the Travelers Companies Foundation. Fifty-five percent of all care givers work in jobs outside the home, and 39 percent care for their own children as well.

The survey was based on telephone interviews to 750 households that had been previously screened to find the care givers, those who provided unpaid assistance in 1987 to a person outside the home aged 50 or older.

BURDENS AND SACRIFICE

The report draws a portrait of care givers who are shouldering such a substantial burden of care that they must sacrifice part of their own lives, losing time and benefits from their own jobs and paying significant sums out of their own pockets to care for the elderly. The report makes clear the burdens are not equally shared by the sexes.

"Women end up as care givers of the elderly because it is expected of them," said Elizabeth Mullen, an association official. "As part of our religious and social backgrounds, women cook, clean, and take care of people. And though women have been in the work force for years, their careers have usually taken a back seat to their husband's when a crisis situation comes up."

The task of taking care of the elderly has become increasingly complicated as the American family has evolved, Mrs. Mullen said. Many people who postponed having children until later in life are coping with frail parents at the same time they raise their own families. And because medical technology has allowed people to live longer, more parents are reaching an age at which they will need help in caring for themselves. Roughly 30 million Americans are now 65 or older, and about 3 million are 85 or older.

Care givers can involve a number of demanding tasks, from grocery shopping, cooking, cleaning and giving medicine to managing household finances. According to the survey, these duties can often strain work schedules: one-third of those care givers with full-time jobs and 37 percent with part-time positions said they lost time from work as a result of the extra responsibilities.

12 HOURS A WEEK

Those with jobs spent an average of 12 hours a week providing care. About 31 percent of those employed full time and 24 percent of part-time workers spent from 9 to 20 hours a week on care.

As a result of lost job time, 38 percent of the employed care givers reported that they had to change their working status from full-time to part-time. About 20 percent of the working care givers said that such benefits as vacation and health insurance had been reduced, the survey said.

The care givers also jeopardized their own Social Security benefits.

The study also found that care givers have substantial financial responsibilities: 26 percent said they spent up to 10 percent of their monthly income on expenses for the elderly, and 7 percent spent up to 25 percent. Care givers spend an average of $117 a month for travel, telephone calls, special foods and medicines for the elderly.

Mrs. Mullen urged employers and the Federal Government to develop leave programs for care givers.

THE CAREGIVERS

A survey of 750 households found this profile of the people who provide unpaid care for an elderly relative or friend.

	Percent
Gender:	
Male	25
Female	75
Age:	
Under 35	28
35–49	29
50–64	26
65 and older	15
Median age:	45
Marital status:	
Married	66
Not married	34
Children in household:	
Yes	39
No	49
Current employment:	
Full-time	42
Part-time	13
Retired	16
Not employed or homemaker	27

Source: American Association of Retired Persons.

By Mr. WIRTH (for himself, Mr. LEAHY, Mr. ROTH, Mr. MOYNIHAN, Mr. HARKIN, Mr. REID, Mr. BURDICK, Mr. LUGAR, Mr. PELL, Mr. JEFFORDS, Mr. FOWLER, Mr. LIEBERMAN, Mr. KERRY, Mr. SANFORD, and Mr. GORE):

S. 346. A bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

TONGASS TIMBER REFORM ACT

● Mr. WIRTH. Mr. President, today I am introducing a bill that simultaneously reduces the Federal deficit and protects the environment.

The Tongass Timber Reform Act of 1989 would bring fiscal sanity and responsible multiple-use management to our Nation's largest national forest by repealing sections 705(a) and 705(d) of the Alaska National Interest Lands Conservation Act of 1980 [ANILCA] and by providing an orderly process for ending decades of fiscally and environmentally unbalanced management.

These reforms will save the American taxpayers hundreds of millions of dollars and protect one of the last rain forests in the world's temperate latitudes, the Tongass National Forest in southeast Alaska.

The Tongass is bigger than the State of West Virginia. It is home to the greatest concentrations of bald eagles and grizzly bears in the world. Its streams provide the spawning grounds for a salmon fishery that is vital to the economy of Alaska. Just as important to the future of that State's economy is the rapidly growning number of tourists who come to the Tongass to experience its spectacular wilderness. As John Muir described it more than 100 years ago, the Tongass is a place of "endless rhythm and beauty."

The unique qualities that make the Tongass an important resource for the Nation are threatened by the Federal timber program and particularly, by the U.S. Forest Service's interpretation of ANILCA. Section 704 of ANILCA, included as part of a broad amendment package prior to Senate passage of that act, contains provisions that we now know are environmentally and economically unsound.

First, section 705 sets a goal of supplying 4.5 billion board feet of timber per decade from the Tongass to dependent industry. Second, it provides an open-ended appropriation of at least $40 million annually or as much as the Secretary of Agriculture finds is necessary to enable the USFS to achieve the timber supply goal. Unlike virtually all other Federal expenditures, including expenditures for national defense, these funds are not subject to deferral or rescission by the administration. Nor are they subject to the annual appropriations process in Congress.

My bill repeals these provisions. It deletes a timber goal which is so high that the land managers can't see the forest for the trees. And it cancels the blank check which supports uneconomic logging in that forest.

ECONOMICALLY UNSOUND MANAGEMENT

Mr. President, the Tongass program's net receipts and expenditures show the forest losing money every year in the past decade. The losses total more than $360 million. In fact, annual net receipts show losses even when ignoring capital costs, such as roads, bridges and facilities.

The Forest Service has cooked their books every way they can, but still admits to losing $18 million on timber sales in Alaska in 1987, the most recent year for which data is available. That loss occurred despite a boom year for timber prices—the best since 1981. Even in a great timber year, and even utilizing every accounting trick in the books to fudge the figures, this program lost millions.

Economists from outside the agency believe that the Forest Service's figures reflect serious biases, especially in the way they treat road costs. I believe that the real losses of the Tongass timber program in 1987 were at least $30 million, and perhaps more.

Section 705 of ANILCA made an exception to usual Forest Service prac-

tices, ratifying a series of unproven economic assumptions aimed at preserving the regional timber industry by guaranteeing timber supply without addressing timber demand. The existing pulp and sawmills in southeast Alaska were built as a direct result of Forest Service efforts to create a major timber industry in the region. The current law attempts to sustain the timber economy by relying on federal subsidies.

But in spite of increasing Federal subsidies, regional timber industry employment fell sharply after ANILCA became law, from more than 3,000 full-time equivalent jobs in 1980 to fewer than 1,800 in 1986. In today's boom, jobs are up again. But tomorrow, this boom-and-bust industry will falter again—regardless of subsidy.

Following their interpretation of section 705(a) of ANILCA, the Forest Service offered 450 million board feet of timber for sale each year, regardless of demand. As a result the Forest Service wasted millions of dollars preparing far more timber sales than there was any demand for. From 1980, when ANILCA was enacted, through 1986, the Forest Service spent $257 million of the Tongass Timber Supply Fund to put about 2.8 billion board feet of timber on sale. But only about 1.5 billion board feet was sold. In other words, only 53 percent of their work paid off.

Worse still, subsidized timber from the Tongass competes with unsubsidized, private timber grown in the same area. Native corporations established under the 1971 Alaska Native Claims Settlement Act are wholly owned by Alaska Natives. The Native corporations own some of the best timber lands in southeast Alaska. Their share of the regional timber harvest climbed from 13 percent in 1980 to 58 percent in the first two quarters of 1986. But subsidies to the Tongass National Forest undercut the ability of the Native corporations to profitably manage their lands.

TIMBER CONTRACTS

Part and parcel of the same problem are the two 50-year timber contracts the Forest Service granted to two large pulp mills. These deals commit the Forest Service to sell huge volumes of timber to these mills at bargain-basement prices. They effectively commit two-thirds of the commercial forest land to the exclusive use of the mills.

In 1981, a Federal court found the contract holders guilty of two decades of using anticompetitive practices to drive small, independent loggers out of business. A subsequent Forest Service study found that the mills had cheated the government out of $60 to $80 million through illegal bookkeeping practices, and the Forest Service reported to the Department of Justice that the mills, by these actions, had breached the contracts. The Forest Service settled this with the mills—but to date, only a small fraction of the damages to the Government have been recovered. Worse, the contracts still stand, despite many instances of the mills not holding up their end of the contracts.

My bill would cancel these anachronistic contracts. In their place, the Forest Service would use the same system of short-term timber sales used on all other national forests. The two companies still would be able to bid on timber under my bill, but it would be in free competition with other companies in the area. In a review of the two long-term timber contracts on the Tongass, the Congressional Research Service concluded compensation is unlikely to be required for cancellation of these contracts. I believe that contract cancellation is in the broad public interest and must be done to protect the natural resources of the Tongass National Forest.

Tragically, the Federal timber program endangers a large number of jobs in southeast Alaska that depend on the preservation of the Tongass. The fishing and tourism sectors of the economy combined provide more than twice as many jobs as timber, but depend on renewable natural resources. The Tongass timber industry, on the other hand, depends on the one-time harvest of high volume, old growth timber that, for practical purposes, is nonrenewable.

In 1988, salmon caught and sold in southeast Alaska brought $139 million to the region and accounted for the equivalent of nearly 4,000 full-time jobs. The salmon depend on spawning and rearing habitat in the streams whose watersheds are prime targets for logging to meet the inflated timber goals of the Tongass, much to the concern of fisheries biologists—and commercial fishermen—who have witnessed the impact of logging on salmon runs in the lower 48 States.

CONGRESS MUST ACT

Congress must cancel the blank check we have given for logging the Tongass. We must repeal section 705(a) of ANILCA and require that the Forest Service justify its spending. The savings for such a change will be significant.

In the last two appropriations cycles, we have taken a first step, by sidestepping the permanent appropriation. But as long as the Forest Service program on the Tongass is driven by a single goal—the 4.5-billion-board-feet timber harvest required by section 705(a) of ANILCA—at the expense of all other goals or values, we will be wasting million of dollars on the Tongass. My bill will repeal that goal.

FOREST PLANNING

The Forest Service has a plan for managing the Tongass National Forest. It is now revising that plan. But any plan which has as its cornerstones the $40 million permanent appropriation, the 4.5-billion-board-foot goal, and the two 50-year timber contracts which commit the Forest Service to sell huge volumes of timber at unconscionably low prices—will not be a multiple-use plan.

No number of bells and whistles added to such a plan will staunch the flow of taxpayer dollars or give any assurances of adequate protection for the fisheries, tourism and natural values of southeast Alaska.

Because the Forest Service's plan controls their actions on the Tongass, congressional action to repeal the permanent appropriation is not enough. Our repealing the legislated timber goal is not enough. And even our canceling the 50-year timber contracts is not enough, if those items live on in a Forest Service management plan that is built around those three factors.

To deal with that problem, my bill directs the Forest Service to revise its plan, to emphasize protection of fish and wildlife, and to protect 23 of the most important and most sensitive areas in the forest from further timber harvest until a new, balanced plan is complete.

The areas selected for protection in the bill have exceptional values for fish, wildlife, recreation, subsistence hunting and fishing, and scientific research. They are areas of high-volume old-growth forest, portions of the Tongass' rainforest with trees 200 to 800 years old, which provides essential habitat for deer, grizzly bear, bald eagles and other wildlife. And this special forest occurs primarily along rivers and streams where clear-cutting leads to erosion, siltation and other degradation of salmon habitat.

We are not just dealing with a legislative error. We are dealing with the momentum of decades of managing the Tongass as if there were no tomorrow. These decades have taken their toll. Since 1950, more than half of the highest-volume old-growth forest on the Tongass has been logged. Less than 5 percent of this habitat is protected in wilderness. By the Forest Service's own rating system, 70 percent of the high value wildlife areas and 72 percent of the high value fishery areas lie outside the Tongass' designated wilderness areas—and are subject to whatever management the forest plan prescribes for them.

If we don't provide an orderly transition to more rational management, we may lose much of what we hope to preserve. Old growth forest is not an easily renewable. It takes 200 or more years to developing under natural conditions which we do not know how to duplicate.

TIMBER AND WILDERNESS

Some have argued that the provisions of section 705 of ANILCA, which

this bill would repeal, were compensation for areas that were set off-limits to timber harvesting by the wilderness designations made in that act. They claim that the wilderness designations caused the decline in the number of jobs in the timber industry of southeast Alaska. But, in fact, less than 4 percent of the 5.5 million acres of wilderness in the Tongass contains commercially important timber. Moreover, the Forest Service has provided the two pulp mills with substitute timber for any they lost through those wilderness designations. And the General Accounting Office found that the decline in Tongass timber industry employment after ANILCA was enacted was due to declining demand for timber, not wilderness designation.

GAO STUDY

The General Accounting Office recently analyzed the costs and revenues of the Tongass timber program at the request of Senators STEVENS and PROXMIRE. The GAO report recommends that Congress "revise the 4.5 billion board feet per decade requirement * * * of ANILCA" so that timber goals can be set through the land management planning process—as they are in every other national forest. My bill will do that.

The GAO study did not, however, consider the important natural resource issues involved in management of the Tongass. It looked at dollars and cents, and board feet of timber, but it did not consider salmon, fisheries, wildlife, tourism, hunting and fishing, subsistence uses for Alaskan Natives, or the many important natural values of the Tongass and its low-elevation, old-growth forests.

My bill tries to assure that these values—as well as timber values—are given the consideration they deserve in the management of the Tongass, and that they are not decimated by continuation of outdated management while the Forest Service formulates a new, better, and more balanced way to manage our largest national forest.

I urge my colleagues to join me in supporting this measure, and I ask unanimous consent that this statement, the text of the bill, and a section-by-section analysis of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tongass Timber Reform Act".

SEC. 2. DEFINITIONS.

As used in this Act—

(a) The term "the Secretary" means the Secretary of Agriculture.

(b) Unless otherwise specified, any other term has the same meaning as used in the Alaska National Interest Lands Conservation Act as amended (Public Law 96-487), hereinafter referred to as ANILCA.

TITLE I—ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT AMENDMENTS

SEC. 101. ANNUAL APPROPRIATIONS FOR TIMBER MANAGEMENT AND RESOURCE CONSERVATION ON THE TONGASS NATIONAL FOREST.

Section 705(a) of ANILCA (16 U.S.C. 539d(a)) is hereby repealed effective September 30, 1989, and subsections (b) and (c) of section 705 are redesignated as subsections (a) and (b), respectively.

SEC. 102. IDENTIFICATION OF LANDS UNSUITABLE FOR TIMBER PRODUCTION.

Section 705(d) of ANILCA (16 U.S.C. 539d(d)) is hereby repealed.

SEC 103. REPORTS ON THE TONGASS NATIONAL FOREST.

(a) MONITORING.—Section 706(a) of ANILCA (16 U.S.C. 539e(a)) is hereby repealed.

(b) STATUS.—Section 706(b) of ANILCA (16 U.S.C. 539e(b)) is amended as follows:

(1) Strike out "(b)" and insert in lieu thereof "(a)".

(2) Strike out "and (4)" and insert in lieu thereof "(4)".

(3) Strike out the period at the end of the section and insert in lieu thereof "; (5) the impact of timber harvest on subsistence resources, wildlife and fisheries resources, commercial fisheries, recreation resources and tourism; (6) effects of timber harvest on biological diversity and measures to conserve biological diversity; (7) effects of timber harvest on the old growth rain forest ecosystem, especially in areas of high volume, and measures to conserve the old growth ecosystem; (8) timber supply and demand in southeastern Alaska; and (9) costs and revenues of the timber sale program.".

(c) CONSULTATION.—Section 706(c) of ANILCA (16 U.S.C. 539e(c)) is amended as follows:

(1) strike out "(c)" and insert in lieu thereof "(b)".

(2) strike out "and the Alaska Land Use Council" and insert in lieu thereof "the southeast Alaska commercial fishing industry, and the Alaska Land Use Council".

SEC. 104. TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA

Title V of ANILCA is amended by adding at the end thereof the following new section:

"SEC. 508. TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA.

"Not later than 90 days after the date of enactment of this section, the Secretary shall terminate the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 between the United States and Alaska Pulp Corporation, and between the United States and Ketchikan Pulp Company, respectively.".

TITLE II—MANAGEMENT OF THE TONGASS NATIONAL FOREST

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) natural resources of the Tongass National Forest possess outstanding natural characteristics of high value and benefit to the American people, and these resources are essential for subsistence activities and for the commercial fishing, recreation, and tourism industries which contribute significantly to the economy of southeast Alaska;

(2) The Tongass National Forest contains one of the last largely intact rain forests in the world's temperate latitudes, and must serve as an example of the type of protection, preservation and management that will be required to stop the destruction of rain forest resources in other nations;

(3) current Forest Service management of the Tongass National Forest, in particular the amount of high volume of old growth timber offered for sale and harvested, gives priority to timber harvest over other uses of the forest and thus is not consistent with the principle of multiple use or with requirements of the Forest and Rangeland Renewable Resources Act of 1974 and the National Forest Management Act of 1976, and cannot be sustained without jeopardizing natural resources that are of national significance and upon which the commercial fishing, recreation, and tourism industries and subsistence users of southeast Alaska depend;

(4) the Tongass National Forest Land Management Plan of 1979, as amended, which guides current Forest Service management practices, is predicated on sections of ANILCA that are repealed or amended by this Act and therefore should be revised consistent with the provisions of this Act and with other laws applicable to the National Forest System, to significantly increase protection and enhancement of fish, wildlife, watershed, recreation, cultural, biological diversity, and old growth forest ecosystem resources, and to support the long-term best interest of all natural resources dependent industries and subsistence communities in southeast Alaska.

(b) PURPOSE.—

The purpose of this title is to require revision of the Tongass National Forest Land Management Plan of 1979, as amended, in conformance with this Act and other laws applicable to the National Forest System, to significantly increase protection of resources that are critical to the long-term best interests of the commercial fishing, recreation, and tourism industries, and the subsistence users in southeast Alaska, and which are of high value and benefit to the people of the United States. These include the fish, wildlife, watershed, recreation, cultural, biological diversity and old growth ecosystem resources and subsistence values of the Tongass National Forest.

SEC. 202. DIRECTIVE AND REPORTS.

(a) In furtherance of the purpose of this title, the Secretary is hereby authorized and directed to fully revise the Tongass National Forest Land Management Plan of 1979, as amended, to conform with provisions of this Act and other laws applicable to the National Forest System. This revision shall supersede the Forest Plan revision currently underway.

(b) In revising the Forest Plan, the Secretary shall significantly increase the protection of fish, wildlife, watershed, recreation, cultural, biological diversity and old growth ecosystem resources and subsistence values of the Tongass National Forest. Planning and management of old growth resources shall give specific attention to areas of high volume old growth timber (30,000 board feet per acre or greater) and shall consider both individual species of plants and animals and the old growth ecosystem as a whole.

(c) In revising the Forest Plan, the Secretary shall ensure that priority is given to the protection of fish, wildlife, watershed, recreation, cultural, biological diversity, and old growth ecosystem resources and subsistence values of the areas listed in section 302(b) of this Act.

(d) Within 30 days after this Act takes effect, the Secretary shall provide the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives with a report on the schedule for revision of the Tongass Land Management Plan, including the expected dates of publication of the draft and final plans.

(e) Within one year after this Act takes effect, and each year thereafter until the revised Tongass National Forest Land Management Plan is completed and ready for implementation, the Secretary shall provide the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives with a report describing the steps taken in furtherance of section 201(b) of this Act.

TITLE III—MORATORIUM ON TIMBER SALES AND HARVEST

SEC. 301. PURPOSE.

The purpose of this title is to impose a moratorium on the sale or commercial harvest of timber in certain areas having special values for fish and wildlife, subsistence, recreation, old growth, and other resources, pending revision of the Tongass National Forest Land Management Plan to conform with the new management directives provided in this Act.

SEC. 302. MORATORIUM.

(a) MORATORIUM.—During the revision of the Tongass National Forest Land Management Plan there shall be no sale or harvest of timber, nor any associated development (including timber sale preparation or road construction), within any area specified in subsection (b) of this section. This moratorium shall remain in effect until 90 days after publication of the Record of Decision for the Forest Plan.

(b) AREAS AFFECTED.—The moratorium shall apply to lands administered by the Forest Service, as generally depicted on appropriately referenced maps, as follows:

Area	*Approximate Acreage*
Anan Creek	37,331
Berners Bay	35,379
Calder-Holbrook	62,335
Chichagof	253,540
Chuck River	125,574
Kadashan	33,641
Karta River	38,671
Kegan Lake	23,858
Naha River	31,926
Nutkwa	53,635
Outside Islands	95,524
Pleasant Island-Lemesurier Islands	15,527
Pt. Adolphus-Mud Bay	72,091
Port Houghton-Sanborn Canal	59,712
Rocky Pass	74,423
Sarkar Lakes	23,500
South Etolin Island	81,939
South Kuiu	190,301
Sullivan Island	3,985
Trap Bay	6,446
West Duncan Canal	118,812
Yakutat Forelands	232,962
Young Lake	18,173

Copies of maps depicting these areas shall be on file and available for public inspection in the offices of the Chief of the Forest Service in Washington, D.C., and the Regional Forester in Juneau, Alaska.

SECTION-BY-SECTION ANALYSIS OF THE TONGASS TIMBER REFORM ACT

Title I of the bill amends the Alaska National Interest Lands Conservation Act.

Section 101 repeals ANILCA section 705(a), which requires the Tongass National Forest timber supply to be maintained at a rate of 4.5 billion board feet per decade and guarantees an annual appropriation of at least $40 million for the timber program. The effect of repealing 705(a) is that the Tongass will be administered in the same manner as all other National Forests, i.e., appropriations will be made on an annual basis and the timber supply will be determined through the regular Forest Service land management planning process, rather than being dictated by statute.

Section 102 repeals ANILCA section 705(d). The effect of repealing 705(d) is to require the Forest Service to designate lands unsuitable for timber production on the Tongass, as the Forest Service has done on all other National Forests.

Section 103(a) repeals ANILCA section 706(a), which requires the Secretary of Agriculture to annually monitor and report on timber supply and demand in southeast Alaska. This special annual report on timber will no longer be needed once this bill is enacted and the Tongass is managed for multiple use. Timber supply and demand will be addressed, along with other resources, in a biennial report on the status of the Tongass.

Section 103(b) amends section 706(b) of ANILCA, which requires a biennial report to Congress on the status of the Tongass. The Tongass Timber Reform bill requires an addition to the biennial report to include information on the impact of timber harvest on subsistence, fish, wildlife, recreation, old growth, biological diversity, commercial fisheries, and tourism, plus a section on timber supply and demand in southeast Alaska and a section on the costs and revenues of the timber sale program.

Section 103(c) amends ANILCA 706(c) to add the southeast Alaska commercial fishing industry as one of the groups to be included in preparing the biennial forest status report.

Section 104 amends ANILCA by adding a section requiring termination of two 50-year timber sale contracts involving 13.3 billion board feet of timber.

Title II of the bill addresses the management of the Tongass National Forest.

Section 201 is a statement of the findings and purpose.

Section 202 directs the Secretary of Agriculture to fully revise the Tongass National Forest Land Management Plan of 1979, as amended. In revising the plan, the Secretary is to ensure that significantly increased protection is given to fish, wildlife, watershed, recreation, cultural, biological diversity and old growth ecosystem resources and subsistence values.

Title III of the bill places a moratorium on timber sales and harvest in 23 areas with significant wildlife, fish and subsistence values, pending completion of a revised forest plan.●

By Mr. KERRY (for himself, Mr. LUGAR, and Mr. LAUTENBERG):

S. 347. A bill to combat international terrorism and otherwise further the national security and foreign policy interests of the United States; to the Committee on Foreign Relations.

ANTITERRORISM AND ARMS EXPORT AMENDMENTS ACT

Mr. KERRY. Mr. President, today Senator RICHARD LUGAR, Senator FRANK LAUTENBERG, and I are reintroducing legislation we proposed during the last session of the Congress.

This legislation reaffirms, strengthens, and clarifies existing law prohibiting the exports of military weapons and equipment to countries which have been designated by the Secretary of State as supporters of international terrorism. The bill requires more detailed and periodic reporting of arms exports by the executive branch, and imposes new criminal and civil penalties on those who violate the prohibition on arms exports to terrorist countries.

In 1986, section 40 of the Arms Export Control Act was amended to ban the export of items on the U.S. Munitions List to any country which the Secretary of State determines consistently supports acts of international terrorism. A Presidential waiver is included in section 40, if the President determines it to be in the national interest of the United States to provide weapons to a country designated as supporting terrorism. If the waiver authority is exercised, the President is required to submit a report to the Congress describing the proposed export of weapons and detailing the national interest justification for such a sale.

Two months after the enactment of this seemingly straightforward prohibition on exporting arms to terrorist states, 500 TOW missiles were shipped to Iran without a notification being forwarded to the Congress. During the Iran/Contra investigation, questions were repeatedly raised as to the meaning and intent of section 40 and its relationship to antiterrorism provisions appearing in laws other than the Arms Export Control Act.

Over the years, the laws governing the export of weapons to countries supporting terrorism have established differing standards which can lead to confusion and misinterpretation. There is not a single standard in law for: (1) determining whether a country supports international terrorism; (2) identifying which U.S. official should make such a determination; (3) identifying which arms are subject to restrictions; (4) identifying the criteria that empower the President to waiver statutory restrictions; (5) informing Congress of such exports of arms, including covert exports. These conflicting and inconsistent provisions of existing law have served to undermine the effectiveness of U.S. antiterrorism policy, both in terms of what is required of the executive branch of government and activities engaged in by private U.S. citizens who look to the law for guidance.

During the 100th Congress, Congressman HOWARD BERMAN and Congressman HENRY J. HYDE undertook an initiative to bring coherence and consistency to the vague and ambiguous

statutes which currently comprise our antiterrorism policy. In a truly bipartisan fashion, they developed legislation which lays out U.S. antiterrorism policy in a clear, uniform, and consistent manner. That legislation was adopted by the House of Representatives on three separate occasions during the last Congress.

In September, 1988, Senator LUGAR, Senator LAUTENBERG, and I introduced companion legislation in the Senate. Subsequent to hearings held by the Senate Committee on Foreign Relations, a number of relatively minor changes were made. These changes were made at the suggestion of the ranking minority member of the committee, Senator JESSE HELMS, which were acceptable to the Department of State and the principal sponsors of the legislation in the House of Representatives.

In the waning hours of the 100th Congress, the House passed legislation, the first title of which was virtually identical to the bill we are introducing today. Although there was bipartisan agreement to adopt the legislation in the Senate, we adjourned before the Senate had the opportunity to take final action.

Mr. President, early introduction of the Anti-terrorism and Arms Export Control Act Amendments of 1989 will assure that the Senate has the opportunity to act expeditiously on this legislation which is designed to strengthen the statutory underpinnings of a strong U.S. antiterrorism policy.

The major objectives embodied in the bill are as follows:

One, to clarify and strengthen the prohibition on the export of military arms and equipment ("munition items") to countries which the Secretary of State has determined repeatedly provide support for acts of international terrorism ("terrorist countries"), including the imposition of criminal and civil penalties for violations of the prohibition;

Two, to establish uniform standards in the Arms Export Control Act, the Foreign Assistance Act of 1961, and the Export Administration Act of 1979 for the designation of a country as one whose government repeatedly provides support for acts of international terrorism and provides for the Presidential authority to waive statutory prohibitions or to rescind the Secretary of State's determination;

Three, to require validated licenses for the export of any good or technology which could significantly contribute to the military potential of terrorist country or could enhance that county's ability to support international terrorism;

Four, to require quarterly reports from the executive branch listing all Presidential approved transfers of munitions list items exceeding $1 million in value from a recipient country to a third country, to require quarterly reports, classified if necessary, of interagency transfer of munitions list items which will not ultimately be disposed of within the United States but excluding from such reports those munitions list items which are used solely in connection with intelligence activities and therefore subject to other reporting requirements under the National Security Act; and

Five, to clarify that the President's authority under the Hostage Act of 1868 to take action to release hostages cannot be carried out in a manner which would otherwise be prohibited by law.

Mr. President, as I stated at the outset of my remarks, the Anti-terrorism and Arms Export Control Act Amendments of 1989 is largely a restatement of existing law, closing potential loopholes and revising certain existing provisions to ensure that uniform standards are established in the United States Code. The bill does not attempt to reform the personnel or structure of the National Security Council or the State, Commerce, or Defense Departments. Nor does it seek to change the manner in which arms exports are approved by the U.S. Government or to impose blanket sanctions on terrorist states. The bill does not impair the President's discretionary authority. In fact, in some cases, the bill broadens the President's discretion while holding him to a reasonable standard of accountability to Congress in the exercise of that authority.

Finally, Mr. President, let me summarize the principal provisions of the bill:

The legislation amends the Arms Export Control Act, the Foreign Assistance Act of 1961, the Export Administration Act of 1979 and the Hostage Act of 1868. Its major provisions amend the following sections of these statutes as follows:

Section 40 of the Arms Export Control Act, which prohibits exports of arms to terrorist states, is significantly reinforced. Prohibited transactions are listed in detail, both with respect to U.S. Government activities and private transactions. The President is authorized to waive the prohibitions for specific transactions, but only with prior, detailed reporting to Congress, on a classified basis if necessary.

In addition, revised section 40 authorizes the President to rescind the Secretary of State's determination that a country supports international terrorism if certain conditions are met. The President's rescission can become effective immediately if he reports to Congress that there has been a fundamental change in the leadership and policies of the government in question, or 30 legislative days after the President has submitted a report to Congress certifying that the government in question has not provided any support for international terrorism during the preceding 6-month period and that appropriate assurances have been given that such government will not support acts of international terrorism in the future.

The amended section 40 further provides the President with the conditional right to exercise the waiver authority of section 614(a) of the Foreign Assistance Act of 1961 in connection with a section 40 prohibited activity, but only under exceptional circumstances where time is of the essence and where the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives are consulted fully prior to the use of that authority. Specifically, the President is authorized to exercise the section 614(a) authority, but not less than 24 hours before that authority is exercised.

Amended section 40 also imposes criminal penalties on public and private parties who violate the prohibitions contained in this section.

Section 36 of the Arms Export Control Act which requires certain reports to Congress on commercial and governmental military exports, is amended to require:

One, quarterly reports listing all Presidential consents to transfers of munitions list items exceeding $1 million in value from a recipient country to a third country under the authority of sections 3(a) or 38 of the Arms Export Control Act or section 505 of the Foreign Assistance Act of 1961;

Two, quarterly reports, classified if necessary, of interagency transfer of munitions list items which will not ultimately be disposed of within the United States but excluding from the report those munitions list items which are used solely in connection with intelligence activities and are subject to other reporting requirements under the National Security Act.

Section 620A of the Foreign Assistance Act of 1961, the section of the act prohibiting assistance to countries supporting international terrorism, is amended to conform it with other changes in the law, particularly the revision of section 40 of the Arms Export Control Act. There is a clarification that the President cannot use humanitarian reasons to justify a waiver of the antiterrorism prohibition for the purpose of providing any security assistance under part II of the Foreign Assistance Act of 1961 or by the Export-Import Bank.

Section 6(j) of the Export Administration Act, which regulates the export of goods and technology of military value to terrorist states, is amended to:

One, remove the current $1 million annual threshold amount under which the executive currently does not have to report to Congress the export of goods and technology or military value to terrorist states;

Two, require validated licenses for all such exports to terrorist states and 30-day prior notification to Congress of the proposed issuance of a validated license;

Three, conform the recession authority with the rescission authority available under new section 40 of the Arms Export Control Act and new section 620 of the Foreign Assistance Act of 1961; and

Four, require that the Secretary of State's determination as to whether the export of goods and technology make a significant contribution to the military potential of a terrorism country or enhance the ability of such country to support acts of international terrorism be conjectural rather than one of certainty.

The Hostage Act of 1868 is amended to clarify that the President's authority to take action to release hostages cannot be carried out in a manner which would otherwise be prohibited by law.

During House debate on the companion legislation to this bill last year, Congressman HYDE ably summed up the need for prompt enactment of this measure as follows: As serious terrorist acts proliferate and the global community struggles to respond effectively, it is now more important than ever that the United States have a consistent, clearly stated terrorist policy. This legislation is designed to help fill this need.

Those of us who are sponsoring this bill urge our colleagues to move expeditiously on this legislation to assure that it becomes law early in this session of Congress.

By Mr. DECONCINI (for himself and Mr. DODD):

S.J. Res. 46. Joint resolution to designate the month of April 1989, as "National Child Abuse Prevention Month;" to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION MONTH

● Mr. DECONCINI. Mr. President, I am introducing today, together with my colleague from the great State of Connecticut, Senator DODD, a joint resolution to declare the months of April 1989 and 1990 as "National Child Abuse Prevention Month." I am hopeful that a great number of my distinguished colleagues will join us in this important effort.

Mr. President, despite the fact that agencies and organizations serving our children have made notable contributions over the past few years in improving the lives of our youth—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—child abuse is still on the increase.

Recent data makes it abundantly clear that our Nation's poor children are the high-risk victims for abuse, neglect, and other poverty related problems. The families of these children are caught in a web of strife, stress, and strain in their attempt to merely survive from day to day. Their struggle is compounded by lack of resources, both spiritual and physical, to reduce the burden imposed by their state of proverty.

Mr. President, America's child abuse problem does not stop there. It appears in every State in the Union and cuts across all socioeconomic groups. From the improverished ghettos of our urban centers to the stately manors across the Nation, millions of America's children are not getting a fair chance to grow into productive adults. Many children in the United States are growing up in wholesome, nurturing environments. However, millions more are not blessed with that good fortune. Every child in the world needs and deserves food, shelter, and love in order to survive and prosper.

The evidence of child abuse and neglect is both alarming and overwhelming. The best available statistics estimate that three of every four cases of child abuse go unreported and the number of reported incidences continues to rise. The data collected by the "Child Help U.S.A." organization and others show that over 1.5 million cases of child abuse are reported, so as many as 6 million of our Nation's children are being tragically abused. Today, I regret to report that the incidence rate is not declining. Abuse cases significantly rose since 1980. Physical abuse increased by 58 percent and sexual abuse tripled its 1980 rate by 1986. All experts agree that the numbers will escalate further, since victims will likely victimize their own children and others.

Mr. President, despite the best efforts of the social service providers, like Child Help U.S.A., Parents Anonymous, and other members of the National Child Abuse Coalition, the entire Nation is threatened by the continued growth in child abuse and neglect. The only all day, every day, national crisis counseling hotline staffed totally by medical and clinical professionals received over 126,000 calls in 1986 compared with only 8,600 calls when it was established in 1982. The Child Help U.S.A. phone system was at capacity in 1986. Since then, it has had to expand to accommodate an increasing number of calls.

As I have stated previously, Members of Congress have an opportunity to assist the many individuals, organizations, and agencies that are striving to rid our Nation of the epidemic of child abuse and to assist the victims as well. We can help focus public attention on goals and objectives of these agencies and improve the general welfare of our children.

The declaration of April 1989, and April 1990, as "National Child Abuse Prevention Month," is a significant way in which we in Congress can emphasize the importance of increasing public awareness and education for the benefit of our troubled families and suffering children. There is help available in communities throughout the Nation, but we need to get the message out to the abused as well as the abusers. Therefore, I urge my colleagues to join Senator DODD and myself in this effort to have April 1989 and April 1990 designated as "National Child Abuse Prevention Month."

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 46

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated 6,000,000 children become victims of child abuse in this Nation each year;

Whereas an estimated 4,000 to 5,000 of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April 1989, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling on all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.●

By Mr. PRESSLER:

S.J. Res. 47. Joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services; to the Committee on the Judiciary.

ANNIVERSARY OF THE SMITH-LEVER ACT

Mr. PRESSLER. Mr. President, today I am introducing a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services. Congressman TRAXLER is introducing a companion resolution in the House of Representatives today.

During my years as a Congressman and Senator, I often have paid tribute to the great value of the Extension Service. Extension programs benefit farmers, ranchers, consumers, and youth throughout America. The Cooperative Extension Program has been one of our Government's most productive efforts. Its activities have helped to keep American farmers the most productive and efficient in the world. It is fitting that the Smith-Lever Act of 1914, which has fostered the development of State Cooperative Extension Services in conjunction with our Nation's land-grant colleges and universities, be properly recognized by the U.S. Congress on its 75th anniversary.

The South Dakota Cooperative Extension Service has played an invaluable role in bettering the lives of South Dakotans. Extension agents have helped organize rural water systems in South Dakota, a State that is badly in need of good, clean, drinking water. The devastating effects of natural disasters, such as floods, unseasonal frost, drought, hailstorms, and insect attacks are alleviated in part by the Extension Service's ability to furnish farmers with quick and accurate information. Educational forums sponsored by South Dakota extension agencies cover such diverse topics as nutrition, family management, horticulture, and livestock production.

Having grown up on a small family farm, I know from personal experience that agricultural research and other activities of the Cooperative Extension Service are vital to both rural and urban America. One important service provided by extension agencies is guidance of 4–H Clubs. I participated in 4–H for 9 years. My 4–H involvement included the opportunity to travel to Egypt for the 1961 World Agricultural Fair and to meet President John F. Kennedy in the White House in March 1963. The 4–H is still extremely important to a large number of America's young people.

The Extension Service's efforts to improve the quality of life in rural America have been invaluable, and the need for these services continues today. In these times of hardship on the family farm, if we are to continue to increase agricultural productivity and compete in foreign markets, progress in agricultural research is essential. The efforts of these agencies to improve farm management efficiency are as important today as they ever have been in our history.

In conclusion, I urge that the Cooperative Extension Service receive continued support from Congress as an important investment in the future of the United States, and that the 75th anniversary of the enactment of the Smith-Lever Act of 1914 be commemorated on May 8, 1989.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 47

Whereas the Act of May 8, 1914, (38 Stat. 372) as amended, commonly known as the Smith-Lever Act of 1914, has fostered through the United States Department of Agriculture the development of a system of State Cooperative Extension Services in conjunction with our Nation's land-grant colleges and universities which disseminates and encourages the application of research-generated knowledge and leadership techniques to individuals, families and communities;

Whereas the Smith-Lever Act of 1914 has contributed greatly in assisting American farm families with the efficient production of a reliable supply of food and fiber for consumers in this country and worldwide;

Whereas the Cooperative Extension System has done much to help rural and urban adults and youth help themselves as they have steadily improved their quality of life and leadership ability; and

Whereas the relationship existing between the Federal, State and county extension services has provided for citizen input to research and educational programs of USDA and the land-grant universities for three quarters of a century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the Cooperative Extension System should continue to be supported as an important investment in the Nation's future, and that the seventy-fifth anniversary of the enactment of the Smith-Lever Act of 1914 should be commemorated on May 8, 1989.

SEC. 2. The President is authorized and requested to issue a proclamation commemorating the enactment of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's Cooperative Extension System.

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mrs. KASSEBAUM, Mr. ROTH, Mr. DECONCINI, and Mr. DODD):

S.J. Res. 48. Joint Resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections; to the Committee on the Judiciary.

CONGRESSIONAL AND PRESIDENTIAL ELECTION CONTRIBUTION AND EXPENDITURES

● Mr. HOLLINGS. Mr. President, 468 congressional races were just run, and I regret to note that the candidates—Democrats and Republicans alike—spent most of their time campaigning for money, not votes. In 1988, as in years past, the electoral process was compromised—and too often corrupted—by the vast sums of money collected and spent in Federal campaigns.

Mr. President, I am introducing a constitutional amendment that allows Congress to set reasonable limits on campaign spending. It is simple, straightforward and it gets the job done. Every Senator is familar with the campaign finance debate. Last year we had a record number of cloture votes on S. 2, and 3 cloture votes on Senate Joint Resolution 282—the last of which garnered 53 votes—my constitutional amendment. There was good debate and ample opportunity to frame the issues and get the different positions on the table. It was particularly well timed because it allowed us to view the issues against the backdrop of a full congressional and Presidential election.

Despite our fresh education in the excesses of our present campaign finance system, last year's opponents of campaign finance reform have decided to address every issue except the one that really matters. As one opponent put it recently, "there is no middle ground on spending limits." I agree. Without them, we are only hacking away at the branches of the tree, while the roots and trunk grow ever more entrenched.

Mr. President, we have met the enemy, and he is us: Candidates for Federal office, and our guest for ever-fatter campaign was chests. Accordingly, if the problem is on the demand side, then we must seek a demand-side solution that places strict limits on how much money candidates can spend.

Not surprisingly, many of our colleagues prefer to focus on the supply side—casting blame on the unions, businesses, associations, and individual citizens who give money to political campaigns. It is a lot like our old strategy for fighting the illegal drugs. Instead of admitting that our drug epidemic is largely a demand-driven crisis spurred on by millions of narcotics abusers here in the United States, we preferred to pretend that the problem is with those evil foreign nations that are supplying our demand.

In the Omnibus Drug Act we passed last year, we finally faced reality by acknowledging that there are limits to a supply-side solution to the drug mess. The supply is inexhaustible and unstoppable so long as demand contin-

ues to rise. Accordingly, the drug bill focused additional resources on the demand side by emphasizing education, rehabilitation, and penalties. I say the time has come to be equally honest about the campaign finance scandal. We politicians find it convenient to cast blame on the suppliers of campaign money, but the real problem is our own addiction. And it is precisely this addiction that we must confront head-on.

To that end, my proposed constitutional amendment would permit Congress to impose legal caps on campaign spending. Through this amendment, we can accomplish two objectives: First, we will moderate candidates' obsession with fundraising; and second, we will level the playing field so that money is not the prime factor in who can run for Federal office.

Mr. President, this body faces unfinished business in the field of electoral reform. In 1974, with the Federal Election Campaign Act amendments, Congress provided for public financing of Presidential elections and set political contribution and spending limits for candidates in Federal elections. Regrettably, in the case of Buckley versus Valeo, the Supreme Court struck down the spending limits provisions of those amendments. The Court held that spending limits would curb the freedom of contributors and candidates to express themselves in the political marketplace.

In its ruling, the Court purported to defend freedom of speech. In reality what it said is this: Yes, if you have personal wealth or if you are a well-financed incumbent, you can glut the airwaves, you have freedom of speech. But if you do not have money, then your freedom of speech is limited.

Justice Thurgood Marshall zeroed in on this disparity in his dissent to Buckley versus Valeo. By striking down the limit on what a candidate can spend, Justice Marshall said, "It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start." Indeed, Justice Marshall went further. He argued that by upholding the limitations on contributions but striking down limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

Justice Marshall was dead right. And it is time for the Nation to correct this injustice. To that end, I have proposed a bill which reads as follows:

SECTION 1. Congress shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election for Federal office.

SECTION 2. The States shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election for State and local office.

What this bill does is enhance freedom of speech by assuring that everyone has a more equal chance to be heard. I repeat: The problem is not campaign contributions but campaign spending. I want to attack the disease itself, which is excessive campaign spending. The bill I have proposed would permit Congress to impose fair, responsible limits on Federal campaign expenditures.

Such a reform would have an important impact. It would moderate candidates' obsession with fundraising, and it would create a more level playing field for our Federal campaigns—a competitive environment where incumbency or personal wealth do not give candidates an insurmountable advantage.

Mr. President, the Supreme Court has chosen to ignore the overwhelming impact of TV on a candidate's ability to be heard. In Buckley versus Valeo, it prescribes a bogus "if you have the money you can talk" version of free speech. In its place, I urge passage of this legislation, the campaign finance reform amendment bill.

I ask with unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 48

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE—

"SECTION 1. Congress shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election for Federal Office.

"SECTION 2. The States shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election for State or local office.".●

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DODD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 5, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 9

At the request of Mr. DOLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 9, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 10

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 10, a bill to amend title XVIII of the Social Security Act to ensure that Medicare-dependent, small rural hospitals receive for a 3-year period at least their reasonable costs for inpatient hospital services furnished under the Medicare Program.

S. 13

At the request of Mr. CRANSTON, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 13, a bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care services for veterans; and for other purposes.

S. 23

At the request of Mr. HUMPHREY, the names of the Senator from Kansas [Mr. DOLE] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 23, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 29

At the request of Mr. FORD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 29, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 32

At the request of Mr. THURMOND, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 32, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 67

At the request of Mr. INOUYE, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 67, a bill to establish a temporary program under which parental diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer.

S. 75

At the request of Mr. HELMS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 75, a bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 82

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 84

At the request of Mr. BIDEN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 84, a bill to amend title 28, United States Code, to provide Federal debt collection procedures.

S. 115

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 115, a bill to amend titles XVIII and XIX of the Social Security Act to provide that nurse practitioner or clinical nurse specialist services are covered under part B of Medicare and are a mandatory benefit under Medicaid.

S. 116

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 116, a bill to amend title XVIII of the Social Security Act to increase the independence of psychologists with respect to services furnished at a comprehensive outpatient rehabilitation facility.

S. 117

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 117, a bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles.

S. 118

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 118, a bill to amend title XVIII of the Social Security Act to provide coverage of clinical social workers' services when provided onsite at a community mental health center or offsite as part of a treatment plan.

S. 119

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 119, a bill to amend titles XVIII and XIX of the Social Security Act to provide that pediatric nurse practitioner or pediatric clinical nurse specialist services are covered under part B of Medicare and are a mandatory benefit under Medicaid.

S. 126

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 126, a bill to amend title XVIII of the Social Security Act to provide that nurse practitioner or clinical nurse specialist may, in collaboration with a physician, certify or recertify the need for certain services, to provide for coverage of certain items and services furnished by a nurse practitioner or clinical nurse specialist, and for other purposes.

S. 169

At the request of Mr. HOLLINGS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 169, a bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being.

S. 189

At the request of Mr. MATSUNAGA, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 189, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans' Affairs to provide funeral transportation, remains transportation, and living expense benefits to deceased medal of honor recipients and their families.

S. 190

At the request of Mr. MATSUNAGA, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 242

At the request of Mr. HELMS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 242, a bill to amend Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 253

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 253, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of food consumed in the United States, with the provision for the conduct of scientific research and development in support of such program and plan.

S. 276

At the request of Mr. DURENBERGER, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 276, a bill to establish a Department of Environmental Protection.

S. 279

At the request of Mr. HUMPHREY, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 279, a bill to amend the Internal Revenue Code of 1986 to exclude from gross employee adoption assistance provided by the employer.

S. 305

At the request of Mr. DIXON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 305, a bill to modernize and reform the regulation of financial services to strengthen the enforcement authority of depository institution services, to strengthen the enforcement authority of depository institution regulating agencies, and for other purposes.

S. 306

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 306, a bill to amend the Social Security Act to make certain modifications in the Medicare Program with respect to payments made under such program to hospitals located in rural areas, to improve the delivery of health services to individuals residing in such areas, and for other purposes.

S. 318

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 318, a bill to facilitate the national distribution and utilization of coal.

SENATE JOINT RESOLUTION 7

At the request of Mr. SANFORD, the names of the Senator from North Dakota [Mr. BURDICK] the Senator from Colorado [Mr. WIRTH], the Senator from North Dakota [Mr. CONRAD], the Senator from Michigan [Mr. LEVIN], the Senator from Iowa [Mr. HARKIN], the Senator from Illinois [Mr. SIMON], the Senator from Oklahoma [Mr. BOREN], the Senator from Nevada [Mr. REID], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 7, a joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

SENATE JOINT RESOLUTION 26

At the request of Mr. ROTH, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution proposing an amendment to the Constitution of the United States relative to campaign expenditures.

SENATE JOINT RESOLUTION 32

At the request of Mr. PACKWOOD, the names of the Senator from Maryland

[Ms. MIKULSKI], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Louisiana [Mr. BREAUX], the Senator from New York [Mr. D'AMATO], the Senator from Georgia [Mr. FOWLER], the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Missouri [Mr. DANFORTH], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Nevada [Mr. BRYAN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 32, a joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 34

At the request of Mr. BENTSEN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution designating the week of April 14, 1989, through April 22, 1989, as "National Minority Cancer Awareness Week."

SENATE JOINT RESOLUTION 43

At the request of Mr. GRAHAM, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SIMON, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Concurrent Resolution 10, a concurrent resolution to express the sense of the Congress with respect to continuing reductions in the Medicare Program.

SENATE RESOLUTION 16

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Resolution 16, a resolution to express the sense of the Senate regarding future funding of the Municipal Sewage Treatment Program under the Clean Water Act.

SENATE RESOLUTION 19

At the request of Mr. DIXON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from New York [Mr. D'AMATO], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate to urge the President to recognize and include the Director of National Drug Control Policy as a fully participative member of the President's Cabinet.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE CONCURRENT RESOLUTION 12—RELATING TO SERVICE OF A MEMBER OF THE COMMITTEE ON RULES AND ADMINISTRATION ON THE JOINT COMMITTEE ON THE LIBRARY

Mr. FORD, from the Committee on Rules and Administration, reported the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 12

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred First Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee of the Congress on the Library in place of the Chairman.

SENATE RESOLUTION 33—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS, from the Committee on Small Business, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 33

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $1,012,941, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $1,025,734, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 34—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BENTSEN, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $2,754,692, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $2,814,065, of which amount (1) not to exceed $30,000 may be expended for the

procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of the Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 35—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 35

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $1,430,672, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or the payment of stationery supplies purchased through the Keeper of the Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 36—ORIGINAL RESOLUTION REPORTED PROVIDING FOR SENATE MEMBERS OF CERTAIN JOINT COMMITTEES

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was considered and agreed to:

S. RES. 36

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Mr. Hatfield of Oregon.

Joint Committee of Congress on The Library: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

SENATE RESOLUTION 37—REQUESTING A REPORT REGARDING UNITED STATES ASSISTANCE TO SOVIET ARMENIA

Mr. SIMON (for himself and Mr. PRESSLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 37

Whereas, on December 7, 1988, the worst earthquake in modern times devastated the Soviet Socialist Republic of Armenia in the Union of Soviet Socialist Republics (hereafter in this resolution referred to as "Soviet Armenia"), leaving tens of thousands dead and seriously injured;

Whereas the earthquake completely destroyed housing, schools, and other buildings in more than one hundred cities, towns, and villages in Soviet Armenia;

Whereas the earthquake has literally wiped out the homes and families of hundreds of thousands of Armenians;

Whereas the United States has historically supported the Armenians' struggle to survive through immeasurable adversities during this century;

Whereas the American people have overwhelmingly reaffirmed this tradition of support by their generous assistance to the earthquake's survivors;

Whereas the Agency for International Development, the Department of State, the Department of Defense, the United States Geological Survey, the Department of Energy, and the National Guard have performed admirably in delivering the first phases of emergency relief to Soviet Armenia;

Whereas the United States Government should continue as a leader among the nations of the world who have offered assistance to Soviet Armenia as it did in response to the earthquakes in Italy in 1980 and Mexico in 1985;

Whereas the Union of Soviet Socialist Republics has allowed unprecedented foreign relief efforts into Soviet Armenia; and

Whereas the United States encourages the delivery of additional resources as a part of the continuing relief efforts: Now, therefore, be it

Resolved, That it is the sense of the Senate that, not later than April 1, 1989, the Secretary of State or his designee should prepare and transmit to the Congress a report describing—

(1) all United States private and public assistance delivered to Soviet Armenia;

(2) the prospects for expeditious delivery of future United States private assistance to, and United States trade with, Soviet Armenia;

(3) the existence of United States Government experts in housing, transportation, management, medicine, geology, economic development, and other fields relevant to reconstruction efforts in Soviet Armenia;

(4) the feasibility of establishing a joint public-private task force to assist in the long-term reconstruction of Soviet Armenia;

(5) the feasibility and wisdom of undertaking a diplomatic initiative encouraging the international community to continue supporting Armenian relief and reconstruction efforts;

(6) any other humanitarian efforts which could facilitate the recovery and rehabilitation of the areas stricken; and

(7) the United States foreign policy implications, if any, of assisting Soviet Armenia.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

● Mr. SIMON. Mr. President, I am pleased to submit this resolution on Armenia with my esteemed colleague Senator LARRY PRESSLER, of South Dakota. The resolution simply requests a report from the State Department on whether it makes sense to continue some level of assistance to Soviet Armenia in the wake of the terrible earthquake that devastated the region on December 7, 1988.

Senator PRESSLER and I serve on the European Affairs Subcommittee of the Foreign Relations Committee, and

over the recent recess we decided to form an informal Senate Task Force on Armenian Earthquake Relief. Our staffs have organized briefings from the Agency for International Development's Office of Foreign Disaster Assistance and the State Department's Soviet desk. We have monitored the situation and discussed reconstruction with representatives from the American Armenian community, who have been tremendous in organizing and implementing a quick and skillful private aid effort.

The American people have responded with their typical generosity. The most recent figures show about $12.5 million in private assistance has been donated, in addition to many in-kind contributions. The U.S. Government, through AID, provided over $2 million in relief aid and a team of disaster specialists. The international community, including 53 governments, 7 international organizations and 38 nongovernmental organizations, has responded with over $91 million in aid, bringing the worldwide total to just under $106 million.

And here I want to add a special note of thanks to President Bush and his family. The President's son and grandson—John and George P. Bush, respectively—flew to Armenia on Christmas Eve and spent Christmas Day touring the region and helping distribute supplies. Their compassion and concern ought not go unnoticed, and they are much appreciated.

Mr. President, this earthquake has wreaked incredible damage. It is estimated that 25,000 people died and 130,000 were injured, with more than half a million made homeless. Thousands of people, including many children, have been severely maimed. The main cities in the region, Yerevan, Spitak, Kirovakan, and Leninikan were hit hard, and in the outlying areas 58 villages were leveled and 100 more damaged. Numerous schools, hospitals, and stores were lost, as were large numbers of livestock. This last point is very important: agricultural losses exceed $3 billion. That is over and above the reported $13 billion price tag for reconstruction.

The task facing Armenian and Soviet authorities is daunting. Shelter is scarce. Reconstruction needs are great, especially rebuilding essential infrastructure in such a way to guard against future earthquakes. I am not sure what our Government can or should do to help this process along, but Senator PRESSLER and I believe that some kind of reconstruction assistance should at least be considered. Perhaps we can work out a private-public task force or consortium to channel private voluntary aid, or some other humanitarian proposal that shows our willingness to assist.

I urge my colleagues to join with us in asking for this report on the Armenian situation and possible United States assistance to Armenia.●

● Mr. PRESSLER. Mr. President, I am honored to join our distinguished colleague, Senator SIMON, in introducing this resolution to require a report from the Secretary of State regarding relief and reconstruction in Soviet Armenia.

The earthquake that struck Armenia without warning on December 7, 1988, killed more than 25,000 people, injured tens of thousands more, left 500,000 homeless, and destroyed vital infrastructure—such as schools, roads, power and communications lines, bridges, and public service and manufacturing facilities. It is estimated that the cost of building new homes and restoring or replacing other damaged property could reach more than $3 billion.

The reaction to the Armenian catastrophe by Americans and citizens of many other nations has been extremely sympathetic and generous. Not only have Americans contributed millions of dollars worth of money and materials to the relief effort, but their government also has assisted with extensive transportation and other logistical support, as well as significant amounts of tools, blankets, tents, medicines and other supplies. This outpouring of charity by the American people is unique in the relationship between the United States and the Soviet Union in the cold war era.

The resolution introduced by Senator SIMON and me is intended to provide Congress with a comprehensive State Department evaluation of the relief provided since the earthquake and prospects for further assistance. It also calls for a report on available United States Government expertise that would be relevant to reconstruction efforts in Soviet Armenia, the feasibility of establishing a joint public and private task force to assist in long-term reconstruction efforts, and the foreign policy implications of United States public and private assistance to the survivors of the earthquake in Soviet Armenia.

Mr. President, I urge our distinguished colleagues to consider and support this timely resolution. Its enactment would provide Congress the information it needs to assess properly the implications of past, current and possible future U.S. Government and private assistance to that area of the world.●

SENATE RESOLUTION 38—ORIGINAL RESOLUTION REPORTED RELATING TO THE IMPEACHMENT PROCEEDINGS AGAINST JUDGE ALCEE L. HASTINGS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 38

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The Majority and Minority Leader shall each recommend six members to the Presiding Officer for appointment to the committee. The committee shall designate one of its members to be chairman and one of its members to be vice chairman.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the presiding officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. Necessary expenses of the committee shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee.

SEC. 7. The Secretary shall notify the House of Representatives and counsel for Judge Alcee L. Hastings of this resolution.

SENATE RESOLUTION 39—ORIGINAL RESOLUTION REPORTED PROVIDING FOR THE FILING AND ARGUMENT OF MOTIONS BY JUDGE ALCEE L. HASTINGS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was considered and agreed to:

S RES. 39

Resolved, That on a date designated by the Majority Leader in consultation with the Minority Leader, the Senate shall resume its consideration of the articles of impeachment against Judge Alcee L. Hastings for the purpose of hearing argument on a motion or motions by Judge Hastings to dismiss the articles.

SEC. 2. Counsel for Judge Hastings shall file with the Secretary of the Senate on or before February 10, 1989, any motion to dismiss the articles of impeachment. The Managers on the part of the House shall file with the Secretary on or before February 24, 1989, their response to any such motion. Counsel for Judge Hastings may file a reply with the Secretary on or before March 3, 1989.

SEC. 3. There shall be printed as one of several Senate documents under the direction of the Secretary of the Senate, in consultation with the Senate Legal Counsel—

(1) the briefs of the parties on any motion to dismiss the articles of impeachment; and

(2) material that would assist the Senate in the consideration of any such motion, including the articles of impeachment, Judge Hastings' answer to them, the replication of the House of Representatives, the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 4. The Secretary shall notify the House of Representatives and counsel for Judge Hastings of their resolution.

SENATE RESOLUTION 40—RELATING THE RECEIPT OF HONORARIA BY MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. MITCHELL (for himself, Mr. DOLE, Mr. GRASSLEY, Mr. NICKLES, and Mr. METZENBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 40

Resolved, That (a)(1) on or after the first day that there takes effect the recommendations of the President relating to rates of pay for the Executive, Legislative, and Judicial branches as included (pursuant to section 225(h) of the Federal Salary Act of 1967) in the budget transmitted to the Congress for fiscal year 1990, no Member, officer, or employee of the Senate may accept any honorarium on or after such first day, or accept any honorarium before such first day if it is to be earned on or after such first day.

(2) Any payment which, except for paragraph (1) of this subsection, might be made to a Member, officer, or employee of the Senate, but which is made instead on behalf of such Member, officer, or employee to a charitable organization, shall be deemed not to have been accepted for purposes of this subsection. No payment may be made pursuant to this paragraph which exceeds $2,000 for any speech, appearance, or article.

(b)(1) No contribution by or on behalf of a Member, officer, or employee of the Senate may be made under a pension, annuity, or other retirement plan if—

(A) a deduction for such contribution would be allowable to such member, officer, or employee for Federal income tax purposes, but

(B) such contribution would not be so deductible if amounts to which paragraph (2) of subsection (a) applies were not taken into account.

(2) The provisions of paragraph (1) shall not apply to any contribution made with respect to amounts received before the first day referred to in subsection (a).

(c) For purposes of this resolution—

(1) the term "employee" has the same meaning as defined in paragraph 10(a) of Rule XXXVII of the Standing Rules of the Senate;

(2) the term "honorarium" has the same meaning as defined in section 908(a)(2) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1); and

(3) the term "charitable organization" has the same meaning as defined in section 908(a)(1) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1).

(d) The Select Committee on Ethics shall prescribe regulations specifying which expenses are and are not permitted to be included as "actual and necessary travel expenses" (as such term is used in section 908(a) of the Supplemental Appropriations Act, 1983). Such regulations shall exclude any expenses which the committee determines to be unreasonable or excessive, including expenses attributable to an unreasonable length of stay.

(e) No donation to a charitable organization, or other entity, made at the request of or on behalf of a Member, officer, or employee of the Senate may be converted to the personal use of such Member, officer, or employee either during or following the term of service of such member, officer, or employee in the Senate.

(f) After the effective date of this resolution, nothing in section 908 of the Supplemental Appropriations Act 1983 (2 U.S.C. 31-1) shall be construed to permit the acceptance of any honorarium by any Member, officer, or employee of the Senate.

SEC. 2. This resolution shall be in effect so long as the recommendations referred to in the first section are in effect.

SENATE RESOLUTION 41—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. BYRD, from the Committee on Appropriations, reported the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 41

Resoved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $4,736,267, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $4,828,540, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but no later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 42—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 42

Whereas, in *American Foreign Service Association, et al.* v. *Steven Garfinkel, et al.,* No. 87-2127, pending in the Supreme Court of the United States, the consitutionality of Section 630 of the Treasury, Postal Service and General Government Appropriations Act, 1988, Pub. L. No. 100-202, 101 Stat. 1329-391, 1329-432 (1987), extended by Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1989, Pub. L. No. 100-440, 102 Stat. 1721, 1756 (1988), have been placed in issue;

Whereas, pursuant to section 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a)(1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *American Foreign Service Association, et al.* v. *Steven Garfinkel, et al.,* to seek relief from the judgment of the district court holding unconstitutional Section 630 of the Treasury, Postal Service and General Government Appropriations Act, 1988.

SENATE RESOLUTION 43—AMENDING THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 43

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred First Congress as follows:

Strike "20" after "Banking, Housing and Urban Affairs" and insert in lieu thereof "21".

SEC. 2. Paragraph 3(a) of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred First Congress as follows:

Strike "24" after "Budget" and insert in lieu thereof "23".

SENATE RESOLUTION 44—MAKING MAJORITY COMMITTEE APPOINTMENTS FOR THE ONE HUNDRED FIRST CONGRESS

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 44

Resolved, That the following shall constitute the majority party's membership on the standing committees for the One Hundred First Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy (Chairman), Mr. Pryor, Mr. Boren, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Fowler, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (NEB).

Committee on Appropriations: Mr. Byrd (Chairman), Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Burdick, Mr. Leahy, Mr. Sasser, Mr. DeConcini, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Adams, Mr. Fowler, and Mr. Kerrey (NEB).

Committee on Armed Services: Mr. Nunn (Chairman), Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Dixon, Mr. Glenn, Mr. Gore, Mr. Wirth, Mr. Shelby, and Mr. Byrd.

Committee on Banking, Housing, and Urban Affairs: Mr. Riegle (Chairman), Mr. Cranston, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sasser, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Kerry (MA), and Mr. Bryan.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Chairman), Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Gore, Mr. Rockefeller, Mr. Bentsen, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Robb.

Committee on Energy and Natural Resources: Mr. Johnston, (Chairman), Mr. Bumpers, Mr. Ford, Mr. Metzenbaum, Mr. Bradley, Mr. Bingaman, Mr. Wirth, Mr. Conrad, Mr. Heflin, and Mr. Rockefeller.

Committee on Environment and Public Works: Mr. Burdick (Chairman), Mr. Moynihan, Mr. Mitchell, Mr. Baucus, Mr. Lautenberg, Mr. Breaux, Mr. Reid, Mr. Graham, and Mr. Lieberman.

Committee on Finance: Mr. Bentsen (Chairman), Mr. Matsunaga, Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, and Mr. Daschle.

Committee on Foreign Relations: Mr. Pell (Chairman), Mr. Biden, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Kerry (MA), Mr. Simon, Mr. Sanford, Mr. Moynihan, and Mr. Robb.

Committee on Governmental Affairs: Mr. Glenn (Chairman), Mr. Nunn, Mr. Levin, Mr. Sasser, Mr. Pryor, Mr. Bingaman, Mr. Kohl, and Mr. Lieberman.

Committee on the Judiciary: Mr. Biden (Chairman), Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Heflin, Mr. Simon, and Mr. Kohl.

Committee on Labor and Human Resources: Mr. Kennedy (Chairman), Mr. Pell, Mr. Metzenbaum, Mr. Matsunaga, Mr. Dodd, Mr. Simon, Mr. Harkin, Mr. Adams, and Ms. Mikulski.

SENATE RESOLUTION 45—MAKING MINORITY COMMITTEE APPOINTMENTS FOR 101ST CONGRESS

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 45

Resolved, That the following shall constitute the minority party's membership on the standing committees for the 101st Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar (ranking member), Mr. Dole, Mr. Helms, Mr. Cochran, Mr. Boschwitz, Mr. McConnell, Mr. Bond, Mr. Wilson, and Mr. Gorton.

Committee on Appropriations: Mr. Hatfield (ranking member), Mr. Stevens, Mr. McClure, Mr. Garn, Mr. Cochran, Mr. Kasten, Mr. D'Amato, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Grassley, Mr. Nickles, and Mr. Gramm.

Committee on Armed Services: Mr. Warner (ranking member), Mr. Thurmond, Mr. Cohen, Mr. Wilson, Mr. McCain, Mr. Wallop, Mr. Gorton, Mr. Lott, and Mr. Coats.

Committee on Banking, Housing, and Urban Affairs: Mr. Garn (ranking member), Mr. Heinz, Mr. D'Amato, Mr. Gramm, Mr. Bond, Mr. Mack, Mr. Roth, Mrs. Kassebaum, and Mr. Pressler.

Committee on Commerce, Science, and Transportation: Mr. Danforth (ranking member), Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. Kasten, Mr. McCain, Mr. Burns, Mr. Gorton, and Mr. Lott.

Committee on Energy and Natural Resources: Mr. McClure (ranking member), Mr. Hatfield, Mr. Domenici, Mr. Wallop, Mr. Murkowski, Mr. Nickles, Mr. Burns, Mr. Garn, and Mr. McConnell.

Committee on Environment and Public Works: Mr. Chafee (ranking member), Mr. Simpson, Mr. Symms, Mr. Durenberger, Mr. Warner, Mr. Jeffords, and Mr. Humphrey.

Committee on Finance: Mr. Packwood (ranking member), Mr. Dole, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Heinz, Mr. Durenberger, Mr. Armstrong, and Mr. Symms.

Committee on Foreign Relations: Mr. Helms (ranking member), Mr. Lugar, Mrs. Kassebaum, Mr. Boschwitz, Mr. Pressler, Mr. Murkowski, Mr. McConnell, Mr. Humphrey, and Mr. Mack.

Committee on Governmental Affairs: Mr. Roth (ranking member), Mr. Stevens, Mr. Cohen, Mr. Rudman, Mr. Heinz, and Mr. Wilson.

Committee on the Judiciary: Mr. Thurmond (ranking member), Mr. Hatch, Mr. Simpson, Mr. Grassley, Mr. Specter, and Mr. Humphrey.

Committee on Labor and Human Resources: Mr. Hatch (ranking member), Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Thurmond, Mr. Durenberger, and Mr. Cochran.

SENATE RESOLUTION 46—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES FOR THE ONE HUNDRED AND FIRST CONGRESS

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 46

Resolved, That the following shall constitute the majority party's membership on the committees for the One Hundred and First Congress, or until their successors are chosen:

Committee on the Budget: Mr. Sasser (Chairman), Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, and Mr. Robb.

Committee on Rules and Administration: Mr. Ford (Chairman), Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. DeConcini, Mr. Gore, Mr. Moynihan, Mr. Dodd, and Mr. Adams.

Committee on Small Business: Mr. Bumpers (Chairman), Mr. Nunn, Mr. Baucus, Mr. Levin, Mr. Dixon, Mr. Boren, Mr. Harkin, Mr. Kerry (MA), Ms. Mikulski, and Mr. Lieberman.

Committee on Veterans' Affairs: Mr. Cranston (Chairman), Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, Mr. Rockefeller, and Mr. Graham.

Select Committee on Ethics: Mr. Heflin, Mr. Pryor, and Mr. Sanford.

Special Committee on Aging: Mr. Pryor (Chairman), Mr. Glenn, Mr. Bradley, Mr. Burdick, Mr. Johnston, Mr. Breaux, Mr. Shelby, Mr. Reid, Mr. Graham, and Mr. Kohl.

SENATE RESOLUTION 47—MAKING MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES FOR THE ONE HUNDRED FIRST CONGRESS

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 47

Resolved, That the following shall constitute the minority party's membership on those Senate committees listed below for the 101st Congress, or until their successors are appointed:

Budget: Mr. Domenici, Mr. Armstrong, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Rudman, Mr. Gramm, and Mr. Bond.

Rules and Administration: Mr. Stevens, Mr. Hatfield, Mr. McClure, Mr. Helms, Mr. Dole, Mr. Garn, and Mr. McConnell.

Small Business: Mr. Boschwitz, Mr. Kasten, Mr. Pressler, Mr. Wallop, Mr. Bond, Mr. Grassley, Mr. Lott, Mr. Burns, and Mr. Stevens.

Veterans' Affairs: Mr. Murkowski, Mr. Simpson, Mr. Thurmond, Mr. Specter, and Mr. Jeffords.

Select Committee on Ethics: Mr. Rudman, Mr. Helms, and Mr. Lott.

Special Committee on Aging: Mr. Heinz, Mr. Cohen, Mr. Pressler, Mr. Grassley, Mr. Wilson, Mr. Domenici, Mr. Simpson, Mr. Warner, and Mrs. Kassebaum.

SENATE RESOLUTION 48—AMENDING RULE XXV THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 48

Resolved, That paragraph 4, of Rule XXV is amended by striking all after subparagraph (g) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred and First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred and First Congress, also serve as a member of Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred and First Congress may serve as a member on those committees listed in subparagraph (A), as well as a member of the Committee on Rules and Administration, may, during the One Hundred and First Congress, also serve as a member of the Committee on the Budget so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(4) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred and First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on the Judiciary may, during the One Hundred and First Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred and First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred and First Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred and First Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred and First Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred and First Congress serves on the Committee on Agriculture, Nutrition and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Energy and Natural Resources and the Committee on the Judiciary may, during the One Hundred and First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10)(A) A Senator who on the last day of the One Hundredth Congress was serving on the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who on the last day of the One Hundredth Congress was serving on the Committee on Rules and Administration may, during the One Hundred and First Congress, also serve as a member of the Joint Committee on Taxation so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3.

"(11) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred and First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred and First Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(15) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred and First Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(16) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Small Business, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) and (b).

"(17) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(18) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Veterans' Affairs, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(19) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred and First Congress, also serve as a member of the Committee on Veterans Affairs and the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraphs 3 (a) and (b).

"(20) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred and First Congress, also serve as a member of the Joint Economic Committee so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(21) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Veterans Affairs, may, during the One Hundred and First Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(22) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Budget, may, during the One Hundred and First Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(23) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Small Business, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(24) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(25) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Budget, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b)."

SENATE RESOLUTION 49—AMENDING RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 49

Resolved, That paragraph 4 of rule XXV is amended by adding at the end of paragraph (h) the following:

"(h)(39) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on the Judiciary, and the Committee on Armed Services, may, during the One hundred and first Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(40) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation, may, during the One hundred and first Congress, serve as a member of the Committee on Governmental Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(41) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Finance, and the Committee on Governmental Affairs, may, during the One Hundredth Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(42) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Appropriations, and the Committee on Banking, Housing and Urban Affairs may, during the One hundred and first Congress, serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(43) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs, and the Committee on Finance may, during the One hundred and first Congress, serve as a member of the Committee on Government Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(44) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One hundred and first Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(45) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry, and the Committee on Appropriations may, during the One hundred and first Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(46) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Commerce, Science and Transporation and the Committee on Foreign Relations may, during the One hundred and first Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(47) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Foreign Relations and the Committee on Judiciary may, during the One hundred and first Congress, serve as a member of the Committee on Environment and Public Works so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(48) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Armed Services may, during the One hundred and first Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(49) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Foreign Relations may, during the One hundred and first Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(50) A Senator whose term begins on January 3, 1989, may serve as a member of the

Committee on Armed Services and the Committee on Commerce, Science and Transportation and may, during the One hundred and first Congress, serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

AMENDMENTS SUBMITTED

NATIONAL ENERGY POLICY ACT

WIRTH (AND HEINZ) AMENDMENT NO. 1

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. WIRTH (for himself and Mr. HEINZ) submitted an amendment intended to be proposed by them to the bill (S. 324) to establish a national energy policy to reduce global warming, and for other purposes; as follows:

Insert the following at the appropriate place in the Act:

TITLE . VEHICLE FUEL EFFICIENCY IMPROVEMENTS

SEC. 001. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Vehicle Energy Efficiency Performance Standards Act of 1989".

(b) REFERENCE.—Whenever in this title (other than in sections 021 and 022) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Motor Vehicle Information and Cost Savings Act.

SEC. 002. FINDINGS.

Congress finds that—

(1) vehicles are major consumers of oil and major producers of the greenhouse gases, carbon dioxide, and nitrogen oxides,

(2) fuel economy improvements in vehicles since 1975 have played a dramatic role in reducing vehicle fuel consumption, auto emissions, and the cost of operating vehicles,

(3) it is cost-effective to increase fuel efficiency in new vehicles 2 to 3 times beyond the current Federal vehicle fuel economy standards,

(4) market imperfections inhibit the commercialization of highly efficient vehicles, even with substantially higher gas prices,

(5) market imperfections can be mitigated through the increase of vehicle energy efficiency performance standards, coupled with the incentives for consumers to purchase fuel efficient vehicles, and

(6) such policies will help reduce greenhouse gases, as well as cut United States dependency upon foreign oil imports, improving the Nation's energy security and trade balance.

SEC. 003. AVERAGE FUEL ECONOMY STANDARDS.

Section 502(a) (15 U.S.C. 2002(a)), relating to average fuel economy standards, is amended by striking out

"1985 and thereafter ..... 27.5"

and inserting in lieu thereof the following:

"1985 through 1991	27.5
1993 and thereafter	As provided in accordance with section 513 of this Act".

SEC. 004. EXCEPTION.

Section 502(a)(4) (15 U.S.C. 2002(a)(4)), is amended by striking out "The Secretary" and inserting in lieu thereof "Except in the case of standards established by sections 513 and 514, the Secretary".

SEC. 005, LIGHT TRUCKS.

(a) DEFINITIONS.—Section 501 (15 U.S.C. 2001), relating to definitions, is amended—

(1) in paragraph (2), by inserting "or a light truck" immediately after "off-highway operations",

(2) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15) and by inserting immediately after paragraph (2) the following:

"(3) The term 'light truck' shall have such meaning as the Secretary shall prescribe by rule.".

(b) STANDARDS.—Section 502(b) (15 U.S.C. 2002(b)), relating to standards for other than passenger automobiles, is amended by inserting "or light trucks" immediately after "average fuel economy standards for automobiles which are not passenger automobiles".

SEC. 006. EXEMPTIONS.

Section 502(c)(1) (15 U.S.C. 2002(c)(1)), relating to exemptions for manufacturers of limited number of cars, is amended (1) by inserting "or 10,000 light trucks" immediately after "10,000 passenger automobiles" each place it occurs, (2) by inserting "or section 513 or 514" immediately before the period at the end of the first sentence, (3) by inserting "or section 514 and 513" immediately before "is more stringent", and (4) by inserting "or light trucks" immediately before "manufactured by manufacturers".

SEC. 007. EMERGENCY VEHICLES.

Section 502(g)(1) (15 U.S.C. 2002(g)(1)), relating to exemption of emergency vehicles, is amended by inserting immediately before the period at the end of the first sentence the following: "or section 513 or 514".

SEC. 008. CONSULTATION.

Section 502(i) (15 U.S.C. 2002(i)), relating to consultation with the Secretary of Energy, is amended by striking out "under this section" and inserting in lieu thereof "under this section or sections 513 and 514".

SEC. 009. NOTIFICATION.

Section 502(j) (15 U.S.C. 2002(j)), relating to notification of the Secretary of Energy, is amended by striking out "under this section" and inserting in lieu thereof "under this section or sections 513 and 514".

SEC. 010. CALCULATION OF AVERAGE FUEL ECONOMY.

Section 503(d)(1) (15 U.S.C. 2003(d)(1)) is amended by inserting "and light trucks" immediately after "passenger automobiles".

SEC. 011. NEW STANDARDS.

(a) CHANGES IN THE LAW.—The title V of the Motor Vehicles Information and Cost Savings Act is amended by adding at the end the following:

"PASSENGER AUTOMOBILE

"SEC. 513. Notwithstanding any other provision of this Act and except as provided in section 516, commencing with model year 1993 and each model year thereafter, the average fuel economy for passenger automobiles manufactured by any manufacturer in any such model year shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:

"1993 through 1996	For each such manufacturer, the fuel economy standard required shall be an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by that manufacturer in model year 1989, plus an amount equal to 20 percent (as measured in miles per gallon) of such amount achieved for model year 1989.
"1997 through 1999	For each such manufacturer, the fuel economy standard required shall be an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by that manufacturer in model year 1989, plus an amount equal to 45 percent (as measured in miles per gallon) of such amount achieved for model year 1989.

"Model year:

"2000 and thereafter	For each such manufacturer, the fuel economy standard required shall be an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by that manufacturer in model year 1989, plus an amount equal to 65 percent (as measured in miles per gallon) of such amount achieved for model year 1989.

"LIGHT TRUCKS

"SEC. 514. Notwithstanding any other provision of this Act and except as provided in section 517, commencing with model year 1993 and each model year thereafter, the average fuel economy for light trucks manufactured by any manufacturer in any such model year shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:

"1993 through 1996	For each such manufacturer, the fuel economy standard required shall be an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by that manufacturer in model year 1989, plus an amount equal to 20 percent (as measured in miles per gallon) of such amount achieved for model year 1989.
"1997 through 1999	For each such manufacturer, the fuel economy standard required shall be an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by that manufacturer in model year 1989, plus an amount equal to 45 percent (as measured in miles per gallon) of such amount achieved for model year 1989.

"Model year:	
"2000 and thereafter	For each such manufacturer, the fuel economy standard required shall be an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by that manufacturer in model year 1989, plus an amount equal to 65 percent (as measured in miles per gallon) of such amount achieved for model year 1989.

"MODIFICATIONS

"SEC. 515. (a) Any manufacturer may apply to the Secretary for modification of an average fuel economy standard applicable under section 513 or section 514 to such manufacturer for model year 1993, and any model year thereafter. Such application shall contain such information as the Secretary may require by rule and shall be submitted to the Secretary within 24 months before the beginning of the model year for which such modification is requested. No such average fuel economy standard shall be adjusted if such adjustment would result in an increase or decrease of such standared by an amount in excess of .5 miles per gallon.

"(b) The Secretary shall, on an annual basis, report each such ajustment made to the Congress. In each such report, the Secretary shall justify clearly the reasons for the adjustments and shall address with respect to each such adjustment the following criteria:

"(1) technological feasibility,

"(2) economic practicability,

"(3) the effect of other Federal motor vehicle standards on fuel economy, and

"(4) the need for the Nation to reduce carbon-dioxide emissions, to reduce foreign oil imports, and to reduce annual trade deficits, and the effect on domestic employment—long-term and short-term.

"(c) The subsection (l) of seciton 502 shall not be applicable with respect to the fuel economy standards established pursuant to section 513 or 514.

"INCENTIVES FOR PASSENGER AUTOMOBILES

"SEC. 516. (a) Notwithstanding section 513, in the case of any manufacturer who obtained an average fleet fuel economy for passenger automobiles of at least 27.5 miles per gallon for model year 1986, the average fuel economy for passenger automobiles manufactured by such manufacturer for model years 1993 and 1994 shall be 27.5, for model years 1995, 1996, 1997, and 1998, an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by such manufacturer in model year 1989, plus an amount equal to 20 percent (as measured in miles per gallon) of such amount achieved for model year 1989, for model years 1999, 2000, and 2001, an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by such manufacturer in model year 1989, plus an amount equal to 45 percent (as measured in miles per gallon) of such amount achieved for model year 1989, and for model year 2001, and each model year thereafter, an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by such manufacturer in model year 1989, plus an amount equal to 65 percent (as measured in miles per gallon) of such amount achieved for model year 1989.

"INCENTIVES FOR LIGHT TRUCKS

"SEC. 517. (a) Notwithstanding section 514, in the case of any manufacturer who obtained an average fleet fuel economy for light trucks of at least 21 miles per gallon for model year 1986, the average fuel economy for light trucks manufactured by such manufacturer for model years 1993 and 1994 shall be 21, for model years 1995, 1996, 1997, and 1998, an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by such manufacturer in model year 1989, plus an amount equal to 20 percent (as measured in miles per gallon) of such amount achieved for model year 1986, for model years 1999, 2000, and 2001, an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by such manufacturer in model year 1989, plus an amount equal to 45 percent (as measured in miles per gallon) of such amount achieved for model year 1989, and for model year 2002, and each model year thereafter, an amount determined by the Secretary to be equal to the fleet average fuel economy achieved by such manufacturer in model year 1989, plus an amount equal to 65 percent (as measured in miles per gallon) of such amount achieved for model year 1989.".

(b) CONFORMING AMENDMENT.—Section 505(a)(1) (15 U.S.C. 2005(a)(1)) is amended by inserting immediately after "section 502" a comma and the following: "513 and 514".

SEC. 012. IMPOSITION OF TAX.

(a) TAX ASSESSMENT.—The Motor Vehicle Information and Cost Savings Act is amended by inserting immediately after section 508 the following new section:

"VIOLATIONS

"SEC. 508A. (a) In the case of any manufacturer who fails to comply with any average fuel economy standard applicable to such manufacturer under section 513 or 514, the Secretary is authorized to assess a tax against such manufacturer. Such tax shall be assessed in an amount equal to the amount obtained by multiplying $5 by the number of tenths of a mile per gallon by which the average fuel economy of the passenger automobiles or light trucks manufactured by such manufacturer during any model year after 1990 is exceeded by the applicable average fuel economy standard established under section 513 or 514, as the case may be, multiplied by the number of passenger automobiles or light trucks manufactured by such manufacturer during such model year.

"(b) The amount of such tax shall be assessed by the Secretary by written notice. The Secretary shall have the discretion to compromise, modify, or remit, with or without conditions, any tax assessed under subsection (a) against any person, except that any tax assessed under subsection (a) may be so compromised, modified, or remitted only to the extent—

"(1) necessary to prevent the insolvency or bankruptcy of such manufacturer,

"(2) such manufacturer shows that such violation resulted from an act of God, a strike, or a fire, or

"(3) the Federal Trade Commission has certified that modification of such tax is necessary to prevent a substantial lessening of competition, as determined under subsection (c).

The Attorney General shall collect any tax for which a manufacturer is liable under this subsection in a civil action under subsection (d)(2) (unless the manufacturer pays such penalty to the Secretary).

"(c)(1) Not later than 30 days after a determination by the Secretary to assess a tax under subsection (a) against a manufacturer, the manufacturer may apply to the Federal Trade Commission for a certification under this subsection. If the manufacturer shows and the Federal Trade Commission determines that modification of the tax for which such manufacturer is otherwise liable is necessary to prevent a substantial lessening of competition in that segment of the automobile industry subject to the standard with respect to which such tax was assessed, the Commission shall so certify. The certification shall specify the maximum amount that such tax may be reduced. To the maximum extent practicable, the Commission shall render a decision with respect to an application under this paragraph not later than 90 days after the application is filed with the Commission. A proceeding under this paragraph shall not have the effect of delaying the manufacturer's liability under subsection (a) for a tax for more than 90 days after such application is filed, but any payment made before a decision of the Commission under this paragraph becomes final shall be paid to the court in which the tax is collected, and shall (except as otherwise provided in paragraph (2)), be held by such court, until 90 days after such decision becomes final (at which time it shall be paid into the general fund of the Treasury).

"(2) Whenever a tax has been assessed and collected from a manufacturer under subsection (a) and is being held by a court in accordance with paragraph (1) and the Secretary subsequently determines to modify such tax pursuant to subsection (b), the Secretary shall direct the court to remit the appropriate amount of such tax to such manufacturer.

"(3) A claim of the United States for a tax assessed against a manufacturer under subsection (a) shall, in the case of the bankruptcy or insolvency of such manufacturer, be subordinate to any claim of a creditor of such manufacturer which arises from an extension of credit before the date on which the judgment in any collection action under this section becomes final (without regard to paragraph (1)).

"(d)(1) Any interested person may obtain review of—

"(A) a determination of the Secretary pursuant to which a tax has been assessed under subsection (a), or

"(B) a determination of the Federal Trade Commission under subsection (c)(1),

in the United States Court of Appeals for the District of Columbia or for any circuit wherein such person resides or has a principal place of business. Such review may be obtained by filing a notice of appeal in such court within 30 days after the date of such determination, and by simultaneously sending a copy of such notice by certified mail to the Secretary or the Federal Trade Commission, as the case may be, and by promptly filing in such court a certified copy of the record upon which such determination was made. Any such determination shall be reviewed in accordance with chapter 7 of title 5, United States Code.

"(2) If any person fails to pay an assessment of a tax after it has become final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Attorney General shall recover the amount for which the manufacturer is liable in any appropriate district court of the United States. In such action, the vailidity and appropriateness of

the final order imposing the tax shall not be subject to review.

"(e)(1)(A) The Secretary shall, by rule in accordance with this subsection and subsection (f), substitute a higher amount for the amount per tenth of a mile per gallon which would be used to calculate the civil penalty under subsection (a) in the absence of such rule, if the Secretary finds that—

"(i) the additional amount of the tax which may be imposed under such rule will result in, or substantially further, substantial energy conservation for automobiles in future model years for which such higher penalty may be imposed, and

"(ii) Subject to subparagraph (B), such additional amount of tax will not result in substantial deleterious impacts on the economy of the United States or of any State or region of any State.

"(B) Any findings under subparagraph (A)(ii) may be made only if the Secretary finds that it is likely that—

"(i) such additional amount of tax will not cause a significant increase in unemployment in any State or region therof,

"(ii) such additional amount will not adversely affect competition, and

"(iii) such additional amount will not cause a significant increase in automobile imports.

"(2) Any rule under paragraph (1) may not provide that the amount per tenth of a mile per gallon used to calculate the tax under subsection (a) be less than $5 or more than $10.

"(3) Any rule prescribed under paragraph (1) shall be effective for the later of—

"(A) automobile model years beginning after model year 1991, or

"(B) automobile model years beginning at least 18 months after such rule becomes final.

"(f)(1)(A) After the Secretary develops a proposed rule pursuant to subsection (e), the Secretary shall publish such proposed rule in the Federal Register, together with a statement of the basis for such rule, and provide copies thereof to the manufacturers. The Secretary shall then provide for a period of public comment on such rule, at least 45 days for written comments thereon. A copy of any such proposed rule shall be transmitted by the Secretary to the Federal Trade Commission and the Secretary shall request such Commission to comment thereon with the period provided to the public concerning such proposed rule.

"(B) After such written comment period, any interested person (including the Federal Trade Commission) shall be afforded an opportunity to present oral data, views, and arguments at a public hearing concerning such proposal. At such hearing such interested person (including the Federal Trade Commission) shall have an opportunity to question—

"(i) other interested persons who make oral presentations,

"(ii) employees and contractors of the United States who have made written or oral presentations or who have participated in the development of the proposed rule or in the consideration thereof, and

"(iii) experts and consultants who have provided information to any person who makes an oral presentation and which is contained in or referred to in such presentation,

with respect to disputed issues of material fact, except that the Secretary may restrict questioning if the Secretary determines that such questioning is duplicative or is not likely to result in a timely and effective resolution of such issues. Any oral or documentary evidence may be received, but the Secretary as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

"(C) A rule subject to this subsection may not be issued except on consideration of the whole record supported by, and in accordance with, the reliable, probative, and substantial evidence.

"(D) A transcript shall be kept of any such public hearing made in accordance with this section and such transcripts and written comments shall be available to the public at the cost of reproduction.

"(2) If any final rule is prescribed by the Secretary after such public comment period under subsection (e), it shall be published in the Federal Register, together with each of the findings required by subsection (e).

"(3)(A) Any person aggrieved by any final rule under subsection (e) may at any time before the 60th day after the date such rule is published under paragraph (2) file a petition with the United States Court of Appeals for the circuit wherein such person resides, or has a principal place of business, for judicial review thereof. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the written submissions to, and transcript of, the written and oral proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code.

"(B) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule may be affirmed unless supported by substantial evidence.

"(C) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) In the case of any information which is provided to the Secretary or the court during the consideration and review of any such rule and which is determined to be confidential by the Secretary pursuant to section 11(d) of the Act of June 22, 1974 (15 U.S.C. 796(d)), any disclosure of such information by an officer or employee of the United States or of any department or agency thereof, except in an in camera proceeding by the Secretary or the court, shall be deemed a violation of section 1905 of title 18, United States Code.".

(b) INAPPLICABILITY OF SECTION 508.—Section 508 of the Motor Vehicles Information and Cost Savings Act (15 U.S.C. 2008) shall not apply to any model year for a passenger automobile or light truck after model year 1990.

SEC. 013. FEDERAL GOVERNMENT.

Section 510 (15 U.S.C. 2010) is amended by adding at the end thereof the following:

"(c) Notwithstanding subsections (a) and (b), the fleet average fuel economy for all passenger automobiles and light trucks acquired by all executive agencies after model year 1992 shall not be less than—

"Passenger automobile model years:	Miles per gallon:
1993 through 1996	33
1997 through 1999	39
2000 and thereafter	45.

"Light trucks model years:	Miles per gallon:
1993 through 1996	25
1997 through 1999	30
2000 and thereafter	35.".

SEC. 014. FUEL ECONOMY TESTING.

(a) EPA ADMINISTRATOR REQUIRED TO CONSULT WITH SECRETARY OF ENERGY.—The first sentence of paragraph (1) of section 503(d) (15 U.S.C. 2003(d)(1)), relating to measurement and calculation of fuel economy and average fuel economy, is amended by inserting before the period the following: "after consultation with the Secretary of Energy".

(b) PROCEDURES MAY BE IN CONJUNCTION WITH EMISSIONS TESTS UNDER CLEAN AIR ACT.—The third sentence of such paragraph is amended by striking out "shall" and inserting in lieu thereof "may".

(c) TESTING OF PRODUCTION VEHICLES AND TESTING OVER TIME.—Section 503(d) is further amended by adding at the end the following:

"(4)(A) For each model type and year, the EPA Administrator shall measure the fuel economy of a sampling of production passenger automobiles during the first month of manufacture for sale. The testing procedures for such measurement shall be the same as used under paragraph (1).

"(B)(i) If the fuel economy results under subparagraph (A) for any model type and year are different than the results under paragraph (1) for such type and year, the average fuel economy for purposes of section 502 (a) and (c) shall be adjusted accordingly.

"(ii) If the fuel economy results under subparagraph (A) for any model type and year are more than 0.5 mile per gallon higher or lower than the fuel economy results under paragraph (1) for such type and year, labels described in section 506 which are affixed more than 90 days after the date that results are available under subparagraph (A) shall reflect such results.

"(C) For purposes of this paragraph, the term 'production passenger automobile' means a passenger automobile manufactured for sale.

"(D)(i) Measurements and calculations under paragraph (1) shall be repeated over a period of years for purposes of monitoring automobile performance in use to determine the extent, if any, of decline in fuel economy.

"(ii) Such measurements and calculations shall be included in a report submitted by the Secretary biennially to the President and each House of Congress.".

(d) PERIODIC REVIEW AND IMPROVEMENTS IN PROCEDURES FOR TESTING FUEL ECONOMY.—Section 503 is further amended by adding at the end the following:

"(g)(1) To the maximum extent practicable, procedures under subsection (d) shall stimulate average drivers and driving conditions in the United States.

"(2) The EPA Administrator shall, from time to time, review the procedures under subsection (d).

"(3) If the EPA Administrator finds, in conjunction with the review under paragraph (2), that the requirements of paragraph (1) are not met, he shall revise procedures under subsection (d) to comply with such paragraph.

"(4) The EPA Administrator may not make substantial revisions under paragraph (3) more frequently than once every 3 years.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to measure-

ments of fuel economy for model years (as defined in title V of the Motor Vehicle Information and Cost Savings Act) beginning more than 18 months after the date of the enactment of this Act.

SEC. 015. EXPLANATORY BOOKLET DISTRIBUTED BY EPA ADMINISTRATOR.

(a) IN GENERAL.—Paragraph (1) of subsection (b) of section 506 (15 U.S.C. 2006(b)), relating to explanatory booklet distributed by EPA Administrator, is amended—

(1) by inserting after the first sentence the following new sentence: "The EPA Administrator shall update such booklet at least twice a year.", and

(2) by adding at the end the following new sentence: "The Secretary of Energy shall distribute no less than 100 booklets each year to each dealer and shall distribute as many in addition to such 100 as are reasonably requested by dealers from time to time.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to the 12-month period beginning on the first day of the first month after the date of the enactment of this Act and corresponding 12-month periods thereafter.

SEC. 016. FEDERAL PURCHASES OF VEHICLES.

Section 510 (15 U.S.C. 2010), as amended by section 013, is amended by adding at the end the following:

"(d) In the annual purchase of light vehicles by any executive agency, any manufacturer that offers a fleet of vehicles with a fuel economy at least 10 percent more fuel efficient than a fleet of similarly sized vehicles that have fuel economies representative of the average fuel economies within any size class shall have the right to make a discounted bid. In such a case, the bid shall be considered as if its cost had been reduced 2 percent.".

SEC. 017. RECOMMENDATIONS FOR ADDITIONAL LEGISLATION.

Section 512 (15 U.S.C. 2012), relating to reports to the Congress, is amended by adding at the end the following:

"(d) The Secretary shall, within 2 years after the date of enactment of the Vehicle Energy Efficiency Performance Standards Act of 1988, submit to the Congress recommendations for such additional legislation as may be necessary to carry out the purposes of this Act.".

SEC. 018. STUDY.

The National Academy of Sciences, in consultation with vehicle manufacturers, representatives of environmental and consumer groups, appropriate State and local officials, and representatives of labor, shall undertake a review of the current state of research and development in light trucks and passenger vehicle fuel economy and an assessment of the remaining potential for improving the fuel efficiency and reducing the energy consumption of light vehicles and trucks. The assessment shall include all aspects of vehicle design, including engines, drive train, component parts, auto body, tires, and any other aspect contributing to the reduction of energy consumption. The National Academy shall report the results of the review and assessment to Congress and in the report recommend research and development priorities that could result in bringing steady improvements into commercialization through the early years of the next century. The Secretary of Energy shall make changes in the Department of Energy's transportation research and development program based on the assessment made by the National Academy.

SEC. 019. CRITERIA FOR PRESCRIBING AMENDED STANDARDS.

(a) CRITERIA.—

(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered vehicle.

(2) Any new or amended vehicle energy efficiency performance standard prescribed by the Secretary of Transportation under this section for any type (or class) of covered vehicle shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and cost-effective to the consumer through savings in gas amortized over the life of the vehicle at a 3 percent real discount rate.

(b) EVALUATION.—The Secretary of Transportation shall evaluate the economic justification of the standard, considering—

(1) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard,

(2) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard.

(3) the total projected amount of energy savings likely to result directly from the imposition of the standard,

(4) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard,

(5) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard, or in a change in foreign trade,

(6) the need for reducing carbon dioxide emissions to mitigate the global greenhouse warming, as well as reducing other environmentally damaging energy-related pollutants,

(7) the need for national energy conservation, and

(8) other factors the Secretary considers relevant.

For purposes of paragraph (5), the Attorney General shall make a determination of the impact, if any, of any lessening of competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending a vehicle energy efficiency performance standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

SEC. 020. PROCEDURES FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Not later than the beginning of fiscal year 1994, the Secretary of Transportation shall initiate proceedings to develop and adopt post-2000 vehicle energy efficiency performance standards. The new vehicle energy efficiency performance standards shall be prescribed in accordance with the following procedure:

(1) The Secretary—

(A) shall publish an advance notice of proposed rulemaking which specifies the type (or class) of covered vehicles to which the rule may apply,

(B) shall invite interested persons to submit, within 60 days after the date of publication of such advance notice, written presentations of data, views, and arguments in response to such notice, and

(C) may identify proposed or amended standards that may be prescribed.

(2) A proposed rule which prescribes an amended or new vehicle energy efficiency performance standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered vehicles. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

(3) After the publication of such proposed rulemaking, the Secretary shall afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations) on matters relating to such proposed rules, including—

(A) whether the standard to be prescribed is economically justified (taking into account those factors which the Secretary shall evaluate under section 019),

(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible,

(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate, and

(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

(4) A final rule prescrbing an amended or new vehicle energy efficiency performance standard or prescribing no amended or new standard for a type (or class) of covered vehicles shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

SEC. 021 INCREASES IN FUEL ECONOMY STANDARDS AND IN RATES APPLICABLE TO GAS GUZZLER TAX.

(a) IN GENERAL—

(1) Subsection (a) of section 4064 of the Internal Revenue Code of 1986 (relating to gaz guzzler tax) is amended

(A) by striking paragraphs (1) through (6),

(B) by redesignating paragraph (7) as paragraph (1),

(C) by striking the material preceding the table in paragraph (1) (as so redesignated) and inserting:

"(1) In the case of an automobile of any model year after 1989 and before 1992:", and

(D) by adding after paragraph (1) (as so redesignated) the following new paragraphs:

"(2) In the case of a 1992 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 23.5	0
At least 22.5 but less than 23.5	$500
At least 21.5 but less than 22.5	650
At least 20.5 but less than 21.5	850
At least 19.5 but less than 20.5	1,100
At least 18.5 but less than 19.5	1,400
At least 17.5 but less than 18.5	1,750
At least 16.5 but less than 17.5	2,150

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 15.5 but less than 16.5	2,600
At least 14.5 but less than 15.5	3,100
At least 13.5 but less than 14.5	3,600
At least 12.5 but less than 13.5	4,100
Less than 12.5	4,600.

"(3) In the case of a 1993 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 24.5	0
At least 23.5 but less than 24.5	$500
At least 22.5 but less than 23.5	650
At least 21.5 but less than 22.5	850
At least 20.5 but less than 21.5	1,100
At least 19.5 but less than 20.5	1,400
At least 18.5 but less than 19.5	1,750
At least 17.5 but less than 18.5	2,150
At least 16.5 but less than 17.5	2,600
At least 15.5 but less than 16.5	3,100
At least 14.5 but less than 15.5	3,600
At least 13.5 but less than 14.5	4,100
At least 12.5 but less than 13.5	4,600
Less than 12.5	5,100.

"(4) In the case of a 1994 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 25.5	0
At least 24.5 but less than 25.5	$500
At least 23.5 but less than 24.5	650
At least 22.5 but less than 23.5	850
At least 21.5 but less than 22.5	1,100
At least 20.5 but less than 21.5	1,400
At least 19.5 but less than 20.5	1,750
At least 18.5 but less than 19.5	2,150
At least 17.5 but less than 18.5	2,600
At least 16.5 but less than 17.5	3,100
At least 15.5 but less than 16.5	3,600
At least 14.5 but less than 15.5	4,100
At least 13.5 but less than 14.5	4,600
Less than 13.5	5,100.

"(5) In the case of a 1995 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 26.5	0
At least 25.5 but less than 26.5	$500
At least 24.5 but less than 25.5	650
At least 23.5 but less than 24.5	850
At least 22.5 but less than 23.5	1,100
At least 21.5 but less than 22.5	1,400
At least 20.5 but less than 21.5	1,750
At least 19.5 but less than 20.5	2,150
At least 18.5 but less than 19.5	2,600
At least 17.5 but less than 18.5	3,100
At least 16.5 but less than 17.5	3,600
At least 15.5 but less than 16.5	4,100
At least 14.5 but less than 15.5	4,600
At least 13.5 but less than 14.5	5,100
Less than 13.5	5,700

"(6) In the case of a 1996 or later model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 27.5	0
At least 26.5 but less than 27.5	$500
At least 25.5 but less than 26.5	650
At least 24.5 but less than 25.5	850
At least 23.5 but less than 24.5	1,100
At least 22.5 but less than 23.5	1,400
At least 21.5 but less than 22.5	1,750
At least 20.5 but less than 21.5	2,150
At least 19.5 but less than 20.5	2,600
At least 18.5 but less than 19.5	3,100
At least 17.5 but less than 18.5	3,600
At least 16.5 but less than 17.5	4,100
At least 15.5 but less than 16.5	4,600
At least 14.5 but less than 15.5	5,100
At least 13.5 but less than 14.5	5,700
Less than 13.5	6,200.

"(7) In the case of a 1997 or later model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 28.5	0
At least 27.5 but less than 28.5	$500
At least 26.5 but less than 27.5	650
At least 25.5 but less than 26,5	850
At least 24.5 but less than 25.5	1,100
At least 23.5 but less than 24.5	1,400
At least 22.5 but less than 23.5	1,750
At least 21.5 but less than 22.5	2,150
At least 20.5 but less than 21.5	2,600
At least 19.5 but less than 20.5	3,100
At least 18.5 but less than 19.5	3,600
At least 17.5 but less than 18.5	4,100
At least 16.5 but less than 17.5	4,600
At least 15.5 but less than 16.5	5,100
At least 14.5 but less than 15.5	5,700
At least 13.5 but less than 14.5	6,200
Less than 13.5	6,700.

"(8) In the case of a 1997 or later model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 29.5	0
At least 28.5 but less than 29.5	$500
At least 27.5 but less than 28.5	650
At least 26.5 but less than 27.5	850
At least 25.5 but less than 26.5	1,100
At least 24.5 but less than 25.5	1,400
At least 23.5 but less than 24.5	1,750
At least 22.5 but less than 23.5	2,150
At least 21.5 but less than 22.5	2,600
At least 20.5 but less than 21.5	3,100
At least 19.5 but less than 20.5	3,600
At least 18.5 but less than 19.5	4,100
At least 17.5 but less than 18.5	4,600
At least 16.5 but less than 17.5	5,100
At least 15.5 but less than 16.5	5,700
At least 14.5 but less than 15.5	6,200
At least 13.5 but less than 14.5	6,700
Less than 13.5	7,200

"(10) In the case of a 1999 or later model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 30.5	0
At least 29.5 but less than 30.5	$500
At least 28.5 but less than 29.5	650
At least 27.5 but less than 28.5	850
At least 26.5 but less than 27.5	1,100
At least 25.5 but less than 26.5	1,400
At least 24.5 but less than 25.5	1,750
At least 23.5 but less than 24.5	2,150
At least 22.5 but less than 23.5	2,600
At least 21.5 but less than 22.5	3,100
At least 20.5 but less than 21.5	3,600
At least 19.5 but less than 20.5	4,100
At least 18.5 but less than 19.5	4,600
At least 17.5 but less than 18.5	5,100
At least 16.5 but less than 17.5	5,700
At least 15.5 but less than 16.5	6,200
At least 14.5 but less than 15.5	6,700
At least 13.5 but less than 14.5	7,200
Less than 13.5	7,700.

"(9) In the case of a 2000 or later model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 31.5	0
At least 30.5 but less than 31.5	$500
At least 29.5 but less than 30.5	650
At least 28.5 but less than 29.5	850
At least 27.5 but less than 28.5	1,100
At least 26.5 but less than 27.5	1,400
At least 25.5 but less than 26.5	1,750
At least 24.5 but less than 25.5	2,150
At least 23.5 but less than 24.5	2,600
At least 22.5 but less than 23.5	3,100
At least 21.5 but less than 22.5	3,600
At least 20.5 but less than 21.5	4,100
At least 19.5 but less than 20.5	4,600
At least 18.5 but less than 19.5	5,100
At least 17.5 but less than 18.5	5,700
At least 16.5 but less than 17.5	6,200
At least 15.5 but less than 16.5	6,700
At least 14.5 but less than 15.5	7,200
At least 13.5 but less than 14.5	7,700
Less than 13.5	8,200.".

(2) Paragraph (3) of section 4064(b) of the Internal Revenue Code of 1986 (defining model type) is amended to read as follows:

"(3) MODEL TYPE.—The term 'model type' means each vehicle configuration as defined in the rules which were prescribed by the EPA Administrator for the purposes of section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 12001) and which were in effect on January 1, 1989."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to 1990 and later model year automobiles (as defined in section 4064(b) of the Internal Revenue Code of 1986).

SEC. 022. TAX INCENTIVES FOR THE PURCHASE OF FUEL EFFICIENT VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

"SEC. 30. FUEL EFFICIENT PASSENGER VEHICLES.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year the amount determined under subsection (b) for each qualified passenger vehicle purchased by the taxpayer during the taxable year.

"(b) AMOUNT OF CREDIT PER VEHICLE.—The amount determined under this subsection for any qualified passenger vehicle is the amount determined under the following tables:

"(1) MODEL YEARS 1993 AND 1994.—In the case of a vehicle of model year 1993 or 1994:

"If the percentage by which the fuel economy of the vehicle exceeds the fuel economy of the model type in which such vehicle falls is:		The amount of credit for the vehicle is:
At least	Less than	
	15	0
15	20	$250
20	25	400
25		750.

"(2) MODEL YEARS 1995 THROUGH 2000.—In the case of a vehicle of model year 1995, 1996, 1997, 1998, 1999, or 2000:

"If the percentage by which the fuel economy of the vehicle exceeds the fuel economy of the model type in which such vehicle falls is: At least	Less than	The amount of credit for the vehicle is:
	20	0
20	25	$400
25	30	750
30	50	1,000
50	75	1,500
75		2,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED PASSENGER VEHICLE.—The term 'qualified passenger vehicle' means any passenger automobile (as defined in section 501 of the Motor Vehicle Information and Cost Savings Act) the original use of which begins with the taxpayer.

"(2) FUEL ECONOMY, MODEL TYPE, MODEL YEAR.—The terms 'fuel economy', 'model type', and 'model year' have the respective meanings given such terms by section 4064.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, and 29, and

"(2) the tentative minimum tax for the taxable year."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 30. Fuel efficient passenger vehicles."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1991.

DISAPPROVING PROPOSED RECOMMENDATIONS ON FEDERAL PAY

PRESSLER (AND OTHERS) AMENDMENT NO. 2

Mr. PRESSLER (for himself, Mr. GRASSLEY, Mr. DECONCINI, Mr. HELMS, Mr. HUMPHREY, Mr. EXON, Mr. BURDICK, Mr. KASTEN, Mr. COHEN, Mrs. KASSEBAUM, and Mr. BOND) proposed an amendment to the joint resolution (S.J. Res. 7) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government: as follows:

Strike out all after the enacting clause and insert in lieu thereof:

SECTION 1. DISAPPROVAL OF PRESIDENTIAL RECOMMENDATIONS FOR CONGRESSIONAL PAY INCREASE

The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1990, are disapproved.

SEC. 2. EFFECTIVE DATE PROVISIONS AND RECORDED VOTES ON CONGRESSIONAL PAY INCREASES.

(a) EFFECTIVE DATE PROVISIONS.—(1) Subject to paragraph (2), if the date of the enactment of this resolution is on or after February 8, 1989, the rates of pay for all offices and positions increased by the recommendations described in the first section shall be the rate of pay in effect for each such office and position before such recommendations took effect.

(2)(A) The provisions of paragraph (1) shall not be applied to reduce the rate of pay of any office or position which was increased during the period of February 8, 1989, through the date of the enactment of this resolution by reason other than the recommendations described in the first section.

(B) The provisions of the first section and this section shall not apply to reduce the rate of pay of any judge or justice appointed pursuant to article III of the Constitution of the United States.

(b) AMENDMENT TO FEDERAL SALARY ACT OF 1967.—Section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF PRESIDENTIAL RECOMMENDATIONS; CONGRESSIONAL VOTE ON INCREASES IN CONGRESSIONAL RATES OF PAY.—(1)(A) Except for the recommendations relating to Members of Congress (which shall be subject to the provisions of paragraph (2)), the recommendations of the President which are transmitted to the Congress pursuant to subsection (h) of this section shall be effective as provided in subparagraph (B) of this paragraph, unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which begins on the date on which such recommendations are transmitted to the Congress.

"(B) The effective date of the rate or rates of pay which take effect for an office or position under subparagraph (A) of this paragraph shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in subparagraph (A).

"(2)(A) The recommendations of the President relating to the rates of pay of Members of Congress which are transmitted to the Congress under subsection (h) of this section shall become effective only after the enactment of a joint resolution as provided under subparagraph (B).

"(B) The joint resolution described under subparagraph (A) shall—

"(i) relate only to the issue of such recommendation to increase the rates of pay of Members of Congress; and

"(ii) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(C) For purposes of this paragraph the term 'Members of Congress' includes all positions described under section 225(f)(A), except for the Vice President of the United States.".

(c) CONGRESSIONAL VOTE TO INCREASE CONGRESSIONAL RATES OF PAY WITH INCREASES IN THE GENERAL SCHEDULE.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended to read as follows:

"(2)(A) Any increase in the rates of pay of Members of Congress which corresponds to an increase in the rates of pay in the General Schedule under section 5305 of title 5, United States Code, in any fiscal year shall become effective only after enactment of a joint resolution as provided under subparagraph (B).

"(B) The joint resolution described under subparagraph (A) shall—

"(i) relate only to the issue of the increase in the rates of pay of Members of Congress; and

"(ii) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(C) If a joint resolution is enacted as provided under subparagraphs (A) and (B), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which such joint resolution is enacted, each annual rate of pay of Members of Congress shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set in the report transmitted to the Congress under section 5305) of the adjustment in the rates of pay under the General Schedule".

(d) CONGRESSIONAL VOTE ON ANY INCREASE IN THE RATES OF PAY OF CONGRESS.—(1) Notwithstanding any other provision of law, any increase in the rates of pay of Members of Congress shall become effective only after an enactment of a joint resolution as provided in paragraph (2).

(2) The joint resolution described under paragraph (1) shall—

(A) relate only to the issue of the increase in the rates of pay of Members of Congress; and

(B) be passed by recorded vote to reflect the vote of each Member of Congress thereon.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is tentatively scheduled to hold a hearing on February 6, 1989, in SD-628 on the nomination of Edward J. Derwinski of Illinois to be Administrator of Veterans' Affairs/Secretary of Veterans' Affairs.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Friday, February 3, 1989. The subcommittee will hear witnesses from the Environmental Protection Agency, the Office of Technology Assessment, and the General Accounting Office.

The hearing is scheduled to begin at 10 a.m. in room SD-342 Senate Dirksen Office Building. For further information, please call Ed Gleiman, subcommittee staff director, on 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 2, 1989, at 2 p.m. in open session to receive testimony on modernization of nuclear weapons complex.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 2, 1989, at 10 a.m. in open session to receive testimony on safety issues at the Savannah River reactors.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Investigations of the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on February 2, 1989, at 10 a.m. to hold hearings pursuant to Senate Resolution 381, section 21, agreed February 26, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, February 2, 1989, at 10 a.m. to continue oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS, AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs, and Alcoholism, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, February 2, 1989, at 10 a.m. to conduct a hearing on "Parental and Medical Leave Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DRUG SURVEY RESULTS

● Mr. DECONCINI. Mr. President, today I am submitting into the RECORD the summary of a drug survey which was developed and administered by the Arizona Criminal Justice Commission to 18,241 Arizona high school seniors in January 1988. The results of the survey indicate that the students find drugs readily available in Arizona. As described in the article written by Jonathan Bass of the Arizona Daily Star, drug use remains high. There is a higher percentage of use of cocaine and psychedelics in Arizona than the national average. Have we been naive to embrace continued reports that drug use is declining among our youth? This survey reinforces my view that we must increase our efforts to eliminate the menace of drugs in the United States. This survey incites me to state again for the RECORD that I and my fellow Members of Congress must exercise the will to ensure that the Anti-Drug Abuse Act of 1988, which addresses both the supply-and-demand issues in the war on drugs, is fully funded.

I ask that the survey results along with the article from the Arizona Daily Star be printed at this point in the RECORD.

The material follows:

DRUG SURVEY RESULTS

AVAILABILITY

All illicit drugs are widely available to high school and college students and to the public.

Availability of cocaine to high school seniors exceeds national figures (65% v. 51%) and that of hallucinogens is double national availability (57% v. 29%). Access to alcohol and marijuana is high, but below national levels.

USE

Use of all drugs by high school students is high. Levels of use for cocaine and hallucinogens are significantly greater than national levels and exceed the highest levels ever reported nationally.

Use levels for cocaine and hallucinogens are substantially below availability levels. Marijuana and alcohol use are somewhat lower.

Use is beginning at early ages for many substances, e.g., 20 percent of inhalant use begins before 10 years old. Most cocaine and hallucinogen use begin later (junior and senior years).

PROBLEMS

Large proportions of students admit to being in school impaired by alcohol and drugs (36% of seniors) or leaving school to use the same (24% of seniors). They identify significant problems from this use (9% of seniors).

Drug use is concentrated in young adult groups. Unless they change and/or new youngsters refrain, the problem is bound to grow.

The public views problem as more serious than crime generally and the majority expect no improvement in the next 20-25 years.

RESPONSES NEEDED

Three quarters are opposed to any legalization.

Two thirds are willing to increase taxes $50 or more to deal with problem. Some (16%) are willing to pay $300 or more.

A coordinated set of responses are favored with prevention and enforcement favored almost equally and treatment supported less.

PROPOSALS

Improve coordination between schools, enforcement and community to target drug use by students.

Continue to maintain levels of support for existing enforcement, prevention, and treatment efforts and increase if possible.

Analyze results further to develop insights and provide for continuation of survey effort in future years to allow progress to be assessed.

[From the Arizona Daily Star, Dec. 24, 1988]

SEVEN PERCENT OF ARIZONA HIGH SCHOOL SENIORS USE COCAINE REGULARLY, SURVEY FINDS

(By Jonathan Bass)

PHOENIX.—Nearly twice as many Arizona high school seniors regularly use cocaine than their peers nationwide, but fewer of the Arizonans use marijuana and alcohol than the national average, according to a new report.

The year long survey of 18,238 state high school students by the Arizona Criminal Justice Commission also revealed that the use of inhalants, such as glue and paint, and psychedelics, such as LSD, by Arizona high school seniors is higher than the national average.

Seven percent of the Arizona seniors said they regularly use cocaine, while 16 percent said they regularly smoke marijuana. The national averages for cocaine and marijuana use among seniors are 4.3 percent and 21 percent, respectively.

"That may just mean there's a marketing competition between marijuana and cocaine, and cocaine is coming out ahead," Peter Haynes, executive director of the commission, said yesterday. "That's a cynical view."

Three percent of the state's seniors reported regular use of psychedelics, and 4 percent said they routinely use inhalants, the report said.

The national averages are 2.5 percent for psychedelics and 2.8 percent for inhalants.

About 35 percent of the state's 40,000 high school seniors said they had gone to school while under the influence of alcohol or drugs at least once, the report said. About 24 percent said they had skipped school to use drugs.

Many of the students admitted they began using drugs in elementary school.

By the age of 10, more than 10 percent of the high school students surveyed said they had tried mairjuana and 7 percent reported using psychedelics. Those usages, respectively, rose to 41 percent and 27 percent by the time the students reached age 13.

U.S. Sen. Dennis DeConcini, coauthor of the recently passed Omnibus Anti-Substance Abuse Act, said yesterday that the study's results were "shocking."

"But when you look at what has hapened to our society . . . anybody who doesn't readily understand how serious this problem is, is living in another world," the Arizona Democrat added.

Dale Frederick, assistant superintendent of high schools for the Tucson Unified School District, said he was not surprised by the study's findings, but said other factors figure in drug and alcohol abuse by students.

"I think that the information is probably pretty reflective of what high school students are doing," Frederick said. "It will vary from community to community based on what those communities are doing—what type of drug prevention and drug prevention programs the communities have available to their students."

He said several TUSD schools have "teams" working on drug prevention. The teams are made up of teachers, administrators and counselors. In some cases, the teams include parents and students.

The teams focus on intervention and making students aware of the dangers of drug abuse, he said. They also help students

who recently completed substance-abuse programs, he added.

The survey, which will be submitted to Gov. Rose Mofford and state lawmakers next week, represented 10.2 percent of the state's 177,572 high school students. The margin of error was plus or minus 1 percentage points.

"We've got a snapshot," Haynes said. "We plan on monitoring what happens over time every year."

Haynes, whose commission is responsible for fighting drug abuse, said he hopes that the state will concentrate its efforts more heavily against drug users.

"The problem is, if you knew exactly what to do, it would take a while," he said. "We don't know what the magic solution is."

Only in alcohol use were Arizona seniors—55 percent of whom said they drink regularly—well under the national average of 66.4 percent.

The survey did not include invalid responses and any that appeared to be obviously exaggerated, such as those that indicated the student uses five or more substances daily.

Of all illegal drugs, "marijuana continues to rank as the most available" in Arizona, the report said.

"It was reported by three-fourths of the seniors that they could buy marijuana if they had the money," the report noted.

"What is surprising is that almost two-thirds of the freshmen reported the same ability."

In a typical ninth-grade class of 30 students, the report said, "eight of these students have tried marijuana, and three are presently using (it)."

"Twenty of the kids have tried alcohol, and 11 of them, or more than a third of the class, are using it regularly. These are only the ninth-graders," the report said.

Drug use is more frequent in the higher grades, the report added.

"This has some far-reaching implications, especially in light of reports that cocaine is so addictive," it said.

The report also included surveys of 357 community college students and 1,009 other adults selected at random.

The most regularly used drugs among the college students were alcohol (71 percent), marijuana (14 percent) and cocaine (11 percent).

Among other adults, the drugs of choice were marijuana (4 percent), tranquilizers (3 percent) and anti-depressants (2 percent).

Adults between the ages of 18 and 29 were the most frequent users of cocaine and marijuana, while those between the ages of 45 and 59 more often used anti-depressant drugs. Adults over 60 were the heaviest users of tranquilizers, the report noted.

Alcohol use was not part of the adult survey since its consumption is legal for people over 21.

The report also noted that 66 percent of the adults surveyed were willing to pay higher taxes of at least $50 a year to combat drug abuse. Sixteen percent said they would pay $300 more a year, while 24 percent said taxes should not be raised.

The survey showed that 42 percent of adults want their tax dollars spent on education and drug-prevention programs, while 40 percent want more money allocated to law enforcement efforts to punish drug users.●

S. 276, TO ESTABLISH A DEPARTMENT OF ENVIRONMENTAL PROTECTION

● Mr. COHEN. Mr. President, I am pleased to join several of my Senate colleagues in cosponsoring legislation to elevate the Environmental Protection Agency to a Cabinet-level position in the executive branch of our Government.

I hope that President Bush will take a good look at this legislation, for it reflects in great measure the renewed emphasis on environmental protection that he has often mentioned and that many Americans are hungry for. The inclusion of the Federal agency responsible for environmental protection during high-level Cabinet discussions sends an important signal to the American people that the pervasive environmental problems we face will be fought under the authority of the President of the United States and not just by some lower level administrator.

This legislation is more than symbolic, however. There are a number of issues involving environmental protection that will be discussed by the President's Cabinet, and I believe our policies will be more sound if the agency responsible for that protection is present when important decisions are made.

Very difficult problems await our new President's attention, including the depletion of the upper ozone level of the atmosphere, global warming impacts, the cleanup of hazardous wastes at Federal facilities, and the elimination of serious air pollution in our major cities. The current Environmental Protection Agency has important responsibilities in developing the means to address these probelms, but they are also issues in which other Cabinet-level departments play crucial roles. As the Secretary of State discusses international negotiations on the reduction of chlorofluorocarbon production, shouldn't the Department of Environmental Protection be present at the table to participate in the discussion? As the Secretary of Energy raises the issue of hazardous waste cleanup at our Federal defense facilities, shouldn't the Secretary of Environmental Protection play an integral part in developing a plan to facilitate that cleanup? I firmly believe that the answer to those questions is a resounding "Yes."

This legislation does not add an additional layer of bureaucracy to the Federal Government, nor does it require the expenditure of additional Federal funds. It does not alter in any way the responsibilities and structure of the EPA, but it does allow the agency to play a role in the development of sound environmental policies at the highest levels.

The environment is crying out for help, as is evidenced by the significant problems we face—solid waste disposal, hazardous waste cleanup, air and water pollution, the degradation of our oceans, the loss of ground water resources and wetlands, the depletion of the ozone layer, and the greenhouse effect. The many challenges are complex and require attention at the highest levels, or the world we leave our children and grandchildren will be a sorry one.

As we talk about the need to focus increased attention on the significant environmental problems that confront us, let us remember to think about ways of putting those words into action. This legislation, S. 276, is one way of doing so, and I urge my colleagues to give it their full attention in the near future.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136 billion.

The report follows:

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF JAN. 27, 1989

[In billions of dollars]

	Current level [1]	Budget resolution (H. Con. Res. 268) [2]	Current level +/− resolution
FISCAL YEAR 1989			
Budget authority	1,233.0	1,232.1	0.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,683.5	[3] 2,824.7	−141.2
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	.....
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and are consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care (Public Law 100–360).

[3] The permanent statutory debt limit is $2,800 billion.

[4] Maximum deficit amount in accordance with sec. 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level maximum deficit amount.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS JAN. 27, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	(1)	(1)	
Special milk	4		
Food Stamp Program	253		
Federal Crop Insurance Corporation fund	144		
Compact of Free Association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Paymen to the civil service retirement and disability trust fund	(85)	(85)	
Payment to Hazardous Substance Superfund	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veterans' compensation COLA (Public Law 100–687)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Jan. 27, 1989	1,232,979	1,100,113	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	929	363	
Under budget resolution			266

[1] Less than $500,000.

Note: Numbers may not add due to rounding.●

THANK YOU AND BEST WISHES TO BOB HICKMOTT

● Mr. WIRTH. Mr. President, losing a valued staff member often summons mixed emotions. One is unwilling to part with the vital services of a key employee and, at the same time, pleased that a challenging opportunity has arisen. After 14 years in Congress, periodically watching gifted and energetic individuals move on, I should be accustomed to the routine.

I am experiencing precisely those mixed emotions about Bob Hickmott, who served as my deputy administrative assistant for the past 2 years and the national finance director of my Senate campaign in 1985 and 1986. Today is Bob's last day with us; he'll be studying for the District of Columbia bar exam over the next month before beginning a new career as an attorney with the law firm of Skadden Arps Slate Meagher & Flom.

Bob has worn many hats during his tenure in the Wirth operation, all with great style and grace. He has repeatedly demonstrated over the years that he is the quintessential jack of all trades—and a master of a few more. As deputy AA, Bob back-stopped for my chief of staff, taking the administrative reins with authority and confidence whenever he was needed. Bob also consistently provided exceptional political counsel, having developed a comprehensive knowledge of the State of Colorado and the U.S. Congress. He competently staffed me on the Banking, Housing and Urban Development Committee for the past 2 years, quickly becoming fluent in the many complex issues before that committee. And, in his previous role, as national finance director for my Senate campaign, ran a highly successful fundraising effort that was crucial to the outcome.

My staff and I will all miss Bob for the important part he played in keeping staff morale high; he kept us from taking ourselves too seriously, alternately using his sharp wit to disarm a dubious proposal or soothe a bruised ego. He has been highly attuned to staff needs, particularly those of staff performing the often monotonous and difficult work that is the grist of any congressional office. When the demands and pressures seemed most overwhelming, we grew to count on Bob's humor to lighten the moment and put our mission here into proper perspective.

Bob is extemely loyal, dependable and resourceful—traits I have come greatly to rely upon.

There is a somewhat callous saying among employers: "No one is indispensable." A cynic might agree, but some employees are very difficult to part with, and very nearly impossible to replace. Bob Hickmott is such an individual. He has been more than an employee, he has been a good friend. I wish the very best in his future career—despite his questionable intention to become a lawyer. I thank him for his 4 years of excellent service; I am deeply indebted.●

NATIONAL ENERGY POLICY ACT

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation to establish a comprehensive program to deal with a wide variety of threats to the global environment including destruction of the stratospheric ozone layer, global climate change, and ground level ozone.

After a summer of intense heat and drought in many parts of the country, countless news reports of beach closings due to sludge, garbage, and medical waste washing ashore along the eastern coast, and a Presidential campaign in which the environment was a major issue, 1988 will be remembered as the year that the public concern was forcibly drawn to the environment.

Many scientists have pointed out some of the indications of our changing global environment. In addition to the drought of 1988, other indicators include the hole in the ozone layer above Antarctica, and recent trends to hotter summers and warmer winters. While global climate change is a naturally occurring phenomena, the process seems to have sped up as a result of manmade creations. A major component adding to this occurrence is carbon dioxide. The bill sets a policy goal of reducing CO_2 emissions by 20 percent by the year 2000.

Nature's way of absorbing CO_2 is through trees and vegetation which convert it into oxygen. But due to industrialization and population increases, our forests are being destroyed at an alarming rate. According to the international tropical timber organization, rain forests are being destroyed at the rate of 100 acres per minute. The National Energy Policy Act addresses this issue and includes provisions which direct the Secretary of State to work with the Agency for International Development and other Federal agencies to inventory forests in all tropical countries and set conservation goals for each country.

CO_2, resulting from automobile emissions are major contributors to ground level ozone or smog. Last summer we experienced record levels of smog in our cities. Nationally, 1988 peak concentration levels for ozone have exceeded 1987 levels by 77 percent. In New York City, for example, there were 27 days of unhealthful air between the months of May and August. In 1987, there were 19.2 unhealthful days.

Placing greater emphasis upon research and development of renewable nonfossil-fuel energy sources is also a major component of this legislation as is examining new and safer designs for nuclear powerplants and for ways to minimize the volume of nuclear waste that is produced.

All nations are a part of the global environment and thus all must share in protecting it. Reductions in greenhouse gases in the United States aren't going to have a major impact unless other nations make similar efforts. This legislation authorizes the Secretary of State to hold an international conference to adopt binding global climate protection measures to reduce the 1988 level of CO_2 emissions by at least 20 percent by the year 2000.

Working together and taking preventative actions now will avoid the need to take corrective actions when it may be too late. I urge my colleagues

to examine closely this comprehensive piece of legislation and to work toward its passage and implementation.●

FORMER SENATOR LOWELL WEICKER HONORED

● Mr. HATFIELD. Mr. President, recently, former Senator Lowell Weicker was honored with two prestigious awards recognizing his contributions to public service. Senator Weicker received the Lasker Award for Public Service from the Albert and Mary Lasker Foundation and the Wayne Morse Integrity in Politics Award from the Wayne Morse Historical Park Foundation.

The tradition of independence, integrity, and political determination made famous by Senator Wayne Morse, of Oregon, has been a source of great pride in my State and a source of inspiration for our Nation. Senator Weicker has upheld that tradition with vision and strength. As his colleague of more than 18 years, I have had the opportunity to work with Senator Weicker on a variety of issues and to watch him skillfully guide controversial legislation into public law.

Lowell Weicker's unwillingness to succumb to political pressure, from either side of the spectrum, has often left him standing with the few. From his questioning the irresponsible use of military force to his work to protect programs for the elderly and handicapped, Lowell Weicker has been a strong and eloquent advocate for the progressive wing of the Republican Party. He has prevented cuts to educational, health, and medical research programs and, perhaps most importantly, Lowell Weicker has given a voice to those who are all too often not heard—to the sick, the poor, and the uneducated. If the wealth of a nation is to be measured by its ability to tend to the sick, feed the poor, and educate its children, Lowell Weicker has made this a richer nation indeed.

As the once junior Senator to Wayne Morse and a fellow believer in the progressive principles upon which the Republican Party was first established, I send my warm congratulations to Senator Weicker on receiving the Wayne Morse and the Lasker Awards.

Mr. President, I ask that an article from the Washington Post appear in the RECORD immediately following my remarks.

The article follows:

[From the Washington Post, Nov. 22, 1988]

SENATOR WEICKER HONORED FOR PUBLIC HEALTH ROLE

(By Sally Squires)

It was the day before the end of the fiscal year, and Connecticut Sen. Lowell Weicker did what most senators would never do:

He introduced an entire new bill for Congress to pass in 24 hours.

It was, his colleagues noted, classic Weicker. Over the past 18 years, the Republican senator has earned his reputation on Capitol Hill and in the health community for being the maverick champion of important but not always popular causes.

This time, Weicker wanted to help AIDS patients. The legislation he submitted would extend government funding for AZT—the only drug currently approved to treat the disease. Without the bill, AIDS patients who couldn't afford to buy AZT would have to go without it beginning Oct. 1.

Weicker, meanwhile, met quietly with Health and Human Services Secretary Otis R. Bowen and with the chairman of Burroughs-Wellcome, which makes AZT, to gain their cooperation.

The next day, on Sept. 30, Weicker forced a voice vote in the Senate. The bill passed. Congressman Henry Waxman (D-Calif.) then shepherded the bill through the House. On Oct. 1, no AIDS patient missed a dose of AZT because of an inability to pay.

"No one thought that the bill would pass," Waxman says. "Weicker single-handedly got it through."

Earlier this month, Weicker was narrowly defeated in his bid for re-election—beaten by 10,793 votes. But last week, there was one sweet consolation: the Albert and Mary Lasker Foundation presented him with a rare Public Service Award for being a champion of biomedical programs. The decision to honor Weicker had been made in June, but the public presentation came last week in New York and helped to soften the blow of political defeat.

The Lasker Award for Public Service "is the way I'd like to have my career recognized," Weicker said last week. "It made me feel like a million bucks when I heard about it three months ago. It makes me feel like two million dollars as of last week," a reference to his reelection defeat.

During an interview in his Russell building office, the 57-year-old senator, known on the Hill as "the bear," was relaxed and upbeat. "I'm still here, I'm healthy and I'm still full of beans," he said. "I think this is all for the best. My sadness really only goes to my family and my friends."

But a few days later at the Lasker Award luncheon, when the audience gave him a standing ovation, Weicker was visibly moved.

His list of accomplishments for biomedicine is long and varied. Weicker has championed the mentally ill. He was the first member of Congress to recommend funding for a vaccine which now protects children 18 months and older from hemophilus influenza. He wrote legislation to require some employers to provide a basic minimum health insurance to their employees. He created the first Alzheimer's Research Centers and the Council on Alzheimer's Disease. And he has been an outspoken supporter of AIDS research and of assistance for AIDS patients. He has been an advocate of cancer research.

"When it comes to supporting and funding the research programs conducted by the NIH, Senator Weicker embodies the true meaning of words such as guardian, champion, friend and advocate," Dr. Richard Krause, former dean of medicine at Atlanta's Emory University, wrote in nominating Weicker for the Lasker Award.

"He has a tremendous understanding and appreciation of scientific research and its meaning to the nation," added Dr. Michael E. DeBakey, chancellor and chairman of the surgery department at Baylor College.

Born in Paris, where his father directed the European operations of E.R. Squibb & Sons, Inc.—the drug company that was founded by his maternal and paternal grandfathers—Weicker grew up amid privilege and power. He is the second oldest of four children and was educated at the Lawrenceville School in New Jersey, Yale University and the University of Virginia Law School. He served in the Army before entering politics in 1962. His first political job: representing Greenwich, Conn., in the State General Assembly for three terms.

In 1970, he was elected to the Senate and gained the national spotlight during Watergate as a young senator willing to cross party lines. Time magazine included him in a cover story as one of the bright young leaders of the country.

Married to his third wife, Claudia, Weicker is the father of seven sons—five from his previous marriages and two stepsons from his current marriage. Some people think Weicker's outspoken support of the disabled and the mentally retarded stems from his 10-year-old son, Sonny, who was born with Downs' syndrome—but Weicker bristles at that notion. "I really get bothered when people say that I would be motivated by a personal issue," he said, noting that his interest in the mentally retarded and the handicapped began years before Sonny was born.

In the Senate, Weicker took a seat on the Labor and Human Resources Authorizing Committee at the request of labor supporters in Connecticut. Once there, he was the gaps in biomedical research, health care and help for the disabled and the handicapped. Washington, he believes, is a town where the flash and glitz of defense programs get the attention, "whereas the business of life in its various forms is just totally ignored," he said. And so he became the standard bearer for health groups because he said, they "had no one to champion their cause."

His best accomplishment, he said, is his support of NIH, particularly during the early years of the Reagan administration, when funding was being slashed. His second most important accomplishment, he said, has been in AIDS research. Weicker was chairman of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee from 1983 to '86. AIDS funding grew from $61 million in 1984 to $925 million in 1988—annually doubling the administration's funding requests.

And now, what does the future hold for him? "I really don't know what I'm going to do yet," he said.

There is talk of an academic appointment, a lobbying role or work at a Washington think tank. Weicker's name is also circulating as a nominee for HHS secretary.

Weicker, however, dismissed that idea, saying that his pro-choice position on abortion and support of fetal research would make him a lightning rod for controversy.

But he didn't dismiss other jobs in the new administration either. One possibility: head of the National Oceanic and Atmospheric Administration (NOAA), which he helped to grow from a sleepy, little agency into the largest in the Department of Commerce. Weicker, who has participated in four dives to the ocean floor with NOAA scientists, is concerned about the mysterious environmental ocean changes that have rapidly occurred in the past several years—the disappearance of a species of sea urchins, for example, and the strange burn holes found in crabs and lobsters. If something came along in that area," he said, "I don't know what my answer would be."●

ALBERT C. VAYHINGER

● Mr. LUGAR. Mr. President, it gives me great pleasure to recognize the outstanding effort of Mr. Albert C. Vayhinger. Mr. Vayhinger participated in rescue efforts following the severe earthquake that struck the Armenian countryside in the Soviet Union December 10, 1988. His spirit of voluntarily assisting the Armenian people serves as an example and an inspiration.

A lifelong Hoosier and resident of Crawfordsville, IN responded to the announcement of this tragedy by collecting and delivering $10,000 in amateur radio and computer equipment to Moscow to assist in transmitting information between earthquake ravaged Soviet Armenia and the United States. This volunteer effort was by no means the first by Albert Vayhinger. Only the magnitude of his endeavor separates this from his previous humanitarian acts of assistance to other countries. In September 1988, he furnished emergency communications for the Salvation Army for a week in Jamaica. And in October 1986, he volunteered for a month in El Salvador where he again made use of his talents as a radio operator to convey emergency messages and coordinate the activities of vital medical personnel.

Albert C. Vayhinger is most deserved of our thanks and recognition for his outstanding volunteerism. His spirit and selfless humanitarian efforts should be a challenge to all of us. Upon hearing of his actions, I was provided a copy of Mr. Vayhinger's own account of his visit to Moscow and I thought it a most fitting tribute that it be shared with my colleagues in the Senate:

A CHRISTMAS PRESENT TO A COMMUNIST COUNTRY

On December 14, 1988, the International Amateur Radio Network, an all-volunteer amateur radio organization, asked for volunteers to go to Moscow to assist the Soviet Amateur Radio Operators in setting up much needed radio circuits between earthquake-ravaged Armenia and the rest of the world.

Nearly $10,000 worth of sophisticated radio communication equipment was donated by various manufacturers and charitable organizations for this purpose.

Charles Sheffer, amateur radio KJ4TY, of Apalachicola, FL and I hurriedly flew to Cleveland, OH to meet with the handful of very dedicated amateur radio operators, headed by Dave Speltz, KB1PJ, to coordinate and finalize our plans for this humanitarian effort.

The head of the International Amateur Radio Network, Glenn Baxter, K1MAN, of Belgrade Lakes, ME had finally obtained permission from the Soviet Union for this person-to-person humanitarian assistance to the Soviet Union. This was a tremendous breakthrough of cooperation between two great powers.

On December 17, after a few frustrating delays, we finally left JFK Airport in New York. Aeroflot, the Russian Airline, had agreed to fly us and all of our radio equipment, at no expense, to Moscow. The Aeroflot Airline personnel were extremely helpful and put all of the radio equipment aboard the plane as our personal baggage.

After 8 hours of flying, we finally arrived in Moscow and were met at the airport by Soviet officials and representatives of the Soviet Union Amateur Radio community. The officials hurriedly helped us through customs and waived all the redtape to enter the country. We were greeted very cordially and after the proper introductions all around, we were taken to our hotel. During our stay there, we had a car and driver at our disposal; also an interpreter was assigned to us.

We were eagerly awaiting an appointment with the local amateur radio organization for the purpose of finalizing our plans to assist them in setting up the emergency communications links between Armenia, Moscow, and the rest of the world.

On the third day there we were called into a meeting and were told that if we did not leave the Soviet Union the following day, that it might be October before we would be able to return to the United States.

It was explained to us that the Aeroflot Airline had passenger reservations booked in advance for nearly 1 year. They also explained the fact that there were getting to be so many foreign assistance personnel in the Armenian area that it was beginning to interfere with the total relief program. They also explained that their own amateur radio operators could set up the communication links. Having met and talked with some of the local amateur operators, we heartily agreed that they were extremely capable and could in fact set up these needed radio links.

Needless the say, we agreed to leave for the States the following day.

Early the next morning the Soviet officials picked us up at our hotel and drove us to the airport. All of the radio equipment which we had brought was left in their country for these emergency networks.

They seemed extremely grateful for the radio equipment and they gave us a parting gift and thanked us time and time again for our efforts.

Many amateur radio operators, worldwide, had been rooting for us and assisting with communications in preparing for this trip. This was the first time that anything of this dimension had been attempted with the Soviet Union. As our efforts were purely humanitarian, we feel that a great stride forward has been made for closer and peaceful cooperation between two great countries.

Our Christmas present to the Soviet Union will prove, in a small way, that man on this planet can work together for a better and peaceful world.●

PASSING OF A FRIEND

● Mr. BOND. Mr. President, it was with great sorrow that I recently learned of the passing of an old and very dear friend. N. Glenn Russell had for a number of years been my barber as he serviced the Brookside area in Kansas City, MO, and Glenn was always eager to discuss politics. Through the years, I came to learn that there was no better place to return and find out what issues were on the minds of Missourians than Glenn's barbershop. Not only was Glenn always in the know, but he was usually correct in his assessment of the situation. And I am not the only one who will mourn Glenn's passing. Glenn was a leader in the Brookside Merchants Association and through his and the other members efforts the area maintained a wholesome, family oriented atmosphere that served as a model for other neighborhood retail organizations within the metropolitan area. We will all miss him very much.●

RULES OF PROCEDURE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. RIEGLE. Mr. President, the rules of procedure of the Committee on Banking, Housing, and Urban Affairs are hereby published in the CONGRESSIONAL RECORD pursuant to rule XXVI of the standing rules of the Senate.

The rules of procedure follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS (ADOPTED IN EXECUTIVE SESSION, JANUARY 25, 1989)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) INVESTIGATIONS.—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) HEARINGS.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority members of the Committee or by a majority vote of the Committee.

(c) CONFIDENTIAL TESTIMONY.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) INTERROGATION OF WITNESSES.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or ranking minority member of the Committee.

(e) PRIOR NOTICE OF MARKUP SESSIONS.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances

exist requiring that the session be held sooner.

(f) PRIOR NOTICE OF FIRST DEGREE AMENDMENTS.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or, (2) with respect to multiple first degree amendments, each of which would strike a single Section of the measure under consideration, fifty copies of a single written notice listing such specific Sections have been delivered to the Committee at least 2 business days prior to the meeting. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting. This subsection shall apply only when at least 3 business days written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) CORDON RULE.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the parts or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTTEES

(a) AUTHORIZATION FOR.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) MEMBERSHIP.—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) INVESTIGATIONS.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) HEARINGS.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) CONFIDENTIAL TESTIMONY.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) INTERROGATION OF WITNESSES.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of Subcommittee.

(g) SPECIAL MEETINGS.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the written request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their wrtten notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular [addition] or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) VOTING.—No measure or matter shall be recommended from a Subcommittee to the Committee unless the majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to that Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) FILING OF STATEMENTS.—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) LENGTH OF STATEMENT.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) TEN-MINUTE DURATION.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) SUBPOENA OF WITNESSES.—Witnesses may be subpoenaed by the Chairman of the Committee or Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) COUNSEL PERMITTED.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) EXPENSES OF WITNESSES.—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority Member of the Committee.

(g) LIMITS OF QUESTIONS.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes when less than 5 members are present, except that if a member is unable is finish his questioning in this period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) VOTE TO REPORT A MEASURE OR MATTER.—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of

the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) VOTE ON MATTERS OTHER THAN TO REPORT A MEASURE OR MATTER.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Tom Bauer, a member of the staff of Senator SIMPSON, to participate in a program in Malaysia, sponsored by the Institute for Strategic and International Studies and the United States-Asia Institute, from January 5 to 16, 1989.

The committee has determined that participation by Mr. Bauer in the program in Malaysia, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Kellye Eversole, a member of the staff of Senator BOREN, to participate in a program in Malaysia, sponsored by the Institute for Strategic and International Studies and the United States-Asia Institute, from January 5 to 16, 1989.

The committee has determined that participation by Ms. Eversole in the program in Malaysia, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Anne Caldwell, a member of the staff of Senator SHELBY, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from January 4 to 12, 1989.

The committee has determined that participation by Ms. Caldwell in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for John Balbach, a member of the staff of Senator HUMPHREY, to participate in a program in Namibia, sponsored by the Namibia Foundation, from January 11 to 17, 1989.

The committee has determined that participation by Mr. Balbach in the program in Namibia, at the expense of the Namibia Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Leonard Weiss, a member of the staff of Senator GLENN, participate in a program in India, sponsored by the Indian Institute for Defense Studies and Analysis, from December 27, 1988, through January 16, 1989.

The committee has determined that participation by Dr. Weiss in the program in India, at the expense of the Indian Institute for Defense Studies and Analysis and the U.S. State Department, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for James N. Arbury, a member of the staff of Senator RIEGLE, who participated in a program in West Germany, sponsored by the Konrad Adenauer Stiftung, from November 26 to December 3, 1988.

The committee has determined that participation by Mr. Arbury in the program in West Germany, at the expense of the Konrad Adenauer Stiftung, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jay C. Ghazal, a member of the staff of Senator PELL, to participate in a program in Jordan, Israel, Kuwait, and Saudi Arabia sponsored by the World Affairs Council of Jordan and the Union of Saudi Chamber of Commerce and Industry, from January 6 to 17, 1989.

The committee has determined that participation by Mr. Ghazal in the program in the Middle East, at the expense of the World Affairs Council of Jordan and the Union of Saudi Chambers of Commerce and Industry, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for David Apgar, a member of the staff of Senator BRADLEY, to participate in a program in Western Europe, sponsored by the European Parliament and Commission of the European Community, from January 8 to February 1, 1989.

The committee has determined that participation by Mr. Apgar in the program in Western Europe, at the expense of the European Parliament and Commission of the European Community, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Kolan Davis, a member of the staff of Senator GRASSLEY, to participate in a program in Namibia, sponsored by the Namibia Foundation, from January 7 to 16, 1989.

The committee has determined that participation by Mr. Davis in the program in Namibia, at the expense of the Namibia Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Evelyn Boyd, a member of the staff of Senator SASSER, to participate in a program in Namibia, sponsored by the Namibia Foundation, from January 9 to 18, 1989.

The committee has determined that participation by Ms. Boyd in the program in Namibia, at the expense of the Namibia Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dave Flory, a member of the staff of Senator KASTEN, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from January 3 to 16, 1989.

The committee has determined that participation by Mr. Flory in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Brent Franzel, a member of the staff of Senator BOND, to participate in a program in Namibia, sponsored by the Namibia Foundation, from January 7 to 18, 1989.

The committee has determined that participation by Mr. Franzel in the program in Namibia, at the expense of the Namibia Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Kirk Robertson, a member of the staff of Senator PRYOR, to participate in a program in Germany, sponsored by the Konrad Adenauer Foundation, from November 26 to December 3, 1988.

The committee has determined that participation by Mr. Robertson in the program in Germany, at the expense of the Konrad Adenauer Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jackie Clegg, a member of the staff of Senator GARN, to participate in a program in South Africa, sponsored by the South Africa Foundation, from December 4 to 16, 1988.

The committee has determined that participation by Ms. Clegg in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mark Seetin, a member of the staff of Senator BOSCHWITZ, to participate in a program in China, sponsored by the Counselor of the Embassy of the People's Republic of China, from December 3 to 17, 1988.

The committee has determined that participation by Mr. Seetin in the program in China, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for participation by Senator SYMMS in a program in China, sponsored by the State of Idaho and the Northwest Republic of China Trade Consortium of Seattle, which was held from November 12 to 17, 1988.

The committee has determined that participation by Senator SYMMS in the program in China, at the expense of the Northwest Republic of China Trade Consortium of Seattle and the Chinese National Association of Industry and Commerce of Taipei, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for James M. Bodner, a member of the staff of Senator COHEN, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs and the United States-Asia Institute, from December 5 to 13, 1988.

The committee has determined that participation by Mr. Bodner in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs and the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Steven M. Polansky, a member of the staff of Senator PELL, to participate in a program in China, sponsored by the United States-Asia Institute, from December 3 to 15, 1988.

The committee has determined that participation by Mr. Polansky in the program in China, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Christopher Manion, a member of the staff of Senator HELMS, to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from December 1 to 19, 1988.

The committee has determined that participation by Dr. Manion in the program in Austria, at the expense of the Austrian Federal Economic Chamber, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Brad Figel, a member of the staff of Senator PACKWOOD, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from January 8 to 15, 1989.

The committee has determined that participation by Mr. Figel in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. J. Christopher Brady, a member of the staff of Senator WARNER, who participated in a program in West Germany, sponsored by the Konrad Adenauer Stiftung, from November 26 to December 3, 1988.

The committee has determined that participation by Mr. Brady in the program in West Germany, at the expense of the Konrad Adenauer Stiftung, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Henry J. Kenny, a member of the staff of Senator PELL, to participate in a program in Taiwan, sponsored by Soochow University, from December 10 to 16, 1988.

The committee has determined that participation by Dr. Kenny in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.●

NEW YORK STUDENTS ARE HIGH ACHIEVERS IN WESTINGHOUSE SCIENCE AWARDS

● Mr. MOYNIHAN. Mr. President, I am pleased to announce the outstanding achievement of 19 New York high school students who have succeeded in reaching the finals of the Westinghouse Science Awards. These students represent almost one-half of the finalists who were chosen nationwide. We are proud of the students and schools who have enthusiastically participated in the competition and who dominate these prestigious awards.

This year New York City students have claimed the majority of New York State's awards, further displaying the excellence of city high schools in mathematics and science. Recently new science programs have been introduced into several of these high schools and have since produced a dramatic increase in the number of finalists in the Westinghouse awards.

From a pool of almost 1,500 applicants and over 600 schools nationwide, the finalists were chosen on the basis of an original research paper, grade point average, class standing, scholastic aptitude test scores, and a personal statement. The research project topics of New Yorkers ranged from loneliness and the elderly to the physiology of trumpet playing. The Westinghouse awards encourage our youth to probe new areas of science and continue to serve as a significant opportunity for intellectual growth.

New York State shares in the excitement of our finalists' success. In the past, several who have distinguished themselves as national finalists have gone on to win other prestigious fellowships and awards including the Noble Prize.

I wish to extend my congratulations to those New York finalists in the Westinghouse Science Awards and give recognition to these students for their singular achievements. Their accomplishments demonstrate the energy and creativity necessary to maintain America's leadership in scientific research and development for the future.

I would like to share with my colleagues the names of our State's finalists.

The list of finalists follows:

Wai Ling Ma, Brooklyn Technical High School.

Andrew James Gerber, Midwood High School.

Erica Gail Klarreich, Midwood High School.

Thomas Robert Westcott, Midwood High School.

Michael Lee Maitland, Commack High School.

Kevin Nelson Heller, Half Hollow Hills High School West.

Stacy Elisabeth Benjamin, Francis Lewis High School.

Al Thaddeus Avestruz, Bronx High School of Science.

Tamir Alexandrovich Druz, Bronx High School of Science.

David Armin Mahl, Bronx High School of Science.

Zoe Madeleine Marchal, Bronx High School of Science.

Raoul Posmentier, Bronx High School of Science.

Vladimir Teichberg, Bronx High School of Science.

Simon Robert Zuckerbraum, Bronx High School of Science.

Ana Josefina Pavich, Philip Randolph High School.

Rose Du, Stuyvesant High School.

Lucy Shigemitsu, Stuyvesant High School.

Richard Hawkins Christie, Penfield High School.

Christopher Pierpont, Shoreham-Wading River High School.●

DEADLINE FOR THE PUBLISHING OF RULES GOVERNING COMMITTEE PROCEDURE

● Mr. FORD. Mr. President, I wish to remind each committee chairman that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, the rules governing the procedure of the committee must be published in the CONGRESSIONAL RECORD no later than March 1, 1989.●

RULES OF THE COMMITTEE ON RULES AND ADMINISTRATION

● Mr. FORD. Mr. President, I ask that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, the Rules of Procedure of the Committee on Rules and Administration adopted on January 26, 1989, be printed in the RECORD at this point.

The Rules of Procedure follow:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted January 26, 1989)

TITLE I—MEETING OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) May divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.●

POLISH ROMAN CATHOLIC UNION OF AMERICA CELEBRATES 115TH ANNIVERSARY

● Mr. SIMON. Mr. President, on December 3, 1988, the Polish Roman Catholic Union of America celebrated its 115th anniversary. This observance took place in the Great Hall of the Polish Museum of America, which is housed in the PRCUA Building in Chicago, IL.

The organization began with its first president and founder, Rev. Theodore Gieryk.

By its many philanthropic actions, the Polish Roman Catholic Union of America has adhered to the purposes set forth at its inception. It has established and supported the Polish Museum of America and Auxiliary, the Polish Welfare Association which aids Polish Americans and the Polish immigration and many Polish American causes and programs; actively supports Polish Roman Catholic churches, schools, seminaries, and institutions of higher learning for Polish Americans; maintains its own fraternal activities for members, and especially the youth, thus perpetuating the culture and traditions of their Polish heritage. PRCUA subsidizes teaching in the Polish language Saturday schools, establishes Polish national folk dance and song ensembles and dance schools, and encourages sports activities with annual tournaments.

The organization primarily provides life insurance programs and other financial programs for its members with a strong financial base authorized and licensed in 25 of these United States.

The administration, led by President Edward G. Dykla, is as follows:

Wallace Ozog, vice-president;

Regina Ocwieja, resident vice-president;

Victor D. Hyatt, secretary general;

Josephine Szarowicz, treasurer;

Kasimer J. Zabek, Massachusetts;

Pauline L. Kurpiewski, Connecticut;

Joseph A. Starosciak, New York;

Stephanie P. Carmody, New York;

Casimer A. Lech, Pennsylvania;

Mary Beth Kaplaniak, Pennsylvania;

John F. Jakubowski, Maryland;

Irene Czernikowski, New Jersey;

Richard Misiuda, Ohio;

Joann Marie Kazmierczak, West Virginia;

Edward J. Forys, Illinois;

Helen Ignatowski, Wisconsin;

Robert J. Bugielski, Illinois;

Shirley L. Dudzinski, Illinois;

Edward Winiecki, Illinois;

Virginia C. Sergeant, Illinois;

Theodore M. Pawlowski, Illinois;

Dolores H. Spejewski, Indiana;

Francis A. Domborwski, Michigan; and

Shirley Ann Galanty, Michigan.

Mr. President, we salute this fine organization on its 115th anniversary and wish it many more anniversaries as it serves so well.●

BILL COSBY'S GIFT TO SPELMAN COLLEGE IN ATLANTA

● Mr. SIMON. Mr. President, I rise to call to the attention of my colleagues a most noteworthy development in higher education. Actor, entertainer, and businessman Bill Cosby, whose actions speak volumes about his commitment to black colleges and universities, made the largest, single contribution to any college in American history. Bill and Camille Cosby gave $20 million to Spelman College, where one of the real life Cosby children is enrolled.

This is not his only contribution. He has been generous with his wealth to Howard University and other black colleges and universities, in addition to serving as a trustee of Morehouse College. He sets a fine example for all of us—while those of us here in Congress work to continue the Federal commitment to low- and middle-income students and to institutions of higher education—we can and must do much more to ensure the survival of public and private higher education in America by contributing more personally and assuring favorable tax treatment of those gifts.

Mr. President, I ask that a November 11, 1988, editorial from the Washington Post be included in the RECORD at this point. "Spelman College on the Rise" calls attention to the success of one private, historically black college. Spelman is not alone and the growth in black college enrollment in the fall of 1988 tells all of us an important story about the important continuing role being played by our Nation's black colleges and universities. Whether it's the Thurgood Marshall Black Education Fund, supported by the National Basketball Association, or the United Negro College Fund's annual telethon, we should support higher education in general and black colleges in particular. "A Mind is a Terrible Thing to Waste."

The editorial follows:

[From the Washington Post, Nov. 17, 1988]

SPELMAN COLLEGE ON THE RISE

The nation's historically black colleges and universities have had hard times in recent years. Schools that used to shun blacks have begun competing with the historically black institutions for students, faculty and resources. Black schools—some, not all—have suffered through declining enrollments, spiraling debts and the threatened loss of accreditation.

But the historically black schools are still a major source of higher education for black students in this country and still produce an imposing percentage of those blacks who go on for advanced degrees. In recent years they have also come to be havens for black students who have felt isolated and alienated on predominantly white campuses.

The black schools have thus done more than just endure; some have thrived. Among them, Spelman College in Atlanta stands out in many ways. The 107-year-old school for black women has not only weathered the hard times, it has flourished. It received 2,900 applications last year for a 388-member freshman class. It is drawing top applicants and strengthening its curriculum. In U.S. News & World Report's most recent annual ranking, Spelman was eighth among all smaller liberal arts colleges in the South.

Now, this impressive record has been magnificently recognized, and the means to continue it have been provided, by actor/entertainer Bill Cosby. Mr. Cosby and his wife, Camille, are giving Spelman an extremely generous gift of $20 million. It is the largest individual donation ever made to a black college.

The money will be used to build a new academic center, as well as to finance the school's first endowments in the humanities and social sciences. It is also an invitation to others to contribute. This was "a very informed gift," said Christopher Edley Sr., executive director of the United Negro College Fund, who hopes other gifts will follow. Another academic noted after the announcement that gifts of this size "really put a school on the map."

But the school has to deserve them first. Spelman and Mr. and Mrs. Cosby deserve the highest praise.●

THE EUROPEAN COMMUNITY BAN OF AMERICAN BEEF

● Mr. McCLURE. Mr. President, on Wednesday, January 25, Senator DOMENICI, Senator WALLOP, Senator BAUCUS, myself, and several other Senators introduced a Senate resolution deploring the European Community's ban of U.S. beef because of the use of hormones in beef production. This ban, which went into effect January 1, 1989, is a political decision, not a health issue and puts in place an unfair trade practice which will cost U.S. beef producers a market worth $100 million.

There is no basis in scientific fact for this ban. The action taken by the European Community, is based upon emotion and ill-formed opinions. This emotional response has removed the decision-making process from the world scientific realm. The scientific integrity of world regulatory policy is threatened when ill-formed and emotional opinions prevail in the decision-making process.

The use of hormones in beef production is safe. The U.S. regulatory system is vigorous and the use of all substances which promote additional growth in animals is monitored in one of the most stringent processes in the world. The Food and Drug Administration allows hormones to be used as growth promotants only after stringent tests for safety were made. The hormones are approved safe for livestock and for humans who consume the meat.

Hormones approved for use in the U.S. beef industry are both natural—produced naturally in every human and animal—and synthetic—created chemically. Both types have been approved for use and are considered safe. In addition to the known safety of these hormones, the human body produces many times more of these hormones naturally than would ever be ingested by consuming meat treated with hormones. For example, about 16 ounces of meat treated with estradiol, a naturally occurring growth hormone, contains 15,000 times less of that hormone than the average man produces daily and several million times less than a pregnant woman produces.

The United States has long believed that the Codes Committee on Residues of Veterinary Drugs in Food should make the international decision concerning the safety of growth hormone use. This committee, part of a larger Codex Alimentarious Commission, reviews the scientific work of all major scientists of our day to decide questions of health and safety. The Codex Committee on Residues of Veterinary Drugs in Food has agreed that there is no need for limits on the naturally occurring hormones of estradiol, progesterone, or testosterone. Enforceable limits have been set for synthetic hormones. The U.S. system allows for the use of these hormones within these limits.

It is clear that the European Community is using the hormone issue to block free trade between the Community and the United States. They are willing to risk a trade war with the United States over an issue which has no basis in fact. The European Community implemented the ban and the United States retaliated against it. Now the EC has announced further trade measures against the United States by imposing an additional $97 million in tariffs on American walnuts and dried fruits. Trade retaliation for Europe's ban on American beef is an unfortunate but necessary response to a blatantly protectionist EC policy.

This resolution calls on the President of the United States and the Secretary of Defense to require that U.S. commissaries in the EC buy and sell only American meat. This would increase sales of U.S. beef by $40 to $50 million, partially offsetting the loss due to the EC ban. Hopefully, this resolution would bring the EC to the bargaining table and we can work this thing out. If they do not respond, then we will have to look for another way to regain the share of the market we lost in this trading relationship.

Until the EC comes to its senses on this issue I feel that this is just and fair. Free trade is my preference and I think we should give the Europeans every opportunity to play fair before we follow their lead again on increasing trade barriers. If the EC comes back to the negotiating table ready to adjust their decision on the hormone ban, this measure will be unnecessary; if they do not it is one way to protect our domestic beef industry. I urge the Bush administration to try to convince the Europeans to negotiate on the beef ban, but if the Europeans refuse, then the United States should match European tariffs.

I am confident that if the EC were to agree to abide by a decision of an impartial scientific panel of experts under the General Agreement on Tariffs and Trade, that this ban will end, signaling an end to the current escalating trade war and sending a message to all countries that we are willing to continue to open markets, trade fairly and openly, and demand fairness from our trading partners.

To this end I lend my support and urge that all Senators give their support to this resolution.●

JOHN L. SMITH

● Mr. SYMMS. Mr. President, as an alumnus of the University of Idaho, and a former Vandal football player, I am pleased to acknowledge John L. Smith who has just been appointed as head coach of the University of Idaho football team. John is the 29th head football coach in Vandal history.

John has had a distinguished career coaching college football. Beginning at Weber State in 1971 as the graduate assistant coach, he has also coached at Montana, Nevada-Reno, Wyoming, and Washington State. Also, during 1982–85 he was the assistant head coach, and linebackers, kickers, and defensive coordinator for the Vandals.

As a fellow Idaho native, I am grateful that John has returned to Idaho to enrich our educational system. I would like to welcome John back to Idaho, and wish him and the University of Idaho football team the best of luck in the coming seasons.

I request that a copy of the articles from the Idahonian and the Lewiston Tribune be printed in the RECORD.

The articles follow:

SMITH OFFICIALLY BECOMES IDAHO FOOTBALL COACH

(By Mike Tatko)

Moscow.—Declaring "It's great to be a Vandal," John L. Smith on Tuesday was officially introduced as the 29th head football coach at the University of Idaho.

A fairly large crowd gathered at the University Inn and watched Smith shed a Washington State University crimson and gray tie in favor of an Idaho Vandal black and gold jacket and hat combination.

"I figured this one got me through the interview so I'd try it twice," Smith, 40, said of the tie. And then of the jacket and hat: "Boy, this is a lot better than when I was here before."

Smith was Idaho's assistant head coach and defensive coordinator under Dennis Erickson from 1982–85. He followed Erickson to Wyoming and back to Washington State where Erickson is currently head coach.

The 40-year-old Smith, who was accompanied to the news conference by his wife, Diana, flew to Boise Tuesday for another news conference and was scheduled to fly to Idaho Falls today. Smith, who is an Idaho Falls native, was introduced Tuesday by Idaho Athletic Director Gary Hunter.

The first-year AD said he wrote down the qualities he was looking for in a replacement for Keith Gilbertson, who left just before Christmas to become the offensive line coach at the University of Washington.

Among the qualities Hunter listed was quality coaching experience in a successful program, the ability to motivate players and assistant coaches, recent recruitment in the Pacific Northwest, a familiarity with the Big Sky Conference, the ability to relate to the Idaho students, faculty, staff and boosters, and a commitment to the passing game.

"I put that one down twice," Hunter said of the passing game.

"I felt one individual met each and every one of those qualities," Hunter said prior to introducing Smith.

"I'm happy to be here and I will do everything I can to continue the success we've had at the University of Idaho," said Smith, who jokingly suggested he's planning on changing the offense.

"I just got off the phone this morning with (All-American quarterback) John Friesz and I told him to work on the option game a little bit." Friesz, a junior this past season, led the nation in passing yards per

game in Division I-AA. Seriously, Smith said "We're going to continue to throw the football."

Smith said his main concern is putting together a staff of assistants. He said he's interviewed most of the coaches that served under Gilbertson and he expects to announce his assistants in the near future and then concentrate on recruiting.

Smith said he's looking for defensive backs and possibly a defense lineman to shore up the already well-stocked Vandal team.

Ironically, Smith's first game as head coach will be against Washington State in September.

"Part of his contract calls for a win over Washington State," Hunter joked.

Said Smith: "That's a game we're going to look forward to. We might just see if we can put some rules in there: No lives punts, no blitzes, all zone coverages.

"Were excited about it," he said. "It will give our kids a chance to go out there and show what they can do against a so-called big-time team."

Smith has a challenge before him, taking over for Gilbertson, who posted a 28-9 record in three seasons at Idaho while winning back-to-back Big Sky Conference titles.

"We've got two conference championships under our belt and we're looking for another one and maybe go on and get a national title, too," Smith said.

JOHN L. SMITH'S COACHING YARDSTICK

1971—Graduate assistant coach, Weber State.

1972-74—Assistant coach, Montana.

1975-76—Linebackers/defensive coordinator, Montana.

1977-81—Assistant head coach/linebackers/defensive coordinator, Nevada-Reno.

1982-85—Assistant head coach/linebackers/kickers/defensive coordinator, Idaho.

1986—Assistant head coach/linebackers/kickers/defensive coordinator, Wyoming.

1987-88—Assistant head coach/linebackers/defensive coordinator, Washington State.

SMITH TRADES CRIMSON AND GRAY FOR BLACK AND GOLD

(By Jim Meehan)

New University of Idaho football coach John L. Smith didn't waste any time today changing his uniform from crimson and gray to black and gold.

When Smith was formally introduced as the new UI coach at a morning press conference at the University Inn, he came in wearing a suit with a Cougar colored tie.

He left wearing a Vandal jacket and hat.

Midway through his crowning, long-time Vandal booster Bob Marker asked Smith, "when are you going to change that tie?" Maker's remark was in reference to the school colors of Washington State University, where Smith had been the defensive coordinator and assistant football coach.

"I wore it during the interview (with UI Athletic Director Gary Hunter), so I figured I'd try it twice. I looked this morning and I only had one black tie, nothing gold. I did find a Vandal pin," said Smith, pointing to his lapel.

The tie didn't stay on long. Hunter presented Smith with a black and gold Vandal jacket and hat, which Smith slipped on.

A former Idaho assistant coach, Smith replaces Keith Gilbertson, who left to accept an assistant's job at the University of Washington. The Idaho Falls native said he's glad to be back in the Gem State.

"It's great to come back to the state of Idaho and I'm kind of emotional about it," said Smith. "I feel like this is home and I'm happy to be here."

Hunter, who introduced Smith at the press conference, said 'Smith met all requirements of becoming the new UI coach.

"We had a number of highly qualified individuals contact me," Hunter said, "but only one met every one of our requirements." Included in those requirements, Hunter said, were coaching experience from a winning team, commitment to a passing offense, ability to motivate staff and players, and an ability to recruit in the Northwest.

Smith said he is interviewing current Idaho assistant coaches and will be making decisions on his staff soon.

"My main concern is getting a staff together and then hitting the road to recruit," Smith said.

But today he is savoring his UI appointment.

"It's great to be a Vandal—again," Smith said.●

ASIAN AND PACIFIC AMERICAN ISSUES SEMINAR

● Mr. DASCHLE. Mr. President, on November 30, 1988, I hosted a seminar with my friend, Senator PAUL SIMON, on issues of importance to Asian- and Pacific-Americans. I believe all of us in Congress should make a concerted effort to better understand the concerns of Asian- and Pacific-Americans, and I rise today to report to my colleagues on the success of the seminar and to present for their consideration many of the viewpoints that were shared that day.

Although many issues are important to Asian- and Pacific-Americans, our seminar focused on two topics of particular interest and timeliness. The first was legal immigration reform.

Legislation proposed in the 100th Congress, as well as new legislation expected to be proposed in the 101st Congress, may significantly alter the prescription for determining who should be permitted to immigrate into the United States each year. Some of these proposals would have a profound impact on those seeking to immigrate into our country from Asian and Pacific rim countries. A major concern for Asian- and Pacific-Americans is whether it will become more difficult for members of their families to join them in this country. Senator SIMON, who moderated the panel on legal immigration reform, may have more to say in a moment about this issue.

The second issue discussed at the seminar concerned alleged anti-Asian bias in university admissions. At the center of the charges is a dramatic increase in the number of academically talented Asian-American applicants to our Nation's top schools. Offers of admission to such students have increased, but not by nearly so large a margin as the number of qualified applicants.

Community leaders offered testimony suggesting that Asian- and Pacific-Americans are receiving inequitable treatment in university admissions policies. Representatives from a public and a private institution discussed the factors they must consider when assembling a freshmen class. Finally, the Assistant Attorney General presented the administration's view that racial discrimination, on any account, is indefensible.

I feel strongly that the seminar was a success. It brought together individuals and organizations with conflicting viewpoints on these important issues. These viewpoints were aired in a constructive fashion, so that as many people as possible could share in the discussion. I believe that everyone, no matter what his or her views, learned something that day.

There is no official record of the seminar that Senator SIMON and I conducted. However, we encouraged participants to submit written statements expressing their views on these issues. Mr. President, I ask that the written statements of individuals and organizations participating in the seminar, be printed in the RECORD immediately following the statement of Senator SIMON.

I encourage my colleagues to read these statements carefully, and I hope that in the future others will join me and Senator SIMON in attempting to address the concerns of this very important group of Americans.●

ACTION CALLED FOR ON ASIAN AMERICAN UNIVERSITY ADMISSIONS

● Mr. SIMON. Mr. President, I wish to join my colleague Senator THOMAS DASCHLE in sharing with this body the fine testimony from the seminar we convened in November on university admissions policies affecting Asian- and Pacific-Americans and on legal immigration reform.

The State of Illinois has the fourth largest number of Asian-American residents and I have long been involved with issues of concern to Asian- and Pacific-Americans. As a member of the Senate Immigration Subcommittee, I sponsored legislation to expand the Hong Kong immigration quota from 600 to 5,000 annually and worked to protect family reunification for brothers and sisters of United States citizens under the fifth immigration preference most often used by Filipino, Indian, and Chinese Americans. In part because of the growing problem of anti-Asian violence in New Jersey, Michigan, California, and other parts of the country, I sponsored the Hate Crime Statistics Act to require the Attorney General to maintain up-to-date information on hate crimes. In addition, I have strongly supported adult English programs for new refugees and others who have

been on long waiting lists for literacy classes.

The university admissions issue is a growing problem in the Asian- and Pacific-American community which most certainly requires Federal attention. As chairman of the Constitution Subcommittee, I became aware that Asian-American students and their parents had met for over a year with Department of Justice officials with no apparent followup by Federal officials. Last May, I asked then Assistant Attorney General William Bradford Reynolds, head of the Civil Rights Division of the Justice Department, what the status was of the student and parent complaints about the University of California at Berkeley, Stanford University, and Yale University. He informed me that the Department of Justice had turned over the complaints to the Department of Education.

In September, following his confirmation hearing, I asked Secretary of Education Lauro Cavazos what the status was of the complaints. He informed me that the Justice Department had not referred any complaints to the Education Department's Office of Civil Rights but that the Asian-American admissions issue would be the subject of forthcoming compliance reviews. Subsequently, the Department of Education reported it was reviewing both the University of California at Los Angeles and Harvard University. I am pleased that the Secretary has taken this action and eagerly await the Department's findings to be issued in the next few months.

In November, Senator DASCHLE and I convened an all-day seminar on the university admissions issue and on legal immigration reform, also a critical issue in the Asian and Pacific American community. On the admissions issue, we asked to hear not only from Asian American community leaders but from the Department of Justice and the universities. Each side, the Federal law enforcers, the universities and the community leaders, made important contributions and I urge my colleagues to review what they had to say. This compelling issue deserves more attention and some answers. I intend to continue to focus on it in the 101st Congress and I invited my colleagues who are equally interested to join Senator DASCHLE and me in this endeavor.

The legal immigration issue has been much more debated than university admissions and of very significant consequence. The legislation the Senate passed last year was not enacted into law and I understand that it will be reintroduced. While I agree with many of the objectives of and much of what was contained in that legislation, I will be offering the Senate a slightly different package which better addresses the real concerns of family reunification.

The Asian and Pacific American issues seminar brought together a number of immigration experts and I commend their testimony to your attention. Our seminar would not have been possible without the strong support and advice we received from the Organization of Chinese Americans and the Chinese American Society. I wish to take this opportunity to once again thank those two organizations for their fine efforts.

The previously referred to material follows:

LEGAL IMMIGRATION REFORM: ISSUES OF CONCERN TO ASIAN AMERICANS

(By Bill Ong Hing)

I. INTRODUCTION

It is curious that a call for legal immigration reform comes at a time when most immigration to the United States is Asian. A constant flow of 400,000 to 500,000 immigrants and refugees to the United States annually makes our nation the "permanently unfinished country." In a given year, 250,000 could be from Asian countries and another 120,000 from Latin America. Immigration has enabled Asian American communities to begin to come back from the sordid 80-year history of Asian exclusion laws that pervaded U.S. immigration policy prior to the 1965 reforms. The 1970 census revealed that the Asian and Pacific Islander population of the United States was 1.5 million, only 0.68 percent of the total population. Since then, the number of Asian Americans in the United States population has only increased by about 18 percent. In September 1985, the population was estimated to be 5.1 million, or 2.1 percent of the United States population (239 million). From 1980 to 1985, the United States population increased 5.7 percent. But the gain for Asians during the same five-year period was nearly 50 percent—a rate that makes Asian Americans the fastest growing, racial or ethnic minority group in the United States. And immigration is the key ingredient to that growth.

Thus, any talk of legal immigration reform is suspicious to Asian Americans. Is such talk a throwback to the nativism that sparked the call for Asian exclusion or immigration restriction in the past?

II. SOME REACTIONS TO ASIAN IMMIGRATION

The United States has an unfortunate history of intolerance manifested against Asian immigrants. It is this negative reaction, or nativism, which led to the various exclusion and restrictive immigration laws aimed at the various Asian immigrant groups discussed earlier. For example, Chinese were thought to be unassimilable, their diet was different, their language was incomprehensible, their features unusual, they had filthy habits, and these and other undersirable qualities made them a menace. Japanese were viewed as an overly-aggressive economic and racial threat. There was fear of "mongrelization" of California due to Filipino social ideas. As a result, the government responded with exclusion laws, alien land acts, anti-miscegenation statutes, and Japanese internment. And the nativism of the mainstream resulted in notorious examples of discrimination, vandalism and violence levied against Asian immigrants.

In time, discriminatory laws were struck down and immigration laws were amended. Chinese and Filipino workers gained access to more mainstream jobs during World War II; after all, it was bad propaganda to continue exclusion of the nationals of an ally and many Filipinos were fighting alongside Americans. These developments represented a shift in attitude toward Asian immigrants; and eventually the government's imprimatur of intolerance toward acts of racism embodied by civil rights legislation also assisted Asian immigrants who were seeking a place in society. In short, Asian Americans have begun to become a permanent, accepted part of the Amerian patchwork. But sadly, neither legislative actions, an image of hard work and success, nor entry into most areas of employment has succeeded in totally eliminating some mainstream feelings of animosity, discrimination, and racism (essentially continued nativism) toward Asian Americans.

Public opinion polls reveal that the general population does not hold Asian Americans in very high esteem. For example, in one national survey which ascertained attitutes toward 15 different ethnic groups (including Japanese, Chinese, Koreans, and Vietnamese), no European ethnic, group received lower than a 53 percent positive rating, and no Asian group received higher than a 47 percent positive rating. [Japanese were considered to be the minority group that had contributed the most (47 percent), followed by blacks, Chinese, Mexicans, Koreans, Vietnamese, Puerto Ricans, Haitians, and Cubans. Interestingly, positive attitudes toward the Japanese and Chinese outweighed the negative attitudes, whereas in the case of Koreans and Vietnamese, more Americans had negative feelings than positive ones.]

[A 1980 poll of attitudes of Americans in nine cities toward refugees showed that many surveyed were not favorably disposed toward them. Only 21 percent of those surveyed believed that Indochinese refugees should be encouraged to move into their community. Nearly half of those surveyed believed that Indochinese should have settled in other Asian countries, and one-fourth believed that "America has too many Asians in its population."] During the 1980 presidential election, the Los Angeles Times conducted a poll asking which group of people was least likely to produce a viable candidate. You guessed it. Respondents felt that Asian Americans were the least likely, because of their sinister, suspicious and foreign image.

The negative image has apparently been renewed or maintained by the influx of Asian immigrants. Asian, as well as Latino, immigrants have been the subject of a resurgence in nativistic calls for immigration restrictions. Glimpses of this have already been seen in the reappraisal of refugee admissions, and the proposals to require future Southeast Asian entrants to use the immigration preference system. Similarly, attempts to enact zoning ordinances to discourage Asian-owned businesses in San Francisco and Monterey Park are evidence of a nativist backlash against Asian immigrants.

The national movement to have English declared the official language of the United States is also viewed as an attack on Asian and Latino immigration. In fact, there are some rather strong bonds between the English-only movement and immigration restrictionist groups. The chair and co-founder of U.S. English (the primary lobbying group for English-only initiatives) is also the founder and chair of the Federation for

American Immigration Reform, a leading advocacy group for restricting immigration.

Anti-Asian sentiment has been evidenced by vandalism and racial graffitti in recent years. The slogan "Chinks and Jews suck" was found in the Richmond District of San Francisco; in the Korean American community, "Nips go home" was spray-painted on Korean operated stores; and after numerous acts of vandalism directed at the church building, a Korean Buddhist congregation had to move their temple in Maryland. Swastikas have been spraypainted on the homes of Asian Indians. In Richmond, California, repeated property defacing and other acts of vandalism culminating in a cross-burning were directed at Laotian refugees. In Oakland, vandals harrassed a Laotian family by turning off their electricity every night. A Kampuchean's home was burned down by an arsonist. In Garden Grove, California, a church that resettles and provides services to Southeast Asian refugees was vandalized with graffiti reading "Gooks Go Home" and "No Nips."

Trade frictions with Japan and economic competition with industries in Asian countries have fostered racial attacks in the United States as well. In the Japanese American community, these recent reports are typical: on separate occasions, the Department of Agriculture Secretary and an Idaho state senator referred to Japanese as "slant eyes"; at a Flint, Michigan auto show, a display had a bucktoothed caricature of an automobile dropping bombs (shaped like imported automobiles) on Detroit; at the opening of an automobile plant in Fremont, California, a company official complemented Congressman Norman Mineta, a five-term member of Congress and former mayor of San Jose, on his ability to speak English; Japanese tombstones were vandalized in Fresno; a southern California Japanese Buddhist church was arsoned; a national magazine reprinted a comic strip entitled "How to spot a Jap"; and a Chicago car dealer ran an advertisement depicting the smoking ruins of sunken United States battleships and Japanese bombers, with text reading "In remembrance of Pearl Harbor, we are having a gigantic sale on American cars, built in America, by Americans."

The prejudice that breeds anti-Asian sentiment, manifests itself in job promotion as well. For example, although a high proportion of Asian Indian, Chinese, Filipino, Japanese and Korean males hold professional, administrative, and managerial jobs, the figures are misleading. Many of these individuals believe that promotional opportunities in management are limited for them because of job discrimination; Asians are often turned away for managerial and executive positions by the same companies who pursue them for technical jobs. While Asian Americans constituted 8 percent of all professionals and technicians in the private sector in 1984, they were only 1.3 percent of the managers and officials. Seventy to eighty percent of Asian American lawyers surveyed in Northern California have experienced discrimination in promotions at private law firms and corporate law departments.

The most evil manifestation of anti-Asian immigrant sentiment is the upsurge in the incidence of racial violence directed against them in recent years.

Racial violence may begin with racial epithets hurled at Asian immigrant school children in elementary schools who are called "Chink," "Chop Suey," or "Yang," and end in incidents such as the fatal baseball batbeating of a Chinese American at the hands of unemployed Detroit autoworkers who thought the victim was Japanese and blamed him for layoffs in the industry.

Southeast Asian refugees are a principle target of renewed racial violence and attack. In West Oakland, 20 Kampuchean families were terrorized by juveniles who shot at the victims' cars from passing autos. After a Vietnamese high school student was stabbed to death by a white schoolmate in Davis, California, a memorial marker was erected in the refugee's memory; shortly thereafter the memorial was spraypainted with the message, "Death to Gooks." There have also been numerous reports of violence, harassment, and intimidation against Vietnamese fishermen by native fishermen.

Even Asian Indians, who are seldom mentioned as victims in the annals of historical accounts of anti-Asian violence have become recent targets. In Jersey City, Indian women have been intimated into abandoning the bindi (cosmetic forehead dot) and wearing Western-style dress, because the sari and the bindi make them targets for harassment. After one Asian Indian man was beat to death and another clubbed into a coma, a handwritten letter to the local newspaper said, "We will go to any extreme to get Indians to move out of Jersey City." It was signed "The Dotbusters." In Philadelphia, two Indian food vendors were attacked by nine men with baseball bats and iron rods because of alleged encroachment on their "turf."

Two white males were arrested and sent to jail for burning a cross on the front lawn of a Filipino American family. In Daly City, California, where almost 30 percent of the population is Filipino American, lawsuits have been filed by Filipinos against the Daly City police alleging police brutality and harrassment.

Racial violence toward Chinese Americans has also been reported in the past few years. A Monterey Park newspaper was set ablaze for initiating a Chinese language section; a Chinese American was murdered by being pushed in front of an oncoming subway train and at trial the defendant argued that he had a fear of Asians; a Wayne State University law student won a pumpkin carving contest with a depiction of the Vincent Chin slaying—the work had "oriental features" and was bashed with a baseball bat while 30-40 co-students applauded.

The incidents of violence, harrassment, and discrimination can be attributed to many factors. The increase in numbers in the Asian American communities is an obvious one. Trade frictions and even the media image of strong academic performance and financial success of Asian Americans triggers resentment and tension from the misguided. And the use of the term "model minority" automatically pits Asians against other minorities, inviting comparisons and gross generalizations. Some Asians feel that they are resented for being depicted as "too successful." For example, there is a resentment by blacks directed at the success of Koreans, and by working class whites of Japanese success.

Even if one were to label violence against Asian Americans as exceptional, or to deem the perpetrators as unrepresentative of the mainstream, unfavorable public opinion and other forms of discrimination against Asian Americans appear to be significant and are likely to affect the process of assimilation by Asian immigrants.

Congressional reaction during this period has been couched in language that is reminiscent of old nativisms that promote an Anglo-conformity, rather than cultural pluralism, model of assimilation. For example, Senator Simpson has stated:

"[A]ssimilation to fundamental American public values and institutions may be of far more importance to the future of the United States. If immigration is continued at a high level and yet a substantial portion of the newcomers and their descendants do not assimilate, they may create in America some of the same social, political and economic problems which existed in the country which they have chosen to depart. Furthermore, as previously mentioned, a community with a large number of immigrants who do not assimilate will to some degree seem unfamiliar to longtime residents. Finally, if linguistic and cultural separatism rise above a certain level, the unity and political stability of the nation will in time be seriously eroded."

Spokespersons (e.g., Otis Graham) for the Federation of Americans for Immigration Reform, and the recently elected mayor of Monterey Park, California, have called for immigration restrictions or a moratorium in order to give "ourselves a breathing space" to perform the "task of assimilation."

But these types of incidents occur and statements are made, it becomes rather evident that Asian immigrants are the focus of much of the attack on legal immigration reform.

III. THE EFFECT OF KINSHIP-BASED IMMIGRATION ON THE ECONOMY

a. Background

Since the 1965 amendments went into effect in 1968, the "family reunification principle [has been] the touchstone of our immigration laws." Today, 80 percent of the worldwide preference system quota of 270,000 is reserved for kinship provisions, and the category of immediate relatives of United States citizens is numerically unlimited. The effects of this goal have been demonstrated most vividly in the subsequent flow of Asian immigration, even though nations such as those in Africa and Asia, with low rates of immigration prior to 1965, were "handicapped." Although the kinship priority meant that Asians were beginning on an unequal footing, at least Asians were on par numerically, in terms of the country quotas. Gradually, by using the family categories to the extent they were available and the labor certification (and to a degree the nonpreference investor) route, Asians built a family base from which to use the kinship categories. Some have viewed this as an indication that the Asian migration decision process is part of a "family strategy to enhance the welfare of current and future generations." Today, well over 90 percent of all Asian immigration to the United States is through the kinship categories. But this is also true of all immigration to the United States.

One question that this raises for many policymakers is whether or not this is good for the nation's economy. Economists and social observers with interest in the topic have long been concerned with the issue of the effect of undocumented workers on the labor force. However, many of the same commentators have considered the effects of legal immigrants on the economy, and some have focused on the kinship immigrant. To that group, the low end of the bifurcated Asian American labor market described in Part B-econ is of some significance. Thus, the concern of economic protectionists and trade specialist in recent years over the harm caused by the inflow of

products from Asian countries has a corresponding nascent school concerned with the flow of Asian people to the United States.

b. Job Displacement and Effect on Wages

Given the bifurcation in occupational distribution of the Asian American communities, it is important to specifically consider what negative impact Asian immigration may have on the American-born work force, and particularly the ethnic minority populations in the United States. Politically, it is important to note that as a general proposition, the Black Congressional Caucus has taken a pro-immigration stance in the past few years. For example, before the Select Commission on Immigration and Refugee Policy [Expand]. This position became stronger after further sensitization to the broader immigration issues resulting Reagan Administration policies which turned away boatloads of Haitians on the high seas and expedited the hearings of others who made it ashore.

Yet the notion that an increased presence of low-skilled immigrants results in higher unemployment or lower wages for the American-born workforce has been a popular one, particularly in attacking the presence of undocumented workers in the United States. And in general terms, the same concern has been raised with regard to the lawful entry of large numbers of immigrants with low-level employment skills. However, the "'you will lose your jobs' argument has not been buttressed by strong empirical evidence," and most who still espouse such a position resort to non-empirical hypotheses aimed at evoking emotional reactions against immigrant workers under a pretext of nationalistic sentiment.

For example, in Philip Martin's 1985 paper for the conservative Center for Immigration Studies, an organization which shares board members and facilities with the restrictionist Federation of Americans for Immigration Reform (F.A.I.R.), he draws several conclusions without empirical bases. His major hypothesis is that after years of dissatisfaction with an American-born labor force, in the 1970s, the hotel and restaurant industry turned to low-skilled, eager, dependable, and minimum-wage immigrant workers (mostly undocumented) who developed such a non-English-speaking atmosphere, work culture, and family/friend employment recruitment network, that low-skilled American workers are actually excluded from those jobs. However, Martin's paper undercuts his own hypothesis with his recognition that the surge in employment of women and teenagers throughout the same period provided large numbers of cheap and unskilled labor, and that credible observers have blamed the availability of welfare, not immigrant workers, for destroying the job bridge to low-skill jobs. And in Martin's concluding call for sound "economic development" and better social "quality of life" (both of which he pretends to leave to the imagination of the reader), he concedes that the "American economy will have more jobs and businesses if illegal alien workers are allowed to enter freely and work in the United States."

Empirically-based discussions, however, paint the picture differently. For example, Julian Simon and Stephen Moore found that the effects of immigration upon unemployment were "either very small or non-existent." Echoing these findings, Muller and Espenshade of the Urban Institute, after looking at the effect of Mexican immigration (legal and illegal) on black unemployment in Los Angeles, concluded:

"Blacks generally, and black teenagers especially, do not appear to have been harmed by immigration . . . . Black unemployment rates are not increased and, if anything, are lowered by the rise in the proportion of Mexican immigrants in a local labor market. Most of the variation in black unemployment rates among metropolitan areas can be attributed to differences in black educational attainment, in the rate of population growth, in the degree of durable goods manufacturing and construction, and in general labor market conditions."

In fact, in 1982 when unemployment in California reached its highest rate in 40 years, nonwhite labor force participation rates in Los Angeles continued to exceed national rates.

Urban Institute workers also considered the issue of how immigrants affect wages. In a nationwide survey, they did find that increasing the proportion of Hispanics (without distinguishing between legals and illegals) in an area decreases average black family income, but felt that the effect was "not very important quantitatively." Nationally, raising the proportion of Hispanics in an area by 5 to 7.5 percent produced a fall in average black family income from $15,818 to $15,733, or $85. On the other hand, focusing solely on the southwest, they found that increasing the proportion of Mexican immigrants in a local labor market actually raised average black family income by a small amount.

Following the flow of immigration from Asia and Latin America, Professor George Borjas also concluded that the impact of immigrants on all native-born workers (including ethnic minorities) was very small; there was at most a one-half of 1 percentage point adverse effect on the native-born wage rates. Interestingly, the one group that is strongly affected by the increase in the supply of immigrants was the stock of foreign born persons already in the United States. Borjas estimated, for example, that 10 percent increase in the supply of immigrants would lower the wage of foreign-born persons already here by 5 to 10 percent—what he terms a "sizable effect."

In his analysis of the impact of immigrants on the standard of living, Simon concludes that they do not have a negative effect on the incomes of natives and argues that "greater population density leads to better economic results."

What this means is that the low end of the bifurcated job market in the Asian American communities has little negative effect, if any, on native-born workers. No one has looked exclusively at the impact of Asian workers, in the manner that Muller looked at low-skilled Mexicans (documented and undocumented). As Borjas suggests, however, a low-skilled immigrant influx might cause a bigger impact on the foreign-born population. Such an inference might be drawn from a 1982 INS enforcement sweep dubbed "Operation Jobs." While most Americans were not attracted to the jobs (e.g., poultry and mushroom farmwork) that were freed up by the operation, Southeast Asian refugees did take and keep the jobs for awhile. Of course another way of interpreting these events is that low-skilled immigrant workers are needed to take jobs that native citizens shun.

In the absence of better empirical work focusing solely on the efffect of low-skilled immigrant workers, the conclusions of Muller and Espenshade on low-skilled documented and undocumented Mexican workers in Los Angeles are the most persuasive in reaching a judgment:

"Taking all these factors into account—the additional jobs for Mexican immigrants and allied workers, the slower increases in prices and in the overall cost of living, the fact that living standards kept pace with the growth of the United States, the fiscal stimulus to the Los Angeles economy, and the higher taxes paid by Los Angeles residents—we conclude that the economic benefits accruing to the average Los Angeles household from the presence of Mexican immigrants probably outweigh the economic costs of fiscal deficits."

c. Kinship v. Skills-Based Immigration

Without a strong empirical foundation for attacking the entry of immigrants with low job skills on the basis of job displacement or wage deflation, some critics of the current system simply argue that there is a better way of doing things. [My response, if it ain't broken, why try to fix it?] Apparently there is disagreement with or little satisfaction with the notion that immigration aids economic growth as a result of the entry of "ambitious, hard-working immigrants and their children" who provide a disproportionate number of skilled workers with a propensity for saving and investment.

For example, while the current system, with primary emphasis on family reunification, is generally viewed as humanitarian and in the national interest, Professor Barry Chiswick pejoratively refers to it as a system of nepotism:

"Nowhere else in public policy do we say not 'who are you and what are your characteristics?' but ask rather, as we do in immigration, 'who are you related to?' Current policy says: 'if you have the right relatives, we will give you a visa; if you don't have the right relatives, well, it is just too bad.'"

Apparently, Chiswick is serious. Although immigration raises the average income of the native population and, in completion with their incomes in the country of origin, also the average income of the foreign-born population, he argues that immigration should be placed in an economic (favoring skilled immigrants), rather than kinship, context in order to maximize the income of the native population. He has noticed the Asian immigration trend identified in Table B—, towards a predominance in family reunification visa usage and critically concludes:

"[T]he earliest Asian immigrants came mainly under the occupational preferences and under the investor category. They were a very highly skilled group. But what we are seeing over time is that these individuals are now in the United States serving as sponsors of their less highly educated, less well-skilled relatives in the country of origin."

Chiswick's advocacy of a skills-based immigration policy is premised on his findings that skilled immigrants "tend to raise the level of income of the native population, reduce income inequality, and are not likely to be substantial recipients of income transfers [e.g., welfare or foodstamps]." Yet in spite of the fact that unskilled immigrants tend to increase income inequality and become recipients of income transfers, he recognizes that there may still be a favorable, albeit smaller, effect on the overall income of the native population. His general statements do not comport with the specific findings of others that there is a strikingly low proportion of Asian households (excluding Southeast Asian refugees) receiving income from public assistance or social security. Chiswick also ignores the fact that although current immigrants, particularly

Asians, are entering under kinship provisions, the public charge ground of exclusion applies to such immigrants, thereby foreclosing most forms of income transfers; in fact, legitimate job offers are generally offered to satisfy the public charge ground of exclusion. Chiswick's abstracted analysis suffers, therefore, from a consideration of meaningful experiential factors.

Furthermore, other economists look at the picture differently. Based on empirical data, Julian Simon concluded that the entry of even unskilled immigrants leads to faster economic growth by increasing the size of the market and, hence, boosting productivity, investment, and technological practice. Simon also reminds us that many technological advances come from people "who are neither well-educated nor well-paid." Moreover, many kinship-based immigrants open new businesses that employ natives as well as other immigrants; this is important since "small businesses are now the most important source of new jobs." In short, immigrants in general contribute greatly to this country's vitality and growth."

Even Martin points out that some of the "flexibility" that American entrepreneurs have in experimenting with risky labor intensive business ventures is due to "the availability of low-wage immigrant workers." Still others might say that any improvement or negative impact that immigrants might have on the quality and the size of the labor force is only marginal since immigration contributes a relatively small proportion of the total labor force.

Recently-enacted immigration legislation has not addressed the issue of family reunification versus a skills-based policy of immigration in any substantial manner. However, several proposals have been set forth.

The Select Commission on Immigration and Refugee Policy made several relevant recommendations. At first glance, an extension of the family reunification policies was actually proposed by expanding the immediate relative category to include grandparents of adult United States citizens and parents of lawful permanent resident aliens. But a parallel skills-based system was also recommended for "independent" immigrants. The Independent Immigration provision would include the special immigrant category under current law, a category for investors, a category for immigrants with "exceptional qualifications," and others who might help the economy and who do not otherwise qualify.

Also the first Simpson-Mazzoli bill, introduced in 1982, [See 59 Interpreter Releases 498] contained recommendations affecting these policy choices. Most notable was the proposal to eliminate fifth preference, the category for siblings of adult United States citizens. This proposal was sharply attacked by Asian American groups who viewed the proposal as an attempt to eliminate one category that was heavily used primarily by Asian immigrants, especially at a time when the first wave of Southeast Asian refugees was becoming eligible to become naturalized citizens. [Expand?]

Recent legislation introduced by Senator Edward Kennedy and Representative Brian Donnelly to amend the current immigration categories follows some of the structure recommended by the Select Committee. The primary feature of the bill is to separate the existing family reunification preferences (first, second, fourth, and fifth) from the two employment and skill-related preferences (third and sixth). Overall, the number of visas available for the family preferences would remain the same: 216,000 per year. However, the bills would allocate a higher percentage of these visa numbers to spouses and minor children of legal permanent resident aliens (65 percent compared to 26 percent today). This is an attempt to deal with the current backlogs in second preference, which in some countries is seven to nine years. The legislation would also eliminate that portion of the current preference for unmarried children over 21.

The bills would reduce the percentage of fifth preference visas from 24 percent to 10 percent, and would limit use of this category to unmarried brothers and sisters of adult United States citizens.

The creation of a new "independent" category of immigrant visas would include the current 54,000 third and sixth preference visa numbers along with 50,000 new visa numbers for "nonpreference" aliens. But the bills would redefine and limit third preference to aliens who are (1) "members of the professions holding doctoral degrees (or the equivalent degree)" or (2) of exceptional ability. Aliens with bachelor's or master's degrees who qualify as professionals under current third preference would be forced to apply for admission either through the sixth preference or the new preference categories.

The additional 50,000 visa numbers for nonpreference aliens would be apportioned according to a new point system, similar to the systems currently used in Canada and Australia. [Cite and Explain] Of the maximum 147 points in the system, the largest number (30) would be reserved for aliens applying from one of the countries "adversely affected" by the 1965 reforms. (Curiously, while the proposal to help those who were adversely affected by the 1965 amendments might be worthy, there were never similar measures taken to remedy the adverse effects on Asians who suffered through the generations of blatant exclusion laws.) Aliens from other countries could apply for nonpreference classification, but would not gain the 30 points that aliens from adversely affected countries automatically would.

An alien could gain up to 20 points each for having skills that are in short supply in the United States or for having prearranged employment here. Other criteria include age (up to 10 points), education (25 points), experience in a desired skill (10 points), having a United States citizen sibling (10 points), and knowing how to speak and read English (10 points). An alien would have to have at least 70 points to apply for one of the nonpreference visa numbers.

One advantage of the new nonpreference category is that it would not be subject to a labor certification requirement, unlike the third and sixth preference.

d. Conclusion

Talk of potential economic liability that aliens may have on our society is not a phenomenon of the past. It is with us now and is affecting current legislative considerations.

The problem with assessing much of the rhetoric that is tossed about over the effect of aliens on the United States economy is the failure to differentiate between documented and undocumented aliens. For example, Urban Institute researchers are quick to point out that the economic information available to them on Hispanics does not distinguish between the two groups.

However, some commentators such as Otis Graham seem to be attacking all immigrants who enter the lower end of the bifurcated labor market based on what he perceives has been the result of undocumented migration:

"It would be a two-tiered society, the one young, overwhelmingly Hispanic and black and low income, the other largely older whites and Asians, affluent, with a woefully small intermixing of these categories. [Author's note: he has largely missed the point on Asians.] It is a segmented society, a nation within a nation, the rich who work in high-technology enterprise or who are retired in Palm Springs moving uneasily among a mass population with low-educational attainments and income levels; those who own businesses communicate to the work force through foremen who translate from English into foreign languages. . . . [T]hat scenario in California may sound good to the people who live, retired, the white affluent or Asian affluent in Palm Springs. The chief victims in that scenario, the bearers of the social cost of a continuation of the immigration status quo are pretty clear. They are clear in the academic literature and they are clear to people with common sense. They will not be in the short run the affluent who are secure in the minor enjoyments of the fruits of continued illegal immigration. That is to say, it reduces the cost of motel rooms and of tomatoes and of restaurants meals. 'The poor have the most to lose from uncontrolled immigration.' "

Graham's concerns seems to be unfounded based on the studies of Borjas, the Urban Institute, Simon, and even Chiswick. Neither job displacement nor negative wage impact will befall the native population—rich or poor. The worse case scenario, that of Chiswick's, is that the current kinship-based immigration is not helping our economy as much as a skills-based system would. Thus, as far as the flow of Asian peoples to the United States and their economic impact, even from the lower end of the job scale, is concerned, there seems to be little basis for alarm among the native population. If anyone will be hurt economically, it will be the immediate predecessor immigrants themselves.

On the other hand, some would prefer to not make economic factors the sole or primary determinants in immigration policy decisions. Commenting on the current imperfect system, the Select Committee acknowledged:

"[A]n immigrant admissions policy that facilitates the entry of qualified applicants is in the U.S. national interest. Whether measured by the number of Nobel Prize winners who have come to the United States as immigrants (30 percent of all U.S. Nobel laureates), the introduction of new concepts in music, art and literature or the industries built by immigrant labor, immigration has been of enormous benefit to this country."

Since proponents of radical changes such as Chiswick acknowledge that the current system does not damage the economy of the United States, it seems inappropriate for policymakers to limit their attention to economic goals an values in reaching their decisions. So the Select Commission's consideration of family reunification as a humane policy in the "national interest" which promotes the "health and welfare of the United States" seems valid.

Another example might be the factors that influence refugee admissions policy. Much of the low end of the job market and high income transfer is a result of refugee policy. But the values (political and humanitarian) which mandate admission of refugees are important to policymakers. In

theory, there could be a point at which these values fail to outweigh negative economic concerns. In fact, one might infer such a balancing consideration from recent trends in reducing Southeast Asian refugee admissions. Nonetheless, it would be difficult to imagine the United States turning away legitimate refugees fleeing from a crisis which falls within the sitting administration's parameters of persecution.

The trend in the literature of the restrictionist movement has been away from the "they take jobs away" sentiment (since it had weak empirical basis) to the Chiswick-type "let's do something to make the economy a whole lot better rather than just a little bit better," the Graham call for "breathing space," and the Martin-Graham "is this the kind of society we want?" arguments. Martin's position is driven home in his closing remarks:

"If the immigration status quo persists, the United States will develop a more unequal society with troublesome separations. For example, some projections indicate that the California work force will be mostly immigrants or their descendants by 2010. These working immigrants, mostly nonwhite, will be supporting mostly white pensioners with their payroll contributions. Is American society resilient enough to handle the resulting tensions?

* * * * *

"The American economy will have more jobs and businesses if illegal alien workers are allowed to enter freely and work in the United States. But the number of jobs and businesses alone is not an accurate measure of the soundness of economic development or quality of life. Tolerating heavy illegal immigration introduces distortions into the economy that are difficult to remedy, while imposing environmental and social costs that must be borne by the society as a whole."

By introducing race relations into his argument, I believe that Martin reveals his true agenda. It seems apparent from his closing comments that his perception of a good "quality of life" without "environmental and social costs" is one with minimal tension from the presence of "nonwhite" "immigrants or their descendants." Hopefully, policymakers do not share this perception of what constitutes a good American society. The richness in economic and noneconomic terms that new enthusiastic, hard-working immigrants bring to this society are not so easily dismissed.

If on the other hand Martin is referring to a negative effect of immigrants on natural resources and the environment, the empirical evidence is not supportive. As illogical as it may seem, immigrants have a positive rather than a negative effect on the "supply of the resources and the purity of the environment."

Asian and Pacific American Issues Seminar—Legal Immigration Reform

(By Warren R. Leiden, Executive Director, American Immigration Lawyers Association)

I appreciate the opportunity to address the issues of legal immigration reform as they may affect Asian and Pacific Americans. Both Houses of Congress began important debate on legal immigration reform in the last term. By "legal immigration," I mean the eligibility categories and worldwide and national numerical limitations for admission of lawful permanent residents to the United States.

Asian and Pacific Americans constitute a significant portion of those petitioning for foreign-born beneficiaries, both in the family-based and employment-based immigrant categories. Proposals made in the last term could have a significant impact on members of the Asian and Pacific American community and their ability to petition for or "sponsor" immigrants.

In this statement I wish to highlight a number of issues of greatest concern.

FAMILY-BASED IMMIGRANT CATEGORIES

In the 100th Congress, proposals were made to amend or reduce eligibility for two "family-based" immigrant categories: the second preference (for spouses and unmarried sons and daughters of lawful permanent residents) and the fifth preference (brothers and sisters of U.S. citizens). Both categories are currently subject to substantial waiting lists and resultant backlog of visas.

The proposed changes would have limited the second preference to lawful permanent residents' spouses and unmarried sons and daughters under 26 years old. The fifth preference would be limited to unmarried brothers and sisters of U.S. citizens. In their last formulation, petitions pending on the date of enactment would be protected and could be processed; only new applications for sons or daughters 26 or over, or married brothers or sisters, would be prohibited.

Both second and fifth preference are significantly utilized by Asian American families. In fiscal year 1986, about 8 percent of all second preference admissions and over 15 percent of all fifth preference beneficaries were nationals of China or Taiwan.

Also emerging in the 1988 debate was a proposal to permit immediate admission of the spouses and minor children of lawful permanent residents. This would, in effect, recognize the special relationship between spouses and their minor children; whether they are U.S. citizens or lawful permanent residents.

Finally, fueling the concern over the second preference is the awareness of the future impact of the family of those who became permanent residents under the legalization program. Although actual numbers of uncertain, speculation over the number of potential second preference beneficiaries from legalized permanent residents begins in the hundreds of thousands.

EMPLOYMENT-BASED IMMIGRANT CATEGORIES

Proposals have also been made to amend or curtail the employment-based third preference (for professionals and exceptional ability aliens) and sixth preference (for skilled and unskilled workers); both categories require labor certification to establish that qualified U.S. workers are not available for the job.

Proposals in the last term included division of the third preference, separating out professionals without advanced degrees and recognizing business as an endeavor in which one can have exceptional ability. The major reduction proposal would reduce the sixth preference by eliminating eligibility for jobs that require less than two years' training or experience. This change would eliminate sixth preference eligibility for many less skilled occupations, such as ethnic specialty chefs.

In fiscal year 1986, about 30 percent of all third and sixth preference admissions were nationals of China or Taiwan.

INDEPENDENT IMMIGRANT SELECTION SYSTEMS

Notable in the last term of Congress were several proposals for new immigrant selection systems. These "independent" systems relied not on a U.S. family or employer sponsor, but rather focused on the attributes of the immigrant.

The independent immmigrant categories proposed include several types. First is the job-creating investor, for individuals able to make a substantial investment ($500,000 or $1,000,000) in an active enterprise that will employ at least ten U.S. workers. A retiree category was also proposed for self-supporting aliens coming to the United States to retire, who had no interest or need to work.

Other independent immigrant proposals include a point system, in which the age, education, language, and other factors of the immigrant would be measured to qualify the applicant for random selection from an annual pool. The actual structure of the point system is quite critical: high standards will limit the number of qualified applicants; lower standards could permit most applicants to qualify. Just beyond point systems with low requirements are more open, lottery-type selection systems.

In the last days of the last term, Congress enacted a trial independent immigrant program that will permit 10,000 visas per year to chosen applicants. While the criteria for qualifications are minimal, only nationals of countries whose recent preference category immigration does not exceed 5,000 admissions per year could qualify. Because three of the six oversubscribed countries (China, Korea, and the Philippines) come close to or exceed the 20,000 per country limit, their nationals are not eligible under this system.

The challenge of legal immigration reform will be to permit independent immigration that promotes both diversity and fairness while serving the national interest.

LIMITATION ON OVERALL IMMIGRANT ADMISSIONS

Serious proposals were made in both Houses of Congress to raise the overall limits on legal immigration. Increases in the number of legal immigration visas will begin the process of reducing backlogs in several categories. A main point of controversy remains over whether to include the immediate relatives of U.S. citizens under such an overall ceiling that would result in a set off or reduction in other family categories.

Although their inclusion under an overall ceiling would not limit the number of immediate relatives admitted, any increases in "immediate relative" immigration would reduce admissions under other family categories, as the proposal was formulated.

Immediate relatives presently number about 220,000 per year, while the six preference categories total 270,000 per year, a limit set by statute. The total, about 490,000, does not include refugees or those granted asylum in the U.S.

Legal immigration proposals in the last term would have increased this overall number by at least 100,000, to 590,000, which is the equivalent of raising the preference category visas to 370,000. Obviously, allocation among the various categories is critical.

ANNUAL "PER COUNTRY" LIMITATIONS

In addition to the overall worldwide limits on immigrant admissions, there is a limit on the number of nationals admitted from each country. For some time, this "per country" limit has been 20,000 per year. In fiscal year 1986, China, India, Korea, and the Philippines all reached or almost reached their per country limit.

Proposals were made in the last term that would have changed the per country limit, as part of the separation of family-based from employment-based and independent

immigrants. Although, under present law, either family-based or employment-based immigrants are counted to calculate the 20,000 limit, legal immigration proposals that separate family from employment-based immigrants with separate allocations must account for fluctuations in the ratio of the two categories. For instance, a four-to-one ratio of family immigrants to employment-based immigrants would result in up to 16,000 visas available for family-based immigration from China. While this is in line with the overall ratio of family to employment-based immigration, this limit is more than 1,000 visas less than China actually used for family preference immigration in fiscal year 1986.

Moreover, a serious interest in reducing the backlogs of preference category immigrants must consider some increase in this per country limit. The benefit of increases in overall immigration will not affect those countries that have already reached their per country limit, unless the per country limit is raised. That is, nationals from China already use all 20,000 visas available. A 100,000 visa increase in overall immigration would have no effect on Chinese immigrants unless the 20,000 ceiling was raised to permit additional utilization of the increased visas.

Finally, the type of visas available to nationals of the "oversubscribed" countries is also affected by the number of visas used in the past fiscal year. Section 202(e) of the Immigration and Nationality Act provides that only when a country "uses" the maximum number of visas available in the prior year will the current year's visas be allocated among the six immigrant preference categories, rather than made available in order of preference class.

This complicated formula results in making certain preference categories unavailable to nationals of certain countries on an every-other-year basis. For instance, the sixth preference is currently unavailable to Chinese nationals throughout fiscal year 1989. This is due to the fact that China failed to "use" all 20,000 available visas in fiscal year 1988. It is expected that China will be able to use its full allocation in fiscal year 1989 and thus will qualify for the application of Section 202(e) in fiscal year 1990. In other words, visas will again be available in the sixth preference for Chinese nationals. Because of the interplay between the family-sponsored and employment-based immigrant categories, it is thought that separation of the two classes of immigrants would reduce or eliminate the impact of and need for the provision.

CONCLUSION

Asian and Pacific Americans have a substantial stake in the outcome of legal immigration reform. Whether for family unification or the employment of needed personnel, changes to the legal immigration program will have an important effect on the Asian and Pacific American community.

In particular, changes in the preference categories and the overall, as well as per-country, numerical limitations on admissions will affect family unification and employment-based immigration. Because of their significant involvement in modern immigration to the U.S., the Asian and Pacific American communities must continue to make their views known in the development of U.S. legal immigration policy.

Thank you again for the opportunity to highlight these concerns.

WASSERMAN, MANCINI & CHANG,
ATTORNEYS AT LAW,
Washington, DC, November 23, 1988.

Re Asian and Pacific American Issues Legal immigration reform.

Hon. TOM DASCHLE,
U.S. Senator, Washington, DC.

DEAR SENATOR DASCHLE: It is a great honor to have the opportunity to present this statement regarding Legal immigration reform to you.

As we all know, the drive behind the 1986 Immigration reform was motivated by a variety of political, economic and social forces that came into sharpest focus in 1981. Years of inadequate funding and second-class status among Executive Branch, Immigration and Naturalization Service unable to keep up with enforcement responsibility at the border or in the interior; American public was, at the same time, becoming more aware of the newcomers in our midst, from the hundred of thousands of refugees from Southeast Asia in late 1970; Immigration Service's inability to decisively account for tens of thousands of Iranian foreign students in the United States following the hostage crisis; then the arrival of Haitian boat-people. Finally and most alarming, was over 100,000 Cuban nationals via the "Marriel Boatlift".

Add to all this the economic recession, high inflation, and high unemployment of the late 1970's. This ends up the introduction of the Immigration and Refugee Policy in the Congress in Spring 1981, and passed in Fall 1986.

Since the advent of employer sanctions, Small business owners (a lot of them are Asian and Pacific Americans)—chiefly restaurant and hotel owners—have been unable to hire persons to fill their service positions, which are unattractive for salary, prestige and distance reasons. These jobs have traditionally been filled by illegal aliens and no one else wants them.

With a minimal unemployment rate, there is a severe labor shortage which shows no signs of abating. The statutory mechanism for solving this—H-2 Visa—has been written out of the statute by Immigration Service's interpretation of double temporariness.

However, H-2 Visa do not use Visa numbers and do not immigrate the aliens to the United States. They can work for one year or up to two years and if unemployment rises, contracts cannot be renewed because they need labor certification to prove the labor shortage. I believe the Immigration and Naturalization Service shall change their interpretation and let the employers bring from abroad chefs and workers who would work temporarily in the United States. Otherwise, we believe it is about time for Congress to create a new law for not only hiring in Agriculture H-2 temporary workers, but also for industrial or service business' temporary workers for one or two year terms.

We support the Rodino-Mazzoli bill, H.R. 5115, which proposes a number of needed changes to our law. H.R. 5115 includes modest increases in overall annual immigration quotas, grants a small number of visas for investors who create at least ten new jobs, and provides backlog reductions for the close families of lawful permanent residents and of those legalized by the Amnesty Program.

In particular, we support the independent category for foreign investors who create at least ten jobs by investing at least $500,000.00 in a new United States enterprise. To encourage investment in economically disadvantaged areas of the United States an independent investor quota should be established, specifying minimum dollar investments geared to census tracts (as determined by HHS). For instance, a person willing to invest $500,000.00 in a new manufacture operation in Louisiana might qualify, but the same person in New York would have to invest $750,000.00. The investment, if honored, would result in Legal permanent resident for the investors.

Thank you very much for your attention to this matter. For your information, I am enclosing a summary of the testimony on this subject by the American Immigration Lawyers Association.

Sincerely yours,

SAM H. CHANG.

Enclosure.

SUMMARY STATEMENT OF WARREN R. LEIDEN, EXECUTIVE DIRECTOR, AMERICAN IMMIGRATION LAWYERS ASSOCIATION ON H.R. 5115 AND S. 2104

PRINCIPLES OF LEGAL IMMIGRATION REFORM

AILA believes that a number of fundamental principles should guide reform of legal immigration law and policy:

Immigration sponsored by a U.S. family member or employer should continue to be the major source of newcomers to the United States.

Family-sponsored immigration directly and immediately benefits the national interest by unifying American families, and by helping newly-arrived immigrants adjust and assimilate into American society.

Unlike independent, non-sponsored immigration, employer-sponsored immigration is based on a real job, offered by a known U.S. employer after a direct test of the availability of U.S. workers.

Through either their family or employer, sponsored immigrants have built-in support systems that help them both financially and in becoming acculturated to American society.

Immediate relatives of U.S. citizens should not be placed under a cap, nor set-off against other family-sponsored immigrants.

Immediate relatives are the closest and most intimate of family relationships. Present law is faithful to the American ideal of family unification. Restrictions on the immigration of immediate relatives would undermine family unification and could fragment and divide American immigrant families.

Modest increases in annual immigration admissions are in the national interest.

Almost eight years ago, the Select Commission on Immigration and Refugee Policy recommended that annual, numerically-restricted immigration be increased up to 450,000, including backlog reduction. All of the current reform proposals recognize that modest increases in immigration are in the national interest.

No changes in family- or employer-sponsored immigration should be made until we know the effects of the legalization and employer-sanctions bill passed in 1986.

The sweeping changes brought on by passage of the 1986 Immigration Reform and Control Act are just now being realized. This bill is having a profound impact on U.S. business, agriculture, and immigrant families.

The present preference categories have stood the test of time: they are relied upon by many U.S. families and employers and serve as a stable foundation for legal immigration to the United States. Until the impact of the 1986 law can be more fully

evaluated, major revisions to preference categories are not justified.

Backlogs are not a reason to eliminate eligibility categories.

If there must be changes to the preference categories, let them be made on a deliberate and reasoned basis, not simply because of the existence of a waiting line or backlog of qualified applicants.

With appropriate selection criteria, nonsponsored, independent immigration could promote diversity and fairness.

Although AILA favors sponsored immigration as the major source of immigrants, an independent, selected-immigrant program could also permit some additional immigration from nations whose greatest numbers of immigrants came to the United States generations ago. Efforts should be made to promote both independent and sponsored immigration, but not at the expense of sponsored immigration.

Congress should not be circumvented in making future changes to numerical limits and eligibility categories.

Frustration with the historically slow nature of Congressional action in making changes in annual immigrant admissions and preference categories has led to proposals to permit automatic changes. Establishing a commission to study of the effects of immigration to the United States is desirable, but their recommendations should not become law without direct congressional action.

ANALYSIS OF H.R. 5115, LEGAL IMMIGRATION AMENDMENTS OF 1988

For the reasons stated below, AILA generally endorses the Rodino-Mazzoli legislation, H.R. 5115, with some suggestions for improvement.

FAMILY UNIFICATION AND PREFERENCE CATEGORIES IN H.R. 5115

To the great credit of its sponsors, H.R. 5115 does not impose a ceiling on the annual admissions of immediate relatives of U.S. citizens, nor sets off such immigrants against other family-sponsored immigration. Furthermore, H.R. 5115 does not eliminate any portions of either the family or employer sponsored preference categories. Also, H.R. 5115 would establish a Commission to study U.S. immigration that would serve as a basis for further analysis and facts.

While leaving family-sponsored immigration largely intact, Rodino-Mazzoli would change independent immigration significantly by creating three separate categories for independent immigration, both sponsored and non-sponsored. Each of these categories would be allocated 50,000 visas, for a total of 150,000 independent visas.

FIRST INDEPENDENT CATEGORY OF H.R. 5115

Essentially, this category is the equivalent of the present third preference: members of the professions, and immigrants of exceptional ability in the arts, sciences, and education. H.R. 5115 continues the requirement of current law that the employer sponsor seek Labor Department certification that no qualified U.S. workers are available and that the wages and working conditions will not harm other U.S. workers.

SECOND INDEPENDENT CATEGORY OF H.R. 5115

The second independent category would allocate 50,000 visas among three subcategories. SUBCATEGORY ONE, equivalent to the present sixth preference. would allocate visas for skilled and unskilled workers based on Labor Department certification that qualified U.S. workers are not available. SUBCATEGORY TWO would allocate visas for investors who create at least ten jobs by investing at least $500,000 in a new U.S. enterprise. And SUBCATEGORY THREE would allocate visas for self-supporting retirees who do not intend to seek employment in the United States.

Although AILA supports the creation of these three subcategories, we recommend allocating these visas so that at least 27,000 visas are available specifically for skilled and unskilled workers.

THIRD INDEPENDENT CATEGORY OF H.R. 5115

The third independent category would allocate its 50,000 visas to aliens who score at least 30 points on a point system based on age, education and qualification in a shortage occupation, as determined by the Labor Department, with additional points for training, experience, or arranged employment in such shortage occupations. Although AILA supports experimentation with non-sponsored independent immigration, we are concerned whether such general labor shortages can be adequately predicted.

ADDITIONAL VISAS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AND OF LEGALIZED ALIENS

AILA strongly supports provisions within H.R. 5115 that make available visas for the spouses and minor children of legalized aliens, allowing them to lawfully remain with or join their immediate family members in the United States. We also support the provision of additional visas to reduce the backlog in the current second preference category.

S. 2104, KENNEDY-SIMPSON IMMIGRATION ACT OF 1988

AILA supports the principles within S. 2104 that would reform the legal immigration system by separating independent and family-connection visa categories, increasing the worldwide ceiling on immigration, and allocating visas for job-creating investors. However, S. 2104 is seriously flawed.

AILA is strongly opposed to the bill's imposition of a cap that "sets off" immediate relatives against other family sponsored immigrants. AILA also opposes provisions of S. 2104 that change the second, fifth, and sixth preference categories by eliminating immigrant eligibility for unmarried sons and daughters who turn 26, married brothers and sisters, and most skilled and unskilled workers.

SUMMARY

Senators Kennedy and Simpson and Congressmen Rodino and Mazzoli are to be commended for initiating discussion and debate over U.S. immigration law and policy. However, AILA urges Congress to reject any proposals imposing a ceiling or set off of immediate relatives against other family-sponsored immigrants. AILA also urges Congress to reject proposals eliminating any of the present family or employer sponsored preference categories.

AILA urges Congress to make choices that reaffirm family unification as a primary goal and family or employer sponsorship as a primary method of selecting immigrants to join our nation.

NOVEMBER 28, 1988.

Reference Legal Immigration Reform.

To Senator Tom Daschle and Senator Paul Simon.

From Oscar Chiang, senior researcher-reporter, Time magazine, New York, NY.

As a naturalized citizen I personally benefited from a previous immigration legislation reform. I remember it was President John F. Kennedy who proposed major amendments to the 1952 Immigration and Naturalization Act, better known as the McCarran-Walter Act, just before his tragic assassination in 1963, and it was his brother, then Freshman Senator Edward Kennedy, who in 1965 introduced the legislation from which I benefited.

My understanding is that the 1965 legislation (The Immigration and Nationality Act Amendments of 1965) virtually wiped out the European advantage and opened the U.S. to immigration worldwide. In essence, it established a maximum number (270,000) of immigrants with no more than 20,000 from any single country. It also replaced the national-origin quotas with a system of priorities, or preferences based primarily on reunification of families and skills needed in this country. Of the six preferential categories four involve various blood relatives of U.S. citizens or resident aliens.

As a consequence, the faces of new immigrants have drastically changed over the past 23 years. According to a New York "Times" report early this year, "while almost half were European as recently as the mid-1960's, today nearly 90 percent come from Asia and Latin America under a system that favors, to the exclusion of almost all other factors, immigrants who already have close relatives in the U.S."

I presume that the current immigration reform is designed to address this imbalance. If this is the case, I do not think it's fair. I believe that the days of national-origin quotas are gone. I also believe our immigration legislation should, first of all, reflect this country's tradition of hospitality. Then, the social and economic needs should all be taken into consideration. Above all, we must not give the world the impression that the purpose of the current immigration reform is to favor certain nationalities at the expense of others.

The Kennedy-Simpson Bill that was passed by the Senate on March 15 contains several major changes which may be interpreted along this line. For example, the reduction on the annual number of visas in the First and Fourth and Fifth Preferences—all involving relatives of U.S. citizens—unfavorably reflects on the Asians because of their large and extended families. At the same time, the new point-system on the basis of age, education and skills also put many Asians in a disadvantage because, in order to acquire the necessary level of education and skills they are usually in a higher age bracket which, in turn, will qualify them for less points. The provisions to award 20 extra points to those who have English proficiency will give the English-speaking nationals an automatic advantage over those whose native tongues are not English.

Despite these obvious debatable features I find that on the whole the new immigration legislation is a step in the right direction. It is flexible enough to accommodate all the four main categories of immigrants, namely, relatives of U.S. citizens, people with special skills and talents, investors, and those who do not belong to any of the above. If sufficient safeguards can be provided to avoid arbitrary decisions on "skills" and "talents," and if the total ceiling can be raised to 670,000 as Representative Charles E. Schumer of New York has proposed, I personally think that the new legislation will accomplish what its co-sponsors set out to do, namely to stop the "chain migration" and to

open more opportunities for those who could contribute more to our society.

To make it more equitable for all potential immigrants regardless of their national origins, I suggest that physical fitness be added as a qualifying factor. I realize that some immigration application forms do include a few questions about the applicants' health problems. But it would be appropriate to include this now for their point-system. If education levels and English proficiency can earn points, I see no reason that good health should be denied points. After all, people with poor physical conditions cannot be expected to do much for their adopted country, can they?

I also suggest that only 10 points be awarded to those who speak English and 10 points be awarded to those who are judged by medical experts to be in excellent health. In this way both the English factor and the fitness factor will be equally weighed. The potential immigrants will have an equal opportunity to be accepted. The impression that the current Kennedy-Simpson bill will favor native English speakers can be corrected, and the obvious bias against Asians can also be eliminated.

In short, this is my personal view. I hope you will find some merit in it. Thank you for giving me this opportunity to take part in your seminar.

STATEMENT OF CAROL HAMPE, MINORITY COUNSEL, SENATE SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Thank you for the opportunity to address this seminar on Asian and Pacific American Issues. I am a counsel to Senator Simpson on the Immigration Subcommittee, and I will discuss some of the key issues regarding legal immigration reform.

BACKGROUND

Legislation to change the mechanism for setting the level of Immigration and the criteria used to admit permanent resident aliens to the U.S. passed the Senate in 1982, and again in 1983. These proposals were part of the Senate version of the "Simpson-Mazzoli" bills, but they were never passed by the House of Representatives. When the "Simpson-Rodino" bill was finally enacted in 1986, the new law contained provisions concerning illegal immigration only, and no major changes were made to the legal immigration system.

In March of 1988, the Senate passed the "Kennedy-Simpson" bill by a vote of 88-4. This bill would have established a national level of immigration (of 80,000 persons per year higher than current immigration levels), modified the existing criteria used to admit immigrants with family connections or offers of employment in the U.S., and created a new category of immigration for persons who possessed certain skills and qualities that the bill's sponsors felt were in the national interest and would contribute to the country.

The House of Representatives did not act on the Kennedy-Simpson bill, but it did pass legislation which would extend the "NP-5 Program" for two years (which grants visas to persons from 36 countries which were "disadvantaged" by the 1965 immigration amendments) and create a new category for persons applying from "underrepresented countries" (consisting of approximately 162 countries that used less than 25 percent of the maximum number of preference visas available to them under current law). The Senate passed the bill without amendment, and President Reagan signed it into law earlier this month.

Both Senate and House members have expressed interest in pursuing overall legal immigration reform in the new Congress.

SPECIFIC REFORMS

The Kennedy-Simpson bill was based on the following premises: (1) that we should decide in advance that number of immigrants who will enter in any one year, and then review that number regularly (2) that while the vast majority of visas should still be granted to immigrants with family connections in the U.S., a greater number and proportion of visas should nonetheless be given to immigrants with offers of employment in the U.S. or to immigrants who have skills and qualities that are beneficial to our country, and (3) that while no country or region of the world should face discrimination regarding immigration opportunities, neither should a particular country or region of the world be allowed to have a "lock" on our immigration system.

Immigration level: The Kennedy-Simpson bill of 1988 set a "national level" of immigration of 590,000 immigrants per year. Reports are required each year from the Administration on the effects of immigration on our country. Every third year the President must decide whether immigration levels should be increased, decreased, or not changed. Congress has the ability to review, in expedited fashion, the President's determination.

Family immigrants: The bill also increased the number of visas allotted to the "second preference" (immediate family of permanent resident aliens), and narrowed the number of visas available and the class of persons eligible for "fifth preference" visas (brothers and sisters of U.S. citizens). The basic policy here was that, with a finite number of visas available, and demand for visas far exceeding the supply of them, more priority should be given to the closer family members. To partially compensate for this change, 30,000 extra visas per year, for three years, were granted to current fifth preference applicants.

Independent immigrants: The bill expanded the current number of non-family visas from 54,000 per year to 120,000 per year. Approximately 55,000 of the new "independent" visas were to be granted to immigrants chosen by a system which recognized certain skills or qualities that would benefit the country (i.e., age, education, language ability, and occupational skills). A narrow category, of 5,000 visas per year, was created for immigrants wishing to invest money in a new enterprise in the U.S. which would provide employment for at least ten U.S. workers.

ISSUES CONCERNING ASIAN COMMUNITY

Senator Simpson is aware of the concerns that the Asian-American community has over proposed changes in the fifth preference. Representatives of the Asian-American community were invited to testify before Sen. Simpson and the immigration subcommittee in 1984 about these concerns.

The reason for narrowing or eliminating the fifth preference is that there are only a finite number of visas that Congress, and the American public, will support being granted each year. With backlogs developing in both the second and fifth preferences, Sen. Simpson believes that the closer family members (in the second preference) should be accommodated first. In addition, given again the finite number of visas available, Sen. Simpson believes that the national interest is better served by allocating more visas to the "independent immigrant" category, than by giving automatic petitioning rights ot the brothers-in-law, sisters-in-law, nieces, and nephews of U.S. citizens.

There is no question that many fifth preference relatives would be eligible to apply under the independent immigrant category. It is also likely that Asians, with their strong education backgrounds, would qualify in large number under the independent system.

It is time, however, to face a simple fact. The fifth preference under current law is becoming a "phantom preference" for new and recent applicants. Due to the tremendous number of applicants, we are only today admitting persons who applied for fifth preference visas on May 15, 1982 (and the date is even more distant for "oversubscribed" countries such as China, India, Korea, and the Philippines). But for new applicants, the likely wait is not slightly over five years, but in fact closer to twenty years. This is because the "priority date"—now May 15, 1982—for fifth preference applications is moving up approximately one week every month. Thus, it is now taking four years for the priority date to move one year, or twenty years for the priority dates to move five years.

Senator Simpson believes that it is simply not in the national interest to reserve a large number of visas that are "collectable in twenty years" when closer family members, and needed independent immigrants, could be admitted instead.

CONCLUSION

Legal immigration reform is likely to be a priority item in the coming Congressional session. The issues raised by the Kennedy-Simpson bill will likely be debated again. I encourage the Asian community to take part in this debate.

I also encourage every participant in the debate to look squarely at the issues which face us. In the ideal world, there would be enough visas available for everyone who wished to immigrate. Unfortunately, that is simply not the case. We therefore must make the difficult choice of whom to admit, and give solid justifications for those choices. I hope I have helped explain some of the choices made by Sen. Simpson.

DISCRIMINATION AGAINST ASIAN-AMERICANS IN HIGHER EDUCATION: EVIDENCE, CAUSES, AND CURES

(By Wm. Bradford Reynolds, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice)

I am very grateful to Senators Simon and Daschle for the opportunity to meet with you this afternoon. The questions we are discussing here are profoundly important ones, and it is a healthy sign that Congress and the public are paying attention to them. I will try briefly to address three aspects of the issue. First, are some of the country's most prestigious universities discriminating against Asian-American applicants? Second, if they are, then why? And, third, what can we—university officials, Executive branch administrators, and members of Congress—do about it?

I.

Charges that certain universities—Berkeley, U.C.L.A., Harvard, Stanford, Princeton, Brown, and others—are maintaining quotas to limit the number of Asian-American admissions have been made with alarming frequency in recent years. The charges are serious and, on the surface, they do not appear to be wholly implausible.

To their credit, some of the universities against which the charges are leveled have begun to examine their own admissions policies critically. Berkeley, for instance, has appointed a special Task Force, headed by Professor Yuan T. Lee, to investigate the issue.[1] Outside investigators are also at work. As the Washington Post[2] and N.Y. Times[3] recently reported, the Office of Civil Rights of the Department of Education has targeted two other universities—Harvard and U.C.L.A.—for compliance reviews, to determine whether anti-Asian discrimination exists at those institutions.

At this stage of the investigations, the extent to which the charges may have merit cannot be determined. Even so, we view the accusations as cause for legitimate concern. In order to be fair to the universities under investigation, while at the same time suggesting what I perceive to be the true dimensions of the problem, I will paint with a broad brush, and refrain for now from depicting any particular institutions as culprits.

The first point to be made is that suspicions arise because university admissions committees tend to be extremely vague about the impact of race on their acceptance/rejection decisions. Indisputably, the use of racial preferences is now standard practice in many of our major universities. This can make a profound difference to an individual candidate's chances of being selected.[4] Robert Klitgaard of Harvard found, in his acclaimed book *Choosing Elites* (1985), that at Williams, Colgate, and Bucknell, minority status added 40 to 50 percentage points to an applicant's chances of admission. *Id.* at 40. Nor are those three prestigious colleges in any respect exceptional. Indeed, Klitgaard found that, "[a]s a generalization, the more selective the college, the greater the preferential treatment for minorities," *id.* at 154.

Of particular interest to the topic at hand is the fact that such racial preferences generally do not operate in favor of Asian-Americans.[5] Indeed, quite the opposite is true—they are the most likely explanation of the alleged discrimination *against* Asian-Americans.

There is, moreover, substantial statistical evidence that Asian-American candidates face higher hurdles than academically less qualified candidates of other races, whether those candidates be minorities (black, Hispanic, Native American) or white.[6] Thus, "white or Asian students are rarely accepted by Berkeley without a GPA [grade point average] of at least 3.7 or 3.8," while "virtually all American Indians, Hispanics, and blacks who apply to Berkeley, and who meet minimum UC requirements, are admitted"—even though it is possible to meet those minimum standards with a GPA as low as 2.78.[7] And even when Asian-American admission rates are not compared to those of black, Hispanic, or Native American candidates (groups which are often the beneficiaries of racially preferential policies), but to the admission rates for Caucasians instead, the statistics again suggest that elite universities may be discriminating.

In 1982, for instance, the Asian-Americans to whom Harvard offered admission had average verbal and math SAT scores of 742 and 725, respectively, for a combined average of 1467; Caucasians had average SAT scores of 666 and 689, for a total of only 1355.[8] "The figures suggest that in order to be offered admission, Asian Americans had to score an average 112 points higher than on the SAT than Caucasions who were admitted." Not surprisingly, therefore, in 1982, Harvard's Asian-American admission rate (14%) was less than three quarters (.74%) of the Caucasian admission rate (19%); and in 1983, the figure was even worse (below .70 of the Caucasian rate).[9]

While these particular figures are now several years old, we expect that the Education Department's compliance review of Harvard will bring its more recent admission rates to light. We have no real confidence, however, that the updated information will show improved Asian acceptance rates (whether vis-a-vis Caucasians or vis-a-vis all others). A 1988 study reports that "[t]he admit rates of Asian Americans have been up to 30% lower than average at Harvard for the past several years."[10] Nor does it appear that Harvard stands alone in this regard. Figures from Brown University for the five-year period 1983-1987 reveal a trend of declining Asian-American admission rates coupled with improving academic quality (measured in SAT scores and class ranking) of Asian-American applicants.[11] While there has been some subsequent improvement, Asians applying to Brown had the lowest admission rate of all five identified racial/ethnic groups in the 1983-1987 period.[12]

There is other evidence of anti-Asian discrimination. A report by the Corporation Committee on Minority Affairs at Brown, for instance, found that the "cultural bias and stereotypes which prevail in the admission office" worked to the detriment of Asian-American applicants.[13] There is anecdotal evidence as well. A member of the graduate school admissions committee at Princeton in 1983 has said that when the committee was going over the applicant list and reached a clearly qualified Asian-American, one colleague of his remarked, "We have a lot of them," and another said, "You have to admit, there are a lot."[14]

The picture that emerges from these admittedly "broad brush" strokes leaves, at the very least, the unsettling inference that many of the country's elite universities may well be practicing discrimination against Asian-American student applicants—that is, evaluating their applications differently from the applications of non-Asian students of comparable qualifications. Assuming that further investigation bears out the "'worst case" scenario of pervasive and systemic discrimination, the obvious next question is: what is its cause?

While university officials are understandably loath to admit that they are discriminating against qualified Asian-Americans, rejection of such applicants ironically appears to be driven by the universities' "affirmative action" policies aimed at favoring other, preferred racial minorities. The New Republic cut to the quick of the problem when it said:

"If Asians are underrepresented based on their grades and test scores, it is largely because of affirmative action for other minority groups. And if blacks and Hispanics are underrepresented based on their fraction of the population, it is increasingly because of the statistical overachievement of Asians."[15]

The short of it is, quite simply, that where admissions policies are primarily merit-based, Asian-Americans will in all likelihood be accepted in numbers that far outstrip their percentage share of the general population (or even of the applicant pool), but that fairly reflect their higher-than-average performance on objective measures of academic performance, such as grades, class rank, SAT scores, and so on. But where admission policies are skewed by a mandate to achieve some sort of proportional representation by race (as, for instance, has been true in the California university system since 1974[16]), then, inevitably, there will be pressure to squeeze out Asian-Americans in order to make room for other minorities (or for whites[17]). Under the regime of preference, university admission becomes a racial zero-sum game: if your neighbor's ox isn't gored, then yours will be.

In other words, the phenomenon of a "ceiling" on Asian-American admissions is the inevitable result of the "floor" that has been built for a variety of other, favored racial groups. This has been the Department of Justice's objection all along to racial preferences, and the fact that the victims now are not white but members of other minority groups merely dramatizes the moral bankruptcy of the whole enterprise. Whether the preferences operate against Asians for the benefit of whites and blacks, or against whites and Asians for the benefit of some other groups, racial discrimination is indefensible.

For seven-plus years now, I have remained steadfast in my opposition to quotas, "goals and timetables," and any other racial preference for a particular minority group. Critics invarably ask: what is wrong with giving a boost to blacks, or Hispanics, or whomever? There is a ready, and indeed unassailable, answer: inevitably, one group's preference unfairly disadvantages all others not fortunate enough to be members of that group. Any such racially-inspired policy for selecting some and rejecting others is discriminatory in the worst sense of the word. It measures prospective college students by color, not performance. And there appear to be strong indications that student applicants of Asian-American descent are being wrongly denied college admission at some universities under just such a misguided selection standard.

There is nothing "benign" or "affirmative" about the racially-inspired policy I have described. Whether the exclusionary admissions process that is targeted against Asians is calculated to benefit blacks or whites, it is legally and morally wrong. Discrimination by any other name is still discrimination, and it resides no more comfortably in an academic environment when the victims are Asian-Americans than when they are Black-Americans or Hispanic-Americans or Native Americans or European-Americans.

The predictable response from the campus scholars is that there is sufficient legal latitude to play this "numbers game" with the educational opportunities of our children as a result of the Supreme Court's decision in *University of California Regents* v. *Bakke*, 438 U.S. 265 (1978). The pivotal opinion in that case was Justice Powell's. He there stated gratuitously in passing that it might well be permissible for a medical school to award a "plus" because of the applicant's race, 438 U.S. at 317, in order to achieve greater racial and ethnic "diversity." Justice Powell found no other members of the Court who were willing to endorse that proposition,[18] and more recent Supreme Court decisions appear to have wholly discredited it.[19] Nonetheless, the academic community holds tight to this irrelevant dictum in *Bakke* as its apology for racial preferences. Thus, the buzzword invariably employed by university officials pressed to defend their race-conscious "affirmative action" programs is academic "diversity."

In practice, this "diversity" explanation operates more often than not as a "cover" for the allocation of freshman positions based on race—precisely the evil condemned in *Bakke*.[20] Admissions results are less and less the product of informal and collegial decisionmaking by professors on a case-by-case basis, as Justice Powell seemed to assume, and more and more the product of an administrative bureaucracy. Thus, group statistics in many universities drive the admissions decisions, at the expense of individual achievement. While specific numbers of places are no longer overtly set aside, percentages are regularly assigned as a method of reserving slots for different minority and nonminority groups.[21] The losers under such a regime are those high school graduates deserving admission but passed over for less qualified applicants who are taken in order to satisfy percentage benchmarks. The claim is that Asian-Americans are among those who suffer most at the hands of these discriminatory policies—and it appears that the charge may not be entirely without merit.

If this is the case, academic "diversity" provides no excuse for such behavior.[22] To be sure, as Justice Powell made clear in his *Bakke* opinion, there should be a noticeable reluctance, on grounds of academic freedom, to inject the government into a university's selection process. But that reluctance cannot permit a greater tolerance for race-based discrimination on our college campuses than we will allow with respect to other programs or institutions subject to federal civil rights laws. A college degree is every bit as important to an individual as a seat on a bus, membership in a union, or the ability to run for public office and participate in the electoral process. To suggest that this opportunity, like the others, be granted equally to high school graduates of all races and ethnic backgrounds, based on individual merit, hardly raises a threat to academic freedom. Rather, that proposition is, it seems, nothing short of a ringing endorsement of the very ideal of academic freedom.[23]

III.

At this point, the question "What is to be done?" naturally arises. I have three suggestions.

First, I urge the universities to continue and to intensify their self-scrutiny. The California system, under some prodding by the Asian-American community and the State Legislature, has begun such a process. Although its investigations thus far leave important questions unanswered,[24] it is a useful first step. I certainly encourage further investigations, both in California and elsewhere, and in both private and public universities.

Second, the Department of Justice and the Department of Education have major roles to play, particularly if the Education Department's compliance reviews of Harvard and U.C.L.A. find a case of unlawful discrimination. In this regard, a word as to the administrative procedure is in order.

The Justice Department cannot bring suit against a private, federally funded university (such as Harvard) under Title VI of the Civil Rights Act of 1964, unless it receives a prior referral from the Department of Education. But before the Department of Education makes such a referral, it must undertake a compliance review. Furthermore, under Title VI, if the Department of Education's compliance review finds a violation, that Department must try to remedy the discrimination through voluntary compliance efforts. In cases where the violations cannot be resolved through negotiations, the Department can elect either to proceed via an administrative enforcement proceeding to terminate federal funding, *or* it can refer the case to the Justice Department for a suit in federal court seeking injunctive relief.

Title IV of the Civil Rights Act, by contrast, does enable the Justice Department to bring suit directly, but only against a *public* university. To bring such a suit, the Justice Department first needs a written complaint signed by an individual (or parent), to the effect that the complaining individual has been denied admission to the university because of race. 42 U.S.C. 2000c-6(a)(2). Any complaints we have received (say, as to discrimination at U.C.L.A.), we have also asked the Department of Education to review; thus, when that process is completed, we are positioned to bring suit if the Department of Education's findings warrant it.

Finally, I think that Congress can and should be a major player in the effort to root out and bring to an abrupt halt any unlawful discriminatory admission policies at our colleges and universities. For example, Congress can legitimately use its own investigative authority to conduct hearings into the question of discrimination. Such an investigation could shed a great deal of light on the often shadowy, and highly discretionary, area of university admissions. We could hope to learn from such an inquiry (far more than from litigating in isolated cases) how the nation's universities' admissions processes really work, exactly how important a factor race is in admission decisionmaking, and why there are so many disturbing reports from so many different institutions throughout the country that some of our citizens are being discriminated against because of their Asian ancestry.

Congress also has the information-gathering powers to determine how substantial the costs of discrimination of this kind. These include not only the human costs of unfairly denying people the educational opportunities which they deserve, and of preventing talented individuals from developing their true potential; they include also the more general societal and productivity costs that come from the compromising of rigorous academic standards and the scrapping of a truly meritorious selection system in the name of the social engineering scheme of racial "proportional representation." Simply by focusing public attention on the issue, and forcing university admissions officers to answer honestly some very tough, searching questions, Congress could do a great deal, in my judgment, to cure the problem at its source.

Discrimination based on race is a sinister evil. We have in the last eight years come a long way towards eliminating some of the worst features of such policies—policies that encouraged the favoring of some, while disfavoring others, because of skin color or ethnic background. Any regime that allocates individual opportunity on a racially proportional basis—be it defined by a quota, a goal, a set-aside, or some other reserved percentage—is inherently pernicious and never benign. This is as true on the campuses of our colleges and universities as it is everywhere else in a democratic society. It therefore follows that student admissions policies—which hold the key to so many others opportunities for future generations of Americans, whatever might be their race, color, creed, or ethnic background—deserve the strictest scrutiny.

FOOTNOTES

[1] See Bernstein, "Asian Newcomers Hurt By Precursors' Success," *N.Y. Times*, July 10, 1988 (National), at 16, col. 1. We understand that the Task Force report, originally due out last August, has not yet been published.

[2] Vobejda, "Harvard, UCLA Admissions Policies Probed," *Washington Post*, Nov. 18, 1988, at A4, col. 1.

[3] Molotsky, "Harvard and U.C.L.A. Face Inquiries on Quotas," *N.Y. Times*, Nov. 20, 1988, at 35, col. 1.

[4] See Bunzel, "Affirmative-action admissions: how it 'works' at UC Berkeley," 93 *The Public Interest* 111, 117-118 & n.3 (1988). Dr. Bunzel (formerly a member of the U.S. Civil Rights Commission) cites to a study of Harvard Law School's admission procedures by Harvard Law Professor Alan Dershowitz and his associate, Laura Hanft. The Dershowitz-Hanft study says that the Admissions Committee was "circumspect" about the quantitative factors at work in its racial preferences.

[5] In the California system, however, persons of Filipino ancestry currently receive a preference.

[6] Underscoring these troubling statistics is the fact that, when challenged, university admissions officers defend their practices by reference to statistical benchmarks that are legally and logically irrelevant. The very weaknesses of such "defenses" raise disturbing questions about the fairness and the legality of the practices being defended. Thus, the *New York Times* (see n.3, *supra*) recently reported Thomas Lifka, Assistant Vice-Chancellor at U.C.L.A., as saying that while Asian-Americans make up 6% to 8% of California's high school graduates, they constitute 20.7%—and, including Filipino-Americans, 24.7%—of U.C.L.A.'s freshman class. But the overall racial make-up of the state's high school graduates is simply *not* a valid comparison for determining whether discrimination exists, since that benchmark totally disregards (for example) differences in the average academic qualifications of racial groups within the high school graduating class, and the different rates at which members of those groups apply for admission. When those circumstances are considered, as of course they must be, the evidence of discrimination against Asian-Americans may become much more powerful. In fact, Asian-American high school graduates in California have a significantly higher eligibility rate (26%) than whites (16%), Hispanics (6%), or blacks (4%). See Gibney, "The Affirmative Action Squeeze," *The New Republic*, April 11, 1988, at 15. And a significantly higher proportion of California Asian-American high school graduates take the SAT than do their Caucasian peers. See Bunzel & Au, *supra*, at 51 & n.1 (1983 data). Any comparison to the racial breakdown of the high school graduating class which omits reference to such crucial differences is bound to be misleading.

[7] See Bunzel, *supra*, at 119-120; see also Bunzel & Au, "Diversity or discrimination? Asian Americans in college," 87 *The Public Interest* 49, 50-51 & n.1 (1987). In 1987, the ratios of admissions to applications for Berkeley's freshman class for black and Hispanic applicants were, respectively, 84.2% and 88.4%; for Filipino-Americans, 51.3%; for Caucasians, 31.4%; and for (non-Filipino) Asian-Americans, 27.7%. (Source: Office of Student Research, January 7, 1988.)

[8] Compare the 1987 U.C.L.A. freshman class, in which the average Asian GPA was 3.91 (as against 3.8 for whites and 3.36 for blacks); in the same class, the average Asian SAT composite score was 1176 (as against a slightly higher 1185 for whites, but 912 for blacks). See *Response to Assembly Concurrent Resolution 70*, *supra*, at 6.13-6.14.

[9] Bunzel & Au, *supra*, at 54.

[10] J. Hsia, *Asian Americans in Higher Education and At Work* 94 (1988).

[11] *Id.* at 96-100.

[12] *Id. at* 100-101.

[13] Cited in Bunzel & Au, *supra*, at 59.

[14] Cited in Bunzel & Au, *supra*, at 60 n.3.

[15] See Gibney, *supra*, at 17.

[16] See the University of California's *Response to Assembly Concurrent Resolution 70* at 3.22 (1988).

[17] "An Assistant Vice-Chancellor at Berkeley warned that 'if we keep getting well-prepared Asians, and we are, we may get to the point where whites will become an affirmative action group.'" Bunzel, "Choosing Freshmen: Who Deserve an Edge?", *Wall Street Journal*, Feb. 1, 1988, at 26, col. 3.

[18] Justice Powell's *Bakke* opinion therefore cannot be construed as stating the law. But even if

the standards his dictum describes *were* binding, many current race-based admissions policies might still not survive judicial scrutiny if those standards were applied to them. Justice Powell's opinion made it extremely clear that set-asides or numerical quotas in the admissions process are unlawful; race (in his view) could be considered only if it did not "insulate the individual from comparison with other candidates for the available seats." 438 U.S. at 317; see also *id.* at 265, n.53 ("[i]f an applicant can establish that the institution does not adhere to a policy of individual comparisons, or can show that a systematic exclusion of certain groups results, the presumption of legality might be overcome"). Thus, an admissions program that in effect reserves a certain proportion of places for certain racial groups (perhaps by granting admission contingent only upon meeting minimum eligibility requirements), or that shelters members of such groups from head-on competition with *every* other candidate, would be legally questionable even under Justice Powell's standards.

[19] In a series of post-*Bakke* cases, including *Wygant* v. *Jackson Board of Education*, 476 U.S. 267 (1986), *Bazemore* v. *Friday*, 478 U.S. 385 (1986), *Local 28, Sheet Metal Workers* v. *EEOC*, 478 U.S. 421 (1986), and *United States* v. *Paradise*, 107 S. Ct. 1053 (1987), the Supreme Court has upheld racial preferences only in a "remedial" context, as a last resort, and solely to combat egregious discrimination—and even then it has required that such preferences be temporary and narrowly tailored. As for the Title VII cases, *Steelworkers* v. *Weber*, 443 U.S. 193 (1979), and *Johnson* v. *Transportation Agency, Santa Clara Cty.*, 107 S. Ct. 1442 (1987), preferences were upheld there only in order to correct the obvious exclusion of virtually all minorities or all women from traditionally segregated job-categories—and again, even then, only a temporary and narrowly tailored basis. See also *Fullilove* v. *Klutznick*, 448 U.S. 448, 507 (1980) (Powell, J., concurring) (governmental racial classifications must serve a compelling purpose). For a review and analysis of these Supreme Court cases, see Reynolds, "An equal Opportunity Scorecard," 21 Ga. L. Rev. 1007 (1987).

[20] "It is not unusual to be told by officials at different universities that 'special sensitivity' is shown to certain ethnic minority groups, and that membership in such a minority group is an 'important factor' in allowing a candidate to be chosen over others who have better academic credentials. But these same officials are reluctant to discuss when 'special sensitivity' becomes outright preference, or how far they have to 'stretch' to get the representation of minorities they want.* * * They prefer to point to the 'diversity' they are creating." Bunzel, *supra*, 93 *The Public Interest* at 116–117.

[21] Berkeley, for instance, has for some time been operating a "mixed" system, in which 40% of incoming freshmen are admitted solely on the basis of academic grades and standardized test results (in 1985 it was 50%), 38% are offered spots under "special action" programs (these programs include preferences for blacks, Chicanos, Latinos, American Indians, and persons of Filipino descent), and 22%—mostly whites and Asian-Americans—selected by "supplementary" criteria, some of which (leadership, motivation) are highly subjective, others of which (English achievement, foreign language course work) may operate to the disadvantage of persons of Asian background, and all of which combined may have the designed purpose of limiting the admission of Asian-American "overachievers." The procedures are, indeed, admittedly designed to enable Berkeley to meet the University of California system's (and Berkeley's own) plan for a student body whose racial composition reflects that of the state's high school graduating class. See Bunzel, *supra*, 93 *The Public Interest* at 112–114; 118–119; Gibney, *supra*, at 16; *Response to Assembly Concurrent Resolution 70, supra*, at 3.10–3.13; Asian American Task Force on University Admissions, *Task Force Report*, 8–10; 12–13 (1985).

[22] It is ironic that the "diversity" rationale should apparently be working to *exclude* Asian-Americans. Asian-Americans hardly comprise a single, homogeneous class; on the contrary, they have richly diverse and highly distinctive cultural heritages—Chinese, Korean, Taiwanese, Japanese, Filipino, Thai, and Vietnamese, among others. See Asian American Task Force on University admissions, *Task Force Report*, *supra*, at 3. The ideological blinders of race-based selection processes—which classify individuals solely by superficial characteristics such as pigmentation—ignore such culturally-based forms of diversity.

[23] See *Sweezy* v. *New Hampshire*, 354 U.S. 234, 263 (1957) (Frankfurter, J., concurring) (one of "'"the four essential freedoms" of a university [is] to determine for itself *on academic grounds* * * * who may be admitted to study.'") (emphasis added; citations omitted).

[24] For instance, we have not seen any statistical analysis of GPAs and SAT scores for whites, for Asian-Americans (or specific subcategories—Japanese-Americans, Chinese-Americans, etc.), and for non-Asian minorities among Berkeley entrants admitted on the basis of "supplemental criteria." Nor is it clear to us to what extent certain factors used to determine admission to Berkeley because of "speical qualities" (*e.g.*, athletic achievement, graduation from a rural high school) impaired the chances of Asian-Americans. Indeed, it is difficult to infer what percentage of Berkeley's freshman slots is awarded primarily or solely on the basis of race-conscious "affirmative action." See Berkeley's *Discussion of the Section of the Auditor General's Report Concerning Freshman Admission to the College of Letters and Science* 4–5 (1988).

STATEMENT OF GRACE W. TSUANG BEFORE THE CAPITOL HILL SEMINAR ON ASIAN AND PACIFIC AMERICAN ISSUES: ANTI-ASIAN BIAS IN UNIVERSITY ADMISSIONS POLICIES, NOVEMBER 30, 1988, WASHINGTON, DC

As a recent graduate of Brown University, a former member of Brown's faculty committee on admissions and financial aid, and a current student at Yale Law School, I thank you for the opportunity to address this seminar. I will focus my comments on the admissions practices of private highly selective universities, particularly Brown, Harvard, and Stanford. I wish to emphasize that an Asian applicant denied admission to a private university would not challenge current affirmative action programs nor allege that a Black or Hispanic had gained entrance in place of a better qualified Asian. Instead, the basis of the claim would focus on the treatment of Asian-Americans compared with Caucasians, a group never intended to be the beneficiaries of affirmative action. My statement highlights some of the issues I raised in my comment entitled, "Assuring Equal Access of Asian-Americans to Highly Selective Universities," forthcoming in the January 1989 issue of the Yale Law Journal. A preliminary draft has been provided for you today as background information.

Since the early 1970's, admissions programs at many universities granted preferences to racial minorities, which frequently resulted in high admit rates for minority groups compared to Caucasians. Admit rates are the number of students admitted as a percentage of the total number of applicants in that category. Data from the Brown admissions office shows that prior to the Class of 1985, Asian-Americans [1] fared well in the admissions process. beginning with the 1985 class, however, Asian-Americans were admitted at a lower rate than Caucasians. The disparity continued until the Class of 1987, when only 14 percent of Asian applicants, compared to 19 percent of Caucasian applicants, were accepted for admissions. Although the number of Asian applicants continues to rise, the number of Asian candidates accepted remains fairly constant,[2] suggesting the *Existence of an Upper Limit Quota.* (refer to chart: admissions over a 13-year period) Similar disparities in admit rates occurred at harvard [3] and Stanford,[4] indicating a trend at the Nation's highly selective institutions.

In my Law Journal comment, I discussed and rejected a number of possible explanations for the disparity in admit rates between Asian and Caucasian applicants. Asian-American academic qualifications,[5] selection of competitive majors,[6] and extracurricular achievements,[7] reasons often cited, do not appear to account for the differential treatment of Asian candidates. Given the time limitations today, I would like to focus my statement on the three most disturbing explanations offered by admissions officers for the disparity in admit rates: First, Asian-Americans score lower on personal ratings; second, Asians are "overrepresented" on college campuses; and third, student body diversity justifies the limits on Asians admissions.

First, the suggestion that Asian-Americans perform less well on personal ratings. These judgments are inherently subjective, relying on personal interviews, recommendation letters, extracurricular activities, and personal essays. Highly selective universities have argued that one of their major objectives is to train future leaders, and that personal ratings permit admissions officers to evaluate an applicant's potential in this area. However, studies have demonstrated that the personal ratings used by admissions offices have little predictive power for assessing a candidate's future success.[8] Furthermore, the history of jewish admissions, a powerful analogy, reveals that while similar rationale was used to support the adoption of personal ratings in the 1920's, universities intended to use the measures for exclusionary purposes.[9] Finally, faculty committees at both Brown and Stanford, which investigated the charges of discrimination, found that anti-Asian biases affected the admissions decisions at both universities.

A second argument, as voiced by one dean at Harvard, is that Asian-Americans are "no doubt the most overpresented group in the university." This comment suggest that administrators are comparing the percentage of Asian-Americans in the student body with the U.S. census, rather than a more precise indicator of the potential applicant pool such as SAT testtaking rates. The problem is that institutions like Harvard fail to apply the concept of national representation consistently to reduce the number of other identifiable subgroups. As history reveals, "overrepresentation" was also used to impose a quota on Jewish students beginning in the 1920's. A reliance on census figures, moreover, would perpetuate the history of racism in U.S. immigration policy. Since Asian immigrants were excluded from America, or restricted to an annual quota of 100 per country historically, the growth and current size of the Asian-American population has been artificially constrained. Using the concept of "overrepresentation" to justify limits on Asian admissions perpetuates the denial of equal opportunity for Asian-Americans.

Finally, admissions officers have suggested that student body diversity mandates limitations on the numbers of Asians admitted. In *Regents of the University of California* v. *Bakke*, a 1978 Supreme Court decision, Justice Powell advocated diversity as a legitimate justification for university affirmative action programs which benefitted minorities including Asian-Americans. According to a Harvard assistant dean, admissions officers at highly selective universities, today, have suggested that the Asian applicant pool is "too homogenous." They have contended that "further increases of Asians would diminish the diversity of students for which [these universities] strive."

Such statements distort the concept of diversity; Justice Powell in *Bakke* advocated a program in which "race or ethnic background may be deemed a 'plus' in a particu-

lar applicant's file," with the ideal program being one which considers a broad array of qualifications and characteristics. Using diversity as a justification for limiting Asians, however, implies that an Asian's contribution to diversity derives solely from her race, and that her value is negated by the presence of too many others of her color. This narrow definition of diversity, used by universities, suggested that two Asian-American applicants are interchangeable simply because each can only add a fixed amount, because of her race, to the informal learning process among students. For institutions which purport to base admissions on individual attributes, this is clearly a contradiction.

The three frequently articulated reasons, lower Asian personal ratings, overrepresentation of Asian-Americans, and student body diversity, cannot serve as sound intellectual justifications for the limitations on Asian admissions. Asian-American applicants are not seeking preferential treatment nor challenging affirmative action programs. Asian-Americans merely demand that they be considered on an equal basis and have an equal opportunity as Caucasians to be admitted to the Nation's highly selective universities.

FOOTNOTES

[1] For the purposes of this statement, "Asian Americans" or "Asians" refers to Pacific and Asian Americans of Chinese, Japanese, Korean, Filipino, Vietnamese, Cambodian, Laotian, Asian Indian, Pacific Islander, and Thai descent.

[2] From Class of 1982 to Class of 1990, the number of Asian applicants grew from 307 to 1627, a 430% increase, while the number of Asians admiritted to Brown rose from 141 to 245, a 74% increase. Brown University, Undergraduate Admissions 29 (1987). Asian admit rates from Class of 1985 to Class of 1991 were 19%, 19%, 15%, 19%, 17%, 16%, and 20%. *Id.* at 29.

[3] From Class of 1982 to Class of 1991, the Asian admit rate at Harvard was 12%, 15%, 15%, 14%, 13%, 14%, 13%, 12%, 11%, and 12%. In contrast, the Caucasians were admitted at 17%, 16%, 15%, 16%, 18%, 19%, 18%, 17%, 18%, and 16%, an average of 4% higher than the Asian rates. Harvard University, Asian-Americans at Harvard: Beyond Representation Table 4 (Nov. 1987) (unpublished draft report).

[4] Between 1982 and 1985, "Asian-American applicants to Stanford had admission rates ranging between 66 percent and 70 percent of admission rates for whites." Stanford University, 1985-86 Annual Report of the Committee on Undergraduate Admissions and Financial Aids 5 (1986), *reprinted in* The Stanford University Campus Report, Nov. 12, 1986, at 14, col. 2.

[5] Based on SAT scores, achievement scores and class rank, the academic statistics of Asian American applicants are comparable, if not better, than the academic qualifications of Caucasian applicants to Brown University. Asian American Students Association (AASA), Asian American Admission at Brown University 7, Table 6 (Oct. 11, 1983). Similarly, Harvard's admissions office itself predicted that an average of 30% of Asian compared to 24% of Caucasian applicants from the Class of 1982 to 1990 would graduate with high honors from Harvard and concluded that Asian candidates were stronger academically. Harvard Report, *supra* note 3, at Table 2. Harvard's academic ratings are based on high school grades, recommendations, essays, and standardized test scores. *Id.* at 8. Stanford bases its academic ratings on grades, rigor and quality of high school programs, and test scores. An internal study found that even when the academic ratings of Asians and Caucasians are equal, Asians are admitted at a lower rate. Stanford University, CUAFA Subcommittee Report on Asian-American Admissions Table 5 (Feb. 23, 1986).

[6] Intended major is not an explicit criterion for admissions to Harvard, Stanford or Brown. Even if tentative selection of an engineering or other competitive major accounts for the low Asian admit rate, the rates for Asian applicants should be approximately equal to admit rates for Caucasians within that major. A Stanford report found, however, that for *every category* of intended majors, Asian Americans had a lower admit rate than Caucasians for the Class of 1989. CUAFA Subcommittee, *supra* note 5, at Table 8. At Brown, the perceived high number of "pre-med" applicants cannot account for the disparity in admit rates since only 15% of Asian American "pre-meds" were admitted compared to 18% of Caucasian "pre-med" cadidates for the Class of 1986. AASA Report, *supra* note 5, at Table 7.

[7] Stanford, which assigns each applicant a "non-${ho}academic rating" based on extracurricular achievements, found generally that even when Asians and Caucasians received the *same* non-${ho}academic rating, Asians were still admitted at a *lower* rate to the Class of 1989. CUAFA Subcommittee, *supra* note 5, Table 5. Other studies of Asian American high school students, while not describing the specific extracurricular achievements of applicants to Harvard and Brown, refute the stereotypical perception that Asians avoid extracurricular activities. *See* Peng, School Experiences and Performance of Asian-Pacific American High School Students Table 9 (1984) (U.S. Dept. of Education publication); The College Board, Profiles, College-Bound Seniors, 1985, at xix.

[8] For a summary of studies and criticism of the use of non-academic variables, see R. Klitgaard, Choosing Elites 134-41 (1985).

[9] Beginning in the 1920's, quotas were imposed on Jewish students at highly selective universities including Harvard, Yale, Princeton, and Columbia. In 1929, the Harvard Boad of Overseers recommended that "the rules for the admission of candidates be amended to lay greater emphasis on selection based on character and fitness and the promise of greatest usefullness in the future." M. Synnott, The Half Opened Door: Discrimination and Admissions at Harvard, Yale, and Princeton, 1900-1970, at 109. President Lowell stated that any test of character "passed with the intent of limiting Jews should not be . . . applicable to Jews and Gentiles alike." *Id.* at 63.

Assuring Equal Access of Asian Americans to Highly Selective Universities

(Grace W. Tsuang)

In the post-*Bakke* [1] era, many institutions of higher education have sought to maintain their commitment to minority admissions programs without the use of explicit racial quotas. In *Bakke,* Justice Powell deemed the Harvard Admissions Program, which considers race or ethnic background a "plus" in evaluating the applicant, the ideal means to achieve ethnic diversity.[2] Recently, critics have alleged that a new type of quota, established under the auspices of diversity, sets an upper limit on the number of Asian Americans [3] admitted to highly selective institutions.

This Note discusses the legal basis for a claim by an Asian American applicant denied admission to a public or private university due to an upper limit quota. An Asian applicant would not challenge the legality of preferential admissions nor allege that a Black or Hispanic had gained entrance in place of a better qualified Asian. Instead, the basis of the claim and, thus, the bulk of the data presented here, would focus on the treatment of Asian Americans compared with Caucasians, a group never intended to be the beneficiaries of affirmative action. An Asian applicant would not seek special consideration because of her race, but equitable treatment regardless of her race.

The statistics presented in Section I provide an overview of the Asian admissions problem as exemplified by four universities and outline the type of evidence plaintiffs should seek during discovery to challenge a university's admissions practices. Section II analyzes available legal theories and sets forth the type of allegations that should be included in a complaint against any institution. Finally, Section III offers suggestions for fashioning a remedy that would enhance the fairness of admissions practices and reduce the obstacles faced by Asians seeking entrance to the nation's highly selective universities.

I. Evidence of Quotas on Asian American Admissions

This Section focuses on the admissions criteria used at the University of California at Berkeley (Berkeley), Stanford, Harvard, and Brown Universities,[4] and considers possible explanations for the lower numbers of Asian Americans admitted.

A. The evolution of upper limit quotas on Asian Americans

In the early 1970's, major universities adopted affirmative action programs for minority admissions which included Asian Americans within their guidelines.[5] The number of Asian American students increased gradually until the 1980's, when the size of the Asian applicant pool escalated dramatically as a result of liberalized immigration policies [6] and an overall rise in the number of potentially qualified Asian applicants.[7] At present Berkeley and Stanford do not consider Asians a protected minority,[8] Brown does not address their status in the admissions process,[9] and Harvard gives "positive weight" to Asian applicants.[10]

Admissions programs at many institutions granted preferences to racial minorities in the selection process,[11] which frequently resulted in high admit rates [12] for minority groups compared to Caucasians. Statistics from the Brown Admissions Office reflected such patterns.[13] Beginning with the Class of 1985, however, Asian Americans were admitted to a lower rate than Caucasians, and the disparity continued until the Class of 1987, when only 14% of Asian applicants, compared to 19% of Caucasian applicants, were accepted for admissions. Although the number of Asian applicants continued to escalate, the number of Asian candidates accepted remained fairly constant,[14] suggesting the existence of an upper limit quota. Similar disparities in admit rates occurred at Harvard [15] and Stanford,[16] suggesting a trend at the nation's highly selective institutions.

B. Academic qualifications and Asian admit rates

One possible explanation for the disparity between Asian and Caucasian admit rates is that Asian applicants are less academically qualified than Caucasian candidates. At Berkeley, the Auditor General of California found that from 1981 to 1987, Caucasians gained admission to Berkeley's five colleges at rates generally higher than those of Asians,[17] even though Asian applicants overall had higher grade point averages and standardized test scores. While each of Berkeley's five colleges has its own admissions formula, applicants to each college are evaluated according to a two-tiered system adopted in 1985.[18] Students in the first tier are admitted solely on the basis of scholastic criteria (grade point average, SAT scores, and three achievement tests), while students in the second tier are evaluated both on scholastic and non-academic criteria (supplemental criteria) or are admitted through various "protected programs." [19] From 1985 to 1987, the Auditor General found that for the College of Letters and Science, which accounts for seventy-eight percent of the student body [20] "the Tier 1 admission rates of Asians were higher than the admission rates of Caucasians" in all three years, while "the Tier 2 admission rates of Caucasians were higher than the

Tier 2 admission rates of Asians in all three years." [21] This finding suggests that Asian applicants perform better than Caucasians on strictly academic criteria [22] and implies that the use of Tier 2 methodology has a detrimental impact on Asians.

A confidential Harvard report of applicants from the Class of 1982 to Class of 1990 similarly undercuts the scholastic qualifications argument. Harvard's Admissions Office predicted that an average of 30% of Asian applicants compared to 24% of Caucasian applicants would graduate with high honors from Harvard and concluded that Asian candidates were stronger academically.[23] While Harvard, Brown, and Stanford do not claim that they admit applicants exclusively on the basis of scholastic ability, academic qualifications presumably play a significant role in the selection process.[24] The available evidence on academic performance of Asians undermines this presumption and suggests that scholastic ability cannot account for the discrepancy in admit rates.

C. Non-academic qualifications of Asian American applicants

Some university officials argue that while Asian Americans score high on academic ratings, they perform less well on personal ratings.[25] According to these administrators, Asian candidates tend to concentrate in the sciences or seek admissions to highly selective programs, are less well-rounded, and generally score lower on non-academic qualifications. Each of these claims is based on questionable racial stereotypes.

1. Intended majors

An applicant's intended major is not an explicit criterion for admissions to Stanford, Harvard, or Brown.[26] Even if the tentative selection of a competitive major was to account for the low Asian admit rate, the rates for Asian applicants should be approximately equal to admit rates for Caucasians within that major. A confidential Stanford report found, however, that for *every* category of intended majors, Asian Americans had a lower admit rate than Caucasians for the Class of 1989.[27]

Brown's Director of Admissions has stated that the low Asian admit rate is caused by the overwhelming number of Asians applying as "pre-meds." [28] In response, the Asian American Students Association has alleged that the Director has never defined what constitutes a "pre-med;" instead, he bases his determination on subjective considerations and stereotypes of Asian applicants.[29] Brown's Faculty Committee on Minority Affairs (COMA) rejected the myth that there are too many Asian "pre-meds" and found that the "claim results from a reliance on inference and not necessarily on the declared [major] of the applicant." [30]

Berkeley administrators have also suggested that the low Asian admit rate is caused by the high number of Asians applying to the College of Engineering.[31] Yet in Berkeley's two largest engineering departments, Caucasian admit rates still exceeded Asian admit rates in all seven years studied.[32] Thus, the competitiveness of admissions to this college cannot account for the disparity between Asian and Caucasian admit rates.[33]

2. Extracurricular activities

Admissions officers have claimed that Asians participate in fewer extracurricular activities in high school than their Caucasian counterparts,[34] and have characterized Asian applicants as "one-dimensional." [35] Stanford, which assigns each applicant a "non-academic rating" based on extracurricular achievements, found generally that even when Asians and Caucasians received the same non-academic rating, Asians were still admitted at a lower rate to the Class of 1989.[36] Other studies of Asian American high school students, while not describing the specific extracurricular achievements of applicants to Harvard, Brown, and Berkeley, refute the stereotypical perception that Asians avoid extracurricular activities.[37]

3. Personal Ratings

The third and most problematic rationale offered by admissions officers for the disparity is that Asian Americans score lower on personal ratings.[38] Such judgments are inherently subjective, relying on the admissions officers' interpretation of personal essays, extracurricular activities, high school recommendations, and reports of interviews conducted by admissions officers or college alumni. Brown's COMA discovered that Asian applicants received comparatively low personal ratings, but concluded that the "unjustified low ratings are due to the cultural biases and stereotypes which prevail in the admissions office. Such biases and stereotypes prevent admissions officers from appreciating and accurately evaluating the backgrounds and nuances of the Asian American cultural experience." [39]

Stanford's Committee on Undergraduate Admissions and Financial Aids (CUAFA) found that academic and extracurricular ratings, declared majors, legacies,[40] athletics, and geographic origin could not account for the low Asian admit rate.[41] Implicitly, the only remaining explanation was that Asians received lower personal ratings. The Committee concluded that there were real or perceived differences [42] in the subjective materials and/or that "unconscious biases have influenced the admissions decisions." [43]

While colleges may pursue legitimate goals through their admissions processes, the use of personal ratings has a disparate impact on Asian applicants. Such criteria should be a principal focus of a legal challenge.

II. LEGAL ANALYSIS

An Asian American plaintiff could predicate her cause of action on either a statutory or a constitutional theory. Supreme Court jurisprudence suggests that a case filed under Title VI regulations,[44] which incorporate a disparate impact standard, would offer the greatest possibility of success. The admissions practices of the three private universities serve as examples for this legal theory, although a suit against a public institution should also include a Title VI disparate impact claim.

The constitutional theory, based on the equal protection clause of the Fourteenth Amendment,[45] is another means for attacking upper limit quotas at public institutions. Such a claim would require a demonstration of discriminatory intent. While the constitutional analysis will focus on Berkeley's admission policies, its significance for private universities should not be disregarded, since a suit filed on the basis of Title VI,[46] as distinguished from Title VI *regulations*, would require a showing of intent identical to the constitutional standard.[47]

A. The Legacy of Racial Discrimination

Both the equal-protection clause and Title VI are designed to protect against discimination on the basis of race or national origin. While Asian Americans are entitled to such protection, these formal rules have not been applied as rigorously to safeguard the rights of Asian Americans throughout most of American history. For example, in *Korematsu v. United States*,[48] the Court purportedly applied strict scrutiny, the most exacting level of judicial review, but nonetheless upheld the mass internment of 110,000 Japanese Americans during World War II on the basis of "military urgency."[49] In stark contrast, Germans and Italians were subject to individual review.[50] This fact, combined with the legacy of state-sponsored discrimination against Asians,[51] forms the backdrop to the allegations of upper-limit quotas on Asian American applicants.

Quotas on the admissions of identifiable minorities are also a part of America's past. The current claims bring to mind the quotas imposed on Jewish students at Harvard, Yale, Princeton, and Columbia beginning in the 1920's.[52] University officials used similar techniques such as personal ratings, and stated similar reasons such as the need to preserve college traditions and student body diversity to justify the limitations.[53] Historic discriminatory practices are now directed at the newest immigrant group to challenge the racial composition of highly selective institutions.

B. The standard for a title VI claim

The legislative history of Title VI fails to provide clear guidance on the meaning of "discrimination," [54] but subsequent Supreme Court decisions, beginning with *Lau v. Nichols*,[55] have clarified the standard for a Title VI claim. The *Lau* Court adopted the effects test for Title VI,[56] relying on regulations issued by the Department of Health, Education, and Welfare.[57] Although *Bakke* cast doubt on the continuing validity of *Lau*,[58] seven Justices in *Guardians Association v. Civil Service Commission of New York* [59] agreed that the Title VI standard is identical to the constitutional standard—both require proof of discriminatory intent.[60] However, five Justices concluded that proof of disparate impact is sufficient to establish a violation under the *regulations* adopted pursuant to Title VI.[61] A unanimous Court in *Alexander v. Choate* [62] clarified the apparent contradiction by reading *Guardians* to hold that "Title VI itself directly reached only instances of intentional discrimination," but "actions having an unjustifiable disparate impact on minorities could be redressed through agency regulations designed to implement the purposes of Title VI." [63]

Although Title VI applies to the admissions practices of private universities that receive federal funds,[64] an Asian plaintiff would stand a greater chance of success by filing a suit under Title VI regulations.[65] Since *Guardians*, six circuits have stated that a cause of action premised on Title VI regulations does not require proof of discriminatory intent.[66]

1. Admissions practices of private universities subject to attack

An Asian American plaintiff must allege that specific admissions practices or policies have a disparate impact on Asian applicants; this Section examines two such practices.

a. Personal Ratings

An Asian plaintiff could plead the racially nondiscriminatory personal ratings employed by Stanford, Harvard, and Brown have a disparate impact on Asian candidates and are not related to educational performance. An applicant could also rely on the findings of investigations at Brown [67] and Stanford [68] if she were to file suit against either institution. Both reports, based on testimonies of admissions officers, acknowl-

edge the existence of conscious or unconscious biases against Asian applicants, as reflected in low personal ratings, and suggest that such biases may influence admissions decisions at other universities.

b. Benchmark System

Some highly selective universities have used "historic benchmarks" or target systems[69] to determine the composition of each entering class. A Brown study[70] revealed that the use of such benchmarks by the admissions office served to perpetuate the existing racial composition of the university, to the detriment of rapidly expanding groups within the applicant pool. Each fall, the admissions office establishes a set of enrollment goals based on the structure of previous year's matriculating freshman class. The number of admittees is monitored throughout Brown's admissions seasons to ensure that the relative proportions of identifiable groups, such as athletes, minorities, and alumni children, remain fairly constant from year to year. However, this type of admissions process fails to account for demographic changes. As a result, the use of benchmarks at Brown[71] has a detrimental impact on Asians, the fastest growing applicant group.[72]

2. Potential defenses of private universities

The defenses which highly selective universities may assert are unknown since this sort of claim has not yet been litigated. However, several likely defenses can be anticipated.

a. Personal Ratings Serve an Educational Purpose

Once a prima facie case has been established, the burden of proof shifts to universities to "demonstrate that the requirement which caused the disproportionate impact was required by educational necessity."[73] Highly selective universities may argue that one of their major objectives is to train future leaders,[74] and that subjective standards permit admissions officers to evaluate this potential. If so, personal ratings should bear some correlation to this goal. However, it is not clear that interviews, personal essays, or recommendations can adequately evaluate personal traits, much less predict an applicant's future contributions to society. In fact, studies have demonstrated that personal ratings used by admissions offices have little predictive power for assessing a candidate's future success.[75] Furthermore, the history of Jewish admissions reveals that while similar reasons were used to support the adoption of subjective criteria in the 1920's, universities intended to use the measures for exclusionary purposes.[76]

b. Legacy and Athletic Admissions

Harvard and other selective universities have stated that low Asian admit rates result partially from the "very few Asian-Americans in our applicant pool who are alumni/ae children or prospective varsity athletes."[77] The relationship between an athletic program and the institutional purpose of a highly selective college is ambiguous, although a winning football team may induce alumni donations to the general fund.[78] Admissions of alumni children, however, may be justified by legitimate financial concerns because these admissions often encourage alumni contributions. While catering to current alumni without weighing the future contributions of potential Asian alumni is shortsighted, this may be the strongest defense available to a university.[79]

Despite the strength of this argument, universities may hesitate to use this defense because efforts to justify the rejection of competitive Asian applicants solely on the basis of legacy and athletic admissions would portray highly selective universities as institutions that cater to their alumni and football coaches in pursuit of increased donations. This concession could severely undermine the image of a meritocratic admissions process which highly selective universities seek to project to society at large.[80]

c. Diversity

Justice Powell advocated diversity[81] as a legitimate justification for preferential admissions on the ground that a diverse student body promotes an "atmosphere of 'speculation, experiment and creation.'"[82] Since *Bakke*, universities have successfully relied upon diversity to validate such programs,[83] and they are likely to raise diversity as a defense to allegations of an upper limit on Asian Americans.[84] According to an assistant dean at Harvard, admissions officers at prestigious institutions have contended that "further increases of Asians would diminish the diversity of students for which [these universities] strive" and have suggested that the Asian applicant pool is "too homogeneous."[85]

Such statements distort the concept of diversity; Justice Powell advocated a program in which "race or ethnic background may be deemed a 'plus' in a particular applicant's file, yet it does not insulate the individual from comparison with all other candidates for the available seats."[86] Such a program would not grant or deny admissions solely on the basis of an applicant's race, but would consider a "broader array of qualifications and characteristics."[87] Using diversity as a justification for limiting Asians, however, implies that an Asian applicant's contribution to diversity derives solely from her race, and that her value is negated by the presence of too many others of her color; her "plus" ceases to exist and instead acts as a negative. For institutions that purport to base admissions decisions on individual attributes, this is a clear contradiction.

Furthermore, Justice Powell certainly did not intend diversity to be used as a justification for discrimination against racial minorities. Efforts to limit the number of Asian admittees do in fact "establish a quota in the invidious sense of a ceiling on the number of minority applicants to be admitted."[88] Universities have distorted diversity, transforming what was intended to be a shield for preferential admissions[89] into a sword against a minority group seeking admissions.

d. Overrepresentation

One dean at Harvard voiced a related theme, which may be used as a defense against allegations of a quota, by stating that Asian Americans are "no doubt the most over-represented group in the university."[90] The claims of Asian "overrepresentation" suggest that administrators have some ideal racial balance in mind, partially based on census figures and on the benchmark system, but not on the differential SAT test-taking rates between Asian Americans and Caucasians.[91]

First, institutions like Harvard fail to apply the concept of national representation consistently,[92] and as history reveals, identical reasons were used to impose a quota on Jewish students.[93] Furthermore, if admissions are determined by current census figures, such practices would perpetuate the history of "[r]acism in U.S. immigration policy."[94] Using "overrepresentation" to justify limits on Asian admissions perpetuates the denial of equal opportunity for Asian Americans.

B. The standard for an equal protection claim

The constitutional standard requires evidence of discriminatory intent or purpose in order to establish a violation of the equal protection clause and, following *Guardians*, Title VI. The decisionmaker must have "selected or reaffirmed a particular course of action at least in part 'because of,' not merely 'in spite of,' its adverse effects upon an identifiable group.'"[95] A plaintiff suing a public university under the equal protection clause must demonstrate that impermissible motives, not the neutral explanations offered, account for the university's action.[96] The intent requirement is a formidable barrier, raising questions such as whose intent is relevant and how much illicit intent is required. A court will inquire into "circumstantial and direct evidence of intent as may be available,"[97] including whether the official action bears more heavily on one race than another, whether a clear pattern emerges, whether the sequence of events reveals the decisionmaker's purpose, whether decisionmakers departed from normal procedures or policies, and whether contemporaneous statements by parties involved shed light on motivation and intent.[98]

1. Policies of a Public University Subject to Attack

At Berkeley, the sharp decline in the number of newly enrolled Asian Americans from 1,303 in 1983 to 1,031 in 1984, a 20.9% drop in one year, suggested that new admissions policies may have been adopted.[99] The Asian community alleged that Berkeley had instituted a minimum 400 SAT verbal score, a policy with a detrimental impact on immigrant Asians, to limit Asian admissions.[100] While Berkeley may have a legitimate interest in assuring the English competence of its students, the Chancellor never acknowledged and repeatedly denied the existence of a minimum verbal score.[101] Finally, under pressure from the Asian Community, the Chancellor admitted that such a policy had indeed been adopted in 1984, but was withdrawn after a brief time.[102] The dispute fueled suspicion that Berkeley had covertly adopted guidelines which, though neutral on their face, caused an inevitable or foreseeable drop in Asian American admissions.[103]

The decline in Berkeley's Asian enrollments can also be attributed to a 1984 decision, made without the participation of the faculty committee on Admissions and Enrollment,[104] to remove the "protection" for Educational Opportunity Program (EOP)[105] applicants and to "redirect" EOP students "who were not Black, Hispanic or Native American" to other U.C. campuses.[106] This was the first time that EOP, a program designed to promote access to Berkeley for all economically disadvantaged students regardless of race, acquired a racial criterion.[107] The decision affected three times as many Asians as Caucasians,[108] since a larger proportion of Asian applicants come from disadvantaged backgrounds.[109] While disparate impact is not "the sole touchstone of an invidious racial discrimination,"[110] such policy changes, accompanied by the disparity between Asian and Caucasian admit rates over a seven year period, suggest that Berkeley may have intended to decrease the number of Asians admitted.

It is, however, unclear what weight the Supreme Court will give to statistical disparities in determining discriminatory

intent. It appears that while statistical disparities can support a claim of discriminatory intent, the disparity has to be quite substantial before the Court will deem the state action violative of the equal protection clause.[111]

An Asian plaintiff can also allege that sudden policy changes provide evidence of discriminatory intent.[112] U.C. administrators were aware that Asians performed well academically, but the percentage of students admitted on the basis of scholastic criteria alone declined from 60% in 1985 to 50% in 1986 to 40% in 1987,[113] without any explanation.

Furthermore, in response to the allegation that supplementary criteria (based on extracurricular activities, personal essays, and English and foreign language requirements) favored Caucasians, the Auditor General reviewed the Tier 2 supplemental criteria scores of 100 Caucasians and 100 Asians who applied to Berkeley in 1985 and 1986. The investigation showed that Asians had marginally higher supplementary scores than Caucasians in both years.[114] If Asians in the applicant pool as a whole outscore Caucasians on both scholastic and supplemental criteria, no nondiscriminatory reason can account for the disparity in admit rates.

Finally, although he later stated that he was misinterpreted,[116] the President of the University of California asserted in an interview that Asian Americans "are in the university well above their representation in the high school graduation pool," while Caucasian students are "underrepresented in the entering freshman classes."[116] At another U.S. campus, UCLA's Director of Admissions explicitly recognized that such efforts to address the "under-representation" of Caucasians will reduce the numbers of Asians admitted.[117] While each piece of evidence alone may not be sufficient to establish discriminatory intent, the combination of all such factors may satisfy the constitutional standard.[118]

2. Potential defenses of a public university

After an Asian plaintiff establishes a prima facie case, Berkeley will have the opportunity "to rebut the presumption of unconstitutional action by showing . . . permissible racially neutral selection criteria . . . ."[119] Berkeley probably will seek to demonstrate that the use of minimum SAT scores and supplemental criteria, and the redirection of EOPs are necessary to improve academic qualifications or to increase student body diversity. The university may also rely on the athletic admissions and the overrepresentation defenses.[120] However, the plaintiff need not show that the invidious purpose was the sole motivation,[121] but that the new policies were adopted in part "because of" a desire to limit the number of Asian admittees. The existence of a permissible motive "would not render nugatory the purpose of discriminate. . . ."[122]

III. REMEDIES

An Asian American plaintiff could seek an injunction[123] against a university, whether public[124] or private, to halt its discriminatory practices against Asian applicants.[125] In certain circumstances, a request for damages may also be appropriate.[126] The following recommendations set forth possible elements of an injunction, to be modified as information concerning the admissions process becomes available through discovery.

A major impediment to increasing Asian American admissions appears to be the use of historic benchmarks.[127] An injunction could require a university to discontinue the use of benchmarks that serve as upper limit quotas[128] on candidates from rapidly increasing applicant pools.

The creation of an Asian recruitment coordinator position[129] could reduce the hurdles faced by Asian applicants in the advocacy admissions process[130] used by some highly selective universities. The Asian recruitment coordinator could be assigned to a region of the country with a large number of Asian candidates and also play an informal role in educating fellow admissions officers in the difficult process of overcoming stereotypes. In addition, as the implications of cross-cultural differences,[131] and their effects on the admissions process, are evaluated at trial, a plaintiff could consider methods to ameliorate the disparate impact of personal ratings on Asian American applicants. She could seek to modify the use of interviews, personal essays, and recommendation letters.

Furthermore, the university should be required to articulate in its application materials the criteria, specifically the subjective considerations, which serve as the basis for admissions decisions.[132] A task force consisting of admissions officers, university administrators, community leaders, educators, and psychologists could work together to formulate the most suitable admissions standards, and the most effective means to articulate such standards, given the relevant educational objectives. The university also should be required to submit annual reports[133] to the court and to the plaintiff's attorney documenting the admit rates for Asian Americans compared to Caucasians. A reporting requirement would push a university to be vigilant in its efforts to eliminate discriminatory barriers for Asian applicants and would also provide an external monitoring mechanism.[134]

While such policy changes may not ensure high Asian admit rates, they can serve to eliminate discriminatory and arbitrary barriers to highly selective universities for all applicants.

IV. CONCLUSION

This Note has provided a framework for examining the allegations of an upper limit quota on Asian American admissions. The four sample universities have illustrated the type of evidence necessary to challenge the admissions process and the legal theories upon which to plead a complaint. A suit can be brought against a public institution based on either the equal protection clause or Title VI, but such a suit would require evidence of discriminatory intent and would encounter difficult proof problems. A more promising approach is to challenge either a public or a private university on the basis of Title VI regulations, incorporating a disparate impact standard. If an Asian plaintiff is successful, a court order could mandate changes in specific admissions practices and require universities to articulate their subjective criteria for determining admissions.

The Asian admissions issue raises complex questions which may be unresolvable, but ultimately, it calls for an affirmation of the principles of racial equality fundamental to the promise of America.

FOOTNOTES

[1] In Regents of Univ. of Cal. v. Bakke, 438 U.S. 265 (1978), a Caucasian applicant to the University of California (U.C.) at Davis Medical School claimed that the special admissions program, which reserved 16 places in a class of 100 for minorities, violated his rights under the equal protection cause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964. In a complicated plurality opinion, Justice Powell, with Justices Stevens, Burger, Stewart, and Rehnquist concurring in the judgment in part, held that the racial classifications used in the admissions program failed the "strict scrutiny" test and violated the equal protection clause. *Id.* at 305, 320. However, Justice Powell, with Justices Brennan, White, Marshall, and Blackmun concurring in the judgment in part, next held that race can still be considered a factor in admissions decisions. *Id.* at 320.

[2] Justice Powell, however, was the sole member of the Court to justify preferential admissions on the basis of "diversity," *Id.* at 315–19 (Powell, J.).

[3] Since the term "Asian Americans" encompasses individuals from a variety of cultural, historic, and ethnic backgrounds, it raises the definitional problem of who should be included in the group, and whether "Asian Americans" should be viewed as a group at all. While these are important issues, most universities, with the exception of the U.C. system, collect data only on "Asian Americans" and/or "Oriental Americans," and thus, treat Asians as a single group. For the purposes of this Note, "Asian Americans" or "Asians" refers to Americans of Chinese, Japanese, Korean, Filipino, Taiwanese, Vietnamese, Cambodian, Laotian, Asian Indian, Pacific Islander, and Thai descent.

[4] Berkeley receives a high number of applications from Asians because of the increasing number of Asian residents in its vicinity. *See* BUREAU OF THE CENSUS, 1980 CENSUS OF POPULATION vol. 1, ch. D, pt. 6, at 7; vol. 1, ch. B, pt. 6, at 26 (estimating that Asians comprise 6% of the total population of California and 22% of the population of San Francisco). Stanford is an appropriate subject for study because it is also located in California, and it has analyzed its admission process. Cited by Justice Powell as an "illuminating example," *Bakke*, 438 U.S. at 316, Harvard's current practices should be scrutinized. Finally, in response to student allegations of a quota on Asians, Brown has examined and produced a report on its internal admissions process. Similar claims of discrimination have also been raised at Princeton, Yale, and UCLA. *See* Nakanishi, *Asian Pacific Americans and Selective Undergraduate Admissions*, J.C. ADMISSIONS, Winter 1988, at 18 (discussing Princeton, Yale, and UCLA). Since the complete admissions records of private institutions are not available to the general public, the statistics presented in this Note are limited and do not necessarily examine the same set of Asian and Caucasian candidates at each institution. But a plaintiff should seek to expand the data presented here through the discovery process.

[5] *E.g.*, U.C. Davis Medical School included Asians within its student affirmative action programs. *Bakke*, 438 U.S. at 274 (Powell, J.).

[6] Hune, *U.S. Immigration Policy and Asian Americans: Aspects and Consequences*, in U.S. COMMISSION ON CIVIL RIGHTS, CIVIL RIGHTS ISSUES OF ASIAN AND PACIFIC AMERICANS: MYTHS AND REALITIES 283–86 (1979); *See also* U.S. DEPT. OF JUSTICE, 1986 STATISTICAL YEARBOOK OF THE IMMIGRATION AND NATURALIZATION SERVICE Table 2 (1987) (153,000 Asian immigrants entered the U.S. from 1951–60, compared to 428,000 from 1961–70 and 1,588,000 from 1971–80).

[7] The explosion in the number of Asian SAT test-takers, an exam required at all four universities discussed in this Note, illustrates the changing demographic composition of the applicant pool. From 1978 to 1988, the number of Asian SAT test-takers increased 177% (from 23,152 to 64,102), compared to 10% for Caucasians (from 742,154 to 813,116). COLLEGE BOARD, NATIONAL REPORT: COLLEGE-BOUND SENIORS, 1978, at 15; COLLEGE BOARD, COLLEGE-BOUND SENIORS: 1988 PROFILE OF SAT AND ACHIEVEMENT TEST-TAKERS 6.

[8] Berkeley excludes from its "protected programs" all Asians, as defined in *supra* note 3, except for Filipinos. REPORT BY THE AUDITOR GENERAL OF CALIFORNIA, A REVIEW OF FIRST-YEAR ADMISSIONS OF ASIANS AND CAUCASIANS AT THE UNIVERSITY OF CALIFORNIA AT BERKELEY 5 (Oct. 1987) [hereinafter AUDITOR GENERAL'S REPORT]. Stanford's catalogue states: "Given our goal of achieving a richly diverse student population, we do make special efforts to attract, [and] admit . . . students who are Black, Mexican American, and American Indian." STANFORD UNIVERSITY, STANFORD TODAY 1988–89, at v (1988) [hereinafter STANFORD TODAY].

[9] Brown, however, lists Asians in its compilation of minority admissions. BROWN UNIVERSITY, REPORT TO SCHOOLS 5 (Sept. 1987).

[10] In a confidential document, Harvard's Dean of Admissions stated, "The Admissions Committee gives positive weight to . . . Asian-Americans be-

cause of [their] particular . . . ethnic and cultural experiences. . . ." HARVARD UNIVERSITY, ASIAN-AMERICANS AT HARVARD: BEYOND REPRESENTATION 4 (Nov. 1987) [hereinafter HARVARD REPORT] (unpublished draft report) (on file with author).

[11] Preferential admissions was sanctioned by five Justices in *Bakke*. *See supra* notes 1-2.

[12] The admit rate is the number of students admitted as a percentage of the total number of applicants in that category.

[13] *E.g.*, admit rates for Class of 1982 were 47% for Asians, 26% for Caucasians; 26% Asian versus 23% Caucasians for Class of 1983; and 23% Asian versus 20% Caucasian for Class of 1984. BROWN CORP. COMM. ON MINORITY AFFAIRS, STATISTICAL SUMMARY BY THIRD WORLD CATEGORIES FOR CLASSES '79-'87 (June 3, 1983), *reprinted in* ASIAN AMERICAN STUDENTS ASSOCIATION (AASA). ASIAN AMERICAN ADMISSION AT BROWN UNIVERSITY Tables 2a, 2b (Oct. 11, 1983) [hereinafter AASA REPORT].

[14] From Class of 1982 to Class of 1990, the number of Asian applicants grew from 307 to 1627, a 430% increase, while the number of Asians admitted to Brown rose from 141 to 245, a 74% increase. BROWN UNIVERSITY, UNDERGRADUATE ADMISSIONS 29 (1987). Asian admit rates from Class of 1985 to Class of 1991 were 19%, 19%, 15%, 19%, 17%, 16%, and 20%. *Id.*

[15] From Class of 1982 to Class of 1991, the Asian admit rates at Harvard were 12%, 15%, 15%, 14%, 13%, 14%, 13%, 12%, 11%, and 12%. In contrast, the Caucasian rates were 17%, 16%, 15%, 16%, 18%, 19%, 18%, 17%, 18%, and 16%, an average of four percentage points higher than the Asian rates. HARVARD REPORT, *supra* note 10, at Table 4. *See infra* note 71.

[16] Between 1982 and 1985, "Asian-American applicants to Stanford had admission rates ranging between 66 percent and 70 percent of admission rates for whites." STANFORD UNIVERSITY, 1985-86 ANNUAL REPORT OF THE COMMITTEE ON UNDERGRADUATE ADMISSIONS AND FINANCIAL AIDS 5 (1986), *reprinted in* The Stanford University Campus Report, Nov. 12, 1986, at 14, col. 2 [hereinafter CUAFA REPORT].

[17] AUDITOR GENERAL'S REPORT, *supra* note 8, at P-722, S-4.

[18] *Id.* at 9-15.

[19] *Id.*

[20] OFF. OF INSTITUTIONAL RESEARCH AND OFF. OF STUDENT RESEARCH, CAMPUS STATISTICS FOR THE UNIV. OF CAL. AT BERKELEY FALL 1987, at 1-2 (1987).

[21] AUDITOR GENERAL'S REPORT, *supra* note 8, at 48.

[22] According to the admissions criteria established by the state legislature, 15.8% of 1986 Caucasian high school graduates, compared to 32.8% of Asian graduates, were eligible for freshmen admissions to the U.S. system. CALIFORNIA POSTSECONDARY EDUCATION COMMISSION, ELIGIBILITY OF CALIFORNIA'S 1986 HIGH SCHOOL GRADUATES FOR ADMISSION TO ITS PUBLIC UNIVERSITIES 15 (Mar. 21, 1988). *See infra* text accompanying notes 113-14.

[23] HARVARD REPORT, *supra* note 10, at Table 2. Harvard's academic ratings are based on high school grades, recommendations, essays, and standardized test scores. *Id.* at 8. Stanford bases its academic ratings on grades, rigor and quality of high school programs, and test scores. A confidential study found that even when the academic ratings of Asians and Caucasians are equal, Asians are admitted at a lower rate. STANFORD UNIVERSITY, CUAFA SUBCOMMITTEE REPORT ON ASIAN-AMERICAN ADMISSIONS Table 5 (Feb. 23, 1986) [hereinafter CUAFA SUBCOMMITTEE] (on file with author).

[24] *E.g.*, "The primary criterion for admission is academic excellence." STANFORD TODAY, *supra* note 8, at 108.

[25] The decision-making process at HARVARD relies on academic qualifications and "personal qualities and character." HARVARD UNIVERSITY, OFFICIAL REGISTER OF HARVARD UNIVERSITY 1988-89, at 19 (1988) [hereinafter HARVARD REGISTER]. Stanford relies on "academic excellence" and "personal achievement." STANFORD TODAY, *supra* note 8, at 108. Brown requires high school counselors to evaluate candidates on the basis of "intellectual ability and achievement," and "character and personality." BROWN UNIVERSITY, APPLICATION TO THE COLLEGE 2A (1988-89) [hereinafter BROWN APPLICATION].

[26] "An applicant's intended major is not taken into account when we make our admissions decisions." STANFORD TODAY, *supra* note 8, at vi. "[A] student's academic preference does not limit his chances for admission." HARVARD REPORT, *supra* note 10, at 10. "University policy dictates that no candidate for admissions be denied solely on the basis of the degree program for which he or she seeks consideration." BROWN APPLICATION, *supra* note 25, at 16.

[27] CUAFA SUBCOMMITTEE, *supra* note 23, at Table 8.

[28] "The vast majority of Asian-Americans applying here, 70 to 75 percent, are premedical students," according to Brown's Director of Admissions. "The question is not one of race, it's academic balance." *Asian-Americans Question Ivy League's Entry Policies*, N.Y. Times, May 30, 1985, at B1, col. 3. Brown's internal statistics reveal that only 39 percent of Asian applicants for the Class of 1986 were premedical students. AASA REPORT, *supra* note 13, at Table 7.

[29] Brown Daily Herald, May 8, 1986, at 10, col. 3.

[30] BROWN UNIVERSITY, REPORT TO THE CORP. COMM. ON MINORITY AFFAIRS FROM ITS SUBCOMM. ON ASIAN AMERICAN ADMISSIONS 3 (Feb. 10, 1984) [hereinafter COMA REPORT].

[31] *When Being Best Isn't Good Enough*, L.A. Times, July 19, 1987, (Magazine), at 28.

[32] The disparity in admit rates between Asian and Caucasian Engineering applicants varied from a high of 10.7 percent in 1983, to a low of 2.2 percent in 1987. AUDITOR GENERAL'S REPORT, *supra* note 8, at 58-65.

[33] Statistics from UCLA also reveal that the Asian admit rate to the School of Engineering is consistently lower than the Caucasian admit rate, Nakanishi, *supra* note 4, at 22.

[34] Biemiller, *Asian Students Fear Top Colleges Use Quota System*, Chroncile Higher Educ., Nov. 19, 1986, at 34.

[35] COMA REPORT, *supra* note 30, at 9.

[36] CUAFA SUBCOMMITTEE, *supra* note 23, at Table 5.

[37] A Department of Education study of 58,000 high school students found that 13 percent of Asian Americans participated in band or orchestra compared to 14 percent of Caucasians. The rates for debating or drama were 9 percent and 13 percent, respectively. Asians, however, had higher participation rates for sutdent government (21 percent versus 16 percent for Caucasians) and honorary clubs (28 percent versus 17 percent for Caucasians). PENG, SCHOOL EXPERIENCES AND PERFORMANCE OF ASIAN-PACIFIC AMERICAN HIGH SCHOOL STUDENTS TABLE 9 (1984) (U.S. Dept. of Education publication). Profiles of SAT candidates also indicated that "Asian-American students [were] more likely to participate in social, ethnic, or community organizations" than other SAT candidates. THE COLLEGE BOARD, PROFILES COLLEGE-BOUND SENIORS, 1985, at xix [hereinafter 1985 SAT PROFILES].

[38] COMA REPORT, *supra* note 30, at 4.

[39] *Id.*

[40] Children of alumni, and at times faculty, are categorized as legacies and receive preferences in the admissions process.

[41] CUAFA REPORT, *supra* note 16, at 14, col. 2.

[42] "[D]escriptions of 'focused interest,' especially in science or engineering, might be interpreted positively when applied to whites ('the student delves deeply into one topic and learns it thoroughly'), and negatively when applied to Asian Americans ('the student has narrow interests'). *Id.* at 14, col. 3.

[43] *Id.* After the extensive study, Stanford's Asian admit rates, which were previously only 65% to 70% of Caucasian admit rates, rose to 89% of Caucasian rates for the Class of 1990. Bunzel & Au, *Diversity or Discrimination? Asian Americans in College*, PUB. INTEREST, Spring 1987, at 61.

[44] According to Title VI regulations issued by the Department of Education, recipients of federal funding may not "utilize criteria or methods of administration which have *the effect* of subjecting individuals to discrimination because of their race, color, or national origin, or have *the effect* of defeating or substantially impairing the accomplishment of the objectives of the program as respect to [sic] individuals of a particular race, color, or national origin." 34 C.F.R. § 100.3(b)(2) (1987) (emphasis added). Other sources of federal funding use identical language in their regulations. *See, e.g.*, 45 C.F.R. § 611.3(b)(2) (1986) (NSF); 45 C.F.R. § 1110.3(b)(2) (1986) (NFAH); 14 C.F.R. § 1250.103-2(b) (1987) (NASA).

[45] "No state shall . . . deny to any person within its jursidiction the equal protection of the laws." U.S. CONST. amend. XIV, § 1. Enforcement actions against public institutions should be brought under 42 U.S.C. § 1983 (1981).

[46] "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Civil Rights Act of 1964, § 601, 42 U.S.C. § 2000d (1982). *See infra* note 64.

[47] Thus, a suit against a private university that receives federal funds would be based on Title VI and Title VI regulations. A suit against a public university, in contrast, would be filed under the equal protection clause, Title VI, and Title VI regulations. This Note does not address the alternative of seeking administrative review under Title VI. *See* 34 C.F.R. § 100.7-8 (1987).

[48] 323 U.S. 214 (1944).

[49] *Id.* at 223.

[50] U.S. COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS, PERSONAL JUSTICE DENIED 283-89 (1982).

[51] Since the 1850's, Asian Americans have been repeatedly subjected to state-sponsored discrimination. *See, e.g.*, Yick Wo v. Hopkins, 118 U.S. 356 (1886) (San Francisco laundry ordinance held unconstitutional); Queue Ordinance (1871) (cropping hair of every male prisoner contrary to Chinese customs); Cubic Air Ordinance (1870) (requiring lodging houses to provide space exceeding average footage in Chinatown); Chinese Head Tax (1852) (taxing all Chinese over age 18 who were not already paying a tax). *See* E. SANDMEYER, THE ANTI-CHINESE MOVEMENT IN CALIFORNIA 50-55 (1939). In People v. Hall, 4 Cal. 399 (1854), Chinese were prohibited from testifying against caucasians in either civil or criminal proceedings; thus, crimes perpetuated against Chinese residents went unpunished if no Caucasian would act as a witness. At the federal level, immigration laws deemed Chinese and Japanese immigrants "aliens ineligible for citizenship" and excluded immigrants from both nations. *See* E. SANDMEYER, *supra*, at 96-105; Hune, *supra* note 6, at 283-86. In education, the "separate but equal" doctrine for Asian Americans in education was sanctioned by the United States Supreme Court in Gong Lum v. Rice, 275 U.S. 78 (1927). States such as California did not repeal statutes segregating Asian students until 1947. Guey Heung Lee v. Johnson, 404 U.S. 1215 (1971). *See* V. LOW, THE UNIMPRESSIBLE RACE: A CENTURY OF EDUCATIONAL STRUGGLE BY THE CHINESE IN SAN FRANCISCO (1982). Recent incidents of violence directed against Asian Americans, while non state-sponsored, indicate the persistence of anti-Asian sentiments in the United States. U.S. COMMISSION ON CIVIL RIGHTS, RECENT ACTIVITY AGAINST CITIZENS AND RESIDENTS OF ASIAN DESCENT (1986).

[52] In 1926, Harvard reduced its Jewish enrollment from about 25-27% to about 10-16%, and the Committee on Admissions continued to make references to "the quota" in 1942. M. SYNNOTT, THE HALF OPENED DOOR: DISCRIMINATION AND ADMISSIONS AT HARVARD, YALE, AND PRINCETON, 1900-1970, at 20, 112 (1979); D. OREN JOINING THE CLUB: A HISTORY OF JEWS AND YALE (1985).

[53] President Lowell of Harvard argued for controlled racial mixing so that Jews, "a group which is not easily assimilated," would not undermine the position of old-stock Americans in the college and threaten college traditions. M. SYNNOTT, *supra* note 52, at 57, 59, 64. Admissions officers today point to "conflicts between the cultural patterns of Asian families and the educational traditions and administrative goals of American colleges." Biemiller, *supra* note 34, at 1.

[54] During the congressional debates, it was unclear whether Title VI was meant to incorporate the constitutional standard for discrimination or whether it relied on some other philosophical grounds. The final political compromise required each federal agency to promulgate regulations for its programs, suggesting that Congress delegated to the agencies the authority to define the meaning of discrimination under Title VI. *See* Abernathy, *Title VI and the Constitution: A Regulatory Model for Defining "Discrimination,"* 70 Geo. L.J. 1, 20-39 (1981); *Civil Rights, Hearings on HR 7152 Before the House Comm. on the Judiciary*, 88th Cong., Sess. 1520-21, 1890, 2740 (1963).

[55] 414 U.S. 563 (1974) (failure of school system to provide English instruction to non-English speaking Chinese students denies meaningful opportunity to participate in public educational programs in violation of Title VI).

[56] "Discrimination is barred which has that *effect* even though no purposeful design is present . . . . " Id. at 568 (emphasis in original).

[57] Id. at 566-67.

[58] Ironically, Justices Brennan, White, Marshall, and Blackmun, in seeking to uphold the validity of

the university's preferential admissions program, equated the Title VI standard for discrimination with the constitutional standard, thereby requiring proof of intent and narrowing the scope of Title VI protections. *Bakke*, 438 U.S. at 325, 331 (Brennan, White, Marshall, and Blackmun, JJ.).

[59] 463 U.S. 582 (1983).

[60] Id. at 610 (Powell, J., joined by Burger, C.J., and Rehnquist, J., concurring); *id.* at 612 (O'Connor, J. concurring); *id.* at 640-42 (Stevens, J., joined by Brennan and Blackmun, JJ., dissenting).

[61] Id. at 592-93 (opinion of White, J.), *id.* at 618-24 (Marshall, J., dissenting); *id.* at 642-43 (Stevens, J., joined by Brennan and Blackmun, JJ., dissenting).

[62] 469 U.S. 287 (1985) (consideration of § 504 of Rehabilitation Act, which Congress modeled after Title VI, prompted review of scope of Title VI).

[63] Id. at 293 (footnote omitted).

[64] Congress amended the "program or activity" language of Title VI to "mean all the operations [of] . . . a college, university, . . . or a public system of higher education," Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, § 606, 102 Stat. 28-32 (1988). Admissions practices of private universities are part of their overall operations and could fall within the scope of the Act.

[65] *See supra note* 44 and text accompanying notes 62-63. Universities are also prohibited from treating "an individual differently from others in determining whether he satisfies any admissions, enrollment . . or other requirement." 34 C.F.R. § 100.3(b)(1)(1987).

[66] *See* Larry P. v. Riles, 793 F.2d 969 (9th Cir. 1986) (IQ tests with discriminatory effect on enrollment of Black children violated Title VI regulations). Five other circuits have acknowledged the availability of a claim under Title VI regulations, but plaintiffs failed to allege specific practices or policies which caused the disparate impact. Latinos Unidos de Chelsa v. Secretary of Hous., 799 F.2d 774, 784-85 n.20 (1st Cir. 1986) ("under the regulations, plaintiffs must show a discriminatory impact"); Castaneda v. Pickard, 781 F.2d 456, 465 n.11 (5th Cir. 1986) ("Title VI action can now be maintained . . . in the guise of a disparate impact case . . . [where] proof of discriminatory intent is not necessary"); Craft v. Board of Trustees of Univ. of Ill., 793 F.2d 140, 142 (7th Cir.), *cert. denied*, 107 S. Ct. 110 (1986) ("Title VI reached non-intentional discrimination because agency regulations implementing Title VI prohibited the expenditure of federal funds in a manner that had a discriminatory impact"); Mabry v. State Bd. of Community Colleges, 813 F.2d 311, 317 n.6 (10th Cir. 1987) ("a bare majority of the Supreme Court [in *Guardians*] upheld the validity of Title VI regulations incorporating a disparate impact standard"); Georgia State Conference of Branches of NAACP v. State of Ga., 775 F.2d 1403, 1417-18 (11th Cir. 1985) (In *Guardians*, "five Justices were of the opinion that the regulations promulgated under Title VI permit the filing of suits alleging a disparate impact theory").

[67] "All admission officers confirmed that such biases and stereotypes function negatively in the admission process for Asian Americans." COMA REPORT, *supra* note 30, at 4.

[68] "[E]thnic stereotyping might inter-act with subjective ratings in the minds of readers to create an aggregate portrait that is unintentionally detrimental to Asian Americans.", CUAFA REPORT, *supra* note 16, at 14, col. 3.

[69] Yale's Dean of Admissions refers to a "target" system or expected distribution within each freshmen class. *Chang, Yale Dean Defends Policy on Asian Admissions*, BLACK ISSUES IN HIGHER EDUCATION, Nov. 15, 1985, at 6, *cited in* J. HSIA, ASIAN AMERICANS IN HIGHER EDUCATION AND AT WORK 94 (1988).

[70] COMA REPORT, *supra* note 30, at 2-3.

[71] Similar allegations of using benchmarks have been directed at Harvard. Neer, *Harvard Official Denies Allegation that Quota Imposed*, Boston Globe, Dec. 7, 1985, at 23, col. 1. See *supra* note 15 for Harvard admit rates. The U.S. Department of Education is currently investigating the admissions processes at Harvard and UCLA to ensure compliance with the nondiscriminatory provisions of Title VI. *Harvard and U.C.L.A. Face inquiries on Quotas*, N.Y. Times, Nov. 20, 1988, at 28, col.

[72] *See supra* notes 7 & 14 and *infra* note 128.

[73] Larry P. v. Riles, 793 F.2d 969 982 (9th Cir 1986). In the context of Title VII, the Supreme Court recently held that disparate impact analysis may be applied to subjective employment criteria. A plurality opinion, though, stated that only the burden of production, not proof, shifts to the employer. Watson v. Fort Worth Bank & Trust, 108 S. Ct. 2777, 2790 (1988). However, the Court has been reluctant to consider Title VII and Title VI as interchangeable. *See, e.g., Johnson v. Transporation Agency, 107 S. Ct. 1442, 1450 n.6(1987) ("Title VII and Title VI, therefore, cannot be read in pari materia.").*

[74] Harvard and Stanford catalogues specifically refer to the goals of leadership training and student body diversity. HARVARD REGISTER, *supra* note 25, at 19; STANFORD TODAY, *supra note 8, at 108.*

[75] For a summary of studies and criticism of the use of non-academic variables, see R. KLITGAARD, CHOOSING ELITES 134-41(1985).

[76] In 1926, the Harvard Board of Overseers recommended that "the rules for the admission of candidates be amended to lay greater emphasis on selection based on character and fitness and the promise of greatest usefulness in the future." M. SYNNOTT, supra note 52, at 109. President Lowell stated that any test of character "passed with the intent of limiting Jews should not be . . . applicable to Jews and Gentiles alike." Id. at 63.

[77] *Statement on Asian-American Harvard-Radcliffe Admissions*, Harvard Gazette, Jan. 22, 1988, at 5, col. 3; *Asian-Americans Question Ivy League's Entry Policies, supra* note 28, at B4, col. 3 (discussing Princeton). The admit rate for legacies and athletes to Brown's Class of 1991 was 46% and 56% respectively. UNDERGRADUATE ADMISSIONS, *supra* note 14, at 30-31. In contrast, Stanford concluded that "the overrepresentation of whites among special groups such as alumni legacies, faculty/staff children, and athletes did not work to account for the differential rate of admission except in a relatively minor way." CUAFA REPORT, *supra* note 16, at 14, col. 2.

[78] While sports victories are correlated with contributions to the universities' athletic programs, several studies have found that there is "no significant relationship" between wins and increased alumni donations to the universities' general funds. *Do Winning Teams Spur Contributions?*, Chronicle Higher Educ., Jan. 13, 1988, at A32, col. 3.

[79] A plaintiff could, however, allege that alumni preferences "perpetuate past patterns of discrimination," giving preferences to "rich and powerful" groups which include a disproportionately small number of minorities. Dershowitz & Hanft, *Affirmative Action and the Harvard College Diversity-Discretion Model: Paradigm or Pretext*, 1 CARDOZO L. REV. 379, 410 (1979).

[80] *See supra* notes 24-25.

[81] Diversity was initially invoked by Columbia to reduce the number of Jewish students from New York and the Northeast. H. WECHSLER, THE QUALIFIED STUDENT: A HISTORY OF SELECTIVE COLLEGE ADMISSION IN AMERICA 149-50, 153 (1977).

[82] Regents of Univ. of Cal. v. Bakke, 438 U.S. 265, 312 (1978) (Powell, J.).

[83] DeRonde v. Regents of the Univ. of Cal., 28 Cal. 3d 875, 172 Cal. Rptr. 677, 625 P.2d 220, *cert. denied*, 454 U.S. 832 (1981) (minority admissions program at Davis Law School upheld to ensure diversity of student body or to mitigate effects of past discrimination). U.C. successfully argued that "an appreciable minority representation in the student body will contribute [to] a valuable cultural diversity for both faculty and students . . ." 172 Cal. Rptr. at 680, 625 P2d at 223; *see also* McDonald v. Hogness, 92 Wash. 431, 598 P.2d 707, 713 n.8 (1979), *cert. denied sub nom.* McDonald v. Gerberding, 445 U.S. 962 (1980) (university's statement in defense of its minority admissions program reflected "a purpose of promoting diversity in the student body").

[84] One Harvard admissions officer stated, "It is the diversity element that hurts most of the Asian applicants because many who apply are pre-medical, science, technical types." Ho & Chin, *Admissions Impossible*, BRIDGE, Summer 1983, at 8. *See supra* notes 28-33 and accompanying text.

[85] Hassan, *Asian American Admissions: Debating Discrimination*, 142 C. BOARD REV. 18, 43-44 (Winter 1986-87).

[86] *Bakke*, 438 U.S. at 317 (Powell, J.).

[87] *Id.* at 315 (Powell, J.).

[88] *Id.* at 375 (Brennan, White, Marshall, and Blackmun, JJ.). Justice Powell also found this type of "two-track" or "multitrack" system legally impermissible. *Id.* at 315 (Powell, J.). With a limited number of slots available under a particular "track" or quota, Asian Americans compete against each other for positions and are insulated from other segments of the applicant pool; this practice imposes higher standards on Asian applicants than on Caucasian applicants.

[89] Commentators now claim that affirmative action for Blacks and Hispanics accounts for the lower Asian admit rates. Gibney, *The Berkeley Squeeze*, NEW REPUBLIC, Apr. 11, 1988, at 17. If this were the case, the impact of such programs should fall evenly on both Caucasians and Asians, but see *supra* notes 14-17 and accompanying text, unless universities are placing a quota on the total number of minorities admitted, so that increases in Black and Hispanic admissions affect only Asians.

[90] Butterfield, *Harvard's 'Core' Dean Glances Back*, N.Y. Times, June 2, 1984, at 8, col. 8 (quoting Dean Rosovsky).

[91] In 1985, 70% of Asian American 18-year-olds took the SAT, compared to 30% of Caucasian 18-year-olds, and 28% of all 18-year-olds. 1985 SAT PROFILES, *supra* note 37, at vii. While test-taking rates do not indicate the number of applicants to each institution, they do provide a more accurate picture of the college-age population or potential applicants than the U.S. census.

[92] Harvard no longer uses "overrepresentation" to reduce its 25-33% Jewish student population down to the 3% that Jews represent in the general population, nor does it limit the numbers of alumni children to their overall national representation. For a similar observation, see AASA REPORT, *supra* note 13, at 20.

[93] In 1924, Princeton decided not to accept any more than the percentage of Jews in the national population, roughly three percent, and used this quota to reduce by half the number of Jewish students admitted. M. SYNNOTT, *supra* note 52, at 20.

[94] Hune, *supra* note 6, at 283. Since historically Asian immigrants were excluded from America, or restricted to an annual quota of 100 per country, the growth and current size of the Asian American population has been artificially constrained.

[95] Personnel Adm'r v. Feeney, 442 U.S. 256, 279 (1979).

[96] Binion, *"Intent" and Equal Protection: A Reconsideration*, 1983 SUP. CT. REV. 397 (criticizing Supreme Court's use of intent to narrow protection provided by equal protection clause).

[97] Arlington Heights v. Metropolitan Hous. Dev. Corp., 429 U.S. 252, 266 (1977).

[98] *Id.* at 266-68. Rogers v. Lodge, 458 U.S. 613 (1982), and Hunter v. Underwood, 471 U.S. 222 (1984), provide additional guidance on how the intent requirement can be satisfied in the context of racial discrimination. The *Rogers* Court upheld the district court determination that the at-large electoral system, though "neutral in origin," was maintained for invidious purposes. 458 U.S. at 626-27. The *Hunter* Court found that a section of the Alabama Constitution would not have been adopted "in the absence of racially discriminatory motives." 471 U.S. at 231-32. Both cases reaffirmed the standards used in *Arlington Heights* and Washington v. Davis, 426 U.S. 229 (1976), recognizing that "discriminatory intent need not be proved by direct evidence" but can be "inferred from the totality of the relevant facts." *Rogers*, 458 U.S. at 618.

[99] ASIAN AMERICAN TASK FORCE ON UNIVERSITY ADMISSIONS, TASK FORCE REPORT 6 (June 17, 1985) (Univ. of Cal., Berkeley). The percentage of Chinese American freshmen enrolled dropped 30% from 1983 to 1984, while the number of Caucasian freshmen declined only 6%. BERKELEY OFFICE OF THE CHANCELLOR, REPORT ON 1984 ENROLLMENTS OF CHINESE STUDENTS 1 (Dec. 5, 1984) [hereinafter 1984 ENROLLEMENTS OF CHINESE STUDENTS].

[100] A 1983 Berkeley report found that over a five year period, the mean SAT verbal scores of immigrant freshmen who were predominately Asian oscillated around 400, a score at least 100 points lower than all other accepted applicants. N. Tang, Immigrant & Refugee Students Project Report and Recommendations: 1983-84, at Table 3 (Mar. 22, 1983) (unpublished report) (on file with author).

[101] 1984 ENROLLMENTS OF CHINESE STUDENTS, *supra* note 99, at 1.

[102] Aoki, *Asians Question UC Admissions Policy*, CAL. J. June 1988, at 259.

[103] Personnel Adm'r v. Feeney, 442 U.S. 256, 279 n.25 (1979).

[104] Lye, *On the Asian Question*, BERKELEY GRADUATE, Dec. 1987, at 3-4.

[105] Adopted in the 1960's, EOP protects economically and educationally disadvantaged high school students who are U.C. eligible from being rejected or redirected to other U.C. campuses.

[106] 1984 ENROLLMENTS OF CHINESE STUDENTS, *supra* note 99, at 2.

[107] L. Wang, Meritocracy and Diversity in Higher Education: Discrimination Against Asian Americans in the Post-*Bakke* Era 15 (Nov. 19, 1987) (unpublished paper presented at Brown University) (on file with author).

[108] "The number of Asian EOP applicants who were offered admission dropped from 183 of 197 (92.9 percent) in 1983 to 58 of 167 (34.7 percent) in 1984. Similarly, the number of Caucasians who were offered admission dropped from 41 of 45 (91.1 percent) in 1983, to 29 of 61 (47.5 percent) in 1984." AUDITOR GENERAL'S REPORT, *supra* note 8, at 48.

[109] Berkeley's internal data show that 41% of Asian immigrant freshmen and 18% of all Asian freshmen, compared to 5% of Caucasian freshmen, came from families with parental incomes under $20,000 (definition of economically disadvantaged under EOP) BERKELEY OFF. OF STUDENT RESEARCH, 1985 ENTERING FALL FRESHMEN WITH LOW AND MODERATE ESTIMATED ANNUAL PARENTAL INCOME (Oct. 29, 1986).

[110] Washington v. Davis, 426 U.S. 229, 242 (1976).

[111] Justice O'Connor, a swing vote on the Court, has suggested in the context of a Title VII reverse discrimination case that overwhelming numbers are required. At the Santa Clara County Transportation Agency, only 12 of 124 technicians, no skilled craft workers, and 1 of 110 road maintenance workers were women. Justice O'Connor deemed the severe statistical disparities sufficient to establish a violation of the equal protection clause, thus permitting the Agency to voluntarily adopt an affirmative action plan. Johnson v. Transportation Agency, 107 S. Ct. 1442, 1462-63 (1987) (O'Connor, J., concurring). The *Johnson* majority disagreed with Justice O'Connor, stating that they would only require a showing of "manifest imbalance" before upholding the affirmative action plan. 107 S. Ct. at 1452. It may be inferred, however, that all members of the Court would require more than a "manifest imbalance" in order to support an equal protection claim.

[112] "Departures from the normal procedural sequence also might afford evidence that improper purposes are playing a role." Arlington Heights v. Metropolitan Hous. Dev. Corp., 429 U.S. 252, 267 (1977).

[113] *When Being Best Isn't Good Enough*, *supra* note 31, at 25.

[114] AUDITOR GENERAL'S REPORT, *supra* note 8, at 50.

[115] *Asian Task Force Meets with UC President Gardner*, East/West News, Mar. 19, 1987, at 1, col. 2.

[116] *UC Fee Formula was Born of Student Fear of Huge Hikes*, San Diego Union, Dec. 21, 1986, at C-7. The research coordinator for U.C. admissions services also stated that "Asians are overrepresented by almost three times their high-school population." Biemiller, *supra* note 34, at 36. Finally, Berkeley's Assistant Vice Chancellor warned that "if we keep getting extremely well-prepared Asians, and we are, we may get to the point where Whites will become an affirmative-action group." Bunzel, *Affirmative-Action Admissions: How It "Works at UC Berkeley*, PUB. INTEREST, Fall 1988, at 127.

[117] "The campus will endeavor to curb the decline of Caucasian stendents. . . . A rising concern will come from Asian students and Asians in general as the number and proportion of Asian students entering in the freshman level declines—however small the decline may be." Memo from Rae Lee Siporin, UCLA Director of Admissions to Undergraduate Enrollment Committee (Dec. 10, 1984) (on file with author).

[118] "[A]n invidious discriminatory purpose may often be inferred from the totality of the relevant facts, including the fact, if it is true, that the law bears more heavily on one race than another." Washington v. Davis, 426 U.S. 229, 242 (1976).

[119] *Id.* at 241 (quoting Alexander v. Louisiana, 405 U.S. 625, 632 (1972)).

[120] *See supra* notes 77-80, 90-94 and accompanying text.

[121] Arlington Heights v. Metropolitan Hous. Dev. Corp., 429 U.S. 265 (1977).

[122] Hunter v. Underwood, 471 U.S. 222, 232 (1984).

[123] For a comprehensive analysis of structural injunctions, see Special Project, *Remedial Process in Institutional Reform Litigation*, 78 COLUM. L. REV. 784 (1978). For scholarly discussions of the dynamics of structural injunctions, see O. FISS, CIVIL RIGHTS INJUNCTIONS 8-37 (1978); Diver, *Judge as Political Powerbroker: Superintending Structural Change in Political Institutions*, 65 VA. L. REV. 43, 52-53, 72-86 (1979).

[124] Where the suit involves public universities, legislative action can supplement judicial action. Relief sought in a suit against Berkeley, for example, will be affected by Assembly Concurrent Resolution 70, adopted by the California legislature in September 1987, which called for each U.C. campus to: describe its exact admissions policies in its catalogues, create an advisory committee of community members, and ensure multi-ethnic representation on the academic senate committees governing admissions. Aoki, *supra* note 102, at 261. The California legislature has no direct control over the U.S. system. CAL. CONST. art. IX, § 9. However, in adopting California Senate Resolution No. 2126 on March 24, 1988, the legislature exercised its oversight and budgetary powers to create a special committee to investigate Asian admissions at Berkeley and U.C. admissions in general. The senate committee's findings are likely to influence any judicial proceedings involving Berkeley.

[125] The conflict will be more effectively resolved in the long run if defendant university participates in drafting the order and shaping the remedies. Parties in *Lau v. Nichols* jointly appointed a task force comprised of school board members, minority community leaders, and educators to study implementation plans. The San Francisco School Board, defendants in *Lau*, provided funding to hire experts and design future bilingual education programs in compliance with Title VI regulations. Lau v. Nichols, No. 72-6520 (N.D. Cal. May 1974) (consent decree).

[126] Damages are available in a suit based on the equal protection clause or Title VI itself. However, the Supreme Court has not conclusively determined the nature of the relief available in a suit based on title VI regulations. In *Guardians*, four Justices agreed that both compensatory and prospective relief would be available for intentional and unintentional discrimination. Guardians Ass'n. v. Civil Serv. Comm'n 463 U.S. 582, 635-39 (1983) (Stevens, J., joined by Brennan and Blackmun, JJ., dissenting); *id.* at 625-34 (Marshall, J., dissenting). Justice White, joined by Justice Rehnquist, asserted that compensatory or "make whole" remedies would not be appropriate without a showing of discriminatory intent. *Id.* at 596 (opinion of White, J.). The crucial vote, Justice O'Connor, *disagreed* with "the limitations that Justice White's opinion would place on the scope of equitable relief available to private litigants suing under Title VI," but since she concluded that Title VI required proof of intentional discrimination, she did not discuss the availability of monetary relief. *Id.* at 612 & n.1 (O'Connor, J., concurring). Three circuits have suggested, when discussing § 504 of the Rehabilitation Act, that only prospective relief is available in a suit filed under Title VI regulations. *See* Manecke v. School Bd., 762 F.2d 912, 922 n.8 (11th Cir. 1985) ("at least five Justices would not allow *compensatory* relief to a private plaintiff under Title VI absent proof of discriminatory intent") (emphasis in original); Marvin H. v. Austin Indep. School Dist., 714 F.2d 1348, 1357 (5th Cir. 1983) (no damages available absent intentional discrimination); Timms v. Metropolitan School Dist., 722 F.2d 1310, 1318 n.4 (7th Cir. 1983) (Title VI "has been held not to require proof of intentional discrimination except as a basis for compensatory relief"). For a Title VI case, see Craft v. Board of Trustees, 793 F.2d 140, 142, *cert. denied*, 107 S. Ct. 110 (1986) ("compensatory relief under section 2000d [of Title VI] requires proof of discriminatory intent").

[127] *See supra* notes 69-72 and accompanying text.

[128] Benchmarks can be used for both positive and negative purposes. If the court finds at trial the benchmarks have been used to impose a quota or ceiling on Asians, such uses should be eliminated, but progressive uses may still be permitted.

[129] This remedy may not only be appropriate at universities with a higher than threshold percentage of Asian applicants, a figure to be determined by the court. The Asian recruitment coordinator position should be filled by someone with an understanding of Asian cultural norms and familial backgrounds.

[130] "For each candidate, an 'advocate' on the committee present[s] the case for acceptance," and the committee's perception of the applicant is strongly shaped by the force of that presentation. R. KLITGAARD, *supra* note 75, at 30.

[131] For a summary of studies on cultural differences, see Sue & Sue, *Cultural Factors in the Clinical Assessment of Asian Americans*, 55 J. CONSULTING & CLINICAL PSYCHOLOGY 479, 481-82 (1987); Sue, Ino & Sue, *Nonassertiveness of Asian Americans: An Inaccurate Assumption?*, 30 J. COUNSELING PSYCHOLOGY 581, 586 (1983).

[132] For a discussion of the need for ascertainable standards in admissions, see Gellhorn & Hornby, *Constitutional Limitations on Admissions Procedures and Standards—Beyond Affirmative Action*, 60 VA. L. REV. 975, 1002-06 (1974).

[133] Compliance reports are a common requirement in institutional reform litigation. *See* Special Project, *supra* note 123, at 824.

[134] Such requirements would be similar to those instituted on remand by the district court, which required the *Lau* school board to submit to the court and to plaintiffs' attorney an annual publication describing its progress in providing bilingual education to San Francisco area school children. Lau v. Nichols, No. 72-6520 (N.D. Cal. May 1974) (consent decree).

BROWN UNIVERSITY,
Providence, RI, November 30, 1988.

STATEMENT ON ASIAN-AMERICAN ADMISSIONS BY ERIC WIDMER, DEAN OF ADMISSION AND FINANCIAL AID

At Brown, the question of how we managed the admission of Asian-American students came up most pointedly two years ago, when the number of Asian-American applicants increased over the previous year by almost a hundred, but the selection percentage decreased by two percentage points and the matriculation percentage also declined, so that we ended up with 17 fewer Asian-Americans in the Class of 1990 than we had in the Class of 1989. To Asian-American students at Brown at the time, this suggested the chilling possibility that Asian-American applicants were being discriminated against. Since then, discussion at Brown (and elsewhere, I imagine) has centered upon the following questions.

1. Do we discriminate against Asian-American applicants for admission on any illegal basis? (Obviously those candidates who are denied by Brown feel discriminated against, but no one questions our institutional right to deny five students for every one whom we admit).

2. In deciding for or against an Asian-American applicant, we are consciously or not, applying any stereotypical considerations?

3. Are Asian-American applicants competing against each other because the majority of them appear to be in the pre-med applicant group?

4. Is it fair to expect that the numbers of admitted Asian-American students will go up as their application numbers rise?

5. Is it appropriate to apply the all-college admit grade (which at Brown is 20 percent) as a standard for the selection percentage of any sub-group within the total applicant pool?

6. Finally, if all these questions are resolved satisfactorily, there still remains this one: by the various ways that colleges and universities in this country define everything from their overall enrollment goals to the generalized characteristics of the students whom they aspire to admit, is any law being broken? Are any invidious distinctions being made? Is unfair discrimination occurring?

At Brown, the number of Asian-American applicants declined somewhat this past year. The selection percentage was one point off of the all-college admit-rate, up four percentage points from two years ago. We have 134 Asian-American freshman as a result, the largest number yet, or 9.6 percent of the freshman class. Because the questions listed above are always under active discussion, I expect that if the number of applications from Asian-American students goes up, and if the quality of

the Asian-American applicant pool remains constant, we would see an increase in the number of matriculating Asian-American students at Brown. And given our attention to these questions, that might well be the case even if applications do not increase.

EQUALITY AND JUSTICE IN HIGHER EDUCATION, HENRY DER, EXECUTIVE DIRECTOR, CHINESE FOR AFFIRMATIVE ACTION, BEFORE ASIAN AND PACIFIC AMERICAN ISSUES SEMINAR, UNITED STATES SENATE, WASHINGTON, DC, NOVEMBER 28, 1988

Minorities and women recognize that access to higher education is a critical factor in the struggle to achieve equality in American society. As the cost to attend a private college has gone beyond the economic reach of many qualified students, admission as a freshman student to a public university has become an economic necessity for many high school graduates, especially low-income persons.

With the passage of Title VI of the Civil Rights Act of 1964, institutions of higher learning which receive federal funding have the responsibility to provide equal educational opportunities on a non-discriminatory basis without regard to race, ethnicity, or sex. The California State Legislative enacted Assembly Concurrent Resolution 151 in 1974 to prod the University of California to recruit and admit underrepresented minority high school graduates (blacks, Hispanics, and American Indians) as freshman students. Since then, the University of California has implemented a student affirmative action program to include underrepresented minority students so that members of the black, Hispanic and American Indian communities will achieve a higher education experience and skills to be leaders in their respective communities and society as a whole.

California's Master Plan for Higher Education calls for the University of California to serve the top one-eighth of the state's high school graduates. To be eligible for the UC, high school students must meet a subject requirement (1 year of history, 4 years of English, 3 years of mathematics, 1 year of laboratory science, 2 years of foreign language, 4 years of college preparatory electives), a scholarship requirement of 3.3 grade point average, and an examination requirement.

Among all racial/ethnic groups including whites, Asian American high school seniors have achieved the highest eligibility rate for freshman admission at the University of California. According to the California Postsecondary Education Commission, 32.8 percent of all 1986 Asian American public high school graduates were eligible for admission to the University of California; whites, 15.8 percent; blacks, 4.5 percent; Hispanics, 5.0 percent. Between 1983 and 1986, Asian American high school graduates achieved the highest percentage point gain in UC-eligibility. In 1983, 26 percent of Asian American high school graduates were UC-eligible. During this same period, blacks achieved a 0.9 percent percentage point gain. For Hispanics and whites, their respective eligibility rate stayed the same between 1983 and 1986.

In 1984, 8.9 percent of all high school graduates were Asian Americans. Because of their high UC-eligibility rate, Asian Americans high school graduates then constituted 17.3 percent of all UC-eligible high school seniors, or 5,373 out of a total of 31,455 UC eligibles. By 1987, Asian Americans grew impressively to 24.3 percent of all UC-eligible high school graduates, or 8,268 out of a total of 34,087 UC-eligibles. (During this same period, the number of UC-eligible white high school dropped from 22,890 in 1984 to 22,500 in 1987.)

Because UC-eligible Asian American high school seniors have applied for freshman admission to UC in significant numbers, the University of California has never included Asian Americans in its student affirmative action programs. Asian American high school seniors must compete with their white counterparts for the non-protected, regularly-admissible freshman enrollment slots.

There are eight undergraduate campuses within the University of California system; Berkeley, UCLA, San Diego, Santa Barbara, Santa Cruz, Irvine, Riverside and Davis. Campuses like Berkeley and UCLA have attracted historically some of the most competitive academic students who also qualify easily for admission to the Ivy League schools and other national universities and colleges. UC Berkeley's outstanding record of 12 Nobel laureates, 782 Guggenheim fellows, 51 National Science Foundation Presidential Young Investigators, and being the greatest producer of college students who go on to achieve doctorates commands the respect and interest of the most competitive of UC-eligible applicants.

Situated in a region where there is a large concentration of Asian Americans, UC Berkeley represents access to quality higher education for many low-income, immigrant Asian American students. Because of economic necessity, it is not uncommon for Bay Area Asian American students to commute daily to the UC Berkeley campus.

Prior to the 1980's, each of the eight UC undergraduate campuses could accommodate generally all non-protected and underrepresented applicants in its freshman class. Between 1985 and 1987 though, freshman applicants doubled at selective UC campuses like Berkeley and UCLA. In spite of the increased demand for freshman admissions, both Berkeley and UCLA have not expanded the size of their respective freshman class. Consequently, Berkeley and UCLA have instituted the use of subjective criteria to screen in/out Asian American and white applicants for the competitive, regularly admissible slots while maintaining their affirmative action programs to include underrepresented minority students.

Underrepresented minority communities believe rightfully that the University of California has not done enough to recruit and admit black, Hispanic and American Indian students. Once admitted as freshmen, underrepresented minority students strongly believe that the University of California has been negligent in not providing adequate retention and other supportive services for successful attainment of a baccalaureate degree.

Asian American applicants fear the institutionalization of admission quotas at the selective UC campuses and the use of subjective criteria in freshman admission decisions. UC Berkeley selects only 40 percent of its freshman admittees based solely on grades and test scores. (Please refer to the chronology listed below of the struggle of the Asian American Task Force on UC Admissions to oppose freshman admission quotas against Asian American applicants.)

Numerous white families have expressed both fear and anger to the UC President's Office about the declining enrollment of white students at the selective, competitive UC campuses. These families have raised objections about UC's affirmative action programs for underrepresented students. Many families also believe wrongfully that Asian American applicants are benefitting from UC's affirmative action program.

The total number of freshman admission opportunities is finite. This UC freshman admission dilemma raises numerous public policy questions and considerations:

How does society parcel out limited, "prized" opportunities to population groups that have distinctly different needs and histories?

What does "equality in higher education" mean for underrepresented group members? For Asian American and white students who compete against each other for regularly-admissible freshman enrollment slots?

As the Master Plan for Higher Education calls for the University of California to serve the top one-eighth of the State's high school graduates, what should be the numerical balance between underrepresented students and those who are admitted on a competitive basis? The number of white athletes and other white students who are guaranteed admission to UC Berkeley equals the number of black students admitted on an affirmative action basis. Should protection or "affirmative action" be extended to white students?

Are grades and test scores (meritocracy) still a viable means to screen in/out competitive students? What role, if any at all, should subjective considerations play in a "traditionally meritocratic" institution?

The UC Board of Regents has adopted a resolution which calls on each of its eight undergraduate campuses to enroll a student body that, "beyond meeting the University's eligibility requirements, demonstrates high academic achievement or exceptional personal talent, and that encompasses the broad diversity of cultural, racial, geographic socio-economic backgrounds characteristic of California." In order to achieve this desired "diversity," should society distribute these educational opportunities through traditional merit, proportional racial/ethnic representation, a "lottery system" for all eligible applicants and/or a combination of these factors?

As the public student body of a state like California becomes more ethnically and racially diverse and as Asian Americans demonstrate its ability in certain instances to go beyond affirmative action, does the notion of "diversity" become a strategic defense for whites to maintain a minimum level of representation in highly competitive, national universities and colleges?

There are numerous indicators that certain segments of white American society are ill-prepared or maybe unwilling to acknowledge or accept the reality that members of a racial/ethnic minority group(s) have the ability, drive and stamina to compete vigorously for highly-prized opportunities in higher education. Access to higher education has provided traditionally one of the most effective means to gain socio-economic mobility and to attain leadership responsibilities in American society. The strong desire of and work on the part of many Asian American students to be admitted to numerous highly-competitive, national universities and colleges severely test the willingness and commitment of American society to abide by objective standards and qualifications.

For underrepresented minority students, colleges and universities must continue to provide "equal educational opportunities" through necessary student affirmative action programs and strategies. As many go

beyond the need for affirmative action assistance, Asian American students challenge institutions of higher learning to establish "equal educational opportunity" as fair, open competition without any discriminatory, subjective impediments to hold constant or suppress the presence of Asian Americans in higher education.

ASIAN AMERICAN STRUGGLE FOR FAIRNESS IN HIGHER EDUCATION: HIGHLIGHTS OF ASIAN AMERICAN TASK FORCE ON UC ADMISSIONS, 1984-88

Fall 1984: Asian American freshman enrollment at University of California at Berkeley experiences a sharp, unexpected decline. Compared to Fall 1983, Asian American freshman enrollment in Fall 1984 drops by 21 percent; in particular, Chinese American freshman enrollment experiences an alarming 28 percent drop; white freshman enrollment declines only 5 percent.

The disproportionate decline in Asian American freshman enrollment contradicts UC Berkeley administration's earlier projections that, throughout the 1980's, Asian American freshman enrollment will increase at a steady rate and will reach easily ⅓ of the undergraduate population by the end of the decade.

Compared to whites and other ethnic/racial groups, Asian American high school graduates have achieved the highest UC eligibility rate. 26 percent of all Asian American public high school graduates in 1983 are eligible for UC freshman admissions; whites, 15.5 percent.

November 1984: Asian American civil rights groups and community representatives form the Asian American Task Force on UC Admissions to investigate, study and monitor the admissions policies and procedures of UC Berkeley. S.F. Municipal Court Judge Lillian Sing and Alameda County Superior Court Judge Ken Kawaichi are co-chairs of the Asian American Task Force. Task Force is very concerned about the institutionalization of subjective criteria in freshman admission considerations for Fall 1985 and subsequent years.

During the next five months, Task Force gathers statistical information about Fall 1984 freshman admittees and analyzes changes in admissions policies. Task Force begins a series of meetings with UC Berkeley officials. Task Force confronts administration officials about the imposition of a minimum 400 score on SAT verbal test to screen out eligible Asian American permanent resident alien applicants. University officials initially deny any such policy existed. Later on, administration officials reveal that there was discussion about imposing a minimum 400 score on SAT verbal test to, but this requirement was never implemented against Asian American applicants.

June 1985: Task Force issues its reports and finds that the sharp decline in Asian American freshman enrollment in Fall 1984 resulted from unilateral, undisclosed changes in freshman admission policies by UC Berkeley admission officials. Specifically, Task Force charges that UC Berkeley admission officials:

Imposed a minimum 400 score on SAT verbal test to deny admission to eligible Asian American immigrant freshman student applicants;

Unexpectedly ceased freshman admission consideration for low-income, first-generation-collegiate Asian American applicants; rejected these eligible Asian applicants and redirected them to other UC campuses; these low-income Asian American students did not enroll in significant numbers at other UC campuses because of the economic barriers in attending a campus far from home;

Did not include Asian American faculty and staff members in the discussion, adoption and implementation of freshman admission policies; did not publicize to affected Asian American applicants changes in freshman admission policies.

July 1985: UC Berkeley officials issue a response to the Task Force Report and disputes the findings of the Task Force. UC Berkeley reaffirms its "strong commitment to serving Asian students and encouraging their participation in higher education."

1986: National, state and local press discuss the allegations of the Asian American Task Force.

December 1986: In an interview with San Diego newspapers, UC President David Gardner cites how the enrollment of Asian Americans at UC and other racial imbalances are causing unrest among some groups, including whites who are experiencing a decline in representation. President Gardner suggests that the State Legislature should reconsider state legislation enacted in 1974 which called for UC undergraduate enrollment to reflect the racial and ethnic makeup of graduating high school seniors in California.

January 1987: UC Berkley Office of Vice-Chancellor for Undergraduate Affairs releases its own report about its admission policies and practices in response to growing Asian American community concerns about freshman admissions quotas. This report states that UC Berkeley does not set quotas against Asian American applicants.

The report further suggests that the grades and test scores of Asian American admittees are not as high as those of white admittees, Asian American freshman applicant flow interest is not evenly distributed among the 5 colleges of UC Berkeley; a disproportionate number of Asian American want to study engineering and chemistry, but there is insufficient space to accommodate all interested applicants; Asian American applicants should consider studying at the other 7 UC undergraduate campuses.

March 1987: Asian American Task Force meets with UC President David Gardner to request the inclusion of Asian Americans on all campus and systemwide admissions and enrollment committees; formation of a systemwide committee to review and investigate admissions problems; adoption and implementation of affirmative action plan to include Asian Americans into key campus and systemwide administrative positions; establishment of an on-going dialogue between the Asian American community and UC President's Office to prevent and reduce tensions.

Task Force meets with Assembly Speaker Willie Brown and other state legislators to discuss its concerns about the lack of clearly articulated freshman admission policies and procedures systemwide and by campus. Assembly Speaker Brown supports greater legislative oversight and involvement to resolve controversy over admissions quotas.

Senate Pro Tempore David Roberti requests the State Auditor General to conduct an audit of the UC Berkeley freshman admissions policies and procedures as they affect Asian American and white applicants.

Spring 1987: UC Berkeley Academic Senate appoints Subcommittee on Asian American Freshman Admissions to review the allegations of the Task Force.

September 1987: The State Legislature unanimously adopts ACR 70, authored by Assembly Speaker Brown, which requests UC to review and make improvements in its freshman admissions policies and to submit report of its actions to the State Legislature by March 15, 1988.

UC Chancellor Mike Heyman establishes the Chancellor's Committee on Asian Affairs, co-chaired by Nobel Laureate Professor Yuan Lee and Janice Koyama. Chancellor Heyman invites Task Force Co-Chairs Sing and Kawaichi to serve on the committee. The principal charge of the Committee is to recommend how Asian American students, faculty members and community can be integrated fully into every aspect of campus life.

October 1987: State Auditor General releases his audit of UC Berkeley freshman admissions policies and practices from Fall 1981 to Fall 1987. Auditor General calculates 49 separate rates of freshman admission for Asians and whites among 5 colleges and 2 departments over this seven-year period. The Auditor General finds that, of the 49 Asian admission rates and the 49 white admission rates that were compared, the White rates were higher in 37 instances and the Asian rates were higher in 12 instances.

Further, the Auditor General finds that, from 1981 to 1987, the average high school grade point average (gpa) of Asian applicants rose from 3.20 to 3.72; the average gpa of whites during the same period rose only from 3.27 to 3.62.

The Auditor General cites that the removal of freshman admission consideration for low-income Asian American applicants resulted in a greater number of white athletes admitted. (UC Berkeley officials publicly confirm that admissible, but non-competitive white students were admitted.) The loss of protection for low-income applicants since 1984 has been one of the factors in the persistent disparity in admission rates between Asians and whites.

Auditor General observes that 3 of the 5 colleges at UC Berkeley did not maintain written policies on the implementation of subjective criteria.

UC Berkeley Academic Senate reconstitutes its Subcommittee on Asian American Admissions so as to restore public confidence in the objectivity of its investigations of allegations about freshman admissions quotas.

January 1988: The Assembly Sucommittee on Higher Education releases two internal memos (dated 12/28/83 and 1/4/84) by the Director of Admissions at UC Berkeley establishing a minimum score of 400 on the SAT verbal test for all "permanent resident alien" applicants.

At legislative hearing, UC Berkeley Chancellor Heyman apologizes publicly to the Asian American community for the manner in which UC Berkeley administration officials have handled and responded to the concerns of the Asian American community about freshman admissions quotas. Chancellor Heyman announces the formation of an Admissions Coordination Review Board and pledges to work with the Asian American Task Force to restore public confidence in UC Berkeley admissions policies and procedures.

February 1988: UC Berkeley officials reveal that, in the Fall 1987 College of Letters and Science freshman class, 631 White freshman admittees (out of a total of 2622 white admittees or 24.1%) were given "assured access" without going through traditional meritocratic, academic competiton.

February 1988: Task Force appears before the UC Board of Regents and asks for the adoption of fair, systemwide freshman admissions policies. Task Force points out the urgent need for a systemwide admissions policy based on economic status (instead of race) in regard to low-income, first-generation collegiate applicants.

March 1988: UC presents its Report on ACR 70 to the State Legislature. In meeting with state legislators and UC President Gardner, Task Force voices its objection to the differences in freshman selection criteria from campus to campus.

May 1988: UC Board of Regents revises its policy on Undergraduate Admissions to provide that "the University seeks to enroll, on each of its campuses, a student body that, beyond meeting the University's eligibility requirements, demonstrates high academic achevement or exceptional personal talent, and that encompasses the broad diversity of cultural, racial, geographic, and socio-economic backgrounds characteristic of California."

July 1988: UC President's Office issues Guidelines for Implementation of University Policy on Undergraduate Admissions. These guidelines call for each of the eight undergraduate campuses to select at least 40 percent but not more than 60 percent of freshman admittees on the basis of academic criteria: academic grade point average; test scores (SAT or ACT and College Board Achievement Tests); number and content of high school courses successfully completed in academic subjects beyond the minimum; number of University-approved accelerated/advanced placement/honors courses.

These guidelines further permit each campus to select the remaining 60 percent to 40 percent of the freshman admittees on the basis of supplementary criteria: special talents, interests or experiences beyond the academic criteria; special circumstances adversely affecting one's life experience; ethnic identity, gender, and location of residence.

ASIAN AND PACIFIC AMERICAN ISSUES RELATED TO UNDERGRADUATE ADMISSIONS AT THE UNIVERSITY OF CALIFORNIA

(By Alice C. Cox, Assistant Vice President, Student Academic Services, University of California)

Good afternoon. Before I begin, I want to take this opportunity to thank Senators Simon and Daschle for their invitation to appear as a panelist this afternoon to discuss the very important issue of Asian American concerns regarding admission to higher educational institutions.

How to achieve full and equitable admissions for all qualified students is one of the most complex problems facing many educators today. I would like to begin my comments by briefly describing the University I represent with particular emphasis on what we are seeking to accomplish in our undergraduate admissions policies and procedures.

For many people outside of California, the University of California means Berkeley or UCLA. However, we currently enroll 153,000 students on our eight general campuses. As a land-grant public institution, the University's admission policy is guided by two long standing commitments to all of the citizens of the state: first, to serve the people and the needs of the state, within the framework of a master plan developed for California higher educational institutions, and second, to provide places within the University for all eligible applicants who are California residents.

This in itself is a sensitive balancing act not easily accomplished. To fulfill its commitment, however, the University approaches all it does with the two institutional goals of academic excellence and diversity also in mind.

In meeting its institutional goals, the University weighs a variety of factors during its admissions process. First, we select approximately half of our students strictly on the basis of academic criteria as measured by standardized test scores (such as SAT) and grade point averages, and the other half on these same academic criteria supplemented by factors such as where a student lives, special talents, social or economic hardships, and cultural background.

The major and the campus selected determines the degree of difficulty an applicant encounters in getting admitted. For example, while all UC-eligible students who apply on time to some of our campuses are automatically admitted, at the other extreme, this year the Berkeley campus received 26,000 admissions applications for 6,000 spaces.

The University has been successful in meeting its goal of admitting the best and the brightest—for example, the mean Grade Point Average of this year's entering freshmen class at UCLA is 3.82, and is moving toward its second goal of creating on each of its campuses a student body that is representative of the ethnically rich population of the State. This Fall, Berkeley became the first UC campus where white students are no longer the majority among undergraduates. In fact, in the last ten years enrollment growth for people of color has far outstripped that of whites in the entire University system:

While white enrollments have increased 11 percent during that time, people of color have increased 73 percent.

Asian-Americans and Filipinos, taken together, are increasing their enrollment at a fast pace: their numbers have increased by 162 percent in the last eleven years. Today, one in five (or 20%) of our domestic undergraduates on all of our eight campuses are Asian American or Filipino.

We are proud of our accomplishments and those of our students. This is not to imply, however, that the University's success has come without challenges at the undergraduate level, many of which have been brought to our attention by members of the Asian American community. The most serious of these concerns fall into three general categories:

1. The University's inability to admit each student to his or her first choice of campus or field of study;

2. The failure to inform the public about selection criteria used in the admissions process; and

3. The use of certain selection criteria such as foreign language requirements, which are important components in our admissions selection process, while there are no achievement tests in Asian languages—placing Asian American students at a disadvantage.

First, the inability to provide a space for every applicant at the campus or major of first choice. University faculty and administrators understand that many students have studied diligently in order to pursue a particular major or need to attend a campus which is close to their homes. Their very real and personal disappointment when they are not admitted to the campus or major of choice underscores the University's central problem of finding ways to accommodate the increasing number of students who are both academically eligible and eager to attend, but who must be turned away because of the campus or major they select. The simple truth is that the number of students seeking admission far exceeds the number of spaces available on some of our campuses. We use the word "impacted" to describe campuses or majors where this occurs and places like Berkeley and UCLA are finding that even traditionally less popular majors are becoming impacted and reaching enrollment limits. The University is attempting to meet this challenge by building three new campuses to address its increased admissions demand. But this is a long-term solution and only goes so far in addressing the problem.

Without immediate solutions, it becomes critical for the University to educate potential applicants about their chances for admission, and leads me to the second concern raised by the Asian American community: the need to provide better information upon which high school students can base their decisions.

The University shares the desire of the Asian American community to provide students and their parents with the information needed to make educated and realistic choices in applying to our campuses. The Asian American community has quite properly chastised the University about its dearth of written information regarding the criteria it uses in making admissions decisions for impacted campuses and majors. We appreciate the advice and recently have published the criteria our eight campuses use to admit students where there are more eligible applicants than a program can accommodate. But matching applicants with the most appropriate campuses is a shared responsibility. University policy cannot accomplish this alone. The University, in conjunction with high school counselors and Asian American parents, must help Asian American youth set realistic goals and work with them in building new visions for their future when disappointments occur.

Now, I would like to touch upon the third concern that is shared by the University and our Asian American constituency: fair selection criteria, and in particular our foreign language requirement. Currently, standardized achievement tests for Asian languages do not exist. As Trustee and Vice Chair of the College Entrance Examination Board, I am personally working with the College Board in the development of appropriate examinations so that Asian American students can demonstrate their proficiency in Asian languages. As an interim measure, the University is reviewing its admissions policies and our foreign language requirement to see if alternatives can be used in evaluating applicant records in those cases where students are proficient in a language where no standardized achievement tests exist.

In summary, the University shares similar concerns as those raised not only by Asian American students and parents, but other people of color as well. And the University is working toward solutions:

First, The University is engaged in a long range planning effort which proposes the construction of three new campuses and expansion of existing campuses to help with the demand for more undergraduate spaces.

Second, Through various means, the University is working hard to communicate to students, counselors, and parents its admis-

sions policies and to assure their fairness so that applicants can make informed decisions and will know what their chances for admission to their campus of first choice are realistic.

Third, The University is seeking short-term adjustments to its foreign language requirements and a long-term solution to the lack of Asian language standardized tests to ensure that students proficient in Asian languages are credited with possessing those skills during the selection process.

In closing, let me say that, yes, we could have been more sensitive at times to the real concerns of our many constituents—and here I include other groups as well as Asian Americans. However, over the years, the University has made tremendous strides in opening communication with all interested groups and in providing more understandable and open descriptions of our admissions policies and procedures. Recently, our Board of Regents established formally a "Policy on Undergraduate Admissions," a concise statement of the University's admissions policy and mission. This statement, together with companion implementation guidelines now provides a comprehensive Universitywide framework for admissions. The University also has established numerous task forces and standing committees at the University and campus level with broad representation, including Asian American leaders.

We take pride in the steps we have taken, especially when you view our entire record on providing opportunities for all people of color, including Asian Americans. But we have yet a long way to go in this process.

I am pleased to have had another opportunity in this seminar setting to continue the dialogue regarding our search for solutions to the very real challenges facing higher education today.

STATEMENT OF THE ORGANIZATION OF CHINESE AMERICANS BEFORE THE HONORABLE TOM DASCHLE AND THE HONORABLE PAUL SIMON, HOSTS OF THE ASIAN AND PACIFIC AMERICAN ISSUES SEMINAR, NOVEMBER 30, 1988

The Organization of Chinese Americans (OCA) congratulates Senator Tom Daschle and Senator Paul Simon on hosting today's seminar addressing legal immigration reform and anti-Asian university admissions policies. As a primary sponsor of this event, OCA appreciates the opportunity to participate in this precedent-setting public forum on these two extremely critical issues affecting the Asian and Pacific American community. OCA is a national, non-profit, non-partisan network of concerned Chinese Americans. Since its formation in 1973, OCA has been dedicated to promoting the active participation of Chinese Americans in civic affairs at all levels and securing justice, equal treatment and equal opportunities for Chinese Americans. With 44 chapters and over 7,500 members nationwide, OCA is the only national Chinese American civic organization with headquarters in Washington, D.C. Included in OCA's membership are local, state, and federal-elected officials.

LEGAL IMMIGRATION REFORM

Legal immigration reform policy in the United States will continue to have a great impact on the Asian and Pacific American community into the twentieth-century and beyond. Currently, Asian countries experience and average fifteen-year backlog of immigrants waiting to enter the United States. In the 100th Congress, the defeated Kennedy-Simpson Immigration Reform Bill contained detrimental provisions affecting the Asian and Pacific American community. One of the key proposals of concern to the community was the severe reduction of the fifth preference category of immigrants, never married brothers and sisters of U.S. citizens. OCA will continue to advocate fair immigration policy in the 101st Congress that include the following standards:

No cap on the overall level of immigration.

Family reunification principles embraced.

A point system that does not favor young, educated and English-speaking individuals.

ANTI-ASIAN UNIVERSITY ADMISSIONS POLICIES

Anti-Asian university admissions policies has never before been addressed in the United States Congress. Alleged cases of anti-Asian quotas in universities nationwide have multiplied in the past several years. OCA firmly believes that restrictive quotas based on race, nationality, or ethnicity are legally and morally indefensible and have no place in the admissions process. Affirmative action goals should only be used as a floor, never as a ceiling, in order to promote minority groups enrollment.

To further document the problem, OCA is currently conducting the first national study on undergraduate university Asian and Pacific American admissions policies. This study has been designed to explore the following topics:

Whether colleges and universities have experienced very large increases in Asian and Pacific American enrollments;

Whether Asian and Pacific American undergraduate applicants should have higher admission rates, or are subject to number "ceilings", "quotas", or "enrollment goals";

Whether the admission rate percentage for Asian and Pacific Americans has actually been dropping over the last 10 years; and

Whether Asian Pacific American backgrounds are found to be generally deficient in certain characteristics rated as important for admissions.

Upon completion of the study, OCA will make the data available to the Department of Education, the Department of Justice, members of Congress and the general public. OCA encourages the Congress to explore the possibility of a Congressional Inquiry on this serious issue of alleged discrimination in our nation's institutions of higher learning.

Once again OCA applauds Senator Daschle and Senator Simon for initiating this important seminar on Asian and Pacific American issues. This forum has brought the community together to establish dialogue and an agenda for future legislative proposals in the areas of legal immigration reform and anti-Asian university admissions policies. OCA looks forward to continuing to work closely with the United States Congress on crucial public policy issues that impact the lives of Asian and Pacific Americans.

Respectfully Submitted,

MELINDA C. YEE,
Executive Director.

STATEMENT OF THE CHINESE AMERICAN SOCIETY FOR THE ASIAN PACIFIC AMERICANS ISSUE SEMINAR, NOVEMBER 30, 1988

The Chinese American Society would like to thank both Senator Thomas Daschle and Senator Paul Simon and their staffs for providing this seminar today to have Asian Pacific Americans address their concerns on the issues of legal immigration reform and college admissions bias.

On the issue of immigration reform, we believe that fairness and equality to all ethnicity must be the fundamental and guiding principle which can ensure that a dedicated balance among all interests be stricken and that the ultimate goal of reform be achieved. We support the concept of bringing more qualified immigrants to this country through the means of expanding third and sixth preferences, or the "independent immigrants". However, such an expansion shall not be achieved at the expense of immigrants of other categories, or the "family immigrants". In light of the fact that the backbone of this nation's immigration policy has been, and still is, family reunion, if Congress should enact a law, like it almost did in 1988, to eliminate the fifth preference category and to reduce the number of people that can be admitted through other family immigration categories, it would be in effect a reverse back to the dark age of this country's past in which Asians were excluded from immigrating to the United States. Further, in determining who are qualified as independent immigrants, evaluation should be given on the merits of each alien applicant. We do not believe that the current situation warrants the adoption of a single, uniform formula such as the "point" system proposed by some. The administration should be allowed to exercise discretion, under close scrutiny of Congress, to gradually formulating a feasible guideline on this issue. More specifically, we urge Congress to take very cautious steps in considering whether an alien applicant's language skills should be a major factor in the outcome of his or her immigration application.

On the issue of college admissions bias against Asians, we urge Congress and the administration take clear and strong actions against those who are found to be conducting illegal discriminatory practices. We believe that equitable doctrine ought to be applied in each college's admissions process, i.e., let the overall performance of the student be the one and only criterium in the admissions process. Race shall not be a major factor. We further urge Congress to introduce an amendment to the Civil Rights Act by clearly defining the illegality of higher education admissions biases or discriminatory practices. We trust that Congress will strike a dedicated balance between minority's civil rights protection and the problems of so called 'reverse discrimination."

Once again, we appreciate the commitment and efforts made by the two senators to Asian Pacific Americans which make this seminar possible. The Chinese American Society is very honored and proud to be one of the two major sponsoring organizations of today's event. We hope that similar events will be held in the near future so that Congress and its Asian Pacific American constituents can effectively communicate with each other and mutual benefits be brought forth.

STATEMENT BEFORE THE ASIAN AND PACIFIC ISLAND AMERICAN ISSUES SEMINAR, NOVEMBER 30, 1988

(By Rita Takahashi, Washington Representative, National Japanese American Citizens League)

The National Japanese American Citizens League is pleased that Senator Paul Simon and Senator Tom Daschle organized this issues seminar. The focal issues of this seminar—"legal immigration reform" and "anti-Asian bias in university admissions"—are significant, indeed.

The Japanese American Citizens League (JACL) is a non-profit, civil rights organization which was established in 1929. It currently has one hundred and fifteen (115) chapters throughout the United States, and it has twenty-five thousand (25,000) members. As an organization, JACL supports and will continue to support immigration laws which promote equity and diversity. Family reunification measures are fully endorsed by the JACL.

In addition, JACL has been disturbed by the range of discriminatory treatment directed at non-whites generally and at Asian and Pacific Island Americans specifically. The issue of anti-Asian bias in university admissions is one among the many forms in which this discrimination is manifested. JACL has vigorously fought to break these barriers down and to eliminate such discriminatory treatment. It will continue to vigorously oppose any actions which unfairly discriminates.

JACL extends appreciation to Senators Simon and Daschle for their support for and sponsorship of a range of civil rights issues. Among the important civil rights issues, which were raised in the 100th Congress, were: the Civil Rights Restoration Act, the Hate Crimes Bills (one of which was sponsored by Senator Simon), Fair Housing Bill, census bill for an accurate count of Asian and Pacific Islander Americans, Racial Justice Act, and the Civil Liberties Act.

When H.R. 4432—the census bill—passed with overwhelming support, JACL was gratified. However, when President Ronald Reagan pocket vetoed the bill, JACL (along with many other Asian and Pacific Island American individuals and groups) was disappointed. The attached press release addresses the reactions of JACL, as well as the positions of the National Coalition for an Accurate Count of Asian Pacific Americans and the National Organization of Chinese Americans. In this release, the three organizations asked that the U.S. Bureau of the Census keep their promise to use the check-off format.

Civil rights victories were won in the 100th Congress. One victory that JACL and JACL-Legislative Education Committee (JACL-LEC) were particularly involved in for many years, was the Civil Liberties Act. JACL and JACL-LEC were gratified by the overwhelming support for this bill in both houses of Congress. Senators Simon and Daschle—along with the many other senators and representatives—provided strong support for this bill. For this, we are thankful.

Because President Reagan signed H.R. 442 (the Civil Liberties Act) into law on 10 August 1988, the newly-established Public Law 100-383 provides for monetary compensation to the thousands of individuals who were denied their constitutional rights. During World War II, the U.S. Government incarcerated and restricted approximately one hundred and twenty thousand (120,000) persons from the West Coast. Most were incarcerated in concentration camps, solely on the basis of their heritage. All persons of Japanese ancestry, in the United States, were affected by the discriminatory actions taken by the U.S. Government. Redress legislation passed some forty-five years later.

JACL commends the 100th Congress for its progressive moves forward in the area of civil rights. At the same time, JACL anticipates the passage of many other civil rights legislation during the 101st Congress.

ON H.R. 4432—THE CENSUS BILL

Three national organizations—the National Coalition for an Accurate Count of Asian Pacific Americans, the National Japanese American Citizens League, and the National Organization of Chinese Americans—expects the U.S. Department of Commerce's Bureau of the Census to follow through on its promise to use the check-off format to count Asian and Pacific Island Americans during the 1990 decennial census.

We are pleased that the U.S. House of Representatives and the U.S. Senate passed H.R. 4432—the bill which requires the U.S. Bureau of the Census to use a check-off format to count Asian and Pacific Island Americans. Overwhelming support for this bill (in both houses) conveyed a clear message and a potent mandate to the Census Bureau. Asian and Pacific Island Americans are to be counted through this check-off format.

Prior to final passage of this bill in Congress, the U.S. Bureau of the Census agreed that it would use this format. Not only did the Bureau make this promise to members of Congress, it also announced this point to Asian and Pacific Island American representatives. During a meeting of the U.S. Bureau of the Census' Advisory Committee on Asian and Pacific Islanders, in October, the Census Bureau confirmed that it would use the check-off format.

This resolve was also conveyed to a group of Asian and Pacific Island American representatives, who gathered from throughout the country, on 22 October 1988. At the invitation and expense of the U.S. Census Bureau, these individuals met to provide input to the Bureau. It was at this meeting that the Census Bureau showed the group an example the form which included the check-off format. Clearly, this format was shown to be reasonable and appropriate, and definitely feasible.

Should they to retract their promise to Congressional leaders and to the Asian and Pacific Island community, the U.S. Bureau of the Census will realize the long-term negative implications for years. This slap to Congress and insult to the Asian and Pacific Island American community would be difficult to repair because of resulting senses of "no confidence".

We urge the U.S. Bureau of the Census to move forward with its commitments and promises. To do otherwise would be unconscionable and objectionable.

NATIONAL COALITION FOR AN ACCURATE COUNT OF ASIAN PACIFIC AMERICANS,
San Francisco, CA, November 16, 1988.

Re: Fulfilling Promises to Federal Legislators and Asian Pacific American Communities—1990 Race Question.

Secretary C. WILLIAM VERITY,
U.S. Department of Commerce, Washington, DC.

MR. JOHN G. KEANE,
Director, U.S. Bureau of Census, U.S. Department of Commerce, Washington, DC.

DEAR SECRETARY VERITY and MR. KEANE: On behalf of the National Coalition for an Accurate Count of Asian Pacific Americans, comprised of a broad coalition of community and civil rights groups across the country, we are writing to urge you to proceed with previously-announced Census Bureau plans to list nine specific Asian-Pacific Islander racial groups (along with a write-in for all other Asian/Pacific Islander groups) in the 1990 race question.

Notwithstanding the pocket veto of H.R. 4432 by President Reagan, the Census Bureau has an obligation to fulfill promises made to federal legislators and community representatives during the week of October 17 that the Census Bureau has committed itself to list these nine different Asian/Pacific Islander groups in the 1990 race question. As we have testified before the United States Congress and have stated personally to you and your staff numerous times, the specific listing of these nine Asian/Pacific Islander groups will cover approximately 95% of the national Asian Pacific American population. Asian and Pacific Islander citizens should enjoy the same level of ease and simplicity in checking off their respective racial grouping as white, Black, and Hispanic respondents experience in filling out the race and ethnic questions through a check-off system.

When some of us community representatives attended the Bureau's October 22, 1988 meeting on tabulation and publication of racial data, we received a copy of how the Bureau will format the 1990 race question to accommodate the specific listing of the nine Asian/Pacific Islander groups. Contrary to earlier statements made by Census Bureau officials that it was not technically feasible to accommodate the listing of nine specific Asian/Pacific Islander groups in the 1990 race question, the Census Bureau demonstrated unequivocally at this October 22 meeting that the 1990 race question can include the specific listing of these Asian/Pacific Islander groups.

We are very troubled that, upon the pocket veto of H.R. 4432 and when questioned about the Bureau's plans to list specifically the nine Asian/Pacific Islander groups in the 1990 race question, census officials have been less than candid and forthright in publicly re-committing itself to proceed with previously-announced plans to use the 1980 format in the 1990 race question with regard to Asians and Pacific Islanders. Worse yet, it appears that the Census Bureau may be trying to interpret the Memorandum of Disapproval of H.R. 4432 as an executive order mandating the Census Bureau to revert back to the "short race" question which excludes the listing of any Asian or Pacific Islander racial subgroup.

Over six million Asians and Pacific Islanders deserve to be counted accurately and efficiently in the 1990 Census. The National Coalition for an Accurate Count of Asian Pacific Americans urges you to keep your word with the community and members of the U.S. Congress and fulfill your promises to list nine Asian/Pacific Islander groups in the 1990 race question.

Thank you for your attention in this matter.

Sincerely yours,

HENRY DER.

[From the Japanese American Citizens League, Nov. 9, 1988]

COMMENTS FOLLOWING PRESIDENT REAGAN'S VETO OF H.R. 4432

(By Rita Takahashi)

President Ronald Reagan's refusal to sign H.R. 4432 into law—despite wide-range support from many groups—is stunning. Clearly, Reagan's decision is counter to the position taken by Congress and many individuals and groups comprising the American public.

The message has already been sent that the check-off format is desired in the 1990 decennial census count of Asian and Pacific

Island Americans. Apparently, President Reagan decided not to go with the sentiments of the congressional leaders of this country.

Like the impact felt when Reagan recently vetoed the "whistle-blower" legislation (S. 508), Congress and public now feel the sting of another slap.

COMMENTS BY WILLIAM YOSHINO, ACTING NATIONAL JACL DIRECTOR

We are dismayed with the President's veto of H.R. 4432 which would have required the Census Bureau to list the various categories of Asian subgroups on the 1990 Census form.

We urge the Census Bureau to proceed with the format as prescribed in the legislation so as to avoid an undercount of services to the community.

[From the Japanese American Citizens League, Nov. 18, 1988]

REAGAN VETOES BILL REQUIRING CENSUS BUREAU TO TALLY ASIAN AMERICANS GROUPS INDIVIDUALLY

WASHINGTON.—A bill requiring the Census Bureau to tabulate nine different Asian American sub-groups individually was vetoed Nov. 8 by President Reagan. The president's pocket veto of H.R. 4432 was because the bill would "* * * unnecessarily restrict the form of the race question in future censuses. Second, it would require the Census Bureau to use a form of race question that the bureau has tested and found to be less accurate than the one it plans to use in 1990. Third, it would specifically require questions relating to plumbing facilities and heating and cooling equipment in housing units that would not produce data sufficiently useful to justify their inclusion. * * * Finally, these changes would increase administrative costs and add to the paperwork burden imposed on the public by the census."

A disappointed Rep. Robert Matsui (D-Calif.), who introduced the measure, responded by saying, "It's disturbing to see the White House take a negative approach to such a basic measure of fairness and democracy." He also said that the bureau assured him weeks ago that it would carry through with the legislation's intent regardless of the bill's future. "I certainly hope the bureau plans to stand by it's word," he added.

Rep. Norman Mineta (D-Calif.) also reacted to the veto and said, "I am angered that President Reagan has chosen to veto this important piece of legislation. By vetoing H.R. 4432, the president has refused to recognize that the changes proposed by the Census Bureau would have distorted the accuracy of the census, thereby making this legislation an absolute necessity." The House approved its version of the bill on Sept. 26, 1988 and the Senate approved its version on Oct. 18, 1988.

Also dismayed by the veto was JACL Acting National Director Bill Yoshino, who said, "We urge the Census Bureau to proceed with the format as prescribed in the legislation so as to avoid an undercount of services to the community." JACL Washington Representative Rita Takahashi said, "President Ronald Reagan's refusal to sign H.R. 4432 into law, despite wide-range support from many groups, is stunning. The message has already been sent that the check-off format is desired in the 1990 decennial census count of Asian and Pacific Island Americans. Apparently, President Reagan decided not to go with the sentiments of the congressional leaders of this country."

The controversy began when it became known that the Census Bureau intended to use an individual write-in method for counting Asian and Pacific Island Americans. In the 1980 count, individuals checked off boxes of their respective ethnic group. As a result of the Census Bureau's decision, Asian American groups, fearing an undercount and subsequent potential lack of services, organized a campaign to force the Census Bureau to use a counting method similar to the 1980 census.

Despite the president's veto, there are still intentions to have the Census Bureau list the individual subgroups. "Until the forms contain those subgroups, this issue is not over," said Matsui.

ORGANIZATION OF CHINESE AMERICANS, INC.,
Washington, DC., November 9, 1988.

President RONALD REAGAN,
The White House, Washington, DC.

DEAR PRESIDENT REAGAN: On behalf of OCA members and the Asian Pacific American community, we are expressing our deep disappointment in your veto of H.R. 4432, a bill requiring that the 1990 Decennial Census form include a format that will provide for detailed tabulations on Asian Pacific Americans.

The One Hundredth Congress expressed great wisdom and sensitivity in dealing with Asian Pacific Americans on this issue. The needs of the individual communities such as Chinese, Japanese, Filipino, Hawaiian, Samoan, Laotian, Asian Indian, Vietnamese, Korean, etc. vary greatly, and should be recognized as separate and unique groups. In the 1980 Census, the Census Bureau has proposed to lump Asian Pacific Americans into one category, which would seriously affect political representation and the allocation of federal aid.

At public hearings held on 20 October 1988, Census Bureau officials introduced a check-off format, similar to the form used in 1980, that they stated would be used "in response to Congressional legislation." This format is acceptable to the Asian Pacific American community, and we are hopeful that the Census Bureau will use this form for the 1990 Census. If this form is not used, then Asian Pacific Americans will be severely undercounted and not properly recognized by local, state, and federal governments.

Your veto of H.R. 4432 is extremely detrimental to civil rights concerns of the Asian Pacific American community. While we are encouraged by your support of Japanese Redress and the appointments of several Asian Pacific Americans to high level policy-making positions, we are strongly discouraged by your actions on this bill. Regardless of your decision, the Asian Pacific American community will continue to fight for a fair and accurate count and the use of distinct ethnic categories in the 1990 Decennial Census.

Sincerely,

FRANK Y. LIU,
National President.

MARGARET CHAO,
Vice President Public Affairs.

MELINDA C. YEE,
Executive Director.

POSITION OF THE NATIONAL CONGRESS OF VIETNAMESE IN AMERICA [NCVA] REGARDING CERTAIN ANTI-FAMILY IMMIGRATION PROPOSALS IN CONGRESS

The National Congress of Vietnamese in America expresses its disagreement with the numberous legislative proposals in the 100th Congress which would have undermined the position of the family in immigration policy. The proposals, while labelled as 'reform', were implicitly vehicles of racial bias against large areas of the Third World (Asia and Latin America). The NCVA urges all Senators and Representatives to the 101st Congress to reject such proposals.

Of this type of legislation, the proposal which came closest to enactment was S. 2104, the "Kennedy-Simpson" bill. It would have made immediate family members, who are currently exempt from quotas, subject to an overall cap on immigration; reduced the number of visas under the preference most used by Asian-American families; reduced the ability for siblings and unmarried children to follow family members; and would replace family as a basis for immigration policy with labor skill. Other bills with a similar anti-family, anti-Asian-American thrust include H.R. 3143 (Representative Donnelly) and H.R. 3910 (Representative Schumer).

One would like to believe that the prejudice of old is dead, that the "Yellow Peril" mentality of the turn of the century is a relic. As the above-cited legislation reveals, however, the desire to restrict people who are different still lives. Immigration from Asia is tied to the family. Attacking the family, as those proposals do, is an effective weapon against Asian immigration.

Asian-Americans have been increasingly recognized recently for their accomplishments in a wide range of fields, from education and the arts to business. Unfortunately, such recognition also engenders feelings of jealousy and insecurity among some elements. Southeast Asians have encountered severe violence in Massachusetts, Texas, and Louisiana. Incidents of racist violence against Asian-American students were reported at the University of Connecticut. There is a perception in the Asian-American community that quotas are being applied against Asian-Americans in screening applicants for some universities. While all of these practices have historical precedent, they are a shameful precedent which must be overturned. College admission should be based on merit, not quotas.

Thus, such immigration proposals must be resisted as part of a potential trend of anti-Asian bias. The Asian American community does not ask for special favors. In the area of immigration, it simply asks continued acceptance of the recommendation of the U.S. Select Commission on Immigration and Refugee Policy, which reaffirmed family reunification policy, as the cornerstone of our immigration system, and recommended no changes to eligibility under the family preferences.

TO THE MEMBERS OF CONGRESS AND SENATE, WASHINGTON, DC, ON IMMIGRATION POLICY 1988

My name is Susan Au Allen. I am speaking on behalf of the Organization of Chinese American Women (OCAW), the Organization of Pan Asian American Women (Pan Asia), and the U.S. Pan Asian American Chamber of Commerce (USPAACC).

I am also speaking personally as a first generation Asian American, an attorney

who practises immigration and nationality law here in Washington. I confront the issues raised by our distinguished panelists this morning on a daily basis.

We support an immigration policy that reflects the family values of all Americans. These values include the reunification of the nuclear family, and economic growth through competitiveness.

Immigrant visas based upon family relationship such as parents, husband, wife, son, daughter, brother and sister have served the American ideal of the united family well. The united family has given our forefathers the support to persevere in times of adversity; it has given us hope in times of despair; it has comforted the discouraged and enabled them to get up, shake off the dust and continue on.

For these reasons, Congress must preserve the existing laws and expand the numerical system to enable Americans and permanent residents to be reunited with their relatives.

America has realized her vast economic potential, because, in large part, of the efforts of immigrants. They supplied much of the labor and technical skills needed to develop the resources of the continent. From the construction of transportation and public utility systems to the mining, iron, steel and manufacturing industries, immigrants performed back-breaking and less desirable work which many Americans were unwilling to perform.

Today, immigrants continue to be the source of the labor we need, not only in jobs Americans do not want, but also in professional, technical and skilled or unskilled occupations for which there is a shortage to meet the needs of American business.

If American business cannot get the labor it needs, it will either close down or move somewhere else such as Latin America, the Carribean and Asia, where labor is readily available. In the end, America will export jobs in the thousands and import goods in the millions.

Our immigration policy must also reflect the economic needs of America. In the time when we have doubts about our global and domestic competitiveness, when we Americans are told that Americans are exporting too many jobs and importing too many goods, and when news about our national trade deficit continues to trouble us, we need an immigration policy that encourages the admission of professionals, skilled or unskilled workers to fill our labor shortage. Thus, a flexible policy based on labor needs and economic consequences will enable American business to bring in workers when they are needed to sustain growth and expansion. As a result, American business need not relocate to other countries where workers are available; and we will not export jobs and opportunities.

It is not a secret that the Immigration and Naturalization Service (INS) has been criticized for conducting illegal stops, arrests, detentions, and interrogations of persons who they suspect to be aliens unlawfully present in the United States. It is also a long standing policy, procedure, and practice of the INS to detain persons arrested without probable cause, without informing them of the reason for the arrest and refusing to inform them of the conditions of release until twenty-four hours after the arrest.

The employer sanction provision of the Immigration Reform and Control Act of 1986 (IRCA) has cloaked INS agents with apparent but much misunderstood authority to intrude into the privacy of persons in violation of the Constitution and laws of the United States. I am referring to INS agents conducting searches and seizures without warrants, consent or exigent circumstances on the private homes as well as business premises in their efforts to search out aliens, including persons of Asian descent although such persons are United States citizens and permanent residents.

We believe the time has come for Members of the Congress and Senate to take the leadership role and start an inquiry into the policies, procedures, and practices of the INS and its agents which are clearly in violation of the Constitution and laws of the United States.

Thank you for the opportunity to speak before you this morning.

COLLEGE ADMISSION POLICY

To Members of Congress U.S. Senate, Washington, DC, my name is Faith Lee Breen, I am the Vice President for Programs of OCAW and am Associate Professor of Business and Management, and Economics. Our organization is pleased to submit the following statement:

In today's global economy, America needs a highly educated and skilled workforce which can safeguard both our national competitiveness and our national security. Therefore, the Organization of Chinese American Women (OCAW) supports college and university admission policies which are based upon individual merit!

Decisions which are based upon race and fixed quotas are inherently discriminatory and thus compromise America's social values. Although it may be commendable to achieve racial balance and diversity in our prestigious institutions of higher education, it is improper for any institution to put a ceiling on the admission of students who have the academic qualifications, but the wrong racial qualification.

It is wrong to redress ethnic imbalance by denying admission to Asian American students who have succeeded in achieving the standards of academic excellence required for admittance into institutions such as Harvard and The University of California at Berkeley and Los Angeles.

Our universities should not reject a student because of his or her race in favor of another who is less qualified. No applicant should be held to a different standard simply because of his or her race. Although we recognize that our educational system must not create friction between Asian Americans and other minority groups; in America's economic system, competition based on merit is a winner! The same is true for America' educational system!

We understand that the Department of Education has been sensitive and responsive to allegations that certain Ivy League colleges and universities have carried out questionable admission policies including putting caps on the number of Asian American students admitted to their schools. We also understand that although inquiries were initiated to determine the validity of the charges of such policies, the Department of Education has now decided to halt such inquiries. This troubles the Organization of Chinese American Women (OCAW). Because even the perception of a biased admission policy compromises the integrity of our system of higher education, The Organization of Chinese American Women strongly encourages Congress to take the lead in determining the validity of these allegations. And, if discriminatory admission policies are found to exist, that Congress immediately act to stop them.

Finally, we believe that higher education can best serve America by promoting and ensuring academic excellence; an excellence which is based upon individual merit!●

NOMINATION OF TERRENCE E. SAUVAIN TO BE A CAPTAIN IN THE COAST GUARD RESERVE

● Ms. MIKULSKI. Mr. President, it is with great pride that I rise today to commend to my colleagues the nomination of Terrence E. Sauvain to be a captain in the Coast Guard Reserve.

I am proud to say that Terry is a constituent of mine as a resident of Garrett Park, MD, who has served the Coast Guard Reserve with distinction since 1974. In addition to Terry's record in the Coast Guard Reserve, he has had a noted career as a dedicated public servant. He worked at both the National Institutes of Health and as a budget analyst with the Department of Health, Education, and Welfare. Since 1973, he has served Senator ROBERT C. BYRD in a variety of positions, including the elected position of Secretary of the Minority in the 97th Congress.

As we begin the 101st Congress, the Senate is fortunate that Senator BYRD has appointed Terry as the deputy staff director of the Senate Appropriations Committee. I look forward to working with him in that capacity and relying on his help as I assume the chair of the HUD-Independent Agencies Subcommittee.

As a member of the Coast Guard Reserve, Terry served in their Baltimore district, located in my hometown, for 9½ years. During this time, he served the Reserve in a variety of positions.

In light of his record of public service, I urge my colleagues to act promptly on Terry's nomination.●

ST. PAUL, MN

● Mr. BOSCHWITZ. Mr. President, I rise today with great pride to salute a Minnesota city that this week received a great deal of national attention.

St. Paul, MN, the capital city of our great State, was this week acclaimed as one of America's "hot cities" by Newsweek magazine, which listed St. Paul as one of the top 10 cities in the United States.

The positive qualities of life in St. Paul, indeed in all of Minnesota, Mr. President, are numerous, and it is gratifying to see them receive the national attention they deserve.

The availability of jobs and housing, the vibrant cultural community, and the relaxed lifestyle all combine to make St. Paul a marvelous place in which to live.

But perhaps the most important ingredient of St. Paul—as in all of Minnesota—is the greatness of the people. Anyone who has traveled to Minnesota returns home talking about the warmth and kindness of Minnesotans. It is no exaggeration, Mr. President, to say that Minnesotans go through life with smiles on their faces and songs in their hearts, and that in the "star of the north" you will find people whose friendliness is unsurpassed.

Newsweek spoke at great length about St. Paul's rejuvenation in the past few years, and indeed it has been a wonder to behold. New buildings, new parks, and new homes, all the result of planning and prosperity, have sprung up across town. But again, to paraphrase our new President, a city is more than the sum of its possessions, and it is the people of St. Paul that make her truly shine.

To my hundreds of thousands of constituents in St. Paul, I offer congratulations on this week's accolades, and I am confident that Minnesotans across the State share in the pride St. Paul now feels.●

THE PRESIDENTIAL INAUGURATION

● Mr. LEVIN. Mr. President, I recently received a letter from a Ralph J. Kliber, a constituent of mine, who came to Washington to attend President Bush's inauguration and related ceremonies. Mr. Kliber's description of his feelings is so straightforward and moving that I thought I would share it with our colleagues. I know that they will appreciate the directness of Mr. Kliber's feelings, and I hope he will understand my making public his letter to me.

I ask that Mr. Kliber's letter be inserted in the RECORD.

The letter follows:

FISCHER, FRANKLIN, FORD, SIMON & HOGG,
ATTORNEYS AND COUNSELLORS,
Detroit, MI, January 23, 1989.

Hon. CARL LEVIN,
U.S. Senator, Washington, DC.

YOUR HONOR: Thank you very much for your gracious response to my request for a single ticket for the inauguration ceremonies before the United States Capitol on Friday, January 20, 1989. As a result of your courtesy, I flew to Washington in the morning, attended the ceremonies, observed the parade and returned in the evening.

Perhaps you would be interested in my reaction to the events of the day. A roving reporter asked me from whence I came and why I came to Washington. My response was simple, but direct. I came to the center of democracy to watch the transfer of the head of state in a peaceful and exhilarating manner, without a shot being fired, an insult hurled or a threat made.

The ceremony was impressive. The music was excellent. The hundreds of thousands of attendees were in an orderly and jubilant mood. Thank you again.

Sincerely,

RALPH J. KLIBER[1]

A GREAT MAN

● Mr. DURENBERGER. Mr. President, I rise to bring to my colleague's attention a great man, Joe Alexander. Joe has been the commissioner of the Minnesota Department of Natural Resources for the last 11 years. He has been my friend for much longer.

In 1967, when I came to State government, Joe was a regional supervisor in the Minnesota DNR, working in the city of Mankato. I met him then to discuss State environmental issues, and he was an adviser when I was exploring a run for Governor before deciding to run for this seat in 1978.

As commissioner he is the protector and manager of Minnesota's most cherished resources: her natural beauty and fish and wildlife. This, as we all know, is not an easy task. And Joe has taken his lumps. But, no matter what the issue, controversy, or pressure, Joe's maintained his unwavering priority of protecting the resource. His commitment to the resource has won him deserved praise from all sides.

On a personal note, Mr. President, I've appreciated Joe over the years, and I'm especially pleased that Joe, a widower, will marry my first environment and natural resources legislative assistant, and Minnesota's first—and best—environmental crusader, Shirley Hunt, on March 4.

Joe's personal courage and integrity and professional expertise make him a valuable role model for those of us in public service. I share Joe's commitment of resource protection and we have worked together on many important Minnesota issues. He is a longtime friend whose leadership I admired. As tribute, I wish to enter the attached article by Ron Schara, published Sunday, January 15, 1989, in the Minneapolis Star-Tribune, into the RECORD for all my colleagues to read:

ALEXANDER IS STILL GAME FOR THE TASK: DECADE HASN'T DIMINISHED DNR COMMISSIONER'S ARDOR

Historically, it ranks as one of the hottest seats in state government, the one Joe Alexander has occupied for nearly 11 years.

I mean, governors might have silly ideas. And legislators might pass silly laws while bureaucrats waste hardearned tax money.

But only the commissioner of the Department of Natural Resources can screw up the huntin' and fishin', the pickin' and bird watchin'. Or mess up progress over little chunks of earth when so many powerful people want it plowed, drained, clearcut, or paved.

If the fish don't bite, blame the DNR commissioner, right?

The job isn't exactly a wilderness trail to retirement. Yet, there he was the other day, Joe Alexander—at age 65, his silver hair a little thinner, his paunch a little bigger, his steel blue eyes a little softer—still sitting where the DNR buck stops.

Remarkable, after all these fishing seasons.

"I think the record is 12 years as commissioner set way back when," Alexander said. "This will be my 11th year in May. I remember thinking if I got the job, I'd like to be commissioner for four years."

Alexander chuckled at his own change of fate.

Although the DNR is never more than a paddle length from controversy, the department appears on a stable course, responding faster to public concerns yet defending its resource responsibilities.

If so, it's the reflection of the man in the hot seat.

Initially passed over for the commissioner's job by newly elected Gov. Rudy Perpich, Alexander got the nod two years later after Perpich saw his choice for commissioner, an Ohioan named William Nye, being hung in effigy by angry northern Minnesotans.

"My job was to get rid of the controversy, the internal turmoil and level off the department, which was unsteady," Alexander said. "Bill Nye was a nice guy, but he didn't belong. He was out of touch with Minnesotans."

It was a mistake Alexander wouldn't repeat.

Alexander remodeled the DNR hierarchy and launched a series of open meetings between DNR and the public, supporters and adversaries.

"We learned to listen, too," Alexander said of his field staff.

Those were the early years of Alexander's influence.

Within two years, the DNR operation was smooth enough that the next governor Republican Al Quie, decided to stay with the commissioner who had been chosen by a Democrat.

A remarkable feat, in politics.

"If I'll take any credit, it's because God gave me the ability to select good people. I learned early to dictate responsibility and let people do their job," Alexander said.

But there is more than modesty to Alexander's long survival.

He was the people's choice. He played tough but fair. If he made a mistake, he wanted on nature's side. And Alexander had enough of a temper to keep the political flacks at bay.

"I've served under two different administrations, and no governor has ever sent me a person and said 'hire 'em.' And that's unusual in this business."

Alexander also harbored resource principles.

"Only once did I think I had to quit. And that was the day I was called into Gov. Quie's office to meet with a group of southwest legislators who wanted the DNR to reverse its policy on public wetlands. They asked the governor to change the policies or fire the commissioner.

"The governor turned to me and said 'What's the answer?' I said we were on the right track, that those wetlands needed to be preserved and if he (Quie) wanted to reverse that policy, he'd have to get a new commissioner, because I wouldn't do it.

"Gov. Quie turned to the legislators and said 'Gentlemen, you have your answer, and I'm busy.' And he walked into his private office."

Alexander smiled, recalling the story and added "Whew."

High stakes politics is a strange game if your conservation roots started as a $300-a-month game warden 31 years ago. Back then, Alexander wanted the state job enough to quit working as a bottling-plant

manager and take a 50-percent pay cut to chase poachers and check fishing licenses.

"My only regret is I didn't start working in this field when I was younger," he said.

It hasn't been all looking at sunsets.

Alexander's career in conservation survived his fight with alcoholism, his son's highly publicized involvement with drugs and his wife's long, ultimately fatal bout with cancer. Rose Alexander died last summer.

"I've never tried to keep my alcoholism a secret," he said. "I figure if you're not afraid of being a drunk, why should you be afraid of being sober?"

In a cabinet in Alexander's office are reading materials about alcoholism and its treatment. It's for employees who think they might have a problem. Alexander has an open-door policy and meets privately with every new DNR employee in the St. Paul offices.

Alexander's son, Will, has conquered his drug problems and is studying to be a drug counselor. "He's turned his life around," Alexander said.

And the Commissioner also is contemplating a change.

"Although I'll stay as long as the governor wants, this is my last term," Alexander said.

Over the last decade, Alexander said he has noticed great changes in DNR's operations, such as forestry, fish and wildlife, waters, non-game, and the like.

"I'm seeing a melding of ideas between the disciplines," he said. "I went to review a clearcut operation recently, and the forestry guy was talking fish and wildlife, and the wildlife biologist was talking forestry."

"We used to square off. Biologists vs. enforcement, stuff like that. We're out of that now."

However, in Alexander's view, serious issues remain:

Water: "I've always felt the waters of the state belonged to the people of the state. I think I've gotten more bumps and bruises from public access than any other issue. I'm also extremely worried about poisoned waters. They don't clean up very quickly."

Fishing: "I'm worried about how the fishing, the eating advisories. How do we get that shut off so we're able to eat some fish again. The Department of Health keeps checking water and finding more stuff. There are a lot of fishermen who go catch and release, but there are also people like me who like to catch a few bluegills and eat those little fellows."

Acid Rain: "I worry about it a lot. I've been to governor meetings where other governors from smokestack states cannot take a stand."

Endangered Species: "I think we're in good shape in saving both plants and animals. There's more public acceptance now of not wiping out the timber wolf. I support state control of wolves, but not eradicating."

Waterfowl: "I wish I could feel positive about waterfowl. I think we can keep a huntable population, but the good old days are just that. Too much habitat has been destroyed to bring them back."

And how will Minnesotans remember the man who lasted so long in a field with so many experts?

"I hope they'll look back," he said, "and say it was a good time."●

ANNIVERSARY IN BIG RAPIDS

● Mr. LEVIN. Mr. President, today, February 2, 1989, the people of Big Rapids, MI, will be celebrating 75 years under a council-manager plan. This event has a special significance because the city of Big Rapids was the first in Michigan to adopt this form of government.

Big Rapids has a proud history. It was first settled in 1855 and was named Leonard, MI. However, its name was changed to reflect the dominant presence of the big rapids on the Muskegon River.

Big Rapids is a fine place to live and work. From its early days as a center of white pine lumbering activity to today's diversified contributions to Michigan's economy, it has always attracted people looking for a higher quality of life. It is also a center for education. Ferris State University, established in 1884 by Woodbridge N. Ferris, who later became a Michigan Governor and U.S. Senator, is located in Big Rapids. It remains today a unique technical-professional institution of higher education.

Mr. President, I salute all the residents of Big Rapids on this anniversary. I am only sorry that I am unable to join Mayor Norm Mason, City Commissioners Jack Hendersickson, Jean Waddell, Mark Witbeck and Vicky Rumsey, former mayor, Bob Horan, Jr., and all my friends in Big Rapids at the special meeting of the city commission, but I am pleased that my representative will be there. I look forward to hearing his report on the day's events.●

THE CITY OF BIG RAPIDS CELEBRATES ITS 75TH ANNIVERSARY

● Mr. RIEGLE. Mr. President, I rise today to pay tribute to the city of Big Rapids as it celebrates its 75th anniversary. Big Rapids, located in the heart of Michigan, was founded in 1985 but it was not until 1914 when the city charter was adopted. This year Big Rapids is not only celebrating an anniversary, but also celebrating its success as a community which has excelled in industry, tourism, and education.

Big Rapids, like many other small communities, has served the State of Michigan and its people well. The city has an industrial base which has provided jobs to many out county areas and has managed to attract such companies as Wolverine Worldwide and Michigan Knife, which is now the leading knife manufacturing company in the Nation. Over the years, the community has been able to sustain and expand its industrial base. These, and other industries, have provided a stable economic base which continues to spur expansion, not only in Big Rapids but throughout Mecosta County.

Ferris State University has been, and continues to be, an integral part of Big Rapids. While the school has changed names and expanded its curriculum, the quality of education has remained superior. The university has helped build the educational and cultural foundation on which the city now rests. Ferris State will continue to be an attractive option for students who recognize the importance of higher education and still wish to be part of this closely knit community.

Tourism plays an equally important role in Big Rapids. Every year hundreds of visitors choose this tranquil environment to relax and vacation among the numerous lakes, rivers, and forests surrounding the city. Big Rapids provides its guests with a warm welcome and a memorable stay. With the Muskegon River flowing through the center of the city, it is not uncommon on a hot summer day to see families picnicking along the shores of the river. Others come to swim, canoe, and fish. The scenic Muskegon River continues to be a main attraction for visitors, as well as local residents, during any season of the year.

Big Rapids should be proud of its rich heritage and can look to its next 75 years with both optimism and confidence.●

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE, I send to the desk a resolution directing the Senate legal counsel to appear as amicus curiae in the name of the Senate in the case of American Foreign Service Association, and others, against Steven Garfinkel, and others, and I ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 42) to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in American Foreign Service Association, et al., v. Steven Garfinkel, et al.

THE PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Supreme Court will hear this term an appeal that potentially raises fundamental issues about the constitutional authority of the Congress to legislate on matters relating to national society. The appeal, in the case of American Foreign Service Association versus Garfinkel, is from a judgment of the United States District Court for the District of Columbia holding unconstitutional section 630 of the Treasury, Postal Service and General Government Appropriations Act, 1988.

Section 630 was enacted chiefly to eliminate uncertainty in agreements which the executive branch requires employees to sign as a condition for access to classified information. The need for careful and secure treatment of classified information is important within both the Congress and the executive branch. It is also important to assure that procedures for the protection of national security secrets are not used to inhibit the communication of nonclassified information that would illuminate public debate. The Congress's principal objective in enacting section 630 was to eliminate from nondisclosure agreements vague terminology that might restrict the proper dissemination of nonclassified information. Senator GRASSLEY, Senator PRYOR, and our former colleague, Senator Proxmire, led this effort in the Senate.

In invalidating the statute the District Court accepted a contention of the Department of Justice that section 630 abridges the President's powers over national security. The District Court's opinion failed to give due weight to significant powers that are vested by the Constitution in the Congress concerning foreign policy and national security. Fortunately, the Supreme Court need not referee this contest between the Congress and the President because the administration has issued new forms that eliminate the most questionable feature of the agreements which the Congress sought to reform in section 630.

The resolution which the distinguished Republican Leader and I are offering would authorize the Senate Legal Counsel to file a brief amicus curiae in the name of the Senate to suggest to the court that the judgment of the District Court should be vacated as moot. The brief would also suggest that, although controversies about the implementation of these agreements might arise in the future, no concrete dispute exists at this time which requires the Court's adjudication of matters that are generally best left to the process of communication and accommodation between the political branches.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 42) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 42), with its preamble, reads as follows:

S. RES. 42

Whereas, in *American Foreign Service Association, et al.* v. *Steven Garfinkel, et al.*, No. 87-2127, pending in the Supreme Court of the United States, the constitutionality of Section 630 of the Treasury, Postal Service and General Government Appropriations Act, 1988, Pub. L. No. 100-202, 101 Stat. 1329-391, 1329-432 (1987), extended by Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1989, Pub. L. No. 100-440, 102 Stat. 1721, 1756 (1988), have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *American Foreign Service Association, et al.* v. *Steven Garfinkel, et al.*, to seek relief from the judgment of the district court holding unconstitutional Section 630 of the Treasury, Postal Service and General Government Appropriations Act, 1988.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FILING AND ARGUMENT OF MOTIONS BY JUDGE ALCEE L. HASTINGS

Mr. MITCHELL. Mr. President, I understand that the Rules Committee has today filed two resolutions relating to the impeachment proceedings concerning Judge Alcee Hastings. I now ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 39, a resolution to provide for the filing and argument of motions by Judge Alcee Hastings to dismiss Articles of Impeachment.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 39) to provide for the filing and argument of motions by Judge Alcee L. Hastings to dismiss Articles of Impeachment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 39) was agreed to, as follows:

S. RES. 39

Resolved, that on a date designated by the Majority Leader in conclusion with the Minority Leader, the Senate shall resume its consideration of the articles of impeachment against Judge Alcee L. Hastings for the purpose of hearing argument on a motion or motions by Judge Hastings to dismiss the articles.

SEC. 2. Counsel for Judge Hastings shall file with the Secretary of the Senate on or before February 10, 1989, any motion to dismiss the articles of impeachment. The Managers on the part of the House shall file with the Secretary on or before February 24, 1989, their response to any such motion. Counsel for Judge Hastings may file a reply with the Secretary on or before March 3, 1989.

SEC. 3. There shall be printed as one of several Senate documents under the direction of the Secretary of the Senate, in consultation with the Senate Legal Counsel—

(1) the briefs of the parties on any motion to dismiss the articles of impeachment; and

(2) material that would assist the Senate in the consideration of any such motion, including the articles of impeachment, Judge Hastings' answer to them, the replication of the House of Representatives, the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 4. The Secretary shall notify the House of Representatives and counsel for Judge Hastings of this resolution.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF S. 155 TO THE COMMITTEES ON BUDGET AND GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 155, a bill to amend the Impoundment Control Act of 1974 to provide for enhanced rescission procedures, be referred to the Committee on Budget and Governmental Affairs, pursuant to the order of August 4, 1977.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT ON THE STATE OF THE UNION

Mr. MITCHELL. Mr. President, I ask unanimous consent that no amendments or motions be in order with respect to House Concurrent Resolution 33, a concurrent resolution providing for a joint session of Congress on February 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of House Concurrent Resolution 33.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 33), providing for a joint session of Congress to receive a message from the President on the State of the Union.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 33) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDING SENATE RULES

Mr. MITCHELL. Mr. President, I send a resolution making adjustment in the size of certain committees to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 43) to amend paragraph 2 and 3(a) of Rule XXV.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 43) was agreed to, as follows:

S. RES. 43

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and First Congress as follows:

Strike "20" after "Banking, Housing and Urban Affairs" and insert in lieu thereof "21".

SEC. 2. Paragraph 3(a) of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and First Congress as follows:

Strike "24" after "Budget" and insert in lieu thereof "23".

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. MITCHELL. Mr. President, I send a resolution making majority party appointments to Senate committees under paragraph 3 of rule XXV to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 44) to make majority party appointments to Senate committees under paragraph 2 of Rule XXV for the 101st Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 44) was agreed to, as follows:

S. RES. 44

Resolved, That the following shall constitute the majority party's membership on the standing committees for the One Hundred and First Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy (Chairman), Mr. Pryor, Mr. Boren, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Fowler, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (NEB).

Committee on Appropriations: Mr. Byrd (Chairman), Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Burdick, Mr. Leahy, Mr. Sasser, Mr. DeConcini, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Adams, Mr. Fowler, and Mr. Kerrey (NEB).

Committee on Armed Services: Mr. Nunn (Chairman), Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Dixon, Mr. Glenn, Mr. Gore, Mr. Wirth, Mr. Shelby, and Mr. Byrd.

Committee on Banking, Housing, and Urban Affairs: Mr. Riegle (Chairman), Mr. Cranston, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sasser, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Kerry (MA), and Mr. Bryan.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Chairman), Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Gore, Mr. Rockefeller, Mr. Bentsen, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Robb.

Committee on Energy and Natural Resources: Mr. Johnston (Chairman), Mr. Bumpers, Mr. Ford, Mr. Metzenbaum, Mr. Bradley, Mr. Bingaman, Mr. Wirth, Mr. Conrad, Mr. Heflin, and Mr. Rockefeller.

Committee on Environment and Public Works: Mr. Burdick (Chairman), Mr. Moynihan, Mr. Mitchell, Mr. Baucus, Mr. Lautenberg, Mr. Breaux, Mr. Reid, Mr. Graham, and Mr. Lieberman.

Committee on Finance: Mr. Bentsen (Chairman), Mr. Matsunaga, Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, and Mr. Daschle.

Committee on Foreign Relations: Mr. Pell (Chairman), Mr. Biden, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Kerry (MA), Mr. Simon, Mr. Sanford, Mr. Moynihan, and Mr. Robb.

Committee on Governmental Affairs: Mr. Glenn (Chairman), Mr. Nunn, Mr. Levin, Mr. Sasser, Mr. Pryor, Mr. Bingaman, Mr. Kohl, and Mr. Lieberman.

Committee on the Judiciary: Mr. Biden (Chairman), Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Heflin, Mr. Simon, and Mr. Kohl.

Committee on Labor and Human Resources: Mr. Kennedy (Chairman), Mr. Pell, Mr. Metzenbaum, Mr. Matsunaga, Mr. Dodd, Mr. Simon, Mr. Harkin, Mr. Adams, and Ms. Mikulski.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of the Republican leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 45) making minority party appointments to Senate committees for the 101st Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 45) was agreed to, as follows:

S. RES. 45

Resolved, That the following shall constitute the minority party's membership on the standing committees for the 101st Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar (ranking member), Mr. Dole, Mr. Helms, Mr. Cochran, Mr. Boschwitz, Mr. McConnell, Mr. Bond, Mr. Wilson, and Mr. Gorton.

Committee on Appropriations: Mr. Hatfield (ranking member), Mr. Stevens, Mr. McClure, Mr. Garn, Mr. Cochran, Mr. Kasten, Mr. D'Amato, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Grassley, Mr. Nickles, and Mr. Gramm.

Committee on Armed Services: Mr. Warner (ranking member), Mr. Thurmond, Mr. Cohen, Mr. Wilson, Mr. McCain, Mr. Wallop, Mr. Gorton, Mr. Lott, and Mr. Coats.

Committee on Banking, Housing, and Urban Affairs: Mr. Garn (ranking member), Mr. Heinz, Mr. D'Amato, Mr. Gramm, Mr. Bond, Mr. Mack, Mr. Roth, Mrs. Kassebaum, and Mr. Pressler.

Committee on Commerce, Science, and Transportation: Mr. Danforth (ranking member), Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. Kasten, Mr. McCain, Mr. Burns, Mr. Gorton, and Mr. Lott.

Committee on Energy and Natural Resources: Mr. McClure (ranking member), Mr. Hatfield, Mr. Domenici, Mr. Wallop, Mr. Murkowski, Mr. Nickles, Mr. Burns, Mr. Garn, and Mr. McConnell.

Committee on Environment and Public Works: Mr. Chafee (ranking member), Mr. Simpson, Mr. Symms, Mr. Durenberger, Mr. Warner, Mr. Jeffords, and Mr. Humphrey.

Committee on Finance: Mr. Packwood (ranking member), Mr. Dole, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Heinz, Mr. Durenberger, Mr. Armstrong, and Mr. Symms.

Committee on Foreign Relations: Mr. Helms (ranking member), Mr. Lugar, Mrs. Kassebaum, Mr. Boschwitz, Mr. Pressler, Mr. Murkowski, Mr. McConnell, Mr. Humphrey, and Mr. Mack.

Committee on Governmental Affairs: Mr. Roth (ranking member), Mr. Stevens, Mr. Cohen, Mr. Rudman, Mr. Heinz, and Mr. Wilson.

Committee on the Judiciary: Mr. Thurmond (ranking member), Mr. Hatch, Mr. Simpson, Mr. Grassley, Mr. Specter, and Mr. Humphrey.

Committee on Labor and Human Resources: Mr. Hatch (ranking member), Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Thurmond, Mr. Durenberger, and Mr. Cochran.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. MITCHELL. Mr. President, I send a resolution making majority party appointments to Senate committees under paragraph 3 of rule XXV, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 46) to make majority party appointments to Senate committees under paragraphs 3 (a), (b) and (c) of Rule XXV for the 101st Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 46) was agreed to, as follows:

S. RES. 46

Resolved, That the following shall constitute the majority party's membership on the committees for the One Hundred and First Congress, or until their successors are chosen:

Committee on the Budget: Mr. Sasser (chairman), Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, and Mr. Robb.

Committee on Rules and Administration: Mr. Ford (chairman), Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. DeConcini, Mr. Gore, Mr. Moynihan, Mr. Dodd, and Mr. Adams.

Committee on Small Business: Mr. Bumpers (chairman), Mr. Nunn, Mr. Baucus, Mr. Levin, Mr. Dixon, Mr. Boren, Mr. Harkin, Mr. Kerry (MA), Ms. Mikulski, and Mr. Lieberman.

Committee on Veterans' Affairs: Mr. Cranston (chairman), Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, Mr. Rockefeller, and Mr. Graham.

Select Committee on Ethics: Mr. Heflin, Mr. Pryor and Mr. Sanford.

Special Committee on Aging: Mr. Pryor (chairman), Mr. Glenn, Mr. Bradley, Mr. Burdick, Mr. Johnston, Mr. Breaux, Mr. Shelby, Mr. Reid, Mr. Graham, and Mr. Kohl.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of the Republican leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 47) making minority party appointments to Senate committees for the 101st Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 47) was agreed to, as follows:

S. RES. 47

Resolved, That the following shall constitute the minority party's membership on those Senate committees listed below for the 101st Congress, or until their successors are appointed:

Budget: Mr. Domenici, Mr. Armstrong, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Rudman, Mr. Gramm, and Mr. Bond.

Rules and Administration: Mr. Stevens, Mr. Hatfield, Mr. McClure, Mr. Helms, Mr. Dole, Mr. Garn, and Mr. McConnell.

Small Business: Mr. Boschwitz, Mr. Kasten, Mr. Pressler, Mr. Wallop, Mr. Bond, Mr. Grassley, Mr. Lott, Mr. Burns, and Mr. Stevens.

Veterans Affairs: Mr. Murkowski, Mr. Simpson, Mr. Thurmond, Mr. Specter, and Mr. Jeffords.

Select Committee on Ethics: Mr. Rudman, Mr. Helms, and Mr. Lott.

Special Committee on Aging: Mr. Heinz, Mr. Cohen, Mr. Pressler, Mr. Grassley, Mr. Wilson, Mr. Domenici, Mr. Simpson, Mr. Warner, and Mrs. Kassebaum.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDING PARAGRAPH 4 OF RULE XXV

Mr. MITCHELL. Mr. President, I send a resolution amending paragraph 4 of rule XXV to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 48) to amend paragraph 4 of rule XXV of the Standing Rules of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 48) was agreed to, as follows:

S. RES. 48

Resolved, That paragraph 4 of Rule XXV is amended by striking all after subparagraph (g) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred and First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred and First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred and First Congress may serve as a member on those committees listed in subparagraph (A), as well as a member of the Committee on Rules and Administration, may, during the One Hundred and First Congress, also serve as a member of the Committee on the Budget so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(4) A Senator who on the last day of the One Hundredth Congress was serving as a

member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred and First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Judiciary may, during the One Hundred and First Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundredth and First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred and First Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred and First Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred and First Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred and First Congress serves on the Committee on Agriculture, Nutrition and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Energy and Natural Resources and the Committee on the Judiciary may, during the One Hundred and First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10)(A) A Senator who on the last day of the One Hundredth Congress was serving on the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who on the last day of the One Hundredth Congress was serving on the Committee on Rules and Administration may, during the One Hundred and First Congress, also serve as a member of the Joint Committee on Taxation so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3.

"(11) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Finance may, during the One Hundred and First Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred and First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred and First Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees in paragraph 2.

"(15) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred and First Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(16) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Small Business, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(17) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(18) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Veterans Affairs, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(19) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred and First Congress, also serve as a member of the Committee on Veterans Affairs and the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraphs 3 (a) and (b).

"(20) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred and First Congress, also serve as a member of the Joint Economic Committee so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(21) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Veterans Affairs, may, during the One Hundred and First Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(22) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Budget, may, during the One Hundred and First Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(23) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Small Business may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(24) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(25) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Budget, may, during the One Hundred and First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b)."

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDING PARAGRAPH 4 OF RULE XXV

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of the Republican leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 49) to amend paragraph 4 of rule XXV of the Standing Rules of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 49) was agreed to, as follows:

S. RES. 49

Resolved, That paragraph 4 of rule XXV is amended by adding at the end of paragraph (h) the following:

"(h)(39) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on the Judiciary, and the Committee on Armed Services, may, during the One hundred and first Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(40) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Appropriations, and the Committee on Commerce, Science and Transportation, may, during the One hundred and first Congress, serve as a member of the Committee on Governmental Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(41) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Finance, and the Committee on Governmental Affairs, may, during the One Hundredth Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(42) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Appropriations, and the Committee on Banking, Housing and Urban Affairs may, during the One hundred and first Congress, serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(43) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs, and the Committee on Finance may, during the One hundred and first Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(44) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One hundred and first Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(45) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry, and the Committee on Appropriations may, during the One hundred and first Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(46) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One hundred and first Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(47) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Foreign Relations and the Committee on the Judiciary may, during the One hundred and first Congress, serve as a member of the Committee on Environment and Public Works so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(48) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Armed Services may, during the One hundred and first Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(49) A Senator who on the last day of the One hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Foreign Relations may, during the One hundred and first Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(50) A Senator whose term begins on January 3, 1989, may serve as a member of the Committee on Armed Services and the Committee on Commerce, Science and Transportation and may, during the One hundred and first Congress, serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 36 reported today by the Rules Committee.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 36) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 36) was agreed to, as follows:

S. RES. 36

Resolved, That the following-named Member be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee On Printing: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Mr. Hatfield of Oregon.

Joint Committee Of Congress On The Library: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 4, 95th Congress, Senate Resolution 448, 96th Congress, and Senate Resolution 127, 98th Congress, as amended, appoints the following Senators to the Select Committee on Indian Affairs: the Senator from North Dakota [Mr. CONRAD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. MCCAIN], and the Senator from Mississippi [Mr. COCHRAN].

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence: the Senator from Oklahoma [Mr. BOREN], Chairman; the Senator from Georgia [Mr. NUNN]; the Senator from South Carolina [Mr. HOLLINGS]; the Senator from New Jersey [Mr. BRADLEY]; the Senator from Arizona [Mr. DECONCINI]; the Senator from California [Mr. CRANSTON]; the Senator from Ohio [Mr. METZENBAUM]; the Senator from Ohio [Mr. GLENN]; the Senator from Maine [Mr. COHEN]; the Senator from Utah [Mr. HATCH]; the Senator from Alaska [Mr. MURKOWSKI]; the Senator from Pennsylvania [Mr. SPECTER]; the Senator from Virginia [Mr. WARNER]; the Senator from New York [Mr. D'AMATO]; and the Senator from Missouri [Mr. DANFORTH].

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 1024 of title 15, United States Congress, appoints the following Senators to the Joint Economic Committee: the Senator from Maryland [Mr. SARBANES]; the Senator from Texas [Mr. BENTSEN]; the Senator from Massachusetts [Mr. KENNEDY]; the Senator from New Mexico [Mr. BINGAMAN]; the Senator from Tennessee [Mr. GORE]; the Senator from Nevada [Mr. BRYAN]; the Senator from Delaware [Mr. ROTH]; the Senator from Idaho [Mr. SYMMS]; the Senator from California [Mr. WILSON]; and the Senator from Florida [Mr. MACK].

APPOINTMENT BY THE CHAIRMAN OF THE FINANCE COMMITTEE

The PRESIDING OFFICER. The Chair announces on behalf of the Chairman of the Finance Committee, pursuant to section 8002 of title 26 United States Code, the designation of the following Senators to the Joint Committee on Taxation: the Senator from Texas [Mr. BENTSEN]; the Senator from Hawaii [Mr. MATSUNAGA]; the Senator form New York [Mr. MOYNIHAN]; the Senator from Oregon [Mr. PACKWOOD]; and the Senator from Kansas [Mr. DOLE].

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. Pursuant to provisions in Public Law 99-158, the Chair announces at the request of the Republican Leader the appointment of the Senator from Oklahoma [Mr. NICKLES] as a member of the Biomedical Ethics Board.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. Pursuant to provisions in Public Law 100-696, the Chair announces at the request of the Republican Leader the appointment of the Senator from Oregon [Mr. HATFIELD] as a member of the U.S. Capitol Preservation Commission.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-382, appoints the following individuals to the Advisory Committee of the White House Conference on Libraries and Information Services: Carol L. Wohlford, of Kansas, and William Asp, Minnesota.

ORDERS FOR FRIDAY

RECESS UNTIL 11 A.M., TOMORROW, AND FURTHER RECESS UNTIL TUESDAY, FEBRUARY 7, 1989, AT 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until Friday, February 3, 1989, at 11 a.m.; that on Friday no business be transacted; that immediately following the convening of the Senate, the Senate then stand in recess until Tuesday, February 7 at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I move that the Senate stand in recess under the previous order.

The motion was agreed to, and the Senate, at 9:09 p.m., recessed until Friday, February 3, 1989, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1989:

DEPARTMENT OF THE TREASURY

EDITH E. HOLIDAY, OF GEORGIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE MARK SULLIVAN III, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

WILLIAM M. DIEFENDERFER, III, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN F. COGAN, RESIGNED.

IN THE COAST GUARD

REAR ADMIRAL HOWARD B. THORSEN, USCG AS COMMANDER, ATLANTIC AREA, U.S. COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

MARSHALL D. BROWN, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

FRANK ALMAGUER, OF VIRGINIA
ALFRED BISSET, OF VIRGINIA
B. LOC ECKERSLEY, OF PENNSYLVANIA
JOHN FREDERICK HICKS, OF FLORIDA
GEORGE A. LAUDATO, OF NEW JERSEY
JOHN E. POPOVICH, JR., OF CALIFORNIA
CHRISTOPHER HARVEY RUSSELL, OF MAINE

JESSE L. SNYDER, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD NEWTON BLUE, OF VIRGINIA
ROBERT A. BONNAFFON, OF VIRGINIA
CHRISTOPHER DENNIS CROWLEY, OF LOUISIANA
GARY A. EIDET, OF FLORIDA
THOMAS F. FALLON, OF THE VIRGIN ISLANDS
DAVID J. GARMS, OF VIRGINIA
JOHN HEARD, OF THE DISTRICT OF COLUMBIA
KURT K. KUNZE, OF VIRGINIA
MICHAEL JUSTIN LIPPE, OF FLORIDA
THOMAS C. LUCHE, OF VIRGINIA
NORMA JEAN PARKER, OF NEW YORK
RICHARD LYNN SHORTLIDGE, JR., OF FLORIDA
ALAN AUGUSTINE SILVA, OF CALIFORNIA
SAMUEL L. SKOGSTAD, OF FLORIDA
STEPHEN J. SPIELMAN, OF NEW HAMPSHIRE
MARK G. WENTLING, OF KANSAS
MICHAEL K. WHITE, OF VIRGINIA
ANNE M. WILLIAMS, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

GEORGE M. FLORES, OF NEW MEXICO
HOWARD ROBERT KRAMER, OF FLORIDA
SCOTT E. SMITH, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJOR TIMOTHY E. BREUHL, xxx-xx-xxxx, 10/22/88
MAJOR JACK B. BUNNELL, xxx-xx-xxxx, 11/6/88
MAJOR WALACE DAILEY, xxx-xx-xxxx, 11/8/88
MAJOR HOWARD W. DERRICK, xxx-xx-xxxx, 11/8/88
MAJOR WILLIAM H. FISCHER, xxx-xx-xxxx, 11/6/88
MAJOR LYLE R. GRAFF, xxx-xx-xxxx, 11/6/88
MAJOR LARS G. GRANATH, xxx-xx-xxxx, 11/10/88
MAJOR JAMES M. HUSSEY, xxx-xx-xxxx, 10/2/88
MAJOR ROBERT L. JONES, xxx-xx-xxxx, 10/2/88
MAJOR THEODORE N. KRAEMER, xxx-xx-xxxx, 8/6/88
MAJOR CHRISTOPHER A. LOWRY, xxx-xx-xxxx, 11/1/88
MAJOR DENNIS G. LUCAS, xxx-xx-xxxx, 11/1/88
MAJOR STEPHEN R. RICHARD, xxx-xx-xxxx, 10/31/88
MAJOR DAVID W. SHEFFEY, xxx-xx-xxxx, 9/8/88
MAJOR DAVID K. SHUFFER, xxx-xx-xxxx, 9/21/88
MAJOR LAWRENCE G. SPITALE, xxx-xx-xxxx, 11/15/88

LEGAL CORPS

To be lieutenant colonel

MAJOR WILLIAM G. ALEXANDER, xxx-xx-xxxx, 11/5/88

NURSE CORPS

To be lieutenant colonel

MAJOR CAROL M. THOMAS, xxx-xx-xxxx, 11/7/88

IN THE NAVY

THE FOLLOWING NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CAL D. ASTRIN
MICHAEL S. HARRINGTON
JEFFREY D. HICKS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ROBERT J. ALLEN
DONAL J. BAILEY
LAWRENCE M. BRINLEY
ROBERT B. BURGIO
JACK C. CAIN
DAVID R. CONGDON
REBECCA A. CONRAD
JOHN C. CROOK, JR.
ROBERT L. FLOYD
JOSEPH M. FRISCO, JR.
HARRY L. GANTEAUME
RICHARD A. GARCIA
ANDREW A. GRETZULA
MICHAEL G. HEATER
EDUARDO JARAMILLO
JEFFREY L. JUHALA
PATRICK A. KOPPA
JEFFREY P. LOUDERMILK
MICHAEL J. MALECHA
GARY L. MASTERS
DAVID E. MCALEXANDER
JOHN J. MCGRAW
ROBERT P. MOLINOWSKI
ROBERT D. MOORE
PAUL D. MORRIS
NGHIEM Q. PHAM
KELLY D. PRICE
RONALD M. QUAVE
CHRISTIAN B. REED
ANDREW C. ROBERTSON
ELTON G. SAYWARD
CHARLES J. SCHMIDHEISER
BLAKE A. SEAS
JONATHAN T. SKARDA
RAY A. STAPF
T.M. TEARE
BOYD WISNIEWSKI
PETER R. WOLTERS
RICHARD J. ZITO

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

RUFUS M. THOMAS, JR.

IN THE NAVY

THE FOLLOWING NAMED NAVAL ACADEMY MIDSHIPMEN TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY MIDSHIPMEN

To be ensign; permanent

SCOTT GREGORY ABEL
CHAD FRANCIS ACEY
GEORGE ALBERTO ACOSTA
BRIAN STEPHEN ADAMS
CHARLTON PETER ADAMS
ROBERT GAY ADAMS, III
ANTHONY EUGENE AHNEN
SCOTT WILLIAM AKINS
RANDY EUGENE ALEXANDER
GREGORY CARTER ALLEN
PEYTON MCKEAN ALLEN
ANTHONY ERIC ALTOMARI
MARK STEVEN ANDERSEN
BRYAN D. ANDERSON
CRAIG ARNOLD ANDERSON
DARRYL CHRISTIAN ANDERSON
EMORY ARTHUR ANDERSON, III
DAVID LEO ANSELMI
JULIE ANN ANYAN
GEORGE ANDREW APOLLONIO
SARA ANNETTE APPLEGARTH
LUTHER ARCHER, JR
DANIEL DARIN ARENSMEYER
KURT WILLIAM ARMBRUST
BRADLEY STEVEN ARMSTRONG
JAMES RICHARD ARMSTRONG
RAYMOND ANDREW ART
JOSEPH MANNING AUSTIN, JR
MARK ALLEN AUTRY
PAUL KLAUS AVERNA
HECTOR LUIS BAEZ, JR
CHARLES RICHARD BAILEY
MICHAEL JAMES BAIRD
STEVEN PATRICK BAKER
MICHAEL A. BALLOU
MICHAEL PATRICK BARATTA
MICHAEL RENARD BARBER
CARLOS MARTIN BARBOSA
GLENN ALLEN BARKER
CHRISTOPHER KEVIN BARNES
ERIK HOWARD BARNES
JAMES R. BARNHILL, II
SCOTT KENNETH BAROUN
STEPHEN KYLE BARRIE
PAUL MICHAEL BASILE
ROBERT BUELL BASSETT
ARMANDO EMILIO BATASTINI
DAVID RAND BATES
JOSEPH EDWARD BAUMGARTNER
PATRICK SCOTT BAYLISS
FAUSTINO MANDAPAT BAYSIC
JOHN CUNNINGHAM BEAL
MONIQUE ANNE BEAUCHESNE
WILLIAM JOHN BECKER, III
JOSEPH SHERIDAN BEGLEY
BRETT MICHAEL BEKKEN
JAMES ANTHONY BELL
ZACHARIAH RANDOLPH BELL
MICHAEL MCALLISTER BELLES
JOHN JOSEPH BELLINO
NATHAN EMIL BELTZ
RAYMOND JOHN BENEDICT
ROBERT TAYLOR BENNETT, JR
ROBERT EDWARD LEE BENSON
JAMES FREDRICK BERG
BRENDA KATHLEEN BERGER
DAVID MANNING BERGMAN
MARK WILLIAM BERGMANN
DAVID TAYLOR BERNHARDT
KENT STEVEN BERRY
RICHARD ALAN BEUTTER
ROBERT BRYAN BEYMER, JR
ANTHONY JAMES BIGBEE
ROBERT CLARK BIGLER
WILLIE DEMOORE BILLINGSLEA
MATTHEW CAMERON BISHOP
JOHN HENRY BITTING, III
BRUCE JEROME BLACK
JOHN KENNETH BLALOCK
ANTHONY RYAN BLANKENSHIP
GLENN EDWARD BLEILER
STEVEN JAMES BLETTE
OLIVER J. BLOCK
LEOPOLD BERNARD BLUM, IV
ANDREW ALAN BOBER, II
ANTHONY WADE BOGARD
JAIME BORREGO
PEGGY ANNE BOSNIC
JERRY RAY BOSTER
KEVIN DEAN BOSTICK
EDWARD JOSEPH BOTT
WESLEY MATTOX BOYCE
FRANK ALPHEUS BOYLAN
STEVEN ROY BOYLES
JEFFREY ROWLAND BRADBURY
TIMOTHY COLIN BRADY
DAVID EDWARD BRANDEEN
DOUGLAS JOHN BRANDEEN
HARRY E. M. BRANDICOURT
STEPHEN PAUL BRAUN
BRYAN ALAN BRAUNS
MARK RAYMOND BREEDEN
RICHARD JOHN BRENNAN
MICHAEL JOSEPH BRESLAUER
BRIAN JASSEN BRITTON
DONALD BRANT BROCKETT
BRUCE TRENT BROWN
DONALD STEVEN BROWN
KELLY ANN BROWN
KENT ROBERT BROWN
KEVIN LEE BROWN
DAN WAYNE BRUNE
CHRISTOPHER WOOD BRUNETT
THOMAS ANTHONY BRUNO
KEITH WILLIAM BRZOZOWSKY
ERIC MARTIN BUENVIAJE
TIMOTHY SHAYNE BUFFINGTON
GARY CONRAD BURGER, JR
ERIK ALFRED BURIAN
BRIAN KENNETH BURKE
STEPHEN NORRIS BURKE
STEPHEN LANDRIGAN BURNETT
DEVON MARJORIE BURR
ROBERT WILLIAM BUSBY, JR
LAURA SUE BUSH
JOHN THOMAS BUTHOD
SHAN MICHAEL BYRNE
SUDA TAI CABRAL
ROBERT ANSEL HOLMES CADY
BRIAN VINCENT CALDWELL
JAMES JOSEPH CAMMARATA
CHRISTOPHER GORDON CAMPBELL
KEVIN BRUCE CAMPBELL
MARVIN GERARD CAMPBELL
BRIAN CHARLES CANOVA
CHRISTOPHER ANTHONY CANTARELLA
GEORGE SIGURD CAPEN
MATTHEW JOHN CARADONNA
FRANK JOHN CARDELLO
CHRISTOPHER WILLIAM CARLSON
CLINTON ANDREW CARROLL
DAVID BARTHOLOMEW CARSON
BARNEY JEFFERSON CARTER, IV
RANDALL DOUGLAS CASEMENT
DAVID PRESTON CASEY
CHRISTOPHER MICHAEL CASHMAN
ROBERT THEOBALD CASSADY, III
DANIEL DAVID CATLIN
JAMES ANDREW CAUFIELD, III
GERALD JAMES CAVALIERI, JR
ROBERT JOHN CEPEK
RENE LUIS CERDA
HERMAN JOSE CESTERO, III
SALLY ANNE CHAMBERLAIN
STEWART MICHAEL CHANG
ALEXANDER BASIL CHAO
MARIA SOPHIA CHAPMAN
RUTH FRANCES CHASEN
JAMES ANSLIE CHATFIELD, II
BRYAN EDWARD CHEESEMAN
ERIC DALTON CHENEY
JOHN WILLIAM CHEWNING
MATTHEW DALE CHILDS
JEREMY BENJAMIN CHIO
ERIC LYLE CHRISTIAN
GEOFFREY ANGEL CIELO
KEVIN MICHAEL CLAFFY
JAMES REILLY CLAUTICE
ORIN BRETT CLAY
BRIAN CHRISTOPHER CLIFFORD
DAVID LYMAN CLOE
JOHN STEPHEN COFFEY
GEOFFREY DAVID COGAN
THOMAS EMMETT COKER
KRISTEN ANNE COLBERT
PHILIP ALFRED COLBORN
VERNON CARLTON COLE
RUSSELL JOSEPH COLLER, JR
GORDON BRIAN COLTON
JOHN PHILLIP CONEY
MICHAEL OWEN CONNELLY
DANIEL ROLAND CONSIE
PAUL WILLARD COOK
SCOTT EDWIN COOK
STEPHEN CARL COOK
LEONARD WILLIAM WALLA COOKE
JAMES FRANCIS COONEY
CHARLES BRADFORD COOPER, II
ALBERT FERNANDO CORCHUELO
MICHAEL COLE CORNELL
HAROLD RICHARD CORNWALL
BRENT WARREN COURIER
MICHAEL CARTER COUSINS
LINO COVARRUBIAS, JR
ANTHONY PAUL COX
DAVID LEON COX, JR
DAVID MATTHEW COX, JR
GREGORY JAY COZAD
JAY GLEASON CRABTREE
ANDREW BOEH CRAYCROFT
CHRISTOPHER STUART CRONK
CHRISTOPHER CROSS
CASSANDRA ANN CROWNOVER
MICHAEL TIMOTHY CUCCIO
DEBORAH LYNNE CUFFE
JOHN HOWARD CUNNINGHAM
RAFAEL ANTONIO CURBELO
ROBERT EDWARD CURRAN
BRUCE ALAN CZAJA, II
JOHN ANTHONY CZAJKOWSKI
PAUL MICHEL DABBAR
REDANTE GAMBOA DACANAY
ANDREW JOSEPH DAMBROSIO
ANDREW JOSEPH DARCY
JAMES HARRIS DARRELL, III
EVAN DAYAN DASH
JOHN WILLIAM DATKA
DRUSO DAUBON
FRANCIS WALTER DAVEY
JAMES PATRICK DAVIS
KRISTINE MICHELLE DAVIS
ROBERT PAUL DAY, JR
DANFORD ROGERS DEAKIN
GARY LAWRENCE DEAL
MICHAEL JOHN DEBRUYN
STEVEN MICHAEL DEBUS
RICHARD GERARD DEGUZMAN
MARIO ENRIQUE DELAOSSA, JR
CHRISTOPHER DENNIS DELARGY
JOHN EVAN DELL
PAUL MICHAEL DELUCA, III
ALEXANDER GEORGE DELUNA
MARIE ANN DEMEL
JAMES EUGENE DEMOTT
NOEL VANSTON DENNEY
ANTHONY CHARLES DEPRIZIO, JR
JOSEPH ANTHONY DESANTIS
EDWARD MICHAEL DEVILLIERS
DANA SCOTT DEWEY
DWIGHT DARVIN DICK
ANTHONY THOMAS DICKENS
HEIDI CHRISTINE DICKERSON
DAVID STEVE DICKSON
FLORENCIO ABALOS DICTADO, III
PAUL GLEN DIEHL
JEFFREY ALAN DIETZ
JAY FOSTER DILL
STEPHEN MICHAEL DININGER
KEVIN LEE DIPPERY
WILLIAM ALLEN DODGE, JR
RICHARD EATON DODSON, JR
WILLIAM PATRICK DONNELLY, JR
CATHERINE KIM DONOHUE
JAMES RONALD DOTTER
ARTHUR DAVID DOVE, JR
DAVID JAMES DOWLING
JOHN J. DRAKE
RONALD ERNEST DRAKER
EDWARD JAMES DREW
THOMAS SHELTON DRUEN
PAUL THOMAS DRUGGAN
STEVEN MARK DUDLEY
SHAWN PAUL DUFFY
ROBERT STEPHEN DUGUAY
ROBERT BERNHARD DUMONT, III
PATRICK MASON DUNN
LOUIS JAMES DURSO, JR
MICHAEL DON DURST
JOHN ALBERT DUVALL, III
KENNETH JUDE DYER
JOHN PAUL ECKARDT
DANIEL JOSEPH ECKHART
DONDI EDWARDS
JAMES PHILLIP EDWARDS
JAMES FREDRICK EHLERT, JR
JOSEPH AARON EISERT
RICHARD BENJAMIN EITEL
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DALE EMMANUEL FAJARDO
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CHRISTOPHER PATHEREE
ANTHONY DWIGHT FAUST
KIMBERLY ANN FELTAULT
DAVID LAWTON FEUGER
WILLIAM EVAN FIERY
WILLIAM CHARLES FILAN
JAMES STEPHEN FINN
CHRISTOPHER DEAN FISCHAHS
NORWIN ROLAND FISCHER
JOSEPH KIRK FLANAGAN
SHAUN ROBERT FLANAGAN
TODD JOSEPH FLANNERY
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HEIDI ALSTON FLEMING
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ERNEST PAUL FUCHS, JR
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LANCE ROBERT FULLER
SEAN PIERCE FULLER
THEODORE EMANUEL FUNDOUKOS

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DIONISIO SALES GAMBOA
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RYAN QUINTONG GARCIA
ELLEN STUART GARDNER
JEFFREY DAVID GARIGLIANO
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PETER ALLEN GARVIN
JOSE LUIS GARZA
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RICCARDIO DAVID GAY
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TIMOTHY ROBERT GOERING
KENNETH BLAKE GOLDING
JAMES DENNIS GONSALVES
YVETTE MARIE GONZALEZ
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DAVID EDWIN GRAY
EDWARD JOSEPH GRAY
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DAVID GREENHECK
DAVID SAMUEL GRENNEK
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KENNETH RODELL GRIMES
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GREGORY ALAN GRUBBS
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WESLEY RANDALL GUINN
GREGORY ALLEN GULICK
RICHARD ANDREW GUTH
FRANCISCO JAVIER GUTIERREZ
STEPHEN BERNARD HACKFORTH
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JEFFREY HAGGOTT
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THOMAS PATRICK HARE
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KENNETH GARDNER HARRIS
KRISTA HARRIS
KENNETH EDWARD HARRISON
LEIF BRIAN HARRISON
JOSEPH MICHAEL HART
BRIAN LEE HATHAWAY
THOMAS WILLIAM HEATTER
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EDWIN MANNING HENDERSON
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KEITH EDWARD HICKS
EDWARD FRANKLIN HILER
STEVEN MARK HILGENDORF
STONE LADD HILL
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WILLIAM CURT HOFFMAN
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MONICA KIM HOLLAND
TROY ELLIS HOLLAND
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JOHN R. HOOFNAGLE
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REGINALD MAURICE HOWARD
JAMES EDWIN HOWE, JR
RONALD JOSEPH HOWE
JOHN ROBERT HOYT
HSUAN YAO HUANG
PATRICK JAY HUDSON
JOSEPH W. HUFFAKER
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JONATHAN LEE HUGHES
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RICHARD STEVEN HULIT
NORA ANN HUML
JOHN MARTIN HUNCZAK
PATRICK GERARD HUNKLER
DALE PATRICK HURLEY, JR
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SCOTT MACKAY HURM
KI MOON HWANG
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GARY LAMBERT IRVIN
ANTHONY JOSEPH IUCULANO
RANDALL EVAN IVENER
CHRISTINE MARIE JAMES
SHAWN D. JAMES
KATHLEEN CASEY JAMIESON
ROBERT WENDELL JANSSEN
PHILIP BROOKS JANUS
ANDREW CORLEY JARRETT
JENNIFER RACHEL JAUNSEN
MARCOS MORALES JAVIER
JOKER LEE JENKINS
SCOTT STUART JENSEN
JON JOSEPH JERGE
WAYNE MARTIN JEVELI
MICHAEL ANTHONY JIMENEZ
WILLIAM ARLIN JIVIDEN
DIETER GORDON JOBE
KENNETH RAGNAR JOHANSEN
STEPHEN WALTER JOHANSON
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DAVID ALLAN JOHNSON, JR
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MICHAEL ABRAMS KELLY
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ANDREW MEL KENNY, JR
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SCOTT DIXON KEPLER
JEFFREY SCOTT KERR
KEVIN JOHN KIM
STEPHEN GENE KIM
SUNG KIM
CHARLES ANTHONY KIMBERLIN
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BRIAN SCOTT KING
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KARIN ANNE KLOSE
CHRISTOPHER LEE KNIGHT
MICHAEL KNOWLES
BEN JONAH KOENIG
MICHAEL PATRICK KOLSTER
PHILIP PETER KONDILAS
GARY WILLIAM KORN
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ROBERT ANDREW KOVALCHIK
ROBERT JOHN KOWALSKI, JR
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PAUL STEPHEN KRUSZKA, JR
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AARON STEVEN KUSHNER
STEPHEN KERMIT LAABS, JR
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DAVID ALLEN LADERER
MICHAEL CHRISTOPHER LADNER
MICHELLE CLAIRE LADUCA
CARL ANDREW LAHTI
EMILY HUIBEE LAI
GONTRAN MIGUEL LAMBERTY
STEVEN SCOTT LAMBRECHT
DOUGLAS DUNN LANCASTER
JOHN JOSEPH LAPOINT
RONALD SCOTT LASORSA
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PETER KINGSLEY LEHARDY
TAWAYLA MYNETTE LEMIEUX
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MICHAEL LESCHINSKY
ROBERT PATRICK LESSARD
ZIGMOND VINCENT LESZCZYNSKI
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ALBERT STANTON LEWIS
DAN EVERETT LEWIS
JOHN MICHAEL LEWIS
ROBERT HERBERT LEWIS
THERESA ANNE LEWIS
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FELIPE AMOR LUNA, JR
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ROBERT FREDERICK LYDENS
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HEIDI MALEY
RODERICK IRA MANABAT
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JAMES ALLEN MANN
EDWARD CHARLES MARAIST
MARGARET LYNN MARCANTONIO
TIMOTHY JOHN MARICLE
JAMES MICHAEL MARKEY
DARIN JOHN MARLEY
JEFFREY PAUL MARSHALL
STEPHEN VICTOR MARTELL
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GERALD HOLMES MATHIS, JR
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STEVEN PHILLIP MCALEARNEY
CATHERINE ELIZABETH MCCANN
DOUGLAS EDWARD MCCANN
DAVID MICHAEL MCCARTHY
KENNETH SEAN MCCARTNEY
JOHN CHRISTIAN MCCLURE
THEODORE LUPTON MCCOLL
DAVID GILES MCCORD
STEPHEN EDWARD MCCORMICK
RALPH LILES MCDONALD, JR
JOHN DOUGLAS MCDOWALL
TIMOTHY SEAN MCELLIGATT
JOEL SCOTT MCFADDEN
LARRY LEROY MCFALL, JR
MICHAEL DAVID MCGETTIGAN
BRIAN PATRICK MCGOLDRICK
EDWARD JOSEPH MCGOVERN
JOHN PAUL MCGREW
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GREGORY BRIAN MEYER
DAVID ALLEN MICHAEL
JASON JONES MICHAL
MICHAEL DENNIS MICHEL
ERIC JAMES MICHELI
DANIEL ALEXANDER MILLER
GLENN ROBERT MILLER
JAMES DEAN MILLER
RICHARD MICHAEL MILLER, JR
ROBERT DONALD MILLER
WENDY THERESE MILLER
ROBERT EDWARD MILLOTT
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JULIE ANNE MORGAN
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PATRICK THOMAS MOYNIHAN
LAURIE JEAN MUNDY
THOMAS JAMES MUNRO
ROLAND SIEGFRIED MUSE
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JARROD MICHAEL NIXON
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NORBERTO MOREIRA DE NOBREGA
DAVID SEAN NOLAN
DAVID EDWARD NOSAL
JEANINE LOUISE NOSER
RONALD JOSEPH NOVAK
ANDREW MICHAEL NUGENT
KIMBERLY ANN NUGENT
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TIMOTHY JAMES NYLAND
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KIP OCONNOR
PETER JOHN OCONNOR
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SEAN PHILIP OMALLEY
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DENNIS CHRISTOPHER OROURKE
TIMOTHY BRIAN OROURKE
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SUSAN HAMPTON OXENDINE

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PATERSON
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DOUGLAS GORDON PERRY
JOHN MARK PETIT
JEFFREY SCOTT PETRIE
ALAN MICHAEL PETRO
DARREN DANFORTH PETRO
CARL VANN PETTY
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TUNG XUAN PHAM
THOMAS JOSEPH PHELAN
TIMOTHY BRIAN PHILLIPS
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CHRISTOPHER LOUIS PICKETT
WILLIAM GLENN PICKREL
MARK ROBERT PIMPO
NOEL ANDREW PITONIAK
RONI SUE PLAUTZ
JAMES ANDREW POPIELEC
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SCOTT DENZIL PORTER
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GREGORY DONALD POTTEIGER
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SCOTT THOMAS POWERS
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CRAIG JAMES PROSSER
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KEVIN DENNIS REED
GEVAN DEAN REEVES
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HEIDI KATHERINE REINARD
JAMES KELLY REINING
DERRICK JOHN REITON
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DOMINIC EARL ROBERTS
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WALTER WILLIAM ROBOHN
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RANSOM ROBERT ROGERS
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ERIC SCOTT ROKKE
GREGORY ROY ROMERO
JAMES ROBERT RONKA
DAVID MICHAEL ROSE
MATTHEW WARREN ROSE
EDWARD JOSEPH ROTH
DENNIS BRUCE ROUDEBUSH
ROBERT MALDONADO RUIZ
SCOTT FREDERICK RUSSELL
MICHAEL WALTER RUSSONELLO
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PAUL PATRICK RYAN
RAELENE LEAH RYERSON
CHRISTOPHER LEE SAAT
JON MARK SABLAN
DAVID THI SADLER
DUSKA LYNN SAHLER
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CLIFFORD CHET SALONGA
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ROBERT BRENT SAMUELS
TIMOTHY EDWARD SANDENO
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ROBERT CELESTINO SANTIAGO, JR
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ROBERT PRESTON SAUNDERS, JR
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DONDI MICHAEL SHEEHY
JEFFREY SCOTT SHELTON
JONATHAN TODD SHEMWELL
ERIC SCOTT SHERCK
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DENISE MARIE SHOREY
MICHAEL DALE SHOUP
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WILLIAM ELLIS SIMMONS, JR
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LISA MARIE SKAGGS
THOMAS EDWARD SLUSARCHYK
DANIEL STEVEN SMALLEY
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CALVIN FORSYTHE SMITH
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JULIA ANN SMITH
KATHLEEN JANE SMITH
LOREN JAMES SMITH
PIPER ANNE SMITH
RANDALL LEE SMITH
ROBERT EMMET SMITH
THAD EUGENE SMITH
THOMAS CRAIG SMITH
TIMOTHY JOHN SMITH
RONALD THOMAS SMUDZ
JAMES JOSEPH SNARE
WILLIAM BRUCE SNEAD
ERIK LEE SNYDER
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ROBERT WILLIAM STAUDER
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JOSEPH WILLIAM STIBLER
BRADLEY ROGER STILLABOWER
WILLIAM STEVEN STOMP, JR
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ROGER PAUL SURO
TOM ANDREW SVOBODA
DAVID MICHAEL SWENSON
BRIAN STEVEN TAIT
MATTHEW ANTHONY TAIT
CHRISTINE YUKIKO TANABE
GEORGE DEREK TANGEMAN
RITA GERALYN TAUBER
BART ANDREW TAYLOR
TIMOTHY STEVEN TAYLOR
JOHN ADAM TEKVERK
MICHAEL JOHN TESAR
CARL FREDERIC THIELE
DOUGLAS BRIAN THIRY
DANIEL THOMAS THOELE
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JOHN JAMES THOMPSON
RICHARD DOUGLAS THOMPSON, JR
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DAVID SCOTT THORN
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WILLIAM ROBERT TIBBS
JEFFREY MICHAEL TOMLIN
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WILLIAM JUSTUS TOWNSEND, JR
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CASEY COLIN TRAVERS
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WILLIAM MELVIN TRIPLETT
JOHN LA ROY TROWER
BARBARA DIANE TUCKER
JOHN ROY TUCKER
DAVID EUGENE TURNBAUGH
DERRIC TODD TURNER
WADE DAVID TURVOLD
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GARY NEIL UNDERWOOD
RANDALL MICHAEL UNGER
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JOHN RYOICHI UYEMURA
MARCELO JOSEPH VALDEZ
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GEORGE STEVEN VANNI
DEAN CAMERON VANTOL
MICHAEL BURTON VELASQUEZ
ROBERT LOUIS VELEZ
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GREGORY STEWART WAGNER
ELIZABETH PENN WAINSCOTT
TODD CAREY WALDEMAR
DAVID BRYANT WALKER
STEVEN JOSEPH WALKER
VERNON LAVELL WALLACE
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JONATHAN MARK WARNER
JAY ALLEN WARREN
EARL ERIC WARTENBERG
CRAIG JOSEPH WASHINGTON
JAMES PRESTON WATERS, III
WILLIAM RANDOLPH WATKINS, III
ROBERT WEBBER, JR
JAMES BYRON WEBSTER
JAMES WARD WEGGEN
GARY PHILLIP WEGLEY
PAUL WILLIAM WEHNER
GREGORY JAMES WEISMAN
MATTHEW LEE WELBORN
KEVIN ROY WESLEY
MATTHEW WALLACE WESSEL
JAMES CURTIS WEST, JR
KAREN BERNADETTE WEST
LANCE RICHARD WESTERLUND
ROBERT DALE WETZEL
BRIAN RICHARD WETZLER
DARRIN LEE WHALEY
THOMAS RUDDOCK WHITE
KEITH BRUETTING WICHMANN
MARK JOHN WIGGINS
JAY FRANKLIN WIGLEY
RICHARD CHARLES WILLIAMS, JR
ROBERT ALVAH WILLIAMS
ROBERT CLIFTON WILLIAMS, III
CLARENCE EARL WILLIE, JR
CRAIG LANCASTER WILSON
JAMES ALLEN WILSON
JOHN JOSEPH WILSON, III
ROBERT PAINE WILSON
WILLIAM ADAIR WILSON
MICHAEL ALLEN WINDLAND
SCOTT WELLINGTON WINE
THEODORE VERNON WINGFIELD, II
JEFFREY SCOTT WINTER
STEPHEN AUGUST WISTNER
JOHN GREGORY WOLF
JOHN MADISON WOLFE
CAROL JUNE WOMACK
BRIAN ANTHONY WONG
DAMON IYUN WOO
LANCE JON WOOD
WILLIAM HAROLD WOODS
JOHN KENNETH WOODSON
DARYL JOSEPH WOODWORTH
RAYMOND BARNES WORTHINGTON
ROBERT RICE WYAND, III
PHILIP HERBERT YOUNG
PETER JAY ZAMESKA
VINCENT DAMIAN ZARASUA
ERIN LANCE ZELLERS
MICHAEL TONE ZIMMERMAN, II
PAUL JOHN ZIPPEL
CHRISTOPHER JOHN ZITO
THEODORE ALEXANDER ZOBEL
GLEN ALAN ZURLO

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2, 1989:

DEPARTMENT OF THE INTERIOR

MANUEL LUJAN, JR., OF NEW MEXICO, TO BE SECRETARY OF THE INTERIOR.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JACK KEMP, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL J. BOSKIN, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM KANE REILLY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

CONGRESS SHOULD ENCOURAGE USE OF LIVE CLOSED-CIRCUIT TESTIMONY IN CHILD ABUSE CASES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. TRAFICANT. Mr. Speaker, today I am reintroducing legislation that will authorize up to $20 million in Federal funds for States that have laws permitting the use of closed-circuit testimony in child abuse cases. I introduced similar legislation in the 100th Congress. Unfortunately no action was taken on this important initiative during the last Congress.

Child abuse remains a serious problem in this country. All of us in Congress support Federal initiatives to address this problem. In examining the problem of child abuse, I was appalled to learn that, according to the National Institute of Justice, approximately 90 percent of all child abuse cases never get brought to trial. Other statistics verify that the 90 percent figure is a conservative estimate—indeed the American Humane Society reported in 1985 that less than 5 percent of child abuse cases are brought to trial in criminal court.

These disturbing statistics translate into the sad reality that most child abusers go free and, in all too many instances, continue to victimize our children.

There are many legal and practical problems associated with successfully prosecuting a child abuse case. In most instances of child abuse the only witness is the child. If the child was abused, the trauma of that experience could render that child unable to testify in the presence of the person who committed the crime. Evidence shows, Mr. Speaker, that children who have been abused and are then forced to testify in open court can suffer further trauma.

The use of live, closed-circuit testimony is one way to minimize the trauma to abused children without compromising the rights of the accused. At the present time 27 States have laws allowing closed-circuit testimony to be used in child abuse cases. There are two main obstacles preventing the widespread use of closed-circuit testimony: cost and constitutionality.

My bill addresses both these concerns. Under this bill, States with such laws will be allocated a minimum of $50,000, with additional funds being provided based on the population of the State.

These funds could only be used to initiate or expand facilities and training of personnel for the implementation of closed-circuit testimony in child abuse cases. States would distribute the Federal funds to local governments and the grants would be made on a matching basis with the States paying 25 percent of the grant. Eligible States would apply to the Bureau of Justice Assistance for funds under this new program. States receiving Federal funding under this program would be required to submit a yearly report to the Bureau of Justice Assistance summarizing the impact of the activities carried out with the Federal grant. States would also have to file similar yearly reports to Congress.

In researching this issue, one of the most common problems I found with closed-circuit testimony was the cost involved. Although most district attorneys favor the expanded use of closed-circuit testimony, most local governments cannot afford to buy or rent the necessary equipment.

The office of Brooklyn District Attorney, Elizabeth Holtzman conducted a survey regarding the use of closed-circuit testimony in the State of New York. As a part of that survey, 43 district attorneys were asked if they favored making closed-circuit testimony a permanent part of New York law. Forty-two responded affirmatively.

The bottom line is that cost is, and will remain, a key factor in the future expansion of closed-circuit testimony, unless State and local governments receive financial assistance and guidance from the Federal Government.

This brings us to the other main obstacle preventing the expanded use of closed-circuit testimony: constitutionality. Last year in the Coy versus Iowa case, the Supreme Court struck down an Iowa law permitting children who say they are victims of sexual abuse to testify behind screens.

Justice Antonin Scalia, who wrote the ruling, left open the possibility that closed-circuit testimony and other methods to minimize trauma to child victims of sexual abuse would be permitted on a case-by-case basis, under an individualized finding that witnesses need special protection. Scalia noted that "* * * rights conferred by the confrontation clause are not absolute, and may give way to other important interests."

Justice Sandra Day O'Connor, in a concurring opinion in Coy versus Iowa, also noted that the strictures of the confrontation clause may give way to the States' compelling interest of protecting child witnesses. Justice O'Connor noted that a defendant's rights under the confrontation clause "* * *" are not absolute but rather may give way in an appropriate case to other competing interests so as to permit the use of certain procedural devices designed to shield a child witness from the trauma of courtroom testimony."

The Coy versus Iowa ruling left the door open for State legislatures to adopt closed-circuit testimony statutes that seek to protect child witneses from trauma on a case-by-case basis. Yet, despite the fact that the Court's ruling left open this possibility, unless strong leadership is exerted by the Federal Government, most States will be reluctant to move aggressively to expand the use of closed-circuit testimony.

My bill will not only provide the cost incentives for States, it will provide incentive for States to adopt reasonable closed-circuit testimony laws that pass constitutional muster.

A key point that should be emphasized is that the Coy versus Iowa ruling struck down the Iowa law because there were no individualized findings that the witnesses in question needed special protection. The Court made an important distinction—one that legal scholars agree would not prejudice the type of closed-circuit testimony outlined in my legislation.

The grant program authorized under my bill applies only to those States that have in effect a law that permits: the live, closed-circuit televising of testimony of children 17 years of age or younger in criminal proceedings for the violation of laws relating to the abuse of children; and that counsel for defendants in such proceedings to be physically present in the room throughout the period during which such children testify.

The expansion of closed-circuit testimony will result in more child abuse cases being brought to trial, which in turn will result in more child abusers being convicted. Given the fact that approximately 90 percent of all child abuse cases never get brought to trial, Congress should do everything it can to encourage States to expand the use of closed-circuit testimony. Most importantly, the expanded use of closed-circuit testimony will protect abused children from suffering any further trauma.

I urge all Members to strongly support this legislation, the full text of which reads as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR CLOSED-CIRCUIT TELEVISING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in part N—

(A) in the heading by striking "PART N" and inserting "PART O", and

(B) by redesignating section 1401 as 1501, and

(2) by inserting after part M the following:

"PART O—GRANTS FOR CLOSED-CIRCUIT TELEVISING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE

"FUNCTION OF THE DIRECTOR

"SEC. 1401. The Director shall provide funds to eligible States and units of local government pursuant to this part.

"DESCRIPTION OF GRANT PROGRAM

"SEC. 1402. The Director is authorized to make grants to States, for the use of States and units of local government in the States

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to provide equipment and personnel training for the closed-circuit televising of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children.

"APPLICATIONS TO RECEIVE GRANTS

"SEC. 1403. To request a grant under section 1402, the chief executive officer of a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

"(1) a certification that Federal funds made available under section 1402 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of such funds, be made available for criminal proceedings for the violation of laws relating to the abuse of children;

"(2) a certification that funds required to pay the non-Federal portion of the cost of equipment and personnel training for which such grant is made shall be in addition to funds that would otherwise be made available by the recipients of grant funds for criminal proceedings for the violation of laws relating to the abuse of children;

"(3) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

"(4) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereron was provided to citizens and to neighborhood and community groups.

"REVIEW OF APPLICATIONS

"SEC. 1404. (a) The Bureau shall provide financial assistance to each State applicant under section 1402 of this title to provide equipment and personnel training for the closed-circuit televising of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children, upon determining that—

"(1) there is in effect in such State a law that permits the closed-circuit televising of testimony of children in criminal proceedings for the violation of laws relating to the abuse of children;

"(2) the application submitted under section 1402 or amendment to such application is consistent with the requirements of this title; and

"(3) before the approval of such application and any amendment thereto the Bureau has made an affirmative finding in writing that such equipment and personnel training has been reviewed in accordance with section 1403 of this title. Each application or amendment made and submitted for approval to the Bureau pursuant to section 1403 shall be deemed approved, in whole or in part, by the Bureau not later than 60 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

"ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

"SEC. 1405. (a) The total amount appropriated for this part in any fiscal year shall be set aside for section 1402 and allocated to States as follows:

"(1) $50,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each participating State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

"(b)(1) Each State which receives funds under subsection (a) in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purpose specified in section 1402 of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government in the preceding fiscal year for prosecution of child abuse offenses bears to the aggregate amount of funds expended by the State and all units of local government in such State in such preceding fiscal year for prosecution of child abuse offenses.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved.

"(3) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any use other than a use specified in an approved application.

"(d) If the Director determines, on the basis information available to the Director during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 1402 of this title, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"REPORTS

SEC. 1406. (a) Each State which receives a grant under this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

"(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State application submitted under section 1403 of this title; and

"(2) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

"(b) Not later than 90 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

"(1) the aggregate amount of grants made under this title to such State for such fiscal year; and

"(2) a summary of the information provided in compliance with subsection (a)(1).

"EXPENDITURE OF GRANTS; RECORDS

"SEC. 1407. (a) A grant made under this part may not be expended for more than 75 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out section 1402, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant will be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

"(b) Not more than 10 percent of a grant made under this part may be used for costs incurred to administer such grant.

"(c)(1) Each State which receives a grant under this title shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Director may require by rule to facilitate an effective audit.

"(2) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and of units of local government which receive any part of a grant made under this part if, in the opinion of the Director or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

"STATE OFFICE

"SEC. 1408. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under section 1402 of this title; and

"(2) administering funds received under this part from the Director, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"DEFINITIONS

"SEC. 1409. For purposes of this part—

"(1) the term 'child' means an individual who is less than 17 years of age; and

"(2) the term 'abuse' means physical or mental injury, sexual abuse or exploitation, or maltreatment.".

(b) TECHNICAL AMENDMENTS.—(1) Section 402(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "part E" and inserting "parts E and N".

(2) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is amended by striking "and M" and inserting "M, and N".

(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "or M" and inserting ", M, or N".

(4) Section 808 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended by striking "or 1308" and inserting ", 1308, or 1408".

(5) The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) by striking the items relating to part M and sections 1301 through 1312, as added by section 1552(b)(5) of the State and Local Law Enforcement Assistance Act of 1986 (Public Law 99-570; 100 Stat. 3207-46), and

(B) by striking the items relating to part N and section 1401, and inserting the following new items:

"PART N—GRANTS FOR CLOSED-CIRCUIT TELEVISING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE

"Sec. 1401. Function of Director.
"Sec. 1402. Description of program.
"Sec. 1403. Application to receive grants.
"Sec. 1404. Review of applications.
"Sec. 1405. Allocation and distribution of funds under formula grants.
"Sec. 1406. Reports.
"Sec. 1407. Expenditure of grants; records.
"Sec. 1408. State office.

"PART O—TRANSITION—EFFECTIVE DATE—REPEALED

"Sec. 1501. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking "and M" and inserting "M, and N";

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

"(6) There is authorized to be appropriated $20,000,000 for each of the fiscal years 1990, 1991, and 1992 to carry out the programs under part N of this title."; and

(2) in subsection (b) by striking "and M" and inserting "M, and N".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1989.

REAGAN "REVOLUTION" MOST APPARENT IN JUDICIARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SOLOMON. Mr. Speaker, although Ronald Reagan is no longer President, the impact of this 8 years in this city will be felt for many years. It's already apparent that this impact will be especially significant in our Federal courts, including the Nation's Highest Court.

Shortly after the highwater mark of civil rights legislation over 20 years ago, the original, stated goal of a color-blind society was perverted into a reference for reverse discrimination, or set-asides favoring specified minorities.

It took the judicial appointments of Ronald Reagan to correct this distortion, and to halt, in particular, the tendency to turn our courts into the machinery of social engineering.

A George Will column, appearing January 29, 1989, in my hometown newspaper, the Glens Falls Post-Star, commends the recent Supreme Court decision limiting reverse discrimination and the restoration of true social equity. It also attacks the assumption that any progress blacks have made has resulted exclusively from the paternal meddling of the Federal Government. Will's column repeats what I have said elsewhere in these pages, that the Presidency of Ronald Reagan actually was a blessing for black Americans.

It is my pleasure to enter the column in the RECORD.

[From the Glens Falls (NY) Post-Star, Jan. 29, 1989]

SET-ASIDE RULING NOT SUFFICIENT

(By George Will)

WASHINGTON.—Like a pebble dropped into a pond, a presidency radiates lingering ripples. Last week's Supreme Court decision sharply limiting reverse discrimination by governments is a ripple from the Reagan administration, which advocated such a ruling.

It does much to roll back the racial spoils system that exists for certain government-favored minorities.

Unfortunately, the ruling only inhibits, not proscribes, reverse discrimination. Government may still allocate shares of wealth to groups—groups, not just individuals—to which government awards the lucrative status of victim.

A Richmond, Va., statute, which resembles hundreds of other nationwide, required prime contractors on city construction projects to subcontract at least 30 percent of the dollar amount of each contract to businesses owned and controlled by these groups (the list was taken from a similar federal statute): blacks, Spanish-speaking, Oriental, Indian, Eskimo or Aleut citizens anywhere in America. This statute, passed by a Richmond city council with a black majority, would enable, say, a Hispanic firm in Houston to receive preference in Richmond, ostensibly to remedy past discrimination in Richmond.

Justice O'Connor, writing for the majority, said, among many other things, that such "set-aside" programs, to be valid, must remedy "identified discrimination," not just respond to "societal" discrimination. Although the ruling will go far toward stopping reverse discrimination, the Court flinched from the correct course. It should have retreated all the way to the high ground of this unassailable principle: Government may allocate benefits on the basis of race only to compensate identified individual victims of the government's own past system of racial classification.

Only Justice Scalia affirms that principle. However, Justice Kennedy, who occupies what some of us think of as the Bork seat, strongly sympathizes with Scalia's position.

Some parts of the Reagan administration came comfortably to terms with set-aside programs. However, the Justice Department and many judicial nominees seem to understand this: The 14th Amendment's guarantee of "equal protection of the laws" expresses the constituting doctrine of all open societies. Rights belong to individuals, not groups, and least of all races.

The Court is gingerly backing out of a swamp. It waded waist-deep into this in 1980 when Chief Justice Burger, writing for the Court, upheld a 1977 set-aside law. It was the first law by which Congress legislated a classification for entitlement to benefits based solely on race.

Using conservative language to rationalize a profoundly anti-conservative position, Burger said that "appropriate deference" toward Congress' power to provide for the "general welfare" required a ruling that reverse discrimination is compatible with the 14th Amendment's equal-protection guarantee. Besides, Burger said that interfering with "experimentation in things social and economic is a grave responsibility."

But surely some areas are now off-limits to what Burger antiseptically called "experimentation." Justice Stewart dissenting in 1980, noted that only twice before had the Court upheld government programs that inflicted injury (as reverse discrimination does to those not on the list of government-favored minorities) on the basis of race. These were the Japanese-American curfew and exclusion cases during the Second World War.

The 1954 desegregation ruling seemed to say that governments cannot classify students racially. But soon, many school districts were under court orders to do precisely that for the purpose of forced busing to achieve "racial balance." Hubert Humphrey, the prime mover of the 1964 Civil Rights Act, denied that quotas or other preferential treatment of any group was required by that law. But "race-conscious" actions soon came.

Perhaps we are slowly zigzagging our way back to Justice John Marshall Harlan's principle, enunciated in a noble dissent from a ruling that segregation was constitutional. He said, "Our Constitution is colorblind."

But what is the caliber of thinking on this subject in George Bush's Washington? Here is a sample.

Lee Atwater, Bush's chairman of the Republican National Committee, says he is optimistic about attracting black voters because: "Affirmative action has worked and there's now a much larger black middle class." His words imply something unsubstantiated, almost certainly false, and surprising coming from a Republican. The implication is that government programs of racial preference are primarily responsible for black progress.

Atwater slights not only the working of a free economy but also, and more importantly, the self-reliance and other virtues of rising blacks. Atwater's unconscious disparagement of black achievement is a predictable residue of reverse discrimination.

COMMEMORATING E.M. GUNDERSON, CHIEF JUSTICE, NEVADA SUPREME COURT

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to honor to one of Nevada's most respected and admired leaders, Nevada Supreme Court Chief Justice E.M. "Al" Gunderson. He is retiring after three 6-year terms of distinguished service on the high-court bench, to devote himself to a career teaching law. He is truly deserving of this recognition.

In recent years, the Nevada Supreme Court, under the leadership of Chief Justice Gunderson, has been very diligent in its efforts to serve the citizens of the State. A longstanding supporter of victim's rights, he has made tremendous contributions to the Nevada legal system.

Born in Minneapolis, MN, Justice Gunderson pursued his undergraduate studies at the University of Minnesota and the University of Omaha. He received his juris doctor from Creighton University School of Law with the second highest triennial average. In addition to the usual juris doctor degrees, he was awarded an advanced master of laws in the judicial process degree in 1982 from the University of Virginia and has received doctor of laws degrees from both the University of Pacific, McGeorge School of Law, and California Western School of Law.

He began practicing law in Nevada in 1958. A former instructor of business law at the University of Nevada, he is a member of the Nevada Bar America, American Bar Association, Association of Trial Lawyers of America, American Judicature Society, and numerous bar committees. He was elected to the Nevada Supreme Court in 1970, and served as chief justice from 1975 to 1977. He was re-elected without opposition in 1976 to a second 6-year term serving as chief justice 1981–83 and was reelected to a third term as justice with the highest plurality and popular vote in statewide elections. He is one of only seven Nevada lawyers and judges who have been elected to membership in the American Law Institute.

Justice Gunderson has received numerous professional honors and awards for his commitment and dedication as a lawyer and a judge. Among which are the American Judicature Society prestigious "Herbert Harley Award," a national award recognizing his devotion to improving the justice system in Nevada. The "Lifetime Achievement Award" presented by the Nevada Trial Lawyers Association for 18 years of distinguished service on the Supreme Court. In 1975, the same association honored Justice Gunderson as "Man of the Year" for his "outstanding contribution to the administration of justice and the preservation of freedom" and in 1986 he was awarded "Jurist of the Year." The McGeorge School of Law at the University of Pacific has recognized Justice Gunderson as an honorary alumnus. In 1975, a "Justice E.M. Gunderson Scholarship" was established to be awarded annually to a deserving McGeorge student preparing for practice in Nevada. He was named "Outstanding Nevadan of 1987" by McGeorge Nevada Alumni and Law Students Association. Also, the American Bar Association, through its National Conference of Special Court Judges presented its 1988 Education Award to the chief justice as chairman of the Nevada Judicial Education Council for providing the highest quality judicial education program in the Nation.

Mr. Speaker, Chief Justice E.M. Gunderson's immeasurable service to the State of Nevada has contributed to the high quality of Nevada law. He deserves the praise and appreciation of all Nevadans. His scholarly knowledge and love of law will leave a lasting impression on Nevada as he prepares for his appointment as senior law professor at Southwestern University School of Law. I urge my colleagues to join me today in honoring one of Nevada's most outstanding, influential, and inspirational citizens.

ALASKAN STUDENTS SPEAK OUT ABOUT TONGASS NATIONAL FOREST LEGISLATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. YOUNG of Alaska. Mr. Speaker, some propose legislation which would cost upward of 4,300 jobs in southeast Alaska, and add wilderness almost twice the size of Long Island to a State that already has two-thirds of the Nation's designated wilderness areas. Knowing of the Members' interest in what today's young people think about the issues, I thought some recent letters from Wrangell, AK high school seniors would make interesting reading. Let me add that their views are reflective of the vast majority of residents of southeast Alaska, whose lives would be directly affected by such legislation. Let me also add that I am extremely proud to represent such fine young men and women as Alaska's only Representitive in this body. I insert the letters in the RECORD:

WRANGELL, AK,
January 5, 1989.

Hon. DON YOUNG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE YOUNG: My name is Marca Knapp, and I have lived in Wrangell, Alaska my whole life. I am writing you in relation to the Tongass National Forest Bill. Now, I know this bill will be coming up for discussion in '89, and it concerns me greatly.

Without the lumber which the Tongass Nat'l Forest provides us, the mill here in town, and other ones around South East—they will go out of business.

The merchants in our community depend on the lumber industry workers for all of their business, and the schools can't run without the children to fill their rooms. And if the lumber industries go out of business the small logging company here in town will not have much reason either.

Please consider voting against this bill, because the lives of many people including my family and friends will have to move and find a life somewhere else.

Sincerely,

MARCA KNAPP.

JANUARY 17, 1988.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE YOUNG: I feel that the issues that are confronting Alaskan citizens right now are important. There is SO MUCH forest in the Tongass that by the time we were to get done logging one part, a part already logged would be ready to be logged again. The timber industry in Alaska provides so many jobs, that it would be almost suicidal to get rid of it, in part or in whole.

I am not planning a career in timber, but I do plan to return to my home state of Alaska after college and try to pay back some of the great rewards she has given me. It doesn't sound like too good of a place to come back to if one of the major industries gets wiped out.

I would be interested in knowing your views on the Tongass issues, and what you plan to do for Alaska. Thank you for your time and I would appreciate hearing from you.

Sincerely yours,

WALTER MAENHOUT.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE YOUNG: I am writing this letter to tell you my views on the Tongass National Forest Bill. I hear thousands of people want to turn it into a national park. This means that there would be no more logging. This is fine if you live down south and only see it in postcards. But to the people who live in South East Alaska it would be like cutting our throats. I'm not some retired person living in Florida who needs something to complain about. I'm a senior at Wrangell High School. College is coming soon and without the saw mill a lot of people from these small towns will never make it to college. The fishing industry last year was such a flop that some people didn't make enough to pay their union dues. In this town of 3000 people, many people have timber related jobs or depend on the money that those people spend. Without logging this place would be a ghost town in about 1 year. It would take millions of tourist dollars a year to support our shattered economy and that's just not going to happen. If the Sierra Club wants to close us down then they should pay South East Alaska to help its crippled economy.

Thank you for listening to my side of the story.

Sincerely.

RICK KOHRT.

INTRODUCTION OF A RESOLUTION TO DESIGNATE NATIONAL CULINARY WEEK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution to designate the week of October 15–21, 1989, as, "National Culinary Week." This week will honor not only the culinary profession, but also the American culinary team. The team has been competing on an international level since 1964. The team is sponsored by the American Culinary Federation, and the National Restaurant Association U.S. Culinary Team Foundation. This nonprofit organization finances and promotes the U.S. culinary team.

The National Restaurant Association is the leading trade association for the foodservice industry. The NRA represents all facets of the foodservice industry, including restaurants, cafeterias, clubs, contract foodservice management, drive-ins, caterers, institutions, and other engaged in the preparation of food away from home. While the NRA is well-known for its lobbying efforts in Washington and State legislatures, it also is active in education and research for the foodservice industry. The NRA has 10,000 members across the country.

The American Culinary Federation is a professional, educational, and fraternal organization of chefs and cooks. The federation was founded in 1929 in New York and since that time has grown to over 20,000 members nationwide with nearly 207 chapters. The ACF

provides the means for chefs and cooks to receive education, training, and experience in the culinary profession.

Over the years that the United States has been competing in the International Culinary Competition the team has done increasingly well in competition. This is illustrated by the contrast between the 1968 team, which won no medals and the 1984 team, which won gold medals in both the hot and cold food competitions. The 14-member 1988 team prepared for over 2 years for the competition in Germany, and walked away with 35 gold medals. The 1988 entries reflected the growing trend in the United States toward lighter, more healthy foods and featured new creations developed by the team members.

In addition to the culinary competition team, the ACF also provides many educational opportunities to chefs and cooks across the country. First, there is the American Culinary Federation Educational Institute [ACFEI], which recognizes superior culinary schools through an accreditation program. The ACFEI also sponsors the National Apprenticeship Training Program for Cooks, a program recognized by the U.S. Department of Labor. The program consists of a 3-year earn-as-you-learn program combining classroom instruction and employment with a certified chef. Successful completion of the program allows participants the opportunity to enter the culinary field as a certified cook. Presently 84 apprenticeship programs are in operation across the country. A chef certification program is another one of the activities performed by the ACFEI. Certification ranges from certified cook or certified pastry chef to certified executive chef. Through the ACFEI, a chef can be recognized as a certified master chef.

The ACFEI offers financial assistance to qualified culinary students to pursue their education and educational seminars are a large part of the activities at the annual ACF convention, which over 700 members attended last year. The American Academy of Chefs is the honor society of American chefs which is associated with ACF. In addition to the Olympic team sponsored by the ACF, the federation also sponsors many culinary competitions during the year. These competitions are the first experience many chefs have in culinary competition.

The ACF and the NRA are dedicated to the preservation and expansion of the culinary profession in the United States. These organizations have succeeded in allowing American chefs to successfully compete against European chefs. The accomplishments of the American culinary team are commendable. I find the accomplishments to the culinary profession of particular interest, as my parents operated a restaurant in Monterey after their arrival in the United States. I know firsthand the work and dedication needed in the culinary profession. The men and women who make up the American culinary profession deserve to be recognized for their contributions. I urge my colleagues to join me in sponsoring the resolution I am introducing today to designate October 15–21, 1989 as, "National Culinary Week".

H.J. RES. 121

Whereas in 1989 the food-service industry will sell Americans food and services amounting to over $213,000,000,000;

Whereas such sales will account for 41 percent of the dollars spent by Americans on food;

Whereas the food-service industry has successfully adjusted to recent changes in the life-style and diet of Americans and will continue to develop culinary and nutritional ideas through its research, development, and educational programs;

Whereas the work force of the food-service industry consists of over 8,000,000 people;

Whereas the food-service industry hires more women and minorities than any other industry;

Whereas many other businesses benefit economically from the constantly expanding food-service industry;

Whereas American culinarians are now in the forefront of culinary arts achievement and are recognized internationally for their talent, expertise, and creativeness;

Whereas the United States first entered the Culinary Competition in 1964, in Frankfurt, Germany;

Whereas every 4 years, the United States demonstrates its culinary leadership by winning awards at the Culinary Competition;

Whereas many associates have been established within the culinary industry;

Whereas such associations strive to improve the reputation of their members through promotion, establishing professional standards, and testing their members for proficiency; and

Whereas such organizations also provide educational opportunities for their members by bringing highly qualified individuals into their ranks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15 through 21 1989, is designated as "National Culinary Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

A TRIBUTE TO MORRIS BAILEY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SCHUMER. Mr. Speaker, it is with the greatest pride and pleasure that I call my colleagues' attention to the accomplishments of Mr. Morris Bailey, the founder and the president of the Sephardic Community Center of Brooklyn.

Morris Bailey has provided visionary leadership in bringing the diverse strands of the Sephardic community together. His community center has provided over 7,000 members between the ages of 2 and 92 with a sanctuary, where skills can be honed and citizenship groomed.

Mr. Bailey is the driving force behind this thriving community center. In the early stages of the center's development, his tireless ability to raise funds provided invaluable revenue which would become the life blood of the 60,000 square foot center. The center opened in 1982 only 5 years after it had been incorporated.

The community center was equipped with every imaginable amenity. Morris Bailey would not be satisfied with anything but the highest quality for his dream of providing a focal point in Brooklyn for the Sephardic community. He provided for the needs of the young and the old. From daybreak until midnight, 6 days a week, Mr. Bailey never lost sight of his burning desire to unify all of the elements of the Sephardic community.

At this juncture in Morris Bailey's distinguished career of service to Brooklyn, it is fair to say that he has created the "Jewel of the Community" in the heart of Brooklyn. The four generations of Bailey family who have shared in Morris' work must be proud of his outstanding achievement. Hillel said: "If I am not for myself, who will be for me? If I am only for myself, what am I? If not now, when?" Morris Bailey has taken one giant step, through the execution of his vision, toward answering these proverbial questions.

It is with profound gratitude and admiration that I share with my colleagues the service Morris Bailey has provided the Sephardic community and Brooklyn. With work like his, community will once again become a place where different people come together and create an identity greater than their individual one.

TRIBUTE TO GLENDALE ELEMENTARY SCHOOL

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise today to congratulate the people of Glendale on the U.S. Department of Education's recognition of Glendale Elementary School for excellence in education.

This honor is indicative of the ongoing commitment which the people of Glendale have made to the future of their children. Glendale has set an example for other communities to follow in its dedication to the education of our children—those who represent to our best hopes for the future of our communities and our Nation.

I join with the Secretary of Education and all of the friends of Glendale Elementary School in recognizing this outstanding achievement. I am confident that Glendale's tradition of excellence will carry far into the future.

It is the commendable efforts of the teachers, coaches, administration, parents, and students that make a great school. Glendale Elementary is such a school. This is apparent through the sixth-graders' achieving at or above their grade level in mathematics, science, and reading; through the thousands of hours of volunteer work by PTA members; and through the Department of Education's choice of Glendale Elementary School as a recipient in the 1988 National Elementary School Recognition Program.

The importance of elementary schools especially is obvious to ensure students' suc-

cess in all levels of education. Glendale has shown that it is dedicated to that end.

It is my hope and expectation that Glendale Elementary School as part of the Princeton City School District will continue to deserve high honors for many years to come.

INTRODUCTION OF HOUSE RESOLUTION 61

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. EDWARDS of Oklahoma. Mr. Speaker, on January 3, I made an attempt to permit amendments to the package of rules being proposed by the Democrat majority for the operation of the 101st Congress. As the Speaker well knows, that attempt was voted down on a virtual straight party line vote.

And yet, Mr. Speaker, the need to modify the rules of the House is not a partisan issue, but is acknowledged by both Republicans and Democrats.

Accordingly, I am today introducing, with 64 cosponsors, the package of amendments which were not considered on the third. These are not radical changes, but they are important. They would do such things as reform the system of proxy voting which afflicts the committee system; they would permit notice of attempts to consider legislation under a closed rule; they would guarantee recorded votes on tax increases and appropriations bills.

In all, Mr. Speaker, the package includes 30 reforms, reforms which would go a long way toward making this House accountable to the voters of the Nation. I invite all Members of the House to join with me in pushing for committee consideration and action of the floor.

The American people have waited too long.

ELDERLY CAREGIVER EQUITY PROPOSAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. FLORIO. Mr. Speaker, the problem of caring for the homebound elderly is becoming a very serious issue. It is estimated that approximately 10 percent of the population needing assistance with at least two basic activities of daily living are being cared for by family members with no help from outside sources. As the elderly population increases, the problem will only get worse.

This is a difficult and complex problem that must be addressed in many different ways. I would like to draw my colleagues' attention to an approach proposed by a group in New Jersey called the Association of Elderly Caregivers. This group urges States to change probate laws so that elder care given by a friend or family member can be considered when settling an estate.

The Association of Elderly Caregivers' caregiver equity proposal follows:

There is a popular myth that most familymembers care for their elderly parents.

The reality is that care, when necessary, usually falls upon the one familymember, usually the woman, willing to shoulder it, while the others distance themselves, sometimes for years and usually without valid reason.

This is particularly unfortunate when an elderly parent dies intestate, without a Will, or, suffering from Alzheimer's Disease or other mental impairment, has been unable to execute or update one.

In such cases, present probate laws mandate that the parent's estate, monies or other property be arbitrarily divided among immediate familymembers without regard to the caregiver's care and the other familymembers lack of concern.

It is easy to chastize, criticize and penalize for failure to plan ahead, to execute, regularly update and revise Wills, although nothing suggested here urges otherwise.

But the reality is that caregiving costs, insurance, inadequacies, financial pressures, declining physical and mental capacities often prevent it.

Regardless, it is urged that those supporting or encouraging familymember care of needy elderly parents should send a signal.

Probate laws governing Wills, estates and intestate decedents are not 'writtren in stone.' They like all manmade laws can be revised and updated and, indeed, should be, since there is a strong argument that updating is long overdue to meet problems presented by a growing aging population, rising medical and institutionalizing costs, declining family ties, reduced governmental social expenditures, etc.

Laws that do not meet the needs of the times do not inspire confidence.

A FATHER'S TRIBUTE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. CLAY. Mr. Speaker, I was very deeply touched by a recent story in the Washington Post about Kevin McLinton, the son of one of the great Washington Redskins' linebackers, the late Harold (Tank) McLinton. Although Kevin lost his father when he was only 9 years old, Tank's spirit lives on in his son.

I congratulate Kevin McLinton on his outstanding performance in football and I wish him every continued success in his future. I am very happy to take this opportunity to share with my colleagues this very uplifting and inspiring report, "In Tribute to His Father, Kevin McLinton Nears the Top."

IN TRIBUTE TO HIS FATHER, KEVIN MCLINTON NEARS TOP

(By Jim Brady)

When Kevin McLinton crossed the goal line with the 99-yard interception return that clinched Springbrook High School's Maryland Class 4A state football championship in November, he was chased by teammates anticipating the imminent celebration. But for Kevin McLinton, the celebration has to wait.

"As soon as I scored on that interception, I fell to my knees and said, 'Dad, this one's for you,'" he recalled. "I think he would have been proud of me after that."

When he was 9, Kevin's father died. His mother, Agnes, said it came at a time when Kevin and his father were "getting close. Kevin was admiring him, emulating him."

Harold (Tank) McLinton was an easy man to admire, and an admirable person to emulate. McLinton, the Washington Redskins' middle linebacker from 1969 to 1979, was a quiet man known for his work in helping other people. Ironically, he was in the process of doing just that when he was critically injured.

McLinton, 33, was returning from a speaking engagement at Lorton Prison on Oct. 1, 1980, when he stopped on the side of Interstate 295 in Southeast Washington to thank a woman he had followed because he had gotten lost. Standing near the side of the road, he was struck by a passing car. McLinton died on Oct. 31 from complications resulting from his massive injuries. At the time, former Redskins coach George Allen said, "The biggest loser is the Washington community."

"We were really close and [his death] took a lot out of me," said Kevin, 18. "I don't think I was the same for a while . . . But I started thinking, 'Instead of grieving, I should achieve something—do my best.'"

Eventually, Kevin's pain subsided, and he uses the positive memories of his father as the basis for a lifelong tribute.

"It doesn't bother me anymore," Kevin said. "When people mention [my father], I smile . . . Everything is falling into place."

And as the prices have fallen into place, Harold McLinton's son has gained his own identity.

Kevin, a senior at Springbrook, was instrumental in the school's state basketball championship last season and its state football title this season. A point guard, he is averaging just under 20 points for the 6-3 Blue Devils this season.

Despite his father's fame as a football player, Kevin did not play that sport until this season due to nagging injuries and his concentration on basketball. After he finally decided to play, the state championship made the wait bearable.

The Blue Devils finished 11-2. McLinton caught the game-winning touchdown pass with no time remaining in the state tournament semifinal victory over Friendly. In the 42-21 championship win over Churchill, he scored three touchdowns, including pass receptions of 46 and 54 yards, but the interception return was the most memorable.

McLinton averaged about 12 points per game on last season's basketball team. In the state championship game, his 30-foot desperation shot at the end of the first quarter sparked Springbrook to a victory over previously unbeaten Crossland.

Since his father's death, McLinton has often depended upon advice from Brig Owens, the former Redskins safety who was one of Harold's closest friends. Owens has remained close to the entire McLinton family and was in the stands for the state semifinal and championship football games.

"He's been like a second father to me," McLinton said. "He was always there to lend some advice and help out. He knew my dad well, so we've known him for a very long time. I know he wouldn't say something he didn't mean."

"He knows I'm always a phone call away," Owens said. "Regardless of where I am, I'll go anywhere and do anything to help him."

Owens sees a great similarity between Harold and Kevin. "If you close your eyes and listen to [Kevin], it's scary," he said. "They have the same mannerisms."

Although Kevin says he dedicates every game he plays to his father, his Springbrook coaches believe he has established his own style.

"He never says anything about his father, and I don't bring it up," said Springbrook football coach Bob Milloy.

"He does keep it to himself," Agnes McLinton said. "But if you ask him, he will talk about it freely."

Very freely.

"I always play for my father. I think about him every time I'm on the court or the field," Kevin said. "Every time things are really bad, I think, 'I've got to do it; Dad's looking down on you. You have got to do your best.'"

It was Harold McLinton's affinity for helping people that Kevin remembers most.

"I couldn't be like my father. He was one of a kind," Kevin said. "Last night, I was looking at some get well cards my father received in the hospital and I saw a lot of things that touched me. He was always helping kids, always going to jails, always going to hospitals, going to different places just to talk to people. He was a great man, really. Even when he was hit, he was trying to help someone out. That's always what he wanted to do. I am willing to help people out, too, but I couldn't do what he did. He did some amazing things."

Kevin hopes to follow the same path his father did. He wants to excel in athletics, then use the celebrity of being a professional athlete to help others less fortunate.

Largely because of the presence of his mother and 14-year-old brother Darren, Kevin wants to stay in the northeast for college, and that should not be difficult, considering the number of schools vying for his services. The chief question at the moment is which sport he will play.

Colleges have approached Kevin about basketball and football, and Towson State inquired about both. Kevin has no Bo Jackson illusions, saying he will decide between sports in a few weeks, but his mother already has made up her mind.

"I would prefer to see Kevin play basketball," she said. "Football has been all I know, but Kevin has dedicated so much time to basketball, and that's been his game."

When the decision finally is made, somehow, some way, Kevin knows his father will play a role in his choice.

"We were friends," Kevin said. "It's that friendship that matters . . . The team is important to me, and so is the way I play, but my father is always No. 1."

SOCIAL SECURITY AS AN INDEPENDENT AGENCY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. JACOBS. Mr. Speaker, following is a synopsis of legislation being introduced today:

SOCIAL SECURITY AS AN INDEPENDENT AGENCY

CURRENT LAW

Section 702 of the Social Security Act gives the Secretary of Health and Human Services responsibility for the Old-Age, Survivors and Disability Insurance (OASDI) programs and the Supplemental Security Income (SSI) program, both of which have been delegated to the Social Security Administration to administer. In addition, HHS administers the Hospital Insurance and Supplemental Medical Insurance (Medicare) programs, the Aid to Families with Dependent Children (AFDC) and Child Support Enforcement (CSE) programs, a variety of human service block grant programs under title XX of the Act, and the health research agencies such as the National Institutes of Health (NIH).

HISTORICAL BACKGROUND

The original (1935) Social Security Act established a Social Security Board composed of three members appointed by the President with the advice and consent of the Senate. The members were appointed to staggered terms, and no more than two of the members could be from one political party. One member was designated Chairman.

A series of reorganizations and legislative changes led to the establishment of the Social Security Administration as a subordinate agency within the Department of Health and Human Services in the early 1950s. SSA was given responsibility for administering the Medicare program when it was established in the mid-1960s, and the SSI program in the mid-1970s. The reorganization of 1977 created a new Health Care Financing Administration (HCFA) which took the Medicare program out of SSA.

In recent years, SSA has experienced considerable instability in top leadership and administrative structure. SSA has had ten Commissioners in the last fifteen years, four of whom have served only as acting Commissioners. In addition, SSA has undergone several major reorganizations since 1975, which have displaced personnel at all levels and created repeated changes in responsibilities for program administration and policy development.

REQUIREMENT OF THE 1983 SOCIAL SECURITY AMENDMENTS

The January 1983 report of the National Commission of Social Security Reform endorsed in principle the idea of an independent agency, but recommended a feasibility study; a minority of five members stated that the independent agency should be implemented without further study. The Social Security Amendments of 1983 established a commission to report to the Committees on Ways and Means and Finance on how to implement a proposal to make the Social Security Administration an independent agency under a bipartisan board appointed by the President. The Commission made its report to the two committees on June 12, 1984.

PREVIOUS INDEPENDENT AGENCY LEGISLATION

Following the Commission Report, Rep. Pickle introduced independent agency legislation in the 98th Congress. A similar bill was introduced in the 99th Congress and passed the House of Representatives as H.R. 5050 on July 22, 1986, by a vote of 401 to 0. In the 100th Congress, Rep. Jacobs introduced H.R. 1036, which was generally identical to H.R. 5050. He is reintroducing this legislation in the 101st Congress.

BILL SUMMARY

The bill being introduced today would establish the Social Security Administration as an independent agency with administrative responsibility only for the social security and Supplemental Security Income (SSI) programs. The new agency would be governed by a bipartisan, three-member Social Security Board. Members of the Board would be appointed by the President, with the advise and consent of the Senate, and would serve staggered six-year terms, with the exception of the first three members whose terms would expire on January 31, 1992, January 31, 1994, and January 31, 1996, respectively. Board members could only be removed from office for neglect of duty or malfeasance.

The Chairperson of the Board would be designated by the President for a four-year term. The Board would establish broad legislative, regulatory, and administrative policy for the agency. The policies and regulations of the Board would be covered under the notice and public comment provisions of the Administrative Procedure Act of 1946.

To handle day-to-day administration, the Board would appoint an Executive Director to act as chief operating officer. The Executive Director would be appointed to a four-year term and could be removed only for cause. The bill also establishes the positions of Deputy Director, General Counsel, Inspector General, and Beneficiary Ombudsman within the new agency.

The legislation would provide the new Social Security Administration with demonstration authority to perform certain management functions controlled by the Office of Personnel Management (OPM) and the General Services Administration (GSA). Specifically, the Board would have authority to test the new agency's capacity to recruit, compensate, and manage personnel and to acquire and maintain facilities and automated data processing equipment. After 18 months, the General Accounting Office would report to Congress on the outcome of the demonstration projects and assess the readiness of the agency to assume permanent and full authority for these management functions.

To adjust for the new agency's expanded responsibilities, the Board would submit a work-force plan to OPM which would serve as a basis for an increase in the number of Senior Executive Service positions allocated to the new agency. The legislation also stipulates that the Department of Health and Human Services would transfer to the new agency six level V and six level IV Executive Schedule positions.

In general, the bill would take effect July 1, 1990.

INFANT MORTALITY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. LELAND. Mr. Speaker, today I introduce legislation which goes a long way toward addressing our Nation's greatest tragedy—infant mortality. Our children are our most valuable resource, yet the United States currently ranks 19th among industrialized nations in the incidence of infant mortality. Although we have enacted expansions in the Medicaid Program in recent years, we cannot rest on our laurels. We must push ahead and continue to increase access to the minimum health benefits afforded pregnant women and infants through the Medicaid Program.

Last year, Congress enacted legislation spearheaded by my colleague Mr. WAXMAN which mandated coverage of pregnant women and infants up to 100 percent of the Federal poverty level. Based on 1987 figures, that would amount to an annual salary of $9,056 for a family of three. Last year, in my home State of Texas, the threshold for Medicaid eligibility for a family of three was 24.2 percent

of the poverty level. If a family of three living in Texas has an annual income of $2,208 or more, they make too much to qualify for Medicaid. No one can deny that last year's expansion was desperately needed, nor can anyone deny that further expansions are necessary.

The legislation that I offer today is based on recommendations made by then-Presidential candidate George Bush who, in his publication "Access to Health Care for All Americans Fact Sheet," endorsed a phase-in of Medicaid coverage for all pregnant women and children under 1 year of age, up to 185 percent of poverty.

I applaud the President's foresight in this area and commend him for making this statement. I look forward to working with the new Bush administration in bringing to life his vision of a "kinder and gentler America." I firmly believe that this proposal will help to make his vision a reality.

In addition to expanding Medicaid coverage for pregnant women and infants up to 185 percent of poverty, my proposal eliminates the assets test, which has previously barred women from receiving services that they desperately needed. Further, my proposal requires States, in calculating income necessary for pregnant women and infants, to deduct the costs of necessary child care from gross income.

Current law allows States to adopt a streamlined eligibility process under which all pregnant women applying for Medicaid would be immediately eligible for services for a period of 45 days, or until the application is acted upon. Only 19 States have adopted this process commonly known as presumptive eligibility. My bill requires States to implement presumptive eligibility for all pregnant women and allows States to cover outreach services for pregnant women and infants.

I commend the National Commission to Prevent Infant Mortality for their efforts in this area. While this legislation does not reflect all of the Commission recommendations, primarily due to budget constraints, I feel that this legislation is an important step in reducing the number of infant deaths in the United States.

AIDS, THE VOTERS, AND A MEMBER OF CONGRESS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. STARK. Mr. Speaker, in the category of things I wish I could have said as well, is the letter I received today from our colleague from Massachusetts, BARNEY FRANK.

It is worth reprinting. I will use it answering the complaints I receive from constituents about the enormous amount of time and public money the House chews up listening to hysterical, homophobic tirades.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 1989.

DEAR COLLEAGUE: This is about AIDS, the voters and William Dannemeyer.

From time to time, the House is accused of being "out of touch with the will of the people." Since it is the people we are accused of ignoring who determine the composition of this body every two years, this assertion is, logically, an attack on the voters' ability to know and express their own minds.

Not surprisingly, those who make this attack try to deny its anti-democratic implications. In a peculiar mental leap, many of them argue that the very fact that almost all House Members are regularly re-elected is a sign that we do not represent those who vote for us. Other than making House elections look more like professional wrestling, and agreeing among ourselves to lose a few every now and then, I do not think a great deal can be done about that.

But there is something we can do about the charge that we have defied the public's will on a particular issue: test the outcome of our deliberations against reliable indications of public opinion. The recent referendum in California on the AIDS initiative proposed by our colleague, Mr. Dannemeyer, offers us a chance to test one of the most frequently repeated charges that the House is "out of touch". Mr. Dannemeyer has from time to time expressed his frustration with what he sees as the unwillingness of the Members of the House to listen to the American people with regard to AIDS. (I do not mean to suggest that he has singled us out—Mr. Dannemeyer has also been extremely critical of the AIDS policies promulgated by Ronald Reagan's appointee as Surgeon General, Dr. Koop; Ronald Reagan's appointee to head the AIDS Commission, Admiral Watkins; Ronald Reagan's appointee to head the Office of Personnel Management, Dr. Constance Horner; a majority of the rest of Ronald Reagan's appointees to the AIDS Commission; leaders of the American Medical Association, the CDC, and a wide range of other groups.)

Driven by this frustration last year, Mr. Dannemeyer took his case to as large a segment of the American population as can be asked to vote on a single policy issue—the voters of California.

In 1986, Mr. Dannemeyer backed an initiative put together by the prominent felon and medical authority, Lyndon LaRouche, and when that effort to deal with AIDS was overwhelmingly repudiated by the voters, its supporters attributed its defeat in substantial part to the unpopularity of Mr. LaRouche. So in 1988 Mr. Dannemeyer put his own initiative on the ballot, one in which he was free to frame the proposal as he wished. The proposals he put forward bore, not surprisingly, a strong resemblance to some of the proposals he has offered unsuccessfully on the Floor of the House.

A very vigorous debate ensued with a good deal of both paid and unpaid media. (California voters by now have had the chance to get very familiar with the referendum process, since that state puts so large a percentage of its important public questions on the ballot that I sometimes wonder what it is they pay their legislators to do.)

The result of this vigorous public debate on a set of proposals which Mr. Dannemeyer himself framed was very much the same as the result that has occurred when we have dealt with these issues in the House: the Dannemeyer proposals were very soundly defeated. Statewide, 5,786,000 people voted against the Dannemeyer initiative, Proposition 102, while 3,027,000 voted for it. In Orange County, the home county of Mr. Dannemeyer, and our colleague Mr. Dornan, the no vote was 506,302, while the yes vote was 325,396. In Mr. Dannemeyer's own congressional district, doubtless as a tribute to the respect his own constituents have for him, his initiative did better than it did on the statewide ballot by 6 percentage points—he was only defeated on his initiative in his own congressional district by a margin of 59.6 percent to 40.3 percent.

I eagerly await this year's debate on AIDS issues in which we may well be told that the trouble with this country is that the people are out of touch with themselves.

BARNEY FRANK.

STUDENT LOAN INTEREST

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1989

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to correct a tremendous error in the Tax Reform Act of 1986. By classifying student loan interest as consumer rather than investment interest, the Tax Reform Act made student loan interest nontax deductible. Educating our youth is the purest form of investing in the future of our country. My legislation reinforces this principle by making student loan interest tax deductible.

Escalating education costs place an enormous financial burden on our students. Graduate students in particular may incur debts so large that their initial payments on loans consist mainly of interest. Allowing a tax deduction of this interest could actually be a matter of economic survival for several higher education graduates; 255 of my colleagues sponsored this legislation in the 100th Congress.

Mr. Speaker, deducting student loan interest is a step in the right direction for our Nation's students.

BLACK HISTORY MONTH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. MAZZOLI. Mr. Speaker, I am proud to join my colleagues in the House in celebrating and commemorating February as Black History Month.

In 1926, Dr. Carter G. Woodson, known as the father of black history, established Negro History Week—in 1976 extended to a month—because he recognized the need for all to recognize the history and culture of black Americans.

Our Nation recently observed a national holiday in tribute to Dr. Martin Luther King, Jr. I was a proud sponsor of the resolution which established his birthday as a national holiday.

In addition to Dr. King, there are now and have been many black achievers in the United States. It is fitting that a month be set aside to honor the significant achievements of black Americans, many of whom have lived in Louisville and Jefferson County, KY, the district I am honored to represent in Congress.

One such outstanding black American was Grace James, a physician.

Dr. James, who passed away last month, served the city of Louisville and its black com-

munity for some 37 years. From providing health care to all in need to promoting civil rights, Dr. James was an inspiration to all around her.

Some of her more important contributions were: being the first black woman to serve on the faculty of the University of Louisville School of Medicine, and establishing the West End Medical Center, a health facility in the inner-city area of Louisville.

Dr. James served as the only medical doctor at the center and, thus, she attended to more than 100 patients weekly.

Not only was Dr. James concerned with health, but also with pressing issues such as teenage pregnancy and education. She founded the teen awareness project to help reduce the teenage pregnancy rate and to help educate youths. And, while serving as president of the Louisville Chapter of the NAACP, Dr. James fought for better educational opportunities for blacks within the public school system.

She also served on the Council on Urban Education, a group primarily concerned with addressing educational problems black children encounter. In recognition of her efforts to improve education, a scholarship fund has been set up in Dr. James' name at Meharry Medical College in Nashville, TN.

I am proud to honor an individual such as Dr. Grace James. The city of Louisville will miss her leadership and tenacity, but her memory will, I hope, inspire others to a life of service and commitment to their own communities.

A TRIBUTE TO DAVID RAMSAY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to David Ramsay, chairman of the Tennessee Monument Commission, for his efforts to get the Tennessee Monument at the Gettysburg Battlefield. Until Mr. Ramsay began his promotion of a monument in 1965, Tennessee was the only State of the 29 States that had men in combat at Gettysburg to not be represented.

I want to personally thank Mr. Ramsay for his efforts to ensure that the brave men who fought at Gettysburg are honored. The memorial is dedicated to the memory of the men who served in the 1st, 7th, and 14th Tennessee Infantry Regiments, the Archers Brigade, Heth Division, and Third Army Corps.

Mr. Speaker, I am including the speech given by Mr. Ramsay at the dedication of the Tennessee Monument at Gettysburg. Again, I want to thank Mr. Ramsay for all his work in ensuring that Tennessee is represented at Gettysburg.

DEDICATION ADDRESS OF THE TENNESSEE MONUMENT AT GETTYSBURG, PA—JULY 3, 1982

Since the beginning of time, the Sun has risen from out of the east and traveled in its natural course across the hemisphere, casting its warm and cosmic rays of light upon the Earth, sustaining life and providing energy to the people on Earth, to finally settle in the west. Today on this historic occasion, it may be appropriate . . . that we take poetic license and imagine that the Sun shines with an added glory . . . the glory of casting its rays of light upon the full complement of monuments and memorials here at Gettysburg honoring the sons of the twenty-nine States that participated in the battle which took place on the first, second and third days of July in the year of our Dear Lord 1863 . . . Perhaps to cast several extra rays welcoming Tennessee to her rightful resting place of honor on these hallowed grounds . . . History tells us that the Federal Union emerged as the victor of the War Between the States but as we look out upon this great national military park at Gettysburg and others across the Nation, we see Union and Confederate monuments and memorials literally standing side by side in peace and quiet . . . This is a testimonial to the fact that the battles . . . the victories and defeats as well as the travesties that war brings . . . are the common properties and responsibilities of the American people, and we as Americans cannot allow ourselves to be insensitive to these images . . . In fact, we should have a deep and transcendent sense in this respect . . . The very presence of these monuments give evidence that the American people have assumed their responsibilities and rightfully claimed them as their property . . . This is the American tradition and the lifeblood of our American heritage . . . After the war had ended and the smoke had blown away and the crack of the musket and boom of the cannons had dissipated into eternity, the stars that once graced Confederate banners and guidons took their place as stripes in Old Glory, and all this truly made Old Glory the Star Spangled Banner . . . May she wave forever, and forever she will be the grace of God . . . From these several scenes, cannot we again take poetic license and although we cannot write this in the pages of history, resolve here today that the War Between the States was won by American, of whom for a period of time some wore blue . . . others gray . . . as they fought a duel of honor . . . on the field of honor . . . largely by men of honor and so settled their differences in that fashion . . . from out of which emerged a united nation . . . We must consider that these men in blue and gray fought in order to preserve their beliefs and personal convictions . . . they followed the dictates of their hearts while in the performance of their simple duties as they best understood them at the time . . . If Americans did not possess these traits our Nation would not have been born in 1776, nor would it have survived in later wars in which we were involved . . . Let us count our blessings from these things . . . Let us also remember that the very descendents of the men who wore the blue and the gray stood and fought side by side in later wars in order to defend our great nation and our beloved Star Spangled Banner—the dedication of the Tennessee Monument here today is in a sense a rededication of all the other twenty-eight State monuments in that it marks the first reunion of the twenty-nine States here at Gettysburg . . . A reunion that will last forever and in peace—this Tennessee Monument is here today because many patriotic Americans and citizens of other countries wanted it here . . . But it is here for a far greater and nobler reason . . . It is here because the good lord wanted it here. This monument carries a high and sacred image as all other monuments of this nature do . . . We know that the lord gives us life as a gift and what we make of our lives is our gift to him when he calls us home . . . In that this monument honors 775 of his children, what greater gift can we give him when the time comes than the efforts we have made . . . And when the lord wants something done on Earth that benefits mankind, such as monuments of this nature of discoveries in science and medicine . . . He from time to time chooses from among his children on Earth certain ones to perform these various tasks and with his help those so chosen become the tools and implements of his divine profession such as many of us here today and elsewhere have become . . . In humble commemoration of these sublime and august scenes, I now say to you . . . to those of you who believe . . . Let us fold our hands in prayer and look up to heaven with these thoughts . . . Oh Lord our heavenly Father . . . we are so proud that you chose so many of us to do this job for you . . . our fondest hopes are that we have completed this task in a fashion such that it will so receive your divine approval . . . And now we say unto you, all present are accounted for at Gettysburg . . . mission accomplished . . . Amen . . . Amen . . . Amen.

BUSH MEDICAID CHILD HEALTH INITIATIVES H.R. 832, H.R. 833, AND H.R. 800

HON. HENRY A WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. WAXMAN. Mr. Speaker, 4 months ago, during a Presidential campaign noteworthy for its lack of specificity on policy issues, George Bush made three very specific proposals to expand Medicaid coverage for pregnant women, infants, and children. Today I am joining with Mr. LELAND and other members of the Subcommittee on Health and the Environment to introduce legislation to implement each of these three promises.

President Bush promised, and I quote, that he would "provide the leadership to ensure a national commitment to all infants and to ensure that children continue to have access to primary health care and basic medical services throughout their childhood." This is a goal that all of us—Democrats and Republicans—can wholeheartedly support.

President Bush made three specific proposals.

First, in order to reduce infant mortality, he "supports measures to phasing in coverage of all pregnant women and children under one year of age, up to 185 percent of poverty."

Second, he "supports proper health care through mandatory Medicaid coveage for all children with family incomes below 100 percent of the Federal poverty level, working with those at highest risk as the first priority."

Third, he "will work to develop * * * mandatory Medicaid coverage of functionally disabled children who would have to be in a hospital or other institution without such coverage for home care."

Each of these promises was set forth in the Bush campaign white paper, "Invest in Our Children" October 1988, at pages 5 and 6.

The bills I am introducing today would implement each of these proposals. In addition, each bill includes some additional proposals

that are consistent with the Bush policies but do not reflect specific commitments he has made. Some of these additional items were recommended by the National Commission on Infant Mortality, chaired by Senator LAWTON CHILES.

The first of the three initiatives, the Medicaid Infant Mortality Amendments of 1989, would phase in, over 3 years, a requirement that States extend Medicaid coverage to pregnant women and infants up to age 1 with incomes below 185 percent of the Federal poverty level—$17,900 per year for a family of three. This legislation is sponsored by Mr. LELAND, Mr. HYDE, myself, and a number of our colleagues.

I would particularly like to acknowledge the leadership of Mr. LELAND, a member of the Subcommittee on Health and the Environment who has worked tirelessly during his career in the Congress to reduce infant mortality and improve the health status of poor children.

I would also like to recognize the contributions that Mr. HYDE has made to improvements in Medicaid coverage for pregnant women and infants over the past few Congresses. While we have profound differences on some issues, Mr. HYDE and I agree on the need for expanded Medicaid coverage to assure access to prenatal and maternity care for high-risk, low-income women. He has championed similar initiatives in the last two Congresses, and I look forward to working with him again to enact this legislation.

Finally, I want to note the involvement of Mr. MILLER, chairman of the House Select Committee on Children, Youth, and Families, in each of these three initiatives. Mr. MILLER's committee has played an important role in educating the Congress and the public about the value of preventive interventions, such as prenatal care, in improving child health and reducing Federal spending.

We do not yet have estimates on the entire bill from the Congressional Budget Office. However, preliminary, unofficial CBO staff estimates are that phasing in the mandate to cover pregnant women and infants with incomes up to 185 percent of the poverty level would result in additional Federal outlays of about $120 million over the next 3 years.

The second initiative, known as the Medicaid Child Health Amendments of 1989, would phasein, one year at a time, a requirement that States extend Medicaid coverage to all children with incomes up to 100 percent of the Federal poverty level—$9,690 per year for a family of three. Again, Mr. LELAND, Mr. MILLER, and other Members join me in introducing this legislation. Preliminary, unofficial CBO staff estimates are that this requirement will increase Federal Medicaid spending by $200 million over the next 3 years. Estimates are not yet available for other items in the bill which are likely to increase Federal outlays.

Five years from now, when the changes proposed in these two initiatives are fully phased in, we will have extended Medicaid coverage to an estimated 160,000 pregnant women, 170,000 infants, and 1.1 million children over age 1 who are poor. I am confident that, by giving these low-income women and children the ability to afford needed health care, we will help to reduce this country's disgraceful infant mortality rate and improve the health status of our Nation's poor children.

The final initiative, the Medicaid Technology-Dependent Children Amendments of 1989, would require the States to offer Medicaid services in the community to technology-dependent children under 18 who: First, are in hospitals or are at risk of institutionalization second, who can appropriately be cared for at home; and third, whose care would be no more expensive in the community than in a hospital. The bill makes no change in current income or resource eligibility standards, or in the types of benefits States may offer under current law. According to unofficial preliminary estimates from CBO staff, it may cost as much as $100 million per year in new Federal Medicaid spending.

I want to emphasize that these are modest, incremental proposals. Each of these changes is just the logical extension of Medicaid improvements the Congress has enacted over the past 4 years.

Coverage of pregnant women and infants up to 185 percent of poverty is now optional for the States, and 12, including relatively poor States like Mississippi, already cover this group.

Coverage of children up to 100 percent of poverty is now optional for the States, and 21 have already elected to do so.

Coverage of technology-dependent children at home is now optional for the States, and 22 already do so.

These are initiatives that both Democrats and Republicans can and do support. I look forward to working with the President and his new Secretary of Health and Human Services to enact these initiatives this year.

THE BICENTENNIAL HOUSE RESTORATION AMENDMENTS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mrs. MARTIN of Illinois. Mr. Speaker, I am pleased today to join with our distinguished Republican leader, Mr. MICHEL, and Republican Policy Committee chairman, Mr. EDWARDS of Oklahoma, in cosponsoring the Bicentennial House Restoration Amendments of 1989. This is a package of 30 amendments to House rules and directives to its committees, to restore the "People's House" as we commemorate its 200th anniversary.

We originally attempted to offer this package as a substitute for the resolution from the Democratic caucus, providing for the adoption House Rules on January 3, 1989. But, our effort was blocked on a predictable party-line vote on the previous question. At that time I inserted a paragraph-by-paragraph summary of our Republican package at page H14 of the January 3 RECORD.

At this point in the RECORD, Mr. Speaker, I include the Republican conference's commentary on our House reform package entitled "A Bicentennial Mandate: To Restore the People's House." It is my hope that the Rules Committee will give early consideration to these proposals. The commentary follows:

A BICENTENNIAL MANDATE: TO RESTORE THE PEOPLE'S HOUSE

(Republican Conference House Rules Package, 101st Congress)

Introduction: In 1788, Alexander Hamilton described the role of the House of Representatives under the proposed Constitution as follows: "Here, sir, the people govern. Here they act by their immediate representatives."

Over the past two-hundred years, the People's House has evolved with that overriding aim in mind—to ensure the survival of a government that is truly, in Lincoln's words, "of the people, by the people, and for the people."

And yet, over the last several years, some disturbing trends have begun to move the House of Representatives in the opposite direction—away from the people, and away from its control by their immediate representatives.

Mainly as a result of Democratic Party rule for 52 of the last 56 years, the House has become less democratic and more autocratic. The reasons for this subtle, yet alarming, change in the House are not difficult to discern: the majority party has become more interested in self-preservation and perpetuation in office than in direct representation and accountability to the people. With an incumbent reelection rate of 98 percent, is it any wonder that the institution has become complacent, musclebound and insulated by the obsesity of power?

It's not just that power tends to corrupt, though there is ample evidence of that; it is that those entrusted with power tend to forget the reason it was originally bestowed on them, and the retention of power becomes an end in itself.

The majority Democrats have been willing to relinquish deliberative process, direct representation, and decision-making to their Leadership in return for the trappings and perequisites of power designed to ensure their reelection.

As we commemorate the Bicentennial of the Congress in 1989, we must rededicate ourselves to the foundation on which our National government was built: "We, the People." The Democratic majority has controlled the House for so long that it has lost sight of the "the People" in its self-aggrandizing quest to promote the "We."

It is therefore especially appropriate that the people once again heed the Declaration's call to abolish an autocratic system that no longer derives its just powers from the consent of the governed. To that, end we pledge ourselves to this "Bicentennial Mandate: To Restore the People's House."

The Committee System: Congressional committees have existed from the First Congress as agents of the House in fashioning legislation and conducting investigations. Woodrow Wilson, in his 1885 treatise, Congressional Government, wrote that, "Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work." Congressional committees truly are the workshops of the National Legislature in which the details of legislation are hammered-out on the anvil of compromise.

And yet, in recent years, the House committee system has deteriorated, and the quality of legislation and oversight has suffered accordingly. The reasons for this decline of the committee system are fairly evident. While the reforms of the seventies to make committee chairmen more accounta-

ble to their party caucuses have been laudable in intent, their effect has been to foster a proliferation of semi-autonomous subcommittees.

With this explosion of subcommittees and staff, Members have been saddled with more subcommittee assignments, making it nearly impossible to conscientiously perform any assignment. Committees and subcommittees have attempted to counter poor attendance with rules that permit business to be conducted with only one-third of the Members present and the liberal use of proxy votes. This phantom legislating has produced legislation that is less representative and well conceived than if more Members had actually been present.

Compounding the problem of legislative accountability is the practice of referring legislation to more than one committee. The House approved this procedure in 1974 but rejected an attempt to rationalize committee jurisdictions. The result has been a maze of tangled lines of responsibility between committees and subcommittees that is strangling the legislative process.

The authorizing committees are also falling prey to budgetary squeeze-out—sandwiched in time as they are between the adoption of a budget resolution and the beginning of the appropriations process. With less and less time in which to enact authorizations, more and more programs are either being funded without proper oversight and authority, are being packaged into omnibus bills such as reconciliation, or are being piggy-backed onto appropriations bills.

In an attempt to bring some order out of this committee chaos, the majority leadership has resorted to a variety of devices that have rendered authorizing committees nearly obsolete. These include circumventing authorizing committees altogether by bringing-up more and more bills either by suspending the rules or writing special rules. Even when committees report legislation, it is often rewritten in secret party task forces or by a single member of the leadership, then substituted for the committee product by the Rules Committee just before it is brought-up for House consideration. It is not unusual for Members to have no report or information on such a "surprise compromise." In summary, committees are becoming less and less relevant to the legislative process.

The Floor Situation: Given the shambles in which the House committee system finds itself today, it perhaps should not seem surprising that autocratic procedures are increasingly being used in an attempt to restore a measure of "efficiency" to the House. Unfortunately, "efficiency" has become a euphemism for political expediency and advantage, and has again come at the expense of deliberation and representation.

Whereas only 12 percent of the bills coming through the Rules Committee a decade ago were brought to the floor under "restrictive rules" which limit the amendments Members may offer, this percentage has increased with each succeeding Congress until it stands at 43 percent today. Just as the American people have been disenfranchised at the committee level with phantom legislative devices, they are being silenced on the House floor as well by such "gag" rules.

To further limit the amendment process, the majority leadership has increasingly been denying the minority party its traditional, century-old motion to recommit a bill with instructions in the form of a final amendment. Whereas a decade ago this right was never denied, in the 100th Congress it has been denied on 13 percent of the bills brought through the Rules Committee.

Another device being used increasingly by the majority leadership to avoid a direct vote on matters is the so-called "self-executing rule" whereby a procedural vote is used to automatically adopt a substantive legislative provision. Whereas a decade ago they were used on less than 1 percent of the bills brought through the Rules Committee, today they comprise nearly 16 percent of the special rules on bills.

Another way to avoid proper deliberation, amendments, and votes is the "suspension of the rules" procedure. Under this device bills can be brought-up without being reported from committee, are subject to only 40-minutes of debate, cannot be amended, and must receive a two-thirds vote to pass. Votes on suspension bills can be "clustered" on the day after the bills were actually debated. In one of the final weeks of the 100th Congress, some 83 bills were scheduled under suspension. Of the 46 bills debated on a Monday, the House cast 36 consecutive rollcall votes over a two-hour period the next day.

If the American people watching the House in action from the visitor's galleries or on TV are confused by all these goings on, they aren't too-far removed from their own Representatives who must often scramble to find out what it is they are voting on.

If, as Wilson observed, the "Congress in session is Congress on public exhibition," then today it is a poor exhibition of the representative and deliberate democracy the Founders intended. Much of this is traceable to the breakdown in the committee workshops. But the floor devices used to compensate for this breakdown have only made things worse both in terms of representation and the quality of legislation.

Restoring the People's House: The House Republican Conference is committed in this congressional bicentennial year to restore the People's House by making it a more representative and deliberative body. Any restoration must begin with shoring-up the foundation of the Legislative Branch, the committee system. To this end we recommend:

Realigning committee jurisdictions on more rational lines;

Abolishing the joint referral of bills to multiple committees;

Abolishing proxy voting;

Abolishing one-third quorum rules;

Requiring more open committee meetings;

Limiting committees to no more than six subcommittees;

Limiting Members to no more than four subcommittee assignments;

Adopting a committee staff ceiling and reducing staffs by 10%;

Publishing rollcall votes on reporting bills from committee;

Giving the President special rescission authority over unauthorized appropriations;

Restoring May 15th reporting deadline for authorizations;

Requiring representative party ratios on committees;

Formal adoption of oversight plans.

To strengthen accountability and deliberation on the House floor, we recommend:

Advance notice of floor schedule and five-day work weeks;

Advance notice of plans for rules limiting amendments;

Requiring two-thirds votes on self-executing rules;

Permitting separate votes on budget waivers and two-thirds vote on blanket waivers;

Requiring automatic rollcall votes on tax, appropriations, Member pay raise, and debt limit measures;

Placing strict conditions on continuing appropriations resolutions;

Prohibiting extraneous matters on reconciliation bills;

Placing limits on what bills can be considered under suspension;

Requiring Congress to comply with health, safety, employment and anti-discrimination laws which apply to other citizens.

TRIBUTE TO ADELE SCOTT SAUL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. KOSTMAYER. Mr. Speaker, on December 6 of last year while the Congress was in recess a distinguished Pennsylvanian, Adele Scott Saul, died at her home in Rose Valley, PA.

The attached obituary which appeared in the Philadelphia Inquirer on Friday morning December 9 is a fitting and appropriate tribute to a gallant lady I was proud to call my friend. I am delighted to place the name of Adele Scott Saul in the RECORD and only regret that her own voice was never heard in this Chamber.

[From the Philadelphia Inquirer, Dec. 9, 1988]

ADELE SCOTT SAUL, 101; MADE RACE TO BE STATE'S FIRST CONGRESSWOMAN

(By Donna St. George)

Adele Scott Saul, 101, an independent-minded, outspoken liberal Democrat who took on the Republican machine in Delaware County when she sought to become the state's first congresswoman in 1940, died Tuesday at her former home in Rose Valley.

Possessed of a sharp intellect and a nurturing spirit, Mrs. Saul also was a founder in 1929 of the School in Rose Valley, a pioneer in the field of progressive education in America.

Her greatest public renown, however, came just before America's involvement in World War II, when the elegant, auburn-haired, blue-eyed mother of two decided to challenge the system.

At the time, she was active in civic groups, but a run for Congress wasn't something even she had contemplated.

Mrs. Saul and her husband, Maurice, a prominent Philadelphia lawyer and politically active Republican, had been vacationing in Florida when the county chairman of the Democratic Party wired Mrs. Saul and asked her to be the party's congressional candidate. She was shocked.

It took very little time for her to decide.

"Delaware County is a beautiful place to live, but I think it has been rotten politically," she once explained very simply to a reporter.

It was the first time in the county's history that a woman headed a political ticket.

Mrs. Saul was by no means unprepared. A 1911 graduate of Smith College—a history and government major who bought Victrola records of the speeches of presidential can-

didates—Mrs. Saul was later active in the suffrage movement.

In Rose Valley, she was the borough's first judge of elections and chairwoman of the Democratic Committee for Liberal Action. She also served the boards of the Community Center in Media and the Woman's Medical College in Philadelphia, and sat on the National Youth Administration Board in Delaware County.

In her campaign, she proclaimed she was out to fight "the one-party bossism" of the machine run by county GOP leader John J. McClure. Throughout her campaign she flogged the Republicans—despite participation by her husband, who was chairman of the Rose Valley Borough Council and in the GOP.

They threw parties at their Rose Valley home and offered beer, sandwiches and spike-less punch to visitors in the spacious rooms.

Maurice Saul passed out Havana cigars that were wrapped in cellophane embossed with the words "For Congress—Vote for Adele Saul, Democratic."

Mrs. Saul's issues were straightforward—youth and labor, the continuation and improvement of all social programs and "a national defense strong enough to discourage and repel any attack by any foreign power." She was a vocal supporter of President Franklin D. Roosevelt and the New Deal.

An Inquirer reporter at the time described her as "a realistic, feet-on-the-ground candidate who knows the issues and the reasons for them." However, Mrs. Saul was bucking a 4-1 Republican registration lead in the county.

When Election Day came and she lost, she made it closer than 2-1. She had 46,960 votes compared to the 69,649 votes won by her opponent, six-term incumbent James Wolfenden.

Mrs. Saul pursued her political interests long after her bid for office.

Described as a bright conversationalist—one who always informed her children that, despite popular thinking, politics and religion were the best subjects to discuss—she saw visitors most days for "elevensies": a snifter of brandy and a hearty chat at 11 a.m.

Until her death, she enjoyed reading the Wall Street Journal five days a week. That is, everything except the editorial page, which she called "conservative and uninspired." She liked a little sparring. Recently, she had chided a close, if conservative, family friend: "Now, you tell me why if the President—who is a very good actor but not a very bright man—tells me the economy is getting better, why then is the stock market down?"

During the 1988 presidential election, she insisted that Michael S. Dukakis would have won if only he had declared himself a liberal earlier in the campaign.

As pronounced as anything else, though, was her artistic side.

She loved painting, even loved the smell of turpentine, and at 101 had been busy in her studio the night before she died. Working in oil, she had over the years created perhaps 50 to 75 paintings—of landscapes, figures and flower arrangements.

The paintings showed talent, family members said, but she was never interested in showing them. Painting brought out her private, personal quality, and she used to reason that "a painting was never finished, just the way a person was never finished," her granddaughter said.

Mrs. Saul had been a trustee of Bennington College and an active supporter of such organizations as the Women's International League for Peace and Freedom and the Jane Addams Peace Association. She had a home in Key West, Fla. Her daughter now maintains her old home in Rose Valley.

Her mother was Adele Brabant Hamrich, whose father owned a department store on Chestnut Street, and her father, Henry J. Scott, was once an assistant district attorney in Philadelphia. She had attended Friends' Central School.

Her son, Robert Maurice Saul was killed during World War II. Her husband died in 1974.

Surviving are a daughter, Barbara Sprogell Jacobson; six grandchildren, five great-grandchildren and a sister, Mildred Scott Olmsted.

Services and interment will be at the convenience of the family.

TRIBUTE TO STS. CYRIL AND METHODIUS PARISH OF WARREN, OH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the members of Sts. Cyril and Methodius Parish in my 17th Congressional District of Ohio. It is my sincere pleasure to congratulate this fine group of people on the 60th anniversary of the founding of their parish community.

Sts. Cyril and Methodius traces their heritage back to 1928 when the Most Reverend Joseph Schrembs of Cleveland organized the parish to serve Warren Catholics of Slovak descent. In 1933, the parish moved into its first church building. The church was blessed by the Most Honorable James A. McFadden, then auxiliary bishop of Cleveland. Sixteen years later, Bishop McFadden returned to Warren to dedicate a new church for the parish, one that is easily recognized as one of the most beautiful churches in the diocese.

Sts. Cyril and Methodius Parish can be proud of its past accomplishments. The parishioners have dedicated themselves to creating a strong and thriving parish, based on the spirit of good will and cooperation so strongly established by their ancestors in the promotion of Catholicism in their native countries.

Mr. Speaker, I ask that the House join me today in congratulating the people of Sts. Cyril and Methodius Parish on the celebration of their anniversary. Let us wish them the best of luck for continued success in the future. May their next 60 years be as joyous and productive as the last 60 have been.

REAGAN OPPONENTS FAIL TO SEE CONTINUITY WITH BUSH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SOLOMON. Mr. Speaker, you couldn't tell from reading the newspapers that the Presidential candidate who represented a continuation of the policies of Ronald Reagan had won by a landslide.

The usual suspects are applauding what they describe as a more establishment oriented Cabinet surrounding George Bush, as if the talented men and women who contributed to the Reagan record of peace and prosperity were incompetent.

Columnist and former U.N. Ambassador Jeane Kirkpatrick knows better, and recently dispelled this ignorance in a column that appeared in the January 29, 1989 Post-Star in my hometown of Glens Falls, NY.

It's been said that history is the polemic of the victor. Fearing as I do the desire of America's political losers to rewrite our history to their own liking, I take great pleasure in entering the Kirkpatrick column in the RECORD.

[From the Glens Falls (NY) Post-Star, January 29, 1989]

HOW "NEW" IS BUSH'S VISION?

(By Jeane Kirkpatrick)

The new era of good feeling has begun in Washington, partygoers and network correspondents assured each other all week. Soviet troops are withdrawing from Afghanistan. Gorbachev is offering force reductions in Europe. The Iran-Iraq war has ended. A settlement has been achieved for Southern Africa and prospects are good for Cambodia. The Californians have gone somewhere. The Bushes are wonderful people. The new President has appointed a seasoned team of decent men.

Through all this talk runs like a subliminal chorus the theme: The establishment is back.

Some say this "establishment" consists of Rockefeller Republicans in power for the first time since Herbert Hoover or conceivably Dwight Eisenhower. Some say it is, broadly speaking, the Eastern establishment—the banks, the multinational corporations, the Trilateral Commission, the Kissingerians, that sort of thing. To some it seems just the "right people" tied together by family, friends, schools. "Insiders." Gentlemen.

It may be true that George Bush and his team have more ties to traditional American elites. And it is true that there are among them first-class, seasoned pros deeply knowledgeable about the fields they will oversee. National Security Adviser Brent Scowcroft, his deputy Robert Gates, Deputy Secretary of State-designate Lawrence Eagleburger and Secretary of Defense-designate John Tower are true specialists in government as well as security issues.

It is also true that the Reagan Administration included numerous such men.

Around the facts of the new Bush team, myths are rapidly developing as misleading as they are unfair to both the Reagan and Bush administrations.

Well-known political analyst and commentator Philip Geyelin wrote recently, for example, about the disorderly procedures of the Iran-Contra fiasco as he applauded the arrival of the new men, saying:

"A review of the wild and woolly workings of the Reagan Presidency for most of its eight years is simply a way of illustrating one change we can count on from the Bush administration. A decent and disciplined old hand like Brent Scowcroft would not . . . unleash Ollie North." Secretary of State James Baker would not "simply register his dissent to a policy he abhorred, then step aside. . . ."

Experienced public servants on the Bush team, Geyelin argued, will save the Republic from such "wild and woolly" adventures. What they lack in "vision" they will make up for in respect for "process."

There are three major flaws in the Geyelin complaints against the Reagan administration:

First, they ignore the presence and importance of the many experienced "in and outers" in the Reagan administration, for example, George Shultz and Caspar "Cap" Weinberger. Second, they ignore the fact that Iran-Contra—the only real foreign policy fiasco of Reagan's eight years—was caused by "decent, disciplines public servants" Robert "Bud" McFarlane and Adm. John Poindexter and not by some Reaganites who wandered into Washington. Third, they ignore the very substantial foreign policy success of the Reagan years.

Fair is fair. It is not fair to take the Iran-Contra mess as the quintessential expression of Ronald Reagan's eight years in foreign policy, or to treat Soviet withdrawal from Afghanistan, agreement on Southern Africa and arms reductions as simple products of Mikhail Gorbachev's conversion to international cooperation. Neither can they be reasonably treated as unintended consequences of "orderly processes."

It is myopic to imagine that Ronald Reagan's "vision"—held in such contempt by Geyelin—did not spark these successes.

Geyelin knows as well as anyone that there were many in the upper ranks of the Reagan administration whose social and professional backgrounds resemble those in the Bush team. It is the vision he hopes will be different.

But during the campaign George Bush repeatedly assured Americans he shares the Reagan vision. Assuming that is the case, the return of the "establishment" will prove irrelevant to the substance of American government.

COMMEMORATING UKRAINIAN INDEPENDENCE DAY

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to commemorate the 71st anniversary of Ukraine's declaration of independence and the 70th anniversary of the unification of the Western Ukrainian National Republic with the Ukrainian National Republic.

It was on January 22, 1918, when the Ukrainian Central Rada (Council) issued the Fourth Universal, an unconditional declaration of independence for Ukraine. The Ukrainian National Republic issued the Third Universal in November 1917. This document served as a forerunner and outlined the rights for all Ukrainian citizens. The Third Universal announced the creation of a sovereign Ukrainian state, proclaimed its social and political principles, and articulated the same freedoms found in the American Bill of Rights.

Yet today, Ukraine, a founding member of the United Nations, a fully developed country, with a clearly defined territory, a constitution, and its own officially separate Soviet government remains suppressed by Soviet Russian domination in virtually every aspect of life.

With a full system of education from nursery schools to universities and research centers, theaters, motion picture industry, radio and television networks, newspapers, magazines, and book publishing houses, the country's major decisions continue to be made at the headquarters of the Communist Party of the Soviet Union, which in fact runs the whole country.

Most of the policy decisions relating to its territory, the composition of its government, the subjects taught in its schools, the content of its media are made not in Kiev, the capital of Ukraine, but in Moscow, the capital of the Soviet Union of which the Ukraine is one of 15 constituent republics.

The second largest country in Europe, Ukraine, is the Soviet Union's second most populous and second most industrially developed republic. However, unlike a developing country, newly emerged from the grasp of a colonial power, Ukraine is a part of one of the last colonial powers on our planet.

Despite almost 70 years of Soviet Russian dominaton, the nationalistic feeling and dream of freedom and independence is still alive as evidenced by recent activities in Ukraine. The republic soon could pose a challenge to centralized Soviet power surpassing the similar calls for political and cultural autonomy being made by national groups from the Baltic States to Ukraine to Armenia.

Mr. Speaker, I urge my colleagues in remembering the Ukrainian Independence Day and the country's proclamation of autonomy within the Russian empire.

SECRETARY DON HODEL, A TRUE STEWARD OF OUR NATION'S LANDS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. YOUNG of Alaska. Mr. Speaker, I would like to take this occasion to pay tribute to a great American, a great Secretary of the Interior and a good friend—Don Hodel.

Don Hodel is indeed a dedicated public servant who has served as Administrator of the Bonneville Power Administrator from 1972 to 1977; the Department of Energy during 1983 and 1984 and as Secretary of the Department of the Interior from February 7, 1985, to January 20, 1989. In each of these positions, Don Hodel has served with great distinction. I am most familiar with the great contributions he made while serving as the the Secretary of the Interior. In this position, he has been truly magnificent and his accomplishments will serve as his heritage to the future generations of our great country.

As the Secretary of the Interior, Don Hodel was charged by President Reagan to:

Protect our national park, wilderness, and wildlife resources.

Enhance our ability to meet our energy and mineral needs with domestic resources, thereby providing jobs for Americans.

Ensure a quality water supply.

Improve relations with States and local governments, and provide thorough, wise resource management employment for citizens who reside in areas where Federal lands are much of the land base.

Enhance the quality of life for native Americans and the people of the island territories.

Improve the overall management and efficiency of the Department of the Interior.

Don Hodel has acquitted himself in each of these diverse and sometimes conflicting charges with honor, dedication, and solid achievement. No trip was too long and wearying nor was any challenge too difficult to be accepted with alacrity and discharged with dispatch.

Responding to his charge regarding national parks and wildlife refuges, Don Hodel instituted and supervised a sound management system which has resulted in improving facilities and access in order that more people can enjoy and experience firsthand the natural treasures of our land. Policies to clean up litter, to preserve our beaches, and to replenish our wildlife have been implemented.

Don Hodel furnished the dynamic leadership which has enabled dramatic increases in the world populations of such diverse wildlife resources as sea turtles, antelope, striped bass, and caribou. His policies have been the policies of a shepherd who has sought not only to protect his flock but to increase their number to levels where ecology and wildlife populations can exist in an environment of harmony and tranquility; where there is a minimum of human interference with the laws of nature.

As a result of Don Hodel's active stewardship, over 205 recovery plans have been completed. The American alligator now swims again in our waters and the brown pelican soars above them. Likewise the programs to save the sea otter have been spectaculary successful and our national symbol the eagle is again the master of American skies. State and local governments responding to Don Hodel's initiatives now actively support a responsible stewardship of our public lands and natural resources both flora and fauna.

On May 1, 1988, Don Hodel stated that:

It is my concern that from a national standpoint we need to have an economy and a national security which is based on a sound volume of domestic energy supply.

Thus he answered the President's charge to him to enhance our Nation's energy needs from domestic sources.

To implement his plans, data collection and mapping programs were instituted. Atlases for the Gulf of Mexico and the Caribbean have been published. Soon to be completed are the mapping of the sea bottoms surrounding the States of Hawaii and Alaska. In April of 1987 Secretary Hodel recommended, on the basis of the U.S. Geological Survey and Bureau of Land Management assessments of the oil and gas potential of the coastal plain of the Arctic National Wildlife Refuge [ANWR], that Congress authorize exploration and development in the region. This was a difficult decision vigorously opposed by many national environmental groups, but few Alaskans. It again was typical of Don Hodel to choose the harder right rather than the easier wrong. The Nation will be in his debt for this decision.

Offshore leasing has increased dramatically during Secretary Hodel's administration and

has been done in full compliance with the requirements of the National Environmental Policy Act. Meanwhile Don has also worked to facilitate exploration and developmental oil shale, coal, and alternative energy reserves.

I would be remiss not to mention the contributions which the Bureau of Mines has made to our technological advances. Some are soft soldering of aluminum, recycling of waste chromic solutions, recovery of cobalt from lead and copper ores and bureau-developed dry beatifical techniques for the recovery of gold and platinum from recycled miltiary scrap.

Certainly another major contribution made by Don Hodel have been his answers to the President's charge to ensure our country a quality water supply. The Department of the Interior is the manager of one of the world's largest water supply systems. Don Hodel early on espoused a policy of working with local governments to ensure cooperation. Projects were examined and rated. Completion plans for projects rather than hit lists were compiled. Cooperation with Indian tribes for negotiation of their water rights claims were undertaken and successes gained. Don Hodel also has addressed the environmentally damaging effects of irrigation damage. Solutions have been sought and hard decisions such as the cut off of future drainage water deliveries from California's Kesterson Reservoir made when, in a naturally occurring phenomenon, selenium reached hazardous levels. Not content Don worked with the California State Water Resources Control Board to ensure the adoption of a responsible clean up plan.

Fisheries have been improved, rivers cleaned up, and wetlands restored as Secretary Hodel's techniques of leadership and initiatives were applied.

To accomplish the foregoing Don Hodel instituted new approaches to State and local government. They were treated as partners in progress not legal litigants. He stated on February 26, 1985:

We encourage private investment, volunteerism, interaction with State and local governments and with private users to share in the funding and administration of various activities of predominantly local interest.

Certainly, Don Hodel is the walking epitome of a "good neighbor" policy. His years in office are replete with success stories ranging from the transfer and exchange of public land to State and local authorities in the putting into place 40 Cooperative Fish and Wildlife Research Units in cooperation with the States and local grant universities.

Equally enthusiastic was Don Hodel's approach to our island territories and to the Indian tribes. Both island territories and Indian tribes were provided the training and the tools to help them help themselves. Efforts were focused on increasing the capabilities of local governments in the insular areas and reducing the role of the Department of the Interior. Private sector development has been emphasized and investments and tourism promoted. Much progress has been made but Secretary Hodel was always in the vanguard of those urging increased emphasis on the initiatives which will lead to independence, self-reliance, and prosperity for the island populations—technical know-how, home-owned industry, eradication of disease, and better educational facilities and policies.

Don Hodel met the challenges offered by the problems facing the Indian tribes with equal vigor. He laid a groundwork for reducing their dependency on the Federal Government. He stressed the importance of tribal governments for playing an ever greater role in their local communities to improve the quality of life.

Of special interest to me and my constituents was the way that he demanded action and accelerated the conveyance of land pursuant to the Alaska Native Claims Settlement Act. In excess of 20 million acres have been transferred on behalf of my constituents. I especially applaud his dedication and determination to right old wrongs and redress longstanding grievances.

Charged last with improving the overall management and efficiency of the Department of the Interior, Don Hodel has been an outstanding success. He has been a peerless leader. While cutting the budget, he has increased overall efficiency. While reducing the number of staff personnel, he has restored morale. Pride of being a member of Don's team and of accomplishment has replaced the tedious, dull, business-as-usual attitude throughout the ranks from warden and ranger to the senior executive staff.

Don, you are a truly outstanding leader. Your example of selfless dedication, devotion to duty, and honor in all things has been seldom equaled in the history of our great country. I salute you, Alaska thanks you, and America loves you.

PENSION BENEFITS FOR CLERGY MEMBERS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. PANETTA. Mr. Speaker, I am introducing legislation today which would address a problem faced by many retired clergy members, whose pensions are artificially limited by a technical provision of the Tax Code. My bill would enable them to receive the full pension to which they should be entitled based on their preretirement compensation.

Under present law, an individual's annual pension payments may not exceed the average of the recipient's high 3 years of preretirement compensation, unless that average is under $10,000, in which case he may receive up to $10,000 annually. Compensation is defined as taxable compensation.

The problem for many members of the clergy, however, is that they receive a considerable portion of their usually modest compensation as a nontaxable payment for room and board, often known as a parsonage allowance. Section 107 of the Internal Revenue Code specifically gives this allowance tax-free status.

The intent of the law—to limit overly generous pension benefits—is grossly distorted when it does not permit these retired clergy members, most of whom are modestly paid, to receive an amount equal to their actual preretirement compensation.

The result is that many retired clergy members who have put in decades of service have their pensions arbitrarily limited. This would not occur if they were permitted to include their parsonage allowance in determining their preretirement compensation. The present interpretation is unfair, and I don't think it makes sense.

The law gives the Internal Revenue Service flexibility in determining what constitutes compensation for purposes of determining maximum pension payments. However, the IRS has chosen not to include parsonage allowances in this definition. Thus, I believe Congress must act.

My bill addresses this problem in a very simple way. It includes in preretirement compensation, for purposes of determining maximum pension benefits, the value of a clergy member's parsonage allowance.

Let me emphasize that this bill does not mandate any specific pension benefit for a clergy member. It simply allows employers to pay a higher benefit to those who have worked long enough and been compensated enough to qualify for that higher benefit.

Mr. Speaker, this bill would correct what I believe is an unintended impact of the legislation we have passed in recent years to limit excessive tax-deferred pension plans. I hope my colleagues will support this measure.

Following is the text of my bill:

H.R. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (3) of section 415(b) of the Internal Revenue Code of 1986 (defining average compensation for high 3 years) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'compensation' includes amounts excluded from gross income under section 107."

(b) The amendment made by subsection (a) shall apply to years beginning after December 31, 1989.

A TRIBUTE TO A HERO IN BROOKLYN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SCHUMER. Mr. Speaker, it is with great admiration that I call my colleagues' attention to the heroic actions of the 21-year-old Tom Genovese of Brooklyn.

Mr. Genovese, who works for a private security company, rescued nine people from a three-alarm fire in Brooklyn. On December 11, 1988, he was following two suspicious individuals when he heard a scream. A house around the corner was engulfed in flames, Mr. Genovese entered the house and escorted a hysterical girl to safety.

By this time, the fire has spread to a neighboring synagogue. Tom Genovese called to see if anyone was inside the burning synagogue. Upon hearing no answer, Mr. Genovese kicked the front door down. The rabbi's

wife stood in the hallway crying because her husband was paralyzed with fear upstairs. Mr. Genovese carried the rabbi, on his shoulders, downstairs and out of the house to safety.

The young man's heroism did not end there. He ran into the house next door, which had just caught fire. There he found two elderly ladies and an elderly gentleman, all in need of his assistance. Mr. Genovese led these women to safety and then carried the man, who could not walk, away from the fire. Finally, Tom Genovese went into one last house helping three women save their valuables and escape the fire.

It is with profound gratitude and admiration that I share with my colleagues the brave deeds of Mr. Genovese, who had only worked for Task Force Security, Inc., for 2 weeks, when he served his fellow citizens and Brooklyn so boldly. It is reassuring to know that such valor still exists in young men, who are willing to risk their own lives in order to help save others.

TRIBUTE TO EVENDALE ELEMENTARY SCHOOL

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise today to give a well-deserved pat on the back to the Evendale Elementary School and congratulate the people of Evendale on the school's acceptance into the 1988 Elementary School Recognition Program by the U.S. Department of Education.

Evendale Elementary's beliefs in the principles of democracy, in universal education, in education as a right and privilege, in a changing world, and in the community as a supportive partner make for a school with a conscience. There is a concerted effort by staff, parents, and students to make the system work at its best. This seems to have happened because statistics have shown that 100 percent of the students who have been in the school for at least 3 years have moved to the junior high school at or above their grade level.

The Princeton City School District has promoted high standards of learning. This is evident through the variety of instructional techniques; through the problem solving and critical thinking skills taught throughout the curriculum; and through the school climate of warmth and caring.

I am very proud to include the Evendale Elementary School in my district and have every expectation that the exceptional work of the teachers, coaches, administration, and students will continue to make me proud. The future of our children and community well-being can safely rely on their efforts.

FLORIO HONORS MAYOR GLORIA KOLODZIEJ

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding individual from the State of New Jersey, the Honorable Gloria Kolodziej, mayor of Clifton, NJ.

Since her election to Clifton City Council in 1981 to fill the unexpired term of her late husband, Joseph Kolodziej, Gloria has become one of the most recognized and revered public officials in Passaic County. In 1982, running for her first full term, she received the largest number of votes, which qualified her for the position of mayor. In 1986, she again garnered the largest number of votes, earning her an unprecedented second term as mayor.

Gloria Kolodziej is recognized as a pragmatic, hands-on leader who has opened the doors of city hall to the residents of Clifton. In her first term she established the strategic planning committee, a group of volunteers from local businesses and community homeowners, and her own office created to outline a plan for the city's fiscal management. This plan has solidified the city's financial position and has prepared it well for the 1990's.

Along with winning her late husband's seat on council, Gloria also took the helm of the family's business, Conveyors of North America. She is the mother of four fine children, Joseph, Mary Jo, Tommy, and Jennifer. Likewise, Mayor Kolodziej has a strong commitment to civic activities. She continues to be a soloist and organist at the St. John Kanty and St. Paul's Roman Catholic Churches of Clifton; and is a member of many civic and charitable organizations throughout the Passaic County area.

Among her favorite civic activities is the Polish University Club. This organization, established in 1928, focuses on raising funds for students of Polish descent to continue their education. Since 1951, the scholarship fund has awarded over $100,000 to 180 students, an admirable record of achievement. Every year, the club honors one person who has done extensive work within the Polish community in New Jersey, and who has made every effort to insure that young people of Polish descent receive a quality education. On Saturday, February 4, 1989, Gloria Kolodziej will be honored by the Polish University Club as its Outstanding Citizen of the Year.

Mr. Speaker, I am certain that my colleagues would join me in congratulating the Honorable Gloria Kolodziej for her exemplary record as a public official, as well as for her work within the Polish community. I can think of few others so deserving of such an honor.

FAMILY AND MEDICAL LEAVE ACT WILL BE PASSED THIS YEAR

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. CLAY. Mr. Speaker, today I wish to reintroduce the Family and Medical Leave Act. This is the third consecutive Congress to see the introduction of this bill, and I intend it to be the last. Approximately 4 million Americans are denied family and medical leave each year, and if last year's measure had been enacted they would be benefiting from it today. Over 130 of my colleagues are listed as original cosponsors, and we are firmly committed to passing the proposal this year.

This bill contains the same provisions as the bipartisan compromise measure that was reported out of the Education and Labor Committee last year. This compromise is a much more modest proposal than was originally introduced last year, and we feel it effectively addresses the needs and concerns of the business community. Those Republicans and Democrats that have supported the concept of family and medical leave have worked well together, and the bipartisan support established during the last Congress will be maintained in order to secure final passage of this act.

We need to act soon. It has become clear that now is the time to adopt this minimum Federal standard to provide workers the right and ability to care for their families. The Federal Government can no longer stand by and idly watch as millions of hard working American men and women are forced to choose between retaining their jobs and caring for their children, their parents or themselves. This modest proposal is a necessary step toward assuring fair treatment for all American workers.

The Family and Medical Leave Act would require employers to grant up to 10 weeks of unpaid family leave, within a 24-month period, upon the birth or adoption of a child or to care for a seriously ill child or parent; unpaid medical leave of up to 15 weeks in a 12-month period could be taken for an employee's own serious illness or injury. The bill exempts those employers having under 50 employees for the first 3 years and exempts employers with fewer than 35 employees thereafter. There will be a commission established to examine the impact of the bill on business. Also, to be eligible for leave, an individual must have been employed by the company for 1 year and must work a minimum number of hours.

Under the bill, all employees have the right to the same or equivalent position upon return to work and the continuation of preexisting health benefits during leave. This is extremely important because it is too often the case where an individual is promised leave by management only to return to a job with a much smaller salary or no job at all. Job security is fundamental to providing leave to an employee during a stressful period in his or her life

and without this provision the leave that this bill calls for would be of little value to anyone.

The Family and Medical Leave Act is necessary and important profamily legislation. Public policy has moved too slowly to meet the changing needs of today's family. The supporters of the bill have a renewed and stregthened commitment to seeing the Family and Medical Leave Act signed into law this year, and I urge my colleagues to realize the repsonsibility this Congress has to the American worker and the American family.

PROHIBIT THE DISINVESTMENT OF THE OASDHI TRUST FUNDS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. JACOBS. Mr. Speaker, the disinvestment of the OASDHI trust funds bill prohibits the Secretary of the Treasury from disinvesting obligations held by the OASDHI trust funds in order to generate new borrowing authority and thereby circumvent the limit on the amount of public debt that the Treasury may carry by law. These provisions highlight and strengthen the intent of Congress that OASDHI assets count against the debt ceiling in the same fashion and to the same degree as debt instruments issued to external investors, and that OASDHI obligations may not be unilaterally canceled as a means of delaying the date the Treasury goes into default. It is the purpose of this legislation to reaffirm the principle that obligations issued to the OASDHI trust funds are only to be sold or redeemed if internal OASDHI trust fund shortfalls warrant drawing upon these reserves, and for no other reason.

In the months of September and October 1984, and September, October, and November 1985, the Secretary of the Treasury unilaterally canceled bonds held by the OASDHI trust funds as a method of converting internally held Government debt into new borrowing authority, and thus delaying the date the Government went into default. The extent of the disinvestment was substantial, amounting to the unilateral cancellation of $9.8 billion of OASDHI bonds in 1984 and $27.9 billion in 1985. The Congress subsequently passed legislation to assure that the funds would suffer no loss of principal or interest as a result of these disinvestment actions. The trust funds could have lost an estimated $440 million over 5 years for the actions taken in 1984, and between $1 and $2 billion for actions taken in 1985, respectively.

Legislation identical to the bill being introduced today passed the House by a vote of 401–0 in the 99th Congress as a part of H.R. 5050, a bill to make the Social Security Administration an independent agency.

ANTILIBERAL STANCE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. LELAND. Mr. Speaker, I recently received a letter from Mr. Wyatt C. Williams, 2d national vice president of the National Alliance of Postal & Federal Employees. Mr. Williams enclosed a copy of an opinion. Mr. Williams addresses a problem which is of concern to his organization.

RESENT REPUBLICANS' ANTI-LIBERAL STANCE

(By Wyatt Williams)

Every female, blue collar worker, Afro-American and foreign-born American should resent the Republicans seemingly tainted image they are placing on liberals. Still further it is odd that President Reagan, once labeled a liberal and admirer of Franklin D. Roosevelt and Hubert Humphrey, and an early supporter of civil rights, would be the force behind this anti-liberal conservative agenda. His zeal and that of nominee Bush's drive to push this conservative agenda at times seems to be redbaiting and racist. For example on one occasion Reagan accused Democratic leadership of being so liberal until they had left the country. Nominee Bush, in his continuous reference to the Willie Horton case, seems to be associating black crime with the liberal movement. While knowing full well that black Americans are the greatest victims of crime, and white crime is equally heinous. I must assume such remarks are made for a devisive purpose.

It's easy to see how millions of white Americans of a liberal persuasion who believe in this democratic form of government would be pushed into a defensive posture, fearful of speaking out on liberal issues for fear of being branded as far left. Such tactics make me wonder if white America is going soft on democracy and leaning more toward the right wing fascist ideals. To me, liberalism is the cornerstone of democracy. To not believe in liberalism is to not believe in liberty, and to not believe in liberty is to have problems believing in our constitution. Thus, if it is the policy of the Republican party to win at any cost—even if it means reintroducing the spirit of McCarthyism back into American life—then I am indeed fearful for the future of democracy in America. The Republicans' continuous smearing and tainting of liberalism is to show disdain for democracy and a host of liberal legislation covering the young, the old; the black, the white; the male, the female; the sick, the disabled; the organized worker, the unorganized worker; the employed and the unemployed. It was the liberal movement that liberated the females from second-class citizenship giving them the right to vote and a chance to pursue an equal opportunity in all facets of American life. It liberated the blue collar worker from oppressive working conditions and gave them the right to organize, receive pensions, obtain medical benefits and a better wage. It opened the doors for millions of foreign-born, liberated Afro-Americans and other minorities; giving them the right to pursue the American Dream. If it is the Republican conservative agenda to steer clear of such liberal concerns, then it is time for all Americans to show concern for a Republican administration.

Their recent success in killing the increase in the minimum wage bill showed their strong leaning against the workers and toward the right. But the real danger in the Republicans' conservative agenda is its strong link-up with a host of new right and far right organizations including the Ku Klux Klan; all who seem to wrap themselves in the American flag. Which brings to mind that Huey Long once stated: that "If facism comes to America, it will be in a program of Americanism." The "Nation" indicates in its monthly edition that there is a collaboration between the Grand Old Party (G.O.P.), Old Nazis, the New Right and the Reagan administration. The "Nation" further indicates the Political Research Association makes it clear that the National Republican Heritage Groups Council is a cynical cover-up of the conservative label to mask the Republican link-up with the new right and far right, I'm further troubled by a seemingly hidden racist agenda being fostered by this conservative label. They seem to convey to white America the following: in addition to associating liberals with blacks in crime, they further seem to associate liberals with blacks on welfare and in public housing—even though the records show more whites on welfare, and in public subsidized housing.

To establish such polarization is certainly not good for the future of the two party system in the nation. former Congressman McDonald from Georgia, now deceased, a former right wing member of the John Birch Society and other right wing groups had stated the feeling of other right wing members when he indicated there is no need for a two party system. To hear such thinking makes me wonder what do they have in mind. Are they working toward a one party system? Could it be the forerunner of a fascist state? Are they using blacks in the same manner as the Nazis used the Jews? Certainly if the present divide and conquer tactics of white against black continues, then we won't be electing the best candidate based upon merit, but instead we will be electing the most pronounced racist. If that should be the course of our nation, then the only winners will be white Anglo Saxon males. While the reasoning may seem a bit farfetched, it's not impossible. Remember, the present administration has utilized its eight years in office establishing a racist line between blacks and whites by indicating that Affirmative Action was taking the jobs of whites even though the records proved otherwise. The records further showed that whites often benefited equally well from Affirmative Action; oftentimes it eliminated favoritism and cronyism. To white females went the greatest benefits of Affirmative Action, but nothing was made of it. Reagan himself appointed a minimum of blacks to federal positions and those who were appointed were those with controversial backgrounds left to public ridicule.

Under the present campaign the show goes on. Nominee Bush has stayed clear of Black Americans, selected few to run his campaign and attended the John Birch site while millions of Americans black and white celebrated the anniversary of democracy's greatest triumph: the Civil Rights March. However, I refuse to believe the Republicans will clone white America into a bunch of bigots.

BILL PROPOSED FOR HOUSING OPPORTUNITIES FOR LOW-INCOME AMERICANS AND PRESERVATION OF HISTORIC BUILDINGS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SCHULZE. Mr. Speaker, today Congresswoman KENNELLY and I, along with over 50 other Members of Congress, are introducing the Community Revitalization Tax Act of 1989. This bipartisan effort, when successful, will result in the creation of housing opportunities for low-income Americans and ensure the preservation of our Nation's historic buildings and architecture.

Our legislation removes the low-income housing credit and historic rehabilitation credit from the passive-loss tax rules enacted in 1986. It is a responsible and well-negotiated effort to allow the use of the credits for their intended purpose.

Our legislation is vitally needed. Investors are no longer building low-income housing, thus shortages are appearing nationally. Historic rehabilitation applications in Pennsylvania dropped 81 percent between 1985 and 1988.

Mr. Speaker, our legislation may well end up as one of the key housing initiatives of the year and I urge my colleagues to cosponsor the bill.

"CONGRESSMAN BUD"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. MAZZOLI. Mr. Speaker, I wish to bring to everyone's attention an article by Jonathan Rowe which appeared in the Christian Science Monitor of November 7, 1988, concerning an unnamed colleague of ours in the House of Representatives.

Now, Mr. Speaker, while our courtly, thoughtful, fastidious colleague is not named in the story, I am certain that all Members of the House—except perhaps for newly sworn Members of the 101st Congress—will have no trouble identifying this quintessential gentleman.

It is fitting and appropriate that a Representative from the Commonwealth of Kentucky place the following article in the RECORD, and I am proud to do so:

[From the Christian Science Monitor, Nov. 7, 1988]

A COURTLY CONGRESSMAN

(By Jonathan Rowe)

After 10 years in Washington, I was only vaguely aware of this man, through an occasional story in the Washington Post. I'll call him Congressman Bud. I first encountered him at a briefing session for newly elected congressmen. I was there as legislative assistant to such a "freshman," as they are called. Bud was there to brief us on congressional decorum.

He semed like a man from another era. Sunday blue suit, courtly manner, gray hair parted meticulously near the middle, bespeaking a desire to be proper rather than to be noticed. I remember thinking how much he resembled my grandfather, who wore a suit even to baseball games on hot summer afternoons.

Bud talked about the civilities that House members traditionally extend to one another, such as addressing each other as "my esteemed colleague." (A disputatious House member once declared that he held a colleague in "minimum high esteem.") He counseled that such lubricants eased the flow of business in what could easily become a raucous and unwieldly chamber.

But I had come to Congress for combat, not courtesies. As I sat in that ornate committee room, I envisioned myself drafting bold new legislation, working craftily behind the scenes, writing speeches that would bring the chamber to its feet. Bud seemed quaintly irrelevant to the grand crusades that I imagined ahead.

I didn't see much of him in the months that followed. (Nor did I see much of the crusades. Freshman congressmen keep their mouths shut. Their staffs write speeches for the Congressional Record and answer the mail.) Then, one Friday afternoon I strolled over to a garage near Capitol Hill to pick up my car, which was in for repairs.

It was one of those sweltering summer days that, before air conditioning, caused the Capitol to shut down until fall. Exhaust fumes from commuters, blending with the oppressive heat, turned the foot of the Hill into a basin of misery.

The garage almost seemed to have congealed out of the desultory air. From the street, one easily might have thought it abandoned. The office area was not much different. The owner was a short, bald man who at times seemed preoccupied with some unspoken grievance or hurt.

On this day, the man's mood was especially dark. He shuffled papers on his stand-up metal desk, totally ignoring me. For at least five minutes, he refused to acknowledge my presence. Was he irked, I wondered, that I had brought him an ancient Volkswagen that taxed his powers of repair?

Or was it something deeper? He was an intelligent man, at least 20 years my senior, with wife and family to support. Yet my pay was probably equal to his, if not greater, for work that to him must have seemed a lark. (In truth my work was probably less useful than his in the overall scheme of things.)

It isn't fair, I thought, how easy my generation has had it, compared with his. In Washington and other cities awash with overpaid young professionals, this must be painfully evident to people like this mechanic, and perhaps gallingly so. Whether he was actually thinking along these lines, of course I will never know. I tend to doubt it. But somehow, his silence evoked these feelings in me.

A car drove up to the gas pump, what might once have been called a "late-model sedan." The garage owner dropped his papers and hurried out the door. It was Congressman Bud.

Bud slid out of the driver's seat and greeted the man in his usual courteous fashion. Despite the sweltering heat, his white shirt was unwrinkled, and his tie was pulled properly to his neck. Bud's car was spotless. He probably kept a whisk broom and a chamois cloth in the glove compartment, the way my grandfather did.

They exchanged a few pleasantries while the man pumped the gas. Then he was gone.

When the garage owner returned to his cluttered office, he was suddenly cordial, expansive almost. "Wasn't that Congressman Bud?" I asked, fishing for an explanation.

"That's him," the man said. Then, without further prompting, he recounted the kindnesses that Congressman Bud had accorded him over the years.

"One day he says to me, 'Joe, your daughter is going to be starting college soon, isn't that right?' I told him yes, that was right. So then he says, 'Well, she's going to be needing a job to help her pay the tuition. Why don't you have her come by my office?"

Jobs are precious commodities on Capitol Hill. When bestowed as favors, it is generally to sons and daughters of key constituents or of House colleagues (who are not allowed to put family members on their own staffs). To give one to the daughter of a garage mechanic, one who isn't even a constituent, is not a daily occurrence.

Simply thinking about it seemed to dispel whatever had been eating at Joe.

I have since learned a few other things about Congressman Bud. He appears religiously for roll calls, reads the bills on which he votes (not all do), takes not a penny from political-action committees, corporate or otherwise.

We don't hear much about such quiet rectitude on the evening news. But it is people like Congressman Bud who provide the institutional glue that holds the House of Representatives—and other organizations—together.

That episode at the garage made me see my ambitions in a different light. Those who speak most passionately for "the People," whether from a left- or right-wing view, often seem too busy for the daily kindnesses that help people in particular. We disparage the old-style ward politicians. Yet they excelled in precisely such assistance.

"He's the finest man I have ever known," Joe said of Congressman Bud. I wonder how many of our ideologues, so sure they know what is right, impress in that manner the people they encounter when the cameras are still.

VULNERABILITY IS WHAT WORRIES VENTO

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SABO. Mr. Speaker, we are all aware of the great problems facing our Nation's cities. Our challenge is to provide an adequate supply of affordable housing, access to health care, quality schools, a better wage for working people, and parental-leave and decent child care so parents can work and not fear for their children's safety.

The December 29, 1988 issue of "The Catholic Bulletin"—the newspaper of the Archdiocese of St. Paul and Minneapolis—contained a series of articles about "The Church in the Cities." It focused on the important role the church can play in dealing with these urban challenges. It discussed the responsibility all of us have to support cities and make them better places in which to live and work.

I would like to share with you one especially noteworthy article from that issue. It outlines

our colleague BRUCE VENTO'S thoughts about the problems facing urban America.

Congressman VENTO has long been a leader on urban issues—especially those dealing with housing, the homeless, and our urban environment. He has worked tirelessly to improve the quality of life for city dwellers. BRUCE has the knowledge and depth of understanding needed to help meet our urban challenges. I think you will find BRUCE'S comments insightful. He hits the nail right on the head.

VULNERABILITY IS WHAT WORRIES VENTO

GOVERNMENT HAS ROLE . . . BUT CAN'T DO IT ALONE

In the neighborhood U.S. Rep. Bruce Vento grew up in St. Paul, half the parents today are single heads of households.

To Congressman Vento, the statistic typifies urban America's vulnerability, and urban America's needs.

Vento, a Catholic elected to a seventh consecutive term from St. Paul and its eastern suburbs, sees cities increasingly populated by the elderly who are vulnerable, by single heads of households who are vulnerable, and by a disproportionate percentage of minorities who are vulnerable.

"Some of the things people need in cities are minimal health benefits and minimum wages," Vento said. "Day care is discussed by almost everyone. Parental leave is important. If you're a single parent whose child is sick you have to have health care. They're saying I want the ability to take care of my child when he or she is sick. These are the types of questions vulnerable people have. These are real problems."

"Interestingly, though," Vento said, "one-third of all the people in this country still live in cities," and he questions if that one-third is getting its share of the federal dollar and the federal attention. "Anything we do in terms of programs, the national government has a role. We can't do it alone, but we can't abandon urban areas. We have to be there to maintain the vitality."

Those who are vulnerable put more demands on government, the congressman said. They can't do certain things themselves. As a result, they have a high call for social services and education.

What can't happen is for there to be a gap between the people who live in a city and the people who work there, he feels. And churches can play a role in that.

"It's important that institutions, whether it be the church or the science museum, be inclusive. They have to bring the vulnerable population into what they are doing.

"So often you see things like the World Trade Center or the IDS Center as being the focal points of cities. You have to bring people to see they are part of that."

Vento, however, didn't denigrate the flight to the suburbs; he also represents those areas, like Maplewood, where he belongs to Presentation of Mary parish. "The flight from the cities sometimes is white and sometimes its economic," he said "Let's face it, the suburbs can be nice places to live. The yards are bigger.

"But suburban residents have to some how relate to urban dwellers, they have to be sensitive to the needs of urban dwellers," and he saw churches already providing some of that kind of opportunity in outreach like the Loaves and Fishes program that brings people from all over the archdiocese to serve food to those in the inner city.

Vento noted that city governments themselves have become "entreprenurial," being the instigator behind business and commercial development. Most of the major building projects in the past 10 years in St. Paul, he observed, have received assistance from the city or the Port Authority, which is in fact the City Council.

"It's the cities that are making things happen, and when they do they can make certain requirements, like so many low-income people working on the job," Vento said. "They can have more of an advocacy role for the people who live in the city, and they do, and they should."

In order not to lose neighborhoods to deterioration, government has to give people a stake in their community, Vento said.

It has to battle the variety of elements that cause a disintegration of the social environment of neighborhoods and help create the sort of cooperation needed for people to make things work. Housing is a good place to start, he said. Community block grants and entitlement laws like Chapter One bring people together because they force people in an area to work together.

Vento said the new welfare reform bill proposes to provide things like job training, health care, day care so people who want to work can be sure their children are OK. "We're saying that as you find your way back into the mainstream of society, you're going to have your needs met," the congressman said.

A personal project of his has been preserving what is there of cultural and historic importance in cities and preserving some of the natural areas.

He's convinced the attractiveness of a city is a question of how the environment you live in looks. Housing can't be ramshackle, he said. Schools can't look like Dresden after World War II, a sight he was reminded of on a recent trip to New York.

The federal government won't be putting up more high-rise public housing projects which left people more vulnerable, but it does have to start replacing public housing he said, which has been slashed from the budget during the past eight years.

"Today you don't have all the support you used to find in the city from family. You have to try and meet those needs through other means," Vento said.

"We're trying to create some of the elements that are absent in an urban environment. National government, state government, and the private sector all have a role to play in that, and in good cities like St. Paul and Minneapolis, it's the city that's trying to bring all those groups together."

GOOD IDEAS, NOT ENOUGH DOLLARS

Good ideas for improving urban America exist, Congressman Bruce Vento said, and many have proven their value with terrific results. But they have been inadequately funded on the federal level, he said.

"We have the programs," Vento said. "The models are there.

"The main element is that most haven't been funded adequately."

Vento pointed to community block grants which are targeted at urban revitalization.

"We allocated $3 billion for community block grants last year, but that's not even a third of one percent of the budget."

Vento criticized the proposed purchase of 132 B-2 "Stealth" bombers at a cost of $516 million per plane.

"Some military spending is necessary," he said, "but the dollars we spend on those types of products means we don't have dollars for other things. I think the investment in people is an investment we get back."

CHALLENGE FEDERALISM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mrs. SCHROEDER. Mr. Speaker, for almost a full century, the National Civic League has worked to improve State and local government.

The league believes that the change in Presidential administrations is in invitation to challenge the public and private sectors to get to work and get to work together.

Accordingly, the league chairman, former Mississippi Gov. William F. Winter, recently issued an 11-point challenge—11 recommendations to the State, local, and Federal Governments to work together to solve America's problems.

Governor Winter declared:

The challenge before us is to find the right mix of Federal, State, and local action by the public, private, and nonprofit sectors to aggressively tackle our domestic problems.

I am honored to share with my colleagues the National Civic League's "Challenge Federalism."

American federalism has been transformed in the 1980s. No longer does the national government play the dominant role it did from the 1930s through the 1970s. Instead we have witnessed a historic out-pouring of state and local initiatives in every area from economic development to school reform, child care to help for the homeless.

State and local governments are today true and co-equal partners in tending to the nation's business, in creating the sinews of a strong, productive and competitive country.

The reduced federal aid of the 1980s clearly hastened development of the new state and local activism. The twin deficits that exist today—in the federal budget, and in our balance of trade—preclude major new federal domestic initiatives well into the 1990s.

But governors, mayors, local elected officials, city managers and civic activists have exhibited immense ingenuity and initiative. In state after state, community after community, breakthroughs have only occurred when government accepted as collaborators and co-inventors a multiplicity of allies, from private corporations to citizen groups, foundations to universities.

Since its founding in 1894, the National Civic League has believed in the potential for more responsive and efficient government through full citizen participation. We applaud the new grassroots capacity for innovation and creative response because it is based on broad coalition and consensus building within the broader society, and by participatory decision making within government itself.

Public services are being more efficiently delivered when government agencies must compete with private sector firms, to see which can do the job most economically and effectively. By examining alternatives for service delivery, communities are both adapting to a changing environment and utilizing scarce public resources in a more effective manner.

Economic development is being furthered when states and localities invest in strategic

planning that brings in all the stakeholders from businesses to neighborhood groups.

Governors, mayors, and county executives are finding they are often the most effective when they act as conveners rather than policy buccaneers. Major environmental and social conflicts are being resolved by new techniques of mediation, negotiation and consensus building.

State and local activities are increasingly future and investment oriented. They contribute to the nation's readiness for the next century through expenditures for child care and basic education, employment training, transportation, and critical physical infrastructure. Their economic development programs are already bolstering the nation's trade position by making the link between university laboratory research and actual commercial production.

The progress of state and local governments is not, however, uniform. From child poverty to teenage pregnancy to heavy levels of school drop-outs, from untended infrastructure to mediocre universities to non-delivering medical systems, the remaining challenges—directly for the states and localities, ultimately for America as a whole—remain enormous. The domestic security is as vital to the United States' future as its national security.

The President and Congress have an immense stake in healthy, innovative, effective states and localities. How can they help?

Do nothing to inhibit the remarkable wave of state and local innovation. Federal regulations, expenditures, and locational decisions should all be designed to let the states, cities and counties continue their entrepreneurial, imaginative new policy directions.

Encourage the free and rapid transfer of information about new and innovative policies and methods of service delivery at the state and local level. The federal government should not prescribe cookie-cutter solutions; in this variegated, continent-sized nation, few innovations will work everywhere. States and localities must remain free to customize new ideas and approaches for their special circumstances. But the federal government, through information systems, whether run by itself or private organizations, and by active technology-transfer programs, should help to inform and enliven the debate about potential new solutions and approaches.

Back state and local efforts that promise high quality, cost efficiency and effectiveness. The nation needs to use all its public dollars prudently, and strategically. Outcomes should be the important test, not how a state or local government achieves a specified end.

Redesign federal aid programs growing through state and local governments to leverage maximum private sector and philanthropic resources.

Redesign federal initiatives that in effect conscript state and local governments to provide services the federal government will not support itself. Instead, Washington should inaugurate a new form of challenge federalism in which, through matching or challenge grants on a substantially equal basis, it acts as a catalyst to encourage states and localities to invent and implement effective and equitable programs in areas ranging from homelessness to child abuse.

Encourage long-range, investment-oriented activities so that state and local governments can help to strengthen the national capacity into the decades ahead. Whether it is in early childhood education, job training, road building or affordable and low-income housing, those at the state and local level have a major role to play in preparing for the challenges of the future.

Target federal resources to states, communities, regions of America in the most need. Given the continuing problems of Southern poverty, for example, greater shares of federal matching money should be available to a lagging Mississippi than to a booming Connecticut. The recently passed welfare reform bill, based on successful models in the states, is a good example of national legislation that will be of special help to residents of poor inner-city and rural areas.

Engage the White House and Cabinet officers in regular, substantive policy planning discussions with state and county and local leaders, to devise joint solutions to shared problems. Federal officials, the Congress included, should understand that only through careful listening, and respect for the state and local leaders, will they be able to develop the most effective national policies.

Recognize and abet the business, foundation and university role in state- and local-level partnerships for more effective governance. Just as an economy requires a physical infrastructure of roads, bridges and buildings, a community requires a civic infrastructure of skills, processes and relationships needed to address the challenges of the future. The National Civic League has developed a National Civic Index specifically designed to assist communities in evaluating the strengths, and areas in need of improvement, in their own civic infrastructure.

Re-instill in Americans a faith in the capacity of government programs, well designed and well administered, to solve difficult problems. A prime example: Head Start, which social science research has shown makes a critical, long-term difference in allowing underprivileged children to develop into fully participating members of the society.

Speak up for America's civic life. The President, members of Congress and other leading federal officials should seek to promote and foster a national sense of community and a broader sense of citizenship and its responsibilities—beyond voting and paying one's taxes to taking an active role in one's community, whether that service be in volunteer work, aiding a non-profit, starting a civic action league, or running for public office. The President should seek to make public service again an attractive goal for all Americans, either through career government service or, equally important, running for office one's self. Instead of entrenched incumbency, we need to restore in America the idea of the part-time, temporary citizen official, spending part of his or her career working for government, but maintaining strong roots in private life.

We believe our national government has an exciting opportunity to sustain the civic momentum behind America's newly energized state and local governments of the 1980s by mounting, within the next months, a collaborative, achievement-oriented challenge federalism for the 1990s.

THE NEED FOR DRUG TREATMENT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. WEISS. Mr. Speaker, President Bush has acknowledged that drug education must be a cornerstone of the battle against the drug epidemic. While education is essential for preventing future generations from developing drug problems, we must not neglect the immediate and urgent task of drug treatment, helping those who already have a drug problem. Unfortunately, this approach has received little more than lipservice. Less than one-third of the new money authorized for drug treatment by the Omnibus Drug Initiative Act of 1988, for example, was appropriated for this year's programs.

When we condemn the use of illicit drugs, we have a moral obligation to extend a hand to those who are struggling to rid themselves of their addictions. Bolstering our drug treatment programs is also a pragmatic contribution to the costly battle against escalating drug-related crimes. By working with drug abusers to eliminate their expensive addictions, we may help prevent some individuals from committing crimes to support their habits.

A recent New York Times article tells the story of a man who committed a serious criminal act after having applied unsuccessfully to be admitted to a drug treatment program. He, like thousands of others seeking help for drug abuse problems, was put on a waiting list. Mr. Speaker, as we ready ourselves to continue the battle against drug abuse in the 101st Congress, I urge my colleagues to read and reflect upon the following article.

[From the New York Times, Jan. 27, 1989]

FOR DRUG ADDICT, SPOT AWAITS HIM, PROBABLY IN A JAIL

(By Michael Winerip)

BLAUVELT, N.Y.—If a drug addict says, "Yes, I'll take residential treatment," counselors want to grab him and throw him in a program, pronto. "The addict will say yes today—he'll say no tomorrow," said Kevin Frawley, who knows.

One Thursday in 1978 Mr. Frawley said yes. Two days later a counselor was walking him to a Daytop residential program. "As we walked I was trying to think of ways to get out of it," Mr. Frawley said. "I told him I wanted a few days to take care of private business—which there was none." The counselor kept marching Mr. Frawley forward. He took the bed and today runs a Daytop center here.

Last spring George Raetz, a 34-year-old, $400-a-week truck driver with a wife, two sons, a nice apartment and an 18-year drug habit, walked into the center here and told Mr. Frawley he wanted a bed. But Daytop—the state's largest drug treatment program—now has a three-month waiting list.

As weeks passed, Mr. Raetz kept using cocaine. Memorial Day weekend, he took his paycheck to New York City and spent it on cocaine. It wasn't enough. "I was strung out, I wanted more," Mr. Raetz said. He figured he could get away with stealing one purse. He couldn't. "Forty people were chasing me

down the street," he said. The police arrested him.

He was charged with forcibly taking a purse, grand larceny, a felony. "I'll tell you how much of a criminal George is," Mr. Frawley said. "He signed a confession. He was crying at the police station." In a virtually identical incident, Mr. Raetz was convicted of purse snatching in 1986. If he is convicted this time (the trial is next week) he will go to prison.

Neither time was he armed. His criminal record is two misdemeanor drug possession arrests 15 years ago. "George is not a criminal," Mr. Frawley said, "He's an addict who needs a bed." Putting George Raetz in a prison bed will cost the state three times as much as George Raetz in a Daytop bed.

Has there ever been a time when politicians have talked as forcefully against drugs? Gov. Mario M. Cuomo made it a lead item in his budget message, President Bush in his inaugural speech. And yet experts in the field like Daytop's president, Msgr. William B. O'Brien, say financing for treatment—particularly long-term residential care—just isn't there. Mr. Cuomo's budget calls for 400 extra community beds; there are now 4,600 statewide. Even his aides admit this will not make much of a dent; the state's division of substance abuse estimates there are 260,000 heroin abusers in the state and another 620,000 "heavy abusers" of other drugs. But the Governor's people say it is the best he can do if he is to keep his pledge to cut taxes. "We see this as the initial foray into a major effort," said Michael Dowling, Mr. Cuomo's deputy secretary for human services.

Monsignor O'Brien, who started Daytop 25 years ago, said he was "dumbfounded" by the number of community beds. "We could fill all those tomorrow just from our waiting list—1,421." This is not his first disappointment. "We worked with Nancy Reagan on her husband's first campaign," he said. "She was here four times and was honored at a dinner. But after the election, the more involved she became in visiting centers, the more centers closed because of lack of funds. We've been estranged since 1982."

He was disappointed, too, by President Bush's comments that budget contraints limited how much more the Federal Government could do and that the private sector must do more. The Monsignor is as savvy a fundraiser as there is in the drug treatment business. William A. Schreyer, chairman of Merrill Lynch, and Frank P. Smeal, a partner at Goldman Sachs, are on his board. Last year they helped raise more than $2 million for Daytop.

Even so, more than half of Daytop's budget comes from state and Federal grants. The Monsignor knows trying to squeeze more from the private sector is not the answer.

Next week the Monsignor or one of his assistants will go before Judge Alfred Kleiman of State Supreme Court in Manhattan on behalf of George Raetz. With mandatory sentencing, they know the odds aren't good. Their best hope is that the Manhattan District Attorney's office might take pity.

Mr. Frawley can't count all the addicts he loses while they wait for beds. He runs a day outpatient program for teen-agers. "I let George come to the adolescent day program," he said, "so he has some place to go."

"I'm kind of the example for the kids," Mr. Raetz said. "The counselors say, 'George Raetz is somebody you don't want to be.' It doesn't feel good. I feel like an embarrassment."

A TRIBUTE TO NORTH CAROLINA'S ELIZABETH KOONTZ

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. HEFNER. Mr. Speaker, on January 6, North Carolina lost a good friend and a national leader in education, civil rights, and the women's movement. Elizabeth Duncan Koontz, "Libby" to her friends, died at age 69, after a long illness. She leaves behind many friends and admirers across the Nation who knew her through her work as the president of the National Education Association and the top-ranking woman in President Nixon's administration, where she served as director of the Women's Bureau of the Labor Department.

For those of us in North Carolina, we also knew her a a caring neighbor, teacher, and active community leader. She spoke for many of us when she advocated improving opportunities for women, fought for civil rights, and promoted raising our educational standards.

She was a person of great commitment and great courage. Libby Koontz will be greatly missed.

I would like to share with you an article written by Rose Post of the Salisbury Post newspaper in my district.

[From the Salisbury Post, Jan. 6, 1989]

ELIZABETH KOONTZ, 69, DIES OF HEART ATTACK

(By Rose Post)

Elizabeth "Libby" Duncan Koontz, a national figure in education, civil rights and the women's movement for more than a quarter-century, died at 4:30 a.m. today.

Ill with cancer since early July, she died of a heart attack at her home at 418 S. Caldwell St. She was 69.

The funeral will be conducted Monday at 2 p.m. at St. Luke's Episcopal Church by the Rev. Mayo Little. Burial will be in Oakdale Cemetery. The body will be at Noble and Kelsey Funeral Home.

The youngest member of the large and prominent Duncan family which made a major impact on Salisbury and North Carolina and beyond, Mrs. Koontz began her career as a teacher of mentally handicapped children. She rose to prominence in 1968 as the first black president of the National Education Association. At that time its 1.1 million members made it the largest professional organization in the country and possibly the world.

She resigned less than a year later to become the top-ranking woman in the Nixon administration as director of the Women's Bureau in the Labor Department. The position required Senate confirmation and her boss was George H. Shultz, who was then secretary of labor.

Nixon, she said recently in a series of tapes she made shortly before her death to help document a changing America, chose her for the position because he got five in one—a woman, a black, a southerner, a Democrat, and an educator—and she accepted the position because she knew she could make more than a token impact.

And she knew she had done it.

She had to look no further, she said, than the top-ranking woman in the Reagan administration, Salisburian Elizabeth "Liddy" Dole, to see how far the country had come since the 1960s. Mrs. Dole's first cabinet position as secretary of transportation would have been considered "inappropriate" and not "women's work" two decades ago when Mrs. Koontz went to Washington vowing to make change.

Under her leadership, the Women's Bureau tackled the then current image of women's work, convincing the Labor Department to reverse its stand against the Equal Rights Amendment, getting insurance companies to recognize that men had health problems just as women did, and making women aware that they could not only choose from a full range of occupations, not just "woman's work," but needed to plan to continue to lead useful lives in other forums after their children grew up.

BROKE BARRIERS

Even-tempered, unpretentious, with a genuine caring smile that broke barriers of color and sex and an ability to speak even on formal occasions with an impact that seemed personal, she was convinced that change had to be made while people remained friends. And right up to her death she was more concerned about changes she'd help bring about.

But others have been quick to point to her impact on many occasions.

"She's one of the really remarkable people in North Carolina," William Friday, former president of the University of North Carolina, told The Post in late 1986, speaking from personal experience with her on a number of projects.

NATIONAL INFLUENCE

"Libby Koontz," he said, "has had a national influence on education and in North Carolina simply because she has worked hard and is a very thorough person."

Calling her a "great participator" who never hesitated to meet with students, he credited her with helping smooth the way for desegregation here and across the nation by calling on teachers to join together to ease racial tensions. She was instrumental in forming the N.C. Association of Educators, which brought black and white teachers together to pursue common goals.

Born June 3, 1919, she was the seventh child of Samuel and Lena Duncan, who were both educators. She always credited her parents with rearing their children to believe that people privileged to have an education were also obligated to be of service. And their children all were of service, growing up to become teachers, principals, and quiet movers and shakers. Her oldest brother, the late Dr. Samuel Duncan, was president of Livingstone College when he died, and the surviving Duncan child, John B. Duncan of Alexandria, Va., is a former commissioner of Washington, D.C.

Born across South Caldwell Street from the home in which she died, she was a 1935 graduate of Price High School and received her AB degree in English and elementary education at Livingstone College in 1938. After two years as a teacher at Dunn, she received a master's degree in elementary education in 1941 from Atlanta University in Atlanta, Ga., and did further study at Columbia University in New York, Indiana University at Bloomington and North Carolina College.

She taught in Winston-Salem from 1942 until 1945 when she returned to Salisbury for 20 years in local classrooms. During that time she became active in professional organizations and took her first leave of absence from the local school system in 1965 to

become president of the Association of Classroom Teachers of the National Education Association.

She became NEA president in 1968 and went from there to the Women's bureau position, which she held until 1973, when she returned to North Carolina as special assistant in the North Carolina Department of Human Resources working with coordination of nutrition programs.

In 1975 she was named U.S. delegate to the United Nations' Commission on the Status of Women, which was responsible for the resolution on the International Women's Year observance in 1975 and served on the U.S. Department of State's Selection Board for Foreign Service Officers.

Later that year she was named assistant state superintendent of the North Carolina Department of Public Instruction in Raleigh.

Always considering Salisbury her home, she returned here to live when she retired in 1982.

An active member of numerous organizations, she was recognized with honorary memberships in many others and received honorary degrees from more than two dozen colleges and universities across the nation.

She served on many boards, including service as vice chairman of the Commission on North Carolina Year 2000, as a trustee Educational Testing Service in Princeton, N.J., the University of North Carolina at Charlotte, and Pfeiffer College.

In 1985, she was named one of North Carolina's five distinguished women.

Her husband, Harry Koontz, a coach and teacher at the former Dunbar High School in East Spencer, died April 21, 1986.

In addition to her brother, she is survived by a foster sister, Alvia Wilson Barfield of Los Angeles, Calif. Deedee Wright of Atlanta, Ga., made her home with Mrs. Koontz.

TRIBUTE TO SCOUTING 102 OF LOWELLVILLE, OH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a fine group of young men from my 17th Congressional District of Ohio. On February 5, 1989, "Scouting 102" of Lowellville, OH will be celebrating its 10th anniversary. It is with true pleasure that I stand today to honor the group and its leaders.

I had the opportunity to meet the members of Pack 102 and Troop 102 on their first trip to Washington in 1985, and I can truly say that I have never met a finer group of young men. They represent the type of youth that their parents and community can really be proud of. I am honored to serve as their Representative.

Mr. Speaker, I would like to ask the House to join me today in congratulating "Scouting 102" on their excellent record of dedicated service to the young people of Lowellville. I would also like to extend to them our best wishes for continued success in the future of their program. May their next 10 years be as successful as their first 10.

THE ACCOLADES FOR RONALD REAGAN CONTINUE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SOLOMON. Mr. Speaker, the office of President of the United States has often seemed too big for the men who have filled it. But Ronald Reagan measured up to the job by never losing his optimism and good nature. He made America feel good about itself for the first time in a generation.

The special magic that was Ronald Reagan's was summarized in a short caption in a recent magazine review of 1988. It is entitled "Into the Sunset," and it reminds us that Mr. Reagan was every bit as big as the job he held longer than any President since Eisenhower. It is my pleasure to enter this accolade into today's CONGRESSIONAL RECORD.

A BILL FOR THE RELIEF OF WAYNE GREENFIELD

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce a bill for the relief of a constituent of mine, Mr. Wayne Greenfield, of Pacific Grove, CA, who I believe is entitled to compensation for losses he has suffered as a result of actions of the Bureau of Land Management in the Department of the Interior. I have introduced this bill in the past because I truly believe in its merits.

Many constituents approach me and request that I introduce private legislation to assist them with a problem they are having with the Federal Government. I take these requests very seriously for two reasons. First, it is clear that by the time these constituents come to me and request private legislation they have spent a great deal of time trying to solve their problem themselves, but have been unable to reach a favorable solution. For this reason, I take these requests seriously. Second, I believe that private legislation should be used only as a last resort and in cases where it can be helpful. In the case of Mr. Wayne Greenfield, I feel that private legislation is appropriate and necessary. I would like to take a moment to explain Mr. Greenfield's problem.

On October 25, 1965, Mr. Greenfield purchased 22½ acres of land from a private party. The boundaries of the purchased property were established by a Bureau of Land Management survey in 1963 and were recorded in the appropriate county courthouse in California. On October 21, 1974, Mr. Greenfield purchased 42½ acres of land by bid from a superior court sale of private property. Again, the boundaries of the property were based on the 1963 Bureau of Land Management survey. In 1979, the Bureau of Land management resurveyed the property in question which resulted in the loss of approximately 5 acres of Mr. Greenfield's property. The lost property had a value of about $20,000, including timber and land value, and the value of two active springs. As a result of the same survey, Mr. Greenfield acquired some additional land. However, this land was worth only $5,000, leaving Mr. Greenfield with an unfair loss in land value of about $15,000.

I believe that Mr. Greenfield's loss is a result of mistaken actions by the Bureau of Land Management, and that his case warrants the pursuit of private legislation to redress his loss. I urge my colleagues to review the merits of this measure and grant him the necessary relief.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Secretary of the Treasury shall pay out of any money in the Treasury not otherwise appropriated the sum of $15,000 to Wayne Greenfield of Pacific Grove, California, in full settlement of all claims of Wayne Greenfield against the United States for damages caused by an incorrect survey by the Bureau of Land Management of the Department of the Interior.

SEC. 2. Not more than 10 percent of the sum appropriated in the first section of this Act shall be paid to or received by any agent or attorney as consideration for any services rendered in connection with the claim specified by this Act, any contract to the contrary notwithstanding. Violation of this section shall be deemed a misdemeanor punishable by a fine of not more than $1,000.

TRIBUTE TO WOODLAWN ELEMENTARY SCHOOL

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise today to join the U.S. Department of Education in recognizing Woodlawn Elementary School for excellence in education and in congratulating the people of Woodlawn for this honor.

Educating the youngsters of our Nation is no small or straightforward task. The faculty and parents of Woodlawn have demonstrated that they truly care for the future movers and shakers of the world. This is the most impressionable age of our chidren, and I feel very confident and assured that the Woodlawn children are under capable supervision.

The majority of students at Woodlawn Elementary School score at or above their respective grade levels on standardized tests. Programs such as the chapter 1 project, summer school, mathematics lab, and instructional television are examples of how Woodlawn has attacked the diverse problems and situations with which they have faced as a school in today's changing world.

The school's theme "A Reader is a Leader," exemplifies that their intentions are sound and will be fulfilled when the school continues along this path.

The Woodlawn Elementary School is a deserving recipient of membership in the 1988 National Elementary School Recognition Pro-

gram, and I wish them all the best for the coming years as well.

CHARTER FOR THE NATIONAL ACADEMY OF SOCIAL INSURANCE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. JACOBS. Mr. Speaker, the charter for the National Academy of Social Insurance bill introduced today would authorize the granting of a Federal charter for the National Academy of Social Insurance.

Founded as a non-profit, bipartisan organization, the National Academy was created to promote a greater understanding of Social Security as a social insurance program. In addition, the Academy provides valuable information about the workings of the programs included in the original Social Security Act, as well as related programs under the auspices of the act.

The Academy, a resource center for current social insurance experts, facilitates an active exchange of ideas among the experts, as well as students undertaking advanced study of social insurance issues, Members of Congress and their staffs, and those representing groups in the policymaking process.

The National Academy of Social Insurance hopes to increase the opportunity for the public to learn about social insurance programs through its public awareness initiative which includes an information clearinghouse, a speaker referral service, and public forums.

PATIENT DUMPING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. STARK. Mr. Speaker, I am today reintroducing the Medicare Hospital Patient Protection Amendments of 1989 to protect hospital patients from improper transfer for economic reasons. My bill will build on prior legislation I have introduced and the Congress has enacted to assure that patients in need of emergency care are not dumped from one hospital to another.

Patient dumping is a disgracefully common practice. It is simply not acceptable to kick desperately ill people from one hospital to another because they cannot pay the bill.

Far too many Americans are subjected to what is termed a "wallet biopsy" when they come or are brought to an emergency room seeking treatment. If immediate proof of ability to pay is not forthcoming, the patient is transferred to another facility, even though the transfer may threaten the life of the patient.

In 1986 the Congress adopted legislation which requires all Medicare-participating hospitals to provide necessary medical examinations and treatment to stabilize individuals with emergency conditions, and women in active labor. After the patient is stabilized, the hospital may provide for appropriate transfer to another facility.

The transfer of patients from one hospital emergency room to another is a common practive and appears to be growing. During the past five years, several studies have found that patient transfers have increased dramatically. One study in Dallas found transfers had increased from 70 per month in 1982 to more than 200 per month in 1983. Another found an increase from 169 per year in 1981 to 930 per year in 1985 in Washington, DC, and another for Chicago found in increase from 1,295 per year in 1980 to 5,652 per year in 1984.

A number of studies have described the patients who are dumped. A 1984 study, from my own area, at Highland Hospital, a public hospital in Oakland, CA, found that of 458 patients transferred, 63 percent had no health insurance. Another study at Parkland Hospital in Dallas found that 77 percent of those transferred did not have insurance. At Cook County Hospital in Chicago, 87 percent of those transferred lacked adequate health insurance.

Patient dumping is but a symptom of a much larger problem. Thirty-seven million Americans are without health insurance. Low income sick people are finding it increasingly difficult to get needed health care and the burden of caring for them is falling on fewer and fewer hospitals. Hospitals are providing over $8 billion per year in uncompensated care.

I am sympathetic to the problems hospitals face in caring for the indigent. I have introduced legislation to mandate health insurance for every working American, to provide direct assistance to hospitals providing large volumes of charity care, and to assure fair rates of payment under the Medicaid program. I have stated repeatedly that we need to provide fair and adequate reimbursement to hospitals for every patient they serve, particularly as we attempt to slow the rate of growth in Medicare and private health insurance expenditures for hospital care.

However, my sympathy for the problem which hospitals face does not, in my view, relieve hospitals of their responsibility to care for emergency patients.

I would hope that the antidumping statute would be self-enforcing and that hospitals will take steps to assure that they never transfer an unstable patient or a women in active labor. However, in those cases where the callous action of a hospital or physician requires enforcement, I believe that the amendments I am proposing today will assist in assuring proper prosecution of the law.

Attached is an article from the Wall Street Journal which describes many of the problems my bill will address:

DESPITE FEDERAL LAW, HOSPITALS STILL REJECT SICK WHO CAN'T PAY—ACUTELY ILL ARE TRANSFERRED, TURNED AWAY AT THE DOOR; CLOSED EMERGENCY ROOMS—PERILS THE UNDERINSURED FACE

(By Clare Ansberry)

Since August 1986, it has been clearly illegal for hospitals to dump the poor. But that didn't save Terry Takewell.

Just a month after the federal law took effect, the 21-year-old diabetic became acutely ill. His neighbors in a small trailer park in Somerville, Tenn., found the young man panting and drenched with sweat from a fever. An ambulance sped him to nearby Methodist Hospital, where the uninsured carpenter already had an outstanding bill of $9,400; a directive in the emergency room told staff members to alert hospital supervisors if Mr. Takewell ever returned.

He was in a hospital bed when an administrator arrived. After speaking to Mr. Takewell briefly, the administrator helped him to his feet and escorted him to the parking lot. Neighbors found him there under a tree and took him home; he died about 12 hours later.

Zettie Mae Hill testified at a congressional hearing last year that she is still torn, wondering whether Mr. Takewell would be alive today if she and other neighbors had directed his ambulance to a different hospital. "We didn't believe the hospital would just let a person die like that for lack of money," she said.

THE HOSPITAL'S ACCOUNT

For its part, the hospital contended that Mr. Takewell left of his own accord. Investigated under the new federal law, the hospital was absolved of any wrongdoing. But that finding outraged at least one attorney, Gordon Bonnyman of Legal Services of Middle Tennessee. "You couldn't find a more unbelievable case, yet nothing was done," he says. "That gives you an idea of how effective the law is."

Each year, despite statutes against the practice, hospitals dump—that is, transfer for economic, not medical, reasons—an estimated 250,000 people. Neither anti-dumping laws—federal, state and local—nor the nation's health-care system has overcome market pressure to shun many of the estimated 37 million Americans who have no health-insurance coverage.

Increasingly, they are pariahs, rejected by a system determined to contain medical costs. And while hospitals talk about aiding the sick poor—and many, in fact, do—few welcome the responsibility. Nor do doctors, insurers, employers or Congress.

That helps explain a Chattanooga, Tenn., hospital dispatcher who told an ambulance crew not to bring in an unconscious man found in a poor neighborhood—because, he said, the administrator "would kill us if we took another indigent."

NO OBLIGATION TO PAY

Michael Krentz, the president of the American College of Emergency Physicians, says: "On the one hand, we have a moral, ethical and legal obligation to see a patient. Nobody, on the other hand, has a moral or legal obligation to pay for that care."

The thorny issue came up in the recent presidential campaign. Gov. Michael Dukakis said he wanted employers to provide minimum health-insurance benefits, while Vice President George Bush opposed the idea on the ground that it would increase the cost of doing business and thwart job growth.

Still, a growing number of authorities agree something must be done. The venerable National Academy of Sciences Institute of Medicine contends in a recent study that health care to the indigent is as critical as the AIDS crisis.

In the past, hospitals passed the costs of charity care along to patients covered by insurance. But now insurers have established limits and will pay only so much for any given hospital procedure. Governments are stingier with Medicaid and Medicare payments, too. Fewer than two of five poor Americans are covered by Medicaid today,

down from 65% a decade ago. California has dropped 250,000 of the working poor from its Medicaid program.

ABSORBING THE COST

Unable to weather the cuts, more and more cash-poor hospitals are closing, leaving a smaller pool of mostly public and nonprofit hospitals to absorb the annual cost of uncompensated care. Joseph Denney, an admissions official at the Ohio State University Hospital, says he is writing letters of protest to more than 15 Ohio hospitals that have transferred indigents to his institution. He wants them to "do their fair share."

Health-industry officials say that laying the blame for dumping the poor isn't all that easy. "You can't just say those are bad hospitals are dumping people and are morally deficient," says J.B. Silvers, the management professor at Case Western Reserve University's Health Systems Management Center. "Facing deficits, they must ask: 'Do you squeeze on the commercial side where people pay, or do you squeeze on the social side?'"

The health-care system is more on choosing the latter course, and over dumping is the most graphic consequence. Some 15 million Americans are either denied care or don't seek it because they can't afford it, according to a study by Robert Wood Johnson Foundation. And numbers are growing each year, the research group reports.

If hospitals don't frankly turn away the uninsured, they will sometimes close their emergency rooms, refuse Medicaid patients, or require payment in advance. "They may lock their doors on the side of the street facing a poor neighborhood," says Mr. Silvers. "It's not actual dumping, but it's the same thing—denying access."

SHUNNING SERIOUS ILLNESSES

In Tennessee, Arthur Kellermann, who heads emergency services at Memphis's Regional Medical Center, says the human cost in pain and suffering is all too frequently ignored in the push to contain medical costs: "We aren't talking about a patient with no money who wants a tummy tuck or a face lift. We are talking about heart attacks and seizures and strokes and gastrointestinal bleeding."

The major push against dumping came two years ago when Congress proscribed it. Under federal law, hospitals doing business with Medicare must treat patients with emergency conditions and all women in active labor, regardless of their ability to pay.

But although the law was praised for acknowledging that problems exist, it has also been criticized as largely ineffective. Enforcement regulations have yet to be adopted. Moreover, the law's terms are nebulous. For example, patients must be "stabilized" before being transferred. But, notes Judith Waxman, an attorney with the National Health Law Project: "One doctor's stabilized is another doctor's dump."

Last year in St. Louis, a young uninsured woman, five months pregnant, arrived at a hospital complaining of stomach pains. She was about to be transferred when she gave birth. The baby was stillborn. The hospital proceeded to transfer the woman—dead baby, umbilical cord and all. In Chicago, patients considered to be "stable" and thus transferable included a gunshot victim bleeding profusely from an artery to the brain and a man who had fallen from a third-story window.

IN THE DARK

If most Americans don't even know that an anti-dumping law exists, perhaps it is because no one is required to tell them about it. Even those doctors and hospitals receiving the dumped patients are reluctant to report violations or to move to stop them for fear of souring their relationships with other institutions.

Those who do often are ostracized. Ron Anderson, president and chief executive of Dallas's Parkland Memorial Hospital, says he was warned by peers that he would never find another job in hospital administration in Texas after he advocated a state anti-dumping law. And Dr. David Ansell of Chicago's Cook County Hospital says his own hospital held a press conference to rebut his study showing a threefold increase in dumping there.

Ignorance of the law and evident reluctance to report violations help explain why the federal Health Care Financing Administration has found only 61 hospitals among several thousand in the U.S. to have violated the 1986 law. Just two hospitals have been booted out of the Medicare program as a result. Legal Services' Mr. Bonnyman says the problem is more pervasive than it seems. Federal authorities, he says, rely on politically sensitive state boards to rule on complaints. The Takewell case, for instance, was considered by a state licensing board dominated by representatives of hospitals.

"There is a built-in conflict of interest that absolutely undermines the enforcement of the law," he claims.

THE IMPERILED UNDERINSURED

While dumping is most closely associated with the uninsured, the country's 50 million underinsured are at risk as well. Consider 61-year-old Mary Marshall, whose symptoms—a 104.8-degree fever, dehydration and hallucinations—caused her family to seek hospitalization. A private Tennessee hospital was prepared to admit her—that is, until it discovered she didn't have group insurance and her own policy provided inadequate coverage. She was told she needed to pay $1,200 out of pocket and was sent home when she couldn't come up with the money. Later, her family took her to a local public hospital, and she was admitted there.

"The private hospital treated her like she didn't have any insurance at all," says Mrs. Marshall's daughter Judy Wilkerson. "If you don't have money, you're nothing."

A few states—notably Texas and California—have attacked the dumping problem with their own strict laws and vigorous enforcement. The Texas state attorney general's office is suing Humana Hospital Corp. in Harris County State District Court. The complaint alleges that Humana's Clear Lake Hospital dumped Mary Rourke, a 47-year-old housewife. Mrs. Rourke was admitted to the institution for a prescription-drug overdose and then was transferred to a public hospital—against the advice of the receiving doctor—because she has no insurance. While she was in transit, Mrs. Rourke's heart stopped. Resuscitated, she became comatose. She died without regaining consciousness. A Humana spokesman says he can't discuss details of the matter because it is in litigation but adds: "Certainly, we are defending the case."

NOW, "REVERSE DUMPING"

Cases such as Mrs. Rourke's are declining in Texas, and officials there credit the state's anti-dumping law. But now they are observing a new phenomenon: "reverse dumping," in which larger hospitals refuse to accept uninsured patients from smaller, less sophisticated ones.

Edwin Norris, the administrator of tiny Culberson County Hospital, which is situated on a desolate stretch of flat Texas highway, spent four hours begging hospitals to take an indigent man whose leg had been all but amputated by a train. Because the small hospital lacks surgical facilities, doctors there couldn't even finish the job of cutting off the leg. "We just tried to make him comfortable until we finally found someone to take him," says Mr. Norris.

In another remote Texas town, a 17-year-old gunshot victim spent hours in a small hospital while nurses frantically tried to find a large hospital and neurosurgeon to take him. None would, so the family was told to hire an ambulance to take him to the emergency room of a large hospital, McAllen Medical Center. By then, critical hours had passed, and the boy eventually died.

California also is seeing end-runs around its strict laws. Some hospitals in the Los Angeles area, for example, are threatening to close unprofitable emergency rooms to all but private ambulances.

"One way or another, people aren't getting needed health care because they don't have enough money to buy it," says Lois Salisbury, an attorney with Public Advocates in San Francisco who helped lead the fight for an anti-dumping law. "The problem persists in new forms and outpaces . . . legislators."

Another "sordid variation of dumping," she says, consists of admitting and summarily releasing the uninsured after a quick once-over. Last year, an uninsured 27-year-old truck driver was admitted to a California hospital after persuading officials to accept $596 instead of the $1,000 they requested. The man, who had chest pains, was released the next day even though basic tests hadn't been conducted, Ms. Salisbury says. He was told to rest for a week and not lift anything heavy. Several hours later, the man died.

Ms. Salisbury believes hospitals will continue to find ways to avoid caring for the indigent until they get their money. The question is: how to reimburse them. Some health-care experts advocate creating a pool of funds from insurers and those hospitals that don't treat many poor patients to compensate hospitals that do. Others say new taxes, such as an income-based health-insurance tax, will finance care. National health insurance is yet another possible course.

Whatever the solution, it promises to be financially painful, says Ms. Salisbury. Without a remedy, however, the casualties will increase among the sick and families unable to afford proper care.

The legal-aid attorney recalls the torment of a young mother whose son was injured in an automobile accident in Modesto, Calif. The family was told it had to pay, up front, for surgery. It didn't have the money, and the boy died. "The mother was distraught with guilt," says Ms. Salisbury. "She and her husband were working class, but they just couldn't come up with $1,000 to try to save their son's life. That's what they must live with for the rest of their life."

A summary of the bill follows:

SUMMARY—MEDICARE HOSPITAL PATIENT PROTECTION AMENDMENTS

I. SCOPE OF HOSPITAL RESPONSIBILITY FOR SCREENING

a. The amendment clarifies that a hospital's responsibility for initial treatment of emergency patients relates to the hospital's entire capabilities, not just the capacity of its emergency room.

b. Clarifies that necessary treatment may not be delayed in order to assess patient's financial capability.

II. AUTHORIZATION FOR PATIENT TRANSFERS

a. Informed Consent: Clarifies that individuals requesting transfer to another hospital must give written informed consent and that hospitals must make reasonable effort to obtain informed consent from persons who refuse appropriate transfer;

b. Physician Authorization: Clarifies that a qualified person other than a physician may authorize a transfer only in direct consultation with a physician, for example via telephone;

c. Standard for Authorizing Transfer:

—Clarifies that the standard for appropriate transfer is that the risk of transfer to the individual or an unborn child is outweighed by the benefit of treatment at another facility. Also clarifies that risk during transfer must be taken into account.

—Clarifies that transferring facility must provide whatever treatment is within its capability prior to transfer in order to reduce risk of transfer.

—Requires transferring hospital to outline risks and benefits of transfer on records it sends with patient.

III. NOTICE AND RECORD-KEEPING REQUIREMENTS

a. Requiring Maintenance of Records: Clarifies which records must be maintained and requires hospitals to maintain records of transfers to and from the hospital as a condition of participation;

b. Requiring Posting of Obligations: Requires hospitals to post a sign specifying rights of individuals under this section.

IV. ENFORCEMENT

a. Hospital Liability: Clarifies hospital liability by deleting the requirement that hospitals "knowingly and willfully" violate the law;

b. Physician Liability: Clarifies physician liability by making clear that liability extends to attending physicians as well as staff physicians and by specifying that a physician is liable if he or she (i) refuses to provide a medically appropriate examination; (ii) falsifies the result of any examination, test, or other procedure in order to misrepresent an individual medical condition; (iii) makes a false certification; (iv) authorizes a transfer without certification; or, (v) misrepresents an individual's condition in order to induce them to consent to transfer.

c. Civil Enforcement: Clarifies that any individual who is the subject of a violation may recover damages in a civil action against the hospital or a responsible physician. Clarifies amount and scope of damages.

V. ADDITIONAL OBLIGATION ON HOSPITALS WITH SPECIALIZED FACILITIES

a. Requires hospitals with specialized facilities such as burn units, shock-trauma units, neonatal intensive care units, etc. to accept patients needing such services.

VI. MEDICARE CONDITIONS OF PARTICIPATION

a. Requires hospitals as a condition of participation in Medicare to adopt and enforce a policy to ensure compliance with the requirements of this section and to maintain records.

VII. EFFECTIVE DATE

180 days after the date of enactment.

FASTENER QUALITY ASSURANCE ACT OF 1989

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. DINGELL. Mr. Speaker, the American economy annually uses billions of screws, nuts, bolts, and washers for purposes too numerous to list. Most of us take them for granted as we go about our daily business. But the growing sale and use of counterfeit, mismarked, and substandard fasteners—in nuclear plants, bridges, high-rise building, motor vehicles, airplanes, military equipment, and dozens of other critical applications—has created an enormous national safety program.

The implications of this problem for our economy and national defense are as frightening as they are staggering. Fastener failures have wasted millions of tax dollars and degraded our military readiness. Moreover, American businesses and governmental agencies have had to expend huge sums of money purging their inventories of these bogus bolts and protecting themselves from potential liability for fasteners already installed.

Sadly, the fastener problem has an all too human dimension. Permit me to quote from a December 5, 1988, letter that I received from Mrs. Calvin Davis, the widow of an ironworker who was killed just before Christmas 1987 as the direct result of a substandard fastener used in a structural steel application in Tennessee. This poignant letter speaks for itself.

GAINESBORO, TN.

CONGRESSMAN DINGELL: I have been meaning to write you for several months now but it's not easy to keep reviewing the circumstances surrounding my husband's accidental death last December 22nd, '87 at the construction site of the new Saturn Plant in Springhill, Tennessee.

I received a copy of the report on the findings that the committee investigated and that you chaired. There have been numerous articles written and printed on this issue of defective bolts/fasteners during the past year and I am enclosing the latest one about Tommy Grant of Houston, Texas. I, of course, support his efforts 100% and only hope that if there is anything humanly possible that you can do to speed the needed legislation to put a stop to these coming into the States, please do so.

What I am trying to relate to you is how much my husband loved his family over all else and what a great loss we are all experiencing. I truly hope that no other family will experience what we have because of an accident involving more defective bolts.

May God give you the wisdom and strength to continue the struggle to achieve legislation that will protect our men and women who make this great nation of ours. It's appalling to think that we will import and use a defective bolt in this country knowing very well that Japan, for one, will not allow these same fasteners to be used in their country. I always thought we were the smartest people on earth but again the almighty dollar won out, didn't it?

Sincerely,

Mrs. CALVIN B. DAVIS.

Happily, a similar disaster was narrowly averted during the construction of a new bulk mail facility in Los Angeles in October 1987, when an earthquake sheared substandard fasteners holding steel beams in place and concrete assemblies weighing nearly 100 tons fell to locations where construction workers had been toiling only hours before.

To address this critical problem, I am today introducing the Fastener Quality Assurance Act of 1989 with 40 of my colleagues as cosponsors. The bill would require the testing and inspection of fasteners intended for critical uses to ensure that every lot conforms to the standards and specifications to which it was allegedly manufactured. The legislation does not involve the Federal Government in writing product standards, but it does require those engaged in the fastener business to adhere to existing and well-established private industry standards and provides enforcement mechanisms that are now sorely lacking.

This legislation is a refined and improved version of H.R. 5051, which my colleagues and I introduced last year. The changes are the direct result of extensive consultations with representatives of all elements of the fastener industry. I sincerely appreciate their cooperation and believe that the industry has demonstrated its desire to eliminate the quality and substitution problems that have so plagued us in recent years. I invite my colleagues to become cosponsors of this important and much-needed legislation, and I look forward to its prompt enactment. For my colleagues' information, I am inserting in the RECORD a section-by-section analysis of the bill.

FASTENER QUALITY ASSURANCE ACT OF 1989

SECTION-BY-SECTION ANALYSIS

Sec. 1. *Short Title.*

Sec. 2. *Findings.*

Sec. 3. *Testing and Certification of Fasteners.* Prohibits sale of any lot of critical application fasteners failing to meet requirements of inspection, testing, and certification to ensure conformity to standards and specifications. Secretary of Commerce directed to issue such regulations as may be necessary to implement the Act, with preference given to adoption of existing private programs, systems, and arrangements as the Secretary deems appropriate.

Sec. 4. *Sale Subsequent to Manufacture.* Prohibits sale of affected fasteners without copy of lab test or marking of lot number on package (depending on quantity sold). Allows importers and certain distributors to assume responsibility for testing and quality assurance. Provides rules for written disclosure or retesting if certified fasteners are altered subsequent to manufacture.

Sec. 5. *Manufacturers' Insignias.* Directs Secretary of Commerce to establish a program for the recordation of manufacturers' insignias. Prohibits sale of fasteners if manufacturer has not complied with requirements of such program.

Sec. 6. *Remedies and Penalties.* Prescribes criminal penalties for violations. Gives the Secretary of Commerce authority to seek declaratory and injunctive relief against violators.

Sec. 7. *Recordkeeping Requirements.* Establishes record-retention requirements for test results and certifications.

Sec. 8. *Relationship to State Laws.* Ensures no preemption of any rights or causes of action that buyers may have under State law.

Sec. 9. *Construction.* Expresses intention not to limit or otherwise affect the authority of the National Institute of Standards and Technology (formerly the National Bureau of Standards) or any voluntary consensus standards organization to establish, modify, or withdraw any standards or specifications under any law or other authority in effect on date of enactment.

Sec. 10. *Definitions.* Defines terms used in the bill.

Sec. 11. *Effective Date.* Applicable to fasteners made more than 180 days after date Secretary of Commerce issues the required regulations.

PUT MORE INTO CIVILIAN R&D

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. FAZIO. Mr. Speaker, I would like to draw the attention of my colleagues to an article written by Senator J. BENNETT JOHNSTON, the chairman of the Senate Energy and Natural Resources Committee and chairman of the Senate Appropriations Subcommittee on Energy and Water Development, which was printed on January 8, 1989, in the New York Times. The article is titled, "Make Allies Share Defense: Put More Into Civilan R&D" and is an important statement on research and development which the House of Representatives should seriously review.

The State of California is a leader in domestic research and development. Unfortunately, the United States is drifting behind many of our international competitors in basic and applied research and development. Due to cautious R&D priorities over the last 8 years, the United States may find itself unable to maintain our markets both domestically and overseas.

The Johnston article maintains that the administration's narrow ideological constraints on commercialization of technology, may have permitted Japan to take the lead in the commercialization of ceramics, fuel cells, and photovoltaics. The 1988 fiscal year was the first time that both the Japanese and German Governments have surpassed the United States in photovoltaics research and development, a technology which was created by the United States Space Program in the 1960's. By the 1980's, the United States developed a domestic energy industry with over $100 million in annual sales, with over 65 percent of the technology manufactured exported overseas.

The Federal Photovoltaics R&D Program is a microcosm of the problems confronting the United States in all high-technology areas.

First, the U.S. Federal R&D support dropped from $151 million in fiscal year 1981 to $35 million in fiscal year 1989.

Second, our industrial competitors, sensing a lack of U.S. resolve, increased their own federal photovoltaics R&D programs. The result is that the potential multibillion dollar world markets that might have been dominated by the United States, may become controlled by our international competitors.

Third, our private investment markets appear risk-adverse to support the entrance of new technologies into the marketplace. Our international competitors seem more willing to direct both government and private sector investment to support the development and commercialization of new technology.

The United States needs to invest in our future. Increasing domestic research and development both by the Federal Government and the private sector is essential. If we don't, the United States may fall irrevocably behind, and the consequences could adversely effect economic growth, personal income, and employment for decades. I encourage all Members to seriously consider the article by Senator JOHNSTON. Thank you, Mr. Speaker:

MAKE ALLIES SHARE DEFENSE: PUT MORE INTO CIVILIAN R&D

(By Bennett Johnston)

WASHINGTON.—The 101st Congress will likely challenge the Bush Administration to spend less overseas to defend our allies and more to defend our own economic future. The alternative is to witness a continued erosion not only in commercial competitiveness but in our military-industrial base as well.

The problem is this: We are allocating an ever larger share of Federal research and development to defense—defense of our trading partners along with ourselves. This enables our partners to plow proportionately more money into civilian research and development.

Unquestionably, Washington pays more than its fair share of the costs of defending the free world. Defense Department figures show we spend $1,164 per capita on the military, while West Germany spends $454 and Japan only $163. We still pay to keep an overseas force of one million, the majority being civilians and dependents, not troops.

The adverse impact of this burden is becoming increasingly evident. Since 1981, Federal spending for civilian research and development has dropped 27 percent in real terms, compared with a 78 percent rise for the military. In the previous 15 years, R&D was split about equally between civilian and military purposes. Today, we spend about half as much on civilian research and development (including NASA) as on military.

Specifically, 69 percent of Federal R&D is now devoted to defense. The corresponding figure for Japan is only 4.5 percent and for West Germany 12.5 percent, according to the National Science Foundation. Moreover, as a percentage of gross national product, Japan and West Germany each spend half again as much as the United States on civilian technology, public and private.

In the past, military technologies spun off a host of civilian products, such as computers, semiconductors and commercial jetliners. But today the spinoff has reversed direction. Commercial technology is now driving military innovation.

Finally, the huge increase in military R&D in the Reagan years went far more into development than into research. Funding for the development of specific weapons increased in real terms by 73 percent between 1981 and 1987. But spending for military research known as "technology base" rose in real terms by a minute 0.3 percent in that period.

How did we reach this point? First, in the budget squeeze on civilian agencies, research and development was an early victim.

Second, Administration spending on R&D has been driven by a narrow ideology of leaving commercial decisions to the marketplace. Generally, if Government-supported research produces a technology with some commercial potential, Administration ideology dictates a cutback. As a result, we tend to produce ideas that other nations, particularly Japan, then develop into such new products as advanced ceramics, fuel cells and photovoltaics. The Bush administration should temper this rigid ideology with common sense.

Perhaps worst of all, a commercial sector that becomes uncompetitive eventually withers away and is unavailable as a military-industrial base. Thus, ironically enough, the Defense Science Board just released a report urging the Defense Department to take a larger lead in rejuvenating the civilian technical base.

While the problem is clear, solutions are more difficult to discern. Without new revenues the Government, especially the Defense Department, can little afford to boost civilian R&D; tax credits to spur corporate research and development have proved difficult to target on vital technologies. And a more militarized Japan is suspect.

However, our trading partners can compensate us more for the defense we provide them. That compensation might help relieve budgetary pressure and enable us to fund civilian R&D at the higher levels, as a percentage of the gross national product that prevailed in the past.

The new administration must restore a balance between civilian and military R&D and more equitably share our defense burden with trading partners whose future competitiveness we now subsidize. Not only trade but our future national security is at stake.

CONGRESSIONAL SALUTE TO ROCCO J. MARANO, CHAIRMAN OF BELLCORE, RECIPIENT OF THE NEW JERSEY SCIENCE-TECHNOLOGY MEDAL

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute an outstanding New Jerseyite and a truly great American whose foresight, dedication, and unparalleled leadership have led to some of the most important breakthroughs ever made in telecommunications research and engineering. I am speaking of Rocco J. Marano, the president of Bellcore of New Jersey, a research and engineering firm which today, under Rocco Marano's dynamic leadership, stands at the cutting edge of rapidly developing communications technologies.

Mr. Speaker, as chairman of the House Science, Space, and Technology Committee, I firmly believe that the future of our great Nation is directly dependent on our ability to remain a world leader in developing and harnessing the rapidly evolving technologies that will dominate our world in the years, decades, and centuries to come. In this regard, Rocco

J. Marano, who established Bellcore 5 years ago as a means of providing centralized technical research support to the divested Bell Telephone companies, has made an enormous contribution to this Nation and to mankind.

For the visionary leadership which has been directly responsible for Bellcore's many critically important achievements, Rocco J. Marano was recently awarded the prestigious New Jersey Science-Technology Medal by the Research Development Council of New Jersey. I know this high honor brought great pride, not just to his many colleagues and all of those associated with Bellcore, but also to his fine family; his wife, Mary; his daughter, Susan; his sons, Thomas, John, and Peter Marano, and his daughter-in-law, Elena.

For the RECORD, Mr. Speaker, I would like to insert an article from the October 23, 1988, edition of the Newark Star-Ledger which recounts some of the major accomplishments which led to this great honor being bestowed on Rocco Marano:

[From the Sunday Star-Ledger, Oct. 23, 1988]

BELLCORE PRESIDENT WILL BE AWARDED JERSEY SCIENCE-TECHNOLOGY MEDAL

(By Kitta MacPherson)

Bellcore President Rocco Marano, credited with adeptly managing technology leading to several scientific advances, has been selected to receive the 1988 New Jersey Science-Technology Medal.

The award, bestowed annually by the Research and Development Council of New Jersey, will be given to Marano at a dinner celebration Nov. 30 at the Short Hills Hilton.

"The award recognizes the critical role of management in bringing discovery from the laboratory to the marketplace," said John Sibilia, chairman of the council.

"In particular, we are recognizing Mr. Marano's contributions in providing a central technological resource for the separate Bell operating companies, resulting in many scientific advances."

Several breakthroughs in telecommunications research and engineering have been achieved at the Livingston-based Bellcore under the management of Marano.

In 1985, Bellcore scientist broke the combined speed-and-distance record for transmission of data over single-mode fiber, using light-emitting diodes to transmit 560 megabits per second of information over about 15 miles.

A record was achieved once again in 1987 when nearly 27 gigabits per second of information—the equivalent of more than 400,000 simultaneous conversations—traveled on one fiber using multiple lasers.

During the same period, Bellcore was responsible for much of the fundamental research planning and engineering work in the evolution of today's telecommunications networks toward emerging high-speed entities known as Integrated Services Digital Networks (ISDNs).

Bellcore scientists have also been involved in superconductivity research, making significant developments in faster and simpler ways of making thin superconducting films, and a new process for optimizing the superconducting properties of the new materials during the making of microelectronic devices and circuits.

Marano is credited with steering Bellcore through a difficult course since 1984, when it was created through the AT&T phone divestiture as a "mini Bell Labs" for the Bell operating companies.

"With the dramatic restructuring and reorganization of the nation's telecommunications system in 1984, the Bell operating companies lost the precious technical resources of Bell Laboratories and Western Electric," said Dr. Stanley Bergen, chairman of the nominating committee and president of the University of Medicine and Dentistry of New Jersey.

"The nation needed a new central organization to help preserve the integrity of its communications system and to provide support and research for the regional operating companies. Bellcore has filled that need and it succeeded brilliantly, thanks to Rocco Marano and the people he recruited for his company."

Marano began his career in 1953 with New York Telephone, part of the former Bell System, after graduating from Fordham University's School of Business and Fordham Law School.

He changed positions several times over the next few years between New York Telephone and New Jersey Bell.

In 1982, he accepted a vice presidency with AT&T. During these predivestiture years, Marano began planning and implementing a Central Services Organization (later renamed Bellcore), assuming its presidency in 1984.

In addition to executive duties, Marano serves on the New Jersey Commission on Science and Technology and is chairman of the Partnership for New Jersey. He is a former trustee of Fordham University, a member of the Seton 150 Commission, and a director of Mutual Benefit Life Insurance Co., First Fidelity Bank, N.A., First Fidelity Bancorporation, and Blue Cross/Blue Shield of New Jersey.

The Research and Development Council of New Jersey is a nonprofit organization that was formed more than 20 years ago by leaders in science, business and the industrial community.

Its goal is to cultivate an environment that supports the advancement of research and development activity throughout the state.

Recent winners of the award include: Last year's recipient, Edward L. Hennessy, chairman of Allied Signal, Inc.; Carlyle Caldwell, chairman emeritus of National Starch and Chemical; and Merck & Company's chairman and chief executive officer, P. Roy Vagelos.

Mr. Speaker, along with his many other professional and personal pursuits, Rocco Marano has also been vigorously involved in numerous important community and civic pursuits. He served as chairman of Leadership New Jersey, an organization which encourages citizens of New Jersey to interest themselves in public service, and he is a member of Governor Kean's Business Round Table and the New Jersey Academy, a group of distinguished citizens, including past Governors, who "celebrate New Jersey achievers of the past, present, and future." On a national level, he was appointed by President Reagan in 1982 to the National Security Telecommunications Advisory Committee, serving as chairman in 1988, and in 1981 he was chairman of the Italian Earthquake Relief Committee.

Along with his numerous other contributions to his community, Rocco Marano has also served as New Jersey Industrial Chairman of the U.S. Savings Bond Committee, as a member of the Committee of the Laity of the Newark Catholic Archdiocese and as president of the Northeast Region, Boy Scouts of America. In 1984, Pope John Paul II named him a Knights of St. Gregory the Great.

Mr. Speaker, I appreciate this opportunity to present a portrait of an outstanding New Jerseyite and a great American whose unsurpassed leadership has led to technological advances that will be felt in every corner of the globe, Rocco J. Marano, president of Bellcore and recipient of the New Jersey Science-Technology Medal. Truly, he has made our Nation and our world a better place to live.

THE FSX: GOOD DEAL OR DOUBLECROSS?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. BEREUTER. Mr. Speaker, this Member shares the concerns of many of his colleagues about the recently concluded memorandum of understanding between the Governments of the United States and Japan covering the transfer of F-16 technology to Japan for the FSX fighter aircraft project.

Although General Dynamics, the manufacturer of the F-16, will receive about $480 million in compensation from the Japanese for its participation in the development phase of the FSX and will be able to use any technology developed by the Japanese based on the F-16 free of charge, Japanese willingness to share development—and coproduction—work came only after long and tough negotiations. From the American perspective, it would have been preferable for the Japanese to have bought F-16s, or comparable American fighter aircraft, off-the-shelf. Japanese willingness to do this would have gone a long way toward assuaging United States concerns about its trade imbalance with Japan and the equitable sharing of defense costs.

A recent New York Times editorial. "The Losing Fighter Deal with Japan," summarizes many of the negative aspects of the deal, while a January 29 Washington Post article, "Giving Japan a Handout," provides a comprehensive account of the agreement and makes some practical suggestions to overcome its deficiencies. This is a serious issue, and, if the project goes forward, it could become a test case in United States-Japanese industrial cooperation. I encourage my colleagues to read these two pieces carefully as they become familiar with the pros and cons of this important issue involving the transfer of military technology to a close, non-NATO ally and trade competitor.

[From the New York Times, Dec. 17, 1988]

THE LOSING FIGHTER DEAL WITH JAPAN

An American negotiating team trying to sell F-16 fighters to Japan was defeated last month and is now in Tokyo to receive its second humiliation.

Japan wants to buy 140 new fighter planes. General Dynamics makes the world's best fighter, the F-16, in numbers that assure unmatchable economy. Furthermore, by buying American, Japan could

reduce the trade surplus that so aggravates its major trading partner and help alleviate the burden America bears in defending, among other countries, Japan.

Surely in this case, Japan will buy American, no? No. Japan prefers to develop the FSX, loosely patterned on the F-16, at more than twice the cost. In an agreement signed last month in Tokyo by the retiring Ambassador, Mike Mansfield, General Dynamics has been designated a subcontractor, with a promise of 35 to 45 percent of the development work. In gratitude, the company will hand over all the necessary F-16 technology.

Has the Defense Department given away the store? Its negotiators worked harder than it looks. At first the Japanese insisted on developing a wholly new fighter. The Pentagon finally induced Japan to base the plane on the F-16. New technology developed for the FSX will be made available to the U.S. for military though not commercial use.

Still, the deal is one-sided and unfair. Japan shuts out American companies when it wishes to develop a new industry. Japan's insistence on developing the FSX may not relate to its effort to build up its aviation industry. Even so, the rejection of a superior American product seems familiar, and unfair.

Japan argues that defense is in a special category, and it is quite true that many countries like to build their own major weapons systems. But Japan and America have a special relationship. They are major trading partners; America shoulders the heavier part of their mutual defense, spending 6.5 percent of its gross national product on defense compared with Japan's 1 percent. The resources America diverts to defense have a lot to do with the trade imbalance that so benefits Japan.

The Defense Department, having agreed that Japan will develop most of the FSX, has now sent a team to Tokyo to plead for a share of the production contract. Agreeing to that seems the least Japan could do.

In the case of the F-16, the United States had every reason to expect that Japan would want to buy American, and every reason to be disappointed at the grudging concessions Japan has made to the two countries' common interests.

[From the Washington Post, Jan. 29, 1989]

GIVING JAPAN A HANDOUT—WHY FORK OVER $7 BILLION IN AIRCRAFT TECHNOLOGY?

(By Clyde V. Prestowitz)

First it was TV sets, then VCRs, then semiconductors. Now, unless Congress and the administration act quickly, the United States will shortly give Japan a big boost toward its long-sought goal; leadership in aircraft manufacture, one of the last areas of American high-technology dominance.

A few days ago, General Dynamics signed a licensing agreement under which—despite its technological superiority—it will become a subcontractor to Japan's Mitsubishi Heavy Industries in a so-called co-development project to create Japan's next-generation "FSX" fighter.

The administration must now process an export license and notify Congress. If neither Congress nor the affected federal agencies raise an objection within 30 days, the deal will go through. Before it does, we should pause and reconsider. This agreement may not be in the best interests of the United States for a number of reasons:

By diverting scarce Japanese defense dollars (Japan spends only 1 percent of its GNP on defense) from immediate procurement needs into a 10-year project, the deal will increase the U.S. burden in defending Japan. It does not provide the most cost-effective defense for either country.

The deal is being done with practically no consideration of its potential long-term impact on the competitive capability of U.S. industry or of its possible exacerbation of the U.S. trade deficit with Japan.

It will transfer technology developed at great expense to U.S. taxpayers at very low cost to a country whose primary interest is not defense but catching up with America in aircraft and other high-technology industries.

The fighter deal is typical of a broader problem in America's relationship with Japan. When dealing with Tokyo on trade issues, the United States is a pussycat. Too often, our government and corporate officials act as if there's something wrong about bargaining hard to maintain America's economic position in the world. In our anxiety about offending the Japense, we're ready to give away the store. The Japanese don't bargain that way. They seek to protect their nation's economic interests. And so should we.

Under the General Dynamics-Mitsubishi arrangement, the GD-built F16, currently one of the Air Force's hottest fighters, will be stripped and virtually redesigned into a new fighter for deployment by Japan's Defense Agency (JDA) in the late 1990s. General Dynamics will provide all the technology—developed at an estimated cost of $7 billion from designing, producing and improving the F16 over the years. In addition, because GD is a competitor in the Air Force's latest development program (the advanced tactical fighter) and knowledge is fluid within the company, it is likely that some technology from the ATF program will also be transferred.

This is what General Dynamics will get in return: $440 million in subcontracting work from Mitsubishi on four development prototypes, possibly a share of component manufacture for eventual production of 130 planes, a possible transfer of allegedly advanced Japanese radar and composite-wing technology and possible royalties on future production of $75-$150 million.

The deal originated in the late '70s with a Japanese plan to replace its old fighters with new U.S.-made models in the mid-1980s. But soon thereafter, with Japan's growing emphasis on technological independence, the idea evolved into a plan to develop a Japanese plane from scratch. By 1985, the JDA had cut its original (and prohibitive) cost estimates by half and claimed that developing its own FSX would cost the same as buying from America.

Analysts in both countries were skeptical. In several meetings during 1986 and 1987—as the U.S. trade deficit with Japan neared $50 billion—Pentagon officials and American industry experts told the Japanese that the United States had three planes (the F18, F15 and F16) that could perform the required missions faster, cheaper and better. Alternatively, if Japan would not buy U.S. planes outright, they argued, it would still be better to produce slightly modified versions under license rather than reinvent the wheel.

In the spring of 1987 (as the U.S. Navy began to patrol the Persian Gulf, from which most of Japan's oil comes), the JDA again rejected the U.S. proposals in favor of self-development. While warning Japan that its attitude could harm relations between the two countries, U.S. officials compromised further, proposing "co-development"—which turned out to mean design modifications so extensive as to constitute virtually a new airplane. Successful compromise. But Japan's noted aerospace analyst Eiichiro Sekigawa said in Tokyo that "Japanese industry got most of what it wanted. In the end 80 percent will be Japanese."

Proponents of the agreement in the departments of State and Defense have been touting it as a breakthrough and a model for future projects. Among the advantages they cite: It will maintain U.S. influence and deter Japan from becoming a leading independent aircraft producer by denying it the experience of developing a plane entirely on its own. It will improve defense capabilities by yielding a better plane than Japan could make on its own, and get U.S. industry 40 percent of the development work and a piece of the eventual $8 billion production expenditure instead of nothing. It will also give us access to advanced Japanese technology and develop cooperative industrial relationships that will ensure continuing access and cost-sharing in the future. And it will do all this at no risk to American industry because the U.S. contribution is "mostly old technology."

Critics, however, argue that technology is only old if you already have it. Since the Japanese do not, infusion of U.S. technology can only spur rather than delay Japan's advance. The deal may yield a better plane than Japan could have made. But the U.S. could have done that itself.

The other putative benefits of the deal are tentative. Although GD's $440 million subcontract is supposed to be 40 percent of the development budget, both Japanese and American analysts believe that budget to be underestimated by half or more. Thus GD's share may be less than 20 percent.

Moreover, whether GD will get any of the eventual production run depends on Japan's evaluation of the prototypes. If they are found unacceptable, Japan could cancel the deal, take the technology and go on to build its own FSX as it planned originally. But even with a "go" on production, GD's share is subject to negotiations after prototype evaluation. Industry experts in both countries are skeptical that the JDA, which has been the main force behind development of the Japanese aircraft industry, will give GD more than a few bones.

There is also serious doubt as to whether the advertised Japanese technology is genuinely advanced—and whether GD will get it if it is. Industry experts are unanimous in the view that U.S. firms such as McDonnell-Douglas, Lockheed and Boeing are the world leaders in composite-materials technology. The Air Force's top composite engineer, Ted Reinhardt (who was consulted on the deal only last month after three years of negotiation had brought it near conclusion), says that on the basis of what the Japanese showed his people, they are far behind U.S. companies. In addition, even if Mitsubishi does have something interesting, GD officials have told the Pentagon that the company would have to build at least six of the 14 planned test wings in order to benefit from Japanese composite technology. But under the agreement, GD will be making only four.

Finally, because Japan doesn't make advanced jet engines, the plane will have to be powered by engines from either Pratt & Whitney or General Electric. The criteria for selection will likely involve how willing

either company is to transfer "hot-section" and digital fuel-pump technology.

Thus, say the critics, in the worst-case scenario the United States could be creating a powerful competitor in its best export industry for a relative pittance in subcontract fees. And even if GD gets a substantial amount of eventual production work, the turn to the United States will be far less than if we had sold Japan our planes or licensed their manufacture there.

Ultimately, however, the issue is much broader. It goes to the heart of the U.S. relationship with Japan. To ensure the best defense for that country, both supporters and critics of the GD-MHI arrangement agree on a number of points: Japan needs a fighter now rather than eight to 10 years from now, when the FSX will become available; the specifications for the FSX are far more demanding than necessary to perform most of its presumed missions; the same specs make it less than optimal for other probable missions; three existing U.S. planes can perform all possible missions and can do them now or in the near future; the U.S. planes would cost half to a third as much as developing and producing the FSX; interoperability of U.S. and Japanese aircraft is highly desirable, but cannot be obtained with the FSX.

Two obvious questions arise. First: Why would Japan, when it is under immense international pressure to share more of the defense burden, choose a course that will waste scarce resources in both countries, aggravate the trade problem and still provide a suboptimal defense? And second: Why would the United States cooperate in such an undertaking?

The answer to the first question was given by Koichi Kato, a leading Japanese politician and former Japan Defense Agency head, in a recent conversation with U.S. trade officials. Japan's main objective, he said, is to achieve a competitive capability in the aircraft industry. This is no surprise. For over 30 years, Japan's Ministry of International Trade and Industry, which must approve all of JDA's aircraft procurement, has targeted development of a domestic aircraft industry. Cost and quality of defense have always been secondary issues.

The U.S. attitude is harder to explain, particularly in the light of prior experience. In 1982 the General Accounting Office published an evaluation of an earlier co-production agreement whereby MHI has been producing the F15 under license from McDonnell-Douglas since 1978. The report concluded that whereas the United States' primary objective was to secure an optimal defense, Japan's was to obtain technology in pursuit of industrial leadership. One executive told the GAO: "We were paid to put them in business and we gave them everything we had." The report emphasized that in the future the United States should give full consideration to the long-term economic consequences of its short-term military transfers.

This is the heart of the problem. The United States, unwilling or unable to interfere with the industrial policies of major allies (though it did kill Israel's planned Lavi fighter), is also more concerned with defense considerations than with long-term planning and is unprepared to accept the higher costs and inferior weapons that such policies entail. U.S. officials appear to believe that half a loaf is better than none, that if it can't persuade allies to refrain from certain developments, then the next best thing is for us to participate. But this automatically gives the initiative to the allies, whose highest priority is often industrial development. They set the terms and we put ourselves in the position of, in effect, begging to be allowed to get involved by donating our leading-edge technology. As a result, the half-loaf we end up getting may actually be worse than none.

Of course, there is nothing wrong with Japan developing its own aircraft industry. That is their business. But the U.S. should not be more concerned with Japan's defense than Japan is. Nor should it be more solicitous of Japanese industry than its own.

Some members of Congress are becoming increasingly concerned with this problem. Last week, Sen. Jeff Bingaman (D-N.M.) announced his opposition to the FSX deal. Sen. Alan Dixon (D-Ill) is also opposed. During Secretary of State James Baker's confirmation hearings, Sen. Jesse Helms (R-N.C.) asked the nominee if he would consider delaying approval of the deal. Baker said he would review the matter. And when Bingaman asked Secretary of Defense-designate John Tower about it, Tower expressed "some apprehensions."

In reviewing the agreement, the new administration and the Congress might propose the following. First, that Japan bridge the defense gap by buying 50 F16s or F18s immediately, either off the shelf or with relatively minor modifications. Second, that a substantial royalty be charged for provision of F16 technology. How much? The amount might be suggested by the fact that to develop its own technology Japan is willing to pay at least twice what it would cost to buy a U.S. plane. Third, that GD and MHI be co-prime contractors. And finally, that it be agreed now that 50 percent of eventual production will be done in each country.

Even if nothing is done in this case, a new policy is urgently needed to handle other trade agreements on the horizon. The Pentagon has said the F16 deal is a model for the future. Already there is talk in Japan of producing the AWACS aircraft (licenses to which we do not even grant to the British) and advanced helicopters. And discussions are now progressing in Seoul on a deal whereby GD would license the F16 to Korean industry and assist in setting up a production line.

That raises a fascinatingly ironic possibility: One day we may see the Koreans using American technology to out-compete the Japanese.

A BILL FOR THE RELIEF OF THOMAS J. SCANLON

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation for the relief of Mr. Thomas J. Scanlon for the loss of personal property while in the service of the U.S. Government.

Mr. Scanlon, who presently resides in my congressional district, served as an economic commercial officer attached to the U.S. Embassy in Reykjavik, Iceland, in the fall of 1979. On September 10, 1979, Mr. Scanlon was directed by the U.S. Ambassador Richard A. Ericson to meet two Federal Aviation Agency [FAA] consultants arriving at Keflavik Airport the following morning and transport them to the Embassy. The sole purpose of the trip was to pick up the FAA officials.

Unable to secure a Government car for the trip, Mr. Scanlon was forced to rely on his own car, a 1977 Mercedes-Benz sedan. On the morning of September 11, 1979, while on the way to Keflavik Airport, Mr. Scanlon's car struck a patch of ice causing it to travel out of control and over an embankment. Damage to the car was beyond repair. The car, estimated to have been worth $9,400, was not insured against an accident of that kind.

Accordingly, Mr. Scanlon filed a claim with the claims section of the State Department's Office of Operations for the loss of his car. Investigations conducted by both local police and the State Department held that the accident was not the result of any negligence on the part of Mr. Scanlon. The claims section, however, denied Mr. Scanlon's claim on the basis of a provision [Paragraph 315F of volume 6] of the Foreign Affairs Manual which states that employee claims are not payable for any damages or loss of a privately owned motor vehicle incident to its operation. Mr. Scanlon, then, appealed the decision to the employee's grievance board. This appeal was denied on the ground that the board lacked jurisdiction to overturn the original decision of the claims section of the State Department.

While Mr. Scanlon seeks to recover only the small value of the car, $9,400, it is important to remember the financial impact the loss of a family car can have. In addition, you must remember that Mr. Scanlon's car was lost while being used for the benefit of the U.S. Government and not as the result of negligence, making his claim all the more compelling.

Congress has traditionally offered citizens, after all avenues of administrative recourse have been exhausted, a final means of resolving claims with the U.S. Government. We ought not allow an arbitrary regulation to prevent a dedicated public servant from recovering the loss of personal property destroyed while in the service of the U.S. Government. I urge my colleagues to grant Mr. Scanlon this relief.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Thomas J. Scanlon of Monterey, California, the sum of $9,400, which sum represents the uncompensated loss of personal property sustained by Mr. Scanlon on September 11, 1979, while assigned to the United States Embassy in Reykjavik, Iceland.

(b) The payment made pursuant to subsection (a) shall be in full satisfaction of all claims which Mr. Scanlon has against the United States for compensation for the loss described in subsection (a).

SEC. 2. No part of the amount provided for in the first section of this Act in excess of 10 per centum thereof shall be paid to or received by any agent or attorney on account of services rendered in connection with the claim described in the first section, and the payment or receipt in excess of 10 per centum of the amount provided for in the first section shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misde-

meanor punishable by a fine not to exceed $1,000.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE GUIDE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. BORSKI. Mr. Speaker, I rise today to commemorate the 50th anniversary of the Guide, a weekly community newspaper which has performed a vital service to its readership in Kensington and Port Richmond since its birth in 1939. Kensington, Harrowgate, and Port Richmond are three of Philadelphia's proudest neighborhoods, and the Guide has invested 50 years in building that community pride and spirit in its readership.

The Guide was founded in 1939 by Kensington native Ralph Mitosky, as a weekly advertising paper. By the early 1940's the Guide had begun its commitment to the neighborhoods it served, by publishing special columns from each area, such as "Juniata Jottings" and "Richmondites."

In 1946, Ralph Mitosky hired the man who would edit the Guide for 42 years, and counting, Matt McKinney. Matt immediately added columns devoted to women and sports, and began to run the "After Dark" column which has helped Guide readers choose their entertainment for years. Church events and local activities were publicized in the Guide, which increased their attendance, and reinforced the paper's role as the diary of its community.

The Guide has done much more than publicize events. Many of the best-known civic events in the area have been initiated and sponsored by the Guide: Softball leagues, trips, teen dances, free trips for youngsters, and the Kensington New Years Parade are all part of the Guide's investment in Kensington and Port Richmond. Showing real leadership, the Guide used its well-deserved reputation to lead on civic issues as well.

The Guide won its first great community battle in the late 1940's when it waged a successful campaign to keep Episcopal Hospital open and serving the neighborhood. During the last 40 years, the Guide has devoted many front pages to keeping vital hospital services in the community, and has conducted many campaigns to improve, unify, and benefit the community. Recently, the Guide gave its outspoken support to the "Kensington Pride" movement which has restored a tremendous community spirit in Kensington, Harrowgate, and Port Richmond.

In 1963, Ralph E. Mitosky died, and the Guide was jointly owned by his wife Dorothy Brooks Mitosky and Editor Matt McKinney. They sold the paper in 1977 to its current owners, H. Robert Jacobs, Sr., and H. Robert (Bob) Jacobs, Jr. The mix of new ownership with the experience of Matt McKinney has been a happy one for its readers. The Guide still has its finger on the pulse of its readers, and gives every sign of continuing to serve them well into the 21st century.

Mr. Speaker, I grew up in Harrowgate, reading the Guide, and my family and I have been enjoying it every week for as long as I can remember. Where I grew up, the Guide was always "the paper that mattered," and it still is. It has guided us well for 50 years, and I hope to still be reading it 50 years from now. Mr. Speaker, I ask that the 101st Congress join all of its readers in wishing a happy 50th birthday to the men and women of the Guide.

DISPARITY IN THE TREATMENT OF IMMIGRANTS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. PEPPER. Mr. Speaker, my attention has been called to the disparity in the treatment of immigrants who reach the mainland of Dade County and seek asylum from the manner in which immigrants who are approaching the mainland by ship and seek asylum under the laws of our land. This difference in treatment occurs when Immigration and Naturalization Service officials aboard Coast Guard vessels examine would-be immigrants coming in by ship while they are several miles offshore, where people other than Coast Guard personnel cannot be present. This procedure, which may be entirely justifiable from the Government's point of view, gives rise to the suspicion that the would-be immigrants, mostly black, coming in by ship are discriminated against. I have introduced a bill today to correct this disparity in the treatment of immigrants. All persons would have the same opportunity on the land, in the presence of witnesses, if desirable, to make their claims for immunity on the ground that they could not safely return to their homeland. I hope, therefore, that we can get this bill enacted and remove any justifiable fear that would-be immigrants approaching from the sea are to be treated differently from immigrants who reach Dade County and other parts of the country by land.

REMEMBERING LITHUANIAN INDEPENDENCE DAY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. DONNELLY. Mr. Speaker, I rise today to commemorate Lithuanian Independence Day, and to pay tribute to the brave people of Lithuania, who continue their struggle for freedom.

This year marks the 71st anniversary of Lithuanian independence. In the days following the Russian revolution, leaders of the Lithuanian people formed the Council of Lithuania, and declared the country to be an independent republic on February 16, 1918. For 2 years Lithuania fought with the new Soviet Government, until the Soviet Union signed a treaty ending the war and recognizing Lithuania as a sovereign nation.

In 1921 Lithuania joined the newly formed League of Nations, and like the rest of Europe, worked to rebuild their war-torn land. The Lithuanian Government successfully instituted a system of land reform, made education available to the masses, and promoted industrialization. Lithuanian culture flourished, with a particular emphasis on participation in the Catholic Church. But the independence of the Lithuanian people was to be short lived.

As the storms of war gathered in Europe, the Soviet Union and Nazi Germany signed a secret agreement dividing Eastern Europe in half, and allowing the Soviet annexation of Lithuania. This led to the Soviet invasion of Lithuania and the other Baltic States in 1940. What followed is one of the most tragic episodes in modern history. Under Soviet occupation, thousands of Lithuanians were executed. Hundreds of thousands were stripped of their land, their personal possessions, and were exiled to Siberia, most never to return. Lithuania was almost depopulated, with the land being turned over by the Soviet Government to people of Russian decent.

The United States has never recognized the incorporation of Lithuania into the Soviet Union, and continues to maintain diplomatic relations with representatives of the independent Lithuanian Government. By maintaining their unique cultural heritage, national language, and religious beliefs clearly distinct from the Soviet Union, Lithuanians have kept their deep historic roots and maintained their vibrant resolute spirit. As Americans, we understand the Lithuanians' desire for independence, and we support them in their continuing quest for freedom.

While Secretary Gorbachev has stated publicly that he is committed to a policy of greater regional sovereignty, true change has not been forthcoming. At this past summer's Communist Party meeting in Moscow, the Lithuanian delegation pushed for the adoption of a platform calling for greater economic, cultural, and national autonomy for Lithuania and the Baltic States, but their position was ignored.

Mr. Speaker, we cannot allow Lithuania's struggle to fade from our minds. The people of Lithuania have fought long and hard to attain what we Americans often take for granted; true independence and a guarantee of fundamental human rights. We must reaffirm our support for Lithuanians everywhere in their fight, and let the countries of the world know that we will continue to oppose the forces of tyranny and oppression.

THE STATE GRAIN FUND PROTECTION ACT OF 1989

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. BRUCE. Mr. Speaker, today I am introducing legislation which will protect farmers, the Commodity Credit Corporation, and agribusiness lenders from severe financial losses resulting from the failure of a grain elevator.

For various reasons, grain elevators occasionally fail. When a grain elevator does fail, farmers are often the last in line to recover their losses. As an Illinois State senator, I sponsored a bill which established the Illinois Grain Insurance Fund. As insurance costs skyrocketed during the 1970's this proved to

be the safest approach for both grain dealers and farmers. Other States have also taken similar action. Now, however, the integrity of such funds is in jeopardy due to a recent court decision.

A U.S. district court ruled that elevators that are federally licensed do not have to participate in State insurance funds. In many situations federally licensed elevators have opted to participate in State grain funds voluntarily—but some have not. In these situations, farmers would only be protected from inadequate Federal law.

It is obvious that the preemption of Federal law leaves holes in the coverage of State grain funds. If one rural community is vulnerable to a devastating financial misfortune it is necessary for Congress to take action.

The legislation that I am introducing will amend the U.S. Warehouse Act to allow States to require that all elevators participate in State grain funds whether they are licensed by the Federal Government or the State government. This will close the window of vulnerability.

This bill will not encroach upon the regulatory powers or duties of the U.S. Department of Agriculture or alter current State of Federal regulatory practices. Rather, it recognizes the traditional function of States to protect the welfare of their citizens.

Mr. Speaker, when agreeing to store grain in a local elevator a farmer accepts the possibility that for one reason or another, the elevator might go bankrupt. Also, a farmer expects that, like a bank, the elevator is insured sufficiently. State bonding requirements make this guarantee—Federal bonding requirements do not.

The State Grain Fund Protection Act of 1989 is an opportunity to demonstrate common sense and fairness to State grain funds, elevator operators, rural communities, and most importantly, our farmers.

LEGISLATION TO PROVIDE DIRECT MEDICARE REIMBURSEMENT TO PSYCHOLOGISTS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. COYNE. Mr. Speaker, today I am reintroducing a bill that will provide direct Medicare reimbursement to psychologists. I view this legislation as a way to increase mental health care benefits to Medicare beneficiaries. Senator JAY ROCKEFELLER of West Virginia introduced the same measure in the other Chamber last Wednesday.

At present, mental health benefits under Medicare are very limited. With the exception of certain limited situations, Medicare allows only for direct reimbursement of the services of psychiatrists. However, the unfortunate reality is that there is a lack of psychiatrists in two-thirds of the Nation's counties.

My home State of Pennsylvania illustrates the problem. For example, according to the most recent statistics made available to me, there are nine counties that do not have psychiatrists; but do have psychologists. Data indicate that these counties have a disproportionate share of elderly individuals. Hence, many Medicare beneficiaries are denied access to the mental health care they need. The fact is that this bill is not without precedent—many private and Federal health carriers already cover psychologists' services.

Reimbursing psychologists directly under Medicare has received widespread support among those in the private sector. Those that have offered their support for this legislation include: National Association of Area Agencies on Aging, National Council of Senior Citizens, National Association of State Mental Health Program Directors, and the National Hispanic Council on Aging.

This bill respects the distinction between psychologists and psychiatrists. Neither I, nor any of those who support this legislation, wish to equate the two. Rather, I believe that both provide quality health care, and as such, Medicare beneficiaries should have equal access to both.

The additional new benefits have a small price tag. The latest CBO estimates reveal that the cost of this bill is slight. The net effect it would have on the Federal budget is estimated to be as follows:

[By year, in millions of dollars]

Net part B outlays:	
First	10
Second	15
Third	20
Fourth	25
Fifth	25

These numbers translate to an average of 0.04 percent per year of total part B expenditures. Can we really deny such an important benefit when it is likely to cost less than one-tenth of 1 percent of yearly part B expenditures?

I believe it is critical that we do all that we can to improve access to mental health services. The legislation I am introducing today offers quality care at a reasonable price. I urge my colleagues to join me in supporting this important measure.

HIGH SCHOOL RESERVE OFFICER TRAINING CORPS RECOGNITION DAY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. RICHARDSON. Mr. Speaker, I am introducing a resolution designating May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day." In 1916 the Congress authorized the establishment of high school divisions of the Reserve Officer Training Corps providing a valuable and unique learning opportunity for hundreds of thousands of students. Today there are 1,495 Junior Reserve Officer Training Corps (JROTC) located in 46 States and, as part of the Department of Defense Dependent Schools, in the Caribbean, Pacific, Asia, and Europe. Hundreds of high schools around the Nation offer JROTC programs that concentrate on developing in their participants the desirable qualities of leadership, citizenship, teamwork, and individual initiative.

In my home State of New Mexico there are currently 18 JROTC programs in high schools across the State. In the Third Congressional District which I represent there are JROTC programs in Santa Fe, Espanola, and Fort Wingate. The communities of Penasco, Las Vegas, Taos, and Pojoaque are also very interested in including JROTC programs in their curriculum. The high school JROTC is a proven success in New Mexico and an integral part of the State's education system.

This year we celebrate the 73d anniversary of the establishment of high school divisions of the Reserve Officer Training Corps. I am introducing this resolution to bring national attention to a near quarter million young men and women across the Nation who proudly participate in the program. I believe it is appropriate to acknowledge and honor the contributions of the high school Reserve Officer Training Corps, its cadets and instructors, both past and present. I urge my colleagues to support this resolution.

FEDERAL BLACK LUNG PROGRAM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. RAHALL. Mr. Speaker, it would take me a great many pages in the CONGRESSIONAL RECORD to explain the extremely complex criteria, requirements, and adjudication process that have been promulgated under the Federal Black Lung Disability Program.

As it now stands, disabled miners who suffer from the crippling effects of black lung disease are being taxed beyond reason by a monolithic Federal bureaucracy so totally lacking in compassion to their plight that it appears intent upon harrassing their efforts to obtain just compensation at every single step of the claim adjudication process.

Today we are witnessing about a 4-percent approval rate on claims for black lung benefits. This figure does not attest to any reasonable and unbiased comportment of the facts. Rather, it represents nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well being of this Nation.

During a hearing on the program conducted by the Subcommittee on Labor Standards last year in Beckley, WV, one witness aptly described the current situation in this way:

Coal miners who were strong and vigorous workers have been reduced by years of inhaling coal dust to broken bodies, to strain for every breath. They are forced to go through degrading, humilating, and seemingly endless contests in a generally futile effort to obtain monthly benefits and medical care, a paltry compensation for the destruction of their health.

Mr. Speaker, this was to be a fairly straightforward program. It was certainly the intent of Congress that these coal miners and their dependents be compensated. Yet, through years

of administrative maneuverings aggravated by some extremely harmful judicial interpretations, there can be no denial of the fact that black lung proceedings before the Labor Department today are extremely adversarial in nature against the claimant. This type of philosophy certainly does not represent the statutory commitment we made to compensate these coal miners.

I have mentioned congressional intent and made reference to harmful judicial decisions. The legislation I am submitting today seeks to address one of those cases, the 1987 Supreme Court decision in the Mullins case, by reinstituting the intent of Congress as it relates to the class of claims filed between July 1, 1973, and April 1, 1980, during what is known as the Labor Department's interim regulatory period.

These interim regulations were promulgated as a result of the Black Lung Benefits Reform Act of 1977 which in part required the Labor Department to adopt eligibility standards not less restrictive than what had been in effect on June 30, 1973; a reference to a set of standards promulgated in response to the Black Lung Benefits Act of 1972 by the Secretary of Health, Education, and Welfare which expired on that date.

It is widely believed that the interim Labor Department standards were far more restrictive than HEW's, the Court's decision in Mullins to the contrary. This belief is supported by the fact that the claim approval rate dramatically improved under the HEW standards while it continued to decline under the Labor Department's administration. Obviously, this difference in claim approval rates hardly supports the "no more restrictive" criteria established by the Congress in the 1977 act.

Interestingly enough, in a December 1988 Supreme Court decision relating to an aspect of the Labor Department's interim standards which was not within the scope of the Mullins case, the Court ruled that these standards were in fact in violation of the law. The class of claims involved in this decision involved the question of whether the interim standards were more restrictive as they related to claims filed by workers with less than 10 years of experience in the mines—a question which the Court decided in the affirmative—while the Mullins case primarily dealt with issues involving presumption of eligibility and rebuttal for claims filed by workers with at least 10 years experience during the interim program.

The bill I am introducing today, entitled the Black Lung Benefits Eligibility Clarification Act of 1989, seeks to address the Court's finding in the Mullins case—one which I strenuously disagree with—in support of the Labor Department's interim regulations. Joining in the introduction of this legislation are the gentlemen from Virginia, RICK BOUCHER, and from West Virginia, HARLEY STAGGERS, Jr. Our legislation would clearly impose the type of eligibility standard intended by the Congress in the 1977 act by reiterating that a claimant can establish a presumption of black lung with a single piece of qualifying evidence, just as was required under the HEW regulations in effect on June 30, 1973.

In the Mullins case, the claimant not only had a qualifying x ray, but two qualifying ventilatory studies and one qualifying physician's opinion and was nonetheless denied benefit eligibility.

This legislation by no means addresses all of the problems plaguing the Black Lung Program. There are so many of them, including the disenfranchisement of widow benefits and the pressing problem represented by the dearth of lawyers willing to take on black lung cases.

This bill is, however, intended to foster a new awareness within the Congress of the severity of the situation and to prompt some substantive remedial actions. During the Presidential campaign George Bush promised us a kinder and gentler Nation. Let us hope this promise extends to the Black Lung Benefits Program.

A TRIBUTE TO AFRICAN-AMERICAN ARCHITECTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. FAUNTROY. Mr. Speaker, the history of the African-American architect in this Nation has been one which is characterized by tenacity of purpose and pursuit of opportunity and excellence. The achievements of these professionals in architectural practice, government, education, and allied endeavors have been stellar even in their very early days when formal education in architecture was not available in historically African-American institutions of higher education.

On February 9, 1911, the trustees of Howard University approved degree studies in architecture, thus creating what was to become a premier academy, the Howard University School of Architecture and Planning. The legacy of this school, its faculty, students, and alumni is repleat with distinctions that are well known and revered in the professional community and the community at large.

A measure of the greatness of an institution is the extent to which it acknowledges both those who contributed to its stature and those who labored parallel to it, but always to the same end. In this context, the Howard University School of Architecture, as a component of its Black History Month Celebration, will honor 13 African-American architects who have made significant contributions to the participation of African-Americans in the profession. Included among the awardees are the first African to attend and complete degree studies in South Africa and to practice independently in that country, early faculty members of Howard and Tuskegee Universities, the first African-American national officer of the American Institute of Architects, the past presidents of the National Architectural Accrediting Board and the National Council of Architectural Registration Boards, the only African-American architect to be elected mayor of a major American city and seven African-American Fellows of the AIA.

I share with you and our Nation profiles of the awardees:

DISTINGUISHED FIRM AWARD

Robert P. Madison, International, Inc. Architects, Engineers, Planners, Cleveland, Ohio. Established more than thirty-four years ago, this premier firm lists among its projects work on the U.S. Embassy in Dakar, Senegal.

YOUNG FIRM AWARD

DeJongh Associates, Architects, Engineers & Planners, U.S. Virgin Islands. Robert and Donna DeJongh established their firm in the U.S. Virgin Islands fifteen years ago and since that time have etched an impressive record of practice that expresses a distinctly vernacular style.

OUTSTANDING EDUCATION AWARD

Louis E. Fry, Sr., FAIA, Professor Emeritus, Howard University, Washington, DC, and John Welch, FAIA, Dean Emeritus, Tuskegee University, Tuskegee, Alabama. The records of Professors Fry and Welch in education at Howard and Tuskegee Universities and their architectural firm Fry and Welch Associates, P.C. stand as models for educators in practice. Their achieving excellence in the areas of architecture education and practice inspires the joint citation to these teachers and their firm.

SERVICE AWARD

Walter Scott Blackburn, AIA, Indianapolis, Indiana. Walter Scott Blackburn returned to his native Indianapolis after completing the Bachelor of Architecture degree at Howard University. The intervening 26 years were consumed with establishing a practice and extending his talent and energy to his community. Previous recognition for service includes the Kool National Achiever Award.

INDIVIDUAL CITATIONS

M. Peter Malefane, first African graduate of a South African school of architecture and only independent African practitioner in that country.

John H. Spencer, FAIA, Past President, National Architectural Accrediting Board.

Lorenzo P. Williams, FAIA, Past President, National Council of Architectural Registration Boards.

Robert J. Nash, FAIA, First African-American national officer of the American Institute of Architects and co-founder of the National Organization of Minority Architects, NOMA.

Harvey B. Gantt, FAIA, First African-American architect to be elected mayor of a major city.

Clarence B. Wheat, Sr., University Architect, Howard University, 1933-1975.

Andrew D. Billingsley, PhD, President, Morgan State University during development of Built Environment Studies Program that included architecture, city planning, landscape architecture and urban design.

Gary A. Bowden, AIA, Partner, RTKL Associates Inc., Architects/Planners/Urban Designers, Baltimore, Maryland.

Deurouax and Purnell Architects & Planners, P.C., Washington, D.C. based firm whose principals extend their expertise and that of the firm to the benefit of a wide range of community and professional organizations.

INTRODUCTION OF LEGISLATION AUTHORIZING THE LAKE ANDES-WAGNER AND MARTY II PROJECTS

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. JOHNSON of South Dakota. Mr. Speaker, I have today introduced a bill to authorize the Secretary of the Interior to construct, operate and maintain the Lake Andes-Wagner unit and the Marty II unit as elements of the Pick-Sloan Missouri Basin Program.

This project would greatly strengthen the agricultural base of the economy and stabilize the dangerous trend of population decrease in this region. The severe drought last summer highlighted the drastic need for irrigation development in this part of the country. Without this help, farmers and ranchers will continue to suffer, and the rural population will continue to dwindle. Unfortunately, predictions are already coming in that this area will be hit by drought once again. By surveying the past, we can see that drought is a constantly lingering fear, and we cannot afford to lose our family farmers and lose a way of life by standing by and doing nothing when we can take positive action now.

An answer has been found to mitigate this problem, and that is to irrigate. Through irrigation, farmers in the area will have a steady, reliable source of water. In addition to stabilizing the growth of traditional grain crops, irrigation would allow farmers in this area to diversify into specialty agricultural products such as potatoes. Greater diversification would strengthen the national agricultural economy as a whole. At the same time, this stabilization of feed grains would eliminate the farmer's need to purchase or import these grains for livestock in dry years, once again stabilizing the integrated family farm operation and potentially reducing foreign imports.

Both Lake Andes-Wagner and Marty II are located in Charles Mix County in southcentral South Dakota. These units are located near the Fort Randall Dam, one of the six Pick-Sloan dams on the mainstem of the Missouri itself. The reservoir formed by Fort Randall Dam, Lake Francis Case, would be the water supply source for the project.

Total irrigation from the Lake Andes-Wagner projects amounts to 45,000 acres, including about 1,700 acres of Indian-owned land located on the Yankton Sioux Reservation. All the lands included in the Lake Andes-Wagner unit are currently being dry farmed. The Marty II unit is made up of approximately 3,000 acres owned entirely by Indians and located on the Yankton Sioux Reservation; this portion of the project would be operated entirely by the Yankton Sioux Tribe. The economic problems on our Indian reservations in the United States today are well documented. These people are suffering and this irrigation project could be a tremendous boost to their economic base.

Authorization of this project is in accordance with the partial recognitiion of the Pick-Sloan commitments following the inundation of lands in South Dakota, including lands in the Yankton Sioux Indian Reservation, by mainstream Missouri River reservoirs constructed and operated by the United States. As the host State to four of the six mainstem dams built under the Pick-Sloan Program, South Dakota has contributed 530,000 acres of agricultural land, much of it prime farming bottom lands, to the mainstem Pick-Sloan dams and reservoirs. In total, 58,000 acres in Charles Mix are under the water stored by Fort Randall Dam and have been for more than three decades. The inundation of these lands has resulted in a significant amount of foregone economic activity, including lost farm land, lost wildlife habitat, lost personal income, and lost tax base. It has been estimated by economist Dr. Jay Leitch of North Dakota State University that the people of South Dakota lost $79 million per year as a result of foregone economic activity on the submerged lands.

In return for accepting this lost land and tax base, the Pick-Sloan legislation offered South Dakota an authorization for some 972,000 acres of irrigation to strengthen and stabilize the State's economy. Unfortunately, this promise has not been realized, since only 24,100 acres, or approximately 2 percent, have been developed under the program. In addition, while the bulk of the hydroelectricity is generated in South Dakota—67 percent of the entire Pick-Sloan system power—South Dakota receives only 17 percent of this hydropower. South Dakota exports 70 percent of the power it produces from the mainstem dams within the State. While South Dakota accounts for one-third of the entire project land, it is scheduled to receive only about $55 million in irrigation aid, yet Nebraska is scheduled to receive $800 million and North Dakota $526 million. Ratepayers in South Dakota subsidize irrigation and power for other States, yet they receive few of the benefits. It seems inequitable that South Dakota bore the bulk of the project while the majority of the benefits go to other States, so the project sponsors believe they have a clear case for their region to receive additional benefits from the Pick-sloan system in the form of irrigation development. The Lake Andes-Wagner and Marty II projects are reasonable, worthy, and economical projects to in part address the Federal Government's unmet commitment to the State of South Dakota.

The project sponsors have made a good faith effort to address each concern that has come before them; they have tried to compromise at every turn to develop a project which meets the fiscal criteria of the Government. A legitimate cost-share has been integrated into this legislation so that the costs of this project will be shared among Federal, State, and local entities. These people are more than willing to pay their fair share for the benefits which will accrue.

Project sponsors for the Lake Andes-Wagner and Marty II units have been tireless in their efforts to make this desire for a steady supply of water a reality. These people merely want to continue the tradition of the self-sufficient South Dakota family farmer. I believe that this project goes to the heart of the problem facing America's Westen States—the lack of water. People in this region have invested their hope in irrigation as a means to stabilize the agricultural economy. Furthermore, this project is another step toward meeting the Federal commitment emanating from the Pick-Sloan agreement. The project sponsors are willing to bear a heavy burden to make this project a reality, and they will continue working until they are successful. I stronly support their efforts, and I look forward to bringing economic stability to this region of South Dakota.

H.R. 823, THE TELEVISION SELF-REGULATION ACT OF 1988

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. TAUKE. Mr. Speaker, as long as television has been a part of American life, Congress and the Federal Communications Commission have struggled to address problems with television programming and advertising. Concerns have been expressed about the effects of the depiction of violence on our children; the effects of too many commercials on programming; and the effects of children's shows that are program-length commercials, where the show itself becomes a sales vehicle, just to name a few.

These examples are only a part of the overall debate about what, and how, television stations should program for their audiences. Some say that the fairness doctrine, which was abolished by the FCC last year, was the last remaining regulation which assures that TV stations operate for the benefit of their viewing public. I disagree with that contention, as the House knows. However, I believe strongly that effective steps should be taken to make the television industry more responsible for the shows they beam to the Nation, and more attentive to the possible effects of its products on our citizens.

There are basically two ways to accomplish the goal of better, more responsible television programming. In the first way, the Government imposes restrictions on what stations may program or advertise, or for how long they may do it, almost as a reflexive response to some perceived wrong. Legislation of this kind may seem smooth and inmocuous on the surface. But the deeper you go, the murkier the rights of broadcasts become.

This Congress has approved two bills that provide excellent illustrations of the pitfalls of this approach. Last year, in the Fairness in Broadcasting Act, H.R. 1934/S. 742, we would have required all television and radio stations to provide time for the discussions of opposing views on issues of public importance. This sounds fair on the surface. But in reality, this legislation would have empowered the visible hand of Government to reach into the editor's office and dictate the content of newscasts. Not only that, but if the Government is not satisfied with the balance given to a story, it could impose sanctions against the station. Needless to say, this is a result precisely at odds with the letter and spirit of the first amendment. Fortunately, the President recognized this when he vetoed the bill, and the FCC demonstrated the violence it would

have done to the first amendment when it repealed its fairness doctrine regulation last year.

My second example is provided by the Children's Television Act (H.R. 3966), which this House passed just last June and which the President pocket vetoed. The bill's major provision limits the amount of commercial time that may be aired during children's programs on the theory that too many commercials harm children in some way. Yet, no clear evidence was presented to indicate how many commercials are too many, or how children are hurt by too many commercials. Not only that, but the vast majority of TV stations are not even violating the time limits ultimately imposed by the bill. Finally, no attempt was made to gauge the effects of this allegedly harmful advertising on children watching programs other than children's programs, even though children watch more TV during prime time than on Saturday mornings.

The worst thing about the Children's Television Act is that many appear to believe the bill will foster improvements in children's programming. However, they are sadly mistaken. The bill never addressed in any substantive way the root concerns of parents and children's TV advocates—improving the programming our children watch.

The same thing can be said of fairness doctrine legislation. It does not improve programming. It provides no incentives for TV stations or networks to address problems associated with what news they cover or how they cover it. Legislation of this kind only provides hoops through which broadcasters jump in exchange for tacit Government agreement to let them run their business undisturbed. I say that kind of trade does no one any good. In fact, it perpetuates the very problems that legislation is meant to solve.

These attempts at reregulation come at a time in which broadcast television is losing significant audiences to cable TV and other video entertainment. Twenty percent of the broadcast network audience has been lost in the last 4 years. Clearly, in order to stay competitive, broadcasters need less regulation, not more. Not even must-carry legislation or the advent of high-definition television will save their preeminent place in the video world if their programming is not distinctive and desirable. After all, people watch programs, not pictures.

In the new, competitive video world, broadcasters cannot rely on jumping through regulatory hoops to retain the value of their licenses. Those hoops prevent them from responding effectively to the new challenges posed by an environment where consumers have many more places to go to get their news and entertainment. Legislation that imposes Government controls over content contributes to the stagnation of broadcast TV network programming, and ultimately to the decline of broadcast TV as a major force in American news and entertainment.

Both broadcasters and the Government face a dilemma. How can better programming be encouraged without censorship? I believe there is an alternative to the heavy hand of Government that does not add more hoops for broadcasters to jump through.

Those who are truly concerned about preserving our over-the-air system of broadcasting should encourage the television industry to better its service to the public in ways that the Government cannot, and should not, mandate. The best way to accomplish that goal is by permitting broadcasters to enact a comprehensive code governing the programming and practices of the television industry. The National Association of Broadcasters once had a code, but abandoned it after a 1982 court decision suspended it in part. Thus, legislation is necessary for broadcasters to set industrywide standards.

Today, I am introducing the Television Self-Regulation Act. Through its provisions, the television industry could work together to improve its programming in substantive, meaningful ways. A new broadcasting code would avoid the problems inherent in Government oversight of the content of broadcast programming. Through a new code, broadcasters could effectively address many of the problems that have vexed lawmakers and regulators for decades: The appropriate amount of advertising during programs, including children's programs; the curbing of portrayals of violence; even the responsibility of news and public affairs programs to present more than one side of important issues. The code would be voluntary in nature. However, the FCC could take a station's compliance with the code into account at renewal time. Participating stations thus could gain an advantage in the license renewal process by complying with the code's provisions.

Restoring the industry's ability to adopt cooperative programming standards would encourage the television industry to make collective decisions regarding programming and advertising standards that affect the industry as a whole. This is particularly appropriate in light of the place television occupies in our national life. Broadcasting provides a lifeline of shared experiences that knits our Nation together. It also is an important source of values and morals. We must never forget that. It should make us even warier of direct Government controls over programming content.

In an age where broadcasting shapes the national consciousness and frames the national debate, we must be concerned not only about the quantity of available programming, but about its quality as well. The other body has recognized this: Last year, it unanimously passed a bill, S. 844, to permit broadcasters to establish standards to lessen the amount of violent programming. It is time the House took a similar path, and allowed those who produce and air the programming to cooperate with each other to improve the programming.

Some say that television cannot be special unless it is subject to Government regulation. However, the focus should be less on who regulates and more on what the result is. Content controls imposed by the Federal Government will have consequences that are disturbing for the future of the broadcasting industry as we know it. I urge all Members who want to encourage the television industry toward more innovative, responsible programming, and advertising to support the Television Self-Regulation Act.

ELBERT P. TUTTLE COURT OF APPEALS BUILDING

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. LEWIS of Georgia. Mr. Speaker, I am introducing legislation today to designate the U.S. Court of Appeals Building at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle Court of Appeals Building." I could not think of a more fitting tribute for this 92-year-old American hero.

There are few judges who have had the impact on the law that Judge Tuttle has had and continues to have. As Chief Judge of the U.S. Court of Appeals for the Fifth Circuit from 1960 to 1967, the height of the civil rights movement, he led the court and wrote opinions that fundamentally changed the legal landscape of the South. Jim Crow laws were declared unconstitutional; voting rights for African Americans became a reality; racial discrimination in jury selection was curbed; State universities and colleges were desegregated; and education at all levels, perhaps one of the most important opportunities for all children, was given paramount importance.

Judge's Tuttle's leadership and the legal imagination and courage shown by him and other members of that great court made change possible not only in the South, but in the Nation as a whole. Moreover, the sound legal basis of the results reached by the fifth circuit added legitimacy to the rulings of the Supreme Court, by placing the Court in the position of affirming the opinions of the South's own judges, rather than imposing its will from on high in Washington, DC.

Through the judge's career, both on and off the bench, he has consistently stood for a humane approach to law, one that focuses on the parties involved and the particular human issues they represent. For Judge Tuttle, the law is not only a chess game but, the complex embodiment of human attempts to resolve human problems. It is his focus on the human dimensions of a case that explains why in some instances, be believes the law must change. It is also his focus on the human dimensions of a case that explains why cases do not linger in Judge Tuttle's office. The dispatch and care with which he renders his clear, logical opinions are increased by his sensitivity to the real parties in the case before him and their desire to have the case resolved.

His sensitivity and logic were strong characteristics of his formal opinions for the court. He is a fine writer, reflective of his days as a newsman at the Times. His opinions were smooth, logical, and natural instructure.

It has often been said that Judge Tuttle is incapable of being unfair. He has a single standard. It applies to him as well as everyone else. He is no less exacting of others than he is of himself. Never has he allowed the person of a party, the reputation or action of counsel sway him from a cold analysis of competing factors leading to a conviction.

As a result of his rendering many decisions on behalf of proponents of the Civil Rights

movement, Judge Tuttle was socially ostracized by southern whites as well as many in the Republican Party. I am thankful that this Nation was blessed with such a jurist of conscience, the likes of which we may never see again.

Again I offer this tribute to one of our Nation's heros and urge your support of this resolution.

RETIREMENT OF JOE CUCCHIARA—OUTSTANDING CITIZEN

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to an outstanding leader and tireless public servant from California's 16th Congressional District, Santa Cruz County Supervisor Joe Cucchiara. On February 9, a retirement dinner will be held to honor Joe Cucchiara in Santa Cruz. While I cannot be at the retirement dinner, I am pleased to have this opportunity to express my sincere appreciation to Joe for his endless hours of hard work and also to share with my colleagues a glimpse of the many contributions Joe has made to Santa Cruz and the Nation as a whole.

Joe Cucchiara was born here in Washington, DC in 1947. He graduated from the University of Maryland and then went on to perform graduate work in areas of interior design and architecture at the Pratt Institute in New York, the National Art Academy in Washington, DC, and the University of California at Berkeley.

Joe started his career as a member of the innovative human behavior and architectural design team for the NASA Skylab Earth Station in 1969. He continued working in the architectural field during the early seventies on industrialized building systems design projects in New York and Zurich while also teaching architectural design at the University of California at Berkeley.

In 1974 Joe started his long tradition of putting his architectural skills to work for the community that characterized his career of public service. From 1974 until 1980, Joe was a principal architect in an energy and design firm that emphasized self-help housing to provide low-cost housing for the needy.

Joe was elected to the Santa Cruz County Board of Supervisors for 1980 through 1988 and also served as chairman of the board of supervisors in 1983 and 1988.

Mr. Speaker, rarely have I encountered a public servant who is willing to give so selflessly of himself as Joe Cucchiara is. Since his election to the Santa Cruz County Board of Supervisors, Joe has been involved in countless projects to assist the residents of Santa Cruz County, from energy conservation to drug abuse rehabilitation. But it is specifically in the areas of disaster assistance and environmental protection that Joe's assistance has been virtually indispensable to me.

Without Joe's efforts in obtaining disaster assistance funds for Santa Cruz in the early 1980's, Santa Cruz County may very well have never recovered from the destruction caused by the catastrophic floods and landslides in 1982, 1983, and 1986.

Joe was the first to initiate and implement the innovative concept of using private investment funds to repair publicly owned roads and drainage facilities which were damaged in the Santa Cruz County flood disasters of a few years ago. Through his efforts, Santa Cruz County was able to obtain $5 million in private investment funds and lobby for an additional $3 million in disaster assistance from the State and Federal Governments.

Joe was also instrumental in working with the National Association of Counties to launch a review here in Congress of the Federal Disaster Relief Act of 1974 which eventually led to the major disaster relief reform bill that was passed by the House last fall.

I am also indebted to Joe for lobbying before Congress and the Governor of the State of California in favor of protecting the coast of California from the proposed Outer Continental Shelf gas and oil exploration and development in California.

I am sure that my colleagues will agree on how much we as Members of Congress depend on the support of our local community leaders to get the job done. I have been extremely lucky to have had the honor and pleasure to work with a man as dedicated and committed to serving the residents of Santa Cruz County as Joe Cucchiara.

Sylvia and I would like to join the people of Santa Cruz County in congratulating Joe on his retirement. You can be sure that he will be missed by all who have had the pleasure of working with him. I am sure that my colleagues will want to join me in wishing Joe the best of luck in the years to come.

A TRIBUTE TO SUSAN KELLY KENNEDY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Ms. PELOSI. Mr. Speaker, it is with great honor that I take this opportunity to recognize Susan Kelly Kennedy on the occasion of her retirement from public service

As she begins a new chapter in her life, it is appropriate that we remember her dedication and distinguished service to the people of San Francisco and to the Nation.

Susan Kelly Kennedy graduated from St. Paul's High School in San Francisco. She was employed by George Hardy at the Service Employees Union after graduation. In 1960, she was elected as the youngest member of the San Francisco Democratic County Central Committee and she served on that local governing body of the party for a quarter-century.

In April 1962 she was hired by Assemblyman Phillip Burton, chairman of the committee on social welfare, as a member of the committee staff. When Mr. Burton was elected to Congress in February 1964, Mrs. Kennedy joined his staff and was responsible for opening a full-time district office to provide service for San Francisco constituents. This was a significant accomplishment. It was the first time a Congressman had opened a full-time district office in California, and it added a new dimension to the public service responsibilities of Representatives which today is accepted as commonplace.

Mrs. Kennedy has long been active in Irish-American affairs in San Francisco and was a member of an official San Francisco delegation to Ireland. Her lifetime devotion to the cause of organized labor in San Francisco is exemplary.

Following the death of Congressman Phillip Burton, Mrs. Kennedy served as a principal staff member in the San Francisco office of his widow, and successor Congresswoman Sala Burton until her death in early 1987. Then, during the summer of 1987, Mrs. Kennedy assisted me during the transition when I was elected to serve the Fifth District of California.

Having long shared the Burton family enthusiasm for the environmental movement and for the National Park Service's endeavors at the Golden Gate National Recreation Area, Mrs. Kennedy accepted an administrative position at the recreation area to assist in the creation of a separate unit for maritime history and to coordinate the completion of the memorial to Congressman Phillip Burton which had been authorized by Congress. After a career in public service spanning more than a quarter-century, Mrs. Kennedy has decided to retire. We of San Francisco are grateful for her hard work and dedication, which have been a good example of how staff members may enable Members of Congress to more effectively serve their constituents and the Nation more effectively.

CONGRESSIONAL PAY RAISE

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. STANGELAND. Mr. Speaker, I register my opposition to the Commission on Executive, Legislative and Judicial Salaries' recommendation for a 50 percent salary increase for Federal judges, Cabinet Secretaries, top level executive branch officials and Members of Congress. I object to the pay raise, and I also believe the process by which it is secured is in need of reform. That is why I have joined as a cosponsor of H.R. 401—the Congressional Pay Reform Act. This much needed legislation will mandate a recorded vote by every Member of Congress, and will defer the salary raise until the succeeding Congress.

Although this is a correct measure whose time has come, its chances of passage before February 7 are, as they say, slim and none. The House of Representatives must not hide behind the shroud of sneaky parliamentary procedures rather than vote on the 50 percent pay raise. Thus, Mr. Speaker, it is up to you and the Democratic majority.

It is my firm hope that the 101st Congress will be allowed to vote on the pay raise proposal which I will oppose. We owe ourselves, the great institution we serve and the Ameri-

can people, who have entrusted us to be their honest champions, nothing less.

VIETNAM VETERANS POSTTRAUMATIC STRESS DISORDER COMPENSATION ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. KASTENMEIER. Mr. Speaker, today I am introducing the Vietnam Veterans Posttraumatic Stress Disorder Compensation Act which would provide a presumption of service connection for the occurrence of posttraumatic stress disorders [PTSD] in veterans who served in Southeast Asia during the Vietnam era.

Approximately 4 million Americans were stationed in Southeast Asia during the Vietnam war. For many of those who returned, the war still is never very far away. It has a profound impact on their lives and that of their families and friends. It continues to haunt them, often resulting in the most disturbing consequences.

According to the Readjustment Counseling Service for the Veterans' Administration, about 20 percent of Vietnam have substantial war-related psychological difficulties that are impairing their lives. A recently completed 5-year American Legion-Columbia University Vietnam Veterans Study concluded that 15 percent of the Legionnaires who had experienced high combat in Vietnam fulfilled the medical criteria for PTSD. This study also showed that this problem does not diminish with time. Although some of the veterans suffered their trauma as much as 20 years ago, the same level of PTSD symptoms persist. Another study, the National Vietnam Veterans Readjustment Study, by the Research Triangle Institute, estimated that about 15 percent, plus or minus 2.6 percent of male veterans who served in Vietnam are currently suffering from PTSD. Among female Vietnam theater veterans, 9 percent, plus or minus 2.8 percent, are current cases of PTSD. Current prevalence rates among blacks are 19 percent, plus or minus 4.5 percent. For Hispanics, the rate is over 20 percent, plus or minus 7 percent. This means that 600,000 to 800,000 veterans plus family members are still suffering the effects of the tragic period in our history.

In 1980, the American Psychiatric Association published the "Diagnostic and Statistical Manual of Mental Disorders," third edition, with a new category: Posttraumatic stress disorder, acute, chronic and/or delayed. The symptoms of posttraumatic stress disorder listed in SMD-III include nightmares and flashbacks—ranging from minor to overwhelming—of traumatic events, insomnia; anxiety; depression; irrationality; numbling alienation from friends, family and society; inability to resume productive living; impulsive behavior, and survivor guilt. Additionally, some Vietnam veterans demonstrate complex educational, social, economic and life-style problems.

The VA Readjustment Counseling Service has chronicled several categories of stresses that are found in Vietnam veterans—stresses that are unique to the Vietnam war.

Veterans suffer, admittedly, from the psychiatric trauma inherent in all wars. These include prolonged threat of annihilation; exposure to multiple deaths, dismemberment, mutilation, agony, and bodily destruction of both friends and enemies; horrid living conditions; and the cultivation of a state of mind permitting one to attack and kill others over an extended period of time.

Additionally, there are the stresses caused by the particular military and political features of the Vietnam war.

Exposure to terrorism, affecting both combatants and noncombatants over an extended period of time, was a unique feature of the Vietnam war.

There also was a sense of purposelessness about the involvement in the Vietnam war which was absent in other wars. No matter how one viewed Vietnam, most soldiers in Vietnam experienced it as meaningless, absurd, and wasteful.

It was not enough that the Vietnam war experience itself was an extreme emotional assault on the combat soldier, the stress of homecoming proved almost as difficult. Unlike the end of World War II, when veterans came home with friends on troopships and were able to spend time making a gradual transition from combat to peacetime and were greeted by cheering crowds, parades, and a thankful public, Vietnam veterans came back by plane, in less than 48 hours, with no debriefing, and frequently were greeted with hostility, embarrassment, or indifference. Nobody wanted to hear about Vietnam.

Also unique to the Vietnam experience has been the postwar period since 1975. The war itself dragged on to a chaotic conclusion, ending in total defeat for the United States-supported Saigon government. And, since then, the United States has pursued a policy of generally avoiding the present-day nation of Vietnam.

Adding to the war experience and the trauma of the return home, is the fact that most veterans have found it difficult to obtain treatment for their psychological disorders. Until the beginning of the Vietnam veterans outreach project by the Disabled American Veterans in the fall of 1978, and the startup of Operation Outreach by the VA in October 1979, most Vietnam veterans were unable to receive counseling or psychotherapy for war-related symptoms.

All of these factors, taken in whole or in part, contribute to the presence of PTSD in as many as 800,000 Vietnam veterans. For many of these veterans, what was once a reaction to a traumatic situation or episode may become an almost unchangeable personality characteristic and can be extremely debilitating.

In February 1987, the Center for Disease Control released its Vietnam Experience Study, summarized in the February 13, 1987, issue of the Journal of the American Medical Association. The CDC study, commissioned by Congress in two separate actions in 1979 and 1981, was designed to assess the health of Vietnam veterans.

The Journal of the American Medical Association summarized the CDC's study as follows:

> The postservice morality—through December 1983—of a cohort of 9,324 U.S. Army veterans who served in Vietnam was compared with that of 8,989 Vietnam-era Army veterans who served in Korea, Germany, or the United States. Over the entire followup period, total mortality in Vietnam veterans was 17 percent higher than for other veterans.

Most of the excess deaths occurred in the first 5 years after discharge, according to the JAMA article, and were primarily related to external causes rather than diseases or medical conditions. In contrast to other veterans, Vietnam vets exhibited 72 percent more suicides, 93 percent more auto fatalities, and 69 percent more accidental poisonings, mostly in the form of drug overdoses.

The CDC states, in drawing conclusions from the statistical evidence:

> Our findings and previous studies suggest that the post-service excess in traumatic deaths among Vietnam veterans is probably due to unusual stresses endured while stationed in a hostile fire zone.

In citing the uniqueness of the Vietnam experience, the report notes:

> * * * our findings may reflect consequences of the unique environment and experiences of serving in Vietnam and returning to an unsupportive and sometimes hostile climate in the United States.

Findings similar to those of the CDC were contained in the final report of the Wisconsin Vietnam Veterans Mortality Study issues in March 1986. The study consisted of a cohort analysis of 43,398 veterans who served in Vietnam. Their mortality risk was compared to the experience of 78,840 veterans in the Vietnam war period who did not serve in Vietnam. The findings showed that the Vietnam veteran experienced a higher mortality rate for all external causes of death, all accidents, and all motor vehicle accidents when compared to non-Vietnam veterans. When compared to civilians, the Vietnam veterans had a higher risk for suicide.

In forwarding a copy of the study to me, the Secretary of the Wisconsin Department of Veterans Affairs, John J. Maurer, noted:

> The pattern of higher mortality in the accident, suicide, and cirrhosis deaths show that the Vietnam veterans' concerns for posttraumatic stress disorder are real and substantial. These increases are indicative of a high underlying level of stress which may have been caused by the veterans' war time experience in Vietnam.

Beginning in October 1980, the Veterans' Administration accepted the diagnosis of posttraumatic stress disorder, delayed type, as a potentially compensable disorder. This meant that for the first time since World War I, the VA could consider disorders to be service-connected when the symptoms first appeared more than 1 or 2 years after military discharge. However, there is still considerable uncertainty regarding the VA's effectiveness in meeting readjustment needs of those veterans who suffer from PTSD. To correct this situation, the Vietnam Veterans Posttraumatic Stress Disorder Compensation Act, which I am introducing today, permits the VA to accept a presumption of service-connection when posttraumatic stress disorders are found in veterans who served in Southeast Asia

during the Vietnam era, using the definition of PTSD contained in DMS–III. Section 313 of title 38, establishing the presumptions rebuttable, is retained. Joining me as original cosponsors of the Vietnam Veterans Posttraumatic Stress Disorder Compensation Act are: Mr. TOWNS, Mr. FOGLIETTA, Mr. MOODY, Mr. LEWIS of Georgia, Mr. STOKES, Mr. OBEY, Mr. DYMALLY, Mr. MARTINEZ, Mr. WOLPE, Mr. MCHUGH, Mrs. COLLINS, Mr. DELUGO, Mr. GUNDERSON, Mr. WEISS, Mr. VENTO, Mr. FEIGHAN, Mr. OWENS of New York, Mr. FRANK, Mr. BONIOR, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. TORRES, Mr. DEFAZIO, Mr. KLECZKA, Mr. RANGEL, Mrs. KENNELLY, Mr. CROCKETT, Mr. ACKERMAN, Mr. FAZIO, Mr. STUDDS, Mrs. BOXER, Mr. ESPY, Mr. BUSTAMANTE, Mr. GILMAN, and Mr. EVANS.

Mr. Speaker, the fact is the PTSD has been identified and its presence in literally thousands of Vietnam veterans has been acknowledged by authorities in the fields of both psychological disorders and veterans' disabilities. The symptoms have been delineated by the American Psychiatric Association, providing a body of criteria to be met to establish the presence of the disorder. It seems appropriate, in light of all this, to enact legislation to provide the presumption of service-connection in the case of the presence of PTSD in Vietnam veterans.

REINTRODUCTION OF THE FAMILY AND MEDICAL LEAVE ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mrs. ROUKEMA. Mr. Speaker, now, more than ever, the families of America need the protection of a family leave minimum labor standard.

The work force is changing dramatically and these changes have had a profound impact on the American family. The two-worker family is increasingly becoming the norm. The primary provision of the Family and Medical Leave Act—job security—simply guarantees that employees who must take leave are not fired. This is the job security issue of our day.

And the fact of the matter is that yesterday's family, a working father with a wife who stays home with the children, is no longer the norm.

By and large, in today's family both parents work. Women are entering and reentering the work force with greater frequency than ever before. Today, over 50 million women work outside the home, comprising over 44 percent of our national work force. The vast majority of all mothers hold down jobs outside the home, and increasingly, they are mothers of young children. Fully two-thirds of these working women are single parents. The other third of working women are married to men who earn less than $15,000 per year.

Why are women working in such great numbers today? Clearly, some are professional women on career paths. But the data is clear: the greatest single motivating factor is economic pressure. Simply put, it now takes two wage earners to sustain the same standard of living that one income could provide just 15 years ago. These families are not getting rich. They are getting by.

The cost of the American dream has gone up.

In addition, the elderly population is the fastest growing segment of our society. Medical cost controls that are sending our frail elderly home from hospitals sicker and quicker are increasing the need for home health care. The need for home hospice care is also growing. Studies indicate that it is women, and in this day and age, women with jobs, who are most likely to provide such home care.

The workplace must adjust to the needs of dual-earner families where both spouses work out of economic necessity. What can be more important to the economic protection of the family than job security?

The time has come to develop a family and medical leave policy that would guarantee that employees who must take leaves of absence because of child birth, a serious illness, or serious illness among family members will not be fired and will have their jobs remain open.

It is the job security issue of our day.

I realize that some business organizations have expressed their philosophical opposition to any family and medical leave legislation claiming that it represents mandated benefits. It does not. It is a minimum standard of protection consistent with the social and economic realities of contemporary society. It is fully consonant, traditional labor laws establishing minimum standards for child labor laws, those against sweat shops, worker health and safety laws, restrictions on overtime, and the minimum wage.

I share the concerns of business, especially small business, that far-reaching family leave legislation could harm productivity and profitability. That's why I have worked so hard to develop a compromise that balances the needs of employees to take leaves and the needs of employers to maintain productivity.

Under its terms, employees would be allowed up to 10 weeks unpaid leave for birth or adoption of a child or to care for a seriously ill child or parent, and up to 15 weeks unpaid leave for their own serious illness. Initially, only employers with at least 50 employees would be covered. After 2 years, a commission would report to Congress about the effect of this legislation on small business. One year later, the benchmark for the number of employees would drop to 35, unless Congress took other action based on the commission report. In order to qualify for leave, employees must have worked for their employer for more than 1 year and for at least 20 hours per week. Finally, the compromise contains a "business necessity" exemption for key personnel.

The compromise embodied in the Family and Medical Leave Act of 1989 strikes the proper balance between the needs of employees to take leave to care for family members and the needs of employers to continue efficient operation.

Mr. Speaker, to more fully explain the need for family and medical leave legislation, I have asked to be reprinted here an article I wrote on the bill that appeared in the August 22, 1988, edition of U.S. News & World Report:

THE GOP's MYOPIC VISION OF THE FAMILY

MARGE ROUKEMA ON HER PARTY'S NEED TO LOOK HOMEWARD

With the Republican convention at hand and the presidential campaign in high gear, candidates are rediscovering "the family." High time, too, particularly for my Republican Party, which considers itself the party of family values.

Both parties are engaged in an expensive bidding war over child care, the fashionable issue of this election season. The day-care center has replaced the factory plant gate as the campaign photo opportunity of choice.

Child care is an important national concern, of course. But we seem to have gone to extremes in focusing solely on it and committing billions to something that is more properly the province of businesses and the states.

The family issue that my party should be addressing is the need for a family-and-medical-leave policy—one that protects workers' jobs if they need a short, unpaid leave to deal with their own serious illnesses, to have a baby or to care for a sick family member.

I speak as both a Republican and as a woman who at one time chose to leave my profession as a teacher to become a full-time mother. I was fortunate to have a choice. While some women work because they want to, many work out of economic necessity. The price of the American dream has increased. Two thirds of women hold jobs outside the home because they are divorced, widowed, single or have husbands who earn less than $15,000 a year. Today's working families are not getting rich; they are getting by.

This is a reality of family life that has changed, while the Grand Old Party has not. It's time for the GOP to face the facts of life as they are. Along with Representative Bill Clay, a Missouri Democrat, I have introduced legislation that would require companies with 50 or more employees to allow workers who have been on the job for at least one year 10 weeks of unpaid leave for a birth or family illness and no more than 15 weeks for their own illness. This measure, which the General Accounting Office estimates would cost businesses just $188 million annually, is a carefully balanced compromise that takes into account the legitimate desires of small businesses to maintain their productivity. It is so well-balanced, in fact, that I have been bludgeoned from both the left and the right. Yet many of my Republican colleagues are reluctant to support it.

There is another part of the new family equation: Those over age 75. Although Americans are healthier and living longer, an overwhelming majority of these elderly will need the care of a family member when serious illness strikes. This is not an abstract problem. Families are thrown into crisis in these situations. I know. When my son was stricken with leukemia and needed care, I was free to remain at home. But what of the millions of mothers who work for the thousands of companies that do not have family-leave policies? According to a Wall Street Journal survey, only about 15 percent of companies have such policies. Imagine the utter anguish a mother—or for that matter a father—faces when they know a seriously ill child or elderly parent needs them—and know, too, that absence from work may mean loss of their job.

A family-leave policy is consistent with established labor standards that gave us such

protections as the 40-hour workweek. As society has changed, we have adjusted labor-protection standards accordingly. And this is not the kind of federal mandate that would interfere with collective bargaining or sorely strain our global competitiveness.

There is huge grass-roots support for a leave policy. I feel it in the reaction when I raise the subject back home and around the United States. Some time ago, I addressed tried-and-true party loyalists in my home county. To my surprise, my remarks generated, not controversy, but a standing ovation.

A family-leave policy is not just another "photo op" at a child-care center. It is a bedrock family issue that we in the GOP ignore at our peril.

PROTECTING THE DESERT

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. McCANDLESS. Mr. Speaker, the other day I was visiting the office of a Texas colleague and on the wall I saw a sign. It read, "Never ask a man where he's from. If he's from Texas, he'll tell you. And if he's not, why embarrass the poor fellow." I liked that sign because it showed the pride of Lone Star natives. And while I'm not from Texas, I have a home of which I am equally proud. That home is the California Desert.

For those of you who have never been there, let me explain a little about my part of the country. The California Desert is not sun-baked wasteland or endless sand dunes that you see in Hollywood movies. It's a vibrant, life-filled place, blessed with the bounty of nature. The desert is a place of mountains and valleys, wildlife, native flowers and clear nights. The desert is a place of stark, arid beauty, a special place, and I'm wholly committed to protecting it.

Mr. Speaker, I strongly support the enactment of California Desert wilderness legislation, but I believe its contents just as important as its passage. That is why I object to the bill introduced today by my colleague from Los Angeles [Mr. LEVINE]. The California Desert, with all its wonders, must be protected for the people, not from them.

The Cranston-Levine bill proposes to restrict access to 7.4 million acres of public desert lands. In everyday terms that means the bill would take an area the size of Vermont, Massachusetts, Connecticut, and Rhode Island combined, create three new national parks within them, and reserve the rest for the sole use of naturalists. On 4.4 million acres, or more than one-third of all public lands, access would be limited to hikers, backpackers and equestrians alone. Under this bill, less than four-tenths of the desert's resources would remain open to multiple use.

I object to the excessiveness of this proposal, and judging from the thousands of letters I've received, so do my constituents. Together, we believe the bounty of the desert can provide for all. There is room among its 12.1 million public acres for parks and wilderness, as well as hunting and grazing, rockhounding, mining, and off-highway recreation. We can protect the sensitive, without wholesale surrender of the desert's vast mineral resources. We can maintain wilderness without elimination of livestock. We can preserve solitude while allowing motorized family recreation. We can do it equitably. However, the bill introduced today does not.

I invite the sponsors of this legislation to work with those most affected, the people of the desert, to create a more balanced alternative. I urge them to attend our town meetings and listen to the voices of those who love the desert, support preserving it, and also promote its continued responsible use.

MINNESOTA POLAR EXPLORER TO CHALLENGE ANTARCTICA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. OBERSTAR. Mr. Speaker, 2 years and 9 months ago, on May 1, 1986, an expedition of six brave adventurers, led by two men from my district, Will Steger and Paul Schurke of Ely, MN, reached the North Pole. After nearly 2 months on the polar ice, and using only dogs and human muscle to move equipment and supplies, the Steger International Polar Expedition became the first verified successful mission to the Pole without the aid of motorized transportation or resupply.

It was not long after the conclusion of this adventure that Steger began to plan his next Polar trek, this time to the South Pole. Six months from now, on August 1, 1989, Steger plans to lead an international team on a 7-month journey—again by dogsled—across the Antarctic Continent.

The story of Steger's plans and his preparations for the expedition is told in the accompanying article, which appeared in this week in the Washington Post. I respectfully submit it to my colleagues as a tribute to these courageous explorers and yet another example of the indomitable spirit of mankind:

[From the Washington Post, Jan. 31, 1989]

NORTH POLE CONQUEROR HEADS SOUTH

NEW YORK.—This is a watershed week for Will Steger, when he stops being a pitchman and resumes life as an adventurer.

For 2½ years, Steger has been drumming up funds for his ambitious plan to trek 4,000 miles across Antarctica by dog sled. Now, with $7 million in the bank, another $1 million in the pipeline and an Aug. 1 departure date looming, it's time to head for the hinterlands to train.

So how do you prepare for seven months in the harshest land on Earth? For starters, Steger and five colleagues from around the world will spend half of next month transporting portable toilets into the Minnesota backwoods by dog sled.

"Actually, it's ideal," said the slender, 43-year-old Steger, here last week for a final round of interviews. "The state needed to get 700 latrines into primitive campsites in the Boundary Waters Canoe Area and we needed a purpose for our training sessions." So a marriage of convenience was born, marking the humble beginning of a grand plan.

Steger led a remarkable voyage to the North Pole three years ago, when he and five others made the first successful unresupplied trek there via dog sled. His book about the trip, "North to the Pole," is an adventuring classic full of horrifying hardship.

Along the way, by bizarre coincidence, he met a Frenchman, Jean-Louis Etienne, who was skiing alone to the Pole with the aid of a resupply plane. Huddled together in a tent on a bitter, 50 degrees-below-zero night, Etienne and Steger discovered a common ambition to cross Antarctica and got so caught up in the talk, they kept gabbing even after the stove ran out of fuel.

That's commitment.

Yet when they headed off on different paths the next morning, Steger said he wasn't looking too far ahead. "What Jean-Louis was doing was pretty risky."

But both missions succeeded and when they returned to civilization, the men got in touch. They agreed on a multinational expedition to highlight the precarious circumstances of Antarctica, where one-tenth of the Earth's land is protected from commercial and military exploitation by a fragile, worldwide peace pact that expires in 1991.

The plan got a big boost when two major financial sponsors came on board, Steger bagging Gore-Tex and Etienne the French insurance company UAP. The Soviet Union offered a man, Victor Boyarsky, and full backup support including a Soviet plane to fly gear and 50,000 pounds of food to the starting point next summer.

Adventurers from Japan, China and England filled out the six-man team. A woman was part of Steger's North Pole team, the first of her gender to trek to that end of the Earth, but he said the only woman he could find who was qualified for the South Pole trip had other plans.

The average age of his fellow Antarctic explorers is over 40, a fact that bothers Steger not a whit. "A trip like this is about 25 percent physical and 75 percent psychological," he said. "You take a young person; he might be fit. But put him on rations in severe cold in close quarters and he might not make it.

"We're all established people. We're not self-centered; we're not trying to find ourselves. We'll be looking out for each other, not trying to prove anything."

Anyway, he's already confident five of the crew can work together well. All but the Chinese member, Guo Xiaogang, who hadn't been selected yet, spent two months mushing 1,800 miles across Greenland, south to north, last summer, including a 1,450-mile unresupplied stretch. The biggest problem? "Boredom," said Steger. "It was no North Pole."

The Antarctic trip, by contrast, will be a North Pole and more. Steger's last adventure was but a 1,000-mile, two-month affair. Now he's looking at more than half a year in the elements, at 16 times the expense.

The group's assets already include a $3 million, 120-foot aluminum ship to serve as a communications base and three airplanes on charter to fly in supplies and make a rescue if needed. Gasoline is being flown into the South Pole at $225 a gallon to assure access to a stretch east of the Pole called "The Area of Inaccessibility," where no one has ever gone on foot or landed a plane.

The men will work in pairs, each duo handling a sled and a dozen dogs. "It will be the first traverse ever on foot," said Steger, "and we're taking the longest possible route."

Challenges include altitude, Antarctica being the highest continent on Earth; ultraviolet rays, a result of the depleted ozone layer there; cold and wind, with temperatures dipping to 40 below and winds ranging to 30 knots and higher. Crevasses are a constant peril in this glacial land, and there is no remoter place on Earth. "We won't see anyone or anything except our resupply team for 2,000 miles," Steger said.

The last major successful assault on Antarctica was led by a Britisher, Robert Swan, who with two partners man-hauled sleds to the very bottom of the globe in 1984. Swan, oddly enough, is now organizing a man-hauling attempt on the North Pole starting March 1, while Steger readies his voyage south.

But as oddly parallel as the lives of these two adventurers are running, Steger says they have little in common.

"Swan says he doesn't like the cold," said Steger. "He's going for some other reason, for social causes.

"I like cold, remote places. I like to say I'm not driven to the Arctic, I'm drawn to it."

LONG-TERM CARE INSURANCE FOR FEDERAL WORKERS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. RINALDO. Mr. Speaker, today I am pleased to join with Representative FRENCH SLAUGHTER in reintroducing the Federal Employees Long-Term Care Protection Act. The need for long-term care will reach crisis proportions soon, yet most Americans are largely unaware of the impending threat to their financial security. We have promised to address this issue, and this bill is a first step.

Federal workers are generally well insured under the array of Government sponsored group life and health insurance policies. However, like most other Americans, Federal employees have no protection against the catastrophic costs associated with long-term care for chronic and debilitating illness. This bill would allow the Office of Personnel Management [OPM] to negotiate optional long-term care protection for Federal workers using the Federal group life insurance [FEGLI] plan as a vehicle. It grants OPM authority to contract through a competitive selection process for group life insurance products which can, at the employee's option, be "rolled over" to long-term care insurance while still preserving a minimum death benefit. Under this proposal, all long-term care insurance plans offered to Federal workers must meet or exceed the standards established for such products by the National Association of Insurance Commissioners.

Allowing the conversion of life-insurance to long-term care insurance makes sense, especially for older workers. As an employee reaches his mature years, his requirements for financial security—both for himself and for his spouse and heirs—change. Rather than carrying a large life insurance policy, originally purchased to protect dependents, into retirement, many older employees would be better served if a portion of this coverage and the reserve funds associated with it could be converted to long-term care insurance. Long-term care expenses, as you know, can eat up a lifetime's worth of carefully planned retirement savings in a matter of months. Also, under this proposal, individuals who do need to retain large amounts of life-insurance could still opt for the conversion and purchase additional life protection under FEGLI.

By offering long-term care insurance benefits, in addition to protecting Federal workers, the Federal Government will help spur the development of the long-term care insurance market and encourage other employers to follow suit. While a handful of employers offer long-term care insurance coverage to their workers, these are almost exclusively large companies with benefit plans that can accommodate market uncertainty. Smaller employers have been unwilling to offer a benefit with so little actuarial data and claims experience, and insurers have not aggressively targeted such firms with their products. As a result, the long-term care insurance market is evolving toward individual policies which are, frankly, too expensive for most people to afford.

By taking the lead in sponsoring a long-term care insurance plan for its own employees, the Federal Government could serve as a model for other employers. At the same time, it would vastly expand the existing data base on pricing and utilization patterns for long-term care insurance. Finally, it would encourage development and competition among insurance carriers serving group business.

Mr. Speaker, this proposal serves the dual purposes of protecting our own workers against long-term care expenses and helping to nudge the long-term care insurance industry to full throttle. What's more, it won't cost the Treasury a dime. I urge my colleagues to support this legislation.

REINTRODUCTION OF THE FEDERAL EMPLOYEES LONG-TERM CARE INSURANCE ACT

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SLAUGHTER of Virginia. Mr. Speaker, there is much the Federal Government can do to spur the demand and supply of private long-term care insurance. I believe such action is imperative because the Federal Government cannot solve the growing problem of financing long-term care without appealing to a substantial degree to the private sector.

One way the Federal Government can help is to offer group long-term care insurance on a voluntary basis to some of its 2.5 million workers. I introduced legislation last year to do precisely that, and I am reintroducing the same bill today along with eight of my colleagues: Mr. RINALDO, Mr. BURTON, Mrs. KENNELLY, Mr. MYERS of Indiana, Mr. HUGHES, Mrs. BENTLEY, Mr. LAGOMARSINO, and Mr. MEYERS of Kansas.

Under the terms of our bill, the Office of Personnel Management would select, through a competitive bidding process, several private insurance companies to participate in a new Federal employee group long-term care insurance program. This voluntary program would initially be open to the 650,000 Federal employees who are 50 years of age and older and their spouses, although it could be extended to all employees after 5 years.

Premiums for this insurance would be paid by each employee, but as an additional incentive to encourage participation, our bill would permit those insured under Federal group life insurance to voluntarily convert, on a tax-free basis, a portion of this policy to the new long-term care insurance program. This would enable participants to lower the monthly premium for their new long-term care insurance.

I believe this legislation would provide significant incentives for insurance companies to enhance their long-term care policies and for Federal employees to purchase attractive group policies at affordable rates. Finally, this program would encourage other businesses and State and local governments to offer similar policies to their employees, thereby increasing both the supply of and demand for long-term care insurance.

Senator PETE WILSON introduced the Senate version of this legislation last week with 36 original cosponsors, including Majority Leader MITCHELL and Minority Leader DOLE. We hope for quick action in the 101st Congress to provide this initial Federal response to a clear and growing national need: financing long-term health care.

INTRODUCTION OF THE HOME OWNERSHIP ASSISTANCE ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. AuCOIN. Mr. Speaker, I'm pleased to join my colleague from North Carolina, DAVID PRICE, in introducing the Home Ownership Assistance Act of 1989.

Since 1980, we have seen a dramatic decline in homeownership rates in the United States. While the percentage of decline over these years seem small—from 65.6 percent of households as homeowners to 63.8 percent—it still means that nearly 2 million fewer families own homes today than would have had the prior rate been sustained. For younger people, the decline has been particularly acute. The percentage of homeowners in the 25- to 29-year-old category has declined by 7.4 percent. For those between ages 30 and 34, the decline has been 7.9 percent.

Ironically, there are millions of Americans who can afford to pay the monthly mortgage on a home. The problem is that they can't come up with the large downpayments needed to qualify for a mortgage. Once inside the house, they can pay their mortgage. They just can't get their foot in the door to begin with.

The decline in homeownership is a particular problem for the State of Oregon. When we build fewer new homes, it means less work and fewer jobs for the timber and construction industries. When we sell fewer homes, it means a less vibrant real estate industry. And when the market slows up, it means we have

less people contributing to our tax base and stimulating economic activity in general.

The legislation I am coauthoring today will make it easier for would-be home buyers to break into this tough market. The tool we use is the popular Federal Housing Administration [FHA], Single Family Mortgage Program. FHA is an especially popular program in Oregon. In the last fiscal year, for example, FHA insured 6,800—$360,000,000 worth—mortgages in our State. According to the Home Builders Association of Metropolitan Portland, approximately 85 pecent of first time buyers in our State use FHA.

Under current law, FHA insures 97 percent of the first $25,000 of a home and 95 percent of the balance. Thus, on a $100,000 home, FHA would insure $95,500, leaving the homebuyer to come up with a downpayment of $4,500. That amound could be prohibitive to many would-be homebuyers.

This bill would do the following:

For first-time homebuyers, the bill would permit FHA to insure 97 percent of the entire home valuation. This means that the buyer would only have to put down 3 percent or, in the example used above, $3,000;

For other homebuyers, the bill would allow FHA to insure 97 percent of the first $50,000 of the home's value and 95 percent of the balance. Under this formula, the person above would have to come up with a slightly lower downpayment of $4,000;

FHA would be authorized to perform a demonstration program allowing them to insure a loan to a first-time homebuyer for the entire purchase price of the home, plus closing costs. The standard downpayment would still be required, but it would be incorporated into the loan and be repaid by requiring an additional payment along with the regular monthly mortgage payment over a 3-year period;

FHA would be given more flexibility with adjustable rate mortgage. Under current law, FHA may insure ARM's whose interest rate can only be adjusted by 1 percent a year. And only 30 percent of all FHA loans can be ARM's. This bill would permit FHA to insure ARM's that can be adjusted by 2 percent a year. It stipulates that the interest rate could not increase by more than 5 percent over the lifetime of the loan. The bill also removes the volume cap on the aggregate number of ARM's that FHA may insure annually; and

Finally, the bill adjusts the FHA mortgage insurance limits in regions where moderate income families are being priced out of the housing market because the current limits do not allow FHA to insure the median priced house in that area.

Mr. Speaker, this legislation is not a panacea for America's housing crisis. There are other housing needs that must be addressed, such as the declining stock of low-income housing and rental units, and the plight of the homeless. But it's a response to one unique problem among the many housing problems we have in this country and I encourage my colleagues to support it.

ADVISORY COMMISSION ON PUBLIC DIPLOMACY SAYS TV MARTI NEEDS FURTHER REVIEW

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. CROCKETT. Mr. Speaker, the January 25 Washington Post reported that the U.S. Advisory Commission on Public Diplomacy "Questioned whether plans for TV Marti, a United States Government television station broadcasting to Cuba, are in the national interest and urged Congress and the executive branch to give the project intense scrutiny before spending more money on it."

The Commission goes on to state, "TV Marti raises significant questions for public diplomacy and U.S. foreign relations. Is it consistent with U.S. obligations under international law? Is it technically feasible? What kind of programs should be broadcast? What are the implications for U.S. stations, communications and air traffic safety?"

These question were raised last year in a hearing of the Subcommittee on Western Hemisphere Affairs, which I have the honor to chair. I continue to feel that TV Marti is an ill-advised venture, and I urge my colleagues and the President to pay careful attention to the Commission's report.

The article referred to follows:

PANEL SAYS BALLOON TV SIGNALS TO CUBA MAY BE OFF THE BEAM: CASTRO JAMMING BROADCAST CITED AS A RISK

(By John M. Goshko)

The U.S. Advisory Commission on Public Diplomacy yesterday questioned whether plans for TV Marti, a U.S. government television station broadcasting to Cuba, are in the national interest and urged Congress and the executive branch to give the project intense scrutiny before spending more money on it.

The project calls for floating a balloon 10,000 feet above the Florida Keys so that TV Marti can broadcast everything from federally sanctioned news to Disney cartoons into downtown Havana.

However, critics have questioned whether the project justifies the risk of Cuban president Fidel Castro jamming it or retaliating with signals that would disrupt television stations in Flordia and pose potential hazards to air traffic in the region.

"TV Marti raises significant questions for public diplomacy and U.S. foreign relations," the commission said in its annual report. "Is it consistent with U.S. obligations under international law? Is it technically feasible? What kind of programs should be broadcast? What are the implications for U.S. television stations, communications and air traffic safety?"

These comments by the presidential commission were noteworthy because its five members generally espouse a tough line against communist governments.

Its chairman is Edwin J. Feulner, Jr., who is president of the Heritage Foundation, a conservative thinktank; the other members also have clearly conservative views.

In its report on the U.S. Information Agency and other public diplomacy activities, the commission took a decidedly skeptical approach to plans for following up the broadcasting activities of Radio Marti, which operates under USIA supervision with a companion TV service.

The commission noted that the $7.5 million appropriated by Congress for startup costs was diverted from the Voice of America, which has insufficient funds for long-planned construction and was adopted without authorizing legislation or hearings by the appropriate congressional committees.

As a result, the commission said, it believes strongly that additional appropriations should be authorized only after careful congressional hearings and further interagency review.

It also said any funds appropriated should not be at the expense of VOA or other public diplomacy projects.

INTRODUCTION OF THE CALIFORNIA DESERT PROTECTION ACT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. LEVINE of California. Mr. Speaker, today I am pleased to once again introduce the California Desert Protection Act.

This measure is vitally important for two reasons. First, the California desert is a too little understood legacy to this country's natural and historical heritage. The California desert is a wilderness treasure which teems with mammals, birds and a blanket of wildflowers in the spring, and a living museum which has made time stand still.

Second, this legacy has been seriously damaged in recent years and now faces an imminent threat from careless development, troubling mismanagement, and reckless recreational use. Too often we are finding that mining claims go unreclaimed, that regulations to protect the desert go unenforced and that a reckless minority of ORV'ers go unchecked as they veer from designated play areas and roads destroying pristine wildlands.

This comprehensive public lands measure is a top priority for both myself and the environmental community in the 101st Congress. George T. Frampton, Jr. of the Wilderness Society says, "Enactment of the California Desert Protection Act in the 101st Congress is one of our top priorities." And Michael Fischer, executive director of the Sierra Club notes, "We have Sierra Club activists across the country working to educate lawmakers about the California desert, the threats to it, and the urgency of protecting it."

The California desert covers roughly one-quarter of the State, about 25 million acres, in the south eastern quadrant. Much of this land has been developed for agriculture, mining, raising cattle, national defense purposes, and recreational use. Sadly, not enough is being done to ensure that further development of the Bureau of Land Management's 12 million acres does not destroy the desert's vital ecological, historical, and natural resources. In addition, a reckless few are rapidly preventing the overwhelming majority of desert enthusiasts from enjoying untrampled, unlittered, and unspoiled wildlands.

The Federal Lands Protection and Management Act contemplated comprehensive management of the desert, including congressional designation of wilderness, to ensure the desert's permanent protection.

Our legislation facilitates such protection. It designates as wilderness, 81 separate roadless, pristine areas covering 4.5 million acres of BLM lands which are worthy of such status.

The measure also enacts highly appropriate and badly needed additions to the National Park System which the Western Region Park Service Office endorsed in 1986.

The bill creates the new Mojave National Park in the magnificent and historic Mojave Desert region covering 1.5 million acres. These BLM lands, currently known as the East Mojave national Scenic Area, are protected only by administrative regulations which have proven to be inadequate. As a result, the Mojave has experienced serious deterioration in certain areas over the last few years.

The bill also completes the Death Valley and Joshua Tree National Monuments by adding a total of 1.5 million contiguous acres. These additions conform to the naturally occurring ecological boundaries of the region. In addition, the bill upgrades the two monuments to national park status to afford them the statute and attention which these spectacular natural resources deserve. Of these new Park System additions, roughly two-thirds will be designated as wilderness to protect the most significantly pristine areas.

The measure also resolves several other outstanding land issues. It enacts a pending proposal to expand the Red Rock Canyon State Park by transferring 20,500 acres of BLM lands to the State of California. It establishes a national historic site at the Indian Canyons outside Palm Springs to be cooperatively managed by Interior and the Agua Caliente Band of Cahuilla Indians. Finally, it affords 2,040 acres special designation as the Desert Lily Sanctuary to protect this rare flower.

The bill is essentially the same as that introduced in the 100th Congress. This year, however, I have agreed to a number of significant changes which will resolve several important matters which were brought to my attention in the last Congress.

First, this measure addresses continued use of the desert for military purposes. There are a number of important military installations located in the desert. The Engle Act requires that the withdrawal of lands over 5,000 acres from other public uses for peacetime military purposes be authorized by Congress. Such withdrawal remains outstanding for two installations in the desert. The legislation resolves this by authorizing the withdrawal of these: The 1,100,000 acre China Lake Naval Weapons Center, and the 227,369 acre Chocolate Mountain Aerial Gunnery Range.

In addition, the bill has been amended to clarify that its provisions will have no impact on the military's existing use of airspace in the California desert. Existing military overflights have not impaired the park and wilderness value of the desert, and, as an important component of our Nation's military preparedness, should be protected.

Second, the bill has been amended to expedite land exchanges between the State and private landowners and the Federal Government. The bill's language which facilitates exchanges between the non-Federal landowners and the Federal Government has simply been changed to be consistent with legislation that passed in the 100th Congress that will facilitate all Federal land exchanges. More importantly, provisions have been added to expedite the exchanges of non-Federal lands where mineral interests may be involved. These provisions allow exchanges to take place based on the information available at the time, precluding the need for additional onsite geologic work.

Third, the bill provides that the Department of the Interior is to insure that native Americans continue to have access to park and wilderness lands for traditional cultural and religious uses.

Fourth, language has been included which clarifies that the University of California's research and educational activities at the Granite Mountain Natural Reserve in the Mojave will continue, consistent with the laws applicable to units of the Park System.

Finally, there are a number of boundary changes which were made to accommodate important nonwilderness uses and to correct several map errors. These changes are as follows:

Argus Wilderness—deletion of a road and limestone quarry.

Chuckwalla Mountains—deletion of microwave site, road, and mine.

Clipper Mountains—deletion of a road and pipeline.

Dead Mountains—deletion of a road and rock quarry.

Inyo Mountains—exclusion of mining claims.

Fish Creek—exclusion of mine.

Hollow Hills—deletion for utility corridor.

Jacumba—deletion of transmission line and quarry.

Kelso Dunes—deletion of gas pipeline.

Kingston Range—deletion for utility corridor.

Malpais Mesa—exclusion of mining claims.

Mecca Hills—deletion of pipeline and map correction to complete boundary.

Mesquite—deletion for utility corridor.

North Mesquite—deletion of private property.

Orocopia—exclusion for utility corridor.

Picacho Peak—addition of lands.

Piper Mountains—deletion for utility corridor.

Piute Mountains—deletion of gas pipeline.

Resting Spring—deletion of mining road.

Rodman—deletion of gas pipeline.

Slate Range—deletion of patented lands.

Soda Mountains—exclusion for utility corridor.

South Algodones Dunes—deletion of microwave tower.

Tribolite—deletion of gas pipeline.

White Mountains WSA—exclusion for utility corridor.

Mojave National Park—map correction.

Mojave Park Wilderness—deletion of gas pipeline in Granite Mountains portions; map correction and road deletion in Mid Hills portion; deletion of gas pipeline in Providence Mountains portion; and map correction and utility corridor and utility corridor deletion in Clark Mountains portion.

Joshua Tree Park additions and wilderness—deletion of mining claims in Eagle Mountains portion.

Red Rock Canyon State Park additions—map clarification.

All these changes have been made to insure that the bill does not conflict with existing and/or appropriate uses of the desert and to insure comprehensive management of the desert as a whole.

Our bill provides comprehensive, lasting protection of the desert's natural resources, and final resolution of the desert's many land use conflicts as FLPMA contemplated. While creating wilderness and adding to the Park System, it leaves roughly 4.6 million acres for continued management by the BLM under its multiple-use mandate, including mineral exploration and development, grazing, off-road vehicle use, and commercial land development. Over 400,000 acres of lands will remain as ORV play areas and 30,000 miles of half paved and maintained roads and half unmaintained routes will remain open.

The wilderness designations will ensure numerous recreational opportunities for generations to come, including hiking, camping, hunting, rock-climbing, horseback riding, and rockhounding. While mechanized travel is not permitted, motorized touring via roads which cherrystem the wilderness areas is—these are roads which go directly in or surround wilderness, but are not within the boundaries. In addition, grazing, mining on valid existing claims, scientific research, and educational activities are also permitted in wilderness areas. Outside the wilderness areas in the new park additions, vehicular travel along designated roads will continue, as will camping and hiking.

It is critical that Congress act with all deliberate speed to protect the desert as one of our truly spectacular national treasures. I urge my colleagues to join me in supporting this important public lands measure in the 101st Congress.

SMALL BUSINESS COMMITTEE HEARINGS ON SECTION 89 EMPLOYEE BENEFIT RULES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. LAFALCE. Mr. Speaker, last week the Committee on Small Business held 2 days of hearings on the impact of section 89 employee benefit rules on small business and their potential effect on the expansion of health insurance coverage.

Section 89 of the Tax Code, which took effect on January 1 as part of the 1986 Tax Reform Act, is intended to ensure that employer-sponsored benefit plans are broadly based and do not favor top-level employees. The new law requires all employers to conduct a series of complex statistical tests to determine if their employee benefit plans, principally health and group-term life insurance, are distributed fairly among their highly paid employees and the rank-and-file.

One of the principal objectives of section 89 is to encourage employers to extend health benefits to their part-time employees and other uninsured workers. While I fully support that objective, I am concerned—as are many other members of the Small Business Committee—that the law will likely have the opposite effect.

Those concerns were borne out by the statements of witnesses at our hearings on January 24 and 25. We heard testimony from business owners, representatives of small business associations, benefit plan administrators, accountants and other employee benefit experts who described the difficulties that employers, especially small business owners, would face in attempting to comply with section 89.

Several witnesses reported that small business owners may incur costs of up to $5,000, mostly due to data collection, in order to test their employee benefit plans. Compliance costs could be much higher, particularly for firms that will need to hire consultants. One witness cited the example of a company with less than 50 employees that paid $60,000 to an outside consultant to comply with section 89, with the result that the firm simply imputed $4,000 worth of income to its high paid employees.

The committee's witnesses also objected to the severe penalties imposed on employees if the employer's benefit plan fails to meet section 89's qualification requirements. In that case, the total value of benefits received under the plan would be included as taxable income for all participants, not just the highly compensated employees. If an employee underwent surgery and received benefits totaling $50,000, for example, that amount would be taxed as income if the benefit plan failed the law's qualification requirements.

In short, the witnesses all agreed that the extreme complexity of the benefits tests, the costly administrative requirements, and the onerous compliance burden imposed by section 89 will have an adverse impact on the expansion of health insurance coverage among the working uninsured. They stated that small business owners will be discouraged from offering health benefits and will be inclined to reduce or eliminate the benefits they now provide.

As Howard Weizmann, executive director of the Association of Private Pension and Welfare Plans, commented, "The goals of the statute—increased tax equity and efficiency and health care coverage—are not attainable as the law is now drafted, because the statute cannot be reasonably complied with and enforced. As a result, it will be more economically feasible for employers to refuse to apply the law and simply impute income to highly compensated employees."

Many of the witnesses advocated repeal of section 89. They shared the view expressed by Paula Calimafde, president of the Small Business Council of America who stated that "Because of the significant complexity of the statute, the lack of experts in the country on this Code section, the draconian penalties imposed on employees with no culpability on their part, and the lack of information disseminated to the public by this government on section 89, it is highly desirable for repeal."

If the law is not repealed, the witnesses called for a 1-year delay in the effective date of section 89, or until 6 months after regulations have been issued, and for modifications in the rules to ease the compliance burden on small business. For example, the National Society of Public Accountants urged a simplified data collection and benefit valuation procedure for employers who do not offer multiple benefit plans. The Small Business Council of America [SBCA] recommended that a 6-month relief period be granted to allow employers to collect the necessary employee data and determine how best to structure their benefit plans, and that a study be undertaken on ways to streamline the nondiscrimination rules. The SBCA also proposed that all penalties be delayed for at least 1 year, and that the penalty imposed on employees if a plan fails the qualification requirements be eliminated entirely.

The Society of Professional Benefit Administrators suggested that collectively bargained plans be exempted, and that the phase-in for coverage of part-time workers be extended to 5 years and expanded to more employers. The Association of Private Pension and Welfare Plans recommended that the nondiscrimination rules be refocused to apply primarily to the so-called "executive only" plans, and that the rules be based upon plan design instead of data collection in order to promote both compliance and policy objectives.

These are only some of the constructive recommendations and alternative approaches suggested by our witnesses. They have offered to work with us and with the Committee on Ways and Means in an effort to find ways to simplify section 89 and ease the compliance burden on small business.

Mr. Speaker, when the hearing record is complete, I will provide all of the testimony and other relevant information to the Ways and Means Committee. I hope that committee will examine the problems that have been raised by the small business community in terms of their compliance with section 89, and will consider their recommendations to simplify the employee benefit rules.

Again, we all agree that discrimination against lower-paid workers in the provision of health benefits cannot be tolerated, and that the lack of health insurance coverage among millions of workers must be addressed. Based on the testimony before the Small Business Committee, however, section 89 must be simplified and made more workable if it is to achieve its intended objective of encouraging employers to extend health insurance coverage to their part-time and other lower paid workers.

A CONGRESSIONAL SALUTE TO THE COBB COUNTY DEVELOPER'S ASSOCIATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. GINGRICH. Mr. Speaker, it is with great pleasure that I rise today to recognize the Cobb County Developer's Association. It is indeed an honor to salute the members of this association and offer my praise for the valuable service they provide to their community. I would ask that the following resolution be placed in the RECORD:

RESOLUTION

Whereas the Cobb County Developer's Association is a professional organization which has been organized since 1985 in Cobb County, Atlanta, Georgia; and

Whereas the Cobb County Developer's Association has excelled in membership and is the spokes organization for the development industry in Cobb County; and

Whereas the Cobb County Developer's Association has gained National recognition for promoting the goodwill of its industry in a harmonious relationship with local and national government and all citizens and

Whereas the Cobb County Developer's Association has been served by officers and director's leadership has guided it to achieve this recognition; 1985—Larry Thompson, 1986—William Marett, Jr., 1987—Larry Kraxberger, 1988—Ronald S. Leventhal.

Now therefore be it known that the Congress of the United States recognizes the Cobb County Developer's Association, its Officers, Board of Directors, and members, for outstanding achievement in its industry.

PRICE COMPETITIVE PRODUCTS ACT

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. CHANDLER. Mr. Speaker, on behalf of myself, Mr. BRYANT, and Mr. FRENZEL, I am today introducing the Price Competitive Products Act of 1989.

Americans would be hard pressed to find a country that beats their own when it comes to the availability of consumer products. The majority of the goods most people want are affordable, reliable, and readily available.

It isn't until we examine products on a case-by-case basis that glaring exceptions become noticeable. Indeed, for consumers of some products, particularly foreign-made imports, there are occasional disadvantages to being American.

That is because foreign manufacturers often charge according to what they perceive is the customer's ability to pay. Americans are thought to have lots of money and therefore pay more for name brand products that sell for less in other markets.

Some of the products affected by this double standard are cameras, crystal, liquor, perfume, and watches.

The double standard has created a game of sorts between American retailers on the one hand and foreign manufacturers on the other.

The first volley in this multi-billion-dollar fight is fired from overseas. In an effort to ensure their profits, foreign manufacturers establish subsidiaries to be the sole American distributors of their products. These distributors, seeing America as a gold mine, mark up their goods to a level that far exceeds the price paid by the rest of the world.

The next shot is fired by enterprising American retailers who object to the exorbitant

prices they must pay. Those with a little imagination and initiative strike back by bypassing the American distributors. Instead, they turn to foreign distributors who sell them what they want at enormous discount.

Items purchased in this manner are commonly referred to as "gray market" or "parallel" imports. Although retailers must pay a Customs duty on gray market imports, the savings still make it worth their while. Gray market items often are sold on the retail market at 20 to 40 percent below the manufacturers' suggested retail price.

Whether it comes from a discount store or an upscale boutique or department store, the merchandise is the same. The ability of retailers to purchase gray market products save American consumers billions of dollars each year.

Gray market access also is one of the reasons American consumers have seen a proliferation in catalog/showroom stores that offer genuine name-brand items at huge discounts.

Predictably, the gray market issue has created a controversy that's already found its way to the courts. In 1986, a Federal appeals court overturned the Custom Service's longstanding tolerance of gray market imports.

In round two, decided last May, the Supreme Court went the other way. In a 5–4 vote, the High Court said the Tariff Act of 1930 did not require the Customs Service to bar importation of most gray market merchandise.

Undeterred, foreign manufacturers say they will seek legislation or initiate more court proceedings to turn the tide again.

In the interest of consumer savings, I am introducing legislation that would go beyond the Supreme Court ruling by upholding the right of retailers to purchase gray market merchandise. While the Court said that gray market imports were not illegal, my bill specifically states that they would be legal.

Foreign manufacturers, who oppose the bill, say it is their right to control the distribution of their products.

They are correct only in the sense that "rights" are indeed the underlying issue. If they have the right to establish multi-tiered, international pricing structures, retailers have as much right to use the system to their best advantage. That is the American way.

Competition is healthy. It always has been; it always will be. It keeps producers on their toes and it gives consumers the most bang for their buck.

Government has no obligation or right to sanction monopolies for foreign companies charging the American consumer more than everyone else. The Government's first obligation is to its own people.

Parallel imports wield poetic justice against those who are unfair to the American consumer. Far from a danger, parallel imports are something the Government ought to encourage.

A CONCERN FOR VOCATIONAL AGRICULTURE

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. WATKINS. Mr. Speaker, I rise to express concern over the decline of vocational agriculture and Future Farmers of America programs in high schools across the Nation. At the same time I would like to pay tribute to a recent study and publication which not only shed light on the problem, but went further to document new local programs have found ways to grow and prosper, in spite of the challenges they face.

Vocational agriculture and FFA programs face many obstacles today. The farm economic crisis of the 1980's took a heavy toll on many rural communities. The population of farm families and rural towns has been shrinking, leading to a decline in enrollment and a lack of funding for school programs. Perhaps the biggest problem has been a negative image of agriculture in the eyes of many career-minded students.

Yet, the importance of agriculture—and of successful vocational agriculture programs for our rural youth—is obvious. There are good jobs available today in agriculture and agribusiness. And there has never been a greater time of need for energetic, skilled, and hard-working young people to fortify rural America. Vo-ag and FFA have long been among a choice few school programs which truly help rural young people understand the strengths, resources, and the opportunities that exist right in their local community.

Despite an overall decline in vo-ag and FFA, however, many programs are enjoying success. These high schools, their administrators and teachers, serve as examples to others and deserve commendation. A compilation of these success stories can be found in a new book, "Shining Stars," published by Communicating for Agriculture [CA]. CA is a national, nonprofit, nonpartisan rural association headquartered in Fergus Falls, MN. "Shining Stars" summarizes the results of a June 1988 CA survey of FFA State advisers and executive secretaries, provides hard evidence that teachers do make a difference and highlights 34 successful vocational agriculture and FFA programs from throughout the United States.

As stated by Milt Smedsrud, CA chairman and founder:

Ag teachers are often in challenging and frustrating situations. They may lack funding or administrative and school board support. Frequently it is difficult for them to convince counselors and parents that agriculture is an educational option that leads to employment opportunity * * * There are success stories in vocational agriculture and it turns out that there is no secret for success. The successes are due to the individual and team activities of enthusiastic, talented instructors who are able to look at changes as challenges.

"Shining Stars," funded by CA's Scholarship and Education Foundation, is a source book of information and ideas designed to inspire other vocational agriculture teachers to reach for excellence in their programs. "Shining Stars" is evidence of CA's continued efforts to preserve and strengthen rural America and its quality of life.

UKRAINIANS CELEBRATED 70TH ANNIVERSARY ON JANUARY 22, 1989

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. GALLO. Mr. Speaker, January 22, 1989 marked the 70th anniversary of the consolidation of all Ukrainian ethnic lands into one Republic and the 71st anniversary of the establishment of the Ukrainian National Republic in Kiev. Despite years of repression by the Soviet Union the love of democracy still lives on among Ukrainians.

Ukrainian-Americans and Ukrainian activists who remain in the Soviet Union continue to fight for an independent Ukrainian Republic. Throughout the United States, 100 Ukrainian parishes are recognized, unlike their counterparts in the Soviet Union which were liquidated by the Soviet Government in the 1930's. Not only do Ukrainians dream of their homeland escaping Soviet bondage one day, they also continue to remember the "forgotten holocaust" when, because of famines, over 6 million Ukrainians lost their lives in the 1930's at the hands of the Soviet Government.

Temporary human rights measures are not enough. We must encourage the Soviet Union to allow the nationalities greater freedom of expression, to release prisoners of conscience, and to greatly expand the rights of individuals.

As Members of Congress, we must remain strongly committed to our belief in the human rights principle of basic freedom for all and we must continue to support persecuted groups, such as the Ukrainians, who dream of living in a democratic society.

REJECT THE FINDINGS OF THE BASE CLOSURE COMMISSION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. SAXTON. Mr. Speaker, I rise today to sound an alarm, to warn my colleagues in the House that they should not accept carte blanche the recommendations of the Commission on Base Closures and Realignments.

Quite bluntly, Mr. Speaker, the Commission's findings are flawed, seriously flawed, and this great body's predisposition to accept those findings would wrongly disrupt the lives of thousands of individuals.

Oh, I know I have colleagues in the House who will scoff and point out that I speak as a Member who was directly wounded by the Commission's report. That is entirely true. But if my investigation into the recommendation for Fort Dix is reflective of the Commission's

findings generally, then we have before us a report which should be outright rejected.

Just this week, Mr. Speaker, I received a copy of the Commission's purported backup documentation, the data which was supposed to justify its decisions. But I defy any Member of the House to look at this 2-inch stack of documents and say it accomplishes its purpose. In fact, the Commission's documents do not explain its decision with regards to Fort Dix—it only obscures it.

In virtually every instance where Fort Dix is mentioned, major portions of information are whited out. We have actually been denied access not only to the facts, but to the reasoning. The Commission, I suppose, would suggest that this information is classified. But a discussion of training capacity at our military bases is no secret to anyone.

A Member of this House or the other body who attempts to use the Commission's documentation to argue in favor of the Commission's recommendation faces a difficult task indeed. How does one explain the blank graphs and charts. That's right, Mr. Speaker, blank charts.

Again, I know that I have good friends on both sides of the aisle who will argue, "Well, we do have to reduce our spending." I certainly don't disagree with that.

But I will also say to my friends that when we create a Commission we are primarily asking for a proposal. We do not remove ourselves from the process, and automatically accept that Commission's proposal. If the proposal has problems, we cannot and should not accept it.

With each passing day, Mr. Speaker, I am alerted to more and more reasons why the recommendations of the Commission on Base Closures and Realignments must be discarded. Perhaps one of the most interesting documents to fall in my hands is an audit of basic training by the U.S. Army Audit Agency.

I am sure that the last thing the Commission would want is for me to come before this body and tell it about this audit. The reason the Commission would probably prefer this not be disclosed is that it directly contradicts the findings of the Commission with regard to basic training. It contradicts those findings even though both the Commission, and the audit agency, set out to do the same thing—save taxpayers' money.

To be specific, the audit states that there is excess basic training space at Fort Dix and recommends that trainees be transferred from Fort Knox and Fort Leonard Wood to Fort Dix and Fort Jackson—just the opposite of the Commission's recommendation.

The best part about the audit agency's report is that it was prepared at essentially the same time as the Commission's report—and nothing is whited out in the audit.

Again, I know my colleagues want to save money, and I am prepared to talk in depth about the dollar figures. But for the moment I will close by pointing to one significant fact, namely the Commission's proposed savings represent two-hundredths of 1 percent of the defense budget.

When we put this Commission to work we were all anticipating it would find savings of $2 billion to $5 billion a year. But the Commission did its work, and came back with $5.6 billion of savings over 20 years. In other words, we missed the target not by a mile, but by many miles.

Is it worth discarding $160 million to $200 million in improvements already made at Fort Dix? Is it worth spending upward of $245 million, much of which will be used to modernize the other bases which will accept Fort Dix personnel and trainees? Is it worth paying several millions a year just to keep Fort Dix "in mothballs?" Is it worth disrupting a local business community, displacing workers, and spending even more millions in grants and aid to salvage the economic community which will be destroyed?

The answer is clear, Mr. Speaker. The recommendations of the Commisison must be rejected.

BARBARA WALKER, 1989 TEXAS ELEMENTARY TEACHER OF THE YEAR

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. FIELDS. Mr. Speaker, today I would like to pay tribute to an outstanding individual who recently was named the 1989 Texas Elementary Teacher of the Year by the Texas Education Agency. Barbara Walker is a music teacher at Cimarron Elementary in the Galena Park Independent School District.

Barbara Walker was first nominated for the district top teaching honor by a panel of her fellow teachers. On October 9, she was recognized as Texas Elementary Teacher of the Year by a panel of judges representing various State organizations. Her interview was sandwiched between two weekend performances of the Houston Grand Opera production of "Figaro," in which she sang.

Teaching is only one way Barbara Walker has contributed to her community. Some of her other accomplishments include: Outstanding Young Woman of America, North Channel Chamber of Commerce Teacher of the Month, and Texas PTA Life Member.

Barbara Walker's awards are many, but the principal of Cimarron Elementary says, "* * * her best performances are in the classroom." She has taught at Cimarron Elementary School for the past 6 of her 7 year teaching career.

Those of us familiar with the educational excellence of the Galena Park ISD know that under the leadership of Barbara Walker that that tradition of excellence will continue in the years ahead. I would like to take this opportunity to congratulate Barbara Walker on her much-deserved honor and extend a personal thank you for her dedication to our country's youth.

TRIBUTE TO CLIFFORD C. VAN DYKE

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. TRAXLER. Mr. Speaker, I rise today to ask my colleagues to join with me and the Boys and Girls Club of Bay County, MI, in honoring Clifford C. Van Dyke of Bay City for his many years of active involvement in the civic affairs of the Bay County area. We acknowledge Cliff's tireless efforts over the years to help attract new business and economic development to Bay County and we point with pride to him as a shining example of the kind of selfless dedication on the part of one individual that can make such a difference in the life of our community.

Currently chairman of the board of First of America Bank—Bay City, Cliff's accomplishments in the field of banking are matched only by his tremendous accomplishments in contributing to the well being of Bay City and Bay County. He has served with distinction as a member of the downtown development corporation and Forward Bay County. And, in 1987 he was elected as president of the Bay County Growth Alliance, a position in which he currently serves. Similarly, he has maintained an active commitment and role in bettering our community's schools, now serving on the citizens advisory committee for the Bay City Public Schools.

His long record of accomplishments in the Bay City area drew notice in Lansing when Gov. James Blanchard named Cliff in 1983 to serve on the Michigan Economic Recovery Plan Committee.

Cliff's efforts extend beyond the business and economic development fields to the charitable. A longtime volunteer with United Way of Bay County, he served as chairman of the 1980 fall campaign and was the 1985 recipient of the prestigious Carl H. Webber Award for volunteerism.

Mr. Speaker and Members of the House, I have known Cliff for many years and consider him to be a good friend. I have come to value most highly his information and strategies for dealing with the business and economic development needs of Bay County. His service to the community provides an outstanding example for us all; and I look forward to many more years of his active involvement and his invaluable counsel.

AN AMENDMENT TO THE DELAWARE RIVER BASIN COMPACT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to introduce legislation to create a fair, equitable, and innovative cost-sharing program for the construction of the Francis E. Walter water storage project.

The reservoir is located in my congressional district in northeastern Pennsylvania and will help meet the water resource requirements of the residents, farmers, and industries in the four States of the Delaware River Basin—Pennsylvania, New York, New Jersey, and Delaware.

Situated in this basin and high in the headwaters of Pennsylvania's Lehigh River, the Francis E. Walter Reservoir will store an additional 70,000 acre-feet of water to insure that the four States in the basin will enjoy an adequate supply of fresh water well into the future.

Mr. Speaker, this water storage project will also play a vital role in preventing the salt front of the Atlantic Ocean from advancing into the Delaware River and eroding the public water systems in Philadelphia, PA and Camden, NJ. Understandably, local officials, citizens, environmental groups, and water resource management associations have been concerned about the supply of fresh water in the Delaware Basin for many years.

I share their conviction, Mr. Speaker, that it is far more prudent to insure that we have an adequate supply of water in the region today, than it is to wait until we have a major drought emergency and discover that the cost of building a new reservoir has grown astronomically.

You well know, Mr. Speaker, that this past summer's unfortunate drought and the absence of snowfall in the Northeast this winter highlight our collective concern about fresh water supply. In the Delaware River Basin, the threat of a major drought is a serious concern and merits our prompt attention.

As you may know, the Delaware River Basin watershed is the major water source for more than 20 million residents in these four Northeastern States, from New York City to Wilmington, DE.

Before describing the specific provisions of my legislation, Mr. Speaker, a brief history of the Francis E. Walter project may be helpful and informative. The Francis E. Walter reservoir, first authorized by Congress as a flood control project in 1946, was named in honor of one of this body's most notable Members—an active and outspoken member of the Committee on the Judiciary from the Commonwealth of Pennsylvania.

Shortly after the Army Corps of Engineers completed construction of the project in 1961, Congress recognized the potential benefit to storing additional water at this site. Accordingly, in 1962 Congress authorized the enlargement of this public storage supply in Public Law 87-874, consistent with the cost-sharing terms of the Water Supply Act of 1958.

Also by this time, Mr. Speaker, the Delaware River Basin Commission [DRBC] was created by Public Law 87-328, and comprised of representatives from the four States in the basin and one Federal member appointed by the President. The DRBC was charged with managing the water resources for this four-State region and it continues to do so today.

In 1985, Mr. Speaker, the Army Corps of Engineers completed the engineering, design, and environmetal impact reports for this addition and the local sponsor, the Delaware River Basin Commission, affirmed its intent in August of the same year to execute a cost-sharing agreement to finance the Francis E. Walter project.

The DRBC recognized in 1985 that the cost-sharing provisions of the 1958 Water Supply Act applied to the Francis E. Walter project. Specifically, the DRBC understood that the 1958 act enumerated the terms for repayment for a project that is intended for both "present" and "future demand": prompt repayment of the Federal cost of the storage portion used to meet "present demand" and delayed repayment of the Federal cost of the project's portion allocated for meeting "future demand."

This policy was sound, Mr. Speaker, for it did not force present water users to pay for a project that they would never use. Rather, the Federal Government would pay initially for the "future" portion of the project and those future water users would reimburse Uncle Sam.

In fact, the orginal authorization for the Francis E. Walter project stated that two-thirds of the water supply storage was allocated to "future demand."

After completion of the Army Corps studies, Congress followed with an appropriation for construction of the Francis E. Walter project with the expectation that the payment agreement would be forthcoming.

When such a cost-sharing agreement was still not established by June 1988, the Energy and Water Appropriations Committee included an admonition in its conference report for fiscal year 1989 appropriations. The committee proclaimed that unless a payment commitment is made, "* * * in advance of action on the 1990 appropriation bill, the committees will be forced to carefully review the need for further appropriations."

That is why I rise today, Mr. Speaker, with a bill to create a cost-sharing formula so that the Francis E. Walter project may move forward. I can understand the Appropriation Committee's concerns in this era of fiscal restraint. And I can also see that the Delaware River Basin can ill afford to lose the water supply that will be stored at the Francis E. Walter Reservoir.

Essentially, Mr. Speaker, my bill structures the payment scheme into three sections.

In the first section, my bill designates that one-third of the Francis E. Walter water supply storage is allocable to "future demand" and financed initially by the Federal Government as is authorized in existing law. As I mentioned, the original authorization for the Francis E. Walter project stipulated that two-thirds of the water supply was to be allocated to "future demand."

In the second section, the bill provides that charges and assessments—cited in the Delaware River Basin Compact's sections 3.7 and 4.3—be applied to present water users. This measure will provide funding for the second-third of the project.

In regard to this payment assessed to present water users, my bill clearly states that the finances are solely for the purpose of financing the Francis E. Walter authorized project. Mr. Speaker, no changes to the compact for the purpose of funding the Francis E. Walter project in any way alter the provisions of section 15.1(a) of the compact, including those prohibiting the DRBC from assessing present users for a project that has not been authorized by Congress.

In the final third of this payment plan, the signatory parties to the compact will finance approximately 33 percent of the project cost.

The bill I have introduced today also provides that a portion of the water stored in the Francis E. Walter Reservoir may be used in the northeastern Pennsylvania counties of Luzerne, Lackawanna, Carbon, and Monroe. The first two counties lie just outside the Delaware River Basin and the latter two are within the basin.

This water supply provision for northeastern Pennsylvania is especially important for the health and safety of local residents and farmers who have experienced giardiasis problems in the past from poor water quality.

In addition, Mr. Speaker, this water supply will provide a tremendous boost to economic development and job growth as companies and families will be attracted to our area when they learn that we have an excellent and reliable source for fresh water.

The availability of water in northeastern Pennsylvania—and the Delaware River Basin's water has been rated as first rate—will serve as a magnet to attract industries and to create new jobs.

Mr. Speaker, I feel it is both unjust and unfair to store water in northeastern Pennsylvania and to prevent residents or industries situated just over the mountain range in an adjacent watershed from using any of it.

Without this water set-aside provision, the district and region in which the Francis E. Walter Reservoir is located are surrendering a large tract of land for the project but receive little compensation.

Mr. Speaker, the legal principle of "Area of Origin" states that if a project area is the site for water storage which benefits an entire Basin area, then that Basin area owes something to the project area for storing the water. Clearly, the conditions underlying the Francis E. Walter project—and the bill's provision to allow additional Pennsylvania counties to have access to a portion of the supply—are consistent with this legal theory.

In fact, Mr. Speaker, you should know that in Pennsylvania's 11th Congressional District, there already exist three reservoirs that are storing water to be used in neighoring States.

There is a dynamic history to water supply and interstate conflicts over water rights in the Delaware River Basin. These issues have been reviewed by the Supreme Court twice.

As Justice Oliver Wendell Holmes wrote in 1931 on this matter, "A river is more than an amenity, it is a treasure. It offers a necessity of life that must be rationed among those who have power over it."

Mr. Speaker, I look forward to working with my colleagues on this bill and urge their support so that we may respond to the pressing needs and concerns of the residents, farmers, and industries in the Delaware River Basin.

A BILL TO AMEND PUBLIC LAW 87-328, GRANTING THE CONSENT OF CONGRESS TO THE DELAWARE RIVER BASIN COMPACT AND MAKING THE UNITED STATES A SIGNATORY MEMBER THEREOF

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 2. At the end of Subsection 15.1(b) of Part II of Public Law 87-328 (75 Stat. 688) add the following two sentences:

"Nothing in this reservation prevents the Commission from imposing charges authorized by Compact Section 3.7 involving use of water within the Basin for purposes other than commercial navigation, or assessments authorized by Compact Section 4.3 for stream regulation therein: *Provided,* That the portion of the Francis E. Walter Project water supply storage cost made allocable to future demand by Public Law 87-874 be one-third, and not less than two-thirds of such storage portion be available for use in the Pennsylvania counties of Luzerne, Lackawanna, Carbon, and Monroe; *Provided further,* That the one-third of said Project's water supply storage cost allocable to present demand in H. Doc. 87-522 be met by Section 3.7 charges for present consumptive water demand and Section 4.3 assessments for present actual stream regulation benefits to water users; *And provided further,* That the remaining portion of its water supply storage cost not met by such charges and assessments be met by signatory parties as provided by Commission Resolution 64-16A adopted December 29, 1964. Nothing in this reservation alters the provisions of reservation (a), including those prohibiting the Commission from undertaking any project, other than one financed only with State-supplied funds, except as authorized by Congress."

COMMEMORATING UKRAINIAN INDEPENDENCE DAY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. MANTON. Mr. Speaker, I rise today to commemorate the 71st anniversary of the Ukrainian Declaration of Independence. Although the Ukraine has been under the control of the Soviet Union since World War II, the Ukrainian people have continually rejected assimilation and annexation by the Soviet Union.

The Ukraine has a long history of independent rule. On January 21, 1918, the Ukrainian Central Council issued the Fourth Universal of the Ukrainian National Republic declaring the Ukraine's of unconditional independence. During this period the Ukraine was a thriving democracy. The Ukraine issued its own currency, was a founding member of the United Nations, and embraced the idea of individual liberty by granting Ukrainians freedom of speech, press, religion, and assembly.

Unfortunately, the signing of the Molotov-Ribbentropp Pact between Hitler and Stalin signaled the end of the independent Ukrainian republic. After World War II, the Ukraine was incorporated in the Soviet Union. Stubbornly, the Ukrainian people have not given up the hope for attaining freedom and independence during their long occupation by the Soviet Union. Since the 1960's, there have been protesters and activists willing to risk imprisonment for the sake of Ukrainian nationalism.

Today, prospects have brightened for the Ukraine. Mikhail Gorbachev has allowed Ukrainians greater liberty. Recently, Ukrainian historians have been permitted to publish reports documenting the starvation of the Ukrainian people orchestrated by Stalin during the early 1930's. Before the advent of glasnost this kind of candid journalism would have been a punishable offense. Ukrainian writers are also now free to write about Stalin's purges of the Catholic church.

The Ukraine is still far from free, however. Last year, while the world's Christians celebrated the millenium of Christianity in the Ukraine, Ukrainian Catholics could not, because their church is outlawed in the Soviet Union.

Mr. Speaker, as we commemorate the anniversary of this day of freedom in Ukrainian history, I hope we can look forward to more such joyous events in the future—to the day when Ukrainians may once again speak and worship freely.

A TRIBUTE TO BATTLE CREEK CATHOLIC SCHOOLS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. WOLPE. Mr. Speaker, I rise to pay special tribute to the Battle Creek area Catholic schools on the occasion of Catholic Schools Week. I also want to take this opportunity to acknowledge the significant contributions that Catholic schools have made to so many of my constituents and to recognize the Battle Creek Catholic school participants—the students and their parents, the teachers, and the administrative and support staff—for their demonstrated vision, compassion, perseverance, and courage.

Catholic schools play a significant role in the United States of America by providing young people with a basic moral, educational, and spiritual foundation. In fulfilling this four-fold mission of vision, compassion, perseverance, and courage, the Battle Creek area Catholic schools serve to strengthen the moral fabric of the community and to reaffirm the historic American right to freedom of religion.

In enhancing the spiritual well-being and scholastic abilities of over 3 million students nationwide, Catholic schools have had a major and lasting impact on the quality of life in our great country. In preparing future generations to become concerned and committed citizens, Catholic schools are deserving of the highest commendation.

Mr. Speaker, I am certain that my colleagues will want to join me in saluting the Battle Creek area Catholic schools for their outstanding contribution. I am honored to represent those who, through their contribution to these schools, have demonstrated their commitment to quality education and to the future of their community.

THE GUILFORD FOUR

HON. JOSEPH P. KENNEDY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. KENNEDY. Mr. Speaker, in a long overdue decision, the British Government agreed on January 16 to review the case of the Guilford Four.

The Guilford Four—Patrick Armstrong, Gerard Conlon, Paul Hill, and Carole Richardson—were convicted for the 1974 bombings of two pubs in England. Five people were killed and 65 people were injured in the bombings.

Despite numerous irregularities and inconsistencies and a complete lack of physical or forensic evidence, the four were convicted in 1974—primarily on the basis of their confessions. A group of IRA bombers later said that they committed the crime. The four have steadfastly asserted their innocence. They have appealed their case on the grounds that their confessions were not voluntary.

The dubious case against the Guilford Four has led prominent political and church leaders to take up their cause. Despite all of this support, the four have languished in prison for 15 years with little reason for hope—the Court of Appeal rejected their claims of innocence in 1977. And when the Court of Appeal rejected the Birmingham Six appeal in 1988 it looked particularly bleak for Armstrong, Conlon, Hill, and Richardson.

The Home Secretary, Douglas Hurd, cited new evidence when he instructed the Court of Appeal to take another look at the case. The new evidence involved the use of drugs during the interrogation of Richardson, a long-term drug user.

I join the Government of Ireland and others who are concerned about justice in applauding this long overdue decision. Given the Court of Appeal decision in the Birmingham Six appeal, this decision is not reason for unbridled optimism. It is only the first step toward justice for the Guilford Four. Let us hope that the Court of Appeal follows through on its responsibility and grants the Guilford Four the freedom they deserve.

TRUST IN OUR BIOLOGICAL OBJECTIVES

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. OWENS of Utah. Mr. Speaker, I am today reintroducing a bill to require the Secretary of Defense to identify, on an annual basis, the biological agents that are being used in the Biological Defense Research Program. Under the terms of this legislation, a complete list will be published in the Federal Register at the end of each fiscal year.

The Biological Defense Research Program has been the subject of ongoing controversy and suspicion. Here in the United States, many scientists and concerned citizens have

questioned both the objectives and safety of a rapidly growing biodefense program. Internationally, there is mounting fear that the United States may be moving toward producing biological weapons in violation of the 1972 Biological Weapons Convention.

The Department of Defense assures us that such fears are without foundation. But even Department of Defense witnesses, testifying at a hearing I conducted last May, have admitted that the Biological Research Program should be made more open in order to relieve suspicion. By providing an accessible list of the biological agents with which we are doing research, we will be taking an important first step toward encouraging that openness and restoring trust in our biological objectives.

PLIGHT OF PORNOGRAPHY ON AMERICA

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. BILIRAKIS. Mr. Speaker, I stand here today before my colleagues to denounce what I consider a plight on the very fabric of our society: pornography. When our ancestors fled the oppression of the Old World for the freedoms of the new one, they were not in search of a debased society wallowing in its own perverseness.

Last week, convicted murderer Ted Bundy attributed his heinous acts to the abuse of alcohol and pornography. I cannot attest to the veracity of this statement from one of the most horrible criminals in America's history, but we repeatedly see more and more evidence of violence against women as a result of pornography.

I am and will always continue to be a supporter of free speech with all the fervor I can muster; however, the abuse of children and the explicit depiction of sexual acts for indiscriminate consumption without any regard for the values of the community is intolerable. We must continue with our fight to keep this filth out of our homes, schools, streets, and neighborhoods. I will continue to support legislation to restrict the interstate commerce of pornography and its dissemination in ways accessible to children.

THE FAIRNESS IN BARGAINING ACT OF 1989

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. WALGREN. Mr. Speaker, Congressman TAUKE and I today have introduced, The Fairness in Bargaining Act of 1989, to provide needed clarification of the terms of renewal for franchises in the petroleum industry. One of the original goals of the Petroleum Marketing Practices Act [PMPA], was to set rules for negotiations between the big oil companies and the individual independent service station dealers who sell brand name gasoline under a franchise agreement. In practice, however, the PMPA failed to create a fair balance between large oil companies and the service stations. Experience under present law demonstrates that large oil companies still have the ability to make dramatic changes in the terms of franchise agreements, or abandon outright any agreements they decide are no longer serving their interests. This leaves the gas station operator little if any recourse, except to give in—even if it means going out of business.

The legislation we have introduced would strengthen the dealer's negotiating position in three ways. First, it requires all changes in franchise agreements to be fair and reasonable. This gives the gas station operator a right to seek redress from the courts in these cases which would cause damage to their business. The prospect of court oversight and redress is critical to strengthen the negotiating position of the small business. It would help restore the traditional American value which holds that each party in the negotiation should have the ability to bargain effectively for a mutually beneficial contract.

Second, this legislation requires all economically necessary contracts between the franchisee and franchisor to be included under fair and reasonable provison. By explicitly reaching essential aspects of the relationship, the gas station dealer would be able to bargain in full confidence that agreements will not be undercut by changes in other separate contracts such as the terms of credit card purchases.

Third, in cases where the franchise is located on property leased from a third party, this bill would grant the gas station operator an opportunity to reach his own agreement with the landowner in the event the franchisor is unable to renew his lease on the land. This provision is common in other businesses and affords each dealer the same chance to remain in business if they are able to arrange an equitable agreement to use the land on which the station is operating.

With these changes in the PMPA, the independent neighborhood service station could maintain neighborhood independent businessman in the service station industry. Since the rise of the petroleum industry in the early 1900's independent small businesses have been the standard of neighborhood service stations. That kind of independent service-oriented business must be preserved.

In the 100th Congress, this legislation had 83 cosponsors and was approved by the Energy and Commerce Committee. I hope this bill will achieve even greater success in this Congress. I urge my colleagues to support passage of this bill.

RETURN TO STRONGER 5-MPH AUTO BUMPER PROTECTION STANDARD

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. BEILENSON. Mr. Speaker, today I am reintroducing legislation I proposed during each of the last three Congresses to restore automobile bumper protection standards to the 5 mile-per-hour requirement which was in force when the Reagan administration took office.

Beginning in 1978, new cars were equipped with bumpers capable of withstanding any damage in accidents occurring at 5 miles per hour or less. This was done in accordance with the the Motor Vehicle Information and Cost Savings Act of 1972 which requires the National Highway Traffic Safety Administration [NHTSA] to set a bumper standard that seeks to obtain the maximum feasible reduction of costs to the public and to the consumer.

However, as part of the Reagan administration's effort to ease the so-called regulatory burden on the automobile industry, NHTSA reduced the standard to 2.5 miles per hour in 1982, claiming that lighter, weaker bumpers would cost less to install and replace, and would provide better fuel economy. This supposedly meant a consumer would save money over the life of a car, since the lower purchase and fuel costs should outweigh the occasionally higher cost of an accident. The administration promised, at the time, to provide bumper data to consumers, so that car buyers could make informed choices about the amount they wished to spend for extra bumper protection.

None of these economic benefits has materialized. Not only is the Government ignoring the consumers' need for adequate, accessible crash safety and damage information by making bumper and crash test information difficult for new car purchasers to find, but there is virtually no evidence that the car makers have reduced prices on cars they have equipped with the weaker bumpers. Adding insult to injury, the new bumpers weigh about the same as the older ones and thus save nothing on fuel costs.

Most importantly, consumers are spending hundreds of millions of dollars in extra repair costs and higher insurance premiums because of the extra damage incurred in slow speed accidents. In 5-mile-per-hour crash tests done each year by the Insurance Institute for Highway Safety [IIHS], cars with the weaker bumpers sustain up to $3,000 in needless damage with absolutely none of the compensating benefits promised by NHTSA.

There is no doubt that consumers overwhelmingly favor a stricter bumper standard. In a 1982 survey conducted for IIHS 78 percent of those asked said they preferred 5-mile-per-hour bumpers to 2.5-mile-per-hour bumpers when they were told that the weaker bumpers would save gas, and lower the price of a new car, but would increase insurance collision prices by 10 to 20 percent. Surely no one buying a new car would prefer the extra inconvenience and cost associated with damage sustained in low-speed accidents with weaker bumpers to the very minor additional cost, if any, of stronger bumpers.

Both the Consumers Union, which has petitioned NHTSA unsuccessfully to rescind the change, and the Center for Auto Safety strongly support Federal legislation requiring a return to the 5-mile-per-hour standard. The insurance industry also strongly believes that rolling back the bumper standard was an irresponsible move, and both the American Insurance Association and the Alliance of Ameri-

can Insurers, two of the industy's largest trade organizations, support this measure as a way of controlling auto insurance costs.

Mr. Speaker, the administration made a serious, costly mistake when it rolled back the bumper standard. It has cost consumers many millions of dollars, with no offsetting benefit at all. Some manufacturers have continued to supply the stronger bumpers voluntarily, but consumers have no easy way of knowing whether cars have the stronger or weaker bumpers.

Re-establishing the 5-mile-per-hour bumper standard would be one of the wisest and easiest measures Congress could take this year to help alleviate the automobile insurance crisis that car owners are currently facing. We can save consumers millions of dollars by a proven regulation that worked well in actual practice only a few years ago. We cannot allow rhetoric about the burden of Government regulation and the advantages of free market economics to blind us to the reality of the economic and human costs of automobile accidents. It is up to Congress to restore rationality to automobile bumper protection standards.

Mr. Speaker, I urge my colleagues to join me in supporting this simple, straightforward bill.

A SALUTE TO THE KIWANIS CLUB OF POTTSVILLE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. YATRON. Mr. Speaker, I would like to take this opportunity to share with my colleagues a very important event which will take place on February 27, 1989. The Kiwanis Club of Pottsville will celebrate 70 years of service—70 years of helping and bettering the community. The Pottsville Club was the 98th Kiwanis organization chartered in Kiwanis International; the worldwide membership of this proud organization now numbers more than 8,500 local clubs.

The Kiwanis Club of Pottsville was originally a men's organization but currently has more than 70 men and women from a variety of professions and business pursuits. Among the activities of the Pottsville Club are participation in the Schuylkill County senior charity basketball game, and interest in special Olympics. The club annually honors the outstanding vocal and instrumental music students at Pottsville and Nativity BVM High Schools, as well as the senior boy and girl who have contributed the most to their community in volunteer service. The club has also provided support for youth sports activities and combines with local agricultural organizations to sponsor a farm-city dinner.

Throughout the years, many citizens and local organizations have benefited from the club's fundraising ventures, including the Salvation Army, YWCA, Pottsville Free Public Library, and others.

Each of the members of the Kiwanis Club of Pottsville who have helped to make the organization what it is today can be justifiably proud of all its many accomplishments. The club has known a productive and rewarding past and I hope that they will continue to be met with the same degree of success in future endeavors. I know that my colleagues will want to join me in congratulating the Kiwanis Club of Pottsville on this 70th anniversary and join also in wishing them the very best in the years to come.

U.S. POLICY TOWARD EL SALVADOR: TIME FOR A FRESH START

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1989

Mr. STUDDS. Mr. Speaker, from January 6 to January 11, I visited the small Central American nation of El Salvador. During my 5 days in the country, we met with a broad range of political, military, religious and community leaders, including President Jose Napoleon Duarte, the leading candidate in the Presidential election scheduled for March, and labor leaders from the left to the right of the political spectrum.

After leaving El Salvador, I continued on to Costa Rica for 2 days of talks with political leaders in that country, including President and Nobel Prize winner Oscar Arias.

I was accompanied, on the El Salvador leg of the trip, by a distinguished group of American labor leaders including Mr. Jack Sheinkman, president of the Amalgamated Clothing and Textile Workers Union; Mr. William Wimpisinger, president of the Machinist and Aerospace Workers; Mr. Gary Moore, vice president of the American Federation of State, County and Municipal Employees; and Mr. Don Stillman, of the staff of the United Auto Workers.

The following is a summary of my findings and recommendations about U.S. policy toward El Salvador based on my visit to these two countries, and on events since that time.

BACKGROUND

President Duarte once said that El Salvador's history consisted of "50 years of lies, 50 years of injustice, and 50 years of frustration." It is a history, he said "of a people starving to death, living in misery. For 50 years, the same people have had all the power, all the money, all the jobs, all the opportunities."

And throughout those 50 years, all the people of El Salvador heard from the United States was silence.

It was not until the beginning of this decade, after the Sandinistas raised the specter of region-wide Marxist revolution, that we began to pay serious attention to El Salvador. That country, with its history of social inequality, its corrupt and brutal military, and its increasingly active and militant left was as logical a candidate for revolution as this hemisphere has ever seen.

And so, beginning in 1981, we swamped El Salvador with economic and military aid; advised them on every subject from counter-insurgency to political advertising; lectured them about human rights; plied them with democratic rhetoric; and paralyzed them with delegations of Congressmen nosing about, looking for easy answers. For many, that easy answer came when Napoleon Duarte was elected President in 1984; for after that election, we declared our policy toward El Salvador a success and turned our attention with even less effect to Nicaragua.

Now, after 5 years, the Central American spotlight is shifting back to El Salvador; the high hopes that accompanied Duarte's election have been disappointed; and in place of those easy answers, we are confronted once again with some very difficult questions.

the $3 billion we have provided in economic and military aid to El Salvador since 1981 have helped that country to survive, but not to progress. The civil war is now in its ninth year. The standard of living has dropped by one-third. There is no system of justice. The armed forces remain a law unto themselves. Duarte's own political party has been discredited by allegations of corruption. Duarte, himself, is dying of cancer. And the party most likely to win the Presidential election scheduled for March was founded by right wing terrorists led by Maj. Roberto D'Aubuisson.

According to the U.S. Embassy in San Salvador, "the trends are good." According to virtually every Salvadoran I talked to during my visit, even the limited progress of the last few years is in danger of slipping away.

In recent months, violence has increased on the part of both extremes. To cite just one sequence, the guerrillas bombed the Defense Ministry in December; so someone, probably the military, bombed the Lutheran church. Then, someone bombed the National University, and the guerrillas bombed the Treasury police. All year, the guerrillas have been killing and threatening to kill municipal officials; so this past Christmas, a right wing group promised to begin killing two guerrilla sympathizers for every one victim of leftist violence.

Like Lebanon, El Salvador seems to have the capacity to make a hopeless situation progressively worse. The tit-for-tat terrorism of recent months advances the goals of neither side; but it is symptomatic of a larger military stalemate that has persisted for 8 years. The Army is tied down guarding fixed installations; the guerrillas can't risk large-scale operations in the face of the military's air power. The motto of both sides seems to be that if you can't beat the other guy on the battlefield, at least you can kill his friends.

Meanwhile, El Salvador remains an economic basketcase. Our aid, as large as it has been, only equals the damage done to the Salvadoran economy by the war. Despite the killing and the massive emigration of refugees, the population of El Salvador continues to grow at a rate that could not be sustained even in the best of times. Production of coffee—the nation's only major export—has dropped by 40 percent. And unemployment and underemployment is estimated at more than 50 percent.

THE CENTRAL ISSUE: WAR AND PEACE

During my visit, Salvadorans from all sides declared both their desire for peace and their pessimism that a realistic framework for negotiating peace would be found. For years, negotiations have been stymied by the guerillas' demand for a share of political power, and by

the government's demand that the guerrillas put down their arms and respect the electoral process.

During my visit, U.S. Ambassador Bill Walker told me emphatically that he would not urge elected Salvadoran leaders to negotiate away their own power. President Duarte told me that he had met with guerrilla representatives on 17 separate occasions without detecting even a hint on their part that they genuinely desired peace. In Costa Rica, President Arias said that he, too, had met with the Salvadoran guerrilla leaders and found them rigid in their pursuit of a military victory.

For more than 8 years, the guerillas have held firm to a policy of nonparticipation and nonrecognition of elections. During my visit, no one that I talked to expected that policy to change. But on January 24, less than 2 weeks after my return from El Salvador, it did.

On that day, the five guerilla leaders outlined a set of conditions under which they would accept and support the electoral process. The conditions they cited include:

A delay in the Presidential elections from March until September;

An end to repression of political and labor union activity by the Armed Forces;

A commitment by the military to remain in its barracks on election day;

The formation of a broadly representative civilian monitoring council to supervise the elections;

Extension of the right to vote to Salvadorans living abroad; and

A commitment by the United States to remain neutral in the election.

Unfortunately, although the guerilla proposal includes a call for a 5 day truce immediately preceding and following election day, it offers no plan for a permanent ceasefire; nor does it include a meaningful pledge by the armed opposition to halt its own policies of political intimidation—including the assassination of mayors and other municipal officials.

But despite this, the acceptance of the guerilla proposal, even in modified form, would dramatically transform the political landscale in El Salvador. It would set the stage for a wide-open Presidential campaign in which a full spectrum of political viewpoints would be represented. And if the guerilla proposal could be coupled with a cease-fire, and with strong international pressure on all sides to respect the results of the election, El Salvador could become a far different place than the splintered and gloomy society I visited just 2 weeks ago.

For this reason, I hope that the U.S. Government, as well as the Salvadoran, will take the guerrilla proposal seriously. There is much within their plan that needs to be clarified, and there are obvious constitutional problems involved in delaying the elections. Legitimate objections to the proposal can be made, but the opportunity to break the negotiating stalemate of the past is so great that a failure to respond in a way that would truly test the guerillas' willingness to accept the legitimacy of the democratic process could not be excused.

THE POLITICAL PROCESS

Since 1982, El Salvador has held five elections for municipal, legislative and executive positions. Despite the past failure of the left to participate, and some occasional allegations of fraud; these elections remain an impressive accomplishment.

In less than a decade, and in the midst of civil war, El Salvador has developed many of the superficial trappings of a democracy. Political campaigns are vigorously conducted; political rhetoric freely reported; political issues peacefully debated; and election results respected.

During my trip, I spoke with Ruben Zamora, a spokesman for the Democratic Convergence party of the left, and with the two leading Presidential contenders—Alfredo Cristiani of the ARENA party, and Fidel Chavez Mena, of the Christian Democrats.

Zamora told me that, although his party does not expect to win the election, it does hope to develop a national organization that would compete successfuly in future years. His immediate goal is to gather support for a negotiated settlement to the war, in which the Armed Forces of both the government and the opposition would participate.

Zamora said that the decision he and his colleagues had reached to enter a candidate in this year's Presidential election was originally opposed by the guerrilla groups with which he, although not his coalition, is allied. At the time of our meeting, he was not certain what role the guerillas would decide to adopt as the election grew near. The guerrilla's proposal of January 19 would seem to indicate a growing conviction within both the armed and unarmed left that the Democratic Convergence has the potential to do well in the elections, but that it needs more time—and more freedom—if it is to organize effectively.

But if time was on Ruben Zamora's mind, money was on the mind of Fidel Chavez Mena, the nominee of President Duarte's Christian Democratic party. During a meeting held at his business office in San Salvador, Chavez predicted that he would win the election, but made clear his need for U.S. assistance to bring that outcome about. "To be neutral in this election," he said, "is to favor ARENA." He argued that an ARENA victory would lead to greater confrontation between left and right, greater violence within the country, the loss of international support for the democratic process in El Salvador, and possibly the loss of democracy itself.

"In other countries," he said, "one party wins and the process continues. But ARENA was founded at a reaction to that process."

Chavez admitted that his own party's chances had been damaged by allegations of corruption, and stressed his commitment to a new code of ethics and an improved auditing system that would prevent the misuse of government funds. He also promised to build on Duarte's legacy of a more open political climate in El Salvador.

The third ciivilian political leader I met with was Alfredo Cristiani of ARENA. Cristiani is an articulate, U.S.-educated businessman who talks of the need for national unity, economic and judicial reform, and respect for the democratic process.

He seeks to disarm critics by acknowledging concerns about the role of Major D'Aubuisson in founding his party. He says that his party is being "misjudged" because ARENA started as "a one man show." "But ARENA has evolved from a political movement into a political institution," he told me. "Many new faces have become involved. We are now like other parties. We have liberals, moderates and conservatives. Our party is not involved in violence, although our opponents seek to generalize from cases where individual members of the party have been involved in crimes."

Today, what one makes of ARENA is an issue in United States-Salvadoran relations. But if ARENA wins the election, it may rapidly become the issue. ARENA already controls the National Assembly, which, in turn, controls the judicial branch. ARENA mayors now govern the majority of municipalities throughout the country. Control of the Presidency would give them a monopoly on official power.

Although Cristiani says that D'Aubuisson will not have a direct role in his government, he does not distance himself from D'Aubuisson's politics, and especially in rural areas where he is most popular, D'Aubuisson campaigns at Cristiani's side.

An ARENA victory will present new and extremely difficult questions for the United States. Many of those we met with in El Salvador, including those considered to be political moderates, believe that the election of Cristiani will produce greater violence from both the right and the left. They foresee a return to the "dirty war" period of the early 1980's, and predict that nonviolent opposition leaders will once again be forced to choose between exile and resort to the use of arms. President Duarte said simply that "behind the democratic face of ARENA is a structure that is totally fascist."

It seems likely that an ARENA victory would reduce, if not eliminate, the prospects for further progress toward reforming the military, increasing respect for human rights, building a workable judicial system or opening the door of economic opportunity to the poor, who make up the vast majority of the Salvadoran population.

The United States cannot—and the Bush administration assuredly will not—simply walk away from El Salvador if Cristiani wins. But neither could we accept a return to the government-sponsored violence and repression of the past. We must establish—and hold firm—to the principle that U.S. aid comes with a price; and that price is progress toward social and economic justice.

HUMAN RIGHTS AND JUDICIAL REFORM

From 1980 until 1983, the Armed Forces waged a war of repression in which tens of thousands of Salvadoran civilians were killed. Today, the army is more professional. When it uses torture, it does so more carefully, less brutally and more selectively. It kills fewer civilians. And it is less likely to interfere in domestic political affairs.

U.S. officials are quick to praise the Armed Forces for the progress they have made. But this progress falls far short of what is needed to make true democracy possible in El Salvador. The Army can—and does—still kill with impunity when it wishes to do so. It can—and does—still use torture and intimidation to terrorize those suspected of subversive acts. It can—and does—still shield right-wing death squads who defend the economic well-being of El Salvador's small and privileged upper class. And years of war and U.S. aid have

made the Armed Forces more powerful than they have ever been.

I disagree with the Salvadoran left on many issues, but Ruben Zamora and his allies have always been correct in asserting that much of the power held in theoretically democratic El Salvador rests not with democratically elected civilians, but with the Armed Forces. The power they have often illegally exercised flows quite literally from the barrel of a gun. The people of El Salvador did not vote for it; it is every bit as illegitimate as any power sought by the guerrillas; and it is every bit as much a threat to democracy as that concept is understood in the United States.

One recent example illustrates this point.

In September, 10 Salvadoran campesinos were murdered by the Armed Forces in the town of San Francisco, in San Vicente province. The military claims the deaths occurred during the course of a guerrilla ambush, despite the evidence that the victims were shot in the head at close range. Army Chief of Staff Colonel Emilio Ponce told me that the guerillas must have dug up the bodies and shot them in the head in order to make it appear to be a massacre. This view was dismissed as ridiculous by those, including an official of the U.S. Embassy, who have seen the bodies and studied the case.

As is typical in such instances, the Salvadoran Government has promised to investigate; the military claims it wants only the truth; the judge assigned to the case has resigned in fear for his life; and the investigation appears to be going nowhere.

This case is but the latest reason why it is not enough for United States officials simply to talk about human rights "progress" in El Salvador.

It is not enough for the State Department to compose multicolored charts that show more civilians were murdered by the government in 1 year than in the next. The issue is whether the armed forces and the right wing retain the power to kill with impunity; the power to determine who should be killed and when and why and for what reason; the power to kill as they have killed before and to know that they will get away with it—that they will not be punished as individuals; and that the armed forces will not be deprived of the U.S. military aid upon which they have come so completely to depend.

All the "progress" notwithstanding, these conditions still exist today in El Salvador. And, as long as they do, those who oppose the policies of the government will live not in a democracy, but on a leash.

For years, Congress and the administration have labored with concerned and courageous Salvadorans to build a workable judicial system. We have given legal and police training, provided law enforcement and forensic equipment, offered to protect judges and virtually begged the military to allow at least one of its officers above the rank of captain to be convicted for a crime committed against civilians. But, we have failed.

Colonel Ponce's macabre explanation of the killings at San Francisco is but the latest example of a pattern in which the military obstructs justice and then claims confusion as to why the judicial system does not work. Right wing leaders do the same thing. ARENA party candidate Cristiani expressed to me his deep sadness about the state of the judicial system in El Salvador. But only a few days before, his party had forced the nation's Attorney General to resign because he had tried to extradite one of D'Aubuisson's cronies from the United States.

It is true that the military has occasionally transferred officers to less sensitive posts; forced some into early retirement; and allowed a handful of junior officers to be punished for killing American nuns. It is also true that the military is now much more likely than before to imprison, rather than execute, those whom it has rounded up for interrogation. But the military has not—and it is plain that it voluntarily will not—require its own officers to submit to a system of justice it cannot wholly control.

In the months ahead, I will be encouraging the Bush administration to make judicial reform and respect for human rights an absolute precondition to continued United States military support for El Salvador. This issue is not, and it has never been, a question of the ability of El Salvador to administer a system of justice. It has always been a question of power. The Armed Forces have the power to see that a workable system of civil justice is created; and they have the power to hold their own personnel accountable for military crimes.

For 8 years, we have insisted that progress on judicial reform would affect our decisions on military aid. For 8 years, the military has called our bluff. The time has come for us to call theirs.

LABOR RIGHTS AND THE ECONOMY

Because my delegation included American labor leaders, a major focus of our visit was the issue of labor rights. Accordingly, we met with Salvadoran labor officials of every conceivable political and vocational stripe in an effort to understand the conflicts that lie behind worker unrest in that country. In so doing, we verified the truth of a comment made to us by one observer who said that "keeping track of changes in the Salvadoran labor movement is like trying to map sand dunes in the middle of a desert storm."

This is because the country's work force is splintered into a bewildering variety of unions, federations, cooperatives and informal units subject to an equally bewildering variety of widely ignored and frequently contradictory laws, regulations and constitutional protections.

Most Salvadorans do not hold full time jobs, and most of those who do are poorly paid. The legal minimum wage ranges from $2 per day for farm workers to $3.60 for industrial workers in San Salvador. Overall, wages have not kept pace with inflation, and the standard of living even for those lucky enough to hold full time jobs has fallen by one-third since 1983. Roughly 40 percent of workers now make up what is euphemistically called the "informal sector" of Salvadoran society, which is a polite way of saying their families lack jobs, decent shelter, health care and adequate schools.

Since the Central American Workers Congress was founded in San Salvador in 1911, labor rights have played a central role in the competition for political and economic power in El Salvador. Throughout the century, periods of organization have been succeeded by periods of vicious repression carried out in behalf of a small agricultural and business elite. Most recently, union activists were among the principal victims of the right wing death squads that terrorized El Salvador during the early years of this decade.

Today, union activity is once again on the rise, in keeping with the general trend toward more open political debate. And once again, unions are at the center of the struggle for political influence and power.

During my visit to El Salvador, I found a labor movement that was generally united about the need for peace; for improved working conditions and increased rights; and fearful of the possible consequences of an ARENA victory in the March elections.

Union leaders were united, as well, in expressing concern about harassment and intimidation of labor activists by the armed forces.

Our delegation heard testimony from both urban and rural workers who had been captured and interrogated for days at a time by military authorities. One young man was repeatedly threatened with execution; held without food or water or sleep for several days; and forced to perform physical exercises past the point of exhaustion. In his case, as in others, the objective was to force the victim to implicate his coworkers in proguerrilla activity.

Union leaders and many others during our visit commented on the propensity of the government to equate labor activism with communism and support for the armed opposition. Such accusations, it is argued, provide the government both with an excuse to ignore just labor demands, and with the means to legitimize acts of repression. "Any struggle to improve the lot of the people is linked to the Communists;" said one union leader, "this has been the history of El Salvador for fifty years."

Despite labor agreement on some issues, deep divisions exist with respect to ideology and tactics.

The leftward leaning UNTS coalition, for example, favors what it calls a "popular struggle", involving militant demonstrations, frequent work actions and the active politicization of the working class. Their avowed goal—which they freely admit and confidently predict—is the collapse of the existing governmental structure. UNTS leaders accuse the rival UNOC federation of putting the interests of the government and the United States above the interests of Salvadoran workers.

UNCO leaders, on the other hand, see themselves as a unifying force within the nation, committed to nonviolence and to traditional western concepts of democracy. They criticize both the left and the right for human rights violations, and go to great lengths to deny allegations that they have been "brought off" either by the Christian Democratic party or by the United States.

Because the labor movement is the largest organized popular force in El Salvador, its leaders are subject to intense pressure by those wishing to manipulate the course of political events inside the country. That category includes guerrilla leaders, civilan politicians, the armed forces, the business sector, and the U.S. Government. As a result, union leaders may find themselves threatened, cajoled,

propagandized, befriended, betrayed and, all too often, corrupted. It is an atmosphere that breeds suspicion and obscures the real issues of worker dignity and human rights.

The fact is that all of El Salvador is today poisoned and polarized by accusations not only against labor leaders, but against church officials, students, political leaders and others who argue for change.

During my few short days in El Salvador, I saw a young woman lying paralyzed in a small hut in the countryside, surrounded by a family too poor and too frightened to get her proper—or for that matter, any—medical care. I saw a hospital still damaged by an earthquake that had occurred almost 3 years age, delivering babies and providing surgical care in surroundings less sanitary than the average American living room. I saw whole urban neighborhoods constructed out of tin and cardboard, wedged into ravines where nothing grows except the appetites of young children.

I listened to a young man talk of being kidnapped, threatened with execution, held for days without food and water, and forced to do hard physical exercises for hours at a time—all in an effort to force him to inform on his fellow workers. I saw the photos of young men murdered because someone suspected them of something they were never directly accused of; and I heard a military officer lie about those deaths while expressing gratitude, in the same breath, for U.S. military aid.

It is no wonder that there are strikes in El Salvador. It is no wonder that there are demonstrations. And I have no doubt that some of them—perhaps most—are carried out in cooperation to one degree or another with the guerrillas.

It would be absurd to deny that links exist between the political left and the military left in El Salvador. But there can also be no doubt that those links are strengthened every time an official of our government, or of El Salvador's, uses that reason to deny the existence of the need for change, or to excuse the repression of those peacefully demonstrating for reform.

I believe that the United States should support legitimate and reasonable labor demands in El Salvador, as part of a larger program aimed at improving the social and economic condition of the poor majority of that country.

We should criticize the harassment and intimidation of labor leaders when that occurs; we should support the establishment—and the observance—of a fair labor code; and we should encourage the development of labor unions and federations inside El Salvador that honestly serve the interests of their constituencies, rather than any outside group.

Even more important, we must re-examine the nature and purpose of the assistance we provide to El Salvador. Today, the primary beneficiaries of that aid are the Armed Forces and the civilian leaders of the Government. Both are riddled with corruption; and neither is believed by the poor majority of El Salvador to have the best interests of the country at heart.

El Salvador is the only nation in the world where we contribute more to the national budget than the people of that country do themselves. We owe it to our taxpayers, and we owe it to the people of El Salvador, to see that our aid dollars are used honestly, and that they contribute, as well as they can in time of war, to building a society that is more just, more equal, more humane, and more capable of meeting the basic human needs of its people.

CONCLUSION

I am convinced that the problem with past U.S. policy toward El Salvador has not been its goals. Those goals—democracy, land reform, judicial reform and human rights—are correct.

The problem is that we have not been firm enough or true enough to our goals. We espouse democracy, but we have strengthened a military that only accepts those aspects of democracy which do not threaten its power. We espouse economic reform, but we back off when opposition emerges from the right wing. We espouse judicial reform, but make excuses for those elements in judicial reform, but make excuses for those elements in Salvadoran society that have made judicial reform impossible. We espouse human rights, but we have refused to make the miltiary pay a price for its continued violation of human rights.

As a result, those who hold the greatest power in El Salvador, especially the Armed Forces, have been spared the need to choose between a real commitment to democratic values and losing U.S. aid. Because the conditions we attach to our aid have been diluted; the Salvadoran response has been diluted. Because we have defined their survival in power as our overriding goal, we have lost the leverage required to ensure that that power is legitimately exercised.

Because we have been too easily satisfied; we have obscured the very reasons for our investment in El Salvador.

During my visit, U.S. Embassy officials sought to persuade me, that issues of war, peace and the economy notwithstanding, the important thing was that the elements of a real democracy are being assembled in El Salvador. And its is true that real gains in political freedom have been made.

But ultimately, Salvadorans will judge democracy not by the number of elections that have been held or by the number of speeches that have been given, but by the difference they can see in their own lives. If democracy cannot put food in front of a family; or fair wages in the pocket of a laborer; or a land title in the hands of a campesino; or hope in the heart of a child—then sooner or later, the people will choose another way.

That is why our policy toward El Salvador must begin with the understanding that a political solution to the conflict in that country is essential. A stable democracy cannot be constructed on a mountain of skulls; and a viable economy cannot be built amidst the ruins of civil war. The Untied States must become the foremost proponet for peace in El Salvador.

Second, we should reconsider the level and types of military and economic assistance we provide to El Savador. The development of a functioning civil and military justice system should be an absolute prerequisite to continuing aid at anything close to current levels. We should condition a portion of our assistance on improved respect for labor rights. And we should shift a greater portion of our economic aid to meeting the urgent social needs of the Salvadoran people, whether those priorities are in accord with that of the next government of El Salvador or not.

Third, we ought to actively solicit the advice of other Latin American leaders in designing and carrying out our policy toward El Salvador.

And finally, we must not repeat our earlier mistakes and take refuge in easy answers. The problems of El Salvador will not be solved by one man or by one election or by one agreement. They will not be solved by the United States acting alone. And they will not be solved by ideologues who see every issue in the larger context of East-West relations.

For 8 years, our policy toward El Salvador and toward Central America, as a whole, has been crippled by those who sought to govern not on the basis of facts, but on the basis of ideological preconception.

Today, we have a new President and a new Secretary of State. Let us go forward, with open eyes and open minds, to make a fresh start; to see if the necessary elements for peace and economic reform are in fact present in El Salvador; and to see if we can help the citizens of that country to transform their "history of lies . . . injustice . . frustration . . . (and) misery" into a future of opportunity and hope.

SENATE—*Friday, February 3, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11 o'clock a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be recessed under the order.

RECESS UNTIL 2:15 P.M. TUESDAY, FEBRUARY 7, 1989

Thereupon, at 11 o'clock and 1:06 seconds a.m., the Senate recessed until Tuesday, February 7, 1989, at 2:15 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, February 6, 1989*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 6, 1989.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that we will use our words to express the beauty and wonder of Your world and to speak encouragement and appreciation to people about us. May our words tell of integrity of purpose and commitment to good deeds and may they be said with grace and kindness one to another.

We pray, O God, that all we say with our lips we may believe in our hearts and all that we believe in our hearts we may practice in our daily lives. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. COELHO] to lead the House in the Pledge of Allegiance.

Mr. COELHO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 33. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the Senate agreed to the following resolution:

S. RES. 36

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Mr. Hatfield of Oregon.

Joint Committee of Congress on the Library: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 7. Joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

The message also announced that pursuant to Public Law 100-382, the Chair on behalf of the President pro tempore appoints Carol L. Wohlford of Kansas, from private life; and William Asp of Minnesota, from private life; to the Advisory Committee of the White House Conference on Libraries and Information Services.

The message also announced that pursuant to Public Law 100-696, the Chair announces at the request of the Republican leader the appointment of Mr. HATFIELD, as a member of the U.S. Capitol Preservation Commission.

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair reappoints Mr. MOYNIHAN as a member of the Board of Regents of the Smithsonian Institution.

The message also announced that pursuant to section 1024, of title 15, United States Code, the Chair on behalf of the Vice President appoints Mr. SARBANES, Mr. BENTSEN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GORE, Mr. BRYAN, Mr. ROTH, Mr. SYMMS, Mr. WILSON, and Mr. MACK, to the Joint Economic Committee.

The message also announced that pursuant to Public Law 99-158, the Chair announces at the request of the Republican leader the appointment of Mr. NICKLES, as a member of the Biomedical Ethics Board.

The message also announced that pursuant to section 8002, of title 26, United States Code, the Chair on behalf of the chairman of the Finance Committee, designates the following members to the Joint Committee on Taxation: Mr. BENTSEN, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. PACKWOOD, and Mr. DOLE.

The message also announced that pursuant to Public Law 99-660, as amended by Public Law 100-436, the Chair on behalf of the majority leader appoints Mr. BRADLEY to the National Commission to Prevent Infant Mortality.

The message also announced that pursuant to section 1505(a)(1)(B)(ii) of Public Law 99-498, the Chair on behalf of the President pro tempore appoints Mr. BINGAMAN to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

The message also announced that pursuant to section 403(a)(2) of Public Law 100-360, the Chair on behalf of the President pro tempore, appoints Mr. PRYOR, vice Mr. Melcher; and Mr. ROCKEFELLER, vice Mr. MITCHELL, resigned; to the U.S. Bipartisan Commission on Comprehensive Health Care.

The message also announced that pursuant to sections 276(h)-276(k) of title 22, United States Code, as amended, the Chair on behalf of the Vice President appoints Mr. DODD as chairman, and Mr. GRAMM as vice chairman, of the Senate Delegation to the Mexico-United States Interparliamentary Group during the 101st Congress.

The message also announced that pursuant to sections 1928a-1928d, title 22, of the United States Code, as amended, the Chair, on behalf of the Vice President appoints Mr. ROTH as vice chairman of the Senate Delegation to the North Atlantic Assembly during the 101st Congress.

MEMBER'S REQUEST FOR RECOGNITION

The SPEAKER pro tempore. For what purpose does the gentleman from California [Mr. DANNEMEYER] rise?

Mr. DANNEMEYER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Chair does not recognize the gentleman for that purpose at this time.

Without objection, the Chair will receive 1-minute speeches.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, at what point in the proceedings today will the Speaker recognize this Member from California for a privileged resolution that is at the desk?

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from California will be recognized at the appropriate time. This is not the appropriate time. Unanimous-consent requests for 1-minute speeches are in process at the moment, and the Chair has recognized the gentleman from Ohio [Mr. TRAFICANT].

Mr. DANNEMEYER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, could the Chair indicate what the appropriate time will be?

The SPEAKER pro tempore. At the time the gentleman seeks recognition the Chair will decide whether it is appropriate or not.

The Chair recognizes the gentleman from Ohio.

WHAT IS NEXT ON THE CONGRESSIONAL PAY RAISE?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Congress could not make the tough budget cuts, so we passed the Gramm-Rudman, and if necessary we will let the guy from OMB do it.

Closing military bases is also very tough. We could not do that, so we created a commission that will do that.

Now, pay raises are awfully touchy. We cannot give ourselves a pay raise, so we create a commission to do it.

What is next, folks? Will there come a day when the neighborhood Crime Watch will have to defend America because Congress does not have the necessary anatomy to face a real crisis?

This is ridiculous. While Congress expects the working men and working women of my district to continue to take wage concessions, we are supposed to get a 51-percent pay hike. That is ridiculous.

The American people cannot be fooled any longer. If all Federal workers got a 4-percent raise, we should get that 4-percent raise. We have let them fly by in the past. I think it is time we stand up.

Today is a good day. I think we should have a vote on this. We should have the decency to vote on the issue, and I would ask for that to be considered.

INTRODUCTION OF THE FREDERICKSBURG AND SPOTSYLVANIA NATIONAL MILITARY PARK EXPANSION ACT

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, I am most fortunate to live in and represent a district that is filled with history. Much of that history involves the Civil War, which was fought throughout most of my district between 1861 and 1865.

It is important that we promote a balanced Federal policy for preserving those lands that are most important to the future understanding of our history.

I am introducing a bill today for such a purpose—to expand the boundaries of the Fredericksburg and Spotsylvania National Military Park near Fredericksburg, VA. This legislation will allow the Park Service to realize its goal of protecting all those lands it considers significant for promoting an understanding of four key Civil War battles—Chancellorsville, Fredericksburg, Spotsylvania Court House and Wilderness.

Specifically, this legislation would add 900 acres in both fee and easements to better enable the park to promote an understanding of the battles that occurred in this region. In addition, this legislation would permit the park to divest itself of roughly 400 acres determined not to be essential toward this end.

It is imperative that the Congress enact this legislation quickly, before the quickening pace of growth in this area eliminates forever the possibility of preserving these important lands.

VOTE NO ON THE CONGRESSIONAL PAY INCREASE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, in the time allocated to me, I wish to emphasize three points:

First, we in this Congress represent the American people. We represent their wishes, their desires, their hopes, but basically their will.

The people have said no to a congressional pay increase and therefore we of this Congress will say no and vote no to the pay increase.

Second, Thomas Jefferson has written that our system of government can only function when the people have their trust and confidence in it. This pay raise has eroded that trust and confidence. Let us vote it up or down and get this issue behind us so we can go on with the Nation's business.

Third, we want to remind the American people that Congress gets a lot of blame, some deserved, some undeserved; but that they, the people, rule and the lessons that all of us can learn are that when the people are incensed as much about deficits, drugs, waste in spending as they are about this pay increase, that those issues will be resolved, too.

By voting down the pay increase, we again take the high moral ground. We in this Congress have hundreds of groups, hundreds of groups that come into our Capitol Hill offices always asking for more and more. When these special interest groups come now, we can say, "Well, we in Congress didn't take a pay increase."

We have got to resolve the deficit problem, and saying no to all those special interest groups will mean more to us than any pay increase.

WHY SO MUCH TENSION ON THE FLOOR TODAY?

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, why is it that on a Monday when there is no business scheduled we have a Chamber full of Members? Why is there such tension on the floor of the House today? It is because we have failed to stand up to the plate and take a bat on the pay raise issue.

Mr. Speaker, the problem that we have here is that our process is lousy, first of all, and second, the timing for a 50-percent pay raise in 1989 is terrible.

We should as Members of Congress this year be providing moral leadership to the country on the deficit question.

But how will we be able to do that if we are the first ones at the public trough? The short answer is that we will not be able to.

So how do we get ourselves out of this mess? By changing the process.

First, vote down the pay raise that is before us now.

Second, consider a pay raise under a different scenerio, where we vote on it up or down and it does not take effect until after the next election.

REJECT THE PAY RAISE

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I rise to implore you to bring the activities of the House into the light of public scrutiny by allowing it to vote to accept or reject the 50-percent pay raise proposed by former President Reagan.

I understand that some Members do not desire their positions to be known

and I appreciate the sensitivity of this issue. However, I am opposed to this large salary increase when so many beneficiaries of Federal programs must sacrifice and I feel strongly that we have a responsibility to record our positions.

It is simply inconceivable to the American people that a recommendation to raise congressional pay to $135,000 was accompanied by a proposal to eliminate next year's COLA for Federal and military retirees. They view this as extremely unfair and they are right.

The issue of congressional pay has been and will probably always be a political nightmare. This is true regardless of one's position. We are viewed as scoundrels who resort to sneaking pay raises through, while we publicly protest and point our fingers at others. It is convenient but dishonest to avoid the accountability a vote entails. But the American people see through this process. They deserve to know how their Representatives voted because they elected us to make these hard decisions.

Let us show some guts around here and schedule a vote.

□ 1210

PRAISING THE 200TH ANNIVERSARY OF THE FIRST CHINESE ARRIVAL IN HAWAII

(Mr. AKAKA asked and was given permission to address the House for 1 minute.)

Mr. AKAKA. Mr. Speaker, as we celebrate 200 years of Congress, I am proud that this is also the bicentennial of the first arrival of Chinese in Hawaii.

In 1789, they sailed from Kwangtung or Fukien as carpenters and smiths on European trading ships.

King Kamehemeha the Great welcomed these skilled craftsmen, who were followed by Chinese businessmen, technicians, and farmers.

In the mid-19th century, thousands came as contract laborers in our sugar cane fields. They worked hard, but dreamed of leaving the plantations for a better life. And leave they did.

They struggled for equality, and today, Chinese Americans in Hawaii are leaders in business, education, and public service.

I am sure that this year's 200th anniversary celebration will reinforce the universal qualities by which Hawaii's Chinese achieved success; reverence for education, hard work and respect for our elders.

Today is the New Year of the Chinese throughout Hawaii and the world. It is also designated as the Year of the Snake.

My best wishes to the Chinese and all those who join them in this annual celebration.

Kung hee fat choy!

MEMBERS WANT OPPORTUNITY TO VOTE ON PAY RAISE

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, House rule 9 reads in vital part, "Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." Mr. Speaker, by our participation in this shameful pay-raise conspiracy, we have deservedly brought down on this House the disgust of the American people, 99 percent of whom earn less than we. Mr. Speaker, save as hopeful seed what remnant of dignity and integrity we collectively have left by providing us the opportunity to vote on this burning issue. Only you, Mr. Speaker, can save us from ourselves.

HAS THERE BEEN A REVELATION OF LIGHT?

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I want to make very clear what is going on here today. If the processes or rules of the House are followed, we are going to have rollcall vote today. I am not sure whether that rollcall vote will be on a motion to adjourn, whether it will be on a motion to table, or whether it will be on a privileged motion that this Member from California intends to offer. Hopefully it will be found to be privileged. If not, then this Member would seek to, with all respect, appeal the ruling of the Chair on which we would get a rollcall vote on that.

Whether this rollcall vote is on appealing the ruling of the Chair or whether it is on the dilatory mode of moving to adjourn or moving to table, this vote, the rollcall vote today, will be the rollcall vote the public will look to as to whether or not the Members prefer to sustain this aberration in the process that exists today; namely, where by the back door we can finesse our way into adjusting our compensation by a factor of 50 percent. The American people are outraged by this.

Since my Democrat friends along with the Speaker were in Greenbrier this weekend, I would like to ask the Speaker whether he has had a revelation of light not unlike that which came to Saul on the road to Damascus described in Acts 9, verses 4 to 22. If the light has come, maybe Saul, or rather the Speaker, can change back Saul to Paul.

PUBLIC UNDERESTIMATES HYPOCRISY

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I do not want to get into the substance of the pay raise issue. I have already told my constituents what I will do if it passes.

I do want to take just a moment to note that, lo and behold, it is possible for hypocrisy even to reach its way to the floor of the House. The Speaker of the House has taken a good deal of heat over the last few weeks because he is supposedly refusing to allow a vote to come on this issue.

Yet, one of the gentlemen who spoke within the last 10 minutes, and in that speech indicated his opposition to a pay raise, came to me just 2 weeks ago and said, "For God sake, the Speaker is not going to allow a vote, is he?"

I would simply suggest that if anyone in the public really believes that they will get an honest view of where people are standing on this pay raise issue if there is a vote, they greatly underestimate the hypocrisy of some Members who from time to time have populated this body.

LET US BE REAL REPRESENTATIVES OF THE PEOPLE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, on the issue of the pay raise, there is plenty of hypocrisy to go around. The whole process that we have before us is hypocriphal. It is hypocriphal for this reason: It has become known in the public as "Vote no and take the dough."

Mr. Speaker, we were sent here to do better than that. The Senate voted on this but they voted up or down, and we ought to have the decency to do the same thing. That is all the gentleman from California is going to ask here today is that we actually vote on the issue, not a phony vote taken a day after the issue.

I cannot believe that anybody who is writing me against the 50-percent pay raise is for a 30-percent pay raise either. We ought not do something that is that kind of hypocrisy. Let us have a vote before the issue, a real vote up or down. Let us tell the American people where we stand on the issue.

I think the House will vote down the pay raise because we understand that in America today where people are going to be asked to make sacrifices of all kinds, we cannot lead the way by taking a huge increase in pay.

I think we will vote it down. But let us have that vote and let us be real representatives of the people.

TAXPAYERS SHOULD NOT HAVE TO SUBSIDIZE MANSION MORTGAGES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, as all of us know, there is a big letter writing campaign promoted by the realtors and the homebuilders on legislation that has not even been proposed concerning the deductibility of home mortgage interest for tax purposes. At this point I am inserting in the CONGRESSIONAL RECORD an editorial of Sunday, February 5, 1989, of the St. Petersburg Times, written by its distinguished editorialist, Martin Dyckman, entitled "Taxpayers Shouldn't Have To Subsidize Mansion Mortgages."

I hope all of my colleagues will read this very well reasoned article and perhaps they can use it in answering some of their realtors' and homebuilders' mail. I would like to call this article particularly to MARGE ROUKEMA and LES AUCOIN's attention.

TAXPAYERS SHOULDN'T HAVE TO SUBSIDIZE MANSION MORTGAGES

(By Martin Dyckman)

Each week's New York Times Magazine contains several pages of real estate advertising appropriate for inciting revolutions. If "five elegant rooms" overlooking Central Park suit one's fancy, they are $1,295,000. Or perhaps one prefers an "exquisite English" in Westchester County for $1,775,000. A six-bedroom oceanfront mansion with 10 baths and a five-car garage is available at Boca Raton for only $6.5-million. For the thrifty, there is a Longboat Key condominium that boasts of its "towering nine-story atrium with cascading waterfalls and vibrant tropical foliage," where residences with views of both the Gulf of Mexico and Sarasota Bay are priced as low as $425,000.

"Who can afford these?" my wife keeps asking.

"I don't know," I say, "but I'll tell you who helps to pay for them. We do."

And so do you.

The Internal Revenue Code isn't quite as generous as it used to be, but the taxpayer is still allowed to deduct the interest on as much as $1-million in mortgage debt on first and second homes. Assuming that the mortgage interest is 10 percent and the taxpayer is paying the same 28-percent marginal tax rate as most of the middle class, that view of Central Park comes with a public subsidy worth as much as $28,000 a year.

Most Americans don't even earn that much.

The mortgage interest deduction is so popular that no politician wants to get caught sounding as if he or she wants to repeal it. None that I know of does. But it seems that there ought to be a few more of them with the moral courage to draw the lines more fairly. If the original purposes were to encourage and assist ordinary Americans to buy homes, assisting millionaires to buy mansions is a perversion of that intent. Anyone who can afford the upkeep on a Central Park vista has no business asking the taxpayers to help. That's all the more true now that interest on student loans, family cars and other consumer debt has been made nondeductible in order to save money for the government.

The mansion subsidy is as bad for the economy as for the national debt. It's one of the reasons why the Reagan tax cuts did not produce the predicted surge in new industrial capital. Too many of the wealthy would rather invest their tax cuts in splendid homes. As the Congressional Budget Office (CBO) explains it, "The high interest deduction currently allowed, along with the other tax advantages accorded to owner-occupied housing, shifts investment in businesses. This shift contributes to a relatively low rate of personal saving and investment in business assets in the United States compared with other developed countries that do not allow such large mortgage and consumer interest deductions."

As the CBO also points out, billions of dollars in new tax revenue could be squeezed out of the mortgage deduction without causing any pain to most taxpayers. Setting a limit of $12,000 per single return or $20,000 on a joint return would net $3-billion a year by 1993 and a total of $10.3-billion from now to then. Assuming interest of 10 percent, no couple with a mortgage balance under $200,000 would have anything to worry about.

"This option," says the CBO, would affect less than one-half of one percent of taxpayers. It would retain the basic incentive of home ownership but would not subsidize the luxury component of the most expensive homes and vacation homes. Because the caps are higher than the deductions now taken by virtually all taxpayers, they would cause a minimum of disruption to home prices and home building."

Another option suggested by the CBO could pick up $14.5-billion a year by 1993, and $55.6-billion between now and then, by limiting the deduction to 15 percent of interest paid, which is the value to taxpayers in the lowest bracket. Don't expect Congress ever to think seriously about that one, since it would affect about half the taxpayers. A third option, high in symbolic value but negligible in projected revenue at only $600-million a year, is to phase out the deduction for second homes.

Congress isn't showing any sign of wanting to consider even the easy option, however, and with members of a new Republican administration scouring the exorbitant real estate markets of Georgetown, McLean and Potomac, President Bush isn't likely to be proposing it.

Nonetheless, the real estate and mortgage industries are waging a public scare campaign that aims to make sure the thought never even crosses congressional minds. But they're not telling the public any of the reasons why it should.

With the 1988 interest statement, for example, our mortgage company took pains to warn us that "Congress is considering limiting the amount of interest you may deduct on your federal income tax return in order to raise tax revenues . . .

"If you are concerned about new restrictions or lower limits, please contact your U.S. senators and representatives to express your opposition to any more tampering with the mortgage interest deduction."

I suspect the president of BancBoston Mortgage Corporation might have something to lose by a $20,000 mortgage interest deduction limit, but we surely don't, and neither do 99.9 percent of the rest of America. We all would have something to gain, as a matter of fact, from removing a little more of that mountainous national debt America's children are about to inherit.

This week, as it happens, Bush is expected to ask Congress for more tax cuts for the rich, supposedly to stimulate investment. Sure. The day he gets them, just watch the price tags on those luxury homes go up.

AT LEAST FIVE THINGS ARE WRONG WITH PROPOSED PAY RAISE

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, there are at least five things wrong with this pay raise. We all know what they are.

First, it sets the wrong example when we are trying to reduce the budget deficit; second, 50 percent is way out of line with the 2 percent we are offering civil service workers and 4 percent for Social Security recipients; third, it is a cowardly way to attach it to the judiciary and executives to use it as a lever to get our raise; fourth, we do it without a vote in a very cowardly way.

Mr. Speaker, it seems to me we should wait 2 years before any pay raise, and we had one 2 years ago which itself was controversial. We should wait until a congressional election intervenes.

Mr. Speaker, I have a letter addressed to the Speaker which I will insert in the RECORD. Also received in my office was a petition along with 7,000 signatures expressing indignation over the refusal to allow Members to vote on the salary increase.

The letter follows:

PROVO, UT,
February 3, 1989.

Mr. JIM WRIGHT,
Speaker, House of Representatives, c/o Representative Howard Nielson, and Utah Congressional Delegation.

DEAR MR. SPEAKER. There was a time when members of the largest legislative body of the United States was presided over by an individual whose personal and professional interest was devoted solely to the best interests of the constituents he served. During his years as Speaker of the House, he worked closely with his colleagues to assure the American people had a voice in their own affairs. This individual will be long remembered as a true statesman, one whose voice will long echo through the chambers in which he sat. His name—Sam Rayburn, not long ago your predecessor.

There was also a time, when a congressman from the state of New York, was banished from the House of Representatives, partly because he had misused his office in the pursuit of financial gain. He will long be remembered as a politician who put the interests of the people who had elected him behind him, and sought to use his office for sordid and unstatesmanlike purposes. His name—Adam Clayton Powell. This expulsion occurred at a time when Congress still had an internal code of ethics, which was

enforced from within, and which evoked the confidence of the American people.

In the years since Rayburn and Powell, the integrity of government has become tainted as a result of Watergate, Iran-Contra, the scandals of the Reagan years, and so on. Somewhere in the midst of these episodes and others similar to them, the voice of Sam Rayburn has become muted, as has the confidence of the American People. Behavior which brought about the expulsion of Representative Powell has now become commonplace, as leaders of the House of Representatives perpetuate a pay raise at a time and under circumstances that would make Speaker Rayburn turn over in his grave and which would make Representative Powell appear to be a candidate for sainthood.

At a time when a drug epidemic gnaws at the very fiber of society, at a time when massive deficits seek to threaten the well being of my four year old boy (possibly even throughout his adulthood), at a time when the rapidly growing aged population is being stripped of their dignity and independence because they cannot afford decent housing or health care—you, the Speaker of the House and many of your associates, are seeking to fill your pockets and pension accounts at the cost of the public. The cost is financial and one of confidence. You have supported this payraise of yours at a time when so many like myself, struggling with a young family are scared at what the next four years may bring unless this deficit is curbed, and unless other priorities are addressed. In case you have forgotten, when folks in the private sector want a pay raise, they must meet certain expectations.

Mr. Speaker, we the American people expect you to place your own interests aside, place aside partisan strategy, remember who sent you to Washington, and on what premise. Many of us are hurting, the vast majority of us are fast losing confidence in our Government, simply because our pocketbooks and our respect for you has been robbed in much the same way a cunning thief absconds with all that is dear to one who is defenseless.

If your priorities and your allegiance is not to the challenges of bringing America back on course, in a united and a lasting manner, then my only wish for you would be to follow the same course that befalls those who do not perform the level of expectation alluded to. In the real world, non performers are dismissed or forced to resign. You have obviously pulled the wool over the eyes of those in your Congressional District, but when the vast majority of polls taken in recent weeks speak loudly that you have chosen to ignore the wishes of the public, then I do believe measures ought to be taken to remove you from your position as Speaker, and to have you banished, as was Representative Powell.

In those footsteps do you wish to walk Mr. Speaker—Rayburn or Powell? As your actions have spoken louder than your smooth rhetoric, I am asking my Congressional Delegation to take measures to have you formally censured on the Floor of the House, to have this pay raise declined retroactive, at least until the deficits have been resolved and until dramatic progress has been made in toward combating the drug problem. You have dealt a severe blow to the integrity of that office you hold, for you have not even had the courage to bring this issue to a vote. It is obvious that a statesman no longer presides over the U.S. House of Representatives—it is presided over by a greedy politician, who represents his own interests rather than the voters.

I cannot help but think that President Reagan may have had an ulterior motive of his own when he approved this pay raise. Throughout his administration, he placed the blame for the deficits on the shoulders of Congress, the appropriating body of government. He made many statements to the effect that Congress is not interested in curbing the deficit. I do believe the former President has called your bluff. All at our expense.

Get the job done first Jim Wright, then let's talk about a raise. If you aren't committed to the people who put you where you are, then get the hell out of Washington and let's get some more persons like Howard Nielson who truly care about their people. All the people. We, the people.

Or has the government of the people, by the people and for the people become the government of the deficits, of the pay raise and of the pensions?

Respectfully,

MICHAEL L. BENEDICT.

TRIBUTE TO BRENT JACOBSON

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, this Nation has just inaugurated its 41st President and, fast on his heels, we are the bicentennial Congress. The attention of the Nation is—and should be—focused on these events. Indeed they are high points of our public life.

Yet, I would like to ask that we pause for a moment to consider another, less publicized event: the contribution of one heroic man, Brent Jacobson, originally from Utah, but residing in Idaho.

On Thursday, January 12, Brent Jacobson, an employee of the U.S. Forest Service, made the ultimate contribution to the public welfare and safety.

The suspects of a violent burglary near Sandpoint, ID, had escaped into the nearby forest, leaving fear in the hearts of the townspeople. A manhunt was organized using local sheriff's deputies and the FBI, but no one seemed to know the forest well enough to track the suspects.

That was where Brent Jacobson came in. As a fire control and law enforcement officer of the U.S. Forest Service, he knew the terrain better than most, and volunteered to lead the manhunt.

The suspects were finally apprehended, but only after Brent gave the ultimate contribution: his life.

Mr. Speaker, I ask that we consider the heroism that was involved here. Brent Jacobson knew the danger that such a manhunt posed, yet he still volunteered to lead it. His family should be proud because his contribution to justice and the public good will not soon be forgotten.

□ 1220

CONGRESSIONAL INDIFFERENCE TO WILL OF THE PEOPLE

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, indifference at times is more offensive than open and notorious antagonism. This body, the people's House, if you will, is guilty of indifference and ignoring the universal plea of the American people in calling for a vote on the proposed salary increase issue.

This House is turning a deaf ear. This House is turning a blind eye to Americans by our indifference. Americans are begging us to record our vote on this delicate issue. Is this asking too much?

We wonder in amazement why the American citizenry has little respect for the U.S. Congress.

VOTE ON THE PAY RAISE

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today is our last opportunity. The American people know the charade that is being played out here this week in the House of Representatives. Either we vote today, the last session before the 50-percent pay increase goes into effect, or we will be faced with explaining this pay increase to those we represent, the Aemrican people.

Everyone in the House knows what those people think. We were sworn in January 3 and there has been ample opportunity for us to have a vote on this issue. Let us not miss this last opportunity.

Good arguments can be made for a pay increase, but no good argument can be made for the way we are doing it here. It is more than just the millions of dollars involved in paying our salaries. It is the psychological effect this pay increase will have on our ability to hold the line on taxes and spending, to look our constituents in the eye and tell them there will be no increase in the programs that affect them.

Today, Mr. Speaker, let us begin a new chapter of honesty and integrity for the House. Let us stand up and be counted on the subject of a pay increase for ourselves.

AFGHANISTAN

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, a dramatic change in the course of history is taking place, and

no, I am not talking about this horrible 51-percent pay increase. I am talking about the fact that we have in the past 9 years witnessed a horrible war in south Asia with the Communist invasion of Afghanistan which began on December 27, 1979.

We have gotten reports that this war is coming to an end and, in fact, the last of the Soviets troops are about to withdraw. We have to be very vigilant as we look at that issue, Mr. Speaker. There are a number of concerns which we must address.

First, there are still some 20 million landmines on ground in Afghanistan and the world's largest population of refugees is preparing to enter from Pakistan and Iran. We must work to insure that those landmines are removed.

We must also do everything that we possibly can to insure that the alliance sticks together. Having sacrified for 9 years we have to do what we can to keep them together, Mr. Speaker, now that we have seen that the government of Najibullah is illegitimate, as it is a success as we see this government about to fall.

WHO IS TO BLAME FOR PAY RAISE PREDICAMENT?

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I think what we have witnessed in the last several days is a conspicuous example of "who" is right rather than "what" is right. I doubt seriously that anyone in this body would ask me to take a back seat on the question of opposing excessive compensation for Members of Congress. I am as outraged as others about this proposed pay raise.

I served when I was 18 years old in infantry combat and received a 10-percent disability from it. My pay in the Marine Corps was, in today's dollars, $6,000 per year. And I would rather serve in this congressional job at that salary than in that job at the present salary, speaking of comparative worth.

However, the capacity for the American public to be outraged by this is exceeded only by the permissiveness of the American public in its attitude toward the person who proposed this pay raise in Congress: Ronald Wilson Reagan, who in his 8 years in the White House tripled the expense to the American taxpayers of operating the White House, and who upon leaving the White House accepted a personal gift from people who may have been affected by his decisions in office of $2 million.

I am outraged, not by "who" but by "what", and I predict that in this case the tradition in the House will prevail. That tradition is "vote no and take the dough," even in the form of contributions to charities which Members would not have to make from their own salaries, but instead either from the pay raise or money to them from lobbyists in the form of so-called honoria.

PAY RAISE VOTE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am dismayed and disappointed that we have not met the issue of our pay raise head on. We are supposed to be the House of the people—we are supposed to be responsive to the views of our constituents. Most of my colleagues have constituents like the people in southwest Florida who are saying "we don't approve of this pay raise and we sure don't like the way you're doing it." I agree with my constituents.

As a freshman I have inherited a system that allows us to give ourselves more money without having to say we want more money. It's a system that makes us completely unaccountable. It's a system that is wrong. It's a system that erodes the credibility of this House. And it's a system that should be changed.

Well, we have the opportunity today to change that system. There is still time for us to vote on the pay raise—before it goes into effect. We owe it to the American people to let them know where we stand. We owe it to ourselves and to this institution to record a vote—not a symbolic vote, but a vote that counts. I would like to record my vote on the pay raise as "no."

MEMBERS SHOULD VOTE ON PAY RAISE

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I do not know what our level of pay ought to be, and I am one of those Members who does not even think we should vote on it. I think it is a conflict of interest.

But I have to tell my colleagues I think there is something very wrong in a 50-percent raise at one time, and I think there is something very, very wrong in a process that has us here on Monday because we have decided we are not going to have a session on Tuesday and Wednesday. And there is something very, very, very wrong in a process that suggests that a vote on Thursday to lower the raise to 30 percent is somehow credible with the American people.

Our level of pay may be open to proper public debate. But the process that we are under this week will destroy any credibility of this Congress in the eyes of the American people before we get on to deal with the real, serious issues that this Nation faces.

CONGRESS MUST DEAL UP FRONT WITH PAY RAISE

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, one of the previous speakers this morning talked about our past President, Ronald Reagan, and somehow indicated that he was to blame for the situation we find ourselves in. It is true that the commission recommended a 50-percent increase. It is true that the previous President proposed that to Congress. But that is where it is.

It is in our lap now. It is our duty to deal with it, and there is absolutely no question in my mind, nor is there any question in the mind of any Member of this House that we should vote on it.

I would urge the Members of this House to allow a vote, the Speaker to allow a vote so that we can go on record whether we are for that increase or against it.

I would second the comments of the gentleman from Iowa [Mr. TAUKE] this morning when he indicated that what we should do is to change the law so that no pay raise goes into effect until after the next congressional election. That is what James Madison proposed 200 years ago. That is what 25 States have endorsed and ratified as a constitutional amendment, and I think that is what we should do.

Let us have a vote, Mr. Speaker, and let us vote on this pay raise.

OPPOSITION TO PAY RAISE

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I rise in opposition to the motion to adjourn, and intend to vote against adjournment.

I am taking this position as a means of making clear my opposition to a 50-percent pay increase, and to encourage the leadership to make sure that a pay raise does not take effect without a vote of this body.

While I understand that salaries must remain competitive in order to attract qualified people to government service, I believe that any pay raise should be reasonable. A 50-percent pay increase is not reasonable. Moreover, it comes at the wrong time and sends the wrong signal to the American public. With a Federal budget deficit in excess of $140 billion, Congress should be providing leadership in reducing Federal spending and getting our fiscal house in order.

As difficult as it may be, Congess must come to grips with the salary increase issue in a straightforward fashion. We must recognize that following a procedure which allows the raise to effect by default will simply be viewed by the American people as cowardly.

I am hopeful that our leadership, which has struggled long and hard to do the right thing on this issue, will recognize that a vote against adjournment reflects the sentiment of this body on the pay raise and will, accordingly, schedule an up-or-down vote on the issue.

CONGRESSIONAL PAY RAISE

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, on the subject of the congressional pay raise, we have seen in this body an effort to avoid a vote, and then we saw an effort to have a secret vote. Now we see an effort to conduct a contrived vote after the fact.

□ 1230

Mr. Speaker, I believe we should take an up or down vote on this issue, face up to it. This is a representative body of the world's leading democracy and we should start acting like it.

LET US VOTE ON SENATE RESOLUTION 7

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, when I was in northern California meeting with my constituents this past weekend they made it loud and clear to me that they demand the Congress to vote on the pay raise and that they expect that vote to be a resounding "no."

I agree with their sentiments wholeheartedly. In a few minutes we will have an opportunity to decide whether or not to act on the Senate Resolution 7, legislation passed in the Senate last week to repeal the pay raise. I believe we should consider this resolution because it will be the only genuine opportunity we have to block the raise.

Let us remember that we are representatives of the people and let us do what they are demanding; let us block the pay raise today.

WE HAVE 25,000 POSITIONS UNFILLED BECAUSE WE CAN'T COMPETE WITH RESEARCH COLLEGES

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, it has been said somewhat unkindly of the U.S. Congress that it is the greatest collection of super egos found in any body in the world and that arises out of the fact that so frequently the Members, some Members, talk as if the entire universe revolved around the importance of their incumbency in office.

As chairman of the committee with responsibility for the entire Federal work force, it sickens me, frankly, Mr. Speaker, to hear all of these egotistical chest beaters on both sides getting up here talking about how they want to vote to give their pay away and not one thought about the fact that we do not have people to carry out our promise to do research on AIDS; we do not have people to finish the project of getting the Space Program back on track; we do not have people who should be there doing research on cancer; we do not have them because we have 25,000 positions that require a master's degree or a graduate degree that sit unfilled because we cannot compete with even the smallest research colleges for that kind of personnel.

Now I do not hear anybody saying "While I am bravely asking my constituencies to annoint me for being willing to put on a crown of thorns and either turn down or give back my pay, I have no thought at all about the fact that the promises we make to fight drugs, to do research into the killing illnesses of this country is languishing over there because we do not have the courage to put the resources where our politics has been mouthed."

MEMBERS SHOULD SET EXAMPLE FOR TRUST, NOT SELF-INDULGENCE

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, I rise to join my colleagues in opposition to the proposed congressional pay raise. How can we in good conscience permit a 51-percent increase to go forward at this time. We are supposed to set the example for trust and good judgment not be the example for self-indulgence and poor taste.

As one who has sponsored and cosponsored a series of measures aimed at changing the automatic manner in which this raise is supposed to take place, I call upon the leadership to permit this matter to come to a vote before the salary increase goes into effect on Wednesday.

REQUEST TO OFFER PRIVILEGED MOTION

Mr. DANNEMEYER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from California [Mr. FAZIO] is recognized.

The gentleman from California [Mr. DANNEMEYER] will allow the 1-minute speeches to be requested, as is the normal order of the House.

CONGRESS LACKS THE COURAGE TO DEAL WITH A TRULY NATIONAL DILEMMA

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, if I were to permit myself some anger out of frustration I guess I would focus on my colleagues who come into the well today to get whole with the folks back home, to let them know in clear and uncertain terms that they did not want this pay raise. But I am not angry and frustrated as much as saddened by the lack of self-respect that pervades this institution because as we sit here we all know that deep in our hearts if there were a way for it to happen without our being accomplices we would take that 50- or that 30-percent increase in pay and apply it to those college educations for our kids or to take care of the other needs that we as individuals have with our families.

It is not as important, frankly, as the raise was to the executive and judicial branches. You know, the average executive manager in Reagan's administration served for 2 years, did not even have time to understand the job before he or she left. The judges who have been appointed under this Reagan administration are soon going to have their children in school and they are going to be leaving and making vacancies for others.

This is not a partisan or ideological problem. It is a lack of courage that exists in this Congress to deal with a truly national dilemma. And if we are not willing to get on top of it somehow in a bipartisan manner in the next 2 years, this will fester and once more pervade and perhaps ruin another session of Congress.

HONORARIA AND THE GRANDFATHER CLAUSE SHOULD BE DEALT WITH

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I have been here 1 year. I love the U.S. House

of Representatives. It is a great institution. It means a lot to all of us.

I am not for a 51-percent raise, do not expect one in 1 year's period of time. But I also know that the package is a little bit larger than just increasing pay for Members of Congress.

What about the honoraria? You know and I know there have been many abuses of the honoraria. I am not proud of it. I do not think any of us should be.

What about the grandfather clause, about Members of Congress who can put campaign funds and convert them to private use? That has truly been abused.

We have seen Senator Tower, now being talked about as Secretary of Defense, put $1 million in his pocket because of this particular provision.

We saw St Germain in the last 30 days of his election cancel half of his campaign budget, put that money into this pocket.

Let us look at the total picture rather than part of the picture. I do not expect a 51-percent raise. I do think we should have a recorded vote. But there is a bigger question in everyone's minds concerning this issue. I think we should look at all issues, not just what Members of Congress ought to be compensated for, because the cost of living is very high in Washington, DC.

IT IS HYPOCRISY TO TALK AGAINST THE PAY RAISE AND TAKE IT

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, there is an expression, my friends, that goes something like "certain issues separate the men from the boys, the women from the girls." And this is one of those issues.

And I feel very proud that I am a person who has stood up before my constituency and I said "I can't set my own pay. It is a conflict of interest." I did it when I was on the local board of supervisors. It was untenable and uncomfortable.

So when I came into office I said, "Let a commission, separate and apart from this institution, people picked from the private sector, not involved, set my pay."

I think that is a sensible position. We do not know whether the commission is going to increase our salaries, decrease it, or suggest we do away with honoraria.

I think it is the only position that makes sense. And I just want to go on record as saying this: For those of my friends in this Congress—and I will work with you on many important issues, much more important than this, and I look forward to that—for those of you who get up here and demagog this issue and whip it to death and think that you are going to be Mr. Popular or Ms. Popular in your district, I am going to watch who you are and I am going to tell your constituents if you take that pay raise, whether it is 10 percent, 20 percent or 30 percent; because to talk against the pay raise and then keep it would be hypocritical and unbecoming a Member of Congress.

I WILL TELL MY PEOPLE A MEMBER OF CONGRESS SHOULD BE WORTH $135,000

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, for a number of days I have listened to remarks in this body and elsewhere which speak ill of the makers of those remarks. This issue did not originate here. It is not an attempt to steal by Members of the House. This issue was sent up by President Reagan, and has been endorsed by President Bush.

What does it do? It raises the salaries of judges, Cabinet officers, and high Government executives and salaries of Members of Congress.

I happen to think this is a very precious and important body; I love it and I respect it. If it is not worth the figures that are fixed in the President's submission in the budget then the taxpayers are being shortchanged.

I intend to go home and tell my people that a Member of Congress should be worth $135,000 and that is an issue that is worth fighting out.

□ 1240

Some of the millionaires and others around here who would rather say this is in some way a raid on the Treasury or an impropriety should go home and justify whether they are worth that money or that they do not like the process. Then we should be ready to watch at the Sergeant at Arms' window to see who collects the $135,000 that they say they are not worth.

I am going to be watching. I hope the press will be watching my colleagues who will be making such pious statements.

The other body, composed largely of millionaires, has spoken and says they are not worth it. I have to say I am not prepared to quarrel with that judgment. I will be interested to see how many of my colleagues over here arrive at the same judgment, and I am sure those of you who feel you are not worth that, I will not quarrel with your judgment either.

REQUEST FOR ADJOURNMENT FROM MONDAY, FEBRUARY 6, 1989, TO THURSDAY, FEBRUARY 9, 1989

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on Thursday, February 9, 1989.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, I object to the request of the gentleman from California.

The SPEAKER pro tempore. Objection is heard.

MOTION FOR ADJOURNMENT

Mr. COELHO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. COELHO].

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 88, nays 238, not voting 106, as follows:

[Roll No. 5]

YEAS—88

Ackerman	Ford (MI)	Oberstar
Alexander	Frenzel	Obey
Annunzio	Frost	Pelosi
Anthony	Gephardt	Pepper
Aspin	Gibbons	Perkins
Atkins	Gray	Rahall
Barnard	Hall (OH)	Rangel
Beilenson	Hawkins	Sabo
Berman	Hayes (IL)	Savage
Boggs	Horton	Schulze
Bonior	Hoyer	Smith (FL)
Borski	Jones (GA)	Smith (IA)
Boxer	Jones (NC)	Solarz
Brooks	Kanjorski	Stark
Bustamante	Kastenmeier	Stenholm
Chandler	Kennelly	Stokes
Clay	Leath (TX)	Studds
Coelho	Lehman (FL)	Swift
Collins	Levine (CA)	Torres
Darden	Markey	Udall
Dickinson	Matsui	Vento
Dicks	Mazzoli	Waxman
Dingell	McHugh	Weiss
Downey	Miller (CA)	Wheat
Dymally	Mineta	Whitten
Early	Moakley	Wilson
Edwards (CA)	Morrison (CT)	Yates
Fascell	Mrazek	Young (AK)
Fazio	Murtha	
Foley	Oakar	

NAYS—238

Akaka	Broomfield	Coble
Andrews	Brown (CO)	Coleman (MO)
Applegate	Bruce	Coleman (TX)
Archer	Bryant	Combest
Armey	Buechner	Cooper
AuCoin	Bunning	Coughlin
Ballenger	Burton	Courter
Bartlett	Byron	Cox
Bateman	Callahan	Craig
Bates	Campbell (CA)	Dannemeyer
Bennett	Cardin	Davis
Bentley	Carr	DeFazio
Bereuter	Chapman	Derrick
Bevill	Cheney	DeWine
Bilbray	Clarke	Donnelly
Boucher	Clement	Dorgan (ND)
Brennan	Clinger	Dornan (CA)

Douglas	Leach (IA)	Roukema
Dreier	Lent	Rowland (CT)
Duncan	Levin (MI)	Rowland (GA)
Durbin	Lewis (FL)	Saiki
Eckart	Lightfoot	Sangmeister
Edwards (OK)	Lowey (NY)	Sarpalius
Emerson	Luken, Thomas	Sawyer
Engel	Lukens, Donald	Saxton
Erdreich	Machtley	Schaefer
Espy	Marlenee	Schiff
Evans	Martin (IL)	Schuette
Fawell	Martin (NY)	Sharp
Fields	McCandless	Shaw
Flippo	McCloskey	Shays
Florio	McCollum	Shumway
Frank	McCurdy	Shuster
Gallegly	McEwen	Sisisky
Gejdenson	McGrath	Skaggs
Gekas	McMillan (NC)	Skeen
Gilman	McMillen (MD)	Skelton
Glickman	Meyers	Slattery
Goodling	Mfume	Slaughter (VA)
Gordon	Michel	Smith (MS)
Goss	Miller (OH)	Smith (NE)
Grandy	Miller (WA)	Smith (NJ)
Gunderson	Montgomery	Smith (TX)
Hamilton	Moorhead	Smith (VT)
Hammerschmidt	Morella	Smith, Robert (NH)
Hancock	Morrison (WA)	Smith, Robert (OR)
Hansen	Murphy	Snowe
Harris	Nagle	Solomon
Hatcher	Natcher	Spence
Hayes (LA)	Neal (MA)	Spratt
Hefner	Neal (NC)	Staggers
Henry	Nielson	Stallings
Herger	Olin	Stangeland
Hertel	Oxley	Stump
Hiler	Packard	Sundquist
Hoagland	Pallone	Synar
Hopkins	Panetta	Tanner
Houghton	Parker	Tauke
Hubbard	Pashayan	Thomas (GA)
Huckaby	Patterson	Traficant
Hughes	Payne (NJ)	Traxler
Hunter	Payne (VA)	Unsoeld
Hutto	Penny	Upton
Hyde	Petri	Valentine
Inhofe	Pickett	Vander Jagt
Ireland	Poshard	Visclosky
Jacobs	Pursell	Volkmer
Jenkins	Quillen	Vucanovich
Johnson (CT)	Ravenel	Walker
Johnson (SD)	Regula	Walsh
Jontz	Rhodes	Weber
Kasich	Richardson	Williams
Kildee	Rinaldo	Wise
Kleczka	Roberts	Wolf
Kolbe	Robinson	Wolpe
Kostmayer	Roe	Wyden
Kyl	Rogers	Wylie
Lagomarsino	Rohrabacher	Yatron
Lancaster	Rose	Young (FL)
Lantos	Roth	

NOT VOTING—106

Anderson	Gaydos	Martinez
Baker	Gillmor	Mavroules
Barton	Gingrich	McCrery
Bilirakis	Gonzalez	McDade
Bliley	Gradison	McDermott
Boehlert	Grant	McNulty
Bosco	Green	Molinari
Brown (CA)	Guarini	Mollohan
Campbell (CO)	Hall (TX)	Moody
Carper	Hastert	Myers
Conte	Hefley	Nelson
Conyers	Hochbrueckner	Nowak
Costello	Holloway	Ortiz
Coyne	James	Owens (NY)
Crane	Johnston	Owens (UT)
Crockett	Kaptur	Parris
de la Garza	Kennedy	Paxon
DeLay	Kolter	Pease
Dellums	LaFalce	Pickle
Dixon	Laughlin	Porter
Dwyer	Lehman (CA)	Price
Dyson	Leland	Ray
English	Lewis (CA)	Ridge
Feighan	Lewis (GA)	Ritter
Fish	Lipinski	Rostenkowski
Flake	Livingston	Roybal
Foglietta	Lloyd	Russo
Ford (TN)	Lowery (CA)	Scheuer
Gallo	Madigan	Schneider
Garcia	Manton	Schroeder
Schumer	Stearns	Walgren
Sensenbrenner	Tallon	Watkins
Sikorski	Tauzin	Weldon
Slaughter (NY)	Thomas (CA)	Whittaker
Smith, Denny (OR)	Torricelli	Yatron
	Towns	

□ 1250

Messrs. ESPY, HERTEL, BRYANT, JENKINS, ROSE, ANDREWS, STAGGERS, McMILLEN of Maryland, CARDIN, KILDEE, WOLPE, SAWYER, TRAXLER, COOPER, and ENGEL changed their vote from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

□ 1300

LEGISLATIVE PROGRAM FOR TOMORROW

The SPEAKER pro tempore (Mr. FOLEY). The Chair recognizes the distinguished Speaker of the House.

Mr. WRIGHT. Mr. Speaker, I take this time to acknowledge the will of the House which always is supreme in the U.S. House of Representatives. It should be and will be. It is apparent to me, and I think to all of us, that a majority of the Members desire to have a vote up or down on the simple question of whether to approve the recommendation of the Quadrennial Pay Commission. We shall have that vote in the House tomorrow. That vote will be up or down. Members will have that opportunity.

Mr. Speaker, let me take this occasion to thank all the Members on both sides for the advice they have given in good faith to the leadership on both sides, for their willingness to give us their counsel, and for their helpful suggestions.

This is always a very difficult matter. Nobody ever wants to vote to raise his own pay, particularly those of us who depend upon the public for their approval of the rectitude of our actions, and particularly at a time such as this when budgetary stringencies make it enormously difficult for us to finance programs which are of great worth and great value to a great many American citizens. I think we must surely understand one another and be tolerant of one another's positions and one another's opinions.

Mr. Speaker, I have been committed generally to the proposition that was enshrined in the law wherein some 12 years ago the Congress voted in the presumption that it was adopting a reform, that the judgment ought to be taken out of the hands of the Members of Congress since hardly anybody else in society is expected to vote on his or her own pay. So much for that reform. I think the Members clearly believe that the public expects them and us individually and collectively to make that judgment.

There may be some further conversations as to how we should try to make fair these opportunities to make these judgments in the future years. It might be worth observing on this occasion that the reasons the Commission found that executive pay and pay of an equivalency of Members of Congress had lagged behind other pay with respect to the cost of living since 1969, is because the Congress repeatedly has excluded itself, has voted, voted up front, to exclude itself and others in our category from the cost-of-living pay raises which we have voted for other people in society—retirees, military and civilian, and employees of the Federal Government. For whatever worth that is, I think Members of Congress should be willing to recognize that that is one of the fundamental reasons which was cited by those who prepared the recommendation of the Quadrennial Commission.

Now the majority has spoken, and the majority will speak even more emphatically tomorrow in keeping with the traditions of this institution, the very best traditions of this institution. The majority will rule.

ADJOURNMENT

Mr. COELHO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 7, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

532. A letter from the Acting Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a copy of a final regulation concerning advertising of unregistered pesticides, pursuant to 7 U.S.C. 136w-4; to the Committee on Agriculture.

533. A letter from the Assistant Secretary of Defense (Production and Logistics), transmitting the fiscal year 1988 "Report on the Performance of Department of Defense Commercial Activities" describing the extent to which commercial and industrial-type functions were performed by Department contractors, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

534. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for lease to the Government of Portugal, the vessel *Thomas G. Thompson*, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

535. A letter from the Acting Secretary of Housing and Urban Development, transmitting the Department's interim annual report on the Neighborhood Development Demonstration Program, pursuant to 42

U.S.C. 5318 nt.; to the Committee on Banking, Finance and Urban Affairs.

536. A letter from the Treasurer of the United States, transmitting a report on the design of three coins to commemorate the Bicentennial of Congress, pursuant to Public Law 100-673; to the Committee on Banking, Finance and Urban Affairs.

537. A letter from the Acting Administrator of Veterans Affairs, Veterans' Administration, transmitting the agency's report, as a member of the Interagency Council on the Homeless, on its programs, benefits, and services to assist homeless veterans, pursuant to Public Law 100-77, section 203(c)(1) (101 Stat. 487); to the Committee on Banking, Finance and Urban Affairs.

538. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Concerns Regarding Disposition of Funds," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

539. A letter from the Acting Secretary of Agriculture, transmitting the Department's annual report on its hazardous waste management activities for calendar year 1988, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

540. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the agency's first annual report "NASA Progress on Superfund Implementation in FY 1989," pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

541. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 8-89 concerning the Department of the Navy's proposed lease of defense articles to Brazil, pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

542. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 10-89 concerning the Department of the Navy's proposed lease of defense articles to Brazil, pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

543. A letter from the Director, defense Security Assistance Agency, transmitting a copy of transmittal No. 9-89 concerning the Department of the Navy's proposed lease of defense articles to Brazil, pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

544. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

545. A letter from the Comptroller General, transmitting a list of all reports issued by GAO during December 1988, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

546. A letter from the Assistant Secretary of the Treasury (Management), transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

547. A letter from the Assistant Secretary for Administration Department of Agriculture, transmitting a report on actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

548. A letter from the Acting Chairman, Federal Labor Relations Authority transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

549. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a copy of the annual report of the Board's compliance with the Government in the Sunshine Act for the year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

550. A letter from the President and Chief Executive Officer, Little League Baseball, Inc., transmitting the organization's annual report for the fiscal year ending September 30, 1988, pursuant to 36 U.S.C 1084(b); to the Committee on the Judiciary.

551. A letter from the Acting Assistant Secretary of the Army (Civil Works, transmitting a supplement to his second annual report of incomplete water resources studies authorized but unfunded during the preceding 5 fiscal years, pursuant to 33 U.S.C. 2264; to the Committee on Public Works and Transportation.

552. A letter from the Assistant Secretary, Conservation and Renewable Energy, Department of Energy, transmitting the Department's notification of its delay in submitting the annual revisions to the Comprehensive Program Management Plans for the Wind and Ocean Energy Programs; revised plans to be submitted within 120 days, pursuant to 42 U.S.C. 9203(c), 9002(d); to the Committee on Science, Space and Technology.

553. A letter from the American Legion, transmitting proceedings of the 70th annual National Convention, Louisville, KY, September 6-8, 1988; report and financial audit for 1987, pursuant to 36 U.S.C. 49, 36 U.S.C. 1101(4), 1103 Public Law 88-504, section 3 (36 U.S.C. 1103) (H. Doc. No. 101-25); to the Committee on Veterans' Affairs and ordered to be printed.

554. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act to provide the Nuclear Regulatory Commission with authority to hold and expend funds received under surety arrangements required under NRC regulations for their intended purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

555. A letter from the Under Secretary of Oceans and Atmosphere, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting the "Federal Plan for Ocean Pollution Research, Development, and Monitoring: FY 1988-1992", pursuant to 33 U.S.C. 1703(a); jointly, to the Committees on Science, Space, and Technology and Merchant Marine and Fisheries.

556. A letter from the Secretary of Energy, transmitting a copy of the Department's comprehensive report, "Proposals Received in Response to the Innovative Clean Coal Technology Program Opportunity Notice", pursuant to Public Law 100-202; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

557. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled the "Omnibus Nuclear Power Safety and Security Enhancement Act of 1989"; jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN:

H.R. 838. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport Commission for airport purposes; to the Committee on Public Works and Transportation.

By Mr. CARR:

H.R. 839. A bill to amend the Motor Vehicle Information and Cost Savings Act of 1975 pertaining to fuel economy standards for automobiles and light trucks; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, and Mr. LENT):

H.R. 840. A bill to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. COBLE:

H.R. 841. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Ways and Means.

By Mr. COBLE (for himself and Mr. MILLER of Washington):

H.R. 842. A bill to authorize the United States to maintain membership in the International Tropical Timber Organization; to the Committee on Foreign Affairs.

By Mr. CRANE:

H.R. 843. A bill to provide that all Federal Reserve notes and other currencies of the United States shall be redeemable in gold; to the Committee on Banking, Finance and Urban Affairs.

H.R. 844. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Finance and Urban Affairs.

H.R. 845. A bill to require that the U.S. Government prepare and make public annual consolidated financial statements utilizing the accrual method of accounting, and for other purposes; to the Committee on Government Operations.

H.R. 846. A bill to amend the Social Security Act to provide that Social Security coverage for employees of religious organizations shall be optional; to the Committee on Ways and Means.

H.R. 847. A bill to amend title II of the Social Security Act to provide that any State or local taxes imposed and collected on benefits paid thereunder must be returned to the appropriate Social Security trust fund; to the Committee on Ways and Means.

H.R. 848. A bill to amend title II of the Social Security Act to make it clear that States and local governments may not tax Social Security Benefits; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. DERRICK:

H.R. 849. A bill to amend title I of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to amend the Rules of the House of Representatives to require the Clerk to make certain notifications to the

Speaker; jointly, to the Committees on the Judiciary and Rules.

By Mr. DORNAN of California:

H.R. 850. A bill to direct the Secretary of the Interior to display the flag of the United States of America at the apex of the Vietnam Veterans Memorial; to the Committee on Interior and Insular Affairs.

By Mr. DERRICK (for himself, Mr. SYNAR, Mrs. SCHROEDER, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. SMITH of Florida, Mr. BERMAN, Mr. CARDIN, Mr. WHEAT, Mr. GORDON, Mr. ACKERMAN, Mr. ATKINS, Mr. BATES, Mr. CLAY, Mr. DEFAZIO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FAZIO, Mr. FORD of Michigan, Mr. GARCIA, Mr. GEJDENSON, Mr. HAYES of Louisiana, Ms. KAPTUR, Mr. KILDEE, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANCASTER, Mr. LELAND, Mr. LEWIS of Georgia, Mr. MCHUGH, Mr. MARKEY, Mr. MARTINEZ, Mr. MINETA, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. OLIN, Mr. OWENS of New York, Mr. PEASE, Mr. SCHEUER, Mr. SMITH of Iowa, Mr. STUDDS, Mr. TORRICELLI, and Mr. VENTO):

H.R. 851. A bill to amend title I of the United States Code to define the type of adjournment that prevents the return of a bill by the President; to the Committee on the Judiciary.

By Mr. DORNAN of California:

H.R. 852. A bill increasing the number of refugee admission numbers allocated for certain East Asian refugees; to the Committee on the Judiciary.

By Mr. EMERSON:

H.R. 853. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained age 65, and for other purposes; to the Committee on Ways and Means.

By Mr. FLORIO (for himself, Mr. WAXMAN, Mr. DINGELL, Mr. WALGREN, Mr. RICHARDSON, Mr. LELAND, Mr. WYDEN, Mr. BATES, Mr. COELHO, Mr. SIKORSKI, and Mr. MARKEY):

H.R. 854. A bill to amend title XIX of the Social Security Act to improve the provision and quality of services to individuals with mental retardation or related condition; to the Committee on Energy and Commerce.

By Mr. FORD of Tennessee:

H.R. 855. A bill to amend title XVI and II of the Social Security Act to promote the rehabilitation of blind beneficiaries under the SSI and OASDI programs, and to assure that they receive the most appropriate employment and training services which are available, by permitting them to select the agencies to which they will be referred for such services; to the Committee on Ways and Means.

By Mr. GOODLING (for himself and Mr. FORD of Michigan):

H.R. 856. A bill to amend title 5, United States Code, to allow for coverage under the health benefits program of unmarried dependent children between ages 22 and 23 if they are full-time students; to the Committee on Post Office and Civil Service.

By Mr. GREEN (for himself and Mr. FAZIO):

H.R. 857. A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, Armed Services, Foreign Affairs, the District of Columbia, the Judiciary, and Interior and Insular Affairs.

By Mr. McCANDLESS:

H.R. 858. A bill to amend the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499b) to require clear country of origin labeling on imported perishable agricultural products; to the Committee on Agriculture.

H.R. 859. A bill to amend section 324 of title 32, United States Code, to permit the Secretary of the Army and the Secretary of the Air Force to defer the discharge of an officer of the National Guard when such officer becomes 64 years of age; to the Committee on Armed Services.

H.R. 860. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude transactions of the Social Security trust funds from the computation of the Federal deficit and the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985 and, accordingly, to revise the permissible maximum deficit amounts under such act, and for other purposes; to the Committee on Government Operations.

H.R. 861. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security board, and which shall be responsible for the administration of the Old-Age, Survivors, and Disability Insurance Program under title II of the Social Security Act and the supplemental security income program under title XVI of such act; to the Committee on Ways and Means.

H.R. 862. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 863. A bill relating to criminal penalties for violations of the country-of-origin marking provisions of the customs laws; to the Committee on Ways and Means.

H.R. 864. A bill to repeal the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MARTIN of New York:

H.R. 865. A bill to provide the U.S. District Court for the Northern District of New York shall be held at Watertown, NY, in addition to those places provided by law; to the Committee on the Judiciary.

By Mr. MATSUI (for himself, Mr. DOWNEY, Mr. MILLER of California, and Mr. ROYBAL):

H.R. 866. A bill to amend title XVI of the Social Security Act to improve supplemental security income benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 867. A bill to make technical amendments to title XVI of the Social Security Act; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 868. A bill to improve the supplemental security income program to assure individualized assessments of disabled or blind children which consider their functional limitations, to create a category of presumptive eligibility for certain young children born with genetic or congenital conditions, and to correct certain inequities in the treatment of a family's income and resources in determining eligibility of a disabled or blind child; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ORTIZ:

H.R. 869. A bill to amend title V of the Refugee Education Assistance Act of 1980 to provide certain resettlement assistance for certain nationals of Central American Countries; to the Committee on Education and Labor.

H.R. 870. A bill to amend title V of the Refugee Education Assistance Act of 1980 to provide resettlement assistance for certain Salvadorans and Nicaraguans; to the Committee on Education and Labor.

By Mr. RINALDO:

H.R. 871. A bill to establish a National Packaging Institute; to the Committee on Energy and Commerce.

By Mr. SABO (for himself, Mr. VENTO, Ms. KAPTUR, Mrs. COLLINS, Mr. FAUNTROY, Mr. MURPHY, and Mr. CROCKETT):

H.R. 872. A bill to provide for certification and require the offering of qualified health plans, to provide Federal assistance to States to establish a program of assistance for low-income persons to purchase comprehensive health insurance and a program for coverage of catastrophic health care expenses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SLATTERY:

H.R. 873. A bill to amend title V of the Agricultural Act of 1949 to allow producers to rotate program crop acreage bases to substitute crops; to the Committee on Agriculture.

By Mr. SLATTERY (for himself, Mr. HORTON Mrs. JOHNSON of Connecticut, Mr. ROE, Mr. ATKINS, Mr. SAXTON, Mr. JONTZ, Mrs. BOXER, Mr. LAGOMARSINO, Mr. ACKERMAN, Mr. GLICKMAN, Mr. GONZALEZ, Ms. SLAUGHTER of New York, and Mr. WHEAT):

H.R. 874. A bill to amend title XVI of the Social Security Act to provide that a blind or disabled child otherwise qualified may be eligible for SSI benefits even though not a resident of the United States, if such child is accompanying a parent who is a member of the Armed Forces serving a tour of duty overseas; to the Committee on Ways and Means.

By Mr. SLAUGHTER of Virginia (for himself and Mr. MRAZEK):

H.R. 875. A bill to expand the boundaries of the Fredericksburg-Spotsylvania National Military Park near Fredericksburg, VA; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. ROE, Mr. FORD of Michigan, Mr. FASCELL, Mr. BROOKS, Mr. PEPPER, Mr. RANGEL, Mr. VENTO, Mr. MILLER of California, Mr. RAHALL, Mr. DE LUGO, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. SHARP, Mr. LEWIS of Georgia, Mr. CAMPBELL of Colorado, Mr. DARDEN, Mr. CLARKE, Mr. DEFAZIO, Mr. LAGOMARSINO, Mr. MRAZEK, Mr. WOLF, Mr. FAWELL, Mr. SHAYS, Mr. HOUGHTON, Mr. AKAKA, Mr. MOLLOHAN, Mrs. BOGGS, Mr. BEVILL, Mr. MCDADE, Mrs. MEYERS of Kansas, Mr. GORDON, Mr. KILDEE, Mr. MOAKLEY, Mr. QUILLEN, Mr. BONIOR, Mr. DERRICK, Mr. ESPY, Mr. ATKINS, Mr. SLATTERY, Mr. BENNETT, Mr. MCCLOSKEY, Mr. OWENS of New York, Mr. HUCKABY, Mrs. COLLINS, Mr. KASTENMEIER, Mr. STUDDS, Mr. MINETA, Mr. WEISS, Mr. MAVROULES, Mr. FLORIO, Mrs. LLOYD, Mr. MARTINEZ, Mr. HUGHES, Mr. FOGLIETTA, Mr. ENGLISH, Mr. HATCHER, Mr. EDWARDS

of California, Mr. NEAL of North Carolina, Mr. DYMALLY, Mr. MCCURDY, Mr. HEFNER, Mr. FAUNTROY, Mr. SYNAR, Mr. WALGREN, Mr. BEILENSON, Mr. ROWLAND of Connecticut, Mr. MARTIN of New York, Mr. HORTON, Mr. GREEN, Mr. GUNDERSON, Mrs. ROUKEMA, Mrs. MORELLA, Mr. ROBERTS, Mr. WYLIE, Ms. SCHNEIDER, Mr. MORRISON of Washington, Mr. BARNARD, Mr. HOCHBRUECKNER, Mr. HARRIS, Mr. MANTON, Mrs. KENNELLY, Mr. MOODY, Mr. EVANS, Mr. CHANDLER, Ms. PELOSI, Mr. GALLO, Mr. WYDEN, Mr. KLECZKA, Mrs. BOXER, Mr. PRICE, Mr. SMITH of Florida, Mr. NOWAK, Mrs. PATTERSON, Mr. STAGGERS, Mr. ANTHONY, Mr. ANDREWS, Mr. LIPINSKI, Mr. ERDREICH, Mr. BRYANT, Mr. BERMAN, Mr. RAVENEL, Mr. ROBINSON, Mr. MFUME, Mr. MACHTLEY, Mr. VALENTINE, Mr. MCDERMOTT, Mr. JONES of Georgia, Ms. SLAUGHTER of New York, Mr. JENKINS, Mr. HAYES of Louisiana, Mr. BUSTAMANTE, Mr. OLIN, Mr. TORRES, Mr. COYNE, Mr. CARDIN, Mr. TANNER, Mr. SPRATT, Mr. KOLTER, Mr. TOWNS, Mr. PENNY, Mr. CLEMENT, Mr. SMITH of Vermont, Mr. MILLER of Washington, Mr. SMITH of New Hampshire, Mr. FORD of Tennessee, Mr. JONTZ, Mr. POSHARD, Mr. PALLONE, Mr. GINGRICH, Mr. DUNCAN, Mr. MORRISON of Connecticut, Mr. OWENS of Utah, Mr. SCHEUER, Ms. SNOWE, and Mr. FISH):

H.R. 876. A bill to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VOLKMER:

H.R. 877. A bill to repeal section 225 of the Federal Salary Act of 1967, and to establish new procedures for adjusting certain executive, legislative, and judicial salaries; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. COBLE:

H.J. Res. 125. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of offices of Members of Congress and increasing the term of Representatives to 4 years; to the Committee on the Judiciary.

By Mr. MYERS of Indiana:

H.J. Res. 126. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 19, 1989 and November 18, 1990, as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. NEAL of North Carolina:

H.J. Res. 127. Joint resolution designating the honeybee as the national insect; to the Committee on Post Office and Civil Service.

By Mr. VISCLOSKY:

H.J. Res. 128. Joint resolution disapproving the pay adjustments for executive, legislative, and judicial branch positions recently recommended by the President; requiring that pay adjustments for positions covered by those recommendations be made by law pursuant to a recorded vote in each House of Congress and that the adjustments be deferred until the beginning of the following Congress, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. BATES (for himself, Mrs. MORELLA, Mr. AUCOIN, Mr. LEWIS of Georgia, Mr. KASTENMEIER, Mr. LIPINSKI, Mr. FAUNTROY, Mr. ATKINS, Mr. OWENS of New York, and Mr. JONTZ):

H. Con. Res. 44. Concurrent resolution calling on the International Bank for Reconstruction and Development to, and bank regulators to encourage banks to, reduce the debt service burden of debtor nations in exchange for steps taken by such nations to protect tropical rain forests and other natural resources; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANNUNZIO:

H. Res. 64. Resolution providing for expenses of activities of House information systems in the 1st sess. of the 101st Congress; to the Committee on House Administration.

H. Res. 65. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the 1st sess. of the 101st Congress; to the Committee on House Administration.

By Mr. CONYERS (for himself and Mr. HORTON):

H. Res. 66. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the 1st sess. of the 101st Congress; to the Committee on House Administration.

By Mr. HAWKINS (for himself, Mr. CLAY, Mr. GOODLING, and Mrs. ROUKEMA):

H. Res. 67. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor and the pension reform activities of its Subcommittee on Labor-Management Relations in the 1st sess. of the 101st Congress; to the Committee on House Administration.

By Mr. LAFALCE:

H. Res. 68. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the 1st sess. of the 101st Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. MCCANDLESS introduced a bill (H.R. 878) for the relief of Richard P. Parkinson, M.D.; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from Record of Feb. 2, 1989]

H.R. 40: Mr. SENSENBRENNER, Mr. MILLER of California, Mr. SYNAR, Mr. BOEHLERT, Mr. MILLER of Washington, Mr. FOGLIETTA, and Mr. RITTER.

[Submitted Feb. 6, 1989]

H.R. 9: Mr. SHAYS.

H.R. 22: Mr. MCCURDY and Mr. RINALDO.

H.R. 40: Mr. WEISS.

H.R. 70: Mrs. JOHNSON of Connecticut, Mr. BUNNING, Mr. PENNY, Mr. DENNY SMITH, Mr. COSTELLO, Mr. YOUNG of Alaska, Mr. HILER, Mr. SMITH of New Hampshire, Mr. SMITH of Texas, Mr. DELAY, Mr. BROOMFIELD, Mr. PORTER, Mr. ROE, Mrs. COLLINS, Mr. ROWLAND of Connecticut, Mr. HORTON, Mr. SENSENBRENNER, Mr. INHOFE, Mr. PALLONE, Mr. SMITH of Vermont, Mr. BUECHNER, Mr. WOLF, Mr. WALSH, Mrs. SAIKI, Mr. SCHAEFER, and Mr. SHAYS.

H.R. 132: Mr. BENNETT, Mrs. MARTIN of Illinois, Mr. MANTON, Mrs. BENTLEY, Mr. SOLOMON, Mr. LAGOMARSINO, Mrs. SAIKI, Mr. AUCOIN, Mr. CLEMENT, Mr. WALSH, Mr. DEFAZIO, Mr. PURSELL, Mr. MILLER of Washington, and Mr. DE LUGO.

H.R. 140: Mr. RANGEL, Mr. GARCIA, Mr. MARTINEZ, Mr. SIKORSKI, and Mr. HAYES of Illinois.

H.R. 145: Mr. GORDON, Mrs. JOHNSON of Connecticut, Mr. HUNTER, Mr. CAMPBELL of Colorado, Mr. NELSON of Florida, Mr. NEAL of North Carolina, Mr. BONIOR, Mr. COELHO, Mr. EDWARDS of California, and Mr. STARK.

H.R. 160: Mr. WOLF, Mr. CHANDLER, Mr. JOHNSTON of Florida, Mr. DANNEMEYER, Mr. MCDERMOTT, Mr. OWENS of Utah, Mr. GIBBONS, Mr. SMITH of Vermont, Mr. BARNARD, Mr. GILMAN, Mr. CLINGER, Mr. GARCIA, Mr. WHITTAKER, Mr. FAWELL, Mr. EDWARDS of Oklahoma, Mr. JACOBS, and Mr. SHAYS.

H.R. 210: Mr. RANGEL, Mr. TORRES, Mr. FAZIO, and Mr. OWENS of New York.

H.R. 211: Mr. FLORIO, Mr. TORRES, Mr. PENNY, Mr. OWENS of New York, and Mr. WOLF.

H.R. 212: Mr. FRANK, Mr. OWENS of New York, Mr. MCEWEN, Mr. MCDERMOTT, Mrs. BOXER, Mrs. SAIKI, Mr. WOLF, Mr. RANGEL, Mr. TORRES, Mr. FAZIO, Mr. FOGLIETTA, and Mrs. MEYERS of Kansas.

H.R. 213: Mrs. BOXER, Mr. OWENS of New York, and Mr. TORRES.

H.R. 214: Mr. SIKORSKI, Mr. LEATH of Texas, Mr. RANGEL, Mr. WOLF, Mr. EVANS, Mr. OWENS of New York, Mr. HUGHES, Mr. RAVENEL, Mr. GEKAS, Mr. SLATTERY, Mr. DEFAZIO, Mr. TORRES, and Mr. FAZIO.

H.R. 215: Mr. DWYER of New Jersey, Mr. RINALDO, Mr. BEVILL, Mr. COLEMAN of Texas, Mr. WOLPE, Mr. OWENS of New York, Mr. MANTON, Mrs. MEYERS of Kansas, Mr. PARRIS, Mr. APPLEGATE, Mr. HUGHES, Mr. FAZIO, and Mr. TORRES.

H.R. 216: Mr. OWENS of New York, Mr. FOGLIETTA, Mr. CARDIN, Mr. FAZIO, Mr. TORRES, Mr. RANGEL, and Mr. PARRIS.

H.R. 217: Mr. SMITH of Florida, Mr. ANDREWS, and Mr. OWENS of New York.

H.R. 268: Mr. SCHUETTE.

H.R. 270: Mr. SCHUETTE.

H.R. 272: Mr. SCHUETTE.

H.R. 290: Mrs. SAIKI, Mr. DONNELLY, Mr. MCCURDY, Mr. EDWARDS of California, Mr. DOWNEY, Mr. FORD of Michigan, Mr. OWENS of Utah, and Mr. OWENS of New York.

H.R. 328: Mr. NIELSON of Utah, Mr. CAMPBELL of California, Mr. ROHRABACHER, Mr. CLINGER, and Mr. GOSS.

H.R. 329: Mr. NIELSON of Utah, Mr. CAMPBELL of California, Mr. ROHRABACHER, Mr. MORRISON of Washington, and Mr. GOSS.

H.R. 330: Mr. NIELSON of Utah, Mr. CAMPBELL of California, Mr. ROHRABACHER, Mr. PARRIS, and Mr. GOSS.

H.R. 331: Mr. NIELSON of Utah, Mr. CAMPBELL of California, Mr. BUECHNER, Mr. PARRIS, and Mr. GOSS.

H.R. 422: Mr. GRANDY, Mr. SMITH of New Jersey, Mr. DORGAN of North Dakota, Mr. SAWYER, Mr. APPLEGATE, Mr. MCEWEN, Mr. PEASE, and Mr. MOLLOHAN.

H.R. 436: Mr. KENNEDY, Mr. WEISS, and Mr. ATKINS.

H.R. 546: Mr. LAGOMARSINO.

H.R. 563: Mr. MCCLOSKEY, Mr. RANGEL, Mr. RAHALL, Mr. FRANK, Mr. STARK, Mr. MFUME, Mr. PENNY, Mrs. UNSOELD, Mr. ROBINSON, Mr. DERRICK, Mr. MCEWEN, Mr. RAVENEL, Mr. SPRATT, Mr. BROWN of California, Mr. MORRISON of Washington, Mr. LEACH of Iowa, Mr. ROYBAL, Mrs. BOGGS, Mr. WYDEN,

MS. KAPTUR, Mr. SABO, Mr. PALLONE, Mr. VOLKMER, Mr. WEISS, Mr. MILLER of California, Mr. KLECZKA, Mrs. BOXER, Ms. PELOSI, and Mr. EVANS.

H.R. 567: Mr. BATEMAN, Mr. JONTZ, Mr. CARDIN, Ms. PELOSI, and Mrs. BOGGS.

H.R. 578: Mr. JACOBS and Mrs. VUCANOVICH.

H.R. 579: Mr. FLIPPO, Mr. BUECHNER, Mr. JONTZ, Mr. WHITTAKER, Mr. JOHNSON of South Dakota, and Mr. FIELDS.

H.R. 586: Ms. SCHNEIDER, Mr. DAVIS, and Mrs. BOXER.

H.R. 594: Mr. PAYNE of New Jersey, Mr. SKAGGS, Mr. HILER, Mr. MRAZEK, Mr. HATCHER, Mr. HENRY, Mr. MCEWEN, Mr. RUSSO, Mr. SCHAEFER, Mr. ACKERMAN, Mr. FAWELL, Mr. CLINGER, Mr. SMITH of Florida, Mr. PURSELL, Mr. CARDIN, Mr. MACHTLEY, Mr. BOSCO, Mr. KOLTER, Mr. DELLUMS, and Mr. EDWARDS of California.

H.R. 596: Mr. BARTON of Texas, Mr. YOUNG of Alaska, Mr. DE LUGO, and Mr. RAY.

H.R. 614: Mr. BOUCHER, Mr. LELAND, Mr. BORSKI, Mr. ATKINS, Mr. RAHALL, Mr. BUSTAMANTE, Mr. WISE, and Mr. BROOMFIELD.

H.R. 623: Mr. MCEWEN and Mr. SMITH of New Hampshine.

H.R. 624: Mr. SMITH of New Hampshire.

H.R. 625: Mr. SMITH of New Hampshire.

H.R. 626: Mr. BUECHNER and Mr. SMITH of New Hampshire.

H.R. 635: Mr. EMERSON, Mrs. SAIKI, Mr. CLINGER, and Mr. FISH.

H.R. 641: Mr. PARRIS.

H.R. 646: Mr. LEWIS of Florida, Mr. DORNAN of California, and Mr. BARNARD.

H.R. 651: Mr. DYMALLY, Mr. FOGLIETTA, Mrs. COLLINS, Mr. MURPHY, and Mr. LEVIN of Michigan.

H.R. 652: Mr. LEWIS of Georgia, Mr. DYMALLY, Mr. STAGGERS, Mr. FOGLIETTA, Mrs. COLLINS, Mr. RANGEL, Mr. RAHALL, and Mr. LEVIN of Michigan.

H.R. 679: Mr. ATKINS, Mr. DE LUGO, and Mr. LEWIS of Georgia.

H.R. 706: Mr. SCHEUER, Mr. DYMALLY, Mr. LEWIS of Georgia, Mr. STARK, Mr. HAYES of Illinois, Mrs. COLLINS, Mr. TORRES, Mr. ROE, Mr. STUDDS, Mr. GARCIA, Mr. LEVIN of Michigan, Mrs. BOXER, Mr. MCDERMOTT, Ms. PELOSI, Mr. MARTINEZ, and Mr. ATKINS.

H.R. 745: Mr. SKEEN and Mr. RICHARDSON.

H.R. 746: Mr. JOHNSON of South Dakota.

H.R. 825: Mrs. ROUKEMA, Mr. BATES, Mr. SMITH of Florida, and Mr. RANGEL.

H.R. 832: Mr. WHEAT and Mr. ROYBAL.

H.R. 833: Mr. WHEAT and Mr. ROYBAL.

H.J. Res. 22: Mr. KASTENMEIER, Mr. MCEWEN, Mr. MCDERMOTT, Mr. DWYER of New Jersey, Mr. SIKORSKI, Mr. WHEAT, Mr. WOLPE, Mr. LAFALCE, Mr. MCGRATH, Mr. DYMALLY, Mr. CROCKETT, Mr. RANGEL, Mr. FLIPPO, and Mr. LANCASTER.

H.J. Res. 31: Ms. SCHNEIDER, Mr. CLINGER, Mr. CAMPBELL of California, Mr. RANGEL, Mr. GARCIA, Mr. SOLARZ, Mr. SIKORSKI, Mr. DICKS, Mr. FOGLIETTA, Mr. MURPHY, Mr. EVANS, Mr. FAZIO, Mr. DEFAZIO, Mr. MINETA, Mr. EDWARDS of California, Mr. GORDON, Mr. FEIGHAN, Mr. HAYES of Illinois, Mr. MCCLOSKEY, Mr. BROWN of California, Mr. FLORIO, Mr. WEISS, Mr. SCHUETTE, and Mr. LANTOS.

H.J. Res. 62: Mr. NIELSON of Utah, Mr. CAMPBELL of California, Mr. PARRIS, and Mr. GOSS.

H.J. Res. 80: Mr. LAGOMARSINO, Mr. JONTZ, Mr. PARRIS, and Mr. OLIN.

H.J. Res. 82: Mr. DICKS, Mr. BORSKI, Mr. ENGEL, Mr. ERDREICH, Mr. GALLO, Mr. HATCHER, Ms. KAPTUR, Mrs. LOWEY of New York, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. HUGHES, Mr. REGULA, Mr. GREEN, Mr. NATCHER, Mr. SCHUETTE, Mr. FLORIO, Mr. STANGELAND, Mr. ATKINS, Mr. GORDON, and Mr. WHITTAKER.

H.J. Res. 90: Mr. HUGHES.

H.J. Res. 91: Mr. PAXON and Mr. BUECHNER.

H.J. Res. 94: Mr. ACKERMAN, Mr. BILIRAKIS, Mr. BLAZ, Mr. BUSTAMANTE, Mr. CHENEY, Mr. COYNE, Mr. EMERSON, Mr. EVANS, Mr. GALLEGLY, Mr. GALLO, Mr. GRANT, Mr. HANSEN, Mr. HENRY, Mr. HUNTER, Ms. KAPTUR, Mr. KOLTER, Mr. KOSTMAYER, Mr. LENT, Mr. MCCRERY, Mr. MILLER of Ohio, Mr. NIELSON of Utah, Mr. PALLONE, Mr. PAXON, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROBINSON, Mr. RUSSO, Mr. SHUSTER, Mr. SKELTON, Mr. WALSH, Mr. WATKINS, Mr. WEISS, and Mr. WHITTEN.

H.J. Res. 116: Mr. AUCOIN.

H. Con. Res. 1: Mr. CARDIN and Mr. MCDERMOTT.

H. Con. Res. 12: Mr. MACHTLEY, Mr. ROE, Mr. BATES, Mr. DORNAN of California, Mr. COX, Mr. SCHULZE, Mr. MCEWEN, Mr. CRAIG, Mr. DANNEMEYER, Mr. LAGOMARSINO, Mr. CHANDLER, Mr. BOEHLERT, Mr. GALLEGLY, and Mr. WOLF.

H. Con. Res. 30: Mr. PAYNE of Virginia, Mr. DOUGLAS, Mr. SCHUETTE, and Mr. JOHNSON of South Dakota.

H. Con. Res. 35: Mr. SAXTON, Mr. OXLEY, Mr. ARMEY, Mr. HORTON, Mrs. LLOYD, Mr. SHUSTER, Mr. SOLOMON, Mr. SHUMWAY, Mr. HYDE, and Mr. KANJORSKI.

H. Con. Res. 40: Mr. LENT, Mrs. SAIKI, Mr. GEJDENSON, and Mr. OXLEY.

H. Con. Res. 41: Mr. WYLIE, Mrs. ROUKEMA, and Mr. SCHUMER.

H. Res. 21: Mr. TALLON, Mr. TORRES, Mr. JONTZ, Mr. HASTERT, Mr. HALL of Texas, Mr. NIELSON of Utah, Mr. LEWIS of Florida, Mr. LAGOMARSINO, Mr. BROWN of Colorado, Mr. JACOBS, Mr. DEFAZIO, and Mr. SENSENBRENNER.

H. Res. 23: Mr. STUDDS, Mr. HORTON, Mr. ANTHONY, Mr. MFUME, Mr. ROSE, Mr. FUSTER, Mr. SMITH of New Jersey, Mr. COURTER, Mr. JOHNSTON of Florida, Mr. WATKINS, Mrs. COLLINS, Mrs. LLOYD, Mr. MAVROULES, Mr. MCGRATH, Mr. AUCOIN, Mr. PARRIS, Mr. ROYBAL, Mr. WAXMAN, Mr. GARCIA, Mr. VOLKMER, Mr. MORRISON of Washington, Mr. GALLEGLY, Mrs. MORELLA, Mr. NOWAK, Mr. BROWN of California, Mr. KLECZKA, Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Mr. DE LUGO, Mr. ESPY, Mr. ATKINS, Mr. DWYER of New Jersey, Mr. FISH, and Mr. HARRIS.

H. Res. 24: Mr. NIELSON of Utah, Mr. CAMPBELL of California, Mr. PARRIS, Mr. BUECHNER, Mr. ROHRABACHER, and Mr. GOSS.

H. Res. 25: Mr. NIELSON of Utah, Mr. CAMPBELL of California, and Mr. GOSS.

PETITIONS, ETC.

Under clause 1 of rule XXII,

21. The SPEAKER presented a petition of the Board of Supervisors, County of Santa Cruz, CA, relative to the Equal Rignts Amendment which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE DAYTON-HUDSON JOBPLUS PROGRAM

HON. TIMOTHY J. PENNY
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. PENNY. Mr. Speaker and colleagues, I rise today to inform the body of "JobPlus," an innovative job training program established by the Dayton-Hudson Department Store Co. to recruit and place teen mothers at risk of long-term welfare dependency.

A few days ago, Marcia Townley, of Dayton-Hudson, testified before a Senate committee about the tremendous success of the JobPlus Program.

Mr. Speaker, the Dayton-Hudson Corp. is a truly model employer and corporate citizen. I can only hope that Dayton's fine efforts, once disseminated, will be duplicated by other firms.

I insert a copy of Ms. Townley's remarks in the RECORD:

THE DAYTON-HUDSON JOBPLUS PROGRAM

Mr. Chairman, Members of the Committee. My name is Marcia Townley, I am Director of Public Affairs for Dayton-Hudson Department Store Company, a division of Dayton Hudson Corporation. Dayton Hudson Corporation is made up of four retail divisions. Dayton Hudson Department Store Company, Target, Mervyn's and Lechmere, with 627 stores in 37 states. (Dayton Hudson Corporation is the nation's 26th largest employer with approximately 120,000 employees). The department store division for which I work has 37 Dayton's and Hudson's stores in 7 states. Most of its stores are in Minnesota and Michigan.

I am here today to tell you about an exciting program which Dayton Hudson Department Store Company created four years ago with a three year new initiative grant from the Dayton Hudson Foundation. The program tests a job partnership concept to recruit and place teen mothers at risk of long term welfare dependency in entry level jobs.

The exciting news is that after four years of experience with JobPlus the program works!

JobPlus is a public/private partnership between an employer with jobs and a willingness to hire 'perceived at risk' employees, and a human service agency with expertise in working with clients at risk of long term welfare dependency.

JobPlus works for five basic reasons. The first two reasons have to do with attitude—the last three have to do with unique components of the program.

First the partners, Dayton's, and the Minneapolis YWCA, the human service agency that does the recruitment and provides job readiness training—believe that the participants in the program will make valuable and competent employees. As an employer we've expanded our views of who are eligible employees. We've moved beyond what had been our traditional work force. We no longer can rely on walk in applicants from the ranks of college students and home makers to meet our employee needs.

Second, we believe that given the opportunity for a real job and support in overcoming barriers to employment, these young women want to work. But it must be a rational choice. The benefits from work must outweigh the benefits of remaining on welfare.

Now the three unique program components that help guarantee success.

First, the non-profit agency provides a two week job readiness program. Included is a two day retreat at a wilderness camp where the participants experience "Outward Bound" type challenges and team building exercises.

Second, when each participant begins her job, she is assigned a peer partner, someone in the company in a similar job who knows the ropes and will serve as a friend and mentor. This was the component about which I was most concerned. Would our employees be willing to make that extra effort? Well, it turned out to be one of the most successful aspects of the program. Peer partners received as much satisfaction as they gave.

The third unique component has to do with follow-up. The non-profit agency staff does not abandon the employee after the first day on the job. Instead, agency staff keeps in close touch with both the participant and the employer to anticipate and respond to issues before they become problems that might interfere with job performance.

Human resource departments and supervisors do not have the time nor the experience to help employees with a day care or housing crisis, a parenting problem or other personal issues that could impact job success. These are areas where the human service agency's expertise is invaluable. Many times an employee might have become discouraged, quit or been fired, if it had not been for the advocacy and problem solving of the non-profit agency staff.

This is truly a win/win partnership, with all three partners—the agency, the employer and the employee—contributing what each does best and receiving in return rewards or benefits.

The non-profit agency works with the future employee to remove barriers to employment—something neither the employer or the employee could accomplish alone—and once the participant is employed continues to work with employer and employee to help guarantee success on the job. In return the agency experiences the satisfaction of contributing to the successful employment of the participant and receives funding, in this case from the Dayton Hudson Foundation for the first three years and not from the State of Minnesota, to pay for staff expenses.

The employer provides a job, a peer partner and good supervision; in return the employer gains a valued, competent employee.

The program participants make a commitment to employment and life changes in return for support from the human service agency, and a job from the employer.

Now—how do we know JobPlus works?

During the first two years of the program we contracted with an outside consultant to evaluate the results of the first 100 participants. Less formal follow-up since then with all participants confirms the continued success of the program.

Success is measured from two perspectives—from that of the employer and from that of the program participants.

It is extremely important that the program be viewed as a success from a business point of view—and it is: 75% of the participants receive satisfactory or good job performance ratings on standard job performance measures; job retention is as good or better than control groups of regular employees hired for similar jobs.

Good performance and good retention are measures that would guarantee success to any employer.

From the participant's point of view, success is determined by evaluating individual progress in four areas. The areas are: Continued employment, education progress, reduced dependence on public assistance, no unplanned pregnancies.

If progress is made in 3-4 of those areas the participants are viewed as successful or very successful. 65% were successful or very successful after 6-8 months in the program. The good news is that in a 16 monthly follow-up, 63% were still evaluated as successful.

In preparation for this testimony we did a quick follow up of the 160 young women we had hired since summer 1985. Of the 160, we were able to reach 93 or 58% of the total. We are thrilled with the results. Remember some of these women began the program almost four years ago: 88% (82) of those we reached were successful or very successful on the four measures described earlier; 90% (84) had no unplanned pregnancy. The self esteem support has worked; 70% (65) are still working—18% at Dayton's (12); 17% (16) are in school; 12% (11) are unemployed.

Even if we assumed that all we didn't reach were unsuccessful, the program would have a 51% success rate.

Finally, one must ask what have we learned from our experience with JobPlus that could help other employers hire less traditional employees or public policy makers grapple with issues of moving individuals off the welfare roles onto the work roles?

First—we need to create the right attitude. We must believe that given the chance and the resources, these individuals want to work. And trust that given the appropriate support and supervision, they will make valuable employees.

Second—the transition from welfare dependence to economic self sufficiency does not happen over night. It occurs over a period of time and by taking many—sometimes small steps—in the right direction.

Don't expect the first job to be the ultimate career fit or lifetime occupation. Remember it is a first job—any maybe it is best, considering child rearing responsibilities, that it be a part-time job. Just make it the best first job you can.

So often I hear stories of AFDC moms with two small kids and no real work history

of taking a full time job or a full course load at a technical institute and failing because a housing crisis, or even a sick child, has made them miss too much work or too much school to continue. After a set back like that, it is hard to start again. Maybe she would have made it, if it had been a part time job or a ½ course load.

Remember it's progress we want, not overnight miracles. What we want are people moving up this job ladder for entry level positions on. The purpose of JobPlus is to help individuals take those first steps.

Third—because we want progress and cannot expect overnight miracles, it is important for transitional support to be there. Day care or subsidized care should continue during the first six months to a year on a job. Medicaid should continue until the employee is eligible for company benefits. Funds should be available for case worker follow up during the first months on the job to help solve the unexpected, but predictable, crisis. The provision of these transitional services and support should be the role of the public sector and appears to be the direction of welfare reform experiments and legislation.

But finally—success comes down to self-esteem. All the daycare, health benefits and training money can buy will not make a difference if the participant does not believe in herself. That is why we need case workers who are sensitive to the needs and aspirations of their clients and not bogged down in paper work, follow-up and tangible support to handle the transitional issues during the early months on the job and job supervision that is fair, caring and expectant of positive results. Each person must be treated as a special individual with unique needs and talents. Given that kind of support and encouragement, changes of success are great.

We know from experience it can be done. We've done it and we're doing it again. We're now expanding JobPlus to Flint, Michigan through the YWCA, and to metro Detroit through Michigan Human Services. We know other employers and human service agencies can do it, too. To help with replication of JobPlus, we have a manual and video tape to assist others develop and shape a JobPlus program to their own environment. We are eager to share these materials with the committee and others who are interested.

Mr. Chairman, I appreciate this opportunity to appear before the committee and would be happy to respond to questions.

A TRIBUTE TO HAL JACKSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. RANGEL. Mr. Speaker, I am privileged to honor today Harold B. "Hal" Jackson, a man who has devoted 50 years entertaining America's radio audiences. Mr. Jackson is group chairman of Inner City Broadcasting Corp., and has a long history of "firsts" that opened doors to other aspiring black broadcasters and recording artists. He was the first black radio announcer in network radio, the first black M.C. of a network jazz show, the first host of an interracial network jazz show and the first host of an interracial network television presentation.

In 1971, Hal joined with a group of other black businessmen and women headed by Percy E. Sutton, to acquire the first radio station to be owned and operated by blacks, WLIB–AM, New York. He broadened the acquisition through the subsequent purchase of WBLS–FM, the flagship station for Inner City Broadcasting, where he made the station No. 1 in the Nation.

Born in Charleston, SC, Hal grew up in Washington, DC, where he attended Howard University and launched his broadcasting career. He announced the play-by-play home games for Howard and other schools and the American Negro Baseball League over station WOOK. Several years later his voice could be heard on three different stations daily. He hosted nightly news interview programs and sports shows in Washington, Baltimore, and Annapolis. He later moved into television where he hosted a variety program from the Howard Theater.

After commuting to New York for several years, Hal decided to move to the Big Apple. He became the only New York City radio personality to broadcast three daily shows on three different stations in the same day. Four million listeners tuned in nightly to hear his interviews with jazz and show biz greats and to enjoy the music he selected to be played.

He has received countless civic and community awards including three from Presidents of the United States. He is universally loved by young and old, black and white. For the last 14 years, through his production of the Miss U.S. Teen Pageant, Hal has given young minority women, 13 to 16 the opportunity to show their performing talents on national television. They have won scholarships and other prizes and most important get encouragement for their career track.

Mr. Speaker, I am proud to honor a man whose career and lifestyle can be summarized by the theme he chose for his radio programs: "It is nice to be important, but it is more important to be nice."

U.S. NUCLEAR WEAPONS PLANTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 18, 1989 into the CONGRESSIONAL RECORD.

U.S. NUCLEAR WEAPONS PLANTS

A major new expense requiring the attention of the President and the Congress will be the cost of cleaning up and modernizing America's aging nuclear weapons complex. The Department of Energy (DOE) runs seventeen plants and laboratories to manufacture nuclear weapons for our armed forces. Yet after almost forty years of neglect and deferred action, they are in a state of serious decline. Presently all government nuclear reactors are out of service due to safety problems, and cases of contamination and hazardous pollution have been found at every processing facility in the complex. The General Accounting Office (GAO), the congressional agency which audits the government, estimates that it will cost $100.130 billion to clean up the facilities over the next twenty years, and another $15–25 billion to build new reactors and relocate aging processing facilities.

The cleanup of our nuclear weapons facilities poses a serious challenge to lawmakers, by requiring a balancing act between public safety and national security concerns. A tug-of-war is shaping up between those who want to ensure that the system is safe and environmentally sound, and those who insist that our nuclear deterrent cannot wait on absolute safety. Both sides can make strong cases for their claims. Environmentalists point to the contamination at the Fernald, Ohio, uranium processing plant—a plant employing many Hoosiers—as clear proof of the need for stronger environmental oversight. Defense advocates counter that continued shutdown of the Savannah River nuclear reactors in South Carolina could undermine our ability to arm our nuclear weapons with tritium, an essential component of modern thermonuclear bombs.

The causes of the rapid decline of the system are wide-ranging. First, many of the facilities in the production complex were built in the 1940s and 1950s at the beginning of the nuclear era. The old age of the Savannah River reactors may account for the cracking recently found in the cooling systems, and may threaten the reactor vessels themselves. Second, the government's nuclear weapons industry was born and built in the secrecy of the Cold War era, when safety and environmental concerns took a back seat to national security. Consequently, DOE's record on safety over the years has not kept pace with practices and procedures at civilian facilities. DOE has often failed to impose rigorous standards for operation and maintenance personnel, and its facilities have had a poor record of compliance with federal environmental laws. For example, DOE, officials recently admitted they knowingly allowed the Fernald plant to release thousands of tons of radioactive uranium waste into the environment. DOE has also indicated that its plutonium processing plant in Rocky Flats, Colorado, has been leaking hazardous chemicals into underground water wells north of Denver and contaminating soil with plutonium dust. Finally, the Congress must also bear some of the responsibility for the current state of the nuclear weapons industry. In past years it failed to provide rigorous oversight of the weapons production system, in part because Energy and Defense Department officials were not entirely candid about the extent of the problem, and in part because the Congress did not want to face the high price tag for cleanup and modernization.

In coming months the Congress and the Administration will face some tough decisions on how to deal with the problems at our nuclear weapons plants. First, policymakers must decide how much federal money should be spent on cleaning up and rebuilding our nuclear weapons production, and determine where the funds will come from in an era of ever-tighter federal budgets. A recent DOE report to the Congress estimated that it would cost $48–85 billion to clean up existing DOE facilities over the next twenty years, and the President's budget for 1990 proposed spending $18 billion over the next five years for cleanup and moderization programs. Critics argue that these figures tend to underestimate the problem.

Another pressing problem involves how we will proceed with cleaning up and rebuilding the system while not undermining our national security needs. This debate will focus on present and future supplies of tritium, the perishable and essential radioactive gas which must be replenished periodically in nuclear warheads. The Energy Department's reactors at Savannah River for producing tritium all are shut down for safety reasons. Officials at the Department of Defense argue that the plants must be restarted by the summer, or else the country's nuclear deterrent will be jeopardized. Critics respond that the tritium stockpile will last for another two years, and perhaps longer if supplies are recycled from obsolete weapons in our nuclear stockpile. They argue that it would make more sense to ensure that the Savannah River reactors are completely safe before DOE restarts them. Other options—such as buying tritium from foreign countries or converting civilian reactors to tritium production—have political and legal drawbacks.

A third set of problems will involve improving the overall environmental and safety performance at the weapons facilities so that past failures are not repeated. There are indications that the Congress will consider legislation this year that would greatly expand regulation of the nuclear weapons complex, including proposals to tighten and enforce environmental and safety standards throughout the system.

The problem at our nuclear weapons plants is a classic example of conflict between two worthy policy goals—maintaining our national security and preserving safe environment. In the past we have let our national security concerns dominate, and have hedged on public safety concerns. That one-sided approach has not worked, and has only compounded the problem. Whatever the ultimate solution, the urgency of the crisis in the weapons industry will require both branches of government to bite the bullet on the high price tag, and pay the cost of cleaning up and rebuilding our nuclear weapons complex.

TRIBUTE TO LORENZO PATINO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the inauguration of the Lorenzo Patino Hall of Justice. It is indeed an honor to salute the men and women behind the creation of the hall and the man for which it is so aptly named.

Lorenzo Patino was a man of tremendous courage and character. Born in Mexico, Lorenzo and his parents moved to Sacramento in 1955. He attended California State University, Sacramento and graduated in 1970. Lorenzo then received his juris doctorate from the University of California at Davis and began to practice criminal and personal injury law.

Lorenzo constantly distinguished himself in the field of law. After 6 years, Lorenzo was appointed to the Sacramento Municipal Court. Judge Patino was a member of the board of governors, its first Mexican-American member and was selected in 1981 as Judge of the year by the board. In addition, he was appointed by President Jimmy Carter to the National Institute of Justice Board and was an appointee to the U.S. Attorney General's Advisory Committee for Hispanic Affairs. Lorenzo was also active in the Sacramento Planning Commission, the National Associations for Mental Health, the Legal Aid Society of Sacramento as well as serving as the founding dean of the University of Northern California School of Law.

Sadly for the city of Sacramento and the entire State of California, Loren passed away in 1983, the victim of leukemia at age 35. However, on this day, we remember Lorenzo Patino. In a most fitting gesture, the new Sacramento County Jail will be named the Lorenzo E. Patino Hall of Justice. Given his dedication to the law, his devotion to the service of the public good, and his constant striving for justice, this is indeed a most deserved honor.

In closing, I would like to offer my congratulations as well as my personal thanks to all those who worked so hard to make this day a reality. Each of you is to be heartily commended for your efforts on behalf of the city of Sacramento. I regret that due to business in Washington, I am unable to deliver this address in person. However, it is my sincere hope that you will accept my very best wishes and my congratulations on all your successes.

PEGGY GOODWIN, "LIBRARIAN OF THE YEAR"

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. BRYANT. Mr. Speaker, Peggy Price Goodwin, of Garland, TX, was recently named "Librarian of the Year" by the nationally respected Library Journal.

Miss Goodwin, adult services librarian of Garland, TX Walnut Creek Branch Library, was recognized for her determination to provide materials, services, and programs tailored to the multiethnic needs of her community.

It is crucial that we, as citizens of such a diverse nation, work to bridge cultural and language gaps. Ms. Goodwin's efforts to bridge these gaps, as well as her commitment to education and literacy are commendable and most worthy of recognition.

I would, therefore, like to share with my colleagues, the following article about "Librarian of the Year," Peggy Goodwin, which recently appeared in the Garland Daily News.

[From the Garland (TX) Daily News, Jan. 3, 1989]

GOODWIN BESTOWED WITH TOP HONORS

(By Sue Watkins)

Named Librarian of the Year by nationally respected Library Journal, Peggy Goodwin goes quietly about her work as adult services librarian at Walnut Creek Branch Library.

"I was just flabbergasted," Ms. Goodwin said about the call from John Berry, editor of Library Journal, who advised her she was the publication's first winner and will appear on the magazine's January cover. "That's something that happens to other people, not to me," she said.

Nevertheless, the publication will honor Ms. Goodwin Friday at a reception at Petito's Restaurant in Washington, DC. On hand to see her receive honors and a $1,500 cash award will be her daughter, Angela Goodwin and Nicholson Library Director Lowell Lindsey.

Goodwin has served the Nicholson Library staff since 1974 when she left part-time work at the Farmers Branch Library to become young-adult librarian. The next year she was named branch head at Walnut Creek, a post she filled for four years. She then was transferred to the main library as humanities librarian, and returned one year ago to Walnut Creek as adult-services librarian.

Co-worker Elaine Klobe, a librarian at the main branch, nominated Ms. Goodwin for the award.

The dedicated personal efforts of Adult Services Librarian Peggy Goodwin are transforming a small branch library into a center where new Americans can feel comfortable learning English and adapting to the United States," writes Ms. Klobe in her nomination letter.

"The Walnut Creek Branch of Nicholson Memorial Library is located in a neighborhood that is 27 percent Hispanic, Asian and other non-English speaking minorities," the letter continues. "Many of these people were not using the library. To assess community need, Goodwin personally conducted on-site door-to-door canvassing of residents. She discovered that the percentage of persons in the neighborhood speaking a language other than English at home had increased 100 percent since 1980."

With the backing and encouragement of the branch head, Liza Arredondo, Goodwin became determined to provide materials, services and programs tailored to the multiethnic needs. Under her leadership, Walnut Creek Library is pioneering a program to meet the community need for an easily accessible multicultural center focusing on English as a second language.

Ms. Goodwin distributed about 500 surveys through stores in the library neighborhood. Responses identified 10 languages—Spanish, Chinese, Korean, Davi, Arabic, Punjabi, Hindi, Vietnamese, Urdu and Romanian—actively used in the survey area, indicating the need to provide the opportunity to learn English. Public schools reach the school-age children, but the parents are not receiving help with language, the library concluded.

As Klobe continues in her nomination of Ms. Goodwin, "Despite a depressed Texas economy and a reduced city budget, Goodwin was undeterred in her mission . . . she devoted untold hours of personal time at home preparing grant applications.

One grant that materialized was for $24,044 from Texas State Library dispersing federal funds. The grant makes possible shelving, videotapes, cassettes, books for beginning readers, staff training and community programs like "Citizenship: What to Expect" and "Communicating across Cultures."

Goodwin was born in Whitewright and reared in Royse City and Dallas, and is a Garland High School graduate. A member of Dallas County, Texas and American Library Associations, she also is a member of Calvary Baptist Church in Garland. She is married to Joe Goodwin, who owns and operates a local welding shop. In addition to 26-year-old daughter Angela, the Goodwins also have a son, 31-year-old Gary.

Klobe's nomination concludes, "Goodwin's vision in reaching out to a multi-ethnic population is a bold effort to meet the special

informational and cultural needs of new Americans, while still providing a full range of traditional library services to all patrons. Pointing the way toward excellence, Peggy Goodwin is a role model, a librarian who has made a profound difference in her community."

"This really has involved the whole library system in working for the grant and ordering material," Goodwin said.

RESOLUTION CALLING ON WORLD BANK AND U.S. BANK REGULATORS TO ENCOURAGE BANKS TO REDUCE

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. BATES. Mr. Speaker, today I am introducing a resolution calling on the World Bank and U.S. bank regulators to encourage banks to reduce the debt service burden of debtor nations in exchange for steps taken by debtor nations to protect tropical rain forests and other natural resources.

Many developing countries have been experiencing severe austerity measures, and general recessionary conditions in their domestic economies. The problem has been particularly acute in Latin America where many countries must service their high foreign debt. As these severe economic conditions persist, sharp declines in per capita incomes and increased unemployment have resulted in more people being forced back into subsistence agriculture, where they draw heavily on and degrade the natural resources base.

Moreover, as the governments of developing countries impose austerity measures insisted upon by the banks, the inevitable result has been a reduction in both staff and expenditure of fledgling, weak environmental agencies, undermining even the minimal efforts made to bring ecological considerations into development planning.

Last year we all experienced "global warming" which scientists believe was partly due to destruction of forests in Latin America. Less that 5 percent of the tropical forests in South America receive any protection. As the worsening economic conditions and mounting debt pressures in developing countries persist, planners are forced out of necessity to ignore environmental planning and conservation when planning both industrial and rural development projects.

Clearly, reforms are needed at the international level to deal simultaneously with the economic and ecological aspects of the problems of developing countries in ways that allow the world economy to stimulate the growth of these countries while giving greater weight to environmental concerns. After all, it is in the interest of banks that the environmental resources of developing countries are not degraded to the point where natural resources become depleted and economically worthless.

The resolution I am introducing merely calls on the World Bank and various U.S. bank regulators to "encourage" banks under their jurisdiction to enter into agreements with nations that have outstanding debt obligations under which the debtor nation agrees to protect tropical rain forests and other natural resources, and in exchange, the bank would agree to reduce the debt servicing burden of the debtor nation through forgiveness of principal, reduction in interest rates, deferral of payments, or lengthening of the loan term.

In my view, when banks relieve the debt burden on debtor nations, a reasonable swap would be the protection of the tropical rain forests and other natural resources which all life depends on to survive.

For the benefit of others, I have requested that the resolution be printed at this point of my statement:

H. CON. RES. 44

Resolved by the House of Representatives (the Senate concurring),

Whereas the planet Earth has finite resources and a fragile atmosphere;

Whereas the global warming trend is exacerbated by the destruction of forests in Latin America;

Whereas less than 5 percent of the world's tropical forests receive any protection;

Whereas austerity measures and general recessionary conditions have brought sharp declines in per capita incomes and have increased unemployment in developing countries resulting in more people being forced back into subsistence agriculture, where they draw heavily on and degrade the natural resources base;

Whereas government austerity programs in developing countries inevitably include reductions in both the staff and expenditure of fledgling, weak environmental agencies, undermining even the minimal efforts made to bring ecological considerations into development planning;

Whereas worsening economic conditions and mounting debt pressures in developing countries result in planners ignoring environmental planning and conservation in both industrial and rural development projects; and

Whereas reforms at the international level are needed to deal simultaneously with the economic and ecological aspects of the problems of developing countries in ways that allow the world economy to stimulate the growth of such countries while giving greater weight to environmental concerns: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the International Bank for Reconstruction and Development should, and the Comptroller of the Currency, the Chairman of the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation should each take all appropriate steps to encourage each bank under their respective jurisdictions to, enter into agreements with nations that have outstanding debt obligations to such bank under which the debtor nation would agree to protect tropical rain forests and other natural resources in the nation from destruction or depletion, and in exchange, the bank would agree to reduce the debt servicing burden of the debtor nation through forgiveness of principal, reduction in interest rates, deferral of payments, or lengthening of the loan term.

CPSC—HOPE FOR THE FUTURE?

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. FLORIO. Mr. Speaker, for the past 8 years, the Consumer Product Safety Commission has suffered as a result of serious budget and personnel cuts and, recently, by a leadership seemingly opposed to its basic mission of protecting consumers from unsafe products. But a new administration and the resignation of the previous Chairman offer hope for the future. What follows is an article from the February 2 issue of the Washington Post describing some of the difficulties of the Commission:

THE LITTLE AGENCY THAT CAN'T

(By Dale Russakoff)

For eight years, the Consumer Product Safety Commission was Washington's domestic Nicaragua. Nobody declared war on the agency assigned to protect Americans from unsafe products; they just threw everything they had at it.

First they strafed its staff. There were about 975 employees in 1981; today there are 519. Then they imposed economic sanctions. In 1981, it had a budget of $42 million; today it has $34.5 million, almost exactly the price of running the Defense Department for one hour.

Then came the puppet government—a commission stacked with political conservatives who had no background in product safety.

They even took the agency's downtown building away. Today the commissioners, who used to meet in the K Street business district, hold court on the lower floors of a drab, Bethesda apartment building, overlooking a Giant Food loading dock and a bowling alley. (Actually, they don't hold court at all these days because the five-member commission has so many vacancies that it now lacks a quorum of three.)

It is not just consumer lobbies who think things have gotten out of hand. The American Academy of Pediatrics, which sees its share of childhood injuries, says the CPSC "has been emasculated." Bob Adler, associate professor at the University of North Carolina business school, calls it "a regulatory speck."

And a conservative appointed by former president Ronald Reagan said: "This whole place has been traumatized, tortured and drop-kicked around since 1981."

Here is what happens when an agency attempts to protect everyone in America from dangerous products with only $34 million a year:

The health and science staff discovered indoor air pollution threats from humidifiers and wanted to notify the public. It was decided that acting commission chairman Anne Graham would make a videotape for television stations across the country. But there wasn't enough money to rent a studio.

So Ken Giles, a public affairs officer, volunteered his home as the backdrop, and Graham drove there (in her own car) on Monday for the taping. The film required some deft editing, however, because one of Giles' young sons, who was upstairs at the time, began crying just as Graham was saying, "Obviously it's a risk to everyone who's inside. . . ."

It is not uncommon to find one person doing the work of two. Shelley Deppa, a psychologist with nine years' experience examining the safety of children's products, said she recently budgeted how many months it would take to accomplish the work she is assigned this year. She would need 24 months.

In an office jammed with crib headboards, defective rattles and commendations from the commissioners, she explained that she was supposed to finish a study by 1984 on children's headentrapment. But, in between, she was diverted to investigate deaths and injuries from lawn darts, bunk beds, choking hazards, portable electric heaters, crib toys and more.

Its field staff slashed, the Washington staff has become its own roving inspection force, bringing in defective products to be investigated wherever it finds them. Graham brought in a prescription drug that didn't have a child-proof cap. Depps spotted some toys that violated the CPSC choking standard in a craft shop. (She was on her honeymoon at the time.)

In the public affairs office, which has the key task of mailing out bulletins and brochures warning of safety hazards, the printing budget was cut about 50 percent in the last year, office director David Shiflett said. To try to keep pace, the office has shifted envelope-stuffing contracts to the D.C. Association of Retarded Citizens, which charges a cut rate.

Graham, 39, has been acting chairman since the departure last month of Terrence Scanlon, who was known to the agency's supporters as the enemy within. She has been meeting with employees in all divisions, sending out memos hailing Americans' right to know that products are safe and "looking for things I can do to let people know I really believe in our mission."

Graham, a Republican activist and protege of Reagan intimate Lyn Nofiziger, came to the commission in 1986 with no experience in consumer products. But she has won respect as a consumer voice and is being widely greeted as a "new breeze" in these uncertain times. Many employees at her embattled agency said they are hopeful that President Bush's nominee to replace Scanlon will provide Graham with an ally who believes in their work.

But they are understandably reluctant to get too optimistic, and, in any case, the White House appears preoccupied with bigger agencies.

"Whenever a new commissioner was named, we need to say, This one couldn't be worse than the last one.'" a longtime staffer said recently. "Since 1981, we've been afraid to say that."

TRIBUTE TO DR. MARGARET WALKER ALEXANDER

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. ESPY. Mr. Speaker, the publication of Dr. Margaret Walker Alexander's "Richard Wright: Genius" is a cause for celebration. I feel confident that this book will live up to our every expectation of the full measure of Dr. Alexander's insight into this important Mississippi writer.

Richard Wright is very important to Mississippi and especially to the Second Congressional District which I represent. He was born in Natchez, MS, and lived there until he was 19 years old. His rise to international acclaim as a writer in Chicago, New York, and in Paris and all over the world reflected his strong Mississippi roots.

Richard Wright and his rich legacy are more than ample illustration of the human potential that more often than not is trampled under the weight of poverty, illiteracy, racism and other social ills.

For this reason, I fought hard for a Federal commission to address the social and economic development of the Mississippi River region, including the Mississippi Delta, which gave Richard Wright his start and much of the grist for his creative genius.

Dr. Alexander is to be congratulated on writing an already much heralded book. Her books "Jubilee" and "For My People" have gained her an international reputation as a talented and serious writer.

Her career as a published writer spans more than 50 years since her work first appeared in Crisis magazine in 1934. She has written five books of poetry, several nonfiction books, and of course, "Jubilee."

She received her early education in Methodist Church schools in the South and Gilbert Academy of New Orleans University. She was graduated from Northwestern University with a B.A. degree. In 1940, Dr. Alexander received her master's degree and in 1965 her Ph.D. in English, both from the University of Iowa.

In 1954 she was a Ford Fellow at Yale University. She has appeared on the lecture platform reading her poetry and participating in symposia, seminars, and literary festivals throughout the Nation.

As professor of English at Jackson State University, she founded the Institute for the Study of History, Life, and Culture of Black People and served as director from its inception in 1968 to her retirement in 1979. She also initiated the first program in humanities at the university and taught among other courses, "The Bible as Literature" and creative writing. She currently serves as professor emerita of English.

A widow, Margaret Walker was married for 37 years to the late Mr. Firnist James Alexander, Sr. She has four children and is the proud grandmother of eight.

During the past 20 years, she has been the recipient of six honorary degrees and has received innumerable other awards, citations, and certificates of honor, including the Living Legacy Award from President Jimmy Carter and a proclamation for Margaret Walker Alexander Day from Mississippi Gov. William Winter. She holds a Commemorative Plaque from the Jackson City Council and Mayor Russell Davis, and Guynes Street was renamed Margaret Walker Alexander Drive in her honor. Her works appear in countless anthologies and textbooks throughout the international literary world.

I want to wish Dr. Alexander every success in her continuing endeavors. In closing, I would like to enter into the record a brief excerpt from her book, "Richard Wright: Daemonic Genius."

Going back in my memory to that Sunday afternoon in February 1936, when I saw Wright for the first time, I remember that I went to the meeting because I heard it announced that Langston Hughes would be there * * * I tried to press my manuscripts on Langston, but when I admitted I had no copies he would not take them. Instead, he turned to Wright, who was standing nearby, listening to the conversation and smiling at my desperation. Langston said, "If you people really get a group together, don't forget to include this girl." Wright promised that he would remember.

MEDICAID COMMUNITY AND FACILITY HABILITATION AMENDMENTS OF 1989

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. WAXMAN. Mr. Speaker, I am pleased to join with Mr. FLORIO, Mr. DINGELL, Mr. COELHO, and several other colleagues on the Energy and Commerce Committee in introducing the Medicaid Community and Facility Habilitation Amendments of 1989.

This important legislation would eliminate the institutional bias of the Medicaid Program in paying for services on behalf of low-income individuals with mental retardation or related conditions. By giving States the option of using Federal Medicaid funds to purchase services for this population in the community, the bill would level the financial playing field so that clients and parents will have a choice of community or institutional placement. The bill will also assure the quality of Medicaid-funded services in both community and institutional settings.

On September 30, 1988, the Subcommittee on Health and the Environment held a hearing on two different legislative approaches to improving the Medicaid Program for individuals with mental retardation. I had sponsored one bill, H.R. 5234; Mr. FLORIO had introduced the other, H.R. 3454. We heard from clients, parents, workers, private providers, State officials, and the Congressional Budget Office. Over the past few months, after consulting with all interested parties, Mr. FLORIO, Mr. DINGELL, and I, have worked out a compromise approach to reform in this area. The bill we are introducing today is that compromise. It is a proposal for incremental change that does not go as far as some would like. However, it is fiscally and politically realistic, and I intend to work closely with Mr. FLORIO and Chairman DINGELL to secure its enactment this year.

Under current law, States have the option of using Federal Medicaid funds to pay for medical and health-related services provided to low-income individuals with mental retardation or related conditions—cerebral palsy, epilepsy, and so forth—in intermediate care facilities for the mentally retarded [ICF's/MR], which range in size from small public or private residences of under 15 beds to State-run institutions over 1,000 beds. With one exception, States do not have the option of using Federal Medicaid funds to pay for services to this population in a community setting. That exception—the "2176" home and community-based services waiver—allows States to use

Federal Medicaid funds to cover habilitation, case management, and other services for this population in the community; however, the States must demonstrate that the waivers will be budget-neutral.

The current benefit structure of the Medicaid Program has led to an institutional bias in spending. According to the Congressional Research Service, total Federal and State Medicaid spending on all covered services in fiscal year 1986 was $41 billion; of this amount, $5.1 billion, or 12.4 percent, was spent on ICF/MR services. Total "2176" waiver expenditures for that year on behalf of individuals with mental retardation or related conditions were $220.7 million, or one-half of 1 percent of total Medicaid spending. That same year, State-only, non-Medicaid spending for these individuals was $2.8 billion; much of this amount was spent on community services.

The bill I am introducing today would allow States, at their option, to expand their Medicaid programs to include coverage of "community habilitation and supportive services" to individuals with mental retardation or related conditions. States would not have to demonstrate budget-neutrality, but the services would be subject to minimum Federal quality requirements. The bill would not change current eligibility policy; thus, individuals with mental retardation or related conditions who live in the community and meet the Medicaid income and resource eligibility standards would be eligible for this new benefit if the State chooses to offer it. Individuals would not have to demonstrate that they are at risk for institutional placement in order to qualify for coverage.

The second major thrust of the bill is quality. It would assure the quality of Medicaid-funded services to this population in both community and institutional settings, so as to promote the independence, productivity, and integration into the community of individuals with mental retardation or related conditions. In the case of community services, the bill would direct the establishment of rigorous requirements for provider participation, as well as procedures for monitoring and enforcing compliance with those requirements. I am particularly concerned that Federal Medicaid dollars not pay for substandard community care of the kind described by John Hurst in his three investigative reports in the Los Angeles Times last month. With respect to institutional services, the bill would revise and strengthen the requirements for participation that currently apply to ICF's/MR, as well as the procedures for monitoring and enforcing compliance with those requirements.

According to preliminary, unofficial estimates by the staff of the Congressional Budget Office, the bill would result in coverage of about 20,000 individuals with mental retardation or related conditions in the community. It would increase Federal Medicaid outlays by approximately $100 million per year. That is less than three tenths of 1 percent of the $38 billion that CBO projects the Federal Government will spend on Medicaid in fiscal year 1990.

I want to emphasize what this bill would not do. It would not impose any limitation or cap on Federal Medicaid payments for services provided to individuals with mental retardation or related conditions in ICF's/MR, large or small. The bill would not restrict the rights that Medicaid beneficiaries have under current law to freedom of choice of provider, whether in a community or institutional setting. The bill would not require the States to develop and implement a 5-year plan to transfer individuals from large institutions to community-based settings. Finally, the bill would not prohibit the Secretary of HHS from promulgating or enforcing quality standards for Medicaid-funded services, whether in the community or in an institution.

This is a modest, incremental initiative that both Democrats and Republicans can and should support. What follows is a brief, title-by-title summary:

BRIEF SUMMARY OF FLORIO-WAXMAN-DINGELL MEDICAID COMMUNITY AND FACILITY HABILITATION AMENDMENTS OF 1989 (2/6/89)

OPTIONAL EXPANSION OF COMMUNITY-BASED SERVICES (TITLE I)

Allows States, at their option, to cover under their Medicaid programs "community habilitation and supportive services" for individuals with mental retardation or related conditions. Unlike the current home and community-based services waiver, this option would not require the States to demonstrate budget neutrality or limit participation to those at risk of institutional care. Directs the Secretary of Health and Human Services [HHS] to develop interim and final quality requirements for such services, and establishes a monitoring and enforcement process to ensure compliance with these requirements. Effective the later of January 1, 1990, or 30 days after publication of interim requirements.

QUALITY ASSURANCE FOR HABILITATION FACILITY SERVICES (TITLE II)

The requirements for participation in the Medicaid program currently applicable to intermediate care facilities for the mentally retarded (ICFs/MR, which the bill would rename "habilitation facilities") would be strengthed, and the current monitoring and enforcement procedures would be revised. Effective January 1, 1991.

APPROPRIATE PLACEMENT FOR INDIVIDUALS WITH MENTAL RETARDATION AND RELATED CONDITIONS (TITLE III)

Requires States to implement a preadmission screening program and an annual client review program to assure that all individuals with mental retardation or related conditions who are admitted to, or reside in, a habilitation facility need the level of services provided by such a facility. Effective January 1, 1991.

PAYMENT FOR COMMUNITY AND FACILITY SERVICES (TITLE IV)

Requires States to assure that payment rates for (1) community habilitation or supportive services and (2) habilitation facility services are reasonable and adequate to meet the costs of providing services, on an efficient and economical basis, in conformity with applicable State and Federal laws, regulations, and quality and safety standards.

EMPLOYEE PROTECTIONS AND MISCELLANEOUS (TITLE V)

Requires States to make fair and equitable arrangements for the protection of employees of habilitation facilities that are subject to closure or reduction, including the establishment of paid retraining programs for employment of the affected staff in the delivery of community services. Effective on enactment.

NATIONAL BLACK NURSES DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. RANGEL. Mr. Speaker, as a member of the Congressional Black Caucus and a member of the Congress whose attention has increasingly been drawn to the health care problems of minorities and the poor, I wish to applaud black health care practitioners and proclaim Friday, February 3, 1989 as National Black Nurses Day. Blacks have long been active in the nursing field. Currently, they comprise 5 percent of the total nursing population and practice in all of the varied areas of nursing—clinical, education, administrative, research, Government, and private enterprise. Black nurses past and present can be credited in great part for establishing an environment of quality, service and skill which all of us have come to expect from health care practitioners. They have made significant contributions to the nursing profession and they are an integral part of the health care delivery system. Since February is the month that we have set-aside to honor the contributions made by black Americans to this country, it is fitting that black nurses be recognized and honored for their outstanding contributions to our community and our country.

OBSERVATIONS ON THE FEDERAL BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 4, 1989, into the CONGRESSIONAL RECORD.

OBSERVATIONS ON THE FEDERAL BUDGET

A major task facing the Bush Administration will be to reduce the federal budget deficit. That will have to be done if we are to ensure continued economic growth and cut American dependence on foreign capital. Yet meaningful deficit reduction will be difficult to achieve.

The federal budget has been cut more than is generally acknowledged. Just about every area of domestic spending has been cut below what would have been needed to maintain current services. Even social security was reduced in 1983. Medicare, civil service, and military retirement have also been reduced. The subsidized housing programs which grew very quickly in the 1970s have been put on hold, revenue sharing has been abolished, public sector job programs have been virtually eliminated, and public works grants are being phased out. State and local governments have seen a sharp reduction in the number of federal grants. Even with all of these cutbacks, the federal deficit is about $150 billion a year.

If current law and policy are followed, the federal budget next year will be about $1.15

trillion. Of this, about $300 billion will be for defense, $250 billion for social security, and $150 billion for interests on the national debt. The budget generally reflects the broad priorities of the American people: the most popular federal programs, social security and defense, are by far the most expensive. Less popular programs, like foreign aid, make up only a very small fraction of the budget. That means that the programs that could yield the most savings are precisely those least likely to be cut. If defense, social security, and interests on the debt (which must be paid) are exempted, the Congress and the President must find enough savings from the remaining $450 billion to wipe out the projected $150 billion deficit over the next few years.

That will not be easy to do. That $450 billion includes many important social programs. 30% of it goes for health care, mainly medicare for older persons and the disabled, and medicaid for the poor. Medicare payments have been subject to sharp reductions from current service levels in recent years. Most policymakers, including President-elect Bush, propose increases for medicaid spending. 20% of the $450 billion consists of programs for poor people like food stamps, welfare, housing subsidies, and unemployment compensation. Cuts have already been made in programs for the poor, and significant new reductions are unlikely. Another 10% of the $450 billion goes to civil service and military retirees. These retirement programs have been tightened in recent years and payments cannot be quickly reduced. That leaves about $180 billion for things like veterans benefits, student aid, scientific research, farm supports, aid to education, highway grants, air traffic control, and the space program. Cuts can of course be made in each of these areas but there is not a lot to be squeezed from them. Moreover, cutting some of these programs—like education, science, and road and bridge repair—could weaken our nation's long-term economic competitiveness.

To make matters worse, a long list of budget additions has now become urgent. The federal government insures the deposits in savings and loan institutions. The estimate for closing hundreds of these bankrupt insitutions may run close to $100 billion over a period of years. The nuclear weapons plants must be brought into compliance with safety and environmental protection rules. That will cost another $100 billion, perhaps even more. The air traffic control system needs to be modernized, with cost estimates now running some $25 billion by the year 2000. No one seriously argues today that we should not address unsafe financial institutions, unsafe nuclear reactors, and unsafe air transportation systems.

I would also suggest that the nation must turn more attention to the poor. Of every ten people living in poverty today, four are children. In recent years the disparity between the rich and the poor his widened. The poor today have a smaller share of this country's income than they did in 1980 and the rich have become a lot richer.

Many of the programs for the poor are only partially implemented. Medicaid now reaches only 40% of the poor and 50% of poor children, and should be expanded. So should housing subsidies for the poor. Many other areas are being called to Congress's attention, including child care, early childhood education, and long-term care for the elderly. Another need is for job training programs to help the poor learn the skills needed to support themselves. It is difficult to see how the federal government can afford major new undertakings in any of these areas until we have a better fiscal base. Although social programs can undoubtedly be cut, some areas like health care and housing will almost certainly be expanded.

Balancing the budget without a tax increase and without cutting either defense or social security becomes an enormously difficult, perhaps impossible task. In my view money can still be squeezed out of medicare, and farm supports are higher than they ought to be. Modest across-the-board cuts in most departments of government are manageable. Some programs could be delayed, while others, such as the Small Business Administration and the Economic Development Administration, could be abolished or consolidated into other programs.

The federal budget ultimately expresses the values and the opportunities for the nation. All of us want an economic policy capable of supporting a rising standard of living, and we are uncomfortable with the present emphasis on consumption and massive borrowing. One national interest is certainly to consume less and invest more and to keep the U.S. fully competitive in the world markets. Another national interest is to assure that this nation can continue its political leadership in the world, a leadership which has eroded because of our growing dependence on foreign loans. Other national interests are to maintain our military strength and to maintain important federal programs like social security and health care. Reducing the deficit and balancing these national interests will require some tough policy choices in the months ahead.

OFFICER ROCKY STEVENS—DALLAS POLICE OFFICER OF THE MONTH

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. BRYANT. Mr. Speaker, our local law enforcement agencies and their dedicated employees are our first line of defense against crime. It is always a great pleasure for me, as a member of the House Committee on the Judiciary and its Criminal Justice Subcommittee, as well as a Dallas resident, to join in paying tribute to some of our best local law enforcement officers.

Dallas Police Officer Rocky J. Stevens has been recognized as January Officer of the Month, and I take pride in calling his achievements, described in the Dallas Police News, to the attention of my colleagues and fellow citizens.

[From the Dallas Police News, Jan. 6, 1989]

ROCKY STEVENS SELECTED OFFICER OF THE MONTH

Officer Rocky J. Stevens has been selected by the Dallas Community Police Awards Committee as the January Officer of the Month. He will be honored Jan. 24 with a luncheon in the Garden Room at the Crescent Hotel.

A 13-year employee with the City of Dallas, Officer Stevens has been a member of the Police Department since consolidation of the Park Police on Oct. 1, 1986. As an 11-year veteran with the Park Police, Officer Stevens held the rank of sergeant for six years and the rank of lieutenant for a year and a half.

Currently assigned to the 330 sector on the second watch at Southeast Division, Officer Stevens recently served as Assistant Squad Leader prior to corporal promotions.

His supervisor, Sgt. D.R. Beane, said, "Stevens' experience in management was invaluable. Along with coordinating sector activities in my absence. Officer Stevens kept meticulous records on crime patterns and calls for service locations. He kept me up-to-date on this information along with the names and locations of known offenders. I had the utmost confidence in turning over the complete operation of my sector to Officer Stevens in my absence."

As an example of his outstanding work, in March Officer Stevens performed a thorough fingerprint analysis of items in possession of a burglary suspect, and lifted prints which matched the suspect's fingerprint from one of the items. In July, Officer Stevens issued 112 traffic citations and initiated three occupied stolen vehicle arrests, each of the result of aggressive use of his MDT and alert patrol.

"As a direct result of Officer Stevens's efforts," said Sgt. Beane, "the other officers in the sector look up to him and admire him for his work. He has become the standard bearer for the sector.

"Officer Stevens had distinguished his career with the Park Police by his promotion to the rank of lieutenant and he was looking to a career in upper management when consolidation occurred. I feel that a man of less character, less commitment and less devotion to his chosen profession might not have persevered and become something other than a true professional," said Sgt. Beane. "Officer Stevens has accepted the challenges offered to him by the Dallas Police Department and met them like the dedicated law enforcement officer he is."

Officer Stevens has received three personal commendations since transferring to the Southeast Division, used no sick time, and been rated consistently as outstanding by his superviors.

Officer Stevens, wife Lisa, and daughter April reside in Terrell where they are members of First Christian Church. He is active in the adult Sunday School program there.

INNOVATIVE PROGRAMS FOR HOMELESS VETERANS FACE DANGER OF EXTINCTION

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. MONTGOMERY. Mr. Speaker, in recognition of survey studies which suggest that between 18 percent and 51 percent of our homeless population are veterans, the Congress developed two very innovative programs to address their plight: First, through Public Laws 100-6, 100-71, 100-322, and 100-628, an outreach and treatment program for chronically mentally ill homeless veterans was activated and perpetuated. The program has been implemented at 43 Veterans Administration medical centers across the Nation; and second, a program of domiciliary care for homeless veterans authorized by Public Law 100-71 is now providing treatment and rehabilitation services at 20 VA medical centers.

Mr. Speaker, there follows a summary of the status of these programs mandated by Congress as well as an overview of other services administered by the VA in an effort to better assist our homeless veterans:

The VA has a comprehensive network of health care services and a broad range of benefits for veterans. Many of these services, although not specifically designed for the homeless, have assisted homeless veterans or have prevented them from becoming homeless. In addition, the VA has two special programs that offer health care and rehabilitation services to homeless veterans.

THE PILOT HOMELESS CHRONICALLY MENTALLY ILL [HCMI] PROGRAM

The HCMI Program targets homeless veterans with psychiatric difficulties and operates from 43 VA medical care facilities located in 26 States and the District of Columbia. Although programs may vary from site to site, there are six basic components: First, aggressive outreach is conducted in the community to locate and offer services to homeless chronically mentally ill veterans. An assessment is undertaken to determine problems and any immediate health needs. Psychiatric and medical evaluations are conducted, and treatment is initiated. When indicated, care and rehabilitation are provided in community-based residential treatment facilities. Currently, the 43 HCMI veterans programs are maintaining contracts with 184 community-based facilities.

During its first 11 months, 10,524 veterans were assessed. They were, on average, 43 years old. Fifty-one point seven percent had served during the Vietnam era, 12.4 percent during the Korean conflict, and 10 percent during World War II. Eighty-three point one percent were either living in shelters or had no place at all to live; 21.2 percent had been homeless for more than 2 years. Nearly 80 percent of those assessed had serious general psychiatric or substance abuse disorders; 46 percent also had serious medical problems. Of those assessed, 2,124 veterans, 20 percent, have been placed in the community-based residential treatment facilities for continuing care and rehabilitation.

The principal conclusion of a recent HCMI report is that the program has been implemented as planned, and that it is providing demonstrably effective outreach, assessment, and treatment and referral services to large numbers of homeless mentally ill veterans across the country.

THE DOMICILIARY CARE FOR HOMELESS VETERANS [DCHV] PROGRAM

Operating at 20 VA medical centers, the DCHV Program is designed to provide homeless veterans with medical care and rehabilitation in a residential setting.

The program consists of 5 phases: community outreach and referral; admission screening and assessment; medical and psychiatric evaluation; treatment, vocational counseling and rehabilitation; and post-discharge community support.

Fourteen months after it was established, 838 beds were in operation, and 13 sites had waiting lists. In the first 7 months of operation, 2,273 veterans were assessed, 1,121 admitted, and 612 discharged from the program.

Nearly half of the veterans admitted were referred by other VA programs, 34.1 percent came from community outreach and 17.3 percent were self-referred. Nearly 90 percent were homeless or were at serious risk of becoming homeless; nearly 24 percent had been homeless for more than 1 year.

Veterans admitted were, on average, 42.9 years old. More than half served during the Vietnam era, 12.9 percent during the Korean conflict, and 6.3 percent during World War II. Veterans admitted to the program had serious medical and psychiatric disorders.

A recent report concluded that, in the year since the program began, it has been successfully put into operation at 20 sites around the country and has served several thousand homeless veterans.

GENERAL BENEFITS AND SERVICES THAT ASSIST HOMELESS VETERANS

VA administers several categories of compensation and pension programs: Disability compensation, dependency and indemnity compensation, death compensation, death pension, and disability pension.

Home retention services provide assistance to veterans who are in danger of losing their homes because of financial difficulties that are no fault of their own.

Vocational rehabilitation and counseling assists veterans with service-connected disabilities to achieve independence in daily living and, to the extent possible, become employable and maintain employment.

Outreach is conducted by the Veterans Assistance Service for special veteran populations, such as homeless veterans, to ensure that they are aware of benefits and services.

In the Fiduciary or Guardianship Program, the benefits of veterans determined to be incapable of managing their funds are managed by a fiduciary.

GENERAL MEDICAL SERVICES AND PROGRAMS THAT ASSIST HOMELESS VETERANS

Twenty-seven domiciliaries, includes DCHV program, provide treatment to eligible ambulatory veterans disabled by medical or psychiatric disorders, injury or age who do not need hospitalization or nursing home care.

Inpatient psychiatric services were provided in fiscal year 1987 in more than 22,000 psychiatric beds.

Outpatient services were offered in 170 mental health clinics, 74 day treatment centers, 36 day hospital programs, 103 alcohol-dependence treatment programs and 51 drug-dependence treatment programs.

VA supports contract care in community-based facilities for veterans with substance-abuse disorders.

Community residential care in private homes is provided to eligible veterans unable to live independently.

Readjustment Counseling Service operates a network of 194 Vietnam Veteran Outreach Centers [Vet Centers] where veterans receive counseling for a variety of problems. Each vet center has a homeless veterans' coordinator who works with private and public sector homeless groups, as well as conducts outreach in shelters and in the streets.

In fiscal year 1987, nearly 420,000 veterans received social work services for discharge planning from inpatient care, and more than one-half million veterans were assisted with health maintenance planning. Each medical center has a staff member who coordinates activities for homeless veterans and works with community groups that assist the homeless.

SPECIAL VA REGIONAL OFFICE EFFORTS TO ASSIST HOMELESS VETERANS

Each VA regional office has a designated staff member serving as coordinator and point of contact for homeless veterans. These individuals visit shelters and work with community homeless groups.

Homeless Eligibility Clarification Act enables eligible veterans without a fixed address to receive benefits' checks.

Shelter for homeless veterans through acquired property sales enables VA to sell acquired properties at discounted prices to State and local agencies, as well as nonprofit organizations, to provide shelter to the homeless.

Mr. Speaker, these programs and services are in imminent danger of termination. Though funds are nearly depleted, the administration is requesting no appropriation for the HCMI and DCHV programs in fiscal 1990.

Denying continuation of these programs, particularly in light of their immeasurable impact in assisting scores of homeless veterans, would be a tragic mistake. We simply must sustain these efforts with adequate funding.

LITHUANIAN INDEPENDENCE DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. VISCLOSKY. Mr. Speaker, today I note that the 71st anniversary of the establishment of the Lithuanian Republic will be observed on February 16, 1989. Lithuanians across the world will again mark their commitment to freedom and democratic principles. Yet, this day also serves as a grim reminder of those who suffered and died to achieve that independence, and those who continue to struggle under the repressive Soviet presence in the region.

It is appropriate that we recognize and commend the Lithuanian Republic and her people, who enjoyed 22 years of independence before forced annexation by the Soviet Union in 1940. Since this annexation the Lithuanian people have courageously withstood nearly five decades of suppression under both Nazi and Soviet forces. Despite continued hardships, they have not wavered in their peaceful and valiant struggle to regain their independence.

As the Member of Congress representing the First District of Indiana, I proudly note that a significant number of Lithuanians reside in my district. These hard working, proud people have provided numerous contributions to northwestern Indiana. From their example I have come to hold a great deal of respect for them, their heritage and their desire for an independent Lithuania.

The United States has refused to recognize the Soviet Union's presence in Lithuania as

legitimate. It is important that we continue to support Lithuania by strenuously advocating and encouraging the Soviet Union to withdraw from their illegal occupation. In this era of glasnost, it is my hope that the U.S.S.R. will reexamine and reverse their immoral policy toward Lithuania.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. NELSON of Florida. Mr. Speaker, due to business in my district in the State of Florida, I was not present to vote on the motion to adjourn offered by Representative COELHO on February 6, 1989. Had I been present, I would have voted "no."

G. STEWART FRANCKE: A MAN WHO GOT THE JOB DONE

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. TRAXLER. Mr. Speaker, I rise today to call the attention of our colleagues to one of my constituents who is truly an individual who demonstrated that anything is possible if you devote your energies toward it.

After nearly 40 years of automotive industry service, G. Stewart Francke, a resident of Au Gres, MI, is retiring from General Motors. He started what has to be considered an exemplary career working as a field representative for the General Motors Acceptance Corporation in Saginaw and Flint in 1949.

Having honed his financial skills, he then moved on as an officer of the Draper Group, which included Motor Finance Co., Cardinal Credit Corp., Draper Chevrolet, Motor Leasing Co., and American Vanguard Life Insurance. An individual does not gain this kind of responsibility unless it is earned, and in this position he certainly earned the respect of his colleagues.

But Stewart Francke remembered that everyone should try to provide some services to his community. As a result he served on the Saginaw City Council from 1959 to 1967, and as mayor of Saginaw from 1961 to 1965. He was president of the Michigan Municipal League in 1965, and still found time to serve at various times on the Saginaw County Board of Supervisors, the Tri-City Airport Commission, the Saginaw Valley College Board of Fellows, and the State of Michigan Boundary Commission.

His involvement with government provided the natural bridge for his new position with the General Motors Industry-Government Relations staff. He joined General Motors Corp. in 1971 and served as regional manager in the Mid-Atlantic region until 1975 when he was transferred to Lansing, as regional manager covering Michigan, Wisconsin, and Minnesota.

Since 1982 he has served as director of State and local government relations for General Motors in Detroit, and he was promoted to executive director for Industry Government Relations in June 1987.

Stewart and his wife Katherine live in Birmingham, MI, while his work requires him to be near Detroit. He then returns to Au Gres for the free time that we all value. I am sure that they will both enjoy being able to take advantage of this time in the days to come.

So often we hear of individuals who have an accomplishment and then decide that nothing more need be done. G. Stewart Francke is not that kind of man, and I am sure the culmination of his days at GM will only result in new challenges for him to meet.

I hope, Mr. Speaker, that all of our colleagues will join me in wishing him the very best for the future.

THE FEDERAL BUDGET PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 11, 1989 into the CONGRESSIONAL RECORD.

THE FEDERAL BUDGET PROCESS

Although action on the federal budget at times seems chaotic and confusing, there is clear structure to the budget process. It stretches from early January to mid-October, and dominates the congressional calendar. The following is a sketch of the budget schedule for 1989.

The President's Budget: On January 9, President Reagan sent to the Congress his 1990 budget, covering the fiscal year that runs from October 1, 1989 to September 30, 1990. The budget sets out his spending and revenue recommendations for all current federal programs as well as any new programs he proposes. The Gramm-Rudman deficit reduction law requires that the budget deficit in 1990 cannot exceed $100 billion. Future budgets will have lower deficit targets, with a balanced budget required by Gramm-Rudman by 1993.

The outgoing Reagan Administration, rather than the incoming Bush Administration, is responsible for preparing the 1990 budget. Incoming Presidents are not required to submit revisions to the Congress, but all recent Presidents have. Mr. Bush has announced that he will submit a revised 1990 budget.

The congressional budget resolution: In February and March, the House and Senate Budget Committees will be working on the congressional budget resolution for 1990. Like the President's budget, the congressional budget plan cannot exceed the $100 billion Gramm-Rudman deficit limit. The congressional budget resolution does not make detailed decisions about spending for particular programs. Rather, it sets overall targets for revenues, spending, and the deficit, and for various broad categories of spending. The deadline for final passage of the House-Senate budget agreement is April 15. The budget resolution is a blueprint for the Congress, and does not require the President's signature.

The appropriations process: The House and Senate Appropriations Committees then take the limit on total appropriations and the various spending priorities set by the budget resolution and subdivide the total among the 13 regular annual appropriations bills (for example, one for defense, one for agriculture). Any appropriations bill that exceeds these limits can be ruled out of order. The deadline for the House to complete consideration of all 13 bills is June 30. Senate action and House-Senate conferences then follow. If the regular appropriations bill are not passed by the Congress and approved by President Bush before the fiscal year begins on October 1, a stop-gap "continuing resolution" must be passed in order to prevent government services from shutting down. Last year, all 13 appropriations bills were approved on schedule, the first time in 12 years that a continuing resolution was not needed.

The reconciliation process: The reconciliation process is used to produce deficit reductions in areas not subject to control through the appropriations process. For example, it can be used to achieve savings in entitlement programs like farm supports and food stamps, where all those who meet the eligibility requirements are entitled to receive certain benefits. Savings in these programs can only be achieved by revising the law rather than changing the level of funding.

The congressional budget resolution usually includes reconciliation instructions directing House and Senate committees to modify programs under their jurisdiction to produce specified savings. These measures are then assembled into an omnibus reconciliation bill, which the Congress must complete by June 15. It then goes to the President for his signature.

The debt limit: The Congress by law limits the authority of the executive branch to borrow funds needed to carry out federal programs. Legislation raising this ceiling is required periodically, with the approval of both the Congress and the President. A debt ceiling level for the coming year is automatically set by the House when it passes the budget resolution. However, this legislation may be amended in the Senate, thereby requiring further House action. The debt ceiling will have to be increased in 1989, as the current limit on the national debt, $2.8 trillion, will be reached sometime this summer or early fall.

Gramm-Rudman sequestration: The Gramm-Rudman law has a mechanism to enforce its deficit limits through automatic spending cuts, referred to as "sequestration". These automatic cuts will be triggered if the deficit for the coming fiscal year is projected to exceed the limit by more than $10 billion—that is, exceeding $110 billion in 1990. The President's Office of Management and Budget (OMB) has final authority over estimating the deficit and calculating what automatic cuts would be required under the Gramm-Rudman law. OMB will issue a preliminary 1990 deficit estimate on August 25, and a final one on October 15. If at that time the projected deficit still exceeds the limit, President Bush will issue a spending reduction order implementing the cuts needed to bring it down to $100 billion. Since the Gramm-Rudman law went into effect in 1985, sequestration has been required only once.

Making this budget process work is not easy. Difficulty is to be expected when we are dealing with a trillion-dollar budget that encompasses numerous national priorities. There are never enough resources to carry out all the desired activities, and tough choices must be made on the most controversial issues of the day. Yet the budget

process has become cumbersome under normal circumstances, and almost paralyzed under stress. The time has come for reform. We need to cut down on the number of times the same budget issue is considered in committee and on the floor, make it more difficult to miss deadlines, reduce the number of line items in the appropriations bills to curb micromanagement, and shift to a two-year budget cycle, which forces us to take a broader view of the budget and how it impacts on the economy. At the same time, such reforms cannot guarantee success if the Congress and the White House engage in drawn out political posturing and put off serious budget negotiation. We not only need to simplify and improve the basic budget mechanism, we need to strengthen our political will to move the budget through more quickly.

(Much of the information for this newsletter was taken from an internal House study group report.)

IN HONOR OF LEO A. BERNIER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. FRANK. Mr. Speaker, on February 18, a very important dinner will be held in my congressional district, honoring Leo A. Bernier, Jr., of Swansea, MA. Leo Bernier was elected State commander for Massachusetts for the American Legion last July, at the convention in Worcester. This was an honor that was extremely well deserved. Commander Bernier is one of the most admired, respected and genuinely well-like civic leaders in our State. He combines a gentleness of manner with a toughness of mind that makes him an important advocate for those veterans who find themselves in need of some sort of help. I have known Leo Bernier since 1982, and I have been the beneficiary of his advice, encouragement, and information about veterans' programs.

Commander Bernier was for 29 years a member of the mathematics department at Case High School in Swansea. Now retired, he serves as sealer of weights and measures in his town, and he continues to be active in a variety of ways. But it is in his capacity as a leader in the American Legion—and in the past 9 months as its State commander—that I have had the most to do with Leo.

He understands that a great nation like ours acts in its own enlightened self interest when it honors its promises to the veterans. The young men and women who went off to war to save civilization in 1941 to 1945, the people who sacrificed in Korea and in Vietnam, and all of those who have served our country in difficult and dangerous times, deserve far more than we can ever give them. The very least we can do is to maintain our promises to provide medical assistance, educational help, financial assistance when necessary, and the other basic services we have committed ourselves to.

Leo Bernier has been a staunch advocate of sensible and reasonable policies to discharge our commitments to the veterans. I consider it an honor to have been able to work with him in the past and I look forward to continuing to work with him in helping America live up to its promises.

THE COMPREHENSIVE HEALTH CARE IMPROVEMENT ACT OF 1989

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. SABO. Mr. Speaker, today more than 37 million Americans don't have health insurance of any kind and millions more lack adequate coverage. This is a national tragedy that we can no longer ignore. It is unconscionable that the United States lets one in six of its citizens go without even the most basic protection.

The good news is that the problem is finally getting some serious attention. It was widely debated in the Presidential campaign. The most prominent proposals on Capital Hill—the one offered by Senator KENNEDY—was approved by his committee last year. And a national commission has offered a suggestion on how to ensure universal coverage.

The bad news is that we have yet to take action. I am convinced that we must make it a top priority to repair the deficiencies in a system that lets so many people slip through the cracks.

Today we have three realistic options: The simplest is to do nothing and continue to ignore the problem. To me this would be totally irresponsible and shouldn't be considered seriously. The second option is to greatly expand Government programs such as Medicaid. The third is to build on the existing system of private insurance and fill in its gaps.

I believe the third option makes the most sense. It would be the most effective solution and the most politically feasible and acceptable.

The current system works fairly well for most Americans. We don't have to make drastic changes in it nor do we need to create large, new bureaucracies. Instead, by patching the holes in the existing system we can ensure that all Americans have access to comprehensive and affordable health insurance.

Today I introduced legislation to do just that. The Comprehensive Health Care Improvement Act of 1989 would guarantee that all Americans have access to health insurance at group rates, help poor people buy coverage, and protect Americans of all ages from truly catastrophic health-care costs.

FAR TOO MANY UNINSURED

This bill is an updated version of legislation I introduced during each of the previous five sessions since 1979. In the last decade, the problem has grown dramatically and the need to do something about it has become even more glaring. The number of uninsured grew from 29 million in 1979 to 37 million in 1984. It has stayed at this high number since then.

Who are the uninsured Americans? More than 12 million are children. Nearly half live in families where someone works full-time all year; almost all of the rest live with someone who works at least part time on or part of the year. Almost three-fourths of all uninsured workers earn less than $10,000 a year; nearly all earn less than $20,000. In general, the uninsured are poorer, younger, work for smaller firms, and earn lower wages than the insured.

The main reason the number of uninsured jumped by 8 million in 5 short years is that fewer people are gaining coverage through another family member. The rate of coverage has gone down for children and spouses, groups who often depend on someone else for coverage have traditionally had high coverage rates.

Moreover, today smaller percentages of the population are children or spouses. The last of the baby boomers are now in their twenties and a larger share of the population is single. Single young adults have the lowest coverage rates. A third of the working uninsured are between the ages of 18 and 24; half are under 30.

Another factor is that the service sector, which has lower rates of coverage, is a larger share of the economy. Conversely, the goods-producing and public sectors, which have higher coverage rates, are a smaller portion.

The uninsured are less likely to seek needed medical attention and they have trouble getting it when they do. Because they often put off getting care until a condition is more severe, they are more likely to end up in emergency rooms, a more expensive place to treat patients. When they are treated, there is evidence that they may get different, cheaper kinds of care than those from whom payment is guaranteed.

Having so many uninsured also has its public and private costs. Although the uninsured receive less care than the insured, they still get some care. That care has to be paid for by someone. Governments subsidize hospitals to cover some of the cost of uncompensated care.

But, in 1986, hospitals lost an estimated $7 billion because of unpaid bills, 5 percent of all hospital expenses. Hospitals either absorb the rest of these costs by taking losses or pass them on in higher fees to those who have insurance.

PROVIDING ACCESS TO COVERAGE

Here's how my proposal would address the problem:

First, we need to provide access to affordable health insurance. To take care of most of the uninsured, my bill would require businesses with 10 or more employees to offer coverage to their workers. The plans would have to cover dependents. State and local governments and nonprofit organizations would also be required to meet this mandate.

Firms would not be required to pay the premiums and employees would not have to accept an offered plan. But at least most people would gain access to good coverage at group rates. Ensuring access should be our first priority.

In order to provide access to affordable insurance for the rest of the uninsured—those who work for smaller firms, the self-employed, and the unemployed—States would be required to establish insurance pools of all health-insurance companies doing business in the State. In other words, a group of all people not eligible for regular group plans

would be created. Anyone, including businesses, could buy insurance from the pool.

Rural Americans—who are more likely to lack insurance than urban Americans—would be helped by the pools. One-third of agricultural workers and their families are uninsured.

My bill places a cap on the premium that could be charged for a pool policy to ensure that it remains affordable. States would administer the pools and determine how best to cover pool losses. Options they might consider are using general revenues, levying some kind of a tax, and assessing insurers and self-insurers directly.

My bill sets minimum standards for the plans businesses must offer. Besides covering dependents, the plans must pay at least 80 percent of covered costs, have deductibles of not more than $250, and limit out-of-pocket expenses to $3,000. They must be continuable for 1 year after an individual leaves a job, allowing coverage to continue at group rates, and convertible after that. Businesses must also offer a health maintenance organization [HMO] plan that meets these minimum standards. The pools must offer at least two plans: One that meets the standards and a cheaper one, which has a deductible of up to $1,000.

HELP FOR THE POOR

The first part of the bill ensures that all Americans have access to insurance. While most of the uninsured are poor, many could afford to pay for at least part of their own insurance if they could get it at group rates. Nearly one in five of the uninsured—8.4 million—live in families with incomes of more than $30,000. More than 5 million are in households with incomes above $40,000.

But many individuals and families may have a tough time paying. They may not qualify for Medicaid and it may still be difficult, if not impossible, for them to afford insurance.

To help these people, my bill establishes an optional State-Federal Low-Income Assistance Program. Each State could design a program that best meets its needs. States could experiment with such alternatives as sliding-fee schedules, subsidizing premiums completely, and cost-sharing.

The Federal Government would pay half the program's cost up to a maximum of $10 times a State's population. If every State participated fully, the maximum Federal liability would be about $2.5 billion.

PROTECTION FROM CATASTROPHIC ILLNESSES

Last year Congress adopted legislation to protect senior citizens from catastrophic health-care costs. But we should protect young and old alike from the loss of their homes, businesses, or the bulk of their assets because of an extremely expensive illness. Financial ruin is just as serious, if not more so, for a young family.

We should ensure that no one is left destitute from a catastrophic illness. The third part of my bill would do that by creating an optional State-Federal Catastrophic Health Insurance Program. After an individual exhausts his or her existing medical coverage, the program would cover 90 percent of all costs that exceed certain income thresholds. The thresholds are: The greater of $2,500 or 30 percent of household income up to $25,000, 40 percent of income between $25,000 and $40,000, and 50 percent of income over $40,000.

This program would not be a substitute for conventional catastrophic insurance. The income thresholds are designed to be high enough to encourage people to obtain good catastrophic coverage of their own and ensure that only truly catastrophic illnesses are covered. But they will still ensure that people are not financially ruined.

The Federal Government would pay three-fourths of the catastrophic program's cost up to $2.50 times a State's population. If every State participates fully, the maximum Federal cost would be about $618 million.

ADVANTAGES OF THE SABO PLAN

While there are similarities between my plan and other prominent proposals, there are also many differences. The concept I have outlined has several advantages:

First, it is truly comprehensive. It provides access to good coverage for everyone, not just workers and their dependents.

Second, using State pools and having States run the programs gives us greater flexibility. It allows us to take advantage of existing expertise and bureaucracies. It encourages States to experiment with innovative approaches and tailor their programs to meet unique local needs and conditions.

Third, it would in no way be disruptive or burdensome for American businesses. In fact, it would help small businesses provide a much-needed benefit for themselves and their employees. Marginal or new businesses would not have to take on additional costs, but would still have access to coverage.

Fourth, it offers catastrophic protection for everyone, not just the elderly.

By building constructively on the existing system we can ensure that all Americans have access to affordable quality care. My plan does that. It is an approach around which a political consensus can be built.

The bottom line is that we can no longer delay taking action. The problem is too big, too costly, too tragic for millions, and too harmful to our fellow citizens. Far too many people are left out. We should start taking the steps today that will solve the problem. A nation as wealthy as ours should do no less.

TRIBUTE TO DONALD L. BAUER

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. WALGREN. Mr. Speaker, in these times of transition in administrations, often unnoticed are those dedicated men and women who work daily to maintain an effective Federal Government—the professional civil servants. In my mind, one of our finest civil servants was Donald L. Bauer, who retired from the Department of Energy recently after 30 years of Government service. In the years I knew him, Don exemplified the personal integrity, diligence, and good judgment that we hope our Government would represent.

As a Congressman focused on specific interests, I have had disagreements with Don. Yet his candor and directness always led to understandings of his decisions. And his decisions were always objective and well founded. As a result, Don was able to make the Government work both for the policymakers he served and the taxpayers he was obligated to protect.

Don retired as the Principal Deputy Assistant Secretary for Fossil Energy. Prior to the appointment of the current Assistant Secretary, Allen Wampler, Don served as Acting Assistant Secretary for 1½ years. As such, he played a critical role in the establishment of the Clean Coal Technology Program—a program aimed at reducing coal emissions and promoting energy security. Don's responsibilities included the Fossil Energy Research and Development Programs, the strategic petroleum reserves and the Naval petroleum reserves. Finally, Don's leadership contributed to the successful operation and eventual return to the private sector of the Great Plains Coal Gasification Plant. Following Mr. Wampler's appointment, Don continued to serve him and the Department with skill, loyalty, and dedication.

I know I speak for many of my colleagues in saying that we will miss Don. We need more like him.

PERSONAL EXPLANATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. MAVROULES. Mr. Speaker, I was unavoidably detained and could not make rollcall vote No. 5. Had I been present I would have voted "nay."

GRAHAM CLAYTOR: RAILROADER OF THE YEAR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. DINGELL. Mr. Speaker, in the face of 8 years of hostility from the Reagan administration, the Nation's passenger railroad, Amtrak, has not only survived but grown stronger. In fact, 1988 was Amtrak's best year ever in terms of revenues, operating ratio, and ridership. Noting these achievements, the magazine Modern Railroads in its January 1989 issue bestowed its annual "Railroader of the Year" title upon W. Graham Claytor, Jr., Amtrak's president and chairman since 1982. I want to congratulate my friend Graham Claytor for this well-deserved recognition.

I recall standing here in the well more than a year ago calling Graham one of the finest railroaders in America. But I suppose we can now say that he has been crowned the most outstanding, and the job he has done at Amtrak tells the story. These accomplishments are summarized in the Modern Railroads piece, which I will insert in the RECORD at the conclusion of these remarks.

Frankly, it is incredible that year after year, without regard to Amtrak's steadily improving

performance and its steadily decreasing subsidy, the Reagan administration saw fit to propose the railroad's elimination. Hopefully, President Bush will take a more positive view toward the concept of a national passenger railroad and not allow himself to become tethered to an ideologically based position that has little support in Congress or among the American people.

Our committee this year will be working on a reauthorization of Amtrak. Graham Claytor will be an active participant in that process, and I look forward as always to working with him. For his many years of devoted public service and his successful stewardship of the people's railroad, we say thank you—and we look forward to Graham's continued and lasting leadership. With that, Mr. Speaker, I ask that the Modern Railroads article mentioned above be inserted in the RECORD at this point.

[From Modern Railroads, January 1989]

BREATHING LIFE—AND A FUTURE—INTO AMTRAK

(By Greg Borzo)

Three years ago, Amtrak did not seek private financing to purchase the new cars and locomotives it needed. Perhaps it knew better than to try. At worst, loans would have been denied; at best, they would have been difficult to secure, even at a premium rate.

At that time, Amtrak's very future was in question. The Reagan Administration had again requested zero dollars for Amtrak—a position that would be taken four years in a row. As long as it seemed destined for extinction, Amtrak's ability to repay loans was on a par with, let's say, Brazil's.

During the last several months, however, Amtrak has secured financing for 100 new passenger cars from the builder and an affiliated financier. Last year it did the same for new locomotives, and just recently refinanced the transaction with a third party. These funds, extended on very competitive terms, marked Amtrak's first major entry into the financial market in almost a decade. The good credit rating says a lot about Amtrak's new vigorous health; most of all, it says that the national passenger railroad system is here to stay.

"It's very difficult to get any kind of money when they think you might be out of business within a year; that doesn't do anything for your credit," said. W. Graham Claytor Jr., president and chairman of the board of Amtrak since 1982. "How well we do is going to depend, to a great extent, on whether or not we get enough capital to keep moving. I'm confident we'll get it."

For turning Amtrak around and for leading Amtrak to its best year in revenue, operating ratio and ridership—as well as just about any other yardstick—Claytor has been named Modern Railroads' Railroader of the Year for 1989.

In a way, Amtrak's improved standing in the financial community tells the whole story. Lenders who once didn't want to talk to Amtrak are now willing to extend credit. Why?

Because revenue keeps growing. From 1981 to 1988 (fiscal years), it grew more than 30 percent, after accounting for inflation.

Because Amtrak's revenue-to-cost ratio, or operating ratio, has improved steadily from 48 percent in 1981 to 60 percent in 1988.

Because ridership continues to grow; in fact Amtrak has to turn away customers for want of equipment. With sold-out trains in the West and 200,000 standees in the Northeast Corridor last year, new equipment is a sound investment.

Because, for the second year in a row, Amtrak covers all short term, above the rail costs with revenue.

And because it's the one major railroad that has managed to reduce labor costs and keep them in line.

Amtrak's improved standing in the financial community is a vote of confidence in the man at the helm and demonstrates that Amtrak is capable of solving its own problems rather than relying on the federal government.

"We've already done a significant amount of private financing. If we get more federal funds, it will be easier to get more private financing. Even just words of support from Washington—which we are now getting [from President-elect Bush]—will help us get financing on the outside."

CREATIVE "REVENUING"

Besides seeking capital funds from financial institutions, Claytor has generated much-needed capital by exploring new revenue options. In 1987, for example, Amtrak began carrying some 10 million yearly commuters under contract for the Massachusetts Bay Transportation Authority. In 1988, that grew to 15 million. Next, Claytor hopes to provide similar services for transit agencies in Connecticut and Florida, for Caltrans, and for the Virginia Railway Express' proposed services out of Washington, D.C.

Real estate development represents another promising area. With 70 acres of air rights in downtown Philadelphia, and extensive center-city property in Chicago, New York and Washington, D.C., Amtrak is sitting pretty. Development of these properties, and station renovation including leases to commercial ventures, will generate significant new revenue.

Mail and express freight also generate profit and represent potential earnings. This traffic has been growing at eight to 10 percent a year during the past several years. Claytor expects Amtrak to carry more and more of it—but only where it's profitable.

Amtrak is selling its passenger seat reservation system to Via Rail in Canada, and has negotiations under way with Australia and France. This leads Claytor to hope that the system may become an international standard.

But most "extra" revenue in 1988, about $30 million, was generated by the corporate development department. This includes leasing the right-of-way for fiber optics; leasing equipment, such as high speed tampers and track laying machinery; track work and welding rail, mostly for commuter lines; and assembling rail cars. Even safe harbor leasing still generates a few million a year, although it lessens every year.

Amtrak's aggressive pursuit of new revenue streams has raised a few objections in the rail supply industry. Some suppliers believe that Amtrak benefits from an unfair competitive advantage because it receives federal funds, but Claytor claims that the suppliers just don't want the competition.

"Congress said that we should reduce the federal budget deficit by making a profit on anything we could," he said. "It also said, from the very beginning, that we have to include in our bid all capital costs that you would have to include if you were a fully private operation. We lean over backwards in that area. In fact, we load it up so much that we've lost a lot of bids."

Claytor pointed out that some politicians think Amtrak should in fact be given preferential treatment when it comes to providing car assembly or contracting services for transit agencies. That would help reduce the budget deficit since transit agencies are typically supported with federal funds. Claytor was quick to point out, however, that Amtrak does not take this position.

CONTROLLING COSTS

Claytor has also improved the bottom line by controlling costs. Amtrak's operating expenditures declined 6 percent in constant dollars, between 1981 and 1987. Claytor points to high labor productivity for much of this gain. Between 1980 and 1988, cumulative wage increases totaled 34 percent vs. 48 percent for the rail industry as a whole. All told, Amtrak saves more than $200 million a year due to favorable labor conditions, such as reduced crew sizes, elimination of arbitraries, and hourly pay scales, rather than paying on the basis of miles traveled.

Amtrak is the only Class I with these innovative work rules across the board, although all the other major railroads would jump at the chance to implement them. For the most part, the rules grew out of congressional action that gave Amtrak the opportunity to renegotiate labor conditions as the railroad was created and subsequently remade. Neither Claytor nor (it seems) anyone else has a formula on how to make these work rules rub off on Class I's. When asked if he had any suggestions to fellow railroad presidents on how to do away with the 108-miles day or superfluous train crew positions he answered, "It's to the unions that I'd like to make some suggestions!"

One of Claytor's major achievements is covering all short term avoidable operating costs with route revenues, systemwide. Before his arrival, route revenues covered only 73 percent of these costs; today that figure is 115 percent. This doesn't mean Amtrak is in the black, nor that it will ever be. But it does mean that the railroad should be able to continue to reduce its reliance on federal subsidies, which fell from $900 million in 1981 to $581 million in 1988, a drop of more than 50 percent in constant dollars.

WORKING WITH FREIGHT LINES

Claytor has worked hard to improve the sometimes-troubled relationships between Amtrak and the major freight railroads. He is especially qualified for this task because he headed the Southern Railway from 1967 to 1976. He knows freight railroading, as well as many of the industry's key players.

"Running Amtrak is not all that different from running a freight railroad," he said. "We're in the same business so we've got to work together."

If all railroad presidents shared this view, however, Claytor's job would be much easier. Although he describes Amtrak's relationship with freight railroads as "excellent," there are some inherent differences between the priorities of freight and passenger railroading.

Track conditions and resultant speed limits constitute perhaps the biggest rift. Railroads don't want the expense of maintaining track up to the standards needed for Amtrak's faster trains. In perhaps the most recent example of this industrywide dilemma, Burlington Northern Railroad in October told Amtrak that it would have to limit its trains to the same speeds as BN's freight trains. In many cases this will require

Amtrak to reduce its train speeds and alter its schedules.

BN says that speed differentials cause congestion now that traffic levels are relatively high. The issue is being negotiated.

On a subject related to good track maintenance, Claytor would like freight railroads to do more to help Amtrak improve its on-time performance, an area in which things are getting worse. In 1983, 82 percent of Amtrak's trains were on time. That figure has dropped steadily to 71 percent for 1988.

"The Metroliners were at about 90 percent [on time], but off-corridor our on-time performance has been dreadful this year," he said. "The increase in freight business is the main reason, and one of the principal problems has been freight derailments. One derailment can hold up as many as a dozen of our trains."

Incentive contracts, which reward railroads for on-time performance, should help solve this, according to Claytor, even though the railroads without such contracts are not necessarily the ones with the worst on-time records. "The incentive contract is the most important thing in resolving this," Claytor said. "Some lines like Santa Fe and Conrail don't have them, but I expect the idea to spread. Dick Sanborn, who takes over at Conrail in January, assures me that it's one of the first things he will do."

Problems with on-time performance and sharing track are not limited to freight railroads. Claytor complained about how difficult it is to share the right-of-way with some commuter agencies in and around New York City. "Since they do the dispatching, they can stick you behind their commuter trains," he said.

BARRIER TO GROWTH

Amtrak seems bristling with enthusiasm and eager for the chance to grow . . . if it could just get more equipment. Help is on the way. The 100 new coaches on order from Bombardier will relieve some of the pressure and will help assure passengers on existing routes a seat on a well maintained car—something Amtrak has not been able to guarantee up till now.

"Last summer we overutilized equipment in order to try to meet demand," Claytor said. "This year we won't do that. By next summer we won't have shoddy equipment," partly because of the new capacity and also because he says he would now rather turn passengers away than give them a bad experience with Amtrak.

Unfortunately, the new cars will not make expansion possible, even though Amtrak has identified several new routes it would like to start up. Except for an extension of an existing route into Houston last November, no new intercity services are in the works. Instead, the limited number of new cars likely to come on line within the next few years will go toward relieving equipment overutilization and toward making Amtrak's three, thrice weekly trains daily.

Some future car needs will be met by the Viewliner, the single-level sleeper now being run through extensive revenue-service testing. Claytor expects that within 10 years the Viewliner will have replaced most of the Heritage cars, but he does not anticipate placing the first order for Viewliners until 1990.

Locomotives have also been overutilized, but Claytor believes the additional units on order and recently delivered should resolve the shortage. Improvements in locomotive shop maintenance procedures will help, too. Amtrak has begun to use a production line for locomotive repairs and overhauls.

"The next area where we can greatly increase productivity is in our maintenance costs . . . which has been pretty inefficient," Claytor explained. With a production line, "the same guy does the same work on every engine so he becomes a specialist. We're turning out far more locomotives."

Claytor also plans to increase locomotive availability by employing units that need less maintenance, i.e., locomotives that use ac traction motors.

"I hope to never have to buy another new dc traction-motor unit," he said, adding that the U.S. locomotive builders didn't want to switch because of the expense. "We forced their hand by going to Europe. EMD [Electro-Motive Division] might not have built us any [ac traction locomotives] except that they found out that I was taking delivery on two Brown Boveri units. I hope GE [General Electric] will build us ac traction motors, too."

Amtrak's future is more promising today than ever before, thanks in part to the leadership of W. Graham Claytor, Jr. But as promising as that future may be, it is chockfull of questions and potential pitfalls. In some ways, the proposed Boston-New York high speed service is indicative of Amtrak's situation: a modest amount of money will help set up a service in great demand. About $400 million for equipment and minimal track work would suffice to develop a three-hour Boston-New York run. That's not all that much, considering the tens of billions of dollars spent on new highways or airport improvements every year.

"The problem with a high speed line from Boston to New York is only money," Claytor said. He believes that the proposed service could make an operating profit, but not a favorable enough return on investment to attract financial institutions.

"We'd be delighted to run the service, but we're not in a position to buy the equipment. Now if CONEG [Coalition of Northeastern Governors] or the states come up with the money. . . ."

In other words, Amtrak can provide a useful, efficient service, but the politicans and the public have to decide to what extent they are willing to support that service. Under Claytor, that service has improved dramatically—and Amtrak has come to deserve that support more than ever.

AMTRAK'S PERFORMANCE

	1984	1985	1986	1987	1988
Revenues (millions of dollars)	758.8	825.8	861.4	973.5	1,107.7
Expenses (millions of dollars)	1,522.1	1,600.1	1,563.6	1,672.0	1,757.1
Revenue-to-expense ratio	0.56	0.58	0.62	0.65	0.69
Passenger miles (millions)	4,552	4,825	5,013	5,221	5,654
Passenger miles per train-mile	157.1	159.0	172,.2	176.8	189.0
Ridership (millions of dollars):					
System	19.9	20.8	20.3	20.4	21.4
Contract commuter	[1] 0.518	0.587	0.656	[2] 10.2	15.0
Systemwide on-time performance (percent)	80	81	74	74	71
Application of Federal appropriations (millions of dollars)	716.4	684.0	590.7	607.0	580.8

[1] Jan. 1, 1983, Amtrak began providing commuter service under contract to the State of Maryland.

[2] Jan. 1, 1987, Amtrak began providing commuter service under contract to the Massachusetts Bay Transportation Authority.

LAWRENCE, MA, CABLE OUTLET WINS HONORS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. ATKINS. Mr. Speaker, it's been said that one-third of the population of this country is Republican, one-third of the country is Democratic and the other third is watching cable TV.

The growth of cable television has been a boon to everyone, particularly those of us interested in watching public affairs shows and those of us who are asked to appear on such programs.

The cable outlet that serves the city of Lawrence, MA, in my district, Continental Cablevision, channel 3, recently won the top award for cable TV public affairs programming in 1988 from the Massachusetts Cable Television Commission.

The award was given to the program "CTV-3 Reports" for its indepth coverage of a jail uprising last July. Singled out for honors were Continental's Lawrence program director and producer Maurice Bresnahan, anchor-writer Audrey Laganas and camera man Martin Minahan.

The award for channel 3 was one of 11 won by Continental Cablevision producers and community volunteers across Massachusetts—nearly half the 24 winners chosen from 360 entries statewide.

Continental's coverage of the Lawrence jail riot was also one only a handful of cable television programs among those of many broadcast network affiliates cited by the prestigious Broadcasting magazine for its "Best of Local TV Journalism" honor.

I salute the producers, reporters, technicians, managers, and volunteers of Continental Cablevision for their commitment to in-depth coverage of community affairs.

TRIBUTE TO THE ESSEX COUNTY CHAMBER OF LINKS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues here in Congress to join me in recognizing the accomplishments of a special organization and the contributions of a special individual.

In my hometown of Newark, NJ, the Essex County Chamber of Links recently launched its Arts Extravaganza Gala Benefit featuring the internationally renowned and multi-Grammy Award-winning trumpet virtuoso Wynton Marsalis. This major fundraiser and benefit concert was held on February 3, 1989 at the historic Newark Symphony Hall.

The Essex County Links is the local chapter of a 42-year-old women's organization which was founded in 1946 in the city of Philadelphia for the purpose of supporting educational, cultural, and civic activities and programs.

This fine and benevolent organization has since established 223 chapters in 38 States and the District of Columbia.

Under the astute leadership of its dedicated officers, the Essex Links is actively involved in such programs as summer camperships for elementary and middle school children, SAT preparation for inner city youth and international campaigns against hunger and poverty. Through its Africare Program, a component of the International Student Exchange Program, the Essex Links is currently coordinating the adoption of African children to provide financial support for their growth and development.

Donating his valuable time and talent in support of the Essex Links programs is Mr. Wynton Marsalis, who was given his first trumpet at the age of 6 by the legendary trumpeter, Al Hirt. Wynton began touring at an early age with jazz greats, the likes of Art Blakey, Herbie Hancock, Ron Carter, Tony Williams, and others before soon being recognized for his own extraordinary musical talents. In 1982, Wynton's debut album "Wynton Marsalis" was the unanimous choice for "Jazz L.P. of the Year" and was the beginning of a 6-year period whereby he earned eight Grammy Awards and became the only artist to win this coveted award for 5 consecutive years.

As a token of their appreciation and support for the Essex Links programs and the Wynton Marsalis fundraising concert, the Newark Municipal Council presented a commendatory resolution to Essex County Links, Inc., and a resolution to Mr. Marsalis declaring February 3, 1989 to be Wynton Marsalis Day within the city of Newark, NJ.

I know that my colleagues in the U.S. House of Representatives join me in honoring the Essex County Links for their dedicated work, and in expressing appreciation to Mr. Wynton Marsalis for his generosity.

A LEADER OF TOMORROW SPEAKS OUT ON ASSAULT WEAPONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. STARK. Mr. Speaker, Art Linkletter was known for his phrase, "Kids say the darndest things." Well, when it comes to writing their elected officials, today's youth more than likely say the smartest things.

I've received hundreds of letters in the past few days expressing support for the efforts of the California Law Enforcement Task Force on Assault Weapons recommendations for future legislation. As you know, these recommendations are the police and law enforcement efforts to ban assault weapons—weapons commonly used to kill other human beings by drug dealers, violent criminals, terrorists, and psychopaths.

One of the most poignant, articulate letters came from an alert teenager I'd like to share it with you:

My name is Jason Minetti. I am a boy scout from troop 905, Dublin, CA. I am working on the Citizenship in the Nation. I have to write a letter to the Congressman in my district on a national issue that concerns me.

My concern is about the recent shooting at the school in Stockton, CA. My concern is about the use of a weapon that is only used for killing people. I think that they should ban army style weapons because there is no use for them except killing people.

My brother, my father and I are legitimate sportsmen who enjoy target shooting and hunting. We enjoy our constitutional right to own guns but we do not feel that there is a need to sell assault weapons.

Thank you for your concern.

JASON P. MINETTI,
Dublin, CA.

A TRIBUTE TO CHARLES PARKER

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. COELHO. Mr. Speaker, I would like to rise today in honor of one of our Nation's most dedicated and respected teachers, Charles Parker, who has been given the honor of being named the National Agriscience Teacher of the Year during the 61st National Convention in November.

Charles Parker is a teacher at Kingsburg High School in Kingsburg, CA. He is the third consecutive teacher from California to be honored with this award. It is always a pleasure to hear of such great achievements in the field of education, and such dedicated and hard working educators as Mr. Parker.

Mr. Speaker, Charles Parker has shown an excellent example of a job well done, and I would like to take this time to extend my deepest appreciation to him for his accomplishments as an educator of the agrisciences for our youth and our Nation.

MOURNING THE DEATH OF EDWARD R. LAMON

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Edward R. Lamon, an outstanding labor leader in the State of Maryland, whose death has left a legacy of integrity and resolve in which every union member in my State can take pride.

As president of the Maryland State and District of Columbia AFL–CIO for the past 5 years, Ed has worked diligently for a better standard of living for all working persons. Ed's career as a trade unionist began in 1959 as a member of the International Brotherhood of Electrical Workers, Local No. 24. He rose through the ranks of Maryland's labor movement and was chosen to direct the Committee on Political Education [COPE] of the AFL–CIO in Maryland in 1973. He held this position for a decade, steering labor legislation through the Maryland State Legislature, while gaining the respect of elected officials in my State.

Ed's interest in politics began early in his career, when he worked for Senator Hubert Humphrey's Presidential campaign in the 1960's. From that point on, Ed worked on countless campaigns, advancing the cause of economic and social justice. From his roots as an electrician in Local No. 24 to his rise through the ranks to president of Maryland's central labor body, Ed remained on the front lines. He walked the marbled halls of Annapolis lobbying top elected officials and he walked the streets of Baltimore joining his fellow union members on the picket line.

Ed's steadfast presence in Maryland politics will be missed. He dedicated his life to the labor movement and its causes. This meant time away from his family, his wife Joyce and their children Larry, Lisa, and Debbie. I know Ed's family can take pride in the career that he was able to forge with their support and the gains that the working people of Maryland were able to realize with his leadership.

I join with many others in Maryland to mourn the passing of a great leader in Maryland, Ed Lamon.

TRIBUTE TO ERNIE BLAKE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Ernie Blake, a constituent of mine who died at the age of 75. Ernie Blake founded the Taos Ski Valley in 1954 and built it into a world renowned resort. He became known as the grand old man of New Mexico skiing for his contributions to the skiing industry.

Mr. Blake began skiing at the age of 4 while growing up near the Swiss ski resort of St. Moritz. At the age of 25 he traveled to New York where he read about the adventurous mountains of Colorado and began dreaming of building a European-style ski resort in the West. After World War II Blake managed the Santa Fe Ski Basin before focusing his attention on the jagged mountains of Taos. He fulfilled his dream in the 1950's, building one of the most challenging ski areas in the country.

Mr. Blake is recognized around the world for his contributions to skiing. In 1987 he was inducted into the U.S. Ski Hall of Fame in Michigan. The Federal Republic of Germany awarded him the Cross of the Order of Merit for his active support for German-American relations and for his involvement at the University of New Mexico's German Summer School in Taos. In 1972 Blake was elected chairman of the board of the Taos Ski Valley where he served until his death.

Mr. Blake was an extraordinary man who did more for New Mexico's ski industry than any other individual. His love for the Taos Ski Valley will be felt by generations to come. I send my condolences to his family and friends. He will be deeply missed.

TRIBUTE TO POTTERS SAVINGS AND LOAN CO.

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. APPLEGATE. Mr. Speaker, today I rise to pay tribute to one of the first and finest savings and loan institutions in this country, Potters Savings and Loan Co. in East Liverpool, OH. This month, Potters Savings and Loan celebrates the 100th anniversary of its charter, where, in 1889, Alwin Purinton, Sr. began to help the citizens of East Liverpool buy homes for their families. Alwin Purinton, passed his values along to his son, Alwin "Sandy" Purinton, Jr., long-time president of the company.

The history of this institution is very successful. Within 5 years of being chartered, Potters Savings and Loan Co. had already acquired two other thrift institutions. In 1902, the company bought their present main office site, building and opening the office by 1905. During the Depression this thrift faced hard times, as the rest of America did, but through excellent management and a strong reserve policy, every stockholder received his funds in full without a single loss. In the 1960's and 1970's, Potters S&L opened their annex building and the Calcutta and Glenmoor branches; and in 1982, they merged with First Federal Savings and Loan Co. of East Liverpool.

Today, Potters Savings and Loan Co. is a thriving institution, with 55 employees and assets of over $136,000,000; when they opened their head office in 1905 they had assets of $2,200,000. The encouragement of thrift and the promotion of home ownerships alway have been and will continue to be the company's main objectives.

Mr. Speaker, I ask my colleagues to join me in congratulating the Purinton family and Potters S&L on their centennial celebration and wishing them many more years of active participation in the growth of the home community and city of East Liverpool. At a time when there is a crisis of confidence in the savings and loan industry, Potter Savings and Loan Co. stands as an example of success and trust that other thrifts and banks can look toward.

SUPPORT OF RESOLUTION OPPOSING FUEL TAX INCREASE TO REDUCE DEFICIT (H.R. 41)

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. LIPINSKI. Mr. Speaker, for the past 32 years, the revenues generated by the Federal motor fuel excise tax have been earmarked exclusively for the maintenance and improvement of our Nation's transportation infrastructure. This was not true when the fuel tax was first levied, and it reflects the progress that we have made toward an understanding of its consequences. In addition to directing resources to our Nation's transportation needs, the "user-fee" concept that has evolved responds to the inequities that result when the fuel tax is employed for more general purposes. A fuel tax increase targeted to reduce the deficit would repeat our past mistakes, requiring the poor, as well as residents of rural areas, to shoulder a disproportionate share of the deficit reduction burden.

The need for strong measures to address the budget deficit is indisputable. Our enormous revenue shortfall forces the Government to compete for the funds required by private industry to finance the growth of our economy, driving up its cost. A significant reduction of the deficit would allow interest rates to fall, thereby stimulating new investment in plant and equipment. By retarding capital investment, our huge deficit stifles improvements in the living standards of millions of Americans.

These benefits notwithstanding, economists warn of the harm that would result from the measure proposed. These experts are largely in agreement that the more substantial the increase in the motor fuel excise tax, the more severe the economic contraction that would follow. The best available estimates suggest that an increase of 25 cents per gallon would, in the first year of the levy, drain $30 billion from the economy and transfer it to the Government. This sum represents approximately 1 percent of the Nation's disposable personal income. Increased production costs would reduce profits in numerous industries, ultimately causing further loss of jobs and income. Investment in plant and equipment would also suffer, with negative implications for the future. In addition, higher gasoline prices would cause inflation to accelerate. Unless the resulting inflation was accommodated by the Federal Reserve, thus fueling further inflation, the result would be further economic contraction and additional decline in our Nation's living standards. Recognizing the severity of these consequences, the 97th Congress rejected a similar proposal in the face of sudden and alarming deficit growth that occurred in 1982.

Of perhaps even greater significance is the implication of the proposed tax increase for our Nation's already deteriorating transportation infrastructure. All States and many localities currently rely upon gasoline taxes, with most of the revenues generated earmarked for transportation-related expenses. Throughout this decade, increasingly cramped budgets have forced widespread reductions in the outlays by State and local governments for maintenance and improvement of these essential facilities. By discouraging the purchase of gasoline, a large increase in the motor fuel excise tax would substantially reduce the revenues available to States and localities for this purpose. While the deficit is indeed a dire concern, we cannot allow it to blind us to the deterioration of our Nations roads and mass transit systems. Indeed, the pressing need for repairs and improvements to our Nation's transportation infrastructure provides the sole justification for a modest increase in the motor fuel excise tax. The performance of needed repairs and improvements would stimulate economic growth, and would likely, have a favorable effect upon the budget deficit over the long term.

Economists further warn that the initial increase in revenues that a substantial increase in the motor fuel excise tax would generate would dissipate rapidly as consumers adjust their spending habits to include smaller gasoline budgets. By reducing our Nation's income, the measure proposed would at the same time cause lasting damage to our obligations in the future. These circumstances demand that we reject this potentially counterproductive "quick fix" in favor of a deficit reduction measure that maximizes the long-term well-being of our Nation's citizens.

THE NEXT WATER WAR: CITIES VERSUS AGRICULTURE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1989

Mr. MILLER of California. Mr. Speaker, The following article by Marc Reisner, author of "Cadillac Desert," brings home a simple message: Our Western water policies and programs desperately need a reality check.

For nearly a century, taxpayers have been lavishing Western irrigators with elaborate pumping systems so we could make the desert bloom. But where a water project of the 1920's helped settle the West and stabilize the local economy, a water project of the 1980's is more likely to cost billions, encourage the growth of surplus crops, contaminate wildlife areas, and make it more difficult and expensive for urban areas to serve their citizens with clean drinking water.

Reisner's article contains fascinating statistics about water use in the West, and he suggests some creative ideas for fixing what's wrong with our water programs. I commend this article to my colleagues.

THE NEXT WATER WAR: CITIES VERSUS AGRICULTURE

(By Marc Reisner)

Like most Easterners, when I first came to California I was unprepared for the reality that it was so dry. On television and in the movies, the state had always looked lush and green. But as I drove across it, California—along with so much of the West—seemed far more arid than the mind's-eye image I had formed. It was a revelation to see just how much of this continent the desert owns.

Thus I supposed that the water problems of the West—with limited supplies of this precious resource stretched thin by burgeoning growth in population and industrial activity—were serious indeed. I was wrong. The fact is that the region has plenty of water for any rational need. Our problem is one of management. What we have in the American West is a stupefyingly inefficient—almost Soviet-style—system of water management and allocation. With relatively few adjustments—which may, I admit, require some real political courage to bring about—there would be plenty of water for further economic growth. And there would be water to repair some of the environmental damage that has already occurred—to bird habitats in the rivers and dried-up wetlands of the Pacific flyway, for example, and to estuarine treasures, such as San

Francisco Bay, that produces so much aquatic life.

TAKING A LOT, RETURNING A LITTLE

To truly understand the use—and misuse—of water in the West, one must take a cold, detached look at agriculture.

In California, where I live, agriculture accounts for 85 percent of all water use, nearly all of it for irrigation; that figure is even higher in most other western states. But agriculture accounts for only 2.5 percent of the California economy. And, although the state economy has grown by $200 billion over the past 16 years (to $550 billion), agriculture's contribution has remained static at $14 billion.

Even in New Mexico, the least urbanized western state, agriculture returns just about 18 percent of the state's income—but uses 92 percent of the water.

What does all that water grow? In California, the number-one crop in terms of water consumption is irrigated pasture—grass and hay for cows and sheep—which used approximately 5.3 million acre-feet in 1986. This was equal to the amount of water consumed by all 27 million people in the state, and that includes swimming pools and watered lawns. And what was irrigated pasture worth to California? An invisible $94 million in gross receipts, representing about one five-thousandth of the economy. But it used one-seventh of the water on which that munificent economy depends.

Consider alfalfa, the second most water-consumptive crop. In 1986, irrigating alfalfa required as much water—3.9 million acre-feet—as metropolitan Los Angeles and the Bay Area combined. Drinking water, toilets, lawns, gardens, showers, swimming pools, car washes—everything. What did alfalfa return? About $630 million. Even when you add secondary benefits, alfalfa generated less economic activity than a few square blocks of downtown L.A.

Now we come to cotton, the third most water-consumptive crop. The San Joaquin Valley's million acres of cotton require around 3 million acre-feet of water per year. That's water for 15 million people—or 15 times the population of Nevada. In 1986, cotton added $842 million to the California economy. Better than alfalfa and grass, but still not much to brag about.

Rice is the fourth most water-consumptive crop in California. Rice, you could say, is not everyone's idea of an appropriate desert crop, since it grows only in manmade lakes. The main reason it is grown at all in California is because many of our rice farmers buy water from the Bureau of Reclamation at fabulously subsidized prices (as do many of the cotton, alfalfa, and hay farmers). But rice used much more water than the whole Bay Area in 1986—enough for 10 million people. Its gross value was a pitiful $204 million.

Suppose the cotton, alfalfa, pasture, and rice acreage in California was entirely eliminated? Suppose further that the land was not replanted with more sensible crops—truly a worst-case scenario, since you can grow practically anything in California. The agricultural industry would decline, from $14 billion to $12.3 billion a year in gross revenue, but there would instantly be enough water for 70 million more Californians . . . God forbid. That $1.7 billion loss of revenue, by the way, is exactly the cost of the proposed Auburn Dam that farmers want taxpayers to build for them. By simply retiring the land we'd get 75 times more water for our money.

USED IT OR LOSE IT

How has it come to this? How is it that in the western states—which are for the most part semiarid or arid, which have been experiencing tremendous population growth, and which have become dramatically more urbanized and industrialized since World War II—we allow a few extremely low-value forage and fodder crops to claim 50, 60, even 80 percent of the water?

There's no simple answer—is there ever a simple answer?—only a curious admixture of weather, confining legal doctrine, stubborn old habit, bureaucratic self-interest, socialist economics, and religion.

During the nineteenth century—when early western water rights were established—the American West was like a separate continent, isolated from the rest of the country by enormous distances, a primitive transportation system, and a ferocious and impetuous climate. Our forebears in the West felt an urgent need to be self-sufficient in food production. You couldn't easily import beef from Iowa or Texas, as you can today. So a lot of early and senior water rights were very large, based on the need to raise enormous forage acreage for cattle. The people who held these water rights—and who passed them on to their descendants—often formed irrigation districts that built canals and dams that are by now fully amortized. Therefore those who inherited these early water rights often owned a great volume of very inexpensive water.

When the Bureau of Reclamation came along in 1902, it offered cheap water to thousands of other farmers throughout the West, who were—and remain—exempted from paying interest on the taxpayers' investment in expensive aqueducts and dams. Imagine a $200,000 house, payable over 40 years with no interest charged at all. Your payments would be $416 a month instead of $1600 to $1800 a month. That is the order-of-magnitude savings the bureau's privileged farmer-clients enjoy.

In some locales, the bureau still sells water, legally or not—some think not—for less than half a cent per ton, literally cheaper than dirt. This is socialist water—it's hypocritical to call it anything else, even if it means undermining the image of the region's rugged-individualist yeoman farmer. When water costs $7.50 per acre-foot, it's cheaper to waste it than to conserve it. And we are talking here about one-third of the irrigation water currently used in the American West.

So here we have two reasons—one historic, the other economic—for low-value crops (and water waste and inefficiency) that fit hand-in-glove with a third reason: the doctrine of appropriative rights. This preeminent legal framework within which western water rights are acquired, held, and lost, can be boiled down to a fine essence of five words: Use it or lose it. Thus, if you were to shift from irrigated pasture to oranges, you could reduce your water consumption by two-thirds. In fact, you could substitute almost any crop for pasture and reduce your water consumption. But then, under appropriative rights doctrine, your neighbor could simply take the water you no longer use, unless you somehow arranged to sell it.

TOO MUCH FOOD

What about that prospect of selling it? In the case of water that has been developed and is sold by the Bureau of Reclamation—enough water, in theory, for the domestic uses of the entire population of the United States—I have seen almost no water rights being transferred or sold. Although the bureau has been talking about a "new mission," about "redefining its goals," it seems to me that its major goal remains to supply cheap water for as long as possible. I've spoken in person with the Commissioner of Reclamation and both Assistant Commissioners in recent months, and none of them said that the bureau is going to help its client farmers sell or rent water rights on a large scale—even if they want to. And the bureau has no plans to raise water rates substantially, even where projects are foundering in debt.

One reason is that if the Bureau of Reclamation gets into the business of redistributing water, or selling more expensive—which is to say, more realistically priced—water, it knows it will never have to build another dam. If I were an engineer—the Bureau of Reclamation is full of engineers—I would want to build more dams.

There's still another reason why so much western water is used on water-consumptive, low-value crops such as pasture and alfalfa. Outside of California, Arizona, and the Northwest, the region's bitter, high-altitude climate doesn't really let you grow much of anything else.

And yet even in California, where the most valuable crop, by far is grapes—California's grape industry is worth more than a billion and a half dollars per year, or 15 times the value of irrigated pasture—the grape acreage is barely half as large as the pasture acreage.

So why, even in mediterranean California, aren't we raising more grapes and fewer cows? Partly for the reasons mentioned above: If you have cheap water and a large water right, and western water law gives your neighbor any water you don't use, you might as well keep raising grass. To a western farmer, there is no terror like losing water rights. But another reason is this: The country doesn't need that much land to grow grapes. Or lettuce. Here we are in the age of the salad bar, and here is California growing the overwhelming share of the nations' lettuce, but this colossal lettuce crop needs just 168,000 acres. The avocado crop needs only 74,000 acres. The whole California lemon crop requires just 50,000 acres. With a relatively small amount of cropland devoted to it, California now grows a third of the table food in the United States.

It's not surprising, then, that I have to smile when someone accuses me of trying to doom us all to starvation by shifting water out of irrigation. The basic problem with U.S. agriculture is that we grow too much food! I have to smile, too, when some grower tells me that if the Bureau of Reclamation doubles or triples its water prices, then food prices will double or triple, too. That insults my intelligence. In California, we have farmers buying an acre-foot of federal water for $10 or $15, and other farmers buying State Water Project water for $50 an acre-foot, but they're both in business, and the one guy's tomatoes don't cost three times as much as the other's.

A SENSE OF CONQUEST

Let me add one last, speculative reason why I think water in the West seems to gravitate to the lowest rather than the highest economic uses. It's that water development, in my opinion, has long attained the status of a secular religion in the American West.

We say that we love the desert, those of us who live here. If that's true at all, it's only partially true. When you consider the passion and the money that we bring to the

job of transforming the desert, you could easily conclude that we hate it. What we really want is a Miami (look at Beverly Hills) or an Illinois (look at the Sacramento Valley) where it doesn't rain. We may drive through the desert—in an air-conditioned car, of course—"experiencing" its grandeur. But we need to come home to a swimming pool and a big green lawn in the midst of that desert. We love to see those agricultural oases, those big swaths of green in the desert's vast austere emptiness. We tweak its majestic indifference by making it bloom.

And where we have rescued land from the desert's possession, we don't want to give it up. We don't want the desert to reclaim what we have stolen from it at such enormous effort and expense. Seeing the alfalfa fields growing around Reno, or crossing the Tehachapis and heading up the San Joaquin Valley and seeing that sudden explosion of green, gives us not just a sense of conquest—of accomplishment—but also a peace of mind. After all, when you come right down to it, the desert is the most frightening landscape on earth.

That peace of mind—the stability—offered by irrigated agriculture had great economic and social value a hundred years ago. It represented deliverance from the cyclical agonies of boom and bust. But local economies have markedly changed. Nevada, for example, had the good sense to cultivate the four most stable industries on earth: gambling, prostitution, marriage, and divorce. And the economic importance of recreation, retirement, and high technology throughout the region is vastly out of proportion to irrigated grass and alfalfa. But these crops enjoy a certain unordained priority, as if this were not the year 1989 but 1894.

In Colorado, the alfalfa crop uses 27 percent of the state's water and contributes a measly $160 million to the state's economy. Tourism takes a tiny fraction of that water but contributes $2 billion or $3 billion to Colorado's economy. Tourists prefer their water in roaring mountain streams, not on boring alfalfa fields. In California, the water in the South Fork of the American River is worth much more in the river than taken out for irrigation: The whitewater rafting business on the South Fork pumps several million dollars into Placer County's economy each year. Because there are no water development costs, that river represents pure profit. But the South Fork is scheduled to be dammed and diverted, because of that religious, uncompromising desire to keep the desert in bloom.

TOWARD MEANINGFUL CHANGE

Where does this leave us? Potentially with a war on our hands. True, the growers now own most of the water rights. But I don't know when westerners ever signed a Magna Carta proclaiming that agriculture has a God-given right to appropriate 85 to 90 percent of the region's water, for all time.

One day soon the urban voters of the West—who are the great majority today—are going to realize that agriculture—not Los Angeles, Las Vegas, or Phoenix—is the big environmental problem in the West, too. The blame for all the salmon rivers destroyed, the California wetlands acreage down to 5 percent of what it once was, millions of migratory waterfowl gone, the deer and elk and mountain sheep usurped from their traditional grazing lands, and the pesticides contaminating groundwater and Lake Mead and San Francisco Bay can't be laid at the cities' doors. And since something like 80 percent of all Californians and Nevadans now say they would side with nature in a contest with economic growth, this realization is going to count for a great deal when it finally hits home.

What people will someday realize, too, that they can have economic growth without ruining any more rivers and wetlands, and without building any more dams. They will start treating western water as the precious and scarce commodity that it is, and stop giving farmers oodles of subsidized water to grow subsidized crops.

What we have to do is disassemble the whole legal/legislative/procedural Rube Goldberg machine that distributes water in the West, and put it back together in a way that makes sense. Like Detroit in the 1970s, we are going to have to retool completely and build us a better car. Appropriative rights doctrine has got to be loosened up so that farmers have a financial incentive to conserve water. And laws that actually prohibit transfers of unused water rights must be revised. At present, transfers from the upper Colorado basin to the lower basin, between states, and even between designated water districts are often forbidden. It is illegal for Las Vegas to purchase Colorado basin water currently subject to such egregious waste as the growing of alfalfa in this region.

Now, the Bureau of Reclamation and spokespersons for the western irrigation lobby may tell you that rewriting the laws is impossible, or impractical, or politically unthinkable—as if every facet of western water law and regulation is chiseled in stone. Yet the irrigation lobby has succeeded in effecting wholesale revisions—repeatedly—in the most significant of all the federal laws governing water in the West: the Reclamation Act.

Originally, the farmers were supposed to repay the taxpayers' investment—minus interest—in 10 years. They amended that to 20. Then to 40. Then they added a 10-year "grace period," which made it effectively 50 years. Originally, you weren't supposed to receive subsidized water to irrigate more than 160 acres of land. Then the bureau was persuaded to interpret that as 320 acres—160 each for a man and wife. Then, in 1982, after a stellar lobbying campaign waged by the growers, the so-called Reclamation Reform Act upped the legal acreage to 960. Why is it possible to amend laws the irrigation lobby likes, but so impossible to amend laws it doesn't like?

I have no illusions that meaningful change will be easy. But I am convinced that it could be far less painful than most people believe.

Our first priority must be to protect the local economies that could be hurt by widespread sales of water rights—the farmers who remain, the seed and implement dealers, the local Dairy Queen. One could argue that in a free-market economy these people must simply take their knocks, but I don't subscribe to that view. In Colorado, where water rights are traded more freely than in any other western state, special state courts deal solely with the impacts of water transfers; any third party who feels he might be injured may seek compensation in court, and often receives it. Some say this system is too clumsy and expensive; if that's ture, let's invent a better one.

Of course, it's a proven fact that we could free up an enormous amount of water for economic growth without retiring any farmland at all. In west Texas, where the great Oglala Aquifer has been severely pumped out, conservation-mined farmers now use 40 percent less irrigation water than they did 10 years ago. They have installed low-head sprinkler systems, they laser-level their fields, they use sophisticated soil-moisture gauges so that hardly a drop of superfluous irrigation water is applied to their crops.

Why doesn't the city of Denver install such technology for those farmers who share the South Platte River with it—and then buy their conserved water—rather than spend $800 million on a white elephant like the proposed Two Forks Dam? The main reason is that in Colorado—as in most other western states—water rights usually may be traded only within designated water districts. Even if such a district abuts the city, Denver can't legally buy any of its water.

In a water-short region, this precious substance must be allowed to gravitate toward its highest economic uses—provided that potentially injured parties are protected. But there has been little thinking along these lines—least of all by state legislatures, where farm interests predominate. Our reflex response to a water shortage has always been to build another dam.

Everyone is afraid of initiating another water war, such as the famous conflict between the Owens Valley and the city of Los Angeles many years ago. But there needn't be any wars. A saner distribution, a more commonsensical allocation of water in the West can be worked out without dynamite and guns. But we had better hurry up and try, for in times of scarcity you do fight over the spoils. Much of the West has now lived through a year of severe drought; California has experienced two critically dry winters in a row. Have we forgotten that the Great Drought of the 1930s lasted nearly 8 years?

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 7, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 8

9:30 a.m.
Banking, Housing, and Urban Affairs
*International Finance and Monetary Policy Subcommittee
To hold oversight hearings on Third World debt.
SD-538
Governmental Affairs
To continue hearings to examine the vulnerability of telecommunication and energy resources to terrorism.
SD-342
Rules and Administration
To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1989 and 1990.
SR-301

10:00 a.m.
Labor and Human Resources
Business meeting, to consider committee rules of procedure, and to consider S. 4, proposed Minimum Wage Restoration Act.
SD-430
Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 9

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SR-253
Energy and Natural Resources
To resume closed oversight hearings on Department of Energy facilities for defense materials production.
S-407, Capitol
Government Affairs
To hold hearings on the global spread of chemical and biological weapons.
SD-342
Labor and Human Resources
*Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on childhood accidents and injuries.
SD-430
Rules and Administration
To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1989 and 1990.
SR-301
Veterans' Affairs
Business meeting, to consider the nomination of Edward J. Derwinski, of Illinois, to be Secretary of Veterans' Affairs, and Administrator of Veterans' Affairs.
SR-418

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Department of the Interior, and the Department of Energy.
S-128, Capitol
Banking, Housing, and Urban Affairs
To resume hearings to examine the problems in the savings and loan industry.
SD-538
Labor and Human Resources
Labor Subcommittee
To hold hearings on employer asset reversions from terminated pension plans.
SD-628
Select on Indian Affairs
Investigations Subcommittee
To continue hearings on various matters relating to Indian affairs.
SH-216
Joint Economic
To resume hearings on the national economic outlook for 1989.
2218 Rayburn Building

FEBRUARY 10

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on the proposed authorization for fiscal years 1990 and 1991 for the Department of Defense, focusing on the annual net assessment.
SR-222
Governmental Affairs
To continue hearings on the global spread of chemical and biological weapons.
SD-342

10:00 a.m.
Foreign Relations
Closed briefing, on the nature and extent of the threat of chemical and biological weapons proliferation.
S-116, Capitol
Judiciary
Constitution Subcommittee
To hold hearings on semiautomatic assault weapons.
SD-226
Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 14

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.
345 Cannon Building

FEBRUARY 21

9:30 a.m.
Rules and Administration
Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1989 and 1990, and other pending legislative and administrative business.
SR-301

10:00 a.m.
Select on Indian Affairs
Investigations Subcommittee
To resume hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 169, to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being.
SR-253

10:00 a.m.
Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 23

8:30 a.m.
Veterans' Affairs
To hold hearings to review the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

10:00 a.m.
Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 24

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for basic energy research programs and the superconducting super collider.
SD-366

FEBRUARY 28

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on Japanese patent policy.
SR-253
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, Blind Veterans of America, Jewish War Veterans, American Ex-Prisoners of War, and the Military Order of the Purple Heart.
345 Cannon Building

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

MARCH 7

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for nuclear energy research and development programs.
SD-366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 9

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for advanced nuclear-reactor technologies.
SD-366

CANCELLATIONS

FEBRUARY 7

9:00 a.m.
Select on Intelligence
To hold hearings on the nomination of Richard J. Kerr, to be Deputy Director of the Central Intelligence Agency.
SD-106

FEBRUARY 8

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, February 7, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

I will sing of thy steadfast love, O God, for ever; with my mouth I will proclaim thy faithfulness to all generations.

For thy steadfast love was established for ever, thy faithfulness is firm as the heavens.—Psalm 89:1, 2.

We offer our grateful thanks, O God, for Your faithfulness has been with us and all people through the ages. Even as we acknowledge Your gifts to Your whole creation, may we also seek to express a sense of faithfulness in our responsibilities as we seek to do the tasks given to us. Gracious God, may we and every person of our land express in thoughts, words, and actions the qualities of justice and mercy, so that those thoughts, words, and actions will contribute to the bond of trust and respect that we ought share as a united people. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from California [Mr. LEWIS] kindly lead the Members in the Pledge of Allegiance?

Mr. LEWIS of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to the following resolution:

S. RES. 39

Resolved, That on a date designated by the Majority Leader in consultation with the Minority Leader, the Senate shall resume its consideration of the articles of impeachment against Judge Alcee L. Hastings for the purpose of hearing argument on a motion or motions by Judge Hastings to dismiss the articles.

SEC. 2. Counsel for Judge Hastings shall file with the Secretary of the Senate on or before February 10, 1989, any motion to dismiss the articles of impeachment. The Managers on the part of the House shall file with the Secretary on or before February 24, 1989, their response to any such motion. Counsel for Judge Hastings may file a reply with the Secretary on or before March 3, 1989.

SEC. 3. There shall be printed as one of several Senate documents under the direction of the Secretary of the Senate, in consultation with the Senate Legal Counsel—

(1) the briefs of the parties on any motion to dismiss the articles of impeachment; and

(2) material that would assist the Senate in the consideration of any such motion, including the articles of impeachment, Judge Hastings' answer to them, the replication of the House of Representatives, the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 4. The Secretary shall notify the House of Representatives and counsel for Judge Hastings of this resolution.

DISAPPROVING INCREASES IN EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES RECOMMENDED BY THE PRESIDENT

Mr. FAZIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 129) disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

The Clerk read as follows:

H.J. RES. 129

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress disapproves in their entirety the recommendations transmitted to the Congress by the President on January 9, 1989, under section 225(h) of the Federal Salary Act of 1967.

The SPEAKER. Is a second demanded?

Mr. LEWIS of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California [Mr. FAZIO] will be recognized for 20 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO]

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the joint resolution which I have at the desk is a resolution of disapproval of the President's pay recommendations made under the Quadrennial Commission procedure. Under section 225 of the Federal Salary Act of 1967, as amended, the Congress has 30 days from the date of the official transmittal of these recommendations during which to agree to a joint resolution of disapproval. The 30-day period expires today, and so by action of the House, we take that action necessary to meet the requirement under the statute. The Senate, of course, must act today as well, and the President must sign the joint resolution in order to enact it into law.

To be sure it is effective, the President should sign it by midnight tonight.

Mr. Speaker, this is not a task that I enjoy in any sense. This resolution of disapproval reaches many fine officials and civil servants who desire a just and equitable raise; but this is a decision that was taken by the joint leadership after considerable consultation. It was neither an easy decision nor do I believe it is one that will have desirable consequences, but we face reality here today. We are doing what has become the inevitable.

Many senior officials in the Government deserve a salary comparable to the ones proposed by President Reagan. Certainly our Senior Executive Service does.

According to the report of the 1989 Commission on Executive, Legislative and Judicial Salaries, 2,498 positions in the Federal Government will be effected.

That number includes 834 members of the executive branch—this includes the Cabinet but mostly these are executive level 3, 4, and 5 jobs, such as the Deputy and Assistant Secretaries in the Cabinet departments, members of our regulatory bodies and directors and high level officials of both Cabinet and sub-Cabinet agencies.

There are 1,115 positions in the judicial branch who will not receive the raise proposed by the President—primarily the judges in the U.S. Court of Appeals and the U.S. District Courts.

There are also nine jobs in the legislative branch plus the Members of Congress.

Indirectly, Mr. Speaker, another 10,074 positions will not receive an increase in their salary ceilings because of the resolution. These are jobs such as the Senior Executive Service—7,114 of them—and the Senior Foreign Service—1,256 positions—who have their salaries linked to the executive level salaries which are set under the Quadrennial Commission procedure.

In addition to the Senior Executive Service and the Senior Foreign Serv-

ice, 1,044 members of the executive branch in the so-called supergrade jobs are frozen—GS-16, GS-17, and GS-18; 640 staff positions in the judicial branch and 20 legislative branch positions. There are 155 generals and admirals in the military who are also affected.

While these positions are affected only indirectly, those salaries would have gone up automatically under the procedure.

Where in the future are we to get and hold on to the necessary expertise at the National Institutes of Health to advance the research on AIDS, heart disease and cancer, and the other health issues important to our society?

How do we hold on to the experts in space technology, defense procurement, toxic waste disposal, and other areas where industry and the universities are hiring our best people out of Government service when they reach their peak, when they are at their most productive period of life.

How will we hold on to our Federal judges, who must deal daily across the bench with lawyers who make 5 and 10 times the salaries we pay our own Federal judiciary?

There are Supreme Court Justices making less than their clerks the day after they finish their clerkships and go into the private sector. There are Federal judges whose former law firms are paying people who work for those firms two and three times more than they with minimal time in service.

There are people turning down judicial appointments every day simply because they cannot make the sacrifices that are demanded of their families. So we all suffer as a result.

I have heard people say that there are long lines for prestigious jobs out there, no shortage of people in the country willing to pay the price of public service. But I fear those who are saying that do not understand that the American people need the very best we can get to do the business of our Government. We need a compensation policy to attract the best, not one that will just produce long lines at the job application window.

Mr. Speaker, I want to say something very firmly. This is not the end of the discussion of this issue. In some ways, it may be the beginning of a new effort.

This Congress cannot long ignore the increasing call for ethical reform within this body. We all know that Members of the House and the Senate will continue to depend on honoraria income as part of our personal budgets and that that essentially is not available to people in the executive and judicial branches.

Without this raise Congress will be in fact what one of our major critics, Ralph Nader, fears it would be with the raise, and that I believe is a body increasingly made up of relatively wealthy people who do not constitute a fair cross section of the American people.

We are going to find that people who are very well off will continue to retire to Congress later in life while other struggling younger Members in some cases may continue to be tempted to live on the ethical margin.

We truly face a national crisis in this area in all three branches of Government.

To make progress we need several things. First of all, to increase the bipartisan comity that must exist in this body and in Congress generally if we are to answer these questions successfully. Hopefully the bipartisan task forces on ethics and campaign reform which have been appointed by the Speaker and the minority leader will continue to delve into these areas; but if we are to have any success when we ultimately come to the floor with solutions to these problems, we are going to need more self-respect for ourselves and respect for the institution.

We are going to need to show some courage individually. We no longer are going to be in a position to hand this problem to some process or some person and assume it will be taken care of for us. We are going to have to venture something of ourselves if we are going to make any progress.

We are not going to be able to allow those among us who are candidates for Governor or Senator to demagog this issue at the expense of all the Members. We are not going to be able to allow the wealthy among us who really have nothing to gain from a pay raise like this to put the rest of us at a disadvantage, to burden us with arguments centered around the charge of greed.

Most of us, frankly, have not had the courage to speak out. We have not taken the opportunity to rebut those charges that have been made so carelessly in the media.

□ 1210

And the media in general did a very poor job. They provided, in some cases, biased coverage. We became cartoon cannon fodder for trash television and for talk radio, but we did not make our own case, even though we had more editorial and public interest support, including Common Cause, than we have ever had before. We fell prey to the deception of the rabble rousers.

Mr. Speaker, as we look to the future, we need more bipartisan courage, the kind of courage that President Bush showed when he spoke out in favor of this raise, the kind that guided our legislative leaders here in the House until the last few days. We need to follow a game plan, not one of 435 different approaches that each individual Member would prescribe to meet his own particular problems.

We can do it if we have the courage to try. If we fail, it will be our fault, and no one else's.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, let me say to the body that in these very difficult matters that relate to the legislative branch it, indeed, has been a pleasure to work with my professional chairman, the gentleman from California [Mr. FAZIO]. He is always willing to communicate on a two-way basis regarding the toughest of issues.

Mr. Speaker, I rise in support of the resolution of disapproval of the pay raise recommended by the Quadrennial Commission.

Let me say that those who have reviewed the Congress for years know that we are elected to make the tough choices. Congress is the decision point for public policy of the highest importance to our citizens.

How much money should be spent for national defense?

How do we meet the challenge of a national health crisis such as AIDS?

What should be our future role in space?

What should be the road to maintaining peace in a nuclear age?

If the Congress is to meet the challenges of these questions effectively, Congress must be made up of the most talented in our society. In order to attract the best and brightest, it is obvious that over time the Congress will have to pay salaries at a level that will command the service of the most qualified.

As the Quadrennial Commission presented its recommendation of $135,000 to the President this year, their recommendation, to say the least, raised a good deal of controversy within our society.

I found it fascinating to note that many of those who were most vocal in opposing this recommendation were those in our society who themselves make much more. For example, Ralph Nader, a single man, 45 years of age, no children, no requirements for a second home, accepts as much as $10,000 a speech and has reported to have made 40 such speaking engagements last year. Yet, he opposes the pay raise, Commentators and members of the press who range from $300,000 to maybe $3 million a year oppose the pay raise.

Members of the other body who most publicly opposed the raise are themselves of millionaire status.

Entertainers and athletes—the best in their business—earn at the multimillion dollar level.

So the public must ask itself over time—do we want to pay enough to attract the best to public affairs?

Clearly the public is not ready yet. Thus we have before us a bill to rescind a proposed 51-percent pay raise for Congress. I stand here today in support of that resolution.

Mr. Speaker, I have never in my career seen a legislative body that was anything but clumsy in dealing with questions of pay. It is obvious that when a body such as this has to vote on its own pay, it is put in a most difficult position. As a result, over time Congress has allowed its own pay to erode.

Mr. Speaker, since 1968, if we took the then level of pay of Congress and simply adjusted it yearly for cost of living, the current pay, according to schedules, would be $137,500. Recognizing the difficulty that a body like this has, an independent Commission was created to review comparable pay for high levels of the executive branch, for the judiciary as well as for Congress. That Commission, after taking endless testimony in public hearing, and reviewing comparable private sector jobs made a recommendation for a salary level of $135,000.

Mr. Speaker, the process established goes like this: Following such a recommendation, the President reviews the proposal. If the President believes it appropriate he could reduce the amount recommended. In this case, President Reagan approved the recommendation of $135,000. President-elect Bush expressed his public support for that level of pay. Then the recommendation was submitted to the Congress.

Both Houses of Congress then have 30 days in which to disapprove the proposal.

Indeed, in this case a public furor developed. As a result of that, directly, there is little doubt that the recommendation of the Quadrennial Commission will be turned down.

Mr. Speaker, today we in Congress, will be reflecting the voice of the people.

I urge my colleagues to support the rescission of this pay raise.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from California [Mr. FAZIO] has 13 minutes remaining, and the gentleman from California [Mr. LEWIS] has 14 minutes remaining.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COELHO], the majority whip.

Mr. COELHO. Mr. Speaker, Barbara Tuchman died yesterday.

Had she lived another 24 hours, I suspect she'd be recording our actions in a new edition of the "March of Folly."

We are engaged in an action that is surely self-defeating and hazardous to our national prospects long term.

We are voting for business as usual.

We are voting for a system of compensation that pivots around special interest money and withers before the cost of living.

We are voting to continue the exodus of judges, top-level managers, and, yes, creative Members of Congress from Government service to the private sector.

We are voting to delay critical work on AIDS, space exploration, high definition television, or an effective trade policy.

We are by approving this resolution expressing a peculiar nostalgia for the anti-Government philosophy of Ronald Reagan in a new era of activist Government heralded by George Bush.

"The maxim of the British people," said Winston Churchill at Guildhall, "is business as usual." Now it is ours.

There are some who will portray our actions here as a triumph of the will of the people. This is no victory; it is a loss for the concept of leadership.

We must not get into the habit of sacrificing the merits on the altar of popular passions.

What will happen the next time—

When we need to ask the American people for revenues to stop our deficit or, yes, to spend money for education or to clean up nuclear bomb wastes leaking into our soil, our water and our homes?

What will happen the next time—

When to restore our energy independence or to tackle global warming we have to ask for more nuclear power, an import fee on foreign oil, or stringent conservation measures?

What will happen the next time—

When, to restore our competitiveness, we have to delay some material gratifications today in order to secure prosperity tommorrow?

What's the answer? Government by tea bag? Don't worry. Be happy?

This vote is the political equivalent of walking past a hundred dollar bill on the floor of the bus station. The temptation to bend down and pick it up cannot be resisted.

For many of us, the right vote is to kill the raise—simply because the process is utterly broken and the numbers are stacked against us.

It is hard to make the argument that doing the right thing means voting yourself a raise—that's why, procedurally, this built-in conflict of interest must be discarded permanently.

But no one should walk away from this debate satisfied with the outcome as to our own pay or what this means for our ability to make tough decisions later on.

The score is easy to read: Ralph Nader "1," national interest "0." The folly is upon us. Let the march begin.

□ 1220

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS] for this distinct opportunity and yielding me this time.

I am pleased to offer this short comment on this important subject. In all due respect to my fellow colleagues, both senior and freshman Congressmen, we are here today because the citizens have voiced their concern, and we must listen to them.

But I wish to say as a freshman Congressman let us not detract from this august and preeminent body of the world in our debate. Let us not demean this great House. Let us go forward with the idea that we will solve the problems of America, the deficit and other problems, and show the citizens of this country that we deserve any future raises.

Let us go forth and speak highly of this House.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, today I held a hearing with the appeals courts and the district courts of the Federal judiciary. They tell me that in their survey, 215 out of some 700 Federal judges have indicated that they will not stay with the Federal court very long unless there is an adjustment in pay.

We do not permit the judges to speak for honoraria payments, or take money from parties that may be before them. Only Members of Congress may do that and I think that needs to be prohibited. We must reform such practices in this House and in the Senate.

Everyone understood, we were to execute a two-step plan to get there. We would end up with the same number of dollars and there would not be an increase in pay. We were to end up at the same total number of dollars between honoraria and salary, but it would all be salary and none from payments arranged by lobbyists.

A lot of Members think defeating the pay raise first will assure defeat of the reforms and it goes a long way toward doing just that. Many Members want to end up with their honoraria just like they now have but that issue does not and should not go away. These honoraria payments that are arranged by lobbyists must stop. That is

deservedly a bad reflection on this House. We cannot have an independent House when a majority of the Members take those kinds of payments as a substitute for cost-of-living adjustments. We must stop it.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, today we are experiencing the second part of a three-part reform that we are undergoing. I think yesterday probably was the most significant one because what we did yesterday was open the door of Government and let Members stand accountable for their acts.

Today the pay raise will go down in defeat. I will oppose it. I encourage all of my colleagues to oppose it. But we know it is going down in defeat.

The most significant thing, however, should be what happens tomorrow. There are bills that are in. The gentleman from Iowa, Mr. TOM TAUKE, has one. Many other Members have bills to reform the system, to require recorded votes so we can go back and sell ourselves to the people in our districts based on the job that we are doing.

The gentleman from Iowa [Mr. SMITH] is correct. We need to discuss honoraria. I for one will oppose any increase in salary that does not have a compensating decrease in honoraria.

So I think the second part of our reform will take place today and the most significant part will come in the future.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. PEASE].

Mr: PEASE. Mr. Speaker, I, like most of my colleagues, will vote to reject the pay raise proposal of the Quadrennial Commission.

I want, however, to express my great regret that Congress will today deny salary increases to Federal judges and high-level Federal administrators. It is a serious mistake of public policy for Congress to insist that judges and Federal executives be kept in the same boat as Members of Congress.

The truth is that the Federal Government faces direct competition with the private sector in recruiting and retaining top quality lawyers on the Federal bench and experienced and able executives for Cabinet-level positions and for a range of positions at the sub-Cabinet level. Better salaries are strongly needed if the Federal Government is to successfully recruit good judges and administrators and to treat fairly those who are already on the Federal payroll.

In the future I hope we will be wiser than we are being today in not separating the question of Member of Congress increases from those of judges and Federal executives.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, today the will of the people has prevailed. Our unique form of American democracy is safe. The Founding Fathers can rest easy, the voices of the people have not been muffled, the union is safe.

There was never any doubt how the citizens of this Nation felt. Millions of us were opposed to this dishonest pay increase from the very beginning. It is and always has been dirty money. Allowing this absurd increase to go into effect without a vote would have constituted an ethical atrocity that this body would never have been able to live down.

It would have flown in the face of the very essence of our national being: A nation for the people, by the people, and of the people. But today we do vote. We have listened to our people and done what needed to be done. We have set aside the self-satisfying desire to astronomically increase our own salary. We have sent a message to the people of this great Nation that the system does work, and we have set the example of fiscal integrity and restraint that this Nation needs.

Now I recommend we remain true to our principles and go one step further. We all agreed, during the debate on this raise, that honorarium is wrong. Well I submit to you that if honoraria is unethical, if it is wrong, if it is bad, then it needs to be banished with or without the pay increase. I urge my colleagues to join with me in seeing to it that honorarium is banned permanently and immediately.

I call on my friends and colleagues in the Senate to not delay, and to swiftly concur with this honorable action to abolish the proposed salary increase.

Mr. FAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, when the Commission made its recommendations I immediately contacted the press and told them that I would support the $135,000 pay level. In the past week, I have had numerous calls to my office. The respected local newspaper, which is the major newspaper in my town, has editorialized against the pay raise.

□ 1230

I look at this vote today as a responsibility of the position. As Members of Congress we control billions and hundreds of billions of dollars of spending. It is this body which strives to keep the United States out of war, and we must also spend billions of dollars to make sure if there is a conflict that we are ready for the conflict.

I think back a few short years ago when this House voted to send the United States Marines to Lebanon. Two hundred and sixty-four marines died, two from my district, because of the bad judgment of this body.

The responsibility of this position is awesome. I only have 2 minutes, but let us look at the Federal judges. It is easy to be critical of them. Today you can read where law school graduates from Ivy League schools can start at $70,000 in New York City the day they pass the bar.

Quality justice demands we appoint the most qualified people and we keep the best. Very few, if any, Federal judges could not leave the bench and get a considerable pay increase.

The media says today that there is no shortage in the line for the Federal bench. That is true. Our concern should be who is in line. We need the best.

Chairman SMITH spoke about the judges, about the judges who would leave. That is not a threat, ladies and gentlemen. Here is a survey of 133 judges that are on the Federal bench over 15 years, 92 of whom would leave if their salary is not increased. Of 83 who have been on the bench 11 to 15 years, of that number 68 will leave and 15 will stay if there is not a pay raise.

Look at this pay raise, and I say this ladies and gentlemen: Reelection is more important in this House than anything else. I am concerned with the numerous constituents who have called and expressed their opinions. I deeply respect their opinions, and I am concerned with what they say. However, in this case, I disagree with them. I say responsibility is what is in the long-range good of government. Concern for the long-term good is more responsible than that for reelection.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, this is a difficult time for all Members of the House of Representatives and it has been a tough time for this institution. But I think there are some lessons we should take from this as we move forward to address this issue in the future.

First, any issue relating to pay raise must contain with it accountability. We make a mistake if we try to avoid accountability on this question.

Second, we cannot separate this issue from the dominant issue of our time which is the Federal deficit. Clearly, one of the reasons that this pay raise is going down is because of the understanding that if it had been approved we would have disabled ourselves in the battle against the deficit.

Finally, this issue is not over. We know it is going to be back for the reasons that have been articulated by many Members relating to judges, relating to the ethical issues surrounding this House of Representatives, relating to the service of people in high levels of Government. But I hope that as we address it again in the future we can do it in a way which assures ac-

countability and at the same time recognizes our unique role as public servants with responsibility for leading the charge against the deficit.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER.]

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the Speaker for bringing this resolution to the floor. It was the right thing to do and I thank him for it.

Shortly we will vote on it. I want to share with my colleagues something that might come as a shock to them: This Member is prepared to vote to adjust our compensation at $135,000 a year right now, provided, prior to that time we propose to the States a constitutional amendment on a balanced budget by a vote of not less than 290 votes. The form of that should take what a bipartisan effort tried last year, in a discharge petition—CHARLES STENHOLM of Texas and LARRY CRAIG of Idaho worked that up—that is the form it should take.

The rationale is simple. The biggest problem in adjusting our compensation with the American public is the mess we have made of the fiscal affairs of this Nation. We are working on adding the third trillion in the national debt; we are going to add a quarter of a trillion this year and I think we go a long ways toward redeeming ourselves of our irresponsibility by doing what 75 percent of the American public want, Democrat, Republican, Independent, have a proposed constitutional amendment on a balanced budget.

What an easy way to get this increase.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this resolution and I urge my colleagues to join me in striking down the recommendations of the Quadrennial Commission.

This Commission, started in 1967, clearly has outlived its usefulness. What can we expect from any commission which only meets once every 4 years? How can we expect them to keep up with the need to review Federal compensation if they are continually playing catch up? What really should surprise us is that the recommendations weren't even more outrageous than the 51 percent that the Commission finally determined.

The time has come for us to recognize that the American public is tired of seeing Federal pay rise beyond all comprehension and without this Congress going on the record to approve or to disapprove the increases. We told our constituents that we could do great things last November when we ran for re-election. Until yesterday, many cynical people doubted that Congress would have the courage to reject the Commission's recommendations. Well Mr. Speaker, our presence here today proves that this body can act responsibly and we can respond to the wishes of the overwhelming majority of our constituents.

The time has come to abolish the Quadrennial Commission and return the responsibility for setting Federal compensation to Congress where the process can occur on a regular basis, in full view of the American public, without the mystery of some nebulous commission, and, most importantly, with an affirmative vote of approval by this body. I intend to introduce legislation to accomplish this so we can avoid any further events like those of the past few months.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is quite apparent to me that both the media and a great many of my colleagues ruefully have missed the point in this protracted and misleading debate on the issue of the pay raise recommended by former President Reagan shortly before he left office.

The whole focus of the controversy revolved erroneously around Members of Congress while the very structure of our Federal Government is crumbling because we no longer are able to attract the best and the brightest among us to fight the battles against such public enemies as AIDS, cancer, crime, drugs, illiteracy, pollution and a myriad of other ills that beset our society.

The entire pay raise would have covered only 12,000 people in the other two branches of Government. It is indeed unfortunate that they get hurt because some Members of Congress could not resist an opportunity to demagog the pay raise for their own political purposes. I would like to point that an overwhelming majority of the 12,000 people affected are Republicans. This clearly was not a raise for Democrats.

The shame is that all these others are denied the raise needed to keep them in the Federal service.

I think the time has come to consider delinking Congress from the executive and the judicial branches lest we do terrible damage to the Federal service.

What was lost in the swirling controversy that inaccurately centered on Congress was the fact that we no longer can attract the kind of people we need to run the space program, guarantee that our food and drugs are safe, lead critical research programs at the National Institutes of Health or ensure our national defense.

I believe it would be well to recall what President Reagan said when he proposed the pay raise in his last budget. I would like to include in the RECORD his letter to me on January 6 of this year.

THE WHITE HOUSE,
Washington, DC, January 6, 1989.

Hon. WILLIAM D. FORD,
House of Representatives,
Washington, DC.

DEAR BILL: On January 9, 1989, I will be forwarding to the Congress the compensation recommendations of the Commission on Executive, Legislative, and Judicial Salaries. This bipartisan Commission composed of individuals of superior achievement in the public and private sectors carefully reviewed the compensation of senior Federal officials and unanimously recommended increased levels of compensation.

Fair compensation for those who bear the responsibility for effective functioning of our government is critical at this juncture of history. The American people expect excellence at the top levels of government, and they deserve to get it. But our Founding Fathers also envisioned a citizen government whose members are drawn from all parts of our society.

We must not allow Federal service to become the province only of the wealthy. We must ensure that the door to service remains open to Americans who must work to support their families, educate their children, and save for their retirement. As it now stands, government service for any significant length of time presents a financial burden that fewer and fewer of those who are most highly qualified can afford to accept.

Since 1969, salary levels for senior Federal officials—executives, legislators, and judges—have declined 35% in constant dollars, while the compensation of workers in the private sector has kept pace with inflation. To remedy this situation, the Commission has recommended salary levels for senior government positions that are comparable to those earned by individuals of similar responsibilities in the nonprofit private sector, such as universities and hospitals. The Commission's recommendations would only bring these Federal salaries to a level approaching that of their 1969 purchasing power. In fact, the salary paid to a Member of Congress in 1969, if increased solely to match the inflation that has occurred since then, would amount to $140,340—more than the Commission recommended. It is important to note that the cost of implementing the Commission's pay recommendations would be absorbed within the fiscal year 1990 budget—it would not add to the deficit.

I join the Commission in urging Congress to abolish the current system used to supplement inadequate Federal salaries through payments from private special interests. The ban on honoraria should take effect at the same time as the proposed pay levels take effect. The current system undermines public faith in the integrity of senior Federal officials, particularly in the Legislative branch. Congress should move immediately to enact legislation that takes a comprehensive approach to the problems posed by honoraria, including payments for articles, speeches, and appearances, and other forms of financial benefits.

During my Presidency, I have been impressed with the ability and dedication of the senior Federal officials who serve our country. It is in the Nation's best interest to attract and keep highly qualified individuals for senior government positions. I ask you to support the bipartisan Commission's unanimous pay recommendations to ensure that the American people continue to benefit from the government service of highly talented Americans.

Sincerely,

RONALD REAGAN.

Anyone who feels that highly competent people are lining up at the doors of Government for important jobs because they pay well, because benefits are high, or because of

an enviable Federal pension, are sadly behind the times.

This is our problem. Not whether Members of Congress deserve or do not deserve a pay raise.

Among those who truly know about such matters, it is clear that America is facing a brain drain from Federal service of unprecedented magnitudes. As chairman of the Committee on Post Office and Civil Service for the past 8 years, I have had a rare opportunity to hear first hand the plight of our Federal career service.

And I shudder to think what is ahead as we continue down the same road.

For years now we have seen the United States fall behind in science, manufacturing, and in a number of other important areas. And unless we find some way to stop this trend we are guaranteeing that America will become a second-rate nation unable to compete with the rest of the world in a high-technology 21st century, unable to vie in the quest for space, and unable to deal with the very basic issues of health and welfare.

When he testified before the President's Quadrennial Commission last fall, Dr. Anthony Fauci, former head of the National Cancer Institute, and now head of the National Institutes of Health [NIH], said that NIH has not been able to recruit a single research scientist from the private or academic sectors to conduct clinical or basic biomedical research in the last 10 years.

Mr. Speaker, in testimony before my committee I have heard such terrifying stories time and time again.

As a result, it has become clear to me that by refusing to adequately compensate top Federal employees, we surely are driving the best people from Government and ensuring that we can only replace them with those who cannot succeed in the private sector.

Let's look for a moment at the judiciary. The Judicial Conference of the United States reports that in the 15 years from 1958 to 1973, only six judges resigned from the Federal bench. But in the 15 years from 1974 to 1988, there have been 57 resignations.

Extensive interviews with those who decided to hang up their judicial robes cite financial considerations as a principal factor in decisions to resign. The truth is that we are paying our Federal judges less than the salary earned by first-year graduates of top law schools. How much sense does that make, I ask you?

If we look into another area we find that nearly a quarter of the winners of the Presidential Rank Award for Distinguished Executive Service have left the Federal Government—80 percent of them for higher pay in the private sector.

This is the sorry story that we find across the Federal service.

Unfortunately, the critics fail to see what is happening at the top of the Federal work force. They see a rosy situation where senior Federal managers, judges and other officials are happy with their financial lot and work merrily toward a fat Federal retirement, while enjoying a lot of perks not available in the private sector.

I submit, Mr. Speaker, that the world seen by these critics is one that does not exist.

The real world is the one of Dr. Fauci at NIH, the Federal judges who have called it quits, the top managers who have cried "enough" and those managers, scientists and planners who find they have no choice but to leave Government service for the sake of their children's education and the welfare of their families. No, Mr. Speaker; the Federal Government is not providing a work and retirement haven for some kind of privileged class. The Federal Government instead is suffering severely from an exodus of our best and brightest—those who will make the difference between a healthy, successful and secure America—because the private sector thinks more of them than does their own Government.

We had better wake up soon. And we had better understand the real problem before us, rather than the one created by misguided do-gooders who, in the end, will only doom our country to mediocrity.

I would like to insert in the record for the edification of our colleagues articles by Elliot Richardson and Robert H. Bork, as well as editorial comments in today's New York Times by Tom Wicker and Nelson W. Polsby.

[From the Boston Globe, Feb. 5, 1989]

MEDIOCRITY WILL NOT SUFFICE

(By Elliot Richardson)

My Massachusetts friends know me primarily as a politician and a bureaucrat. Given the reaction to the proposed federal pay raise, I wonder how much of their money they thought I would be worth if I held office now. As attorney general of the United States, half as much as a junior partner in a Wall Street firm? As ambassador to Great Britain, one-quarter as much as a tight end for the Patriots? As secretary of defense, one-eighth as much as the senior vice president of a major defense contractor?

The pay increases proposed by Ronald Reagan on the recommendation of the Cutler Commission would bring government salaries up to these levels. Without the increase, the attorney general will continue to get one-third of the junior partner's compensation, the ambassador one-fifth of a lineman's, and the defense secretary one-tenth of the defense executive's. If the polls are correct, most people would say: What's wrong with that? Government salaries aren't supposed to keep pace with those in the private sector.

Although this is the prevailing point of view, I am not sure why. The best explanation seems to be: Public service doesn't produce profits, so you can't measure its value. It's sort of like teaching or the ministry: people who enjoy the satisfaction of doing good don't need a financial incentive. Anyway, it's our money they're being paid. Besides, we don't need to attract very able people into public jobs. Mediocrity will suffice.

The explanation ends off track. Donald Atwood, vice chairman of General Motors, is about to become deputy secretary of defense—a considerably more difficult and important job than the one he is leaving. The same could be said of President Bush's other top-level appointees, including undersecretaries and assistant secretaries, all of whom will be facing daunting challenges.

No one argues that government salaries should match those in the private sector—if they did, many public officials would be paid more than their nongovernmental counterparts. However, in the last 20 years the purchasing power of corporate executives' pay nearly doubled while that of government executives has been cut by a third. The salaries paid by nonprofit institutions have also risen well above government salaries. This has made it increasingly difficult for the federal government to recruit and retain people able enough to fill the demanding responsibilities of hundreds of senior positions.

The same erosion of salaries has hit the judiciary particularly hard. An indicator is the number of resignations from the bench. Only six judges resigned between 1958 and 1973; in the comparable span from 1974 to this year, the number was 57.

Of course, the pay raise won't go just to judges and top-level officials in the executive branch. Members of Congress would also get it. This accounts for much of the opposition. It's easy to complain about Congress. Members of Congress are—or have to seem to be—"just folks." Why should they be paid more than most of the people they represent? The plain and simple answer is that they work longer hours under more pressure, take more abuse, sacrifice more privacy and have to deal with a far wider range of problems.

We need the best and brightest people we can get in the House and Senate. In an increasingly complex, interdependent, competitive world, their jobs are tougher than ever. Pegged at the same level as judges and deputy Cabinet secretaries, their salaries have suffered the same erosion in purchasing power, and they have to maintain homes both in Washington and in their districts. As an offset to the pay increase, they will be required to give up honoraria from outside groups.

As President Bush said last week, "The increases are overdue." Unless something is done, we're going to continue to slide closer and closer to the point where only the wealthy can afford public service. It would be nice if the members of Congress had the political courage to face up to the pay issue directly, but that's too much to expect. Better to have it handled by an automatic device that can be blocked only by a negative vote in both branches than let it be defeated by demagoguery and cowardice.

[From the New York Times, Dec. 23, 1988]

MISERABLE WAGES, MISERABLE LEADERS

(By Robert H. Bork)

WASHINGTON.—The tidal wave of venom that threatens to sweep away the proposal to raise the salaries of Federal officials is flabbergasting. Who would have thought that so many Americans who love incumbent Congressmen so dearly as to award them something resembling life tenure simultaneously hate them so much that they would require them, along with Federal executives and judges, to serve at inadequate and steadily decreasing real compensation? Yet people are responding to the populists of the left and right who have exploded with fury at the Quadrennial Commission's proposal.

That reaction is shortsighted and self-defeating. If you don't like our present Federal officials, you are going to loathe the ones that will be produced by salary levels that are continually eroded by inflation over the next 10 or 15 years.

We have made the same kind of mistake before. Many people once answered "yes" to the question, "Would you rather pay less than the market price for natural gas?"

That affirmative answer brought a drastic shortage of natural gas. Today, many people may be ready to answer "yes" to the question, "Would you rather pay less than the market price for qualified representatives and judges?" despite the fact that the result will be identical—a shortage of competent officials.

Ralph Nader, whose demagogic skills easily outrun his respect for the laws of economics, was among those who advocated a below-market price for natural gas. Now, Mr. Nader is mounting an enormous campaign to insure that the real wages of Government officials are not restored but will continue to be eaten away by inflation.

Political parties are having trouble recruiting good candidates for Congress, and part of the reason most certainly is pay. While salaries in the past 20 years have fallen 30 or 40 percent behind inflation, the price of housing in and around Washington has skyrocketed far past the rate of inflation.

This is also true in many major metropolitan areas. The result is increasing difficulty in recruiting and retaining qualified Federal judges. Many excellent lawyers simply will not consider the Federal bench as a career and many excellent judges are thinking seriously of giving up that career.

There is, for some unfathomable reason, a feeling that judges as elected or appointed officials should earn little more than the average American. Mr. Nader sounds this theme. But our society is built on the income differentials necessary to attract talent where it is wanted. Certainly, much of the compensation for Government service is psychic. But even with the recommended pay raise, most Congressmen and judges will have living standards well below those they would enjoy in other occupations, and psychic income does not buy a house in Washington or send the children told college.

One of my clerks, after an additional year as a Supreme Court clerk, joined a New York law firm with a bonus that put her first year compensation well ahead of mine as a Court of Appeals judge.

District Court judges and Congressmen now make $89,500 a year. When law professors make much more, when youngsters two, three or four years out of law school make more, and can widen the gap with every year they practice, who will want a career on the Federal bench? Who will seek a career in Congress? The answers are obvious: the independently wealthy, the financially unsuccessful those who intend to stay only for a few years in order to dress up their resumes or, perhaps the most disturbing thought of all, those who crave power.

There is no respectable reason to oppose spending the small amounts it would take to compensate officials adequately. This is especially true when the proposal would ban the "honorariums" that raise serious ethical questions for Congressmen. At a $135,000 salary in Washington, New York, Chicago or Los Angeles, no judge or legislator is about to become a maharaja. We have indexed retirement benefits, tax rates and much else to the rate of inflation; it makes no sense to object to similar treatment for Federal salaries.

It is expected that President Reagan will approve the increase. If Congress does not allow the raise to go through, it will not be easier next time. Sooner or later, Congress must summon the courage to make public service a reasonably attractive calling.

[From the New York Times, Feb. 7, 1989]

DEMOCRACY AT ITS WORST

(By Tom Wicker)

When Jimmy Carter was campaigning for President in 1976, he frequently said that the country needed "a government as good as the people." Sometimes, however, the people are the problem, as demonstrated once again by their fury over a necessary and justified salary rise proposed for members of Congress and other Federal officials.

That misplaced outrage has doomed the pay increase. Under pressure from the public, Speaker Jim Wright first announced a vote on cutting it from 50 to 30 percent. Under even heavier pressure, he now has knuckled under completely and scheduled a roll-call vote on the increase itself. That all but certainly will kill it, since most members of the House consider it political suicide to vote to raise their own pay.

Congress deserves some of the public contempt in which it's held, and it's true that a 50 percent increase is more than most Americans ever can expect from their employers. It might well have been wiser to schedule, say, three 15 percent rises over five or six years.

But members of Congress would have had to forgo, in return for the pay rise, the substantial honorariums they now are permitted to accept. They are paid considerably less than their responsibilities ought to command. A stretched-out plan would have prolonged the serious financial problems, including the maintenance of two residencies, that some have; and it might well have caused something like the current furor three times instead of once.

The public outcry, moreover, was not really about the size of the pay increase; more than half of those sampled in a Gallup Poll did not even know how much members of Congress now are paid. Had the proposed raise been only 10 or 20 percent, the opposition probably would not have been much less vociferous; indeed, the uproar was not stilled by Speaker Wright's proposal to scale back the increase.

That's because it was based fundamentally on the low esteem in which government, especially Congress, is held by the American people—few of whom in their traditional disdain for politicians think *any* increase, or even the current pay level, is warranted. Their opposition was sharpened, of course, by the roundabout way in which the pay increase was supposed to take effect—on the recommendation of a special commission, without Congress having to approve or defeat the proposal in an on-the-record vote.

The irony is that a major purpose of the pay increase was to attract better people to the public service, and to make it easier for them to stay there against the lure of better-paying jobs in the private sector—hence increasing, in theory, the public's regard for members of Congress and Federal officials. And the reason Congress didn't want to vote on the matter, and shouldn't have to, is that ingrained public opposition to Congressional pay increases of any size, at any time, makes it politically impossible for most members to vote to increase their own salaries.

Thus, the public was infuriated by a proposal aimed at improving a body the same public now holds in contempt. And that same public denounced a "sneaky" process made necessary by its own blind and often irrational opposition to paying public officials salaries commensurate with their responsibilities. The result is democracy at its worst.

First, a mostly deserved increase will be denied—granted that some members, as in any union or corporation, haven't really earned a higher salary. Second, but not less important, many members will be forced to continue seeking outside honorariums to augment their Government pay—and those "speaking fees" too often will be paid by predatory interests, inevitably diminishing the independence of Congress. Third, the pay increase was scheduled for Federal attorneys and judges, executive branch officials, the President—many of whom earn nothing like what the private sector would pay them and all of whom will be denied vital additional income, basically because of the public's contempt for Congress.

The net effect, in all three branches of Government, will be to make it more difficult for men and women without income other than salary to serve in important Government positions, and more likely that only people of wealth or dependence on special interests will be able or willing to serve in those offices. That's hardly what the people wanted, but it's what their righteous outrage will bring about.

[From the New York Times, Feb. 7, 1989]

CONGRESS: PATHOLOGY OF A PAY RAISE

(By Nelson W. Polsby)

BERKELEY, CALIF.—The occasional public exercise of setting salaries for members of Congress brings out several of the pathologies with which our political system is richly endowed. House Speaker Jim Wright's call for a vote on the pay raise for public officials is a case in point. Even a Washington-watcher from the other side of the continent can spot three symptoms.

Congress-bashing by the news media. It is truly funny to see grossly overpaid television news personalities who haven't the foggiest idea what members of Congress actually do declaring themselves tribunes of the people and complaining about a Congressional pay raise.

I suppose I would listen with more sympathy if I had not, over the years in the course of my work, spent time following members of Congress around—sometimes for as long as a week—just to get a feel for what the actual life of a member is like.

It turns out that they do complicated and difficult work. Some members do it better and more conscientiously than others, but a great many of them do it rather well. The work requires a great deal of energy. For many legislators, it includes the mastery of a substantial body of knowledge related to their committees, the political tasks of building coalitions and shaping agreements among diverse parties, and the administrative tasks involved in serving constituents and supervising a sizeable staff.

Members frequently have to fly back and forth between their home districts and the capital, and they maintain full schedules on both ends. They must keep their tempers in dealing with one another and with the public, and conceal their boredom in the endless meetings that they are required to attend. Because they have to coordinate their lives in order to be on hand to cast votes, legislative work has a lot of hurry-up-and-wait in it.

The point is not to claim that members deserve hardship pay or sympathy. What they deserve is respect and a decent standard of living for doing responsible professional work.

The Congress of the United States is by far the most demanding and powerful popularly elected representative legislative body known to world history and we ought to be proud to support its members according to a reasonable standard.

We ought to take account of the facts that members have to maintain two domiciles, educate their children and pay all the other bills that their comparably successful classmates from college and law school manage, on average, to do a lot more easily than they do.

Congress-bashing by members of Congress. No doubt, in the best of all possible worlds, members would set fair salaries for themselves after due deliberation and a roll call vote, such as the Speaker of the House called for yesterday. The news media can't resist the cheap shot, however, and the members know it. This knowledge doth make cowards of—well, maybe not all of them, but a lot of them.

So the Senate piously voted no on the pay raise, in the fervent hope—but disappointed hope—that the House would not vote at all and let the pay raise just happen, as according to law it could if both chambers did not disapprove. Some members genuinely and sincerely don't want the pay raise of course—perhaps because they are already rich, abnormally frugal or have modest expenses. But it takes great obtuseness not to see that these conditions do not obtain for a great many members and that it is in the public interest to keep Congress a place to which ordinary middle-class people might aspire. This means keeping pay abreast of the realities in high-cost Washington. I use the word realities advisedly. Rent there isn't cheap.

Holding the rest of the Government hostage. This pathology occurs because legislators are afraid (see above) to give themselves pay raises without some sort of protection, so they link the pay for Federal judges and senior civil servants and political executives to Congressional salaries. The judges, who are foregoing mountains of money by remaining in the public sector, and the top people in the executive branch, who are ridiculously undercompensated, are held hostage.

If the all-around inequity of the situation gets bad enough, members of Congress figure that maybe Congress can get some relief too. Obviously, ther is no reason to link the salaries of the three branches in this fashion other than expediency. The fact that the editorial pages are filled with denunciations of this expediency unfortunately validates the suspicions of members that if they were out there all by themselves, a pay raise would never stand a chance.

It is pretty clear, therefore, even from 3,000 miles away, why Congress chose to delegate the job of salary-setting to an arms length commission. Elected officials don't like to be martyrs. It is just too hard for too many of them to take the flak and make a public case in their own behalf, even for the majority who privately are convinced that there is such a case. They feel they need an independent commission to make the case for them and they are probably right. The commission did its job professionally. It came up with eminently reasonable and defensible conclusions. The unfavorable reaction to its recommendations has been mean-spirited, unrealistic and bad for the well-being of the country.

Mr. FAZIO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to ask this body to apply the lessons learned through the pay raise issue and work for equality in pay for all levels of workers in the public and private sectors.

I have always been a strong advocate for equality in pay both in the public and private sectors. We must start at the bottom and raise the minimum wage so that poor families have a chance to break the vicious cycle of poverty. Better child care and medical and parental leave policies must be implemented so men and women who work to support families can do so without exacting a terrible toll on themselves and their family.

Let us take this opportunity to examine where our priorities are in the public sector. We must reform the entire pay system to reflect the need for top quality people in the civil service. We are losing our best scientists and engineers and no longer attracting new graduates due to a pay scale which cannot even begin to compete with the private sector.

Mr. Speaker, we must learn from the outpouring of response against raising our own pay. It is obvious that our constituents feel that inequities exist in the entire system which must be fixed before our pay is increased. Let us address these concerns in a constructive manner and use this mandate to push for equality for all people. Let us push for comprehensive pay reform for all public civil servants.

Mr. Speaker, you are the person to lead us in this drive for equality as you always have been in the past. Let us put the pay raise to rest and use the opportunity to push for change and for fairness for all.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the gentleman for yielding.

Mr. Speaker, I rise to commend the Speaker for bringing this resolution before us.

This is not a proud day for the Congress, the executive branch, or our country. Our Nation's leaders are perceived, perhaps rightly, as looking out of their self-interest at a time when we clearly need to be setting an example. What kind of example? One of selflessness that other Americans might be called on to follow if we are to restore fiscal sanity in this Nation.

Having said that, let me point out that since 1970, the cost of living has risen by 205 percent. Meanwhile, Social Security benefits have been adjusted by 232 percent, civil service pensions by 197 percent, military personnel pay by 213 percent, Federal employees' pay by 133 percent and the pay of Members of Congress has risen by 110 percent since 1970.

While those numbers would suggest that our elected leaders have demonstrated restraint in raising our compensation in recent years, the events of the past few months have shattered any public perception of sacrifice on our part and understandably so.

Federal statute already prescribes a fairer and more equitable means of adjusting the compensation of Congress, Federal judges and senior executive branch officals, if only we would abide by it. Regrettably, we do not. Existing law calls for adjusting the salaries of senior Government officials by the same percentage each year that we adjust the pay of most other Federal employees. If they receive a 4-percent increase, so would we. Conversely, if they receive no annual increase one year, neither would we.

Instead of abiding by that policy each year, the Congress frequently excludes itself and senior Federal officials from that annual modest adjustment. By doing so, we thus set the stage for outrageous increases like the one recommended last year by the Quadrennial Commission and President Reagan.

There is a better way to adjust our salaries, and it is already the law of the land. It is fair. It is understandable. It is imminently defensible. We must begin to abide by that policy each year. In doing so, we can begin to restore the loss of public confidence while this latest, sad chapter is our history has precipitated.

Mr. FAZIO. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this resolution. I strongly support the pay raise recommended by the Quadrennial Commission and endorsed by President Reagan and President Bush because I believe that all of us—each and every one of us—deserve it. To date, I have stayed out of the public debate over this issue, but in the past week I have heard about as much as I can stand.

I can't remember a more disheartening or embarrassing debate. I have served in this House for 30 years. I am proud of what I do and you, my colleagues, should feel the same way. The bashing that we have received in the press over this issue not only demeans us, it demeans all public servants. The criticism that has been heaped on us is bad enough, why are so many of us agreeing with it? It is high time we stopped whipping ourselves.

Each Member of this House, Democrat and Republican, is worth a salary of $135,000 a year. Our decisions affect all Americans. The domestic and foreign policies of the most powerful Nation in the world are shaped in the committee rooms and on the floor of this House. The responsibility we exer-

cise is unmatched in any private sector job.

I'm not up here to sing the blues. I asked for this job and I work hard to keep it. In my hometown of Chicago they call politics a blood sport. I have been pretty successful at it. I don't apologize for getting in the arena and I'll be damned if I'll apologize for winning. Yet that is what this debate has reduced us to—apologizing for serving in the U.S. House of Representatives. That is wrong. I don't say that with any malice, just profound disappointment.

Our failure to stand up for ourselves is bad enough, but we are holding hostage the pay scale of the rest of the Government. Failure to raise the pay of Members of Congress, the judiciary and senior administration officials is irresponsible. We will lose good people in the Congress—the young Members trying to raise a family, educate their kids, and maintain two residences. We will lose good judges. We will lose good people who administer programs affecting the lives of millions of people. The quality of work performed by all three branches of Government will suffer because we don't have the guts to say what we are worth.

Two years ago, I offered a proposal to raise the pay caps for all three branches while meeting the political concerns about the salary hike for the Congress. The proposal is simple. For the judicial and executive branches, pay caps would be increased by the amount recommended by the Quadrennial Commission. Members of Congress, however, would have a choice. At the beginning of each Congress, they could sign in at whatever pay they think they are worth, ranging from the current salary of $89,500 to the $135,000 recommended by the Commission. That salary would remain fixed for the duration of their term.

I would sign for the highest end of the scale. If the people in the neighborhoods of the Eighth Congressional District of Illinois conclude that the chairman of the Committee on Ways and Means, with 30 years of experience in the House, working on their behalf is not worth top dollar, they are free to make that clear in the next election. In the next Congress, they would have the opportunity to address their grievances to a new Representative. I owe my constituents a great deal, including hard work and good judgment, but I also owe them a measure of self-respect.

Other Members might sign in at a lesser amount because of regional differences in the cost of living, their tenure, or level of responsibility. That's fine. Let's just stop the breast-beating and finger pointing. Let each of us decide and live with the consequences.

You know how hard you work and you shoudn't be embarrassed to say it. You work hard here and you work hard in your districts. And the hardest thing you do is tell your families that they must sacrifice year in and year out. Sure there are prerequisites that come with the job. But you know as well as I do that perks can't make up for the birthdays, ballgames, holidays, and meals that we miss. When was the last time you skipped a town meeting for a school play? If you can't remember, ask your spouse. You maintain two households but you're never home.

My colleagues, you deserve this pay raise. The public servants in the judicial and executive branches deserve this pay raise.

I am proud to be a member of this great institution—proud of my service—and proud to vote in favor of the pay raise. I would like to see you join me.

□ 1240

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, with all due respect to those individual Members, particularly the younger ones with large families, including their children who may be ready for college, I rise in favor of this resolution to block the unconscionable 50-percent pay raise due to take effect tonight at midnight.

The question today is "Does the U.S. Congress as a body deserve a pay raise?" And the answer is "Absolutely not."

This Congress should never get a pay raise of any kind until they act responsibly in dealing with the outrageous Federal deficit which the Congress is primarily responsible for, since the Congress, and only the Congress, create huge deficits by the spending bills it passes year after year after year.

I would also hope, Mr. Speaker, that after this pay raise is blocked by the successful passage of this resolution, this Congress will take action in two bills I have introduced.

H.R. 383 would make future recommendations for raises advisory instead of mandatory, thereby requiring a vote by Congress, and H.R. 384, requiring that any raise—whether by vote or not—be delayed until after a newly elected Congress takes office.

The American people demand this legislation in order to hold the Congress accountable.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, your decision to allow the vote this afternoon was certainly the right decision for all Members, and I thank you for that opportunity.

Mr. Speaker, I rise in strong support of this resolution and against the recommended pay increase.

Someone once warned that you should be careful what you pray for because you might get it. The personal gain individual members would realize would be offset 1,000 times over with the loss of our credibility and opportunities for leadership. Acceptance of a massive pay increase while avoiding a vote conjures up the worst possible image of us as individuals, as leaders, and as an institution. While I believe just as strongly that Members of Congress should receive small automatic increases, I simply must reject the magnitude of this increase and the procedure which exists to avoid accountability. Many of my colleagues have noted the difficult lifestyle and the strain that it puts on family and personal relationships and I concur. While these elements of our service certainly justify the smaller increase to which I previously referred they do not warrant the proposed 51 percent increase.

I was reminded during this debate that my father, who worked two jobs for practically his entire life, managed to educate three children through graduate school. He was not home very much either. He managed to see that his children were all very well educated on an income that, in its best year, was one-third of the congressional salary. That was difficult. That was sacrifice.

During the course of this debate, the argument has often been suggested that we need higher salaries to attract better people to Congress. Unfortunately, this approach is not particularly persuasive either. My colleagues in the House, we are surrounded by talented men and women who were attracted to service and won their elections in open races. The primary problem with attracting people to service is not that salaries are too low, but that the advantages of incumbency are too high.

To have accepted this massive pay increase without a vote would have been a shameless act and a shameful violation of public trust. Once again, Mr. Speaker, I thank you for giving us this opportunity to vote and encourage my colleagues to support this resolution in opposition to the recommended pay increase.

Mr. LEWIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, having been around here for 3 weeks, I will take only 30 seconds and rise in opposition to this.

Mr. Speaker, the proposals we have heard for a pay increase for Members of Congress, whether it be a 50-percent increase or a 30-percent increase, are out of line with what Americans feel is prudent in these times of budget deficits and moderate increases in cost-of-living allowances for the average worker.

Furthermore, I am opposed to the current process by which a pay raise for Members of Congress is approved. I believe both the Senate and the House of Representatives should vote on any such proposal.

Lastly, I believe any increase approved by a vote of Congress should not take effect until the session which follows such an approval. Congressmen should not be voting themselves a pay raise that takes effect immediately.

While I do believe Members of Congress are entitled to reasonable increases in their rate of pay, I most heartily agree with the ma-

jority of Americans who disapprove of the amount of this proposed increase and the manner in which it is being handled.

One of our greatest responsibilities as Members of the U.S. House of Representatives is to preserve the respect most Americans feel toward this body.

I sincerely believe that discussion and debate on this topic will bring about a less complicated and more open process for properly compensating Members of Congress and other top Government officials.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I rise in strong support of the resolution disapproving of the Quadrennial Commission's recommendation that Members of Congress receive a 51-percent pay increase.

When this House votes shortly on the resolution of disapproval, I hope that a majority of my colleagues will agree with me that a 51-percent pay raise for Members of Congress is wholely unacceptable in light of large budget deficits and in the face of limitations which this Congress has placed on cost-of-living increases for Federal employees and retirees.

Aside from consideration of the amount of increase, I will strongly oppose this and any future increase in congressional pay unless there is an intervening election before the salary increase becomes effective.

I do, however, strongly support a considerable increase in pay for members of our senior Federal executive service so that we may better attract and retain the most highly qualified individuals for critical policy positions within our Federal Government. I also strongly believe that a significant increase in salary for Federal judges is in order so that we may attract the most qualified individuals for service on the bench.

Something is seriously wrong with the system when our judges are drawing less salary than are many 25-year-old, midlevel associates in law firms around the country.

In my judgment, the question of increases for senior executives and judges should be forever separated from the issue of congressional pay raises.

I urge my colleagues to support the resolution of disapproval.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, it is important that the Quadrennial Commission report.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, the issue before us is not whether Congress deserves a raise, but whether this 50-percent raise is an appropriate amount at an appropriate time? And the answer to this last question is no.

Yes, most of us are hard working, far more hard working than some of our critics may believe. But whether some one in any business gets a big raise is affected by far more than whether one is deserving.

Imagine a private business that ended up the year in the red. Would that business start the new year by giving an employee or executive, no matter how deserving, a 50-percent raise? Of course not. And that is the situation we face here. The business of the Federal Government has ended 1988 in the red with a big deficit. And we by our own laws are called on to lead the country in reducing this deficit. To pass this raise at this time is to abdicate our leadership responsibility to bring the budget into balance.

This is why we should vote against this pay raise.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I believe that the Speaker has done the right thing, at least giving Members the opportunity to vote.

It is an honor for me to be here to address this group and to address an important issue. In deference to my colleagues who have been here for many years, the issue in my district is not one of whether we are worth the money, the issue is not one of whether we should be paid more, the issue is one of leadership. The issue is one of respect, not for ourselves, but for our electorate.

The issue in my district is, will we take a pay increase without a vote? Will we take a pay increase in a time of a large national deficit without being accountable for that pay increase?

This is the first time I am able to speak before this body. When elected, I was asked what can one voice do amongst the so many great minds and the people. That voice, today, can represent the will of my district and tell Members that we must do what good leadership requires. We must vote not only our conscience, we must vote not for our pocketbooks, but for the will of our people.

I, therefore, speak on behalf of my district and the people of the United States asking that we turn down this pay increase.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, for almost 40 years I have been active in the political arena, both as a Democrat and as a Republican. I have seen political storms come and I have seen them go, but never, never have I seen the people so incensed over an issue such as this pay raise question. Their will has been expressed by millions and millions of voices. Those Members who do not hear them are not only politically deaf but also politically blind—handicaps usually fatal to Members in this profession.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, we should ask ourselves why the outcry on this issue, both from the people and from the media has been so intense. The perception is that we in the Congress have been responsible for massive deficits and a sea of red ink. That perception is indeed reality. It is simply not possible to promote spending cutbacks to programs near and dear to the hearts of our constituents and take a 50-percent pay raise.

I urge my colleagues to support the resolution of disapproval.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire [Mr. SMITH].

□ 1250

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS] for yielding this time to me.

Mr. Speaker, the proposed 50-percent pay raise has obviously aroused a great deal of opposition throughout this land. Americans all across America have been disgusted at Congress, but, more importantly, the process is a bad process.

Can we look our constituents in the eye and say, regardless of how we feel about this issue, that we should not have a vote? The answer is, no, we cannot.

I do commend you, Mr. Speaker, for finally calling for a vote on this matter.

Yesterday a Member of this body said she would be watching opponents of the pay raise to see which of us would accept or reject the raise if it went into effect. Today is the day the American people will be watching. They will be watching to see which of us is willing to set an example in the fight against the deficit.

Mr. Speaker, we are public servants. The American people can pay us anything they wish. We do not have to like it, and we do not have to serve, but that is their right. We are not an elitist group, Mr. Speaker, we are public servants.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in support of the joint resolution.

Mr. Speaker, I rise in support of the resolution to reject the recommendations of the Quadrennial Commission on Executive, Legislative and Judicial Salaries. I commend Speaker WRIGHT for acceding to the will of the House and the American people. The oceans of ink poured onto newsprint and personal stationery in past weeks has painted the landscape of public sentiment. The proposal to raise the pay for Members of Congress is

clearly contrary to what the public believes is right and fair.

I support the resolution for several reasons:

First, a 50-percent pay increase at any one time simply cannot be justified. There are many sound arguments for a pay increase for Members of Congress and, because we don't get them on a regular basis, it can even be argued that the increase must be larger than a routine, annual adjustment. But that doesn't cut the mustard with the American people. They cannot understand why we should get an increase of this size, and at this time. And I agree with them.

Second, to vote ourselves a 50-percent pay increase, then turn around and ask Federal managers to hold the line on spending in all the other parts of the budget to meet the Gramm-Rudman targets for deficit reduction cannot be reconciled. Similarly, it is the wrong signal to send, to the scores of groups from across our districts who plead for increased spending for programs in which they have a justified interest, when we accept a 50-percent increase for ourselves.

Third, the process is wrong. As my colleague from California, Mr. FAZIO, has said, "we should deal honestly with the issue of compensation for Congress. But honesty in this case means a vote on the pay raise."

This has been a very sad chapter in the history of the House of Representatives. It has strained friendships and needlessly sowed doubts in the minds of Members about the wisdom or judgment of our colleagues. We must put this vote behind us and go forward. Can we have the foresight and courage to explore legislation in a bipartisan, nonconfrontational manner which will allow adequate compensation for public servants in all three branches of the Federal Government?

If honoraria was wrong yesterday, it is wrong today. We should move swiftly to enact the ban that was planned for a vote this Thursday. Additionally, we should abolish the grandfather clause allowing certain Members to convert for personal use, campaign donations contributed for their reelection.

We should restore the Commission's proposed pay increases for judges and senior executives of the Government which has been tied to congressional pay. One of the lamentable results of today's vote is that we will deny to judges and senior executives badly needed improvements in their compensation. I am alarmed—and I know many of my colleagues are too—by the loss of qualified judges and executives in Government. We must not allow our personal pique at the loss of our own salary increase to keep us from doing what is right for other Government officials.

Mr. Speaker, I think the only solution to the problem of our own compensation is to give us the same cost-of-living adjustments that other Federal employees are given. I know that has been tried before, and it hasn't worked. But if we tie it to the reforms of compensation that I've already mentioned, and if we require that any larger increases can only come through the recommendation of the Commission and must be voted on by both House and Senate and not go into effect until the next Congress convenes, I think we can get the support we need.

I believe it is important to adequately compensate the country's leadership, but the pay increase is too high, the procedure has been too low, and the rationale, too late. This is the people's House and the people have spoken. Now it is our job to put together a responsible plan to address a thorough reform effort.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. SMITH].

Mr. SMITH of Vermont. Mr. Speaker, I rise in support of the joint resolution.

Mr. Speaker, I appreciate the opportunity that is being afforded us today for a straightforward vote on the congressional pay raise. It's a vote that has been weeks in coming, and one that I really believe is a victory for the American people who elected us to Congress.

I realize only too well that this issue is not an easy one for many, particularly in light of the need to end honoraria. It is important, however, that we go on record as we are today. We are elected to our offices by voters, and we owe it to all of them to be held accountable on this and any other issue that affects this country and its policies and purse.

I am one of a handful of Congressmen who several weeks ago called upon the leadership for this vote. I did so because I am against this type of pay raise for Congress, and believed that only by voting on the issue would we fully confront it and begin to resolve a lingering and divisive issue.

The problem with the pay raise proposal was not only the process by which it was to have taken effect, but the amount and the timing. This was no modest raise tracking inflation, which many Americans receive. It was a 51-percent pay raise on top of a $89,500 congressional salary that was both ridiculous and outrageous. That 51-percent increase alone amounted to nearly twice the amount of money that most Vermonters earn in a year. And it was being proposed at a time when this Congress must act on some extremely difficult decisions concerning budget tightening to deflate the Federal deficit. It's almost unthinkable that Congress could have voted itself an enormous pay raise and then turned around to consider cuts in programs affecting other people and their abilities to earn a living, in some cases from minimal wages.

I am pleased that we apparently will not be dealing in such painful absurdity. The House of Representatives today has said "no" to the pay raise proposal, and presumably will not have to revisit the issue. I hope now that we soon adopt measures to end honoraria, and then get on with issues that have far more relevance and importance to what we were elected to do here in Congress.

Mr. FAZIO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise to voice my strongest possible opposition to the pay increase for Members of Congress proposed by the Quadrennial Commission and endorsed by Presidents Reagan and Bush.

I believe that the American public deserves a full accounting from the House of Representatives on this proposal, and I am very pleased that Speaker Wright has let the will of the people prevail by scheduling a vote on this very timely and sensitive issue. House Joint Resolution 129, the resolution of disapproval before us today, must be adopted with all possible speed so we can put this issue behind us and get on with the important work which lies ahead.

We are at a critical time in our Nation's history. The Federal budget deficit has been cited time and time again as the overriding concern of the public, while, at the same time, substantial Federal expenditures are increasingly being requested for such varied and vital programs as the war on drugs, education, health care, transportation, housing, the needs of our elderly citizens and those of the scientific community. As Members of Congress, we are obligated to achieve further, substantial deficit reduction and a measured response to these funding needs.

In order to meet that end, we all must make sacrifices and tighten our belts. Let's start right here at home and show the American people that we are willing and able to forgo a pay increase, work together for the good of our country to hold the line on Federal spending, and meet our deficit reduction goals. I am confident that, together with the new administration, we can achieve these objectives.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise in opposition to the resolution of disapproval.

Mr. Speaker, I have expressed my support of the increase in pay proposed by the Quadrennial Commission for Members of Congress, the judiciary, and the senior executive service. Although it is quite clear from yesterday's procedural vote that the pay recommendations will be disapproved, I will cast my vote in favor of the recommendations because I believe they are as valid today as when President Reagan submitted them to the Congress and President Bush announced his support for them.

Far more important than the amount recommended is the process by which the amount is arrived at. Under Federal law a Presidential Commission is established every 4 years to recommend compensation levels for Federal judges, Senators, Representatives, and senior executive branch officials. This procedure was originally established to avoid the appearance of conflict created by a Member of Congress voting on his or her own salary increase, while assuring that senior Government officials were able to at least keep pace with the rate of inflation. Thus only the Presidentially appointed Commission, comprised of people not serving in Government, would set pay rates, but its members would not personally benefit from the increases. It is ironic that this procedure is now one primary objective to the pay adjustments.

Congress has repeatedly demonstrated that it is incapable of dealing with the issue of its compensation. In fact, since I came to Congress in 1977, Members have voted to limit or eliminate on six occasions cost-of-living adjustments that were given to other Federal

employees, retirees, Social Security and other beneficiaries. If top-level Federal salaries since 1969 had adjusted solely for inflation, they would now be making approximately $140,000.

Consumer Price Index statistics tell the story. Between 1970 and the end of 1987, the cost of living, as measured by the Consumer Price Index, rose at a rate of 204.5 percent. During the same period, letter carriers at the USPS have seen wage increases of 239.4 percent; Social Security beneficiaries have seen their entitlements raise 232.1 percent; military personnel have seen their pay increase by 212.7 percent—excluding fringe benefits; private sector white collar workers have received wage increases—through 1986—of 196.5 percent; private sector blue collar workers have received—through 1986—wage advances of 183.8 percent; and Federal retirees have had pension adjustments of 197.1 percent. During the same period, Members of Congress have received pay adjustments totaling only 109.6 percent.

One of the most important recommendations of the Commission was a ban on honoraria, which I strongly support. Members of Congress are permitted to earn a fixed percentage of their salary from outside speaking, which in my view can create at least the appearance of impropriety. By rejecting the Commission's recommendations, we will lose a great opportunity to restore a measure of public confidence in its public officials.

One other factor which must be mentioned, and which has only received media attention in the last few days, is the very high cost of living in the Washington, DC, area, especially for Members with young families.

In the best of all worlds, I would support a procedure whereby these salary changes would be phased in over several years to avoid the appearance of excessiveness. While that option is not available to Members today, I would hope that in the future we could find a way to make simple cost-of-living adjustments to our own salaries, as with the wages of most other Federal employees.

The recommendations of the Commission affect not only Members of Congress but some 384 executive branch officials and 1,115 Federal judges. Additionally, another 10,000 senior executive and judicial branch official would be linked to the recommended pay increases. Some have suggested that decoupling the judicial and executive branch official's pay from that of Members of Congress would resolve the dilemma faced by this House. The real effect of that action, however, would be to render Congress an unequal and inferior branch of Government, which is clearly not what the framers of the Constitution intended.

If we expect to continue to attract to public office the most qualified people, we must be willing to provide appropriate compensation, at least keeping pace with inflation. Failure to do so will surely accelerate the Congress becoming a millionaires club where only the superrich can afford to participate. This, I believe, is a sure way to undermine representative government.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I rise in opposition to the joint resolution.

I owe my constituents a great deal, including hard work and good judgment.

I also owe them my honest assessment of every single issue—even one so subject to political posturing and pandering as this one has been.

I am proud of the job I do. I believe I earn every penny of my current salary or the proposed one.

But you don't get good Congressmen—or good Cabinet officials or good Federal judges—by freezing their pay.

Here are the few points I would like to make to my constituents:

First. What does the vote mean?

I will vote to let the special, nonpartisan Commission set the pay for Members of Congress. For Congress not to set its own pay.

This will be the right vote.

It is wrong for Congress to set its own pay because of the gross conflict of interest in doing so.

The whole purpose of the Commission was to take Congress out of the role of setting its own pay, and simply vote "yes" or "no" on the Commission's proposal. I support that approach and protested the way the 1987 raise was handled—and declined to take the 1987 raise as a result.

Second. Is the job worth $135,000?

Absolutely yes. This is one of the most important and most demanding jobs in America. Congress makes daily decisions of awesome responsibility—issues of life or death, war or peace. Issues affecting all Americans: capital punishment and other penalties for crime, drug law, troops to Lebanon, abortion, health care coverage, treatment of seniors, auto safety, airline safety, education, arms control—all far outweigh most decisions made by executives in business.

Congress has plenty of flaws, but over the years it has shaped policies that have made us one of the greatest and fairest governments on the globe. Congress outperforms every other parliament on Earth.

The proposed raise would cost 8 cents per constituent, while a good Congressman make many decisions—good or bad—valued at millions—or even billions of dollars. The Federal budget is over $4,000 per person—the Pentagon alone spends about $1,200 per person. Isn't it worth the 8 cents raise if it improves congressional oversight over the way the $4,000 is spent? Over time, freezing pay will lower the quality of talent in Congress.

Third. Was 50 percent too big a raise at this time?

Probably yes, although the Quadrennial Commission set it to make up lost purchasing power from previous years.

Many years—most years—Congressmen received no pay increase.

But on a take-it-or-leave-it basis, the hike proposed is better than no hike.

Fourth. Do all Members deserve $135,000?

Perhaps not, but the best ones clearly do.

The $135,000 recommendation by the Quadrennial Commission would be the ceiling, not the floor. Congressmen can always turn back some of their pay for whatever reason, including a belief that they aren't worth it.

Those taking less than $135,000 could claim to their voters thay they are sacrificing. Those taking the full amount could claim they are worth it, based on performance.

The voters will—and should—judge whether they are receiving value for their money.

Fifth. Would I serve at a lower pay?

Yes, I would although some very good people would not. Since they have other offers with higher pay.

This is particularly true at the Cabinet level and for some judiciary.

But it's also true of some of the best Members of Congress, where the cost of maintaining two homes—one in the most expensive real estate market in America outside Manhattan—makes $89,000 far less attractive than it seems.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO] for yielding this time to me, and I want to thank the Speaker for bringing this resolution to the floor.

Mr. Speaker, I rise in opposition to the pay raise.

I share the sense of frustration that many Members feel on this issue. On the one hand, it is a conflict of interest for us to vote on our own pay. On the other, when we attempt to let an impartial commission set our pay, we are accused of ducking the issue.

I am afraid that there is no way we can ever address this issue without bringing about cries of outrage from one quarter or another.

In any event, I am glad that we now have the opportunity to vote on the record on this issue.

This is not a question of whether we are worth it, or whether we work hard enough to deserve it. If that were the question, the answer on this vote would definitely be to approve the pay increase.

This is an issue where perception is just as important as anything else. In that regard, it is clear to me that a salary increase of 51 percent comes at the wrong time and sends the wrong signal to the American public. With a Federal budget deficit in excess of $140 billion, Congress should be providing leadership in reducing Federal spending and that means starting with ourselves.

While I understand that salaries must remain competitive in order to attract qualified people to Government service, I also believe that public service requires some sacrifice. This means we have to set an example.

I nevertheless want to point out that, at some point, we are going to have to develop some means for addressing the salary issue that does not bring about the furor that we have witnessed in the current case.

The reason why the Commission's recommendation was so large—51 percent—is that we have time and time again excluded ourselves from routine cost-of-living raises. As a result, our salaries have fallen behind what is paid to many others in public life.

In my home State of New Jersey, there are numerous individuals in high posts in various departments and authorities that make substantially more than Members of Congress. We are going to have to address this disparity at some point. At the very least we are going to have to include ourselves in the cost-of-living increases that are routinely granted to all Federal workers and retirees.

In the interim, though, we must recognize that pay raise is excessive and unreasonable, and should be voted down.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, yesterday I took to this floor and I said that it would be the height of hypocrisy to speak out against this pay raise and then take the money. Well, we will not see that hypocrisy today or tomorrow or anytime in the near future because I don't believe there will be a pay raise.

We have lost an opportunity, Mr. Speaker, not only to bring pay raises for a host of people in line with what an outside independent commission told us was right, but we have lost the opportunity to reform our own pay system.

I have always told my constituents that voting on our own pay was an untenable situation. I think we are going to see that demonstrated loud and clear today. I hope that the demagogues among us will rejoice.

Mr. Speaker, I would like to make one more point. We see a lot of members of the press here in the galleries. I see more there now than I have seen for a long time. I hope they will be here until the late hours when we are working on the problems of the day: the problems of the homeless and the FSLIC problem and the other crises we face. We will welcome them. And I hope that the people who work for the periodicals who just voted out the board of directors who asked them to reveal their outside income will reconsider their position.

It has been a tough few days.

Mr. Speaker, I also want to thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for his courage and for giving this Member a feeling of self-worth. I think we all needed it today.

Mr. SARPALIUS. Mr. Speaker, I want to take a moment to thank you for your leadership in guiding the House through this most difficult time. I also want to commend you for proving our representative form of Government does work. When the American people made clear their overwhelming desire to have Congress vote on the proposed pay raise, you made sure we had the opportunity to cast that vote.

Today, we are going to vote down a pay raise that was too large and that came at the wrong time. In my district, the 13th District of Texas, the recession in the energy and agriculture industries have hit hard. The vast majority of the people in my district have had to sacrifice during the last few years. They have made do with less, and they don't understand why Congressmen can't make do with $89,500 per year.

Apparently, the people in many other congressional districts felt much the same way. And, Members of the House are voting as good representatives should. We are putting our own personal interests aside and doing what we were elected to do—we are voting the will of our people.

Does this mean this issue is over? Far from it. As one of my colleagues pointed out today, we have only begun to debate this issue. We have many questions we must ask ourselves.

Is our current system of determining pay for Congressmen, Cabinet officials, Federal judges and other senior Government officials adequate?

How do we attract the best possible people to Government service, given our limited financial resources?

Should Congress even be allowed to vote on its own pay?

The answers to these questions won't come easy, and I don't pretend to have all the answers. But, we must start reexamining the pay process immediately. Certainly, Government service will never pay as well as work in the private sector. And, probably it shouldn't. Government service is an honor, not a right. Serving the people sometimes requires a sacrifice that patriotic Americans should be willing to make.

At the same time, top research scientists, qualified physicians, agriculture experts, businessmen and policy experts should not become poor in Government service. While we can't match the private sector in pay, we shouldn't lag so far behind as to make Government service financially impossible.

We also must find a way to relieve Congress of the ethical dilemma of determining its own pay while making sure that the will of our bosses—the people—is served.

A difficult challenge, to be sure, but one I'm confident this House can meet.

Mr. STOKES. Mr. Speaker, today I voted no on the resolution to disapprove the recommendations of the Quadrennial Commission to increase the pay of Federal judges, senior executive branch officials, and Members of Congress.

I have consistently stated publicly that I object to having to vote on my own pay for the reason that to do so is an inherent conflict of interest. Accordingly, I felt that the creation of an independent, nonpartisan outside Commission to set the pay of Federal judges, senior executive branch officials, and Members of Congress was the fairest and most objective way of avoiding the conflict of interest in setting my own salary.

Mr. Speaker, that Commission has rendered a report recommending the salaries of all three branches of Government, which recommendations have the approval of former President Ronald Reagan and President George Bush.

It is unfortunate that a series of events have prevented the Commission's recommendations from going into effect under operation of law. Consequently, as Members of Congress we are once again confronted with voting on our own pay.

The Commission's recommendations were to compensate for the fact that over the past 20 years, wage and salary advances for higher earners in the private sector have allowed large numbers of persons to catch up and surpass the advances of senior Federal officials, Federal judges and Members of Congress.

During this 20-year period that Congress has denied itself cost-of-living raises, I have consistently voted to increase wages and Social Security benefits for workers. I have supported increased benefits for the elderly, those on welfare and the poor, including financial aid for our youth, and health benefits for the sick and disabled, and education for all. In short, name any group or category of Americans, and I have been there fighting and voting for them—fighting whatever odds to improve the quality of their lives as Americans.

Today, in spite of my desire not to do so, I am asked to vote on a matter in which I have a personal interest.

During my entire career, I have never ducked a vote. I vote today, as I have always voted on every issue. I vote my conscience. I have never voted on any issue while worrying about my reelection. I do not intend to start now.

As I vote today, I must also be honest. Many of my colleagues are comfortable with a public posture of refusing a pay raise while secretly coveting it. I cannot in good conscience do this.

Last, I know how devoted I am to my constituents and how hard I work on their behalf. I work for them 7 days a week, and I average 14 to 16 hours per workday. I give them a quality of service that is unsurpassed by anyone else in Congress. I have earned the salary recommended by the Commission. I am comfortable with my vote today. The Members who have today rejected the pay raise know the value of their services, and I know the value of mine.

Mr. SANGMEISTER. Mr. Speaker, almost 20 years ago, the authority to set the level of compensation for Members of Congress was transferred from the Congress to the newly created Quadrennial Commission. It was believed that Congressmen should not have the power to determine their own salaries.

In a recent review of executive, judicial and congressional salaries, the Quadrennial Commission found current compensation levels to be deficient. In terms of real spending power, congressional salaries had diminished by 33 percent. As a result, the Commission recommended a 51-percent increase in salary. President Reagan agreed and endorsed this pay raise which was forwarded to Congress for approval. Granted, everyone deserves to be properly and adequately compensated for their drive, determination and strong work ethic. However, I cannot imagine a situation where any employer could find it affordable to give so many employees a 51 percent pay raise. Our employer, the Federal Government, is already deeply in debt and in a fiscal crisis. This pay raise is totally out of line and we cannot ask working Americans to make sacrifices while we become the benefactors of a substantial increase in pay. I cannot, in good conscience, increase my personal income at

taxpayers' expense, and at the same time expect to legitimately accomplish the mandate of my electorate in gaining control of our Nation's debt.

Last month I introduced a bill calling on my colleagues to vote on this salary increase. Today we will have the opportunity to vote our conscience and to properly and effectively represent those who worked so hard to elect us to this respected office. I hope all of my colleagues will join me in voting no on this pay raise.

Mr. BRENNAN. Mr. Speaker, I rise in support of House Joint Resolution 129, a resolution disapproving the proposed 50-percent salary increase for Members of Congress. I am pleased that the full House will have an opportunity to express their views on this important issue.

During the past 2 months of public debate over the pay raise issue, I have repeatedly expressed to my constituents the need for a recorded vote. In fact, I introduced legislation, H.R. 674, which calls for a recorded vote on any congressional salary increase and a delay in receiving that raise if a majority votes to enact one.

While I am confident that the residents of Maine support an adequate level of compensation for their elected representatives, I cannot support—nor do I believe that Mainers support—a 50-percent congressional salary increase. There are many important unmet needs affecting our great Nation. Soon, we will be asking for shared sacrifices among our constituents to assist in restoring fiscal health to our economy. A 50-percent increase would send the wrong signal to our constituents that we are serious about addressing the enormous Federal deficit.

I am pleased to see this resolution being debated before the full House today so that this divisive issue can be put to rest. We need to begin work on the pressing problems confronting our Nation. To enable us to begin that important work, I urge my colleagues to join me in voting no on the proposed congressional salary increase.

Mr. GALLO. Mr. Speaker, I rise in opposition to both the pay raise and the process which brought us to this vote today.

The pay raise itself has caused an uproar across the land, because of its size and because of the way in which it was proposed.

The Commission proposal to raise the salaries of Members of Congress, judges, and top administration officials has become the top news story out of Washington for the past 2 months.

My no vote on this 51-percent pay increase has been widely reported under headlines such as: "Jersey Lawmakers Oppose Pay Increase for Congress," "Representative GALLO Opposed to Pay Hike for Congress," "GALLO Sponsors Bill to Defer Congressional Pay Raises."

Yet my phones are ringing off the hook and my mailbox has been overflowing with individual protests.

The people's message is clear: The pay raise is too high, so Members of Congress should vote it down and change the law.

Today, we have taken the first step, but I want to see a law passed that will do what the Founders of the Nation wanted to do 200 years ago. They wanted an 11th amendment to the original Bill of Rights that prohibited Members of Congress from giving themselves a pay raise.

Many State constitutions, including New Jersey's, currently require all pay raises to be deferred until after the next election.

I am cosponsor of H.R. 759, sponsored by Representative TOM TAUKE, to reform the way we act on congressional pay raises.

Passage of this bill would do three things: Defer future congressional pay raises until a new Congress is elected and seated, require a recorded vote so that the public would know how each elected official voted, and separate consideration of congressional salaries from other Federal pay adjustments.

This is why I want to scrap the whole system and replace it with a simple up or down vote on a deferred pay raise for future Congresses. We must reopen the process in a way that we know was proposed by the individuals who gave us our original blueprint for Government.

Mr. HOLLOWAY. Mr. Speaker, I rise today in strong opposition to any raise in pay for Members of Congress. I oppose a 50-percent pay increase, I oppose a 30-percent pay increase, I oppose any pay increase. Mr. Speaker, I was not only prepared, but anxious, to speak in opposition to the pay raise during yesterday's session. I was not only prepared, but anxious, to help lead the fight yesterday to force a rollcall vote on this issue. Unfortunately, bitterly cold weather closed roads and airports throughout central and north Louisiana yesterday, making it impossible for me to get to Washington.

Mr. Speaker, I realize as well as anyone that we Members of Congress have a difficult and demanding job. It is also expensive to maintain two homes. However, it is my belief that Congress is not, and should not be, the place to get rich. The people who founded America never intented that Members of Congress make a career of their Government service. I don't intend to do so.

Mr. Speaker, Congress must also practice what it has begun to preach. I've been preaching for years about the need to apply financial common sense to the Federal Government. We all know how important it is that we eliminate the Federal budget deficit. Today, we have the opportunity to show that we mean what we say. We cannot, on the one hand, talk about bringing the deficit down and, on the other, rush to raise our own salaries. Not many people in my congressional district get a 50-percent pay raise, or a 30-percent pay raise. What do we say to the young couple struggling to make ends meet while they rear young children? What do we say to our senior citizens living on fixed incomes? What can we say to organizations when they ask us for more money for programs and we tell them they must get by on less? I'm not prepared to take the money and run. I'm not willing to say, I'll take the money but you can't have it. I'm happy that we are having a rollcall vote on the issue here today. The idea of having an automatic pay increase bothers me as much as anything. Having a recorded vote is the right thing to do. Mr. Speaker, I'm proud to stand here today and vote against this salary grab.

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to congratulate the Members of this body for moving to reject former President Reagan's request for a massive pay raise for the legislative and executive branches of the Federal Government. By voting 380 to 48 to defeat this pay increase, the House of Representatives has demonstrated convincingly that democracy does work. The American people have spoken, and their Representatives have translated their will into decisive legislative action.

As I have stated from the start, the pay increases recommended by former President, Reagan, and supported by President Bush, were excessive and ill-timed. In a time when our Nation is reeling from enormous budget deficits which have almost tripled the national debt over the past 8 years, our Government should be setting a better example. It was entirely inappropriate to be asked by Mr. Reagan to increase by over 50 percent our own pay as well as that of senior executive branch employees, President Bush, and Vice President QUAYLE.

I am delighted to have helped resolve an issue that is of great importance in my district. I opposed this pay raise from the outset. More than 1,000 letters and telephone calls from my district assailing the pay raise reinforced my position on the issue.

Mr. Speaker, my vote today to defeat the pay raise helps to fulfill my obligation to my constituency. It is one very concrete example of democracy in action.

Mr. MINETA. Mr. Speaker, I rise today to support the bill to disapprove the pay raises for senior executives, Federal judges, and Members of Congress. However, I wish to take the time to discuss how we got to this point, and to express my views on the current procedure for determining the compensation of top Federal officials.

The debate over appropriate compensation for Federal officials is as old as the Republic itself. In 1789, when Congress was in session for only brief periods during the year, its compensation ascertained by law was $6 per meeting per day. Congress' first attempt to raise its pay occurred in 1816. The political reaction caused a swift retreat; the public outcry was so great that the measure was repealed the next year.

The pattern emerged and was to be repeated. Subsequent generations of Senators and Representatives have shied away from voting to increase salaries, recognizing the inherent political risk attendant to such a vote. Because the compensation of Federal judges and senior executives has been historically linked to Members of Congress, the reluctance of Congress to raise its own pay has held down salaries in the other branches as well.

Faced with these political realities, escalating inflation, and continued attrition of top Federal employees, Congress passed the 1967 Federal Salary Act. The 1967 act was a civil service reform measure to address the contentious issue of Federal pay. It provided for appointment every 4 years of a commission on executive, legislative, and judicial salaries, with three members appointed by the President, two by the President of the Senate,

two by the Speaker of the House, and two by the Chief Justice of the Supreme Court. The Commission is instructed to make salary recommendations and submit them to the President, who is in turn required to submit his own recommendation to Congress in his budget message. The President's recommendations then take effect subject to a process for congressional review.

Mr. Speaker, while I was not a Member of Congress when the original 1967 act passed, I have been here during subsequent modifications and it is a civil service procedure which I have supported. This method provides for a decision on top salary levels for all three branches while removing the political pressures that arise when the legislative branch alone makes these determinations.

Under the most recent amendment to the act, which was adopted in 1985, the President's recommendation becomes effective automatically, unless a joint resolution of disapproval is agreed to by both Houses of Congress within 30 days of the President's submission. The House is exercising that option today.

The recent Quadrennial Commission report found that Members of Congress, Federal judges, and senior executives have seen their salaries decline to 65 to 70 percent of what they were in 1969. That means they have experienced at least a 30-percent loss in purchasing power. In comparison, other wage and salary earners in the United States have on average modestly increased their purchasing power by about 1.5 percent since 1969.

This disparity has arisen precisely because Congress has been unable to approve smaller pay adjustments proposed by the Commission. Nor have they approved cost-of-living adjustments in each year. As a result, this time around the Commission proposed and former President Reagan endorsed a substantial increase to get back to 1969 purchasing power.

The Commission also concluded that when Federal salaries are raised that they be accompanied by a ban on honoraria. Many Members of Congress have supplemented their income by accepting honoraria of up to $2,000 per occasion for making a speech or attending a meeting or other event. Currently, Representatives may receive outside earned income, including honoraria, up to 30 percent [$26,850] of annual salary, while Senators may receive honoraria up to 40 percent [$35,800] of annual salary, with no percentage limit on other forms of outside earned income.

Lastly, I would like to touch on the point of whether it is a conflict of interest for Congress to vote on its own pay. Almost no worker in the United States has the authority to set his or her own salary; clearly this is a conflict of interest. By setting up an independent commission to make pay proposals, the 1967 Federal Salary Act sought to remove this conflcit. By doing so, I do not believe Congress was abrogating its accountability on this issue—I believe Members of Congress will be and should be held accountable when they face reelection. Every election year, Members still have to explain what happened and why they took the position they did on this issue—and our constituents will render the judgment.

In conclusion, Mr. Speaker, today we vote for the bill to disapprove the pay raise, but the debate over proper compensation for top Federal officials and the process for determining that compensation will stay with us. Congress set up a system to deal with this explosive subject, and we are going to have to review whether we keep this system or adopt another.

Mr. MARLENEE. Mr. Speaker, I wish to applaud the leadership of the House of Representatives for at last bowing to common sense by giving Members the opportunity today to reject this outrageous pay raise proposal.

In my opinion, the mere fact that we are having a vote restores credibility to Congress, and I believe a majority of my collegues will joint me in voting down this pay raise.

The Federal Government should be run no differently than a business—no business manager would expect to see his or her paycheck fattened at a time when the business is running in the red. The Federal budget deficit is so high that the threat of increasing taxes is very real, and it would be a slap in the face of the American taxpayer if Congress were to let this pay raise proposal become a reality.

The threat of raising taxes comes at a time when the people of the State I represent are losing jobs, veterans benefits are being slashed, and the economy of Montana is in difficult straits.

What's needed now is for Congress to cut spending, not raise it, and I urge my colleagues to join with me in voting against this pay raise and cosponsoring legislation for a constitutionally balanced budget and a bill giving the President a line-item veto to trim the budget fat. Only by enacting this legislation can Congress truly rein in spending and prevent future spending boondoggles that further burden the American taxpayer.

Ms. SCHNEIDER. Mr. Speaker, the House will receive today a long overdue opportunity to express its views on the proposed pay increase. While I appreciate the opportunity to vote on a pay increase, I feel that the timing for a pay raise proposal could not have been worse. At a time when our Nation faces a huge budget deficit and little agreement on how to reduce that deficit, the public is justified in questioning our priorities.

The proposed pay raise for Members of Congress has resulted in a public outcry of opposition unlike any I have witnessed since being elected to Congress. The pros and cons of a congressional pay raise have been hotly debated in editorials, in letters to newspapers, on talk shows, and where ever people get together across the country. Ironically, until today, the Congress itself has been denied the opportunity to debate the matter.

It is clear from opinion polls that the American public shares my opposition to the manner in which the congressional pay raise issue has been presented. In the past month I have received hundreds of telephone calls and letters from irate Rhode Islanders in opposition to what they see as not only an unwarranted pay increase but also a roundabout and self-serving implementation of that pay raise.

The Constitution provides an explicit requirement that the Congress set its own pay. The possible conflict of interest in this provision is balanced by the fact that Members of Congress have a responsibility to provide a forthright defense of their vote on the floor of the House. Today we are given that opportunity to cast our vote and be held accountable.

Mr. Speaker, the matter of a pay raise has been muddled with a variety of other issues. I feel that the American public deserves to have these issues clearly separated and debated in advance. If receiving honoraria is inappropriate, then that issue should be considered as part of a package of reforms. If restrictions should be placed on outside income of any other type, that question should also be dabated. If congressional performance on such serious issues as deficit reduction is not acceptable, then perhaps we should entertain an approach such as Representative ROSTENKOWSKI's pay for performance proposal. Under any circumstances, I feel that the responsibilities of Members of Congress, Federal judges and high level civil servants deserve pay adequate to attract the very best talent in the Nation.

For Members of Congress, the public retains the opportunity to decide every 2 years whether or not we earn our pay. The pay of those who chose public service should represent a positive incentive for potential future members. The public interest can be well served by passing a law that prohibits Congress from receiving a pay raise until after an election has intervened. I have cosponsored such a bill because I feel that ultimately the voters should select representatives who are the best available and who are worth the salary set by law.

Mr. Speaker, I am pleased that the House was provided with an opportunity to vote on the congressional pay raise. I urge my colleagues to join me in a calling for the full consideration of the entire package of issues that surround appropriate pay and restrictions on outside income for Members of Congress, Federal judges and top level civil servants.

Mr. DEFAZIO. Mr. Speaker, this is a great day for democracy, the American people, and the U.S. Congress. While we may disagree among ourselves over the 50-percent salary increase, it's clear that the American people demanded that we go on record and be accountable to the constituents we represent. When allowed to vote, I believe Congress will vote the will of the people.

I commend Speaker WRIGHT for giving us a yea/nay vote on the entire 50-percent increase.

President Bush has stated that he's committed to ensuring that his administration is within the pale of propriety. There is also growing support in Congress to improve our code of ethics. I encourage my colleagues to reaffirm the principles set forth by James Madison, "it is essential to liberty that the Government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence upon, and an intimate sympathy with, the people . . . there is a seeming impropriety in leaving any set of men without control to put their hand into the public cof-

fers, to take out money to put into their pockets," by cosponsoring H.R. 149.

H.R. 149 would require a recorded vote on all future congressional pay raises, require that an election to Congress intervene prior to the raise taking effect, and tie all future increases to the previous year's cost-of-living adjustment for Social Security, at least until the time when we resolve the Federal deficit problem. I urge my colleagues to join me in supporting H.R. 149.

Mr. SCHAEFER. Mr. Speaker, it seems only fitting that on one of the first days of the bicentennial session of Congress, we have the opportunity to cast a vote which both reestablishes our faith in democracy and carries on the tradition of representative government that our Founding Fathers envisioned.

It is indeed a rare occurrence that a group as diverse as the American public is so united in its opposition to a single issue.

The constituents of Colorado's Sixth District, who I represent, have spoken. They have let me know by a ratio of 1,000 to 3 that they are adamantly opposed to the recommendation for a 50-percent increase in executive, legislative, and judicial salaries.

Who can blame them. For several years now we have been asking the American taxpayer to make financial sacrifies in the name of deficit reduction. However, Congress did not heed its own advice. Instead, it continued spending money at a record level, creating a national debt of nearly $3 trillion.

The real problem, however, is not only that this increase is excessive, but that Members may be awarded raises without even casting a single vote.

As representatives of the people, we must not allow this to happen. We must lead not by default but by example. We in this body have an obligation to the people we represent. They have the right to know how their legislators stand no matter how controversial the issue. That is why several colleagues and I signed a letter to the Speaker requesting that a vote on the 50-percent raise take place.

While I hope today's vote is a step in the right direction it is only the first step. We cannot merely vote this raise down and say we've done our job. We have a long way to go toward reforming the current system used to determine Members' salary. We must insist that any measure proposing a raise for Congress be considered as a separate piece of legislation and that it not go into effect until after the next election. That a recorded vote be taken and that we deal with each issue upfront and in the open.

The American people have grown weary of the legislative tricks and games that are so often played in Washington. They want a Member who truly believes in the vote he or she casts. They want someone who represent the interests of his or her constituency. That is what democracy is, what our Founding Fathers envisioned, and what the people of this great country deserve.

Today we have the opportunity to show the American people that representative government really works. Let's not waste it. I urge my colleagues to vote no on the pay raise.

Mr. McCANDLESS. Mr. Speaker, the issue before us is straightforward. Unless we pass the pending resolution, a 51-percent pay increase for Members of Congress will go into effect at midnight. It is important to note that, because of the procedure, a "yes" in favor of the resolution, is a vote against the pay raise.

At a time when we are struggling to reduce the Federal deficit; at a time when we are asking our constituents to share in the efforts necessary to control Federal spending; at a time when some in Congress are calling for a tax increase—it is absurd to increase congressional salaries by 51 percent. This proposed raise is ill-timed, ill-advised, and is simply not consistent with the leadership Congress should demonstrate in the effort to move toward a balanced Federal budget. Therefore, I urge my colleagues to join me in support of this resolution, and against the pay raise.

Some have argued that the proposed salary increase is necessary to attract qualified candidates for public office. I disagree. It is an honor and a privilege to serve in Congress, and there does not seem to be a shortage in the number of people willing to run for office at the current salary. Nor does there seem to be a limit on the people willing to serve in the executive branch.

For that reason, I introduced legislation very similar to the resolution that is before us now. My legislation would have blocked the pay increase for Members of Congress and members of the executive branch, but would have allowed the proposed pay increase to go into effect for Federal judges. The rationale for the distinction is simple. Our Founders did not envision the creation of "professional" politicians and bureaucrats. However, under the Constitution, Federal judges are expected to spend their career on the bench and serve for life. Consequently, to attract, and to keep highly qualified individuals from the lucrative practice of law to serve on the Federal bench, we must adequately compensate our judges. Congress should review this issue in the coming months.

I strongly supported the efforts to bring the issue of the pay raise to a vote. The current process, which allows pay raises to be proposed after the election, and then allows raises to go into effect without a vote, is wrong, and must be changed. Therefore, in the near future, I will introduce legislation which will: First, require salary increases to be proposed before an election; second, prohibit any proposed pay raise from going into effect unless approved by both the House and Senate by recorded votes; and third, delay any approved pay raise from going into effect until after the next congressional election. This process would take the much needed step of making Congress more accountable to the people.

In the meantime, we should, and we must, support this resolution and reject the proposed 51-percent pay raise.

Mr. KYL. Mr. Speaker, I applaud House Speaker JIM WRIGHT for his announcement yesterday that an up-or-down vote on the pay raise will occur today. As I have indicated to my constituents since the Quadrennial Commission first issued its recommendation last December, I will vote to disapprove the pay raise.

The Speaker's announcement yesterday clearly was prompted by the tremendous outpouring of the American people on the issue. No matter how you feel about the pay raise, one can only marvel at this spectacle of democracy in action. The people spoke, and we responded.

But Mr. Speaker, the issue doesn't end here, with a simple up-or-down vote today. The American people have also spoken loud and clear on the issue of honoraria, and the ability of Members of Congress elected before 1980 to keep unspent campaign funds when they leave office. They also do not approve of the way pay raises can take effect without a vote of the Congress.

The degree to which the American people opposed this pay raise strongly suggests how they feel about the institution, the Congress of the United States. It also strongly suggests that we must do much more to earn their respect. By following through on a ban on speaking fees paid by special interest groups, requiring up-or-down votes on future pay raises, and eliminating the "grandfather clause" on the use of unspent campaign funds, we can take a giant step in that direction.

I urge my colleagues to join me in this effort. The people demand no less.

Mr. YATRON. Mr. Speaker, I want to take this opportunity to make known my opposition to the congressional pay raise. Due to recent hip surgery, I was unable to cast my vote today. Had I been present, however, I would have cast a "yes" vote in favor of the resolution which disapproves the pay raise recommendations of the Quadrennial Commission. I am strongly opposed to a 50-percent increase in pay, particularly when so many in our Nation are forced to make ends meet on much smaller incomes. Additionally, given the country's present economic situation, I feel the Congress must make every effort to curtail extra expenditures and act in a fiscally responsible manner. I have opposed pay raises in the past and will continue to stand firm on this issue.

Mr. LAGOMARSINO. Mr. Speaker, I think an important fact which may have been overlooked in this debate is the role which the public has played in the outcome. We often call this "the people's House," and today I think it is clear that this House does belong to the American people, and not to any one person or faction.

On January 3, when I introduced House Joint Resolution 56 disapproving the pay increase, I was frankly not too optimistic about our chances of blocking the raise—especially when it became clear that there was a plan to keep the House out of regular session, in an obvious attempt to prevent this vote. But we are not sent here to sit on our hands, Mr. Speaker, we were sent here to represent our constituents, and the way we do that is to vote, so the fact that we are here in session today, debating this very issue, is testimony to the fact that in this House, the people do rule.

But we should not let this issue rest with the vote that will be taken here today. We need to reform the procedure by which Congress sets its pay. And the best way to do that is to do what James Madison first proposed to this body 200 years ago, and that is to make it clear that no sitting Congress should raise its own pay. Madison's amend-

ment, which was proposed as part of the original Bill of Rights, is still very much alive today—in fact, 25 States have not ratified it. On January 3, I also introduced House Joint Resolution 55, which embodies the Madison amendment. It says that no pay raise may take effect until after an intervening election. If we really feel we are worth more, we should have the guts to say so and then stand for election with that fact made plain.

We also have to separate pay for ourselves, from that of the executive and judiciary. It is wrong to hold them hostage. Let's make this vote today a tribute to the foresight of James Madison. Let's vote this raise down, and then vote to reform the method. The American people deserve no less.

Mr. OWENS of New York. Mr. Speaker, I am voting in favor of raising the pay of Congressmen because I think 535 vice presidents of the largest corporation in the world, who make life and death decisions affecting people all over the world, deserve to be paid at the level recommended by the Commission.

Even with this 51-percent increase, congressional pay will remain below the level of $143,000, which would be the amount of pay Congressmen would receive if congressional pay had kept pace with inflation.

Despite the stampede atmosphere created by the media the public should be reminded that this pay raise is the recommendation of an objective commission and was approved by the most popular President in recent history, as well as by the incoming President.

It is unfortunate that a mob hysteria has been generated over a matter which will have no significant impact on the overall budget for fiscal year 1990. Meanwhile, this diversionary headline-grabber has taken the attention of the American people away from the real budget-busting monster on the agenda of the Congress. The savings and loan association scandal represents a $90-billion swindle which will paralyze the national budget for the next 4 years.

There will be no money to invest in educational reform, job training, or better health care. This savings and loan association ripoff constitutes the greatest and most brazen scandal in the history of the Nation.

We are being plunged into socialism for the banking industry in order to compensate for the misdeeds of incompetents and criminals. The failing savings and loan institutions are a network of racketeering enterprises which operated for a long time in collusion with certified public accountants and Government regulators.

I am pleased to vote "yes" on a much-needed pay raise in order to get the matter off the agenda and allow the American people to focus on the $90-billion swindle, which is of far greater importance to their lives and the lives of their grandchildren.

Ms. SNOWE. Mr. Speaker, the vote we are about to take and the actions leading up to it, highlight the drastic need to reform the system under which congressional salaries are determined. I am pleased that we finally have the opportunity to vote openly and on the record in opposition to this raise.

The recommended increase for Members of Congress from $89,500 to $135,000 can only be called excessive in the face of the budget deficit this Congress was elected to deal with. When we appropriate 4 percent increases for civil service and military employees, and grant our retirees inflation-rate COLA's, it is impossible to justify a 50-percent raise for ourselves.

The public outcry on this issue has come from all segments of our society, and it has not just been over the size of the increase recommended by the Quadrennial Commission. I have heard from literally hundreds of constituents, and many of them tell me they wouldn't necessarily object to the increase itself, as long as it was voted on. In letters, phone calls, and at town meetings across the Second District last month, I heard the same thing. If Congress wants a raise, why are they going about it in such a underhanded manner? If they think they deserve one, why not vote on it? I have had a hard time answering why Congress does not want to be held accountable for its actions to the very people who put them in office.

The response to our actions, or rather inaction, up to this time, emphasizes the need to act now to reform our system. We must make changes which allow us to be straightforward with our constituents. The rules of the House must be changed to require a separate, recorded vote on any proposal, whether it is legislative in nature or a recommendation from the executive branch, which would change the salary for Congress. Also, such changes in salary, if approved, should not take effect until the beginning of the next Congress. Changes in the President's income are by law prospective. Why should Congress be any different?

We were sent here to represent the people in our districts. For their trust in our ability to make the choices on the tough issues, we owe them this vote. I just hope it hasn't come to late to restore that trust.

Mr. FLIPPO. Mr. Speaker, I rise in strong opposition to the proposed 50 percent pay raise for top Government officials. The recommendations of the President's Commission on Executive, Legislative, and Judicial Salaries would raise the salary of Federal judges and Members of Congress to $135,000, and would raise the salaries of Cabinet members to $155,000.

In an era of huge budget deficits and the resulting pressure to cut Federal spending, a 50-percent pay raise is at best ill-timed and most certainly sends the wrong signal to the American public that top elected and appointed officials are not willing to share the burden of deficit reduction.

My constituents in the Fifth Congressional District of Alabama, like Americans all across the country, have sent a very genuine and very strong message of disapproval of the pay Commission's proposals. They have also expressed an overwhelming desire that the Congress, by recorded vote, approve any pay increases for top Government officials just as we do for other employees of the Federal Government and for beneficiaries of Federal programs. It is a basic question of Congress' accountability to the people who elect us and I wholeheartedly agree that we should vote on any pay increase.

As a cosponsor of H.R. 533, a bill that would abolish the Federal Pay Commission, require a recorded vote on any future pay increases, and delay the implementation of any pay raise for Members of Congress to the next term, I believe the current system is flawed and should be changed permanently.

What we have seen over the past few days and months is the kind of grassroots democracy that our forefathers envisioned in setting up a House of Representatives, elected every 2 years, that would be more sensitive to the wishes of the people. The people have spoken—loud and clear—and their voices have been heard.

Mr. McMILLEN of Maryland. Mr. Speaker, I'd like to echo the opposition heard today to the proposed pay raise. Hundreds of calls and letters have flooded my office objecting to the pay raise and the same has occurred at offices all over Capitol Hill.

Like many of my constituents, I object to the size of the raise at a time when our Nation is facing the most serious budget deficit in history. The public is demanding a public vote on this subject and that's exactly what we should do.

Raises of this sort need to be approached in the same manner as other Government expenditures. Other Federal workers, State workers, and Social Security recipients receive a cost-of-living adjustment [COLA] every year to cover the rise in inflation. In past years, Congress exempted itself from the COLA's, which led to the Quadrenniel Commission's recommendation of a large, lump-sum increase.

Senators and Representatives should be treated as any other civil servant, with their salaries rising with the inflation rate. If any raise is to be considered above that, it should be tied to legislative achievements, such as reducing the Federal deficit.

The salaries for judges, however, need to be addressed immediately. Our inaction in this area has caused a crisis in the judicial branch. Between 1958 and 1973 only 6 Federal judges resigned from the bench. From 1974 to the present that number rose to 57. It's clear that people with decades of experience as judges are not going to accept the salary of entry-level lawyer. This is a legitimate public policy concern that should be addressed by Congress.

Congress needs to reform the Federal pay system to prevent more dedicated judges and civil servants from fleeing to the private sector.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to my colleagues that the Quadrennial Commission report recommendation is before us. The item that we will be voting on today would turn down that recommendation of increase in pay for high levels of the administration, for judges, and for Members of Congress.

So much ink has been spilled and so many hands have been self-righteously wrung over this topic in recent weeks that it is time to complete this cynical exercise.

Since the founding of this great Republic, Washington has tied itself in knots every few years trying to evade

the inevitable conflicts of interest in setting Federal salaries.

In this circumstance we are dealing with the Quadrennial Commission report that suggested a certain level of pay. At the same time that report suggested that we consider eliminating honoraria or outside income. I think it is important for the public to understand that the proposal would have done 2 things: Establish this level of pay, but, beyond that, take approximately half of that level of that pay away by eliminating outside special interest income.

In recent years I personally have become very concerned and uneasy with the honoraria process, and it is time for us to address that matter. But we are not going to reduce Members pay as a result. It is very important that Members recognize that if, in the future, we are to attract the kind of quality personnel we need in the House to meet the major challenges we face, indeed we must pay at a level that will attract the best that is available for public service. In this instance I am afraid we are walking away from that responsibility.

It is very clear that the vote today will be overwhelming to reject the Commission's report. It is the result of a public furor that may not completely understand the needs and demands of the House.

Mr. Speaker, today the House is responding to the voice of the people and the public it serves.

Mr. Speaker, I yield back the balance of my time.

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to close in the brief time that is available.

A number of Members have come to me and asked: "Where do we go from here?" As I said at the beginning, perhaps it is time for some new initiatives. A new and bipartisan consensus must emerge. I think we are going to have to look to the bully pulpit, the man in the White House, to help us in that regard.

I hope the Members will keep in mind this debate when we come to the issue of cost-of-living adjustments this year. We have missed 12 out of the last 19, and had we taken those as they came along, we would not be in the position of needing a Quadrennial Commission to repair the damage we do to ourselves.

So let us keep in mind the opportunities we will have in not too many months to show the new courage that seems to come now from those who are about to vote against their pay raise.

I think we also ought to keep in mind that we need to spend more time talking about this together in a place where we can be honest with each other, and I do not know of any better place than the well of the House.

The gentleman from Wisconsin [Mr. OBEY], who has been a leader in this area for many years, has taken a special order out today. For those Members who want a cathartic outlet, perhaps some of us might avail ourselves of this opportunity. I intend to take other special orders also, because it is not enough for Members simply to be critics of the system in place and to ask for recorded votes when we know in fact they have rarely if ever worked in the past. We need Members on both sides of the aisle, our leaders along with the rank and file, to find a solution to this terrible crisis that we are doing nothing more than exacerbating today.

Let us put all the rhetoric aside. This is really a tragedy, and the only way we can resolve it is by having the kind of courage to act on our own issues with the same kind of courage that too often is lacking in this body on every important national issue. The Members who have the guts to stand up on this issue are often the leaders on every other crucial issue, and we appreciate them all the more today than ever before.

The SPEAKER. The time of the gentleman from California [Mr. FAZIO] has expired.

All time has expired.

The question is on the motion offered by the gentleman from California [Mr. FAZIO] that the House suspend the rules and pass the joint resolution (H.J. Res. 129).

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 48, not voting 4, as follows:

[Roll No. 6]

YEAS—380

Akaka	Boxer	Costello
Alexander	Brennan	Coughlin
Anderson	Broomfield	Courter
Andrews	Brown (CA)	Cox
Annunzio	Brown (CO)	Craig
Anthony	Bruce	Crane
Applegate	Bryant	Dannemeyer
Archer	Buechner	Darden
Armey	Bunning	Davis
Aspin	Burton	de la Garza
Atkins	Bustamante	DeFazio
AuCoin	Byron	DeLay
Baker	Callahan	Dellums
Ballenger	Campbell (CA)	Derrick
Barnard	Campbell (CO)	DeWine
Bartlett	Cardin	Dickinson
Barton	Carper	Dicks
Bateman	Carr	Dixon
Bates	Chapman	Donnelly
Bennett	Cheney	Dorgan (ND)
Bentley	Clarke	Dornan (CA)
Bereuter	Clement	Douglas
Bevill	Clinger	Downey
Bilbray	Coble	Dreier
Bilirakis	Coleman (MO)	Duncan
Bliley	Coleman (TX)	Durbin
Boggs	Collins	Dwyer
Bonior	Combest	Dyson
Borski	Conte	Eckart
Bosco	Conyers	Edwards (CA)
Boucher	Cooper	Edwards (OK)
Emerson	Lewis (FL)	Roe
Engel	Lightfoot	Rogers
English	Lipinski	Rohrabacher
Erdreich	Livingston	Rose
Espy	Lloyd	Roth
Evans	Lowery (CA)	Roukema
Fawell	Lowey (NY)	Rowland (CT)
Feighan	Luken, Thomas	Rowland (GA)
Fields	Lukens, Donald	Russo
Fish	Machtley	Sabo
Flippo	Madigan	Saiki
Florio	Markey	Sangmeister
Foglietta	Marlenee	Sarpalius
Ford (TN)	Martin (IL)	Sawyer
Frank	Martin (NY)	Saxton
Frost	Martinez	Schaefer
Gallegly	Matsui	Scheuer
Gallo	Mavroules	Schiff
Gaydos	Mazzoli	Schneider
Gejdenson	McCandless	Schroeder
Gekas	McCloskey	Schuette
Gephardt	McCollum	Schumer
Gillmor	McCrery	Sensenbrenner
Gilman	McCurdy	Sharp
Gingrich	McDade	Shaw
Glickman	McDermott	Shays
Goodling	McEwen	Shumway
Gordon	McGrath	Shuster
Goss	McHugh	Sikorski
Gradison	McMillan (NC)	Sisisky
Grandy	McMillen (MD)	Skaggs
Grant	McNulty	Skeen
Guarini	Meyers	Skelton
Gunderson	Mfume	Slattery
Hall (OH)	Michel	Slaughter (NY)
Hall (TX)	Miller (CA)	Slaughter (VA)
Hamilton	Miller (OH)	Smith (FL)
Hammerschmidt	Miller (WA)	Smith (MS)
Hancock	Mineta	Smith (NE)
Hansen	Moakley	Smith (NJ)
Harris	Molinari	Smith (TX)
Hastert	Mollohan	Smith (VT)
Hatcher	Montgomery	Smith, Denny (OR)
Hawkins	Moorhead	
Hayes (LA)	Morella	Smith, Robert (NH)
Hefley	Morrison (CT)	
Hefner	Morrison (WA)	Smith, Robert (OR)
Henry	Mrazek	
Herger	Murphy	Snowe
Hertel	Myers	Solarz
Hiler	Nagle	Solomon
Hoagland	Natcher	Spence
Hochbrueckner	Neal (MA)	Spratt
Holloway	Neal (NC)	Staggers
Hopkins	Nelson	Stallings
Houghton	Nielson	Stangeland
Hubbard	Nowak	Stark
Huckaby	Oakar	Stearns
Hughes	Oberstar	Stenholm
Hunter	Obey	Stump
Hutto	Olin	Sundquist
Hyde	Ortiz	Swift
Inhofe	Owens (UT)	Synar
Ireland	Oxley	Tallon
Jacobs	Packard	Tanner
James	Pallone	Tauke
Jenkins	Panetta	Thomas (CA)
Johnson (CT)	Parker	Thomas (GA)
Johnson (SD)	Parris	Torres
Johnston	Pashayan	Traficant
Jones (GA)	Patterson	Traxler
Jones (NC)	Paxon	Udall
Jontz	Payne (NJ)	Unsoeld
Kanjorski	Payne (VA)	Upton
Kaptur	Pease	Valentine
Kasich	Pelosi	Vander Jagt
Kastenmeier	Penny	Visclosky
Kennedy	Pepper	Volkmer
Kennelly	Perkins	Vucanovich
Kildee	Petri	Walgren
Kleczka	Pickett	Walker
Kolbe	Pickle	Walsh
Kolter	Poshard	Watkins
Kostmayer	Price	Weber
Kyl	Pursell	Weldon
LaFalce	Quillen	Wheat
Lagomarsino	Rahall	Whittaker
Lancaster	Ravenel	Whitten
Lantos	Ray	Williams
Laughlin	Regula	Wilson
Leach (IA)	Rhodes	Wise
Leath (TX)	Richardson	Wolf
Lehman (CA)	Ridge	Wolpe
Lent	Rinaldo	Wyden
Levin (MI)	Ritter	Wylie
Levine (CA)	Roberts	Yates
Lewis (CA)	Robinson	

NAYS—48

Ackerman	Foley	Murtha
Beilenson	Ford (MI)	Owens (NY)
Berman	Frenzel	Porter
Boehlert	Garcia	Rangel
Brooks	Gibbons	Rostenkowski
Chandler	Gonzalez	Roybal
Clay	Gray	Savage
Coelho	Green	Smith (IA)
Coyne	Hayes (IL)	Stokes
Crockett	Horton	Studds
Dingell	Hoyer	Towns
Dymally	Lehman (FL)	Vento
Early	Leland	Waxman
Fascell	Lewis (GA)	Weiss
Fazio	Manton	Young (AK)
Flake	Moody	Young (FL)

NOT VOTING—4

Schulze	Torricelli
Tauzin	Yatron

□ 1310

Mr. BROOKS changed his vote from "yea" to "nay."

Messrs. CARR, MAZZOLI, BALLENGER, and FOGLIETTA changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MANAGER IN THE MATTER OF IMPEACHMENT TRIAL OF JUDGE ALCEE L. HASTINGS

The SPEAKER laid before the House the following communication from the Honorable DON EDWARDS, Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1989.

Hon. JIM WRIGHT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The time constraints connected with the impeachment inquiry of Judge Walter Nixon, which is being handled by the subcommittee I chair, will make it most difficult for me to serve as a Manager on the part of the House for the Senate trial of Judge Hastings.

I therefore respectfully request that I be excused from further service as Manager for the Hastings Senate trial.

Thank you for your many courtesies.

Sincerely,

DON EDWARDS.

□ 1320

IN THE MATTER OF THE IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

Mr. BROOKS. Mr. Speaker, I offer two privileged resolutions (H. Res. 69 and H. Res. 70), and I ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read the resolutions, as follows:

H. RES. 69

Resolved, That the House excuses Mr. Edwards of California from serving as a manager for the trial of the impeachment of Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida, and appoints Mr. Synar to serve as a manager in that trial.

H. RES. 70

Resolved, That a message be sent to the Senate to inform the Senate that Mr. Edwards of California is excused from serving as a manger for the trial of the impeachment of Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida, and that Mr. Snyar has been appointed to serve as a manager in that trial.

The SPEAKER. The gentleman from Texas [Mr. BROOKS] is recognized for 1 hour.

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentleman from California [Mr. EDWARDS], has asked to be excused from service as manager on the part of the House for the impeachment trial of Judge Alcee Hastings in the Senate.

As chairman of the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, the gentleman from California [Mr. EDWARDS] will be presiding over another impeachment inquiring concerning Judge Walter Nixon.

In order to permit him the necessary time to undertake that onerous task, I believe that the House should grant his request. The two resolutions before the House excuse the gentleman from California [Mr. EDWARDS] from further service as a manager on the impeachment of Judge Hastings, appoint the gentleman from Oklahoma [Mr. SYNAR] as manager in his stead, and authorize a message to be sent to the Senate informing it of those two actions.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. Mr. Speaker, I am happy to yield such time as he may consume to my distinguished friend, the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Speaker, I appreciate the chairman and his yielding to me.

Mr. Speaker, I simply wanted to place on the record that we have no objection, of course, to the removal of Mr. EDWARDS at his request because of his already designated duties. The gentleman from Oklahoma [Mr. SNYAR], who is the substituted manager, was present during the hearings, was a member of the subcommittee at the beginning and at the end, and during the entire proceedings of the impeachment hearings, and he is well-suited to continue the work of the gentleman from California [Mr. EDWARDS] as a manager.

Mr. Speaker, we have no objection to the entire two resolutions.

Mr. BROOKS. Mr. Speaker, reclaiming my time, I urge adoption of the resolutions.

Mr. Speaker, I move the previous question on the resolutions.

The previous question was ordered.

The resolutions were agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER OF THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER. Pursuant to the provisions of title 44, United States Code, section 2501, the Chair appoints on the part of the House the gentlewoman from Louisiana [Mrs. BOGGS] to the National Historical Publications and Records Commission.

APPOINTMENT AS MEMBER OF THE NATIONAL ECONOMIC COMMISSION

The SPEAKER. Pursuant to the provisions of section 2101, Public Law 100-203, the Chair appoints on the part of the House the gentleman from Pennsylvania [Mr. GRAY] to the National Economic Commission.

APPOINTMENT AS MEMBER OF THE NATIONAL ECONOMIC COMMISSION

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 1989.

Hon. JIM WRIGHT,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 2101, Public Law 100-203, I hereby appoint the gentleman from Minnesota [Mr. FRENZEL] to serve on the part of the House as a member of the National Economic Commission.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of title 15, United States Code, section 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House:

Mr. HAMILTON of Indiana;
Mr. HAWKINS of California;
Mr. OBEY of Wisconsin;
Mr. SCHEUER of New York;
Mr. STARK of California;

Mr. SOLARZ of New York;
Mr. WYLIE of Ohio;
Ms. SNOWE of Maine;
Mr. FISH of New York; and
Mr. UPTON of Michigan.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of section 4355 of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. HEFNER of North Carolina;
Mr. LAUGHLIN of Texas;
Mr. FISH of New York; and
Mr. LOWERY of California.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of section 1295 of title 46, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House:

Mr. MANTON of New York, and
Mr. BUNNING of Kentucky.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194 of title 14, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. GEJDENSON of Connecticut, and
Mrs. JOHNSON of Connecticut.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of section 9355 of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House:

Mr. DICKS of Washington;
Mr. BARNARD of Georgia;
Mr. HEFLEY of Colorado; and
Mr. DELAY of Texas.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of section 6968 of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House:

Mr. WILSON of Texas;
Mr. MCMILLEN of Maryland;
Mr. SKEEN of New Mexico; and
Mrs. BENTLEY of Maryland.

COMMUNICATIONS FROM CHAIRMAN OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, January 30, 1989.

Hon. JIM WRIGHT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 453 of the 96th Congress, as amended, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Academy for the year 1989:

The Honorable George J. Hochbrueckner of New York.

The Honorable Nita M. Lowey of New York.

The Honorable Norman F. Lent of New York.

As chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am
Sincerely,

WALTER B. JONES,
Chairman.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize any Members who desire to be heard for 1-minute speeches.

MILITARY FAMILIES APPREHENSIVE OVER USER FEES PROPOSAL AT MILITARY HOSPITALS

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, when President Bush outlines his revisions to the proposed budget on Thursday, America's military families will be watching to see whether he rejects the Reagan administration's proposal for a pilot program of user fees at military hospitals and clinics for nonactive-duty beneficiaries.

If approved, these fees would come at a time when our military and their dependents have already endured a marked decline in their access to health care. For thousands who seek care at military treatment facilities, long waiting periods have become the norm. For others, care simply is not available. Military families have been required with increasing frequency to obtain their medical care under the Champus program, which means they pay a part of the cost from their modest family incomes. This, I remind you, is for a benefit promised to them without charge when they enlisted.

Many problems in the military health care system are—with the help of Congress—now moving toward a solution. User fees are not a part of that solution. They will only hamper morale, recruitment, and retention in our military services.

Mr. Speaker, America's military families know a duck when they see one. They know a tax when they see one of those too.

This proposal for a user fee at military medical treatment facilities is a tax, and I hope our President will strike it out of his version of the 1990 budget.

□ 1330

FAIR CREDIT REPORTING ACT REQUIREMENT

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I am introducing a bill today that will protect consumers by ensuring that they are notified quickly about any adverse credit information pending against them.

This will protect victims of computer error, and enable consumers who do have problems with their credit to take necessary steps to improve their status before applying for further credit.

The bill would, very simply, require credit bureaus and agencies within 30 days to fully disclose to consumers any adverse information received about the consumer. The disclosure must be in writing and at no charge.

There have been too many instances in which law abiding citizens with strong credit ratings find out only when they apply for a mortgage or car loan that negative and often false credit information is on the books.

PAY ISSUE SETTLED—TIME TO MOVE ON TO OTHER ISSUES

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, you have had a tough few weeks and you lost a tough vote yesterday—but you did the right thing in scheduling today a vote on the pay raise issue.

Needless to say, this has been a contentious issue. It's important to remember that a Republican President recommended this pay raise and then

left town. Then, our new Republican President gave only mild approval to the pay hike—even though it was his administration and judicial appointees who stood to benefit from the increase. And so, by and large—you and the Democrats were left to bear the brunt of public opposition to a Republican pay raise proposal.

I disagreed with the pay increase plan and the strategy of avoiding a recorded vote on the matter until after the fact. But while we held different positions on this issue—I trust your motivation was simply to do what you felt was right for the institution of Congress. Also, I know you felt a majority of the membership agreed with your position. Yet, yesterday most Members voted the other way.

In acknowledging the will of the majority—your remarks yesterday demonstrated a trait lacking in many—generosity. That kind gesture did not go unnoticed.

The vote today has settled this divisive issue. Let's move on—we have other work to do.

INTRODUCTION OF RESOLUTION CONCERNING MINE REMOVAL IN AFGHANISTAN

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, I rise today to note the imminent withdrawal of the remaining Soviet military forces from Afghanistan. Those of us who have followed the tragic course of this conflict the last 8 years welcome this withdrawal.

I am certain that the mothers and fathers of Soviet soldiers will breathe a sigh of relief when the last son safely crosses the Afghan border and leaves the war behind. However, although the Soviet Army will be gone, the war will not be over. Even when the last shot is fired there will remain a tragic reminder of the Soviets' presence in the millions of unexploded mines deployed during this conflict.

Although many of us may be familiar with the many different kinds of mines, one particular type deserves special attention—the plastic mines. Plastic mines come in various sizes and shapes, and are impervious to conventional metal detection methods. Unfortunately, since these mines have often been disguised to look like toys, they have taken their greatest toll on the Afghan children.

Imagine, if you will, millions of dolls, cars, butterflies, and other bright baubles designed as playthings to attract the attention of children. However, in Afghanistan these are the toys of the Devil's playground. They bring no joy, but inflict pain on the most innocent members of Afghan society. According to published accounts, thousands of young Afghans have lost limbs, and many have been killed. With an estimated 3 million refugees slated to begin returning, this problem will only worsen.

To call attention to this problem, today, I am introducing a resolution expressing the sense of the Congress that the Soviet Union should not leave Afghanistan without recognizing that these mines are—and will remain—a serious threat to the Afghan people. Further, it calls upon the Soviet Union to provide all necessary assistance to alleviate this problem

I welcome your support of this resolution.

DEFICIT REDUCTION

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, we have now as a body rejected the 51-percent pay raise. I believe that the American people deserve a full accounting from the House of Representatives on the pay raise proposal, and I do want to thank the Speaker for letting the will of the people prevail and scheduling a vote on this sensitive issue.

Mr. Speaker, we are at a critical time in our Nation's history. The Federal budget deficit has been cited time and time again as the overriding concern of the public, while at the same time substantial Federal expenditures are increasingly being requested for such proposals as education, health care, housing, the needs of our elderly, and the scientific community. As Members of Congress we are obligated to achieve further, substantial deficit reduction and a measured response to these funding needs.

In order to meet that end, Mr. Speaker, we must make sacrifices and tighten our belts. Let us start right here at home and show the American people that we are willing and able to do our part and work together for the good of our country, and hold the line on Federal spending and meet our deficit reduction goals.

INTRODUCTION OF LEGISLATION TO EXTEND AUTHORITY TO NEGOTIATE STEEL TRADE AGREEMENTS

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I join my distinguished colleague from Pennsylvania, JOHN MURTHA, in introducing legislation which will extend authority to the President to maintain and negotiate steel trade agreements under the VRA Program for another 5 years.

I won't elaborate on the successes of the VRA except to say that America's steel industry has become one of the most competitive and productive producers in the world. Our industry requires 8 to 14 percent fewer manhours to produce a ton of steel than any other major producing country.

Opponents of the measure cite problems with short supply and price. They argue we don't need an extension based on the recent successes of the industry. This is a mistake.

Conditions within the international marketplace have not improved. For example, despite stagnant demand for steel worldwide, South Korea is expanding it's production capacity from 8.5 million metric tons in 1982 to an estimated 17.2 million metric tons by 1991. Without VRA restrictions South Korea could be expected to increase exports to the west coast by 350,000 to 500,000 tons. This would mean a reduction in revenues of about $184 million to domestic companies and a loss of over 600 jobs.

Clearly, any extension of the program, should look closely at the problems of short supply and price. The VRA concept was not designed in a growth market environment and certain modifications should be made to allow market flexibility for both the domestic purchaser and producers. These mechanisms are receiving close scrutiny and I am confident actions will be taken to make the VRA's market responsive.

I strongly urge you to join me and the leadership of the Congressional Steel Caucus in support of this important legislation.

BUDGET FOR THE VETERANS' ADMINISTRATION

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, this morning the House Veterans' Affairs Committee heard testimony on the budget for the new Cabinet level Veterans Department.

The budget situation we have at the present time with the VA is rapidly approaching disaster. The VA's own Department of Medicine and Surgery has calculated their budget shortfall for the current year is $635 million and for fiscal 1990 the proposed budget is $1.2 billion short of what is necessary even to deliver the current level of services.

Mr. Speaker, what this means is that without some improvements in the budget our Nation is not going to be able to meet its obligations to the men and women who have fought to defend our country and keep it the strongest and the freest Nation in the world.

I endorse the independent budget which has been prepared by several of the veterans' organizations to correct the deficiencies in the budget submitted by President Reagan. I urge all of my colleagues to work with the veterans' organizations, the Veterans' Committee, the Budget Committee and the Appropriations Committees to see that the VA has the resources it needs to keep our commitment to the veterans who have made America No. 1.

SENSE OF CONGRESS RESOLUTION REGARDING NEGOTIATED POLITICAL SETTLEMENT IN EL SALVADOR

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today I am introducing a resolution which would express the sense of Congress that the United States should pursue a negotiated political settlement to the civil war in El Salvador.

After 9 years, 3 billion U.S. taxpayer dollars, and 70,000 deaths, even military experts are now saying that a military solution to this war cannot be achieved. The Salvadoran opposition have recently broken ground by presenting a proposal which, real or not, opens opportunities for dialog. The Bush administration has expressed a willingness to reconsider the policy of unconditional support for El Salvador which characterized the Reagan years. The Vice President delivered a message to Salvadoran officials that the administration is concerned about human rights and a growing congressional dissatisfaction with recent violent trends could endanger American aid.

These changes in tone by two major players in Salvador—the guerrillas and the United States—provide a unique opportunity to turn United States policy around. The need for immediate negotiations to end the civil war is urgent—death squad activities are on the rise, and the increasing strength and political presence of the right-wing arena party do not bode well for peace and justice for Salvadorans.

My resolution urges the Bush administration to take advantage of the opportunity for negotiations to end this tragic war. I urge my colleagues to cosponsor this resolution.

□ 1340

ADJOURNMENT TO THURSDAY, FEBRUARY 9, 1989

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Thursday next.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Washington?

There was no objection.

U.S.-U.S.S.R. TRADE, THE JACKSON-VANIK AMENDMENT, AND THE BEGINNING OF THE DIALOG

The SPEAKER pro tempore (Mr. DARDEN). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I would like to submit a statement by Congressman BILL FRENZEL and myself regarding United States trade with the Soviet Union. I've also submitted a recent statement made by former Representative Charles Vanik regarding the Jackson-Vanik amendment, and the statement of the Union of Councils for Soviet Jews on the Stevenson amendment.

United States-Soviet trade involves many important considerations. However, with the warming of our two nations' relations, its time for the dialog to begin.

JOINT STATEMENT OF CONGRESSMEN BILL FRENZEL AND PETE STARK

TIME TO BEGIN THE DEBATE ON IMPROVING TRADE RELATIONS WITH THE SOVIET UNION

Few Westerners are able to make reliable analyses of perestroika and glasnost, nor can they predict the exact course and speed of changes now taking place in the U.S.S.R. Some of the manifestations of those changes, however, like the INF Treaty, the promised withdrawal from Afghanistan, and the breakthroughs in Africa are too significant to be ignored.

The changes appear to be real, and fundamental. It would be unwise to assume they are irreverisble, or that all changes will be beneficial to the rest of the world. Nevertheless, there seems to be an increasing chance that new directions and new attitudes in the U.S.S.R. can lead to the attainment of goals sought by the West over the past 40 years.

One of those goals has been improving human rights in the U.S.S.R. One particular aspect of human rights, that of free emigration, has been of such significant concern that it has been linked to U.S.-U.S.S.R. commercial relationships through the Jackson-Vanik amendment to U.S. Trade law.

Jackson-Vanik denies normal trading status to the U.S.S.R. because of its refusal to recognize rights of free emigration for its citizens. Its effect is that Soviet products entering the United States carry a premium price, because the special tariff adds about one-third to the value of the goods. The U.S.S.R. has long complained about this tariff treatment, considering Jackson-Vanik an unreasonable intrusion into its internal affairs.

The magnitude of change in the U.S.S.R. suggests that an accomodation of the emigration problem might somehow be achieved. As the cultural, scientific, and even security exchanges between the two countries increase, both Nations ought to be getting ready to discuss free emigration and trade expansion as well.

The improvement in East-West relationships is fact. The U.S. ought to find new ways to move the process along. One way is to consider how a return to normal trade relations might be possible.

The goal is basic human rights for all people, normal trading relations, and increased economic activity. That goal will most likely be gained in small steps. What will be required is that the U.S. have sufficient negotiating flexibility to take advantage of what seem to be promising opportunities.

Even if a big trade agreement came soon, businessmen cannot expect a bonanza. Trade financing would remain a problem, and high-volume trade will ultimately require the liberation of the Ruble.

Because the economic and human rights gains are expected to come slowly, there is all the more reason to start the process now. The 101st Congress and the new administration should lead the debate. It is time for the national dialogue to begin.

STATEMENT OF CHARLES A. VANIK

In the next several weeks, I understand that the National Conference on Soviet Jewry and its constituent agencies will be considering what action to take on a possible extension of a waiver of the Jackson-Vanik amendment for the benefit of the Soviet Union. Immigration levels appear to be moving to the 38,000 to 43,000 range annualized. More significantly, the Soviets have indicated that they intend an early codification of all laws restricting immigration, religious activities and customs.

The Soviet Jews have led the struggle for freedom of religion and culture. The agonies of this effort are bringing fruitful benefits to millions of Soviet citizens who live in many provinces and worship in many religions.

In the course of your deliberations, I hope that your group will take the initiative in deciding whether a waiver of Jackson-Vanik is appropriate in view of the current developments in the Soviet Union.

There are many in America who urge that the Jackson-Vanik amendment be repealed, drastically amended, or provide for a five-year waiver.

I believe the language of Jackson-Vanik is in concrete, stronger in the commitment of the American people than it was in 1974. I have urged American businssmen, who depend on long periods of commercial stability, to place their support behind a waiver under the law instead of a repeal of Jackson-Vanik or a major amendment. I told them that Jackson-Vanik should not be changed in substance.

It is my hope that your initiative and support of a waiver would encourage developments in the Soviet Union which are currently underway.

UCSJ SUPPORTS REPEAL OF STEVENSON AMENDMENT, PENDING SOVIET PERFORMANCE

WASHINGTON, D.C.—The Union of Councils for Soviet Jews disclosed their decision to support a repeal of the Stevenson amendment pending increased Soviet performance, said UCSJ national director Micah H. Naftalin in a news conference today. This proposal was previously presented to high level officials of the Soviet foreign ministry by Naftalin and UCSJ national president Pamela B. Cohen at the time of the June summit in Moscow.

"If Jewish emigration reaches 30-35,000 in 1989, as predicted, and if the institutional reforms and evacuation of all long-term Refusenik cases are accomplished, consistent with the Helsinki Final Act and Concluding Vienna Document, as promised, we would agree to a repeal of the Stevenson amend-

ment should the administration and the Congress seek it," said Naftalin.

The 1974 Stevenson amendment controls trade credits to the Soviets prohibiting U.S. agencies from making loans in excess of $300 million to the Soviets without Congress's approval. A repeal of the amendment would signal to the Soviets a measured concession and encouragement of further progress, explained Naftalin.

"We have long held to a policy based on a flexible, measured response to improvements in Soviet Jewish emigration. 1988 saw significant progress. Jewish imigration reached 19,343, with 3,652 in December alone, the highest monthly total since 1980. As a result, in recent weeks, the U.S. has made major concessions to the Soviets, providing them both with an agreement to host a 1991 International Human Rights Conference in Moscow and with an economic conference in Bonn in 1989, which the Soviets also wanted.

"Consistent with a step-by-step approach, if the above conditions are met, we would agree to a Stevenson amendment repeal as an intermediary step to Jackson-Vanik," he continued, referring to the Jackson-Vanik "freedom of emigration" amendment to the Trade Act of 1974, which denies the Soviets "Most Favored Nation" (MFN) status. "However, it is vital that we withhold playing the Jackson-Vanik card—the most important remaining concession—until Soviet promises are converted into actual performance," he continued.

"Jackson-Vanik is the statutory centerpiece of the Soviet Jewish emigration movement," said Naftalin. "Nowhere else in law is there explicit linkage between Soviet achievement of 'high and sustained' emigration and United States granting the Soviets MFN status. Yet performances on promises must be monitored and verified before additional concessions are made. The traditional benchmark for waiving Jackson-Vanik and granting a one-year concession of MFN is an annual level of Jewish exit permits of 50,000-60,000. When the institutionalized reforms are put into place, if they are consistent with international guarantees, there should be no question that these numbers will be forthcoming," he concluded.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AMERICAN HERITAGE TRUST ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, in 1988 I introduced the American Heritage Trust Act for the first time. I said then that this legislation—to give future generations the chance to save and to hold the open spaces and historic places so vital to the life of the country—was no less important than any of the great environmental landmarks it has been my privilege to see Congress enact in the past quarter century.

I must confess that last March I foresaw a long, uphill struggle of many years before the American Heritage Trust might be realized. But now it is clear that this concept's time has come. In the 100th Congress, H.R. 4127 gained 235 bipartisan cosponsors in the House and 40 in the Senate, remarkable numbers for legislation of this magnitude. More than 50 organizations have officially endorsed the bill—and not just the Sierra Club and Wilderness Society, but also the National Governors' Association, the National Conference of State Legislatures, the National Conference of Mayors, many other civic and conservation groups as well as innumerable locally elected and appointed officials, councils and boards.

During his campaign, President Bush endorsed the fundamental concept of the American Heritage Trust, which he called a national endowment for the environment.

More than anything, however, I think this idea's time has come because the realization is growing among Americans from every region and every walk of life that open spaces are disappearing at an alarming rate, that the facilities we need to provide recreation are inadequate and getting worse, that the historic structures that tell our story are crumbling way—and that we are running out of time to do something about it.

At the Federal, State, and local level there is an enormous reservoir of talent and energy ready to be put to this great task. All that is lacking are the resources and the national leadership necessary to spark what former Gov. Lamar Alexander of Tennessee, Chairman of the President's Commission on Americans Outdoors, so aptly called the prairie fire of community activism.

Mr. Speaker, I firmly believe that this legislation is the match that will light that prairie fire. In introducing it today, I would like to reiterate much of what I said last year, while adding a few observations about some of the changes we have made and some of the criticisms we have heard in the past months.

The trust I propose would be comprised of the existing land and water conservation fund and the historic preservation fund. Each would be established as real trust funds. By that I mean that their existing revenues will be invested in interest-bearing accounts to assure a steady and growing flow of money for the funds' purposes. In the near future, they will become self-financing and require no new Government revenues.

The basic thrust of both existing funds remains sound—revenues generated by our offshore oil and gas should be invested in permanent open space assets. But instead of lying idle in a Treasury envelope as they do now revenues would be put to work in permanent, interest-generating accounts. while the principal would never be spent, the yearly interest woud be—to purchase open space and provide recreational facilities across the board. When the interest generated each year is sufficient to meet the funds' purposes, new Federal money into a the fund stops—and the trust stabilizes.

In other words, by investing reasonable but substantial sums now and for a few years into the future, we can guarantee a continuing investment in the quality of everyday life throughout America that will be a permanent legacy for all future generations.

This is a bold but responsible idea whose time has come. It was recognized most recently by the President's Commission on Americans Outdoors. In 1987, after 1½ years of intense study, President Reagan's panel of distinguished Americans strongly urged that LWCF become a dedicated trust fund that would generate at least a billion dollars a year in outlays. It's important to remember that this was a conservative group of people. But they were swayed by the fund's overwhelming record of success and convinced of the even greater need for its expansion.

Their recommendation was preceded by a bill I introduced with Representative Manuel Lujan of New Mexico in 1984. Companion legislation was offered by Senator Howard Baker of Tennessee. The latter was the last bill introduced by Senator Baker. And he said that no other legislation he had sponsored "carried a greater moral imperative."

For a quarter century, LWCF has paid for many of the national parks, wildlife refuges, forests, and historic sites that so distinguish America and its natural heritage. It has been the only source of money to buy the critical and threatened lands needed to protect our Yellowstones and Yosemites. It will pay for the great parks and wildlife preserves of our future, especially our most important urban parks. But the backlog of land already identified but not yet acquired runs into the billions of dollars. Unless we start investing in these areas now, will be never make good on the promises we have made to the American people, and we will be asking them to pay more and more to acquire less and less.

But it is not just the big crown jewels, the Grand Canyons, the Yellowstones and the Grand Tetons, that I am worried about. I'm just as concerned about the little places that help make life meaningful in every community across America. Its that quiet spot along the banks of the river just outside of town where a couple of kids can sit and watch and dream. Its the park on the other side of town where a family can go on a weekend to relax, be together and enjoy themselves.

Its the field houses and basketball courts of an inner city where a kid can compete and maybe pick up a little guidance along the way. Its the historic old building in an industrial neighborhood that not only warehouses invaluable stories about the past but promises economic revitalization in the future. Where will we be, what kind of life will our children have, if we don't provide for these places?

Make no mistake about it, these places are being lost. That little boy or girl can't sit by the riverside because the bank is covered with condominiums or its been paved over for a highway. The neighborhood park is so run down its not the kind of place you take your family. Is there any question about the terrible state of recreation facilities in our inner cities?

Talk to most any mayor or Governor. Their States, counties, cities, and villages can't compete with the pace of private development and the escalation of land prices, construction and rehabilitation costs. If they can't compete, the motivation to plan and work aggressively to provide for these places withers. All of us in Congress know of towns in our districts that can't even maintain the parks they already

have, much less plan for new places to meet growing population and demand. Many communities searching for a new economic identity see the commercial possibilities of that historic district but don't have the funds or expertise to make it happen.

The report of the President's Commission on Americans Outdoors cites the importance of rural landscapes, urban playing fields and gyms or suburban marinas and golf courses—not only to our physical and mental health, but also to the economic development, culture and liveability of our communities. It also is laced with urgent alarms about the inability of communities to plan, develop, and maintain these places.

But what if it was different? What if State and local governments knew they could rely on some substantial level of matching Federal grants to buy land and develop recreation facilities? I think such a commitment would spark what Gov. Lamar Alexander of Tennessee, Chairman of the President's Commission, often called a prairie fire of local creativity and activism to conserve the open spaces they care about and develop the facilities they need.

Lets say I'm a local official and I can see that 5 years from now that river corridor or that wooded area or that large block of private land that my townspeople take for granted is going to be lost to development. It would make all the difference in the world to know that funds would be available if I planned it right and generated sufficient State and local financial commitment. And it seems to me it would be even better if those funds also encouraged some new and creative thinking about partnerships with nonprofit organizations or private interests directed at the use of that land.

The land and water conservation fund and the historic preservation fund can help State and local governments do this. LWCF is the only source of Federal money available to them for the acquisition of open space and the development of marinas, playing fields, bike paths, pools, and the like. HPF is the only source of grant money to the States for historic preservation.

LWCF's record of success is extraordinary. Since its inception in 1964 nearly $7 billion has been invested in every district across the country. The computer printout of projects financed by just the State side of LWCF runs to 466 pages. And it's a model of efficiency because States and localities define their own priorities without heavyhanded Federal rules. They have to demonstrate their commitment to the projects they want with their own resources to match the Federal grant.

We do not need to radically remake this remarkable program. But we must reform it to meet today's challenge and establish the permanent legacy we owe future generations. Currently $900 million, mostly from offshore oil and gas revenues, flows into the fund each year. But what is spent is entirely left to the discretion of the appropriations process. Unfortunately, LWCF spending trends are alarming. Since 1981, appropriations have dropped to an average of only $200 million annually, just 22 percent of the available money and less than a third of the average of $681 million spent in the previous 3 years.

Consequently, there is now an unappropriated balance in the fund of more than $6 billion.

My bill would not add a dime to the money now coming into the fund. But it would make other significant changes. First, the unappropriated balance will be placed in a new account invested in Government securities and generating interest each year. The same offshore oil and gas revenues will flow into the fund, building the principal and therefore the interest. The new law would stipulate that once these revenues enter the fund, they could never leave it or be spent for any purpose.

Instead, the interest from the fund would be automatically appropriated—with necessary congressional oversight and control—each year. This automatically appropriated interest would provide a gradually rising floor under annual LWCF disbursements.

This would continue until the amount of interest generated each year by the funds reached at least $1 billion. Then, the $900 million feeding the fund each year would terminate—and there would never be any need to allocate new Government revenues to it. The climb to annual outlays of $1 billion would be a modest, gradual one. Depending on interest rates and other variables, I estimate it would take about 10 years to reach this ceiling. Thus, the impact on the budget would be similarly modest and gradual, especially in the all-important early years.

I also want to underscore the conclusion of the Congressional Budget Office that this legislation, of itself, does not affect the deficient.

Although my overriding interest is to see a larger and more stable flow of money from the fund, I am highly sensitive to the need for congressional oversight of this spending through the appropriations process.

Therefore, the bill explicitly provides for an active and important role for the Appropriations Committees. First, it would be entirely up to the Congress to determine which lands would be acquired for national parks, wildlife refuges, and forest, when and for how much, just as it does now.

Second, the amounts appropriated each year from the fund would be made available according to a formula that provides the Congress flexibility in determining where the greatest needs are in a given year. For example, the formula states that at least 30 percent of the annual allocation must go to Federal projects, at least 30 percent to the States, at least 10 percent to the Urban Park and Recreation Recovery Program and for 10 years, at least 10 percent to provide matching grants to States establishing trusts that parallel the new Federal trust. The remainder could be made available to any or all of these purposes.

And finally, should the Congress determine that for overriding reasons the full amount of interest should not be spent in any given year, it will have the ability to spend less by placing an obligation limitation on that year's automatic appropriation. Any difference between the two amounts would remain with the fund, adding to its principal. All these decisions are to be in annual appropriations bills, as the legislation stipulates.

In general, the bill provides that the Historic Preservation Fund would be operated in a parallel fashion.

There are a number of other features to this bill that I will only mention in passing at this point. We try to stimulate new and creative uses of LWCF moneys by encouraging partnerships with nonprivate corporations and private entities. We require the States to pass through at least half of their annual allocation to local governments. For 3 years, localities are eligible for matching grants from the fund to do open space planning. We have new requirements on Federal agencies to plan for and prioritize their acquisitions.

Amendments adopted last year by the Interior Committee are incorporated in the new bill. Among them is a provision sponsored by Mr. KOSTMAYER of Pennsylvania to give States more latitude in using LWCF moneys to purchase conservation easements on farm land. Also included is an amendment requiring that one-third of the annual Federal allocation be spent on previously authorized acquisitions.

Mr. Speaker, this is not a partisan program or a regional program. For nearly a century the voices speaking to us about the love of the land and the stewardship of our natural resources have been Republicans and Democrats, liberals and conservatives, southerners and easterners and westerners. They have always been peculiarly American.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 60 minutes.

[Mr. MCEWEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A BREAKDOWN OF ONE CONGRESSMAN'S SALARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I took this time at the end of the day's business and, unlike others who with nauseating regularity use special orders to try to pretend that they are engaged in debates with people, I will readily admit that at this point there is virtually no one on the floor. There is nothing wrong with that because everyone knows the business of the House is over after the business has been conducted. Special orders are simply soundoff time for individual Members.

Mr. Speaker, I take this time today because I have tremendous respect for the tradition of public service. I have tremendous respect for the constituents who sent me here. I have tremendous respect for the history of this House.

I do not share a similar level of respect for a good many Members who populate this House. I regret that. But I am going to be honest.

I think there has been incredible demagoguery on the part of some, not all, members of the press—in fact, I saw some very good straight reporting

on this issue by some newspapers and even two networks, on one occasion each.

But I have seen a lot of misstatements. I want to discuss this pay raise issue in its generic terms today and to do that I want to put it in some perspective, including historical perspective.

First of all, I should start by simply asking, and I hope that tonight, the three television networks and McNeill/Lehrer will be a little bit more accurate than they were yesterday when they described the vote that occurred yesterday as being a vote to adjourn the House until Thursday.

It was not; it was a vote to adjourn the House to today.

Just for the hell of it I would like to see the networks get that correct, if it is not too much bother.

Second, I have seen a number of statements that appear in some of the less thoughtful of the press publications indicating that Members get free medical care and free dental care.

I even saw one religious newspaper carry a column which indicated that we got free life insurance and I saw one newspaper editorial saying "wouldn't you like it if you were like a Congressman and you didn't have any deductions from your check?"

Well, I simply want to set the record straight.

I have here the withholding statement for my last year's salary. What it shows is that $22,566.72 was withheld for Federal income taxes. It shows $7,128 was withheld for State income taxes. Wisconsin is a high tax State. It is also a high service State and I am proud of it.

The argument is often made that Members of Congress get a free retirement program. If that is the case I would like to know why last year $7,812 was deducted from my salary for my own retirement.

If I receive free life insurance I would like to know why $1,400 was deducted from my salary last year for term—not whole life—life insurance.

And I would like to know, if we get free health care, why I contributed $624 in payment of the 40-percent employee share which is the common practice for many corporations and the Federal Government.

□ 1350

I would also like to know, since I got out of the hospital about a week or 10 days ago, why, if Members of Congress get free health care, why I was presented with a $1,500 bill for a 3-day stay at Bethesda. My wife would also like to know.

To have absolute total disclosure, let me make one additional comment before I discuss this issue generically. We often hear the argument that Members of Congress should not go into public service to get rich. That is absolutely correct. I am proud to say that I have lived up to that expectation. I have a home in my hometown, I have a home here in Washington, and I have a half-interest in a tiny cottage which my wife and I own jointly with another party which is worth—our interest in that cottage—is worth about $10,000. With the exception of the home in my district and the small cottage in my district and the home that I have here, I have no other investments. I have no stocks, because I think they are a conflict of interest. I do not want to have to vote on health care issues, holding tobacco stock. I do not want to have to vote on utility issues, holding utility stock. So I have no stocks. For two reasons, honestly. One is because I think it is a conflict of interest, and second, because I do not have the money to buy them. The only asset which I have is somewhere between $9,000 and $11,000 in my savings account which I have accumulated over the 20 years that I have spent here. I do not say that to apologize in any way. I say that simply to state the facts. I suspect there are many other Members around here who are in roughly the same shape.

That is certainly not bad shape. I know a whole lot of people in my district who would be very happy to be in that shape, but I would also suggest that it doesn't indicate that this Member has gotten rich on this job and he never will and never wants to.

When I first went into public service I served in the Wisconsin Legislature. We were paid $3,600 a year whether we needed it or not. My wife worked as a speech therapist, and she made more money than I did. I was uncomfortable about that, but I was also grateful she did. I mention that simply to make a point that I have been happy in public service at whatever the salary level has been. I really do not care what the pay is, so long as there is enough money to pay the bills and to send my kids to school. What I do care deeply about is the political process, the honesty of the political process, and the honesty with which each of us in this House deal with each other, deal with the press, and deal with our constituencies. To understand some of the shell games which have occurred on this issue, I think it is necessary to recite a little history.

Before 1976 there were no outside income limitations whatsoever on Members of Congress or Members of the U.S. Senate. In 1976, I was appointed by Speaker O'Neill to chair a bipartisan task force which was composed of Republicans and Democrats and outside public members to try to write a new Code of Ethics for the House of Representatives. We came up with a series or recommendations. One of those recommendations was to, for the first time, limit the amount of outside income that Members of Congress could earn in addition to their congressional salary. We had a choice at that time. The choice was whether to rely simply on disclosure or to rely on disclosure plus some outside limits. We had a lot of good people on both sides of this issue.

Before we moved, I commissioned a national poll by Lou Harris. We spent $50,000 of the taxpayers' money to do something that public bodies do not very often do officially. We wanted to find out exactly what taxpayers thought what we ought to do about some of the ethical questions facing the Congress. And we found among other things that the public wanted Members of Congress to spend more time being in connection with their districts. We found that members of the public wanted Members of Congress to focus more on their jobs and less on their outside income, and we found a lot of concern about conflicts of interest on the part of Members who had huge stock holdings or huge investments in one kind of business or another, and still voted on those issues. We had no authority to deal with inherited income or previously accumulated income because we cannot, under the Constitution, take away or limit in any way income or wealth that people have already earned. It is on unconstitutional taking of property. But we did try to decide what was the proper relationship between outside earned income and salary income.

At that time several members of the press testified against the idea of limiting outside income in any way. They had what they thought were very good reasons. They felt that human beings could not write laws tight enough and yet at the same time flexible enough to take into consideration every variable in human behavior and every economic condition of 535 people in the Congress. So they advised us: "do not limit outside income in any way. Just rely on disclosure." That was a perfectly honorable position. I happened to have disagreed with it and so did our Commission at the time. And so what we proposed was a tradeoff. We worked with President Ford leaving Office, President Carter coming into Office—I remember Member Dick Bolling worked directly with Jimmy Carter on that issue—and we put together a tradeoff. We said: "We will provide an increase in direct congressional reimbursement to Members of the House, and in turn for that, we will impose a limitation on Members' outside income."

We had a whale of a fight here, and if it had not been for the intervention of Speaker O'Neill, we would have lost that fight because many of the high-income Members of the House fought those reforms tooth and nail. One Member was making over $125,000 a

year in law practice. Understandably, he did not want to give that up. Another Member was making over $100,000 a year in insurance, and he did not want to give that up. One Member, a lawyer, came to me and said, "OBEY, you do not understand. For people who are lawyers, it is not that our law practice takes any time away from our job, it is just as we rise in seniority, the lobby groups might decide to toss more business our way and we'd get a cut of the action."

□ 1400

I looked at him and I said, "I know." And you could see the lights go on in his head, because he realized we really did not have a clerical error in the development of the legislation, we really did mean to cut that kind of stuff out. So we had a tough fight, and we passed it.

I find it ironic that some sectors of the press who at the time objected to our reform package as being too tough and too "Common Cause-ish" now today are criticizing those very same rules for not being tough enough.

I do remember that on the day our reform package came to the House floor, one senior reporter from the Washington Post wrote an op-ed piece attacking our reform package, urging that the House vote it down because we should not provide limitations on outside income, that we were not smart enough to write the rules. And he specifically objected to the fact that we did not have an exemption in our rules for book royalties. We did. He was looking at the wrong draft of the proposal.

But I find it ironic that some of the same members of the press who were attacking us and suggesting that we did not have an exemption for book royalties in 1976 are now attacking us today because we did. I do not mind the change in opinion; there is nothing wrong with that. I do mind the sanctimony that accompanies the change in opinion.

Now, cutting short history today, as a result of those limitations the Senate is limited to 40 percent of their salaried income which they can take in the form of outside earned income. The House is entitled to 30 percent, in addition to Members' salaried income. Some of the income comes from speaking fees.

I have looked at a good many disclosure forms from Members of Congress. I venture to say that because of my experience as chairman of the reform commission, I probably know more about the individual financial situations of individual Members of Congress than any other Members of this House. And as I say, some of that income comes from speaking fees. I have looked at disclosure statements, and I think that 90 percent of the Members of this House have been reasonably careful in seeing to it that those speaking fees come from correct sources or come under correct conditions. But as we know, there have been some occasions on which a small number of Members of this House have greatly embarrassed the institution because of the manner in which they have dealt with that privilege.

I also think that the continued situation by which many Members can serve on corporate boards or continue to practice law is troubling, not necessarily because of the individual conduct of Members—because I think most Members who do that do it in a perfectly honorable fashion—but I do think it causes concern about the House which is not healthy.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I would appreciate it, Mr. Speaker, if I could first complete my statement, and then I will be happy to yield.

So the question is, how do we deal with this in a way which is civil, in a way which is fair to our employers, the taxpayers, and in ways which will be clearly and fairly understood by them and clearly and fairly reported by the media? I really do not know the answer to that question. I do know that there has been a substantial amount of the story which has gone unreported.

Let me tell the Members what the numbers show that I have looked back on.

I know that many of the people in this country are under the impression that the Presidential Commission that was created to deal with congressional pay is a new creation. It is not. It was created in 1968, before I ever got to this place. I came here on April Fool's Day in 1969 many people think that was appropriate. But since 1969, in 12 of the years since then, the Congress decided to exclude itself from any pay raise which was provided either to Social Security recipients or to other Federal employees. So in 1970, 1971, 1972, 1973, 1974, 1976, 1978, 1980, 1981, 1983, 1986, and 1988, Congress provided no pay raise for itself. In 4 of the years in the 20 years that I have been here, Congress provided what were called cost-of-living increases of 5 percent, 5.4 percent, 4 percent, and 3.5 percent. In addition, in the last 10 years, there have been two partial "catch-ups" as some people call them—I put that in quotes—two partial "catch-ups" of 18 percent and 15 percent.

The result of that has been that in the last 20 years congressional salaries have been increased on an average by 4.2 percent a year. Other Federal employees have had their salaries increased by 4.8 percent a year, the CPI has gone up by 6.4 percent a year, white collar workers have experienced on an average a 7-percent increase in pay, and blue collar workers have experienced a 6.7-percent increase in pay. I applaud those increases in pay for workers and for Social Security recipients. I voted for every one of those that I could possibly get my hands on because I thought people needed them.

I state these numbers again not in any way to complain but simply so that somewhere there is in the public record a description of what has actually taken place over the 20-year period. I do so to put in context my view that those who believe that the public benefits when the Congress votes on its own pay are simply wrong.

Let me tell you why I say that. I have received literally hundreds of letters from my district from people who say, "OBEY, I can't vote on my own pay. Why should you?" I agree with that. I do not think we ought to vote on our own pay.

Second, rule VIII of this House, which has been unchanged since 1890, says that Members of the House should vote on every question put in this House unless the Member has a personal or financial conflict of interest in the outcome of the vote. Certainly there is no vote that represents a greater conflict of interest than one to set your own pay. I know of no one in this society outside of Members of Congress who gets to set their own pay, and I do not believe Members of Congress should either. That is why I think it is ethically absurd to suggest that Members of Congress somehow improve public ethics when they vote on their own pay.

□ 1410

Mr. Speaker, I also think that when Congress does vote on its own pay it reaches new heights of hypocrisy and duplicity. So do many people who report it, and so do many people who talk about it.

Let me give my colleagues a couple examples of the hypocrisy which I have personally witnessed on this floor. I remember 4 or 5 years ago, when we had one of those cost-of-living increases that was voted on. I think it was for 4 percent at the time. I have forgotten exactly. One Member of this House was on all three television networks leading the charge against that raise publicly. But privately, the day that it finally passed, he was standing right underneath George Washington's portrait, standing right next to me, leaning against the rail, and he literally jumped up and down with glee saying, "Hooray, we got it, we got it!"

Mr. Speaker, does anybody really believe that the public's right to know is enhanced by that kind of baloney?

Later, when a group of Members of this House went to court, filed a suit in Federal court, to try to stop the pay

raise, I remember one of those Members who had proudly put his name on that court suit and bragged about it in the media. I remember him sitting on this floor laughing and saying to me, "You know the court is going to throw that suit out, and I know the court is going to throw that suit out, but my district doesn't, and I'm having one heck of a ride."

Mr. Speaker, I think there is some other hypocrisy going on as well. I saw Mark Shields, who is one of the few people in the media who I think has cut through the hypocrisy on this nonsense. I saw him say the other day that he was watching "millionaires row" in the Senate as they performed on this issue. I do not know if the public is aware of it or not, but somewhere between 60 and 70 percent of the other body—in plain language that is the Senate—somewhere between 60 and 70 of the 100 Members in that House are estimated to be millionaires. Nothing wrong with that. Nothing wrong with that. They probably earned it, and it is theirs to spend any way they want.

However there is another factor in dealing with the Senate vote that the public ought to be aware of. I have discussed this issue with a number of Senators who made it exquisitely clear to me that under no circumstances would they ever vote to reduce or eliminate outside earned income. What they say to me is this. They say, "OBEY, anybody who considers a pay raise is nuts because, if you get one, the public will be so upset about it that you won't get one for another 10 years, and so it's a whole lot easier for us to simply raise the limit on our outside income through the years because that isn't focused on. It's much quieter, much less hassle."

Mr. Speaker, I would suggest that, if the public believes that that is in the public interest of this country, they need to reexamine the question once again.

I simply want to say that I have absolutely no idea what a Member of Congress ought to be paid. There is no one in America less qualified to make that determination. There are, frankly, people in this body who I regard as being grossly overpaid. And there are many Members of this body who I think the taxpayers are very lucky to have at the salary they are earning, on both sides of the political aisle.

I do believe that one way for the Congress to deal with this problem—because, as I have said, I do not believe that we are improved ethically or substantively when we continually vote on our own pay in a conflict-of-interest situation—so I do believe that we ought to look at the possibility of arranging it in such a manner that congressional pay is adjusted annually and automatically by the same amount by which other Federal employees' pay is adjusted. Or another measuring stick might perhaps be to have congressional salaries adjusted by the same percentage that private-sector workers in this society had their pay adjusted in that or the previous year. I think that ought to happen automatically without Members' involvement because of the hypocrisy which is involved when we have Members voting on their own pay.

In terms of what the proper base ought to be from which those cost-of-living increases from time to time are made, I do not know how to determine that, but I do believe fundamentally that, even if it takes a constitutional amendment, we should get Congress out of the business.

I would be very interested, for instance, in seeing what the Chief Justice of the Supreme Court and any other group of citizens that anybody wants to name would feel would be the proper process and the proper amount to set in determining the correct base for congressional salaries. All I know is that we have a vested interest in it here, and we should not be voting on it. But, if we are required to, if we are required to vote on it, then we ought to take a look at it as a package. We ought to take a look not only at what the proper level of this salary ought to be, but we also ought to at that time take a look at what tradeoffs ought to be required for any adjustment. By way of outside income adjustment, by way of some other practices that are engaged in around here. I do not think anything constructive will happen. I think that this place will continue to clunk along the way it has the last 10 years dealing with this issue on an ad-hoc basis, each time confusing the public with demagoguery and rhetoric. But I hope that I am wrong.

I hope that the leadership of both Houses, and I hope that the intellectual leadership of the country for that matter, will spend a little time and expend a little effort in trying to help figure out exactly how this problem ought to be handled. Because, while the taxpayers' interest in the narrowest of terms only, is temporarily served by what happened today—and I certainly voted against the product today—I think that the taxpayers' interest will not be served in the long term if we do not make the kind of adjustments which were made in 1976 so that we can finish the reform that was begun in 1976 and still make it possible for someone other than millionaires to serve in this body, most especially the Senate of the United States which has increasingly become, to the detriment of working people all over this country, a rich man's club.

□ 1430

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, first I would like to thank the gentleman for having the courage to take out this special order and continue the discussion of the subject that apparently most of our colleagues would like very much to put behind us today and for the next few weeks and months perhaps.

Mr. OBEY. Well, I would like to put it behind me, too, but I do think the public is owed a full explanation of what the issues are.

Mr. OWENS of New York. Mr. Speaker, I think we owe the gentleman a great debt for attempting to do that.

There is a whole lot of heat that has been focused on this subject, but very little light. The gentleman seems to be in a position to have a great deal of light to throw on the issue. I really appreciate the gentleman taking out this special order to do that.

I want the gentleman to know that many of the things he just said were news to me. I learned a great deal in the few minutes that I sat here.

At one point the gentleman said that in the interest of saving time he was skipping a little bit in this chronology of what has happened over the years. I hope the gentleman will have that chronology in writing of what has happened over the years as Congress has refused to accept pay increases on the basis of cost-of-living increases, and the whole chronology would be very useful to me and a number of other people, I am sure.

To the American people in general, this is not a point at which we ought to cut off dialog. I think we really ought to call upon the public to take a close look at how our budgets are made, how our decisions are made, and just exactly what is a Congressman. We cannot fully define it, but we can certainly take some steps to make people better understand what this is all about.

So I hope the gentleman will have in writing the chronology somewhere, if he does not have it today, and let us have it.

I would also like to say that there comes a point where we ought to be leaders and take the initiative in educating the American people about what the 20th century is all about in terms of the budget and in terms of cost. We have a trillion dollar budget which most people cannot comprehend at all. We do not discuss budget matters very much in this country. In England, the BBC takes 2 days whenever the national budget is promulgated, they set aside 2 days to do nothing but discuss the national budget.

We have just had a situation where a pay raise, which seemed to be on the minds of large numbers of people, a lot of hysteria was generated by it, and we only discussed it for 40 min-

utes, 20 minutes for the opposition to the resolution and 20 minutes for those in favor of the resolution, which is a bit ridiculous. We ought to be willing to discuss what 20th century costs are all about.

We ought to be willing to say to the American people that when you are spending $150 billion for overseas bases, you ought to take a close look at what you are paying the people who make the decisions about keeping that $150 billion expenditure for overseas bases going.

When we are spending on MX missiles $75 million, $75 million to build the MX missile and another $75 million to house the MX missile, we ought to look at what these modern costs are all about.

We ought to take a hard look at our current situation that is in front of us.

At this point I would like to read into the RECORD my statement on the congressional pay raise, because I think the two issues overlap. I am concerned about the savings and loan scandal and how we have had our attention diverted from concern about the savings and loan scandal, which is a $90 billion scandal, a $90 billion expenditure, most of which will come out of the hides of the American taxpayers.

While we look at the pay raise, it is an insignificant portion of the total trillion dollar budget for 1990, but right away the savings and loan scandal will mean a great amount of money impacted on the coming 1990 fiscal year, which will mean that we cannot spend money for other very important activities. Education, which so greatly needs more investment, will not be able to receive the kind of investment it needs at this point from the man who has called himself the education President, because of the impact that the savings and loan association scandal is going to have.

I am voting in favor of raising the pay of Congressmen because I think 535 vice presidents of the largest corporation in the world, who make life and death decisions affecting people all over the world, deserve to be paid at the level recommended by the Commission.

As the gentleman has pointed out, I do not know exactly what a Congressman is worth. I do not try to pretend to make some assessment myself. I would be in this body and I would be thankful to be in this body if the pay were cut in half tomorrow. The money is not the motivation for most of us being here, but we would like to see some sense of respect in terms of dollar value to be paid for the kind of activities we engage in.

Even with this 51-percent increase, congressional pay will remain below the level of $143,000, which would be the amount of pay Congressmen would receive if congressional pay had kept pace with inflation.

As the Congressman has pointed out, time after time Congress has refused to accept the cost-of-living increase, and as a result of that we have fallen steadily behind so that we are not at the level of $143,000, which would be where a Congressman would be automatically without having a sudden 51-percent increase if those pay raises had been accepted. For political reasons, for pandering to hysteria, we have not done that.

Despite the stampede atmosphere created by the media the public should be reminded that this pay raise is the recommendation of an objective commission and was approved by the most popular President in recent history, as well as by the incoming President.

It is unfortunate that a mob hysteria has been generated over a matter which will have no significant impact on the overall budget for fiscal year 1990. Meanwhile, this diversionary headline-grabber has taken the attention of the American people away from the real budget-busting monster on the agenda of the Congress. The savings and loan association scandal represents a $90 billion swindle which will paralyze the national budget for the next 4 years.

There will be no money to invest in educational reform, job training, or better health care. This savings and loan association ripoff constitutes the greatest and most brazen scandal in the history of the Nation.

We are being plunged into socialism for the banking industry in order to compensate for the misdeeds of incompetents and criminals.

According to President Bush's proposal, we are going to have banks being managed by the Government, banks being managed by regulators. If that is not socialism, I do not know what it is. Why have socialism at the level of the banking industry? Why are we subsidizing to the tune of $90 billion the banking industry, or a segment of the banking industry?

The failing savings and loan institutions are a network of racketeering enterprises which operated for a long time in collusion with certified public accountants and Government regulators.

I am pleased that I voted "yes" on a much-needed pay raise in order to get the matter off the agenda and allow the American people to focus on this $90 billion swindle, which is of far greater importance to their lives and the lives of their grandchildren.

Mr. Speaker, I just want to conclude by saying that I expect to take out time to talk just about the impact of this possible $90 billion swindle on the coming 1990 fiscal year and what that means.

□ 1440

I think it is important to link that with the pay raise and say that the people who are making decisions every day about $90 billion affairs in connection with savings and loan associations or $150 billion in connection with our funding of overseas bases or $75 million per MX missile, on and on it goes; we are making life-and-death decisions every day. We are spending billions of dollars of the taxpayers', and we deserve to have some respect. We deserve to be treated as professionals. We deserve to be required full-time workers, paid on a scale comparable to other people who have the same experience, education and make the same kinds of decisions.

Mr. OBEY. Mr. Speaker, the gentleman did mention heat. In this regard, I would also like to talk just a moment about the way in which I think our Speaker has been manhandled for the past 3 to 4 weeks.

Mr. Speaker, we have seen story after story about Members of the House issuing press statements attacking the Speaker because he was "using his power to prevent a vote on this issue." Those statements would be perfectly all right with me if a number of those same Members had not gone to the Speaker privately and sought assurances that there would not be a vote.

Mr. Speaker, I know of one Member of my delegation on the minority side of the aisle who roundly criticized the Speaker's actions and yet who, on the trolley going between the Rayburn Building and the Capitol about 3 weeks ago, expressed to me deep concern lest the Speaker allow this to come to a vote.

Let me simply say that I think the Speaker's instinct that the 50-percent pay raise was too much was correct, and I applaud him for having the common sense to recognize that. The portion of the pay raise which the Speaker sought to preserve was that portion associated with reform. I do not know if that was the right combination. It was certainly better than the 50 percent.

I do not think that Members of Congress or other high-income people in this society necessarily have to always fully keep up with the cost of living—I do think that is necessary for people at the low end of the totem pole—but neither do I believe that virtue is served if Members of Congress never have an adjustment in their pay. That is why I would prefer to see an annual regular adjustment based on some other measurable index such as what has happened to other workers in society. Because when we do not do that, as has been indicated, then when Congress tries to play these catchup games, it winds up doing it in a manner which brings disgust down

upon the entire institution and many of its Members.

Mr. Speaker, I simply want to apologize to the Speaker for the hypocrisy of many Members of this House who had a field day on this issue by pummeling him personally while they were asking him privately to allow the law to stand.

I would also like to congratulate several members of the press. I would like to congratulate the members, the four members, of the Magazine and Periodical Gallery, the board members of that gallery, who were defeated in their most recent election because they had reminded members of that gallery that there was a rule which required disclosure of the outside income of members of the press who used that gallery.

Mr. Speaker, I think it is perfectly appropriate to have disclosure of outside income for anyone in public life, and I regard very visible members of the press as also being in public life. I think that if anyone believes that network news anchors or well-known political commentators—be they on the networks or public broadcasting, or you name it—if anyone really believes that it is healthy for them to collect $5,000-$10,000 a speech in speaking fees and not report the source of that income, then I think they are dead wrong.

A long time ago, we got over the hurdle that resisted disclosure of Members' outside income, and I think, with all due respect, that the press owes the country a similar obligation. I would certainly suggest that network news anchors and many of the visible network reporters and commentators have far more ability to influence public opinion than 1 of 535 Members of this Congress.

I remember when we were voting on those reforms in 1976, and when I gave a speech to the Western Wisconsin Press Association discussing my concerns about disclosure for politicians and the press. I remember at that time having my attention brought by Senator Gaylord Nelson from Wisconsin to the fact that one science reporter for one of the major news magazines in this country who was writing and routinely covering Nelson's hearings on drugs and on drug company profits, that one of those reporters himself had about $30,000 or $40,000 in drug company stock at the time.

I think the consuming public and the taxpayers have a right to know what those sources of income are, too, So I would suggest that both politicians and members of the press ought to take a look at their own houses as well as the others and come up with a set of rules which can make both of us look a whole lot better than we are looking right now.

PERSONAL EXPLANATION

Mr. TAUZIN. Mr. Speaker, I rise only to report that a strange confluence of events prevented me from being here when the rollcall was taken on rollcall No. 6, I understand.

Actually, it was a confluence of events that involved ice in Houston, the Madri Gras in New Orleans, and some FAA rules that required the flight crew of Continental to get enough sleep before they got back into the air, 2 hours' delay in flight No. 1252. Unfortunately, I was not here when the rollcall was taken.

I want to first of all thank those folks at Continental for doing their best, despite the FAA rules, to get me here on time, and to acknowledge their assistance in that effort, but we failed to get here on time, unfortunately.

Mr. Speaker, I ask unanimous consent that the RECORD reflect that had I been here to vote on House Joint Resolution 129 when rollcall No. 6 was taken, that I would have recorded a vote "yes" in favor of the resolution of disapproval and therefore would have voted against the pay raise.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS OF THE HOUSE OF REPRESENTATIVES FOR THE 101ST CONGRESS

(Mr. MONTGOMERY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, pursuant to House rule XI, clause 2(a), I am pleased to submit the rules of the Committee on Veterans' Affairs for the 101st Congress for printing in the CONGRESSIONAL RECORD. The rules were adopted at the committee's organizational meeting on January 26, 1989, by unanimous voice vote.

RULES OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

RULE I—GENERAL PROVISIONS

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

RULE II—MEETINGS

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

RULE III—RECORDS AND ROLLCALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULE IV—QUORUMS

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provid-*

ed, That any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the members of the majority.

RULE VI—OVERSIGHT

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

RULE VII—BROADCASTING OF COMMITTEE HEARINGS

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committee and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not place themselves in positions which obstruct the view between members of the committee and the witness table.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photograph shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE VIII—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be five standing subcommittees as follows: Oversight and Investigations; Hospitals and Health Care; Education, Training and Employment; Compensation, Pension and Insurance; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively.

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Compensation, Pension and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in

the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(b) The chairman and the ranking minority member shall serve as ex-officio members of all subcommittees and shall have the right to vote on all matters before the subcommittee.

RULE IX—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

RULES OF THE COMMITTEE ON WAYS AND MEANS OF THE HOUSE OF REPRESENTATIVES FOR THE 101ST CONGRESS

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 101st Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on January 4, 1989.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 101ST CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

* * * Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules as far as applicable.

* * * Each standing committee of the House shall adopt written rules governing its procedure. Such rules * * *

(1) shall be adopted in a meeting which is open to the public * * *

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on January 4, 1988, adopted the following as the Rules of the Committee for the 101st Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms "full Committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its subcommittees as well as to the respective chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. A majority of the Committee constitutes a quorum for business. Provided, however, that two members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the chair.

Rule 3. Proxy Voting

Voting by proxy shall be permitted in accordance with the manner prescribed in clause 2(f) of Rule XI of the Rules of the House of Representatives.

Rule 4. Committee Budget

The Chairman, in consultation with the majority members of the Committee, shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the minority members, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 5. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any member and any Committee staff member in connection with the attendance of formal or informal hearings conducted by the Committee, its subcommittees, or any other committee or subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made;

(4) The names of members and Committee staff seeking authorization.

Where official travel is in connection with the conduct by members of the Committee of an informal hearing, the prior approval not only of the Chairman but also of subcommittee chairmen shall be required where the hearing involves any matter within the jurisdiction of one or more of the subcommittees of the Committee.

In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

B. SUBCOMMITTEES

Rule 6. Subcommittees

All matters referred to the Committee on Ways and Means involving the Internal Revenue Code, except those revenue measures referred to subcommittees under paragraphs 2, 3, 4, 5, or 6, shall be considered by the full Committee and not in subcommittee.

There shall be six standing subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Select Revenue Measures; a Subcommittee on Health; a Subcommittee on Social Security; and a Subcommittee on Human Resources.

The jurisdiction of such subcommittees shall be:

1. Subcommittee on Trade shall consist of 14 Members, 9 of whom shall be Democrats and 5 of whom shall be Republicans.

In general, the jurisdiction of the Subcommittee on Trade includes bills and matters referred to the Committee on Ways and Means which relate to: customs and customs administration including tariff and import

fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. Subcommittee on Oversight shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of this subcommittee includes all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law and said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other subcommittees, and with respect to matters involving the Internal Revenue Code said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the chairman of any other subcommittee having jurisdiction.

3. Subcommittee on Select Revenue Measures shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of this subcommittee shall consist of those revenue measures which, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

4. Subcommittee on Health shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

In general, the jurisdiction of the Subcommittee on Health includes bills and matters which are referred to the Committee on Ways and Means which relate to programs which provide payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health includes bills and matters which relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

5. Subcommittee on Social Security shall consist of 8 Members, 5 of whom shall be Democrats and 3 of whom shall be Republicans.

In general, the jurisdiction of the Subcommittee on Social Security includes bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. The jurisdiction of this subcommittee, more specifically, includes bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

6. Subcommittee on Human Resources shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

In general, the jurisdiction of this subcommittee includes bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance.

More specifically, the jurisdiction of this subcommittee includes bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of this subcommittee also includes bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits.

More specifically, the jurisdiction of this subcommittee includes all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

Rule 7. Subcommittee Chairmen

Democratic members of the Committee shall have the right in order of full Committee seniority to bid for vacant subcommittee chairmanships. Such bids shall be subject to approval by a majority of those present and voting in the Democratic caucus of the Committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority Member may bid for the position as in the first instance. No member of the Committee who serves on the Budget Committee shall serve as a chairman of a subcommittee. A subcommittee chairmanship shall not be considered vacant while the subcommittee chairman has taken a leave of absence to serve on the Budget Committee.

Rule 8. Ex-Officio Members of Subcommittees

The Chairman and the Ranking Minority Member may sit as ex-officio members of all subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a subcommittee. However, their absence shall not count against the establishment of a quorum by the regular members of the subcommittee. Ex-officio members shall neither vote in the subcommittee nor be taken into consideration for purposes of determining the ratio of the subcommittee.

Rule 9. Subcommitee Ratios

The ratio of Democrats to Republicans on any subcommittee of the Committee shall be consistent with the ratio of Democrats to Republicans on the Committee.

Rule 10. Subcommittee Meetings

Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

Rule 11. Reference of Legislation and Subcommittee Reports

Every bill, or other matter (except bills concerning the Internal Revenue Code) referred to the Committee or initiated by the Committee shall be referred by the Chairman of the full Committee to the appropriate subcommittee within 2 weeks from the date of its receipt by the Committee unless by a majority vote in the full Committee, consideration is to be by the full Committee. A subcommittee shall, within 3 legislative days of receipt of a bill referral, acknowledge same to the full Committee.

After a bill has been pending in a subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the subcommittee that the subcommittee forthwith report the bill to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the subcommittee has not so reported the bill, then there shall be in order in the full Committee a motion to discharge the subcommittee from further consideration of the bill. If such motion is approved by a majority vote in the full Committee, the bill may thereafter be considered only by the full Committee.

No bill reported by a subcommittee shall be considered by the full Committee unless it has been presented to all members at least 2 legislative days prior to the meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the costs of carrying out the bill that is consistent with the requirements for reported bills under clause 7 of Rule XIII of the Rules of the House of Representatives.

Rule 12. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee (or subcommittees) which handled the substantive legislation in the order of their subcommittee seniority and such other Committee members as the Chairman may designate. In making recommendations of minority members as conferees the Chairman shall consult with the ranking minority member of the Committee.

C. HEARINGS

Rule 13. Witnesses

In order to assure the most productive use of the limited amount of time available to question hearing witnesses, a witness who is scheduled to appear before the Committee shall file with the clerk of the Committee at least 24 hours in advance of his appearance a written statement of his proposed testimo-

ny. In addition, all witnesses shall comply with the formatting requirements of the Joint Committee on Printing. Failure to comply with the 24-hour rule may result in the witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. A witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the clerk for distribution to members, staff and news media.

Rule 14. Questioning of Witnesses

Committee members may question witnesses only when recognized by the Chairman for that purpose. All members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five-minute rule, the Chairman and the Ranking Minority Member may be recognized first after which members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee; other members shall be recognized in the order of their appearance at the hearing. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15. Records of Hearings

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee office. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman may order the printing of the hearing without the corrections of a witness or member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislative action which is the subject of the hearing.

A witness appearing in a public hearing, or submitting a statement for the record of a public hearing, or submitting a written comment in response to a published request for comments by the Committee must provide the Committee with a list of any clients or persons, or any organization for whom the witness appears which shall be made available for public inspection unless otherwise directed by the Committee. Verbal testimony and statements for the record, or written comment in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the Committee or subcommittee involved. Written statements from noncitizens may be considered for acceptance if transmitted to the Committee in writing by Members of Congress.

Rule 16. Broadcasting of Hearings

The provisions of clause 3(f) of Rule XI of the Rules of the House of Representatives are by reference specifically made a part of these rules. In addition, the following policy with respect to media coverage of meetings shall be observed:

An appropriate area of the Committee's hearing room will be designated for members of the press and any equipment they use.

No interviews are allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

Day-to-day notification of the next day's electronic coverage will be provided by the media to the Chairman through the chief counsel or some other person who might be designated in his absence.

Still photography will be permitted during a Committee meeting as long as it does not disrupt the proceedings or block the vision of Committee members or witnesses.

Klieg lights will be permitted to illuminate the hearing room only during the first fifteen minutes following the Chairman's initial calling of the Committee to order.

Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 17. Record Votes

A record vote on an issue shall be required on the request of a member which is supported by at least one-fifth of a quorum (i.e., four members during the 101st Congress).

Rule 18. Reconsideration of Previous Vote

When an amendment has been disposed of, it shall be in order for any member on the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

When a paragraph or section of a bill being considered for purposes of amendment has been adopted, it is not in order to return thereto except by majority vote of the Committee.

Rule 19. Previous Question

The Chairman shall not recognize a member for the purpose of moving the previous question unless the member has first advised the Chair and those members present that this is the purpose for which recognition is being sought.

Rule 20. Transcripts of Markups and Other Committee Meetings

An accurate stenographic transcript shall be kept of all markups and other meetings of the full Committee and the Subcommittee, whether they be open or closed to the public. This transcript, marked as "uncorrected," shall be available for inspection by Members of the House, or Members of the Committee together with their staffs, in the Committee or Subcommittee office. Transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority Committee staff) that it is necessary to review the transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate Committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

A transcript of a markup or Committee meeting other than a public hearing shall not be published or made public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceedings, all of the requirements of this rule will likewise be observed.

Rule 21. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each member of the Committee.

Rule 22. Availability of Committee Records

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to a Committee for a determination on the written request of any Member of the Committee.

E. STAFF

Rule 23. Supervision of Committee Staff

The staff of the Committee, both professional and clerical, shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 5(d) and clause 6 of Rule XI of the Rules of the House of Representatives concerning committee expenses and staff; provided, however, that the chairman of each subcommittee shall be entitled to select and designate at least one professional and one clerical staff member for the subcommittee subject to the approval of a majority of the Democratic Members of the full Committee. The Ranking Minority Member shall have the right to designate one staff member. Said staff members shall be compensated at a salary commensurate with the responsibilities prescribed by the subcommittee chairman. Compensation shall be provided out of appropriated amounts rather than statutory amounts allowed each Committee.

Rule 24. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. *Honoraria.*—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. *Speaking engagements and unofficial travel.*—

(1) *Advance approval required.*—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least seven calendar days prior to the event.

(2) *Request for approval.*—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement or fact-finding trip. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip to the staff member's official duties.

(3) *Reasonable travel and lodging expenses.*—After receipt of the advanced approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement or fact-finding trip related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) *Fact-finding trip summary and report.*—In the case of any reimbursement or direct payment associated with a fact-finding trip, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (and, in the case of minority staff, to the Ranking Minority Member).

c. *Waiver.*—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE OF THE HOUSE OF REPRESENTATIVES FOR THE 101ST CONGRESS

(Mr. BEILENSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEILENSON. Mr. Speaker, pursuant to clause 2(a) of House Rule XI, I submit herewith a copy of the rules of procedure adopted by the Permanent Select Committee on Intelligence for the 101st Congress.

RULES OF PROCEDURE FOR THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken at such portion or portions:

1. Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

2. Will relate solely to matters of committee staff personnel or internal staff management or procedure;

3. Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual except that, at a hearing which may tend to defame, degrade or incriminate any person, the hearing may be closed to the public consistent with clause 2(g)(2) and clause 2(k)(5) of Rule XI of the Rules of the House;

4. Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

5. Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

6. Will violate any other law of the United States or any rule of the House of Representatives.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of ten committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Reasonable notice shall be given to all witnesses appearing before the committee.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with

the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

Transcripts.—A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify.—The committee or any subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statements of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of five subcommittee members.

There are hereby established the following subcommittees:

(1) Program and Budget Authorization.
(2) Legislation.
(3) Oversight and Evaluation.

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee; or

(2) at the written request to the chairman of the full committee of at least five members of the committee,

except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

7. SUBPOENAS

Unless otherwise determined by the committee, the chairman, upon consultation with the ranking minority member, or the committee, shall authorize and issue subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

The appointment of committee staff shall be by the chairman in consultation with the ranking minority member. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into such person's possession while a member of the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee, or, in the event of the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by rollcall vote, determines, in a manner consistent with clause 7 of House Rule XLVIII, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

10. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL

(a) Committee staff offices shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

(b) Pursuant to clause (7)(c)(2) of House Rule XLVIII and to clause (2)(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such hearings, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(c) Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413) and to clauses 3(a) and 7(c)(2) of House Rule XLVIII, the committee shall call to the attention of the House or to any other appropriate committee or committees of the House any matters requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions about the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submissions from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that a matter requires the attention of the House or a committee or committees of the House which the committee deems appropriate, it shall make arrangements to notify the House or committee or committees promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matters to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case, the committee shall consider whether to request an immediate secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question pursuant to clause 7 of House Rule XLVIII.

(d) Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(e) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in a manner consistent with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the

committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

15. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAXON (at the request of Mr. MICHEL), for February 6, on account of official business.

Mr. NELSON of Florida (at the request of Mr. FOLEY), for February 6, on account of official business.

Mrs. LLOYD (at the request of Mr. FOLEY), for February 6, on account of illness.

Mr. MANTON (at the request of Mr. FOLEY), for February 6, on account of official business.

Mr. TORRICELLI (at the request of Mr. FOLEY), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, on February 21 and 22.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. ERDREICH) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OBEY, for 60 minutes, today.

Mr. UDALL, for 10 minutes, today.

Mr. PANETTA, for 60 minutes, on February 21.

Mr. FRANK, for 60 minutes, on February 21.

Mr. SCHUMER, for 60 minutes, on February 22.

Mr. MARKEY, for 60 minutes, on February 22.

Mr. DOWNEY, for 60 minutes, on February 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. MYERS of Indiana.
Mr. GOODLING.
Mr. HOUGHTON.
Mr. SOLOMON.
Mr. MARLENEE in two instances.
Mr. CRANE in six instances.
Mr. KYL.
Mr. GALLO.
Mr. GUNDERSON.
Mrs. ROUKEMA.
Mr. HOLLOWAY.
Mr. BUNNING.
Mr. COBLE in two instances.
Mr. STANGELAND.
Mr. ROWLAND of Connecticut.
Mr. BUECHNER.
Mr. GILMAN.
Ms. SCHNEIDER in two instances.
Mr. HUNTER.
Mr. CONTE in two instances.

(The following Members (at the request of Mr. ERDREICH) and to include extraneous matters:)

Mr. ATKINS.
Mr. CARDIN.
Mr. APPLEGATE.
Mr. SKELTON.
Mr. MONTGOMERY.
Mr. HOYER.
Mr. LANTOS in 3 instances.
Mr. ANTHONY.
Mr. MCMILLEN of Maryland.
Mr. SMITH of Florida.
Mr. HAWKINS.
Mr. GUARINI in two instances.
Mr. DONNELLY.
Mr. SANGMEISTER.
Mr. YATRON in 2 instances.
Mr. FLIPPO.
Mr. ROE.
Mr. DOWNEY.
Mr. MAZZOLI.
Mr. BONIOR.
Mr. MANTON.
Mr. TRAXLER.
Mr. DINGELL.
Mr. PENNY.
Mr. FRANK.
Mr. LIPINSKI.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mrs. LLOYD in five instances.
Mr. ANNUNZIO in six instances.
Mr. DE LA GARZA in 10 instances.
Mr. STARK.
Mr. COELHO.
Mr. SABO.
Mr. WAXMAN.
Mr. RICHARDSON.
Mr. FLORIO.
Mr. MATSUI.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 39 minutes p.m.), under its previous order the House adjourned until Thursday, February 9, 1989, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

558. A letter from the Secretary of the Navy, transmitting a proposal to transfer the obsolete drydock AFDM-9 to the city of Jacksonville, FL for use as an artificial fishing reef, pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

559. A letter from the Acting Secretary of Energy, transmitting the annual report on the activities of the Office of Alcohol Fuels for fiscal year 1988, pursuant to 42 U.S.C. 8818(c)(1); to the Committee on Energy and Commerce.

560. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on human rights in countries receiving development assistance, pursuant to 22 U.S.C. 2151n(d); to the Committee on Foreign Affairs.

561. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on human rights in countries receiving development assistance, pursuant to 22 U.S.C. 2151n(d); to the Committee on Foreign Affairs.

562. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report for the Commission's compliance with the Government in the Sunshine Act, calendar year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

563. A letter from the General Counsel, National Labor Relations Board, transmitting a report on the evaluation of its systems of internal accounting and administrative control in effect during fiscal year 1988, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

564. A letter from the Personnel Benefits section, Naval Military Personnel Command, transmitting the 1987 annual report for the Navy nonappropriated fund retirement plan of employees of civilian morale, welfare and recreation, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

565. A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

566. A letter from the Acting Secretary of the Interior, transmitting the study report on the California and Pony Express Trails in California, Colorado, Idaho, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Utah, and Wyoming, pursuant to 16

U.S.C. 1244(b); to the Committee on Interior and Insular Affairs.

567. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

568. A letter from the Attorney General, Department of Justice, transmitting the third annual report on the activities of the Department concerning enforcement of the Controlled Substance Registrant Protection Act of 1984, pursuant to 28 U.S.C. 522 nt.; to the Committee on the Judiciary.

569. A letter from the Administrator, Federal Aviation Administration, transmitting a study on noise abatement proposals by airport operators and local governments, pursuant to Public Law 100-223, section 301(e) (101 Stat. 1524); to the Committee on Public Works and Transportation.

570. A letter from the Acting Secretary of Energy, transmitting the 12th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science, Space, and Technology.

571. A letter from the Acid Precipitation Task Force, transmitting the 1988 annual report of the National Acid Precipitation Assessment Program, pursuant to 42 U.S.C. 8903(e); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. ROSE, Mr. LELAND, and Mr. LANTOS):

H.R. 879. A bill to protect indigenous people throughout the world; to the Committee on Foreign Affairs.

By Mr. CRAIG:

H.R. 880. A bill to eliminate the reimbursement differential between hospitals in different areas; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. AUCOIN, Mr. WYDEN, Mr. ROBERT F. SMITH, and Mr. DENNY SMITH):

H.R. 881. A bill to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOWNEY (for himself, Mr. MILLER of California, and Mr. LEWIS of Georgia):

H.R. 882. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit, to make the credit for dependent care expenses refundable, and for other purposes; to the Committee on Ways and Means.

By Mr. ECKART:

H.R. 883. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to direct the Secretary of Transportation to establish Federal motor vehicle safety standards to require that a schoolbus be equipped with a system of mirrors that provide the driver when seated with an unobstructed view of certain areas under and alongside of the schoolbus, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 884. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

H.R. 885. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 886. A bill to amend titles II and XVIII of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability or for the disability freeze and to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GRANT:

H.R. 887. A bill to amend the Elementary and Secondary Education Act of 1965 to provide that an elementary or secondary school may not receive Federal funds unless the principal supervisor of such school certifies that the Pledge of Allegiance to the flag is a part of the daily program of such school; to the Committee on Education and Labor.

H.R. 888. A bill to amend the Elementary and Secondary Education Act of 1965 to provide that an elementary or secondary school may not receive Federal funds unless the principal supervisor of such school certifies that each student attending such school is permitted to observe a 30-second period of silence at the beginning of each school day; to the Committee on Education and Labor.

H.R. 889. A bill to direct the Board of Regents of the Smithsonian Institution to develop a master plan for expanding the National Air and Space Museum at an airport and construct facilities necessary for housing such expansion; jointly, to the Committees on Public Works and Transportation and House Administration.

By Mr. GUARINI (for himself, Mr. FUSTER, Mr. FAUNTROY, Mr. SCHEUER, Mr. LELAND, Mr. ROE, Mr. ACKERMAN, Mr. LAGOMARSINO, Mr. PEPPER, Mr. RANGEL, Mr. ATKINS, Mr. PURSELL, Mrs. MORELLA, Mr. OWENS of New York, Mr. ROYBAL, Mr. FRENZEL, Mr. LEVIN of Michigan, Mr. DYMALLY, Mr. CROCKETT, Mr. BLAZ, Mr. BUSTAMANTE, Mr. ORTIZ, Mr. TORRES, Mr. PERKINS, Mr. FAZIO, Mr. PETRI, Mr. DE LUGO, Mr. SMITH of Florida, Mr. BROWN of California, and Mr. GREEN):

H.R. 890. A bill to establish a scholarship program to strengthen and develop the work forces of the countries of the Caribbean Basin; to the Committee on Foreign Affairs.

By Mr. GUNDERSON:

H.R. 891. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.R. 892. A bill to amend title II of the Social Security Act to extend for 30 months the operation of provisions providing for continued payment of disability insurance benefits during administrative appeal of terminations of such benefits; to the Committee on Ways and Means.

H.R. 893. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. HENRY:

H.R. 894. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for qualified scholarships shall include scholarships received for travel, research, and living expenses; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 895. A bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process; to the Committee on Post Office and Civil Service.

By Mr. JONES of North Carolina:

H.R. 896. A bill to provide that contracts for the construction or repair of vessels of the National Oceanic and Atmospheric Administration are subject to the provisions of the Walsh-Healey Act; to the Committee on Merchant Marine and Fisheries.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. BROOKS, Mr. FASCELL, Mr. STUDDS, Mrs. BOGGS, Mr. HUGHES, Mr. LENT, Mr. YATRON, Mr. AKAKA, Mr. HUTTO, Mr. TAUZIN, Mr. BENNETT, Ms. SCHNEIDER, Mrs. BOXER, Mr. BATEMAN, Mr. MANTON, Mr. PICKETT, Mr. CLEMENT, Mrs. SAIKI, and Mr. PALLONE):

H.R. 897. A bill authorizing the National Oceanic and Atmospheric Administration to modernize and expand its fleet of ocean research vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KENNEDY (for himself and Mr. GONZALEZ):

H.R. 898. A bill to amend the Home Mortgage Disclosure Act of 1975 to require lenders to compile and make available mortgage loan and commercial loan information necessary to assess compliance with nondiscrimination requirements; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MARTIN of Illinois:

H.R. 899. A bill to amend title 23, United States Code, relating to outdoor advertising of agricultural commodities by farmers; to the Committee on Public Works and Transportation.

By Mr. MARTINEZ:

H.R. 900. A bill to amend the Job Training Partnership Act to establish additional fiscal controls; to the Committee on Education and Labor.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, Mr. STUMP, Mr. EVANS, Mr. WYLIE, Mr. PENNY, Mr. MCEWEN, Mr. STAGGERS, Mr. ROWLAND of Georgia, Mr. SMITH of New Jersey, Mr. FLORIO, Mr. RIDGE, Mr. ROBINSON, Mr. ROWLAND of Connecticut, Mr. STENHOLM, Mr. HARRIS, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. PARKER, Mr. JONES of Georgia, Mr. LEATH of Texas, Mr. HEFNER, Mr. RICHARDSON, and Mr. JENKINS):

H.R. 901. A bill to amend title 38, United States Code, to improve programs for the recruitment and retention of health-care

personnel of the Department of Veterans' Affairs, to extend certain expiring programs of that Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD (for himself, Mr. FISH, and Mr. MICHEL):

H.R. 902. A bill to amend the copyright law, title 17 of the United States Code, to provide for protection of industrial designs of useful articles; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 903. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries; to the Committee on Post Office and Civil Service.

By Mr. MURTHA (for himself, Mr. GAYDOS, Mr. MOLLOHAN, Mr. SCHULZE, Mr. REGULA, Mr. APPLEGATE, Mrs. BENTLEY, Mr. BEVILL, Mr. BORSKI, Mr. CALLAHAN, Mr. CARDIN, Mr. CLAY, Mr. CLINGER, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COSTELLO, Mr. COUGHLIN, Mr. COYNE, Mr. DAVIS, Mr. DINGELL, Mr. ECKART, Mr. EVANS, Mr. ERDREICH, Mr. FEIGHAN, Mr. FORD of Michigan, Mr. GEKAS, Mr. GUARINI, Mr. HARRIS, Mr. HAYES of Illinois, Mr. JONTZ, Mr. KANJORSKI, Ms. KAPTUR, Mr. KOLTER, Mr. KOSTMAYER, Mr. LIPINSKI, Mr. DONALD E. "BUZ" LUKENS, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCMILLEN of Maryland, Mr. MANTON, Mr. MILLER of Ohio, Mr. MURPHY, Mr. NATCHER, Mr. NIELSON of Utah, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of Utah, Mr. PEASE, Mr. PERKINS, Mr. QUILLEN, Mr. RAHALL, Mr. RIDGE, Mr. RITTER, Mr. ROE, Mr. RUSSO, Mr. SAVAGE, Mr. SHUSTER, Mr. STAGGERS, Mr. STOKES, Mr. TOWNS, Mr. TRAFICANT, Mr. VISCLOSKY, Mr. WALGREN, Mr. YATRON, Mr. CAMPBELL of Colorado, Mr. FOGLIETTA, Mr. BOEHLERT, Mr. BLILEY, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. MAVROULES, Mr. OXLEY, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. TORRES, Mr. HERTEL, Mr. FLIPPO, Mr. GEPHARDT, Mr. BILBRAY, Mr. SABO, Mr. BILIRAKIS, Mr. MARTINEZ, Mr. BOSCO, Mr. RANGEL, Mrs. BOXER, Mr. HUBBARD, Mr. FROST, Mr. GILLMOR, Mr. MRAZEK, Mr. SUNDQUIST, Mr. HANSEN, Mr. TALLON, Mr. ALEXANDER, Mr. SAWYER, Mr. HAWKINS, Mr. BONIOR, Mr. MOAKLEY, Mr. DYSON, Mr. BROOKS, Mr. THOMAS A. LUKEN, Mr. SIKORSKI, Mr. RAVENEL, Mr. SMITH of New Jersey, Mr. TANNER, Mr. BURTON of Indiana, Mr. LEWIS of Georgia, Mr. BRUCE, Mr. NEAL of Massachusetts, Mr. HOYER, Mrs. BYRON, and Mr. POSHARD):

H.R. 904. A bill to extend the Steel Import Stabilization Act for an additional 5 years; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 905. A bill to amend the Federal Election Campaign Act of 1971 to prohibit any multicandidate political committee that is controlled by a Member of the House of Representatives from making contributions to any other individual who is a candidate for the House of Representatives; to the Committee on House Administration.

By Mr. PALLONE:

H.R. 906. A bill to authorize the Corps of Engineers to collect and remove all floating material whenever it is collecting and removing from New York Harbor debris which is an obstruction to navigation; to the Committee on Public Works and Transportation.

By Mr. RANGEL:

H.R. 907. A bill to amend the Internal Revenue Code of 1986 to exempt depreciation on qualified low-income housing projects from the passive loss rules; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 908. A bill to provide for 5-year staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAW:

H.R. 909. A bill to amend the Fair Credit Reporting Act to require prompt disclosure by any consumer reporting agency to any consumer of adverse information relating to such consumer which is received by such agency; to the Committee on Banking, Finance and Urban Affairs.

H.R. 910. A bill to authorize the State of Florida to use Federal-aid highway funds apportioned to the State of Florida for construction of a tunnel or bridge to replace the 17th Street Causeway Bridge in Fort Lauderdale, FL, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PORTER (for himself and Mr. FEIGHAN):

H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. SHAW (for himself, Mr. LEHMAN of Florida, Mr. JOHNSTON of Florida, Mr. FASCELL, and Mr. SMITH of Florida):

H.R. 912. A bill for the relief of the State of Florida; to the Committee on Ways and Means.

By Mr. SKELTON (for himself and Mr. WHEAT):

H.R. 913. A bill to grant a Federal charter to the American Education Center—Hall of Fame; to the Committee on the Judiciary.

By Mr. SMITH of Florida:

H.R. 914. A bill to suspend temporarily the duty of calcium acetylsalicylate (calcium carbaspirin); to the Committee on Ways and Means.

By Mr. ROBERT F. SMITH:

H.R. 915. A bill to amend the National Trails System Act to extend the termination date for the advisory council established with respect to the Pacific Crest National Scenic Trail; to the Committee on Interior and Insular Affairs.

By Mr. STOKES (for himself, Mr. PICKETT, Mr. FRANK, Mr. MFUME, Mr. TRAXLER, Mr. MATSUI, Mr. RANGEL, Mr. KENNEDY, Ms. OAKAR, Mr. FAUNTROY, Mr. MCHUGH, Mrs. MORELLA, Mrs. JOHNSON of Connecticut, Mr. ACKERMAN, Mr. APPLEGATE, Mr. ATKINS, Mr. BATES, Mr. BERMAN, Mr. BEVILL, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CARDIN, Mrs. COLLINS, Mr. DE LUGO, Mr. DYMALLY, Mr. FOGLIETTA, Mr. GRAY, Mr. CLAY, Mr. FLORIO, Mr. EDWARDS of California, Ms. KAPTUR, Mr. FAZIO, Mr. HAWKINS, and Mrs. BOGGS):

H.R. 916. A bill to authorize the Secretary of Labor to make grants to public housing agencies for the provision of literacy training, training in basic and employment skills, and support services, and to establish the Gateway Task Force; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. ROYBAL (for himself, Mr. DERRICK, Mr. FRANK, Ms. OAKAR, Mr. SENSENBRENNER, Mr. KANJORSKI, Mr. SAXTON, Mr. LENT, Mr. GAYDOS, Mr. SYNAR, Mr. MANTON, Mr. WALGREN, Mr. CHAPMAN, Mr. ROWLAND of Connecticut, Mr. HARRIS, Mr. ROE, Mr. TALLON, Mr. LEACH of Iowa, Mr. STAGGERS, Mr. WAXMAN, Mr. FEIGHAN, Mr. HOCHBRUECKNER, Mr. HEFNER, Mr. HORTON, Mr. TORRES, Mr. VALENTINE, Mr. DEFAZIO, Mr. JOHNSTON of Florida, Mr. GILMAN, Mr. FAZIO, Mr. CARR, Mr. BOUCHER, Mr. EVANS, Mrs. PATTERSON, Mr. DYMALLY, Mr. QUILLEN, Mr. JOHNSON of South Dakota, Mr. OWENS of New York, Mr. MAVROULES, Mr. NEAL of North Carolina, Mr. FISH, Mr. MRAZEK, Mr. ANNUNZIO, Mr. COELHO, Mr. RAHALL, Mr. MURPHY, Mr. WEISS, Mrs. ROUKEMA, Mr. HAWKINS, Mr. TRAXLER, Mr. PASHAYAN, Mr. FROST, Mr. HOLLOWAY, Mr. HERTEL, Mr. FLORIO, Mr. THOMAS A. LUKEN, Mr. SCHUMER, Mr. CLINGER, Mr. DE LUGO, Mr. DELLUMS, Mr. KILDEE, Mr. CALLAHAN, Mr. MCGRATH, Mr. MARTINEZ, Mr. MONTGOMERY, and, Mr. BATES):

H.R. 917. A bill to amend title II of the Social Security Act to provide for a more gradual 10-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers attaining age 65 in or after 1982 (and related beneficiaries) and to provide for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mrs. UNSOELD:

H.R. 918. A bill to amend the Federal Salary Act of 1967 to make the Commission on Executive, Legislative, and Judicial Salaries more representative of the public and more responsive to public views, and to provide that the Commission's salary recommendations will not be subject to Presidential approval or congressional action but will take effect only after the close of the succeeding Congress; to the Committee on Post Office and Civil Service.

By Mr. WILSON:

H.R. 919. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit; to the Committee on Interior and Insular Affairs.

H.R. 920. A bill to provide for an easement for the transportation of surface water through the Big Thicket National Preserve in the State of Texas; to the Committee on Interior and Insular Affairs.

H.R. 921. A bill to authorize the Secretary of Agriculture to acquire certain private lands to be added to wilderness areas in the State of Texas; to the Committee on Interior and Insular Affairs.

H.R. 922. A bill to designate the building located at 1515 Sam Houston Street in Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoun, Senior, Post Office Building; to the Committee on Post Office and Civil Service.

H.R. 923. A bill to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, TX, as the "Robert Douglas Willis Hydropower Project"; to the Committee on Public Works and Transportation.

By Mr. FAZIO:

H.J. Res. 129. Joint resolution disapproving the increases in executive, legislative,

and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967; considered and agreed to.

By Mr. BUECHNER (for himself, Mr. MONTGOMERY, Mr. STUMP, Mr. HORTON, Mr. BEVILL, Mr. GUNDERSON, Mr. LAGOMARSINO, Mr. ROBINSON, Mr. TALLON, Mr. LENT, Mr. SHAYS, Mr. HARRIS, Mr. SKELTON, Mr. WOLF, Mr. BALLENGER, Mr. DEFAZIO, Mr. HUNTER, Mr. PICKLE, Mr. BLAZ, Mr. GALLEGLY, Mr. MCDADE, Mrs. COLLINS, Mr. MRAZEK, Mr. DORNAN of California, Mr. SAXTON, Mr. LEWIS of Florida, Mr. FAWELL, Mr. HENRY, Mr. SISISKY, Mr. ACKERMAN, and Mr. BROWN of California):

H.J. Res. 130. Joint resolution designating July 27, 1989, as "National Korean War Veterans Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. HORTON, Mr. CARR, Mr. DELLUMS, Mr. LEACH of Iowa, Mr. FOLEY, Mr. HAWKINS, Mr. DE LUGO, Mr. FAUNTROY, Mr. OWENS of New York, Mrs. COLLINS, Mr. LANCASTER, Mr. MFUME, Mr. ESPY, Mr. TOWNS, Mr. LELAND, Mr. RANGEL, Mr. LIPINSKI, Mr. LEWIS of Georgia, Mr. DYMALLY, Mr. HAYES of Illinois, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. STOKES, and Mr. JONES of Georgia):

H.J. Res. 131. Joint resolution to designate May 25, 1989, as "National Tap Dance Day"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. DYMALLY, Mr. FUSTER, Mr. PARKER, Mr. LEVINE of California, Mr. TRAXLER, Mr. SPRATT, Mr. ERDREICH, Mr. DORNAN of California, Mr. DE LUGO, Mr. LELAND, Mrs. COLLINS, Mr. AKAKA, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. LIPINSKI, Mr. SCHUETTE, Mr. SAVAGE, Mr. TALLON, Mr. TOWNS, Mr. LEHMAN of Florida, Mr. WILSON, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FAZIO, Mr. GARCIA, Mr. OWENS of New York, Mr. HEFNER, Mr. YATRON, Mr. CARPER, Mr. EVANS, Mr. SKELTON, Mr. MARTINEZ, Mr. HORTON, Mr. WAXMAN, Mr. JONTZ, Mr. BEVILL, Mr. BATES, Mr. HAYES of Illinois, Mr. DEFAZIO, Mr. ESPY, Mr. LEVIN of Michigan, Mr. WALGREN, Mr. BENNETT, Mr. OWENS of Utah, Mr. MCEWEN, Mr. LAGOMARSINO, Mr. BONIOR, Mr. SMITH of Florida, Mr. JONES of Georgia, Mr. LANCASTER, Mr. MFUME, Mr. ACKERMAN, Ms. PELOSI, Mr. EARLY, Mr. GORDON, Mr. BORSKI, Mr. CLEMENT, Mrs. BOXER, Mr. ATKINS, Mr. BOSCO, Mr. BOUCHER, Mr. COSTELLO, Mr. DARDEN, and Mrs. PATTERSON):

H.J. Res. 132. Joint resolution to designate the second Sunday in October 1989 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. MANTON (for himself, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. BATES, Mr. BENNETT, Mr. BEVILL, Mr. BLILEY, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CLAY, Mr. CLEMENT, Mrs. COLLINS, Mr. DE LUGO, Mr. DINGELL, Mr. DYMALLY, Mr. EVANS, Mr. ERDREICH, Mr. FAUNTROY, Mr. FAZIO, Mr. FIELDS, Mr. FOGLIETTA, Mr. FLORIO, Mr. FRENZEL, Mr. GARCIA, Mr. HALL of Texas, Mr. HANSEN, Mr. HATCHER, Mr. HEFNER, Mr. HENRY, Mr. HORTON, Mr. HUGHES, Ms. KAPTUR, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCDADE, Mr. MCEWEN, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MOAKLEY, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mr. PACKARD, Mr. PASHAYAN, Ms. PELOSI, Mr. PEPPER, Mr. PICKETT, Mr. PRICE, Mr. RAHALL, Mr. RICHARDSON, Mr. ROE, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. SHAW, Mr. SHUMWAY, Mr. SLAUGHTER of Virginia, Mr. SPRATT, Mr. VOLKMER, Mr. WALGREN, Mr. WHITTAKER, Mr. WOLF, Mr. YATRON, and Mr. YOUNG of Alaska):

H.J. Res. 133. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week"; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.J. Res. 134. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week"; to the Committee on Post Office and Civil Service.

By Mr. TRAXLER:

H.J. Res. 135. Joint resolution to designate the week beginning May 7, 1989, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mrs. MARTIN of Illinois (for herself, Mr. FRENZEL, Mr. MICHEL, Mr. HILER, Mr. SUNDQUIST, Mr. COMBEST, Mr. FIELDS, Mr. FAWELL, Mr. WHITTAKER, Mr. LEWIS of Florida, Mr. GLICKMAN, Mrs. SAIKI, Mr. DENNY SMITH, Mr. PENNY, Mr. SOLOMON, Mr. SMITH of Vermont, Mr. SHUMWAY, Mr. SCHUETTE, Mr. HANSEN, Mr. CRAIG, Mr. OXLEY, Mr. HENRY, Mrs. JOHNSON of Connecticut, Mr. PARRIS, Mr. LAGOMARSINO, and Mr. UPTON):

H. Con. Res. 45. Concurrent resolution establishing procedures for expedited consideration by the Congress of certain bills and joint resolutions submitted by the President; jointly, to the Committee on Government Operations and Rules.

By Mr. BUECHNER (for himself, Mr. WYDEN, Mr. LEWIS of Florida, Mr. COLEMAN of Missouri, Mr. FRANK, Mr. BUSTAMANTE, Mr. APPLEGATE, Mr. WOLF, Mr. STALLINGS, Mr. FUSTER, Mr. PENNY, Mr. ROE, and Mr. ROHRABACHER):

H. Con. Res. 46. Concurrent resolution expressing the sense of the Congress regarding the removal of mines in Afghanistan by the Soviet Union; to the Committee on Foreign Affairs.

By Mr. CRANE (for himself, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CRAIG, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. DREIER of California, Mr. EMERSON, Mr. GINGRICH, Mr. HASTERT, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HUNTER, Mr. HYDE, Mr. ROBINSON, Mr. DENNY SMITH, Mr. SOLOMON, Mr. STUMP, Mr. TRAFICANT, Mrs. VUCANOVICH, Mr. SMITH of New Hampshire, Mr. RAVENEL, Mr. HILER, and Mr. GEKAS):

H. Con. Res. 47. Concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Canal Act of 1979; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Ms. PELOSI (for herself, Mr. CROCKETT, Mr. MCHUGH, Mr. BERMAN, Mrs. BOXER, Mr. CONYERS, Mr. DURBIN, Mr. EVANS, Mr. FAUNTROY, Mr. GARCIA, Mr. KASTENMEIER, Mr. KENNEDY, Mr. LELAND, Mr. MCDERMOTT, Mrs. MORELLA, Mr. PANETTA, Mr. SABO, Mr. FEIGHAN, Mr. BONIOR, and Mr. EDWARDS of California):

H. Con. Res. 48. Concurrent resolution expressing the sense of the Congress that the U.S. Government should pursue a negotiated political settlement to the civil war in El Salvador; to the Committee on Foreign Affairs.

By Mrs. SMITH of Nebraska:

H. Con. Res. 49. Concurrent resolution expressing support of recent actions of the Department of Labor to lift the ban on industrial homework, and for other purposes; to the Committee on Education and Labor.

By Mr. YATES:

H. Con. Res. 50. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. BROOKS:

H. Res. 69. Resolution excusing Mr. EDWARDS of California from serving as a manager for the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, and appointing Mr. SYNAR to serve as a manager in that trial; considered and agreed to.

H. Res. 70. Resolution informing the Senate that Mr. EDWARDS of California is excused from serving as a manager for the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, and that Mr. SYNAR has been appointed to serve as a manager in that trial; considered and agreed to.

H. Res. 71. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself and Mr. DAVIS):

H. Res. 72. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H. Res. 73. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the 1st session of the 101st Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

14. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to the national highway transportation system; to the Committee on Public Works and Transportation.

15. Also, memorial of the Legislature of the State of Idaho, relative to the federal budget deficit; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN:

H.R. 924. A bill for the relief of Tube Forgings of America; to the Committee on Ways and Means.

By Mr. GRANT:

H.R. 925. A bill for the relief of Maj. Ralph Edwards, U.S. Air Force, retired; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 926. A bill to extend patent numbered 3,387,268, "Quotations Monitoring Unit," for a period of 10 years; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. NEAL of Massachusetts and Mr. WEISS.

H.R. 22: Mr. ACKERMAN, Mr. QUILLEN, and Mr. PENNY.

H.R. 37: Mr. CAMPBELL of Colorado, Mr. MCEWEN, Mr. PARRIS, Mr. GONZALEZ, Mr. REGULA, Mr. BEREUTER, Mr. BOEHLERT, Mr. PACKARD, Mr. PETRI, Mr. KOLTER, Mr. SAWYER, Mr. KOLBE, Mr. PENNY, Mr. FISH, Mrs. KENNELLY, Mr. VALENTINE, and Mr. DEFAZIO.

H.R. 39: Mr. MOODY, Mr. NELSON of Florida, Mr. FORD of Michigan, Mr. FASCELL, Mr. MARTINEZ, Mr. SMITH of Florida, Mrs. KENNELLY, Mr. DE LUGO, Mr. GINGRICH, Mr. ATKINS, Mr. FORD of Tennessee, Mr. BERMAN, Mr. WAXMAN, Ms. KAPTUR, Mr. BROWN of California, Mr. KOLTER, Mr. WEISS, Mr. EDWARDS of California, Mr. LIPINSKI, Mr. MFUME, Mr. FLAKE, Mr. VALENTINE, Mr. RINALDO, Mr. WOLPE, Mr. DWYER of New Jersey, Mr. SKAGGS, Mr. DOWNEY, Mr. RAVENEL, Mr. JONES of Georgia, Mr. COYNE, Mr. CLAY, Mr. CROCKETT, Mr. RANGEL, and Mr. FISH.

H.R. 41: Mr. MINETA, Mrs. SCHROEDER, Mr. FAZIO, Mr. DOWNEY, Mrs. COLLINS, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. FOGLIETTA, Mrs. MORELLA, Ms. PELOSI, Mr. RICHARDSON, Mr. OWENS of New York, Mr. STUDDS, Mr. TORRES, Mr. ROYBAL, Mr. EVANS, Mr. FAUNTROY, Mr. AUCOIN, Mrs. BENTLEY, and Mr. DE LUGO.

H.R. 121: Mr. COURTER.

H.R. 145: Mr. CAMPBELL of California, Mr. FUSTER, and Mr. DEFAZIO.

H.R. 148: Mr. COLEMAN of Missouri, Mr. DYMALLY, Mrs. VUCANOVICH, and Mr. BAKER.

H.R. 149: Mr. COSTELLO, Mr. DORNAN of California, Mr. TALLON, Mr. PASHAYAN, Mr. DE LUGO, and Mr. WOLPE.

H.R. 159: Mr. DONALD E. LUKENS, Mr. ROWLAND of Connecticut, Mrs. SAIKI, Mr. PORTER, Mr. KOLTER, Mr. DUNCAN, and Mr. POSHARD.

H.R. 239: Mr. SABO, Mr. VENTO, Mr. HUBBARD, Mrs. SAIKI, Mr. MFUME, Ms. PELOSI, and Mr. LEATH of Texas.

H.R. 274: Mrs. BYRON.

H.R. 275: Mr. SMITH of New Jersey, Mr. ATKINS, Mr. HENRY, Mr. SHUMWAY, and Mrs. ROUKEMA.

H.R. 283: Mr. CARDIN, Mr. PORTER, Mr. MARTINEZ, Mr. LIPINSKI, Mr. FOGLIETTA, Mr. HATCHER, and Mrs. MEYERS of Kansas.

H.R. 286: Mr. KOLTER, Mr. SCHUETTE, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. SHUSTER, Mr. BARNARD, Mr. CLINGER, Mr. DENNY SMITH, Mr. BROOMFIELD, and Mr. RITTER.

H.R. 341: Mr. KILDEE.

H.R. 371: Mr. SCHUETTE.

H.R. 378: Mr. PETRI, Mr. MCGRATH, Mr. DWYER of New Jersey, Mrs. SAIKI, Mr. PARRIS, Mr. GILLMOR, Mr. BOEHLERT, Mrs. BENTLEY, Mr. LEWIS of Florida, Mr. LAGOMARSINO, Mr. BURTON of Indiana, Mr. WALSH, Mr. STUMP, Mr. OLIN, Mr. SHUMWAY, Mr. THOMAS of Georgia, Mr. SCHAEFER, Mr. SAXTON, Mr. DEWINE, and Mr. MARLENEE.

H.R. 393: Mrs. SAIKI, Mr. MCGRATH, Mrs. VUCANOVICH, Mrs. BENTLEY, Mr. LAGOMARSINO, Mr. BURTON of Indiana, Mr. WALSH, and Mr. FAWELL.

H.R. 401: Mr. NELSON of Florida, Mr. RAVENEL, Mr. SMITH of Vermont, Mr. OXLEY, Mr. GRADISON, Mr. HANCOCK, and Mr. DORNAN of California.

H.R. 518: Mr. FRENZEL, Mr. QUILLEN, Mr. COUGHLIN, Mr. BEREUTER, Mr. BALLENGER, Mr. SHAW, Mr. FIELDS, Mr. RAVENEL, Mr. MCCRERY, Mr. VANDER JAGT, Mr. PAXON, Mr. WHITTAKER, Mr. CALLAHAN, Mr. ARCHER, Mr. HANSEN, Mr. BATEMAN, Mr. LIGHTFOOT, Mr. PARRIS, Mrs. SAIKI, and Mr. MFUME.

H.R. 560: Mr. PARRIS, Mr. MCGRATH, Mr. SMITH of Florida, Mr. PEASE, and Mr. HUGHES.

H.R. 561: Mr. SYNAR, Ms. PELOSI, Mr. DEFAZIO, Mr. SHAW, Mr. LEVINE of California, Mr. PURSELL, Mr. WHITTAKER, Mr. FAWELL, Mr. TORRES, Mr. JACOBS, Mr. WEISS, Mr. STARK, and Mr. CAMPBELL of California.

H.R. 586: Mr. FAWELL, Mr. CAMPBELL of California, and Mr. FISH.

H.R. 596: Mr. COLEMAN of Missouri, Mr. BROWN of Colorado, and Mr. UPTON.

H.R. 634: Mr. WEBER, Mr. CALLAHAN, Mr. SOLOMON, Mr. WHITTAKER, Mr. WALSH, Mr. WYDEN, Mr. COBLE, Mr. MCCOLLUM, Mr. GLICKMAN, Mr. SHARP, Mr. STANGELAND, Mr. GALLO, Mr. FIELDS, Mrs. VUCANOVICH, Mr. MARLENEE, Mr. HUTTO, Mr. MCNULTY, Mr. MOAKLEY, Mr. DARDEN, Mr. JONES of Georgia, Mr. COMBEST, Mr. OXLEY, Mr. VALENTINE, Mr. TAUKE, Mr. BARNARD, Mr. DOUGLAS, Mr. BUECHNER, and Mr. HOLLOWAY.

H.R. 641: Mr. FISH, Mr. CAMPBELL of California, and Mr. CHAPMAN.

H.R. 659: Mr. WILSON and Mr. HUCKABY.

H.R. 675: Mr. LAGOMARSINO, Mrs. PATTERSON, and Mr. HAMILTON.

H.R. 680: Mr. RAHALL, Mr. STAGGERS, Mr. MCEWEN, Mr. WATKINS, Mr. HOPKINS, Mr. EDWARDS of Oklahoma, Mr. WEBER, Mr. WHITTAKER, Mr. SPRATT, Mr. DYMALLY, Mr. MONTGOMERY, Mr. MILLER of Ohio, Mr. MCCURDY, Mr. SMITH of Vermont, Mr. OXLEY, Mr. HUBBARD, and Mr. BOEHLERT.

H.R. 683: Mr. CLAY, Mr. DE LUGO, Mr. EVANS, Mr. FAZIO, Mr. HARRIS, Mr. HAYES of Illinois, Mr. JONTZ, Mr. LEWIS of Georgia, Mr. OWENS of Utah, and Ms. PELOSI.

H.R. 725: Mr. THOMAS A. LUKEN and Mr. MARTIN of New York.

H.R. 743: Mr. WILLIAMS, Mr. BATES, and Mr. ATKINS.

H.R. 780: Mr. MORRISON of Connecticut, Ms. SCHNEIDER, Mr. PALLONE, Mr. GORDON, Mr. VALENTINE, and Mr. FRANK.

H.R. 800: Mr. ROYBAL.

H.J. Res. 8: Mr. DORNAN of California, Mr. INHOFE, Mr. KYL, Ms. SNOWE, Mr. SMITH of New Jersey, Mr. SENSENBRENNER, Mr. ARMEY, Mr. WOLF, Mr. DEWINE, Mr. FAWELL, Mr. RHODES, Mr. GOODLING, Mr. HENRY, Mr. ECKART, Mr. HILER, Mrs. VUCANOVICH, Mr. PORTER, Mr. OXLEY, Mr. YOUNG of Alaska, Mr. CHENEY, Mr. IRELAND, Mr. BARTLETT, Mr. BUECHNER, Mr. BLILEY, Mr. LENT, Mr. MOORHEAD, Mr. MCCRERY, Mr. BEREUTER, Mr. NIELSON of Utah, Mr. COX, Mr. PARRIS, Mrs. BENTLEY, Mr. EMERSON, Mr. LEWIS of Florida, Mr. MCEWEN, Mr. GALLEGLY, Mr. SKEEN, Mr. MCGRATH, Mr. BUNNING, Mr. COLEMAN of Missouri, Mr. DELAY, Mrs. ROUKEMA, Mr. BURTON of Indiana, Mr. RAVENEL, Mr. WALSH, Mr. HUGHES, Mr. SCHUETTE, Mr. BILIRAKIS, Mr. MICHEL, Mr. MILLER of Ohio, Mr. LAGOMARSINO, Mr. CLINGER, Mr. SMITH of Texas, Mrs. MORELLA, Mr. BALLENGER, Mr. GRADISON, Mr. REGULA, Mr. SHUMWAY, Mr. FIELDS, Mr. PETRI, Mrs. SAIKI, Mr. BARTON of Texas, Mr. MCCOLLUM, Mr. CAMPBELL of California, and Mr. WEBER.

H.J. Res. 28: Mr. BUNNING and Mrs. BENTLEY.

H.J. Res. 60: Mr. ACKERMAN, Mr. AKAKA, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOSCO, Mr. BRUCE, Mrs. BYRON, Mr. CARPER, Mr. CHANDLER, Mr. CLEMENT, Mrs. COLLINS, Mr. COSTELLO, Mr. COURTER, Mr. DANNEMEYER, Mr. DEFAZIO, Mr. DERRICK, Mr. DONNELLY, Mr. DOUGLAS, Mr. BALLENGER, Mrs. BENTLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BLAZ, Mr. BONIOR, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CARR, Mr. CHAPMAN, Mr. COLEMAN of Missouri, Mr. CONTE, Mr. COUGHLIN, Mr. CROCKETT, Mr. DARDEN, Mr. DE LUGO, Mr. DEWINE, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EMERSON, Mr. ERDREICH, Mr. EVANS, Mr. FAZIO, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FRENZEL, Mr. GEPHARDT, Mr. GRANT, Mr. GUNDERSON, Mr. HAMILTON, Mr. HANSEN, Mr. HAWKINS, Mr. HEFNER, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. HUTTO, Mr. EARLY, Mr. ENGEL, Mr. ESPY, Mr. FAWELL, Mr. FISH, Mr. FLORIO, Mr. FORD of Tennessee, Mr. FUSTER, Mr. GILMAN, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HILER, Mr. HOPKINS, Mr. HUBBARD, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KILDEE, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. MCCRERY, Mr. MCEWEN, Mr. MCHUGH, Mr. MCNULTY, Mr. MANTON, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAZZOLI, Mr. MICHEL, Mr. MINETA, Mr. IRELAND, Mr. JONES of Georgia, Mrs. KENNELLY, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MACHTLEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. ROBERTS, Mr. MONTGOMERY, Mrs. MORELLA, Mr. MURPHY, Mr. NATCHER, Mr. NEAL of North Carolina, Mr. NOWAK, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PACKARD, Mr. PARRIS, Mrs. PATTERSON, Mr. PAYNE of New Jersey, Mr. PEPPER, Mr. PICKETT, Mr. POSHARD, Mr. RANGEL, Mr. REGULA, Mr. ROE, Mrs. ROUKEMA, Mr. MOLLOHAN, Mr. MOORHEAD, Mr. MRAZEK, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS of Utah, Mr. PANETTA, Mr. PASHAYAN, Mr. PAXON, Ms. PELOSI, Mr. PETRI, Mr. PICKLE, Mr. QUILLEN, Mr. RAVENEL, Mr. RHODES, Mr. ROGERS, Mr. ROWLAND of Georgia, Mr. ROWLAND of Connecticut, Mr. SABO, Mr. SAXTON, Mr. SCHUETTE, Mr. SCHUMER, Mr. SHUMWAY, Mr. SKAGGS, Mr. SKELTON, Mr. SMITH of New

Jersey, Mr. SMITH of Mississippi, Mr. SMITH of Vermont, Mr. ROBERT F. SMITH, Mr. SOLOMON, Mr. SPRATT, Mr. STALLINGS, Mr. STENHOLM, Mr. TANNER, Mr. TAUZIN, Mr. TORRES, Mr. TRAFICANT, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHAEFER, Mr. SCHULZE, Mr. SHAW, Mr. SISISKY, Mr. SKEEN, Ms. SLAUGHTER of New York, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPENCE, Mr. STAGGERS, Mr. STEARNS, Mr. TALLON, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. WALGREN, Mr. WEBER, Mr. WEISS, Mr. WELDON, Mr. WHITTAKER, Mr. WHITTEN, Mr. WILSON, Mr. WISE, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. WALSH, Mr. RITTER, Mr. WATKINS, Mr. WAXMAN, Mr. VANDER JAGT, Mr. GRANDY, Mr. KOLBE, and Mr. HANCOCK.

H.J. Res. 70: Mr. PURSELL.

H.J. Res. 76: Mrs. PATTERSON.

H.J. Res. 80: Mr. LIGHTFOOT, Mr. HATCHER, Mr. SOLOMON, and Mr. LEATH of Texas.

H.J. Res. 102: Mr. FUSTER, Mr. PERKINS, Mrs. BOXER, Mr. DEFAZIO, Mr. PORTER, Mr. HOCHBRUECKNER, Mr. FOGLIETTA, Mr. LEWIS of Georgia, Mr. OWENS of Utah, Mr. MCEWEN, Mr. EVANS, Mr. BROWN of California, Mr. DYMALLY, Mr. HARRIS, Mr. WELDON, Mr. ROE, Mr. HORTON, Mrs. COLLINS, Mr. DE LUGO, Mr. PEPPER, Mr. MCCLOSKEY, Mr. MORRISON of Washington, Mr. FORD of Tennessee, Mr. WALGREN, Mr. GALLO, Mr. WEISS, Mr. RITTER, Mr. WOLF, Mr. HAYES of Illinois, Mrs. MORELLA, Mr. CLAY, Mr. WOLPE, Mr. WAXMAN, Mr. VENTO, Mr. JONTZ, Mr. YATRON, Mr. HENRY, Mr. LAFALCE, Mr. BATES, Mr. GONZALEZ, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. CONYERS, Mr. FORD of Michigan, Mr. MRAZEK, Mr. GEJDENSON, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. BLILEY, Mr. SMITH of Florida, Mrs. MEYERS of Kansas, Mr. MCGRATH, Mr. MINETA, Ms. PELOSI, Mr. WHEAT, Mr. RANGEL, Mr. ESPY, Mr. PRICE, Mr. SAWYER, and Mr. RICHARDSON.

H.J. Res. 103: Mr. KYL, Mr. PAXON, Mr. COSTELLO, Mr. EDWARDS of Oklahoma, Mr. BURTON of Indiana, and Mr. WEBER.

H. Con. Res. 3: Mr. RAHALL, Mrs. VUCANOVICH, Mrs. MARTIN of Illinois, Mr. STUMP, Mr. VALENTINE, Mrs. SMITH of Nebraska, Mr. BOSCO, Mr. JOHNSON of South Dakota, Mr. STANGELAND, Mr. MORRISON of Washington, Mr. HANSEN, Mr. ROBERTS, Mr. AKAKA, Mr. WEBER, Mr. LEATH of Texas, Mr. DAVIS, Mrs. LLOYD, Mr. ROE, Mr. MARTIN of New York, Mr. ENGLISH, Mr. COLEMAN of Missouri, Mr. STUDDS, Mr. OBERSTAR, Mr. BOEHLERT, Mr. YOUNG of Alaska, Mr. OXLEY, and Mr. DE LUGO.

H. Con. Res. 14: Mr. BATEMAN, Mr. FRANK, Mr. BUSTAMANTE, Mr. OWENS of New York, Mr. DE LUGO, Mr. SCHEUER, Mr. WEISS, Mr. MCCLOSKEY, Mr. ATKINS, Mr. CLARKE, Mr. GREEN, Mr. BURTON of Indiana, Mr. LEWIS of Florida, Mr. SOLOMON, Mr. APPLEGATE, Mr. DEFAZIO, Mr. BRYANT, Ms. PELOSI, Mr. FAWELL, and Mr. WEBER.

H. Con. Res. 26: Mr. CLINGER, Mr. STUMP, Mr. MRAZEK, Mr. HUNTER, Mr. BARTON of Texas, Mr. GILLMOR, Mr. JONTZ, Mr. LAUGHLIN, Mr. HANCOCK, and Mr. DORNAN of California.

H. Con. Res. 34: Mr. PICKLE.

H. Con. Res. 42: Mr. RANGEL and Mr. WEISS.

H. Res. 18: Mr. SCHUETTE.

H. Res. 20: Mr. DONNELLY, Mr. PARRIS, Mr. OBERSTAR, Mr. SPRATT, Mr. CLARKE, Ms. SLAUGHTER of New York, Mr. COYNE, Mr. SKELTON, Mr. MURPHY, Mr. THOMAS of Georgia, Mr. SCHUETTE, Mr. BOSCO, Mr. PEPPER, Mr. PASHAYAN, Mr. LAUGHLIN, Mr. MORRISON of Washington, Mr. CLEMENT, Mr. HENRY, Mr. GONZALEZ, Mr. BLAZ, Mr. GRANDY, Mr. DEFAZIO, Mrs. LOWEY of New York, Mr. THOMAS A. LUKEN, Mr. FORD of Michigan, Mr. STAGGERS, Mr. FOGLIETTA, Ms. SCHNEIDER, Mr. CAMPBELL of California, Mr. DAVIS, and Mr. FISH.

SENATE—*Tuesday, February 7, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 2:15 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in his law doth he meditate day and night. And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper. The ungodly are not so: but are like the chaff which the wind driveth away. Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous. For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish. Psalm 1.

Gracious God, our Heavenly Father, may we heed to the wisdom of Psalm 1. Give us eyes to see, ears to hear, hearts to receive, and wills to take seriously the truth of God. Help us, Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent to proceed to the consideration of the House-passed joint resolution disapproving the pay raise at 2:30 p.m.; that there be 30 minutes of debate on the resolution, to be equally divided between the majority and Republican leaders or their designees, and that no amendments or motions be in order during the consideration of the joint resolution; provided further that without any intervening business, a vote occur on the joint resolution at 3 p.m. today, with paragraph 4 of rule XII being waived.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. That will be the order of the Senate.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the vote on final passage of the joint resolution be for a time not to exceed 45 minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 12 NOON TOMORROW—MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Wednesday, February 8, and that on Wednesday, following the time for the two leaders, there be a period of morning business not to exceed 2 hours with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of all Senators, it is my intention today, following the vote on the pay resolution, which should end not later than 3:45 p.m., to have a period for the transaction of morning business within which Senators will be permitted to speak for up to 5 minutes each and introduce legislation and make other inserts; to have a similar period tomorrow, as has already been agreed to, and following that period to go to the nomination of Clayton Yeutter to be Secretary of Agriculture, in the event that it is ready for action by the full Senate, with a vote thereon to occur sometime at or prior to 3 p.m. tomorrow afternoon.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDENT pro tempore. Has the majority leader yielded the floor?

Mr. MITCHELL. I yield to the Senator from Vermont.

THE YEUTTER NOMINATION

Mr. LEAHY. Mr. President, I do not mean to step in on the leaders. I noted the distinguished leader mentioned the Yeutter nomination. We have just completed, as the distinguished Republican leader knows as a member of the committee, the vote in committee which was unanimous for Mr. Yeutter. And I am going to put in the appropriate paperwork this afternoon on him.

It would be certainly my intention, and I know Senator LUGAR's, the ranking member, intention to ask tomorrow that we go forward with that. I think the schedule that the leader has proposed is an excellent one. Once we make sure that all final paperwork is done we will be ready to go.

Mr. MITCHELL. If I might ask the Senator from Vermont then to be prepared to proceed with the Yeutter nomination at 2 p.m. tomorrow.

Mr. LEAHY. I will be prepared, I might say. Whatever time the leadership wants we will be prepared, and we will be here.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader.

THE YEUTTER NOMINATION

Mr. DOLE. Mr. President, while the chairman of the Agriculture Committee is on the floor, I understand the only condition being if there are answers to written questions that they be submitted by then; is that correct?

Mr. LEAHY. I might say, Mr. President, to the distinguished Senator from Kansas, that there were a couple of Members who wanted a little bit more detail on some written questions. I anticipate no difficulty in those answers getting in here nor do the Members who are asking for it. That is the only thing pending.

Mr. DOLE. I thank the Senator from Vermont. We will alert Mr. Yeutter to make certain those questions have been addressed, because it is important to have this nomination confirmed.

JOINT RESOLUTION OF DISAPPROVAL

Mr. DOLE. Mr. President, I thank the majority leader for his cooperation in getting a unanimous-consent agreement on the disapproval resolution. I think all Members on both sides will be voting now for a second time on pretty much the same resolution, and vote probably pretty much the same, 19 to 1, or something like that, against the pay increase.

I would hope that the President, President Bush, might, when he signs

the resolution of disapproval—maybe sometime later this week, and he will be addressing Congress Thursday evening—indicate that he does believe a pay raise is in order for the executive branch, the judicial branch, and then maybe leave it up to the Members. If we cannot agree, we cannot agree.

But I can say, as I said—and I think the majority leader said last week when we debated this issue—there are a number of people in the executive branch and many judges in this country, and many potential judges, who I think merit the pay raise—not 51 percent, but a reasonable increase. And I hope the President of the United States might address that and make his wishes known.

I do not think he is unwilling to do that. Some Members would say, "Well, don't decouple. If we decouple it, there will never be a raise for Members of Congress." Others believe just the contrary—that, if others have the increase, sooner or later Members of Congress might have a reasonable increase, again not 50 percent.

There are four-star generals in the service of their country who are receiving two-star pay. In fact, many two-star generals are receiving less because they are not allowed to make more than Members of Congress. I do not think that is fair. So we should not punish anyone in the military, or the executive branch, or the judicial branch because we are not able to agree on our own pay.

It is a very difficult question—to agree on any raise for Members of Congress, and there are some in this body who would vote against a 1-percent raise, or a 2-percent raise for Members. Others would not.

I think we would have a majority for a reasonable pay increase but I do believe that 51 percent—as many have indicated, and as I have indicated—was too much to swallow, and the American people spoke. The House responded. And now we will do the same here in a few moments.

OTHER ISSUES

It seems to me it is in our interest to get this issue behind us and move on to issues of great importance. The S&L proposal presented by President Bush is a big step in the right direction. It is met with I think fairly bipartisan support. It has had support from the business sector, from banks and S&L's, and others in the business sector. I suggest Congress may make some changes. There is a rather heavy public exposure—$40 billion over 10 years. It is going to come from the taxpayers. It is a lot of money.

Some will want to see if we cannot shrink that, but it seems to me based on the discussion we had in our policy luncheon at noon that everybody knows that is a very difficult problem—and they generally support the President for biting the bullet, making the tough decision, and not only that, before he made it he consulted with Members of Congress, both Republicans, Democrats, and other people who were experts in the matter. That was certainly well received in the Republican policy luncheon.

THE TOWER NOMINATION

So we are prepared. It would also be my hope that some time this week we could take up the nomination of John Tower to be Secretary of Defense. We have a recess next week. The Tower nomination has been pending. It is my understanding that the latest FBI report based on latest rumors is now available to the chairman of the Armed Services Committee, and will be in writing later this afternoon. We have had an oral report. Most of the charges are groundless. Others were certainly not grounds for disqualification.

OTHER NOMINATIONS

I would hope that we might be able to make a final judgment on that nomination this week and then that leaves still others where reports are not yet ready. The Energy Secretary nominee, Admiral Watkins, and the HHS nominee, Dr. Sullivan—there may be a hearing this week on that nomination in the Finance Committee. That would still leave our former colleague, Congressman Edward Derwinksi, for Veterans' Affairs, and Mr. Bennett for the so-called drug czar. I think every other nomination has been handled expeditiously. I congratulate the majority leader for that.

I reserve the remainder of my time.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL PAY RATE RECOMMENDATIONS

The PRESIDENT pro tempore. The hour of 2:30 p.m. having arrived, under the order previously entered the Senate will proceed to the consideration of House Joint Resolution 129, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 129) disapproving the increase in executive, legislative, and judicial salaries recommended by the President under Section 225 of the Federal Salary Act of 1967.

The PRESIDENT pro tempore. Time is controlled by the two leaders or their designees.

Who yields time?

Time is running and is equally divided and equally charged.

What is the will of the Senate?

Mr. DOLE. I yield 3 minutes to the Senator from South Dakota.

The PRESIDENT pro tempore. The senior Senator from South Dakota [Mr. PRESSLER] is recognized for 3 minutes.

Mr. PRESSLER. Mr. President, I think this pay raise matter has come to a resolution that is pleasing to the American people. Both Houses are voting. I long have said that one of the key complaints is that under this automatic procedure, a pay raise could go forward without a vote in the two Houses of Congress. I think that the agitation around the country and the radio talk shows and so forth came about, in part, because of this automatic quadrennial procedure.

It was my pleasure to be on one of those talk shows with the former Speaker of the House, Tip O'Neill, and it was my assessment that perhaps the quadrennial procedure was an appropriate idea at the time, but since then the American people have made it clear that they want Congress to vote on its pay.

Also, this procedure provided for a 50-percent increase in one jump, and the American people clearly spoke and said that they did not want that. I was proud to be the author, along with Senator GRASSLEY, of a proposal that passed here in the Senate last week disapproving this pay raise and requiring a vote on future congressional raises.

It is my sincerest belief that the passage of that resolution in this body, by a vote of 95 to 5, resulted in increased pressure on the House to vote.

I know that many in the Government had hoped for an increase, but the fact of the matter is that until we deal with the deficit that we have before us, we should not start the year with a 50-percent pay increase. The Senate will vote in a few minutes on this matter. I expect us to overwhelmingly agree with the House. I also expect that the President will sign this resolution today.

It is my contention that we should not consider a pay increase this year. There may be a time when a pay raise is in order, but certainly it should not be 50 percent. It should be done with a vote under our regular procedures, and it should be done in a timely fashion—perhaps if we have moved toward a balanced budget or have a balanced budget, if it is tied to cost of living, or some plan along those lines. But I do not think that we can ever move a pay raise under this quadrennial automatic commission.

The American people have spoken, and I am very happy with the outcome.

Mr. President, I applaud the House of Representatives for voting to disapprove the pay raises for Members of Congress, senior Federal officials, and Federal judges. Given the overwhelming vote last week on my amendment to dissapprove this pay raise, I am confident the Senate will reaffirm its position on this excessive pay hike proposal.

A pay raise is inappropriate at this time. It would have been a big mistake for us to start this Congress with a 50-percent pay increase. Difficult choices must be made on where to cut spending. I sincerely believe the public will accept these cuts more readily when this pay raise proposal finally is stopped.

Mr. President, I am very pleased that the House accepted our proposal. But I still believe we need to go further in reforming the process by which these raises currently are allowed to go into effect. We should require a vote on future congressional pay raises. Unfortunately, down the road, I believe we will find ourselves in the same predicament as we are in today unless the procedure is changed. The American people have expressed their outrage over automatic congressional pay raises. Backdoor pay raises do not hold Members accountable. It is time for Congress to fix permanently the questionable methods Congress uses to increase its pay.

I will not press my amendment again today. I do not want to jeopardize this opportunity to stop the raises. However, I will continue working with our distinguished colleagues, Senators GRASSLEY, DECONCINI, HELMS, HUMPHREY, MCCAIN, and others until we have true reform.

Mr. President, today is a victory for the American taxpayers. Eighty-five percent of the public opposed the proposed pay raise. It is encouraging that Congress, in truly democratic fashion, has listened to the voters and represented them well by defeating this pay raise.

The PRESIDENT pro tempore. Who yields time?

Mr. DOLE. I yield 3 minutes to the Senator from Iowa.

The PRESIDENT pro tempore. The senior Senator from Iowa [Mr. GRASSLEY] is recognized for 3 minutes.

Mr. GRASSLEY. Mr. President, today a tidal wave of democracy is sweeping over the Federal Government, and that is despite the original intentions of the U.S. Congress. For today, as we adopt this resolution, which I feel we will, we indeed do the will of the people.

Unfortunately, though, the people had to speak pretty loud before Congress finally opened its ears. The vote of the House is now behind us, an overwhelming vote of 380 to 40. I am confident that the Senate will repeat its overwhelming vote of last Thursday night to also reject the Pay Commission's recommendations.

I am also confident that the President will sign the resolution of disapproval. Several weeks ago, I wrote to President Bush and urged him to oppose the 51 percent pay raise. I expect very much that he will make the responsible choice and join with the 85 percent of the American people who also oppose this 51-percent pay raise.

It will be much easier for Congress and the administration to say yes to budget cuts this session, when we have first said no the 51-percent pay raise.

As an Iowa newspaper editor wrote, "It is too bad that Congress doesn't put as much energy and creativity into solving the problems of our country as they do in giving themselves a pay raise."

Mr. President, that may be a very harsh comment, but I do think it expresses the feeling that I sense out there in the grassroots. Maybe if we can channel that energy into deficit reduction, we can balance the budget, and I think we will by 1993.

Then we set the stage, because we do things in a businesslike fashion, or at least that is one way of showing that we do. We then have earned a pay raise. With the pending pay increase behind us, Congress must finish the business of pay reform. The current process is not only awkward but also demeaning. I certainly do not want to go through this again. So we must fix a process that does not work—and the public does not seem to tolerate it—by correcting the law so that a vote from Congress is required on future pay proposals, and public faith will be restored.

Mr. President, I congratulate my colleagues in this body and the other body for taking what I expect will be bold and absolutely correct action. Consequently, I urge this body to vote "yes" on House Joint Resolution 129.

I yield the floor.

Mr. DOLE. Mr. President, I yield 3 minutes to the distinguished Senator from North Carolina [Mr. HELMS].

The PRESIDENT pro tempore. The senior Senator from North Carolina [Mr. HELMS] is recognized for 3 minutes.

Mr. HELMS. Mr. President, the problem with this whole gambit is that it was an attempt to do the wrong thing at the wrong time in the wrong way.

There is an old adage: "You can lead a horse to water, but you cannot make him drink." The American people, by expressing their outrage over this 51 percent pay increase, have made a lot of people drink. That is good. They proved that you can fight city hall, that you can take on the Congress of the United States despite all of its legerdermain and all of its little legislative tricks.

Maybe now we can go back to the drawing board, reconsider the pay raise issue, and this time do it right.

Whatever the argument may be for raises for anybody, judges or other officials of this Government, trying to force through automatic pay increases was not the right way to do it.

The people understood that; they spoke. The House reacted yesterday, and the Senate shortly, I am confident, will support a resolution of disapproval.

I think this has been a good exercise in democracy, and I hope that we all have learned something from it. I say again that now we have an opportunity to go back and reconsider this issue of Federal salaries and this time to do it right.

I yield back the remainder of my time and I thank the leader for granting me the time.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the upcoming vote.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDER FOR PERIOD FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the vote there be a period of morning business not to exceed 2 hours with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I know of no further requests for time on this side.

I think the issue is clear. We have read about it in the papers. It has been on a few radio programs and a few television programs. There has been a lot of mail on the issue. I think the American people, as I indicated, indicated their desire.

In our policy luncheon we asked for a show of hands on different things. One thing was fairly clear; nobody raised their hand for a pay cut.

So I hope we will just go on as we have been doing without any reduction in any honoraria. I think we can make certain, each one of us, that we

are not in any way influenced because we make a speech to some group and are paid for it.

So I would guess the point I would make from the Republican policy luncheon is I think most Senators—in fact nearly every Senator—said let us get this pay thing behind us; let us vote for the resolution; let us disapprove it; let us reject it.

Many thought we ought to go ahead then and recommend some increase for executive officials, those who were mentioned in this pay raise, and certain military officials and judges.

But I would say for the record that not a single person who I saw at the luncheon wanted anyone to reduce the pay.

We were not entitled to a raise but we are not entitled to a reduction, either. It seems to me that is the consensus of our meeting.

I will just indicate I think most Members feel rather strongly about it. I would hope that we will have some bipartisan support if that battle should come to the floor where there is an effort to reduce what Members are paid.

I yield back the remainder of the time on this side.

The PRESIDENT pro tempore. Who yields time?

Under the order the vote will occur at 3 p.m. with Senators yielding back time.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. I ask unanimous consent that I may proceed for 3 minutes on the matter at hand.

The PRESIDENT pro tempore. Without objection, the Senator may proceed until the hour of 3 p.m.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, it occurs to me, as we reflect on the lengthy debate on the matter before us, that if this body had made the decisions as we went along to take the COLA's as they were originally authorized back in 1975, we probably would not be here today debating the issue on the justification of salary increases for Members of Congress as well as the judiciary and the other specified Federal offices.

I have had an opportunity to prepare a 10-year formula of just what the cost-of-living allowances added to the salary of Members of Congress would have been. I think it is interesting to note, Mr. President, that today Members of Congress under this formula would be receiving $117,842.00.

I ask unanimous consent that a table highlighting the COLA's we have given to Federal employees and their effect on our salaries had we taken them, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Year	COLA given to Federal employees (percent)	Amount equal to percent of Members salary	Congressional salary assuming COLA increase
1976	4.8	$2,140	$46,740
1977 [1]	28.9	13,508	60,248
1977	7.05	4,247	64,495
1978	5.5	3,547	68,042
1979	7.02	4,776	72,818
1980	9.11	6,633	79,451
1981	4.8	3,813	83,264
1982	4.0	3,330	86,594
1983	4.0	3,463	90,057
1984	3.5	3,152	93,209
1986	3.0	2,796	96,005
1987	2.0	1,920	97,925
1987 [1]	15.6	15,276	113,201
1988	4.1	4,641	117,842

[1] Note: 1977 figure of 28.9 percent and 1987 figure of 15.6 percent reflect President's recommendation with respect to results of the Commission on Executive, Legislative and Judicial Salaries—these recommendations were accepted.

Also, chart based on 1975 salary of $44,600 (which includes a 5 percent COLA).

Members accepted full COLA in 1975, 1983, 1984 and 1986 partial COLA of 5.5 percent accepted in 1979.

Information prepared by Congressional Research Service.

Mr. MURKOWSKI. Mr. President, the reality of these automatic cost-of-living adjustments speak for themselves. The very fact that we see fit to authorize them and pass them on and exclude ourselves bears, I think, the examination of the wisdom of those decisions during that period of time.

So, I would simply remind my colleagues, as we look to the alternatives—because this subject obviously is not going to go away; it is not going to be abandoned—perhaps we should give thought to rectifying the situation and recognizing the equity that if, indeed, it is appropriate that we recognize cost-of-living allowances, for other Federal employees, we also recognize the same principle for Member of Congress, member of the judiciary and others who appropriately should receive this consideration.

I thank the Chair and I yield the floor.

Mr. JEFFORDS. Mr. President, I will be voting against the resolution before us today but I want to be sure that my vote is not misinterpreted.

The vote last Thursday did three important things. As last Thursday, this resolution disapproves an excessive pay raise. I still agree with this.

However, last Thursday, we also made a clear statement that a raise for the judiciary should not be tied to the legislative branch and should be considered separately. In addition, we made a clear policy statement that any pay raise to us ought to be offset by a like reduction in honoraria. This resolution does not do these last two things. I am voting no to make it clear that I have not changed my position on these important issues.

Mr. DODD. Mr. President, this is the hour that many of my colleagues hoped would never arrive. A strategy that many had counted on to put the President's pay recommendations into effect without a vote in the other body has unraveled. We are forced to yet again to face the consequences of our own historic inability to justify and vote for an increase in the salary of top Federal officials, including the Congress.

We can argue among ourselves about the strategy that was pursued and the results of its failure. But I happen to believe it is the responsibility of Senators and Representatives—a responsibility to our constituents—to be on record on issues as controversial as our own pay, however difficult that may sometimes be. I have gone on record, I have spelled out my reasoning on this matter, and I have cast my vote—as I will vote again today.

I have said that I consider the President's recommended pay increase excessive; that this is not the year for Congress to be granting itself a substantial raise. I have said, however, that I would support the President's recommendation as an important step toward curbing the influence of special interests and resolving the fundamental question of who pays Congress, and as a means to attract and retain the highest talent in the Federal judiciary and the senior executive service. I have said further that, should the raise and the related honorarium ban go into effect, I would return to the Treasury this year the difference between the new salary level and my current pay, which is made up of my congressional salary and the speaking fees allowed under Senate rules.

I had hoped, Mr. President, that this would be the year Congress would look itself and the country squarely in the eye and correct a two-source pay system nobody likes and nobody believes serves the public interest. I had hoped that we would resolve to pay public servants solely from public funds. Sadly, I was wrong.

With today's vote, which everyone knows will be a lopsided rejection of the President's recommendation, we go in precisely the wrong direction. We freeze the pay of Federal judges and the top tier of the Government's professional and managerial class at submarket levels. We lock in an honorarium system that bears the potential for grievous abuse. And we ensure that the next pay raise Congress approves for the Nation's top officials—if such a raise is ever approved—will be passed through the back door, rather than in the light of day.

The PRESIDENT pro tempore. Under the order previously entered,

the hour of 3 o'clock having arrived, the clerk will read the joint resolution for the third time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 129) disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

The PRESIDENT pro tempore. The yeas and nays have been ordered. The question is on passage of House Joint Resolution 129. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—94

Adams	Fowler	McConnell
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Nickles
Bond	Gramm	Nunn
Boren	Grassley	Packwood
Boschwitz	Harkin	Pell
Bradley	Hatch	Pressler
Breaux	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Heinz	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Humphrey	Roth
Chafee	Inouye	Rudman
Coats	Johnston	Sanford
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Conrad	Kerrey	Shelby
Cranston	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Symms
DeConcini	Levin	Thurmond
Dixon	Lieberman	Wallop
Dole	Lott	Warner
Domenici	Lugar	Wilson
Durenberger	Mack	Wirth
Exon	McCain	
Ford	McClure	

NAYS—6

Dodd	Kennedy	Murkowski
Jeffords	Matsunaga	Stevens

So the joint resolution (H.J. Res. 129) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of morning business for not to exceed 2 hours, with Senators permitted to speak therein for up to 5 minutes each.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. COHEN. Mr. President, there have been a number of items in the paper concerning the nomination of John Tower to be Secretary of Defense. Several recent reports indicate that defense magazines, Defense News, for example, and Army Times, have editorialized against the nomination of John Tower. I will ask unanimous consent that an article prepared by Benjamin Schemmer, editor of Armed Forces Journal International, be printed in the RECORD.

I should point out that Mr. Schemmer, a West Point graduate and former senior Pentagon official, has edited the 125-year-old, independent Armed Forces Journal International for 21 years. He has also done something unusual. He has admitted his bias: John Tower was the chairman of the Journal's board of directors until he resigned on January 20. Mr. Schemmer makes that very clear. I think he presents a cogent case why John Tower is indeed qualified to be Secretary of Defense.

I ask unanimous consent that his article and the editorial endorsing John Tower be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IS IT TOWER'S FORCE OF CHARACTER, NOT THE LACK OF IT, THAT WORRIES HIS DETRACTORS?

(By Benjamin F. Schemmer, Editor, Armed Forces Journal International)

While Mikhail Gorbachov's "peacekrieg" excites the west with promises of a moderate new defense policy, President George Bush's defense policy appears in limbo because his Secretary of Defense-designate still awaits muster by the U.S. Senate. Gorbachov makes headlines with a cascade of appealing new initiatives; John G. Tower makes news having his dignity shredded by a torrent of allegations that he lacks the moral fiber, impartiality, and managerial experience to defend America (and our allies) honestly and efficiently.

John Tower hasn't just been carefully "screened" for this appointment; he's been "sifted," as he noted wryly a few weeks ago. Tower is undergoing democracy's version of Chinese water torture, given the weeks of White House interrogatories, FBI background checks, and press scrutiny he underwent in November and December. Since Tower's nomination on December 16th, the Senate Armed Services Committee has been undertaking a microscopic postmortem of all those inquiries—a process that some now view as an autopsy rather than the independent check of fitness for office which the Senate is supposed to provide. But the process is taking so long and has been so punctuated with innuendo that some pundits have concluded that John Tower's crucible has become George Bush's albatross. But they haven't questioned the double standards behind some challenges to Tower's confirmation.

Some say Tower's effectiveness as Secretary of Defense will be diminished, at least initially, because of the prolonged public scrutiny he has undergone while waiting, first, to be nominated and, now, to be confirmed. Others suggest he will be crippled simply because so many questions have been raised about him, no matter they should prove unfounded.

Concerns like those have been voiced several times, for instance, by Representative Les Aspin, Chairman of the House Armed Services Committee. It's a curious argument—as if what might now disqualify Tower from serving as Secretary of Defense is that he's been more thoroughly vetted for the post than any of the 16 Defense Secretaries who, should he be confirmed, will have served before him. Following that logic, one might as well suggest that George Prescott Bush should have refused the oath of office on January 20th because he had to campaign so long to win a vote of confidence from the American people.

Late last week, just when it seemed the Senate Armed Services Committee had about concluded its commendably painstaking and unprecedented investigation of Tower's fitness for office, a vote on his confirmation was delayed because of a new allegation challenging Tower's personal conduct. To their credit—but Tower's pain (and the President's)—Senators Sam Nunn and John Warner, the Committee's Chairman and ranking minority member, immediately made public news of the charge and asked the White House to have the FBI investigate it. Atop that, late last week two defense tabloids (Defense News and Army Times, owned by the same publisher) issued press releases flaking editorials from this week's editions that headlined, "Tower Should Step Aside." That made the CBS, NBC, and ABC evening news on Friday, even though neither contained any new information or new allegations: their thrust was "It is [Tower's] job since 1986 as a defense consultant that is most troubling."

That was the ultimate redundancy in double standards: two tabloids which depend for most of their income on advertising from defense firms (as does the magazine which I edit) challenged Tower's impartiality, while touting their own editorial independence and reportorial integrity, even though their pages are filled with news reports about hardware programs their advertisers are managing.

While John Tower's mettle continues to be tested by an overload of stray voltage, it is to President Bush's credit that he continues quietly to forge the comprehensive reassessment of American defense policies and Pentagon priorities which John Tower has promised. Indeed, as the latest spate of allegations made America's front pages and TV tubes last weekend, Tower was at the White House late Saturday afternoon working on the revised defense budget which the President will present to Congress late this week. One doubts that President Bush would have had Tower working on that agenda were he concerned that John G. Tower might not survive the latest round of character assassinations.

I've known John Tower well over a decade, and I've traveled with him to Europe to forums noted especially for their collegial, informal, after-hour discussions with our NATO allies—environments uniquely conducive to honest exchanges of differing views, but also replete with temptations to let one's hair down too much or to overindulge in the European grape. Until January 20th, Tower was the chairman of our board of directors, and my publisher and I have had occasion to enjoy Tower's company over lunch, over cocktails, at receptions, and during dinner. I have never seen John Tower "womanize;" I have never seen him under the influence of alcohol; I have never seen him embarrass himself, his committee, or his country. Indeed, his per-

sonal conduct has been a model of probity. Professionally, he is a hard-nosed but caring boss, a manager who minces no words yet gets things done with diplomacy and dispatch. He has never intruded on our editorial work, whether on behalf of his defense contractor clients or any other cause.

Indeed, I suspect that it is his force of character, not his lack of it, that worries some people about Tower's appointment as Secretary of Defense. To the discomfort of many senior military leaders, for instance, Tower has said repeatedly he plans to take a hard look at Service "roles and missions," a Pentagon sacred cow that most of his predecessors went out of their way never to challenge. He's also made clear that he plans to focus on "people" as a way of coping with constrained defense budgets; that translates to a challenge of military "force structure," another issue most members of the Joint Chiefs of Staff would prefer to avoid.

There is an old military saying, "Hardship builds character." Could it be that Tower's crucible may turn out to be the best testimony yet to George Bush's judgment of personal integrity and professional competence?

OUR BOSS QUIT; NOW HE NEEDS YOUR HELP

He quit; he's left us. A hard-nosed but caring boss, he could get more done with fewer words than any man we've ever known. But the President gave him a better offer, heading a team that will end amateur night in the Pentagon. Former Senator John G. Tower resigned as Chairman of AFJI's Board of Directors effective January 20th, and, as this issue went to press, he was midway through his Senate confirmation hearings to become America's 17th Secretary of Defense, the most thoroughly vetted one in America's history. John Tower wasn't just carefully "screened" for this appointment; as he's put it, he was "sifted." It's been a little rough on Tower, but he's a tough guy; and the unprecedented scrutiny he's undergone will, in the end, be good for America as well as our allies, imposing special confidence from the outset as Tower undertakes his heavy responsibilities in these uniquely challenging times.

We forego the usual temptation to give an incoming Secretary of Defense our advice. John Tower doesn't need it. What he needs now is your help—honest input from real professionals on the pitfalls and potential ahead.—Benjamin F. Schemmer.

CONTINUING THE VOLUNTARY RESTRAINT AGREEMENT PROGRAM

Mr. ROCKEFELLER. Mr. President, I am here to speak on another dimension of the steel industry. I have been making a series of statements on the Senate floor, hopeful that people around this building will be listening and perhaps be persuaded by what it is that I and Senator HEINZ and others have to say. My goal is to lay out a clear rationale for continuing the Voluntary Restraint Agreement Program, which is due to expire, in fact, this year. Tomorrow, I will introduce legislation to extend the voluntary restraint agreement enforcement authority.

Last Thursday, Mr. President, I discussed the state of the U.S. steel industry in some detail. Today I would like to talk about the steel industries around the rest of the world and what they are doing and how they are sustained.

Beginning in 1974, global excess capacity in steel has caused pervasive mercantilism by our trading partners. This has manifested itself in many ways, and chief among them are two particular forms of behavior:

First, foreign governments have poured billions and billions of dollars into the construction of new steel mills; and

Second, foreign governments have poured billions of dollars into existing mills in order to preserve employment.

Many nations have also acted to protect home markets while increasing exports by any means at their disposal. Until recently, for example, South Africa flatout banned steel imports. The European Community has maintained a system of voluntary restraints on imports since 1978 which has held import penetration below 13 percent. Most developing countries have policies like Brazil's Law of Similars which limit steel imports to products the country's industry cannot supply.

In Communist countries, the state obviously is the only purchaser of steel, and it only buys what is not available from its home industry. In Japan, import penetration has never exceeded 6 percent and has averaged 4 percent. Japanese steel manufacturers have allegedly used their distribution system and other means to keep imports down.

With home markets protected, the U.S. market has for years served as an irresistable magnet for dumped and subsidized imports from all sources. Indeed, import penetration in the United States increased from around 13 percent in 1975 to over 26 percent by 1984. With declining demand in the late 1970's and 1980's, these government policies led to a gross imbalance between supply and demand and to disaster for U.S. steel companies.

How is steel sold in the global market? Every way imaginable. If you can think of a subsidy, it has been used. Since 1965, there have been several hundred subsidies and dumping cases brought against foreign steel producers by the U.S. industry and many have resulted in affirmative findings of subsidization and dumping.

That is the pattern, Mr. President. Other countries subsidize, protect, and dump.

I refer my colleagues to a compendium of these cases in the appendix to a document entitled "A National Steel Policy for Steel" published by our country's six largest integrated producers, and ask unanimous consent that this document be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROCKEFELLER. Mr. President, some examples of state intervention are: Brazil, through its state-owned steel holding company, Siderbras, has poured $14 billion into new construction, expansion, and infrastructure improvements for its domestic industry between 1979 and 1986. Because these investments occurred during the downturn in steel consumption after 1974, the Brazilian Government sold its steel at dumped and subsidized discount prices.

Italy's state-owned steel industry's principal operating subsidiary has not made a profit in 19 years. They do not care. Between 1980 and 1985, the Italian Government provided $14 billion in subsidies for its steel sector, most of it to cover operating losses.

Indonesia, Turkey, and Spain are other examples—and the list goes on and on. What has the U.S. industry done during this time? They have been forced to downsize, to rationalize—the U.S. industry has reduced its capacity by 30 percent, laid off over 55 percent of the work force that we had only a few years ago, to wit, approximately 350,000 jobs and over 25 of our companies have gone through bankruptcy, including LPV and Wheeling-Pittsburgh.

Mr. President, in a perfect, free-market world, that is the way excess capacity is reduced. The problem is, no one else is dealing with overcapacity anywhere near the way our country has. If the Voluntary Restraint Agreement Program expires and comes to a halt, the U.S. steel industry will have to continue its down-sizing virtually alone. More jobs will be lost, more companies will be lost, more capacity will be lost, and national security quickly becomes a vital factor. And that is not fair or wise. It is not fair to the industry nor to its workers, who have labored long and hard to bring our companies back to profitability and competitiveness. And it would be unwise to risk losing such a critical part of our country's industrial base.

World steel trade and indeed, the world steel industry itself, has been shaped by the policies of national governments. There is still excess capacity and there is still work to be done to make the U.S. industry more competitive. Many experts believe as much as $3 to $4 billion a year by U.S. companies is needed in new investments. Without the VRA's, it will be very difficult to make or justify investments of that magnitude.

And without further modernization, the industry is in danger of repeating the painful contractions of 1982-86 the minute we begin another downturn.

We must extend the VRA Program—the economic condition of the industry remains fragile and its financial recov-

ery has only begun. I am confident that my colleagues in both bodies of Congress will agree, and that we will enact the necessary legislation swiftly.

Mr. President, I conclude my remarks simply by saying that when the voluntary restraint agreement on steel is introduced tomorrow by Senator HEINZ and myself, I hope that my colleagues will understand that this is not a frivolous or protectionist measure. It is something which simply provides the chance for our industry to survive.

President Bush supports it. There will be many cosponsors to this.

We have much work to do. We will not be very able to do it in this country without a viable steel industry.

(Ms. MIKULSKI assumed the chair.)

EXHIBIT 1

APPENDIX: ANTIDUMPING AND COUNTERVAILING DUTY CASES CONCERNING STEEL, 1965–88

Country and product	AD/CVD	DOC prelim percent	Date [1]	DOC final percent	Date [1]	ITC injury determination
Argentina:						
Barbed wire and barbless wire strand	AD	Affir	May 3, 1985	69.02	Sept. 23, 1985	Affir Nov. 7, 1985.
Carbon steel cold rolled sheet	AD	Affir	July 25, 1984	122.3 wt ave, Range 30.30–242.50	Dec. 13, 1984	Neg Apr. 2, 1987.
Carbon steel cold rolled sheet	CVD	Affir	Feb. 10, 1984	5.4 wt ave, Range 2.34–6.42	Apr. 26, 1984	
Carbon steel wire rod	AD	Affir	May 8, 1984	119.11 wt ave, Range 24.85–151.66	Sept. 27, 1984	Affir Nov. 15, 1984.
Carbon steel wire rod	CVD	13.8	July 14, 1982			
Oil country tubular goods	AD	Affir	Jan. 16, 1985	61.70 wt ave, Range 3.94–130.70	Mar. 29, 1985	Neg. May 22, 1985.
Oil country tubular goods	CVD	Affir	Sept. 12, 1984	0.09	Nov. 27, 1984	
Welded carbon steel line pipe	CVD	2.46 ad valorem	July 14, 1988			
Welded carbon steel rectangular tubing	CVD	6.92 ad valorem	July 14, 1988			
Welded carbon steel standard pipe	CVD	0–4.2 ad valorem	July 14, 1988			
Australia:						
Carbon steel galvanized sheet	AD	Affir	July 25, 1984	38.22 wt ave, Range 1.21–93.20	Dec. 18, 1984	
Steel reinforcing bars and shapes	AD	Treasury Affir	Sept. 9, 1969	Treasury Affir	Nov. 27, 1969	Tariff Com. Affir Mar. 5, 1970.
Austria:						
Carbon steel hot-rolled sheet	AD	Affir	June 3, 1985	2.2	Aug. 19, 1985	Neg Oct. 3, 1985.
Carbon steel products	CVD	Affir	Mar. 20, 1985	2.27	Aug. 19, 1985	Neg Oct. 3, 1985.
Oil country tubular goods	AD	2.93 wt ave	Aug. 14, 1985			
Oil country tubular goods	CVD	1.82	June 3, 1985			
Belgium:						
Carbon steel products	AD	Postponed	July 16, 1980			
Carbon steel products	AD	Initiated	Oct. 25, 1983			
Carbon steel products incorporated multiple product investigations.	CVD	Affir	June 17, 1982 June 29, 1982 Aug. 10, 1982	de min—13.411	Sept. 7, 1982	
Carbon steel structural shapes	AD	0.01–17.97 1.14 wt ave	Aug. 16, 1982			
Carbon steel wire rod	CVD	Affir	July 14, 1982	13.225	Sept. 27, 1982	
Hot rolled carbon steel plate	AD	1.88 wt ave, 0–26.62	Aug. 16, 1982			
Hot-rolled carbon steel sheet	AD	9.83 wt ave, 0–24.87	Aug. 16, 1982			
Brazil:						
Barbed wire and barbless wire strand	AD	47.55	May 3, 1985			
Carbon steel but-weld pipe fittings	AD	Affir	Aug. 11, 1986	52.25	Oct. 24, 1986	Affir Dec. 17, 1986.
Carbon steel products	AD	Affir	Apr. 26, 1984	0–18.15 wt ave	July 11, 1984	Affir Aug. 29, 1984.
Carbon steel products	CVD	Affir	Feb. 10, 1984	36.95 wt ave, 17.49–62.18	Apr. 26, 1984	Affir June 20, 1984.
Carbon steel wire rod	AD	Affir	May 4, 1983	0–7.43	Sept. 22, 1983	Affir Nov. 7, 1983.
Carbon steel wire rod	CVD	Affir	July 14, 1982	15.5		
Cold-rolled sheet	AD	Affir	Apr. 18, 1984	0.91 wt ave, Range 0–1.40	July 2, 1984	Neg Sept. 24, 1984.
Cold-rolled sheet	CVD	Affir	Feb. 3, 1984	36.95 wt ave	Apr. 18, 1984	Affir.
Hot-rolled carbon steel sheet	AD	Affir	Sept. 7, 1983	6.45 wt ave, Range 6.09–18.15	Jan. 25, 1984	Affir Mar. 21, 1984.
Hot-rolled plate	AD	Affir	Sept. 7, 1983	86.81 wt ave, Range 65–58–100.4	Jan. 25, 1984	Affir Mar. 21, 1984.
Hot-rolled plate in coil	AD	Affir	Sept. 7, 1983	57.42 wt ave, Range 50.55–89.46	Jan. 25, 1984	Affir Mar. 21, 1984.
Hot-rolled sheet	CVD	Affir	Feb. 3, 1984	36.95 wt ave	Apr. 18, 1984	Affir.
Large diameter carbon steel welded pipes and tubes.	AD	Affir	Sept. 5, 1984	23.55	Jan. 28, 1985	
Oil country tubular goods	AD	33.08 wt ave, Range 0–63.78	Jan. 16, 1985			
Oil country tubular goods	CVD	Affir	Sept. 12, 1984	22.41 wt ave, Range 11.35–25.24	Nov. 27, 1984	Affir Jan. 16, 1985.
Prestressed concrete steel wire strand	CVD	Affir	Aug. 10, 1982	13.90	Feb. 1, 1983	Neg. Mar. 23, 1983.
Small diameter circular pipe	AD	3.23 wt ave, Range 0–3.23	Dec. 24, 1984			
Stainless steel products	CVD	Affir	Nov. 19, 1982	13.42	May 13, 1983	Affir July 7, 1983.
Steel products	CVD	Affir	June 17, 1982	12.53	Jan. 20, 1983	Affir Mar. 16, 1983.
Tool steel	CVD	Affir	Jan. 3, 1983	19.83	June 6, 1983	Affir July 20, 1983.
Welded carbon steel pipes and tubes	CVD	Affir	Oct. 12, 1982	13.30		
Canada:						
Carbon steel bars and structural shapes	AD			Treasury de minimus—40.64	Sept. 25, 1964	Tariff Com. Affir Sept. 4, 1964.
Oil country tubular goods	AD	Affir	Jan. 7, 1986	Range 3.48–33.78	Apr. 22, 1986	Affir June 11, 1986.
Oil country tubular goods	CVD	Affir	Dec. 30, 1985	0.72	Apr. 22, 1986	Affir June 11, 1986.
Steel jacks	AD	Treasury Affir	May 8, 1965	Treasury Affir	May 24, 1966	Trariff Com. Affir Aug. 24, 1966.
Steel reinforcing bars	AD			Treasury 6.40	Apr. 21, 1964	Tariff Com. Affir Mar. 27, 1964.
Steel sheet piling (lightweight)	AD	Affir	June 28, 1982	de minimus—0.05	July 6, 1984	
China:						
Small diameter standard pipe and tube	AD	Affir	Apr. 29, 1986	30.00	July 10, 1986	Neg Sept. 4, 1986.
Steel wire nails	AD	Affir	Jan. 9, 1986	6.33	Mar. 25, 1986	Affir May 14, 1986.
Czechoslovakia:						
Carbon steel plate	AD	Initiated	Jan. 2, 1985			June 4, 1985.
Cold-rolled sheet	AD	Initiated	Jan. 2, 1985			June 4, 1985.
E.C.: Steel rails	CVD	Initiated	Sept. 29, 1982			
Finland:						
Carbon steel plate	AD	Affir	Apr. 4, 1984	12:30 wt ave, Range 4.6–45.9	Dec. 14, 1984	
Cold-rolled sheet	AD	Initiated	Jan. 2, 1985			
Hot-rolled sheet	AD	Initated	Jan. 2, 1985			
Plate in coils	AD	Initiated	Jan. 2, 1985			
France:						
Carbon steel products	AD	Initiated	Apr. 17, 1980			
Carbon steel products	CVD	Affir	June 17, 1982	3.702–21.416	Sept. 7, 1982	
Carbon steel structural shapes	AD	0.03–23.53, 9.06 wt ave	Aug. 16, 1982			
Carbon steel wire rod	CVD	Affir	July 14, 1982	de min—14.223	Sept. 27, 1982	
Cold-rolled carbon steel sheet and strip	AD	0–47.2, 11.50 wt ave	May 28, 1985			
Hot-rolled carbon steel sheet and strip	AD	0–42.32, 8.40 wt ave	Aug. 16, 1982			Oct. 29, 1982.
Prestressed concrete steel wire strand	CVD	Affir	Aug. 6, 1982	4.792	Oct. 22, 1982	Neg Dec. 15, 1982.
Stainless steel sheet and strip	AD	Affir	Dec. 9, 1982	2.9–14.6	Apr. 29, 1982	Affir.
Germany, East						
Carbon steel plate	AD	42.0	June 3, 1985			
Carbon steel wire rod	AD	26.3	Mar. 12, 1985			
Cold-rolled sheet	AD	60.0	June 3, 1985			
Hot-rolled sheet	AD	80.0	June 3, 1985			
Germany, West:						
Carbon steel plate	AD	1.97	Oct. 1, 1984			
Carbon steel products	AD	Initiated	Apr. 17, 1980			
Carbon steel structural shapes	AD	0–43.39, 4.94 wt ave	Aug. 16, 1982			
Cold-rolled carbon steel sheet and strip	AD	0–52.04, 6.43 wt ave	Aug. 16, 1982			

APPENDIX: ANTIDUMPING AND COUNTERVAILING DUTY CASES CONCERNING STEEL, 1965–88—Continued

Country and product	AD/CVD	DOC prelim percent	Date [1]	DOC final percent	Date [1]	ITC injury determination
Hot-rolled carbon steel plate	AD	0–34.62, 8.22 wt ave	Aug. 16, 1982			
Hot-rolled carbon steel sheet and strip	AD	0–35.70, 3.94 wt ave	Aug. 16, 1982			
Stainless steel sheet and strip products	AD	Affir	Dec. 17, 1982	1.49–7.76	May 6, 1983	Affir June 15, 1983.
Steel products	CVD	Affir	June 17, 1982	0–1.131	Sept. 7, 1982	
		Amended	Aug. 4, 1982			
Tool steel	AD	Affir	Jan. 12, 1983	0.93–18.41	July 11, 1983	Affir July 20, 1983.
Hungary: Carbon steel plate	AD	Initiated	Jan. 14, 1985			
India: Welded carbon steel standard pipe and tube.	AD	Affir	Dec. 31, 1985	7.08	Mar. 17, 1986	Affir May 7, 1986.
Iran: Circular welded carbon steel pipe and tube.	CVD	336.14 ad valorem	Oct. 29, 1987			
Israel:						
Oil country tubular goods	AD	Affir	Aug. 25, 1986	11.96 wt ave	Jan. 14, 1987	Affir Mar. 4, 1987.
Oil country tubular goods	CVD	Affir	Jan. 11, 1986	11.86 ad valorem	Jan. 15, 1987	Affir Mar. 4, 1987.
Italy:						
Carbon steel products	CVD	Affir	June, 17, 1982	17.81–26.05	Sept. 2, 1982	
Cold-rolled carbon steel	AD	0–30.71, 9.72 wt ave	Aug. 16, 1982			
Hot-rolled carbon steel sheet and strip	AD	0–21.62, 3.07 wt ave	Aug. 16, 1982			
Iron and steel chain	CVD	Treasury Affir	Apr. 13, 1977	Treasury 15 lire/kilo	Oct. 11, 1977	Neg Oct. 1, 1980.
Steel welded wire mesh	CVD			Treasury 15.28 lire/kilo	June 1, 1968	
Welded carbon steel pipes and tubes	CVD	Initiated	June 3, 1982			
Welded steel wire fabric products	AD	Initiated	Dec. 17, 1985			Neg Jan. 15, 1986.
Welded steel wire fabic products	CVD	Initiated	Oct. 30, 1985, Dec. 12, 1985.			Neg Jan. 15, 1986.
Japan:						
Carbon steel butt-weld pipe fittings	AD	Affir	Mar. 11, 1986	Range 0.13–270.2, wt ave, 30.83–65.81.	Dec. 29, 1986	Affir Feb. 4, 1987.
Carbon steel plate	AD	Treasury Affir	Oct. 6, 1977	Treasury 4.0–13.0	Jan. 13, 1978	Affir Apr. 24, 1978.
Iron and steel chain	CVD	Treasury Affir	Feb. 7, 1978	Treasury 2.0 ad valorem	Aug. 24, 1978	Neg Feb. 21, 1980.
Prestressed concrete steel wire strand	AD	Treasury Affir	May 31, 1978	Treasury 0–4.5	Aug. 28, 1978	Affir Nov. 29, 1978.
Seamless stainless pipes and tubes	AD	Initiated	May 22, 1980			Neg Apr. 23, 1980.
Stainless clad steel plate	AD	Affir	Mar. 22, 1982	2.08	June 4, 1982	Affir July 29, 1982.
Stainless steel butt-weld pipe fittings	AD	Affir	Sept. 16, 1987	0.08–65.08 wt ave	Feb. 4, 1988	Affir Mar. 24, 1988.
Stainless steel wire cloth	AD	Affir	Jan. 3, 1985	0.30–5.58 wt ave	Mar. 15, 1985	
Steel offshore platform jackets and piles	AD	Affir	Nov. 15, 1985	Range 8.88–9.19	Mar. 31, 1986	Affir May 15, 1986.
Steel pipes and tubes	AD	Affir	Aug. 25, 1982	de minimis—22.95	Jan. 11, 1983	Affir Feb. 24, 1983.
Steel valves and parts	AD	Affir	Apr. 5, 1984	13.09	June 20, 1984	Neg Aug. 8, 1984.
Steel wire nails	AD	Initiated	July 2, 1981			
Steel wire rope	AD	Treasury Affir	Mar. 9, 1973	Treasury de minimis—9.68	June 7, 1973	Tariff Com. Affir Sept. 14, 1973.
Korea:						
Carbon steel plate	AD	Affir	Apr. 13, 1984	5.0 wt ave	June 29, 1984	Affir Aug. 15, 1984.
Circular welded carbon steel pipe and tubes.	AD	Affir	Oct. 28, 1983	0.90 wt ave, Range 0.76–1.52	Mar. 16, 1984	Affir May 9, 1984.
Cold-rolled carbon steel sheet	CVD	Affir	Sept. 18, 1984	3.6	Dec. 3, 1984	Affir Jan. 23, 1985.
Hot-rolled sheet	CVD	Affir	Oct. 12, 1982	1.88 wt ave	Dec. 27, 1982	Affir Feb. 15, 1983.
Galvanized sheet	CVD	Affir	Oct. 12, 1982	1.74 wt ave, Range 1.36–1.74	Dec. 27, 1982	Affir Feb. 15, 1983.
Oil country tubular goods	CVD	Affir	Sept. 12, 1984	de minimis—0.53	Nov. 28, 1984	Neg Jan. 16, 1985.
Steel offshore platform jackets and piles	AD	Affir	Nov. 15, 1985	17.34	Mar. 31, 1986	Affir May 15, 1986.
Steel offshore platform jackets and piles	CVD	Affir	July 15, 1985	Range 0.16–8.73	Mar. 31, 1986	Affir May 15, 1986.
Steel plate	CVD	Affir	Oct. 12, 1982	1.88 wt ave	Dec. 27, 1982	Affir Feb. 15, 1983.
Steel wire nails	AD	Treasury Neg	Oct. 26, 1979	.005–11.5 wt ave, Range 0–32.1	May 23, 1980	Neg Aug. 13, 1980.
Steel wire nails	AD	Affir amended	Feb. 3, 1982	3.8 wt ave	June 24, 1982	Affir Aug. 11, 1982.
			Mar. 19, 1982			
Tapered tubular steel transmission structures.	AD	Initiated	Feb. 21, 1985			
Welded carbon steel pipes and tubes	CVD	Affir	Oct. 12, 1982	1.88 wt ave, Range 0–1.88	Dec. 27, 1982	Affir Feb. 15, 1983.
Welded carbon steel rectangular structure and mechanical tubes.	AD	Affir	Oct. 31, 1983	1.47 wt ave	Mar. 16, 1984	Neg May 9, 1984.
Welded steel wire fabric products	CVD	Initiated	Oct. 30, 1985			
Carbon steel structural shapes	CVD	Affir	June 17, 1982	0.539–1.523	Sept. 7, 1982	
Malaysia:						
Carbon steel wire rod	CVD	Neg 0.45 de min	Jan. 15, 1988	17.71	Apr. 18, 1988	
Welded carbon steel pipe and tube products.	CVD	Initiated	June 17, 1988			
Mexico:						
Carbon steel bars and shapes	CVD	Affir	June 12, 1984	2.03–104.58 corrected	Aug. 17, 1984–Sept. 7, 1984.	
Carbon steel products	CVD	4.98	Feb. 10, 1984			
Oil country tubular goods	AD	20.77	Jan. 16, 1985			
Oil country tubular goods	CVD	Affir	Sept. 12, 1984	5.84	Nov. 30, 1984	Affir Jan. 4, 1985.
Welded carbon steel pipe and tube	CVD	23.65 wt ave	Jan. 31, 1985			
New Zealand:						
Carbon steel wire nails	CVD	Affir	July 21, 1987	5.25–45.01	Oct. 5, 1987	
Carbon steel wire rod	CVD	Affir	Dec. 23, 1985	25.69	Mar. 7, 1986	
Steel wire	CVD	Affir	June 16, 1986	6.84	Sept. 2, 1986	
Norway: Structural shapes	AD	Affir	May 29, 1985	13.7	Oct. 16, 1985	Neg Nov. 29, 1985.
Peru: Steel concrete reinforcing bar	CVD	Affir	Sept. 16, 1985	29.98	Nov. 27, 1985	
Philippines: Small diameter standard pipe and tube.	CVD	Affir	Apr. 29, 1986	10.2	Sept. 18, 1986	Neg Nov. 13, 1986.
Poland:						
Barbed wire and barbless wire strand	AD	Affir	May 3, 1985	36.25 wt ave	July 22, 1985	
Carbon steel plate	AD	15.02	May 28, 1985			
Carbon steel products	AD	15.02	June 3, 1985			
Carbon steel wire rod	AD	Affir	May 8, 1984	36.8 wt ave, Range 28–65.9	July 20, 1984	Neg Sept. 12, 1984.
Carbon steel wire rod	AD	Initiated	May 3, 1985			
Steel wire nails	AD	Initiated	July 3, 1985			
Structural shapes	AD	59.96	May 29, 1985			
Portugal: Carbon steel wire rod	AD	24.80	Sept. 23, 1985			Affir Oct. 8, 1985.
Romania:						
Carbon steel products	AD	50–63	June 3, 1985			
Cold-rolled carbon steel sheet	AD	63.0	Aug. 16, 1982			
Galvanized sheet	AD					Neg Feb. 4, 1985.
Hot-rolled carbon steel plate	AD	13.2	Aug. 16, 1982			
Hot-rolled carbon steel sheet	AD	50.0	May 28, 1985			
Saudi Arabia: Carbon steel wire rod	CVD	Affir	Nov. 20, 1985	5.48	Feb. 3, 1986	
Singapore:						
Light rectangular pipe and tube	AD	Affir	Apr. 29, 1986	23.03	May 20, 1986	Affir Nov. 13, 1986.
Standard pipe and tube	AD	Affir	Apr. 29, 1986	6.76	May 20, 1986	Neg Nov. 13, 1986.
South Africa:						
Carbon steel pipe and tube	CVD	Affir	Mar. 9, 1983	21.64	Sept. 12, 1983	
Carbon steel products	AD	Initiated	Mar. 7, 1984			
Carbon steel wire rod	CVD	Affir	July 8, 1982	7.8 before Apr. 1, 1982 de minimis post Apr. 1, 1982.	Sept. 27, 1982	
Carbon steel wire rope	CVD	21.75	Sept. 13, 1982			
Galvanized steel wire strand	CVD	23.0	Feb. 15, 1983			

APPENDIX: ANTIDUMPING AND COUNTERVAILING DUTY CASES CONCERNING STEEL, 1965–88—Continued

Country and product	AD/CVD	DOC prelim percent	Date [1]	DOC final percent	Date [1]	ITC injury determination
Prestressed concrete steel wire strand	CVD	Affir	Apr. 14, 1982	27.1	Aug. 2, 1982	
Steel products	CVD	Affir	June 17, 1982–June 29, 1982.	6.7–15.1 before Apr. 1, 1982 de minimis post Apr. 1, 1982.	Sept. 7, 1982	
Spain:						
Carbon steel cold-rolled sheet	AD	Affir	July 25, 1984	21.24 wt ave, Range 17.37–22.15	Dec. 13, 1984	
Carbon steel galvanized sheet	AD	Affir	July 25, 1984	21.48 wt ave, Range 19.52–24.38	Dec. 13, 1984	
Carbon steel hot-rolled sheet	AD	Affir	July 25, 1984	22.13 wt ave	Dec. 13, 1984	
Carbon steel plate	AD	Affir	July 25, 1984	32.82 wt ave	Dec. 13, 1984	
Carbon steel structurals	AD	Affir	July 25, 1984	16.17 wt ave, Range 0–27.44	Dec. 13, 1984	
Carbon steel wire rod	AD	Affir	May 8, 1984	36.43 wt ave, Range 0.12–41.25 corrected.	Sept. 27, 1984–Oct. 25, 1984.	Affir Nov. 15, 1984.
Carbon steel wire rod	CVD	Affir	Feb. 24, 1984	16.95 wt ave, Range 16.03–29.94	May 8, 1984	Affir July 5, 1984.
Cold-formed alloy steel bars	CVD					Neg June 10, 1982.
Cold-formed stainless steel bar	CVD	Affir	Aug. 31, 1982	2.09–15.43	Nov. 15, 1982	Neg Jan. 5, 1983.
Hot-rolled stainless steel bar	CVD	Affir	Aug. 31, 1982	3.19–15.43	Nov. 15, 1982	Jan. 5, 1983.
Iron or steel chain	CVD	Treasury Affir	July 14, 1977	Treasury 12.5 of f.o.b. value	Jan. 24, 1978	
Oil country tubular goods	AD	Affir	Jan. 16, 1985	76.8 wt ave, Range 70.1–83.5	Mar. 29, 1985	Affir May 22, 1985.
Oil country tubular goods	CVD	Affir	Sept. 12, 1984	17.21 wt ave, Range 16.17–22.54	Nov. 30, 1984	Affir Jan. 16, 1985.
Prestressed concrete steel wire strand	CVD	Affir	Apr. 12, 1982	1.77 corrected	July 1, 1982–July 28, 1982	Neg Sept. 1, 1982.
Stainless steel sheet and strip	AD	Affir	June 26, 1984	39.56	Sept. 10, 1984	Neg Oct. 31, 1984 corrected Nov. 29, 1984.
Stainless steel wire rod	CVD	Affir	Aug. 31, 1982	3.19–15.43	Nov. 15, 1982	Affir Jan. 5, 1983.
Steel cold-formed carbon bars	CVD	Affir	Aug. 30, 1982	0–15.08	Nov. 15, 1982	Affir Jan. 2, 1983.
Steel cold-rolled sheet	CVD	Affir	Aug. 30, 1982	10.12–38.25	Nov. 15, 1982	Affir Jan. 2, 1983.
Steel galvanized sheet	CVD	Affir	Aug. 30, 1982	4.54–10.12	Nov. 15, 1982	Affir Jan. 2, 1983.
Steel hot-rolled carbon bars	CVD	Affir	Aug. 30, 1982	0–15.08	Nov. 15, 1982	Affir Jan. 2, 1983.
Steel hot-rolled plate	CVD	Affir	Aug. 30, 1982	10.12	Nov. 15, 1982	Affir Jan. 2, 1983.
Steel structurals	CVD	Affir	Aug. 30, 1982	1.64–10.12	Nov. 15, 1982	Affir Jan. 2, 1983.
Welded carbon steel pipes and tubes (rectangular).	AD	49.69 wt ave, Range 49.69–49–69.	Dec. 31, 1984			
Welded carbon steel pipes and tubes (circular).	AD	40–75 wt ave, Range 19.13–53.01.	Dec. 31, 1984			
Welded carbon steel pipes and tubes	CVD	1.14	Oct. 17, 1984			
Sweden:						
Carbon steel cold-rolled sheet	CVD	Affir	Mar. 20, 1985	8.77	Aug. 19, 1985	Affir Oct. 3, 1985.
Hot-rolled sheet and plate	CVD	Affir	Mar. 20, 1985	8.77	Aug. 19, 1985	Neg Oct. 3, 1985.
Stainless steel hollow products	AD	Affir	May 22, 1987	26.46–34.50	Oct. 9, 1987	Affir Nov. 25, 1987.
Stainless steel hollow products	CVD	Affir	Dec. 5, 1986	2.18 ad valorem	Feb. 26, 1987	Neg Apr. 8, 1987.
Stainless steel plate	AD			Treasury 0–8.81	Feb. 2, 1973	Tariff Com. Affir May 7, 1973.
Taiwan:						
Butt-welded pipe fittings	AD	Affir	Aug. 11, 1986	Affir	Oct. 24, 1986	Affir Dec. 17, 1986.
Carbon steel plate	AD			Affir Treasury 19.97	June 13, 1979	Affir May 22, 1979.
Circular welded carbon steel pipes and tubes.	AD	Affir	Oct. 28, 1983	9.7 wt ave, Range 9.7–43.7	Mar. 16, 1984	Affir May 9, 1984.
Lightwalled rectangular pipe and tubes	AD	Affir	Mar. 17, 1987	17.29 wt ave	June 1, 1987	Neg July 22, 1987.
Lightwalled rectangular pipe and tubes	AD	initiated	June 14, 1988			
Oil country tubular goods	AD	Affir	Jan. 7, 1986	26.32 wt ave,	May 29, 1986	Affir June 11, 1986.
Welded carbon steel line pipe	AD	Affir	Dec. 30, 1985	27.98	Mar. 14, 1986	Neg May 7, 1986.
Welded carbon steel pipe and tubes	AD	Affir	July 22, 1985	7.09	Dec. 12, 1985	Neg Jan. 24, 1986.
Thailand:						
Steel wire nails	CVD	Affir	July 21, 1987	1.10	Oct. 2, 1987	
Welded carbon steel pipe and tubes	AD	Affir	Oct. 3, 1985	15.60–15.69	Jan. 27, 1986	Affir Mar. 3, 1986.
Welded carbon steel pipe and tubes	CVD	Affir	June 6, 1985	1.79 ad valorem	Aug. 14, 1985	
Trinidad/Tobago:						
Carbon steel wire rod	AD	Affir	May 4, 1983	9.79	Sept. 22, 1983	Affir Nov. 7, 1983.
Carbon steel wire rod	CVD	Affir	Oct. 20, 1983	6.738	Jan. 4, 1984	
Turkey:						
Line pipe	AD	Affir	Jan. 3, 1986	0.46–40.23	Apr. 17, 1986	Neg May 7, 1986.
Welded carbon steel pipe and tube	AD	Affir	Jan. 3, 1986	1.26–23.12	Apr. 17, 1986	Affir May 7, 1986.
Welded carbon steel pipe and tube	CVD	Affir	Oct. 28, 1985	17.80	Jan. 10, 1986	Affir Mar. 3, 1986.
United Kingdom:						
Carbon steel products	AD	Initiated	Apr. 17, 1980			
Carbon steel products	CVD	Affir	June 17, 1982	1.88–20.33	Sept. 7, 1982	
Carbon steel structural shapes	AD	0–45.84	Aug. 16, 1982			
Hot-rolled carbon steel plate	AD	0–148.09	Aug. 16, 1982			
Prestressed concrete steel wire strand	AD	Affir	Oct. 6, 1982	33.89	Dec. 20, 1982	Neg Feb. 9, 1983.
Stainless steel plate	CVD	Affir	Feb. 10, 1983	19.31	Apr. 27, 1983	Affir June 15, 1983.
Stainless steel sheet and strip	CVD	Affir	Feb. 10, 1983	0–19.31	Apr. 27, 1983	Neg June 15, 1983.
Venezuela:						
Carbon steel products	AD	4.84	June 3, 1985			
Carbon steel products	CVD	72.26	Mar. 20, 1985			
Carbon Steel wire rod	AD	Affir	July 23, 1982	40.0	Dec. 30, 1982	Neg Feb. 24, 1983.
Carbon steel wire rod	CVD	70.98	July 11, 1985			
Welded carbon steel pipes and tubes (small diameter).	AD	26.19	June 3, 1985			
Welded carbon steel pipes and tubes	AD	55.7 wt ave	Aug. 13, 1985			
Welded carbon steel pipes and tubes	CVD	76.0 wt ave	Nov. 13, 1985			
Yugoslavia:						
Steel wire nails	AD	84.76 wt ave	Nov. 20, 1985			
Welded carbon steel pipe and tube	AD	Affir	Dec. 31, 1985	33.26	Mar. 14, 1986	
Welded carbon steel pipe and tube	CVD	Affir	Oct. 16, 1985	74.50	Dec. 31, 1985	
Zimbabwe:						
Carbon steel wire rod	CVD	Affir	June 4, 1986	47.33	Aug. 15, 1986	

[1] If available, this is date of publication in Federal Register. Otherwise it is date of decision.

THE PRESIDENT'S STEEL PROGRAM

Mr. HENIZ. Mr. President, as my distinguished colleague from West Virginia has pointed out, today is the second day that he and I have taken the floor to discuss the extension of the President's Steel Program.

As my colleagues will recall, last week I went into some detail, complete with charts, on the fundamentally distorted nature of the world steel market. I itemized the extent of subsidized steel production throughout the world. I provided a complete list of the many antidumping and countervailing duty cases that the domestic steel industry successfully pursued in the past.

My conclusion last week was that world trade in steel was a mess and that the primary, though hardly exclusive, victim was the United States, the most open developed market for steel.

The President's Steel Program was created to try to bring some order to the market in a way that would help the domestic industry, battered by unfairly traded imports, to regain its competitiveness. In that respect, the program has had a major impact.

Capacity in the industry has been reduced some 27 percent since 1982 without the billions of dollars in foreign

government assistance that, for example, the European Community invested to do the same thing over a much longer period of time.

Product yields are up from 6 percent and energy efficiency is up a stunning 37 percent since 1982.

By 1987, the U.S. steel industry required somewhere between 8 to 14 percent fewer man-hours per ton—as you can see from this chart, the orange line—than any of the major producers.

After a long period of high costs, the U.S. industry is now competitive with all major producers. That is what this line really means. In fact, a leading steel analyst now estimates that American auto makers as paying about $100 per ton less for their domestic steel than Toyota, Kamatsu or any user is paying in Japan.

Employment costs are shown. Total costs averaged $23.71 per hour in 1987 compared to a record high of $26.29 in November, 1982.

And, as we well aware, employment is also down—more than 60 percent—and it has certainly hurt—from the 1975-79 average.

The President's program has also helped to limit unfairly traded imports. A recent study done by Putnam, Hayes and Bartlett estimates imports would have been 3 percentage points higher if there had been no VRA's, which translates into 8.4 million extra tons shipped and 7,000 jobs saved.

As illustrated in these charts, the orange, the taller part, is the level of imports without the voluntary steel restraints. As my colleagues can see, domestic shipments would have been much lower without the VRA's in the orange and, again, industry employment would have been significantly lower. It has lowered a lot, within the blue, without the VRA's.

This hardly offsets the losses suffered and the terrible human cost that has ensued, but it has clearly led to a more compact, more competitive industry. The study goes on to say:

> In fact, the actual effect is likely to have been even greater. The existence of five-year VRAs itself probably contributed to foreign capacity reductions, thereby increasing capacity utilization and further decreasing imports' share.

This is a particularly significant statement, Madam President, to those of us who have long argued that more frequent demonstrations of the United States will to act aggressively against unfair practices will result in behavior changes overseas. This is a case in point. By being firm, we have helped convince other nations of both the folly of their own market-distorting practices and of our new determination that we will not let them get away with it.

Of equal importance for the future of the program is the fact that it has not had a significant effect on prices. Prices dropped the first 2 years of the program and only began to rise in 1987, for reasons unrelated to the VRA's. By the end of the third quarter of 1988, prices averaged only 4 percent more than when the VRA Program began and were only 2.5 percent higher than in 1981. By contrast, the price of food went up 32.9 percent in the same period.

Trends in import prices have been the same, and they are now higher than U.S. prices. Import prices even went down while the dollar was declining and have only recently begun to rise—far less than the increase that would be required to maintain home country revenues.

This issue of pricing has been a particular sore point for me, Madam President, because of the numerous wild and frankly irresponsible assertions that have been flying around about how much this program costs steel users and consumers.

This program has been in existence for somewhat more than 4 years. For 2 of those years prices fell; for 2 of them prices rose—same program. Elementary logic would suggest that there are other factors in the marketplace beside this program determining the price of steel.

The main factor is obvious—increased demand. Demand for steel is up all over the world, and prices—again, all over the world—have responded accordingly. Add to that the two Congressional Research Service analyses that conclude the VRA Program was not responsible for price increases because actual imports were less than permitted by the VRA's, and one begins to see that the VRA's are not the real issue for steel users; rather it is the interaction of demand and supply in the marketplace.

Equally specious are the various numbers alleged to be the cost of this program to consumers. The one that has achieved the most currency is $7 billion per year, a figure that has been reported uncritically by a number of newspapers. When one realizes that the total value of all imported steel coming into this country in 1987 was $8.3 billion, it is clear how ridiculous the $7 billion figure is. It suggests that over 80 percent of the cost of all imported steel was due to the VRA Program, which makes no sense whatever.

John Jacobson and George Schink of AUS Consultants in Philadelphia have written a brief paper that very effectively demonstrates the nonsense of this figure. Mr. Jacobson and Mr. Schink point out that this figure stems from research that was done in 1984 before the VRA Program was created and was based on assumptions that simply turned out not to be true.

Madam President, I ask unanimous consent that the text of this paper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUS CONSULTANTS,
INDUSTRY ANALYSIS GROUP,
Philadelphia, PA.

WHAT IS THE COST OF THE STEEL VRA PROGRAM?

(By John E. Jacobson, V.P. and Dr. George R. Schink, Chairman)

WHEN DOES $7 BILLION EQUAL $300 MILLION?

The Wall Street Journal editorial page of December 27, 1988 proves once again the squeaky wheel theory that he who trots out the most outrageous number gets the most attention. On that date, The Wall Street printed Mr. Gary Hufbauer's speech to the annual meeting of the American Institute for Imported Steel under the heading of "Wean the Steel Baron From Protection." In his speech, he claimed that the current steel Voluntary Restraint Arrangements (VRAs) cost steel consumers $7 billion per year or $750,000 for every steelworker job saved by the program. Even in today's environment of megadeficits this is a huge number—but is it real? American Iron and Steel Institute (AISI) sponsored research suggests that the cost is closer to $0.3 billion.

SPECULATION NOT SUPPORTED BY THE FACTS

Mr. Hufbauer's $7 billion claim is taken from a book that he wrote in 1984 called "Trade Protection in the United States: 31 Case Studies." In this book, he analyzes a diverse group of industries including textiles, orange juice, automobiles, color television, mushrooms and ceramic tiles as well as steel. This book utilizes the same explanatory model and similar assumptions for each of these diverse industries. It is not altogether surprising then that Hufbauer's work fails to address the real world dynamics of the global steel industry. What is surprising is that Hufbauer would totally ignore what has occurred in steel trade and pricing since the 1984 inception of VRAs when he prepared his December 1988 speech. Shockingly, this $7 billion figure is based on his estimates of more than four years ago about what might happen under VRAs. Here is a comparison of Hufbauer's assumptions with what has actually taken place in the steel industry.

Assumption #1—VRA program will include $500 million in tariffs.

Reality #1—No VRA tariffs.

Assumption #2—In 1985, finished imports will decline to 18.5% of the U.S. market from a 1984 share of 25.7%.

Reality #2—In 1985, finished imports were 23.5% of the U.S. market and total imports were 25.2% of the U.S. market, down from 26.2% in 1984.

Assumption #3—Import prices increase by 30%. Domestic prices increase by 12%.

Reality #3—In 1985, import prices rose by 3% and domestic prices fell by 4%.

In real terms from 1984 to 1988, import prices rose by 4% while domestic prices fell by 7%.

THE STEEL PRODUCER REBUTTAL

The AISI has published findings of VRA impacts which differ enormously from Hufbauer's conclusions. The AISI study estimates that VRAs pushed up domestic steel prices by a mere 0.3% per year for a cost to consumers of $300 million.

The AISI report includes real world steel industry facts and figures, in stark contrast to the Hafbauer make-believe steel data, but

still embodies key self-serving assumptions. Among the more questionable AISI claims are (1) that VRAs have had virtually no impact on steel import prices; (2) that there is no relationship between exchange rates and import prices; and (3) that import constraints may actually have an overall positive welfare effect on the economy by promoting more efficient consumption.

KEY FACTORS AFFECTING THE MARKET UNDER VRA

Neither analysis of the VRA program has taken full account of key factors which have affected the steel market. These include:

(1) Price Changes Under VRA: Coincidence or Causality?

Steel price changes since 1984 have been affected by the longest steel strike in history (USX vs. United Steelworkers from August 1986-February 1987), competition from alternate materials, the gyrating dollar, bankruptcy filings by more than 10% of the steel industry, foreign demand and supply shifts, and the shifting fortunes of steel's major customer groups, as well as by the institution of VRAs. One must evaluate the effect of the VRAs taking full account of these other major influences.

(2) How Binding Are the VRA Constraints?

Our analysis, and that of others including the Congressional Research Service, indicates that VRA quotas have rarely been totally filled for all products from all countries. In fact, the short supply mechanism which is the device to monitor supply pinches on steel consumers has been little used (aside from semifinished steel) during the VRA program. Evidence indicates that VRAs may actually institutionalize a nation's import share (e.g., the auto VRAs with Japan.)

(3) Sharp Domestic Price Rises: Are Steelmakers That Stupid?

Steel is a competitive business. Smart companies cannot afford to price their product in a manner that will damage their customers. The data indicate that domestic price growth has been held down to increase U.S. steel's competitiveness. As shown in the following table, U.S. steel price increases are modest versus steel price increases overseas and price increases for competing materials.

PRICES OF STEEL AND COMPETING MATERIALS (1980–88)

	1980	1984	Percent CH	1988	Percent CH
U.S. Domestic Steel [1] (dollars per ton)	455	437	−4	457	5
Japanese Big Buyer [2] (dollars per tonne)	425	432	2	613	42
Aluminum [3] (cents per pound)	76	61	−20	113	85

[1] Realized steel prices for domestic carbon steel producers as calculated by Purchasing Magazine and AUS Consultants.
[2] Japanese Big Buyer price from World Steel Dynamics.
[3] Purchasing Magazine price for primary aluminum ingot.

A MORE BALANCED APPROACH TO EVALUATING VRA IMPACTS

Analysis by AUS Consultants suggests that determining winners and losers from the steel VRA program is not as simple as it appears on the surface. In fact, the program has vastly different impacts depending upon the country, steel product category and period of time that one analyzes. Not all foreign steel producers lose and not all domestic steel producers win under VRAs. Steel producers in Japan and the EEC are now content with their U.S. market shares due to strong domestic markets and currency shifts. Newly industrializing countries such as Brazil, South Korea and Taiwan would like to see their market allocation increased to assist in their planned steel industry expansions. Many U.S. steel producers themselves, who must buy semifinished steel on the open market, have paid enormous penalties for lack of access to imported semifinished product.

Similarly, the costs of the VRAs to consumers has been highly variable. The 80% surge in U.S. spot steel plate prices from early 1987 to mid-1988 would have been ameliorated by greater availability of imported plate. In stark contrast, consumers of Oil Country Tubular Goods (OCTG) may have benefitted from VRAs by the desire of importers to maintain U.S. market share in spite of weak demand and pricing for this product.

The 20 bilateral VRA agreements currently in place are all scheduled to expire on September 31, 1989. Each agreement has the stated objective of providing the U.S. steel industry with time to modernize and allow steel trade to stabilize. Things have improved dramatically on both of these fronts. However, there remain tremendous challenges ahead for the U.S. and international industry. It is our hope that wildly exaggerated claims by self interested parties will not cloud the vision of policymakers in Washington who must resolve the delicate issue of national steel trade policy.

Mr. HEINZ. Madam President, those assumptions were wrong about the level of imports that would actually be reached, about the configuration of the program, and about both domestic and import prices of steel; yet the figure persists.

This baffles me. Modeling can be useful in leading us to conclusions about the future, but it is unconscionable to continue to use such models 5 years later when empirical data exists to refute their assumptions. This is not the first time this has happened, and it won't be the last. I hope the administration and Congress are intelligent enough to ignore this kind of propaganda and instead base their analyses on real facts, not imaginary ones.

In conclusion, I hope these real facts make clear that the VRA Program has been good for the industry, good for the economy, and, in addition, good for other producers. Tomorrow I will discuss what more needs to be done.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION SEPARATION ACT AND A BILL TO PROVIDE RISK BASED DEPOSIT INSURANCE PREMIUMS

Mr. GRAHAM. Madam President, we are all painfully aware of the serious problems in our savings and loan industry. Those problems demand pragmatic and expeditious resolution.

There are two schools of thought about how to solve an escalating crisis and they are potentially conflicting:

One says we need to move quickly to cut the losses resulting from over 500 insolvent savings and loans.

The second says we need studied reforms in the system to make sure those insolvencies do not recur.

The announcement yesterday by President Bush, of the administration's proposal to strengthen the S&L industry will contribute to a resolution of those objectives by linking the rescue operation to structural change.

The President's proposal also provides a specific point of departure for public debate and congressional action.

For the same purposes, on January 31, 1989, I introduced two bills—one to separate the Federal Savings and Loan Insurance Corporation from the Federal Home Loan Bank Board and the other to allow FSLIC to authorize a risk-based insurance system.

The first bill—"The Federal Savings and Loan Corporation Separation Act"—will establish a three-member board of trustees to manage the Insurance Program for federally insured savings and loans.

It will also separate the insurance side of the current Federal Home Loan Bank Board from the regulatory and promotion side of the Bank Board.

The financial soundness of the S&L Insurance Program is of paramount interest as this financial soundness underscores the Government's commitment to back individual deposits in federally insured S&L's.

The deficit in the FSLIC insurance fund is now estimated to be between $80 to $100 billion.

Congress cannot stand by as the situation continues to deteriorate. This legislation takes the first steps to restore the health to the system.

Last week the Senate Banking Committee heard testimony from the General Accounting Office which reflects these proposals.

The GAO recommends that we separate FSLIC from the Bank Board and that the FDIC and FSLIC should have the ability to adjust FSLIC insurance premiums. There is a growing consensus on this course of action to restore the system's soundness.

By setting up a separate administration for the insurance program we relieve the pressure on the Federal Home Loan Bank Board from its conflicting responsibilities. The FHLBB will continue to charter local thrift associations, promote the S&L industry and maintain a stable flow of funds for home financing.

The three-member insurance board—consisting of three Presidential appointees—will focus solely on the insurance and regulation of the insurance fund.

That concentrated effort to manage the Insurance Program efficiently and well will promote public confidence in the safety and soundness of our savings and loan system.

This is not a new idea—only an overdue one. In 1956, President Eisenhower proposed a similar reorganization of FSLIC. He believed that the system had matured to the point where separation of the banking and insurance functions would enhance its health and growth. His proposal was never implemented.

And even earlier—in 1945—the General Accounting Office recommended a division of functions, insurance being handled separately. Those recommendations had merit then and they deserve close attention from us today.

For too many years the building crisis in our savings and loan industry didn't make it on to the "A" list of urgent problems.

Procrastination compounded the problem. We don't have years to think it over anymore.

The separation of the insurance corporation from the Bank Board is a sensible beginning to restore the integrity of our savings and loan system.

Our banking industry is a reflection of our democratic and prosperous Nation. Every corner of it deserves our careful scrutiny and protection. The Federal Savings and Loan Insurance Corporation Separation Act makes an important distinction in the key functions directing savings and loans.

Since we are dealing with a multifaced problem, we must act in several areas to improve our S&L system. Accordingly, the second bill I have introduced amends the National Housing Act to establish risk-based insurance premiums for savings and loans.

This bill would permit the FSLIC to establish variable premium schemes for deposit insurance. The amount of an institution's premium would depend on its overall rating under a rating system that the agency would establish by regulation.

The rating FSLIC would create would include, among other things, an institution's capital, assets, management, earnings, liquidity, activities and any other criteria the regulators determine to be necessary and appropriate.

Under no circumstances could an institution's premium exceed the maximum insurance premium established by law—that is: five twenty-fourths of 1 percent for regular premiums and one/eighth of 1 percent for special premiums.

Neither the rating of an institution nor the amount of its adjusted premium would be disclosable under the Freedom of Information Act. This is the same disclosure procedure followed by the banking industry.

This special assessment insurance is a timely idea now because it recognizes the well-capitalized and well-managed savings and loans and allows them to continue to grow.

The continued growth of the healthy S&L's attests to the soundness of the overall system and provides for their contribution to the FSLIC fund which will help keep some of the ailing but not terminal S&L's afloat.

Madam President, we are all of one mind in wanting to restore the integrity of our savings and loan system as quickly as possible.

This legislation—the Federal Savings and Loan Insurance Corporation Act and the bill to amend the National Housing Act—will start us on the road to that recovery and I urge my colleagues to support it.

Madam President, I respectfully ask unanimous consent that copies of the two bills, which were introduced on January 31, 1989, editorials from the Miami Herald and the Washington Post be printed in the RECORD as well as the GAO testimony before the Banking Committee, the text of the Eisenhower plan of 1956 and the chart of GAO audit reports from 1945 through 1949 recommending separation of FSLIC from the Bank Board.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Savings and Loan Insurance Corporation Separation Act".

SEC. 2. AMENDMENTS TO THE NATIONAL HOUSING ACT.

Section 402(a) of the National Housing Act is amended—

(1) by inserting "(1)" after "(a)";

(2) in the first sentence by striking "five" and inserting "3";

(3) by striking the second sentence; and

(4) by adding at the end the following:

"(2) The Board of Trustees shall consist of—

"(A) a chairman who shall be appointed by the President, by and with the advice and consent of the Senate;

"(B) two members who shall be appointed by the President, by and with the advice and consent of the Senate."

SEC. 3. TRANSFER OF FUNCTIONS.

(a) TRANSFERS TO THE BOARD OF TRUSTEES.—There are transferred to the Board of Trustees, constituted as provided in the amendments made by section 2, all functions of the Federal Home Loan Bank Board, including all functions of the Chairman thereof, with respect to—

(1) directing and operating the Federal Savings and Loan Insurance Corporation (hereinafter referred to as the Corporation); and

(2) the appointment and the fixing of compensation of officers, employees, attorneys, and agents of the Corporation.

(b) TRANSFERS TO THE CORPORATION.—Except as provided by subsections (a) and (c), all functions of the Federal Home Loan Bank Board under title IV of the National Housing Act, including all functions of any member or agent of that Board, and all other functions vested in or performed by that Board by reason of its responsibility to or for the Corporation, are transferred to the Corporation.

(c) RETENTION OF CERTAIN AUTHORITY.—The authority to grant approvals under section 406(a)(2) of the National Housing Act shall remain with the Federal Home Loan Bank Board.

SEC. 4. STATUS OF THE CORPORATION; AUTHORITY OF THE PRESIDENT.

(a) IN GENERAL.—Except as provided in section 3(c) of this Act, the Corporation, including the Board of Trustees, shall hereafter be separate from and independent of the Federal Home Loan Bank Board. After the provisions of this Act take effect, nothing in this Act shall preclude the Corporation or the Federal Home Loan Bank Board, in the exercise of their respective functions, from utilizing the information, services, and facilities of the other under interagency arrangements authorized or permitted by law.

(b) STATUS AS AGENCY.—The Corporation, including the Board of Trustees and all matters under the jurisdiction of the Board of Trustees, shall be subject to the direction and control of the President of the United States.

SEC. 5. INCIDENTAL TRANSFERS.

(a) IN GENERAL.—All assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), that are available or that will be made available to the Corporation shall remain with the Corporation.

(b) SUBSEQUENT TRANSFERS.—So much of the assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), that are available or that will be made available, to the Federal Home Loan Bank Board as the Director of the Office of Management and Budget determines to relate primarily to the Corporation or to its functions (including the functions vested in the Corporation by statute, the functions transferred to the Corporation by the provisions of this Act, and the functions transferred to the Board of Trustees by the provisions of this Act) shall be transferred from the Federal Home Loan Bank Board to the Corporation at such time or times as the Director shall direct.

(c) ADDITIONAL AUTHORITY.—The Director of the Office of Management and Budget may take such other actions as are determined to be necessary in order to effectuate the transfers provided for in this section.

SEC. 6. SAVINGS PROVISIONS.

(A) IN GENERAL.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges that—

(1) have been issued, made, granted, or allowed to become effective by the Federal Home Loan Bank Board or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(2) are in effect when this Act takes effect,

shall continue to effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board of Trustees or a court of competent jurisdiction, or by operation of law.

(b) EFFECT ON ADMINISTRATIVE PROCEEDINGS.—

(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial

assistance pending on the effective date of this Act before the Corporation, or any officer thereof with respect to functions transferred by this Act. Such proceedings or applications, to the extent that they relate to functions transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made under such orders, as if this Act had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Board of Trustees or a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Federal Home Loan Bank Board and the Board of Trustees of the Federal Savings and Loan Insurance Corporation are authorized to issue regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) EFFECT ON LEGAL ACTIONS.—Except as provided in subsection (e)—

(1) the provisions of this Act do not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) NO ABATEMENT OF ACTIONS OR PROCEEDINGS.—No action or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Home Loan Bank Board with respect to functions transferred by this Act shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Home Loan Bank Board with respect to functions transferred by this Act, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function transferred by this Act, or other proceedings may be asserted by or against the United States, the Board of Trustees, or the Corporation, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(e) SUBSTITUTION.—If, before the date on which this Act takes effect, the Federal Home Loan Bank Board or any officer thereof in his official capacity, is a party to an action, and under this Act any function of such Board or officer is transferred to the Board of Trustees or the Corporation, then such action shall be continued with the Board of Trustees or the Corporation, as the case may be, substituted or added as a party.

(f) EXERCISE OF TRANSFERRED FUNCTIONS.—Orders and actions of the Board of Trustees in the exercise of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal Home Loan Bank Board or any office or officer thereof, in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Board of Trustees or the Corporation.

SEC. 7. COMPENSATION.

(a) CHAIRMAN.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, Board of Trustees, Federal Savings and Loan Insurance Corporation.".

(b) MEMBER.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Member, Board of Trustees, Federal Savings and Loan Insurance Corporation.".

(c) NO ADDITIONAL SALARY FOR BANK BOARD CHAIRMAN.—The Chairman of the Federal Home Loan Bank Board shall serve as a member of the Board of Trustees without additional compensation, but shall be entitled to reimbursement for expenses incurred in connection with such service.

SEC. 8. EFFECTIVE DATE.

The provisions of sections 2, 3, and 4 of this Act shall take effect on the first day following the day on which the second of the two appointive members of the Board of Trustees first appointed under this Act enters upon office as such member.

S. 288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 404 OF THE NATIONAL HOUSING ACT (12 U.S.C. 1727) IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(l) RISK-BASED PREMIUM.—

"(1) The Corporation shall establish by regulation a rating system for insured institutions which it shall utilize to establish, at least annually, an overall rating for each insured institution. Such rating system shall be based on such criteria as the Corporation shall determine to be necessary and appropriate, but which shall include, without limitation, capital, activities, assets, management, earnings, and liquidity. Any rating for an insured institution under such system shall be exempt from disclosure under section 552 of title 5, United States Code.

"(2) The Corporation may by regulation establish a system under which it may adjust any premium assessed in accordance with subsection (b) and any additional premium assessed in accordance with subsection (c) to reflect an insured institution's overall rating under the rating system established pursuant to paragraph (1). In no case shall such adjusted premium or additional premium exceed the amount otherwise permitted under this section. The amount of such adjusted premium or special premium shall be exempt from disclosure under section 552 of title 5, United States Code.".

SEC. 2. CONFORMING AMENDMENTS.

Section 404 of the National Housing Act (12 U.S.C. 1727) is amended—

(1) in the first sentence of subsection (b)(1), by striking "Each institution" and inserting "Except as provided in subsection (1), each institution"; and

(2) in subsection (c)(1), by inserting "and subsection (1)" after "paragraph (2)".

[From the Miami Herald, Jan. 28, 1989]

S&Ls: A FINE MESS

Who pays? That's the ultimate question in the mess engulfing many of the nation's savings-and-loan institutions (S&Ls). If Uncle Sam must bail out all of the failing S&Ls—and there are far more of them than can be covered by the deposit-insurance fund—who pays?

The debate has just begun, but already two sets of distasteful options are emerging. Either bank depositors will pay, or the taxpayers will. And either the costs—$100 billion or more—will be assessed openly, or they'll be artfully concealed.

All this is doubly distasteful because fast-money boys who mismanaged or plundered many failed S&Ls are largely spared the costs of their misfeasance and malfeasance. Indeed, many who ought to be in prison are still plying their trade. And why not? Nothing has been done—nothing—to fix the basic problem: The S&Ls—especially the state-chartered ones in places such as California—were deregulated just enough to let them play fast and loose with other people's money, but not enough to make them face the market consequences.

These pillagers were guaranteed that no matter how irresponsible their conduct, Uncle Sam's Federal Savings and Loan Insurance Corp. would pick up the pieces when they went bust. If a car insurer in effect made no distinction between drunks and good drivers, it would go broke too.

How did this mess arise? One powerful lobby—the U.S. League of Savings Institutions—deserves much blame. For years it has had virtual veto power over S&L legislation. It wants the taxpayers to foot the bill, and it was quick to fire at the Bush Administration's trial balloon to let depositors pay.

Granted, there are problems with the plan to assess a fee of 25 cents per $100 of savings. For one thing, it would force the depositors of banks and credit unions to help save the S&Ls. Yet if bank and credit-union depositors were exempted, S&L depositors simply would shift their money.

Commendably, the Federal Home Loan Bank Board is suing three of the Big Eight accounting firms whose audits failed to detect insolvency in S&Ls that soon collapsed. But the penalties, if levied, will be only token compared with the S&Ls' deficit.

So the question recurs: Who pays? If it's not to be the savers whose deposits are insured, it'll be the taxpayers—including some who can't save because they have nothing left after they pay their bills. Is that what Congress wants? If not, then what's the answer? C'mon, Congress, who pays?

[From the Orlando Sentinal, Nov. 25, 1988]

CLEAN UP THE S&L MESS

George Bush's budget-cutting challenge will be made a lot tougher by the savings and loan crisis, but it's not a crisis that should wait long for solutions.

Its scope is frightening. Between $100 billion and $450 billion will be needed to cover the thrift institutions' losses to date. And losses at 500 bankrupt thrifts still open for business are rising between $500 million and $1 billion a month.

The federal government probably will have to pick up the tab for those losses.

It won't let savings accounts go unprotected just because the Federal Savings and Loan Insurance Corp., which guarantees deposits through assessments on the thrifts is worse than broke.

The longer the government waits, though, the larger the debt.

Lay the blame for most of this at the feet of deregulation—and its guru, Ronald Reagan. He has kept hands off. As losses piled up these past few years, he even refused to approve the extra examiners needed to curb industry abuses.

Still, Congress deserves its share of condemnation. Many members who accepted

contributions from the savings and loan industry helped block proposals to make the industry reform itself.

The full story of the crisis is complicated and dates back to the 1970s. It includes many instances of thrifts going bust through no fault of their own.

But the abuses were made possible when Congress removed limits on interest rates the thrifts can pay. It also allowed the thrifts to put 40 percent of their deposits into investments other than the traditional and often not-so-profitable, home mortgages.

That helped many sick thrifts, but it also was an open invitation to fast-buck operators. They bought small thrifts and jacked up interest rates to attract deposits. Depositors didn't care how badly the institutions were managed. They knew FSLIC guaranteed deposits up to $100,000.

In 18 months, one thrift increased deposits from $11 million to more than $700 million. Its inscrupulous owner and many like him shoveled out money to developer friends and others as if it were free.

Defaults on loans soon skyrocketed. So did savings and loan failures.

No doubt Mr. Bush will look for ways to keep the thrifts' losses out of the budget for at least a while longer. He has too many other demands on available resources and has foolishly vowed not to raise taxes.

But whatever he manages to do will be a thumb in the dike.

The losses should be paid off as quickly as possible, Ideally, all those bankrupt thrifts would be closed down within a couple of years to stanch the financial hemorrhage.

However long it takes, the feds should enforce capital requirements for owners of savings and loans. They're supposed to put up about $3 of their own money for every $100 of deposits. Some have put up even more, but the problem-thrifts fall below that figure, if indeed their owners have any personal financial commitment.

Tougher enforcement would restrict the errant thrifts' ability to make loans and cool their ardor for astronomical deposits.

This hairy crisis could help teach Mr. Bush anything he still doesn't know about differences between the theory and the fact of leading the nation.

THRIFTS: FINAL REAGAN DEREGULATION FIASCO

"The irony of this situation is that federal government policies have led to this debacle," said a report on the massive savings and loan fiasco that will cost taxpayers upwards of $100 billion.

The report has an irony of its own. It is the last one that comes from President Reagan's Council of Economic Advisors.

Not mentioned is the fact that deregulation of savings and loans was one of those early moves by the pirates who sailed into Washington with Cap'n Gipper eight years ago.

So its a final irony that these economic wizards who have been navigating Reagan into red ink for eight years continued to brush lightly over what is really wrong with the S&Ls. The council's big suggestion was that perhaps deposit insurance might be lowered from $100,000 to $40,000.

That was too much even for Reagan's treasury secretary, who instantly disagreed. The problem is not federal deposit insurance. The problem is deregulation, coupled with federal deposit insurance.

The real reason that a number of savings and loans got into trouble is that although they were deregulated, their deposits were still insured by good old Uncle Sucker.

And it is only conservative common sense that if the public, through government, is going to insure, then the public, as government, has to regulate.

Deregulating while keeping federal deposit insurance was an open invitation to folly and villainy. Both rapidly began to take place as inexperienced and sometimes corrupt thrift officials broadened out from home loans into all kinds of exotic "investments."

Imagine being invited to gamble with someone else's money, while being assured that it didn't matter to them if you lost it because they would always get it back. That is what happened in the savings and loan industry.

It is important to note that there are a number of prudent S&Ls that did not abuse their deregulation. They are still in business and thriving.

But there were also a lot of eagle-eyed folks in the business who did zero in on that opportunity. And gamble they did.

Some, in places like Texas, were caught by bad economies. Others in boom states like California and Florida were trapped by their own mismanagement or corruption.

The fruit of S&L deregulation-with-insurance was vividly illustrated in 1988, as regulators closed or merged 222 insolvent thrifts. That is about half of the 500 institutions listed on the insolvent list at the year's start.

The drama will continue this year as Congress, which is also very much at fault in this fiasco, begins investigating how the barn door should have been locked—now that the horses have long strayed from the farm.

"We'll be looking at everything from high-flying investments in windmill farms to the use of 'hot-money' to the ability of the regulatory agencies to make hard-nosed decisions in a timely fashion," said the new chairman of the House Banking Committee.

Yes. Yes. Good old Congress always ready to posture gravely in front of a disaster it helped to create.

But what is at stake here, in addition to the billions it is going to cost taxpayers to clean up this mess, is a deeper question of the survival of the savings and loan industry.

S&Ls should survive. And they should survive with the federal deposit insurance that helped make them the haven for small investors and individual homeowners that brought home ownership to the average American.

And that means some kind of stringent federal regulation for the savings and loan industry.

Ronald Reagan rides off into the sunset still believing all of his cliches and apparently still oblivious to the fiscal disasters that his less-idealistic followers have inflicted on the rest of us.

From the oil and timber barons who have been encouraged to plunder our public lands, to the piracy in our savings and loans, to the ripoffs by military contractors, to the leveraged, junk bond savaging of some of our most prudently managed corporations, the 80's have been a time of massive fiscal foolishness.

Perhaps the final irony of all is that this era of freebooters folly, most vividly illustrated in the plight of our S&Ls, still enjoys the misnomer of "conservative."

There was nothing conservative about the S&L deregulation. It was gambling against common sense. And guess what fellow taxpayers? You lost.

[From the Florida Times-Union, Jan. 15, 1989]

PUT AN END TO THE EXPENSIVE FIASCO IN THE THRIFT INDUSTRY

The horrible mess in the savings and loan industry has to be solved soon, and with a minimum of budgeting trickery.

It is generally agreed that the fiasco is a result of mistakes by the federal government compounded by bigger mistakes, and in some cases outright thievery, by some in the industry.

Congress bears a good share of the blame and one member in particular needs to explain the part he has played: House Speaker Jim Wright, D-Tex.

Wright's interventions and insistence that the burgeoning crisis was merely a short-term economic pinch apparently have helped delay the inevitable and drive up the cost of the crisis.

Savings and loans, or thrifts, have a unique status. They grew up in this century and helped to make reality of the American dream of home ownership, once restricted to those who could save the 25 percent down payment needed to buy a home and were able to make the substantial monthly payments.

By paying 3 percent on deposits and loaning them out at 6 percent to home buyers, thrifts helped many people become homeowners for the first time.

But in the 1970's, soaring interest rates left thrifts saddled with long-term, low-interest loans while paying huge rates on short-term borrowed money.

In 1980, Congress lifted interest caps on deposits. Yet in 1981, thrifts were paying depositors 11 percent while collecting 10 percent on loans.

That year, the thrifts were allowed to go to variable rate mortgages. The next year they were allowed to branch out into business loans and real estate.

Many think Congress erred greatly in its timing. At that point, 75 percent of the thrifts already were unprofitable.

High flyers got into some parts of the business, elbowing aside the conservative money managers of old days. High risk speculation by people who, in many cases, were investing other people's money in a way they never would have invested their own, made the situation worse.

Congress "helped" by raising deposit insurance from $40,000 to $100,000, giving the speculators even more room to wheel and deal.

During the 1980s, 80 percent of all thrift insolvencies involved "wrongdoing," the U.S. House Government Operations Committee found.

The administration was determined to deregulate, and bank examiners were part of the cutback. Those who were left, however, tried to keep the pressure on. Among those feeling pressure were Texas thrift owners, who were seeing real estate prices fall along with oil prices. Wright intervened personally on behalf of one Texan (who was subsequently indicted on fraud charges), Business Week magazine said.

Former Federal Home Loan Bank Board Chairman Edwin J. Gray blames the thrift mess on the ties between "the industry and Congress," the magazine said.

Congress voted a $10.8 billion bailout in 1987, but kept it "off-budget" to avoid budget balancing problems. The next bail-

out may involve the same strategy, The Wall Street Journal said, at an additional cost of billions of dollars.

In 1988, the roof fell in, with a record number of thrifts going belly up, and the taxpayers were stuck with at least $70 billion of the $100 billion tab.

In the meantime, the deposit insurance ran out and the healthy thrifts remaining are now being tapped to help keep the sick ones alive.

Where and when will this all end?

When Congress quits stalling, starts cutting the losses and begins concentrating on protecting depositors. The federal machinery also should be pressing for criminal convictions where indicated, seizing assets, including personal assets of the speculators, and doing whatever else can be done to recoup losses and punish those who brought about this plight.

Wright, who got $240,000 from the thrift industry for his 1986 election campaign, has been a highly visible figure throughout this sorry mess. Further explanation of his role is being sought by the House Ethics Committee.

Already voices are advocating a dismantling of the thrift industry, by letting thrifts convert to or merge with banks.

That may or may not be a wise step, but if taken it would be an ignoble end to an industry most people probably associate with the friendly little business run by Jimmy Stewart in the movie shown frequently at Christmas time, "It's a Wonderful Life."

Congress should base its actions carefully on advice of financial experts. But when it does decide on a course, Congress should act decisively and swiftly to close this expensive chapter in U.S. financial affairs.

[From the Washington Post, Feb. 2, 1989]

S&Ls AND THE SENATORS

Congress is unquestionably going to have to provide public money, and provide it quickly, to pay for the S&L disaster. What about the reforms to ensure that this epidemic of failure and fraud will not be repeated?

When the Senate Banking Committee opened its hearings this week, a difference of opinion emerged. Some senators want to link the cleanup money and the reforms tightly together. Without the urgent need for money driving the legislation, they suspect, very little reform will ever get enacted. But there are also some senators who want to split the two and handle them separately.

The hundreds of insolvent savings and loan institutions continue to run losses that, by most estimates, are in the range of $1 billion a month. Most of these losses will eventually have to be met by the taxpayer. The federal regulators need money urgently to shut down these insolvent S&Ls, pay off the depositors and stop the losses. If the money gets tangled up in complicated reform legislation, the argument goes, it won't be passed until next fall at best. By then the cost of the cleanup, already approaching $100 billion, would be $10 billion higher.

This argument comes mainly from the friends of the S&L industry, which is well aware that reform may—and should-lead to the abolition of a separate S&L industry altogether. The committee's new chairman, Sen. Donald W. Riegle, opened the hearings by asking, among other things, whether there is any longer a need for it. The answer to that one is: no, it's time to fold the surviving S&Ls into the banking system and require them to live under the same rules as banks. But the S&Ls are accustomed to their own regulatory regime, a much looser and more malleable one. The S&Ls' lobbyists are going to fight furiously to keep it.

The S&Ls are now using their own failures as a weapon in their own defense. The effects of their mismanagement, compounded by inept regulation over the years, is now costing the country so much, they shriek, that Congress can't stop to think about causes and remedies. It's just going to have to shovel out the money fast, according to them, and leave the debates over reform to another day.

That would be exactly the wrong way to go. Congress needs to move promptly on reform, and Sen. Riegle promises that the committee will take up no other legislation until this bill is reported. But particularly in view of the enormous sums of public money involved, it would be irresponsible to provide a nickel without first imposing fundamental changes on the system that permitted this fiasco.

RESOLVING THE SAVINGS AND LOAN CRISIS

(Summary of Statement by Charles A. Bowsher, Comptroller General of the United States)

In response to a recent request from the Honorable Donald W. Riegle, Chairman of the Senate Committee on Banking, Housing and Urban Affairs, GAO provided its views on how to resolve problems in the thrift industry.

In Summary: GAO recommended providing sufficient funding to resolve what has become at least an $85 billion problem in FSLIC, the insurance fund that insures thrift industry deposits. However, to be sure that this situation is not repeated, GAO recommended that the system be reformed as a condition for committing federal funds.

Changed Structure and Management of the Deposit Insurance System: Without changes to the structure and management of the deposit insurance system, the federal government faces potentially large losses in insuring deposits. This potential for loss is most evident in FSLIC. To protect the integrity of the deposit insurance system, FSLIC needs to be made independent of the Federal Home Loan Bank Board. Healthy and unhealthy thrifts should be put into separate funds so that tougher deposit insurance rules can fairly and equitably be applied to healthy thrifts right away.

Provide Funding: If reforms are adopted, then a plan should be adopted by the Congress that makes funds available to meet the financing shortfall which we estimate at around $85 billion. This plan should (1) provide for budget authority sufficient to finance case resolutions over the next three years, (2) require a thrift industry capital contribution to create an adequate insurance fund reserve, (3) provide FSLIC with the flexibility to undertake short term liquidity borrowing to meet any deposit outflows that might occur, (4) assure adequate controls over spending to protect the taxpayers' interests, and (5) use an on-budget approach that fully discloses the funding and outlays that are involved.

Changed Approach to Resolving Problem Institutions: FSLIC's approach to resolving cases depends too heavily on assistance agreements that minimize FSLIC's need for cash but require subsidies for up to 10 years. FSLIC needs money to achieve more flexibility in its approach. Using personnel resources from other federal agencies, FSLIC should take control of all insolvent institutions over the next year thereby curtailing the ability of these institutions to adversely affect healthy thrifts. FSLIC should then seek to resolve cases at the lowest cost to the government while minimizing adverse competitive impacts on healthy thrifts.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: We are pleased to appear today to discuss problems in the thrift industry. My testimony is based principally on a report we are preparing for the House Banking Committee. I will also discuss work we have begun on your request to examine aspects of transactions entered into by the Federal Home Loan Bank Board (FHLBB) in December 1988.

I hope we are finally reaching a point where a comprehensive approach can be taken to dealing with the issues associated with the insolvency of the Federal Savings and Loan Insurance Corporation (FSLIC). We estimate that to fully pay for insurance losses and to put FSLIC back on a solid financial footing it will cost at least $85 billion more than FSLIC currently anticipates receiving in revenue over the next 10 years. Delay will only increase this cost. Delay will also—

Perpetuate the tendency of weakly capitalized and insolvent institutions to squander our nation's wealth on questionable economic endeavors at no significant risk to their owners,

Weaken our financial system because healthy depository institutions must match the high rates of interest on deposits paid by weak and insolvent thrifts,

Weaken the regulatory process by creating pressure for lower regulatory standards across the depository institutions industry, and

Perpetuate the situation in which the actions FSLIC does take will likely be merger agreements that avoid short run cash needs rather than minimize the federal government's costs in resolving cases.

Without question, federal financing will be needed to resolve the thrift industry situation. However, if we want to be as certain as we can that a FSLIC situation is not repeated, we must be concerned as well with changing the structure of the deposit insurance system. It would be a mistake to commit federal funds without adopting key reforms.

The remaining parts of my testimony discuss structural reforms, funding requirements, and the need for changes in the way problem cases are resolved.

STRUCTURAL CHANGES

The 1980s have been a turbulent period for our nation's depository institutions. Changes in the financial landscape resulting from market developments and legislated deregulation have drastically altered the way that depository institutions operate. These changes have many positive aspects, but combined with changes in the economy and in a breakdown in the regulatory system they have also resulted in new risks and a rash of thrift failures.

In light of these developments, we need to look critically at how the deposit insurance system functions. Our current system provides many benefits to the public that should be preserved. However, the risks to the government inherent in insuring about $2.5 trillion in bank and thrift deposits can be very great. By far, the most serious insurance problems now are in the thrift industry.

To effectively manage deposit insurance risks it is necessary to (1) have sufficient funds to pay for losses, otherwise the credibility of the insurer taking appropriate

action is damaged; (2) ensure that levels of capital in institutions are sufficient to absorb reasonably anticipated losses; and (3) have an effective system of oversight and supervision to quickly identify problems, remedy them if possible, and close institutions at the point of their insolvency.

To accomplish these goals two key issues involving FSLIC must be addressed. First, is the problem of FSLIC's lack of independence. Presently, FSLIC operates under the direction of the Federal Home Loan Bank Board which both promotes and regulates the industry. The industry itself is overseen and supervised by the Federal Home Loan District Banks, which, in turn, are owned by each District Bank's constituent institutions. In our view, the Federal Home Loan Bank System's rule as an industry promoter has been accorded more importance than FSLIC's risk management and insurance function.

The second issue is how to best reorganize thrift industry oversight and supervision. This will be exceedingly difficult as long as insolvent and thinly capitalized institutions are allowed to compete with healthy institutions. An equitable way must be found to isolate problem cases so that we can "turn the corner" toward more effective oversight, supervision and enforcement of more rigorous rules for the rest of the industry.

To deal with these two issues, we recommend the following:

FSLIC should be made independent of the Federal Home Loan Bank Board, and established with a separate board of directors and adequate supervisory capability over both state and federally chartered thrifts. An independent FSLIC should oversee two separate insurance funds—one fund for healthy thrift institutions ("good companies") and another fund for insolvent or thinly capitalized thrifts that would be severely curtailed in their ability to compete with the rest of the depository institutions industry.

More flexibility should be given to both FDIC and FSLIC to adjust premiums to reflect actual or reasonably anticipated losses.

More authority should be given to both FDIC and FSLIC to place stringent controls on improperly operated and undercapitalized institutions.

Greater consistency between banks and thrifts should be established in matters pertaining to powers and operations that materially affect the deposit insurers' exposure to risk.

Capital adequacy requirements should be strengthened, and the quality of supervision and oversight must be improved through an increase in the personnel and other resources of the deposit insurance funds.

These and more specific recommendations will be detailed in our final report to be issued later this month to the House Banking Committee. The reforms and funding arrangements we recommend should help accomplish the goal of developing an appropriate regulatory structure for depository institutions. FSLIC's financial problems have to be solved. The deposit insurance agencies need to have greater powers over the terms and conditions for insuring both federal and state chartered institutions. A higher degree of comparability is needed between banks and thrifts in matters that materially affect deposit insurance risk. After these reforms are enacted, it will be easier to consider what other changes need to be made to the federal regulatory structure.

For example, as part of the reform package, we recommend allowing qualified thrifts to choose between remaining in the reorganized FSLIC or switching to FDIC should help Congress in making future regulatory decisions. Business decisions made by individual healthy thrifts will provide useful information about the value of thirft charters and the need for a separately identified thrift industry.

FUNDING TO FULLY RESOLVE PROBLEMS MUST BE PROVIDED

Insolvent institutions cannot be effectively resolved unless enough money is available. Unfortunately, deciding precisely how much money will be needed and who should pay will be difficult.

As I indicated at the outset, our best judgment at this time is that it will cost FSLIC at least $85 billion more than it currently anticipates receiving over the next 10 years to deal with the problem. Of this amount, $26 billion represents FSLIC's unfunded cost of paying for actions taken in 1988 and $34 billion represents the future cost of acting on the approximately 350 remaining insolvent cases. In addition, $5 billion represents the cost of resolving cases not presently identified as problems, and $20 billion is needed to establish adequate reserves. However, given the fluid nature of the situation and the fact that we haven't analyzed all of the actions taken in 1988, I want to stress that these number are only estimates.

We believe the thrift industry should pay as much of the shortfall as possible. However, the industry is currently paying premium assessments that are more than two times higher than those paid by the banking industry. Many believe that indefinite continuation of the special assessment will weaken healthy thrifts and thereby prove self defeating.

Under the best of circumstances, it is not likely that the thrift industry can contribute much more to the funding shortfall. Although we think the healthy segment of the industry should be charged with recapitalizing the insurance arrangements that apply to them, the bulk of the money will have to be found elsewhere. Judgments as to who can pay how much must be made based on what is perceived to be fair. If contributions are not sought from other segments of the depository institutions industry, then the shortfall will have to be made by the federal government.

If the changes to risk management and case resolution approaches that I have described are made, then we recommend that a plan be adopted by Congress that makes available the funds needed to meet the shortfall. This plan should:

Provide for budget authority sufficient to finance case resolutions, which we believe can be completed over the next 3 years,

Assure adequate controls over spending to protect the taxpayers' interests, such as by creating a control board, and

Provide FSLIC with flexibility to undertake short-term liquidity borrowing to finance any deposit outflows that might occur while efforts are being made to determine resolution approaches for institutions placed in receivership.

To the extent that federal money is used, we recommend an on-budget approach that fully discloses the funding and outlays that are involved, even if this requires raising the Gramm-Rudman-Hollings deficit reduction targets. We also think that a restructured federal budget along the lines we have proposed elsewhere would better highlight the financing of FSLIC and similar enterprises that are set up to operate a business type cycle of operations.

A DIFFERENT APPROACH TO RESOLVING INSOLVENT INSTITUTIONS IS NEEDED

At the beginning of 1988 there are roughly 500 insolvent savings and loans with assets of about $140 billion. During 1988, the Federal Home Loan Bank Board began resolving these cases. The Bank Board acted on some 222 institutions, with most of the activity concentrated in the latter part of the year.

The willingness of the Bank Board to begin reducing its problem thrift caseload represents a much needed break from the practices of the past. But, we have serious reservations about the way the Bank Board proceeded.

In recent years the Federal government has been involved in several financial rescues. In 1984 we issued a report, based on the government's experience with Chrysler, New York City, and several other situations, about how such efforts should be structured.[1] This past experience underscores the importance of developing an adequate plan for financing, implementing, and overseeing these types of situations.

The Bank Board's actions have not been consistent with such an approach. The Bank Board has relied extensively on FSLIC assisted merger agreements that extend for up to 10 years. The notes and guarantees in these agreements provide a mechanism for coping with FSLIC's lack of funds and its lack of information on the financial condition of many of its insolvent institutions. Chart I summarizes the generic components of the deals.

As I noted earlier, at your request we are studying FSLIC's December 1988 transactions. We have not yet obtained all of the information we need and therefore are not in a position to comment in detail. However, we do have concerns about the nature of these agreements. These are summarized in Chart II.

Ownership capital contributed by private investors has been minimal, and large and thinly capitalized institutions are being created. If history is prologue, inadequate capital creates incentives for highly leveraged institutions to engage in unsafe and unsound management practices. These new institutions may, therefore, pose risks to FSLIC in the future. Should they become insolvent, FSLIC may find it even more difficult to fully resolve their situations because of their larger size.

The institutions resulting from the assisted mergers are heavily subsidized by FSLIC, and are competing with healthy nonassisted depository institutions at a cost advantage.

FSLIC provides capital loss indemnification and an operating subsidy on assets that appear to make it profitable to simply hold them. We therefore question the strength of the new institutions' incentives to actively manage and generate recoveries on those assets.

FSLIC faces a huge task in effectively administering these complex agreements.

Finally, it is questionable whether many of these mergers really save the government money compared to other options that would be possible if FSLIC had the money to resolve cases.

Another approach is needed that fully resolves insolvent institutions with no lingering adverse competitive effects on healthy

[1] *Guidelines for Rescuing Large Failing Firms and Municipalities* (GAO/GGD-84-34, dated March 29, 1984).

thrifts or threats to FSLIC's finances. We recommend that:

FSLIC promptly take control of all insolvent institutions. These institutions should be placed in receivership whenever necessary until a decision can be made to liquidate or merge them based on a careful assessment of their asset portfolios, and the comparative cost of each resolution option. Of fundamental importance, these institutions must be effectively isolated from the rest of the depository institutions industry to prevent them from competing with healthy institutions. Their operations must be limited to investing in high grade securities, managing bad assets on their books, and accepting deposits at prevailing market rates.

To accomplish this action, the assistance of state and federal regulators and insurance officials should be enlisted to quickly help assess the quality of assets in these institutions and make the necessary resolution decisions.

Arrangements should be made with FDIC for asset management and liquidation services until FSLIC can develop the requisite capability. FSLIC does not possess the infrastructure needed to manage the timely, cost effective resolution of all insolvent thrifts.

It is imperative that Congress reach an agreement about the FSLIC strategy as soon as possible. As things now stand, more of these merger agreements can be expected unless Congress acts to change FSLIC's strategy, reform the system, and provide the needed funds.

I recognize that within the outlines of the actions I have suggested, there are many specific arrangements that need to be worked out. We are prepared to provide whatever assistance this Committee and others deem necessary in developing the detailed plans for putting the thrift industry crisis behind us.

That concludes my prepared statement. My colleagues and I will be pleased to answer questions.

CHART I—GAO TYPICAL DECEMBER 1988 DEAL

Note for negative net worth.
Guaranteed return on assets.
Guaranteed book value of assets.
Reimbursed certain expenses.
Waived regulation compliance.
Tax benefits.
Equity position in S&L.

CHART II—GAO CONCERNS ABOUT DEALS

Creates new thrifts that are:
Thinly capitalized.
Have cost advantage over healthy S&L's.
Lack incentives to manage assets.
May cost more than liquidation.
Will require huge monitoring job because of complexity.

TEXT OF REORGANIZATION PLAN NO. 2 OF 1956

(Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 17, 1956, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended)

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Section 1. Board of trustees.—(a) There is hereby established the board of trustees of the Federal Savings and Loan Insurance Corporation (hereinafter referred to as the board of trustees).

(b) The board of trustees shall be composed of three members as follows: (1) two members, each of whom shall be appointed by the President by and with the advice and consent of the Senate and receive compensation at the rate now or hereafter prescribed by law for the chairman of the Federal Home Loan Bank Board, and (2) the chairman of the Federal Home Loan Bank Board, ex officio. The President shall from time to time designate to be the chairman of the board of trustees one of the appointive members thereof.

Sec. 2. Transfer of functions.—(a) There are hereby transferred to the board of trustees all functions of the Federal Home Loan Bank Board, including all functions of the chairman thereof, with respect to directing and operating the Federal Savings and Loan Insurance Corporation (hereinafter referred to as the Corporation) and with respect to the appointment and the fixing of compensation of officers, employees, attorneys, and agents of the Corporation.

(b) Except as transferred by the provisions of section 2(a) of this reorganization plan, and exclusive of the function of granting approval required under section 406(a) of title IV of the National Housing Act, as amended (12 U.S.C. 1729(a)), which function of approval shall remain with the Federal Home Loan Bank Board, all functions of that Board provided for in the said title IV, including all functions of any member or agent of that Board so provided for, and all other functions vested in or performed by that Board by reason of its responsibility to or for the Corporation, are hereby transferred to the Corporation.

Sec. 3. Status of the Corporation; authority of the President.—(a) The Corporation, including the board of trustees, shall hereafter be separate from and, except as provided in section 2(b) of this reorganization plan in regard to approval required under section 406(a) of title IV of the National Housing Act, as amended independent of the Federal Home Loan Bank Board; but nothing herein shall preclude the Corporation or the Federal Home Loan Bank Board, in respect of their respective functions after the provisions of this reorganization plan take effect, from utilizing the information, services, and facilities of the other under interagency arrangements authorized or permitted by law.

(b) The Corporation, including the board of trustees and all matters under the jurisdiction of the board of trustees, shall be subject to the direction and control of the President of the United States.

Sec. 4. Incidental transfers.—(a) All assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), available or to be made available, of the Corporation shall remain with the Corporation.

(b) So much of the assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), available or to be made available, of the Federal Home Loan Bank Board as the Director of the Bureau of the Budget shall determine to relate primarily to the Corporation or to its functions (including the functions vested in the Corporation by statute, the functions transferred to the Corporation by the provisions of this reorganization plan, and the functions transferred to the board of trustees by the provisions of this reorganization plan) shall be transferred from the Federal Home Loan Bank Board to the Corporation at such time or times as the said Director shall direct.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

Sec. 5. EFFECTIVE DATE.—The provisions of sections 2, 3, and 4 of this reorganization plan shall take effect on the first day following the day on which the second of the two appointive members of the board of trustees first appointed under this reorganization plan enters upon office as such member.

REORGANIZATION PLAN NO. 2 OF 1956 (FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION)

HEARING BEFORE A SUBCOMMITTEE OF THE U.S. CONGRESS HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EIGHTY-FOURTH CONGRESS, SECOND SESSION ON H. RES. 541, JUNE 26, 1956

GENERAL ACCOUNTING OFFICE AUDIT REPORTS CONTAINING RECOMMENDATION CONCERNING SEPARATION OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION FROM THE FEDERAL HOME LOAN BANK BOARD

Fiscal year	Report on audit of—	Page	H. Doc. No.	Cong.
1945–46	Federal Savings and Loan Insurance Corporation.	4	660	80th
1945–46	Federal Home Loan Bank Administration and the Federal home-loan banks.	9	706	80th
1947	Federal Savings and Loan Insurance Corporation.	4	153	81st
1947	Federal Home Loan Bank Administration and the Federal home-loan banks.	7	209	81st
1948	Federal Savings and Loan Insurance Corporation.	4	251	81st
1948	Federal home-loan banks and Home Loan Bank Board.	31	343	81st
1949	Federal Savings and Loan Insurance Corporation.	8	467	81st

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LOWER CAPITAL GAINS RATE WILL GAIN REVENUE

Mr. KASTEN. Madam President, President Bush's proposal to reduce the capital gains tax will—once again—spark the debate over capital gains and tax revenues. This debate is becoming as predictable as the annual return of the seasons. We have been through the same debate year in, year out—and some people continue to refuse to learn from American economic history. One year ago, 2 years ago, and even as far back as 1978, we have heard the very same argument against reducing the capital gains tax: That it would somehow lose precious tax revenues for the Federal Government.

Skeptics said about the 1978 capital gains tax cut that it would do little for investment and do much to erode tax revenues. I remember then-Treasury Secretary Michael Blumenthal asserting that the proposed capital gains rate reduction from 50 to 28 percent

would cost the Treasury over $2 billion in revenue. He said, "The measure would do little for capital formation and would waste revenues."

Secretary Blumenthal objected. But in Congress, cooler economic heads prevailed—and the House and Senate agreed with my distinguished Wisconsin colleague, the late Congressman Bill Steiger, that it was time to cut the capital gains tax.

That was a cut in the tax on capital gains. Well, what happened? Did revenues go down? We've been through this time, and time, and time again—and you can go through the facts on this until everyone is blue in the face, but people just don't listen.

The fact is, taxes paid on capital gains increased from $9.1 billion in 1978 to $11.7 billion in 1979, and to $12.5 billion in 1980. In 1981, we cut the top rate on capital gains even further to 20 percent, and capital gains tax revenues rose to $12.7 billion in 1981, $12.9 billion in 1982, $18.5 billion in 1983, $21.5 billion in 1984 and $24.5 billion in 1985. Tax revenues to the Treasury were 184 percent higher in 1985 than in 1978.

These are all IRS figures. Nobody denies them. But a lot of people insist on ignoring them—and persist in making statements about revenues that are contrary to fact.

Mr. President, allow me to quote from last week's Washington Post editorial on capital gains. "* * * revenues would certainly drop. Taken all together, over a period of several years, the effect on revenues would be zero at best and possibly a substantial loss." Does this sound familiar? It should—it's the same old discredited nonsense we've been hearing year in, year out since 1978.

Mr. President, this blithe disregard for the facts—a disregard which is no doubt ideologically motivated—does nothing to expand public understanding of this issue. I would like to take this opportunity to explain to my colleagues once again why lower capital gains rates lead to higher tax revenues.

This revenue windfall will come from three sources. First, because the tax cost of selling equities will be cut in half, lower capital gains rates will lead to greater realizations by stockholders. These greater realizations will lead to permanently higher receipts from the capital gains tax.

As the historical record shows, capital gains taxes paid continued to climb several years after the tax rate cuts of 1978 and 1981. Many econometric studies of capital gains rates and revenues have quantified this potential realization effect. Harvard Prof. Lawrence Lindsey estimates that a flat 15-percent capital gains rate would increase capital gains taxes paid by $31 billion over 3 years.

Second, a lower capital gains tax rate increases the value of stocks. Taxing capital gains at a high rate reduces the potential return on investment—and this future return translates into a lower price for the stock today. Conversely, a lower capital gains rate will increase stock prices, giving the Government more gains to tax.

Third, and most important, a lower capital gains rate will raise GNP. Even the Congressional Budget Office admits that "lower rates on gains could increase savings and capital formation and channel more resources into venture capital." What CBO failed to recognize, however, is that this increased capital formations means that the entire tax base will grow even faster—resulting in an even greater increase in overall revenues to the Federal Government.

Most studies and available statistics on the revenue impact of the 1978 and 1981 tax cuts have focused solely on the realization effect and the subsequent increase in capital gains taxes paid. In doing so, they have neglected other important sources of revenue growth—and have, therefore, underestimated the potential revenue gains.

This week, President Bush will propose a cut in the capital gains tax as part of this fiscal 1990 budget plan. The administration will estimate that this proposal will have no revenue effect, or would raise revenue. The opponents of the proposal will once again charge that the tax rate cut will lose billions in tax revenue over the long run.

I am today calling upon the administration to clear the air—to tell the truth, the whole truth on this issue. The President's budget message must make it clear that revenues will rise as a result of this proposal. These revenues will result from increased realizations, and also from the increase in the value of current assets, and the increase in the rate of GNP growth. If Treasury cannot provide a complete, dynamic estimate now, they should promise that one will be furnished in the near future. More than anything else, the resolution of the revenue question will provide a major spark to the capital gains reform movement.

Mr. President, I believe that we can achieve a bipartisan consensus on capital gains this year—just as we did in 1978 and in 1981. Last week, I introduced a capital gains reform bill, S. 171, which would provide a capital gains tax cut for the sale of corporate stock. My bill would also partially index all capital assets for inflation.

In my discussions with administration officials, I have found all concerned to be receptive to my new approach on capital gains. In the 7th year of our recovery, when the odds of continued growth appear to be against us, it is more essential than ever that we do what we can to promote continued economic expansion.

That means we have to come up with a bipartisan, progrowth, projobs, capital gains reform bill. My bill is an olive branch to all sides of this debate—and a call to unity on the goals of American jobs, competitiveness and productivity.

Mr. President, now more than ever, we must focus on these economic goals. Because of the high capital gains rate, individuals have no incentive to assume the extra risk associated with investment in growth stocks.

As a result, entrepreneurs are finding it more difficult to secure investment funds from private sources. This shortage of startup capital today threatens to rob our economy of innovations, productivity gains, and job opportunities in the future.

Without startup capital, many of today's dynamic, young companies—such as Apple Computers, Federal Express, and Cray Research which is an important employer in my State of Wisconsin—never would have made it from the blackboard to the marketplace.

Other countries recognize the benefits of encouraging long-term investment—in fact, many do not tax capital gains at all. Their commitment to long-term investment has created new technologies and new innovations—and better products. We buy their products. They take our money. And U.S. jobs move overseas.

Madam President, I ask unanimous consent that a table comparing the taxation of capital gains in the United States with our European and Asian competitors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

CAPITAL GAINS RATES AND THE ASSOCIATED REVENUE

[In billions of dollars]

Year	Revenue	Tax rate (percent)
1968	$5.9	26.9
1969	5.3	27.5
1970	3.2	32.2
1971	4.4	34.4
1972	5.7	45.5
1973	5.4	45.5
1974	4.3	45.5
1975	4.5	45.5
1976	6.6	49.125
1977	8.1	49.125
1978	9.1	49.125
1979	11.7	28
1980	12.5	28
1981	12.7	28
1982	12.9	20
1983	18.5	20
1984	21.5	20
1985	24.5	20
1986	46.4	20

Source: Research Paper No. 8801, U.S. Treasury Department.

COMPARISON OF U.S. TAXATION OF CAPITAL GAINS WITH SOME OF OUR EUROPEAN AND ASIAN COMPETITORS

Country	Percent [2]
United Kingdom	40
United States	33
Sweden	18
Canada	17.51
France	16
West Germany	0
Belgium	0
Italy	0
Netherlands	0
Hong Kong	0
Singapore	0
South Korea	0
Taiwan	0
Malaysia	0
Japan	([1])

[1] No capital gains tax until Mar. 3, 1989 (except for substantial trading or substantial shareholders). After Mar. 3, 1989 shareholder has a choice of a 20 percent national and a 6 percent local tax on net gain at the time of filing, or 1 percent of sales proceeds withheld at source (this option is available only on shares listed for at least 1 year).

[2] Maximum long-term capital gains tax rates.

Source: Arthur Anderson and Co., April 1987.

Mr. KASTEN. Cutting the capital gains tax rate would keep jobs in my State of Wisconsin and in America. More importantly, it would create millions of new jobs for the future.

Madam President, I ask unanimous consent that a new study by A.B. Laffer Associates on the negative impact of the high capital gains rate on small, high-growth stocks be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

INVESTMENT OBSERVATION: THE REVENGE OF THE LARGE CAP STOCKS

(By Victor A. Canto)

The January relation between stock market performance and capitalization (the January Effect) was reversed in 1989 (Table 1). The S&P 500 increased 7.1 percent while the small cap portfolio increased 6.99 percent.[1] Although only 11 basis points, the differential performance indicates that the stock of large capitalization companies outperformed the small capitalization stocks during the month of January for the first time since 1963.[2] Refining the small cap portfolio to exclude companies located in states with rising tax burdens would have improved the performance of the strategy. The group of stocks located in states with rising tax burdens appreciated only 6.17 percent. The remaining small cap stocks increased 7.11 percent, suggesting that the "state competitive environment" may enhance the small cap strategy.[3]

TABLE 1.—*Small Capitalization and State Competitive Environment Stock Price Performance*

	Percent
S&P 500	7.10
Small cap stocks	6.99
Small caps located in states with rising tax burdens	6.67
Small caps located in states not increasing tax burdens	7.11

Annually, since 1963, small cap stocks have outperformed large cap stocks and the market with the exception of two periods: During 1969–74, except for 1971, as well as during the Reagan years when the tax rate reductions were in place (1983–88). A common characteristic of these two periods is a change in differential taxation between ordinary income and capital gains income.

During the 1969–74 period, the maximum effective tax rate on capital gains was raised to approximately 50 percent from 25 percent. This increase in the tax rate was likely to be of great importance to many investors in small cap, non-dividend-paying stocks. Bracket creep increased the economy's overall marginal tax rates, resulting in a real stock market decline. The above-average increase in capital gains effective tax rates resulted in an underperformance by small cap stocks.

During the Reagan years, individual and corporate marginal tax rates were reduced substantially. The capital gains tax rate remained unchanged until the end of Reagan's second term when it was increased to 28 percent from 20 percent. The reduction in overall tax rates and unchanged capital gains tax rates favored larger capitalization stocks that rely less on capital gains and more on dividends. Not surprisingly, the reduction of tax rates resulted in an expanding overall market that benefited all stocks with the larger capitalization stocks benefiting disproportionately.

These two episodes suggest that small caps underperform when the differential tax rates on capital gains increase relative to tax rates on ordinary income. Whether the overall market and the small cap stocks will increase or decrease in absolute terms depends on the changes in the economy-wide marginal tax rate.[4]

President Bush's campaign pledges of no new taxes and to reduce the capital gains tax rate are favorable to the stock market in general and to the smaller capitalization stocks in particular. Yet, surprisingly, the small caps underperformed in January.

The stock market rally suggests that the market believes in the President's pledge of no tax rate increases and that his proposals will, in fact, lower the overall marginal tax rate for the economy. However, the underperformance of the small caps suggests that the new president will not be able to reduce the taxation of capital gains versus ordinary income. In fact, our interpretation of the small cap's relative performance suggests that the marginal tax rate on capital gains will increase.

While we believe President Bush intends to carry out his campaign promises, this will be partially offset by policy variables beyond his control. For example, personal income tax rates are indexed for inflation while the capital gains tax rate is not. Therefore, a rise in the inflation rate would increase the effective capital gain tax rate while leaving unchanged the remaining personal income tax rate.[5] Bracket creep on capital gains would have a disproportionate effect on small cap stocks, while the inflation impact on large capitalization stock would be substantially less pronounced. Therefore, bracket creep could result in an underperformance of the small cap stocks.

Analysts point out that gold prices are substantially lower than a year ago, the dollar is stronger, and inflation appears to be under control (Table 2). However, nonmonetary explanations are readily available that explain movement in gold prices and exchange rates. One of President Reagan's legacies is that peace is breaking out worldwide. If gold prices are indeed related to political uncertainty, the increase in world peace will clearly result in a reduction in gold prices.

The rise in the dollar may be partly explained by terms of trade effects.[6] Evidence in support of this view is the fact that interest rate differentials between the Swiss franc and the dollar are not much different today than on January 31, 1988 (Table 2).

Comparing stock market performance during January 1988 and 1989 provides additional supporting evidence. During January 1988, industries benefiting from a stronger dollar (non-traded sector industries) appreciated 5.9 percent while the industries benefiting from a weaker dollar (traded sector industries) advanced only 2.6 percent (Table 3). The relative performance of these industry groups was consistent with the then-appreciating dollar (Table 2).

TABLE 2.—INFLATION INDICATORS, THEN AND NOW

	Dec. 30, 1987	Jan. 31, 1988	Dec. 31, 1988	Jan. 31, 1989
3-month T-bill (percent) [1]	5.67	5.64	8.10	8.33
30-year T-bond (percent) [1]	8.95	8.42	9.00	8.76
Swiss franc per dollar	1.27	1.36	1.50	1.60
U.S./Swiss interest rate differential (percent)	5.07	4.69	4.85	4.62
Gold	$484.10	$458.00	$410.15	$394.00

[1] January 1989 data are preliminary.

TABLE 3.—SECTORAL PERFORMANCE IN TWO JANUARIES, 1988 AND 1989

[In percent]

	January 1988	January 1989
Dow Jones Industrial Average	1.0	8.0
S&P 500	4.0	7.1
Investor's daily	4.7	5.6
Falling interest rate	5.5	5.3
Rising interest rate	2.3	6.4
Non-traded/rising dollar	5.9	5.7
Traded/falling dollar	2.6	5.8
High-CATS	4.7	5.4
Low-CATS	3.6	6.2

During January 1988, the falling interest rate group outperformed the rising interest rate group 5.5 percent versus 2.3 percent. The relative performance of these industry groups was consistent with the then-declining interest rates. In short, the industries benefiting from a stronger dollar and low inflation, the High-CATS groups, outperformed the industries benefiting from a weaker dollar and higher inflation, Low-CATS groups 4.7 percent versus 3.6 percent. The overall relative performance of the various industry groups during 1988 was consistent with the behavior of the exchange rate and inflation rate.

Much like January 1988, during January 1989: Gold prices declined, 30-year Treasury bond yields declined, the dollar appreciated against the Swiss franc, and the differential between U.S. and Swiss long-term interest rates declined.

In spite of the similar behavior of these inflation indicators during the two Januaries, the relative performance of the different groups has been reversed during January 1989:

Large caps outperformed smaller capitalization stocks (Table 3);

Industry groups benefiting from rising interest rates outperformed stocks benefiting from falling interest rates 6.4 percent versus 5.3 percent;

Industries benefiting from a weaker dollar (traded sector industries) slightly outperformed industries benefiting from a stronger dollar (non-traded sector industries) 5.8 percent versus 5.7 percent;

Industry groups benefiting from high interest rates and a weaker dollar (Low-CATS) outperformed industries benefiting

from low interest rates and a stronger dollar 6.2 percent versus 5.4 percent.

All this differential performance suggests that the sectoral performance is not in agreement with the interpretation that inflation is under control. Thus, one of two things must happen:

(1) If the consensus forecast that inflation is under control is correct, then the sector differential performance will reverse, and buying opportunities exist. Portfolio managers should buy industry groups currently underperforming the market (those which benefit from falling interest rates and a stronger dollar) and lengthen the duration of their bond portfolios;

(2) If the forecast implicit in the January 1989 sectoral performance is correct, inflation and interest rates will increase, and a defensive posture may be recommended. In this case, portfolio managers should buy industry groups which benefit from rising interest rates and a weaker dollar. Reduction of the duration of bond portfolios is in order.

In addition to the possible explanation for the decline in gold prices and appreciation of the dollar, there is additional disturbing information. Short-term interest rates have risen during January 1989. Both short- and long-term rates are higher now than they were a year ago. If the temporary increase in real rates brought about by tax reform is winding down, then it is hard to argue the higher nominal rate is due to an increase in U.S. real rates. This leaves inflation expectations as a possible explanation.

A final disturbing piece of information is the relation between excess base money and 30-year T-bonds (Figure 1). During January, the rate of growth of the base has increased relative to MI growth. If these trends persist, the historical relation is expected to hold true, and interest rates will increase.[7]

FOOTNOTES

[1] A listing of the small cap stocks is reported in V.A. Canto, "The Small Cap and State Competitive Environment: 1988-89 Update," A.B. Laffer Associates, December 15, 1988.

[2] Mark Reinganum, "The January Effect," A.B. Laffer Associates, November 17, 1982; Truman A. Clark, "Are Small Cap Stocks Still Alive?," A.B. Laffer Associates, October 31, 1985.

[3] Victor A. Canto and Arthur B. Laffer, "A Not-So-Odd Couple: Small-Cap Stocks and the State Competitive Environment," A.B. Laffer Associates, June 24, 1988.

[4] The incentive effects of the proposals the Bush Administration is likely to make during the coming weeks are hard to determine since they take the form of targeted incentives. However, as long as tax rates do not increase, the effect of targeted incentives will reduce the economy's overall marginal tax rate, thereby resulting in an expanding market. For a discussion of the basic economic framework of the Bush team and likely proposals, see Arthur B. Laffer, "No Greater Love," A.B. Laffer Associates, January 27, 1989.

[5] Victor A. Canto and Harvey Hirschhorn, "Fifteen Percent in Fine, But Indexing is Divine," A.B. Laffer Associates, November 29, 1988.

[6] Victor A. Canto, "Tax Rate Reductions and Real Exchange Rates," A.B. Laffer Associates, August 30, 1988.

[7] Victor A. Canto and Arthur B. Laffer, "Excess Base Growth and Interest Rates," A.B. Laffer Associates, February 25, 1988.

Mr. NICKLES. Will the Senator yield?

Mr. KASTEN. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. I compliment my friend, the Senator from Wisconsin, for his leadership in trying to reduce capital gains. I think the Senator's message is very clear. He is trying to create jobs. He has been a leader in this field for some time and I compliment him for his efforts.

Mr. KASTEN. I thank the Senator very much.

Mr. McCLURE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

ALCOHOL RELATED INJURY AND MORTALITY

Mr. CHAFEE. Mr. President, I would like to take a moment to share with my colleagues a demonstration alcohol abuse prevention project in Rhode Island that has been effectively addressing one of our Nation's most serious challenges: How to prevent alcohol related injuries and fatalities, particularly those caused by drinking and driving.

The costs of alcohol abuse are clearly magnified on our roads and highways. When operators of cars, trucks or buses drink and drive, they endanger not only their own lives, but the lives of passengers entrusted to their care, other motorists and even innocent bystanders. Too often, we pick up the newspaper and read about the suffering caused by drunk drivers: The tremendous loss of human potential, the promising lives cut short, and the families torn apart by tragedy.

Drunk driving is responsible for the deaths of 23,000 people annually or one person every 22 minutes. Numbers alone, however—even numbers of this magnitude—do not begin to tell the story of the suffering and loss caused by drunk driving every day.

Unfortunately, alcohol abuse often begins in childhood. As early as the fourth grade, almost one-third of 9- and 10-year-olds say they experience peer pressure to drink beer, wine or liquor. The average age of first use of alcohol is about 12 years old. Ninety-two percent of high school seniors have used alcohol. Nearly 5 percent of high school seniors drink on a daily basis. In real figures, almost 7 million of America's teenagers use alcohol on a current basis.

Given these statistics, it is not surprising that alcohol related highway accidents are the No. 1 killer of young people. Each weekend, two out of five high school seniors is involved in heavy drinking. Too young to legally drink in bars, these teenagers often drive to and from parties. Many of them do not understand the potential consequences of drunk driving. They do not think their alcohol consumption could lead to their death or the death of an innocent bystander, until it is too late.

We must reach out to our children and prevent them from falling into the trap of alcohol abuse before they carry their addiction into adulthood and onto the roads. Many States, with Federal support, have initiated effective programs to lower the numbers of teenage and adult drunk drivers.

The alcohol abuse prevention project in Rhode Island includes a wide range of intervention services that involves communities, restaurant servers, and the police. Its success leads me to believe it would also reduce the number of tragic and unnecessary alcohol related injuries and fatalities in other States.

Mr. President, I ask unanimous consent that a detailed summary of the alcohol related injury prevention project in Rhode Island be inserted in the RECORD. I urge my colleagues and other States to take notice and see if this program in whole or in part may be effective for them in their efforts to save lives.

There being no objection, the summary ordered to be printed in the RECORD, as follows:

A COMMUNITY BASED, ALCOHOL RELATED INJURY PREVENTION PROJECT—RHODE ISLAND

INTRODUCTION

The Rhode Island Community Alcohol Abuse Prevention Project began in October, 1984 under a Cooperative Agreement among the Centers for Disease Control, the National Institutes of Alcohol Abuse and Alcoholism, and the Rhode Island Department of Health. The project goal is to develop a mechanism for the surveillance, identification and prevention of alcohol-related injuries at the community level. The project has four main objectives: (1) the measurement of alcohol-related injuries; (2) mobilization of an intervention community; (3) prevention of alcohol-related injuries; and (4) evaluation of the results by comparison of annualized rates measuring outcome changes across time and communities. It is modeled after the Heart Health Projects, one of which is located in Pawtucket, Rhode Island and has been a valuable resource.[1]

Several Rhode Island communities were matched on a range of socio-demographic and alcohol problem indicators. All were geographically separate to present spillover of intervention effects. They were mid-sized (20,000 to 50,000) so the impact of a small budget could be measured. They were institutionally developed, with one or more hospitals, schools, police department, radio stations, and newspapers, sufficient to provide social machinery for the interventions. Three communities were selected for study inclusion planning for two "control" sites and one intervention site.

[1] Carleton RA, Lasater TM, Assaf AR, Lefebvre RC, and McKinlay SM. The Pawtucket Heart Health Program: An experiment in population-based disease prevention. "Rhode Island Medical Journal" 70(12):553-546.

DATA COLLECTION

Support for project goals and access to data were elicited from community leaders in all three communities. Twelve data sets were developed, tested, refined and implemented for 1985 and 1986 in the three communities, before one community was selected as the "intervention" site. Surveillance data are collected by project staff on an ongoing basis for city residents from police arrest and "accident" records, hospital emergency department records and discharge summaries for four hospitals, death certificates and Medical Examiners' records, to document morbidity and mortality outcome changes. Cross-sectional data from alcohol and health surveys of high school students and adult community residents have been gathered at baseline (1985, 1986) to document knowledge, attitude and behavior changes. Two specific alcohol-related health problems—injuries due to motor vehicle crashes and assaults—are targeted for outcome changes because of their high degree of alcohol-relatedness and the involvement of non-drinking third parties in injury events.

In July of 1986, after baseline data collection was well-established, one of the three communities, Woonsocket, was randomly and publicly selected as the intervention site. Random selection was designed to obviate political and scientific bias, to demonstrate fairness, and to maintain the interest of all three sites.

Baseline data analysis suggests that improved reporting of alcohol involvement is needed for accurate and complete identification of alcohol-related problems. To this end, a subjective alcohol report form was introduced by the project into all three police departments. It is completed for all non-DWI arrests based on the arresting officer's assessment of the presence and extent of alcohol involvement. The use of this system has been found to double the proportion of non-DWI arrests reported as alcohol-related from 36% to 62%.

COMMUNITY INTERVENTIONS

An integrated systemic approach to reducing alcohol-related injuries and injury deaths was instituted in Woonsocket. The intervention effort began in January of 1987 and is ongoing. The injury prevention programs are based on the assumption that two community gatekeeper groups—the police and servers of alcoholic beverages—occupy the frontline of injury prevention. Project efforts are aimed at providing resources and enhancing skills to effect positive changes in the knowledge, attitudes, and practices of police officers and servers relative to their legal responsibility to intoxicated citizens/patrons and drunken drivers. Increased enforcement of DWI laws and other liquor laws by police and more responsible sales and service of alcoholic beverages by liquor licensees are expected to reduce the chances of excessive or inappropriate drinking in high risk situations and other high risk behavior of drinkers, which in turn will reduce alcohol-related injuries and deaths.

Four criteria for designing the prevention strategies were:

(1) Strategies focus on the use of alcohol in high risk situations and its abuse in the general population, not on special populations like alcoholics or high school students.

(2) The approach is environmental and structural in that it targets individuals' problem drinking indirectly through the decisions and actions of intermediaries—servers, the police, and social hosts who are in a position to intervene and may be serving as unwitting "enablers" of problem drinking.

(3) Intervention strategies are concurrent and mutually reinforcing rather than being unilateral.

(4) All strategies are consensually developed and acceptable to community opinion leaders to insure community cooperation and ownership.[2 3]

Based on the heart health models, a different name was selected to identify the intervention program as distinct from the umbrella study. The Woonsocket Mayor's Task Force on Alcohol and Drug Abuse participated in selecting the name—SAIVE—Stop Alcohol-Related Injury Through Voluntary Effort—and designing the logo, a red stop sing with SAIVE centered in white. Interventions include licensee and server programs and police enforcement and training programs, as well as cooperative programs with the Mayor's Task Force.

SERVER INTERVENTION

Elements for the server intervention program include: written responsible service policy adoption among owners (licensees); a 5-hour NHTSA-based training program for servers on dram shop liability laws and techniques for identifying intoxicated patrons and refusing service; certification upon completion of the training program; local newspaper and radio publicity on the server program; and city council workshops, featuring training for city councilors on criteria for enforcing local liquor ordinances by the R.I. Liquor Control Administrator. As of 15 April, 1988, 55% of servers employed in the 96 City of Woonsocket licensed establishments, including bars, restaurants, package stores, and private clubs, had been trained by project staff.

Trainers consist of a local alcohol treatment representative and a local server or licensee to provide credibility in both alcohol knowledge and in knowledge of server practices, culture and environments and to insure community ownership. Package store owners drafted a joint policy statement and continue to participate in a responsible sales training program designed to fit their needs.

Server training acceptability increased dramatically in the wake of a single vehicle crash in June of 1987 in which the 20-year-old male driver who had been served at a local bar was killed. A 7-day license suspension was instituted by the City Council, a fine was levied by the district court in a judgment against the owner of the tavern and the server, and a 2 million dollar civil law suit for third party liability has been filed by the mother of the deceased. This circumstance has vividly and unequivocably brought home the potential legal liability of servers and licensees when visibly intoxicated patrons or underaged patrons are served and proceed to injure a third party or to be killed or injured themselves if underaged. Figure 1 shows the increase in servers trained in relation to this incident and its legal aftermath.

POLICE INTERVENTION

Police enforcement and training programs have goals of increasing enforcement of DWI laws, especially at lower BACs (.10 to .15); increasing enforcement of local and state liquor laws; improving knowledge by police officers of dram shop laws and the role of alcohol in police work; and improving reporting of alcohol involvement in non-DWI arrests.

In the early stages of developing the police program, the Police Chief established a police planning group consisting of project staff, the commander of operations, the training officer, the prosecution officer and the night patrol commander. This group meets biweekly. Project-sponsored activities include radar patrols at selected intersections designated as high risk for speeding-related motor vehicle crashes; NHTSA-funded sobriety checkpoints or roadblocks for DWI enforcement; and selective enforcement of dram shop laws in local bars, restaurants and package stores by plain clothes detectives.

It was of critical importance to the success of this intervention effort that the server training program had been widely available and had achieved a high penetration rate before police selective enforcement programs in licensed establishments were initiated. It is important to lead out with a positive, educational approach rather than a regulatory approach in order to develop trust and goodwill in the community. Police patrols, while unpopular with licensees, are necessary to reinforce and support project efforts to increase responsible sales and service of alcohol.

The project provided needed equipment to the police to supplement their increased enforcement activities, including a second breath test machine, an intoxilyzer 5000, and a simulator; checkpoint cones and barrels; passive alcohol sensors as nonevidentiary field breath testers; and a video camrecorder for filming trainings, roadblocks, and patrols. Police training programs have included NHTSA-training in Improved Sobriety Testing (gaze nystagmus); training on the role of alcohol in police work; training on police liability in dealing with intoxicated citizens; training of one officer in on-scene "accident" investigation at Northwestern Traffic Institute, a first for the department; and training in the use of subjective alcohol report forms.

OTHER KEY INTERVENTIONS

A safe rides taxi program began over the holidays in 1987, with project funding for extended taxicab coverage until 2:30 a.m. Friday and Saturday nights. This strategy was inspired by the fact that seven local bars have a 2:00 a.m. closing time (1:00 a.m. is usual), but local taxi coverage previously ended at 1:30 a.m. on weekends. Publicity for the safe rides program included posters distributed to all licensees, pocket-sized calling cards featuring the cab company phone number, and newspaper and radio spots by the mayor and cab manager.

New initiatives for Year 04 of the project include: the presence of a trained alcoholism counselor in a hospital emergency department on weekends from 10-2 a.m. when alcohol-related incidents are most frequent; the use of a consortium approach through the Woonsocket Chamber of Commerce to implement employee assistance policy adoption in local companies; a public education campaign featuring the NHTSA Social Host Responsibility Training program; a safety belt campaign, including a seat belt policy for the city sponsored by the Mayor; technical assistance with the initial formation of a local association of liquor licensees; and the

[2] Holder HD and Blose JO. 1983. Executive Summary: Reduction of community alcohol problems—A community simulation for Wake County, North Carolina, Washington County, Vermont, and Alameda County, California. The Human Ecology Institute, Chapel Hill, N.C.

[3] Holder HD and Wallack L: 1986 Contemporary perspectives for preventing alcohol problems: An empirically derived model "Journal of Public Health Policy": 324-339.

production of a videotape for server training made in local liquor licensed establishments performed by a local amateur theatre group to better mirror the server environment in Woonsocket.

CONCLUSION

Because alcohol involvement in injury is not a reportable condition and because alcohol abuse is potentially stigmatizing and legally problematic, data from existing hospital, police and death records under-report alcohol involvement in injury events. Efforts to increase case finding by improved reporting of alcohol are subject to complicated informed consent requirements for human subjects protection and consequent loss of respondents, biasing study results. As the link between alcohol and injury is more widely documented and as the toll that injuries take in premature mortality, morbidity and social and economic costs is better known, programs aimed at preventing alcohol-related injury should become more prevalent.

While the Rhode Island Community Alcohol Abuse Prevention Project is not yet completed, a number of important points transferable to other projects have been demonstrated. First, it is possible for a department of public health to broaden its view of injury prevention and collaborate effectively with police and alcohol servers. Second, significant momentum for social change can be gained, by engendering voluntary community commitment and action simply through the deployment of a single community organizer with the main goal of facilitating communication and liaison across groups.

These findings auger well for successful creation of community-based, public health-initiated injury prevention on a very modest budget. The ultimate impact of these efforts on injury mortality and morbidity rates remains to be demonstrated by the project in the final evaluation stage.

Address inquiries to Dr. Sandra Putnam, Project Director, CAAPP, R.I. Department of Health, 75 Davis Street, Providence, R.I. 02908.

Reported by S.L. Putnam, Ph.D., Project Director; V.C. Morin, Community Coordinator; W.J. Waters, Jr., Ph.D., Principal Investigator; M.C. Speare, Research Analyst, Office of Health Policy, R.I. Department of Health; Albert Brasile, Project Officer, Centers for Disease Control; Mary Dufour, M.D., M.P.H., National Institutes of Alcohol Abuse and Alcoholism; Special thanks to Mayor Charles C. Baldelli, City of Woonsocket; Chief Francis Lynch, Woonsocket Police Department; and the residents of Woonsocket.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION OF DISAPPROVAL OF THE FEDERAL PAY RATE RECOMMENDATIONS

Mr. STEVENS. Mr. President, I wanted to take a moment of the Senate's time—and I apologize for keeping the Presiding Officer and the staff waiting—to explain my vote on the resolution of disapproval of the pay increase.

I previously stated my feeling about the inadequacy of our current Quadrennial Commission compensation system because it has proven to be incapable of attracting the kind of people we need to fill very important jobs. I have placed those remarks in the RECORD and made a long statement on the Senate floor last week.

It probably would have been the better part of valor to just go along today and recognize the inevitability of that disapproval resolution passing both the House and Senate. I voted against it today because of the lack of consideration that the Congress has given to the Federal judiciary. In my judgment had the resolution of disapproval been delayed until midnight tonight the judiciary would have received its pay increase, and in many ways I probably was wrong in not bringing that result about.

It is a sad thing, I think, when Congress becomes so timid in terms of the review of Federal salaries that it effectively penalizes other portions of the Federal Government. I detailed in my previous statements the number of senior researcher and scientist positions that are unoccupied today, positions that we have tried to fill for months at the National Institutes of Health.

The issue facing NIH today is a matter of compensation. It reflects the competition of the private sector in filling similar jobs.

Mr. Culter, when he appeared before us as the Chairman of the Quadrennial Commission appointed by the President, pointed out to us that in many instances those senior biomedical research positions are filled indirectly because NIH makes grants to the nonprofit sector to acquire the expertise to perform that research. Those nonprofit corporations turn around and hire these senior research scientists and pay what they have to pay them to get their services. In the end, the taxpayer is paying not only salaries far in excess of what the President's recommendation which we have just turned down would have provided directly to these scientists, but they are paying overhead charges and administration charges on top of the salaries. If we would just directly authorize the payment of a competitive and comparable salary these researchers would be working for NIH directly. Now they are working for a plethora of nonprofit corporations which have contracted with NIH but are out there paying what the traffic must bear to acquire the services of these very talented people to perform research in cancer, in AIDS, and in the other dreaded diseases. Although the Senate must not forget that the Quadrennial Pay Commission did not propose these salary increases based upon comparability with the private sector. In fact, the Commission based its recommendations upon comparable salaries in the nonprofit sector of the economy, Mr. President. That is where the basis for those recommendations came from.

Mr. President, that is past, but there is one sector that must pay a disproportionate share of the refusal of Congress to agree to these recommendations. The judiciary does not have a "competitive salary" because there are no "private judges," but there are private attorneys, and we are seeing an exodus of qualified judges from the Federal courts.

I predict we are going to see even more of an exodus now; and what is worse, we are going to see the best and the brightest not seek to make a career of serving in the Federal judiciary.

It does not make any sense to me for us to turn down the recommendation for the increase for the Federal judiciary, a very limited portion of our Government, but a very necessary one.

The framers of our Constitution wisely said that those people are appointed for life. Once they take office, their compensation cannot be reduced by the Congress.

So the message is out, the message is out to the legal profession, and you must be a lawyer to get on the Federal bench. The message is out: If you are entering into your law practice with the idea that in the future you might like to serve on the Federal bench, put that hope off until you get wealthy, put that hope off until you do not have any family responsibilities, and put that idea off until your children are all through school. Do not plan on getting a salary comparable to that which you could earn as a practicing lawyer in the private sector while you are serving on the Federal bench, because Congress is unwilling to come to grips with its own salary. It is intimidated by demagogs, and we end up with no increase, so we cut everybody else.

It is one thing to do that with executive branch policy level people who are, as my antagonist Mr. Nader pointed out, all political appointees—almost, not totally. He lumps the judiciary in that group, and I think that is unconscionable. But it is also unconscionable for us not to provide the salary that will attract to the Federal bench the best and most qualified judges we can get, young and old.

The answer was given to us, well, you can wait until they reach their zenith, after they have made their name practicing law; then they can retire to the Federal bench. That, too, is unconscionable to me. The Federal

judiciary ought to be, as I said, the best and the brightest.

I cast my vote today in protest of the actions taken by the Congress, in not deleting the judiciary from this travesty so far as the response to the Quadrennial Pay Commission is concerned.

Again, I believe that the easy way is to turn these recommendations down. The easy way is just to go with the flow and say you will side with these so-called public interest groups out there who are attacking the Quadrennial Commission. Every time one of these so-called public interest leaders speaks, I get a hundred letters. They are usually the same hundred letters and I will continue to follow my conscience.

In my judgment, the judiciary ought to have been separated out from the President's recommendations. We have to find a way now to deal with the pay of Federal judges, and I challenge those who have destroyed this Quadrennial Pay Commission approach, and it has been destroyed by the actions taken in the last quadrennial review and this one, to come up with a viable solution.

No one of any substance will serve on a Quadrennial Pay Commission again. I do not believe that any President will send his recommendation up to Congress again. There will have to be a new system created. I challenge the critics. In my judgment, the critics have the duty now, since they have criticized the Quadrennial Pay Commission approach, to come up with a solution that will meet the public interest and will get us the people we need to enter into the judiciary.

Federal judges are now leaving the judiciary because of pay, and they are leaving—that has been thoroughly documented—there is no reason for us to believe that we can find a way to attract new people to come to the Federal bench, if they see that those who already took a lifetime assignment are leaving because the pay is inadequate.

Mr. President, it is my hope that those of us who believe in finding a solution to the problem of the proper remuneration for Federal employees will find some way to challenge those who have destroyed the current system.

I intend to do that. I am serving notice on the critics and on the Senate that throughout this year, I am going to be offering a series of amendments that will place the burden on them to come forward and provide us with a solution. One of the amendments I am going to offer is an amendment to say that no one who runs a nonprofit organization which contracts with the Federal Government can be paid a rate of pay in excess of that established for the executive branch at level 2. That is one solution.

Second, Mr. President, I think we ought to find a way to restrict the salaries of the executives of nonprofit groups which perform research for our Government via Federal grants. If they are really, truly, nonprofit corporations, they should not be sitting out there administering Federal money that can be better administered directly by the National Institutes of Health.

I am going to find a way to limit the grants that go out to nonprofits which then pay people to do things that ought to be done directly by Federal employees.

Those are two goals of mine for this year, and I know I will have the attention of the Senate as I try to achieve them.

Mr. President, I ask unanimous consent to have printed in the RECORD, a statement which I prepared for the debate by the Senate on this issue last week.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, the issue before the Senate today is the acceptance or rejection of a Resolution of Disapproval regarding the President's recommendations on salaries for senior executives in the three branches of the Federal Government. But the narrowly defined procedural issue of the disposition of the Resolution of Disapproval is not, by any definition, the heart of the matter.

On the contrary, the issue is much larger. In fact, I would argue that the decision which we will make today will have a greater impact on the long-term course of our government than almost any other single decision which we will make this Congress. For today, Mr. President, the Senate has a rare opportunity to reaffirm the value of public service in a democratic society. I urge my colleagues to carefully weigh the public policy issues which underlie the President's recommendation and urge that you not be swayed by the voices of political expediency.

Mr. President, there is an old adage which says that "America gets the quality of government that it pays for." In 1989, we face the very real possibility that the Senate will again refuse to agree to the President's proposed salary increases. If adopted by the Congress, the inevitable result of this decision will be that the salary levels of senior Federal officials will continue to fall even farther behind the actual cost of living faced by those individuals and their families. Since 1969, the cost of living, as measured by the Consumer Price Index for Wages, has risen by nearly 230% while the salary level set for Level II of the Executive Schedule has risen only 110% since 1975. In other words, the salary of a Level II executive has been cut in half since 1969, in terms of purchasing power.

A secondary result of this decision will be that in the next few years literally hundreds of middle and senior level Federal employees will "call it quits" without *any* prospect of a replacement coming forward to accept the open position. But that is not the full extent of the problem. For those individuals who remain in the senior levels of Federal service, the effects of inflation continue to rob them of the purchasing power which they enjoyed when they entered the government. When measured in constant, inflation adjusted dollars, the current salaries of senior executives are 30-35% below what those same salaries were in 1969. Based upon statistics provided by the Office of Management and Budget, the value in 1969 of the salary provided to Federal employees at Level II of the Executive Schedule has been eroded by inflation by a factor of nearly 35% when measured in 1988 dollars.

Mr. President, if it is not already, it must be made clear to America that we are facing a "brain drain" from Federal service of unprecedented magnitude, the consequences of which are truly frightening.

Numerous examples of the "brain drain" are included in the report of the Quadrennial Commission. For members of the Federal judiciary the problem is becoming especially accute. The Judicial Conference of the United States reports that in the fifteen years from 1958 to 1973, only six judges resigned from the Federal bench. However, in the fifteen years from 1974 to 1988, there have been 57 resignations. The Judicial Conference conducted exit interviews with 26 of the judges who resigned after 1978 and found that almost all of those 26 judges cited financial considerations as a principal factor in their decision to resign. Mr. President, what does it say about a government which pays its Federal District Court Judges less than the salary which is earned by a first year graduate of Harvard, Yale, Chicago, or Michigan Law Schools who enters private practice?

As another example of the extent of this problem, the Senate should be aware that one of the greatest problems facing career civil servants is the issue of pay compression. By law, pay for general schedule civil servants is limited to the level of compensation paid to Level Five of the Executive Schedule, which is now $75,500. At that rate of pay, all career civil servants in the grades of GS-17, step 6 and above are capped as to compensation. In the military, general officers above the rank of two stars are capped. What does that mean, Mr. President? It means that there is no hope of an increase in pay (one of the principal attributes of any job promotion) for any executive above GS-17, step 6 or any general officer in the military above two stars. At present, according to the Quad, Commission report, this pay cap affects 1044 individuals in the general schedule and, according to the Department of Defense, 158 general officers in the armed forces of the United States.

As a practical consequence of this pay cap the senior management ranks of the civilian and military sectors of our government are being thinned at an alarming rate. We are now losing the best minds and most able administrators in our government. A graphic example of this brain-drain is that since 1986, nearly one-quarter (twenty-four percent) of the winners of the Presidential Rank Award for Distinguished Executive Service have left the federal government, 80% of whom have accepted higher paying jobs in private business. As my colleagues know, the Presidential Rank Award is the highest award offered to senior executives for excellence in management.

But the problem is not the retention of current government managers alone. An equally striking problem faces senior managers who are given the responsibility of recruiting new talent for senior executive positions in the Federal government. The magnitude of this recruitment problem is best illustrated by recent public testimony offered to the Quad Commission. In his appearance before the President's Quadrennial Commission on November 10, 1988, Dr. Anthony

Fauci, former head of the National Cancer Institute and now head of the National Institutes of Health, testified that, for ten years, NIH has not been able to recruit a single senior research scientist from the private or academic sectors to conduct clinical or basic biomedical research. Mr. President, by refusing to adequately compensate federal employees, we are slowly, but inevitably, strangling the most productive and innovative areas of the federal service. We are making a conscious decision to drive the best people from government. Our grandchildren will hold us accountable.

The question is often asked, "what is an adequate salary level for senior managers in the federal government in 1989?" Comparisons with the compensation structure of private enterprise are often difficult to make. However, the Hay Group, a major employee benefits/compensation management consulting company, has done a recent study of the average salary for both higher paid and lower paid private sector corporate executives. The average salary level for higher paid executives in 1988 was $594,200, which the average salary level for lower paid executives was $229,800.

Comparisons with the salary levels of executives working for non-profit organizations may be more valid. The Presidents of large, private universities earn, on average, $185,000; hospital administrators earn, on average, $160,000; Presidents of large, public universities earn, on average, $125,000; and city managers of cities with populations in excess of 500,000 earn, on average, $110,000.

Three additional comparisons are illustrative of the point that I have been making on the inadequacy of current levels of Federal compensation. I would like to turn to comparisons of the level of pay for the New York City School Chief, the Los Angeles Police Chief, and the Los Angeles School Chief. When comparing the growth of the level of compensation for each of these individuals since 1969 and the increase in the compensation paid to level II senior Federal executives over the same time period, the comparisons are striking.

In my view, Mr. President, the day-to-day responsibilities borne by senior Federal executives, Members of Congress, and Federal Judicial appointees are on a par, by anyone's definition, with the occupations which are listed on the previous charts. Yet, each of the professions illustrated on the preceding charts earns far in excess of any senior Federal executive, Member of Congress, or District Court Judge. This inequity must be corrected before we lose any additional senior executives from the Federal government. If the correction is not made, senior managers and Federal Judges will resign in ever growing numbers because the cost of living continues to rise and these individuals will decide that they must act to protect their families for the future. Increases in the cost of living continue while senior Federal salaries fail to keep pace. The average home price of a Washington, D.C., area residence and the tuition costs for both private and public universities has far outpaced the rise in the Consumer Price Index, which is itself far greater than the rise in the rate of compensation for Level II of the Executive Schedule.

In testimony before the Quadrennial Commission and the Committee on Governmental Affairs, opponents of the President's recommendation made much of the fact that the pay increases recommended for the three branches of the Federal government were far in excess of the average wage increases received by the typical American worker over the last few decades and that the President's proposed increases were completely unjustified when viewed in light of the wage increases which typical working men and women received for their labor in the fields and factories of America. These assertions intrigued me, Mr. President, and I asked the Congressional Research Service at the Library of Congress to review private sector pay gains for the last eighty years, back to the turn of the century. The result of the C.R.S. analysis is quite interesting. In fact, the assertions of the opponents are untrue. Using the study entitled "Manpower in Economic Growth: The American Record Since 1800", which was prepared last year by the Department of Commerce, Bureau of Economic Analysis, and the Department of Labor, Bureau of Labor Statistics, the Congressional Research Service has found that between 1907 and 1987 the Consumer Price Index rose 1122%. During the same 80 year period, the average earnings for full-time employees in America's agriculture sector rose 5293%; the earnings for full-time employees in the manufacturing sector rose 4307%; the earnings for full-time employees in the service sector rose 4891%; and the earnings of full-time employees in the government (Federal, state and local) sector rose 3459%. Mr. President, during that 80 year period, Congressional pay rose 1093%. In other words, Federal Judicial, Executive and Congressional pay has dramatically fallen behind all other sectors of the American economy since 1907 and has not even kept pace with inflation.

These charts illustrate one essential truth: since 1907, while the Consumer Price Index has been rising by 1122%, and since 1969, while the Consumer Price Index has been advancing by over 200% . . . while the cost of providing a college education and purchasing a house in the Washington, D.C., metropolitan area have more than tripled . . . and while the average wages of all comparable private sector workers have risen to more than keep pace with inflation, the compensation of senior Federal employees has actually fallen some 30-35% behind 1969 pay levels when measured in constant dollars. With the value of compensation actually falling for senior Federal employees, no one should be surprised by the decisions of increasing numbers of senior executives and managers to leave the Federal government.

By driving the most productive and innovative minds from the senior levels of government, we are leaving Federal service open to only two groups of individuals: the independently wealthy millionaire and the ideologically driven person for whom a particular cause is the motivating reason behind entering Federal service. I submit that such candidates for senior Federal positions have the two types of backgrounds which should cause the American people the greatest amount of concern because they represent two of the most clearly antidemocratic motivations. On the other hand, we have been successful as a democracy for the last two centuries largely because we have developed a citizen legislature and a civil service where public service and service to mankind have been the chief motivator. Mr. President, leaving Federal court appointments, Congressional seats, and positions in Federal regulatory agencies exclusively to millionaires or self-described "public interest" advocates is not, in my view, in the best interests of our democracy.

For two hundred years as a nation, we have periodically addressed the issue of increasing the pay of Federal government employees. For two hundred years, Congress has wrestled with the issue of the adequacy of Federal salaries, including its own. For two hundred years we have attempted to develop a system by which Federal pay can be raised without creating an issue which can be demagogued by those who appear to believe that any Federal wage increase, no matter its size, is unjustified. Having listened to the well-orchestrated criticism which followed the President's recommendation earlier this month, I must reluctantly conclude that our efforts may again come to naught. Political expediency appears to have won the day. This realization and its implication for America's future leaves me greatly concerned, Mr. President.

Over the years, the issue of increasing Federal pay has been met with a negativism rarely found in any other issue which comes before the Congress. Because of the difficulty facing Congress over this issue, we agreed to the Federal Salary Act in 1967 which created the Quadrennial Commission to recommend changes in the Federal salary structure to the President and then to the Congress. In 1985, the way in which these recommendation became law was changed by Congress in order that it would be consistent with the decision of the United States Supreme Court in *I.N.S.* v. *Chadha,* 462 U.S. 919 (1983), respecting the use of a "one house veto" by Congress.

Unfortunately, since 1969, the Quadrennial Commission approach has met with little more success than if the decision on raising Federal pay had been directly undertaken by Congress, as it was prior to 1967. In the twenty years since the first Quadrennial Commission recommendation in 1969, requests for salary increases have been sent up to Congress every four years and, more often than not, have been met with more outrage than acceptance. The single most noticeable result of this hostility has been that, when measured in constant dollars, the pay of senior managers in the Federal government has fallen 35% below that of the level fixed for the same position in 1969. During the same twenty year period, the compensation levels for *all* private sector wage earners has slightly improved over inflation.

Between 1970 and the end of 1987, the cost of living, as measured by the Consumer Price Index, rose at a rate of 204.5%. During the same period, letter carriers at the USPS have seen wage increases of 239.4%, social security beneficiaries have seen their entitlements raise 232.1%, military personal have seen their pay increase by 212.7% (excluding fringe benefits), private sector white collar workers have received wage increases (through 1986) of 196.5%, private sector blue collar workers have received (through 1986) wage advances of 183.8%, and Federal retirees have had pension adjustments of 197.1%. On the other hand, since 1970, Mr. President, Federal civilian employees in the general schedule have received pay increases totaling 132.6% while Members of Congress have received pay adjustments totaling only 109.6%.

In 1968, when I began my Senate service, I knew full well what the salary and conditions of employment were. I knew that I would be required to put in eighty hour weeks and to fly half-way around the globe to meet with my constituents. But I undertook the job without reservation because I thought that I could contribute something to the welfare of our state and the nation. I made a committment to the people of

Alaska in 1968 to enforce the promises made to the people of Alaska by the Federal government at the time of statehood. I told the people of Alaska that I would remain in the Senate for as long as it might take to fulfill all of those promises. Whether or not this pay increase becomes effective does not matter to me. I will remain here, the people of my state willing, to keep my pledge to Alaska, pay increase or not.

In closing let me say that I argue for the President's recommendation because it is supportable on the merits and because it is the right thing to do. My argument in favor of the recommendation looks to the future not to the past. I am very concened about the future of our government. The thought of a Congress, a Judiciary, or an Administration filled with either millionaires or ideological purists is very unsettling to me. But without reasonable and periodic pay increases, that is exactly the kind of Fedeal government which will face our grandchildren in the next century.

Two hundred years ago, Thomas Jefferson envisioned a Federal government made up of yeoman farmers and small businessmen, merchants and laborers, doctors, lawyers, and skilled mechanics, Jefferson felt that each would bring to his government the experiences of life beyond the confines of the federal city. Such breadth of experience would keep the Congress, the courts, and the executive branch in touch with the concerns and interests of the people.

Today, we face the prospect that the Federal civilian service envisioned by Jefferson and in place for the last two centuries is no longer a reality. We have come to a fork in the road, Mr. President. One road leads off to a government which provides inadequate compensation and relies on millionaires and ideologues who are motivated by self-interest to fill the ranks. The other road leads to a government which provides adequate and periodically adjusted compensation and which, as a result, can recruit throughout society for the best and the brightest among its citizens. Keeping Federal salaries artificially and unrealistically low in 1989 will lead, without doubt, down the first road, Mr. President. Choosing that road is a mistake of the highest order and history will forever recall our short-sightedness.

SANDOL STODDARD ADDRESSES THE CHALLENGES FACING AMERICAN HOSPICES

Mr. CRANSTON. Mr. President, one of the enduring challenges confronting our health care system is to help care for the dying.

In recent years, Americans from all walks of life have joined in an extraordinary effort to meet the physical, emotional and spiritual needs of the terminally ill through the creation of hospices. Much of the initiative for the hospice movement has been at the grassroots. These are community endeavors which have served to comfort the ill while forging new bonds between health care professionals and local religious leaders. In their spontaneity, in their creativity, in their deep community roots, we have seen the very best of the American character.

One of the very first hospices begun in the United States is Hospice of Marin, established in my home State in 1976 by community leaders, including Sandol Stoddard, author of "The Hospice Movement." Now, more than a decade later leaders of this, and other American hospices, are assessing the progress we have made and looking to the challenges ahead.

Many of these issues were addressed in the 10th annual meeting of the National Hospice Organization, held last November 18, 1988, in Orlando, FL. As Ms. Stoddard noted in the keynote address to this meeting, "hospice has a long history of stubborn, tough-minded struggle and triumph in the practical world." It is this noble history which will serve us all well as American hospices mature and adopt to meet the many challenges ahead.

I commend Ms. Stoddard's excellent speech to my colleagues' attention and ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOSPICE: PAST, PRESENT, FUTURE

(By Sandol Stoddard)

Ten years ago at the first annual meeting of the NHO some of us realized for the first time, I think, how many "hospice people" there were in this country. There were a lot. And that was exciting. I don't remember many details of that conference—I hope you'll remember this one better, ten years from now—but I do recall being at a microphone at one point prophesying that we were going to find an unfortunate new word in the dictionary some day, because down the road it was going to be said that dying patients in the U.S.A. were now being "hospicized."

During most of the past decade, I have been in another part of the forest, but recently I have focussed again on hospice; I have visited many of you and interviewed others on the telephone: I've spent a great deal of time reading what you have published, talking with people in related fields—law, government, religion, education, science—and have taken time as well, just pondering about all that has been happening.

And as I prepared this report for you, it was with the conviction that hospice in general is in good shape in America today; but that at the same time, many of our front line hospice people and members of the public are quite concerned about this very issue: hospicizing. In other words, there is a feeling out there that a medically and socially responsible plan for the care of dying persons and their families may in fact be losing its intimately human and communal base, thus its ethical grounding; that a substandard semblance of the program may be packaged and delivered to the public, disguised as the real thing. I have also heard a good deal of concern over financing and reimbursement problems; and from virtually all of you, anxiety about the ability of hospices to cope with a potentially overwhelming epidemic of AIDS.

As I see it, this is a single cluster of related issues, all having to do with the survival of hospice *as itself:* a program of care that is both technically meticulous and deeply personal, requiring devotion to principle down to the smallest of details; a program that demands, above all, what the current best-seller calls "A Passion For Excellence."

And so I will address this issue today, as soon as we have done some necessary groundwork; and because hospice is not a place, or a structure but a *process,* depending for its life upon people, I will begin with you.

You—and your many colleagues who cannot be here today—are remarkable people: energetic, resourceful, intelligent. You work hard, and I see some fine hospice care being given—not everywhere, but in most places. When hospice workers function well as a team, pooling their skills and resources—caring for one another as well as for patient and family—there seems to be almost inevitably a sense of rightness about it, a kind of joy and fulfillment that is all too rarely found in the workplace today.

"Privilege" is a word I heard you use often. "It is such a privilege to do this work." Many of you have spoken of the changes—the transformations, really—that you have experienced in your own lives. A doctor in a small town in the West said it eloquently: "It is a life-changing experience for a physician to become involved. My patients can see now that I understand their pain, that I have something to offer them. I stay with them, and we talk things over. I feel loved now by my patients. It doesn't matter that some of the things I am doing now really amount to nursing. I feel like a whole person."

As for the hospice nurse, she is a New-Age, All-American Heroine, and I expect to see her in bronze on the village green some day. "Superior to others in self-actualization" she has been called, but I like even better the description given to me by a hospice administrator, new to the field. "Independent, opinionated and stubborn—a real management problem." I have a feeling that our hospice nurses don't intend to be "managed"—I think they expect to be treated as independent equals. Hospice theory allows—in fact, invites—them to take this role. Despite a nationwide shortage of R.N.'s at present, this may be one reason why we still find them working, often for modest salaries, in hospices. You may be interested to know that of approximately 25 teams I was able to visit or be in close touch with lately, the 3 having most difficulty keeping R.N.'s were all being run in a hierarchical/authoritarian style by managers trained in other fields.

Nurses, physicians, members of clergy, social workers, therapists, and volunteers of myriad skills whose presence is so essential to this movement: you have worked together over the years to make the hospice phenomenon a reality in American life today—which is why I am now working on a book to be called "The Hospice Phenomenon." You have taught theory by your visible example; you have challenged professionals in other disciplines; you begin to make yourselves heard in the medical schools; and with the enterprise known as the Wisconsin Pain Initiative, you are part of a global effort on the part of the World Health Organization to bring to an end to the scandal of unnecessary human pain. It is a splendid record and you can be enormously proud of it.

If there are stern challenges ahead of you today—and there are—I think you are the people who can meet those challenges, and be inventive enough, and stubborn and independent enough, and tender and caring enough to transform them into gifts and opportunities.

Incidentally, I have seen the word "hospicize" used quite recently in a document that seems to have merged from somewhere deep

in the bowels of federal bureaucracy. Perhaps they need our help over there.

I would like to touch upon some important points in our history now. This is a part of our treasure, and we can draw strength from it. It begins long ago, with hospice as a place of welcome kept by medieval religious orders so that pilgrims and travellers could be—in the lovely old words—"cherished and refreshed." Many were ill, and in the monastery gardens were herbs for healing, and for relief from pain. Those who were dying received special care and honor, for they too were seen as pilgrims, closer than others to God.

After this, political and military upheavals banished hospice almost entirely from the scene for hundreds of years; science flourished, and the modern hospital appeared, built on a military model of efficiency that had been invented, originally, by Romans for the quick repair of their slaves. Today's hospice is in part a response to the fact that hospitality, as well as appropriate care for those who cannot be cured, has been conspicuously lacking in our acute-care medical facilities.

A few charitable institutions calling themselves hospices appeared in Britain at the turn of this century. A young nurse and social worker named Cicely Saunders worked in one of these during WW2, and saw dying patients, in a loving environment, being kept both comfortable and alert with sufficient doses of narcotics round-the-clock, instead of being forced to "earn their relief" by suffering. Then one day when visiting a patient dying alone in a busy, general hospital, she asked what she could do to help—what there was that he wanted. The patient replied, "I want what is in your mind and in your heart." As they talked further it became the mutual dream of the nurse and the patient, that some day Cicely would have a home for the care of others who were dying; and the young man left a small legacy to provide (as he put it) a window for her home.

Nineteen years of hard work lay ahead before that dream would be a reality. Nurse Saunders went back to school, earned a medical degree, did intensive research in pain and sympton control, learned the administrative moves, raised money, coped with architects and contractors, hired staff, and at last in 1967, was able to open the doors of St. Christopher's Hospice in London. Cicely, now Dame Saunders, O.B.E., with a string of honors after her name, has taught us more than any other living person what hospice is.

"A place of welcome"—"cherished and refreshed"—"special care and honor"—"A loving environment"; these are some of the keys to the meaning of the work. But pay attention also to other signposts: "nineteen years of hard work"—"earned a medical degree"—"did research"—and—"raised money." Hospice has a long history of stubborn, tough-minded struggle and triumph in the practical world. St. Christopher's was founded on a dream, but it was built over a long period of time, with bricks and mortar, sweat and prayer.

In this country, bricks have not been so large a part of it. Americans have devised as many different hospice styles as we have differing communities; and this is an exciting development. And it serves to remind us once more that hospice is not a structure, but a process. We have a few freestanding units, and a few physically separate units within hospitals. However, hospice in America functions typically as a program of care in the home, in liason with other, non-hospice agencies and inpatient facilities. "Non-hospice" is the point of difficulty here; it is a tremendous battle for you to bring true hospice care for your patients into these very different systems. Watching the hospice team at work in a community hospital a man with broken bones asked wistfully, "Do you have to be dying to get this kind of care?"—and it is certainly true that the program serves as a benign influence upon other institutions. However, this is a side issue, a secondary benefit. We need to be clear at all times that our purpose, our promise and our commitment, is to offer the best of hospice care to our patients very carefully, with great attention, one at a time. It takes a very strong centering, in one's own philosophy or faith to do this. Hospice is not a work for the timid, the hasty, or the unconvinced.

Constance Holden, writing for Science magazine in 1976 saw hospice care in Britain as a startling marriage between science and religion. Here in America we hear less said about the religious or spiritual base of the work. I think it is because Americans are used to being so desperately polite to one another about religion that we hardly dare mention it. However, let's be brave for the moment. I'll hazard the opinion that the Christian faith, together with Judaism and the Judeo-Christian ethic, is the most powerful motivating force in the American hospice movement. I found it fascinating, and I think you will too, that every front-line, hands-on hospice worker I have spoken with at any length recently has volunteered a statement of faith, or a direct reference to the spiritual dimension of the work.

A doctor said, for example, "Eight days after I want to the first hospice workshop it came over me that I am a Christian." Another said, "My orientation is Eastern, non-Christian, and I find that doing this work is like a meditation—it keeps me where I want to be—that is, I mean, close to God." A nurse said, "I'm not a church-goer, but being with the patients puts me in touch with other people's spirituality, and in that way, I find my own. You really can't do this work and not believe—something."

In keeping with the nature of our pluralistic society, hospice founders in the U.S. were people of strong faith and varied religious commitments. They should be remembered here today, and I need to do some correction at the same time of our recent history. I have seen a number of references in print to the supposed fact that hospice in North America was started by "lay persons" and/or persons "outside the Establishment". The implication has been that as non-professionals, presumably lacking an intellectual or political base, they muddled around for a while, until a proper wave of organizers came along to fix things. Nothing could be further from the truth. Of course hospice does represent a sort of revolution; and I realize that it is traditional for the second revolutionary wave to slaughter any leaders left over from the first; but if we can't be civil, let's at least be accurate. Founders of hospice in this country were highly respected professionals: they knew very well what they were doing, and they were willing to labor hard for it, and take great personal risks.

One brand new hospice administrator even told me a few weeks ago that the whole thing was started by women. Well—my goodness.

The facts are as follows. In the late 1960s the Dean of the Yale School of Nursing, Florence S. Wald set up the research into the needs of dying persons that led, in 1974, to the beginning of patient care by what is now Connecticut Hospice. Among members of the first Steering Committee were Dr. Ira Goldenberg, Professor of Medicine at Yale, the Rev. Ed Dobihal, and Dr. Morris Wessel, a pediatrician who was, incidentally, the first physician to set up rooming-in for newborns in a major hospital. In 1975 the first Canadian hospice was founded by Dr. Balfour Mount, professor of surgery at the Royal Victoria Hospital in Montreal. During the same year a hospice was founded at St. Luke's Hospital in New York City, by the Rev. Carleton Sweeter and staff. Then, in 1986 in California, Hospice of Marin came into being as a result of long planning and collaboration between William M. Lamers, Jr., M.D., a psychiatrist, and Fr. John Thornton, an Episcopal priest. And in 1978, the Georgetown University Pilot Project on Hospice Care and the Hospice of Northern Virginia were founded by Dr. Josefina Magno.

After this the field opened up rather rapidly, and we saw some fine, responsible organizations coming along and doing excellent work; but during the late 70s and early 80s there were also some well-meaning groups calling themselves hospices without having stopped to enlist or develop the necessary skills. Energy was wasted on various non-issues, such as the supposed necessity of legalizing heroin in this country for hospice use. Proto-hospices and pseudo-hospices popped up during this period like mushrooms after rain, and it was hard for the public to know which ones could be trusted. The Standards and Accreditation Committee of the NHO, together with state and federal agencies and the JCAH have since provided some very useful, though not consistently watertight specifications.

The formal difference between a professional and a volunteer is not the issue here; conceivably, this could amount to nothing more than a piece of paper. The point I am making has to do, rather, with skill and intention. The professional has made a double commitment: one inner, demanding discipline and training, and the other outer, involving personal responsibility and a promise of excellence to society. The original meaning of the word "professional" is, "one who professes a faith." In that sense, every volunteer who works for hospice is a professional. All are acting on the belief that human life is something to be cherished and honored to the very last; and this belief is one of the hallmarks of a civilized society. Hospice work serves this ethos, and thus merits reimbursement by the public; however, excellence in the field cannot be bought or sold or legislated, because hospice care is not mere technique; it is a gift and an offering of the best that we have, in our minds and in our hearts.

The professional point of view, as contrasted to that of the market place, is one of the chief treasures of our heritage. Many professionals at first volunteered their services to hospice, trusting that the community would respond with necessary funding once they had seen the value of the work; and the fact that such extensive public support has been won in a mere ten years suggests that this was a good bet. The motto of many an early hospice in this country was, "Do the right thing; money will follow." Has enough money followed? Well, we shall see. I think all the returns are not in yet. I am quite certain, however, that if we do not keep our side of the bargain, and continue

to offer what we have promised, the support of the public will be withdrawn, both in terms of volunteer efforts and of funding.

The lesson of failed promises, where quality is concerned, has been painfully learned by giants of American industry in the past two decades. Many large corporations once considered invincible are now scrambling to reorganize on sounder principles, so as to survive. But it's one thing to make cars and planes that fall apart; it's another to fail—as we must not do—at matters involving bioethics, and the belief systems of a nation. Hospice has been so well received here because it represents what is best in the collective mind and heart of America today. Here, it has involved not only a regrouping within the medical profession, and a new call for compassion and cooperation among related disciplines, but a tremendous outpouring of positive energy by the public at large. Eleven years ago there were a handful of working teams in the U.S.; now depending on the count, 1,700 to 2,000. We need to ask, what is the meaning of this?

There are many partial answers, each worth a chapter; and I can only touch upon some of them briefly. There is the reason of demography: an older population in the 1980's; more people dying with medical problems capable of being well-managed in the home. There is the financial reason: high-tech hospitals are less and less financially hospitable now; however excellence in hospice care does not always allow economy; and hospice philosophy does not permit dollar gain at human cost. There is the medical reason, a response to the inappropriate treatment so often given to patients dying in the acute-care, high-tech setting. But even this does not explain the passionate, grass-roots quality of the movement, and the eagerness of so many Americans to participate.

I myself am convinced that "health care delivery" is not really what the hospice phenomenon is about, even if this phrase is understood in the broadest sense possible, as pertaining to public health, and involving the moral as well as the physical well-being of the populace. I have to confess, I always have trouble keeping a straight face when I come across the phrase "health care delivery". What I always see in my mind's eye is a little man in a white uniform rushing up to a door carrying a package labelled "Health Care." He puts the package down, he rings the doorbell and he runs like hell—because God forbid there should be any human contact involved in this transaction.

With DRG's impacting our C-B ratios; in a world in which hospice is described by the federal bureaucracy as an "industry" (HCFA document No. 03248) and the NHO as a "national trade organization" founded, presumably, to assist in the efficient "hospicizing" of our "terminals" I suppose I ought to be glad to have a nice looking package delivered to me—instead of doing what I do, which is to poke it with my foot, and study it very carefully in case there might be a bomb inside.

What is this robot-talk? What is this nonlanguage about non-persons?

Hospice is an intimate transaction between human beings in community. The nature of the process is revealed in the teams we build, the way those teams are organized, and the way we must treat one another as well as our patients, day by day, if the program is going to work. Hospice people need to be together in ways that are mutually trustful, nurturing and supportive. The conventional hierarchies of the military-industrial establishment function so as to separate people from one another, and control them by making them relatively powerless, anonymous and interchangeable. This is exactly what hospice cannot do and survive.

And curiously enough, some of the most advanced and brilliantly successful technologies in the country today are beginning to discover that the old hierarchies were not working well for them either; and so that style of corporate management is also changing, out on the industrial frontier. Listen to the values being promoted now within firms like Lockheed, IBM, Hewlett-Packard, Apple Computer, Nucor Steel: individual initiative; integrity, trust, more care for persons, less for devices; a sense of community; decentralization—"small is beautiful." The command now going out is: reduce administration and bureaucracy by 80%; cut out the mind-numbing paperwork, the "demeaning irritants"—sounds like insurance forms, doesn't it?—that's a quote from "A Passion for Excellence"—and give immediate, practical support and encouragement instead to a series of lean, stripped-down teams that can get the job done, and do it right. An executive from GE, Gerhard Neumann, says of one of their recent development projects in jet engineering: "it reminded me of the Flying Tigers in China . . . [during WW2] . . . undermanned, overworked, and successful!" I'll bet that sounds familiar to some of you.

What must be called a humanist movement of sorts within U.S. industry seems to have begun about ten years ago when some executives in the automobile business suddenly noticed that everyone else was driving Toyotas; and they checked, and found out that Japanese cars worked better than American cars, and were also cheaper; and that was pretty humiliating.

They could have asked the early hospice groups in this country how to get a job done right: we could have told them. But of course they didn't; instead, they went over to Japan at great expense and discovered that chief executives there were not sitting in their offices with the doors closed, or going on round-the-world cruises; instead they were down in the plant every day, listening respectfully to their workers, taking their suggestions, encouraging them to be creative, and helping them to create a sense of community within the firm. And they were also out in the field, paying close and humble attention to the needs of their customers. So now, American managers are scrambling to do the same, and some of our industries are picking up. Meantime, hospice is in danger of bogging down under the same outdated administrative superstructures which, for very questionable reasons, we have borrowed from industry. I wonder—will we all have to pick up in another ten years and learn hospice theory all over again in Japan? I certainly hope not.

Here is an example of what inappropriate business practices can do to hospice. A large, well-endowed, non-profit organization in the U.S. got off to a fine start with the enthusiastic support of the community. As time went on, a typically hierarchical, topheavy corporate structure was applied to it, with the help of a large board of local businessmen who knew nothing of hospice practice or theory. They hired an autocratic, non-hospice-trained chief executive; group morale sank to rock bottom; and today they need a revolving door for medical staff because they are quitting almost as fast as they can be hired. The joke among the nurses there now is that any day, they will finally have one administrator per patient. Nurses are unionizing; they don't like the way they are treated; and there is some question as well, evidently, about the treatment patients are receiving. Local press representatives, needless to say, are fascinated—and hovering. Meantime the chief executive, who draws a salary of $100,000 a year, is already looking for the next job up the ladder in the federal bureaucracy. This is hospice? That's what it says in the brochure. But you can't put the business stamp on hospice, and then pour money on it, and make it work. Several of our wealthiest hospices have already gone under because they didn't understand this. Hospice depends upon teamwork, upon relationships of trust, upon professional commitment.

By contrast, let me tell you about another visit I made recently. I had asked to meet the leader of a hospice associated with a first rate university medical center. When I arrived I was met by the whole team, including two staff physicians. They were all leaders. In the room where we gathered I saw a chart, but it was not the usual administrative diagram with all those little, insulated coffins going up and down the page; instead it was a very sensible personal contract. All team-members had gone on a weekend retreat together, and there they had made rules to govern their working relationship. The rules were as follows: we will be honest with one another, we will treat one another with compassion, we will be non-judgmental; we will be active listeners; we will be flexible; we will let go of our expectations of the outcome; we will offer self-disclosure, demonstrating trust; we will ask for what we need, and thus risk vulnerability.

Now, it may be that wars, corporate takeovers and things of that sort could not be well-managed on such a basis, but the world would be a much better place without wars and corporate takeovers—and in the meantime, the rest of us have got work to do. I was not at all surprised to find that this was a sophisticated, accomplished and fast-moving team; that their main worries had to do with improvement of conditions for their patients; that they had plans to raise money for a small inpatient unit of their own, attached to the hospital, so as to avoid placing them even for temporary care in other, less satisfactory quarters.

It was a joy to be with these people; they knew what they were doing. There were no frills, not a sign of a status symbol, and I didn't see a bureaucrat for miles. Hard information was shared amid a great deal of laughter and nonsense of the most serious sort. The esprit de corps was so fine that it felt, at times rather like a conspiracy. "How do you go about teaching the other physicians here what they need to know about pain and symptom control?" I asked. The answer, with a huge grin, was, "insidiously."

We had fun. This is great morale, and it doesn't just happen. I am glad to say that I found it in many other places, too, across the country; but never where the spirit was lacking, because that is always reflected in the system. Dame Saunders has often pointed out that staff support calls for community—something "rather more closely knit than an ordinary professional group of people enthusiastic about their job." And Dr. Bal Mount says, "the holistic orientation of hospice care forces the physician to adopt a more egalitarian role, [and] the administrator is called upon to respond to the demands of the whole team, rather than

those of a hierarchy." This is good, basic, necessary hospice practise.

And I think one reason for the powerful response to hospice we have seen here is that the people of this country are sick and tired of dealing with insensitive, unresponsive hierarchies. They want to reclaim the power they have given away to uncaring systems and so-called experts in the past. You know the definition of an expert: it's someone from out of town. I guess that makes us all experts, here today. We'd better watch out.

It's not only the hospice nurse who is independent, opinionated and stubborn; I think we love that story so because many of us answer to the same description. In fact, wasn't that why and how this country was settled to begin with; and don't those words pretty well describe our own pioneer and immigrant forefathers? I seem to remember that the British found out, in 1776, and again in 1812 that we present serious management problems. A large part of the hospice impetus here, I think, has been the sheer cussedness of American character; we don't trust big business-style medicine. Show us what to do at home, and give us the help we need with it, and we'd much rather get together again, and take care of each other the way we did in frontier villages. A man dying of Lou Gehrig's disease out in the Northwest said to me, "I like this hospice—it's kind of a neighbor to neighbor thing." He had trouble speaking, but he was sitting upright, immaculately dressed, in his own home, and he was so proud.

Like the barn-raising or the quilting bee of pioneer days, hospice builds community while lending enormous strength to individuals. In a fine book on hospice architecture, Deborah Allen Carey writes: "Hospice is a reaction to the anonymity of mass culture. . . . concurrent with other movements to promote . . . common interests and community." I agree. We hate anonymity and today we battle it constantly: look at the credits at the end of every movie; they go on and on and on until everyone has been mentioned, down to the person in charge of walking the dog. This is bizarre, but it is also wonderful; I think it says something about new social health. The body of society as a whole is injured when we don't look at one another, don't care. The vast quilt being made in memory of AIDS patients is another cry of protest against loss of personhood; so, of course, is the Vietnam War Memorial. When we give infinitely patient, skilled and loving care to one dying patient, and then another, we are empowered by, and responding to, a passion that runs through today's society like an electric current; we are saying: each person matters—every single one.

Then, too, death is a constant presence in our lives today; the mystery and the reality of it are always beside us. We think daily of nuclear warfare. The suffering of our planet is brought into our homes by television: homelessness, hunger, pollution, plague, war. Personal growth does not come without pain, and I believe we are growing now, haltingly and with great difficulty, into a nation far more aware of our need for the basic values of humanity, community, intimacy. And this we must call spiritual growth. "The knowledge that he is to be hanged in the morning" Dr. Johnson said, "serves to concentrate a man's mind wonderfully." The hospice movement in America represents that sort of concentration—we are asking: what, after all, really matters. And the answer seems to be, very simply, love—and the willingness and the need to take care of each other.

And now, you see, we are learning to do just that, with hospice at the forefront. As conquerors of a wilderness, with enormous physical prowess, we have tended to neglect the spirit that leads us, men and women alike, to nurture one another, and cherish all that lives. But the power of the feminine, as a part of every human life, will not stay under; both consciously and unconsciously now it works bring us all to greater wholeness. Thus we find a hospice physician unashamed to take a nursing role, whole a hospice nurse freely expresses her own power and creativity.

"The hospice movement must grow up," I have heard, and read rather often recently. This is true. Groups and movements like this grow organically. They mature in time. It is a fine thing to be grownup—ins't it? Or do some of us feel just a touch of sadness because there is something—something in our own lives that was, perhaps, lost along the way.

A coordinator of volunteers in the Midwest said to me, "I am afraid that we must lose our spirit now—that wonderful spirit of innocence." A community relations director in the east coast, ten years in hospice work, said, "I know how to have a dream and make it happen—but maybe we have to stop dreaming now."

The question for hospice today, as it must be at some time for each individual is, "What does it mean, to be grown up?" So it may help us, while we are assembled here, to ask in hospice terms: Is it more grownup to be able to manage an organization efficiently and fill our Medicare forms correctly and lobby effectively for what we want in Washington—or is it more grownup to be able to look into the eyes of a person who is dying, and not be afraid, and stay with that person for as long as it takes, and never count the time?

So, what is grown up? But wait—this is not an either/or situation. We can have both. Let's not ask, which is better, men or women, left brain or right brain; given the challenges ahead of hospice today, we are going to need all the brains we have got.

No, of course we must never stop dreaming. I believe we haven't been dreaming enought lately. Every reality begins with a dream: read the first book of Genesis. There was nothing there at all, except a Spirit brooding over the dark waters—and, look what happened. Everything happened—and Eden, too.

And it was very beautiful in Eden for a while, and after a time Adam came along and started naming all the animals. And when he had named them, then he lined them all up and started counting them; and there were a lot. And that was exciting. And then, Adam was tempted. He thought to himself, "There's got to be money in this someplace" . . . "think I'll start a zoo."

And you won't find it in the Book, but here is what really happened. Adam went straight to Washington then, and he got the AnimalCare Waiver and the AnimalCare Benefit passed by the legislature; and then he got the franchise, because there wasn't a whole lot of competition in Washington in those days. Eve was just dreaming and playing all this time, back home in Eden getting to know the animals, loving and enjoying them. And it was wonderful in Eden then because the animals didn't die, they just grew older, and finer—and more beautiful—they just matured.

And then Adam came home and he said. "Come on, woman, it's time to get organized, we've got to start building fences and fortifying this place, because I've got the franchise now, and nobody else is going to get my animals."

You know the rest of the story. God was walking in the garden in the cool of the day, and he saw palisades and gun-towers going up, all over Eden and he said, "Adam, Adam—what have you done?"

And to think, all this time, we've been blaming our problems on Eve.

I guess this, too, may sound rather familiar to you. I wonder, what can be done about it? It's kind of tough, dealing with Original Sin. I mean, we always think that our own sins are original, but that doesn't usually turn out to be the case.

Obviously, people who work hard doing something useful for society deserve to make a living. The trouble comes in when people who don't understand or care about the work come along and use it as a tool for personal advancement. Competition is bound to follow, and one of the saddest things I have experienced in a long time is the sight of established hospices, both for-profit and non-profit, working to put new little hospices, as potential rivals, out of business. This is happening. Surely, one would have thought that there is enough pain and misery to go around. But there are some—particularly among the more heavily capitalized hospices—who are looking upon this work as a growth industry; this is called, nobody else is going to get my giraffes. And it means grafting the methods and the structures of corporate power-politics onto a system which has launched itself bravely, and boldly, and intelligently, by way of a very different social contract with the American people.

I don't believe it's going to work in the long run, for a number of reasons. For one, I don't think the American people are going to like it: this is their hospice movement, not ours. For another, there is an important human truth just now being probed by avant leaders of industry, and that is: As soon as management is removed from the product, or from the significant event, the organization starts dying. And the corollary to that, noted already by battered investors and consumers in this country, is that a dying organization makes shoddy products.

Hospice has no end product but itself, and the wellbeing of those it cares for; and I expect that people who do this work badly on a large scale are going to begin wondering soon why they didn't go into steel or computers, or maybe Japanese motorcycles, instead of into dying people. The word is out that some of our patients, in fact, are already being "hospicized". And by that of course I mean, dying under pseudo-hospice auspices with physical pain poorly or carelessly managed, social and emotional and spiritual pain barely addressed, subcontracted out by the hundreds to other facilities. Staff members of one ambitious organization commute between 35 to 40 nursing homes; clergy and medical staff at another are on the verge of moral and nervous exhaustion; a chaplain said to me in a voice that was numb: "the most important thing I have to remember in this job is never to develop personal relationships with the patients—I couldn't bear it." Three patients are dying there, per day. And I am sorry to be telling you these ugly things, but I think you need to hear them. A furious clergyman from a largely gay, urban parish said "this is one step away from government-sponsored euthanasia, and when AIDS really hits, it's going to be profitable warehousing

and genocide." This was not just one person. I heard similar thoughts in the South and in New England, as well as on the West Coast. Meantime, some hospice administrators are wondering why they have so much trouble—and I quote—"marketing our program to those people."

We might say, along with Pogo, "We have met the enemy, and they is us." But I believe, and with good reason, I think, that the vast majority of you, and of all hospice people today, utterly reject such attitudes and such abuses.

The point here I think is not whether a hospice is technically for-profit or not. I've heard a lot of anger out there on the for-profit issue; but let's be sure to draw the line in the right place. There are modest, proprietary organizations whose owners offer beautiful hospice care. On the other hand, many of our finest organizations battle more or less constantly for their integrity within other publicly owned institutions: home health agencies, for example. I have seen rather large hospices of this kind doing a first rate job, with the right kind of spirit and teamwork and leadership. If the intent of the hospice is to make money anywhere down the line, then that I think is where the line must be drawn; because the purpose of hospice is to care for people.

Our shield and buckler in the situation I think is a clear sense of our identity. Who are we? What are we really trying to do? A look at our administrative charts will help here. Early hospice charts were generally round, with all care-givers relating directly to patient/family at the center. If you must have an oblong chart, you might like to turn the one you have got upside down, unless you have already done that—because patient and family, of course, belong at the top. Hospice exists to serve them. Next comes the interdisciplinary team: the front-line care-givers; and if there is money, by the way, they get it. At the bottom belong what may be called the enablers: the people who allow your team to care for more than a very few patients; some of these, one hopes may be volunteers: bookkeepers, fundraisers, people in charge of community education, someone to recruit volunteers and see that they are trained. Now we need a small, working board of responsible people who are thoroughly acquainted with hospice theory and practice—please, not a large board of prominent but uninformed civic leaders who invariably vote for the wrong thing.

Leadership for your team emerges rather naturally in such a setting. If you can find room at the very bottom of this chart for two or three executives with MBA's, plus an assistant for each one of them, plus secretaries and receptionists, I suggest you get a pair of scissors and cut your piece of paper down smaller.

Now this is your classic, historically and philosophically basic, muscular, down-to-earth hospice; and in different communities it will tend to respond and develop in different ways. If you are caring for too many patients to make such a simple plan as this seem practical, perhaps you are caring for too many patients.

If you haven't enough patients to keep things going, I think you need to ask, "keep what going?" In many cases I suspect you've got too much overhead; time to "downsize" as they say in industry. One of the problems a lot of you are having is that no one reimburses you for the time you have to spend on those obnoxious insurance forms. I'm beginning to think a CPA should be included on the interdisciplinary team from now on, prepared to do heroic resuscitation.

But please listen carefully to your language, in the meantime. If your team had a "patient care coordinator" last year and this year you have suddenly got a "patient services manager", watch out. You are turning into a gas station.

Small is beautiful, in hospice as in a number of other responsible occupations. In teams of more than a dozen or so, something seems to happen organically, so it's that much harder to maintain community, integrity, efficiency. Hospices caring for a great many patients may do better with several teams, loosely linked. And if that still doesn't do it, how about helping another, small hospice to start up nearby. Sharing is beautiful too. We tell that to the kids all the time, but maybe it's more convincing if we show them.

As to Medicare, I understand that there is a certain amount of creative bookkeeping going on, making the facts fit the case as it were, tempering the wind to the shorn lamb. That's understandable, but a pity, because it wastes your energy and you shouldn't have to do it.

Perhaps we ought to go back to Washington and try to explain a little better what hospice really is. There are good people there, and some who care a great deal about the spirit and essence of the work. NHO I'm told will be working on this, and in the meantime, wonderful things can be accomplished even from way out in the boondocks via intelligent networking; I know of one such group today, amounting almost to an entire task force of innovative thinkers working on the problem of hospice and AIDS: it includes attorneys, writers, members of clergy, legislators, leaders from gay and black communities, and several well-seasoned hospice people.

I am sure we would all agree that hospice as it is generally practiced today is a far finer program than the one described in Medicare—far richer, and far more seriously responsible, to patient and family. The comment I have heard again and again across the country is, "They've left out exactly the things that make hospice what it is." Yes, and that's why I think we need to have another look at the situation.

How about, for example, the bereavement counsellor in a small town in Montana, leading evening support groups, making a splendid teaching film, worrying about how to survive financially. The question: should I drop this work and try the Peace Corps instead? I really want to help people.

And, then there is the R.N. in a poverty pocket in Colorado who has to fire up a wood stove to heat water before she can bathe her patient; she does it, of course, because she is a hospice nurse. I don't see anything like that on the Medicare forms.

And then, the physician in Alabama who makes a dozen unpaid house calls because he is really giving spiritual support to patient and family; and the physician in New York who finds that the best thing he can do at the moment is to roll up his sleeves and heat a bowl of soup for the patient—and share it with him. Spiritual hunger is not something we can respond to by serving up canned clergymen p.r.n. Real life doesn't work that way. Spiritual sustenance has got to be part of the flow.

And then there was the wealthy, retired executive I met in Wisconsin with his toolbox under his arm; he told me of his joy in fixing things around the office, and doing front-line work with difficult patients. He was very proud that he had done a week's wash recently for the wife of a dying man so that she could get out on the tractor and plow the farm. It was a privilege for him, he said, to volunteer—but how about the many, many people who cannot afford that leisure? Good question.

Federal reimbursement specifications as they are now written are better than nothing for most hospices, I'm sure; on the other hand, they do rather consistently suggest and reward lower levels of care; and this is not good. I am afraid that they also actually encourage warehousing, because here, assembly line tactics will pay. Also, and here I am quoting a fine article on hospice ethics by Joanne Lynn, there is encouragement to provide home care primarily to those "whose care needs can be predicted to remain low . . . [that is,] families with . . . physical, emotional and financial resources." This is another invitation to the profiteer, as well as a built-in dollar incentive to neglect caring for those in greatest need in our population. Unfortunately, hospice in America is at present a white, straight, middle class phenomenon; and federal legislation, instead of putting the stamp of approval on that, needs to help us move in exactly the opposite direction. Finding the right relationship between hospice and government is bound to be a very delicate matter; a useful way of thinking about that may be to remember how long and hard we must work sometimes to find the "window of comfort" for a person in pain. Too much of a controlling agency there means a comatose patient; too little means that the agony starts again. I think we simply must pay close attention to the problem, and keep working for desirable readjustments.

We will learn a great deal more tomorrow from Randy Shilts about the AIDS situation; but before closing I would like to share some thoughts with you about hospice and AIDS. Front line people have told me, from one end of the country to the other, that you intend to care for people who have AIDS, to the best of your ability. It has been a moving experience for me to hear this from you, in so many different voices. There is fear, of course, but it seems focussed at present not upon the disease, but on the possibility that appropriate care for even one AIDS patient might put a modest hospice into bankruptcy; and the possibility that a larger epidemic may wipe us all out with sheer physical and emotional fatigue.

There are many ways of approaching the problem. My way begins as always with hospice philosophy, and with our first principles. I think we have to be humble enough in this situation to ask the patient yet again what is really needed—what the patient wants. Some of you are already doing this, I know, and I love you for it. On a similar basis I have been working recently, with the help of some wise advisors and people within AIDS support networks, on an idea I'd like to share with you today; and this idea, still in a formative stage, has gone out to some interested senators; and the text of my talk today, for this reason, will be going into the CONGRESSIONAL RECORD.

A PROPOSAL: HOW HOSPICE CAN HELP WITH AIDS

1. It is understood that affluent gay communities have already adopted proto-hospice styles (as in the "San Francisco Model") in caring for one another; and that next to be hard hit will be the poor, especially inner city minorities.

2. Whereas, hospice: Is a process, not a place; is largely a home care program in the

U.S. today; creates community in the process of caring for patients and families; teaches social as well as medical skills; and is soundly based in U.S. religious and humanist ethics.

3. Therefore, although inpatient facilities are also needed, the main thrust now should be:

4. To identify leaders and networks of loyalty in inner city populations, beginning with church and synagogue,

To offer, with their support, demonstration projects in hospice home-care, run by small, experienced, qualified hospice teams (as in the Flying Tigers operation, WW2)

To have hospice teams serve as personal and teamwork models while doing one-on-one teaching of technique

To offer job rehabilitation and other credits to persons now on welfare for learning and helping with this work

Thus—aim to create autonomous hospice and proto-hospice units within this population.

5. The results to be hoped for are:

Patients being cared for within neighborhoods help create stronger community there,

Care givers learn marketable skills as well as new autonomy and sense of self-worth,

Personal and community growth emerge from tragedy.

6. Federal Funds Needed: Salaries for demonstration teams; job rehab and welfare benefits for participants; and modest expense for space and equipment not donated.

Three million dollars in federal funds have been provided recently for an inpatient unit in the Los Angeles area that will serve 25 AIDS patients. This is great, and very necessary; but think what another sum like that could do to launch a pilot program that could be socially as well as medically enabling within some of our most tragic and fractured, inner city populations. Three million dollars isn't much, as government expenditures go, but it could put a great number of Flying Tigers over the culture-barriers and into the crisis areas where they may be needed most.

I mean, of course, the Tigers who managed to escape from that high-priced zoo we were talking about.

This is only the beginning of an idea, and since a part of my job for you is to dream, and to hear and record and communicate your dreams, I invite you all to join in further brainstorming toward the best and the finest responses that hospice can make to AIDS.

So here we are, facing the unknown together—the part of life and this world where it always used to say on the ancient maps: Beyond This Place Be Dragons. I have faith in you, and I believe that many wonderful adventures lie ahead. Some small miracles have already happened in connection with the AIDS tragedy—there has already been some healing, in the minds and hearts of individuals and in communities. There are times, as you know, when it is our patients who heal us.

And so I want to give my last words today to a volunteer who can hold up a lamp for us all. Here are the words of a white, straight, upper middle class woman, herself a fine musician, and the wife of a gifted young attorney:

"I am working with gay and black AIDS patients now, and yes, it was frightening at first. But I was brought up in a home where there was not very much touching, or affection expressed. And I feel such permission now, to touch and to hold—because they need it so. And it is possible always, no matter how ill they are, to make deep connection, person to person, that is the greatest thing. And a kind of holiness comes over the simplest of acts, so that helping a person to eat, or even just doing up a button, seems so totally important. Time doesn't matter because nothing I do for these patients feels like a waste. And an energy begins and it comes through, a sort of current—I don't dare say where it comes from, though I think I know—but sometimes I feel at these moments that I am being given permission to fall in love with the whole world."

Shalom. Go with God.

Thank you.

COMMENDING BAILEY GUARD FOR HIS OUTSTANDING SERVICE TO THE SENATE

Mr. SIMPSON. Mr. President, Bailey Guard became an employee of the Senate on November 27, 1956, during the Eisenhower administration. He became minority staff director of the Environment and Public Works Committee on January 1, 1966—long before I began my service on this fine committee in 1979. He has served this committee faithfully, persistently, and sincerely over the years, working with all Members in a very civil and steady manner. He has always been very kind and helpful to me. A very fine man in every way. During the early years, Bailey helped to craft the important public works legislation that resulted in the revitalization of this country's infrastructure, our bridges, and highways—the glue that keeps this country connected. Then Bailey became involved in the early efforts to produce environmental protection legislation, including the original Clean Air Act. Over the years, Bailey helped to shepherd many important bills through the rock shoals of committee and floor consideration.

I have enjoyed him so and learned much from Bailey's counsel. I most closely worked with him on issues relating to our public buildings. He was always a diligent watch guard of the General Services Administration. He faithfully tried to insure that the taxpayer's money was not to be wasted on inappropriate construction activities.

Bailey Guard will be sorely missed on this committee. I wish him well. He is a fine friend and a great gentleman. I thank him for his unfailing help to me.

TRIBUTE TO UNIVERSITY OF SOUTH CAROLINA HEAD FOOTBALL COACH JOE MORRISON

Mr. THURMOND. Mr. President, on February 5, the University of South Carolina and our entire State lost a great man, teacher, and coach with the death of Joe Morrison. Coach Morrison, who was a former running back and wide receiver for the New York Giants, had successful coaching careers at the University of Tennessee-Chattanooga, the University of New Mexico, and the University of South Carolina, where he led the Gamecocks to three bowl games and the highest national football ranking in the school's history.

Coach Morrison was born and raised in Ohio and attended the University of Cincinnati, where he excelled on the football field. He set many school records in passing, rushing, and scoring, and was twice named to the All-Missouri Valley Conference Team. His successful college football career made him a prime candidate for professional football, and after playing in the the 1959 College All-Star Game, the Senior Bowl, and the North-South All Star Game, he was drafted in the third round by the New York Giants.

His 14-year career with the Giants was one marked by fame and glory. Known as Old Dependable for his many clutch plays, Coach Morrison remains the all-time Giants leader in receptions and is fourth in team history in career touchdowns. He was named Most Valuable Player by the NFL Touchdown Club in 1972, and his name was enshrined in Giants' history when the team retired his number at the end of his career.

He was often described by his teammates as the "ultimate team player," and Giants owner Wellington Mara remarked that "he would do anything that was asked of him."

This spirit of sportsmanship, team spirit and cooperation carried over into Coach Morrison's coaching career. He received the admiration and respect of his team members and his fellow coaches, and all who knew him well are deeply saddened by his loss. His players knew he had three simple rules to live by: Be open, honest, and fair. "It's just about that doggone simple," Coach Morrison was fond of saying.

As head football coach at the University of South Carolina, Coach Morrison inspired his team to reach new heights in athletic achievement. Treating his players not as boys but as young men, Coach Morrison taught them that if they combined hard work, a winning spirit and team cooperation they could achieve great things both on and off the football field. Because of his success as a teacher and coach, in 1984 he was presented with the prestigious Walter Camp National Coach of the Year Award.

A man of many outstanding qualities, Coach Morrison was especially interested in helping others reach their full potential. He will be sorely missed and long remembered by the people of our State, especially those who had the privilege of knowing him while he was head coach at the University of South Carolina.

I extend my deepest sympathy to Coach Morrison's wife, Mrs. JeVena Morrison, his two sons, Rick and Jeff, his daughter, Shelly, and his mother, Jeannette Mort.

Mr. President, I ask unanimous consent that the following articles concerning Coach Morrison be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the South Carolina State, Feb. 6, 1989]

HEART ATTACK KILLS USC'S MORRISON—51-YEAR-OLD COACH FELL ILL AT STADIUM

(By Teddy Heffner)

University of South Carolina football coach Joe Morrison died Sunday night after suffering a heart attack.

Morrison, 51, collapsed in a shower after playing racquetball at Williams-Brice Stadium. He was rushed to Providence Hospital.

He was alive but unconscious when he arrived at the hospital at 8:44 p.m. He was pronounced dead at 9:03, Providence spokeswoman Dawn Catalano said.

Morrison was playing racquetball with attorney Ed "Punky" Holler, assistant football coach Joe Lee Dunn and businessman Ken Wheat. Wheat and Holler are former USC players.

After they finished, Morrison had trouble breathing but was talking to Holler, Wheat and Dunn. Trainer Terry Lewis and Dr. Robert Peele were called to the stadium, and Morrison agreed to go to the hospital.

While the call was being made for an ambulance, Morrison tried to take a shower but collapsed. He was taken unconscious from the shower and transported to the emergency room at Providence. Cardiopulmonary resuscitation was started on Morrison by the EMS crew, Ms. Catalano said.

The crew put Morrison on a mechanical CPR machine called a "thumper."

Morrison also was given cardiac medication intravenously, and a tube was inserted in his lungs to help him breathe, Ms. Catalano said.

When he arrived at Providence, external and internal pacemakers were administered by a cardiology team.

"We play racquetball two times a week," a badly shaken Wheat said. "He never recovered. He kept sweating and turning white. He just never recovered."

Morrison's wife JeVena, "JV," was with him in the emergency room, as were several USC officials, including athletic director King Dixon.

"A great man has left . . . we've had to turn loose of him," Dixon said. "All of us are pretty much in a state of shock."

USC President Dr. James B. Holderman called Morrison "a remarkable man."

"He did as much if not more than anyone else in the history of Carolina football to put it on the map," Holderman said. "He brought it into national rankings.

"You always knew where you were with Joe. He was straightforward. His word was gold, you could count on him."

Matt McKernan, who played under Morrison for five seasons, said he was in a state of shock.

"All of a sudden, he's gone." McKernan said. "It will be difficult for the guys still there to adjust."

National signing day for incoming recruits is Wednesday. Dixon said the athletic department will continue the work Morrison started.

"Our football program, and the life at the university, does go on." Dixon said. "Our heart will be with JV and Joe's mom and JV's family and Joe's family, but Wednesday is a big day for us and we know Coach Morrison and JV would want us to continue to build.

"It is our job to honor the commitments that Coach Morrison has made . . . solidify the staff and our athletic program as never before. And we will."

Dixon said Morrison "will be sorely missed."

"Very few people know Joe Morrison," Dixon said. "Joe was one of the most dedicated workers and one of the most competitive athletes. . . . I always held him in high esteem."

Morrison had a history of heart problems and previously had been hospitalized for that condition.

He underwent a surgical procedure to open blockage in a coronary artery in March 1985.

On that occasion, he was admitted to Providence after complaining of chest discomfort. Doctors discovered the blockage and performed a procedure called balloon angioplasty.

The procedure involved the insertion of a balloon catheter into the affected vessel. The balloon is then inflated and deflated, an action that flattens accumulated plaque against the artery wall and restores the flow of blood through the artery.

Morrison was head coach at USC for six seasons and produced three of the school's best teams. His 1984 club had a 10-2 record—the Gamecocks' best.

His '84 team won its first nine games before losing to Navy. USC came back to beat Clemson 22-21 the next week and earned a berth in the Gator Bowl.

The Gamecocks went 8-4 in 1987 and '88. The eight victories equal the second-best season in school history.

In his six seasons, USC compiled a 39-8-2 record, but his years were not without their problems.

Morrison was the defendant in a highly publicized paternity suit before the start of the 1987 season.

The athletic department was rocked in March 1988 by the firing of Bob Marcum as athletic director when a school committee determined the department's drug program was mismanaged.

This past season, a Sports Illustrated story by former player Tommy Chaikin alleged steroid abuse at the school.

"It seems like everything was building up," former All-American wide receiver Sterling Sharpe said. "I just talked to him yesterday (Saturday). He was in good spirits . . . his usual self. But looking at what all was going on, seeing what he was going through . . ."

Morrison was born Aug. 21, 1937, and grew up in Lima, Ohio, where he lettered four years in football and three years in basketball and baseball at South Lima High School.

After graduating in 1955, he attended the University of Cincinnati on a football scholarship. Morrison set school records in scoring, passing and rushing while twice earning All-Missouri Valley Conference honors. He played in several post-season all-star games and after his senior season was a third-round draft pick by the New York Giants.

Morrison's nickname was "Old Dependable" during his 14-year career with the Giants. He was tapped Most Valuable Player by the NFL Touchdown Club and was a recipient of the Sportsman Award in 1972.

Morrison was team captain seven times, held numerous records and missed just eight games in 14 years. After his retirement in 1972, the Giants retired his No. 40 jersey.

Morrison's college coaching career was full with revamping poor football programs.

He started his coaching career at the University of Tennessee-Chattanooga in 1973. He turned the Moccasins into a small college powerhouse that dominated the Southern Conference.

In 1980, he went to the University of New Mexico, where, during his third year, he transformed the losing program into a 10-1 winning team. He came to USC on Dec. 5, 1982.

Morrison is survived by his wife, the former JeVena Armstrong, his mother, Jeannette Mort of Lima, Ohio; a sister, Ann Moeller, of Ann Arbor, Mich.; two sons, Rick, 31, of Lima and Jeff, 28, of Marysville, Md.; and a daughter, Shelly, 27, of Alton, Md.

Funeral arrangements will be announced by Dunbar Funeral Home.

[From the Granville (SC) News, Feb. 6, 1989]

USC'S MORRISON DIES—COACH HAS HEART ATTACK AFTER PLAYING RACQUETBALL

COLUMBIA.—Joe Morrison, head football coach at the University of South Carolina, and for 14 seasons the New York Giants' "Old Dependable," died Sunday night of a heart attack. He was 51.

Morrison had been playing racquetball at the university and was found collapsed in the shower, Providence Hospital spokeswoman Dawn Catalano said.

"He was not feeling well, apparently went to the shower and was found in the shower collapsed when they started CPR (cardiopulmonary resuscitation) on him," she said.

She said Morrison was alive, but unconscious when he was brought to the hospital at 8:44 p.m. EST. He was pronounced dead at 9:03 p.m.

Ricky Diggs, South Carolina's running back coach, saw Morrison just hours before his death.

"He seemed fine. He was upbeat, spirited and so forth," Diggs said. "Racquetball is one of his biggest pastimes when he has the chance to get some exercise. It just came as a big shock to everyone. It never even crossed my mind that anything like this could happen."

Catalano said Morrison had a history of heart problems and previously had been hospitalized for that condition.

He has undergone an angio-plasty procedure, which clears blockage in arteries.

News of Morrison's death moved swiftly throughout the state.

"I don't think anything could have been more devastating than to find out it was the death of Coach Morrison," said associate athletic director Harold White.

"I feel like I've been kicked in the stomach," said assistant athletic director Art Baker.

"All of our athletic family at Clemson, coaches as well as fans, send their condolences to his family and to the family members of the University of South Carolina," said Clemson head football coach Danny Ford. "They have lost an outstanding person, and an outstanding football coach,

one that we have enjoyed competing against on the field and associating with off the field."

Morrison previously coached at Tennessee-Chattanooga and New Mexico. His career record was 101-72-7 over 16 seasons.

He was 39-28-2 in six seasons at South Carolina, including 8-4 in 1988, when he took the Gamecocks to the Liberty Bowl, where they lost to Indiana 34-10.

Morrison was the 1984 Walter Camp national coach of the year after South Carolina went 10-2, losing to Oklahoma State 21-14 in the Gator Bowl.

He was born on Aug. 21, 1937, and grew up in Lima, Ohio. At Cincinnati, he set school records in scoring, passing and rushing and twice was named to the All Missouri Valley Conference team.

At Cincinnati, he led the Bearcats in rushing (467 yards) and receiving (27 receptions for 303 yards) in 1958. He played in the 1959 College All-Star Game, Senior Bowl and North-South All-Star Game.

He graduated from Cincinnati in 1959, was drafted in the third round by the Giants and went on to play 14 years for New York, earning the nickname "Old Dependable" for his clutch play.

He was named Most Valuable Player by the NFL Touchdown Club in 1972, his final season. The Giants that year retired his No. 40.

Morrison is the Giants' all-time leader in receptions with 395 covering 4,993 yards and 47 touchdowns. He gained 2,472 yards rushing in his career on 677 carries, scoring 18 rushing touchdowns.

His 65 career touchdowns rank him fourth in the history of the Giants with 390 points.

"He was such a versatile player," Giants owner Wellington Mara said. "He was the ultimate team player. He would do anything you asked him. Run the ball, catch, play on the special teams, anything."

Morrison began his coaching career at Tennessee-Chattanooga after former Giants teammate Sam Huff recommended him for the job. The Moccasins went 4-7 in each of his first two seasons, then went 5-5-1 in 1975.

Over his final four seasons there, Morrison coached the team to records of 6-4-1, 9-1-1, 7-3-1 and 9-2, respectively, winning the Southern Conference championship three times.

He moved to New Mexico in 1970 and the Lobos went 4-7 in his first two seasons at Albuquerque. New Mexico went 10-1 in 1982, its only loss 40-12 to Brigham Young.

South Carolina hired him on Dec. 5, 1982. The Gamecocks went 5-6 in his first season, then went 10-2 in 1984, rising as high as second in The Associated Press rankings before a 38-21 loss to Navy on Nov. 17. The Gamecocks finished 1988 ranked 11th.

South Carolina was 5-6 in 1985, 3-6-2 in 1986 and 8-4 in 1987, finishing with a 20-16 loss to eventual national champion Miami of Florida and a 30-13 loss to Louisiana State in the Gator Bowl.

In 1988, the Gamecocks won their first six games before losing to Georgia Tech 34-0. South Carolina rebounded to beat North Carolina State 23-7 before a 59-0 loss to Florida State. The regular season ended with a 29-10 loss at Clemson and the loss in the Liberty Bowl on Dec. 28. The Gamecocks were ranked as high as eighth in each of the past two seasons.

Morrison is survived by his wife, the former JeVena Armstrong, a sister, Ann Moeller, and a daughter.

[From the South Carolina State, Feb. 7, 1989]

SPORTS WORLD MOURNS "THE MAN IN BLACK"

The death of University of South Carolina Coach Joe Morrison shocked not only a passionate following of Gamecock supporters but a legion of American football fans who remember his pluck and skills as a professional player.

In addition to his record as a winner, Joe Morrison endeared many with his laid-back, low-key style, a stark contrast to the sometimes flamboyant and evangelistic approach of his predecessors.

After starring as a University of Cincinnati quarterback-running back, the coach toiled 14 years for the New York Giants in the National Football League. The versatile star, known as "Old Dependable" and "Mr. Everything," was team captain seven years, most valuable player three times and performed at eight different positions. His jersey number, 40, was retired. They called him everything from a complete player to one with intensive desire and one of the smartest. "He would do anything you asked him," said Giants owner Wellington Mara. "run the ball, catch, play on the special teams, anything."

It surprised none of his colleagues that this natural coach, would become a Mr. Fixit of bankrupt college programs. He won big at Tennessee-Chattanooga and at New Mexico before taking over Gamecock football fortunes in 1983, bringing national attention to the program not only with his successes on the field but through his legion of friends in the athletic establishment.

At USC, this impassive figure will be remembered in different ways, depending on perspective.

He will be remembered most for establishing a winning program, leading his squads to a 39-28-2 record over six years. Fans will fondly recall 1984 when, in his second year, he took a crowd-pleasing eleven from nowhere to the Gator Bowl and was named national coach of the year.

But he will also be remembered as the man in black who made that color a USC mania. He was the stoic who, at least outwardly, never exulted over a victory or wept about a loss.

He was the man who called his players "young men," not kids, even when some disappointed him by getting in highly publicized scrapes.

Coach Morrison was the man who delegated heavily to his staff and expected performance in return.

A lover of golf, horse racing and car racing, he was criticized by the sanctimonious for his laid-back style and his publicized personal problems, but he always appeared unruffled and the bumper stickers continued to extol him.

He will also be remembered as the man who strolled expressionlessly on the sidelines, a cigarette dangling from his lips. Doctors urged Coach Morrison, who had a history of heart problems, to chuck the habit after he was hospitalized with a heart condition. But he continued to smoke, although he appeared immune to the stress and pressure generated from those unhappy with USC's three losing bowl performances during his tenure and his players' off-the-field antics.

Coach Morrison died Sunday following a game of racquetball, the victim of a heart attack. Although his last season ended on sour notes, he died a winner. He leaves thousands of grieving friends, a program that has reached a zenith and an outstanding football legacy, ranging from high school to professional, from player to coach. He will be remembered as a rebuilder of football fortunes.

THE STATE OF MATHEMATICS AND SCIENCE EDUCATION

Mr. HATFIELD. Mr. President, I rise today to comment on an issue of great importance to this nation—the current state of mathematics and science education in our schools.

The research and development activities conducted in this country are diverse, yet all require a steady supply of scientists and engineers. Since 1976, the demand for scientists and engineers in every sector of the U.S. economy has increased 85 percent, and the Bureau of Labor reports that an average of 138,500 jobs requiring engineering degrees will open in every year between 1982 and 1995.

The problem we face is that our supply of scientists and engineers is declining at precisely the time that demand is rising, thus creating a crisis of great proportions which will stifle our Nation's economic and technological development. Our children are simply not competitive with children of other countries in mathematics and science skills.

Let me share with my colleagues some disturbing statistics. Currently, 67 percent of all elementary school science teachers fail to meet the National Science Teacher's Association's minimum certification requirements. In our Nation's 24,000 high schools, 7,000 offer no physics course, 4,000 offer no chemistry and 2,000 offer no biology. Furthermore, one in three high schools in this Nation do not offer enough mathematics to enable even the best student to enter engineering school. Of the number of university faculty positions available in engineering, 7.5 percent, or 1,500, are currently vacant—most for over a year. The result is that we are producing a new generation of scientifically and technically illiterate citizens during the time when the United States is in the midst of the most important technological revolution since the 18th century.

A recent Washington Post article entitled "Survey of Math, Science Skills Puts U.S. Students at Bottom" further underscores the point. This report concludes that in an international comparison of mathematics skills, foreign students perform at a rate four times higher than American students. In mathematics, 40 percent of foreign students showed an understanding of measurement and geometry concepts, compared to 9 percent of Americans, and 78 percent of foreign students could solve two-step problems such as averaging, compared to 40 percent of American students. Clearly, this

Nation faces a serious challenge in education.

My support for enhanced mathematics and science education activities in our Nation's school systems is widely known. It is easy for anyone to propose badly needed programs: in-service preparation for teachers, technological improvements, stimulating our brightest students to choose careers in science education and others. What is more difficult, however, is for the Federal, State, and local governments to fund these activities. In Oregon, for example, many school districts can graphically illustrate their increasing needs in science education yet are unable to fulfill these demands because of funding deficiencies.

Strong leadership is needed at this crucial juncture; if our children's math and science skills do not improve, our increased technical dependence will be devastating. The Federal Government must define its role and must look to business and industry for cooperation in responding to this emerging crisis. In my view, this issue is one of the greatest challenges currently facing our Nation.

Mr. President, I ask unanimous consent that the aforementioned Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SURVEY OF MATH, SCIENCE SKILLS PUTS U.S. STUDENTS AT BOTTOM

(By Barbara Vobejda)

An international comparison of mathematics and science skills released yesterday shows American 13-year-olds scoring at the bottom, with South Korean students performing at high levels in math at four times the rate of U.S. students.

In both math and science, U.S. students also scored worse or no better than students in the three European countries and four Canadian provinces who also participated in the survey.

In math, 40 percent of South Korean students showed an understanding of measurement and geometry concepts, for example, compared to 9 percent of Americans, and 78 percent of South Korean students could solve two-step problems such as finding an average, compared to 40 percent of Americans.

In science, more than 73 percent of the students in South Korea could use scientific procedures and analyze science data—design experiments and draw conclusions, for example—compared to 42 percent of American students.

"Few comparisons are more odious than the ones embodied in this little book," said Bassam Z. Shakhashiri, assistant director for science and engineering education at the National Science Foundation. "The lack of preparation for further education and future employment that these American teen-agers demonstrated is nothing short of frightening."

The report, funded by the National Science Foundation and the Department of Education, compared math and science performance in the United States, South Korea, the United Kingdom, Ireland, Spain, and the Canadian provinces of British Columbia, New Brunswick, Ontario and Quebec. In New Brunswick, Ontario and Quebec, French- and English-speaking populations were assessed separately.

All students were given the same 63 math questions and 60 science questions, translated for non-English-speaking populations. About 1,000 American students participated in the survey, which was based on representative samples in each country.

The study was the latest evidence of low science and math achievement among American youngsters, particularly in contrast to their counterparts in many Asian countries. A 1986 study of fifth graders showed that even the highest-scoring Americans performed below Japanese of all levels. And a national study released last June found that nearly half of American 17-year-olds cannot perform math problems normally taught in junior high school.

Officials at the Educational Testing Service (ETS), which administered the study, tied the results to the nation's future economic position. "It's a pretty accurate prophecy of what the 23-year-olds of 1999 will be able to do," said Archie Lapointe, executive director of the Center for the Assessment of Educational Progress at ETS.

In math, the countries fell into three groups, with South Korean students achieving the highest average score, 568 on a scale of 1,000. The second tier included British Columbia, English- and French-speaking populations of Quebec and English-speaking students in New Brunswick. The third tier included English-speaking students in Ontario, the French-speaking population in New Brunswick, Spain, the United Kingdom and Ireland.

The lowest-ranking teir included French-speaking Ontario and the United States, where the average score was 473.9.

In science, participants fell into three groups, with British Columbia and Korea at the top, and the United States, Ireland and the French-speaking populations in Ontario and New Brunswick at the bottom. The other countries and provinces ranked in a middle tier.

Ironically, when asked if they are good at math, 68 percent of American students agreed, compared to 23 percent of South Korean students.

While the study did not analyze why students in some countries performed better than others, Albert Shanker, president of the American Federation of Teachers, argued at a news conference yesterday that very little science is taught in American elementary schools, and most elementary teachers have very little science background.

The study showed that the more time a student spent watching television, the poorer the performance in math and science. It did not assess whether frequent television watching caused poor performance.

COMMENTS ON THE NCADD YOUTH REPORT

Mr. DOLE. Mr. President, in 1982 President Reagan convened a bipartisan Commission to investigate the problem of drunk driving. He charged this Commission with the task of formulating a national plan of action to combat a problem he termed "a national disgrace." I was one of two Senators privileged to serve on the President's Commission, and much to my satisfaction, the recommendations that we, as a Commission, made have gained widespread approval.

In 1984 I supported the passage of a bill that encouraged States to raise their legal purchase and possession age to 21, and in the past 5 years, I have watched with satisfaction as all 50 States enacted legislation to comply with that bill. Today, a uniform purchase and possession age of 21 now exists nationally, and it has been credited with making a significant contribution to the declining number of youth who die annually in alcohol-related motor vehicle crashes.

A uniform national purchase and possession age of 21 is an important advance in the fight to end drunk and impaired driving by young people. But it is only one measure, and by itself cannot solve the problem. Youthful impaired driving is a complex problem that demands a multidimensional response. Preventive education, effective law enforcement, and alcohol treatment are all vital components of a national strategy to eliminate drunk and impaired driving.

A comprehensive approach was the hallmark of the Presidential Commission's report in 1983, and it is the distinguishing feature of the latest report issued by its successor organization, the National Commission Against Drunk Driving. In its report, entitled "Youthful Driving Without Impairment," the National Commission advocates the adoption of a nine-part model designed to integrate the efforts of parents, teachers, employers, citizen activists, law enforcement agents, judges, and the professional treatment community. As the National Commission's report states, "our best hope of countering the pervasiveness of youth impaired driving lies in formulating an integrated systemwide approach that will present people with a consistent message that under age drinking and impaired driving are intolerable."

Despite encouraging evidence that alcohol-related youth fatalities are declining, young people under the age 21 continue to remain overrepresented in drunk and impaired driving crashes. Although youth under age 21 comprise only 8 percent of the driving population, they accounted for 17 percent of the drivers involved in alcohol-related fatal crashes in 1987. Clearly, greater attention and additional efforts will be required to stop youth for drinking and driving.

The National Commission's report represents a step toward that goal. As a member of the Commission's Board of Trustees, I believe that the report deserves our thoughtful attention and full support. For that reason, I ask unanimous consent that a copy of the report's executive summary be printed here. I urge everyone to read this summary. Copies of the entire report can

be obtained from the National Commission Against Drunk Driving, 1140 Connecticut Avenue, suite 804, Washington, DC 20036. Please join me in supporting the efforts of the National Commission to rid our country of this national disgrace.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

The National Commission Against Drunk Driving, working with a grant from the National Highway Tariff Administration, conducted five public hearings in 1987-88 on the problem of youth impaired driving. From the wealth of testimony gathered in Chicago, Boston, Seattle, Atlanta and Fort Worth, many recommendations were adopted for this report.

A review of the proceedings reveals one paramount conclusion: the time has not arrived yet when we can rest content with what has been done to address the problem of youth impaired driving. Despite the spread of activist groups, the proliferation of programs, and the passage of much-needed legislation, young people continue to drink and drive with alarming frequency. Over the course of the past five years, it has become illegal for youth under age 21 to purchase and possess alcohol in every state. Nevertheless, young people continue to be involved in alcohol-related crashes at disproportionately high rates. A young person under the legal drinking age remains nearly twice as likely to die in an alcohol-related crash as an adult over 21.

Youth impaired driving cannot be solved without addressing the problem of underage drinking. Testifiers at the hearings summarized the situation:

Drinking is endemic among American youth.

Alcoholic beverages remain easily accessible to youth under 21.

Peer pressure encourages young people to drink and leads many adolescents to consider alcohol a necessary accompaniment to social events.

Advertising normalizes alcohol consumption and makes it more difficult to raise concerns about alcohol abuse.

Drinking decreases inhibitions in young people who all too frequently possess a propensity for taking risks and naively believe that they will not be harmed.

The combination of these factors leads to a tragically predictable result: alcohol-related motor vehicle crashes constitute the leading cause of death for youth of driving age.

The NCADD-sponsored hearings confirmed that youth impaired driving is a societal problem which will not be resolved in the short term or by a single approach. Changing the attitude of youth toward impaired driving and, more fundamentally, toward underage drinking requires a sustained coordinated effort. Youth must be presented with the single message from all elements of the community that under-age drinking and impaired driving are socially intolerable.

Testimony repeatedly emphasized the pivotal role parents play in preventing youth inpaired driving. According to a University of Washington survey, parents are the most important influence on a youth's decision not to use alcohol or other drugs. Similarly, when a Michigan State University survey asked high school students what factors would reduce the amount of alcohol they consumed, 70 to 90 percent responded that parental actions such as supervising parties, keeping a closer control over home alcohol supplies, and making a greater effort to discuss their weekend activities would reduce their drinking habits.

Unfortunately, all too many parents have abdicated their responsibilities. Testifiers described encounters with parents who criticized police officers for arresting juvenile DWI offenders, parents who fought protracted legal battles to prevent the revocation of their child's driving license, and parents who, in the face of overwhelming evidence, steadfastly denied the existence of their child's drinking problem. These actions, one testifier noted, not only undermine the efforts of those who work to reduce youth impaired driving but fuel the young person's sense of being victimized by the system.

The reaction of these parents to the enforcement of drinking and driving laws emphasizes the need for education to inform parents about the scope of the impaired driving problem. Findings by Michigan State University researchers confirmed this need: while 60 to 70 percent of parents are convinced that underage drinking occurs, only 20 percent believe that their own children are involved in such behavior. This statistic dramatically illustrates the unwillingness of parents to acknowledge the involvement of their children in underage drinking.

The hearings made it clear that every systemwide approach must combine prevention, deterrence and treatment/intervention. Preventive education for youth must start at an early age, before young people are first confronted with the decision to use alcohol or other drugs. With young people beginning, on a national average, to first use alcohol at 12.8 years of age, education clearly must start in elementary school. It must be designed to provide children with information on alcohol and drug use, but it must also teach them the skills they need to act on that information and resist pressure from friends and family to use alcohol and other drugs.

In providing youth with alcohol education and skills, considerable care should be given to selecting appropriately qualified teachers, for the teacher is the most important variable in the success of the program. These teachers should be good role models, trusted by students, and want to teach the subject.

In addition to maximizing the value of formal classroom instruction, educators should take full advantage of the possibilities of peer education. Testifiers cited numerous examples of programs involving high school youth who volunteer to work with junior high or elementary school children on highway safety and alcohol and drug issues. Like peer education, positive peer pressure has a tremendous potential for altering attitudes about drinking and driving. By banding together to form safety clubs and support groups, youth can encourage their peers to value a health lifestyle and socially-responsible behavior.

The single most controversial topic of the hearings was the safe rides programs. Supporters of safe rides programs contend that intervention is needed in the less-than-perfect world where young people drink illegally and subsequently drive. Advocates of more prevention-oriented approaches emphasized that efforts to counter youth impaired driving must address the underlying problem of underage drinking by emphasizing a no-use approach. In its recommendations, the NCADD recognizes the value of both arguments, acknowledging the need to take positive steps to discourage underage drinking while recognizing the importance of intervention measures that make our highways safer for everyone.

While prevention education is important, it alone is not sufficient to deter youths from drinking and driving. Enforcement is also necessary. Testifiers complained of a lack of enforcement. Both youth and police agreed that young people are not subject to the same level of rigorous enforcement as the older adult population. To increase the effectiveness of enforcement, testifiers suggested that police target youthful impaired driving by focusing their shift schedules and patrols on the hours when most impaired driving offenses by youth occur. Police should also patrol parks, schools, and other neighborhood locations where youth tend to gather. When youth are arrested for drinking and driving violations, they should be subject to the full penalty of the law. Releasing youth to their parents, like downgrading their offenses or diverting them into pre-adjudication programs, conveys the impression to the young offenders as well as to their parents that youthful impaired driving is not a serious offense.

The evidence suggests that communities with the best record of reducing youthful drinking and driving have succeeded by formulating an integrated, systemwide approach. If the hearings revealed one thing, it was that many good programs and successful countermeasures exist. The key is for communities to put all of these elements in place, so that the efforts of students, parents, schools, courts, businesses and police supported one another. Only when all nine components that came under so much discussion during the youthful impaired hearings are put in place can we look forward to significant reductions in the serious injuries and fatalities involving thousands of young Americans. Each community must confront this serious social issue if we are to ensure that this campaign to counter youthful impaired driving is a truly national campaign. No one will admit that this is an easy challenge—but who would deny it is a challenge that every community must accept!

VENTURE CAPITAL GAINS LEGISLATION

Mr. BUMPERS. Mr. President, today I am introducing legislation to restore a modest capital gains tax incentive for venture capital investments, the Venture Capital Gains Act.

I am delighted to be joined in this effort by Senators DECONCINI, DIXON, GORE, INOUYE, SANFORD, DASCHLE, HEFLIN, SASSER, DODD, KERRY, BURDICK, and BOSCHWITZ.

Capital gains is now a bipartisan issue. It is not a Republican issue. Senate Democrats want to debate the capital gains issue on the merits and to join in fashioning a reasonable and effective incentive for capital formation.

I come to the capital gains debate with impeccable credentials.

In 1978 I supported the Hansen-Steiger amendment to reduce the tax rate on capital gains investments.

In 1981 I opposed the proposal to lower the capital gains tax rate from 28 to 20 percent.

In 1982 I opposed the proposal to index the basis of capital gains assets and the proposal to reduce the capital gains holding period from 1 year to 6 months.

In 1984 I again opposed the proposal to reduce the holding period for capital gains from 1 year to 6 months.

In 1987 I first introduced the Venture Capital Gains Act.

In 1988 I again opposed the proposal to index the basis of capital gains assets.

And now in 1989 I am reintroducing the Venture Capital Gains Act.

I have outlined my positions on the capital gains issue to make one point:

I favor capital gains incentive if it is reasonable and effective.

I do not favor an unlimited, wide-open capital gains incentive that breaks-the-bank on Government revenues.

I am moderate and pragmatic on the capital gains issue.

I will stand up and say "enough is enough" and I will take the lead in trying to fashion a reasonable, moderate and pragmatic middle ground.

I support a capital gains incentive that encourages and rewards risky investments, long-term investments and growth-oriented investments.

That is what America needs to compete in international markets.

And that is what the Venture Capital Gains Act would do.

It encourages investments in small business ventures.

It encourages investors to put capital directly into the hands of entrepreneurs.

It encourages investors to seek long-term growth by requiring that the stock be held for at least 4 years.

It discourages investors to make these investments to avoid paying their fair share in Federal income tax. Any gains on the sale of stock are covered by the minimum tax, ensuring that wealthy investors do not reduce their tax liability below 21 percent.

Investments in small business ventures are risky. Startup businesses often fail completely.

There investments are long-term. Few startup businesses generate any dividends in the first 4 years.

These investments are growth-oriented. Every study shows that small businesses account for most of the new jobs created in the United States.

This incentive is needed. We know that small businesses have a very difficult time obtaining the capital they need to grow.

This problem is even worse with the tax reform legislation, which puts a premium on low-risk, short-term, income-producing investments.

Most important this bill provides an incentive for venture capital that is fiscally responsible.

I do not claim that this bill will magically reduce tax rates and increase Government revenue. I am willing to accept the judgment of the Joint Committee on Taxation and of the Treasury Department that this bill loses some revenue.

I opposed the 1981 supply side tax cut. I said then that it was excessive and would lead to deficits that would choke a mule. I was right. You can't cut tax rates without losing some revenue.

But, the amount of revenue which is lost from this bill is affordable. The official estimates are that my bill will lose one-one-hundredth as much revenue as the capital gains proposal advanced by the President during the campaign.

So, if we want to promote investments which will help America compete, we need to focus on the small business ventures which will create tomorrow's technologies, markets, and jobs.

That is what the Venture Capital Gains Act would do.

It takes the whole debate on capital gains back to its roots.

It invites America's investors to become venture capitalists.

I hope that President Bush will revise his campaign proposal and become a venture capitalist himself.

I ask unanimous consent that a chart summarizing the differences between my bill and the President's capital gains proposal, as described during the campaign, be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMPARISON OF CAPITAL GAINS PROPOSALS

	Bush campaign	Senator Bumpers
Maximum tax rate	15 percent	21 percent.
Exclusion on gain	Unknown	25 percent.
Holding period	1 yr	4 yrs—Favors long-term investments.
Investments covered	Any capital asset, including stock, real property, and collectibles.	Stock of small business ($100,000,000 paid in capital).
Capital formation	Covers secondary market trading.	Covers only direct investments in new stock issues.
Windfall	Retroactive to past investments, confers huge windfall.	Only applies to new investments, no windfall.
Minimum tax apply	No	Yes, ensuring fairness.
Revenue loss	$40,000,000,000 over 3 yrs..	Less than $500,000,000 over 3 yrs.

INFANT MORTALITY AND CHILDREN'S HEALTH ACT OF 1989

Mr. MITCHELL. Mr. President, I rise today to join my distinguished colleague from New Jersey, Senator BRADLEY, in sponsoring legislation designed to continue the expansion of Medicaid coverage for pregnant women and children.

Over the last several years the Congress has worked diligently to improve access to Medicaid coverage for pregnant women and children. We must continue this important effort as infant mortality remains a critical problem in our society.

The Children's Defense Fund document entitled, "The Health of America's Children", reports that during the 1950–55 period, the United States ranked sixth best on infant mortality among 20 industrialized countries. By the 1980–85 period, the Nation had fallen to a tie for last place among the same countries.

The Institute of Medicine has determined that the most critical step we can take to address infant mortality is to expand access to early prenatal care and services for infants in the first year of life. The IOM determined that quality prenatal care could reduce the incidence of low birthweight babies by 15 percent among white infants and 12 percent among black infants.

They also found that this approach is extremely cost effective; for every $1 spent, $3 would be saved in the first year of the infant's life, and saves up to $11 in total medical expenses over the lifetime of the child.

The legislation we are introducing today will continue to build upon the improvements in services for low-income pregnant women and their children enacted over the last several years.

In the 100th Congress we passed legislation which mandates that States cover all pregnant women and infants up to 100 percent of poverty by July 1, 1990. In the bill we are introducing today, States would be required to cover pregnant women and infants with incomes below 125 percent of poverty as of July 1, 1991, 150 percent of poverty as of July 1, 1992, and 185 percent of poverty as of July 1, 1993.

States must currently extend Medicaid coverage to all children born after September 30, 1983, in families with incomes and resources below State AFDC standards, up to age 7. The legislation we are introducing today would expand upon that mandate to require that States phase-in coverage for children born after September 30, 1989, up to age 18 in families with incomes below 100 percent of poverty.

This legislation includes important provisions which are intended to improve access to pediatrician and OB/GYN services. The bill also includes provisions which will mandate States to provide continuous Medicaid coverage to women 60 days post partum and make the WIC Nutrition Program more accessible to Medicaid-eligible pregnant women and children.

I look forward to working with Senator BRADLEY and others to see that we continue to expand Medicaid coverage for pregnant women and children. Our

commitment to good prenatal care, well baby care and preventive health care for older children, represents a prudent investment which will have a significant and long lasting effect upon the health and future of the Nation's poorest children.

I urge my colleagues to support this important bill.

TRIBUTE TO MAURICE W. "MO" CASTLE

Mr. HEFLIN. Mr. President, it is with great sorrow that I rise today to inform my colleagues of the death of Maurice W. Castle from Mobile, AL. "Mo," as he was affectionately called died of a heart attack on December 1, 1988, at the age of 70.

Mo Castle worked his entire adult life to make Mobile a better place to live. He was respected by all who knew him and the impact he had on thousands of lives in Mobile may never be appreciated fully. He approached each task with incredible vigor whether it was the circuit court, the newspaper, or golf. Mo served with distinction the past 10 years as the Mobile County circuit court clerk. His work as circuit court clerk was characterized by the same tenacity, ability, and knowledge he displayed during his career as a newspaperman.

Mo spent most of his life pursuing his first love, the newspaper business. His nose for news made him incredibly suited for this career. He began his climb up the news ladder at the age of 19, when he joined the Mobile Press Register as a copyboy. From this first job in 1937 until he left the paper in 1978, Mo gained the respect of his superiors and his peers alike. In 1958, he became the city editor for the Mobile Press Register and served brilliantly in this capacity for 22 years.

Mo Castle was an outstanding man and a good friend. He did much to shape opinion in Mobile and ensured that the Mobile Press Register maintained high journalistic standards. True to his sharply honed reporter's instincts, he always kept his eyes and ears peeled for news. He always had reporter's blood and the inherent concern with what goes on in the world and how it affects people. He was a caring person.

Mr. President, Mo's family and many friends will greatly miss his sharp wit and his compassionate manner. Indeed, the entire city should mourn the passing of such a great Mobilian. He tried his best to improve life in Mobile and in my judgment, he always succeeded. I will miss him greatly. I ask unanimous consent that the following articles describing Mo Castle's life be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Mobile Press Register, Dec. 4, 1988]

REMEMBERING "MO" CASTLE

(By Ralph Poore)

The death of Maurice W. "Mo" Castle Jr. from a heart attack Thursday struck everyone in The Mobile Press Register newsroom as a personal loss.

Castle was the Mobile County Circuit Court clerk for the past 10 years, but began a newspaper career in 1937 that lasted until 1978.

Castle had retired from his post as city editor of The Mobile Press a year before I joined the Press as a reporter, so I never worked for him. Nevertheless, because so many of the other reporters always had a favorite story about life in the newsroom under Castle, I often felt as though I had been one of his reporters.

Besides, in my time of covering the Mobile County Courthouse beat, Castle often took a lot of time with me to talk about his years at the newspaper and to ask me what was going on in the newsroom now. He was always ready with a news tip and could be counted on to get you through the courthouse maze to the information you needed.

Castle, 19 years old and just out of high school, came to work for The Mobile Press Register in 1937 as a copyboy. The newspaper no longer has copyboys. Long before they ceased to exist, they stopped being called copyboys and were given the name of copy clerks, supposedly dignifying the position.

Their function was to come running whenever an editor yelled "copyboy!" or sometimes just "copy." They were to take the copy that had just been edited to the typesetters. Copyboys also often did all the office "gopher" jobs.

From copyboy, Castle advanced through the ranks to the city editor, a post he held for 22 years.

Castle worked with some of the reporters who have become legends of newspapering in Mobile: Ted Pearson; Ed Lee, who also died earlier this year; John Will, in whose name the Mobile Chapter of the Society of Professional Journalists, Sigma Delta Chi, presents scholarships each year; Maryln Schwartz and others.

Knowing Castle's long history with the newspaper, I naturally turned to him early this year and asked him to write something about his life for the Mobile Register's 175th anniversary special section. His response was overwhelming.

Fortunately, for the history of this newspaper and its place in the history of the city, Castle wrote a long, detailed and interesting account of the people he had known.

Mo, as everyone called him, won't soon be forgotten by the people who put The Mobile Press Register together every day. We all have enough stories to keep telling and retelling for many years to come.

That gives those of us in the newspaper business a sense of continuity and identity with all those who have come before and with all of those who will come in the future.

[From the Mobile Press Register, Dec. 4, 1988]

"MO" TO BE MISSED

Maurice W. "Mo" Castle Jr., who died Thursday of a heart ailment, will perhaps be remembered by the general public as an efficient although low-key Mobile County Circuit Court clerk for the past decade. For those of us fortunate enough to have known him well, Castle will always be remembered as a newspaperman—one of the best ever in Mobile.

Castle was a respected reporter before he began a long stint as this newspaper's city editor prior to his retirement here and subsequent appointment to the courthouse position.

Castle's greatest attributes were his knowledge and love of Mobile and the people who live here and a rare nose for news that he carried with him to his death.

It was especially tragic that Castle, 70, died only about a month before he was to begin a well-deserved retirement which everyone assumed would be spent on area golf courses.

As an integral part of his life for decades, we share the grief and terrible sense of loss experienced by his wife, Lucy Castle; a daughter, Julie Castle of Atlanta; a son, Wilson Castle, a student at the University of Alabama in Tuscaloosa; and two brothers, John H. Castle and Robert "Rick" Castle, both of Mobile.

CIRCUIT COURT CLERK, NEWSPAPERMAN DIES

Maurice W. "Mo" Castle Jr., Mobile County Circuit Court clerk and a longtime newspaperman, died Thursday at a Mobile hospital.

Castle, 70, had a history of heart problems.

He was to retire as clerk of the court when his current six-year term expires in January.

Castle was appointed to the job in 1978 to serve the remaining four years of the term of John Mandeville, who had retired.

He was elected without opposition to a full six-year term in 1982.

Castle was city editor of The Mobile Press Register from 1956 until his court appointment.

Castle joined the Press Register in 1937 as a copy clerk and a year later became a reporter. He served in the U.S. Army Air Force from 1942-45, worked at Brookley Air Force Base after being discharged and returned to the newspaper in 1947 as a reporter covering the courts.

During his career, Castle covered the police beat, city hall, waterfront, school board and federal offices.

"He was a loyal, dedicated employee. He had the best contacts with the news sources in Mobile that we've ever had. He was loyal and dedicated and a good newspaperman," Mobile Press Register publisher William J. Hearin said.

"He was a true professional," said Press Register executive editor Tom Taylor, who worked with Castle for more than 20 years. "He knew this town like the back of his hand, and his contributions, both as a newsman and court official, were many."

Mobile County Circuit Judge Douglas Johnstone said Castle was "an outstanding clerk who promoted harmony in the office."

Johnstone said Castle had "high standards of careful record keeping and filing and provided efficient service to the public."

"He was a wonderful newspaperman before he came to us," added Johnstone.

"He was a fine public servant who did an excellent job as clerk of the court," commented Judge Michael Zoghby.

"We at the courthouse will miss his smiling face and jovial laughter, as well as his expertise as clerk of the court," added Zoghby.

Castle was an avid golfer, with the distinction of being the only person who has had a

hole-in-one on each of the four par three holes of Spring Hill College golf course.

Castle got his first two aces within five days of each other in 1964. He got his third ace about a year later and the fourth in 1983. He also had a fifth hole-in-one at Gulf Pines golf course.

He is survived by his wife, Lucy Castle; a daughter, Julie Castle of Atlanta; a son, Wilson Castle, a student at the University of Alabama in Tuscaloosa; and two brothers, John H. Castle and Robert "Rick" Castle, both of Mobile.

The family suggests that memorials be made to Trinity Episcopal Church.

Funeral arrangements will be announced.

Funeral services will be held Saturday morning Dec. 3, 1988 from Trinity Episcopal Church.

TRIBUTE TO JAMES R. McADORY, JR.

Mr. HEFLIN. Mr. President, it is with great sadness that I rise today, to inform my colleagues of the recent death of Mr. James R. McAdory, Jr., from Birmingham, AL, at the age of 67. He had worked for the Birmingham News for almost 40 years before his retirement in 1986.

James McAdory, Jr., was an intelligent and talented man who left a wide trail of influence on Birmingham. He touched thousands of lives for not only was he a respected newspaper man but also a devoted church goer. He cared greatly about people and his attitude shone through in both his editorials and in his personal life.

James knew the Birmingham News and the newspaper business inside-out. His four decades with the paper saw him rise from copy clerk to editorial page editor. In between, his quest for learning was fulfilled in positions ranging from reporter to assistant managing editor. His devotion and personal curiosity guaranteed that he would succeed at all posts.

While James graduated from Birmingham-Southern College, his thirst for knowledge followed him throughout his life. He was widely known as one of the most informed and politically astute people in the State. As a conservative, he remained particularly interested in those issues he editorialized in the paper, such as the national defense and the national debt.

Like many others of his caliber, James was not content to give of himself only through his career. He was involved in community activities and especially in his church. James played an active role in St. Luke's Episcopal Church. He was a eucharistic minister and a lay Scripture reader. He was also committed to helping others and taught religious education classes to adults in his church.

James R. McAdory, Jr., made a profound impact on life in Birmingham. His memory will be cherished by his family and by all those whose lives he touched. He was a good friend and I will miss him greatly.

Mr. President, I ask unanimous consent that an article telling of James R. McAdory, Jr.'s accomplishments be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETIRED NEWSMAN McADORY DIES AT 67

James R. McAdory, Jr., retired editorial page editor of *The Birmingham News*, died Tuesday at age 67 after a lengthy illness.

McAdory, of 4120 Churchill Circle in Birmingham, worked for *The News* for almost 40 years, rising from copy clerk to reporter to several editing positions before taking over the editorial page in 1972.

That position came in a swap with Editor James E. Jacobson, who filled McAdory's post as assistant managing editor in 1972.

Tuesday night, Jacobson described McAdory as "a man of high principle and strong opinions who didn't hesitate to speak out on them."

Other co-workers described McAdory, a graduate of Birmingham-Southern College, as intelligent and well-read on the issues he addressed as a conservative on the papers' editorial page.

Charles Brooks, who worked under McAdory as editorial cartoonist, said he enjoyed discussing his cartoon ideas with McAdory.

"Invariably he would surprise me with his knowledge about whatever subject came up," Brooks said.

In particular, McAdory kept current on defense issues, and in later years he emphasized the need to reduce the United States' national debt, Brooks said.

He said McAdory gained recognition across the state, and politicians frequently sought his advice on issues.

Retired *News* political reporter Al Fox said McAdory while assistant managing editor could remain easy-going while conveying a tough message to a reporter.

McAdory listened to reporters' ideas about news coverage, Fox said. "Most of the time, you'd have your day in court. Then when he said, 'My way,' you knew it was 'My way.'"

Brooks said McAdory talked often of his family—his wife Addie Lee, son James R. McAdory III, and daughter Carmen Angela McAdory.

After his retirement in November 1986, McAdory planned to donate a kidney to his daughter, but a medical examination revealed his illness, said McAdory's minister, the Rev. John Claypool of St. Luke's Episcopal Church.

Claypool, the rector of the church, said McAdory's daughter recently received a kidney and pancreas from another donor.

Before his illness, McAdory taught adult religious-education classes in the church and served as a lay Scripture reader and eucharistic minister, Claypool said.

Claypool visited McAdory several times after coming to the church in June 1987.

"He was very patient and courageous," Claypool said, "He bore his suffering with a lot of dignity."

The funeral is scheduled for 1 p.m. Thursday at the church, with burial in Ridout's-Southern Heritage Cemetery.

TRIBUTE TO DR. WINSTON A. EDWARDS

Mr. HEFLIN. Mr. President, I rise, today, with great sorrow to pay tribute to Dr. Winston A. Edwards of Wetumpka, AL, who died on November 1, 1988. Dr. Edwards was one of the last of a disappearing breed—the country doctor.

Dr. Edwards devoted his entire life to medicine and to serving others. He was truly a doctor from the old school. He honed his medical skills in World War II before returning to begin practicing at home. He was a talented and respected doctor whose shining reputation always preceded him.

In many areas, a kind of mystique surrounds the lives of this Nation's healers. They represent pillars of the community and wield a type of influence not unlike the power of religion. Dr. Edwards was this type of doctor. He was not always gentle with his patients and never recommended the easy remedy unless it was also the best remedy. But he had a heart of gold and loved everyone. He knew most people in Wetumpka and was the team doctor for the Wetumpka High School football team for decades.

Doctors are often judged by what position they reach in the medical hierarchy. As chief of staff of Elmore County Hospital, Dr. Edwards definitely succeeded by this standard. However, in my judgment, any discussion of a doctor's ability must also consider compassion. In this light, Dr. Edwards' greatness shone even brighter than before. He genuinely cared about people—all people. He never charged a minister and financial restrictions disappeared when patients walked through his door. All his patients received the same attention even if they were poor and unable to pay their bills. He was truly the model doctor—always ready to serve his community rather than ready for the community to serve him.

Mr. President, Wetumpka has lost one of its most outstanding citizens. Dr. Winston A. Edwards' death will be remembered for years but his life for even longer. He was a trusted friend and talented doctor. He will be missed by all who knew him.

TRIBUTE TO DR. JOHN W. NIXON

Mr. HEFLIN. Mr. President, I am filled with sadness, today, as I inform my colleagues of the death of Dr. John W. Nixon of Birmingham, AL, at the age of 66. Dr. Nixon was an incredible man with many diverse talents and abilities. He was very prominent in Birmingham as a civil rights leader, as a dentist, and as an actor. Dr. Nixon touched thousands of lives and his death was a great loss to all of his friends and family.

Dr. Nixon was not a man who could be easily confined by the artificial boundries that often define groups. He represented the good in each of the groups but went beyond the limita-

tions often associated with them. He was a successful dentist but still managed time for a grueling acting schedule. He was a leader in the civil rights movement as well as a successful businessman. His broad range of interests always brought a fresh outlook to his pursuits and constantly kept him busy.

Dr. Nixon was never one to remain satisfied with the status quo. He had the ability to imagine unconventional ways to challenge these seemingly entrenched ideas. He was born in Lakeland, FL, but moved to Birmingham in 1951, starting his dental practice. He soon began his rise to prominence which would earn him election as president of the NAACP during much of the stormy period of the 1960's racial turbulence. His steady leadership and firm guidance were definitely responsible for much of that organization's success at the time. He also helped ease racial tensions in the city through his involvement with Operation New Birmingham during the 1960's.

In addition to his dental practice and his civil rights work, Dr. Nixon was very involved in the community. He took an active role in the Sixth Avenue Baptist Church and was an associate minister there.

Much of Dr. Nixon's recent exposure came from his acting. His performances broke many racial barriers in Alabama theater including when he played the title role in "Othello" while all the other principals were white. He also ranked among the leading actors from the UAB Town and Gown Theater. He acted in numerous films with his best role coming in the 1986 film, "North and South II." Perhaps his most influential and lasting impact on theater will come from his work on "Speak of Me As I Am." This show, which Nixon began, will be featured in the February Smithsonian Institution celebration of Black History Month. The show has grown from the original one-man cast to a cast of 16 and is a credit to Dr. Nixon's great talent and ingenuity.

Dr. Nixon influenced thousands of people and provided an example for those who wish to make life better. His is not a visible legacy outside of his work in movies and plays, but a legacy of hope. It is this hope which he instilled in all he knew which has made Birmingham a better place and which will influence people he knew for years to come.

Mr. President, I ask unanimous consent that an article and editorial describing Dr. John W. Nixon's accomplishments be printed in the RECORD following these remarks.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Dec. 20, 1988]

DR. NIXON, CIVIL RIGHTS LEADER, DIES

(By Doug Demmons)

Birmingham dentist, civil rights leader and actor Dr. John W. Nixon died Monday at University Hosptial after a brief illness. He was 66.

In a real life as varied as the characters he portrayed on stage, Dr. Nixon left his mark from the front lines of the local civil rights movement to his role in the television movie *North and South II.*

A native of Lakeland, Fla., Dr. Nixon came to Birmingham in 1951 to begin practicing dentistry and soon gained prominence as president of the Alabama NAACP during much of the turbulent 1960s.

"He has always been a most articulate person. He was always gifted in that way," said the Rev. Abraham Woods, president of the Birmingham Chapter of the Southern Christian Leadership Conference. "He certainly brought credit to the leadership of the NAACP in those days."

Dr. Nixon said in a 1986 interview that acting was his childhood love, but practicality steered him to dentistry.

"My mother died when I was around 6, but I remember how theatrical she was. On Halloween, she would dress up in those wonderful costumes that she must have made herself and walk through the quarters and I walked with her," he said. "My stepmother was a teacher who was very much into poetry. By the time I was in college I considered myself quite a song-and-dance man."

Dr. Nixon said that after a college theatrical performance he was ready to devote full time to acting, but a chemistry professor said "I could starve to death in theater, but he had never heard of a dentist starving to death."

Dr. Nixon attended Union Academy in Bartow, Fla.; Bethune Cookman College, Fisk University and Meharry Medical College.

He helped organize Citizens Federal Savings and Loan Association and has been an associate minister at Sixth Avenue Baptist Church.

In 1976, he was appointed to the National Advisory Dental Research Council of the National Institutes of Health. He also has served on the state Board of Pensions and Security and as a member of the President's Cabinet at the University of Alabama.

As an actor, Dr. Nixon earned his biggest role in 1986 in *North and South II.* His other film credits include *The Bear, Benny's Place* with Lou Gossett, *For Us The Living,* James Baldwin's *Go Tell It On The Mountain,* and *Charlotte Forten's Mission* with Melba Moore.

Locally, Dr. Nixon was a leading actor at UAB Town and Gown Theater, said theater director James Hatcher.

"He made history in the performing arts in Alabama when he played the God role in an integrated performance of *J.B.* and again when he played the title role in *Othello* with all of the other principals being white," Hatcher said.

Dr. Nixon also began a one-man dramatic performance of black speeches, poems and compositions called *Speak of Me As I Am.* The show, now in its fourth year, has grown to a cast of 16 and will be featured by the Smithsonian Institution in its celebration of Black History Month in February.

"He had great dignity," Hatcher said. "He was a very imposing figure, both physically and vocally. He used his magnificent voice with great variety. It could be caressing. It could be inspiring. It could be thundering and heroic."

One of his sons, John Nixon Jr., said his father loved people and "was colorblind. He loved white people as much as black people, and anyone else.

"He loved the arts, and he loved dentistry," he said. "Most of all, he loved Birmingham. He was very proud of the city."

Nixon Jr. said his father was proud and supportive of Operation New Birmingham, which helped build a bridge between the white and black communities in the 1960s.

Visitation will be at 7 p.m. Wednesday at Sixth Avenue Baptist Church on Martin Luther King Jr. Drive. Funeral will be at 1 p.m. Thursday at the church, with burial at Elmwood Cemetery, Roberts directing.

Dr. Nixon is survived by two sons, John W. Nixon Jr. of Birmingham and Carl Henry Nixon of Houston, and a daughter, Melba Haley Nixon of Houston.

[From the Birmingham News, Dec. 20, 1988]

JOHN NIXON

Dr. John W. Nixon, who died Monday, was a man who filled many roles in his productive life. He was a dentist, a businessman, a civil rights leader, a civic leader and an actor. And he was successful in each field.

Born in the segregated South of 66 years ago, the Lakeland, Fla., native lived to see many, although not all, of the racial barriers fall in his adopted home of Birmingham and across the country—a process he hastened through his own efforts.

When Nixon came to Birmingham in 1951 to establish his dental practice, he could have chosen to blend quietly into the basically comfortable, although restricted, life enjoyed by black professionals of the era.

Instead, he became an advocate of change, joining the modern civil rights movement in its infancy and serving as president of the Alabama NAACP for several years in the 1960s.

During the past several years, Dr. Nixon took time from his many professional and civic activities to engage in his first love of acting, with more success than most would-be actors achieve in a lifetime.

But—perhaps without even realizing it—Nixon did more than become a successful dentist, businessman, actor and civic leader. He did more than leave his community a better place than he found it.

He became an example of a person who could move easily across the artificial boundaries of race and economic class, making friends wherever he went. Not all leaders can do that.

Dr. John W. Nixon will be missed.

TRIBUTE TO JEANETTE EDWARDS BARRETT

Mr. HEFLIN. Mr. President, I rise with great sadness, today, to inform my colleagues of the death of a great Alabamian—Wetumpka Mayor Jeanette Edwards Barrett on November 28, 1988. She became Wetumpka's first female mayor when she won her first term in 1984 and had just won reelection to a second term by an overwhelming 4-to-1 margin.

Mayor Barrett had come to be viewed as a very caring and effective mayor. Her dedication and spirit have inspired council members and the citizens alike. Before her election as

mayor, Jeanette had served a 4-year term on the Wetumpka City Council and this experience obviously prepared her well for the job of mayor. In both jobs, she concentrated on improving life in Wetumpka rather than on personal acclaim.

Jeanette Barrett represents the type of public servant for whom we should all be thankful. She firmly believed in Wetumpka and led the efforts to attract new industry and jobs to the town. Mayor Barrett was a devoted woman who made a difference in each of her endeavors. This devotion can be seen in both her public life and her private life where she was a member of the First Baptist Church for 30 years and a gifted Sunday school teacher.

Mayor Barrett was a fine woman and an outstanding mayor. Her many talents and abilities will be sorely missed by Wetumpka and by all of Alabama. She has set a level of excellence against which all Wetumpka mayors will be judged.

Mr. President, I ask unanimous consent that these articles describing Mayor Barrett's accomplishments be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Montgomery (AL) Advertiser, Dec. 1, 1988]

JEANETTE BARRETT

The dedication of Saturday's Christmas on the Coosa holiday celebration to the memory of Jeanette Barrett is a fitting tribute to the woman who thought up the event.

Mrs. Barrett, elected mayor of Wetumpka in 1984, died Monday. A former state employee who was acting director of the Alabama Historical Commission before she went into local politics, Mrs. Barrett originated the concept of the boat parade and fireworks show which draws 30,000 people each December.

She concentrated on attracting new jobs and industry to the river town she served as chief executive. Wetumpka's first female mayor, she was so well regarded that she was re-elected by a 4-1 margin this year.

Jeanette Barrett, the kind of public servant who makes a difference in government, will be remembered fondly by those officials with whom, and those citizens for whom, she worked.

[From the Montgomery (AL) Advertiser, Dec. 1, 1988]

FRIENDS, FAMILY REMEMBER BARRETT

(By Laurie Wood)

WETUMPKA.—Hundreds of relatives, friends, co-workers and Alabama officials gathered Wednesday afternoon to remember Jeanette Edwards Barrett, Wetumpka's first female mayor, as a dedicated woman who loved her family and friends and spent her last years striving for what she believed was best for her city.

Mrs. Barrett, 65 died Monday night at Baptist Medical Center after battling cancer for several years. She was re-elected in August to a second term as mayor.

Services were held at the First Baptist Church were Mrs. Barrett was a member for some 30 years. The Rev. James Sexton, pastor of the church officiated.

He asked the congregation to recall personal memories of Mrs. Barrett.

He remembered her as a virtuous woman who loved her family and the city of Wetumpka and who could be strong-willed in her beliefs but wanted only the best for her city.

Lining the church rail were flowers shaped in the insignia of the Wetumpka Volunteer Fire Department placed by members, along with a "badge" of flowers from the Wetumpka Police Department and a floral arrangement presenting Wetumpka's coat of arms from city employees and officials.

City department heads served as pallbearers and the five city councilmen were honorary pallbearers.

Among those who packed the sanctuary were Tuskegee Mayor Johnny Ford. Uniformed members of the Wetumpka Police Department attended the service, as did several Alabama State Troopers and state game wardens, Members of the Wetumpka volunteer Fire Department, Millbrook Police Chief Don Buzbee and Chief Eddie Tullis of the Poarch Band of Creek Indians also were present.

State troopers and Wetumpka police led the funeral procession to Mount Hebron West cemetery in the Elmore community, where Mrs. Barrett was buried.

The Wetumpka City Council will meet at 4:30 p.m. today to appoint a new mayor to finish Mrs. Barrett's four-year term.

[From the Montgomery (AL) Advertiser, Dec. 1, 1988]

WETUMPKA TO APPOINT NEW MAYOR

(By Laurie Wood)

The Wetumpka City Council will meet later this week to appoint a new mayor to finish the unexpired four-year term of Jeanette E. Barrett. Mrs. Barrett, 65, died Monday night, slightly more than three months after she was elected to a second term.

Traditionally, a new mayor is appointed from among the five city council members. But a private citizen with no political connections could be selected as long as he or she has lived within the city limits for 90 days, a city councilman said.

A time and date for the meeting had not been announced Tuesday.

If Mayor Pro Tempore Marion Sanford, who is serving as acting mayor, is named mayor, another mayor pro tempore will be selected from the remaining four councilmembers. If named mayor, Mr. Sanford cannot vote for the new mayor pro tempore.

The appointment of a new mayor pro tempore would come at the next scheduled council meeting, which will be Monday at 7 p.m.

If one of the other four councilmembers is named mayor, the council will appoint someone at a later time from the chosen councilmember's district to fill the vacant council seat, said Jack Wood, councilman for District 4.

The mayoral appointment does not require unanimous approval of the council.

No special elections will be held to decide the new mayor or a replacement councilmember, city officials said.

Early this year, Bill Sahlie was appointed to fill the vacancy created when Dick Landers moved outside the city limits and was disqualified from holding a council seat. In September 1986, former Councilwoman Blanton Noland, who did not run for re-election this year, was named to fill her husband's council seat following his death.

Mrs. Barrett's funeral will be held at 2 p.m. today at Wetumpka's First Baptist Church with the Rev. James Sexton officiating. Burial will follow a Mount Hebron West cemetery.

Wetumpka City Hall will be closed from noon today until 8 a.m. Thursday. Black funeral bows were placed on the front doors of the building Tuesday, and the United States flag was lowered to half-mast in Mrs. Barrett's honor.

All activities at Saturday's Christmas on the Coosa celebration will be dedicated to Mrs. Barrett, said Alma Leak, chairwoman of the Christmas on the Coosa committee. Mrs. Barrett originated the idea for the annual event, now in its fifth year. It drew an estimated 30,000 visitors to the city last year.

REMARKS OF SENATOR KASTEN ON PROSPECTS FOR CONTINUED ECONOMIC GROWTH

Mr. MACK. Mr. President, I call to the attention of the Senate a recent speech by my good friend and colleague Senator BOB KASTEN on the prospects for continued economic growth.

I share Senator KASTEN's optimistic view of our Nation's economic future. There is absolutely no reason for this economic expansion to end—unless the Federal Government puts it to an end with misguided policies like a tax increase and high interest rate monetary policy.

Congress must face up to the fact that tax increases don't come free of charge. Tax increases impose real costs on our economy that can be measured in lost jobs, lost growth, lost productivity, and lost opportunities. The Federal Reserve should realize what is obvious to most American families: economic growth and job creation is good for America. Putting more Americans to work does not cause inflation. Thus, the Fed should stop encouraging the rise in short-term interest rates.

Mr. President, we must avoid this demand-side, Keynesian policy retreat and advance a progrowth, supply-side policy offensive. I believe that the most important way that we can spur economic growth is to cut the capital gains tax rate. In his speech, Senator KASTEN proposes an innovative approach that he hopes will serve as a good legislative vehicle to accomplish the goal of bringing down the capital gains rate.

I ask unanimous consent that Senator KASTEN's speech to the Citizens for a Sound Economy Conference be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDRESS: CITIZENS FOR A SOUND ECONOMY

(By Sen. Robert W. Kasten, Jr., January 25, 1989)

Thank you very much. It's good to be among friends—among men and women who understand that a sound, job-creating economy ought to be the number one priority on America's political agenda.

If you believe the so-called "conventional wisdom" in this town, you'd think that jobs don't really matter, that economic growth isn't really important. You'd actually come to believe that the well-being of the American economy, and the integrity of our national spirit, depended on one key factor: the elimination at all costs of the Federal budget deficit.

Now, I'm not about to tell you that the budget deficit doesn't matter, or that we can safely ignore it without eventual peril to our productive economy. But what I will tell you—and I'm sure Phil Gramm and Richard Rahn have already touched on this point—is that our budget is on the road to balance as long as we don't decide to raise taxes.

One of the easiest ways we can avoid bringing this budget into balance in the next few years is by choking off our revenues at the source. And the way to do that, of course, is by saying "Damn the torpedoes, let's raise taxes!"—and never mind the consequences.

The basic mistake of the tax increase proponents has been their assumption that tax increases somehow come free of charge. Many of them believe that a taxpayer dollar languishing in someone's pocket has no higher calling than to help reduce Washington's deficit.

But the plain truth is that each extra dollar that is diverted away from the productive economy and toward the public sector comes at a terrible cost—a cost we can measure in lost growth, lost jobs, lost productivity, and lost opportunities for many Americans who really need them.

What we ought to do—those of us who are concerned about the future of the American economy—is step back and look at the broad canvas of that economy, define our goals for it, and work on approaches that will make sure those goals are achieved.

The economy can be compared to a large machine that produces goods and services. How it treats us—and especially the most economically needy among us—depends entirely on how we treat it.

The basic question we should be asking ourselves is, What kind of a nation are we?

Do we prize the most creative and innovative people, the investors and the savers, the ones who create our nation's stock of wealth? Or are we afraid of what happens when men and women are free to create and produce to the limits of their potential?

To the extent that we Americans have succeeded in creating a good life for our people, and in establishing a just and happy social order—we have succeeded because we have had a truly free economy: free to produce, free to create, and free to open up ladders of opportunity to ever-expanding circles of citizens.

We really ought to stop concentrating so much on issues like the budget deficit, and start listening to the voices of the real economy—the voice of the entrepreneur trying to start a new business; the voice of the small business woman looking for a decent interest rate; the voice of a young parent trying to save for a child's education; the voice of the factory worker struggling to compete in a high-tech economy.

What these voices are saying is, we have real needs—needs upon which the future of America depends. They are saying, if you in Washington continue to suffer from a kind of "tunnel vision" obsession about the deficit, we're not going to be able to meet some real threats and challenges.

The chief danger, I think, in being deficit-obsessed is that many widely-hailed "solutions" to the deficit focus our attention on the demand side of the economy just when we ought to be concentrating on the supply side. The demand-side, Keynesian policy proposals—like high taxes and high interest rates—are hindrances to the real-life voices of the supply-side economy. In tending toward recession, they threaten the very roots of our national well-being.

The Federal Reserve Board should admit once and for all that "Growth is Good." Putting more people back to work does not cause higher inflation. In this decade, we've seen the abolition of the Phillips Curve trade-off between inflation and unemployment, because both have fallen simultaneously. The Fed's almost perverse attitude on this subject only serves to prop up short-term interest rates—making it even more difficult to bring down the deficit.

Comments by Fed officials to the effect that interest rates cannot come down until Congress brings down the deficit are equally unhelpful. As long as the conventional wisdom refuses to admit that tax revenues are growing, any plea for deficit reduction is automatically transformed by the financial markets into a tax-increase ultimatum.

It is wrong—just plain wrong—to hold America's monetary policy hostage to a tax increase. The Fed should pursue its monetary policy independent of Congress' fiscal policy.

Unless the Fed reverses its policy of encouraging the rise of short-term interest rates, we may be in danger of recession by the end of the coming year. I can't stress this strongly enough. I'm optimistic about the economy and its overall strength and resiliency—but believe you me, there won't be much give left if the Fed keeps on raising short-term rates.

Congress ought to be paying a lot more attention to the things we can do to promote productivity growth. Enhancing the nation's productivity—the output per man hour—is the major challenge that we face in the 1990s. It's the key to higher living standards, international competitiveness, job opportunities—and even deficit reduction.

The most important way that Congress can boost our nation's productivity is by reducing the tax rate on capital gains. Earlier today, I introduced a bill in the Senate called the Entrepreneurship and Productivity Growth Act—a bill which offers a new approach to capital gains reform.

The bill also serves as a solution to the partisan impasse forming over President Bush's proposal to cut the tax rate on capital gains to 15 percent—and I hope this bill will help bring the issue of capital gains to the forefront of the economic debate, where it belongs.

The bill contains three major elements. First, it reduces the tax rate on capital gains. Under this bill, assets held for more than twelve months would be eligible for a 50-percent exclusion from ordinary income—effectively reducing the tax rate on those gains to 14 percent for taxpayers in the 28-percent bracket, and to 7.5 percent for those in the 15-percent bracket.

Second, it targets the new incentive to *equity investment.* The capital gains differential would only apply to investment in equities—direct investment in stock and purchases of stock sold by other investors. Sellers of collectibles and real property would not benefit from the exclusion.

Third, the bill indexes capital gains for inflation. For years in which inflation exceeds four percent, the capital gains would be indexed using the GNP deflator. Inflation would be measured from the time the assets are purchased until the time they are sold.

This bill seeks to restore the focus of economic policy back to the supply side. Lower capital gains rates are the spark of business innovation, technological advancement, job creation and GNP growth. What we do to promote the realization of lower capital gains rate is a useful indicator of the kind of society we are: How important is it to us to promote investment in our productive potential, in our economic future?

We can't honestly declare ourselves to be committed to economic growth if we remain unwilling to promote savings and investment in this way. Our chief trading partners realize how helpful it is to keep capital gains taxes low—most of them actually have a zero percent capital gains rate.

If we bring our effective rate down to 14 percent, we'll be increasing the availability of start-up capital for the high-risk, growth-oriented small businesses that account for so much of our economy's job creation. We would restore the interest of our financial markets in long-term equity investment, and correspondingly take it away from short-term gains—like those available through investment in junk bonds and commodity options.

Our economy has great resources. Cutting the capital gains rate will free those resources up by increasing the mobility—and therefore the efficiency—of capital. When capital starts to flow from existing companies to new companies and growing businesses, we'll be able to measure the result in job creation and increased productivity.

Indexing is a very important element of this bill. I think it's fundamentally unjust to tax holders of capital assets—like homes, land, and family farms—on purely inflationary gains. Many liberal economists, including Joseph Pechman and Alan Blinder, support indexing of capital gains.

Some of my Democrat colleagues, however, are concerned that indexing would be a revenue loser. But under CBO's projected inflation rates for the next five years, there will be virtually no static revenue loss from this provision.

It might then be asked, What is the point of indexing above 4 percent when inflation doesn't reach that high?

The answer is simple. We want to start off with a four percent trigger to address concerns about potential static revenue loss from full indexing. Then, as the economy booms thanks to the new capital gains differential, we hope to reduce and eventually eliminate the inflation trigger.

President Bush won last November's election on the issue of taxes. He said we should bring down the capital gains rate to 15 percent. I think that the bill I'm proposing will prove a good legislative vehicle to accomplish this goal, because it addresses a number of concerns our Democrat friends have about certain aspects of an across-the-board capital gains cut.

In 1987, I introduced a bill to cut the capital gains tax to 15 percent. A number of my Senate colleagues objected. They said, "Bob, we want to promote economic growth just as much as you do. But this bill doesn't do

that—it declares open season for tax shelters all over again, and tells people to start hiding all their money in paintings and gold coins again."

They were right, at least about one thing. Congress ought to be in the business of promoting high-risk, growth-oriented investment, not tax shelters and collectibles trading. That's why I've restricted the capital gains differential in my new bill to investment in equities—equities that promote productivity and GNP growth.

And this rising GNP growth means *higher* tax revenues for the Federal government. Even CBO admits—and this is a quote—that "lower tax rates on gains could increase savings and capital formation, and channel more resources into venture capital." What CBO failed to recognize, though, is that this increased capital formation, and especially new investment in venture capital, means that the entire tax base will grow even faster—and boost overall revenues.

I want to convince the Bush Administration to make this new approach to capital gains a major priority of its first hundred days. Let's remember the optimism and dedication to the future that have marked us for centuries as Americans—and work together to promote this and other new departures for a growing economy.

I look forward to working with you to advance these legislative proposals. Thank you.

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 129. Joint resolution disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

The message also announced that the House has agreed to the following resolution:

H. Res. 3. Resolution authorizing appointment of two Members on the part of the House to join with a like committee on the part of the Senate to inform the President of the United States that a quorum of each House is assembled.

The message further announced that pursuant to section 8002 of the Internal Revenue Code, the chairman of the Committee on Ways and Means designates the following members of that committee to serve on the Joint Committee on Taxation during the 101st Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. ARCHER, and Mr. VANDER JAGT.

ENROLLED BILL SIGNED

At 5:46 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 129. Joint resolution disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-440. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the Agency's annual report on competition; to the Committee on Governmental Affairs.

EC-441. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-303, adopted by the Council on December 12, 1988; to the Committee on Governmental Affairs.

EC-442. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-302, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-443. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-301, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-444. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-300, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-445. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-299, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-446. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-298, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-447. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-297, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-448. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-296, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-449. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-295, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-450. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-294, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-451. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-293, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-452. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-292, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-453. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-291, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-454. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-290, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-455. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-289, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-456. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-288, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-457. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-287, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-458. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-286, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-459. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-285, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-460. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-259, adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-461. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-257, adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-462. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-258, adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-463. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-256, adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-464. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-255, adopted by the Council on November 11, 1988; to the Committee on Governmental Affairs.

EC-465. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-254, adopted by the Council on November 11, 1988; to the Committee on Governmental Affairs.

EC-466. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-253, adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-467. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-252, adopted by the Council on November 15, 1988; to the Committee on Governmental Affairs.

EC-468. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-251, adopted by the Council on November 15, 1988; to the Committee on Governmental Affairs.

EC-469. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-250, adopted by the Council on November 15, 1988; to the Committee on Governmental Affairs.

EC-470. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-249, adopted by the Council on November 15, 1988; to the Committee on Governmental Affairs.

EC-471. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-245, adopted by the Council on October 11, 1988; to the Committee on Governmental Affairs.

EC-472. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-244, adopted by the Council on October 11, 1988; to the Committee on Governmental Affairs.

EC-473. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-243, adopted by the Council on October 11, 1988; to the Committee on Governmental Affairs.

EC-474. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-242, adopted by the Council on September 27, 1988; to the Committee on Governmental Affairs.

EC-475. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-241, adopted by the Council on September 27, 1988; to the Committee on Governmental Affairs.

EC-476. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-281, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-477. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-280, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-478. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-279, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-479. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-277, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-480. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-276, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-481. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-275, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-482. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-274, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-483. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-273, transmitting, pursuant to law, copies of D.C. Act 7-273, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-484. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-271, adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-485. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-265, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-486. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-264, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-263, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-240, adopted by the Council on September 27, 1988; to the Committee on Governmental Affairs.

EC-489. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-236, adopted by the Council on July 12, 1988; to the Committee on Governmental Affairs.

EC-490. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a reconsideration of the November 28 and November 30 appeal of the Office of Management and Budget's fiscal 190 passback for the Commission; to the Committee on Rules and Administration.

EC-491. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on converting the commissary resale warehouse function at Mather Air Force Base, California to performance by contract; to the Committee on Armed Services.

EC-492. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Switzerland for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-493. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on four new deferrals and three revised deferrals contained in the President's second special impoundment message for fiscal year 1989; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, and the Committee on Foreign Relations.

EC-494. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Future of Transit in the Bay Area"; to the Committee on Banking, Housing, and Urban Affairs.

EC-495. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report entitled "Philadelphia Abandoned Trolley Restoration Feasibility Study"; to the Committee on Banking, Housing, and Urban Affairs.

EC-496. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the use of certain NASA funds; to the Committee on Commerce, Science, and Transportation.

EC-497. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed use of certain NASA funds; to the Committee on Commerce, Science, and Transportation.

EC-498. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Department of Energy for fiscal year 1987; to the Committee on Energy and Natural Resources.

EC-499. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a revised estimate of the cost to complete the National System of Interstate and Defense Highways prepared for the purpose of determining apportionment factors for Interstate System funds for fiscal years 1991 and 1992; to the Committee on Environment and Public Works.

EC-500. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the annual report on projects authorized subject to section 903(a) of the Water Resources Development Act, dated November 1988; to the Committee on Environment and Public Works.

EC-501. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, proposed prospectuses for the fiscal year 1990 GSA Public Buildings Service Capital Improvement Program; to the Committee on Environment and Public Works.

EC-502. A communication from the Acting Chairman of the United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1990; to the Committee on Finance.

EC-503. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the annual report of the Board covering the period October 1, 1987 through September 30, 1988; to the Committee on Foreign Relations.

EC-504. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Concerns

regarding Disposition of Funds"; to the Committee on Governmental Affairs.

EC-505. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect for fiscal year 1988; to the Committee on Governmental Affairs.

EC-506. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the implementation of the Federal Equal Opportunity Recruitment Program for fiscal year 1988; to the Committee on Governmental Affairs.

EC-507. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission on Competition Advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-508. A communication from the Senior Designated Official for Internal Control, Securities and Exchange Commission, transmitting, pursuant to law, a report stating that no advisory or assistance service contracts were awarded during 1988; to the Committee on Governmental Affairs.

EC-509. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-510. A communication from the Acting Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report of the Authority on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-511. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report of the Department of State on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-512. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the annual report with respect to actions taken to recruit and train Indians who qualify for positions which are subject to preference under Indian preference laws; to the Select Committee on Indian Affairs.

EC-513. A communication from the Executive Director of the Committee for the Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-514. A communication from the General Counsel of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-515. A communication from the Under Secretary, Smithsonian Institution, transmitting, pursuant to law, a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the Ninety-Seventh Continental Congress"; to the Committee on Rules and Administration.

EC-516. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-278, adopted by the Council on December 13, 1988; to the Committee on Governmental Affairs.

EC-517. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-239, adopted by the Council on September 27, 1988; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry (Rept. No. 101-2).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Clayton Yeutter, of Nebraska, to be Secretary of Agriculture.

(The above nomination was reported with the recommendation that it be approved, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS (for himself, Mr. DECONCINI, Mr. DIXON, Mr. GORE, Mr. INOUYE, Mr. SANFORD, Mr. DASCHLE, Mr. HEFLIN, Mr. SASSER, Mr. DODD, Mr. KERRY, Mr. BURDICK, and Mr. BOSCHWITZ):

S. 348. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential for small business stock held more than 4 years; to the Committee on Finance.

By Mr. LEVIN:

S. 349. A bill for the relief of Miroslaw Adam Jainski; to the Committee on the Judiciary.

By Mr. LOTT:

S. 350. A bill to repeal section 89 of the Internal Revenue Code of 1986 (relating to rules for coverage and benefits under certain employee benefit plans); to the Committee on Finance.

By Mr. HEFLIN:

S. 351. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the *C.S.S. Alabama*; to the Committee on Foreign Relations.

S. 352. A bill to urge negotiations with the Government of Mexico for the preservation and study of the wreck of the *U.S.S. Somers*, and for other purposes; to the Committee on Foreign Relations.

By Mr. EXON (for himself, Mr. SHELBY, Mr. DECONCINI, Mr. HARKIN, and Mr. LIEBERMAN):

S. 353. A bill to amend the Internal Revenue Code of 1986 to allow the use of U.S. savings bonds for any individual's higher education expenses to qualify for an income exclusion; to the Committee on Finance.

By Mr. EXON (for himself, Mr. BOREN, and Mr. SHELBY):

S. 354. A bill to provide that during a 2-year period each item of any bill making appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President; to the Committee on Rules and Administration.

By Mr. RIEGLE (for himself, Mr. MITCHELL, Mr. DURENBERGER, Mr. CHAFEE, Mr. DODD, Mr. PELL, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BOND, Mr. DANFORTH, Mr. SASSER, Mr. PRYOR, Mr. REID, Mr. LEVIN, Mr. DIXON, Mr. GORE, Mr. INOUYE, Mr. WIRTH, Mr. BRYAN, Mr. SARBANES, Mr. MCCAIN, Mr. SHELBY, Mr. BOSCHWITZ, Mr. MATSUNAGA, Mr. BUMPERS, Mr. COHEN, Mr. SHELBY, Mr. BOSCHWITZ, Mr. MATSUNAGA, Mr. BUMPERS, Mr. COHEN, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. COCHRAN, Mr. DASCHLE, Mr. D'AMATO, Mr. MCCONNELL, and Mr. LIEBERMAN):

S. 355. A bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued; to the Committee on Finance.

By Mr. GRAMM:

S. 356. A bill to authorize negotiation of a North American Free Trade Area, to promote free trade, and for other purposes; to the Committee on Finance.

By Mr. SYMMS (for himself, Mr. DIXON, Mr. NICKLES, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BURNS, Mr. COCHRAN, Mr. DURENBERGER, Mr. FORD, Mr. GARN, Mr. GRASSLEY, Mr. HARKIN, Mr. HEFLIN, Mr. HELMS, Mrs. KASSEBAUM, Mr. MCCLURE, Mr. PRESSLER, Mr. PRYOR, Mr. ROTH, Mr. WALLOP, Mr. CONRAD, Mr. DOMENICI, and Mr. MCCONNELL):

S. 357. A bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazarous Materials Transportation Act; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself and Mr. SIMPSON):

S. 358. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 359. A bill to prohibit the use of excess campaign funds for personal use; to the Committee on Rules and Administration.

S. 360. A bill to amend the Federal Deposit Insurance Act to provide deposit insurance in a manner which does not discriminate against small- and medium-sized banks

by expanding the assessment base and reducing the assessment rate for deposit insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINZ (for himself, Mr. GORE, and Mr. WIRTH):

S. 361. A bill to provide the additional support necessary to maintain an adequately funded and fully participatory United States role in the International Tropical Timber Organization; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself, Mr. SASSER, Mr. ROTH, and Mr. RIEGLE):

S. 362. A bill to promote intergovernmental and interagency cooperation in the development of ground water policy; to the Committee on Governmental Affairs.

By Mr. BOND (for himself, Mr. GRAMM, Mr. MACK, Mr. DIXON, Mr. DURENBERGER, Mr. SHELBY, Mrs. KASSEBAUM, Mr. DANFORTH, and Mr. GRAHAM):

S. 363. A bill to amend title 18 of the United States Code to stiffen the penalties for bank fraud; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORE:

S. 364. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit, to make credit for dependent care expenses refundable, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE:

S. 365. A bill to provide for the continuation of certain basic services of the Postal Service consistent with postal policies under section 101 of title 39, United States Code, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, and Mr. DASCHLE):

S. 366. A bill to amend title XVIII of the Social Security Act to make certain payment reforms in the Medicare Program to ensure the adequate provision of health care in rural areas, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 367. A bill to suspend temporarily the duty on calcium acetylsatlicylate (calcium carbaspirin); to the Committee on Finance.

By Mr. COCHRAN:

S. 368. A bill for the relief of Dr. Cornel H. Petrassevich, to the Committee on the Judiciary.

By Mr. BOSCHWITZ (for himself, Mr. HARKIN, Mr. MCCAIN, Mr. DASCHLE, Mr. MURKOWSKI, Mr. ADAMS, Mr. JEFFORDS, Mr. BURDICK, Mr. D'AMATO, Mr. METZENBAUM, Mr. STEVENS, Mr. GORE, Mr. DURENBERGER, Mr. LEVIN, Mr. SIMON, Mr. MATSUNAGA, and Mr. CRANSTON):

S. 369. A bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. FOWLER, Mr. ADAMS, Mr. BINGAMAN, Mr. COCHRAN, Mr. CRANSTON, Mr. DASCHLE, Mr. DURENBERGER, Mr. HUMPHREY, Mr. JEFFORDS, Mr. KASTEN, Mr. KENNEDY, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. PELL, Mr. SARBANES, Mr. SASSER, Mr. ROCKEFELLER, and Mr. HEFLIN):

S. 370. A bill to amend the Land and Water Conservation Fund Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCLURE:

S. 371. A bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN (for himself and Mr. GRAHAM):

S. 372. A bill to amend title V of the Refugee Education Assistance Act of 1980 to provide certain resettlement assistance for certain Central Americans; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ (for himself, Mr. LEVIN, Mr. PRYOR, Mr. ADAMS, Mr. DOLE, Mr. MATSUNAGA, Mr. DIXON, Mr. DECONCINI, Mr. HEFLIN, Mr. THURMOND, Mr. WARNER, Mr. INOUYE, Mr. MCCLURE, Mr. SANFORD, Mr. JEFFORDS, Mr. BOND, Mr. GARN, Mr. HOLLINGS, Mr. CHAFEE, Mr. WIRTH, Mr. BENTSEN, Mr. METZENBAUM, Mr. PRESSLER, Mr. GRASSLEY, Mr. ROBB, Mr. JOHNSTON, Mr. D'AMATO, Mr. WILSON, Mr. STEVENS, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. SHELBY, Mr. LOTT, Mr. CONRAD, Mr. DURENBERGER, Mr. KASTEN, Mr. BRADLEY, Mr. DODD, Mr. LUGAR, Mr. HATCH, Mr. DOMENICI, Mr. SASSER, Mr. MITCHELL, Mr. BURDICK, Mr. ROTH, Mr. COCHRAN, Mr. REID, Mr. KOHL, Mr. KENNEDY, Mr. LIEBERMAN, Mr. ARMSTRONG, Mr. CRANSTON, and Mr. HATFIELD):

S.J. Res. 50. Joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week"; to the Committee on the Judiciary.

By Mr. WILSON (for himself, Mr. BOND, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GORTON, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MACK, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PRESSLER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. BENTSEN, Mr. BINGAMAN, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. CONRAD, Mr. DECONCINI, Mr. DODD, Mr. GLENN, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. SANFORD, Mr. SHELBY, Mr. SIMON, and Mr. WIRTH):

S.J. Res. 51. Joint resolution to designate the month of April 1989, as "National Cancer Awareness Month"; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BRADLEY, Mr. BENTSEN, Mr. GORE, Mr. KENNEDY, Mr. WARNER, Mr. GRAHAM, Mr. BOREN, Mr. BUMPERS, Mr. SARBANES, Mr. LEVIN, and Mr. MOYNIHAN):

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. ROBB):

S.J. Res. 53. Joint resolution to designate May 25, 1989, as "National Tap Dance Day"; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself and Mr. DODD):

S.J. Res. 54. Joint resolution to designate the months of April 1989, and 1990, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. COCHRAN, Mr. JEFFORDS, Mr. METZENBAUM, Mr. GRASSLEY, Mr. BRADLEY, Mr. MATSUNAGA, Mr. PELL, Mr. THURMOND, Mr. DOMENICI, Mr. ROCKEFELLER, Mr. PRYOR, Mr. BENTSEN, Mr. DODD, Mr. LIEBERMAN, Mr. ROBB, Mr. HEINZ, Mr. WILSON, Mr. LUGAR, Mr. STEVENS, Mr. WARNER, Mr. INOUYE, Mr. DURENBERGER, Mr. PRESSLER, Mr. KENNEDY, and Mr. HATCH):

S.J. Res. 55. Joint resolution to designate the week of October 1 through 7, 1989, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 50. Original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

S. Res. 51. Original resolution authorizing expenditures by the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

S. Res. 52. Original resolution authorizing expenditures by the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. PRYOR (for himself and Mr. HEINZ):

S. Res. 53. Resolution authorizing printing additional copies of Senate report titled "Developments in Aging: 1988"; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself, Mr. DECONCINI, Mr. DIXON, Mr. GORE, Mr. INOUYE, Mr. SANFORD, Mr. DASCHLE, Mr. HEFLIN, Mr. SASSER, Mr. DODD, Mr. KERRY, Mr. BURDICK, and Mr. BOSCHWITZ):

S. 348. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential for small business stock held for more than 4 years; to the Committee on Finance.

VENTURE CAPITAL GAINS ACT

● Mr. BUMPERS. Mr. President, today I am reintroducing legislation to provide a modest tax incentive in favor of high-risk long-term investments in America's future.

It has never been clearer that Americans need to fight for our economic prosperity and independence. We find ourselves in an international competition of great intensity and we are losing on many fronts.

There is a developing consensus that American investors and businessmen focus too much on short-term gains in income and neglect long-term investments in economic growth. The values that are associated with the stereotype of a yuppie and infecting our business community and our economic prosperity as a nation will suffer as a result.

Today we underinvest in new business ventures, in research and development, in plant and equipment, and in training. When we underinvest, we put our future at risk, we live for the moment, and we ignore the piper's song.

Increasingly we rely on financial wizards and lawyers to camouflage the fact that our economic foundations are eroding.

The legislation I reintroduce today addresses this issue by giving investors an incentive to become venture capitalists, to take risks, to invest for the long-term, and to seek the gains which come from economic growth.

My legislation will encourage investors to take risks on new ideas and new technologies, to give entrepreneurs the capital they need to fund the business ventures of tomorrow, and to wait for long-term gain on these investments.

I am delighted that Senators DECONCINI, DIXON, GORE, INOUYE, SANFORD, DASCHLE, HEFLIN, SASSER, DODD, KERRY, BURDICK, and BOSCHWITZ have agreed to be original cosponsors of this legislation. I hope to have more cosponsors as the capital gains debate becomes more focused.

It is clear from this list of cosponsors that the capital gains issue is a bipartisan issue in the Congress. Senate Democrats are just as interested in the capital gains issue as are Republicans. Senate Democrats want to debate the capital gains issue on the merits and to join in fashioning a reasonable and effective incentive for capital formation.

I look forward to working with my cosponsors and with the members of the Senate Finance Committee on the capital gains issue.

HISTORY OF VENTURE CAPITAL GAINS LEGISLATION

While we were considering the Tax Reform legislation in 1986 I expressed my concern about the repeal of the capital gains tax preference. My concern then and my concern now is that small business ventures would suffer most if the capital gains preference was repealed and this has proven to be true.

During consideration of the tax reform law, the Small Business Committee held a hearing on this issue and we heard from many experts about the adverse consequences of repealing the capital gains tax. ("The Elimination of the Capital Gains Differential for Individuals and Its Impact on Small Business Capital Formation," hearings before the Senate Small Business Committee, June 4, 1986.) We heard from venture capitalists who warned that repealing the capital gains preference would reduce the inclination of investors to make high-risk, long-term, growth-oriented investments.

The witnesses said that the problem with the tax reform law would be that it would place a premium on low-risk, short-term, income-producing investments. With the elimination of the capital gains tax preference, there would no longer be any reason for a taxpayer to hold onto an investment even for 6 months, the old holding period required for capital gains investments.

Of course, the Congress ignored these warnings, adopted the tax reform law, and the capital gains tax preference was eliminated.

To remedy the flaw in the tax reform law, in April of 1987 I introduced S. 931, the Small Business Capital Formation Act of 1987. (133 Congressional Record S4728-4732, April 7, 1987.) The bill I introduce today is the same bill, with some minor technical refinements.

VENTURE CAPITAL GAINS COMPARED TO PRESIDENT'S CAMPAIGN PROPOSAL

I introduced S. 931 long before then-Vice President George Bush advanced his own capital gains proposal. We are now awaiting the details on his proposal, which may differ from the capital gains proposal he described during the campaign. But it is helpful in describing the bill I am introducing today to compare it to the capital gains proposal the President advocated during the campaign.

TERMS OF CAPITAL GAINS PROPOSALS

The President and I agree on one point about capital gains taxes. We agree that the repeal of the capital gains tax preference in the tax reform law was ill-considered. But there are then many differences in our approaches to restoring a capital gains preference.

The President's capital gains proposal, as described during the campaign, is sweeping.

First, he proposed during the campaign that the maximum tax rate on capital gains income be reduced from 33 to 15 percent. This is a 55-percent reduction in the maximum tax rate. This makes the 25-percent "supply side" tax cut cut in 1981 look modest by comparison.

Second, this dramatic tax break apparently would be available for the sale or exchange of any capital asset.

The term "capital asset" is a term of art in the tax law, but it includes virtually everything—type of property you own and use for personal purposes or investment.

It includes corporate stock, commodities and futures contracts, shares in a partnership, a dwelling owned and occupied by you and your family, household furnishings, a car used for pleasure purposes and commuting, coin or stamp collections, gems and jewelry, gold, silver, and any other metal.

It includes property used in trade or business, an invention, good will, a franchise, trademark or trade name, livestock, and timber, domestic iron ore and coal may all be capital assets.

I have commissioned a memorandum from the Congressional Research Service which outlines the range of assets which qualify as capital assets and is an expansive list. (Memorandum of Greg Esenwein, CRS, August 3, 1988.) When you review the list, in many cases it becomes difficult to justify providing preferential tax benefits. It is incumbent on any advocate for preferential tax treatment to explain why it is in the national interest to reduce the tax burden for taxpayers who make certain investments and I do not think that this is possible for investments in many of the assets which qualify as capital assets.

Third, the President indicated during the campaign that to qualify for capital gains tax treatment, the investment would have to be held for 1 year. On January 1, 1988, the holding period on capital gains reverted from 6 months to 1 year and the President would not propose that the 6-month holding period previously in effect be restored.

The 1-year holding period is hardly enough to encourage the patient capital that American firms need to grow and prosper. It's better than a zero holding period, but it's hardly enough to encourage long-term, high-risk investments in America's future.

Finally, it is not clear whether the President intends for the alternative minimum tax [AMT] to apply. The AMT would not apply unless the tax law is amended to include capital gains in the list of preference items. Indirect sources indicate that Bush would not apply the AMT to the new capital gains preference, but no decision on this issue apparently has been made.

This means that high income taxpayers would claim capital gains income and avoid paying their fair share in taxes. The minimum tax is one of the most important reforms of the tax reform law and the President's campaign proposal would undermine its application and effectiveness.

My capital gains bill—S. 931—and the bill I am introducing today propose a much narrower capital gains tax preference, one that is targeted at

high-risk, long-term, growth-oriented investments.

First, I propose that the maximum tax rate on capital gains income be 21 percent. This represents a 36-percent reduction in the tax rates which apply to capital gains.

Second, this tax break would be available only for investments in corporate stock. It is not available for investments in any other capital asset.

Third, these investments in corporate stock must be direct investments in corporate stock; that is, purchases of stock directly from the corporation as distinct from purchases of stock sold by another investor, trading in the secondary market.

Fourth, the stock must have been issued by a small business with less than $100 million in paid-in capital. I will discuss this limitation further in a minute.

Fifth, the stock which is purchased must be held for a minimum of 4 years.

And finally, any gain on the stock is explicitly included as a preference item in the alternative minimum tax.

S. 931 and the bill I introduce today are directed at the investments typically made by entrepreneurs and venture capitalists. These are risky, long-term investments in startup ventures. These are the investments which entrepreneurs make when they start a new business. These are the investments which venture capitalists make when they back an entrepreneur with seed capital.

I made this point at some length when the Senate debated the amendment offered by Senator ARMSTRONG to the Senate budget resolution on April 14, 1988. I argued then against indexing the basis for capital assets and in favor of a targeted capital gains exclusion. I emphasized then that capital gains should be for entrepreneurs. (133 CONGRESSIONAL RECORD 6847-6848, April 14, 1988.)

The President's capital gains incentive is available for much less risky, much shorter-term investments in a wide variety of assets which have nothing to do with growth or job creation or the competitiveness of U.S. industries.

Why should we encourage investments in vacation homes or antique cars? I see no public policy rationale for a capital gains tax preference for either type of investment.

My bill is fairer to middle-income taxpayers. It limits the benefits which wealthy taxpayers can reap from the preference and the President's proposal does not.

The differences between the President's campaign proposal and my own are fundamental. They go to the question of what type of investments we should encourage. They concern the value of the incentive we should provide and who should receive the incentive.

These differences are issues of policy, but they are also issues which go to our values and priorities.

COMPARISON OF REVENUE IMPACT

Any consideration of a capital gains tax preference must focus first on the potential impact of such a preference on Government revenue. The merits of the issue are not open for serious debate if the revenue impact is severe.

The President's campaign proposal: President Bush asserted many times during the campaign that his proposal "would not cost the Government money." Rather, "it would gain additional revenue by stimulating growth." He repeated this claim at his first press conference last week. He states that this assertion is substantiated by the effect of the 1978 reduction in tax rates on capital gains—the Hansen-Steiger amendment—and by the research of Prof. Martin Feldstein and NBER researcher Lawrence Lindsey.

The Joint Committee on Taxation, however, has ruled in a response to an inquiry from Congressman BILL ARCHER that a 15-percent tax rate on capital gains would reduce Government revenue by $8.5 billion in 1990, $15 billion in 1991, and $17.1 billion in 1992. (Letter of David Brockway to Congressman ARCHER of November 8, 1987). The total 3-year revenue loss is projected to be $40.6 billion.

Similarly, the Congressional Budget Office has stated that a 15-percent rate would probably reduce Government revenue by between $3.9 and $7.8 billion per year.

Finally, a recent Congressional Research Service report indicates that instituting a capital gains tax preference may have a negative impact on Government revenue in the long run even if it has a positive impact in the short term.

In January 1987 the Treasury Department estimated that the increase in the capital gains tax rate in the tax reform legislation (from 20 percent to 28-33 percent) would increase Government revenue by $21.8 billion over 5 years. The Federal Government already has received a $10 to $15 billion revenue bonus at the end of 1986 when taxpayers rushed to sell assets to take advantage of the then-still-applicable 20 percent maximum capital gains tax rate.

All of these estimates are controversial. There are more recent studies by the Treasury Department which indicate that some of the methodology in its earlier studies are not appropriate. These recent studies have been attacked by critics of the capital gains exclusion.

I am not sure that the revenue loss estimates of the Joint Committee and Treasury Department are accurate. Indeed, I am not even sure that they are reasonable. But, I do know several things.

These estimates seem to have been prepared in good faith by professionals. There is broad agreement among the Government officials who are preparing estimates.

Most important, these estimates are not static estimates. In each case, they find that a reduction in capital gains tax rates does encourage investors in capital assets to sell their assets, generating taxable income. They do not find that this increase in asset sales—in tax parlance these sales are referred to as "realizations"—are as great as others would find. They find that the rate of realizations increases, but they do not find that the increased rate is enough to offset the loss in revenue due to a lower tax rate.

Whether or not one agrees with its estimates, it is clear that the Joint Committee would find that the President's campaign proposal would lose many billions of dollars in revenue, perhaps tens of billions of revenue, if enacted into law. The Joint Committee does not accept the arguments of Mr. Feldstein or Mr. Lindsey.

More interesting, the Treasury Department of the Reagan-Bush administration still does not agree with the President's conclusion. As I have said, the Department is reviewing its position but it has not as yet changed its position.

There is good reason for all of us to be skeptical of any proposal which argues that a reduction in tax rates leads to an increase in revenue.

The 1981 "supply side" tax cut also was supposed to have a minimal impact on revenues because it was supposed to stimulate economic activity, but the official estimate of its impact on revenue—an estimate contained in President Reagan's own budget—is that it will reduce Government revenue by $290.9 billion this year alone.

Of course, whether or not one agrees with them, the revenue estimates of the Joint Committee are the only estimates used in the House and Senate and they alone determines whether the point of order under the Gramm-Rudman-Hollings law—as to whether a proposal is "deficit neutral"—applies.

This means that any proposal to reduce capital gains tax rates to 15 percent would have to be paid for by an equal amount of additional revenue from some other source or an equal amount of reductions in spending. The final result must not increase the deficit and the Joint Committee's determination on whether a proposal is deficit neutral is binding.

Revenue impact of venture capital gains bill: The revenue estimates for the President's campaign proposal contrast sharply with those for S. 931 and the bill I introduce today.

S. 931 differs from the bill I introduce today in that it would provide an incentive only for stock issued by companies with $10 million or less in paid-in capital. The venture capital gains bill would be available if the paid-in capital is less than $100 million. This makes very little difference in the revenue impact of the bill.

In 1987, I obtained an official revenue estimate from the Joint Committee on the revenue impact of S. 931. The Joint Committee finds that S. 931 would lose $24 million—that is million, not billion—in revenue in 1992, the first year after the 4-year holding period has run. Over a 3-year period it would lose $40 million. (Letter of Mr. David H. Brockway, September 18, 1987.)

This revenue estimate was so low that I asked the Joint Committee by how much the $10 million limitation in S. 931 could be raised—to apply the tax break to investments in larger businesses—while holding the revenue loss in 1992 to less than $500 million. The Joint Committee has told me that the $10 million limitation could be "removed altogether" and the revenue loss would be less than $500 million in 1992. The committee did not provide a specific revenue loss figure for the bill if the $10 million limitation is removed or raised to a given figure. (Letter of Mr. David H. Brockway, September 18, 1987.)

After obtaining this estimate, I consulted at length with representatives of the National Venture Capital Association and the National Small Business Investment Company Association to determine by how much we should raise the $10 million limitation. In these discussions I insisted that the aim must continue to be to target the capital gains break to smaller businesses because this is central to the concept of the bill. Based on these consultations, I have determined that the threshold should be raised from $10 to $100 million.

The venture capital gains bill remains identical to S. 931 on the other key issues, the 21-percent maximum rate, the limitation to direct investments, the 4-year holding period, and the application of the minimum tax. Each of these limitations is fundamental to the purpose and rationale of S. 931 and to the current bill.

So, with the $10 million limitation, S. 931 it lost one one-thousandth as much revenue as the President's campaign proposal, $40 million versus $40 billion. With the $100 million limitation, the venture capital gains bill loses one-eightieth as much revenue as the President's campaign proposal, $500 million versus $40 billion.

These revenue estimates on S. 931 and the current bill show that the 21-percent maximum rate, the limitation to direct investments, the limitation to purchases of stock, the 4-year holding period, and the application of the minimum tax are powerful constraints on the revenue loss for the bill.

They show that the 15-percent maximum rate, the absence of limitations on the type of investment, the 1-year holding period, and the exemption from the minimum tax are extremely generous and open the floodgates to lose Government revenue.

In terms of the budget deficit, the venture capital gains bill is responsible and the President's campaign proposal is not.

During the past 2 years I have suggested one way to finance the revenue loss which comes from enactment of my capital gains bill. On September 30, 1987, I wrote to the Members of the House Ways and Means and Senate Finance Committees stating that if the committees raised income tax rates for the 1987 reconciliation bill, there could well be enough revenue generated to adopt S. 931. If income tax rates were raised, it is likely that the committees would at least have retained the 33-percent maximum tax rate on capital gains. I suggested that the committees should move to lower capital gains tax rates along the lines suggested in S. 931.

Of course, the two committees chose not to raise income taxes rates so they never faced the issue of how to adjust capital gains tax rates.

We did debate this issue in late 1987 in the Senate when we debated the legislation to implement the deficit reduction agreement following the October stock market crash. During that debate Senator KASSEBAUM and I proposed an amendment which would have frozen most spending and frozen tax rates at their 1987 "transition" levels. This freeze on tax rates would have preserved the differential in tax rates between capital gains and ordinary income. The Kassebaum amendment was defeated.

This year we may again debate tax rates. The 33-percent recapture rate is an anomaly. High income individuals pay a top tax rate of 28 percent. Taxpayers with less income pay a top tax rate of 33 percent. In short, our tax system is regressive for high income individuals. This tax rate structure makes no sense. If we turn this 33-percent recapture tax rate into a flat bracket, we should focus on the capital gains issue.

WINDFALL VERSUS INCENTIVE

The capital gains tax is a tax incentive. Its purpose is to induce or encourage taxpayers to engage in certain behavior which we in the Congress believe is in the national interest. We should only provide a tax incentive to taxpayers if we believe that providing the incentive will induce or encourage taxpayers to engage in that behavior and if we believe that taxpayers would not otherwise engage in that behavior.

A tax incentive merely creates a windfall if it rewards taxpayers for doing that which they would do without the incentive. Of course, some taxpayers already make investments in capital assets or in the stock of startup small businesses and their investments would now be rewarded with a tax subsidy. For these investors the capital gains tax preference confers a windfall and is not responsible for encouraging these taxpayers to make these investments.

It is clear that the President's campaign proposal would confer a much greater windfall on taxpayers than would the venture capital gains bill. There is no capital gains tax preference now and millions and millions of investors are buying capital assets and holding them for a year. There are very few taxpayers who invest in startup small businesses and hold the investment for 4 years. This is part of the reason why the revenue loss for my bill is so much less than for the "15 percent solution."

We should not give away tax subsidies unless taxpayers have to work for them, to do something that is riskier with their investment dollars. The President's campaign proposal does not set high enough standards for the quid pro quo for the subsidy. The venture capital goods bill does.

I have requested that the Joint Committee on Taxation to attempt to determine the degree of windfall which is conferred by the President's campaign proposal and the venture capital gains bill. I am awaiting its report. I am not sure the Joint Committee has ever been asked to prepare such a report before but its report will be very interesting to review.

DIRECT INVESTMENTS VERSUS TRADING

"Capital formation" is the rallying cry for all those interested in providing tax incentives for investment.

The venture capital gains bill literally forms new capital in the sense that it applies only to the initial investments in new issues of stock issued by small companies. My bill puts new capital in the hands of entrepreneurs to use in founding or expanding a business. The capital is formed for the persons who need it, the entrepreneur.

The venture capital gains bill does not apply to the trading of a stock in the secondary market, which does not raise any additional capital for the company which issued the stock in the first place. Once a business has issued and sold its stock, it has obtained the capital it needs from the investors. No new capital is formed when stock is traded on the secondary market.

If trading of that stock increases the price of the stock, the business can obtain more capital when it issues additional stock. The business wants the stock price to rise so that it can raise more capital if it issues additional

stock and so that an investor does not try to take over the company by buying a controlling share of the stock. But the immediate beneficiaries of stock trading in the secondary market are investors and brokerage houses, not the business whose stock is traded.

By providing a tax incentive only for direct investments in stock, the venture capital gains bill ensures that the business which issues the stock—and the entrepreneurs who run the business—should be able to obtain a higher price for the stock it issues. This means the business and the entrepreneurs will have more capital to work with in building the business.

This focus on direct investments may have a positive impact on initial public offerings of stock—and subsequent issues of stock by the businesses until the $100 million or other limitation comes into play. These initial public offerings are the riskiest undertakings for an entrepreneur, but going public is the only way many growth-oriented small businesses can raise the capital they need to grow.

The venture capital gains bill forms new capital and puts it in the hands of entrepreneurs. The President's campaign proposal forms very little new capital and mostly shifts it around among investors. My proposal rewards wise investments in smart entrepreneurs, while the President's rewards speculation about the value of existing stock.

STOCK PURCHASES VERSUS OTHER INVESTMENTS

The old capital gains tax preference applied to many types of investments other than investments in corporate stock, including many investments which have nothing to do with competitiveness or other macroeconomic issues. It applied to investments in vintage cars, antiques, gold coins, paintings, and gems. It also applied to investments in real estate.

The venture capital gains bill applies only to investments in corporate stock because small businesses rely on the equity market to obtain patient capital. Most small businesses cannot afford to pay the carrying costs on debt. As a matter of public policy, we should encourage growth in the equity markets, not the debt markets. This public policy explains the elimination of the tax deduction for consumer interest.

The venture capital gains bill focuses on investments which will help American compete in international trade. There is no rationale for encouraging investments in collectibles. Similarly, there is little need to encourage additional investments in real estate. Investments in seed capital for entrepreneurs is what is needed for American to be competitive.

REAL RISK OF INVESTMENT

The venture capital gains bill provides a tax break to investments in the stock of small businesses because there is real risk in these investments. Small businesses can and do fail. In fact, venture capitalists have a rule of thumb that only one or two of ten investments will pay off well in the long run.

Companies whose stock trades on the New York Stock Exchange rarely fail. They pay dividends regularly. The price of the stock may rise or fall, but an investor rarely risks losing everything he or she has invested.

Investors in the initial offering of stock take a particular risk because it is difficult to know how much the stock will sell for in the secondary market. The initial price of stock may bear little relationship to the value that other investors will place on that stock in the secondary market. The price of initial public offerings may rise or fall substantially the first day the stock is traded in the secondary market. In fact, there may be no secondary market for the stock because it is not possible to know how much the stock is worth.

Often investments in startup companies are made before the company has manufactured or marketed any products. The investments provide research funds for the company to discover a new product or to begin manufacturing that product. At this point in the life of the company, it is very difficult to know how profitable the company will be and it may be many years before it turns any profit at all. Startup companies must reinvest their income in further research, manufacturing facilities or mass marketing. This may delay their ability to pay out dividends.

This is why there is a need for a tax incentive to encourage these investments. These investments do involve real and substantial risk. These are investments which investors are reluctant to make, but these are investments which must be made if we are to compete in international markets.

ENTREPRENEURS AND EMPLOYEES

The venture capital gains bill applies to stock purchases by any investor, including the entrepreneur who founds a company and employees who have stock purchase plans. It does not simply apply to outside investors who purchase the stock.

It is a relatively simple matter for an entrepreneur to issue stock to himself. It may be more difficult to determine the market value of that stock than it is to determine the value of stock sold to outside investors and the burden is on the taxpayer to substantiate his or her claims about the basis value of the stock.

For many small businesses, the value of the companies they found is their principal source of retirement savings.

FOUR YEAR HOLDING PERIOD

The four year holding period ensures that investors do not expect that the small businesses in which they invest will quickly generate income. The venture capital gains bill rewards investors who seek long-term growth, not short-term returns. It seeks to lengthen the time-horizon of both the companies which issue the stock and the investors who buy it.

This four year holding period is another element of the risk which is rewarded by my bill. There is inherently less risk in a shorter term investment. The longer the taxpayer must hold the investment to gain the tax benefits, the greater are the risks which the taxpayer must take and the greater is the justification for the tax benefit.

The purpose of the venture capital gains bill is to encourage risk taking. The holding period involves risk, the emphasis on direct investment involves risk, and the limitation to the stock of small businesses involves risk.

ALTERNATIVE MINIMUM TAX

I have already said that the venture capital gains bill sets the maximum tax rate on capital gains at 21 percent and that the alternative minimum tax applies. These two provisions are directly related to one another.

The maximum tax rate of 21 percent on captial gains in S. 931 is the same as the tax rate under the minimum tax in the tax reform law. I considered setting a maximum tax rate of less than 21 percent, but it makes little sense to set the tax rate on capital gains lower than 21 percent if the minimum tax applies. If one sets a maximum tax rate on capital gains which is lower than 21 percent, the taxpayers who are subject to the minimum tax will still end up being taxed at the 21 percent rate under the minimum tax. It's a zero sum game for taxpayers who are subject to the minimum tax.

I have requested that the Joint Committee on Taxation analyze the relationship between a capital gains preference and the minimum tax. In a letter of June 26, 1988, Mr. Ron Pearlman of the joint committee has presented an exact formula which explains this relationship and in a letter of July 26 I have asked the joint committee to prepare an additional analysis of this issue.

No debate on the capital gains issue can avoid the minimum tax issue. It is inconceivable to me that Congress would restore a capital gains tax preference without applying the minimum tax. If I am correct in this judgment, it is hard to justify setting a maximum tax rate for capital gains of less than 21 percent.

PROGRESSIVITY AND FAIRNESS

The alternative minimum tax ensures that individuals cannot aggregate their tax preferences to reduce their marginal tax rate below 21 percent. This ensures that the venture capital gains bill will not undermine

the progressivity and fairness of the tax system.

Many feel that the principal reason why the capital gains exclusion was repealed by the tax reform legislation was because a disproportionate amount of the benefits of the exclusion went to high income individuals. When the Congress moved to drastically reduce tax rates, limiting the tax applicable to very high income individuals to 28 percent, it had no choice but to limit the tax reduction opportunities provided to these high income individuals by such tax preferences as the capital gains exclusion.

The elimination of the capital gains exclusion served this purpose and so did the adoption of the alternative minimum tax. The tax reform law did not eliminate all tax preferences. There are still ways for high income taxpayers to reduce their tax liability. The minimum tax seeks to ensure that we will never again have reports of multimillionaires paying no taxes.

The venture capital gains bill explicitly includes the tax benefits of the capital gains tax break as a preference item in the minimum tax to ensure that the bill does not adversely affect the progresssivity of the tax system. It will not return us to the time when there were scandals about wealthy individuals avoiding paying any Federal income tax.

I have requested that the Joint Committee on Taxation study this issue in some detail. (Letter of May 12, 1988.) I have specifically asked the committee to analyze the distribution of benefits from the venture capital gains bill and from the President's campaign proposal. I am sure that this study will find that the benefits conferred by my bill are much more evenly distributed and are concentrated with the highest income taxpayers.

EFFECT OF CAPITAL GAINS REPEAL

There are many differences between the venture capital gains bill and the President's campaign proposal. But, let me repeat again that the President and I agree that the repeal of the capital gains tax law was bad policy.

It is not possible as yet to determine precisely how the increase in the capital gains tax rates has affected capital investments generally, but there is evidence that it has hurt capital formation for small businesses. The evidence is very hard to evaluate because there are so many conflicting forces at work. For example, there have been major nontax developments such as the stock market crash which have crippled markets for initial public offerings.

We do know that traditionally small businesses have had more difficulty obtaining capital because investments in small businesses involve more risk and have less prospects for generating short-term income. The reports of the Small Business Administration and others provide extensive data on this problem.

We know that the tax reform law exacerbates this problem by reducing the tax penalty on ordinary income by reducing marginal tax rates. This fact, together with the elimination of the capital gains holding period, may well reduce the attractiveness to investors of long-term, growth-oriented, riskier investments, particularly those in startup small businesses. It may increase the attractiveness of short-term, income-oriented, safer investments. If this is true, the tax reform bill will hurt investments in small businesses, which need to reinvest all of their net income in the business to help it grow and prosper.

There is anecdotal evidence that the tax reform law is hurting capital formation for small businesses. Venture magazine reported that "startups face trouble from venture capitalists, an imperiled SBIC program, and a higher capital gains tax." ("Desperate for Dollars," May 1988.) This article states that the problem arises from "simple arithmetic." "When venture capitalists can get a fairly safe 35 percent to 50 percent on a leveraged buyout, why accept a potential 50 percent on a startup that carries more risk?" One venture capitalist said that "venture capitalists aren't looking for seedlings, they're looking for 12-inch tree trunks."

It is too much to expect that those of us who propose a capital gains tax preference will ever be able to precisely quantify what the tax reform law means for capital formation for the country or for small business. But, we have strong evidence that it has exacerbated a problem which small businesses always have had in obtaining sufficient capital to grow and prosper.

THE CAPITAL GAINS DEBATE

There are some who will oppose any capital gains tax no matter how targeted it may be. They will argue that the tax reform law should not be changed, particularly by restoring one of the principal tax preferences. They will argue that the beauty of the tax reform law is that it simplifies the Tax Code, eliminating distortions. They will argue that restoring any tax preferences would require raising the low tax rates, which would undo the principal benefit of the tax reform law.

I respect these arguments. They are arguments about principles. These arguments are made by some of the most responsible Members of the Congress. These are arguments which must be addressed by those of us who support restoring a capital gains tax preference.

The venture capital gains bill does recreate a capital gains tax break and that is controversial no matter what the limitations are in the proposal. The tax break I propose is limited and targeted and it may be much more palatable than the President's campaign proposal, but it does reopen the debate on capital gains and it may even reopen the debate on the tax reform law.

Many tax reform advocates long opposed the capital gains tax break and hailed its repeal. Statistics cited during the tax reform debate showed that the benefits of the capital gains tax break had gone largely to wealthy individuals. In addition, the 6-month holding period was indefensible.

It can be said that any move to recreate any tax break for capital gains undermines the tax reform legislation. The venture capital gains bill can be seen as a foot in the door for a much broader proposal like that of the Vice President. Reform advocates may not think this to be wise.

The critics of the capital gains preference can ask why the President would favor special tax treatment for investments in collectibles and real estate, why he favors a large differential in tax rates, why he favors the break for nondirect investments, why he favors a short holding period, and why he favors exempting the gains from the minimum tax. And, most important, they will ask why he is so unconcerned about the revenue impact of an across-the-board capital gains tax preference.

My proposal challenges the assumptions about capital gains by showing that there is a moderate, targeted, fiscally responsible alternative to the old-style capital gains exclusion. The criticisms which can be made of the President's campaign proposal do not apply to the venture capital gains bill.

My proposal focuses on entrepreneurs, employees of startup businesses, and venture capitalists—not on takeover artists, arbitragers, and margin accounts. It focuses on investments in businesses that might actually fail, not on trading of IBM stock. It provides capital to small businesses, which have been shown to be the principal source of new employment and innovation. It focuses on the future, not on the short term. It would not adversely affect the progressivity of the tax system.

If there is any rationale for restoring a capital gains tax incentive, and I think there is, the venture capital gains bill is the approach we should take.

It is the only fiscally responsible capital gains proposal being considered in the Congress.

It rewards real risk taking in growth-oriented small businesses.

It offsets the bias toward low-risk, income-oriented investments in the tax reform legislation.

It gives a preference only to investments which have a bearing on the competitiveness of the country.

It literally forms new capital, rather than simply encouraging trading of existing capital.

And it is fair to the middle income taxpayer.

These features of the venture capital gains bill do not meet every argument which the defenders of the tax reform law may raise. They want no changes in the tax reform law. They view it as a holy document. They see a problem with any changes because they fear that this will lead to a flood of changes.

When the arguments turn to the merits of the issue, the venture capital gains bill is a capital gains proposal which makes sense. It takes the debate on capital gains back to the basics, long-term risktaking.

I have great respect for the authors of the tax reform law. I did not agree with the repeal of the capital gains incentive, but I understand why it happened. I do not think that the tax reform law is perfect and cannot be improved. I look forward to debating the venture capital gains bill on the merits.

POLITICAL REALITY ON CAPITAL GAINS

I fear that the President's campaign proposal gives the opponents of a capital gains tax preference too many arguments.

His proposal is so lacking in focus, so indiscriminate and so irresponsible in its potential revenue impact, it discredits our efforts to debate this issue.

Two years after we have completely abolished the capital gains preference is too soon for anyone to be arguing that we should completely reverse course. This is shortsighted and politically unrealistic. Congress does not often completely reverse itself on any issue and it rarely does one on an issue which was thoroughly debated the first time.

The President apparently has learned nothing from the tax reform debate. One would think that he did not support the President's tax reform initiative. He does not see any legitimacy in the criticisms which were raised about the old capital gains tax. He wants to return to the old capital gains tax preference, with no changes, no rethinking of the issues, and no new concepts.

The President's campaign proposal makes it easy for the opponents of the capital gains tax preference. In fact, I believe that the President's proposal will delay the time when we will have a full-blown debate on the capital gains issue. It is too easy to defeat the President's proposal on a point of order. It is too easy to ridicule it. It is too hard to explain why we are providing an incentive for investments in vacation homes and antique cars.

There are some who will be beguilded with the President's campaign proposal. It's both flashy and simple. It promises a return to the good old days. It promises the combined benefits of the low tax reform rates and the old tax preferences. It promises that you can have it all.

The politics of this issue may turn out to be quite strange. I would think that the representatives of the securities industry would oppose the President's proposal because it restores the 1-year holding period. It prospers when investors trade stock, not when investors hold it. It fought for the 6-month holding period and it loves the zero holding period even more.

There are, however, investors who specialize in making long-term, high-risk investments, the venture capitalists. They know that the entrepreneurs they back cannot pay out any dividends. They know that some of these ventures fail. They know that the secondary market for their investments is weak. But, they take the risk because there can be tremendous rewards.

The natural constituency for the venture capital gains bill is the venture capital industry. In fashioning this bill I have worked closely with the National Venture Capital Association and the National Small Business Investment Company Association. These asociations can understand the rationale for a long holding period and for rewarding high-risk investments.

In fact, I woud argue that it is in the interest of the venture capitalist to oppose the President's campaign proposal. If the President's proposal were to be adopted—which I think is exceedingly unlikely—the primary beneficiary will be the securities industry, which specializes in shorter term, lower risk investments. The 1 year holding period will lead investors away from longer term, higher risk investments. It is even possible that the pool of venture capital investors may shrink. The President's proposal may discourage longer term, higher risk investments.

The tax reform law did eliminate many tax preferences. It did deregulate the tax system. This means that whatever tax incentives are left are even more powerful. There aren't many tax incentives left and those which remain are all the more attractive. If the President's campaign proposal were to be adopted, it will be the dominant tax issues for all investments. And, it is not focused on the type of investments made by venture capitalists.

On the other hand, if the venture capital gains bill is adopted, it will provide a powerful incentive that is tailor made for venture capital investments. If it is adopted, the pool of venture capital may increase. There will be an incentive for longer term, higher risk investments and perhaps a slight disincentive for shorter term, lower risk investment.

Indeed, the President's campaign proposal and the venture capital gains bill may have opposite effects. One helps the securities industry and one helps the venture capital industry. It is clear to me that these two industries cannot agree on one approach to the capital gains issue. Their interests are inconsistent. That's just a statement of fact. And the sooner the venture capital industry realizes this fact, and takes the lead on the capital gains issue, the sooner we can amend the tax reform law.

I am proposing that we reform the old capital gains tax to meet the legitimate objections which were raised to it during the tax reform debate. The venture capital gains bill takes the debate on capital gains back to its roots. It avoids ideology, it avoids supply-side magic, and it forces the opponents of the capital gains tax preference to debate real issues.

In any event, the revenue impact of the President's campaign proposal is so severe, it is quite unlikely that it can be pursued next year or at any time in the foreseeable future. Next year we are facing a drastic and mandatory reduction in the deficit under the Gramm-Rudman-Hollings law. We may have to cut $40 or more from the fiscal 1990 deficit. It is inconceivable that the Congress can seriously consider a proposal which is estimated to increase the deficit by tens of billions of dollars.

It will also be difficult to consider the venture capital gains bill this year, but, it will not be impossible to consider it. It does lose revenue, but this year the Congress may well enact a significant tax increase. If that tax increase involves tinkering with tax rates, particularly the 33 percent recapture bracket, it is quite possible that Congress will balance this move by reducing the maximum capital gains tax rate to 28 percent or even reduce it along the lines suggested in my bill. So, there is a plausible scenario for considering my bill this year and there is no plausible scenario for considering the President's campaign proposal.

For these reasons I must oppose the President's campaign proposal on capital gains. That proposal is counterproductive to the goal of encouraging long-term, high-risk investments. It delays the day when we can focus on a reasonable, responsible and realistic capital gains proposal. It is not a realistic option in the current budget climate.

If our only choice is between the President's campaign proposal and nothing, I would have to prefer no change in the current law. And it is in the interest of the venture capital industry to take the same position.

But, that is not the choice. We can restore a capital gains preference

which is fiscally responsible, which will generate economic growth and jobs, which complements the tax reform legislation, and which is tailor made for the venture capital industry.

I am convinced that the venture capital gains bill is a solid, practical and reasonable proposal. It is, in fact, the only realistic option which has been proposed to restore the capital gains tax preference.

I ask unanimous consent that a table summarizing the differences between my capital gains proposal and that of the President during the campaign be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF CAPITAL GAINS PROPOSALS

	Bush campaign	Senator Bumpers
Maximum tax rate	15 percent	21 percent.
Exclusion on gain	Unknown	25 percent.
Holding period	1 yr	4 yrs—Favors long-term investments.
Investments covered	Any capital asset, including stock, real property and collectibles.	Stock of small business ($100,000,000 paid in capital).
Capital formation	Covers secondary market trading.	Covers only direct investments in new stock issues.
Windfall	Retroactive to past investments, confers huge windfall.	Only applies to new investments, no windfall.
Minimum tax apply	No	Yes, ensuring fairness.
Revenue loss	$40,000,000,000 over 3 yrs.	Less than $500,000,000 over 3 yrs.

By Mr. HEFLIN:

S. 351. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the C.S.S. *Alabama*; to the Committee on Foreign Relations.

S. 352. A bill to urge negotiations with the Government of Mexico for the preservation and study of the wreck of the U.S.S. *Somers*, and for other purposes; to the Committee on Foreign Relations.

"C.S.S. ALABAMA" AND "U.S.S. SOMERS"

Mr. HEFLIN. Mr. President. I rise today to introduce two bills which will preserve American history. One of these bills pertains to the Confederate States Steamer [C.S.S.] *Alabama* and the other pertains to the United States Steamer [U.S.S.] *Somers*. Both of these ships currently lie on the ocean floor in non-U.S. waters. The C.S.S. *Alabama* lies off of the coast of France and the U.S.S. *Somers* sits in the territorial waters of Mexico.

For many months now, the State Department has been negotiating with the Governments of France and Mexico to obtain permission to recover these ships and their artifacts for historical display. Throughout these negotiations, our Government has maintained that title to these ships and their artifacts is vested in and has never been abandoned by the United States. This view has, however, been disputed by foreign governments and the negotiations have been long, laborious and sometimes unsuccessful.

At present, with respect to the C.S.S. *Alabama*, I understand that a tentative agreement has been reached to form a tripartite commission from the United States, France, and Great Britain to oversee the recovery and disposition of her artifacts.

In the case of the U.S.S. *Somers*, less agreement has been reached, although I understand that the Mexican Government has agreed to allow the United States to recover any of her military dead who went down with the vessel.

To ensure that other nations understand our country's intent to recovery as much of these vessels and their artifacts as possible, I introduce these bills. These ships have important historical significance to my home State of Alabama and to the Nation as a whole. I implore the Foreign Relations Committee to hold hearings on these bills as expeditiously as possible and I urge my fellow Senators to support their passage. I also ask unanimous consent that a brief history of each of these illustrious vessels follow my remarks.

THE "C.S.S. ALABAMA"

On August 24, 1862, Capt. Raphael Semmes, commissioned the Confederate States Steamer, the C.S.S. *Alabama*, under the direct orders of Jefferson Davis, President of the Confederacy. During the next 2 years, the C.S.S. *Alabama* acquired the reputation as the most feared of all Confederate warships. She captured and burned 55 Union merchant ships and she bonded 10 others. No other Confederate raider matched her record which is detailed in the reports of Commander Semmes to the Secretary of the Navy. In one of these such reports, Commander Semmes recounted his battle with the U.S.S. *Hatteras* which he describes in the following words:

> We now hailed in turn to know who the enemy was, and when he had received the reply that he was the U.S.S. *Hatteras* we again hailed him and informed him that we were the C.S.S. *Alabama*, and at the same time I directed the first lieutenant to open fire upon him. Our fire was promptly returned, and a brisk action ensued, which lasted, however, only thirteen minutes, as at the end of that time the enemy fired an off gun and showed a light, and upon being hailed by us to know if he had surrendered, he replied that he had and that he was in a sinking condition. I immediately dispatched boats to his assistance, and had just time to remove the crew when the ship went down * * *. We received a few shot holes from the enemy, doing no material damage. The enemy's steamer *Brooklyn* and another steamer steamed out in pursuit of us soon after the action commenced, but missed us in the darkness of the night.

Many were the times that the C.S.S. *Alabama* destroyed another ship and then disappeared into the darkness of the night without sustaining any significant damage. Along with the report of the battle with the U.S.S. *Hatteras*, Commander Semmes included a list of the enemy's ships which he had burned, bonded and destroyed. The total value of vessels which the C.S.S. *Alabama* had disposed of as of May 1863 was $3,100,000. The total number of prisoners paroled as of that date was 795. During the short period from January 25 to May 10, 1863, the C.S.S. *Alabama* captured, burned, or bonded a total of 20 vessels.

The C.S.S. *Alabama*'s illustrious record was arrested, however, on June 19, 1864 in the naval Battle of Cherbourg, one of the most dramatic events of the War Between the States.

After many exhausting months at sea, Capt. Raphael Semmes planned to relinquish command of the C.S.S. *Alabama* at Cherbourg Harbor in France and have the ship's hull, rigging, and engines overhauled. But, on June 14, 1864, before Semmes could obtain the permission necessary to dry dock his ship, the U.S.S. *Kearsarge* steamed into the harbor. Although Executive Officer John McIntosh Kell cautioned Semmes that, at target practice in the spring, two out of every three of the ship's fuses had been inoperative due to defective powder, Semmes' brave and aggressive spirit dominated. He was determined to fight the *Kearsarge*. During the 3 days of intense preparation for the battle, Semmes felt confident in his crew and in his ship. He expressed this sentiment in his journal where he wrote: "My crew seems to be in the right spirit, a quiet spirit of determination pervading both officers and men. The combat will no doubt be contested and obstinate, but the two ships are so equally matched that I do not feel at liberty to decline it."

On Sunday, June 19, 1864, a reported 17,000 spectators gathered on the French coast to witness the confrontation. Dozens of yachts and small craft followed as the band on a French warship played "Dixie." One of these spectators was the wealthy Englishman John Lancaster who was aboard his private yacht, the *Deerhound*. Also watching the contest from a private boat was the famed artist Edouard Manet.

After the *Alabama* chased the *Kearsarge* 7 miles out to sea, the *Kearsarge* turned around and headed for the *Alabama*. The *Alabama* discharged the first shot, which went too high. The *Alabama* then fires two more shots which were also too high. The *Kearsarge*'s first shot struck the *Alabama* near her forward port and was followed by a full broadside to the *Alabama*. The ships then forced into a circular track traveling at full steam, moving in opposite directions and each fighting her starboard side. They made seven complete circles before the

end of the action, gradually lessening the distance between them. The conflict continued with the *Alabama* firing at least two shots for every one fired by the *Kearsarge*. However, the *Alabama* generally fired too high.

With the action continuous on both sides, an 11-inch shell careened through the *Alabama*'s gun port and wiped out "like a sponge from a blackboard one-half of the gun's crew." A second shell did further damage and when a third shell struck the breast of the gun carriage and spun around on deck without exploding, a compressor man quickly picked it up and threw it overboard.

After about 20 minutes of fighting, a shell from the *Alabama* struck the hull of the *Kearsarge*. The crew onboard the *Alabama* cheered wildly, believing that this shot had crippled the *Kearsarge*, before they realized that no damage had been done. Semmes was stunned in disbelief. Not knowing that the *Kearsarge* was protected by chains slung over her sides and then covered by wooden planks, he and his men continued to hope for the one shot which would disable the *Kearsarge*. That shot never came.

From the horse block, the highest point on the deck of the ship, Semmes observed the damage done to his ship by the enemy's fire. He was astonished by the accuracy of the enemy's guns and he offered a reward to any gun crew that could silence the guns which were damaging his ship and crew.

On shore, Captain Sinclair recognized part of the problem—the powder smoke of the *Kearsarge* was light, in contrast to puffs of heavy steam from the *Alabama* which indicated damaged powder. Even a hundred-pound shell which lodged in the rudderpost of the *Kearsarge* failed to explode—the failure due apparently to faulty powder.

Of the 370 shots they fired at the *Kearsarge*, only 28 hit their target and those shots caused only minor damage. There were no casualties and only three Union sailors were wounded.

The *Alabama*, on the other hand, suffered substantial damage. The rudder was damaged and steering was difficult. An 11-inch shell barreled through the *Alabama*'s starboard side and emanated from her port side, leaving huge, gaping holes. A coal bunker collapsed and with only two boilers then working, the *Alabama* steamed ahead at greatly reduced speed. The *Alabama* now leaned heavily to starboard, filled with holes, smoke and seawater—but, in the spirit and tradition of men and women of the South, Semmes kept on fighting.

The story of this battle is long and told well by Dr. Norman C. Delany, author of the book, "John McIntosh Kell of the Raider Alabama":

[Semmes] believed that by shifting the weight of his battery from starboard to port he might raise the shot holes above the water line. The ship was now five miles from the coast and with luck might make the three-mile limit. He gave the order: "Mr. Kell, as soon as our head points to the French coast, * * * shift your guns to port and make all sail for the coast."

Then Kell appeared at the skylight above the engine room and shouted to the men below, "Put on steam!" Engineers William Brooks and Matt O'Brien, covered with sweat and coal dust, answered that the *Alabama* carried all the steam it could manage without blowing up. Then reconsidering, O'Brien declared: "Let her have the steam; we had better blow her to hell than to let the Yankees whip us!" But it would have taken more than a few extra pounds of steam pressure to save the *Alabama*. Winslow had anticipated Semmes' intentions and steamed across his adversary's bow.

Exhausted officers and sailors continued fighting from the port side, but with water rushing into the gangway at every roll, they felt that "the day was lost." O'Brien came on deck to report that the rapidly rising water was almost flush with the furnace fires * * *. Semmes listened in silence, then ordered: "Return to your duty!" The engineers felt certain that they would go down with the ship.

Semmes ordered Kell to determine how long the ship could remain afloat. Going below, Kell observed holes in the hull "large enough to admit a wheelbarrow." Kell returned to the deck and reported that the ship could not last for more than ten minutes. Semmes gave the order: "Then, sir, cease firing, shorten sail, and haul down the colors; it will never do in this nineteenth century for us to go down, and the decks covered with our gallant wounded." As there was no white flag available, a man on the spanker boom held up a makeshift one. Winslow, unconvinced that his enemy had surrendered, cried out: "Give it to them again, boys; they are playing us a trick!" Each of his gun captains obeyed instantly, firing five volleys into the *Alabama* * * *. Aboard the doomed Raider, Kell cried out: "Stand to your quarters, men. If we must be sunk after our colors are down, we will go to the bottom with every man at his post!" But when the white flag was again raised on the spanker boom, all firing ceased. Semmes then ordered Kell, "Dispatch an officer to the *Kearsarge* and ask that they send boats to save our wounded—ours are disabled."

Aboard the sinking vessel Kell gave the order to abandon ship and directed the men to find a spar or whatever else might assist them in keeping them afloat. Semmes, still wearing his cap, trousers and vest, grabbed a life preserver, discarded his sword and began to swim.

Later, Executive Officer Kell remembered looking back for his last view of the *Alabama*: "As the gallant vessel, the most beautiful I ever beheld, plunged down to her grave, I had it on my tongue to call the men who were struggling in the water to give three cheers for her, but the dead that were floating around me and the sadness I felt at parting with the noble ship that had been my home so long deterred me."

Many survivors were picked up by the *Kearsarge* and taken prisoner; however, Semmes, along with some other crew members, was rescued by the private yacht, the *Deerhound*. As the *Alabama* sank stern first, the *Deerhound* was observed to be stealing away. Guns were turned toward her but *Kearsarge* Captain Winslow ordered his men not to fire. The *Deerhound* steamed toward England and thus Semmes escaped. In 1865, Semmes returned to the Confederacy where he continued fighting until the war's end. After the war, he returned to Mobile where he practiced law until his death in 1877.

The C.S.S. *Alabama*, which sank in what were then high seas, was located within the French territorial waters by a French minesweeper in 1984.

THE "U.S.S. SOMERS"

On April 16, 1842, the U.S. Brig *Somers* was launched by the New York Naval Yard. On that day, she began her career as one of the most famed sailing ships in the history of the U.S. Navy. She was not a very large vessel, only 102 feet overall, weighing 259 tons. Although she was trim and very fast for her size, she was very much overrigged, with a mainmast that towered 130 feet above the deck. This was one of the factors that led to her eventual capsizing and foundering off of the coast of Veracruz, Mexico, on December 8, 1846.

On September 13, 1842, the *Somers* left New York under the command of Alexander Slidell Mackenzie for a training cruise to the Atlantic coast of Africa. The events which occurred onboard the *Somers* during this journey ensured her place in U.S. naval history. On this training cruise, the *Somers* was the scene of an attempted mutiny. The leader of the mutiny was Philip Spencer, the 18-year-old son of U.S. Secretary of War John Canfield Spencer. As a result of his mutinous activities, Philip Spencer was hanged, along with two other accused mutineers. Upon returning to New York, the mutiny and the hangings became the great controversial topics of the day.

In fact, Herman Melville, whose cousin was second-in-command of the *Somers*, became obsessed with the attempted mutiny. These events went on to inspire Melville's classic tale of brutality and injustice, "Billy Budd." In "Billy Budd," Melville writes:

Not unlikely they were brought to something more or less akin to that harassed frame of mind which in the year 1842 actuated the commander of the U.S. brig-of-war *Somers* to resolve, under the so-called Articles of War, Articles modeled upon the English Mutiny Act, to resolve upon the execution at sea of a midshipman and two petty officers as mutineers designing the seizure of the brig.

Although the *Somers* continued her service in the U.S. Navy, the mutiny and hangings would never be forgotten. According to published reports and memoirs of her crew members, up until 2 weeks before she sank in Mexican waters, there were traditions aboard the ship concerning ghosts of

the mutineers seen in the rigging, most often on dark, stormy nights.

The *Somers* ended her illustrious career in 1846, after the outbreak of the United States-Mexican War during which she had been assigned the responsibility of blockading the Port of Veracruz. Lt. Comdr. Raphael Semmes—a famous Alabamian who would later become a naval hero for his service during the War Between the States—was the captain of the *Somers*. On December 8, 1846, while chasing a Mexican ship attempting to run the blockade, the *Somers* capsized and sank within 10 minutes. Two days later, on December 10, 1846, Captain Semmes filed the following report:

Sir: It becomes my painful duty to inform you of the loss of the U.S. Brig *Somers*, late under my command, and of the drowning of more than half her crew. The details of this sad catastrophe are briefly, as follows: After having been forty-five days maintaining the blockade of Veracruz, I anchored, on the evening of the 7th inst., under Verde Island; where it had been my practice to take shelter from the north-west gales, that blow with such frequency and violence along this coast, at this season of the year * * *.

Semmes continued to describe how rescue efforts were made but only 37 of the 76 crew members managed to survive. Semmes was later acquitted from any responsibility he might have had in the loss of the U.S. *Somers* and half of her crew.

The *Somers* was located deep in the waters off Veracruz, Mexico, in June 1986. This ship is believed to be the best and one of the only shipwrecks found of its historical period, the 1840's.

By Mr. EXON:

S. 353. A bill to amend the Internal Revenue Code of 1986 to allow the use of U.S. savings bonds for any individual's higher education expenses to qualify for an income exclusion; to the Committee on Finance.

INCOME EXCLUSION FOR EDUCATIONAL SAVINGS BONDS

Mr. EXON. Mr. President, I rise today to introduce legislation which will build upon legislation passed last year. As part of the Technical and Miscellaneous Revenue Act, Congress included a provision that allowed interest earned on U.S. savings bonds to be exempt from gross income if the bonds were used for higher education tuition and fees. However, this exemption is only available for individuals, age 24 or older, who have purchased and are sole owners of the bonds, or who own such bonds jointly with their spouse and the bonds are used for the educational expenses of the individual, his or her spouse and dependents.

My legislation will open up that exemption by allowing relatives and friends to also purchase bonds to be used for the educational expenses of a student. My legislation does not change any other provision of the law passed last year. The relatives and friends will have to meet the age 24 requirement and also buy and hold the bonds in their own name and redeem the bonds using the appropriate procedures as set forth in the law to receive the exemption.

I think this is straight forward legislation. It simply allows Grandma, Uncle Fred, or Mom's dearest friend Lucille to help pay tuition costs for a student and receive the interest exemption.

Most families spend a lifetime trying to save enough money to send their children to college. A college education is part of the American dream, however, with the rising cost of education, it is becoming more and more difficult for families to afford this expense. Ten years ago, grants comprised 80 percent of the average student aid package, with loans making up less than 20 percent. Today, a student aid package is comprised of more than 50 percent loans, leaving grants to make up less than 48 percent for the average aid package. And now, with new graduates facing a debt of tens of thousands of dollars at the beginning of their working lives, even loans are moving out of the reach of many individuals. We are quickly moving backward in time to the day when a college education was a privilege reserved only for the wealthy.

We clearly need to help the lower and middle income families regain some financial stability and hold on to whatever meager economic security they gained a few years ago. Savings bonds are an easy, economical and familiar way to save.

Mr. KENNEDY was the moving force behind the legislation adopted last year and I thank him for bringing this issue before Congress and the American people. I began working on this idea of expanding benefits last year as well. Since passage of that legislation I have received several inquiries from individuals expressing strong interest in the program. However, many were disappointed to find out that as a friend or relative, they were ineligible for the exemption. If we are trying to stimulate savings, and encourage education, why limit the incentive to such a small audience? When it comes to financing the soaring costs of postsecondary education, every little bit helps.

Although some States, such as Michigan, have already established their own tuition assistance program, this idea has been slow to catch on. There are also some serious concerns about how helpful these types of programs will be. Savings bonds are completely portable and will follow a student to any qualified school he or she should choose to attend, whether "in-state" or "out-of-state," a 4-year liberal arts school or a 2-year vocational technical school.

Mr. President, this is a small step in the long journey of making college affordable again. Howver, I think it is a very important one. I urge swift consideration of this legislation and encourage my colleagues to join me in supporting and cosponsoring this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME EXCLUSION FOR EDUCATIONAL SAVINGS BONDS EXPANDED.

(a) IN GENERAL.—Subparagraph (A) of section 135(c)(2) of the Internal Revenue Code of 1986 (defining qualified higher education expenses) is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition and fees required for enrollment or attendance of any individual at an eligible educational institution.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 6009 of the Technical and Miscellaneous Revenue Act of 1988.

By Mr. EXON (for himself, Mr. BOREN, and Mr. SHELBY):

S. 354. A bill to provide that during a 2-year period each item of any bill making appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President; to the Committee on Rules and Administration.

LINE-ITEM VETO

Mr. EXON. Mr. President, on the first working day of this Congress I took the floor to discuss our Nation's most pressing economic priority; that is, deficit reduction and to introduce a proposed constitutional amendment to require the President to submit and the Congress to enact a balanced Federal budget.

Today I rise to introduce legislation which would give the President line-item veto authority which would apply to appropriations bills. This legislation is similar to the line-item veto bill which was cosponsored by 37 Senators in the last Congress.

I am proud to have Senator BOREN and Senator SHELBY as original cosponsors of this measure.

Both former Senator Dan Evans, the sponsor of line-item veto legislation in the last Congress, and I were once Governors who had the line-item veto authority. I can personally attest that this power was a very useful tool in controlling spending and keeping the Nebraska State budget in balance. It is time that the President be given the authority that 43 Governors now have.

Throughout my years in public life I have been an advocate for fiscal responsibility. Like many Americans, I deeply hold the common-sense belief that a Nation, just like a family or a business can not remain economically strong if it consistently spends more than it earns.

Somewhere along the way, Congress and the President lost sight of the principle of fiscal discipline. When I came to the Senate, our Nation faced a deficit for fiscal year 1979 of $27.7 billion. Today, our Nation faces an annual deficit that is over six times as large. The total Federal debt for fiscal year 1979 was $833.8 billion. The total Federal debt today exceeds $2.6 trillion. The time has come to employ new devices to control Federal spending.

The line-item veto and the balanced budget constitutional amendment are two long-term structural changes that can be made to our Federal budget procedures to restore some degree of fiscal discipline.

When I was Governor of the great State of Nebraska, I had the benefit of the line-item veto power and a constitutional amendment which required a balanced budget. Both were powerful tools in restraining the spending of the Nebraska State Legislature. Just as important, the two constitutional provisions put the Governor at the center of the annual budget debate. With line-item veto, all parties were made responsible for their budget actions.

A Federal line-item veto would finally give the President the no-excuses ability to show leadership on the Federal budget.

If the President had line-item veto authority, he could remove the middle-of-the-night pork barrel legislation which has a habit of sneaking into must pass appropriations bills. He would also be held responsible for failing to exercise his new power.

Like the balanced budget amendment, the line-item veto is not a cure-all. However, it will help. Given the seriousness of the deficit situation, we must take every available means to reduce wasteful spending.

If any vetoed spending item is important enough, Congress can override the President's line-item veto. As an added protection, the legislation I propose would sunset within 2 years if not reauthorized.

Mr. President, I ask my colleagues to give this legislation serious consideration. The line-item veto works well in many States of the Union and, at a minimum, it should be given a chance at the Federal level.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENROLLMENT OF CERTAIN JOINT RESOLUTIONS.

(a) IN GENERAL.—

(1) Not withstanding any other provision of law, when any bill making continuing appropriations is agreed to by both Houses of the Congress in the same form, the Secretary of the Senate (in the case of a joint resolution originating in the Senate) or the Clerk of the House of Representatives (in the case of a joint resolution originating in the House of Representatives) shall cause the enrolling clerk of such House to enroll each item of such joint resolution as a separate bill.

(2) A bill that is required to be enrolled pursuant to paragraph (1)—

(A) shall be enrolled without substantive revision,

(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this section), and

(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill from other joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

(b) PROCEDURES.—A bill enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under Clauses 2 and 3 of Section 7 of Article 1 of the Constitution of the United states and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

(c) DEFINITION.—For purposes of this section, the term "item" means any numbered section and any unnumbered paragraph of any bill making continuing appropriations.

(d) APPLICATION.—The provisions of this section shall apply to bill agreed to by the Congress during the two-calendar-year period beginning with the date of the enactment of this section.

By Mr. RIEGLE (for himself, Mr. MITCHELL, Mr. DURENBERGER, Mr. CHAFEE, Mr. DODD, Mr. PELL, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BOND, Mr. DANFORTH, Mr. SASSER, Mr. PRYOR, Mr. REID, Mr. LEVIN, Mr. DIXON, Mr. GORE, Mr. INOUYE, Mr. WIRTH, Mr. BRYAN, Mr. SARBANES, Mr. MCCAIN, Mr. SHELBY, Mr. BOSCHWITZ, Mr. MATSUNAGA, Mr. BUMPERS, Mr. COHEN, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. COCHRAN, Mr. DASCHLE, Mr. D'AMATO, Mr. MCCONNELL, and Mr. LIEBERMAN):

S. 355. A bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued; to the Committee on Finance.

ISSUANCE OF QUALIFIED MORTGAGE BONDS AND MORTGAGE CREDIT CERTIFICATES

Mr. RIEGLE. Mr. President, I rise today to introduce legislation to extend the Mortgage Revenue Bond [MRB] and the Mortgage Credit Certificate [MCC] programs for an additional 3 years. I am pleased to be joined in offering this legislation with over 30 of my colleagues in the Senate.

For 50 years the Federal Government along with State and local governments and the American housing industry have collaborated to make America the best-housed Nation in the world. It is a partnership that has worked well.

Yet, recent statistics suggest that the dream of homeownership is becoming more and more difficult to achieve for many Americans. Today, the Nation's homeownership rate is at its lowest level in 15 years. This decline occurs at a time when members of the baby boom are at the prime home-buying age and during one of the most sustained economic recoveries on record.

As many of my colleagues know, MRB's are issued by State and local housing agencies to provide funds for home mortgages at rates about 2 percentage points below the market rate. This, in turn, helps to ease the problem of housing affordability for many young families seeking to purchase their first home.

Since its inception, the Mortgage Revenue Bond Program has helped to finance over 900,000 homes. The national average household income of MRB financed is $26,000.

Mortgage Credit Certificates like MRB's are also issued by State and local housing agencies to provide financial assistance to first-time homebuyers. With an MCC, a homeowner may take a credit each year against his or her tax liability for a portion of mortgage interest paid.

My home State of Michigan has been a pioneer in the use of mortgage credit certificates. The total volume of mortgage credit certificates in Michigan is now $140 million. These certificates have been servicing households, on average, with incomes of $22,500 and now operate through 136 lenders in over 1,000 branches in Michigan.

Unfortunately, Mr. President, current authority for these programs are set to expire in December of 1989. The legislation I am introducing today extends these sunset dates through the end of 1992. Identical legislation is being introduced in the House of Representatives by Congressman DONNELLY.

I urge my colleagues in the Senate to support this legislation and to keep in place two valuable programs that aid and promote first-time homeownership throughout the Nation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (B) of section 143(a)(1) of the Internal Revenue Code of 1986 is amended by striking out "1989" each place it appears and inserting in lieu thereof "1992".

(b) Subsection (h) of section 25 of such Code is amended by striking out "1989" and inserting in lieu thereof "1992".

● Mr. D'AMATO. Mr. President, I rise today in support of legislation that extends the life of the Mortgage Revenue Bond Program. This program has provided a substantial boost to homebuyers throughout the Nation. In New York, mortgage revenue bonds have created an exemplary low-cost housing program for nearly 45,000 families—many of whom would not have qualified for conventional financing. I commend my colleague Senator RIEGLE for his commitment and dedication to providing affordable housing opportunities to homebuyers across the country.

As we all know, the very existence of the Mortgage Revenue Bond Program was called into question last year as it was scheduled to sunset on December 31, 1988. However, on November 11, 1988, President Reagan signed into law H.R. 4333, the Technical and Miscellaneous Revenue Act of 1988. This law extends the authority of State and local governments to issue qualified mortgage bonds (mortgage revenue bonds) and mortgage credit certificates for financing single-family, owner-occupied housing until December 31, 1989. As the ranking member of the Housing Subcommittee and a strong proponent of homeownership, I was pleased to cosponor and support this legislation.

While I support the efforts of this new law, I believe that it does not go far enough. We need to further extend the MRB Program to assist even more homebuyers. The legislation that we are introducing today will do just that—extend the sunset date to December 31, 1992—and open the door of homeownership to many more Americans.

I am pleased that the Congress was able to see the merit in continuing a program that provides first time homebuyers an opportunity that they might not otherwise have. I am now hopeful that Congress will recognize the importance of this program. I commend my colleague, Mr. RIEGLE, chairman of the Banking Committee, for introducing this legislation, and I urge my colleagues to join me in cosponsorship.●

Mr. CHAFEE. Mr. President, I am pleased to join in introducing S. 355 to extend the authorization of the Mortgage Revenue Bond Program in the Internal Revenue Code from the current expiration date of December 31, 1989 until December 31, 1992.

Recent testimony before the Senate Housing Subcommittee suggests that the dream of homeownership is becoming more and more difficult to achieve for many Americans. Today, the Nation's homeownership rate is at its lowest level in 15 years. This decline occurs at a time when members of the baby boom are at the prime homebuying age and during one of the most sustained and vigorous housing recoveries on record.

Homeownership is an important part of the American dream and I believe we must continue to provide tax incentives for programs that assist low-income Americans in acquiring their first home. We must reverse the declining homeownership trend that has existed in this country since 1980.

The Mortgage Revenue Bond [MRB] Program authorizes States to issue tax-exempt mortgage revenue bonds to provide below marketrate financing for the purchase of homes by citizens in those States. This below marketrate financing allows first time homebuyers to purchase a home, when they would not be able to buy a house with any of the conventional financing methods.

In 1986, we adopted a State volume cap which placed a limit on the total amount of private purpose tax-exempt bonds that could be issued by a State. The MRB Program expands the types of private-purpose bonds that can be issued by a State within its volume cap. I believe it is vitally important that we allow States to utilize the volume cap in the most beneficial way for each State's businesses and citizens.

The General Accounting Office issued a report last year analyzing the Mortgage Revenue Bond Program. I was troubled by many of the conclusions that were drawn from the data in the study. The study covered the State MRB programs from November 1983 through June 1987, and as a result, a majority of the information, on which the study is based, comes from a period before the program was targeted toward low-income, first time homebuyers.

The report states that with the additional assistance of an adjustable rate mortgage [ARM], 79 percent of the participants in the State MRB programs could have bought the same house, or one within 10 percent of its purchase price. This statistic bolsters an argument that MRB programs are not absolutely necessary to provide housing to participants. However, this conclusion is not valid, since we do not know how much of that 79 percent represents people in the "within 10 percent of purchase price" category. In many areas of this country, homebuyers may not be able to find a house for less than the price they paid, especially not 10 percent less.

The Mortgage Revenue Bond Program is an important part of the State housing program in my home State. I have received a great deal of information from the Rhode Island Housing and Mortgage Finance Corporation, which manages the MRB Program in my State, that illustrates the vital importance of this program to fulfilling the homeownership dreams of low-income Americans.

In the 15 years that Rhode Island Housing and Mortgage Finance Corporation has existed, almost 35,000 families have been able to purchase a home utilizing a mortgage from our MRB Program. The managers of the MRB Program have calculated that approximately 80 percent of the families served by the MRB Program would not have been able to qualify for a conventional mortgage.

The average family income of the participants in the Rhode Island MRB Program is $24,845—well below Rhode Island's $33,700 statewide median income. The average age of mortgage recipients is 31.6 years, which indicates that the program is not assisting only young people right out of college. It is helping young families who may have been in the workforce for 10 or more years before they could afford to buy a house.

First homes, the current mortgage program being sponsored by Rhode Island Housing and Mortgage Finance Corporation, offers qualified buyers a fixed interest rate of 8.9 percent, a minimum downpayment requirement of 4–5 percent. The average loan amount, for homes sold under First Homes, is $80,925 on an average sales price of $88,027. This sales price is almost $40,000 less than the median sales price of an existing single-family home in my State. The Rhode Island Association of Realtors has computed the median sales price to be $127,200.

This provides ample evidence that it is imperative for us to extend the authority of the States to issue tax-exempt bonds to provide mortgage revenue bond financing to our young families who would not otherwise be able to fulfill the American dream by purchasing a first home.

Thank you, Mr. President.

By Mr. GRAMM:

S. 356. A bill to authorize negotiation of a North American free trade area, to promote free trade, and for other purposes; to the Committee on Finance.

AMERICAN TRADE, GROWTH, AND EMPLOYMENT PROMOTION ACT

Mr. GRAMM. Mr. President, today I am introducing legislation which, if implemented, would result in a new era of economic growth and prosperity

for the United States and for each country that becomes part of the expanded trade program that the bill outlines. The American Trade, Growth, and Employment Promotion Act would increase economic opportunity by expanding the markets for U.S. exports while at the same time increasing the quality and variety of choices for American consumers. This will lead to more and better jobs here in the United States and in the countries with which we do business.

Mr. President, for over 200 years it has been well known that expanded trade benefits the many, while restricted trade—particularly protectionism—benefits only a privileged few. This legislation that I am today introducing would benefit America not by erecting new trade barriers, not by creating new benefits for privileged groups at the expense of the average citizen. It would benefit America by establishing free trade agreements and expanded trade areas, made up of countries that are willing to lower trade barriers and increase mutual prosperity. The countries that follow protectionist policies would be left out in the cold, they would risk being left behind, unless they, too, abandoned their protectionist policies and joined the trade barrier reduction effort.

Fortunately, this process has already begun. It started when 13 loosely linked States gave up their trade barriers with each other to form what has become the wealthiest nation the world has ever known. Another major step forward in this process was taken with the recent conclusion of the free trade agreements between the United States and Israel and the United States and Canada. And the Europeans are following this pattern as well, with a comprehensive reduction in economic barriers within the European Community scheduled for 1992.

Mr. President, I look forward to the day when the United States is part of a free trade area extending from Point Barrow, AK, to Cape Horn. That will take some time to accomplish, but we already have an agreement reaching down to the Rio Grande. There is no economic reason why we should not have a free trade agreement with Mexico. The real barriers are political ones. The success of the Maquiladora Program demonstrates that the elimination of trade barriers adds to the prosperity of both our countries. Mexico's current international debt problems are the result of resistance to freer markets in trade and investment. To the extent that the Government leaders in Mexico take effective action to address the fundamental causes of their international debt problem, they will be making progress toward the establishment of a free trade area, and they have already taken some important steps in this regard.

We should also pursue opportunities to conclude agreements for expanded trade areas with other countries that may not be willing to take the complete step of a free trade area. Such expanded trade agreements, while stopping short of total free trade, would still provide for mutual reduction in a broad range of trade barriers. Mr. President, I can think of no more effective way of encouraging the Japanese to abandon unfair trade barriers than for the United States to pursue expanded trade agreements with their chief competitors: Korea, Taiwan, or the ASEAN countries. We would all benefit if we did.

Mr. President, we need to continue the momentum for free trade, because there will always be a strong protectionist head wind. I urge my colleagues to join in this effort.

Mr. President, I ask that the text of the bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Trade, Growth, and Employment Promotion Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The income of the United States and its trading partners is increased by the mutual reduction of trade barriers.

(2) The free trade agreements into which the United States has entered with Israel and Canada symbolize the path of prosperity for the United States in its trade relations into the next century.

(3) The establishment of a North American Free Trade Area will promote the mutual reduction of trade barriers with countries outside of the North American continent as well, initiating a series of trade barrier reductions, instead of the series of trade barrier increases likely to result from a resort to protectionism and trade retaliation.

(4) Trade protectionism endangers economic prosperity in the United States and globally and undermines civil liberty and constitutionally limited government abroad.

(5) The reduction of government interference in the foreign and domestic sectors of a nation's economy and the concomitant promotion of economic opportunity and freedoms promote civil liberty and constitutionally limited government.

(6) Developing countries that observe a consistent policy of free trade, the promotion of free enterprise and other economic freedoms (including protection of private property), the removal of barriers to foreign direct investment, in the context of constitionally limited government and minimal government interference in the economy, will follow the surest and most effective prescription to alleviate poverty and provide for economic, social, and political development.

TITLE I—EXPANDED TRADE NEGOTIATING AUTHORITY

SEC. 101. NORTH AMERICAN FREE TRADE AREA.

(a) IN GENERAL.—The President shall take action to initiate negotiations to obtain trade agreements with Mexico, and the Caribbean Basin countries, the terms of which provide for the reduction and ultimate elimination of tariffs and other nontariff barriers to trade for the purpose of promoting the establishment of a North American free trade area.

(b) RECIPROCAL BASIS.—An agreement entered into under subsection (a) shall be reciprocal and provide mutual reductions in trade barriers to promote trade, economic growth, and employment.

(c) BILATERAL OR MULTILATERAL BASIS.—Agreements may be entered into under subsection (a) on a bilateral basis with any foreign country described in that subsection or on a multilateral basis with all of such countries or any group of such countries.

(d) CARIBBEAN BASIN COUNTRIES.—for purposes of this section, the term "Caribbean Basin countries" means the countries designated as beneficiary countries under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702).

SEC. 102. ESTABLISHMENT OF EXPANDED TRADE AREAS.

(a) IN GENERAL.—The President is authorized to enter into bilateral and multilateral trade agreements with foreign countries, the terms of which provide for reciprocal reductions or eliminations of tariffs and nontariff barriers and subsidies (including, but not limited to, those acts, policies, and practices identified in any report submitted to the Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b))) for the purpose of promoting freer and fairer trade through the establishment of expanded trade areas.

(b) RECIPROCAL BASIS.—An agreement entered into under subsection (a) shall be structured in a manner that ensures a mutual reduction of tariff and nontariff barriers to trade on a reciprocal basis.

SEC. 103. EXPANSION OF TRADE WITH DEVELOPING COUNTRIES.

(a) IN GENERAL.—The President is authorized to enter into trade agreements with any developing country, the terms of which provide, on a nonsymmetrical basis, for the reduction or elimination of tariff and nontariff barriers to trade for the purpose of establishing expanded trade areas and ultimately promoting a reciprocal reduction in barriers to trade.

(b) GRADUAL REDUCTION OF BARRIERS.

(1) Any agreement entered into under subsection (a) shall provide for a reduction or elimination of tariff and nontariff barriers to trade which may be gradually reduced or eliminated by the developing country over a period that does not exceed 5 years.

(2) The President is authorized to enter into an agreement under this section providing for a gradual reduction or elimination of tariff and nontariff barriers by the developing country only if the President determines—

(A) that such gradual reduction or elimination is justified as a transition period in view of the per capita income, economic development, and international competitive position of the developing country, and

(B) that such gradual reduction or elimination will promote the achievement of an eventual mutual elimination of trade barriers.

(c) TERMINATION AND MODIFICATION OF AGREEMENTS.—Any agreement entered into with a developing country under subsection (a) shall provide authority for the President to terminate or suspend such agreement if the President determines that the developing country has failed to carry out its obligations under the agreement.

(d) DEVELOPING COUNTRY.—For purposes of this section, the term "developing country" means any foreign country designated as a beneficiary developing country under section 502 of the Trade Act of 1974 (19 U.S.C. 2462).

SEC. 104. PARTIAL, RECIPROCAL TRADE AGREEMENTS.

In negotiating agreements under this title, the President is authorized to exclude from any of such agreements, on a reciprocal basis, any article or articles if the President determines that the exclusion of such article or articles is necessary to achieve an agreement for a free trade area or an expanded trade area.

SEC. 105. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) REQUIREMENTS.—Any trade agreement entered into under this title shall enter into force with respect to the United States only if—

(1) the President has, at least 45 days before the day on which he enters into such trade agreement, notified the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

(2) after entering into the agreement, the President transmits a document to the Congress containing a copy of the final legal text of such agreement together with—

(A) a statement of any administrative action proposed to implement such agreement,

(B) if the trade agreement is described in paragraph (3)(A), a draft of an implementing bill,

(C) an explanation of how the proposed administrative and implementing bill, if any, change or affect existing law, and

(D) a statement of the reasons as to how the agreement serves the interests of the United States and as to why the proposed administrative action and implementing bill, if any, are required or appropriate to carry out the agreement, and

(3) either—

(A) in the case of a trade agreement that is entered into with any country described in section 2(b)(2)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)), an implementing bill is enacted into law with respect to such agreement, or

(B) in the case of a trade agreement not described in subparagraph (A), a disapproval bill is not enacted into law within the 90-day period beginning on the date on which the document described in paragraph (2) is submitted to the Congress.

(b) EFFECTIVE DATE OF AGREEMENTS.—If the requirements of subsection (a) are met with respect to a trade agreement entered into under this title, the trade agreement shall enter into force with respect to the United States on—

(1) if the trade agreement is described in subsection (a)(3)(A), the date on which the implementing bill is enacted with respect to such trade agreement, or

(2) if the trade agreement is not described in subsection (a)(3)(A), the day after the close of the 90-day period described in subsection (a)(3)(B).

(c) IMPLEMENTATION AUTHORITY.—The President may, by proclamation or Executive order, reduce, modify, or eliminate—

(1) such duties, and

(2) such restrictions and limitations on the importation of articles,

as may be necessary to implement any trade agreement entered into under this section after such agreement enters into force with respect to the United States.

(d) DISAPPROVAL BILLS.—

(1) For purposes of this section, the term "disapproval bill" means a bill, the only matter after the enacting clause of which is as follows: "That the Congress disapproves of the trade agreement submitted to the Congress on ——.", the blank space being filled with the appropriate date.

(2) Any disapproval bill that is introduced in the Senate or House of Representatives shall be treated as an implementing bill for purposes of subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(e) COMPUTATION OF TIME.—Each period of time described in paragraphs (1) and (3) of subsection (a) shall be computed without regard to—

(1) the days on which either House of Congress is not in session because of an adjournment of the more than 3 days to a day certain or an adjournment of the Congress sine die, and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House of the Congress is not in session.

(f) CONFORMING AMENDMENT.—Paragraph (1) of section 151(b) of the Trade Act of 1974 (19 U.S.C. 2191 (b)(1)) is amended by striking out "or section 1103 (a)(1) of the Omnibus Trade and Competitiveness Act of 1988" and inserting in lieu thereof, "section 1103 (a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 105 (a) of the American Trade, Growth, and Employment Promotion Act".

By Mr. SYMMS (for himself, Mr. DIXON, Mr. NICKLES, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BURNS, Mr. COCHRAN, Mr. DURENBERGER, Mr. FORD, Mr. GARN, Mr. GRASSLEY, Mr. HARKIN, Mr. HEFLIN, Mr. HELMS, Mrs. KASSEBAUM, Mr. MCCLURE, Mr. PRESSLER, Mr. PRYOR, Mr. ROTH, Mr. WALLOP, Mr. CONRAD, Mr. DOMENICI, and Mr. MCCONNELL):

S. 357. A bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act; to the Committee on Commerce, Science, and Transportation.

CLASSIFICATION OF ANHYDROUS AMMONIA

Mr. SYMMS. Mr. President, today the senior Senator from Illinois [Mr. DIXON], the Senator from Oklahoma [Mr. NICKLES], and myself, joined by 18 of our colleagues, are introducing legislation to prevent the Secretary of Transportation from reclassifying the common fertilizer compound, anhydrous ammonia, as a poisonous gas.

Anhydrous ammonia is the liquid form of pure ammonia gas. It is commercially formed by compressing dry ammonia (NH_3), which is itself produced by what is known as the Haber process. This involves the combining of nitrogen and hydrogen in the presence of a catalyst at 550 degrees Centigrade and at 200 to 250 times normal atmospheric pressure. In nature, ammonia is produced every time a plant or animal dies and undergoes decomposition by certain bacteria or fungi. These microorganisms produce ammonia from the nitrogen compounds found in decomposing organic matter and in the body waste excreted by animals. That is why barnyard manure has such an acrid smell, and it also happens to be the same reason why manure is such a good fertilizer.

Because anhydrous ammonia is 82 percent nitrogen, the compound makes an excellent nitrogen-enhancing fertilizer. It is commonly used by farmers throughout the Nation in a mixture with water. This solution is then applied directly to a field. It can also be used in a mixture containing compounds of phosphorus and potassium.

I offer this brief background, Mr. President, because information is usually the best cure for unfounded fear. Those unfamiliar with anhydrous ammonia may assume it to be a complex and deadly gas concocted by mad scientists in some weapons research laboratory. As you see, it is far from that.

Farmers have used anhydrous ammonia for many decades now, it being one of the most beneficial and least costly methods to increase the nitrogen in soil. Nitrogen is essential to animal and plant life, and, if present in sufficient quantity, can enhance growing conditions and the production of food crops. It is estimated that, without this critical nutrient added artificially by fertilizers, one-third of the world's food production would disappear.

The use of this fertilizer, however, is now being placed in jeopardy by a proposal advanced by the U.S. Department of Transportation. In May of 1987, DOT issued a notice of proposed rulemaking to change the classification of anhydrous ammonia, which is currently labeled "nonflammable gas," to "poisonous gas." According to the testimony presented by the Office of Transportation in the U.S. Department of Agriculture, this proposal "stems primarily from a desire to adopt the U.N. list of hazardous materials in order to achieve international conformity." Since that time, however, the U.N. Committee of Experts on the Transportation of Dangerous Goods has refused to confirm "poisonous gas" classification for the next 2 years while it considers alternative classifications.

It is generally agreed that "poisonous gas" labeling will add little or no additional safety in the handling of anhydrous ammonia. Handling proce-

dures have been developed by farmers and farm suppliers over the course of the last 30 years. Excellent training programs exist, and the basics of ammonia detection and safety are a party of nearly every farmer's education.

Such reclassification will, however, severely hurt the economy by raising the cost of fertilizer. The "poisonous gas" label may also hamper U.S. efforts to capture and maintain sensitive foreign markets. Many of our foreign customers have prohibitions against importing food treated with poisonous chemicals. The absurdity of such a label is made additionally apparent if you remember that ammonia is commonly produced in nature by decomposing bacteria in the soil. Everything that grows in the soil is, to some extent, treated with ammonia.

That is why we are introducing this legislation today to prohibit the DOT from carrying out its proposed "poisonous gas" labeling for anhydrous ammonia. The original reason for the proposal in the first place, to make the United States uniform with United Nation standards, is no longer valid. The damage such a proposal does to American agriculture is completely unjustified.

I urge those in this body who have not already joined on as cosponsors of this measure to do so. It is imperative that we move this bill swifty toward enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objections, the bill was ordered to be printed in the RECORD, as follows:

S. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Transportation may not issue regulations under the Hazardous Materials Transportation Act that reclassify or relabel anhydrous ammonia as a poisonous gas, for purposes of such Act.

Mr. NICKLES. Mr. President, I rise to voice my support for, and cosponsorship of, a bill introduced today by Senator STEVE SYMMS and Senator ALAN DIXON to provide that the Secretary of Transportation may not issue regulations under the Hazardous Materials Transportation Act which would reclassify anhydrous ammonia as a poisonous gas. I previously cosponsored this bill in the 100th Congress when it was introduced by Senator DAVID KARNES.

This bill, Mr. President, is intended to prevent DOT from making what I see as a terrible mistake. Classifying anhydrous ammonia as a poisonous gas could have very serious adverse effects on farmers and many other segments of the agricultural community. About half of all nitrogen fertilizer used by farmers is applied as anhydrous ammonia. This proposed rule change would drastically increase the cost of nitrogen fertilizer for the American farmer. In addition, insurance costs for transporting the chemical would be prohibitive and it is also conceivable that, in some cases, insurance would become unavailable.

This dispute began in May 1987, when the Department of Transportation proposed regulations which would establish a new classification for some 70 substances. One of the gases proposed to be reclassified as poisonous was anhydrous ammonia, an important agricultural fertilizer which was previously classified as nonflammable.

Understandably, DOT's proposal met with immediate opposition from farm State Congressmen and Senators and most of the agriculture community. DOT received over 1,000 comments on the general proposal, 700 of which were specifically directed to the proposed reclassification of anhydrous ammonia. In addition, the Senate and House committee reports accompanying the transportation appropriations bill for fiscal year 1989 both contained a provision which called on DOT to drop their proposal.

However, instead of heeding Congress' disapproval and dropping the proposal altogether, DOT has instead issued a supplemental notice of rulemaking to obtain additional comments on the proposed reclassification of anhydrous ammonia. DOT will be accepting these additional comments until March 9, 1989, and they have stated that the final rule will not be issued before the end of 1989.

The options which DOT intends to consider for the final rule include: adopt the proposed reclassification, adopt the proposed reclassification with special provisions based on the nature of the operation—such as farming—or adopt a new classification—such as corrosive. I feel it is worth mentioning that our largest trading partner with regard to anhydrous ammonia is Canada, which classifies the substance as a corrosive gas.

We have also seen, in the current dispute between the United States and the European Community, a situation in which hormones which have been proven safe in this country are used as a trade barrier. What will be the reaction of the public and our trading partners when they see American farmers applying what the Federal Government says is a poisonous gas to their wheat crops?

Mr. President, I feel it is vital that this legislation be introduced to show the Department of Transportation that we will not allow the Federal rulemaking process to burden the agriculture sector with unnecessary and costly regulations. I thank Senator SYMMS and Senator DIXON for introducing this legislation, and I urge our colleagues to join us in a show of unified support for American agriculture, and unified opposition to "big brother" regulation.

Mr. DIXON. Mr. President, as many of us are keenly aware, the Department of Transportation [DOT] has proposed the reclassification of anhydrous ammonia from a nonflammable gas to a poisonous gas. Such a reclassification poses many serious problems for American agriculture. Unfortunately, DOT seems to be pushing ahead with its proposal, totally disregarding the disastrous ramifications of such an action.

Anhydrous ammonia is an essential chemical for agriculture. Approximately 45 percent of all nitrogen fertilizer used by American farmers is applied as anhydrous ammonia. It is used widely because it is inexpensive. Spreading nitrogen with anhydrous ammonia is 50 percent cheaper than performing the same activity with other compounds.

Mr. President, many of us in Congress believe that DOT's reclassification proposal is unfounded and reckless—and it seriously misrepresents legitimate concerns for health and safety.

Reclassifying anhydrous ammonia as a poisonous gas provides little in the way of added safety. What does result from such a reclassification, however, are serious unintended consequences. Reclassifying anhydrous ammonia as a poison will dramatically increase the cost of nitrogen fertilizer. Insurance costs for transporting the chemical would be prohibitive, and it is also conceivable that, in some cases, insurance would become unavailable. Furthermore, there is some question as to how anhydrous ammonia, if classified as a poison, could be transported to American farms. Even more alarming, as a result of DOT action, many foreign markets, which our farmers are struggling to recapture, would be closed because of legal restrictions on foods treated with poisonous chemicals.

The underlying reason for the Department of Transportation's proposal to reclassify anhydrous ammonia as a poisonous gas was to achieve some degree of international uniformity. During its December 1988 meeting in Geneva, however, the U.N. Committee of Experts on the Transportation of Dangerous Goods decided to postpone an international classification decision. The postponement decision was based on the fact that the international experts wanted to consider the corrosive properties of the material. In light of the United Nation's decision, the Department of Transportation's push to reclassify, in the face of the severe domestic consequences that it would inflict on American agriculture, is outlandish.

If the true purpose of reclassification is to alert its users of the possible dangers inherent in the use of this

product, a more appropriate reclassification would be that of a corrosive product, rather than a poison.

Mr. President, our largest trading partner in anhydrous ammonia—Canada—identifies it in this manner. This type of classification serves to alert users of potential dangers while avoiding the negative economic impact that would result on our American farmers.

Since the Department of Transportation has been unable to resolve this serious problem in a responsible fashion, we in Congress must provide the solution. This legislation provides such a solution. I urge my colleagues to support this important bill.

By Mr. KENNEDY (for himself and Mr. SIMPSON):

S. 358. A bill to amend the Immigration and Nationality Act to change the level and preference system for admission of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION REFORM LEGISLATION

Mr. KENNEDY. Mr. President, I am pleased to join my colleague from Wyoming, Senator AL SIMPSON, in reintroducing the major immigration reform bill we drafted in the last Congress, "The Immigration Act of 1989."

The bill we are introducing today is, without change, the bill the Senate adopted on March 15, 1988, by a vote of 88 to 4. We believe the goals of this bill deserve the same strong support this year—not only because the issues haven't changed—but because the need for genuine immigration reform remains as urgent today as it was last year, and the years before that.

By building upon the Senate's action last year, we hope our colleagues in the House of Representatives will have ample opportunity to review and act upon these longstanding reforms.

Mr. President, Senator SIMPSON and I have worked closely for many months to fashion this legislation. Our bill builds upon the proposals contained in the 1981 report of the Select Commission on Immigration and Refugee Policy—a Commission upon which both of us served.

Under Senator SIMPSON's leadership, the 1986 Immigration Reform and Control Act—which was also based on the Select Commission's recommendations—was debated for several years and finally adopted, but it dealt only with the complex issue of illegal immigration. Left for the future was the other half of the Commission's recommendations, the proposals for legal immigration reform. This is the issue before the Congress today, and the proposals have been extensively debated and reviewed. The essential provisions of our bill have been adopted three times by the U.S. Senate—in 1982, 1983, and 1988. As the committee report on the bill noted last year:

> Few legislative proposals have had greater scrutiny or consideration than the immigration reforms contained in the pending bill. For more than a decade, reforming the system by which we select and admit immigrants has been the subject of interagency task forces, special commissions, and lengthy debate in Congress.

This bill reflects these years of study and deliberation, and it represents a consensus on what needs to be done.

Both Senator SIMPSON and I made it clear during last year's debate that our goal is to make our immigration system more accurately reflect the national interest, more flexible, and also more open to immigrants from nations which are short-changed by current law. Our bill accomplishes these objectives while fully maintaining the traditional priority we have given to those in other lands with family ties to the United States, and while preserving the fundamental principles of equity and fairness established in the 1965 reforms.

The bill creates two separate immigrant-visa preference systems: one for family members, and another for independent immigrants. 55,000 visas will be added to the new independent category; these visas will be available to most users of the present immigration system as well as to earlier sources of immigration to the United States. Because the largest share of all visas will still be reserved for family members of recent immigrants, the intent of the 1965 reforms is maintained.

By redressing the imbalances in immigration which have inadvertently developed in recent years, America will open its doors again to those who no longer have immediate family ties in the United States.

By placing more emphasis on the skills and qualities that independent immigrants possess, immigration policy will be more closely coordinated with the national interest. Under this bill, many countries which currently send only a few hundred immigrants per year to the United States may eventually receive a fairer share of our available immigrant visas. The overall benefit to this country will also increase, because a larger proportion of immigrants will have labor market skills.

In short, the bill we are proposing sustains the current emphasis on family reunification, while at the same time opening opportunities for new seed immigrants without family ties. And we do this not by restricting family visas but by providing additional visas for an independent category of immigrants. We have maintained our traditional priority for family reunification, while alleviating the unfair discrimination that current law imposes on other immigrants.

This bill also sets a national ceiling on immigration, within which all immigrants will be counted, except refugees and asylees, whose admission will still be controlled by the refugee Act of 1980. The level is set at 590,000 for the first 3 years—100,000 higher than the current level.

Within the overall level, we adjust the family preference system to give greater priority to the closest of family members. An additional 30,000 visas are provided to reduce the existing backlog in the current preference category for brothers and sisters of U.S. citizens.

The new category for indpendent immigrants is created for those with skills in short supply in the United States, and those in nations who have been unable to obtain visas under the current system because they have no family connections in this country.

We also assure a regular review of the immigration laws by requiring the administration to report every year on the effects of immigration, by requiring the administration to recommend changes in the level of immigration every 3 years, and by adoption of expedited parliamentary procedures to force Congress to implement these recommendations.

In conclusion, Mr. President, let me restate our objective in reintroducing this legislation just as it passed the Senate last year. We simply want to begin the dialog again, and to renew the effort to achieve needed immigration reform.

Neither Senator SIMPSON nor I are frozen in our views on this bill, and there is clearly room for further debate and compromise. But I hope we will debate the issue on the merits, and not on the distortions and misperceptions that characterized much of the discussion last year.

For example, there is nothing in this bill that says English language is a requirement for immigration to the United States. It is simply one of the points that can be achieved in the new point system and for only one small part of the new independent preference system—not for all immigrants. But if this small requirement so distorts debate over the legislation, I, for one, am prepared to drop it.

Similarly, I am prepared to review the concerns that were expressed over the modifications in the sixth preference, to reopen it in some way for unskilled workers, but not at the exclusion of a stronger preference for skilled workers. Some compromise language is clearly possible in this and other areas—all of which we are prepared to review during the hearing we have scheduled on this bill on March 3d.

Mr. President, these reforms are long overdue, and I am grateful to Senator SIMPSON for his bipartisan cooperation and support in developing this legislation. From the earliest days

of our history, America has been a beacon of hope and opportunity to peoples in other lands. We are proud of our immigrant heritage, and we must do all we can to preserve that heritage, to build upon it, and to strengthen it for the future.

Mr. SIMPSON. Mr. President, I am most pleased to join with my friend Senator KENNEDY, the chairman of the Immigration Subcommittee, in introducing legislation to reform our system for admitting permanent legal immigrants.

This legislation was passed last year by the Senate by a vote of 88 to 4. Unfortunately, action on the legislation was not completed by the House of Representatives in the 100th Congress, so we are reintroducing the bill. No substantial changes have been made from the bill that left the Senate last year: In essence, we have only changed the effective dates and corrected some inadvertent drafting errors. However, we will be holding hearings in early March should any Member or interested organization wish to propose changes to the legislation. We will also receive a report from the GAO at that hearing on the likely effect of this legislation on U.S. immigration patterns for the next decade. I am confident that this will provide us with the full hearing record that has become the hallmark of Senate consideration of vital immigration legislation.

I strongly believe that current immigration law does not serve the national interest as well as it should, and that we must revise it.

First, our Government cannot even inform us today as to how many people will enter the country through regular permanent immigrant channels during this year. When we need to analyze our labor market conditions, the demand on our social services, the effect of new residents on the environment, or the rate of our population growth, the current level of immigration is always a big question mark. I believe it is simply common sense to know in advance how many immigrants will be entering in a particular year.

I do not believe this number should be rigid. Immigration has been neglected by Congress for decades, but this neglect must change. Therefore, the legislation would set a national level of immigration at 590,000 immigrants per year—this is 80,000 to 100,000 persons per year higher than the current flow—and it would require the President to review annually the effect of immigration on the country, and to propose changes in the level every 3 years. Congress would be an active participant in any proposed revision of the national level of immigration.

Second, 95 percent of all legal immigrants are selected merely because they have a family connection in the United States. While I believe we should always preserve immigration rights for the spouses, parents, and children of citizens, and the spouses and children of permanent residents—as under current law—I do not believe that our system should automatically grant preferential status to aliens whose relationships are as distant as brother-in-law, sister-in-law, niece, and nephew. There is a growing demand for immigrants who possess certain skills and qualities that would serve the national interest. We should increase the proportion of such immigrants.

The bill, while retaining over 75 percent of the visas for family members, would increase the number and proportion of immigrants admitted who have offers of employment in the United States or who have certain characteristics—such as age, education, language skills, and occupational skills—which experts have determined will lead to successful economic integration. These immigrants would enter under a new category of independent immigration.

Third, 85 percent of all immigrants today come from two major areas of the world. Many of the older source countries of immigration—that is, Europe and Canada—no longer are able to qualify under today's family-dominated system, and some areas of the world have not in the past and do not now have the family ties necessary to send large numbers of immigrants to the United States—such as Africa. By increasing the number of visas allotted to independent immigrants, persons from a much larger number of countries will be able to apply for immigration, and our immigrant flow should become more diverse. While I believe that no potential immigrant should ever be discriminated against because of nationality or country of origin, I also feel that no country or region of the world should have a lock on our immigration system.

Mr. President, the time is very right for a revision of our legal immigration system. The bill contains flexibility both in the number of immigrants to be admitted and the types of independent immigrants that would qualify for admission. As we look toward a future where the only guarantee is rapid change, I believe we need an immigration law that is crafted to respond to these changes.

I look forward to working with my friend Senator TED KENNEDY on this ever present issue, and I commend this bill to my colleagues.

By Mr. NICKLES:

S. 359. A bill to prohibit the use of excess campaign funds for personal use; to the Committee on Rules and Administration.

CAMPAIGN FINANCE ACCOUNTABILITY ACT

Mr. NICKLES. Mr. President, today I am introducing two pieces of legislation both of which I hope we will be successful in passing this session of Congress. The first is legislation that would close the loophole that allows Members of Congress elected before 1980 to convert campaign funds, excess campaign funds, to personal use.

I introduce this bill in the context of campaign reform which has been debated at length before in the Senate. My legislation was filed as an amendment in 1987 to the campaign reform bill but unfortunately was not debated since no amendments were actually debated on the floor of the Senate.

Under current law, campaign funds which are left over from an election can be used for future elections, defrayal of Federal office holder expenses, donating to charity, contributions to national, State, or local party political committees, or repayment of loans made by the candidate to his campaign. It also allows the funds to be used for any lawful purpose, except for personal use. However, the personal use prohibition does not apply to candidates who were Members of Congress on January 8, 1980. Therefore, if you were elected before 1980 you may still use these funds for personal purposes.

Mr. President, that is wrong. We need to correct it. A lot of people talked about campaign reform. This is one area of campaign reform I think that every Member of Congress can agree upon. When we see a list of Members of Congress, whether it be in the House or Senate, and they accumulate hundreds of thousands of dollars, and then they retire, then later on we read where they have used those hundreds of thousands of dollars or converted them to personal use. Certainly that is a violation ethically in my opinion—it may not be a legal violation. We need to change it. We need to make it unlawful. That is exactly what my legislation would do.

My legislation would repeal this exception and prohibit all Members from converting these funds to personal use. Even though the Senate rules prohibit the conversion of campaign funds to the personal use of a Senator, the United States Code allows a special exception for Members in office as of January 8, 1980. My legislation seeks to repeal this exception in the Code and bring it into conformity with the Senate rules.

This is a matter of equity. In a review of the 1986 elections, House Members had nearly $50 million in surplus campaign funds. Most of those Members were covered by this grandfather clause. This is not appropriate public policy and should be changed. I

urge my fellow Senators to support this legislation.

I ask unanimous consent that a Washington Post article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BENEFITS EASE PATH OF CONGRESSIONAL RETIREES—GENEROSITY FOR DEPARTING LAWMAKERS BASED ON SPECIAL RULES

(By Charles R. Babcock)

As Fernand J. St Germain and Gene Taylor and many of their former House colleagues know, you can take it with you.

While they won't reap the benefits of the 51 percent pay raise scheduled to take effect Wednesday, retiring House members are able to take advantage of special rules written for and by themselves and entitling them to leftover campaign funds, office furniture and a pension sweeter than most others in the federal government.

Then they, like retiring senators, are free to stay in Washington as lawyers or consultants and go to work immediately lobbying their former colleagues. This is because they are not covered by the "revolving door" prohibitions on executive branch employees.

Congress' generosity with itself extends beyond prison walls and even the grave. In a little-known practice dating from the turn of the century, survivors of House members who die in office are given a year's pay. And House and Senate members convicted of a crime and expelled may still keep their taxpayer-subsidized pensions.

The perquisites of Congress periodically have been the subject of criticism, especially because of rules under which lawmakers and their staffs have to meet less stringent ethical and post-employment standards than executive branch employees. But seldom has as much attention been focused on the life style of members as during the public debate over the impending raise.

The Senate has tougher standards on several of these issues; House Speaker Jim Wright (D-Tex.) and Minority Leader Robert H. Michel (R-Ill.) have promised a bipartisan review of House ethics rules this year.

Among the special considerations available to retiring House members:

Converting campaign funds to personal use. The Senate prohibits this practice, but under a "grandfather" clause, House members who were in office before 1980 are permitted to take leftover campaign funds, declare them personal income, pay taxes on the amount and use the cash as they wish after they leave office. Members who have died have been able to pass the funds, sometimes several hundred thousand dollars, to heirs.

Former representative Taylor (R-Mo.), who retired after eight terms, led several more well-known retirees in the amount of leftover campaign funds he could convert to personal use. Federal Election Commission reports show he has nearly $458,000 available. The former auto dealer said in an interview in December that he had not decided what to do with this windfall.

"I will remain politically active, so I will use some that way," he said. Asked whether he intended to take some of the money for his personal use, Taylor said, "It costs a lot of money to serve" in the House and noted that he had traveled home almost every weekend. "I might convert some of it back to pay for expenses." Members are entitled to 32 paid round trips to their home districts a year.

The year-end report that Taylor's campaign committee filed with the FEC last week shows that he spent $7,000 in the last six months, including $3,189 in campaign contributions to other candidates and $500 to himself, labeled "petty cash." He still had $457,938.53 available for his personal use, earning interest in several bank accounts.

Former representative Bill Chappell (D-Fla.), who was defeated after his name was raised in connection with the Pentagon procurement scandal, reported "personal disbursements" to himself in December of $7,995.60. He has nearly $43,000 in campaign funds left.

Retired representative Sam Stratton (D-N.Y.), who has $180,000 in campaign funds available, was more direct in discussing his plans. "When you walk away from a job that pays $89,500, you have to feed your family," he said. "I have no financial holdings. I've got zilch, except in a couple of banks. So we're going to have to live on something. Fortunately, that provides a little pad."

Although he did not mention it, Stratton also has his congressional pension. According to an estimate by David Keating of the National Taxpayers' Union, Stratton's 30 years in the House, plus several more years in the military and other government service, should earn him a starting annual pension of around $64,000.

A provision to repeal the grandfather clause permitting personal use of campaign funds after leaving office is expected to be considered in a legislative package to be brought up after the pay raise takes effect Wednesday. But the proposal to repeal this loophole would not go into effect until after the current 101st Congress, allowing members who want to keep their money to retire and collect it. Two House members, Dan Rostenkowski (D-Ill.) and Stephen J. Solarz (D-N.Y.), each have more than $1 million in campaign funds they could convert to their own use under the rule.

A federal pension plan that puts members of Congress and their staffs in the same "high-risk" category as federal firefighters, air traffic controllers and FBI and CIA agents. The rationale was that members and their staffs, who write the pension law, should get a sweeter pension because they face job insecurities every election cycle. However, in the House at least, a member running for reelection during the 1988 cycle had about as slight a chance of dying in office as being defeated.

According to the old system, under which most of those retiring this cycle earned benefits, the formula let lawmakers and their staff members accrue pension benefits at 2.5 percent times their highest pay times the number of years served. The highest rate for the rest of the civil service is 2 percent. Members and their staffs contribute 8 percent of their pay to the retirment plan, compared to 7 percent for executive branch workers.

The maximum congressional annual pension for those who retired this year is $71,600. If the proposed pay raise goes into effect, the most senior members serving two more terms will see their annual pensions jump to at least $108,000, and future cost-of-living increases will push that number higher.

The only way a member of Congress can lose his or her pension is to be convicted of treason. Felony convictions can cause a member to be expelled but not to lose the pension. Senior members convicted in the "Abscam" bribery scandal in 1980—such as former senator Harrison J. Williams (D-N.J.) and former representative Frank Thompson (D-N.J.)—now are receiving pensions. Keating estimated Thompson's pension at $60,413 a year and Williams' at $48,729.

Defenders of the system point out that the generous congressional pension still pales in comparison to the benefits under the military pension system.

Buying furniture from a congressional district office at fire-sale prices. This little-noticed House practice allows members to buy furniture at 10 percent to 50 percent of its cost, depending on the furniture's age. One member was set to buy leather chairs for $4.80 each, couches for $23 and mahogany desks for $60. The House clerk's office said the low prices were based on a General Services Administration schedule of depreciated furniture. Twenty of 27 members retiring from the 100th Congress took advantage of this.

St Germain's purchases from his Rhode Island office left his successor, Rep. Ron Machtley (R-R.I.), holding the first meeting in his district office standing up with seven visitors because all the chairs had been removed.

In the Senate, however, the practice is different. Senators who leave must pay "replacement cost" for furniture, according to Elliott Carroll, executive assistant to the architect of the Capitol. For example, the price for a senator's chair was $325 and his desk $800. Carroll said one senator, whom he declined to name, purchased his chair.

Lobbying. In another area where Congress treats itself differently from the rest of the government, there are no prohibitions against retired or defeated lawmakers lobbying their former colleagues. President Ronald Reagan vetoed a bill that would have extended the ban to the Congress for the first time, but this year's crop of retirees would not have been covered by the measure had it become law.

Thus, St Germain will be returning to Washington as a lawyer for a Rhode Island firm. He could not be reached for comment on whether his new duties will include lobbying former colleagues. Taylor, Stratton and retired representative Robert E. Badham (R-Calif.) said in interviews that they plan to do some Washington consulting.

Mr. President, I ask unanimous consent that a copy of the bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Campaign Finance Accountability Act of 1989".

SEC. 2. Section 313 of the Federal Election Campaign Act of 1971 is amended by striking out all beginning with "except that," through the end of the sentence and insert in lieu thereof the following: *"Provided,* That no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office."

By Mr. NICKLES:

S. 360. A bill to amend the Federal Deposit Insurance Act to provide de-

posit insurance in a manner which does not discriminate against small- and medium-sized banks by expanding the assessment base and reducing the assessment rate for deposit insurance; to the Committee on Banking, Housing, and Urban Affairs.

FAIR DEPOSIT INSURANCE ASSESSMENT ACT

Mr. NICKLES. Mr. President, I also have legislation that I am introducing today that I call the Fair Deposit Insurance Assessment Act. Certainly, it is appropriate today at a time when we are talking about the problems of the S&L industry, and possibly the banking industry, to consider this as one small piece of the puzzle toward the solution of the problem.

This act, if enacted, would assess foreign deposit insurance premiums, comparable to FDIC. They would have to pay FDIC premiums. Right now they do not. So we have very large banks, the largest in the country, which has significant amount of foreign deposits who do not pay insurance premiums on those foreign deposits. I find that to be inequitable because actually we have had the FDIC which has made sure that the big banks do not fail and that all the depositors are made whole. In other words, they receive the insurance benefits, and the Federal Government stands behind the large banks, but foreign deposits do not pay the insurance. Domestic deposits pay the insurance.

The purpose of this bill would be to require that foreign deposits pay the insurance assessment just like domestic deposits do as well.

I think it is only fair. I think it is only equitable. The way we would do this is it could be done in a couple of ways. It was estimated that it would raise something like $405 million in 1991. The way I have crafted this bill is we would take the assessments on foreign deposits and use that to reduce the assessment or the insurance amount on domestic deposits. This would actually reduce the insurance fee which right now is being debated to be increased. But it actually reduces that on domestic deposits by about 1.2 basis points.

Mr. President, I hope we will be successful in passing this. We did pass it in 1987 when we were considering other legislation. Now that we are on legislation dealing strictly with FDIC, I am hopeful we will be able to pass this. We passed it by almost a 2-to-1 vote in the Senate then. I am hopeful and optimistic that we will this year as well.

To reiterate, I am introducing the Fair Deposit Insurance Assessment Act to correct an inequity in the method employed by FDIC to assess insurance premiums on deposits in U.S. banks. This is identical to legislation I introduced last session. Essentially, my bill requires the FDIC to begin assessing premiums on foreign deposits held by U.S. banks.

Currently, U.S. commercial banks pay one-half of 1 percent, or 8.3 basis points, for deposits insured by the Federal Deposit Insurance Corporation [FDIC]. As my colleagues and a growing number of Americans are aware. President Bush recently proposed increasing commercial banks' deposit insurance assessment to approximately 15 basis points in a move to bolster the FDIC insurance fund to 125 percent of insured deposits.

With my legislation, by equitably requiring insurance assessments of foreign deposits in U.S. commercial banks, we can reduce the deposits insurance assessment on commercial banks throughout the country by more than 1 basis point. Although this should never be painted as economic salvation for an industry, this measure certainly represents potential good news for bankers faced with possible increased assessments.

The Senate acted upon this idea in 1986 during consideration of the fiscal year 1987 budget reconciliation. We voted 63 to 32 to assess all deposits of U.S. banks, domestic and foreign. At that time CBO estimated assessing foreign deposits would result in revenues of $350 million in fiscal year 1989, $375 million in fiscal year 1990, and $405 million fiscal year 1991, and so on.

It seems the distinction between domestic and foreign deposits goes back to 1933 when the FDIC was created. Certainly, the amount of foreign deposits within the United States in 1933 pales in comparison to foreign deposits in the United States today.

Yet, FDIC insurance supports these deposits even though they are not sharing in the cost. They are getting a free ride. And the rest of the banking industry is doing the carrying. Smaller and medium-sized banks across the country are paying the cost of FDIC insurance for big banks with large foreign deposits. This is not equitable.

Unfortunately, the Senate's 1986 action did not clear the conference committee. However, it demonstrates the will of this body to correct a glaring loophole that is requiring smaller, ailing banks to prop up the foreign assets of money center lenders. Given the increased focus on deposit insurance assessments, I think this effort can and will be successful. It is my intention to pursue this measure as legislation dealing with the savings and loan industry progresses.

Quite frankly, the largest banks in the United States are not paying their fair share of the premiums into the insurance fund of the FDIC. These larger banks have been shown to benefit the most from FDIC insurance.

Community bankers in my State have argued for this change for years and it is about time we do something about it. My legislation offsets the added revenue from the assessment of the foreign deposits with a reduction of the deposit insurance rate from one-twelfth of 1 percent to one-fourteenth of 1 percent or, from approximately 8.3 basis points to 7.1 basis points, a reduction of nearly 1.2 basis points. Should the annual assessment rate increase as has been proposed, it is my intention to afford an equal reduction from the new assessment rate by applying increased revenues from the foreign deposit assessments.

I am sure my colleagues will agree that this change is needed to promote equity within our banking insurance system; their cosponsorship is welcomed.

Mr. President, I ask unanimous consent that a copy of the bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Deposit Insurance Assessment Act".

SEC. 2. EXPANSION OF FDIC ASSESSMENT BASE.

Section 7(b)(5)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(5)(B)) is amended by striking "any deposits received in any office of the bank for deposit in any other office of the bank located in the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands, except" and inserting "any deposits, and any obligations which would constitute deposits as defined in section 3(1) but for subparagraphs (A) and (B) of section 3(1)(5), received in any office of the bank (other than a foreign branch of a foreign bank (as such term is defined in section 1(b)(7) of the International Banking Act)), except".

SEC. 3. DECREASE IN FDIC ASSESSMENT RATE.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by striking out "one-twelfth" and inserting in lieu thereof "1/14".

By Mr. HEINZ (for himself, Mr. GORE, and Mr. WIRTH):

S. 361. A bill to provide the additional support necessary to maintain an adequately funded and fully participatory U.S. role in the International Tropical Timber Organization; to the Commmittee on Foreign Relations.

U.S. PARTICIPATION IN THE INTERNATIONAL TROPICAL TIMBER ORGANIZATION

Mr. HEINZ. Mr. President, I rise today to introduce legislation to keep America's commitment as an active player in the International Tropical Timber Organization.

Everyday, thousands of acres of tropical forest are destroyed. And as the forest disappears, we lose our main environmental ally and manager. The Earth's tropical forests are parents to

our present and forebearers of our future. They sustain our biological diversity and protect our global climate. Without their continued presence, life as we know it would cease. Simply put, our future must be a forested one. In order to assure this future the United States must be an active player. And in order to be a player we must pay our dues. Currently we are not. We have consistently underfunded our international role in the Tropical Timber Organization and we are in danger of having decisions that affect our future made for use.

Tropical forest destruction takes place for a myriad of reasons—and clearing for new cattle ranches, road building for territorial expansion, and for the actual harvesting of the timber itself. Virtually every country produces or uses timber from the tropical regions of the Earth. Unfortunately, timber harvesting and marketing are progressing in a wholly unsustainable manner. Of the 828 million hectares of productive tropical forest, less than 1 million hectares are being managed in a sustainable fashion.

Mr. President, the unsustainable destruction and use of tropical forests is a fact—a well-known fact that has received attention and money. And the United States has been a world leader in pushing for proper forest management. Today our influence and efforts are in danger of being eliminated due to continued fiscal shortsightedness. In 1983 we drafted, sponsored and signed the International Tropical Timber Agreement of 1983. This agreement established the International Tropical Timber Organization to help promote cooperation between producers and consumers of tropical timber. We were a charter member of this organization that gained support from nations worldwide. The continued existence of a U.S. role in this organization is vital. Unfortunately the United States has not come up with its dues and now risks losing a voice in shaping international forest policy.

U.S. dues are currently paid from a contingencies account—a vastly oversubscribed fund which supports United States participation in a number of international organizations. Approval of this legislation would permit funding from the conventions and international organizations account, where adequate funding is more likely to be available.

At a time when we are pondering the valuable investment of large sums of money for the prevention of global warming, it is inconceivable to not support one of the very organizations that has a chance to implement sustainable resource use.

Mr. GORE. Mr. President, I rise to join the Senator from Pennsylvania in supporting legislation urging the President to maintain U.S. membership in the International Tropical Timber Organization.

We are in the midst of a world environmental crisis, Mr. President. One of the most important challenges in addressing that crisis is the preservation of tropical forests.

As a major importer of tropical timber products, the United States has an obligation to support the efforts of the International Tropical Timber Organization to encourage sound forest management, conservation, and reforestation. If we are going to be an active member of ITTO, the United States needs to find a way to pay its dues. This bill does just that.

The survival of the rain forests depends in part on the economic vitality of developing countries. The ITTO is important for timber producing and consuming nations alike. I congratulate the Senator from Pennsylvania on this initiative.

By Mr. HEINZ (for himself, Mr. SASSER, Mr. ROTH, and Mr. RIEGLE):

S. 362. A bill to promote intergovernmental and interagency cooperation in the development of ground water policy; to the Committee on Governmental Affairs.

GROUND WATER POLICY

Mr. HEINZ. Mr. President, today I am introducing legislation to manage and protect our Nation's ground water. In 1988, the Senate considered and passed a similar bill, S. 1992. This measure is almost identical to the previous bill, but with important technical amendments.

One thing that has not changed in the past year is the urgency of the legislation. Ground water is our life blood. It affects all our lives, and once contaminated, is difficult, often impossible, to clean. Today, the Senate again has an opportunity to enact legislation that will ensure proper management and protection of this invaluable resource.

Critically important, ground water provides drinking water for more than 50 percent of all Americans and nearly all for rural residents. It meets 40 percent of our irrigation needs. It maintains stream flows in dry weather and nourishes countless ecosystems.

Fortunately, ground water is in abundant supply, constituting 96 percent of the world's total water resources, Our Nation alone has 15 quadrillion gallons, stored a half-mile under the surface, equal to 35 years' worth of all surface water runoff, or 400 times our annual use. And the amount we use daily, 95 billion gallons, is largely replaced through precipitation.

But while we need not worry about the quantity of our ground water, we do need to be concerned about its quality. And there are serious problems in ground water management. We in the Governmental Affairs Committee have learned that intergovernmental and interagency cooperation is essential. States have primary responsibility for ground water management and protection, and yet must deal with a dozen competing Federal agencies and over a dozen Federal statutes to carry out their programs.

One witness, testifying before Senator SASSER'S subcommittee last session, told us that accessing Federal assistance is a hit or miss proposition. Another witness stated that when asked how well the existing ground water system works, he must reply "what system?"

While different layers of management try to sort themselves out, Mr. President, our constituents suffer. Across the country, virtually every aspect of modern life threatens ground water purity. Prevention, now, is far preferable to managing the damage later.

Mr. President, no one will dispute the urgent need for a comprehensive, national ground water policy. A large part of the problem entails communications, both among the involved Federal agencies, and between these agencies and those who have hands-on involvement with the resource—the State and local program operators.

The intergovernmental and interagency coordination provisions in this measure will reverse the miscommunication, policy and program overlaps, and general duplication of efforts that have characterized the management and protection of the Nation's ground water resource.

The legislation I am introducing today provides for the establishment of both an interagency committee on ground water management and protection and an advisory committee. These coordinative bodies will ensure that the Federal agencies with ground water concerns will both communicate among themselves about ground water policies and programs, and with the States and other interested parties. This avenue for State and local input is essential to the process, Mr. President, since only then can we be sure that Federal policies and regulations are best serving the public.

I urge my colleagues to enact this worthy legislation into statute in the near future. We cannot delay further.

By Mr. BOND:

S. 363. A bill to amend title 18 of the United States Code to stiffen the penalties for bank fraud; to the Committee on Banking, Housing, and Urban Affairs.

STIFFER PENALTIES FOR BANK FRAUD

Mr. BOND. Madam President, today I am reintroducing legislation which stiffens the penalties for defrauding a financial institution. I introduced this legislation in the 100th Congress and

everything I have read since adjournment has convinced me that this legislation should be a priority in the 101st Congress. I am pleased to be joined by my colleagues, Senators DIXON, DANFORTH, DURENBERGER, GRAMM, MACK, KASSEBAUM, and SHELBY. The inflammatory headlines about the extent of the losses at the Federal Savings and Loan Insurance Corporation have focused Congress' attention on how to fix this problem to ensure that it never happens again. I am very disturbed about that percentage of the FSLIC's losses that are caused by out-and-out fraud. Certainly, many of the problems have been caused by economic decline in the Southwest, but there have been some flamboyant and outrageous cases of fraud. I am delighted that the administration shares this point of view and has included tough fraud and enforcement provisions in its proposed thrift plan.

It reflects badly on our entire financial system when a few unscrupulous individuals are able to use federally insured deposits as private slush funds. A recent report by the Office of the Comptroller of the Currency on the reasons for bank failures states that "insider abuse and fraud were significant factors in the decline of more than one-third of the failed and problem banks the OCC evaluated." A preliminary draft of a General Accounting Office study of the reasons for bank and thrift failures reports that criminal misconduct was present in 19 of the 26 thrift failures studied and that repeated and extensive violations of Bank Board regulations and statutes occurred at all 26 institutions.

A House Government Operations Committee report said: "Serious misconduct by senior insiders or outsiders has caused, has contributed to, or was present in the insolvencies of most banks, savings and loans and credit unions * * * at least one-third—and probably more—of commercial bank failures and over three quarters of all S&L insolvencies appear to be linked in varying degrees to such misconduct." There has been some dispute about these figures, but it is certain that fraud has played a significant role in increasing the losses to the deposit insurance funds. In 1987, the FBI conducted nearly 12,000 investigations of fraud and embezzlement at financial institutions.

After a financial institution fails, the FDIC or the FSLIC conducts an investigation of the causes of the failure. If there is reason to suspect criminal violations, the case is referred to the FBI for investigation and then to the Justice Department for prosecution. These cases tend to be very complex and difficult to prove and the investigations are time consuming. In recent years, the Justice Department has moved prosecutions of those involved with the failure on financial institutions up on its list of priorities. This move is entirely appropriate.

The Bush administration's proposal that $50 million of the money raised to close the insolvent S&L's be used to fund additional Justice Department prosecutions of bank fraud is a very positive step. Attorney General Thornburgh's announcement last week of a special Justice Department task force to combat securities and commodities fraud is also an encouraging signal.

These are positive steps, but I believe that more needs to be done. Congress needs to send a powerful message that white collar criminals who steal from insured financial institutions will face stiff punishment. The legislation I am introducing today increases the maximum penalty for defrauding a financial institution from 5 years and $10,000 to 10 years and $1,000,000. At the end of the last Congress, we approved legislation which increased the maximum penalties for insider trading to these levels, and it seems entirely appropriate to have similar penalties for an equally serious white collar crime. Certainly, these maximum penalties are not appropriate in all cases, but those who have looted banks or savings and loans to fund their lavish lifestyles deserve to be dealt with severely. The taxpayers stand behind the deposit insurance funds, and thus those who steal from financial institutions are ultimately stealing from us all. I have discussed this problem with Secretary Brady and am delighted that the administration also supports stiffer penalties for bank fraud.

In addition to this legislation, there may be other legislative or administrative remedies we should consider. Currently, there is an informal interagency working group on bank fraud comprised of the bank regulators, the FBI, and the Justice Department. It might be helpful to give this group a formal legislative mandate to emphasize the importance that Congress places on interagency cooperation in the prosecution of bank fraud. In addition, prosecutors should be encouraged to ask for prison sentences in bank fraud cases as well as fines and restitution.

Congress should not recapitalize the FSLIC without taking steps to ensure that it will never be necessary again. There are many structural reforms of the deposit insurance system that the Banking Committee should consider, but it is also important to send the message that we will not condone those losses to the insurance fund that are caused by fraud. A slap on the wrist and a short jail term are not enough punishment for those whose illegal wheeling and dealing are going to cost the taxpayers billions.

Madam President, I ask unanimous consent to print in the RECORD a copy of the legislation and a series of articles outlining the dimensions of this problem.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1344(a) of title 18, United States Code, is amended by striking "shall be fined not more than $10,000, or imprisoned not more than five years, or both" and inserting "shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both".

[From American Banker, Aug. 12, 1988]

CRIME DOESN'T PAY—EXCEPT WHERE CERTAIN BANKERS ARE CONCERNED

(By Irvine Sprague)

WASHINGTON.—Quick now. Name 20 bank chairmen or presidents who went to jail in the past 20 years. I'm talking about top managers who defrauded the stockholders and customers who had trusted them with their money—not tellers or bookkeepers or bank robbers.

The question is unfair. There aren't 20. At least I could not come up with that many after consulting my memories, augmented with library file searches by Len Samowitz of the Federal Deposit Insurance Corp. and Lou Leventhal of the American Banker.

Another question: How many convicted bankers served their full sentence? The answer, of course, is none. We all know that. Time off for good behavior and a change of heart by the sentencing judge almost always reduce the sentence.

Two flagrant examples. A prominent banker who stole millions was sentenced to five years in prison but stayed out on appeal for more than 10 years and finally served only eight months in a cushy outdoor job at a country club prison. A banker's son, given a 20-year sentence for securities fraud in 1982, already is out on the street.

The odds are that if you mismanage a megabank into the ground you won't go to jail and you won't pay for restitution. The stockholders take care of that for you. For it is the stockholders who pay for the directors' and officers' liability policies, which in turn pay for the mismanagement liabilities that often run into millions of dollars.

(Space is much too limited to go into the proliferation of savings and loan crooks who have had a wonderful time during these carefree deregulation years.)

BAD MANAGEMENT AND FRAUD

Comptroller Robert L. Clarke recently released a study showing that inept management has been the primary cause of bank failures, and that fraud often was a tool used by bad managers. FDIC Chairman L. William Seidman has testified that fraud was involved in at least one-third of all bank failures in 1986, 1987 and 1988.

With hundreds of bank failures in the past two decades and fraud a major cause, why the shortage of jail sentences? I guess the answer is threefold:

1. The Justice Department is asleep, or inept, or underfinanced. (The *American Banker* on July 28 reported an epidemic of bank fraud in the central district of California at the same time the major fraud division staffing there was cut more than 30%. Blame Ronald Regan, Edwin Meese, James C. Miller.)

2. Bank fraud is one of the most difficult crimes to prove to the satisfaction of a jury.

3. White collar crime pays.

This treatise was prompted by the guilty pleas of William Patterson of Penn Square Bank and John Lytle of Continental Illinois National Bank and Trust Company of Chicago, representatives of the two most flamboyant bank failures in history. Mr. Patterson and Mr. Lytle are to be sentenced Aug. 30. (I count Continental Illinois as a bank failure because it was. The FDIC annual report for 1987 continues the myth that it was not a failure by omitting it from the list of the 10 largest failures in history.)

The Patterson and Lytle cases are classic examples of how not to provide quick retribution and prompt justice. The guilty pleas came six years to the day after Penn Square failed.

The surfacing Square failed.

The surfacing of the story after six years brought back memories of that Fourth of July weekend as we spent three long days in Paul A. Volcker's cramped office deciding what to do about Penn Square.

Recent accounts attempt to rewrite the history of that weekend. I guess I should set the record straight. Comptroller Todd Conover was concerned, correctly, that if he closed Penn Square and we paid it off there would be multiple, unknown fallout, probably including fatal damage to Seattle-First National Bank, Continental Illinois, and other banks. William Isaac, then chairman of the FDIC, was concerned, correctly, that if we saved Penn Square the concept of deposit insurance would become a farce.

REGAN'S RACE ROLE WAS "MUSH"

The role of Mr. Volcker was to advocate doing nothing that would disrupt the system. The role of Treasury Secretary Donald Regan was mush. Mr. Volcker called Mr. Regan to meet with us on July 4. He listened to our problem but clearly did not want to get involved. As he left, he said: "Well, I'm sure you gentlemen will do the right thing."

All five people involved have tremendous egos. I'm sure each, in his own mind, dominated the discussion and made the decision. Mr. Volcker and Mr. Regan could talk. Mr. Conover, Mr. Isaac and I had to vote. With Mr. Isaac and Mr. Conover headed in different directions, I had to decide which way we would go. To me, It was simple: we simply could not bail out Penn Square with its trail of greed and dishonesty. In the end, the vote to let Penn Square take its lumps was 3 to 0.

Enough of that. Back to the jail sentences. Let me refresh your memories. Think of Silverthorne, Sindona, Smith, Butcher, and who else?

Let us call the roll of the pitifully small handful of bankers identified as having served prison sentences:

Michele Sindona tops the list with a 25-year prison sentence in 1980 for fraud and perjury, a sentence that the American Banker then described as the longest ever meted out for white-collar crime.

Mr. Sindona masterminded the Franklin National Bank downfall and his story is fascinating. Before sentencing he disappeared for a time, returning with a tale about being kidnapped. Extradited to Italy, he was given a 15-year prison senence for fraud and then sentenced to life for murder. A week later, in 1986, he died in prison. Some say he was poisoned, others that he committed suicide. A third version is that it was stroke-induced, a natural death.

(A footnote to the Sindona case. Last month the National Archives gave the FDIC permission to destroy the Franklin files: more than 6,000 filing cabinets filled with 700 tons—yes, tons—of paper.)

C. Arnholt Smith is my second favorite bank crook. Mr. Smith, whose domain included U.S. National Bank in San Diego, in 1975 pleaded no contest to charges he defrauded the bank of $170 million. The short, suspended sentence he received in federal court was variously attributed to his age, his illness, or more likely, his powerful political connections.

In a separate tax evasion charge, he received a five-year sentence from a state court for grand theft but he stayed out of the slammer for 10 years with repeated appeals. Finally, he did serve eight months as a gardener is a county work center. (The FDIC is still trying to dispose of some of the garbage loans he bequeathed us.)

Jake Butcher, C.H. Butcher, and Jesse Barr. I must discuss Mr. Barr first. Convicted of defrauding Union Planters Bank of $17 million in 1976, he received a five-year sentence but was released after 11 months. UPI reported at the time that the release came after a letter to the judge in which Mr. Barr said: "I've truly seen that crime does not pay." Later, Mr. Barr was picked up by the Butcher brothers and was an adviser during the looting of United American Bank and other Butcher institutions. Jake and C.H. both received 20-year prison sentences, Mr. Barr 18 years, and C.H.'s wife, Shirley, three years.

Don C. Silverthorne was the first bank crook whose damage I officially encountered. When I joined the FDIC in 1968 we were busily involved in sorting out the junk portfolio he left at San Francisco National Bank. (It took just over 20 years after the failure to finally close the books on San Francisco National.) Mr. Silverthorne took the bank to the cleaners before it failed in 1965. He finally spent some time at the McNeill Island federal prison. My longtime assistant, Alan Miller, recalls that Mr. Silverthorne's first conviction was overturned on the grounds there was so much publicity that a fair trial was impossible. He was convicted in a second trial and sentenced.

Here are some other former bankers whose sentences bolster the point that while crime may pay off, it does have its risks:

Harry D. Vestal, City and County Bank of Campbell County, Jellico, Tenn., four years.

John A. Bodziak, Florida Center Bank, 10 years.

Tommy Ballard, The Bank of Woodson, Tex., three years.

Sam Spikes, Far West Financial Corp., Tex., 10 years.

Henry Earl Fagan, Guaranty State Bank, Redwater, Tex., eight years.

Douglas, Adams, First Security Bank of North Arkansas, Horseshoe Bend, Ark., two years.

Anthony B. Angelos, Des Plaines Bank, Des Plaines, Ill., five years.

Gary Miller, First National Bank of Carrington, N.D., five years.

John Vergo, Midtown National Bank of Pueblo, Colo., two years.

W.R. Smith, Sr., Citizen Bank of Tillar, Ark., three years.

Byron Phillips, Aquia Bank and Trust Co., Stafford, Va., three years.

Richard R. Saccone, Mohawk Bank and Trust Co. of Greenfield, Mass., two years.

While the incidence of jail sentences is low, the volume of civil suits is rising both in number and volume. In 1987 there were 40 judgments that returned $59 million to the FDIC. The civil suits expose and disgrace those caught up in them, but often times they do not touch their pocketbooks. Two examples:

At Seafirst, there was a consent judgment against chairman William Jenkins and other top bank officials in an amount exceeding $100 million, the judgment to be paid solely by the insurance carriers.

Last month, the suit against the carriers was settled and the results sealed. Bank of America, owner of Seafirst, then announced a $46 million addition to its bottom line, so it is fair to assume that was the settled amount.

CONTINENTAL MAY SET RECORD

The all-time high settlement may come from Continental Illinois, and that is appropriate for the all-time record bank failure. Chairman Roger Anderson, president John Perkins, and other top officers agreed to settlements totaling $88 million, to be paid solely by the insurance carriers. The insurance was staggered, carried in differing degrees by several companies. Some settlements have been reached, others are pending, and whatever is left will go to trial in November.

In a category all by himself is Stanford S. Stoddard of Michigan National. Accused of misusing bank funds for his personal pleasures, including paying for his daughter's wedding reception, Mr. Stoddard was assessed a $146,000 penalty by an administrative law judge.

Comptroller Clarke let Stoddard off in a ruling that reminds one of Alice in Wonderland: "Although Mr. Stoddard flagrantly misused bank funds, the bank's expenditures . . . do not constitute extensions of credit. Accordingly, the civil money penalty shall not be assessed."

Separately, Mr. Stoddard was convicted in a criminal trial and sentenced to three years. He remains free on appeal.

In most cases, where fraud or negligence is involved, suit is filed against a number of culpable bank officers. The usual pattern is for most of their insurers to settle. Others go to civil trial.

Two cases this year indicate the pattern. In FDIC v. Bruce A. Bryan (Farmers and Merchants National Bank of Hennessy, Okla.), a jury returned a $3.3 million verdict against two inside directors. In FDIC v. Rex Niver (First State Bank of Thayer, Kan.), a jury found against two defendant directors in amounts of $860,000 and $255,000.

Last year, a judge handed down a $865,000 judgment in FDIC v. Craig Caldwell (Western National Bank of Santa Ana, Calif.)

How to end a column like this, one prompted by the guilty pleas of Mr. Patterson and Mr. Lytle, two who looted their banks? My preference would be to say that white-collar crime does not pay. Under the circumstances I'll just have to be silent. The Wall Street Journal recently said what we need is a sufficient demonstration that bankers are to be held accountable for their mistakes.

[From Newsweek, June 20, 1988]

LOAN STARS FALL IN TEXAS

(By Bill Powell and Daniel Pedersen)

Donald R. Dixon, it seemed, always knew the right thing to say, the right face to put on, the right image to convey. Whatever role he needed to play to get what he wanted he played brilliantly, and in the

spring of 1981 he sat in a house by Lake LBJ in the gently rolling hills of central Texas and played the prodigal son. He sat and spoke reverently of the town in which he was raised. Vernon, Texas, about 200 miles northwest of Dallas, is a town notable only for its wholesome familiarity. There is a single town square, several churches, three banks and two small savings associations. Of the two, Vernon Savings & Loan was the biggest. Many local workers—like those who stitch Boy Scout uniforms at a plant just outside town—deposited their paychecks there and took loans to buy their modest homes. Dixon, a successful developer in Dallas by his mid-30s, told banker R. B. Tanner, sitting in his hill country home, about his desire "to return to my roots."

He had loved Vernon as a boy, he said, growing up the affluent son of the local newspaper owner and popular radio personality, W. D. Dixon. Now, he said earnestly, he wanted to give something back to the community. He wanted to buy the thrift Tanner owned—Vernon Savings & Loan Association. Tanner, then 65 and ready to pass on a business he'd run for more than 20 years, says Dixon assured him that there would be few changes, and that suited Tanner fine. He had been a Depression-era bank examiner in rural Texas, and he ran his thrift with a rigid discipline born of that experience. Only a fraction of Vernon Savings' loan portfolio was in default when he turned his majority stake over in exchange for a down payment and a $1.75 million balloon note. Tanner agreed to sell, he says, because Dixon had "painted us a real pretty picture."

Next month the note was to have been paid off completely, and though Tanner would never admit it, he probably will never see a dime. Don Dixon filed for personal bankruptcy in the spring of 1987, shortly after the Federal Savings and Loan Insurance Corp. took over an insolvent Vernon Savings. FSLIC found more than 90 percent of its loans were delinquent, and soon afterward filed a $540 million civil suit—its largest ever—against Dixon and six other Vernon Savings officers, charging them with fraud and self-dealing during their five-year run at the top of the S&L. Sources close to the case believe the Justice Department, whose investigation into thrift fraud in Texas dwarfs its inquiry into Wall Street's insider-trading scams, will file similar charges shortly.

Back in 1981 there was no hint of the economic cyclone that would soon hit Texas with stunning force, putting an end to a riotous boom that many thought would last for a long, long time. Dixon certainly thought so, and so did many of the people running the thrifts in the state. There was a revolution under way in the Texas S&L industry, propelled by coming deregulation and a real-estate boom, and men like Don Dixon were in the vanguard. So too was his friend Tyrell (Terry) Barker a general contractor from California who, some months before Dixon had also approached Tanner about buying Vernon Savings. Tanner had turned him down, but Barker, for the same reasons that motivated Dixon, was determined to buy a thrift.

SERIOUS MONEY

To Dixon and Barker—and the many like them in Texas in the early 1980s—the allure of the thrifts was obvious. They offered the tantalizing prospect of serious money. Starting in 1982, Washington cut loose what was a tightly regulated, sleepily managed business. Regulators allowed thrifts to pay any amount of interest they wanted to attract deposits—and the thrifts loaned them out more aggressively than every before.

The business soon attracted real-estate men with the instinct of gamblers. They paid high rates and then turned around and poured the money right back into the blistering real-estate market. By far the biggest shot at earning millions, they saw, came from their ability to get a piece of every deal the thrifts would finance. In return for a loan, S&L's could now ask for a chunk of the proceeds from the sale of a developed property.

MAIN MAN

Dixon and Barker were very interested in getting rich quick. One of Barker's business ventures after coming to Texas in 1980 was a development partnership called MLMQ number 1—"Make Lots of Money Quick." Thanks to the surge in real estate prices in California, Barker had done reasonably well. But when he arrived in Texas he didn't have enough money to buy even a small S&L, so Dixon introduced Barker to Herman K. Beebe Sr. Beebe owned AMI Inc., a diversified company with interests in nursing homes, motels and insurance. But in the early '80s, Beebe started bankrolling people who wanted a piece of the thrift action in Texas. "Herman was the man to see," says a former thrift regulator.

Dixon's introduction of Barker to Beebe in 1981 began what one FSLIC investigator calls the tale of "the godfather and the two sons." Dixon had known Beebe since the mid-1970s, and he frequently borrowed from a Houston S&L that Beebe controlled. Beebe helped Dixon purchase Vernon Savings. In truth, the emotional reasons for the purchase that Dixon had to eloquently described to R. B. Tanner had little to do with the deal, says Dale Anderson, the former president of AMI and long Beebe's closest associate. To Beebe, Dixon played the more realistic role of a let's-get-the-deal-done businessman, and Beebe warmed to him. Dixon bought Vernon Savings mainly because it was the easiest to finance. When Dixon brought Barker to Beebe, Beebe again didn't hesitate. Contractor Barker didn't have a whit of banking experience ("When I knew him in California," says a former colleague, "he wore dirty clothes and pounded nails"), but he got $880,000 from Beebe to buy State Savings and Loan in Lubbock, Texas.

From that point on, the three lives were linked inextricably. Each man in the next few years earned millions financing Texas real-estate deals. But each also crashed in a heap, victims of a heady era not unlike that which soon followed on Wall Street—one in which making big money fast was the highest priority, no matter how it was done. Barker last year was convicted of fraud and is serving five years in a federal penitentiary in Fort Worth. Herman Beebe, having pleaded guilty to two felony charges (for wire fraud and conspiracy) will join him there shortly, serving a scheduled sentence of a year and a day. Beebe is also now cooperating with the Justice Department's probe of Dixon, who of the three flew the highest and fell the farthest. He has been accused by FSLIC of "looting, dissipating and wasting Vernon's assets," and has yet to respond formally to the allegations.

After getting their S&L's in 1981, Dixon and Barker were living high and making millions, with no prospect that things would soon change. They both expanded small branch offices their thrifts had in Dallas and turned them into executive offices. The small-town pace of Vernon and Lubbock had no allure for two relatively young men trying to make millions. Occasionally Dixon visited Beebe's modern mansion just outside Shreveport. The two also traveled together frequently, playing gin and drinking bourbon on the plane, with the younger Dixon referring to Beebe by the grandfatherly nickname of "Papaw." And from 1982 to 1984 says a former Barker associate, "Terry and Beebe were on the phone to each other all the time."

PACKAGE DEALS

Their bond was money. Says U.S. Attorney Joe Cage, who prosecuted Beebe twice: "Beebe created Barker and Dixon for his benefit, their benefit, everybody's benefit but the American taxpayer. It worked great for awhile." Beebe started financing savings and loan associations, allowing him to sell more of AMI's credit life insurance. According to Anderson and FSLIC investigators who have looked into Dixon's affairs at Vernon, Dixon was adept at peddling AMI's insurance to the S&L's borrowers. Anderson said a $200,000 loan was often offered with a $200,000 credit life policy. "We were very careful about how we worded it," he says. "If a borrower said he'd talk to his own insurance man, we'd say, 'Fine. That's probably where you need to get your loan'." In two years, according to Anderson, AMI netted $2.5 million through Vernon's insurance sales.

The quid pro quos flirted with the outer limits of the law, and the practice foreshadowed far more questionable practices that would emerge later. Barker wasn't as adept selling Beebe's credit life policies through his S&L, State Savings, but he learned how to deal feverishly in the real-estate market. His motto was "If I rest, I rust," and part of his energy may have been fueled by a desire to overcome dyslexia. According to a psychologist's report filed at his trial last year, Barker reads only at the third-grade level.

DOGGIE POOL

His main passion outside of business, it seemed, was his two dogs—an English bulldog and a Labrador. He traveled almost everywhere with them, and in 1983 he built a miniature swimming pool just outside the sliding glass doors of his Dallas office so his pets could refresh themselves in the scalding summer heat.

Baker followed a simple business philosophy: "You bring the dirt, I bring the money. We split 50-50." Borrowers were not required to put any money of their own into their real-estate projects. All they had to do was give State Savings a 50 percent interest in the project. According to John Meyer, former president of the S&L, State Saving's standards for credit risk were, to say the least, tolerant. He recalls one customer who had worked for a lumberyard at $35,000 a year. "The next year, he's suddenly a general contractor with a construction loan of $1.5 million." In less than two year State Savings went from $50 million in assets to $750 million.

At Vernon Savings under Don Dixon, that was only cruising speed. At a party just after Dixon had bought the thrift, Woody Lemons, the institution's president under Tanner and then the CEO under Dixon, told Vernon Savings' employees that change was imminent. S&L's were now able to compete for funds with the money-center banks and anyone else, he said; Vernon Savings would be quick and it would take risks.

Founder R.B. Tanner learned quickly that he wasn't going to like the Dixonized ver-

sion of Vernon. He had retained a seat on the board after the sale. Vernon insiders say that at the first directors' meeting he attended with the Don Dixon presiding, the new owner asked the board to approve the purchase of an expensive work of art, a bronze sculpture of an American Indian that cost $125,000. Tanner voted no, the purchase was approved and he later resigned from the board.

To the regulators in Washington and Austin—and to the new management—Tanner and his conservatism represented the stodgy, unimaginative ways of the past. In 1987 Dixon told the Dallas Times Herald that "the regulators were just thankful to have new flesh and blood foolish enough to invest in a dying industry.' (Through his attorneys Dixon refused repeated requests for interviews by NEWSWEEK, as did Barker and Beebe. In the past, one of Dixon's attorneys has denied fraud allegations.)

Dixon's Vernon Savings went after big deposits from institutional investors vigorously—money that was very sensitive to the slightest rate changes. From 1982 to 1986, Vernon accepted $1.7 billion in new deposits. Dixon also moved the S&L quickly into the booming financial-real-estate market for the first time. FSLIC . . . complaint alleges that . . . the start Vernon's loans were made just as Barker's had been at State Savings: "with intentional and reckless disregard . . . of the collectibility." A former customer says that Vernon had become, simply, "the lender of last resort."

Dixon, some associates say, would profess ignorance of the industry's regulations whenever federal or state regulators raised questions—as they did as early as 1983. Others say that was just another of his roles—this time the ignorant developer trying to learn the ways of a new business.

Though regulators had discouraged Dixon from dealing with Beebe, the two remained close at least until mid-1984. In the meantime, according to FSLIC's complaint, Dixon was in the process of setting up elaborate schemes to use Vernon for his own personal benefit. In April 1983 he set up a bewilderingly complex web of subsidiaries under a company called Dondi Financial Corp. He did so, in part, FSLIC alleges, to transfer some stock from one of Dondi's subsidiaries to Vernon. The net effect, FSLIC says, was to inflate Vernon's net worth. By so doing Dixon was allegedly able to increase dividend payments to the thrift's major shareholders without adding to its working capital, as bank-board regulations normally require. The biggest stockholder, of course, was Dixon himself.

TAKING OFF

FSLIC charges that was only the beginning; other alleged abuses soon followed. By October of 1983 Dixon had begun to live the rarefied life of a man with apparently limitless wealth, but he did it using Vernon's funds, according to FSLIC's complaint. Uncomfortable with commercial air travel, he bought a fleet of five planes for Vernon and leased two others. In three years, FSLIC says, Vernon Savings paid out close to $6 million in maintenance fees and operational costs on the fleet.

Perhaps that wasn't surprising, given how frequently Dixon and his wife, Dana, who ran her own interior-decorating firm, used the fleet. In October of 1983, for example, they flew off to Europe for a two-week trip that Dana entitled "Gastronomique Fantastique" in a diary she kept. For several days, Don and Dana Dixon and another couple fed themselves at seven different three-star European restaurants. Their trip had been arranged in part by international playboy Philippe Junot, former husband of Monaco's Princess Caroline. ("We . . . were truly into the adventure," . . . Dixon wrote, "when we were greeted . . . Philippe Junot's smiling face and his . . . immediate quick witticisms . . .")

GOURMET TRAVEL

Dixon's justification for these trips, associates say, is that he was traveling on business. Dana says he made a side trip during Gastronomique Fantastique to Switzerland, apparently to check on a European subsidiary that was to lure foreign capital to Vernon. Dixon's craving for the high life didn't stop at world travel. Some of his friends believe he became so impressed with Beebe and his lavish lifestyle—AMI owned a private jet and Beebe had a plush house in La Costa, Calif.—that Dixon was determined to "out-perk him." Dixon once told Beebe confidant Dale Anderson that a measure of a man's success was "the number of toys he had." In December 1984 Vernon Savings bought a $2 million beach house in Del Mar, Calif.—a transaction the board, according to FSLIC's suit, never approved. For the next year, FSLIC charges, the Del Mar house was Dixon's main residence, but he paid no rent. Occasionally he threw parties for Vernon executives and customers. A former construction manager for Dixon, Jack Brenner, says they were attended by attractive young women who, he alleges, were hired for the occasions. The ostensible reason for purchasing the luxurious beach house was to monitor Vernon's West Coast project—but Brenner insists "there was no damn business reason to come out."

In Texas the world had changed considerably by 1985. The oil bust had thrown the state into recession, and the relentless climb in real-estate prices stopped. But Beebe and Barker had made a lot of money for themselves when the going was good, despite the fact that Barker failed to sell much AMI credit insurance.

Beebe and Barker continued to cut each other in on deals, including one the government later prosecuted successfully. "Basically it all boiled down to back scratching," says Roger McRoberts, the U.S. attorney who prosecuted Barker. In 1983 Barker's State Savings loaned $4.4 million to Beebe and an unnamed partner to finance the purchase of a ranch in Foard County, near Vernon. After buying the ranch for $2.8 million in June 1983, Beebe and his partner asked for most of the remainder—$1.05 million—as "working capital."

The money was promptly wired to Beebe's Bossier Bank & Trust Co. in Bossier City, La. Beebe used some of the funds to retire an outstanding loan from Barker. But according to Anderson, $800,000 was split four ways—one part to Anderson, another to Beebe, another to a Texas rancher and the last quarter to Woody Lemons, Dixon's CEO at Vernon Savings. Lemons' attorney says his client received a payment of just over $19,000 and strongly insists the transaction was "legitimate." But a government investigator believes that Beebe's transaction will be the avenue the Justice Department will use to seek an indictment against Lemons and Dixon.

In 1984 FSLIC brought in a new chairman to replace Terry Barker at State Savings. A year after that Beebe and Anderson were convicted of defrauding the Small Business Administration—a scam apparently unrelated to Dixon or Barker. Dixon quickly distanced himself from his friend Beebe. And, FSLIC says, he began unloading loans made against what had since become wildly overpriced commercial properties. In desperation, in November 1986 he enlisted the aid of House Speaker Jim Wright to keep FSLIC from closing Vernon. But by then investigators knew just how bad things were and resisted. Soon after they moved in, Dixon, back in California, filed for bankruptcy.

At Barker's trial last year, one bank official who had met with the State Savings owner revealed that he once sat around his north Dallas office and described for friends the mechanics of how so many Texas properties got so inflated during the boom. Barker had elevated age-old "land-flipping" schemes into a fine honed craft. Flipping land meant getting appraisers to pin high values on properties, and Barker had no trouble arranging that. He knew several appraisers, he claimed, from whom he could get "any price" he wanted. Then he would get one of his "network" of financial institutions to buy the property—with a big loan from State Savings—and then flip the land over to the "next greater fool." On what Barker called the "Day of the Great Fool," some investor or bank would "take their lumps." Eventually "somebody winds up [with] the property and, of course, gets buried in it."

BUSTED DOWN

In Texas in the last three years, the burials have come with increasing frequency. More thrifts and banks have failed than at any time since the 1930s. Ben Barnes, Texas's former lieutenant governor, once sat on Herman Beebe's board at Bossier Bank & Trust and, with former governor John Connally, borrowed around $40 million from Vernon Savings (legally). Their partnership went bankrupt, as the bust punished big and small investors alike. "People don't realize," Barnes says, "that this was a full-blown regional depression."

No one knows how much outright fraud contributed to the great Texas thrift crisis and how much was simply attributable to plummeting oil and land prices. Undeniably, though, unscrupulous lending practices fueled much of the crash. Next week some of Donald R. Dixon's worldly possessions will go up for sale in a bankruptcy auction at his old Dallas home. The curious will pick over Chinese porcelain vases, expensive Oriental rugs and antique guns. It will be another small Texas burial, one that R.B. Tanner won't bother to attend.

[From Business Week, Oct. 31, 1988]

HIGH-ROLLING TEXAS: THE STATE THAT ATE FSLIC

In 1982, when Congress deregulated the savings and loan industry, nowhere were the cheers louder than in Texas. Thrifts there were enjoying a booming economy and a freewheeling regulatory environment. The new federal policy seemed likely to make things even more wide open. So begins a story about how an industry with bulging pockets can distort government policy.

For the next four years, Texas thrifts kept state regulators looking the other way despite clear evidence that many were spinning reckless deals. In 1983 and 1984, Texas even broadened S&L charters to make sure that state thrifts had an even freer hand in real estate development.

Local officials also kept the Federal Home Loan Bank Board from applying the brakes in Texas. At a Fort Worth town meeting in late 1986, real estate and thrift executives

beseeched House Speaker Jim Wright (D-Tex.) to stop the FHLBB and its then-Chairman Edwin J. Gray. His regulators, they said, would ruin the state real estate industry.

Gray's critics, it turns out, had things backward. Texas eventually broke the FHLBB's Federal Savings & Loan Insurance Corp. With their influence in Washington, the state's S&Ls helped delay new funds for FSLIC for nearly one year out of fear that the money might be used to pay off depositors and shut them down. But now the cost is far higher: S&L losses keep rising because the FHLBB can't afford the $50 billion that some say it would take to close all the troubled Texas thrifts.

By contrast, keeping doors open in Washington and Austin came relatively cheap for the Texas thrift industry. Among other contributions, it anted up $2 million for the 1986 Republican primary for governor. And Speaker Jim Wright raised $240,000 for his 1986 campaign from thrifts and real estate interests—20% of his war chest, Business Week's tabulation shows.

WHO'S WHO

The House Ethics Committee is investigating Wright's involvement with the FHLBB, where he allegedly pressured regulators to go easy on Texas. Wright says he was only doing a legislator's job of representing his constitutents. Yet he wasn't the industry's only friend. Former Representative Thomas G. Loeffler, now Vice-President George Bush's campaign manager for Texas, solicited support from the Reagan Administration to name to the FHLBB an Austin lobbyist, Durward Curlee, whose client list was a virtual who's who of S&L high rollers. Loeffler says that he, too, was looking out for Texas interests.

For the thrift industry, it was mostly politics as usual—good ol' boys and political action committees exercising their rights in Washington. And the gospel of the day was: Thou shalt deregulate. Unfortunately, that deregulation came just as Texas real estate was in a frenzy.

A horde of newcomers moved in to take advantage of the state's liberal thrift rules—and few were typical bankers in pinstripes. When Harvey D. McLean, a Dallas developer and chairman of Paris Savings, reportedly attended a costume party with blue hair and wearing punk regalia, he joked to reporters that he dressed that way to visit his banker. Vernon Savings, an $83 million S&L when developer Don R. Dixon bought it in 1982, quickly acquired five airplanes and a helicopter, according to a FSLIC lawsuit.

McLean and Dixon raised few eyebrows. Curlee, the Austin lobbyist, saw nothing strange in thrift owners who liked fast transportation. Says Curlee, who was once executive director of the Texas Savings & Loan League: "That's not criminal. That's Texas."

The first crack in the industry's self-assurance came in 1984. Empire Savings of suburban Dallas, with assets of more than $300 million, collapsed. The thrift had grown seventeenfold in two years using what a 1988 federal grand jury indictment calls a scheme of land flips—successive sham sales of the same real estate at progressively higher prices. Empire's management and its developer associates pleaded not guilty, and their trial on conspiracy and fraud charges is about to begin in Lubbock. Closing Empire cost FSLIC $170 million.

That disaster galvanized Gray. He began a campaign to stomp out the brokers who supplied many fast-growing thrifts with large deposits or "hot money" in pursuit of top yields. He also wanted to curb the thrifts' new investment powers, and he replaced the head of the Dallas Home Loan Bank. The home loan banks have federal regulatory powers but are owned and run by regional S&Ls. Texans believed Gray wanted to re-regulate the whole industry, not just toss out the bad apples.

CRAZIES

Thrift examiners were overwhelmed in Texas. The Dallas bank had lost much of its staff after a 1983 move from Little Rock. And Texas had just 19 state examiners; their starting salary in 1983 was $13,000. Some S&Ls hadn't been examined for two years—an eternity for thrifts that were doubling in size annually. Gray says he asked the Reagan Administration for help. He recalls the answer from the "ideological crazies" at the Office of Management & Budget: "Deregulation meant getting government out of the industry."

Meanwhile, Curlee had left the Texas league. He began a new lobbying campaign, with the league and 20 of the most aggressive thrifts as his clients. They included Vernon, Sunbelt, and others since taken over by the FHLBB. In Washington, Curlee and his clients started calling on congressmen to oppose Gray's agenda. "We began hearing that a contingent of Texas thrifts was working to get Gray out of office," says Shannon Fairbanks, former FHLBB chief of staff.

Back in Austin, the Texas industry set out to show that it could clean its own house. Former state S&L Commissioner L. Linton Bowman III drafted a bill that would let state regulators seize an S&L without going to court. But he was frustrated at every turn. The bill was passed only after Bowman reached a private agreement with a thrift owner who figured he was the measure's intended target. Says Bowman: "I had to negotiate with people I didn't want to be in the same room with."

Part-time legislators, and the potential for conflicts of interest, are a fact of life for many state regulators. Stanley D. Schlueter, for example, was on the House committee overseeing the state S&L commission. A developer, he shared in a joint land deal with Lamar Savings, which later failed. Grant Jones served on the comparable Senate committee—as well as the board of Commodore Savings until the FHLBB took it over. When FSLIC took control of Vernon, on its list of delinquent loans was a 1984 loan for $75,000 to El Paso Senator H. Tati Santiesteban.

Schlueter denies any conflict. Jones says he sees no conflict since the committee passed no measures affecting individual S&Ls. Santiesteban says he got no preferential treatment.

In Washington, Curlee offered the FHLBB's Gray a deal. If the bank board would exempt Texas from reregulation, the state would reimburse FSLIC for its first $80 million in expenses in Texas each year. That bill sailed through the state legislature. But Gray dismissed it as inadequate, "a joke."

Gray had little else to laugh about. Texas S&L owners were making his life difficult. "It was a sport to call Ed Gray to your [congressional] office and jump his ass," says a state regulator. Opposing brokered deposits also put Gray in a pitched battle with Donald Regan, then White House chief of staff. Eventually, Attorney General Edwin Meese III asked Gray to resign. He was going to comply until Regan's staff crowed prematurely in an October, 1985, press leak. Gray dug in his heels.

Worried Texas thrifts next tried to get a friendly voice on the three-member FHLBB. Curlee asked Loeffler, who had close White House ties, to put him up for a vacancy in mid-1986. Curlee also asked former Texas congressman Kent Hance for help. Hance said that Curlee's clients made him "unappointable." But Hance also declined the seat himself. "I wasn't through with elective office," says Hance, now a Republican state railroad commissioner. "If you took that job, you would never be elected again."

STRATEGIES

Even though the politicians saw Curlee as a hired gun, they had other reasons to listen to the Texas thrift industry. Hance, who represented thrifts as an attorney, ran unsuccessfully for the Republican gubernatorial nomination in 1986 with major financing from the thrift industry. In the same primary, Vernon, other aggressive thrifts, and their developer associates ponied up $500,000 for Loeffler—some 10% of his campaign fund. A Vernon executive subsequently pleaded guilty to submitting false bills to the S&L for money that wound up in Loeffler's campaign. Federal proscecutors say the Loeffler campaign didn't know about the money's source. Says Loeffler: "There is no nexus" between his campaign funds and his support for the industry.

The high-flyers had another strategy. They chartered the High Spirits, a 110-foot sister ship of the former Presidential yacht Sequoia. The yacht, previously owned by Vernon's Dixon, soon became a popular Potomac haunt for thrift executives, legislators, and fundraisers. Thomas Gaubert, a developer and former owner of Independent American Savings, remembers the crew asking him to leave because Ed Meese was coming aboard, and they didn't think it appropriate for Gaubert, a Democratic fundraiser, to meet Meese. Now on trial in Des Moines on charges of defrauding an Iowa thrift, Gaubert describes himself as a Democratic alien in a mostly Republican industry.

Still, Curlee's clients weren't inhibited by party. In a 1985 special election Republicans in his group gave $50,000 to help Gaubert finance the congressional election of Jim Chapman, a Texas Democrat. Chapman's election was important to Speaker Wright, who wanted to stop Republican inroads in Texas.

By 1986 the Texas economy was unraveling and foreclosures were mounting. With the problems so clear, Gray finally made headway. To prevent thrifts from refinancing each other's bad loans, he rounded up 270 examiners from across the country for a statewide audit. Soon Gray was armed with tough appraisal rules that allowed him to challenge the thrifts' fancy accounting. He had the power to close any thrift in the state.

When Wright called Gray in October, the Speaker didn't want to hear the bank board version of problems at Gaubert's Independent American. Instead, Gray recalls, Wright told him: "Ed, I urge you to meet with Tom."

Gray needed legislation to strengthen FSLIC, so he appeased Speaker Wright by appointing an independent counsel to investigate Gaubert's complaints.

Don Dixon was Wright's next project. Over Christmas, Wright's staff tracked Gray down in San Diego to ask for time for Dixon to raise new capital at his struggling thrift, Vernon. "I told them if Dixon could

find someone dumb enough" to invest, says Gray, "please go ahead and be my guest."

Gray struggled from November, 1986, until August, 1987, to win congressional assent to bolster FSLIC. Two Texas Republicans, Representative Steve Bartlett and Senator Phil Gramm, sponsored an amendment that would protect Texas S&Ls from unwarranted closures. "We didn't have the money or the staff," Gray says, "so forbearance was a reality anyway." Finally, Gray got the bill. When his term ended in June, 1987, he stepped down. At that point, falling oil prices had erased 40% of the state's real estate values. The thrifts now needed FSLIC and made peace with Gray's successor, M. Danny Wall. FHLBB had won.

OVERSUPPLY

The epilogue is just as disquieting as the tale. Wall is getting mixed reviews for his Southwest Plan. Because he can't afford massive liquidations, Texas will remain oversupplied with banks and thrifts for years. That's why private investors have offered only $360 million in new capital, compared with $16.4 billion pledged by FSLIC. And some may still be looking for the good old days to return. Says one potential investor: "Heads I win, tails FSLIC loses."

As for regulatory reform, a measure to raise the pay of state thrift examiners, who currently start at $18,500, died in committee in 1987. Now Governor William P. Clements proposes to control an S&L oversight board, the majority of whose members at present are industry insiders.

S&Ls will resist, says the Texas league, because of concerns about undue influence by politicians. But insiders vs. outsiders may be beside the point. After all, neither the regulators nor the regulated have covered themselves with glory.

(By Todd Mason and Todd Vogel in Austin and Paula Dwyer in Washington, Joseph Weber in Dallas, and Antonio Fins and Gail DeGeorge in Miami)

By Mr. GORE:

S. 364. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit, to make the credit for dependent care expenses refundable, and for other purposes; to the Committee on Finance.

EMPLOYMENT INCENTIVES ACT

EMPLOYMENT INCENTIVES ACT

Mr. GORE. Madam President, I am introducing legislation today which is simultaneously being introduced in the other body by Representative TOM DOWNEY of New York, Representative GEORGE MILLER of California, and Representative JOHN LEWIS of Georgia. This is the Employment Incentives Act of 1989.

Madam President, over the past several years a new term has been coined to describe a segment of our Nation's work force. Sadly it applies to millions of Americans and their families who work hard, yet remain in poverty. The term is the "working-poor."

Our country was built on the belief that if you worked hard, you would get ahead. But too many hard-working families are falling behind. Despite full-time jobs, despite a commitment to self-reliance, they remain in poverty.

I believe we ought to have a principle established in America that someone who is willing and able to work should not be below the poverty line.

We ought to have a principle that someone who is willing to work should be better off than someone who is on welfare. We should not encourage families to stay on welfare because they get more financial benefits in the form of money and health benefits, et cetera, than they do if they go into the work force.

We attempted to address this problem in the last Congress with the welfare reform measure, which was a major step forward. I supported it. The occupant of the chair [Ms. MIKULSKI] supported it. We had tremendous leadership from our colleague from New York, Senator MOYNIHAN, who was the main sponsor of this legislation, and from Representative DOWNEY in the other body the main sponsor of that measure. We still have work to do.

Millions who are in the work force remain well below the poverty line. There are an estimated 9 million working poor in this country. Most have families. Nearly 20 million poor adults and children are living in families in which someone is in the work force and is working during the year. And, Madam President, the ranks of the working poor are growing rapidly, because of growing wage inequality and an increase in the number of low-wage jobs.

We know that the minimum wage has not been increased in 7 years. It is also true that 80 percent of the new jobs created in that time have been in service and retail trade, the lowest paying industries in the private sector.

Working poor families are the most vulnerable of the poor, and they need help because the so-called safety net of Government benefits is rarely available to them.

As a result, working poor families are often as far below the poverty line as welfare families in which no one is working.

Madam President, poverty, in spite of work, is a travesty. If someone is working and is still way below the poverty line, that is an unacceptable situation.

Our society simply must find a way to increase the benefits of working, if we hope to diminish poverty among families and encourage work for the nonworking welfare dependent. The increasing presence of working poor Americans does not offer an appealing alternative toward which those on welfare can look. But there are steps that we can take. Increasing the minimum wage is one approach that Congress will be looking at shortly to help the low-income working families.

I support that move, but we can do something else to assist working poor families. We can provide greater tax incentives for those who are willing to work and send a message that our society believes that work should be rewarded and that people who work should not be poor.

So today, Madam President, I am introducing the Employment Incentives Act of 1989 to assist those who work hard, yet still find themselves and their families below the poverty line or close to it.

The bill mainly will provide tax relief for the working poor. It will not create any new programs. It will simply change existing Federal laws to target aid to families with low incomes.

What does the bill do? Very briefly, the bill will do three things: First of all, it will increase the earned income tax credit and adjust it for family size.

Second, it will make the dependent care tax credit refundable to those with very low incomes and increase the average amount of the credit available to low-income families.

Third, it will increase funding for the title XX social services block grant, to provide additional resources for child care and training of child care providers.

This measure is not intended in any way as a substitute for or competing alternative to the measure introduced by the Senator from Connecticut, Senator DODD, on the subject of child care. I applaud and support his initiative.

This is a complementary measure and one which I think has an excellent chance of solving a major part of the problem. Now, let me take these provisions one by one.

First of all, modifying the earned income tax credit is probably the simplest initiative we can undertake to make work pay better. Since a modest earned income tax credit is already in place in the current tax system, expanding it will be administratively easy. The basic idea is simple. Families with low earnings gain tax credits for each dollar that they earn.

The earned income tax credit was designed to provide tax relief for low-income working families with children. It also provides an incentive to work; only those who do work get the credit. And up to the maximum income level, the more a person works, the greater the earned income tax credit benefit. The EITC portion of the Employment Incentives Act would expand the EITC, and vary the size of the credit, not only by income level, but also by family size. The goal of this provision is to help families of all sizes with a full-time worker escape poverty.

As currently structured, the earned income tax credit provides much less assistance to large families relative to the poverty line than it provides small

families. Expanding the EITC and varying it by family size would follow the commonsense notion that a family's needs are a function of size as well as income.

The second part of the Employment Incentives Act will modify the existing dependent care tax credit, which is the largest Federal program providing child care benefits for working parents. The dependent care tax credit is presently a nonrefundable credit against income tax liability available for up to 30 percent of a limited amount of child care expenses.

The child and dependent care credit presently has a major deficiency, however. It will not provide any relief to a family with income so low that it has no tax liability.

Madam President, these families are the ones who frequently need assistance with child care the most, so that they can have an easier time getting into the work force. If they have no money and if they have no child care this program on the books today which is supposed to help with child care does not give them any assistance in getting back on the work rolls.

Work "pays" less for these low-income families than it would were they able, as are wealthier families, to offset employment-related child care expenses. A work subsidy that discriminates against the poor certainly seems counterproductive, to say nothing of ethically troubling. Therefore, we will make this credit refundable.

Finally, the Employment Incentives Act includes a modest increase in the title XX social services block grant to help low-income families offset their primary work-related expense: Much has been made of the large gap between the number of children in need of child care and the availability of such care services for low-income families. Very young children are particularly lacking and the trend is getting worse because of limited funds. Twenty-three States provided title XX funded child care to fewer children in 1986 than in 1981. Those are the last figures we have available. Now although a refundable day care credit will provide some relief to working poor families, some families will need greater assistance. In addition, not all of those eligible will take advantage of the credit. Some families will be unaware of eligibility, and others will find the tax system overwhelming and unfathomable. Even so, those who use the credit will find it reimburses only 30 percent of the families' child care expenses. Thus in increasing the title XX entitlement, we will assure that States have sufficient resources to fill the gaps. This would not occur if only a tax credit approach were used to assist the working poor.

The increased title XX funds also allow States to extend child care training activity, assuring parents of better quality child care from which to choose. After all the knowledge that children are being cared for by competent and well-trained providers, whoever they may be, is the best assurance for parents that children are safely cared for while they are at work.

Finally, Madam President, we completely pay for this entire bill in the bill itself. Let me briefly explain how. To finance the provisions of the Employment Incentives Act, we are proposing to adjust the design of the tax system to correct a flaw known as the bubble that resulted during tax reform a few years ago. As our colleagues know, unfortunately, the way the final law came into being, the marginal tax rate for those earning roughly between $150,000 and $200,000 a year is 33 percent. And then when you get to incomes above $200,000, that marginal rate comes incredibly back down from 33 percent to 28 percent.

Madam President, by assuring that those with the highest incomes in our society pay the same marginal tax rate as those in the bracket just below them, we completely finance this measure for working families with children.

And we do so within the terms of this legislation. Also, we have a little bit left over to reduce the deficit by $5 billion between now and the next few years.

The Employment Incentives Act is in short a plan of simple steps to help address a different problem.

It will enable some hardworking families struggling to make it to escape poverty. That is the goal of this bill. Families that work should not be poor.

This legislation is the result of months and months and months of carefully detailed work. The numbers have been crunched and crunched and crunched again. All the nuts and bolts have been carefully put into place. It is not just a broad-brushed rhetorical or ideological thrust or presentation. It could be enacted tomorrow with fiscal responsibility and have a tremendously beneficial impact on the working poor in America, so I urge my colleagues to support it. I look forward to working with them to try to enact this measure and I hope that it will receive an enormous amount of support. I will put the text of the bill in the RECORD in two places, and a much more detailed analysis and explanation complete with graphs—I mean charts and columns that demonstrate the detailed impact on families at every income level, depending upon how many children they have.

Madam President, I appreciate the courtesy and time. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employment Incentives Act of 1989"

SEC. 2. INCREASE IN EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $6,810.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $6,810, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $10,740.

"(b) PERCENTAGES.—For purposes of subsection (a)—

"(1) CREDIT PERCENTAGE.—The credit percentage is 21 percent (30 percent in the case of an eligible individual with 2 or more qualifying children).

"(2) PHASEOUT PERCENTAGE.—The phaseout percentage is 15 percent (20 percent in the case of an eligible individual with 2 or more qualifying children)."

(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means any child (within the meaning of section 151(c)(3)) of the eligible individual if—

"(A) such individual is entitled to a deduction under section 151 for such child, and

"(B) such child has the same principal place of abode as such individual for more than one-half of the taxable year."

(c) ADVANCE PAYMENT PROVISIONS.—

(1) PAYMENT BASED ON NUMBER OF QUALIFYING CHILDREN.—

(A) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragarph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year."

(B) Paragraph (2) of section 3507(c) of such Code is amended—

(i) by striking "14 percent" in subparagraphs (B)(i) and (C)(i) and inserting "the credit percentage",

(ii) by striking "subsection (b)" in subparagraph (B)(ii) and inserting "subsection (a)(2)", and

(iii) by adding at the end thereof the following new sentence:

"For purposes of this paragraph, the credit percentage shall be determined under section 32(b) on the basis of the number of qualifying children specified in the earned income eligibility certificate and the determination of the amounts referred to in subparagraph (B)(ii) shall be made on the basis of the number of qualifying children so specified."

(C) Clause (i) of section 2507(e)(3)(A) of such Code is amended by inserting before ", or" the following: "(or changing the percentages applicable to the employee under section 32(b) for the taxable year)".

(2) EXPANDED PARTICIPATION IN ADVANCE PAYMENT PROGRAM.—Subsection (e) of section 3507 of such Code (relating to furnishing and taking effect of certificates) is amended by adding at the end thereof the following new paragraph:

"(6) EMPLOYERS REQUIRED TO COLLECT CERTIFICATE OR STATEMENT OF INELIGIBILITY.—On or before the date of commencement of employment with an employer, the employer shall require the employee to furnish to the employer a signed earned income eligibility certificate or a signed statement that such employee does not meet the requirements of paragraphs (1) and (2) of subsection (b)."

(3) REPEAL OF CALENDAR YEAR LIMITATION ON EFFECTIVENESS OF CERTIFICATE.—

(A) Subparagraphs (A) and (B) of section 3507(e)(1) of such Code are each amended by striking "had been in effect for the calendar year" and inserting "is in effect".

(B) Paragraph (2) of section 3507(e) of such Code is amended—

(i) by striking "for any calendar year", and

(ii) by striking "during such calendar year".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 32(f) of such Code is amended—

(A) by striking "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting "subsection (a)(2)", and

(B) by adding at the end thereof the following new sentence:

"Separate tables shall be prescribed for taxpayers with 2 or more qualifying children and for other taxpayers."

(2) Paragraphs (1) and (2) of subsection (i) of section 32 of such Code are amended to read as follows:

"(1) IN GENERAL.—In the case of any taxable year beginning after 1990, each dollar amount referred to in paragraph (2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins.

"(2) DOLLAR AMOUNTS.—The dollar amounts referred to in this paragraph are—

"(A) the $6,810 amount contained in paragraphs (1) and (2)(A) of subsection (a), and

"(B) the $10,740 amount contained in subsection (a)(2)(B)."

SEC. 3. AMENDMENTS TO DEPENDENT CARE CREDIT.

(a) CREDIT MADE REFUNDABLE.—

(1) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for expenses for household and dependent care services necessary for gainful employment) is hereby transferred to subpart C of part IV of subchapter A of chapter 1 of such Code, inserted after section 34 of such subpart, and redesignated as section 35.

(2) COORDINATION WITH MINIMUM TAX.—Paragraph (1) of section 55(c) of such Code is amended by inserting "and the credit allowable under section 35" before the period at the end of the first sentence thereof.

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 35(a) of such Code (as redesignated by subsection (a)) is amended by striking "this chapter" and inserting "this subtitle".

(B) Section 35 of such Code (as in effect before the transfer under paragraph (1)) is hereby redesignated as section 36.

(C) Section 129 of such Code is amended—

(i) by striking "21(e)" in subsection (a) and inserting "35(e)",

(ii) by striking "21(d)(2)" in subsection (b)(2) and inserting "35(d)(2)", and

(iii) by striking "21(b)(2)" in subsection (e)(1) and inserting "35(b)(2)".

(D) Subsection (e) of section 213 of such Code is amended by striking "21" and inserting "35".

(E) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 21.

(F) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Expenses for houshold and dependent care services necessary for gainful employment.

"Sec. 36. Overpayments of tax."

(b) CHANGE IN PHASE-DOWN.—Paragraph (2) of section 35(a) of such Code (as so redesignated) is amended—

(1) by striking "$2,000" and inserting "$1,000", and

(2) by striking "$10,000" and inserting "$20,000".

(c) DENIAL OF CREDIT FOR FEDERALLY FUNDED CARE.—Subsection (e) of section 35 of such Code (as so redesignated) is amended by adding at the end thereof the following new paragraph:

"(9) FEDERALLY FUNDED DEPENDENT CARE SERVICES.—No credit shall be allowed under subsection (a) for any employment-related expenses if any federally funded payments are made with respect to such expenses."

SEC. 4. CERTAIN GOVERNMENTAL ASSISTANCE NOT TAKEN INTO ACCOUNT IN DETERMINING DEPENDENCY DEDUCTION, ELIGIBILITY FOR EARNED INCOME CREDIT, ETC.

Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) CERTAIN GOVERNMENT ASSISTANCE DISREGARDED IN DETERMINING SUPPORT, ETC.—

"(1) IN GENERAL.—For purposes of subtitle A and section 7703, there shall not be taken into account any assistance described in paragraph (2) for purposes of determining—

"(A) the extent to which the support of an individual is provided by that individual, by a taxpayer who has the same principal place of abode as the individual (including determinations under section 152), or by the parents of the individual for purposes of section 152(e)(1)(A), or

"(B) whether a taxpayer is considered as maintaining a household.

"(2) ASSISTANCE DESCRIBED.—Assistance is described in this paragraph if—

"(A) it is provided under a Federal, State, or local governmental assistance program used for the support of the individual or for the maintenance of the household, and

"(B) the eligibility for the assistance (or the amount thereof) is determined on the basis of need or income."

SEC. 5. ELIMINATION OF PROVISION WHICH REDUCES MARGINAL TAX RATE FOR HIGH-INCOME TAXPAYERS.

(a) GENERAL RULE.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking subsections (a), (b), (c), (d), and (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 61013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $32,400	15% of taxable income.
Over $32,400 but not over $78,350.	$4,860, plus 28% of the excess over 32,400.
Over $78,350	$17,726, plus 33% of the excess over $78,350.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $26,000	15% of taxable income.
Over $26,000 but not over $67,150.	$3,900, plus 28% of the excess over $26,000.
Over $67,150	$15,422 plus 33% of the excess over $67,150.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $19,450	15% of taxable income.
Over $19,450 but not over $47,000.	$2,917.50, plus 28% of the excess over $19,450.
Over $47,000	$10,631.50, plus 33% of the excess over $47,000

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $16,200	15% of taxable income.
Over $16,200 but not over $39,175.	2,430, plus 28% of the excess over $16,200.
Over $39,175	$8,863, plus 33% of the excess over $39,175.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $5,400	15% of taxable income.
Over $5,400 but not over $14,150.	$810, plus 28% of the excess over $5,400.
Over $14,150	$3,260, plus 33% of the excess over $14,150

(b) RETENTION OF CURRENT CAPITAL GAINS RATE.—Subsection (j) of section 1 of such Code is amended to read as follows:

"(j) MAXIMUM CAPITAL GAINS RATE—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year and has taxable income in excess of the amount determined under paragraph (2), then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount determined under paragraph (2), plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the greater of the amounts referred to in subparagraph (A).

"(2) DETERMINATION OF AMOUNT—

"(A) IN GENERAL—The amount determined under this paragraph is the sum of—

"(i) the applicable dollar amount, plus

"(ii) 5 3/5 times the aggregate deductions for personal exemptions allowable to the taxpayer for the taxable year under section 151.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (1), the applicable dollar amount shall be determined under the following table:

In the case of a taxpayer to which the following subsection of this section applies:	The applicable dollar amount is:
Subsection (a)	$162,590
Subsection (b)	$134,750
Subsection (c)	$97,570
Subsection (d)	$81,295
Subsection (e)	$28,190."

"(c) ADJUSTMENTS FOR INFLATION.—In the case of any taxable year beginning in a calendar year after 1990, each dollar amount contained in subparagraph (B) shall be increased by an amout equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins.

"(D) SPECIAL RULE.—In the case of an individual taxable under subsection (d), this paragraph shall be applied as if a deduction for a personal exemption were allowable under section 151 to such individual for such individual's spouse."

(c) TECHNICAL AMENDMENTS.—

(1)(A) Subsection (f) of section 1 of such Code is amended—

(i) by striking "1988" in paragraph (1) and inserting "1990",

(ii) by striking "1987" in paragraph (3)(B) and inserting "1989", and

(iii) by striking "subsection (g)(4)" in paragraph (6)(A) and inserting "subsection (j)(2)(C)".

(B) Subparagraph (B) of section 63(c)(4) of such Code is amended by inserting ", by substituting 'calendar year 1987' for 'calendar year 1989' in subparagraph (B) thereof" before the period at the end thereof.

(C) Subparagraph (B) of section 151(d)(3) of such Code is amended by striking "1987" and inserting "1989".

(2) Section 1 of such Code is amended by striking subsections (g) and (h) and redesignating subsections (i) and (j) as subsections (g) and (h), respectively.

(3) Subsection (j) of section 59 of such Code is amended—

(A) by striking "section 1(i)" each place it appears and inserting "section 1(g)", and

(B) by striking "section 1(i)(3)(B)" in paragraph (2)(C) and inserting "section 1(g)(3)(B)".

(4) Paragraph (4) of section 691(c) of such Code is amended by striking "1(j)" and inserting "1(h)".

(5) Clause (iv) of section 6103(e)(1)(A) of such Code is amended by striking "section 1(i)" and inserting "section 1(g)".

(6)(A) Subparagraph (A) of section 7518(g)(6) of such Code is amended by striking "1(j)" and inserting "1(h)".

(B) Subparagraph (A) of section 607(h)(6) of the Merchant Marine Act, 1936 is amended by striking "1(j)" and inserting "1(h)".

SEC. 6. INCREASE IN ALLOTMENTS TO STATES FOR SOCIAL SERVICES.

Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended—

(1) in paragraph (3), by striking "and 1987, and for each succeeding fiscal year other than fiscal year 1988; and" and inserting in lieu thereof "1987, 1989, and 1990;";

(2) in paragraph (4), by striking the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraphs:

"(5) $2,900,000,000 for the fiscal year 1991;

"(6) $3,100,000,000 for the fiscal year 1992; and

"(7) $3,300,000,000 for the fiscal year 1993 and for each succeeding fiscal year.".

SEC. 7. EFFECTIVE DATES; STUDY.

(a) EFFECTIVE DATE.—The amendments made by sections 1, 2, 3, and 4 of this Act shall apply to taxable years beginning after December 31, 1989; except that the amendments made by section 1(c) shall take effect on the day 30 days after the date of the enactment of this Act.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury or his delegate shall conduct a study on the feasibility of an advance payment system for the credit allowed under section 35 of the Internal Revenue Code of 1986 (as redesignated by this Act). As a part of such study, the Secretary is authorized to conduct one or more demonstration projects under which advance payments of such credit are made by employers under rules similar to the rules of section 3507 of such Code.

(2) REPORT.—Not later than July 1, 1991, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under subsection (a), together with such recommendations as he may deem advisable.

THE EMPLOYMENT INCENTIVES ACT: FAMILIES THAT WORK SHOULD NOT BE POOR

Americans who work hard and yet remain in poverty are among the most vulnerable of the poor. Government benefits that provide a "safety net" are rarely available to them. As a result, working-poor families are often as far below the poverty line as are welfare families in which no one is working. And yet, these families are working to feed and clothe their families.

The ranks of the working poor are growing substantially, primarily as a result of growing wage inequality and an increase in low-wage jobs. The increasing presence of working poor Americans does not offer an appealing alternative toward which those on welfare can look. This should trouble us all. Society must find a way to make work pay better if we hope to encourage work while diminishing poverty among families.

There is something that the Federal government can do to assist the working poor. It is not welfare; it is not an alternative to work. Rather, we should reward work and responsibility—provide a better level of pay for those who are willing to work and help send a message that our society believes that work should be rewarded—that people who work should not be poor.

Our proposal includes two simple changes to our current Federal laws to help the working poor: expanding the earned income tax credit (EITC) and increasing and making refundable the dependent care tax credit. Virtually none of the money stemming from this proposal would go to people who do not work—it would be targeted to the working poor. An expanded EITC would subsidize the wages of the workng poor, increasing the return to work and therefore work effort—the exact opposite of welfare. Making the dependent care tax credit refundable, and increasing its benefits, would reduce the cost of going to work, likewise rewarding work. And both of these changes to current law would help people without any need of a stigmatizing, invasive, and often degrading welfare system.

This proposal would especially help two-parent families, since the working poor are usually found in two-parent families. But the proposal's other great achievement would be to help make work a more appealing alternative for single-parent families on welfare—who often do worse by going to work than remaining on welfare.

THE WORKING POOR IN AMERICA

Close to 20 million poor adults and children live in households in which someone works during the year. These working poor individuals represent a significant proportion of the total poverty population—close to 60 percent. Even more newsworthy is the fact that over 5.5 million individuals live in poor households in which someone works full-time year-round.

The experience of living in poverty despite work is not restricted to categories of individuals most typically associated with poverty—single-parent families, women, and minorities. Of all families that are poor despite having a full-time year-round working head-of-household, 71 percent are families in which two parents are present. More than 61 percent of all workers who fall into poverty despite full-time year-round work are men. In addition, 79 percent of full-time year-round workers who live in poverty are white.

The fact that so many individuals have joined the ranks of the working poor is astounding; even more alarming, however, are data which show that the working population is increasingly composed of poor individuals. Data from the Census Bureau reveal that the number of working age individuals (persons ages 22 to 64) who work but are still poor was 44 percent larger in 1987 than 1978. Moreover, the number of people who work full-time year-round and are still poor increased more than 42 percent between 1978 and 1987.

These numbers are a concern to all who believe that hard work should enable a family to support itself. They reveal that the returns to work are decreasing for those at the bottom. This fact may surprise those who have heard that family income has risen significantly over the past decade—17 percent in real terms between 1973 and 1987. However, there has been extremely unequal growth in family income across family types and also at different points in the income distribution, as figure 1 shows. Between 1973 and 1987, families with children experienced average real income growth of 13 percent—slower growth than among the overall population. Further, and even more significant, the poorest twenty percent of families with children suffered an income loss of 22 percent between 1973 and 1987. This loss is significant—over

$2,300 per year for families that are clearly disadvantaged. Even the next poorest twenty percent of families with children—who without a doubt have significant income from their own earnings—lost 2.6 percent of family income between 1973 and 1987, equal to an average income loss of close to $600.

THE ROLE OF THE ECONOMY, FAMILY STRUCTURE, AND FEDERAL POLICY

These data raise a question: why are there so many more persons than in the past who live in working families that remain poor? What has happened to reduce the incomes of working Americans at the bottom of the income scale, and to thrust more of them into poverty? More than any other factor, the state of our nation's economy is crucial. All other factors being equal, as long as real wages are growing across-the-board and unemployment declines, the ranks of the working poor will shrink because real incomes will be up. However, recent economic growth has not resulted in real wage growth: on average, workers in low-wage jobs have actually suffered real wage losses. Furthermore, an increasing proportion of all jobs are low-wage. Changing family structure and Federal policies have also contributed to the increasing numbers of working poor.

Despite the fact that our nation has enjoyed close to six years of economic growth, much of this growth has gone to employ the vastly expanding labor force, not to higher wages. Overall wage levels have remained relatively stagnant. Median weekly wages for full-time workers were lower in real terms in 1987 than in any year in the 1970s. Furthermore, the growth in wages that has occurred has not been distributed equitably. There is growing evidence that wages for low-paying jobs have not moved in tandem with average wages in the economy as a whole, but rather have fallen off significantly compared to average wages.

Data from the Senate Budget Committee show that an increasing proportion of all jobs are low-wage. For example, the percent of all full-time year-round workers paid low-wages (less than $11,600 per year) increased between 1979 and 1987 from 18 percent to 21 percent, while the percent of full-time year-round workers in middle wage jobs (jobs paying $11,600 to $46,444 per year) fell 4 percentage points, from 78 to 74 percent. This problem of increasing low-wage job growth has been particularly acute for young families. The percent of all workers under 35 years of age found in low-wage jobs increased between 1979 and 1987 from 39 to 44 percent.

Besides wages, another factor contributing to the ranks of the working poor is demographics. An increasing proportion of all families is headed by a single-parent. Single-parent families are more likely to be poor than two-parent families, despite work. In one-parent families, the earner is usually a woman and is more likely than a man to have part-time or low-wage job. Furthermore, many families, facing stagnant wage rates, have been able to increase the number of hours they work in order to maintain or enhance their level of earnings. In many cases, this means that a second wage earner has joined the labor force. Single-parent families cannot usually adapt to the wage problem by increasing work through a second earner. At the same time, however, it bears noting that poverty rates were higher among both two-parent and single-parent families in 1986 than in 1978. In fact, poverty increased at a faster pace among two-parent families with a worker. This suggests that the demographic shift to more single-parent families accounts for only some of the overall rise in the ranks of the working poor.

Although there have been traditionally few government benefits or services targeted specifically toward the working poor, Federal policies have also played a role in reducing the incomes of working families on the margin of poverty. For example, there has been a declining federal commitment to maintain wages through minimum wage policies. The minimum wage has not been adjusted in seven years, while inflation has raised consumer prices 33 percent over this period. A majority of workers who are paid on an hourly basis and who live in households that are poor have earnings at or near the minimum wage.

In addition to changing wage policies, benefit cuts have affected low-income families. The bulk of budget cuts in means-tested programs hit families in the $5,000 to $12,000 range, precisely the same categories in which the working poor are found. Most analysts across the political spectrum concur that the group hit hardest by the budget cuts in the AFDC program, employment and training programs, and unemployment insurance programs was the working poor population. Consider recent cuts in the AFDC program. The largest of them were explicitly aimed at mothers who worked but still had low incomes. A GAO report found that eighty percent of the families terminated from AFDC were below the poverty line 1½ to 2 years after being cut from the program. A number of these families had been above the poverty line before the cuts, but the loss of AFDC income pushed them into poverty.

Figure 2 illustrates what now happens to an AFDC family (this one consisting of a mother with two children) if the mother goes to work full-time at a low-wage job (for example, at the minimum wage of roughly $7,000 per year). Basically, she loses all cash support. Reductions in food stamp and AFDC benefits, and increases in taxes and work expenses, all combine to leave her family no better off economically than it would be were she not to work at all. This marginal tax rate on her earnings has increased 40 percent in less than a decade, and surely has discouraged work and lowered earnings for welfare recipients.

POLICIES THAT MAKE WORK PAY

Fortunately, despite this gloomy picture, the growing emphasis on the need for "self sufficiency" provides fertile ground to highlight the conditions of the working poor. The proposition that the working poor should be rewarded not punished, and should enjoy better living conditions than those who do not work, should elicit little opposition.

What can we do? We need a set of initiatives that assists the working poor. In so doing, the last thing we want to do is create a system that discourages and penalizes work or that isolates and stigmatizes the very people who are struggling to become part of the economic mainstream. Instead, we want to find ways to reinforce their efforts, to integrate them, and to indicate that their work is valued and that work will pay off. If we want to have a society of which it truly can be said that anyone who works can make it, if we want to help working-poor families, then, surely, we must find better rewards for the efforts of the working poor.

When someone works to support his or her family and the family is still poor, the most obvious problem is the person's low wages. So the equally obvious answer is to raise wages. If we could magically raise wages among low-paid workers without diminishing the number of jobs, we would increase the reward to work and the autonomy of low-income working families; we also would probably strengthen families and help integrate people into the economic mainstream. Those who are now the working poor would feel economically secure without the need for welfare. Those who are now on welfare would find that, instead of losing income as they go to work at low wages, work actually pays off.

As noted above, one way to raise wages is to have strong, widely-shared economic growth. Working poor families ride the roller coaster of broad economic trends and they pray for better paying jobs. Eventually, economic growth whose benefits are widely distributed could pull most of these families out of poverty. But recent economic growth has gone to employing the vastly expanding labor force, not to higher wages. And while we wait for economic growth to trickle down, working poor families remain among the country's least secure people.

One of the most important initiatives we can undertake to make work pay better is the earned income tax credit (EITC). A modest EITC is already in place in the current tax system, so expanding it would be easy. The basic idea is simple: families with low earnings gain tax credits for each dollar that they earn. The EITC was designed to provide tax relief for low-income working families with children. It also provides an incentive to work: only those who *work* get the credit, and, up to the maximum income level, the more a person works the greater the EITC benefit. In addition to the work incentive benefits, the EITC is easy to administer.

The EITC portion of the proposal would expand the EITC and vary the size of the credit not only by income level but also by family size. The goal of this provision is to help families of all sizes with a full-time worker escape poverty. As currently structured, the EITC provides much less assistance to large families relative to the poverty line than it provides small families. Expanding the EITC and varying it by family size would follow the common-sense notion that the extent of a family's needs is a function of its size as well as income. Because such a move would be both pro-work and pro-family, it has been hailed by conservatives and liberals alike.

The second component of the proposal is to modify the existing dependent care tax credit, the largest Federal program providing child care benefits for working parents. The dependent care tax credit is a nonrefundable credit against income tax liability, available for up to 30 percent of a limited amount of child care expenses. The child and dependent care credit has a major deficiency, however: it won't provide any relief to a family with income so low that it has no tax liability. Work "pays" less for these low-income families than it would were they able, as are wealthier families, to offset employment-related child care expenses. A work subsidy that discriminates against the poor certainly seems counterproductive, to say nothing of ethically troubling.

Finally, the proposal includes a modest increase in the Title XX social services block grant to help low-income families offset their primary work-related expense: child

care. Much has been made of the large gap between the number of children in need of child care and the availability of such care. Services for low-income families, and very young children, are particularly lacking and the trend is getting worse. Because of limited funds, 23 States provided Title XX-funded child care to fewer children in 1986 than in 1981.

Although a refundable day care credit will provide some relief to working poor families, some families will need greater assistance. In addition, not all those eligible will take advantage of the credit; some families will be unaware of their eligibility. Others will find the tax system overwhelming and unfathomable. Even those who use the credit will find that it reimburses only a portion of the family's child care expenses. Increasing the Title XX entitlement will assure that States have sufficient resources to fill the gaps that would occur if only a tax credit approach were used to assist the working poor.

The increased Title XX funds will also allow States to expand their child care training activities, assuring parents of better quality child care from which to choose. After all, the knowledge that children are being cared for by competent and well-trained providers—whoever they may be—is the best assurance for parents that their children are safely cared for while they are at work.

In summary, the proposal would maintain the existing dependent care tax credit, but make it refundable and increase the average amount of the credit available to low-income families. The earned income tax credit would be expanded and adjusted for family size. And, funding for the social services block grant would be increased. By so doing 1.6 million people who are working hard to make it will be able to escape poverty. And that's the overarching goal—families that work should not be poor.

SUMMARY OF THE PROPOSAL

I. Subsidize the Wages of the Working Poor.

A. Increase the earned income tax credit and adjust it for family size.

Present Law.—The earned income tax credit is a refundable tax credit available to married individuals filing joint returns who are entitled to a dependency exemption, surviving spouses, and unmarried heads of households who maintain a household for a child. If more than half of the family income used to provide support of the dependent or to defray household expenses, is from AFDC or certain other sources (including other means-tested transfer payments), the earned income credit generally is not available.

In 1990 the credit is estimated to equal 14 percent of the first $6,810 with a maximum credit of $953. For each dollar of adjusted gross income above $10,740, the credit is reduced by 10 cents. The $6,810 and $10,740 figures are adjusted annually for inflation. The size of the credit is unrelated to the number of dependents.

The EITC is refundable, so that an individual receives the benefit of the credit even if he or she has no tax liability for the year. Employers must add advance payments of the credit to an individual's paycheck upon request.

The Proposal.—The earned income tax credit would be increased and adjusted for family size. In 1990, for families with one child, the credit would equal 21 percent of the first $6,810 with a maximum credit of $1,430. For each dollar of adjusted gross income above $10,740, the credit would be reduced by 15 cents. For families with two or more children, the credit would equal 30 percent of the first $6,810 with a maximum credit of $2,043. The credit would be reduced by 20 cents for each dollar of adjusted gross income above $10,740.

The credit would be completely phased out above an income of $20,270 for one-child families and $20,960 for larger families. The parameters for the earned income tax credit would continue to be adjusted annually for inflation.

The number of children used for determining eligibility for the more-than-one-child rate would be based on the number of exemptions taken for children who reside with the taxpayer. Benefits provided under means-tested transfer payment programs would not be taken into account in measuring support or household expenses to assure that all families with low annual earnings receive the credit.

In addition, to increase the number of families who receive the credit in advance, employers would be required to obtain from all new employees a form on which advance payments are requested or refused under present law. The EITC advance payment election would continue in effect until the taxpayer revokes the election. The advance payment amount would also be adjusted for family size.

II. Reduce the Cost of Working.

A. Make the dependent care credit refundable.

Present Law.—A nonrefundable credit against income tax liability is available for up to 30 percent of a limited amount of employment-related dependent care expenses. Such expenses are limited to $2,400 (with a maximum credit of $720) if there is one qualifying individual, and $4,800 (with a maximum credit of $1,440) if there are two or more qualifying individuals. A qualifiying individual is a dependent under the age of 13, or a physically or mentally incapacitated dependent or spouse. In the case of married taxpayers, the credit is also limited to no more than the earned income of the spouse with the lesser earnings. The credit is nonrefundable (i.e., limited to tax liability).

The 30-percent credit rate is reduced, but not below 20 percent, by one percentage point for each $2,000 (or fraction thereof) of adjusted gross income above $10,000.

Present law also provides that expenses for AFDC reimbursed child care may not be treated as income in determining eligibility for any Federal need-based program and may not be claimed as an employment-related expense for purposes of the dependent care credit.

The Proposal.—The dependent care credit would be made refundable so that it would be available to an individual without regard to the amount of the person's tax liability. Expenses for disabled spouses and dependents would continue to be eligible for the credit as under present law.

In addition, the 30 percent credit rate would be reduced to a 20 percent rate between $20,000 and $29,000 of adjusted gross income rather than between $10,000 and $28,000 as under present law.

Under the proposal, the "no double dipping" rule established for the AFDC program would be extended to Title XX day care.

Finally, the Treasury Department would be directed to conduct a study (including demonstration projects) of the feasibility of an advance payment system for the dependent care credit.

Figure 4 illustrates the effect of the dependent care credit proposal. In combination the EITC and dependent care credit proposals would provide substantial benefits to working poor families as the following table illustrates.

EARNED INCOME AND DEPENDENT CARE TAX CREDIT SCHEDULES—1990 CURRENT LAW AND PROPOSAL

AGI	EITC			Dependent care credit			
		Proposal		1990 Current law		Proposal	
	1990 current law	One child	Two or more children	One child	Two or more children	One child	Two or more children
$0	0	0	0	0	0	0	0
$2,000	280	420	600	0	0	300	300
$4,000	560	840	1,200	0	0	600	600
$6,000	840	1,260	1,800	0	0	600	900
$8,000	953	1,430	2,043	0	0	600	1,200
$10,000	953	1,430	2,043	172	0	600	1,200
$12,000	830	1,241	1,791	472	165	600	1,200
$14,000	630	941	1,391	560	465	600	1,200
$16,000	430	641	991	540	765	600	1,200
$18,000	230	341	591	520	1,040	600	1,200
$20,000	030	41	191	500	1,000	600	1,200
$22,000	0	0	0	480	960	560	1,120
$24,000	0	0	0	460	920	520	1,040
$26,000	0	0	0	420	880	480	960
$28,000	0	0	0	400	840	440	880
$30,000	0	0	0	400	800	400	800
$32,000	0	0	0	400	800	400	800
$34,000	0	0	0	400	800	400	800
$36,000	0	0	0	400	800	400	800
$38,000	0	0	0	400	800	400	800

EARNED INCOME AND DEPENDENT CARE TAX CREDIT SCHEDULES—1990 CURRENT LAW AND PROPOSAL—Continued

AGI	EITC			Dependent care credit			
		Proposal		1990 Current law		Proposal	
	1990 current law	One child	Two or more children	One child	Two or more children	One child	Two or more children
$40,000	0	0	0	400	800	400	800

Note.—The dependent care credit is calculated for a head of household with one or two children, and child care expenses equal to $2,000 per child per year. This calculation further assumes, for illustrative purposes only, that child care expenses do not equal more than 50 percent of a family's income.

Figures 5 illustrates the effect of the EITC and dependent care credit proposals.

B. Increase funding for the Title XX social services block grant

Present Law—Under Title XX of the Social Security Act States are entitled to receive social services block grant funds. These funds must be used to provide services directed at achieving five national goals: preventing or reducing dependency; achieving self-sufficiency; preventing or remedying neglect, abuse or exploitation of children and adults; preventing or reducing inappropriate institutional care; and providing services or referrals to individuals in institutions.

Title XX is a capped entitlement; funds are currently limited to $2.7 billion annually. Nearly all States use Title XX funds to provide child care assistance to needy families.

Proposal—To Provide additional resources for child care and training of child care providers, the Title XX ceiling would be increased as follows: $2.9 billion in fiscal year 1991; $3.1 billion in fiscal year 1992; and $3.3 billion in fiscal year 1993 and thereafter.

COST ESTIMATES FOR THE BILL

[Fiscal years, in billions of dollars]

	1990	1991	1992	1993	1994	1990–92	1990–94
Earned Income Tax Credit (effective Jan. 1, 1990)	0.3	5.4	5.8	6.3	6.8	11.5	24.6
Dependent Care Credit (effective Jan. 1, 1990)	.2	1.6	1.8	1.9	2.1	3.6	7.6
Title XX Social Services Block Grant		.2	.4	.6	.6	.6	1.8
Total	.5	7.2	8.0	8.8	9.5	15.7	34.0

HOW TO PAY FOR THE PROPOSAL: ELIMINATION OF THE "BUBBLE" IN THE INDIVIDUAL TAX RATE SCHEDULES

Present Law—Under present law, the individual tax rate schedules for each filing status consist of two explicit marginal tax rate brackets—15 and 28 percent. Some taxpayers in the 28 percent bracket, however, face a marginal tax rate of 33 percent—a result of the 28 percent rate plus an additional 5 percent tax associated with the phaseout of the 15 percent bracket and personal exemptions over a range of taxable income.

In 1990, the projected phaseout range is $47,000 to $109,050 of taxable income for single taxpayers, and $78,350 to $208,510 for a couple with two children filing jointly. Taxpayers with taxable income within these ranges face a 33 percent marginal tax rate. Taxpayers with incomes above the phaseout ranges face a 28 percent marginal tax rate. Thus, certain very high income taxpayers are taxed at a lower marginal rate than other taxpayers with somewhat lower income.

Under current law, capital gains income and ordinary income are taxed at the same rate.

The Proposal—Under the proposal, an explicit 33 percent marginal tax bracket would be added to the individual rate schedules. This tax rate would apply to all taxable income (with the exception of certain capital gains) in excess of the amount at which the 5 percent phaseout tax begins to apply under current law. Taxes would be raised only for those high-income families for whom the 15 percent bracket and personal exemptions are completely phased out under current law. For example, a married couple with two children would pay higher taxes only if their taxable income for 1990 was $208,510 or higher.

In order to avoid increasing the present tax rate on long-term capital gains, the proposal also provides for a 28 percent tax rate on certain long-term capital gains. This rate would apply to the amount of taxable income that is in excess of the present law phaseout range and that is attributable to long-term capital gains.

Eliminating the "bubble" raises sufficient revenue to fully offest the cost of the bill as the following table illustrates:

BUDGET EFFECT OF THE BILL

[Fiscal years, in billions of dollars]

	1990 [1]	1991	1992	1993	1994	1990–92	1990–94
Total cost of bill	0.5	7.2	8.0	8.8	9.5	15.7	34.0
Eliminate the "bubble"	3.7	7.2	8.2	9.3	10.5	19.1	38.9

[1] The estimated fiscal year cost (both revenues and outlays) of the proposals assuming an effective date of January 1, 1990.

By Mr. DASCHLE:

S. 365. A bill to provide for the continuation of certain basic services of the Postal Service consistent with postal policies under section 101 of title 39, United States Code, and for other purposes; to the Committee on Governmental Affairs.

FREE POSTAL DELIVERY PROTECTION ACT

● Mr. DASCHLE. Mr. President, last year the postal community was singled out by the President's Commission on Privatization as one of several Federal services that should be privatized. While such a recommendation was not surprising coming from that Commission, I was concerned that certain precursers of privatization could be implemented administratively—without actual legislation.

As a result, in the 100th Congress, I introduced S. 2242, the Free Postal Delivery Act of 1988. This bill would reaffirm our national commitment to universal postal service.

Because of my concern that the notion of privatizing the U.S. Postal Service may remain alive in certain circles, I am today reintroducing the Free Postal Delivery Act to reinforce my strong conviction that a strong majority in Congress supports the principle that citizens of our country should be guaranteed the right to comprehensive and efficient Postal Service.

Every year, small communities throughout the country, and especially in predominently rural States like South Dakota, are threatened with reductions in their Postal Service. Rumors of wholesale closings of small community post offices seem to be an annual rite of passage.

This past year has been an exception, as I continue to receive a dispro-

portionate number of requests from postal customers and employees for help in saving rural postal facilities. The citizens of our country deserve to be free of the spectre of service reductions caused by unjustifiable post office closings.

Last year's attack by the President's Commission on Privatization recommended the repeal of the private express statutes for rural delivery immediately. Absent heavy subsidies, the repeal of these statutes, which would effectively privatize the U.S. Postal Service, would have a devastating impact on the residents of rural America.

I remain confident that the U.S. Congress will not tamper with the private express statutes. My legislation, the Free Postal Delivery Protection Act of 1989, would underscore our national commitment to a universal Postal Service and prempt any serious discussion of administrative attempts to reduce postal service to rural or urban areas.

My bill simply reaffirms three basic principles—free mail delivery, maximum delivery schedules, and standardized service nationwide.

FREE DELIVERY

The cost of mail delivery is not today, nor should it be tomorrow, based on a person's location or proximity to large population centers. We have committed ourselves to a unified Postal Service charged with uniting all parts of the Nation. A guarantee of free mail delivery at uniform delivery rates is the strongest public signal Congress can send to the U.S. Postal Service and the public about its commitment to unified postal delivery. The Free Postal Delivery Protection Act of 1989 would once again write into law the commonly held perception that postal patrons shall be guaranteed free delivery of mail.

MAXIMUM DELIVERY SCHEDULES

The need for regular delivery of mail is the same for both urban and rural postal patrons. Many people in this nation rely on the U.S. Postal Service for the delivery of timely letters, publications and urgently needed medications. While urban patrons can typically rely on regular 6-day delivery schedules, many of their rural counterparts receive delivery as infrequently as three times per week.

The people who rely on the Postal System for delivery of essential medicines, such as insulin and other prescription drugs deserve a message of reassurance that they will not suffer further erosion of service. The Free Postal Delivery Protection Act would send such a message by writing into law a mandate for providing timely postal delivery service to all patrons.

STANDARDIZED SERVICE

Currently, Congress requires that the Postal Service follow certain steps before closing or consolidating a post office or delivery route. One glaring deficiency in the evaluation process, however, is the lack of an objective standard to measure service. The Free Postal Delivery Protection Act will mandate that the service to be provided under a proposed closing or consolidation be measured against the service for similar areas throughout the postal division. This provision would ensure that all similarly situated postal patrons would receive similar service.

Under this bill, the Postal Service would also be required to provide members of a community threatened by a closure with alternatives for Postal Services, ranging from a contract station to regular, in-person delivery service. These alternatives, in turn, must maintain service levels in the area.

Mr. President, the U.S. Postal Service handled 160.5 billion pieces of mail in 1988. It is clear that this agency is one of the most heavily relied upon vehicles for the delivery and receipt of information. To many rural South Dakotans, the U.S. Postal Service is the only viable delivery source for basic necessities. I suspect that, with nearly 43,000 rural mail routes nationwide, many of my colleagues have constituencies which share our concern about the threat to rural free delivery posed by the advocates of privatization efforts.

The Free Postal Delivery Protection Act of 1989 is designed to help restore public confidence in the U.S. Postal Service and protect the basic services guaranteed to postal patrons. I ask my colleagues to join me in reaffirming our national commitment to the principle that Postal Services in this Nation are basic and fundamental.

I thank the Chair and ask that the entire text of my bill be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Free Postal Delivery Protection Act of 1989".

FINDINGS

SEC. 2. Consistent with Postal policy under this section 101 of title 39, United States Code, the Congress finds that—

(1) there is a need for reaffirmation of the basic policies under such section, including the operation of the Postal Service as a basic fundamental service;

(2) postal needs of urban and rural residents are similar and there is a need to maintain quality office service;

(3) wholesale privatization of basic services, specifically free delivery, poses a direct threat to the bond between the Government and citizens;

(4) postal patrons need six-day mail delivery, and such patrons rely on six-day delivery for timely publications such as newspapers, and for urgent needs such as medication; and

(5) closures and consolidations of offices need to be evaluated on objective criteria and measured against service within the same Postal Service division.

FREE DELIVERY AND SIX-DAY DELIVERY SERVICE

SEC. 3. Section 403(b) of title 39, United States Code, is amended—

(1) in paragraph (2) by striking out "and" at the end thereof;

(2) in paragraph (3) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraphs:

"(4) consistent with Postal policies under section 101 of this title, to provide for, and maintain a delivery service for the free delivery of mail serving the entire urban and rural population of the United States to the greatest extent practicable; and

"(5) consistent with Postal policies under section 101 of this title, to maintain a six-day mail delivery schedule in all areas to the greatest extent practicable, and to maintain the minimum delivery level of such delivery schedules at the fiscal year 1983 level.".

CLOSING AND CONSOLIDATION OF POST OFFICES

SEC. 4. Section 404(b) of title 39, United States Code, is amended—

(1) in paragraph (2)

(A) in subparagraph (D) by striking out "and" at the end thereof; and

(B) by redesignating subparagraph (E) as subparagraph (F) and inserting after subparagraph (D) the following new subparagraph:

"(E) whether such closing or consolidation may substantially change the character and nature of delivery relative to delivery service for other post offices in the same Postal Service division; and"; and

(2) in paragraph (3) by inserting ", along with proposed alternatives for service," in the second sentence after "finding".●

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, and Mr. DASCHLE):

S. 366. A bill to amend title XVIII of the Social Security Act to make certain payment reforms in the Medicare Program to ensure the adequate provision of health care in rural areas, and for other purposes; to the Committee on Finance.

RURAL HEALTH MANPOWER ASSISTANCE ACT

● Mr. BAUCUS. Mr. President, today we are introducing a bill for rural America, the Rural Health Manpower Assistance Act of 1989.

Joining me in this effort are two of my distinguished colleagues on the Finance committee, Senator ROCKEFELLER and Senator DASCHLE. Both have been good friends to rural America. I am pleased to have their support.

Last year we introduced the Rural Health Payment Reform Act of 1988. Several components of that bill, dealing with health manpower needs are extended in our current legislation.

During the 100th Congress we introduced the Rural Health Care Viability Act of 1987. That bill made a number of small, but badly needed, changes in health care laws affecting rural physi-

cians. We have been encouraged by the positive response that initiative received. Congress enacted the majority of the bill as part of the 1987 Reconciliation Act.

This bill amplifies the important changes that have been made in the last Congress, and adds some new ones that are equally necessary.

Mr. President, let me explain why we need this bill.

Providing access to health care providers in the far corners of our country is no easy task.

In my own State of Montana, more than two-thirds of the State's population lives outside of our cities. Nearly 60 percent of the counties are classified as "health manpower shortage areas," one of the highest rates in the Nation. Despite the staggering numbers of new physicians being graduated from schools, too few are electing to practice as primary care providers in isolated rural areas. Right at this moment over 50 percent of Montana's counties are searching for physicians to provide basic health care.

But this is not just a problem in Montana. Consider these facts about rural America: First, almost one-fourth of the U.S. population lives in rural areas, but a full 30 percent of seniors eligible for Medicare live in these regions, second, chronic diseases such as arthritis are more prevalent than in urban areas, as are work related injuries and disability, third, infant mortality rates are higher than in cities, and fourth, despite these health care needs, physician to population ratios in small rural areas are one-third that in urban areas.

Why aren't physicians starting practices in rural America? More and more new doctors are going to better compensated specialties, rather than primary care. People care doesn't pay as well as procedure care. In the U.S. rural doctors are paid one-third less than their urban counterparts for exactly the same services. In Canada doctors get a 10-percent bonus for working in rural areas. Doctors in small rural areas feel isolated from new advances and specialty consultation. There is no one down the hall with whom to talk over a case. Indeed, in many respects we are ignorant of what really works in getting a doctor to practice in rural America, or what are the country's rural health manpower needs.

These are serious problems and they must be addressed. We await with anticipation the deliberations of the Physicians' Payment Review Commission that will address the relative value of primary care services, and geographic variability of payment. It appears, however, that the Commission's deliberations may take an extended period of time. Time that rural America cannot afford.

The bill we are introducing today is an effort to help anchor doctors in underserved rural areas while the discussions of more basic and far-reaching reform continue.

The 100th Congress approved modest increases in the amount Medicare pays for all services provided by physicians practicing in rural health manpower shortage areas. This was an important first step in our efforts to restore some equity between urban and rural health professionals as well as provide a signal for those who practice in these areas that we in Congress understand their problems.

The bill we are introducing today adds an additional bonus of 5 percent over that paid this year, but only for primary care services. A few percentage points might not make a big difference right away, but it does send the right message.

Health professionals in rural areas can feel extremely isolated. At times their patients may wonder whether they are receiving the most up to date health care. One solution is to create new ongoing partnerships between providers in rural and urban areas.

The second provision of this bill will establish state of the art telecommunication linkages between rural providers and their colleagues in urban areas. Systems have been developed that allow joint real-time evaluation of patients and diagnostic tests. This improves the quality of care as well as reducing the sense of isolation that many rural physicians experience.

In trying to assess Montana's future health manpower needs, I am frustrated by the lack of data on which to make sound judgments. Rural America has been lost in the shuffle when people think about access or funding.

In the coming year several studies by GAO and OTA will provide a new data base about health care in rural America. The final provision of my bill asks the Secretary to use these new sources of information to prepare a report on rural health manpower needs to be provided to Congress within the next year.

These are not easy times in rural America. Dedicated health care professionals are being buffeted by many storms, and are having an increasingly difficult time remaining afloat.

We in Congress frequently debate the theoretical consequences of health policy on patient access. More often than not the closing of a hospital or the loss of a doctor in a city means moving your health care down the block. Losing a doctor in rural America suddenly confronts thousands of good people with the harsh reality of having no one to care for them.

Improving the lot of isolated rural primary care providers is a small change. But this bill, and others that we plan to introduce, may just be the anchor that will allow them to ride out the storm in a safe harbor.

The Nation's rural citizens deserve no less.

We hope many more of our colleagues will join us in support of the Rural Health Manpower Assistance Act of 1989.

Mr. President, I ask unanimous consent that the full text of the Rural Health Manpower Assistance Act of 1989 be included in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Manpower Assistance Act of 1989".

SEC. 2. INCREASE IN INCENTIVE PAYMENTS FOR PHYSICIANS' SERVICES FURNISHED IN UNDERSERVED AREAS.

(A) IN GENERAL.—Section 1833(m) of the Social Security Act (42 U.S.C. 1395l(m)) is amended by inserting at the end thereof the following new sentence:

"In addition to the amount paid under the preceding sentence in the case of primary care services (as defined in section 1842(i)(4)) furnished in that part of any such manpower shortage area that is a rural area (as defined in section 1886(d)(2)(D)) there shall also be paid the physician delivering such services an additional amount equal to 5 percent of the payment amount for the service under this part if the service is furnished on or after January 1, 1990.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on January 1, 1990.

SEC. 3. TELECOMMUNICATIONS DEMONSTRATION PROJECTS FOR MANPOWER SHORTAGE AREAS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall enter into agreements with not less than 5 or more than 10 hospitals submitting applications under this section (in such form as the Secretary may provide) for the purpose of conducting demonstration projects to provide instruction and consultation (and such other services as the Secretary determines appropriate) to physicians in such rural areas (within the meaning of section 1886(d)(2)(D)) as are designated either class 1 or class 2 health manpower shortage areas under section 332(a)(1)(A) of the Public Health Service Act.

(b) GRANTS TO HOSPITALS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make grants to each hospital with an agreement under this section to assist each such hospital in carrying out its demonstration project under this section.

(2) RESTRICTION.—No funds made available to a hospital under this section shall be used by a hospital for the acquisition of capital items (including computer hardware).

(c) DURATION.—A demonstration project conducted under this section shall be commenced not later than January 1, 1990, and shall be conducted for a three-year period unless the Secretary determines that the hospital conducting the project is not in substantial compliance with the terms of

the agreement entered into under this section.

(d) EVALUATION AND REPORTS.—

(1) EVALUATION.—Each hospital with an agreement under this section shall furnish the Secretary with such information as the Secretary determines to be necessary to evaluate the result of the demonstration project conducted by the hospital.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than July 1, 1991, the Secretary shall submit an interim report to the Congress on the progress of the demonstration projects conducted under this section

(B) FINAL REPORT.—Not later than March 1, 1993, the Secretary shall submit a final report to the Congress that describes the results of the demonstration projects conducted under this section and contains such recommendations as the Secretary determines are appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the demonstration projects under this section.

(f) EFFECTIVE DATE.—The provisions of this section shall become effective upon the date of enactment of this Act.

SEC. 4. STUDY AND REPORT TO ASSESS THE HEALTH MANPOWER SUPPLY IN RURAL AREAS.

(a) STUDY.—The Secretary shall conduct a study assessing the supply of health workers in areas designated as a "rural area" for purposes of section 1886(d)(2(D) of the Social Security Act. Such study shall—

(1) make specific findings to the current supply of health care workers actually engaged in providing health care services in rural areas; and

(2) assess and project the number of health care workers necessary to meet the future health care needs of individuals residing in rural areas over the next ten years.

(b) REPORT.—The Secretary shall submit a report to the Committee on Finance of the United States Senate summarizing the findings of the study described in subsection (a) no later than October 1, 1989.

(c) EFFECTIVE DATE.—The provisions of this section shall become effective upon the date of enactment of this Act.●

● Mr. DASCHLE. Mr. President, I am very pleased to join Senators BAUCUS and ROCKEFELLER today in introducing the Rural Health Manpower Assistance Act of 1989. This bill attempts to address the serious health manpower shortages that plague to many of our rural communities. In cosponsoring this bill, I want to commend my colleagues Senators BAUCUS and ROCKEFELLER for their dedication to improving the state of health care in rural America and ensuring that rural Americans receive the same quality care that their urban counterparts enjoy.

Across the country, rural Americans are forgoing essential health care services because physicians and other health personnel are just not available. This overextended rural health system, financially strained by inadequate Medicare policies, is a formula for a health care crisis in rural America.

We have all heard the sobering statistics: rural America holds 33 percent of the population, but only 12 percent of the physicians and 18 percent of the nurses. One may wonder why this disparity exists, since most people believe that physicians who practice in rural areas forsake more lucrative practice in urban areas for the slower pace, closer patient relationships, and personal gratification of rural practice. Unfortunately, as I learned during a recent health care tour in my home State of South Dakota, this stereotype has come under fire.

My travels across the State, talking to rural physicians and other health providers and patients, confirmed my belief that physicians in rural areas are struggling to provide high quality services under very adverse conditions. In fact, rural doctors must be available around-the-clock to serve older, poorer, and sicker patients using equipment that is often deteriorating and outdated. The pace of rural medicine is anything but relaxing. It is no wonder there are currently over 40 openings for family physicians in South Dakota.

For their extra effort, rural physicians find their reimbursement levels far lower than their urban counterparts; Medicare payment differentials between urban and rural areas can run as high as 60 percent. And because the elderly represent a disproportionate share of the overall rural population in most States, rural physicians tend to be more dependent on Medicare payments. This means the Medicare reimbursement system actually acts as a deterrent to rural practice.

The message that this sends to our Nation's medical school graduates is clear: If you want to work at first class facilities and receive a fair wage, a rural area is not the place to go. Given the severe shortage of rural personnel, we should be sending exactly the opposite message.

This bill takes a first step toward making Medicare payments more equitable by raising bonus payments from 5 to 10 percent for physicians who provide primary care services in rural areas. This kind of an incentive is badly needed in States like South Dakota, where the Federal Government has designated about two-thirds of our State a "primary care shortage area."

This bill also expands demonstration projects that use satellite technology to link rural physicians with providers in urban areas. This will enable physicians in rural areas to keep up with current developments in urban teaching centers so that a physician practicing in Spearfish, SD, for example, can benefit from the medical advances coming out of Minneapolis. This will help to reduce the professional isolation that physicians in remote rural areas face every day.

Finally, the bill requires the Department of Health and Human Services to conduct a study assessing the health manpower supply in rural areas. This will help rural health planners determine the number of health care workers necessary to meet the current and future health care needs of rural residents. This information is currently unavailable.

In sum, health care in rural areas is not what it should be, and there are signs that the situation is deteriorating. This bill recognizes the need for a more concerted Federal effort to assist communities in meeting the challenges of the changing health care environment.

I hope that my colleagues will join me today in support of this important bill. The whole Nation will benefit from a healthier rural America.●

By Mr. COCHRAN:

S. 368. A bill for the relief of Dr. Cornell H. Petrassevich; to the Committee on the Judiciary.

RELIEF OF DR. CORNELL H. PETRASSEVICH

● Mr. COCHRAN. Mr. President, today I am introducing private relief legislation on behalf of Dr. Cornell Petrassevich, a U.S. citizen whose dedicated service to his homeland and adopted country have already been recognized by the U.S. Senate.

Dr. Petrassevich is a Romanian-born physician who served in the Romanian Army from 1941 to 1945. After separation from the Romanian Army, he became a medical officer with the Young Men's Christian Association [YMCA] in Bucharest.

Through his contacts at the YMCA, Dr. Petrassevich became acquainted with the American Office of Strategic Services [OSS]. From 1944 to 1948, he served as a voluntary agent for the OSS in Bucharest, providing valuable information gathering services.

In 1948, Dr. Petrassevich, along with his father and brother, were arrested and later sentenced by a military court on charges of spying for American officials. Dr. Petrassevich survived 15 years of torture and hard labor in Romanian prisons. His father and brother both died within a few years of their imprisonment.

After his release, Dr. Petrassevich petitioned for immigration to the United States, but was not allowed out of Romania until 1969. He subsequently became a U.S. citizen and has worked with several hospitals as a Public Health Service physician. He retired in 1982 and is now living in Philadelphia, MS.

My bill would enable Dr. Petrassevich to obtain compensation for his service and activities on behalf of the American Office of Strategic Services from 1944 to 1948 in Romania, and his subsequent imprisonment by the Romanian Government for 15 years.

Mr. President, Senator John Stennis first called my attention to this situa-

tion prior to his retirement from this body. Senator Stennis began work on legislation for the relief of Dr. Petrassevich late in the 100th Congress, but, due to time constraints, was unable to introduce the bill. He asked me to consider taking up the matter during the 101st Congress, and then asked the Senate to pass a resolution commending Dr. Petrassevich for his service to the United States. The Senate passed Senate Resolution 498 on October 14, 1988.

Mr. President, while there is precedent for this type of legislative relief, Dr. Petrassevich's case is uniquely deserving on its own merits.

I hope the Judiciary Committee will approve this measure promptly.●

By Mr. BOSCHWITZ (for himself, Mr. HARKIN, Mr. MCCAIN, Mr. DASCHLE, Mr. MURKOWSKI, Mr. ADAMS, Mr. JEFFORDS, Mr. BURDICK, Mr. D'AMATO, Mr. METZENBAUM, Mr. STEVENS, Mr. GORE, Mr. DURENBERGER, Mr. LEVIN, Mr. SIMON, Mr. MATSUNAGA, and Mr. CRANSTON):

S. 369. A bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000; to the Committee on Foreign Relations.

GLOBAL POVERTY REDUCTION ACT

● Mr. BOSCHWITZ. Mr. President, I am very pleased to introduce today along with Senator HARKIN and 15 other colleagues, the Global Poverty Reduction Act. This bill, which was first introduced in the 100th Congress, directs that our foreign development assistance contribute in a way that can be measured to eradicating the worst aspects of absolute poverty by the year 2000.

Mr. President, poverty levels in many parts of the world are appalling and unacceptable. Infants and young children die for lack of proper health care and nutrition. Those that survive face bleak prospects of ever improving their lots. Frankly, I believe the United States can do better in helping to alleviate these conditions. That is the intent of the Global Poverty Reduction Act.

It seeks to accomplish this by proposing goals to which our bilateral development assistance should be directed. Among these goals are:

First, to reduce the mortality rate of children under 5 years old [U5MR] to 70 per 1,000 live births. According to the latest UN statistics, the U5MR rate is above 70 in 72 countries. In the 33 poorest countries, it is above 170.

Second, to increase the female literacy rate to 80 percent. It is currently around 22 percent in the 33 poorest countries. Since women provide almost all child care in developing countries, their ability to read directly affects the quality care they can provide and correlates directly to the child mortality rate.

Third, to achieve an absolute poverty level of not more than 20 percent of the population. The absolute poverty level is defined as that income level below which minimum nutritional needs and essential nonfood requirements are not affordable. Again, in the 33 poorest countries, the percentage of those in rural areas living below this level is 65 percent, and in urban areas, 35 percent.

The bill also calls on the President to develop a plan for these and any other goals he may choose, working in concert with other nations, private groups, and international organizations. Setting targets against which we can measure the effectiveness in achieving these goals makes sense. It worked in sending a man to the moon; it worked in wiping out smallpox; and it is working in the campaign around the world for oral rehydration. And in this case, it will let the American people see firsthand that their tax dollars are making a measurable and specific contribution toward erasing some of the worst aspects of poverty.

Mr. President, I want to commend RESULTS, a grassroots organization whose aim is to generate the political will to end world hunger. RESULTS has worked long and hard on the preparation and consideration of this bill and deserves a tremendous amount of credit. Partly as a result of their efforts, I believe that there is widespread support in favor of this bill. It was reintroduced in the House on January 19. In the last session, 194 Representatives and 27 Senators cosponsored this legislation. More than 70 private groups and more than 60 newspapers nationwide editorially supported it. UNICEF has called the bill "an example of the public interest in seeing real aid used for real development."

I said last year that this is a bill whose time has come. I repeat those words today. As the legislative process proceeds, I look forward to working with my colleagues, with AID, and with other interested parties to refine and modify the bill as necessary. It is my hope that this legislation receives the full consideration of the Senate. Its aim is ambitious, its approach pragmatic, and its mission absolutely essential.●

● Mr. HARKIN. Mr. President, in his 1949 inaugural address, President Harry Truman observed that: "More than half the people of the world are living in conditions approaching misery. Their food is inadequate. They are victims of disease. Their economic life is primitive and stagnant. Their poverty is a handicap and a threat to them and to more prosperous areas."

That was nearly 40 years ago, but the message is just as true today as it was then.

Despite the billions in foreign aid we spend every year, over the past 40 years since Truman's address, the problems humanitarian aid is supposed to address persist. Of the foreign aid allocated in 1988, not all was targeted to help people in developing countries overcome hunger, poverty, illness, and ignorance, as called for in the 1961 Foreign Assistance Act.

In fact, of that $14 billion, $5.3 billion is going to military aid and $3.2 billion in cash payments to strategically valuable countries. Less than $3 billion—$2.7 billion to be exact—is spent on bilateral development assistance. Some of these funds help achieve the four goals set forth in the 1961 Foreign Assistance Act. However, much is spent without specific goals in mind.

For this reason, along with Senator BOSCHWITZ, I am introducing the Global Poverty Reduction Act, which seeks to target U.S. development assistance to eliminate the worst aspects of world poverty. I am pleased to join Congressmen MEL LEVINE and JOHN MILLER, who have introduced a similar measure in the House of Representatives. A similar measure introduced in the previous Congress enjoyed the sponsorship of 27 Senators and 194 Members of Congress.

This legislation specifies three targets for measuring the U.S. development assistance program's success in reducing malnutrition, disease, starvation, and poverty.

The first is an under five mortality rate of 70 by the year 2000. The under five mortality rate [U5MR] is the annual number of deaths of children under 5 per 1,000 live births. The U5MR of 70 is roughly equivalent to the United Nations Third Development Decade goal of an infant mortality rate of 50 by the year 2000. UNICEF's "State of the World's Children 1988" report shows 33 countries with an U5MR greater than 170, compared to 74 countries in 1960 with a U5MR of 170.

The second is a female literacy rate of 80 percent by the year 2000. The female literacy rate is the percentage of females aged 15 and over who can read and write. Since women provide almost all of the child care in developing countries, an improvement in female literacy contributes directly to improving child survival by enabling women to read instructions for basic health, sanitation, medical, and nutritional standards. In addition, female literacy contributes to population control: As women become assured that their children will survive to adulthood, fewer births will be required to ensure that at least some will grow up.

The third would reduce to 20 percent a country's population living below absolute poverty. Absolute poverty is defined as the income level below which a minimum nutritionally adequate diet—plus essential nonfood requirements—are not affordable. U.S.

development aid would be targeted toward helping countries with over 40 percent of the population living in absolute poverty reduce that rate to less than 20 percent, and helping countries with absolute poverty rates of less than 40 percent halve their rates.

The Global Poverty Reduction Act directs the next President to consult with the Governments of developing countries, nongovernmental organizations, and international organizations to devise a plan to coordinate U.S. development aid to achieve these and other established antipoverty goals by the year 2000.

The practice of goal setting has already been established. Last year, President Reagan vowed to eradicate hunger in Africa by 2000. World Bank President Barber Conable calls for the elimination of the worst of Asian poverty by that date. And the World Health Assembly seeks a healthy world by 2000.

Noble goals, like reducing global poverty, are more likely to be realized if sights are set on specific targets. That is the principle underlying the three targets set by this legislation. None is easily achieved, yet none is out of reach.

Goal setting has already proven effective. Without it, the world would not have eradicated smallpox 11 years ago, and would not now be on its way to wiping out six other childhood diseases by 1990.

Establishing an accurate measurement of how effective aid is would not only help reduce poverty but could increase domestic support for foreign aid. Too often, Americans have seen their tax dollars end up in the pockets of dictators like Marcos and Duvalier. Others consider U.S. aid mismanaged, improperly disbursed, wasteful, and ineffective.

The result has been almost a yearly decrease in the foreign aid budget. On the other hand, domestic support would grow if American taxpayers saw measurable results from our foreign aid programs and if those programs benefited the world's poorest people, not the world's generals, bureaucrats, and despots.

Humanitarian concerns aside, this bill makes good economic sense for America. In 1980, Third World countries bought 88 billion dollars' worth of American goods. That figure dropped to $77 billion by 1985. Falling commodity prices and debt are important factors in this decline. But underdevelopment, which deprives people of the means overcoming their poverty, is the biggest problem. The concept is simple. A country's purchasing power increases not from the hunger of its people, of its growing population size, but from its growing wealth. Accordingly, our foreign assistance should be directed to programs to help developing nations build their indigenous economic base.

This legislation would aid developing countries make progress against disease and illiteracy which in turn will enable them to achieve economic growth and higher standards of living. This is not trickle down development theory, but trickle up. Expanding a country's growth potential will expand its purchasing power. In turn, U.S. producers will benefit. With these measurable results, support for U.S. foreign aid programs will grow as well.

I wish to inform my colleagues as well as interested parties in the development community that an ongoing dialog is now underway to examine the overall objectives and specifics of the Global Poverty Reduction Act. This discussion has been initiated in order to determine whether before this bill becomes law significant revisions will be required.

The Global Poverty Reduction Act's measurable goals makes sense and deserves the support of our colleagues in the Senate. I urge your support.●

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation which directs the President to establish a plan to alleviate the worst aspects of absolute poverty by the year 2000.

When Congress passed the Foreign Assistance Act of 1961, it pledged to "assist people in developing countries to eliminate hunger, poverty, illness, and ignorance." Now, 28 years later, less than 30 percent of foreign aid supports humanitarian goals and very little of this money is helping the neediest poor.

Global Poverty Reduction Act will use funds already allocated to target concern toward three main goals. By the year 2000, our bill calls for an under-5 mortality rate of 70 per 1,000 live births, a female literacy rate of 80 percent, and an absolute poverty level of not more than 20 percent of the population living below absolute poverty.

To follow the progress on these objectives, the President will consult with host country governments and international organizations which represent the poor in developing countries—i.e., CARE, UNICEF, RESULTS, and 21, other organizations which support the Global Poverty Reduction Act. The President will also prepare and present to Congress annual reports which explain his plans regarding this legislation.

Our bill will reinforce the purpose and goals of the Foreign Assistance Act of 1961. Through this legislation, the United States will join forces with othr countries to combat the many social, environmental, and economic problems that are associated with poverty. I am pleased to support the Global Poverty Reductioin Act and I urge my colleagues in the Senate to join me in cosponsoring this legislation.●

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. FOWLER, Mr. ADAMS, Mr. BINGAMAN, Mr. COCHRAN, Mr. CRANSTON, Mr. DASCHLE, Mr. DURENBERGER, Mr. HUMPHREY, Mr. JEFFORDS, Mr. KASTEN, Mr. KENNEDY, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. PELL, Mr. SARBANES, Mr. SASSER, Mr. ROCKEFELLER, and Mr. HEFLIN):

S. 370. A bill to amend the Land and Water Conservation Fund Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes; to the Committee on Energy and Natural Resources.

AMERICAN HERITAGE TRUST ACT

Mr. CHAFEE. Mr. President, last March, Congressman MO UDALL and I introduced H.R. 4127 and S. 2199, the American Heritage Trust Act. The legislation is designed to implement many of the recommendations that were made by the President's Commission on Americans Outdoors.

As recommended by the President's Commission, the key feature of the Udall-Chafee bill is the proposal to establish a permanent, dedicated Federal fund that will produce $1 billion each year to help State and local communities preserve open space, historic sites, and recreational opportunities all across the country. The idea is to begin a national campaign to renew and improve the Land and Water Conservation Fund and the Historic Preservation Fund.

There should be no mistake about what we are proposing here. By launching a major, new effort to preserve our natural and historic heritage, we are embarking on a course of action that will be one of the most significant and ambitious environmental movements in a long, long time.

Prior to adjournment last October, our bill was cosponsored by 41 Senators and 235 Members of the House of Representatives. In addition, it was approved by the House Committee on Interior and Insular Affairs.

I have a fact sheet on the legislation, including a list of groups that support our bill, and ask unanimous consent that it be printed in the RECORD following my statement.

Today, Mr. President, I am pleased to reintroduce the American Heritage Trust Act. Joining me as original cosponsors of the bill are Senators GRAHAM, FOWLER, ADAMS, BINGAMAN, COCHRAN, CRANSTON, DASCHLE, DURENBERGER, HUMPHREY, JEFFORDS, KASTEN, KENNEDY, LIEBERMAN, METZENBAUM,

PELL, SARBANES, SASSER, ROCKEFELLER, and HEFLIN.

I ask unanimous consent that the text of the bill be printed in the RECORD following supporting statements and other related materials, including a summary of the legislation.

In short, this bill will convert the current Land and Water Conservation Fund [LWCF] and the Historic Preservation Fund [HPF] into a real trust fund. We do that by taking the current unappropriated balance of the funds, estimated to be $6.1 billion respectively, together with the existing flow of revenues—$900 million each year for the LWCF and $150 million each year for the HPF from, primarily, revenues generated by offshore oil and gas leases—and invest this money in government securities that generate interest each year.

Once funds have been added to the corpus of the trust, they stay there to earn interest. Once the corpus of the trust is large enough to yield $1 billion per year in interest for LWCF purposes and $250 million per year in interest for HPF purposes, the flow of revenues into the trust would stop.

In the meantime and in perpetuity, the interest from the trust would be automatically appropriated. After several years, the trust becomes self financing and no new government revenues are needed. In other words, by investing wisely now, we can endow a continuing legacy of our natural and cultural heritage.

I am excited about this new proposal and hope that it will start the ball rolling at the Federal level. As I said earlier, the idea is to begin a national campaign to renew and improve the Land and Water Conservation Fund and the Historic Preservation Fund.

It is worth noting that President Bush has already pledged to support the creation of a self-perpetuating trust fund based on the Land and Water Conservation Fund. To our new President I say "here it is." Take a look at this bill and let us get on with the task at hand. There are few things that would please me as much as working with the President and enacting this bill during this session of Congress.

Mr. President, this is a bold but responsible idea whose time has come. People care about preserving open space. They care deeply.

Time and time again we see State and local referenda on open space and historic preservation passing by huge margins. In the last few years, bond issues have passed in Rhode Island, Maine, New York, and Pennsylvania. The Massachusetts Legislature approved a $500 million bond issue for open space and recreation programs. Last year in California, voters approved a $776 million bond issue to preserve wetlands, wildlife habitat, and parkland.

Unfortunately, the Federal Government has been lagging behind. Over the past several years, we have been appropriating an average of less than $200 million under the Land and Water Conservation Fund and less than $30 million under the Historic Preservation Fund.

At the same time, all across the country, open space and public access to recreational opportunities are being threatened by urbanization and improper planning. Such destructive activities often adversely affect the quality of our rivers, lakes, and shorelines.

Just imagine how much we could do if State and local governments knew they could rely on a substantial level of matching Federal grants to buy land, to develop recreation facilities, or to preserve historic buildings. That is what this bill is about.

One of the more significant features of this bill is the fact that it recognizes the importance of historic preservation and the connection between historic preservation and controlling urban sprawl.

In recent years, we have seen a tremendous upsurge in historic preservation activities. The number of local historic preservation commissions increased from some 600 in the late 1970's to over 1,200 by 1986. Such renewed interest contributes significantly to the success of urban revitalization efforts which, in turn, help stem the tide of urban decay and the problem of businesses fleeing to the suburbs.

A 1985 study of four cities found that preservation was linked to a dramatic increase in physical renovation, the formation of new businesses, the stimulation of investment of private funds and lending, an increase in tourism, a decrease in crime, a significant rise in property values, and an overall improvement in the quality of life.

Opponents of this bill claim it is a budget buster. They say we cannot afford to revitalize the Land and Water Conservation Fund or the Historic Preservation Fund. That, Mr. President, is simply not true.

Listen to what the Congressional Budget Office concluded in the cost estimate prepared last year for H.R. 4127: After reviewing the relationship between outlays and interest income, the CBO stated that "such intragovernmental transfers have no net impact on the Federal budget." CBO went on to restate the conclusion that "creation of the Trust and the purchase of Federal debt securities would have no impact on the Federal budget."

Mr. President, the time has come to spark what Gov. Lamar Alexander of Tennessee, chairman of the President's Commission on Americans Outdoors, called a prairie fire of local creativity and activism to conserve the open spaces we care about and to develop the facilities we need. In an attempt to ignite that prairie fire, I am proud to offer this legislation and I urge all of my colleagues to join this important movement as cosponsors of this bill.

Mr. President, I ask unanimous consent that the text of the bill, a summary, and supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Heritage Trust Act of 1989".

SEC. 2. FINDINGS, PURPOSE, AND POLICY.

(a) FINDINGS.—The Congress finds that:

(1) The United States is a world leader in the protection of natural, historic, cultural, and outdoor recreational heritage and needs to continue to set an example of progressive stewardship of these resources.

(2) The natural, historic, cultural, and outdoor recreational resources of the United States represent the great and diverse character of the Nation, and these resources must be guarded, preserved, and wisely managed so they may be passed on to future generations.

(3) The continuing growth of population, especially in suburban and new urban areas, and advances in technology frequently combine to undermine the quantity and quality of natural, cultural, and historic resources. These areas are in need of open space acquisition to enhance the quality of life.

(4) The United States needs to demonstrate by its own policies and actions the pressing need to assure the global sustainability of species diversity and healthful functioning of natural systems which support all life on the planet.

(5) As we liquidate our nonrenewable resource capital assets, we should commit the proceeds to investment in other enduring capital assets to sustain the quality of life and economic opportunity for future generations.

(6) There is great need and opportunity for all levels of government and the private sector to rededicate themselves to the preservation of our resources heritage, in order to provide heightened long term economic viability and to enhance the quality of life for all our Nation's citizens of present and future generations.

(b) PURPOSE.—It is the purpose of this Act to strengthen existing mechanisms for, and provide a renewed dedication to, ensuring significantly enhanced protection and public enjoyment of our Nation's heritage, in perpetuity.

(c) POLICY.—It is hereby declared to be the policy of the United States to be a world exemplar of national heritage stewardship. To advance the achievement of such objective, the President shall submit to the Congress on October 1 1990, 1994, and 1998, a comprehensive program to be pursued in support of this policy.

TITLE I—AMERICAN HERITAGE TRUST

SEC. 101. CREATION OF TRUST.

There is hereby established the American Heritage Trust, to be comprised of the Land and Water Conservation Fund and the His-

toric Preservation Fund. The trust shall constitute a principal mechanism for funding the safeguarding of important elements of America's natural, historical, cultural, and outdoor recreational heritage, and providing for its use and enjoyment by the public.

TITLE II—LAND AND WATER CONSERVATION FUND

SEC. 201. AMENDMENT OF ACT.

The Land and Water Conservation Fund Act (16 U.S.C. 4601-44 and following) is amended as provided in this title.

SEC. 202. FUND INCOME.

Section 2 is amended by striking out the proviso at the end of subsection (c)(2) and by adding the following new subsection at the end thereof:

"(d) TERMINATION OF TRANSFERS TO FUND.—When the balance of the fund reaches 3.5 times the balance existing in the fund as of the date of enactment of the American Heritage Trust Act of 1989, no additional amount shall be covered into the fund annually under subsection (a), (b), or (c) of this section.

SEC. 203. INTEREST.

Section 2 is amended by adding the following new subsection at the end thereof:

"(e) INTEREST.—Effective on the date of enactment of the American Heritage Trust Act of 1989, it shall be the duty of the Secretary of the Treasury to invest such portion of the fund as is not required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, such fund, except to the extent that such income exceeds the sum of (1) $1,000,000,000 plus (2) the amount determined by the Secretary of the Treasury to be necessary to offset the fund's annual loss in value due to inflation. Such excess income shall be credited to the General Fund of the Treasury.".

SEC. 204. EXPENDITURES FROM FUND.

Section 3 is amended to read as follows:

"SEC. 3. APPROPRIATIONS.

(a) FUND RECEIPTS AND INTEREST.—(1) Amounts covered into the fund as provided in subsections (a), (b), and (c) of section 2 in any fiscal year are authorized to be appropriated in the following fiscal year to carry out the purposes of this Act.

"(2) In addition to the amounts made available under paragraph (1), interest accruing to the fund as provided in section 2(e) in any fiscal year shall be available for obligation for expenditure in the following fiscal year, without further appropriation, to carry out the purposes of this Act. From amounts available under this paragraph not more than the following sums may be obligated in fiscal years 1990 and thereafter:

Obligation limitation	*Fiscal year*
$500,000,000	1990
$600,000,000	1991
$700,000,000	1992
$800,000,000	1993
$900,000,000	1994
$1,000,000,000	After 1994

"(b) PERMANENT FUND.—Amounts credited to the fund in fiscal years beginning before the enactment of the American Heritage Trust Act of 1989 but not appropriated or expended before the end of the first fiscal year beginning after the enactment of that Act shall remain permanently in the fund and may not be obligated or expended for any purpose. If any portion of the total amount annually covered into the fund in any fiscal year beginning after the enactment of such Act under subsection (a), (b), or (c) of section 2 or from any other source is not appropriated in the following fiscal year (in the case of amounts referred to in subsection (a)(1)) or obligated in such following fiscal year (in the case of funds made available under subsection (a)(2)), that portion shall also remain permanently in the fund and may not be obligated or expended for any purpose.

"(c) AUTHORITY FOR OBLIGATION OR EXPENDITURE.—Moneys made available for obligation or expenditure from the fund or from the special accounts established under section 4(i)(2) may be obligated or expended only as provided for in this Act.".

SEC. 205. ALLOCATION OF FUNDS.

The Second sentence of section 5 is amended to read as follows: "Amounts available for obligation or expenditure from the fund in any fiscal year pursuant to paragraph (1) and (2) of section 3(a) shall be allocated in that year as follows: at least 30 percent for Federal purposes, at least 30 percent for State purposes (other than State trusts under section 6(j)), at least 10 percent for Urban Park and Recreation Recovery Act purposes (title X of Public Law 95-625), and during the 10-fiscal year period beginning October 1, 1991, at least 10 percent for State trusts under section 6(j). The remainder shall be allocated for any of such purposes or any combination thereof.".

SEC. 206. FINANCIAL ASSISTANCE TO STATES.

(a) PASS THROUGH TO LOCAL ENTITIES.—In section 6(a), at the end of the first sentence, add the following: "Absent some compelling and annually documented reason to the contrary acceptable to the Secretary, each State (other than an area treated as a State under section 6(b)(5)) shall make available as grants to local governments and other qualifying recipients, at least one-half of the average annual State apportionment, or an equivalent amount made available from other sources.".

(b) MAXIMUM POTENTIAL APPORTIONMENT AND PROJECT LISTS.—Section 6(b) is amended by adding the following new paragraphs at the end thereof:

"(6) Annually on April 1, the Secretary shall notify each State of a potential apportionment (calculated as the average of the last 3 years of apportionments) it could receive for the fiscal year beginning on October 1 of the following year. In order to receive any apportionment for the fiscal year concerned, the Governor of each State must submit to the Secretary a statewide listing of potential projects likely to be funded based on no less than 150 percent of such protental apportionment. The statewide listing shall be submitted not later than January 1 following the April 1 date of such notification by the Secretary. Such listing shall not indicate priorities. It shall be comprised of specific named projects, by county of location, with associated estimated dollar totals by county. The development of such county lists must incorporate ample opportunity for public participation in accordance with the provisions of subsection (d). The Secretary shall transmit by no later than February 1 a compilation of such annual lists for all States to the authorizing and appropriation committees of the United States House of Representatives and the United States Senate which have jurisdiction over the fund.

"(7) CONTRIBUTIONS BY PRIVATE OR NONPROFIT ORGANIZATIONS OR SOURCES.—5 percent of the funds apportioned in each State for each fiscal year shall be used only for purposes of projects in which not less than 10 percent of the State or local share of the project cost is provided by private or nonprofit organizations or sources. Any portion of such 5 percent not paid or obligated in such fiscal year whall be reapportioned in the same manner as provided in paragraph (4) of this subsection.".

(c) MATCHING REQUIREMENTS.—In the first sentence of section 6(c), change the period to a comma and add the following: "except as otherwise provided in this subsection and subsection (h). Payments to States may cover not more than 75 percent of the cost of acquisition of lands, waters, and interests therein which (1) are within the boundaries of units of the Wild and Scenic Rivers System or, (2) are within designated corridors of scenic or historic trail components of the National Trails System, or (3) have been designated by the Secretary of the Interior as national historic landmarks or national natural landmarks.".

(d) RESOURCE INVENTORIES.—In section 6(d)(2) before the semicolon insert ", based on the development of detailed, comprehensive, and continually updated resource inventories".

(e) PRIVATE NONPROFIT ORGANIZATIONS.—Paragraph (2) of section 6(f) is amended by striking out the period at the end thereof and inserting the following: ", including private, nonprofit organizations, and funds may also be transferred from political subdivision or other appropriate public agencies to private nonprofit organizations, if such private nonprofit organizations (1) meet and comply with such guidelines for the receipt and use of such funds as may be prescribed by the Secretary, including providing full accountability for the use of such funds, and (2) utilize such funds only in association with the acquisition of lands, the development of facilities, or for programs related to planning and coordination functions, all as approved in writing by the funds grantor. No such funds may be used by a private nonprofit organization for administrative expenses. In the case of the utilization of such funds for acquisition, the recipient organization shall itself hold, or shall convey in perpetuity in a timely manner, such interest as it may have to be appropriate recipient, as determined to be appropriate by the funds grantor, for public benefit. It is the intent of Congress that such grants received and utilized by private nonprofit organizations will result in a greater public benefit from such expenditure than would the utilization of those same funds by governmental entities. For purposes of this paragraph, the term 'private nonprofit organization' means an organization qualified for exemption from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986 which includes among it purposes the conservation of open space or the providing of, or enhancement or protection of, outdoor recreation opportunities.".

(f) ADDITIONAL PROVISIONS.—Section 6 is amended by adding the following new subsections at the end thereof:

"(h) LOCAL PLANNING ASSISTANCE.—Notwithstanding the provisions of subsection (c), any county or other political subdivision of a State which is qualified to be a recipient of funds from this Act for acquisition purposes, may receive for a period terminat-

ing 5 years after the enactment of the American Heritage Trust Act of 1989, funds to cover not more than 50 percent of the cost of developing a local plan, or revising an existing plan, to retain land for recreation and conservation purposes. Such plan shall address specific needs and priorities for land conservation and recreation development. Such plan shall be developed or revised by providing ample opportunity for public participation in accordance with the provisions of subsection (d). Following official adoption of such plan and through September 30, 1996, such county or other governmental entity may receive funds to cover not more than 60 percent of the cost of the acquisition of lands, waters or interests therein in accordance with the provisions of such officially adopted plan. The Secretary of the Interior shall promulgate regulations specifying what characteristics shall qualify a plan as eligible for assistance under this subsection and defining the cooperative relationship that should exist between local plans and comprehensive State plans provided for in subsection (d).

"(i) URBAN PARK AND RECREATION RECOVERY PROGRAM.—Such funds as are indicated in section 5 for allocation to the Urban Park and Recreation Recovery program shall be made available to the Secretary for utilization to the extent authorized in accordance with the provisions of the Urban Park and Recreation Recovery Act of 1978 (title X of Public Law 95-625).

"(j) STATE TRUSTS.—

"(1) USE OF FUNDS.—During the 10-fiscal year period beginning October 1, 1991, amounts made available under section 5 of State trusts shall be used for the sole purpose of incorporation into a State legislatively established trust corpus. Such corpus shall be permanently unavailable to appropriation or expenditure for any purpose and must be prudently invested.

That portion of the interest derived from the investment of Federal and State matching funds may be utilized by the State only for projects related to the purposes of the Land and Water Conservation Fund or the Urban Parks and Recreation Recovery Act, including the preservation in perpetuity of open space (including farmland and forest land) where such preservation is—

"(A) for the scenic enjoyment of the general public, or

"(B) pursuant to a clearly delineated Federal, State, or local governmental conservation policy,

and will yield a significant public benefit. In selecting projects for funding under this subsection, the States are encouraged to pursue the preservation of open space within or near urban and suburban areas. No part of such interest may be used to satisfy any other matching funds requirement contained in this or any other Act. The Secretary shall promulgate regulations to govern the administration of the provisions of this subsection. Violation by a State recipient of any part of this subsection or of the governing regulations promulgated by the Secretary shall constitute reason for disqualification for any future receipt of matching funds provided pursuant to this subsection.

"(2) ALLOCATION AMONG STATES.—Amounts made available under section 5 for State trusts shall be allocated among the States in the same manner as the apportionment of funds under subsection (b) of this section.

(3) MATCHING FUNDS REQUIREMENT.—Amounts made available under section 5 for State trusts shall be available to each State, only to the extent annually matched dollar for dollar with nonfederal funds. Amounts available to the States under section 5 for State trusts which are not so matched in any year shall remain permanently in the fund in accordance with section 3(b).".

SEC. 207. ALLOCATION OF MONEYS FOR FEDERAL PURPOSES.

Section 7 is amended by adding the following new subsections at the end thereof:

"(d) ACQUISITION PRIORITIES.—The head of each agency having jurisdiction over public lands which are eligible to receive funds from this Act shall develop and transmit to the relevant authorizing and appropriation committees of the United States House of Representatives and the United States Senate by October 1 of each year, a detailed and comprehensive land acquisition priority list, by indicated management units or programs or both. Each agency priority list shall comprise a funding level of not less than 150 percent of the average of the 3 previous years' appropriations authorized under this Act, for such agency. Priorities shall be based on such factors as important or special attributes of the resource, threat to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values and similar considerations. An explanation of the criteria utilized for the development of such list shall be included.".

SEC. 208. REPEAL OF PUBLICITY AND SIGNING PROVISIONS.

Section 8 is repealed.

TITLE III—HISTORIC PRESERVATION FUND

SEC. 301. AMENDMENT OF NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act (16 U.S.C. 4501-4 and following) is amended as provided in this title.

SEC. 302. EXTENSION OF HISTORIC PRESERVATION FUND.

Section 108 is amended by inserting "(a)" after "SEC. 108." and changing "1992" to "2015".

SEC. 303. INCOME AND EXPENDITURES.

Section 108 is amended by striking out the last sentence thereof and by adding the following new subsections:

"(b) When the balance of the fund reaches an amount equal to 5 times the balance existing in the fund as of the enactment of the American Heritage Trust Act of 1989, no additional amount shall be covered into the fund annually under subsection (a) of this section except to the extent determined by the Secretary of the Treasury to be necessary to offset the fund's annual loss in value due to inflation.

"(c) Effective on the enactment of the American Heritage Trust Act of 1989, it shall be the duty of the Secretary of the Treasury to invest such portion of the fund as is not required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income of such investments shall be credited to, and form a part of, such fund.

"(d)(1) Amounts covered into the fund as provided in subsection (a) in any fiscal year are authorized to be appropriated in the following fiscal year to carry out the purposes of this Act.

"(2) Interest accruing to the fund as provided in subsection (c) in any fiscal year shall be available for obligation or expenditure in the following fiscal year without further appropriation, subject to obligation limitations, to carry out the purposes of this Act.

"(3) At least 30 percent of the funds made available under subsections (d)(1) and (d)(2) shall be used for the preservation of properties as provided for in section 101(d)(1), section 101(d)(3) and section 104 of this Act.

"(e) Amounts covered into the fund in fiscal years beginning before the enactment of the American Heritage Trust Act of 1988 but not expended before the end of the first fiscal year beginning after such enactment shall remain permanently in the fund and may not be obligated or expended for any purpose. If any portion of the total amount annually covered into the fund under subsection (a) or from any other source in any fiscal year beginning after the enactment of such Act is not appropriated in the following fiscal year (in the case of amounts referred to in subsection (d)(1)) or obligated in such following fiscal year (in the case of amounts referred to in subsection (d)(2)), that portion shall also remain permanently in the fund and may not be obligated or expended for any purpose.".

SEC. 304. ALLOCATION OF GRANTS.

Section 101(d) is amended by adding a new paragraph as follows:

"(4) In addition to any other purposes set forth in this subsection not more than 10 percent of the amounts made available to States under this subsection pursuant to section 108(d)(2) may also be used, to the extent annually matched dollar for dollar, for the sole purpose of incorporation into a State legislatively established trust corpus. Such corpus shall be permanently unavailable to appropriation or expenditure for any purpose and must be prudently invested. That portion of the interest derived from such investment of Federal and State matching funds may be utilized by the State only for projects similar to those for which Historic Preservation Fund moneys are eligible to be used. No part of any such interest may be used to satisfy any matching requirement under this or any other Act. The Secretary shall promulgate regulations to govern the administration of the provisions of this subsection. Violation by a State recipient of any part of this subsection or of the governing regulations promulgated by the Secretary shall constitute reason for disqualification for any future receipt of matching funds provided pursuant to this subsection. Any portion of the 10 percent made available in any fiscal year for purposes of this paragraph which is not used in that fiscal year for such purposes shall be available in subsequent fiscal years for purposes of assistance to States under this subsection.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 402. SIGNING.

(a) STANDARD SIGNS.—Where not inconsistent with applicable law or regulations, the administrator or owner of any site benefiting from moneys derived from the American Heritage Trust shall install at or near an appropriate entrance or public use focal point, permanent standardized signing indicating that the site's existence or development, or both, is a product of funding derived from the American Heritage Trust. If additional moneys from the trust are thereafter expended on the same site or project, tempo-

rary signing shall be added to the permanent signing to indicate the amount and nature of the additional assistance. The Secretary of the Interior shall provide for the design of standardized signs and shall prescribe standards and guidelines for the application of such signing. Such standards and guidelines shall indicate those circumstances when the requirements of this section may be waived in whole or in part if the placing of signs would be inappropriate or would create a risk of harm to the site or the natural or cultural resources located on or within the site. Nothing in this section shall permit or require the placing of signs at any site where such placement would be prohibited or restricted by any other applicable law or regulations.

(b) DESIGN CONTEST.—The Secretary of the Interior shall provide for the conduct of, and shall conclude within 18 months of the date of enactment of this Act, a voluntary contest for children enrolled in elementary or secondary schools for the design of a symbol to represent the American Heritage Trust for use related to the signing provision of subsection (a). The Secretary shall establish guidelines for the broad participation by children throughout the nation. Following selection of the winning design the Secretary may make such modifications or refinements in the design as he deems appropriate for purposes of subsection (a). The Secretary of the Interior may utilize funds appropriated for Federal purposes from the Land and Water Conservation Fund for the conduct of such contest, and shall provide for appropriate recognition of, and awards for, the contest winner and runners-up. No Federal funds shall be available for direct monetary awards for the contest winner or runners-up.

SUMMARY OF THE AMERICAN HERITAGE TRUST ACT OF 1989

Creates a new umbrella mechanism to embrace the continued operation of the Land and Water Conservation Fund (LWCF) and the Historic Preservation Fund (HPF).

New American Heritage Trust will automatically receive the unappropriated balance of LWCF ($6 billion) and HPF ($1 billion) and, on an annual basis, any of the $1.05 billion in OCS revenues that are not appropriated to LWCF or HPF (in recent years, LWCF appropriations from the $900 million annual authorization have averaged less than $200 million per year and HPF appropriations have averaged approx. $25 million of the $150 million annual authorization).

Flow of OCS revenues (other than revenues needed to offset inflation) will cease when balance of LWCF reaches 3.5 times current balance (the amount needed to produce approx. $1 billion per year in interest i.e. approx. $24 billion if earning 5% interest) and when balance of HPF reaches 5 times current balance (i.e. approx. $5 billion yielding $250 million per year in interest if earning 5% interest).

Trust fund to be invested in interest bearing government securities, interest earned to be appropriated automatically with Congressional control over federal projects and 20% of LWCF.

LWCF appropriations: currently averaging less than $200 million; goal is to produce $1 billion per year; during build-up of corpus, in addition to regular appropriations, automatic appropriation of interest earned may be as much as $500 million in year 1 (1990), $600 million in year 2 ('91), $700 million in year 3 ('92), $800 million in year 4 ('93), $900 million in year 5 ('94), and $1 billion in year 6 and after ('95). Actual amount will depend on interest rates and amount of regular appropriations.

HPF appropriations: currently averaging approx. $25 million; in addition to regular appropriations, automatic appropriation of interest earned in year one (assuming 5% interest) will be $50 million, escalating as corpus grows to a level of $250 million per year. Actual amount will depend on interest rates and amount of regular appropriations.

Allocation of LWCF moneys: at least 30% federal, 30% State grants (with 50% pass through to local governments and nonprofits), 10% to Urban Parks and Recreation Act, and for 10 years, 10% for State legislatively created trust funds modeled after this one.

State allocation of LWCF moneys: uses current formula with approx. 30% equally divided and balance distributed on basis of population and need, with cap of no more than 10% going to any one state; continues current 50/50 match requirement, allows 75 federal/25 state match for acquisition of nationally significant areas, authorizes for 3 years a 50/50 match for local planning and, for 8 years, 60 federal/40 state-local match for acquisition in accordance with local plans.

Allocation of HPF moneys: all except small % of funds go to State grants on basis of need, there is no formula. Continues current 50/50 match requirement and 70 federal/30 state match for surveys or inventories. up to 10% may be set aside to match State legislatively created trusts modeled after this one.

SAVING AMERICA'S HERITAGE

H.R. 4127, S. 2199 AND THE FUTURE OF THE CONSERVATION FUNDS

A quarter century ago, growing concerns about the loss of America's natural and historic heritage, increasing recreation demand, rapid population change and burgeoning urban development led Congress to create two of the nation's most far-sighted and successful environmental programs:

1. The Land and Water Conservation Fund (LWCF) was intended to provide a predictable and steady source of monies for critical acquisitions in national parks, forests, recreation and wildlife areas, and matching grants to states and localities for recreation planning acquisition and development and protection of open space.

2. The Historic Preservation Fund (HPF), created a few years later on the LWCF model and was to help states and communities identify, plan for, protect and restore unique historic resources.

REINVESTING OUR NATURAL CAPITAL: PROMISE AND PERFORMANCE

One of the Fund's most innovative features was the idea of reinvesting some of the returns from liquidation of America's natural resources into long-term capital assets. The laws provide that most appropriations for the two Funds should come from receipts from Outer Continental Shelf Oil and gas leasing and from sales of surplus federal real estate. This process blends the best features of fiscal and natural resources stewardship, joining the investment principle of "never consuming capital" with the conservation ethic of always returning to the land something of what we remove. The Land and Water Conservation Fund now automatically receives up to $900 million a year in such revenues and the Historic Preservation Fund receives $150 million a year. Under current law, however, these commitments are more a promise to present and future generations than a working reality.

Through the 1970's, there was firm, bipartisan support for that promise; appropriations varied from year to year, but the long-term commitment to appropriate all authorized funds continued. Since 1980, that commitment has seriously deterioriated. LWCF appropriations have declined from an annual peak of $805 million to an average of less than $20 million a year; funding for the eight most recent years totals less than 90 percent of the total for the three years, 1978-1980.

HPF grant appropriations have averaged under $30 million a year; substantial funding for physical restoration of historic sites has been available only once in this decade. As a result, authorized but unappropriated "credits" to LWCF and HPF have increased twenty-fold, from just over $300 million to more than $7 billion, and federal, state and local agencies that once planned to reinvest the larger amounts now doubt that the promise will ever be fulfilled.

WHAT WILL H.R. 4127 AND S. 2199 DO?

In March, Representative Morris Udall, a key sponsor of original LWCF and HPF legislation, introduced H.R. 4127, a bill to restore the promise of these programs. Subsequently, Senators Chafee, Baucus, Fowler and Graham introduced S. 2199, an identical Senate bill. The American Heritage Trust Act would not increase authorized funding levels. Rather, it would create a better funding mechanism that would ensure, over several years, a return to the original funding commitments by creating a self-perpetuating Trust. The AHT Act will:

Create permanent Trust accounts for LWCF and HPF with principals that cannot be used for other purposes.

Require the Secretary of the Treasury to invest all authorized but unappropriated balances to date for the LWCF and HPF into interest-bearing public debt securities. The $900 million per year in revenues deposited annually into LWCF and the $150 million into HPF would be invested in the same way.

Annual deposits and interest for both Funds would be available for appropriation in the following fiscal year. Any amounts not appropriated in a given year would automatically become a permanent part of the interest-bearing Trust principal.

Annual LWCF appropriations would be distributed as follows: at least 30 percent for state and local acquisitions; 10 percent for special matching monies to serve as principal for states to establish parallel heritage trusts; and 10 percent for the purposes of the Urban Park and Recreation Recovery Act. The remaining 20 percent could be used for any of these four purposes. Ten percent of HPF appropriations would also be devoted to helping establish state historic preservation trusts.

To encourage volunteer contributions, five percent of each state's LWCF grants would have to be partially matched by private or non-profit donations. Qualified, private-nonprofit groups like local land trusts would also be eligible for grants under certain conditions.

A 75 percent match would be available from LWCF for state or local land acquisitions involving nationally recognized wild or scenic rivers, trails or landmarks.

LWCF matching grants would be available for three years to help counties and other localities prepare land conservation and

recreation plans. High priority land acquisitions identified in such plans could receive a 60 percent match for an eight-year period.

Federal land agencies would have to submit lists of priority lands for LWCF acquisition of Congress each year. States would submit yearly lists of grant proposals based on current state and local action lists and their likely annual shares of LWCF appropriations.

The growth of the Funds would be capped at four times (for LWCF) and five times (for HPF) the balances existing on the date of enactment of the American Heritage Trust. After that, the Funds would be self-sustaining. Appropriations would be from interest only and Trust principal would grow annually only by amounts sufficient to offset inflation.

HOW CAN A TRUST FUND BE JUSTIFIED?

By any measure, the Fund programs have been enormously successful. Some accomplishments:

A recently-published, county-by-county list of local, state and federal LWCF projects fills 466 pages!

These projects have helped to acquire 5.5 millions acres of recreation and park lands, including seashores, lakeshores, critical habitats, scenic rivers and trails.

Fund grant programs have helped all states to establish their own historic preservation and recreation plans, to identify and protect key natural, historic and archeological resources and to expand state park, forest, wildlife refuge, river and trial systems.

LWCF grants have helped develop almost 20,000 local park facilities to meet demands for close-to-home recreation opportunities.

HPF grants have helped state to identify and profect historic and archeological resources and to restore over 6,000 historic sites.

The "federal side of the LWCF financed expansion of the national parks from an almost exclusively western domain to a truly national system. It converted inaccessible inholdings in may eastern national forests to major recreation areas and acquired thousands of acres of endrangered species habit.

LWCF and HPF matching grants of 50 percents prompted localities and states for double the federal investment to a total of almost $7 billion.

Beyond these matching amounts, the example of federal commitments encouraged more than half the states and thousands of communities to invest billions more in recreation, natural and historic resources.

ARE THESE PROGRAMS STILL NECESSARY?

If the problems that prompted the establishment of LWCF and HPF had been mostly solved, further commitments would be unneccessary. Unfortunately those problems have not gone away. Despite the substantial accomplishments of the Funds, needs for capital investment in recreation, conservation and historic preservation are greater than ever.

Loss of key natural and historic resources continues at an alarming pace. After some slowdowns in the early 1980's a new boom in urban and rural development is underway. It is consuming almost 500,000 acres of wetlands yearly, along with 750,000 acres of farm and forest.

The Surgeon General calls for development of more public recreation facilities to promote fitness activities and reduce health costs that now equal 11 percent of our Gross National Product. The list of lost historic and archeological resources grows longer each year. Older parks in many states and communities have deteriorated landscapes and facilities that need major repair or replacement.

We have a better idea now than 25 years ago of what opportunities are lacking and what resources need protection. But the prices of land, facility development and restoration have also risen, and lack of money continues to be the major barrier to doing what we know should be done. The National Park Service alone reports a current backlog of $2 billion in authorized land purchases within park boundaries. For the last five years, states have reported applications averaging more than $400 million a year for LWCF grants. Ignoring these needs will not make them go away. Delaying action will mean the permanent loss of irreplaceable resources and increased costs in the future. We must invest now in these appreciating capital assets.

WHO SUPPORTS THE HERITAGE TRUST ACT?

A large coalition of public interest organizations applauds the American Heritage Trust idea embodied in H.R. 4127 and S. 2199. These groups urge congressional enactment of this legislation in 1988:

American Fisheries Society.
American Hiking Society.
American Rivers.
American Society of Landscape Architects.
Bicycle Federation of America.
Coalition for Scenic Beauty.
Coalition for Urban Parks & Recreation.
The Conservation Foundation.
Defenders of Wildlife.
Environmental Defense Fund.
Environmental Policy Institute.
Friends of the Earth.
The Garden Club of America.
Human Environment Center.
Humane Society of the United States.
Izaak Walton League of America, Inc.
Land Conservation Fund of America.
Land Trust Exchange.
Lighthouse Preservation Society.
National Audubon Society.
Nat. Assoc. of State Outdoor Rec. Liaison Officers.
National Conf. of State Historic Pres. Officers.
National Parks & Conservation Association.
National Recreation & Park Association.
National Trust for Historic Preservation.
National Wildlife Federation.
Natural Resources Defense Council.
The Nature Conservancy.
Preservation Action.
Rails-to-Trails Conservancy.
Society for American Archaeology.
Sport Fishing Institute.
Trout Unlimited.
Trust for Public Lands.
The Walkways Center.
The Wilderness Society.
The Wildlife Society.
World Wildlife Fund.

COSPONSORSHIP OF THE "AMERICAN HERITAGE TRUST ACT OF 1989"

Mr. GRAHAM. Mr. President, I am pleased to have joined my distinguished colleague from Rhode Island, Senator CHAFEE, as an original cosponsor of the American Heritage Trust Act of 1989. The land and water conservation fund has not met the needs of public land acquisition to date. It has become evident that a new means of assuring funding is imperative to even begin chipping away at their long list of priority lands that necessitate and deserve public acquisition.

The beauty of the American Heritage Trust Fund fashioned by Senator CHAFEE is that it is permanent, and interest accrued on the fund would be available without further appropriation. In recent years, the administration has continually requested minute amounts to be appropriated from the land and water conservation fund in its annual budget submitted to Congress. Congress has responded by appropriating more than requested, but not nearly enough to protect our environmentally sensitive and historically significant lands.

There currently exists a long list of priority lands awaiting acquisition under the land and water conservation fund. The estimated cost of these lands at today's value comes to $825 million. In fiscal year 1986, a total of $4.6 million was available in the fund. However, a mere $168,000 was appropriated from the fund for land acquisition.

We in Florida have several priority acquisitions on the list, including the Key Deer Wildlife Refuge and Fakahatchee Strand, among others. Most of these priority lands are habitat for endangered species, such as the Florida panther, key deer, crocodile, and the whooping crane—to name a few.

In an effort to illustrate the numerous worthy projects that have been funded in my State alone through the land and water conservation fund, I am submitting for the record a list of Florida lands that have been acquired through 1987. Other States' lists are similarly impressive, and I ask unanimous consent that the list be printed in the RECORD.

We are not advocating frivolous public acquisition of land. Instead, we are recognizing the real need to protect—and provide buffers around—environmentally sensitive and historically significant tracts. We are referring to habitat protection, to preservation of species, to preservation of history, to protection and often restoration of ecological systems, to conservation of open space, and to provision of recreational areas.

Our work is far from complete. This bill offers us a chance to continue bringing sensitive historic and recreational land into the public system for preservation, protection and enjoyment for generations to come. A trust fund exists; we are merely working to make the trust fund available for the purposes intended, while retaining a corpus which can be used to offset the deficit.

I encourage my colleagues' support in cosponsoring and ultimately approving this worthy legislation. I commend my colleague from Rhode Island for his efforts in developing this excellent piece of work.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FLORIDA

Project title	Sponsor	Amount
County: Alachua—District 6:		
Marjorie Kinnan Rawlings Park.	Alachua County	$17,489.50
Morningside Park Nature Center.	City of Gainesville	24,000.00
Paynes Prairie	City of Gainesville	2,624,909.50
Poe Springs	Alachua County	195,725.00
Yolinggreen Park/ Alachua Rec. Cntr.	City of Alachua	75,851.62
Glen Springs	City of Gainesville	.00
Santa Fe River Park	Alachua County	149,996.54
County total		3,087,972.16
County: Bay City—District 1: Bay N Millvile-Joe Har Comk.	City of Panama City	29,195.25
County: Brevard—District 11:		
Ocean Park/Paradise Beach.	Brevard County	105,000.00
Ocean Park/Paradise Beach.	Brevard County	30,000.00
Spessard Holland Park	Brevard County	100,000.00
Cocoa Beach Park	Brevard County	428,825.00
Jetty Park	Brevard County	249,829.00
Den Lake Park	City of Indian Harbor Beach	186,000.00
Sand Point Park	City of Titusville	82,032.83
16th Street Park	Brevard County	174,835.93
St. John's National Wildlife Refuge.	Fish and Wildlife Service	2,918,217.00
Canaveral National Site	National Park Service	5,814,606.00
Cherie Down Park	Brevard County	101,250.00
County total		10,190,595.76
County: Broward—District: 14–18:		
Markham Park Acquisition.	Broward County	33,450.20
Robert Markham County Park.	Broward County	50,000.00
Markham Park Phase II	Broward County	83,778.00
Topeekeegee Yugnee Park I.	Topeekeegee Lungee Pk Dist. Co.	364,000.00
Hollywood WTRG Pk-Holnd Bt Pk.	City of Hollywood	321,430.00
Pompano Beach Park	City of Pompano Beach	54,800.00
Snyder Park	City of Ft. Lauderdale	138,809.00
Topeekeegee Yugnee Park II.	Topeekeegee Lungee Pk Dist Co.	312,904.50
Markham Park III	Broward County	100,000.00
Topeekeegee Yugnee Park Addition.	Topeekeegee Lungee Pk Dist. Co.	221,000.00
Snyder Park II	City of Ft Lauderdale	199,000.00
Secret Woods	Broward County	250,600.00
Holland Boat Pk Acquisition.	City of Hollywood	65,375.00
Topeekeegee Yugnee Park III.	Topeekeegee Lungee Pk Dist. Co.	157,500.00
Tradewinds County Park	Broward County	290,000.00
Holland Boat Pk Development.	City of Hollywood	345,126.75
Deerfield Beach Oceanfront Pk.	City of Deerfield	242,209.95
Peters Rd-Plantation Heritage Pk.	Broward County	906,399.00
C.B. Smith Park	Broward County	1,005,000.00
Ingalls Park	City of Hallandale	91,849.97
Royal Palm Park	City of Oakland Park	208,729.46
Snead Tract/Tree Tops Park.	Broward County	2,104,812.75
Azalea Park	City of Hollywood	297,827.25
Hollywood Beach Golf Course.	City of Hollywood	319,556.00
Bradley Airpt/Lk Lauderdale Pk.	Broward County	319,556.00
Cypress Park	City of Coral Springs	319,556.00
C.B. Smith Park	Broward County	147,958.49
Colohatchee Park Access.	City of Wilton Manors	.00
Cypress Hammock Park	City of Coral Springs	411,375.11
Bradley Airpt-Lk Lauderdale Pk.	Broward County	468,200.00
North Beach Park	Broward County	370,600.00
Tradewinds Park	Broward County	150,000.00
C–10 Canal/Stan Goldman Park.	City of Hollywood	93,000.00
N. Lauderdale Sports Complex.	City of N. Lauderdale	150,000.00
Seminole Park	City of Plantation	77,601.00

FLORIDA—Continued

Project title	Sponsor	Amount
Fern Glen Park	City of Coral Springs	132,695.57
County total		10,805,700.00
County: Charlotte—District: 13:		
Englewood Beach Addition.	Charlotte County	142,500.00
Englewood Beach Development.	Charlotte County	61,500.00
Stump Pass	Dept. of Natural Resources	561,000.00
County total		765,000.00
County: Citrus—District: 6:		
Crystal River National Wildlife Refuge.	Fish and Wildlife Service	483,500.00
Fort Island Gulf Beach	Citrus County	50,000.00
County total		533,500.00
County: Collier—District: 12, 13:		
Caxambas Pass Park	Collier County	21,840.00
Florida Panther	Fish and Wildlife Service	306,000.00
Big Cypress N Preserve	National Park Service	115,038,967.00
E. Naples Community Park.	Collier County	174,835.93
Everglades National Park.	National Park Service	290,827.00
County total		116,332,469.93
County: Columbia—District: 2: Columbia Aquatic Complex.	City of Lake City	289,000.00
County: Dade—District: 19 (Parts):		
Cape Florida State Recreation A.	Outdoor Recreation Council	1,250,000.00
Cape Florida State Rec. Area II.	Outdoor Recreation Council	1,000,000.00
Wainwright Park Acquisition.	City of Miami	600,000.00
Black Point Park	Dade County	60,500.00
Poinciana Rock Pit Park	Dade County	382,200.00
Wainwright Pk Acq II	City of Miami	55,000.00
North Shore Oceanfront Park.	City of Miami Beach	658,345.30
Wainwright Park Devl I	City of Miami	122,840.05
Black Point Park Phase II.	Dade County	550,000.00
Latin Community Riverfront Park.	City of Miami	247,250.00
Tropical Park	Metropolitan Dade County	683,353.70
Rolling Oaks Park	Dade County	325,925.87
Miami River Bicycle Trail.	City of Hialeah	353,250.37
Helker Tract-Bayshore Park.	City of North Miami	183,412.50
Amelia Earhart Park	Dade County	221,100.00
Arch Creek Park	Metropolitan Dade County	115,575.00
Youth Shore Park	City of Miami Beach	1,579,937.99
Thompson/Tamiami Parks.	Dade County	2,210,000.00
Blue Lagoon/Gen Antonio Maceo Park.	City of Miami	391,117.25
Beachfront Park	City of Miami Beach	1,445,921.05
Charles Hadley Park and Gibson Park.	City of Miami	583,418.12
Miami River Bicycle Trail.	City of Hialeah	139,333.59
Jose Marti Park	City of Miami	672,359.50
Amelia Earhart Park, II	Dade County	352,803.50
W Miami Rec Center Improv.	City of West Miami	38,468.00
Snake Creek Canal Park	City of North Miami Beach	143,135.61
Harris Field Park	City of Homestead	200,000.00
Black Point Pk Marina III.	Dade County	414,100.00
Tamiami Linear Park	City of Sweetwater	77,299.85
Southeast Park	City of Hialeah	99,874.82
Bayfront Park II	City of Miami	461,600.00
Biscayne National Park	National Park Service	29,707,625.00
Big Cypress N. Preserve	National Park Service	3,186,338.00
Enchanted Forest-Hummell Tract.	City of North Miami	140,917.76
Everglades National Park.	National Park Service	10,817,850.00
County total		59,965,852.83
County: Duval—District 3:		
Seminole Bch-Hanna Pk Acq.	City of Jacksonville	267,100.00
Hrvn Abbey Hanna Park	City of Jacksonville	600,000.00
St Johns Rvr-Metropol Pk.	City of Jacksonville	1,725,422.19
Hanna Park II	City of Jacksonville	318,316.25
Sisters Creek Park	City of Jacksonville	174,835.93
Mayport/Ocean Street Park.	City of Jacksonville	92,250.00
Ft. Caroline NMem	National Park Service	137,725.00
County total		3,315,649.37

FLORIDA—Continued

Project title	Sponsor	Amount
County: Escambia—District: 1:		
William Bartram Memorial Park.	City of Pensacola	119,250.00
Big Lagoon State Rec Area.	Dept. of Natural Resources	1,054,725.00
Gulf Island National Site	National Park Service	10,498,903.00
County total		11,672,878.00
County: Franklin—District: 2:		
St. George Island	Dept. of Natural Resources	562,500.00
St. George Island II	Dept. of Natural Resources	625,000.00
St. George Island III	Dept. of Natural Resources	625,000.00
County total		1,812,500.00
County: Gulf—District: 2: Alexandria City Park Development.	City of Alexandria	
County: Hamilton—District: 2: Suwannee River, Rec. Area.	Dept. of Natural Resources	37,500.00
County: Hernando—District: 6: Chassahowitzka National Wildlife Refuge.	Fish and Wildlife Service	183,000.00
County: Highlands—District: 12: Avon Pk Rec Area Improv.	City of Avon Park	7,746.52
County: Hillsborough—District: 7:		
Picnic Island Park	City of Tampa	97,735.50
Horizon Park	City of Tampa	70,000.00
E.G. Simmons Park	Hillsborough County	107,766.00
Picnic Island Bayside Center.	City of Tampa	100,000.00
Upper Tampa Bay Park	Hillsborough County	157,436.47
Fletcher Avenue Park	Hillsborough County	240,641.03
Alderman's Ford Park	Hillsborough County	169,597.32
Alderman's Ford Park Devel.	Hillsborough County	723,600.00
Fletcher Avenue Park Devel.	Hillsborough County	853,663.00
Rowlett Park	City of Tampa	98,000.00
Copeland Park Development.	City of Tampa	377,353.91
E.G. Simmons Park II	Hillsborough County	206,762.71
Brandon District Park	Hillsborough County	174,835.93
County total		3,377,391.87
County: Indian River—District: 11:		
Round Island Park	Indian River County	53,946.75
Kiwanis-Hobart Park	Indian River County	27,825.00
Kiwanis-Hobart Park Devel.	Indian River County	25,000.00
South Beach Expansion	City of Vero Beach and Indian River County.	125,000.00
South Beach Expansion II.	City of Vero Beach	375,000.00
South Beach Park Devel	City of Vero Beach	188,437.50
Humison Park	City of Vero Beach	63,500.00
County total		858,709.25
County: Lake—District: 6:		
Mt. Dora Swim Pool Renov.	City of Mount Dora	50,299.90
Hickory Point	Oklawaha Bsn. Recreation Authority.	124,995.00
Burleigh Park	City of Tavares	81,900.00
County total		257,194.90
County: Lee—District: 13:		
Sanibel Freshwater Recrean Are.	Dept. of Natural Resources	139,750.00
Carl Johnson Park	Lee County	128,264.50
Lakes Recreation Area	Lee County	644,205.00
Lake Kennedy Park	City of Cape Coral	37,000.00
Fort Myers Wharf/ Centennial Park.	City of Fort Myers	385,898.00
Ding Darling National Wildlife Refuge.	Fish and Wildlife Service	1,918,848.00
Pine Island National Wildlife Refuge.	Fish and Wildlife Service	1,034,000.00
Lynn Hall Park	Lee County	100,000.00
County total		4,387,965.50
County: Leon—District: 2:		
Lake Ella Park	Leon County	143,212.50
Northwest/San Luis Mission Park.	City of Tallahassee	319,556.00
A.J. Henry Park	City of Tallahassee	174,835.87
County total		637,604.37
County: Levy—District: 2:		
Blue Springs Recreation Area.	Levy County	11,300.00
Cedar Keys National Wildlife Refuge.	Fish and Wildlife Service	718,690.00
Lower Suwanee National Wildlife Refuge.	Fish and Wildlife Service	8,310,867.00

FLORIDA—Continued

Project title	Sponsor	Amount
Waccasassa Bay	Dept. of Natural Resources	850,000.00
County total		9,890,857.00
County: Manatee—District: 10:		
Bradenton Waterfront Park.	City of Bradenton	137,711.13
Bradenton Waterfront Park/Phase I.	City of Bradenton	300,000.00
Bradenton Recreation Complex.	City of Bradenton	174,835.93
Rye Wilderness Park	Manatee County	150,000.00
Riverside Park	City of Palmetto	57,040.00
County total		819,587.06
County: Marion—District: 6: Tom's Park/Clyatt Park.	City of Ocala	31,703.59
County: Martin—District: 12: Rocky Point Tropical Hammoc.	Martin County	52,873.27
County: Monroe—District: 19 (Parts):		
Crocodile Lake National Wildlife Refuge.	Fish and Wildlife Service	13,015,510.00
Great White Heron National Wildlife Refuge.	Fish and Wildlife Service	3,623,518.00
National Key Deer	Fish and Wildlife Service	9,774,066.00
Big Cypress N Preserve	National Park Service	34,814,588.00
Key Largo Waterway Extensions.	Monroe County	8,250.00
Sombrero Beach	Monroe County	403,125.00
Long Key Addition	Dept. of Natural Resources	565,000.00
Higgs Beach Park	Monroe County	82,159.90
Salt Ponds Hammock	City of Key West	150,000.00
Everglades National Park.	National Park Service	9,476,190.00
County total		71,912,406.90
County: Multi-County:		
State Park System Package Grant.	Dept. of Natural Resources	8,670,385.74
Halifax Pinttn-Bulow Crk St Pk.	Dept. of Natural Resources	2,297,456.39
County total		10,967,842.13
County: Nassau—District: 3: Airport Recreation Complex.	City of Fernandina Beach	38,036.32
County: Okaloosa—District: 1: Okaloosa Island P.	Okaloosa County	100,000.00
County: Orange—District: 11:		
Wekiva Spr-Rock Spr Rec Ar.	Outdoor Recreation Council	1,287,947.54
Lake Baldwin Park	City of Winter Park	144,600.00
Turkey Lake	City of Orlando	234,700.00
Howell Branch Park	Orange County	70,000.00
Moss Park Addition	Orange County	167,500.00
Turkey Lake	City of Orlando	658,366.94
County total		2,563,114.48
County: Osceola—District: 11:		
Southport Park	S Fl Flood Control Dist.	132,000.00
Lakefront Park	City of Kissimmee	55,893.59
County total		187,893.59
County: Palm Beach—District: 12:		
Pier-Beach Park Development.	City of Lake Worth	240,000.00
South Beach Expansion	City of Boca Raton	1,000,000.00
Lake Worth Municipal Beach.	Palm Beach County	375,000.00
Carlin Park Addition	Palm Beach County	345,000.00
Oceanfront Park and Rec. Complex.	Palm Beach County	97,500.00
Juno Beach	Palm Beach County	150,000.00
Ocean Ridge Beach	Palm Beach County	1,069,033.00
Newcomb Hall Park Expansion.	City of Riviera Beach	275,000.00
Pines	Depart. of Natural Resources	1,790,750.00
Dreher Park	City of West Palm Beach	531,534.00
Richard Kreusler Park	City Palm Bch and Palm Bch County.	106,906.23
S Inlet Pk-Conting Reserve.	City Boca Raton/Palm Bch County.	2,051,205.00
South Inlet Park	Palm Beach County	238,329.38
Diamond Head Tract	Palm Beach County	319,556.00
Ocean Reef Park	Palm Beach County	131,126.95
County total		8,720,940.56
County: Pasco—District: 9:		
Anclote River Park	Pasco County	80,350.00
John S. Burks Memorial Park.	Pasco County	174,835.93
County total		255,185.93

FLORIDA—Continued

Project title	Sponsor	Amount
County: Pinellas—District: 8:		
Caladesi Island State Park.	Outdoor Recreation Council	952,532.50
Seminole Street Boat Launch.	City of Clearwater	79,084.00
Pinellas National Wildlife Refuge.	Fish and Wildlife Service	18,000.00
Boat Launch Facilities	City of St. Petersburg	30,000.00
Lake Seminole Park	Pinellas County	183,000.00
Lake Chautauqua Park	City of Clearwater	96,275.00
Fred Howard Park	Pinellas County	50,550.00
Sand Key I	City Clearwater and Pinellas Co.	670,000.00
Lake Seminole Park II	Pinellas County	66,900.00
Belleair Beach Boat Ramp.	Pinellas County	100,500.00
Sand Key II	City Clearwater and Pinellas Co.	623,150.00
Sand Key III-Conting Reserve.	City Clearwater and Pinellas Co.	1,246,300.00
Honeymoon Island I	Dept. of Natural Resources	1,375,000.00
Eymoon Island II Haw Crk Prsv.	Dept. of Natural Resources	1,998,855.16
Lake Maggiore Park Addition.	City of St. Petersburg	467,560.13
Anderson Park Addition	Pinellas County	251,777.50
Wildwood Park	City of St. Petersburg	101,668.64
Madeira Beach Park	City of Madeira Beach	157,190.50
Moccasin Lake Energy Center.	City of Clearwater	43,547.85
Honeymoon Island (Phase V).	Dept. of Natural Resources	2,219,085.21
Curlew Creek Park	City of Dunedin	37,500.00
North City Park	City of Safety Harbor	87,499.78
Broderick Neighborhood Park.	City of Pinellas Park	34,600.54
Pinebrook Estates Park	City of Pinellas Park	61,192.57
Maximo Park	City of St. Petersburg	150,000.00
County total		11,101,769.38
County: Planning: Statewide Recreation Planning Program.	Kentucky Dept. of Local Government.	
County: Polk—District 10:		
Lake Parker Recreation Area.	City of Lakeland	234,455.21
Mulberry Park	Polk County	65,351.64
Curtis Peterson Park	City of Lakeland	.00
Lk Rosalie Park	Polk County	75,000.00
Polk City Recreation Complex.	Polk County	27,000.00
County total		401,806.85
County: Sarasota—District 13:		
South Lido Key	Dept. of Natural Resources	943,000.00
Caspersen Beach	Sarasota County	1,750,000.00
North Jetty Beach	Sarasota County	501,178.43
Ringling Area Beach Accesses.	City of Sarasota	174,835.93
County total		3,369,014.36
County: Seminole—District 5:		
Cntrl Fla 200-Picnic Nat Pk.	Seminole County	100,000.00
Sylvan Lake Park	Seminole County	249,750.00
Redbug Lake Park	Seminole County	195,250.00
Sylvan Lake Park Devel	Seminole County	177,563.38
Boating Facilities Improvements.	Seminole County	47,845.35
Lee P. Moore Park	City of Sandford	100,000.00
County total		870,408.73
County: St. Lucie—District: 12:		
Savannas Outdoor Rec Area.	City of Fort Pierce	111,000.00
Savannas Outdoor Rec. Area Phase I.	City of Fort Pierce	16,000.00
Surfside Park	City of Fort Pierce	55,902.66
St. Lucie County Rec Devel.	St. Lucie County	287,500.00
Jaycee Park, II	City of Fort Pierce	91,170.00
Heathcote Botanical Garden.	St. Lucie County-City of Fort Pierce.	85,232.52
Pepper Beach Park	St. Lucie County	150,000.00
County total		796,805.18
County: Suwannee—District: 2: Live Oak/Suwannee County Pool.	City of Live Oak	82,710.16
County: Taylor—District: 2:		
Loughridge Park	City of Perry	45,000.00
Pace Field Swimming Pool.	City of Perry	174,835.93
County total		219,835.93

FLORIDA—Continued

Project title	Sponsor	Amount
County: Volusia—District: 3:		
Small Craft Harbor	City of Daytona Beach	75,000.00
Canaveral National Site	National Park Service	5,814,606.00
Ormond Bch Oceanfront Pk.	City of Ormond Beach	112,000.00
Central Park	City of Ormond Beach	77,250.00
Halifax Harbor	City of Daytona Beach	422,800.00
Ponce Park North	Volusia County	174,835.93
Spruce Creek Recreation Complex.	City of Port Orange	150,000.00
Beacon Point	City of Holly Hill	150,000.00
County total		6,976,491.93
County: Wakulla—District: 2: St. Marks National Wildlife Refuge.	Fish and Wildlife Service	185,000.00
County: Walton—District: 1: Lakewood Tract.	Walton County	17,000.00
State total		616,906,448.06

By Mr. McCLURE:

S. 371. A bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulas for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes; to the Committee on Energy and Natural Resources.

IDAHO FOREST MANAGEMENT ACT

Mr. McCLURE. Mr. President, today I am reintroducing a bill that I believe is the only possible legislative solution to Idaho's wilderness question, an issue that must be resolved to provide a blueprint that will ensure the wise use of Idaho's national forests during the next decade and onward into the 21st century.

This is a bill born of conciliation, not conflict. Gov. Cecil Andrus and I took what has been our State's most contentious political question for the past 25 years and forged a compromise among conflicting interests in a way we both believe will resolve the issue for Idaho as well as for the rest of the Nation.

We in Idaho are proud of the natural beauty of our national forests. So is the rest of the country; we know that. It is because of our respect for our lands that we take a great deal of interest in seeing them protected while using them wisely—the true definition of conservation.

Citizens of Idaho, as well as those from other parts of our country, use them for hunting, fishing, backpacking, and hiking. At the same time, some areas are logged to produce wood to construct the homes we live in and for making paper used in producing the books we read. Some land is preserved in its pristine state as wilderness while some is mined for the minerals and metals we use in making automobiles, TV's, and cookware. Still other land is set aside for nonmotorized users wanting to escape the noise of urban areas, while some is leased

for grazing to help provide the red meat demanded at the local grocery store.

We in Idaho are fortunate, indeed, in having vast areas that are relatively untouched by man, and we are proud that we have been able to make large contributions to our Nation's wilderness system. Four million acres of Idaho's national forests have already been set aside as wilderness. That's a land mass larger than Connecticut and Rhode Island combined. Out of all the lower 48 States, only California has more designated wilderness than Idaho.

Now, the Governor and I are suggesting significant additions to Idaho's wilderness system. But our bill is more than just a wilderness bill. In order to settle the wilderness question, it has been necessary to provide a blueprint that will allow for the responsible stewardship of Idaho national forests into the next decade and beyond. The plan we offer will preserve an additional large portion of Idaho's national forests as wilderness, and at the same time protect Idaho jobs that other proposals would destroy.

We propose classifying an additional 1.4 million acres of Idaho's national forests as wilderness. Another 650,000 acres will be protected by statutory management, less prescriptive than wilderness designation, but more prescriptive than management under existing law. The addition of the acreage we propose to existing wilderness will bring the total figure to some 5½ million acres—27 percent of all the national forest land in Idaho. The areas we propose to classify are unique and truly deserving of protection as wilderness. Governor Andrus and I believe this proposal is a fair compromise between environmentalists and natural resource-based industries, between backpackers and motorized recreationists, and between outfitters and guides and wilderness purists.

After introducing our bill in the last Congress, we conducted hearings in both Idaho and Washington. Frankly, we found little support for the bill from those who testified or, for that matter, from the rest of the Idaho delegation. However, given the inability of those involved to work out any sort of final solution since the Wilderness Act was passed 25 years ago, such a reaction was not surprising. Instead of moving toward reconciliation of viewpoint, there has been increasing polarization of special interest groups.

A "yes" vote on our compromise will add the equivalent of two additional Rhode Islands to our country's wilderness system. Passage of this bill will also ease the anxiety of the thousands of people in my State who look toward the national forests for their livelihood and nonwilderness recreation.

In all honesty, the bill is not exactly what either Governor Andrus or myself would have produced given the opportunity to craft bills independently. But in the interests of Idahoans and those all over this country who have an interest in our forests, we have found common ground.

Many of you will recall the story of King Solomon and the two women. Each claimed to be the mother of a young child and asked King Solomon to decide who would be granted custody. Those of you who know the story remember that King Solomon decided to cut the child in half giving each woman an equal share. But in the nick of time, the real mother pleaded with the King not to kill the child. Her love was greater than her desire to keep the child from the impostor.

The wilderness issue in Idaho has created a similar situation for us. Because of the emotion involved and the inability of polarized interest groups in resolving the problem, they have come to the Congress year after year seeking an answer. Proposals have tugged first one way, then another. We are now at a point where Congress is being asked to play king as a result of the "no further compromise" attitude of both sides of the issue.

The Governor and I have attempted to put away our own differences in order to do what is right for Idaho. The same cannot be said of some of the interest groups involved in this debate.

Much of the opposition to our bill comes from people who would rather achieve political victory than find a meaningful and workable compromise. Rather than yield to that kind of opposition, the Governor and I have decided to move forward with what we believe gives all sides more than they will get without our bill.

The alternative to the compromise we offer is to delegate management of our public lands to the Federal courts. Such a delegation of responsibility will only result in wasted time, energy, resources, frustration, and disappointment.

Because the management of our national forests is such a divisive issue in Idaho, if there is ever going to be a compromise on the issue, this is probably the best we can do. Both Governor Andrus and I have moved from our traditional position on this issue to a point of common ground in an attempt to end the divisiveness. Both of us have disappointed some of our traditional supporters.

We have done our best, and we now ask Congress to help us resolve the issue for both our State and the Nation. I sincerely hope the Congress will not turn its back just because both the issue and the solution are tough. A decision must be made. I hope my colleagues will join me in supporting a truly bipartisan attempt to solve a tremendous problem.

Mr. President, I ask unanimous consent that the following editorial from the Idaho Statesman of October 25, 1988, titled "Try Again on Wilderness Bill," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRY AGAIN ON WILDERNESS BILL

The 100th Congress is history. So is the Idaho wilderness bill—at least for this session of Congress.

But Idaho Sen. Jim McClure and Gov. Cecil Andrus shouldn't give up the fight to resolve the Idaho wilderness issue.

For encouragement, Gov. Andrus and Sen. McClure should look at the success Oregon and Montana had during the last Congress in resolving two strictly natural resource issues.

And they can also look at the successful passage of legislation to create the City of Rocks National Reserve and the Hagerman Fossils National Monument. Both of these issues had been controversial for many years.

In Oregon, Congress added parts of 40 streams—or more than 1,400 miles—to the state's Wild and Scenic Rivers System. The legislation received the support of every Oregon legislator save one, regardless of whether they were Republican or Democrat.

Oregon Sen. Mark Hatfield, who proposed the legislation just 10 months ago, said that "few legislative victories have meant as much for the future of Oregon." In an editorial, The Oregonian newspaper compared the Wild and Scenic Rivers legislation to the proposal 75 years ago by Oregon Gov. Oswald West to keep the state's ocean beaches in public ownership.

In Montana, Congress designated another 1.43 million acres as wilderness, left restrictions on another 680,000 acres and freed up about 4 million acres for multiple uses.

Gov. Andrus and Sen. McClure have proposed a blueprint for how Idaho can come close to resolving the wilderness issue. It is now up to those two leaders, the state's other political leaders and the various interest groups to build upon that blueprint.

Environmentalists and natural resource industry leaders showed this year that they could work together when they reached agreement on water-quality standards. The same effort should be used to find common ground on the wilderness issue.

The 101st Congress, which convenes next year, marks a fresh opportunity for these diverse players to get together and support a compromise Idaho wilderness bill.

Mr. BENTSEN (for himself and Mr. GRAHAM):

S. 372. A bill to amend title V of the Refugee Education Assistance Act of 1980 to provide certain resettlement assistance for certain Central Americans; to the Committee on Labor and Human Resources.

ASSISTANCE FOR CERTAIN CENTRAL AMERICANS

Mr. BENTSEN. Mr. President, as you may be aware, over the last year there has been a huge—130 percent—increase in the number of asylum applications filed with the Immigration and Naturalization Service. Applications jumped from 26,107 in fiscal year 1987 to 60,736 in fiscal year 1988.

Eighty-two percent of the applicants came from just three countries: El Salvador, Nicaragua, and Guatemala.

Since most Central Americans enter the United States through south Texas, that economically depressed area of my State has been particularly hard-hit by the boom in asylum applications. The influx of immigrants has created a tremendous strain on this community as it attempts to provide basic humanitarian assistance to the immigrants.

The problems facing south Texas were compounded in mid-December when INS announced a change in policy that effectively confined the Central American asylum applicants to the Brownsville/Harlingen area in south Texas. We quickly had a crisis situation on our hands down there, with shelters filled to capacity and immigrants sleeping in the woods, in tent cities, and in abandoned motels.

In effect, the INS had turned the entire Brownsville/Harlingen area into a massive detention camp.

Mr. President, I recognize the need for INS to act in the face of the recent boom in asylum applications. We must preserve the integrity of our borders and our immigration laws. But the policy adopted by the INS—which essentially dumps this problem into the lap of the people of south Texas—is simply intolerable.

South Texas is an area of high unemployment and low per capita income. It is an area where the ability of schools to educate young people was already strained by Federal immigration policies long before the INS announced its latest policy change. It is an area where health problems are more severe and health care is less available than in other parts of Texas and the Nation.

In short, it is an area lacking in the resources needed to cope with an immigration boom, and it is vastly unreasonable for the INS to adopt a policy that effectively confines thousands of destitute immigrants to this area.

The outrageousness of this policy is heightened by the fact that the INS has turned a deaf ear to the cries from the local community for financial assistance, essentially taking a "that's not my problem" approach. Mr. President, we simply must provide some assistance to south Texas and other areas heavily impacted by the boom in Central American immigrants. There is no getting around the fact that this is a Federal responsibility.

Today, I am introducing legislation that will provide for Federal assistance to south Texas and other heavily impacted areas, and will do so on an expeditious basis. My bill will authorize the Community Relations Service, a division of the Justice Department, to respond and provide assistance to the communities hardest hit by this boom in Central American immigration.

I understand that the Community Relations Service currently has approximately $20 million available, which could be used to help areas like south Texas. However, under current law, the Community Relations Service is authorized to respond only where Cuban or Haitian immigrants or unaccompanied minor immigrants are involved.

My legislation simply expands the authority of the Community Relations Service to also authorize it to respond where Central American immigrants are involved. Since the Community Relations Service has funds available, it could respond quickly to the needs in south Texas and elsewhere relating to this immigration influx.

I realize that there may be a need to reimburse the Cuban-Haitian fund at the Community Relations Service, perhaps through supplemental appropriations, when the funds they currently have on hand are used to respond to Central American immigrants. I am sensitive to that, but believe that we must provide assistance and provide it quickly to south Texas and other areas hard hit by the large number of Central American immigrants. Expanding the authority of the Community Relations Service is the way to accomplish that.

Mr. President, as I have suggested above, south Texas is not the only part of this country that has been greatly impacted by the recent increase in immigration from Central America. Miami and Los Angeles have also been greatly affected, and the local governments and community agencies in those cities are also in need of Federal assistance.

I am pleased to be joined in introducing this legislation by my colleague from Florida, Senator GRAHAM, and my colleague from Texas, Senator GRAMM. I urge the rest of my colleagues to support this important and needed legislation as well.

I am also joined in this effort by one of my Texas colleagues in the House, Representative SOLOMON ORTIZ, and I am hopeful that we can push this legislation through both Houses quickly to provide some desperately needed assistance to south Texas and the other impacted areas. If we do not, we are shirking what is clearly a Federal responsibility.

I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill and statements were ordered to be printed in the RECORD, as follows:

S. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 501(c)(1)(A) of the Refugee Assistance Act of 1980 (8 U.S.C. note) is amended by inserting "and Central American entrants" after "Cuban and Haitian entrants".

(b) Section 501(d) of such Act is amended—

(1) by inserting "and Central American entrants" after "Cuban and Haitian entrants"; and

(2) by inserting after "enactment of this section" the following: "and, in the case of Central American entrants, periods prior to the enactment of amendments made to this section".

(c) Section 501 of such Act is amended by adding at the end thereof the following new subsection:

"(f) As used in this section—

"(1) the term 'Central American entrant' means—

"(A) any individual granted special status subsequently established under the immigration laws for nationals of any Central American country, regardless of the status of the individual at the time assistance or services are provided; and

"(B) any other national of a Central American country—

"(i) who—

"(I) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

"(II) is the subject of exclusion or deporation proceedings under the Immigration and Nationality Act; or

"(III) has an application for asylum pending with the Immigration and Naturalization Service: and

"(ii) with respect to whom a final, nonappealable, and legally enforceable order of deporation or exclusion has not been entered; and

"(2) the term 'Central American country' refers to any of the following countries: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.".

(d) The title heading for title V of such Act is amended to read as follows:

"TITLE V—SUPPLEMENTAL RESETTLEMENT ASSISTANCE FOR CUBAN AND HAITIAN ENTRANTS AND CENTRAL AMERICA ENTRANTS"

Mr. GRAHAM. Madam President, I am pleased to join my distinguished colleague, Senator BENTSEN, in proposing a reasoned solution to the replication of an old problem.

Our bill amends title V of the Refugee Education Assistance Act of 1980 to authorize an important Federal resource—the Community Relations Service—to assist local communities in coping with large influxes of Central Americans applying for asylum.

As many of my colleagues are aware, south Florida is bracing for yet another wave of aliens applying for asylum. In the last 6 months, these communities have absorbed an estimated 20,000 aliens primarily from Central America.

The Immigration and Naturalization Service has projected an influx of 100,000 aliens from Nicaragua alone over the next several months.

On January 31 of this year, a Federal judge ruled that applicants for asylum will be permitted to travel beyond their point of entry until February 20. This decision effectively creates a 3-week invitation for Central Americans fleeing their country to

settle in their community of preference.

That unfairly impacts the few communities which are already struggling to absorb large number of refugees.

Florida knows about this problem firsthand. Most recently, Florida is experiencing increases in admissions of Cuban political prisoners at the rate of 3,000 per year.

Haitians continue to arrive in substantial numbers and make up a majority of detainees in the Krome detention center in Miami.

In addition, Florida still feels the effects of the Cuban-Haitian influx of the late 1970's and early 1980's. An estimated 15 percent of the 140,000 Cubans and Haitians who arrived during that time are still on public assistance and may never become completely self-sufficient.

These latest arrivals further strain every social and public service in our Florida communities. Since applicants for asylum are not technically "refugees" nor are they "immigrants" under existing law, they cannot be counted for the purposes of reimbursing local governments for the costs incurred by providing necessary services.

The failure of the Federal Government to enforce a rational immigration policy has cost communities in Florida, Texas, California and elsewhere millions of dollars and thousands of man-hours in emergency care, shelter, transportation, medical care, education, police services, court costs and a host of other services.

The responsible way for the Federal Government to deal with what is essentially a Federal problem is to assist local governments in meeting these needs and to reimburse them for associated costs.

The Community Relations Service of the Justice Department, following the effective work of the Cuban-Haitian task force, has provided such invaluable assistance through its mission of assisting local communities in absorbing alien influxes.

After the initial emergency of the Cuban boatlift and concurrent Haitian influx, CRS was detailed in 1983 to assume responsibility for the Cuban/Haitian Reception Processing Program. CRS has been a key player in the resettlement of these entrants.

Today's arrivals of Nicaraguans and other Central Americans in Florida, along with the increases in the number of Cuban political prisoners admitted and a renewed flow of Haitians seeking to settle in the Haitian community in Miami, replicate those crisis days in the early 1980's.

This bill is the first step in recognizing the Federal Government's responsibility for the associated costs. It expands the population served by the Community Relations Service under current law to include Central Americans applying for asylum.

CRS has the experience required and is best prepared to work with the new arrivals and the communities they enter. All CRS currently lacks is the statutory authority to provide immediate relief.

The expansion of CRS authority should not result in reduction of services to the existing clientele. Rather, the administration is given the flexibility to determine whether providing relief to affected communities should be funded through a reprogramming of resources or through a request for additional funds from Congress.

Senator BENTSEN and I agree that the expansion of the CRS mission to include Central Americans is a pragmatic and fair approach in dealing with this crisis.

Immigration control is a Federal responsibility. Clearly, any costs to local communities resulting from refugee arrivals stimulated by foreign policy decisions or a failure to control U.S. borders should be borne by the Federal Government.

Our support of this bill will send an unmistakable signal to local governments that the Federal Government is prepared to act responsibly and fairly in dealing with the special problems arising from influxes of refugees and asylum seekers.

Mr. GORE. Madam President, will the Senator yield?

Mr. GRAHAM. I yield.

Mr. GORE. Madam President, I ask unanimous consent that my name be added as a cosponsor of this measure.

Mr. GRAHAM. We would be honored to have the Senator from Tennessee join in this important national initiative.

Mr. GORE. I appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Madam President, I enjoyed my colleague's statement and I want him to know, as I want the Presiding Officer to know, that this is a matter that is of concern not only in Florida and in Texas, but any Americans who can recognize the unfair impact which is being felt in these two States should understand why this legislation is wise.

The influx my colleague has described is very real.

By Mr. WILSON (for himself, Mr. BOND, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GORTON, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MACK, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PRESSLER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. BENTSEN, Mr. BINGAMAN, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. CONRAD, Mr. DECONCINI, Mr. DODD, Mr. GLENN, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. SANFORD, Mr. SHELBY, Mr. SIMON, and Mr. WIRTH):

S.J. Res. 51. Joint resolution to designate the month of April 1989 as "National Cancer Awareness Month"; to the Committee on the Judiciary.

NATIONAL CANCER AWARENESS MONTH

● Mr. WILSON. Mr. President, I rise today to introduce a Senate joint resolution which designates the month of April 1989 as National Cancer Awareness Month. The purpose of this resolution is to provide a low-cost way to educate the public about the importance of preventative cancer examinations as a way to fight this deadly disease. Fifty-two of my colleagues have already signed on as original cosponsors of this necessary resolution.

As you know, cancer is one of the most serious medical challenges of our day. Cancer causes one of every five deaths in the United States and strikes in three out of four American families. It kills more children ages 3 to 14 than any other disease and occurs more frequently as people advance in age. In 1988 alone, an estimated 494,000 Americans died of cancer. Approximately 75 million Americans now living will eventually have cancer.

By increasing public awareness of preventative measures, we see a change in these numbers.

Thanks to developments in research, we continue to learn how to reduce the fatality rate of cancer. Individual cancer examinations make early detection and treatment possible. One hundred seventy-four thousand American lives can be saved this year. Three million Americans alive today have already won their war against cancer.

There has been great interest in this area in California. One man who has shown great initiative is William Croker, a gentleman from Hawaiian Gardens, who, tragically, lost both parents and a sister to cancer. Mr. Croker uses his ability to walk long distances to draw attention to this serious disease. "Walking Willie," as we know him, has walked thousands of miles promoting the importance of continued cancer research and personal preventative cancer measures. This February, Willie began a walk across the United States to nationally promote cancer checkups. He is due to arrive in Washington, DC, in late April, the month our resolution designates as Cancer Awareness Month.

Mr. President, it is our responsibility to provide the public with information

about ways to prevent cancer. Constituents have already begun to organize to alert one another to the importance of cancer awareness.

A National Cancer Awareness Month is an appropriate and cost-effective way to continue these efforts and decrease the fatality rate of cancer.●

Mr. HOLLINGS (for himself, Mr. BRADLEY, Mr. BENTSEN, Mr. GORE, Mr. KENNEDY, Mr. WARNER, Mr. GRAHAM, Mr. BOREN, Mr. BUMPERS, Mr. SARBANES, Mr. LEVIN, and Mr. MOYNIHAN):

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel; to the Committee on the Judiciary.

GRATITUDE FOR LAW ENFORCEMENT PERSONNEL

● Mr. HOLLINGS. Mr. President, I rise to introduce a joint resolution to express gratitude to America's law enforcement personnel. Every year in America, we set aside May 1 as a day to celebrate justice under law, to advance equality, and to encourage respect to law and its essential place in the life of every American citizen. By all means, let us salute the work of our judges and attorneys and law students. We must bear in mind, though, that law does not begin or end in the courtroom or the law schools. Law's presence is perhaps even more immediate and profound on the policeman's beat, in the precinct station, and in the jailhouse. And so this year on May first, the day we call "Law Day U.S.A.," we should give special emphasis to law enforcement personnel in order to honor these public servants for their courage and dedication.

I am sponsoring this resolution to expand the focus of law day to give special recognition of our Nation's constables, sheriff's deputies, troopers, patrolmen, officers, and detectives—and men and women who protect our streets, patrol our roadways, and staff our correction facilities. Truly these men and women stand as a firstline defense of our laws and of our civil order. They are devoted to their jobs, underpaid for their efforts and tireless in their work. And they are often in danger. Every year, 10 percent are injured on the job. In 1988, 158 were killed in America. Twenty percent of officer fatalities last year were due solely to traffic-related accidents while in the line of duty. Even on a seemingly routine beat, our officers jeopardize their own safety in order to guarantee the safety of others.

Of course, we all honor the brave dead. But let me be clear: First and foremost, this resolution is a salute to the living. America owes these men and women an incalculable debt—a debt not of dollars, but of gratitude and deep respect. It is an honor to sponsor this resolution, and to encourage my colleagues' support for this bill.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

The being on objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 52

Whereas the first day of May of each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizen support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States;

Whereas each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation;

Whereas each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed;

Whereas law enforcement personnel are devoted to their jobs, are underpaid for their efforts, and are tireless in their work; and

Whereas law enforcement personnel perform their duties without adequate recognition: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in celebration of "Law Day, U.S.A.", May 1, 1989, the grateful people of this Nation give special emphasis to all law enforcement personnel of the United States, and acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquillity and guarantee the legal rights of all individuals of this Nation.●

Mr. D'AMATO (for himself and Mr. ROBB):

S.J. Res. 53. Joint Resolution to designate May 25, 1989, as "National Tap Dance Day"; to the Committee on the Judiciary.

NATIONAL TAP DANCE DAY

● Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution designating May 25, 1989, as "National Tap Dance Day." This resolution is being introduced in the other body by my distinguished friend, the Congressman from Michigan, Mr. CONYERS.

May 25 marks the birth date of the legendary Bill "Bojangles" Robinson, whose tap dancing was the highlight of many broadway musicals and motion pictures of a prior era. "Bojangles" wide appeal and popularity masked, however, a serious artist, a leading exponent of what is now widely recognized as a uniquely American form of dance. In recent years, tap has been in danger of becoming a forgotten performing art in our society. It is important to preserve this part of our special American culture. We who support this resolution hope that the art of tap will be returned to its rightful place in our Nation's cultural consciousness.

I encourage my colleagues to join me in supporting the establishment of this special day both saluting Bill "Bojangles" Robinson, and celebrating this very special art form. I hope that we will see increased interest, study, and performance of this lively and original American art form.

I ask unanimous consent that the text of this resolution be printed in the RECORD immediately following my statement. Thank you, Mr. President.●

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S.J. RES. 53

Whereas the multifaceted art form of tap dancing is a manifestation of the cultural heritage of our Nation, reflecting the fusion of African and European cultures into an exemplification of the American spirit, that should be, through documentation, and archival and performance support, transmitted to succeeding generations;

Whereas tap dancing has had a historic and continuing influence on other genres of American art, including music, vaudeville, Broadway musical theater, and film, as well as other dance forms;

Whereas tap dancing is perceived by the world as a uniquely American art form;

Whereas tap dancing is a joyful and powerful aesthetic force providing a source of enjoyment and an outlet for creativity and self-expression for Americans on both the professional and amateur level;

Whereas it is in the best interest of the people of our Nation to preserve, promote, and celebrate this uniquely American art form;

Whereas Bill "Bojangles" Robinson made an outsanding contribution to the art of tap dancing on both stage and film through the unification of diverse stylistic and racial elements; and

Whereas May 25, the anniversary of the birth of of Bill "Bonjangles" Robinson, is an appropriate day on which to refocus the attention of the Nation on American tap dancing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 25, 1989, is designated "National Tap Dance Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

● Mr. ROBB. Mr. President, I rise today to cosponsor, along with Senator D'AMATO, a resolution establishing May 25, 1989, as "National Tap Dance Day."

Mr. President, May 25, is the birthday of a great Virginian, and a great tap dancer, Bill "Bojangles" Robinson, who was born in Richmond in 1878. He grew up in the market area of that city, and at an early age ran away to Washington, DC, where he was exposed to traveling minstrel shows. Captivated by the entertainers, Robinson used the basics of the minstrel tradition to develop his own unique style of tap dancing.

His abilities carried him to the top of the entertainment world, and by the mid-1920's he was hailed as "the king of tap dancers."

Bill "Bojangles" Robinson was a philanthropist as well as a great entertainer. He donated the first traffic light in the black area of his hometown, and in 1973, the city of Richmond dedicated a statue of him at that very corner.

Mr. President, Bill "Bonjangles" Robinson made an outstanding contribution to the art of tap dancing and to the life of his city, State, and Nation. It is therefore appropriate to celebrate the art of tap dancing on his birthday, and I urge my colleagues to join Senator D'AMATO and me in supporting this resolution.●

Mr. DECONCINI (for himself and Mr. DODD):

S.J. Res. 54. Joint resolution to designate the months of April 1989, and 1990, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION MONTH

● Mr. DECONCINI. Mr. President, I am introducing today, together with my colleague from the great State of Connecticut, Senator DODD, a joint resolution to declare the months of April 1989 and 1990 as "National Child Abuse Prevention Month." I am hopeful that a great number of my distinguished colleagues will join us in this important effort.

Mr. President, despite the fact that agencies and organizations serving our children have made notable contributions over the past few years in improving the lives of our youth—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—child abuse is still on the increase.

Recent data makes it abundantly clear that our Nation's poor children are the high-risk victims for abuse, neglect, and other poverty related problems. The families of these children are caught in a web of strife, stress, and strain in their attempt to merely survive from day to day. Their struggle is compounded by lack of resources, both spiritual and physical, to reduce the burden imposed by their state of poverty.

Mr. President, America's child abuse problem does not stop there. It appears in every State in the Union and cuts across all socioeconomic groups. From the impoverished ghettos of our urban centers to the stately manors across the Nation, millions of America's children are not getting a fair chance to grow into productive adults. Many children in the United States are growing up in wholesome, nurturing environments. However, millions more are not blessed with that good fortune. Every child in the world needs and deserves food, shelter, and love in order to survive and prosper.

The evidence of child abuse and neglect is both alarming and overwhelming. The best available statistics estimate that three of every four cases of child abuse go unreported and the number of reported incidences continues to rise. The data collected by the Child Help U.S.A. organization and others show that over 1.5 million cases of child abuse are reported, so as many as 6 million of our Nation's children are being tragically abused. Today, I regret to report that the incidence rate is not declining. Abuse cases have significantly risen since 1980. Physical abuse has increased by 58 percent and sexual abuse has tripled since 1980. All experts agree that the numbers will escalate further since victims will likely victimize their own children and others.

Mr. President, despite the best efforts of the social service providers, like Child Help U.S.A., Parents Anonymous, and other members of the National Child Abuse Coalition, the entire Nation is threatened by the continued growth in child abuse and neglect. The only national crisis counseling hotline staffed totally by medical and clinical professionals received over 173,719 calls in 1988 compared with only 8,600 calls when it was established in 1982. The Child Help U.S.A. phone system was at capacity in 1986. Since then, it has had to expand to accommodate an increasing number of calls.

As I have stated previously, Members of Congress have an opportunity to assist the many individuals, organizations, and agencies that are striving to rid our Nation of the epidemic of child abuse and to assist the victims as well. We can help focus public attention on the goals and objectives of these agencies and improve the general welfare of our children.

The declaration of April 1989 and April 1990 as "National Child Abuse Prevention Month," is a significant way in which we in Congress can emphasize the importance of increasing public awareness and education for the benefit of our troubled families and suffering children. There is help available in communities throughout the Nation, but we need to get the message out to the abused as well as the abusers. Therefore, I urge my colleagues to join Senator DODD and myself in this effort to have April 1989 and April 1990 designated as "National Child Abuse Prevention Month."

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 54

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated six million children become victims of child abuse in this Nation each year;

Whereas an estimated four to five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of April 1989 and 1990, are designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling on all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

Mr. SIMON (for himself, Mr. COCHRAN, Mr. JEFFORDS, Mr. METZENBAUM, Mr. GRASSLEY, Mr. BRADLEY, Mr. MATSUNAGA, Mr. PELL, Mr. THURMOND, Mr. DOMENICI, Mr. ROCKEFELLER, Mr. PRYOR, Mr. BENTSEN, Mr. DODD, Mr. LIEBERMAN, Mr. ROBB, Mr. HEINZ, Mr. WILSON, Mr. LUGAR, Mr. STEVENS, Mr. WARNER, Mr. INOUYE, Mr. DURENBERGER, Mr. PRESSLER, Mr. KENNEDY, and Mr. HATCH):

S.J. Res. 55. Joint Resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week"; to the Committee on Energy and Natural Resources.

MENTAL ILLNESS AWARENESS WEEK

● Mr. SIMON. Mr. President, I rise today, along with 24 of my colleagues, to introduce a joint resolution designating the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

Since 1984, this designation has been used as an educational tool. The myths and misconceptions, the fears and the stigma surrounding mental illness are staggering.

According to the American Psychiatric Association, 15 to 25 percent of the elderly suffer from significant symptoms of mental illness and approximately 12 million children under the age of 18 suffer from mental disorders such as depression, hyperactivity and autism. In a recent National Institute of Mental Health research article published in the November 1988, General Psychiatry, 15.4 percent of the population over the age of 18 years fulfilled criteria for at least one alcohol, drug abuse or other mental disorder during the month preceding the interview.

About 15 percent of all Americans will suffer a major depressive episode. About 40 percent of the homeless on our streets are victims of schizophrenia.

There is an important interplay between mental and physical illnesses. It is clear, for example, that many elderly persons with psychiatric illnesses have other medical illnesses, and treatment of both needs to be coordinated and monitored closely. Physical illnesses may induce, mask or modify psychiatric symptoms and vice versa. Mental illness can be as serious a disease as many physical illnesses, and research into the workings of the brain are imperative.

The impacts to society are massive.

The direct treatment costs and indirect costs from lost productivity associated with mental illness are in the billions of dollars. Our total Federal expenditure on mental illness research, on the other hand, is less than $339,000,000.

On a per patient basis, total dollars spent for research on schizophrenia and depression combined equal only 15 percent of moneys allocated to multiple sclerosis and 2 percent of the amount spent on muscular dystrophy. That is not to say that we should be doing less in those areas. We can and must do better in all areas of research.

Appropriate treatment of mental illness has been demonstrated to be cost effective. And while great strides have been made in our scientific knowledge and our ability to treat the disease, we must recommit ourselves to addressing the basic, human needs of those among us who are suffering.

We have a tendency, as a society, to blame the conditions of mental illness on that person, as if the illness were a matter of free choice. We have a tendency to harbor unconscious negative feelings toward those who are victims of mental illness. Discrimination against the mentally ill crosses all segments of society.

Through proper research, we can find the causes and appropriate treatment for mental illness. We can help those families and their loved ones who suffer. But to do so, we must go beyond the stigma of mental illness and understand that it is real, it afflicts millions of Americans, and it is a painful disease.

The main purpose of this resolution is to make people aware of the seriousness of mental illness and the importance of educating them about the realities. I agree with a headline from last year's awareness campaign: Mental illness is curable. But public apathy must be cured first.

I ask my colleagues to join in this effort by cosponsoring this resolution. Thank you, Mr. President.●

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 55

Whereas mental illness is a problem of grave concern and consequence in American society, widely but unnecessarily feared and misunderstood;

Whereas thirty-one to forty-one million Americans annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living;

Whereas more than ten million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas between 30 and 50 percent of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 19 percent of American adults in any six-month period;

Whereas mental illness in at least twelve million children interferes with vital developmental and maturational processes;

Whereas mental disorder-related deaths are estimated to be thirty-three thousand, with suicide accounting for at least twenty-nine thousand, although the real number is thought to be at least three times higher;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas estimates indicate that one in ten AIDS patients will develop dementia or other psychiatric problems as the first sign of the disease and as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;

Whereas mental disorders result in staggering costs to society, estimated to be in excess of $249,000,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas mental illness is increasingly a treatable disability with excellent propects for amelioration and recovery when properly recognized;

Whereas families of mentally ill persons and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness (including schizophrenia, major affective disorders, phobias, and phobic disorders);

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period beginning October 1, 1989, and ending October 7, 1989, is designated as "Mental Illness Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. HUMPHREY, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from California (Mr. WILSON) were added as cosponsors of S. 33, a bill to provide that each item of any appropriation measure that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation of the President.

S. 54

At the request of Mr. METZENBAUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 54, a bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver of rights under such Act without supervision, and for other purposes.

S. 65

At the request of Mr. SYMMS, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 65, a bill to amend title 23, United States Code, to eliminate a reduction of the apportionment of Federal-aid highway funds to certain States, and for other purposes.

S. 82

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82nd Airborne Division Association, Incorporated.

S. 110

At the request of Mr. KENNEDY, the names of the Senator from Iowa (Mr. HARKIN) the Senator from Pennsylvania (Mr. SPECTER), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 110, a

bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 134

At the request of Mr. GLENN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 134, a bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes.

S. 135

At the request of Mr. GLENN, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 137

At the request of Mr. BOREN, the names of the Senator from Washington (Mr. ADAMS), the Senator from Arkansas (Mr. PRYOR), and the Senator from North Carolina (Mr. SANFORD) were added as cosponsors of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 163

At the request of Mr. THURMOND, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 163, a bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax.

S. 197

At the request of Mr. SASSER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 197, a bill to authorize the insurance of certain mortgages for first-time homebuyers, and for other purposes.

S. 232

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 232, a bill to establish the American Conservation Corps, and for other purposes.

S. 244

At the request of Mr. GLENN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. HARKIN], the Senator from North Dakota [Mr. BURDICK], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 244, A bill to require the Administrator of the General Services Administration to encourage the development and use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies, and for other purposes.

S. 253

At the request of Mr. BINGAMAN, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Florida [Mr. GRAHAM] were added as a cosponsors of S. 253, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program,. and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of food consumed in the United States, with the provision for the conduct of scientific research and development in support of such program and plan.

S. 256

At the request of Mr. HARKIN, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 256, a bill to direct a study by the Secretary of Agriculture of the classification of anhydrous ammonia as a poisonous gas for purposes of the Hazardous Materials Transportation Act, and for other purposes.

S. 257

At the request of Mr. RIEGLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 257, a bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes.

S. 318

At the request of Mr. JOHNSTON, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 318, a bill to facilitate the national distribution and utilization of coal.

S. 330

At the request of Mr. MCCONNELL, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 330, a bill to amend the Federal Election Campaign Act of 1971 to prohibit direct contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, and correct inequities resulting from personal financing of campaigns.

S. 339

At the request of Mr. BRADLEY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 339, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the medicaid program.

S. 341

At the request of Mr. HOLLINGS, the names of the Senator from Colorado [Mr. WIRTH], the Senator from North Dakota [Mr. BURDICK], the Senator from Vermont [Mr. LEAHY], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 341, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. PRESSLER, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 6, a joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government, and for other purposes.

SENATE JOINT RESOLUTION 10

At the request of Mr. THURMOND, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 10, a joint resolution to designate the month of May 1989 as "National Foster Care Month."

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 18

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to erect a monument to Gen. Draza Mihailovich in Washington, DC, or its environs, in recognition of the role he played in saving the lives of more than 500 United States airmen in Yugoslavia during World War II.

SENATE JOINT RESOLUTION 20

At the request of Mr. PRESSLER, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Joint Resolution 20, a joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers

and employees of the Federal Government, and for other purposes.

SENATE JOINT RESOLUTION 25

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. BIDEN], the Senator from Ohio [Mr. GLENN], the Senator from Vermont [Mr. LEAHY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Nebraska [Mr. EXON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from North Dakota [Mr. CONRAD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. WIRTH], the Senator from Oklahoma [Mr. BOREN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. DIXON], the Senator from California [Mr. CRANSTON], the Senator from Texas [Mr. GRAMM], the Senator from Delaware [Mr. ROTH], the Senator from Indiana [Mr. LUGAR], the Senator from Missouri [Mr. BOND], the Senator from Virginia [Mr. WARNER], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from Maryland [Ms. MIKULSKI], the Senator from Pennsylvania [Mr. HEINZ], the Senator from California [Mr. WILSON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. MCCLURE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. BRYAN], the Senator from Illinois [Mr. SIMON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arizona [Mr. DECONCINI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. FOWLER], the Senator from Maryland [Mr. SARBANES], the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. ROBB], the Senator from Hawaii [Mr. INOUYE], the Senator from Florida [Mr. MACK], the Senator from Kansas [Mr. DOLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 25, a joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 32

At the request of Mr. PACKWOOD, the names of the Senator from Nebraska [Mr. EXON], the Senator from Maine [Mr. MITCHELL], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 32, a joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 34

At the request of Mr. BENTSEN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution designating the week of April 14, 1989, through April 22, 1989, as "National Minority Cancer Awareness Week."

SENATE JOINT RESOLUTION 40

At the request of Mr. BRADLEY, the names of the Senator from Utah [Mr. HATCH], the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Maine [Mr. MITCHELL], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to authorize the President to proclaim the last Friday of April 1989 as "National Arbor Day."

SENATE JOINT RESOLUTION 42

At the request of Mr. PACKWOOD, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate March 16, 1989, as "Freedom of Information Day."

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SIMON, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. THURMOND], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Concurrent Resolution 10, a concurrent resolution to express the sense of the Congress with respect to continuing reductions in the Medicare program.

At the request of Mr. SIMON, the name of the Senator from California [Mr. WILSON] was withdrawn as a cosponsor of Senate Concurrent Resolution 10, supra.

SENATE RESOLUTION 16

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Resolution 16, a resolution to express the sense of the Senate regarding future funding of the municipal sewage treatment program under the Clean Water Act.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 40

At the request of Mr. DOLE, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Resolution 40, a resolution to prohibit the receipt of honoraria by Members, officers, or employees of the Senate on or after the first day that there takes effect any increase in the salaries of Members, officers, or employees of the Senate as recommended by the Commission on Executive, Legislative, and Judicial salaries and included in the budget transmitted by the President to the Congress.

At the request of Mr. MITCHELL, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Washington [Mr. GORTON], the Senator from Oklahoma [Mr. NICKLES], the Senator from Montana [Mr. BURNS], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Resolution 40, supra.

At the request of Mr. KASTEN, his name was added as a cosponsor of Senate Resolution 40, supra.

SENATE RESOLUTION 50, AN ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $1,876,650, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified

by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $1,914,132, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 51, AN ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON, from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $1,123,937.

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $1,148,131.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 52, AN ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KENNEDY, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $4,981,973 of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $5,085,260, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 53—AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF A SENATE REPORT

Mr. PRYOR (for himself and Mr. HEINZ) submitted the following resolutoin; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volumes 1 and 2 of its annual report to the Senate, entitled "Developments in Aging: 1988," which may be printed at a cost not to exceed $1,200.

NOTICES OF HEARING

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that two hearings have been scheduled before the Subcommittee on Energy Research and Development in the Committee on Energy and Natural Resoruces.

The purpose of the hearings is to receive testimony on the Department of Energy's nuclear reactor research and development programs and on commercial efforts to develop advanced nuclear reactor technologies.

The hearings will take place on March 7, 1989, at 9:30 a.m. and March 9, 1989, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development in the Committee on Energy and Natural Resources.

The hearing will take place on Friday, February 24, 1989, at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the Department of Energy's fiscal year 1990 budget request for Basic Energy Research Programs and the superconducting super collider.

Those wishing to submit written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Ben Cooper at (202) 224-7569.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold an oversight hearing in Sioux City, IA, on credit for agriculture and rural communities including implementation of the Agricultural Credit Act of 1987. The hearing will take place on February 13, 1989, at 2 p.m. in the Sioux City Convention Center.

Senator TOM HARKIN will preside. For further information please contact Mark Halverson of the subcommittee staff at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, February 7, 1989, at 10 a.m. to continue oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, February 7, 1989, at 10 a.m. to conduct a hearing on "AIDS Education, Care and Drug Development Oversight, I."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask that the Select Committee on Indian Affairs be authorized to meet on February 7, 1989, beginning at 9:45 a.m., in 1324 Longworth House Office Building, on the fiscal year 1990 budget for Indian programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Investigations of the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on February 7, 1989, at 10 a.m. to hold hearings pursuant to Senate Resolution 381, Section 21, agreed February 26, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 7, 1989, 2:30 p.m. to conduct a closed hearing to consider the Department of Energy's facilities for defense materials production.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ALAN AND DIANNE KAY, 1989 VOLUNTEER FUND RAISING AWARD RECIPIENTS

● Mr. ROBB. Mr. President, I rise today to ask my colleagues to join with me in recognizing and honoring Alan and Dianne Kay, residents of McLean, VA, who are the recipients of the 1989 Volunteer Fundraising Award given by the National Society of Fundraising Executives—Washington Chapter. The society is a professional organization of more than 9,000 individuals who serve as fund raising executives for, or consultants to, institutions engaged in fundraising management.

I would like to share with my colleagues the noteworthy efforts that these two individuals have made toward raising money for cancer research.

Alan and Dianne Kay have distinguished themselves as Virginians whose fundraising efforts have made a difference. Most notably, for the past 7 years they have cochaired the American Cancer Society Annual Ball in Washington. Having raised over $6 million, Alan and Dianne have made it the largest single fundraising event for cancer in the world. The moneys raised have been used to support cancer research, education, and patient service programs.

The Kays also founded the Stanley G. Kay Memorial Award in the name of Alan's brother who died of cancer. This award pays special recognition to those individuals dedicated to aiding cancer research. Recipients of this award have included Dr. Vincent T. Devita, Jr., former Director of the National Cancer Institute at National Institute of Health; Dr. Armand Hammer, Ann Landers, Congressman Paul Rogers, and health care champion, Congressman HENRY A. WAXMAN from California.

Alan has been involved in other efforts to raise money for cancer research. This year Alan was chosen to serve on the American Cancer Society's national board of directors. He has also been chairman of the steering committee for the Holy Cross Hospital Hospice Center and is currently spearheading fundraising efforts for Georgetown University Medical Center-Lombardi Cancer Center.

Mr. President, I want to congratulate Alan and Dianne and I am certain that my colleagues will join me in recognizing their outstanding work and fundraising efforts for many worthwhile causes.●

THE ROYAL FLUSH

● Mr. GRASSLEY. Mr. President, Joan McShane has given a new meaning to the term "royal flush." Joan, a fourth, fifth, and sixth grade teacher in Davenport, IA, is not a gambler, but she knows what is at stake is worth a fortune. What is at stake are the minds of the young people in her care. Her tools for molding those minds—an everyday bathroom commode and a royal flush.

Interest and involvement in education and learning today is being challenged by modern televisions, VCR's, and high-technology video games. By utilizing a permanent fixture people use every day, Joan was able to motivate her students by providing a research project that caught their attention and touched their curiosity. Last fall I was lucky enough to be able to visit Joan's classroom and witness this fascinating project. It impressed me so much that I felt my colleagues should know about the ingenuity and accomplishments of Joan McShane.

Mr. President, at the conclusion of my remarks, I would like to insert into the RECORD Joan McShane's article entitled, "The Royal Flush," printed in the September 1987 edition of Science and Children magazine. The article Joan wrote gives the details of her project and discusses the changes witnessed in her students. This project, thought initially to be silly and in some instances embarrassing, changed from the students' standpoint to be exciting and challenging.

This article shows us that Joan McShane is the kind of teacher we need in our schools today. We need more educators who will enhance students' creativity and enrich the minds of our future proteges.

Mr. President, to honor Joan McShane's work, I ask that a copy of the article entitled "The Royal Flush" be inserted in the RECORD immediately following my remarks.

The article follows:

THE ROYAL FLUSH

(By Joan Braunagel McShane)

A full-sized toilet on a portable wooden stand faced my sixth-grade classroom for more than six weeks last year. Not since "All in the Family" audiences were treated to the sound on airways nationwide of Archie Bunker's commode flushing has an ordinary toilet been the subject of such unusual curiosity and comment. In this room, my at first skeptical but eventually enthusiastic students finished a research project, "The Royal Flush," on the subject of toilet tissue, an unprepossessing substance that they have made relevant and meaningful. Science/technology/society's goals in the john? Read on.

THE UBIQUITOUS THRONE

What project calling for motivation and original research, I asked myself, could be of universal interest to a multicultural, mixed level sixth-grade class? What had everyone in the class experienced but not yet necessarily understood? What problem with serious science implications could be approached through materials readily available in this midwest urban community? What did we all use?

Toilets and paper.

The six-week toilet-tissue test, the "royal flush," then began—softly—to take shape.

Our goals were to discover which toilet tissue would be best from two standpoints, ecological and practical. Specifically, the class wanted to find which tissue would break up fastest after it was flushed and thereby would be least likely to clog the household toilet's pipes (and, by implication, the nation's waterways). I wanted the students to learn how to gather data, compile them, and from that information make inferences that would lead to valid conclusions. Then, I wanted them to experience how to use this knowledge in good decision making—in this particular instance, which toilet tissue to purchase.

RUBE GOLDBERG, EAT YOUR HEART OUT

Now that we knew what we were going to do, the project moved quickly. After several attempts, a former student's father and I developed a closed cycle toilet, a royal gold and white commode installed, class center, on a portable 80-cm wooden stand. (See box, page 31, for construction details.) Its tank held 13 L of water, which flushed with better than average force through a drawer with a bottom of fine screen. The screen caught all the paper, while the water emptied into a large (56-L) school wastebasket.

ROLLING ALONG

After we put the toilet in place, the class began gathering toilet tissue. The students wrote letters and made personal visits to supermarket managers, staff, parents, and neighbors. Before the project was complete, 50 people in the community made contributions, and the classroom began to look like a toilet tissue factory. From the 149 rolls of tissue that the students collected, they tested 43 different tissues of differing brands and colors.

Students identified each incoming roll carefully; then, two students' particular responsibility was to stack the increasing number of rolls in alphabetical order according to brand names.

TOILET TESTS

While testing, the students arranged themselves throughout the room, singly or in pairs, at 13 work stations; however, each student maintained individual data for his or her task. This procedure allowed the children both to become particularly expert at given tasks and still come up with individual results.

During the weeks of testing, attendance was extraordinarily good because no one wanted anybody else "messing around in the data," as one student eloquently put it. As each group completed its task, it passed the experimental tissue on to the next group. (See Figure 1.)

Students at Station One unrolled 272 cm of tissue from each roll, the amount the children agreed was an average amount per sitting. (The students used numerous 272-cm strips for their own needs over a two-day period.) After Station One cut more 272-cm lengths for experimental purposes, Group Two divided the strips into quarters. The four pieces did not always break neatly at the perforations; as the students learned, tissue rectangles vary in area.

Group Three marked the tissue's brand on an index card and placed the card and tissue in a plastice bag, while Group Four measured each brand's and color's dry size (amount of space occupied) by stacking the folded tissue in a 1,000-ml beaker, packing it firmly, and recording the volume obtained. The tissue's next stop was a single student, our "ply person," who checked the number of layers of paper in each given sheet of tissue.

A student who worked as a cost and color recorder ran Station Six; he passed the tissue to another class member who tested for odor, softness, flaking, and powdering. This tester mentioned that several nights she awakened with the odor of the tissue still in her nostrils.

Finally, two students performed the last dry measurement, carefully weighing the tissue in a 500-ml beaker. After recording the results, they handed the tissue to the flusher.

FIGURE 1

Tissue	Color	Date	Cost	Ply	Physical observations	Dry weight	Wet weight	Difference in weight	Dry size	Wet size	Difference in size	General observations

WET WISDOM

Our research showed that, when it comes to toilet tissue, people are either crumplers or folders. The class elected to have its flusher crumple the tissue into the toilet bowl. After the flush had emptied all the water from the bowl, the flusher turned on the pump and set a timer for three minutes.

This time period allowed the tank to fill. It also gave each tissue the same amount of time to drip before the next group removed the residue from the fine screen filter in the drawer below the tank.

Those students charged with post-flushing operations took the drawer from the wooden stand and examined the flushed paper. They recorded how much the tissue had broken up, how the color appeared, and any unusual characteristics. The next group of students carefully removed the tissue from the drawer and replaced it in the 500-ml beaker to record its weight. Station Thirteen measured the tissue for its wet size in the same 1,000-ml beaker first used to measure it dry. The pump switch was turned off, and the toilet was ready to receive the next 272 cm of tissue—already processed through the preflush stations.

NEW AND UNIMPROVED

The students tested several of the tissues two or more times to check and recheck their results; their accuracy and reliability in testing, data gathering, and recording was gratifying. As the trials progressed over the six weeks, I observed the class begin to predict possible results from testing particular tissue. Although the students predictions became increasingly sophisticated, they were sometimes wrong. And one tissue defied almost all expectations.

The baby lotion it contained clogged the toilet and the pump and left an oily residue. The toilet maintenance crew complained in disgust that it took two days to clean up the mess.

CRAPPER AND BEYOND

While several groups continued testing the tissue, another studied the history of the toilet. They were surprised and delighted to learn of Sir Thomas Crapper's contribution to the modern toilet. (Sir Thomas invented the valve-less water preventer, which led to modern flush toilets, in England in 1882).

Several students wrote for and received information from manufacturers about the production of toilet tissue. One student called the toll-free number listed on a toilet tissue package and whispered to me that she had used the "toilet paper hotline." A survey team questioned the community about toilet paper preferences. At first, several of the children were reluctant to ask people about *toilet* tissue, but before the survey team completed its work, the same students had come to enjoy the questioning and had improved their interviewing techniques. The class was dismayed to learn that 42 percent of the people questioned indicated that texture largely determined why they purchased particular brands.

Very few buyers considered practical or ecological issues.

A TISSUE OF TRUTHS

After compiling all the data, the class spent days discussing the findings. When the students discovered that there are many

differences in how toilet tissue breaks up, they learned why some paper contributes to water pollution and waste more than others. Some tissues broke up well and retained little water; others flushed through in whole pieces and retained water like sponges. The students also discovered that cost didn't necessarily ensure quality (price tags varied from 17 cents to 49 cents a roll). And color slowed the paper's dissolution.

In spite of consumers' focus on texture, students learned that, functionally, soft tissue does not always indicate good tissue. Students were sometimes annoyed, sometimes bemused, sometimes merely interested to discover that their individual impressions of a given brand of tissue did not always correlate with final statistics. They eventally came to see that research is made up of many components, and, until all the facts are in, no conclusion can be more than tentative.

A PLETHORA OF PAPERS

We tested advertised brands as well as grocery-store generics. Students expressed surprise when some of the generics tested as well as or better than some of the popular name brands. Although they mostly studied household tissue, they also considered that used at one of the city's hospitals and an industrial brand favored by a local dentist.

Of course, they tested the school's brand, which took two flushes to leave the toilet bowl. Needless to say, the children were delighted to advise the school custodian about the results of that particular experiment.

As testing progressed, the students' attitudes about the project changed. What had begun for some as a rather silly (and for others, embarrassing) assignment had become a serious research project. Proud of their work and pleased with the attention and respect paid from the community, my sixth grade became a field-testing facility for toilet tissue.

Often, when a new tissue came on the market, someone brought it into the class for a test. "Here we go again." they moaned, but their actions indicated pride, not dismay. In the middle of the big testing project, it was not unusual for students to come in more than an hour before school started and stay an hour after it ended.

They couldn't understand why I couldn't be at school at 7:00 A.M. to meet my classes starting at 8:25. The students needed to get "an early start."

TISSUE TRIVIA

We gained many surprising fringe benefits of knowledge from the paper project. For instance,

The right way to hang the roll of tissue—in order to take advantage of its design—is to allow the paper to fall from the top.

The odor of the tissue comes from the cardboard core.

Some rolls have more paper than others.

Toilet tissue is made from both hard and soft woods.

The number of perforations per square varies with the brand (these data were obtained by actual count). Two-ply tissue is more resistant to dissolution than one-ply (these data were gathered by the ply person).

Some packaging makes tissue more accessible than others (data from the tissue catalogers).

AND THE WINNER IS . . .

At the conclusion of their flushing, measuring, surveying, recording, compiling, and discussing, student researchers wrote a seven-page report. But everyone's burning question—Which tissue flushes best?—remains unanswered. The nature of the solution lay in the needs of the audience—believe it or not, we do not all ask the same thing of toilet tissue!

For ecological and practical purposes, the class's observations and statistics showed one tissue to be superior; however, if soft texture were the primary virtue, another was the winner. So the students included a memo suggesting that people must decide what characteristics of toilet tissue were important to them before using the research information to choose a particular brand.

"The Royal Flush" generated a great deal of community interest. An engineer from the area who had in the past worked for one of the nation's largest and oldest paper companies spoke to the class. A local newspaper covered the study and published an article about it. Neighbors, parents, and educators came to see the students at work; school superintendents stopped by to flush. Colleagues from neighboring schools brought their students on field trips to see and use the classroom throne.

And several of the primary teachers in my building also expressed interest in the toilet, not only for scientific use, but also for social purposes—to teach toilet etiquette.

As for my students, I knew that they had learned much more than merely which tissue flushes best. One child summarized for us all, "I feel great about this project. We learned a lot, and it was fun."

TO FLUSH AGAIN

One day after the project had been, in a manner of speaking, completed, the class was discussing conservation of energy. One member of the group who had been doing research on toilets of the future mentioned that water conservation will probably some day force the use of a new kind of toilet. Another student shook his head in disbelief and asked, "Wow, Mrs. McShane, won't there have to be a different kind of toilet tissue from all those we have just tested?"

With some hesitation, I replied that I thought there would, realizing that compost, dirt, or chemical toilets undoubtedly will demand a tissue different from what we use today.

I glanced at the golden throne and realized that . . . (to paraphrase T.S. Eliot) in our end was a new beginning.

A COMMENDABLE COMMODE

Building a classroom toilet requires some rooting around for materials and a bit of mechanical know-how, but nothing insurmountable. Our model allows easy maintenance, easy transport, and duplicates the water flow and pressure of the average household toilet. A brief overview of our construction method follows.

For the frame, we used two-by-three boards for the four legs, with a piece of half-inch plywood for the top and another for the bottom. The finished frame stands 80 cm from the floor, is 68 cm wide and 75 cm long, and moves on four ball-bearing wheels attached to the four corners of the frame.

A drawer, measuring 34 cm wide, 50 cm long, and 10 cm deep, fits beneath the top of the frame. The bottom of the drawer has been replaced by fine mesh (1/32) window screen stapled to the drawer frame. Wooden slides built under the plywood top allow the drawer to be easily removed. Removal is very important, because it is in the drawer that tissue is caught, allowed to drain, and then removed for measurement. (A test tube brush can be used to remove very small pieces of flushed tissue caught in the screen. Water should be run through the screen frequently to keep it completely free of paper particles.)

A full-sized household toilet sits over a circular hole slightly smaller in circumference than the toilet base cut out of the top piece of plywood in the frame. A toilet flange sealed with a beeswax ring holds the toilet in place.

A large container must be placed under the toilet. Our 56-L school wastebasket was securely anchored to the plywood base with four wooden blocks nailed in place. These blocks keep the container from tipping when the entire apparatus is moved.

A pipe with a control valve is connected to the base of the toilet tank. One end of a long, rubber hose is attached to the bottom of the pipe; the other end of the hose is connected to the ¼-horsepower sump pump that sits at the bottom of the wastebasket. On a tee below the valve is a faucet where a hose can be attached for emptying the water storage container. The valve enables the tank to fill after each flush; the faucet makes emptying the water storage basket very simple. Fresh water can be put in the container with a hose connected to a fresh water supply.

Remember, all electrical connections must be grounded. The switch that operates the sump pump sits next to the toilet base; the outlet is beneath the plywood top of the platform.

This system worked well for us, but don't hesitate to introduce your own ideas to come up with an even more commendable commode for your classroom.

RESOURCES

Cohen, Daniel. (1982). "The last hundred years." New York: M. Evans.

Proctor and Gamble. Papermaking school packet. P.O. Box 599, Cincinnati, OH 45201; tel. 800-543-4080.

Wright, Lawrence. (1960). "Clean and decent." New York: Viking.

Zim, Herbert, and Kelly, James R. (1974). "Pipes and plumbing systems." New York: William Morrow.

(Joan Braunagel McShane, a fourth, fifth, and sixth grade teacher at Jefferson School in Davenport, Iowa, conceived of this project at a meeting cosponsored by the University of Iowa's Department of Science Education and the Iowa Utility Association. It follows the precepts of Science/Technology/Society instruction as defined by University of Iowa science educators. Toilet constructed by volunteer William Kott. Black and white photographs by Kim Koster of Iowa-Illinois Gas and Electric Company; color photographs by the author.)●

POOR MATH, SCIENCE SKILLS THREATEN U.S. PROSPERITY

● Mr. GLENN. Mr. President, I rise today to discuss an article which appeared in the Washington Post on February 1, 1989, regarding the science and math achievement of America's young people. This article disclosed some very disturbing news: This country does a poor job in teaching our young people mathematics and science. I ask that the entire article be printed in the RECORD at the end of my remarks.

An Education Department and National Science Foundation study of

math performance in six countries put American 13-year-olds at the bottom, below students from South Korea, Canada, Spain, United Kingdom, and Ireland. In fact, South Korean students performed at a level four times that of United States students. Similarly in science, United States students scored worse or no better than students in the three European countries and four Canadian Provinces as well as Korea.

Our scientific and technological leadership continues to be challenged by competitors throughout the world. The foundation of our international preeminence and our educational excellence is being eroded by a rising tide of mediocrity.

Last week I introduced S. 134, a bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering Act which would provide an annual $5,000 scholarship to one female and one male high school senior in each congressional district to study science, mathematics or engineering at the college of their choice. While this action will not solve the serious problem facing us, it will serve as an incentive for students demonstrating the aptitude, desire, and commitment needed to succeed in these vital technological fields. It will redirect our focus on those areas of study which are essential to achieving economic stability and scientific advancement.

As our need for scientific and engineering personnel increases, we are facing a decline in our pool of qualified personnel. In business and in government, science is becomng the key to success. My bill addresses this problem. The challenge of international competition and technological change place a premium on the kind of long-term investment this legislation will provide. I urge my colleagues to cosponsor this important legislation.

The article follows:

[From the Washington Post, Feb. 1, 1989]

SURVEY OF MATH, SCIENCE SKILLS PUTS U.S. STUDENTS AT BOTTOM

(By Barbara Vobejda)

An international comparison of mathematics and science skills released yesterday shows American 13-year-olds scoring at the bottom, with South Korean students performing at high levels in math at four times the rate of U.S. students.

In both math and science, U.S. students also scored worse or no better than students in the three European countries and four Canadian provinces who also participated in the survey.

In math, 40 percent of South Korean students showed an understanding of measurement and geometry concepts, for example, compared to 9 percent of Americans, and 78 percent of South Korean students could solve two-step problems such as finding an average, compared to 40 percent of Americans.

In science, more than 73 percent of the students in South Korea could use scientific procedures and analyze science data—design experiments and draw conclusions, for example—compared to 42 percent of American students.

"Few comparisons are more odious than the ones embodied in this little book," said Bassam Z. Shakhashiri, assistant director for science and engineering education at the National Science Foundation. "The lack of preparation for further education and future employment that these American teen-agers demonstrated is nothing short of frightening."

The report, funded by the National Science Foundation and the Department of Education, compared math and science performance in the United States, South Korea, the United Kingdom, Ireland, Spain, and the Canadian provinces of British Columbia, New Brunswick, Ontario and Quebec. In New Brunswick, Ontario and Quebec, French- and English-speaking populations were assessed separately.

All students were given the same 63 math questions and 60 science questions, translated for non-English-speaking populations. About 1,000 American students participated in the survey, which was based on representative samples in each country.

The study was the latest evidence of low science and math achievement among American youngsters, particularly in contrast to their counterparts in many Asian countries. A 1986 study of fifth graders showed that even the highest-scoring Americans performed below Japanese of all levels. And a national study released last June found that nearly half of American 17-year-olds cannot perform math problems normally taught in junior high school.

Officials at the Educational Testing Service (ETS), which administered the study, tied the results to the nation's future economic position. "It's a pretty accurate prophesy of what the 23-year-olds of 1999 will be able to do," said Archie Lapointe, executive director of the Center for the Assessment of Educational Progress at ETS.

In math, the countries fell into three groups, with South Korean students achieving the highest average score, 568 on a scale of 1,000. The second tier included British Columbia, English- and French-speaking populations of Quebec and English-speaking students in New Brunswick. The third tier included English-speaking students in Ontario, the French-speaking population in New Brunswick, Spain, the United Kingdom and Ireland.

The lowest-ranking tier included French-speaking Ontario and the United States, where the average score was 473.9.

In science, participants fell into three groups, with British Columbia and Korea at the top, and the United States, Ireland and the French-speaking populations in Ontario and New Brunswick at the bottom. The other countries and provinces ranked in a middle tier.

Ironically, when asked if they are good at math, 68 percent of American students agreed, compared to 23 percent of South Korean students.

While the study did not analyze why students in some countries performed better than others, Albert Shanker, president of the American Federation of Teachers, argued at a news conference yesterday that very little science is taught in American elementary schools, and most elementary teachers have very little science background.

The study showed that the more time a student spent watching television, the poorer the performance in math and science. It did not assess whether frequent television watching caused poor performance.●

CONSUMER PRODUCT SAFETY COMMISSION

● Mr. GORTON. Mr. President, the Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of injury from consumer products. Yet, in recent years, the agency has been so constrained by budget cuts and by indifference from many in the previous administration as to have been unable to discharge its responsibilities. The result has been tragic. Thousands of injuries and needless deaths have occurred that could have been prevented.

I ask that an article on the Consumer Product Safety Commission which ran last week in the Washington Post be printed in the RECORD. I recommend it to my colleagues' attention.

The article follows:

[From the Washington Post, Feb. 2, 1989]

THE LITTLE AGENCY THAT CAN'T

(By Dale Russakoff)

For eight years, the Consumer Product Safety Commission was Washington's domestic Nicaragua. Nobody declared war on the agency assigned to protect Americans from unsafe products; they just threw everything they had at it.

First they strafed its staff. There were about 975 employees in 1981; today there are 519. Then they imposed economic sanctions. In 1981, it had a budget of $42 million; today it has $34.5 million, almost exactly the price of running the Defense Department for one hour.

Then came the puppet government—a commission stacked with political conservatives who had no background in product safety.

The even took the agency's downtown building away. Today the commissioners, who used to meet in the K Street business district, hold court on the lower floors of a drab, Bethesda apartment building, overlooking a Giant Food loading dock and a bowling alley. (Actually, they don't hold court at all these days because the five-member commission has so many vacancies that it now lacks a quorum of three.)

It is not just consumer lobbies who think things have gotten out of hand. The American Academy of Pediatrics, which sees its share of childhood injuries, says the CPSC "has been emasculated." Bob Adler, associate professor at the University of North Carolina business school, calls it "a regulatory speck."

And a conservative appointed by former president Ronald Reagan said: "This whole place has been traumatized, tortured and drop-kicked around since 1981."

Here is what happens when an agency attempts to protect everyone in America from dangerous products with only $34 million a year:

The health and science staff discovered indoor air pollution threats from humidifiers and wanted to notify the public. It was decided that acting commission chairman Anne Graham would make a videotape for television stations across the country. But there wasn't enough money to rent a studio.

So Ken Giles, a public affairs officer, volunteered his home as the backdrop, and Graham drove there (in her own car) on Monday for the taping. The film required some deft editing, however, because one of Giles' young sons, who was upstairs at the time, began crying just as Graham was saying, "Obviously it's a risk to everyone who's inside. . . ."

It is not uncommon to find one person doing the work of two. Shelley Deppa, a psychologist with nine years' experience examining the safety of children's products, said she recently budgeted how many months it would take to accomplish the work she is assigned this year. She would need 24 months.

In an office jammed with crib headboards, defective rattles and commendations from the commissioners, she explained that she was supposed to finish a study by 1984 on children's head-entrapment. But, in between, she was diverted to investigate deaths and injuries from lawn darts, bunk beds, choking hazards, portable electric heaters, crib toys and more.

Its field staff slashed, the Washington staff has become its own roving inspection force, bringing in defective products to be investigated wherever it finds them. Graham brought in a prescription drug that didn't have a child-proof cap. Deppa spotted some toys that violated the CPSC choking standard in a craft shop. (She was on her honeymoon at the time.)

In the public affairs office, which has the key task of mailing out bulletins and brochures warning of safety hazards, the printing budget was cut about 50 percent in the last year, office director David Shiflett said. To try to keep pace, the office has shifted envelope-stuffing contracts to the D.C. Association of Retarded Citizens, which charges a cut rate.

Graham, 39, has been acting chairman since the departure last month of Terrence Scanlon, who was known to the agency's supporters as the enemy within. She has been meeting with employees in all divisions, sending out memos hailing Americans' right to know that products are safe and "looking for things I can do to let people know I really believe in our mission."

Graham, a Republican activist and protege of Reagan intimate Lyn Nofziger, came to the commission in 1986 with no experience in consumer products. But she has won respect as a consumer voice and is being widely greeted as a "new breeze" in these uncertain times. Many employees at her embattled agency said they are hopeful that President Bush's nominee to replace Scanlon will provide Graham with an ally who believes in their work.

But they are understandably reluctant to get too optimistic, and, in any case, the White House appears preoccupied with bigger agencies.

"Whenever a new commissioner was named, we used to say, 'This one couldn't be worse than the last one,' " a longtime staffer said recently. "Since 1981, we've been afraid to say that."●

HELSINKI COMMISSION CHAIRMAN NOMINATES CZECHOSLOVAK HUMAN RIGHTS ACTIVIST FOR NOBEL PEACE PRIZE

● Mr. DECONCINI. Mr. President, last October, Czechoslovak citizens demonstrated in Prague on the 70th anniversary of the founding of an independent Czechoslovak State. Armed with nothing more than the courage of their convictions, these people faced off against massive armored personnel carriers, milita units equipped with tear gas and water cannons, and an impressive array of antiriot squads. Each side nervously eyed the other, until finally the demonstrators broke into a spontaneous chant: "The whole world is watching you, the whole world is watching."

Indeed, the whole world has been watching Czechoslovakia these past few months. Time and time again, we have witnessed Czechoslovak citizens demonstrate their increasing dissatisfaction with a system that has been far too unresponsive to the will of the people for far too long. Unfortunately, this increased activism has only been met with increased repression on the part of the authorities.

Just a few weeks ago, citizens gathered in Prague to commemorate the death of Jan Palach, a young Czechoslovak who, 20 years ago, committed suicide by self-immolation to protest the Soviet-led invasion of Czechoslovakia. Their peaceful memorial was marred by the brutal intervention of security forces. In the end, over 800 people had been arrested by the authorities, some of whom still remain in prison.

Shocked by the overreaction of the officials, Frantisek Cardinal Tomasek wrote to Prime Minister Adamek, citing the source of the disturbances as "the defective leadership of the state in the past decades." He added that, because "the security organs used crude force against the expressions of peace loving citizens, they acted not only against our existing laws, but against humanity in general."

One of those people who remains in prison is Vaclav Havel, a world-renowned playwright. Mr. Havel is no stranger to prison, though. He had previously been sentenced to a 4½ year prison term for his work with the independent citizens' initative, charter 77, and VONS, the Committee for the Defense of the Unjustly Persecuted.

In spite of relentless harassment by the authorities, including imprisonment, repeated detentions, house searches, and confiscation of property, Havel has remained active in the struggle for human rights. In 1988, he became associated with several new Czechoslovak human rights initiatives. In particular, he has signed "Democracy for All," the manifesto of the Movement for Civil Liberties, which was established in October 1988 in order to promote political pluralism and democracy through peaceful means. He has also become a member of the Czechoslovak Helsinki Committee, created in November 1988, with the specific goal of monitoring and reporting on compliance with the Helsinki accords.

Vaclav Havel is now in prison, but he is not alone in his cause. In a dramatic move in Prague this week, over 700 of his colleagues—playwrights, producers, artists, and actors—signed a petition calling for his release and the release of others imprisoned because of the recent events. These signatories, many of whom are prominent leaders in Czechoslovakia's officially sanctioned cultural life, have threatened to refuse to work if Havel is not released.

For these people, like many others in his country, Vaclav Havel has become a symbol of an enduring and selfless commitment to human rights. In recognition of his tremendous efforts for fundamental freedoms and democratic reform, I, along with the cochairman of the Helsinki Commission, Representative STENY HOYER, have nominated Vaclav Havel for the 1989 Nobel Peace Prize.●

THE REAL ANGUISH OF ABORTIONS

● Mr. HUMPHREY. Mr. President, the Washington Post on February 5 published an enlightening piece by columnist Colman McCarthy describing the emotional effects suffered by women who have had abortions.

I ask that Mr. McCarthy's article be printed in the CONGRESSIONAL RECORD.

The article follows:

THE REAL ANGUISH OF ABORTIONS

(By Colman McCarthy)

Since 1973, when the Supreme Court legalized abortion, 20 million have been performed. About 20,000 have been done by Dr. Julius Fogel, 75, a Washington obstetrician-gynecologist. I've known him for more than 20 years, owing to his friendship with my wife, who had served as an obstetrical nurse in Fogel's hospital.

I spoke to him the other day when C. Everett Koop, the surgeon general, announced that the government would not be issuing a report on abortion's emotional effects on women. Not enough is known. Koop said that almost 250 studies "do not support the premise that abortion does or does not cause or contribute to psychological problems."

The reason I talked with Julius Fogel is that in addition to being an obstetrician-gynecologist he is also a psychiatrist, one of the few U.S. physicians to practice both crafts. If anyone has an opinion worth listening to—one based on something more than ideology or anecdotes—it is Fogel. Well-credentialed, and well-regarded in the medical community, he is a dispassionate observer.

"There is no question," he said, "about the emotional grief and mourning following an abortion. It shows up in various forms. I've had patients who had abortions a year or two ago—women who did the best thing at the time for themselves—but it still bothers them. Many come in—some are just mute, some hostile. Some burst out crying . . . There is no question in my mind that we are disturbing a life process."

Fogel's thoughts last week were identical with those he expressed in 1971 when I interviewed him on the same subject. That was two years before *Roe v. Wade,* and Fogel and others were doing what were then called "therapeutic abortions." He did not claim then, or now, that mental illness automatically follows an abortion. "Often," he said in 1971, "the trauma may sink into the unconscious and never surface in the woman's lifetime . . . [But] a psychological price is paid. I can't say exactly what. It may be alienation, it may be a pushing away from human warmth, perhaps a hardening of the maternal instinct. Something happens on the deeper levels of a woman's consciousness when she destroys a pregnancy. I know that as a psychiatrist."

Fogel, unfortunately, wasn't one of those consulted by Koop. The surgeon general says that he sought the views of 27 scientific, medical, psychological and public health experts. The impression left now is that the data aren't there to lead to any conclusion that he or anyone else should be acting on. It's close to unbelievability that a major medical procedure performed 20 million times in 16 years has somehow been left either unsufficiently studied or studied in a way that the results end in a draw.

Variables and uncertainties surely exist in the studies of abortion aftereffects, depending on everything from the woman's age and income to her religion and education. And it may be true, as Koop claims, that "scientifically you can't prove a thing." But since when is scientific certainty the credibility standard for deciding, as Julius Fogel has done, that people are hurting?

In "Aborted Women: Silent No More," David Ctionardon says in a chapter on the psychological impact of abortion that studies of the aftereffects are common. He sites seven, ranging from an American Journal of Psychiatry report on 500 women to a survey of available studies by the Royal College of Obstetricians and Gynecologists in England. The latter found, "The incidence of serious, permanent psychiatric aftermath [from abortion] is variously reported as between 9 and 59 percent."

Reardon states that "Even the most biased pro-abortion surveys admit that severe post-abortion psychological trauma does occur. . . . One researcher even claims that 'disablitating' psychiatric problems occur in 'only' 1 percent of aborted women. But dismissing even a 1 percent rate of disabling sequelae with an 'only' is obviously unjustifiable when the number of women undergoing abortions each year has reached such large proportions. If 'only' 1 percent of 1.5 million women suffer severe disabling psychic trauma from abortion, that means that each year 15,000 women are so severely scarred by post-abortion trauma that they become unable to function normally."

Whatever the numbers and percentages, the pending Supreme Court decision on a Missouri antiabortion law has become a bonfire heating the already inflammatory rhetoric on both sides. The National Abortion Rights Action League needs to lay off its preachments about "reproductive freedom" as if destroying fetal life is the problem-free pinnacle of feminist principle. On the other side, George Bush opposes abortion and calls for adoption. Is he calling also for federal money to help couples who would adopt children but who are in debt paying for the ones they already have?

One effort worth honoring is a new project begun this month by Archbishop Roger Mahoney of Los Angeles—a diocesan counseling program to help women deal with post-abortion stress. In Washington, Julius Fogel has long worked to counsel women. The two men have opposing views on the morality of abortion, but they come together in easing the anguish, whether or not it's scientifically proven.●

GREG BLAYDES

● Mr. McCONNELL. Mr. President, I would like to bring to the attention of my colleagues the accomplishments of an exceptional college student in my State. Mr. Greg Blaydes of Greensburg, KY, an agriculture student at Western Kentucky University, was named the most outstanding junior animal science student in the United States. This award was bestowed by the National Block and Bridle Association at the North American Livestock Exposition, the largest all breed livestock show in the world.

Greg stands out as a complete student who not only excels in the classroom, but participates in a tremendous number of other activities. In a decade when agriculture has experienced more than its share of problems and as a result lost some of the more brilliant students to other disciplines, Greg exemplifies the very type of student that agriculture needs.

Much too often in today's society it is the troubled young people that gain all of the notoriety. Therefore, I feel privileged to provide some notoriety to a very deserving young man for his contribution to the field of agriculture and to his community. He will surely prove to be an asset to the American farm community and be successful at whatever future endeavors he might undertake.

I would like to commend Greg for his hard work and subsequently congratulate him on this most distinguished award. I know that his parents, Mr. and Mrs. Edwin Blaydes, and the citizens of Greensburg, KY, are deservedly proud of this fine young man.●

BABY PROTECTION OF LAW

● Mr. HUMPHREY. Mr. President, the Union Leader, New Hampshire's daily newspaper, on February 4 printed an interesting piece by Charley Reese regarding abortion.

I ask that the article by Mr. Reese be printed in the CONGRESSIONAL RECORD.

The article follows:

SHROUD OF PRIVACY DENIES BABY PROTECTION OF LAW

(By Charley Reese)

I do not know if the Supreme Court will reverse the Roe vs. Wade decision which commercialized abortion on a vast scale, but it should.

Somehow the issue of abortion got injected into the politics of feminism. Those feminists who did so show themselves to be creatures of bizzarre and cruel fantasies passing for thought.

Allowing a woman to abort a female baby serves the purpose of proclaiming woman's equality with men? Bizarre. Equally bizarre is that occasional whimper from emasculated males that since the baby is carried in the woman's body, the fate of the baby is entirely a woman's problem. If that is so before birth, why not after birth? Are we to say that fathers bear no responsibility for children? I don't think even the most ardent feminist would join their docile eunuchs and go that far.

Whatever happened to humanity? To human problems?

Whether to kill or spare a human being is not a simple decision. What's wrong with Roe vs. Wade is that it designates by decree a class of human beings whose lives can be taken on whim.

Immediately an industry of death sprang up. Entrepreneurship and marketing know-how and lust for profit did for abortion what they did for underarm sweat. Teenage discounts. Abort now, pay later. We take Master Card, Visa, etc. Sell 'em, suction 'em, and send 'em home. Hire a lobbyist. Find a way to get federal money. Convince the suckers that this profitable industry is not a profitable industry but rather a sacred right of women, especially of the poor and the minorities. For the suckers with a little more education, the line is that this profitable industry is actually legal and a scientific method to achieve a better quality of life. For the fashionably atheistic or agnostic, the line is that opponents of abortion represent the dark forces of superstition bent on destroying science and returning people to the horrors of the dark ages.

Let us pause for a moment to dispose of that fradulent claim that a fetus is not a human being. Upon conception, the human life created is genetically complete. All that occurs after that is growth. All the mother contributes from that point on is food and oxygen. If it were not human life, no abortion would be necessary since the function of an abortion is to prevent the birth of a human baby by terminating its life and disposing of its remains.

These cold facts of science dictate a moral choice. Does one kill a human being for being an inconvenience? Roe vs. Wade made it legal to do so. The Supreme Court, however, has no moral authority. The Supreme Court conceivably could one day decree that it is legal to kill people who are inconvenient by reason of insanity, illness, mental retardation or age.

Courts determine matters of law but not of conscience. To forget that distinction always puts civilization in peril, for the law, ultimately, is dictated by politics. The law did not present an obstacle to the Nazis. It became the Nazis accomplice.

Note that before Roe vs. Wade and today, organized political efforts are at work, putting the lie to childlike notion that judicial decisions are arrived at in an Olympian laboratory by disinterested and neutral demigods.

All judges are politicians who wear black robes and who owe their jobs to politicians who won elections. Many of them are exhacks and fund-raisers. Don't be a chump and forget that.

As for the Constitution, it is silent on the subject of abortion. That's another thing wrong with Roe vs. Wade. To justify destroying the work of 50 legislatures, the court's majority concocted a right of privacy which is violated when the state prevents abortion.

That, too, is bizarre fantasy posing as thought. The government may invade my privacy to execute a search warrant, to determine my taxes, to tell me how far from my property line my garage may extend, to confiscate my property, but if I am a pregant woman, I am suddenly enveloped in the shroud of privacy which denies the baby the protection of the law.

Absurd.●

OPERATION RESCUE

● Mr. HUMPHREY. Mr. President, the Washington Post on February 5 printed a very interesting piece by columnist Nat Hentoff in defense of the antiabortion efforts of "Operation Rescue." Mr. Hentoff compares the participants in "Operation Rescue," who struggle against treating prenatal infants as property, with the 19th century abolitionists who struggled against treating Americans of African origin as property.

I ask that Mr. Hentoff's article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Washington Post, Feb. 6, 1989]

CIVIL RIGHTS AND ANTI-ABORTION PROTESTS

(By Nat Hentoff)

Planned Parenthood recently assembled 13 distinguished civil rights leaders so that they might express their scorn for the notion that there is any moral connection between the Operation Rescue demonstrations "and the civil rights struggles of the 1960s."

The leaders—including Jesse Jackson, Andrew Young, Julian Bond, John Jacob, Mary King and Roger Wilkins—deplored the pro-lifers' "protests to deny Americans their constitutional right to freedom of choice. They want the Constitution rewritten." And in the unkindest cut of all, these leaders—once themselves demonstrators against laws they considered profoundly unjust—compared the nonviolent Operation Rescue workers to "the segregationists who fought desperately to block black Americans from access to their rights."

Actually, however, a more accurate analogy would link these pro-lifers to the civil rights workers of the 19th century, the Abolitionists, who would not be deterred from their goal of ensuring equal rights for all human beings in this land. They believed, as these 13 civil rights leaders later did, that social change comes only after social upheaval.

What the Abolitionists were opposing was the rule of law—ultimately underlined by the Supreme Court in its Dred Scott decision—that people of African descent, whether free or slaves, had "never been regarded as a part of the people or citizens of the State." They had no rights whatever. They were the property of their owners, no more. The Abolitionists did indeed want the Constitution rewritten.

Now, the pro-lifers, aware that the Supreme Court has declared itself in error before, are protesting the holding in *Roe v. Wade* that "the unborn have never been recognized in the law as persons in the whole sense." Although that decision also spoke of a time when the fetus becomes viable and then *may* be protected by the state, in fact we have abortion on demand.

As Justice Harry Blackmun said in *Doe v. Bolton*—decided on the same as *Roe v. Wade*—the mother's health is paramount, and that includes, among other things, "physical, emotional, psychological, familial" factors. Abortions can be obtained for these reasons, and more.

So, like the slave, the fetus is property and its owner can dispose of it. Increasingly, for instance, women are undergoing prenatal testing to find out the gender of the developing human being inside them. If it's the wrong sex, it is aborted.

Pro-lifers who maintain the fetus should have equal protection under the law are not limited to those driven by religious convictions. There is the biological fact that after conception, a being has been formed with unique human characteristics. He or she, if allowed to survive, will be unlike anyone born before. From their point of view, therefore, pro-lifers are engaged in a massive civil rights movement. In 16 years, after all, there have been some 20 million abortions.

Some pro-lifers, like some of the abolitionists, feel that nonviolence, however direct, is insufficient. They are of the order of John Brown. As noted by James McPherson in "Battle Cry of Freedom," Brown stalked out of a meeting of the New England Antislavery Society, grumbling, "Talk! Talk! Talk! That will never free the slaves. What is needed is action—action!"

Those relatively few—and invariably isolated—pro-lifers who follow John Brown's flag are surely not in the tradition of Martin Luther King, and the 13 civil rights leaders have reason to keep them at a far distance. But Operation Rescue, and similar demonstrations, are not violent. Entrances are blocked, and so they were in some nonviolent civil rights demonstrations. There is shouting, some of it not very civil, back and forth across the lines, but so there was in the 1960s.

The only actual violence connnected with Operation Rescue has been inflicted by the police, most viciously, in Atlanta where one of the Planned Parenthood's 13 civil rights leaders is mayor. A member of the Atlanta City Council, Josea Williams—himself a close associate of Martin Luther King—has said: "We who were the leaders of the movement in the '50s and '60s are now political leaders. And we are doing the same thing to demonstrators that George Wallace and Bull Connor did to us."

Twelve years ago, another associate of Dr. King argued against the *Roe v. Wade* thesis that a woman's privacy rights justify abortion. That, he said, "was the premise of slavery. You could not protest the . . . treatment of slaves . . . because that was private."

The civil rights leader who said that was Jesse Jackson—before he became a member of the pro-abortion congregation. By then, he was also a political leader.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. LEAHY. Mr. President, I submit for printing in the RECORD, the Rules of the Committee on Agriculture, Nutrition, and Forestry as required by rule XXVI, paragraph 2, of the Standing Rules of the Senate.

I ask that they be printed in the RECORD.

The rules of the committee follow:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE 1—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday's of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.4 Called Meeting.—If three members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the Committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the Committee or any subcommittee unless a majority of the Committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee Clerk.

(b) Hearings.—Official attendance of all hearings shall be kept, provided that, Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the subcommittee Chairman and Ranking Minority Member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any

subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the Committee or any subcommittee shall file with the Committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the Committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the Committee, or any subcommittee thereof, the minority members of the Committee or subcommittee shall be entitled, upon request to the Chairman by the Ranking Minority Member of the Committee or subcommittee to call witnesses of their selection during at least one day of such hearing pertaining to the matter or matters heard by the Committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in Committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to five minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full Committee.

4.2 Standards.—In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the Committee the following information:

(1) A detailed biographical résume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the Committee.

Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the Committee.

4.4 Hearings.—The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a pre-hearing questionnaire submitted by the Committee.

4.5 Action on confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the Ranking Minority Member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the Committee and each subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the Committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Roll calls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate Rules for specific bills or subjects shall be allowed whenever a quorum of the Committee is actually present.

6.3 Polling.—The Committee may poll any matters of Committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the Committee will receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the Committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and Ranking Minority Member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and Ranking Minority Member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition. The full Committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.5 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the Committee or a subcommittee in which depositions are taken or supoenas issued, must be authorized by a majority of the members of the Committee voting for approval to conduct such investigation at a business meeting of the Committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the Ranking Minority Member of the Committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the Committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this paragraph the subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the Committee designated by the Chairman.

8.3 Notice for taking depositions.—Notices for the taking of depositions, in an investigation authorized by the Committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

8.4 Procedure for taking depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the Committee Clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the Committee as long as any witnesses who

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may be affected by the change in rules are provided with them.●

JULIA PAKE

● Mr. SHELBY. Mr. President, it is with a great deal of pleasure that I ask my colleagues in the Senate to join with me in recognizing a great Alabamian who celebrated her 75th birthday on February 6, 1989.

Julia Pake was born on February 6, 1914, in Selma, AL, and later moved to Montgomery, where she was educated in Montgomery County schools. Hard work and dedication allowed her to attend Huntington College to pursue her goal of becoming on educator. After serving Alabama in her capacity for 20 years as a teacher in the Montgomery school system, Julia retired in 1976.

A dedicated wife and mother, Julia Pake married Lee Pake, Sr., in 1936. Their two children, Jean and Lee Jr., are a tribute to their wonderful parents. Julia is also the grandmother of four grandchildren.

She is known to all as a compassionate and caring woman, a good friend and a concerned citizen. Julia left a remarkable legacy in the many students she touched throughout her career as an educator.

In addition to her unparalleled role in the field of education, Julia Pake's commitment to her community extended into the realm of civic and charitable endeavors. The Montgomery Realtor Association, the Montgomery Museum of Fine Arts, and the Temple Bethel Church Sisterhood Organization are just a few organizations that benefit by her participation.

I would like to wish Julia Pake many happy returns on this special occasion. I hope that her next birthday finds her happy, blessed and as prosperous as this one.●

INTERNATIONAL CULTURAL AND TRADE CENTER AND FEDERAL OFFICE BUILDING

● Mr. MOYNIHAN. Mr. President, last Friday, February 3, my Subcommittee on Water Resources, Transportation, and Infrastructure held a hearing on three of the most important Federal building projects ever to be authorized by Congress. One of these is the International Cultural and Trade Center and Federal Office Building to be built at the Federal Triangle site in Washington, DC.

Senator Charles H. Percy chairs the Presidential Commission which oversees this exciting undertaking. I ask that his testimony and accompanying documents be reprinted in the RECORD for the benefit of my colleagues.

The material follows:

TESTIMONY BY SENATOR CHARLES H. PERCY BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FEBRUARY 3, 1989

Good morning, Mr. Chairman, members of the committee, and your very able staff. It is a great pleasure to be with you this morning in my capacity as Chairman of the United States International Cultural and Trade Center Commission. This is my first testimony since leaving the Senate in January 1985.

Having a lifelong involvement in foreign trade, for 28 years as a businessman and also during my 18 years in the Senate, I take this responsibility for promoting world trade, increasing cultural exchange and helping to globalize and internationalize the United States marketing efforts very seriously. This committee is to be congratulated for its leadership in launching such a unique and creative enterprise and I agree with President Reagan, who in his letter to me on April 13, 1988 said, "America faces no more important challenge than improving its competitive position worldwide. The International Cultural and Trade Center, under your leadership, will become an important symbol of our national resolve—public and private—to meet this challenge head on in a constructive, mutually beneficial manner." I ask that the complete text of the President's letter be included in the Record at this point.

THE WHITE HOUSE,
Washington, April 13, 1988.

Hon. CHARLES H. PERCY,
Charles Percy and Associates, Washington, DC.

DEAR SENATOR PERCY: Last August I signed P.L. 100-113, authorizing the United States International Cultural and Trade Center to be built within the Federal Triangle on Pennsylvania Avenue. The International Center will be the centerpiece of what I hope will be one of Washington's most significant Federal buildings.

I would like you to serve as a Member and Chairman of the International Cultural and Trade Center Commission, which will oversee the establishment, operation, and maintenance of the Center. Your background in business, government, and public service; your experience in foreign affairs, and your personal commitment to improving the United States' trade position make you ideally qualified to undertake this important initiative.

The Center provides a unique opportunity for America to develop creative reciprocal arrangements with other nations regarding trade, cultural exchange, and consular activities. The Center's program of informational, cultural, and educational events will provide a basis for expanding or improving accommodations for our Government's endeavors overseas.

You will have the wholehearted support of this Administration as you undertake this assignment. In particular, I am asking the Secretaries of State, Commerce, and Agriculture; the Director of the United States Information Agency, the United States Trade Representative, and the Administrator of General Services to give the Center special attention and to commit the necessary resources to make the project successful. I also believe that you will find the Congress, which passed the legislation unanimously, most eager to assist you with this project.

America faces no more important challenge than improving its competitive position worldwide. The International Cultural and Trade Center, under your leadership, will become an important symbol of our national resolve—public and private—to meet this challenge head on in a constructive, mutually beneficial manner.

Sincerely,

RONALD REAGAN.

I am proud now to introduce the other private sector members of the Commission who were able to join us this morning. First, I am joined at the table by the Commission's distinguished Vice Chairman, the Honorable Harry C. McPherson. Harry played an important part in bringing this exciting project into being when he served as President of the Federal City Council. We also have with us the Honorable Michael Gardner, attorney, Mr. Abe Pollin, entrepreneur, and Mr. Jud Sommer, finance executive. Mr. Donald Brown, developer, who also played an important role in the early days of this project, is out of town today and could not be with us. But these Presidential appointees plus nine ex officio members representing key Cabinet and sub-Cabinet agencies have been hard at work since last April 29th, when the Commission first met, organizing and putting the initial program in place. The Presidential appointees are appropriately bipartisan—three Republicans and three Democrats—and we are working together hard and well. Our Cabinet members have each attended at least one meeting and as often as not, when they could not be present, they were represented by the Deputy Secretary or the equivalent. Our legislation provides that we must meet at least three times per year. In the past ten months we have met formally eight times and approximately ten times informally. I am happy to report that we are off to an excellent hard working start with the Commission. We have benefitted, too from the excellent staff led by Ken Sparks and Mike Newell.

This morning, I will describe some of the programming concepts that are being developed for the Center—both for the long and short term—and, then ask for your counsel and assistance in resolving several items a few of which may require legislation.

Mr. Chairman, for a number of reasons, America has an extremely serious trade problem. We are importing more than we are exporting by more than $10 billion a month. And although significant progress was achieved in 1988, most experts feel that it will be extremely difficult to sharply reduce the deficit in 1989. Just what combination of policies can begin to bring our exports and imports into balance in the relatively short-term is a proper matter for debate. In the long run it is clear that America needs to strengthen its commitment to trade and to actively and aggressively involve more Americans in the process. Today fewer than 2,000 companies account for over 80 percent of all of our exports. Americans must become more export and foreign trade conscious. And that, Mr. Chairman, is where we feel the new Cultural and Trade Center can make its most significant contribution. We see as our central mission elevating the level of awareness of *all* Americans as to the importance of trade to their *own* individual and collective well-being. And since trade and cultural understanding are so inextricably bound together, the Center's proposed programs are designed to not only inform our people on the nuts and bolts of trade but to provide that information in as rich a cross-cultural setting as is humanly possible. Only by under-

standing other cultures—their customs, their needs and their desires—can we truly expect to increase the goods and services which we sell abroad. We intend to build on the excellent start underway with the Department of Commerce, "Export Now" program and the Small Business Administration's (SBA's) nine conferences that have been held across the country with the full support of ST&T.

With this in mind, we are proposing several exciting activities for the new Center and you have in front of you some illustrations that have been prepared to highlight each activity:

A One-stop Trade Information Center—where it will be our goal to be able to answer 90 percent of all of the questions that business executives might ask about getting involved in and strengthening their own foreign activities. And we would arrange through the Center to help the prospective trader get the answers to the other 10 percent of his questions. This will be a public-private partnership involving federal resources from Commerce, Agriculture, the Trade Representative, the Export Import Bank, Customs the Small Business Administration and a host of other departments and agencies, as well as international organizations such as the World Bank and the IMF and private sector groups such as the U.S. Chamber of Commerce, the National Association of Manufacturers and others. Just one example: The Department of State would issue passports at the Center and those foreign nations requiring visas could issue them at the Center, saving days of cross-town travel.

A Trade and Cultural Conference Center—where actual trade negotiations as well as conferences and meetings will take place. We hope to use the newly renamed Mellon Auditorium which will be interconnected with the Center as a principal meeting hall for this activity. These facilities will be fully equipped with translation services and information systems.

An Education and Training Center—where business people can learn how to trade and how to win friends and markets overseas. Courses would be taught on trade policy, trade finance, trade operations, area studies and language. Working with existing institutions we believe it will be possible to provide thousands of business men and women with badly needed training each year. In addition we hope to work with groups such as the Close Up Foundation, the great universities, institutions and "think tanks" uniquely located in the Nation's Capital to provide learning experiences for thousands of students and young people each year.

A Reception Center—where those countries which lack adequate facilities or all others who wish to, can host a state dinner with appropriate decorum and security. Also, we envision a club facility as part of the reception center where government officials, diplomats and the international community can meet, inform, and entertain one another.

Chancery Annex Office Space—where commercial attaches, consular officials, cultural attaches, trade and other missions as well as representatives offices from international organizations and from each of the 50 states, territories, and major cities will maintain information offices.

An International Exhibit Center—where each of the regions of the world will be represented with a permanent exhibit area featuring a major attraction designed to showcase that part of the world. Around the central attraction, countries will be allowed to have exhibits which promote their culture, their trading interests and tourism. In addition, more than 30,000 square feet of exhibit area will be reserved for special showings of artistic, cultural or trading significance. This area might be used in conjunction with a particular visiting dignitary or it might also be used by institutions such as the Smithsonian or the National Gallery for appropriate international functions.

Specialty shops where merchandise and foodstuffs from around the world will be available for sale. Roughly 130,000 square feet have been reserved for this function, which would make it roughly equal to the Shops area in the Marriott Hotel complex and a little larger than the expanded retail area in the Old Post Office. We believe that the combination of exhibits and specialty retail will be an important international learning experience for millions of Americans who have not had the opportunity to travel abroad or experience these things first-hand.

And, finally—An International Performing and Cinema Arts Center—where the world's great artists and more specialized attractions can be presented on a regular basis. We have planned a 1,500-2,000 seat performing arts theater that could be available for instance—for the celebration of each country's "National Day", or for states' days or other state functions, two film theaters, a rehearsal hall which could also be used for special presentations and a IMAX or special film facility where the trading equivalent of the Smithsonian's "To Fly" would be playing constantly.

And, Mr. Chairman, I should point out that the reciprocity provisions of the Foreign Missions Act which I was pleased to cosponsor would apply to foreign government activity in the Center. In other words, as we provide space to service the needs of foreign governments, we will have the right to seek similar accommodations or some other quid pro quo for our own activities in those countries.

Mr. Chairman, we believe that this combination of facilities in conjunction with compatible U.S. Government offices space such as the State Department's Passport Office, U.S.I.A., (which would include World Net and the Voice of America from which visiting Chiefs of State could conveniently televise and/or broadcast to their own countries), the Woodrow Wilson Center, parts of the Departments of Commerce and Agriculture will make for precisely the kind of internationally focussed program which this country so badly needs and which your committee envisioned. My only regret is that it will take us approximately five years to have the building and these programs ready to go. But you are cordially invited not only to our ground breaking but also to our official opening.

In the meantime, though, we have already offered to work with the Bush Administration to see what kind of programming we can do that would both help America's trade situation now and set the stage for the more comprehensive programming we will be able to undertake in the future. For example, we are exploring hosting a major conference of top business leaders in what we are calling an Export Mobilization Conference later this Spring. We would hope to undertake many conferences and educational programs each year until the Center opens in 1994.

As you can see from this listing of programming concepts, we have been very active during the past ten months, Mr. Chairman, and we will be even more active in the months ahead. I want to compliment the Commission members for their support. I also want to thank the hundreds of volunteers from Roger Stephens and Ambassador Wachtmeister, to many lesser known but terribly knowledgeable people who have helped with this planning. And, of course, I want to state for the record how much we have enjoyed working with our partners in the enterprise—the Pennsylvania Avenue Development Corporation and the General Services Administration. Hank Berliner has been a superb chairman of PADC and we look forward to working closely with Richard Hauser, the new chairman, in the future. The Acting Administrator of GSA—Dick Austin—has been extremely helpful to us as has been his National Capital Regional Administrator Dick Hadsell. And we thank the Aspen Institute and its able President David McLaughlin for cosponsoring at the Wye Plantation a stimulating conference on the goals and objectives of the ICTC.

And finally, I would like to suggest some areas where we need some help from the Committee and from the Congress in order to develop the Center to its fullest potential. First, it is necessary to resolve quickly the matter of the Federal tenancy. As you know, there apparently was some misunderstanding at the time this legislation passed Congress as to whether the Department of Justice was to be accommodated in the Center as the major tenant. Attorney General Meese and the then GSA Administrator signed a memorandum of understanding in March 1988 that would have given nearly all of the Federal office space in the Center to the Justice Department for consolidation of its operations. As I mentioned earlier, the Commission did not come into existence until April 29, 1988 so it was not a party to this agreement. As soon as the Commission was advised as to the nature of the agreement, it voted overwhelmingly to seek USIA as the principal U.S. tenant and to help the Justice Department consolidate elsewhere in the City. You and the leadership of this Committee as well as the leadership of the House Public Works Committee and many other key Congressmen and Senators have come forward to firmly support the ICTC Commission on this matter, but to date the issue is unresolved.

We believe that GSA Director Austin has done all that he could to accommodate the Justice Department but so far without success. The Department of Justice has not seen fit as yet to consider other alternatives. Needless to say we believe that the Center cannot succeed in its mission if space in the Center is occupied to any significant extent by the Department of Justice. Foreign governments simply will not participate with us in this endeavor under those circumstances any more than we would if some government were to present us with a similar offer. The Justice Department, on the other hand, does need to consolidate its activities, and anything the Committee can do to help the Department get consolidated will be appreciated.

We will also need the Committee's help this year with some corrective amendments to the enabling legislation. Many of these were anticipated by the Committee at the time the legislation was being considered. For example, it was impossible to know at the time just how the Commission would wish to organize or what level of funding it would require. As an interim step, a limita-

tion of 15 staff positions, only ten of which could be direct hires, was imposed until the Commission could get organized and describe what would be required to operate. Likewise, an annual limitation of one million dollars to be provided through reprogrammings by our constituent agencies was established as a spending ceiling. Although the Commission can live with these ceilings through September of this year, it is clear that we will need relief to operate effectively next year. We have a management study underway to determine just what staffing and financial needs are anticipated. Peat Marwick is working with us on this and we would expect to be able to share the results within a couple of weeks. Preliminarily, I would expect that we will be asking for a small appropriation annually until the Center is established and able to sustain the Commission's activities.

I also suspect that we will want to operate the day-to-day activities of the Center more like the Kennedy Center or the Smithsonian, as a non-profit entity rather than as a government agency. I would anticipate recommending that the Commission be retained to set policy and to account for Federal funds, but that a non-profit be chartered to handle daily operations. It is our belief that the many business and artistic decisions that the Center will have to make can be better accommodated in that manner.

I also feel that consideration should be given to adding the Secretary of Treasury and the Secretary of Labor to the Commission as ex-officio members. These two important Cabinet officers are key resources for us in planning our trade programs.

Finally, the limitation of ICTC activity to 500,000 occupiable square feet should be removed. The limitation was intended to assure that Federal office space would be the predominate use of the building and that objective will clearly be met. It will simply make program planning and future operations smoother, if we can be guided by project needs rather than by an arbitrary space allocation.

Once again I want to commend you, Mr. Chairman, for your leadership on this important initiative and I hope you share with us the excitement we feel that the Center offers a long term solution to the problem of how to deal with the trade crisis and make America truly competitive once again.

We look forward to working with you and your staff in shaping the necessary legislation for your consideration early this year.

My fellow Commissioners and I will be happy to respond to any questions you may have.

I ask that the list of members of the ICTC Commission be placed in the record at this point.

U.S. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION MEMBERS

Hon. Charles H. Percy, Chairman.
Hon. Harry McPherson, Vice Chairman.
Mr. Donald A. Brown.
Hon. Michael R. Gardner.
Mr. Abe Pollin.
Mr. Judah C. Sommer.

EX OFFICIO MEMBERS

Secretary, Department of State.
Secretary, Department of Commerce.
Secretary, Department of Agriculture.
U.S. Trade Representative.
Administrator, General Services Administration.
Director, United States Information Agency.
Chairman, Pennsylvania Avenue Development Corporation.
Mayor, District of Columbia.
Chairman, National Endowment for the Arts.

COMMISSION STAFF

Kenneth R. Sparks, Organizing President.
Michael B. Newell, Organizing Executive Vice President.

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a very unique school, located in my home State of New York, on its centennial celebration. Webb Institute of Naval Architecture, of Glen Cove, Long Island, is the oldest school of naval architecture and marine engineering.

The school is academically competitive—comparable to MIT and CalTech, and also very selective—Webb's total enrollment is approximately 80. This allows the school to focus all its energies and resources toward its single degree—a bachelor of science in naval architecture and marine engineering. The academic program includes a unique combination of both classroom and practical hands-on training. Its funding is also unique—due to its endowment and other sources of income, Webb Institute is able to operate as one of only three tuition-free private colleges.

In 1989, this prestigious institution celebrates its 100th anniversary. It was originally chartered as Webb's Academy, and founded on April 2, 1989, at Fordham Heights in the Bronx. Webb's Academy became Webb Institute of Naval Architecture in 1920, and 27 years later moved to its present campus in Glen Cove.

Throughout 1989, the school's students, alumni, parents, faculty, and friends will participate in various festivities honoring Webb Institute. I am pleased to join them in their celebration, and am sure that my colleagues join me in wishing them another successful 100 years of academia.●

NEGOTIATED RULEMAKING ACT OF 1989

● Mr. GLENN. Mr. President, I rise today in support of S. 303, The Negotiated Rulemaking Act of 1989, which was introduced on January 31. This bill largely reflects the excellent work of Senator LEVIN, who is a member of the Governmental Affairs Committee, which I chair. The committee held hearings last Congress on a bill quite similar to this one and reported it to the full Senate, where it passed unanimously by voice vote. Senator LEVIN has long advocated negotiated rulemaking as an alternative to the adversarial process that, at present, characterizes much of agency rulemaking. I commend him for his sustained support for this vital issue of good governance.

Negotiated rulemaking, sometimes called regulatory negotiation—or reg neg—is a process by which an agency develops a rule through convening a committee composed of representatives of the affected interests. The basic notion is that if these representatives sit down together and make a commitment to find areas of agreement, regulations can be designed which are of better quality and which are less susceptible to challenge because the affected parties have participated in their development and have a stake in their success. This approach presents an alternative to the present rulemaking procedure which, under some circumstances, may encourage affected businesses, interest groups, and agencies to adopt extreme positions and adversarial relationships with respect to rules being developed without face-to-face negotiations.

Federal agencies have engaged in successful negotiated rulemakings on a number of occasions. The Environmental Protection Agency has taken the lead in the Federal arena, with negotiations on wood burning stoves, nonconformance penalties for vehicle emissions standards, standards for the protection of farmworkers from pesticide hazards, regulations for permit modifications for hazardous waste facilities, abatement of asbestos in schools, emergency exemptions from pesticide regulations, and underground waste injections. Other agencies which have tried or are in the process of trying negotiated rulemaking include the Federal Aviation Administration—pilot hours, seating disabled airline passengers; the Occupational Safety and Health Administration—worker exposure to benzene and methylenedianiline; the Federal Trade Commission—implementation of the Magnuson-Moss Act; and the Nuclear Regulatory Commission—management of records related to radioactive waste repositories. Some of these negotiations have resulted in proposed rules; others have not. But even where the parties have not reached final agreement on a rule, experience has shown that they are likely to have resolved some areas of conflict and benefited from the exchange of information on the positions and objectives of the other affected parties.

Although agencies are now free to use negotiated rulemaking, some are apparently reluctant to do so without statutory guidance. In addition, confusion sometimes arises over how the negotiated rulemaking process dovetails with normal rulemaking procedures, the Administrative Procedure Act, and the Federal Advisory Committee Act. Agencies and parties asked to participate in negotiated rulemakings have also, on occasion, expressed desire for assistance with the process.

This bill lays out a basic framework for negotiated rulemaking when an agency decides to employ that procedure. It also assigns the Administra-

tive Conference of the United States [ACUS], an independent Federal agency charged with making regulation more efficient, the responsibility to act as a clearinghouse for information and assistance.

Under the bill, to engage in negotiated rulemaking, an agency would establish an advisory committee with representatives of the agency and the affected interests. The advisory committee would be chartered and operate under the provisions of the Federal Advisory Committee Act to assure openness, proper recordkeeping and cost controls. The rulemaking committee would conduct its negotiations under the leadership of a mediator or facilitator who would assist the parties in reaching consensus on a rule. If the parties do achieve consensus, the agency would publish the rule in the Federal Register, in a Notice of Proposed Rulemaking under existing procedures for public notice and comment. If the parties do not reach final agreement on a rule, they file a report summarizing the issues they were able to resolve and explaining their conflicting concerns.

I strongly urge my colleagues to support the Negotiated Rulemaking Act of 1989. It presents a considered and effective alternative to contentious and litigious rulemaking, which unfortunately dominates much of our regulatory agencies' work.●

CAPITAL GAINS UPDATE

● Mr. BOSCHWITZ. Mr. President, I would like to share with my colleagues a copy of a recent column by Jodie T. Allen, which appeared in the Washington Post several weeks ago. It describes one way that a capital gains tax cut could be accomplished. Quite simply, Mr. Allen proposes that marginal tax rates on short-term capital gains be increased as the price for enacting a reduction in long-term capital gains rates.

As my colleagues will recall, the Tax Code used to allow a 60-percent exclusion for capital gains. After tax reform, capital gains are treated no differently for tax purposes than ordinary income. As a consequence, investors are more likely to avoid riskier, long-term investments and opt for investments favoring a current return.

In the 99th and again the 100th Congress, I introduced legislation (S. 444) to restore a two-tier tax on capital gains. For assets held more than 1 year, my proposal would allow a tax exclusion of 40 percent of the capital gain, and for those held more than 3 years, a 60-percent exclusion. I plan to reintroduce my bill again this year.

As one of the founders of the Capital Gains Coalition here in Congress, I am anxious to hear debate on alternative approaches to reducing the capital gains tax rate. The Capital Gains Coalition, which began meeting early in the 100th Congress, represents a bipartisan effort to reduce the rate on capital gains. The coalition recently held its organizational meeting for the 101st Congress and is off to a good start. I encourage those of my colleagues with an interest in this issue, to join the coalition.

As a businessman, I well know the importance of the capital gains exclusion. We must encourage long-term investment and restore a system which does not punish those who have built their own business or farm, or attempted to plan for their retirement.

Mr. President, I ask that Mr. Allen's column, "How the Bush Administration Could Achieve a Capital Gains Tax Cut," be printed in the RECORD.

The article follows:

HOW THE BUSH ADMINISTRATION COULD ACHIEVE A CAPITAL GAINS TAX CUT

(By Jodie T. Allen)

During his campaign, George Bush floated the idea of cutting the tax on capital gains to a scant 15 percent from its current maximum of 33 percent. That idea seems likely to get short shrift from a Congress that sees ahead the grim task of raising, rather than cutting, taxes to reduce the budget deficit. But Bush might end up getting at least part—the better part—of what he wants if the issue of capital gains were taken up in a nonbudget context.

A capital gains tax revision plan that combined a cut in taxes on long-term investment gains (for everyone) with a hike in the levy on short-term gains (for the very rich) could possibly win both White House and Capitol Hill support. The most likely opportunity for the development of such a plan would be in the course of hearings—already scheduled by the tax-writing committees in both houses—on the recent rash of mergers, acquisitions and leveraged buyouts that has rocked financial markets.

Bush has already made a good start toward amicable dealings with key congressional members and committees. Ways and Means staffers were both surprised and charmed when, on their first day of business this year, Bush dropped by to chat briefly and cordially with not only the committee's powerful chairman, Dan Rostenkowski (D-Ill.), but a handful of the top committee aides as well.

Committee staff generally accept the idea that ultimately a budget package will be worked out that will include some revenue hikes. But given Bush's still-adamant opposition to any tax increases, they wonder how that will come about.

"I can see where we're going," said one Ways and Means aide, "but I still can't see how we're going to get there from here."

The aide concedes, however, that the capital gains tax revisions might conceivably be taken up in a nonbudget context. And the peculiar structure of the tax—as it emerged from the 1986 tax overhaul—provides ample reason for revision on the grounds of both equity and efficiency.

The equity problems arise from the peculiar rate structure put in place in 1986. In order to provide the lowest possible income tax rate for very wealthy individuals—who benefitted most from the tax shelters that the measure sought to eliminate—but also keep revenue losses within bounds, the tax writers introduced a "bubble" in the rate schedule.

For example, single individuals with taxable income above $43,150 face a federal tax rate of 33 percent on income between that level and $100,480. For a married couple, the 33 percent rate applies to taxable income between $71,900 and $171,090. The tax rate then falls to 28 percent on income above those upper limits and stays there indefinitely.

Tax committee staffers point out that the situation, though anomalous, isn't completely unfair because taxpayers with total income in the 33 percent marginal tax range still have at least slightly lower average tax rates than, say, Donald Trump or Leona Helmsley. Moreover, at least in the popular view, the 33 percent income range is heavily populated with free-spending yuppies, who are nobody's favorite charity.

The bubble's strange properties are thrown into sharper relief when one considers the situation of a family of relatively modest income that decides to take a one-time capital gain on a long-held asset—say, a block of stock or piece of property. Perhaps even more likely, the asset in question is a fair-sized home owned by a couple whose children—an asset that represents the couple's main store of accumulated wealth.

Capital gains, remember, now count as ordinary income for tax purposes. Even if the couple is eligible to take its once-in-a-lifetime $125,000 exclusion on the sale of a house, today's high real estate prices could very well push the couple into the 33 percent tax bracket. And so, the couple might end up forking over one out of three dollars of much of the profit to Uncle Sam (plus another cut for local tax authorities). Meanwhile, the high-flying Wall Street arbitrageur pays only 28 percent on the several-million-dollar profit he made on last week's stock market gamble.

The situation seems especially unfair since the apparent capital gain realized on the long-held asset may, thanks to inflation, actually be a capital loss. The purchasing power of the dollar has fallen by roughly half since 1975. Stock bought that year for, say, $50,000 and sold this year for $100,000 has not, in fact, appreciated at all. It returns no real gain to the seller.

But under current law, that seller might still have to pay a tax of up to 33 percent on his nominal gain. This is hardly an encouragement for the sort of long-term investment which, presumably, the president-elect hopes to encourage by his proposal to cut capital gains rates.

On the other hand, the raider or greenmail artist is presumably not the sort of investor whose welfare most concerns Mr. Bush. Indeed, many well-respected financial analysts and executives see considerable danger in the proliferation of novel financial instruments, as well as the merger, acquisition and leveraged-buyout mania that, quite apart from any fundamental benefits that may ultimately accrue from corporate reorganizations, generate enormous profits for deal-makers, brokers, lawyers and other middlemen.

Writing in the Outlook section of the Post this month, Wall Street guru Henry Kaufman and former Treasury secretary Michael Blumenthal both recommended a boost in taxes on short-term gains to refocus financial markets on long-term values. And Leslie Douglas, a governor of the Securities Exchange Association, further recommended taxing short-term profits of tax-exempt in-

stitutions, which now provide much of the capital for speculative ventures.

One way to address all these concerns would be to: 1) raise and extend the tax on all short-term capital gains to the 33 percent that now applies to only a few recipients; but 2) adjust the long-term capital gains computation to take account of the value-eroding effect of inflation. That's a reform that tax experts—and legislators such as Sen. William Armstrong (R-Colo.) and Rep. Bill Archer (R-Tex.) have long recommended.

A conceptually perfect job would require indexing other forms of investment income as well and would be overly complex and, possibly, expensive to the Treasury. But introducing even a crude approximation into the tax code would be a great improvement over the current regime with its perverse incentives and peculiar impacts. And if, in the process, some extra revenue dollars found their way into the federal treasury, who would complain?

CLOSED CAPTION BROADCASTING OF SENATE FLOOR PROCEEDINGS

● Mr. LEAHY. Mr. President, for the more than 20 million Americans who are hearing impaired, the only way to follow a Senate debate is to read it in the CONGRESSIONAL RECORD—the day after it takes place. The Senate voted over 2 years ago to televise Senate floor proceedings, but that agreement did not provide for closed caption broadcasting for the hearing impaired.

Closed captioning is a process by which the audio portion of a television program is translated into captions, or subtitles, which appear on the TV screen. Hearing impaired viewers can then read what they cannot hear. The subtitles can only be seen on a TV set equipped with a special decoding device.

Closed captioning brings television's world of information, learning and entertainment to individuals with hearing impairments. It is a wonderful technology.

I believe it is time to use that technology to allow individuals with hearing impairments to participate more fully in their government. That is why I am very pleased to be an original cosponsor of Senator DOLE's resolution to implement closed caption broadcasting of the Senate floor proceedings.

For years I have advocated the use of new technologies to help people with hearing impairments enjoy what many of us take for granted. In 1976, I initiated an effort, supported by Members of both Houses of Congress, urging the Federal Communications Commission [FCC] to allow the television networks to reserve line 21 of their broadcast signal on a permanent basis for closed caption television.

I am proud to say that the FCC granted that authority in 1976. Soon after, Texas Instruments developed the decoding technology to translate television dialog into a running script. Although that technology is available, the cost of the decoding devices has been prohibitive for many.

I introduced legislation to make access to the decoders more affordable, and I worked with other Senators to secure $1.5 million for closed caption decoder development in the fiscal year 1985 appropriations bill. This support for research and development has brought the cost of decoders down significantly.

There is so much we can do to encourage equal access for the hearing impaired. In 1986 I installed a toll-free telephone line for the hearing impaired in my Burlington office. Through the use of a teletypewriter, Vermonters with hearing impairments can call my office to get help with a problem, request information or just speak their mind.

A democracy cannot thrive unless its people participate. The Senate has the opportunity to expand participation in the democratic process by bringing the business of the world's most deliberative body to those whose only barrier is that they cannot hear. I will work hard with Senator DOLE and the leadership to gain support for closed caption broadcasting of the Senate.●

CONFIRMATION OF MANUEL LUJAN AS SECRETARY OF THE INTERIOR

● Mr. LEAHY. Mr. President, last week the Senate considered the nomination of Mr. Manuel K. Lujan to the position of Secretary of the Department of the Interior.

In the spirit of bipartisanship, and following the favorable recommendation delivered by the Committee on Energy and Natural Resources, I voted in favor of Mr. Lujan's confirmation. I did so, however, with reservation.

My criticism is not meant as a personal attack against Mr. Lujan. In fact, I find the Secretary-designate amiable, hard working, and dedicated to public service.

My criticism focuses on his voting record. During his 20-year tenure in the House, Mr. Lujan compiled a voting record on environmental issues that I would consider disturbing.

At this point in the confirmation process, the League of Conservation Voter's assessment of Mr. Lujan's environmental voting record is familiar. Out of a possible 100 points, he averaged merely 18—a score approached by few of his colleagues.

He supported, and pledged his continued support, for oil and gas exploration in the Alaska National Wildlife Refuge. Mr. Lujan voted twice in favor of weakening amendments to the Endangered Species Act. The Secretary-designate has been a consistent foe of clean air legislation. In short, he opposed environmental initiatives offered from both sides of the aisle.

I am confident that Mr. Lujan is aware of the significance of the position of Secretary of the Interior. I also hope he is aware of the extraordinary challenge this position represents today.

Not only will he have to balance the need to conserve our natural resources at a time when they are in such demand, as every Secretary of the Interior has had to do;

Not only must he manage these resources with equal attention to productivity and conservation, as every Secretary of the Interior has had to do;

Not only must he conform to the current budget climate at a time when Federal support for public projects is so much in demand, as every Secretary of the Interior has had to do;

Not only must he carry out the duties ascribed to him by law as Secretary of the Interior;

He must do more than was ever expected of a Secretary of the Interior. At no time before has our environment faced the crises it does now; it will not withstand the neglect of another environmentally disinterested administration.

I encourage Mr. Lujan to rise and meet this extraordinary challenge as Secretary of the Interior. I look forward to working with him to effectively address the issues threatening our environment today.●

ELMER FEDDER

● Mr. SIMON. Mr. President, recently, a longtime friend of mine, Elmer Fedder, the editor and publisher of the Winchester Times in Winchester, IL, sent an open letter to the Governor of Illinois, our colleague Senator DIXON, and myself, as well as to a number of other people who are officials in the State and Nation.

At this point, I ask to have printed in the RECORD his letter, and I urge my colleagues in the Senate and the House to read the letter by Elmer Fedder.

What Elmer Fedder talks about for the State of Illinois, calling on leadership in the State, is just as true at the Federal level. We now have a President who says he wants to go down in history as the education President. We have a Congress that, I think, is willing to provide leadership in the field of education.

But we have not zeroed in on what our specific goals should be.

I sense that we now move somewhat at whim rather than having a plan that can really lift the level of education in the Nation, with the primary emphasis at the State and local level, but with the Federal Government assisting and providing leadership.

I am taking the liberty of sending a copy of Elmer Fedder's letter and this

statement in the RECORD to the Secretary of Education, Lauros Cavazos. Secretary Cavazos is the person who would have to provide the leadership. I do not believe that any of the educational organizations, by themselves, have a broad enough base to do it.

The most effective commission I have ever served on had a length of 1 year. That was the President's Commission on Foreign Languages and International Studies, chaired by James Perkins, the former president of Cornell University.

I am not sure whether a commission appointed by Secretary Cavazos to report back in 1 year is the answer, but it is the best answer I can think of off the top of my head.

This commission should have a few key Members of the House and the Senate, plus members of the National Education Association, the American Federation of Teachers, the National School Board Association, the National Parent-Teachers Association, the principals, administrators, and representatives of nonpublic schools, and so forth.

A dream for what American education ought to be is needed. And the time to start dreaming is now.

The letter follows:

[From The Winchester (IL) Times, Nov. 17, 1988]

AN OPEN LETTER

(To Gov. James R. Thompson, Lt. Gov. George H. Ryan, Secretary of State Jim Edgar, Attorney General Neil Hartigan, State School Supt. Ted Sanders, Senator Alan J. Dixon, Senator Paul Simon, Congressman Richard J. Durbin, 18th Dis., Congressman Robert H. Michel, 20th Dis., Speaker of the House Michael J. Madigan, Senate President Phillip J. Rock, State Sen. Vince Demuzio, State Rep. Tom Ryder)

Illinois got the news (note considered good) on Nov. 19 that the Super Collider was going to be built in Texas.

I can remember that all, or most of you, were listed on a letter in support of the Super Collider project for Illinois. I can remember thinking that it was great that the political leaders of the state could agree on something like this. And it appears that all of you worked hard to get the Super Collider for the state.

There has been great disappointment since the announcement was made. I thought of writing this letter when the earlier support was shown for the Super Collider. Now that the determination has been made, my request is even more important, and it is this:

Wouldn't it be great if all of you could agree on supporting education in Illinois as unanimously as you have on the Super Collider? What could be more important to the future of our state than to make education the number one priority, make it a goal that would lift this state to new heights.

I do not harbor any delusions that this would be as quick a fix as landing the Super Collider for the state but it would be a "better fix" for generations to come.

We need to have education become a state and national goal, much as John Kennedy did in declaring putting a man on the moon in the 1960's. That was great and it gave our nation a purpose, a goal.

Education needs to have better teachers, turned out by colleges that will increase the standards to become good teachers.

Education needs to have better pay for teachers to keep them in the profession.

Education needs to become as exciting as putting an American on the moon.

The answers won't come easy. But the ultimate goal is one that would be much better for our state in the long run than the Super Collider could ever be.

I do know that the present emphasis on education is good but not good enough. It has been funded sporadically and there is not the continuity that there should be.

Let's have a group of ordinary citizens, teachers, school board members, college level professors, administrative representatives and students put their heads together and come up with a long term plan and let's stick to it. Now our efforts are fragmented, disjointed, without real purpose or meaning.

Can we rise above all of this and give the state a really good education system? That answer can only come from you.●

HELP FOR A LIBRARIAN

● Mr. SIMON. Mr. President, The American Civil Liberties Union is receiving more than the usual amount of attention these days.

The Peoria Journal Star recently had a story about Kay Thompson and some teachers in Chicago who said some things that may not have been popular and may not even have been right but who were defended by the American Civil Liberties Union.

I urge my colleagues to read this fine editorial, and I ask that it be printed in the RECORD at this point.

The article follows:

[From the Peoria (IL) Journal Star, Oct. 8, 1988]

HELP FOR A LIBRARIAN

The Chicago media have been reporting the story of a high school librarian who was removed from her position for the outrageous sin of speaking her mind about education.

Kay Thompson was among three faculty members transfered out of Roberto Clemente High School for comments reported in a newspaper story about the school and the heavily Puerto Rican neighborhood surrounding it. The trio talked about the difficulties of teaching in an area where students are caught up in gang wars, where large numbers of girls are pregnant, where parents are indifferent and family life is often unstable. Problems like these, the professionals said, at least partly explain why Clemente students' achievement scores rank near the bottom in the city, which means they must be abyssmal on a nationwide scale.

What Thompson said was basically this: The students' parents do not do enough to motivate their children. Their homes place too little value on academic success. There is not enough talk about college and the future. For these reasons, parents deserve at least as much blame for the students' failure as do their teachers.

She's not the first person to say that kind of thing and certainly not the only one to believe it. Educators everywhere recognize the extent to which a student's family helps determine how well he succeeds in school.

But parents of Clemente students did not like hearing what Thompson and the others had to say. They organized protests and boycotts, to which the Chicago school board eventually responded by transferring the three teachers. Thompson refused to acquiesce. She took her case to a federal judge, who ordered her reinstated until her suit can be heard. Meanwhile, the parents continue to march and shout, urging among other things that students cut classes one day a week until the "racist" librarian is gone from the staff.

Not all the students agree with the parents. Many still at Clemente and others now in college have been outspoken in praising their librarian for inspiring them to succeed.

Thompson doesn't intend to give up without a fight. But like most teachers, she doesn't have a great deal of money to hire an attorney to push a case for the sake of principle, even when the principle is among those most basic to this nation—the right to speak freely without repercussion. Fortunately, she found a lawyer willing to represent her for free.

The organization the lawyer works for does that kind of thing in the interest of policing the Constitution and the American way of life. It does so even when the causes are themselves unpopular and those who expouse them are under attack; popular causes usually do not need defending. It does so even when it becomes the victim of attacks by politicians who use McCarthyesque techniques not to advance the interests of the country, but to get themselves elected.

The organization is the American Civil Liberties Union.●

BLACK SASH MOVEMENT IN SOUTH AFRICA

● Mr. SIMON. Mr. President, on Sunday, December 25, a day set aside to remember the less fortunate, the New York Times had a story about the Black Sash movement in South Africa.

I ask that this article he reprinted in the CONGRESSIONAL RECORD at the end of my remarks.

There are some signs of hope in South Africa, despite a government that is oppressive and stubborn in its unwillingness to provide justice for all its citizens.

One of those hopeful signs is an organization called Black Sash.

When I was in South Africa last year, I had the opportunity to meet with some of the leaders of Black Sash.

They are quietly trying to stand up for justice and change in South Africa.

I applaud their efforts, and I urge my colleagues to read this article.

The article follows:

[From the New York Times, Dec. 25, 1988]

WHITE SOUTH AFRICAN WOMEN STEP OFF THEIR PEDESTALS TO FIGHT APARTHEID

(By Christopher S. Wren)

PORT ELIZABETH, SOUTH AFRICA, December 24.—Four mornings a week, the hard wooden benches at the Black Sash advice office here overflow with the bewildered, the desperate and the defeated.

The clients are poor and black, and they turn to a handful of white volunteers to help them get a job, a home, a pension check or just a little justice from a system stacked against the powerless.

With one organization after another restricted under the national state of emergency, much of the open, legal struggle for civil rights in South Africa has fallen upon Black Sash, an organization of middle-class white women who, along with the churches, constitute one of the most effective protests against apartheid today.

"I suppose it's by default," said Judy Chalmers, a Black Sash worker in Port Elizabeth. "They've detained everybody else."

These women consider themselves altogether ordinary, but their activities range well beyond noblesse oblige. They solicit depositions on police beatings, monitor trials, search for those detained without charges, dispense advice on surviving apartheid and mount silent protests wearing the black sash of mourning that gave their organization its name.

In its three decades, Black Sash has matured from a well-meaning society of leisured ladies into a feistier vanguard of women juggling careers as well as families, more impatient with a system that coddled them into adulthood.

The women of Black Sash are often heckled, sometimes detained and occasionally jailed. Some have had telephones tapped and car tires slashed. Bricks have been thrown through their windows and dead cats hung from their doorknobs.

Yet they continue to challenge the complacency of other white South Africans, who consider them ingrates for rattling the foundations of a society that lavished them with privilege.

"The greatest conversation-stopper at a dinner party is to announce that you're a member of Black Sash," said Rosemary Meny-Gilbert, who runs the Black Sash office in Cape Town, "Within the white community, we are seen as leftists, even pink. Among blacks, we are seen as moderates."

The Government has let Black Sash survive while closing down other anti-apartheid groups in part because white South African society has perched its women on pedestals. The police find it awkard to pack the paddy wagons with well-bred troublemakers who look like their mothers or sisters.

Mary Burton, Black Sash's president, recalled being detained at Pollsmoor Prison after a protest in Cape Town. "When I was in the cells, there were a couple of warders who could have been my children and who found it very difficult," Mrs. Burton said, "They hesitated closing the door until they had to do it."

That these women would choose to range the wretched black slums alone or in pairs strikes some whites as foolhardy. In one unruly black township outside Port Elizabeth, soldiers expressed concern for the safety of Sandy Stewart, a Black Sash member passing through their roadblock.

"The reason we're not afraid is that we don't come in carrying a gun," she snapped back. "Why don't you try it?"

Fear of ridicule inhibits some women from joining Black Sash, as does concern for their families.

"I've never known a Black Sash woman to be stopped by her husband's career, but if you're actively involved, you need a very supportive husband," Mrs. Meny-Gilbert said. She said her husband, Christian, a civil engineer who helped look after their two children, "always wants to know where I'm going."

MEN ARE ASSOCIATES

The men who offer support, usually husbands or boyfriends, are permitted to become associates, but not full members. "We've discussed the idea that men should come in, and there was a feeling there was more protection as a women's organization," said Joan Grover, a Cape Town dowager who joined Black Sash after immigrating from Rhodesia in 1957.

Some members interviewed admitted that joining Black Sash had built their self-esteem though they dismissed feminism as a narcissistic indulgence. "It's hard to claim you're oppressed when you see all around you people who are so much worse off," Mrs. Burton said.

Black Sash was born in the mid-1950's, when some upper-class white women in Johannesburg organized an automobile caravan to Cape Town, the seat of Parliament, to protest Government plans to revise the Constitution.

From its early peak of 10,000, membership has declined to a hard core of 2,000, a fraction in a white population of 4.5 million. Almost all come from the English-speaking community. So few Afrikaner women joined that Black Sash stopped printing literature in Afrikaans.

Volunteers have different reasons for joining. "Some are religious but just as many are not," Mrs. Chalmers said. "Some have a personal experience that pushes them."

Others decide they are fed up with apartheid. Their common purpose, Mrs. Chalmers said, was as "thinking people who believe South Africa has got to become a democratic state if we're not going to be destroyed."

She joined Black Sash in 1981 after concluding that traditional politics were ineffective. She began helping in black townships with her sister, Molly Blackburn, a Black Sash veteran whose fearlessness was legendary in the Eastern Cape.

One of many Blackburn anecdotes recalls her hearing that police had detained a black teen-ager during unrest in Uitenhage a couple of years ago. Mrs. Blackburn invaded the police station and discovered the youth handcuffed to a table; two policemen were beating him while a third chewed on a take-out order of fried chicken. "Just what is going on here?" she demanded in the voice a schoolmistress would use to reprimand naughty pupils. The cowed policemen let her march out with their battered prisoner in tow.

When Mrs. Blackburn was killed in an automobile crash in December 1985, black mourners showed up by the thousands for her funeral on a hot day. "It was the most incredible event," Mrs. Burton recalled. "The streets of Port Elizabeth filled with black people from all the little towns. I'm sure the whites thought the revolution had come."

Since her sister's death, Mrs. Chalmers has walked point for Black Sash in the Eastern Cape, a conservative region as unforgiving of civil rights workers as the Mississippi Delta was a quarter-century ago. But she is welcome in the black communities around her native Port Elizabeth.

The women of Black Sash have found audacity their best weapon. "I feel like an aging lioness surrounded by jackals," Mrs. Chalmers said. "They still don't know how to handle me."●

REFLECTIONS ON "THE UGLY DECADE"

● Mr. SIMON. Mr. President, the beginning of a new year is a good time to look back and look forward, a good time to reassess and to reflect. In a column I write for newspapers in my State, I've done a little reflecting on the decade were about to complete. I ask to have it reprinted in the RECORD.

REFLECTIONS ON "THE UGLY DECADE"

Getting away to my home in rural southern Illinois for the holidays provided an opportunity to breathe some clean air, saw a few logs for our fireplace and reflect on what is going right in the nation and what is going wrong.

Novelist James Michener has called this "the ugly decade." More pointed, columnist William Rentschler writes, "We wallow today in * * * the cesspool of unrestrained greed."

One of America's wealthiest persons, industrialist H. Ross Perot, gave a talk in which he said we're going to have to learn to care more about each other or the nation will be on a permanent road of decline.

One of the things that is happening in the nation is that the weakest and poorest among us are less and less on our doorstep. We shudder when we see people sleeping on the streets, but people who face almost as desperate a situation, but who have shelter, are hidden. We increasing are segregating the nation on the basis of economics.

And what is true within the nation is true of the world. If you compare defense expenditures as a percentage of national income, the United States at 5.8 percent is far ahead of Western European nations, about two and one-half times the percentage expenditure of Canada, and almost six times the percentage expenditure of Japan.

But then you compare what we are spending on foreign economic assistance to help the world's desperately poor and we are behind those same nations. The Netherlands and Norway spend five times as much as we do on this, relative to national income.

We spend one-fifth of 1 percent of our national income on economic assistance to other countries. After World War II, under the Marshall Plan, we spent 2.9 percent of our national income—more than ten times as much as we do today.

Why the change?

Is the United States poorer today? No.

Is poverty around the world less of a problem? No.

The difference is after World War II your congressional representatives and your Senators could come home and say to the Schmidts and the Scarianos and many others in this country of European ancestry, "I'm helping your relatives."

But now the poor live in nations like Sudan, Bangladesh, Mauritania—and virtually no one comes up to political leaders and asks, "What are you doing to help my relatives?" The political sex appeal is gone for economic assistance.

And that problem is compounded by leadership that too often says, "Look out for yourself. Don't worry about others."

It is not said that bluntly, but that is the message.

And so we have learned to tolerate urban school systems that should shame us. Families desperate for jobs are not our neighbors, and so we pay little attention. They're on Indian reservations or in the inner city

or in isolated rural pockets of poverty. None of the 38 million Americans without any health insurance is likely to be in our circle of friends.

We have just gone through a holiday season when Christians make much of Christmas and Jews make much of Hanukkah.

We are very public in our professed piety.

But the caring and selflessness that our religious call for too often are lackng.

Theologian Donald Shriver has written, "There are not many people in public life of whom one can say, 'They talk as though their faith is so much a part of them that they don't have to make public reference to the fact.' "

Public piety has replaced genuine concern.

The beginning of a new year is a good time to remind ourselves that ultimately we are one family, and when anyone in that family hurts, all of us hurt.

I hope we can become "a kinder, gentler nation," not just with our words, but with our deeds.●

DEALING WITH OUR MASONIC DESTINATIONS

● Mr. SIMON. Mr. President, recently, Francis G. Paul, the Sovereign Grand Commander of Free Masonry in the United States, wrote a column in their publication indicating some positive, constructive steps that are being taken by the Supreme Council of the Masonic organization.

The Masons have contributed immensely to enriching this Nation.

Anyone who has visited a hospital for crippled children supported by Masons understands in very human terms what has been done.

And I have seen them reach out to build bridges of understanding. A very practical example is in Shawneetown, IL, where the Masons and the Knights of Columbus get together annually for a fundraising dinner for good causes in that area.

There are a host of other examples that could be cited.

I ask that the statement of the Sovereign Grand Commander, Francis G. Paul, be printed in the RECORD.

All of us need to reexamine how we can play a more constructive role in building a better America.

The Masons have set a fine example by reaching out and making their fine organization an even finer one.

The statement follows:

DEALING WITH OUR MASONIC DESTINATIONS

"Obstacles are those frightful things you see," someone wrote, "when you take your eyes off your goals."

One of the best, most efficient ways to stay where you are or even go backward is to focus on the obstacles. They are the distractions that keep us from becoming the best we can—both personally and as a fraternity.

When you and I take a risk, we test ourselves. When we decide to solve a problem, we face the possibility of failure. When we step out to break new ground, we know the voices of the critics will be raised. Safety is certain, at least for awhile, if we do nothing.

Yet, Masonry teaches us to be dissatisfied—discontent—with the status quo. Freemasonry challenges us to reach for the ideals of justice, brotherly love, and improvement—individually and as a fraternity.

In its annual report to the Supreme Council in September, the Committee on the General State of the Rite broke new ground. While applauding our many successes, the committee urges us to set our eyes on our destinations, our goals.

Race and ethnic groups. "This committee carefully searched our constitutions and ritual," the report reads, "finding nothing to indicate that we should deprive membership in our fraternity to any man because of race, color or creed." Pointing out that this is indeed a difficult subject, yet it is one "that has been avoided for too many years."

The report continues, "It is the committee's opinion that unadmitted, residual racial bias hurts us, sapping our strength, and depriving us of men with strong leadership ability."

Although long overdue, the Supreme Council has elected the first black member to receive the 33° at our next annual meeting. "In today's society, we can no longer 'stone-wall' this vital issue if we really intend to practice what we preach—brotherly love—in this wonderful nation of people with many and diverse origins," states the committee report.

Sovereignty of the Grand Lodges. Nothing that the framers of our U.S. Constitution recognized that the survival of the young nation depended on a balance of authority between the individual states and a federal government, the committee indicates that "there is a lesson to be learned" for our fraternity.

The committee has stepped forward with a call for "some central governance group—a policy-setting body with executive power to provide cohesive, coordinated management of the total Masonic fraternity."

If we are to grow and if we are to meet the challenges of today and those of the 21st century, we must have a national approach for Freemasonry.

Penalties of the obligations and balloting. "It is becoming increasingly apparent that thinking candidates are have trouble giving honest assent to the current penalties contained in the obligations," reports the committee. "Oaths required deal with 'ancient' penalties which are obsolete, unbelievable, unacceptable and simply not relevant in today's society."

Oaths taken anywhere on a Bible are not "symbolic." Our creditability as a fraternity suffers when we attempt to "explain away" our ancient Masonic penalties. As a result, the committee urges all Bodies of Freemasonry to commence an "orderly rewrite and substitution of the onerous penalties in the various obligations of our order."

Finally, the committee addressed the balloting issue. "With our prevailing procedures of admitting new members only by unanimous, favorable ballot, we leave too much room for private pique and spite, all of which serves to deny true liberty and justice." In order to rectify this situation, the committee has called for the Supreme Council to amend its Constitutions to require three negative votes to reject a candidate for all of our degrees, and urges all Masonic Bodies to give this suggestion immediate attention."

For men whose eyes are on the goals, there are no obstacles, just opportunities to lead the way. The committee report received a standing ovation. Evidently, we are ready to move forward.

We may never achieve perfection, but we can find more perfect ways for justice, brotherly love, and improvement to prevail in Freemasonry—and the world. When you think about it, the only frightful obstacle is our unwillingness to act on our Masonic ideals.●

AUTHORITY FOR COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that committees be permitted to report legislative and executive calendar business on Thursday, February 16, between 12 noon and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I yield to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the leader.

ORDER OF STAR PRINT—S. 6

Mr. STEVENS. Mr. President, on behalf of Senator MCCAIN, I ask unanimous consent that S. 6 be star printed to reflect the change in the title from the "Spending Enhancement Control Act of 1989" to the "Spending Control Enhancement Act of 1989."

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Senator from Alaska has nothing further and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 12 noon tomorrow.

There being no objection, the Senate, at 5:46 p.m., recessed until tomorrow, Wednesday, February 8, 1989, at 12 noon.

EXTENSIONS OF REMARKS

FULL FUNDING FOR DRUG PROGRAMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. RANGEL. Mr. Speaker, on Friday, January 27, 1989, I introduced H.R. 705, the Antidrug Abuse Supplemental Appropriations Act of 1989. Joining me as original cosponsors were Representatives GILMAN, COUGHLIN, ENGLISH, FAUNTROY, GUARINI, SCHEUER, TRAFICANT, LARKIN SMITH of Mississippi, DORNAN, WYDEN, and LAWRENCE SMITH of Florida.

This bill would provide $1.786 billion to fully fund the Antidrug Abuse Act of 1988. It also would express the sense of Congress that Federal antidrug efforts should be fully funded in fiscal year 1990 at the increased levels Congress envisioned in the 1988 Omnibus Drug Act.

H.R. 705 does not include any specific proposals for raising additional revenues. Rather, it represents a statement from the Congress that our Nation's war on drugs must be made a top priority and that we are ready to work with President Bush and his new administration to find a way to fully fund a comprehensive approach to fighting drugs. I urge Members to support enactment of this critical supplemental appropriation.

Senator MOYNIHAN has introduced a companion measure in the Senate (S.26). On Wednesday, January 25, we held a joint press conference to announce the introduction of these bills. I would like to include in the RECORD at this time my statement explaining the need for this bill as well as the text of the legislation and a table summarizing the amounts provided by the bill:

STATEMENT OF THE HONORABLE CHARLES B. RANGEL, CHAIRMAN, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, ON THE INTRODUCTION OF THE ANTIDRUG ABUSE SUPPLEMENTAL APPROPRIATIONS ACT OF 1989

Good Morning.

Today, I am pleased to announce the introduction of legislation to fully fund the Antidrug Abuse Act of 1988.

Last Friday, George Bush was inaugurated as President of the United States.

President Bush has promised us "a kinder, gentler America," and we in the Congress are ready to help him fulfill that solemn promise.

I can think of no better way to inaugurate "a kinder, gentler America" than to stop the plague of drug abuse and drug trafficking that so sorely afflicts our nation.

I can think of no better way to begin "a kinder, gentler America" than to make drug abuse treatment and rehabilitation readily available for the millions of our fellow citizens who need and want help in ending their drug addiction and dependence; to offer hope for the future instead of unending despair and misery to drug addicts, their families, and loved ones; to end the crime that addicts must now commit to support their desperate habits.

I can think of no better way to start "a kinder and gentler America" than to end the constant fear that millions of Americans live with every day, trapped in neighborhoods terrorized by violent drug traffickers who hawk their poison openly on the streets and murder wantonly for control of lucrative drug markets, in brazen defiance of the law.

I can think of no better way to make "a kinder, gentler America" than to stop the record amounts of illicit drugs pouring across our borders and flooding our country with death and destruction.

I can think of no better way to fulfill the promise of "a kinder, gentler America" than to commit ourselves to a massive, public drug abuse prevention and education program to teach our citizens, and especially our youth, to reject the false promise to drugs.

It is for these reasons that I am proud to join today with my good friends and colleagues, Congressman Gilman and Senator Moynihan, to introduce the Antidrug Abuse Supplemental Appropriations Act of 1989.

This legislation will provide an additional $1,786,175,000 to fully fund the omnibus Antidrug Abuse Act of 1988 that Congress passed last fall and the President signed into law. This bill will complete the initiative we started in the 100th Congress and honor our pledge to the American people to step up the war on drugs.

Of the additional amount included in the bill, 55 percent is for drug abuse treatment and prevention efforts and 45 percent is for law enforcement and interdiction. The bill includes an additional:

$694 million for substance abuse treatment block grants to States;

$25 million for grants to reduce drug treatment waiting lists;

$125 million for Federal assistance to State and local drug enforcement;

$164 million for the Coast Guard;

$86 million for the Customs Service;

$46 million for the Drug Enforcement Administration;

And additional funding for many other Federal anti-drug programs.

Providing full funding for drug programs in 1989 is a good beginning. But we must make a sustained commitment to anti-drug efforts if we are to have any hope of reducing the tragic effects of drug abuse and drug trafficking.

President Reagan's proposed budget for fiscal year 1990 requested $5.15 billion for all Federal anti-drug efforts. This is a net increase of $164 million over current funding for 1989. His budget appears to accept a number of the funding gains Congress approved in the Anti-Drug Abuse Act of 1988, and it includes some significant increases for Federal drug enforcement and interdiction.

But his budget is far short of what is needed to fund Federal anti-drug programs at the levels contemplated in the 1988 omnibus drug bill. Moreover, it ignores some of the urgent problems drugs are creating for State and local governments. For the third year in a row, President Reagan's budget refuses to seek any funding for grants to State and local drug enforcement agencies, even though $350 million is authorized for this purpose.

The battle to save our nation from drugs is being fought every day in the streets of our cities and communities. This is not just a State and local problem It is a national problem, and the Federal Government needs to be a full partner in helping States and localities fight drugs.

The legislation we are introducng also calls for full funding of anti-drug programs in 1990 at the levels contemplated in the 1988 omnibus drug bill. According to preliminary estimates, it will take $1.6—$1.9 billion in addition to President Reagan's request to fully fund drug programs in fiscal year 1990.

In his inaugural address, President Bush pledged that the scourge of drugs will stop. This will not be easy, and it will not be cheap. We need a comprehensive anti-drug strategy backed by the resources to carry it out effectively The Anti-Drug Abuse Supplemental Appropriations Act of 1989 will move us significantly toward this goal.

Congress is ready to work with the administration to stop the scourge of drugs. I call on President Bush and his new administration to work with the Congress to fully fund our anti-drug efforts. We cannot afford to do anything else.

H.R. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1989, and for other purposes, namely:

Because of the urgent need to provide drug treatment and rehabilitation services to drug users upon request and to provide law enforcement agencies sufficient resources to arrest, prosecute, and incarcerate violators of the law, there is hereby appropriated an additional sum of $1,786,175,000.

TITLE I—DEPARTMENTS OF JUSTICE AND STATE AND THE JUDICIARY

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $15,000,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $46,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $26,000,000.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

GENERAL LEGAL ACTIVITIES ACCOUNT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used to increase the number of field attorneys and related support staff used for asset forfeiture and civil enforcement, $3,000,000.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used to increase the number of field attorneys and related support staff used for asset forfeiture and civil enforcement, $3,000,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", $6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

BUILDING AND FACILITIES

For an additional amount for "Buildings and Facilities", $104,000,000, to remain available until expended.

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $13,000,000.

NATIONAL INSTITUTE OF CORRECTIONS

For an additional amount for the National Institute of Corrections, $14,000,000.

OFFICE OF JUSTICE PROGRAMS

MANAGEMENT AND ADMINISTRATION

For an additional amount for management and administration, $8,000,000.

NATIONAL INSTITUTE OF JUSTICE

For an additional amount for the National Institute of Justice, $9,000,000.

BUREAU OF JUSTICE STATISTICS

For an additional amount for the Bureau of Justice Statistics, $10,000,000.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

For an additional amount for the Office of Juvenile Justice and Delinquency Prevention, $20,000,000, as authorized by part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

BUREAU OF JUSTICE ASSISTANCE

For an additional amount for the Bureau of Justice Assistance, $127,000,000, of which $125,000,000 shall be available until expended for the Drug Control and System Improvement Grant program and $2,000,000 shall be available for Regional Information Sharing Systems Grants, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968.

STATE JUSTICE INSTITUTE

For an additional amount for the State Justice Institute, $15,000,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until expended, for expenses authorized by the Anti-Drug Abuse Act of 1988 for development, procurement, and implementation of a machine-readable travel and identity document border security program.

REWARDS FOR INFORMATION CONCERNING NARCOTICS-RELATED OFFENSES

For an additional amount for rewards for information concerning narcotics-related offenses, $5,000,000, to remain available until expended.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,000,000.

DEFENDER SERVICES

For an additional amount as authorized by law for "Defender services", $14,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $1,000,000, to remain available until expended.

SECURITY EQUIPMENT

For an additional amount for procurement, installation, and maintenance of security equipment and protective services for the United States Courts, $5,000,000, to remain available until expended.

TITLE II—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for substance abuse employee assistance programs in the workplace, $2,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities as authorized by the Anti-Drug Abuse Act of 1988, $895,000,000.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out the Drug-Free Schools and Communities Act of 1986, as amended, $11,000,000.

NATIONAL COMMISSION ON DRUG-FREE SCHOOLS

For an additional amount for the National Commission on Drug-Free Schools, as authorized by the Anti-Drug Abuse Act of 1988, $1,000,000.

RELATED AGENCY

ACTION

OPERATING EXPENSES

For an additional amount for substance abuse prevention and education activities as authorized by the Domestic Volunteer Service act of 1973, $2,000,000, of which up to $200,000 may be used for administrative expenses.

TITLE III—DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

For an additional amount for preparing and distributing drug abuse education materials, $10,000,000.

NATIONAL FOREST SERVICE

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances on lands administered by the National Forest Service, $10,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

TITLE IV—DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $64,000,000 to be available only to increase drug interdiction patrols and other special drug interdiction operations: *Provided*, That such funds shall be available only for fuel, maintenance, spare parts, supplies and materials, and related logistics expenses.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $100,000,000 to remain available until expended.

FEDERAL HIGHWAY ADMINISTRATION

For an additional amount for "Drunk driving prevention programs", $25,000,000, as authorized by the Drunk Driving Prevention Act of 1988, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For an additional amount for "Drug recognition expert training", $5,000,000 to establish a regional pilot program for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or 1 or more controlled substances.

TITLE V—DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $35,000,000, of which $7,000,000 shall be available for development, procurement, and implementation of a machine-readable travel and identity document border security program.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operation and Maintenance, Air Interdiction Program", $51,000,000, to remain available until expended.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

For an additional amount for the Federal Law Enforcement Training Center, $6,000,000, of which $4,000,000 shall be available only to accommodate the advanced in-service training requirements of the Drug Enforcement Administration that cannot otherwise be met at the Department of Justice training facilities, and $2,000,000 shall be available to increase the level of drug enforcement training for Federal, State, and local law enforcement officers.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL COMMISSION ON MEASURED RESPONSES TO ACHIEVE A DRUG-FREE AMERICA BY 1995

For an additional amount for the National Commission on Measured Responses to Achieve a Drug-Free America by 1995, $1,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION

For an additional amount for the President's Media Commission on Alcohol and Drug Abuse Prevention, $1,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

TITLE IV—FOREIGN ASSISTANCE

DEPARTMENT OF STATE

MULTILATERAL ASSISTANCE

For an additional amount for "Multilateral assistance", $3,000,000, as authorized by the International Narcotics Control Act of 1988.

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $15,000,000: *Provided*, That such funds shall be available only to provide defense articles to the armed forces of Colombia to support their efforts to combat illicit narcotics production and trafficking.

TITLE VII—DEPARTMENTS OF HOUSING AND URBAN DEVELOPMENT AND VETERANS AFFAIRS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM

For an additional amount for the Public Housing Drug Elimination Pilot Program, $8,200,000, as authorized by the Anti-Drug Abuse Act of 1988, to be available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DRUG AND ALCOHOL TREATMENT PROGRAMS

For an additional amount for drug and alcohol treatment programs, $16,000,000, of which $15,000,000, shall be available for providing drug and alcohol treatment services to eligible veterans with alcohol or drug dependence or abuse disabilities, and $1,000,000, shall be available for an evaluation of drug and alcohol treatment programs operated by the Department of Veterans Affairs.

TITLE VIII—DEPARTMENT OF THE INTERIOR

INDIAN HEALTH SERVICES

For an additional amount for Indian alcohol and substance abuse prevention and treatment, $30,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

BUREAU OF LAND MANAGEMENT

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances on Bureau of Land Management public lands, $2,000,000, as authorized by the Bureau of Land Management Drug Enforcement Supplemental Authority Act.

NATIONAL PARK SERVICE

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, $3,000,000, as authorized by the Anti-Drug Abuse Act of 1986.

INSULAR AREAS

For an additional amount to carry out the United States Insular Areas Drug Abuse Act of 1986, $13,975,000, of which $350,000 shall be available for grants to the Government of American Samoa, $500,000 shall be available to provide the Government of American Samoa with a vessel to be used in the enforcement of narcotics and other laws, $500,000 shall be available for grants to the Government of Guam to carry out the purposes of such Act in accordance with a plan approved by the Secretary of the Interior, $500,000 shall be available for grants to the Government of Guam for drug abuse law enforcement equipment, $125,000 shall be available for grants to the Government of the Northern Mariana Islands, $7,000,000 shall be available for grants to the Government of Puerto Rico, $2,000,000 shall be available for grants to the Government of the Virgin Islands to carry out the purposes of such Act in accordance with a plan approved by the Secretary of the Interior, $2,500,000 shall be available for a grant to the Government of the Virgin Islands for a substance abuse facility, and $500,000 shall be available for grants to the Government of Palau.

TITLE IX—GENERAL PROVISIONS

SEC. 901. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 902. It is the sense of Congress that funding for Federal anti-drug abuse programs for fiscal year 1990 should, at a minimum, maintain the aggregate level of funding provided for such programs for fiscal year 1989 by the regular appropriation Acts for fiscal year 1989, the Urgent Supplemental Appropriations Act of 1989 to Meet the Dire Emergency Created by the Crisis of Drug Abuse, and the Anti-Drug Abuse Supplemental Appropriations Act of 1989, and should include the full amount of any increases authorized for fiscal year 1990 by the Anti-Drug Abuse Act of 1988.

SEC. 903. This Act may be cited as the "Anti-Drug Abuse Supplemental Appropriations Act of 1989".

Antidrug Abuse Supplemental Appropriations Act of 1989

	Millions
Total	$1,786.2
Department of Justice:	
FBI	15.0
DEA	46.0
INS	26.0
General legal activities	3.0
U.S. attorneys	3.0
U.S. Marshals service	6.0
Support of U.S. prisoners	6.0
Federal Prison System:	
Buildings and facilities	104.0
Salaries and expenses	13.0
National Institute of Corrections	14.0
Office of Justice Programs:	
State/local drug grants	125.0
Regional information sharing system	2.0
Management and administration	8.0
National Institute of Justice	9.0
Bureau of Justice Statistics	10.0
Office of Juvenile Justice and Delinquency Prevention	20.0
State Justice Institute	15.0
Department of State:	
Salaries and expenses	4.0
Rewards for information	5.0

Antidrug Abuse Supplemental Appropriations Act of 1989—Continued

	Millions
The Judiciary:	
Courts of appeals, district courts, and other judicial services	18.0
Defender services	14.0
Fees of jurors and commissioners	1.0
Security equipment	5.0
Department of Labor: Employee assistance programs	2.0
Department of Health and Human Services:	
Alcohol, Drug Abuse and Mental Health Administration	895.0
ADMS block grant	(694.0)
Treatment waiting list reduction grants	(25.0)
Office of substance abuse prevention	(46.0)
Drug abuse demonstrations	(24.0)
Community prevention grants	(25.0)
Other	(81.0)
Department of Education:	
Drug-Free Schools Act	11.0
National Commission on Drug-Free Schools	1.0
ACTION	2.0
Department of Agriculture:	
WIC Program	10.0
National Forest Service	10.0
Department of Transportation:	
Coast Guard:	
Operating expenses	64.0
Acquisition, construction, and improvements	100.0
Federal Highway Administration (drunk driving prevention)	25.0
National Highway Traffic Safety Administration (Drug recognition expert training)	5.0
Department of the Treasury:	
BATF	4.0
Customs:	
Salaries and expenses	35.0
Air interdiction	51.0
Federal Law Enforcement Training Center	6.0
Executive Office of the President:	
National Commission on Measured Responses to Achieve a Drug-Free America by 1995	1.0
President's Media Commission on Alcohol and Drug Abuse Prevention	1.0
Foreign Assistance:	
Department of State:	
Multilateral assistance	3.0
Military Assistance Program	15.0
Department of Housing and Urban Development: Public Housing Drug Elimination Pilot Program	8.2
Department of Veterans Affairs: Drug and alcohol treatment programs	16.0
Department of the Interior:	
Indian Health Service	30.0
Bureau of Land Management	2.0
National Park Service	3.0
Insular areas	14.0

A TRIBUTE TO DION SUMMERS AND SCOTT YOUMANS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. COBLE. Mr. Speaker, each year the best high school football players from North Carolina and South Carolina compete in the annual Shrine Bowl in Charlotte, NC. At the end of the game, an outstanding offensive and defensive player are named. I am proud to say, Mr. Speaker, that this year both outstanding players of the game hail from the Sixth District of North Carolina.

On December 10, 1988, the 52d edition of the Shrine Bowl was played. The proceeds from this annual charitable event are used to aid handicapped children. It is my pleasure to report that North Carolina defeated South Carolina 14 to 7 to break a 7-year losing streak for the Tar Heel State. When the game was over, the most valuable offensive and defensive players were selected. The offensive player of the game was Dion Summers from Dudley High School in Greensboro, NC. The defensive player of the game was Scott Youmans from Eastern Guildford High School in Gibsonville.

We would be proud to have one of the stars of the game from our district, but to have two Sixth District student athletes named as the outstanding players is a true feat. Our congratulations go to Dion Summers and Scott Youmans. We would also like to congratulate Willie Young, the head football coach at Dudley High School and Robert Saunders, the principal at Dudley. Congratulations also go to Tommy Grayson, the head football coach at Eastern Guilford High School and David Girardi, the principal at Eastern Guilford. Also, thanks go to Doug Henderson of Western Guilford High School for a job well done. He was one of the assistant coaches on the victorious North Carolina Shrine Bowl champions.

The entire Sixth District of North Carolina is proud of the contributions made by two of its student athletes to this year's Shrine Bowl champion. Dion Summers and Scott Youmans were truly outstanding.

PANAMA CANAL TREATY: AN ILLEGAL DOCUMENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CRANE. Mr. Speaker, today I introduced a bill that will show a sense of Congress that the Panama Canal Treaty is an illegal document. This treaty not only cost us our canal, but cost the taxpayers of America billions of dollars given to the Panamanian Government to take this vital piece of American property off our hands. To the Carter administration, this action was designed to redress an ancient grievance and to ingratiate the United States not just with Panama, but with our other Latin American neighbors as well. Further, the Carter people argued that the canal was increasingly obsolete and the fears registered by American critics of the treaty over the inability of the Panamanian Government to both maintain and operate the canal were grossly exaggerated. In addition, we were told, the revenues pouring into Panama, which was hurting economically, would provide the basis not just for improving that nation's economic welfare, but also for laying the foundation for a stable Panamanian democracy with close ties to the United States. Finally, we were assured that the United States would reserve a right to guarantee the protection of the canal in perpetuity.

Obviously, with the current situation involving General Noriega and his drug-dealing government, Panama is a land of unrest. Fortunately, the United States still controls and owns the strategically vital Panama Canal. A number of facts which have surfaced since President Carter and the Senate agreed to give away the Panama Canal have led to a public outcry. It is time that the Members of Congress reexamine the facts and understand that the Panama Canal Treaty was never properly ratified. I submit for your review, eight points that describe why this treaty was not ratified and therefore, should not be considered binding.

LEGAL PROBLEMS WITH THE 1977 PANAMA CANAL TREATIES

Two treaties were signed by President Carter and Panamanian "Head of Government" Omar Torrijos in 1977. The first was "The Panama Canal Treaty," which was intended to gradually transfer control over the canal and the zone to Panama, culminating in a final transfer of sovereignty in 1999. The second treaty was "The Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal" (The Neutrality Treaty), which was intended to guarantee the neutrality of the canal after the transfer was complete.

1. Conflicting Reservations: The text of the treaties as signed was not completely acceptable to the U.S. Senate, which was charged with ratification under the Constitution. In ratifying the treaties, several reservations were attached to clarify the meaning which the Senate placed on the treaties' provisions which were ratified.

Chief among these was the so-called "DeConcini Reservation," introduced by Senator Dennis DeConcini (D-Ariz.), which declared that the United States' right of intervention to guarantee the neutrality of the canal could be exercised unilaterally, without a prior request by the government of Panama and, if necessary, against the opposition of the government of Panama.

The DeConcini Reservation was strongly opposed by the Panamanian negotiators, who inserted a three paragraph counter-reservation into their instrument of ratification, asserting that it was the understanding of Panama that the DeConcini Reservation did not allow for unilateral U.S. action, despite the clear intentions to the contrary expressed in the Senate debate.

This Panamanian counter-reservation was never presented to the Senate for a vote (as required by the Constitution) and is not mentioned in the U.S. instrument of ratification. Clearly, the ratification was faulty and the treaties are void.

2. Illegality under the Vienna Convention: The Vienna Convention on the Law of Treaties (1969) is generally recognized as the codification of the international law of treaties. Under Article 20.2 of the Convention, each reservation required the acceptance of the other party. Since neither reservation was accepted by the other party (indeed, since they are mutually exclusive) there has been no ratification under international law.

3. No transfer of sovereignty: Article I of the Panama Canal Treaty of 1977 purports to terminate all previous canal treaties and states ". . . the Republic of Panama, as territorial sovereign . . ." There is no provision in the 1977 treaty which explicitly transfers sovereignty from the United States back to Panama.

The U.S. Supreme Court in 1907 concluded that the provisions of the 1903 treaty had granted sovereignty over the Canal Zone to the United States. Clearly then, some affirmative act was required to transfer sovereignty back to Panama. The abrogation of the 1903 treaty alone was not sufficient. Since the rest of the treaties cannot be constructed in any way with sovereignty remaining with the United States, the treaties must be void in their entirety.

4. Improper abrogation of the 1903 treaty: As noted above, the 1977 treaty purports to recind the provisions of the 1903 treaty. This is improper. The clear intent of the framers of the Constitution was for the Executive Branch to negotiate treaties, which would be ratified by the Senate (2/3 vote) and then become laws, just like other laws, which could only be repealed through the standard legislative process in *both* Houses of Congress.

If a treaty could be declared invalid by the President and the Senate, without the House of Representatives, then treaties would not be the "supreme law of the land" as guaranteed by Article VI. The principle is analogous to that which the U.S. Supreme Court used in 1983 to overturn the "legislative veto."

Since the House of Representatives, never approved legislation abrogating the Hay-Bunau-Varilla Treaty of 1903, it remains in force; and the conflicting language of the 1977 Treaty is void.

5. Improper disposal of U.S. property: As noted above, the U.S. Supreme Court in 1907 found that the Canal Zone was the property of the United States. Under Article IV, Section 3, Clause 2 of the U.S Constitution. "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . . ." Therefore, U.S. property can only be conveyed through the normal legislative process (both Houses of Congress).

On September 27, 1979, President Carter signed into law Public Law 96-70, The Panama Canal Act of 1979, the only legislative vehicle pertaining to the Canal Treaties which was passed by both Houses of Congress. Key provisions of this law are Sec. 1503, "No property of the United States located in Panama may be disposed of except by law enacted by the Congress," and Sec. 1504(c), "the Panama Canal . . . shall not be transferred to the Republic of Panama prior to December 31, 1999."

Under this law, then, the Panama Canal and Zone still belong to the United States and will continue to belong to the United States until Congress, *both Houses of Congress*, passes a law disposing of it. Provisions of the Panama Canal Treaties to the country must be void.

6. Non-resident aliens as U.S. Officials: Article III of the Panama Canal Treaty (1977)

provides for the President of the United States to appoint four Panamanians to serve as directors on the nine-member Panama Canal Commission, the government agency which operates the canal.

The U.S. Constitution requires that all officers of the United States must swear an oath to support the U.S. Constitution (Article VI, Section 3) and may be removed for treason (Article II, Section 4).

These Constitutional provisions clearly do not allow for non-resident aliens to serve as officers of the United States. Such an alien cannot take an oath to support the United States Constitution and, by definition, cannot commit treason against the United States. Therefore, this provision of the Panama Canal Treaty is unconstitutional.

7. Improper application of Panamanian Constitution: The Panamanians had long expected the 1903 Treaty to eventually be renegotiated, and made provision for it in the Constitution of Panama (1972). Article 274 provided that "Treaties . . . with respect to the Panama Canal . . . shall be submitted to a national plebiscite" for ratification. Accordingly, the treaties signed by President Carter and General Torrijos were submitted for a plebiscite by Panamanian Law 33 and approved on October 23, 1977.

However, the subsequent U.S. reservations and Panamanian counter-reservations (see above) were never submitted to a second plebiscite. The versions of the treaties ratified by the people of Panama in the October 1977 plebiscite are not the same as the versions ratified by the United States Senate in March and April of 1978; and both are different from the versions ratified by General Torrijos in June of 1978. Since the ratification was unconstitutional under the Constitution of Panama, the treaties are void.

8. Improper signing under Panamanian Constitution: Article 277 of the Constitution of Panama (1972) stipulates that the "Head of Government," then Omar Torrijos, had the power to "direct foreign relations," while Article 163 reserved to the "president of the Republic alone" the power to "enter into international treaties and agreements."

Despite this, the 1977 treaties were signed by General Torrijos, not the President of Panama. For this reason, the treaties are void under Panamanian law.

CARIBBEAN BASIN SCHOLARSHIP ACT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. GUARINI. Mr. Speaker, together with 25 of my colleagues including the Resident Commissioner of the Commonwealth of Puerto Rico, I am introducing legislation that will greatly enhance our economic and political efforts in the Caribbean Basin.

There is broad recognition that the well-being and future economic security of the basin translate into the military and national security of the entire Western Hemisphere. Many of the CBI countries, however, are plagued with poverty, civil unrest and instability. Their standards of living place them among the lowest of Third World nations. Without economic development these countries will never achieve lasting peace or stability.

To foster more stable, peaceful democracies in the region, we must establish a comprehensive program for promoting economic development. I believe that one essential component of that program is education and training assistance and for that reason, I am introducing legislation to establish a scholarship program for students from the 23 Caribbean Basin Initiative beneficiary countries to attend vocational schools or institutions of higher education in the Commonwealth of Puerto Rico.

The benefits of offering aid in the form of scholarships have been widely recognized. Increasing scholarship assistance was one of the major recommendations of the Kissinger Commission report on Central America. It determined that providing scholarship assistance to youth in the Caribbean Basin is in our mutual interest. It will counter the strong influence of Soviet and Cuban scholarship efforts and reaffirm our ties to the basin. Furthermore, by strengthening the skills of the regional work force, it will ensure that the basin countries have the capabilities to benefit from other forms of development assistance that the United States and other nations may provide. It will enable the people of the basin region to take an active role and have a direct stake in regional development efforts.

Specifically, my bill establishes a program to identify skill shortages in basin countries and provide training and education in those areas which will best promote economic development. The program would provide up to 1,000 scholarships per year for 4 years for students from countries which have been designated as eligible countries by the President pursuant to the Caribbean Basin Economic Recovery Act and the awards would be apportioned according to population. In order to be eligible to participate, students would have to demonstrate academic potential, financial need and a desire to return to their country of origin upon completion of their program of study. The program would be administered by the Agency for International Development. It is estimated to cost $6 million annually. It would be funded equally by the Federal Government and the Government of Puerto Rico.

Senator BOB GRAHAM and Congressman DANTE FASCELL have also introduced legislation which would provide scholarships for Caribbean Basin students to study at universities in the United States. I support their legislation and I hope that my bill will complement their efforts.

By bringing students to Puerto Rico, my program seeks to capitalize on the high quality of the existing resources and facilities at the institutions of higher education and vocational schools which is available at lower cost in Puerto Rico than on the mainland. In Puerto Rico, there are more than 43 accredited higher education, technical and vocational institutions which offer excellent programs in areas such as agriculture, engineering, tourism, community development, labor relations, public administration, industrial and economic development, health, housing and public safety, and social work. The estimated cost of undergraduate tuition at the university is between $2,000 and $3,000. Since 1950, over 36,000 men and women from 186 nations and territories have taken advantage of the excellent educational opportunities afforded at low cost institutions in Puerto Rico.

In addition to benefitting from the high quality and the low cost of the education and training available in Puerto Rico, I believe that educating students there is advantageous because, in many cases, students share a common language and a common culture and they can witness a successful democracy within the region.

The Caribbean Basin Scholarship Program would greatly aid our efforts to foster economic development in the basin. It would also strengthen the mutual ties of friendship and understanding among the basin countries, the Commonwealth of Puerto Rico and the United States. It could be one of the most effective tools which we can offer to promote economic development, peace and prosperity in the Western Hemisphere. For all of these reasons, I urge your strong support for this legislation.

H.R. 798—THE HOME OWNERSHIP OPPORTUNITY ACT OF 1989

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. LANTOS. Mr. Speaker, home ownership is the symbol of the American dream. It is a fundamental ideal to which all Americans aspire. It is also an important source of both financial and emotional security to families.

As all of us know, however, the opportunities for home ownership have diminished considerably in recent years. Since 1980, rising prices and higher mortgage interest rates have increasingly outstripped the ability of many Americans—particularly young people who are first-time home buyers—to meet the costs of home ownership. For those who do manage to buy a home, they must delay the purchase for several years, both spouses must work, and they must very often settle for a less desirable home.

Nowhere is this more evident, Mr. Speaker, than on the San Francisco Peninsula. The skyrocketing cost of housing has simply priced many people out of the market, and potential first-time buyers are falling further behind each year in their ability to enter the housing market.

As chairman of the Employment and Housing Subcommittee I have examined the effectiveness of the Federal Housing Administration in assisting young families to buy homes. In 20 percent of all metropolitan areas, a median-priced home costs well more than the maximum FHA mortgage limit of $101,250. Furthermore, first-time buyers must raise increasingly larger downpayments before they can even consider buying a house. Although many of my constituents could make monthly mortgage payments, they are unable to make the necessary downpayment.

A number of policy changes can help make it possible for first-time home buyers with middle-class incomes to participate in the American dream of home ownership. The Home Ownership Opportunity Act of 1989, which I am introducing today, is one step in

that direction. My legislation will amend the Internal Revenue Code to make it possible for first-time buyers to transfer funds from their IRA accounts or other annuity accounts for use as a downpayment on a first home, without the currently required tax penalty.

The bill includes appropriate safeguards to prevent abuse. The maximum amount which may be used in this way is $10,000 and the tax base of the property would be adjusted accordingly so that, upon sale or rollover, tax would be collected. We do not need and do not intend to provide double tax benefits, but we can help by freeing IRA funds without tax penalty for purchase of a first home.

Mr. Speaker, my legislation will not cost the Treasury or the American taxpayers any money. We already defer tax on these retirement funds. All this legislation does is make it possible to use these funds, without penalty, for more Americans to share in the American dream. I invite my colleagues to join me in supporting this legislation.

THE 1989 AGRICULTURE AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 25, 1989, into the CONGRESSIONAL RECORD.

Although the 1985 law governing agricultural programs will not have to be rewritten this year and 1989 is expected to be a good year for farmers the Congress will still face several important agricultural issues.

The financial recovery for American agriculture seems likely to continue in 1989, although much depends on the weather. A second year of drought conditions could cause major livestock liquidations and food price hikes, which could have a major impact on U.S. agriculture for years to come. Yet weather experts believe that temperatures and rainfall are likely to return to average levels because droughts rarely occur back to back. If the weather cooperates, 1989 could be a very good year for farmers overall, with some sectors doing better than others. The Department of Agriculture is forecasting that net farm income could reach $48 billion if yields are near normal. That would be $9 billion higher than last year, and after adjusting for inflation, the highest level in more than a decade.

The expected increase in farm income is a reflection of high market prices and increased plantings, which will more than offset higher production expenses. Market prices are expected to remain high because last year's drought depleted stocks of most commodities and there are indications of lower levels of production in other parts of the world. Increased plantings are due to the Secretary of Agriculture's decision to replenish stocks by increasing the number of acres farmers may plant while continuing to participate in the commodity programs.

The value of U.S. farm exports is expected to grow slighty to $36.5 billion in 1989. Agricultural exports have climbed steadily in recent years, from a low of $26.3 billion in 1986. The recent Soviet announcement that they may have to increase their grain purchases by 50 percent over last year brightens the outlook. Government payments to farmers are expected to drop as a result of relatively strong market prices and scheduled reductions in price support levels written into the 1985 law. Direct payments to farmers, which were $16.7 billion in 1987 and $14 billion last year, could fall to $10-12 billion this year.

Despite the overall upbeat predictions for the farm sector in 1989, several items remain on the congressional agenda.

Budget reductions: The federal budget deficit will continue to remain a central element in agricultural policy for the next few years. Cuts will likely be required in agricultural outlays to meet the 1990 deficit reduction target. In his final budget to the Congress, President Reagan recommended reducing federal payments to farmers an additional $2 billion in 1990 by either lowering target prices 5 percent more than already scheduled or by reducing the number of planted acres that would be eligible for support payments.

Omnibus farm bill: Initial consideration of a new farm bill will occupy the House and Senate agriculture committees toward the end of the year. Although there has been some talk of major changes in the farm programs, the general sense in the Congress at this time is that the basic approach of the 1985 law has worked, so a complete overhaul is not expected. The emphasis will likely continue to be on lowering federal support levels for farmers and increasing their reliance on the market and on export sales. A typical corn producer in 1990 will receive more than 40 percent of his net farm income from direct federal payments.

Farmers Home Administration: Recent reports of $35 billion in losses by the Farmers Home Administration (FmHA) will contribute to calls to reform its operating procedures. While FmHA will not require a bailout like that needed for the savings and loans, the losses do reflect inadequate reporting standards and bring into question FmHA standards in approving loans. At issue is the question of how much the federal government should continue to help marginal farmers and young farmers.

Environmental improvement: Most major environmental concerns have an agricultural component. Failure to address these issues now may result in irreversible harm to the environment and our health. Maintaining water quality, particularly groundwater, and preserving of wetlands are both upcoming issues in 1989. Farmers may have to modify their farm practices in order to meet national standards in these areas. Pesticide runoff from farms is considered to be the major cause of surface and ground water pollution in the U.S. In addition, farmers have a long-term interest in the effect of global warming and in preventing ozone depletion, which may reduce crop yields.

Trade negotiations: While the U.S. has recently made progress with Canada and Japan in the area of trade, major issues with the European Economic Community (EEC) remain unresolved. At the Montreal trade negotiations in December, the United States proposed removing all farm subsidies but was unable to get the EEC to agree to any significant reductions. In addition, the EEC recently restricted the import of beef containing growth hormones, which will cost U.S. producers an estimated $100 million. Retaliation by the U.S. could lead to further EEC import barriers which would harm the prospects for expanded trade.

Rural development: In recent years, rural income has fallen to 73 percent of urban income, and rural unemployment rates now exceed urban rates by 2 percent. Improving the outlook for rural areas will require a concerted effort to improve income and employment opportunities. The challenge is to create an environment in which private initiative can be supported by federal, state, and local governments. Proposals under consideration include improving rural access to credit and capital, upgrading the quality of the rural labor force through better education and job training, and improving infrastructure, particularly in the area of telecommunications.

CONTRACT PROCEDURES FOR NOAA SHIP REPAIR CONTRACTS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing a bill to provide parity between the ship repair contract procedures of the National Oceanic and Atmospheric Administration [NOAA] and the Navy and Coast Guard. This bill will resolve a dispute between NOAA and the Department of Labor [DOL] as to which Federal contract law should apply to NOAA's repair contracts. Legislative clarification of this issue is supported by NOAA and DOL.

The bill provides that contracts for the construction or repair of vessels owned or operated by NOAA are subject only to the procurement policies and procedures of the Walsh-Healey Public Contracts Act—commonly referred to as the Walsh-Healey Act (41 U.S.C. 35 et seq.), and not to those of the Davis-Bacon Act (40 U.S.C. 276a et seq.). The bill does this by amending the law which defines the functions and duties of the Coast and Geodetic Survey (33 U.S.C. 883a–i). The legislation is necessary to provide parity between the Federal Government's contract procedures for NOAA vessels and vessels of the Navy and Coast Guard. It would resolve the issue of which labor standards to apply to NOAA ship construction and repair contracts.

Only the Walsh-Healey Act applies to the construction, alteration, furnishing, or equipping of vessels within the authority of the Department of the Navy (10 U.S.C. 7299). Contracts for the repair of vessels other than those under the authority of the Navy may be subject to the Davis-Bacon Act under a 1987 interpretation by the DOL.

Traditionally, the Department of Commerce [DOC] and NOAA have considered NOAA ship construction and repair contracts to be subject to the Walsh-Healey Act. This primarily was because they viewed NOAA vessels as falling within the term "naval vessels" in 10 U.S.C. 7299 which provides that contracts for the construction, alteration, furnishing, or equipping of a vessel within the authority of the Navy are subject to the Walsh-Healey Act. DOL, however, has advised DOC and NOAA that the term "naval vessel" is limited to vessels of the Navy and Coast Guard and does not cover NOAA vessels, even though NOAA

ships may be transferred to the Department of Defense in time of war. Because of this interpretation, it is necessary to enact a separate statutory provision parallel to 10 U.S.C. 7299 to ensure that NOAA ship construction and repair contracts are treated the same as those of the Navy and Coast Guard.

The application of Davis-Bacon to NOAA ship construction and repair contracts would result in more costly and time-consuming procedures which I regard as unnecessary and burdensome to the successful operation of the NOAA fleet. For example, Davis-Bacon requires DOL to establish prevailing wage determinations in the area of the contract's performance. Yet, DOL apparently does not have wage rate determinations for shipyard personnel, who are unlike construction and production workers in other fields for which wage rates have been developed. Building carpenters are not the same as ship millwrights; inside and outside machinists have no counterparts in shoreside construction; plumbers are not the same as pipefitters; welders are not the same as shipfitters, grinders, scalers, and burners.

Finally, since much shipyard work is performed for the Navy and Coast Guard, the application of Davis-Bacon to NOAA construction and repairs would cause shipyards to pay different wage rates to the same employee, depending upon whether the employee was working on a NOAA ship or on another Government ship. It would also cause employees of equal status to be paid differently depending on whether they were assigned to work on a NOAA vessel or on a Navy or Coast Guard vessel.

For all these reasons, I urge my colleagues to support this measure.

1988 WESTERN FOREST FIRE SEASON

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MARLENEE. Mr. Speaker, I am inserting in the RECORD a statement by me before the Interior Subcommittee on Public Lands:

STATEMENT OF HON. RON MARLENEE

Mr. Chairman, we are here today to examine a policy so misguided, so abusive, so wasteful, so destructive that no better definition could be drawn to describe the term, "Scorched Earth Policy."

The deliberate destruction of resources are almost incomprehensible.

By my estimates, the tangible public resources torched and scorched total between $1 billion and $2.5 billion dollars.

The cost to the private sector cannot be estimated.

This disregard for creatures big and small would make the most aggressive hunter weep.

In the private sector it would be called arson. In the bureaucracy and among environmental groups it's viewed as God's will, or something akin to faith healing.

This hearing should concern itself as much about the attitude, personnel management, and communication as about fire policy itself.

Montana was devastated by fires last summer. In addition to the fires in Yellowstone, which spilled over into Montana, we experienced several massive and deliberate fires which started in Forest Service wilderness areas and later caused dramatic losses to private property owners. In fact, one rancher who will testify this afternoon had 25,000 acres of his property burn because of a fire starting in a wilderness area that was not put out, because it was the will of God, it was not contained because it was the will of God and, guess what got out of control?

Last summer, I personally flew over the Rocky Mountain and Yellowstone fires several times and met with local citizens who were concerned about federal fire policies as well as what they perceived as bureaucratic bungling on the part of the upper managers of the fire-fighting effort.

It is clear to me and literally thousands of my constituents who have contacted me that changes must be made in how we manage fire in national parks and wilderness areas. Any federal fire-fighting policy, above all else, must protect the lives and property of citizens and communities adjoining federal lands.

Current laws must be reformed so that private landowners who are victimized by fires originating on federal lands are promptly compensated.

Let me recount some of the allegations I heard from Montanans who worked on the Yellowstone fires:

Park rangers threatened or gave a citation to a fire-fighting crew for crossing a meadow with their truck to put out a fire. The ranger was concerned the truck would destroy park vegatation.

Several helicopter pilots claim that park officials would not allow them to dip their water buckets in certain streams and lakes for needed water drops.

Others charge that Park Service personnel prohibited the building of heliponds inside the park and thereby threatened the safety of fire crews and contributed to the spread of the Hellroaring Fire.

An electric utility that provides power to part of the park tried to minimize the problems of burning trees falling over its power lines by widening its narrow right-of-way corridor. For whatever reason, this modest request was denied and power outages in the park were numerous.

The Park Service hosed down all buildings near Mammoth with the curious exception of the Photo Shop of the concessionaire. Some long-time residents believe this is because the Park Service never really liked the location of the photo shop in the first place.

Although it fortunately did not burn, it reconfirmed the suspicions of some of a "selective burn" policy by park officials.

Finally, and perhaps most disturbingly, I have heard from many credible folks that a research biologist in Yellowstone regularly chanted the slogan "Burn Baby Burn" while wildfires devoured Yellowstone.

It is my understanding that a joint Forest Service/National Park Service panel is currently investigating these allegations of misconduct. It is imperative for Congress to know if a group of environmental elitists in the governmental bureaucracies, in the name of "letting Nature take its course," actually impeded fire-fighting efforts.

When we discuss Yellowstone, it is instructive that this panel remember the words on a stone monument outside the northwest entrance of Yellowstone Park. They read, "For the benefit and enjoyment of people—Yellowstone National Park, created by an act of Congress, March 1, 1872.

Mr. Chairman, I look forward to hearing all of today's witnesses and wish we had the opportunity for individuals from different panels to question each other. Since that is not possible, I would like to highlight some differences in testimony that hopefully will lead to a spirited discussion.

For example, the testimony of a witness in Panel 2 implies to me that "short-term economic interests of local citizens who derive their income" from park tourism should somehow be subservient to some lofty goal of "long-term resource protections." This Congressman is eagerly waiting to learn if the concessionaire in Panel 6 whose family-owned enterprise has faithfully served park visitors for over 70 years and has survived two world wars, the Great Depression, and the so-called energy crisis is a short-term economic interest that should get a condescending stare from federal officials.

The testimony of a witness in Panel 6 states, "Many businesses in Yellowstone had banner years, particularly motel owners, restaurants and grocery stores which helped house and feed the fire fighters." By this logic, all it takes to bring prosperity to national park merchants is to encourage a fire of holocaust proportions and let the resulting government fire-fighting checks bolster the local economy. Fortunately, this perverse logic is resisted by the enterprising and hardworking men and women that make up Main Street businesses and understand how real wealth is created in our free enterprise system.

Although it is difficult to assess the economic impact to the many Mom and Pop businesses so common to Montana communites victimized by fire, I can say that my Montana field offices were deluged with calls and visits last summer and fall from constituents who suffered substantial economic losses because of fires.

Regarding larger businesses, I do know that two concessionaires lost a combined total of approximately $8 million dollars in 1988 due to fires in Yellowstone. Needless to say, this economic devastation trickled down to approximately 1,000 employees who were released early by one of these enterprises because of surrounding fires.

As I study the Yellowstone fires in more detail, I am starting to painfully agree with one of the conclusions reached by fellow Montanan Alston Chase in Panel 3 who states, "We are witnessing a great fire sale. Yellowstone is being repackaged by bureaucratic spin-doctors, gullible journalists and environmental organizations that are not doing their homework."

Mr. Chairman, Let us provide the American people the legislative oversight function they elect us to perform, and prevent a summer like the one of 1988 from ever happening again.

THE PLIGHT OF AUGUSTIN NAVRATIL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. HOYER. Mr. Speaker, 2 weeks ago, I had the opportunity to attend, along with secretary of State Shultz, the concluding session of the Vienna Follow-up Meeting of the Con-

ference on Security and Cooperation in Europe. During those closing days, Czechoslovak Foreign Minister Jaromir Johanes gave his assessment of the achievements of the Vienna meeting, and reflected on its relevance to Czechoslovakia. As I had the opportunity to meet Minister Johanes 2 years ago when I was in Prague with a delegation from the Helsinki Commission, I reviewed his statement with great interest with the hope that I might find therein some sign that the increasing repression of human rights by Czechoslovak officials will soon let up.

In his speech, Minister Johanes cited his main concern as "care for (a person's) inalienable rights, understood in the widest sense." Accordingly, the Czechoslovakia government has created a "Committee of the Czechoslovak Public for Human Rights and Humanitarian Cooperation," which, Johanes declared, "will certainly actively contribute * * * [t]o further the development and securing of human rights in the national and international sphere." While I welcome the tone of Minister Johanes address, recent events are very disturbing.

In the Vienna concluding document, which the Czechoslovak Government has just pledged itself to uphold, the participating States confirm that, "their laws, regulations, practices and policies (will) conform with their obligations under international law and [be] brought into harmony with * * * CSCE commitments." I welcome the creation of the new Czechoslovak human rights committee as an organization which may strive to implement this goal. As a case which merits special attention, I urge the committee to examine the plight of Augustin Navratil, for I believe that Mr. Navratil's continuing incarceration in a psychiatric hospital stands in direct contradiction to the CSCE commitments contained in the Vienna concluding document.

Augustin Navratil is a simple man. A railway worker, he is married and the father of nine children. A devout Roman Catholic, Navratil penned a 31-point petition in 1987 calling for religious freedom in Czechoslovakia. The petition was subsequently supported by Frantisek Cardinal Tomasek, Czechoslovakia's highest ranking Catholic official, and garnered over half a million signatures.

Although Navratil was arrested in March of 1988, he was not convicted of any crimes. Instead, in October he was remanded to a psychiatric hospital, even though Swiss doctors who had been permitted to examine him declared that his mental state was within normal limits.

By continuing to hold Augustin Navratil in a psychiatric hospital under these circumstances, the Czechoslovak Government is violating the following commitments, contained with the Vienna concluding document: The right to a fair and public hearing within a reasonable time before an independent and impartial tribunal, including the right to present legal arguments and to be represented by legal counsel of one's choice; the right to be free from arbitrary arrest, detention, or exile; and the right to protection from psychiatric or other medical practices that violate human rights and fundamental freedoms.

In light of these new commitments so recently enshrined in the Vienna concluding document, and the pledge of the Government of Czechoslovakia to uphold and respect those rights, I urge the Committee of the Czechoslovak Public for Human Rights and Humanitarian Cooperation to examine the case of Augustin Navratil with a goal of returning this man to his family and his church.

TRIBUTE TO DR. VICTOR D. GRAGG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. SKELTON. Mr. Speaker, it is with great pleasure that I rise today to honor Dr. Victor D. Gragg, a devoted public servant and a great American, who will be retiring in June, as superintendent of schools at Fort Osage R–I School District in Independence, MO.

Dr. Gragg is a native Missourian. He studied at Culver-Stockton College and proved to be outstanding in the sport of basketball. In 1956, he began teaching high school physical education, advancing to superintendent of schools at LaGrange, from 1959 to 1967. After completing the requirements for his doctorate at the University of Missouri, Dr. Gragg began his tenure as superintendent of Fort Osage R–I School District in 1970.

In addition to Victor Gragg's fine work in Missouri public schools, he is a member of the Missouri State Teachers Association and a past president of the Greater Kansas City Association of School Administrators. He and his wife, Norma, have also taught in their Independence church where Victor is a deacon.

On behalf of this body, I wish to express appreciation to Dr. Gragg, who served as superintendent longer than any other in Fort Osage School District's history. May he enjoy his time of retirement in good health among the company of his family and friends. All my best wishes to Victor and his wife, Norma.

LIFETIME OF SERVICE TO COMMUNITY AND COUNTRY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. GALLO. Mr. Speaker, I always take great pride in the accomplishments of those individuals within the community who have given of themselves tirelessly to help others on a voluntary basis.

We have learned from long, hard experience that community pride and involvement on the part of individuals is worth far more in terms of the quality of life than all the Government programs put together.

I can tell you from first-hand experience that being a volunteer in a community project is a very rewarding experience.

Bob Tracey, who is retiring as Postmaster of Morristown, NJ, after 28 years of service, has been recognized for his involvement in a volunteer effort that include the March of Dimes, the Kiwanis, Police Athletic League boxing coach, the Federal United Fund drive, Catholic Share Charities, the American Heart Association, Cystic Fibrosis Foundation, Morristown Ambulance Squad, Juvenile Conference Committee of Morristown, National Council of Alcoholism, the National Heart Association, and much more.

He headed community flood relief efforts for the victims of Tropical Storm Agnes in Pennsylvania's Wyoming Valley. He once entered a burning building in a rescue attempt.

As Postmaster, Bob was awarded the Superior Accomplishment Award in 1971 for his lifesaving heroism. He received the Presidential Award for Hiring the Handicapped in 1967. He received the U.S. Postmaster General's Bicentennial Award for Outstanding Bicentennial Activities in 1976.

His military career has spanned two wars—World War II and the Korean conflict—and he has served in two branches of our Armed Forces—the Navy and the Army. He also served with distinction as a member of the New Jersey National Guard.

Bob has been an active member of American Legion Post 59 and Veterans of Foreign Wars Post 5461 since 1946. Bob served as Legion Post 59 commander in 1981. He has been a member and ceremonial officer for Morristown and Morris Township Veterans' Day and Memorial Day Committees for 30 years. He has chaired the Legion's hospital program and has been a member of the Morris County Veterans Service Officer Committee throughout the 1980's.

For these and many other voluntary efforts, Bob was named Veteran of the Year in 1975 and received the Jewish War Veterans Community Relations Plaque in 1983.

Bob has given of his time on numerous occasions to promote physical fitness, as an active jogger and marathon activist, little league coach, boxing coach, and as an active participant in the Babe Ruth Baseball International Program.

These are the highlights of Bob Tracey's community service activities, but is not a complete listing.

He is also an active member of his church and will celebrate his 40th wedding anniversary in April with his wife, Mary, his 4 children and his 11 grandchildren.

I have no doubt that Bob will enjoy a very active and rewarding retirement. I join with his many friends to wish for him all the best.

KOREAN WAR MEMORIAL FUNDING NEARS HALFWAY POINT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. SOLOMON. Mr. Speaker, I am happy to report that we are making good progress in raising the funds necessary for the Korean War Memorial, but we still have a lot to do.

So far, we have raised about half the $6 million required by law to construct the monument. We are extremely grateful to those corporations and individuals who have been so generous.

It is my hope that members will include in their next newsletter appeals for the remaining funds.

The memorial will pay tribute to the 5.7 million Americans who served in what has been our forgotten war, and especially the 54,000 who gave their lives for their country. In recent years, we have erected a memorial as a fitting tribute to those who served in Vietnam. Similar tribute to our Korean war veterans is long overdue.

MAINTAIN U.S. MEMBERSHIP IN THE INTERNATIONAL TROPICAL TIMBER ORGANIZATION [ITTO]

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. COBLE. Mr. Speaker, yesterday I introduced legislation authorizing the President to maintain U.S. membership in the International Tropical Timber Organization [ITTO]. This measure will help to sustain world trade in an $8 billion a year industry. More importantly, it will enable us to do a better job of addressing some of the most pressing environmental problems plaguing the world today.

By way of background, the 1983 U.N. Conference on Tropical Timber established the International Tropic Timber Agreement, which took effect 2 years later. The agreement is administered by the ITTO, comprised of 42 member governments, including the United States.

In implementing the agreement, the ITTO: provides an effective framework for cooperation and consultation between tropical timber producing and consuming nations; coordinates statistical data; and supports research and development on marketing, utilization, reforestation, and management of tropical forests. The ITTO is unique because it essentially administers a commodities agreement that nonetheless has a conservation mandate.

U.S. participation in the organization is important for two general reasons. First, timber harvested in tropical rain forests is an important component of world trade, both to producing and consuming nations, including the United States. The continued existence of the forests is especially important as a source of support for many in the less developed countries who depend on the forests for their livelihood.

Second, a wealth of scientific evidence suggests that tropical deforestation is growing at an alarming rate. The environmental consequences of this problem, if ignored, include: unwanted contributions to the greenhouse effect; the elimination of species in the affected regions, many of which have yet to be discovered and others which are used in the development of pharmaceuticals and other commercial products; an increase in soil degradation, soil erosion, and downstream flooding; and interference with weather circulation patterns.

Practically speaking, this legislation will permit the State Department to fund our participation in the ITTO through a Conventions and International Organizations [CIO] account. Future funding requests through this account are expected to be modest.

In closing, Mr. Speaker, this bill does not set forth a plan, exhaustively comprehensive in scope, which will solve the environmental and trade problems brought about by the steady disappearance of the rain forests. But it will guarantee our presence in an important international forum designed to address these problems. Again, I urge its support.

LEGISLATION TO ALLOW EMPLOYEES OF RELIGIOUS ORGANIZATIONS OUT OF THE SOCIAL SECURITY SYSTEM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CRANE. Mr. Speaker, I plan to reintroduce legislation to correct a problem created by the 1983 Social Security Amendments which resulted in the Federal Government's intrusion into the ability of religious organizations to carry out their ministries. What my legislation will do is allow employees of religious organizations to opt out of the Social Security System, and thus prevent the Social Security System from over burdening religious organizations with the FICA tax.

From the very beginning of the Social Security System until the 1983 amendments, religious organizations and their employees were exempted from the system. Prior to the 1983 amendments, Congress realized that failure to grant such an exemption would jeopardize religious freedom. A 1946 report to the House Ways and Means Committee by the committee's social security technical staff declared that these groups were exempted from taxation because their representatives "feared endangering their freedom from taxation and the separation of church and State; they feared extension of Government influence on religious . . . policies."

However, the Social Security Amendments of 1983 brought the employees of all nonprofit (501(c)(3)) organizations—including church employees—into the system. After passage of these amendments, a public outcry arose because Congress had considered all categories of nonprofit groups together and had failed to address the special first amendment concerns raised by mandatory coverage of religious groups. In the Deficit Reduction Act of 1984 [DEFRA], Congress attempted to correct the problem by allowing religious organizations, but not their employees, to elect out of the system. Unfortunately, this modification did not solve the problem because the employees of the religious organizations which chose to opt out of the system are treated as self-employed, and thus liable for the full share of the 15 percent FICA tax.

The provision hits especially hard on the employees of many church schools. Since many State school employees are currently exempted from FICA taxes, the FICA tax burden on church school employees makes it difficult for churches to pay salaries competitive with public schools. In addition, the present law interferes with the strongly held religious conviction of some churches that they should provide for their own retirement. Thus, for those religious schools which uphold this higher conviction, there is a double burden because they must pay salaries to their employees which reflect the heavy 15 percent FICA tax.

The Supreme Court has held that the church school is an "integral part of the religious mission" of the church in *Lemon* v. *Kurtzman,* 408 U.S. 602 (1971). My legislation will allow religious organizations to shed the economic burden imposed by the Federal Government in the form of Social Security taxes.

An excellent example of how the FICA tax intrudes upon the ability of a church to carry out its religious ministry is the case of the Bethel Baptist Church in Sellersville, PA. According to the pastor of this church, the Rev. Richard A. Harris, the church operates a preschool day care program and a school in furtherance of its religious mission. The members of Reverend Harris' faith believe that every activity involved in its ministry, including such vocations as secretary, maintenance worker, teacher, and so forth, is a religious ministry and is not secular or commercial in nature. The functions performed by employees of the church in its ministries are religious functions governed and controlled by religious principles. Reverend Harris correctly points out that the church's employees are indispensable to the carrying on of the church's ministry.

The members of Reverend Richard's faith believe that scripture requires that Christians provide for their own financial security. Since many of Bethel Baptist's employees further the religious ministry of the church through its school, the employment relationship between the church and its employees'/ministers' wages and has instituted a program of benefits for its employees to provide for their financial security, which includes a pension plan funded solely by church funds.

By mandating that church employees must participate in the Social Security program, Congress has caused the Federal Government to preempt the scriptural belief of the members of this church and provide for the financial security of church employees/ministers. In addition, mandatory coverage—and thus taxation—by the Social Security program results in an extraction and diversion by the Federal Government of the church's funds which are meant for solely religious purposes.

What Bethel Baptist Church believes is that its scriptural duty to provide for the financial security of its employees is certainly a religious purpose. However, the Government imposed FICA tax causes diversion of these funds. If the church does not increase its employees' wages to cover the FICA tax, the church's employees' net income would be diminished substantially, thus hindering or eliminating the pursuit of their religious vocation in the church's ministries. If the church increases its employees' wages commensurate with the self-employment tax imposed upon them, the availability of the church's ministries, such as the Christian school it operates, would be endangered. Thus, an increase in tuition or an

increase in the tithe to the chruch, or even a reduction of employee staff in the church ministries would result.

Mandatory coverage of employees of religious organizations would thus cause certain churches to violate what they believe is their scriptural mandate not to participate in, or collaborate in, any effort of Government to assume or preempt a church's responsibility of providing for the financial security of its followers. I ask my colleagues to recognize that at the heart of this issue lies the constitutional command that the Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. My bill will unburden churches from the intrusion of the Federal Government in the form of mandatory coverage by the Social Security System. The legislation will allow churches to opt out of the system if it interferes with its religious beliefs. I urge my colleagues to support this piece of legislation.

NATIONAL EYE DONOR MONTH

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. GUARINI. Mr. Speaker, the efforts of Congress have helped make possible the enormous humanitarian and economic benefits of organ and tissue transplantation: lives saved, bodies repaired, sight restored and thousands of men, women and children returned to the workplace, classroom and community life. Our support of eye donation, in particular, has had a dramatic impact.

Thanks to increased public awareness of the benefits of eye donation, a record number of people are choosing to pledge their eyes to be used after death for sight restoring surgery and eye research. Last year alone, more than 80,000 donor eyes were received by eye banks across the United States and Canada. Of this number, the Eye Bank Association of America [EBAA] reports that 36,000 were used to restore sight through corneal tansplant surgery. The balance were used in other sight enhancing surgical procedures, and in important research projects to speed the day when thousands of persons with other types of blindness might also have their sight restored.

Since 1961, when the EBAA was founded, more than 300,000 corneal transplants have been performed with a 90-percent success rate, making this surgery the most frequently performed of all transplant procedures. Persons who have received the precious gift of sight through this surgery have come from all walks of life and all parts of the country.

The EBAA, through its 93 member eye banks, is coordinating activities throughout the United States and Canada in order to increase eye donations and expedite research. The EBAA is assisted by its allied organizations, the Association of Nurses Endorsing Transplantation [ANET] and the National Ambassadors for Corneal Transplant [NACT], whose members are former blind persons who have had their sight restored.

Despite this remarkable effort, thousands of blind men, women and children still wait in darkness because of a shortage of eye donations. Eye banking experts are convinced that one of the most effective means for increasing donations is to increase public knowledge of the donation process. They point out that many citizens do not realize that all eyes are acceptable for donation, regardless of the donor's age or quality of vision.

Therefore, it is fitting that we in Congress inform the public of the need for eye donations and encourage more people to become organ and tissue donors, as we have done every year since 1983. We do so by designating March 1989 as "National Eye Donor Month" and call on all citizens to support this humanitarian cause.

ABE ROSENTHAL DISCUSSES THE ATTEMPT BY AUSTRIANS TO DEAL WITH ANTI-SEMITISM AND THE NAZI PAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues in the Congress an outstanding article by A.M. Rosenthal. His article, "The Old Jew and the Cardinal," which appeared at the end of last year in the New York Times, is at once both captivating and evocative.

On a recent trip to Vienna, Mr. Rosenthal was struck, as so many of us are, with the city's beauty and charm. He also realized, upon observing a bystander's reaction to the installation of a monument to Holocaust survivors, that some of the city's residents still harbor sympathies to its infamous past.

Mr. Speaker, in an era when the Austrian President, Kurt Waldheim, carefully concealed his Nazi past for decades, the sentiments expressed by Mr. Rosenthal are most timely and relevant. I urge my colleagues to read this article:

THE OLD JEW AND THE CARDINAL

VIENNA.—On a March day in 1938, Theodor Cardinal Innitzer drove up to the Imperial Hotel in Vienna. Adolf Hitler was staying there. He was reveling in his first day of power as hero and master of Austria. He had taken the country without a shot. He had been greeted by millions of adoring Austrians.

The Cardinal got out of his car, turned and faced the crowd. He stretched out his right arm in the Nazi salute.

Fifty years later, another prince of the Roman Catholic Church in Vienna, Franz Cardinal Konig, talked yesterday about the "special secret" of the church: Christians are the "spiritual sons" of the "tribe of Abraham."

In an elegant room full of Jewish and Christian clergymen and academics from Europe and the United States, he said that Christianity was rooted in the patriarchs, Moses and the prophets. He said that therefore anti-Semitism had to be rejected by Christians, not only for humanitarian reasons but for religious motivations.

A few blocks away a new monument has just been unveiled as part of Austria's doleful marking of the day a half-century ago when she became an eager part of Hitler's Germany. One of the monument's statues is low to the ground—an old Jew on hands and knees scrubbing the sidewalk with toothbrushes. That is what Viennese Nazis did to Jews in the days after Hitler's entry—a small part.

That particular piece of horror still flashes sickeningly into the minds of people all over the world when they hear the word Vienna.

To put the statue in the central capital, Albertina Platz, was a mark of honor for Vienna, but on Sunday a crowd was around it all day, debating whether it should be there or anywhere. Wasn't it better to forget after all these years?

"What will you do if I urinate on it?" one man said to a stranger who thought the statue belonged right there in the middle of Vienna.

"I will punch you in the mouth," was the answer.

All this is part of Vienna 50 years after Hitler and Austria embraced each other so eagerly. The memory of Cardinal Innitzer is part of Vienna and so is the man who wanted to urinate in fury against the old Jew in metal. So is the President who hid his past as a Nazi intelligence officer.

But the man who was willing to back up his sympathy for the Jews with a punch in the mouth is also part of Vienna. So are some of the young people willing to face the truth that many of their elders still flee-in resentment or guilt.

And so is Cardinal König. The very decision to hold an international seminar here on relations between Jews and Christians was delicate one.

Some American and European Jews stayed away to boycott the country that elected Kurt Waldheim.

But most of those invited came. It was organized by the Institute for the Study of Mankind, a small, independent group of Eastern and Central European philosophers encouraged by Pope John Paul II. The Austrian Government contributed funds for the meeting and so did Lord Weidenfeld, born in Vienna and now a publisher in London and New York.

The meeting was held in the Hofburg, the great governmental palace. Every evening there is an official reception—by the city, by a bank that is helping with funds, by the German Embassy or by the small Jewish community.

There was a lunch in the one synagogue in Vienna that the Austrian Nazis did not burn down on Kristallnacht, because Aryan houses might have burned down with it.

The talk in the Hofburg was learned and rich—about 70 people attended. There was hope voiced for the future, but no sentimentality. The city is still full of whipped cream, and you have to hide to escape the orchestras playing the "Blue Danube" or a tourist humming "Wien, Wien." Lots of Loden.

But it is difficult to get sentimental over Vienna, lovely as it is. There are too many memories of the fact that Austrians produced Nazis as villainous as those from the Fatherland.

So listening to the good talk from good people in the meeting room at the Hofburg becomes at least as much an emotional experience as an intellectual one.

Is it right to talk of brotherhood in the city where people were humiliated and robbed and murdered by their neighbors?

But then the thought comes—what better place to speak of amity and common roots between Jews and Christians than the city

where the crime of being a Jew brought horrors so unspeakable that death could come as succor? By the time the session adjourns there seems only one reality: There is no running from Vienna, for the Viennese or for the rest of us.

So you might as well stay awhile, in the company of two good men—the old Jew on the sidewalk and the Cardinal in the Hofburg.

THE BUSH INAUGURAL ADDRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 1, 1989, into the CONGRESSIONAL RECORD.

THE BUSH INAUGURAL ADDRESS

President Bush's inaugural address was impressive from several standpoints. He stood on what he called "democracy's front porch" with the Capitol dome in the background and some 140,000 people assembled below. The nation paused for the pomp and ceremony on "democracy's big day", and differences were for a moment suspended. The President's address had a resolutely decent message, indicating how he sees his responsibilities and the problems of his time.

The speech did not try to lay out the program for his administration, but to set the tone for governing. Many in the Congress feel that even though he has been a public figure for many years, he has not clearly defined his agenda. While his speech contained no specific battle plan for the first 100 days, it did set out a conciliatory and practical strategy for governing the country. The President sought to reach out to opponents at home and abroad, and emphasized the theme of inclusiveness. Despite few specifics, several broad themes emerged.

There was no hint of repudiating the Reagan legacy but at the same time he moved away from it carefully, skillfully, and modestly. He accepted the Reagan emphasis on freedom and peace, and committed himself to the pursuit of negotiated settlement of our differences with the Soviets. At the same time, he moved away from anti-government rhetoric, attacked selfishness, and emphasized tolerance and high moral principles.

The President spoke several times in his inaugural speech about "new breezes blowing", calling for subtle yet significant changes in the nation's course. Throughout the speech his tone was moderate and non-ideological. He spoke not just to the customary fellow-citizens but to "neighbors" as well. He rejected the materialism that has gripped the American spirit lately and said that as President he would seek to celebrate "the quieter, deeper successes that are made not of gold and silk, but of better hearts and finer souls". There was a heavy religious sentiment to the inaugural addresss. When he suggested that Americans were "enthralled with material things", he seemed to be attacking the acquisitive spirit and ostentatious wealth of recent years and the growing economic inequality.

The address was very revealing personally. It reflected his personal philosophy of involvement and commitment to public service. It stressed a strong sense of civic obligation, a feeling that we must leave our neighborhoods and towns better than we found them and give something back to the country "that has given us so much". He insisted that wealth and power be justified by generosity and good works. I almost got the impression that President Bush is uncomfortable with his affluent background. He certainly expressed strongly the view that privileged people owe something to those less fortunate.

He projected a sharp sense of the limitations of government as he called upon the people to demonstrate their goodness and courage by helping to meet the needs that government alone cannot. He called for a "new engagement in the lives of others, a new activism that gets the job done". Again and again he emphasized the obligation of service and reaching out to those in need. The President certainly had a sense of history when he said that "we are all part of a continuum, inescapably connected by the ties that bind". I was struck by his emphasis on old ideas which he said are new again: duty, sacrifice, commitment, and patriotism. He spoke of these things well, even eloquently, and I think he meant them.

The President's approach to achieving a "kinder, gentler nation" is not liberal but conservative, with a reduced role for government. He rejected the approach that public money can end the difficult problems that confront us and pointedly said that we are constrained by "a deficit to bring down". Perhaps the real question is whether his conservative approach to the social problems of the nation and his call for a new engagement in the lives of others will be sufficient to attack the problems of homelessness, drugs, hunger, and inequality. It would be a significant accomplishment if President Bush is able to inspire greater volunteerism. In the past, private efforts have been able to meet only a fraction of the needs.

President Bush also hit hard at the partisan divisions in government. In a dramatic gesture he put out his hand to the Democrats, hoping to purge the divisiveness and dissension that he said stem largely from the Vietnam controversy. He clearly wants to revive the cooperation that shaped American foreign policy through the World War II years. He wants to regain some of the presidential authority over foreign policy that recent presidents have lost, and hopes that increased bi-partisanship will translate into success on domestic issues as well. I thought the President was right on target when he said that the American people await action. "They did not send us here to bicker." I have often heard Hoosiers express similar sentiments.

His effort to quell the partisanship is an important step. It would not be reasonable to expect that all the differences and debates will be removed. Difficult decisions must be made on, among other things, land-based missiles, Nicaragua, the deficit, the savings-and-loans crisis, and the nuclear weapons cleanup. The President was shrewd in extending his hand to the Congress and challenging us to become part of the solution. He seemed to be setting a mood which would help him when the inevitable differences on issues bring some discord.

As George Bush takes over as the nation's 41st President, Americans respect his abilities but they also question whether he can deliver on many of his promises. They see him more as a symbol of continuity than an agent of great change. They doubt that he will be able to keep his campaign promise of no new taxes or produce a realistic plan with the Congress to cut the budget deficit. Yet for the time being, they are willing to minimize their differences with him and give him a chance to succeed.

LET'S REVITALIZE THE FEDERAL OCEANOGRAPHIC FLEET

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing the NOAA Fleet Modernization Act of 1989. This bill authorizes the National Oceanic and Atmospheric Administration [NOAA] to develop and implement a fleet modernization and expansion plan over a 10-year period beginning in fiscal year 1990. Unless NOAA begins a modernization and expansion plan for the fleet, we will be unable to carry out important national ocean research objectives.

The NOAA fleet represents about one-third of the total Federal oceanographic fleet. As such, the fleet is vital to carrying out fisheries, oceanographic, mapping, surveying, and meteorological programs. A recently completed private contractor study, entitled "Assessment and Plan to Extend the Service Life of Vessels of the NOAA Fleet," has identified specific fleet shortcomings and recommended that NOAA expeditiously undertake a modernization plan which includes both vessel upgrades and needed ship replacements. Similarly, a 1988 report of the National Academy of Sciences' Marine Board, entitled "Strategies for Obtaining Ship Services: Alternatives for NOAA", warned that the Nation's ocean needs are expanding, while capital expenditures for the NOAA fleet are not keeping step with future or even present requirements.

The average age for a vessel in the NOAA fleet is 24 years. This is very close to the average industry-accepted service life for most vessels of 25 years. Without a modernization plan, obsolescence of the entire fleet in the 1990's will be inevitable. Inadequate fleet capabilities could lead to essential oceanographic programs being imperiled. Implementation of the modest modernization plan recommended by the private contractor study will not only extend the life of NOAA's ships, but it will ultimately reduce Government costs by obviating the need for a total fleet replacement program. Immediate action is required, however, if we are to realize any cost savings.

New NOAA responsibilities for monitoring marine mammals in the Pacific Ocean and for surveying and mapping the exclusive economic zone of the United States as well as offshore territories and possessions also require an expansion of the NOAA fleet. Furthermore, recent scientific focus on global climate issues requires NOAA to undertake additional research on atmospheric and oceanic processes. These responsibilities justify expanding the size of the fleet from its current size of 23 vessels to a total of 30 vessels.

As chairman of the Merchant Marine and Fisheries Committee, I am committed to supporting and enhancing the capabilities of the NOAA fleet in accordance with present and future needs. Laying up more vessels to save

money for next year's repairs is not the solution. Longstanding national research and management objectives can best be secured by NOAA's maintaining adequate vessel capabilities and expanding the fleet, as needed, to meet future requirements.

I am also concerned about the deteriorating state of our Nation's shipbuilding capability. The last commercial oceangoing vessel was delivered 2 years ago, and there are no new orders on the books. American shipyards are now totally dependent on Navy work, although the Navy's budget continues to face a drastic pruning. The President's Commission on Merchant Marine and Defense called attention to this perilous situation in its second report and recommended that the United States "implement a national program for merchant ship construction in U.S. shipyards".

While certainly not a cure-all, I believe that this measure is an important step forward for our shipyards. It will provide them with desperately needed business through this lean time and will also send an important message that the Federal Government will strive to find a solution to the nagging decline of this vital industry. Moreover, the skills and technology necessary to construct a commercial vessel are different from those needed to build a military vessel. Once they are lost, they are not easily retrieved, and this bill will help retain them.

More specifically, my bill authorizes the Under Secretary for Oceans and Atmosphere, the Administrator of NOAA, to develop and implement a 10-year fleet modernization and expansion plan. This plan will generally include: The replacement of 4 obsolete vessels; the upgrading and modernization of 19 vessels; the acquisition of 7 new vessels; and the acquisition of new scientific equipment for the entire fleet. The new vessels are likely to include a deep-water oceanographic and atomospheric research vessel, a bathymetric survey vessel, a large fisheries research vessel, a coastal fisheries research vessel, and three coastal shipping hazards survey vessels. The bill also directs NOAA to upgrade eight, replace one, and acquire two vessels in the first 3 years of authorization.

NOAA also will need 10 new personnel positions to develop specifications for and acquire the vessels called for in the plan. My bill gives NOAA the authority to obtain needed personnel as well as the authority to acquire modern scientific instrumentation for the fleet.

All modernization, upgrading, and construction of vessels must take place in private shipyards in the United States. Furthermore, 50 percent of the cost of all machinery and equipment must be purchased in the United States except for scientific equipment that reasonably cannot be acquired in the United States. NOAA is granted needed authority to enter into multiyear contracts or charter agreements for the construction, lease, or acquisition of the vessels called for in the plan. In using this authority, NOAA should give careful consideration to the Marine Board's recommendations on long-term chartering. Finally, the bill authorizes a total appropriation of $440 million over 10 years, from fiscal year 1990 to fiscal year 1999.

I urge my colleagues to support this bill to restore and expand our oceanographic research capabilities.

SHORTFALL IN FUNDING AT THE VETERANS' ADMINISTRATION

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MARLENEE. Mr. Speaker, I include for the RECORD my statement before the House Veterans' Affairs Committee regarding the shortfall in funding at the Veterans' Administration. It's time, Mr. Speaker, to honor the promises made to veterans that we would provide for their health care by authorizing and appropriating the necessary funds to adequately fund the Veterans' Administration. Veterans' programs deserve a No. 1 priority in the budget process.

SHORTFALL IN FUNDING AT THE VETERANS' ADMINISTRATION

Mr. Chairman, I welcome the opportunity to address this committee to tell you what is happening to the Montana veteran. I know that you and Mr. Stump have been strong supporters of the U.S. veteran. It seems that with this shortfall in funding at the Veterans' Administration, you need some reinforcements. I am here to help you make veterans' programs a number one priority.

It is outrageous that some service-connected veterans have been turned away from necessary health care at VA hospitals. Mr. Chairman, were you aware that veterans are receiving notices in the mail informing them that they only have a 30-day supply of medication left, and then the VA wishes them Godspeed as these veterans try to fill their prescriptions? This must end!

The Big Sky Country has a population of slightly more than 800,000 people and has the third highest per capita veteran population in the United States. More than 106,000 veterans are in Montana, which means that 1 out of every 8 Montanas is a veteran.

In World War II, Korea, and Vietnam, Montana had one of the highest rates for volunteers. However, over the past several years, Montana has received one of the lowest health care expenditures per veteran in the United States. This means that either the delivery of health care is highly efficient or we're getting shortchanged.

I think that the latter may be the case because former prisoners of war in eastern Montana are no longer able to receive care as outpatients. In addition, over 700 veterans have been given a 30-day supply of medicine and turned out to seek help wherever they can find it.

The VA Medical Centers at Miles City and Helena have had to close wards and restrict inpatient care to category A veterans and outpatient care to priority 1 veterans. Both medical centers had to take these measures just to survive the next few months, and the President's proposed fiscal year 1990 budget does not offer much relief.

In fact, it cuts spending on hospitals and health care by $100 million to $11.1 billion. This is a slap in the face of all veterans. Our enemies past and present could not have done a better job at devastating our national commitment to the defense of this country. We should start thinking of veterans' programs as part of the defense budget of our country. Without veterans, Mr. Chairman, we would not be sitting here today.

Mr. Chairman, you and I both want fairness for veterans. We've asked them to give up a portion of their lives defending this great land. We have an obligation as a Nation to honor the promises made to them that we would provide for their health care. I am asking you to propose stable, recurring funding that is fair for the rural Montana veteran.

In Montana, more than 80 percent of veterans live over 100 miles from a VA Medical Center. Although several veterans' groups have volunteered time and money to provide transportation to Miles City, being able to reach a VA hospital is not enough.

The Medical Centers must have the money to pay for medications, blood, food, and supplies. These Montana facilities do not have enough money in their recurring budgets to pay for direct patient care items needed to provide the quality of care veterans expect and deserve to have.

The VA centers in Montana have gone the extra mile to efficiently manage the meager resources allocated to them. But, they can't do it alone—Congress must provide equity of funding for the medical care of Montana veterans.

Currently, the VA Medical Center at Miles City needs approximately $1.1 million to survive this fiscal year to treat those veterans mandated by law. The VA facility at Fort Harrison faces a $1.7 million shortfall.

While this may be small by big city standards, this has a harsh impact over this large geographic area. The Miles City VA hospital alone serves a veteran population in an area the size of the State of Nebraska. In other words, this one hospital provides health care to veterans from an area from here in Washington, DC to Maine.

Over the past few years, the beancounters at the Office of Management and Budget appear to have had their own agenda—deficit reduction at the expense of veterans. The previous Administration kept assuring Congress that there was sufficient money in the VA system to care for veterans. The hearings held by this committee last September proved that many VA medical facilities were woefully short of funds.

However, it's now time to stop name-calling and finger-pointing. It's time to plug the shortfall at the Veterans' Administration as soon as possible.

I respectfully request your committee, Mr. Chairman, to approve an emergency supplemental appropriation before something tragic happens. I would also recommend the committee reject former President Reagan's budget priorities for the VA health care system, and instead authorize $12.77 billion for veterans' medical programs as suggested by various veterans' service organizations.

Simply put, Mr. Chairman, authorizing $11.1 billion will only worsen the shortfall in funding. VA hospitals need an extra $1.6 billion not only to close the immediate shortfall but to catch up for inflation and the "cannibalization" of the veterans' programs that is going on all across America.

Veterans have been waiting since last November for an answer to this problem. I think we owe it to them to get money out to VA centers—now!

To quote an American poet, Robert Service, "A promise made is a debt unpaid." The American veteran has been promised that he would be cared for in his old age, and in his infirmities. Mr. Chairman, I simply want

that promise fulfilled. Thank you for the indulgence of your committee.

TRIBUTE TO MR. MAURICE J. CONNELL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. SMITH of Florida. Mr. Speaker, it is an honor for me to call to the attention of my colleagues the selection of my very good friend Maurice Connell as the recipient of the Greater Hollywood Chamber of Commerce's 1988 Community Service Award. The award, to be presented at a dinner on February 11, 1989, in Hollywood, FL, is given annually in recognition of long and continued service to the community.

Maurie epitomizes the American ideal—that you can accomplish anything you want with hard work and perseverance. His life's accomplishments are a tribute to that belief. An excellent baseball player at the University of Toledo, he went on to try out with the Detroit Tigers. Later, Maurie served his country in the Army as an officer in the Pacific in World War II. Upon returning from the war, Maurie decided to try his hand at three quite different enterprises—a high school basketball coach, a partner in a Ford agency, and in the insurance business. However, Maurie was always drawn to politics, and abandoned his other pursuits to serve as right-hand man to former Ohio Governor Mike DiSalle and followed DiSalle to a position in the Kennedy administration.

At the age of 68, Maurie has not slowed down his hectic pace, serving as president of Maurice J. Connell Enterprises, an intergovernmental consulting firm. He is also the grant coordinator for the city of Hollywood. In this capacity, Maurie has acquired over $100 million in public funding for parks and land for municipal parking and sewers. In recognition of Maurie's contributions, the Hollywood Florida City Commission dedicated the Maurice J. Connell parking facility on Hollywood Beach on June 6, 1985. While securing grants for Hollywood takes a great deal of his time, he continues to be a prominent leader in the community, serving on a variety of boards, including the Orangebrook Country Club, Memorial Hospital, Chaminade-Madonna College Preparatory school, the Greater Hollywood Chamber of Commerce, the Kiwanis Club, and the Rotary Club. In addition, while most people use the game of golf for recreation, Maurie uses it as an opportunity to organize charity events for the chamber of commerce, the Sheridan House for Girls, and the Celebrity Tournament of Pembroke Pines.

Maurie's life has taken him to many different venues and to many different occupations. Through it all, Maurie has never lost his good humor or his uncanny ability to tell a story. While there is no doubt that Maurie has gained success through his interpersonal skills, he is a competitive man who knows how to achieve what he sets out to accomplish. He is admired and loved by everyone who knows him.

It truly is an honor to call Maurie Connell my friend and I am sure that my colleagues join me in congratulating this extraordinary man on his most recent honor.

EXTEND FEDERAL EMPLOYEE HEALTH BENEFITS FOR DEPENDENTS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. GOODLING. Mr. Speaker, it came to my attention that the dependents of Federal employees are only covered under the Federal Employee's Health Benefits Program until they reach the age of 22. This is an inequity which places many children of Federal employees at an educational disadvantage as compared to many children of employees in the private sector.

This oversight places a financial burden on those families who have children still attending a college or university after they have already turned 22 years of age. Families in this position must purchase health insurance from private carriers so that a child will be covered if some medical emergency should occur. There are many instances in which students may find themselves in this position. For example, if a student had been held back early in school or flunked a grade, that student might not graduate from college until after turning 22 years old. Also, a student may be forced to leave college for a year or semester for health reasons; again, this student might not graduate until after turning 22. In each of these instances, it is not the fault of the student that they have not already graduated from college before their health insurance expires. In fact, in some cases it is a credit to the student's character for having completed their education after experiencing an early setback. Such perseverance should be rewarded, not punished. We in the Federal Government should strive to make it possible for a child to finish his or her education without such extraneous worries.

A student presently caught in the situation which I have been discussing, would be forced to purchase a private health insurance plan. An unemployed, full-time college student would probably not have the means to purchase such a plan without neglecting his or her studies and taking an extra job. Some families might have the means to pay this added expense, but many would not.

This bill is a very simple one that would make graduating from college a little less of a burden than it already is for many families. The bill extends the age for which unmarried dependents who are full-time college students are covered by their parent's health benefits plan to the age of 23. This bill would make this provision of the Federal Employees Health Benefits Program consistent with that of the U.S. military, which already covers unmarried, dependent, full-time college students until the age of 23. We all know that in the private sector many dependents are covered up to the age of 25 or 26 in some cases.

In addition, many States such as Pennsylvania have a kindergarten age entry law which states that you must be 5 years old by a certain date in order to attend kindergarten. If a student is held back even 1 year, most likely that student will not graduate from college until after turning 22. This law has only been in effect for about 5 years so we do not know how many future college students it will affect.

I would like to thank my colleague and chairman of the Post Office and Civil Service Committee, BILL FORD, for joining me as an original sponsor of this bill and I would urge all of my colleagues to join me in cosponsoring the bill I introduced today to amend the Federal Employee's Health Benefits Program to cover unmarried, dependent, full-time college students.

A TRIBUTE TO PAUL S. SHORR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Paul S. Shorr, the outgoing president of the Wilmington Boys and Girls Club for 1988. Mr. Shorr will be honored at the annual Keystone fundraiser banquet on February 9, 1989, at Los Verdes Country Club in Rancho Palos Verdes. This occasion gives me the opportunity to express my appreciation for Paul's work on behalf of the surrounding community.

Mr. Shorr is a native New Yorker who migrated to California to complete his bachelor of arts degree at UCLA. While attending UCLA, he majored in economics and minored in military service and tactics.

Upon graduation, Paul entered the military, and received a commission as lieutenant in the U.S. Army. Mr. Shorr went on to serve in the Korean war as an infantry platoon leader, infantry company commander, battalion adjutant, and regimental assistant operations officer with the 38th Infantry, 2d Division.

Mr. Shorr has received numerous honors while serving his country. He has been given the parachutist badge, combat infantryman badge, bronze star for valor with oak leaf cluster, purple heart with oak leaf cluster, Republic of Korea Unit Citation, and Netherlands Government personal citation award.

While in the Army, Paul saw action in battle for Old Baldy and Pork Chop Hill. He returned to the United States in 1953 and was stationed at Fort Bliss, TX. Afterward, he was transferred to 5th Infantry Division as company commander in Germany, until returning to the United States in 1956. After dedicating many years to a military career, he entered the private sector as an insurance broker, and became involved in land development.

As a civilian, Paul has contributed to his community in many ways. He served as president of San Pedro City of Hope Chapter for 2 years. He served on the board of directors of an over the counter listed corporation for 2 years. He was also president of the homeowners association for 1 year. Presently, he is stepping down from a year as head of the Wilmington Boys and Girls Club.

My wife, Lee, joins me in extending our congratulations to Paul S. Shorr today. Paul is a truly remarkable citizen who has dedicated his

life to serving his country and the citizens of our area. We wish Mr. Shorr, his three sons, Steven, Stuart, and Tim, and his two grandsons, Brian Michael and Eric Scott, our best wishes today and in the years ahead.

A TRIBUTE TO MR. IRWIN R. BARR

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. DYSON. Mr. Speaker, I rise today to salute Mr. Irwin R. Barr. Mr. Barr has distinguished himself through exceptionally meritorious service as president and chief executive officer of AAI Corp. a major defense systems engineering and production contractor in the United States. As the chief executive officer, he implemented many innovative design developments that resulted in improved defense products which contributed immeasurably to the U.S. armed services.

Mr. Barr has provided the impetus toward product development and direction for innumerable initiatives and programs in the production of high-technology systems of electronic military training equipment, ordnance systems, combat vehicles, and remote pilotless aircraft used by Government and industry. His leadership, professional competence, and understanding of defense preparedness has made AAI Corp. on the the Defense Department's 100 largest suppliers of military equipment. Mr. Barr, a graduate of the Academy of Aeronautics and a registered professional engineer, is one of the founding members of AAI, having started as chief design engineer of the company in 1950.

Mr. Speaker, Mr. Barr holds over 120 patents in a variety of technical fields from missiles to solar energy, and is considered an authority on ordnance design. His work started in 1960 on long rod heavy metal penetrators for the 90-mm cannon and puller sabots. His design increased the armor-penetrating capability 10 times over previous ammunition. Rounds based on this design have been developed in many calibers ranging from 20-mm to 120-mm. His invention of the puller sabot allowed the projective to be packaged in a smaller cartridge case improving the firepower of existing conventional weapons. Mr. Barr also directed the development of the presently employed concepts for fin-stabilized sabot ammunition, flechette rounds, and multiple salvo rounds.

Mr. Barr originated the design of the T-92 light tank of the 1930's. He developed the concept of high survivability [HSTV-L] and he recently introduced the lightweight combat tank equipped for an air defense and antiarmor capability. One of his recent projects was the development of a light-weight tank equipped with a rapid-fire—70 rounds a minute—75-mm cannon. His imaginative and professional direction produced outstanding benefits in developing a rapid fire weapon using flechette rounds on a small vehicle with a low silhouette and high obliquity armor which can be transported by helicopter. Mr. Barr has contributed his inventiveness throughout the total scope of the lightweight armored combat vehicle system. His many contributions to the field of ordnance resulted in his induction into the Ordnance Hall of Fame in May 1985.

Prior to his 36 years of service with AAI Corp., Mr. Barr was with the Glenn L. Martin Co., now the Martin Marietta Corp., in Baltimore, responsible for the design of the Viking rocket, the most sophisticated U.S. missile program in the years following World War II. This dedication, technical ability and engineering direction resulted in the development of the Viking rocket that held altitude records in the early 1950's, soaring 135 miles about the Earth.

Mr. Barr's total service to the defense industry in key executive positions and industry committee exemplifies the highest traditions of distinguished service and reflected great credit upon himself, the defense industry and the U.S. armed services.

Mr. Speaker, I join with the family and many friends of Mr. Barr on this very special occasion in congratulating him for his many achievements in life. I also extend my best wishes for continuing success and good health during the many years ahead.

LEGISLATION TO RELIEVE SAVINGS AND LOAN CRISIS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CRANE. Mr. Speaker, we have all heard about the savings and loan crisis. Some thrifts are in big trouble due to the large reduction in oil prices and the collapse of certain real estate markets in the Southwest. However, it is also clear that many thrifts simply bet the bank on risky investments and lost. Members of Congress also deserve much of the blame for the crisis, because as we deregulated the thrift industry we also left in place a system of federally backed insurance that was appropriate for a highly regulated industry, but, not a deregulated one. The net result was a disaster—savings and loans were given an incentive to engage in risky investments because they knew that the Federal Government would be there to pick up the pieces in the event that their risky investments went sour. Today, therefore, hundreds of savings and loans face the prospect of bankruptcy and the Federal Government must confront the possibility of bailing out depositors and selected institutions to the tune of between $50 and $100 billion.

In response to this crisis, we have heard sundry proposals. Some include a large tax hike while others contemplate a complete reform of the way in which we insure this industry. Just a few days ago, the U.S. League of Savings Institutions, outlined a plan that could become one of the approaches that the Federal Government could adopt to deal with this mess. The league, a politically powerful trade organization, said the cost of resolving the S&L crisis would reach $92 billion over 10 years and should be handled by a new Government "resolution corporation." The new agency would raise money to close or merge S&L's by selling notes guaranteed by the U.S. Treasury.

Mr. Speaker, I have recently introduced legislation that will play a vital role in contributing to this debate. My plan is exciting because it does not include a tax increase and it does not require the Federal Government to finance this bailout in a manner that will soak up an excessive amount of capital from the private sector. My plan is straightfo ward—the Federal Government would issue gold backed bonds, in denominations of $10,000. These bonds would be issued to depositors of failed institutions, as determined in accordance with generally accepted accounting principles, whose accounts are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation. These bonds will have an annual investment yield of 2 percent per year, compounded annually, and they will mature at the end of a 10-year period beginning on the date of issuance. Most importantly, they will be redeemable to maturity in gold.

Now all of my friends, and many of my foes, know that I have advocated the repeal of fiat currency and the concept that we should once again back our currency with gold. While I still support this idea, this bill does not achieve this end and now is not the time to discuss this issue. The purpose of this bill is simple—I believe that by backing these bonds in gold, the Federal Government will have a unique opportunity to make good on its obligation to the depositors of failed thrifts without soaking the good people of this country or bankrupting the Treasury.

My bill would allow the Federal Government to avoid adding more short term, high interest debt to our budget deficit by financing the bailout of the thrift industry with low interest debt. You see, the public will purchase gold backed bonds that yield 2 percent per year because they know that these bonds are as good as gold. The public understands that fiat backed bonds, currently printed by the Treasury, include a 6-percent premium to account for the anticipated rate of inflation. But bonds that are backed in gold are not affected by inflation because gold always retains its value. In 1928, for example, one could purchase a two-door Chevrolet with a rumble seat for $720 or 36 ounces of gold. Thirty-six ounces of gold today at around $400 per ounce will buy two fine Ford Escorts. In 1932, one could purchase a good suit of clothes for $20 or 1 ounce of gold. One ounce of gold will buy you a fine suit today. It should be noted that the gold at Fort Knox alone is currently valued at over $60 billion dollars and it is sitting idle. It also should be noted that these gold backed bonds would be negotiable for anyone needing cash.

Mr. Speaker, I hope that you and the other Members of the House will consider my proposal. Although it is an idea that sits outside of the current debate, it is workable. There are recent examples of gold-bond financing that have been used successfully in the private sector that can provide the Federal Government with a model. One of the best known examples was reported in the New York Times on February 12, 1988. According to this report, Newmount Mining Corp. borrowed 1 million ounces of gold for 5 years at 2½ percent interest. It then sold the bullion for close to one-half billion dollars, and used the proceeds to reduce its 8 percent debt by about one-third. Now my proposal is somewhat different, but it would nevertheless provide the Federal Government with similar benefits. I urge my colleagues to consider this proposal as part of our efforts to deal with this terrible crisis.

FOREST SERVICE IN NEW MEXICO WORKING WITH LOCAL COMMUNITY TO PROVIDE JOBS AND IMPROVE RELATIONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. RICHARDSON. Mr. Speaker, I want to call to the attention of my colleagues the fine work being done by the U.S. Forest Service in northern New Mexico. New Mexico has a long history of rural Hispanic people utilizing the abundant natural resources of the mountains and forests. When New Mexico became part of the United States the traditional ways of using the land were disrupted. Many New Mexicans lost the land that they had received through Spanish and Mexican land grants. Much of this land became part of our national forest system.

This history has resulted in mistrust and even armed conflict between these New Mexicans and the U.S. Forest Service that persists to this day. That is why it is especially noteworthy that the Carson National Forest in New Mexico has joined with a local group of woodcutters known as the Madera Forest Products Association in a partnership to provide jobs and community development.

I have attached a recent newspaper article describing this exciting business venture. My congratulations to the Southwestern Region of the Forest Service, the Carson National Forest and especially former District Ranger Gilbert Vigil who was invaluable in setting up this business. I also commend Luis Torres who helped the woodcutters organize Madera Forest Products Association. This venture is an important step in improving the local economy and the relationship between the Forest Service and the citizens of northern New Mexico.

[From the North Albuquerque Journal, Sept. 2, 1988]

WOODCUTTERS, FOREST SERVICE JOIN FORCES TO CREATE JOBS

(By Jim Danneskiold)

In Northern New Mexico, "Las Florestas" has long been a term of mistrust and even contempt for members of the U.S. Forest Service.

After the U.S. Court of Private Land Claims adjudicated the Spanish land grants at the turn of the century, forest and grazing lands became the property of the government. Federal forest policies often were incompatible with traditional land-use practices, which led to angry confrontations.

But a small band of woodcutters from Vallecitos and La Madera have joined forces with the Forest Service to create permanent jobs and a base for future economic development in their area.

Luis Torres, a community organizer based in Espanola, has helped about 25 villagers organize Madera Forest Products Association, which has started selling firewood from its woodlot a half-mile south of Vallecitos on NM 111.

"We're setting up a firewood business to provide employment, but one of our primary goals is a community development effort," Torres explained.

The association has a contract with the Carson National Forest that assures it of up to 1.1 million board feet of fuelwood a year under the provisions of the Federal Sustained Yield Act of 1948.

The act created the Vallecitos Sustained Yield Unit in the El Rito District of the Carson. The 70,000-acre unit is one of seven set up in the national forests on an experimental basis.

"The thinking then was that the unit should somehow be supportive of the local economy," Torres explained.

When the Carson National Forest adopted its land management plan last year, Forest Service officials recognized the needs of the local economy by requiring area saw-mills to hire local workers and by reserving 1.1 million board feet of fuelwood and 1 million board feet of saw timber in the Vallecitos unit for local economic development, Torres said.

Former El Rito District Ranger Gilbert Vigil, who now works with the Southwestern Regional office in Santa Fe, has been helping the association set up its business. Torres said Vigil's help has been invaluable.

"The forests of Northern New Mexico need Northern New Mexicans administering them," Torres said. Working with the area's young people is one of the association's aims, he said, adding that the woodcutters hope to encourage young people to consider careers in natural resources.

The association recently incorporated, and has stockpiled about 70 cords of firewood, Torres said. The group is relying on word-of-mouth advertising, and expects Santa Fe to be the principal market for the wood, which currently is selling for $40 a pickup load.

"We think we can get people to go up and get a load of wood from us, rather than beat up your truck and have to borrow a power saw from your brother-in-law," Torres explained. "We can do it a heck of a lot cheaper than they can do it themselves."

Once the business is established, the association plans to use its profits for community development, Torres said.

"We're real interested in trying to provide some recreational opportunities for the young people in the area—an alternative to drinking beer on Saturday afternoons," Torres said.

The association has its eye on an abandoned schoolhouse in La Madera, which it hopes to acquire and renovate into a clubhouse for young people, complete with a game room.

Torres said the woodlot is open for business all day Saturdays and on Wednesday afternoons. Anyone interested in buying wood then or by appointment at another time should call 582-4200.

SUPPORT FOR VETERANS' ADMINISTRATION SPENDING

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, today the Veterans' Affairs Committee, of which I am a member, received testimony on the administration's proposed spending plan for veterans' programs.

Mr. Speaker, this budget proposal would turn back the clock on any feasible plan to meet the needs of the aging veteran population. The Veterans' Administration has begun to terminate health care programs, take hospital beds out of service, and deny to certain groups of veterans care across the country. This proposal projects unrealistic declines in the number of veterans utilizing VA health care services and funding cuts have been calculated based on these assumptions.

The proposed budget also cuts the number of full-time medical and research employees by 8,957 and requests medical facility construction funding that falls short of the Veterans' Administration own recommendations for fiscal year 1990 by $180.3 million.

In addition, this fiscal year, the Veterans' Administration faces a $432 million shortfall for funds to operate our Nations VA medical centers. If there is no supplemental for this year's budget, next year's shortfall is expected to be approximately $990 million.

To my colleagues on the Budget Committee, I urge you to adopt a budget with realistic spending levels to ensure that our Nation's veterans can continue to receive the care they are entitled to. To my colleagues on the Appropriations Committee, I urge you to give favorable consideration to supplemental spending to prevent our VA medical centers from closing their doors to needy veterans.

CONGRESS FEELS SLEDGEHAMMER OF PUBLIC OPINION

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. BUNNING. Mr. Speaker, the fact that we are voting on this resolution of disapproval today, in itself, is a major victory for the American people and proves once again that our system of Government can be responsive and can be representative when the public gets involved.

For several weeks now, a group of us have been trying to force this pay raise proposal to the House floor for an up or down vote. But we got nowhere. At least we got nowhere until the sledgehammer of public opinion started to be felt.

The flood of outrage that has filled our mailbags and has kept those congressional phone lines burning has prevailed. The people have turned this whole thing around. The public has smashed what started out to be a grand conspiracy of self serving silence here in this body.

So this vote today is a great victory for the people and a validation of representative government.

The people recognized the fact that Congress doesn't deserve a raise—certainly not a 51-percent pay hike or a 30-percent pay hike. And they let their representatives know how they felt. And that is the way it is supposed to work.

It is unfortunate that it took such a dramatic outpouring of public sentiment to wake this body up to its responsibility. The fact that our leadership tried to avoid this day of reckoning has to hurt the image and reputation of this body in the publics mind. But in the end, the people did win, and when that happens, we all win.

So, I congratulate the people back home who got involved and made their feelings known. And I urge my colleagues to vote for this resolution of disapproval, so we can get this pay raise charade behind us and get down to the business of the Nation.

A TRIBUTE TO GEORGE MILLS

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a member of my community who has spent his lifetime providing information and enjoyment to his fellow citizens. George Mills has been a cameraman for television WJZ-TV in Baltimore, MD, for the past 37 years. During his career George covered every Presidential inauguration from President Eisenhower to President Carter. George was also the cameraman who filmed the funeral ceremonies of President John F. Kennedy at Arlington National Cemetery.

There is a lighter side to George's career as well. During his tenure at WJZ-TV he covered virtually every major sporting event in the State, including both the Baltimore Colts and the Baltimore Orioles. In fact, he regards his filming of the Orioles' victorious 1966 World Series as his biggest career thrill.

George, who is a veteran of the Korean war, has been an active member of his community. He has volunteered his time to serve as a coach for numerous youth leagues as well as coaching the WJZ-TV basketball team for a number of years.

I salute my friend George on the occasion of his retirement. I request that my fellow Members join me in this well-deserved tribute.

GAO SHOULD AUDIT FEDERAL RESERVE SYSTEM AND BANKS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CRANE. Mr. Speaker, I will reintroduce a bill to require the General Accounting Office to conduct a complete and thorough audit of the Federal Reserve System and banks.

Such an audit of the Federal Reserve is necessary when one considers that the Federal Reserve, the FDIC, and the Office of the Comptroller of the Currency "are empowered to carry out functions crucial to our system of Government and to our Nation's economy." Yet amazingly enough, Congress enacted a law that prevents the GAO from auditing these vital entities of our National Government. The ramifications of this secrecy take on greater significance when one considers that the Monetary Control Act allows the Fed to purchase paper obligations of foreign governments and use them as collateral for Federal Reserve notes. In stating a reason for excluding these crucial functions from the purview of the GAO audit, the Senate Committee on Governmental Affairs wrote in 1978: The Federal Reserve must be able to independently conduct the Nation's monetary policy.

The Fed, unfortunately, has abused its independence. Paul Craig Roberts, an economist at the Center for Strategic and International Studies, argues that the Fed used its power to thwart the economic policies of the Reagan administration during 1981–82. This study provides a good example of Fed. independence.

In late 1980 and early 1981 when the Reagan administration was putting together its economic policy, there was an almost universal consensus that little could be done to get inflation quickly under control. The administration sought to deal with the economic situation by providing moderate, stable, and predictable monetary growth that would first stabilize the inflation rate and gradually bring it down. The administration also enacted tax policies which would contribute to lower real interest rates and increase private sector saving. These policies were also to be coupled with cuts in federal spending. Ultimately, Reagan wanted to promote long-term economic growth and stability.

But the Federal Reserve did not provide the moderate, stable, and predictable monetary growth desired by the Reagan administration. The Fed believed that Reagan's economic policies would cause inflation to explode and that the Fed would ultimately be blamed. Out of self interest, the Fed greatly reduced the supply of money. During 1981 alone, the Fed produced 75 percent of the total reduction in monetary growth that the administration had intended to be spread over a 6-year period.

The policies of the Fed did bring down inflation. But the price was high. Millions of individuals lost their jobs as the country suffered from the worst recession since the great depression. An elected administration saw its policies subverted by an independent, unelected body bent on self preservation.

By allowing the Congress to audit the Fed, we will finally be able to piece together how it makes its decisions. This will make the Fed more accountable to Congress. Since Congress is an elected body, such oversite will ultimately serve the goals of representative Government. It is important that the people be given an increased say in matters which affect their well-being in such a vital area.

I urge my colleagues to support this bill.

CONGRESSIONAL SALUTE TO "MR. CIVIL LIBERTIES," ERNEST BESIG

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to a champion of civil liberty and a defender of civil rights, Ernest Besig. It is my distinct pleasure to recognize Mr. Besig as the first recipient of the Korematsu Civil Rights Award for his outstanding and dedicated service toward ensuring the protection of rights for all members of our society.

Through his more than 50 years of service with the American Civil Liberties Union, Ernest Besig has played a remarkable role in defending civil liberties in California. Under Mr. Besig's leadership, the ACLU's Northern California chapter grew in membership from 60 to more than 12,500 at the time of his retirement in 1971. Indeed, Besig is credited with defining what civil liberty is today and has respectfully been referred to as "Mr. Civil Liberties" by over two generations of lawyers, judges and clients for his dedication to the Bill of Rights.

While Besig has achieved national acclaim for his involvement in many of our Nation's most critical civil rights cases, he is being honored for what he has readily acknowledged as his most controversial case.

In 1942, Ernest Besig courageously represented Fred Korematsu in his challenge to the constitutionality of relocation and internment of Japanese-Americans. Unsuccessful, Besig called the case "the most shocking examples of a Government abusing the rights of citizens," and remained committed to the defense of this case for nearly 30 years. In 1983, the Asian Law Caucus and a team of attorneys filed a writ of coram nobis to reopen Korematsu's case and Besig's undaunted efforts were finally vindicated by the Supreme Court's decision to overturn the convictions. Last year, we closed the book on this sad chapter in our history through the passage of the Civil Liberties Restoration Act of 1987.

Mr. Speaker, Ernest Besig's courage and commitment to the principles of justice has assured him a place in history, the respect of all, and the gratitude of a nation. I ask my colleagues to join me in saluting Ernest Besig for his efforts to ensure a more just society.

PETER CHAHALES: A MASPETH INSTITUTION

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MANTON. Mr. Speaker, one of the best features of the Queens edition of Newsday is a weekly column entitled "Queens Profile." This entry provides a biographical sketch of a prominent citizen of the Borough of Queens. Recently Newsday chose to feature my good friend and constituent, Peter Chahales. Peter, who is known informally as the Locality Mayor of Maspeth, has owned and operated the Spartan Restaurant for 32 years.

Mr. Speaker, Peter is a neighborhood institution and a pillar in the Greek community. I have been privileged to know him and work with him. The "Queens Profile" is an excellent biographical capsule of Peter's long and illustrious career as a businessman and civic leader and I ask that the article be reprinted in the RECORD at this point.

QUEENS PROFILE—PETER CHAHALES

Job: Owner of the Spartan Restaurant in Maspeth for 32 years; known as the 'Locality Mayor of Maspeth,' he has been active in the community for more than 30 years, including as a member of Community Board 2 and as president of the Maspeth Chamber of Commerce and Maspeth Citizens Committee; raises funds for the Police Athletic League and is an active member of the Hellenic American Neighborhood Action Committee and the American Hellenic Educational Progressive Association; acts as a community liaison to the Queens borough president; member of the Antique Auto Club of America

Biography: 67, born on Manhattan's East Side; before going into the restaurant business he was a song-and-dance man in vaudeville and burlesque; ran unsuccessfully for the State Senate and Assembly; married, two children, five grandchildren

Residence: House in Maspeth

Major accomplishment: "Playing an important role in uniting the community of Maspeth."

Best thing about Queens: "Pride in neighborhood and concern for community."

Community concerns: "We need the same thing that everybody else is making for. We need more police. The drug problem is a terrible, terrible thing, and we have it here, too."

LET'S HONOR OUR FORGOTTEN VETS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. BUECHNER. Mr. Speaker, I am introducing today, along with 30 of my colleagues, legislation to recognize the efforts and sacrifices of our Korean war veterans. On June 25, 1950, armed forces from North Korea attacked the Republic of Korea. On June 27, 1950, President Truman ordered American forces to support the Republic of Korea, thus beginning American involvement in a 3-year conflict in which over 1 million United States soldiers served.

Korean war veterans represent America's forgotten veterans. These men and women served bravely, and their deeds and heroics have largely gone unnoticed. Our servicemen fought in a wide variety of terrains and conditions which ranged from tropical heat to arctic cold. Although our troops were outnumbered by the North Koreans and Chinese, they consistently outfought both. American pilots shot down 13 Communist aircraft for every one casualty they suffered. The Navy sealed off the North Korean peninsula from the outside world, and made the resupply of U.N. troops possible.

When the armistice between the United Nation's and North Korean forces was signed on July 27, 1953, over 54,000 servicemen had given their lives in defense of freedom in the Republic of Korea. In addition, of the 10,000 Americans that were captured by the North Koreans, only 3,000 survived their brutual treatment. From the initial fighting on the Pusan perimeter, to the brilliant landing at the Inchon Peninsula, to the stalemate trench warfare conditions, American soldiers demonstrated tremendous skill and courage.

I invite my colleagues to join us in sponsoring this measure. By setting aside July 27 as National Korean War Veterans Remembrance Day, we can honor those who served so bravely in Korean.

REINTRODUCTION OF WATER STORAGE LEGISLATION

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. ANTHONY. Mr. Speaker, last year I introduced legislation which addressed an existing and growing problem related to water quality and availability. During 1988 we witnessed one of the worst drought years in our history which called for congressional attention and action to provide relief to our Nation's farmers. As bad as last year was, many areas of this country are still suffering from dry conditions and lack of water threatens today the harvest of 1989.

My legislation during the 100th Congress relating to this problem had the purpose of providing incentives to private landowners to construct water storage reservoirs on their farms. The incentive was in the form of an Agricultural Stabilization and Conservation Service provision which would allow farmers who made such improvements, under limited conditions, to designate acreage used for water storage as acreage conservation reserve, or what is commonly known as set-aside.

Upon introduction, my legislation drew the immedate attention and support from a wide range of interests both within and outside the agricultural community. Farmers saw the measure as an opportunity to increase the value of their property both through capital improvements plus a more efficient means of establishing compliance with ASCS programs. Commodity groups felt that this measure would have a more stabilizing effect on farm prices since land would be taken out of production on a more permanent basis and help avoid the roller coaster effect of rising and falling markets due to overreaction to temporary conditions.

Environmental and wildlife enthusiasts supported the legislation as a means of increasing wildlife habitat and enhancing the Nation's wetland inventory. The legislation would also help the control of sedimentation and other forms of nonpoint source pollution related to farm activity.

Water resource and conservation management groups supported my legislation as a proper response to our growing water quality and availability problems. Today, much of the farming community has come to rely on irrigation as a necessary element in an economically viable farming operation. Unfortunately, most of the water resources used for this purpose have been coming from our fragile ground water supply. My legislation will not have the result of increased irrigation, rather, it will simply allow farmers to shift their means of operation away from ground water depletion and to the more practical and efficient use of excess surface water.

The academic community of land-grant institutions across the country agree that the legislation I introduced last year would be of benefit to the variety of interests described above. I received support from agriculture and water quality specialists from universities in Kansas, Iowa, Nebraska, Utah, Mississippi, Arkansas, and elsewhere.

Mr. Speaker, I am today reintroducing the legislation which I have just described. I would like to point out just a few minor revisions from the original bill that are present in that which I offer today. First, I am clarifying that water stored under the provisions of my legislation would not be limited to specific use. If the landowners wished to construct a reservoir solely for wildlife habitat or recreation, such use would be within the scope of the bill. Also, I am adding language which would require that any reservoir constructed for purposes of this bill be in compliance with an established conservation plan approved by the U.S. Soil Conservation Service. This provision would ensure that proper and safe reservoir construction would be used and also increase the use of conservation plans in areas where they might not otherwise be required.

We have all read the reports of ongoing drought in much of the Nation. We are also aware of the ground water depletion and water quality problems everywhere. I urge this Congress to join with me in offering this simple incentive to our Nation's farmers as one step in coming to grips with this national problem.

ACCOUNTING METHODS—THE BASIC ESSENTIAL FACT CONGRESSIONAL DEBATE CONCERNING FEDERAL DEFICIT REDUCTION MISSES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CRANE. Mr. Speaker, congressional debate concerning Federal deficit reduction misses a basic, essential fact—accounting methods. Without doubt, an area as important as deficit reduction must be considered carefully, and decisions, must be based on reliable financial information. In the absence of such information, we would be making spending decisions without sound financial planning and jeopardizing the future of necessary programs. In fact, this is happening right now.

Currently, the U.S. Government requires no publication of the financial statements of its various entities, and used the cash basis of accounting for budget reporting. This presents some serious problems. According to one of the world's largest accounting firms, Arthur Andersen & Co., cash-basis, accounting "hides the costs of current programs, and results in misinformation and misunderstanding."

Cash-basis accounting keeps track of all the money which an organization received and paid out. It ignores money which an organization will both earn and owe in the future. It is an accounting method tailored to the needs of small businesses. When applied to a large government, it falls short of providing reliable information needed for sound policymaking decisions and therefore creates a clouded financial picture. A more appropriate alternative to cash-basis accounting is accrual-basis accounting or GAAP.

Apply GAAP [Generally Accepted Accounting Procedures] produces a more accurate picture of our Government's financial health. Accrual-based accounting matches expenses with their associated revenues; in other words, it recognizes financial events as they occur. Hence, it keeps track of all assets and liabilities. It provides the tools to evaluate both the current and future financial picture of an organization. The U.S. Government requires numerous State and local governments and all publicly held companies to prepare financial statements in accordance with GAAP. This ensures that these organizations will use the most sophisticated accounting methods presently available.

A study conducted by Arthur Andersen & Co. compared consolidated financial statements under cash-basis accounting with statements under GAAP. Under GAAP, the more accurate of the two, the deficit for 1984, for instance, was $148.1 billion higher than under cash-basis accounting. GAAP basis accounting shows that the National Government has been running deficits for the last decade which have exceeded the reported deficits by as much as 100 percent and 200 percent.

These deficits manifest a profound problem: A lack of accountability of elected officials to their constituents. Members of Congress, under the present accounting methods, are able to adopt programs which provide benefits currently without providing funding until later years. Individual citizens are therefore unable to judge whether their representatives are creating and maintaining programs in a fiscally responsible manner.

I plan to introduce the "Truth in Government Accounting Act of 1989," which will make the National Government fiscally responsible to the people. It requires the Secretary of the Treasury to prepare and make public, for each fiscal year, consolidate financial statements for the United States based on accrual accounting procedures. These statements shall include reports on the operations of all instrumentalities of the U.S. Government. This will force the National Government to stop using the cash-basis of accounting and start using the GAAP method.

Some have argued that GAAP is not suited for government use. But Charles A. Bowsher, the Comptroller General of the United States, believes that the financial reporting of the National Government would benefit from the use of GAAP. GAAP has already been used successfully by governments. The National Government required New York City, for instance, to adopt GAAP during the midseventies when that city was experiencing financial woes. Partly from improved financial reporting, the fiscal health of New York City is now much improved.

The time has now come to return our country to the path of fiscal responsibility. We must also make Members of Congress more accountable to their constituents. Be forcing the National Government to adopt GAAP procedures, we can further these noble goals. I urge my colleagues to consider my bill and support it.

U.S. AMBASSADOR WINSTON LORD DISCUSSES UNITED STATES-CHINESE RELATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues in the House the text of an important and outstanding speech by the American Ambassador to the People's Republic of China, Winston Lord. This address, given last December 2 to the Commonwealth Club of San Francisco, marks the 10th anniversary of the establishment of full diplomatic relations between the United States and the People's Republic of China.

Shortly after Ambassador Lord delivered this speech in San Francisco, I had the great pleasure of spending time with him in Beijing and meeting with Chinese Government officials to discuss issues in Chinese-American relations. Our Nation is fortunate indeed to have a diplomat with his great experience and insight to represent our interests in the People's Republic.

Ambassador Lord's speech, entitled: "A Stroll Through Tiananmen Square: Tradition, Tansition, and the Future in Sino-American Relations," points to the developing nature of bilateral relations with the People's Republic of China. Our relations have come a long way since President Nixon's first trip to Beijing in 1972, and as Ambassador Lord notes, "For every well-publicized dispute, hundreds of agreements and thousands of friendships are formed without fanfare."

Yet as a result of our growing friendship, our countries have many new issues to discuss and areas of cooperation to explore. We must address how we will manage trade between us, how we can cooperate in the international diplomatic arena, and how we can deal with fundamental human rights.

There is no question that important differences separate us and the Chinese on human rights, and Ambassador Lord emphasized in particular with regard to the situation of the Tibetan people that, "The Chinese should open up Tibet more to the press and others so the world can make informed judgments. And together with others, we urge them to move further to reflect the needs of the Tibetan people." While the Ambassador noted that there are occasional differences between the executive and legislative branches of our Government on details, "We share the same human rights concerns in Tibet, as elsewhere."

As Ambassador Lord noted, our countries are "friends, not allies." With time and determination the bond between us will surely mature. It is important that we maintain the course of improving relations with the People's Republic of China which were established by Presidents Nixon and Carter.

Mr. Speaker, I urge my colleagues to read this important speech.

A STROLL THROUGH TIANANMEN SQUARE: TRADITION, TRANSITION, AND THE FUTURE IN SINO-AMERICAN RELATIONS

INTRODUCTION

Tiananmen Square, in the center of Beijing, is a symbol of China. The largest open square anywhere in the world, it attracts millions of visitors every year. Many of you have wandered there or seen images of its vast expanse.

At the north end of the square sits Tiananmen—the Gate of Heavenly Peace. Standing on that gate on October 1, 1949, Mao Zedong proclaimed the establishment of the People's Republic of China. Today national emblems suspended from Tiananmen proclaim the PRC's reemergence on the world stage.

On the square's west side looms the Great Hall of the People. Here American Presidents from Richard Nixon to Ronald Reagan have toured the globe with Chinese leaders. Here gallons of white-lightning toasts have hailed growing relations between America and China.

Blocking the square's south side is the granite and marble Memorial Hall encasing Chairman Mao. Close by is the world's largest Kentucky Fried Chicken. On some days, the queues paying respects to the Chairman and sampling the finger-lickin' recipe of the Colonel are equally long. This juxtaposition evokes China's struggle to modernize.

North, west, and south: China's role in the world. Sino-American relations. China's domestic panorama.

Come with me, then, on a stroll through Tiananmen Square. From where so much symbolizes the past, let us look at the present and the future.

CHINA'S ROLE IN THE WORLD

American perceptions of China have fluctuated widely—whether in the political, economic, or cultural spheres.

Our political attitudes toward China have swung between romance and hostility. We have chased red herrings; we have donned rose-colored glasses. For many Westerners, China has been a chameleon, changing color to reflect the reality we are inclined to see, whether yellow hordes, blue ants, or red guards.

Likewise, our views of Chinese economic opportunities have swayed between exaggerated vistas of greenbacks and the deep pessimism of black holes. We dream of lighting China's lamps, of selling our wares to a billion people. We decry China's restraints, renegotiations, and red-tape.

In the cultural area, our contacts multiply, but we at once rejoice and despair. A Chinese cast directed by Charlton Heston performs "The Caine Mutiny" to standing ovations and rave reviews. But Democracy Wall is only a memory and well-known Chinese scholars are denied permission to travel abroad.

These cycles of romance and hostility, boom and bust, elation and depression tell as much about our own perceptions as they do about China. We need to recall the Chinese symbol of yin-and-yang—that things in China are rarely as good or bad as they seem. A steadier vision should encompass the contradictions which reflect Chinese reality.

That reality is rooted in a long, possessive history. For millenia, China was the Middle Kingdom—in preeminence and seclusion. It exacted tributes from its neighbors and relied on itself. Then Lord Macartney's refusal to kowtow in 1792 presaged looming confrontations between a traditional China and an intrusive world. Ever since, China has struggled to take its place as an equal member of the international community, until recent decades suffering foreign encroachment. In short the Chinese have known only three ways to deal with outsiders—ignore them, dominate them, or be subjugated by them. This legacy makes opening to the outside world a dramatic—and traumatic—process.

Today China asserts itself forcefully on the global stage. With the world's largest population, nuclear arms, and a Security Council seat, the PRC is increasingly engaged in Asia and beyond. Through political ties, trade, and arms sales, Beijing spreads its influence to more distant regions. It sells missiles and launches satellites. It projects power in its own neighborhood and pays greater attention to ours. It fields a large Olympic contingent and is dismayed when its athletes reap only a modest harvest of gold.

As China's position in the world evolves, so do its relations with other nations, most prominently the Soviet Union, the countries in Asia, and the United States.

Indeed, as this week's headlines declare, China's Foreign Minister is now visiting Moscow for the first time in three decades. A summit is likely next spring. To the extent improved Sino-Soviet relations lessen tensions in Asia and elsewhere, it is a welcome development. Concerned observers should understand that this relationship has its own dynamic—and inherent limits. While the West poses no threat to China, the long Sino-Soviet border and the ethnic peoples astride it will not disappear. While the West offers capital, technology, and management to assist Chinese modernization, the Soviet Union has its hands full modernizing itself.

In Asia, China and America continue to take parallel approaches on many issues. For years, we have worked with Pakistan, the Mujahadeen, China, and others to effect an event of major historical importance—the withdrawal of Soviet troops from Afghanistan. We are monitoring the situation closely to see that the Soviets are as good as their word.

in Cambodia, with the ASEAN countries in the lead, we are cooperating with China to achieve a total Vietnamese withdrawal and a political settlement chosen freely by the Khmer people. We look to Prince Sihanouk as the future leader of an independent, democratic Kampuchea. We insist on a carefully circumscribed role for the barbaric Khmer Rouge.

On the Korean peninsula, China and America share the objectives of maintaining peace and stability, though our approaches sometimes differ. There are some hopeful signs. South Korean President Roh has made dramatic proposals which seek reconciliation. China and the Soviet Union are fast developing unofficial contacts with the South. The U.S. recently announced initiatives aimed at easing the North's isolation. But direct exchanges between North and South hold the key to real peace.

For the first time in a century, Beijing, Tokyo, and Washington enjoy positive relations with one another. China is building cooperation with Japan, but remains deeply ambivalent about Tokyo's role as an economic giant and future military power. Strong U.S.-Japanese relations provide insurance that Tokyo will continue to play a positive role in the region and the world.

Beyond Asia, Chinese and American positions are less harmonious in such areas as the Middle East, South Africa, and Central America. We are friends, not allies. We need to deepen our dialogue, where we diverge as well as where we converge. And we should expand our agenda—for example, to increase our cooperation on drug control, fight the scourge of terrorism, and clear up the environment.

This dialogue takes place against the backdrop of an international landscape which has been transformed over the past ten years. The Soviet-American balance has been redressed. Facing huge problems at home, Gorbachev strives for reform. Facing firmness abroad, he seeks to cut the costs of adventurism while pursuing Soviet interests by more subtle means. Triangular diplomacy is blurred. The world becomes more multipolar. Democracy and the market are gaining everywhere. In an information age, countries receptive to new ideas and technologies forge ahead. Closed and controlled societies fall behind.

These trends will continue into the next century and inevitably affect how China and America relate and react to one another. But, contrary to some fashionable pundits, I strongly believe strategic factors will remain crucial to our cooperation with China. To be sure, they are more muted and nuanced than before. But our two nations share a continuing stake in preserving global and regional balances. Moreover, the history and geography of Sino-Soviet relations will not change. Nor will traditional Chinese attitudes about dealing with near and far powers. Nor will America's view that China's integrity is essential for the world equilibrium.

SINO-AMERICAN RELATIONS

Outside the Great Hall on the west of Tiananmen Square, cars with U.S. embassy plates are now commonplace. Those inside the Hall representing our country are treating a wide range of Sino-American bilateral projects, which have greatly expanded since we first came together in the 1970's. These include:

Systematic political dialogue. Countless delegations tackle a broad agenda. In just the past few months, our Secretaries of State and Defense have visisted China, and two Vice Premiers have travelled across America.

Multiplied economic opportunities. The U.S. is China's second largest export market, its largest investor after Hong Kong. This year, two-way trade is growing by 25 percent and will surpass $13 billion. American companies have committed more than $3 billion in China and formed over 400 joint ventures.

Science and technology cooperation ranging from distant galaxies to alligators in the Yangtze and Mississippi rivers.

A military relationship which threatens no one and promotes stability.

Burgeoning educational and cultural exchanges. Artists and experts, teachers and tourists criss-cross the ocean. This year, over 50,000 Chinese citizens will travel to the U.S. while some 300,000 Americans will visit China.

The U.S. currently plays host and mentor to more than 30,000 Chinese students. They absorb a keen sense of American values and achievements and will form future bridges of cooperation. We hope they will return to help their country modernize. It is up to China, of course, to ensure that appropriate jobs, housing, and opportunities welcome them home.

China's decision to host the Peace Corps is a recent breakthrough. For the first time ever in a communist country, American volunteers will soon teach and learn and create enduring links of friendship.

On this tenth anniversary of normalized relations, we are right to celebrate these myriad accomplishments. But our very successes have spawned fresh challenges.

The maturing of Sino-American relations makes radical departures or dramatic breakthroughs less likely. As a result, popular attention often focuses on specific problems rather than on the generally sound state of our relationship.

Ten years have broadened and deepened contact between our societies, stretching our horizons, and multiplying constituencies in each country for strong relations. However, as the world changes, as our ties grow thicker, as China develops, certain issues loom larger.

Using a few concrete examples, let me sketch how America and china might each approach some challenges in the political, economic, and cultural realms. As I do, remember that for every well-publicized dispute, hundreds of agreements and thousands of friendships are formed without fanfare.

First, the political dimension. During the past couple of years we have witnessed encouraging trends in East-West relations and regional conflicts. Chinese-American dialogue and cooperation have played an important role in this process. In a world of shifting power, fluid alignments, and greater interdependence, China and America must maintain a sense of the overall stakes in our relations. This involves a sensitivity

to one another's domestic imperatives, a resort to genuine dialogue, not brinkmanship. Such an approach has been evident in our recent exchanges on two topics which reflect China's expanding global influence—the launching of satellites and the spread of ballistic missiles.

To boost both its international prestige and its hard currency, China has made marketing its satellite launch capability an urgent priority. Despite conflicting pressures at home and abroad, President Reagan recently agreed in principle to the use of Chinese rockets to launch some American satellites, subject to three conditions. American and Chinese negotiators have resolved the problems of liability and technology transfer. This week they are working on difficult economic issues in our effort to assure fair competition.

In recent months we have launched an earnest dialogue with China regarding the specter of missile proliferation. The prospect of these weapons, together with nuclear and chemical technology, reaching volatile regions is truly alarming. This is a global issue involving all potential suppliers and recipients. We have conveyed our views to Beijing that these weapons are special and destabilizing, that all nations, including China, have an interest in checking their spread. Recent discussions have been productive, helping to clarify Chinese intentions. But great risks persist. We hope China will work with us and others to ensure that missile proliferation does not threaten stability and peace.

While not linked, the issues of satellites and missiles suggest the will and ability of our two countries to listen closely to one another. This quality will be sorely needed on both sides as we move through a more complex world.

High on the Chinese political agenda is the question of Taiwan. The most senior American officials have made clear that we continue to abide by the three Sino-American communiques. Beijing urges us to promote reconciliation between the Mainland and Taiwan, but we believe this is a process that must be worked out peacefully by the two sides themselves. While we will not advocate, neither will we obstruct. We welcome recent remarkable increases in indirect trade and human interchange and seek to foster an environment in which such developments can continue to take place.

Second, the economic dimension.

The rapid expansion of Sino-American economic cooperation has produced some hard bargaining and hard feelings as well as hard cash for both sides. It has fulfilled some dreams—and dashed others—of business people on both sides. Problems abound, but the fact remains that we have only begun to tap the potential in our cooperation at a time when the world's economic gravity is shifting to the Pacific.

On the U.S. side, we should encourage China's reforms while recognizing their ultimate success depends on the Chinese themselves. Specifically, we can:

Keep our market open. History attests to the folly of protectionism.

Transfer technology consistent with national security concerns and progress in bilateral relations.

Welcome China's application for the GATT while requiring the reforms to justify entry.

Shape effective strategies to face subsidized competition from third countries, while preserving the basic separation of government and business.

Steer between unrealistic expectations and unwarranted despair. American companies should look hard before leaping into investment. At the same time, they should consider not only their early profits, but also the future of China's economic strength.

China's policy-makers know they must attract foreign technology and investment if they are to fulfill their economic potential. To this end, the Chinese can:

Continue moving toward a pluralistic, market economy and a trade and investment climate which is clear, fair, and sure.

Surmount the inflation, inefficiency, corruption, and social instability which plague other countries in similar transitions.

Reduce high tariffs and import barriers; loosen controls over foreign exchange and import licenses; and allow competition in the services sector.

Streamline bureaucracy, speed negotiations, ensure implementation. Recognize that endless re-negotiation and haggling can be self-defeating.

Continue improving their infrastructure to ensure reliable access to power, raw materials, and transportation.

Meet U.S. national security concerns by providing information on the end use of technology.

Protect intellectual property. As China seeks to attract foreign technology and makes breakthroughs of its own, its self-interest will increasingly be at stake.

Together we can work on measures to improve our economic cooperation. In just the past two months, we have made a breakthrough to a maritime agreement after years of negotiation. A bilateral investment treaty remains to be completed.

Finally, the cultural dimension. Expanded contacts between our societies increase mutual understanding, but they highlight our fundamentally different values as well.

For example, human rights. Beijing should understand that as a nation of immigrants, America's concern for human rights is natural and universal. We do not single out China. In our global approach, we seek to strike a balance between our collective conscience and the sovereignty of nation-states.

In Tibet this summer, I frankly set forth American concerns, including foreign access and the humane treatment of prisoners. Americans need to remember that recognition of Chinese sovereignty over Tibet is a long-standing policy of our government, indeed of all governments in the world. This principle is a prerequisite for engaging the Chinese constructively on the situation within Tibet. So, too, is an acknowledgment that Beijing has taken some positive steps there since 1980.

Indeed throughout China there has been, since the Cultural Revolution, progress toward restoration and tolerance of religious and minority institutions and customs. No group more deserves such an approach than the Tibetans with their unique culture and religion. In response to global concerns, the Chinese should open up Tibet more to the press and others so the world can make informed judgments. And together with others, we urge them to move further to reflect the needs of the Tibetan people. While our executive and congressional branches do not always agree on details, we share the same human rights concerns in Tibet, as elsewhere.

China's population policy is another irritant between us. Americans need to understand that China confronts the classic Malthusian dilemma: a young and growing population, already over a billion people, living in a territory which is only one tenth arable and three-quarters urban sprawl, mountains and sand. Unrestrained population growth would doom China's future.

The Chinese in turn need to understand that Americans hold all life dear, that coercive or late-term abortions in any country are abhorrent to us. While Beijing's official policy prohibits forced abortions, clearer evidence that abuses are punished would be welcome. Let us hope we can find a way to help China's family planning policy without either compromising our values or imposing them.

Together China and America should be able to ease—or at least contain—our tactical quarrels, whether political, economic, or cultural. In recent years we have built solid foundations steadily, often quietly, by respecting each other's views and searching for mutual accommodation. This spirit should continue to infuse our relationship, for the long-term interests of both our nations dictate cooperation.

CHINA'S DOMESTIC SCENE

The south side of Tiananmen Square evokes the drama of China's changing domestic scene. This huge experiment will not only shape the future of one quarter of humanity but also color the course of peoples in the developing and socialist worlds. And it strongly affects overall Sino-American relations as well as our economic ties.

Recent press reports testify to China's current economic difficulties. Let me try briefly to put the current situation in perspective.

It is difficult to exaggerate the immensity of China's undertaking, either the boldness of reforms or their potential risks. China's leaders seek to strike a new social contract with their people by extending a revolutionary offer: exchange the "iron rice bowl" of guaranteed security for the opportunity for a better life.

Periods of pause and consolidation are an inevitable part of overhauling the economy of the world's most populous nation. But the current retrenchment differs from previous ones in several ways:

The Chinese seek to avoid the hard landing of previous corrections by permitting growth to continue at a slower, more sustainable pace.

While price reform is postponed, innovations like selling stocks in enterprises and houses to individuals are being introduced.

Beijing officials should understand better the impact on foreign traders and investors if they close their market. Although China's new policies have not been fully clarified, its leaders firmly state that no contracts with foreign enterprises will be cancelled. Current or new joint venture proposals will be scrutinized to see if they attract technology and earn foreign exchange or meet China's definition of "productivity." Energy and transportation projects fit the description; luxury hotels do not. As for Chinese import controls, America may have less cause for concern than countries which market consumer goods such as automobiles and electronics.

The Chinese recognize the dilemmas they face are the most serious since reform began. However, the tensions are probably less at the center in Beijing than between the center and the provinces. Local authorities have provided great dynamism, but they have also been running budget deficits and overheating the national economy. Beijing

must find ways to regain central macroeconomic control without stifling local initiative.

Some press reports allege that China's leadership is in turmoil, that China could scuttle reforms and close its doors. It is true that China is grappling with the tough issues of reform at the same time it is making the political transition from Deng Xiaoping and the long-march veterans to new generations of leaders. It is also true that Chinese leaders debate policy vigorously. Given China's geographic expanse, its diverse population, and the volatility and complexity of its problems, one could hardly expect otherwise. Yet, China's debate seems to be more over the pace than the direction of reform. We do not see a fractious Chinese leadership engaged in an intense struggle for power.

Overall, China will remain open to the outside during this period—although credentials may be checked more closely at the door.

CONCLUSION

Tradition, transition, and the future come together in China as in few other places in the world.

Tiananmen Square—north, south, west.

An emerging China and a shrinking globe. The contours of Sino-American cooperation are being altered, but the basic imperatives persist. America welcomes a multipolar world of interdependence and openness. China reforms and looks outward.

A succession of Chinese leaders and four American Presidents of different persuasions, including President Reagan, have strengthened our relationship because they judged it in their nation's interest. So, I believe, will President Bush. Our approach to China—and Asia generally—should remain bipartisan.

A final thought. Squares, of course, have four sides. Yet I have deliberately not drawn in the last side of Tiananmen Square—the East, where days begin anew. In treating China we must resist the temptation to photograph the future, to impose a picture frame on a dynamic, vibrant nation which changes even as we meet.

The next time you stroll through Tiananmen Square, therefore, dwell not only on a history written but on a joint venture—and joint venture still unfolding. This month we celebrate the tenth anniversary of the normalization of Sino-American relations. Soon we will usher in a Pacific century. Although the past years have seen dramatic developments, China and America have merely begun a long voyage of friendship. Let us respect our differences, but reach for our potential. While measuring our tread, we should lift our vision. As we do, we will enrich our lives and those of future generations, here at home and around the world.

Thank you.

TRIBUTE TO VICTOR V. VEYSEY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. HUNTER. Mr. Speaker, I would like to take this opportunity to praise a former Member of the U.S. House of Representatives, the Honorable Victor V. Veysey. Vic will soon be honored at the Imperial County Republican Associates' Lincoln Day Dinner.

Vic's experience and background are quite extraordinary. Born in 1915, he earned degrees from California Institute of Technology and Harvard University and did graduate work at Stanford University. Vic worked on the rocket development project at Cal Tech and was the works manager at a rubber plant during World War II. After that, he influenced many young students as a professor at Cal Tech and at Stanford Universities.

In the Imperial Valley, Vic Veysey began his career as a rancher and also turned toward public service. Vic served as a Brawley, CA School District board member and as an Imperial Valley College board member. In addition, he was an advisor to the U.S. Department of Agriculture until 1963 when he was elected to the California State assembly.

In November 1970, Vic Veysey was elected to the U.S. House of Representatives where he served in the 92d and 93d Congresses as a member of the Appropriations Committee. Since then, Vic has served the United States and his fellow Californians as the Assistant Secretary of the Army for Civil Works, as director of Cal Tech's industrial relations center, and as California's secretary for industrial relations.

Vic Veysey has served his country, State, and neighbors well throughout his career. The Lincoln Day Dinner is just one indication of the lasting impression he has left on the community of Imperial Valley, CA. We've both been blessed with being able to serve the people of Imperial County and I'm proud to call Vic Veysey my friend.

STEEL IMPORT STABILIZATION EXTENSION ACT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MURTHA. Mr. Speaker, as chairman of the Executive Committee of the House Steel Caucus, today, I and 108 of my colleagues in the House of Representatives are introducing legislation extending the steel VRA program for a period of 5 years.

The steel caucus has been a strong advocate for import relief for the domestic steel industry. Our efforts have begun to pay off under the steel Voluntary Restraint Agreement Program [VRA's]. Since 1984, steel imports have declined from 26.4 percent to 20.4 percent and productivity has nearly doubled. Though these signs are encouraging, the job of obtaining the steel industry's competitiveness is not complete.

American steel producers compete in a world market dominated by foreign governments. In most steel producing countries, decisions about investment, disinvestment, production and pricing are influenced by the government. In addition, many foreign producers are heavily protected from foreign competition by high tariffs, quotas, restrictive import licensing and other nontariff barriers. These restrictive measures inevitably restrict U.S. steel producers from competing in the global and domestic steel markets. For the United States, the net affect has been plant closings and lost jobs.

The steel VRA Program, established as a trade policy in 1984 to take comprehensive action against unfair trade practices, is working. Under the VRA Program, the U.S. steel industry has made excellent progress toward its goal of becoming more competitive. Costs are being lowered sharply, labor productivity has been increased dramatically and product quality has been improved greatly.

Regardless of the progress made, substantially more remains to be done. New investment on a sustained basis of $3 to $5 billion annually is needed if the domestic steel industry is to match the competitiveness of its leading foreign competitors. After sustained losses of $12 billion between 1982 and 1986, the industry's financial gains of the past 18 months are inadequate to complete its comeback. Substantial reinvestment and modernization is still called for. Failure to extend the steel VRA's will abort completion of the steel industry's orderly restructuring. Moreover, in a world in which market forces are dominated by foreign government intervention, the restructuring of the steel industry will be hampered by the absence of an effective mechanism to deal with unfairly traded steel imports.

Steel is a notoriously cyclical industry. In 1988, the steel market, domestically and internationally, has been very strong. However, there is no assurance that the current strong market condition will last. Therefore, the steel VRA's are needed as a long-run mechanism to protect the steel industry from the likely flood of imports as the steel market weakens. A continuation of the steel VRA Program is not only called for, it is justified.

Mr. Speaker, the legislation being introduced goes beyond just providing assistance to the country's steel industry, it also means continued economic growth and prosperity for the Nation's economy.

HONORING JANET CARDILLO OF LEE, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CONTE. Mr. Speaker, I rise today to honor Janet Cardillo for her outstanding service to the Italian community. Janet is being honored by her friends and family at a testimonial dinner on February 11 for her many years of dedication to the people of Berkshire County and the State of Massachusetts.

Janet has always felt a strong affinity toward her Italian heritage and began working within the Italian community 15 years ago in 1974, when she joined the G. Marconi Lodge in Lee, MA. Members of the Marconi Lodge will agree that Janet's dedication and enthusiasm toward her work paved the way for her election as president of the lodge from 1981 to 1984.

Not only has Janet served as State deputy at the Amerita Lodge in Springfield, MA, but she has also served as State trustee for the Massachusetts Sons of Italy Lodge, a prestigious position she has been honored with for the past 4 years.

Janet Cardillo is truly a remarkable person. She has worked for over 18 years at Nuclear Components, Inc., in Great Barrington while raising four daughters and volunteering at various lodge functions. Most notably, Janet was the chairperson for the Annual Law Day in Berkshire County, a successful endeavor which took place in May 1988.

I congratulate and express my gratitude to you, Janet Cardillo, a woman with many honorable accomplishments. The testimonial which is being given in your honor is truly a testament to all of your many dedicated years of hard work. As a fellow Italian, I salute you, Janet. I wish you much success as you continue your services during the years ahead. Grazie, Janet, e buona fortuna!

HARRIET TUBMAN APPRECIATION DAY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MFUME. Mr. Speaker, February 1, 1989, marked the beginning of Black History Month. During the entire month of February, Americans will be saluting the contributions and achievements of African-Americans. Americans will remember the adversity that the sons and daughters of slavery had to overcome in order to fulfill their dreams of freedom and individual liberty.

I am exceptionally proud to come from a State that can boast of possessing a rich African-American political, artistic, and cultural heritage. Although Maryland was a slave State, she had the largest free black population of these States, and many active members in the Abolitionist movement. Perhaps the most noted of these crusaders is Harriet Tubman.

This year marks the 140th anniversary of Harriet Tubman's escape from slavery to freedom in the North. Born a slave in Dorchester County, MD, in 1821, Harriet was the granddaughter of slaves who were brought to America in chains from the mother continent of Africa. In 1849, Harriet's master died and rumors spread that her family was to be sold to a slave owner in the deep South. This news convinced Harriet Tubman that it was time for her to pursue her visions of living free in the North. Harriet escaped and made her way to Philadelphia. Not long after this time she became one of the most famous conductors of the famed Underground Railroad.

The Underground Railroad was an organized system that intentionally undermined the peculiar institution of slavery. The Underground Railroad depended heavily on the efforts of southern slaves, some southern whites, free blacks, and northern white abolitionists such as Levi Coffin and Thomas Garrett. The "conductors" of the railroad were responsible for delivering their "cargo" to prearranged destinations, while the "station masters" received, hid and fed the fugitive slaves. The Underground Railroad openly defied written statutes—particularly the harsh Fugitive Slave Act of 1850—which was designed to end the conduit of fugitive slaves escaping from the South.

Harriet Tubman is credited with guiding 300 slaves to freedom. Between 1850 and 1857 she courageously returned to Baltimore and the Eastern Shore of Maryland to spirit her brother and sister, including their families, to free States. A woman of deep spiritual conviction and devoted to serving God, Harriet was blessed with a profound depth of inner strength and vision. By far her most courageous and remarkable rescue was her dangerous excursion back into Maryland in 1857, when she hired a wagon and delivered her aging parents to the soil of the free States.

Harriet Tubman was an eager volunteer for the Union Army at the outbreak of the Civil War. Following the war Harriet continued to travel throughout the South and across the country, advocating social justice issues for African-Americans and women. Harriet Tubman attempted to organize schools for freemen in North Carolina and spent much of her time, resources and energy establishing the Harriet Tubman Home for Indigent Aged Negroes in her hometown of Auburn, NY, until her death in 1913.

Mr. Speaker, today we find many young people searching for role models and heroes, for adult guidance to help them chart their future direction. Harriet Tubman has long been one of the most positive and inspirational examples that I know. For generations American folklorists have told and retold the story of how this former slave—guided only by the North Star and the Lord—eluded unscrupulous slave trackers and bounty hunters.

I am deeply pleased that the 140th anniversary of Harriet Tubman's escape from slavery is not going unrecognized. The Black American Heritage Foundation, Inc., has declared February 7, 1989, as Harriet Tubman Appreciation Day. The commemorating ceremonies are scheduled to be held at the Brooklyn Union Gas Co. Auditorium, 89–67 162d Street, Jamaica, NY, which has been served amiably for the past 2 years by our distinguished colleague and my good friend FLOYD H. FLAKE, Democrat, 6th District.

In closing, I hope that my House colleagues will have the opportunity to participate in some of the planned Black History Month activities in their home districts and here in our Nation's Capital, to pay homage to great Americans such as Harriet Tubman.

PROTECT SOCIAL SECURITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CRANE. Mr. Speaker, I have introduced legislation that prohibits State governments from taxing Social Securtity benefits. This bill is necessary because the 1983 Social Security Amendments enacted into law significantly reduced Social Security benefits for middle-income retirees. Without this bill, many of these same individuals are also being forced to pay additional taxes on their Social Security benefits, thus reducing their benefits even further. Although it is difficult to get exact information from the States, we know that seniors in about 16 States face the possibility of paying State taxes on their benefits.

Many States have laws that are parallel with the Federal taxation practices. Therefore they use the adjusted gross income reported on the Federal tax forms as the basis for an individual's income to compute State liability. Although some States have taken legislative action to provide a State income tax exemption for Social Security benefits included in Federal adjusted gross income, many have not. Unless specific legislation to the contrary is enacted in States adopting current Federal code provisions, Social Security benefits will automatically be included in those States' income tax bases. The incentive behind such a tax by the States is the tens of millions of dollars in potential revenues for needy State treasuries. While revenues from the Federal tax on Social Security benefits will be passed along by the Treasury to the Social Security trust fund, the revenues from a State tax on Social Security benefits do not go back into the Social Security trust fund. Instead, most State governments will use the revenues to trim their State budget deficits and finance future State programs. The States, in an effort to increase their revenues, are at the same time further penalizing those individuals who do save for their retirement. This double taxation of Social Security benefits by the Federal Government and the States creates an unjust burden on these recipients and a large disincentive for those who would otherwise want to continue working to supplement their income. Social Security recipients often live on very low incomes and cannot afford the added burden of State taxation.

When the 1983 Social Security Amendments were passed, the intention of the act was not to allow States to tax Social Security benefits. The intention was to restore solvency to the system upon which so many Americans depend. This bill will remedy this unfair burden levied on our seniors and restore justice to the system.

RESOLUTION ESTABLISHING NATIONAL TAP DANCE DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CONYERS. Mr. Speaker, tap dancing is widely recognized as America's only original form of dance, yet for years it has been in danger of becoming a lost art. Though it was quite popular during the early part of this century, exerting considerable influence on the Broadway stage, jazz, and big band music, interest in tap dancing diminished. In recent years, however, tap has been reborn through the efforts of both professional and amateur enthusiasts. But enthusiasm alone is not enough to ensure that tap continues to flourish.

By introducing a House joint resolution designating May 25, 1989, as "National Tap Dance Day," I hope to focus widespread attention on this art form. On that day, we should celebrate tap through both performance and study. We should examine the incredible contributions made by legendary dancers such as Howard "Sandman" Simms,

the Nicholas Brothers, and Honi Coles, and observe how high technology is now being applied to tap by contemporary dancers such as Gregory Hines. As the result, people the world over should be better able to appreciate tap as an important part of our Nation's heritage.

May 25 is the birthday of legendary tap dancer Bill "Bojangles" Robinson. Robinson's dancing up and down the staircase was the highlight of numerous motion pictures and musicals from the 1930's. He coined the phrase "everything is copasetic," which means it's going along just fine. Unfortunately, this phrase no longer holds true for the art form he brought to near perfection.

In 1987, Congress passed a resolution I introduced designating jazz as an "American national treasure." That official recognition of jazz's artistic legitimacy served to increase its public recognition and support. The enactment of this new resolution by the Congress should do the same for tap. I urge all of my colleagues to support it.

The text of the tap resolution follows:

H. J. RES. —

Whereas the multifaceted art form of tap dancing is a manifestation of the cultural heritage of our Nation, reflecting the fusion of African and European cultures into an exemplification of the American spirit, that should be, through documentation, and archival and performance support, transmitted to succeeding generations;

Whereas tap dancing has had a historic and continuing influence on other genres of American art, including music, vaudeville, Broadway musical theater, and film, as well as other dance forms;

Whereas tap dancing is perceived by the world as a uniquely American art form;

Whereas tap dancing is a joyful and powerful aesthetic force providing a source of enjoyment and an outlet for creativity and self-expression for Americans on both the professional and amateur level;

Whereas it is in the best interest of the people of our Nation to preserve, promote, and celebrate this uniquely American art form;

Whereas Bill "Bojangles" Robinson made an outstanding contribution to the art of tap dancing on both stage and film through the unification of diverse stylistic and racial elements; and

Whereas May 25, as the anniversary of the birth of Bill "Bojangles" Robinson, is an appropriate day on which to refocus the attention of the Nation on American tap dancing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 25, 1989, is designated "National Tap Dance Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

TRIBUTE TO MINNESOTA'S JULIA ZEHNLE

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. STANGELAND. Mr. Speaker, I rise today to honor Ms. Julia Zehnle who, on March 15, 1989, will celebrate a continued distinguished career, spanning 50 years, with Minnesota's Seventh District Todd County's Social Services Department.

As a social worker, Ms. Zehnle has provided visionary dedication attending to the diverse needs of those less fortunate in our society—abused children, mentally retarded citizens, welfare recipients, older Americans.

After acquiring her bachelor of arts degree from an excellent Minnesota College—St. Benedict's—Julia began her service with Todd County. Through the years, welfare assigned a myriad of titles to her work—"Visitor," "Caseworker," "Social Worker,". "Child Welfare Mother." Her outstanding achievements did not go unnoticed. In 1967, Julia was promoted to social service supervisor, a position she held for about 7 years before returning to a social worker position in 1974. Again, in 1968, the regional mental health provider, Northern Pines, presented Julia with a plaque for meritorious service.

Currently, Miss Zehnle is responsible for nursing home placements and caseload. Always, competent, efficient and compassionate Julia cares for her clients and their family members with respect and dignity. Her expertise in assisting family members through the difficult process of deciding upon nursing home care for aging parents is unparalled. Her far-reaching skills and common sense have been tremendous assets to the clients she assists and the community she serves.

It is with profound gratitude and admiration that I share with my colleagues the service of Julia Zehnle to Minnesota's Todd County Social Services. With excellence such as this, citizens throughout America's communities would be better able to face their problems because someone like Julia is there who cares.

NATIONAL FAMILY WEEK

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MYERS. Mr. Speaker, it is with pleasure that I rise to introduce a joint resolution to authorize and request the President to issue a proclamation designating Thanksgiving Week in 1989 and 1990 as "National Family Week."

This is the 19th consecutive year in which I have offered a National Family Week resolution. The idea of National Family Week has generated support unmatched by the other commemorative resolutions introduced in Congress. In those years, proclamations have been issued by Presidents Nixon, Ford, Carter, and Reagan; 678 Members of the House and 117 Senators have been cosponsors of these resolutions; and the governors of every State in the Union and each of our Territories, as well as the Mayor of the District of Columbia, have issued their own National Family Week proclamations at least four times. Moreover, numerous private organizations have sponsored National Family Week activities.

While I would not for a moment deny the symbolic nature of this resolution, we must not lose sight of substantive impact it can have. As this new Congress and a new administration take office, we are confronted with a number of challenging issues: drugs, education, child care and others, all while keeping an eye on the need for deficit reduction. Are these all not family issues?

It is my belief, for example, that the family is the institution in our society that can contribute the most to combat the drug problem. If, when armed with the facts, parents can spend more time with their children discussing the evil of drugs and creating a nurturing environment within the family, we can reduce young people's interest in drugs.

The entire child care issue is based on working parents desire to assure quality supervision for their children while they are at work, earning money to support their family.

Education is an issue because we all want the best for the next generation of America's leaders. Parents want their childern to be well prepared for the challenges that lie ahead and be equipped with the tools necessary to take advantage of every opportunity this Nation has to offer.

The family is the foundation of our society. This magnificent institution has a more positive and profound influence on the development of young Americans than any other. That is why it is fitting for us to take time during Thanksgiving Week, a period of traditional family gatherings.

The idea for National Family Week came to me from Mr. Sam Wiley, an Indiana high school administrator and basketball coach. Sam saw first hand the difference families made on young people and came to me in 1970 wanting to celebrate and emphasize the importance of the family in American life.

I urge all my colleagues to join me as cosponsors of this National Family Week resolution.

READER'S DIGEST TEACHER-SCHOLAR FOR 1989

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. HOPKINS. Mr. Speaker, I rise today to pay tribute to Lois J. Barnes of Versailles, KY, on her selection as a Reader's Digest Teacher-Scholar for 1989.

Each year only a select group of elementary and secondary teachers are awarded sabbaticals in order to learn more about literature, history, foreign language or other humanities.

Mrs. Barnes, who has been teaching history at Western Hills High School in Frankfort, KY, for the past 9 years, is one of 53 winners among 615 applicants to receive a Humanities Endowment Award which will support a year of independent study. She will take a year off to study the Soviet system of government and its relationship to Soviet society.

This revered award reflects the value of continuing education and Lois Barnes represents the best of what our educational system can be.

I am proud to join Lois' family and friends in extending best wishes for a successful and

productive year of study and look forward to the resumption of her outstanding career in the classroom.

RETURN TO THE GOLD STANDARD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. CRANE. Mr. Speaker, if we are to revitalize our Nation's economy, we must remove from Government the temptation and the ability to produce chronic budget deficits. Restoration of a dependable monetary standard based on a commodity with fixed value would, by making monetization impossible, accomplish this. For this reason, I have introduced a bill that will make all Federal Reserve notes and other currencies of the United States redeemable in gold.

In the constitutional debates in Philadelphia the monetary standard of the United States was a matter of central concern. Article 1, sections 8, 9, and 10 provide for a monetary standard of gold and silver. Not until 1862, in the midst of the Civil War, did our country suspend convertability and begin printing greenbacks. During the Civil War, as a result of the suspension of convertability, price levels tripled. When Congress decided to return to the gold convertible greenback in 1879 to prevent further increases, prices stabilized and inflation ceases to exist.

In the half century that has passed since President Roosevelt ordered that U.S. citizens would not be able to trade dollars for gold, the purchasing power to the dollar has declined significantly while the value of gold in real terms has remained almost constant. In 1928, one could purchase a two-door Chevrolet coupe with rumble seat for $720 or 36 ounces of gold. Thirty-six ounces of gold today at around $400 per ounce will buy two fine Ford Escorts. In 1932 one could purchase a good suit of clothes for $20 or 1 ounce of gold. One ounce of gold will buy you a fine suit today. While the gold standard is not perfect, its reinstitution in some form would be an improvement over the paper money in circulation since 1933.

Some economists argue that the gold standard should not be reinstated. Most of these economists are from the Keynesian School, and they complain that the Government would lose control of our money supply. That is precisely the point of the gold standard: to take control of the money, and correspondingly, money value out of the hands of a few Government decisionmakers. Attempts by the Government to regulate or fine-tune demand in the way that the Keynesians advocate, have caused wave after wave of inflation. Each wave eclipses the former. These failures have given impetus to the rebirth of the gold standard.

Ultimately, the question is not whether it is possible to reestablish the gold standard or whether it is too difficult to do so. But, the practical question remains: Is it harder to return to the gold standard which worked for over 150 years in America, or is it harder to live in the conditions that have resulted from a reliance on fiat currency, the highest interest rates, the worst inflation, alternating inflation and potential deflation, recessions, and so forth? Not only would a gold-backed dollar bring back monetary stabilization and lower interest rates, but it would also help balance the budget by preventing politicians from overspending and then simply monetizing the debt. It is high time that we return to the gold standard.

COMMEMORATING THE 25TH ANNIVERSARY OF THE ECONOMIC OPPORTUNITY ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. BROWN of California. Mr. Speaker, President Lyndon B. Johnson declared an "unconditional war on poverty" in his first State of the Union Address in 1964. The Office of Economic Opportunity [OEO] was established to wage this unprecedented war through a national network of local community action agencies. The Dependency Prevention Commission [DPC] was incorporated on January 7, 1965 to carry out the mandate of the Economic Opportunity Act in the congressional district that I am privileged to represent. DPC, which was later renamed the Community Services Department of San Bernardino County, has served those who are less fortunate than ourselves.

I would like to take this opportunity to recognize the dedicated community leaders who have served as chairpersons of the DPC/CSD Board of Directors. They are: Harry C. Smith, O.E. Brown, Robert Carbajal, George Ashton, Salvador Rios, Richard Strong, Eloisa Zermeno, Francis T. Riley, Naomi Saylor, Frank A. Cabral, John Jimemez, Paul A. Treadway, Venny H. Newman, Dolores Kossman, and Nancy Ruth White. The work of these fine leaders throughout the past 25 years cannot be forgotten.

In addition, I would also like to recognize the executive directors who have provided administrative leadership for the San Bernardino DPC: Bill Nickolas, Eve McClain, Harold Whitehead, Robert McBay, Francis Kennedy, John Morant, Frank Budai, Ollie Liviege, C.W. Neimeyer, C.C. Vermillion, and Rodolfo H. Castro.

In celebration of the 25th anniversary of the Economic Opportunity Act, I would like to share with my colleagues an article by Quentin Foley. It was featured in the San Bernardino Sun on April 11, 1965 and discusses the exciting beginning of the War on Poverty programs in the Inland Empire.

COUNTY GIRDS FOR "WAR ON POVERTY"

(By Quentin Foley)

Millions of dollars to help the poor help themselves will be poured into San Bernardino County funded provisions of the Economic Opportunity Act—the President's "war on poverty" bill.

The whole concept is so new that no one knows for sure just how much in federal funds will be allocated for the county, since each project must be approved separately and projects may be initiated from many sources.

All that can be said for sure is that the impoverished will benefit from the far-ranging, unprecedented projects. And the taxpaying public may eventually see an end to the steady upward spiral of welfare costs if the programs accomplish their objectives.

Children from families of meager means will be helped from pre-school age through college, to help make them employable and there will be literacy training for the parents.

Community action programs will attack poverty pockets countywide.

Low-income farmers and migratory workers will benefit, and there will be help for the small businessman and the Indians.

Work-training programs now in existence will be beefed up to help those on welfare, help themselves get off the relief rolls.

The job of coordinating and supervising Economic Opportunity Act projects in the county will be carried out by the Dependency Prevention Commission, headed by president Harry C. Smith Jr. and executive director William F. Nicholas.

"I believe the (poverty program) budget for the county next year will be $6 to $8 million," Nicholas said. "Since many of the projects are now in the thinking or planning stages, it is hard to say how much the county will receive in federal funds this year."

Here are some of the projects approved, awaiting approval or in the planning stages:

SCHOOLS

The Neighborhood Youth Corps for those 16 through 21 years of age is to help students from poor families stay in school and get dropouts back in school.

The program to keep students in school is being coordinated by the office of Roy C. Hill, county superintendent of schools, under his administrative assistant, Hartley H. Hillsen.

A $195,550 program, it will be supervised by the eight high school districts participating. The districts will put up $51,160 in services and federal funds will total $144,390, Hillsen said.

It will enable 965 students to work—on school property—for $1.25 an hour for a maximum of 12½ hours a week during the remainder of this school year.

"Several of the seven high school districts that are not participating in this part of the program have indicated their desire to participate in the summer program or the in-school program the next school year," Hillsen said.

The summer program now being prepared will aid 1,000 students during the 12 summer weeks, permitting them to work a maximum of 32 hours a week if not in school and 15 hours a week if attending classes.

For students who have graduated or intend to return to high school in the fall, the program pays $1.25 an hour and again all work will be done on school property.

"A flexible set of guidelines is used to determine the eligibility of students," Hillsen said. "Mostly we ask them to maintain at least a minimum grade average and stay out of trouble."

The program to help high school dropouts and unemployed graduates will be coordinated by the Dependency Prevention Commission.

It will give the youth parttime jobs in public or nonprofit agencies.

"In no way will they supplant personnel in existing jobs," said Nicholas. "It is to give them work experience and hopefully get the drop-outs back in school.

COLLEGES

Another effort to keep students in school and get drop-outs back in school is the work-study program for the junior colleges.

"It is quite a program," said Dr. Russell M. Hackler, vice president of San Bernardino Valley College.

"We have 48 jobs available this school year, will have 40 jobs available during the summer and have asked for approval of 60 jobs for next fall."

College students carrying 12 units, in good standing and from low income families, or orphans, can work a maximum of 15 hours a week at $1.25 an hour. During the summer they can work 40 hours a week, all on campus. Federal funds totaling $18,000 have been approved for this school term.

"We want to work with local high schools, welfare agencies, public and private agencies to get recommended students," Dr. Hackler said.

Students wishing to enter college next fall can pick up their work-study applications now at the college. Other state colleges and junior colleges are planning to get up their own work-study programs, he said.

The University of California, Riverside, has 239 part-time jobs available with rates of pay for 10 to 15 hours work a week of $1.72 per hour and upward, according to Dr. Charles J.A. Halberg Jr., vice chancellor for student affairs. UCR also has 40-hour-a-week summer jobs. Deadline for applications is June 1, Dr. Halberg said.

PRESCHOOL

Operation Head Start is the program to help pre-school age children. A one-time program, it will run two months with each child receiving a minimum of 105 hours guidance.

The federal government pays $85 a month per child, with each child receiving a physical examination, day care, specially designed educational programs and such welfare services as may be indicated.

Here, again, the federal government puts up 90 per cent of the funds and the local entity puts up 10 per cent in services.

"It is a program to help children from impoverished families start school on a near equal footing with their more fortunate schoolmates," Nicholas said.

JOB CORPS

Youths, 16 through 21, from impoverished families can sign up for the Job Corps at the California Department of Employment.

This program is designed to help those lacking skills, school dropouts, those with poor school performance, selective service rejects and those with limited educational achievement.

The recruiting, screening and referral agency is the California Department of Employment whose San Bernardino office is headed by Mrs. Eve McLain.

Job Corps youth sign up for one year and are assigned to either an urban center or rural camp.

"They are allowed one trip home during the stay," Mrs. McLain said.

They receive $30 a month, room, board, clothing, medical and dental care. Their dependents get $50 a month, of which the Job Corps volunteer pays half.

During the year the Job Corps youths accumulate an additional $50 a month to be received at the end of the year.

The plan calls for nine camps to be established in California to handle about 4,000 youths the first year.

"There is no set figure on how many from this area will be enlisted in Job Corps," Mrs. McLain said.

"The purpose is to help youths get and keep a job, return to school or go into the armed services," she said, "It gives them a chance to learn a job skill and earn money while doing it."

Consent of the parent is required for a youth to join the Job Corps and he must pass mental and physical tests. No parolee or youth on probation is allowed to join without a release from the supervising agency.

The Job Corps centers for training are not to be confused with the Youth Opportunity Center to be established in Colton.

The Colton center is expected to open May 1 with a staff of 36 to handle Job Corps applications. No training will be given at the center.

OPERATION CONTACT

This program administered by the Dependency Prevention Commission will attack poverty pockets in target areas throughout the county.

"In each area an office will be established to reach out and involve the poor in programs to help them. It is open to both men and women of all ages," Nicholas said.

"Operation Contact is designed to motivate the poor to take advantage of the community action programs and will be coordinated with all other agencies involved in Economic Opportunity Act programs," he said.

Each office in a poverty pocket will be manned by a professional director and volunteers.

Under Operation Contact, one of the groups to be contacted are the families living in federal housing units. In an experimental program, the county welfare department initiated a variety of recreation, education and services in Waterman Gardens which has 256 family units.

There are a total of 941 low-income family units in federal housing projects in the county, 556 in San Bernardino, 190 in Redlands, 50 in Chino, 85 in Colton and 60 in Barstow.

FEDERAL HOUSING

The Dependency Prevention Commission hopes to get anti-poverty funds to increase the recreation, education and services for families living in these units, and to get their involvement in community action programs.

Recreational activities proposed to be added to Waterman Gardens and initiated at the other housing units include Big Brothers Association, YMCA, YWCA, Gray-Y, organized and supervised athletic programs.

Services to be added include a child care center, teen-age employment service and a home-maker service.

If other federal housing units copy Waterman Gardens they will have Boy Scouts, Cub Scouts, Girl Scouts, Brownies, model club, senior citizens club, teenage dances, parents council, sewing classes, tutoring program and a library.

It has not yet been decided just who will administer any federal anti-poverty funds acquired for the federal housing units.

SMALL BUSINESS

The Dependency Prevention Commission is proposing that an office be estimated to grant loans up to $25,000 to those small businesses which cannot get private banking funds and cannot get Small Business Administration approval.

"We hope to recruit retired businessmen to give counseling to those who apply for such loans," Nicholas said.

FARMERS AND FARM LABOR

The Commission will also make referrals to the Farmers Home Administration for low-income farmers seeking anti-poverty assistance.

The Council of Churches is planning a project to establish a regional camp for migratory labor to serve as a guide to assisting migratory labor under the anti-poverty bill.

The Dependency Prevention Commission is considering the establishment of a Traveler's Aid office to help transients.

"If we can stop these transient families that have been traveling for years, we can get the children in school and help the parents develop some job skill," Nicholas said.

INDIANS

The Economic Opportunity Act permits assistance to Indian reservations.

A pilot program is being worked out for the Indian reservation near Patton State Hospital, where 26 Indians reside.

"This will be an internal self-help program, supplying building materials, equipment and advice of carpenters and plumbers to help them build livable homes," Nicholas said.

"They have no water lines and we hope to get water piped into the homes. Some are even using candles for lighting and we hope to correct that."

Other Indian problems to be tackled include employment, job skill training and work-training programs.

VISTA

Volunteers in Service to America (VISTA) is an organization of those wishing to help individually in the war against the poverty.

Under Operation Contact, the county will be divided into three areas, West End, Desert, and San Bernardino, with a VISTA worker in each area as program consultant.

"We hope to use other VISTA workers in several programs," Nicholas said.

WORK-TRAINING

The county Welfare Department, under Director Roscoe Lyda, is the leader in the state in establishing work-training programs to get welfare recipients off the welfare roles—those in the aid to families with dependent children (AFDC) program.

"We will ask Economic Opportunity Act funds to expand these existing programs," Lyda said. He estimates it will take approximately $100,000 the first year.

"Our problem now is to fit AFDC recipients in to the proper training program," he said. The department has about 87 different training programs.

"Our big need is vocational evaluation to fit these people to the right program, with vocational counselling, and we would use the anti-poverty funds for that staffing.

"We will only ask for funds where we can see dividends, we're not asking for money just for the sake of getting it."

A problem is motivating the recipients to help themselves, he said.

What's the idea behind this and the other anti-poverty programs?

To get people off relief rolls and other public support and eventually into self-supporting jobs. It's an ambitious, unprecedented program in many respects, and the people directing it are still feeling their way into unexplored territory.

TRIBUTE TO JOHN BRESSLER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. YATRON. Mr. Speaker, today I would like to bring to your attention a man who is truly a credit to the State of Pennsylvania. The man I am speaking of is John Bressler. Mr. Bressler was born and raised in Lancaster County and currently resides in Pike Township, Berks County, PA.

For many years, John Bressler has been entertaining people in all corners of the world. He has enjoyed great success and acclaim for his musical talents on both the national and international levels. However, while most entertainers are based out of Nashville, New York, or Los Angeles, Mr. Bressler chose to remain in his home State of Pennsylvania.

As a recording artist, Mr. Bressler has made and released several concept videos, all of which were filmed in Pennsylvania. Through these videos, many of Pennsylvania's finest attributes have been showcased to over 90 million households nationwide. In addition to his many appearances throughout the country, John Bressler also takes time to entertain his fellow Pennsylvanians at county fairs and other major events in the State.

Perhaps one of Mr. Bressler's greatest contributions to his fellow man, though, is the time he spends performing at school assemblies where he not only entertains students, but also gives them a strong and convincing message on the devastating effects of drugs. Through his emphasis on the positiveness of life, Mr. Bressler has become the hero of many children and the favorite of many adults.

This March, Berks County, PA will honor John Bressler for his many contributions to our community by designating the week of March 3 through March 10 as "John Bressler Week." In addition, for the attention he has brought to the local and surrounding areas, Mr. Bressler will be proclaimed as an official ambassador of Berks County.

Mr. Speaker, it is an honor for me to acknowledge John Bressler's many achievements before you, the other Members of the House of Representatives, as well as the rest of the Nation. My fellow Berks Countians and I are fortunate that we can claim Mr. Bressler as a son of Berks County. On March 3 through March 10, we will show our appreciation to John Bressler for his many talents and contributions when all of Berks County joins in celebrating "John Bressler Week."

THE INTRODUCTION OF INDUSTRIAL DESIGN PROTECTION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. MOORHEAD. Mr. Speaker, today I am introducing legislation very similar to that which I introduced the last two Congresses. I also note that my good friend from New York and ranking Republican to the House Judiciary Committee, HAM FISH, who is an original cosponsor, and is also a cosponsor for this Congress. I am also pleased to note the cosponsorship and support of our minority leader, BOB MICHEL.

John Ruskin, who was probably the most influential English critic of the 1800's, once said:

There is hardly anything in the world that some man can't make a little worse and sell a little cheaper and the people who consider price only are this man's lawful prey.

In general, the Industrial Design Protection Act is aimed at those who would make things a little cheaper and a little worse. It is aimed at those who pilfer another's creation so they can deceive the man who is looking at price only.

In addressing this act, we are not talking about the pirating of goods or are we talking about an infringement of copyright on patent law. What we are talking about is the creation of designs for useful objects, designs which often reflect skill and creativity, and the expenditure of time and money. When you think of designs what comes to mind are things like telephones, luggage, furniture, tools, swimming pools, automobile parts, machinery, to mention a few of the areas affected. These designs today are not protected by patent law or copyright law.

Appropriating the appearance of a product can lead to the same abuses as appropriating its name by those motivated to palm off inferior goods on the unsuspecting or intentionally misled. The competitive posture of this country no longer permits us to ignore the plight of our creative designers and perpetuate this inequity between the effectiveness of this country's design protection compared to that provided elsewhere.

Decade after decade the litigation track record has been abysmal with three out of every four design patent struck down as invalid. This chills those who contemplate enforcing their rights and dissuades potential applicants from seeking protection. In 1986, the least available figures, only 3,546 design patents were granted in the United States to U.S. residents. By way of comparison, in Japan, which has a viable form of industrial design protection, the comparable number is 34,000 registrations or nearly 10 times ours. We cannot dismiss this disparity with the thought that it is unique to Japan. The comparable statistic for West Germany is 85,000, for France 19,000 and for Korea 8,659. Nor do we find the answer to these differences by assuming U.S. designers are intellectually bankrupt.

The answer is that the United States is the only country in the world to provide a patent type protection for industrial designs which is a particularly unsuitable form of protection for the shape of most articles as distinguished from its workings or function. It is noteworthy that while other countries have borrowed heavily from the United States in adopting features of our patent laws, none have even considered applying patent laws to the field of industrial design protection and we have stood alone with this ill conceived system for nearly a century and a half.

This legislation proposes that a copyright type of protection he provided for industrial designs through a low cost, relatively simply registration process. Such protection would both be more reliable than patent protection by avoiding high standards of invention that are impossible to apply in most shapes, but also would be a sharply focused protection aimed at the parasitic copyist while leaving original designers free to pursue new designs without fear of inadvertent violations.

Design protection should be for a reasonable term of, for example, 10 years as has been proposed in this legislation although 15 years is the internationally recommended standard for design protection. The legislation introduced today is identical to what we introduced last Congress, H.R. 1179, with one exception, and that is at the request of Mr. FISH we clarified this year's bill to include protection for typeface design.

I hope we can make this legislation a top national priority and a goal of the 101st Congress.

KEEP THE FAITH ON CAPITAL GAINS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. PEASE. Mr. Speaker, last week I introduced House Concurrent Resolution 42 which would put Congress on record in continued support of a key element of tax reform. During last year's Presidential campaign, then Vice President Bush proposed reinstating a preferential rate to capital gains, arguing that it would increase jobs, promote risk-taking, and raise revenue.

If such a simple change to the Tax Code would accomplish all that, why isn't everyone jumping aboard the bandwagon? The fact is that the idea would mean undoing half of the principal deal that made tax reform a reality. Moreover, a proposal of this sort, if offered, would be a significant break with the Reagan administration. Over the past 8 years, Congress and the administration improved the Tax Code by coupling changes in the marginal rate structure with the closing of loopholes.

The Tax Reform Act of 1986 set marginal rates so low that the rationale for a preferential rate on capital gains no longer made sense. Recomplicating the Tax Code by reinstating the preferential rate for capital gains is truly a terrible idea.

There are sound tax policy and equity arguments for maintaining the status quo. Advocates of the preference argue that we need the lower rate to encourage investors to provide the venture capital to risky enterprises. But of course, such investment is only a tiny slice of the capital investment pie. Certainly, you could take a big risk in investing $10,000 in a new business that might fail. However, you could also put your $10,000 into IBM stock, gold coins, or land. Under the old tax law, you would get the same preferential rate upon realizing a gain from either type of investment.

In addition, there is just no getting around the fact that capital gains realizations are heavily concentrated among the highest income taxpayers. A survey of 1986 tax data

by the Internal Revenue Service revealed that 77 percent of net long-term capital gains were realized by taxpayers with incomes over $75,000—only about 3 percent of all taxpayers. The same survey shows that 57 percent of net long-term capital gains were realized by taxpayers with incomes over $200,000—a miniscule 0.3 percent of all taxpayers. It is plain that any cut in the capital gains rate would directly benefit the very wealthiest of taxpayers.

Finally, we do not have the luxury of debating the merits of a new captial gains preference solely on the basis of tax policy and equity considerations. Now anything we do to the Internal Revenue Code has to be evaluated in terms of its impact on the overall Federal deficit. We can't afford to make the deficit worse.

Analyses by organizations and individuals of impeccable credentials display a wide range of opinion on the revenue impact of a preferential rate for capital gains. The only reasonable conclusion is that the revenue consequences of such a fundamental change in the current structure are unknown and unpredictable. With the Gramm-Rudman hammer hanging over the entire Government, can we afford to guess wrong?

If there were ever an instance when Congress and the President should keep their hands off, this is it. The rationale for a preferential rate for capital gains evolved during a period when the income tax system was based on a concept of high marginal rates and a multitude of adjustments, deductions, and preferences. As a result of the Tax Reform Act of 1986, which took the opposite approach, the logic of the overall effort and the events that preceded it led inexorably to the present tax treatment for capital gains.

There is no motion more central to tax reform than the idea that individuals with similar incomes ought to pay similar amounts of tax. No principle is more deeply embedded in our tax structure than that the tax burden be distributed based on the ability to pay. Our old tax system was riddled with preferences and credits which paid lip service to those concepts but allowed those who could to reduce their tax liability and required those who could not to pay higher rates than necessary in order to compensate. If we reestablish a capital gains preference, we would be right back on the path that led us to the pre-1986 tax mess.

We should not break faith with the American taxpayers by reversing the great strides that were made in cleaning up the Tax Code during the Reagan administration.

A TRIBUTE TO THE SEVENTY-FIFTH ANNIVERSARY OF COMMISSION-MANAGER GOVERNMENT IN THE CITY OF BIG RAPIDS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. SCHUETTE. Mr. Speaker, I would like to take this opportunity today to pay tribute to the 75th anniversary of commission-manager government in Big Rapids, MI. A celebration honoring this historic occasion was held on February 2, 1989, in the city of Big Rapids.

The city was established in 1855 as a settlement called Lincolnville on the Muskegon River. Big Rapids was incorporated as a city in 1869 and formed a commission-manager government in 1914. The first city commission consisted of one mayor and two commissioners. They had the authority to appoint a general manager who would be the executive officer to carry out the orders of the commission and see that the laws and ordinances of the city were properly enforced.

Presently, there are approximately 3,000 governments that have adopted the commission-manager form of local government. The city of Big Rapids, however, is the only one that can claim to be the first to have this system. There have been only 14 managers since 1914 and each transition of power has been smooth and easy.

Mr. Speaker, and my colleagues in the House, please join me in commemorating the 75th anniversary of commission-manager government in the city of Big Rapids. This is a most important event in the city's history and is a proud moment for the citizens of Big Rapids as well as all Michiganites.

DR. H. CLAUDE HUDSON: A MAN FOR ALL SEASONS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. HAWKINS. Mr. Speaker, I join today with my colleagues JULIAN DIXON and MERVYN DYMALLY to pay tribute to our friend Dr. H. Claude Hudson who recently passed away. Dr. Hudson, was truly one of the early pioneers in the civil rights movement, and has represented a beacon of hope and strength for the minority community in Los Angeles for over half a century.

Dr. Hudson was the distinguished son of a former slave and Louisiana sharecropper and enjoyed a career as a successful dentist, civil rights leader, and president of a $50 million savings and loan institution. He was elected to the presidency of the Shreveport, LA, branch of the NAACP in 1921 at a time when president of a civil rights organization in the South was not only unfashionable, but suicidal. He worked there to protest the meetings of the Ku Klux Klan, and general policies of segregation and police abuse.

In November 1924, Dr. Hudson was elected to the presidency of the Los Angeles NAACP. During his second term as president, he faced a serious civil rights problem. At this time the Pacific Ocean was segregated: Black people, with one minor exception, could not go to the beach without being harassed. So in 1925, Dr. Hudson and seven other members of the NAACP waded in the ocean at Manhattan Beach, were arrested and fined $500 for defying the no swimming ordinance. He immediately appealed the decision, and thereupon the Manhattan Beach court called him in and wanted to throw the case out of court. He agreed, but asked what was going to be done about the parking ordinance which allowed only 15 minutes for bathers to undress, swim, and return to their cars. The court reminded him that it would take 90 days to repeal the ordinance. Dr. Hudson informed him that he was aware of that, as well as the fact that the ordinance was not being enforced against anyone else. The court responded that if he dropped the case they would not enforce the ordinance against black people. On the following day Dr. Hudson took a little black boy with him to swim on the beach to see if they would be arrested, but they were not and from that day on the beaches have been open to everyone.

Dr. Hudson served 10 consecutive years as president of the NAACP Los Angeles branch, which he developed into one of the largest and most effective in the Nation. In 1927, he enrolled in the Loyola University School of Law and was awarded the LL.B. degree in 1931. His interest in law was to broaden his education to better enable him to carry on the work of the civil rights organization.

Dr. Hudson assumed the presidency of Broadway Federal Savings & Loan Association in 1949 and developed it into a $50 million institution. The association, with Dr. Hudson as its leader, broke the stranglehold of white savings and loan associations in Los Angeles who refused to lend money on property located in neighborhoods where they felt black people should not live. Broadway made so many loans until the white associations reversed their position and began making loans to people under better terms.

In 1962, at charter day exercises, Dr. Hudson received the Distinguished Alumus Award from his alma mater, Howard University, for distinguished service as a dentist, businessman, and civil rights advocate. He served as a member of the Los Angeles County Real Estate Advisory Commission and as a member of the board of trustees of the Martin Luther King Memorial Hospital. The auditorium of the King Hospital was named in his honor. Loyola University, Los Angeles, named a scholarship in honor of Dr. H. Claude Hudson in June 1974.

When he was awarded the Humanitarian of the Year Award of the Aid United Givers of the Biltmore Bowl in Los Angeles. Upon his introduction as guest speaker, the audience gave him a standing ovation. Dr. Hudson began his speech by saying:

The ovation that you have just given me amazes me when I think of the fact that when I arrived in Los Angeles in 1923 I was not allowed to enter this hotel, and now to be the guest of honor shows me how far you have come.

The audience at his request then stood and gave themselves a big round of applause.

Dr. Hudson, referred to sometimes as "Mr. NAACP," has received numerous other awards, medals, and commendations. As a friend and longtime admirer of Dr. Claude Hudson, Congressman DIXON, Congressman DYMALLY, and I, are deeply saddened by his loss. However, our spirits are brightened by the memory of his outstanding character and achievements which live on today in the many civil liberties today enjoyed by the citizens of

Los Angeles, and other parts of California. On April 19, 1986, Dr. Claude Hudson celebrated his 100th birthday with four generations of relatives, community associations, and friends from all walks of life. His closing remarks at this celebration provides an appropriate measure of Dr. Hudson's exemplary example:

The burden of carrying this struggle now belongs to our young people who must not feel that all the battles have been won. Though the problems they face may differ in number and kind from those my generation faced, the American Negro must continue to be vigilant, courageous and persistent in the fight for full freedom and dignity, courage and determination. It is the task of our young people to keep them open and forge ahead.

In closing Mr. Speaker, I would like to quote from the last stanza of "Lift Every Voice and Sing," by James Weldon Johnson. The quote was a favorite of Dr. Hudson and has special meaning in this tribute:

God of our weary years,
God of our silent tears,
Thou who has brought us thus far on the way;
Thou who has by Thy might
Led us into the light,
Keep us forever in the path, we pray.
Lest our feet stray from the places, our God, where we met Thee,
Lest our hearts, drunk with the wine of the word, we forget Thee,
Shadowed beneath Thy hand,
May we forever stand
True to our God
True to our native land.

SENIOR EMPLOYMENT SERVICE

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Ms. SCHNEIDER. Mr. Speaker, I rise today in support of House Concurrent Resolution 30, the Senior Employment Resolution or SERvice. This resolution urges the Secretary of Labor and the director of the ACTION Agency to promote senior citizens programs as a source of employee for community based child care facilities.

I feel that this approach addresses two important issues. It seeks to tap an already knowledgeable and qualified workforce, the elderly, to help alleviate the shortage in child care workers. We are all aware of the lack of safe, affordable child care today. Parents, already juggling the demands of family and work, may feel more comfortable knowing that their child care center employs retired older Americans, many of whom have first hand knowledge of child-rearing.

In addition, the SERvice resolution encourages a bond between youth and elders which I feel this country needs to support. Intergenerational child care promotes generational understanding. The young and the old can learn from each other, and can benefit from their unique perspectives on life.

Two programs already exist which can be expanded specifically in this direction. The Older Americans Act authorizes a program called the Senior Community Service Employment Program [SCSEP]. This service places low-income seniors, aged 55 and over, into area businesses. The ACTION Agency sponsors the Retired Senior Volunteer Program [RSVP]. RSVP is active in my home State of Rhode Island. In Providence alone, 360 RSVP volunteers serve 61 area nonprofit agencies. Last year these volunteers put in 70,000 hours. Rhode Island has a network of innovative child care programs, and seniors as child care workers can reinforce this network.

In closing, let me reiterate my support of the intent and content of the SERvice resolution. I urge my colleagues to cosponsor this resolution, and to urge its rapid implementation.

CONGRESSIONAL TRIBUTE TO MSGR. STEPHEN J. PATCH AND THE MURRAY HOUSE OF PATERSON, NJ, FOR THEIR EFFORTS ON BEHALF OF THE DISABLED

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to pay tribute to an outstanding institution and a great man in my home State of New Jersey who have dedicated themselves to helping the handicapped. I am speaking of the Murray House, which has devoted itself to helping the developmentally disabled in the Diocese of Paterson, NJ, and Msgr. Stephen J. Patch, whose ceaseless efforts have not only provided inspiration to all those involved in this great pursuit, but also the funds necessary to help keep the Murray House's vital efforts going.

In recognition of these truly humanitarian efforts, Monsignor Patch will be the guest of honor at the 19th Annual Murray House Dinner Dance to be held Sunday, February 19, 1989, at the Cotillion in Garfield, NJ.

Mr. Speaker, it is nearly two decades since Monsignor Patch extended his most diligent efforts in helping to bring about the establishment of the Murray House in Paterson. Under the auspices of Diocese of Paterson Department of Special Education, the Murray House, named for the Murray family of Paterson and the courageous Jim Murray, is a residential facility for developmentally disabled adults. These are people who, without the efforts of the Murray House and Monsignor Patch, as well as many others in the department of special education, would have nowhere else to go.

By way of background, Mr. Speaker, Msgr. Stephen J. Patch was born in Morristown, NJ. He attended St. Margaret's School in Morristown and Oratory Prep in Summit, graduating Seton Hall in 1945. He then attended Immaculate Conception Seminary in Darlington, NJ, and was ordained at St. John the Baptist Cathedral on June 11, 1949.

Since that time, Monsignor Patch's assignments have included St. Monica's in Sussex, St. Vincent's in Madison, St. Theresa's in Paterson, and St. Patrick's in Chatham. Monsignor Patch was the founding pastor of Corpus Christi Parish in Chatham, NJ, in 1966. Following his assignment at St. Monica's, Monsignor Patch became chaplain and religious teacher at Bayley-Ellard High School in Madison. He was appointed dean of Southeastern Morris County in 1984.

Mr. Speaker, along with his work in helping to establish Murray House, Monsignor Patch has also been the force behind the highly successful Casey Classic Golf Tournament in New Jersey since 1975, an event through which Monsignor Patch has helped raise more than a half million dollars to support the Murray House and the department of special education's work with developmentally disabled adults in the Diocese of Paterson.

Mr. Speaker, I invite you and our colleagues to join me in paying tribute to an outstanding institution, the Murray House, and a great humanitarian, Msgr. Stephen J. Patch, whose tireless and dedicated efforts have truly made their community, State, and Nation a better place to live.

HONORING M. SGT. FERDINAND C. HARTMANN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. ACKERMAN. Mr. Speaker, today I rise to pay tribute to a truly outstanding citizen and soldier, M. Sgt. Ferdinand C. Hartmann, on his retirement from the New York Army Reserve. He will be honored at a special retirement dinner on February 10, 1989, sponsored by the New York Army Reserve, Battalion 104.

M. Sgt. Ferdinand C. Hartmann has been a dedicated member of the New York Army Reserves for 40 years, during which time he has held several important positions within the reserves. These include: Ammunition sergeant, mess sergeant, machinegun section sergeant, ammunition section chief, battalion supply operation sergeant, first sergeant of service battery 19, operations sergeant, and intelligence sergeant. He was appointed E8 on October 16, 1972.

Master Sergeant Hartmann has had the privilege of serving with many illustrious commanders such as Brigadier General Willis, Lieutenant Colonel Sarcona, Lieutenant Colonel Reed, Lieutenant Colonel Paris, Lieutenant Colonel Holtzgruber, Colonel Ford, Colonel Finn. Brigadier General Rose, Lieutenant Colonel Horvath, and his present commander, Lieutenant Colonel Alesia.

During his four decades with the reserves, Mr. Hartmann has garnered several impressive awards. These honors include the Armed Forces Reserve Medal 4th Award, Army Achievement Reserve Components Achievement Medal, National Defense Service Medal, New York State Military Commendation Medal, New York State Long And Faithful Service Award For 40 Years Duty, New York State Duty In Aid to Civil Authorities Medal, New York State Humane Service Medal, and the prestigious Meritorous Service Medal.

Master Sergeant Hartmann has been married to his wife Catherine since 1956 and has six wonderful children. His son Douglas, also

a member of the Army Reserve, is carrying on his father's fine military legacy. Another son, Dean, is currently attending the New York State Merchant Marine Academy.

Master Sergeant Hartmann has been employed since 1958 by the New York Fire Department. Performing admirably, he received many honors including two commendations for heroism and a unit citation for lieutenant in command. He is also involved in several activities in the community. He is a member of the Association of Retired Persons, American Legion Fire Department Post 730, Catholic War Veterans Post 16, and the Knights of Columbus Woodhaven Council 1866.

Mr. Speaker, I would like all to my colleagues to join me in thanking M. Sgt. Ferdinand C. Hartmann for his tremendous hard work and dedication to the State of New York. I would like to wish him continued success with the New York Fire Department and the best of luck with all of his future endeavors.

A LEVEL PLAYING FIELD FOR ALL FEDERAL EMPLOYEES

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. GUNDERSON. Mr. Speaker, the American people are more than justified in their outrage with the hypocrisy of our current pay process for Members of Congress and other top Federal officials. The American people have watched Congress for nearly a month dodge and delay consideration of a 51-percent salary increase. In doing so we have delayed action on the important issues facing our Nation that we were sent here to address, such as deficit reduction, the raging drug problem, appropriate child care opportunities for families, health care insurance for our 37 million uninsured Americans, and responding to the FSLIC problem.

In an effort to return credibility and equity to this compensation process, today I am introducing legislation that, if enacted, would put an end to Members of Congress directly determining their own compensation and that of other Federal executive and judicial officials covered under the Federal Salary Act of 1967. My legislation would abolish the Commission on Executive, Legislative, and Judicial Salaries, and compensate top Federal officials on a par with all other Federal employees.

In recent years this Commission, with its corporate Washington mentality, has ill served the American people in recommending an unwieldy salary increase for top Federal officials. Let's advocate equal salary increases for all Federal employees.

Using 1989 as an example, my legislation would provide all Federal employees, including those currently covered under the Federal Salary Act of 1967—executive, legislative, and judicial branch officials—with a 4.1-percent average increase in salary.

With our Federal budget deficit looming at approximately $145 billion, I find it extremely difficult to justify how one small group of 2,498 Federal employees can potentially receive a 51-percent salary increase, at a cost to the taxpayers of at least $128 million, and the majority of our 3 million Federal employees could receive only a proposed 2-percent increase, as reflected in the fiscal year 1990 budget. Let us put all Federal employees on a level playing field. The legislation I am introducing today would do just that.

Mr. Speaker, I urge my colleagues to consider this legislation as a sensible and responsible way of addressing the compensation of Federal executive, legislative, and judicial officials.

The following is the text of the bill:

H.R. 891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION.

Section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361) is repealed.

SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Sections 5312 through 5316 of title 5, United States Code, are each amended by striking out "the rate determined with respect to such level under chapter 11 of title 2," and inserting in lieu thereof "the rate in effect for such level on September 30, 1989,".

(b) Section 104 of title 3, United States Code, is amended by striking out "the rate determined for such positions under chapter 11 of title 2," and inserting in lieu thereof "the rate in effect for such position on September 30, 1989,".

(c) Section 601(a)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(1)) is amended by striking out "the rate determined for such position under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361)," and inserting in lieu thereof "the rate in effect for such positions on September 30, 1989".

(d)(1) Sections 44(d), 135, and 252 of title 28, United States Code, and section 7456(c) of the Internal Revenue Code of 1986, are each amended by striking out "an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361)," and inserting in lieu thereof "the rate in effect for such position on September 30, 1989,".

(2) Section 153(a) of title 28, United States Code, is amended by striking out "an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361)" and inserting in lieu thereof "the rate in effect for such position on September 30, 1989,".

(3) Section 5 of title 28, United States Code, is amended by striking out "annual rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361)," and inserting in lieu thereof "the rates in effect for such positions on September 30, 1989,".

(4) Section 634(a) of title 28, United States Code, is amended by striking out "rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361)" and inserting in lieu thereof "the rates in effect for such positions on September 30, 1989,".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1989.

THE INTERNATIONAL INDIGENOUS PEOPLES PROTECTION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. GILMAN. Mr. Speaker, today I am introducing H.R. 879, the International Indigenous Peoples Protection Act of 1989, legislation that will help prevent the further destruction and elimination of cultures and societies around the world. Most of us, regardless of our political leanings, assume that indigenous peoples and tribal societies are bound to disappear—destined to the dustbin of history. Most of us would assume that this process is as lamentable as it is inevitable.

Historical processes do not make small traditional societies disappear. Greed and a lack of understanding, however, do. Such groups are weak and tempting targets to the development programs that they are presumed to hinder or in the name of states that they are assumed to subvert.

There is no reason, however, that indigenous and tribal peoples cannot survive, both physically and culturally, the rapid changes that contact with expanding industrial societies and economic and political institutions brings.

Seen as impediments to progress and development, small societies throughout the world are facing extinction. Those that survive are often decimated by diseases introduced by outsiders and denied a political voice. Usually deprived of their lands and means of livelihood, they are forced to adapt to a national society whose language they do not speak. Without education, technical or other modern-day skills, they generally suffer permanent poverty, political marginality, and cultural alienation.

As the push to exploit the resources of the earth reaches the remaining untouched areas of the world, contact with isolated societies is inevitable—but their destruction is not. These vulnerable societies need the benefits of modern life, but to survive they need the ability to choose how much they will adapt and how long the process will take.

Their survival is important for our own; it is imperative that we prevent their extinction. They perceive us as barbaric and strange, too. Yet, not only do we share a common humanity, but we can benefit from each other's knowledge. Indigenous peoples have rich storehouses of information about nature, man, and the balanced relationship of the two. From their beliefs about the spiritual world to their traditional knowledge of rain forests, healing and agriculture, these societies provide the opportunity for new interpretations about the world and ourselves.

Toward that end, I have introduced this bill [H.R. 879] to help indigenous and tribal peoples have as much control as possible over their destinies—to retain their rights and culture as they adapt to the modern world. In this way we can ensure that progress and development are by all the people and for all the people.

This legislation asks that U.S. foreign policy and foreign assistance promote the rights of indigenous and tribal peoples and to ensure that no U.S.-funded program or project adversely affect indigenous or tribal peoples' rights or livelihood. It requires the U.S. State Department to monitor annually the situation of tribal and indigenous peoples and to report its findings in the annual country reports on human rights practices. The bill also stipulates that the Government rely extensively on U.S.-based nongovernmental organizations [NGO's] with experience in monitoring and reporting these issues.

Accordingly, I invite my colleagues to support the International Indigenous Peoples Protection Act of 1989 [H.R. 879] and I request that a full text of this measure be inserted at this point in the RECORD:

H.R. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Indigenous Peoples Protection Act of 1989".

SEC. 2. FINDINGS.

(a) DETERIORATING SITUATION FACING INDIGENOUS AND TRIBAL PEOPLES.—The Congress makes the following findings:

(1) The situation of indigenous and tribal peoples in developing countries is deteriorating world-wide.

(2) Many of these populations face severe discrimination, denial of human rights, loss of cultural and religious freedoms, or in the worst cases, cultural or physical destruction.

(3) If current trends in many parts of the world continue the cultural, social, and linguistic diversity of humankind will be radically and irrevocably diminished.

(4) In addition, immense, undocumented repositories of ecological, biological, and pharmacological knowledge will be lost, as well as an immeasurable wealth of cultural, social, religious, and artistic expression, which together constitute part of the collective patrimony of the human species.

(5) The pressures on indigenous and tribal peoples, about 10 percent of the world's population, include denial of political and civil rights and of opportunities for self-determination, destruction of natural resources necessary for survival, and ethnic, racial, and economic marginalization.

(6) In many cases, unsound development policy that results in destruction of natural resources seriously jeopardizes indigenous and tribal peoples' physical survival and their cultural autonomy, frequently also undermining the possibility for long-term sustainable economic development.

(7) The loss of the cultural diversity for indigenous and tribal peoples is not an inevitable or natural process.

(8) In light of United States concern and respect for human rights and basic human freedoms, including rights to express cultural and religious preferences, as well as the United States desire for sustainable economic development, it is incumbent on the United States to take a leadership role in addressing indigenous and tribal peoples' rights to physical and cultural survival.

(b) DEFINITION OF INDIGENOUS AND TRIBAL PEOPLES.—Indigenous and tribal peoples in developing countries are those populations that are ethnically, culturally, or socialy distinct from the politically dominant society on the regional or national level. These peoples are often (but not invariably) minorities, and invariably have little, if any, political representation or influence in governments. Many such peoples are marginally integrated into market economies and practice traditional, partially or wholly subsistence-based forms of economic activity. Examples of indigenous or tribal peoples include lowland South American Indians, Basarwa of Botswana and Namibia, Mayan Indians in Central America, registered tribes in India, and Tibetan people in the area traditionally referred to as Tibet (which consisted of the province of U-Tsang, currently administered by the People's Republic of China as the Tibet Autonomous Region, and the provinces of Amdo and Kham, currently in the Tibetan autonomous prefectures and counties in the Chinese provinces of Sichuan, Yunnan, Ganbu, and Qinghai).

SEC. 3. PROMOTING AND PROTECTING THE RIGHTS OF INDIGENOUS AND TRIBAL PEOPLES.

The Secretary of State and the Administrator of the Agency for International Development shall ensure—

(1) that United States foreign policy and foreign assistance vigorously promote the rights of indigenous and tribal peoples throughout the world; and

(2) that United States foreign assistance is not provided for any project or program detrimental to indigenous or tribal peoples' rights or livelihood.

SEC. 4. BASELINE REPORT ON INDIGENOUS AND TRIBAL PEOPLES.

(a) PURPOSE.—The purpose of this section and section 5 is to help—

(1) guide future United States foreign assistance and other actions that could affect indigenous and tribal peoples, and

(2) permit United States actions that would assist these peoples.

(b) PREPARATION OF REPORT.—The Administrator of the Agency for International Development, in consulation with the Secretary of State, shall prepare a report on indigenous and tribal peoples in developing countries. This report shall include the following:

(1) A description of the economic, political, and social situation of indigenous and tribal peoples.

(2) A discussion the effects of United States bilateral foreign assistance and United States-supported multilateral assistance on indigenous and tribal peoples, including a description of those projects and activities currently being funded by the Agency for International Development—

(A) which have a positive impact on indigenous and tribal peoples, or

(B) which have a negative impact on indigenous and tribal peoples.

(3) A comprehensive strategy for regularly monitoring and improving the situation of indigenous and tribal peoples, including—

(A) a description of the methodology and the guidelines to be used in carrying out the monitoring required by section 5, and

(B) a description of the specific actions that the Agency for International Development proposes to take to improve the situation of indigenous and tribal peoples.

(c) CONSULTATION WITH NGOs.—The Administrator shall consult with United States-based nongovernmental organizations with experience in monitoring and reporting on indigenous and tribal peoples, and with other interested persons, throughout the preparation of the report required by subsection (b), but in particular—

(1) in determining the scope of that report; and

(2) in developing the methodology to be used in preparing that report.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit the report prepared pursuant to subsection (b) to the Congress.

SEC. 5. MONITORING REGARDING INDIGENOUS AND TRIBAL PEOPLES.

(a) MONITORING.—The Agency for International Development (in consultation with the Department of State), on a regular basis, shall collect information concerning and shall analyze the situation of indigenous and tribal peoples in developing countries.

(b) USE OF NGOs.—In carrying out subsection (a), the Agency shall, wherever appropriate, use United States-based nongovernmental organizations with experience in monitoring and reporting on indigenous and tribal peoples.

(c) ANNUAL REPORTS TO CONGRESS.—Following completion of the report required by section 4, the Administrator of the Agency for International Development shall submit to the Congress, not later than February 1 each year, a report which—

(1) presents the findings resulting from the monitoring of indigenous and tribal peoples carried out pursuant to subsection (a);

(2) updates the information provided in the report submitted pursuant to section 4; and

(3) describes the activities which the Agency for International Development proposes to fund for the coming fiscal year to address the problems facing indigenous and tribal peoples in developing countries, specifying which activities will be carried out by the Agency and which will be carried out by nongovernmental organizations.

SEC. 6. ANNUAL HUMAN RIGHTS REPORTS.

In each report submitted to the Congress pursuant to sections 116(d) and 502(b) of the Foreign Assistance Act of 1961, the Secretary of State shall include a description of each country's practices regarding the observation of and respect for the internationally recognized human rights of indigenous and tribal peoples in that country.

EMPLOYMENT INCENTIVES ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1989

Mr. DOWNEY. Mr. Speaker, I am introducing legislation today with my colleagues GEORGE MILLER, AL GORE, and JOHN LEWIS to help working families who are nevertheless trapped in poverty. Our bill is hardly revolutionary: it will reward working families struggling to make it by letting them keep more of their salary. The proposal will accomplish this by expanding the earned income tax credit and the dependent care credit.

Of all the philosophical sea-changes that the Reagan years wrought, perhaps the most persuasive is the notion that success at work and on the stock market should not be penalized by the Federal Government. One example of this doctrine is the decline in individual and business income tax rates. The argument goes, high rates penalize higher salaries, greater profits, raises, and bonuses. Low rates

help to spur the successful on to greater financial success.

However, the current system rewards only those who already have achieved financial success. Americans who work hard and yet remain poor, arguably the most vulnerable of the poor, are being left behind. Like the ancient myth of Sisyphus, the more these families toil, the higher they believe they are climbing, the further behind they actually fall.

The ranks of the working poor are growing substantially, primarily as a result of growing wage inequality and an increase in low-wage jobs. Today almost 20 million poor adults and children live in families in which someone works during the year. Data from the Census Bureau reveal that the number of working age individuals, people ages 22 to 64, who work but are still poor was 44 percent larger in 1987 than in 1978. In addition, the number of people who work full time year-round and are still poor increased more than 42 percent between 1978 and 1987.

Moreover, the hackneyed categorizations about who is poor do not apply to those who work and remain poor. Of all families that are poor despite having a full-time year-round working head of household, 71 percent are families in which two parents are present. More than 61 percent of all workers who fall into poverty despite full-time year-round work are men. In addition, 79 percent of full-time year-round workers who live in poverty are white.

These are alarming statistics and should concern all who believe that hard work should enable a family to support itself. They reveal that the returns to work are decreasing for those at the bottom. This fact may surprise those who have heard that family income has risen significantly over the past decade—there has been extremely unequal growth in family income across family types and also at different points in the income distribution. Between 1973 and 1987, families with children experienced average real income growth of 13 percent. This was slower than the growth experienced by the overall population. Further, and even more significant, the poorest 20 percent of families with children suffered an income loss of 22 percent between 1973 and 1987. This loss is significant—over $2,300 per year for families that are clearly disadvantaged. Even the next poorest 20 percent of families with children lost 2.6 percent of family income between 1973 and 1987, equal to an average income loss of close to $600.

What can we do to arrest these alarming trends? The last thing we want to do is create a system that discourages and penalizes work or that isolates and stigmatizes the very people who are struggling to become part of the economic mainstream. Instead, we want to find ways to reinforce their efforts and to indicate that their work is valued and that work will pay off. We began this last year in the Family Security Act when we connected welfare benefits to the concept of work and training. The Employment Incentives Act will bring to life the proposition that the working poor should be rewarded not punished.

The Employment Incentives Act will do three things to make work more attractive. First, expand the earned income tax credit [EITC]. The basic idea is simple: families with low earnings get tax credits for each dollar that they get paid. Only those who work get the credit, and, up to the maximum income level, the more a person works the greater the EITC benefit.

My legislation would expand the EITC and vary the size of the credit not only by income level but also by family size. In 1990, for families with one child, the credit would equal 21 percent of the first $6,810 with a maximum credit of $1,430. For families with two or more children, the bill would raise the credit to 30 percent of the first $6,810 with a maximum credit of $2,043. Currently, the credit equals 14 percent of the first $6,240 with a maximum credit of $874.

The goal of this provision is to help families of all sizes with a full-time worker escape poverty. Currently, the EITC provides much less assistance to large families relative to the poverty line than it provides families with one child. Expanding the EITC and varying it by family size would follow the common-sense notion that the extent of a family's needs is a function of its size as well as its income.

Second, we can reduce the cost of working by expanding the dependent care credit. As the largest Federal program providing child care benefits for working parents, the credit is available for up to 30 percent of a limited amount of child care expenses. However, the credit is not refundable. This penalizes families with income so low that they have no tax liability. It means that work pays less for these families than it would were they able, as wealthier families are, to offset employment-related child care expenses.

The Employment Incentives Act would make the credit refundable and increase its benefits for working parents with adjusted gross income between $10,000 and $20,000 a year. These families would be eligible for a child care credit of 30 percent. For those with income between $20,000 and $30,000, the credit would phase down from 30 percent to 20 percent, as it does under current law.

The combined effect of the EITC and dependent care provisions would be significant. A family with two or more children with adjusted gross income of $10,000 would receive $3,243 in credits under my proposal, an increase of $2,290 over current law. For a family with one child with $10,000 in adjusted gross income, the make-work-pay proposal would mean $2,030 in credits, an increase of $1,077 over current law.

Finally, the bill includes a modest increase in the title XX social services block grant to help low-income families offset their primary work-related expense: child care. Much has been made of the large gap between the number of children in need of child care and the availability of such care. Services for low-income families, and very young children, are particularly lacking and the trend is getting worse.

Although a refundable dependent care credit will provide some relief to working poor families, not all those eligible will take advantage of the credit. Increasing the title XX entitlement will mean that States have sufficient resources to fill the gaps that would occur if only a tax credit approach were used to assist the working poor.

The cost of this bill is steep—$34 billion over 5 years—but it will not increase the deficit. That is because we pay for it by correcting an inequity in the tax law. Presently, the wealthiest taxpayers in this country have a lower marginal tax rate than other more moderate income taxpayers. Our bill will eliminate this so-called bubble so that the wealthiest individuals pay the same 33-percent tax rate currently paid by more moderate income taxpayers.

The Economic Incentives Act will help working families struggling to escape the throes of poverty by rewarding them for their labor. The 100th Congress spent a great deal of time and effort reforming the Nation's welfare system to foster self-sufficiency by easing the transition from welfare to work. Our legislation is the logical and necessary next step. Without stigmatizing or degrading the working poor, this legislation will help families toiling to escape poverty. And that's the overarching goal—families that work should not be poor.

H.R. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $6,810.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $6,810, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $10,740.

"(b) PERCENTAGES.—For purposes of subsection (a)—

"(1) CREDIT PERCENTAGE.—The credit percentage is 21 percent (30 percent in the case of an eligible individual with 2 or more qualifying children).

"(2) PHASEOUT PERCENTAGE.—The phaseout percentage is 15 percent (20 percent in the case of an eligible individual with 2 or more qualifying children)."

(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means any child (within the meaning of section 151(c)(3)) of the eligible individual if—

"(A) such individual is entitled to a deduction under section 151 for such child, and

"(B) such child has the same principal place of abode as such individual for more than one-half of the taxable year."

(c) ADVANCE PAYMENT PROVISIONS.—

(1) PAYMENT BASED ON NUMBER OF QUALIFYING CHILDREN.—

(A) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at end of paragraph (3) and inserting ",

and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year."

(B) Paragraph (2) of section 3507(c) of such Code is amended—

(i) by striking "14 percent" in subparagraphs (B)(i) and (C)(i) and inserting "the credit percentage",

(ii) by striking "subsection (b)" in subparagraph (B)(ii) and inserting "subsection (a)(2)", and

(iii) by adding at the end thereof the follwing new sentence:

"For purposes of this paragraph, the credit percentage shall be determined under section 32(b) on the basis of the number of qualifying children specified in the earned income eligibility certificate and the determination of the amounts referred to in subparagraph (B)(ii) shall be made on the basis of the number of qualifying children so specified."

(C) Clause (i) of section 3507(e)(3)(A) of such Code is amended by inserting before ", or" the following: "(or changing the percentages applicable to the employee under section 32(b) for the taxable year)".

(2) EXPANDED PARTICIPATION IN ADVANCE PAYMENT PROGRAM.—Subsection (e) of section 3507 of such Code (relating to furnishing and taking effect of certificates) is amended by adding at the end thereof the following new paragraph:

"(6) EMPLOYERS REQUIRED TO COLLECT CERTIFICATE OR STATEMENT OF INELIGIBILITY.—On or before the date of commencement of employment with an employer, the employer shall require the employee to furnish to the employer a signed earned income eligibility certificate or a signed statement that such employee does not meet the requirements of paragraphs (1) and (2) of subsection (b)."

(3) REPEAL OF CALENDAR YEAR LIMITATION ON EFFECTIVENESS OF CERTIFICATE.—

(A) Subparagraphs (A) and (B) of section 3507(e)(1) of such Code are each amended by striking "had been in effect for the calendar year" and inserting "is in effect".

(B) Paragraph (2) of section 3507(e) of such Code is amended—

(i) by striking "for any calendar year", and

(ii) by striking "during such calendar year".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 32(f) of such Code is amended—

(A) by striking "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting "subsection (a)(2)", and

(B) by adding at the end thereof the following new sentence:

"Separate tables shall be prescribed for taxpayers with 2 or more qualifying children and for other taxpayers."

(2) Paragraphs (1) and (2) of subsection (i) of section 32 of such Code are amended to read as follows:

"(1) IN GENERAL.—In the case of any taxable year beginning after 1990, each dollar amount referred to in paragraph (2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins.

"(2) DOLLAR AMOUNTS.—The dollar amounts referred to in this paragraph are—

"(A) the $6,810 amount contained in paragraphs (1) and (2)(A) of subsection (a), and

"(B) the $10,740 amount contained in subsection (a)(2)(B)."

SEC. 2 AMENDMENTS TO DEPENDENT CARE CREDIT.

(a) CREDIT MADE REFUNDABLE.—

(1) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for expenses for household and dependent care services necessary for gainful employment) is hereby transferred to subpart C of part IV of subchapter A of chapter 1 of such Code, inserted after section 24 of such subpart, and redesignated as section 35.

(2) COORDINATION WITH MINIMUM TAX.—Paragraph (1) of section 55(c) of such Code is amended by inserting "and the credit allowable under section 35" before the period at the end of the first sentence thereof.

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 35(a) of such Code (as redesignated by subsection (a)) is amended by striking "this chapter" and inserting "this subtitle".

(B) Section 35 of such Code (as in effect before the transfer under paragraph (1)) is hereby redesignated as section 36.

(C) Section 129 of such Code is amended—

(i) by striking "21(e)" in subsection (a) and inserting "35(e)",

(ii) by striking "21(d)(2)" in subsection (b)(2) and inserting "35(d)(2)", and

(iii) by striking "21(b)(2)" in subsection (e)(1) and inserting "35(b)(2)".

(D) Subsection (e) of section 213 of such Code is amended by striking "21" and inserting "35".

(E) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 21.

(F) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Expenses for household and dependent care services necessary for gainful employment.

"Sec. 346. Overpayments of tax."

(b) CHANGE IN PHASE-DOWN.—Paragraph (2) of section 35(a) of such Code (as so redesignated) is amended—

(1) by striking "$2,000" and inserting "$1,000" and

(2) by striking "10,000" and inserting "$20,000".

(c) DENIAL OF CREDIT FOR FEDERALLY FUNDED CARE.—Subsection (e) of section 35 of such Code (as so redesignated) is amended by adding at the end thererof the following new paragraph:

"(9) FEDERALLY FUNDED DEPENDENT CARE SERVICES.—No credit shall be allowed under subsection (a) for any employment-related expenses if any federally funded payments are made with respect to such expenses."

SEC. 3. CERTAIN GOVERNMENTAL ASSISTANCE NOT TAKEN INTO ACCOUNT IN DETERMINING DEPENDENCY DEDUCTION, ELIGIBILITY FOR EARNED INCOME CREDIT, ETC.

Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) CERTAIN GOVERNMENTAL ASSISTANCE DISREGARDED IN DETERMINING SUPPORT, ETC.—

(1) IN GENERAL.—For purposes of subtitle A and section 7703, there shall not be taken into account any assistance described in paragraph (2) for purposes of determining—

"(A) the extent to which the support of an individual is provided by that individual, by a taxpayer who has the same principal place of abode as the individual (including determinations under section 152), or by the parents of the individual for purposes of section 152(e)(1)(A), or

"(B) whether a taxpayer is considered as maintaining a household.

(2) ASSISTANCE DESCRIBED.—Assistance is described in this paragraph if—

"(A) it is provided under a Federal, State, or local governmental assistance program used for the support of the individual or for the maintenance of the household, and

"(B) the eligibility for the assistance (or the amount thereof) is determined on the basis of need or income."

SEC. 4. ELIMINATIONS OF PROVISION WHICH REDUCES MARGINAL TAX RATE FOR HIGH-INCOME TAXPAYERS.

"(a) GENERAL RULE.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking subsections (a), (b), (c), (d), and (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $32,400	15% of taxable income.
Over $32,400 but not over $78,350.	$4,860, plus 28% of the excess over $32,400.
Over $78,350	$17,726, plus 33% of the excess over $78,350.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $26,000	15% of taxable income.
Over $26,000 but not over $67,150.	$3,900, plus 28% of the excess over $26,000.
Over $67,150	$15,422, plus 33% of the excess over $67,150.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) of the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $19,450	15% of taxable income.
Over $19,450 but not over $47,000.	$2,917.50, plus 28% of the excess over $19,450.
Over $47,000	$10,631.50, plus 33% of the excess over $47,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $16,200	15% of taxable income.
Over $16,200 but not over $39,175.	$2,430, plus 28% of the excess over $16,200.
Over $39,175	$8,863, plus 33% of the excess over $39,175.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $5,400	15% of taxable income.
Over $5,400 but not over $14,150.	$810, plus 28% of the excess over $5,400.
Over $14,150	$3,260, plus 33% of the excess over $14,150.

"(b) RETENTION OF CURRENT GAINS RATE.—Subsection (j) of section 1 of such Code is amended to read as follows:

"(j) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxapayer has a net capital gain for any taxable year and has taxable income in excess of the amount determined under paragraph (2), then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount determined under paragraph (2), plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the greater of the amounts referred to in subparagraph (A).

"(2) DETERMINATION OF AMOUNT.—

"(A) IN GENERAL.—The amount determined under this paragraph is the sum of—

"(i) the applicable dollar amount, plus

"(ii) 5⅔ times the aggregate deductions for personal exemptions allowable to the taxpayer for the taxable year under section 151.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (1), the applicable dollar amount shall be determined under the following table:

In the case of a taxpayer to which the following subsection of this section applies:	The applicable dollar amount is:
Subsection (a)	$162,590
Subsection (b)	$134,750
Subsection (c)	$ 97,570
Subsection (d)	$ 81,295
Subsection (e)	$ 28,190.

"(C) ADJUSTMENTS FOR INFLATION.—In the case of any taxable year beginning in a calendar year after 1990, each dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins.

"(D) SPECIAL RULE.—In the case of an individual taxable under subsection (d), this paragraph shall be applied as if a deduction for a personal exemption were allowable under section 151 to such individual for such individual's spouse."

(c) TECHNICAL AMENDMENTS.—

(1)(A) Subsection (f) of section 1 of such Code is amended—

(i) by striking "1988" in paragraph (1) and inserting "1990",

(ii) by striking "1987" in paragraph (3)(B) and inserting "1989", and

(iii) by striking "subsection (g)(4)" in paragraph (6)(A) and inserting "subsection (j)(2)(C)".

(B) Subparagraph (B) of section 63(c)(4) of such Code is amended by inserting ", by substituting 'calendar year 1987' for 'calendar year 1989' in subparagraph (B) thereof" before the period at the end thereof.

(C) Subparagraph (B) of section 151(d)(3) of such Code is amended by striking "1987" and inserting "1989".

(2) Section 1 of such Code is amended by striking subsections (g) and (h) and redesignating subsections (i) and (j) as subsections (g) and (h), respectively.

(3) Subsection (j) of section 59 of such Code is amended—

(A) by striking "section 1(i)" each place it appears and inserting "section 1(g)", and

(B) by striking "section 1(i)(3)(B)" in paragraph (2)(C) and inserting "section 1(g)(3)(b)".

(4) Paragraph (4) of section 691(c) of such Code is amended by striking "1(g)" and inserting "1(j)".

(5) Clause (iv) of section 6103(e)(1)(A) of such Code is amended by striking "section 1(i)" and inserting "section 1(g)".

(6)(A) Subparagraph (A) of section 7518(g)(6) of such Code is amended by striking "1(j)" and inserting "1(h)".

(B) Subparagraph (A) of section 607(h)(6) of the Merchant Marine Act, 1936 is amended by striking "1(j)" and inserting "1(h)".

SEC. 5. INCREASE IN ALLOTMENTS TO STATES FOR SOCIAL SERVICES.

Section 2003(c) of the Social Security Act (42 U.S.C. 1397(c)) is amended—

(1) in paragraph (3), by striking "and 1987, and for each succeeding fiscal year other than fiscal year 1988; and" and inserting in lieu thereof "1988, 1989, and 1990;";

(2) in paragraph (4), by striking the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraphs:

"(5) $2,900,000,000 for the fiscal year 1991;

"(6) $3,100,000,000 for the fiscal year 1992; and

"(7) $3,300,000,000 for the fiscal year 1993 and for each succeeding fiscal year.".

SEC. 6. EFFECTIVE DATES; STUDY.

(a) EFFECTIVE DATE.—The amendments made by sections 1, 2, 3, and 4 of this Act shall apply to taxable years beginning after December 31, 1989; except that the amendments made by section 1(c) shall take effect on the day 30 days after the date of the enactment of this Act.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury or his delegate shall conduct a study on the feasibility of an advance payment system for the credit allowed under section 35 of the Internal Revenue Code of 1986 (as redesignated by this Act). As a part of such study, the Secretary is authorized to conduct one or more demonstration projects under which advance payments of such credit are made by employers under rules similar to the rules of section 3507 of such Code.

(2) REPORT.—Not later than July 1, 1991, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under subsection (a), together with such recommendations as he may deem advisable.

SENATE—*Wednesday, February 8, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, we worship Thee this day with traditional Hebraic benedictions.

Blessed art Thou, O Lord our God, King of the Universe, who created the fruit of the vine.

Blessed art Thou, O Lord our God, King of the Universe, who has created all things to Thy glory.

Blessed art Thou, O Lord our God, King of the Universe, who has made man in Thine image, after Thy likeness, and has prepared unto him, out of His very self, a perpetual fabric.

Blessed art Thou, O Lord, Creator of man. May she who was barren, be exceedingly glad and exult when her children are gathered within her in joy.

Blessed art Thou, O Lord, who makest Zion joyful through her children, O make these loved companions greatly to rejoice, even as of old Thou didst gladden Thy creatures in the garden of Eden.

Blessed are Thou, O Lord our God, King of the Universe, who has created joy and gladness, bridegroom and bride, mirth and exultation, pleasure and delight, love, brotherhood, peace, and fellowship. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER PROVIDING FOR MORNING BUSINESS UNTIL 2:30 P.M. TODAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business today extend until 2:30 p.m. under the same terms and conditions as previously ordered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF CLAYTON YEUTTER, TO BE SECRETARY OF AGRICULTURE

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that at 2:30 p.m. today, the Senate go into executive session to consider the nomination of Clayton Yeutter, to be Secretary of Agriculture, under a time agreement of 30 minutes, equally divided between the Senator from Vermont [Mr. LEAHY], and the Senator from Indiana [Mr. LUGAR], or their designees; provided, that no motions be in order, and that at 3 p.m., without any intervening business, the Senate proceed to a 15-minute vote on the nomination; provided, further, that upon the disposition of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the confirmation of the nomination, and the Senate return to legislative session.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement as propounded by the majority leader? The Chair hears none. That will be the order of the Senate.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators, it is my intention, following the vote on the Yeutter nomination, to seek consent to proceed to a resolution to be offered by the Senators from Montana acknowledging the distinguished service of former Senator and former Ambassador Mike Mansfield. No vote is anticipated upon that resolution. So unless the distinguished Republican leader has any information to the contrary, it is my expectation that the only vote today will be on the Yeutter nomination, and that after completion of business today, the Senate will recess until 8:30 tomorrow evening, when we will convene and assemble as a body to proceed to the House Chamber to meet in joint session to hear the President address the Nation.

Therefore, the Yeutter vote should be the only rollcall vote this week that I am now aware of. I am going to ask the distinguished Republican leader if he has any request or information to the contrary. The Senate, after completion of the joint session, will stand in recess until Tuesday, February 21, at 2:15 p.m.

Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. There would certainly be no request for a rollcall on the Mansfield resolution, I think we are safe to say.

But then, as I indicated yesterday, it had been my hope that we would vote on the Tower nomination this week. There has been one additional allegation made which is being checked. I think it is baseless but, in any event, I agree with the chairman, Senator NUNN, and Senator WARNER, the ranking Republican, that it should be checked out.

It would be our hope that we might have the committee vote this week, but it now appears that it will not come to the floor and, as the majority leader indicated yesterday, that we will put it over until after the recess.

I know of no other nomination that is ready. I think the other nominations have either not been heard or are not ready to come to the floor.

Again, I thank the majority leader for his expeditious handling of the nominees as they have been ready for confirmation. But, at this point, there are none.

Mr. MITCHELL. Mr. President, if I may just comment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

As I indicated to the distinguished Republican leader yesterday, I do not at this moment know when the Armed Services Committee will vote on the Tower nomination. When they do, of course, in view of the importance of the position and the attention that has been focused on it, I believe it appropriate that the committee prepare a report in the ordinary procedure and that report be available to Senators who are not members of the committee and for them to review it.

This is, obviously, a very difficult time for former Senator Tower personally and I think for all of us involved in the public process. At the same time, I think it is clear, in order to properly discharge the responsibility, that the Senate would have to have at least some period of time for Senators to make such inquiry as each individual Senator wishes to make; a fair period, not one prolonging this unnecessarily. Given the time constraints and with the upcoming recess, I do not think it is possible to bring the nomination for a vote this week. I think all Senators should be aware of that.

Mr. DOLE. If the Senator will yield, I do not have any quarrel with that. I think you are exactly correct. I have just spoken with former Senator Tower, our colleague. He is upbeat about the nomination. He is aware of the new allegation. I think that has already been covered, but he certainly thinks that should be checked out again, to satisfy not only members of the committee but Members of the Senate and, more importantly, the American public.

He has indicated his intention, obviously—his hope, at least—that at the earliest possible time it will be on the Senate floor. But he has no qualms about checking out any additional allegations. He feels that his nomination should be confirmed, and he is hanging in there.

Mr. MITCHELL. Mr. President, I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. Under the standing order the Republican leader is recognized.

Mr. DOLE. Mr. President, I reserve my time.

The PRESIDENT pro tempore. The Republican leader reserves his time.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered there will be a period now for the transaction of routine morning business not to extend beyond the hour of 2:30 p.m. today with Senators permitted to speak not to exceed 5 minutes each.

The senior Senator from Nevada, Mr. REID, is recognized.

ILLITERACY

Mr. REID. Mr. President, we devoted a great deal of attention this past year to the problem of drugs. The daily drug-related horror and violence assaults our senses. We were moved to do something about the drug menace.

Today I would like to talk about a problem that is less visible but—equally devastating.

I am referring, Mr. President, to illiteracy.

It is time to dispel the dangerously deceptive notion that what we do not see cannot hurt us. Illiteracy is tearing away at our economy, and at our people. Its effect is not unlike that of drugs.

I recently saw an essay by a Las Vegas man who is learning to read and write.

He wrote: "Illiteracy is like being an alcoholic. The dumbness—I am ashamed to admit it. It's like making the first phone call to Alcoholics Anonymous."

We have instituted new Federal initiatives and leadership to tackle the problem of drugs. Illiteracy demands the same attention—and the same response.

I therefore plan to cosponsor a bill to be introduced in the coming weeks by my distinguished colleague, the junior Senator from Illinois, Mr. SIMON.

This Illiteracy Elimination Act proposes a Federal agency-wide program. The timing of this bill is ideal.

It coincides with a recently released national study on the Federal Government's role in adult literacy. The study was conducted by the Southport Institute for Policy Analysis. It was funded by corporations and foundations throughout the country.

An advisory board of literacy experts contribued their insights.

The study concludes that literacy must be a national priority.

Why the urgency? The study draws attention to our "demographic destiny." By the year 2000, adults will constitue 75 percent of our Nation's work force. A staggering number of those adults will lack basic reading and writing skills.

According to the study, a decision is imperative:

> We have a choice between a high-income high-productivity nation based on a high-quality work force, or a second-class economy based on a second-rate work force.

A major problem in addressing illiteracy stems from the widely held view that "there is no boss." This, of course, was a key missing element in the war against drugs. We have since rectified that problem with the passage of the Omnibus Drug Initiative Act and the subsequent creation of a drug czar. The challenge of illiteracy goes unresolved.

According to the study, even the best State and city initiatives now hang "by the tenuous thread of a personal interest of a Governor or first lady." I am all too familiar with this fragile structure. My wife, Landra, has devoted the past 18 months to developing a statewide literacy initiative for Nevada.

The public-private enterpise Landra envisioned is becoming a reality. With the strong support of Nevada's former Governor, Richard Bryon, and the new Governor, Bob Miller, the Governor's Literacy Advisory Council is nearing fruition. This public sector effort will be complemented by the Nevada Literacy Foundation, a nonprofit entity that will generate involvement and support from the private sector. Landra is currently completing plans for the foundation's establishment, and she will spearhead its efforts. The public-private partnership, such as that created in Nevada, is a cornerstone of the proposed legislation about which I previously spoke.

Will Rogers once said: "The fellow that can only see a week ahead is always the popular fellow, for he is looking with the crowd. But the one that can see years ahead, he has a telescope but he can't make anybody believe he has it." I am no prophet, Mr. President, but I have seen reams of evidence that cry out for Federal leadership in the fight against illiteracy. I am a little like Will Rogers' popular fellow that sees the daily street murders triggered by drugs, and does something about it.

But I am also like Mr. Rogers' fellow with the telescope. I see the less visible withering away of our economic strength, of our Nation's morale, and of our fellow Americans' well-being. I see the effects of illiteracy. And I want us to do something about it.

So, therefore, Mr. President, I ask my colleagues to join with Senator SIMON and me in this battle against illiteracy.

I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Maryland [Ms. MIKULSKI] is recognized for not to exceed 5 minutes.

PUNISH THE S&L CRISIS CULPRITS

Ms. MIKULSKI. Mr. President, I rise to, really, talk about the savings and loan crisis for a minute or two. First, I would like to congratulate our President, Mr. Bush, on stepping up to the issue, to presenting a plan on how we can solve this issue. I want to also congratulate him in assuring depositors that we will back up their deposits 100 percent.

President Bush has this absolute pledge of cooperation to make sure that we assure the depositors of the safety and soundness of their deposits. I look forward to working very closely with the executive branch and members of the appropriate committee, on solving this problem.

But, Mr. President, when we take a look at all the ideas that are being suggested by the President and his team and our own good colleagues, we cannot just focus on the technical. Mr. President, this is not just a meeting of the National Algebra Society, where we are trying to solve problems in an objective way, in which we have no emotional involvement.

Mr. President, let me say this: I think we need to express outrage. An outrageous fraud has been perpetuated on American savers by a select group of what I call go-go boys.

These go-go boys used deposits to bankroll lavish lifestyles, invest in crooked deals, and I think they must be punished.

We need to follow a two-track policy. The Federal Government must be very clear in what it undertakes. First, we must protect the depositor. But at the same time, let us punish the bad guys.

Mr. President, I would like to put them in a stockade. Remember the old-fashioned days where you put somebody in a stockade? I would like anybody that has a CD, or $100 in one of these bad S&L's, to be able to go up, whether it is a senior citizen that saved for her old age, whether it is a dad that is saving for his daughter's or son's college education, I would like them to be able to take a whack at some of these because of exactly what they have done.

As we go ahead with this bailout, or rescue, I am going to make sure the bad guys are punished and that we mandate reform. I think before we approve a single cent, we need to mandate that there will be real reforms, that this not happen again. But at the same time I would like us to go after the go-go boys. I think there has to be criminal investigation, criminal prosecution, and criminal penalties.

At the same time, I would like, right today, that the appropriate Federal authorities go out there and confiscate the personal assets of those who are under investigation. I mean real investigation.

When we talk about criminal penalties, GAO has reported that out of the 26 thrifts that they looked at, 19 had criminal misconduct. Yet FSLIC has granted immunity to some of these.

We should not treat these go-go high rollers and wheeler-dealers, who are guilty or possibly guilty of fraud, as if they were no fault.

Mr. President, whatever bailout we should do, we should not have no-fault capitalism here. If you did something wrong, you have to help pay for it.

When we catch drug smugglers, we confiscate their assets and throw them in jail. The bad guys here deserve the same.

Let us confiscate their Maseratis. Let us confiscate their yachts. Let us go after the 84 Rolls Royces that they bought from the Bhagwan. Mr. President, I do not even know what a Bhagwan is, but I know what a Rolls Royce is, and I know what a bad deal is.

They bankrolled things like Halloween parties. One Halloween party cost $300,000 where they rented elephants and disco performers. Mr. President, who went trick or treating?

We are now faced with a terrible situation. Some of our S&L's are in a crisis because they were caught between what they could pay depositors and their long-term loans. That is a tragedy, but there are these other guys who have perpetrated a travesty. Two hundred years ago we would have tarred and feathered them and run them out of town on the rail. Maybe we ought to go back to some old-fashioned justice.

I know one thing: The depositor wants to be protected, but the depositor wants the go-go crowd punished. I think the Congress ought to get back to it.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS] is recognized for not to exceed 5 minutes.

DEREGULATION

Mr. HOLLINGS. Mr. President, I thank our distinguished colleague from Maryland. She is talking sense. The real crux of the S&L crisis is the pellmell deregulation of recent years. We have made a cult of deregulation that I hope has passed. We have deregulated the FCC so people are buying and selling TV stations, minority ownership is gone, the antitrafficking rule is gone and there is total chaos in the communications world. Similarly with the Securities and Exchange Commission.

We have all read the stories in the Washington Post and elsewhere; the calls to do away with regulation. We see the consequences now in the S&L industry. The latest estimate of the bill is $127 billion.

I hope we can stop this nonsense about government not regulating and ergo government not being responsible.

The PRESIDENT pro tempore. The Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for not to exceed 5 minutes.

THE SOVIET DOCTRINE

Mr. MOYNIHAN. Mr. President, in this quiet moment, as we await the discussions of the nomination of Ambassador Yeutter, I would like to take the time of the Senate to take note of the extraordinary events that have been taking place in the Soviet Union. In a long lifetime, I certainly have never seen anything like it, nor do I think anything such as this has occurred before.

A notable point is the address given by the General Secretary of the Communist Party of the Soviet Union, Mr. Gorbachev, at the United Nations on December 7 when, in a little-noted passage, he stated that "We"—referring to the Soviet Union and the CPSU—"are, of course, far from claiming to be in the possession of the ultimate truth." That was an unprecedented statement, for possessing the ultimate truth is exactly what the leaders of the Soviet Union have claimed for 70 years.

Since November 1917, the Soviet claim had been not simply that the U.S.S.R. was a powerful nation with powerful interests and powerful means for pursuing them. The Soviets also claimed to represent the next stage in history, and it was this claim that distinguished the cold war from all other previous experiences of national states. There was, in effect, a conflictual essence, as someone has written, in the existence of the state and the central doctrine of class warfare.

When the Soviets spoke of class warfare, it was not fully understood. They were talking about warfare between nations representing different classes: the Soviet Union representing the working class, and the United States and others the bourgeois class. They saw the conflict as an inevitable one, with an inevitable outcome. The laws of history decreed that there would be an international triumph of Marxist-Leninist doctrine, and you could almost be good-natured about it and say, "We are sorry, but that is the way it is going to turn out."

It is now clear that that is not the way it is going to turn out. On every hand we see evidences of the cold war coming to an end, of the Soviets abandoning that doctrine. Mr. Ligachev was told he had to step down, that he must cease promulgating the doctrine of class warfare.

And, Mr. President, something else has happened. I find myself able to describe it only with some difficulty, but I would put it this way: There is reason to believe that a systematic effort has been underway for at least a

year in the Soviet Union to lay a paper trail, a paper trail that would so expose the reality of the past 70 years in the Soviet Union that no one could ever imagine a return to those times. No one could ever legitimately seek to reinstate the ideological presumptions of the internationalist creed which they said would, in time, by the laws of history, prevail.

Mr. President, I spent much of my youth in New York City, at City College, listening to addresses at Union Square.

(Mr. ADAMS assumed the chair.)

Mr. MOYNIHAN. In those days, concern with Marxism and Leninism, absorbed the city. Either one was somewhere in the wide orbit of the party or was in opposition, in which event you were similarly preoccupied. When Leon Trotsky was murdered in Mexico City, New York City was rent upon the question of: "Could Stalin have done it." Of course not. "Could he have wished it?" Nonsense. "Could he have indicated he would not mind it?" No, never.

Mr. President, last month the Soviet weekly Literaturnaya Gazeta published the name of the NKVD agent who went to Mexico City to plan Trotsky's death and the name of the Spaniard who killed Trotsky. That is now all in the public record.

We have seen in the Soviet press long recreations of the life of Bukharin, and statements that here was an innocent ally of Lenin slaughtered by Stalin.

We have the great writings of the last few decades: Koestler, published; Mandelston, published; Pasternak, published.

We have a commission in Byelorussia to investigate Stalinist repression; and a proposal to raise a memorial in Moscow to Stalin's victims.

We have stories in Pravda of Soviet airmen, who after the war found two women pulling a plow at a time the Soviet Union was exporting grain. They wrote Stalin, and they were sent to the Gulag. Tales right out of Solzhenitsyn's "One Day in the Life of Ivan Denisovich."

We have more evidence of the fundamental depravity of Stalin's regime, and I do not think it could ever return. I dare to think this is a deliberate act.

Mr. President, I expressed some thoughts pertaining to this matter in a newsletter to my constituents last December. It has recently been published by the New Leader, that eminent organ of New York political life which was founded in the main by Russian immigrants, men who were menschevits and democratic Socialists. These men had been part of the democratic faction which overthrew the czar and were in turn overthrown by Lenin and the Bolsheviks. They were a group of Democrats who for half a century preserved the memory that there was not one but two Russian revolutions, the first one a democratic one, the second a totalitarian one.

Mr. President, in that commentary I observed that our difficulty with the Soviet Union is not over by any means. A Soviet Union in decline, breaking up under nationalist pressure, could be more dangerous than the one we now know. The Soviet Union we have known could await the verdicts of history. A nation breaking up, an empire breaking up, might want to change history.

For all I know, the next ruler of the Soviet Union will be the equivalent of Vlad the Impaler. But I do not think that the Soviets can return to the claims of the past and in that respect they are a fundamentally different regime. Our policy, shaped by 70 years of encounter with the conflictual essence of the Soviet Union, can and ought now to change as well.

Not for one moment can we underestimate the dangers of an era of Soviet weakness. The Soviets still have their missiles. They still have their xenophobia. They have an empire, a 19th-century empire about to break up, and yet their claim to be the next stage of history has passed.

I think it can never be retrieved by any Soviet leader. That particular assault on the international order is over.

Mr. President, I ask unanimous consent to print in the RECORD at this point certain documents, my own article in the New Leader if I may do that, and excerpts from other articles bearing on my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New Leader, Jan. 23, 1989]

THINKING ALOUD: END OF THE MARXIST EPOCH

(By Daniel Patrick Moynihan)

The editorial writers at the New York *Times* are a careful lot, certainly not given to gushing. So it was no small event to turn to their page last December 8 and read: "Perhaps not since Woodrow Wilson presented his Fourteen Points in 1918, or since Franklin Roosevelt and Winston Churchill promulgated the Atlantic Charter in 1941, has a world figure demonstrated the vision Mikhail Gorbachev displayed yesterday at the United Nations."

I agree, but with a particular reading of the term "vision." It was a kind of rear vision. Gorbachev declared the end of the Marxist epoch, a century or more in which great nations, great movements the world over were seized by the absolute conviction that the future was foretold, and that that future was theirs. The "scientific" work of Karl Marx and Vladimir Ilyich Lenin was said to have discovered the laws of history, much as Sir Isaac Newton discovered the laws of gravity. As for the Soviet Union, as one writer observed, its claim was not so much to be a competitor with the Western nations but rather to be a step forward in history. It was what was coming next. The laws of history so decreed.

Hence the stunning moment when the General Secretary of the Communist Party of the Soviet Union stood before the General Assembly of the United Nations and told the world: "We are, of course, far from claiming to be in the possession of the ultimate truth." For that is exactly what Communists had claimed for a century!

Now it is all over, and the General Secretary of the CPSU so states. That is truly an event.

I am now a man in his 60s; my first political memories are of New York City in the 1930s. One almost has to have had such a personal history to take the measure of the event at the UN on December 7. I am therefore going to ask those of you who are younger, those who never went to City College, never listened to speeches in Union Square, never attended lectures at the Rand School (I still have a book Bertrand Russell autographed for me there)—I'm going to ask you to be patient with me and let me walk you through some of those times and places.

We were in the Depression in the 1930s, and in the course of that decade a vast number of both ordinary and extraordinary people came to the conclusion that Marx and Lenin were indeed correct, that capitalism was in its final, doomed stage, and that Communism was the foreordained next step in history. It was already in place in Russia; it would soon spread.

Although, as many as a million Americans belonged to the Communist Party at one time or another (there was much turnover). The center of all this was New York City, the center of political writing and thinking, much as London was when Marx scribbled away at the British Museum, the counterpart of the New York Public Library. Robert Warshow, writing in *Commentary* in December 1947, summed up the 1930s in New York:

"For American intellectuals, the Communist movement of the 1930s was a crucial experience. . . . There was a time when virtually all intellectual vitality was derived in one way or another from the Communist Party. If you were not somewhere within the party's wide orbit, then you were likely to be in the opposition, which meant that much of your thought and energy had to be devoted to maintaining yourself in opposition."

This was indeed true the world over. There might not have been much of a Communist Party in, say, Peru, but you may be sure there was one. And there were mass political parties in all of continental Europe. A half century ago the "future" seemed at hand. What saved us?

I have no greater claim than the next person to having figured this out. Nor is the phenomenon by any means completely over. But I have some thoughts. First of all, above all, there is the fact that the Communist state in Russia almost immediately became a totalitarian state. The *first* totalitarian state. No such system of total government control had ever before existed. Hitler merely copied it. Sooner or later, people came to see how hideous it was. And there were men and women who would not submit. These have been the martyrs of the 20th century; and their grace has touched us.

Then there was the United States, the Great Republic, as John F. Kennedy was fond of saying. As the conflict grew ominous at midcentury, led by the likes of Harry S. Truman, George C. Marshall and Dean Acheson, we armed ourselves and armed allies

and decreed that we would not go quietly into the "dustbin of history" (a favored Communist phrase).

Yet, there was more. The basic reality is that Marxism did not predict the future, even though it claimed to do so. Take one proposition from the *Communist Manifesto* of 1848: "Working men of the World unite. . . . The proletarians have nothing to lose but their chains." Marx predicted that under the new mode of industrial production a simple world-wide hierarchy of classes would emerge in which ethnic differences would disappear, as workers submerged their personalities into what might be described as a uniform, international mass.

A quarter century ago Nathan Glazer and I (working at the New York Public Library!) wrote *Beyond the Melting Pot*, a study of ethnic groups of New York City. If ever there was a place where Marx's proletariat was going to emerge, it was our town, with its hugely varied population. Many scarcely spoke the language, had no roots in the place, no attachment to the owners of capital. Nevertheless, we found nothing of the sort. Groups retained distinctive qualities that mattered to them. Some years later we edited a volume, *Ethnicity: Theory and Practice*. We found no support for Marxist prediction in either theory or practice. We contributed the entry on "ethnicity" to the new *Harper Dictionary of Modern Thought*, which reads in part:

"In the *Communist Manifesto* Marx and Engels forecast that all preindustrial distinctions of an ethnic character would disappear with the emergence of a world-wide industrial Proletariat united by a perceived common condition and shared interest. The Workers of the World belief, central to Marxism, is increasingly presented as central to the falsification of Marxist prediction. . . . Ethnic conflict within the Soviet empire is likely to prove a major element in 21st-century world politics."

Half a century ago in New York you'd have had a hell of an argument over so bold an assertion: Marxism falsified! No more.[1]

In his UN address, Gorbachev spoke pointedly of the urgency of "harmonizing interethnic relations" in the Soviet Union. The Baltic Republics are open, if orderly, rebellion. The Caucasus is riotous. And, of course, in the 1950s the Chinese made clear they were not about to have Russians tell them how to run a revolution. Thus the Russian Communist fell in with the Vietnamese Communists because they hated the Chinese Communists who hated the Russian Communists, and so it goes. Ethnic conflict as usual!

But the greatest failure was precisely where there was going to be the greatest success. Economics. Although it is now hard to remember, a central tenet of Marxist-Leninist belief was that "socialist" production would be more efficient than capitalist production. This was to prove momentously mistaken.

I invite the thought that there is a certain symmetry to these events. The rest of the world catches on; then the Soviets catch on.

By mid-century no one in the West had any illusions about the nature of Soviet society: There was no equality, no justice, merely horror. Then in 1956, three years after Stalin's death, in a secret speech to the 20th Party Congress of the CPSU, Nikita S. Khrushchev told of the crimes of Stalin. End the illusion of justice. Next came the break with Red China. End the illusion of proletarian unity. Next came the revelation that the Soviets couldn't even feed themselves. End the illusion of efficiency.

When you consider how fiercely the Bolsheviks believed they would win out, you have a sense of what they must feel today. In 1961, Khrushchev declared that by 1970 the USSR would "overtake and surpass" the U.S. in economic production. He wasn't faking. That is what they believed. Lars-Erik Nelson of the New York *Daily News*, whose commentary on that week's events was unequaled in my view, suggested I go back and read the editorial in *Pravda*, the Communist Party newspaper, following Khrushchev's ouster in October 1964. The text is triumphant. The Soviet economy is about to soar:

"Undeviatingly pursuing this Leninist line, the Party and the Soviet people are gaining victories in accomplishing the chief economic task—creating the material and technical base of communism.

". . . There is a swelling torrent of joyous tidings of new enterprises being opened, of the mastering of production of progressive types of goods, of glorious labor achievements by our working class, collective farm peasantry, State farm workers, and specialists in all branches of the national economy. Millions of Soviet people by their creative labor in plants and factories, at construction projects, on collective farm and State farm fields, in scientific institutes and laboratories and in cultural, educational and public health institutions are implementing in practice the Program of the CPSU, advancing the great cause of Communist construction, which has become the dear cause of millions, of the entire Soviet people."

At just that moment, the new leader, Leonid I. Brezhnev, began 18 years in power which Pravda now refers to as "the period of stagnation." American wheat began arriving. The Pacific Rim took off. In 1987 in Moscow, officials would speak of the "widening gulf between the Soviet Union and the advanced capitalist countries." But they were not talking about Holland. Peter the Great figured out Holland. They were talking about Korea—South Korea, that is—Taiwan, Hong Kong, Singapore. The proverbial toiling Asian masses were suddenly sweeping world markets with electronic circuitry, whilst all the Soviets could sell abroad was fish eggs and furs, trading goods of a hunter-gatherer economy.

It seems to me that in the 1980s a good many people in Washington missed all this. There was much talk of Soviet military superiority; Soviet expansion. Granted, their military force was and is formidable; albeit Gorbachev, in his UN address, suggested they can no longer afford it. But expansion? Apart from Afghanistan, and old involvement, I could not see anything new in the Marxist-Leninist regimes that popped up here and there in the Third World. There was once an international Communist movement with great expectations. Remember New York in the 1930s. By the 1980s this had been over for years. Over in New York, in Paris, in Rome, good Lord, over in Moscow. But how were the Sandinistas to know? It takes a long time for word to reach a place like Managua, or La Paz, or Maputo. I tried to lay out this argument in the commencement speech I delivered at New York University in 1984:

"The truth is that the Soviet idea is spent. It commands some influence in the world; and fear. But it summons no loyalty. History is moving away from it with astounding speed. I would not press the image, but it is as if the whole Marxist-Leninist ethos is hurtling off into a black hole in the universe. . . .

"Are there Marxist-Leninists here and about in the world? Yes: especially when the West allows communism to identify with nationalism. But in truth, when they do succeed, how well do they do? And for how long?

"We should be less obsessed with the Soviets. If we must learn to live with military parity, let us keep all the more in mind that we have consolidated an overwhelming economic advantage. The 24 members of the Organization for Economic Cooperation and Development, known as the OECD—a quintessential initiative in world politics of the postwar United States—now produce 60 per cent of the world's GNP. The Soviet bloc produces 19 per cent. What is the rest of the world to think?

"The historical outcome is certain if we can keep the nuclear peace and attend to our own arrangements in a manner in which they continue to improve."

Well, the outcome seems beyond doubt now. We are not at the end of our problems with the Soviets. Should that society commence to break up, it could be a hugely dangerous moment. The notion of Soviet conquest, however, is surely behind us. We have to watch that the rest of the world doesn't conclude that we, too, exhausted ourselves in the "long twilight struggle" of which President Kennedy spoke in his Inaugural Address. (Will the next superpower competition be the drive to replace the United States as the world's largest debtor?) But, still, freedom prevailed.

Let's be clear. Soviet antagonism is real. Soviet missiles are real. They have hardly surrendered. But they have given up on the belief that they can live as a closed society and eventually triumph. Our defense budget has been declining for four straight years. Theirs continues to rise. But we have allies who could do much more than they are doing. The Soviet allies are economic basket cases. Paul Kennedy of Yale notes that Britain, Japan, France, and West Germany each spend more on defense than the non-Russian Warsaw Pact countries together. And then there are those thriving overseas protectorates, Cuba and Vietnam!

The Soviet Union remains the Soviet Union. Don't expect democracy. Have no fear that the "L" word will catch hold there. Even so, the vision of world ideological dominion is past. Which is the end of an epoch.

It seems to me that Jerry Hough of Duke University has it about right. "It is the end of the postwar world," he states. "We're not going to invade them and they're not going to invade us. The challenge now is that economic strength is the more important chip, and what we need is a President with an economic interest, not just a military-security interest." I might add, a Congress too.

[1] The closed nature of Soviet society obscured how much connection we have with their history and they with ours. Marx, after all, was a London correspondent of the New York *Daily Tribune*. A year ago I visited Lenin's study in the Kremlin. In the bookcase behind his desk, I spotted works by three men I have met in my life. In Leningrad I asked my Soviet hosts why they could find no place for a memorial to Aleksandr Kerensky, who in 1917 led the provisional democratic government that Lenin's Bolshevik's overthrow. "Kerensky," came the reply, "well that was awful long ago, and uh . . . "Not that long ago, I responded in turn: "He used to come around and talk to us when I was a student at Benjamin Franklin High School in East Harlem." Many puzzled looks.

But that will keep. For the moment, the point is that we have a prospect of peace on earth such as we've not known for most of a century.

[From the New Republic, Feb. 2, 1989]

GORBACHEV'S NATIONALITY CRISIS: THE EMPIRE BREAKS UP

(By Jacques Rupnik)

"Great Russia has forged forever the indestructible union of free republics."—from the Soviet national anthem.

From the beginning, Mikhail Gorbachev understood that his effort to restructure the Soviet economy would encounter at least two obstacles: the resistance of the Party bureaucracy and the passivity of a society kept for some 70 years under anesthesia. Hence his decision to supplement perestroika with glasnost. Greater freedom of speech was intended to expose the misdeeds of a "Brezhnevite" bureaucracy and thereby mobilize the support of a disgruntled populace. Glasnost has succeeded in bringing about a social awakening, but it is not the kind Gorbachev had in mind. It has developed on the Soviet periphery rather than in the heart of Russia, and it is committed not to a single reform program but to a variety of nationalistic movements. The last two have seen Armenians fighting with Azerbaijanis over territory; anti-Russian riots in Kazakhstan; Crimean Tatars, who were deported by Stalin to Central Asia, demonstrating in Moscow for the right to return home; and people in the Baltic republics challenging the very foundation of their allegiance to the Soviet Union. From Central Asia to Europe, the Soviet Empire is cracking at its seams.

And the worst is yet to come. For the nationalist crises that have burst most fully into view—the Baltic and the Armenian—are minor compared with those that are likely to flare up before long, involving the Ukrainians and the Muslims of Central Asia. Unless a policy can be developed to keep these movements under control, Gorbachev's perestroika—and even the Soviet empire itself—may be living on borrowed time.

The resurgence of nationalism has shattered the carefully manicured myth of the Soviet Union as a harmonious community of brotherly nations "drawn together" by the construction of socialism. Now that glasnost has rubbed off the ideological varnish, the Soviet Union appears as what it is: the last colonial empire still in existence. And it is an empire even more anachronistic than most. For demographic trends are about to turn the imperial nationality—the Russians—into a minority, and the Russians are seen by many non-Russians—especially the Balts and the Georgians—as economically and culturally backward. Can Gorbachev's reforms, designed to bring the Soviet Union into the 21st century, sustain an increasingly absurd imperial system inherited from the 19th century?

It is ironic that Gorbachev's first nationalist headache originated in Armenia. Though the Armenians now seek the preservation of their culture and language in the face of Russian influences, the basic orientation of Armenian nationalism is not separatist, or even anti-Soviet. Its strength derives, rather, from memory of the 1915 massacre of 1.5 million Armenians by the Turks. Indeed, the current Armenian campaign to reclaim the Nagorno-Karabakh province is directed less at Moscow than at Azerbaijan, which has a Turkish population. On paper the claim is a rational one: to reunite a territory populated mainly by Armenians with the rest of Armenia. But the dispute acquired an irrational, tribal character after the anti-Armenian pogrom in Azerbaijan a year ago. The depth of the enmity was seen during the Armenian earthquake in December. In Azerbaijan, news of the earthquake, according to a Western reporter, "engendered a holiday atmosphere." The tragedy was seen by young demonstrators as "Allah's punishment."

The earthquake also revealed the depth of Gorbachev's political skill. He turned the inefficiency of aid to the victims into an indictment against local officials not sympathetic to his policies. He tried to expose the triviality of tribal feuds in the face of a tragedy that called for a truly collective Soviet reconstruction effort. Most important, he decapitated the Armenian nationalist movement by putting behind bars the entire leadership of the Karabakh Committee, which tried to have the distribution of aid placed in the hands of Armenians rather than Soviet officials. It is unclear how many political prisoners there actually are in the Soviet Union today, but we know there are a dozen new ones: the 12 angry men from the Karabakh Committee.

But all of Gorbachev's savvy may not be up to the challenge. His imprisonment of Armenian nationalists has cost him popular support. And his longer term solution—a recent proposal to put Nagorno-Karabakh under a predominantly Russian "special administration" while keeping it within the borders of Azerbaijan—will not appease the nationalists. Yet he cannot afford to go further. Actually altering the borders between two Soviet republics would set a dangerous precedent in a multinational empire where ethnic and political borders often do not coincide. And, more immediately, such a move might provoke strong anti-Moscow reactions among the Shiite Muslims in Azerbaijan, which could have a spillover effect on the Sunni Muslims in Soviet Central Asia.

The rise of nationalism in the three Baltic countries is less violent and tribal and more political, channeled through existing institutions. Nonetheless, it too challenges the very basis of Moscow's relations with the Soviet republics. The subject of the forced annexation of Estonia, Latvia, and Lithuania in 1940 and the subsequent mass imprisonment of elites and political opponents had been taboo until glasnost. Now commemoration of the events of 1939-40 has become the occasion for national self-assertion. Stretching glasnost to the utmost, the Lithuanian publication Sajudzio Zinios last year printed the secret protocol of the Nazi-Soviet pact of 1939. Balts could read for the first time the agreement that "in the event of a territorial and political rearrangement in the areas belonging to the Baltic states (Finland, Estonia, Latvia, Lithuania), the northern boundary of Lithuania will represent the boundary of the spheres of influence of Germany and the U.S.S.R." Thus the denunciation of Stalinist crimes—a favorite theme of glasnost—led to a debunking of the official Soviet myth about the "voluntary union" of 1940, and thus to questions about the very legitimacy of Soviet rule.

Since the Balts were the last to "join" the Soviet Union, it seems only natural that they would be the most sensitive to constraints on their autonomy. Two recently proposed amendments to the Soviet Constitution raised this issue and thereby stirred political nationalism. The first strengthened the right of the Supreme Soviet in Moscow to overrule decisions by the republican parliaments. The second gave the Soviets the right to declare martial law and other "special forms of administration." The first was rejected by the Balts as negating the "right to secession" ostensibly recognized by the Soviet Constitution. The "special powers" amendment, though probably introduced with the Armenian conflict in mind, was also taken personally by Balts, who feared it could apply to them. Both amendments finally passed, although in watered-down form.

Moscow's insensitivity in pushing through the amendments transformed the hitherto primarily cultural and economic quest for the autonomy of Baltic states into an overtly political one. The popular fronts, the mass organizations that have mushroomed in the Baltic republics, are now raising the question of sovereignty. In Latvia this aim was cautiously worded by the front as "a true government by the people . . . and the settlement of the nationality problem." In Lithuania the front boldly seeks "democracy and the restoration of the political, cultural, and economic sovereignty in Lithuania." The Estonian Parliament went further, proclaiming at an extraordinary session in November its right to veto laws passed by the Supreme Soviet. The resolution also declared all Estonian land, natural resources, and industries the property of the republic.

For Gorbachev, accepting the republic's right to veto Moscow's decisions is just as unthinkable a precedent as the redrawing of boundaries demanded by the Armenians. Once again the very basis of the empire is being challenged. This explains the vehemence of Gorbachev's rebuff. In a major speech in November, he issued his strongest condemnation of nationalism yet, saying that Estonia's defiance of central power affected "the destiny of our whole union." Estonian land and property, he said, belong to all Soviet people. Nationalism was now presented as the main threat to his economic reforms: "Comrades, it would be disastrous, it would put in jeopardy our perestroika."

The solution to Gorbachev's Baltic problem may be to make a virtue of necessity and turn the Baltic republics into a laboratory for perestroika. The Balts have a long prior history of free markets and are probably the most economically advanced of the Soviet peoples. They are keen to develop closer economic ties with northern Europe and Scandinavia—whose historical links to them are as strong as Russia's. Moscow could defuse the drive for political autonomy by granting economic autonomy: let the Baltic states liberate their economies at whatever pace they see fit, and let them trade with their neighbors to the west on their own terms, free from Moscow's regulation. The Baltic countries as a showcase for perestroika and a channel for Western technology transfer to the Soviet Union—as the Hong Kong of the U.S.S.R.? It would be a daring move, but Gorbachev has shown no aversion to departures from tradition.

Compared with Gorbachev's other nationalism problems, the unrest in the Baltics is fairly manageable. There are only seven million people in the Baltic region, one-fourth of whom are ethnic Russians. Besides, the unrest is channeled through political institutions; local Communist elites have joined the popular fronts and are well positioned to moderate nationalist aspirations. The most serious nationalist threat to Gorbachev is likely to come not from the current crisis points in the Baltic or the

Caucasus, but from three other sources: the Ukrainians, the Muslims of Central Asia, and ultimately the Russians themselves.

The Ukraine, with a population of 45 million, has sometimes been called the largest European nation without a state. So far it has been deceptively quiet—and uncharacteristically so. In the aftermath of the Bolshevik Revolution and of World War II (which followed a Ukrainian famine provoked by Stalin's terrorist collectivization drive), only brute force quashed Ukrainian bids for independence. Then in the 1960s and early 1970s, Ukrainian writers pioneered the revival of the national question in the Soviet Union. But after the purge of Shelest, then the local Party boss, the Ukraine was subjected to "normalization," and its dissidents were sent to the Gulag.

While Balts were seizing the new opportunities of glasnost, the Ukraine had to wait because its leader, Vlodimir Shcherbitsky, 70, the last prominent Brezhnevite still in office and head of the second largest Communist Party in the U.S.S.R., kept the lid tightly on. But it was loosened by the celebration last year of the millennial anniversary of the Christian Church in Kiev. (It had also been loosened a few years earlier by the Chernobyl disaster, which left the natives restless.) Ivan Dziuba, a prominent nationalist essayist whose work was once suppressed, has been published in the December issue of Kommunist, and writers in Kiev now openly call for Shcherbitsky's resignation. When that happens there will almost certainly be a shift from cultural to political nationalism. And in the Ukraine such a movement would be more dangerous than in the Baltics. Here, where the Communist Party was purged of reformers only a decade ago, there are few Communist officials positioned to do what Baltic officials have done: join a nationalist movement and serve as a moderating influence. The Ukraine is fertile ground for a real revolt (only last month 60 activists were arrested in Kiev), and a potentially contagious one; the Ukraine has strong historical ties to Poland. One can imagine a chain reaction that would leave Gorbachev facing full blown crises on both the inner and outer peripheries of his empire.

Khrushchev had a clever way of placating the Ukrainians: treat the Ukraine as Moscow's junior partner. Gorbachev would do well to take a leaf out of Nikita's book, and promote more Ukrainians to the Central Committee and the Politburo, which are now overwhelmingly Russian.

In Central Asia, perestroika is virtually ignored, and here Gorbachev is likely to keep facing strong resistance to his policies. Whereas the Balts embrace and exploit political and economic reforms, the Central Asians fear change. Their culture is not economically modern, and they receive large government subsidies. Both Party elites and common folk fear being left by perestroika to sink or swim. Add to this a long-standing resentment against the culture of their Russian overlords, and you have a quite natural hostility toward Gorbachev. There are three reasons this opposition could pose big problems for him: demographics, Islam, and Afghanistan.

While the Russians are about to become a minority in the U.S.S.R., the 40 million Soviet Muslims (Uzbeks, Kazaks, Azeris, Tadzhiks, Turkomans, and Kirghiz) are by far the fastest growing population in the country. Within a century, assuming present growth rates, the Soviet Union will be predominantly a Muslim country. These trends have given new self-confidence to the peoples of Central Asia, the "land bridge" between the eastern lands of the Soviet empire, where most of the natural resources are located, and its Western metropolis, where political and economic power are based.

The rise of Islam, especially of fundamentalist Islam in neighboring countries, also has long-term implications for the Soviet Union. As Milan Hauner notes in Afghanistan and the Soviet Union, the Soviets of Central Asia increasingly use Islamic forms to express their rejection of Russian culture and their misgivings about the Soviet political system. A Party leader from Tadzhikistan warned in 1986 that "Islam exercises a growing influence on our young generation. We must therefore use our legislation more energetically to halt the illegal activity of the clerics."

Although it is too early to assess the impact of the Soviet retreat from Afghanistan, it is bound to have a profound psychological effect on Central Asia's Muslims. For them the lesson is that Islam can defeat the Red Army, that the Suffi can outwit the Commissar. It is always dangerous for an imperial power to lose a war. Last time that happened to Moscow was the Russian-Japanese war of 1994. We know what followed.

The rise of unrest around Russia's periphery has so far overshadowed a no less formidable nationalist challenge, that of the imperial nation itself: the Russians. True, Russian nationalism has been politically less overt and less organized, but it can count on not only a large constituency among the silent majority of the Russian people, but also considerable influence in the Soviet bureaucracy and military.

Russian nationalism has taken on the tormented, introspective tone of an imperial nation about to become a minority. Its spokesman have been writers such as Vladimir Soloukhin and Valentin Rasputin, their mouthpieces journals such as Maladaia Guardia and Nash Sovremenik. In these pages Russia is depicted as dying under the combined effects of modernization, secularization, and Westernization, all of which are associated with communism, especially in its reformist, Gorbachevite guise. Russian nationalists abhor the resulting threat to the traditional values embodied in the Russian village and the Orthodox Church. At the same time, some Russians resent the many "ungrateful" nationalities who have become part of the Soviet empire, and may profit from it, yet complain about it.

During the Brezhnev era the emphasis of Russian nationalists was primarily on cultural nationalism and the development of associations such as Pamiat (Memory) for the preservation of the environment, of historical monuments, etc. But under Gorbachev, Pamiat has taken an increasingly strong stance in defense of an allegedly threatened Russian identity. This means identifying more clearly the nature of the threat, namely the "Judeo-Masonic conspiracy." "There exists a powerful, determined, evil, and clandestine force for the purpose of the destruction of Russia," writes Vasilii Belov in his last novel, published in 1987. He then proceeds to expose the Masonic plot and provide a personal interpretation of The Protocols of the Elders of Zion. His book was published in 2.5 million copies. According to the nationalists, Gorbachev is a tool of the conspiracy; some of the leading "Gorbachevite" intellectuals are either Jewish (the playwright Mikhail Shatrov) or non-Russian (Abel Aganbegyan, the economic adviser, who is of Armenian descent).

The resurgence of right-wing Russian nationalism, with its traditional anti-Semitic and xenophobic component, is the byproduct of the collapse of Marxist ideology and the simultaneous shock of changes associated with Gorbachev. The introduction of perestroika and glasnost revived the 19th-century debate between the Slavophiles and the Westernizers. Contemporary nationalist essayists should be read in parallel with the most articulate of the great Russian Slavophiles, Dostoyevsky. In his 1881 essay "What is Asia to us?" he advocates that Russia turn inward, to the vast, unspoiled northeast: Siberia as the salvation of Russia. In contrast to this long-standing school stand Gorbachevites such as Alexander Yakovlev and even liberal dissidents such as Andrei Sakharov, who see all nationalisms as a threat to Soviet modernization and Westernization.

The issue of Russian nationalism has helped crystallize the two main coalitions in Soviet politics today. The anti-perestroika coalition consists of Russian nationalists and neo-Stalinists (only last month a letter in Pravda signed by Russian nationalists and Party conservatives criticized the excesses of glasnost). The pro-perestroika coalition consists of Gorbachevites (or neo-Leninists) and liberal intellectuals (such as Sakharov), both committed to a supranational ideology. However, the contest may ultimately be decided by a third party: the various other nationalist movements on the Soviet periphery, which often profess to support glasnost but in fact play into the hands of reactionaries by vividly illustrating its dangers.

Gorbachev is now squeezed between the simultaneous rise of two nationalisms; that of the Russians and that of their subjects. To make concesisons to the demands of either side is to strengthen both sides. And glasnost, an integral part of perestroika, ensures the growth of such demands. After four years in office, Gorbachev has discovered that the reform of the Soviet system and the stability of the Soviet empire are incompatible. Faced with that dilemma, he will doubtless be aware that (to paraphrase Churchill) he has not been appointed Soviet leader to preside over the liquidation of the empire.

[From the New Republic, Feb. 20, 1989]

CANDLES IN THE WIND

(By Liz Hasse)

TALLINN, ESTONIA.—"Estigeel, eestimaal, eestirahvas" (Estonian language, Estonian land, Estonian people) was the refrain. Everyone moved briskly and quietly in the direction of the singing. It was dark, and as we rounded the last curve of the cobblestone street, we saw thousands of Estonian faces lit by candle and torch light. The town square could not hold another soul, yet more and more Estonians arrived and folded into the crowd—mothers and young children, fathers carrying babies, couples, groups of teens—many dressed in blue, black, and white, the colors of the striped Estonian flag that here and there fluttered above the crowd.

The celebration was the culmination of Estonian language week. This gathering was not as big as that of the 300,000 supporters who had convened in September on Tallinn's festival grounds to celebrate the newly voiced support by Estonian leaders in the Communist Party for the Popular Front movement. Nonetheless, this demonstration resembled the larger one in many ways:

again, song was the expression; the mood, a spirited calm; sovereignty was again the theme—this time the emphasis was on preserving an Estonian language and cultural heritage. One of the speakers was Heins Valk, artist, political cartoonist, and Popular Front activist. Standing on the steps of Tallinn's 13th-century city hall, he reminded the group that theirs was a 5,000-year-old language, a 5,000-year-old culture." Anyone who kills a culture kills himself," he said.

Estonia, like its Baltic neighbors, Latvia and Lithuania, has been occupied by the Soviet Union since the notorious 1939 Hitler-Stalin (Ribbentrop-Molotov) pact. Its population was about 95 percent Estonian when it was "given" to the Soviets. Now the country is about 40 percent Russian, with some cities and industrial regions reaching 80 percent. The massive migration has been due both to the high standard of living here and the Soviet government's concerted efforts to make the most of the region's resources. Estonia has the largest phosphorus mines in all of the Soviet Union and extensive brown coal deposits. All this mineral wealth led the central government to build block after block of uniform, styleless concrete apartment buildings to entice Russians to move and work here. It was hard for me to believe that this massive development of dreary structures had such drawing power. But, I was told, because of the shortage of apartments in the central Soviet Union and the fact that those in Estonia are equipped with relatively modern fixtures, the migration continues.

Tallinn, the Estonian capital, is an example. The population is over 300,000. The center is a lovely, largely unaltered medieval city of narrow cobblestone streets, red-tiled roofs, and distinctive Gothic, Romanesque, and Eastern Orthodox spires. Beyond lies the port on the Finnish gulf. About 100,000 people live within and around the old city walls in medieval houses and studios, in Stalinesque columned buildings, in apartment buildings ranging from the plain to the stately. Just 20 minutes away by public transportation lies the Lasmanäe, where the other 200,000 inhabitants live in workers' apartment blocks built (and still being built) over the remnants of Estonian settlements that are thousands of years old. The apartment blocks stand uninterrupted—no grass, no parks. One food store services the entire 200,000.

[From the New York Times, Feb. 4, 1989]

MAJOR SOVIET PAPER SAYS 20 MILLION DIED AS VICTIMS OF STALIN

(By Bill Keller)

Moscow, February 3.—A Soviet weekly newspaper today published the most detailed accounting of Stalin's victims yet presented to a mass audience here, indicating that about 20 million died in labor camps, forced collectivization, famine and executions.

The estimates, by the historian Roy Medvedev, were printed in the weekly tabloid Argumenti i Fakti, a newspaper with a circulation of more than 20 million.

The estimated number of deaths is about equal to the number of Soviet soldiers and civilians believed killed in World War II.

Mr. Medvedev's grim arithmetic was reported in a less detailed version last November in Moscow News, a limited-circulation weekly, which sells about 200,000 copies in Russian, but today's article marked the first time the numbers have been disclosed to a nationwide audience.

In all, Mr. Medvedev calculated about 40 million victims of Stalin's repressions, including those arrested, driven from their land or blacklisted.

Although the bookkeeping of Stalin's terror is an inexact and contentious science, Mr. Medvedev's estimates are generally in line with Western calculations that have long been disparaged by more official Soviet historians.

"It's important that they published it, although the numbers themselves are horrible," Mr. Medvedev said in an interview tonight. "Those numbers include my father."

Mr. Medvedev, a dissident Marxist who has recently been rescued from official obscurity and honored as a leading authority on dark corners of Soviet history, said the weekly newspaper solicited the article and presumably showed the contents to officials before publishing it.

Mr. Medvedev said he had no special access to official archives, but relied on his own compilations of material over the years and recent publications in the Soviet press.

Under a headline proclaiming "The Number of Victims of Stalinism Is About 40 Million People," in a terse, question-and answer format, Mr. Medvedev cited the human cost of Stalin's leadership year by year, leaving it to the reader to complete the arithmetic.

Mr. Medevedev's accounting included these victims:

One million imprisoned or exiled from 1927 to 1929, falsely accused of being saboteurs or members of opposition parties.

Nine million to 11 million of the more prosperous peasants driven from their lands and another two million to three million arrested or exiled in the early 1930's campaign of forced farm collectivization. Many of these were believed to have been killed.

Six million to seven million killed in the punitive famine inflicted on peasants in 1932 and 1933.

One million exiled from Moscow and Leningrad in 1935 for belonging to families of former nobility, merchants, capitalists and officials.

About one million executed in the "great terror" of 1937-38, and another four million to six million sent to forced labor camps from which most, including Mr. Medvedev's father, did not return.

Two million to three million sent to camps for violating absurdly strict labor laws imposed in 1940.

At least 10 million to 12 million "repressed" in World War II, including millions of Soviet-Germans and other ethnic minorities forcibly relocated.

More than one million arrested on political grounds from 1946 to Stalin's death in 1953.

Mr. Medvedev acknowledged in Argumenti i Fakti, and repeated tonight, that many periods of repression will never be fully measured because records have been lost or never existed.

NIKOLAY BUKHARIN; EPISODES OF A POLITICAL BIOGRAPHY

(18020001m Moscow Kommunist in Russian No 13, Sep 88 (signed to press 25 Aug 88))

[Article by Gennadiy Arkadyevich Bordyugov, senior scientific associate, CPSU Central Committee Institute of Marxism-Leninism, candidate of historical sciences; and Vladimir Aleksandrovich Kozlov, head of sector at the same institute, candidate of historical sciences]

[Text] We are going through unforgettable times. Step by step, historical truth is being restored and justice is triumphing. Real possibilities have appeared now for the truly scientific, objective and comprehensive and, therefore, profoundly party-oriented study of the Soviet past and the restoration of our recollection of people who had been forgotten for so many years, but who had actively influenced the course of social development.

It so happened that when historians began to study the paradoxes and dramas of the prewar past, they turned to the "critical points" in the transitional period from capitalism to socialism and raised the question of alternatives in the historical development of the country, the personality of Nikolay Ivanovich Bukharin emerged literally from non-existence, as the figure of a political personality who was sentenced half a century ago and, it seemed, firmly forgotten. For decades his name was not included in referential works and encyclopedias and he himself appeared in research works only as a negative personage, as just about the "evil genius" in Soviet history. Such a surgical "extraction" of a noted party leader from the past (a fate which afflicted many other people) inevitably distorted the overall picture and scale of perception of a number of historical events and personalities.

In his time Stalin not only achieved the physical destruction of Bukharin but, as it seemed to many, deleted him from history forever. It is obvious now that this was a temporary victory. Once again in contemporary social awareness, as was the case 50 years ago, the two opposites of the end of the 1920s-1930s—Bukharin and Stalin—actively oppose each other. Discussions about these two personalities clearly depict today's political views held by the opponents and their assessments not only of the past but also of the present. Hiding behind these debates is, above all, a debate about the future, about what will socialism become tomorrow. What is important for the present, however, may be not simply to pit Stalin against Bukharin but to understand what it is that brought them together in the mid-1920s and what separated them by the turn of the 1930s. These problems affect not only the biographies of two major leaders of that time. Their study leads us to a fuller understanding of the destinies of the country and the people at crucial moments of prewar Soviet history.

* * * * *

What do we learn from Bukharin's bright and tragic life? One of the lessons is Bukharin's way of tackling problems of theoretical forecasting and theoretical study of crisis situations in the development of a society and the standard applied in solving them. Unlike Stalin, in this respect Bukharin went quite far. He was not only able to change his viewpoint at the turn of 1929, under the influence of the logic of life, but also tried to provide a theoretical assessment of this turn and to formulate the concept of further progress. Unfortunately, since the end of the 1920s he was deprived of the possibility to influence practical policy and his theoretical work was not properly considered in the political practices of the 1930s. Actually, it is only now that we are returning to the questions raised by Bukharin. The fact that in its time the party failed to make a critical analysis of the "revolution from above" led to the retention of the negative aspects of Stalin's policies throughout the 1930s, at a time when it was necessary to think about other, gentler, more flexible and more refined

methods of social management and of normalizing the country's social life.

Since Stalin's time Bukharin had been accused of drifting into the path of factional struggle and the creation of an opposition. We see today that it was precisely that which he had not done but, conversely, that he had maximally restrained himself and his supporters. As a result of abandoning the struggle, however, and efforts to keep differences within the Politburo, without appealing to the party, the party mass, obviously the last opportunity of preserving the principles of collective management bequeathed by Lenin was lost. Underlining the problem of abandoning the struggle is also that of principle-mindedness in politics. In 1929 Bukharin realized that many of his ideas were unworkable and that he had to change his views under the influence of the logic of reality and not the pressure of opposing political forces. Realizing this, he took the position of the majority of the Central Committee on virtually all basic problems. His principle-mindedness in politics was manifested in the fact that he firmly stood on the grounds of Lenin's understanding of the main question from which, in the final account, developed the tragedy of the 1930s, that of "extraordinariness." On this score he was unbending. Bukharin did not violate his own principles because of a readiness to balance interests, coordinate positions and aspiration to remain in power. In this respect he understood to the end, regardless of the personal danger to which he exposed himself.

Bukharin's strong side as a political leader was his aspiration to a constructive approach, readiness constantly to update his theoretical arsenal and openness of the mind. Despite his defeat, he continued to interpret the contradictions in life and tried not to yield to politicking. Although we come across in his speeches echoes of the by then ordained praising of Stalin, their main content is found elsewhere: defense of the idea of normalizing social life and establishing legality in society, a humanistic criterion in evaluating reality and orientation toward cost accounting. To the very end, Bukharin sought the possibility of closely interacting with the majority of Central Committee members on a constructive basis, and work, in the ways accessible to him, for the good of the party and the people. It was precisely for this reason that the party and the Central Committee listened to his views. The mark of Bukharin's ideas can be clearly seen in the resolutions passed during the first half of the 1930s.

Nonetheless, characteristic of Bukharin's positions was a peculiar theoretical impatience. He proclaimed the results of his work all too rapidly and frequently failed to think them through. He found dialectical analysis difficult as well as exceeding the framework of the established system of concepts, evaluations and programs, as was the case with the "classical" NEP and the elaboration of political decisions in 1925. However, whenever he reassessed his former positions, he did this on a principled and truly profound basis.

Bukharin was one of the party leaders of the end of the 1920s and beginning of the 1930s to whom the concept of morality and legality had not a pragmatic but a profound human sense. It was precisely this stance that became the political counterbalance to Stalinist "extraordinariness." In 1929 Bukharin was defending not only his own views but also the right of the collective party authorities to criticize and analyze all aspects of social reality, without "dead areas," and "nonpersons." He realized that if the fault for the difficulties was shifted to the people who were outside the party—the class enemies, saboteurs or unconscious people, or the opposition within the party itself—and if the subjective errors of the authorities were ascribed in full to the class struggle, such a partial, halfway indication of the reasons for errors and difficulties would make it impossible to learn lessons from them, to make the necessary corrections on policies and that the halfway nature of admissions would result in a dangerous inconsistency of decisions.

Bukharin, with all his qualities and shortcomings and unquestionable merits and major errors, belongs to the history of our party and our state. His theoretical legacy covers the broadest possible range of problems. It demands a reinterpretation in the light of the experience acquired by the party in recent decades. This would enable us to include everything that is truly valuable, that has withstood the test of time, in our scientific and political arsenal. The study of Bukharin's legacy must be objective, truthful and critical, i.e., as it was bequeathed by Lenin to the present generations of communists.

(Copyright: Izdatelstvo Tsk KPSS "Pravda", "Kommunist", 1988.)

Mr. MOYNIHAN. I thank the Chair for his courtesy.

The PRESIDING OFFICER. I thank the Senator from New York.

Mr. D'AMATO addressed the Chair.

Mr. MOYNIHAN. Mr. President, will the honorable Senator yield for one last point 1 minute.

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. If I can go on, I meant to say one other thing, Mr. President.

In the aftermath of this change of the Soviet regime there is one fundamental message to send to the rest of the world as they contemplate their attitudes toward the United States and the Soviet Union. As they commence that old pattern of seeing whether if they flirted with the Soviet Union they might find attention and concern from our part would they, would they please commence to understand this simple proposition. The United States has not only a different relationship with the Soviet Union, but with those nations who would make themselves clients of the Soviet Union. They may wish to avail themselves of Soviet aid, and all we can say is, We are sorry but we do not have to care any more.

I thank the Chair, and I thank my distinguished friend.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New York, Mr. D'AMATO.

JAPANESE FSX FIGHTER

Mr. D'AMATO. Mr. President, when are we ever going to learn to look out for our own—America's—interests in dealing with our trading partners, particularly those for whose protection the American taxpayer pays?

Congress may soon have to consider an agreement between American and Japanese companies to develop the so called FSX plane, a version of our F-16.

In this proposed deal, the Japanese—typically—want it all—and our State and Defense Departments—again, all too typically—appear willing to give it to them.

An American company, General Dynamics, has signed a leasing agreement with Mitsubishi of Japan to develop the FSX. The Japanese will be provided the F-16 technology developed at a cost to United States taxpayers of roughly $7 billion. In return, the American company will get subcontracting work for about $440 million, plus some royalties amounting at the most to about $120 million. General Dynamics may get to do some further production work, and possibly get some technology back from Japan; but this is not guaranteed in the agreement, so even these small gains are far from certain.

We are told that Japanese development of their own version of the F-16 will help ease the burden on the American taxpayer of defending the Pacific rim. The truth is just the opposite.

If this deal goes through, the Japanese will get, at low cost, the benefit of technology that cost this Nation's taxpayers $7 billion and be free to use it to develop not only a competing airplane but to expand a competing aviation industry, while all the time the United States continues to bear the full burden of providing for Japan's national security.

The veil of burden-sharing becomes even thinner, Mr. President, when you consider that planes purchased directly "off the shelf" from the United States are available to help meet Japan's defense needs now. A Japanese-developed FSX is unlikely to be ready for almost 5 years, during which, of course, we would still be providing their defense. It is clear that Japan is in no hurry to get "rubber on the runway" now.

The Japanese will pay three times as much to develop their own planes as it would cost to buy them from America.

They could buy these 140 planes for a cost of approximately $3 billion and it will cost as much as $9 billion to develop the FSX.

Is this the kind of "free trade" that the Japanese would have us support? American consumers have been free to buy fuel-efficient, high-performing Japanese cars, and fine Japanese electronics goods—and have been buying them, making Japan the economic wonder of the world. And yet, when a cheaper, high performance American plane is available now, they will not buy it. Is that free trade?

While more and more of America's workers and production capacity become idle; while Japan is running a current annual trade surplus with the United States in excess of $55 billion; while America provides, as it has for 43 years, for Japan's freedom and security, the Japanese are willing to pay a 300-percent premium to avoid buying American and to worsen the atrocious trade imbalance.

Mr. President, that is not cost effective. It is not fair. It simply is not right.

If Japan wants to increase its level of self-defense spending significantly that would be progress. But the Japanese are not willing to do that, Mr. President, because they are smart—apparently a lot smarter than we are. As long as we shoulder their defense burden, Japan is able to apply a much greater proportion of its gross national product toward research, development, and support of its economic dominance.

If the Japanese are really into burden-sharing, then why not purchase the F-16's and do it now to help pick up some of that burden now, instead of leaving the full burden on us while they develop a competing industry?

I might take this opportunity to note, Mr. President, that it is not unique with the Japanese. They did this in the area of fiber optics. Not too long ago, they rejected American companies' bids to help build the national fiber optic system that they put out to bid and accepted Japanese companies at a premium of 300 percent. Deja vu once again. And when they overdeveloped that capacity in terms of fiber optics as it related to their own internal needs, what did they do? They flooded the market, the world market. They dumped. Mr. President, we should learn.

During the confirmation hearings of Secretary of State Baker and Secretary-designate of Defense Tower, Secretary Baker promised to look into it and Mr. Tower admitted he has "some apprehension" about the deal. I sure hope so.

I am pleased that the administration has indicated it will review this transaction before sending it to the Congress, with input from the Commerce Department and Office of the U.S. Trade Representative, not just from the Defense and State Department. I hope this will be a complete review, Mr. President, and not just a charade to placate those pointing out the emperor's lack of clothing in this matter.

Without such a review, the new administration will bear its share of the blame for this bad, lopsided deal.

Mr. President, any review must begin and end with the same question: Is this arrangement in our best interest, in our mutual best interest? I do not believe it is in our interest or that of the Japanese.

Mr. MOYNIHAN. Will the Senator yield for a brief statement and a question?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. Mr. President, may I ask for 2 minutes so that we might continue this exchange?

The PRESIDING OFFICER. Is there objection? Hearing no objection, the time of the Senator from New York, Senator D'AMATO, is extended for 2 minutes.

Mr. MOYNIHAN. Mr. President, I would like to thank my colleague for his statement, which was unusual in the sense—and the Senate might wish to know this—that, as far as I am aware, the F-16, the fighter aircraft, is not in any way produced anywhere near the State of New York.

Mr. D'AMATO. That is correct.

Mr. MOYNIHAN. And you are speaking to a national interest and in no sense a parochial one and you spoke very well.

I would note that fiber optics was invented and developed at Corning in New York State, and you are very absolutely dead right in what you just said.

Question: Will the Congress have a chance to review the decision? The Federal Government itself must make the decision, is that not so? Will we have a chance to review it?

Mr. D'AMATO. We will have an opportunity upon notification, official notification, to submit a resolution in opposition if the administration chooses to go forward. As a matter of fact, on February 2, 15 Senators—and I will ask unanimous consent to have this letter printed in the RECORD—ask the President directly to take at least 60 days to review this matter before there is a final decision.

But we do have 30 days under the Arms Export Control Act by which to raise a resolution. I would intend to do exactly that and I know that the Senator shares that sentiment.

I hope it does not come down to that. I hope it would come down to our sitting down with the Japanese and saying, "Here is $3 billion worth of purchases that you can make over a period of time saving yourself $6 billion, helping our balance of trade deficit, doing what is right, doing what is correct, and not continuing business as usual."

But I think this administration should be held accountable for this program. I really believe that the Congress has to let the administration know just how strongly we feel about this matter.

Mr. MOYNIHAN. I thank the Senator and would like to share his sentiment.

Mr. D'AMATO. I thank my colleague from New York.

Mr. President, I ask unanimous consent to have printed in the RECORD—and it is worthwhile reading—an editorial which appeared on December 17, 1988, entitled "The Losing Fighter Deal With Japan"—this article appeared in the New York Times—along with the letter which we sent to the President on February 2, 1989.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 17, 1988]

THE LOSING FIGHTER DEAL WITH JAPAN

An American negotiating team trying to sell F-16 fighters to Japan was defeated last month and is now in Tokyo to receive its second humiliation.

Japan wants to buy 140 new fighter planes. General Dynamics makes the world's best fighter, the F-16, in numbers that assure unmatchable economy. Furthermore, by buying American, Japan could reduce the trade surplus that so aggravates its major trading partner and help alleviate the burden America bears in defending, among other countries, Japan.

Surely in this case, Japan will buy American, no? No. Japan prefers to develop the FSX, loosely patterned on the F-16, at more than twice the cost. In an agreement signed last month in Tokyo by the retiring Ambassador, Mike Mansfield, General Dynamics has been designated a subcontractor, with a promise of 35 to 45 percent of the development work. In gratitude, the company will hand over all the necessary F-16 technology.

Has the Defense Department given away the store? Its negotiators worked harder than it looks. At first the Japanese insisted on developing a wholly new fighter. The Pentagon finally induced Japan to base the plane on the F-16. New technology developed for the FSX will be made available to the U.S., for military though not commercial use.

Still, the deal is one-sided and unfair. Japan shuts out American companies when it wishes to develop a new industry. Japan's insistence on developing the FSX may not relate to its effort to build up its aviation industry. Even so, the rejection of a superior American product seems familiar, and unfair.

Japan argues that defense is in a special category, and it is quite true that many countries like to build their own major weapons systems. But Japan and Amercia have a special relationship. They are major trading partners; America shoulders the heavier part of their mutual defense, spending 6.5 percent of its gross national product on defense compared with Japan's 1 percent. The resources America diverts to defense have a lot to do with the trade imbalance that so benefits Japan.

The Defense Department, having agreed that Japan will develop most of the FSX, has now sent a team to Tokyo to plead for a share of the production contract. Agreeing to that seems the least Japan could do.

In the case of the F-16, the United States had every reason to expect that Japan would want to buy American, and every reason to be disappointed at the grudging concessions Japan has made to the two countries' common interests.

U.S. SENATE,
Washington, DC, February 2, 1989.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing in regard to the proposed sale of U.S. F-16 fighter technology to the Japanese for incorporation into their FSX aircraft. There are complex issues involved in this program, including defense burden-sharing and the larger question of its long-term impact on the health and competitiveness of the American aerospace industry, the only high technology area in which the United States remains the undisputed world leader.

It is this latter question that we believe in particular has been ignored in the FSX negotiations, which have been conducted by the Departments of State and Defense to the exclusion of USTR and the Department of Commerce. Executive Branch proponents of the FSX deal cite it as the model for the future. However, before the United States goes a step further down this road, we think that the FSX program should be fully considered by all cognizant Cabinet departments and that all relevant issues should be thoroughly reviewed.

Therefore, in the spirit of the bipartisanship in foreign policy and the close consultation with the Congress that you proposed in your inaugural address, we are requesting that you order a complete review of the FSX program within the Administration, including the Departments of Commerce, Labor, and Energy, as well as the Office of the Trade Representative and the White House Science Office. We hope that your Administration will refrain from any further commitments on the FSX until that review has been completed and the Congress has been fully consulted.

We realize that during the upcoming visit of Japanese Prime Minister Takeshita, there will be intense pressure from the Japanese, and perhaps from those within DoD and State who negotiated the FSX deal, to give the full commitment of the President to the program. However, to do so without a full assessment of the program's long-term impact would not be in the best interests of the United States.

It is our hope that the proposed review will establish guidelines for programs like the FSX which may be considered in the future and that all concerned Executive Branch agencies will be included both in internal Administration discussions and in negotiations with foreign governments from the very inception of consideration of a proposed program.

We would like to thank you for your consideration of this critical issue and we look forward to receiving your reply.

Sincerely,

Jeff Bingaman, Alan J. Dixon, Wendell H. Ford, Alfonse D'Amato, Jesse Helms, Frank H. Murkowski, Albert Gore, Jr.

The PRESIDING OFFICER. The Senator from Alaska, Mr. MURKOWSKI, is recognized.

FSX FIGHTER NEGOTIATIONS

Mr. MURKOWSKI. Mr. President, I have two matters.

First of all, on behalf of my colleague from New York, Senator D'AMATO, I would like to join in the spirit of his statement. I am one who is on that particular letter to the State Department with regard to the development of an aircraft that Japan anticipates as the next generation of aircraft that would be equal or surpassing our F-16.

I think it important to note that this is not to be construed by any means as an effort to so-called bash our good friends. It is simply a matter of a business proposal that needs the examination of the Congress. Because the Senator from New York is quite correct when he says that the taxpayer has some $7 billion in the technology that the Japanese are prepared to pay about $440 million for. It does not take a very astute businessman to recognize that we can negotiate a position that is in our best interest from the standpoint of having the assurances that we are going to participate in various production capabilities of that aircraft prior to making the deal, Mr. President, as opposed to afterward. We have no negotiation power afterward. We have no leverage afterward.

But it is clearly an opportunity for the Congress to remind the State Department that there are ways of negotiating positions. The Japanese have seen fit to negotiate participations with various United States aircraft companies, such as Boeing. When Japan Air Lines wants to make a large purchase, often segments of the aircraft are manufactured in Japan. This is good business.

But to advance this technology, Mr. President, without mandating a position for U.S. manufacturers, I think needs to be examined and it is most appropriate. As a consequence, I am pleased to go on the communique.

But I do not want to be misunderstood. It is simply a matter of communicating our business sensitivities to our friends in Japan, that we, too, feel we should participate in this advanced technology.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of legislation are found in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

RESTORING THE CAPITAL GAINS TAX BREAK

Mr. SASSER. Mr. President, this Thursday evening, when President Bush addresses a joint session of Congress, many of us are going to be listening with great interest for more than a vague statement of the new administration's budgetary views. We are going to be looking for a detailed expression of the President's fiscal priorities.

I say that because a budget is more than an accounting sheet. A budget is a blueprint of a nation's values.

On Thursday, we are going to be listening intently for a candid, realistic assessment of the dimensions of this country's deficit problems.

But just as importantly, we are going to be looking closely at the disposition of benefits and responsibilities in the President's budget message. We will be looking for where the financial resources will be concentrated and where the financial burdens will fall.

In short, we are going to be looking at this President's first budget proposal in terms of the simple question of equity.

It's with that question in mind Mr. President that I want to urge President Bush not to come before the Congress on Thursday night with a proposal for reducing the tax on capital gains from 28 percent to 15 percent.

At a time when virtually every segment of our country is being asked to sustain a sacrifice of one form or another—whether you call them taxes or user fees, whether you call them program cuts or program freezes it is simply unacceptable to be considering tax breaks for the very wealthiest segment of the American population.

At a time when the country is divided by a sometimes bitter debate about whether we should seek increased taxes to deal with our pressing deficit problems, there is a measure of irony in a proposal that would cut taxes for the most privileged among us.

Now Mr. President, we can argue about whether a capital gains tax reduction is a revenue loser or a revenue raiser. The President can trot out his analysts, and those of us who oppose the capital gains break can trot out ours.

We can argue about whether such a tax cut promotes investment and growth or whether it simply stimulates unproductive shelters and counterproductive speculation of which we have heard too much of late. Once again, it is a case of you wheel out your experts and I will wheel out mine.

I submit that much about this debate is simply moot. Even presuming the administration carefully limits the kind of capital gains that would get special treatment, there is still considerable skepticism about the impact of such an action on the Treasury and on the economy as a whole.

Using highly doubtful revenue from a tax cut to offset additional tax break proposals for oil and gas exploration only compounds the deficit uncertainties just as it compounds the questions about equity.

Equity, in my judgment, is the crux of this question. And I submit that, on that point alone, the issue is clear. No matter how sharply defined, a reduction in the capital gains tax would be a windfall for that class of taxpayers who have benefited most from the failed tax policies of the Reagan years.

According to a March 1988 Congressional Budget Office study the top one-tenth of 1 percent of taxpayers—with $1 million or more in annual gross income—accounted for more than 20 percent in net long-term capital gains in 1984. Individuals with incomes above $100,000 in adjusted gross income accounted for more than 40 percent of all capital gains.

What is happening on the other end of the spectrum? Americans with incomes between zero and $20,000 accounted for less than 10 percent of all capital gains.

The conclusion is obvious. A capital gains tax cut is not equitable. It is a return to the kind of trickle-down sophistry that was decisively discredited when the supply-side experiment failed earlier in this decade.

Perhaps worst of all, a capital gains tax cut is a direct violation of the promise of the 1986 tax reform bill which was passed by this body under the firm conviction that we were closing the loopholes and eliminating the tax shelters in return for a reduction in the upper level tax brackets.

In short, reinstating the capital gains differential is a very bad idea. There could not be a worse moment for it than during this first, indepth message to the American people and the Congress by the new President.

Mr. President, I said at the outset that a budget is a blueprint of a nation's values and principles.

That is what makes the President's address Thursday so important.

If, in that address, President Bush establishes reducing the capital gains tax as a cornerstone of his budgetary philosophy, he is sending a message of potential disregard for the deficit crisis.

And he is sending a message that we will once again tolerate manipulation, and inequity in our Tax Code. And he is sending a message that we are going to continue to accept policies that favor the privileged in this country—that favor the economic elite over the working men and women of this Nation.

I hope, Mr. President, that the United States will not make the first halting step down the long and difficult road ahead; that we must all travel together by advancing what is generally considered to be an inequitable tax that benefits only the wealthy elite of this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee has yielded the floor.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

HAS THE PLO RENOUNCED TERRORISM?

Mr. HELMS. Mr. President, in one of his first acts on Middle East policy as Secretary of State, James Baker successfully prevented an attempt by the Palestinian Liberation Organization to secure passage by the United Nations Security Council of a resolution harshly critical of Israel.

As reported in the New York Times of February 2, passage of this resolution would have been unprecedented. I will ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PLO resolution would have been the first Security Council resolution condemning Israel's handling of the uprising in its territories without also calling for restraint by Palestinians. U.S. acceptance of this resolution would have also sent a clear signal to the members of the United Nations that the Bush administration would sanction the use of the Security Council for indiscriminate bashing of those anti-Communist countries most commonly subject to U.N. condemnation.

Mr. President, fortunately, Secretary Baker saw to it that this resolution was derailed. For this, the Secretary deserves commendation. I hope he will continue along this line, and appreciate the PLO for what it truly is: a terrorist organization interested not in peace, but rather dedicated to the ultimate destruction of Israel, the displacement of American influence in the Middle East and the spread of radical, Marxist ideology throughout the world.

Yasser Arafat and the PLO simply cannot—nor should not—be trusted. President Reagan stated many times that the Palestine Liberation Organization is one of the world's most notorious terrorist operations. He is absolutely right.

Former Secretary of State Shultz stated that there is "convincing evidence that Yasser Arafat knows of, condones, and lends support to terror against Americans." He, too, is absolutely correct.

And the fact remains, Mr. President, that the United States simply cannot expect to wage an effective war against terrorism by negotiating with terrorists like those of the PLO.

The PLO has been responsible for the deaths of literally dozens of totally innocent Americans. And I find it hard to believe that they are serious about their commitment to forswear terrorism.

In fact, the PLO has made statements in the past which have been heralded as renunciations of terror. But of course, terrorism just continued after these pronouncements. Arafat provided the Western media with pledges of peace and flexibility, only to continue a campaign of terror aimed at innocent civilians.

A most striking illustration of Arafat's skillful attempts at duplicity is contained in a speech he gave in Cairo on November 7, 1985, following talks with President Mubarak. After declaring the Palestinians' right to their own independent state, and after calling for an international conference for peace in the Middle East—including the Soviet Union and the PLO—Arafat pledged:

> In an attempt to give momentum to the ongoing efforts to convene an international peace conference, the PLO announces its condemnation and denunciation of all acts of terrorism involving countries or carried out by individuals or groups against innocent and defenseless people anywhere. The PLO reiterates its 1974 decision condemning operations conducted abroad and all forms of terrorism. It reaffirms that all its factions and institutions abide by this decision. The PLO will henceforth take all possible measures to deter violators.

This statement was in 1985. Since this "denunciation of all acts of terrorism," the PLO has carried out numerous terrorist operations. Many of these operations were targeted against American citizens. According to a compilation prepared by my staff from published news and other reports, the PLO has killed at least four innocent Americans, and has otherwise victimized many others since Arafat's 1985 renunciation of terrorism.

On April 2, 1986, four Americans were killed and five Americans were wounded when a bomb exploded aboard a TWA flight going from Rome to Athens. It is widely suspected that this bomb was planted by the "Hawari group," otherwise known as the Special Operations Group of Fatah's Central Security and Intelligence Apparatus. The Fatah—according the recent report of the Vice President's Task Force on Combating Terrorism, is chaired by Yasser Arafat.

This "Hawari group," according to the State Department, controls terrorist cells in the Middle East, Western Europe, and the Eastern bloc. (Department of State; Office of the Ambassador at Large for Counterterrorism; October 31, 1988; Fact Sheet: The Hawari Group, pg 1).

Explosives belonging to Arafat's "Hawari group" have been discovered in Belgium, Morocco, and Paris. The Ha'wari group also planted a bomb in a car belonging to the United States Embassy in Lisbon on February 18, 1986. ("Terrorist Acts by Selected PLO Groups Since the Cairo Declaration"

compiled by CRS from a variety of U.S. sources).

In October 1986, a handgrenade was thrown near the Western Wall in Jerusalem, injuring an American. According to a Washington Times article of October 16, 1986, a PLO representative claimed responsibility saying that "the decision to escalate operations inside Israel was taken by PLO Chairman Yasser Arafat."

Other PLO terrorist activities since the "Cairo Declaration" have been undertaken by Force 17, which is an elite, highly professional terror group. It also functions as an intelligence operation for Arafat. They both have claimed the murders and woundings of many innocent people, both in and out of Israel.

In a ruthlessness difficult to imagine, Force 17 carried out the cold-blooded assassination of a famous Palestinian cartoonist in London on July 22, 1987. The cartoonist evidently did not exhibit sufficient loyalty to Arafat, and was killed for it.

Force 17 is especially active in Israel, where it targets innocent civilians. In fact, over just 2 years—1986-88—this terrorist operation killed 8 people and wounded 36 people. (State Dept. Fact Sheet: Fatah's Force 17)

Of great concern to all Americans should be the PLO's recent attempt on the life of Secretary of State Shultz. In March 1988, the PLO planted a car bomb. The bomb was planted outside the Jerusalem hotel at which the Secretary was staying. Fortunately, this PLO terrorist attack was foiled.

Mr. President, all of these PLO terrorist activities took place after Arafat's Cairo declaration denouncing terrorism. In fact, early last month the Vice President's Task Force on Combatting Terrorism officially confirmed Arafat's propensity for ignoring previous pledges to refrain from terrorism. According to the report of this task force:

> In an effort to improve Fatah's image with the United States and the West, Arafat decided to limit the employment of terrorist operations to Israel, Lebanon, and the occupied territories. The Fatah has not always adhered to this pledge. * * *

Mr. President, what should concern Americans is that Arafat's failure to abide by past pledges to refrain from terrorism appears not to be the result of any accident, but rather from a calculated plan to deceive the Western world.

My colleagues may well be advised to review Red Horizons, a book written by Lt. Gen. Ion Pecepa, former chief of the Romanian secret service and trusted aide to Romanian President Nicolae Ceausescu. In this book, General Pecepa recounts conversations between Arafat and Ceausescu in which Arafat admits that he takes on the role of a moderate or pacifist from time to time in order to placate the West and bait the State Department.

This charade apparently includes arranging for more radical Palestinian groups—actually under PLO control—to attack Arafat for his moderation. As a chief Arafat aide, Hani Hassan, told General Pecepa:

> We want to mount some spectacular operations against the PLO, making it look as if they had been organized by Palestinian extremist groups that accuse the Chairman (Arafat) of becoming too conciliatory and moderate . . . [t]he Chairman is now really hooked on influence. It won't be long before I'll be able to create a positive image for him in the West.

Mr. President, what reason do we have to believe that Arafat will abide by his newest pledge to refrain from terrorism? Very little. He has flouted past pledges to refrain from terrorism and has carried out a deliberate campaign to deceive Americans. He will no doubt flout the pledges he was instructed to make by the State Department.

In fact, just last month, Arafat announced over the radio that: "Whoever thinks of stopping the inifadah before it achieves its goals, I will give him 10 bullets in the chest." Within hours, the mayor of Bethlehem dropped his proposal for a cease fire in the territories.

Mr. President, terrorism is fed by the belief that tangible political objectives can be achieved through sustained campaigns of violence against innocent men, women, and children.

To the extent that the State Department conducts negotiations with PLO terrorists without proof that the PLO and all its factions have forsworn terrorism in theory and practice, our Government's efforts to prevent and combat international terrorism are severely compromised.

Arafat's propensity for issuing pledges he totally intends to ignore requires that before talks proceed any further with the PLO, the State Department should insist that Arafat's latest pledge to renounce terrorism be ratified formally by his organization and carried out in practice.

I ask unanimous consent that the New York Times article to which I earlier referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAKER'S DECISION-MAKING PROCESS: AN EARLY TEST FROM THE PLO

(By Thomas L. Friedman)

WASHINGTON, February 1.—On his first day of work last week, Secretary of State James A. Baker 3d found himself faced with conflicting advice from within the State Department on how to vote on a draft United Nations statement slightly critical of Israel. Administration officials say the new Secretary decided on a firm stand against the proposed document, prompting its sponsors, Palestinians and nonaligned nations, to withdraw it for now.

While the officials cautioned against reading too much into the Baker decision, which had the approval of President Bush, they noted that it seemed to indicate certain basic attitudes that will guide the new Administration in its approach both to the United Nations and the Arab-Israeli conflict.

The proposed Security Council statement was viewed by the State Department as a test inspired by the Palestine Liberation Organization. They said the P.L.O. wanted to see whether, in light of the contacts with Washington begun in December, the Bush Administration would support a declaration that was harshly critical of Israel's treatment of Palestinian demonstrators in the occupied territories while failing to call for restraint by Palestinians.

"Bush and Baker were sending out two messages," a senior State Department official said. "They were telling the P.L.O. not to have any illusions that there has been a dramatic shift in America's approach to the Arab-Israeli conflict, simply because we have begun a dialogue, and they were sending a message to the United Nations that this Administration does not want to see the Security Council debased as a club for beating this or that country over the head every Monday, Wednesday and Friday."

The maneuvering over the statement began on Jan. 18, when the P.L.O. proposed that a declaration be issued by the Security Council president, Ismail Razali of Malaysia, condemning Israel's handling of the Palestinian uprising. Security Council presidential statements are frequently used to express the sentiment of members, but unlike resolutions they are not binding. According to United Nations regulations, only member states are formally allowed to introduce such motions. Since the P.L.O. did not qualify, the seven nonaligned nations on the council agreed to sponsor their own draft.

AT FIRST, A STRONG INDICTMENT

The initial version put forward by the nonaligned group included what State Department officials described as very harsh language: references to Israel's "killing and wounding of innocent civilians including children," identification of the West Bank and Jerusalem as "Palestinian territory," and an assessment that Israel's treatment of the Palestinians was having "serious consequences on the prospects of achieving a settlement."

The United States informed the nonaligned nations that it would oppose such a statement. After further consultations, the group came back on Jan. 23 with a new version, consisting of somewhat toned-down language. But this too was rejected by the State Department as unacceptable.

On Jan. 25, the nonaligned group produced still another draft, with even more muted language, urging "all parties to recognize the need for mutual understanding and respect as a contribution toward the peace process."

At this point, a difference of opinion developed within the State Department. The Assistant Secretary for International Organizations, Richard S. Williamson, insisted that the statement call on all sides for "mutual restraint" and not just "mutual understanding," on the ground that this has been the United States position and even the slightest shift in language could be subject to misinterpretation at this moment of transition.

The Bush Administration's choice as United Nations delegate, Thomas R. Pickering, also advised Secretary Baker not to give in on the language.

REGIONAL SPECIALISTS' VIEW

The Bureau of Near Eastern and South Asian Affairs, which oversees relations between Washington and the Arab states and Israel, argued that it would make more sense to accept the revised draft.

The Near East bureau, headed by an acting Assistant Secretary, Paul Hare reasoned that the language did not really constitute a condemnation of Israel and that if it were adopted, it would be quickly forgotten. It expressed concern that Washington's opposition might prompt the nonaligned nations to turn the statement into a formal Security Council resolution, which would then require a United States veto to kill it, "giving the whole problem much more visibility and the P.L.O. a bigger soapbox to stand on," a State Department official said.

The conflicting positions were forwarded in writing to Secretary of State Baker last Thursday, his first full day on the job. Administration officials said Mr. Baker concluded that the language being proposed in the final draft was still "unbalanced" and that the alternative phrasing the State Department had demanded should have been acceptable to all sides. When he informed President Bush of this position, the President gave his support, a senior State Department official said.

On Monday, Mr. Baker instructed the United States Mission to hold firm and insist on a reference to "mutual restraint." The nonaligned nations decided that they were not ready to compromise any further. On Tuesday night they announced that they were halting their efforts, for the time being, to get the statement adopted.

"We considered the draft relatively mild and never thought that there would be any opposition from the Administration," said the P.L.O.'s United Nations spokesman, Riyad H. Mansour.

YEAR OF THE SAC WARRIOR, 1989

Mr. EXON. Mr. President, the Strategic Air Command is a vital component of our military forces and is charged with deterring nuclear war as well as assisting in conventional military operations.

Each day, the men and women of SAC execute their mission in a highly commendable manner. As the chairman of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, I have personally witnessed this on numerous occasions. My home State of Nebraska also proudly serves as the headquarters for SAC.

Many Americans take peace for granted and view it as the normal order of life, as indeed it should be. Unfortunately, there are many others around the world who do not share this view and, given the opportunity, would do harm to our Nation and our way of life. We must always be on guard against this threat.

Deterring war, however, is a complex challenge. Measuring success through the absence of something, in this case nuclear war, is not something everyone can easily understand or appreciate. Furthermore, our success in maintaining deterrence is in the eye of the ones we seek to deter. It is they who must be dissuaded from making an aggressive act. Thus, Americans who look at this situation can easily disagree among themselves as to what is needed to deter.

Regardless of our differences on what types of weapons to buy or how many to buy, all Americans should be united in one thing. That is in paying tribute to the men and women of SAC who work so hard, make such great sacrifice, and remain committed to maintaining the deterrent which protects this great land.

The men and women of SAC are warriors committed to maintaining the peace. Their commander, Gen. Jack Chain, one of our most gifted military leaders and my good friend, has declared the year 1989 to be the "Year of the SAC Warrior." At his request, I ask that an article entitled "1989—The Year of the SAC Warrior," be printed in the RECORD so that all Americans may better understand the important mission of the Strategic Air Command.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Combat Crew magazine, January 1989]

1989—YEAR OF THE SAC WARRIOR

(By Gen. John T. Chain, Jr., Commander in Chief, Strategic Air Command)

Warriors know they must always be prepared to go to war—at a moment's notice. They realize keeping an edge on their warfighting skills during peacetime is more important with today's advanced technology than ever before. Each of the over 130,000 people in Strategic Air Command is a warrior. From the cook to the aircraft commander, from the secretary to the security policeman, SAC warriors take pride in being the best and in being ready.

I have declared 1989 as the "Year of the SAC Warrior." This year we will celebrate our warrior heritage and engage in activities designed to instill a deeper appreciation for warrior ideals. These activities will recognize the service and commitment of all SAC warriors, expand the knowledge of our warrior heritage, promote interaction between past and present SAC warriors, and examine avenues for expanding SAC's warfighting capabilities.

SAC warriors have been tasked with an awesome responsibility. Maintaining both strategic deterrence and conventional readiness engenders a sense of pride and a sobering sense of duty. We must squeeze all the combat capability from our weapons systems that we can. We must prepare for war, fight if necessary, and above all, win if war is thrust upon us. Our mission carries with it the ultimate trust of our nation.

Historically we have proven that we are worthy of this trust. Our warrior heritage extends back to the days when strategic bombing was first shown to be a viable tactic. It continued through World War II, Korea, and Vietnam to the present. SAC warriors who served before us chose their professions willingly and served this nation with pride. Likewise, SAC warriors on duty today stand tall, because of pride in their mission and because of pride in their heritage.

PEACE AND RELIEF IN THE SUDAN

Mr. KENNEDY. Mr. President, for many months newspapers around the world have carried the story of the extraordinary tragedy that has besieged the people of southern Sudan. The haunting images of masses of starving people have once again filled our television screens.

Certainly, famine is no stranger to the Sudan. But in this case, unlike the great famine of 1984–85, the shortages are not due to natural disaster, but are man made. This time food shortages are primarily the result of the ongoing civil war in southern Sudan. Elements in southern Sudan—from Sudanese military officers and local militias to the rebel Sudanese Peoples Liberation Army [SPLA]—have sought to block food convoys, have fired upon airborne relief supplies, and have prevented the passage of food barges on the Nile.

Mr. President, Secretary of State James Baker today issued an important statement which underscores the interests of the United States in peace and relief in beleaguered Sudan. The Secretary states that the sad reality is that starvation will almost certainly not end until the fighting ends and calls upon authorities at all levels on both sides to do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone.

Secretary Baker's statement is most timely. In December, the Subcommittee on Immigration and Refugee Affairs sent a special study mission to the Horn of Africa specifically to look into questions of peace and relief in the Sudan. What the mission witnessed, Mr. President, was a tragedy of tremendous proportions requiring the urgent attention of Congress and the new administration, as well as the international community at large.

A recent article by Ambassador Frances M. Deng describes the recent tragic chain of events in his country in terms which no other report has to date. Mr. Deng, a former Sudanese Ambassador to the United States, notes the need to work for peace with a sense of urgency. He eloquently cautions us that we cannot afford to be silent or equivocal about a tragedy of such magnitude.

Mr. President, I am heartened by the Secretary's most helpful statement. As Ambassador Deng has so poignantly stated, "It is not the dead who suffer, it is those who cause their death and those who watch them die." And I am hopeful that the Secretary's remarks can be the beginning of major new diplomatic and humanitarian ini-

tiatives by the United States and the international community—that we will not just watch the people of southern Sudan die.

It is time we engaged the world community regarding the Sudanese tragedy, talk frankly with our friends in Sudan about the steps which must be taken, and redouble our efforts to get the urgently needed relief into both Government-held and rebel-held areas of the South. And the Secretary's statement lays the basis for such initiatives.

Mr. President, I ask unanimous consent that the Secretary's statement, along with Ambassador Deng's important article, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 1989.

STATEMENT ON PEACE AND RELIEF IN SUDAN

The United States Government remains profoundly concerned about massive human suffering in Sudan. The cause is the civil war, now in its sixth year. Most of the war's victims are civilians who are displaced and impoverished or who starve to death for lack of delivery of available food. The death toll from starvation in 1988 alone is estimated to range in the hundreds of thousands.

Many Sudanese and expatriates are laboring tirelessly to ensure food deliveries, and the cooperation with these efforts by both the Sudanese Government and the Sudanese Peoples' Liberation Army (SPLA) has improved in recent months. But much more needs to be done. We call on authorities at all levels on both sides to remove remaining obstacles and do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone. Failure to do so will mean that thousands more will die in the coming rainy season. The United States will do all it can to support this effort. We call on other donors also to undertake or expand relief efforts.

The sad reality, however, is that starvation will almost certainly not end until the fighting ends. As friends of Sudan we urge the Sudanese Government and the SPLA to put peace first and to agree to an early ceasefire which would promote that goal and allow relief to reach those in need.

JAMES A. BAKER III,
Secretary of State.

[From the Los Angeles Times, Feb. 5, 1989]

IN SUDAN, MASSES DIE AS REBELS, GOVERNMENT USE FOOD AS A WEAPON

(By Francis M. Deng)

WASHINGTON.—No one whose conscience is alive can be insensitive to the current news of the tragic war raging in the Sudan between the government and the rebel Sudan People's Liberation Movement. Although labels tend to oversimplify a complex configuration, the war is essentially a continuation and an intensification of a chronic conflict that has intermittently raged for more than three decades between the dominant Arab Muslim north and the African Christian and so-called animist south.

Particularly shocking from a moral standpoint is the way food has been used as a weapon by both sides. The rebels prevent relief from reaching southern towns under government control, on the grounds that relief supplies would be used for the army, may provide a cover for weapons and would attract people to the towns. The government prevents food from reaching the areas held by the rebels for reasons of sovereignty and pride and also to deplete what they regard as the popular base of support for the guerrilla movement.

Whatever the justification of the respective positions of the parties, their policies and actions have left the starving people of the south in a vacuum of moral leadership, unprotected and uncared for. For Sudanese, the reaction must be one of embarrassment and shame, if not outright indignation and outrage, at the plight of masses of men, women and children silently dying.

For me the tragedy is also personal. I come from Abyei, the Ngok Dinka area which—though geographically, racially and culturally part of the southern complex—has for historical reasons been administered as part of Kordofan in the north. It is an area which, under the leadership of my family, dating back to the pre-colonial period, has played a bridging role between the Arab tribes to the north and the Dinka tribes to the south. My father, the late Chief Deng Majok, whose exceptional contribution has been nationally acknowledged, used to describe himself as the needle and thread that bound the two parts of the country together. Since my father's death in 1969, I have invested a great deal of effort in continuing this challenging family tradition. Today, Abyei has been spotlighted in the international news media as a symbol of the tragedy and the inhumanity that has so sharply divided our country.

As the war intensified, most of the indigenous population of Abyei fled to the north in search of security. Other Dinkas from further south moved into the area, hoping for relief. What they found instead was the deadly weapon of deliberate starvation. According to U.N. sources, deaths in Abyei averaged 150 a day last June. By November, 8,000 had starved to death. Virtually no children under 2 years old were left alive. What agony it would cause my father to witness what has become of the peaceful haven he had so skillfully constructed.

Much of the destruction in rural areas does not come directly from the warring factions, but from the southern and northern tribal militias, the so-called "friendly forces" that are recruited, trained, armed and supported to help fight the war against the rebels. And since the Dinka are recognized as the main source of recruitment and support for the rebel movement—partly because they are the majority in the south and presumably because John Garang, the leader of the movement, is a Dinka—the tribal militias have been unleashed against them.

There have been documented accounts of women and children being captured and taken away in bondage to labor for their captors in the north or be exchanged or ransomed for cash. Destitute parents have been known to give their children away for little or no reward in the desperate hope that the children will at least survive and lead a better life.

The extreme factionalization of national identity and the degree to which it has affected moral standards can explain the suffering inflicted upon innocent civilians by the withholding of food. In 1988 alone, as many as 260,000 people may have fallen victim to this deadly unconventional weapon.

But there is more to the human cost of war than starvation. The displacement is so intense that in some areas communities have been decimated, shattered and obliterated as cohesive social entities. Close to half a million southern Sudanese refugees, most of them Dinka, are reported to have fled into neighboring Ethiopia. An estimated 2 million have moved to the north, where they live under appalling social conditions and physical insecurity. In March, 1987, allegedly in retaliation for attacks by the rebels against Arab militias, more than 1,000 Dinkas were massacred by Arabs in the town of El Daien, as authorities watched approvingly or helplessly. About a million southerners have been turned into squatters, rimming the outskirts of Khartoum, living under conditions of severe deprivation and degradation. Although the Dinka number several million in population, some people are beginning to wonder about their long-term survival as a people.

There are also costs for the nation other than the loss of lives. Although economic stagnation and deterioration in most African countries is usually attributed to bad policies, the chronic conflict in the Sudan largely explains why a country of such immense natural wealth—in land, livestock, minerals and oil reserves—has remained one of the poorest in the world. The war costs the government an estimated $1 million a day which, for a country with an external debt of $12 billion and in desperate need of essential commodities, the Sudan certainly cannot afford.

The people of the Sudan yearn for peace. Its leaders have consistently voiced their commitment to a peaceful resolution of the conflict. And yet peace has continued to elude the country for reasons that are partly obvious and partly mysterious.

Most of the contested issues are recognized as meriting consideration. They include problems of national identity—how to manage the Arab-African dualism of the nation—and the need for regional equity in the sharing of power and national wealth. But the most divisive is the issue of religion and the controversial September (Islamic) Laws, decreed in 1983 by former President Jaffar Nimeiri. Some argue that Islam does not separate religion and the state, and insist on maintaining Nimeiri's laws or enacting some other form of Islamic laws. Some favor secularism. Even the north is divided on the issue. But while Muslim secularists are loath to voice their position openly for fear of public opinion, southerners are unequivocally opposed to an Islamic state that is bound to discriminate on religious grounds. Indeed, the stated goal of SPLM's liberation struggle is the creation of "a new Sudan," free of all vestiges of racial, tribal, religious and other forms of discrimination.

What the Sudan needs is a creative and constructive solution that would remove the divisive issues from the national debate and give the regions full control over their own affairs while enabling them to participate in national power and economic processes on equitable bases. Inequities may not be easy to eradicate by the stroke of the pen, but fundamental principles and ground rules can be laid down to guide action toward the creation of a just and equitable society.

While we and our friends must all work for peace with a sense of urgency, the international community should spare no time or effort in bringing immediate relief to the starving masses. To be silent or equivocal about a human tragedy of such magnitude would not only add an international dimension to the national vaccum of moral leader-

ship but would indeed be a shortsighted diplomatic miscalculation. To quote words I used some 16 years ago under similar but less tragic cirumstances, "It is not the dead who suffer, it is those who cause their death and those who watch them die."

SIEMANS IN LIBYA

Mr. HELMS. Mr. President, Chancellor Kohl's Chief of Staff is meeting with Members of the Senate today. I hope that Senators are informing him of our concern for the recent actions by the German industrial firm Siemans, in Libya.

In mid-January 1989 the Belgian police arrested Mr. Jozef Gedopt, the owner of the Antwerp transport firm Cross Link. Mr. Gedopt is "assisting the police with their inquiries" into the Libyan poison gas plant at Rabta. Since he was the transporter for much of the equipment for the Rabta plant, he had all the shipping documents and an excellent seat from which to know what was going on.

According to the January 23 issue of Der Spiegel, Mr. Gedopt reports that on the 16th of December 1986, the freighter *Roundini* sailed from Antwerp. Onboard was 9,561 kilograms—21,034 pounds or 10.5 tons—of Siemans products. The Siemans products were labeled the "Teleperm M System" and ordered for Hong Kong. The real destination of the shipment was Tripoli, the capital of Libya. The equipment shipped on the *Roundini* was "measuring and controlling instruments for the automation of a chemical plant."

This was not the only Siemans shipment to Libya. According to the January 26 issue of Der Stern, in the summer of 1988, after complaints by the American, British, and Israeli officials, Siemans delivered more electrical control panels and computers worth about $500,000, including six "field multiplexers."

The purpose of the two shipments is clear. These are the critical elements to control the chemicals and operate the poison gas plant. Der Stern comments:

> These are measuring devices with which the inflow of chemicals is electronically controlled and monitored. The strange thing is that exactly six of such measuring devices are needed for the production of the nerve poison Tabun, which is made of six chemicals.

In early January of this year Colonel Qadhafi invited a busload of journalists to the Rabta plant. However, they were not permitted within a mile and a half of the actual plant. What they did see at the plant was a shipping container labeled "Siemans." At the same time Siemans claimed that the container was a "mobile telephone container" or "mattresses for construction workers" or a container from another construction project which was being recycled.

If Der Stern and Der Spiegel are correct, the facts are established: The wrong Siemans equipment got to the wrong place. The question then becomes one of culpability: What did Siemans know and when did it know it?

Der Stern claims access to a document showing Siemans met with managers and engineers of the Imhausen-Chemie firm and its subsidiary on February 12, 1986, to discuss the "Teleperm M System." Der Spiegel claims Siemans "met with leading staff members of Imhausen-Chemie—its subsidiary—time and again for talks and demonstrations."

Der Spiegel also claims a curious lack of precision in Siemans' shipping documents. First the customer was listed as a firm in Hong Kong, then Gedopt's firm in Antwerp, finally, the Imhausen subsidiary.

Siemans denies culpability. They claim they were duped by the Imhausen firm. They claim they just sold the equipment, did not install it and thought it all went to Hong Kong.

That, however, is not how major international construction projects are handled. The Libyan project manager of an important project like this, knowing his life is on the line if the project does not perform as specified, is extremely unlikely to have purchased 10½ tons of sophisticated electronics equipment without installation by the seller. This is particularly true in a low-technology, Third World country like Libya. The Soviets, it will be remembered, demanded and got Toshiba engineers to install the famous propeller milling machines in Leningrad.

Der Stern believes that the equipment was installed by engineers from the Imhausen subsidiary. That too, is unlikely, given the complexity of this equipment operating in harsh desert conditions. Imhausen would not have taken the chance of failure and would have demanded supervision by Siemans personnel.

It is also worth noting that a chemical plant is not a fungible item. Each plant is a special order. The suppliers of such vital equipment would have to know their function.

If Siemans engineers designed and installed the equipment, it is pretty hard to claim they thought it was for a pharmaceutical plant in Hong Kong.

Mr. President, I ask unanimous consent that the translations of two articles from Der Stern and Der Spiegel be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Der Stern, Jan. 26, 1989]

STERN ON FEDERAL COMPANIES' DELIVERIES TO LIBYA

[Report by Karl Guenther Barth, Karl-Ludwig Guensche, and Thomas Osterkorn: "Not the Slightest Evidence"].

[Excerpts] Even though the FRG Government knew about the participation by the federally owned Salzgitter AG and by Siemens in the construction of the poison gas plant in Libya, it delayed investigations for weeks.

The finance minister played the matter down at a news conference. Gerhard Stoltenberg considered the assurances of the federally owned Salzgitter AG that its subsidiary "Salzgitter Industriebau GmbH" (SIG) is not involved in the construction of the poison gas plant in Al-Rabitah in Libya "conclusive." The company has "never had the slightest evidence" of involvement in Libya.

At the same time, when Stoltenberg played down the involvement of the state company on Monday last week [16 January], the SIG was severely incriminated: A manager of Imbausen—Chemie revealed his knowledge as a witness at the Offenburg public prosecutor's office. According to him, not only pipelines and electronic parts for the "Pharma 150" Imhausen project were drawn on the SIG drawing boards but a complete chemical plant. This would also explain why SIG filled more than 200 looseleaf binders with drawings and received about DM8 million for this.

The Imhausen employee told Chief Public Prosecutor Werner Both in Offenburg that SIG was given the order in 1984. The plans were delivered in 1986. Imhausen and SIG, however, cooperated until the most recent past, because details had to be continually changed, for instance after test runs in the chemical plant. For this purpose, there were several meetings—sometimes in Lahr, sometimes in Salzgitter. At these meetings it was always an "open secret" that the ominous "Pharma 150" was not on the other side of the globe in Hong Kong, as the SIG order book said, but only 3 to 4 hours away by plane—in Libya.

The Imhausen witness said that the SIG experts also knew that the factory was not a pharmaceutical plant but a large chemical facility able to produce highly toxic substances, such as combat agents. Imhausen gave precise requirements to the SIG planners, according to which pipes and valves had to be extremely resistant to acid and heat—because of the temperatures in the desert.

Imhausen also told the SIG people exactly how wide the pipes and how strong the pressure reactors for the chemical mixtures would have to be. Another piece of circumstantial evidence that SIG knew what was going on: The plans do not bear the usual author's designation.

Chief Public Prosecutor Botz sent the explosive witness' statement to the Bonn Finance Ministry via FAX and, since the investigation is classified as a "criminal matter with the obligation to report," also to the Justice Ministry in Stuttgart.

In the Finance Ministry all reports landed on the desk of Dr. Hahn. That was it—time enough for companies to invest excuses or to remove incriminating material, as did Imhausen.

The Preussag company siad that it "only" delivered "water recycling facilities to Gharyan" valued at of DM15.5 million. According to documents that are available to STERN,

these facilities from Preussag, its Darmstadt branch enterprise, were definitely addressed to the "Tripoli Technology Center" in Al-Rabitah. According to findings of the U.S. secret intelligence service, the CIA, a military-industrial complex for the production of bombs and grenades is being built there.

The Preussag documents even show that the company knew about the construction of a chemical plant. Item 15 of the offer for the order is a "Pharma pump station" for DM240,770. This station supplies the chemical plant, which is being built under the cover name of "Pharma 150," with water.

The electrical multinational company Siemens was also not short of excuses after 200 journalists had discovered and photographed a container labeled "Siemens" during a visit to the factory complex in Al-Rabitah. It must have been a "mobile telephone container" or "mattresses for construction workers," the company headquarters said.

What Siemens really delivered to Libya is proved by numerous documents that are available to STERN: At 1000 on 12 February 1986 in Karlsruhe, Siemens salesman Preuss, Department E 815, received managers Eugne Lang and Ruediger Berndt of Imhausen—Chemie in Lahr, and engineers of the Imhausen subsidiary "Society for Automation" (GfA) from Bochum. The reason for the visit: "Presentation of the Teleperm M system." This computer-controlled facility makes it possible to run a chemical plant completely automatically.

The people from Imhausen were obviously satisfied. On 16 December 1986, the cargo ship "Roubini II" left the port of Antwerp. According to the freight documents, the cargo included the "Teleperm M system" from Siemens, weighing 9.561 kg and costing DM2.5 million, according to the attached bill. Officially, the delivery was addressed to the "Pen Tsao Material Medica" company in Hong Kong, for which—a perfect camouflage—Imhausen is building a chemical plant under the name of "Pharma 150," too. However, the ship's papers clearly show that the Siemens computers landed in Libya. Port of designation: Tripoli.

Previously, Siemens had inquired at the "Federal Office for Industry and Trade" in Eschborn, Hessen, whether they need permission to export such a facility. The Office did not ask where the control system was sent and which purpose it would serve. On 12 May 1986, it issued a "negative certification" for "Teleperm M and spare parts especially constructed for it."

The certification was valid for 1 year. However, in summer 1988—that is, more than 2 years later—Siemens delivered more electrical control panels and computers worth DM887,581 for "Pharma 150," including six "field multiplexers." These are measuring devices with which the inflow of chemicals is electronically controlled and monitored. The strange thing is that exactly six of such measuring devices are needed for the production of the nerve poison Tabun, which is made of six chemicals.

According to witnesses' reports, the Siemens facility was set up and put into operation in Al-Rabitah in Libya by engineers of the Imhausen subsidiary GFA. [passage omitted].

[From Der Spiegel, Jan. 23, 1989]

DER SPIEGEL EXAMINES EXPORT OF WEAPONS

[Unattributed report: "Doing Business With the Misery of Others?"].

[Excerpt] [Passage omitted] The Federal Republic is an export nation. It exports television sets, printing machinery, and computers—fabulous. But German exporters also offer other good quality products: tanks and guns, missiles and submarines, militarily usable nuclear technology and chemical factories. If not before, certainly since Krupp's "Big Bertha", German military products have a frighteningly good reputation throughout the world.

Thus the Federal Republic is not just a world champion in exports as such. It also is one of the leading traders of death, arms producers, and military profiteers. German military gear is in demand, and its industry can supply—it always has death on sale.

Among the sellers of the murderous hardware, the Federal Republic holds a remarkable fifth place. Of course, the superpowers take the lead, and of course, war-tested nations like France and Britain are also present wherever people are killed. The quantity of weapons exported is astounding for a country whose fathers of the Constitution did not want arms to be produced in Germany again.

According to statistics of the Swedish peace research institute SIPRI, German military hardware worth $1.4 billion was exported in 1987. However, this sum only covers a minor part of the war materiel that was really exported.

The Federal Economics Office granted export permits worth more than DM28.4 billion in the same year. According to these permits, German firms were permitted to sell military goods in a broader sense (arms, ammunition, trucks) worth DM6.3 billion abroad, and "other strategic goods" (computers, machine-tools) worth DM19.4 billion, as well as goods of the nuclear energy industry worth DM2.7 billion. Thus the export of military gear to 157 countries in the world accounts for 5.4 percent of German total exports.

Not everything has been supplied overtly. Tanks and helicopters are shipped to crisis areas by roundabout ways, blueprints for military gear and military-technical facilities are covered up, experts and trainers convey their knowledge discreetly. A lot of hypocrisy is involved, a lot of pretended naivete, a lot of secret approval of allegedly harmless deals.

Turning-lathes for Iran? Why not. Nobody asks what for. A pharmaceutical plant for Hong Kong? Of course. Nobody wants to know where the blueprints go.

Just as some people in Bonn get used to the facts of the Imhausen case only hesitantly, part of industry also receives the truth only reluctantly. When arms and weapons exports are at stake, the facts are obscured and covered up, and many people just pretend they do not know.

Some recent examples clearly demonstrate the way this is done. The most obvious and most gross case: the reconstruction of Libyan fighter aircraft with the help of German firms.

Less than 70 km from the site of the controversial chemical plant at Al-Rabitah, German engineers have for 3 years been busy converting Libyan Air Force "Hercules" transport planes as well as a Boeing 707 into flying gasoline stations. They also reconstruct Libyan "Mirages" and MiG 23's for the same purpose; the fighter aircraft will then be able to fly to Israel and back.

The engineers have come via the Intec firm with its place of business in Grasbrunn, near Munich, which has a technical office in Vaterstetten. Intec chief Eberhard Moehring personally hired the specialists and arranged for them to go to Libya. Intec reconstructed the jets, procured aircraft parts and equipment, and placed orders.

In contrast, Ingo Moehring, the son of owner Eberhard, claims that the company has "nothing to do" with the construction of aircraft in Libya. He says that Intec is doing business "with screws."

That is a slight understatement. On 12 February last year, not only the name of Intec Technical Trade and Logistics GmbH was changed into Intec-CTTL [Consulting Technical Trade and Logistics GmbH]. The purpose of business was also reformulated: Since then, it has included "the development of aircraft systems, aircraft components, as well as maintenance, repair, and modification of aircraft."

Staff for Libya was hired by an Intec company in Liechtenstein. As they were told in writing, they flew via Zurich where they had an opportunity "to open a giro account with Schweizerische Kreditanstalt." For continuing their flight to Islamic Libya, "taking alcohol was strictly prohibited." The company chief is not the only one trying to play down his performance for sabrerattling dictator Al-Qadhdhafi. Early last week, Bonn's government spokesman Friedhelm Ost defended Intec. He said that the equipment suppled can only be used for "refuelling on the ground." A video film obtained by DER SPIEGEL proves clearly how Libyan Mirages and MiG 23's try to refuel in flight.

The Imhausen case has already shown how secretly and how hypocritically German entrepreneurs act when they are doing business with dubious partners such as Al-Qadhdhafi. Even the Federal Government has realized now that with German help Al-Qadhdhafi obviously intends to construct a poison gas plant—Pharma 150—in Al-Rabitah. But everyone pretends they did not know about it—including even Juergen Hippenstiel-Imhausen, the chief of the firm organizing it all.

However, they must have known how hot the deal was. That is proved by the careful way in which the false track was laid. In Lahr, Hippenstiel had informed just a handful of his closest aides about the dual business. In Hong Kong, a plant is being built which is also called Pharma 150 and apparently serves to conceal the Libyan project.

Other companies that are involved in the Al-Rabitah project with supplies were by no means as harmless as they would like to appear. Suddenly well-known firms such as Siemens, Preussag, or Salzgitter see themselves publicly exposed. They only supplied insignificant parts for a harmless plant, did they not? Poison gas? Never heard about it.

Preussag AG (turnover DM10.4 billion, 29,000 employed) says that it supplied a drinking water processing plant for the Libyan town of Garian, 5 km from the chemical plant in Al-Rabitah.

However, the Preussag offer of 31 January 1987 is by no means intended for the town of Garian. It is clearly intended for the Tripoli Technology Center. The alleged Technology Center, located between Tripoli and Garian, including the adjacent war gas plant, is a pure arms complex. Could the suppliers know? Did they want to know that at all?

The government-owned Salzgitter AG also claims that it was totally unsuspecting. A witness has said that on the Al-Rabitah construction site, people worked according to plans of Salzgitter Industriebau GmbH (SIG), a subsidiary of Salzgitter AG (37,000 employed, turnover DM9.9 billion). The witness is Horst Koerbler, former manager of

the IBI company which carried out the project for Imhausen.

In fact, SIG received an order by Imhausen worth DM8 billion. The Salzgitter concern says that these are partial plans for a pharmaceutical plant in Hong Kong. Libya had never been mentioned, the concern says.

Since Koerbler's testimony became known, the Salzgitter people have been nervous. SIG manager Andreas Boehm had talks with concern chief Ernst Pieper every day. The auditors of the concern appeared repeatedly at "Waldhaus," the company seat of SIG in Salzgitter-Druette, to search the Pharma files.

The company management declared solemnly that everything was closely examined, but the word Libya had never come to light. The auditors protectively removed all documents, about 200 files, and the staff was enjoined to be silent.

New rumors emerged about the order which kept about 45 SIG staff members busy for 2 years. Long before Koerbler made his testimony, the staff talked about the "plant for the Libyans." The staff also knew that the site is 3 and ½ flight hours away from Zurich.

A SIG engineer recalls that in the beginning, the company management was trying hard to keep the customer and the site secret. All relevant indications on the photocopies of the plans were covered.

Later, the SIG staff member says, the address of Pen Tsao in Hong Kong was given. The man claims that on the basis of joint meetings with Imhausen, sometimes in Lahr, sometimes in Druette, it gradually dawned on him that the real site is in Libya.

Just rumors? The concern management never even heard about these rumors.

Siemens (359,000 employed, turnover DM51 billion) has furnished additional proof of the alleged credulity of German managers. When the United States intensified pressure, Al-Qadhdhafi invited a busload of journalists to visit Al-Rabitah. A lonesome container with a clearly visible label, Siemens, got into the focus of television cameras.

The "telephone booth in the desert" (Frankfurter Allgemeine) made the headlines. Siemens assumed publicly that this must be a mobile telephone container. Later, the company said that the vehicle was a material container going from one construction site to the next, as is customary in such countries. Anyway, Siemens said, the concern has nothing to do with the Libyan chemical plant.

As we know today, this statement is in fact wrong. Siemens supplied "measuring and controlling instruments for the automation of a chemical plant" worth roughly DM2.5 million to the Imhausen subsidiary company, Gesellschaft fuer Automation (GfA), in Bochum. The official destination: Hong Kong.

The Belgian firm Cross Link, a company of carrier Jozef Gedopt, who has meanwhile been arrested, notified IBI of a shipment of freighter "Roubini" on 16 December 1986. What was also on board were 9,561 kg of Siemens products, the "Teleperm M System" ordered for Hong Kong. According to an additional cable of 18 December, the destination of the freighter was Tripoli.

Siemens continued supplying more material; its correspondence with GfA dates until the end of last year. The company asserts that all supplies were intended for Hong Kong.

But the data given in the documents were increasingly imprecise. Originally the customer was Pen Tsao in Hong Kong, then it was Gedopt J.G. Trading in Antwerp, then it was Imhausen's GfA. The original address finally developed into an ambiguous "Marking: Pen Tsao." The responsible Siemens people had more than enough opportunities to request clarification of such mysteries. They met with leading staff members of Imhausen Chemie and GfA time and again for talks and demonstrations.

How unsuspecting can a manager be, before he becomes an accomplice in criminal productions? Hippie Hippenstiel is not the first one to pretend that he did not hear or see anything, when dubious facilities are at issue.

For example, the German construction firm WTB Walter Thosti Boswau built an industrial complex of three large factories in Iraq, near Baghdad. The Cologne Infraplan company hired suppliers for "Project 9230."

The customer for the industrial complex in Falludscha [spelling of name as published] was the Iraqi State Establishment for Pesticide Production (SEPP), a department in the Industrial Ministry, which also built the Samarra industrial complex north of Baghdad. According to the findings of U.S. intelligence services, four different types of poison gas were produced in Samarra last year.

One of the subcontractors who wanted to know what the Iraqi factories were supposed to produce, was told that the supplies were intended for a detergent factory.

It would have been the best guarded detergent factory in the world. A barbed-wire fence about 2.50 m high surrounds the entire complex which is about 1 km long and 600 m wide. The vacant ground on the other side of the fence and every point of the factory site can be seen from watchtowers. At night, the guards can check the ground with remote-controlled headlights.

What is really produced in Falludscha, was indicated by a WTB man who was asked about the purpose of the giant underground tanks on the site: "Detergents for two-legged flies are stored there," the construction man said.

German firms are pushing their way to the front not only regarding the construction of facilities, but also regarding everything that forms part of chemical warfare. During the Gulf war, the Kaufbeuren entrepreneur Anton Eyerle, a former NPD [National Party of Germany] politician, supplied equipment for mobile toxicological laboratories to Iraq.

The vehicles came from Magirus Deutz. A chemical engineer of Karl Kolb GmbH, which according to U.S. reports helped set up a poison gas plant in Samarra, Iraq, helped install the laboratories. Bundeswehr experts visited the fully equipped laboratories.

Were they "laboratories for agricultural chemistry," as the suppliers claimed? Or vehicles for military use? The Darmstadt public prosecution did not even bother to start investigations. As a public prosecutor said, only firms exporting facilities for the production of chemical or biological weapons are of interest.

Nor were there any objections in March last year when the Eschborn Chemical Marketing and Machinery Agency ordered 19 tonnes of Dichlorethane from the Merck chemical concern. The material is used for the production of synthetics, but it can also be used for the production of mustard gas or yellow cross.

Following the reports on Imhausen, the firm Merck and the public prosecution suddenly showed an interest in the Eschborn firm. But the owner, a Libyan, has disappeared.

It is always the same game. Deliveries are quick, but controls are hesitant and liberal. Anything can be sold, if it is properly packed.

It is too easy to overcome the barriers to war gear and military equipment. Export permits are granted under the Foreign Trade and Payments Law. In an "export list" those goods are detailed which can only be exported with the approval of the Federal Economics Institute in Eschborn: Weapons, nuclear technical and chemical facilities, as well as computer technology. The Federal Government puts this list of goods together on the basis of the Cocom list by which 16 Western countries intend to prevent the export of military goods and technology into the East Bloc.

The personnel situation of the Federal Economics Institute alone prevents the employees of this institute from carrying out detailed checks. Every year, some 75,000 applications for export permits are received. Seventy people are available to deal with them.

The Foreign Trade and Payments Law gives clear instructions about the way the work has to be done. The authors of the commentary on the law write that "in case of doubt," the provisions must be interpreted "for the freedom principle"—for industry.

The Eschborn people can hardly prevent exports of so-called dual-use goods, meaning goods that can be used for military as well as civilian purposes. Formerly, it was said that they only have to be approved if "they are specially designed for military purposes."

That was, for instance, not the case when Gildemeister AG in Bielefeld supplied several hundred automatic machine-tools to the Soviet Union years ago. The then economics minister, Otto Graf Lambsdorff, said that "with such a lathe you can produce fountain pens as well as cartridge cases." However, because the machines were not "specially designed" for arms production, the export did not require a permit.

Now the provision is more tightly formulated: If a product is "suitable" for military use, an export permit is required.

Nothing can be supplied to crisis areas. However, it is easy to bypass this regulation: The goods are first supplied to a NATO partner.

Where they go from there, can hardly be checked. In December 1984, the firm Dynamit Nobel AG in Troisdorf shipped millions of igniting charges to Belgium which were sent to Iranian weapons factories via firms in Sweden and Greece.

Some firms take the direct way. They do not bother to apply for a permit in Eschborn, but ship their goods directly to the receiver. The Gelnhausen Neue Technologien GmbH and Co KG supplied parts of the production of fuel elements, furnaces for melting uranium, and a tritium plant to Pakistan which thus obtained nuclear weapons technology.

The Swiss weekly WELTWOCHE was wondering: "God knows how Iraq got those 20-mm air-cannons of Oerlikon-Buehrle, which are mounted in Baghdad in BO-105 helicopters." The cannons which were used in the Gulf war were made in Switzerland. The helicopters were produced by Messerschmitt-Boelkow-Blohm (MBB). God knows how they got to Iraq: from a MBB subsidiary in Spain.

German war gear everywhere, always according to the motto: If we do not supply, others will. In the Gulf war, German helicopters were in the air, Mercedes trucks on the battlefield, grenades exploded which the firm Fritz Werner Ausruestungen GmbH had helped produce. In Nicaragua the rightist Contras use automatic rifles of the firm Heckler and Koch. In the Falklands war, "Exocet" rockets with German technology hit British ships [passage omitted].

DEATH OF BARBARA TUCHMAN

Mr. DODD. Mr. President, it was with profound sadness that I learned of the death Monday of one of America's greatest historians and a dear friend of mine, Barbara Tuchman.

Mrs. Tuchman was best known for her work "The Guns of August," a study of the beginnings of World War I for which she won a Pulitzer Prize. The book traced the missteps and diplomatic errors which resulted in the calamitous war. President John F. Kennedy was said to have considered the book an important lesson about the need for caution in the nuclear age.

Mrs. Tuchman won another Pulitzer for the biography of Gen. Joseph W. Stillwell, "Stillwell and the American Experience in China, 1911-45." In a half-century of writing she published a total of 11 books, her most recent of which, "The First Salute," is on best seller lists today.

This most eminent writer always believed that history must be accessible to all, and wrote with an exciting style that we all could appreciate. Mrs. Tuchman strove not to fashion dry academic tomes, but rather to create lively and absorbing books. She was proud that she had never earned an advanced degree, feeling that such degrees could compromise her ability to write for the general public.

Persons of her great concern and insight are rare, indeed. Our Nation lost a great thinker this week with the death of Barbara Tuchman.

DEATH OF VERNON M. METCALFE

Mr. MURKOWSKI. Mr. President, it is with a deep sense of sadness that I rise today to mark the death of Vernon M. Metcalfe.

Vern was a well-known personality in Alaska. Born in Wenatchee, WA, he moved to Juneau in 1941. After serving in the U.S. Army during World War II, he joined his father in the sheet metal business. But Vern's love of people soon had him working in the communications field. He was best known as a radio announcer for high school and gold medal tournament basketball games. Vern was inducted into the Gold Medal Hall of Fame by the Juneau Lions Club in 1987.

Vern served two terms in the Alaska Territorial Legislature and served under Gov. Bill Egan as Alaska's first director of civil defense.

Vern was a member of the Juneau Alaska Native Brotherhood Camp No. 2 and a member of the Pioneers of Alaska. He was adopted into the Coho/Raven Clan and given an honored Tlingit name which translated into English means "voice of the raven."

Vern was preceded in death by his wife Patricia in July 1983. His survivors include his children Peter, Kathleen, James, John, Kimberly, Heather and foster daughter Laurie Otto, all of Juneau; Mark of Santa Barbara, CA; Vernon M., Jr., of Hollis, AK, and Patrice Parker, of Anchorage.

Mr. President, I ask unanimous consent that articles honoring Vern Metcalfe which appeared in the Ketchikan Daily News and the Juneau Empire be inserted in the RECORD.

Mr. President, I want to extend my deepest sympathies to Vern's family and many friends. I know he will live in their hearts always.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Ketchikan Daily News, Jan. 20, 1989]

VERN METCALFE

(By Lew M. Williams, Jr.)

Funeral services were held in Juneau Monday for Vern Metcalfe, 65, whose byline appeared occasionally on the editorial pages of this newspaper.

Metcalfe died in Juneau the previous Wedneday after a half-dozen years fighting heart disease.

It's our opinion that he gave too much of his heart to others and just ran out.

When this writer first met him shortly after World War II, both of us were veterans planning to save the home front after saving the world.

Vern began working in his dad's sheet metal business. This writer ran his parents' newspaper in Wrangell. Vern found tin bending too confining. He had strong opinions on how he thought the territory of Alaska should be run. It featured a concern for people regardless of race, something not universally popular in Alaska in the 1940s and '50s.

With his strong opinions and his writing and speaking ability, it was natural for Vern to leave the tin shop and go into newspaper and radio. He worked for several Juneau radio stations and newspapers and wrote columns and letters for the rest of us. He is most famous in radio for broadcasting basketball, especially the Gold Medal Tournament, although he covered other sports and news. His columns and stories were unique in that most featured people, not dry statistics.

He was a strong proponent of statehood. He wan't bashful about telling business and pressure groups that they had a responsibility to pay taxes to support public services. It is said he was the biggest community booster outside of the chamber of commerce. He was a practicing Democrat all of his life.

His opinions were definite, no waffling. He respected those who disagreed. He wasn't vindictive. It was impossible for anyone to be vindictive toward him.

He served two terms in the territorial legislature. He ran unsuccessfully several other times. When Alaska was a terrritory, Southeast was one election district. Candidates campaigned throughout the Panhandle. As the result of that and his writing and broadcasting, he knew people throughout Southeast. In after years, he capitalized on that to write some moving articles on well known Alaskans.

Dollarwise, he probably left the world with little more than he brought with him. (We've always said that the successful person is the one whose hearse runs out of gas as it arrives at the cemetery.) But Vern left much, much more to everyone with whom he came in contact. He impressed on us that it's not only proper but an obligation to express an opinion (that got us started in column writing), to listen to others and to be concerned for people and our community. He proved we can do that without being vindictive.

He and his wife Pat, who died in 1983, successfully raised nine children in a world where successfully raising two to four is challenging enough for most—a real measure of the man.

[From the Juneau Empire, Jan. 20, 1989]

VERN METCALFE

There won't ever be another Vern Metcalfe. A purveyor of local history, philosophy and other bits of wisdom, his death Wednesday has left a huge, cold gap where once there was a warm spot in this community's heart.

Why? Because Vern was, well, himself. Whether you were a long-time resident or just off the jet from down south, he was friendly, open and helpful. And he wouldn't forget your name. A month or a year later, he would greet you on the street with a cheerful wave, calling out your name.

I met Vern through his wife, Pat, who worked for years as a typesetter at the Empire. (The truth be known, she was more than a typesetter, having provided valuable factual and grammatical "help" to more than a few young reporters'—and editors'—copy).

He would periodically wander through the newsroom on his way to see Pat in the production department downstairs, dropping off a few newsy tidbits and a letter to the editor—or two—often accompanied by the happy chatter for which he was renown at the old City Cafe and other gathering places.

As a letter writer, Vern was in his element. He did not beat around the bush on any topic. He presented his opinion up front, and if anyone disagreed, well, that wasn't his problem. More than once, he took the Empire and its editor to task for one transgression or another. On the rare occasions that I disagreed with him, I still respected his opinions, which were always based on the facts and never negative.

In a very real sense he was a walking almanac of Juneau and Southeast Alaska. I've not met anyone before or since who knew more about people than he.

This knowledge proved invaluable on numerous occasions. One was the tragic afternoon of April 17, 1979, when Juneau police officers Jim Kennedy and Rick Adair were shot to death by a mentally ill man named Louis Sorensen, who then killed himself. As our reporters began to piece together the story for the "extra" we would publish about the shooting, we had to figure out who Sorensen was—where he had worked

and other information. At that point, little was known other than his name and address.

Vern wandered through the newsroom on one of his trips to the production department to see his wife and one of our reporters asked if he knew who Sorensen was. Not only did he know who he was, he knew where the man worked and just about everything except his Social Security number. Given a few minutes, he probably could have come up with that, too.

In short, he helped save the day for us by allowing us to do a better job of informing the public.

That wasn't the only time we referred to his encyclopedic knowledge of Southeast Alaska and Juneau. Just last year, he covered the Gold Medal Basketball Tournament for us. But he did it with the Metcalfe flair. He wrote the only basketball stories I've ever seen with no scores. I had to get them from the stat sheets and insert them in his stories, which focused on the lives and times of every basketball player—and virtually every spectator.

But there was a method to what he was doing. By concentrating on the tournament as an event instead of a series of basketball games, he told our readers in a very human way how the Gold Medal is a combined reunion and celebration of Southeast Alaska.

He also had his quirks. One of them was slamming the newsroom door when he left. Not in an ill-tempered way, he just slammed it, probably to make sure he had our attention. Invariably, after dropping off a letter, he would stride out the door and WHAM! fling it closed. It got so we would all wince at once in anticipation of each slam. When we moved to our Channel Drive building and no longer had a newsroom door, we joked that we should build a special one just for him to slam.

One of the many very touching things he did for people was volunteer to write a fitting farewell for pioneers he knew who had died. Those pieces were examples of the rich, textured fabric he could weave from a person's life. And they always had just the right "touch." To this day, they are some of the finest examples of his writing.

I don't know if this column is up to his level, but I hope it will suffice.

The many people who counted Vern Metcalfe as a friend will miss him dearly. Sincere condolences go to his family and friends.

STUDY ON TERRORIST GROUPS

Mr. DOLE. Mr. President, during the congressional recess, we suffered yet another horrible act of international terrorism—the attack on Pan Am flight 103. That terrible tragedy points up once again that we have no greater international priority than eliminating the scourge of terrorism from the Earth.

I am pleased to take note today of a new and useful study of the international terrorist network, put together by the Defense Department and now publicly available to everyone—both the "front line" soldier in the fight against terrorism, and the concerned private citizen.

The study, titled "Terrorist Group Profiles," is a virtual "who's who" of terrorist groups around the world, bringing together in the latest, unclassified and declassified information on their leadership, membership, plans and activities.

These scum operate in the dark. The more we expose the light of public knowledge to their activities, the more difficult it will be for them to carry out their terrible acts.

I would like to include in the RECORD at this point the foreword for the study, written by President Bush, in his previous capacity as head of the Vice President's Task Force on Combating Terrorism. It is a clarion call for the kind of tough, intelligent, consistent policy against terrorism that this country needs, and President Bush is determined to provide.

I would also commend to the attention of every Senator—and every citizen who is concerned about this critical problem—the entire study. It will be a must reference work for us all.

There being no objection, the foreword was ordered to be printed in the RECORD, as follows:

WASHINGTON,
November 1988.

FELLOW AMERICANS: In February 1986, The Vice President's Task Force on Combating Terrorism released its public report, which contained a number of policy recommendations. These recommendations became the cornerstone of US counterterrorism policy. One key proposal was to launch a public awareness effort to better inform the American people about the nature of terrorism and the threat it represents to our national security interests and to the freedoms we so deeply cherish.

I strongly favor providing the public such information because it sharpens awareness as to the individual agendas of terrorist groups, the role of nations that support their depredations, and the necessity for tailoring multiple strategies to effectively combat this scourge.

As a result of the findings of my Task Force, we have markedly improved the coordinating machinery that enables the American Government to more rapidly and effectively resolve terrorist crises. We have put in place new procedures to enhance the response capabilities of our intelligence, law enforcement, and security forces. We have spent millions to recruit, train, and equip our personnel engaged in combatting terrorism and to enhance the security of our embassies and overseas military bases.

My Task Force outlined a clear and concise counterterrorism policy—the toughest in the Free World.

First, the United States will be firm with terrorists. We will not make concessions. We will continue to urge other countries not to make concessions. Rewarding terrorists only encourages more terrorism. Second, we will apply pressure to states which sponsor terrorism. We will work with friendly nations to apply diplomatic, economic, political, and, if necessary, military pressure on states which sponsor terrorism. If we find states supplying money, weapons, training, identification documents, travel, or safehaven for terrorists, we will respond. Our aim is to demonstrate to these countries that supporting terrorism is not cost-free.

Third, we will bring terrorists to justice. We will continue to cooperate with friendly nations to identify, track, apprehend, prosecute, and punish terrorists. Our efforts include exchanging intelligence information on terrorists and their movements, developing "watch lists" for use by border police, and tightening extradition treaties. Terrorism is crime, and terrorists must be treated as criminals.

In addition, the United States will help friendly nations resist terrorist pressures through an ambitious program of antiterrorism training which, since 1984, has trained more than 6,000 police officers and security personnel from some 50 nations.

Our policy has been effective. From 1986–1987, the number of anti-US terrorist attacks dropped 25 percent. International terrorist operations in Western Europe over the past 2 years decreased 31 percent, and last year in Latin America dropped 32 percent. Only two international terrorist skyjackings occurred in 1986 and only one in 1987. Particularly gratifying have been the increasingly successful prosecutions of international terrorists. Last year alone, there were 30 convictions in 9 different countries—the majority of terrorists received sentences of death, or life imprisonment.

Although progress has been made, terrorism remains a serious threat. In 1987, international terrorists carried out 832 operations, attacking the citizens and property of 84 nations. More than 2,000 persons were wounded. More than 600 died. This was greater than any year since the US Government began keeping records some 20 years ago.

The surge in the level of international terrorist activity worldwide in 1987 and 1988 resulted from a wave of high-casualty bombings in Pakistan carried out by agents of the Afghan intelligence service known as WAD. The WAD is Soviet trained and organized. The terrorist campaign is designed to deter the Government of Pakistan from aiding resistance fighters in Afghanistan. Fully one-third of all deaths and one-half of all injuries in 1987 that resulted worldwide from international terrorist operations were attributable to this campaign of terror—a campaign that left in its wake more than 220 dead and 1,000 wounded. When these numbers are subtracted, the number of incidents in the rest of the world declined by almost 10 percent from the 1986 statistics.

Many other states have adopted terrorism as a tool of foreign policy. Incidents attributable to state sponsorship rose from 70 attacks in 1986 to 189 in 1987, an increase of more than 170 percent. Governments sponsoring terrorism include North Korea, Iran, Libya, Syria, and South Yemen. This past year, only Syria took steps to lessen its support of terrorism by expelling the Abu Nidal Organization from the country.

For many, terrorism represents a cheap and effective way to project power. It is a tactic that enables terrorists to shoot their way onto the world stage and, in effect, hijack the international media. Terrorism, as common street crime, may never be totally eradicated, but we can reduce it to a more tolerable level. In our fight against terrorism we are going to suffer casualties. And, as in any conflict, the innocent suffer. Our aim is to minimize the price the American people and other innocents pay, and assure that those states and groups that resort to terrorism find the cost prohibitive and their actions counterproductive.

The difference between terrorists and freedom fighters is sometimes clouded. Some would say one man's freedom fighter is another man's terrorist. I reject this notion. The philosophical differences are

stark and fundamental. It should be clear to all those who read this book that terrorists are criminals who attack our cherished institutions and profane our values.

In seeking to destroy freedom and democracy, terrorists deliberately target noncombatants for their own cynical purposes. They kill and maim defenseless men, women, and children. They murder judges, newspaper reporters, elected officials, government administrators, labor leaders, policemen, priests, and others who defend the values of civilized society. Freedom fighters, in contrast, seek to adhere to international law and civilized standards of conduct. They attack military targets, not defenseless civilians. Noncombatant casualties in this context are an aberration or attributable to the fortunes of war. They are not the result of deliberate policy designed to terrorize the opposition.

The difference between the terrorists and the freedom fighters is as profound as it is obvious. To permit this distinction to become blurred is to play into terrorists' hands.

The American public needs to understand terrorism, what it is and is not, and how the United States Government takes action against the terrorist threat.

Sincerely,

GEORGE BUSH.

TERRENCE E. SAUVAIN

Mr. SARBANES. Mr. President, the Senate today approved the nomination of Terrence E. Sauvain to serve as captain in the U.S. Coast Guard Reserve. Mr. Sauvain, or Terry as he is known to his many friends and colleagues, has served for many years in the Coast Guard Reserve, in the enlisted ranks prior to his commissioning and for 16 of the past 18 years in Reserve leadership positions in both field and headquarters Reserve units. Since 1973 Terry has also served with distinction in the Senate as special assistant to the majority leader and professional staff member of the Committee on Appropriations. Indeed, Terry has brought to his Coast Guard duties his very considerable experience with military construction and defense issues as a member of the Senate Appropriations Committee staff.

Reserve duty in the Coast Guard carries with it significant and demanding responsibilities; and Terry has always committed himself, in his own words, "to use whatever talent I may possess to vigorously discharge whatever responsibilities to which I may be assigned." To this end he has actively participated over the years in a wide range of mobilization and mobilization planning programs in the Coast Guard Reserve, most recently in the strategy and policy course at the Naval War College in Newport, RI. In addition to his Senate and Coast Guard Reserve duties, he has carried out successfully an impressive list of correspondence courses ranging from Navy Admiralty law practice to boating safety, and since 1986 he has served as president of the Washington, DC, chapter of the Reserve Officers Association. It is not surprising, in view of all he has accomplished, that he should be the recipient of numerous medals and letters of commendation.

In the Coast Guard Reserve as in the U.S. Senate, Terry Sauvain has served his country tirelessly and effectively. He will now carry on that tradition of service as captain in the Reserve. His promotion is both an honor and a responsibility well earned.

RULES OF THE COMMITTEE ON APPROPRIATIONS

Mr. BYRD. Mr. President, the Committee on Appropriations met on Thursday, January 26, 1989, and approved committee rules for the 101st Congress.

Pursuant to rule XXVI, paragraph 2, which states that the rules of each committee shall be published in the CONGRESSIONAL RECORD not later than March 1 of each year, I ask unanimous consent that said committee rules be printed in the RECORD at this point.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

U.S. SENATE, APPROPRIATIONS COMMITTEE RULES [1]

I. Meetings—

The Committee will meet at the call of the Chairman.

II. Quorums—

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.

[1] Adopted pursuant to rule XXVI, par. 2, of the "Standing Rules of the Senate."

LARRY GIBBS, COMMISSIONER, INTERNAL REVENUE SERVICE

Mr. BENTSEN. Mr. President, Larry Gibbs will be stepping down as Commissioner of the Internal Revenue Service in March. As chairman of the Finance Committee, I have had the opportunity to work especially closely with Commissioner Gibbs over the last 2 years, and I have been impressed by the kind of job he has done.

At this confirmation hearing, I said that the key to Larry Gibbs' success as Commissioner would be public acceptance and confidence. Those words are equally appropriate now. Larry Gibbs has been a first-rate Commissioner because his primary goal has been to win the public's acceptance and confidence. He recognized that our voluntary compliance system is not served well when IRS agents view taxpayers as enemies and vice versa. Thus he instituted a quality improvement program designed to ensure that taxpayers are treated fairly and courteously, and to promote a more cooperative rather than adversarial relationship between taxpayers and the IRS.

Needless to say, the Commissioner of the IRS comes in for a lot of criticism, and Larry Gibbs always responded to criticism gracefully. On numerous occasions, Senator PRYOR, the chairman of the Finance Committee's Subcommittee on Oversight, brought Commissioner Gibbs before the subcommittee to answer hard questions about IRS activities. Larry Gibbs always handled himself in these situations with tact, good humor and intelligence. I also remember the public outcry over the wage withholding form introduced at the beginning of 1987. Larry Gibbs listened to those complaints, and brought out a new and simpler form, one which both served the IRS's purposes and met the public's concerns. He also presided over the implementation of the 1986 Tax Reform Act, and I think that it is to his credit that last year's tax return filing season, the

first under the act, proceeded uneventfully.

Commissioner Gibbs brought great ability and experience to the job, and he's put them both to use effectively. We have not always agreed, but that is as it should be, and even when we didn't agree, I knew that he was listening. He has done an excellent job for the IRS and for the country, and I am sure that my colleagues join me in wishing him well in his new endeavors.

RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 1:55 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session.

DEPARTMENT OF AGRICULTURE

NOMINATION OF CLAYTON YEUTTER, OF NEBRASKA, TO BE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. The Senate will now consider the nomination of Clayton Yeutter to be Secretary of Agriculture, which the clerk will report.

The assistant legislative clerk read the nomination of Clayton Yeutter, of Nebraska, to be Secretary of Agriculture.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are considering today the nomination of President Bush of the Honorable Clayton Yeutter to serve as Secretary of Agriculture of the United States. After a day of questioning and receiving responses to individual Senators' written requests, the Committee on Agriculture, Nutrition, and Forestry voted unanimously yesterday to approve Ambassador Yeutter's nomination.

Many of my colleagues here in the Senate have come to know Mr. Yeutter professionally and as a friend—most recently in his capacity as U.S. Trade Representative. He is an outstanding individual, well qualified for one of the most difficult jobs in the Cabinet.

Clayton Yeutter is a Nebraskan through and through; he received his college and law degrees—with high distinction and cum laude, respectively—and a doctorate in agricultural economics—all from the University of Nebraska, and all while seeing to management of a 2,500 acre farming operation.

Ambassador Yeutter served in the U.S. Air Force, and he taught part time while attending graduate school. He worked for the Governor of Nebraska and later served as director of the University of Nebraska's agriculture mission in Colombia.

In 1970, Washington beckoned, and Clayton Yeutter became the Administrator of the Agriculture Department's Consumer and Marketing Service. Subsequently, he served as Assistant Secretary for Marketing and Consumer Services and as Assistant Secretary for International Affairs and Commodity Programs, moving on in 1975 to be Deputy Special Trade Representative.

During the Carter Presidency, Clayton Yeutter practiced law in Lincoln, NE, and then served from 1978 to 1985 as the president and chief executive officer of the Chicago Mercantile Exchange. Most recently, of course, he has served as the U.S. Trade Representative.

With a résumé like that, I wish we could claim him for our side, but then George Bush would probably not be asking him to be the Secretary of Agriculture.

In my opening remarks at the committee session last week, I stressed some of the issues which will be of the utmost importance to us and, I hope, to the new Secretary of Agriculture as we move into the 1990's.

We asked Mr. Yeutter about how he would implement President Bush's commitment to a "kinder nation and a gentler world," and how he would lead the agricultural community—and the good people of the Agriculture Department—to realize it.

President Bush indicated when he announced Clayton Yeutter's nomination that he would not balance the Federal budget on the backs of America's farmers. That is an important commitment. We have seen 270,000 farmers leave the land permanently in just the past 8 years. We must stem that tide, and assure that we retain a viable, productive farm community in this Nation.

Mr. Yeutter's most important job of all will be to preserve American farming, to help reduce the deficit and, at the same time to retain our tough bargaining position with our trading partners. It will not be easy for him. But we must not take any actions which would devastate our farmers or have the effect of unilaterally disarming in the face of important trade negotiations.

I stressed to the Secretary-designate that we must work together to craft long-lasting, flexible programs—for all agricultural commodities—to retain our farms and restore the confidence of our farmers in their Government. I know those concerns are shared by all Senators.

In addition to our commodity programs and the many other USDA activities that sustain our agricultural sector as the most productive in the world, we reminded Mr. Yeutter that he will have significant further responsibilities.

Providing nutritious foods to children and the elderly on a regular, reliable basis through school lunches and breakfasts, the Women, Infants and Children [WIC] Program, and food stamps are important public policies. We on the committee and in the Senate at large will expect Mr. Yeutter to see that these programs operate well to serve those they are designed to reach. Hunger is a moral issue. In the richest nation on Earth no one—no child, no adult, no senior—should be hungry or malnourished.

As most of my colleagues here know, I believe that rural development—improving the rural economy, providing jobs, health care, housing and opportunity for nonfarm rural Americans—is an issue too long ignored. It is extremely important to me, and I am committed to working for passage of legislation this year. Clayton Yeutter indicated that rural development will be a priority of the Bush administration; I hope he will join the effort enthusiastically, and that he will enlist the President.

We also reminded Mr. Yeutter that the Department of Agriculture has a central, critical role to play on environmental issues. The Agriculture Committee is deeply concerned about the potential adverse effects of global warming and climate change, and we stressed to the Secretary-designate that this concern is pervasive throughout the Senate. The impact of agricultural practices on ground water will be a major issue of the 1990's. The Department must redouble its efforts to use the myriad of programs available to it to make ground water safer for the 95 percent of rural Americans who depend on it for their supplies.

The Department of Agriculture is responsible not only for overseeing the production of food and fiber. It is also responsible for our forests, which produce timber, provide wildlife habitats, protect unique biosystems through the National Wilderness Preservation System and give scores of Americans recreational spaces to enjoy. The prevention of soil erosion the Department's conservation programs will be critical to the sustain-

ability of agriculture in the coming decades; the Conservation Reserve Program is central to that effort.

I think Ambassador Yeutter heard our messages last week, and he responded to the questions we raised. We may not all agree with him philosophically, but in urging all of you to vote in favor of this confirmation, I want to stress that it would have been difficult, if not impossible, for President Bush to find a more highly qualified individual to serve as Secretary of Agriculture.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I rise in support of the immediate consideration and confirmation by the Senate of the nomination of Clayton K. Yeutter to be the next Secretary of Agriculture.

Clayton Yeutter's credentials for this position are impressive. I will elaborate on this point in a moment. I ask unanimous consent that a brief summary of Ambassador Yeutter's experience be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LUGAR. Clayton Yeutter's nomination enjoys widespread support across the breadth of our diverse American agricultural industries. He is known as a person with the highest personal integrity. In my opinion it is unlikely that President Bush could find a candidate for this position who is more qualified and more dedicated to American agriculture than Clayton Yeutter.

The 101st Congress will be faced with a number of complex and controversial agricultural issues as the next few months unfold. It is clear that the members of the Agriculture Committee and the Senate as a whole will have to work together with the Department of Agriculture in order to sustain the economic recovery occurring on American farms today. In this respect, Clayton Yeutter has not only pledged to work with Congress, but has proven during his recent tenure as the U.S. Trade Representative that he will do so.

I want to point out for the record that the Committee on Agriculture held a hearing last Thursday, February 2, to consider the qualifications of Clayton Yeutter to be the next Secretary of Agriculture. Ambassador Yeutter inspired confidence as he responded to all of the questions put to him with substantive answers. He impressed even the casual observer with his knowledge and understanding of some of the most important issues confronting American agriculture. I know Clayton Yeutter as a man of the highest moral character and integrity, and I am convinced of his ability to successfully carry out the difficult task of being Secretary of Agriculture. The unanimous vote of the committee, yesterday, to favorably report this nomination to the full Senate for confirmation attests to the fact that I am not alone in my assessment among the members of the Agriculture Committee.

Mr. President, I would pay tribute to the distinguished chairman of the committee for expeditiously holding a hearing and for the bipartisan spirit that attended that hearing and the markup of the nomination.

The most significant issues affecting agriculture that we will be dealing with during the next 2 years are at least the following:

First, progress and implementation of the international negotiations and agreement in the General Agreement on Tariffs and Trade [GATT]. The current round of trade negotiations is the first time in the history of the GATT that agriculture has been identified for separate negotiation. The success or failure of the Uruguay Round of the GATT could very well hinge on the outcome of the agricultural discussions.

Second, agricultural trade generally and the use of export tools such as the EEP.

Third, reauthorization of commodity stabilization programs as part of the farm bill and budgetary considerations associated with the operation of these programs.

Fourth, reauthorization of the Commodity Futures Trading Commission, which although not directly the responsibility of the Secretary of Agriculture certainly has a direct impact on agriculture and the conduct of agricultural programs.

Fifth, we will be discussing agricultural research.

Sixth, we certainly will be taking up ground water contamination in the aftermath of our successful legislative efforts during last year.

Given these as a few of the critical issues, Clayton Yeutter's experience and accomplishments are astoundingly relevant.

In the area of trade, he has served as the U.S. Trade Representative since 1985. Before that he had experience as the Deputy Trade Representative and as the Assistant Secretary of Agriculture for International Affairs and Commodity Programs. His support for agriculture during his recent tenure as Trade Representative has been strong and unbending.

He is a farmer with extensive experience running a 2,500-acre operation. Through that experience and by serving as the Assistant Secretary responsible for commodity programs and as an attorney with an agricultural law practice he is intimately familiar with commodity programs.

Clayton Yeutter has served as the president and chief executive officer of the Chicago Mercantile Exchange, the second largest futures trading exchange in the world. He taught for several years at a land grant university—the University of Nebraska—focussing on agricultural research and extension.

I know that he will work closely and harmoniously with all Members of the Senate. I congratulate him on his nomination. Mr. President, I urge the immediate confirmation of this nominee.

EXHIBIT 1

CLAYTON K. YEUTTER—EMPLOYMENT HISTORY

July 1985—present: U.S. Trade Representative, Executive Office of the President. This is a Cabinet post, reporting directly to the President of the United States on all trade matters. The primary responsibility of this position is to develop an overall trade policy for the Nation, and then coordinate the development of a U.S. position on all individual trade isues of importance to our country. The U.S. Trade Representative is also responsible for the strategy and tactics that are followed in the conduct of both bilateral and multilateral trade negotiations.

July 1978—June 1985: President and Chief Executive Officer, Chicago Mercantile Exchange, the world's second largest futures market. The CME conducts futures trading in (1) all the major international currencies; (2) interest rate contracts for Treasury bills, bank certificates of deposit, and Eurodollars; (3) stock indices, such as the S&P 500; and (4) agricultural contracts, such as fat cattle, feeder cattle, and hogs. The Exchange also offers options trading in several of these products. It has been the fastest growing futures exchange in the world in recent years, and probably has a larger dollar turnover (many billions each day) than any other private sector entity in the world.

April 1977—June 1978: Senior partner of the law firm Nelson, Harding, Yeutter & Leonard in Lincoln, Nebraska. The firm had additional offices in several other cities. Responsible for the firm's agriculturally related practice, and for coordinating all elements of the practice where Washington, D.C. or international interests were involved.

June 1975-February 1977: Deputy Special Trade Representative, Executive Office of the President. This was an Ambassadorial post with responsibility for conducting trade negotiations on behalf of the President and the U.S. Government. It involved contacts and negotiations with the representatives of many foreign governments, as well as coordination of U.S. policy positions with other Federal departments, the Congress, and numerous private sector advisory committees.

March 1974-June 1975: Assistant Secretary of Agriculture for International Affairs and Commodity Programs. Responsible for all activities of the U.S. Department of Agriculture in the following agencies: Agricultural Stabilization & Conservation Services; Foreign Agriculture Service; Federal Crop Insurance Corporation; Commodity Credit Corporation.

January 1973-March 1974: Assistant Secretary of Agriculture for Marketing and Consumer Services. Responsible for essentially all regulatory and domestic market service functions in the U.S. Department of

Agriculture. Agencies included: Animal & Plant Health Inspection Service; Agricultural Marketing Service; Commodity Exchange Authority; Food & Nutrition Services; Packers & Stockyards Administration.

January 1972-December 1972: Regional Director, Committee for the Reelection of the President. Responsible for all facets of the President's campaign in seven midwestern states. Also served as Director for Agriculture with responsibility for the agricultural portion of the campaign in all 50 states.

October 1970-December 1971: Administrator, Consumer & Marketing Service, U.S. Department of Agriculture. Responsible for such programs as meat and poultry inspection, the grading of agricultural products, development of product standards, market news, the administration of market orders, procurement of food for commodity distribution, school lunch programs, etc.

September 1968-October 1970: Director, University of Nebraska Mission in Colombia. The largest agricultural technical assistance program in the world at that time. Involved the participation of six midwestern land grant universities, with funding by AID, the Kellogg Foundation, and the Ford Foundation. Assistance was provided at the graduate and undergraduate level in teaching, research, and extension in all major agricultural fields. Recipient agencies were the Colombian Agricultural Institute (which somewhat approximates USDA) and the National University.

January 1966—September 1968: Executive Assistant to the Governor of Nebraska. Responsible for coordination between the Governor and numerous agencies of state government—including the Department of Agriculture and all state educational institutions. Handled all legislative liaison work, including drafting of legislation to broaden the state tax base and to provide for state aid to education. Other major legislation enacted included: creation of a state department of economic development, establishment of a minimum wage, merger of the University of Nebraska and the University of Omaha, establishment of a state telecommunications commission, etc.

January 1960—January 1966: Faculty member, Department of Agricultural Economics, University of Nebraska. Combination teaching, research and extension responsibilities in agricultural economics and agricultural law. Major professional area was resource economics, i.e., land and water. Taught only part time while completing requirements for the Ph.D. and J.D. degrees. Served full time in 1965 and 1966.

1957-1975: Operator of a 2,500 acre farming-ranching-cattle feeding enterprise in central Nebraska. This unit is now operated by a tenant on a cash lease basis.

1952-1957: United States Air Force. Enlisted as a Basic Airman upon graduation from the University of Nebraska. Later received a direct commission in Medical Administration. Ranked first in graduating class in Basic Course in Medical Administration, Gunter AFB, Alabama. Recipient of numerous military awards. Continued in the active reserve until 1977. Now a retired reserve Lt. Colonel.

1963-1968: To the extent permitted by time and other obligations, active in the practice of law in Lincoln, Nebraska.

CLAYTON K. YEUTTER—HONORARY SOCIETY MEMBERSHIPS, DEGREES AND AWARDS

SCHOLASTIC RECORD

Received B.S. from the University of Nebraska "With High Distinction," the highest scholastic honor given by the University. Ranked first in College of Agriculture graduating class. Named by the Block & Bridle Club as outstanding animal husbandry graduate in the United States.

Received J.D. from the University of Nebraska "Cum Laude." Ranked first in the graduating class. Named outstanding law graduate in the Midwest by Phi Delta Phi legal fraternity.

Received Ph.D. from the University of Nebraska, and was named outstanding graduate student in ag economics. Received an "A" average for entire graduate program.

PROFESSIONAL AND FRATERNAL SOCIETIES

Agriculture: Alpha Zeta (scholastic) Chancellor of local chapter as an undergraduate; Gamma Sigma Delta (scholastic); FarmHouse (social), President of local chapter as an undergraduate.

Law: Nebraska Bar Association; Order of the Coif (scholastic); Phil Delta Phi (social and professional).

RECIPIENT OF AWARDS AND HONORS

Recipient of the Israeli Prime Minister's Medal for long-time friendship to Israel and support for its economic development.

Recipient of American Society of Agricultural Consultants "1978 Distinguished Service Award."

Recipient of Knights of Ak-Sar-Ben "1978 Argicultural Achievement Award."

Recipient of FarmHouse "Master Builder of Men" Award, the highest honor granted an alumnus of that fraternity.

Recipient of Purdue University's (Lafayette, Ind.) "Old Masters" Award, and the University of Nebraska's comparable "Masters" Award.

Recipient of Chicago Farmers "Distinguished Service to Agriculture" Award.

Member, Nebraska Hall of Agriculture Achievement.

Member, Honorary Committee for Meridian House International's 25th Anniversary.

Honorary Advisory, Ambassadors Council of the Japanese American Cultural and Community Center.

Recipient of Ag Relations Award from the Nebraska Council on Public Relations for Agriculture, October 1986.

Recipient of 1987 Business Leadership Award from the University of Nebraska's College of Business Administration Alumni Association.

Recipient of 1987 Consumers for World Trade Award.

Recipient of 1987 International Platform Association Award.

Recipient of 1987 Service to American/World Agriculture Award, National Association of County Agricultural Agents.

Recipient of 1988 Agri Award of the Annual Triumph of Agriculture Exposition Farm and Ranch Machinery Show.

Recipient of Honorary Doctorate of Law Degree from University of Nebraska, May 1988.

Recipient of Service to Agriculture Award presented by the Agricultural Economics Club of the University of Nebraska, April 1988.

Recipient, Asia-Pacific Council of American Chambers of Commerce Award, June 1988.

Recipient, Nebraska Bankers Association Award, September 1988.

Honorary Chairman, Bush/Quayle '88 Rural USA Coalition.

Recipient, Ak-Sar-Ben Court of Honor Award for Public Service, the first such award issued by Ak-Sar-Ben, Omaha, Nebraska, 1988.

Recipient, 1988 Public Sector Award from Washington International Trade Association.

Recipient, American Agricultural Editors' Association 1988 Distinguished Service Award.

Mr. SYMMS addressed the Chair.

Mr. LUGAR. Mr. President, I yield 2 minutes of time to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I agree with the comments of the distinguished chairman and distinguished ranking member of the Agriculture Committee. Clayton Yeutter is well qualified to be the next Secretary of Agriculture.

I wish to add my name to the list of Senators who are commending President Bush for choosing this very fine, capable, confident man. I think he is the right person for the job at this time, and I wish him the very best in all his endeavors.

As Senator LUGAR pointed out, Mr. Yeutter has a long background in agriculture. Not only has he previously worked for Department of Agriculture, he has served the industry's interests in the private sector as an attorney, an economist, and a former trade Ambassador. I believe he is one of the best qualified individuals we have had there in quite some time.

I have known him since I was a member of the House Agriculture Committee, and I am glad he has been chosen by the President for this job.

I thank the Chair and Senator LUGAR for the time. I want to add my name to the list of those who also wish Secretary Yeutter success in the job.

Mr. LUGAR. Mr. President, I yield 2 minutes to the distinguished Senator from Mississippi, Senator COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I strongly support the confirmation of Clayton Yeutter as Secretary of Agriculture. Over the years, he has won respect throughout the agriculture community and here in Congress because he is an intelligent, forceful, and effective negotiator and administrator.

He was born on a Nebraska farm and has had a lifelong interest in agriculture. At the University of Nebraska, he won an award as the Nation's outstanding student in animal husbandry. He earned a law degree and a doctorate in agricultural economics.

While working on a project in Latin America, he developed an interest in international trade and an appreciation of its importance to our agriculture economy. He served as Assistant Secretary of Agriculture for Market-

ing and Consumer Services in the Nixon administration, and he served as Assistant Secretary of Agriculture for International Affairs and Commodity Programs in the Ford administration. He has had experience as Deputy U.S. Trade Representative in 1975 and 1976.

More recently, as U.S. Trade Representative, he has distinguished himself as the principal enforcer of a more aggressive American trade policy. He made fair trade in agriculture one of the major goals in multilateral trade negotiations.

As our Trade Representative, Clayton Yeutter's efforts to support agriculture are well documented and very much appreciated. His confirmation will show solid support for President Bush's goal of market development for our agricultural products. President Bush and Clayton Yeutter are strong supporters and advocates of opening foreign markets and expanding them to U.S. agricultural products.

As Secretary of Agriculture, his personal experience and his knowledge of international trade issues will be great assets for our Nation's farmers and agricultural businesses. More than many others, they understand the vital link between international trade and a growing and successful American agriculture.

As a member of the Committee on Agriculture, I look forward to working with Secretary Yeutter. I encourage him to use all available tools to bring about improved international trade in agriculture and profitability among our agricultural producers. I congratulate President Bush on this excellent Cabinet nomination.

Mr. DOLE addressed the Chair.

Mr. LUGAR. Mr. President, I yield 2 minutes to the distinguished Republican leader.

Mr. DOLE. Mr. President, the Senate Agriculture Committee had a unanimous vote on Clayton Yeutter yesterday and I believe that is indicative of the support he has generally within the agriculture community.

QUALIFICATIONS

The committee hearing last week reinforced the soundness of President Bush's choice for Secretary of Agriculture. First, he has the background and experience necessary.

He grew up on a farm in rural Nebraska, he's been involved in agriculture all of his life and he has worked hard to promote the interests of American farmers in his positions at USDA during the Nixon and Ford administrations and more recently as the U.S. Trade Representative.

Second, he understands that the agriculture sector has been through a tough time during the 1980's and he will work with Congress in balancing the need to reduce our budget deficit with the need to maintain farm income. He understands that good farm policies are only a part of the solution and that macroeconomic factors such as inflation, interest rates, the value of the dollar, and that the debt problems of developing countries also have a significant impact on the livelihood of the American farmer.

Third, he knows that agriculture is involved in a world marketplace and that agricultural exports are the lifeblood of American agriculture. Our farmers need to be able to sell what they produce at a profit, and it can only happen if we have markets. Clayton has indicated he will be aggressive in export promotion and will work to reduce unfair trade barriers worldwide.

Mr. President, I would just reiterate what I stated in the committee last week. Clayton is well qualified to be the administration's leading advocate for agriculture and I believe the American farmer will find him a strong and intelligent voice for their concerns.

In summary, for all the reasons that have already been stated on both sides of the aisle, I think it is clear Clayton Yeutter has a lot of support, not just on the Agriculture Committee but across the country in all segments of agriculture for three basic reasons: First of all, he is qualified; he has the experience; he has the background. And as Senator COCHRAN just pointed out, he was born and raised on a farm. He knows how tough it is.

Second, he understands that we have been through some tough times in the late seventies and the early eighties, and still we have a lot of work to do to keep farmers on the farm which, in turn, gives consumers the benefit of a stable food supply.

I think probably just as important, he knows the value of international trade to agriculture. As our former trade representative, he knows that if there is a future for the American producer, it is in being competitive, being able to export, and in breaking down some of the trade barriers around the world.

For all those reasons, I think his leadership will be good for rural America, good for the consumers in urban areas, and I believe it is an indication that President Bush means what he said when he said he had an interest in agriculture.

The appointment of Clayton Yeutter underscores that interest. I certainly am pleased to support his nomination and look forward to working with him on upcoming farm legislation.

I yield back the remainder of my time.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished senior Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair. I thank the chairman of the Agriculture Committee.

Mr. President, I suspect that there is no one in this body who has known Clayton Yeutter as long as this Senator. Over that long period of time, Clayton Yeutter has performed every duty he has ever been assigned with great dedication and great ability. I first knew him when he was a professor at the University of Nebraska School of Agriculture. Believe it or not, we used to argue agriculture policy back then. That is almost 25, 26 years ago. We have been arguing agriculture policy ever since as friends, as individuals fundamentally interested in agriculture and the family-sized farmer. Clayton Yeutter and I do not agree on some particular phases of how to help agriculture, but there is no one that has greater dedication. I have always found him one that you could talk to, one who was understanding, one who was certainly highly intelligent and one who would listen to your point of view. I believe essentially that is what we expect in the Secretary of Agriculture as well as others who serve at other important posts in the Government of the United States. Therefore, I am pleased to add my name to the list in strong support of Clayton Yeutter. I hope and would expect that the vote we are about to take is unanimous. I highly recommend him as one who will make a good Secretary of Agriculture.

I wish to put in the caveat that I suspect there will be times when our differences on agriculture policy might break out into the open; it might break out on the floor of this Senate. Nevertheless, I have the highest respect for him and his ability, and I salute and thank the President for making the selection of this great Nebraskan.

Mr. LUGAR. Mr. President, I yield 2 minutes to the distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to add my support to the nomination of Clayton Yeutter to serve as Secretary of Agriculture.

I am pleased that President Bush has chosen a Midwesterner to help guide agriculture's agenda within this administration.

More importantly, I am glad to see a fellow agriculture producer occupying the position of Secretary.

Clayton Yeutter is a former cattle rancher. He understands how our domestic farm programs can effect the livestock industry. His insight and guidance in this area will be important as Congress works to revise the current farm program authorization.

With Clayton Yeutter at the helm of the USDA, we will also have a strong

voice for free trade and the elimination of unfair trade barriers. His selection will provide continuity to U.S. agriculture's international trade negotiations.

American farmers need a Secretary who will get tough with our foreign competitors and demand a level playing field. Clayton proved as U.S. Trade Representative that he is tough enough to handle the job.

He is also tough enough to handle the job of protecting agriculture's interests within the realm of Cabinet discussions.

There are a number of domestic issues—including the farm program reauthorization—that will require the energies of the Department of Agriculture.

The development of domestic markets is critical to providing long-term stability to agriculture. We must continue to look for new ways to produce industrial goods from agriculture commodities.

We must also continue the Department of Agriculture's work on the conservation and protection of our natural resources.

Finally, rural economic development must be a priority if we hope to maintain the infrastructure within our rural communities.

I look forward to working with Mr. Yeutter's to develop and pursue an agenda for resolving these problems facing rural America.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Three minutes, fifty-six seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent that that be doubled to 6 minutes and 36 seconds, with an extra 3 minutes and 36 seconds to the distinguished Senator from Indiana.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from Alabama and then 2 minutes to the distinguished Senator from Illinois and 2 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise today to congratulate Dr. Clayton Yeutter on his confirmation as Secretary of the Department of Agriculture which I predict will soon occur. Dr. Yeutter's long and distinguished career in the field of Agriculture renders him exceptionally qualified to be the Secretary of Agriculture.

I recently met with Dr. Yeutter in my office. I found him to be responsive to seeking ways in which the Department of Agriculture could aid in the revitalization of rural America. I was also encouraged to find Dr. Yeutter receptive to pursuing avenues in which the USDA could help rural areas with water and wastewater management. Water management is of great importance to many of my rural constituents in Alabama.

I believe that Dr. Yeutter will work very closely with Members of Congress in trying to resolve the problems facing the agricultural community. Mr. Yeutter's practical knowledge of production agriculture as well as his rural background will aid him tremendously in dealing with the problems faced by our Nation's declining rural areas and our fragile farm economy.

I was pleased to support Dr. Yeutter's confirmation in the Senate Committee on Agriculture, Nutrition, and Forestry, and I am delighted to have done so today before the full Senate. I am congratulating him and wish him well.

I thank the chairman of the Agriculture Committee.

Mr. LEAHY. Mr. President, I yield to the Senator from Illinois. I thank the Senator from Alabama.

Mr. SIMON. I thank the chairman of the Agriculture Committee.

I also rise in support of Clayton Yeutter. I had the chance to get to know him when he was Assistant Secretary of Agriculture. Then I saw him on the scene in Illinois as a business executive. Then we got to know him as Trade Representative. I know him, as do those who have worked with him, as competent, tough, dedicated. I think that is the kind of job he will do as Secretary of Agriculture. He knows farming. He understands the importance of smalltown America to this country. He knows the trade field. Of equal importance, he knows the Members of the House and Senate. He can work with us. Mr. President, I think you will find he is someone who is going to fight for family farmers.

I am sure there are going to be some areas where I will differ with Clayton Yeutter as Secretary of Agriculture, but there is no question that he is going to be a fair, honest, dedicated public servant. The President has made an excellent appointment.

Mr. LEAHY. Mr. President, I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the chairman for yielding me this time.

Mr. President, I rise also in support of the nomination of Clayton Yeutter to be our next Secretary of Agriculture. Last Thursday, when he appeared before the Agriculture Committee, I was unavoidably absent with stomach flu, which is going around this town a lot lately. So I was unable at that time to tell Clayton I was pleased with his nomination and pleased to support it and give him my best wishes as he assumes this new position.

As has been said many times today, he has had a long and distinguished career in agriculture. There is no doubt in my mind that he is a highly intelligent individual, holding both a law degree and Ph.D., and yet he has always maintained that kind of downhome attitude and ability to talk to grassroots people, whether it is in Nebraska, Illinois, Iowa, or anywhere else.

So this ability that he has is going to serve him very well as Secretary of Agriculture.

I want to say two things: Clayton has always been in the forefront of the fight to make sure that we are able to produce and sell. That really is the key to success in agriculture, to make sure that our system is producing and selling. He has been in the forefront of the fight to open up markets overseas, to break down these unfair trade barriers so our farmers can sell their products overseas.

Second, as he assumes this new position, I know in conversations with him that he is interested in making sure we get more research into finding new products from those things that we grow, whether it is corn and beans or cotton—whatever it is, but get more research in there so we can have new products from those crops.

So in those two areas I believe we are going to have a great working relationship. I am sure we are going to disagree on policy and different things like that. But, again, I think we will do it with the best interests of American agriculture at heart.

So I commend him for this appointment, and I look forward to working with a very bright, very capable, and very engaging person, someone I know who is going to perform his job very well as Secretary of Agriculture.

Mr. President, I am pleased to have this opportunity to state my support for the nomination of my friend Clayton Yeutter to serve our Nation as its next Secretary of Agriculture. I offer him my sincere congratulations and best wishes as he assumes this position; perhaps the latter is more appropriate since the job of Secretary of Agriculture is indeed a difficult one.

We are, of course, well aware of the outstanding academic and professional credentials that Clayton will bring to this position. His nomination as Secretary of Agriculture is only the latest accomplishment in an exemplary career in agriculture. Equally important in my view, though, is the comfort that farmers in my State and across the Nation can take in the fact that Clayton is a Nebraska farm boy who has never lost his keen interest in and attachment to the family farm where he grew up and learned his earliest lessons.

We face many challenges in agriculture. We have lingering effects of last year's drought and uncertainty about what this year's weather will be. We will deal with very difficult issues regarding the budget and levels of spending on agricultural programs. But at the same time we must work to ensure that farm income is maintained at adequate levels and that our family farm system of agriculture is preserved. Critical conservation and environmental issues in agriculture must be addressed in a way that does not place unmanageable or disproportionate burdens on our agricultural producers. Nevertheless, this is also an exciting time holding promising opportunities for revitalizing agriculture and rural America.

With the notable exception of short crop years, we face a perennial challenge in U.S. agriculture of finding uses and markets for the abundance of agricultural commodities produced by our fertile soils and efficient family farm system of agriculture. Keeping that system producing and selling is the key to economic health for our farms and rural communities.

Clayton Yeutter has of course been at the forefront of working to gain access to foreign markets for U.S. agricultural commodities. I commend him for the vigorous effort he has led to eliminate unfair barriers to agricultural trade. Our American farmers are highly efficient and productive; they deserve the opportunity to compete and market their commodities in the world marketplace.

In another area, we are now only in the beginning stages of very important research into new products that can be produced from agricultural commodities. We are familiar with the use of corn, for example, to produce biodegradable plastics, ethanol, noncorrosive road deicer and various other products. Soybeans are used to make inks. With additional research I believe we can make much progress in developing new uses and markets for our agricultural commodities and in doing so boost the economies of rural areas. I am very pleased that Clayton is also interested in pursuing this kind of research.

In addition to farm programs, the Department of Agriculture is responsible for administering various programs designed to help our rural communities create a better economic future. For a number of reasons rural areas of our Nation have experienced some very tough economic problems in the past few years. Frankly, for the past 8 years these problems and the programs addressing them have been neglected. I hope that under Clayton's leadership the Department of Agriculture will rededicate itself to effective and substantial action in the area of rural economic development.

It is also very important that we not forget that the Secretary of Agriculture serves all the citizens of our Nation. The Secretary has important responsibilities for ensuring the wholesomeness of our food supply and educating our citizens about sound nutrition. The Secretary also is responsible for carrying out several important programs designed to address the basic need for adequate food and sustenance for all of our citizens, including the school lunch, food stamp, and commodity distribution programs. I am pleased that as Assistant Secretary of Agriculture for Marketing and Consumer Services in the Nixon administration, Clayton oversaw the implementation of the Special Supplemental Feeding Program for Women, Infants and Children, or WIC, which is widely viewed as one of the most cost-effective Federal programs of any type.

I sincerely look forward to working with Secretary Yeutter in the coming years. I am sure that we will have some disagreements on policy; that is the way our system works. I am confident, though, that we will have a productive working relationship based on cooperation, respect, and forthright and fair debate on the issues.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I yield 2 minutes to the distinguished Senator from South Carolina, Mr. THURMOND, and 2 minutes to the distinguished Senator from Missouri, Mr. BOND.

Mr. THURMOND. Mr. President, I rise in support of the nomination of Mr. Clayton Yeutter for Secretary of Agriculture. Mr. Yeutter possesses excellent qualifications for this position. He is a member of a hard working family that has distinguished itself through service to its community, State, and country.

While attending graduate school, Mr. Yeutter, simultaneously worked toward degrees in law and agriculture, and ran the 2,500-acre family farm operation in Nebraska. He graduated with distinction from the University of Nebraska. From high school through his Ph.D., he never made a course grade below an "A."

Mr. Yeutter's career in public service began in Nebraska where he was executive assistant to the Governor. His service with the Department of Agriculture began in 1970, with several sub-Cabinet posts. He has served as Assistant Secretary of Agriculture for Marketing and Consumer Services, where he was in charge of such programs as meat inspection, animal health, and food programs. He then served as Assistant Secretary for International Affairs and Commodity Programs, and was involved in the dramatic expansion of farm exports during the mid-1970's. During the Ford administration he served as Deputy Special Trade Representative handling many bilateral negotiations.

Mr. Yeutter left public service for 7 years to become president and chief executive officer of the Chicago Mercantile Exchange, the second largest futures market in the world. Under his direction, this organization was one of the fastest growing in the United States private sector with billions of dollars of contracts traded in both agricultural and financial instruments each day.

As U.S. Trade Representative, Mr. Yeutter has been responsible for the development and execution of American trade policy. This job requires coordinating a United States negotiating position on all trade issues of importance to this country. Furthermore, he has had the difficult task of devising the strategy and tactics that will accomplish successful negotiations.

Mr. President, Mr. Yeutter has exhibited those traits of character and intellect which will serve him well as Secretary of Agriculture. I am certain, in this post, as in all of the others that he has held, he will serve the country and the President with the utmost distinction.

Accordingly, Mr. President, I urge my colleagues to support his confirmation.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. (Mr. FOWLER). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, it is with great pleasure that I rise in support, of President Bush's nomination of Ambassador Clayton Yeutter to be the 23d Secretary of Agriculture. There is absolutely no doubt in my mind that he will do an excellent job in this vital position. Programs and policies administered by the Secretary of Agriculture are paramount of millions of people throughout the world—whether it be a soybean farmer in Missouri, and exporter in New Orleans, or a consumer in Europe.

I have had the privilege of working with Ambassador Yeutter during his tenure as U.S. Trade Representative. Throughout this period, I was continually impressed with his knowledge of agriculture and commitment to America's farmers and ranchers. Time and time again, Ambassador Yeutter was able to develop a U.S. negotiating position based on good policy—not just good politics. Maybe the best sign of his success is the constant complaining of our competitors—whether it be the Japanese, the Koreans, or the European Community.

As USTR, Ambassador Yeutter recognized the importance of eliminating unfair subsidies and barriers to trade and worked hard to make trade in the world market both free and fair. Although he became a master of the

formal GATT process, Ambassador Yeutter was not afraid to implement retaliatory actions when necessary. Through GATT, he was successful in opening new markets in Japan for agricultural products. Through retaliation, he has forced the European Community to reconsider it thinly disguised prohibition on beef treated with growth hormones. Through compromise, Ambassador Yeutter reached an accord with the Soviet Union on another grain agreement. These same abilities—consensus, strength, and flexibility—will ensure his success as Secretary of Agriculture.

Mr. President, there is no doubt that American agriculture remains on the long road of recovery. Of immediate concern, the drought that devastated much of the Nation last summer remains with us. Much of my State is in desperate need of moisture for not only crops and livestock—but rural communities. Secretary Lyng did a fine job of working with Congress on ways to mitigate the effects of the drought and I believe Ambassador Yeutter will maintain this close working relationship.

I am afraid the Nation's tremendous budget deficit will lead some to come calling once again on Agriculture's money tree. While I believe the agriculture budget has already absorbed enough cuts, history indicates we could be forced to find further reductions. If this is necessary, I am encouraged by Ambassador Yeutter's willingness to work with Congress to identify cuts which are the least detrimental to farmers but remain consistent with the objectives of the Food Security Act of 1985.

Finally, Congress will soon begin consideration of the next farm bill. This comes at a time when the United States remains steadfast in its goal of reforming world trade in agricultural commodities throughout the GATT negotiations. Ambassador Yeutter is uniquely qualified to work with Ambassador Hills on this issue while at the same time formulating policies which allow the United States to take full advantage of any trade liberalization.

Mr. President, I went into last Thursday's confirmation hearing knowing full well I would vote in favor of Ambassador Yeutter's nomination. Aside from his stellar credentials, I have been very impressed with his thoughts on where American agriculture is headed and what needs to be done to pave the way. Also, I can say that Ambassador Yeutter displayed unbelievable diligence by answering the Agriculture Committee's 147 written questions over the weekend. In my book that is dedication beyond the 5 o'clock quitting hour.

An old sage once said, people don't care what you know—until they know that you care. In Clayton Yeutter, Americans have found someone who fits this bill. I applaud President Bush's appointment of Ambassador Yeutter and encourage my colleagues to vote in support of his nomination.

I yield the floor.

Mr. LUGAR. Mr. President, I yield whatever remaining time I have to the Senator from Montana.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Thank you very much, Mr. President.

I thank Senator LUGAR for yielding.

Mr. President, I rise today in support of Ambassador Clayton Yeutter to be the next Secretary of Agriculture. I believe that President Bush has made an excellent choice in selecting Clayton Yeutter to head the Department of Agriculture.

Clayton Yeutter's credentials for this office are exceptional. Clayton owns and makes the management decisions on the family farm in Eustis, NE. He is a producer and knows the problems farmers face from the production side of the equation.

In a addition, Clayton has a Ph.D. in agricultural economics from Nebraska State University in Lincoln, NE. He understands the macroeconomic and microeconomic factors that push and pull on the agricultural sector.

Clayton is past president of the Chicago Merchantile Exchange where the free enterprise system that made the country what it is today is practiced with every trade. Clayton understands the marketplace and what makes it work.

Clayton also served in the Department of Agriculture as Under Secretary for International Affairs and Commodity programs. He has worked in the Department of Agriculture and understands the intricacies of that important agency.

Most recently Clayton ably served the administration as U.S. Trade Representative. During this tenure, Clayton has elevated the problems faced by agriculture to true international importance.

There may be no person in America more able to serve as Secretary of Agriculture. I commend President Bush for selecting Clayton Yeutter and I urge all my Senate colleagues to vote in favor of his confirmation. Mr. President, I yield the floor.

Mr. BOSCHWITZ. Mr. President, it is a great honor for this Senator to speak on behalf of President Bush's nominee for Secretary of Agriculture, Clayton Yeutter. His career, spanning three decades, is an enviable combination of business and entrepreneurial experience coupled with public sector responsibilities, most recently serving as the President's Special Trade Representative. We are, indeed, fortunate that President Bush was able to prevail upon Clayton Yeutter to lend his talents to yet another task of service to his country.

We are at a crossroads in agricultural policy as we approach the final decade of the 20th century. My farmers and rural constituents tell me time after time during my travels through my home State that the 1985 farm bill has worked well in stabilizing American agriculture, but that important needs still exist. Critical decisions must be made, and actions taken in the areas of international trade, domestic programs, and resource management and conservation.

Clayton Yeutter's efforts as Special Trade Representative have brought agricultural trade issues to the forefront in the Uruguay round of GATT negotiations. After decades of avoiding substantive discussions of trade distorting domestic agricultural policies by GATT member nations, we finally have the opportunity to resolve some policy disputes which have had the effect of stifling growth, discouraging innovation, and suppressing economic opportunity in each member countries' respective agricultural sectors. Despite the volume of rhetoric in the current dispute with the EC over the meat issue, opportunity exists for meaningful reform in trade policy. A good example of what can occur with patience and persistence is the beef and citrus agreement which then Ambassador Yeutter concluded with Japan. The beef and citrus agreement could allow beef sales to Japan to increase by as much as $1 billion in the next 4 years, and substantial increases in citrus sales as well.

Mr. President, with the research recently reported by reputable scientists concerning the greenhouse effect, even greater need exists to revamp our international and domestic policies. Our domestic agricultural policies encourage the destruction and burning of South American forests. Many countries' supply management policies, which, Mr. President, would be more aptly named supply mismanagement, encourage high levels of production inputs on sometimes fragile or vulnerable lands leading to concerns about ground water quality.

With these important international trade and policy issues facing us, Mr. President, Clayton Yeutter's background and experience will be valuable for us in his new role as Secretary of Agriculture.

As the 1985 farm bill expires, and the debate begins on a new comprehensive farm bill, again the experience of Clayton Yeutter will prove valuable as we craft the next farm bill. Here too we must be aware of how results of GATT negotiations affect how we lay the foundation of future farm legislation. Ambassador Yeutter, in his statement to the Senate Agriculture Com-

mittee during the confirmation hearing stated:

> We cannot rationally construct farm legislation for the '90's until we know the outcome of the Uruguay round. We are in a global marketplace, we all represent an industry that is export dependent, and if we are to reform agricultural and trade policies in the world, we must go down that road together with our trading partners.

Mr. President, his suggestion that we maintain all of our current tools to allow maximum flexibility is a position that makes good sense and I heartily endorse it. Successful completion of the GATT negotiations will allow us to loosen the shackles on American agriculture and create an environment where decisions are made by farmers at home based on the marketplace, not made in Washington, DC by politicians.

The Agriculture Department also carries out Federal nutrition programs. I was pleased with Ambassador Yeutter's comments during the confirmation hearing about his support and involvement with the WIC Program over the years. As a strong supporter of nutrition programs such as WIC, School Lunch, and Child Care Food, I intend to take an active role in the reauthorization of child nutrition programs this year.

Finally, Mr. President, a critical need exists for action to provide leadership and tools to rural communities throughout the Nation to assist in rural development. Ambassador Yeutter, in his testimony before our committee displayed considerable knowledge and concern for the needs of rural America. His views that more joint efforts among Federal agencies are necessary, and that the local people must play the key role in development efforts are encouraging to those of us who will be active in working for increased rural development. This Senator looks forward to working closely with the Secretary in this important area.

Mr. President, as we deal with the critical issues ahead in international trade, domestic farm and food policy, resource conservation, and rural development it is important to have a Secretary who understands all of these areas and their interrelationships. We are indeed fortunate to have those characteristics in Clayton Yeutter. It is an honor to speak on his behalf and recommend his unanimous confirmation.

Mr. GORTON. Mr. President, I am pleased to join my colleagues in the Senate in supporting the nomination of Clayton Yeutter for Secretary of Agriculture. I am delighted with this nomination and can think of no finer choice for this appointment.

Clayton Yeutter has the right mix of experience and achievement, he is an agricultural economist and attorney from Nebraska who held USDA Assistant Secretary posts in the Nixon and Ford administrations and became U.S. Trade Representative after working a number of years as chief executive officer of the Chicago Mercantile Exchange.

Perhaps no one has a better background in Agriculture and the role it plays in international affairs than Clayton Yeutter. His focus on the importance of trade to the U.S. farm economy is vital and he has made a personal commitment to opening markets abroad. Coming from a State where the importance of international trade to the farm economy is increasingly critical, I have a great appreciation for the depth of his abilities in both agriculture and trade.

He has the talent. He has the ability. And he has the potential to be a great Secretary of Agriculture.

He has demonstrated that he is a tough bargainer on international trade issues and he has experience in dealing with Congress.

Clayton Yeutter understands the problem facing farmers today, he is a farmer/rancher from Nebraska, and he understands the international economy in which they operate, and I cannot think of anyone who is better qualified to step into the job than Clayton Yeutter.

He displays the kind of sound judgment that we need in Government. As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, I look forward to working with Clayton Yeutter in the development of agriculture related initiatives. I am confident that the Department of Agriculture and the United States will be pleased with his strong leadership. Mr. President, I commend the Senate for executing this swift confirmation.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the nomination of Clayton Yeutter to be Secretary of Agriculture.

As the former chairman of the International Trade Subcommittee of the Finance Committee, I gained an appreciation of Ambassador Yeutter's qualities over the last 2 years in his role as U.S. Trade Representative in the previous administraton. He proved himself an outstanding public servant who performed well in an exceedingly difficult assignment. In his new Cabinet post his responsibilities may be different but the issues, for the most part, will be similar to those he managed as Trade Representative, given the importance of American agriculture in our overall world trade position.

While we do not see eye-to-eye on some matters, notably the sugar program, I am encouraged by the statement he made at his confirmation hearings that he does not intend to unilaterally disarm in regard to our agricultural support programs, especially insofar as sugar is concerned. In my considered opinion, this is the only intelligent course we can take, Mr. President, unless we are prepared to completely dismantle our domestic industry and become entirely dependent on foreign imports of this strategic commodity, as some would have us do. Fortunately, however, their view is not shared by Mr. Yeutter or by the Bush administration, whose position on sugar I am given to understand is far more enlightened than was that of the Reagan administration.

With that said, Mr. President, I am happy to support the nomination of my good friend Ambassador Yeutter as the Nation's new Secretary of Agriculture and I urge my colleagues to do likewise.

Mr. SIMPSON. Mr. President, what more is there to say about this extraordinary man? I've known him for many years. He once lived in Wyoming and he's really a neighbor of ours from Nebraska.

He is so eminently well-qualified for this position and he deserves our deepest thanks for agreeing to continue his service to our Nation. We know of his desire to return to the private sector, and yet he "held off" and will now provide us the strong leadership so necessary for our agriculture sector on into the nineties.

Clayton Yeutter has already spent the past few years battling the barriers to U.S. agriculture exports. He's sure the right man for the right job as we begin to see a recovery in the agriculture economy.

He will be such a good person to work along with the Congress as we prepare to debate future farm policy. He's a man of absolute integrity as well as consummate good sense. He'll shoot straight with us. I'm a great fan of his, obviously. Together we can produce a sensible farm policy even under the continuing stress of Federal budget deficits and the specter of sequester. Because of the many exemptions to the Gramm-Rudman-Hollings law, agriculture is particularly hard hit under any form of sequester. But if we can provide the means for our hard-working farmers and ranchers—the ones who honestly deserve it—to secure an adequate income through the marketplace rather than through Federal subsidy, we will have done our jobs well as legislators and administrators.

I look forward to working with my friend, Clayton Yeutter, to achieve these ends. I wish he and his lovely and talented wife, Jeanne, well in their new and important endeavor.

Mr. SPECTER. Mr. President, I congratulate President Bush on his selection of Clayton Keith Yeutter, Esq., as Secretary of the U.S. Department of Agriculture, and I am pleased to express my support and vote for his confirmation today. The President has se-

lected a highly regarded trade expert, who is especially well-equipped to promote U.S. agriculture through an expanded share of the international market.

Mr. Yeutter is well-qualified for the position as Secretary of Agriculture as reflected in his impressive list of accomplishments and experiences. He earned a degree in animal husbandry, a law degree, and a Ph.D. in agriculture economics. Mr. Yeutter began his public service as an Assistant Secretary of Agriculture during the Nixon administration. He expanded into the arena of international trade during the Ford administration when he served as Deputy Special Trade Representative and later as U.S. Trade Representative for President Reagan.

My confidence in Mr. Yeutter's ability and integrity arises from having known and worked with him. His reputation has been built on devotion to hard work and determined yet good-natured persuasiveness, traits influenced by his years growing up in rural Nebraska. His 3½ years as Trade Representative was spent battling barriers to U.S. agriculture products. Through his determination at the General Agreement on Tariffs and Trade [GATT] in Montreal, Mr. Yeutter displayed his ability to discipline international agriculture while maintaining the viability of the U.S. farmer. I am confident that Clayton Yeutter will continue his efforts in the international trade markets to promote U.S. agriculture at home and abroad.

This position of Secretary of Agriculture is especially critical in many of the Nation's agriculture and environmental matters, including the prevention of surface and ground water contamination, development of new and modified crops, pest management, and product development, research in the areas of animal diseases and biotechnology, and improved food safety. I long have believed that it is imperative to constantly improve the U.S. agriculture industry because it must compete with the rest of the world for a market for its products. I am confident that Mr. Yeutter will be an effective leader in these important areas.

I support the nomination of Mr. Yeutter to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skills, as he has in the other positions he has held in the past.

Mr. WARNER. Mr. President, I rise to support the confirmation of Ambassador Clayton K. Yeutter, President Bush's nominee to be Secretary of the U.S. Department of Agriculture.

The position of Secretary of Agriculture is among the most demanding in the Federal Government. While the American agricultural community has good reason to be optimistic as we approach a new decade, with the prospects of further increasing export markets, we need not look too far back over the past to be reminded of leaner and bleaker times. The challenges that lie ahead for agriculture are still great, and the choices that will be made by the Secretary will decide the direction of American agriculture well into the 1990's.

As a cattleman from Nebraska, Ambassador Yeutter has experienced the unique risks facing the American farmer. Even Congress cannot control the weather. His service in Government, as an Assistant Agriculture Secretary in the Nixon and Ford administrations and as the U.S. Trade Representative since 1985, has demonstrated his strong commitment to agriculture. Further, as chairman of the Chicago Mercantile Exchange during a challenging era, Ambassador Yeutter displayed a keen awareness of the role played by the agricultural commodity markets.

I have had the opportunity to work with Ambassador Yeutter on a number of trade issues involving agricultural issues. I have always found him to be thorough, astute and, above all, aggressive in pushing for expanded markets for U.S. products.

In particular, I am pleased to note that in his capacity as Secretary of Agriculture, Ambassador Yeutter will be able to continue his participation in the Uruguay round of the GATT negotiations, working for the reduction and eventual elimination of all trade-distorting agricultural subsidies.

In 1990, Congress and the administration will be faced with the task of writing a new farm bill. It is vitally important that a strong and experienced voice for agriculture be heard as that 1990 farm bill takes shape.

I believe we have that voice in Ambassador Yeutter, and he will advocate well for agriculture. Ambassador Yeutter has demonstrated his commitment to a free market and his experience as the Trade Representative will help agricultural industries to continue the progress made in opening new markets. His experience in foreign trade negotiations will provide continuity with current U.S. trade policies.

I am pleased to cast my vote in support of Clayton Yeutter's confirmation, for he has proven himself to be a man of integrity, ability and experience in the issues that will confront him as the Secretary of Agriculture.

Mr. President, I ask unanimous consent that my statement be included in the RECORD as if read.

Mr. MCCONNELL. Mr. President, I would like to bring to the attention of my colleagues the excellent qualification that Clayton Yeutter brings the the position of Secretary of Agriculture. There is probably no individual that is more suited to take on the enormous responsibilities of this job.

Agriculture is a extremely complex industry that demands strong leadership. Agriculture employs more Americans than any other single industry. It provides $1 out of every $5 to our gross national product and it consistently has been the only sector of U.S. trade that has a positive trade balance. U.S. agriculture benefits from a comparative advantage over most other countries in many areas of production. That advantage must be used to further extend U.S. dominance in the world marketplace.

The experience as U.S. Trade Representative that Clayton Yeutter brings to this new job will give us a distinct advantage as we enter tough negotiations with our competitors. His practical experience as a Nebraska grain and livestock farmer will help him inject a more realistic view of how U.S. agriculture should position itself for the future.

The job he assumes will be neither easy nor glamorous. It will require countless time and effort, but I sincerely feel that there has not been a man in recent history who is more suited and qualified to be the Secretary of Agriculture. I look confidently forward to the future of agriculture with Clayton Yeutter at the helm of the Department of Agriculture of the most productive country in the world. Mr. President, I ask that my colleagues join me in a yes vote for Ambassador Clayton Yeutter as the next Secretary of Agriculture.

Mr. KERREY. Mr. President, I am proud today to vote to confirm my fellow Nebraskan as Secretary of Agriculture. While he and I do not agree on each and every issue affecting agriculture, his understanding of production agriculture will enable him to contribute greatly to the State of Nebraska and the rest of the country.

Clayton Yeutter has led a career of committed public service and has also maintained contact with his family and with the roots from which he has grown. He has a sense of himself and his roots that will serve him well as Secretary of Agriculture.

Ambassador Yeutter understands that agriculture is still in a very fragile recovery. He also understands the paradox in this land of enormous capacity to produce food and the struggle to see that all who obviously need that food receive it.

One area in which I hope Ambassador Yeutter will focus a great deal of his attention as Secretary is in implementing sensible price stabilization measures. As Secretary, he will have at his disposal many tools that will enable him to manage inventories in such a way that we keep commodity prices within a reasonable range.

In my view, that should be the primary goal of our farm program. By using the Acreage Reduction Program,

the Conservation Reserve Program, and the Paid Land Diversion Program, the Secretary can manage inventories in a range where the marketplace can produce the profit for the producer rather than have it come from the Government.

Again, I am pleased to vote to support my fellow Nebraskan and look forward to working with him in the coming years.

Mr. LEAHY. Mr. President, I yield any remaining time that I have.

Mr. LUGAR. Mr. President, I yield the remainder of our time.

The PRESIDING OFFICER. All time on the question of advise and consent to the nomination has been yielded back. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Clayton Yeutter, of Nebraska, to be Secretary of Agriculture? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—100

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Nickles
Boren	Harkin	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	
Fowler	McClure	

NAYS—0

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order the motion to reconsider is laid on the table.

The President will be immediately notified of the confirmation of the Secretary of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate under the previous order will now return to legislative session.

The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of a resolution to be offered by the Senators from Montana, acknowledging Mike Mansfield's distinguished service, and that it be considered under the following time limitation: Twenty minutes on the resolution to be equally divided between Senators BAUCUS and BURNS, or their designees, and that no amendments or motions be in order with respect to the resolution.

The PRESIDING OFFICER. Is there any objection to the unanimous-consent request?

Without objection, it is so ordered.

ORDER FOR PERIOD FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the disposition of the Mansfield resolution there be a period of 30 minutes for the conduct of routine morning business within which Senators may be permitted to speak for a period up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana, Mr. BAUCUS, is recognized.

COMMENDING THE SERVICE OF MIKE MANSFIELD

Mr. BAUCUS. Mr. President, on behalf of myself and Mr. BURNS from the State of Montana I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 55) acknowledging the distinguished service that Michael J. (Mike) Mansfield has rendered on behalf of the people of the United States of America.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will not seek recognition. I would like the clerk to read the resolution.

The PRESIDING OFFICER. The clerk will read the complete resolution.

The legislative clerk read as follows:

S. RES. 55

Whereas Michael J. (Mike) Mansfield has served the Nation for over seventy years, as a soldier, educator, Congressman, Senator, and Ambassador;

Whereas Mike Mansfield served as Senate Majority Leader longer than any other person in history, and provided wise and steady leadership during a critical time in the history of the Nation;

Whereas Mike Mansfield served as the Ambassador to Japan for the United States longer than any other person in history, and advanced the interests of the Nation and improved relations between the United States and Japan during a difficult time of frequent trade problems;

Whereas Mike Mansfield provided valuable advice and counsel to Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, and Reagan;

Whereas President Reagan recently awarded Mike Mansfield the Presidential Medal of Freedom and declared that he "set his indelible mark upon American foreign policy and distinguished himself as a dedicated public servant and loyal American";

Whereas throughout his career Mike Mansfield has exemplified the ideal public servant and displayed the highest qualities of dedication, integrity, and rectitude; and

Whereas Mike Mansfield has announced his retirement from full-time public service: Now, therefore, be it

Resolved, That the Senate gratefully acknowledges the distinguished service that Michael J. (Mike) Mansfield has rendered on behalf of the people of the United States of America, and that the Senate expresses profound gratitude and best wishes to Mike Mansfield and to his wife, Maureen, upon the occasion of Mike Mansfield's retirement.

The PRESIDING OFFICER. The Senator from Montana, Mr. BAUCUS.

COMMENDING AMBASSADOR MANSFIELD FOR HIS YEARS OF SERVICE

Mr. BAUCUS. Mr. President, today the Senate not only will honor a distinguished citizen of the State of Montana, but we will also honor an American institution.

My colleague from Montana and I have introduced a Senate resolution to recognize the years of outstanding public service rendered our Nation by Mike Mansfield.

Mike is here today because he is a gracious man. I know, however, that he really doesn't approve of all the fuss we are making over his retirement as United States Ambassador to Japan.

This is quintessential Mansfield. Selfless. Always dedicated to the task at hand and never trying to focus attention on himself. He is, in essence, the ultimate public servant, because he never lost sight of the public he served.

Mike's public career is a mirror of American history. He served in the military during World War I, served 10 years in the House of Representatives and 24 years in the Senate.

For 16 years Mike served as majority leader of the Senate—longer than any other Senator.

And there was good reason to entrust this institution to Mike. His power was derived from his character—open to all. Honest to a tee. Respectful of individuals.

Mike was a Senator for all people. Whether he was presiding over this stately Chamber, or sharing breakfast with Montanans at the Oxford in Missoula, he was always Mike. To my colleagues in the modern Senate who don't know, Mike had no State offices. His office hours were held in the

coffee shops, homes, and eateries across Montana.

During his congressional career, Mike served under seven Presidents and during three wars. He offered strong, steady leadership during periods of great political and social unrest. The phrase "they don't make 'em like they used to" was probably written to describe Mike Mansfield.

Mike began his career of public service at the age of 14, when he joined the Navy and became the youngest Montanan to serve in World War I.

After the war and a stint in the Marines, he returned to Montana and settled in Butte. He worked in the copper mines, over half a mile underground. In 1927, he enrolled at the Montana School of Mines to study mining engineering. While there, he met his future wife, Maureen Hayes.

Maureen has had a profound influence on Mike. She has been by his side, offered her advice and guidance, and been a gracious companion. Under her encouragement, Mike enrolled at the University of Montana in Missoula in 1928 to study history and Far Eastern affairs. Following graduation, he started teaching at the university.

In 1940, Mike entered his first congressional race. He came in third in the Democratic primary. Fortunately for Montana and our country, he ran again 2 years later.

During Mike's 10 years in the House of Representatives, he gained a reputation for honesty and hard work. He was recognized as one of the preeminent scholars on Asian affairs. His dedication took him to the Senate in 1952.

Mike would have been happy to spend his congressional career serving only the people of Montana. However, the Nation needed his leadership. In 1961, at the urging of President Kennedy and Vice President Johnson, Mike ran, for and was elected as Senate majority leader.

All majority leaders bring special qualities to the job and to the institution. Mike brought not only his experience and character to the job, he brought a personal style that helped the Senate during one of the most turbulent times in our Nation's history.

Maybe he couldn't calm stormy seas, but Mike was a steady rudder for a Senate confronted with complex and difficult problems.

Mike didn't twist arms or threaten. He respected Senators and understood their difficulties, and they in return gave him their trust.

Mike was an early opponent of the war in Vietnam, yet while he stood up for his principles, he also defended the principles of others. He did not fear disagreement, because he knew that from discourse springs truth. And from truth comes better Government.

Mike truly saw the Senate as a collection of 100 equals, each deserving to be heard. He was a calming influence during a difficult time. As a result, this institution is stronger today.

I sometimes wonder, in these days of television, how the country would respond to Mike Mansfield. Mike's five favorite answers were "Yes," "Nope," "Maybe," "Could Be," and "Do Not Know."

I believe that while he would have driven the producers of television crazy, he probably would have been lauded as a folk hero.

I recall that during an appearance on Meet the Press the reporters had to ask Mike over 80 questions in order to fill the time of the program.

But the bright lights of modern political life would not be of interest to Mike. To enlighten the public as to the important issues of the day was his forte.

It is because of this dedication to excellence that made Mike Mansfield such an outstanding choice to be our Ambassador to Japan. At a crucial time in United States-Japan relation, Mike's steady hand and mind have provided important leadership.

As Mike is fond of saying: "The bilateral relationship between the United States and Japan is the most important in the world—bar none." The United States and Japan are now the world's two economic superpowers. And relations between the economic superpowers have been bumpy over the last several years. Numerous bilateral disputes over Japanese trade barriers have flared to near trade war proportions.

During my trips to Japan, I have seen first-hand the respect the Japanese have for Mike. They value his integrity, his honesty and his willingness to listen. No American is more admired by the Japanese.

But Mike has also been praised by American businesses working to export to Japan. He has worked tirelessly for American trade interests in Japan. Instead of seeing his job as simply a diplomatic cheerleader, he has jumped into trade disputes on the United States side.

I witnessed Mike's dedication firsthand on my most recent trip to Japan.

I traveled to Japan in March of 1988 when the negotiations to open the Japanese market to United States beef exports had reached a critical juncture. Mike had undergone open-heart surgery only a few weeks before. But he accompanied me to meeting after meeting with Japanese officials to plead the United States case. Largely because of Mike's efforts, the Japanese agreed to open their market to United States beef exports.

As they say in Montana, you just can't keep a good man down.

In addition to helping with the day-to-day trade problems, Mike has also been perhaps the most influential thinker on the future of United States-Japan relations.

For years Mike has been urging the United States and Japan to move beyond the issue-by-issue approach to trade negotiations and conclude a free trade agreement.

Such an agreement may be years away. But I for one hope that this administration follows his advice and concludes a sweeping economic and trade agreement with Japan.

If such an agreement is eventually concluded, it will be a lasting tribute to Mike's powerful vision of future United States-Japanese relations.

Mike's legacy of honesty, integrity, and hard work serves as an inspiration for all of us. We don't use the phrase "public servant" very often anymore. That's partly because there are so few individuals who have dedicated their entire lives to working for the public interest. Mike Mansfield is one of those people.

Our Nation is fortunate to have had the services of Mike. It would be selfish of us to wish that Mike had continued on as Ambassador—he certainly deserves to retire. But we will miss him and we are losing a valued friend.

I know that I speak for the rest of my colleagues when I wish Mike and Maureen well. I also would like to thank them for the years of service they have given to our country.

Mike Mansfield used to say that when he left the Senate, he wanted to be forgotten. That is one wish we will never be able to fulfill. We will always remember him and we will always be grateful to him.

Mr. President, we have all heard the resolution as read by the clerk.

We are all here today honoring Mike Mansfield for many, many different reasons. Each of us who knew Mike has his own reason. Many of us who admired and respected Mike Mansfield have additional reasons.

But, Mr. President, as I stand here as a Member of the U.S. Senate from the State of Montana, I personally have introduced this resolution because, for me, Mike Mansfield has been not only a person whom we honor in the State of Montana and we honor in the country, but a person whom we honor as an American institution.

There is no man or woman in the State of Montana who is as revered, who is as respected as Mike Mansfield.

When I first ran for the Senate in 1978, my pollster put my name on a thermometer, along with Mike Mansfield and other statewide figures, and I do not have to tell you who came in first. In fact, my pollster said in all of his years of polling no other person has ever made it as high on the thermometer index question in any other State in the Nation than Mike Mansfield, with one possible exception.

That was the Senator who was one of Mike Mansfield's friends in the U.S. Senate, his companion, George Aiken, of Vermont.

Mike Mansfield is still as popular in Montana, and the final most important point I can make about Mike Mansfield is that he has been truly a dedicated and selfless public servant all the years he served our State and our country.

As Senators know, he first ran for Congress in 1940 and he was unsuccessful in that effort. Fortunately for the State of Montana and the country, he ran again and was successful. Since 1942 he served continuously in both Houses of Congress until 1976.

Mike Mansfield is very selfless. He did not seek the limelight. I can think of many instances and many times when the Montana delegation, which I fortunately was a member of when Mike was still a member of our delegation, would be honored someplace in Montana, or someplace in the country. It always struck me that the person who least sought the limelight, who least sought the attention, was the one who deserved it more than anybody else, and that was Mike Mansfield.

Mike always stood in the back and let others seek the limelight or tried to get the praise for a group effort or for efforts that he took on their behalf.

The fact of the matter is, the best evidence we have that Mike was so selfless is that here we are today. We all know that Mike is a bit embarrassed at all of the honor that is being heaped upon him. He is embarrassed because he is a true public servant. He was a public servant of the people of the country and the State, not for himself as an individual. And it is for that reason that Mike Mansfield is so popular and that people respect and admire him so much.

In my State of Montana, too, he is very down to earth, very much a person whom everyone respected and spoke to not as Senator Mansfield, not as Mr. Majority Leader, but as Mike. Mike was Mike to everyone in Montana. He put on no airs. He did not seek the limelight. He was a person who worked very hard for his State.

He also respected the individual. He remembered the name of every single person whom he met because he knew how important that was, not so much politically, but for that individual. He also respected individuals by calling meetings on time. If he set a meeting at 9 or at 10 o'clock, it started at 9 or 10 o'clock, something that we Senators, I think, should pay much more attention to.

But, finally, and probably most important to me, Mike Mansfield is the main reason why I sought public office. When I was younger, I was in law school and worked for the Securities and Exchange Commission in Washington, DC. I must say, I had absolutely no interest in politics. I thought politics was dirty. I thought it was tainted. I thought it was corrupted, disgusting, idiotic, and stupid that anybody in his right mind would ever want to run for public office.

I was thinking about all of this about 20 years ago, and I thought, "Well, one person I should talk to is someone I admire very much, and that is Mike Mansfield."

So I walked over to the U.S. Senate. I walked over to the reception room not too far from here. I wrote my name on the card and I had the page bring the card in to Senator Mansfield and I waited. About 5 minutes later, suddenly there was the man standing right next to me, saying, "Hi, Max"—Mike Mansfield, whom I had last met 2 or 3 years earlier. He remembered my name. He sat down and we talked and he strongly encouraged me to run for public office.

So that is why I am here today. It is because I want to honor a man who has been very important to me.

I found that politics is not dirty, tainted, corrupted, and disgusting, as some of the American public might think, unless you let it be that way; that this profession is like any other profession; and the more we try to achieve the standards of Mike Mansfield, the more we will realize and portray the impression to the American people that politics is a very honorable profession and, in fact, is not dirty or tainted, but is one of America's highest callings.

It is that selflessness of Mike Mansfield which led me to run for public office. It is that selflessness of Mike Mansfield which I know has inspired so many others. It is an honor and a privilege for me to be from the State of Montana and to be able to offer this resolution.

Mr. CRANSTON. Will the Senator yield?

Mr. BAUCUS. I would like to yield first to the Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I ask that the Senator from Montana list me as an original cosponsor of the resolution.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Hawaii [Mr. MATSUNAGA] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Is the Senator yielding the floor now?

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, all of us in this Chamber, regardless of party, are proud of Mike Mansfield because he epitomizes what we each seek to be; a wise statesman. He served as majority leader of the Senate longer than anyone else, for 15 years, and then went on to establish another record for longevity in the position of Ambassador to Japan, which he has held for the past 11 years. He retired this month from his diplomatic post at the age of 85 and returned to Washington with his wife, Maureen, to be honored by the State Department for distinguished public service.

In his early years he worked as a miner in his native State of Montana and also served in the 1920's as a U.S. marine in Asia, an experience which awakened a lifelong interest in the Pacific region. After studying mining engineering, he made an early career switch and became a student and teacher of history and political science, specializing in Asia and the Pacific. He came to Congress in 1942 and was elected to the Senate a decade later. A recent interview with the Washington Post, which was published in a question-and-answer format by reporter Don Oberdorfer, captures his straightforward wisdom and the essence of his character. In it he urges us to become "less emotional, more practical" in our world view. In order that my colleagues and others might gain from his insights, I ask that the article, "Japan: The View From Mansfield," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAPAN: THE VIEW FROM MANSFIELD

AS ROLES SHIFT, UNITED STATES SHOULD BECOME "LESS EMOTIONAL, MORE PRACTICAL"

Mike Mansfield, 85, is retiring from 50 years of government service on Friday after one of the most distinguished careers in American public life. Elected from Montana to the House in 1942 and the Senate in 1952, Mansfield served as Senate majority leader for 15 years (1961-76), longer than anyone else. Since then he has served as U.S. ambassador to Japan for 11 years (1977-88) under Presidents Carter and Reagan, holding that key diplomatic post longer than anyone before him.

A U.S. Marine in Asia in the 1920s and a professor of Far Eastern history in the 1930s, Mansfield was one of the ranking U.S. experts on Asia and the Pacific even before his long service in Tokyo.

Last week, shortly after a formal retirement ceremony at the State Department, Mansfield was interviewed by Washington Post staff writer Don Oberdorfer. Excerpts from that interview:

In the early postwar years you were credited with helping convince President Truman to keep the emperor of Japan on the throne rather than depose him at the end of the war. And I was wondering if you'd ever discussed this with the emperor, what your relationship with him was, and, now that he's dead, how you feel about your advice and about what the emperor meant to Japan in the postwar period.

I'm sure that Truman called on a lot of others for advice on the future of the emperor. In August or September 1945, he did call Sen. Elbert Thomas, a Democrat from Utah, former missionary to Japan, who spoke the language and had broadcast to Japan during the war. And me.

Mr. Truman said he was concerned about what should be done about the emperor. He asked if we had any advice or counsel.

We both told him that it was absolutely necessary that the emperor be maintained in office and that he symbolized Japan, that remaining in office he could keep Japan together and that deposed it would cause chaos, confusion, confrontation and great difficulties. He thanked us and we left.

I had no conversations with the emperor on the subject. My meetings with him were all formal, in the presence of others, tied to the duties of an ambassador. . . .

What is your estimate of what Emperor Hirohito meant to Japan in the post-war era?

I think he meant a great deal. . . . He was not one who swaggered or boasted; he was modest, not forward. He was interested in his people. On several occasions he expressed his full faith and confidence in the Constitution, his desire for world peace and his distress, on official visits, about the war . . . I think he played a great part in bringing about a feeling in Japan which helped to raise it from the ashes and to the great power it is today.

A week or two ago in Newsweek magazine, former prime minister Nakasone wrote, "I often said to Mr. Reagan, 'You are the pitcher and I am the catcher. Throw me a good pitch.' But I also told him, 'You have to listen to the catcher's advice sometimes.'" Nakasone went on to say, "If the Reagan legacy continues, the pitcher-catcher relationship between the United States and Japan will last, with mutual trust and cooperation for the foreseeable future."

How do you react to that way of describing the relationship?

He did say those things, not once but several times. I would agree with his sum-up.

I would anticipate that President Bush will carry out the policies which Shultz and President Reagan have laid down because as Japan has become a superpower economically, it has assumed greater responsibilities and undertaken greater burdens in defense and foreign aid; for example, in bringing about a change in its domestic and economic structure so that there is less emphasis on exports and more on imports and more on domestic development.

And I would assume that as this relationship strengthens that now and again the positions will be reversed, and that sometimes we'll be the catcher and Japan the pitcher and other times we'll be the pitcher and Japan will be the catcher. They're very great on baseball, as you know.

But that's fine because as this interlocking and integration of our two countries becomes more apparent, there's going to have to be more give and take. . . .

Japan has achieved maturity and majority. Japan is one among equals, one of the two superpowers of the world economically, one of the great powers of the world generally speaking. And with more of the burden which we want them to assume, more of the responsibility which they must and are able and willing to undertake, must go also I think a greater share in the decisionmaking. So that matters can be worked out on a cooperative basis and not brought up all of a sudden and through a statement laid down as established fact and/or policy.

In your opinion is it inherently unhealthy or perhaps even dangerous to have Japan be the No. 1 creditor of the United States in the world, as it is today?

I don't like it, but you have to face up to reality. Less than a decade ago we were the world's greatest creditor nation, now we're the world's biggest debtor nation. But Japan has been able to take advantage of the times, look further into the future than we in an economic sense seem prepared to do. They've turned out products for which there's a demand based on reliability, reputation and follow-through service.

I would hope that it would not be considered dangerous. I would hope that we would become less emotional, more practical, and recognize the advantages which accrue to both countries and do something about our foreign debt.

Some people feel that the attitudes of the Japanese people and Japanese businessmen have been transformed from a respect for the United States to a kind of pity for the United States, which is seen as a great power which is slipping. Do you encounter that?

Not pity. Concern. Because they know so much depends upon the United States. They want the United States to be the No. 1 economic power in the world. They want to be able to continue to penetrate into our markets. They wish that we would do something about the national debt and the foreign debt and those are of our making, of our responsibility.

Under [Prime Minister] Takeshita they're bringing about a restructuring of the domestic economy and doing a good job. They have opened up their markets much more. . . . It's not a case of pity because basically the Japanese like us. It's one of concern because they think that if we fail in retaining the No. 1 spot that they could well fail also.

Do you have any job description for your successor? What are the attributes of a successful ambassador in Japan?

Well, if he's a professional [diplomat] I hope he has an understanding of business because trade is going to be the issue for years to come. If he's a businessman I hope he has a good understanding of diplomacy. It's not going to be an easy job but it's going to center almost entirely in one area which will be difficult because of the protectionist sentiment which exists in the Congress.

Finally, what would you like to be remembered for in your long career in public service?

[Long pause.] Nothing really. Let the record speak for itself.

The PRESIDING OFFICER. The 2 minutes allotted to the Senator from Hawaii has expired.

Mr. CRANSTON. Will the Senator from Montana yield to me?

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mr. CRANSTON], is recognized.

Mr. CRANSTON. Mr. President, I first would ask unanimous consent to be added as a cosponsor to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, Mike Mansfield was the majority leader when I arrived in the Senate a bit more than 20 years ago. He was providing great leadership at that time. He was tremendously helpful to me and others who arrived in the Senate at that time in the history of this body.

What was most noteworthy to me about Mike's leadership of the U.S. Senate and his leadership in our country was his great stress upon the important issues and his focus upon what was important and his lack of concern about the unimportant things that so many of us find ourselves spending all too much time on. As a result of that, he made a great imprint upon not only the work of our Senate but, through that work, upon our country and our world with his interests and his knowledge of foreign policy, not only in Asia, but in all parts of this world of ours, and many important legislative accomplishments on domestic issues that have benefited the lives of our people, our laws and programs, and policies because of Mike Mansfield.

The PRESIDING OFFICER. The time of the Senator from California has expired.

All time allotted to the senior Senator from Montana [Mr. BAUCUS] has expired. The remaining time is under the control of the junior Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, this is a proud moment for me to stand here on the floor of the U.S. Senate and pay tribute to Ambassador Mike Mansfield—Senator Mike Mansfield—Montanan Mike Mansfield.

Mike Mansfield has retired from service to this Nation from his most recent role as our Ambassador to Japan—and I think I speak for all Montanans when I say that his service will be sorely missed.

The Ambassador, and his lovely wife Maureen, have done more to build a strong and positive relationship with that important partner in the Far East than others had done in decades. Ambassador Mike Mansfield understood the importance of the Pacific Rim to the United States when few others did. He talked of trade with Japan when others were concentrating their efforts on Europe and the Atlantic.

I can think of no better representative of traditional American values than Ambassador Mike Mansfield. The Japanese, I believe, have a much better understanding of what America is truly all about since Mike Mansfield occupied the Ambassador's residence in Tokyo.

The Ambassador was always available to offer help and advice to Americans seeking business opportunity in Japan—and he was available to offer insights to Japanese for our own sometimes inscrutable society. Ambassador Mike Mansfield truly has been a bridge across the Pacific over which a half a generation of Japanese and Americans have moved toward greater cooperation and understanding.

Serving as Ambassador to Japan is just the culmination of a long and distinguished career for Senator Mike Mansfield. Mike Mansfield came to Washington first to the House of Representatives when he was elected to 1942.

Congressman Mike Mansfield paid careful attention to constituent needs and services as a Member of the House and moved to the Senate a decade later in 1952. Senator Mike Mansfield was elected the majority leader of the Senate in 1961, and he held that position longer than any other Senator before or since.

Mike Mansfield served as majority leader during a tumultuous period in American history. He filled that role in a fair and bipartisan way that lent enormous stature to the office. Senator Mike Mansfield brought the values of Montana to Washington, DC—the equality of its plains and the humbling quality of its mountains.

Ambassador—Senator—citizen—Mike Mansfield is first and foremost a Montanan. Montana and Mike Mansfield are almost synonymous terms. Mike was a history professor at the University of Montana when he first became involved in politics. Today, the library at the university campus in Missoula is named the Mike and Maureen Mansfield Library in honor of their contributions to the State and its people.

Many of the books, particularly those on the subjects of Japan and the Pacific Rim, still bear the imprint of Mike's note pen. Montanan Mike Mansfield heads the Mansfield Center at the University of Montana, a research center dedicated to fostering the highest ethical standards in government as well as making contributions to the Nation's Asian policy—two items close to Mike Mansfield's heart.

The world—this Nation—and the people of Montana—owe a debt of gratitude to Mike Mansfield.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana controls the time.

Mr. BURNS. I will yield to the honorable Senator from Kansas for 1 minute.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I think we will have to get additional time. I would hope we have additional time. We have a number of speakers on this side and perhaps the two Senators from Montana might make that request.

Mr. President, I am honored to join as a cosponsor of this resolution, and very happy to have this public chance to say "thank you" to Mike Mansfield.

Thank you, Mike, for all your years of public service—as a great Senator, and great Ambassador.

Thank you, too, for lending even greater statute to this already great institution; for the many pieces of landmark legislation on which you left your personal mark; and for the many acts of statesmanship which marked your Senate tenure.

And thank you, Mike, for representing our Nation with such distinction for so many years in Japan; and for doing so much to make the United States-Japanese alliance stronger, and even more effective as a force for regional and global stability and peace.

Finally, Mike, thank you for being a friend—a personal friend of this Senator, and a friend, in the broader sense, of all who sit in the Senate, making us feel a part of this body when he was the majority leader, never giving anyone any preference, treating us a equals, as we should be treated. That meant a great deal to many of us in those years, who were sort of feeling our way in the U.S. Senate. We knew we had someone in charge who would not take advantage of us, who would treat us all alike and treat us fairly. That is about all you can ask. About all you have around here is your word.

When Mike Mansfield gave his word, that was it. And meetings did start on time, as the distinguished senior Senator from Montana has pointed out. Nine o'clock was nine o'clock, not 9:10, not 9:15.

For all those reasons and for all the support that he has given us when we traveled to Japan, and for his work for our Nation, I say thank you, Mike Mansfield, for everyone in this body.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I would like to have recognized the honorable Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD], is recognized for such time as he uses.

Mr. HATFIELD. What a wealth of material Mike Mansfield's life provides anyone who wishes to make commentary. I join with my colleagues in commending Mike Mansfield for a distinguished political public career. I would like to just take one small facet out of Mike's life, because I think that it illustrates a point that oftentimes popularity in the political life and respect do not go hand in hand.

In fact, very seldom in political history do you find someone who has maintained both the top-rated popularity, as the Senator from Montana has recited today that has followed Mike's career, and respect. I can only point to the obvious, because Disraeli, Gladstone, Churchill, De Gaulle, all had times when popularity left them and they were defeated in their political life. But never even in the trough of unpopularity, or less popularity, did their respect ever crumble. Respect was sustained throughout their political lives through both victory and defeat.

But Mike Mansfield is one of those rare persons who has maintained both respect and popularity in tandem, and I think, if he were to give any kind of comment on why this has happened in his life, he would say because he sought respect over popularity. Respect was the bedrock of his career, and respect was the sustaining power of his life. Popularity was the byproduct. It was not the objective. And I think, therefore, he could play a role model for all of us, not only from the point of ideal, of seeking respect first, but also the pragmatic, practical politics that followed.

He, indeed, had his priorities straight, and I respect him for it and thank him for providing us that role model.

Mr. BURNS. Mr. President, I yield to our majority leader, Senator MITCHELL.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be an additional 10 minutes for consideration of this resolution with the time to be equally divided between Senator BAUCUS and Senator BURNS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BURNS. I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho, [Mr. MCCLURE].

Mr. McCLURE. Mr. President, it is not my purpose in taking the floor at this time to repeat what has already been said so eloquently and so appropriately by the other speakers because I think certainly Mike Mansfield has earned the respect of Members of this body. He has certainly earned the devotion of Montana. And he has that respect and that popularity because he earned it.

There are just two things that I want to say in addition to saying to my friends who have spoken: amen, indeed you have spoken the sentiments of each of us. And that is to remind those who served with Mike Mansfield in this body during the period of years particularly when he was majority leader, that many, many times on the floor of the Senate things had reached an impasse and Mike would come in from his office and calm the atmosphere and bring about a resolution in a way that is unique to this body because of the respect everyone had on both sides of the aisle for his judgment and his fairness and his ability to be fair to both in a completely evenhanded and nonpartisan—not bipartisan but nonpartisan way.

Mike Mansfield, in addition to respect which he earned, and in addition to the popularity that he has enjoyed,

also has the affection that many of us have for a man with whom we served, who, by his example and his personal treatment of each of us, has earned our personal affection for a uniquely qualified human being.

Mr. President, it has certainly been my pleasure to serve with him. My life has been enriched by it. Certainly my service in the Senate has benefited from his example. But I think both he and Maureen know of the affection with which he is held by people of all walks of life in both parties on both sides of this aisle and inside and outside of this Chamber.

Mr. President, I thank the Senator for yielding this time.

Mr. THURMOND. Mr. President, I rise today in support of the resolution honoring the distinguished career of our beloved colleague and friend, Ambassador Mike Mansfield. Ambassador Mansfield embodies many fine qualities—a strong sense of commitment to his country, an unyielding dedication to duty and unquestioned integrity. He possesses those personal traits each of us aspire to attain.

Ambassador Mansfield was born in New York City in 1903, and 3 years later he moved with his family to his adopted home State of Montana. At the early age of 14, he served as a U.S. Navy seaman during World War I. After the war, he was graduated from Montana State University at Missoula in 1933. He received a master's degree from that fine institution the following year, then taught history and political science at his alma mater until 1942.

He was elected to the U.S. House of Representatives in 1943, and served in that capacity until being elected to the U.S. Senate in 1952. During his 25-year tenure in the Senate, he served ably in myriad leadership positions, including Democratic whip from 1957 to 1961 and majority leader from 1961 to his retirement in 1977. Ambassador Mansfield holds the distinction of being history's longest serving majority leader.

Upon his retirement, he was named Ambassador Extraordinary and Plenipotentiary to Japan. At the time of his appointment, foreign relations with Japan were of utmost significance to the United States. Ambassador Mansfield was credited with bringing our two nations much closer, and with laying the foundation for a harmonious future between the United States and Japan. In the history of our Nation, few have served more ably in such a sensitive and important post.

It is common in this Chamber that from time to time we recognize the deed of our former colleagues. Yet the achievements and character of Ambassador Mansfield are outstanding; among our Nation's great leaders, he has few peers. He is a man whose friendship I value greatly, and I am confident that he will continue to serve his Nation well in whatever capacity he should desire.

I would like to take this opportunity to wish Ambassador Mansfield and his lovely wife, Maureen, much happiness and good health in their future years.

The PRESIDING OFFICER. The Senator from Montana, [Mr. BAUCUS].

Mr. BAUCUS. I yield 1 minute to the Senator from Washington.

Mr. ADAMS. I ask unanimous consent that I might be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I just want to take a moment to add my voice to that of others with respect to Mike Mansfield. I had the opportunity to know him not only as a Congressman from the State of Washington, working with him when he was a Senator from Montana; but later in private life, Mr. President, I had the great pleasure to call upon him and to ask him for help on behalf of both the United States and, at other times, my individual State of Washington when he was Ambassador to Japan. He was one of the finest emissaries we possibly could have had in a difficult time in our existence and in our relationship with Japan.

He is the kind of person, I want to state to the senior Senator from Montana, that we all were proud to not only to have served with, but Montana gave a great gift to the United States when they sent him to Japan. He was honored by the Japanese people, as well as by those of the United States. He has done a great deal for all of us, and we are grateful he was here.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Montana, [Mr. BURNS].

Mr. BURNS. I yield 2 minutes to Senator HELMS.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. HELMS. Mr. President, all of us are grouping for words to express our feelings about Mike Mansfield. The words "role model" have been used several times. He certainly was that to me. Many a time he and I closed up the Senate. Then Senator Mansfield and I would have conversations. I learned so much through the little things he said.

He handled the press with such effectiveness. He never was misquoted by the press, I will say to my friend from Virginia [Mr. WARNER]. He would either answer by saying "yep" or "nope," and it is very difficult to misquote a Senator or anybody else under those circumstances.

Senator Mansfield, and Ambassador Mansfield, is one of the most unforgettable characters I have ever known and, as Senator MCCLURE said, he has had an impact on our lives. We all are indebted to him.

I thank the distinguished Senator for yielding the time to me.

The PRESIDING OFFICER. The Senator from Montana, [Mr. BAUCUS].

Mr. BAUCUS. I yield 1 minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized for 1 minute.

Mr. METZENBAUM. Mr. President, I had the privilege and opportunity to serve in this body for 1 year in 1974 before I came to the body through my election in 1976. Senator Mansfield was the leader at that time.

Of all the people I have met in my political career, I know of none who have so held themselves up on a pinnacle of integrity. Senator Mansfield was integrity personified. His word was his bond.

He was the kind of Senator that even when he was a leader never attempted to tell you how to vote. He respected your vote whether you agreed with him or disagreed with him.

I believe he has added so much to the luster of this body, and I feel a great privilege to have the opportunity to just say a word of my respect for him as a public servant. He has added so much to the Senate's history. I am proud to have had the opportunity to serve with him during that 1-year period.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I yield 1 minute to Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia, Senator WARNER.

Mr. WARNER. I ask unanimous consent that I may be made a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the former majority leader taught me one of the greatest lessons in humility that I ever received, and it occurred exactly 20 years ago this month.

I had been nominated by the President to join the Navy Secretary. I strode into his office in my brash, cocky, somewhat pompous way and sat down. I began telling him a little bit about myself, and he sat there and his eyes riveted on me. He listened very carefully.

I said, "You know, Mr. Leader, I may be the first man in the history of the United States of America ever to have served in the Marines and the Navy to become its boss." He looked at me and said, "My, Mr. WARNER, that's impressive." And I just felt, as we all do, as big as life.

Then he quietly said with a twinkle in his eye: "You know, Mr. WARNER, that reminds me of my earlier days. I enlisted in the Army and served in the

Army. I enlisted in the Navy. I served in the Navy." And he paused. "I enlisted in the Marines, and I served in the Marines. Do you suppose I may have set some record to be the first Senator ever to have served in three of the uniforms of the United States?"

I say to my colleagues, I was flattened, and it has taken me 20 years to slowly build back the confidence to relate that story about that great man.

I thank the Presiding Officer and the managers.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, how much time remains?

The PRESIDING OFFICER. The junior Senator has 1 minute 15 seconds. The senior Senator has 2 minutes.

Mr. BURNS. I yield that minute to Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, everyone has attested to the tremendous life and contributions of Mike Mansfield. I was very young and junior when I came here. Mike Mansfield was a tremendous help to me. And he has been ever since. Within the past 18 months, I went to Japan with a small delegation from New Mexico. Ambassador Mansfield made special arrangements to brief us, himself, for well over an hour. He even permitted a member of the New Mexico press to attend. He broke his own rules to do that.

I will never forget it.

If anyone left a big shadow on the horizon called the United States of America with their life in all respects, Mike Mansfield did. Anyone who wants a model for their life—a life with an impact as a citizen on this great country and its business and its people—they can look at Mike Mansfield's life.

I am delighted to be on the resolution and to have an opportunity to say a few words about this great man.

Mr. BURNS. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. The time of the Senator has expired. Senator BAUCUS.

Mr. BAUCUS. I yield myself 30 seconds. Mr. President, one final point, and that is Mike Mansfield is not only a model for all of us in the Senate, he should be a model along with his wife Maureen for all married couples in America. Mike Mansfield started out as a mucker in Butte, MT. About a half mile underground he dug, he picked copper, he worked in the underground mines.

At that time he met Maureen Hayes who lived in Butte, MT. She was a schoolteacher. Maureen and Mike got married. It was Maureen who persuaded Mike to leave the mines, to go to school and get an education. He did so. While she worked, Mike went to school. Mike then became a history professor at the University of Montana and ever since, Mike and Maureen have been very close, very dedicated. So close and so dedicated to each other that they are a model to, I think, all marriages in our country.

Mike always refers to Maureen, always mentions Maureen, always points out it was Maureen who provided his inspiration, his guidance. She is his best friend, the person whom he always turned to in matters that were of deep importance to him.

So I think it is important to realize that Mike Mansfield is a true man in every sense of the word, not only as a servant, but also as a husband and also as a father. A tremendous man. I yield the remaining time to the majority leader.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, every day those of us who serve in the Senate must struggle with the many and conflicting demands upon our attention, our time and our decisions. Every human defines the public interest through the prism of his self-interest, and all of us wrestle with our consciences daily as we seek to represent a variety of interests, many of them conflicting.

I think it is particularly significant that we pay tribute to Mike Mansfield now at a time when we must candidly acknowledge that the impression held of the Congress by the American people is unfortunately very low. We need in our daily lives, in our daily actions to act with the same dignity, the same selflessness, the same character, the same commitment to the national interests that Mike Mansfield demonstrated through his entire public career.

I believe that Mike Mansfield represents the best that American democracy has to offer. Simple and direct, forthright and honest, always committed to the public interest and to fairness in reaching whatever decision is made. Although he held important positions and possessed great power, Mike Mansfield never abused those positions and never used that power to advance his personal interests or to gain an unfair advantage over an adversary.

I am pleased to join my colleagues in adopting this resolution unanimously, and I commend the distinguished Senators from Montana for proposing it. I hope as he leaves public service, after a lifetime of contribution to his Nation, Mike Mansfield will make one further contribution, and that is inspiring all of us to act in the way he acted, to live in the way he lived and, most important, to meet our public responsibilities with the same honor and commitment which he demonstrated.

Mr. McCLURE. Mr. President, I ask unanimous consent to be listed as an original cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent that Senator DASCHLE be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I also ask unanimous consent that articles from various Montana newspapers concerning Mike Mansfield be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Butte (MT) Standard, Nov. 15, 1988]

MANSFIELD RETIRES: SCHOLAR, SENATOR, STATESMAN DESERVES A LIFE OF HIS OWN

Nearly everyone who knew him has a favorite "Mike" story.

Some are humorous, such as his legendary "yeps" and "nopes" when answering questions from the national press.

Others are personal, such as the speed with which he, as U.S. Senate Majority Leader, could clear roadblocks for individual Montanans.

After 11 years as Ambassador to Japan, Mansfield, now 85-years-old, has announced his retirement from public service.

He began his career as a member of the House of Representatives in 1942 and accepted his first foreign service assignment from Franklin Roosevelt.

He served as the Majority Leader of the U.S. Senate for 16 years, a record tenure.

Mansfield Centers have been established in the state in recent years to begin to honor him.

Although, always wary of mixing his personal life with his public service, the ambassador, reportedly, has kept a good distance between himself and any fund-raising activities.

Mike Mansfield, citizen, probably is unthinkable to some people.

Already there are noises being made about bringing him back to the University of Montana to teach. He taught Far Eastern and Latin American history there when the school was Montana State University.

Surely his wealth of knowledge would be of value.

But, a question comes into mind.

Here's Mike Mansfield. He has been in public service for nearly 50 years.

History wil judge him as one of the preeminent public figures in U.S. politics in the 20th Century.

He served under Presidents, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter, Ford and Reagan.

Should he be called upon to do more?

It might be impolite to ask.

Perhaps the man needs a little time to contemplate his career, perhaps to write a book or two.

Obviously, if he could overcome his sense of loyalty and natural reticence, he would have some great stories to tell about the major events of the century.

He served in World War I, was in Congress for World War II, Korea and Vietnam and

was the principal observer of the development of Japan, Inc.

Manfield's level of expertise might never again be duplicated, particularly by someone who worked in the Butte underground mines to attend Montana Tech.

So, the desire by the academic community to tap into his vast storehouse of understanding is natural.

Perhaps, however, the man should be left alone to pursue his goals.

Should those goals include a seminar or two, an undergraduate class or two, a lecture or two, so be it.

Mansfield deserves great thanks for his service. His efforts on behalf of the United States and particularly Montana have been monumental.

We wish him well and urge restraint on the part of those who would seek to cajole him back into a public role, until he has a chance to define what kind of a private life he might like to lead.

MIKE MANSFIELD

Six years as Congressman for Montana's western district.

Twenty-four years as a United States senator from Montana, with the final 16 years as the senate's majority leader. The latter is a record.

Eleven and a half years as America's ambassador to Japan, which is also a record.

This adds up to more than 40 years of public service for Montana's Mike Mansfield, who will retire at the end of the year as ambassador to Japan at age 85.

A rich and very productive four decades it has been too for Montana, the nation, Japan and other countries of the world.

Mike, a Democrat, has been an extremely able politician of course. He had to be to accomplish all that he has.

But politics always took a back seat when it came to the best interests of his state and nation.

Voters knew this.

They respected Mike. Republicans and Democrats alike in Montana kept him in the Congress.

An example of the affection and respect Central Montanans have for Mike Mansfield occurred during his late years in the senate.

It was a Monday noon, the time Lewistown Rotarians meet.

One of the club's members had skipped the meeting because Mansfield had telephoned to say that he would be coming to his office.

"Mike," the Rotarian said, "we will be late but I would like to take you to Rotary anyway."

Mike's answer: "Let's go."

And they did.

The club's members were well into their lunch when Mansfield walked in, but the Rotarians rose to their feet as a man and cheered.

Which was particularly indicative of their respect for Mansfield, as most members of the club are probably Republicans.

Mike Mansfield was first appointed as America's ambassador to Japan by President Carter, a Democrat.

But when Ronald Reagan, a Republican, took office in January 1981 one of his first actions was to reappoint Mansfield as his ambassador to Japan.

Mansfield served Reagan just as faithfully as he had Carter.

When Reagan or Carter disagreed with policies of the Japanese government, Mike Mansfield would say so to the Japanese officials. He did this with courtesy and respect, and with understanding of the Japanese position too.

Mike did the same with Carter and Reagan when he felt their positions in their dealings with Japan weren't in America's best interests.

The two Presidents respected this, and sometimes changed their minds as a result.

And the Japanese?

Well, they didn't always agree with Mike, but they loved him.

Sosuke Uno, Japanese foreign minister, expressed this clearly after Mansfield's announced retirement when he said:

"He (Mansfield) was a good friend who understands Japan quite well. It was truly fortunate that we had a person like Ambassador Mansfield in Tokyo for a long time. . . . His warm personality has earned everyone's respect and love."

Mike Mansfield has said often in recent years that the coming century will be one of the Pacific . . . that Japan and other Asian countries on the Pacific Rim will be far more important to us as a market and influence than has been Europe.

He gives credit to President Reagan and Secretary of State George Shultz for their realization of this. "They are," Mansfield said, "the first men to occupy these posts to show an interst in and understanding of Japan and Asia in general."

So much more could be said about Mike Mansfield . . . his service to state and country . . . the respect and affection Montanans and Americans generally have for him.

But hopefully these things make the point.

So good luck Mike in the years ahead.

And we're glad that you will be spending some of your time with us here in Montana.

MANSFIELD WILL BE MISSED; MONTANA'S PERFECT DIPLOMAT WILL BE A TOUGH ACT TO FOLLOW

For as long as most Montanans can remember, Mike Mansfield has been actively engaged in the service of his state and country. As a young Montana congressman, he helped save Flathead Lake from senseless destruction by the Army Corps of Engineers. Through some of our nation's most traumatic times—civil rights battles, the Vietnam War and Watergate—we gained from Mansfield's steady statesmanship as Senate majority leader. More recently, as ambassador to Japan, Mansfield has helped strengthen U.S.-Japanese ties at a time when rapidly changing technology and world economics threatened to drive a wedge between the two nations.

Now, at 85, Mansfield is retiring from public service. His departure leaves us a little sad, a little apprehensive about his immediate successor but extremely appreciative of the nearly half-century he has dedicated to the betterment of Montana and America.

Mansfield, who underwent major heart surgery earlier this year, is retiring as the longest-serving envoy to Japan, having been appointed to the post by President Carter in 1977, shortly after Mansfield's retirement from the Senate. Over the past 11 years, Mansfield has done more than represent America's interests in Japan: He's helped awaken Americans to the fact that they, too, must change in order to succeed in this fast-changing world.

Mansfield has critics who contend he's been too soft on the Japanese, that he is too sympathetic to their concerns and not forceful enough in demanding changes in Japanese economic policies affecting the United States.

But, in fact, Mansfield has been remarkably successful in Tokyo. During his watch, Japan has reduced trade barriers—albeit, not enough—increased its share of defense costs and greatly expanded its foreign aid.

As Mansfield pointed out this week, U.S. agriculture exports to Japan will reach $7.6 billion this year, up from $5.7 billion last year. The U.S. trade deficit with Japan remains high, but is moving in the right direction—$52 billion this year, down from $60 billion last year.

Both as senator and ambassador, Mansfield preferred to lead, not push. Persuasion, he once said, was his only instrument of power. His realistic understanding of his nation's and his own source of power was the secret of his success as a senator and diplomat.

Sony Corp. Chairman Akio Morita once said, "If Lee Iacocca says it, Japanese become defensive, But if Mike (Mansfield) says it, in his way, he gets listened to."

In appointing his successor, George Bush will do well to select an ambassador who shares Mansfield's belief that the U.S.-Japanese relationship must be a true partnership devoid of patronage or antagonism. Tough talkers who believe might makes right may be popular at home, but they have no place in the real world.

Mansfield is the model politician, the perfect diplomat. He stands out as the quintessential statesman of our time. He'll certainly be missed.

[From the Billings (MT) Gazette, Nov. 16, 1988]

MIKE IS COMING HOME

Professor, Congressman, Senator, Ambassador hang on Mike Mansfield's name like medals on a general's chest.

But Mansfield will always be "Mike" to Montanans, and that is a tribute to the man.

Mike announced his retirement Monday, and that reminded us of the title we'd most like to call him: neighbor.

He has held two of America's most important posts, majority leader in the Senate and ambassador to Japan, with great competence and aplomb.

He has seemed impervious to the years, transcending the petty, physical rules that govern the rest of us, brushing aside his 85 years and coronary bypass surgery last January to serve.

His decision to step down as ambassador was weighed carefully with the good of the American people uppermost, as always, in his mind, delaying it to clear his desk.

Mansfield steps down from the high post at a time when the relationship between America and Japan is flourishing. He goes, knowing "we can leave with our heads high and ours arms swinging."

Japanese Foreign Minister Susuke Uno said he regarded the departure of his good friend with "deep regret."

We can understand the Japanese people's sense of loss. That same feeling has permeated the state since Mansfield left the prairies and mountains of Montana. We have missed him greatly, and already plans are being made for him to share his views with the young people of the state should he return here to teach.

Mike we've missed you, and we'll welcome you back. And until we see you, don't forget: "Tap 'er light."

[From the Great Falls (MT) Tribune, Nov. 16, 1988]

MIKE MANSFIELD IS HEADING HOME

Montana's senior statesman is coming home.

After ten years in the United States House of Representatives, four terms in the United States Senate—a record 16 years as majority leader—and more than 11 years as this nation's ambassador to Japan, Mike Mansfield is retiring.

In announcing his retirement last Monday, Mansfield showed he hasn't forgotten Montana. He and his wife Maureen plan to return to Montana—but not in the winter.

Mansfield has traveled far from his boyhood home in back of a small Great Falls grocery store. As a young man his wondering ways found him lying about his age to get into World War I. He saw some of the world then and wanted more. His interest in the Far East was sparked during his tour of duty in the Marines. At the age of 19, a veteran of the Navy, the Army and the Marines, he left the service and returned to Butte.

From the mines of Butte he went to college, eventually becoming a history professor at the University of Montana. There his political career was launched. He served in the U.S. House of Representatives before moving on to the Senate in 1953.

Never one to seek publicity, Mansfield accomplished much in the Senate with little fanfare. He was responsible for major reforms that democratized the Senate. He continually pressed for the end of the Vietnam War, passing slips of paper with the number of war dead written on them to Presidents Johnson and Nixon whenever possible.

A man of conviction, he introduced gun control legislation in 1969 after the shooting death of a young Montana cadet in Washington, D.C. He was willing to take the heat from his Montana constituents.

Mansfield was a key player in passage of the constitutional amendment giving 18-year-olds the vote. He kept the veterans' hospital in Miles City open after President Johnson ordered it closed. He called in a number of markers to nab the last grant available to permit construction of the new terminal at the Great Falls airport. He obtained the MHD plant for Butte.

Mansfield has often said Montana was good to him. He was good for Montana and the nation. He's done us proud.

Welcome home, Mike.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I wish to join those who paid tribute to Senator Mike Mansfield. I did not have the privilege of serving in the U.S. Senate when Senator Mansfield was the majority leader, but he has become a legend in his own time. Through his dedication, not only to the institution of the United States Senate but as Ambasasador from the United States to Japan, he has set a record of dedication, dignity and integrity that serves as a model for all who will follow.

Mr. MITCHELL. Mr. President, several Senators have added their names as cosponsors. I believe that I would not be taking an improper liberty to suggest that every Member of the Senate, if he or she were present and appraised of the situation, would want to be an original cosponsor of this resolution. Therefore, I ask unanimous consent that the name of each Senator be added as an original cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time allowed for debate has expired. The question is on agreeing to the resolution.

The resolution (S. Res. 55) was agreed to.

The preamble was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business not to exceed 30 minutes. Under that order, Senators are permitted to speak for up to 5 minutes each.

SECRETARY OF STATE JAMES BAKER CALLS FOR AN EARLY CEASE-FIRE IN SUDAN

Mrs. KASSEBAUM. Mr. President, I wish to speak for just a moment today because this afternoon Secretary of State James Baker called on the Sudanese Government and the Sudanese Peoples' Liberation to agree to an early cease-fire that would allow relief aid to reach those starving in Sudan. Secretary Baker urged authorities on both sides to remove remaining obstacles and do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone. There is no more urgent issue than the delivery of food aid to the starving victims of this civil war.

Mr. President, I would like to commend Secretary Baker for his early leadership on this very tragic crisis in Sudan and would like to join him in his urgent appeal for a cease-fire.

By blocking the delivery of food aid, both sides in the civil war are treating food as a weapon which is resulting in horrifying levels of famine and deaths among innocent civilians. Last year, it is believed that the famine claimed as many as a quarter-million lives in southern Sudan. It is also estimated that over 2 million southern Sudanese have fled to the north or to Ethiopia to escape the fighting and the hunger.

Western relief workers are relating devastating stories of people dying without being counted and of people looking like walking skeletons crossing the border into Ethiopia on a trail that is littered with corpses. A senior British relief official recently described the crisis as "one of the most awful tragedies the world has seen for many years."

Mr. President, the United States has a special relationship with the Sudanese people and government. It is urgent that we use whatever leverage we have and that we take a leadership role in trying to alleviate the horrible suffering that is taking place.

It is widely believed that delivery of relief rather than the availability of food and medicine has been the major problem facing relief efforts. Since the first signs of famine appeared in the SPLA-controlled territory in the spring of 1988, the United States has spent more than $60 million on relief.

But unless both the Sudanese government and the SPLA agree, it is impossible to deliver these supplies in adequate amounts. Recently, there has been some agreement that has allowed the United States and other international donors to get food into both rebel and government held areas in the south. But, these are only the first steps which are helping a small percentage of the people in need.

Mr. President, as Secretary Baker stated today, an earlier cease-fire which would allow relief to be delivered is an urgent priority. It is critical that the international community join us in this appeal.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on the

Judiciary; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COATS:

S. 373. A bill to amend the Internal Revenue Code of 1986 to allow an additional 50 percent deduction for the costs to employers of providing family leave in certain cases involving a birth, an adoption, or a serious illness of a child, spouse, or dependent of the employee; to the Committee on Finance.

By Mr. REID (for himself and Mr. BRYAN):

S. 374. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail as a component of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. MACK, Mr. LAUTENBERG, Mr. KASTEN, and Mr. LIEBERMAN):

S. 375. A bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes; to the Committee on Foreign Relations.

By Mr. GORE:

S. 376. A bill to amend the Airport and Airway Improvement Act of 1982 to provide that certain noise control costs are included as allowable project costs; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON (for himself, Mr. BREAUX, Mr. BOREN, Mr. SANFORD, and Mr. PACKWOOD):

S. 377. A bill to establish a series of five Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. HEINZ, Mr. BYRD, Mr. SPECTER, Mr. SARBANES, Mr. SHELBY, Mr. METZENBAUM, Mr. FORD, Mr. DECONCINI, Mr. ROBB, Ms. MIKULSKI, Mr. HOLLINGS, Mr. THURMOND, Mr. HATCH, Mr. GLENN, Mr. RIEGLE, Mr. LEVIN, Mr. HEFLIN, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. MCCONNELL, Mr. SANFORD, Mr. SASSER, Mr. D'AMATO, Mr. PRYOR, Mr. LOTT, Mr. RUDMAN, Mr. DODD, Mr. HELMS, Mr. BREAUX, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. REID, Mr. GARN, Mr. COATS, Mr. GORE, Mr. EXON, Mr. KERREY, Mr. LEAHY, Mr. COHEN, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. KENNEDY, Mr. BIDEN, Mr. BINGAMAN, and Mr. BURDICK):

S. 378. A bill to extend the Steel Import Stabilization Act for an additional 5 years; to the Committee on Finance.

By Mr. HATCH:

S. 379. A bill to amend titles 18 and 29 of the United States Code, to eliminate, and establish an alternative to the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. HEFLIN (for himself and Mr. SHELBY):

S. 380. A bill to redesignate the Anniston Army Depot, Anniston, Alabama, as the "William F. Nichols Army Depot"; to the Committee on Armed Services.

By Mr. SHELBY (for himself and Mr. HEFLIN):

S. 381. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama; to the Select Committee on Indian Affairs.

By Mr. GRAHAM:

S. 382. A bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 383. A bill to amend the Internal Revenue Code of 1986 to clarify the rules concerning the unconventional fuels credit with respect to gas produced from a tight formation, and to restore the application of such credit to the alternative minimum tax; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. DOLE, Mr. ARMSTRONG, Mr. BRADLEY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MATSUNAGA, Mr. RIEGLE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. NUNN, Mr. GORE, Mr. WIRTH, Mr. HOLLINGS, Mr. BURDICK, Mr. STEVENS, Mr. HARKIN, Mr. BIDEN, Mr. SHELBY, Mr. BINGAMAN, Mr. INOUYE, Mr. DODD, Mr. ADAMS, Mr. LEAHY, Mr. CONRAD, Mr. HATCH, Mr. GARN, Mr. HATFIELD, Mr. HUMPHREY, Mr. JEFFORDS, Mr. MCCAIN, Mr. CRANSTON, Mr. MURKOWSKI, Mr. WALLOP, Mr. BURNS, Mr. THURMOND, Mr. SPECTER, Mr. KERRY, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 384. A bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. RIEGLE):

S. 385. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. CHAFEE, Mr. PELL, and Mr. CRANSTON):

S. 386. A bill to control the sale and use of assault weapons; to the Committee on the Judiciary.

By Mr. DIXON:

S. 387. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. JOHNSTON, and Mr. BOREN):

S. 388. A bill to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. BOREN):

S. 389. A bill to amend the Department of Energy Organization Act to establish the position of Assistant Secretary for Natural Gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 390. A bill entitled the "Business Incubator Review Act of 1989"; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. JOHNSTON, and Mr. DASCHLE):

S. 391. A bill to reform the budget process; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. COATS:

S. 392. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit to parents for dependents under age 6, to provide child care assistance to low-income working parents, to provide incentives for employer-provided child care assistance, and for other purposes; to the Committee on Finance.

By Mr. GARN (for himself, Mr. BAUCUS, Mr. BENTSEN, Mr. BOREN, Mr. BUMPERS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HEINZ, Mr. INOUYE, Mr. KASTEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATSUNAGA, Mr. MCCLURE, Mr. METZENBAUM, Mr. PELL, Mr. RIEGLE, Mr. SANFORD, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WILSON, and Mr. WIRTH):

S.J. Res. 56. Joint resolution designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. SARBANES, Mr. GRASSLEY, Mr. MCCAIN, Mr. DECONCINI, Mr. FORD, Mr. KENNEDY, Mr. EXON, Mr. SANFORD, Mr. HEFLIN, Mr. LIEBERMAN, Mr. STEVENS, Mr. SIMON, Mr. DODD, Mr. WARNER, Mr. CHAFEE, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 57. Joint resolution to establish a national policy on permanent papers; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. GORE, Mr. MATSUNAGA, Mr. MURKOWSKI, Mr. GORTON, Mr. WALLOP, Mr. WILSON, Mr. BINGAMAN, Mr. DOLE, and Mr. COATS):

S.J. Res. 58. Joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day"; to the Committee on the Judiciary.

By Mr. WIRTH (for himself and Mr. GARN):

S.J. Res. 59. Joint resolution designating January 19, 1990, as "National Skiing Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN, from the Committee on the Judiciary.

S. Res. 54. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judi-

ciary; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself, Mr. BURNS, Mr. ADAMS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BREAUX, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MATSUNAGA, Mr. MCCAIN, Mr. MCCLURE, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WILSON, and Mr. WIRTH):

S. Res. 55. Resolution acknowledging the distinguished service that Michael J. (Mike) Mansfield has rendered on behalf of the people of the United States of America; considered and agreed to.

By Mr. DIXON (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 56. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in David A. Clarke, et al. v. United States of America; considered and agreed to.

By Mr. SYMMS:

S. Con. Res. 13. Concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Canal Act of 1979; to the Committee on Foreign Relations.

By Mr. DIXON (for Mr. MITCHELL):

S. Con. Res. 14. Concurrent resolution providing for a conditional recess of the Senate from February 9, 1989, until February 21, 1989, and a conditional adjournment of the House from February 9, 1989, until February 21, 1989; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COATS:

S. 373. A bill to amend the Internal Revenue Code of 1986 to allow an additional 50-percent deduction for the costs to employers of providing family leave in certain cases involving a birth, an adoption, or a serious illness of a child, spouse, or dependent of the employee; to the Committee on Finance.

FAMILY LEAVE BENEFITS ASSISTANCE ACT

Mr. COATS. Mr. President, I am pleased to introduce today the Family Leave Benefits Assistance Act of 1989. This bill is designed to promote through tax incentives the availability of better profamily employment policies throughout the Nation's work force and to encourage employers to include parental and medical leave in the diverse and flexible packages of benefits offered to employees. This is the first in a series of legislative proposals I plan to introduce tailored to meet the pressing needs and concerns of America's families, especially the families of the working poor.

According to work force 2000, a study prepared by the Hudson Institute for the Department of Labor, our country is facing growing labor shortages and an aging work force. Poor and disadvantaged persons have difficulties in getting off the welfare rolls and into suitable employment. According to the Bureau of Labor Statistics, about 21 million new workers will be needed by the end of this century to keep our Nation's economy growing. Secretary of Labor Elizabeth Dole has testified before the Senate Labor and Human Resources Committee concerning the urgent need to improve the education and training of today's entrants into the work force—mostly women, minorities and immigrants—so that they will have the skills needed to hold the jobs of tomorrow. The challenge we face is to find ways to further stimulate growth so that everyone who wants a job can find one and accelerate productivity so that America remains competitive in a global economy. We must also integrate the new workers into the economy through positive incentives, as painlessly as possible.

We are fast becoming a society in which nearly everyone works. Today over two-thirds of the Nation's adult women are in the work force, and over half of mothers with children are employed full time. We have some 29 million two-income families with 25 million children. Two-thirds of the new entrants between now and the year 2000 will be women, most in their childbearing years, and two-thirds of all preschool children will have mothers working outside the home. Clearly one of the tasks we face is to reconcile the conflicting needs of women, work, and families.

I have seldom struggled with an issue as I have with the problem of parental and medical leave. I realize that a Federal mandating of such benefits makes no sense and could be counterproductive. But I am deeply moved by the desire of new mothers to spend time with their new little babies and the need of parents in an emergency to suspend temporarily their employment in order to attend to a critically ill loved one. Parenting is a good thing for both the parents and the infant.

Working parents should not be caught in a dilemma of having to choose between careers and families. They need to be able to continue to hold jobs and earn income to support their families, while at the same time raise their families, have babies, tend to their children's needs and care for sick infants and ailing parents. Their parenting and family responsibilities should not have to be sacrificed to their jobs. Balancing is required so that family needs and the demands of the workplace are both accommodated.

I cannot accept the fact that we cannot find a way to meet the needs of children or elderly parents with serious illnesses who require a parent or loved one with them for a period of time. It is natural for parents to desire to be with their young children when they are needed. I also believe that employers would want to find a way to accommodate these urgent needs of employees, just as employers as parents or family members would themselves wish to be with their own seriously ill babies or parents.

Today companies are offering a broad range of new benefits and services to attract and keep better employees and allow them greater freedom and choices in their lifestyles. Employers are becoming better attuned to the workplace and family needs of their employees. It is within the context of the changing demographics of the work force, the dynamics of our economy, and the evolving role of the family that we should address the issue of parental and medical leave.

Traditionally the matter of benefits is one of agreement between employer and employee. Companies have had the flexibility to design specific benefit packages according to affordability, changing working conditions, and the competing needs of their work force. In 1986 employers spent a record $742 billion on benefits—or 40 percent of payroll dollars—and only 8 percent of these benefits were mandated by law.

Granting parental and medical leave is an admirable idea and one that should be encouraged in the workplace. It is the kind of benefit that many businesses have incorporated into the benefit packages and cafeteria plans they provide their workers. To remain competitive in the job market, to recruit and retain good employees and to improve productivity, particularly in a time of growing labor shortages, employers will want to offer more attractive benefit packages. Moreover, these benefits will help to alleviate the concerns of the working men and women with young children and aging parents and will ease the transition from welfare to work for low-income and disadvantaged fami-

lies. Clearly, the availability of parental and medical leave will continue to be a major factor in management and family planning choices.

The Family Leave Benefits Assistance Act is designed to serve both the needs of America's working families and those of the businesses that provide their employment. At the same time, this legislation avoids the pitfalls of mandating benefits.

This bill will allow an employer a tax deduction of 50 percent of the costs of providing family leave for employees. The deduction would be available for all qualified family leave expenses—that is, salary or wages and the costs of benefits, including paid leave, taken during the period in which an employee is temporarily absent on account of the birth or adoption of the employee's child or the serious illness of his or her child, spouse, or parent. The employer must have in effect a certified benefits plan which includes a leave policy providing that any employee taking leave will be entitled to return to the same or equivalent position without loss of pay or benefits.

By providing substantial relief to employers who incur such costs, the bill would encourage businesses, particularly small firms, to include parental and medical leave in their benefit packages and cafeteria plans. It would enable wage-earning parents, faced with family and home emergencies, to take time off to attend to such emergencies, without sacrificing pay or other benefits.

The practical problems and costs associated with mandating family leave are considerable. Congress cannot properly determine and regulate the individual needs of workers and their families and should not force its judgment concerning such needs onto the employer-employee relationship. It is one thing for businesses to decide to offer employees a package of benefits which includes family leave. It is quite another for the Federal Government to dictate what benefits an employer must offer and to whom and under what conditions.

If the Congress compels an employer to provide a particular benefit, the total benefits are not thereby enlarged. Instead, it may necessitate the removal or reduction of another benefit. When employers are able to offer a wide array of benefits, the individual employee can select the kind of benefits most suitable to his or her needs and can thus personalize his or her own package. This trend toward flexible benefit programs, which are becoming increasingly popular in the workplace, would be constrained by mandating parental and medical leave, much to the detriment of those employees who do not need or desire such leave. The European experience with mandated benefits, including family leave, is that they have contributed to economic stagnation. We should think long and hard before embarking on any policy which would reduce our competitiveness and result in the loss of American jobs.

For small business the total costs of mandated benefits would be incalculable. The most dynamic sector of our economy is dominated by America's 18 million small and entrepreneurial firms, which annually create most of the new jobs. Yet many of these small businesses struggle to survive and remain competitive. Without some incentive or relief, they would be forced to bear the brunt of the costs of mandated leave. Little wonder, then, that this issue was the No. 2 priority concern of the 1,800 delegates to the 1986 White House Conference on Small Business—of whom over 600 were businesswomen—who voted overwhelmingly to recommend that the Congress reject mandated benefits, including parental leave legislation.

As a practical matter, more women than men would most likely take advantage of parental leave. Thus mandated benefits would be especially costly for small firms which employ a majority of women. This could mean a loss of employment opportunities for young women of childbearing age as well as low-skilled and marginal workers and teenagers.

Mr. President, the Family Leave Benefits Assistance Act preserves the freedom of choice and flexibility that have proved successful in employer-employee relationships. Choice and flexibility have enabled businesses to compete effectively and to respond quickly to economic circumstances. They have enabled American businesses to meet diverse family needs.

This proposal is based upon the recognition that the appropriate role of Government is to promote and support desirable improvements in labor practices rather than dictate radical changes and restrict workplace and family choices.

In my opinion, this legislation will foster the development and expansion of profamily, cost beneficial policies and programs in the workplace. By strengthening America's families in this way, we will, in turn, contribute to America's productivity and competitiveness. At the same time, we will address the needs and concerns of parents, children, and other family members who are struggling as Americans adjust to changes in the workplace.

By Mr. REID (for himself and Mr. BRYAN):

S. 374. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail as a component of the National Trails System; to the Committee on Energy and Natural Resources.

PONY EXPRESS NATIONAL HISTORIC TRAIL

Mr. REID. Mr. President, today it is my privilege to introduce legislation to designate the Pony Express Trail as a national historic trail under the National Trails System.

The Pony Express galloped into postal history on April 3, 1860. It was like a giant relay, in which about 75 horses participated in each direction. At each station, these heroic riders were given 2 minutes in which to transfer the saddle bags to fresh ponies and be on their way again. The Express ran day and night. Riders worked in all kinds of weather and faced the threat of Indian attacks. During the 18 months of the operation of the Pony Express, only one trip was missed. A "Pony" courier, a Mexican, westbound, rode into Dry Creek station, clinging to his saddle horn. He had been fataly wounded by Indians, and died in a few hours, but he had brought the mail through in its bloodstained "mochila," a leather saddle blanket containing four "cajas," or boxes, for carrying the mail.

The service was sponsored and financially supported by Russell, Majors, and Waddell, a well-known freighting firm that had also organized the Central Overland and Pike's Peak Express Co., to operate a mail and passenger service along the central route. Russell had failed repeatedly to get backing from the congressional Post Office and Post Roads Committees for an express route to carry mail between St. Joseph, MO—the westernmost point reached by the railroad and telegraph—and California. St. Joseph was the strategic starting point for the direct 2,000-mile central route to the West. Except for a few forts and settlements, however, the route beyond St. Joseph was a vast, silent wilderness, inhabited primarily by Indians. Russell's freighting firm lost more than $100,000 on the Pony Express. A loss he could ill afford. Undismayed, he kept the Pony Express going at a loss. Moreover, the partnership did not get the anticipated mail contract.

The project was pushed vigorously. Starting at St. Joseph, MO, the route in general followed the well-known Oregon-California Trail by way of Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, and California. Stations were built at intervals of about 15 miles, wherever stage stations did not already exist. Fleet, wiry, Indian horses were purchased; and young, courageous, lightweight riders were hired. Riders were recruited hastily, but before being hired had to swear on a Bible not to "cuss," fight, or abuse their animals and to conduct themselves honestly.

The first mail by Pony Express via the central route from St. Joseph to Sacramento took 10½ days, cutting

the Overland Stage time via the southern route by more than half. The fastest delivery time was in March 1861, when the inaugural address of President Lincoln was carried in 7 days and 17 hours.

The completion of the transcontinental railroad ushered in the most remarkable era of development of the national resources, advance of civilization, and spread of population the world ever saw. It should be remembered, however, that the emigrant trains plodding their weary westward way along the dusty trails, the freighter's Conestogas, the romantic stagecoach, the Pony Express, and the telegraph provided the steppingstones leading in that direction. The traveler speeding over the old trails on a streamlined train at 90 miles an hour or looking down upon them from the sky may not be aware of what happened a century and a quarter ago.

The Pony Express won for itself a secure, permanent place in the catalog of American folklore. More than anything else in the history of America, it stands as a symbol of the vision, daring, fortitude, and sheer courage of youth. Better than any other institution, it breathes the spirit of pioneer ingenuity, resourcefulness and endurance. The time has come to honor these heroes and acknowledge the national historical importance of the Pony Express Trail.

Mr. President, by introducing this legislation today, I intend to repay our debt to those gallant men and their courageous benefactors, and recognize the significance of this historical episode on our country's western expansion.

I urge my colleagues to support swift passage of this legislation.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. MACK, Mr. LAUTENBERG, Mr. KASTEN, and Mr. LIEBERMAN):

S. 375. A bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes; to the Committee on Foreign Relations.

TELEVISION BROADCASTING TO CUBA

Mr. HOLLINGS. Mr. President, today I rise in behalf of myself and the distinguished Senators from Florida, Senator GRAHAM and Senator MACK, the distinguished Senator from New Jersey [Mr. LAUTENBERG], the distinguished Senator from Wisconsin [Mr. KASTEN], and the distinguished Senator from Connecticut [Mr. LIEBERMAN], to introduce the TV-Marti authorization bill.

This is the authorization bill sought by our distinguished chairman of the Foreign Relations Committee last July when we debated the $7.5 million amount that we appropriated on a trial basis, which trial, incidentally, is working.

To those misinformed people in the media who would prematurely bid "adios" to TV-Marti, I am pleased to inform my colleagues that, just this morning, top USIA officials have assured me of the Bush administration's full and enthusiastic support for TV-Marti as called for in this bill.

Mr. President, there is a naive and self-congratulatory school of thought these days which proclaims that the cold war is over and the good guys won. I do not share that optimistic assessment. Yes, the West is indeed winning. But there are many important battles yet to be fought.

In these waning years of the 20th century, however, most of those battles will be fought not with bombs and bullets, but with ideas and facts. That, my friends, is why I have championed TV-Marti. I take seriously the Bible's admonition "You shall know the truth and the truth shall set you free" (John, 8:2). The West is winning today by the sheer, compelling force of its political example and economic success. Our task, today, is to spread the word about that success, and to inspire democratic movements throughout the Communist world.

I am convinced that TV-Marti will succeed. I am convinced that it will have a profound and dynamic impact on Cuban politics and society. Mr. Castro likes to tout his revolutionary credentials. But he cannot begin to match the revolutionary potential of television.

It is no coincidence that, in the Soviet Union, the Baltic Republics of Latvia, Lithuania, and Estonia are in the vanguard of the democratic, essentially anti-Communist ferment now gaining strength in the U.S.S.R. For years, the Baltic Republics have had open access to television broadcasts from neighboring, democratic Finland. They understand the Finnish language, and—thanks to Finnish television—they understand the true achievement of Western democratic capitalism, and the true plight and desperation of the Soviet system.

I am convinced that TV-Marti will have that same dynamic impact within Cuba. Certainly, no Communist country hungers more for a whiff of truth and freedom. Cuba is retrograde and hidebound even by Communist standards. In Cuba, there is no hint of glasnost, no pretense of perestroika. It is a Stalinist state in the crudest, most brutal form. Castro is an old-fashioned Latin dictator who brooks no question or dissent.

TV-Marti, in tandem with Radio Marti, can be a mighty engine of change in this totalitarian society. Radio Marti has already demonstrated the potential: surveys show that some 85 percent of Cubans tune in Radio Marti, giving it twice the audience of Cuba's most popular domestic station. Castro feels obliged to respond almost daily to information broadcast by Radio Marti.

In a very real sense, Radio Marti is the sole opposition voice within Cuba. And with 90 percent of Cubans owning televisions, TV-Marti can vastly expand the scope and impact of that opposition voice.

Let us put an end to Castro's 30-year tyranny of total media censorship. Let us broadcast the visual truth about the United States and the West. And, by all means, let us also broadcast the true story and the true cost of Cuban militarism and imperialism.

In 1958, Cuba had only 58,000 men under arms. In contrast today, to support Castro's imperial ambitions in Africa, Cuba maintains an Army of 265,000 regulars and reserves plus a militia of over 1.2 million. Who pays? Obviously, the Cuban people pay.

They pay with their sons and with their blood; according to press reports, as many as 10,000 Cuban soldiers have been killed or wounded in Angola. At home, the Cuban people pay with the depletion of their already meager economic resources; while Castro builds airfields and military installations in Angola and Ethiopia, Cubans endure permanent economic depression and a miserable per capita income of well under $2,000 per year. Dr. Castro seeks to heal the whole Third World with his dubious medicine. I say to Dr. Castro: physician, heal thyself.

As with Radio Marti, our aim with TV-Marti is to broadcast objective, truthful news and information to the Cuban people. That objective—truth and objectivity—is, in itself, enough to make TV-Marti an opposition voice within Cuba.

In the case of both Radio and TV-Marti, my philosophy is simple: the best propaganda is no propaganda. The Cuban-American success story speaks for itself; it needs no embellishment. I say: let the Cuban people draw their own comparisons and conclusions.

Mr. President, when the Senate approved funding for the test of TV-Marti last July 27, the distinguished chairman of the Committee on Foreign Relations asked that further funding await authorization of the program. Today, we are introducing the bill that will provide that authorization. We look forward to early action by the Committee on Foreign Relations.

The bill that we are introducing closely follows the language of the "Radio Broadcasting to Cuba Act," Public Law 98-111, approved October 4, 1983, and provides for appropriation of $16,000,000 in each of fiscal years 1990 and 1991. The fiscal 1990 amount is the Price-Waterhouse for the operating expenses in 1990 and a similar amount should be sufficient in 1991.

Mr. President, before yielding to my colleagues from Florida let me indicate that we will be circulating a letter to all Senators soliciting their cosponsorship of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Television Broadcasting to Cuba Act".

FINDINGS; PURPOSES

SEC. 2. The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of the Universal Declaration of Human Rights;

(2) That, consonant with this policy, television broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular, information about Cuba;

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest.

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for television broadcasts to Cuba which provide news, commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

SEC. 3. (a) In order to carry out the objectives set forth in section 2, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate objective, and comprehensive news.

(b) Television broadcasting in accordance with subsection (a) be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) Any program of United States Government television broadcasts to Cuba authorized by this section shall be designated "USIA Television Marti program".

CUBA TELEVISION SERVICE OF THE UNITED STATES INFORMATION AGENCY

SEC. 4. (a) The Director of the United States Information Agency shall establish within the Agency a Television Marti Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all television broadcasts to Cuba authorized by section 3. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties.

(b) Broadcasting by the Service shall be done in such a manner as to avoid interference with any domestic television broadcasting.

SEC. 5 of the Radio Broadcasting to Cuba Act 22, U.S.C. 1465c, shall be amended as follows:

(a) Title—Board for Broadcasting to Cuba (delete Radio)

(b) The Advisory Board for Radio Broadcasting to Cuba is renamed to be the Advisory Board for Broadcasting to Cuba with responsibilities for both Radio Marti and Television Marti.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6. (a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency.

(b) The Agency may carry out the purposes of this Act by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) There are authorized to be appropriated for the United States Information Agency $16,000,000, for fiscal year 1990 and $16,000,000 for fiscal year 1991 to carry out sections 3 and 4 of this Act. Such funds shall be available for purchase of such equipment and facilities as the Director deems appropriate.

(b) Amounts appropriated under this section are authorized to be made available until expended.

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues Senators HOLLINGS, MACK, LAUTENBERG, and KASTEN in introducing this legislation authorizing the funding of TV Marti.

This year marks the 30th anniversary of the Cuban revolution. Fidel Castro, with the departure of Alfredo Stroessner from Paraguay this week, is now the longest running dictator in the hemisphere. The tide is against him.

The Somoza's, the Duvalier's, the Peron's, Stroessner and by the end of this year likely Chile's Pinochet are all history. As people become disenchanted with dictators and authoritarian misinformation campaigns, they turn inevitably toward democracy.

Our own privilege as a free people in a democratic society confers the responsibility to extend that option to other nations. The success of American democracy is no big secret—so the many fruits of that democracy which can be shared, should be offered generously, not kept under wraps.

Information about our society, about events in the world which affect all of us, about life in a functioning democracy—all of that will be broadcast to Cuba via TV Marti.

Radio Marti has already begun to reach out to the people of Cuba and they have responded. Radio Marti has consistently been the top-rated station in Cuba since its inception in 1985.

Two large-scale studies conducted in 1987—one by the Strategic Information Research Corporation and one by Radio Marti's Office of Audience Research—concluded that Radio Marti reached 86 percent of the Cuban people and 92 percent of the Cuban people respectively.

Interviews with recent emigres from Cuba disclose that, since glasnost and increasing liberalization, Moscow newspapers and magazines are widely sought after on the island. Even the Soviets provide Cubans with better information than their own government.

By introducing this legislation today we hope to capitalize on the hunger for accurate news and information in Cuba. Interviews with refugees tell us that 90 percent of the Cuban people in the broadcast area have access to television and are enthusiastic about alternatives to government-controlled broadcasts.

The bill authorizes $16 million in each of the next 2 fiscal years. This modest amount of funding will be used to establish a transmission system that will beam television programming to the 2 million Cubans who live in Havana.

The recommended programming would include an evening newscast, entertainment programming such as Walt Disney cartoons and children's shows, "novelas"—the latin equivalent to our soap operas—American movies, travelogs and comedy programs. We would be sending Cuba a daily picture of democracy.

Studies conducted by the Advisory Board for Radio Broadcasting to Cuba conclude that TV Marti is both technically and legally sound. It will not interfere with the signals of any existing United States stations.

Castro could try to jam TV Marti but there are technical end runs around that—the signal could never be completely jammed—and Castro's threats to jam Radio Marti were empty ones.

Since July 1986, the Cuban Government has broadcast a television signal which reaches our east coast. They send regular satellite transmissions 3 hours a day on Fridays, Saturdays, and Sundays. According to the Cuban media, the government plans to increase regular transmissions to 8 hours a day.

Daniel Cirio, director of the Cuban television channel, called Cubavision, says that Cuba's objective is to "each Cuban internationalists, students, and diplomats abroad and to allow all of Cuba's friends abroad and those interested in viewing our programs to tune in."

Fair enough. TV Marti is simply equal access. Americans don't back off from the challenge of ideas. We are

not afraid to listen to another point of view. And we are not afraid to speak up for what we believe in.

This is a great Nation, governed by a just system. We are free to shape the direction of our own lives, to find out all we want to know about the world around us, to make intelligent decisions based on that information.

Most of all we are free to dream. That is what TV Marti will beam out from Florida to the island just 90 miles from our own shores—the dreams and the achievements of a free people, a dream all people in this hemisphere can share.

Mr. MACK. I thank the Chair. I appreciate the opportunity to speak out on this issue, and I want to compliment the Senator from South Carolina for introducing this legislation. Senator BOB GRAHAM and I are original cosponsors.

The importance of the legislation today is not only for us to make a statement about our desire to expand our ability to deliver the message of freedom to Cuba, but it is also to once again focus the attention of the American people on the issue of Cuba and the role that it plays in our hemisphere in destabilizing our neighbors.

So I rise in support of this legislation. Again, I compliment the Senator from South Carolina for his initiative and thank him for his effort last year in making sure we had the original $7.5 million to begin the process of moving forward on TV Marti.

At this point, I ask unanimous consent to print in the RECORD a statement that was made by then Vice President Bush, now President of the United States, and his support for TV Marti.

STATEMENT BY THE VICE PRESIDENT

I spoke this morning with Senator Warren Rudman and expressed to him my strong support for creating TV Marti. I asked the Senator to report to the Senate Subcommittee on Appropriations the fact that I strongly favor funding to put TV Marti on the air.

Castro has force-fed the Cuban people his own brand of the daily news. He has suppressed the truth and covered the island with a shroud of disinformation. But since the anniversary of Cuban Independence Day in 1985, Radio Marti has pierced that veil of deceit and deception and today has a listening audience twice the size of the most popular state-run radio station.

Now it is time to go one step better. It is time to create TV Marti so that the Cuban people can see the world as it is, not as Castro would like them to believe it is. They must see their young men dying in Angola and Ethiopia. They must see the stark contrast between the oppression of their totalitarian leaders and the fruits of freedom and democracy. They must hear directly about human rights abuses in their own country. In essence: they should be permitted to see and hear the truth.

It's been said that a picture is worth a thousand words. Well, in the case of TV Marti, thousands of pictures are worth a single word—Freedom, and that's why Castro fears it.

● Mr. LAUTENBERG. Mr. President, I rise as an original cosponsor of this bill to authorize $16 million for TV Marti. Named after the Cuban patriot, Jose Marti, TV Marti will complement the Radio Marti Program, and it will also be administered by the United States Information Agency.

Two years ago, Congress mandated that the Advisory Board for Radio Broadcasting to Cuba report on the feasibility and cost of a United States Government television service to Cuba. That report concluded that creation of a United States Government television service to Cuba, or Television Marti would be an appropriate action, since the Cuban Government began regular transmission of television programming that can be received along the east coast of the United States. Moreover, the success of Radio Marti in providing information to Cuba not readily available to Cubans bodes well for TV Marti.

The fact that about 90 percent of Cubans have access to a television set, and that recent studies show that TV Marti would reach an even wider audience than Radio Marti, especially young people, indicate that TV Marti would be a great success.

Mr. President, some have argued that the establishment of TV Marti will cause Castro to retaliate against our U.S. broadcasting. However, we must remember that the United States is only responding in kind by establishing this service. Regular Cuban satellite transmissions to the United States are sent for 3 hours daily on Fridays, Saturdays, and Sundays. They have been occurring since July of 1986, and the director of Cuban Television has announced plans to expand these broadcasts to 8 hours daily. As people who value free speech, we should not shrink from presenting our side of the debate to the Cuban people through the use of public diplomacy.

Castro cannot jam the TV signal easily. While local jamming inside Cuba could affect TV Marti's coverage area, TV Marti can respond by boosting signal strength and broadcasting on alternative frequencies. Moreover, Castro would harm his own public image inside Cuba by jamming.

TV Marti will not interfere with existing Cuban or American stations. TV Marti will broadcast only on available frequencies on the Cuban dial, and there are many. By using a nightly directional antenna, there will be virtually no leakage of the signal into U.S. territory.

Furthermore, no U.S. stations in the area now use the intended frequencies. Thus, TV Marti cannot lower the size of service areas enjoyed by private broadcasters over the public airways.

Mr. President, through his rhetoric and his actions, Castro promotes anti-American sentiment throughout the world. Establishing TV Marti will help make Castro accountable to the Cuban people for his unsuccessful foreign adventures, and depressed economic conditions on the island.

The better informed the Cuban people, the better chance they have to overcome Castro's totalitarian regime. TV Marti will make a real contribution to that effort, and is thus worthy of our support. As the saying goes, a picture is worth a thousand words; and a television picture just might be worth a million.●

By Mr. GORE:

S. 376. A bill to amend the Airport and Airway Improvement Act of 1982 to provide that certain noise control costs are included as allowable project costs; to the Committee on Commerce, Science, and Transportation.

NOISE REDUCTION REIMBURSEMENT ACT

● Mr. GORE. Mr. President, today I am introducing the Noise Reduction Reimbursement Act of 1989. This is legislation that will benefit not only the thousands of families living near airports throughout the country, but the many airports and communities whose economies depend heavily upon safe, efficient air transportation.

Moreover, this legislation will actually save taxpayers millions in Federal funds by accelerating implementation of much needed noise abatement programs with local funds in current dollars.

As the needs of the traveling public increase, and as airports accommodate larger and larger numbers of passengers, additional flights, new hubs, new runways, and general expansions are expected, even demanded. Larger airports and better facilities at those airports are a major investment in infrastructure; and they generally enjoy broad support not only from those who fly, but also from the business community and local governments. The stimulus that top quality air service provides to the economic development efforts of entire regions of the Nation cannot be underestimated.

Of course, one of the major problems with expansion projects is the effect of increased noise in the neighborhoods surrounding the airports. The use of Airport Improvement Program funds for FAA approved noise compatibility projects is absolutely essential to the success of airport improvement and expansion efforts. But timely funding of noise abatement measures are necessary for continued community support, and that funding should be available as a matter of fairness to those who are directly affected by new runways, more flights, and more noise.

Mr. President, the key of this process is timely funding, the driving idea behind the legislation that I am introducing today. The example of the Nashville Metropolitan Airport will il-

lustrate how helpful this legislation can be to airport noise compatibility projects.

Since 1986, in one of the most significant developments in domestic air transportation, Nashville has added 207 flights a day. Over the next 3 years, flights are expected to increase another 50 percent. Meanwhile, construction at Nashville is outstripping available Federal funds. Already more than $150 million in State and local funds have been spent at Nashville. The airport is spending more than $50 million of its own money on a reimbursable basis to build a second runway and is doing so under a Federal "letter of intent" with FAA. All of Nashville's entitlement funds are committed to the construction of the new runway.

But noise from the expansion at Nashville will affect more than 13,000 people and approximately 5,500 homes in a 17-square-mile area. In June of this year, only 4 months from now, the "part 150" noise compatibility planning study on noise abatement will be completed. Acceptance by the community is essential, and this is where timely funding will play a critical role.

Upon completion of the Federal study in June, Nashville is prepared to embark on a 5-year, $51 million noise abatement program. In addition to land acquisition in the approach and clear zone, which is already being funded by the airport authority on a reimbursable basis, the noise mitigation plan will include acquisition of residential property at fair-market value with relocation assistance; sound insulation for those wishing to remain; and land use planning, particularly in undeveloped areas around the airport.

Since all of the Nashville's available local and Federal funds are committed to the ongoing runway construction, and since Federal noise abatement funds are severely limited, it might be many years before the noise abatement measures identified in the "part 150" study would be implemented. But, Mr. President, such a long wait is unnecessary.

Nashville is prepared to provide upfront funding for the Federal share of the costs of noise abatement, if such costs eventually would be reimbursed by the Government through its existing program. With the authority provided in this legislation, Nashville could provide noise abatement relief to the surrounding community when the second runway is opened late this year. I am certain that there are many other airport authorities that would benefit from this legislation as well.

This legislation also provides maximum flexibility to the Government on the timing for reimbursement. As is the case with reimbursement for land acquisition, and in contrast with reimbursement under letters of intent, the scheduling of repayment by the Federal Government is under the discretion of the FAA Administrator.

Mr. President, this is a great deal for the Federal Government. Local airports will pay the interest charges, and Federal reimbursement will be paid when those funds become available. In effect, the Federal Government will be getting the equivalent of an interest-free loan. This will allow scarce Federal noise abatement funds to have a substantially larger impact than does the present grant program, and local airports can begin immediately to implement the noise programs applicable to their particular circumstances.

Mr. President, this is a fiscally sound, common-sense approach to noise reduction at our Nation's airports, and I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Noise Reduction Reimbursement Act of 1989".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) enhance the quality of life of citizens living in proximity to the Nation's airports;

(2) allow for the prompt implementation of the full range of recommendations of federally sponsored noise studies;

(3) provide that scarce Federal funds for noise abatement may be used with maximum efficiency; and

(4) provide that individual airports throughout the national airway system are encouraged to spend local funds on noise abatement by providing for the Federal reimbursement of such local noise abatement funds.

NOISE CONTROL COSTS INCLUDED AS ALLOWABLE PROJECT COSTS

SEC. 3. Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2212(a)(2)) is amended by inserting after "or easements through or other interests in airspace," the following: "noise control costs incurred as part of a federal approved noise program if such costs are incurred subsequent to June 1, 1989,".●

By Mr. DIXON (for himself, Mr. BREAUX, Mr. BOREN, Mr. SANFORD, and Mr. PACKWOOD):

S. 377. A bill to establish a series of five Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States; to the Committee on Rules and Administration.

REGIONAL PRESIDENTIAL PRIMARIES AND CAUCUSES ACT

Mr. DIXON. Mr. President, I rise today to introduce the Regional Primaries and Caucuses Act of 1989, a bill designed to improve the Presidential nominating process.

Anybody who followed the 1988 Presidential primaries knows that our Presidential nominating system needs to be reformed. The combination of the kingmaker Iowa caucuses and New Hampshire primary with the huge number of primaries held on super Tuesday have created a frontloaded, chaotic and inequitable system. It is time for us to bring some rationality and fairness to the way we choose our candidates for the Presidency.

The Iowa caucuses and the New Hampshire primary have an inordinate amount of influence on the selection of our party's nominees. Together, these States only account for 2 percent of this country's total population. Yet, the impact of a vote cast in these States greatly outweighs the impact of votes cast in the other 98 percent of the country.

The evidence of the early primaries' impact on the nominating process is strong. Since 1952, no President has been elected who has not won the party primary in New Hampshire, and 1988 was no exception.

And what is wrong with a frontloaded system that gives too few people a say in the process? After the election last year, the New York Times and CBS conducted a poll asking voters: "Were you satisfied in choosing between the two candidates this fall, or do you wish there had been other choices?" Believe it or not, 67 percent—two-thirds—said they would rather have had other choices for the President of the United States. If the process continues this way, voters will become even more disillusioned with choosing our President. Considering how few people voted the last time, we can ill-afford more disenfranchisement.

Clearly, the reason Iowa and New Hampshire are so important in the process today is simply that their caucus and primary are held first. A George Washington University study of CBS's 1980 coverage of different primaries found that California, with nearly one-tenth of the Nation's population, received one-fiftieth and one-fortieth of the attention given to Iowa and New Hampshire, respectively. My own State of Illinois received one-sixteenth and one-twelfth the attention given to Iowa and New Hampshire. This trend is apparently still going strong.

The media's intense focus on these early States translates into greater visibility and voter preference for the winners of their contests. For instance, in 1984, after Gary Hart won the New Hampshire primary, his name recognition in the South increased from 5 to 50 percent and preference for him among the country's voters increased from 7 to 38 percent.

New Hampshire's success in picking Presidents may be partly due to good luck or old fashioned New England horsesense, but numbers like these make me believe that they are successful largely because their primary comes first.

New Hampshire realizes the importance of going first. The State legislature had the good sense to pass a law requiring their primary to be held 1 week before any other State primary. If you change yours, New Hampshire is going to go earlier. You make yours January 1, I guess they are going to vote on Christmas in New Hampshire. Of course, other States realize the importance of being first also. Twenty States on the Democratic side and 17 States on the Republican side all held primaries 3 weeks after New Hampshire on super Tuesday. Over 30 States now hold their primaries before the end of March.

Why, people used to laugh when you talked about a primary in March, particularly in the North in the cold weather. Thirty States now hold their primaries before the end of March and California may pass a law moving their primary up to March as well.

The States are crowding their primary dates closer and closer together, and the result is an increasingly front-loaded system.

However, these other States cannot achieve parity with Iowa and New Hampshire as long as they continue to hold their contests first. The system will not become equitable and reflect national concerns until the influence that comes with being first is shared among all the 50 States.

Last Congress, I introduced a similar regional primaries bill, and it was approved by the Rules Committee in the form you see now. This bill sets up a system of five regional primaries in the country of about equal electoral sizes. State primaries and caucuses are then placed into the regions on the basis of their geographical location.

Each election year, the Federal Elections Commission would decide by lot the actual order of the regional primaries. The first primary would be held on the second Tuesday in March and the remaining primaries would take place every 3 weeks until the first Tuesday in June.

We might go first in region 2 one time, Mr. President, where I am located, and we might go first in region 5 by lot where the President is located.

I would like to make clear to my colleagues that the bill in its present form is not set in stone. I know there are others of my colleagues that have different ideas about how many primaries there ought to be or how large or small the regions ought to be. Senator PACKWOOD, an original cosponsor of this bill, has his own 10-region primary bill—twice as many regions—and while we may have some differences of opinion over the smaller issues in this bill, we agree that the system is too chaotic and exclusive and that a regional primary system can solve those problems.

For instance, some would say we ought to have more regions because California dominates the fifth region too much and the Senator from Washington, who is in the chair, might feel that way.

Although I would rather see the parties or States act on their own, I think it is time for the Congress to take the lead on reforming our system. After the 1984 election, the late Teddy White—one of the greatest political analysts in our country's history—said,

> The primary system today bounces crazily from State to State hobbled by bizarre party regulations, dominated by dramatic needs of television. * * * By 1988 it is certain that both parties will be holding primaries simultaneously in a free-for-all that will confuse everyone. New public laws, not new party regulations are needed.

Mr. White's prediction is not too far away from the truth.

My proposal will give every region of the country an equal voice in the selection of each party's Presidential nominees. It will encourage each candidate to appeal to all parts of our Nation, rather than to one small sector of our population. It will replace chaos and confusion with fairness and reason in choosing each party's Presidential candidates.

Mr. President, I am privileged to send to the desk on behalf of myself and certain other colleagues this important legislation. I ask unanimous consent that Senator BREAUX of Louisiana, Senator BOREN of Oklahoma, Senator SANFORD of North Carolina, and Senator PACKWOOD of Oregon be shown on this legislation as original cosponsors and that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regional Presidential Primaries and Caucuses Act of 1989".

SEC. 2. The Congress finds that—

(1) the numerous elections and caucuses held by States for the expression of a preference for the nomination of individuals for election to the office of the President of the United States are conducted without any semblance of order;

(2) the conventions held by national political parties for the purpose of nominating candidates for election to the offices of the President and the Vice President are vital to the process of selecting such candidates for national office; and

(3) in order to preserve the effectiveness of the Presidential election process and to provide for the public welfare of the Nation, the Congress must regulate certain parts of the process for selecting candidates to the office of the President.

SEC. 3. (a) No State shall conduct a Presidential primary, as defined in this Act, except in accordance with the provisions of this Act.

(b)(1) Five regional Presidential primaries shall be held during each Presidential election year. The first regional primary shall be held on the second Tuesday in March of such year, and the remaining four regional primaries shall be held every third Tuesday thereafter.

(2) Seventy days before the date of the first regional primary, the Commission shall determine by lot the region in which that primary is to be held. The Commission then shall determine by separate lot, conducted 70 days before the date of each subsequent regional primary, except the last, the region in which each subsequent regional primary is to be held. A State may not hold a Presidential primary on a date other than the date assigned by the Commission to the region in which such State is located.

(c) Whenever the Attorney General has reason to believe that a State is holding a Presidential primary in violation of the provisions of this section, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SEC. 4. For the purposes of this Act, the term—

(1) "Commission" means the Federal Election Commission;

(2) "Presidential primary" means a primary, first tier caucuses, convention, or other means of expressing a preference for the nomination of individuals for election to the Office of President of the United States or for the selection of delegates to a national nominating convention of a political party, except that such term does not include a national nominating convention of a political party;

(3) "region" means any of the following five regions:

(A) region 1 comprises Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, New York, Maryland, the District of Columbia, New Jersey, Delaware, and the Commonwealth of Puerto Rico;

(B) region 2 comprises Michigan, Illinois, Indiana, Ohio, West Virginia, and Pennsylvania;

(C) region 3 comprises Kentucky, Louisiana, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and the Virgin Islands;

(D) region 4 comprises North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, and Texas; and

(E) region 5 comprises Washington, Oregon, Montana, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, Hawaii, American Samoa, and Guam;

(4) "State" means each of the 50 States of the United States, the District of Columbia, the Territories of American Samoa, Guam, the Commonwealth of Puerto Rico, and the Virgin Islands.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. PACKWOOD. Mr. President, I am pleased today to join Senator DIXON in introducing legislation which would establish five regional Presidential primaries. Having introduced my own bill in virtually every Congress

since 1972, I am particularly pleased to note that there is growing consensus and support for the regional primary concept. While my own preference would be to expand the number of regions, I am happy to work cooperatively with others to fashion a regional primary bill which will garner the widest support among my colleagues and bring to an end the current chaotic system of choosing our Presidents.

This legislation is designed to replace the present mismash of Presidential extravaganzas which leave the candidates tired and broke and leave the public bored, bewildered and—far too often—disgusted. Voters understandably ask, "When is this nonsense coming to an end?" In the process, the candidates lose their credibility and the office loses its dignity.

Credibility must be restored to the candidates because, without it, dignity cannot be restored to the most important office in the world. A plan must be devised that somewhat dramatically improves the traveling sideshow of our current system.

Congress must meet its responsibility of providing a vehicle for the American people to select the nominee of their party from a wide range of candidates.

The legislation which we are introducing today will, I believe, restore credibility to the candidates and dignity to the office they seek. It would establish a system of five regional primaries throughout the Nation. Every State is included in one of the following five regions:

First, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, New York, Maryland, the District of Columbia, New Jersey, Delaware, and the Commonwealth of Puerto Rico;

Second, Michigan, Illinois, Indiana, Ohio, West Virginia, and Pennsylvania;

Third, Kentucky, Louisiana, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and the Virginia Islands;

Fourth, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, and Texas;

Fifth, Washington, Oregon, Montana, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, Hawaii, American Samoa, and Guam.

Each year, the Federal Election Commission would decide by lot the actual order of the regional primaries. Under our proposal, candidates would not know where the first regional primary would be held until 70 days prior to it. This procedure would be repeated for each of the remaining regions. In this way, the order of the primaries would not be known in advance. Under the current system, some candidates begin their campaigns for nomination almost 2 years prior to the Presidential election. They are able to do this because certain States have a set primary date and the result is that all of the candidate's money, energy, and talent are focused on those particular states.

Under this proposal, the first regional primary would be held on the second Tuesday in March and the remaining four regional primaries would take place every third Tuesday thereafter. Practical politics would dictate that candidates spend most of their available time in the region holding the next primary. In conducting primaries in this organized manner, we will avoid the whirlwind approach of our current system which fatigues the candidates, sours the voters, and badly erodes confidence in Government.

While our bill requires all States to participate in the Presidential regional primary system, it does not attempt to regulate the national convention and delegate selection procedures. These procedures should rightfully be left to the States and political parties. Neither does this bill dictate what form a State's primary should take; that is, whether it should be open or closed. If a State provides for an open primary whereby those persons not registered in a particular political party may vote in a party's primary, the State would be able to continue to do so.

A regional primary would allow candidates to spend a relatively small amount of time and money in order to determine whether they had widespread support. If candidates did well in the first primary, they would be off and running. If they did poorly, they could avoid the embarrassment and expense of hopelessly campaigning nationwide. It would also give supporters and contributors a chance to become involved with a more viable candidate. Candidates could enter their first primary and if they did well could marshal the organizational and financial backing necessary to garner additional support. Their candidacies would have the chance to catch fire and gather momentum. In short, regional primaries would allow candidates to gracefully withdraw if their campaigns failed to catch fire. By the same token, regional primaries would also allow a smoldering ember to be built into a blazing bonfire.

Under this measure, moreover, the voters would have a better chance to judge a candidate's true qualifications. Madison Avenue would be shelved. A more personal and direct approach would result. Rather than the trademarks of "image" and "style" characteristic of our present system, the trademarks of a regional primary would be "issues" and "answers."

If we are to return "government to the people" and restore confidence in that government, we have that opportunity through the regional primary concept. The regional Presidential primary offers the best hope of returning credibility to the candidates and dignity to the Presidency.

By Mr. ROCKEFELLER (for himself, Mr. HEINZ, Mr. BYRD, Mr. SPECTER, Mr. SARBANES, Mr. SHELBY, Mr. METZENBAUM, Mr. FORD, Mr. DECONCINI, Mr. ROBB, Ms. MIKULSKI, Mr. HOLLINGS, Mr. THURMOND, Mr. HATCH, Mr. GLENN, Mr. RIEGLE, Mr. LEVIN, Mr. HEFLIN, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. MCCONNELL, Mr. SANFORD, Mr. SASSER, Mr. D'AMATO, Mr. PRYOR, Mr. LOTT, Mr. RUDMAN, Mr. DODD, Mr. HELMS, Mr. BREAUX, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. REID, Mr. GARN, Mr. COATS, Mr. GORE, Mr. EXON, Mr. KERREY, Mr. LEAHY, Mr. COHEN, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. KENNEDY, Mr. BIDEN, and Mr. BINGAMAN):

S. 378. A bill to extend the Steel Import Stabilization Act for an additional 5 years; to the Committee on Finance.

STEEL IMPORT STABILIZATION EXTENSION ACT

Mr. ROCKEFELLER. Mr. President, today Senator JOHN HEINZ and I, along with 47 of our colleagues, are introducing legislation to extend the President's authority to enforce the Steel Voluntary Restraint Agreements [VRA's]. We are offering this legislation because the current authority expires on September 30 of this year.

As chairman of the Senate Steel Caucus, I will be working with the administration and the industry to see that the United States has an effective steel policy. The leadership of my cochair, Senator JOHN HEINZ—who has chaired this caucus before and worked diligently on these issues for many years—is critical to this effort. I thank Senator HEINZ and look forward to working hand in hand with him to pass this bill.

America's steel VRA Program is working. On this point, I find myself in agreement with President Bush. In a November 4, 1988, letter to Senator HEINZ, President Bush said, "the goal of a privately owned, internationally competitive steel industry was made possible by the reduction in subsidized and dumped steel imports provided by the voluntary restraint agreements we have negotiated." In that letter, President Bush assured us of his intention to continue the VRA Program. It is gratifying that we have that commitment already from the President because extension of the VRA Program is a critical, pressing goal for the American steel industry and its 165,000 workers. Many of the prob-

lems facing this industry today are not a reflection on the companies or their workers, but are the result of unfair trading practices and illegal subsidizing on the part of our trading partners.

In a floor speech last week, I discussed the state of the steel industry. As I have said, our steel industry is competitive, but that does not mean it can compete in an environment where all the odds are stacked against them. The VRA Program has offered the steel industry some defense against trade-distorting conditions worldwide. Those conditions are exacerbated by foreign governments who intervene in steel markets through massive subsidies and keep a firm grip on their own steel markets by restricting imports, thereby diverting steel to the United States. Our industry's ability is also weakened by foreign producers who dump steel into our market in violation of United States and international law.

The legislation we are introducing today gives the President the authority to negotiate and enforce VRA's for 5 years. In the letter I mentioned, President Bush explained, "The only way to produce a permanent solution to the domestic steel industry's problems is to bring an end to these unfair practices and restore a competitive market in steel."

Obviously, this is a goal we, the industry and the administration share. Yet, no one believes these foreign trade barriers are going to come tumbling down in the immediate future—tedious, painstaking, long-term negotiations are the only way to bring about a competitive world steel market. To successfully conclude these negotiations, the President needs the full flexibility that comes with a 5-year extension.

The steel industry has made commendable use of the time they have been given under the existing VRA Program. VRA's have enabled domestic steel producers to make investments which have resulted in enormous quality improvements and productivity gains. Costs are down 35 percent since 1982, and productivity gains are up 40 percent over the same period. In fact, U.S. productivity—4.6 man hours per finished ton—is probably the highest in the world. The extension of the VRA's is essential to ongoing reinvestment in modernization of the domestic steel industry. Extension will assure future reinvestment in plant and equipment, modernization of operations, and worker retraining. If the legislation passes, U.S. companies will be required to reinvest substantially all of their net cash-flow from steel operations back into the steel industry, as has been required for the last 5 years. Of course, the VRA's not only benefit steel producers, but consumers as well. Steel customers are best served by a private steel industry growing more cost efficient and internationally competitive. VRA's are a win-win program for America.

The fruits of the VRA Program are just beginning to be seen in the turnaround of the steel industry. U.S. producers have returned to profitability in the last 18 months. That spark of profitability will encourage American steel producers to stay in business and provide the country with steel which is essential to our defense, industrial base and infrastructure.

The brighter aspects of the picture on steel I have painted could be dashed by the termination of the VRA Program. We do not want to see a return to the situation in the dark days of the early 1980's—import penetration of 26 percent, billions of dollars of losses and record numbers of bankruptcies. Without VRA's we will see a surge of dumped, subsidized and disruptive steel imports. I am hopeful that the Congress will see the wisdom in extending the President's authority to renegotiate the VRA's and pass this legislation. I urge my colleagues to cosponsor our bill and help us achieve its enactment as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Steel Import Stabilization Extension Act".

EXTENSION OF ACT

SEC. 2. Section 806(a) of the Steel Import Stabilization Act (19 U.S.C. 2253 note) is amended—

(1) by striking "fifth" in paragraph (1) and inserting in lieu thereof "tenth"; and

(2) by striking "or fourth" in paragraph (2) and inserting in lieu thereof "fourth, fifth, sixth, seventh, eighth, or ninth".

Mr. HEINZ. Mr. President, in this third discussion of the President's Steel Program, I want to lay out for Senators where we stand today. Last week I demonstrated the sorry state of the international steel market and the pervasive dumping and subsidies that plague it. Yesterday I explained in some detail how the domestic industry had wisely used the time made available by the program to improve its competitiveness. Indeed, if there is one issue in this debate that appears to be incontrovertible, it is that the industry has made significant gains in restoring its competitiveness.

These two issues—the state of world steel trade and the health of our industry, are the two pillars on which the President's program is built and which justify its extension. As my previous discussions have made clear, we have made some progress on the second, but none at all on the first. USTR has done little if anything to persuade our trading partners to change their behavior.

President Bush, when he wrote me on this subject, addressed exactly the same points. His letter, which I ask unanimous consent be printed at the conclusion of my remarks today, makes clear his firm commitment to restoring the market system in steel and continuing the program. He stated:

One of the key trade policy goals of a Bush Administration will be to achieve an international consensus on eliminating these practices, and, pending that, I can assure you of my intention to continue the voluntary restraint program after September 30, 1989. As Vice President, I worked to prevent the sacrifice of our industry to those who choose not to subject themselves to the discipline of the market, and I have no intention of abandoning that commitment if I am elected President.

Much has been made of the fact that the President's letter did not go into detail with respect to the duration or nature of the program. Obviously, it would have been inappropriate and presumptuous at that point to prejudge every issue related to the VRA Program. Some of them had not even been invented last fall.

It is not entirely correct, however, to say that he did not address the duration question. He stated quite clearly in the portion of his letter I just read that he intended to negotiate the elimination of unfair trading practices and, pending that, to continue the program. That clearly suggests the program is to exist until the unfair practices are eliminated. I would also suggest that was President Reagan's objective as well, although he clearly failed to achieve it. This time around we will do better.

The legislation, Senator ROCKEFELLER and I are introducing today along with others, is intended to help the President achieve his objectives.

The bill is permissive in that it does not require the President to take any action at all. It simply extends for 5 years the President's authority to enforce the VRA Program. That authority was included in the Steel Import Stabilization Act in 1984 because it was thought necessary for the Customs Service and the Commerce Department to have explicit authority to deny entry to imports unaccompanied by the proper foreign export documents. It is prudent at this point to continue that authority, and 5 years is an appropriate length of time, that guarantees congressional review in the future. Such an extension does not constrain the President's freedom of action. He can terminate the program at any point or decline to extend it, although that would be violating his commitment to me.

I would also note that this bill, in addition to extending enforcement au-

thority, also continues the industry's obligation to invest substantially all its cash-flow in modernization, research and development, and retraining. The industry does not shirk that responsibility. It welcomes it, and it guarantees the further development of a healthy industry that can compete with any other in the world.

Thus, while enactment of this bill will hardly conclude the debate over VRA extension, it will help move it forward to focus on the important questions of how the program will be configured—the inclusion of new countries, the adjustment of restraint levels, streamlining the short supply process, and so on.

To facilitate that discussion, a recent report by the Congressional Research Service provides a wealth of data and information on the recent operation of the current program and its effect on the U.S. economy. Most significantly, that report points out that the VRA limits were not entirely filled in 1987 and were even less filled in the first half of 1988—only about 72 percent—which makes it difficult to blame the program for price increases. Indeed, as I indicated yesterday, available evidence seems to suggest that prices are currently higher in the rest of the world, particularly in Asia, than they are here, and the unfilled limits reflect that fact.

At the same time, the CRS report discusses in some detail the extent to which countries have taken advantage of the flexibility already built into the program to meet changes in demand. Countries have borrowed from future years' limits and have carried forward unused quotas for use in subsequent periods. As a result, in some situations where demand has warranted it, countries have legally shipped in more than 100 percent of their limit, without resorting to the short supply system. I ask that the text of this CRS study be printed in the RECORD at the conclusion of my remarks today.

Finally, Mr. President, let me express the hope that this debate will continue to be based on the facts and no on wild assertions that have no basis in reality. In my judgment those facts are clear, and once examined objectively will lead to only one conclusion. It is in our Nation's interest, our steel industry's interest, and foreign producers' long-term interests to renew this program and facilitate the restoration of the market system to steel trade.

There being no objection, the letter and study were ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
Washington, November 4, 1988.

Hon. JOHN HEINZ,
U.S. Senator, Washington, DC.

DEAR SENATOR HEINZ: One on the significant successes of the Reagan Administration has been the President's Steel Program. During its first four years the steel industry has reduced capacity, cut costs, and modernized its equipment and technology to the point where it is now one of the most efficient producers in the world on a man hour per ton basis.

This Administration's success in pursuing the goal of a privately owned, internationally competitive steel industry was made possible by the reduction in subsidized and dumped steel imports provided by the voluntary restraint agreements we have negotiated. A comprehensive VRA program has proven to be more effective in offsetting unfair trade practices than trying to counter these practices on a case-by-case basis.

Unfortunately, while the voluntary restraints have clearly had a positive impact on the U.S. industry, we have not at the same time made as much progress toward eliminating market distorting practices. Global overcapacity remains a serious problem, and there is still substantial dumping and subsidizing. The only way to produce a permanent solution to the domestic steel industry's problems is to bring an end to these unfair practices and restore a competitive market in steel.

One of the key trade policy goals of a Bush Administration will be to achieve an international consensus on eliminating these practices, and, pending that, I can assure you of my intention to continue the voluntary restraint program after September 30, 1989. As Vice President, I worked to prevent the sacrifice of our industry to those who choose not to subject themselves to the discipline of the market, and I have no intention of abandoning that commitment if I am elected President.

At the same time, I also endorse the requirement that major steel firms substantially reinvest their cash flow because much more needs to be done. The industry's future progress will depend on both the voluntary restraints and the further investment and modernization steps that are undertaken. I intend to make sure that such further progress is made.

I am also encouraged by the recent growth in U.S. steel exports. If elected President, I will work vigorously to encourage growth by pressing to open up steel markets abroad.

Sincerely,

GEORGE BUSH.

STEEL IMPORTS: ARE THE VRA COUNTRIES FILLING THEIR QUOTAS?

(By David J. Cantor, Specialist in Industry Economics, Economics Division, Congressional Research Service)

SUMMARY

Based on an analysis of official data on the steel exports of countries covered by voluntary export restraint agreements under the President's steel program (VRAs) for 1987, it appears that the aggregate quota limits, and those for major product categories established by the VRAs were filled for most of the countries. But, these quotas do not appear to have been filled in the first half of 1988. In 1987, the VRA countries in the aggregate exported 94 percent of the quantity of steel they were entitled to ship to the United States, although most of the countries came close to filling or exceeded their overall quotas, and those for specific major product categories. In the first six months of 1988, they filled about 72 percent of their estimated export ceilings. While price increases in 1987 might have been influenced by the steel quotas that were filled, any domestic increases in steel prices experienced after early in 1988 might not be explained by the VRA quotas.

If the VRA countries did not fill their quotas, steel price increases experienced generally cannot be attributed to the existence of the VRAs. Economic theory holds that quotas (including those embodied in voluntary export restraint agreements) can result in price increases when the quotas are binding or filled. The theory assumes that, if there were no import limits on the amount of a product, additional quantities of the product could be purchased at the prevailing price; binding quotas create an artificial supply constraint. But, if the quotas are not filled, any change in price cannot, as a rule, be attributed to them.

One interesting aspect of the steel program emerges, namely the considerable flexibility in the process for implementing and enforcing the VRAs. In reality, the quotas established under the VRAs are not rigid. Various provisions written into each VRA enable both the Department of Commerce and the VRA countries to revise the export ceilings, even to the point of permitting them to be exceeded. As a result, potential shortages of products can be alleviated by modifying the amount of steel that can be exported from VRA countries. This flexibility provides a mechanism to restrain price increases resulting from limits on potential supply in the face of rising demand. In a significant sense, the steel program is constructed in a way to reduce, if not prevent the adverse consequences of a system of rigid, unilateral quotas.

STEEL IMPORTS: ARE THE VRA COUNTRIES FILLING THEIR QUOTAS?

One of the main concerns regarding the effects of the President's steel program is the effect on domestic steel prices of the export limits of steel-exporting countries. A key element of the President's program is the bilaterally negotiated voluntary export restraint agreements (VRAs). These agreements establish quotas on the amounts of various steel products that VRA countries can export to the United States. Conventional economic theory suggests, however, that quotas result in higher prices. To the extent that quotas are filled before demand is satisfied, the conclusion of conventional theory holds. But, if the quotas are not filled (or, to use the language of economics, not binding), then any change in price cannot be attributed to the quotas.

Based on an analysis of official data on the steel exports of countries covered by voluntary export restraint agreements under the President's steel program (VRAs) for 1987, it appears that the aggregate quota limits, and those for major product categories established by the VRAs were filled for most of the countries. But, these quotas do not appear to have been filled in the first half of 1988. In 1987, the VRA countries in the aggregate exported 94 percent of the quantity of steel they were entitled to ship to the United States, although most of the countries came close to filling or exceeded their overall quotas, and those for specific major product categories. In the first six months of 1988, they filled about 72 percent of their estimated export ceilings. While price increases in 1987 might have been influenced by the steel quotas that were filled, any domestic increases in steel prices experienced in 1988 might not be explained by the VRA quotas.

The data for the individual countries indicate that several of them did in fact come close to filling their negotiated quotas in

1987, and that some even exceeded their quotas in this year. This result applies to both the total vlume of shipments in 1987, and the amounts of major products.

The data for the first half of 1988 suggest a different situation. Namely, all but four of the 29 countries covered by VRAs exported significantly less than the estimated amounts they could have shipped to the United States in this period. This finding also applies to individual product categories.

The analysis of the official data reveals another significant aspect of the President's steel program—namely, that the quota limits themselves are flexibile. Under the several VRAs, countries are permitted to "borrow" against their quota limits in a succeeding period. Export limits for several countries are determined by market forecasts which are updated quarterly, and, therefore, subject to change. There are provisions for carrying forward into a succeeding period the export of quantities of steel products that could have been but were not shipped in the previous period. Under the "short supply" process, quotas could be increased when domestic producers are unable to satisfy domestic demand for particular products.

As a result of the flexibility for managing the steel program, simply looking at the data—particularly, the data for 1987—could lead to the conclusion that quotas are in fact being filled, or nearly filled. In 1987, six countries filled 98 percent or more of their quotas. The argument could be made that these countries "effectively" shipped as much steel as they were permitted to under their VRAs. But, it is also clear that the quota limits could be expanded in the case of rising demand. This is the most likely explanation for the fact that several countries actually exceeded their stated quota limits. That is, as the year proceeded, the VRA countries were able to bring forward into 1987 some of the volume of exports they would be allowed to ship in 1988. A detailed examination of the data indicates that many of these countries increased their shipments toward the end of the year, and especially in December 1987, and this may explain why their 1987 quotas were filled. In the same period, three countries exported more than 100 percent of their allowable quota limits. Exceeding the quota limits does not mean, however, that the three countries were not in compliance with their VRAs; it is more likely that they were taking advantage of the flexibility that the VRAs offer.

STEEL EXPORTS FROM VRA COUNTRIES IN 1987

Aggregate Exports of VRA Countries

In 1987, the 29 VRA Countries (including those covered by the VRA with the European Community) exported more than 1.36 million tons of steel products to the United States. Their combined export ceiling was over 1.45 million tons. Thus, as a group, they actually exported nearly 870,500 fewer tons of steel products than they could have, or about 94 percent of their limit under their VRAs. Most of the undershipment is accounted for by a few countries—mostly Japan, although Spain and Mexico also shipped noticeably less than they were permitted to export to the United States. These data, and those for the individual countries are presented in table 1.

Four countries—Austria, Japan, Mexico, and Spain—exported significantly less steel to the United States in 1987 than they were allowed. These four countries exported about 5.1 million tons of steel to the United States in 1987; the limit on their exports was about 5.9 million tons. They shipped about 775,400 fewer tons of steel to the United States—or 13 percent less—than they could have exported in 1987. Japan accounted for most of this undershipment: Japan exported about 590,000 tons less than its ceiling, about 68 percent of the total undershipments. Spain's undershipments totaled more than 101,000 tons.

Most of the VRA countries appear to have come close to filling their quota limits. Seven countries—Czechoslovakia, the European Community countries (excluding Portugal and Spain), Finland, Hungary, Korea, Poland, and Portugal—filled more than 90 percent of their export ceilings. Five countries filled between 90 and 95 percent of their quota limits: Australia, China (PRC), East Germany, Romania, and Venezuela. These twelve countries accounted for about 53 percent of the total steel exports of VRA countries in 1987, and for about 50.5 percent of the quota limits of the VRA countries. These twelve countries shipped about 168,200 tons less than they were entitled to export, or about 19.3 percent of the undershipments of steel from all the VRA countries.

Three countries—Brazil, Trinidad and Tobago, and Yugoslavia—shipped in excess of their steel export ceilings. These countries shipped nearly 73,200 more tons of steel to the United States than their export ceilings, or about 5.5 percent. Brazil accounted for most of the excess shipments, about 58,600 tons. Trinidad and Tobago shipped about 13,700 tons more than its export ceiling. That these countries exceeded their quotas in 1987 does not necessarily mean that they were not in compliance with their VRAs. One of the unique aspects of the President's steel program is the considerable flexibility built into it to minimize disruption in the market.

The excess shipments of steel products from Trinidad and Tobago to the United States in 1987 is explained by the fact that this country entered the program in early 1987. Under all of the VRAs, countries are permitted to ship all of the steel on order at the time of the execution of the agreement, even if this would mean that they would exceed their quota limits. In subsequent periods of the term of their VRAs, the countries would "pay back" their overshipments by reducing their exports to levels below their quota limits. In the first half of 1987, steel exports from Trinidad and Tobago accounted for nearly 80 percent of their total exports to the United States in 1987; this "bunching" of its exports in this period is most likely explained by the provision in its VRA permitting it to ship all of the steel for which it had orders prior to the execution of its agreement.

Although the data indicate that several countries have approached or even exceeded their export limits, the explanation for this may lie in the flexibility built into the administration of the VRA program. The quota limits are established on the basis of market forecasts for individual steel mill products. But, in addition, there are provisions in the VRAs to alter the actual amounts that can be exported to the United States. These provisions include the ability to "borrow" from the quota that would be set for the next year, the ability to carry forward to the next period some quantities not shipped in the current period, and exemptions from the established export ceilings resulting from short supply. Essentially, these provisions provide for flexibility in the quota limits themselves.

TABLE 1.—STEEL EXPORTS AND QUOTA OF VRA COUNTRIES, 1987

[Metric tons and percentages]

Country	Tonnage shipments	Quota limit	Percent of quota	Under/over shipments
Australia	204,955	217,399	94.3	−12,444
Austria	123,341	160,031	77.1	−36,690
Brazil	1,314,650	1,256,036	104.7	58,614
China (PRC)	56,714	61,689	91.9	−4,975
Czechoslovakia	37,400	37,876	98.7	−476
East Germany	93,490	98,796	94.6	−5,306
European Community	4,685,700	4,780,998	98.0	−95,298
Finland	167,307	171,997	97.3	−4,690
Hungary	30,257	30,845	98.1	−588
Japan	4,167,471	4,757,619	87.6	−590,148
Korea	1,445,030	1,463,808	98.7	−18,788
Mexico	311,986	358,962	86.9	−46,979
Poland	93,144	93,338	99.8	−194
Portugal	30,760	31,242	98.5	−482
Romania	97,397	107,411	90.7	−10,014
Spain	477,433	579,042	82.5	−101,609
Trinidad and Tobago	73,585	59,866	122.9	13,719
Venezuela	225,718	240,679	93.8	−14,961
Yugoslavia	10,979	10,141	108.3	838
Total	13,647,317	14,517,775	94.0	−870,458

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987, Based on Export Certificates. Washington, unpublished data, 1988. (Note: A separate form is prepared for each country.)

Under all of the VRAs, countries are permitted to "borrow" against the quotas of subsequent periods, reducing their shipments in those subsequent periods; any such borrowing must occur in the fourth quarter of the year. This fact probably explains why so many of the fifteen countries that exported 90 percent or more of their quotas in 1987 did so. This provision is the most likely explanation for three of the countries exceeding their quotas. The data shows that nine of these countries (including the European Community countries) exported a disproportionately large share of their total steel exports to the United States in December 1987 or in the last calendar quarter of the year. These data are presented in table 2.

Seven of these fifteen countries shipped more than 25 percent of their total steel exports to the United States in the fourth quarter of 1987: Australia, Brazil, the European Community, Finland, Poland, Romania, and Venezuela. Australian and Venezuelan exports in the fourth quarter were nearly 40 percent of their total shipments for the full year. The exports of the other five countries in this quarter accounted for between 28 and 30 percent of their total steel shipments to the United States in 1987.

Nine of these fifteen countries shipped at least 10 percent of their total steel exports for 1987 to the United States in December: Australia, Brazil, Czechoslovakia, the European Community, Finland, Poland, Portugal, Romania, and Venezuela. December shipments from Australia, Portugal, and Venezuela accounted for more than 20 percent of their total steel exports to the United States in 1987. Steel exports from Czechoslovakia, Finland, and Poland in December represented between 15 and 20 percent of their total shipments to the United States for the year.

The data of table 2 suggest that most of the countries that came close to filling or exceeded their steel quota limits in 1987 accelerated to some extent their shipments in either the last quarter of the year or in the last month of the year. A significant exception to this pattern was Korea. Korea exported about 22.4 percent of its total steel shipments to the United States in 1987 in

the last quarter, and 7.1 percent in December.

The relative concentration of the steel exports from so many of the VRA countries in the last quarter and/or month of 1987 may be due to the changes during the year in the market forecasts under which many of the quota limits are established. As 1987 proceeded, it became apparent that steel demand in the United States was rising. This increase in demand would most likely be captured in forecasts performed later in the year than earlier. The VRA countries use the forecasts for the year as a guide to the volume of steel they can ship to the United States. Under the terms of the VRAs, the various countries are prohibited from shipping more than 55 percent of their forecasted ceiling in two successive calendar quarters. But, if the forecasts indicate a rising demand, the countries could be expected to increase their exports for the subsequent months to capture as much of the projected increase in demand as possible.

TABLE 2.—SHARES OF TOTAL STEEL EXPORTS OF VRA COUNTRIES IN THE 4TH QUARTER AND DECEMBER 1987

[Percentages]

Country	4th quarter	December
Australia	38.7	29.4
Austria	26.7	8.4
Brazil	28.5	12.0
China (PRC)	18.7	0.9
Czechoslovakia	23.4	15.3
East Germany	25.0	7.5
European Community	28.6	10.6
Finland	28.1	15.8
Hungary	24.5	5.5
Japan	28.6	12.6
Korea	22.4	7.1
Mexico	14.7	2.3
Poland	28.7	17.9
Portugal	22.5	22.1
Romania	29.8	10.3
Spain	30.8	18.2
Trinidad and Tobago	6.0	0.3
Venezuela	39.4	34.0
Yugoslavia	24.4	6.3

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987. Based on Export Certificates. Washington, unpublished data, 1988.

Another factor that might explain why so many VRA countries exported 90 percent or more of their quota limits is the so-called "short supply" provisions in the several VRAs. The "short supply" provision is a mechanism that enables quota limits to be exceeded when domestic producers are unable to supply the quantity demanded of particular steel products. When a domestic steel consumer is unable to obtain the product from a domestic seller or a VRA country, because the latter has exhausted or is likely to exhaust its quota, the consumer may petition the Department of Commerce (Commerce) for an exemption to the quota limit. Similarly, when a VRA country has orders for such products, but has filled its quota, it may also petition for an exemption to its quota limit. Commerce evaluates each petition individually, and, if it finds that domestic suppliers cannot fill the orders, may increase the quota limit for the product. During 1987, and owing to the relatively strong demand for steel in the United States, several short supply petitions were filed and approved. Thus, the increase in exports of steel products from the VRA countries in the last quarter of 1987 may reflect the granting of short supply petitions.

Finally, the several VRAs permit the countries to adjust their quotas in the succeeding year to account for over- or undershipments in the previous year. Available official data indicate that these countries have been permitted to carry forward into 1988 over 439,000 tons of steel product exports from their 1987 quota limits. Countries that did not ship all that they could export in 1987 are permitted to carry all or part of that tonnage forward into the next year. Several countries, including the European Community, Finland, Japan, Korea, Mexico, and Spain, were permitted to carry forward more than 515,000 tons. Five countries, including Brazil, East Germany, and Trinidad and Togabo, had their 1988 quotas reduced. No agreement on the total adjustments to the 1988 quotas had been reached with Australia or Venezuela. Japan accounts for most of the carry forwards with more than 373,287 tons, or about 72 percent of the total amount carried forward. In the case of Brazil, the 1988 quota was reduced by over 58,600 tons. Most of this reduction was in semifinished steel; with respect to finished steel mill products, Brazilian exports could be increased over the market forecast for 1988. The 1988 allocation for Trinidad and Tobago was reduced to reflect the excess shipments in 1987 resulting from its late entry into the steel program.

The flexibility that characterizes the process for implementing the steel program gives rise to some confusion and difficulty in interpreting the data on exports from VRA countries. The fact remains that all but three of these countries exported less steel tonnage to the United States in 1987 than they were permitted by their agreements. That several came close to reaching or exceeded their limits may be the result of the flexibilty that characterizes the administration of the VRAs. All of the VRA countries together exported 94 percent of the volume of steel they were allowed to ship to the United States in 1987.

Exports of Selected Steel Products From VRA Countries in 1987

Consideration of the extent to which VRA countries filled their expert quotas for particular products is important, because the VRAs wre negotiated on the basis of individual products. That is, the aggregate quantity of all steel products that could be exported under a VRA is determined generally on the basis of the amounts or market shares allocated to specific products.

Although the VRA countries exported to the United States less steel in the aggregate than permitted by their agreements, the question arises as to whether or not this pattern applies to all products. It may be that countries did fill or try to fill their quotas of low cost and/or high value products, especially in the light of the depreciation of the U.S. dollar relative to other currencies. That is, various VRA countries may have opted to ship those products whose prices in the domestic market were sufficiently high as to enable the exporters to absorb all or a major part of the change in the exchange rate.[1] Also, the VRA countries may have attempted to fill their quotas for those products that experienced a significant increase in domestic demand—especially semifinished steel and steel plate.

Six broad categories of steel products have been selected for this analysis: semifinished steel, steel plate, hot rolled sheet and strip, cold rolled sheet and strip, coated sheet, and steel pipe and tubular products. These categories accounted for at least 53.6 percent of the total shipments of steel products by VRA countries. Each of the categories is either a low cost/high value product, or one that was in especially great demand in the United States. Tables 3 through 8 present data on the volume of exports, the export ceilings, and the share of the export ceilings for each of these products.

At this point, it should be noted that not all VRA countries have explicit export quota limits for all products. Some agreements define product categories in great detail, while others specify as few as one specific product and a catch-all category of "all other products". For example, the VRA with the European Community specifies 33 different product categories, while the VRA with China (PRC) specifies only nails as a product category. For purposes of this analysis, therefore, only those countries whose VRAs explictly define the products selected are identified in the tables. Given the catch-all category of "all other products", it is very likely that countries not listed in the tables export some of the selected products to the United States.[2]

TABLE 3.—EXPORTS OF SEMIFINISHED STEEL FROM VRA COUNTRIES IN 1987

[Metric tons and percentages]

Country	Exports (tons)	Export limit (tons)	Share of limit (percent)
Australia	49,189	46,866	105.0
Brazil	728,485	652,468	111.7
European Community	587,293	585,771	100.3
Finland	12,653	13,608	93.0
Japan	83,876	95,683	87.7
Korea	24,622	24,632	100.0
Mexico	60,599	113,623	53.3
Spain	38,702	48,989	79.0
Trinidad and Tobago	3,900	3,532	110.4
Venezuela	77,849	88,032	88.4
Total	1,667,168	1,673,204	99.6

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 4.—EXPORTS OF STEEL PLATE FROM VRA COUNTRIES IN 1987

[Metric tons and percentages]

Country	Exports (tons)	Export limit (tons)	Share of limit (percent)
Brazil	33,610	32,680	102.9
East Germany	16,552	15,777	104.9
European Community	233,037	230,075	101.3
Finland	51,004	50,215	101.6
Hungary	4,743	9,072	52.3
Japan	20,354	23,512	86.6
Korea	39,946	39,857	100.2
Mexico	10,779	11,750	91.7
Poland	32,134	31,550	101.9
Romania	56,594	57,153	99.0
Spain	46,011	44,279	103.9
Total	544,764	545,920	99.8

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987. Based on Export Certificates. Washington, unpublished data, 1988.

[1] U.S. Library of Congress. Congressional Research Service. Steel Prices and Import Restraint. Report No. 88-204 E, by David J. Cantor. Washington, 1988. p. 16 f.

[2] The VRA with Japan provides an especially good example of this case, because, in general, the quantities of particular steel products that Japan can export to the United States are large. Japan's VRA does not specify hot rolled sheet as an explicit product category, although it does identify other sheet and strip products. Under its agreement, if Japan does not fill its quota for identified sheet and strip products, it can shift the unused quantity to other unspecified sheet and strip products. In general, these other sheet and strip products consist of hot rolled sheet and strip.

TABLE 5.—EXPORTS OF HOT ROLLED SHEET AND STRIP FROM VRA COUNTRIES IN 1987

[Metric tons and percentages]

Country	Exports (tons)	Export limit (tons)	Share of limit (percent)
Brazil	131,723	141,875	92.8
European Community	941,256	952,951	98.8
Finland	48,784	48,911	99.7
Hungary	20,635	27,216	75.8
Korea	184,778	188,756	97.9
Mexico	7,475	7,434	100.6
Romania	6,882	9,532	72.2
Spain	5,442	24,345	22.4
Venezuela	39,884	40,330	98.9
Total	1,386,859	1,417,005	97.9

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 6.—EXPORTS OF COLD ROLLED SHEET AND STRIP FROM VRA COUNTRIES IN 1987

[Metric tons and percentages]

Country	Exports (tons)	Export limit (tons)	Share of limit (percent)
Brazil	158,046	157,798	100.2
European Community	722,405	717,466	100.7
Japan	607,639	737,522	82.4
Korea	226,273	226,762	99.8
Mexico	13,261	14,228	93.2
Romania	0	0	0
Spain	53,718	55,582	96.7
Venezuela	23,388	23,948	97.7
Total	1,804,730	1,933,306	93.4

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 7.—EXPORTS OF COATED SHEET FROM VRA COUNTRIES IN 1987

[Metric tons and percentages]

Country	Exports (tons)	Export limit (tons)	Share of limit percentage
Australia	104,894	115,190	91.1
East Germany	17,696	17,895	98.9
European Community	383,090	389,462	98.4
Japan	1,205,261	1,526,776	78.9
Korea	147,249	147,515	99.8
Venezuela	23,003	25,789	9.2
Total	1,881,193	2,222,627	84.6

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 8.—EXPORTS OF STEEL PIPE AND TUBE FROM VRA COUNTRIES IN 1987

[Metric tons and percentages]

Country	Exports (tons)	Export limit (tons)	Share of limit percentage
Australia	9,859	11,239	87.7
Austria	18,640	19,834	94.0
Brazil	64,946	66,188	98.1
European Community	359,581	384,852	93.4
Finland	4,832	5,163	93.6
Japan	635,980	680,169	93.5
Korea	400,018	395,334	101.2
Mexico	86,362	80,167	107.7
Romania	83,131	84,178	98.8
Spain	28,642	46,338	61.8
Venezuela	32,790	30,574	107.3
Yugoslavia	4,355	4,355	100.0
Total	1,729,136	1,808,391	95.6

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1987. Based on Export Certificates. Washington, unpublished data, 1988.

With the exceptions of cold rolled sheet and strip and coated sheet, the VRA countries exported substantially all of their allocations of the selected products. Approximately 99.6 percent of the identified semifinished steel quotas were filled in 1987. About 99.8 percent of the steel plate that could be exported was shipped to the United States. About 97.9 percent of the quota for hot rolled sheet and strip was filled. About 95.6 percent of the allowable exports of pipe and tube were shipped in 1987.

Less than 95 percent of the identified quota for cold rolled sheet and strip was filled in 1987. Approximately 93.4 percent of these products were exported by the countries whose VRAs explicitly identified cold rolled sheet and strip as a product category. Only about 84.6 percent of the identified quotas for coated sheet were filled.

Japan appears to be the only major country to consistently and significantly fall short of filling its quotas in each of these specific product categories. With the exception of steel pipe and tube, Japanese steel producers shipped less than 90 percent of their allowable exports in each of the product categories. In the case of pipe and tube, Japan filled about 93.5 percent of its quota.

The significant appreciation of the yen relative to the U.S. dollar and to the currencies of other major Asian producers—in particular, Korea and Taiwan—may explain the reason for its failure to fill its quotas. First, Japanese steel became increasingly expensive in dollar terms as a result of the increase in the value of Japan's currency relative to the U.S. dollar. Second, while other Asian currencies increased in value, none increased more than the yen. Given that other Asian countries, like Korea, were and are expanding their steel industries, they were in a position to compete with Japan for the U.S. market in terms of both price and quality of product.

As the data in the several tables indicate, it was not uncommon for many countries to exceed their export limits. Of the ten countries with explicit export limits on semifinished steel, five—Australia, Brazil, the European Community, Korea, and Trinidad and Tobago—exported at least 100 percent of their quotas. Seven of the eleven countries with explicit export limits on steel plate—Brazil, East Germany, the European Community, Finland, Korea, Poland, and Spain—exceeded those limits. Four of the twelve countries with identified quotas on pipe and tube products—Korea, Mexico, Venezuela, and Yugoslavia—reached or shipped in excess of their limits on exports of these products to the United States.

As in the case of aggregate exports of all VRA countries, the extent to which the quotas of most of the six selected product categories were filled may be explained by the flexible mechanism for administering the steel program. That so many countries in most of these categories exceeded their quota limits is evidence of their being able to "borrow" against 1988 or later quotas. This "borrowing" may have been permitted, owing to the positive changes in the market forecasts throughout 1987.

STEEL EXPORTS OF VRA COUNTRIES IN 1988

Aggregate Exports of VRA Countries

In the first half of 1988, the rate at which VRA countries filled their quotas was considerably less than for all of 1987. In this period, the VRA countries as a group exported about 72.1 percent of all the steel products to the United States that they were able to under their agreements. Their exports totalled about 5.96 million tons; their estimated export ceiling was approximately 8.27 million tons. The VRA countries as a group exported about 2.3 million tons less than they could have shipped to the United States in the first half of 1988. These data, and those for the individual countries are presented in table 9.

Thirteen of the countries exported less than 80 percent of the volume they could have shipped to the United States. Four countries—Australia, Austria, Spain, and Venezuela—shipped up to half of their estimated export limit. Four countries—China (PRC), Finland, Japan, and Portugal—exported between 51 and 70 percent of their estimated quotas for the period. Brazil, Czechoslovakia, the European Community, Korea, and Yugoslavia exported between 71 and 80 percent of their estimated quotas for the period.

Five countries shipped 90 percent or more of their estimated quota. Mexico shipped about 95.1 percent of the estimated volume it was permitted. Trinidad and Tobago exported about 94 percent of its estimated limit. Three countries—Hungary, Poland, and Romania—exceeded their estimated limits. East Germany approached the 90-percent level of quota shipments; this country shipped about 88.1 percent of its estimated export ceiling.

The flexibility that characterizes the administration of the VRAs may to some extent explain why the VRA countries shipped relatively little of their estimated export ceilings. In the discussion of the experience of 1987, it was posited that many of the countries may have "borrowed" from their 1988 quotas. If this was the case, then they would have been required to reduce their 1988 shipment levels. On the other hand, it was noted that most of the VRA countries were permitted to carry forward to 1988 shipments that could have been made, but were not made in 1987. It is quite possible, therefore, that the "paybacks" and the "carry-forwards" offset each other.

A Note on Methodology

Assessing the extent to which VRA countries have filled their quotas in the first half of 1988 is complicated by at least two factors. First, the data on country exports may not be complete. Second, the available export data is compared with the most recent product market forecast, the forecast made in October 1988. Since this forecast reflects more actual experience than forecasts made earlier in the year, its use for estimating the percentage of the estimated quota filled in the first half of 1988 may lead to an understatement or overstatement of the estimate.

Official data on VRA country exports produced as recently as December 1988 may be incomplete even for the first six months of 1988. The quotas under the steel program are export quotas, not import quotas. Monitoring compliance with the various VRAs requires, therefore, that only exports be considered. Under the VRAs, each country is required to issue an export license for each shipment of covered steel products. These licenses are presented at the port of entry in the United States when the shipment arrives and is cleared through customs. The licenses are forwarded to the Commerce Department, where they are used to compile totals of steel shipments under the VRAs. There is a lag in the time that a shipment leaves the country of origin, and the time it passes through customs in the United States; this lag may be several months in duration. Thus, although official data was

most recently compiled in mid-December 1988, there can be no assurance that the reported exports for even the first half of the year are complete.

Nevertheless, for purposes of this analysis, it is assumed that the data for the first half of the year are substantially complete. While occasional shipments exported during the first six months of 1988 may not have entered the United States, the number of such shipments is likely to be small. Another factor that could affect the thoroughness of the reported exports is that the export licenses were not transmitted to Commerce. Again, for the first half of 1988, the possibility that Commerce did not receive the license documents is small. Thus, there is a likelihood that the data for the first six months of 1988 are complete. Assessments of the extent to which VRA quotas are being filled in 1988 may be reasonably made for at least this period of time.

TABLE 9.—STEEL EXPORTS AND ESTIMATED QUOTA LIMITS OF VRA COUNTRIES, 1ST 6 MONTHS 1988

[Metric tons and percentages]

Country	Tonnage exported	Estimated export limit (tons)	Share of limit (percent)	Under/over shipments
Australia	56,489	115,601	48.9	−59,112
Austria	53,742	107,516	50.0	−53,774
Brazil	498,124	633,689	78.6	−135,565
China (PRC)	21,758	35,147	61.9	−13,389
Czechoslovakia	14,109	18,184	77.6	−4,075
East Germany	43,391	49,236	88.1	−5,845
European Community	2,133,631	2,774,378	76.9	−640,747
Finland	67,800	107,321	63.2	−39,521
Hungary	15,647	15,098	103.6	549
Japan	1,889,601	2,787,265	67.8	−848,781
Korea	622,295	853,719	72.9	−231,424
Mexico	205,552	216,232	95.1	−10,680
Poland	51,872	39,556	131.1	12,316
Portugal	7,221	12,856	56.2	−5,635
Romania	50,993	50,539	100.9	454
Spain	162,186	329,610	49.2	−167,424
Trinidad and Tobago	18,563	19,743	94.0	−1,180
Venezuela	42,508	97,573	43.6	−55,065
Yugoslavia	6,920	9,070	76.3	−2,150
Total	5,962,402	8,272,333	72.1	−2,309,931

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1988. Based on Export Certificates. Washington, unpublished data, 1988.

A more significant problem is the choice of which forecast to use in the analysis. As noted previously, the export ceilings for each country and products are determined by a product market forecast made by an economic forecasting organization acceptable to both the VRA countries and the Department of Commerce. The contractor, Data Resources, Inc., makes several forecasts each year: February, May, August, and October. The later the forecast for a given year, the greater the likelihood that it reflects the experience of the year. For example, the February forecast for 1988 has little, if any actual experience for 1988; the October forecast is more likely to reflect what the full year market demand will be, because it can rely upon the actual experience for at least eight or nine months of the year. The VRA countries use the forecasts as a guideline for determining the level of their exports in the calendar quarter when the forecast is made, and in the next quarter. The May forecast, for example, could trigger an increase in exports shipped in June, as well as providing guidance for the calendar quarter from July through September. The August forecast, on the other hand, probably reflects the actual experience for the first and second calendar quarters of the year.

For purposes of this analysis, the average of the May and August forecasts for 1988 is used. As just noted, the May forecast helps to explain any shift in export behavior in June, and the August forecast does reflect actual experience. Given that the periodic forecasts for 1988 were revised upward throughout the year, using the average of the May and August forecasts gives more weight to the lower estimates in May. As a result, there is the possibility that the results of the analysis presented in table 9 overstate the extent to which VRA countries filled their quotas in the first half of the year. Using the average of the two forecasts, which result in a lower value for export ceilings than the August forecast, provides some basis for accounting for the perceptions of exporters early in 1988, and, at the same time, reflects actual experience.

To estimate the share of the export ceiling filled, the reported exports for the first half of 1988 are divided by the average of the export ceilings based on the May and August forecasts. Since the forecasts and, therefore, the export ceilings are stated in annualized quantities, they are divided by two to estimate the export ceiling for the first six months of 1988. It should be noted that these ceilings are not based solely on the forecasts; they include adjustments for carry-forwards of unused quotas from 1987.

Finally, this approach assumes that the VRA quotas are fixed for a particular period; they are not. As noted previously, the forecasts only provide guidance to the VRA countries as to the quantity of steel they can export. The actual ceilings are not determined until late in the year, and the extent to which the quotas are filled cannot be assessed until all of the export licenses for the year are received, possibly as late as June of the following year. In addition, during the year, VRA countries are permitted to exceed their estimated quotas; for example, they can ship up to 55 percent of their estimated export ceiling in two successive calendar quotas.

Exports of Selected Steel Products From VRA Countries in 1988

The VRA countries that had explicit export limits for specific selected steel products did not fill their potential quotas on these products in the first half of 1988. The products selected are those enumerated previously for 1987: semifinished steel, steel plate, hot rolled sheet and strip, cold rolled sheet and strip, coated sheet, and steel pipe and tube. The shares of the export ceilings actually exported in the first six months of 1988 ranged from 62.2 percent in the case of coated sheet to 85.2 percent for semifinished steel. Data on actual exports, estimated export limits, and the shares of the limit actually exported are presented in tables 10 through 15.

In most cases, there are instances where countries exceeded their estimated limits. The European Community Countries (excluding Portugal and Spain) shipped 103.4 percent of their limit on semifinished steel. Mexico, Poland, and Romania shipped from about 124 percent to about 145 percent of their estimated limits of steel plate. Romania shipped virtually all of its limit for hot rolled sheet and strip for the entire year in the first half of 1988. Mexico exceeded its estimated ceiling on cold rolled sheet in the first six months of 1988, shipping about 121 percent of its estimated quota. Mexico, Romania, and Yugoslavia shipped from about 101 percent to about 135 percent of their estimated quotas of steel pipe and tube.

Only in the case of coated sheet were the estimated quotas for the first half of 1988 not filled by any of the countries that had explicit export ceilings for products in this category. On average, the six countries with such quotas shipped about 62.2 percent of their combined export ceiling. The shares of the limits filled by the six countries ranged from 53.7 percent in the case of Australia to 82.9 percent for East Germany.

Apart from those countries that exceeded their estimated limits, there are only a few instances in which countries filled most of their quotas. For the purpose of establishing a cut-off point to identify these cases, countries that exported 90 percent or more of their estimated limits are considered to have filled most of their quotas. Brazil and Japan each shipped over 95 percent of their estimated limits of semifinished steel. East Germany exported nearly 97 percent of its estimated quota of steel plate. Hungary, Korea, and Mexico shipped between 90 percent and 95 percent of their estimated export ceilings on hot rolled sheet and strip.

TABLE 10.—EXPORTS OF SEMIFINISHED STEEL FROM VRA COUNTRIES, FIRST 6 MONTHS 1988

[Metric tons and percentages]

Country	Exports (tons)	Estimated export limit (tons)	Share of limit (percent)
Australia	2,617	22,100	11.8
Brazil	276,696	298,516	95.6
European Community	299,457	289,540	103.4
Finland	2,938	7,043	41.7
Japan	47,166	49,187	95.9
Korea	8,010	22,683	35.3
Mexico	30,162	54,256	55.6
Spain	14,143	22,680	62.4
Trinidad and Tobago	0	1,404	0
Venezuela	0	32,308	0
Total	681,189	799,717	85.2

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1988. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 11.—EXPORTS OF STEEL PLATE FROM VRA COUNTRIES, FIRST 6 MONTHS 1988

[Metric tons and percentages]

Country	Exports (tons)	Estimated export limit (tons)	Share of limit (percent)
Brazil	10,384	24,303	42.7
East Germany	7,914	8,185	96.7
European Community	99,472	148,328	67.1
Finland	26,891	36,738	73.2
Hungary	2,970	4,536	65.5
Japan	9,607	17,238	55.7
Korea	24,485	27,943	87.6
Mexico	12,002	9,525	126.0
Poland	18,938	13,067	144.9
Romania	37,148	30,005	123.8
Spain	25,423	32,450	78.4
Total	275,234	352,318	78.1

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1988. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 12.—EXPORTS OF HOT ROLLED SHEET AND STRIP FROM VRA COUNTRIES, FIRST 6 MONTHS 1988

[Metric tons and percentages]

Country	Exports (tons)	Estimated export limit (tons)	Share of limit (percent)
Brazil	50,634	93,836	54.0
European Community	369,168	568,278	65.0
Finland	26,985	30,159	89.5
Hungary	12,447	13,608	91.5

TABLE 12.—EXPORTS OF HOT ROLLED SHEET AND STRIP FROM VRA COUNTRIES, FIRST 6 MONTHS 1988—Continued

[Metric tons and percentages]

Country	Exports (tons)	Estimated export limit (tons)	Share of limit (percent)
Korea	98,790	109,273	90.4
Mexico	4,281	4,519	94.7
Romania	1,229	627	196.2
Spain	258	13,026	2.0
Venezuela	12,140	19,678	61.7
Total	575,932	853,004	67.5

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1988. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 13.—EXPORTS OF COLD ROLLED SHEET AND STRIP FROM VRA COUNTRIES, FIRST 6 MONTHS 1988

[Metric tons and percentages]

Country	Exports (tons)	Estimated export limit (tons)	Share of limit (percent)
Brazil	57,355	77,495	74.0
European Community	285,211	388,107	73.5
Japan	244,287	375,746	65.0
Korea	93,933	124,016	75.7
Mexico	9,597	7,953	120.7
Romania	0	590	0
Spain	10,951	30,974	35.4
Venezuela	2,133	7,583	28.1
Total	703,467	1,012,464	69.5

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1988. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 14.—EXPORTS OF COATED SHEET FROM VRA COUNTRIES, FIRST 6 MONTHS 1988

[Metric tons and percentages]

Country	Exports (tons)	Estimated export limit (tons)	Share of limit (percent)
Australia	33,943	63,208	53.7
East Germany	7,520	9,072	82.9
European Community	158,590	213,305	74.4
Japan	475,381	804,965	59.1
Korea	56,696	86,568	65.5
Venezuela	7,976	13,329	59.8
Total	740,106	1,190,447	62.2

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1988. Based on Export Certificates. Washington, unpublished data, 1988.

TABLE 15.—EXPORTS OF STEEL PIPE AND TUBE FROM VRA COUNTRIES, FIRST 6 MONTHS 1988

[Metric tons and percentages]

Country	Exports (tons)	Estimated export limit (tons)	Share of limit (percent)
Australia	4,335	5,427	79.9
Austria	14,149	17,651	80.2
Brazil	28,877	37,608	76.8
European Community	158,975	254,106	62.6
Finland	2,160	3,529	66.3
Japan	326,830	443,280	73.7
Korea	159,165	242,459	65.6
Mexico	57,462	54,041	106.3
Romania	11,136	11,050	100.8
Spain	10,827	28,021	38.6
Venezuela	7,156	8,916	80.3
Yugoslavia	4,276	3,175	134.7
Total	785,348	1,109,263	70.8

Source: U.S. Department of Commerce. Imports of Certificated Arrangement Products Exported During 1988. Based on Export Certificates. Washington, unpublished data, 1988.

In some cases, countries shipped none of their estimated quota limits in the first half of 1988. Trinidad and Tobago and Venezuela exported no semifinished steel products in this period. Romania shipped no cold rolled sheet and strip.

As stated previously, the estimated export ceilings are based on the assumption that the countries would have to fill their quotas in the specified time period. This is not the case in actuality. The estimated ceilings are essentially guidelines for the VRA countries. They are subject to revision based on subsequent product market forecasts. Finally, the countries are permitted to ship up to 55 percent of their annual quotas in two consecutive calendar quarters. For example, the fact that Romania exported nearly all of its estimated ceiling on hot rolled sheet and strip in the first half of 1988 implies that it would export virtually none of these products in the last half of the year.

It should also be kept in mind that countries that do not have explicit limits on exports of these selected products may in fact ship them to the United States under the terms of the VRAs. As stated previously, several countries have a "catch-all" product category of "all other steel products" specified in their agreements. To the extent that they can find buyers for the specific products considered herein, they can export these products up to the limit estimated for this "catch-all" product category.

A number of reasons can be put forth to explain why the VRA countries generally did not fill their overall or specific product export limits in the first half of 1988. Certainly, the effect of the realignment of the exchange rates could have led some countries, like Japan, to reduce exports, or for importers to have reduced their purchases from such countries. There is another possible explanation that merits attention, especially in the context of the process for implementing the VRAs: some countries may have shipped less in the first half of 1988, because they borrowed against their 1988 quotas in 1987.

As observed in the discussion of the 1987 experience, many countries came close to filling or exceeded their overall or specific product export ceilings. A reason for this pattern is the provision in the several VRAs that permits the countries to "borrow" against future quotas. Countries that do "borrow" are required to reduce their shipments in succeeding time periods. Thus, the generally low levels of shipments in the first half of 1988 overall and for selected product categories may reflect this borrowing in 1987 and subsequent pay-back in 1988.

While this pattern probably explains some of the low shipment levels in 1988 relative to estimated export ceilings, it should be kept in mind that most countries were authorized to carry forward into 1988 some shipments that they were entitled to make in 1987, but did not make. As stated previously, the market forecasts made under the terms of the VRAs are regularly revised. In 1987, the forecasts for most products led to upward revisions in the quotas. It is quite possible, therefore, that, even though many of the "borrowing" countries filled their quotas for 1987, their quotas were adjusted upward for 1988. For example, the 1988 limit on exports of coated sheet from Australia was revised upward to permit the export of an additional 10,296 tons in 1988. As seen in the data of table 14, Australia exported only about 53.7 percent of its estimated ceiling on coated sheet in the first half of 1988. Thus, while "borrowing" helps to explain the relatively high levels of shipments in 1987, it is not totally clear that paybacks explain the relatively low share of export ceilings filed in 1988.

CONCLUDING OBSERVATIONS

The official data compiled to monitor exports of steel products from VRA countries tend to support the hypothesis that these countries did not ship as much steel to the United States as permitted by their VRAs in the first half of 1988. While the VRA countries as a group did not fill their quotas in 1987; and, this is explained largely by only a few countries—mainly Japan. Even so, there is reason to believe that many of the countries that did come close to filling or exceeded their quota limits in 1987 did so by taking advantage of the flexibility in the program that permits "borrowing", "carry-forwards" of unused quotas, and short supply exemptions.

With respect to 1988, it should be remembered that the results presented herein apply to the first half of the year. Although the VRA countries appear to have exported noticeably less than permitted in this period, there is nothing to preclude their filling their quotas for the full year.

Steel price increases experienced in the first half of 1988 cannot be attributed to the existence of the VRAs. To the extent that country and/or product quotas were filled in 1987, some prices may have risen early in 1988. But, if the experience of the first half of 1988 persists throughout the year, it is less likely that any upward trend in prices during the year could be attributed entirely to the quotas. The expectation is that the effect of previously filled quotas would diminish over the entire period. Economic theory holds that quotas (including those embodied in voluntary export restraint agreements) can result in price increases when the quotas are binding or filled. The theory assumes that, if there were no import limits on the amount of a product, additional quantities of the product could be purchased at the prevailing price; binding quotas create an artificial supply constraint. But, if the quotas are not filled, any change in price cannot be attributed to them.

In this analysis of the data, another interesting aspect of the steel program emerges, namely the considerable flexibility in the process for implementing and enforcing the VRAs. In reality, the quotas established under the VRAs are not rigid. Various provisions written into each VRA enable both the Department of Commerce and the VRA countries to revise the export ceilings, even to the point of permitting them to be exceeded. As a result, potential shortages of products can be alleviated to some extent by modifying the amount of steel that can be exported from VRA countries. This flexibility provides a mechanism to restrain price increases resulting from limits on potential supply in the face of rising demand. In a significant sense, the steel program is constructed in a way to reduce substantially, if not prevent the adverse consequences of a system of rigid, unilateral quotas.

While there are these potential benefits that result from the flexible nature of the steel program, there are also difficulties created. In particular, the flexible process for implementing the program makes it very difficult to monitor individual country compliance with its VRA. The provisions for "borrowing" and for carry-forward adjustments are not automatic. There is no precise formula for establishing the volumes involved. In fact, the actual quota limits cannot be determined until after the period

to which they apply has ended; and noted frequently in the text of this report, the market forecasts are basically guidelines for the VRA countries.

On the one hand, the problem in monitoring compliance with the VRAs makes it difficult to insure that countries are honoring their agreements in a real time environment. But, on the other hand, the flexibility allowed in administering the program reduces the potential costs to society that result whenever artifical barriers to trade are established.

Mr. BYRD. Mr. President, I am pleased to cosponsor the legislation being introduced today by Senators ROCKEFELLER and HEINZ, that will extend the voluntary restraint arrangements [VRA's] on imported steel.

The U.S. steel industry is just beginning to emerge from the structural recession that began in 1974. This recession was due to a chronic overcapacity in the worldwide steel industry and foreign government financial and political intervention in the marketplace.

Since the early 1970's the substantial growth occurred in the steel industry. This expansion was primarily being undertaken by State-owned firms overseas. In addition, there has been massive Government subsidization of foreign steel production and exports, and dumping of foreign steel at prices below foreign cost of production or at prices below those charged in home markets abroad.

The recession of 1982, and the appreciation of the dollar in the 1980's have also contributed to the structural imbalance.

By the third quarter of 1984, imports share of the U.S. market had surged to 30 percent from 12 percent in the first quarter of 1979.

In my own State of West Virginia, the two major steel companies, Weirton Steel and Wheeling-Pittsburgh Steel were devastated. Wheeling-Pittsburgh Steel was forced to file a petition for reorganization under chapter 11 of the Federal Bankruptcy Code. Weirton Steel undertook a buyout of the company through an employee stock ownership plan to save it from closure.

In 1983, Bethlehem Steel and the United Steelworkers of America, filed a petition with the U.S. International Trade Commission, requesting import relief under section 201 of the Trade Act of 1974. The Commission recommended the granting of import relief in five major steel product areas, but President Reagan decided to deny relief under section 201, but announced he would negotiate a series of bilateral voluntary restraint arrangements [VRA's] with steel exporting nations, with the objective of reducing import penetration of the U.S. market to 20.2 percent.

The implementation of the VRA system did not begin to produce results until mid-1986, due to the time involved in completing negotiations and implementing an effective system. The import penetration levels has declined from 26.4 in 1984 to 21.3 percent in 1987.

The VRA's have enabled domestic steel producers to take significant steps to improve their international competitiveness—costs are down 35 percent since 1982, labor productivity is up 40 percent and the quality of products has been greatly improved. However, additional time is needed.

For example, Weirton Steel and Wheeling-Pitt, my own State's major steel companies, are emerging as viable competitors in the world marketplace. Weirton is expected to post its 20th consecutive profitable quarter, and has just announced a $600 million modernization project that will enhance its competitiveness. Wheeling-Pitt is just emerging from its bankruptcy, and is taking steps to ensure its long-term viability.

The domestic steel industry is a cornerstone for America's national security, industrial base, and infrastructure. A 5-year extension of the VRA's is essential to the successful completion of the efforts now under way to ensure the long-term competitiveness of this key industry.

I commend Senator ROCKEFELLER and Senator HEINZ for their leadership on this important legislation, and I am hopeful that the Senate will proceed with consideration of this legislation as expeditiously as possible.

Mr. HATCH. Mr. President, I am pleased to join my distinguished colleagues today in cosponsoring legislation extending the President's authority to renew the Voluntary Restraint Agreements [VRA's] limiting steel imports for another 5 years.

When then President Reagan negotiated the original VRA's in 1984, a massive flood of unfairly traded steel imports had severely damaged the U.S. steel industry. Domestic producers lost $14 billion from 1982 to 1987, and were forced to close many facilities and abandon ambitious modernization plans.

The U.S. industry brought hundreds of successful unfair trade cases during the 1980's which graphically documented the extent foreign producers used unfair trade practices to grab U.S. market share. It appeared, however, that relief may have come too late to preserve a viable domestic steel industry, which I believe is essential to national defense and well-being. Fortunately, the VRA Program began to succeed. It gave the U.S. industry a breathing space in which to restructure and rebuild. This process has just begun, however, as the industry struggles to overcome the massive losses of the 1980's. Continuation of the VRA's is necessary to allow completion of these processes. If this is to take place, however, it is essential that the VRA's be extended without any significant changes in coverage, scope or level of imports.

The United States simply cannot serve as a dumping ground for foreign steel producers who continue to target their overcapacity at the expense of our own industrial infrastructure. I am particularly concerned with a proposed million ton exemption which South Korea's Pohang Iron & Steel is seeking for hot rolled sheet and believe this is an area of utmost concern for the committees with jurisdiction over this issue.

I look forward to working with the appropriate committees and members of the administration on this matter over the next coming months and believe the introduction of this package is an important first step.

Mr. SPECTER. Mr. President, I am an original cosponsor of the legislation introduced today by Senator ROCKEFELLER and Senator HEINZ, able chairman and cochairman of the Senate Steel Caucus. This bill would give the President authority to extend the Voluntary Restraint Agreement [VRA] program for steel through 1994.

A very interesting new book, called "Steel and the State," describes the "structural recession" that has occurred in the industry. From 1973 to 1987, the work force fell from 500,000 to 163,000. More than 25 firms were bankrupted, and others were forced to merge or drastically cut back on their operations. Between 1982 and 1986 the industry suffered approximately $12 billion in net losses. However, restructuring and capital investments—made often in the face of unfair foreign competition—have resulted in remarkable productivity gains: The American steel industry today produces better quality steel at lower cost than Japan. But although the steel industry has very recently begun to show some profits, it has not yet begun to recoup its investment. The VRA Program will allow the industry to continue to restructure, reinvest, and profitably compete.

The world steel market is distorted by tremendous overcapacity, brought about by the ill-conceived investments of foreign governments in new production facilities. For domestic economic and political reasons, these companies and governments have engaged in dumping, customs fraud, and other unfair trading practices which are tremendously injurious to our steel industry. Not to extend the VRA Program is to risk flooding the U.S. market with unfairly traded imports.

After the remarkable retooling and restructuring of the American steel industry, and the sacrifice of so many workers of employment, it would be a shame to allow a new wave of unfairly traded imports to roll in now.

I urge my colleagues to support the legislation introduced today.

● Mr. DURENBERGER. Mr. President, I am pleased to join Senators ROCKEFELLER and HEINZ and many other members of the Senate in cosponsoring legislation that reauthorizes the authority to extend steel industry voluntary restraints agreements [VRA's].

This legislation will facilitate the continued rebuilding and modernization of our domestic steel industry. And it will provide greater certainty to the industry, and the working people in the industry, that the U.S. Government is fully committed to maintaining a viable domestic steel industry.

Mr. President, the problems of the steel industry began to surface in the mid-1970's. And those problems stemmed directly from the fact that foreign governments provided huge subsidies to construct and operate steel plants. The natural consequence of these foreign government policies has been massive worldwide overcapacity in steel, price cutting, and dumping.

Although many foreign governments have recently begun to recognize the futility of subsidizing steel overcapacity, we are far from the point where a rational market for steel exists anywhere in the world. Until foreign producers are fully weaned from government subsidies, and until production and supply are more fully rationalized, it is imperative that the United States allow its domestic industry a measure of protection from foreign competitors.

Mr. President, in recent years the steel industry has made very measurable gains in improving product quality and production efficiency. In fact, we have become one of the lowest cost steel producers in the world. But in a worldwide industry that is plagued by government subsidy and overcapacity, production efficiency and low price alone will not by themselves guarantee market share. In my view, the VRA program is the most sensible way to respond to these market realities.

Although the domestic steel industry has made very considerable progress in the past few years, one of the major industries that is an integral supplier to the industry—the domestic iron ore industry—has suffered through a major retrenchment and economic downturn. In recent years, many of the mines in northern Minnesota have been closed, and those that have reopened have not returned to historic levels of operating capacity.

Part of the reason that domestic iron ore companies and their employees have not shared in the revival of the domestic steel industry derives from the fact that the steel companies have been importing iron ore from offshore producers, some of which enjoy foreign government subsidies comparable to the subsidies provided to foreign steel producers.

I want to make it clear that when this legislation is considered in the Senate Finance Committee I intend to offer an amendment, or a series of amendments, that will require the domestic steel industry to diminish their reliance on offshore producers of iron ore. While I believe it is imperative that we maintain a strong domestic steel industry, I think it is equally important that the steel industry give preference to the iron ore resources available in the United States.●

By Mr. HATCH:

S. 379. A bill to amend titles 18 and 29 of the United States Code, to eliminate, and establish an alternative to the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

ALTERNATIVE TO EXCLUSIONARY RULE

Mr. HATCH. Mr. President, last year in the District of Columbia, our fellow citizens were killed at a rate greater than a person a day. Similarly gruesome statistics issue from cities around the country. It is said, with some justification, that a civilian is safer in wartorn Beirut or the tense West Bank than in an American city. Although the suburbs suffer too, remember that the poorest of the poor bear the brunt of our failure to control crime. If we hold it self-evident that all men are endowed with the inalienable right to life, we are failing in our solemn duty to legislate accordingly.

Henry David Thoreau said: "There are a thousand hacking at the branches of evil to one who is striking at the root." In recent Congresses we have devoted a great deal of time to "hacking at the branches" of crime. The Comprehensive Crime Control Act of 1984 reformed bail provisions, to prevent the perpetration of further crimes pending trial or appeal, and sentencing provisions, to provide uniform and strict penalties for Federal offenses. The Drug Enforcement, Education, and Control Act of 1986 strengthened programs for law enforcement, interdiction, eradication, research, treatment, and education. The Omnibus Anti-Substance Abuse Act of 1988 continued this effort by making penalties more commensurate with crimes; providing for more effective prevention, education, and treatment; fostering international cooperation in control of narcotics; and reaffirming user accountability. It also strengthened criminal laws in other areas, such as child pornography.

Although these acts do help Federal law enforcement officers fight crime, criminal justice reform has barely begun. These measures represent mere "hacking at the branches." It may not be within our power to strike at the root of crime, for it lies deep in the human heart. But at least we can move from twigs to the trunk.

Last year, with much fanfare, we stiffened penalties for crime and authorized greater expenditures for prevention and enforcement. Those efforts are worthless when time after time, in case after case, criminals walk away because of some technicality. Often the excuse for this affront to justice is the exclusionary rule. That is wrong. It is time to replace the exclusionary rule in Federal criminal proceedings with alternatives more likely to protect the victim than the criminal—and, I might add, more likely to ensure enforcement of the fourth amendment.

THE EXCLUSIONARY RULE: WHAT IT IS

The fourth amendment provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The exclusionary rule, or the suppression doctrine, is an attempt to enforce the fourth amendment. It is a judicial policy under which evidence obtained unreasonably—according to current fourth amendment standards—is inadmissible. Although the fourth amendment triggers its judicial application, the exclusionary rule is not a part of the Constitution. It is a court-made rule of evidence that was not adopted for Federal courts until 1914, in *Weeks* v. *United States*, 232 U.S. 383 (1914), and for state courts until 1961, in *Mapp* v. *Ohio*, 367 U.S. 643 (1961). See Rader, "Legislating a Remedy for the Fourth Amendment," 23 S. Tex. L.J. 585 (1982).

Under the rule, evidence considered to have been obtained illegally is not permitted into trial. If causal connection is determined, even the most credible kinds of evidence may be deemed tainted and excluded from trial. Causal connection refers to the judicial decision that where additional evidence is believed to have been gathered as a result of illegally seized evidence, it shall be subject to the exclusionary rule. For example, the discovery of the body of a murder victim is inadmissible evidence at trial if the body was found as a result of a confession of a pickpocket being held illegally by law enforcement officers.

THE EXCLUSIONARY RULE: WHAT IT DOES

The rule has the potential, as Chief Justice Burger has noted, of "excluding from evidence the traditional corpus deliciti in a murder or kidnaping case." *Stone* v. *Powell*, 428 U.S. at 502 (1976). In other words, credible and probative evidence critical to conviction, seized in the heat of apprehending a suspected felon, may be excluded from consideration solely be-

cause a court deliberating months later believes that it was obtained in an unreasonable fashion. As the rule now operates, a criminal who in fact committed a dreadful violent crime, even one caught in the act, is set free—not because he is innocent, but because the evidence necessary to establish his guilt is deemed to have been unreasonably seized.

In a brief—amicus curiae—submitted by the district attorney of Alameda County in the case of People versus Cahan, the district attorney stated:

> The net result of the exclusionary rule is that the person who will benefit the most, in fact almost exclusively, are the blackmailer, the kidnapper, the big-time narcotic peddler, the racketeer, the dishonest gambler who preys in devious ways upon a gullible public, the panderer and procurer, the entrepreneur of syndicated prostitution, who like the pimp, lives off the earnings of prostitutes, and other types of organized syndicated crimes.

44 Cal. 2d 434 (1955).

The protection of the citizenry is the foremost responsibility of the law enforcement officer; his first priority is to remove nefarious persons such as rapists, murderers, and kidnapers from the streets. In the performance of his duties, the policeman may sometimes err. Unfortunately, the exclusionary rule does not distinguish between flagrant violations and accidental errors. For example, it does not distinguish between clearly unreasonable searches of one's home and simple misstatements of information on a search warrant. Regardless of the magnitude of the error of the policeman, the rule mandates the suppression of evidence obtained in violation of the fourth amendment. A simple error in a search warrant can necessitate the release of a murderer.

Some criminals, such as gamblers and pickpockets, seek monetary gain by committing crimes against property. Others, such as rapists and child molesters, commit violent crimes against the person. The exclusionary rule steadfastly refuses to distinguish between these. Nor does it distinguish misdemeanors from felonies. Conviction of a misdemeanor elicits a penalty ranging from a fine or probation to a year of imprisonment. Conviction of a felony elicits a penalty ranging from a year of incarceration to the death penalty. In the eyes of the exclusionary rule, however, all crimes are identical. A small impropriety can cause the exclusion of evidence resulting in the reversal of the conviction of a killer as easily as that of a small-time gambler.

FAILS TO DETER POLICE MISCONDUCT

The primary reason for the institution of the exclusionary rule was to deter abusive law enforcement practice. However, there is no substantive proof that the exclusionary rule is an effective deterrent. In the Janis case, the Supreme Court cites a long list of empirical studies of the effectiveness of the suppression doctrine as a deterrent of fourth amendment violations and concludes: "No empirical observer has yet been able to establish with any assurance whether the rule has a deterrent effect even in the situations in which it is now applied." 428 U.S. at 449, n. 22.

Justice White, dissenting in Stone versus Powell, is convinced that Weeks versus United States and Mapp versus Ohio had overshot their mark insofar as they aimed to deter lawless action by police enforcement personnel and that in many of its applications the exclusionary rule was not advancing that aim in the slightest, and that in this respect it was a senseless obstacle to aiming at the truth in many criminal trials. 428 U.S. 465, 537 (1967) (citations omitted).

A law enforcement officer acting in violation of the fourth amendment should be held responsible for his actions. The exclusionary rule instead thwards the prosecutor. As Dean Wigmore explains:

> *Weeks v. United States* also exemplifies a trait of our Anglo-American judiciary peculiar to the mechanical and unnatural type of justice. The natural way to do justice here would be to enforce the healthy principle of the fourth amendment directly, i.e. by sending for the high-handed, over-zealous marshal who had searched without a warrant, imposing a thirty-day imprisonment for his contempt of the constitution and then proceeding to affirm the sentence of the convicted criminal.

8 Evidence section 2184 (3d ed. 1940).

The burden of proof should be upon advocates of the exclusionary rule to demonstrate that it accomplishes its purpose. After decades, that burden of proof has still not been satisfied.

In fact, the exclusionary rule may promote illicit conduct by law enforcement officers. Since the rule is conviction-oriented, it is only brought to play at the trial stage of criminal proceedings when law enforcement officials are seeking a conviction. It thus permits harassment or seizure of contraband by officers who have no intention of obtaining a conviction while providing no direct punishment to the officer who may have violated fourth amendment rights. In some instances, the rule encourages officers to turn to illegal means of law enforcement, such as false testimony.

Where is the protection for the innocent victim of illegal searches and seizures required by the fourth amendment? If an illegal search and seizure is committed upon a law-abiding citizen, the rule offers him little if any help, remedy, or protection, and certainly no compensation.

Rejection of the evidence does nothing to punish the wrongdoing official while it may and likely will, release the wrongdoing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects one against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are the victims of illegal but fruitless searches. Peterson, *"Restrictions of the Law of Search and Seizure,"* 52 Northwestern University Law Review, 46, 55 (1958).

A report from the American Bar Association's Division of Judicial Administration states:

> Not only has the rule failed to achieve its stated purpose, but it has imposed substantial costs on society in the process. First, the exclusionary rule affords no protection or remedy to innocent persons whose fourth amendment rights have been infringed. Justice Frankfurter noted that the exclusion of evidence is a remedy which directly serves only to protect those upon whose person or persons something incriminating has been found . . . next it is clear that the exclusionary rule imposes a single, inflexible, and drastic sanction without regard to the nature, circumstances or degree of police misconduct.

An empirical study was conducted in Chicago in 1971-72 by the U.S. Department of Justice and the University of Chicago Law School to ascertain the validity of the many criticisms of the exclusionary rule. It indicated that the rule failed to deter abusive law enforcement practices. It also illustrated the lopsided protections the rule gives for violations of the fourth amendment rights. Instead of protecting the innocent victim, the rule releases both the criminal and the offending officer.

NOT CONSTITUTIONALLY REQUIRED

In England and the other Commonwealth nations, the illegality of a seizure does not exclude evidence from criminal proceedings. Police violators of the law are held personally accountable for their transgressions. This English precedent has direct relevance to our own fourth amendment. The roots of our fourth amendment are evident in the maxim cited by Lord Coke that "every man's house is his castle." Recent studies indicate that in the turbulent times just prior to the American revolution, the English prohibitions against unreasonable searches were enforced against offices of the king by a suit for damages. See Rader, "Legislating a Remedy for the Fourth Amendment," 23 S. Tex.L.J. 585 (1982). In the famous case of *Entick* v. *Carrington*, 19 Howell's State Trials 1029 (1765), the English court awarded enormous damages to the victim of an illegal search even though it was conducted by one of the king's own ministers. The First Congress must have been aware of this landmark case and in the absence of the exclusionary rule must be assumed to have preferred its remedy as the means for fourth amendment enforcement.

It comes as no surprise that the United States stands alone in using the exclusionary rule. The Entick remedy had the virtue of punishing of-

fending officers who performed an illegal search and still permitting proper consideration of probative evidence. The exclusionary rule shields not only the otherwise guilty criminal, but also the offending law enforcement officer. Both malefactors are freed to again break the law.

The rule's adamant demand for a perfect trial is without constitutional foundation. The sixth amendment requires a speedy and public trial, not necessarily a perfect one. In addition, the Supreme Court has repeatedly interpreted the due process clauses of the 5th and 14th amendments to require that a fair trial be provided, not a perfect trial. The concept of a fair trial is an important one. Justice Rehnquist, in *Michigan* v. *Tucker*, 417 U.S. 433 (1974), stated:

> Just as the law does not require that a defendant receive a perfect trial, only a fair one, it cannot realistically require that policemen investigating serious crimes make no errors whatsoever.

SUPREME COURT INVITES CONGRESS TO CHANGE RULE

Several Supreme Court Justices have questioned the wisdom of the exclusionary rule. Justice Black, concurring in *Wolf* v. *Colorado*, 388 U.S. 25 (1949), stated:

> The Federal exclusionary Rule is not a command of the fourth amendment but is a judicially created rule of evidence which Congress might negate.

In *Linkletter* v. *Walker*, 381 U.S. 618, 648 (1965), Justice Black elaborated:

> The rule is not a right of privilege accorded to defendants charged with crime but is a sort of punishment against officers in order to keep them from depriving people of their Constitutional rights. In passing I would say that if that is the sole purpose, reason, object and effect of the rule, the court's action in adopting it sounds more like lawmaking than construing the Constitution.

More recently, Chief Justice Burger stated that the exclusionary rule "creates a damage remedy not provided for by the Constitution and not enacted by Congress." In *Bivens* v. *Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), the Chief Justice said:

> Reasonable and effective substitutes can be formulated if Congress would take the lead, as it did for example in 1946 in the Federal Tort Claims Act. I see no insurmountable obstacle to the elimination of the Suppression Doctrine if Congress would provide some meaningful and effective remedy against unlawful conduct by government officials.

Recent Supreme Court decisions concerning the exclusionary rule have continued to echo the fact, noted in *Wolf* v. *Colorado*, 388 U.S. 25 (1949), that the rule is "judicially created and one which Congress might negate." The Supreme Court has thrown down the gauntlet. Now Congress must answer the challenge.

THE PROPOSED ALTERNATIVE

The bill I propose today responds to the Supreme Court's repeated challenge. More importantly, it responds to our fellow Americans, who are increasingly becoming victims of violent criminal acts.

This bill would eliminate the exclusionary rule in Federal criminal proceedings, thus permitting evidence obtained in violation of fourth amendment rights by Federal law enforcement officials to be admitted in a Federal criminal trial. This provision would be require the addition of a new section in chapter 223 of title 18 of the United States Code. Eliminating the exclusionary rule will make available to the trial judge all the evidence for his or her determination as to its relevance to the case.

In a recent case, the Supreme Court adopted an exception to the exclusionary rule which permits the admission of illegally seized evidence if the seizure was undertaken in the good faith belief that it was in conformity with the fourth amendment. Senior Judge Malcolm Wilkey of the District of Columbia Court of Appeals has commented with great insight on the need for legislative correction beyond the good faith exception:

> The proposed remedy has a certain plausibility, and it will have one favorable result; fewer guilty criminals will be set free by the application of the exclusionary rule. However, the guilty going free because the constable blundered is only the most visible of the many evils associated with the exclusionary rule. There are also evils which in the aggregate are greater than sometimes freeing the guilty criminal, and each and every one of these is preserved by this proposed "remedy."
>
> Looking * * * at the list of existing evils * * * it is clear the only the first evil will be partially corrected by the adoption of the good faith exception. Each and every one of the other * * * evils will be retained after the proposed good faith exception remedy goes into effect. For Example, the good faith exception does not purport to give innocent victims of illegal searches and seizures any remedy at all; only the truly guilty will continue to benefit by the exclusionary rule (Cost 2). All internal disciplinary efforts of law enforcement agencies will be totally negated by the continued retention of the exclusionary rule in any form (Cost 3). The necessity to determine whether the officer acted in "good"or "bad" faith makes impossible any effective disciplinary remedy by either law enforcement agencies or outside review boards. Discipline of the officer will always undermine the prosecution of the case, if there remains any chance that the search can be found sufficiently illegal to invoke the exclusionary rule. The burden on the court is in no way lightened; it will still be necessary to determine in every criminal trial whether the officer acted in "good" or "bad" faith (Cost 4). This is now and will continue to be an unabated waste of judicial resources (Cost 5 and 6). The necessity of determining good or bad faith will be an outright encouragement to perjury, even as now (Cost 7); similarly, the retention of the rule for "bad faith" searches makes hypocrites out of judges (Cost 8). We could go down the list of remaining evils listed and see that each and every one would still be present if the proposed good faith exception is adopted.
>
> In addition to perpetuating the present evils, the proposed good faith exception will create an additional evil:
>
> Cost 13: The "good faith" exception puts a premium on ignorance and lack of training in law enforcement agencies. The ideal police recruit will be the "noble savage" who never heard of the Constitution. He will be able to do many illegal things in perfect "good faith."

The exclusionary rule forces the courts to accept suppression motions on all evidence claimed to have been obtained in violation of the fourth amendment rights. This has admittedly doubled the court calendar. Other bills continue to request that courts decide whether the evidence should be admissible in court at a suppression hearing. Thus, the exclusionary rule would remain a time consuming, added burden on the court system.

Even innocent persons subjected to illegal searches and seizures, who are arrested as a result of the illegal searches and seizures, must wait for a date on the court calendar just for a suppression hearing, and then, whether or not the evidence is found to be admissible, they must await yet another date on the court calendar for their trial. If the innocent person cannot afford bail, he probably will have to wait for his trial date confined in a local jail. On the other hand, if an alleged criminal can afford bail he will await his trial date back in society.

This bill would not allow this injustice to occur. It would free up the court's calendar by eliminating the need for an extra proceeding prior to trial, thereby allowing the courts to handle cases in a more timely and expeditious manner. The speed with which the courts could handle cases would ensure the release of innocent persons after faster as well as speed up the removal of criminals from the streets.

The exclusionary rule does not work. It protects only the guilty. The court which created the rule has been forced to create many exceptions to it and has repeatedly hinted at the need to rectify its shortcomings by legislation. This bill would do so, allowing the Federal courts to pursue truth by allowing admission of probative evidence.

By Mr. HEFLIN:

S. 380. A bill to redesignate the Anniston Army Depot, Anniston, AL, as the "William F. Nichols Army Depot"; to the Committee on Armed Services.

WILLIAM F. NICHOLS ARMY DEPOT

● Mr. HEFLIN. Mr. President, today, I am introducing legislation which will redesignate the Anniston Army Depot in Anniston, AL, as the "William F. Nichols Army Depot."

Congressman Nichols was an incredibly talented and intelligent man as well as a close friend. His death on December 13, 1988, left his district and

the entire State of Alabama with an enormous sense of loss.

Bill served his country with great distinction. He fought in World War II where he earned the Bronze Star. He also received a Purple Heart when he lost his leg after stepping on a land mine. Bill's devotion to our national defense continued throughout his 22 years in Congress where he eventually came to head the investigations Subcommittee of the House Armed Services Committee. Through this subcommittee, Congressman Nichols helped eliminate waste in Defense by restructuring the command hierarchies of the Pentagon and the military services.

Bill did much to improve the military of this Nation. He also helped ensure that his district would share in the jobs associated with defense expenditures. Congressman Nichols' support of the Anniston Army Depot and the entire community make it only fitting that the depot be renamed the "William F. Nichols Army Depot." The depot will stand as an appropriate monument to his dedication to his constitutents and to our national defense.

Mr. President, I ask unanimous consent that an article from the Anniston Star be printed in the RECORD.

There being no objection, the Article was ordered to be printed in the RECORD, as follows:

[From the Anniston (AL) Star, Dec. 17, 1988]

OFFICIALS TALK OF RENAMING AAD FOR NICHOLS

Not long after U.S. Representative Bill Nichols' death, someone came up with the idea of renaming the Anniston Army Depot in his honor. The idea has since spread, and it may become a reality.

"Congressman Nichols was a great supporter of the Army, Anniston Army Depot, and the local community . . . Because of this dedication, the possibility of renaming the depot in his memory is being discussed by Anniston community leaders" depot Public Affairs Officer Joan Gustafson said Friday.

Ms. Gustafson said that if community support continues. AAD officials will work to rename the facility.

Officials in Calhoun County embraced the idea of a Nichols Army Depot.

"I think that something in our district and in our county ought to be named in honor of Bill Nichols," County Commission Chairman Don Curry said. "He epitomized what an elected official ought to aspire to be".

Curry said he would support renaming the depot if citizens so choose.

Tom Wright, Anniston city manager, said he thinks renaming the depot would be a fitting tribute. "He [Nichols] has done a number of good things for the depot."

Anniston Mayor Bill Robison said: "I don't know of anything that has ever been named for anybody that could be more appropriate. It would make me even prouder to have the depot located in Anniston."

County Commissioner James "Pappy" Dunn also said he would support the effort. "I think it's a very viable move because Nichols has contributed towards the growth and development of AAD," he said.

By Mr. SHELBY (for himself and Mr. HEFLIN):

S. 381. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama; to the Select Committee on Indian Affairs.

FEDERAL RECOGNITION OF MOWA BAND OF CHOCTAW INDIANS OF ALABAMA

Mr. SHELBY. Mr. President, today I am reintroducing the Mowa Band of Choctaw Indians Recognition Act.

The Mowa Band of Choctaw Indians is a group of about 7,000 people who live in southwest Alabama within the original boundary of the Choctaw Nation. Though the people have been located there for over 10 generations, the name "Mowa" is recent. It is derived from the first two letters of Mobile and Washington Counties in Alabama and represents their geographic location. Their ancestors established the community in this sparsely populated area during the 1800's, just prior to the removal of the Indians from the State. The Mowa Choctaws of south Alabama are a segment of the Choctaw Indians who refused to migrate from their homeland during the infamous "Trail of Tears." They avoided removal by concealing themselves and their descendants in their efforts to achieve recognition as Indians. The tribe is officially recognized by the State of Alabama and now seeks recognition by the Federal Government.

The Mowa Choctaws of Alabama have lived in the same area for the past 200 years. The members have been living together and functioning as a group for those 200 years. The direct ancestors of the Mowa's came together in the forks between the Alabama and Tombigbee Rivers, below a stream called the cut-off which flows from the Alabama River southwest to the Tombigbee. This basin area between the rivers had always been claimed by both Choctaw and Creek Indians. To settle the dispute, the U.S. Government set the watershed as the boundary line with the Creek to the east and the Choctaw to the west. The Mowa community was, and still is, on the Choctaw side of the Tombigbee River.

This Mowa area has been identified as a prehistoric Indian site by the U.S. Army Corps of Engineers in the corps reconnaissance study made prior to the construction of the Tennessee-Tombigbee Waterway. Artifacts attest to Indian occupation long before the arrival of Europeans.

Since this early period, the Mowa people have paid taxes, voted, and served their country from the Civil War through Vietnam. However, there are still neighbors that scoff at the tribe's claim of being Indian.

Since the 1880's, the ancestors of today's Mowa's have consistently sought recognition as an Indian tribe. Each time the U.S. Government opened the rolls, the tribe applied—with the Eastern Choctaw in 1887, the Eastern Cherokees in 1907 and the Creeks in the 1950's—finally achieving State recognition in 1978.

The goal of the Mowa's in seeking Federal recognition is to preserve their community. They believe that, with a little assistance and the cooperation and good faith of their non-Indian neighbors, they can help their people improve their standard of living and obtain adequate housing. The Mowa Indians have developed a good relationship with their non-Indian neighbors. They currently serve with them in local community organizations and in positions of leadership. They have demonstrated that they can perform effectively along side their fellow Alabamians in the schools, on the assembly line and in the boardroom.

The Mowa's plans for economic development stress the dual goals of providing employment for tribe members and utilizing their existing skills, while training them for future jobs. They have no interest in get rich quick schemes or those that would destroy their resources on alienate their young people or elders. The Mowa's need the opportunities that Federal recognition will provide.

The Mowa's desire the same success that has come to their cousins, the Mississippi Band of Choctaws, since that tribe gained Federal recognition. The Mississippi Choctaws have made great strides in education, health care, housing, and job training for their people. Their economic development is a source of pride and an 80-acre industrial park which houses two major industries now employs hundreds of people. The establishment of a development company in 1969 paved the way for the construction of 400 new homes and the repair of another 200, and is responsible for construction of numerous buildings on the reservation. Plans are underway to build a child-care facility for working parents, a transportation network and a commercial shopping center. The Mississippi Choctaws are currently one of the largest employers in the State. It can also happen for the Mowa's.

Even though the Mowa Choctaw Indians have had a long battle to regain their identity, the hard work of their leaders has made the effort worthwhile. They have self respect and are proud of their heritage as native Americans. I am proud that I can assist them in their struggle to receive overdue recognition by introducing the Mowa Band of Choctaw Indians Recognition Act in the 101st Congress. I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in full following the completion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Mowa Band of Choctaw Indians Recognition Act".

FEDERAL RECOGNITION

SEC. 2. Federal recognition is hereby extended to the Mowa Band of Choctaw Indians of Alabama. All Federal laws of general application to Indians and Indian tribes shall apply with respect to the Mowa Band of Choctaw Indians of Alabama.

RESTORATION OF RIGHTS

SEC. 3. (a) All rights and privileges of the Mowa Band of Choctaw Indians which may have been abrogated or diminished before the date of enactment of this Act by reason of any provision of Federal law that terminated Federal recognition of the Mowa Band of Choctaw Indians of Alabama are hereby restored and such Federal law shall no longer apply with respect to the Band or the members of the Band.

(b) Nothing in this Act may be construed to diminish any rights or privileges of the Mowa Band of Choctaw Indians of Alabama, or of the members of the Band, that existed prior to the enactment of this Act.

(c) Except as otherwise specifically provided in section 4 or any other provision of this Act, nothing in this Act may be construed as altering or affecting—

(1) any rights or obligations with respect to property,

(2) any rights or obligations under any contract, or

(3) any obligation to pay a tax levied before the date of enactment of this Act.

LANDS

SEC. 4. (a) All legal rights, title, and interests in lands that are held by the Mowa Band of Choctaw Indians of Alabama on the date of enactment of this Act are hereby transferred to the United States in trust for the use and benefit of the Mowa Band of Choctaw Indians of Alabama.

(b)(1) Notwithstanding any other provision of law, the Mowa Band of Choctaw Indians of Alabama shall transfer to the Secretary of the Interior, and the Secretary of the Interior shall accept on behalf of the United States, any interest in lands acquired by such Band after the date of enactment of this Act. Such lands shall be held by the United States in trust for the benefit of the Bowa Band of Choctaw Indians of Alabama.

(2) Notwithstanding any other provision of law, the Attorney General of the United States shall approve any deed or other instrument used to make a conveyance under paragraph (1).

(c) Any lands held in trust by the United States for the benefit of the Mowa Band of Choctaw Indians of Alabama by reason of this section shall constitute the reservation of such Band.

(d) The Congress finds that the provisions of this section are enacted at the request of the Mowa Band of Choctaw Indians of Alabama and are in the best interests of such Band.

SERVICES

SEC. 5. The Mowa Band of Choctaw Indians of Alabama, and the members of such Band, shall be eligible for all services and benefits that are provided by the Federal Government to Indians because of their status as Federally recognized Indians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act to the Band, and to the members of the Band, without regard to the existence of a reservation for the Band or the location of the residence of any member of the Band on or near any Indian reservation.

CONSTITUTION AND BYLAWS

SEC. 6. (a) The Mowa Band of Choctaw Indians of Alabama may organize for its common welfare and adopt a constitution and bylaws in accordance with regulations prescribed by the Secretary of the Interior. The Secretary of the Interior shall offer to assist the Band in drafting a constitution and bylaws for the Band.

(b) Any constitution, bylaws, or amendments to the constitution or bylaws that are adopted by the Mowa Band of Choctaw Indians of Alabama shall take effect only after such constitution, bylaws, or amendments are filed with the Secretary of the Interior.

MEMBERSHIP

SEC. 7. (a) Until a constitution for the Mowa Band of Choctaw Indians of Alabama is adopted, the membership of the Band shall consist of every individual who—

(1) is named in the tribal membership roll that is in effect on the date of enactment of this Act, or

(2) is a descendent of any individual described in paragraph (1).

(b) After the adoption of a constitution by the Mowa Band of Choctaw Indians of Alabama, the membership of the Band shall be determined in accordance with the terms of such constitution or any bylaws adopted under such constitution.

REGULATIONS

SEC. 8. The Secretary of the Interior shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

By Mr. DOMENICI:

S. 383. A bill to amend the Internal Revenue Code of 1986 to clarify the rules concerning the unconventional fuels credit with respect to gas produced from a tight formation, and to restore the application of such credit to the alternative minimum tax; to the Committee on Finance.

TIGHT SANDS TAX CREDIT RESTORATION ACT

Mr. DOMENICI. Mr. President, I rise today to reintroduce a bill I first introduced in the 100th Congress.

This legislation would reinstate the tight sands tax credit for income tax and the alternative minimum tax. This is a credit that encourages natural gas producers to drill for hard-to-get natural gas found in geological formations that are known as tight sands.

We need to reinstate the credit because, very simply, what the bold print giveth, the fine print taketh away.

Every member of this body knows that the Tax Code is a very complex law. While one code provision may establish a tax incentive, another code provision may inadvertently take that incentive away.

In the area of natural gas, it becomes more complicated because qualifying for the tight sands credit requires a taxpayer not only meet provisions of the Tax Code, but also to comply with certain Natural Gas Gas Policy Act requirements as well as to comply with FERC orders and court interpretations on those orders.

Until recently, qualifying for the tight sands credit was, if you will pardon me, a tightrope act. But it worked. It was a sound incentive.

For the tight sands credit to be available, the Tax Code and the Natural Gas Policy Act had to be consistently interpreted. Unfortunately, recent events have effectively eliminated the credit. Congress didn't change the law. Rather, an order by FERC and subsequent Supreme Court decision produced a conflict.

The bill I am introducing today would straighten out the unintended consequences.

Section 29 of the Internal Revenue Code allows a tax credit for unconventional fuels, such as tight sands, coal seam gas, Devonian shale, provided the price of crude oil drops below a certain level and provided the gas price was "regulated." That price level was reached in 1984, and a tax credit of 52 cents per million cubic feet of gas was provided.

The Federal Energy Regulatory Commission, in its dual-category regulation rule, provided that tight sands, or section 107, gas is automatically deregulated when it has dual classification with another NGPA classification. Prior to this ruling the producers were entitled to choose the category they wished to qualify a particular gas.

If a producer chose a "regulated" category, it was entitled to the tight sands credit. If it chose "deregulated," the Tax Code did not provide a credit.

In the Case Martin Exploration Management Co. versus FERC, the U.S. Court of Appeals for the 10th Circuit decided that FERC had misinterpreted the statute, that producers were clearly presented with this choice of categories, and FERC could not deny this choice. At this point in the proceedings the tight sands credit was still intact.

However, the Supreme Court disagreed and reversed this order last May on a basis other than the tight sands credit. The opinion dealt with the appropriate interpretation of the Natural Gas Policy Act.

The Court in essence said: "If the gas could be regulated or deregulated, treat it as deregulated." The opinion's policy was that we should maximize deregulation. The Court did not deal with the Tax Code. The credit wasn't an issue before the Supreme Court. It

wasn't even a factor. But, as a result of this ruling, the credit has been unavailable since January 1, 1985.

Mr. President, the FERC's purported deregulation has been particularly harmful to the gas producers in New Mexico, and to those in other gas producing States that depend upon this credit.

As you will recall, the original purpose of the unconventional fuels credit was to serve as an incentive to drill and as a partial compensation to producers that drilled expensive tight sands wells, in the event of a price drop. The worst case scenario has happened: The price drop has occurred and the tax credit was abolished by the FERC order.

Mr. President, I played an active role in passing the Natural Gas Policy Act, and I am very familiar with the legislative history of section 107.

The intent of Congress in this case was clear. The unconventional fuels credit provides that any wells drilled up to January 1, 1990, would be eligible for the credit during low crude oil price periods and that it would be allowed until January 1, 2001, or until the prices rose to the former levels.

The oil and gas industry have been facing tremendous difficulties for the past 4 years.

We thought the oil industry had hit bottom in 1986, but it continued to decline in 1987. The number of wells drilled in the State of New Mexico dropped 24 percent from 1986 to 1987. During that same time, oil production declined 4.5 percent and natural gas prices fell 12 percent.

I have heard from many producers in my State who have explained to me the difficulties they are facing as a result of the low natural gas prices. The reinstatement of the tight sands credit would help avoid premature abandonment of many New Mexico natural gas wells.

There are 4,850 wells throughout New Mexico that produce 200 million MCF per month. These operators have had tremendous difficulty because of a commitment made in the legislation for special pricing on 107 gas, and they have had to adjust to the substantially lower prices they have been realizing in recent years. I am told the most influential factor in deciding to continue production at that field has been the tight sands credit.

Several producers in my State say they will be unable to produce without this incentive, one they had relied upon. Certainly, they will not be able to drill the remaining wells.

This is not just a problem in New Mexico. This affects tight sands producers in Texas, West Virginia, Oklahoma, and Kansas, as well. I urge my colleagues to act quickly to correct this grave error.

The bill I am introducing is very simple, it merely reinstates the tight sands credit for income tax and the alternative minimum tax, notwithstanding the FERC order and the Supreme Court Case.

I have said on many occasions on the Senate floor that the United States needs to reevaluate its energy policy to take into account low-price scenarios that can be expected for the next 5 to 10 years. Congress needs to enact additional incentives for exploration and development. Congress needs to intervene when the Supreme Court inadvertently abolishes an incentive.

Canada has already put into place a package of tax incentives to combat low-price scenarios. Reinstating the tight sands credit doesn't go far enough. It doesn't look to the future, but it does set the present record straight.

The industry desperately needs the credit. Well completions went from 1,243 in 1986 to 938 in 1987, the lowest number in 16 years. Oil production fell from 75.7 million to 72.3 million barrels per year, and the average field price of natural gas dropped from $1.92 to $1.69 per thousand cubic feet.

Depressed oil prices are harming much of the Southwest. New Mexico ranks fourth among the States in natural gas production and seventh in crude oil.

Mr. President, about $1 out of every $3 going into New Mexico's general fund comes from oil and gas related taxes, royalties, and permanent fund earnings. It is fair to say the petroleum industry is the State's No. 1 taxpayer.

Every county in my State benefits from assessments on the oil and gas industry. Four of the 33 counties in New Mexico account for 95 percent of all oil and gas produced in the State.

The State revenues derived directly or indirectly from oil and gas sources totaled $750.7 million in 1987. That was only a 1-percent improvement over the 1986 figure of $743.5 million, but provided an extra $7.2 million for the general fund. These revenues include production taxes, State and Federal royalties, lease sales, rentals, and earnings from two State permanent funds financed primarily by assessments on oil and gas production.

In the 1986-87 school year, education's share of the oil and gas revenues in New Mexico amounted to about $404 million. These revenues are crucial to the public schools, colleges and other educational institutions and agencies.

I have included certain statistics to highlight the important contribution the oil and gas industry makes and I ask unanimous consent that this material be printed in the RECORD. In reinstating the tight sands credit, we are acting in the national interest because it would contribute to America's energy independence. We are also acting in the various States' interest, because the oil and gas industry supports many vital State programs.

I hope my collegues will support reinstating the tight sands credit.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Business Leader, West Virginia Chamber of Commerce, September 1988]

TIGHT SANDS TAX CREDIT ESSENTIAL TO STATE'S NATURAL GAS PRODUCERS

(By Curtis P. Cook, Vice President and Regional Manager Cabot Oil & Gas Corp. of West Virginia)

The state of West Virginia is, and always has been, a major producer of coal. In West Virginia, we tend to think of coal as our energy base and our ticket to the future.

We have in this state, however, another energy source that shares that long productive history. That fuel is natural gas.

Natural gas was first produced from shallow salt wells along the Kanawha River and was used to boil off water and to make salt.

The chemical industry grew from that beginning, and the natural gas business grew also to heat our homes, cook our meals and drive the engines of industry.

The natural gas business, like most industries, has gone through a long series of ups and downs. Also, like most businesses, it has been helped and hindered by changes in tax laws and policies as the government authorities thought best.

In 1980, Congress and the Carter Administration, recognizing that natural gas was a premium, clean-burning fuel in short supply, took steps to encourage production of natural gas by providing a regime of tax credits.

In doing so, the federal government expected that the rising national demand for natural gas to heat homes and fire engines would be more readily met. While many sources of natural gas were already economically attractive to producers, the tax credits were intended to provide additional incentives to production from more inaccessible sources, such as Devonian shale, coal seams and tight sands formations.

Tight sands and these other inaccessible sources of natural gas require technological innovation and more money to develop and to produce than other more common gas deposits.

The tax credits were provided to help attract the money needed to drill. A tight sands structure is just a geological term for a poor gas source. It is a type of formation that is almost like concrete.

When you read "tight sand tax credit," think "poor gas well tax credit," and you will be about right.

West Virginia and other Appalachian states have many of the formations from which tight sands gas is produced. The potential reserves are estimated to be extremely large.

When Congress approved the tax credit for tight sands gas in 1980, some natural gas was regulated to a low price and some natural gas was not regulated and, consequently, received a higher price.

Congress wanted to provide only the lower priced gas with a boost and therefore restricted the tax credits for tight sands to natural gas from regulated wells only. Higher priced gas production from unregulated wells was not eligible to receive the credit.

A lot of people drilled tight sands gas wells expecting to get some of their return from the gas sales and some from the tax credit. Those were the prevailing rules of the game when Congress acted, and they remained in effect until about 1985.

However, instead of continuing to climb, as Congress and others of us had expected, natural gas prices fell sharply after 1985, particularly the prices for unregulated gas.

This is a business risk that all of us take when we invest today's dollars for future returns. We accept that. But, in 1985 the Federal Energy Regulatory Commission (FERC), the government agency that regulates the price and production of natural gas, declared tight sands gas to be deregulated. The United States Supreme Court recently confirmed the FERC ruling.

Due to the fact that in order to remain eligible to receive the credit under the law, the tight sands gas price was required to be regulated by the FERC, the Supreme Court's action effectively repealed the credit as it applied to tight sands natural gas.

The loss of the credit is hard to accept. The government created a set of rules to encourage tight sand production. A lot of us responded and drilled those wells.

Now, in the middle of the game, and at a time of tremendous stress within the natural gas industry, the rules have changed.

Other unconventional natural gas sources did not lose their credits, only production from tight sands.

Certainly Congress did not foresee in 1980 that the incentives intended to promote output would expire at a time when prices were insufficient to otherwise maintain production from nonconventional sources.

Congress should reinstate the promised tax credits for gas from wells already producing from tight sands as well as from new wells drilled into tight sands formations. The United States will need more natural gas from all sources, and therefore production from tight sands must be encouraged.

The FERC won't go back to the original rules. It is therefore up to Congress to reaffirm its intention to encourage the production of tight sands gas through appropriate legislation.

Congressional action in this regard, however, will not only enhance our national interest in energy policy, but it will have far-reaching effects right here at home.

By further encouraging development of all our natural resources, reinstatement of the credit will allow West Virginia's economic base to broaden and will therefore expand opportunity throughout the state.

West Virginians have already benefitted from investment in natural gas developed in our state, significantly in tight sands resources.

But we have only seen the scratches on the surface. Reenactment of the tight sands tax credit will allow us to continue to develop the entire range of benefits associated with a thriving and diverse energy industry. West Virginians need the tight sands tax credit.

Affirmative NGPA Tight Formation Well Determinations (Received Prior to October 1, 1988)

State	*Number of wells*
Alabama	1
Colorado	2,930
Kentucky	88
Louisiana	911
Mississippi	3
New Mexico	1,161
New York	3,378
Ohio	21,749
Oklahoma	43
Pennsylvania	10,296
Tennessee	35
Texas	5,967
Utah	286
Virginia	604
West Virginia	2,563
Wyoming	497
Grand total	50,512

SUMMARY OF DESIGNATED TIGHT FORMATIONS AS OF DEC. 7, 1988

State	Formation(s), portions of the formation(s), reservoirs, etc.	Counties where tight formation determinations have been granted—see footnote (1) below	Approximate depth of the formation
Alabama–1	Basal, Pennsylvanian	Jefferson, Walker, Tuscaloosa	700
Alabama–2	Hartselle Formation	Walker, Winston	1,700
Arkansas–1	Arbuckle	White	6,400
Colorado–1	Wattenburg J	Boulder, Adams, Weld	8,000
Colorado–1 add	J Sand	Boulder, Adams, Larimer, Weld	8,000
Colorado–1 amend	Wattenberg J Sand	Weld	8,000
Colorado–1 amend 2	Wattenberg J Sand	Weld	8,000
Colorado–1 amend 3	J Sand	Weld	8,000
Colorado–1 add 2	J Sand	Adams	8,000
Colorado–2	Mancos B	Rio Blanco, Garfield	3,475
Colorado–3	Niobrara	Cheyenne, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, Yuma	2,150
Colorado–4	Fort Union	Rio Blanco	4,700
	Mesaverde		7,200
	Mancos B		10,500
Colorado–5	Rollins, Cozzette, Corcoran	Mesa	3,850
Colorado–5 add	Lower Mesaverde	Mesa	3,850
Colorado–6	Mancos B	Rio Blanco	2,500
Colorado–7	Dakota	La Plata, Archaleta	7,750
Colorado–8	Sanastee, Dakota	La Plata, Archaleta	7,600
Colorado–9	Corcoran, Cozzette	Mesa, Garfield	2,478
Colorado–10	Morrow	Kiowa	4,500
Colorado–11	Mancos B	Rio Blanco, Garfield	3,603
Colorado–12	Corcoran	Garfield	7,477
	Cozzette		7,677
Colorado–13	Mancos B	Rio Blanco	3,500
Colorado–14	Dakota	Mesa, Garfield	7,705
Colorado–15	Dakota	Mesa, Garfield, Rio Blanco	6,993
Colorado–16	Sussex	Weld	4,450
Colorado–17	Mesaverde	Garfield	4,475
Colorado–18	Dakota	La Plata, Archeleta	7,950
Colorado–19	Mesaverde	La Plata, Archeleta	5,380
Colorado–20	Upper Mancos	Rio Blanco	1,800
Colorado–21	Wasatch	Garfield	1,767
Colorado–22	Mesaverde, Rollins	Garfield, Mesa, Delta, Pitkin, Gunnison	5,641
	Cozzette		6,869
	Corcoran		7,069
Colorado–23	Dakota	Garfield, Mesa	2,815
	Morrison		3,005
Colorado–24	Mesaverde	Rio Blanco	6,693
	Mancos		9,495
Colorado–25	Codell	Adams, Boulder, Jefferson, Larimer, Weld	7,000
Colorado–26	Dakota-Lakota	Boulder	9,100
Colorado–27	Mancos B	Rio Blanco	3,000
Colorado–27 add	Mancos B	Rio Blanco	3,000
Colorado–28	Dakota	Garfield, Mesa, Rio Blanco	5,450
	Morrison		5,590
Colorado–29	J Sand	Adams, Arapahoe	7,700
Colorado–30	Plainview	Adams, Weld	8,586
Colorado–31	Mesaverde	Rio Blanco	7,790
Colorado–32	Upper Mesaverde	Mesa	500
Colorado–33	Shannon	Boulder, Weld	4,900
Colorado–34	Sussex	Boulder, Weld	4,525
Colorado–35	J Sand	Adams, Arapahoe, Elbert	8,100
Colorado–35 add	J Sand	Adams	8,100
Colorado–36	Dakota	Mesa	8,100
Colorado–37	Morrison	Mesa, Garfield	8,050
Colorado–38	Niobrara	Larimer, Weld	3,000
Colorado–39	Niobrara	Larimer, Weld	6,900
Colorado–39 add	Niobrara	Weld	7,000

SUMMARY OF DESIGNATED TIGHT FORMATIONS AS OF DEC. 7, 1988—Continued

State	Formation(s), portions of the formation(s), reservoirs, etc.	Counties where tight formation determinations have been granted—see footnote (1) below	Approximate depth of the formation
Colorado–39 add 2	Niobrara	Weld	7,000
Colorado–40	Niobrara	Adams, Boulder, Weld	7,600
Colorado–40 add	Niobrara	Adams, Weld	7,500
Kentucky–1	Berea	Lawrence	1,400
Kentucky–2	Berea Sandstone	Pike	2,400
Kentucky–3	Big Lime	Harlan, Leslie, Letcher, Perry	2,626
Kentucky–4	Corniferous—Big Six	Lawrence, Johnathin	2,325
	Clinton		3,255
Louisiana–1	Arkadelphia	Union	2,038
Louisiana–2	Haynesville	Bossier	10,603
Louisiana–2 add	Haynesville	Bossier	10,360
Louisiana–2 add 2	Haynesville Res B	Claiborne	10,120
Louisiana–3	Cotton Valley	Bossier, Caddo	8,590
Louisiana–3 add	Cotton Valley Sandstone, Cotton Valley Limestone	Bienville, Bossier, Caldwell, Claiborne, Desoto, Franklin, Caddo, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster, Allen, Beauregard, Catahoula, Concordia, Grant, Lasalle, Madison, Morehouse, Winn, Rapides, Richland.	9,740
Louisiana–4	Gray Sand, Reservoir A	Lincoln, Claiborne	12,840
Louisiana–5	Smackover C Zone	Claiborne, Webster	11,290
Louisiana–5 add	Smackover C Zone	Webster	11,429
Louisiana–6	James Lime	De Soto	5,072
Louisiana–7	Hosston	Bienville, Natchitoches, Red River	6,696
Louisiana–8	Smackover Formation (Gray Sand)	Bienville, Bossier, Claiborne, Lincoln, Ouachita, Union, Webster	11,285
Louisiana–9	Hosston B Zone	Bienville, Claiborne	9,346
Louisiana–10	Mid-Cockfield Sand	St. Landry	10,705
Mississippi–1	Upper Hosston	Jefferson Davis	14,350
Mississippi–2	Rea Sand	Clay	9,420
Missouri–1	Cherokee, Marmaton, Pleasanton	Cass, Bates	650
Nebraska–1	Niobrara	Chase, Deuel, Dundy, Hitchcock, Keith, Lincoln, Perkins, Frontier, Cheyenne, Garden	2,450
Nebraska–1 add	Niobrara	Chase, Deuel, Dundy, Hitchcock, Keith, Lincoln, Perkins, Frontier, Cheyenne, Garden	2,450
New Mexico–1	Austin—Mississippian	Lea	13,250
New Mexico–2	Atoka	Lea	12,200
New Mexico–2 add	Atoka	Lea	12,200
New Mexico–3	Abo	De Baca	3,650
New Mexico–4	Fruitland	San Juan, Rio Arriba	2,800
New Mexico–6	Dakota	San Juan, Rio Arriba	6,350
New Mexico–7	Pictured Cliffs	San Juan, Rio Arriba	3,200
New Mexico–8	Dakota	San Juan, Rio Arriba	7,950
New Mexico–9	Dakota	San Juan	6,753
New Mexico–10	Chacra	Sandoval	1,658
New Mexico–11	Pictured Cliffs	Rio Arriba	2,387
New Mexico–12	Mesaverde	San Juan	5,463
New Mexico–13	Permo Penn	Eddy	5,822
New Mexico–14	Dakota	San Juan	6,544
New Mexico–15	Atoka, Morrow	Chaves	8,100
New Mexico–16	Chacra	Rio Arriba	3,390
New Mexico–17	Dakota	San Juan	5,952
New Mexico–18	Basin Dakota	San Juan	7,575
New Mexico–19	Mesaverde	San Juan	5,600
New Mexico–20	Abo, Wolfcamp	Chaves	3,615
New Mexico–21	Abo	San Miguel, Torrance, Guadalupe, De Baca, Lincoln, Chaves	3,025
New Mexico–22	Morrow	Eddy, Lea	13,600
New Mexico–23	Chacra	Rio Arriba	3,350
New Mexico–24	Morrow	Eddy	11,553
New Mexico–25	Pictured Cliffs	Rio Arriba, Sandoval	2,685
New Mexico–26	Dakota	San Juan	6,400
New Mexico–27	Morrow Formation	Lea	14,287
New York–1	Medina Group	Chautauqua, Cattaarugus	3,850
New York–2	Medina Group, Queenston Shale	Erie, Genesee, Wyoming, Allegany, Livingston, Ontario, Yates, Seneca, Cayuga, Tompkins	3,300
Ohio–1	Clinton Sandstone	Ashland, Ashtabula, Athens, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Gallia, Geauga, Guernsey, Lorain, Lake, Harrison, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Medina, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Portage, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, Wayne.	2,500
Ohio–2	Berea, Second Berea	Athens, Gallia, Meigs, Morgan, Muskingum, Perry	1,600
Ohio–2 add	Berea, Second Berea	Athens, Belmont, Meigs, Monroe, Morgan, Noble, Washington	2,400
Oklahoma–1	Atoka	Washita	14,800
Oklahoma–2	Cleveland	Ellis	8,075
Oklahoma–4	Atoka	Washita	11,500
Oklahoma–5	Cleveland-Jones Sands	Lincoln	4,205
Pennsylvania–1	Medina Group	Erie, Crawford, Mercer, Venango, Warren	3,000
Pennsylvania–2	Venango Group	Fayette, Westmoreland, Indiana, Jefferson, Armstrong	1,500
Pennsylvania–3	Bradford Group	Fayette, Westmoreland, Indiana, Jefferson, Armstrong	2,500
Pennsylvania–4	Catskill, Lock Haven Formation	Clearfield, Cambria, Clinton, Cameron, Elk	1,400
Tennessee–1	Mississippian Monteagle	Morgan, Scott, Fentress	1,100
Texas–1	Cotton Valley Sandstone, Bossier Shale, Cotton Valley Limestone	Fannin, Lamar, Red River, Bowie, Collin, Hunt, Delta, Hopkins, Franklin, Titus, Camp, Shannon, Cass, Dallas, Rockwell, Rains, Wood, Upshur, Marion, Harrison, Gregg, Smith, Van Zandt, Rusk, Kaufman, Ellis, Navarro, Henderson, Cherokee, Panola, Shelby, Nacogdoches, Anderson, Freestone, Limestone, Falls, Leon, Robertson, Milam, Burleson, Brazos, Madison, Walker, Trinity, Houston, Angelina, San Augustine, Sabine.	8,000 8,970 9,350
Texas–1 add	Cotton Valley Sandstone	Bastrop	12,150
Texas–2	Canyon Sandstone	Crockett, Edwards, Schleicher, Sutton, Terrell, Val Verde	4,387
Texas–2 add	Canyon Sandstone	Tom Green	5,250
Texas–2 add 2	Canyon Sandstone	Irion	7,080
Texas–3	Cisco Sandstone	Reagan	8,262
Texas–3 add	Cisco Sandstone	Reagan, Sterling	8,030
Texas–3 add 2	Cisco Sandstone	Sterling	7,125
Texas–3 add 2 amend	Upper Cisco	Sterling	7,338
Texas–3 add 3	Cisco, Canyon	Glasscock	7,125
Texas–3 add 4	Cisco, Canyon	Glasscock, Reagan, Sterling	8,525
Texas–3 add 5	Cisco, Canyon	Glasscock, Reagan, Sterling	8,120
Texas–3 add 6	Cisco, Canyon	Sterling	7,755
Texas–4	Vicksburg UV	Hidalgo	13,261
Texas–5	Vicksburg Y	Hidalgo	13,419
Texas–6	Midway Sandstone	Montgomery, Grimes	11,746
Texas–7	Lower Wilcox	Austin, Wharton, Colorado	11,700
Texas–7 add	Lower Wilcox	Wharton	13,900
Texas–7 add 2	Lower Wilcox (Midcox)	Colorado	11,822
Texas–7 add 3	Lower Wilcox	Dewitt	12,599
Texas–8	Geopressured Wilcox-Lobo	Webb, Zapata	5,840
Texas–9	Travis Peak	Cherokee	10,950
Texas–9 add	Travis Peak	Freestone, Leon	9,921
Texas–9 add 3	Travis Peak	Nacogdoches	9,430
Texas–9 add 4	Travis Peak	Nacogdoches	8,300
Texas–9 add 6	Travis Peak	Nacogdoches, Rusk	8,150
Texas–9 add 7	Travis Peak	Nacogdoches	8,400

SUMMARY OF DESIGNATED TIGHT FORMATIONS AS OF DEC. 7, 1988—Continued

State	Formation(s), portions of the formation(s), reservoirs, etc.	Counties where tight formation determinations have been granted—see footnote (1) below	Approximate depth of the formation
Texas–10	Edwards Limestone	Dewitt, Karnes, Lavaca	13,825
Texas–10 add 2	Edwards Limestone	Live Oak	13,782
Texas–10 add 3	Edwards Limestone	Karnes	13,042
Texas–11	Wilcox	Webb	11,085
Texas–11 add	Wilcox	Starr	9,750
Texas–11 add 2	Wilcox	Webb	9,135
Texas–11 add 3	Wilcox	Zapata	11,181
Texas–11 add 4	Wilcox 1st Hinnant	Jim Hogg	10,890
Texas–11 add 5	Wilcox 10,400 South	Duval, McMullen	10,890
Texas–12	Frio	Willacy	9,765
Texas–13	Navarro	Webb	7,815
Texas–14	Wolfcamp	Loving, Pecos	10,918
Texas–14 add	Wolfcamp	Sutton	2,400
Texas–15	Lower Vicksburg, Deep Vicksburg	Starr	9,729
Texas–15 amend	Deep Vicksburg	Starr	9,250
Texas–16	Olmos	Webb, Dimmit	4,692
Texas–16 add	Olmos	McMullen	9,350
Texas–16 add 2	AWP Olmos	McMullen	9,454
Texas–16 add 3	AWP Olmos	McMullen	9,975
Texas–17	Massive A	Live Oak	11,600
Texas–18	Cleveland	Lipscomb, Ochiltree, Hansford, Hemphill, Hutchinson, Roberts, Wheeler	6,100
Texas–19	Georgetown	Grazos, Washington, Burleson	12,250
Texas–20	Vicksburg (9,000), Monte Christo	Hidalgo	9,350
Texas–20 add	Monte Christo, South (9,000)	Hidalgo	9,175
Texas–21	James Lime	San Augustine, Shelby	7,225
Texas–21 add	James Lime	Shelby	5,900
Texas–22	Strawn, Detrital	Crockett	8,350
Texas–22 add	Detrital	Crockett	8,110
Texas–22 add 2	Strawn, Detrital	Crockett	8,110
Texas–22 add 3	Strawn, Detrital	Crockett	8,218
Texas–22 add 4	Strawn, Detrital	Crockett	8,800
Texas–22 add 5	Strawn, Detrital	Crockett	8,400
Texas–23	Clearfork	Pecos	2,950
Texas–24	Garza Sand	Duval	7,050
Texas–25	Monte Christo, South (10,500)	Hidalgo	10,400
Texas–26	Anacacho	Atascosa	1,850
Texas–27	Middle Wilcox	Lavaca	13,000
Texas–28	Vicksburg	Hidalgo	11,994
Texas–29	Vicksburg	San Patricio	8,800
Texas–30	Vicksburg	Hidalgo	8,585
Texas–31	Upper Wilcox	Live Oak	14,000
Texas–32	Granite Wash	Wheeler, Hemphill, Roberts, Lipscomb, Ochiltree	9,160
Texas–33	Devonian, Strawn, Detrital	Crockett, Terrell	9,490
Texas–34	Pettit Limestone	Cherokee, Leon, Houston	9,750
Texas–35	Devonian, Fusselman, Montoya	Reeves	12,137
Texas–36	Cook Mountain	Harris	7,650
Texas–37	Lower Vicksburg Sandstone	Hidalgo	11,300
Texas–38	Austin Chalk	Grimes	12,210
Texas–39	Burnett Shale	Wise, Denton, Tarrant	6,350
Texas–40	Strawn	Sutton, Crockett, Schleicher	8,300
Texas–40 add	Strawn	Crockett, Val Verde	11,165
Texas–41	Wilcox 10,200	Zapata	10,180
Texas–42	Wilcox Reagan, Wilcox K Middle, Wilcox House C, Wilcox Basal House.	Duval, McMullen	8,558
Utah–1	Wasatch, Mesaverde	Uintah	4,559
Utah–2	Mancos B	Uintah, Grand	5,049
Utah–3	Dakota	Uintah, Grand	6,034
Utah–4	Morrison	Uintah, Grand	6,315
Utah–5	Dakota	Uintah, Grand	8,925
Utah–7	Mancos B	Carbon	7,490
Virginia–1	Berea Sandstone	Dickenson, Lee, Scott, Wise, Russell, Buchanan, Tazewell	4,697
Virginia–2	Little Valley	Scott, Washington	3,191
Virginia–3	Injun—Weir	Dickenson, Lee, Scott, Wise, Russell, Buchanan, Tazewell	3,948
	Maxton		2,770
Virginia–4	Big Lime	Dickenson, Lee, Scott, Wise, Russell, Tazewell	3,500
W. Virginia–1	Ravencliff	Fayette, Raliegh	1,400
	Injun-Squaw, Weir, Berea		1,900
W. Virginia–1 add	Princeton	Mercer, McDowell, Wyoming	1,450
	Ravencliff		1,600
	Injun		3,700
	Weir		3,900
	Berea		4,275
W. Virginia–1 add 2	Injun	Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, Wayne	2,100
	Squaw		2,125
	Weir		2,125
	Berea		2,525
W. Virginia–2 add	Maxton, Big Lime	Fayette, McDowell, Raleigh, Wyoming, Mercer	2,545
W. Virginia–2 add	Big Lime	Boone	1,641
		Cabell	1,386
		Kanawha	1,743
		Lincoln	1,529
		Logan	2,144
		Mingo	2,161
		Putnam	1,576
		Wayne	1,374
W. Virginia–3	Riley-Benson (In the Chemung Group)	Barbour, Doddridge, Gilmer, Harrison, Lewis, Upshur, Randolph	3,783
W. Virginia–4	Berea, Second Berea	Jackson, Mason, Wood	2,090
	Gordon		2,429
W. Virginia–5	Maxton	Clay, Braxton	1,550
	Little Lime		1,650
	Blue Monday		1,685
	Big Lime		1,735
	Keener	Clay, Braxton	1,845
	Big Injun		1,865
	Squaw		2,025
Wyoming–1	Frontier Formation	Sweetwater, Uinta, Lincoln	11,120
Wyoming–2	Mesaverde	Sweetwater, Carbon	10,125
Wyoming–3	Fort Union Formation	Sublette	8,887
Wyoming–4	Fox Hills Formation	Sweetwater	7,412
Wyoming–5	Frontier Formation	Carbon	6,000
Wyoming–6	Bear River Formation	Sweetwater, Lincoln, Sublette	10,300
Wyoming–7	Frontier Formation	Sweetwater, Lincoln, Sublette	9,750
Wyoming–8	Frontier Formation	Sweetwater, Lincoln, Sublette	7,700
Wyoming–9	Frontier Formation	Sweetwater	9,500

SUMMARY OF DESIGNATED TIGHT FORMATIONS AS OF DEC. 7, 1988—Continued

State	Formation(s), portions of the formation(s), reservoirs, etc.	Counties where tight formation determinations have been granted—see footnote (1) below	Approximate depth of the formation
Wyoming–10	Frontier Formation	Sweetwater, Lincoln	8,500
Wyoming–11	Lewis Formation	Sweetwater, Carbon	7,800
Wyoming–12	Nuggett Formation	Carbon	11,690
Wyoming–13	Lance Formation	Fremont, Natrona	8,915
	Meeteetse Formation		14,319
	Mesaverde Formation		15,396
Wyoming–14	Frontier Formation	Fremont	8,188
Wyoming–15	Muddy Formation	Fremont	9,337
	Dakota Formation		9,514
	Lakota Formation		9,639
Wyoming–16	Muddy Formation	Natrona	19,800
	Lakota Formation		20,020
	Morrison Formation		20,100
	Sundance Formation		20,300
Wyoming–17	Bear River Formation	Sweetwater, Lincoln, Sublette	9,000
Wyoming–18	Turner Formation	Campbell, Converse	9,400

[1] All, or only a portion of each county has been designated as a tight formation. For a detailed description of the area designated as a tight formation, reference must be made to maps on file with the Federal Energy Regulatory Commission or the applicable jurisdictional agency.

By Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. DOLE, Mr. ARMSTRONG, Mr. BRADLEY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MATSUNAGA, Mr. RIEGLE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. NUNN, Mr. GORE, Mr. WIRTH, Mr. HOLLINGS, Mr. BURDICK, Mr. STEVENS, Mr. HARKIN, Mr. BIDEN, Mr. SHELBY, Mr. BINGAMAN, Mr. INOUYE, Mr. DODD, Mr. ADAMS, Mr. LEAHY, Mr. CONRAD, Mr. HATCH, Mr. GARN, Mr. HATFIELD, Mr. HUMPHREY, Mr. JEFFORDS, Mr. MCCAIN, Mr. CRANSTON, Mr. MURKOWSKI, Mr. WALLOP, Mr. BURNS, Mr. THURMOND, Mr. SPECTER, Mr. KERRY, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 384. A bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes; to the Committee on Finance.

MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT OF 1989

Mr. CHAFEE. Mr. President, today I am pleased to introduce the Medicaid Home and Community Quality Services Act of 1989. This bill will provide people with disabilities and their families with a choice of care that meets their individual needs. I am joined in this effort by Senators MITCHELL, DOLE, ARMSTRONG, BRADLEY, MOYNIHAN, BAUCUS, MATSUNAGA, PRYOR, ROCKEFELLER, RIEGLE, NUNN, DASCHLE, GORE, HOLLINGS, WIRTH, BURDICK, STEVENS, HARKIN, BIDEN, SHELBY, BINGAMAN, INOUYE, DODD, ADAMS, LEAHY, CONRAD, HATCH, GARN, HATFIELD, HUMPHREY, JEFFORDS, LIEBERMAN, CRANSTON, MURKOWSKI, WALLOP, KERRY, THURMOND, SPECTER, MCCAIN, MIKULSKI, and BURNS.

I would like to highlight the essence of this legislation by reading passages from four of the thousands of letters I have received over the years from people with disabilities and their families. The first is from a parent from Wisconsin:

I support your legislation. My husband and I are parents of Matthew, two and a half. Matthew was 11 weeks premature and he has severe multiple disabilities. He is a beautiful, loving child and we want to maintain him in the community. We need help to pay for services so he can live at home. We do not want to feel forced to place him in an institution. The Medicaid Home and Community Quality Services Act will help us and thousands of other families to get him health care, respite care, therapy services and other services. * * *

A parent from Illinois wrote:

Our family recognizes the great need for such a mandate to our State of Illinois. Our son has spent his twenty six years breaking down barriers to his independent living that society has imposed upon persons who have handicapping conditions.

Tim has been developmentally delayed due to Down syndrome. Being raised in a family of five older brothers and a younger sister he has been accepted as a first class member of society.

As retiring persons we, Tim's parents, are deeply concerned that there be a support system in place which will allow him independent living in housing of his choice in his own community.

However, we recognize that in the eyes of many well meaning citizens, once we are unable to provide such minimal services Tim may be judged a prime candidate for a large Illinois institution (of which there are many).

A parent from Pennsylvania wrote:

As the mother of an autistic child and a volunteer with both United Cerebral Palsy and the Autism Society, I have seen first hand the value of keeping disabled people near their families and the total devastation that results to everyone involved when getting needed services requires institutionalization.* * *

A parent from Virginia wrote:

We have a son who is seventeen years old and is severely retarded. He has lived at home with us since his birth and as time has passed, a situation I though would better itself with time has proven to be more difficult with each passing year. Michael needs constant supervision and will never be able to live independently. Prospects for his future living arrangements away from home are quite dim.

My only hope is that you will vote for passage of The Medicaid Home and Community Quality Services Act. This bill will provide many services which are greatly needed but do not exist. Please, for the sake of parents like us who have a monumental task, as well as for the welfare of our children, cast your vote in support of this bill. Our future is in your hands.

I have received many letters like these which I believe get to the heart of the matter: persons with disabilities and their families deserve a viable choice of quality care that does not require loved ones to be separated or institutionalized.

Unfortunately, however, such a choice does not exist because under the current Medicaid Program, only limited assistance for home and community-based care is provided.

This means that those with mental or physical impairments virtually have only two options: go to an institution or remain at home with little or no outside assistance. This all-or-nothing proposition is neither practical nor responsive to the needs of families and individuals. Institutionalization may be appropriate care for some, but not for others. Yet, as the letters I have shared point out, for families who cannot adequately care for their disabled family member without the assistance of community services, an institution is the only existing alternative.

It is possible to tailor the Medicaid Program to meet the needs of the person—instead of requiring the person to meet the needs of the program. Our legislation will make that possible.

We have to remember this, and increasingly Americans are becoming aware of it—that those with disabilities are part of our society, and they have an important contribution to make. Unfortunately, many have not had the option of living in an environment in which they can grow, reach their full potential, and contribute to their communities. They deserve the chance to go to work, take the bus, go shopping, eat in a restaurant, go to a ball game, and take advantage of the many opportunities that most Americans take for granted.

This legislation changes the existing Medicaid Program by opening alternatives to individuals with physical or mental impairments. Under my bill, community group home services, in-home care with respite and attendant services, as well as institutional care would all be viable options for current and furture generations of persons with disabilities.

We are not wiping out institutional care. Institutionalization remains there as one of the options, but we open other options, as I have mentioned. This will truly be for current and for future generations.

I have been working on this legislation to reform the Medicaid Program since 1983. It has gone through many changes over the years, and it has been subject to a good deal of debate. These discussions have been helpful and productive in bringing us to where we are today.

I firmly believe that this Congress, the 101st Congress, will see these reforms enacted. The chairman of the Finance Committee—the committee to which this legislation will be referred—has agreed to a markup on it this year. I look forward to working with him and other members of the committee, a majority of whom are cosponsors of this legislation, and I look forward to working with the other cosponsors to address some of the concerns that have been raised. I would like to thank all the Senators who have joined me in introducing this legislation for their support and their hard work.

I especially thank both the Republican leader and the majority leader, both of whom are cosponsors of this legislation, for their continued efforts on its behalf. Also, I extend an invitation to all the Senators who are not yet cosponsors of this legislation to join us in our efforts. I urge those who are not yet signed on to review it carefully, because I believe it meets a crying need in our society.

Some States say, "Well, we can do this in our State. Medicaid pays for group homes. Medicaid will pay for respite care." The answer to that is, those States are operating under what we call a waiver. They have an exception that they have been granted because they have gone to HHS, the Department of Health and Human Services, and said, "Please, let us do this." HHS says, "Yes, you can try it and we will give you a waiver for 6 years. Then you can come back." But the trouble is, that waiver can be retracted at any time. It will not necessarily be a continuous one.

Let me cite an example from my own State of Rhode Island. We have a mother with two severely impaired youngsters and one youngster a little bit older, who is not disabled. She is a single parent. She cannot physically care for those two youngsters and also do justice to the third son.

All she asks for, and she does not ask for much, is a 2-week respite in the summer so she can get a break, and occasionally a weekend where she can just catch her breath.

Is that too much to provide? What is the alternative? To have those two youngsters who are severely impaired placed in an institution, where they are not going to receive the love and attention that she is giving them currently? That is all she is asking. It seems a perfectly legitimate request. It makes perfect sense in every respect.

I would like to commend the advocacy groups for persons with disabilities. Their grassroots efforts have been critical in bringing this legislation closer to enactment. I am greatly indebted to those organizations, and I would like to include a list of them at the end of my remarks.

Mr. President, the American dream of fulfillment and personal growth must not and should not exclude those who are disabled. One of our greatest strengths as a nation is our belief that the future holds a better life, not only for ourselves and for our children, but for all Americans. That is what this country is all about.

Our challenge is to assure that our fellow citizens with disabilities share in that better future. I urge my colleagues to join me and the other 41 sponsors in support of this legislation.

Mr. President, I ask unanimous consent to have the following materials printed in the RECORD: a copy of the bill; a list of the organizations supporting it; as well as short and long summaries of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Home and Community Quality Services Act of 1989".

SEC. 2. DEFINITIONS.

Section 1905 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(r) INDIVIDUAL WITH A SEVERE DISABILITY.—

"(1) The term 'individual with a severe disability' means an individual who is under a disability within the meaning of section 1614(a)(3) of this Act, the onset of which occurred before the individual attained the age that applies with respect to a fiscal year (as determined under paragraph (2)).

"(2) For purposes of paragraph (1), the age that applies with respect to a fiscal year is the lesser of—

"(A) 22 plus the number of fiscal years after fiscal year 1989 and before the beginning of such fiscal year; and

"(B) 50.

"(s) COMMUNITY AND FAMILY SUPPORT SERVICES.—The term 'community and family support services' means supportive services made available to an individual with a severe disability (or to such individual's natural, adoptive, or foster family or spouse) to enable such individual to begin, resume, or continue living in a family home, foster family home, or community living facility. Such supportive services shall include both in-home and out-of-home services (as needed) from among those enumerated in section 1921(a)(2).

"(t) FAMILY HOME.—The term 'family home' means a residence maintained by an individual (whether or not disabled) or a couple, or by a natural or adoptive family, in which one or more individuals with a severe disability are living who receive medical assistance which includes payment for some services enumerated in section 1921(a)(2).

"(u) FOSTER FAMILY HOME.—The term 'foster family home' means a residence maintained by an individual or couple—

"(1) in which not more than three individuals with a severe disability are living, are provided surrogate family services, and receive medical assistance which includes payment for one or more services enumerated in section 1921(a)(2); and

"(2) that is under contract with an agency licensed or designated to place individuals with a severe disability in such residence.

"(v) COMMUNITY LIVING FACILITY.—

"(1) The term 'community living facility' means a single household, other than a family home or foster family home, composed of related or unrelated persons, which—

"(A) provides living arrangements and one or more of the services enumerated in section 1921(a)(2) to one or more individuals with a severe disability;

"(B) has a number of beds (exclusive of beds occupied by staff members) not in excess of the product obtained by multiplying by three the greater of—

"(i) the number of individuals in an average family household in the area in which such facility is located (as determined in accordance with data from the 1980 decennial census), or

"(ii) the number of individuals in an average family household in such area (as determined in accordance with any decennial census conducted after the 1980 decennial census);

"(C) is located in a neighborhood which—

"(i) is representative of residential neighborhoods in such area, and

"(ii) is populated primarily by individuals other than individuals with a severe disability;

"(D) meets such standards of safety and sanitation, and other standards relating to services provided by the facility, as are promulgated by the State;

"(E) meets the requirements of section 1861(j)(14) of this Act with respect to the personal funds of individuals residing in such facility; and

"(F) is staffed by individuals who (i) are trained or retrained in accordance with the provisions of the State implementation strategy (submitted to the Secretary under section 1921(c)(1)) by the State in which such facility is located, and (ii) in providing such living arrangements and services to individuals with a severe disability, cooperate with other providers and with appropriate case managers in implementing a written habilitation plan for each such individual.

"(2) A facility that—

"(A) was in operation on September 30, 1989;

"(B) does not increase its number of beds after such date (exclusive of beds occupied by staff members); and

"(C)(i) does not contain more than fifteen beds (exclusive of beds occupied by staff members), or

"(ii) consists of a cluster of two or three facilities in proximity to one another, each of which has no more than eight beds and which otherwise meets the requirements of paragraph (1);

shall be treated as a community living facility.

"(w) WRITTEN HABILITATION PLAN.—The term 'written habilitation plan' means a plan for medical assistance and other services for an individual with a severe disability which—

"(1) is developed by an interdisciplinary team consisting of—

"(A) such individual, persons requested to participate by the individual, and, when appropriate, the spouse, parent, guardian, other family member, or advocate of such individual, and

"(B) individuals who are representative of professional and other disciplines which are relevant to the habilitation of such individual, and have been involved in providing services to the individual or are likely to be involved in providing services to the individual (including the individuals responsible for providing case management services and case coordination services to the individual);

"(2) is based upon a comprehensive assessment of the strengths of the individual and the services and support necessary to—

"(A) enable such individual to attain or retain, to the greatest extent possible, capabilities for independence or self-care,

"(B) promote and increase interaction between disabled and nondisabled individuals within the community, and

"(C) in the case of any such individual who has attained the age of 18 and who is not engaged in supported employment (or other employment in an integrated employment environment), assess the services and support needed by the individual to engage in such forms of paid employment;

"(3) specifies—

"(A) the individuals responsible for providing services under the plan and the frequency and duration with respect to which such services are provided,

"(B) the particular objectives to be achieved with respect to an individual described in behavioral terms that provide measurable indices of performance,

"(C) the dates by which the particular objectives are to be achieved,

"(D) the services and program strategies for achieving the specific objectives, and

"(E) the priority with which the specific objectives are to be achieved; and

"(4) is reevaluated by such team at least once each year.

"(x) CASE MANAGEMENT SERVICES.—The term 'case management services' means, with respect to any individual with a severe disability, services rendered to such individual by a designated qualified individual who—

"(1) has a continuing relationship with such individual but who is neither associated with nor employed by (nor has any other conflict of interest with respect to) the community living facility, foster family home, family home, or any other provider of ongoing direct services to such individual;

"(2) coordinates and monitors the development and implementation of the written habilitation plan for such individual;

"(3) provides such individual (or such individual's spouse, parent, guardian, other family member, or advocate, as appropriate) with information about, and referral to, appropriate social, educational, vocational, medical, advocacy, or other services which are among or in addition to those for which payment may be made under this title;

"(4) provides assistance and serves as an advocate in procuring such services as necessary;

"(5) periodically reviews the changing needs of such individual and the appropriateness of the medical assistance and other services provided to such individual;

"(6) cooperates with personnel in school, employment related, habilitation, or treatment settings who have specific responsibilities for developing or implementing any individual education plan, plan of vocational services, plan of habilitation, or plan of treatment designed for such individual, so that all such plans are coordinated and complementary; and

"(7) is available to such individual or such individual's family for consultation or crisis intervention when required.

"(y) INDIVIDUAL AND FAMILY SUPPORT SERVICES.—The term 'individual and family support services' means—

"(1) those services provided to an individual with a severe disability which the individual's interdisciplinary team (described in subsection (w)(1)) determines are appropriate for carrying out those activities of daily living which the individual cannot perform for himself, including nonmedical personal assistance, attendant services, assistance in ambulating or transferring, limited domestic services, and assistance with assistive devices and communicative devices and aids; and

"(2) services provided to the family of an individual with a severe disability which the individual's interdisciplinary team determines are appropriate for assisting the family in providing services described in paragraph (1) to the individual, including respite care.

"(z) SPECIALIZED VOCATIONAL SERVICES.—

"(1) The term 'specialized vocational services' means services designed to enhance the independence, productivity, and integration of an individual with a severe disability, including—

"(A) prevocational services for such an individual whose earning capacity (as determined on the basis of a current vocational assessment or other objective measure of work performance) is less than 50 percent of the minimum wage established under section 14(c) of the Fair Labor Standards Act of 1938; and

"(B) supported employment services for such an individual for whom competitive employment—

"(i) has not traditionally occurred, or

"(ii) has been interrupted or intermittent as a result of such disability (and for whom ongoing support services are needed to perform such employment).

"(2) For purposes of paragraph (1)—

"(A) the term 'prevocational services' means services that are designed to assist an individual in acquiring and maintaining basic work and work-related skills necessary to acquire and retain work in an integrated work setting, which services shall include—

"(i) training the individual to follow directions, adapt to work routines, and carry out assigned duties in an effective and efficient manner,

"(ii) helping the individual to acquire appropriate attitudes and work habits, including instruction in socially-appropriate behaviors on and off the job site,

"(iii) assisting the individual to adjust to the productive and social demands of the work place,

"(iv) familiarizing the individual with job production and performance requirements,

"(v) providing transportation between the individual's place of residence and the workplace when other forms of transportation are unavailable or inaccessible,

"(vi) providing mobility training, including the utilization of public and para-transit systems,

"(vii) training the individual in the use of assistive devices and aids, and

"(viii) instructing individuals in appropriate use of job-related facilities (e.g., break areas, lunch rooms, cafeterias and rest rooms); and

"(B) the term 'supported employment services' means services designed to assist an individual in procuring and maintaining integrated, paid employment, which services shall include—

"(i) individualized assessment,

"(ii) individualized and group counseling,

"(iii) individualized job development and placement services that produce an appropriate job match for the individual and such individual's employer,

"(iv) on-the-job training in work and work-related skills required to perform the job,

"(v) ongoing supervision and monitoring of the individual's performance on the job,

"(vi) ongoing support services necessary to assure job retention,

"(vii) training in related skills essential to obtaining and retaining employment, such as the effective use of community resources and transportation,

"(viii) transportation between the individual's place of residence and the work place when other forms of transportation are unavailable or inaccessible, and

"(ix) adaptive equipment necessary to obtain and retain employment.

"(aa) HABILITATION SERVICES.—

"(1) Subject to paragraph (2), the term 'habilitation services' means those services (including specialized vocational services and educationally-related services) provided to an individual with a severe disability which the individual's interdisciplinary team (described in subsection (w)(1)) determines are appropriate in assisting the individual to acquire, retain, regain, or improve the self-help, socialization, decisionmaking, and adaptive skills necessary to achieve independence, productivity, and integration and to live successfully in home and community based settings.

"(2) The term 'habilitation services' does not include—

"(A) special education services (as defined in section 602(16) of the Education of the Handicapped Act) which otherwise are available to the individual through a local educational agency; and

"(B) vocational rehabilitation services which otherwise are provided to the individual through a program funded under section 110 or 633 of the Rehabilitation Act of 1973.

"(bb) CASE COORDINATION SERVICES.—The term 'case coordination services' means, with respect to any individual with a severe disability, services rendered to such individual by a designated qualified individual who—

"(1) is employed by an agency directly responsible for providing habilitation services to such individual; and

"(2) in cooperation with the individual responsible for providing case management

services, is responsible for coordinating the agency's responsibilities for implementing such individual's written habilitation plan.

"(cc) EDUCATIONALLY-RELATED SERVICES.—The term 'educationally-related services' means, with respect to an individual with a severe disability who is eligible to receive services under parts B and H of the Education of the Handicapped Act, services covered as medical assistance under the State plan and required by such individual in order to receive a free appropriate public education (as defined in section 602(18) of such Act) or appropriate early intervention services (as defined in section 672(2) of such Act), including those services appropriate in assisting the individual to acquire, retain, regain, or improve the self-help, socialization, decisionmaking, and adaptive skills necessary to achieve independence, productivity and integration.

"(dd) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' means the systematic application of technology, engineering methodologies, or scientific principles to meet the needs and address the barriers confronted by an individual with a severe disability (including physical, sensory, and cognitive functional limitations in such areas as employment, recreation, independent living and other home and community living arrangements).

"(ee) INDEPENDENCE, PRODUCTIVITY, AND INTEGRATION.—The terms 'independence', 'productivity', and 'integration' when used in reference to the provision of community and family support services under this title have the same meaning with respect to individuals with a severe disability as the meaning given to such terms with respect to persons with developmental disabilities in section 102 of Developmental Disabilities Assistance and Bill of Rights Act.".

SEC. 3. COMMUNITY AND FAMILY SUPPORT SERVICES FOR CERTAIN INDIVIDUALS WITH A SEVERE DISABILITY.

(a) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act is amended—

(1) by striking "and" at the end of paragraph (46);

(2) by striking the period at the end of paragraph (47) added by section 9407(a) of the Omnibus Budget Reconciliation Act of 1986 and inserting a semicolon and transferring and inserting such paragraph after paragraph (46);

(3) by striking the period at the end of the paragraph (47) added by section 11005(b) of the Anti-Drug Abuse Act of 1986 and inserting "; and", by redesignating such paragraph as paragraph (48), and by transferring and inserting such paragraph after paragraph (47); and

(4) by inserting after paragraph (48) the following new paragraph:

"(49) effective not later than the first day of the second fiscal year beginning after the date of enactment of the Medicaid Home and Community Quality Services Act of 1989, provide that with respect to any individual with a severe disability who is entitled to medical assistance under such plan and who resides in a family home, foster family home, or community living facility, such assistance shall include an array of community and family support services which the State determines are appropriate, when combined with other medical assistance available under the plan and with other available resources, to assist in providing for the health, safety, and effective habilitation or rehabilitation of such individual, including at a minimum case management services, individual and family support services, specialized vocational services, and protective intervention.".

(b) INCLUSION AS MEDICAL ASSISTANCE.—Section 1905(a)(13) of such Act is amended by inserting before the semicolon at the end thereof the following: ", including community and family support services for individuals with a severe disability".

(c) SERVICES FOR INDIVIDUALS WITH A SEVERE DISABILITY.—Title XIX of such Act is amended—

(1) by redesignating section 1921 as section 1922; and

(2) by inserting after section 1920 the following new section:

"MEDICAL ASSISTANCE, HABILITATION, AND REHABILITATION FOR INDIVIDUALS WITH A SEVERE DISABILITY

"SEC. 1921. (a) COMMUNITY AND FAMILY SUPPORT SERVICES.—

"(1) For purposes of section 1903, amounts expended by a State under its State plan for community and family support services may be included as medical assistance if such services are provided—

"(A) to an individual with a severe disability residing in a family home, foster family home, or community living facility, and

"(B) in accordance with the individual's written habilitation plan.

"(2) The following types of services may be included as community and family support services:

"(A) Case management services (as defined in section 1905(x)).

"(B) Individual and family support services (as defined in section 1905(y)).

"(C) Specialized vocational services (as defined in section 1905(z)).

"(D) Protective intervention.

"(E) Habilitation services (as defined in section 1905(aa)).

"(F) Case coordination services (as defined in section 1905(bb)).

"(G) Educationally-related services (as defined in section 1905(cc)).

"(H) Periodic interdisciplinary diagnostic and assessment services.

"(I) Personal assistance and attendant care.

"(J) Domestic assistance necessitated by the individual's disability.

"(K) Services to enable the individual to improve or maintain functional capacities (including physical therapy, occupational therapy, speech and language pathology and audiology, respiratory therapy, and non-aversive behavior intervention therapy).

"(L) Prostheses, orthoses, supplies, appliances, adaptive equipment, communicative aids, and other functional assistive technologies and devices (including sensory aids) and rehabilitative technology services to evaluate, design, assemble, repair, and maintain such equipment, aids, assistive devices, and systems and to train the individual, family, and provider agency staff in their use.

"(M) Preventive and therapeutic dental services.

"(N) Design and necessary and reasonable adaptation or modification of equipment and vehicles, and of housing or other space, to be used by an individual with a severe disability.

"(O) Comprehensive outpatient rehabilitation facility services.

"(P) Purchase and maintenance of guide dogs and similar trained animals.

"(Q) Services (other than board, lodging, and basic foster care) provided to any individual with a severe disability by members of a family or household in which such individual is living.

"(R) Support services to families and caregivers, including specialized training and respite care in or out of the home or usual residence.

"(S) Special transportation services.

"(T) Homemaker and home health services.

"(U) Chore services.

"(V) Crisis intervention.

"(W) Personal guidance, supervision, counseling, representation, and advocacy.

"(X) Appropriate preventive services to decrease the needs of individuals with a severe disability for future services.

"(Y) Any other services identified by the State and approved by the Secretary as conforming with the purposes of this section.

"(3) The following services may not be included as community and family support services:

"(A) Room and board, other than room and board provided for less than six consecutive weeks and less than twelve weeks in a year as an integral but subordinate part of a service described in paragraph (2). However, auxiliary payments may be made as medical assistance to cover extraordinary costs of food or housing attributable to the disabling condition of a particular individual or individuals.

"(B) Any service for which payment is made under section 403 or 422 of this Act.

"(C) Cash payments as a service.

"(D) Aversive behavior intervention, management, or therapies.

"(E) Any service to any individual to the extent that the provider of the service or the individual receiving the service is eligible to receive payment under title XVIII with respect to the provision of the service.

"(F) Any educational service which the State makes generally available to its residents without cost and without regard to their income except for educationally-related services (as defined in section 1905(cc)).

"(G) Any service to any individual with a severe disability living in any hospital, skilled nursing facility, or intermediate care facility (including any such hospital or facility for mental diseases).

"(4) Amounts expended by the State or by a provider of services to administer the provision of community and family support services pursuant to this section shall be treated as administrative costs of the State plan.

"(b) SERVICES ARE IN ADDITION TO OTHER MEDICAL ASSISTANCE.—Community and family support services provided pursuant to this section shall be in addition to any other medical assistance for which an individual with a severe disability is otherwise eligible under the State plan.

"(c) STATE REQUIREMENTS.—In order to receive payment under section 1903 with respect to community and family support services provided under the State plan to any eligible individual with a severe disability, such plan shall provide that the State—

"(1) submit to the Secretary a State implementation strategy (as described in subsection (d)) that is annually reviewed and updated (as appropriate);

"(2) ensure that community living facilities are not unduly concentrated in any residential area (except as provided in section 1905(v)(2));

"(3) report to the Secretary on the implementation of the State's implementation strategy (submitted to the Secretary under paragraph (1)) in such form and with such frequency as the Secretary may prescribe

and comply with the requests of the Secretary to correct or verify such report;

"(4) cooperate with the Secretary in carrying out the Secretary's responsibility (under section 11(d) of the Medicaid Home and Community Quality Services Act of 1989) to assess the State's compliance with its State implementation strategy (submitted to the Secretary under paragraph (1)), including making available to the Secretary such records as the Secretary may reasonably require to assess such compliance;

"(5) promulgate standards governing each element of community and family support services covered under its plan, monitor on an annual basis all providers of such services to assure that such providers comply with applicable standards, and take necessary steps to assure that such standards are promptly and effectively enforced;

"(6) meet the maintenance of effort requirement described in subsection (e);

"(7) safeguard the rights of all individuals with a severe disability who are participating in services for which payment is made under this title;

"(8) ensure that individuals with a severe disability are granted equal access to available community and family support services without regard to their place of residence or the nature or degree of their disability;

"(9) ensure that any individual with a severe disability for whom a public agency (or an agency under contract with a public agency) arranges a residential placement is placed in a foster family home or community living facility that is located as close to the home of the natural, adoptive, or foster family of the individual as is consistent with the best interests of the individual; and

"(10) ensure that in the case of any individual with a severe disability who has attained the age of 18 for whom a public agency (or an agency under contract with a public agency) arranges specialized vocational services for which payment is made under this title, priority will be given to providing such services in an integrated work environment.

"(d) STATE IMPLEMENTATION STRATEGY.—The State implementation strategy submitted to the Secretary under subsection (c)(1) shall—

"(1)(A) describe—

"(i) the extent and scope of community and family support services provided to individuals with a severe disability which are financed (in whole or in part) under—

"(I) the State's plan under this title,

"(II) other Federal or Federally-assisted State programs or social entitlement programs, and

"(III) non-Federal sources, and

"(ii) the extent and scope of services provided to individuals with a severe disability who are residing in a facility that is an acute care hospital, a skilled nursing facility, an intermediate care facility (including a facility that is certified in accordance with section 1905(d)), a board and care facility, or other public or private facility having 16 or more beds and in which a significant number of recipients of supplemental security income benefits reside or are likely to reside, which are so financed;

"(B) set forth specific objectives and a projected schedule for expanding and improving community and family support services for individuals with a severe disability over the succeeding five-year period, which objectives shall outline the expansion in the number of individuals served and community and family support services provided and identify the extent to which such services will be financed under the State's plan under this title and from other funding sources;

"(C) in the case of any individual with a severe disability who is residing in a facility described in subparagraph (A)(ii), provide that—

"(i) the service needs of such individual and the types of services the individual would require if transferred to a family home, foster family home, or community living facility, are identified not later than 18 months after the date on which community and family support services are first covered under the State plan (and annually thereafter), and

"(ii) such individual and, as appropriate, such individual's spouse, parent, guardian, appropriate family member, or advocate, are afforded an opportunity to participate in the process under clause (i);

"(D) in the case of any individual with a severe disability who is residing in a skilled nursing facility or an intermediate care facility (other than a facility that is certified in accordance with section 1905(d)) and who is determined (in accordance with subparagraph (C)) to be in need of alternative residential placement, provide that (subject to subparagraph (F)) such individual is transferred from such facility not later than 40 months after the date on which the process described in subparagraph (C) is completed with respect to such individual;

"(E) set forth specific objectives and a projected schedule, over the succeeding five-year period, for transferring individuals with a severe disability (who are residing in a facility described in subparagraph (A)(ii) and are not transferred pursuant to subparagraph (D)) to more appropriate residential settings where they will be eligible to receive community and family support services;

"(F) provide that in transferring any individual with a severe disability from a facility described in subparagraph (A)(ii)—

"(i) such individual is transferred only to a facility or program that is capable of providing an appropriate array of community and family support services (or in the case of an individual transferred to a facility certified in accordance with section 1905(d), active treatment) consistent with such individual's written habilitation plan,

"(ii) priority is given to transferring such individual to a family home, foster family home, or community living facility (including a facility certified in accordance with section 1905(d) that either meets the size and locational requirements for a community living facility under section 1905(v)(1) or is treated as such a facility under section 1905(v)(2)),

"(iii) to the extent the services required by the individual are unavailable in the community in which such individual would otherwise reside, such individual is transferred to a facility certified under section 1905(d) that serves 16 or more individuals with a severe disability, and

"(iv) in the case of an individual transferred pursuant to subparagraph (D), during any period of time during which the individual is awaiting transfer the individual is furnished active treatment consistent with such individual's written habilitation plan; and

"(G) provide that prior to transfer of any individual with a severe disability from a skilled nursing facility, an intermediate care facility, or a board and care facility to a family home, foster family home, or community living facility deemed to be capable of meeting the individual's needs—

"(i) a community services transfer plan is developed through a process which—

"(I) identifies the specific community and family support services, as well as other services, that such individual will require and will have available when such individual is transferred to a family home, foster family home, or community living facility,

"(II) involves the interdisciplinary team (or other professional group) responsible for the written habilitation plan with respect to such individual while residing in the facility from which transfer is to be made, and the professional responsible for providing case management services and other appropriate professional personnel who are likely to be involved in providing services to the individual in the community, and

"(III) provides to the individual and, as appropriate, to such individual's spouse, parent, guardian, appropriate family member, or advocate, an opportunity to participate in developing such plan;

"(ii)(I) such individual and such individual's spouse, parent, guardian, appropriate family member, or advocate, are notified in writing at least 60 days before the date of any proposed transfer,

"(II) procedures are established for granting to such individual (or, as appropriate, to such individual's spouse, parent, guardian, appropriate family member, or advocate) an opportunity for an appeal regarding the transfer plan developed under clause (i) with respect to the individual, and for a fair hearing before an impartial hearing officer designated by the State, on the grounds that the types of health related services, habilitation, rehabilitation, housing, or other services specified in the community services transfer plan developed with respect to such individual are inappropriate or inadequate, or a particular type of health related service, habilitation, rehabilitation, housing, or other service specified in such plan is not yet available in the area in which such individual will reside, and

"(III) if such individual initiates an appeal under subclause (II), the individual remains in the facility from which such individual is to be transferred pending the outcome of the appeal (unless protective intervention is determined to be necessary with respect to the individual);

"(2) provide that, not later than 18 months after the date on which community and family support services are first covered under the State plan, the State has in place a preadmission screening program (using criteria specified by the Secretary) to prevent the inappropriate placement of individuals with a severe disability in skilled nursing facilities and intermediate care facilities (other than facilities certified under section 1905(d));

"(3) set forth—

"(A)(i) the component parts of a comprehensive, integrated quality assurance system that affords individuals with a severe disability expanded opportunities for independence, productivity, and integration and which includes standards to govern the quality of each element of community and family support services covered under the State plan, as well as each class of residential facilities or living arrangements (except for a family home) in which a significant number of individuals with a severe disability reside, which standards assure that such services—

"(I) are based on timely assessments of the individual's needs and are organized systematically to assure optimal individual de-

velopment, independent functioning, productivity, and community integration,

"(II) are furnished in accordance with the provisions of the individual's written habilitation plan and reflect the strengths of the individual and the services necessary to assist the individual to achieve more independent functioning with respect to health and physical development, receptive and expressive communication, cognitive learning, mobility, self-direction, socialization, leisure time, and vocational activities,

"(III) are provided in a manner that maximizes opportunities for and fosters the development of relationships between the individual and other members of the community (including individuals who are not disabled),

"(IV) are provided in the home or at school, a job site, or other community setting where existing and newly acquired skills can be put to practical use,

"(V) are designed to ensure that (if the individual resides in a community living facility) services, other than residentially-related services, are provided in settings other than the facility in which the individual resides (unless medically contra-indicated), and

"(VI) are designed to assist the individual to acquire the functional life skills necessary to enhance the capacity of the individual to achieve independent living, to integrate into the community, to increase productivity, and to socially interact with individuals who are not disabled;

"(ii) the methods and procedures to be used in instituting and maintaining the quality assurance system described in subparagraph (A), and

"(iii) the methods and procedures for—

"(I) providing the same opportunity for public input with respect to the standards developed under such system as exists under the State plan amendment process,

"(II) requiring review of such standards by the State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act and the protection and advocacy system established under section 142 of such Act, and

"(III) responding to any comments made by such Council, such protection and advocacy system, and the public with respect to such standards;

"(B)(i) a program for licensing and certifying all facilities and programs that provide community and family support services covered under the State plan, which program, at the option of the State, may include a requirement that a class or classes of facilities or programs are accredited by a national accrediting body that is designated by the Secretary, and

"(ii) a requirement that all physical structures (other than a family home) in which individuals with a severe disability reside, or in which community and family support services are provided, meet applicable State or local fire, safety, health, and sanitation codes, and have interior and exterior features that are comparable to other residential structures in the surrounding neighborhood;

"(C) a system for conducting an annual independent, third-party evaluation of a cross-section of community and family support services provided under the State plan, which system shall include (at a minimum)—

"(i) an analysis and validation of client-based data,

"(ii) periodic visits to a statistically valid sample of agencies or individuals providing such services,

"(iii) an assessment (conducted with respect to a statistically valid sample of individuals with a severe disability and, where available, through the use of valid and reliable instruments) to determine the extent to which the services contribute to reduced dependency, enhanced opportunities to make choices, the acquisition of positive social behaviors, improved social integration and participation in community life, increased productivity, consumer satisfaction, the physical comfort of the individual and the attractiveness and appropriateness (in view of the individual's age) of such individual's living environment, and the achievement of the written goals and objectives set forth in the individual's written habilitation plan, and

"(iv) a summary of findings and recommendations with respect to needed changes in State laws and the administrative policies and practices of responsible State and local agencies (and any other provider of such services);

"(D) an annual assessment of consumer satisfaction with community and family support services provided under the State plan;

"(E) a program of periodic assessments of the adequacy of the physical and social environment of residential settings serving individuals with a severe disability conducted by a review body composed of parents, guardians, relatives, or neighbors of such individuals, except that—

"(i) the parents, guardians, and relatives of such individuals shall comprise a majority of the body,

"(ii) no member of the body shall be affiliated with the facility or home being reviewed or with any agency responsible for providing funds with respect to such facility or home, and

"(iii) no member of the body shall take part in an assessment with respect to any individual with a severe disability if such member is a parent, guardian, or relative of such individual;

"(F) a systematic methodology for assuring prompt correction of any deficiency identified with respect to the provision of community and family support services under the State plan, which methodology shall include—

"(i) a procedure under which the affected entity may appeal a determination that there is such a deficiency,

"(ii) a requirement that any such entity with respect to which a deficiency is identified submit a plan of correction to the appropriate State agency which sets forth a schedule for promptly eliminating the deficiency, and

"(iii) a program for providing training and technical assistance to assist such entity in eliminating a deficiency; and

"(G) a hierarchy of penalties with respect to any such entity that fails to comply with any standard promulgated pursuant to subparagraph (A) (including a penalty for terminating such entity's participation in the program under this title);

"(4)(A) in the case of individuals with a severe disability who are living in residential facilities which are not family homes, foster family homes, community living facilities, provide that—

"(i) admissions to such residential facilities are restricted through the use of community and family support services, and

"(ii) the service needs of any such individual are identified in accordance with paragraph (1)(C);

"(B) provide that alternate provisions are made for (and priority given to the development of) appropriate care (including basic maintenance if needed) and services for any individual with a severe disability eligible for medical assistance who has been living in a facility or institution which has been receiving payments for care, treatment, or maintenance of such individual under this title and which ceases to receive such payments, or ceases to provide such care and services to such individual, other than at the request of the individual or such individual's representative; and

"(C) set forth procedures for ensuring continuity of funding and the provision of services to an individual with a severe disability when an entity providing services to such individual for which payment is made under this title voluntarily discontinues operations or is terminated in accordance with paragraph (3)(G);

"(5)(A) provide that, as part of a plan to afford the public an adequate opportunity to comment on the State's implementation strategy (submitted to the Secretary under subsection (c)(1)) prior to when such strategy is submitted to the Secretary (or prior to each annual revision)—

"(i) copies of such strategy are distributed to individuals, agencies, and organizations in the State that are interested in the welfare of individuals with a severe disability,

"(ii) such individuals, agencies, and organizations are afforded not less than 45 days to comment on the strategy,

"(iii) public hearings are conducted on the contents of the strategy (and the date of any such hearing is published in general circulation newspapers across the State not less than 10 days prior to the hearing),

"(iv) the comments of the State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act and the protection and advocacy system established under section 142 of such Act are solicited, and

"(v) a summary of the comments received from the general public, such Council, and such protection and advocacy system, is prepared, indicating any revisions made as a result of such comments (or explaining why such revisions were not made);

"(B) set forth the methods and procedures to be used to ensure that, with respect to every organization or agency responsible for providing services to individuals with a severe disability for which any payment is made under this title—

"(i) each member of the staff of such organization or agency is fully qualified to perform any assigned duty and has received or will receive adequate and continuing training or retraining in the provision of services to such individuals sufficient to allow such member to remain informed of the latest developments in serving such individuals and to assist the organization or agency in correcting any deficiencies in the provision of community and family support services under this section,

"(ii) such agency or organization maintains written personnel policies, and

"(iii) such agency or organization has access to needed technical assistance services;

"(C) set forth the methods and procedures to ensure that any entity responsible for providing protective intervention services to an individual with a severe disability or to an individual who is (or except for such individual's income and resources would be) eligible to receive such services under this section—

"(i) has daily, 24-hour access to every organization or agency responsible for provid-

ing services to such an individual for which any payment is made under this title,

"(ii) is independent of each such organization or agency, and

"(iii) has the legal capacity to intervene on behalf of such an individual when necessary to protect such individual's rights;

"(D) set forth the methods by which training and needed technical assistance services are made available to natural, adoptive, and foster parents of individuals with a severe disability who are eligible for medical assistance;

"(E) set forth the methods by which protective intervention services are made available, as necessary, to any individual with a severe disability who is, or would except for such individual's income or resources be, eligible to receive services under this title;

"(F) set forth the steps by which the State ensures that each individual with a severe disability receiving community and family support services under the State plan has access to case management services which are provided—

"(i) by an entity that is organizationally independent of (and free of any conflict of interest with respect to) any entity furnishing ongoing direct services to individuals with a severe disability,

"(ii) with sufficient frequency and intensity to ensure that the objectives in an individual's written habilitation plan are achieved within the period of time specified in such plan, and

"(iii) by a trained individual with a caseload capability to visit each individual under such individual's responsibility not less than once a month;

"(G) provide that the State has in effect a management information system capable of collecting, storing, and retrieving data with respect to individuals with a severe disability who receive (or who are eligible to receive) community and family support services under this section, which system shall—

"(i) be based on information derived from an individual's written habilitation plan or from any other needs-assessment data source,

"(ii) provide client-based data with respect to the nature and extent of service needs, the type and duration of services provided, the cost and outcome of such services, and any gaps in available services, and

"(iii) use (where available) valid and reliable instruments for collecting such data;

"(H) set forth procedures for—

"(i) granting an opportunity for a timely appeal and a speedy hearing before an impartial hearing officer—

"(I) to any individual who believes himself to be inappropriately served or who is denied an appropriate service, or who is being scheduled for transfer (other than under the provisions of paragraph (1) of this subsection and other than on such individual's own initiative) from one living arrangement (including such individual's own home) to another, or

"(II) as appropriate, to the individual's spouse, parent, guardian, appropriate family member, or advocate acting on such individual's behalf,

"(ii) giving written notice to affected parties at least 60 days before such proposed transfer except in an emergency, and

"(iii) advising individuals with severe disabilities, their families, and their advocates of available alternative arrangements and services, of the right to choose among available licensed or certified providers of services, and of the right to a fair hearing under section 1902(a)(3);

"(J) describe the methods to be used in administering community and family support services under the State plan, including—

"(i) the specific roles and responsibilities of—

"(I) specified State and local governmental agencies in establishing policies governing the provision of such services and in providing such services (either directly or under arrangements with other public or private entities),

"(II) the agency responsible for providing protection and advocacy in accordance with subsection (j), and

"(III) the community organizations and agencies responsible for providing such services, and

"(ii) the steps to be taken in recruiting and selecting such provider organizations and agencies;

"(K) set forth criteria to govern the use of psychotropic and anti-convulsant medications and behavior management techniques, as well as monitoring methods to be used to ensure compliance with such criteria;

"(L) set forth the methods by which the number and types of integrated work settings and the range of supportive services available to individuals with a severe disability who have attained the age of 18 are developed and expanded; and

"(M) set forth the methods to assure that the provision of specialized vocational services and educationally-related services under this title to individuals with a severe disability is coordinated (by use, where necessary, of interagency agreements) with the activities of responsible State and local vocational rehabilitation and educational agencies (and other agencies as appropriate); and

"(6) set forth methods and procedures to assure—

"(A) fair and equitable provisions (as determined by the Secretary in consultation with the Secretary of Labor) to protect the interests of public employees who will be affected by the transfer of individuals with a severe disability from public institutions, including public medical institutions, to community or family living facilities under the implementation strategy, and that maximum efforts will be made to provide for the employment of such employees, including arrangements designed to preserve employee rights and benefits and arrangements to provide (where necessary) for the training or retraining of such employees, and

"(B) application of fair employment standards and equitable compensation to workers in private programs and facilities offering care and services for which payments are made under this title.

"(e) STATE MAINTENANCE OF EFFORT.—

"(1) A State meets the maintenance of effort requirement of this subsection for any quarter in a fiscal year in which community and family support services are provided if for such quarter the total amount of the funds expended by the State (and political subdivisions thereof) from non-Federal funds for these services for eligible individuals with a severe disability is at least equal to the base amount, increased by the inflation factor that applies with respect to the fiscal year in which such services are provided.

"(2) For purposes of paragraph (1)—

"(A) the term 'base amount' means the average quarterly amount of the funds expended (during the four-quarter period ending September 30, 1989) by the State (and political subdivisions thereof) from non-Federal funds under the plan for services that are community and family support services; and

"(B) the inflation factor that applies with respect to the fiscal year in which such services are provided is the amount (expressed as a percentage) by which the Consumer Price Index for the third quarter of the fiscal year preceding such fiscal year exceeds the Consumer Price Index for the third quarter of the second fiscal year preceding such fiscal year.

"(f) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall, from time to time, review State plans approved by the Secretary pursuant to section 1902 in order to ensure the compliance of such plans with the provisions of this section and the Medicaid Home and Community Quality Services Act of 1989.

"(g) WAIVER OF STATEWIDE REQUIREMENT AND REQUIREMENT OF COMPARABILITY.—For any one three-year period, a State may provide any new service under this section without regard to the statewide requirement of section 1902(a)(1) or the requirement of section 1902(a)(10)(B).

"(h) WAIVER OF FREEDOM OF CHOICE REQUIREMENT.—A State may provide case management services under this section without regard to the requirement of section 1902(a)(23) to the extent that the State determines that waiving such requirement is necessary to the effective and efficient provision of such services.

"(i) STATE ADMINISTRATION.—The Governor of each State may assign the responsibility for performing specified management functions regarding services provided to individuals with a severe disability under this section to State agencies other than the agency administering the plan under this title.".

(d) INTERMEDIATE CARE FACILITY SERVICES IN AN INSTITUTION FOR THE MENTALLY RETARDED.—Section 1905(d) of the Social Security Act is amended—

(1) by striking out "a public" and inserting in lieu thereof "an";

(2) by striking out "and" at the end of paragraph (2); and

(3) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the individual needs of each newly admitted individual are ascertained by an interdisciplinary team within 30 days, and an individual written habilitation plan is developed for the individual, including an assessment of such individual's needs for community and family support services; and

"(4) the institution, if not operated by the State, has a written agreement with an appropriate State agency to cooperate in carrying out the State implementation strategy required to be submitted to the Secretary under section 1921(c)(1).".

(e) CONFORMING AMENDMENTS.—Section 1903(a)(2) of the Social Security Act is amended—

(1) by inserting after "professional medical personnel" the following: "or personnel skilled in the delivery of community and family support services needed by individuals with a severe disability"; and

(2) by inserting after "other public agency" the following "or any agency under contract to the State to provide services under section 1921".

SEC. 4. LIMITATION ON PAYMENTS FOR SERVICES PROVIDED IN LARGE FACILITIES.

Section 1903 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(w) LIMITATION ON PAYMENTS FOR SERVICES PROVIDED IN LARGE FACILITIES.—

"(1)(A) Except as provided in paragraph (2), effective for any fiscal year beginning after the date of the enactment of the Medicaid Home and Community Quality Services Act of 1989, the aggregate amount payable under this title to any State for any quarter beginning in such fiscal year for skilled nursing facility services and intermediate care facility services furnished to any individual described in subparagraph (C) in facilities having more than 15 beds shall not exceed 25 percent of the maximum expenditure amount determined with respect to the State under subparagraph (B) for such fiscal year.

"(B)(i) For purposes of subparagraph (A), the term 'maximum expenditure amount' means, with respect to a State for a fiscal year, an amount equal to the aggregate amount payable under this title to the State for the services described in subparagraph (A) for the fiscal year ending after the date of the enactment of the Medicaid Home and Community Quality Services Act of 1989, increased by the percentage (if any) by which CPI percentage increase for the fiscal year exceeds 6.0 percent (and by any amounts expended for the fiscal year for which payment would otherwise be made under this title that are attributable to the cost of implementing a plan of correction which includes a reduction plan approved under section 1919).

"(ii) For purposes of clause (i), the 'CPI percentage increase' for a fiscal year is the amount (expressed as a percentage) by which the Consumer Price Index for the third quarter of the fiscal year preceding such fiscal year exceeds the Consumer Price Index for the third quarter of the second fiscal year preceding such fiscal year.

"(C) An individual described in this subparagraph is an individual who—

"(i) is under the age of 65, and

"(ii) who is under a disability within the meaning of section 1614(a)(3) of this Act, the onset of which occurred before the individual attained the age of 22.

"(D) For purposes of applying this subsection, aggregate amounts paid under this title shall be determined without adjustments for amounts recovered from third parties considered as overpayments.

"(2) The limitation on payments in paragraph (1) shall not apply to any of the following payments for skilled nursing facility services or intermediate care facility services provided in a facility which unconditionally meets all requirements applicable to such type of facility (including appropriateness of admissions):

"(A) Payments for such services for individuals in a facility which meets the size and location requirements for a community living facility.

"(B) Payments for such services for individuals in a facility which is in operation on September 30, 1989, does not increase its number of beds after such date, and has no more than 15 beds (exclusive of beds occupied by staff members).

"(C) Payments for such services for individuals in a facility treated as a community living facility under section 1905(v)(2).

SEC. 5. PROTECTION OF RIGHTS OF INDIVIDUALS WITH A SEVERE DISABILITY.

Section 1921 of the Social Security Act (as added by section 3(c) of this Act) is amended by adding at the end thereof the following new subsection:

"(j) PROTECTION OF RIGHTS.—

"(1) Subject to paragraph (3), in order to receive any payments for community and family support services provided under this section, the State must have in effect a system to protect and advocate those rights of individuals with a severe disability who are eligible for medical assistance which relate to the provision of such assistance.

"(2) Such system must be implemented by an agency which—

"(A) is independent of any agency which provides services to individuals with a severe disability under the State plan;

"(B) has the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of individuals with a severe disability who are eligible for medical assistance; and

"(C) has the authority to obtain access to records of individuals with a severe disability who are eligible for medical assistance in order to carry out such agency's duties under this subsection.

"(3)(A) In the case of a State that has in effect a system for providing protection and advocacy under part C of the Development Disabilities Assistance and Bill of Rights Act, such State shall take appropriate steps to ensure that such existing system is used to perform the protection and advocacy functions required by this section.

"(B) The State must provide assurances to the Secretary that the amounts paid to the State under this title that are attributable to the use of the system in effect under part C of such Act shall be used only for the purposes of providing protection and advocacy relating to the provision of medical assistance to individuals with a severe disability.

"(4) For purposes of section 1903(a)(1), amounts expended by the State under this subsection shall be treated as amounts expended as medical assistance under the State plan.".

SEC. 6. PRIVATE ENFORCEMENT.

Section 1921 of the Social Security Act (as added by section 3(c) of this Act and amended by section 5 of this Act) is further amended by adding at the end thereof the following new subsection:

"(k) PRIVATE ENFORCEMENT.—

"(1)(A) Except as provided in paragraph (3), any person injured or adversely affected or aggrieved by a violation of this section, or of the Medicaid Home and Community Quality Services Act of 1989, by a State agency administering the State plan may bring an action to enjoin such violation.

"(B) An action brought under this paragraph shall be brought in the appropriate district court of the United States within the State in which such State plan is in operation.

"(C) The party bringing such action may elect, by so stating in the complaint filed at the commencement of such action, to recover reasonable attorney's fees and costs from the defendant in the event that such party prevails.

"(2) Not less than 15 days before commencing an action under this subsection, an interested party shall give notice by registered mail to the Secretary, the Attorney General of the United States, and the State agency administering the State plan alleged to be in violation of this section or of the Medicaid Home and Community Quality Services Act of 1989. Such notice shall state the nature of the alleged violation and the court in which such action will be brought.

"(3) The approval of the State plan under section 1902(b) shall not be a bar to the bringing of an action under this subsection, nor shall it constitute a defense to any such action.".

SEC. 7. RATES OF PAYMENT FOR SERVICES.

Section 1902(a)(13) of the Social Security Act is amended by striking out "and" at the end of subparagraph (D), by adding "and" at the end of subparagraph (E), and by adding at the end thereof the following new subparagraph:

"(F) for payment for community and family support services for individuals with a severe disability, described in section 1921 and provided under the plan, through the use of rates (determined in accordance with methods and standards developed by the State) which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to assure the provision of care and service in conformity with applicable State and Federal laws and regulations, and applicable quality and safety standards, and to assure that individuals with a severe disability eligible for medical assistance have reasonable access (taking into account geographic location and reasonable travel time for family and friends) to community and family support services of adequate quality;".

SEC. 8. MEDICAID ELIGIBILITY OF CERTAIN INDIVIDUALS WITH A SEVERE DISABILITY.

(a) OPTIONAL ELIGIBILITY.—Section 1902 of the Social Security Act is amended by redesignating the subsection (l) added by section 3(b) of the Employment Opportunities for Disabled Americans Act as subsection (o) and by inserting after such subsection the following new subsection:

"(p) ELIGIBILITY OF CERTAIN INDIVIDUALS WITH A SEVERE DISABILITY.—

"(1) At the option of the State, any individual who has not attained the age of 19 and who—

"(A) qualifies as a disabled individual under section 1614(a),

"(B) as determined by the State, is an individual who requires (or whose family requires) community and family support services, and

"(C) if the individual were in a medical institution, would be an individual with respect to whom supplemental security benefits (or a State supplementary payment) could be paid under title XVI;

shall be deemed, for purposes of this title only, to be an individual with respect to whom a supplemental security income payment, or State supplementary payment, respectively, is being paid under title XVI.

"(2) A State electing the option under paragraph (1) shall set forth in its State plan and its State implementation strategy (submitted to the Secretary under section 1921(c)(1)) the criteria which the State will use in identifying eligible individuals or reasonable classifications of such individuals, and the extent of the services for which payment may be authorized under this subsection.".

(b) EXEMPTION FROM FAMILY INCOME LIMITATION.—Section 1903(f)(4) of such Act is amended—

(1) by adding "or" at the end of subparagraph (C); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) who meets the requirements of section 1902(p),".

(c) UNIFORM INCOME STANDARD, AND EXPANDED ELIGIBILITY.—Section 1902(a)(10)(A)(ii) of such Act is amended—

(1) by inserting before the comma at the end of subclause (V) the following new matter: ": *Provided That* if the State establishes such a separate income standard for individuals who are in any medical institu-

tion, the State must establish the same separate income standard for all individuals with a severe disability,";

(2) by striking out "or" at the end of subclause (IX);

(3) by striking out the semicolon at the end of subclause (X) and inserting in lieu thereof ", or"; and

(4) by adding at the end thereof the following:

"(XI) who are disabled children or disabled spouses who, except for resources deemed to them, would be eligible for supplementary security income benefits under title XVI;".

(d) ELIGIBILITY OF DISABLED CHILD.—Section 1634(c)(1) of such Act is amended by striking out "the effective date of this subsection" and inserting in lieu thereof "January 1, 1957".

SEC. 9. REMOVAL OF CERTAIN LIMITATIONS ON REDUCTION AND CORRECTION PLANS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.

Section 1919 of the Social Security Act is amended—

(1) in subsection (d)—

(A) by striking "(d)(1)" and inserting in lieu thereof "(d)", and

(B) by striking paragraph (2); and

(2) by striking subsection (f).

SEC. 10. SPECIAL ELIGIBILITY EXCEPTION FOR INDIVIDUALS WITH A SEVERE DISABILITY.

Section 1902(f) of the Social Security Act is amended:

(1) by inserting "(1)" after the subsection designation;

(2) by inserting "paragraph (2)," before "subsection (e)"; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), an individual with a severe disability receiving benefits under title XVI or deemed to receive such benefits under this title shall be entitled to receive medical assistance as long as such individual remains severely disabled and continues to receive benefits under title XVI or is deemed to receive benefits under this title.".

SEC. 11. RESPONSIBILITIES OF THE SECRETARY.

(a) ESTABLISHMENT OF A BUREAU OF DEVELOPMENTAL DISABILITIES SERVICES.—

(1) The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish, within the Health Care Financing Administration, a Bureau of Developmental Disabilities Services (referred to in this subsection as the "Bureau"). The Bureau shall be the principal office in the Department of Health and Human Services for administering and carrying out programs under title XIX of the Social Security Act relating to the furnishing of quality services to individuals with a severe disability in order to promote their independence, productivity, and integration into the community, and to provide coordinated leadership, guidance, and support to assist States in developing such services.

(2) The Bureau shall be headed by a Director who shall be appointed by the Secretary in consultation with the Administrator of the Health Care Financing Administration. The position of Director shall be placed in Level IV of the Executive Schedule in section 5318 of title 5, United States Code and shall be designated a career reserved position in the Senior Executive Service. The Director shall have training and experience in the furnishing of services to individuals with developmental disabilities.

(3) The additional staffing of the Bureau shall be in sufficient numbers to meet program needs, and at levels which shall attract and maintain the most qualified personnel. Such personnel shall include individuals who have training and experience in the provision of services to individuals with developmental disabilities.

(4) The Bureau shall be established and staffed not later than 6 months after the date of enactment of this Act.

(5) The Bureau shall be responsible for—

(A) preparing all necessary regulations and other administrative policies governing the provision of services under sections 1921 (as added by this Act), 1905(d), and 1915(c) of the Social Security Act as such services relate to individuals with a severe disability;

(B) coordinating the activities of responsible regional office personnel related to the provision of services to individuals with a severe disability under titles XVIII and XIX of the Social Security Act;

(C) conducting periodic studies to determine the consistency, reliability, and validity of surveys of intermediate care facilities certified or requesting certification under section 1905(d) conducted under section 1902(a)(33)(B) of such Act (and, based on such studies, developing policies and procedures governing such surveys);

(D) preparing and issuing policies governing the conduct of utilization reviews under section 1902(a)(30)(A) of the Social Security Act, onsite inspections of care under section 1902(a)(31)(B) of such Act, and the preparation of professional review reports under section 1902(a)(31)(C) of such Act (as such reports pertain to care provided in facilities certified or requesting certification under section 1905(d) of such Act);

(E) advising the Administrator of the Health Care Financing Administration on all aspects of policies that may impact upon individuals with a severe disability and recommending (in consultation with such Administrator) policy initiatives and modifications necessary to improve services provided under titles XVIII and XIX of the Social Security Act in order to promote the independence, productivity, and integration of such individuals (as such terms are defined under section 1905(dd) of the Social Security Act);

(F) developing policies and procedures governing the conduct of periodic assessments of the status of individuals with a severe disability who are receiving services under any title of the Social Security Act;

(G) reviewing State compliance with the provisions of, and amendments made, by this Act in such periodic and random fashion as the Bureau deems necessary, making recommendations to the Secretary based on such reviews; and

(H) performing such other functions relating to the provision of services to individuals with a severe disability as the Secretary may assign (including any function related to a responsibility of the Secretary under subsection (b), (c), (d), or (e) of this section).

(b) TRAINING OF SURVEY PERSONNEL.—The Secretary shall—

(1) with respect to Federal and State personnel who perform surveys under sections 1902(a)(33)(B) and 1910(c)(1) of the Social Security Act of facilities that are certified under section 1905(d) of such Act—

(A) not later than 18 months after the date of enactment of this Act, develop a standardized curriculum for training such personnel which places particular emphasis on valid and reliable methods for assessing the provision of active treatment provided to residents of such facilities in accordance with standards prescribed by the Secretary;

(B) in accordance with the curriculum developed under subparagraph (A), design and initiate a comprehensive training program for such personnel which provides—

(i) initial training not later than 30 months after the date of enactment of this Act in the case of personnel assigned to survey such facilities on or before the date of enactment of this Act,

(ii) initial training not later than six months after the date on which personnel are assigned to survey such facilities in the case of personnel assigned to survey such facilities after the date of enactment of this Act, and

(iii) continuing education to such personnel at least every 36 months; and

(C) develop standards regarding the qualifications of such personnel, including a standard requiring that at least one member of any survey team be a qualified developmental disabilities professional (as defined by the Secretary);

(2) on the basis of a randomly selected sample of Federal and State surveys conducted, periodically conduct studies of the reliability of survey findings to determine the compliance of facilities certified under section 1905(d) of the Social Security Act with the standards prescribed by the Secretary under paragraph (1) of such section;

(3) make such changes in Federal regulations, administrative policies or procedures (or initiate such specialized training programs) as are—

(A) consistent with the findings of studies conducted under paragraph (2), and

(B) necessary to improve the reliability and consistency of survey findings and certification decisions with respect to facilities certified under section 1905(d); and

(4) with respect to Federal and State personnel who perform surveys regarding State compliance with the provisions of, and amendments made, by this Act, design and initiate a comprehensive training program for such personnel that provides for an amount of training at least equal to that described in paragraph (1)(B).

(c) DEVELOPMENT, TESTING, AND DISSEMINATION OF INSTRUMENTS AND STANDARDS.—

(1) Subject to paragraph (2), the Secretary shall support the development, field testing, and dissemination of—

(A) reliable and valid instruments to assess service outcomes in the provision of care and services under this Act, including outcomes in such areas as community integration, individual and family satisfaction, and the impact of environmental factors; and

(B) competency-based personnel standards with respect to every agency or organization involved in providing services to individuals with a severe disability for which any payment is made as a result of the amendments made by this Act.

(2) Nothing in paragraph (1) shall be construed to allow the Secretary to require that a State use a specific outcome indicator or personnel standard selected by the Secretary.

(d) ASSESSMENT OF STATE COMPLIANCE WITH STATE IMPLEMENTATION STRATEGY.—

(1) Beginning with the first fiscal year beginning after the date of enactment of this Act, the Secretary, after consultation with the Secretary of Education and study of any recommendations made by the Bureau of Developmental Disabilities under subsection (a)(5)(G), shall conduct an annual assessment of each State's—

(A) compliance with the provisions of section 1921(c) of the Social Security Act (as added by section 3(c) of this Act); and

(B) progress in carrying out its implementation strategy (required to be submitted under section 1921(c)(1) of such Act), including the steps taken to—

(i) expand the quantity and improve the quality of community and family support services;

(ii) develop essential support services necessary to maintain a responsive network of community and family support services (including the provision of training, technical assistance, and crisis intervention services); and

(iii) promulgate standards governing community and family support services and monitor compliance and take necessary steps to enforce such standards.

(2) The Secretary shall conduct annual assessments of the adequacy of the quality assurance components established by States under such implementation strategy. Such assessments shall include a review of community and family support services provided pursuant to such strategy and visits to community living facilities and entities providing such services.

(3) Nothing in this subsection shall be construed to require the approval of the Secretary of any State implementation strategy submitted under section 1921(c)(1) of the Social Security Act, if such strategy meets the requirements of section 1921(d) of such Act (as added by section 3(c) of this Act).

(e) REPORT.—Not later than January 15, 1994, and biennially thereafter, the Secretary shall submit a report to Congress that is based on the assessments, studies, and other activities conducted under subsections (b), (c), and (d) (and such other information as the Secretary may gather). Such report shall contain an analysis of the findings of such assessments, studies, and activities, a description of all relevant fiscal, programmatic, and demographic data, and recommendations regarding the need for any changes in Federal law.

(f) REGULATIONS.—

(1) Prior to the first fiscal year beginning after the date of enactment of this Act, the Secretary shall issue final regulations with respect to all amendments to the Social Security Act made by this Act, including regulations which govern the preparation, public review, distribution, and annual revision of the State implementation strategy (required to be submitted to the Secretary under section 1921(c)(1) of the Social Security Act, as added by section 3(c) of this Act).

(2) Nothing in this subsection shall be construed to authorize the Secretary to promulgate standards governing the provision of community and family support services.

(3) Nothing in this subsection shall be construed to prohibit payments under section 1903 of the Social Security Act prior to the issuance of regulations under this subsection to States which comply with the requirements of the amendments made to the Social Security Act by this Act.

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply with respect to fiscal years beginning after the date of enactment of this Act.

ORGANIZATIONS IN SUPPORT OF THE MEDICAID HOME AND COMMUNITY QUALITY ACT OF 1989

American Academy of Pediatrics.
American Association of University Affiliated Programs.
American Association on Mental Retardation.
American Diabetes Association.
Association for Persons in Supported Employment.
Association for Retarded Citizens of the United States.
Autism Society of America.
Council for Exceptional Children.
Epilepsy Foundation of America.
Mental Health Law Project.
National Association of Developmental Disabilities Council.
National Association of Protection and Advocacy Systems.
National Association of State Directors of Special Education.
National Association of Rehabilitation Facilities.
National Association of State Mental Health Program Directors.
National Association of State Mental Retardation Program Directors.
National Down Syndrome Congress.
National Easter Seal Society.
National Head Injury Foundation.
National Mental Health Association.
National Multiple Sclerosis Society.
National Recreation and Park Association.
The Association for Persons with Severe Handicaps.
United Cerebral Palsy Associations, Inc.

SHORT SUMMARY OF SENATOR JOHN H. CHAFEE'S MEDICAID REFORM LEGISLATION—THE HOME AND COMMUNITY QUALITY SERVICES ACT

ELIGIBILITY

Any individual who meets the state's means test; became disabled prior to age 22 and meets the federal SSI test of disability. The bill includes a provision to phase-in, on an annual basis, individuals who become disabled after the age of 22.

SERVICES

The list of home and community based services outlined in the Medicaid Home and Community Quality Services Act of 1987 remains the same. These services will be eligible for full federal matching funds.

The legislation provides that the following services are mandatory—in other words, the states must provide them in order to receive Medicaid reimbursement:

Protective intervention services;
case management;
individual and family support services (such as respite care and attendant care); and
specialized vocational services (designed to help disabled individuals learn job skills).

LIMITATIONS

The amount of federal dollars the state spends on intermediate care facilities for the mentally retarded (ICF/MR) will be frozen at the level of spending in the fiscal year preceding the enactment of the bill. In future years, states will receive increases in this amount only when inflation (as determined by the CPI) exceeds six percent in a given year.

ICF/MR and other residential facilities with less than fifteen individuals will be grandfathered—this means that the limitation will not apply to them. In addition, "cluster homes"—facilities which consist of three or fewer small homes with eight or less individuals per home which are located next to each other—are also grandfathered.

There will be no limitation on federal funds used for the community based services outlined in the legislation.

QUALITY AND MONITORING

The bill contains a detailed section on quality and monitoring provisions designed to ensure that the services provided in all residential settings are of high quality and are appropriate.

The bill also requires the Secretary of HHS to establish a Bureau of Developmental Disabilities Services which is designed to be the central office in HHS for administering and carrying out programs relating to individuals with disabilities.

PLANNING

Within two years of enactment, states will be required to amend their state Medicaid plan to comply with the provisions outlined in the legislation. The proposed plan must be available for public comment and must be reviewed by the state's Development Disabilities Council.

SECTION-BY-SECTION SUMMARY OF SENATOR JOHN H. CHAFEE'S MEDICAID REFORM LEGISLATION—THE HOME AND COMMUNITY QUALITY SERVICES ACT

NOTE: All dates referred to in this summary assume that the bill will be passed and signed into law in 1989.

SECTION 1—TITLE

SECTION 2—DEFINITIONS

Individual with a severe disability.—Any individual who meets the state's means test; became disabled prior to age 22 and meets the federal SSI test of disability. The bill includes a provision to phase-in, on an annual basis, individuals who become disabled after the age of 22.

Community and Family Support Services.—Services made available to an individual with a severe disability (or his or her family) to enable the individual to begin, resume or continue living in a family home, foster family home, or community living facility such services are outlined in the section allowing Medicaid to pay for them.

Family Home.—A residence maintained by an individual, couple or a natural or adoptive family in which one or more individuals with a severe disability are living who receive community and family support services.

Foster Family Home.—A residence maintained by an individual or couple in which not more than three individuals with a severe disability live and receive community and family support services and that is under contract with an agency licensed to place individuals with a severe disability in such residence.

Community Living Facility.—A single household (not a family home or foster family home) composed of related or unrelated persons which:

(a) provides living arrangements and one or more community and family support services; has a number of beds not greater than three times the average family size in the area in which the facility is located; is located in a neighborhood which is representative of residential neighborhoods in such area and which is populated primarily by individuals other than individuals with a severe disability; meets such standards of safety and other standards relating to services provided by the facilities are developed by the state; is staffed by individuals who are trained and retrained according to later requirements in the act and who cooperate with appropriate case managers and other providers in implementing a written habilitation plan for each individual.

(b) A facility that is in operation on Sept. 30, 1987; does not increase its number of

beds after such date; and which either does not contain more than 15 beds or consists of a cluster of two or three facilities in proximity to one another, each of which has no more than eight beds and which meets all of the other requirements outlined above, shall be deemed to be a community living facility.

Written Habilitation Plan.—A plan for medical assistance and other services for an individual with a severe disability which:

(1) is developed by an interdisciplinary team consisting of individuals requested to participate by the individual and the spouse, parent, guardian, other family member or advocate of such individual—where appropriate; individuals who are representative of professional and other disciplines which are relevant to the habilitation of such individual and have been or are likely to be involved in providing services to the individual

(2) is based on a comprehensive assessment of the strengths of the individual and the services and support necessary to enable such individual to attain or retain to the greatest extent possible capabilities for independence and to assess the services and support needed by the individual to engage in supported employment or other paid employment in an integrated employment environment

(3) specifies the individuals responsible for providing service under the plan and the frequency and duration with respect to which such services are provided; the objectives to be achieved with respect to an individual; the dates by which such objectives are to be achieved; program strategies for obtaining such objectives and the priority with which each objective is to be achieved;

(4) is reevalutated by such team at least once a year.

Case Management Services.—Defined page 8 of bill.

Individual and Family Support Services.—Defined page 10 of bill.

Specialized Vocational Services.—Defined page 10 of bill.

Habilitation Services.—Defined page 14 of bill.

Case Coordination Services.—Defined page 15 of bill.

Educationally Related Services.—Defined page 15 of bill.

Independence, Productivity and Integration.—Defined page 16 of bill.

SECTION 3.—COMMUNITY AND FAMILY SUPPORT SERVICES FOR CERTAIN INDIVIDUALS WITH A SEVERE DISABILITY

This section requires each state to amend its state Mdeicaid plan by October 1, 1991. If a state does not amend its plan (in accordance with the requirements of all of the provisions in this Act), the state will loose all of its Medicaid funding. In addition, it requires the state to provide an array of community and family support services to eligible individuals—at a minimum the array must include: Protective intervention services; case management; individual and family support services; and specialized vocational services. These services are defined in Section Two.

PAYMENT FOR SERVICES

The section amends the Medicaid statute to treat community and family support services as medical assistance—thereby allowing federal matching funds to be provided to the states for such services.

The list of reimbursable services is: case management, individual and family support services, specialized vocational services, protective intervention, habilitation services, case coordination, educationally related services, occupational therapy, physical therapy, speech therapy, nonaversive behavior intervention therapy, diagnostic and assessment services, personal assistance and attendant care, homemaker and chore services, respite care, crisis intervention, specialized training for families and care givers, special transportation, personal guidance, supervision and representation, preventive services and such other services proposed by the state and approved by the Secretary.

Payment for this list of services will be made only to an individual with a severe disability who is living in a family home, foster family home or community living facility and in accordance with the individual's written habilitation plan.

The following services may not be included as community and family support services: Room and board (except in certain special situations), cash payments as a service, aversive behavior intervention, management or therapies; services provided in a skilled nursing home or intermediate care facility; and any services (such as education, hospital, vocational rehabilitation etc. . .) which the individual would normally receive under another title.

STATE REQUIREMENTS.

A. In order to receive Medicaid funds for community and family support services, the state must make a series of assurances to the Secretary regarding the provision of such services in the state. These assurances include: reports to and cooperation with the Secretary; development of standards for individual and family support services which comport with principles outlined in the bill; development of a state implementation strategy for community services; maintenance of effort for state expenditures; safeguarding of rights of eligible individuals; equality of access to services regardless of the severity of disability or place of residence; residential services near the individual's family home; and planning for specialized vocational services in integrated environments. The Secretary must review these assurances to ensure that they are in compliance with the requirements of the Act.

B. The implementation strategy referred to above is a five-year plan (updated annually) which the state is required to develop with public participation and comment. The bill outlines the issues that must be addressed in the implementation strategy in great detail. They include the following: strategy for expanding community services and identifying the dollars required; methods for administering community services for those living at home or in other non-institutional settings; methods to protect employees affected by movement of disabled individuals from institutions; appropriate placement of individuals currently living in nursing homes; education, training and retraining of all staff; methods to track individual and system development/progress; due process safeguards for parents and individuals; standards governing the operation and provision of community and family support services; monitoring and quality review. The Secretary has authority to review the implementation strategy; however, only to the extent of determining whether the elements of the strategy meet the requirements of the Act.

WAIVER OF STATEWIDENESS

States are allowed to provide any new community and family support service for up to three years without meeting the Medicaid requirements for statewideness and comparability. After the three year period if the state wishes to continue to provide the services it must do so on a statewide basis and the service must be comparable in all parts of the state. This provision also applies to the mandatory services—in effect, it means that states will three years after their state plan is amended to provide the four mandatory services on a statewide basis.

SECTION 4—LIMITATIONS ON PAYMENTS FOR SERVICES PROVIDED IN LARGE FACILITIES

Beginning on October 1, 1990 the amount payable to any state under the Medicaid program for skilled nursing facility services and intermediate care facility services furnished to any individual who is under the age of 65 and who is under a disability within the meaning of SSI and the age of onset of such disability occurred before the individual reached the age of 22 in facilities having more than 15 beds shall not exceed the amount the state received for such services in such facilities between October 1, 1989 and October 1, 1990.

States will receive an increase in such funds only in a fiscal year in which the rate of inflation (as determined by the CPI) exceeds 6%—the increase will be equal to the difference between 6% and the inflation rate at that time.

The limitation will not apply to ICF/MR facilities which meet the size and location requirements for a community living facility; grandfathered facilities; and payments for services for an individual in a facility treated as a community living facility.

SECTION 5—PROTECTION OF RIGHTS OF INDIVIDUALS WITH A SEVERE DISABILITY

The state is required to have a system in effect which is designed to protect and advocate those rights of individuals with severe disability who are eligible for medical assistance which relate to the provision of such assistance.

The services provided by this system for individuals with a severe disability will be eligible for matching funds through the Medicaid program.

SECTION 6—PRIVATE ENFORCEMENT

This section gives private individuals the legal right to bring an action based on this Act.

SECTION 7—RATES OF PAYMENT

Allows the states to set rates of payments for services outlined under the Act.

SECTION 8—ELIGIBILITY OF CERTAIN INDIVIDUALS WITH A SEVERE DISABILITY

This section deals with some of the common problems associated with the issue of deeming of parental income to individuals with severe disabilities.

Requires the states to treat parental income for individuals living in institutions in the same way as individuals living in community living arrangements.

Allows states, at their option, to deem children under the age of 19 who are living at home, to be eligible regardless of parental income.

SECTION 11—RESPONSIBILITIES OF THE SECRETARY

Establishment of a Bureau of Developmental Disabilities.—The Secretary is required to establish (within HCFA) a Bureau of Developmental Disabilities. The section deals with how such a Bureau should be set up and what its responsibilities should be. The intent of the provision is to create a central organization within HCFA to deal with services provided to individuals with

developmental disabilities under the Medicaid program and to ensure that there is input from experts in this area into Secretarial decisions regarding Medicaid funding for these individuals.

Training of Survey Personnel.—The Secretary is required to set up education, training and retraining requirements for those who conduct look-behinds and survey state services for individuals with developmental disabilities.

ASSESSMENT OF STATE COMPLIANCE WITH STATE IMPLEMENTATION STRATEGY

The Secretary is required to make annual assessments of each state's compliance with its state plan amendment.

REGULATIONS

The Secretary is required to issue final regulations by October 1, 1990.

SECTION 12—EFFECTIVE DATE

October 1, 1990.

Mr. MITCHELL. Mr. President, I am pleased to join with my colleague from Rhode Island, Senator CHAFEE, in cosponsoring the Medicaid Home and Community Quality Services Act of 1989. I commend Senator CHAFEE for his diligent work on this legislation and for his commitment to improve the quality of life for citizens with developmental disabilities.

Senator CHAFEE has worked tirelessly over a period of many years to move this legislation through the Congress. During this time he has won many supporters for this legislation both inside and outside of the Congress. At the end of the 100th Congress this bill had 48 cosponsors in the Senate. Surely the time has come to enact this bill into law.

The Medicaid Home and Community Quality Services Act of 1989 will assist States in providing expanded home and community-based facilities for the developmentally disabled, a concept which has been enthusiastically supported in my home State of Maine for a number of years.

During the 100th Congress the Subcommittee on Health held a number of hearings to examine Medicaid financing of services for developmentally disabled persons in general, and the Chafee bill in particular. At these hearings, witnesses expressed their concerns about the Medicaid program's lack of flexibility in funding which would allow States to expand home and community-based living situations for the developmentally disabled.

Medicaid is the primary Federal program providing State with funding for long-term care for the disabled. Under current law, most of these funds are channeled to large institutions, only a limited amount is available for small home and community-based facilities.

As understanding of the capabilities and needs of developmentally disabled have changed in recent years, it has become apparent that traditional long-term care services provided in large institutions are no longer appropriate for the majority of disabled persons.

The Medicaid Home and Community Quality Services Act of 1989 is intended to restructure the Medicaid Program to better meet the needs of the developmentally disabled, while promoting greater independence and productivity for these citizens.

The bill freezes the amount of Medicaid funding States are allocated for large intermediate care facilities for the mentally retarded at the level of spending in the fiscal year preceeding enactment. In future years, States will receive increases in this amount only when inflation exceeds 6 percent per year.

Eligibility for funding will be determined by a State's means test and will include persons who became disabled before age 22. The bill also includes an important provision to phase-in, on an annual basis, individuals who become disabled after age 22. This will begin to address the critical need for long-term care for young adults who become disabled with spinal cord and head injuries.

The bill mandates a number of services States must provide in order to receive Medicaid reimbursement. These services include protective intervention, case management, individual and family support services and specialized vocational services.

I am particularly pleased that the bill includes quality and monitoring provisions designed to ensure that services provided in all facilities serving the disabled are appropriate and of high quality. The attention to the quality of care provided should be our highest priority when examining the programs which serve the most frail members of our society.

Many States, including Maine and Rhode Island, have developed a system of home and community-based care for the developmentally disabled which has proven to be highly successful and widely supported by the disabled and their familes. Passage of this legislation will support those efforts and encourage other states to develop similar models.

This legislation has been carefully developed over a long period of time, taking into account the needs and concerns of the developmentally disabled and their familes. It is an important step toward reforming the Medicaid Program to better meet the needs of this population and to encourage their independence and productivity.

I urge my colleagues to join me in supporting this important reform and to work for passage of this legislation during the 101st Congress.

Mr. DOLE. Mr. President, I am pleased to join as a cosponsor of Senator CHAFEE's Medicaid Home and community Quality Services Act of 1989. I do so because I endorse the bill's goal of creating more opportunities for personal growth and independence for individuals with severe disabilities.

In recent years, the trend in care for people with severe disabilities in my own State of Kansas and across the Nation has shifted from institutions to home and community-based settings. These less restrictive environments have proven to be very effective in encouraging such individuals to realize their full potential and become integrated into community life. The Medicaid Home and Community Quality Services Act recognizes and promotes this trend.

While I support providing more noninstitutional options to individuals with severe disabilities, I also believe we must do what we can to ensure that quality care is given to people living in institutions. I expect that careful consideration will be given to this and other issues of concern to institutional residents and their families. What is important is that we give people options—including the option of an institution—and that we make sure that, whatever the setting, the services provided are appropriate and of high quality.

Mr. President, we all support providing greater opportunities to people with disabilities to become productive and independent members of our society. Increasing options for quality care will give such individuals more control over their own lives, and for this reason I believe that the legislation we are introducing today deserves consideration.

Mr. RIEGLE. Mr. President, I am pleased to join with Senator CHAFEE and my other colleagues today as an original cosponsor of this measure. I believe this bill directs Medicaid funding in the right direction, which is toward community-based services for individuals with severe disabilities.

I strongly support Federal; assistance for disabled Americans who reside in community-based settings. However, I remain concerned about a number of provisions of this bill which have yet to be worked out in the Finance Committee. I am joining as a cosponsor of this bill with the understanding that although it is identical to S. 1673, which Senator CHAFEE introduced in the 100th Congress, I will be working with my colleagues to modify some provisions as we review the bill in committee.

This measure restructures the system of funding Medicaid services in order to assist people with disabilities to increase their independence, productivity and integration into the community. This bill will help families stay together by giving States added flexibility to provide community and in-home care, which can supplement the current system of institutional care.

How we treat individuals with disabilities is an issue which deeply touches their lives and the lives of

their families, and reflects on the values we stand for as a nation. In recent years, care for these individuals has been shifting from institutions to community based settings.

This legislation embodies the best hopes of all of those who have promoted that trend. It rearranges Federal financial support in recognition and encouragement of these changes.

Mr. President, I am proud to note that Michigan has been a pioneer in the effort to provide community care for disabled citizens. Over the past 10 years, the percentage of Michigan citizens in institutions has decreased significantly. This measure will encourage further progress.

Versions of this legislation which were introduced prior to the 100th Congress created concerns among some parents groups, caregivers and others that residents might be inappropriately forced from current care situations, and that operating institutions with a record of quality care would lost needed support. Senator CHAFEE introduced S. 1673 in the 100th Congress which went a long way toward meeting those concerns. I believe there are significant improvements which are yet to be made.

The most troubling provision of this measure is the cap on the total amount of Medicaid funds States could receive for reimbursement of institutional services for individuals with a severe disability. We should not take away from some Medicaid beneficiaries to help pay for others. Rather, we need to consider new ways of financing expansions in the program.

Michigan has been a proud leader in the movement toward successful deinstitutionalization. I am concerned, however, about those parts of the country that still have far to go. I remain unconvinced that community-based alternatives are readily available in all parts of the country to accommodate a significant portion of the individuals would be transferred from an institution under this bill.

I am pleased that the bill requires States to develop an implementation strategy which would be designed to expand community and family support services. This does not ensure, however, that the physical investment in homes and other settings will be made to accommodate individuals who are leaving institutions. Although we are making more funding available for individuals in need of services, we are not committing new resources to develop the physical plant that people will need. This should be taken into account before we consider major reductions in funding for institutionalized individuals.

This measure does not adequately address programming and staffing requirements for Medicaid eligible facilities. I intend to work on clarifying provisions of the bill to train and protect direct care staff so that they are not adversely affected by the changes proposed by this measure. We must ensure that quality staffing is maintained as we shift the focus of Government resources, so that residents in large and small settings are provided consistent, quality care.

We must protect the access of developmentally disabled persons to a full continuum of services where appropriate and needed. While I agree with the focus of this bill on expanding options available in the community, I think it is also important to continue our support for facilities which have demonstrated a record of comprehensive, quality care.

Mr. President, I am pleased to join as an original cosponsor of this important Medicaid reform legislation. I look forward to working with my colleagues in the Finance Committee and the Senate to enact the critical improvements in this bill.

Mr. ARMSTRONG. Mr. President, I am pleased to join my colleague Senator CHAFEE in introducing legislation which will assist individuals with severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life. I cosponsored this legislation last session, and am pleased that the Senate Finance Committee has committed to move this legislation quickly.

The Rocky Mountain News ran a letter I wrote to the editor in October 1987, and I would like to share that with my colleagues at this time. It underscores the timely need for this legislation.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Oct. 16, 1987]

GROUP HOMES MEAN BRIGHTER LIVES FOR THE RETARDED

(By William L. Armstrong)

A short time ago, I heard the story of a man named Bill, a 62-year-old living in Denver, who is mentally retarded. Bill was placed in a state institution at age 30, and stayed there for 32 years. He was written off as incapable of living in a community, unable to make friends or even participate in the institution's own day activities.

But thanks to a program funded by the state Division of Developmental Disabilities, Bill got a chance to leave the institution last March. His story is really quite incredible.

For years, all that was heard from Bill were unintelligible mumbles; no one believed he would ever talk. But on the very day he was placed in the community, a young woman overheard his mumbling and stopped in her tracks. She realized Bill was not just mumbling, but trying to say a few words in his native Polish. When she responded with the few words of Polish she knew, Bill started to cry. For the first time in 32 years, someone was trying to communicate with him.

Today, Bill is living in an apartment with a roommate to help care for him. He is out in the community, participating in senior citizen groups and enjoying a vastly improved quality of life.

I wonder if we can fully appreciate Bill's story. For most of us, the simple things in life come easy. Living in a community and making friends, joining with neighbors at Sunday worship, going out for pizza and a movie, or rooting for the Broncos each weekend are all things we do routinely. For the mentally retarded, doing the simple things in life are cherished dreams.

It doesn't have to be this way. A big part of the problem is that government programs do not adequately support and encourage the kind of community living people like Bill can so greatly benefit from. That is why earlier this month I joined with Sen. John Chafee, R-R.I., in sponsoring legislation to help make the dream of community living a reality for retarded citizens. The bill, called the Medicaid Home and Community Quality Services Act, would provide Medicaid benefits for retarded citizens who seek care in community settings—group homes or apartments shared with a roommate—rather than in institutions.

Medicaid is the principal federal program providing long-term care to the retarded and it is way behind the times. While care for the retarded has steadily shifted to community settings, Medicaid pays primarily for institutional services. That is really an unfortunate bias.

Living in a community, having access to the normal flow of life, and performing routine domestic tasks can be a tremendous boost to retarded citizens trying to achieve their greatest potential. More importantly, community living gives the retarded a chance to develop the friendships so crucial to personal development.

In Colorado, many others like Bill stand as testimony to the benefits of community care. In Greeley, a 35-year-old woman named Mary lived in a state institution for over 25 years due to a severe physical handicap and was deemed incapable of living in a community. Today she is living in an apartment active in church and community affairs and doing clerical work for a local nonprofit organization. More amazingly, she is on a lecture circuit of sorts, traveling around the state telling others of how community care has worked for her. She speaks very slowly, just one or two sentences at a time. But she is out trying to tell her story, something she never had a chance to do before.

Finally, there is the story of another Denver man, a 31-year-old named Jack, who has a fervent desire for life. Jack is quadriplegic—paralyzed from the neck down—and also has cerebral palsy. He lived in an institution from age 3 to age 25 and was given very little hope of ever making it. How many of us could face the odds Jack confronted? In 1984, Jack got the chance to live in a community and he said at the time he wanted only three things out of life.

First, he wanted an apartment, because to him having his own place was an important part of growing up and being a man. Today, he shares an apartment with a roommate who happens to be paraplegic. Second, he wanted a job in the community. Today, he is training for a job answering phones, and soon will join the ranks of the taxpayers. Finally, Jack said he wanted a girlfriend. I'm told he is working very hard on that right now and, given his track record, is certain to succeed.

That is what all mentally retarded citizens want: a chance to live in a community, contribute to society as normal people do and find the friendship and love we all need in our daily lives.

On a small scale, the state of Colorado has tried to make community care for the retarded work. But as state institutions continue to close, sufficient funding for community care will be essential. Now is the time to establish a sensible community-care alternative under Medicaid to meet the emerging needs of retarded citizens.

The legislation introduced in the Senate will help the most deserving among us become successful and independent members of their communities. That is a policy all Americans can be proud of, one that can make life so much more worthwhile for those who, in Camus' words, ask only for the chance to live beside us and be our friends.

Mr. CRANSTON. Mr. President, I am very pleased to be joining the Senator from Rhode Island [Mr. CHAFEE] in introducing the proposed "Medicaid Home and Community Quality Services Act of 1989." This measure is substantively identical to S. 1673, legislation which Senator CHAFEE introduced and I cosponsored in the 100th Congress. The bill would significantly reform the Medicaid program as it relates to services for individuals with developmental disabilities, such as mental retardation, cerebral palsy, and autism.

Under current law, the vast bulk of Medicaid funding for the care of developmentally disabled individuals is spent on services in intermediate care facilities for the mentally retarded [ICF/MR]. Although a waiver program does exist to enable Medicaid funding to be used for community-based programs, only about 8 percent of Medicaid dollars for the developmentally disabled population is used for that purpose.

The Chafee bill would dramatically alter the proinstitutional bias in the Medicaid Program by providing States with more flexibility in establishing a broad range of community and home-based services for persons with developmental disabilities.

Mr. President, the Senator from Rhode Island has worked tirelessly on this initiative for many years—modifying the legislation in each Congress to address concerns of the families and service providers of developmentally disabled individuals. I first joined as a cosponsor of this legislation last year, when I became convinced that it had struck a reasonable balance between the need to develop community services—a most pressing need in my view—and the need to continue the availability of some institutional care.

Nevertheless, I believe that additional modifications are still needed—particularly in the area of quality assurance. The legislation currently would require the States to establish comprehensive quality assurance systems, including community service standards, methods and procedures for monitoring and for licensing providers, methods for correcting deficiencies, and procedures for continuity of services. It would also establish in the Health Care Financing Administration a Bureau of Developmental Disabilities which would have substantial authority and responsibility for monitoring the development of State standards and for the State's implementation of its plan.

Mr. President, although I generally support this approach, I am concerned that an active role on the part of the Federal Government may be needed to ensure that a minimum level of standards is adhered to by the States and am concerned that Federal standards may be necessary. It is essential, in order for this effort to succeed, that families have confidence that their relatives will receive quality services in the community.

LOS ANGELES TIMES ARTICLES

Mr. President, the Los Angeles Times published a series of articles on January 8, 9, and 10 of this year regarding the quality of community-based services for developmentally disabled individuals. The articles described deplorable programs—far from the kind envisioned when the effort to place mentally retarded individuals in the least restrictive environment began in California nearly two decades ago. The program described by the Times resulted in the needless endangerment, and in some cases death, of their residents.

Clearly these are the worst situations and are the products of lax monitoring and enforcement. However, I am aware that many excellent programs also exist in California and elsewhere, in which individuals with developmental disabilities thrive and grow and become active members of society. These programs are fulfilling the promise of providing the best opportunities for these developmentally disabled individuals.

Mr. President, families should not have to rely on luck for placement of their relatives into good programs and not bad ones. I understand the deep concerns that some parents have regarding the Chafee bill, which I believe stem from uneasiness about the variability of the quality of existing community programs.

However, I do not believe that the problem lies in the community model. The problem lies in the implementation of the model—in the commitment of States to make certain that good standards are rigorously enforced. The Chafee bill would help significantly improve the quality and stability of community programs. By providing Medicaid funding for these programs, the Federal Government should have a greater say in ensuring the quality of services provided.

CAP ON INSTITUTIONAL FUNDING

Finally, Mr. President, I am concerned about the bill's proposed "cap" of funding to large institutions. The California chapter of the Association for Retarded Citizens, which supports this legislation, believes that funding to such facilities should be indexed to reflect changes in inflation and State population growth. Although I believe that most individuals with developmental disabilities can function and develop their potential better in community settings, there may be situations where community settings are not the most appropriate or are unavailable. The option of institutionalization should be preserved for individuals in those situations. I plan to pursue this issue with the author of the bill.

CONCLUSION

Mr. President, in expanding the availability of funding for home and community-based services, we must take great care to ensure that the services provided are of high quality. I am supporting this legislation because I believe that it would help eliminate the kinds of detestable situations described in the L.A. Times article, and I will be working with the sponsor of the bill to ensure that the quality-assurance provisions in the bill meet that goal.

Mr. CONRAD. Mr. President, I rise today as an original cosponsor of the Medicaid Home and Community Quality Services Act. I cosponsored this legislation in the last Congress and I am pleased to offer my support again in the 101st Congress.

This bill addresses itself to the issue of independence. Currently, half of all Medicaid funds flow to long-term care for the elderly and disabled; they also go primarily to large facilities—hospitals or nursing homes. In order for Medicaid funds to be used for community care the State must receive a waiver, which is not permanent. By encouraging States to develop plans for community-based care, this bill removes the built-in Medicaid bias toward institutional care.

In my own State of North Dakota, Medicaid waivers were key to the deinstitutionalization of many residents of the State hospital. This act would allow for the continuation of the important community care allowed by the Medicaid waiver, would also strengthen the network of community-based care facilities, and set the correct precedent for the future.

North Dakota's experience with deinstitutionalization is instructive. Former residents of the Grafton State school live in communities throughout the State. According to the North Dakota Association of Retarded Citizens, many of the former patients hold jobs and receive paychecks, contributing to and participating in their com-

munities. Without Medicaid reform, these citizens may be unable to live on their own and may be forced to return to institutional care.

Mr. President, the Medicaid Home and Community Quality Services Act would do much to promote the sort of independent living that mental health professionals encourage. This bill would allow a more flexible Medicaid system, one that can be tailored to the needs of each individual's disabilities.

Mr. President, I strongly support this long-overdue legislation. I urge my Senate colleagues to support it and I hope the 101st Congress will enact it expeditiously.

By Mr. ROTH (for himself and Mr. RIEGLE):

S. 385. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

SUSPENSION OF DUTY ON BENDIOCARB

Mr. ROTH. Mr. President, I rise to introduce a bill with Senator RIEGLE to temporarily suspend the duty on a chemical, 2,2-dimethyll-1,3-benzodioxol-4-yl methyl carbamate, also known as Bendiocarb.

I am introducing this bill on behalf of Nor-Am Chemical Co. of Wilmington.

Bendiocarb is a pesticide which is authorized for use by pest control companies in controlling fleas, ants, and roaches. It is widely used in hospitals, nursing homes, and other institutions.

I understand that there is no domestic production of this chemical in the United States.

Suspending the 8.6-percent duty will assist Nor-Am to keep prices down, lowering the cost of production, thereby strengthening the U.S. economy and enabling Nor-Am to be a stronger competitor in international markets. It will also assure that this product is more readily available for pest control purposes.

I hope the Congress will act expeditiously to approve this duty suspension bill.

By Mr. METZENBAUM (for himself, Mr. CHAFEE, Mr. PELL and Mr. CRANSTON):

S. 386. A bill to control the sale and use of assault weapons; to the Committe on the Judiciary.

ASSAULT WEAPON CONTROL ACT OF 1989

● Mr. METZENBAUM. Mr. President, I rise today to introduce legislation that will ban the importation and sale of new semiautomatic assault weapons.

These weapons of war can be found at gun dealers across the country, and can be purchased over the counter without any waiting period or background check of the buyer.

One of these weapons, an AK-47 assault rifle, was used last month by a gunman in a schoolyard in Stockton, CA. It was reported that he fired over 100 rounds of ammunition in less than 2 minutes. The result was 5 children killed, 29 children and 1 teacher wounded.

The Stockton gunman, despite an extensive arrest record, misdemeanor convictions, and a history of mental illness, was able to walk into a gun shop, fill out a simple Federal firearms form with no background check, pay his money and walk out with a weapon designed by the Soviet Union for its combat troops.

These assault weapons in the hands of criminals put our law enforcement officers at a great disadvantage in any exchange of gunfire. In 1986 eight FBI agents in Miami became involved in a gunfight with two bank robbers, one of whom was armed with a Ruger mini 14 assault weapon. The result was two agents killed, and five wounded.

Last year in Los Angeles, a police officer was shot and killed by a gang member armed with an AR-15, an assault weapon similar to the U.S. Army's M-16. Three years earlier, another Los Angeles police officer was killed, when ambushed by a gunman armed with a MAC-10.

These semiautomatic assault firearms have become the weapons of choice of drug dealers. The easy availability of these weapons dangerously tips the balance of power away from our law enforcement officers, who are on the frontline in our Nation's war on drugs. These weapons are not designed for hunting game but for killing human beings.

The legislation I am introducing today would ban the manufacture, importation, possession, and transfer of new assault weapons. This step would halt the rapid growth in the number of these weapons in circulation. Second, it would require the registration of assault weapons lawfully possessed prior to the bill's effective date. Persons who own these weapons now would be allowed to keep them, but through registration, law enforcement authorities would be able to keep records of the owners and persons to whom they are transferred. Third, any transfer or sale of a lawfully possessed assault weapon would be subject to a thorough background check of the buyer, comparable to that now employed when a machinegun is sold.

Before a potential buyer could take possession of the firearm, he or she would have to submit an application with photograph and fingerprints to the Bureau of Alcohol, Tobacco, and Firearms. Before BATF could approve the sale, the buyer would have to obtain a signed certificate from his local chief of police, sheriff of the county, head of the State police, or State or local district attorney or prosecutor. The local law enforcement official must state that he has no information indicating that the receipt or possession of the semiautomatic assault weapon would place the buyer in violation of State or local law, and that he has no information that the buyer will use the assault weapon for other than lawful purposes.

This certification would allow a local law enforcement official to stop the sale of an assault weapon to an individual known to the local police as someone who would present a risk to the community if armed with that firearm. Had such a procedure been in effect last August when Patrick Edward Purdy bought the AK-47 he used in the Stockton shooting, the local police would not have allowed that sale.

This bill does not in any way limit the ability to purchase a legitimate hunting rifle or handgun. The bill's coverage is limited to a specific list of the most dangerous military weapons now available and to firearms with large fixed magazines.

This bill specifically identifies the most dangerous assault weapons now available to the general public, including the AK-47, the Uzi, Mac 10 and Mac 11, Tec 9 and Tec 22, Ruger mini 14, AR-15, FN-FAL, FN-FNC, Steyr Aug, Beretta AR 70, and the street sweeper shotgun. These weapons and any other firearms which are substantially identical to them, are automatically defined as assault weapons. They are all designed and marketed to use large capacity magazines, which enable them to fire a large number of rounds in a matter of seconds. For example, the Stockton gunman managed to fire over 100 rounds in less than 2 minutes sending a hail of gunfire through a group of children on the school's playground. The street sweeper shotgun, originally designed as a crowd control weapon in South Africa, is advertised as capable of firing 12 shotgun blasts in 3 seconds. These firearms in the hands of criminals are a danger to society and a problem for law enforcement. An Uzi, which can fire 30 rounds in 5 seconds, or a street sweeper capable of firing 12 shotgun shells in 3 seconds is a machine intended to kill people, not deer.

The bill also prohibits the transfer, possession, and importation of detachable magazines and ammunition belts with a capacity of more than 10 rounds. A magazine or belt is the mechanism for feeding ammunition into a firearm. By limition their size, this legislation prevents any person or manufacturer from selling to the general public large capacity magazines or belts for use in semiautomatic weapons. As for large capacity magazines and belts already in the hands of the general public, the bill allows for the sale or donation of them to the Government, for use by the military or law enforcement. The bill does not seek to restrict in any way sales or pos-

session of semiautomatic rifles or handguns which do not come within the precise terms of the bill.

The Secretary of the Treasury is specifically precluded from designating as an assault weapon any firearm that does not have semiautomatic action, or which cannot employ a detachable magazine or ammunition belt with a capacity greater than 10 rounds. These and other specific exclusions in the bill ensure that firearms designed for, and used specifically for hunting, target practice, or other sports or recreational activity will not be restricted in any way by this legislation.

The weapons of war targeted by this bill have no place on the streets and in the schoolyards of America. I believe that most Americans would agree with the Director of the FBI William Sessions, who said in the aftermath of the Stockton tragedy, "Where there seems to be no rationale for having those types of weapons for any purpose other than making war and killing people, it would seem to me that there is some rationale for limitation of that type of weapon."

Support for Federal legislation on assault weapons has been voiced in the past few weeks by groups such as the U.S. Conference of Mayors, the National Association of Police Organizations, and the American Bar Association.

The American people are fed up with the death and violence brought on by these assault weapons. They demand action. I urge my colleagues to join me in supporting this measure.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act shall be known as the "Assault Weapon Control Act of 1989."

SEC. 2. Section 922 of title 18, United States Code, is amended by adding at the end thereof the following:

"(p)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive or possess any assault weapon.

"(2) This subsection does not apply with respect to—

"(A) transfer, importation, transporting, shipping or receiving to or by, or possession by or under, authority of the United States or any department or agency thereof, or of any State or any department, agency, or political subdivision thereof; or

"(B) any lawful transfer or possession of such a weapon that was lawfully possessed before the effective date of this subsection.".

"(q)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive or possess a large-capacity detachable magazine or large-capacity ammunition belt, which can be employed by a semi-automatic firearm.

(2) This subsection does not apply with respect to—

(A) any transfer, importation, transporting, shipping or receiving to or by, or possession by or under, authority of the United States or any department or agency thereof, or of any State or any department, agency, or political subdivision thereof; or

(B) within 60 days of the date of enactment of this Act—

(i) any possession of such magazine or ammunition belt that was lawfully possessed before the date of this subsection; or

(ii) any transfer, transporting, shipping, or receiving to or by any person for the purpose of sale or donation of such magazines or ammunition belts to the United States or any department or agency thereof, or any State or any department, agency or political subdivision thereof."

SEC. 3. Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following:

"(25) The term 'assault weapon' means all firearms designated as assault weapons in this paragraph and all other semi-automatic firearms which are determined by the Secretary of the Treasury, in consultation with the Attorney General, to be assault weapons, as provided in this Act. Such term shall include, in addition to any other firearm identified by the Secretary, all versions of the following, including firearms sold under the designation provided in this subsection and firearms which are substantially identical sold under any designation:

(A) Avtomat Kalashnikov semi-automatic firearms;

(B) Uzi semi-automatic firearms;

(C) Ingram Mac 10 or 11 semi-automatic firearms;

(D) TEC 9 and TEC 22 semi-automatic firearms;

(E) Ruger Mini 14 semi-automatic firearms;

(F) AR-15 semi-automatic firearms;

(G) Beretta AR 70 semi-automatic firearms;

(H) FN-FAL and FN-FNC semi-automatic firearms;

(I) Steyr Aug semi-automatic firearms

(J) shotguns with revolving cylinders known as the Street Sweeper and Striker 12;

(K) any other semi-automatic firearm with a fixed magazine capacity exceeding ten rounds; and

(L) any other shotgun with a fixed magazine, cylinder or drum capacity exceeding six rounds.

(26) The term 'large-capacity magazine' means a box, drum or other container which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic firearm, or a magazine which can be readily converted into a large-capacity magazine.

(27) The term 'large-capacity ammunition belt' means a belt or strip which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic firearm, or an ammunition belt which can be readily converted into a large-capacity ammunition belt.

(28) The term 'semi-automatic' means a firearm capable of firing a series of rounds by a successive depression of the trigger without additional slide, bolt or other manual action.

SEC. 4. Title 18, United States Code, is amended by adding the following new section to chapter 44.

"Sec. . Identification of Assault Weapons.

"(a) The Secretary, in consultation with the Attorney General shall, within 30 days after the date of enactment of this Act, determine which firearms sold, or potentially sold in the United States, in addition to those specifically designated in this Act, shall be designated as assault weapons under the provisions of Section 3 of this Act. The Secretary shall publish the list of firearms so designated and take steps to make the list and explanatory information widely available to the public.

"(b) The Secretary, after consultation with the Attorney General, may periodically modify the list of firearms designated as assault weapons consistent with this Act.

"(c) The Secretary may issue an emergency order, for not longer than 90 days, barring importation and sale of any firearms, which the Secretary has reason to believe may be designated an assault weapon.

"(d) Notwithstanding any provision of this Act, no firearm shall be designated as an assault weapon which:

"(1) does not employ fixed ammunition;

"(2) was manufactured prior to 1898;

"(3) operates by manual bolt action;

"(4) operates by lever action;

"(5) operates by slide action;

"(6) is a single shot weapon;

"(7) is a multiple barrel weapon;

"(8) is a revolving cylinder weapon other than a shotgun;

"(9) employs a fixed magazine with a capacity of ten rounds or less;

"(10) is rim fire weapon that employs a tubular magazine with a magazine capacity of six rounds or less;

"(11) cannot employ a detachable magazine or ammunition belt with a capacity greater than ten rounds; or

"(12) was modified so as to render it permanently inoperable or so as to make it permanently a device which may not appropriately be designated as an assault weapon.

"(e) The Secretary, in consultation with the Attorney General, shall, when appropriate, recommend to Congress any appropriate modification of this Act, including the addition or deletion of firearms to be designated as assault weapons, provided that the Secretary shall submit an initial report containing any recommendations regarding the type of firearms designated as assault weapons no later than three months after the date of enactment of this Act.".

SEC. 5. Title 18, United States Code, is amended by adding the following new section to chapter 44:

"Sec. . Use of Assault Weapons."

(a) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries an assault weapon, shall, in addition to the punishment provided for the commission of such other crimes committed by the defendant, be sentenced to a term of imprisonment for not less than five years.

(b) For purposes of this subsection, the term "drug trafficking crime" means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act).

SEC. 6. (a) Section 5812 of Title 26, United States 26, United States Code, is amended by inserting the phrase "or assault weapon" after "firearm" wherever it appears.

(b) Section 5822 of Title 26, United States Code, is amended by inserting the phrase "or assault weapon" after "firearm" wherever it appears.

(c) Subsections (a), (b), and (c) of Section 5841 of Title 26, United States Code, is amended by adding the phrase "or assault weapons" after "firearms" wherever it appears and adding the phrase "or assault weapon" after "firearm" wherever it appears.

(d) Section 5841 of Title 26, United States Code, is amended by adding the following new subsection:

"(f) Any person in the possession of an assault weapon on the date of enactment of this Act shall register such firearm with the Secretary under such regulations as he may prescribe. Such registration shall be required for any type of assault weapon not later than 30 days from the date the Secretary provides public notice that the type of firearm is designated as an assault weapon or promulgates regulations for registration, whichever is later; provided that any firearm specifically designated as an assault weapon in paragraphs 921(a)(25)(A)-(I), as added by this Act, shall be registered within 30 days of the promulgation of regulations for registration by the Secretary.

(e) Section 5861 of Title 26, United States Code, is amended by adding the following new subsection:

"(m) to fail to register an assault weapon in violation of the provisions of this chapter."

(f) Section 5845 of Title 26, United States Code, is amended by adding the following new subsection:

"(i) Assault Weapons. The term 'assault weapon' shall have the meaning provided in Section 921 of Title 18."

SEC. 7. EFFECTIVE DATE.—Unless otherwise provided, this Act shall become effective thirty days after the date of enactment of this Act.

By Mr. DIXON:

S. 387. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1989

Mr. DIXON. Mr. President, tomorrow night, President Bush will address the Nation to present his budget for fiscal year 1990. I would hope that included in the President's budget proposal would be a call for a tax amnesty program that has proven extremely successful in many States, including my State of Illinois.

Mr. President, for the past 8 years, the Federal deficit has averaged an appalling $177 billion, representing 4.5 percent of the gross national product. A Federal budget deficit of this magnitude ultimately results in slower economic growth and a lower standard of living for our citizens. As many of us in Congress clearly recognize, the budget deficit is one of the most pressing problems confronting our Nation.

There are many factors that have contributed to our budget crisis. One very important factor that has not received nearly the attention it deserves has to do with tax compliance levels.

Compliance with our Federal tax laws is declining, creating what is referred to as the "tax gap." The tax gap is the difference between the amount of taxes that would be collected if there was 100 percent compliance with our tax laws, and the amount that is actually collected. This tax gap exacerbates our mounting budget deficit, as well as increases the burdens upon all taxpaying citizens.

A number of important provisions designed to improve tax compliance were contained in the Tax Reform Act of 1986. Indeed, incorporated in that bill was an attempt to deal with the interrelated problems of fairness, complexity, and noncompliance. In my view, however, tax reform speaks only to future compliance. It fails to address the issue of collecting even some part of the lost revenue dollars due our Government.

Today, almost one-sixth of the taxes legally owed and due the United States are currently not being collected. A 1988 study, conducted by the Internal Revenue Service, reveals that the tax gap in 1987 is almost three times higher than it was in 1973. The IRS projects that in 1987, lost revenue to the Government will amount to $84.9 billion. Furthermore, it is estimated that the tax gap will reach $113.7 billion by 1992.

Every year, billions and billions of dollars are lost to our tax collection system. Increased IRS collection efforts alone cannot recover the vast majority of these outstanding delinquent balances.

It should not be assumed, however, that there is no way to recover a large portion of these lost revenues from prior years.

The increasing awareness of this tax gap has contributed to the growing interest and support for tax amnesty legislation. A number of States—including Illinois; Massachusetts; New York; Connecticut, where the Presiding Officer [Mr. LIEBERMAN] served ably as attorney general; Kansas, Alabama, Texas, Missouri, Minnesota, North Dakota, New Mexico, Arizona, California, Idaho, and Maryland have enacted tax amnesty programs. The success of these State tax amnesty programs has demonstrated the potential of this idea at the National level.

In my own State of Illinois alone, approximately $150 million was collected, far more than the Illinois Department of Revenue originally estimated. I want to depart from my text to say this: In Illinois the Department of Revenue opposed a tax amnestry program, said it would not raise any money at all. It raised $150 million.

The president of the Illinois State Senate, Phil Rock, is in town today for a meeting of the DNC we just discussed a moment ago. He said it was a remarkbly successful program in our State. The IRS opposed it, I think, on similar grounds and I think the IRS, like the Department of Revenue in Illinois, would be pleasantly surprised what a tax amnesty at the Federal level would mean. These were revenues Illinois otherwise would not be able to collect.

It is true that Federal tax collection efforts are more sophisticated than those of the States. At the same time, however, the Federal Government is losing billions of tax dollars—roughly $85 billion in 1987. Of this $85 billion, underreported income—that is, overstated deductions and credits, as well as unreported income, represent $48 billion. The largest portion of this unreported income is from sole proprietorships, informal supplier income, and capital gains.

Mr. President, the State amnesty programs have demonstrated that many individuals and companies will come forward if they can pay their back taxes and not be prosecuted. The State programs have also revealed that amnesty programs have enabled the States to collect significant amounts of currently uncollectable revenue with a minimal amount of resources.

Amnesty is a simple concept. It provides an opportunity for delinquent taxpayers to fully pay their overdue tax liability without being subject to criminal or civil prosecution. In Illinois, for example, the State collected approximately $150 million—far more than the Illinois Department of Revenue originally estimated. In addition, other States have also demonstrated impressive results. Over 130,000 delinquent taxpayers came forward in California and over $72 million was collected in Massachusetts.

The State programs were not giveaways: They did not reward tax cheaters. They did not reward tax cheaters. Rather, the State programs were balanced. Following the amnesty period, compliance efforts and penalties for noncompliance were increased. However, the State programs have resulted in placing additional taxpayers back on the rolls. These are additional revenues that the State would otherwise not have been able to collect.

At the Federal level, revenues from a tax amnesty/enforcement package can be utilized to help reduce our budget deficits. At the same time, these revenues can help preserve high-priority Federal programs that are currently facing drastic cuts or elimination. A tax amnesty/tougher enforcement program can help break the current

budget gridlock by generating essential revenues to comply with the Gramm-Rudman-Hollings deficit reduction targets while preserving our ability to met both essential defense and domestic needs.

The bill that I am introducing today establishes a 6-month amnesty period, to begin on the July 1 after the bill is enacted. The amnesty period would cover all tax years through 1987 still subject to collection by the IRS.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. All Federal taxes would be covered by the amnesty, not just the Federal income tax.

As we battle headlong to reduce our uncontrolable budget deficit, debating over whether to cut essential programs or impose unwanted taxes on our citizens, we should take advantage of the benefits that a tax amnesty program yields. I urge my colleagues to carefully examine the amnesty concept. I remain confident that a thorough and fair-minded review of this proposal will result in large, bipartisan support for such a program.

Mr. President, from time to time after the remarks of the President and his State of the Union Address tomorrow, I will be heard again on what I continue to feel is an excellent opportunity to bring in substantial revenue and, read my lips, without a tax increase.

I ask unanimous consent that this tax amnesty bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Tax Delinquency Amnesty Act of 1989".

SEC. 2. WAIVER OF CRIMINAL AND CIVIL PENALTIES AND 50 PERCENT OF INTEREST PENALTY.

(a) GENERAL RULE.—In the case of any underpayment of Federal tax for any taxable period, the taxpayer shall not be liable for any criminal or civil penalty (or addition to tax) or 50 percent of any interest penalty provided by the Internal Revenue Code of 1986 with respect to such underpayment if—

(1) during the amnesty period—

(A) the taxpayer files a written statement with the Secretary which sets forth—

(i) the name, address, and taxpayer identification number of the taxpayer,

(ii) the amount of the underpayment for the taxable period, and

(iii) such information as the Secretary may require for purposes of determining the correct amount of the underpayment for the taxable period, and

(B) the taxpayer agrees to a waiver of any restriction on the assessment or collection of such underpayment,

(2) when filing the statement described in paragraph (1), the taxpayer pays the amount of the underpayment shown on such statement, and

(3) not later than 30 days after the date on which the taxpayer is notified by the Secretary of the amount which equals 50 percent of the interest payable with respect to the underpayment (and the amount of any tax delinquent amount with respect to the taxpayer), the taxpayer pays the full amount of such interest (and such tax delinquent amount).

(b) INSTALLMENT PAYMENT OF TAX PERMITTED IN CERTAIN CASES.—The requirements of paragraphs (2) and (3) of subsection (a) shall be treated as met if—

(1) the taxpayer in the statement filed under subsection (a)(1) requests the privilege of making installment payments under this subsection, and

(2) the taxpayer enters into an agreement with the Secretary for the payment (in installments) of the amounts required to be paid under paragraphs (2) and (3) of subsection (a) within 30 days after contacted by the Secretary for purposes of entering into such an agreement (or in any case where the Secretary determines that permitting the payment in installments of such amounts is not appropriate, the taxpayer pays the entire amount of such amounts within 30 days after notified by the Secretary of such determination).

(c) AMOUNT OF UNDERPAYMENT DISPUTED.—If the amount under paragraph (3) of subsection (a) is disputed by the taxpayer, such amount must be paid within the period described in subsection (a). If the taxpayer is entitled to a refund as a result of the resolution of the dispute through normal administrative and judicial procedures, the Secretary shall refund the amount plus interest at the 6-month Treasury bill rate in effect as of the date the dispute is resolved.

(d) AMNESTY NOT TO APPLY IN CERTAIN CASES.—

(1) WHERE TAXPAYER CONTACTED BEFORE STATEMENT FILED.—Subsection (a) shall not apply to any underpayment of Federal tax for any taxable period to the extent that before the statement is filed under subsection (a)(1)—

(A) such underpayment was assessed,

(B) a notice of deficiency with respect to such underpayment was mailed under section 6212 of the Internal Revenue Code of 1986, or

(C) the taxpayer was informed by the Secretary that the Secretary has questions about the taxpayer's tax liability for the taxable period.

(2) WHERE FRAUD IN SEEKING AMNESTY OR WHERE CRIMINAL INVESTIGATION PENDING.—Subsection (a) shall not apply to any taxpayer if—

(A) any representation made by such taxpayer under this section is false or fraudulent in any material respect, or

(B) a Justice Department referral (within the meaning of section 7602(c)(2) of the Internal Revenue Code of 1986) is in effect with respect to such taxpayer as of the time the statement is filed under subsection (a)(1).

(3) ILLEGAL SOURCE INCOME.—Subsection (a) shall not apply to any underpayment of Federal tax with respect to income resulting from a criminal offense under Federal, State, or local law.

(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AMNESTY PERIOD.—The term "amnesty period" means the 6-month period which begins on July 1, 1989, or on the first July 1 after the date of the enactment of this Act.

(2) FEDERAL TAX.—The term "Federal tax" means any tax imposed by the Internal Revenue Code of 1986.

(3) TAXABLE PERIOD.—

(A) IN GENERAL.—The term "taxable period" means—

(i) in the case of a tax imposed by subtitle A of the Internal Revenue Code of 1986, the taxable year, or

(ii) in the case of any other tax, the period in respect of which such tax is imposed.

(B) SPECIAL RULE FOR TAXES WITH NO TAXABLE PERIOD.—In the case of any tax in respect of which there is no taxable period, any reference in this section to a taxable period shall be treated as a reference to the taxable event.

(4) ADDITION TO TAX INCLUDES ADDITIONAL AMOUNT.—The term "addition to tax" includes any additional amount.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) FORM OF STATEMENT.—Any statement under subsection (a)(1) shall be filed in such manner and form as the Secretary shall prescribe.

(7) NOTICE TO RELATED PERSONS TREATED AS NOTICE TO THE TAXPAYER.—

(A) IN GENERAL.—For purposes of subsection (d)(1)(C), any notice to a related person with respect to a matter which may materially affect the tax liability of the taxpayer for any taxable period shall be treated as notice to the taxpayer with respect to such taxable period.

(B) RELATED PERSON.—For purposes of subparagraph (A), the term "related person" means—

(i) any person who during the taxable period bore a relationship to the taxpayer described in section 267(b) of the Internal Revenue Code of 1986,

(ii) any partnership in which the taxpayer was a partner during the taxable period, or

(iii) any S corporation (as defined in section 1361 of such Code) in which the taxpayer was a shareholder during the taxable period.

(f) PERIODS FOR WHICH AMNESTY AVAILABLE.—The provisions of this section shall apply only to underpayments of Federal tax for taxable periods ending before January 1, 1988 (or, in the case of a tax for which there is no taxable period, taxable events before January 1, 1988).

(g) ADDITIONAL AUTHORIZATIONS.—

(1) AMNESTY PROGRAM.—There are authorized to be appropriated such sums as are necessary to administer the amnesty program, using special efforts to publicize such program including direct-mail contacts and radio, television, and print-media advertising.

(2) ADDITIONAL IRS AGENTS.—There are authorized to be appropriated such sums as are necessary to employ 3,000 additional Internal Revenue Service agents.

SEC. 3. CRIMINAL AND CIVIL TAX PENALTIES INCREASED BY 50 PERCENT.

(a) CIVIL PENALTIES.—

(1) Subsections (a)(2), (a)(3), and (d)(1) of section 6651 of the Internal Revenue Code of 1986 (relating to failure to file tax return or to pay tax) are each amended by striking out "0.5 percent" each place it appears and inserting in lieu thereof "0.75 percent".

(2) The following provisions of such Code are each amended by striking out "1 percent" each place it appears and inserting in lieu thereof "1.5 percent":

(A) Section 6651(d)(1) (relating to increase in penalty for failure to pay tax in certain cases).

(B) Subsection (b) of section 6706 (relating to original issue discount information requirements).

(C) Paragraph (2)(A) of section 6707(a) (relating to failure to register tax shelter).

(3) Section 6657 of such Code (relating to bad checks) is amended by striking out "2 percent" and inserting in lieu thereof "3 percent".

(4) The following provisions of such Code are each amended by striking out "5 percent" each place it appears and inserting in lieu thereof "7.5 percent":

(A) Paragraph (5)(A)(i) of section 6013(b) (relating to joint return after filing separate return).

(B) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(C) Subsection (a)(1) of section 6651 (relating to file tax return or to pay tax).

(D) Subsections (c)(1) and (f)(3)(B) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(E) Paragraph (1) of section 6653(a) (relating to additions to tax for negligence).

(F) Subsection (a) of section 6677 (relating to failure to file information returns with respect to certain foreign trusts).

(G) Subsection (a) of section 6689 (relating to failure to file notice of redetermination of foreign tax).

(5) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent":

(A) Subsection (m)(5)(B) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts).

(B) The heading and paragraph (1) of section 72(q) (relating to 10-percent penalty for premature distributions from annuity contracts).

(C) The heading and paragraph (1) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans).

(D) The heading and paragraph (1) of section 72(v) (relating to 10-percent additional tax for taxable distributions from modified endowment contracts).

(E) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(F) Subsection (a) of section 6656 (relating to failure to make deposit of taxes or overstatement of deposits).

(G) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(H) Subsection (b) of section 6659A (relating to addition to tax in case of overstatements of pension liabilities).

(I) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(J) Section 6683 (relating to failure of foreign corporation to file return of personal holding company tax).

(K) Subsection (b)(1)(A) of section 6721 (relating to failure to file certain information returns).

(L) Subsection (b)(1)(A) of section 6723 (relating to failure to include correct information).

(6) The following provisions of such Code are each amended by striking out "20 percent" each place it appears and inserting in lieu thereof "30 percent":

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(B) Subsection (b) of section 6659A (relating to addition to tax in case of overstatements of pension liabilities).

(C) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(D) Subsection (a) of section 6700 (relating to promoting abusive tax shelters, etc.).

(7) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent":

(A) Subsection (b) of section 6038B (relating to notice of certain transfers to foreign persons).

(B) Paragraphs (1), (2), and (3) of section 6651(a) (relating to failure to file tax return or to pay tax).

(C) Paragraph (1) of section 6656(b) (relating to overstated deposit claims).

(D) Subsection (a) of section 6661 (relating to substantial understatement of liability).

(E) Subsection (a) of section 6689 (relating to failure to file notice of redetermination of foreign tax).

(8) The following provisions of such Code are each amended by striking out "30 percent" each place it appears and inserting in lieu thereof "45 percent":

(A) Subsections (b) and (f) of section 6659 (relating to addition to tax in the case of valuation overstatements for purpose of the income tax).

(B) Subsection (b) of section 6659A (relating to addition to tax in case of overstatements of pension liabilities).

(C) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(9) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent":

(A) Paragraph (5)(A)(ii) of section 6013(b) (relating to joint return after filing separate return).

(B) Paragraph (2) of section 6332(d) (relating to enforcement of levy).

(C) Subsection (b) of section 6652 (relating to failure to report tips).

(D) Subsection (e) of section 6653 (relating to failure to pay tax).

(E) Subsection (c)(1)(B) of section 6710 (relating to failure to disclose that contributions are nondeductible).

(F) Subsection (b)(2) of section 6711 (relating to failure by tax-exempt organization to disclose that certain information or service available from Federal Government).

(10) Subsection (b) of section 6697 of such Code (relating to assessable penalties with respect to liability for tax of regulated investment companies) is amended to read as follows:

"(b) 75-PERCENT LIMITATION.—The penalty payable under this section with respect to any determination shall not exceed 75 percent of the amount of the deduction allowed by section 860(a) for such taxable year.".

(11) Section 6653(b) of such Code (relating to additions to tax for fraud) is amended by striking out "75 percent" and inserting in lieu thereof "112.5 percent".

(12) Subsection (a) of section 6651 of such Code (relating to failure to file tax return or to pay tax) is amended by striking out "100 percent" and inserting in lieu thereof "150 percent".

(13) The following provisions of such Code are each amended by inserting "150 percent of" after "equal to" each place it appears:

(A) Subsection (k)(2) of section 6652 (relating to information with respect to includible employee benefits).

(B) Subsection (a) of section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax).

(C) Section 6684 (relating to assessable penalties with respect to liability for tax under chapter 42).

(D) Subsection (a) of section 6697 (relating to assessable penalties with respect to liability for tax of regulated investment companies).

(14) The following provisions of such Code are each amended by inserting "150 percent of" before "an amount" each place it appears:

(A) Subsection (a) of section 6654 (relating to failure by individual to pay estimated income tax).

(B) Subsection (a) of section 6655 (relating to failure by corporation to pay estimated income tax).

(15) Paragraph (1) of section 6621(c) of such Code (relating to interest on substantial underpayments attributable to tax motivated transactions) is amended by striking out "120 percent" and inserting in lieu thereof "180 percent".

(16) Subsection (a)(1) of section 6675 of such Code (relating to excessive claims with respect to the use of certain fuels) is amended by striking out "Two times" and inserting in lieu thereof "Three times".

(17) Subsection (a) and (d) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$1" and inserting in lieu thereof "$1.50".

(18) The following provisions of such Code are each amended by striking out "$5" each place it appears and inserting in lieu thereof "$7.50":

(A) Subsections (a) and (e) of section 6676 (relating to failure to supply identifying numbers).

(B) Subsection (a) of section 6687 (relating to failure to supply information with respect to place of residence).

(C) Paragraph (2) of section 6695(e) (relating to failure to file correct information return).

(D) Section 6723(a) (relating to failure to include correct information).

(19) The following provisions of such Code are each amended by striking out "$10" each place it appears and inserting in lieu thereof "$15":

(A) Subsections (c), (h), and (i) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Subsection (a)(2) of section 6675 (relating to excessive claims with respect to the use of certain fuels).

(20) Section 6657 of such Code (relating to bad checks) is amended by striking out "$15" and inserting in lieu thereof "$22.50".

(21) The following provisions of such Code are each amended by striking out "$25" each place it appears and inserting in lieu thereof "$37.50":

(A) Subsections (e), (f)(2), and (g) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(22) The following provisions of such Code are each amended by striking out "$50" each place it appears and inserting in lieu thereof "$75":

(A) Section 6674 (relating to fraudulent statement or failure to furnish statement to employee).

(B) Subsection (a), (b), and (c) of section 6676 (relating to failure to supply identifying numbers).

(C) Section 6690 (relating to fraudulent statement or failure to furnish statement to plan participant).

(D) Subsections (a) and (b)(2) of section 6693 (relating to failure to provide reports on individual retirement accounts or annuities; penalties relating to designated nondeductible contributions).

(E) Subsection (d) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(F) Subsection (b)(1) of section 6698 (relating to failure to file partnership return).

(G) Subsection (b)(1) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(d)).

(H) Subsection (a) of section 6706 (relating to original issue discount information requirements).

(I) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(J) Subsection (a) of section 6721 (relating to failure to file certain information returns).

(K) Subsections (a) and (b) of section 6722 (relating to failure to furnish certain payee statements).

(23) The following provisions of such Code are each amended by striking out "$100" each place it appears and inserting in lieu thereof "$150":

(A) Subsection (a) of section 6651 (relating to failure to file tax return or to pay tax).

(B) Section 6652(j) (relating to failure to file certification with respect to certain residential rental projects).

(C) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(D) Section 6688 (relating to assessable penalties with respect to information required to be furnished under section 7654).

(E) Section 6693(b)(1) (relating to penalties relating to overstatement of designated nondeductible contributions).

(F) Subsection (a) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(G) Paragraph (1) of section 6695(e) (relating to failure to file correct information return).

(H) Paragraph (1) of section 6707(b) (relating to failure to furnish information regarding tax shelters).

(I) Subsection (b)(1) of section 6721 (relating to failure to file certain information returns).

(J) Subsection (b)(1) of section 6723 (relating to failure to include correct information).

(24) Subsection (c) of section 6709 of such Code (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$200" and inserting in lieu thereof "$300".

(25) The following provisions of such Code are each amended by striking out "$250" each place it appears and inserting in lieu thereof "$375":

(A) Paragraph (2) of section 6707(b) (relating to failure to furnish information regarding tax shelters).

(B) Subsection (a) of section 6712, as added by section 6242(a) of the Technical and Miscellaneous Revenue Act of 1988 (relating to disclosure or use of information by preparers of returns).

(26) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750":

(A) Subsection (c) of section 6039E (relating to information concerning resident status).

(B) Subsection (a) of section 6682 (relating to false information with respect to withholding).

(C) Subsection (b) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(D) Subsection (f) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(E) Subsection (a) of section 6702 (relating to frivolous income tax return).

(F) Subsection (a) of section 6705 (relating to failure by broker to provide notice to payors).

(G) Paragraph (2)(B) of section 6707(b) (relating to failure to furnish information regarding tax shelters).

(27) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500":

(A) Paragraphs (1) and (2) of section 6038(b) (relating to dollar penalty for failure to furnish information).

(B) Paragraphs (1) and (2) of section 6038A(d) (relating to penalty for failure to furnish information).

(C) Subsections (a) and (d)(2) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(D) Subsection (a) of section 6677 (relating to failure to file information returns with respect to certain foreign trusts).

(E) Subsection (a) of section 6679 (relating to failure to file returns, etc. with respect to foreign corporations or foreign partnerships).

(F) Section 6685 (relating to assessable penalty with respect to public inspection requirements for certain tax-exempt organizations).

(G) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(H) Section 6692 (relating to failure to file actuarial report).

(I) Subsection (a) of section 6700 (relating to promoting abusive tax shelters, etc.).

(J) Subsection (b)(1) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability).

(K) Subsection (a) of section 6709 (relating to penalties with respect to mortgage credit certificates).

(L) Subsections (a) and (c)(1)(A) of section 6710 (relating to failure to disclose that contributions are nondeductible).

(M) Subsection (b)(1) of section 6711 (relating to failure by tax-exempt organization to disclose that certain information or service available from Federal Government).

(N) Subsection (a) of section 6712, as added by section 1012(aa)(5)(B) of the Technical and Miscellaneous Revenue Act of 1988 (relating to failure to disclose treaty-based return positions).

(28) Subsection (c) of section 6709 of such Code (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$2,000" and inserting in lieu thereof "$3,000".

(29) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500":

(A) Subsections (c), (d)(1), and (h) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Section 6673 (relating to damages assessable for instituting proceedings before the court primarily for delay, etc.).

(30) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000":

(A) Paragraph (2)(A) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(B) Subsection (g) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(C) Section 6673(b) (relating to claims under section 7433).

(D) Subsection (b)(2) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability).

(E) Subsection (b) of section 6709 (relating to penalties with respect to mortgage credit certificates).

(F) Subsections (a) and (c) of section 6710 (relating to failure to disclose that contributions are nondeductible).

(G) Subsection (a) of section 6712, as added by section 1012(aa)(5)(B) of the Technical and Miscellaneous Revenue Act of 1988 (relating to failure to disclose treaty-based return positions).

(H) Subsection (a) of section 6712, as added by section 6242(a) of the Technical and Miscellaneous Revenue Act of 1988 (relating to disclosure or use of information by preparers of returns).

(31) Subsection (e) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$15,000" and inserting in lieu thereof "$22,500".

(32) The following provisions of such Code are each amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$30,000":

(A) Subsection (e) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(B) Subsections (a) and (b)(2) of section 6723 (relating to failure to include correct information).

(C) Section 6724(c)(2)(A) (relating to special rules for failure to file interest and dividend returns or statements).

(33) The following provisions of such Code are each amended by striking out "$24,000" each place it appears and inserting in lieu thereof "$36,000":

(A) Section 6038(b)(2) (relating to increase in penalty where failure continues after notification).

(B) Section 6038A(d)(2) (relating to increase in penalty where failure continues after notification).

(34) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500":

(A) Paragraph (3)(A) of section 6652(f) (relating to returns, etc., required under section 6039C).

(B) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(C) Subsection (d) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(35) The following provisions of such Code are each amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$75,000":

(A) Subsection (b)(2) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(d)).

(B) Subsection (b) of section 6706 (relating to original issue discount information requirements).

(36) The following provisions of such Code are each amended by striking out "$100,000" each place it appears and inserting in lieu thereof "$150,000":

(A) Subsection (a) of section 6676 (relating to failure to supply identifying numbers).

(B) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(C) Subsections (a) and (b) of section 6721 (relating to failure to file certain information returns).

(D) Subsection (a) of section 6722 (relating to failure to furnish certain payee statements).

(E) Section 6724(c)(2)(A) (relating to special rules for failure to file interest and dividend returns or statements).

(b) CRIMINAL PENALTIES.—

(1) The following provisions of such Code are each amended by striking out "125 percent" each place it appears and inserting in lieu thereof "187.5 percent":

(A) Paragraph (3) of section 9012(e) (relating to kickbacks and illegal payments).

(B) Paragraph (3) of section 9042(d) (relating to kickbacks and illegal payments).

(2) Section 5675 of such Code (relating to penalty for intentional removal of brewer's marks and brands) is amended by striking out "$50" and inserting in lieu thereof "$75".

(3) Subsection (b) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amended by striking out "$500" and inserting in lieu thereof "$750", and by striking out "double" and inserting in lieu thereof "triple".

(4) Subsection (a) of section 5608 of such Code (relating to penalty and forfeiture for fraudulent claims for export drawback or unlawful relanding) is amended by striking out "triple" and inserting in lieu thereof "450 percent of".

(5) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500":

(A) Subsection (b) of section 5603 (relating to penalty relating to records, returns, and reports).

(B) Section 5605 (relating to penalty relating to return of materials used in the manufacture of distilled spirits, or from which distilled spirits may be recovered).

(C) Section 5606 (relating to penalty relating to containers of distilled spirits).

(D) Subsection (b) of section 5661 (relating to penalty and forfeiture for violation of laws and regulations relating to wine).

(E) Section 5662 (relating to penalty for alteration of wine labels).

(F) Section 5672 (relating to penalty for failure of brewer to comply with requirements and to keep records and file returns).

(G) Subsections (a) and (b) of section 5674 (relating to penalty for unlawful production or removal of beer).

(H) Subsections (a), (b), and (c) of section 5681 (relating to penalty relating to signs).

(I) Section 5683 (relating to penalty and forfeiture for removal of liquors under improper brands).

(J) Section 5687 (relating to penalty for offenses not specifically covered).

(K) Subsection (b) of section 5762 (relating to criminal penalties).

(L) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(M) Subsections (a) and (b) of section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(N) Section 7209 (relating to unauthorized use or sale of stamps).

(O) Section 7210 (relating to failure to obey summons).

(P) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(Q) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(R) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(6) Subsection (a) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amended by striking out "$3,000" and inserting in lieu thereof "$4,500".

(7) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500":

(A) Subsections (a) and (b) of section 5608 (relating to penalty and forfeiture for fraudulent claims for export drawback or unlawful relanding).

(B) Subsection (a) of section 5661 (relating to penalty and forfeiture for violation of laws and regulations relating to wine).

(C) Section 5671 (relating to penalty and forfeiture for evasion of beer tax and fraudulent noncompliance with requirements).

(D) Section 5682 (relating to penalty for breaking locks or gaining access).

(E) Subsection (a) of section 5685 (relating to penalty and forfeiture relating to possession of devices for emitting gas, smoke, etc., explosives and firearms, when violating liquor laws).

(F) Subsection (a) of section 5686 (relating to penalty for having, possessing, or using liquor or property intended to be used in violating provisions of this chapter).

(G) Subsection (a) of section 5691 (relating to penalties for nonpayment of special taxes).

(H) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(I) Subsection (a) of section 7213 (relating to unauthorized disclosure of information).

(J) Subsection (b) of section 7214 (relating to offenses by officers and employees of the United States).

(K) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

(L) Section 7231 (relating to failure to obtain license for collection of foreign items).

(M) Section 7232 (relating to failure to register, or false statement by manufacturer or producer of gasoline, lubricating oil, diesel fuel, or aviation fuel).

(N) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(8) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000":

(A) Subsection (a) of section 5601 (relating to criminal penalties).

(B) Section 5602 (relating to penalty for tax fraud by distiller).

(C) Subsection (a) of section 5603 (relating to penalty relating to records, returns, and reports).

(D) Subsection (c) of section 5604 (relating to penalties relating to marks, brands, and containers).

(E) Section 5607 (relating to penalty and forfeiture for unlawful use, recovery, or concealment of denatured distilled spirits, or articles).

(F) Subsection (a) of section 5762 (relating to criminal penalties).

(G) Section 5871 (relating to penalties).

(H) Section 7202 (relating to willful failure to collect or pay over tax).

(I) Section 7207 (relating to fraudulent returns, statements, or other documents).

(J) Section 7208 (relating to offenses relating to stamps).

(K) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(L) Section 7240 (relating to officials investing or speculating in sugar).

(M) Subsection (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(N) Subsections (b)(2), (c)(2), and (d)(2) of section 9042 (relating to criminal penalties).

(9) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500":

(A) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(B) Subsection (a) of section 9042 (relating to criminal penalties).

(10) Section 7207 of such Code (relating to fraudulent returns, statements, or other documents) is amended by striking out "$50,000" and inserting in lieu thereof "$75,000".

(11) The following provisions of such Code are each amended by striking out "$100,000" each place it appears and inserting in lieu thereof "$150,000":

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(C) Section 7206 (relating to fraud and false statements).

(12) The following provisions of such Code are each amended by striking out "$500,000" each place it appears and inserting in lieu thereof "$750,000":

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7206 (relating to fraud and false statements).

(13) Section 7209 of such Code (relating to unauthorized use or sale of stamps) is amended by striking out "6 months" and inserting in lieu thereof "9 months".

(14) The following provisions of such Code are each amended by striking out "1 year" or "one year" each place it appears and inserting in lieu thereof "1.5 years":

(A) Subsection (b) of section 5603 (relating to penalty relating to records, returns, and reports).

(B) Section 5606 (relating to penalty relating to containers of distilled spirits).

(C) Subsection (b) of section 5661 (relating to penalty and forfeiture for violation of laws and regulations related to wine).

(D) Section 5662 (relating to penalty for alteration of wine labels).

(E) Section 5672 (relating to penalty for failure of brewer to comply with requirements and to keep records and file returns).

(F) Subsections (a) and (b) of section 5674 (relating to penalty for unlawful production or removal of beer).

(G) Subsections (a), (b), and (c) of section 5681 (relating to penalty relating to signs).

(H) Section 5683 ((relating to penalty and forfeiture for removal of liquors under improper brands).

(I) Subsection (a) of section 5685 (relating to penalty for having, possessing, or using liquor or property intended to be used in violating provisions of this chapter).

(J) Section 5687 (relating to penalty for offenses not specifically covered).

(K) Subsection (b) of section 5762 (relating to criminal penalties).

(L) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(M) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(N) Subsections (a) and (b) of section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(O) Section 7207 (relating to fraudulent returns, statements, or other documents).

(P) Section 7210 (relating to failure to obey summons).

(Q) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(R) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(S) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(T) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

(U) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(V) Section 7231 (relating to failure to obtain license for collection of foreign items).

(W) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(15) The following provisions of such Code are each amended by striking out "2 years" each place it appears and inserting in lieu thereof "3 years":

(A) Section 5605 (relating to penalty relating to return of materials used in the maintenance of distilled spirits, or from which distilled spirits may be recovered).

(B) Subsection (a) of section 5691 (relating to penalties for nonpayment of special taxes).

(C) Subsection (b) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(D) Section 7240 (relating to officials investing or speculating in sugar).

(16) The following provisions of such Code are each amended by striking out "3 years" each place it appears and inserting in lieu thereof "4.5 years":

(A) Subsections (a) and (b) of section 5608 (relating to penalty and forfeiture for fraudulent claims for export drawback or unlawful relanding).

(B) Section 5682 (relating to penalty for breaking locks or gaining access).

(C) Section 7206 (relating to fraud and false statements).

(D) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(17) The following provisions of such Code are each amended by striking out "5 years" or "five years" each place it appears and inserting in lieu thereof "7.5 years":

(A) Subsection (a) of section 5601 (relating to criminal penalties).

(B) Section 5602 (relating to penalty for tax fraud by distiller).

(C) Subsection (a) of section 5603 (relating to penalty relating to records, returns, and reports).

(D) Subsection (a) of section 5604 (relating to penalties relating to marks, brands, and containers).

(E) Section 5607 (relating to penalty and forfeiture for unlawful use, recovery, or concealment of denatured distilled spirits, or articles).

(F) Subsection (a) of section 5608 (relating to penalty and forfeiture for fraudulent claims for export drawback or unlawful relanding).

(G) Subsection (a) of section 5661 (relating to penalty and forfeiture for violation of laws and regulations relating to wine).

(H) Section 5671 (relating to penalty and forfeiture for evasion of beer tax and fraudulent noncompliance with requirements).

(I) Subsection (a) of section 5762 (relating to criminal penalties).

(J) Section 7201 (relating to attempt to evade or defeat tax).

(K) Section 7202 (relating to willful failure to collect or pay over tax).

(L) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(M) Section 7208 (relating to offenses relating to stamps).

(N) Subsection (a) of section 7213 (relating to unauthorized disclosure of information).

(O) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(P) Section 7232 (relating to failure to register, or false statement by manufacturer or producer of gasoline, lubricating oil, diesel fuel, or aviation fuel).

(Q) Subsections (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(R) Section 9042 (relating to criminal penalties).

(18) Section 5685 of such Code (relating to penalty and forfeiture relating to possession of devices for emitting gas, smoke, etc., explosives and firearms, when violating liquor laws) is amended—

(A) by striking out "10 years" in subsection (a) and inserting in lieu thereof "15 years", and

(B) by striking out "20 years" in subsection (b) and inserting in lieu thereof "30 years".

(19) Section 5871 of such Code (relating to penalties) is amended by striking out "ten years" and inserting in lieu thereof "15 years".

(c) OTHER PENALTIES.—

(1) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by inserting "150 percent of" after "equal to".

(2) The following provisions of such Code are each amended by striking out "double" each place it appears and inserting in lieu thereof "triple":

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7270 (relating to insurance policies).

(C) Section 7273 (relating to penalties for offenses relating to special taxes).

(3) Section 7304 of such Code (relating to penalty for fraudulently claiming drawback) is amended by striking out "triple" and inserting in lieu thereof "450 percent of".

(4) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by striking out "$10" and inserting in lieu thereof "$15".

(5) The following provisions of such Code are each amended by striking out "$50" each place it appears and inserting in lieu thereof "$75":

(A) Section 7271 (relating to penalties for offenses relating to stamps).

(B) Section 7272 (relating to penalty for failure to register).

(6) Subsection (c) of section 7275 of such Code (relating to penalty for offenses relating to certain airline tickets and advertising) is amended by striking out "$100" and inserting in lieu thereof "$150".

(7) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750":

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7269 (relating to failure to produce records).

(C) Section 7304 (relating to penalty for fraudulently claiming drawback).

(D) Section 7342 (relating to penalty for refusal to permit entry or examination).

(8) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500":

(A) Section 7261 (relating to representation that retailers' excise tax is excluded from price of article).

(B) Section 7262 (relating to violation of occupational tax laws relating to wagering—failure to pay special tax).

(9) Section 7262 of such Code (relating to violation of occupational tax laws relating to wagering—failure to pay special tax) is amended by striking out "$5,000" and inserting in lieu thereof "$7,500".

(d) EXCISE TAX PENALTIES.—

(1) Subsection (a)(1) of section 4701 of such Code (relating to tax on issuer of registration—required obligation not in registered form) is amended by striking out "1 percent" and inserting in lieu thereof "1.5 percent".

(2) The following provisions of such Code are each amended by striking out "2½ percent" each place it appears and inserting in lieu thereof "3.75 percent":

(A) Subsection (a)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (a)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (a)(2) of section 4952 (relating to taxes on taxable expenditures).

(E) Subsection (a)(2) of section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations).

(3) The following provisions of such Code are each amended by striking out "4 percent" each place it appears and inserting in lieu thereof "6 percent":

(A) Subsection (a) of section 4981 (relating to excise tax on undistributed income of real estate investment trusts).

(B) Subsection (a) of section 4982 (relating to excise tax on undistributed income of regulated investment companies).

(4) The following provisions of such Code are each amended by striking out "5 per-

cent" each place it appears and inserting in lieu thereof "7.5 percent":

(A) Subsection (a)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(1) of section 4943 (relating to taxes on excess business holdings).

(C) Subsections (a) and (b)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(D) Subsection (a) of section 4953 (relating to tax on excess contributions to black lung benefit trusts).

(E) Subsection (a) of section 4971 (relating to taxes on failure to meet minimum funding standards).

(F) Subsection (a) of section 4975 (relating to tax on prohibited transactions).

(G) Subsection (a) of section 5684 (relating to penalties relating to the payment and collection of liquor taxes).

(H) Subsection (b) of section 5761 (relating to civil penalties).

(5) Subsection (a) of section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended by striking out "6 percent" each place it appears and inserting in lieu thereof "9 percent".

(6) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent":

(A) Subsection (a)(1) of section 4945 (relating to taxes on taxable expenditures).

(B) Subsection (a)(1) of section 4951 (relating to taxes on self-dealing).

(C) Subsection (a)(1) of section 4952 (relating to taxes on taxable expenditures).

(D) Subsection (a)(1) of section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations).

(E) Subsection (a) of section 4971 (relating to taxes on failure to meet minimum funding standards).

(F) Subsection (a) of section 4972 (relating to tax on nondeductible contributions to qualified employer plans).

(G) Subsection (b)(1) of section 4978 (relating to tax on certain dispositions by employee stock ownership plans and certain cooperatives).

(H) Subsection (a) of section 4979 (relating to tax on certain excess contributions).

(I) Subsection (c)(4)(A)(I) of section 4980B (relating to failure to satisfy continuation coverage requirements of group health plans).

(7) The following provisions of such Code are each amended by striking out "15 percent" each place it appears and inserting in lieu thereof "22.5 percent":

(A) Subsection (a) of section 4942 (relating to taxes on failure to distribute income).

(B) Subsection (a) of section 4980 (relating to tax on reversion of qualified plan assets to employer).

(C) Subsection (a) of section 4980A (relating to tax on excess distributions from qualified retirement plans).

(8) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent":

(A) Subsection (a)(1) of section 4911 (relating to tax on excess expenditures to influence legislation).

(B) Subsection (b)(1) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(9) The following provisions of such Code are each amended by striking out "30 percent" each place it appears and inserting in lieu thereof "45 percent":

(A) Subsection (a) of section 4977 (relating to tax on certain fringe benefits provided by an employer).

(B) Subsection (b)(1) of section 4978A (relating to tax on certain dispositions of employer securities to which section 2057 applied).

(10) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent":

(A) Subsection (b)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (b)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (b)(2) of section 4952 (relating to taxes on taxable expenditures).

(E) Subsection (b)(2) of section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations).

(F) Subsection (a) of section 4974 (relating to excise tax on certain accumulations in qualified retirement plans).

(G) Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of qualified securities).

(H) Subsection (a) of section 5881 (relating to greenmail).

(11) The following provisions of such Code are each amended by striking out "100 percent" each place it appears and inserting in lieu thereof "150 percent":

(A) Paragraph (6)(A) of section 857(b) (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest).

(B) Subsection (b) of section 4942 (relating to taxes on failure to distribute income).

(C) Subsection (b)(1) of section 4945 (relating to taxes on taxable expenditures).

(D) Subsection (b)(1) of section 4951 (relating to taxes on self-dealing).

(E) Subsection (b)(1) of section 4952 (relating to taxes on taxable expenditures).

(F) Subsection (b)(1) of section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations).

(G) Subsection (b) of section 4971 (relating to taxes on failure to meet minimum funding standards).

(H) Subsection (b) of section 4975 (relating to tax on prohibited transactions).

(I) Subsection (a) of section 4976 (relating to taxes with respect to funded welfare benefit plans).

(12) The following provisions of such Code are each amended by striking out "200 percent" each place it appears and inserting in lieu thereof "300 percent":

(A) Subsection (b)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b) of section 4943 (relating to taxes on excess business holdings).

(13) The following provisions of such Code are each amended by inserting "150 percent of" after "equal to" each place it appears:

(A) Paragraph (5) of section 857(b) (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest).

(B) Paragraph (2) of section 4976(c) (relating to tax on funded welfare benefit funds which include discriminatory employee benefit plan).

(14) Subsections (b)(1) and (c)(3) of section 4980B of such Code (relating to failure to satisfy continuation coverage requirements of group health plans) is amended by striking out "$100" and inserting in lieu thereof "$150".

(15) Subsection (c)(3)(B) of section 4980B of such Code (relating to failure to satisfy continuation coverage requirements of group health plans) is amended by striking out "$200" and inserting in lieu thereof "$300".

(16) Subsection (a) of section 5761 of such Code (relating to civil penalties) is amended by striking out "$1,000" and inserting in lieu thereof "$1,500".

(17) Subsection (b)(3)(A) of section 4980B of such Code (relating to failure to satisfy continuation coverage requirements of group health plans) is amended by striking out "$2,500" and inserting in lieu thereof "$3,750".

(18) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500":

(A) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(B) Subsection (c)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (c)(2) of section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations).

(19) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000":

(A) Subsection (c)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(C) Subsection (c)(2) of section 4945 (relating to taxes on taxable expenditures).

(D) Subsection (c)(2) of section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations).

(20) Subsection (b)(3)(B) of section 4980B of such Code (relating to failure to satisfy continuation coverage requirements of group health plans) is amended by striking out "$15,000" and inserting in lieu thereof "$22,500".

(21) Subsection (c)(4)(A)(II) of section 4980B of such Code (relating to failure to satisfy continuation coverage requirements of group health plans) is amended by striking out "$500,000" and inserting in lieu thereof "$750,000".

(22) Subsection (c)(4)(C) of section 4980B of such Code (relating to failure to satisfy continuation coverage requirements of group health plans) is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1988 (or, in the case of a tax for which there is no taxable period, taxable events occurring after such date).

(2) AMNESTY PERIOD.—At the expiration of the amnesty period described in section 2, in the case of any taxpayer remaining liable for any underpayment of Federal tax, the amendments made by this section shall apply to any taxable year (or any taxable event occurring during such taxable year) for which any period of limitation has not expired.

(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any judicial or administrative proceeding with respect to any underpayment of Federal tax pending on the date of the enactment of this Act in which a judgment was entered before such date.

By Mr. BINGAMAN (for himself, Mr. JOHNSTON, and Mr. BOREN):

S. 388. A bill to provide for 5-year staggered terms for members of the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

STAGGERED TERMS FOR MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION

● Mr. BINGAMAN. Mr. President, I rise today on behalf of myself, Senator JOHNSTON, and Senator BOREN, to introduce legislation that will provide greater continuity in the terms of the Federal Energy Regulatory Commissioners. The Federal Energy Regulatory Commission [FERC] is an important agency to my constituents in New Mexico and to others from oil and gas producing States. The FERC sets rates and charges for the transportation and sale of natural gas and for the transmission and sale of electricity. In addition, the Commission establishes rates of charges for the transportation of oil by pipeline, as well as the valuation of such pipelines. With this significant mandate, the FERC must be organized in a matter that ensures the effectiveness and timeliness of its decisionmaking activities.

Although various reforms have been proposed for the Federal Energy Regulatory Commission over the years, the single most important reform would provide for greater continuity at the decisionmaking level of the Commission. This could be done by lengthening and properly staggering the terms of FERC Commissioners.

The Department of Energy Act provides that the five members of FERC serve for 4-year terms. Members may serve after the expiration of their terms until a successor takes office, but not longer than a year. Because the terms of FERC members are not fully staggered, it is possible to have four members leave the Commission in less than 2 years, with a corresponding loss of experience and continuity in decisionmaking.

The failure to properly stagger the terms of FERC members contributed to the situation last year in which the terms of two sitting Commissioners has expired, the terms of the other two Commissioners were about to expire, and the fifth member had resigned. The Commission could have been left without a quorum to conduct business had successors not been confirmed by the end of October. It is imperative that we not allow this situation to occur again.

My legislation addresses this problem by providing for 5-year staggered terms for FERC Commissioners. One member's term would expire each year. It also eliminates the period a Commissioner may serve after the expiration of his or her term.

The transition to fully staggered 5-year terms is set up so that the initial appointments to FERC after the bill is enacted will be for 3-, 4-, or 5-year terms ending in 1993, 1994, 1995, 1996, and 1997. Thereafter, all terms will be 5-year terms.

I urge my colleagues to support this legislation.●

By Mr. BINGAMAN (for himself and Mr. BOREN):

S. 389. A bill to amend the Department of Energy Organization Act to establish the position of Assistant Secretary for Natural Gas, and for other purposes; to the Committee on Energy and Natural Resources.

ESTABLISHMENT OF POSITION OF ASSISTANT SECRETARY OF ENERGY FOR NATURAL GAS

● Mr. BINGAMAN. Mr. President, I rise today on behalf of myself and Senator BOREN to introduce legislation to establish within the Department of Energy an Assistant Secretary for Natural Gas.

INTRODUCTION

When the Department of Energy was initially formed in 1978, natural gas was in short supply in the interstate market. This shortage was the result of Federal wellhead price controls that discouraged production and subsidized consumption. The NGPA did begin the gradual phaseout of price controls, but the official governmental view—as reflected in the Powerplant and Industrial Fuel Use Act—was that reserves were limited to the point that major new industrial or utility uses of gas should be prohibited. In short, gas was thought to be part of the problem not part of the solution. Thus at the time of the Department's creation, little thought was given to the role of natural gas in the future.

For example, the first National Energy Plan submitted at the same time contained statements such as:

The choices now for electric utilities are basically coal and nuclear power.

Conserving scarce oil and natural gas is far more important than saving coal.

Supplies [in the short term] for the residential and commercial sector will have to be obtained by diverting gas from electric utilities.

Federal pricing policy would also discourage use of gas by industry and utilities . . . In addition to these wellhead pricing changes, taxes would be levied on the use of oil and gas by industry and utilities, in order to encourage conservation and conversion to coal and other fuels.

Furthermore, the plan set forth goals to be achieved by 1985. Not one of those goals mentioned natural gas.

For years, natural gas policy consisted of seeking legislation to decontrol or otherwise reform the regulatory structure governing the industry.

While that goal was appropriate, and indeed could be pursued further, the need for a high-level focus on gas policy is now becoming greater than ever.

THE IMPORTANCE OF NATURAL GAS

It is now apparent that natural gas can play a critical role in our energy future. The country faces a looming shortfall in electric generation capacity, increasing dependence on imported oil, and likely new emission controls on existing utility and industrial emissions. Natural gas can be at least part of the solution to all of these challenges.

Years ago, when the prevailing departmental view was that natural gas was a diminishing resource, the prominence given to nuclear energy, conservation, renewable energy, and coal research programs perhaps made sense. Clearly, however, the hopes that these fuels offer a quick solution to our energy and environmental needs have been greatly tempered. Meanwhile, the Department's own studies, have reversed the pessimistic thinking concerning the size and economics of the natural gas resource base. Congress responded to the new reality by virtually repealing the natural gas restrictions in the Fuel Use Act in 1987.

Today it is more important than ever that natural gas receive the departmental attention and support necessary to adequately integrate natural gas planning into the country's energy and environmental goals.

For example, using advance technology, gas can be burned in certain boilers in conjunction with coal and achieve substantial reductions of both SO_2 and NO_x as well as other positive environmental results. Yet there seems to be little explicit recognition of this in the consideration and debate on environmental policy. Also, funding for R&D into these areas has paled in comparison to the money poured into coal technologies.

Likewise there seems to be little or no linkage between the well recognized need to expand gas availability in areas such as the Northeast to fuel additional power generation and the FERC's certificate proceedings on that issue. Although the FERC is now moving expeditiously on those applications, proposals to this effect have languished for years and again, there seems to be no overall thought given to how the region's electric needs and gas needs are related. There are other areas of the country where additional pipeline capacity is needed, but the Department seems oblivious to these sorts of concerns.

Gas-fired combined cycle electric power generation is now widely expected to play a key role in meeting the rapidly approaching shortfall in generating capacity, yet apparently the Department has little if any effort under way to assist in this area.

The fact is, beyond occasional legislative initiatives, natural gas policy has been virtually nonexistent in the Department. Organizationally, natural

gas is the responsibility of the Assistant Secretary for Fossil Fuels, but the attention and budget of this Department has focused almost entirely on coal programs and the strategic petroleum reserve.

It would appear that the creation of this position can put the natural gas policy initiatives and R&D guidance functions in one place and would assure more focused attention to overcoming any hurdles that might reduce the contribution natural gas can make to the environment, energy security and the trade balance.

IMPORTANCE TO NEW MEXICO

The natural gas industry is very important to my constituents in New Mexico. New Mexico ranks fourth among the States in natural gas production. There are 5,000 natural gas wells throughout the State that produce 200 million cubic feet per month. Approximately one-fourth of the revenues going into New Mexico's general fund comes from oil-and-gas-related taxes, royalties, and permanent fund earnings. The State revenues derived directly from oil and gas sources totaled 750.7 million in 1987. Employment in the industry totals approximately 10,000. Clearly, New Mexico benefits from the exploration and development of natural gas, and the citizens of the State strongly support any effective effort to continue the production of this clean burning energy resource.

ESTABLISHING AN ASSISTANT SECRETARY FOR NATURAL GAS

Procedurally, there are two options for establishing the position of Assistant Secretary for Natural Gas within the Department. The DOE Organization Act provide, in section 203, that there shall be "eight Assistant Secretaries appointed by the President, by and with the advice and consent of the Senate * * *" Currently, the Assistant Secretaries include:

Assistant Secretary for Management and Administration.

Assistant Secretary for Congressional, Intergovernmental and Public Affairs.

Assistant Secretary for International Affairs and Energy Emergencies.

Assistant Secretary for Nuclear Energy.

Assistant Secretary for Fossil Energy.

Assistant Secretary for Conservation and Renewable Energy.

Assistant Secretary for Defense Programs.

Assistant Secretary for Environment, Safety and Health.

Obviously, creating an Assistant Secretary of Natural Gas administratively would require a realignment of the existing responsibilities to remain with the statutory limitation of eight Assistant Secretaries. One option would be to place the responsibility for conservation programs directly with the Under Secretary, who is given responsibility for those activities by section 202(b) of the act.

In addition to this administrative approach, Congress could authorize the creation of an additional Assistant Secretary position within the Department. This would be a simple, straightforward legislative amendment to the DOE Organization Act.

The functions of this office could include the following:

Coordinate all departmental activities concerning natural gas policy;

Work with EPA to examine thoroughly the contribution gas can make toward achieving reductions of pollutants from both stationary and mobile sources and to incorporate the findings of such a study in clean air and other environmental initiatives of the administration;

Review current R&D funding for gas technologies such as natural gas vehicles, cofiring, reburn, emission controls, and various end use technologies and make appropriate recommendations;

Evaluate the potential for expanding research into improved drilling techniques and production of unconventional gas reserves;

Evaluate the health of the Nation's gas production infrastructure—including the impact of the Tax Code on domestic producers of natural gas—and policies that could be pursued to sustain that infrastructure—including the impact of potential tax incentives on exploration and production activity;

Coordinate with those responsible for electric policy to take initiatives to facilitate the use of gas in meeting regional power generation needs;

Convene a natural gas summit of Federal, State, local, and industry officials to review natural gas policies, markets, regulations and examine how natural gas use can be facilitated;

Coordinate a natural gas council of senior industry executives to advise DOE and the administration on natural gas issues, and develop research priorities and policy initiatives; and

Chair an interagency task force composed of representatives of DOE, FERC, EPA, DOI, DOD, and perhaps Commerce and DOT to examine how policies can be coordinated to promote the use of natural gas where appropriate both within the Government and in terms of national policy.

CONCLUSION

In summary, by creating an Assistant Secretary for Natural Gas, the new administration has an opportunity to refocus departmental attention on to natural gas policy. This shift would be consistent with the recognition that gas can and should play a much larger role in the country's energy picture. This opportunity must not be lost, for if gas policy continues to be neglected, the risk of more severe energy, environmental, and economic problems in the future will be magnified.

I ask my colleagues to support this important legislation.●

By Mr. BINGAMAN (for himself and Mr. McCAIN):

S. 390. A bill entitled the Business Incubator Review Act of 1989; to the Committee on Governmental Affairs.

BUSINESS INCUBATOR REVIEW ACT OF 1989

● Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation to support the creation and operation of small business incubators. I am pleased to be joined in introducing this legislation by Senator JOHN McCAIN.

This bill is essentially the same as the legislation Senator McCAIN and I introduced last year. Its aim is to focus and modernize Federal support for a proven tool for nurturing new companies and fostering economic development—small business incubators.

Incubators promote the startup and successful growth of new firms by offering an entrepreneurial environment, affordable office, warehouse and manufacturing space, and shared business services. In other words, they offer a supportive environment in which small business can grow—hence the term incubators. As important, incubators help small businesses get the management assistance they need in order to survive.

Recent experience has shown incubator increase the odds of a small business succeeding. So far, there are 317 incubator facilities nationally which have graduated more than 7,000 firms and created more than 29,000 new jobs. Incubators are located in over 40 States.

My home State of New Mexico is one where there are a number of successful business incubator facilities. Communities as diverse as Albuquerque, Taos, Los Alamos, Portales, Roswell, and Tucumari have found incubators to be a useful economic development tool. One of these incubators, the New Mexico Business Innovation Center in Albuquerque, has been recognized by the Economic Development Administration and the National Council for Urban Economic Development as one of the Nation's most successful economic development programs. I believe that the diversity of successful facilities we have in New Mexico proves the value of incubators in economic development. Clearly, small business incubators are important for all types of communities and all parts of the country.

Even though business incubators are one of the best community and economic development tools, there is no coherent or coordinated Federal policy to support these centers. The problem is not the lack of Federal funds for incubators. The real problem is the lack

of access to Federal funds. There are numerous business and community development programs. Yet, incubators may not always qualify for these programs or qualify only under special circumstances.

For example, the Community Development Block Grant [CDBG] Program recently issued guidelines for business incubator funding. Because of the existing laws and regulations governing CDBG funds, incubators are eligible for funding if they meet the national CDBG objectives of benefiting low- and moderate-income persons or preventing or eliminating slums or blight. While incubators, through general economic development and job creation, will accomplish these ends, such requirements limit CDBG funding to incubators in certain areas. These requirements also impose strict documentation and additional paperwork burdens.

The heart of the problem is the fact that many of these economic and community development programs were created before incubators were fully developed as an economic development tool. There is a crying need to review and update our economic and community development programs to include incubators.

The legislation we are introducing today is very straightforward. First, it clearly enunciates the policy of the United States that the Federal Government should encourage and support the development and operation of business incubators as a tool of economic and community development.

Second, the bill sets up a Business Incubator Review Group, comprised of the Secretaries of Housing and Urban Development, Health and Human Services, Energy, Defense, Commerce, Agriculture, and Labor, and the Administrator of the Small Business Administration. This group will review all policies and programs of the Federal Government touching business incubators and report to Congress the changes needed in existing law to make business incubator centers eligible for current Federal grant or loan programs.

Third, the bill directs the members of this review group to take such steps necessary to insure that business incubators are eligible for existing grants and loans for community development, business promotion, research and development, and export promotion. Members of the review group are required to consult with incubator operators and State and local economic and community development leaders.

Finally, the bill designates the Commerce Department's clearinghouse for State and local initiatives on productivity, technology and innovation as the Federal Government's central point for information on Federal programs in support of business incubators. It also requires the clearinghouse to undertake a study of business incubator centers, including a description of State and local programs.

Mr. President, this legislation will strengthen our economic and community development efforts. Business incubators are a proven job creation tool. We should do all we can to support them. I ask that a copy of this legislation be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Incubator Review Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) business incubators provide economic development and promote startup and growth of new firms, by offering an entrepreneurial environment, affordable and efficient workspace, business consulting services, and equipment;

(2) communities which have little economic activity, aging industrial districts, declining commercial areas, and high unemployment can be revitalized by business, incubators which combat disinvestment, renovate old and deteriorated buildings, provide employment, and encourage business ownership opportunities, thus fostering a community's long-term economic development;

(3) business incubators help nurture existing economic activity which leads to future growth by helping to stabilize declining industries or by advancing new industries;

(4) business incubators help communities create new firms which have the potential to become high growth industries and provide enhanced employment possibilities; and

(5) business incubators help communities create startup firms to diversify and strengthen the local economy and foster a stable employment base.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States that the Federal Government should encourage and support the development and operation of business incubators as a tool of economic and community development.

SEC. 4. INTERAGENCY REVIEW GROUP.

(a) COMPOSITION.—The President shall establish a Business Incubator Review Group (herafter referred to as "the Review Group"), to be comprised of—

(1) the Secretary of Housing and Urban Development,

(2) the Secretary of Health and Human Services,

(3) the Secretary of Energy,

(4) the Secretary of Defense,

(5) the Secretary of Commerce,

(6) the Secretary of Agriculture,

(7) the Secretary of Labor,

(8) the Administrator of the Small Business Administration, and

(9) any other Federal officials which the President may consider appropriate.

(b) CHAIRPERSON.—The Administrator of the Small Business Administration shall serve as chairperson of the Review Group and shall provide administrative and clerical support.

(c) REVIEW.—The Review Group shall undertake a review of all policies and programs of the Federal Government with respect to business incubators.

(d) REPORT.—The Review Group shall, within 90 days of the date of enactment of this Act, submit a report to the appropriate committees of the House of Representatives and the Senate containing the findings of its review, including—

(1) a description of existing Federal grant and loan programs, which involve community development, business promotion, research and development, and export promotion, for which business incubators are currently eligible;

(2) recommendations regarding changes to existing law which may be needed to make business incubators eligible for current Federal grant and loan programs for community development, business promotion, research and development, and export promotion; and

(3) recommendations for any additional legislation that may be required to foster and support business incubators.

(e) TERMINATION.— Upon the expiration of the 30-day period following the date on which the report is submitted pursuant to subsection (d), the Review Group shall terminate.

SEC. 5. REGULATORY REVIEW.

Each member of the Review Group is directed to review regulations promulgated by the member's respective department or agency which involve grants and loans for community development, business promotion, research and development, and export promotion and to take such action as may be necessary to ensure that business incubators are eligible for such grants or loans.

SEC. 6. CONSULTATION WITH INCUBATOR OPERATORS AND GOVERNMENT OFFICIALS.

In conducting the reviews under section 4 and section 5, members of the Review Group shall regularly consult with representatives of incubator operators, officials of State and local government, and others involved in small business promotion and economic development.

SEC. 7. AUTHORITY FOR CLEARINGHOUSE ON STATE AND LOCAL INITIATIVES.

(a) STUDY OF STATE AND LOCAL PROGRAMS.—The Secretary of Commerce, through the Clearinghouse for State and Local Initiatives on Productivity, Technology and Innovation, shall conduct a study of business incubators, including a description of available State and local programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit the results of the study conducted under subsection (a) to the appropriate Committees of the House of Representatives and the Senate.

(c) CLEARINGHOUSE RESPONSIBILITIES.—Section 6(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710 et seq.), as amended by section 5122 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418), is amended—

(1) by striking out "and" at the end of paragraph (7),

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and "and", and

(3) by adding at the end the following new paragraph:

"(9) collect information on Federal programs that support business incubators and provide technical assistance and advice to State and local governments with respect to such programs.".

(d) AUTHORIZATION.—There is authorized to be appropriated to carry out the provisions of subsections (a) and (b) of this section $100,000 to be available until expended.●

● Mr. McCAIN. Mr. President, I would like to thank my good friend, the Senator from New Mexico. He has put in a great deal of effort into this bill, and I am as committed as he is to see it through.

Small business incubators are an international phenomenon that have sprung up in the United States, Canada, and even Europe. They promote the startup and growth of new firms by providing essential management assistance—experience new entrepreneurs rarely have but that is essential. They also provide affordable office space, warehouse and manufacturing facilities, and shared business services as basic as receptionists.

Small business incubators have been so successful that a tremendous amount of support for them has burgeoned among business communities, State and local governments, and small business people around the country. Each incubator is unique because each is designed to meet the needs of the community it serves, and most are supported by larger businesses around them. Right now there are 317 incubators in over 40 States. They have spawned 7,000 new firms and 29,000 new jobs.

Because of their success—80 percent to 93 percent of business graduating from incubators survive—the demand for these programs is strong. Moreover, there are waiting-lists of entrepreneurs who want to avail themselves of incubators—and those lists are growing longer all the time. There are simply not enough incubators to serve the new businesses that are struggling to make it through their first year. Survival during that first year, when 80 percent of small business fail, is crucial.

We believe that small business incubators are a successful and proven economic development tool that should be eligible for existing economic development and small business programs provided by the Federal Government. For this reason our bill is designed to modernize existing economic development programs and small business programs so that small business incubators can participate in them. We hope to achieve this by changing existing regulations, not by establishing new Federal programs or earmarking new funds. We also hope to learn whether additional statutory changes are necessary.

Finally, our bill would ensure that there is one central point in the Federal Government which collects and maintains information about small business incubators. Our bill would designate the Department of Commerce's clearing house for State and local initiatives on productivity, technology, and innovation as the central information point.

I have seen the success of incubators in my own State of Arizona where two are well under way. The Tucson Business and Technology Center and the Valley Center for Innovation, which will be a state-of-the-art incubator, have been carefully developed to serve their communities and reflect the accumulated experience of established incubators in the United States and Canada.

Mr. President, I think this may be one of the most exciting developments in our economy, and I urge my colleagues to support this measure.

I ask unanimous consent that the following letters be printed in the RECORD:

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL BUSINESS INCUBATION ASSOCIATION,

Athens, OH, February 7, 1989.

U.S. Senator JOHN MCCAIN,
U.S. Senate, Senate Office Building, Washington, DC.

Hon. Senator MCCAIN: The National Business Incubation Association wishes to express its support for the Business Incubator Review Act of 1989 to be introduced in the United States Senate this week. The Association represents 425 small business incubators, incubators developers and economic development officials across the United States.

Our membership and all individuals and agencies involved in development of the nation's fast-growing business incubation industry believe this bill is of vital importance. It represents the first national legislation giving recognition to this industry's role in economic development and the creation of new businesses and employment and it provides a broad policy statement whereby the Federal Government may act on regulations, policies and programs affecting small business incubators.

Of central importance to this legislation is the creation of a federal review group whose purpose is to review federal programs for which business incubators are currently eligible and make recommendations regarding changes to existing law that would be necessary to improve incubators' access to other federal programs. These recommendations and additional recommendations for new legislation that will serve to foster and support business incubators will provide a tremendous impetus to the industry.

Only 5 years ago, there were 50 or fewer business incubators in operation in the United States. Today, some 330 to 350 incubators are providing valuable resources to small businesses, offering avenues for technology transfer and fostering new job creation. By 1992, the National Business Incubation Association estimates as many as 1,000 incubators will be operating.

This industry is so new that little comprehensive research has been conducted in this area. Some 4,000 to 5,000 small businesses are probably currently operating out of incubators. The total employment of these incubators is still unknown. However, there can be no question that incubators have already given a positive impetus to the creation of new business, which in turn has influenced job creation. And it is also well-known that incubators located on university campuses have resulted in tangible benefits in terms of technology transfer. The incubator as an economic development tool has provided benefits to inner city neighborhoods, large metropolitan areas and small cities.

The benefits of incubation are dramatically apparent at such institutions as the Advanced Technology Development Center at Georgia Institute of Technology and at Rennsalaer Polytechnic Institute in Pennsylvania, which has nearly 40 incubators in operation. However, incubation offers benefits in rural settings as well. According to Anthony M. Robinson of the U.S. Small Business Administration ("Trends in Incubator Development and Management Assistance Strategies for Incubators," 1988), "In smaller towns incubator results are likely to be more dramatic as several dozen new jobs created by the incubator can represent an important development in the community and can enhance its viability."

The United States Senate is to be applauded for its interest in small business incubation and this new industry's benefits to job creation and entrepreneurship. The National Business Incubation Association is pleased to support this bill.

Sincerely,

DINAH ADKINS,
Executive Director.

THE CENTER FOR BUSINESS INNOVATION,

Kansas City, MO, February 7, 1989.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: I am delighted to hear about your support for legislation that would allow small business incubators nationwide to compete for federal funding for specific grant and other development projects. This opportunity would be especially meaningful since the business incubator network has, over the last several years, become a nationwide versus a regional industry.

The Center for Business Innovation in Kansas City, Missouri, specializes in a high value-added, risk partnership approach to explosive growth potential, high-technology startups in our local area. A key to the success of our operation has been the careful approach we take to screening prospective tenant and client businesses. In this spirit let me refer you to the attached excerpts from our 1988 annual report. The Center screens for those businesses which, in addition to high growth potential, have the ability to create new employment in the Kansas City region.

We, therefore, seek those ventures in which both the business concept and the individuals associated with the businesses merit the intensive efforts of our staff and other resources. We believe this is the only vehicle to assure the most deserving ventures receive the assistance needed.

We measure the success of the Center's tenants and clients in a number of different ways. Of most immediate value to you, however, would be to note the economic impact of our tenant, client and graduate businesses on the area and state economy. The last two pages of the attached brochure highlight some of these statistics. I hope you will take a moment and note the significant economic return of our portfolio on the area's economy in terms of new job creation and return on the state's tax dollar investment.

Again I wish to express our support as a Midwestern business incubator for the ef-

forts you are pursuing which can have national benefit. If you have questions or I may provide additional information to you in any form, please feel free to call me.

Sincerely,

STEVE BOWLING,
Vice President.●

By Mr. DOMENICI (for himself, Mr. JOHNSTON, and Mr. DASCHLE):

S. 391. A bill to reform the budget process; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BUDGET REFORM

Mr. DOMENICI. Mr. President, tomorrow evening, President George Bush will come before a joint session of the Congress to lay out his budget ideas for fiscal year 1990 and beyond.

Some of those ideas—like concepts contained in President Reagan's final budget—will focus on the "process" by which we consider the budget.

To encourage further that debate and those improvements, my good friend from Louisiana, Mr. JOHNSTON, and I are introducing today legislation that we have termed simply the Congressional Budget Reform Act of 1989. I am pleased we are joined by Senator DASCHLE.

The title of our bill explains precisely what it is all about: A series of changes—evolutionary changes—in the existing budget process, changes to make it work more effectively and efficiently for the Federal Government and for the American people.

Before explaining to my colleagues some of the details of this legislation, I would like to talk for a few minutes about how we got here, and where we are going, as I see it.

Every Member of this body carries with him or her a sense of frustration over the process by which we raise, allocate, and spend tax dollars. Many blame it on the budget process: "If only we could go back to the good old days."

I was there in the "good old days," and I can tell you that they weren't so good. The Congressional Budget and Impoundment Control Act of 1974 is a fundamentally sound law. Our problems stem from the policy conflicts that exist at the Federal level, not necessarily in the process we use to handle those conflicts.

I am convinced that the deficit problems confronting America would be far worse if we lacked the discipline of the Budget Act. Let me explain.

I arrived in the Senate in January 1973, the same day that my good friend from Louisiana, Mr. JOHNSTON, arrived, plus about 15 other new Members.

We had a lot to learn. And a lot of it we couldn't figure out. Later in 1973, after the Senate had considered four or five appropriations bills, these new kids on the block like DOMENICI and JOHNSTON and others started asking what in the world are we voting on? When will we know what the total Federal budget will be?

Don't worry, we were told, we'll let you know by the end of the year when we'll add it up for you. We'll give you the totals then.

Frankly, that wasn't a very helpful response. So all of us, those new Senators elected in 1972, got together and signed a letter to the leadership telling the leaders that we were not going to vote on another appropriations bill unless we received assurances that we had a game plan against which to measure appropriations bills.

What followed a year later was the Budget Act.

I'm not here to tell you that anyone in 1974 envisioned that the Budget Act would make things easier or streamline the process. It didn't then and it won't now. That is because the Budget Act was layered atop the existing process: appropriations and authorizations. We knew that.

But the Budget Act did give the Congress and the American people the one thing they lacked: a game plan, a yardstick for measuring spending.

Problems developed, so we began to tinker. In the final year of the Carter administration, we discovered the ability to force changes to cut back future spending with the process known as reconciliation. That process has been used virtually every year since to bring about major changes in entitlement and tax policy for the Nation. We then added the Gramm-Rudman-Hollings law, which has placed us on a glidepath toward balance.

It is my view that the 1974 budget process—despite some coughs and bumps, like an antique car—has generally worked well. It has moved us toward our destination. But, for many reasons, we have failed to achieve as much as everyone would like.

What are some of the problems? For one, the congressional process lacks the formal participation of the administration. Lacking an agreement with the White House, the Congress often has failed to report budget resolutions by the required date—or act on appropriations bills that may be threatened with a veto—until the arrival of the new fiscal year forces action in the form of a continuing resolution.

The one time we had the administration deeply involved—during the budget summit of 1987—we were able to move into a period of some budget tranquility the following year, since the two branches had agreed on the framework for the next year.

And then there is the reconciliation process. We all know the difficulties that have occurred when those ordered to comply with reconciliation instructions are not participants in the formulation of those instructions. There has been a tendency to resist those instructions, or use them as vehicles not for reductions, but expansion and new programs.

This broad issue has been examined in great detail in a new book, "Broken Purse Strings," by Rudolph G. Penner, the former Director of the Congressional Budget Office, and Alan J. Abramson of the Urban Institute. The book carries a foreword written by President Gerald R. Ford.

The concepts that Senator JOHNSTON and I have included in this bill—concepts we have been discussing for some time—have many similarities with the suggestions offered by President Ford and the authors of "Broken Purse Strings."

I am honored that President Ford on Sunday sent us a letter endorsing our approach. In it, he stated:

> I support your proposal. In my judgment it is a significant, constructive and essential move toward the refinement and simplification of this vital governmental function.

I ask unanimous consent that a copy of President Ford's letter be printed following my statement, together with a letter from President Carter, also endorsing our efforts.

Mr. President, what the Domenici-Johnston bill offers is evolutionary changes, ones that we are convinced will improve the process, working toward three specific goals:

Reducing the workload of the budget process;

Simplifying the process; and

Improving enforcement.

To achieve these goals, our bill offers five specific improvements in the budget process:

First, we would replace the existing Budget Committees with a new, 18-member Joint Committee on the Budget. This proposal goes to the heart of the "delays" in budgeting, and there have been delays, no doubt about it.

But the delays have not so much been in each body. The delays have been between the bodies. A joint committee should improve that situation. It will move the confrontation that is inevitable to an earlier point in the year, then go to both bodies with the same fiscal game plan, a game plan that far more likely to pass since it will have the endorsement of the congressional leadership.

As I know the structure of the joint committee will be of interest to my colleagues, let me explain what we see.

We would name the four top congressional leaders—the majority and minority leaders of the Senate and the Speaker and minority leader of the House—to the committee. I would hope each would assume membership. But our bill provides for the naming of a designee, should one or more of the leaders wish not to serve directly.

The joint committee would also include, by right, the chairman and

ranking members of the two Appropriations Committees, as well as the chairmen and ranking members of the Finance and the Ways and Means Committees.

And there would be six "open seats." These open seats would include the current chairmen and the ranking members of the two Budget Committees—with future vacancies to be filled by the appropriate leaders—plus one member appointed each by the Speaker and the majority leader of the Senate.

Thus the majority party in each House would have 5 to 4 control over its membership. The chairman and vice chairman of the joint committee would come from those holding an "open seat," with the chairmanship rotating annually.

Second, we also move toward a longer term outlook on the budget. The President would be required to submit a 2-year budget at the beginning of each Congress, with revisions the second year. The joint committee would prepare a 2-year resolution that included binding totals for each category of spending: domestic, defense, and international affairs.

This is a very important change. The budget resolution is now fragmented into 20 different functions: defense, agriculture, education, and so on. These functions fail to correspond to either agency or committee jurisdictions. More importantly, they are in no way binding.

So our bill envisions those three simple categories of spending—defense, domestic, and international affairs—each to be subdivided into two components: discretionary spending, plus entitlements and mandatory spending. There would also be a category for offsetting receipts and net interest.

These allocations of defense, domestic and international affairs spending would replace the committee allocations currently required under section 302(a) of the Budget Act.

Let me explain it another way. Instead of a lot of detailed "guidance" that now comes in our budget discussions, we would develop a budget containing only broad allocations, but allocations that are binding. We would replace the current enforcement of section 302(b) with enforcement of these new 302(a) allocations.

Our third change would convert the annual budget resolution into a joint resolution, requiring the President's signature.

As I have mentioned, the lack of participation by the executive branch has proved an impediment to the process. Under the approach in this bill, any confrontation would occur up front—not in the days or weeks just prior to the new fiscal year—and we would have a simplified budget that carries the force of law.

And I would again point out that the successes of last year—when we passed all the appropriations bills before the start of the fiscal year—grow directly from the breakouts on spending contained in the budget summit agreement at the end of 1987.

The fourth point in our bill would force both years covered by the joint resolution to meet Gramm-Rudman-Hollings targets. Should Congress fail to adopt a timely budget resolution that achieves those targets, an "automatic" budget would take effect on May 15, with the spending levels set consistent with the sequester process under Gramm-Rudman-Hollings.

These totals would hold until Congress was able to agree to a resolution under normal procedures.

Fifth, while our bill would not require 2-year appropriations bills, neither would it preclude them. It also calls for an automatic continuing resolution, at previous-year levels, for any regular appropriations bill that fails to become law by October 1.

In addition, this Domenici-Johnston bill includes a number of technical changes regarding enforcement, changes explained in material that I will include in the RECORD at the end of my remarks. These changes would further simplify the process and strengthen the enforcement of congressional budget agreements.

As one last point, our legislation includes "Sense of the Congress" language urging passage of legislation for new Gramm-Rudman-Hollings targets after 1993 in order to eliminate gradually the non-Social Security deficit.

Under current practice, the Social Security reserves represent only a promise that in some future year the Government will raise taxes or cut non-Social Security spending enough to repay what is owned to Social Security. That's not good enough. It doesn't sound like the security I want for my children.

Balancing the non-Social Security budget in the years ahead will help ensure that the Social Security reserves now building are available when today's younger workers retire. That is the prudent way to go.

Why "Sense of the Congress" language? Frankly, Gramm-Rudman-Hollings has too many question marks to try to rewrite it immediately. A "Sense of the Congress' commitment would allow us to learn from the current process and see how the economy fares over the next year or two, then set in place the procedures and targets we need to require balance of the non-Social Security budget beginning in the early 1990s.

As I noted earlier, Mr. President, President Bush will submit his budget plan tomorrow. I commend him and his administration. They have done an outstanding job in moving quickly to prepare and submit their budget.

But that still leaves us with far less time than normal—a month less—in which to budget and appropriate money for fiscal year 1990. With those deadlines, maybe Congress should attempt to undertake the reforms we suggest on an informal basis in order to accelerate the process this year, so we can do the Nation's business on schedule.

Mr. President, it is time for Congress to improve and strengthen a sound process that already exists, the budget process. It certainly is not time to junk it. We believe we need a process that gives the President, the Congress, and—most importantly—the American people assurance that we will get the job done on time.

This bill will achieve that goal.

Mr. President, I ask unanimous consent that some additional material explaining the bill be printed at this point in the RECORD, as well as an article that appeared in the Albuquerque Journal. Further, I ask unanimous consent that a copy of the bill itself also be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO CONGRESSIONAL BUDGET ACT OF 1974.

Except as otherwise expressly provided, whenever any provision of this Act is expressed as an amendment to a section or other provision, the reference shall be deemed to be made to a section or other provision of the Congressional Budget Act of 1974.

SEC. 2. ESTABLISHMENT OF JOINT COMMITTEE ON THE BUDGET.

(a) ESTABLISHMENT OF COMMITTEE.—Title I is amended to read as follows:

"TITLE I—ESTABLISHMENT OF JOINT COMMITTEE

"ESTABLISHMENT OF JOINT COMMITTEE

"SEC. 101. (a) There is established a joint committee of the Congress to be known as the Joint Committee on the Budget (hereinafter in this title referred to as the 'joint committee').

"(b) The joint committee shall be composed of 9 members of the Senate as provided in subsection (c) and 9 members of the House of Representatives as provided in subsection (d).

"(c) Members of the joint committee from the Senate shall be as follows:

"(1) The Majority Leader and the Minority Leader, or their designees.

"(2) The chairman and ranking member of the Committee on Finance.

"(3) The chairman and ranking member of the Committee on Appropriations.

"(4)(A) The chairman and the ranking member of the Committee on the Budget, as constituted on the day before the date of enactment of this title.

"(B) If the chairman designated in subparagraph (A) resigns, one member selected by the Majority Leader.

"(C) If the ranking member designated in subparagraph (A) resigns, one member selected by the Minority Leader.

"(5) One additional member selected by the Majority Leader.

"(d) Members of the joint committee from the House of Representatives shall be appointed as follows:

"(1) The Speaker and the Minority Leader, or their designees.

"(2) The chairman and ranking member of the Committee on Ways and Means.

"(3) The chairman and ranking member of the Committee on Appropriations.

"(4)(A) The chairman and the ranking member of the Committee on the Budget, as constituted on the day before the date of enactment of this title.

"(B) If the chairman designated in subparagraph (A) resigns, one member selected by the Speaker.

"(C) If the ranking member designated in subparagraph (A) resigns, one member selected by the Minority Leader.

"(5) One additional member selected by the Speaker.

"(e)(1) A majority of the members of the joint committee shall constitute a quorum for the transaction of business, but the joint committee may fix a lesser number as a quorum for the purpose of taking testimony.

"(2) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the function of the joint committee and shall be filled in the same manner as in the case of the original appointment.

"(3) The joint committee shall select a chairman and a vice chairman from among the members designated pursuant to paragraphs (4) and (5) of subsection (c) and paragraphs (4) and (5) of subsection (d) at the beginning of each Congress. The vice chairman shall act in the place of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress. The chairman of the joint committee shall be selected by the Members from that House entitled to the chairmanship. The vice chairman shall be chosen by the members from the House other than that of the chairman.

"(4) No measure or recommendation shall be reported from the joint committee unless a majority of the members designated pursuant to subsection (c) and a majority of the members designated pursuant to subsection (d) assent.

"(f)(1) There shall be referred to the joint committee all joint resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to that committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) The joint committee shall have the duty—

"(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Congress on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Congress on a recurring basis;

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties; and

"(E) to function as the committee of conference on matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974.

"POWERS OF THE JOINT COMMITTEE

"SEC. 102. (a) The joint committee or any duly authorized subcommittee thereof is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from funds appropriated pursuant to subsection (d), (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate or the House of Representatives, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the Government department or agency concerned, to use on a reimbursable basis the services of personnel of any such department or agency.

"(b) The chairman of the joint committee or any member thereof may administer oaths to witnesses.

"(c) Subpenas authorized by the joint committee may be issued over the signature of the chairman, the vice chairman, or any member of the joint committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpena.

"(d) To enable the joint committee to exercise its powers, functions, and duties under this title, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents for the Congressional Budget and Impoundment Control Act of 1974 is amended by striking title I and inserting the following:

"TITLE I—ESTABLISHMENT OF JOINT COMMITTEE

"Sec. 101. Establishment of Joint Committee.

"Sec. 102. Powers of Joint Committee.".

(c) STANDING RULES OF THE SENATE.—Rule XXV of the Standing Rules of the Senate is amended—

(1) in paragraph 1, by striking subparagraph (e) and redesignating the succeeding subparagraphs accordingly;

(2) in paragraph 3(a) by striking the item relating to the Committee on the Budget; and

(3) in paragraph 3(c) by inserting after the item for "Indian Affairs" the following: "Joint Committee on the Budget .....9".

(d) AMENDMENTS IMPLEMENTING THE JOINT COMMITTEE ON THE BUDGET.—(1) Section 201(a)(2) is amended by striking "Committees on the Budget of the House and the Senate" and inserting "Joint Committee on the Budget".

(2) Section 202(a) is amended by—

(A) striking "Assistance to Budget Committees" and inserting "Assistance to Joint Committee on the Budget";

(B) striking "Committees on the Budget of both Houses" and inserting "Joint Committee on the Budget";

(C) striking "such committees" both places it appears and inserting "the Committee"; and

(D) striking "their jurisdictions" and inserting "its jurisdiction".

(3) Section 202(d) is amended by striking "Committee on the Budget of either House" and inserting "Joint Committee on the Budget".

(4) Section 202(f) is amended by—

(A) striking "Budget Committees" and inserting "Joint Committee on the Budget"; and

(B) striking in paragraphs (1) and (2) "Committees on the Budget of the House of Representatives and the Senate" both places it appears and inserting "Joint Committee on the Budget".

(5) Section 301 is amended by striking subsections (c) and (h) and redesignating the remaining subsections accordingly.

(6) Section 301(d) is amended—

(A) by striking "shall submit to the Committee on the Budget of the House";

(B) by striking "Committee on the Budget of the Senate" and inserting "Joint Committee on the Budget";

(C) by striking "Committees on the Budget of both Houses" both places it appears and inserting "Joint Committee on the Budget"; and

(D) by striking "Committee on the Budget of its House" and inserting "Joint Committee on the Budget".

(7) Section 301(e) is amended by striking "Committee on the Budget of each House" both places it appears and inserting "Joint Committee on the Budget".

(8) Section 302(g) is amended by—

(A) striking "Budget Committees" in the caption and inserting "Joint Committee on the Budget"; and

(B) striking beginning with "on" through the period and inserting "in each House on the basis of estimates made by the chairman or vice chairman for the Joint Committee on the Budget from such House.".

(9) Section 303(c) is amended—

(A) in paragraph (1) striking "Committee on the Budget of the Senate" and inserting "Joint Committee on the Budget"; and

(B) in paragraph (3), by striking "Committee on the Budget" and inserting "Joint Committee on the Budget".

(10) Section 305(a)(1) is amended by—

(A) striking "Committee on the Budget of the House of Representatives" and inserting "Joint Committee on the Budget"; and

(B) striking "Committee on the Budget" and inserting "Joint Committee on the Budget".

(11) Section 305(a)(3) is amended by—

(A) inserting "or vice chairman" after "chairman"; and

(B) striking "Committee on the Budget of the House" and inserting "Joint Committee on the Budget from the House".

(12) Section 305(a)(4) is amended by striking "Committee on the Budget of the House" and inserting "Joint Committee on the Budget".

(13) Section 305(b)(3) is amended by—

(A) inserting "or vice chairman" after "chairman"; and

(B) striking "Committee on the Budget of the Senate" and inserting "Joint Committee on the Budget from the Senate".

(14) Section 305(b)(4) is amended by striking "Committee on the Budget of the Senate" and inserting "Joint Committee on the Budget".

(15) Section 306 is amended to read as follows:

"LEGISLATION DEALING WITH CONGRESSIONAL BUDGET MUST BE HANDLED BY THE JOINT COMMITTEE ON THE BUDGET

"SEC. 306. (a) No bill or resolution, and no amendment to any bill or resolution, dealing with any matter which is within the jurisdiction of the Joint Committee on the Budget shall be considered in either House unless it is a bill or resolution which has been reported by the Joint Committee on the Budget (or from which the consideration of such committee has been discharged) or unless it is an amendment to such a bill or resolution.

"(b) For purposes of this section, only members designated in section 101(c) shall vote on the reporting of legislation to the Senate and only members designated in section 101(d) shall vote on the reporting of legislation to the House.

"(c) Matter within the jurisdiction of the Joint Committee on the Budget shall include legislative proposals which would affect—

"(1) the functions, duties, and powers of the Joint Committee on the Budget;

"(2) the functions, duties, and powers of the Congressional Budget Office;

"(3) the process by which Congress annually establishes the appropriate level of budget authority, outlays, revenues, deficits or surpluses, and public debt, including subdivisions thereof;

"(4) the limiting of backdoor spending devices;

"(5) the timetables for Presidential submission of appropriations and authorization requests;

"(6) the definitions of what constitutes impoundment;

"(7) the process and determination by which impoundments must be reported to and considered by Congress;

"(8) the mechanisms to insure Executive compliance with the provisions of title X of the Impoundment Control Act; and

"(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts.".

(16) Section 308(b)(2) is amended by—

(A) striking "Committee on the Budget of each House" and inserting "Joint Committee on the Budget";

(B) striking "its House" and inserting "each House"; and

(C) striking the sentence after subparagraph (C).

(17) Section 310(b)(2) is amended by—

(A) striking "Committee on the Budget of its House" and inserting "Joint Committee on the Budget"; and

(B) striking "to its House".

(18) Section 310(d)(4) is amended by striking beginning with "Committee" through the period and inserting "chairman and vice chairman of the Joint Committee on the Budget in their respective Houses.".

(19) Section 310(d)(5) is amended by striking "its" and inserting "the Joint".

(20) Section 311(c) is amended by striking beginning with "on" through the period and inserting "in each House on the basis of estimates made by the chairman and vice chairman for the Joint Committee on the Budget from such House.".

(21) Section 703(a) is amended by striking "Committee on the Budget of the House of Representatives and the Senate" and inserting "Joint Committee on the Budget".

(22) Section 703(b) is amended by—

(A) striking "Committee on the Budget of each House" and inserting "Joint Committee on the Budget"; and

(B) striking "to its House".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the one hundred and second Congress.

SEC. 3. BIENNIAL JOINT RESOLUTION ON THE BUDGET.

(a) REVISION OF TIMETABLE.—Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the Congressional budget process for any Congress (beginning with the One hundred and second Congress) is as follows:

"First Session

"On or before:	Action to be completed:
Fifteenth day after the session begins.	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Joint Budget Committee.
March 15	Committees submit views and estimates to Joint Budget Committee.
April 15	Joint Budget Committee reports joint resolution on the biennial budget.
May 15	Congress completes action on joint resolution on the biennial budget or automatic budget resolution takes effect.
	Annual appropriation bills may be considered.
June 10	House Appropriations Committee reports last annual appropriation bill.
September 30	Congress completes action on reconciliation legislation.
	Congress completes action on annual appropriations bills.
October 1	Biennium begins.

"Second Session

"On or before:	Action to be completed:
Fifteenth day after the session begins.	President submits budget revisions.
February 15	Congressional Budget Office submits report to Budget Committees.
June 10	House Appropriations Committee reports last annual appropriation bill.
September 30	Congress completes action on annual appropriation bills.".

(b) AMENDMENTS IMPLEMENTING JOINT RESOLUTION AND BIENNIAL CONGRESSIONAL BUDGETING.—

(1) DECLARATION OF PURPOSE.—Section 2(2) is amended by striking "each year" and inserting "biennially".

(2) DEFINITIONS.—(A) Paragraph (4) of section 3 is amended to read as follows:

"(4) The term 'joint resolution on the budget' means—

"(A) a joint resolution setting forth the Congressional budget for the United States Government for a biennium as provided in section 301; and

"(B) any other joint resolution revising the congressional budget for the United States Government for a biennium as described in section 304.".

(B) Section 3 is further amended by adding at the end thereof the following new paragraphs:

"(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.

"(12) The term 'major functional categories' means the allocation of budget authority, budget outlays, and credit authority separated into the following functional totals:

"(A) defense discretionary;

"(B) defense entitlement and mandatory;

"(C) domestic discretionary;

"(D) domestic entitlement and mandatory;

"(E) international affairs discretionary;

"(F) international affairs entitlement and mandatory;

"(G) offsetting receipts; and

"(H) net interest.".

(3) DUTIES OF CBO.—(A) Section 202(f)(1) is amended—

(i) by striking "February 15 of each year" and inserting "February 15 of each odd-numbered calendar year";

(ii) by striking "the fiscal year commencing" and inserting "each fiscal year in the biennium commencing";

(iii) by striking "such fiscal year" the first place it appears and inserting "such biennium"; and

(iv) by striking "such fiscal year" the second place it appears and inserting "each fiscal year in such biennium";

(B) Section 202(f) is further amended—

(i) in paragraph (2) by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(ii) in paragraph (3)—

(I) by striking "each year" and inserting "each even-numbered calendar year",

(II) by striking "the fiscal year ending September 30 of that calendar year" in clause (A) and inserting "either fiscal year in the biennium beginning October 1 of the preceding calendar year",

(III) by striking "the fiscal year ending September 30 of that calendar year" in clause (B) and inserting "either fiscal year of such biennium", and

(IV) by striking "fiscal year beginning October 1 of that calendar year" and inserting "succeeding biennium";

(iii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) respectively; and

(iv) by inserting after paragraph (1) the following new paragraph:

"(2) On February 15 of each even-numbered year, the Director shall transmit to the Joint Committee on the Budget such revisions of the report required by paragraph (1) as may be necessary due to changing economic conditions and due to any budget revisions transmitted by the President pursuant to subsection (b) of section 1106 of title 31, United States Code.".

(4) BIENNIAL JOINT RESOLUTION ON THE BUDGET.—(A) Section 301(a) is amended—

(i) by striking "April 15 of each year" and inserting "May 15 of each odd-numbered year";

(ii) by striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "biennium beginning on October 1 of such year";

(iii) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period";

(iv) by striking "each of the two ensuing fiscal years" and inserting "each fiscal year in the succeeding biennium"; and

(v) by striking "concurrent resolution" including in the caption and inserting "joint resolution".

(B) Section 301(b) is amended—

(i) in the matter preceding paragraph (1) by inserting "for a biennium" after "resolution on the budget";

(ii) in paragraph (3) by striking "for such fiscal year" and inserting "for either fiscal year in such biennium";

(iii) by adding at the end thereof the following:

"All matters and procedures set forth pursuant to paragraph (4) shall remain in effect only for the biennium beginning on October 1 of such fiscal year."; and

(iv) by striking "concurrent resolution" including in the caption and inserting "joint resolution".

(C) Section 301(d) is amended by striking "February 25 of each year" and inserting "March 15 of each odd-numbered year".

(D) Section 301(e) is amended—

(i) in the first sentence by striking "fiscal year" and inserting "biennium";

(ii) by inserting between the second and third sentences the following new sentence: "On or before April 15 of each odd-numbered year the Joint Committee on the Budget shall report to each House the joint resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.";

(iii) in paragraph (6)—

(I) by striking "five" and inserting "four",

(II) by striking "such fiscal year" and inserting "the first fiscal year of such biennium,",

(III) by striking "such period" and inserting "such four-fiscal-year period"; and

(iv) by striking "concurrent resolution" and inserting "joint resolution".

(E) Section 301(f) is amended—

(i) by striking "fiscal year" each place it appears and inserting "biennium"; and

(ii) by striking "concurrent resolution" and inserting "joint resolution".

(F) Subsection (g) of section 301 is amended by striking "concurrent resolution" and inserting "joint resolution".

(G) Section 301(i)(1)(A) is amended—

(i) by striking "for a fiscal year" and inserting "for a biennium";

(ii) by striking "for such fiscal year" the first place it appears and inserting "for either fiscal year in such biennium"; and

(iii) by striking "concurrent resolution" and inserting "joint resolution".

(H) Section 301(i)(2) is amended—

(i) by striking subparagraphs (B) and (C); and

(ii) by striking "(A)".

(I) The section heading of section 301 is amended by striking "ANNUAL ADOPTION OF CONCURRENT" and inserting "BIENNIAL ADOPTION OF JOINT".

(J) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Annual Adoption of the Concurrent" in the item relating to section 301 and inserting "Biennial Adoption of the Joint".

(5) SECTION 303 POINT OF ORDER.—(A) Section 303(a) is amended by striking "for fiscal year" and inserting "for the biennium including such fiscal year".

(B) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(i) by striking "fiscal year" each place it appears and inserting "biennium";

(ii) in paragraph (1), by inserting before the semicolon ", if such bill or resolution does not cause the level of entitlement and mandatory spending to be exceeded for the two fiscal years following the biennium to which the joint resolution applies"; and

(iii) in the matter following paragraph (2) by striking "any calendar year" and inserting in lieu thereof "any odd-numbered calendar year" and by striking "in the House of Representatives".

(C) Section 303, including the heading, is amended by striking "concurrent resolution" and inserting "joint resolution".

(D) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Concurrent" in the item relating to section 303 and inserting "Joint".

(6) PERMISSIBLE REVISIONS OF JOINT RESOLUTIONS ON THE BUDGET.—(A) Section 304 is amended—

(i) by striking "fiscal year" the first two places it appears and inserting "biennium";

(ii) by striking "for such fiscal year";

(iii) by inserting before the period "for such biennium"; and

(iv) by striking "concurrent resolution", including in the heading, and inserting "joint resolution".

(B) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Concurrent" in the item relating to section 304 and inserting "Joint".

(7) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305 is amended—

(A) in subsection (a)(3) by striking "for a fiscal year";

(B) in subsection (b)(3) by striking "for a fiscal year"; and

(C) by striking "concurrent resolution", including in the heading, and inserting "joint resolution".

(8) REPORTS AND SUMMARIES OF CONGRESSIONAL BUDGET ACTIONS.—(A)(i) Section 308(a)(1) is amended—

(I) in the matter preceding subparagraph (A) by striking "fiscal year" and inserting "biennium",

(II) in subparagraph (A) by striking "fiscal year" and inserting "biennium", and

(III) in subparagraph (C) by striking "such fiscal year" and inserting "such biennium".

(ii) Section 308(a)(2) by striking "fiscal year" and inserting "biennium".

(B) Section 308(b)(1) is amended—

(i) by striking "fiscal year" the first place it appears and inserting "biennium";

(ii) by inserting "for such biennium" after "concurrent resolution on the budget"; and

(iii) by striking "the fiscal year preceding such fiscal year" and inserting "each fiscal year in the biennium preceding such biennium".

(C) Section 308(c) is amended—

(i) by striking "Five" in the subsection heading and inserting "Four";

(ii) by striking "fiscal year" each place it appears in the matter preceding paragraph (1) and inserting "biennium"; and

(iii) by striking "5 fiscal years" and inserting "4 fiscal years".

(D) Section 308 is amended by striking "concurrent resolution" and inserting "joint resolution".

(9) RECONCILIATION PROCESS.—(A) Section 310(a) is amended—

(i) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting "any biennium";

(ii) in paragraph (1) by striking "such fiscal year" each place it appears and inserting in lieu thereof "each fiscal year in such biennium"; and

(iii) in paragraph (2) by inserting "for each fiscal year in such biennium" after "revenues".

(B) Section 310(f) is amended—

(i) in paragraph (1)—

(I) by inserting "for a biennium" after "subsection (b)", and

(II) by striking "June 15 of each year" and inserting "September 30 of the calendar year in which the biennium begins"; and

(ii) in paragraph (2)—

(I) by inserting "of any odd-numbered calendar year" after "July",

(II) by striking "fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains" and inserting "biennium beginning on October 1 of such calendar year", and

(III) by striking "for such fiscal year" and inserting "for such biennium".

(D) Section 310 is amended by striking "concurrent resolution" and inserting "joint resolution".

(10) SECTION 311 POINT OF ORDER.—(A) Section 311(a) is amended—

(i) by striking "a concurrent resolution on the budget for a fiscal year" and inserting "a joint resolution on the budget for a biennium";

(ii) by striking "such fiscal year" the first, second, and third places it appears and inserting "a fiscal year in such biennium";

(iii) by striking "concurrent resolution on the budget for such fiscal year" and inserting "joint resolution on the budget for the biennium in which such fiscal year occurs";

(iv) by striking "deficit for such fiscal year" and inserting "deficit for a fiscal year in such biennium".

(B) Section 311 is amended by striking subsection (b) and redesignating subsection (c) as (b).

(11) BILLS PROVIDING NEW SPENDING AUTHORITY.—Section 401(b)(2) is amended by striking "for such fiscal year" the second place it appears and inserting "for the biennium in which such fiscal year occurs".

(12) ANALYSIS BY CBO.—Section 403(a) is amended—

(A) by striking "the fiscal year" in paragraph (1) and inserting "each fiscal year in the biennium";

(B) by striking "4 fiscal years following such year" in paragraph (1) and inserting "each fiscal year in the succeeding biennium";

(C) by striking "the fiscal year" in paragraph (2) and inserting "each fiscal year in the biennium"; and

(D) by striking "four fiscal years following such fiscal year" in paragraph (2) and inserting "each fiscal year in the succeeding biennium".

SEC. 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11))".

(b) BUDGET AND APPROPRIATIONS AUTHORITY OF THE PRESIDENT.—Section 1104(c) of title 31, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking the second sentence thereof; and

(3) by adding at the end thereof the following new paragraph:

"(2) The budget submitted pursuant to section 1105 for the biennium beginning on October 1, 1991, and the estimates of outlays and proposed budget authority required to be submitted under section 1109 for such biennium, shall be set forth in the same accounts which are set forth in the Budget Accounts Listing contained in the

budget submitted for fiscal year 1991 under section 1105. Any change in the accounts used in the budget submitted under section 1105 for the biennium beginning on October 1, 1991, or any succeeding biennium, or in the estimates of outlays and proposed budget authority required under section 1109 for any such biennium, from the accounts set forth in the Budget Accounts Listing contained in the budget submitted under section 1105 for fiscal year 1991, or the previous biennium, as the case may be, shall be made only in consultation with the Committees on Appropriations, the Joint Committee on the Budget, and the committees having legislative jurisdiction over the programs or activities which will be affected by such changes. The provisions of this paragraph do not prohibit the inclusion of proposed new accounts in the Budget Accounts Listing contained in the budget submitted pursuant to section 1105 solely for purposes of presenting estimates for proposed new programs.".

(c) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) On or before the fifteenth day after the day on which the first session of a Congress convenes, beginning with the one hundred and second Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting "each fiscal year in the biennium"; and

(B) by striking "4 fiscal years after that year" in subparagraph (B) and inserting "2 fiscal years immediately following the second fiscal year in such biennium".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting "in that fiscal year".

(d) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(e) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting "biennium for";

(2) by inserting "or current biennium, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting "that period".

(f) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting "biennium".

(g) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(h) COMPLIANCE WITH MAXIMUM DEFICIT AMOUNT.—Section 1105(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "a fiscal year" and inserting "a biennium", and

(B) by striking "such fiscal year" the first place it appears and inserting "each fiscal year in such biennium";

(2) in paragraph (2) by striking "in the budget so transmitted for any fiscal year" and inserting "for a fiscal year in a budget transmitted pursuant to subsection (a)"; and

(3) in paragraph (3)—

(A) by striking "a fiscal year" and inserting "a biennium"; and

(B) by striking "such fiscal year" the first place it appears and inserting "each fiscal year in such biennium".

(i) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting "biennium";

(B) in paragraph (1) by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2) by striking "4 fiscal years following the fiscal year" and inserting "2 fiscal years following the biennium";

(D) by striking "future fiscal years" in paragraph (3) and inserting "the 2 fiscal years following the biennium for which the budget is submitted"; and

(E) by striking "fiscal year" in paragraph (3) and inserting "biennium".

(2) Section 1106(b) of title 31, United States Code, is amended by—

(A) striking "Before July 16 of each year" and inserting "On or before the fifteenth day after the day on which the second session of a Congress convenes";

(B) striking "the fiscal year" and inserting "each fiscal year in the biennium"; and

(C) striking the last sentence.

(j) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) Section 1109(b) of title 31, United States Code, is amended—

(A) by inserting "odd-numbered calendar" after "each"; and

(B) by striking "Committees on the Budget of both Houses" and inserting "Joint Committee on the Budget".

(k) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting "biennium (beginning on or after October 1, 1991)", and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the biennium begins".

(l) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting "For each biennium beginning with the biennium beginning on October 1, 1991, the"; and

(2) by striking "each year" each place it appears.

SEC. 5. COMMITTEE ALLOCATIONS.

(a) IN GENERAL.—Section 302 is amended to read as follows:

"COMMITTEE ALLOCATIONS

"SEC. 302. (a) ALLOCATION OF TOTALS.—The joint explanatory statement accompanying a conference report on a joint resolution on the budget shall include an estimated allocation of the appropriate levels of budget outlays, new budget authority, and new credit authority by major functional categories for each fiscal year in the biennium among each committee of each House which has jurisdiction over laws, bills and resolutions providing such new budget authority, or such credit authority.

"(b) REPORTS BY COMMITTEES.—As soon as practicable after a joint resolution on the budget for a biennium is agreed to the Committee on Appropriations of each House shall, after consulting with the Committee on Appropriations of the other House—

"(1) subdivide among its subcommittees the allocation of budget outlays, new budget authority, and new credit authority by major functional categories allocated to it in the joint explanatory statement accompanying the conference report on such joint resolution; and

"(2) further subdivide the amount with respect to each such subcommittee between controllable amounts and all other amounts.

"(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or

the Senate to consider any bill or resolution, or amendment thereto, providing—

"(1) new budget authority for a fiscal year;

"(2) new spending authority as described in section 401(c)(2) for a fiscal year; or

"(3) new credit authority for fiscal year;

within the jurisdiction of the Committee on Appropriations of either House which has received an appropriate allocation of such authority pursuant to subsection (a) for such fiscal year, unless and until such committee makes the allocation or subdivisions required by subsection (b), in connection with the most recently agreed to joint resolution on the budget for such fiscal year.

"(d) SUBSEQUENT JOINT RESOLUTIONS.—In the case of a joint resolution on the budget for a biennium referred to in section 304, the allocations under subsection (a) and the subdivisions under subsection (b) shall be required only to the extent necessary to take into account revisions made in the most recently agreed to joint resolution on the budget.

"(e) ALTERATION OF ALLOCATIONS.—At any time after the Committee on Appropriations of either House reports the allocations required to be made under subsection (b), such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.

"(f) LEGISLATION SUBJECT TO POINT OF ORDER.—At any time after the Congress has completed action on the joint resolution on the budget for a biennium, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution (including a conference report thereon), or any amendment to a bill or resolution, that provides for budget outlays or new budget authority in excess of the appropriate allocation of such outlays or authority by major functional category reported under subsection (a) in connection with such joint resolution.

"(g) DETERMINATIONS BY JOINT BUDGET COMMITTEE.—For purposes of this section, the levels of new budget authority, spending authority as described in section 401(c)(2), outlays, and new credit authority for a fiscal year shall be determined in each House on the basis of estimates made by the chairman or vice chairman for the Joint Committee on the Budget from such House.".

(b) CONFORMING AMENDMENTS.—

(1) Section 308(a)(1)(A) is amended by striking "302(b)" and inserting "302(a)".

(2) Section 401(b)(2) is amended by striking "302(b)" and inserting "302(a)".

SEC. 6. AUTOMATIC BUDGET RESOLUTIONS.

(a) IN GENERAL.—Title III is amended by adding at the end thereof the following new section:

"AUTOMATIC BUDGET RESOLUTION

"SEC. 312. (a) CONGRESSIONAL BUDGET OFFICE REPORT.—

"(1) On or before May 1 of each odd numbered year, the Director of the Congressional Budget Office shall submit to the Committees on the Budget of the Senate and the House of Representatives a report setting forth the levels and amounts that would appear in an automatic budget resolution as described in this section.

"(2) No report shall be required if the Congress has adopted a joint resolution on the budget before May 1.

"(b) AUTOMATIC BUDGET RESOLUTION.—

"(1) If on any May 15 of each odd numbered year, the Congress has not yet adopted a joint budget resolution pursuant to section 301 of the Congressional Budget Act for the biennium beginning October 1 of that year, the Congress shall be deemed for all purposes to have adopted a joint budget resolution for the biennium as described in this section.

"(2) The joint resolution shall have the following characteristics:

"(A) The amount of the deficit for each fiscal year shall equal the maximum deficit amount specified in section 3(7) of the Congressional Budget Act for the appropriate fiscal years.

"(B) The levels of Federal revenues for each fiscal year shall equal the current law estimate of total revenues set forth in the budget submitted by the President pursuant to subsection (a) of section 1105, United States Code.

"(C) The levels of total budget outlays for each fiscal year shall equal the difference between revenues and the deficit as required by this section.

"(D) Other levels and amounts in the budget resolution shall—

"(i) equal those that the Director of the Congressional Budget Office sets forth in his report pursuant to this section;

"(ii) be consistent with amounts of the deficits and the levels of Federal revenues required by this section; and

"(iii) display the effects by major functional category as calculated by the Director of the Congressional Budget Office of reductions in outlays that would be required by part C of the Balanced Budget and Emergency Deficit Control Act of 1985 if the Director of the Congressional Budget Office had prepared the report of the Director of the Office of Management and Budget pursuant to section 251(a)(2)(B) of that Act using the levels of Federal revenues required by this section.

"(3) The chairman and vice chairman of the Joint Committee on the Budget shall submit for the record in their respective Houses a statement of the allocation required by section 302(a) consistent with the joint resolution.".

(b) The table of contents for the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end of title III the following new item:

"Sec. 312. Automatic budget resolution.",

(c) CONFERENCE COMMITTEE.—Section 305 is amended by—

(1) striking subsection (d); and

(2) redesignating subsection (e) as subsection (d).

SEC. 7. CONTINUING APPROPRIATIONS.

(a) AMENDMENT TO TITLE 31.—(1) Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a) Except as provided in paragraph (2), if any of the regular appropriation bills for a fiscal year does not become law before the beginning of such fiscal year, there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity, provided for in a regular appropriation Act that has become effective for the preceding fiscal year, at a rate of operations not in excess of the rate of operations provided for such project or activity for such preceding fiscal year in such Act.

"(b) Amounts appropriated pursuant to subsection (a) with respect to a fiscal year shall be available for the period beginning with the first day of such period and ending with the earlier of—

"(1) the day after the first date on which the regular appropriation bill for the program or activity funded under subsection (a) of this section has become law; or

"(2) the last day of such fiscal year.

"(c) For purposes of this section, 'regular appropriation bill' has the meaning given such term in section 307 of the Congressional Budget Act (2 U.S.C. 638).".

(2) The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

(b) AMENDMENT TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(6)) is amended by adding at the end thereof the following: "For purposes of subparagraph (B), continuing appropriations made pursuant to section 1311 of title 31, United States Code, shall be treated as continuing appropriations for an entire fiscal year.".

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall apply to fiscal years beginning after September 30, 1991.

(2) For purposes of determining the application of section 1311 of title 31, United States Code, to the biennium beginning October 1, 1991, any project or activity provided for in a joint resolution making continuing appropriations for the fiscal year beginning October 1, 1990, shall be treated as having been provided for in a regular appropriation Act.

(3) For purposes of determining the rate of operations for a project or activity under section 1311 of title 31, United States Code, for the fiscal year beginning October 1, 1991, the rate of operations for such project or activity in such fiscal year shall equal the rate provided for such project or activity in a regular appropriation Act for the fiscal year beginning October 1, 1990 or a joint resolution making continuing appropriations for such fiscal year.

SEC. 8. SENSE OF THE CONGRESS SUPPORTING A UNIFIED BALANCED BUDGET NOT INCLUDING SOCIAL SECURITY.

It is the sense of the Congress that legislation should be enacted before October 1, 1993, establishing fiscal targets beyond those mandated by the Balanced Budget and Emergency Deficit Control Act of 1985. The goal of such legislation should be to eliminate, over a period of years, the deficit in that portion of the Federal budget which does not include social security and to produce a unified budget surplus.

DOMENICI-JOHNSTON CONGRESSIONAL BUDGET REFORM ACT OF 1989—EXPLANATION

1. JOINT COMMITTEE ON THE BUDGET

a. Replace the Senate and House Budget Committees with a Joint Committee on the Budget.

b. The Joint Committee would have the nine members from each House—5 from the majority and 4 from the minority. The 18 members of the Joint Committee would include the following:

(1) the Majority and Minority Leader of the Senate or their designees;

(2) the Speaker and Minority Leader of the House or their designees;

(3) the Chairmen and Ranking Members of the House and Senate Appropriations Committees;

(4) the Chairman and Ranking Members of the Finance and Ways and Means Committee; and

(5) six open seats to be filled as follows:

(a) the current Chairmen and Ranking Members of Senate and House Budget Committees, with vacancies to be filled by Majority or Minority Leader, as appropriate; and

(b) one additional member to be appointed by the Majority Leader of the Senate and the Speaker of the House.

c. The Chairman and Vice Chairman would be designated from the open seats, one representing each House. The Chairmanship of the Joint Committee would rotate between the Senate and House with each Congress.

d. The Joint Committee would assume all of the duties and responsibilities of the current Budget Committees.

e. The Chairman and Vice Chairman would be responsible for scoring legislation in their respective Houses.

2. BUDGET RESOLUTION

a. Reformulate as a two-year resolution, with planning totals for subsequent two years.

b. Convert to joint resolution, requiring Presidential signature.

c. Replace current function totals with the following:

(1) defense discretionary;

(2) defense entitlement and mandatory;

(3) domestic discretionary;

(4) domestic entitlement and mandatory;

(5) international affairs discretionary;

(6) international affairs entitlement and mandatory;

(7) offsetting receipts; and

(8) net interest.

d. Continue to include revenue totals and deficit projections, which would have to meet Gramm-Rudman-Hollings targets for both the first and second years.

e. Committees would receive allocations by the major functional categories described above. This means committees would receive more than one allocation (e.g. defense discretionary, domestic discretionary, domestic entitlements and mandatory). These would replace the current 302(a) allocations.

f. Change reconciliation instructions to 4 years.

g. Provide that if Congress has not completed action on the budget resolution by May 15:

(1) the budget resolution will be deemed to be adopted at the GRH baseline level, reduced as if by sequester to meet the deficit targets and that

(2) these totals would govern all spending legislation until Congress adopted a budget resolution.

h. Provide for (but do not require) a revised budget resolution at the beginning of year 2.

3. APPROPRIATIONS

a. Maintain one-year appropriations, but do not preclude two-year bills.

b. Provide for an automatic continuing resolution at previous year's level if any regular appropriation bill has not been enacted by October 1.

4. ENFORCEMENT

a. Amend Section 302(f) of the Budget Act to make 302(a) totals binding on committees for the two years covered by the budget resolution.

b. Drop 302(b) allocations for all but the Appropriations Committee.

c. Maintain 302(c) point of order requiring Appropriations to file a 302(b) allocation.

d. Use 302(b) allocations only for purposes of 302(a) scoring—i.e. subcommittee total assumed to be at 302(b) level until bill is passed by Senate or House. Drop requirement in Section 302(f) which makes 302(b) allocations binding.

e. Revise Section 311 to enforce budget resolution totals (BA, outlays, revenues) for two years.

f. Amend Section 303 to provide that it is not in order to consider legislation which would cause the level of entitlement and mandatory spending to be exceeded for the two planning years covered by the resolution.

5. GRAMM-RUDMAN-HOLLINGS TARGETS

a. Provide that it is the sense of the Congress that legislation should be enacted before October 1, 1993 to eliminate the deficit in that portion on the budget which does not include social security.

6. PRESIDENT'S BUDGET

a. Require the President to submit 2-year budget 15 days after the first day of the first session.

b. Require the President to submit budget revisions 15 days after the first day of the second session.

GERALD R. FORD,

Washington, DC, February 5, 1989.

Senator PETE V. DOMENICI,

Senator J. BENNETT JOHNSTON,

Senate Budget Committee,

U.S. Senate, Washington, DC.

DEAR SENATORS DOMENICI AND JOHNSTON: I am greatly pleased to learn of your proposal for reforming the Federal Budget process. I support your proposal. In my judgment, it is a significant, constructive and essential move toward the refinement and simplification of this vital government function. Legislative steps such as you propose must immediately be taken. Further delay invites more fiscal problems in the future.

Following 25 years in the House of Representatives, dealing with annual appropriations, I changed locations, as you know, and experienced the handicaps of initiating Presidential fiscal policy under the Budget and Reform Act of 1974. Its new procedures were not enough to provide solutions to our nation's fiscal problems. The new procedures did not give Congress adequate tools to balance the federal budget. Nor did the 1974 Act equip an Administration with processes to cope with unprecedented fiscal challenges. Instead, the additional committees and the added steps in the Congressional budget process complicated relations between the President and the Congress.

Also, the 1974 Act made room for competitive argument on the Hill between Committees over jurisdiction and seniority. It produced a stretched out, time consuming budget process. Regrettably, the Act of 1974, although well intended, did not, in itself, enable those in authority to produce an annual comprehensive balanced budget.

Based on my service in the Congress and the White House, I recognize and emphasize a complex budget procedure does not guarantee a sound project. Those who govern in the Executive and Legislative branches of government must give the highest priority to reasoned, responsible budget decisions in authorizations, appropriations and in the overall budget process or little will change. However, as an important step toward financial leadership and responsibility, an improved and cleaned up budget process is badly needed as soon as possible.

I strong endorse your efforts to achieve the required improvement. I wish you the very best.

Sincerely,

GERALD R. FORD.

[From the Albuquerque (NM) Journal, Jan. 16, 1989]

CONGRESS MUST STRENGTHEN THE BUDGET PROCESS, NOT JUNK IT

(By Pete V. Domenici and J. Bennett Johnston)

WASHINGTON.—America will soon swear in a new president and a new budget director. Now that the 101st Congress has convened, we have new chairmen heading the two congressional budget committees, to be followed soon by a new director of the Congressional Budget Office.

It's time we also had a new budget process.

We need that new process to streamline the way Congress allocates tax dollars. It's needed to keep America's prosperity humming, not mired in protracted political infighting.

We suggest six changes, ones we will propose in legislation. Between us, we have been a part of the Senate's legislative and budget process for 32 years. From that experience we are convinced these six changes will greatly improve the way Congress spends your tax dollars.

First, we need to fold the two existing budget committees into a single joint budget committee that includes the leadership of both the House of Representatives and the Senate, plus the current chairmen and ranking Republicans of the Appropriations, Budget, Finance, and Ways and Means committees. It would be a committee with—and this is key—leadership clout.

Second, the president must become more involved in the budget decisions. That can be accomplished by making the budget resolution the kind of resolution that requires the president's signature. That way, the "budget" would carry the force of law, not simply serve as a congressional "blueprint."

Third, the new joint committee should produce two-year budgets at the beginning of each Congress. President Reagan endorsed the multi-year approach in his final budget. President Bush will concur. The old and new chairmen of the House Budget Committee have supported two-year budgets. Such budgets would include mandatory targets for three general categories of spending: domestic, defense, and international affairs. It has proved too easy in the past to siphon money promised to defense and international affairs in the budget into domestic spending later in the annual cycle.

Next, what if Congress fails to adopt a joint budget resolution and slips back into business as usual? We suggest a simple alternative: an "automatic" budget that would take effect on May 15, setting the spending lid at a level consistent with the Gramm-Rudman-Hollings law.

Fifth, we need to strengthen enforcement of a two-year budget, however adopted. Different sets of rules now apply in the House, the Senate and at the Office of Management and Budget over how to "score" legislation. These current rules not only confuse, but permit manipulation to circumvent a budget agreement.

Finally, we should add new, tighter Gramm-Rudman-Hollings targets beyond

1993, the year America is supposed to attain balance in the entire budget. It is well known that the Social Security Trust Fund is projected to run a surplus of around $100 billion in 1993. So even when we reach overall "balance" that year, we'll still run a deficit of $100 billion in non-Social Security spending. We need "surplus targets" beginning in 1994 to eliminate gradually the non-Social Security deficit.

It was 1974 when Congress approved a "new" budget process. Since then, it has received lots of criticism, both from inside and outside Congress.

But in our haste to criticize that process, we must not forget what preceded it. Does anyone really want to return to the days when neither the Congress nor the White House could track spending until long after the laws were adopted? We hope not.

President Reagan has called all of this a "magic show" and a "failure." But he, too, used the process to achieve some of his early successes redirecting federal spending priorities.

It's time for Congress to strengthen the budget process, not junk it. It is time we changed the way Congress budgets the dollars given us by the American taxpayers and create a process that the president, Congress, and—most importantly—the American people can really count on.

● Mr. JOHNSTON. Mr. President, I am pleased to join my distinguished colleague from New Mexico, Senator DOMENICI, in introducing legislation to reform the budget process.

This bill is not a panacea for endless deficits. It also will not make any easier the tough decisions we must make about priorities in spending programs and revenues.

What it will do is help provide a framework for more orderly, more certain and more focused decisions.

I don't advocate eliminating the Budget Act or the budget process, Mr. President. In fact, I believe that the Budget Act has been very useful in many ways. It has forced us to focus on budget totals and the impact which discrete legislative actions have on such totals. This alone is no small accomplishment.

Since 1974, however, the changes we have made in the Budget Act and the inherent weaknesses in it have resulted in a labyrinthine process from presentation of budget estimates by the President in January until enactment of a budget months later. We have not had an orderly process dominated by a series of deliberate decisions which flow from one another or which adhere to a reasonable timetable. Only twice since the Budget Act came into play have all 13 appropriations bills been cleared by the Congress prior to the beginning of the new fiscal year. Even when they have cleared, until 1988 such clearances came so late, sort of short term, a special continuing resolution has been required to prevent the Federal Government from shutting its doors.

We have not had a process which encourages advance planning and sets a consistent direction early on for national policy. And we have not truly remedied the fragmented process by which the budget is considered, which makes it exceedingly difficult for Congress to either set overall budget policy or establish and maintain budget priorities.

This fragmentation has led to frustration by many Members of this body, frustration which in part is driven by the number of duplicative votes we take on priorities throughout the year, voting on the same issues on the budget resolution, the appropriations legislation, and authorizing legislation, often with inconsistent results.

What we are trying to do in this legislation is restore some order, reduce fragmentation and the duplication and overlap which result, and bring some certainty to budgeting so that the Congress, the President, and the American people will all have a budget process they can count on.

First, we try to bring in early on those actors who must be part of the decisions we make to set directions if those directions are to be maintained. We therefore create a joint committee composed of representatives from the leadership and key members of the spending and tax committees, and we make the President a part of the process by converting the existing concurrent resolution to a joint resolution.,

These changes will help alleviate two key problems we have faced. In the past those ordered to comply with reconciliation instructions developed by the Budget Committees have often tended to resist these instructions, or use them as vehicles for new programs, not reductions. Bringing those who must deliver in to the early decisions will help cure this. Second, the administration has not participated in the process and no agreement on priorities has been forthcoming until a crisis atmosphere hits with the beginning of the new fiscal year. A last minute, late continuing resolution has become the vehicle for reaching a consensus and we often become so mired down in extraneous details that we lose sight of the overall direction we should be taking. And if we in the Congress become confused, imagine the confused state of the American people about policy directions. Instead of focusing debate clearly on the major issues, the Congress and the President often have a debating match focused on blame, on small projects which none of us have spent much time or thought on, and the policy debate is thus lost in a constant barrage of minutiae.

Second we try to build in incentives for timely consideration of budget issues to provide a framework for thoughtful debate. Most important, we have tried to create a drop-dead date for action on the budget resolution. Our legislation provides a draconian penalty if no resolution is adopted by May 15. We provide for an automatic resolution set at Gramm-Rudman-Hollings totals to go into effect, allowing the Appropriations Committees to move forward at these reduced rates and put forth in concrete terms the consequences of continued stalemate. In effect this is what can happen right now. The difference is timing. By putting this into effect in May, rather than in late September, we allow time for thoughtful debate to work out a compromise while all the cards are still on the table; and we avoid the crisis atmosphere of imminent closings in which to have this debate. We also provide for an automatic CR, at prior-year levels, for any regular appropriations bill which fails to become law by October 1, to further protect against a crisis setting. Incentives will still be there to move forward, but we won't be facing midnight meltdowns as we move.

Third, we try to provide for more advance planning by requiring for budgeting on a 2-year basis. Many of our colleagues, particularly the distinguished senior Senator from Kentucky, have argued forcefully and I believe convincingly for 2 year budgets to enable us to have time for needed oversight duties. I agree, and I think that the experience of the 2 year agreement reached in 1987 and under which we operated last year vindicates this view. We therefore require the President to submit a 2-year budget at the beginning of each Congress—with revisions the following year—and require the joint committee to prepare a 2-year resolution. Further, we remove Budget Act obstacles to, but do not require, 2 year appropriations bills.

We make other changes in enforcement and other areas as well, changes which have been addressed in detail in the dear colleague letter Senator DOMENICI and I circulated last week. We have not proposed a laundry list of every item either Senator DOMENICI or I believe should be changed, and we have not addressed some of the more far-reaching ideas that have been proposed before. Rather, what we are proposing is a refinement of the existing framework. At its heart our proposal is an attempt to make this framework work. I believe these and the changes I have tried to highlight above will strengthen the budget process, and more important focus the debate on key issues so that the President, the Congress, and the American people can follow and be part of the central debate.

I am extremely pleased that we have been able to bring forth this bipartisan proposal, and I believe it is a constructive effort to deal with the frustrations so many of us have felt over the last several years. I am also pleased to note that both former President Ford and former President

Carter have endorsed our approach. While we certainly do not encompass all the suggestions which either President Ford or President Carter would make, I am pleased that they too see it as a constructive vehicle for bridging the fragmented process we now have.

Mr. President, I ask unanimous consent that the text of the letters of endorsement from Presidents Carter and Ford be printed in full at the end of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 5, 1989.

Senator PETE V. DOMENICI,
Senator J. BENNETT JOHNSTON,
Senate Budget Committee, U.S. Senate, Washington, DC.

DEAR SENATORS DOMENICI AND JOHNSTON: I am greatly pleased to learn of your proposal for reforming the Federal Budget process. I support your proposal. In my judgment, it is a significant, constructive and essential move toward the refinement and simplication of this vital government function. Legislative steps such as you propose must immediately be taken, Further delay invites more fiscal problems in the future.

Following 25 years in the House of Representatives, dealing with annual appropriations, I changed locations, as you know, and experienced the handicaps of initiating Presidential fiscal policy under the Budget and Reform Act of 1974. Its new procedures were not enough to provide solutions to our nation's fiscal problems. The new procedures did not give Congress adequate tools to balance the federal budget. Nor did the 1974 Act equip an Administration with processes to cope with unprecedented fiscal challenges. Instead, the additional committees and the added steps in the Congressional budget process complicated relations between the President and the Congress.

Also, the 1974 Act made room for competitive argument on the Hill between Committees over jurisdiction and seniority. It produced a stretched out, time consuming budget process. Regrettably, the Act of 1974, although well intended, did not, in itself, enable those in authority to produce an annual comprehensive balanced budget.

Based on my service in the Congress and the White House, I recognize and emphasize a complex budget procedure does not guarantee a sound project. Those who govern in the Executive and Legislative branches of government must give the highest priority to reasoned, responsible budget decisions in authorizations and in the overall budget process or little will change. However, as an important step toward financial leadership and responsibility, an improved and cleaned up budget process is badly needed as soon as possible.

I strongly endorse your efforts to achieve the required improvement. I wish you the very best.

Sincerely,

GERALD R. FORD.

FEBRUARY 7, 1989.

TO SENATORS BENNETT JOHNSTON AND PETE DOMENICI: I strongly endorse your efforts to coordinate budgeting procedures in the Congress. The lack of cooperation during the last few years among the White House, the Budget Committees, Finance, Ways and Means, and Appropriations Committees in the House and Senate have prevented orderly consideration of our nation's fiscal policies.

Requiring early sharing of this responsibility by leaders in both houses of Congress, with acknowledgment by the President, would help to bring the enormous federal deficits under control and to permit better planning of long-range expenditures. This would also make it more likely that the President's budget will once again be considered seriously by the Congress.

The biennial budget proposal is also worthy of serious consideration. As you know, many states have long followed this procedure with annual modifications presented to legislatures by our Governors. I know from experience that this works well.

Best wishes for success in achieving these worthy goals.

Sincerely,

JIMMY CARTER.●

By Mr. COATS:

S. 392. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit to parents for dependents under age 6, to provide child care assistance to low-income working parents, to provide incentives for employer-provided child care assistance, and for other purposes; to the Committee on Finance.

PARENTAL CHOICES IN CHILD CARE ACT OF 1989

Mr. COATS. Mr. President, today I am introducing the "Parental Choices in Child Care Act of 1989." I do so because I believe that as Federal legislators we must do everything we can to provide parents with a wide range of choices concerning the care of their children. The legislation I am introducing addresses this concern by providing a refundable credit to parents with dependents under age 6 and by providing tax incentives for employer child care assistance.

In developing a Federal approach to child care I think it important that we keep certain basic principles in mind. First, we must remember that the child care needs of employed parents are diverse. One-half of the children under the age of 5 in America have mothers who are not employed, and fewer than 1 child in 3 has a mother employed full time.

A truly profamily Federal policy must maximize options available to parents and provide equal treatment of all types of child care available to families.

Mr. President, we need a policy which will provide relief to all families with young children, especially those families with low incomes. In my opinion, a sound Federal policy must rest on these major premises.

Last July, the National Governor's Association wrote to the Subcommittee on Children, Family, Drugs and Alcoholism expressing their concern about certain child care bills which limit—and even discriminate against a family that choose something other than institutionalized child care. They stated, "we believe that a national child care policy must support families in their primary role of nuturing and caring for children. It should enable parents to choose the most appropriate child care option—whether it is family, in-home, or center-based." I agree with the National Governor's Association. Parental choice is why I am introducing this legislation.

The bill I am introducing has three basic goals. First, to provide parents a greater range of choices with regard to care for their children. Second, to increase access of families with low and modest incomes to affordable, quality child care by providing a generous tax credit which will be available to more American families in low income brackets. And third, to encourage private employers to provide dependent care benefits to their employees.

The bill accomplishes these goals by creating a new refundable tax credit of up to $1,000 per child for individuals with dependents under age 6. The credit is designed to provide maximum relief to families who are most in need, those with incomes less than $25,000. The bill further provides a mechanism whereby employees may opt to receive a portion of the credit with every paycheck rather than wait until they file their annual income tax return.

This new refundable credit is available to parents without regard to their child care choice or their decision to have one spouse remain at home. Thus parental choice is protected and families who choose to have one spouse remain at home are not discriminated against, as they are under the existing dependent care credit.

Additionally, the bill makes certain reforms in the existing child care credit to target funds to those families in need. The bill reforms the existing credit to lower the age of an eligible child from 12 to 6 and provides that parents with incomes over $25,000 can no longer claim the credit. This was done in part to counter charges that the existing credit principally benefits those with moderate to upper level incomes.

Families with incomes below $25,000 would be able to choose between the larger of the existing credit—which is based on the amount spent for child care, and the new refundable credit—which is based on their earned income.

The bill also provides tax incentives for businesses to offer dependent care assistance—either by including child care in their employee's benefits package or by providing cash assistance or credits for offsite or at home care. This will encourage the private sector to help working families who need assistance but who may not qualify for Federal tax credits. Employees would not be taxed on this benefit and employers would be able to deduct it as an ordinary and necessary business expense.

Mr. President, as you can see the parental choices in child care act is very straightforward. It addresses the wide diversity in the kind of quality child care providers available in our society. It recognizes that child care is provided by relatives, by neighbors, by churches, by community day care centers, by private employers, by licensed public facilities, by nonprofit agencies, and by unlicensed providers. It protects a parent's right to choose the type of care provider that best meets the needs of their child and their family.

Mr. President, mothers of young children are often forced to take a job outside the home just to make the ends meet. They do not want to be forced to send their children to a designated child care center not to their liking. They don't want to see their hard earned savings used as taxes to subsidize a nationwide system of licensed, regulated child care centers. They do not want or need a Federal bureaucracy created to watch over their children. They would like some form of tax relief to help them make ends meet and provide for child care in or out of the home.

I believe this proposal offers a reasonable pro-family approach to a growing social problem. I don't claim this to be the solution to our nation's family crisis, but I do think it is an important beginning. Families need fairness. Families need choice. I urge my colleagues to suport this modest proposal to help families who really need our help. I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parental Choices in Child Care Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is an increasing demand for child care services in the United States as more women with young children enter the workforce;

(2) child care needs of employed parents are diverse, and the existing child care system reflects this diversity;

(3) according to the most recent data available, 68 percent of care for children under age 5 with employed mothers was provided either by a relative or by a nonrelative in another person's home, and that another 8 percent was provided by mothers during the hours of their employment;

(4) a pro-family Federal policy should—

(A) maximize options for parents in their choices for child care and provide equal treatment for all types of child care available to families, and

(B) not discriminate against families in which one parent remains at home to care for young children;

(5) low-income parents typically spend less on child care, but these expenditures represent a significantly greater proportion of their income;

(6) the current child and dependent care tax credit under section 21 of the Internal Revenue Code of 1986 has proved to be of little benefit to low and middle income families and single parent families; and

(7) limited Federal resources should be targeted toward those families with the lowest incomes.

(b) PURPOSES.—The purposes of this Act are to—

(1) provide parents a greater range of choices with regard to care for their children;

(2) increase access to families with low and modest incomes to affordable, quality child care by providing a tax credit which will be available to more American families in low income brackets; and

(3) encourage private employers to provide dependent care benefits to their employees.

TITLE I—TAX CREDIT FOR FAMILIES WITH YOUNG CHILDREN

SEC. 101. CREDIT FOR DEPENDENTS UNDER AGE 6.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. DEPENDENTS UNDER AGE 6.

"(a) GENERAL RULE.—In the case of an individual who maintains a household which includes as a member 1 or more qualified dependents, there is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the earned income of the taxpayer for the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for the taxable year shall not exceed the product of—

"(A) $1,000, multiplied by

"(B) the number of qualified dependents of the taxpayer.

"(2) PHASEOUT OF CREDIT.—The credit which would (but for this paragraph) be allowed by subsection (a) shall be reduced (but not below zero) by 20 percent for each $1,000 by which the adjusted gross income of the taxpayer for the taxable year exceeds $20,000.

"(3) NO CREDIT IF DEPENDENT CARE CREDIT ALLOWED.—No credit shall be allowed under this section for the taxable year if any credit is allowed under section 21 (relating to expenses for household and dependent care services necessary for gainful employment) for such year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means, for any taxable year, the sum of the rates under subsections (a) and (b) of section 3101 (relating to FICA tax on employees) for the calendar year ending with or within the taxable year.

"(2) QUALIFIED DEPENDENT.—The term 'qualified dependent' means any dependent of the taxpayer who is under the age of 6 and with respect to whom the taxpayer is entitled to a deduction under section 151(c).

"(3) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 911(d)(2).

"(d) SPECIAL RULES.—Rules similar to the rules of paragraphs (1) through (5) of section 21(e) shall apply for purposes of this section.

"(e) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—Except in the case of a taxable year closed by reason of the death of the taxpayer, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months.

"(f) AMOUNT OF CREDIT TO BE DETERMINED UNDER TABLES.—

"(1) IN GENERAL.—The amount of the credit allowed by this section shall be determined under tables prescribed by the Secretary.

"(2) REQUIREMENTS FOR TABLES.—The tables prescribed under paragraph (1) shall reflect the provisions of subsections (a) and (b) and shall have income brackets of not greater than $50 each—

"(A) for earned income between $0 and the amount of earned income at which the credit is phased down to the amount applicable under subsection (b)(1), and

"(B) for adjusted gross income between the dollar amount at which the phaseout begins under subsection (b)(2) and the amount of adjusted gross income at which the credit is phased out under subsection (b)(2).

"(g) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made to the individual by an employer under section 3507A during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(h) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of such Code is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF CREDIT FOR DEPENDENTS UNDER AGE 6.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages to an employee with respect to whom a dependent tax credit eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment to such employee equal to such employee's dependent tax credit advance amount.

"(b) DEPENDENT TAX CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent tax credit eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 35 for the taxable year,

"(2) certifies that the employee does not have a dependent tax credit eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer, and

"(3) states whether or not the employee's spouse has a dependent tax credit eligibility certificate in effect.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnished the statement in question.

"(c) DEPENDENT TAX CREDIT ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent tax credit advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period, and

"(B) in accordance with tables prescribed by the Secretary.

"(2) LIMITATION.—The dependent tax credit advance amount shall not exceed the sum of the following amounts for the payroll period:

"(A) the tax imposed by subtitle A (determined without regard to credits), plus

"(B) the tax imposed by section 3101 (relating to FICA tax on employees) on wages (as defined in section 3121(a)) received during such taxable year, plus

"(C) the tax imposed by section 1401 (relating to tax on self-employment income), plus

"(D) the amount deducted under section 218 of the Social Security Act from wages (as so defined) received during such taxable year which are equivalent to the tax imposed by section 3101."

"(3) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(B)—

"(A) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables,

"(B) shall take into account the limitation under paragraph (2),

"(C) if the employee is not married, or if no dependent tax credit eligibility certificate is in effect with respect to the spouse of the employee, shall treat the credit provided by section 35 as if it were a credit of not more than the applicable percentage under section 35 of earned income not in excess of the amount of earned income which may be taken into account under section 35(a), and

"(D) if a dependent tax credit eligibility certificate is in effect with respect to the spouse of the employee, shall treat the credit provided by section 35 as if it were a credit of not more than the applicable percentage under subsection (b) of section 35 of earned income not in excess of ½ of the amount of earned income which may be taken into account under such subsection.

"(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (d) and (e) of section 3507 shall apply for purposes of this section. Proper adjustments shall be made in the application of such rules under this section to take into account payments under section 3507."

(2) INFORMATION SHOWN ON W-2.—Subsection (a) of section 6051 of such Code (relating to receipts to employees) is amended by striking out "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and" and by inserting after paragraph (9) the following new paragraph:

"(10) the total amount paid to the employee under section 3507A (relating to advance payment of dependent tax credit)."

(3) REQUIREMENT OF RETURN.—Subsection (a) of section 6012 of such Code (relating to persons required to make returns of income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual who receives payments during the calendar year in which the taxable year begins under section 3507A (relating to advance payment of dependent tax credit)."

(4) CROSS REFERENCE.—Subsection (e) of section 6302 of such Code (relating to mode or time of collection) is amended by adding at the end thereof the following new paragraph:

"(3) For treatment of dependent tax credit advance amount as payment of withholding and FICA taxes, see section 3507A(d)."

(c) CLERICAL AMENDMENTS.—

(1) The table sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Dependents under age 6.

"Sec. 36. Overpayments of tax."

(2) The table sections for chapter 25 of such Code is amended by inserting after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of credit for dependents under age 6."

(d) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1989.

(2) The amendments made by paragraphs (1) and (2) of subsection (b) shall apply to remuneration paid after December 31, 1989.

SEC. 102. CHANGES IN DEPENDENT CARE CREDIT.

(a) AGE RESTRICTION ON QUALIFYING INDIVIDUALS REDUCED.—Subparagraph (A) of section 21(b)(1) and subparagraph (B) of section 21(e)(5) of the Internal Revenue Code of 1986 (defining qualifying individual) are each amended by striking "the age of 13" and inserting "the age of 6".

(b) CREDIT NOT ALLOWED WHERE ADJUSTED GROSS INCOME EXCEEDS $25,000.—Subsection (a) of section 21 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) CREDIT NOT ALLOWED WHERE ADJUSTED GROSS INCOME EXCEEDS $25,000.—No credit shall be allowed under this section for any taxable year for which the adjusted gross income of the taxpayer exceeds $25,000."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

TITLE II—INCENTIVES FOR EMPLOYER PROVIDED CHILD CARE

SEC. 201. CREDIT FOR EMPLOYER EXPENDITURES FOR CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 43. DEPENDENT CARE ASSISTANCE PROGRAM CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the amount of the dependent care assistance program credit determined under this section for the taxable year shall be an amount equal to 10 percent of the qualified dependent care assistance program expenditures for such taxable year.

"(b) QUALIFIED DEPENDENT CARE ASSISTANCE PROGRAM EXPENDITURES.—For purposes of this section, the term 'qualified dependent care assistance program expenditures' means the aggregate amount of expenditures paid or incurred by the taxpayer during the taxable year in providing for or contributing to a dependent care assistance program (within the meaning of section 129(d)).

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEPENDENT CARE ASSISTANCE.—The term 'dependent care assistance' means the payment of, or provision of, those services which if paid for by the employee would be considered employment-related expenses under section 21(b)(2) with respect to a qualifying individual (as defined under section 21(b)(1)(A)).

"(2) EMPLOYEE.—The term 'employee' includes an employee within the meaning of section 401(c)(1).

"(3) EMPLOYER.—An individual who owns the entire interest in an unincorporated trade or business shall be treated as his own employer. A partnership shall be treated as the employer of each partner who is an employee within the meaning of paragraph (2).

"(d) SPECIAL AGGREGATION AND ALLOCATION RULES.—For purposes of this section—

"(1) AGGREGATION OF EXPENDITURES.—

"(A) CONTROLLED GROUP OF CORPORATIONS.—In determining the amount of the credit under this section—

"(i) all members of the same controlled group of corporations shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such member shall be its proportionate share of the qualified employee assistance program expenditures giving rise to the credit.

"(B) COMMON CONTROL.—Under regulations prescribed by the Secretary, in determining the amount of the credit under this section—

"(i) all trades or businesses (whether or not incorporated) which are under common control shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such trade or business shall be its proportionate share of the qualified employee assistance program expenditures giving rise to the credit.

The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(2) ALLOCATIONS.—

"(A) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(B) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(3) CONTROLLED GROUP OF CORPORATIONS.—The term 'controlled group of corporations' has the same meaning given to such term by section 1563(a), except that—

"(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(B) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(e) NO DOUBLE BENEFIT.—No credit or deduction under any other provision of this chapter shall be allowed to a taxpayer for the taxable year for any expenditure with respect to which a credit is allowed under this section for such year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code is amended—

(A) by striking out "plus" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(6) the employee assistance program credit determined under section 43.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

By Mr. GARN (for himself, Mr. BAUCUS, Mr. BENTSEN, Mr. BOREN, Mr. BUMPERS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HEINZ, Mr. INOUYE, Mr. KASTEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATSUNAGA, Mr. MCCLURE, Mr. METZENBAUM, Mr. PELL, Mr. RIEGLE, Mr. SANFORD, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. STEVENS, Mr. THRUMOND, Mr. WARNER, Mr. WILSON, and Mr. WARNER):

S.J. Res. 56. Joint resolution designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

● Mr. GARN. Mr. President, today I am introducing a joint resolution to proclaim April 23 through April 29, 1989, as National Organ and Tissue Donor Awareness Week. The joint resolution also designates the last full week of April of each subsequent year as such. I am pleased that many of my colleagues have joined as cosponsors to this legislation. I also would like to thank the staffs of these Senators for the prompt and positive response they gave my office in preparation of the resolution. Congressman SID MORRISON of Washington recently introduced companion legislation in the House of Representatives.

More than 2 years have passed since I found myself lying in a hospital bed in Georgetown University Medical Center. I'll never forget the apprehension I felt about the fact that the next morning I would go into surgery to donate a kidney to my then 26-year-old daughter, Susan Garn Horne. Sue had lost most of her renal function as a result of a long-term diabetic condition. As I look back, I was apprehensive that night because I was unsure about what the consequences of the surgery might be for me. Until then, I hadn't thought much about those consequences. Once I learned I was a good donor match for Sue, my only thoughts were, "She needs my kidney, I am going to give it to her and that is all there is to it."

In recognizing my own apprehension and fear, I realized the significant impact that the "National Organ and Tissue Donor Awareness Week" can have. I believe too many people are either fearful of the prospects or ignorant about the process of freely donating an organ to someone in need. As a result, many people are dying, or at the very least continuing to suffer unnecessarily, every day because of a failure to obtain a needed organ for transplant.

I am sympathetic to the fear that exists among those who are eligible to be living, related donors. They can't help but wonder about the impact their donation might have on their own life, I did. However, I now know that the impact is minimal, if even noticeable. What I do not understand, however, is why anyone would be reluctant to authorize the donation of any of their vital organs or transplantable parts after they are dead. Of what use are those parts to them then? And what could they possibly have to fear?

That is why it is important for people to decide now whether, in the event of a future tragedy, they would consider being a donor, and letting their family know of their intentions. I am sure it is extremely upsetting to the loved ones of a deceased individual to have a medical professional ask if they would allow a particular organ or organs to be removed for transplantation purposes. This question could be avoided in many cases and a difficult situation could be made somewhat easier if the decision to be a potential donor has already been made.

I cannot help but believe that if people could understand the dire need for organ donors that now exists, enough of them would voluntarily sign donor authorization cards and get "donor" stamped on their driver's licenses, that there would be an adequate supply of organs for those in need. For example, if only 1 out of 4 brain-dead people in the Intermountain area authorized the donation of their organs, they would meet the transplant needs of the entire region. Only 1 out of 4.

People need to understand that they literally may give someone else the gift of life.

During my hospital stay, I was asked by a reporter how my donation of a kidney to my daughter compared to other so-called notable things I had done in my public and personal life. The answer was easy. There is simply no other thing I have ever done that has given me greater satisfaction, especially when I look at her today, and see what a significant difference receiving my kidney has made in her life. Donating a kidney to Sue was something I was able to do entirely alone, and it gave me immense personal satisfaction to be able to do that. It gave me an opportunity to express in actions, even beyond words, my love for my daughter and for all my children, since I would have done the same thing for any one of them, if I were a suitable donor.

What began as a personal struggle for Sue and for me has become a positive crusade. What we viewed as the gift of a kidney, we now see as a gift of life and renewed vitality, and it is something we simply must continue to share with others.

In introducing similar joint resolutions the past 2 years, I have challenged each Senator in this body to think carefully about his or her willingness to donate a life-saving organ and a to sign a donor card. Today I once again pose that challenge.

By reviewing our personal feelings about organ donation, we will become more aware of the potential to improve and save others lives. I am hopeful that as National Organ and Tissue Donor Awareness Week approaches, we will be leaders in spreading the word about the gift of life.●

By Mr. PELL (for himself, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. SARBANES, Mr. GRASSLEY, Mr. MCCAIN, Mr. DECONCINI, Mr. FORD, Mr. KENNEDY, Mr. EXON, Mr. SANFORD, Mr. HEFLIN, Mr. LIEBERMAN, Mr. STEVENS, Mr. SIMON, Mr. DODD, Mr. WARNER, Mr. CHAFEE, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 57. Joint resolution to establish a national policy on permanent papers; to the Committee on Governmental Affairs.

NATIONAL POLICY ON PERMANENT PAPERS

Mr. PELL. Mr. President, I am introducing today a Senate joint resolution to establish a national policy to encourage the publication on acid free permanent paper of books, records, and publications of enduring value. Joining me as original cosponsors of the resolution are Senators MOYNIHAN, MURKOWSKI, SARBANES, GRASSLEY, MCCAIN, DECONCINI, FORD, KENNEDY, EXON, SANFORD, HEFLIN, LIEBERMAN, STEVENS, SIMON, DODD, WARNER, CHAFEE, HATCH, AND GRAHAM.

The joint resolution, which is virtually identical to Senate Joint Resolution 394 which I introduced in the 100th Congress, reflects a growing concern about the impending loss of an enormous part of our historical, cultural, and scientific records and literature because of the self-destruction of the acidic papers on which books and other publications have been printed since the mid-19th century.

As chairman of the Joint Committee on the Library in the 100th Congress, I had the opportunity to review both the magnitude of this problem as well as the great efforts already being made, at considerable public expense,

to limit the self-destruction. The Library of Congress, for example, is pioneering in the development of technology for the mass deacidification of its collections through the use of diethylzinc [DEZ]. The present goal is to begin treatment of all the Library's new acquisitions by 1991 and to start retrospective treatment at the same time of existing publications in American history.

The National Archives and Records Administration and the National Library of Medicine are also making vigorous efforts to deal with the problem, either through deacidification or through microfilming books and publications which are already too brittle to save.

Congress has already appropriated over $100 million in support of these efforts, and we should be prepared to provide more. At stake is nothing less than the preservation of the whole record and literary output of the most remarkable century of human experience to date.

However, it makes little sense to continue the remedy without attempting to curb the basic problem. And that is what the joint resolution I am offering today is designed to do. It establishes a national policy to promote and encourage the printing of books and other publications of enduring value on nonacidic paper. In a figurative sense, it locks the library door against prospective invasion by publications printed on acidic paper.

The joint resolution declares it to be a policy of the United States that all Federal records, books, and publications of enduring value be produced on acid free permanent paper. In furtherance of that objective, the joint resolution urgently recommends that Federal agencies require the use of such paper for publications of enduring value, and the use of archival quality papers for permanently valuable Federal records.

The joint resolution urges similar action in the private sector. It urgently recommends that American publishers voluntarily adhere to the American National Standard for permanent paper in printing publications of enduring value, and that the use of such paper be noted in the publication, in advertisements and in standard bibliographic listings.

Finally, the joint resolution would urge the compilation of reliable statistics on the production of acid free permanent paper and on the volume required to meet the objectives of the national policy established by the bill. And it would direct the Librarian of Congress and the Archivist of the United States, together with the directors of the national libraries of medicine and agriculture, to monitor progress in implementing the national policy and report annually to Congress.

It is worth noting, Mr. President, that some progress is already being made toward implementing the national policy. The recent excellent study of Book Preservation Technologies prepared by the Office of Technology Assessment estimated that 15 to 25 percent of the books currently being published in the United States are printed on acid free paper.

The Library of Congress and many university presses are among those already publishing on acid free papers, as is the National Historical Publications and Records Commission. As a former member of the commission, I am proud to have had a role in establishing its policy of publishing on permanent paper.

Fortunately, the technology exists to implement the national policy. More than 30 U.S. papermills are already producing nonacidic, alkaline papers, and there are major economic incentives for other mills now making only acid papers to convert, including potentially lowered manufacturing costs and substantially reduced environmental pollution.

Moreover, prices for acid-free, alkaline paper are comparable to those for acidic paper, according to a 1988 survey. The enactment of the national policy proposed in this resolution surely would stimulate an expansion of production of nonacidic papers and hopefully lead to increasingly competitive prices.

I particularly wish to emphasize that this resolution mandates no Government program, and should impose no significant costs on the Federal Government, assuming the accuracy of the economic estimates. If anything, the joint resolution could result in a net reduction in costs to the Government because it will have the effect of reducing the long-range costs of deacidification. Every book produced on acid free paper today reduces the total number of volumes requiring deacidification, and frees up preservation resources which can be used to attack the crumbling backlog of publications dating back to 1850.

Finally, I might just note that the basic problem which this resolution addresses is not limited to print media alone. Other kinds of historical records are deteriorating from a variety of causes that may require different public responses. I am advised in particular that thousands of feet of historical and archival films owned by the U.S. Government are in jeopardy and may properly be the subject of separate efforts comparable to that which we propose today with respect to acid paper.

I commend this joint resolution to the attention of the Senate, and I hope that it will receive the consideration which I believe it deserves in committee. We have the means at hand to prevent an indefinite proliferation of the acid paper problem and I only hope that it will not be said 100 years from now that we knew how to solve the problem but did nothing about it.

Mr. President, I ask that resolutions of the American Library Association and the Special Libraries Association in support of the resolution be printed in the RECORD, together with letters of support from the Association of Research Libraries, the Medical Library Association, and the libraries of the University of Michigan, Yale University, and D'Youville College of Buffalo, NY.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL OF THE AMERICAN LIBRARY ASSOCIATION RESOLUTION ON NATIONAL POLICY ON PERMANENT PAPERS

Whereas, a joint resolution to establish a national policy on permanent papers, S.J. Res. 394, was introduced in the Senate in October 1988 by Senator Claiborne Pell (D-RI), Chairman of the Joint Committee on the Library and Chairman of the Senate Foreign Relations Committee; and

Whereas, Senator Pell has announced his intention to reintroduce the resolution early in 1989, and similar legislation may be introduced in the House; and

Whereas, the American Library Association urged publishers and federal, state and local governments to use permanent paper for books and other publications of enduring value in a resolution passed by the ALA Council on January 13, 1988, (1987-88 CD #34); and

Whereas, the ALA resolution noted that about one-fourth of the books in research library collections have become so embrittled that pages will break or crumble with use, and that hundreds of millions of dollars will be spent to salvage brittle materials if they continue to be printed on the acidic paper in general use since about 1850; and

Whereas, extensive research conducted over the past several decades has demonstrated that alkaline papers have a significantly longer shelf life than acidic papers; and

Whereas, production of alkaline paper in the U.S. has increased steadily within the last two years, is expected to double over the next two years, and is priced competitively; and

Whereas, S.J. Res. 394 would resolve that it is the policy of the U.S. that federal publications of enduring value be produced on acid-free, permanent papers and would specifically: (1) recommend that federal agencies require use of permanent paper for publications of enduring value; (2) recommend that federal agencies require use of archival quality papers for permanently valuable federal records; (3) recommend that American publishers use permanemt papers for publications of enduring value, voluntarily comply with national standards, and note use of acid-free papers in publications and listings; (4) recommend that reliable statistics be produced on current and needed production of permament papers; (5) recommend that the State Department make known this national policy to foreign governments and international agencies; and (6) require that the Library of Congress, the National Archives and Records Administration, the National Library of Medicine, and

the National Agricultural Library jointly monitor progress and report annually to Congress; now, therefore, be it

Resolved, That the American Library Association strongly support S.J. Res. 394, to establish a national policy on permanent papers, and its successor measures; and, be it further

Resolved, That the American Library Association express its appreciation to Senator Claiborne Pell, and offer support and assistance to Senator Pell and the chief sponsors of similar measures in the 101st Congress in establishing as national policy that federal records, books, and other publications of enduring value be produced on alkaline papers.

SPECIAL LIBRARIES ASSOCIATION BOARD OF DIRECTORS RESOLUTION SUPPORTING THE ESTABLISHMENT OF A NATIONAL POLICY ON THE USE OF PERMANENT PAPERS

Whereas, there has been much loss of cultural, scientific and historical records due to the continued use of acidic paper; and

Whereas, Government publications, containing an enormous amount of valuable information and statistical data, are still being produced on self-destructive acidic paper; and

Whereas, Senator Claiborne Pell, of Rhode Island, introduced a joint resolution in the 100th Congress which called for the establishment of a national policy on permanent papers; and

Whereas, This joint resolution demonstrates that members of Congress have begun to recognize that by not utilizing currently available technologies our nation's books and other publications of enduring value could turn to dust; and

Whereas, The Special Libraries Association is an international professional association of more than 12,500 special librarians and information specialists; now, therefore, be it

Resolved, That the Special Libraries Association commend Senator Pell and his staff for taking the lead in calling for such a national policy and urge him to reintroduce the joint resolution as expeditiously as possible in the 101st Congress, and, be it

Further resolved, That Congress approve the Joint Resolution and appropriate adequate funding so that plans for the implementation of such a national policy can take shape as our nation heads into the 1990's.

ASSOCIATION OF RESEARCH LIBRARIES,
Washington, DC, December 20, 1988.

Hon. CLAIBORNE PELL,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: This letter is to register the enthusiastic support of the Association of Research Libraries for your initiative to establish a national policy on permanent papers for the United States by introducing S.J. Res. 394 on October 11, 1988.

As you know, significant portions of distinctive research collections, representing the world's intellectual heritage, are at risk because the acidic paper they are printed on is deteriorating. There are a number of strategies to address this problem. ARL concludes, however, that the single most effective solution to this problem is to discontinue use of acidic paper for book production and use instead alkaline, durable paper. This eliminates the problem at its source. Publications produced on acid-free paper will last for centuries rather than decades. Use of alkaline paper in publishing will have a more direct impact on preserving knowledge than any other single effort.

Possibly the greatest barriers to the use of alkaline paper for publishing are lack of awareness about the problem of acidic paper and/or misperceptions about the availability and price of alkaline paper. The resolution you propose provides a visible platform for capturing the attention of publishers to this need and setting the record straight about the supply of alkaline paper.

ARL thanks you for your leadership in this area and looks forward to positive action on this legislation in the 101st Congress.

Sincerely,

DUANE E. WEBSTER,
Executive Director.

MEDICAL LIBRARY ASSOCIATION,
CHICAGO, IL,
January 10, 1989.

Senator CLAIBORNE PELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PELL: I am writing on behalf of the Medical Library Association to register support for your initiative to establish a national policy on permanent papers for the United States by introducing S.J. Res. 394 on October 11, 1988. The Medical Library Association is a professional organization of 5000 individuals and institutions in the health sciences information field. MLA members serve society by developing new health information delivery systems, fostering educational and research programs for health sciences information professionals, and encouraging an enhanced public awareness of health care issues.

As you know, significant portions of distinctive collections, representing the world's intellectual heritage, are at risk because the acidic paper they are printed on is deteriorating. There are a number of strategies to address this problem. However, the single most effective solution to this problem is to discontinue use of acidic paper for book production and use instead alkaline, durable paper. This eliminates the problem at its source. Publications produced on acid-free paper will last for centuries rather than decades. Use of alkaline paper in publishing will have a more direct impact on preserving knowledge than any other single effort.

Possibly the greatest barriers to the use of alkaline paper for publishing are lack of awareness about the problem of acidic paper and/or misperceptions about the availability and price of alkaline paper. The resolution you propose provides a visible platform for capturing the attention of publishers to this need and setting the record straight about the supply of alkaline paper.

On behalf of the Medical Library Association, I would like to thank you for your leaderhsip in this area, and I look forwad to positive action on this resolution in the 101st Congress.

Sincerely,

RAYMOND A. PALMER,
Executive Director.

UNIVERSITY LIBRARY,
THE UNIVERSITY OF MICHIGAN,
Ann Arbor, MI, January 19, 1989.

Hon. CLAIRBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: I recently read of your efforts to introduce legislation in support of a national policy on permanent papers, as described in S.J. Res. 394.

As a librarian responsible for coordinating a major preservation effort to save the contents of publications which have been printed during the past one-hundred years on acid-pulp paper, I write to encourage you to actively pursue this legislative effort to put in place an acid-free paper policy. This is something that cannot occur too rapidly.

Selected publishers have proven that it is very doable and that one of the major drawbacks appears to be the rate at which the paper manufacturers can convert their operations to producing acid-free papers. Legislation would encourage that development and bring us closer to the day when all significant publications are produced on acid-free paper, ensuring their availability for future generations of scholars and everyday readers.

I know from my origins in Rhode Island and following your efforts on behalf of libaries and books since then of your success on many fronts in support of similar efforts. I encourage you to proceed in the next legislative session with this initiative so that in the near future our publications will be printed on acid-free paper, removing the need for a major preservation effort in the Twenty-first Century and ensuring that publications will be available for generations to come.

Most Sincerely,

WILLIAM A. GOSLING,
Assistant Director for
Technical Services.

YALE UNIVERSITY,
New Haven, CT, January 23, 1989.

Hon. CLAIRBORNE PELL,
335 Senate Russell Office Building, Washington, DC.

DEAR SENATOR PELL: On behalf of Yale Library, I would like to express our appreciation of your efforts to establish a national policy on the use of permanent papers. The deterioration of the written record of our society has long been a concern of librarians and scholars and other informed citizens. We are very pleased that as a result of your interest, this critical issue is receiving increased attention in the federal government. We hope that your Senate colleagues will share your concern and co-sponsor your resolution on permanent papers.

Sincerely yours,

MILLICENT D. ABELL.

D'YOUVILLE COLLEGE,
Buffalo, NY, January 30, 1989.

Senator CLAIBORNE PELL,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR PELL: Thank you for sponsoring the Senate Joint Resolution 394 to establish a national policy that books of enduring value be published on acid-free paper. Hopefully, the concept of "enduring value" will be defined clearly so that publishers do not try to work around this legislation. Many of the materials published in the 60's and 70's especially items on women and African-Americans are now in very poor physical condition. The likelihood of these materials being re-issued is very slim. Even if they were re-issued, library budgets are not large enough to cover repurchasing these materials. Keep up the good work!

Sincerely,

MICHELE FARRELL,
Library Director.

Mr. KENNEDY. Mr. President, I am pleased to be a sponsor of this joint resolution to establish a national policy on permanent paper.

As we have increasingly come to understand, one of the most precious national resources we have is increasingly at great risk. Without dramatic and immediate preventive measures, countless volumes of inestimable historical and cultural value will be lost as their pages disintegrate. Across the country, nearly 80 million volumes have already become so brittle that they will crumble if used. At Harvard University alone, almost half of its collection of 11.5 million volumes will be in danger by the year 2020.

While we work to salvage the volumes already in danger, we should do all we can to avoid the problem in the future by using acid-free permanent paper in as many publications as possible.

I commend Senator PELL for his leadership on this issue. Increased national awareness of the problem is an essential part of the solution. Our documentary and literary heritage is at stake. Immediate action is warranted. I hope that the Senate will move quickly to pass this joint resolution.

By Mr. DOMENICI (for himself, Mr. GORE, Mr. MATSUNAGA, Mr. MURKOWSKI, Mr. GORTON, Mr. WALLOP, Mr. WILSON, Mr. BINGAMAN, Mr. DOLE, and Mr. COATS):

S.J. Res. 58. Joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day"; to the Committee on the Judiciary.

HIGH SCHOOL RESERVE OFFICER TRAINING CORPS RECOGNITION DAY

Mr. DOMENICI. Mr. President, today I am introducing a joint resolution designating May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day.

The high school division of the Reserve Officer Training Corps was first established when President Woodrow Wilson signed the National Defense Act on June 3, 1916.

Since then this program, commonly referred to as the Junior Reserve Officer Training Corps [JROTC], has grown to approximately 1,500 units, involving nearly 250,000 young cadets.

Not only are these units located throughout the United States, but Department of Defense Dependent Schools in the Caribbean, the Pacific, Asia, and Europe offer this worthwhile program as a part of their curriculum as well.

The JROTC program offers hundreds of thousands of young men and women a valuable learning experience. Young high school students are given the opportunity to participate in vocational or academic JROTC programs while earning credit toward graduation.

The program enables those involved to serve their schools and communities, while learning the importance of citizenship, leadership, teamwork, academic excellence, physical fitness, and self-confidence.

In my own State of New Mexico, there are 18 JROTC programs. Many communities that do not already have established units have expressed interest in incorporating the JROTC program into their local high school curriculum.

New Mexico certainly recognizes the value of this program to the educational system as whole. One of the most exhaustive studies on the benefits of the JROTC program was conducted by the public school system in Albuquerque, NM.

The results are not surprising.

JROTC cadets were found to have higher graduation rates and fewer disciplinary problems. Furthermore, the study concluded that the family-type atmosphere of the JROTC provides individualized attention, tutoring, and counseling, while the awards and promotion systems help encourage academic progress.

Mr. President, the Junior Reserve Officer Training Corps program opens many doors for America's young citizens. Nearly a quarter of a million dedicated high school students are at the heart of the program's success, and their hard work and achievements—as well as those of instructors and past JROTC participants—deserve our full support and encouragement.

I would like to thank those Senators who have signed as original cosponsors of this resolution, and I urge the rest of my colleagues to join us in wholehearted support of this worthwhile effort to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 58

Whereas in 1916 the Congress authorized the establishment of high school divisions of the Reserve Officer's Training Corps;

Whereas hundreds of high schools across the United States, and United States operated high schools abroad, offer High School Reserve Officer's Training Corps programs of the various military services;

Whereas High School Reserve Officer's Training Corps programs have provided a valuable and unique learning opportunity for hundreds of thousands of high school students for almost four generations;

Whereas the programs of instruction for High School Reserve Officer's Training Corps units concentrate on the development of desirable traits in its participants, such as good citizenship, leadership, teamwork, individual initiative, and pride and respect for the United States, its flag, laws, and Constitution;

Whereas the High School Reserve Officer's Training Corps programs, being highly successful in developing desirable traits in its participants, have made a valuable contribution to the United States and to the education of the youth of our Nation;

Whereas it is appropriate to acknowledge and honor the contributions of the High School Reserve Officer's Training Corps, and its cadets and instructors, both past and present;

Whereas May 17, 1989, marks the seventy-third anniversary of the authorization of the High School Reserve Officer's Training Corps: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That May 17, 1989, is hereby designated as "High School Reserve Officer's Training Corps Recognition Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

By Mr. WIRTH (for himself, and Mr. GARN);

S.J. Res. 59. Joint resolution designating January 19, 1990, as "National Skiing Day"; to the Committee on the Judiciary.

NATIONAL SKIING DAY

Mr. WIRTH. Mr. President, today I am introducing a Senate joint resolution to designate Friday, January 19, 1990, as "National Skiing Day." I am especially pleased to be joined once again by my colleague from Utah, Senator GARN, as the lead cosponsor. Senator GARN represents another great skiing State and shares my love of skiing.

This resolution is especially timely, as Vail, CO is hosting the World Alpine Ski Championships from January 29 to February 12, 1989. The 1989 World Alpine Championships mark the second time in 40 years that the U.S. has served as the host to this prestigious international event. Both casual and avid ski fans during the past week have been witness to spectacular exhibitions of ability and execution as records have been broken and medals won.

I'm proud to say that my home State of Colorado boasts several of the world's best ski areas. Colorado offers fantastic skiing opportunities for the amateur as well as hosting other international events such as the freestyle championships and one leg of both the men's and women's World Cup races.

Of course, skiing is not confined to the beautiful mountains of Colorado. Skiing is enjoyed by men and women, adults and children all across the Nation. More than 15 million Americans, from literally every State, are downhill skiers. Today, there are more than 600 ski areas in 40 States across the country, including 200 areas on public lands managed by the U.S. Forest Service. Just last year, the country's downhill ski areas recorded 54 million skier visits. Another 6 million Americans enjoy cross-country, or Nordic, skiing on trails and forests throughout the Nation.

These statistics show that Americans have enthusiastically embraced skiing as an outdoor sport. Beyond the physical challenges and rewards of the sport, skiing fosters a deep appreciation for the outdoors and enriches the human spirit. It is a sport that allows Americans to enjoy mountain peaks and back-country trials even on the coldest days of winter, because sliding down a challenging ski run can warn the heart with exhileration.

In addition to the enjoyment it brings to millions of Americans, skiing continues to play an important role in the growing recreation and tourism industry in this country. And my State is no exception to this trend. Recreation and tourism is Colorado's second largest industry and on Colorado's western slope, skiing is the leading industry. Last year, Colorado's ski areas had 9.5 million visits. This sport accounts for one-third of all retail sales, a quarter of all employment, and almost half of the housing construction. Statewide, this industry creates 53,200 jobs, contributes $1.9 billion to Colorado's economy, and produces $146 million in State and local taxes.

The benefits of skiing cross into many arenas—it is a vital part of the recreation and tourism industry in our Nation, can positively affect one's physical well-being, and provides a dynamic vehicle to experience sheer enjoyment. The role skiing plays in our country is growing, and for this reason I urge my colleagues to join me in supporting this joint resolution.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. METZENBAUM, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Maryland [Ms. MIKULSKI] were added as consponsors of S. 1, a bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

S. 69

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 69, a bill entitled the Posse Comitatus Improvement Act of 1989.

S. 144

At the request of Mr. INOUYE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 144, a bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions.

S. 185

At the request of Mr. DIXON, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 185, a bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental child abduction.

S. 189

At the request of Mr. MATSUNAGA, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 189, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide funeral transportation, remains transportation, and living expense benefits to deceased medal of honor recipients and their families.

S. 221

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 221, a bill to amend title 23, United States Code, to authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system.

S. 324

At the request of Mr. WIRTH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 324, a bill to establish a national energy policy to reduce global warming, and for other purposes.

S. 329

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 329, a bill to amend the U.S. Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security.

S. 370

At the request of Mr. CHAFEE, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Delaware [Mr. BIDEN], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 370, a bill to amend the Land and Water Conservation Fund Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes.

S. 372

At the request of Mr. BENTSEN, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 372, a bill to amend title V of the Refugee Education Assistance Act of 1980 to provide certain resettlement assistance for certain Central Americans.

SENATE JOINT RESOLUTION 22

At the request of Mr. EXON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 22, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE JOINT RESOLUTION 34

At the request of Mr. BENTSON, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution designating the week of April 14, 1989, through April 22, 1989, as "National Minority Cancer Awareness Week."

SENATE JOINT RESOLUTION 50

At the request of Mr. BOSCHWITZ, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate to the week beginning April 2, 1989, as "National Child Care Awareness Week."

SENATE RESOLUTION 19

At the request of Mr. DIXON, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate to urge the President to recognize and include the Director of National Drug Control Policy as a fully participative member of the President's Cabinet.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE CONCURRENT RESOLUTION 13—RELATING TO THE PANAMA CANAL TREATIES

Mr. SYMMS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 13

Whereas the Panama Canal is a vital strategic asset of the United States;

Whereas article 163 of the 1972 Constitution of the Republic of Panama provides that the "The President alone . . . [shall] conduct foreign relations . . . and enter into international treaties and agreements . . . ";

Whereas the Panama Canal Treaties of 1977 were signed by General Omar Torrijos Herrera, the head of Panama's Defense Forces, who was neither the President of Panama nor a duly elected official of the Government of Panama, and not by Deme-

tro B. Lukas, the President of Panama, as required by the Constitution of Panama;

Whereas this violation of Panama's Constitution regarding competence to conclude treaties renders the Panama Canal Treaties of 1977 invalid under international law, including article 46 of the Vienna Convention on the Law of Treaties, to which the United States conforms, and therefore subject to termination by the Republic of Panama at any time;

Whereas the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal is also subject to repudiation by the Republic of Panama because six modifications to the Treaty contained in the resolution of ratification of the United States Senate, including the DeConcini Reservation asserting the unilateral right of the United States to intervene to protect the Panama Canal, were never submitted to a national plebiscite, as required in article 274 of the Constitution of Panama;

Whereas Panama's instruments of ratification concerning the Neutrality Treaty, which contain counter-reservations denying the right of the United States to intervene unilaterally in order to protect the Panama Canal, were never submitted to the United States Senate for approval, in violation of established procedures for the ratification of treaties under the Constitution of the United States;

Whereas the Neutrality Treaty confers no explicit legal right upon the United States either to maintain defense forces in Panama or to enter Panama to defend the Panama Canal against an external or internal threat after the year 1999;

Whereas both the United States and the Republic of Panama are signatories to the charters of the United Nations and the Organization of American States, which guarantee the territorial inviolability of an independent state and therefore prohibit unilateral intervention or entry upon the sovereign territory of another country without its permission;

Whereas the Neutrality Treaty limits the right of the United States to defend the Panama Canal on the high seas, without express permission to enter Panamanian territory, and therefore fails to provide adequate protection for the national security of the United States;

Whereas the Neutrality Treaty does not prohibit the Republic of Panama from entering into an agreement with a third country, including Cuba or Nicaragua, for the joint or exclusive operation and control of the Panama Canal;

Whereas article III of the Panama Canal Treaty of 1977, providing for the operation of the Panama Canal through 1999, stipulates that four of the nine members of the Board of the Panama Canal Commission must be citizens of Panama who are proposed by the Panamanian Government for appointment and are subject to removal by the Panamanian Government;

Whereas these provisions in the Panama Canal Treaty regarding the appointment and removal by Panama of the Panamanian members of the board improperly restrict the President's appointment and removal powers under article II, section 2 of the Constitution of the United States and are inconsistent with the Supreme Court's ruling in Buckley versus Valeo (424 U.S. 1 (1976)) holding that all such members of a United States Federal agency are "officers of the United States" who are subject to Senate confirmation;

Whereas all "officers of the United States" must be citizens of the United States, and all such officers must therefore take an oath to defend the Constitution and may be impeached and removed from office for treason, bribery, or other high crimes and misdemeanors;

Whereas the Panamanian members of the Board of the Panama Canal Commission are appointees to a United States Federal agency and are exercising the powers and responsibilities of "officers of the United States," but are foreign nationals and are therefore ineligible under the Constitution of the United States to serve as members of the Board of the Commission; and

Whereas the Panama Canal Act of 1979 is the implementing legislation for the Panama Canal Treaties of 1977: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President or the Congress should immediately abrogate the Panama Canal Treaties of 1977 and the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and that the Congress should repeal the Panama Canal Act of 1979.

SENATE CONCURRENT RESOLUTION 14—PROVIDING FOR A CONDITIONAL RECESS OF THE SENATE AND THE HOUSE

Mr. DIXON (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 14

Resolved by the Senate (the House of Representative concurring), That when the Senate recesses on Thursday, February 9, 1989, at the conclusion of the joint session to receive a message from the President, it stand in recess until 2:15 post meridiem on Tuesday, February 21, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution; and that when the House adjourns on Thursday, February 9, 1989, it stand adjourned until 12:00 o'clock meridian on Tuesday, February 21, 1989, or until 12 o'clock meridian on the second day after members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 54—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. BIDEN, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $4,748,545.00 of which amount (1) not to exceed $75,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1945).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $4,846,789.00 of which amount (1) not to exceed $75,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 55—ACKNOWLEDGING THE DISTINGUISHED SERVICE OF MIKE MANSFIELD

Mr. BAUCUS (for himself, Mr. BURNS, Mr. ADAMS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BREAUX, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr.

CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MATSUNAGA, Mr. MCCAIN, Mr. MCCLURE, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WILSON, and Mr. WIRTH) submitted the following resolution; which was considered and agreed to:

S. RES. 55

Whereas Michael J. (Mike) Mansfield has served the Nation for over seventy years, as a soldier, educator, Congressman, Senator, and Ambassador;

Whereas Mike Mansfield served as Senate Majority Leader longer than any other person in history, and provided wise and steady leadership during a critical time in the history of the Nation:

Whereas Mike Mansfield served as the Ambassador to Japan for the United States longer than any other person in history, and advanced the interests of the Nation and improved relations between the United States and Japan during a difficult time of frequent trade problems;

Whereas Mike Mansfield provided valuable advice and counsel to Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, and Reagan;

Whereas President Reagan recently awarded Mike Mansfield the Presidential Medal of Freedom and declared that he "set his indelible mark upon American foreign policy and distinguished himself as a dedicated public servant and loyal American"'

Whereas throughout his career Mike Mansfield has exemplified the ideal public servant and displayed the highest qualities of dedicaton, integrity, an rectitude; and

Whereas Mike Mansfield has announced his retirement from full-time public service: Now, therefore, be it

Resolved, That the Senate gratefully acknowledges the distinguished service that Michael J. (Mike) Mansfield has rendered on behalf of the people of the United States of America, and that the Senate expresses profound gratitude and best wishes to Mike Mansfield and to his wife, Maureen, upon the occasion of Mike Mansfield's retirement.

SENATE RESOLUTION 56—DIRECTING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. DIXON (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 56

Whereas, in *David A. Clarke, et al.* v. *United States of America,* No. 88-5439, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of the Nation's Capital Religious Liberty and Academic Freedom Act, section 145 of the District of Columbia Appropriations Act, 1989, Pub. L. No. 100-462, 102 Stat. 2269, 2269-14 (1988), has been placed in issue;

Whereas, pursuant to section 703(c), 706(a), and 713(a) of the Ethics in Government Act of 978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *David A. Clarke, et al.* v. *United States of America* to defend the Congress's exercise of its appropriations powers in section 145 of the District of Columbia Appropriations Act, 1989.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, February 8, 1989, at 9:30 a.m., on a hearing relative to the vulnerability of telecommunications and energy resources to terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, February 8, 1989, at 10 a.m. to conduct an oversight hearing on Third World debt.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON INVESTIGATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Special Committee on Investigations of the Select Committe on Indian Affairs, be authorized to meet during the session of the Senate on February 8, 1989, at 10 a.m. to hold hearings pursuant to Senate Resolution 381, section 21, agreed February 26, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMERICAN VOCATIONAL EDUCATION WEEK

● Mr. SARBANES. Mr. President, I want to take this opportunity to bring to the attention of the Senate the observance of "American Vocational Education Week" from February 12 to 18, 1989. As the sponsor of a resolution passed in the 100th Congress to designate a week recognizing vocational-technical education, I am very pleased to lend my support to the annual celebration of "American Vocational Education Week" sponsored by the American Vocational Association.

Federal aid for vocational education programs began with the Smith-Hughes Act of 1917 and is currently authorized through fiscal year 1989 by the Carl D. Perkins Vocational Education Act. The Perkins Act, first implemented during the 1985-86 school year, authorizes grants to State boards of vocational education and State vocational education councils to expand and improve State and local vocational education programs. The increasingly complex and technological nature of our society requires a skilled work force. Vocational-technical education plays an integral role in ensuring the availability of such a work force and provides individuals with marketable skills to enable them to better lead full and productive lives.

In my own State of Maryland, Federal assistance dispensed through the Perkins Vocational Education Act helped provide quality vocational-technical education to over 229,000 citizens in 1988. The value of the education provided to students by vocational educators throughout Maryland is well-documented in the recently published results of a report prepared for the Maryland Commission on Vocational-Technical Education on the condition of vocational-technical education in the State.

As part of this report, all 24 local education agencies in Maryland participated in a comprehensive vocational education program review during 1984-87. The results are striking. A follow-up survey of vocational education graduates conducted 1 year after graduation showed that over 97 percent of the graduates reported receiving adequate preparation in basic reading, writing, and mathematics. Ninety-two percent of vocational graduates were either employed or had gone on for further schooling. Employers of vocationally prepared graduates were very satisfied with their employees, with over 97 percent of the 2,165 employers who responded indicating that they would not hesitate to hire other vocational education graduates in the future. A survey of students enrolled in vocational-technical

programs during the review indicated they understood the goals of their vocational programs and knew what was expected of them. Seventy-one percent reported that they liked school better because of their participation in vocational education.

Maryland's demonstrated excellence in the area of vocational-technical education is further illustrated by the national recognition recently received by several vocational-technical education centers in the State. I am pleased to report that Eastern Vocational-Technical High School in Baltimore was named last year as one of the 10 national winners of the U.S. Department of Education's Awards for Outstanding Vocational Education Programs. The recipients of this award are selected based on their success in providing basic skills and vocational training, responsiveness to local needs, placement of graduates, service to students with special needs, and coordination with other area schools.

The Croom Vocational School, located in Prince Georges County, has also received national recognition through its work in serving "at-risk" students. Approximately one-third of the students who attend Croom have previously dropped out of school and many come from disadvantaged homes. Croom, an alternative "model" vocational high school, has shown that academically disadvantaged students can achieve remarkable success in an advantageous environment. In fact, 80 percent of the students who attend the Croom Vocational School for 2 years complete their programs and 95 percent go on to find and keep jobs.

Another model vocational program underway in Maryland is the Community Based Organization Program in Anne Arundel County. The Learning Opportunity Center established through this program and located in Annapolis offers transitional services leading to entrance into vocational education, employment, or other education and training for young people between 16 and 21 who have dropped out of school. Through the opportunities offered, participants become better equipped to navigate in the working world and function in a manner that better assures economic independence and an enhanced quality of life.

Maryland is the first State in the Nation to establish a model vocational-technical project addressing an inmate population. The Maryland Correctional Institution at Hagerstown has implemented a program in principles of technology which utilizes a vocational base to teach in the area of technical physics. While still in its infancy, this program has been an effective means of improving group interaction and developing peer support groups for students encountering difficulties understanding technological concepts.

There are numerous other exemplary programs in vocational-technical education under way in my State; including the DACUM Center at Dundalk Community College in Baltimore County where participating colleges can design occupational programs that respond specifically to the training needs of local business and industries; statewide programs serving single parents and homemakers; and projects conducted by the Central, Southern, Western, and Eastern Shore Regional Centers serving students in nontraditional programs.

It is clear that vocational-technical education in Maryland is thriving. I am very concerned that adequate Federal assistance is maintained to allow the continuation and expansion of Maryland's vocational-technical education efforts, as well as other vocational programs throughout the Nation. As you know, the previous administration consistently called for deep cuts in Federal support for vocational education. While I am pleased that Congress was able to turn back many of these proposals, the fiscal year 1988 appropriation for vocational education was still 28 percent less than the fiscal year 1980 appropriation when adjusted for inflation. The devaluation of vocational education by the executive branch is further illustrated by the previous administration's fiscal year 1989 budget request, which proposed the termination of all Federal support for vocational education. It is also interesting to note that vocational-technical education was not included in the former Secretary of Education's "model" high school curriculum.

Mr. President, we must recognize that vocational education and job training programs are vital factors in the development of human resources and the possibility that all our country's citizens will lead full and productive lives. As you know, the Carl Perkins Vocational Education Act is up for reauthorization this year. It is my hope that next week's national recognition of American Vocational Education Week will serve to emphasize the need for renewed Federal support for vocational-technical education programs and their importance to the well-being of our citizenry and the economic development of our Nation.

I look forward to the celebration of American Vocational Education Week and a renewed Federal commitment to vocational-technical education through the reauthorization of the Perkins Act later this year.●

THE GLOBAL ENVIRONMENT, INTERNATIONAL LAW AND THE ROLE OF NGO'S

● Mr. CHAFEE. Mr. President, with each passing day, we learn more and more about the threats to our global environment. There is the greenhouse effect and global warming, destruction of the ozone layer, acid rain, tropical deforestation, and many other problems.

Earlier this year, instead of naming a man or woman of the year for 1988, Time magazine named our "Endangered Earth" the "Planet of the Year." National Geographic, like Time, recently devoted an entire issue to global environmental problems, asking on its cover: "Can Man Save This Fragile Earth?"

It is encouraging to see a growing awareness of the problem. But this growing awareness will be for naught if it does not lead to action. To help save the planet, we need an all-out international effort on several fronts, including better enforcement of international law.

A recent letter to the New York Times suggests some of the reasons vigorous international legal action may be lagging. The writers are affiliated with the Sierra Club Legal Defense Fund, a public interest environmental law firm, one of several important nongovernmental organization [NGO's].

Mr. President, I ask that a copy of the letter be printed in the RECORD following my statement.

The letter states that the time has come to vigorously enforce international law. The law must be used more effectively to help solve our global environmental problems. Specifically, the writers suggest a broader role for NGO's such as theirs.

I share the view that our international legal system must become more responsive to global environmental problems and I urge the writers forward in their effort to expand the role of NGO's in this area. NGO's such as the Sierra Club Legal Defense Club play a vital role in this country. They help focus public attention on our environmental problems and they work with Congress to get strong environmental laws passed. More importantly, perhaps, they have been on the front lines, bringing legal actions to ensure that our laws are implemented fully and enforced vigorously.

Broadening the efforts of NGO's to cover international law enforcement will not be easy; it will impose a great burden on these organizations. Yet such an effort must be undertaken if we hope to solve our global environmental problems. The parallel effort by Amnesty International, now 27 years old, began a legal revolution for human rights—to establish that individuals as well as nations have certain rights under international law. A second revolution in international law is now needed to protect the global environment, and NGO's should help lead the way.

The letter follows:

[From the New York Times, Jan. 24, 1989]

To the EDITOR:

Japan's dispatching of four whaling vessels to the Antarctic, eloquently deplored in "Japan's Contemptuous Whalers" (editorial, Dec. 21), demonstrates the weakness of international environmental law and the relative lack of vigor in enforcing it.

The last year has seen a growth in awareness of global international problems not seen since the late 1960's, brought on by scientific studies measuring global warming, ozone depletion, deforestation, pollution of the oceans and the overall destruction of living resources.

Mechanisms must be found to make international environmental laws, conventions and treaties stronger—and enforceable—and to enact new ones.

Unilateral actions aren't enough, as the whaling problem demonstrates. The United States, as a world leader in whaling protection, has banned Japanese fishermen from United States waters. This did not stop Japan from sending four whaling boats to the Antarctic—on what you call a hunting trip—masquerading as a scientific mission.

The Commerce Department must decide whether to ban the import of fish and fish products from Japan, but that could spark a trade war that would hurt the United States more than the Japanese. It's not fair for one country to try to be the world's environmental policeman, and it won't work.

Leadership in international environmental law is not likely to come from national governments in any case. Traditional international law actually hinders the solution of environmental problems because it is created by nations to govern relations between them. These laws nearly always address complicated political problems. Enforcement is quixotic at best.

The failure of governments to enforce the Whaling Convention and other breaches of international environmental law are likely to be challenged only by nongovernmental organizations and individuals. The shortcomings of traditional international law provide a great moment for such groups. Organizations like Greenpeace and Friends of the Earth, having stirred the public's interest in international environmental affairs, must now pursue international legal avenues.

They must identify the breaches of international law and publicize them. They can help write and get ratified new, binding international treaties and conventions. They can attempt to take international environmental lawbreakers to the International Court of Justice, the European Court of Justice and other international tribunals. They must inform citizens of international environmental rules so they can enforce them in national courts in all countries.

The resulting burden on private organizations will be great. The obstacles they confront will be greater. But the problems demand an all-out response, and the success of Amnesty International in using international law to pursue its noble purpose gives reason to hope that a similar attempt can work in environmental matters as well.

PHILIPPE SANDS,
DURWOOD ZAELKE,
WASHINGTON, JAN. 12, 1989.

(The writers are affiliated with the Sierra Club Legal Defense Fund.)●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136 billion.

The report follows:

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF FEB. 3, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
FISCAL YEAR 1989			
Budget authority	1,233.0	1,232.1	0.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,704.8	[3] 2,824.7	−119.9
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and are consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care (Public Law 100–360).

[3] The permanent statutory debt limit is $2,800 billion.

[4] Maximum deficit amount [MDA] in accordance with sec. 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS FEB. 3, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	([1])	([1])	
Special milk	4		
Food Stamp Program	253		
Federal Crop Insurance Corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to civil service retirement and disability trust fund [2]	(85)	(85)	
Payment to Hazardous Substance Superfund [2]	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veteran's compensation COLA (Public Law 100–687)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Feb. 3, 1989	1,232,979	1,100,113	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	929	363	
Under budget resolution			266

[1] Less than $500,000.

[2] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.●

J.D. NICHOLS

● Mr. McCONNELL. Mr. President, I rise today to insert into the RECORD a copy of an article that appeared in the Louisville Courier-Journal about a remarkable man, Mr. J.D. Nichols. Mr. Nichols realized that Louisville desperately needed a larger airport and he refused to abandon the idea after city officials received a discouraging report on a possible expansion of the existing facility.

In mid-1987, the Regional Airport Authority of Louisville received bad news. The local airport, Standiford Field, needed to be expanded. A national consulting firm, however, had concluded that building a new runway would be very costly and its location would have to be so far away from the terminal that only a small portion of the airport traffic would use it. After this discouraging report, almost everyone gave up on the idea of airport expansion.

J.D. Nichols, a private citizen, refused to give up on the idea. You see, Mr. Nichols does not like to hear that things can't be done. He even has a sign on his desk that says "Let's think of a way that it can be done." J.D. Nichols worked on his own designs for a new runway, even obtaining aerial

photos of the airports, talking to pilots and the FAA, and hiring an experienced engineering firm to do another study. He then got Louisville's local officials together and presented his ideas for the expansion and encouraged them to do another study. Mr. Nichols' plan was eventually discarded but another involving the building of two new runways has been accepted. Local officials credit J.D. Nichols with keeping the airport expansion project alive.

J.D. Nichols' involvement with the project has not ended. The building of two new runways at Standiford Field requires several neighborhoods and buinesses near the airport being relocated. Mr. Nichols has talked to several local business and professional groups encouraging their support of the airport expansion and asking them to provide assistance to residents and businesses being forced to move. Sears, for example, has offered to disconnect and reinstall appliances for families that must move. J.D. Nichols has already met with local homebuilders to ask them to build low-cost affordable housing for the residents that are relocated or possibly move the existing houses to new neighborhoods. He has even assigned some of his employees at NTS Corp. to find a suitable site for these new neighborhoods.

I commend J.D. Nichols for his dedication to the city of Louisville and its citizens. I encourage my colleagues to read this article and to join me in honoring this fine individual.

The article follows:

[From the Louisville Courier-Journal, Dec. 12, 1988]

THE MAN WHO WOULDN'T LET AIRPORT PROJECT BE GROUNDED

(By Ric Manning)

It was mid-1987 when the Regional Airport Authority got the bad news. A national consulting firm had concluded that building a new runway south of Standiford Field was a poor idea.

Local officials, anxious to improve Louisville's air service, had asked Peat Marwick Mitchell & Co. if the authority could build a new runway on landfill property across Fern Valley Road.

The consultants said the project could cost $230 million and the runway would be so far away from the new terminal that only a small portion of airport traffic would use it.

After the report came in, almost everyone gave up on the idea.

Everybody but real estate developer J.D. Nichols.

"I don't like to hear that it can't be done," said Nichols, chairman of NTS Corp. "I keep a little sign on my desk that says 'Let's think of a way that it can be done.' "

Over the next four months, Nichols worked up his own designs for a new runway. He got aerial photos of the airport, talked to airline pilots and to the Federal Aviation Administration. He even hired an engineering firm that had worked on airports in Florida to help out.

Eventually, he got local officials together to look at his drawings and persuaded them to do another expansion study.

"It wouldn't have happened without J.D. Nichols," said air board chairman Frank Hower, chairman of Liberty National Bancorp.

"He got us off the dime," aid County Judge/Executive Harvey Sloane. "If it wasn't for that meeting, we'd still be looking around and moaning and groaning about air service."

In the end, Nichols' plan to build a second runway southwest of the present main runway was discarded, in part because it would run smack into the new wing at Ford Motor Co.'s plant on Fern Valley Road.

Instead, the board endorsed building two brand new runways, an idea first proposed by airport manager Robert Michael.

But that didn't dim Nichols' enthusiasm for the project.

"There's no question that if we don't get those runways, Louisville's going to die," he said in an interview at his Plainview office. "We will blow any chance that we ever had to be anybody."

It's that message that Nichols takes to business executives and professional groups when he asks them to get behind he project. City officials say they've gotten several offers from local businesses, including Sears Roebuck & Co., which offered to have its technicians disconnect and reinstall appliances for families that are relocated.

Nichols recently pitched members of the Louisville Homebuilders Association to consider building low-cost homes for the airport neighbors who will have to move.

And he's cornered several local business executives and asked them to help the relocated families. Humana Chairman David Jones, GE Executive Vice President Roger Schipke and Churchill Downs President Thomas Meeker have all gotten the Nichols treatment.

"When J.D. decides he's going to jump into something," said Michael, "he does it with both feet. And he drags a lot of people in with him."

One of them is former Sloane aide Burt Deutsch. He now works for NTS handling commercial real estate, but he spends most of his time working on financing for the airport project.

Deutsch said he's not surprised that Nichols, a private citizen, would get so deeply involved in the airport project.

"It's like Tom Simons with the Broadway Project or Maury Johnson (Maurice D.S. Johnson, retired chairman of Citizens Fidelity Corp.) with the Galleria, Wendell Cherry and the Center for the Arts or David Jones with the Presbyterians. We have always had community-minded people who were willing to get behind major projects," he said.

Nichols said he might some day be interested in a seat on the airport board, but for now he'd rather work in an unofficial capacity. "I like having my committee meetings in the shower," he said. "I like the way the vote goes."

Nichols' interest in the airport stems in part from his love of flying. His company has a hangar at Standiford Field and Nichols loves to fly NTS's Learjet, which he calls the hot rod of the company fleet.

But he said his primary interest is ensuring that he and his company are in a growing community.

"I've been here 35 years," he said. "My dad came here with GE to work at Appliance Park. I've been quite fortunate and Louisville has been very good to me. But we have to grow. A city cannot stand still, it either moves ahead or it dies."

Nichols said NTS won't have an economic interest in any of the redevelopment associated with the airport project.

"Everybody thinks you've got your hand out," he said. "But I've told our guys, if they stumble on something they can buy tomorrow for a dollar and sell a year from now for a million, don't do it. If I catch anybody touching it, they're fired."

Nichols said he'll be satisfied if NTS gets "our fair share" of a larger development that would come with a growing community.

Not that NTS has been standing still.

The company, one of the largest real-estate developers in Kentucky, has extensive real estate projects throughout eastern Jefferson County.

The latest include a 400-acre office park at Blankenbaker Lane and Interstate 64, a 1,000-acre residential development near the Gene Snyder Freeway and a $95 million development project on the old Golden Maxim Farm in St. Matthews.

But the company also has projects in Florida, California and the Washington, D.C., area. And, it has a financial operation that sells real estate securities throughout the country.

There was a time, Nichols said, when he considered moving the company.

In 1985, Louisville lost out to Greensboro, N.C., in a bid to attract an American Express credit processing center. The following year Time-Life Books looked at Louisville—and an NTS building—for a distribution center, but chose Richmond, Va.

"Regardless of what those companies said in public, we blew it because of poor air service," said Nichols, "And we almost lost the Presbyterians."

About the same time, Nichols talked to a couple of pilots who were flying cargo jets for UPS.

"They said their bosses told them not to plan on staying in Louisville because UPS couldn't stay here," he said. "That upset me so much. I told some of the guys here that if we screw up and lose UPS, we ought to look at moving our company."

Today, Nichols says he plans to stick around and fight for the runway project. He's also convinced that UPS will continue to grow, once it sees that the airport expansion will go through.

If UPS builds an airline maintenance center, he said, it would mean 1,000 jobs for the community. It would also be a magnet for other airline-related businesses, including a small hub operation for a passenger airline.

For now, though, Nichols said he's more interested in seeing that the people in the Highland Park, Prestonia and Standiford neighborhoods who will have to move get a fair deal.

Nichols has talked to builders about recreating a neighborhood of affordable homes somewhere in the city. He said he's looked into the possiblity of moving some existing houses. And he has NTS employees seeking a suitable site.

And he's confident that private businesses will contribute whatever is needed to make the move go smoothly.

"My feeling is we as a community have the ability and the responsibility to take care of these people," he said. "They're paying a price to a degree far greater than the rest of us and we have to make sure that they come out whole."

J.D. NICHOLS

Title: Chairman and Chief executive officer of NTS Corp., a holding company that includes building and development subsidiaries and a financial arm that develops and markets limited partnerships.

Background: Attended Fern Creek High School and University of Kentucky. Graduated from University of Louisville Law School. Worked briefly for General Electric Co. before entering the homebuilding business. Joined with two partners in 1968 to build LaFontenay Apartments.

Personal: Age 46. Nichols and wife, Barbara, have two daughters.

Interests: Flying, hunting, deep sea fishing and U of L sports.

Business philosophy: "Build only the best."●

TERRORISM IN THE SKIES

● Ms. MIKULSKI. Mr. President, I imagine that all of us were touched in one way or another by the tragic bombing of Pan Am flight No. 103 in December. Maryland lost seven lives in that crash, among them Miriam Wolfe.

Miriam's parents, Larry and Rosemary Mild of Severna Park, have turned their grief into a constructive effort to learn from their loss and help us all avoid future tragedies.

In an op-ed piece in the January 6 Baltimore Sun the Milds have made six sensible suggestions on how to deal with terrorism in the skies. Their ideas range from improved aircraft construction to better security checks at the airport to improved channels of communications with the families of the victims.

I have sent a copy of the Milds' op-ed piece to the Federal Aviation Administration, Federal Bureau of Investigation, the State Department and appropriate congressional committees for their consideration, and I hope all of our colleagues will take time to review these suggestions.

These are well thought-out, pragmatic ideas that are particularly meaningful because they were generated by the Milds' painful experience.

I ask that the Sun article be printed at this point in the RECORD.

The article follows:

[From the Baltimore Sun, Jan. 6, 1989]

SIX PROPOSALS ON AIRPLANE TERRORISM

(By Larry Mild and Rosemary Mild)

SEVERNA PARK. With the loss of our beloved Miriam, our thoughts on terrorist atrocity gain urgency not only for us who loved her, but for the thousands of other lives that will be no more if we do nothing. We present six suggestions that might help to prevent future acts of terror.

This plea we direct at the media. The Founding Fathers recognized that to protect the multitude each person must give up a carefully measured portion of freedom. Articles that give public recognition to individual terrorists and the groups or ideas they serve further the terrorist's purpose—as a child smashes a new toy on the floor in order to obtain parental attention.

We suggest that the phrase "an identified terrorist or fanatical group has claimed credit" be substituted for any known names, and that any knowledge of groups or individuals obtained in the pursuit of a story be passed immediately to the authorities. We propose no law to implement this idea, but we believe pressure within the media could enforce self-discipline. Twenty threats and five claims to a single deed is a lot of free press to give to the undeserving.

This plea we direct toward the explosives manufacturers of the world. It is our understanding that "plastic" explosives require facilities more complex than a basement or garage for fabrication. We propose an international agreement among manufacturers to provide plastic explosives with an odor additive within the sensory range of specially trained dogs and a trace of a radio-active ingredient within the sensory range of ordinary detection instruments.

These additives would go a long way toward the prevention of transportation bombings. If only a few nations do not enforce such an agreement, we need look no further for a source and contacts.

We direct this suggestion to airlines. The luggage compartments of aircraft could be isolated by a blast-proof shield and vented outward for the expanding gases normally associated with an explosion. The compartment itself could be jettisoned to restore fly-ability and control. Perhaps this is already in some phase of development.

Once luggage is inspected, each piece should be marked with a large paper stick-on band that would encompass the entire article. A numbered passenger along with numbered luggage would make a last-minute switch more difficult.

Carry-on luggage should be further limited in size and similarly numbered. In-cabin, closed-circuit TV cameras wired to the blast-protected (in-flight) recorders might reveal strange activity preceding an act of on-board terrorism and lead to insight for future adjustments. This scheme apparently works in the banking system.

We direct this idea to the State Department and the Federal Aviation Administration: kindness and consideration to the next-of-kin at a time when they most need them.

It is our understanding that when the doors of an aircraft are closed, a manifest or list of crew and passengers, is complete. If the manifest is not complete at this time, it should be. How often have we seen the flight attendant count heads and step off the plane? Possibly someone may be flying under an assumed name, but the list will carry the true names of the kin we are so concerned about.

Yet from mid-afternoon on that fateful Wednesday until nearly midnight we were unable to determine whether our Miriam was actually on board. We were able to reach the airline only once, at 9 p.m., to be told, unsatisfactorily, that it had no information and that it would call us "momentarily." Friends, relatives, well-wishers and, of course, the media, occupied the phone lines and turned that evening into a nightmare of redialings. Confirmation that all aboard were lost came from the London police task group at 6 a.m. the next day.

Whatever reasons the airlines had for possibly managing information, we believe that a standing task force—of the U.S. State Department for international flights and the Federal Aviation Administration for domestic flights—should step in immediately and establish channels to the next-of-kin without fear of legal or other liability. The airline and the State Department established parallel channels to London's Heathrow airport for identification purposes. It would have been kinder to offer local numbers which might have culled the merely interested from the next-of-kin, and directed the latter to a channel of best information.

Lastly, let there be an agency whose sole purpose is to solicit and examine ideas from just plain people. If the yield is some small portion of a percent, what is the price of the life saved? It is too late to prevent the death of our dear Miriam, but if one life can be saved by one of our thoughts, the fact that she inspired it will give proof that she lived and will continue to live in our hearts.

(Mr. and Mrs. Mild are the parents of Miriam L. Wolfe, who was aboard Pan Am 103 when it was blown up over Scotland.)●

S&L BAILOUT PROPOSAL

● Mr. DURENBERGER. Mr. President, I want to take this opportunity to commend President Bush for coming forward so early in his administration with a forthright proposal that aims to resolve the current crisis in the savings and loan industry.

I am especially pleased that the President has proposed increased funding for the Justice Department to finance a new national program to attack fraud in the financial industry. In too many instances, fraud and mismanagement have been the precipitating forces that have brought hundreds of S&L's to insolvency. The executives and managers of these institutions cannot be allowed to be let off scot-free.

It is imperative that the Justice Department ferret out such fraud and fully prosecute all such cases. At the same time, I hope that any package of financial industry reforms will include legislation I have cosponsored with the distinguished Senator from Missouri, Senator BOND, that substantially increases criminal penalties for financial industry fraud.

Mr. President, the financial integrity of the entire savings and loan industry has been in jeopardy for several years. Resolution of this crisis must be at the top of our agenda this year, for the longer we delay, the greater will be the ultimate cost of restoring financial stability and soundness to the system.

Although the President's proposal represents an excellent starting point, I believe it is incumbent on the President to submit a detailed analysis comparing the costs and benefits of his proposal with other financing options. In addition, I think the American taxpayer is owed an explanation of the benefits that will result from this extraordinary bailout beyond the general notion of maintaining the integrity of the system of deposit insurance.

As chairman of President Reagan's Task Force on Regulatory Reform, the former Vice President established well-reasoned cost-benefit parameters to guide the regulatory agencies of the Federal Government in drafting sub-

stantive regulations. The same cost-benefit test should be applied to the President's S&L plan.

One of the greatest uncertainties that surrounds the President's plan is the cost of servicing the debt on the $50 billion in long-term bonds that will be issued by the proposed Resolution Funding Corporation. Although the administration claims that no taxpayer funds will be needed to repay the principal on these 30-year bonds, fluctuations in interest rates could drive the taxpayer cost of the bailout beyond $40 billion.

Furthermore, in recommending that such bonds be issued by the proposed Resolution Funding Corporation, there is no doubt that the interest costs that these bonds will carry, and that will ultimately be paid by the taxpayer, will be higher than if the Treasury simply issued its own bonds. It is imperative that the administration fully justify its reasoning for this decision, in addition to providing its projections of the interest cost differentials that will result from selecting this option.

The additional insurance fees that will be levied on the members of the S&L community and the members of the banking industry are another area of serious concern. What portion, if any, of this assessment, will be passed through to depositors, and how will this additional assessment affect the international competitiveness of our financial institutions?

The administration would be well advised to provide Congress with a complete analysis of the short-term and long-term costs to the Treasury of the special S&L and banking industry tax incentives that have served as an integral part of the financing packages for merging failed financial institutions. I am not convinced that such tax incentives are the most cost-efficient method of providing financial assistance to failing S&L's and I think we should all be wary of extending these provisions without a clear sense of the real cost of these incentives.

Mr. President, at a time when the Congress is facing very difficult decisions involving spending for environmental, defense, and social policy objectives, it is staggering to think that the taxpayer must also foot a large part of the bill for bailing out an industry that has been poorly regulated and which has engaged in investment decisions which in many cases border on outright fraud.

What guarantees do we have that the practices that have necessitated this bailout will not be repeated? What guarantees do we have that the investors and shareholders in these institutions will pay their fair share of the price of this bailout? What guarantees do we have that the managers and executives who precipitated this crisis will pay a heavy penalty for their reckless disregard and misuse of funds guaranteed by the American taxpayer? In a word, are the benefits of this bailout package focused in such a way that the American taxpayer will pay the smallest possible cost and that the precipitators of this crisis pay the heaviest cost?

Mr. President, the ultimate issue that we in Congress will have to face in regard to the S&L crisis is whether we want to pay for this bailout today, or whether we want to stretch out the cost of this fiasco over the next 30 years. By stretching out financial responsibilities, we are merely shifting the costs of yesterday's failures onto tomorrow's generation of taxpayers. And by stretching out financing, we may be asking tomorrow's generation of taxpayers to pay a price that may be far higher than if we crafted a financing package that front-loaded the costs into this year's budget.

For this Senator, there are many unanswered issues. I look forward to working with the administration and my colleagues in the next few months to craft a financing package that minimizes the long-term costs to the taxpayer and restores fiscal solvency to the industry as quickly as possible.●

POSTAL SERVICE "OFF BUDGET" PROPOSAL

● Ms. MIKULSKI. Mr. President, I rise in support of S. 302, the Postal Service "off budget" bill and I am proud to be a cosponsor of this legislation.

In 1970, Congress passed the Postal Reorganization Act which removed the Postal Service budget from the overall Federal budget. This act freed the business-like postal system from political tampering. It allowed the postal system to operate as a self-sustaining business while Congress still maintained ultimate authority over the postal system.

In 1986, the postal system lost that important financial autonomy. As it now stands, the postal budget can be subject to the political winds that blow so frequently around these halls, in order to create a rosier picture of our Federal deficit. This is particularly dangerous with the Gramm-Rudman-Hollings sequester threat hanging over our head.

I'd liked to make note of some recent Congressional Budget Office figures. Starting in fiscal year 1989, CBO predicts the postal budget will be running a deficit in fiscal years 1989, 1990, and 1992. This means that if the "off budget" legislation were in effect today, our overall Federal deficit amount would be decreased by approximately $2 billion over the next 4 fiscal years. As we all know, the Gramm-Rudman-Hollings sequester trigger for this current fiscal year is $100 billion, and as a member of the Senate Appropriations Committee I know how much this savings would help.

Furthermore, every time we force budget cuts on the Post Office, we force them to compromise service, as has happened due to the budget cuts mandated by the fiscal year 1987 Budget Reconciliation Act.

Our postal system is the best in the world. We have a higher efficiency rate than any other country anywhere. Where else in the world can you spend 25 cents to have a letter mailed 3,000 miles away and have it show up in 2 to 3 days? Nowhere else but in the United States.

Our postal system works well. We can all be proud of the dedicated men and women who make the Postal Service what it is today, and we should let the Postal Service run itself without congressional interference.

I urge my colleagues to support S. 302 and put our postal system "off budget."●

THE 15TH ANNIVERSARY OF CONNECTICUT HOSPICE

● Mr. DODD. Mr. President, the people of Connecticut are celebrating an important anniversary, the 15th year of hospice care in our Nation. In 1974, the Connecticut Hospice introduced hospice care in the United States, enabling patients with terminal illness to live their lives in a caring and supportive environment. Since then, 11,000 people have benefited from the services of the hospice's professionals and trained volunteers. Under the vigorous and imaginative direction of hospice president and chief executive officer Rosemary J. Hurzeler, the hospice and its Institute for Education, Training, and Research are a national focus. People everywhere look to it for leadership in the provision of quality care to support quality life.

Mr. President, on Sunday, January 29, the hospice celebrated its anniversary with a gala benefit. Rudolf Nureyev and the Paris Opera Ballet performed at the Shubert Theater in New Haven to enable the hospice to further its fine record. I can think of no finer way for the hospice to prove its dedication to life. I call upon my colleagues in the Senate to pay tribute to this fine institution and to join with me in celebrating this anniversary of Connecticut's gift to the Nation, hospice care.●

THE RIGHT OF PRIVACY

● Mr. SIMON. Mr. President, one of the most basic discussions we have had in recent years in the U.S. Senate is on the question of the right of privacy.

That became a focal point of the discussions with Judge Robert Bork,

when he was the nominee for the U.S. Supreme Court, and later with Judge Anthony M. Kennedy, when he was the nominee.

Stephen F. Rohde, a Los Angeles lawyer and scholar of the Constitution, has written about the right of privacy in the Constitution.

It is a thoughtful piece that I would urge my colleagues to read. It was originally published in the Los Angeles Lawyer.

I ask to have it printed in the RECORD at this point.

The material is as follows:

[From the Los Angeles Lawyer, Mar. 1988]

ORIGINS OF THE RIGHT OF PRIVACY

THE RATIFICATION DEBATES 200 YEARS AGO ILLUMINATE TODAY'S CONTROVERSY WHETHER PRIVACY IS PROTECTED BY THE U.S. CONSTITUTION

(By Stephen F. Rohde)

The entire nation was enthralled by the debate. A day did not pass without front page coverage of the key issue: Do Americans enjoy certain fundamental personal rights which the government cannot abridge, regardless of whether those rights are expressly enumerated in the text of the Constitution?

The debates last fall over the confirmation of judges Robert H. Bork and Anthony M. Kennedy as associate justice of the United States Supreme Court? No. It was the debate 200 years ago over the ratification of the new Constitution.

The two controversies bear such striking resemblances because they both touched a deep and recurring theme in the American experience.

Is the Constitution the source of our liberties, in which case only rights expressly designated in that document are free from regulation by the will of the majority, or do we enjoy certain inalienable rights, which predate the Constitution and which no government can abridge?

The history of the struggle for ratification and the adoption of the Bill of Rights illuminates the recent controversy which overwhelmed Bork. In that debate, a single word—privacy—came to symbolize an entire matrix of legal, social and political thought. In the end, because a majority of the American people and their representatives in the Senate perceived that Bork did not believe that the Constitution protected a general right of privacy, his nomination to the High Court was rejected. Because Kennedy, in stark contrast, embraced the right of privacy, he gave a great solace to the Senate and the American people and won unanimous conformation.[1]

Given their otherwise conservative records, the unequivocal rejection of Bork, followed by unanimous acceptance of Kennedy, can be traced to their opposite views on the constitutional right of privacy.

Where Bork asserted that the right of privacy "doesn't have any rooting in the Constitution," Kennedy testified that "[t]he framers had an idea which is central to Western thought. It's central to our American tradition. It's central to the idea of the rule of law. And that is that there is a zone of liberty, a zone of protection, a line that's drawn where the individual can tell the Government beyond this line you may not go."

Where Bork denounced the Supreme Court's 1965 decision in *Griswold* v. *Connecticut*, striking down a law barring the use of contraceptives, even by married couples, Kennedy suggested that the law "infringed upon the core values of privacy that the Constitution protects."

Where Bork ridiculed the Ninth Amendment—which provides that rights not enumerated in the Constitution are nevertheless "retained by the people"—as a "waterblot on the Constitution" with no real meaning, Kennedy expressed another view. Kennedy said that when James Madison drafted the Bill of Rights, he wanted to assure "that the world understood that he did not have the capacity to foresee every verbal formulation that was necessary for the protection of the individual," and that the Constitution was not "a proclamation of every right that should be the right of the free people."

Where Bork testified that as "a matter of plain arithmetic" when "a court adds to one person's constitutional rights it subtracts from the rights of others," Kennedy observed that "[o]ur constitutional history is replete with examples of cases in which the Supreme Court has held that the liberty provided in the Constitution extends to a particular action or right asserted by a person; and, as a result, all of our freedoms have been enhanced." [2]

A look back to the debates over ratification and the Bill of Rights sustains Kennedy's philosophy and betrays Bork's. In no small measure the Senate and the American people, without being schooled in details of those debates, knew instinctively that Bork stood for a radical departure from these 200-year-old traditions, while Kennedy represented a direct and unbroken link to our constitutional past.[3]

A BRAND NEW CHARTER

The battle over ratification of the Constitution lasted from September 17, 1787, until June 21, 1788, when New Hampshire became the ninth state to ratify. Actually, it was not until Virginia narrowly voted in favor on June 26, 1788, and New York on July 26, 1788, that the Federalists knew they would enjoy broad public support for the new government.

The Constitution had been framed in secret in Philadelphia.[4] During the four months of meetings between May and September 1787 there was a virtual press blackout. Rumors spread but the delegates had resolved to keep their deliberations to themselves.[5]

When the new Constitution was first unveiled the public was stunned. They had sent their delegates to Philadelphia "for the sole and express purpose of revising the Articles of Confederation." Instead, the Constituional Convention had thrown out the articles entirely and written a new charter which, for the first time since independence, created a new and powerful national government.

Although the Constitution enumerated specific powers which the People granted to Congress, the list ended with the suspiciously elastic power "to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." [6]

As to the vast reaches of the frontier, the Constitution gave Congress the limitless "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." [7]

The Anti-Federalists, such as George Mason, Richard Henry Lee, George Clinton and Patrick Henry, feared that this new powerful national government jeopardized the very "Blessing of Liberty" which the impressive Preamble vowed to secure.[8] Their fears were heightened by other significant provisions in the new Constitution.

It was declared that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." [9]

When combined with the broad powers to "lay and collect Taxes," to "regulate Commerce," to "declare war," to "raise and support Armies" and to "provide for calling forth the Militia," [10] many Americans trembled at the prospect that they were about to lose the independence they had won only 11 years earlier.

But it was the glaring omissions of a declaration of rights that galvanized the opposition and framed the entire ratification debate.[11] After all, the constitutions of 11 original states contained declarations guaranteeing fundamental rights.[12] If, as it boldly declared, the new Constitution was now the "Supreme Law of the Land," had the delegates relinquished these fundamental rights in exchange for the stability of a new national government?

The Federalists argued that it was the powers granted to the government that were limited and the rights preserved by the people that were unlimited. In April 1788, George Washington sent a defense of the new Constitution to his friend and comrade Marquis de Lafayette, assuring him that "there was not a member of the Convention, I believe, who had the least objection to what is contended for by the Advocates for a Bill of Rights and Tryal by Jury." Washington expressed the simple axiom that "where the people evidently retained everything which they did not in express terms give up," a bill of rights was considered "nugatory." [13]

In the Federalist Papers No. 84, published in May 1788, Alexander Hamilton went so far as to claim that a written bill of rights was not only "unnecessary" but "dangerous." [14] Hamilton argued that in the new Constitution "the people surrender nothing, and as they retain every thing, they have no need of particular reservations." [15] Echoing a Federalist refrain first expressed by delegate Roger Sherman at the Philadelphia Convention,[16] Hamilton asked, "For why declare that things shall not be done which there is no power to do?" [17] The danger Hamilton claimed he perceived was that if a bill of rights contained "various exceptions to powers which are not granted," it "would afford a colourable pretext to claim more than were granted." [18]

Although Hamilton's defense of the Constitution is today considered the quintessential Federalist argument, during the ratification debates themselves delegate James Wilson may have proved more persuasive and was certainly more courageous coming less than a month after the Philadelphia Convention had adjourned. Wilson, considered by some as the most influential framer of the Constitution and as one of the great legal experts of his time, argued that "it

Footnotes at end of article.

would have been superfluous and absurd to have stipulated with a federal body of our own creation, that we should enjoy those privileges of which we are not divested either by the intention or the act that has brought that body into existence." [19]

Thus, far from endorsing the principle that by ratifying the Constitution Americans would be empowering the majority through their representatives to regulate their natural rights, the Federalist believed that nothing in the Constitution was intended to abridge those rights and therefore an enumerated list of specific rights was "superfluous" at best and "dangerous" at worst.

The Anti-Federalists wanted to leave nothing to chance. Even if they accepted the good faith of the Federalists' intentions, they feared that other men in other times would not be so benign. They wanted written and biding assurances that the Constitution meant what the Federalists said it meant; that the inalienable rights which they had fought for and other patriots had died for had not been bargained away as the price for a new and energetic national government.

George Mason of Virginia, who had lost his bid at Philadelphia to include a bill of rights in the first place, published his objections in various newspapers throughout November 1787. He led with his strongest criticism: "There is no Declaration of Rights." [20]

Various Anti-Federalist writers searched the proposed Constitution for provisions which might, in the absence of a bill of rights, be construed by men in power to grant license to interfere with individual liberties in the name of the public interest. "A Democratic Federalist" suggested that the broad judicial power of the United States under Article III could be used by government officials to "claim a right to the cognizance of all offenses against the general government." [21]

In a pamphlet by "A Federal Republican," the writer posited that Congress could use its broad power to tax as a pretext to impose stamp duties which would "as effectually abolish the freedom of the press as any express declaration." [22]

Perhaps the most creative and prescient threat to freedom of the press was identified by Anti-Federalist Robert Whitehall on December 1, 1787, at the Pennsylvania ratifying convention, when he observed that under the copyright clause (Article I, Section 8), which granted Congress the power to "promote the Progress of Science and useful Arts; by securing for limited Times to Authors . . . the exclusive Right to their respective Writings," Congress could assume the power to "license the press . . . and under licensing the press, they may suppress it." [23]

One of the most comprehensive Anti-Federalist polemics was contained in a series of letters signed by "The Federal Farmer." He asserted that there "are certain inalienable and fundamental rights, which in forming a social compact, ought to be explicitly ascertained and fixed—a free and enlightened people, in forming this compact will not resign all their rights to those who govern, and they will fix limits to their legislators and rulers, which will soon be plainly seen by those who are governed, as well as by those who govern." [24]

The Federal Farmer acknowledged the claim "that when the people make a constitution, and delegate powers that all powers not delegated by them to those who govern is [sic] reserved in the people; and that the people, in the present case, had reserved in themselves, and in their state governments, every right and power not expressly given by the federal constitution to those who shall administer the national government." But he warned that others would claim that "the people, when they make a constitution, yield all power not expressly reserved to themselves." The Federal Farmer concluded that in either case "it is mere matter of opinion and men usually take either side of the argument, as will best answer their purposes," since in doubtful cases the men who govern "construe laws and constitutions most favorably for increasing their own powers." Only a bill of rights would settle the argument in favor of the people.

The incessant call for a bill of rights could not be ignored. Facile legal arguments would not quell the growing public opposition to the Constitution shorn of a declaration of individuals' rights. If the Federalists were to win ratification and avoid recurring talk of a second Constitutional Convention, they had to commit to amending the Constitution to guarantee a bill of rights.

No one understood this better than Madison. "Let the enemies of the System wait until some experience shall have taken place, and the business will be conducted with more light as well as with less heat," Madison wrote. "In the mean time the other mode of amendments may be employed to quiet the fears of many by supplying those further guards for private rights which can do no harm to the system." [25]

By promising to propose a bill of rights, Madison won a narrow victory for ratification in Virginia. To keep his promise, Madison defeated James Monroe and won a seat as a representative to the First Congress.

Ever the consummate scholar, Madison kept a scrapbook in which he mounted clippings from all over the country telling of proposed amendments to the new constitution. Madison accumulated a list of the recommended amendments from the various ratifying conventions; nine from Massachusetts, 32 from New York.

As Madison trimmed the list and eliminated redundant rights, he faced a dilemma. Should these personal rights be woven into the text of the existing Constitution at appropriate points or should they stand apart, leaving the original document intact? He chose the latter, perhaps to show that the original was not defective; perhaps to reemphasize that the amendments stood on their own.

On June 8, 1789, Madison took the floor of Congress (then meeting in New York City) and spoke for the better part of the day in favor of nine amendments.[26] He said their passage would prove Federalists were "friends of liberty." He reminded his colleagues that Rhode Island and North Carolina had yet to ratify the Constitution because of their suspicions that "it did not contain effectual provision against encroachment on particular rights."

To those who doubted that a simple "parchment barrier" would prevent unscrupulous officials from trampling on personal rights, Madison acknowledged the vital role of the courts. "Independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable barrier against every assumption of power in the legislative or executive [branch]. . . ."

Madison was keenly aware that his bill of rights had to overcome the criticism that if some rights are spelled out, others may be ignored. He met this point head on:

"It has been objected against a bill of rights that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration and it might follow by implication that those rights which were not singled out, were intended to be assigned into the hands of the General Government, and were consequently insecure. This is one of the most plausible arguments I have ever heard urged against the admission of a bill of rights into this system; but, I conceive, that it may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the fourth resolution."

That clause became the Ninth Amendment, which stated with majestic simplicity: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." [27]

Madison's proposals were taken up by a select committee which finally settled on 17 articles of amendment. The House sent them to the Senate for prompt consideration, but it was not until September 2, 1789, that the Senate took them up. Twelve amendments emerged, including all of the fundamental principles Madison had offered in June, and two others dealing with congressional salaries and apportionment of legislators, which eventually were dropped. The Bill of Rights emerged on September 25, 1789. It, too, was submited to the states for ratification and on December 15, 1791, with Madison's own Virginia as the tenth state to ratify, the Bill of Rights became part of the Constitution.

THE QUINTESSENTIAL RIGHT

If the debates over ratification and the Bill of Rights demonstrate that certain inalienable rights, which are not enumerated in the Constitution, are nevertheless protected by the Constitution, is the right of privacy among them? At one level, the question is tautological. The right of privacy is the label given to that collection of unenumerated rights which are beyond government interference. But is Bork correct when he derides the right of privacy as a "free-floating right that was not derived in a principled fashion from constitutional materials?" Those very "constitutional materials" show that he is mistaken.

To begin with, the entire Constitution is a covenant that government is granted certain delegated powers by the People and all else is retained by the People. That is the essence of the right of privacy. Hamilton made this very point in Federalist No. 84 when he wrote that "[t]he truth is, after all the declaration we have heard, that the constitution is itself in every rational sense, and to every useful purpose. A Bill of Rights." [28] Thus, if the right of privacy means the fundamental right to be let alone—to be free from unwarranted governmental intrusion in our private lives—then the system of limited government juxtaposed with expansive personal liberties, enshrined in the Constitution itself, reveals the right of privacy as the quintessential constitutional right.

Other constitutional materials disclose the importance of privacy to the Founding Fathers. At a town meeting in Concord, Massachusetts on October 21, 1776, the participants issued the following resolution:

"We conceive that a Constitution in its Proper idea intends a System of Principles Established to Secure the Subject in the Possession and enjoyment of their Rights

and Privileges, against any Encroachments of the Governing Party." [29]

Shortly after the Constitution was signed in Philadelphia, Madison wrote to Thomas Jefferson, who as Ambassador to France was unable to attend the convention, and specifically referred to how the Constitution would secure "private rights" from the "infinitude of legislative expedients." [30]

Likewise, Hamilton's Federalist No. 84 described the Constitution as "merely intended to regulate the general political interests of the nation" and not to regulate "every species of personal and private concerns." Hamilton acknowledged that the proposeed Bill of Rights was intended to protect those "immunities and modes of proceeding, which are relative to personal and private concerns." [31]

The framers of the Constitution and the Bill of Rights valued their privacy at least as much as we do today. Indeed, our increasingly complex society and the pervasive role of government in our daily lives forces us to tolerate a degree of public exposure that would have been intolerable 200 years ago. Madison "went to considerable lengths to see that—in life as in death—his private history would stay private." When, at the age of 32, his 16-year-old fiancé Kitty Floyd jilted him on the eve on their wedding, Madison tried to delete all written record of the event.[32]

Privacy was such a pervasive and important value to the Founding Fathers, it would no more have dawned on them to spell out its protection in the Constitution than to express the fundamental rule of Anglo-Saxon law that a man is innocent until proven guilty—a doctrine which is nowhere mentioned in the Constitution or Bill of Rights.

NATURAL LAW

This distance of 200 years separates us from the widely held moral and political philosophies which actively motivated the framers. Natural law and natural rights theories from the Greek Stoics and Roman jurists to Thomas Aquinas and John Locke, far from being antiquated philosophies, were viewed by Madison, Jefferson and others as viable systems of thought underpinning the practical structures of government outlined in the Constitution and Bill of Rights. A key element of natural law was the principle that all men, by nature and not by grant of the state, possessed those essential rights which made them human; rights which the state could not take away; rights which were inalienable.

Although the basis for natural law has ranged from physical nature, to God, to reason had to human nature, the immutable theme has been personal autonomy and individualism; what has been called "the free space" in which human dignity and happiness flourish and from which the State is excluded. Epicurus posited "the right to undisturbed, tranquil pleasure," the Stoics fought for "a private life" where happiness followed as a consequence of a dignified life and from the pride of being human. Aristotle taught the value of the individual rational humanity. Aquinas held that "human legislation" was authentic only if consonant with the strivings of human nature and human reason. Locke theorized that the original state of nature was happy and characterized by reason and tolerance; that all human beings were equal and free to pursue "life, health, liberty and possessions." Locke's theory of the "social contract" postulated that the purpose of the state was to guarantee these inalienable rights and to be guided by natural law so that human beings could achieve those pursuits.[33]

It is immediately apparent that the Declaration of Independence, the Preamble to the Constitution and the Bill of Rights flow directly and inevitably from these theories of natural law and that natural law respected privacy as the necessary component for a human being to truly enjoy life, health, liberty, property and happiness. One cannot study the political philosophies of the Founding Fathers and conclude that they intended to empower the new government to invade that natural right of privacy. On the contrary, one must conclude that the Founding Fathers were practicing what they preached and were implementing their natural law theories as part of their concrete plan to government.

The battle for ratification and the adoption of the Bill of Rights guaranteed the "Blessings of Liberty" to each generation. Not a shrunken and narrow concept of liberty, to be denied any time the majority saw fit. Not a system in which the government was presumptively right and the people were presumptively wrong. But a government that served the people; a government that guaranteed the rights of the people. Rights enumerated in the Constitution and other rights retained by the people.[34]

As Justice William Brennan has written so eloquently: "For the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs."[35]

FOOTNOTES

[1] In rejecting Bork, the Senate Judiciary Committee concluded that his "narrow definition of liberty" sets him apart "from every Justice who ever sat on the Supreme Court" and that his "rejection of the concept of un-enumerated rights and liberties" and his theory that "the Constitution should not be read as recognizing an individual right unless that right can be specifically found in a particular provision of the document" were "fundamentally at odds with the express understanding of the Framers and with the history of the Supreme Court in building our tradition of constitutionalism" Report of the Committee on the Judiciary of the United States Senate on the Nomination of Robert H. Bork to be an Associate Justice of the United States Supreme Court, October 13, 1987, at VIII, 9, 10, 20.

[2] Bork's theory of arithmetic may be as outmoded as his theory of "original intent" (see story on page 60). Modern mathematicians no longer believe the world is limited to four dimensions, but conceive of a total of 10. K.D. Cole. A Theory of Everything. The New York Times Magazine, October 18, 1987.

[3] Even President Reagan has come to believe, as he put it in his last State of the Union address, that the words "We the People" reflect "the revolutionary notion that the people grant government its rights, and not the other way around" as the "best way of ensuring personal liberty and empowering the individual so that every American of every race and region shares fully in the flowering of American prosperity and freedom." Text of the State of the Union Address, The New York Times, January 26, 1988.

[4] Stephen F. Rohde, The Other Founding Fathers, California Lawyer, May 1987.

[5] Rufus King of Massachusetts proposed that the records of the Philadelphia Convention be burned but the delegates decided instead to give them to George Washington for safekeeping. After a thorough edit they were published 30 years later.

[6] U.S. Const., art. I, § 8.

[7] U.S. Const., art. IV, § 3.

[8] The label "Federalists" was a clever device adopted by men like James Madison and Alexander Hamilton, who should more rightly have been called "Nationalists." By contrast, the "Anti-Federalists" actually favored a federal system in which the individual states were pre-eminent.

[9] U.S. Const., art. VI, ¶2.

[10] U.S. Const., art. VI, § 8, ¶s 1, 3, 11, 12, 15.

[11] The Constitution did include a prohibition on the suspension of the writ of habeas corpus (except in cases of rebellion or invasion); a prohibition on bills of attainder and ex post facto laws; and abolition of titles of nobility; a limitation of the crime of treason; and a prohibition on religious tests as a qualification for federal office, U.S. Const., art. I, ¶9; art. III. § 3; and art. VI. ¶3.

[12] These state declarations of rights were far from uniform. For example, nine states guaranteed a free press; New York and New Jersey did not.

[13] Michael Kammen, ed., The Origins of the American Constitution—A Documentary History, (Penguin Books, 1986), at 108 (cited here as Origins). The Federalist Papers were written as newspaper columns by James Madison, Alexander Hamilton and John Jay under the collective pseudonym "Publius." Gouverneur Morris and William Duer had also agreed to contribute, but dropped out.

[14] Origins, at 238.

[15] Id. at 237.

[16] In the closing days of the Philadelphia Convention, when George Mason's plea for a bill of rights and Elbridge Gerry's call for a declaration "that the Liberty of the Press would be inviolably observed" appeared to threaten the majority Madison had carefully forged. Sherman assured his colleagues that since the "power of Congress does not extend to the press," such provisions were "unnecessary."

[17] Origins, at 238.

[18] Id.

[19] Paul L. Ford, Ed., Pamphlets on the Constitution (Brooklyn 1880) 155-57, quoted in Robert Allen Rutland. The Birth of the Bill of Rights 1776-1791 (Northeastern University Press. 1983, revised edition) at 132-133. Rutland's work is the most dramatic account of this pivotal chapter in our constitutional history.

[20] Origins, at 255. For Mason, the omission was a personal defeat. In May 1776 he had authored the historic Virginia Declaration of Rights, which contributed to Thomas Jefferson's Declaration of Independence two months later. Jefferson called Mason "the wisest man of his generation."

[21] Pennsylvania Herald, October 17, 1787, quoted in Leonard W. Levy, Emergence of a Free Press (Oxford University Press, 1985), at 238 cited here as Emergence). Reflecting on how Americans treated freedom of speech in practice, Levy writes that "[c]onstitutional guarantees did not set people free; they were already free and behaved and spoke accordingly. They habitually lambasted their leaders, excoriated public policies, and acted as if their governments were their servants. Americans who believed in the patriotic cause knew that they were the sovereigns. The presence or absence of constitutional guarantees did not alter a citizen's propensity to say what he thought" (at 188).

[22] Review of the Constitution, October 28, 1787, quoted in Emergence, at 239.

[23] Emergence, at 240.

[24] Country Journal, Poughkeepsie, New York, 1787-1788 reprinted in Origins, at 261, 272. Authorship is unknown. Modern historians doubt the previous attribution to Richard Henry Lee of Virginia.

[25] Letter from Madison to Edmound Pendleton, October 20, 1788, reprinted in Robert A. Rutland, James Madison, The Founding Father (1987). This biography is a delightful new work, exposing Madison's life to a popular audience by the leading Madisonian scholar of our time.

[26] Speech on Amendments to Constitution, William T. Hutchinson, ed., The Papers of James Madison, Vol. 12, at 193 et seq.

[27] The Constitution's draftsman . . . were concerned that some important rights might be thought disparaged because not specifically guaranteed. Madison's efforts, culminating in the Ninth Amendment, served to allay the fears of those who were concerned that expressing certain guarantees could be read as excluding others" Richmond Newspapers v. Virginia. 448 U.S. 555 (1980) (opinion by Chief Justice Warren Burger).

[28] Origins. at 239.

[29] Id. at 8.

[30] Id. at 70.

[31] Id. at 238-239.

[32] Timothy Foote, The Life and Times of James Madison, Smithsonian, July 1987.

[33] See generally Ernst Bloch. Natural Law and Human Dignity, (MIT Press, 1961, 1986).

[34] The Supreme Court has recognized repeatedly that the board terms such as "liberty" and "due process" found in the Constitution protect various fundamental rights which are not spelled out in

that document. Fletcher v. Peck. 10 U.S. (6 Cranch.) 87, 135, 139 (1810) ("general principles which are common to our free institutions"); Terret v. Taylor, 13 U.S. (9 Cranch.) 43 (1815) ("principles of natural justice," "fundamental laws of every free government." and the "spirit and letter" of the Constitution); Hurtado v. California, 110 U.S. 516 (1884) ("those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions"); Synder v. Massachusetts, 291 U.S. 97, 105 (1934 (rights "so rooted in the traditions and conscience of our people as to be ranked as fundamental"); Palko v. Connecticut, 302 U.S. 319, 325 (1937) (rights "implicit in the concept of ordered liberty"); Griswold v. Connecticut 381 U.S. 479 (1965); Bolling v. Sharpe, 347 U.S. 497 (1954); Loving v. Virginia, 388 U.S. 1 (1967); Roe v. Wade, 410 U.S. 113 (1973); Moore v. East Cleveland, 431 U.S. 494 (1977); Richmond Newspapers v. Virginia, 448 U.S. at 580-81 ("fundamental rights, even though not expressly guaranteed, have been recognized by the Court as indispensable to the enjoyment of rights explicitly defined"); Turner v. Safley, 107 S.Ct. 2254 (1987).

[35] "The Constitution of the United States: Contemporary Ratification," Associate Justice William J. Brennan, Jr., presented at Georgetown University, October 12, 1985, reprinted in the Beverly Hills Bar Association Journal (Winter 1986). ●

MIDEAST TOUR

● Mr. SIMON. Mr. President, recently the president and chief executive officer of the Champaign-Urbana News-Gazette in my State of Illinois joined Congressman TERRY BRUCE and several others on a tour through the Middle East.

John Hirschfeld wrote five-part series on his impressions, and the third part was titled, simply, "Mideast Peace Depends on Israeli Security."

I ask to print that article in the RECORD.

The material is as follows:

[From the Champaign-Urbana News-Gazette, Dec. 14, 1988]

MIDEAST PEACE DEPENDS ON ISRAELI SECURITY

As I stood atop the Golan Heights in northern Israel and looked eastward, I realized that Damascus, the capital of Syria, was only 40 kilometers away, and between Damascus and me stood at least 4,000 Syrian tanks, 4,000 Syrian armored personnel carriers and nine Syrian fighting divisions, all poised at the ready with just one thing in mind: The destruction of Israel and its annexation to Syria to form "Greater Syria."

Only 17 minutes separated Israel's border defense from one of the largest military units on alert today—the Syrian army—a military entity pledged to revenge its humiliations and defeats in the wars of 1948-49, 1967 and 1973.

And who mans those borders? Well, among others, Israel's 7th Armored Brigade, the oldest active armored brigade in the Israel Army. It is led by seasoned and dedicated career officers and supported by 18-, 19- and 20-year-old conscripts who proudly serve their country for three years on active duty, and then further proudly serve in the reserves until their 55th birthday.

All Israeli Jews, men and women alike, enter the armed forces immediately after high school. It is their way of trying to pay their debt to their country—a feeling that also once prevailed in the United States but, unfortunately, has faded into oblivion as our society advanced to prosperity.

These "kids" are professionals in every sense of the word. They are also realists, and, perhaps, somewhat fatalistic, for they understand that their mission at the border is a simple one: Hold the line at all costs for three to four hours until the Israeli reserves can reach the battlefield. Israel can mobilize its entire reserve in 2½ hours—a feat unheard of and probably unmatchable by any other military force.

The Israeli Defense Force is lean and mean. Fortunately for Israel, Lebanon, Syria, Jordan and Egypt realize that.

But it is peace and not war the Jews seek. They always have. On May 14, 1948, Israel declared its independence with the following words:

"We extend the hand of peace and good neighborliness to all neighboring states and their peoples and call for their cooperation and for mutual helpfulness with the independent Jewish nation in its land. The state of Israel is prepared to contribute its share in a common effort for the advancement of the entire Middle East."

Unfortunately for Israel, and for the entire free world, the hand of peace has not been grasped by the Arab world. The building of the Jewish state has been met by relentless and violent Arab opposition. Between 1948 and 1967, three wars were launched against Israel—all unprovoked—unless, like Hitler, you consider being a Jew and asking for recognition sufficient provocation.

Israel won all of those wars—and others. World opinion, however, seems on the verge of swinging against the Jewish state because it has not been able to win the peace.

It is an unfair condemnation.

Our fact-finding group spoke with village mayors, private citizens residing in Kibbutzim and Moshavim, members of the Israeli government from both sides of the aisle, past Israeli ambassadors to the United Nations, Arabs, newspaper editors who represented both the liberal and conservative viewpoints and specialists in Middle Eastern affairs—the broadest possible spectrum of thought.

All want peace! And all agree that some progress has been made. (Witness, if you will, the 1978 Camp David Accords and the 1979 Peace Treaty with Egypt.) Few, if any, however, want "peace at any price." The lesson of English Prime Minister Chamberlain at Munich in the 1930s remains very fresh in Israel's mind: One-sided concessions do not produce a lasting peace. They only whet the appetite of the avaricious. In my opinion, Israel is entitled to negotiate peace for peace, not peace for territory. The real problem, however, is that it has no one with whom to negotiate. The Lebanese government is a shambles. Syria will not respond because it is waiting to strike southward when and if it can do so with surprise and with some confidence of success. King Hussein of Jordan's hands are tied by the rest of the Arab League, and no one knows just what authority Yasser Arafat has on behalf of the Palestine Liberation Organization. We only know that he supports terrorism and has steadfastly refused to recognize Israel as a sovereign state.

No other state, large or small, would ever consider mere recognition of its right to exist a favor or a negotiable concession. Neither should Israel.

Forty years have passed since the state of Israel issued its Declaration of Independence—years marred by wars, terrorism and violence. Israel has truly been a nation under attack, both from without and within. Peace is possible, but only if the Arab world will join with Israel to make the effort.

Until they do, it behooves the United States—and all democratic countries—to back the Israelis. Their success, security and healthy existence is the linchpin to peace in the Middle East.

That, quite frankly, is the bottom line.

Mr. SIMON. Mr. President, the reality is that we have to work out a system that does provide peace and stability to Israel and, at the same time, does that for Israel's neighbors.

This Nation has special ties with Israel. We all know that. That should not change and it will not change.

But it is good to remind ourselves that Middle East peace is not going to become a reality unless it contains provisions that provide a real sense of security for the valiant people of Israel.

I urge my colleagues in the Senate and the House to read John Hirschefeld's article.●

ELWOOD—HE'S NO DUMMY

● Mr. SIMON. Mr. President, I would like to bring to the attention of my colleagues a remarkable person from my home State of Illinois. His name is Elwood and he is the mascot for Mr. Hand's sixth grade class at Thome School in Rock Falls, IL. Elwood has traveled over 13,000 miles in the past 6 years and, as nearly as I can tell, this will be his second trip to the east coast. He has met the Lone Ranger, Ray Bradbury, cartoonist Chuck Jones, and Illinois Gov. James Thompson.

Now Elwood wants to come to Washington, DC. I have promised Doug Hand, the sixth grade class, and Elwood that I would have my picture taken with him once he got here. I also promised that I would offer the opportunity to all my colleagues in the House and Senate to do the same. Elwood is particularly interested in meeting friends of education. He helps Mr. Hand as a teaching aide in addition to being a model student. Elwood serves as a good friend who is completely nonthreatening when students are having problems or are feeling a little low.

I know there are many good friends of education who would appreciate the opportunity to meet this ambassador of good will from Illinois. I hope we can take advantage of Elwood's experience and expertise while he is here—he's no dummy.●

THE WEEKLY MAIL BANNED BY SOUTH AFRICAN GOVERNMENT

● Mr. SIMON. Mr. President, the Weekly Mail has been banned by the South African Government for at least 1 month, and the reason is that they are stating frankly that the apartheid system has to go, and they are pointing out the weakness of various arguments.

One of the articles of interest that recently was published should be of interest to Members of the House and Senate: "Exploding the Strategic Metals Myth" written by Steve Askin. It points out that we are not nearly as dependent on South Africa for strategic minerals as the administration suggests.

I urge my colleagues to read this article by this courageous journalist and ask that it be printed in the RECORD.

The article follows:

[From the Weekly Mail, Sept. 2 to 8, 1988]

EXPLODING THE STRATEGIC METALS MYTH

(By Steve Askin)

The United States can easily find other sources for the "strategic minerals" it currently imports from South Africa, argues a new study by an expert on Southern African mining.

The report, by minerals economist Paul Jourdan of Harare's Institute of Mining Research, comes when some US mining officials are rethinking traditional assumptions that American strategic interests require access to South African minerals.

Minerals are a key issue in America's heated sanctions debate. An existing ban on US trade with South African government-related companies exempts 10 "strategic minerals" which the US State Department last year "certified" as essential imports from South Africa.

Legislation for an otherwise near-total ban on trade with South Africa, approved by the US House of Representatives in August and up for Senate consideration, contains a similar exemption. Conservatives in Washington have argued that strict sanctions could endanger US interests by provoking South Africa counter-sanctions in the form of a ban on mineral exports to the US.

In a study titled "US Mineral Dependence on South Africa: Exploding the Myths" Jourdan writes that some Reagan Administration claims about American import needs are so "blatantly ludicrous" as to provoke suspicion "that the apartheid regime has significant support in the State Department".

Other Southern African countries, Jourdan reports, can supply most of the 10 minerals and already export several to the US. He also sees a tragic irony in using mineral needs to oppose sanctions because, he argues, Pretoria is partly to blame for the lack of alternative sources. Jourdan estimates that South African "destabilisation;"—chiefly through violence against Angola and Mozambique—has cost Frontline states more than US $4,5-billion (R10,8-billion) in lost mine production.

He proposes a programe of "positive sanctions" to help them expand mining industries.

Even without such action, if South African minerals were cut off tomorrow, the "extra cost to the US of switching supplies would be negligible for all but two of the 10 certified minerals, Jourdan writes.

His view is echoed in a January 1988 analysis of the State Department "certification" by the US Bureau of Mines and in a June 1988 report to Congress by its General Accounting Office.

For the moment, the US can't boycott South African chromium and platinum without paying higher prices, said Jourdan. USBM agrees, but says the added cost would be high only in the case of platinum.

Jourdan also argues the South African chrome and ferrochrome can be replaced from a low cost source, if the US invested in expansion of well-developed mining and ferrochrome manufacture in Zimbabwe. The cost advantage, he says, is that neighbouring Zambia and Mozambique can supply very cheap hydropower while Mozambique has ample supplies of the particular grade of coking coal needed in making ferrochrome.

South African platinum, he adds, could be replaced by developing new mines to exploit known reserves in Zimbabwe and Botswana. Several companies, including Anglo American, are already moving to exploit the frontline states' platinum.

South African supplies of other "certified" minerals can easily and immediately be replaced, Jourdan and USBM agree. Jourdan explains that:

Two minerals are apparently "certified" only because Zairean cobalt and Zimbabwean chrysotile asbestos travel to the US via South African ports. Existing railroads and ports in frontline states are equipped to take over these shipments, Jourdan reports. The US could make cobalt supplies more secure and reduce shipping costs by stopping support for Unita violence against the Benguela railroad—the most cost-efficient cobalt export line—and pressing South Africa to do the same.

Australia and Zaire are now the main producers of industrial diamonds. If South Africa's De Beers Corporation, which controls diamond sales worldwide through the Central Selling Organisation, refuses to clearly identify the stones it sells by country of origin, the US has sufficient market clout to bypass them and buy direct from producing nations.

The world's main antimony producers, China and Bolivia, provide almost half of US imports and can replace South Africa's 14 percent share.

South Africa supplies under four percent of America's manganese ore. It is important only for ferromanganese, which the US can produce by refining imported ore in its own under-used smelters.

As rutile is one of several ores bearing titanium, it should not have been singled out as "strategic", Canada and Australia are the world's main titanium producers and their reserves can meet US demand. Additional reserves exist in the frontline states—including deposits along the Mozambique coast now being developed by an American mining company.

The US produces most of it own vanadium and can replace South African supplies, a mere nine percent of consumption from other sources.

The US doesn't need South African and alusite as it is the world's largest producer of a related mineral which can substitute for it, Kyanite.●

ORDER OF PROCEDURE

Mr. DIXON. Mr. President, I inquire of the distinguished acting Republican leader if Calendar Item No. 1 on the Legislative Calendar has been cleared on his side.

Mr. CHAFEE. It has, Mr. President.

SERVICE ON JOINT COMMITTEE ON THE LIBRARY

Mr. DIXON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Item No. 1, S. Con. Res. 12.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 12) to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee on Congress on the Library in place of the Chairman of the Committee.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 12

Resolved by the Senate (the House of Representatives concurring), That Effective for the One Hundred First Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee of the Congress on the Library in place of the Chairman.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES

Mr. DIXON. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Thursday, February 9, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO INDEFINITELY POSTPONE SENATE JOINT RESOLUTION 6

Mr. DIXON. Mr. President, I ask unanimous consent that Senate Joint Resolution 6 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. DIXON. Mr. President, on behalf of the majority leader and Senator DOLE, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 56) to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in *David A. Clarke, et al.* v. *United States of America.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the U.S. Court of Appeals for the District of Columbia Circuit has expedited an appeal by the Department of Justice from a judgment of the district court for the District of Columbia holding unconstitutional a provision of the fiscal year 1989 District of Columbia Appropriations Act. The provision is entitled the "Nation's Capital Religious Liberty and Academic Freedom Act," and is popularly known, after its Senate sponsor, as the "Armstrong amendment."

The Armstrong amendment requires the District of Columbia government, as a condition of expending funds appropriated to it by the Congress, to amend its human rights law to provide that it is not an unlawful discriminatory practice for religiously affiliated educational institutions to deny benefits, services, and recognition to organizations and individuals promoting homosexuality. The amendment was enacted to reverse a portion of a recent ruling of the D.C. Court of Appeals on Georgetown University's obligation under the D.C. Human Rights Law, notwithstanding the University's religious objections, to provide facilities and services to gay student organizations. although Georgetown has settled its litigation, the amendment would provide an exemption to religiously affiliated institutions in future matters.

The members of the District of Columbia Council challenged the constitutionality of the Armstrong amendment in an action in the U.S. District Court. In an opinion issued on December 13, 1988, the district court held that Congress had unconstitutionally abridged the plaintiffs' first amendment rights to vote in accordance with their beliefs by conditioning use of appropriated funds on the District's enactment of a change to its law. The district court did not reach the Council members' claim that the Armstrong amendment violates the establishment clause of the first amendment. Nor did the court reach their claim that the Armstrong amendment violates the free speech rights of students who express certain views on homosexuality.

This resolution would direct the Senate legal counsel to appear in this litigation as amicus curiae in the name of the Senate to request the court of appeals to disapprove the district court's unprecedented restriction on the use of the appropriations power of the Congress. The Senate's brief would describe to the court of appeals the serious implications of the district court's decision to the constitutional power of the Congress to regulate through its appropriations and other powers the activities of the Federal Government.

The Senate's brief would not attempt to deal with all questions in the case. For example, the brief would not present arguments on whether the Armstrong amendment violates the establishment clause or whether it violates the free speech rights of students. Senator Armstrong is asking the court of appeals for leave to file a separate brief on those questions. The Senate's brief would not challenge the standing of the members of the District of Columbia Council to asset these underlying claims.

Neither would the Senate's brief address the appropriate balance between the values served by home rule and the special constitutional responsibilities of the Congress with respect to the Nation's Capital. Those are questions of policy which must be resolved within the Congress. Similarly, issues about the appropriations power of the Congress often present important parliamentary questions about each House's rules and precedents governing the use of authorizing legislation and appropriations. These issues are appropriately resolved within the Congress, and not by the courts.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 56) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to, as follows:

S. RES. 56

Whereas, in *David A. Clarke, et al.* v. *United States of America,* No. 88-5439, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of the Nation's Capital Religious Liberty and Academic Freedom Act, section 145 of the District of Columbia Appropriations Act, 1989, Pub. L. No. 100-462, 102 Stat. 2269, 2269-14 (1988), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *David A. Clarke, et al.* v. *United States of America* to defend the Congress's exercise of its appropriations powers in section 145 of the District of Columbia Appropriations Act, 1989.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVIDING FOR A CONDITIONAL RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. DIXON. Mr. President, on behalf of the majority leader, I send to the desk a concurrent resolution providing for the recess of the Senate until Tuesday, February 21, at 2:15 p.m., and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 14) providing for a conditional recess of the Senate from February 9, 1989 until February 21, 1989, and a conditional adjournment of the House from February 9, 1989, until February 21, 1989.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 14) was agreed to, as follows:

S. CON. RES. 14

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses on Thursday, February 9, 1989, at the conclusion of the joint session to receive a message from the President, it stand in recess until 2:15 post meridiem on Tuesday, February 21, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution; and that when the House adjourns on Thursday, February 9, 1989, it stand adjourned until 12:00 o'clock meridian on Tuesday, February 21, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO STAR PRINT S. 306

Mr. DIXON. Mr. President, on behalf of Senator BENTSEN, I ask unanimous consent that S. 306, the Equity for Rural Hospitals Act of 1989, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DIXON. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate go into executive session in order to consider the nominations placed on the Secretary's desk in the Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD

The PRESIDING OFFICER. The clerk will report the nominations.

The assistant legislative clerk read as follows:

Routine nominations placed on the Secretary's desk in the Coast Guard.

There being no objection, the Senate proceeded to consider the nominations.

TERRY SAUVAIN

Mr. BYRD. Mr. President, I am pleased that Commander Terrence E. Sauvain has been nominated for the rank of captain in the U.S. Coast Guard Reserve.

Commander Sauvain has held a number of responsible positions in the U.S. Coast Guard since he completed initial active duty in 1964, including executive officer and then commanding officer of Coast Guard Reserve Unit 1 in Baltimore, and executive officer of Coast Guard Reserve Unit MSD Baltimore, the largest Coast Guard Reserve Unit in the Fifth Coast Guard District which at that time consisted of the States of Maryland, Virginia, North Carolina, as well as the District of Columbia. In June 1986, he was assigned to his present position as Deputy Group Commander of Coast Guard Reserve Group Headquarters in Washington, DC.

Commander Sauvain has had an exceptionally wide variety of learning experiences in the Coast Guard Reserve, having entered the service at the bottom rung as a seaman recruit (E-1), and progressing through the reserve enlisted ranks to the rate of first class petty officer (E-6) prior to commissioning. For 13 out of the past 15 years, he has served in reserve leadership positions such as executive officer, commanding officer, or deputy group commander, in both field and headquarters units, as well as on annual active duty at marine safety and headquarters units and at the Office of the Secretary of Defense. These activities, together, with recent attendance at the strategy and policy course conducted at the Naval War College in Newport, and the reserve components national security course conducted by the Institute of Higher Defense Studies of the National Defense University have exposed him to a wide range of mobilization and mobilization planning experiences in the Coast Guard Reserve Program.

In addition to his responsibilities as a Coast Guard reservist, Terry Sauvain also serves, at my request, as the deputy staff director of the Senate Committee on Appropriations, with special responsibilities in the area of defense and military construction. Over the previous 16 years, he has served the Senate in a variety of assignments, including, at my request, service as the secretary to Senate Democrats, an elective office to which I nominated him and to which he was subsequently elected by a resolution enacted by the conference of Senate Democatic Members and then by the Members of the Senate in the 97th Congress. He discharged his many duties to the Senate leadership and the Members with courtesy, dedication, efficiency, and diligence. Not least of these duties included accompanying Members of the Senate on several senatorial delegations which traveled to China and Europe.

Terry is also in his third year of service as president of the Coast Guard chapter of the Reserve Officers Association here in Washington. In addition, he has served as a eucharistic minister at Holy Cross Church in Garrett Park. He holds a master's degree from the George Washington University and a bachelor's degree from the University of Notre Dame.

Mr. President, it has been my experience that all members of the Reserve components of the armed services, and especially a member achieving the high rank of captain in the Coast Guard Reserve, must spend considerable time away from their families in the pursuit of their military duties. This requires no small sacrifice on the part of those family members, and in this regard, Commander Sauvain's wife, Veronica; their daughter, Marie, a midshipman third class at the University of Notre Dame; their daughter Cate, an architectural student at the University of Maryland; their son, Terry, Jr., are also to be commended.

Mr. President, I am pleased to cast my vote for the confirmation of Commander Terrence E. Sauvain as captain in the U.S. Coast Guard Reserve, and I urge my colleagues to support this nomination.

Mr. HOLLINGS. Mr. President, it is always a pleasure for me as the chairman of the Senate Commerce Committee to bring the Coast Guard promotions list to the floor of the U.S. Senate for approval.

Today, it is more of a pleasure because one of the promotions is for Terrence E. Sauvain, a member of the Senate Appropriations Committee staff who has served this Member and many others with distinction and dedication during his 15 years in the U.S. Senate.

Mr. President, I can remember clearly when Terry first came to the U.S. Senate as a clerk on the D.C. Appropriations Subcommittee in the service of Senator Birch Bayh. At that time, Terry also served as an assistant clerk for the Labor, Health and Human Services Subcommittee. In both positions, Terry manifested a tremendous compassion for the poor and underprivileged of the Nation and a real desire to help the Senate deal with pressing human needs. Terry then moved on as clerk for the State, Justice, Commerce, and Legislative Subcommittee. After serving with distinction on the Appropriations Committee, Terry became the Minority Secretary of the U.S. Senate in 1981-82 and a most able floor assistant to Senator BYRD for the last 6 years.

A native of Cleveland, a graduate of the University of Notre Dame, Terry's career in the U.S. Senate has been one of distinction, and it is with great honor today that I ask the Senate to add the rank of captain in the U.S. Coast Guard to Terry's already distinguished record. I am sure I speak for the whole Senate when I congratulate Terry for this promotion and for being named as the new deputy director of the Senate Appropriations Committee.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominaions considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD

Coast Guard nominations beginning Henry E. Plimack, and ending Malcolm B. Playfair, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Coast Guard nominations beginning Stephen D. Hathaway, and ending Robert C. Hayden, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Coast Guard nominations beginning Phillip D. Miller, and ending Steven R. Godfrey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Coast Guard nominations beginning Wendy Abrisz, and ending Lawrence J. Zacher, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Mr. DIXON. Mr. President, I ask unanimous consent that a motion to reconsider en bloc be laid upon the table and that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DIXON. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Virginia [Mr. WARNER] to read Washington's Farewell Address on February 22, 1989.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84, appoints the Senator from Ohio [Mr. METZENBAUM] to the U.S. Holocaust Memorial Council.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader, pursuant to Public Law 100-494, his appointment of the Senator from West Virginia [Mr. ROCKEFELLER] to the U.S. Alternative Fuels Council.

APPOINTMENTS MADE BY THE PRESIDENT PRO TEMPORE, THE MAJORITY LEADER, AND THE MINORITY LEADER AFTER THE SINE DIE ADJOURNMENT OF THE 100th CONGRESS

The PRESIDING OFFICER. The Chair announces the following appointments which were made by the President pro tempore, and the majority and minority leaders, after the sine die adjournment of the 100th Congress, pursuant to Senate Resolution 508, adopted on October 19, 1988:

On October 21, 1988, the President pro tempore, pursuant to Public Law 100-418, and upon the recommendation of the chairmen and ranking members of the Committees on Finance and the Judiciary, appointed the following Senators to be Official Advisers for U.S. International Trade Policy and Negotiations with Regard to Issues on Intellectual Property: the Senator from Delaware [Mr. BIDEN], the Senator from Arizona [Mr. DECONCINI], and the Senator from Utah [Mr. HATCH].

On October 21, 1988, the President pro tempore, pursuant to Public Law 100-418, and upon the recommendation of the chairmen and ranking members of the Committees on Finance and Agriculture, Nutrition, and Forestry, appointed the following Senators to be Official Advisers for U.S. International Trade Policy and Negotiations with Regard to Issues on Agriculture: the Senator from Vermont [Mr. LEAHY], the Senator from Arkansas [Mr. PRYOR], and the Senator from Indiana [Mr. LUGAR].

On November 16, 1988, the majority leader, pursuant to Public Law 100-294, appointed the Senator from Connecticut [Mr. DODD] to the Presidential Commission on Child and Youth Deaths.

On November 16, 1988, the majority leader, with the concurrence of the Speaker of the House of Representatives, pursuant to Public Law 100-294, appointed the following individuals as at-large members of the Presidential Commission on Child and Youth Deaths: Dr. Michael Durfee, of California, Ms. Una Clarke, of New York, and Stacey Winkler, of California, Michael Petit, of Maine, Dr. Amy B Wheaton, of Connecticut, and Dr. Anne Harris Cohn, of Illinois.

On December 2, 1988, the majority leader and the Speaker of the House of Representatives, pursuant to Public Law 99-660, as amended by Public Law 100-436, appointed the Honorable Lawton Chiles as an at-large member of the National Commission on Infant Mortality.

That concludes the announcements that the Chair has to make at this time.

ORDERS FOR TOMORROW

RECESS UNTIL 8:30 P.M.

Mr. DIXON. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 p.m. on tomorrow, Thursday, February 9, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE LEADERS

Mr. DIXON. I ask unanimous consent that on tomorrow, Thursday, the time for the two leaders be reduced to 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DIXON. I ask unanimous consent there be a period for morning business not to exceed 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DIXON. Mr. President, I announce on behalf of the majority leader that tomorrow evening the Senate will convene at 8:30 p.m. and at 8:35 p.m. will assemble as a body and proceed to the House Chamber to meet in joint session to hear the President of the United States address the Nation.

Upon completion of the joint session, pursuant to Senate Concurrent Resolution 14, the Senate will recess until Tuesday, February 21, 1989, at 2:15 p.m. On that Tuesday, it is the hope of the majority leader that the Senate could consider S. 20, the Whistleblower Protection Act. We are at this time, I am advised by the majority leader, attempting to clear a unanimous-consent request for the consideration of that bill.

RECESS UNTIL TOMORROW AT 8:30 P.M.

Mr. DIXON. Now, Mr. President, if the acting Republican leader has no further business, and if no Senator is seeking recognition, then, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess under the previous order until 8:30 p.m. on Thursday, February 9, 1989.

There being no objection, the Senate, at 4:52 p.m., recessed until tomorrow, Thursday, February 9, 1989, at 8:30 p.m.

NOMINATIONS

Executive nominations received by the Senate February 8, 1989:

DEPARTMENT OF STATE

ROBERT MICHAEL KIMMITT, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, VICE MICHAEL HAYDEN ARMACOST, RESIGNED.

MARGARET DEBARDELEBEN TUTWILER, OF ALABAMA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE CHARLES E. REDMAN, RESIGNED.

JANET GARDNER MULLINS, OF KENTUCKY, TO BE AN ASSISTANT SECRETARY OF STATE, VICE J. EDWARD FOX, RESIGNED.

ROBERT B. ZOELLICK, OF THE DISTRICT OF COLUMBIA, TO BE COUNSELOR OF THE DEPARTMENT OF STATE, VICE MAX M. KAMPELMAN, RESIGNED.

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER.

KENNETH F. SOLOMON	ROSS L. FOWLER, JR.
JOHN R. SHANNONHOUSE	DANIEL P. KACZUR
ROBERT W. MONTFORT	JAMES M. OLSEN
MICHAEL J. WENSMAN	JOHN T. EGBERT III
WILLIAM A. DARAGHY	LYNN W. SMITH
THOMAS A. WATTS-FITZGERALD	RODNEY M. LEIS
	JOHN J. PITTA, JR.
CHRISTOPHER TAYLOR	JEFFREY A. HIBBITTS
WILLIAM J. BARKER	DANIEL J. ZEDAN
DONALD W. CALKINS, JR.	

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ANDREW P. CHAMBERS, xxx-xx-xxxx UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN J. YEOSOCK, xxx-xx-xxxx U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR ASSIGNMENT AS DEPUTY CHIEF OF STAFF FOR MANPOWER AND RESERVE AFFAIRS, UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN I. HUDSON, xxx-xx-xxxx/9903 USMC.

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

THOMAS CHRISTOPHER IRWIN
JOHN TWOHEY NATTER
RONALD RHYS MORGAN
KENNETH WILLIAM PETTIGREW

AERONAUTICAL ENGINEERING DUTY OFFICER

KENNETH PAUL MANNING

MEDICAL CORPS OFFICER

MORRIS DANIEL KERSTEIN

SUPPLY CORPS OFFICER

DOUGLAS MATTHEW MOORE, JR.

CHAPLAIN CORPS OFFICER

WILLIAM ANDREW STEWART, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

VETERINARY CORPS

To be colonel

FRANK E. CHAPPLE II, xxx-xx-xxxx

ARMY

To be lieutenant colonel

BERNARD W. DIBBERT, xxx-xx-xxxx
BENNIE L. TERRY, xxx-xx-xxxx
DENNIS L. WEEMS, xxx-xx-xxxx

JUDGE ADVOCATE GENERAL

To be lieutenant colonel

ERNEST F. PELUSO, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

*PETER M. KLARA, xxx-xx-xxxx

To be major

*BONNIE L. SMOAK, xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1989:

DEPARTMENT OF AGRICULTURE

CLAYTON YEUTTER, OF NEBRASKA, TO BE SECRETARY OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING HENRY E. PLIMACK, AND ENDING MALCOLM B. PLAYFAIR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 1989.

COAST GUARD NOMINATIONS BEGINNING STEPHEN D. HATHAWAY, AND ENDING ROBERT C. HAYDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 1989.

COAST GUARD NOMINATIONS BEGINNING PHILLIP D. MILLER, AND ENDING STEVEN R. GODFREY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 1989.

COAST GUARD NOMINATIONS BEGINNING WENDY ABRISZ, AND ENDING LAWRENCE J. ZACHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 1989.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 9, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on the proposed authorization for fiscal years 1990 and 1991 for the Department of Defense, focusing on the annual net assessment.
SR-222

Governmental Affairs
To continue hearings on the global spread of chemical and biological weapons.
SD-342

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on semiautomatic assault weapons.
SD-226

Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 14

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.
345 Cannon Building

FEBRUARY 21

9:30 a.m.
Rules and Administration
Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1989 and 1990, and other pending legislative and administrative business.
SR-301

10:00 a.m.
Select on Indian Affairs
Investigations Subcommittee
To resume hearings to examine various matters relating to Indian affairs.
SH-216

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

FEBRUARY 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 169, to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being.
SR-253

10:00 a.m.
Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 23

8:30 a.m.
Veterans' Affairs
To hold hearings to review the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

10:00 a.m.
Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SH-216

FEBRUARY 24

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for basic energy research programs and the superconducting super collider.
SD-366

FEBRUARY 28

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on Japanese patent policy.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, Blind Veterans of America, Jewish War Veterans, American Ex-Prisoners of War, and the Military Order of the Purple Heart.
345 Cannon Building

MARCH 1

10:00 a.m.
Finance
To hold oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

MARCH 6

10:00 a.m.
Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to examine the use of toxic materials in the aerospace industry.
SD-406

MARCH 7

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for nuclear energy research and development programs.
SD-366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 9

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for advanced nuclear reactor technologies.
SD-366

MARCH 13

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the relationship between bilateral trade agree-

ments and the General Agreement on Tariffs and Trade, and the potential for bilateral arrangements to address U.S. trade problems.

SD-215

APRIL 7

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine trade disputes between the United States and Canada.

SD-215

APRIL 19

10:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.

SD-215

POSTPONEMENTS

FEBRUARY 10

10:00 a.m.
Foreign Relations
Closed briefing, on the nature and extent of the threat of chemical and biological weapons proliferation.

S-116, Capitol

HOUSE OF REPRESENTATIVES—*Thursday, February 9, 1989*

The House met at 11 a.m.

His Holiness, the Supreme Patriarch and Catholicos of all Armenians, Vasken I from Etchmiadzin, joined by His Holiness, Karekin II, Catholicos of the Great House of Cilicia, offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty God, we lift our hearts to You, in prayer, for the gift of vision and courage to the leaders of our nations who serve mankind.

Bless our leaders with wisdom, to make wise decisions, and to lead us all to the power of love, more than to the temptations of power.

May we always share with each other our best and brightest, as did our American brothers and sisters, in reaching out so graciously and generously to the victims of the earthquake in Armenia.

We, Catholicos of all Armenians, come from Armenia, and the Holy Cathedral of Etchmiadzin, and thank the American people and the President for this outpouring generosity of good men and women, who practice the teaching of the Bible, that it is better to give than to receive.

Grant that our nations use prosperity and freedom for the establishment of peace and human dignity in this world.

Lord, enable us to have the vision and spiritual courage to imbue every decision with truth, charity, and stewardship, that our nations may be forever a blessing to all mankind.

In Your holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. ROSE] kindly lead us in the Pledge of Allegiance.

Mr. ROSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 12. Concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the Chairman of the Committee; and

S. Con. Res. 14. Concurrent resolution providing for a conditional recess of the Senate from February 9, 1989 until February 21, 1989, and a conditional adjournment of the House from February 9, 1989, until February 21, 1989.

The message also announced that pursuant to Public Law 96-388, as amended by Public Law 97-84, the Chair on behalf of the President pro tempore, appoints Mr. METZENBAUM, to the U.S. Holocaust Memorial Council.

The message also announced that pursuant to Public Law 100-494, the Chair on behalf of the majority leader, the appointment of Mr. ROCKEFELLER, to the U.S. Alternative Fuels Council.

The message also announced that the Chair announces the following appointments which were made by the President pro tempore and the majority and minority leaders, after the sine die adjournment of the 100th Congress, pursuant to Senate Resolution 508, adopted October 19, 1988:

On October 21, 1988, the President pro tempore, pursuant to Public Law 100-418, and upon the recommendation of the chairmen and ranking members of the Committees on Finance and the Judiciary, appointed Mr. BIDEN, Mr. DECONCINI, and Mr. HATCH, to be Official Advisers for U.S. International Trade Policy and Negotiations with Regard to Issues on Intellectual Property.

On October 21, 1988, the President pro tempore, pursuant to Public Law 100-418, and upon the recommendation of the chairmen and ranking members of the Committees on Finance and Agriculture, Nutrition, and Forestry, appointed Mr. LEAHY, Mr. PRYOR, and Mr. LUGAR, to be Official Advisers for U.S. International Trade Policy and Negotiations with Regard to Issues on Agriculture.

On November 16, 1988, pursuant to Public Law 100-294, the majority leader, appointed Mr. DODD, to the Presidential Commission on Child and Youth Deaths.

On November 16, 1988, pursuant to Public Law 100-294, the majority leader, with the concurrence of the Speaker of the House of Representatives, appointed: Dr. Michael Durfee of California, Ms. Una Clarke of New York, Stacey Winkler of California, Michael Petit of Maine, Dr. Amy B. Wheaton of Connecticut, from private life; as at-large members of the Presidential Commission on Child and Youth Deaths.

On December 2, 1988, pursuant to Public Law 99-660, as amended by Public Law 100-436, the majority leader and the Speaker of the House of Representatives, appointed the Honorable Lawton Chiles, as an at-large member of the National Commission on Infant Mortality.

HIS HOLINESS, THE SUPREME PATRIARCH AND CATHOLICOS OF ALL ARMENIANS, VASKEN I FROM ETCHMIADZIN

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, our prayer this morning was delivered by the spiritual leader of the 8-million member Armenian Orthodox Church, Vasken I.

The Armenian people have long been called the first nation to embrace the Christian faith; their church is over 1,600 years old.

A leader of his church for nearly 35 years, Vasken I is the 161st in a succession of Armenian patriarchs that began in the year 301 A.D.

It is of enormous significance to the Members and the history of this Congress that Vasken I has addressed us this morning.

I first met the Catholicos during my recent trip to Soviet Armenia with our colleagues Mr. BONIOR, Mr. TORRICELLI, and Mr. DORNAN. By all accounts, he has been a gift from God amidst the suffering visited upon his people by the December earthquake in Armenia.

As he has offered prayers for us, we extend to him our condolences for the losses suffered by his people and our thanks for honoring us with his presence.

Mr. Speaker, I include biographical information in the RECORD.

HIS HOLINESS VASKEN I—BIOGRAPHY

At the height of World War II, a young man without the benefit of a formal theological education responded to the call of God and of his people by undertaking a perilous journey to receive ordination as a priest of the Armenian Church. Twelve

short years later he was consecrated as the one hundred thirtieth occupant of the Throne of St. Gregory The Illuminator. And today we are assembled to convey to him our love, respect, support and admiration. He is our beloved Catholicos, His Holiness Vasken I, Supreme Patriarch and Catholicos of All Armenians.

It was in 1943, after the death of its primate that the Diocese of Rumania was left without a leader and without a successor. As the community prepared to cope with the difficult times ahead, a young man responded to God's call and under the most difficult conditions, attributable primarily to the Nazi occupation of Europe, traveled to Athens to receive ordination to the sacred priesthood of the Armenian Church. The young man was Levon Karapet Baljian renamed Vasken.

After ordination he returned to his native Rumania where during his first celebration of the Divine Liturgy he said, "from this day forth a new life begins in me, a life that will be dedicated to the church and to our people. May God be with me."

His Holiness is a living example of self-sacrifice and dedication to the Gospel, the Armenian Church and the Armenian people. On many occasions he has reflected on his motivation to serve and to be an exemplar. "The ultimate example of performing good works is Christ Himself who surrendered His life for the salvation of mankind. Christ, the Son of God and the Son of man is also the ultimate example of salvation. The eternal truth set forth by Him is to be found not only in His words and in His revolutionary ideas, but also in the example of His own life."

It is Christ's example that inspired His Holiness from childhood to search for new challenges to fulfill His need to serve His people. He was profoundly influenced by His parents, Abraham, a humble shoemaker in his native Rodosto (Turkey) who emigrated to Bucharest, Rumania in 1898 to flee from the oppression of Sultan Abdul Hamid, and Siranoush, a young teacher, also from Rodosto, who moved to Bucharest with her family in 1907. Their marriage was blessed with the birth of their only child, Levon Karapet, on September 20, 1908.

Upon graduation from high school in 1928, Levon became a teacher in the Armenian School of Bucharest. Simultaneously he continued his higher education at the University of Bucharest graduating in 1936 with a degree in both pedagogy and psychology. The topic of his dissertation was "The Question of Discipline in Education." Throughout this period and beyond, Levon maintained a high profile in the cultural life of the community.

He founded and edited a monthly magazine, "Herg" (Harvest) in 1937. In its initial editorial he wrote, "To think—this is what we want to learn. We want to learn with our readers, but most importantly, with our young readers. This is our purpose." Indeed, concern for young people and their healthy growth in terms of both intellect and soul have remained in the forefront of His Holiness' thinking. To that end he has authored many articles, among them: "The Concept of Individuality" (1938); "The Armenians of Musa Dagh in Franz Werfel's Novel" (1940); "Khrimian Hairig as an Educator" (1943).

In 1945, while ministering to the spiritual needs of the Armenian community of Bucharest, the young clergyman was distressed that many parishioners could not fully participate in the Divine Liturgy due to their inability to understand the church's liturgical language. Accordingly, Vasken Vardapet wrote a book, "The Divine Liturgy" wherein he stated: "The majority of our people who attend church do not read the Holy Scriptures and do not understand at all what is read in church. Moreover, the majority of our people, and especially our younger generation, do not comprehend the essence of our liturgical services." It was during this period that Vasken Vardapet enrolled in the School of Theology of the University of Bucharest.

During his first visit to Holy Etchmiadzin in 1945, he was overwhelmed by his presence in the midst of the spiritual center of the Armenian Church. It confirmed for him that he had indeed responded to God's call when he received ordination to the priesthood. Thereafter, Divine intervention guided his ascendancy in the hierarchy of the Armenian Church. He was elected Primate of 1955, the Diocese of Bulgaria elected him Primate as well.

Following the death of Catholicos George VI, the National Ecclesiastical Assembly convened at Holy Etchmiadzin and on September 30, 1955, elected as Supreme Patriarch and Catholicos of All Armenians, the youthful Bishop Vasken Baljian. He was consecrated as Catholicos two days later. Well aware of the responsibilities and challenges of His office, He said, "I bowed before my destiny and accepted the call to be the chief servant of the church of our fathers."

The reign of His Holiness Vasken I has been challenging, yet through dedication and wisdom He has provided enlightened leadership and guidance to our church during one of its many difficult periods. His is an historic perspective: "Everytime, when faced with an important issue, we have turned our thoughts to our predecessors and reached our decision in communion with them."

His Holiness is by far the most traveled Catholicos having made over fifty pontifical visits to communities outside Armenia. A few months after His consecration He traveled to Antelias, Lebanon to preside over the election of a successor to the See of Cilicia. An unfortunate turn of events left the National Assembly in disarray and resulted in His Holiness' departure. The election and the subsequent course of events emanating from the See of Cilicia have been the greatest source of pain and anguish for His Holiness. However, He has never ceased pursuing the means to overcome this disharmony in the Armenian Church.

In 1963, His Holiness became the first Catholicos of All Armenians to visit Jerusalem in over 300 years. Likewise, in 1970 He became the first Catholicos of All Armenians to visit The Vatican where He met with Pope Paul VI. He has maintained close relations with other leaders in Christendom including The Archbishop of Canterbury, The Bishop of Rome, The Patriarchs of His Holiness has presided over the construction, renovation and/or restoration of the Cathedral of Holy Etchmiadzin, the Veharan, the living quarters of the clergy, the facilities at Biurakan, numerous churches throughout Armenia and the magnificent museum of Etchmiadzin. It is appropriate that His Holiness is often referred to as "Vasken The Builder," an honor previously bestowed on Catholicos Nersess III (641-661).

His concern for the lack of adequate Christian literature in Armenia, prompted His Holiness to establish the Holy Etchmiadzin Press, the equipment for which was donated by the Armenian community of America in 1962. In addition to many other publications, "Etchmiadzin" the official monthly publication of the Holy See is produced here as was a new translation (Eastern Dialect) of the New Testament.

As articulated by His Holiness, the primary goal of the Armenian Church is to be the true messenger of the Gospel and to herald the Good News of Jesus Christ to the Armenian people. It is not surprising therefore, that the theological education of future generations of our clergy is of paramount concern to Him. He has been totally supportive of seminaries (particularly, the seminary at Etchmiadzin) in terms of curriculum, staff and facilities and after years of tireless effort, the fruits of His labor are being realized through the young, dedicated an intellectually qualified clergy who are completing their theological training each year.

Now in the thirty-third year of his Catholicosate, His Holiness is the seventh longest reigning Catholicos in history and the longest reigning since the seventeenth century. The third visit of His Holiness to our diocese is cause for unbounded spiritual joy. We offer Him our filial love and pray that His continuing guidance and leadership will usher in a return to the canonical and traditional structure, and character of the Armenian Church—one flock and one shepherd.

HIS HOLINESS KAREKIN II, CATHOLICOS OF THE GREAT HOUSE OF CILICIA, BEIRUT, LEBANON

His Holiness Karekin II is the spiritual leader of the Great House of Cilicia of the Armenian Apostolic Church. The Pontiff is the highest official of the Armenian Church outside of the Soviet Union.

His Holiness was elected Catholicos in 1977 after serving as Archbishop and Pontifical Legate of the Eastern Prelacy of the Armenian Apostolic Church of America. His Holiness has held every major position within the church, including archbishop, bishop, and senior archimendrite. He is presently one of three presidents of the Middle East Council of Churches, has served as director of the Cilician Seminary in Beirut, and as editor of the monthly church periodical, *HASK*. In addition, His Holiness is the author of more than a dozen published books and articles.

The 56-year-old pontiff graduated with honors from Antelias Seminary in 1952, and received his B. Litt (OXON) from Oxford University in 1959. His Holiness was born in 1932 in Kessab, an Armenian Village north of Syria, and is fluent in both English and French.

His Holiness Catholicos Karekin II, baptismal name Neshan, was born in Kessab (Syria), on August 27, 1932. After attending the United Armenian Elementary School in Kessab, young Neshan was admitted to the Antelias Seminary in October 1946. He was ordained deacon on May 29, 1949, by the late Bishop Terenig Poladian, Dean of the Seminary. He graduated from the Seminary with full honors in June 1952.

He was ordained as a celibate priest on September 28, 1952, and was renamed Karekin in memory of the late Catholicos Karekin I Hovsepian. He was elevated to the rank of *Vardapet* on June 5, 1955, upon presentation of his doctoral thesis on "The Theology of the Armenian Church according to Liturgical Hymns." Father Karekin assumed the duties of supervisor and member of the Faculty of Antelias Semi-

nary. He has signed numerous articles and studies on religious armenological, philosophical, ethical, and literary issues and subjects in *HASK* monthly, the official organ of the Holy See of the Catholicosate of Cilicia. He is very fluent in foreign languages, particularly French and English, and has always shown keen interest in inter-Church relations or ecumenical concerns.

He was among the very few members of the Religious Order of Antelias, who shouldered responsible administrative and monastic duties during the stormy days that characterized the election of the late Catholicos Zareh I. He was a close associate of the late Zareh Catholicos and in 1956 he was appointed as Dean of the Cilician Seminary.

From 1957-1959, Father Karekin studied Theology at Oxford University in Great Britain. After successfully completing the two-year course, he received his B. LITT. (OXON) upon presentation of his comprehensive scholarly thesis on "The Council of Chalcedon and the Armenian Church," which was published in London by S.P.C.K. in 1965 and reprinted in New York in 1976.

On his return from Oxford in January 1960, he resumed his leadership position as Dean of the Seminary. Under his dynamic leadership and wise guidance and inspired by his impeccable and exemplary character, new generations of celibate priests augmented the ranks of the Cilician Religious Order.

During these years, Father Karekin attended numerous ecumenical conferences, consultations and meetings as the representative of the Great House of Cilicia. Following the election of Catholicos Khoren I on May 5, 1963, he organized historical Pontifical visits to Athens, Vatican, Lisbon (Calouste Gulbenkian Foundation), London (Canterbury), Geneva (World Council of Churches), Venice and Vienna (Mekhitarist Fathers).

As one of the initiators of the "Ecumenical" movement within the Armenian Apostolic Church, he has regularly attended inter-Church conferences since 1955 and through his efforts the Holy See of Cilicia became a member of the World Council of Churches, in August 1962. He has attended the World Council of Churches General Assemblies in New Delhi, India, in 1961; in Uppsala, Sweden, in 1968; in Nairobi, Kenya in 1975 and in Vancouver, Canada, in 1983.

As an observer, he has also attended the Second Vatican Council in 1963-65 and the Conference of Lambeth in 1968. In Uppsala, he was elected member of the Central and Executive Committees of the World Council of Churches and, following the Nairobi Assembly he was elected Vice-Chairman of the Council. He was one of the organizers of the Addis Ababa Conference of Heads of Oriental Orthodox Churches.

In recognition and appreciation of his prolific activities, he was elevated to the rank of Senior Archimandrite on June 16, 1963, and was consecrated as Bishop on January 19, 1964, by Catholicos Khoren I. He was granted the rank of Archbishop on April 26, 1973.

In 1963 he founded the Armenian Church University Student Association (ACUSA), because he strongly believed in the formation of the youth for leadership and involvement in religious and cultural life.

He has lectured on the theology, literature, history and culture also at the Palanjian College in Beirut, at Beirut College for Women (B.U.C.), at the American University of Beirut (A.U.B.). He has also delivered a series of lectures in Rumania upon the invitation of His Holiness, Patriarch Justinian of Rumanian Orthodox Church.

On February 24, 1971, Bishop Karekin was elected Prelate of the Irano-Indian Diocese in Julfa, Isfahan (Iran). Here he promoted religious and cultural activities which greatly contributed to the renewal of spiritual and cultural life of the Diocese, particularly among the youth.

On June 21, 1973, Bishop Karekin was appointed Pontifical Legate of the Eastern Prelacy of the Armenian Apostolic Church of America and later was elected Primate of the Eastern Prelacy. He worked diligently in promoting various activities and services in the United States and Canada for the benefit of the people, particularly the young generation. He played a decisive role in organizing the Lebanon fund-raising drive during the troubled years of 1976-77.

His Holiness, Catholicos Karekin II has made four pilgrimages to the Mother See of Holy Etchmiadzin in Soviet Armenia, and has witnessed the great accomplishments and developments of Holy Etchmiadzin and the Fatherland. His most recent trip to Armenia was in December, 1988, following the earthquake, offering his condolences and assistance to His Holiness Vazken I.

On May 22, 1977, he was elected Catholicos, head of the Armenian Church under the jurisdiction of the Catholicosate of Cilicia. As long as the ailing Catholicos Khoren I was in life, the newly elected Catholicos Karekin used the title of Catholicos Coadjutor. Since the passing of Khoren I, on February 1983, he is called Catholicos of Cilicia.

In the last 11 years, he has given a new stimulus to the work of the Armenian Church in the fields of Christian education both for children in schools and for adults, literature through publications, cultural activities, leadership training, particularly through the promotion of the Cilician Seminary, social work, ecumenical relations, and pastoral visits to various dioceses.

In the last few years he has undertaken extensive Pontifical visits to his Dioceses of the Cilician See, Lebanon, Syria, Cyprus, United States and Canada. He has also undertaken ecumenical visits: to His Holiness Pope John Paul II and the Roman Catholic Church, to the Archbishop of Canterbury, to the Federation of Swiss Protestant Churches in Switzerland, the Lutheran Church of Denmark, the Lutheran churches in West Germany, to the Australian Council of Churches in Sydney, Melbourne and Canberra as Head of the Middle East Council of Churches' delegation, to Pope Shenouda III during the Executive Committee of the M.E.C.C. in Egypt.

Presently he is one of the three Presidents of the Middle East Council of Churches.

If one could describe him in one sentence one could say: "He is a man of renewal through his dedication to the youth and all such activities that tend to keep fresh and operative the breath of God and the spirit of the Armenian nation in the present-day life of the Armenian Church and people within the family of and in fellowship with Churches and Nations."

THE SUPREME PATRIARCH AND CATHOLICOS OF ALL ARMENIANS, VASKEN I FROM ETCHMIADZIN

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, I wish to welcome his Holiness Vasken I, Supreme Patriarch and Catholicos of All Armenians. His visit to our country is to seek a unity of efforts in the American-Armenian community in the rebuilding of the devastated areas in Armenia. On Saturday in New York City, he will join with His Holiness Karekin II, Catholicos of the Great House of Cilicia, to present plans for the reconstruction of northwestern Armenia in general, and the city of Stepanavan in particular. I join with all in wishing him well on his mission.

STOP BASHING SPEAKER WRIGHT AND THE CONGRESS

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, recent months and days have seen a frenzied mania of Congress-bashing, surely a time-honored tradition in our great Nation; however, like anything else, it can be overdone.

In the unfolding of this grueling ordeal, no person has been treated more shabbily or unfairly than Speaker WRIGHT.

The Speaker at all times in this controversy has been motivated by the welfare of the Nation and a concern for the welfare of the Members of the House.

Speaker WRIGHT took a recommendation of President Reagan, subsequently endorsed by President Bush and tried with bipartisan leadership cooperation to expedite it through the House.

When overwhelming negative public sentiment and House opposition arose, he did the right thing and allowed a vote. If he had not, as some would have suggested, things would have been much worse for all of us.

Speaker WRIGHT's service in the House is characterized by courage, compassion, vision, and intellect. To unjustly demean a leader is to demean this great House.

Let us get on with the pressing business we were sent here to decide.

FEDERAL INTERFERENCE IN LOCAL TRANSPORTATION PRIORITIES SHOULD BE REPEALED

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, today I am introducing legislation to repeal section 329 of the fiscal year 1989 Department of Transportation appropriations bill which prohibits Federal funding for planning, design, construction, or approval of an interchange between Interstate 66 and a proposed Route 234 bypass in

Prince William County, VA, which is located in my district.

The original purpose of this language was to preclude development of a proposed mall on a tract of land adjacent to the Manassas National Battlefield Park. However, separate legislation regarding this development was subsequently passed by the 100th Congress and enacted into law as part of the Technical and Miscellaneous Revenue Act of 1988 [TMRA].

While the funding prohibition in section 329 expires in 2 years, it could block one of the most important transportation improvements in Prince William County—the Route 324 bypass—which has been planned in the county for 15 years and is central to the county's long-range transportation and economic development plan.

The transportation situation in the county is critical, and the bypass is needed now, with or without the construction of new developments. In order for this bypass to work, it obviously must interchange with I-66 at some point.

In addition, in order to even consider closing old Route 234 to through traffic in the park—as provided in the provisions of the Technical and Miscellaneous Revenue Act of 1988—the bypass will have to be built, as Route 234 is a major north-south commuter road. With or without the closing of old route 234 through the park, the proposed 234 bypass would greatly reduce traffic through the park, to the park's great benefit.

Finally, Prince William County recently adopted a $66 million bond referendum which included initial funding for the proposed 234 bypass. However, the 2-year moratorium on Federal funding for the planning, design, construction, and approval of an interchange between the 234 bypass and I-66 as provided in section 329 of the fiscal year 1989 Transportation appropriations bill creates uncertainty as to whether or not the proposed bypass can go forward.

For these reasons, I am introducing legislation today to repeal section 329 of the fiscal year 1989 Transportation appropriations bill in order to permit Prince William County to proceed with its transportation priorities without undue interference by the Federal Government.

□ 1110

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 705

Mr. COUGHLIN. Mr. Speaker, my name is listed as a cosponsor of H.R. 705 without authorization, and I ask unanimous consent that it be withdrawn.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

INTRODUCTION OF PUYALLUP LAND CLAIMS SETTLEMENT LEGISLATION

(Mr. DICKS asked and was given permission to address the House for 1 minute.

Mr. DICKS. Mr. Speaker, today I am introducing legislation which is cosponsored by the entire Washington State congressional delegation, authorizing the terms of an historic Indian land claims settlement agreement reached in Washington State last year.

After years of negotiations between the Puyallup Tribe of Washington, local governments, landowners, and private businesses, a settlement agreement was achieved which will resolve, equitably, the longstanding claims the Tribe has had to lands in and around the Port of Tacoma.

This agreement is significant because it will avoid the costly litigation and delays that threatened to constrain the development of one of the fastest growing ports on the west coast. In this agreement, everyone is a winner. Landowners, including local governments, will have clearer title to property; jurisdictional issues will be resolved; and, the agreement provides substantial and enduring sustenance to the Puyallup Tribe. The tribe now has a stake in the economic development of this region, and through job assistance will be able to provide employment for tribal members.

The legislation we are introducing today will authorize the Federal share of the settlement, but I want to emphasize that the local governments and entities involved in this settlement will be contributing over 50 percent of the funds necessary to implement this historic agreement.

HE WHO LIVES IN GLASS HOUSES SHOULD NOT THROW STONES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, proclaiming acid rain to be its No. 1 environmental problem, Canada has lobbied for more stringent emission controls in the United States.

One might conclude that Canada has its own environmental house in order. It does not.

Canada has not implemented the stringent environmental regulations it advocates for the United States according to a study prepared for DOE.

According to the report:

Although Canada has experienced a significant decline in SO_2 emissions over the past decade, most of the reductions can be attributed to socioeconomic factors. Some of these reductions, therefore, may be of a short-term nature and may not reflect permanent reductions mandated by strict environmental regulations such as the U.S. Clean Air Act.

Smelters are the largest source of SO_2 emissions in Canada. It is not a coincidence that as strikes and production cutbacks within the smelting industry reduced production, emissions also declined.

The electric utility industry, however, has had an increase in SO_2 emissions, caused primarily by the increased use of coal. The Canadian electric utility industry has no scrubbers on any of their coal-fired powerplants.

Canada has no history of stringent environmental regulations at either the Federal or provincial levels. Provincial compliance with Federal standards is voluntary, and compliance is questionable because emissions are reported by the emitters, with no oversight.

The Canadian Clean Air Act sets only voluntary guidelines. Where the Government does have regulatory authority they have not chosen to exercise it. While the Federal Government has the authority to regulate the sulfur content of fuels, they have not done so.

The projected increase in coal consumption in Canada will result in increased SO_2 emissions unless Canada implements controls such as those already in place in the United States.

"He who lives in glass houses, should not throw stones." Canada should take heed.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to conduct a small amount of business, and then we will return to 1-minute speeches.

PROVIDING FOR A CONDITIONAL RECESS OF THE SENATE FROM THURSDAY, FEBRUARY 9, 1989, TO TUESDAY, FEBRUARY 21, 1989, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE FROM THURSDAY, FEBRUARY 9, 1989, TO TUESDAY, FEBRUARY 21, 1989

The SPEAKER laid before the House the Senate concurrent resolution (S. Con. Res. 14) providing for a conditional recess of the Senate from February 9, 1989, until February 21, 1989, and a conditional adjournment of the House from February 9, 1989, until February 21, 1989.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 14

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses on Thursday, February 9, 1989, at the conclusion of the joint session to receive a message from the President, it stand in recess until 2:15 post meridian on

Tuesday, February 21, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution; and that when the House adjourns on Thursday, February 9, 1989, it stand adjourned until 12 o'clock meridian on Tuesday, February 21, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The majority leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 7, 1989.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 4:17 p.m. on Tuesday, February 7, 1989 the following message from the Secretary of the Senate: That the Senate passed without amendment, H.J. Res. 129.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Tuesday, February 7, 1989:

H.J. Res. 129. Disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER. Pursuant to the provisions of section 1505 of Public Law 99-498, the Chair appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Members on the part of the House:

Mr. KILDEE of Michigan; and
Mr. YOUNG of Alaska.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to section 2(a), Public Law 85-874, as amended, the Chair appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House:

Mr. YATES of Illinois; Mr. WILSON of Texas; and Mr. MCDADE of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER. Pursuant to section 103, Public Law 99-371, the Chair appoints as members of the Board of Trustees of Gallaudet University the following Members on the part of the House: Mr. BONIOR of Michigan; and Mr. GUNDERSON of Wisconsin.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 22, 1989

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 22, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 21, 1989, the Speaker to be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

BLACK HISTORY MONTH

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am proud to join my colleagues in the House in commemorating February as "Black History Month." The contributions and achievements of many black Americans deserve this recognition.

As a native of Louisville and Jefferson County, KY, who has the honor of representing my hometown in Congress, I am especially proud to say that many black persons of talent and accomplishment live in my district.

One such individual is my friend and former colleague in the Kentucky General Assembly, State senator, Georgia Powers.

In 1967, Senator Powers and I were elected to the Kentucky Senate. Georgia was not only the first black person to be elected to the Kentucky Senate, but also the first woman.

While in the senate, Georgia was a strong proponent of civil rights for the underprivileged and minorities. She was a sponsor of the Kentucky's equal rights amendment and worked to eliminate race identification from drivers' licenses. Georgia was chairman of the senator's labor and industry committee and was considered by many observers to be the most prominent spokesperson in the general assembly for minorities and women.

After 20 years of dedication and hard work in the Kentucky Senate, Georgia Powers has retired from public office to pursue other goals, including writing and lecturing.

I am proud to have started my political career the very day this great Kentuckian did. And, I am proud to honor Senator Powers' many accomplishments as a public official, as a woman, and as a black citizen of Louisville and Jefferson County.

□ 1120

PULLING PUBLIC HOUSING OUT OF DESPAIR

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I will soon introduce legislation with partners on both sides of the aisle to encourage tenant management and tenant home ownership in our Nation's public housing projects. My legislation will help to bring public housing residents back into the mainstream of American life and to reignite the dream of home ownership in our inner cities.

A few years ago, public housing residents lived in despair. They were trapped in environments of fear and hopelessness. But a few residents in a few projects had a dream; a dream of bettering themselves and their neighborhoods. And today, because of the efforts of people like Kimi Gray in Washington, DC's Kenilworth-Parkside housing project, tenant management corporations have grown up in over 40 cities in the United States.

Where tenant management has been successful, crime, drug and welfare dependency, and operating costs have

been dramatically reduced. At the same time employment, rent collections and community self-esteem have increased.

When I met with Kimi Gray in January, she banged her fist on my desk and told me, "You politicians have to stop thinking of us residents as the problem. Why don't you start thinking of us as the solution?"

She's right. My bill, without reducing the low-income family housing stock by one unit, lets public housing residents demonstrate that they are indeed the solution. I invite my colleagues to join me by cosponsoring the Public Housing Resident Empowerment Act of 1989.

NO GAS TAX INCREASE FOR DEFICIT REDUCTION

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON. Mr. Speaker, the American Association of State Highway and Transportation Officials, known to all of us as AASHTO, recently published a very informative booklet opposing the use of Federal motor fuels taxes for deficit reduction. The information provided clearly shows that the use of gasoline and diesel taxes to reduce the deficit would be regressive, unfair to rural commuters who do not have access to mass transit, and harmful to our economy. I urge my colleagues to join the bipartisan leadership of the Committee on Public Works and Transportation and more than 120 cosponsors in support of House Resolution 41, opposing the use of motor fuels taxes for deficit reduction.

Mr. Speaker, I include for the RECORD the AASHTO booklet as well as the list of 121 cosponsors of House Resolution 41.

NO USE OF MOTOR FUEL TAXES FOR DEFICIT REDUCTION

(American Association of State Highway and Transportation Officials)

WHAT DO STATE TRANSPORTATION PROFESSIONALS THINK ABOUT USING THE MOTOR FUEL TAX TO REDUCE THE DEFICIT?

"The federal highway motor fuel taxes are collected from highway users for the sole support of transportation programs, and revenues collected are dedicated to this purpose. Motor fuel taxation should continue to be used only to support transportation, and should not be employed for deficit reduction or general government purposes.

"Similarly, aviation user fees are collected from air passengers for the sole support of the nation's aviation programs, are dedicated to this purpose as defined in the aviation authorizing legislation enacted by Congress, and should not be employed for deficit reduction or general government purposes."—AASHTO Policy Committee December 4, 1988.

WHY?

A major increase in motor fuel taxes for deficit reduction purposes would damage, not improve, the nation's economy.

A recent study by the Wharton Econometric Forecasting Associates estimates that a gasoline tax of 10 cents per gallon would reduce the Gross National Product by $10 billion in the first year alone, eliminating 80,000 jobs, and cutting automobile production and housing construction.

A motor fuel tax increase would not reduce the deficit in proportion to the size of the increased tax levy, because of the damage such a large motor fuel tax increase would do to our economy.

According to a study by Data Resources, Inc., a private consulting group, each dollar of additional fuel tax revenue will reduce the deficit by only 27 cents.

A large motor fuel tax increase for deficit reduction purposes would act to cut overall transportation funds at all levels of government, at a time when increases are needed to keep America moving.

The U.S. Department of Energy estimates that a tax increase of 25 cents per gallon on motor fuels would decrease 1990 fuel tax revenues by $416 million at the federal level, because of a drop in fuel consumption. State fuel tax revenue is estimated to decline by twice that amount, resulting in a combined loss of transportation revenues of an estimated $1.2 billion per year.

States rely heavily on highway user fees, such as motor fuel taxes, to fund state transportation program. In 1987, highway user fees accounted for 81.2 percent of the $32.8 billion total of state highway receipts, an increase of some $1.3 billion in user fees over the 1986 level.

Use of the motor fuel tax for deficit reduction places a heavier burden on those with low incomes, who devote a larger share of their income to motor fuel purchase than do the wealthy.

The House Public Works and Transportation Committee recently reported that 78 percent of Americans earning less than $10,000 a year commute to work by private motor vehicle. These low-income gasoline users would pay more than three times as much for deficit reduction relative to their income as more affluent motorists.

Because residents in larger, more rural states must drive many more miles than those living in compact urban states, they will be unfairly called upon to pay more per person to reduce the national debt owed by all Americans.

For example, the average motorist in Hawaii uses only 568 gallons of gasoline per year, according to the U.S. Department of Transportation. An average motorist in Wyoming uses 949 gallons of gasoline per year, and would pay 1.7 times as much for deficit reduction.

A PLEDGE TO KEEP

The Federal-aid Highway Program has helped America constuct the finest highway system in the world, on an essentially pay-as-you go basis. Key to this success has been a long standing compact between highway users and the federal and state governments, whereby motor fuel taxes are levied and collected with the pledge that revenues from the taxes will be used only for transportation purposes.

If federal motor fuel taxes should be employed for deficit reduction or other purposes, it would break this long standing compact, do harm to the nation's transportation system, and be unfair to highway users.

The nation's transportation needs exceed available funding, and for this reason alone the motor fuel tax should not be taken for other purposes. Beyond this, utilizing motor fuel taxes for deficit reduction purposes unfairly shifts the deficit burden onto highway users in those states where highway distances are long.

Using dedicated user fees for deficit balancing purposes has the potential to destroy public confidence in federal and state transportation programs supported by these fees.

Funded in 1914, AASHTO is comprised of the departments concerned with transportation and highways in the 50 states, the District of Columbia and Puerto Rico.

H. RES. 41—GASOLINE AND DIESEL FUELS TAX RESOLUTION 121 COSPONSORS AS OF FEBRUARY 9, 1989

The Honorable Glenn M. Anderson (CA).
The Honorable Bob Roe (NJ).
The Honorable Norm Mineta (CA).
The Honorable Jim Oberstar (MN).
The Honorable Henry Nowak (NY).
The Honorable Nick Joe Rahall II (WV).
The Honorable Douglas Applegate (OH).
The Honorable Ron de Lugo (VI).
The Honorable Gus Savage (IL).
The Honorable Doug Bosco (CA).
The Honorable Robert A. Borski (PA).
The Honorable Joe Kolter (PA).
The Honorable Tim Valentine (NC).
The Honorable Edolphus Towns (NY).
The Honorable Bill Lipinski (IL).
The Honorable Peter Visclosky (IN).
The Honorable Louise Slaughter (NY).
The Honorable John Lewis (GA).
The Honorable Peter DeFazio (OR).
The Honorable Bill Grant (FL).
The Honorable Jimmy Hayes (LA).
The Honorable Bob Clement (TN).
The Honorable Lewis Payne (VA).
The Honorable Jerry Costello (IL).
The Honorable Frank Pallone, Jr. (NJ).
The Honorable Greg Laughlin (TX).
The Honorable John Paul Hammerschmidt (AR).
The Honorable Bud Shuster (PA).
The Honorable Arlan Stangeland (MN).
The Honorable Newt Gingrich (GA).
The Honorable Bill Clinger (PA).
The Honorable Bob McEwen (OH).
The Honorable Thomas E. Petri (WI).
The Honorable Ron Packard (CA).
The Honorable Jim Lightfoot (IA).
The Honorable J. Dennis Hastert (IL).
The Honorable James Inhofe (OK).
The Honorable Fred Upton (MI).
The Honorable Bill Emerson (MO).
The Honorable Larry Craig (ID).
The Honorable John Duncan, Jr. (TN).
The Honorable Mel Hancock (MO).
The Honorable Chris Cox (CA).
The Honorable Tony Coelho (CA).
The Honorable Matthew Martinez (CA).
The Honorable James H. Bilbray (NV).
The Honorable Harold Volkmer (MO).
The Honorable Dan Akaka (HI).
The Honorable Ron Coleman (TX).
The Honorable Mervyn Dymally (CA).
The Honorable Glenn English (OK).
The Honorable Bart Gordon (TN).
The Honorable Charles Hayes (IL).
The Honorable Bill Hefner (NC).
The Honorable Tim Johnson (SD).
The Honorable Walter Jones (NC).
The Honorable Jim Jontz (IN).
The Honorable Carl Perkins (KY).
The Honorable Martin Lancaster (NC).
The Honorable Charles Hatcher (GA).
The Honorable Mike Andrews (TX).
The Honorable Dan Glickman (KS).

The Honorable Lane Evans (IL).
The Honorable Jamie Clarke (NC).
The Honorable Frank McCloskey (IN).
The Honorable Robin Tallon (SC).
The Honorable Tommy Robinson (AR).
The Honorable Richard Stallings (ID).
The Honorable Jim Chapman (TX).
The Honorable George Hochbrueckner (NY).
The Honorable Carroll Hubbard (KY).
The Honorable Bill Sarpalius (TX).
The Honorable John Tanner (TN).
The Honorable Dean Gallo (NJ).
The Honorable Virginia Smith (NE).
The Honorable Sonny Callahan (AL).
The Honorable Robert Lagomarsino (CA).
The Honorable Joe Barton (TX).
The Honorable Robert Dornan (CA).
The Honorable Elton Gallegly (CA).
The Honorable Norman Shumway (CA).
The Honorable Barbara Vucanovich (NV).
The Honorable Frank Horton (NY).
The Honorable Chuck Douglas (NH).
The Honorable Dave Martin (NH).
The Honorable Jim Courter (NJ).
The Honorable Tom DeLay (TX).
The Honorable William Broomfield (MI).
The Honorable Gerald Solomon (NY).
The Honorable Larry Combest (TX).
The Honorable Arthur Ravenel, Jr. (SC).
The Honorable Robert C. Smith (NH).
The Honorable Buz Lukens (OH).
The Honorable Thomas Bliley, Jr. (VA).
The Honorable Jack Buechner (MO).
The Honorable Pat Roberts (KS).
The Honorable David Dreier (CA).
The Honorable Matthew Rinaldo (NJ).
The Honorable Bob Livingston (LA).
The Honorable Helen Delich Bentley (MD).
The Honorable William Dannemeyer (CA).
The Honorable Dan Burton (IN).
The Honorable James H. Quillen (TN).
The Honorable John G. Rowland (CT).
The Honorable Lamar Smith (TX).
The Honorable Bob Stump (AZ).
The Honorable Thomas Tauke (IA).
The Honorable Porter Goss (FL).
The Honorable John Hiler (IN).
The Honorable Dana Rohrabacher (CA).
The Honorable Bill Paxton (NY).
The Honorable Bob Whittaker (KS).
The Honorable Jack Fields (TX).
The Honorable Howard Coble (NC).
The Honorable John Myers (IN).
The Honorable James Sensenbrenner (WI).
The Honorable Phil Crane (IL).
The Honorable Paul Gillmor (OH).
The Honorable Richard Armey (TX).
The Honorable Richard Baker (LA).
The Honorable Mickey Edwards (OK).

WESTERN HISTORIC TRAILS CENTER

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, today I am introducing legislation to commemorate an historic and cultural event like no other—the 19th century westward movement of people in the United States. This event played a tremendous role in shaping the postcolonial history of the United States. The entire movement took place on a system of trails that currently is being marked and developed by the National Park System.

Presently there is no educational facility or program in the Nation designed to interpret and commemorate this era in our history. With the need for such a central national facility clearly demonstrated, I am introducing legislation to establish a Western Historic Trails Center at Council Bluffs, IA. Council Bluffs marks the convergence of the Mormon Trail, the Lewis and Clark Trail, and the California-Oregon Trail.

Studies show more people went through this area on their treks westward than any other point in the country. Lewis and Clark, Prince Maximilian and Karl Bodmer, and the Mormons, along with thousands of nameless travelers of the Oregon Trail, share a common bond in their routes across the American Continent: their separate paths converged and crossed in southern Iowa on the banks of the Missouri River near the area now known as the Council Bluffs-Omaha region.

The legislation I am introducing is similar to legislation introduced jointly in the House and Senate in the last Congress creating the Western Historic Trails Center, but has been scaled back to reduce the Federal cost by one-half and limit the Federal role in operation of the Center. The proposal has tremendous local and State support and commitment, and was the subject of hearings in the Senate last year. I hope my colleagues will join me in supporting this outstanding proposal.

OREGON FARM BUREAU

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, yesterday a disturbing story appeared on the national news wire. While testifying before the Oregon State Senate, an Oregon Farm Bureau official said that the bureau was opposed to an increase in the minimum wage because it would attract more migrant workers to his State.

The official told the State Senate that this could create what he called a "mini-San Antonio between Salem and Portland."

As a Representative of San Antonio, as an Hispanic Member of this body, and as a former migrant worker who spent many a summer picking crops in Oregon, I take great offense at this statement and the reasoning that the State farm bureau used to arrive at its position. Their argument is blatantly anti-Hispanic and is insulting to an honorable group of men, women, and children who provide an essential service to the State of Oregon, and to our Nation's agricultural economy.

When my family traveled to Oregon each summer to pick beans and strawberries, we were not some plague that had to be controlled. We were hard working American citizens, and we expected to be treated with the same respect that is owed to all people.

The vast majority of migrant workers are Hispanic. They provide a service to the agricultural community that few others are willing to. These hard working people deserve the right to perform their job without discrimination.

I rise to affirm our uncompromising opposition to the kind of reasoning used by the Oregon Farm Bureau—for when we discriminate against any group of Americans, our entire Nation suffers.

GRIDLOCK RELIEF FOR INTERSTATES PROGRAM [GRIP]

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today I am introducing legislation that will help urban and suburban areas of the country cope with increasing levels of traffic congestion on the Federal Interstate System. Our colleague, Senator JOHN WARNER, is introducing an identical bill today in the other body.

The legislation we are introducing today—the Gridlock Relief for Interstates Program [GRIP] would create a new category of Federal highway funding to expand the capacity of heavily traveled portions of the Federal Interstate Highway System located in suburban and urban areas of the country. Two billion dollars a year would be made available nationwide for the program.

Funds authorized under our legislation could also be used for construction of noise walls or other sound abatement devices, acquisition of rights-of-way for construction of mass transit facilities, and acquisition of land for park-and-ride type facilities.

The type of funding program we have proposed is desperately needed throughout the Nation.

In the Washington, DC, metropolitan area, for example, interstate highways such as I-66, I-395, I-495, and even I-95 near complete gridlock during peak travel periods. The result is that commuters cannot get to work and interstate commerce cannot flow.

Funds provided under the GRIP legislation, however, could be used to widen I-66 from the Capital Beltway to Prince William County where virtual gridlock occurs every day during rush hours. Bottlenecks on the Capital Beltway, I-495, could be eliminated. The Wilson Bridge, I-95, could be widened or even double decked.

Northern Virginia and other urban-suburban areas of the country are facing tremendous needs in the area of transportation improvements. Our legislation addresses these needs in a way that will bring relief not only to northern Virginia, but to other regions of the country as well without penalizing rural or less populated areas.

BEGIN ETHICS WITH TRUTH IN BUDGETING

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, the President is calling upon the Congress to enact reforms in our ethics laws which will make our Government more deserving of the American people. I would like to call upon the President and the Congress to begin this reform by telling the American people the truth about the budget deficit. There is no way to address the problem of the deficits unless the people understand it, and they will not understand it until they are told the truth about it.

The current deficit, according to the Federal funds deficit, actually stands at $252.9 billion as opposed to the somewhere around $155 billion deficit that is being reported to the American people.

Mr. Speaker, I am preparing a Truth in Budgeting Act which would disallow the use of surplus Social Security and other trust funds to reduce the deficit, and I am calling upon the President and my colleagues to join me in this effort.

The following table illustrates that the current policy of using the surpluses of the Social Security and other trust funds to "reduce" the budget deficit hides the growing problem of the Federal funds deficit:

[In billions of dollars; + surplus, — deficit]

	Federal funds deficit	Social Security	Other trust funds	Unified budget
Fiscal year:				
1969	−4.9	+3.7	+4.4	+3.2
1970	−13.2	+5.9	+4.5	−2.8
1971	−29.9	+3.0	+3.7	−23.0
1972	−29.3	+3.0	+2.9	−23.4
1973	−25.7	+.5	+10.3	−14.9
1974	−20.1	+1.8	+12.2	−6.1
1975	−60.7	+2.0	+5.5	−53.2
1976	−76.1	−3.2	+5.6	−73.7
1977	−63.1	−3.9	+13.4	−53.6
1978	−71.9	−4.3	+17.0	−59.2
1979	−58.5	−1.98	+20.3	−40.2
1980	−82.6	−1.1	+9.9	−73.8
1981	−85.7	−5.0	+11.8	−78.9
1982	−134.2	−7.9	+14.2	−127.9
1983	−230.8	+.2	+22.9	−207.8
1984	−218.2	+.3	+32.6	−185.3
1985	−266.4	+9.4	+44.8	−212.3
1986	−283.0	+16.7	+45.1	−221.2
1987	−222.3	+19.6	+53.1	−149.7
1988	−252.9	+38.8	+58.99	−155.1

Source: "Budget of the United States: Historical Tables, Fiscal Year 1990", submitted to the 101st Cong. by President Ronald Reagan.

□ 1130

OLDER AMERICANS ACT AMENDMENTS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, last summer in my area there was a tragic spectacle portrayed over the televisions and on the front pages of the newspapers where a 90-year-old lady was forcibly evicted from her home. Because of circumstances beyond her control she was unable to keep up with all the foreclosure and tax questions that had arisen and the ultimate decision, the finale of that was dragging her out of her home.

Well, we have convened a system in my home area to deal with this problem as it might exist in the future. Since then we find out that this has happened quite often across our land. I am now going to develop legislation which will amend the Older Americans Act to make sure that this can never happen again anywhere in the United States, that, rather, when the point comes where someone has to be evicted from one's home or a rental property, that the community should be given an opportunity to go to the side of this older American to see how they can help with the transition and all the things that are necessary to make sure that we do not have such a forceful, unseemly incident occur again.

ALL S&L BAILOUT DEALS SHOULD BE PUT ON HOLD

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, yesterday the Chairman of the Federal Deposit Insurance Corporation, William Seidman put all pending savings and loan bailout deals on hold. As a member of the Committee on Banking I applaud that action.

Mr. Seidman has expressed reservations about the course we have been following in allowing the Federal Home Loan Bank Board to negotiate bailout deals on its own and to issue Government guarantees and promissory notes.

We in this Chamber know what that can do to our national deficit.

The suspension, I think, should extend to the last-minute bailouts of last year. We had some 222 savings and loan agreements, some that were negotiated at the last minute. There is no way you can negotiate that many transactions and still be fair to the taxpayers.

We in this Chamber are ultimately responsible to the taxpayers.

Mr. Speaker, I have been in touch with the Attorney General and have asked whether the Federal Home Loan Bank Board has the authority to negotiate those transactions. I have been waiting for his answer, which I will share with this body when it comes.

Mr. Speaker, we must know whether or not these deals were proper.

It appears more and more clear that these deals were not in the public interest. The debt, which is included in these deals, and the interest payments that will be required will be paid by the American people for years to come.

So I applaud Mr. Seidman's decision and I ask this entire body to make sure that the resolution we make of the S&L problem be in the long-range interests of the American people.

LEGISLATION TO INCREASE PARTICIPATION IN THE PEACE CORPS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I am pleased to be joined today by more than 60 original cosponsors in reintroducing legislation to increase participation in the Peace Corps. This legislation is especially timely in light of the renewed emphasis which has been placed on public service in recent months.

This legislation was developed in consultation with the Peace Corps administration and would provide $5 million for the first year of the 5-year Demonstration Program. An amended version of similar legislation, which I had introduced, passed the House last year.

Under the program, which is modeled after the Reserve Officer Training Corps programs now offered at many colleges, the Federal Government would pay the education costs for qualified undergraduates during their last 2 years of school. Candidates would be selected on the basis of merit and commitment, and preference would be given to minority students, who are sharply underrepresented among the ranks of Peace Corps volunteers.

Just as the ROTC students take military courses, these Peace Corps candidates would take courses designed to help prepare them for service in the nations that have corps projects. They would study language, culture, and history of the nations in which they would serve, as well as agriculture and economic development. After graduation, participants would serve 3 years as Peace Corps volunteers.

Our Nation would receive manifold benefits for this small investment. The Peace Corps, whose efforts are so appreciated overseas, and which includes

perhaps some of our country's most effective good will ambassadors, has had a shortage of skilled volunteers. This program would correct that deficiency, as well as help to develop a commitment to public service which sometimes seems disappointingly absent among so many of our younger citizens. And, as is the case today, Peace Corps volunteers continue to serve their Nation upon their return, in such fields as government, international relations, medicine, and education.

Thousands of students across the Nation compete for ROTC scholarships. This legislation would provide an opportunity to our best and brightest young people to compete for scholarships for peace as well.

I urge my colleagues to join me in support of this timely initiative.

LET US MAINTAIN THE CO-EQUALITY OF THE THREE BRANCHES OF GOVERNMENT

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, it is essential we find a workable solution to the problem of adjusting senior level Federal executive, legislative, and judicial salaries. But it is equally important that we not go down any false paths in that effort.

In that context I am concerned about suggestions emanating from some quarters that the answer is to decouple top level executives and judicial salaries from those of Members of Congress. Such a plan would have a harmful impact on the overall balance of the three branches of Government.

The Constitution makes clear that the Founders of our Nation intended a system of three coequal branches of government to ensure the most effective and representative government for all the people of this country. It would be a grave mistake to undermine that delicate balance by giving unequal compensation to any of the three branches.

In our search for a fair and expeditious process for dealing with this issue, we must not permit Congress to become an inferior branch of government.

THE AMERICAN AGRICULTURE MOVEMENT: FROM RADICALS ON THE OUTSIDE TO LEADERS ON THE INSIDE

The SPEAKER pro tempore (Mr. BATES). Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, 10 years ago this week, tens of thousands of American farmers drove thousands of flag flying tractors to the Capitol Mall in Washington to protest the failure of farm policies that threatened the livelihood of family farmers throughout our Nation. At that time, the farmers of the American Agriculture Movement were frightened, angry, and radical, as they were moved to come to Washington out of a deep dissatisfaction with the plight of agriculture in this country. Odis Chapman, an Arkansas farmer and AAM member, said that at the time "we were mad because we did not know how the system worked, but we since learned from experience."

AAM has indeed learned from experience. What was considered 10 years ago a radical movement has become one of the most prominent farm organizations in the country, an organization that has a long list of accomplishments to its credit and now can marshal effective methods to achieve its goals within the system. A symbol of their progress can be seen in the Smithsonian today: The lead tractor of the famous tractorcade that once damaged the grounds of The Mall in 1979 returned that summer to repair all the damage, and now that tractor is on permanent display in the Smithsonian's Museum of American History.

The great majority of the thousands of farmers who came to Washington that winter a decade ago had not been to the Capitol before, and they had never taken part in a protest before. They were involved in blockading bakeries, grocery wholesalers, and taking their tractors to places in the Nation's Capital that they had never seen before. They even released a herd of goats on the Capitol Grounds. Many AAM members say that they were mad and scared back then, but they didn't know what to do. Today, AAM can point with pride to many achievements. It brought thousands of farmers who had been demoralized back into the process of helping influence farm policies that allow farmers to support their families and continue their traditional way of life. AAM played a positive role in gaining passage of the Agricultural Credit Act of 1987, and it provided counseling to farmers who were struggling to restructure their debt and save their farms. In short, AAM has become in many ways the conscience of the farm movement.

AAM has shed the light of common sense on many policies affecting American agriculture, and its scope has been not only national but international. AAM officials have traveled to Switzerland, Holland, and Japan to meet with family farmers and government officials to discuss cooperation in international farm trade. Expanding farm exports has always been important for the success of U.S. agriculture, and AAM has been at the forefront of the movement to stop the policy of counterproductive grain embargoes that only punish American producers while failing to serve any foreign policy goal. The AAM was vocal in opposing the Soviet grain embargo of 1980, and today AAM officials support an exception to the embargo against Cuba to open up access to that nation's $489 million agricultural market.

I would like to commend AAM's current president, Harvey Joe Sanner of Des Arc, AR, for his leadership in advocating farm trade to Cuba. Sanner has journeyed to Cuba to take a firsthand look at that market for American rice, cotton, soybeans, poultry, and other agricultural products. He is an eloquent spokesman for the cause. At a time when our trade deficits are running in the $170 billion range, we can no longer afford the self-inflicted wound of the embargo policy. While we disapprove of the Cuban Government's actions, we have products we could sell them.

If a Kansas wheat farmer can now sell his wheat to the Soviet Union, why can't an Arkansas rice farmer sell his rice to Cuba? The AAM has been a forceful proponent of freeing the farmers to compete for all markets.

AAM was one of the first advocates of expanded use of ethanol, which would create a new, multibillion-dollar market for our products, clean the air, reduce the budget and trade deficits, and reduce our dependence on foreign oil, so that we no longer have to borrow money from the Japanese to buy oil from the Arabs.

Mr. Speaker, the American Agriculture Movement is a classic example of how American democracy works. This week, we are seeing reports of the Solidarity movement's struggle in Poland, where those who fight to have their voices heard have had to battle for years against repression and violence from an authoritarian government. But here in America, movements such as AAM have been heard. Millions of Americans in urban areas who were indifferent to the plight of farmers 10 years ago are now aware that if the agricultural economy in America suffers, the entire economy will eventually suffer. AAM's methods were criticized at first, but that activism led to major accomplishments in the long run. Many farmers who became active for the first time in the political process have seen that their activity can bear results.

AAM still has many goals yet to achieve, but they have come a long way since they first tore up The Mall grounds and let goats loose on the Capitol steps. I commend them for their successes, and I look forward to working with them in the future. Odis Chapman was right: The farmers of the AAM have learned a great deal from experience.

□ 1140

The SPEAKER pro tempore (Mr. BATES). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A TRIBUTE TO JIM McCRORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, I rise today to pay tribute to a journalist of exceptional quality who has chosen to retire from the San Antonio Express-News after more than 40 years of covering the politics of San Antonio, TX, and the Nation.

As long as I have known Jim McCrory, I have thought of him as being among a special class of reporters. He understands the political environment of San Antonio and the State of Texas like no one else in the business. And throughout his 40 years of reporting, he has always dealt with people in a straightforward, no nonsense manner.

I first met Jim in the early 1960's when he was covering the politics of San Antonio and the era. When I entered the race for county commissioner of Bexar County, Jim was one of the first people with whom I talked. We met at the Menger Hotel and dissected every aspect of the upcoming race.

I have found Jim to be a reporter of great substance. He never was one to chase the quick and easy byline. Instead he always concentrated on the merits of a story and shook as much information out of it as he could.

If you got stung by McCrory it was because you deserved to be stung.

Jim, I wish you and your family all the best. I always enjoyed working with you because you were a man I could trust and a truly top notch reporter. Besides Jim, having followed your work for almost 30 years, deep down I know you are a champion for the underdog. I'm sure you and your cigar will continue to be a part of the San Antonio landscape, but your political wisdom will be missed from the pages of the Express-News.

[From the San Antonio Express-News, Jan. 29, 1989]

"STRAIGHT-SHOOTING" POLITICAL WRITER McCRORY RETIRES

(By Bruce Davidson)

A Texas political reporting legend has covered his last campaign.

After more than 40 years in the newspaper business, most of them spent chronicling San Antonio and Texas politics, Jim McCrory has retired from the unending grind of daily newspaper reporting.

He left with his reputation for fairness and independence firmly intact.

McCrory's understanding of politics was such that politicians from congressmen on down have been known to call on him seeking his reading of the landscape.

"Jim has been one of the most respected reporters in Texas," Republican Gov. Bill Clements said last week. "It's a reputation he's earned."

Clements added, "He's straightforward and straight-shooting. Texas politics is anything but simple, but Jim was always able to explain it all with clarity and accuracy."

Democratic U.S. Sen. Lloyd Bentsen said, "Jim McCrory is one of the best. He is pesky and unpredictable—as a good reporter must be—and he sure has had staying power.

"Politics in San Antonio won't be the same. I know I'll miss him," Bentsen said.

McCrory edited the St. Mary's University newspaper and also put out a weekly paper in the Harlandale area while finishing his education.

"We were on the first wave at St. Mary's after World War II," recalls Municipal Court Judge Albert Pena, who met McCrory during college.

During the war McCrory was wounded by a German land mine, losing an eye. As one reporter later noted, his eye patch along with his vest and Travis Club Senator cigars became part of the McCrory persona.

As a major player in Bexar County politics during the 1950s and '60s, Pena again crossed paths with McCrory, who began his daily newspaper career with the San Antonio Light in 1948.

"I think he's probably the No. 1 political reporter," said Pena, who spent 16 years as a county commissioner and was a key member of the historic Bexar County Coalition.

After suffering through McCrory exclusives for more than a decade the Express-News' Charles Kilpatrick, now editor and publisher, lured McCrory away in 1958 to cover politics for the morning San Antonio Express.

McCrory covered the often wild and woolly political beat for the Express, and later the merged Express-News for almost 31 years.

By choice, McCrory never wrote a column or became an editor. He was a hard news reporter.

"He concentrated an awful lot on the courthouse. He knew every judge and every lawyer," recalled Kemper Diehl of McCrory's early day at the Express. Diehl, also a well-respected political reporter, worked with McCrory both at the Light and later at the Express-News.

Diehl added, "He just had a natural talent as a reporter. People confided in him. His phone would ring day and night with tips from friends he had made."

As those who dealt with McCrory universally attest, Diehl said, "He played no favorites. He was very impartial."

One McCrory trademark is a sharp wit as displayed in the item he once wrote about then-Senatorial candidate George Bush waving goodbye to reporters with one finger.

As Diehl recalled, the incident occurred on a Sunday night following a final Bexar County rally during Bush's 1970 Senate campaign against Bentsen. The Express-News had endorsed Bentsen on the day of the rally.

As McCrory and Diehl were walking from the Municipal Auditorium after the rally, Bush rode by. "He rolled down the window and shot the finger at us," Diehl said, noting that Bush, who is now president, was grinning at the time.

McCrory once joked to an interviewer that he told his wife to bury him with three cigars in his pocket. "I told her not to bother with the matches, I'll just use a live coal."

As Diehl pointed out, McCrory never took guff from anyone, even vice presidents.

In the early 1960s, Vice President Lyndon Johnson brought a group of foreign ambassadors to his Johnson City ranch for a weekend of recreation. Of course, the media was invited.

McCrory arrived early and was standing in Johnson's front yard when the vice president came out to pick up his morning newspaper. Johnson subscribed to the Express.

The vice president invited McCrory into the house.

In the ground-breaking 1981 Gonzalez congressional campaign, McCrory has been on the scene where Johnson, after earlier refusing to get involved, announced he was endorsing Gonzalez following a meeting with Albert Pena.

During four decades in the newspaper business. MrCrory witnessed lots of changes. The biggest, he said was the impact television made on newspapers and politics. Before television, reporters had more of a chance to ask detailed questions with follow-up.

Another change was the high level of security brought in after the Kennedy assassination.

When President Harry Truman visited San Antonio, McCrory walked with him from the Gunter Hotel in the Alamo. McCrory, who has cornered every president since Truman once told an interviewer that Truman was his favorite.

McCrory said he will sit back and relax for a couple, of months, and maybe take a trip to Las Vegas, before he decides what to do for a follow-up to the newspaper business. He has had numerous offers, but he is not ready to reveal his next move.

THE HEROISM OF GEN. THADDEUS KOSCIUSZKO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, February 12 will mark the 243d anniversary of the birth of Gen. Thaddeus Kosciuszko, the great Revolutionary War hero, who made significant contributions to the cause of American independence as a military engineer.

Born in 1746 in Mereczowczyzna, Poland, Tadeusz Andrzej Bonawentura Kosciuszko began his education in military strategy and engineering at the Warsaw Corps of Cadets. In 1769, he entered the French Higher Military School, continuing his military studies and developing an expertise in military fortifications.

Under the terms of the First Partition in 1772, Poland was divided up among its aggressive and greedy neighbor states, with the assistance of the Polish nobles, and at the expense of most of the Polish people. Against this tyranny of partition, a large number of the Polish aristocrats and gentry openly resisted, and by doing so were driven from their homeland. Siding with these Polish patriots, Kos-

ciuszko became an exile in search of justice far from home.

Abandoning his commission in the Royal Polish Forces, he left his homeland temporarily to serve under General Washington in the American response to British aggression. Because of his expertise in military engineering, Kosciuszko was welcomed by the Continental Army. He was first employed in designing the defense of the Delaware River, a success which gained him a colonel's commission and an appointment to the staff of General Gates at Ticonderoga. He was the major adviser in the fortification of Mount Defiance at Ticonderoga, and the failure to follow his advice in defense of this post led to its capture by the British.

Kosciuszko assisted in the American defeat of the British at Saratoga, and the construction of American fortifications at West Point was his most important undertaking and contribution to America's battle for independence. He labored for more than 2 years, and within that time made West Point impregnable. General Armstrong wrote:

Kosciuszko's merit lies in this, that he gave the fortifications such strength they frightened the enemy from all temptation of even trying to take the Highlands.

The brave and resourceful actions of General Kosciuszko were not overlooked by our Nation's leaders. His long, faithful, and meritorious service was recognized in 1783 when the Congress made him a brigadier general. He became a trusted friend of Thomas Jefferson, whom he made executor of his will. Also, he received accolades and praise from his fellow generals, and Gen. George Washington nominated General Kosciuszko for membership in the Order of the Cincinnati, which had been formed by the officers of the Continental Army. His induction into the order was the highest compliment the Continental army could award.

Mr. Speaker, I am proud to join with Polish-Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Polish descent all over this Nation, who are commemorating the birth of Thaddeus Kosciuszko, a great and true friend of democracy and the United States. His name will forever remain as a symbol of courage for Americans, and people all over the world, who are dedicated to the cause of freedom.

STRENGTHEN THE FDIC: ASSESS PREMIUMS ON FOREIGN DEPOSITS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation, the Federal Deposit Insurance Assessment Equity Act, which would broaden the base for assessment of FDIC premiums to include foreign as well as domestic deposits. This legislation is designed to make our deposit insurance premium assessment system more equitable while increasing the amount of funds available for resolution of our deposit insurance crisis.

Current law requires banks to pay an insurance premium based on deposits received in the United States. Banks do not now, however, pay a nickel in FDIC deposit insurance assessments on foreign-based deposits, even though FDIC provides de facto if not de jure coverage for the bulk of these deposits. While the FDIC assessment is levied against nearly all the deposits for most banks—including the uninsured portion of deposits for domestic banks—it is levied against only about half the deposits of the largest banks.

Very large banks, which have substantial foreign deposits on which they pay no FDIC assessment, effectively underpay for the de facto insurance coverage of those deposits. At this point, I include in the RECORD a table from the February 19, 1988 American Banker which answers the question: "Who pays least for FDIC Protection."

10 INSTITUTIONS WITH MOST FOREIGN DEPOSITS IN 1987

[In billions of dollars]

	Assets Dec. 31, 1987	Domestic deposits Sept. 30, 1987	Foreign deposits Sept. 30, 1987	FDIC 1987 assessment	Percent of deposits on which assets paid
Morgan Guaranty	75	15	34	11	31
Bankers Trust	57	11	23	9	32
Citicorp	204	40	66	34	38
Republic National	19	5	8	3	39

10 INSTITUTIONS WITH MOST FOREIGN DEPOSITS IN 1987—Continued

[In billions of dollars]

	Assets Dec. 31, 1987	Domestic deposits Sept. 30, 1987	Foreign deposits Sept. 30, 1987	FDIC 1987 assessment	Percent of deposits on which assets paid
First Chicago	44	12	17	9	41
Chase Manhattan	99	27	36	24	43
Continental Illinois	32	8	10	7	44
Manufacturers Hanover	73	23	23	18	50
Chemical	78	26	13	20	67
BankAmerica	93	50	23	42	69

Source: Federal Deposit Insurance Corporation.

As CBO notes, these numbers are not hard and fast, since the amount of premium income can vary depending on the size and structure of overseas deposits in U.S. banks, among other factors. The 15–20-percent base broadening, however, is certain to bring in substantial amounts of additional income.

That additional income is sorely needed by FDIC. There are warning signals that the fund may face stress in years ahead. As the GAO indicated in a December 1988 draft report on the conditions of the various deposit insurance, a study undertaken at my request, there were 250 FDIC-insured institutions with assets of less than 3 percent in 1987. In 1980, the number of such banks was 15. That total number of insolvent and weak FDIC-insured banks was 317 in 1987, compared to 15 in 1980. On June 30, 1988, 3.72 percent of commercial bank assets were in insolvent or weak institutions. Perhaps the most disturbing finding of this draft GAO report was the assessment that, given anticipated growth in deposits, the FDIC reserves at the end of 1989 will be 0.81 percent of deposits, or approximately eighty-one cents per $1,000 insured. To get an idea of how dangerously low this reserve level is, consider this startling fact: in 1983, the FDLIC had reserves of $1.02 per $1,000, substantially more than the GAO projects for the FDIC at the end of 1989. The drift to insolvency can be rapid and should therefore be checked. At this point, I include in the RECORD a table from the draft GAO report which reflects the growing weakness of certain FDIC-insured banks.

TABLE II.3.—GROWTH IN INSOLVENT AND WEAK COMMERCIAL BANKS INSURED BY FDIC

[Dollar amounts in billions]

Year	Number of insolvent banks [1]	Asssets in insolvent banks	Number of weak banks [2]	Assets in weak banks	Number of insolvent and weak banks	Combined assets in insolvent and weak banks	Ratio of combined assets to total industry assets (percent)
1980	1	$0.017	14	$1.669	15	$1.686	0.09
1981	2	0.037	21	4.054	23	4.091	.20
1982	5	0.179	43	4.235	48	4.414	.20
1983	14	3.249	74	5.445	88	8.694	.37
1984	8	0.25	68	7.098	76	7.348	.29
1985	25	1.379	110	8.432	135	9.811	.36
1986	58	2.588	203	19.235	261	21.823	.74
1987	66	8.772	250	114.728	316	123.500	4.12
1988 [3]	48	2.781	210	110.994	258	113.775	3.72

[1] Insolvent—bank with negative GAAP capital.
[2] Weak—banks with GAAP capital equal to or greater than zero but less than 3 percent of year-end assets.
[3] As of June 30, 1988 (preliminary).

As of March 31, 1987, 20 megabanks controlled 84.3 percent of all foreign deposits in FDIC insured banks. The $280 billion in unassessed foreign deposits in these giant institutions came close to equalling the $363 billion in domestic deposits held by these banks. At some banks, as the chart I previously included in the RECORD indicates, foreign deposits actually exceed domestic deposits.

The legislation I introduce today is, in my view, a companion piece to the proposal by President Bush to increase FDIC assessments which banks must pay in order to offset revenues expended to resolve the FSLIC crisis. The revenues raised from commercial banks under the Bush proposal would strengthen the FDIC fund, which last year lost money for the first time in its history.

If President Bush's comprehensive proposal is adopted without modification, however, the 13,000 plus banks which have no foreign deposits will pay sharply higher deposit insurance premiums. Large banks with substantial foreign deposits will face a higher assessment on only on their domestic deposits. Under the Bush plan, small- and medium-sized banks, who will see assessments rise on virtually all their deposits, will pay full fare to help resolve the deposit insurance crisis. Big banks will continue to ride the deposit insurance system via super-saver.

Mr. Speaker, in addition the equity aspects of this legislation, the increase in revenue will certainly serve to strengthen the FDIC fund. At this point, I would like to insert in the RECORD a chart from the recently published Congressional Budget Office study: "Reducing the Deficit: Spending and Revenue Options." By assessing foreign deposits, CBO notes a cumulative 5-year budget savings through 1994 of $1.590 billion:

NONDEFENSE DISCRETIONARY SPENDING NDD–14—INCLUDE FOREIGN DEPOSITS OF U.S. BANKS IN THE FDIC INSURANCE BASE

[In millions of dollars]

Savings from CBO baseline	Annual savings					Cumulative 5-year savings
	1990	1991	1992	1993	1994	
Budget authority	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Outlays	300	310	320	330	330	1,590

To strengthen the FDIC to meet anticipated needs, additional revenue is needed. Increasing the basic premium is one method. Broadening the base to include foreign deposits is a complimentary approach. I urge support for the Federal Deposit Insurance Assessment Equity Act.

At this point, I include in the RECORD related material and the text of the bill:

H.R. —

A bill to amend the Federal Deposit Insurance Act to provide deposit insurance in a manner which does not discriminate against small- and medium-sized banks by expanding the assessment base.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Deposit Insurance Assessment Equity Act".

SEC. 2. EXPANSION OF FDIC ASSESSMENT BASE.

Section 7(b)(5)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(5)(B)) is amended by striking out "any deposits received in any office of the bank for deposit in any other office of the bank located in the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands, except" and inserting in lieu thereof "any deposits, and any obligations which would constitute deposits as defined in section 3(1) but for subparagraphs (A) and (B) of section 3(1)(5), received in any office of the bank (other than a foreign branch of a foreign bank (as such term is defined in section 1(b)(7) of the International Banking Act)), except".

[From the American Banker, May 11, 1988]

SEIDMAN BACKS ASSESSING INSURANCE PREMIUMS ON FOREIGN DEPOSITS

(By Jim McTague)

TORONTO.—A measure to assess insurance premiums on foreign deposits got a boost on Tuesday from L. William Seidman, chairman of the Federal Deposit Insurance Corp.

"It's an enhancement we would welcome," Mr. Seidman said during an address to the annual meeting here of the National Council of Savings Institutions. The remarks were as close as he has come to endorsing a measure introduced this year by Rep. Gerald Kleczka, D-Wis., to assess premiums on those deposits.

Mr. Seidman said, as he has in the past, that he sees no need to raise the premium charged to banks for insurance of domestic deposits, despite the likelihood of a record number of failures in 1988 and a marginal decline in the FDIC's $18 billion insurance fund.

So far this year, bank closings have matched last year's pace. There have been 62 bank failures, and another 13 banks have been kept open with federal funds. At the end of 1987, the FDIC had closed 184 banks and assisted 19. The FDIC chairman said that a major overhaul of the deposit insurance system must be instituted by the next President and Congress within the first three months of 1989 if the system is to survive into the 1990s.

The FDIC began a major deposit insurance study two months ago, and Mr. Seidman plans to release its findings after the November elections. Right now, however, all he has are a lot of questions.

"If there's one thing we've learned, it's that strong supervision has to be part of a financial system with government-guaranteed insurance," he said. The FDIC is considering ways to improve its oversight, including better coordination with state bank regulations, according to the chairman.

The agency is also reexamining the way it deals with troubled institutions. Mr. Seidman said there is substantial support in the industry for a program similar to the Reconstruction Finance Corp. of the 1930s, which pumped loans into the failing institutions to keep them afloat during periods of economic difficulty.

"The problem with this is that 1,500 troubled banks could claim that they would be better off with this kind of help," he said. "It goes a long way to increasing government involvement in banks."

Mr. Seidman said the study would also examine the pricing of deposit insurance. So far, the FDIC has been working with some mechanical formulas, based on capital, with room for judgment calls by the regulators. The study also will examine the costs and any savings that might result from merging the FDIC with the insolvent Federal Savings and Loan Insurance Corp. fund, a proposal Mr. Seidman opposes.

Mr. Seidman said the plan that will result from the study will be presented to the new administration, which he believes will assign a high priority to the deposit insurance crisis.

[From the American Banker, Feb. 19, 1988]

THE MAJOR BANKS HAVE PAID TOO LITTLE FOR FULL FDIC COVERAGE

(By Irvine H. Sprague)

Congressman Gerald D. Kleczka, D-Wis., on Thursday introduced legislation to have the Federal Deposit Insurance Corp. assess premiums on the foreign deposits held by U.S. banks. As a member of the House Banking Committee, Mr. Kleczka should get a hearing. At stake is about $300 million in assessments against a handful of megabanks.

The proposed legislation revives an issue that has been lurking in the background for years and addresses an effort I have carried out with notable lack of success since the failure of Continental Illinois National Bank and Trust Company of Chicago in 1984. Sen. William Proxmire, D-Wis., joined the effort at that time and had legislation drafted similar to Mr. Kleczka's bill.

The largest banks in the United States simply do not pay their fair share for the protection of FDIC insurance. Eight pay on less than half of their deposits. The other 14,000 banks across the nation pay on 100% of theirs.

To rub in the discrepancy, the biggies who pay on only a fraction of their deposits are all in the "TBTF" category: too big to fail. There is no way our government will allow any of the largest banks to go under. Not only are they exempt from much of the assessment costs, they are de facto guaranteed that all of the deposits are protected.

In 1984, I was cautioned by fellow FDIC board members not to rock the boat on the assessment issue. "Why do this?" I was asked. "Nothing is going to happen, and you are making the big banks mad at us."

In 1986, I outlined the unfair assessment system in my book, "Bailout," and since then I have pursued the subject in speeches to community bankers in Minnesota, California, Florida, Georgia, Iowa, and Illinois. In every instance, the response was strong support for change.

This support was evidenced in 1986 during the closing days of the 99th Congress when the Senate voted 63 to 32 to assess all deposits, foreign and domestic alike. The reform was misplaced in the budget bill and it disappeared in conference.

FDIC assessments can be used only by the FDIC and have nothing whatever to do with general government. However, the administration counts FDIC profit or loss in its consolidated budget account. Thus more FDIC profits do reduce the reported budget deficit. But the fact is, these dollars have absolutely no impact on government spending or the federal budget.

FDIC Chairman L. William Seidman has noted the phoniness of the budget issue. He said that assessing foreign deposits raises several complicated issues and that the appropriate forum to consider them is the House and Senate banking committees.

The hearings should volatile. The community bankers are vocal about getting the short end of the stick. This is a guaranteed winning issue for any congressman in 1988.

How often do you find an issue that is fair, right, long overdue, and also popular with your constituents? The congressmen need only balance the financial support from and the pressures by a dozen big city institutions against the votes of their local constituents. The choice is easy.

The distinction between foreign and domestic deposits dates back to 1933 when the FDIC was created. The law states that assessments will be made on "domestic deposits." The reasons for this language are lost to history, but it certainly was not because of any dependency on foreign deposits in 1933.

Before Continental there was no real reason to question the lack of payment for the protection of foreign deposits. After all, we figured that it was theoretically possible for a big bank to fail and that the uninsured foreign deposits would be at risk. Four years earlier, we had bailed out First Pennsylvania, but foreign deposits were not a major factor.

Continental caused me to reconsider the assessment rules. The more the system is examined, the clearer it becomes that it is patently unfair.

The Continental bailout protected the entire $69 billion holding company structure: the book and off-book liabilities, the insured and uninsured depositors, foreign and domestic. At the time of the failure, there was just under $3 billion in insured domestic deposits, on which only $6.5 million in assessments had been paid.

The message was clear. Big banks with foreign deposits pay on only a fraction of their total deposits, yet all of the deposits are protected. The Continental costs appears to have leveled off at about $1.75 billion, and in the process all banks have lost the assessment rebate, they had been receiving for more than 50 years.

The accompanying chart shows that eight institutions are paying on 50% or less of their deposits, while nearly all other banks in America pay on 100%. The table reports on the 10 institutions that had the most foreign deposits in 1987. A few other regionals had some.

* * * * *

Citicorp, the unchallenged leader in American banking, with over $200 billion in holding company assets, paid $34 million to the FDIC in 1987, the assessment based on just 38% of its deposits. At the same time, BankAmerica, less than half as large as Citicorp, paid $42 million, the assessment based on 69% of its deposits.

Does anyone believe that either Citicorp or BankAmerica would be allowed to fail? The answer, of course, is no. So we have a situation in which two of America's megabanks, both receiving the same kind of protection, pay vastly different rates.

Since Mr. Kleczka's proposed change in law will affect only a handful of institutions, the lobbying is narrowly focused. The basic argument against the legislation is that the imposition of a one-twelfth of 1% charge on foreign deposits will make the megabanks non-competitive in foreign markets.

This kind of reasoning would be analogous to Lee Iacocca arguing that Chrysler should not have to pay taxes so it could better compete with Toyota.

The lobbyists are chasing their tails with this argument. Either the margin is so low that it is immaterial, or it is so high, that it is intolerable for these banks to maintain such an advantage over their American rivals.

The Citicorp lobbyist, Bob Barnett, a former FDIC chairman and a savvy politician, came up with a new twist in talking to Congressman Kleczka. Changing the assessment would hurt foreign trade, he argued. Trade is a buzzword in this election year, so I guess Mr. Barnett decided to throw it into the pot, relevant or not.

The words used to describe the deals are different. But the total protection for all deposits exists whether the bank is given open bank assistance, bailed out, sold, or handled in what is called a purchase and assumption transaction. The uninsured depositors are at risk only in a payoff, whether direct or through a deposit transfer, when the bank is closed and the insured depositors received their money.

In fact, there has been only one closure payoff of a bank over $200 million in the entire history of the FDIC: Penn Square. In addition, there have been five payoffs over $100 million and eight more over $50 million. Only in these cases was there any significant loss to depositors.

My original proposal was to assess all deposits and use the added income to reduce the basic rate for all banks. Mr. Kleczka follows this approach with a reduction of the rate from one-twelfth to one fourteenth of 1%.

Today, with the FDIC operating with a record low surplus in 1987 of $50 million, it would be more prudent to use the added income to build up the FDIC fund.

INDEPENDENT BANKERS ASSOCIATION OF AMERICA,
February 9, 1989.

Hon. GERALD D. KLECZKA,
Attention: Brian Doherty,
U.S. House of Representatives, 226 Cannon House Office Building, Washington, D.C.

DEAR REPRESENTATIVE KLECZKA: The Independent Bankers Association of America (IBAA) would like to express its strong support for your legislation to include foreign deposits in the premium assessment base.

As the Administration has just put forward a proposal to raise FDIC premiums from the current 0.083 cents per $100 to 0.15 cents per $100, it is critical that the assessment base be equitable. Assessing foreign deposits would more accurately reflect the extent of FDIC coverage.

Under current regulatory policy, a "two-tiered" banking system exists whereby the nation's largest banks are deemed "too big to fail" while smaller community banks are "too small to save." As you know, all banks pay a premium for FDIC insurance based on all their domestic deposits, including those over $100,000. However, the insurance coverage for most banks extends only to domestic deposits up to $100,000. In contrast, all deposits—foreign and domestic—are covered at too-big-to-fail banks. These banks by their very nature present a greater systemic risk to the FDIC. Foreign deposits are effectively a liability of the FDIC and should bear an assessment.

We also recommend that the deposit base be expanded to include non-deposit liabilities and secured borrowings. For example, so-called "deposit notes" should be subject to insurance assessments. Since 1985, a considerable market has developed in notes, bonds, acknowledgements of advance and similar liabilities which are undertaken by larger banks as a means of obtaining funds. We are concerned that these sophisticated deposit instruments have been used to circumvent the FDIC premium assessment.

We applaud the recent proposal of the FDIC to classify these notes as deposit liabilities, subject to insurance assessments and urge you to support that rulemaking effort.

Your bill, by including foreign deposits in the premium assessment base, is another essential step toward a more equitable insurance system. It has our wholehearted support and we will do anything possible to see that it is enacted.

Sincerely

J.R. NUNN,
President.

C-CAD IS MAKING A POSITIVE DIFFERENCE FOR DISABLED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues the news about an important program that has been a great benefit to the disabled. It is called the Center for Computer Assistance to the Disabled. C-CAD is based in Arlington, TX, and is giving the disabled the chance to learn highly marketable computer skills, as well as personal skills that serve to enhance their daily lives.

The program's executive director is Jack Kishpaugh. Jack is a retired lieutenant colonel in the U.S. Army Reserve, with 20 years of combined active and retired service as an airborne and military intelligence officer. As a result of a swimming accident in 1971, Jack became a quadriplegic and has been active and interested in programs to improve the lives of the disabled.

C-CAD is 5 years old now and continues to grow. In January, Jack was informed that he has been nominated as a candidate for the Computerworld Awards for Innovative Use of Information Technology. The program is associated with the Smithsonian Institutioin and it honors applications of information technology that have achieved outstanding progress for society.

The C-CAD story of success is a tribute to Jack Kishpaugh and the many volunteers associated with C-CAD who have worked hard on something in which they believed very strongly. And they did it all without $1 of Federal funding.

I wanted to share this great story with my colleagues, Mr. Speaker, and to wish much success in the years to come for Jack and for C-CAD.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

Mrs. BOGGS. Mr. Speaker, I am very pleased to introduce today, with our colleague, Representative DICK CHENEY of Wyoming, a bill providing for continued authorization of appropriations for the Advisory Council on Historic Preservation. The bill amends section 212 of the National Historic Preservation Act of 1966 to continue the appropriations authorization from fiscal year 1990 through fiscal

year 1994 at a level of $2.5 million. This bill is necessary because the council's current authorization expires at the end of fiscal year 1989. Its continued operation is key to the Federal Government's efforts to faciliate the preservation of places important to our national heritage.

The Advisory Council on Historic Preservation [ACHP] was established by the National Historic Preservation Act of 1966—16 U.S.C. 470—to advise the President and Congress on preservation matters and to comment on Federal, federally assisted, and federally licensed undertakings having an effect upon historic properties.

The primary role of the ACHP is to assist Federal agencies in exercising national leadership in historic preservation and to ensure that Federal actions are consistent with historic preservation values to the maximum extent possible. Since preservation policies must be balanced against other national policies and goals, Federal agencies require advice and assistance both in the development of general programs and policies and in the design and review of particular projects. The ACHP provides such advice and assistance to the President, the Congress and the Federal agencies and assists and encourages State and local governments and private parties in preservation activities.

The accommodation of preservation values within public policies necessitates the acknowledgement of many competing forces. It is fortunate that, with all of these divergent views, there exists an independent body at the Federal level to assist in balancing historic preservation against other interests. The ACHP helps Federal agencies in meeting their statutory historic preservation obligations by institutionalizing preservation expertise and planning systems, eliminating duplicative efforts, improving the consistency of preservation policies and avoiding unnecessary expenditures of public funds.

Appropriated funds for the ACHP in fiscal year 1989 were $1,778,000 and the budget request for fiscal year 1990 is $1,795,000. According to the ACHP, the amount requested will support the continued provision of current services in fiscal year 1990.

I am very proud of the exemplary manner in which the city of New Orleans has been able to bring its historic heritage into the present and future by preserving while growing and developing. I am well aware of how difficult this can be to accomplish and I, therefore, can particularly appreciate the important job the Advisory Council on Historic Preservation performs for all of us and for those who come after us.

Mr. CHENEY and I hope this House will be able to take early and favorable action on this measure to reauthorize the Advisory Council on Historic Preservation.

INTRODUCTION OF THE ETHICS IN PATIENT REFERRALS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today, I am pleased to be joined by Mr. DONNELLY, Mr. GUARINI, Mr. COYNE, Mr. LEVIN of Michigan, and Mr. MOODY of the Subcommittee on Health, to introduce H.R. 939, the Ethics in Patient Referrals Act of 1989. The bill squarely addresses one of the most pressing problems confronting the Medicare Program today—conflicts of interest arising from self-referrals—the referral of a patient to a provider with whom the physician has a financial relationship.

Over 10 years ago, Congress enacted a sweeping law that makes the payment of kickbacks for patient referrals under Medicare a felony. The law is clear: the payment of "any remuneration, directly or indirectly, overtly or covertly" in return for patient referrals is illegal. The law reflects a firm resolve that patients should not be bought or sold.

Unfortunately, clever deal makers have found a loophole. Referral schemes are being disguised as legitimate business arrangements, most commonly as partnerships involving referring physicians, but also as consulting or similar arrangements. The intent generally is quite clear: to lock-in referrals by creating a web of financial relationships binding the referring physicians to the provider.

Some of the deals are outrageous. In one case, physician investors can make more than $100,000 over a 5-year period based on nothing more than a $10,000 promissory note paid as an investment in a magnetic resonance imaging partnership. Other deals are more temperate. But all of the deals attempt to generate profits by locking-in referrals. The services most commonly involved include radiology, labs tests, durable medical equipment, and home health care.

Lawyers advising the promoters carefully recommend against any requirement that referrals be made. They also advise that dividends reflect the amount of investment and not vary based on the number of referrals made. But everyone knows that the more referrals made, the higher the profits.

The Ethics in Patient Referrals Act will close these loopholes once and for all.

Self-referrals raises three major policy concerns. First, there is a risk that physician-partners may not refer patients to the facility that provides the best care. We have heard of instances where cancer patients have been told to drive every day for a 6-week period to a radiation therapy facility 20 miles away for treatment rather than being referred to another qualified facility closer to the patient's home.

Second, patients may be referred for costly services which are unnecessary. Studies conducted by Blue Cross Blue Shield of Michigan and HCFA's region V in the early 1980's document higher utilization rates for physician-partners.

Dramatic evidence of the risk was provided by a confidential memo obtained by my office. The memo, from a radiology center in California to its physician partners, reviewed referral statistics, urged the partners to increase their referrals, and noted that "the realization of the long-term goal of this partnership is the responsibility of each one of us." Frankly, it's hard to believe that partnership managers do not routinely keep these statistics, and such a manager would have to be a saint not to use this information to encourage more referrals from physician investors.

It's important to remember that Medicare costs are increasing by more than 15 percent a year during a period of multibillion dollar deficits. Every year, Congress has to wrestle with sharp budget cuts just to keep Medicare affordable for the taxpayers. We simply cannot take the risk that these deals won't increase health care costs.

Finally, honest competition is undercut. To maintain market share, suppliers are being forced to compete—not on price or quality—but on the cut they give physicians. We have received hundreds of letters of support from independent providers who feel their survival is threatened by this trend.

These problems stem from the fact that a physician's objectivity in making referrals is threatened by these financial tie-ins. The point is not intended as a criticism of physicians. Few physicians will consciously refer a patient to a poor quality provider simply due to ownership. But, anyone's judgement can be subtly influenced by financial interests. Few companies would, for example, permit their executives to have side dealings with competitors or suppliers.

One of the most serious shortcoming of current law is the enormous difficulty involved in proving to the satisfaction of a judge that a particular arrangement is deliberately structured to induce referrals. A successful prosecution requires a lengthy investigation of the business records to prove unequivocally that dividend payments to physicians were intended as the disguised payment of a referral fee.

The enforcement resources simply aren't there. There is no way that the Inspector General—with fewer than 225 investigators nationwide—can police the complex arrangements that underpin the $100 billion a year Medicare Program. Few cases have been prosecuted, and it is likely that only the most abusive cases will be prosecuted in the future.

What is needed is what lawyers call a bright line rule to give providers and physicians unequivocal guidance as to the types of arrangements that are prohibited. If the law is clear and the penalties are substantial, we can rely on self-enforcement. Few physicians will knowingly break the law.

The Ethics in Patient Referrals Act provides this bright-line rule. Providers of Medicare services would be prohibited from accepting referrals from physicians with ownership interest or other compensation arrangement. Exceptions are provided for transactions that pose little risk of abuse.

Providers and physicians would have one year after enactment to bring existing ownership or compensation arrangements into compliance. A physician can easily avoid prosecution simply by selling his or her ownership interest or by referring patients to another provider.

Half-way measures will not work. Within 6 months time, lawyers will be holding seminars teaching the deal makers how to exploit a new set of loopholes.

Critics have argued that capital from referring physicians is needed to finance health care facilities. This is a smokescreen. If there is a need for the service in the community, traditional lenders will make the funds available. Moreover, most services do not require

large investments. The most costly, magnetic resonance imaging, costs about $2 or $3 million, and manufacturers are eager to provide the equipment on a lease-purchase basis. There are legitimate concerns about rural areas, and accordingly, the bill provides an exception for sole rural providers.

As a final note, I would again like to express my hope that the bill will be supported by the leadership of the medical profession. This legislation is as important to the medical profession as it is to Medicare. The integrity of our Nation's physicians is being threatened by seductive deals promoted by fast buck artists. Further proliferation of these ventures is bound to undercut public confidence in the medical profession.

For several years, Dr. Arnold Relman, the distinguished editor of the New England Journal of Medicine, has expressed deep concern about the ethics of physician self-referrals. These concerns were echoed in the Code of Ethics of the American College of Physicians which states that a "physician should avoid any business arrangement that might, because of personal gain, influence his decisions in patient care." And, in 1986, the Institute of Medicine denounced the practice of self-referral in the strongest possible terms and urged corrective legislation.

Trust is crucial to the physician-patient relationship. Ethical standards must guard against both the fact and appearance of impropriety. The medical profession should join with us to draw the line and to demand that all who serve the public be held to the highest ethical standards.

Mr. SPEAKER, I would like to include in the RECORD at this point a description of some of the points of a bill I introduced today, the Ethics in Patient Referrals Act of 1989.

The description follows:

THE ETHICS IN PATIENT REFERRALS ACT OF 1989—H.R. 939—SUMMARY OF THE BILL

1. IN GENERAL

The Ethics in Patient Referrals Act is intended to deal with a diverse wave of commercial activity that has the principal purpose of attempting to "lock-in" a referral base for a particular provider by creating an entangling web of financial relationships that bind referring physicians to the provider.

The bill reflects the view that such entanglements generally can be avoided and should be avoided because they threaten the ability of physicians to exercise unbiased professional judgment when making referral decisions. Accordingly, the bill restricts the practice of "self-referral," referral by a physician to a provider with whom the physician has a significant financial relationship.

Subject to exceptions described below, the bill generally prohibits a physician from referring a patient for a Medicare-covered service to a provider if the physician (or immediate family member) has an (i) ownership or investment interest in the provider or (ii) other compensation arrangements with the provider. Providers would be prohibited from submitting any bills or claims for reimbursement for services provided pursuant to a prohibited referral.

2. REFERRING PHYSICIAN

As noted above, the restrictions on financial relationships between physicians and providers only apply in the case of "referrals" made by "referring physicians." These terms are defined to account for different categories of service.

(a) *General rule.*—For most services, such as lab tests, and X-rays, where patients have little ability to make an independent choice of provider and must rely on recommendations made by the physician, a "referral" is made when a physician requests the service.

Because of the limited ability of patients to make independent decisions in these circumstances, disclosure of an underlying financial relationship between the "referring physician" and the provider is not sufficient to trigger an exception to the prohibition on self-referral.

A "referral" is also made when a physician establishes a plan of care regarding the service. A plan of care is required for a number of Medicare-covered services as a condition of payment.

(b) *Physician Services.*—These same general rules applies to physician services. The physician requesting the service, is a "referring physician." Furthermore, a physician who requests a consultation with another physician is a "referring physician" with respect to any items or services ordered or performed by the consulting physician.

A physician who "requests" a service the physician intends to provide himself is not considered to be a "referring physician". This clarification is limited to physicians' services consisting exclusively of the direct provision of professional services by the requesting physician and does not apply to any associated "technical component" provided by others.

A further clarification is provided for radiologists, radiation therapy specialists, and pathologists. These physicians are not considered to be "referring physicians" with respect to any X-rays, radiation therapy, or pathological examinations they may order or provide in response to a consultation requested by another physician.

(c) *Outpatient prescription drugs.*—A special rule applies for outpatient prescription drugs. In this case, a "referral" is made only if the prescribing physician directs the patient to a specific pharmacy, home intravenous therapy provider, or other entity dispensing the drug. This rule reflects the fact that patients generally are able to make an independent choice between pharmacies.

The special situation of "in-office" dispensing, where the patient's freedom-of-choice may be compromised, is not addressed in the bill. The bill generally does not restrict the provision of "in-office" services.

The physicians choice of a particular brand or type of drug to prescribe is not considered to be a "referral." Therefore, there are no restrictions on ownership of stock in pharmaceutical companies. Generally, such ownership would be too dilute to have a significant impact on physician decisionmaking.

3. GENERAL EXCEPTIONS

(a) *Physicians' services provided in a group practice.*—An exception would apply to physician services provided by another physician in the same group practice as the referring physician. The purpose of this exception is to accommodate existing relationships among physicians in group practices.

(b) *Services provided by an employed practitioner.*—A similar exception would apply to services provided by a physician assistant, nurse midwife, psychologist, or nurse anesthetist employed by the referring physician or group practice.

(c) *Prepaid Plans.*—An exception would apply to services provided by a prepaid health plan. The exception would apply to (i) prepaid plans with a Medicare risk contract under Section 1876 of the Social Security Act, (ii) plans organized pursuant to Section 1833(a)(1)(A) of the Social Security Act, and (iii) other plans established pursuant to a demonstration project.

This exception reflects that fact that prepaid plans are legally responsible to provide a broad range of covered services, including most services typically provided pursuant to a physician's referral. Because prepaid plans are responsible for the cost and quality of such services, they should be free to make suitable arrangements for such services so long as the services otherwise comply with general standards and requirements established by Medicare.

It is important to note that Congress is concerned about financial pressures on HMO physicians to reduce or limit services. This issue has already been the subject of legislation and is being dealt with under a separate process.

(d) *Other Exceptions.*—The Secretary of Health and Human Services would be authorized to establish other exceptions by regulation for ownership or compensation arrangements that the Secretary determines do not pose risk of program or patient abuse.

4. EXCEPTIONS RELATING TO OWNERSHIP AND INVESTMENT INTERESTS

(a) *Ownership of Publicly-Traded Securities.*—An exception would apply to ownership of investment securities in large publicly-held corporations.

To qualify for the exception, (i) the securities must be traded on the New York Stock Exchange, the American Exchange, or the NASDQ national market system, (ii) the corporation must have had assets in excess of $100 million at the close of the most recent fiscal year, and (iii) the physician must have purchased the securities on terms generally available to the public. The exception would apply to ownership of shares, bonds, debentures, notes, and other investment securities.

Investment securities that meet these tests are actively traded and generally are held by a broad cross-section of the investing public. Moreover, a physician's stake in such a corporation is likely to be so small that any incentive to refer patients would be minimal. Accordingly, such investments cannot readily be used to "lock-in" referrals and the risk of abuse is negligible.

(b) *Sole Rural Providers.*—Because of concerns about access, the bill provides for an exception for services provided by a sole rural provider. In such areas, capital provided by referring physicians may be needed to assure access to state-of-the-art services. In urban areas, alternative sources of financing generally are available if there is a genuine need for the service.

The Secretary would be required to publish regulations setting forth the terms of the exception within 9 months after enactment. It is anticipated that these regulations will be broadly accommodating to legitimate concerns about access in rural areas.

(c) *Hospitals.*—An exception would apply to services provided by a hospital in which a physician has an ownership interest if: (i) the physician has admitting privileges at the hospital, (ii) the ownership interest is in the hospital as a whole, and (iii) the owner-

ship interest was established prior to March 1, 1989.

Most physician-owned hospitals were established years ago typically in smaller communities to provide access to care that would not otherwise be available. Many communities still depend on these hospitals for access. An exception, therefore, is warranted to prevent a disruption in access.

More recently, some hospitals have attempted to lock-in referrals by spinning off a hospital operating company and selling the company to a group of physicians. The terms of some of these arrangements indicate a clear intent to buy referrals. Because of concerns about the appropriateness of these reorganizations, the bill limits the exception is limited to ownership interests established prior to March 1, 1989.

It should be noted that exception for physician-owned hospitals, applies only if the ownership interest is the hospital as a whole. There is no exception for joint ownership of a hospital subsidiary, such as a free-standing imaging center, if the hospital itself is not physician-owned.

(d) *Ambulatory Surgery Centers.*—An exception is provided for physician ownership of ambulatory surgery centers (ASCs). The prohibition on self-referrals would not apply to any item or service provided by the ASC in conjunction with a surgical procedure performed by the referring physician at the center.

(e) *In-office ancillary services.*—An exception would be available in-office ancillary services. The exception would apply to "medical and other health services" (as defined in Section 1861(s) of the Social Security Act).

The exception would most commonly apply to in-office lab tests or X-rays. The exception reflects a judgment that there often is a clear need for quick turn-around time on crucial tests.

Durable medical equipment, ambulance services, and parenteral and enteral nutrition services would be excluded from the exception. These services typically are not provided on an in-office basis and there is no clear justification for permitting these services to be provided by the referring physician.

To qualify for the exception, the service (i) must be furnished directly by the referring physician or an employee directly and personally supervised by the physician in the same building in which the physician practices, (ii) must be billed by the physician performing or supervising the service, and (iii) must meet any other condition the Secretary may impose by regulation to protect against program or patient abuse.

The same exception would apply to services provided by the physician group practice of which the referring physician is a member.

5. EXCEPTIONS FOR OTHER COMPENSATION ARRANGEMENTS

As noted in part 1 of the summary, the bill covers a broad range of financial relationships between referring physicians and providers in addition to covering ownership arrangements. This scope is needed to prevent efforts to circumvent the bill.

For example, lease agreements can be used to "lock-in" referrals. Promoters of magnetic resonance imaging (MRI) partnerships could market lease-back arrangements, in which referring physicians invest in equipment or facilities. The equipment and facilities would be leased back to a legally distinct medical practice which uses the equipment and facilities to provide MRI services. This would "lock-in" referrals, but would not violate the ownership restriction.

Management service contracts can also be used to "lock-in" a referral base. For example, a commercial lab could offer to establish and manage a simple in-office lab for use by a physician or group practice. The commerical lab could, in turn, explicitly or implicitly require the physician or group practice to refer send complex tests to the commercial lab as a quid pro quo.

To prevent these and similar abuses the bill applies to a broad range of financial arrangements involving referring physicians and providers, including lease, rental, and service contracts. At the same time, because lease or service arrangements between referring physicians and providers can serve legitimate ends, the bill provides a number of exceptions. These exceptions are consistent with the proposed "safe-harbor" regulations recently issued by the Secretary, but are narrower and do not include transactions that pose an undue risk of abuse or would be difficult for the Inspector General to monitor.

(a) *Rental of office space.*—An exception is provided for rental of office space.

For example, a group of physicians who own a medical office building could rent office space in the building to a lab and refer patients to the lab without violating the prohibition on self-referrals. By providing this exception, the bill accommodates legitimate concerns about patient convenience. Similarly, a hospital could rent space in a medical office building to physicians who refer patients to the hospital.

To qualify for the exception, several tests must be met: (i) there must be a written lease agreement signed by the parties specifying the space to be covered by the lease; (ii) the space must be dedicated for the exclusive use of the lessee; (iii) the term of the agreement must be for at least one year; (iv) the rent must be consistent with fair market value and aggregate payments may not vary directly or indirectly based on the volume or value of any referrals between the parties; (v) the arrangement must be pursuant to an agreement that would be considered to be commercially reasonable even if no referrals were made between the parties; and (vi) the arrangement must comply with any other requirements the Secretary may establish by regulation to protect against program or patient abuse.

An additional requirement applies in the case of rental of office space by a physician. In this situation, the space to be rented must be located in the same building as the building in which the physician has a practice.

The test of "commercial reasonableness" which appears in this exception and elsewhere is intended as an overall test of the legitimacy of the underlying arrangement. If there is a feature or aspect of the arrangement which would be unlikely to be present in a routine commercial arrangement where there is no potential for additional profit to one of the parties through induced referrals, the agreement may not meet the test of "commercial reasonableness." The term "commercial reasonableness" also encompasses a requirement that there be a legitimate and substantial underlying business purpose for the arrangement other than the mere inducement of referrals.

(b) *Employment and service arrangements with hospitals.*—A broad exception would apply to employment and service arrangements involving referring physicians and hospitals. Physicians could be employed by hospitals or could provide administrative (or other services) under contract to the hospital. Conversely, hospitals could provide administrative or other support services to physicians.

The exception recognizes longstanding relationships between physicians and hospitals. Many teaching hospitals have full-time employed medical staff. Other hospitals employ emergency room physicians and other physicians to provide specialized services. Conversely, hospitals frequently provide administrative support services to physicians who rent space in a medical office building adjacent to the hospital.

To qualify for the exception, the employment or service arrangement must: (i) be for identifiable services; (ii) the amount of remuneration provided must be consistent with fair market value and may not be determined in a manner that takes into account directly or indirectly the volume or value of any referrals made by the physician; (iii) the arrangement must be pursuant to an agreement that would be considered to be commercially reasonable even if no referrals were made to the hospital; and (iv) the arrangement meets such other requirements as the Secretary may impose by regulation to protect against program or patient abuse.

(c) *Other administrative services.*—A narrower exception would permit non-hospital providers to employ (or contract with) referring physicians for specific identifiable administrative services in three situations described below. Employment of a referring physician would not otherwise be permitted. Additionally, in each case, the employment arrangement must also comply with requirements (ii)-(iv) of paragraph (b).

First, an exception would be allowed, if the referring physician is employed as a medical director of the provider pursuant to a requirement under Title XVIII of the Social Security Act that the provider have a medical director. This exception would apply to medical directors at facilities such as, home health agencies, hospices, and home intravenous therapy providers.

Second, an exception would be allowed for direct patient care services provided to a hospice patient pursuant to a contract with the hospice. This exception is needed to accommodate a unique feature of the hospice program. Under law, physician services (other than services of the patient's attending physician) cannot be reimbursed directly to the physician. Instead, such services are covered as hospice services and are reimbursed indirectly through payments made to the hospice.

Third and finally, non-hospital providers could employ referring physicians to provide administrative services in certain limited situations. The exception applies only with respect to general administrative services. Payment for direct patient care services, including consulting on individual cases, would not be permitted. Such direct patient care services should be reimbursed directly by the Medicare program, if covered. To prevent abuse, the exception is further limited to exceptional circumstances. Any attempt to secure referral base by employing a significant number of referring physicians would trigger a violation of the bill. A providers should have only a small number of referring physicians employed to provide administrative services for each of the provider's major service areas, and such employment should be for legitimate business purposes.

(d) *Physician recruitment.*—An exemption would be available for compensation (or other remuneration) provided by a hospital to a physician as an inducement for the physician to relocate in the geographic area served by the hospital in order to become a member of the medical staff of the hospital so long as there is no requirement that the physician refer patients to the hospital and the arrangement complies with requirements (ii)-(iv) of paragraph (b).

(e) *Isolated transactions.*—A final exception would be made for isolated transactions, such as a one-time sale of real or personal property. For example, a hospital could sell a referring physician a piece of equipment. The exception would not apply, however, if the transactions were part of a pattern intended to secure patient referrals.

To qualify for an exception, the transaction must comply with requirements (ii)-(iv) of paragraph (b).

6. SANCTIONS

(a) *Denial of payment.*—Medicare payment would be denied for any item or service provided pursuant to a prohibited referral.

(b) *Refund requirements.*—A person who receives any payment from a Medicare beneficiary (including any coinsurance or deductible payments or any payment for an unassigned claim) for a service provided pursuant to a prohibited referral would be required to make a prompt refund to the beneficiary.

(c) *Civil money penalty and exclusion for improper referrals.*—Any physician who makes a referral that the physician knows or should know is prohibited under this bill would be subject to civil money penalties and exclusion from the Medicare program if a claim or bill is submitted pursuant to such a referral. The provider submitting the bill or claim would be subject to the same penalties if the provider knew or should have known that the bill or claim was for a service provided pursuant to a prohibited referral. The civil money penalty would be up to $15,000 for each item or service provided pursuant to a prohibited referral plus an amount equal to twice the amount billed for the item or service.

(d) *Civil money penalty and exclusion for circumvention schemes.*—Circumvention schemes would be prohibited subject to civil money penalties of up to $100,000 and exclusion from the Medicare program.

One scheme commonly discussed involves cross referrals. Under this scheme, for example, physicians in City A who own a facility in that city would enter into an understanding with physicians in City B who own a comparable facility in that city. They would exchange ownership of their facilities. Each group would then agree to refer patients to the facility owned by the other group. This and similar schemes would be prohibited.

More generally, the prohibition on circumvention schemes applies to any physician or entity that enters into any arrangement or scheme (written or verbal, implicit or explicit) which the physician or entity knows or should know has a principal purpose the assuring of referrals by the physician to a particular entity which would be a violation of the bill if the physician made referrals to the entity directly.

7. DEFINITIONS

(a) *Compensation arrangement.*—A "compensation arrangement" is any arrangement involving any remuneration between a physician (or immediate family member) and a provider.

(b) *Remuneration.*—The term "remuneration" includes any remuneration, directly or indirectly, overtly or covertly, in cash or in kind.

(c) *Fair market value.*—The term "fair market value" means the value in arms length transactions, consistent with general market value without taking into account any additional value that might accrue as a result of the potential for referrals.

(d) *Group practice.*—A "group practice" is defined as a group of two or more physicians legally organized as a partnership, professional corporation, or other similar association (i) in which each physician provides substantially the full range of services which the physician routinely provides, including medical care, consultation, diagnosis, or treatment through the joint use of shared office space, facilities, equipment and personnel; (ii) for which substantially all of the services of the physicians who are members of the group are provided through the group and are billed in the name of the group and the amounts so received are treated as receipts of the group; (iii) in which the overhead expenses of, and income from, the practice are distributed in accordance with methods previously determined by members of the group, and (v) which meets such other requirements as the Secretary may impose.

8. EFFECTIVE DATE

The provision would be effective for referrals made on or after June 30, 1989, except that the effective date would be July 1, 1990 in the case of financial relationships that were entered into and became legally binding before February 9, 1989.

9. DEADLINE FOR CERTAIN REGULATIONS

The Secretary would be required to publish final regulations within 9 months after enactment defining the following terms: (i) "ownership or investment interest" involving indirect ownership or investment interests; (ii) "compensation arrangement" involving remuneration made indirectly between the parties to the arrangement; and (iii) "sole provider in a rural area".

LEGISLATIVE AGENDA FOR DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia [Mr. FAUNTROY] is recognized for 60 minutes.

Mr. FAUNTROY. Mr. Speaker, I rise this morning under this special order to outline the legislative agenda that I plan to pursue in the 101st Congress as the elected representative from the District of Columbia. My principal focus will be on the issues for which I have long fought such as a comprehensive crime and antidrug effort, greater self-determination for District residents, expanded affordable housing opportunities for low- and moderate-income Americans, improved public education, and better health care for all our citizens.

I also plan, to an even greater extent than before, to utilize my position as the second ranking member of the Committee on Banking, Finance and Urban Affairs, where I serve as chairman of the Subcommittee on International Development, Finance, Trade and Monetary Policy, to address the numerous banking and financial issues that are of growing concern to individuals, businesses and governments, both here and abroad.

I would like to begin by congratulating the distinguished gentleman from Texas [Mr. GONZALEZ] on his succession as chairman of the Banking Committee. Under his leadership, the committee is off to a very fast and forward start, with hearings already having been held on three major issues within our jurisdiction, mainly Third World debt, the FSLIC crisis, and the economic health of the financial services industry.

You will recall, Mr. Speaker, that on January 23, in my inaugural comments to an audience of nearly 1,000 of my constituents, I shared the goals I hope to accomplish during my tenth term as their elected representative. Utilizing the seniority I have gained in terms of committee assignments, and the close collegial relationships it has been my privilege to build up over 18 years of service in this august body, I plan a very ambitious legislative agenda.

First, as a member of the Select Committee on Narcotics Abuse and Control, I plan to introduce two initiatives designed to enhance drug enforcement techniques. On the domestic front, we need to strengthen law enforcement procedures so that there can be prompt eviction of any individuals found to be involved in drug trafficking from both public and private multifamily housing developments. On the international front, we need to tailor our foreign and military aid programs more specifically to those developing countries which, because of their depressed local economies and trade imbalances, are particularly vulnerable to the illicit cash flow generated by the drug cartels.

Second, as a member of the District of Columbia Committee, I plan to launch several legislative initiatives aimed at strengthening our local government's ability to more efficiently and effectively execute its role in passing legislation, making budget decisions, and managing our judicial system through the establishment of an intermediate appellate court and the local appointment of judges and other key law enforcement officers.

Third, as a member of the Committee on Banking, Finance and Urban Affairs, I will be very active in the three major areas requiring our attention, namely Third World debt, housing and FSLIC. Insofar as the Third World debt is concerned, we learned at a hearing on January 6, 1989, that the major U.S. banks have improved their balance sheets through additional reserves, while the economic and development prospects of the debtor countries have failed to show similar progress.

Included in the Omnibus Trade bill passed by the 100th Congress was legislation which my subcommittee wrote and which mandates the Treasury Department to pursue two specific proposals for addressing the increasingly dangerous problem of the Third World debt. The Treasury Department is required to report back to the Banking Committee on these proposals not later than March 1, 1989, and upon receipt of these reports, it will be my intention to draft legislation which can finally move the international financial community toward some concrete resolution of this crisis.

With respect to the housing issue, I am glad to note that after a 7-year hiatus, we were able to pass major legislation last year in the form of a $15 billion authorization bill to fund a number of important Federal programs. Our task this year will be to ensure that in the first year of actual expenditures under this legislation we receive the maximum impact for the Federal dollars involved. This will require close coordination with community leaders and local officials such as the advisory neighborhood commissions we have in the District. I intend to pursue that coordination vigorously.

I also note that Chairman GONZALEZ has reintroduced, as H.R. 1, his housing trust legislation, and I look forward to working with him on this legislative proposal. In this connection, I will seek to focus our attention, in particular, on those first time homebuyers who are seeing the opportunity for home ownership closed off as a result of spiraling housing costs in such desirable urban and suburban areas as the District of Columbia and its surrounding communities.

Finally, there is the FSLIC issue which is closely the most costly and difficult problem to come before the Banking Committee during my entire tenure of nearly two decades. I will not belabor the subject by reciting the extent of the revenue shortfall confronting the Federal Savings and Loan Insurance Corp., and ultimately the U.S. Treasury, except to say that the middle range of the cost estimate is now between $75–$100 billion, and growing at a projected rate of $15 billion a year.

In approaching this issue, there are several criteria that must be kept uppermost in our minds, but the most important are the budgetary implications of the crisis. In the current environment, it is simply unrealistic to expect this Congress to appropriate $30–$50 billion, let alone $100 billion, to bail out the thrift industry. As mentioned, it took us 7 years to agree with the Reagan administration on a $15 billion housing bill, and a year of wrangling with the Senate to pass a $2.7 billion drug bill.

The needed funds must come in substantial part from sources other than the Federal coffers, and yet we are up against a situation where savings institutions are already paying over twice as much as commercial banks for deposit insurance. Healthy S&L's are stretched too thin in terms of their share of this burden, and it would be equally unfair for FDIC insured institutions to be asked to absorb the cost through any type of merger of the two insurance funds.

I am carefully studying the administration's new recommendations with respect to both the funding issue and regulatory reforms, as well as those of industry groups and other parties. I intend to be an active participant in this legislative debate and to help ensure that this issue is resolved fairly and effectively. Among other things, I feel that it is especially critical that the home lending function be preserved so that all Americans can be assured the opportunity for affordable housing. I also plan to develop a set of private sector incentives that will encourage banks and bank holding companies to invest voluntarily in the S&L industry. When the Federal Home Loan Bank Board has to resort to extraordinarily expensive deals with corporate raiders in order to dispose of problem thrifts, it may be time to revisit the issue of limitations on the acquisition of thrifts by banking institutions.

In conclusion, Mr. Speaker, let me mention one other matter about which I am very concerned, but feel that there is a lack of adequate information on which to base a response. This has to do with the basic question of whether the consumer is benefiting from and not being discriminated against by the revolution in financial services that we have witnessed over the last 15 years. Obviously, we could not turn back the clock even if we wanted to, but I remain concerned in our rush to ameliorate the extensive foreign loan exposure at money center institutions, and in our haste to resolve wholesale failures among savings and loan associations, that we not lose sight of our responsibility to protect the interest of the borrowing and saving public during this time of structural reform in the financial services industry. This concern is justified in light of a recent report that minorities, even higher income minorities, are twice as likely as whites to have their applications for home loans rejected by savings and loan associations.

I will request that the General Accounting Office report to us on its findings as to whether the level and cost of consumer services have increased or decreased with respect to the delivery of financial products as a result of deregulation. I will further request that these findings be broken down on the basis of geographic location, income level, race, age, and other relevant criteria. In addition, I will seek the GAO's recommendations for increasing affordable delivery of financial services.

Let me thank the Members for their attention, and say that I look forward to sharing the results of this study with them as we proceed to work our way through the many difficult issues I have touched upon today.

□ 1200

THE TELEPHONE OPERATOR SERVICE CONSUMER PROTECTION ACT OF 1989

The SPEAKER pro tempore (Mr. BATES). Under a previous order of the House, the gentleman from Tennessee [Mr. COOPER] is recognized for 60 minutes.

Mr. COOPER. Mr. Speaker, the next time you use a telephone in an airport, hotel, hospital, or other public place, be careful. The operator that you talk to may be a little bit shady.

These new operators have already upset thousands of Americans. More people complained to the Federal Communications Commission about them last year than about anything else, including dial-a-porn. Already the FCC has logged over 2,000 complaints. This is what is happening.

Since the breakup of AT&T in 1984, many firms have begun competing to provide operator service for the millions of public telephones across America. We are all aware of the competition to provide long-distance service for our home phones, but many are not aware that a similar competition is taking place regarding public phones. Many of these public phones are typical coin-operated pay phones, many are credit-card phones, and many look like ordinary home phones, only they are located in places that are accessible to the public, such as a motel or hospital room. This is a huge and lucrative market. The regional Bell companies alone own about 1.7 million coin-operated public telephones which generate about $2.5 billion in long-distance revenue every year.

Although we are familiar with the situation of the homeowner choosing his or her long-distance service, many do not realize that the owner of the public phone (or the owner of the premises where a coin-operated telephone is located) also gets to choose the long-distance operator service for those phones. This means that the traveler, customer, or patient must use the operator chosen by the airport manager, shopping center manager, or hospital administrator.

Beginning the first of this year, the first round of balloting began for the selection of long-distance operator service for every pay telephone in

America that's owned by a Bell company or GTE. For several years, the owners of public telephones not controlled by these companies have been able to choose their own operator services for their phones, and long-distance service generally has been included in the operator service package.

Since the owner of the public telephone rarely uses that phone himself, he does not tend to mind the cost of operator service as a homeowner would. In fact, he usually seeks to make a profit from the telephone that he has made available to the public. Of course, this really means that he wants to make a profit from the people who use the telephone. Usually the profit goes to support the telephone owner's main business, but it could theoretically go to any purpose. Private enterprise has responded with numerous companies that tempt the owner of the phones with big profits. One national hospital chain is expected to make almost $250,000 this year from a company that provides operator services for the telephones in its hospitals. In most cases, the hospital patient probably doesn't realize that he will be really paying a small part of his hospital bill when he pays the monthly telephone bill.

The most common example of this new operator service is when the hotel guest tries to make a call from his or her room. Not only have many hotels levied a flat charge for every call made from the room, whether local or toll-free 1-800, hotels have also begun hiring operator services that charge more than the customary AT&T rates for the placement of calls. Some hotels are better about disclosing the cost of using its phones than others, but generally you get one surprise when you check out of the hotel and see the bill for the flat charges and another surprise when you get your monthly bill and compare the rates charged for your calls. Many Americans have glumly accepted the flat charge for each telephone call, but they have refused to accept the second hidden charge on their monthly telephone bill. They thought that they had settled their account with the hotel when they checked out; instead they end up paying part of their hotel bill a month later.

The new firms that are vying to serve public telephones are providing what they call "alternative operator services" or "AOS." The alternative they are providing is to the local telephone company operator or, more often, the AT&T long-distance operator. But seldom has a new industry been so poorly named. The person who tries to call on telephones controlled by AOS companies often has no alternative to the questionable service that is being provided by shady operators. And the cost. The cost of AOS service is usually not only hidden but high.

The fundamental reason for the unfairness to consumers is the fact that when the owner of the telephone is different from its user, the owner has a tendency to exploit the user. Instead of the free market tending to drive down the price of operator service as it has for home telephones, the tendency is to drive up both the price for the user and the profits for the owner. The AOS company is the happy middleman who makes all this reverse competition possible.

THE TENNESSEE EXAMPLE

I first became aware of AOS after minor scandals involving AOS had already hit the campuses of Vanderbilt University and the University of Tennessee. Each school had signed up with an AOS company to service its dormitory and other campus telephones. All fall students called home collect or no credit cards and yet received no bills. It was too good to be true. And it was.

By December the bills came. Not only were 5 months of calls lumped together due to a computer error, the AOS charged considerably more than regular long-distance rates for the calls. Parents were outraged. They were even angrier when they discovered that the schools intended to make money off the phone calls. As we have seen, one of the main reasons for the growth of AOS companies is their sales pitch of profits for the owners of the public telephones. This hidden tax or rakeoff on every phone call shocked Tennessee parents and university alumni.

The Tennessee story has a happy ending. Even the AOS agreed that the bills were too high, complaining students and parents were given refunds, and each school terminated the contract of the AOS provider when it refused to lower its rates to the customary AT&T level.

THE NATIONAL EXPERIENCE

On a national level, we don't know the outcome of the story. Today it is hard to travel to an airport, restaurant chain, shopping mall, convenience store, or other public place that does not secretly use AOS. These managers of these public facilities love the 15 percent or so commission that they make off the calls. And many travelers and customers seem either unaware of the difference in service, or uncertain about whom to blame.

The Federal Communications Commission also seems uncertain what to do about it. A proceeding is pending before the FCC right now, but the FCC's blind faith in the unregulated free market is likely to prevent it from taking appropriate action. So far it has only issued a "consumer alert" that has hardly alerted anyone. One would have thought that the blizzard of complaints the FCC has received would have moved the FCC to quicker, firmer action.

State public utility commissions have not been so slow to act. In fact, many have already chosen to regulate the rates and practices of companies regarding their in-State calls. In Tennessee, for example, no AOS can charge more than the regulated rates of AT&T. But State regulatory commissions lack jurisdiction over the huge volume of interstate telephone calls. Only the Federal Government can regulate interstate calls.

THE PROS AND CONS OF AOS

Although it is clear that the managers of public facilities like the payments that they receive from AOS providers, they dislike having to deal with irate members of the public who feel that they have been deceived by the AOS service. What exactly is AOS service like to the consumer?

Sometimes AOS is both better and worse than regular operator service, depending primarily on the particular company involved, the specific type of call that is made, and the demands of the telephone owner on the AOS provider that he has contracted with.

Common complaints about AOS include:

Systematic overcharging for long-distance calls at rates that are now 50 to 100 percent higher than AT&T rates, and have ranged up to four times the normal AT&T rate;

Refusal to connect the caller to the long-distance service of his or her choice, even when the caller is paying for the call with the credit card of his preferred long-distance company;

Slow call processing, and elaborate routing of calls to remote centers for processing;

Inability of some AOS to handle emergency calls properly and quickly; and

Lack of notice of the identity, rates, and billing and complaint procedures of the AOS provider, as well as suspicion of high commissions paid to the owner of the public premises.

On the positive side, AOS offers some service enhancements, again depending on the AOS provider and the needs of the telephone owner and user:

Superior emergency calling service to what AT&T and the Bells have usually provided in the past;

Operators who speak foreign languages;

Advanced services such as message forwarding, voice mail; and

Cheaper rates for selected calling areas at certain times.

Even for members of the AOS industry, the negatives too often exceed the positives. The industry has formed a trade association called the Operator Services Providers Association which has established a voluntary code of responsibility in order to stem the

abuses. It seems unlikely that self-regulation will be able to meet consumers' needs, however, since: First, the market does not seem to promote helpful competition when the owner of the telephone is not its primary user; and second, unscrupulous operators will always be able to gain at least a temporary commercial advantage. Therefore legislation seems required.

MY LEGISLATION

I am introducing today legislation that takes a moderate, prodisclosure approach to the problems caused by the AOS industry. I do not ask the FCC to put anyone out of business. Instead, I require the FCC to adopt rules fairly quickly that would at least do four things:

First, require written notice to be posted on or near public telephones so that the caller could see before he makes the call that AOS service controls the telephone.

Second, require that AOS companies answer callers' questions about rates for the call about to be made, as well as for complaint procedures.

Third, prohibit AOS companies from blocking access to the long-distance carrier of the caller's choice, and from blocking the billing of a call to the credit card issued by a long-distance carrier.

Fourth, require AOS companies to charge only "just and reasonable" rates, which would include no charges for incomplete calls.

This legislation would not only affect startup companies but telephone giants like AT&T. They are all in the same business; they should play by the same rules.

Mr. Speaker, I have requested that the House Energy and Commerce Committee's Telecommunications and Finance Subcommittee schedule hearings on this legislation as soon as possible. The staff of the subcommittee and its chairman have already been extremely helpful in researching this matter, as has Dirk Forrister on my own staff. I anticipate that the subcommittee will be able to act promptly on the matter.

I urge my colleagues to cosponsor this legislation. As I said earlier, the FCC has already received more complaints about alternative operator service than about any other consumer issue, including dial-a-porn. I am sure that hundreds, if not thousands, of your constituents have already been aggravated by shady operators in the AOS business. Let's give our constituents a fair chance to have a right to make an informed choice every time they make a call from a public telephone.

Mr. Speaker, millions of Americans have enjoyed the humor in Lily Tomlin's portrayal of the old-fashioned telephone operator named Ernestine, who wielded devastating power over callers with her whims with her headset and cord-board. The days of Ernestine are not over, as the unsuspecting American public is finding out every day that they try to call on America's public telephones.

□ 1210

ADULT LITERACY

Mr. Speaker, I also rise to introduce the National Center for Adult Literacy Act of 1989. This act would create a federally funded, nonprofit institution that would: First, conduct basic and applied research on the problems of adult literacy and ways to overcome them; second, provide technical assistance and training to literacy instructors and program managers throughout the Nation; and third, assist policymakers at all levels of government and in the private sector to monitor and evaluate the effectiveness of literacy programs and develop more effective service delivery systems.

Mr. Speaker, adult literacy is one of the most serious domestic problems that our Nation faces today. It is a vital issue for our economy. And it is a problem with enormous social consequences as well.

The raw numbers on adult literacy speak for themselves. Numerous studies by public and private groups indicate that 75 percent of our work force in the year 2000, about 100 million people, are already adults today. They are out of school, most are working and struggling to support themselves and their families. Of these 100 million adults, tens of millions are seriously handicapped in their work and in their everyday lives by a lack of basic skills. They cannot read, write, compute, solve problems or perform other basic intellectual functions well enough to gain or hold good jobs, to participate effectively in public life, or to meet the challenges of everyday living in an increasingly complex world.

For the most part these are not people who are completely unable to read, write, compute or solve everyday problems. They are not the entirely unskilled illiterates who have received so much attention from the press. Fortunately, relatively few Americans fall into that category, 3 to 4 million at most. And although other priorities should not diminish our efforts to assist them, they constitute only a small part of the national literacy problem.

The lion's share of that problem is the difficulties faced by tens of millions of adults who simply have not mastered basic skills very well. They can read, but often not well enough to use a reference book or understand much of what is in a daily newspaper. They can write, but often not well enough to compose a business letter or fill out an application form. They can compute, but often not well enough to fill out a tax form, to balance a checkbook, or prepare an invoice.

Mr. Speaker, it is clear that there is no way in which the United States can hold its own in an increasingly competitive world economy, increase productivity, avoid a manpower shortage, and in general, maintain its standard of living when so large a portion of our work force lacks these basic skills. And this problem is becoming more serious with each passing year, as our economy continues to shift from an industrial base to a greater reliance on service industries as a source of jobs. Once, strong backs and willing hands were enough to earn a living and to keep the wheels of the economy going around, but today's service industries require increasingly higher levels of basic literacy as a precondition for employment, advancement and economic growth.

Looking to the future, it is likely that in the year 2000 or thereabouts, the supply of labor and the types of jobs available will adjust to be in balance with each other. The United States has the choice between developing a high-wage, high-productivity economy based on a highly skilled work force or a low-wage, low-productivity economy based on a work force with limited skills. In other words, solving the literacy problem will mean the difference between economic advance or decline.

But we need not look even that far into the future. Today problems of literacy are closely associated with problems of poverty. Those of our fellow citizens who lack basic skills are almost always the poor, and they are generally the working poor.

Mr. Speaker, I am proud to represent a district in middle Tennessee and east Tennessee. The people who live in my district are proud, hard-working Americans. But poverty is a very serious problem in our area, and I am convinced that a great part of that problem is ultimately traceable to the fact that far too many people are struggling with the problem of limited basic skills. It is very difficult to attract high-wage industry into areas such as ours because we often cannot offer a large enough work force with high-level skills. And it is hard to maintain and expand the industry we have.

But a similar story in a different form could be told about almost every congressional district in the United States, including some of the most affluent areas, which are currently suffering from labor shortages—not a shortage of workers, but a shortage of trainable workers with adequate basic skills.

Mr. Speaker, there are a great many things that must be done to forestall the literacy crisis that is looming over this Nation's future. A comprehensive agenda for national action has recent-

ly been outlined by an independent, nonpartisan research institution, the Southport Institute, in its excellent report on the problem, "Jump Start," authored by Mr. Forrest P. Chisman.

Other study groups, such as the Hudson Institute in its "Workforce 2000" report, the Sunbelt Institute, and an ad hoc coalition of literacy groups called the "Working Group for Adult Literacy," have advanced overlapping agendas.

But precisely because there is so much to be done we must begin somewhere. And in a time of limited resources, we must look to the highest priority initiatives that must be taken in this, as in all other matters vital to the public interest. President Bush has not only promised to be the "education President," he has promised to work to wipe out illiteracy in 8 years. And First Lady Barbara Bush has long been a national leader in promoting literacy.

It is for these reasons that I propose the creation of a National Center for Adult Literacy, and I urge rapid consideration of this measure.

Leaders of the literacy field and independent experts alike agree that this is one of the highest priorities to combat the problems of literacy in this country. To quote the "Jump Start" report:

> A national center of excellence and expertise is desperately needed. Without the services it could provide, any other efforts to upgrade basic skills are bound to fall far short of their potential. In fact we will not even have any good way of knowing how effective they are.

It is easy to see why a national center has such great importance. We know a great deal about how to upgrade the skills of adults. Model programs and practices are spread across the United States. And we are learning more each day. For example, in recent years, it has become apparent that computer-assisted instruction, if properly used, can greatly increase the motivation of learners and learning gains. But, tragically, we have no good easy way to translate what we know into practice.

There are today hundreds of thousands of paid professionals and volunteers providing literacy training services in the United States. These are hard working, highly dedicated people. But for the most part, the professionals are schoolteachers working part time, in the evenings or on weekends, and the volunteers are people who can devote at best a few hours a week to their talks. In neither case are the instructors specially trained in the techniques of teaching basic skills to adults.

In addition, most programs are fairly small and not very closely linked to each other. Adult literacy instructors want to use the best available techniques to help their students. They know that well-designed, well-managed programs operating at the state of the art can serve more students in a shorter space of time and such programs can greatly increase the skill gains of students. In short, by using the best available practices, we can increase the productivity of our existing national investment in literacy services many times over—we can get more bang for the buck.

But, tragically, there is no one institution to which teachers, program administrators and others can turn to learn what the best current practices are—no reliable source of information and advice. The reason for this, I believe, is that literacy has been so seriously neglected as a national priority for so long that we have not bothered to develop institutions that will provide advice and assistance to the people who are working in this field.

This is not, after all, a very difficult function to perform. It involves only surveying and validating best practices in a systematic way and disseminating the information to literacy providers who are eager to have it. But creating an institution that would perform this function would revolutionize the field and bring new hope to teachers and learners alike.

Simply disseminating existing best practices is not enough, however. There are some surprisingly large holes in our knowledge about adult literacy instruction—some basic tools of the trade that are missing. And there is a remarkably broad consensus about what these are. Among them are more adequate ways of measuring the level of basic skills of learners. Today many programs still rely on grade level reading tests initially designed for children. These tests do not even capture the reading abilities of adults, let alone the other basic skills problems they may have. And although more sophisticated tests have been developed, they too do not give the guidance that both teachers and learners need about exactly what each learner needs to accomplish or when he or she has accomplished it. To exaggerate slightly, running literacy programs today is like navigating without a compass—teachers must set their course by the drift of the wind and occasional sightings of landfalls.

We also do not know enough about how to use the powerful new tools of computer assisted instruction most effectively, how to teach higher order skills such as communication and problem solving and a great many other fundamental issues in this field.

Investment in research on those issues, if translated to practitioners in the field will undoubtedly increase the effectiveness and cost efficiency of the Nation's investment in literacy services many times over. And none of the research that needs to be conducted poses great intellectual difficulties. It is all well within the reach of scholars today.

Yet the United States invests at most a few million dollars per year in research on literacy. There are at most a dozen first-rate scholars, many of them working only part time, scattered across the country. There is no excuse for our failure to mobilize a more substantial research effort. A national center of excellence with an ongoing, structured program of research responsive to the needs of the field is desperately needed, and it is clearly the most direct and straightforward response to a problem that urgently needs a direct and straightforward solution.

But disseminating current best practices and investing in research to upgrade those practices still leaves one other high priority problem unsolved. It is a very serious problem for Members of Congress, for members of the executive branch and for policymakers at the State and local level, as well as leaders of industry and labor who are concerned about the literacy problem.

Mr. Speaker, literacy services are delivered by at least a dozen Federal programs, by scores of State and local programs and by hundreds of private sector and volunteer efforts. We make a substantial national investment in literacy and we should make an even more substantial investment. But we presently have no good way of knowing which of these programs are effective and which are not, how they overlap and intersect, what their strengths and deficiencies are and how to make them better. Clearly there is a need for greater coordination, but what should we be coordinating with? What and how should we go about it? In short, we do not really know what we are getting for our national investment in literacy and how we can accomplish more with the resources we have or with greater resources.

As policymakers responsible to the public, we have a responsibility to track developments in the field better and to see to it that the information is available that will help us to improve our efforts. Again, this is not very difficult to achieve. Systematic data gathering from public programs and the private sector, analysis of outcomes and comparisons of programs, the maintenance of nationwide data bases and other similar functions are all that we require. But there is currently no institution that can perform these functions for us and for other policymakers.

Mr. Speaker, the National Center for Adult Literacy Act would address these very top priority issues in the literacy field in a direct, immediate, and forceful way. It would create a new institution, a Center for Adult Literacy, that would have as its three missions disseminating information about best

practices to the literacy providers, conducting applied research to upgrade the state of the art, and providing policymakers with assessment information to guide the improvement of public and private programs. It would be a national center of excellence to which everyone within the literacy field could turn for expert, impartial advice. In many ways, it would perform the same type of role, within the literacy field, that the National Institutes of Health or the National Institute of Standards and Technology perform in other fields: concentrating expertise on basic national needs and disseminating the results.

The National Center Act establishes this new institution as a nongovernmental, nonprofit corporation, governed by a board of directors representing both Government departments and representatives of State and local government, business, labor, literacy providers and the scholarly community.

The reasons for adopting this structure are simple. The Center should be nongovernmental primarily because many Federal departments have responsibility for literacy programs, and there is no one department where it should logically be housed. The Center might be an independent executive agency, but in my view it is too small to be weighed down with the many overhead functions that freestanding executive agencies must carry. And in my estimation, we already have too many arms of the Federal bureaucracy.

This suggests that an extra governmental organization is the best model. But in constructing such an organization, I believe that it is important to insure that its agenda reflects the priorities of all sectors of the literacy field, because it will have failed in its mission if it does not serve both all Federal agencies and the many other agencies at the State and local level and in the private sector that provide literacy services. Therefore, I believe that the governance structure in the National Center Act, while somewhat innovative, is a logical and appropriate way to construct this new institution.

The National Center Act proposes a Federal appropriation to the Center of $15 million in fiscal year 1990, and $30 million for each of the 4 years thereafter. After 5 years, I believe that Congress should reassess the effectiveness of this new institution and make whatever modifications are necessary. I also believe that, given the magnitude of the literacy problem and the multiplier effect that the Center will have on public and private programs, it is a bargain at this price. This is money we cannot afford not to spend. Education may seem expensive, but it is never as costly as ignorance.

Mr. Speaker, those are the elements of the National Center for Adult Literacy Act. I believe that it is one of the single most important steps that we can take to meet the problems of limited basic skills that are holding our Nation back. It is a simple and relatively inexpensive measure, and I very much hope that this Congress in this session can act quickly to make it a reality.

□ 1230

ABOLISH THE ELECTORAL COLLEGE

The SPEAKER pro tempore (Mr. BATES). Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I have introduced, with eight of my colleagues, a joint resolution proposing a constitutional amendment to provide for the direct election of the President of the United States by the people. The electoral college is an anachronism, and it is time to recognize that the world has changed dramatically since the framers of the Constitution produced this compromise system. The voters of this country do not need to be second guessed in their choice of a President.

There are several reasons that this system does not make sense in 1988. The electoral college was a compromise between the delegates at the Constitutional Convention who favored direct election by the people and those who favored election by the Congress. Those who favored election by the Congress felt that the people were unqualified to make a wise and informed choice of a leader for a new and fragile democracy. Perhaps in 18th century America, where communication was poor and citizens did not have access to information to make a wise choice, there were valid arguments for election by the Congress. However, television and radio have revolutionized everyone's access to information. Americans can make an informed choice.

There are other problems that have always existed. Small States have greater relative influence because they are guaranteed at least three electors, regardless of population. Large States skew the popular vote by giving a candidate with a 1 percent victory 100 percent of their electors. The result is that a candidate who wins the popular vote could lose in the electoral college. If neither candidate receives a majority of the electoral votes, then the House of Representatives decides the election and each State delegation gets just one vote. Again, this further distorts the vote of the people, and could create a domestic crisis of significant proportion.

I believe it is time to let the American people elect their President. As a member of the Judiciary Committee, I intend to pursue this issue in the next Congress. I should note that my colleague, JACK BROOKS, of Texas, the chairman of the House Judiciary Committee, has introduced a similar resolution. It is my belief that a majority of my colleagues, as well as a majority of the American people, strongly support this change.

THE MEDICARE ADULT DAY CARE AMENDMENTS OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation, the Medicare Adult Day Care amendments, first introduced in 1986. The bill is intended to help more of our Nation's senior citizens and chronically ill stay in their own communities rather than being unnecessarily incarcerated in nursing homes and other institutions away from their own homes and communities. This legislation would establish a Medicare day-care benefit for chronically disabled persons, in which qualified beneficiaries would be eligible to attend adult day health centers for up to 125 days per year with a $5 daily copayment. I am very pleased to be joined by 13 other cosponsers, including Representative ROYBAL, chairman of the Select Committee on Aging and Representative LELAND, a member of the Health and Environment Subcommittee of the Energy and Commerce Committee, in reintroducing this measure. The measure which I introduced in the last Congress, H.R. 550, had a total of 85 cosponsors, and I was very pleased that Senator Melcher introduced a companion measure, S. 1839, that also attracted considerable support. I understand and am pleased that Senator BRADLEY plans to reintroduce that measure in this Congress.

The need which this legislation attempts to address is part of a persistent yet neglected national problem that will not just disappear over time: the lack of a comprehensive national long-term health care policy. By now, the parameters of this problem have become familiar to most policymakers. The aging of the population over the next few decades—due to both demographics and longer life expectancies—will impose increasingly greater strains on an already overburdened system. The present structure of health care delivery and financing does not make effective use of total health care dollars. Entire segments of the population receive second-rate services. The United States is the only major industrialized nation in the world without a national health care policy. I think it is especially important to point out that senior citizens today spend the same percentage of their personal incomes on health care as they did before the existence of Medicare.

Moreover, Medicare provides coverage mostly for acute care situations and still largely frowns upon preventive health care services. Those requiring long term custodial care must either be wealthy enough to pay the exorbitant costs of such care out of pocket, or destitute enough to meet Medicaid eligibility requirements. The middle-income segment of the population follows the all-too-familiar spend down path, whereby they must deplete their lifelong savings before becoming eligible for any public assistance. While the Medicare Catastrophic Coverage Act of 1988 created some provision for the elderly to hold on to their resources if a spouse enters a nursing home, their savings are usually sufficient to cover only a short period of care; thereafter they become the responsibility of the State,

under whose jurisdiction they remain indefinitely.

Those critics who abhor the thought of Medicare coverage for preventive care because of the expense should just play out the scenario: today's Medicare patient unable to afford the relatively inexpensive costs of preventive or custodial community care is tomorrow's broke nursing home patient financially dependent on Medicaid. The "spend-down" requirement deprives many people of savings they have worked very hard over their lives to earn and build up. We should not shy away from shifting Medicare's focus, and that of the Nation's health system, to encompass preventive care because in the long run we will realize better health as well as great savings.

I believe it is high time that we fully consider and incorporate alternative means of caring for our Nation's ill and elderly. We need to broaden our perspective on the health care issue. Over the past few years, we have enacted significant reforms in the Medicare Program which have resulted in more efficient delivery of currently covered services. These changes have been encouraging. Now, we should be exploring ways of redesigning our health care system to meet the "big picture" human and fiscal needs of years ahead.

An oft-discussed and much lauded approach is to maximize the amount of time the individual spends in a community setting, either with their families or on their own. Aside from the obvious human benefits of avoiding institutionalization, such a strategy makes good fiscal sense as well. Measures designed to maximize a senior's independence and self-sufficiency should not be viewed as unnecessary luxuries but as sound investments.

Given the proper array of support services, countless senior citizens would be able to remain in the community for an extended period of time, reducing their dependence on publicly financed institutional care. The time has come to start putting into place the various components of a comprehensive system of long-term care alternatives. Already communities across the Nation are responding to the need as families and specialists are working together to implement creative solutions to the problem of caring for the aged. Adult day care is a particularly encouraging alternative that has already attracted widespread attention and is growing in popularity.

Adult day care, as you know, is a community-based group program designed to meet the needs of functionally impaired adults through individually tailored plans of care. It is a structured, comprehensive program that provides a variety of health, social, and related support services in a group setting on a less than 24-hour care basis. A multidisciplinary group of professionals—including a physician, a registered nurse, a physical, occupational and/or speech therapist, and, if needed, a dietician—work together to deliver the optimal configuration of services to meet the individual's needs.

Adult day care offers a number of unique benefits. It is cost-effective as compared to both institutionalization and home health care. The centers provide respite for primary care givers, reduce the incidence of acute illness through ongoing monitoring of health symptoms and preventive health care, and have been successful in avoiding or delaying institutionalization. In addition, clients, many of whom live alone, receive the vital psychological benefits of mental and social stimulation not available to them when confined to the home.

A 1982 evaluation of adult day care centers in California found that 87 percent of seniors who participated in the programs maintained or improved their level of functioning. This statistic is especially significant given the fact that 63 percent of the participants were eligible for institutionalization according to Medicaid field office criteria. Clearly, it is possible to avoid both the costs and the trauma of institutionalization provided that the proper community-based services are available to those in need.

Adult day care centers are a cost-effective means of delivering those services. Because the care is provided in a group meeting, day care centers can capitalize on the efficiency of providing care to more than one individual without having to act as a residential facility as well. Participants' needs are evaluated, a comprehensive care package is developed, and the necessary services are provided in a focused, efficient, and humane manner. The extensive benefits and advantages of adult day care were presented and highlighted at a hearing held last April by the Senate Special Committee on Aging.

Adult day care has grown quickly at the grassroots level over the last decade from approximately 300 programs in 1977 to over 1,600 today. Despite the success of these programs, funding is difficult to come by. Some States have taken advantage Medicaid's Section 2176 Waiver Program to provide coverage for certain low-income participants, but the Medicare-eligible population must pay out-of-pocket for these services. The result is that only the very poor or the rich can take advantage of this cost-effective alternative form of health care.

Clearly, the need and opportunity exists for some kind of adult day care coverage through the Medicare Program. Accordingly, in 1986 I first introduced the Medicare Adult Day Care amendments. This legislation, as I said, would allow adult Medicare part B beneficiaries considered "chronically impaired" to participate in adult day care programs through their supplementary Medicare insurance plans. In order to be covered for this new benefit, it must be certified that participants would otherwise require a level of care furnished in a hospital, skilled nursing facility, or intermediate care facility if the adult day care services were not provided. In addition, a maximum of 125 days per calendar year would be covered, and utilization would be subject to a $5-per-day copayment. The limit on days was raised from 100 per year, the figure in the bill's first two versions, to 125 to allow greater utilization of the benefit.

As you know, the Catastrophic Coverage Act mandates that the Secretary of Health and Human Services conduct a study on adult day care services. Specifically, the measure first requires that the Secretary conduct a survey of adult day care services currently being provided throughout the United States. Based on the survey results, it then requires HHS to report to Congress with recommendations for appropriate standards for the coverage of adult day care services under Medicare. My bill has been revised to direct that the Secretary take the findings and recommendations of this study into account when devising standards for a Medicare day care benefit.

Adult day care is a humane, cost-effective alternative form of health care of the sort that we as policymakers should be encouraging, and are beginning to actively do this. I was pleased and heartened that comprehensive long-term care measures introduced in the 100th Congress by Representatives STARK and WAXMAN and Senator KENNEDY all included adult day care equally with home care, another valuable form of community-based care, as alternatives to nursing home care. In this Congress, while no major long-term care bills have yet been introduced, I understand that several will be shortly, and that a number of these are again likely to include adult day care as an alternative. I am therefore hopeful that Congress will act soon to resolve the long-term care dilemma now facing increasing numbers of our senior citizens, and that this action will include strong provisions, such as those in the above bills, allowing for extensive utilization of adult day care and home care.

Mr. Speaker, we owe the American people the wisest and most efficient allocation of their hard-earned tax dollars, and we need to spend carefully in order to reduce and eliminate our still-large budget deficit. We owe elderly Americans the respect to allow them to live out their later years in the least restrictive, most dignified environment available. Adult day care, a compassionate, cost-effective form of care, can and should be an important component of our overall long-term care system, and the Federal Government should play a role in enabling the elderly to make full use of this and other community-based forms of care. I therefore hope that my colleagues will be able to fully support the Medicare Adult Day Care Amendments of 1989.

H.R. —

A bill to amend title XVIII of the Social Security Act to provide for coverage of adult day care under the medicare program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Adult Day Care Amendments of 1989".

(b) REFERENCES IN ACT.—Except as otherwise provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Social Security Act.

SEC. 2. COVERAGE OF ADULT DAY CARE SERVICES.

(a) UNDER PART B. Section 1832 (42 U.S.C. 1395k) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (F),

(B) by striking out the period at the end of subparagraph (G) and by inserting in lieu thereof "; and", and

(C) by adding at the end the following new subparagraph:

"(H) adult day care for up to 125 days during any calendar year.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) for purposes of subsection (a)(2)(H), adult day care shall be taken into account only if payment under this part is or would be, except for the limitation described in subsection (a)(2)(H) and except for the failure to comply with the request and certification requirements of section 1835(a), made with respect to such care.".

(b) DEFINITIONS RELATING TO COVERAGE.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Adult Day Care; Adult Day Care Program

"(mm)(1) The term 'adult day care' means the following items and services provided to a chronically-impaired adult by an adult day care program under a written plan (for providing such care to such individual) established and periodically reviewed by the program's multidisciplinary team described in paragraph (2)(B)—

"(A) nursing care provided by or under the supervision of a registered professional nurse,

"(B) physical or occupational therapy or speech-language pathology,

"(C) medical social services,

"(D) personal care services under the supervision of a registered professional nurse,

"(E) planned therapeutic, social, physical, and educational activities,

"(F) transportation services from the adult's home to and from the program, and

"(G) nutritional services, including at least one meal daily and nutritional counseling and education.

"(2) The term 'adult day care program' means a public agency or private organization (or a subdivision thereof) which—

"(A)(i) is primarily engaged in providing services described in paragraph (1) to chronically-impaired adults in a group setting outside their homes on a less than 24-hour basis, and

"(ii) provides for such care and services directly or under arrangements made by the agency or organization, except that—

"(I) the agency or organization must routinely provide directly all of each of the services described in subparagraphs (A), (C), (D), and (E) of paragraph (1), and

"(II) in the case of other services described in paragraph (1) which are not provided directly by the agency or organization, the agency or organization must maintain professional management responsibility for all such services furnished to a chronically-impaired adult;

"(B) has a multidisciplinary group of personnel which—

"(i) includes at least—

"(I) one physician (as defined in subsection (r)(1)),

"(II) one registered professional nurse and one social worker employed by the agency or organization,

"(III) one consultant with skills respecting physical or occupational therapy or speech-language pathology, and

"(IV) as needed, a dietitian,

"(ii) conducts a written assessment of the health, social, and functional status of each chronically-impaired adult before the adult's admission to the program and periodically therafter,

"(iii) develops, in consultation with the chronically-impaired adult and the adult's family, a coordinated individualized treatment plan,

"(iv) provides (or supervises the provision of) the case and services described in paragraph (1), and

"(v) establishes the policies governing the provision of such care and services;

"(C) maintains health records on all chronically-impaired adults provided such care and services;

"(D) utilizes volunteers in its provision of care and services;

"(E) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, is licensed pursuant to such law;

"(F) has procedures for obtaining appropriate aid in medical emergencies; and

"(G) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the individuals who are provided care and services by such agency or organization.

"(3) The term 'chronically-impaired adult' means an individual—

"(A) who is 18 years of age or older, and

"(B) who has a physical, emotional, mental, or neurological impairment that, but for the provision of adult day care, makes the individual likely to require the level of care provided in a hospital or in a skilled or intermediate care facility.

"(4)(A) An entity is certified as a provider of services other than as an adult day care program shall be considered, for purposes of certification as an adult day care program, to have met any requirements under paragraph (2) which are also the same requirements for certification as such other type of provider. The Secretary shall coordinate surveys for determining certification under this title so as to provide, to the extent feasible, for simultaneous surveys of an entity which seeks to be certified as an adult day care program and as a provider of services of another type.

"(B) Any entity which is certified as an adult day care program and as a provider of services of another type shall have separate provider agreements under section 1866 and shall file separate costs reports (if applicable) with respect to costs incurred in providing adult day care and in providing other services and items under this title.".

SEC. 3. CERTIFICATION OF NEED.

(a) AS A CONDITION OF PAYMENT.—Section 1835(a)(2) (42 U.S.C. 1395n(a)(2)) is amended—

(1) by striking out "and" at the end of subparagraph (G),

(2) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; and", and

(3) by inserting after subparagraph (H) the following new subparagraph:

"(I) in the case of adult day care, (i) such care is or was required because the individual needs or needed chronic care services involving skilled or custodial care, (ii) but for the provision of such services the individual is or was likely to require the level of care furnished in a hospital or in a skilled or intermediate care facility, (iii) a plan for such care has been established and is periodically reviewed by a multidisciplinary team (described in section 1861(mm)(2)(B)), and (iv) the care is or was furnished while the individual is or was under the care of a physician.".

(b) CONFORMING AMENDMENT TO EXCLUSIONARY PROVISIONS.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "; and" at the end of subparagraph (F) and,

(B) by striking out the semicolon at the end of subparagraph (G) and inserting in lieu thereof ", and", and

(C) by adding at the end the following new subparagraph:

"(H) in the case of adult day care, which are furnished to other than a chronically-impaired adult or which are not reasonable and necessary for the management of chronic illness;"; and

(2) in paragraph (9), by inserting "and, in the case of adult day care, as is otherwise permitted under paragraph (1)(F)" after "paragraph (1)(C)".

SEC. 4. PAYMENT AND COINSURANCE FOR ADULT DAY CARE.

(a) PAYMENT AMOUNTS.—Section 1833(a) (42 U.S.C. 1395l(a)) is amended—

(1) in paragraph (2), by striking "and (G)" and inserting "(G), and (H)",

(2) by striking "and" at the end of paragraph (4),

(3) by striking the period at the end of paragraph (5) and inserting "; and", and

(4) by adding at the end the following new paragraph:

"(6) in the case of services described in subparagraph (H) of section 1832(a)(2) (relating to adult day care), for each day of adult day care such a per diem amount as is based on the costs which are reasonable and related to the cost of furnishing such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations, including those authorized under section 1861(v)(1)(A), less the coinsurance amount established under subsection (m).".

(b) DEDUCTIBLE DOES NOT APPLY.—Section 1833(b)(2) (42 U.S.C. 1395l(b)(2)) is amended by inserting ", with respect to adult day care," after "home health services".

(c) COINSURANCE AMOUNT.—Section 1833 (42 U.S.C. 1395l) is further amended by adding at the end the following new subsection:

"(l) With respect to expenses incurred for each day of adult day care, the coinsurance amount is equal to $5.".

(d) LIMITING CHARGES PERMITTED BY ADULT DAY CARE PROGRAMS.—Section 1866(a)(2)(A) (42 U.S.C. 1395cc(a)(2)(A)) is amended—

(1) in clause (i), by inserting "or (l)" after "1833(b)", and

(2) in the third sentence, by inserting ", with respect to adult day care" after "1861(s)(10)(A)".

SEC. 5. CERTIFICATION OF ADULT DAY CARE PROGRAMS.

(a) CONSULTATION WITH STATE AGENCIES.—Section 1863 (42 U.S.C. 1395z) is amended by striking out "and (jj)(3))" and inserting in lieu thereof "(jj)(3), and (mm)(2)".

(b) USE OF STATE AGENCIES.—Section 1864(a) (42 U.S.C. 1395aa(a)) is amended—

(1) in the first sentence, by inserting ", an adult day care program," after "hospice program", and

(2) in the second sentence, by inserting "adult day care program," after "hospice program".

SEC. 6. MISCELLANEOUS CONFORMING AMENDMENTS.

(a) ADULT DAY CARE PROGRAM AS A PROVIDER OF SERVICES.—Section 1861(u) (42 U.S.C. 1395x(u)) is amended by inserting "adult day care program," after "hospice program,".

(b) TRANSFER ARRANGEMENTS.—Section 1861(w)(1) (42 U.S.C. 1395x(w)(1)) is amended by striking out "or hospice program" and inserting in lieu thereof "hospice program, or adult day care program".

SEC. 7. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply to adult day

care provided on or after the first day of the seventh month that begins after the date of the enactment of this Act.

(b) REGULATIONS.—The Secretary of Health and Human Services, not later than 6 months after the date of the enactment of this Act, shall issue such regulations as may be necessary—

(1) to define the services included in adult day care (as defined in section 1861(mm) of the Social Security Act),

(2) to establish the standards for qualification of an adult day care program under such section, and

(3) to establish the per diem rates of payment for adult day care under section 1833(a)(6) of such Act.

(c) ADOPTION OF CERTAIN STANDARDS.—In issuing such regulations with respect to the standards for qualification of an adult day care program, the Secretary shall take into account the recommendations reported by the Secretary to the Congress under section 1208(b) of the medicare catastrophic coverage act of 1988.

THE SPEAKER'S UNCOMMON COURAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. COLEMAN] is recognized for 5 minutes.

Mr. COLEMAN of Texas. Mr. Speaker, the last several weeks here on Capitol Hill and around the Nation have seen some of the most shameless demagoguery that I have ever encountered in my entire political career. That observation includes the decade I spent in the Texas Legislature and even more years in Texas politics, where political rhetoric and naked partisan posturing have been refined to the highest possible degree of the art form.

But the recent uproar over former President Reagan's proposal to increase the pay of high-level bureaucrats, Federal judges and Members of Congress has had more than the usual dose of political hot air that surrounds every issue. The level of sheer dishonesty on the part of many Members, particularly those on the other side of the aisle, has dwarfed anything I witnessed in the Texas Legislature or anywhere else. Time and time again we saw the spectacle by which Members denounced the pay raise in public yet pleaded for it in private, expecting all the while that the Speaker of the House would act as a lightning rod for them, Republican and Democrat alike.

Well, he did, and he did it for a period of time far longer than anyone had the right to expect. The daily attacks mounted, both on the amount of the raise and the procedures decided upon to consider it, but the Speaker stood his ground—stood ground for the entire membership of the House—and defended the raise and the procedures that an overwhelming majority of the House supported.

In the end, however, those who wanted to have their cake and eat it too became too cute by half. The same Members who so desperately begged for the raise in private thought they could get away with flailing it in public without ever having to face the consequences. The attacks of these Members on the issue as well as the House as an institution fed on the already-frenzied press and public, and they ended up abandoning the Speaker on the same limb on which they urged him to climb—and climb out on their behalf, I might add.

I feel that I am in a certain position to offer these observations, Mr. Speaker, because my own personal opinion on the pay raise is well known. I happened to favor a vote on the raise, but I made that view known in an honorable way. I spoke to the Speaker in private and wrote him a personal letter, but I continue to this day to defend him personally for his courage in accepting the political heat for Members who needed cover on the issue. Even the Speaker's allies in the House have been mute, and many of them stood by to watch the daily flogging of his reputation and character without lifting a single finger of help or a single word of protest.

I am not alone in this belief that the Speaker has not been well served by those he tried to help at their own request. The rightwing newspaper, the Washington Times, one of the Speaker's severest critics, pointed out in its February 8, 1988, editorial titled "Scapegoat Wright" that the Republican leadership backed him on the pay raise in 1987 and they backed him this year, too. Even the Speaker's most outspoken antagonist among the membership of the House backed the pay raise and the original plan to adopt it, a fact that was noted by the editorial as well.

The Times' editorial continued:

The point is that Jim Wright, unlike many Members of Congress now criticizing him, had the courage to take the heat.

And that is my point exactly. The Speaker of the House exhibited not only courage, but an uncommon courage in the face of mounting odds and rising public ridicule. He has always been known to be a man of his word, and his loyalty is unquestioned. The original plan to adopt the pay raise was decided upon not only by the Speaker, but by the Republican leadership of the House as well, and that's a fact conveniently obscured in this whole debate.

Why was this plan adopted? The answer is simple. The Speaker was following the will of the House. A majority of Members of both parties wanted the pay raise without a vote, and told him so. Even after the Speaker's questionnaire had been sent out and the results examined, a clear majority of Members of both parties had told him—off the record—that they still wanted the pay raise and the original procedure.

Mr. Speaker, the events of the last few days have shown us the differences between courage and cowardice, between standing firm for what and whom you believe in, between honorable men and disgraceful conduct. The Members of this House ought to be grateful that they have a leader of such uncommon courage and such a high degree of personal loyalty to them and the institution.

I believe we have learned an important lesson here, beyond the simple ones about the substance of the issue. Members have learned that they cannot pour gasoline on a burning fire and then expect the fire to put itself out. I think we all have learned who is ready and willing to stand and fight and who is not. And we certainly learned the Republican definition of "bipartisan," which indeed included a dual approach: Urge the pay raise in private, adopt a strategy with the backing of the Republican leadership, and then order Lee Atwater to do a national fundraising mailing to decry the Democratic pay raise.

But most importantly, we have learned that the Members of this institution have a true friend and defender in the Speaker of the House. He led where he was asked to lead, and beyond; he believed that all the Members were dealing honestly with him, and acted accordingly; and he stood his ground on everyone's behalf. He put his political life, his political fortune, and his political honor on the line, and he deserves far, far better than he has received.

A TRIBUTE TO SECRETARY OF STATE GEORGE P. SHULTZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, the Vienna Review Meeting of the Conference on Security and Cooperation in Europe has come to a close, more than 2 years after it began in November 1986. Welcome as that news is to those of us who have been involved in the long painstaking negotiations on humanitarian, security, and economic issues, it is not the conclusion of the meeting, per se, that is noteworthy, but, rather, the terms on which it was concluded.

In the most far-reaching effort since the launching of the CSCE process in Helsinki in 1975, the 35 signatory states, including the East bloc nations, have committed themselves to a concluding document that contains comprehensive and stringent provisions on human rights. Indeed, 2 years ago many westerners thought it unimaginable that the Soviet Union and Eastern Europe would ever accept such strong human rights guarantees.

Although deeds, not words, are the ultimate test of success, these new guarantees provide more precise standards by which to measure the human rights performance of the signatory states.

Many people contributed to the successful outcome of the Vienna review meeting both in our country and from other signatory states. As Chairman of the Commission on Security and Cooperation in Europe, I had the honor to accompany one of those individuals to Vienna as he made his last official trip abroad as our Secretary of State. I speak now in praise of George Shultz.

George Shultz was one of those most responsible for the improvement in United States-Soviet relations, of which the recent constructive attitude of the Soviets toward the Vienna review meeting is but one important manifestation. Secretary Shultz has led the State Department and the Nation through a difficult period in American history. When he assumed the position in July 1982, United

States-Soviet relations had sunk to their lowest ebb, posing a threat to the stability of international system that was starkly illustrated by the Soviet walkout from the strategic arms talks in Geneva in November 1983.

Starting in that tense, strained environment, George Shultz directed American foreign policy to demonstrate to the Soviet Union and the rest of the world that while the United States was firm in its resolve to support democracy wherever and whenever it faced a threat, our country was also prepared to engage in dialog on divisive issues with any nation or group that was willing to meet in good faith. The approach taken by Secretary Shultz combined resoluteness, vision, and realism.

As in any vital, properly functioning democracy, there have been significant differences along the way between various elements of the Government, including the administration and Congress, and Democrats and Republicans. Nevertheless, there has usually been consensus on the Nation's larger goals as well as agreement that the policymaking process is stronger and hence more durable when it is conducted in a bipartisan spirit.

George Shultz has worked closely with Congress in most instances to ensure that we were kept informed of the administration's thinking on foreign affairs issues. He sought our expression of views on many of the policy issues on his desk. Unfortunately the Reagan administration's relations with Congress during the past 8 years have not always been marked by the same constructive tone which Secretary Shultz personally demonstrated during his stewardship of the State Department.

Of course, George Shultz has had plenty of experience in dealing with the legislative branch of the Federal Government. His has been a long and distinguished career in public service, beginning with his work as a senior staff economist on the President's Council of Economic Advisors during the Eisenhower administration. Mr. Shultz held several important positions during the Presidency of Richard Nixon, including Secretary of Labor, the Director of the Office of Management and Budget, Chairman of the Council on Economic Policy, and Secretary of the Treasury. Before assuming his appointment at the State Department, Mr. Shultz was Chairman of President Reagan's Economic Policy Advisory Board. In this varied career, George Shultz has made an enormous contribution to the effective governing of our often unwieldly Nation.

If it is the test of time that shows the true value of an idea or policy, then history will speak highly of the legacy that George Shultz is leaving to our country. In addition to helping to build a firmer foundation for the United States-Soviet relationship, he is also bequeathing the Nation a conceptual framework with which to approach United States-Soviet affairs; that is, the four-point agenda of; arms control, regional issues, bilateral issues, and human rights, all of which the United States has vigorously pursued with the Soviets throughout Mr. Shultz' tenure at the State Department.

United States-Soviet cooperation in all four of these areas is crucial to the smooth functioning of the international system, but in my capacity as Chairman of the Commission on Security and Cooperation in Europe, I would like to underscore the work George Shultz has done in the field of human rights.

It is easy to lose sight of human beings in mind numbing, laborious negotiations concerning, for example, resolution of emigration cases or the release of prisoners of conscience, often faceless, nameless people on whose behalf one works with incomplete, sometimes contradictory information. And it is tempting to view these thousands of individual humanitarian cases as abstract matters, detached from real life, flesh and blood people.

But to lose sight of the individuals, families, and groups at stake in the struggle for human rights is to lose one's moral compass—for it is the passionate belief in the right of each person to try to fulfill his or her dreams and goals that animates the cause of human rights. George Shultz, in his countless hours of talks with government officials and ordinary people, his thousands of miles of travel, his months upon months of endless work, has never forgotten that an individual is at the heart of all of his humanitarian endeavors. Nor has he ever swerved from his faith that universal respect for human rights can be achieved or, more important, that it must be achieved if we are to endure on this planet.

I have had the opportunity to see George Shultz at work on behalf of dissidents, refuseniks, divided families, and the unjustly imprisoned. I know of his outreach efforts at home and abroad to heighten awareness of human rights concerns, and I have witnessed the amazing results of the labor of this one man.

I would also like to acknowledge George Shultz, the man. Pravda, a publication not known for its fond goodbyes to American leaders, carried an eloquent and touching portrait of George Shultz on January 16. That respectful farewell from our country's main adversary is a meaningful and perhaps surprising tribute to this distinguished public servant.

Let me add that the phrase "Renaissance Man" is seldom used these days. In fact, many think it is neigh unto impossible in modern society, given the explosion of information and technology and the maddening, countless demands on our time, for anyone to approach the old ideal of excellence that expresses itself in a person's intellectual achievements, physical prowess, and civic contributions. In George Shultz, though, we have an individual who combines all of those traits and has given the Nation the benefit of all of them.

To conclude, I know that I speak for everyone in this Chamber when I offer George Shultz our thanks for his years of outstanding public service and wish him all the best in the future.

As I contemplate the international challenges facing our Nation in the years to come, I am optimistic because I believe that in George Shultz' successor, James Baker, we have an individual who possesses both ideals and pragmatism and who knows that a bipartisan basis for policymaking is the surest foundation for a strong, thriving America.

President Bush said in his inaugural address, "A new breeze was -blowing, the old bipartisanship must be made new again." I agree with President Bush. I believe George Shultz reflected that attitude and I look forward, Mr. Speaker, as I know you do, to the creation of that bipartisanship for a successful foreign policy, a stronger America and a more secure world.

RULES OF THE HOUSE COMMITTEE ON APPROPRIATIONS FOR THE 101ST CONGRESS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Appropriations for the 101st Congress as approved by the committee on February 9, 1989:

HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS, COMMITTEE RULES

(Adopted for the 101st Congress on February 9, 1989)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundredth Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred First Congress.

The foregoing resolution adopts the following rules:

SEC. 1. POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House

is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2. SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; Provided, however, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a member of any subcommittee and to participate in its work.

SEC. 3. COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each Member not mentioned in subsections (a), (b), (c), or (d) of this section may select and designate a staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 69(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to subsections (a), (b), (c), (d), or (e); Provided further, That Members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(f) In addition to any staff members appointed pursuant to any other subsection of this section, each Member may select and designate one additional staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to this subsection; Provided further, That Members designating an additional staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SEC. 4. COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings—

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Ranking Majority Member to Preside in the Absence of Chairman—If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member on the Committee who is present shall preside.

(d) Business Meetings—

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records—

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule XXXVI of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, includ-

ing the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings—

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses—

(1) The Minority members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Section 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee hearings or meetings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place, and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees, as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement—

(1) It shall be the duty of the Chairman, except as provided in subsection (3) herein, to report or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resoluton. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill prior to compliance with subsection (3) herein or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(3) Before reporting the first regular appropriation bill for each fiscal year, the Committee shall, to the extent practicable and in accordance with Section 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full Committee action of all regular appropriation bills for that year and submit to the House a report comparing the Committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views—

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for

the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports—A copy of each bill, resolution, or report shall be made available to each Member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the Full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval of the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman ia authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports—

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman, or would be eligible to become chairman of an Appropriations subcommittee under the Rules of the Majority Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee, subject to the approval of the Majority Caucus. But, if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House.

RULES OF THE HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE FOR THE 101ST CONGRESS

(Mr. FORD of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FORD of Michigan. Mr. Speaker, pursuant to clause 2(a) of House Rule XI, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Post Office and Civil Service for the 101st Congress, adopted at the committee's organizational meeting on February 8, 1989:

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(Adopted February 8, 1989)

RULE 1. RULES OF THE HOUSE

The Rules of the House are the rules of the committee and the subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

RULE 2. CHAIRMAN

(a) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings or, in his absence, the next ranking majority member present shall preside.

(b) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

RULE 3. COMMITTEE MEETINGS

(a) A regular meeting of the committee shall be held on the second and fourth Wednesdays of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman of the committee after consultation with the ranking majority member and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 4. RECORD OF ACTION

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public, at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

(d) The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the Rules of the House, except that the committee authorizes the use of any record to which clause 3(b)(4) of House Rule XXXVI would otherwise apply after such record has been in existence for 20 years. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULE 5. COMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) authorizing the issuance of a subpena under rule 12(c); and

(4) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and announced by the chairman before the committee shall proceed to the transaction of business and shall be recorded in the records of committee action.

RULE 6. ROLLCALL VOTE

A rollcall vote on any question may be determined by any member of the committee or for a subcommittee, as appropriate.

RULE 7. PROXIES

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters. A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

RULE 8. ADDRESSING COMMITTEE OR SUBCOMMITTEES

(a) Recognition by the chairman shall first be obtained by any member addressing the committee or subcommittee, as appropriate, proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

RULE 9. REFERENCE OF LEGISLATION

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be re-referred to the subcommittee having jurisdiction over its principal subject within 2 weeks from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee or task force established under rule 21.

RULE 10. STATEMENTS; DEPOSITIONS

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

RULE 11. HEARINGS; WITNESSES

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate, determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, votes to close a hearing in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witness who is to appear before the committee, or subcommittee, as appropriate, and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 48 hours in advance of his appearance, at least 100 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to a motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee, as appropriate.

RULE 12. POWER TO SIT AND ACT; SUBPENA POWER; OATHS

(a) The committee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any member designated by the chairman, may administer oaths to witnesses.

(c) A subpena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpenas shall be signed by the chairman of the committee or, in his absence, by a member designated by the chairman.

RULE 13. FILING REPORTS; SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS

(a) No measure or recommendation, including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i) of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

RULE 14. LEGISLATIVE OVERSIGHT

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

RULE 15. INVESTIGATIVE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the investigative staff of the Committee on Post Office and Civil Service shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee; and

(3) The staff of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE 16. SPECIAL FUNDS, BUDGET, EXPENSES, AND ACCOUNTS

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittee for that particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congress, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The staff director shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. He shall prepare and submit to each member of the committee, not later than 10 days after the end of each quarter of the calendar year, an itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the staff director for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the staff director for entry in the committee accounts and final processing.

RULE 17. BROADCASTING OF HEARINGS

A hearing conducted by the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpenaed witness may be photographed, televised, or broadcast against his will;

(3) television cameras shall operate from fixed positions which shall not obstruct committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearing; and

(7) broadcast and photography personnel shall be orderly and unobtrustive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers' Galleries, as appropriate.

RULE 18. AVAILABILITY OF SUBCOMMITTEE REPORTS

A summary and explanation of each measure or matter reported by a subcommittee shall be furnished to each member of the committee in advance of the committee meeting at which such measure or matter is to be considered.

RULE 19. TRAVEL

(a) All members of the committee shall have adequate notice prior to the date or dates fixed for investigations or hearings at locations other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

(e) To facilitate the oversight and other legislative and investigative activities of the committee, the chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C.

RULE 20. CLASSIFIED MATERIAL

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive

session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 21. STANDING AND SPECIAL SUBCOMMITTEES

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction over all matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee may establish such special ad hoc subcommittees, and task forces and assign to them such jurisdiction as the chairman deems necessary.

RULE 22. JURISDICTION OF SUBCOMMITTEES

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) *Subcommittee on Investigations.*—The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) *Subcommittee on Compensation and Employee Benefits.*—Compensation, including pay rates and pay systems; the merit pay system; dual compensation; classification of positions; leave; allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) *Subcommittee on Human Resources.*—Federal civilian personnel requirements and ceilings, including the establishment of supergrade and executive level positions; effect of Government reorganizations on Federal personnel; employee utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; alternative work schedules; White House personnel authorization; and intergovernmental personnel programs.

(4) *Subcommittee on the Civil Service.*—Federal civil service matters, generally, except those matters, specifically within the jurisdiction of other subcommittees; Federal labor management relations (excluding the Postal Service); the Senior Executive Service; productivity of Federal employees; and employee political activities.

(5) *Subcommittee on Postal Operations and Services.*—The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) *Subcommittee on Postal Personnel and Modernization.*—Postal officers and employees, generally, including their status and appointment; postal management and other personnel requirements and practices; employee utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) *Subcommittee on Census and Population.*—The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

RULE 23. MEMBERSHIP OF SUBCOMMITTEES

(a) Except as provided in paragraph (b), each subcommittee shall have five members, divided between the majority and minority members in the ratio of three to two.

(b) The Subcommittee on Postal Operations and Services shall have seven members, divided between the majority and minority members in the ratio of four to three.

(c) The chairman and ranking minority member of the committee shall be ex officio voting members of each subcommittee on which they do not serve.

(d) Each member of the committee may sit with any subcommittee during its hearings, but no member who is not a member of a subcommittee shall vote on any matter before that subcommittee.

RULE 24. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities hereinbefore provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

RULE 25. REQUIRED MEETING

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 26. SUBCOMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of a subcommittee shall constitute a quorum for the purpose of transacting subcommittee business.

(b) A majority of the total membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 25; and

(3) authorizing the issuance of a subpena under rule 12(c).

(c) Not less than two members of a subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE 27. AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

RULE 28. OTHER ACTIONS; STAFF SUPERVISION

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee, including the general supervision of the statutory and investigative staffs of the committee.

RULE 29. RECORDING OF COMMITTEE PROCEEDINGS

(a) Tape recordings (including video recordings) of any full committee or subcommittee hearing or meeting (or any portion thereof) may be permitted only when approved by the chairman and ranking minority member of the committee or subcommittee, as appropriate. Individuals seeking permission to record committee or subcommittee proceedings shall be advised that the transcript of the proceedings as produced by the committee or subcommittee reporter constitutes the sole "official" transcript of such proceedings.

(b) Paragraph (a) does not apply to television or radio broadcasts of committee or subcommittee hearings referred to in rule 17.

RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION FOR THE 101ST CONGRESS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, pursuant to House rule XI, clause 2(a), I submit for publication in the CONGRESSIONAL RECORD, a copy of the rules of the Committee on House Administration, as approved by the committee on February 8, 1989:

RULES FOR THE COMMITTEE ON HOUSE ADMINISTRATION

RULE NO. 1. GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittes. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to inccur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting

or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2. REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the first Wednesday of every month when the House is in session in accordance with Clause 2(b) of Rule XI of the Rules of the House. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of Rule XI of the House of Representatives. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of Rule XI of the House of Representatrives. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

(c) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

RULE NO. 3. OPEN MEETINGS

As required by Clause 2(g), Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public. This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

RULE NO. 4. RECORDS AND ROLLCALLS

(a) The result of each rollcall vote in any meeting of the committee shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against, and whether by proxy or in person, and the members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) In order to facilitate committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be promptly made available to the full committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or other proposition, and whether by proxy or in person, and the names of those members present but not voting.

(d) All subcommittee hearings, records, data, charts, and files, shall be kept distinct from the congressional office records of the member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full committee, shall be the property of the House, and all members of the House shall have access thereto.

RULE NO. 5. PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present the proxy.

RULE NO. 6. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE NO. 7. QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

RULE NO. 8. AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9. HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to dis-

advantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10. PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separatley set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention of file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the members of the House prior to the consideration of such measure or matter in the House.

RULE NO. 11. SUBCOMMITTEE OVERSIGHT

The standing subcommittees of the committee shall conduct oversight of matters within their jurisdiction in accordance with Rule X, clauses 2 and 3 of the Rules of the House of Representatives.

RULE NO. 12. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it, the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13. BROADCASTING OF COMMITTEE HEARINGS

The rule for the broadcasting of committee hearings shall be the same as Rule XI, clause 3 of the Rules of the House of Representatives.

RULE NO. 14. COMMITTEE AND SUBCOMMITTEE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the Committee on House Administration shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommit-

tee chairman within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE NO. 15. TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the Chairman and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be six Standing Subcommittees. The ratio (majority/minority) and jurisdiction of the subcommittees shall be:

Subcommittee on Accounts. (7/4)—Internal budget matters; expenditures from the contingent fund; changes in amounts of allowances; and consultant contracts for committees.

Subcommittee on Procurement and Printing. (3/2)—Matters pertaining to procurement contracts for goods. Matters pertaining to printing, depository libraries, material printed in Congressional Record, and executive papers.

Subcommittee on Office Systems. (3/2)—Matters pertaining to furniture, electrical and mechanical office equipment and other accoutrements for use in the office of members, officers or committees and matters pertaining to the development of management systems for such offices.

Subcommittee on Personnel and Police. (3/2)—Matters pertaining to House employees and Police, parking, restaurant, barber and beauty shop, and other House facilities and services.

Subcommittee on Elections. (7/4)—Matters pertaining to the election of President, Vice President, and Members of Congress; corrupt practices; credentials and qualifications and Federal elections generally, including the Federal Election Campaign Act of 1971 and the Federal Election Commission.

Subcommittee on Libraries and Memorials. (3/2)—Matters pertaining to the Library of Congress; statuary and pictures; acceptance or purchase of works of art for the Capitol; purchase of books and manuscripts; erection of monuments to the memory of individuals; matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(b) The Chairman of the Committee may appoint such ad hoc subcommittees as he deems appropriate.

(c) The Chairman of the Committee and the ranking minority member shall serve as ex officio members without vote of all subcommittees of the committee unless either member is appointed as a voting member of any subcommittee.

RULE NO. 17. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meetings dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee or subcommittee meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the staff director of the committee.

RULE NO. 18. REFERRAL OF LEGISLATION TO SUBCOMMITTEES

All legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks, unless by majority vote of the members of the full committee, consideration is to be otherwise effected. The chairman may refer the matter simultaneously to two or more subcommittees, consistent with House Rule X, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations), or divide the matter into two or more parts and refer each such part to a different subcommittee, or refer the matter pursuant to House Rule X to an ad hoc subcommittee appointed by the chairman for the specific purpose of considering that matter and reporting to the full committee thereon, or such other provisions as may be considered appropriate. The chairman may designate a subcommittee chairman or other member to take responsibility as "floor manager" of a bill during its consideration in the House.

RULE NO. 19. OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 20. DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

RULES OF THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FOR THE 101ST CONGRESS

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, the following rules for the Committee on Interior and Insular Affairs are herewith submitted pursuant to rule XI, clause 2, paragraph 2(a):

RULES OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

A. RULES OF GENERAL APPLICATION

Rule 1. Rules of the House.—The Rules of the House of Representatives are the rules of its Committees and Subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in Committees and Subcommittees. Written rules adopted by the Committees, not inconsistent with the Rules of the House, shall be binding on each Subcommittee. Each Subcommittee of a Committee is a part of that Committee and is subject to the authority and direction of that Committee, Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the Rules of the Committee which are supplementary to the Rules of the House.

Rule 2. Time, Place of Meetings.—(a) While Congress is in session, regular business meetings of the Committee shall be held in the regularly assigned committee room, Longworth House Office Building, beginning at 9:45 a.m. on each Wednesday, except that whenever any regularly sched-

uled party caucus or conference conflicts with such meeting of the Committee, then the Committee shall meet at a later time or on Thursday or on such other day as may be mutually agreed upon by the Chair and the Ranking Minority Member. Such meeting shall be called to order and presided over by the Chair, or in the absence of the Chair, by the ranking majority member of the Committee present.

(b) Special meetings shall be held at the call of the Chair or upon written request of Members of the Committee as provided in Rule XI, Clause 2, of the Rules of the House. When a regularly called party caucus or party conference is scheduled to be in session after 10 a.m. on any day, and the Chair is so advised not later than 12 noon on the preceding day, the regularly scheduled Committee meeting for that day shall be rescheduled at a later time or as provided in paragraph (a) of this rule.

(c) Each meeting of the Committee or any of its Subcommittees for the transaction of business, including the mark-up of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided however,* That no person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or mark-up session which has been closed to the public. This paragraph does not apply to any meeting that relates solely to internal budget or personnel matters.

Rule 3. Agenda for Meetings.—The agenda for Committee meetings setting out all items of business to be considered, shall be available and delivered to the office of each Member at least 48 hours in advance of the meeting. *Provided,* That this requirement may be waived by a majority vote, a quorum being present.

Rule 4. Adjournment of Meetings.—A motion to adjourn shall not be approved unless the Chair, in his discretion, recognizes a Member for the purpose of making such motion and the motion is approved by a majority of the Members present and voting.

Rule 5. Committee Procedure.—(a) The date, time, place and subject matter of all public hearings of the Committee or any of its Subcommittees shall be announced at least 1 week in advance of the commencement of such hearings. If the Committee, or any of its Subcommittees, determines that there is good cause to expedite the hearing, it shall make the announcement at the earliest possible date. Any such announcement shall be promptly published in the Daily Digest.

(b) Each hearing conducted by the Committee or Subcommittee thereof shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided,* That the Committee or Subcommittee may by the same procedure vote to close one subsequent day of hearing. *Provided further,* That two or more Members at a meeting held for the purpose of taking testimony may determine, by a majority vote.

(i) to close such hearing for the purpose of discussing whether testimony or evidence to be received would endanger national security or tend to defame, degrade, or incriminate any person in violation of rule XI, 2(k)(5) of the Rules of the House; or

(ii) to close the hearing as provided in rule XI 2(k)(5) of the House.

(c) No Member may be excluded from nonparticipatory attendance at any hearing of the Committee, or its Subcommittees unless the House, by majority vote, authorizes the Committee or its Subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close such meetings to Members by the same procedures designated in this rule for closing meetings to the public.

(d) Each witness who is to appear before the Committee or one of its Subcommittees shall file with the Committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement is waived by the Committee.

(e) The right to interrogate witnesses before the Committee or any of its Subcommittees shall alternate between the Majority Members and the Minority Members. In recognizing Members to question witnesses, the Chair may take into consideration the ratio of Majority and Minority party Members present and may recognize two Majority party Members for each Minority party Member recognized. Each Member shall be limited to 5 minutes in the interrogation of witnesses until such time as each Member of the Committee who so desires has had an opportunity to question the witness.

(f) No bill, recommendation, or other matter reported by a Subcommittee shall be considered by the Committee until 2 calendar days have elapsed from the time of the action of the Subcommittee and such action has been reported by the Committee Clerk to all Members of the Committee and, in the case of a bill, a copy has been delivered to the office of all Members so requesting the same, together with a section-by-section explanation and, if a change in present law is involved, a section-by-section comparison with the present law: *Provided,* That this requirement may be waived by a two-thirds vote of a quorum of the Committee Members.

Rule 6. Quorum.—No measure or recommendation shall be reported from the Committee unless a majority of the Members of the Committee are present, but for the purpose of transacting any other Committee business one-third of the Members shall constitute a quorum. Testimony and evidence may be received at any meeting at which there are present two or more Members of the Committee. A quorum, once established, shall be deemed present unless a Member objects to the transaction of business due to the lack of a quorum. When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be so notified and the Members shall have not less than 10 minutes to prove their attendance. The Chair shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10 minute period.

Rule 7. Proxies.—A vote by any Member in the Committee or in any Subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the Member who is to execute the proxy authorization, shall assert that the Member is absent on official business or otherwise unable to attend, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 8. Subpenas and Oaths.—(a) A subpena may be issued by a Committee or Subcommittee in the conduct of any investigation or series of investigations or activities when authorized by a majority of the Members of the Committee or Subcommittee and approved by the Chair of the Full Committee and signed by his or her designee.

(b) The Chair of the Committee, the Chair of any of its Subcommittees, or any Member designated by either, may administer oaths to any witness.

Rule 9. Journal, Rollcalls.—(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things include a record of the votes on any question on which a record vote is demanded. A copy of the journal shall be furnished the Ranking Minority Member through the Minority Counsel. A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member. No demand for a rollcall shall be made or entertained except for the purpose of securing a record vote or in the apparent absence of a quorum.

(b) At the beginning of any meeting of the Committee, the Chair may announce to the Committee, in its discretion, that further proceedings will be postponed on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 6 until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measures or matters until all such business is disposed of or until such time as the Chair announces that the question will be put on the matter deferred. The question on any motion so postponed shall be put by the Chair and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on such motion, then the first order of business at the next meeting shall be the disposition of such motion.

(c) The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public. Such records shall constitute the official attendance records of the Committee.

Rule 10. Filing of Committee Reports.—(a) All members of the Committee shall be given an opportunity to review each proposed Committee report for at least 2 days (excluding Saturdays, Sundays, and legal holidays) prior to filing.

(b) If, at the time of approval of any measure or matter by this Committee, any Member of the Committee gives notice of

intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) after the copy of the Committee report in substantially final form is completed, excluding formal or technical changes, in which to file such views, in writing and signed by that Member or Members, with the Clerk of the Committee. In the event that substantial or significant changes are made in the Committee report, such Member shall have not more than one calendar day to review such changes and alter his or her views in responding thereto. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(c) The time requirements of paragraphs (a) and (b) of this rule shall run concurrently and shall not operate to delay the filing of Committee reports.

Rule 11. Record of Committee Proceedings.—(a) Evidence, testimony, and information relevant to any measure or matter before the Committee will be received for inclusion in the record of proceedings as determined appropriate. A formal transcript need not be made in all instances and the Chair may exercise discretion as to content of the record. A complete record of all Committee action, which shall include a record of the votes on any question on which a rollcall vote is demanded, shall be kept and retained in the permanent files of the Committee. All printing of proceedings or of other matter shall be subject to general principles promulgated by the Chair as well as by approval in each instance not only by the Chair of the appropriate Subcommittee but also by the Chair of the Committee.

(b) All transcripts of public meetings and hearings shall be available for review in the offices of the Committee. Unrevised and unedited hearing transcripts shall not be reproduced in any form without the written consent of the Chair or of the Member involved. Transcripts of other public meetings of the Committee and its Subcommittees shall not be reproduced in any form without the written consent of the Chair of the Committee or, as appropriate, of the Chair of the Subcommittee involved, in his or her discretion. Records and transcripts of public meetings of the Committee, conducted during any prior Congress, may be made available for review in the offices of the committee, but such records and transcripts shall not be reproduced except as permitted by the House of Representatives.

(c) No records or transcripts of Committee meetings held in executive session shall be released unless the Committee directs otherwise. All classified documents, transcripts, or other materials shall be maintained in an appropriately secured location and shall not be released for review by any unauthorized person. Authorized persons must review such classified materials at an appropriate location in the Committee offices, but such material shall not be removed from the Committee offices for any reason without the written permission of the Chair and, as appropriate, of the Chair of the Subcommittee involved.

Rule 12. Broadcasting of Committee Hearings.—(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which Committee hearings, or Committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its Committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the Committee members and staff, other Government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of Committee members in connection with that hearing or meeting or in connection with the general work of the Committee or of the House; or

(2) cast discredit or dishonor on the House, the Committee, or any Member or bring the House, the Committee, or any Member into disrepute.

(d) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause. No recording of Committee or Subcommittee proceedings shall be permitted except as authorized pursuant to these rules:

(1) Accredited press must obtain advance clearance for coverage of Committee meetings from the appropriate gallery.

(2) Unaccredited press will be permitted to cover meetings only—

(a) After presentation of bona fide press credentials to the Director of Public Affairs of the Committee, and

(b) Approval of such coverage by the Committee, or Subcommittee, at the request of the Chair.

(3) All other media seeking to record all or any part of any Committee or Subcommittee meeting by means of audio or video recording must—

(a) Agree, in writing, to comply with all House and Committee rules pertaining to recording and taping of Committee and Subcommittee meetings and hearings, and

(b) Obtain advance clearance of the Chair of the Committee or Subcommittee through the Director of Public Affairs of the Committee.

(4) when space limitations prohibit accommodation of all accredited press, unaccredited press and other media seeking to record part or all of any Committee or Subcommittee meeting or hearing, space will be allotted first to accredited press, then, if space permits, to the unaccredited press and other media.

(e) Whenever any hearing or meeting conducted by any Committee of the House is open to the public, that Committee may permit, by majority vote of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the Committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f) The following rules shall apply to the Committee and its Subcommittees:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed on the Committee rostrum or in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of

the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, on the Committee rostrum or between the witness stand and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule 13. Committee Staffs.—(a) Pursuant to Rule XI, Clause 6, of the Rules of the House, the permanent staff of the Committee shall consist of not more than 30 staff members who shall be selected on the basis of fitness to perform the duties of their respective positions as follows:

Three shall be chosen by the Committee from nominations approved by a majority of the Members of the Minority party of the Committee;

one shall be chosen by the Committee from nominations submitted by the Chair of each of the standing Subcommittees of the Committee;

one shall be chosen by the Committee from nominations submitted by the ranking Minority party Member of each standing Subcommittee of the Committee; and

the balance of any unfilled positions shall be chosen by the Committee from nominations approved by a majority of the Members of the Majority party Members of the Committee;

The staff members selected by the Majority party shall be assigned such legislative, oversight, and administrative duties and responsibilities as the Chair of the Committee may prescribe and shall assist Committee Members in connection with matters related to Committee business. Each staff member nominated by a Subcommittee Chair shall be under the general supervison and direction of that Subcommittee Chair. The staff members selected by the Minority party shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate.

(b) A Subcommittee Chair shall be entitled to select and designate additional staff members, subject to the approval of a majority of the Majority party Members of the Committee, to assist the Subcommittee in carrying out its legislative, investigative and oversight responsibilities. The Minority shall be accorded fair and equitable consideration with respect to the appointment of additional staff, but Minority staffing shall continue to be approximately one-third Minority representation on the Committee. Such staff members shall be assigned such duties pertaining to Subcommittee business as the Subcommittee Chair or the Minority, respectively, deem advisable and shall be compensated at a salary commensurate with the responsibilities prescribed by such Subcommittee Chair or by the Minority.

(c) Notwithstanding paragraphs (a) and (b) of this rule, the Committee may employ such additional nonpartisan staff as it deems necessary to conduct the administrative and clerical functions of the Committee. Such staff shall be in addition to any staff designated exclusively for the Majority or Minority party and shall be appointed only with the approval of a majority of the Members of the Minority party and with the approval of a majority of the Members of the Minority party. The Chair of the Committee shall establish and assign the duties and responsibilities of such members of the staff and they shall be compensated at a salary commensurate with the responsibilities prescribed.

(d) In the event that staff is not otherwise available pursuant to paragraphs (a) and (b) of this rule, from the funds provided for the appointment of Committee staff pursuant to any primary and additional expense resolution;

(1) The Chair of each standing Subcommittee is authorized to appoint at least one staff member who shall serve at the pleasure of the Subcommittee Chair.

(2) The ranking Minority party Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking Minority party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (a) and (b) shall be compensated at a rate determined by the Subcommittee Chair pursuant to Rule XI, Clause 5(d), of the House of Representatives.

(4) The staff positions made available to the Subcommittee Chair and ranking Minority party Members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under Rule XI, Clause 6, unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) All staff selected pursuant to this rule shall be approved by the Committee and shall not be assigned any duties other than those pertaining to the business of the Committee and its Subcommittees. The staff of a subcommittee shall be under the general supervision and direction of the Chair of that Subcommittee. The staff assigned to the Minority shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate. The staff of the Committee not assigned to a Subcommittee or to the Minority shall be under the general supervision and direction of the Chair of the Committee, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as determined appropriate.

B. SUBCOMMITTEES: JURISDICTION, COMPOSITION, AND POWERS

Rule 14. Subcommittee Rules.—The Rules of the Committee, where applicable, shall be the Rules of its Subcommittees.

Rule 15. Reference of Legislation.—(a) Except for bills, resolutions, or matters involving Indians and Indian Tribes which shall be retained for consideration by the Committee unless referred by the Chair to an appropriate standing, select, or special Subcommittee, every bill, resolution, or other matter referred to the Committee shall be referred to Subcommittee within 2 weeks from the date of its referral to the Committee unless the Chair, with the approval of a majority of the Majority Members of the Committee, orders that it be retained for consideration by the Committee or that it be referred to a select or special Subcommittee.

(b) A bill, resolution, or other matter referred by the Chair to a Subcommittee may be recalled therefrom by him or her with the approval of a majority of the Members of the Committee for the Committee's direct consideration or for referral to another Subcommittee. The Chair shall so inform the Members of this recommendation, in writing, and such recommendation shall be effective within 1 week if approved by a majority of the Members of the Committee.

(c) A bill, resolution, or other matter referred by the Committee to a Subcommittee may be recalled from such Subcommittee at any time by majority vote, a quorum being present, for its consideration by the Committee or for reference to another Subcommittee.

Rule 16. Subcommittees.—There shall be the following six standing Subcommittees of the Committee: Subcommittee on Energy and the Environment; Subcommittee on Water and Power Resources; Subcommittee on Mining and Natural Resources; Subcommittee on National Parks and Public Lands; Subcommittee on Insular and International Affairs; and Subcommittee on General Oversight and Investigations. Additional standing Subcommittees may be created by resolution of the Committee.

Rule 17. Jurisdiction of Subcommittees.—(a) The jurisdiction, including legislative, investigative, and oversight responsibilities, of the six standing Subcommittees shall, subject to alteration as other Subcommittees are created, be as follows:

Subcommittee on Energy and the Environment

(a) Recommendations with respect to laws and programs under the jurisdiction of the Committee made by the Council on Environmental Quality in its annual Environmental Quality Report to the Congress.

(b) Selected matters and proposals, as referred by the Chairman, involving the environmental impacts of any laws or programs under the jurisdiction of the Committee.

(c) Regulation of the domestic nuclear energy industry, including regulation of research and development of reactors and nuclear regulatory research and special oversight functions with respect to nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

(d) Conservation of the uranium supply in the United States.

(e) Legislation concerning the transportation of natural gas from or within Alaska or concerning the disposition of oil transported by the trans-Alaska oil pipeline.

Subcommittee on Water, Power, and Offshore Energy Resources

(a) All measures or matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures relating thereto.

(b) Compacts relating to the use and apportionment of interstate waters.

(c) Water rights, including Federal reserved water rights on public lands, and water related programs of the Geological Survey.

(d) Saline water research and development program and water resources research program.

(e) Water resources planning conducted pursuant to the Water Resources Planning Act.

(f) Programs involving major interbasin movement of water or power.

(g) Measures and matters relating to public lands in Alaska, except those within the jurisdiction of the Subcommittees on Energy and the Environment and National Parks and Public Lands.

(h) Measures and matters relating to petroleum conservation on the public and other Federal lands.

(i) Forestry and forest management issues in Alaska.

Subcommittee on Mining and Natural Resources

(a) Mining interests generally, including deep seabed mining and matters involving the Law of the Sea Treaty.

(b) Mineral resources of the public lands, except matters involving the Outer Continental Shelf.

(c) Mineral land laws, and claims and entries thereunder.

(d) Geological survey, except water related programs.

(e) Mining schools and experimental stations.

(f) Proposed long-range domestic minerals programs, including availability of domestic minerals to fulfill all domestic requirements.

(g) All measures and matters affecting geothermal resources.

(h) Special oversight functions related to regulatory activities under the Surface Mining Control and Reclamation Act of 1977, the collection of fees, operation and use of funds under the Abandoned Mine Reclamation Fund and cooperative programs with State and Federal agencies authorized by Title IV of said Act, and measures and matters related to remining activities and to authorizations for the Abandoned Mine Reclamation programs under Title IV of said Act.

Subcommittee on National Parks and Public Lands

(a) Measures and matters related to the National Park System and all of its units.

(b) National Wild and Scenic Rivers System; National Trails System; national recreation areas; and other national units established for protection, conservation, preservation, or recreational development administered by the Secretary of the Interior or the Secretary of Agriculture, and such military parks, battlefields, national cemeteries, and parks as the Secretary of the Interior may administer within the District of Columbia.

(c) National outdoor recreation plans, programs, and administration, including the Land and Water Conservation Fund and the Pennsylvania Avenue Development Corporation.

(d) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including programs for international cooperation in the field of historic preservation.

(e) Except for public lands in Alaska, public lands, generally, including measures or matters related to entry, easements, withdrawals, and grazing.

(f) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(g) Forest reserves, including management thereof, created from the public domain, except in Alaska.

(h) Except for Alaska, National Wilderness Preservation System, generally, and all matters relating to wilderness in the national park system.

Subcommittee on Insular and International Affairs

(a) Except for matters within the jurisdiction of other Subcommittees, all measures or matters involving the insular areas of the United States.

(b) All measures or matters involving the Trust Territory of the Pacific Islands, the Freely Associated States and Antarctica.

(c) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

Subcommittee on General Oversight and Investigations

(a) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee as may be referrred to the Subcommittee by the Chair of the Full Committee, after consultation with the Chair of the principal standing legislative Subcommittee involved.

(b) Such remedial legislation resulting from the findings or recommendations of the Subcommittee as may be referred to the Subcommittee by the Chair of the Full Committee, after consultation with the Chair of the principal legislative Subcommittee involved.

(b)(1) In order to enable the Committee to carry out its responsibilities under Rule X, Clause 2, of the Rules of the House, each Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that Subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that Subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that Subcommittee.

(2) Pursuant to Rule X, Clause 2, of the Rules of the House, the Chair of the Committee and the Chair of the Subcommittee having jurisdiction over the matters involved or their respective designees, shall meet with representatives of the Committee on Government Operations to discuss and to assist in coordinating oversight plans of their respective Committees.

Rule 18. Party Ratios.—The Chair shall negotiate with the Minority with respect to the size of each Subcommittee, with due regard for the preference of Members for Subcommittee assignments, except that party representation on each Subcommittee shall be no less favorable to the Majority party than the ratio for the Committee.

The Chair, if approved by a majority of the Members of the Majority party, and the Ranking Minority Member, if approved by a majority of the Members of the Minority party, may serve as Members of each Subcommittee.

The size and party representation for each Subcommittee during the 100th Congress shall be as follows:

Subcommittees [1]	Total Members	Majority party [2]	Minority party [2]
Energy and the Environment	16	10	6
Water and Power Resources	22	14	8
Mining and Natural Resources	8	5	3
National Parks and Public Lands	29	18	11
Insular and International Affairs	6	4	2
General Oversight and Investigations	8	5	3

[1] The Chair and Ranking Minority Member of the Full Committee serve as ex officio Members of all Subcommittees, but are voting Members only on the Subcommittees to which they are assigned pursuant to Rule 18.

[2] The Delegates from the Virgin Islands, American Samoa, and Guam and the Resident Commissioner from Puerto Rico do not count for purposes of the ratio between the majority and minority parties.

Rule 19. Special or Select Subcommittee.—The Chair is authorized, after consultation with the Ranking Minority Member of the Committee, to appoint such special or select Subcommittees as he deems advisable for carrying out the responsibilities and functions of the Committee. Party representation on each such Subcommittee shall be in the same proportion as that on the Committee.

Rule 20. Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. The Chair of each Subcommittee shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chair of the Full Committee and of other Subcommittees with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

Rule 21. Travel.—(a) Subcommittee hearings outside of Washington, D.C., and travel by Members and staff shall be subject to approval by the Chair of the Committee pursuant to regulations promulgated by the Committee on House Administration. Each Subcommittee Chair may, for the purposes of field trips or hearings outside of the District of Columbia, assign any Members of the Committee to that Subcommittee.

(b) Staff members assigned to any Subcommittee may travel in connection with their respective duties only with the approval of the appropriate Subcommittee Chair and with the approval of the Chair of the Committee. Prior to submitting such travel requests to the appropriate Subcommittee Chair, all Minority staff travel shall be subject to such approval as the Minority Members of the Committee deem appropriate. All such travel shall be subject to the regulations promulgated by the Committee on House Administration.

Rule 22. Subcommittee Chair.—The Majority shall have the right, in order of Full Committee seniority, to bid for Standing Subcommittee Chairs. Any such bid shall be subject to approval by a majority of the Majority Members of the Committee. The Minority shall select a counterpart to the Subcommittee Chair for each of the Subcommittees. The Chair of select and special Subcommittees shall be appointed by the Chair of the Committee, subject to approval by a majority of the Majority Members of the Committee except that no Subcommittee Chair shall be Chair of another legislative Subcommittee of the House.

Rule 23. Duties of Chair Upon Favorable Action by Committee.—Whenever the Com-

mittee authorizes the favorable reporting of a bill or resolution from the Committee, the Chair shall report the same or designate some Member of the Committee to report the same to the House and shall use or cause to be used all parliamentary methods to secure passage thereof, without such additional authority being set forth particularly in the motion to report each individual bill or resolution. Without limiting the generality of the foregoing, the authority contained herein extends in appropriate cases to moving in accordance with Rule XXIV, Clause 5, of the said rules that the House go into the Committee of the Whole House on the State of the Union to consider the bill or resolution; and to moving in accordance with Rule XXIV, Clause 2, of said rules for the disposition of a Senate bill or resolution that is substantially the same as the House bill or resolution as reported.

Rule 24. Committee Budget and Expenses.—(a) Each Subcommittee Chair and the ranking Minority Members of the Committee shall submit to the Chair a budget for each session of the Congress covering the funding required for staff, travel, and miscellaneous expenses. The Chair shall prepare a consolidated budget for each session of Congress which shall include amounts required for all activities and programs of the Committee and the Subcommittees, except those Committee expenses to be paid from appropriations provided for by statute.

(b) Upon approval by the Committee of each such budget, the Chair, acting pursuant to Rule XI, Clause 5, of the Rules of the House, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(c) The Chair shall report to the Committee any amendments to each expense resolution and any changes in the budget necessitated thereby.

(d) Authorization for the payment of additional or unforeseen Committee and the Subcommittee's expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(e) Committee members shall be advised of the availability of each monthly report, prepared by the Chair for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 25. Recommendation of Conferees.—Whenever in the legislative process it becomes necessary to appoint conferees, Majority Members shall be recommended to the Speaker as conferees as determined by the Majority, and Minority Members shall be recommended to the Speaker as conferees as determined by the Minority. Recommended party representation shall be in the same proportion as that in the Committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PARKER) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. BUSTAMANTE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. FAUNTROY, for 60 minutes, today.

Mr. COOPER, for 60 minutes, today.

Mr. COLEMAN of Texas, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

(The following Member (at the request of Mr. COOPER) to revise and extend his remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GILLMOR) and to include extraneous matter:)

Mr. GILMAN in three instances.

Mr. GUNDERSON in two instances.

Mr. MCCANDLESS.

Mr. CONTE.

Mrs. MORELLA in two instances.

Mr. WOLF.

Mr. BROOMFIELD.

Mr. SHUMWAY in two instances.

Ms. SNOWE.

Mr. ROWLAND of Connecticut.

Mr. SOLOMON.

(The following Members (at the request of Mr. PARKER) and to include extraneous matter:)

Mr. PICKLE.

Mr. SKELTON.

Mr. KLECZKA.

Mr. PENNY.

Mr. TAUZIN.

Mr. LAFALCE.

Mr. FASCELL.

Mr. STARK in two instances.

Mr. LANTOS.

Mr. LELAND.

Mr. FAUNTROY in two instances.

Mr. ROYBAL.

Mr. YATES.

Mr. DORGAN of North Dakota.

Mr. DARDEN.

Mr. MAVROULES.

Mr. ECKART.

Ms. SLAUGHTER of New York.

Mr. DYMALLY.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 12. Concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee; Committee on House Administration.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which were thereupon signed by the Speaker:

H.J. Res. 129. Joint resolution disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

□ 1240

RECESS

The SPEAKER pro tempore (Mr. BATES). Pursuant to the order of the House of Friday, January 27, 1989, the House will stand in recess until approximately 8:40 p.m.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 33 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Washington [Mr. FOLEY];

The gentleman from California [Mr. COELHO];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Texas [Mr. BROOKS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Wyoming [Mr. CHENEY];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS]; and

The gentleman from Texas [Mr. ARCHER].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the Chamber.

The Senator from Maine [Mr. MITCHELL];

The Senator from West Virginia [Mr. BYRD];

The Senator from California [Mr. CRANSTON];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Illinois [Mr. DIXON];

The Senator from Louisiana [Mr. BREAUX];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Georgia [Mr. FOWLER];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Colorado [Mr. ARMSTRONG];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Oklahoma [Mr. NICKLES]; and

The Senator from South Carolina [Mr. THURMOND].

The Doorkeeper announced the Ambassadors, Ministers and chargés d'affaires of foreign governments.

The Ambassadors, Ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Supreme Court.

The Associated Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the Committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high honor, and I count it a distinct privilege, to present to you the President of the United States.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-1)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of the House and Senate, honored guests, fellow citizens:

Less than 3 weeks ago, I joined you on the west front of this very building and, looking over the monuments to our proud past, offered you my hand in filling the next page of American history with a story of extended prosperity and continued peace. Tonight, I am back, to offer you my plans as well. The hand remains extended, the sleeves are rolled up, America is waiting, and now we must produce.

Together, we can build a better America.

It is comforting to return to this historic Chamber. Here, 22 years ago, I first raised my hand to be sworn into public life. So tonight, I feel as if I am returning home to friends. And I intend, in the months and years to come, to give you what friends deserve: Frankness, respect, and my best judgment about ways to improve America's future.

In return, I ask for an honest commitment to our common mission of progress. If we seize the opportunities on the road before us, there will be praise enough for all.

The people did not send us here to bicker. It is time to govern.

Many Presidents have come to this Chamber in times of great crisis, war, depression, loss of national spirit.

Eight years ago, I sat in that very chair as President Reagan spoke of punishing inflation and devastatingly high interest rates, people out of work, American confidence on the wane.

Our challenge is different.

We are fortunate. A much changed landscape lies before us tonight.

So I do not propose to reverse direction. We are headed the right way.

But we cannot rest. We are a people whose energy and drive have fueled our rise to greatness. We are a forward-looking nation; generous, yes, but ambitious as well, not for ourselves, but for the world.

Complacency is not in our character, not before, not now, not ever.

So tonight, we must take a strong America and make it even better.

We must address some very real problems. We must establish some very clear priorities. And we must make a very substantial cut in the Federal budget deficit.

Some people find that agenda impossible.

But I am presenting to you tonight a realistic plan for tackling it. My plan has four broad features: Attention to urgent priorities, investment in the future, an attack on the deficit, and no new taxes.

This budget represents my best judgment of how we can address our priorities. There are many areas in which we would all like to spend more than I propose, I understand that, but we cannot until we get our fiscal house in order

Next year alone, thanks to economic growth, without any change in the law, the Federal Government will take in over $80 billion more than it does this year. That is right—over $80 billion in new revenues, with no increase in taxes. Our job is to allocate those new resources wisely.

We can afford to increase spending by a modest amount, but enough to invest in key priorities and still cut the deficit by almost 40 percent in 1 year.

That will allow us to meet the targets set forth in the Gramm-Rudman-Hollings law.

But to do that, we must recognize that growth above inflation in Federal programs is not preordained, that not all spending initiatives were designed to be immortal.

I make this pledge tonight: My team and I are ready to work with the Congress, to form a special leadership group, to negotiate in good faith, to work day and night, if that is what it takes, to meet the budget targets, and to produce a budget on time.

We cannot settle for business as usual.

Government by continuing resolution, or Government by crisis, will not do.

I ask the Congress tonight to approve several measures which will make budgeting more sensible. We could save time and improve efficiency by enacting 2-year budgets.

Forty-three Governors have the line-item veto. Presidents should have it, too.

At the very least, when a President proposes to rescind Federal spending, the Congress should be required to vote on that proposal instead of killing it by inaction.

And I ask the Congress to honor the public's wishes by passing a constitutional amendment to require a balanced budget. Such an amendment, once phased in, will discipline both the Congress and the executive branch.

Several principles describe the kind of America I hope to build with your help in the years ahead.

We will not have the luxury of taking the easy, spendthrift approach to solving problems, because higher spending and higher taxes put economic growth at risk.

Economic growth provides jobs and hope. Economic growth enables us to pay for social programs. Economic growth enhances the security of the Nation. And low tax rates create economic growth.

I believe in giving Americans greater freedom and greater choice. I will work for choice for American families, whether in the housing in which they live, the schools to which they send their children, or the child care they select for their young.

I believe that we have an obligation to those in need, but that Government should not be the provider of first resort for things that the private sector can produce better.

I believe in a society that is free from discrimination and bigotry of any kind. I will work to knock down the barriers left by past discrimination and to build a more tolerant society that will stop such barriers from ever being built again.

I believe that family and faith represent the moral compass of the Nation, and I will work to make them strong, for as Benjamin Franklin said: "If a sparrow cannot fall to the ground without His notice, [can] a [great nation] rise without His aid?"

And I believe in giving people the power to make their own lives better through growth and opportunity. Together, let us put power in the hands of people.

Three weeks ago, we celebrated the bicentennial inaugural, the 200th anniversary of the first Presidency.

And if you look back, one thing is so striking about the way the Founding Fathers looked at America. They did not talk about themselves. They talked about posterity. They talked about the future.

We too, must think in terms bigger than ourselves.

We must take actions today that will ensure a better tomorrow. We must extend American leadership in technology, increase long-term investment, improve our educational system, and boost productivity. These are the keys to building a better future.

Here are some of my recommendations:

I propose almost $2.2 billion for the National Science Foundation to promote basic research and keep us on track to double its budget by 1993;

I propose to make permanent the tax credit for research and development;

I have asked Vice President QUAYLE to chair a new task force on competitiveness;

I request funding for NASA and a strong space program, an increase of almost $2.4 billion over the current fiscal year. We must have a manned-space station; a vigorous, safe space shuttle program; and more commercial development in space. The space program should always go "full throttle up." That is not just our ambition; it is our destiny;

I propose that we cut the maximum tax rate on capital gains to increase long-term investment. History is clear. This will increase revenues, help savings, and create new jobs.

We will not be competitive if we leave whole sectors of America behind. This is the year we should finally enact urban enterprise zones and bring hope to the inner cities.

But the most important competitiveness program of all is one which improves education in America.

When some of our students actually have trouble locating America on a map of the world, it is time for us to map a new approach to education.

We must reward excellence and cut through bureaucracy. We must help those schools that need help most. We must give choice to parents, students, teachers, and principals. And we must hold all concerned accountable. In education, we cannot tolerate mediocrity.

I want to cut the dropout rate and make America a more literate nation. Because what it really comes down to is this: the longer our graduation lines are today, the shorter our unemployment lines will be tomorrow.

So, tonight I am proposing the following initiatives:

The beginning of a $500 million program to reward America's best schools—"merit schools";

The creation of special Presidential awards for the best teachers in every State, because excellence should be rewarded;

The establishment of a new program of national science scholars, one each year for every Member of the House and Senate, to give this generation of students a special incentive to excel in science and mathematics;

The expanded use of magnet schools which give families and students greater choice;

And a new program to encourage "alternative certification" which will let talented people from all fields teach in our classroom.

I have said I would like to be "the Education President." Tonight, I ask you to join me by becoming "the Education Congress."

Just last week, as I settled into this new office, I received a letter from a mother in Pennsylvania, who had been struck by my message in the inaugural address. "Not 12 hours before," she wrote, "my husband and I received word that [our] son was addicted to cocaine. [He] had the world at his feet. Bright, gifted, personable, he could have done anything with his life. [Now] he has chosen cocaine."

"Please," she wrote, "find a way to curb the supply of cocaine. Get tough with the pushers. [Our son] needs your help."

My friends, that voice crying out for help could be the voice of your own neighbor, your own friend, your own son. Over 23 million Americans used illegal drugs last year—at a staggering cost to our Nation's well-being.

Let this be recorded as the time when America rose up and said "no" to drugs. The scourge of drugs must be stopped.

I am asking tonight for an increase of almost $1 billion in budget outlays to escalate the war against drugs. The war must be waged on all fronts.

Our new "drug czar" Bill Bennett and I will be shoulder to shoulder in the executive branch leading the charge.

Some money will be used to expand treatment to the poor and to young mothers. This will offer the helping hand to the many innocent victims of drugs, like the thousands of babies born addicted, or with AIDS, because of the mother's addiction.

Some will be used to cut the waiting time for treatment.

Some money will be devoted to those urban schools where the emergency is now the worst. And much of it will be used to protect our borders, with help from the Coast Guard, the Customs Service, the Departments of State and Justice and, yes, the U.S. Military.

I mean to get tough on the drug criminals. Let me be clear: This President will back up those who put their lives on the line every single day—our local police officers.

My budget asks for beefed-up prosecution, for a new attack on organized crime, and for enforcement of tough sentence; and for the worst kingpins that means the death penalty.

I also want to make sure that when a drug dealer is convicted, there is a cell waiting for him. He should not go free becasue prisons are too full.

Let the word go out: If you are caught and convicted, you will do time.

But for all we do in law enforcement, in interdiction and treatment, we will never win this war on drugs unless we stop demand for drugs.

So some of this increase will be used to educate the young about the dangers of drugs. We must involve the parents. We must involve the teachers. We must involve the communities. And, my friends, we must involve ourselves, each and every one of us in this Chamber.

One problem related to drug use demands our urgent attention and our continuing compassion. That is the terrible tragedy of AIDS.

I am asking for $1.6 billion for education to prevent the disease and for research to find a cure.

If we are to protect our future, we need a new attitude about the environment.

We must protect the air we breathe.

I will send to you shortly legislation for a new, more effective Clean Air Act. It will include a plan to reduce, by date certain, the emissions which cause acid rain, because the time for study alone has passed, and the time for action is now.

We must make use of clean coal. My budget contains full funding, on schedule, for the clean coal technology agreement that we made with Canada. We have made that agreement with Canada, and we intend to honor that agreement.

We must not neglect our parks. So I am asking to fund new acquisitions under the land and water conservation fund.

We must protect our oceans. I support new penalties against those who would dump medical waste and other trash into our oceans. The age of the needle on the beach must end.

In some cases, the gulfs and oceans off our shores hold the promise of oil and gas reserves which can make our Nation more secure and less dependent on foreign oil. When those with the most promise can be tapped safely, as with much of the Alaska National Wildlife Refuge, we should proceed. But we must use caution and we must respect the environment.

So tonight I am calling for the indefinite postponement of three lease sales which have raised troubling questions: Two off the Coast of California and one which could threaten the Everglades in Florida.

Action on these three lease sales will await the conclusions of a special task force set up to measure the potential for environmental damage.

I am directing the Attorney General and the Administrator of the Environmental Protection Agency to use every tool at their disposal to speed and toughen the enforcement of our laws against toxic waste dumpers. I want faster cleanups and tougher enforcement of penalties against polluters.

In addition to caring for our future, we must care for those around us. A decent society shows compassion for the young, the elderly, the vulnerable, and the poor.

Our first obligation is to the most vulnerable—infants, poor mothers, children living in poverty—and my proposed budget recognizes this. I ask for full funding of Medicaid, an increase of over $3 billion, and an expansion of the program to include coverage of pregnant women who are near the poverty line.

I believe we should help working families cope with the burden of child care.

Our help should be aimed at those who need it most—low-income families with young children. I support a new child-care tax credit that will aim our efforts at exactly those families, without discriminating against mothers who choose to stay at home.

Now, I know there are competing proposals. But remember this: The overwhelming majority of all preschool child care is now provided by relatives and neighbors, churches, and community groups. Families who choose these options should remain eligible for help. Parents should have choice.

And for those children who are unwanted or abused, or whose parents are deceased, we should encourage adoption. I propose to reenact the tax deduction for adoption expenses and to double it to $3,000. Let us make it easier for these kids to have parents who love them.

We have a moral contract with our senior citizens. In this budget, Social Security is fully funded, including a Federal cost-of-living adjustment. We must honor our contract.

We must care about those in "the shadows of life," and I, like many Americans, am deeply troubled by the plight of the homeless. The causes of homelessness are many, the history is long, but the moral imperative to act is clear.

Thanks to the deep well of generosity in this great land, many organizations already contribute. But we in Government cannot stand on the sidelines. In my budget, I ask for greater support for emergency food and shelter, for health services and measures to prevent substance abuse, and for clinics for the mentally ill, and I propose a new initiative involving the full range of Government agencies. We must confront this national shame.

There is another issue I have decided to mention here tonight. I have long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referedum.

Certain problems, the result of decades of unwise practices, threaten the health and security of our people. Left unattended, they will only get worse, but we can act now to put them behind us.

Earlier this week, I announced my support for a plan to restore the financial and moral integrity of our savings system. I ask Congress to enact our reform proposals within 45 days. We must not let this situation fester. We owe it to the savers in this country to solve this problem.

Certainly, the savings of Americans must remain secure. Let me be clear, insured depositors will continue to be fully protected. But any plan to refinance the system must be accompanied by major reform. Our proposals will prevent such a crisis from recurring. The best answer is to make sure that a mess like this will never happen again.

The majority of thrifts in communities across this Nation have been honest; they have played a major role in helping families achieve the American dream of home ownership. But make no mistake: Those who are corrupt, those who break the law, must be kicked out of the business; and they should go to jail.

We face a massive task in cleaning up the waste left from decades of environmental neglect at America's nuclear weapons plants.

Clearly, we must modernize these plants and operate them safely. That is not at issue. Our national security depends on it.

But beyond that, we must clean up the old mess that has been left behind. And I propose in this budget to more than double our current effort to do so. This will allow us to identify the exact nature of the various problems so we can clean them up. And clean them up we will.

We have been fortunate during these past 8 years. America is a stronger nation today than it was in 1980.

Morale in our Armed Forces has been restored. Our resolve has been shown. Our readiness has been improved. And we are at peace.

There can no longer be any doubt that peace has been made more secure through strength. When America is stronger, the world is safer.

Most people do not realize that after the successful restoration of our strength the Pentagon budget has actually been reduced in real terms for each of the last 4 years. We cannot tolerate continued real reductions in defense.

In light of the compelling need to reduce the deficit, however, I support a 1-year freeze in the military budget, something I proposed last fall in my flexible freeze plan.

This freeze will apply for only 1 year. After that increases above inflation will be required. I will not sacrifice American preparedness; and I will not compromise American strength.

I should be clear on the conditions attached to my recommendation for the coming year:

The savings must be allocated to those priorities for investing in our future that I have spoken about tonight;

The defense freeze must be a part of a comprehensive budget agreement which meets the targets spelled out in the Gramm-Rudman-Hollings law without raising taxes and which incorporates reforms in the budget process.

I have directed the National Security Council to review our national secu-

rity and defense policies and report back to me within 90 days to ensure that our capabilities and resources meet our commitments and strategies.

I am also charging the Department of Defense with the task of developing a plan to improve the defense procurement process and management of the Pentagon, one which will fully implement the Packard Commission report. Many of these changes can only be made with the participation of the Congress. So I ask for your help.

We need fewer regulations. We need less bureaucracy. We need multiyear procurement and 2-year budgeting. And, frankly—and don't take this wrong—we need less congressional micromanagement of our Nation's military policy. I detect a slight division on that question, but nevertheless, securing a more peaceful world is perhaps the most important priority I would like to address tonight.

We meet at a time of extraordinary hope. Never before in this century have our values of freedom, democracy, and economic opportunity been such a powerful political and intellectual force around the globe.

Never before has our leadership been so crucial, because while America has its eyes on the future, the world has its eyes on America.

It is a time of great change in the world, and especially in the Soviet Union. Prudence and common sense dictate that we try to understand the full meaning of the change going on there, review our policies, and then proceed with caution. But I have personally assured General Secretary Gorbachev that, at the conclusion of such a review, we will be ready to move forward. We will not miss any opportunity to work for peace.

The fundamental fact remains that the Soviets retain a very powerful military machine, in the service of objectives which are still too often in conflict with ours. So let us take the new openness seriously. But let us also be realistic. And let us always be strong.

There are some pressing issues we must address.

I will vigorously pursue the strategic defense initiative.

The spread, and even use of sophisticated weaponry, threatens global security as never before.

Chemical weapons must be banned from the face of the Earth, never to be used again. This will not be easy. Verification will be extraordinarily difficult. But civilization and human decency demand that we try.

And the spread of nuclear weapons must be stopped. I will work to strengthen the hand of the International Atomic Energy Agency. Our diplomacy must work every day against the proliferation of nuclear weapons.

And, around the globe, we must continue to be freedom's best friend.

We must stand firm for self-determination and democracy in Central America, including Nicaragua.

It is my strongly held conviction that when people are given the chance, they inevitably will choose a free press, freedom of worship, and certifiably free and fair elections.

We must strengthen the alliance of industrial democracies, as solid a force for peace as the world has ever known. This is an alliance forged by the power of our ideals, not the pettiness of our differences. So let us lift our sights to rise above fighting about beef hormones to building a better future, to move from protectionism to progress.

I have asked the Secretary of State to visit Europe next week and to consult with our allies on the wide range of challenges and opportunities we face together, including East-West relations. And I look forward to meeting with our NATO partners in the near future.

I, too, shall begin a trip shortly to the far reaches of the Pacific basin, where the winds of democracy are creating new hope, and the power of free markets is unleashing a new force.

When I served as our representative in China 14 or 15 years ago, few would have predicted the scope of the changes we have witnessed since then.

But in preparing for this trip, I was struck by something I came across from a Chinese writer, who was speaking of his country, decades ago, but his words speak to each of us in America tonight.

"Today," he said, "We are afraid of the simple words like goodness and mercy and kindness."

My friends, if we are to succeed as a nation, we must rediscover those words.

In just 3 days, we mark the birthday of Abraham Lincoln, the man who saved our Union, and gave new meaning to the word opportunity. Lincoln once said:

> I hold that while man exists, it is his duty to improve not only his own condition, but to assist in ameliorating [that of] mankind.

It is this broader mission to which I call all Americans, because the definition of a successful life must include serving others.

To the young people of America, who sometimes feel left out, I ask you tonight to give us the benefit of your talent and energy through a new program called YES, for Youth Entering Service to America.

To those men and women in business, remember the ultimate end of your work: to make a better product, to create better lives. I ask you to plan for the longer term and avoid the temptation of quick and easy paper profits.

To the brave men and women who wear the uniform of the United States of America, thank you. Your calling is a high one: to be the defenders of freedom and the guarantors of liberty. And I want you to know that this Nation is grateful for your service.

To the farmers of America, we appreciate the bounty you provide. We will work with you to open foreign markets to American agricultural products.

To the parents of America, I ask you to get involved in your child's schooling. Check on their homework. Go to the school, meet the teachers, care about what is happening there. It is not only your child's future on the line, it is America's.

To kids in our cities, do not give up hope. Say "no" to drugs. Stay in school. And, yes, "keep hope alive."

To those 37 million Americans with some form of disability, you belong in the economic mainstream. We need your talents in America's work force. Disabled Americans must become full partners in America's opportunity society.

To the families of America watching tonight in your living rooms: Hold fast to your dreams, because ultimately America's future rests in your hands.

And to my friends in this Chamber, I ask your cooperation to keep America growing while cutting the deficit. That is only fair to those who now have no vote—the generations to come.

Let them look back and say that we had the foresight to understand that a time of peace and prosperity is not a time to rest, but a time to press forward, a time to invest in the future.

And let all Americans remember that no problem of human making is too great to be overcome by human ingenuity, human energy, and the untiring hope of the human spirit. I believe this. I would not have asked to be your President if I did not.

Tomorrow, the debate on the plan I have put forward begins. I ask the Congress to come forward with your own proposals. But let us not question each other's motives. Let us debate. Let us negotiate. But let us solve the problem.

Recalling anniversaries may not be my specialty in speeches, but tonight is one of some note. On February 9, 1941, just 48 years ago tonight, Sir Winston Churchill took to the airwaves during Britain's hour of peril.

He had received from President Roosevelt a hand-carried letter quoting Longfellow's famous poem:

> Sail on, O Ship of State!
> Sail on, O Union, strong and great!
> Humanity with all its fears,
> With all the hopes of future years,
> Is hanging breathless on thy fate!

Churchill responded on this night by radio broadcast to a nation at war, but he directed his words to Franklin Roosevelt. "We shall not fail or falter," he said. "We shall not weaken or tire. Give us the tools, and we will finish the job."

Tonight, almost a half century later, our peril may be less immediate, but the need for perserverance and clear-sighted fortitude is just as great.

Now, as then, there are those who say it cannot be done. There are voices who say that America's best days have passed. That we are bound by constraints, threatened by problems, surrounded by troubles which limit our ability to hope.

Well, tonight I remain full of hope. We Americans have only begun on our mission of goodness and greatness. And to those timid souls, I repeat the plea: Give us the tools; and we will do the job.

Thank you, God bless you, and God bless America.

At 9 o'clock and 56 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and chargé d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER pro tempore (Mr. FOLEY). The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 5 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. COELHO. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

BUILDING A BETTER AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-21)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

To the Congress of the United States:

I hereby transmit a supplement to the Message I am delivering to the Joint Session of the Congress tonight. It is titled "Building a Better America," and it contains further description of the plans and proposals mentioned in the Message. I urge the Congress to give favorable consideration to these proposals and renew my invitation to the congressional leadership to work together to assure that America is united, strong, at peace, and fiscally sound.

GEORGE BUSH.

THE WHITE HOUSE, *February 9, 1989.*

ADJOURNMENT TO TUESDAY, FEBRUARY 21, 1989

Mr. COELHO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 14, 101st Congress, the House stands adjourned until 12 noon, Tuesday, February 21, 1989.

Thereupon (at 10 o'clock and 7 minutes p.m.), pursuant to Senate Concurrent Resolution 14, the House adjourned until Tuesday, February 21, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

572. A letter from the Deputy Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act, which occurred in connection with funds available for grants in aid for airports for fiscal year 1986, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

573. A letter from the Secretary of the Army, transmitting a copy of the annual inspection of the U.S. Soldiers' and Airmen's Home for fiscal year 1987, pursuant to 24 U.S.C. 59, 60; to the Committee on Armed Services.

574. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting a copy of the Navy's determination and findings indicating the necessity to exclude the clause concerning examination of records by the Comptroller General from a proposed contract with the United Kingdom Ministry of Defence for acquisition of a developmental forward looking infrared radar and support of three such units during trials, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

575. A letter from the Assistant General Counsel, Department of Energy, transmitting a notice of meetings of the Industry Board to the International Energy Agency to be held in Paris, France on February 7, 1989; to the Committee on Energy and Commerce.

576. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting the report of economic conditions prevailing in Portugal which may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

577. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting the report of economic conditions prevailing in Israel which may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

578. A letter from the Director, Defense Security Assistance Agency, transmitting a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of October 1, 1988, pursuant to 22 U.S.C. 2765; to the Committee on Foreign Affairs.

579. A letter from the Comptroller General, transmitting a copy of his report for fiscal year 1988 on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

580. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 30th annual report of the Advisory Commission on Intergovernmental Relations, pursuant to 42 U.S.C. 4275(e); to the Committee on Government Operations.

581. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to U.S.C. 419; to the Committee on Government Operations.

582. A letter from the Acting Administrator, Veterans' Administration, transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

583. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

584. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

585. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

586. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting a report regarding the economic policy and trade practices of each country with which the United States has an economic or trade relationship, pursuant to Public Law 100-418, section 2202 (102 Stat. 1327); jointly, to the Committees on Foreign Affairs and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PURSELL (for himself, Mr. DINGELL, Mr. MADIGAN, Mr. CONTE, Mr. BEVILL, Mr. MOAKLEY, Mrs. MORELLA, Mr. ROE, Mrs. COLLINS, Mr. PEPPER, Mr. HORTON, Mr. DWYER of New Jersey, Mr. FOGLIETTA, Mrs. BENTLEY, Mr. BARNARD, Mr. CLARKE, Mr. SYNAR, Mr. JONTZ, Mr. LAGOMARSINO, Mr. SCHUETTE, Mr. DE LUGO, Mr. KOLTER, Mr. MACHTLEY, Mr. DYMALLY, Mr. WOLPE, Mr. HAYES of Louisiana, and Mr. OWENS of New York):

H.R. 927. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to construct or improve facilities for the conduct of nursing research by institutions of higher education; to the Committee on Energy and Commerce.

By Mr. BUSTAMANTE:

H.R. 928. A bill to amend title 5, United States Code, to provide that the wage schedules for all prevailing rate employees be adjusted consistently in accordance with public policy; to the Committee on Post Office and Civil Service.

By Mr. CLAY:

H.R. 929. A bill to amend section 2(11) of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. WAXMAN (for himself and Mr. MADIGAN):

H.R. 930. A bill to amend the Public Health Service Act to extend the program of voluntary family planning established in title X of such act; to the Committee on Energy and Commerce.

By Mr. CLAY:

H.R. 931. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; to the Committee on Education and Labor.

By Mr. DICKS (for himself, Mr. CHANDLER, Mr. FOLEY, Mr. SWIFT, Mr. MORRISON of Washington, Mr. MILLER of Washington, Mrs. UNSOELD, and Mr. MCDERMOTT):

H.R. 932. A bill to provide for the settlement of land claims of the Puyallup Tribe of Indians in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota (for himself, Ms. OAKAR, Mr. STARK, Mr. FLIPPO, Mr. CHANDLER, Mr. DONNELLY, Mr. FROST, Mrs. JOHNSON of Connecticut, Mr. RAY, Mr. GILMAN, Mr. MRAZEK, Mr. SHAYS, Mr. THOMAS A. LUKEN, Mr. LEWIS of Florida, Mr. TRAFICANT, Mr. HAYES of Louisiana, Mr. DORNAN of California, Mr. HUTTO, Mr. FIELDS, Mrs. COLLINS, Mr. BROWN of Colorado, Mr. OLIN, Mrs. BENTLEY, Mr. FRANK, Mr. BAKER, Mr. ROWLAND of Georgia, Mr. VENTO, Mr. HOPKINS, Mr. DANNEMEYER, Mr. KANJORSKI, and Mr. YATRON):

H.R. 933. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude receipts and disbursements of the Social Security trust funds from the calculation of Federal deficits and maximum deficit amounts under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Government Operations.

By Mr. DYMALLY:

H.R. 934. A bill to amend the Internal Revenue Code of 1986 to increase the exception from the arbitrage rebate requirements for small governmental units; to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 935. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 936. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 937. A bill authorizing the Alpha Phi Alpha Fraternity to establish a monument on Federal land in the District of Columbia to honor Martin Luther King, Jr.; to the Committee on House Administration.

By Mr. FRANK:

H.R. 938. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for water and sewer service charges in the same manner as the deduction allowed for real property taxes; to the Committee on Ways and Means.

By STARK (for himself, Mr. DONNELLY, Mr. COYNE, Mr. LEVIN of Michigan, Mr. MOODY, and Mr. GUARINI):

H.R. 939. A bill to amend title XVIII of the Social Security Act to provide civil money penalties and other remedies for certain improper referral arrangements for items and services provided under the Medicare Program; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. FRANK (for himself, Mr. SOLARZ, Mr. LANTOS, Mr. GALLO, Mr. SAXTON, Mr. CARDIN, and Mr. MORRISON of Connecticut):

H.R. 940. A bill to establish a Commission to Investigate Federal Involvement With the Immigration of Nazi Collaborators; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 941. A bill to amend the Federal Election Campaign Act of 1971 to eliminate, effective at the beginning of the 102d Congress, a provision that permits certain Members of Congress to use excess campaign funds for personal purposes; to the Committee on House Administration.

H.R. 942. A bill to amend the Federal Election Campaign Act of 1971 to restrict the application of a provision that permits certain Members of Congress to use excess campaign funds for personal purposes; to the Committee on House Administration.

H.R. 943. A bill to reduce temporarily the column 2 rate of duty on impact line printers; to the Committee on Ways and Means.

H.R. 944. A bill to extend until January 1, 1994, the existing suspension of duty on certain wools; to the Committee on Ways and Means.

By Mr. HALL of Texas:

H.R. 945. A bill to provide that no amount shall be includible in gross income under section 83 of the Internal Revenue Code of 1986 by reason of the receipt of certain stock; to the Committee on Ways and Means.

By Mr. INHOFE (for himself, Mr. EDWARDS of Oklahoma, Mr. BARNARD, Mr. HORTON, Mr. ROYBAL, Mr. SHAYS, Mr. EVANS, Mr. ROE, Mr. BUSTAMANTE, Mr. DOWNEY, Mr. SYNAR, Mr. CRAIG, Mr. DONALD E. LUKENS, and Mr. DUNCAN):

H.R. 946. A bill to amend title 11 of the United States Code to provide an exception to certain provisions of such title relating to avoidable transfers; to the Committee on the Judiciary.

By Mrs. KENNELLY:

H.R. 947. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity; to the Committee on the Judiciary.

H.R. 948. A bill to establish a corporation to administer a program of voluntary national service, and for other purposes; jointly, to the Committees on Education and Labor, Armed Services, and Veterans' Affairs.

By Mr. LAFALCE (for himself and Mr. BARNARD):

H.R. 949. A bill to amend section 408 of the National Housing Act to allow the purchase by a savings and loan holding company of a minority interest in an undercapitalized thrift institution under certain circumstances, to provide that any such interest may not be treated as a controlling interest in such thrift institution if certain requirements are met, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROYBAL (for himself, Mr. SKELTON, Mr. JONES of North Carolina, Mr. GARCIA, Mr. WILSON, Mr. FAUNTROY, Mr. LEWIS of Georgia, Mr. KASTENMEIER, Mr. HARRIS, Mr. ROE, Mr. DYMALLY, Mr. PERKINS, Mr. RANGEL, Mr. RAHALL, Mr. LAUGHLIN, Mr. JONTZ, Mr. TALLON, Mr. MARTINEZ, Mr. FAZIO, Mr. GUNDERSON, Mr. LANCASTER, Mr. HATCHER, Mr. STAGGERS, Mr. DE LA GARZA, Mr. FOGLIETTA, Mr. MRAZEK, Mr. RICHARDSON, and Mr. CAMPBELL of Colorado):

H.R. 950. A bill to amend the Social Security Act and the Public Health Service Act to contain health care costs, maintain quality, and ensure access to necessary health care services for Americans in rural areas; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. LELAND (for himself, Mrs. SCHROEDER, and Ms. SNOWE):

H.R. 951. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Affairs.

By Mr. LIGHTFOOT:

H.R. 952. A bill to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RICHARDSON:

H.R. 953. A bill to amend the Department of Energy Organization Act to establish the position of Assistant Secretary for Natural Gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSE:

H.R. 954. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction on corporate stock acquisition indebtedness; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 955. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 956. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for contributions to individual retirement accounts; to the Committee on Ways and Means.

By Ms. SNOWE (for herself, Mr. GUNDERSON, Mr. DOWNEY, Mr. DYMALLY, Mr. RINALDO, Mr. MACHTLEY, and Mr. MILLER of Ohio):

H.R. 957. A bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes; to the Committee on Education and Labor.

By Mr. STALLINGS (for himself, Mr. WILLIAMS, Mr. OWENS of Utah, and Mr. CHENEY):

H.R. 958. A bill relating to the treatment of a certain project for purposes of the energy tax credit; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself, Mr. DYMALLY, Mr. ROE, Mr. ROWLAND of Connecticut, Mr. HORTON, Mr. GUARINI, Mr. FAZIO, Mr. PEASE, Mr. LEVINE of California, Mr. DE LUGO, Mr. ENGEL, and Mr. DORNAN of California):

H.R. 959. A bill to establish the William C. Redfield Export Award; to the Committee on Foreign Affairs.

By Mr. WATKINS:

H.R. 960. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a multicandidate political committee may contribute to a candidate in a Federal election and to limit the total amount that a candidate for the office of Senator or Representative may accept from multicandidate political committees in an election; to the Committee on House Administration.

By Mr. WOLF:

H.R. 961. A bill to amend title 23, United States Code, to establish a program for expanding the capacity of heavily traveled portions of the National System of Interstate and Defense Highways located in urbanized areas with a population of 50,000 or more for the purposes of reducing traffic congestion, improving safety, and increasing the efficiency of the system; to the Committee on Public Works and Transportation.

By Mr. ARMEY (for himself and Mr. JOHNSON of South Dakota):

H.R. 962. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require expeditious consideration by the Congress of a proposal by the President to rescind amounts of budget authority if the proposal is transmitted to the Congress on the same day on which the President approves the bill or joint resolution providing such budget authority and does not reduce any program below its prior year level; jointly, to the Committees on Government Operations and Rules.

By Mr. BERMAN (for himself, Mr. SOLOMON, Mr. DOWNEY, Mr. LEVINE of California, and Mr. KASICH):

H.R. 963. A bill to provide for the imposition of sanctions on persons who export, transfer, or otherwise engage in the trade of certain items in violation of laws and regulations implementing the military technology control regime; jointly, to the Committees on Foreign Affairs, Ways and Means, and Government Operations.

By Mr. BEVILL:

H.R. 964. A bill to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, AL); to the Committee on Interior and Insular Affairs.

By Mrs. BOXER (for herself, Mr. BENNETT, Mr. DEFAZIO, Mr. EVANS, Mr. FAUNTROY, Mr. STARK, Mr. LEVINE of California, Mr. JONTZ, Mr. BROWN of California, and Mr. DWYER of New Jersey):

H.R. 965. A bill to establish an Independent Defense Procurement Corps to procure all property and services required by the Department of Defense and to establish an Office of Inspector General to oversee such corps; to the Committee on Armed Services.

By Mr. BROWN of California (for himself, Mr. UDALL, Mr. SCHEUER, Mr. AUCOIN, Mr. OLIN, Mr. MARKEY, Mr. WALGREN, Mr. FOGLIETTA, and Mr. HOCHBRUECKNER):

H.R. 966. A bill to promote a United States-Soviet Union ban on the use of nuclear power sources in orbit around the Earth, and for other purposes; jointly, to the Committees on Foreign Affairs; Science, Space, and Technology; and Armed Services.

By Mr. BUSTAMANTE:

H.R. 967. A bill to establish the Amistad National Recreation Area in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CLEMENT:

H.R. 968. A bill to provide for the Federal reimbursement of local noise abatement funds; to the Committee on Public Works and Transportation.

By Mr. CONYERS (for himself, Mr. DYMALLY, Mr. STOKES, Mr. HAYES of Illinois, Mr. MFUME, Mr. SAVAGE, Mr. ESPY, Mr. LEWIS of Georgia, Mr. SOLARZ, Mr. FAUNTROY, Mr. GRAY, Mr. LEHMAN of Florida, Mr. OWENS of New York, Mr. RANGEL, Mr. ACKERMAN, Mr. HAWKINS, and Mr. WISE):

H.R. 969. A bill to amend the United States Housing Act of 1937 to require the Secretary of Housing and Urban Development to administer a program of construction and revitalization of public housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COOPER:

H.R. 970. A bill to establish the National Center for Adult Literacy, and for other purposes; to the Committee on Education and Labor.

By Mr. COOPER (for himself, Mr. SWIFT, and Mr. LELAND):

H.R. 971. A bill to require the Federal Communications Commission to prescribe rules to protect consumers from unfair practices in the provision of operator services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EDWARDS of California (for himself and Mr. SENSENBRENNER):

H.R. 972. A bill to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice; to the Committee on the Judiciary.

By Mr. FRANK (for himself and Mr. KENNEDY):

H.R. 973. A bill to authorize the Secretary of Housing and Urban Development to provide financial assistance to expand and preserve the permanent supply of affordable, decent, and appropriate housing, and to amend the Internal Revenue Code of 1986 to provide additional revenues for the assistance; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. FRANK (for himself, Mr. ACKERMAN, Mr. ATKINS, Mr. BATES, Mr. FAUNTROY, Mr. GARCIA, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. ROE, Mr. TORRES, and Mr. DE LUGO):

H.R. 974. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act with respect to the financing of benefit improvements under the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DINGELL:

H.R. 975. A bill to amend the Federal securities laws in order to provide additional enforcement remedies for violations of those laws; to the Committee on Energy and Commerce.

By Mr. GILMAN (for himself, Mrs. COLLINS, Mr. FAUNTROY, Mr. BENNETT, Mr. STARK, and Mr. HANSEN):

H.R. 976. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on wine, beer, and cigarettes in order to provide increased revenues to combat drug trafficking, substance abuse, and other related activities; jointly, to the Committees on Ways and Means, Education and Labor, the Judiciary, and Energy and Commerce.

By Mr. GUNDERSON:

H.R. 977. A bill to remove the designation of the third Monday in February as a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. HASTERT:

H.R. 978. A bill to provide assistance to small communities with ground water radium contamination; to the Committee on Energy and Commerce.

By Mr. HOCHBRUECKNER (for himself, Mrs. BENTLEY, Mr. DOWNEY, Mr. FISH, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GILMAN, Mrs. LOWEY of New York, Mr. MCGRATH, Mr. MAVROULES, Mr. MFUME, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, and Mr. OWENS of New York):

H.R. 979. A bill to amend the Public Health Service Act to establish a program of grants for the purpose of providing for research, treatment, and public education with respect to Lyme disease; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mr. STUDDS, Ms. SCHNEIDER, Mr. HERTEL, Mr. LENT, Mr. MILLER of California, Mr. HUGHES, Mr. FOGLIETTA, Mr. TAUZIN, and Mr. CARPER):

H.R. 980. A bill to provide for development of a national global change research plan to coordinate oceanographic, atmospheric, terrestrial, and polar research programs; to establish the Council on Global Environmental Policy; and to amend the National Environmental Policy Act of 1969 to require consideration of the impact of major Federal actions on the global environment; jointly, to the Committees on Science, Space, and Technology; Merchant Marine and Fisheries; and Interior and Insular Affairs.

By Mr. KLECZKA:

H.R. 981. A bill to amend the Federal Deposit Insurance Act to provide deposit insurance in a manner which does not discriminate against small- and medium-sized banks by expanding the assessment base; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LELAND (for himself, Mr. FORD of Michigan, Mr. HORTON, Mr.

GILMAN, Mr. CLAY, Mr. MCCLOSKEY, Mr. YOUNG of Alaska, Mr. GARCIA, Mr. MYERS of Indiana, Mr. ACKERMAN, Mrs. MORELLA, Mr. UDALL, Mr. BURTON of Indiana, Ms. OAKAR, Mrs. SCHROEDER, Mr. SIKORSKI, Mr. YATRON, Mr. DYAMALLY, Mr. DE LUGO, and Mr. SAWYER):

H.R. 982. A bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service Fund, and for other purposes; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. MCMILLEN of Maryland:

H.R. 983. A bill to amend title 28, United States Code, to provide for the selection of grand and petit jurors for each U.S. district court from sources other than the voter registration lists or the lists of actual voters of the political subdivisions within the district or division, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mrs. MARTIN of Illinois (for herself and Mr. ECKART):

H.R. 984. A bill to prohibit rental car companies from imposing liability on renters, with certain exceptions, to prohibit such companies from selling collision damage waivers in connection with private passenger automobile rental agreements of not more than 30 days, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MORELLA (for herself, Mr. FUSTER, Mr. DORGAN of North Dakota, Mr. FAUNTROY, Mr. LEACH of Iowa, Mr. NIELSON of Utah, Mr. GALLO, Mr. HAYES of Illinois, Mr. DYMALLY, Mr. FRANK, Mr. MFUME, Mr. SCHEUER, Mr. PENNY, Mr. VENTO, Mr. SMITH of Vermont, Mr. HENRY, Mr. STUDDS, Mr. LEHMAN of Florida, Mr. FOGLIETTA, Mr. LEVINE of California, Mr. WEISS, Mr. ROYBAL, Mr. EDWARDS of California, Mrs. BENTLEY, Mr. FORD of Michigan, Mr. MINETA, Mr. ROE, Mr. NEAL of North Carolina, Ms. PELOSI, Mr. ACKERMAN, Mr. CARDIN, Mr. BEREUTER, Mr. WOLPE, Mr. HUGHES, Mrs. BOXER, Mr. WALSH, Mr. JOHNSTON of Florida, Mr. BUSTAMANTE, Mr. KENNEDY, Mr. GILMAN, Mr. DEFAZIO, Mr. PORTER, Mr. BONIOR, Mr. POSHARD, Mr. ATKINS, Mr. PANETTA, Mr. BATES, Mr. DE LUGO, Mr. BEILENSON, Mr. MILLER of Washington, Mr. BERMAN, Mr. MOAKLEY, Mr. ESPY, Mr. BILBRAY, Mr. APPLEGATE, Mr. MATSUI, Mr. LELAND, Ms. SLAUGHTER of New York, Mr. MARTINEZ, Ms. SCHNEIDER, Mr. SKELTON, Mr. HYDE, Mr. LEWIS of Georgia, Mr. HORTON, and Mr. BOEHLERT):

H.R. 985. A bill to provide for a Peace Corps training and educational benefits demonstration program; to the Committee on Foreign Affairs.

By Mr. MORRISON of Washington (for himself, Mr. CHANDLER, Mr. DICKS, Mr. FOLEY, Mr. MCDERMOTT, Mr. MILLER of Washington, Mr. SWIFT, and Mrs. UNSOELD):

H.R. 986. A bill to direct the Secretary of the Army to release a reversionary interest in certain lands in the Port of Benton, WA, which were previously conveyed to the Port of Benton; to the Committee on Public Works and Transportation.

By Mr. MRAZEK (for himself, Mr. UDALL, Mr. GEJDENSON, Mr. VENTO, Mr. BENNETT, Mr. BEILENSON, Mr. ANDREWS, Mr. FRANK, Mr. CONYERS, Mr. HAYES of Illinois, Mr. DEFAZIO, Ms. PELOSI, Mr. WOLPE, Mr. SHAYS, Mr. FAWELL, Mr. MORRISON of Connecticut, Mr. WAXMAN, Mr. FOGLIETTA, Mr. GREEN, Mr. SCHUMER, Mr. ATKINS, Mr. IRELAND, Mr. EVANS, Mr. DURBIN, Mr. DOWNEY, Mr. BRYANT, Mr. BONIOR, Mr. SABO, Mr. NELSON of Florida, Mr. MINETA, Mr. OWENS of New York, Mrs. ROUKEMA, Mr. LEVINE of California, Mr. ROE, Mr. KASTENMEIER, Mr. LEWIS of Georgia, Mr. STARK, Mr. TORRES, Mr. VALENTINE, Mr. ACKERMAN, Mr. BROWN of California, Mr. KOLTER, Mr. HOCHBRUECKNER, Ms. SCHNEIDER, Mr. FASCELL, Mr. JONTZ, Mr. PALLONE, Mr. MARTINEZ, Mr. HUGHES, Mr. PEASE, Mr. WEBER, Mr. FISH, Mr. JACOBS, Mr. DWYER of New Jersey, Mr. UPTON, Mr. RAVENEL, Mr. ROYBAL, Mr. MOODY, Mr. MAVROULES, Mr. BARTLETT, Mr. SIKORSKI, Mrs. BOXER, Mr. PORTER, Mr. CLARKE, Mr. EDWARDS of California, Mr. COYNE, Mrs. UNSOELD, Mr. MARKEY, Mr. MCHUGH, Mr. KOSTMAYER, Mr. SOLARZ, Mr. SMITH of New Jersey, Mr. COOPER, Mr. FLAKE, Mr. RIDGE, Mr. KILDEE, Mr. CARPER, Mr. LEHMAN of California, Mr. OWENS of Utah, Mr. PETRI, Mrs. COLLINS, Mr. GORDON, and Mr. BUECHNER):

H.R. 987. A bill to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NIELSON of Utah (for himself, Mr. HANSEN, and Mr. OWENS of Utah):

H.R. 988. A bill entitled the "Camp W.G. Williams Land Exchange Act of 1989"; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 989. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination by creditors against members of the Armed Forces; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA (for himself, Mr. LELAND, Mr. BEVILL, Mrs. BOXER, Mr. HAYES of Illinois, Mr. FAZIO, Mr. ATKINS, Mr. LEHMAN of Florida, Mr. DEFAZIO, Mr. FAUNTROY, Mr. DE LUGO, Mr. EDWARDS of California, Mr. KASTENMEIER, and Mr. ROYBAL):

H.R. 990. A bill to amend title XVIII of the Social Security Act to provide for coverage of adult day care under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SKEEN (for himself and Mr. STALLINGS):

H.R. 991. A bill to withdraw certain public lands in Eddy County, NM, and for other purposes; jointly, to the Committees on Armed Services, Energy, and Commerce, and Interior and Insular Affairs.

By Mr. SLAUGHTER of Virginia (for himself and Mr. BLILEY):

H.R. 992. A bill to repeal a provision of the Department of Transportation and Related Agencies Appropriations Act, 1989, prohibiting the use of Federal funds to plan, design, construct, or approve certain interchanges or other highway facilities providing access between or among Interstate Highway 66, U.S. Route 29, Virginia Route 234, and adjacent properties; jointly, to the Committees on Public Works and Transportation and Appropriations.

By Mr. SMITH of Florida (for himself, Mr. ATKINS, Mr. BATES, Mr. BERMAN, Mr. BONIOR, Mrs. BOXER, Mrs. COLLINS, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. FASCELL, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. GREEN, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. JOHNSTON of Florida, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. MARKEY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of New York, Ms. PELOSI, Mr. PEPPER, Mr. RANGEL, Mr. ROE, Mr. STARK, Mr. STUDDS, Mr. TOWNS, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, and Mr. YATES):

H.R. 993. A bill to amend title 18, United States Code, to prohibit certain handguns which are unsuitable for lawful sporting purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. CONTE):

H.R. 994. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the credit for dependent care expenses, to make such credit refundable, and to provide that certain respite care expenses are eligible for such credit; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. BAKER, Mr. SMITH of Florida, Mr. MCCOLLUM, Mr. DANNEMEYER, Mr. HARRIS, Mr. SCHEUER, Mr. MILLER of California, Mr. MCGRATH, Mr. DENNY SMITH, Mr. LEWIS of Florida, Mr. TORRES, Mr. SCHUETTE, Mr. HUGHES, Mr. HENRY, Mrs. BOXER, Mr. FLIPPO, Mr. MRAZEK, Mr. ERDREICH, Mr. OWENS of New York, Mr. CALLAHAN, Mr. CARDIN, Mr. MARTINEZ, Mr. BEVILL, Mr. ATKINS, Mr. FASCELL, Mr. BUNNING, Mr. COBLE, Mr. ROBINSON, Mr. MCCURDY, Mr. JONES of Georgia, Mr. DWYER of New Jersey, Mr. MCCANDLESS, Mr. DE LUGO, and Mr. DORNAN of California):

H.R. 995. A bill to amend title 18, United States Code, to provide penalties for certain mail-related offenses involving anabolic steroids, and for other purposes; to the Committee on the Judiciary.

By Mr. WALGREN (for himself, Mr. ROE, Mr. BOEHLERT, Mr. WALKER, Mr. BROWN of California, Mr. BUECHNER, Mr. COSTELLO, Mr. FAWELL, Mr. HAMILTON, Mr. HAYES of Lousiana, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. MCCURDY, Mr. MINETA, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. NAGLE, Mr. NOWAK, Mr. PRICE, Mr. RITTER, Ms. SCHNEIDER, Mr. SHAYS, Mr. SKAGGS, Mr. SMITH of Texas, Mr. STALLINGS, Mr. VALENTINE, Mr. WOLPE, Mr. TRAFICANT, and Mr. FRANK):

H.R. 996. A bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. WATKINS:

H.R. 997. A bill to amend the Internal Revenue Code of 1986 to provide certain tax incentives for domestic oil and gas, to establish a domestic petroleum production program, to require the strategic petroleum reserve to be filled with stripper well oil, and to eliminate certain restrictions on the sale of natural gas; jointly, to the Committees

on Ways and Means; Energy and Commerce; and Banking, Finance and Urban Affairs.

By Mr. BERMAN (for himself, Mr. BEILENSON, Mr. LEVINE of California, Mr. WAXMAN, and Mrs. VUCANOVICH):

H.R. 998. A bill to authorize the exchange of certain public lands in California and Nevada; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mrs. BOGGS (for herself and Mr. CHENEY):

H.R. 999. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BONIOR (for himself and Mr. FLORIO):

H.R. 1000. A bill to establish a corporation to administer a National volunteer service program; to the Committee on Education and Labor.

By Mr. CHENEY (for himself, Mr. GRANDY, Mr. GUARINI, Mr. SMITH of Texas, Mr. ROBERT F. SMITH, and Mr. YOUNG of Alaska):

H.R. 1001. A bill to clarify that charges and fees may be collected in connection with foreign trade zones at certain small airports; to the Committee on Ways and Means.

By Mr. DAVIS:

H.R. 1002. A bill to provide a uniform definition for the Great Lakes, and other purposes; to the Committee on the Judiciary.

H.R. 1003. A bill to consider the impacts of major Federal actions on the oceans and Great Lakes, the atmosphere, and other aspects of the global environment; to the Committee on Merchant Marine and Fisheries.

By Mr. DAVIS (for himself, Mr. JONES of North Carolina, and Mr. DINGELL):

H.R. 1004. A bill to amend the Coastal Zone Management Act of 1972 to provide grants to coastal states to control or prevent damage caused by chronic coastal erosion and flooding; to the Committee on Merchant Marine and Fisheries.

By Mr. DIXON (for himself, Mr. MATSUI, Mr. RANGEL, Mr. HAWKINS, Mr. Applegate, Mr. AUCOIN, Mr. BATES, Mr. CLAY, Mrs. COLLINS, Mr. DEFAZIO, Mr. DYMALLY, Mr. ESPY, Mr. FAUNTROY, Mr. FLORIO, Mr. FRANK, Mr. FUSTER, Mr. MFUME, Mr. MURPHY, Mr. OWENS of New York, Mr. ROE, Mr. SAVAGE, Mr. TORRES, Mr. TOWNS, Mr. WILSON, and Mr. WISE):

H.R. 1005. A bill to amend the Internal Revenue Code of 1986 to promote the development and preservation of rental housing for low- and moderate-income families; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey (for himself, Ms. KAPTUR, Mr. FAZIO, Mr. FLORIO, Mr. DE LUGO, Mr. BEILENSON, Mrs. COLLINS, Mr. HENRY, Mr. CLINGER, Mrs. KENNELLY, Mr. DORNAN of California, Mr. MURPHY, Mr. FOGLIETTA, Mr. KOLTER, and Mr. ATKINS):

H.R. 1006. A bill to authorize the Secretary of Housing and Urban Development to provide assistance for the purchase and installation of elder cottage housing opportunity units; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GAYDOS:

H.R. 1007. A bill to amend the Federal Property and Administrative Services Act of 1949 to allow volunteer fire departments and emergency rescue squads to receive donations of Federal surplus personal property; to the Committee on Government Operations.

By Mr. GEJDENSON (for himself and Mr. WYDEN):

H.R. 1008. A bill to require the Consumer Product Safety Commission to require the labeling of certain toys; to the Committee on Energy and Commerce.

By Mr. GOODLING:

H.R. 1009. A bill to restructure the pay system for Members of Congress; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. GRADISON (for himself and Mrs. KENNELLY):

H.R. 1010. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of long-term care insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MARLENEE, Mr. HOLLOWAY, Mr. SCHUETTE, Mr. SHUMWAY, Mr. MORRISON of Washington, and Mr. ROBERT F. SMITH):

H.R. 1011. A bill to provide for the establishment of the National Commission on Natural Resources Disasters, to provide for increased planning and cooperation with local firefighting forces in the event of forest fires, and for other purposes; to the Committee on Agriculture.

By Mr. LANTOS (for himself, Mrs. COLLINS, Mr. FAUNTROY, Mr. FRANK, Mr. HAWKINS, Mr. LELAND, Mr. MARTINEZ, Mrs. MORELLA, Mr. MCEWEN, Mr. NIELSON of Utah, Mr. OWENS of New York, Ms. PELOSI, Mr. SABO, Mrs. SCHROEDER, and Mr. WEISS):

H.R. 1012. A bill to modify the authority of the Equal Employment Opportunity Commission to investigate and determine discrimination claims made by Federal employees against the Federal Government, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. OWENS of New York:

H.R. 1013. A bill to amend the Education of the Handicapped Act to extend certain authorities contained in such act through the fiscal year 1992; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI:

H.R. 1014. A bill to establish a pay system under which, within specified limits, Members of Congress would be permitted to designate their own salaries; to ban the acceptance of honoraria by Members and congressional staff; to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on the amount of living expenses of Members away from home which are allowable as a deduction; and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Ways and Means.

By Mr. SHAW:

H.R. 1015. A bill to amend title 23, United States Code, to establish a procedure for adding certain roads to the National System of Interstate and Defense Highways in exchange for the removal of other highways from the Interstate System; to the Committee on Public Works and Transportation.

H.R. 1016. A bill to amend the Federal Aviation Act of 1958 to authorize State and local governments to regulate aviation advertising flights; to the Committee on Public Works and Transportation.

By Mr. GILMAN (for himself, Mr. HOYER, Mrs. MORELLA, and Mr. SCHUMER):

H.J. Res. 136. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. GLICKMAN (for himself, Mr. WHEAT, Mr. FRANK, Mr. WISE, Mr. LEWIS of Georgia, Mrs. COLLINS, Ms. PELOSI, Mr. SLATTERY, and Mr. MARTINEZ):

H.J. Res. 137. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. HOCHBRUECKNER (for himself, Mr. MOAKLEY, Mr. MRAZEK, Mr. GEJDENSON, Mr. LENT, Mr. MCGRATH, Mr. ROWLAND of Connecticut, Mr. OWENS of New York, Mrs. BENTLEY, Mr. GREEN, Mr. GARCIA, Mr. GILMAN, Mr. FISH, Mr. WEISS, Mr. FRANK, Mr. MFUME, and Mr. MAVROULES):

H.J. Res. 138. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H.J. Res. 139. Joint resolution to express opposition to the Environmental Protection Agency's past increases in fluoridation levels in drinking water; to the Committee on Energy and Commerce.

By Mr. GUNDERSON (for himself, Mr. BONIOR, Mr. MICHEL, Mr. CONTE, Ms. SLAUGHTER of New York, Mr. HORTON, Mr. HOYER, Mr. OWENS of New York, Mr. PEPPER, Mr. PORTER, Mr. COELHO, Mr. ACKERMAN, Mr. AKAKA, Mr. ATKINS, Mr. AUCOIN, Mr. BALLENGER, Mr. BENNETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BLAZ, Mr. BLILEY, Mrs. BOXER, Mr. BROWN of California, Mr. BRUCE, Mr. BUNNING, Mr. BUSTAMANTE, Mr. CARR, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CROCKETT, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DONNELLY, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ENGLISH, Mr. EVANS, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FUSTER, Mr. GALLEGLY, Mr. GARCIA, Mr. GOODLING, Mr. GONZALEZ, Mr. HAMILTON, Mr. HUCKABY, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HENRY, Mr. HUGHES, Mr. HUNTER, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. JONTZ, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KASTENMEIER, Mr. KLECZKA, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LENT, Mr. LIPINSKI, Mr. DONALD E. LUKENS, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. MINETA, Mr. MOAKLEY, Mr. MRAZEK, Mr. MURPHY, Mr. NEAL of North Carolina, Mr. OLIN, Mr. PACKARD, Mr. PARRIS, Mrs. PATTERSON, Ms. PELOSI, Mr. PERKINS, Mr. PETRI, Mr. QUILLEN, Mr. RANGEL, Mr. REGULA, Mr. RIDGE, Mr. RITTER, Mr. ROE, Mrs. ROUKEMA, Mrs. SAIKI, Mr. SAXTON, Ms. SCHNEIDER, Mr. SCHUETTE, Mr. SHAW, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. TAUKE, Mr. TORRES, Mr. VENTO, Mr. WEBER, Mr. WEISS, Mr. WHITTAKER, Mr. WISE, Mr. WOLF, Mr. WOLPE, and Mr. YOUNG of Florida):

H.J. Res. 140. Joint resolution designating March 7 through March 13, 1989, as "Deaf Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HASTERT:

H.J. Res. 141. Joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. GREEN, and Mr. KILDEE):

H.J. Res. 142. Joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE:

H.J. Res. 143. Joint resolution to designate June 15, 1989, as "American Victims of Terrorism Day"; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H. Con. Res. 51. Concurrent resolution to express the sense of the Congress urging the President to recognize and include the Director of National Drug Control Policy as a fully participating member of the President's Cabinet; to the Committee on Government Operations.

By Mr. KENNEDY:

H. Con. Res. 52. Concurrent resolution expressing the sense of the Congress concerning security at United States and international airports; to the Committee on Public Works and Transportation.

By Mr. COURTER (for himself, Mr. SAXTON, Mr. SMITH of New Jersey, and Mr. GALLO):

H. Res. 74. Resolution directing the Secretary of Defense to furnish certain information to the House of Representatives concerning the actions of the Commission on Base Realignment and Closure with respect to Fort Dix, NJ to the Committee on Armed Services.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H. Res. 75. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the 1st sess. of the 101st Congress; to the Committee on House Administration.

By Mr. HOPKINS (for himself, Mr. SAXTON, Mr. HAMILTON, Mr. LEWIS of California, Mr. BROWN of California, Mr. MADIGAN, Mr. BRUCE, Mrs. BENTLEY, Mr. PORTER, Mr. CAMPBELL of Colorado, Mr. COURTER, Mr. MCCLOSKEY, Mr. HUNTER, Mrs. BOXER, Mr. SMITH of New Jersey, Mr. PERKINS, Mr. GALLO, Mr. MATSUI, and Mr. KENNEDY):

H. Res. 76. Resolution directing the Secretary of Defense to furnish certain information to the House of Representatives concerning the actions of the Commission on Base Realignment and Closure; to the Committee on Armed Services.

By Mr. ANDERSON (for himself and Mr. HAMMERSCHMIDT):

H. Res. 77. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Public Works and Transportation in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. DREIER of California (for himself and Mr. BROWN of California):

H. Res. 78. A resolution saluting the Life-Savers Foundation of America for its efforts to increase public knowledge of and access to bone marrow transplants; to the Committee on Energy and Commence.

MEMORIALS

Under clause 4 of rule XXII,

16. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to restoring full funding to the VA Medical Centers; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 1017. A bill for the relief of William A. Cassity; to the Committee on the Judiciary.

H.R. 1018. A bill for the relief of Samuel R. Newman; to the Committee on the Judiciary.

By Mr. RICHARDSON:

H.R. 1019. A bill for the relief of Juana del Carmen Villalobos de Bruno; to the Committee on the Judiciary.

By Mr. MORRISON of Washington:

H.R. 1020. A bill to permit reimbursement of relocation expenses of William D. Morger; to the Committee on the Judiciary.

By Mr. PICKETT:

H.R. 1021. A bill for the relief of Charlotte S. Neal; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 1022. A bill for the relief of Priti Rekha Chaudhury Juneja; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. BONIOR and Mr. SANGMEISTER.

H.R. 22: Mr. TORRES, Mrs. LLOYD, Mr. MARTINEZ, Mrs. COLLINS, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. ROE, Mr. RANGEL, and Mr. DYMALLY.

H.R. 49: Mr. COBLE, Mr. BAKER, Mr. BLAZ, Mr. HAYES of Louisiana, Mr. CHENEY, Mr. MARLENEE, Mr. ENGLISH, Mr. SMITH of Texas, Mr. DAVIS, Mr. LOWERY of California, Mr. OXLEY, Mr. COMBEST, Mr. DORNAN of California, Mr. HOUGHTON, Mr. SKEEN, Mr. BALLENGER, Mr. RHODE, Mr. SCHAEFER, Mr. ARMEY, Mr. BARTON of Texas, Mr. MCCOLLUM, Mr. CRAIG, Mr. STUMP, Mr. HASTERT, Mr. NIELSON of Utah, Mr. GALLEGLY, Mr. SLAUGHTER of Virginia, Mr. BARTLETT, Mr. HUCKABY, Mr. BURTON of Indiana, Mr. ROBERTS, Mr. FIELDS, Mr. SHUMWAY, Mr. WHITTAKER, Mr. HAMMERSCHMIDT, Mr. MYERS of Indiana, Mr. ARCHER, Mr. HUNTER, Mr. MARTIN of New York, Mr. CHAPMAN, Mr. ROBERT F. SMITH, Mr. INHOFE, Mr. HUBBARD, Mr. DENNY SMITH, Mr. DANNEMEYER, Mrs. VUCANOVICH, Mr. LIGHTFOOT, Mr. HANSEN, Mr. HOLLOWAY, and Mr. ANTHONY.

H.R. 55: Mr. ATKINS, Mr. COBLE, Mr. HILER, Mr. DORNAN of California, Mrs. MORELLA, Mr. ARMEY, Mr. BERMAN, Mr. ANDERSON, Mr. GALLEGLY, Mr. BRYANT, Mr. SHUMWAY, Mr. DIXON, and Mr. FAZIO.

H.R. 70: Mr. PACKARD, Mr. MCEWEN, Mr. HYDE, Mr. NEAL of North Carolina, Mr. WHITTAKER, Mr. PAYNE of New Jersey, Mr. FISH, Mr. LIGHTFOOT, Mr. BROWN of Colorado, Mr. FIELDS, and Mr. BLILEY.

H.R. 82: Mr. LEVIN of Michigan, Mr. PORTER, Mr. DEWINE, Mr. WALGREN, Mr. MCGRATH, Mr. DARDEN, Mr. STOKES, Mr. HATCHER, Mr. WAXMAN, and Mr. LANCASTER.

H.R. 91: Mr. PENNY, Mr. SIKORSKI, Mr. HOUGHTON, Mr. ERDREICH, Mr. FAUNTROY, Mr. FRANK, Mr. FUSTER, and Mr. BATES.

H.R. 100: Mr. GILLMOR, Mr. DORNAN of California, Mr. DENNY SMITH, Mr. BURTON of Indiana, Mr. DEWINE, Mr. SAXTON, Mrs. BENTLEY, and Mr. PETRI.

H.R. 145: Mr. MFUME, Mr. HENRY, Mr. FLORIO, Mr. POSHARD, Mr. WOLPE, Mr. FEIGHAN, Mr. OWENS of New York, Mr. LEHMAN of California, and Mr. BUECHNER.

H.R. 150: Mr. OWENS of New York, Mr. LANCASTER, Mr. ROE, Mr. ACKERMAN, Mr. EARLY, Mr. FAZIO, Mr. TORRES, Mr. ATKINS, Mr. DE LUGO, Mr. MILLER of Ohio, Mr. SHAW, Mr. WHITTAKER, and Mr. WAXMAN.

H.R. 152: Mr. ACKERMAN, Mrs. SAIKI, Mr. FAZIO, Mr. ATKINS, Mr. MRAZEK, and Ms. PELOSI.

H.R. 156: Mr. MOAKLEY, Mr. BUSTAMANTE, Mr. NEAL of Massachusetts, Mr. TRAXLER, Mr. DWYER of New Jersey, Mr. FEIGHAN, and Mr. OWENS of New York.

H.R. 159: Mr. EMERSON and Mr. ARMEY.

H.R. 210: Mr. WEISS.

H.R. 211: Mr. FAZIO, Mr. GORDON, Mr. QUILLEN, Mr. KENNEDY, Mr. HARRIS, Mr. WEISS, and Mr. KLECZKA.

H.R. 212: Mr. GORDON, Mr. DE LUGO, and Mr. WEISS.

H.R. 214: Mr. NIELSON of Utah, Mr. FLIPPO, Mr. LENT, Mr. VENTO, Mr. DONNELLY, Mr. MILLER of California, Mr. ACKERMAN, Mr. GILMAN, Mr. MARLENEE, Mrs. LLOYD, Mr. WALGREN, Mr. WOLPE, Mr. CLINGER, Mr. FISH, and Mr. KLECZKA.

H.R. 215: Mr. ARMEY, Mr. QUILLEN, and Mr. RANGEL.

H.R. 216: Mr. WEISS.

H.R. 217: Mr. MRAZEK.

H.R. 245: Mr. PASHAYAN, Mr. FAUNTROY, Ms. PELOSI, Mr. DORNAN of California, Mr. DYMALLY, Mr. SHUMWAY, Mrs. BOXER, Mr. MINETA, Mr. DANNEMEYER, Mr. DIXON, Mr. BROWN of California, Mr. LEWIS of California, Mr. LIGHTFOOT, and Mr. STARK.

H.R. 283: Mr. DWYER of New Jersey, Mr. DONALD E. LUKENS, Mr. MONTGOMERY, and Mrs. BENTLEY.

H.R. 286: Mr. DONALD E. LUKENS, Mr. DEFAZIO, Mrs. BENTLEY, Mr. ROE, and Mr. FAWELL.

H.R. 310: Mr. WOLF and Mr. BOUCHER.

H.R. 328: Mr. COSTELLO.

H.R. 330: Mr. BUECHNER.

H.R. 372: Mr. PACKARD.

H.R. 373: Mr. PACKARD, Mr. TAUZIN, Mrs. MARTIN of Illinois, Mr. OWENS of Utah, Mrs. BENTLEY, Mr. WILSON, Mr. MYERS of Indiana, Ms. SCHNEIDER, Mr. WOLPE, Mr. LANCASTER, Mr. FAZIO, Mr. WEISS, Mr. FAWELL, Mr. KOLTER, Mr. DEWINE, Mr. KOLBE, Mr. SHAW, and Mr. SKELTON.

H.R. 418: Mr. MCDERMOTT, Mr. KASTENMEIER, Mr. FUSTER, Mr. OWENS of New York, and Mr. UDALL.

H.R. 425: Mr. NOWAK, Mr. DE LUGO, Mr. CARDIN, Mr. MARTINEZ, Ms. PELOSI, Mr. DIXON, Mr. MRAZEK, Mr. ROE, Mrs. BENTLEY, Mrs. MEYERS of Kansas, Mr. KOSTMAYER, and Mr. GIBBONS.

H.R. 455: Mr. BALLENGER, Mr. BATEMAN, Mr. BATES, Mrs. BOXER, Mr. BUNNING, Mr. CLEMENT, Mrs. COLLINS, Mr. DANNEMEYER, Mr. DAVIS, Mr. DONNELLY, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. FAWELL, Mr. FRANK, Mr. GARCIA, Mr. GRANT, Mr. GUNDERSON, Mr.

HAMMERSCHMIDT, Mr. HARRIS, Mr. HYDE, Mr. KANJORSKI, Ms. KAPTUR, Mr. KOLTER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. WHITTAKER, Mr. MCEWEN, Mr. MACHTLEY, Mr. MARTINEZ, Mr. MILLER of California, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. RAHALL, Mr. ROBINSON, Mr. ROE, Mr. ROWLAND of Connecticut, Mr. SCHUETTE, Mr. SISISKY, Mr. SPRATT, Mr. STAGGERS, Mr. STENHOLM, Mr. STUDDS, Mr. SYNAR, Mr. YATRON, Mr. SWIFT, Mr. EMERSON, Mr. TORRES, Mr. ATKINS, Mr. SHUMWAY, Mr. PETRI, Mr. JOHNSON of South Dakota, Mr. VENTO, Mrs. ROUKEMA, Mr. KILDEE, Mr. MRAZEK, Mr. RANGEL, Mr. KENNEDY, Mr. QUILLEN, Mr. SCHUMER, Mr. WEISS, Mr. ARMEY, and Mr. WOLPE.

H.R. 458: Mr. DEWINE.

H.R. 467: Mr. EDWARDS of California, Mr. HOCHBRUECKNER, Mr. YATES, Mr. WHEAT, Mr. WALGREN, Mr. MOODY, Mr. FAUNTROY, Ms. PELOSI, Mr. WYLIE, Mr. HALL of Ohio, Mr. ROE, Mr. ATKINS, Mr. MFUME, Mr. FASCELL, Mr. GREEN, Mr. MARKEY, Mr. DYMALLY, Mr. WOLPE, Mr. LEWIS of Georgia, Mr. BROWN of California, Mr. LEVINE of California, Mr. FAZIO, Mrs. COLLINS, Mr. SOLARZ, Mr. VISCLOSKY, Mr. DONNELLY, Ms. SLAUGHTER of New York, Mr. JOHNSTON of Florida, Ms. SCHNEIDER, Mr. LIPINSKI, Mr. WEISS, Mrs. ROUKEMA, Mr. HAYES of Illinois, Mr. MATSUI, Mr. CAMPBELL of California, Mrs. LOWEY of New York, and Mrs. SAIKI.

H.R. 499: Mr. STUMP, Mrs. BENTLEY, and Mr. SMITH of Texas.

H.R. 500: Mr. DE LUGO, Mrs. SAIKI, Mr. FAWELL, Mr. FUSTER, Mrs. BENTLEY, Mr. SOLARZ, Mr. HORTON, and Mr. HAWKINS.

H.R. 501: Mr. LIGHTFOOT.

H.R. 504: Mr. STUMP, Mr. SMITH of Texas, and Mrs. BENTLEY.

H.R. 518: Mr. HUGHES, Mr. CHENEY, Mr. IRELAND, Mr. DEWINE, Mr. DONALD E. LUKENS, Mr. APPLEGATE, and Mr. BLILEY.

H.R. 546: Mrs. COLLINS.

H.R. 550: Mr. STAGGERS, Mr. DENNY SMITH, Mr. DYMALLY, Mr. DORNAN of California, Mr. YOUNG of Alaska, Mr. FLORIO, Mr. ROWLAND of Connecticut, Mr. SHUMWAY, Mr. MRAZEK, Mr. RAHALL, Mr. LEWIS of Florida, and Mrs. SAIKI.

H.R. 551: Mr. IRELAND, Mr. BALLENGER, Mr. RAY, Mr. BEVILL, Mr. PARRIS, Mr. DEFAZIO, Mr. OWENS of Utah, Mr. HYDE, Ms. SCHNEIDER, Mr. MYERS of Indiana, Mr. PORTER, Mr. EVANS, Mr. FAWELL, and Mr. SHAW.

H.R. 563: Mr. WYLIE, Mr. MCNULTY, Mr. RICHARDSON, Mr. SHAYS, Mr. SKEEN, Mr. DE LUGO, Mr. KOLTER, Mr. WOLPE, Mr. DONNELLY, Mr. DEFAZIO, Mr. TAUZIN, Mr. WISE, Mr. QUILLEN, Mr. KILDEE, Mr. STALLINGS, Mr. HAYES of Illinois, Mr. BORSKI, and Mr. CLAY.

H.R. 567: Mr. ATKINS, Mr. DEFAZIO, Mr. FAZIO, Mr. CLAY, Mr. MAVROULES, Mr. WILSON, Mr. BOEHLERT, and Mr. MANTON.

H.R. 575: Mr. BEREUTER, Mr. BURTON of Indiana, Mr. DOUGLAS, Mr. HUNTER, Mr. LIGHTFOOT, Mr. MCCOLLUM, and Mr. PARRIS.

H.R. 594: Mr. MFUME, Mr. SHARP, Mr. APPLEGATE, Mr. COYNE, Mrs. BOGGS, Mr. ESPY, Ms. OAKAR, Mr. SPENCE, Mr. PEPPER, Mr. PACKARD, Mr. SIKORSKI, Mr. MATSUI, Mr. FRENZEL, Mr. OBERSTAR, Mr. CAMPBELL of Colorado, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. CONYERS, Mrs. UNSOELD, and Mrs. MEYERS of Kansas.

H.R. 596: Mr. WILSON, Mr. INHOFE, Mr. DORNAN of California, Mr. FIELDS, Mr. FROST, and Mrs. BENTLEY.

H.R. 631: Mr. OWENS of New York and Mr. OBEY.

H.R. 645: Mr. DONNELLY and Mr. FLORIO.

H.R. 646: Mr. BARTON of Texas, Mr. BROWN of Colorado, Mr. FAWELL, and Mr. EMERSON.

H.R. 668: Mr. QUILLEN and Mr. OWENS of New York.

H.R. 669: Mr. DYMALLY, Mr. HAWKINS, Mr. SOLARZ, Mr. TORRES, Mr. OWENS of New York, Mr. SMITH of Florida, Mr. MARKEY, and Mr. RUSSO.

H.R. 672: Ms. PELOSI and Mr. DYMALLY.

H.R. 679: Mr. DYMALLY, Mr. OWENS of New York, and Mr. WILSON.

H.R. 685: Mr. RAHALL.

H.R. 696: Mr. DE LUGO, Mr. KOLTER, Mr. CONTE, Mr. GILMAN Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. ATKINS, Mr. SHARP, Mr. WEISS, Mr. DYMALLY, Mr. BONIOR, Mr. WOLPE, and Mr. ACKERMAN.

H.R. 717: Mr. HOCHBRUECKNER, Mr. SAWYER, Mr. BONIOR, Mr. BROWN of California, Mr. COELHO, Mr. OWENS of Utah, Mr. YATES, Mr. DE LUGO, Mr. RAHALL, Mr. WOLPE, and Mr. FRANK.

H.R. 718: Mr. VENTO, Mr. WHITTAKER, Mr. CAMPBELL of California, Mr. KILDEE, and Mr. KOSTMAYER.

H.R. 746: Mr. BLAZ, Mr. HOUGHTON, Mr. PICKLE, and Mr. DELAY.

H.R. 750: Mr. BOEHLERT.

H.R. 759: Mr. LEVINE of California and Mr. CAMPBELL of California.

H.R. 762: Mr. NEAL of North Carolina, Mr. JONTZ, Mr. TAUKE, Mr. HUCKABY, Mr. JENKINS, and Mr. HAMMERSCHMIDT.

H.R. 780: Mr. BONIOR, Mr. FAUNTROY, and Mr. SIKORSKI.

H.R. 783: Mr. RAHALL.

H.R. 794: Mr. ATKINS, Mr. MRAZEK, Mr. RAHALL, and Mr. FLORIO.

H.R. 841: Mr. BUNNING, Mr. LAGOMARSINO, Mr. HERGER, Mr. PETRI, Mr. WELDON, and Mr. SCHAEFER.

H.R. 901: Mr. EDWARDS of California, Mr. KENNEDY, and Mr. BILIRAKIS.

H.R. 904: Mr. DONNELLY, Mr. BROWN of California, Mr. WILSON, Mr. SPRATT, Mr. DWYER of New Jersey, Mr. CONYERS, Mr. PEPPER, Mr. FISH, Mr. IRELAND, Mr. HILER, Mr. DYMALLY, Mr. JACOBS, Mr. WOLF, Mr. TRAXLER, and Mr. GRAY.

H.J. Res. 3: Mr. GILLMOR, Mr. MORRISON of Washington, Mr. DORNAN of California, Mr. DENNY SMITH, Mr. BURTON of Indiana, Mr. DEWINE, Mr. SAXTON, and Mr. PETRI.

H.J. Res. 22: Mr. AKAKA, Mr. HALL of Ohio, Mrs. MORELLA, Ms. PELOSI, Mr. ACKERMAN, Mr. BONIOR, Mr. RAVENEL, Mr. FRANK, Mr. FISH, and Mr. HANSEN.

H.J. Res. 34: Mr. CLEMENT, Mr. BUECHNER, Mr. BAKER, Mr. KOLBE, Mr. EDWARDS of Oklahoma, and Mr. LIGHTFOOT.

H.J. Res. 47: Mr. ANNUNZIO, Mr. BERMAN, Mr. BLILEY, Mrs. BOXER, Mr. BROOMFIELD, Mr. BUSTAMANTE, Mr. COELHO, Mrs. COLLINS, Mr. COYNE, Mr. DEFAZIO, Mr. DE LUGO, Mr. DYMALLY, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FRANK, Mr. GEJDENSON, Mr. GILMAN, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. KOLTER, Mr. LIPINSKI, Mr. MCEWEN, MOLINARI, Mr. OWENS of New York, Mr. PAXON, Ms. PELOSI, Mr. PORTER, Mr. ROE, Mr. SAXTON, Mr. SCHEUER, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. TRAFICANT, Mr. UDALL, Mr. WALSH, Mr. WYDEN, Mr. ACKERMAN, Mrs. BENTLEY, Mr. BEVILL, Mr. BROWN of California, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. COURTER, Mr. DORNAN of California, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. FAWELL, Mr. FIELDS, Mr. FRENZEL, Mr. GREEN, Mr. HOLLOWAY, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. JONTZ, Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MFUME, Mr. MRAZEK, Mr. MCGRATH, Mr. PEPPER, Mr. ROHRABACHER, Mr. SOLARZ, Mr. WAXMAN, Mr. WEBER, and Mr. YATES.

H.J. Res. 67: Mr. ROE, Mr. HAMMERSCHMIDT, Mr. MANTON, Mr. HORTON, Ms. OAKAR, Mr. BLILEY, Mr. DYMALLY, Mr. FAZIO, Mr. DE LUGO, Mr. MARTINEZ, Mr. DWYER of New Jersey, Mr. FOGLIETTA, Mr. KOLTER, Mr. NATCHER, Mr. QUILLEN, Mrs. BENTLEY, and Mr. KASICH.

H.J. Res. 80: Mr. HILER and Mr. HARRIS.

H.J. Res. 112: Mr. BARNARD, Mr. BONIOR, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mr. CLINGER, Mr. COSTELLO, Mr. CRAIG, Mr. DE LUGO, Mr. DEWINE, Mr. DWYER of New Jersey, Mr. EVANS, Mr. FAWELL, Mr. FIELDS, Mr. FISH, Mr. FLIPPO, Mr. GALLO, Mr. GARCIA, Mr. GONZALEZ, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HORTON, Mr. HUNTER, Mr. JONES of Georgia, Mr. KASTENMEIER, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Ms. PELOSI, Mr. QUILLEN, Mr. RITTER, Mr. SHAW, Ms. SLAUGHTER of New York, Mr. TAUKE, Mr. VOLKMER, Mr. WATKINS, Mr. WHITTAKER, and Mr. WHITTEN.

H. Con. Res. 13: Mr. COSTELLO, Mr. GUNDERSON, Mr. STANGELAND, Mr. ROE, Mr. WOLF, Mrs. MEYERS of Kansas, Mr. COX, Mr. HORTON, Mr. MARTINEZ, Mr. CARPER, Mr. LAGOMARSINO, Mr. SENSENBRENNER, Mr. HUGHES, and Mr. ROHRABACHER.

H. Con. Res. 30: Mr. WHITTAKER, Mr. MRAZEK, Mr. FISH, Mr. DYMALLY, Mr. BAKER, Mr. MOLLOHAN, Mr. JONTZ, and Mr. DWYER of New Jersey.

H. Con. Res. 40: Mr. STUMP, Mr. THOMAS of Georgia, Mr. WALSH, Mr. BEVILL, Mr. LIPINSKI, Mr. MCDADE, Mr. KOLBE, Mrs. LLOYD, Mr. HOYER, and Mr. MOORHEAD.

H. Con. Res. 41: Mr. NELSON of Florida, Mr. HILER, Mr. EMERSON, Mr. ACKERMAN, and Mr. LEWIS of Florida.

H. Con. Res. 42: Mr. LIPINSKI and Mr. OWENS of New York.

H. Con. Res. 46: Mr. BURTON of Indiana, Mr. COURTER, Mr. DEFAZIO, and Mr. DONALD E. LUKENS.

H. Con. Res. 47: Mr. ARMEY and Mr. DELAY.

H. Con. Res. 48: Mr. MILLER of California, Mr. LEVINE of California, Mr. STUDDS, Mr. JONTZ, Mr. MOAKLEY, Mr. PENNY, Mr. ACKERMAN, Mr. BOUCHER, Mr. TRAXLER, Mr. GEJDENSON, Mr. WAXMAN, Mr. HAYES of Illinois, and Mr. RANGEL.

H. Con. Res. 20: Mr. MARTIN of New York and Mr. TRAXLER.

H. Res. 23: Mr. BRYANT, Mr. HAWKINS, Mr. LAUGHLIN, Mr. DENNY SMITH, Mr. EMERSON, Mr. MANTON, Mr. HOYER, Mr. BONIOR, Mr. FLAKE, Mr. SOLARZ, Ms. SLAUGHTER of New York, and Mr. OWENS of New York.

H. Res. 33: Mr. ACKERMAN, Mr. AKAKA, Mr. ALEXANDER, Mr. APPLEGATE, Mr. ASPIN, Mr. ATKINS, Mr. AUCOIN, Mr. BATES, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BONIOR, Mr. BORSKI, Mr. BROWN of California, Mr. BRUCE, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CARR, Mr. CLARKE, Mr. CLAY, Mr. COELHO, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. COSTELLO, Mr. COYNE, Mr. CROCKETT, Mr. DARDEN, Mr. DELLUMS, Mr. DE LUGO, Mr. DERRICK, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DOWNEY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ESPY, Mr. FAUNTROY, Mr. FAZIO,

Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GINGRICH, Mr. GORDON, Mr. GRAY, Mr. GUARINI, Mr. HAMILTON, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HERTEL, Mr. HORTON, Mr. HOYER, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. JONTZ, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOLBE, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LLOYD, Mr. THOMAS A. LUKEN, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Mr. MCCURDY, Mr. MCDERMOTT, Mr. MFUME, Mr. MINETA, Mr. MOODY, Mrs. MORELLA, Mr. MRAZEK, Mr. MURPHY, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PALLONE, Mr. PANETTA, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PORTER, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. RICHARDSON, Mr. ROE, Mr. ROSE, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mrs. SAIKI, Mr. SARPALIUS, Mr. SAVAGE, Mr. SAXTON, Mr. SCHEUER, Ms. SCHNEIDER, Mr. SCHUETTE, Mr. SCHUMER, Mr. SISISKY, Mr. SKELTON, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. SYNAR, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TORRES, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WAXMAN, Mr. WHITTAKER, Mr. WISE, Mr. WOLPE, Mr. WYDEN, Mr. YATES, and Mr. YATRON.

H. Res. 41: Mr. ARMEY, Mr. BAKER, Mr. CHAPMAN, Mr. CLARKE, Mr. COBLE, Mr. CRANE, Mr. EDWARDS of Oklahoma, Mr. FIELDS, Mr. GILLMOR, Mr. GOSS, Mr. HILER, Mr. HOCHBRUECKNER, Mr. HUBBARD, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MYERS of Indiana, Mr. PAXON, Mr. ROBINSON, Mr. ROHRABACHER, Mr. SARPALIUS, Mr. SENSENBRENNER, Ms. SLAUGHTER of New York, Mr. STALLINGS, Mr. TALLON, Mr. TANNER, Mr. VISCLOSKY, and Mr. WHITTAKER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 705: Mr. COUGHLIN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

22. The SPEAKER presented a petition of the Municipal Police Employees' Retirement System, Baton Rouge, LA, relative to Medicare, Social Security, and related programs for State and local public employees; which was referred to the Committee on Ways and Means.

SENATE—*Thursday, February 9, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 8:30 p.m., on the expiration of the recess, and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed be the name of God for ever and ever: for wisdom and might are his: and he changeth the times and the seasons: he removeth kings, and setteth up kings: he giveth wisdom unto the wise, and knowledge to them that know understanding.—Daniel 2:20-21.

Eternal God, sovereign Lord of Heaven and Earth, what profound possibilities as the world in microcosm gathers this evening in the House Chamber. Make Thy presence felt as executive, legislative, and judicial branches join the diplomatic community, and the people participate through television.

Infuse this dramatic gathering with wisdom, truth, and justice. Sensitize us to our unity as humans, our frailty in the face of cosmic needs and the universal dependence of the global community upon Thee in this critical hour.

In the name of the Lord and for His glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 9, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE FOLLOWING RECESS

Mr. MITCHELL. Mr. President, for the information of my colleagues, I would like to briefly lay out the program following the recess period.

It appears now that there will be no legislation or nominations available for floor consideration on Tuesday, February 21. In view of this, it is my intention to ask consent that when the Senate reconvenes on Tuesday it be for a pro forma session only with no business conducted. We would then recess over to 12 noon on Wednesday for the reading of Washington's Address. Following the reading of the Address, the Senate would stand in recess for the two policy luncheons until 2:15 p.m. At that time, it is my hope that we could proceed to S. 20, the Whistleblower Protection Act. Should it be possible to schedule the bill for Wednesday, Senators should be on notice that a rollcall vote on final passage could occur later that afternoon.

ORDERS FOR TUESDAY, FEBRUARY 21, AND WEDNESDAY, FEBRUARY 22

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, February 21, the Senate meet in pro forma session only and that no business be conducted. I further ask unanimous consent that upon completion of the pro forma session the Senate stand in recess until 12 noon on Wednesday, February 22, and that the time of the two leaders be delayed to begin at 2:15 p.m. that day. I further ask unanimous consent that the reading of Washington's Farewell Address occur immediately following the prayer on Wednesday, February 22 and that upon its completion the Journal of Proceedings be approved to date and the Senate stand in recess until 2:15 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF AMENDMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that three amendments numbered 3, 4, and 5, offered by Senator JOHNSTON, be printed as Senate amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATUS OF NOMINATIONS

Mr. MITCHELL. Mr. President, the Senate has confirmed 11 of the President's nominees for key positions in the administration. When the Senate convenes on Tuesday, February 21, none of the remaining nominations will then be ready for floor consideration.

The White House has requested the Armed Services Committee to postpone the vote on the nomination of John G. Tower to be Secretary of Defense until the FBI has completed its investigation.

The hearings on the nomination of Louis W. Sullivan to be Secretary of Health and Human Resources have been delayed at the request of the White House. The Finance Committee hopes to schedule hearings on Dr. Sullivan's nomination during the week of February 21.

At the request of the White House and the nominee, the Judiciary Committee has announced that the hearings on the nomination of William J. Bennett to be Director of National Drug Control Policy will be held on March 1 and March 2.

No hearings have been scheduled on the nomination of James D. Watkins to be Secretary of Energy. The White House has requested this delay to permit the completion of necessary background materials.

The Committee on Veterans' Affairs has scheduled a hearing on Thursday, February 23, and a markup on Friday, February 24 on the nomination of Edward J. Derwinski to be the Secretary of Veterans' Affairs.

Mr. President, I now yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader is now recognized for 1 minute.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MEDICAID HOME AND COMMUNITY QUALITY SERVICE ACT

Mr. DOLE. Mr. President, yesterday my colleague, Senator CHAFEE, introduced the Medicaid Home and Community Quality Services Act of 1989, of which I am a cosponsor. I support this legislation because I endorse its goal of creating more opportunities for personal growth and independence for individuals with severe disabilities.

In recent years, the trend in care for people with severe disabilities in my own State of Kansas and across the Nation has shifted from institutions to home and community-based settings. These less restrictive environments have proven to be very effective in encouraging such individuals to realize their full potential and become integrated into community life. The Medicaid Home and Community Quality Services Act recognizes and promotes this trend.

While I support providing more noninstitutional options to individuals with severe disabilities, I also believe we must do what we can to ensure that quality care is given to people living in institutions. I expect that careful consideration will be given to this and other issues of concern to institutional residents and their families. What is important is that we give people options—including the option of an institution—and that we make sure that, whatever the setting, the services provided are appropriate and of high quality.

Mr. President, we all support providing greater opportunities to people with disabilities to become productive and independent members of our society. Increasing options for quality care will give such individuals more control over their own lives, and for this reason I believe that this legislation deserves consideration.

INF INSPECTORS HELP ARMENIAN CHILDREN

Mr. DOLE. Mr. President, at 2 p.m. this afternoon First Lady Barbara Bush and Virginia's Senator JOHN WARNER were at Andrews Air Force Base to greet 37 young victims of the Armenian earthquake. These children desperately need modern medical attention, and they are going to get it in Charlottesville, VA, and five other American cities.

These Armenian children left their homeland aboard a U.S. Air Force C-141 aircraft which transported an American INF Treaty inspection team to the Soviet Union. Their arrival here is the result of the compassion, cooperation, and quick thinking of many Americans.

In the forefront was Virginia's Senator JOHN WARNER.

Project Hope President Dr. William Walsh recognized America's opportunity to help these children, if only he could get them here. He turned to JOHN WARNER for help. Senator WARNER appealed to Acting Secretary of Defense Taft and the Military Airlift Command went to work.

WARNER, Taft, and MAC searched for the quickest means available, and that turned out to be a MAC plane which was already in the Soviet Union to deliver an INF inspection team. So General LaJoie and his inspectors lent a hand too.

Meanwhile, Project Hope arranged free medical care at some of America's leading hospitals like the Kluge Children's Rehabilitation Center at the University of Virginia.

I know our young Armenian guests will also get a warm welcome in Charlottesville, Chicago, Buffalo, Philadelphia, Boston, and Syracuse.

For these 37 Armenian children this story will have a happy ending because of Project Hope, the Military Airlift Command, the onsite inspection agency, doctors, hospitals, and caring people in six cities—and, let us not forget those people like Dr. Walsh and Senator WARNER who helped put it all together.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Does the majority leader seek further recognition?

Mr. MITCHELL. Mr. President, I believe the Chair will now announce morning business for 1 minute to allow for the introduction of bills.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed 1 minute.

GAO FINDINGS ON CERTAIN ALLEGATIONS ARISING OUT OF NARS VERSUS TURNAGE

Mr. CRANSTON. Mr. President, on January 8, 1987, Judge Marilyn Patel in the course of trying the case of NARS versus Turnage, levied a fine of approximately $120,000 against the VA for its "reckless disregard" of its discovery obligations. In addition, documents produced and witness testimony in the case raised serious questions about alleged fundamental flaws in the VA's claims adjudication system.

The House and Senate Veterans' Affairs Committees held a joint hearing on March 17, 1987, to examine these issues, as well as the issue of alleged harassment and intimidation of certain VA employees in connection with their giving evidence in the NARS case. The testimony received at that hearing indicated that the VA had taken some steps to correct problems with its system for responding to discovery requests. However, serious questions remained unanswered. Therefore, in February 1987 Representative DON EDWARDS, the ranking Democratic member on the House Committee on Veterans' Affairs, and I asked GAO to investigate certain allegations arising out of the case of NARS versus Turnage—namely allegations; first, of denials of due process in the adjudication of veterans' claims for Veterans' Administration benefits; second, of the VA's failure to comply with its discovery obligations in the NARS case; and third, of harassment and intimidation of VA employees in connection with that case.

The GAO has completed its investigation into items two and three, the discovery and employee harassment allegations. On September 15, 1988, Representative EDWARDS and I received a letter responding to our request for the investigation into these allegations and a written summary of their findings thus far. The investigation into item one, the denial of due process allegations, is still ongoing. Mr. President, I ask unanimous consent that a copy of that letter and the GAO report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 20, 1988.

Hon. THOMAS K. TURNAGE,
Administrator of Veterans' Affairs, Washington, DC.

DEAR TOM: In February 1987, we asked the General Accounting Office (GAO) to investigate certain allegations out of the case of *NARS* v. *Turnage*. These allegations are: (1) alleged denials of due process in the adjudication of veterans' claims for Veterans' Administration benefits; (2) the VA's alleged failure to comply with its discovery obligations in the *NARS* case; and (3) alleged harassment and intimidation of VA employees in connection with that case.

The GAO has completed its investigation into items (2) and (3) above, the discovery and employee harassment allegations. (The GAO's investigation into item (1), the denial of due process allegations, is still ongoing.) We wanted to share with you a copy (enclosed) of the GAO's report on these issues.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman, Senate Committee on Veterans' Affairs.

DON EDWARDS,
Ranking Democratic Member, House Committee on Veterans' Affairs.

GENERAL ACCOUNTING OFFICE,
Washington, DC, September 15, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate.

Hon. DON EDWARDS,
Ranking Democractic Member, Committee on Veterans' Affairs, House of Representatives.

The enclosed report responds to your April 1987 request that we investigate certain allegations relating to the *National As-*

sociation of Radiation Survivors (NARS) v. *Turnage* litigation. On September 2, 1987, we provided you with an oral briefing of our investigative findings. On March 2, 1988, you requested that we furnish you with a written summary of these findings.

We are making no distribution of this report at this time.

Should you have any questions regarding the report's contents, please contact me at (202) 272-5500.

DAVID C. WILLIAMS,
Director.

INTRODUCTION

In April 1987, Senator Alan Cranston, Chairman, Senate Committee on Veterans' Affairs, and Congressman Don Edwards, Ranking Democratic Member, House Committee on Veterans' Affairs, requested that we investigate certain allegations relating to the *National Association of Radiation Survivors (NARS)* v. *Turnage* litigation. On September 2, 1987, we orally provided Senator Cranston and Congressman Edwards with the results of our investigation. On March 2, 1988, they requested that we furnish a written summary of these findings.

Specifically, we were requested to investigate allegations that (1) the purging and destruction of records within the Veterans Administration (VA) Compensation and Pension Service were related to requests for documents submitted by the plaintiffs in the NARS case and (2) VA employees involved in the NARS litigation were subjected to threats, harassment, and intimidation. We were also asked to determine (1) the adequacy of the VA Inspector General's investigation into the allegations and (2) the status and scope of the investigation conducted by the Federal Bureau of Investigation (FBI). Finally, we were asked to ascertain if any new procedures have been implemented within the VA concerning the handling of requests for documents.

Methodology

Our investigation included a review of the following documents: affidavits obtained by the VA Office of the General Counsel, Congressional hearing transcripts, deposition transcripts, motions filed in the litigation, VA personnel files, VA Inspector General's report (61Q-017), time and attendance reports, and VA internal documents.

In addition to reviewing these documents, we conducted over 20 interviews of employees and others involved with the NARS litigation.

We also met with representatives of the U.S. Department of Justice, Public Integrity Section, and the FBI who have been involved in concurrent investigations of many of the same allegations.

Background

Allegations arose that employees of the VA Compensation and Pension Service who were responsible for processing discovery requests in the *NARS* v. *Turnage* litigation may have intentionally purged, destroyed, or withheld records that had been requested by the plaintiffs in the litigation. Additionally, a few VA employees alleged that they had been harassed, threatened, and intimidated by certain VA supervisors as a result of their involvement with the litigation.

INVESTIGATIVE FINDINGS

Our general investigative findings include the following:

We were unable to establish that official VA records relating to the NARS litigation were intentionally purged, destroyed, or withheld in order to deprive the plaintiff of the records' contents. However, some VA records that were potentially responsive to the plaintiff's discovery requests for documents may have inadvertently been destroyed by VA staff.

We were unable to establish that VA employees were harassed, threatened, or intimidated by supervisory personnel as a result of their involvement with NARS litigation. However, some incidents occurred that could have been perceived as such by certain VA employees. During our interviews, a few VA employees expressed concern that they might be subjected to such actions in the future. We advised these employees of the procedures for reporting such incidents should they occur.

We determined that the VA Office of Inspector General's investigation into the alleged destruction of records was adequate considering the scope of the VA's request and the relatively short time frame the OIG had to complete it. The information developed by the Inspector General's investigation did not contradict information that we developed during our investigation.

VA officials advised us that they had not issued any written procedures or directives concerning the handling of document requests resulting from NARS litigation. However, the VA advised us that the following informal practices have been implemented to improve the handling of requests for documents:

All VA division directors must now attest to the Office of General Counsel, via memoranda, that they have researched their files and provided all requested documents.

All of the documents provided in response to requests are now photocopied to ensure that permanent records exist of material furnished to plaintiffs.

Complete copies of document requests are now distributed to all concerned staff members. In the past, only portions of a document request were distributed, which sometimes contributed to what appeared to be inadvertent omissions by personnel, who were unaware that material in their possession had been requested.

Communication with the various field stations and other departments has been improved to ensure that all possible material and information requested is compiled and provided to plaintiffs. Consequently, the VA Office of the General Counsel is receiving more requests for clarification of document request issues.

The automated litigation support system that was utilized during the latter phases of the NARS litigation may be used again if similar litigation involving an extremely large volume of records is encountered.

Officials of the VA Compensation and Pension Service and the VA Office of the General Counsel advised us that their personnel now have an increased awareness of the necessity of strict adherence to the requirements of a document request. We believe that if these procedures had been in place prior to the NARS litigation, they would have helped prevent some of the problems that occurred, such as the failure to distribute an entire copy of a request for documents to all concerned personnel, the poor communication between the VA Office of the General Counsel and the U.S. Attorney's Office, and the failure of the VA to account adequately for documents that were provided to the plaintiffs.

On March 9, 1988, the FBI advised us that its field work on its investigation was complete. Its investigative findings are now under review by the Department of Justice, Public Integrity Section.

The FBI's investigation primarily focused on allegations of harassment, intimidation, and threats concerning three VA employees. The investigation was concurrent with, but independent of, our investigation.

Both the FBI and the Public Integrity Section were briefed on our findings. While at the time they were not at liberty to discuss the details of their investigation, they did indicate that they were not in possession of any information that would contradict our findings.

DR. LENOX BAKER: WHEN CRIPPLED CHILDREN NEEDED A FRIEND, HE WAS THERE

Mr. HELMS. Mr. President, all of us—if we are lucky—are privileged to have some truly remarkable and inspiring friends, rare and unique people who stand out above the crowd in achievement, compassion, courage, and high principles. More often than not, they seek no personal acclaim and, in fact, are embarrassed when others call attention to their achievements.

I have a very special friend like that. His name is Lenox Dial Baker. He was born in Texas. He is 86 now, but the twinkle in his eyes is still there. He is tall and erect, as always. And his interest in, and his love for, his country have not diminished in the slightest.

Mr. President, I first met Lenox Baker more than a quarter of a century ago. It was his love of children, particularly crippled children, that led to the beginning of our friendship. From the very beginning I recognized that this was a very special man, a man who cared, a man determined to make this world better than he found it.

On January 27, the afternoon newspaper in Durham, NC, the Durham Sun, published a profile of Lenox Baker's life. Ann Green wrote the story. As I read it, I sensed that Ann Green realized that she was writing about a remarkable human being.

I felt the same way a quarter of a century ago when I made the rounds with Dr. Baker at a hospital for crippled children adjacent to Duke University Medical Center in Durham. The children then at the hospital were mostly cerebral palsied. And that tall, erect director of the hospital genuinely loved every one of them—and they loved him back twofold.

Mr. President, I have seen many a tear roll down Dr. Baker's cheeks as he lovingly examined the children, as he comforted them, as he gave them hope. He had performed surgery on most of them. He had straightened their twisted little arms and legs that had been deformed since birth. He and his associates at the hospital taught them how to walk. He gave them love, and they gave it back in double measure.

Mr. President, the story of Lenox Baker's life is so remarkable that it is difficult to believe that it is not a fic-

tional account. Lenox Baker could have been a leader in any one of many other fields. Indeed, at various times early in his adult life he was a banker, a lawyer—and, because he was such a handsome man, he even modeled. Now retired he is still an impressive man in every way.

I believe Senators will enjoy reading Ann Green's story about Lenox Baker as it appeared in late January in the Durham paper. The headline across the top of the page read, "Dr. Lenox Baker Still Loves Sports, Medicine." And he still loves children.

There is so much more that I could say about this man, but I think I will stop now and urge Senators and others who have access to the CONGRESSIONAL RECORD to read the account of Lenox Baker's life. Therefore, Mr. President, I ask unanimous consent that Ann Green's article, to which I have alluded, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Durham Sun, Jan. 27, 1989]

DR. LENOX BAKER STILL LOVES SPORTS, MEDICINE

(By Ann Green)

When Dr. Lenox Baker enrolled in the first medical class at Duke University School of Medicine in 1930, he and his classmates were like "one big family."

"The faculty knew all the students," said Dr. Baker, who was the first medical student accepted at the Duke School of Medicine. "We had the run of the hospital. A large number of students lived in the hospital on unopened wards because there were not enough patients to fill the ward."

But Dr. Baker, who worked his way through medical school as an athletic trainer for Duke, lived in the tower of Carr gym.

"It was the center of athletics before Cameron Stadium was built," he said. "I called myself the wet nurse for 17 football players who lived there."

During this time, Durham had a reputation as a mill and cotton town.

"I came to Durham in 1929 and was privileged to know its founders," said Dr. Baker. "It had a population of 48,000."

At Duke's West Campus, buildings were being constructed.

"The campus was swarming with Italian stone masons," said Dr. Baker. "They were real artisans. I would walk through the campus and see them cutting out coats of arms and figurines."

After medical school, Dr. Baker did an internship at Johns Hopkins University in Baltimore where he worked with the famed orthopedic surgeon Dr. George E. Bennett. He assisted Dr. Bennett with operations on several great baseball players including Frank Crosetti of the New York Yankees.

With this training, Dr. Baker returned to Duke where he became acclaimed for his work in orthopedic surgery and vocational rehabilitation. He established the Lenox Baker Cerebral Palsy and Crippled Children's Hospital in Durham in 1938 through the cooperation of and gift of land by Duke University. He served as its first medical director.

This many-faceted physician later became professor of orthopedics at Duke Medical School where he trained doctors.

"My biggest accomplishment was training and turning out doctors for the orthopedic program at Duke," said Dr. Baker. "They became like my sons. They considered me a tough daddy. But I always told them: 'Melt iron ore in the furnace, pour it out and you have pig iron. But beat it a lot and you have steel.'"

Later, Dr. Baker set up crippled children's clinics across the state. He was presented the Physician's Award by President Dwight Eisenhower as the physician who made the greatest contribution to the physically handicapped.

In 1971, he served as the first secretary of the North Carolina Human Resources Department.

"I took 34 independent agencies and combined them under one umbrella in a billion dollar budget," said Dr. Baker.

Now retired and spry at the age of 86, Dr. Baker, a tall, erect man, has put his work behind him.

He spends time with his second wife, Margaret Copeland, in their brick townhouse that is elegantly furnished with antiques and Oriental rugs. The walls are lined with plagues and photos of famous athletes like heavyweight boxing champion Jack Dempsey and New York Giants catcher Chief Meyers.

Baker, who was inducted into the North Carolina Sports Hall of Fame, still is an avid sports fan. He goes to Duke basketball and football games.

He is also a champion of conservativeness. He counts Sen. Jesse Helms as a "personal friend." An American flag flies outside his home. When he goes out, he dresses like a Southern gentleman—suit and homburg hat.

"I am an ultraconservative and unreconstructed Southerner who believes in God and that man's success depends, not entirely, but largely on genes," he said.

This well-known physician spends a lot of time studying genealogy. He is writing a book about the Flowers' family. His first wife, who is now dead, was Virginia Flowers, who was the daughter of the late Robert Flowers, president of Duke University.

"I married well," he said. "She opened many doors, locally and nationwide in orthopedics."

Dr. Baker was reared in Texarkana, Texas where he was introduced to athletics. His father played in pickup baseball games and the younger Baker would serve as batboy.

When the Class D Texas-Oklahoma League was formed, Dr. Baker's father, by then the sheriff of Bowie County and a wholesale grocer, threw his financial support to the Texarkana team. Baker served as its batboy.

During one summer, this sports lover went to Marlin, Texas where the New York Giants were involved in spring training.

Baker's father developed a friendship with Chief Meyers and other New York Giants players. One night Meyers came to stay with the Bakers and ended up in the young batboy's room.

"He stayed in my room the rest of the training period," said Dr. Baker.

When Dr. Baker went to college, he headed for the University of Tennessee where he worked as an athletic trainer.

After leaving Tennessee, he headed for New York where he worked at the Chase Manhattan Bank.

He said, "I was originally trained in business and banking. Sitting at a desk in a black alpaca coat didn't appeal to me."

In 1929, he left this world just before the Big Crash.

His first job in Durham was as an athletic trainer for the Duke football team.

It was a glorious time for athletics at Duke.

James DeHart, football coach, brought in Jack Coombs as baseball coach, Eddie Cameron as assistant football coach and others who helped to build a great athletic program.

When Dr. Baker finished his medical training, he became team physician for the Duke Blue Devils.

As his reputation grew, he treated N.C. State players, Davidson players and athletes in other states.

He also was asked to be an expert witness in a suit that Jack Dempsey filed against the *Saturday Evening Post* for reporting that he used plaster of Paris in his boxing gloves during a heavyweight fight. Dr. Baker never testified because the magazine settled with Dempsey out of court.

"It was a ridiculous, crazy story," he said. "If you wrapped hands in plaster of Paris, it would be weight on the hands and tire them out."

As team physician, Dr. Baker worked with the great coach Wallace Wade, who took Duke to the Rose Bowl in 1938. That same year, the Blue Devils went the entire season without being scored upon.

He learned a lot about being a "disciplinarian" from Wade.

"He said the world was full of poor Charleys and not interested in how hard you tried," said Dr. Baker. "The world just wants to know if you did the job or didn't."

During his years with the Blue Devils, Dr. Baker got to know a lot of great football players including Freddie Crawford and Sonny Jurgensen. He still gets letters from many of the players.

"I could feel the faith they had in me whether I deserved it or not," he said. "It was a real high light to have worked with them. I was devoted to them, and they knew it."

As Dr. Baker became involved in other medical activities, he gradually turned over the job of team physician to Dr. Frank Bassett.

"That is the way I wanted it," said Baker. "I wanted the coaches and players to get to know him. I guess I never stopped being the team physician. Like Douglas MacArthur said 'I just faded away.'"

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

Less than 3 weeks ago, I joined you on the West Front of this very building and—looking over the monuments to our proud past—offered you my hand in filling the next page of American history with a story of extended prosperity and continued peace. Tonight, I am back to offer you my plans as well. The hand remains extended,

the sleeves are rolled up, America is waiting, and now we must produce.

Together, we can build a better America.

It is comforting to return to this historic chamber. Here, 22 years ago, I first raised my hand to be sworn into public life. So tonight I feel as if I am returning home to friends. And I intend, in the months and years to come, to give you what friends deserve: frankness, respect, and my best judgment about ways to improve America's future.

In return, I ask for an honest commitment to our common mission of progress. If we seize the opportunities on the road before us, there will be praise enough for all.

The people did not send us here to bicker. It is time to govern.

Many Presidents have come to this chamber in times of great crisis. War. Depression. Loss of national spirit.

Eight years ago, I sat in the President of the Senate's chair as President Reagan spoke of punishing inflation and devastatingly high interest rates, people out of work, American confidence on the wane.

Our challenge is different.

We are fortunate—a much changed landscape lies before us tonight.

So I do not propose to reverse direction. We are headed the right way.

But we cannot rest. We are a people whose energy and drive have fueled our rise to greatness. We are a forward-looking nation—generous, yes, but ambitious as well—not for ourselves, but for the world.

Complacency is not in our character—not before, not now, not ever.

So tonight, we must take a strong America—and make it even better.

We must address some very real problems. We must establish some very clear priorities. And we must make a very substantial cut in the Federal budget deficit.

Some people find that agenda impossible.

But I am presenting to you tonight a realistic plan for tackling it. My plan has four broad features: attention to urgent priorities, investment in the future, an attack on the deficit, and *no new taxes.*

This budget represents my best judgment of how we can address our priorities, consistent with the people's view. There are many areas in which we would all like to spend more than I propose, but we cannot until we get our fiscal house in order.

Next year alone, thanks to economic growth, without any change in the law the Federal Government will take in over $80 billion more than it does this year. That is right—over $80 billion in new revenues, with no increase in taxes. Our job is to allocate those new resources wisely.

We can afford to increase spending—by a modest amount, but enough to invest in key priorities and still cut the deficit by almost 40 percent in 1 year.

That will allow us to meet the targets set forth in the Gramm-Rudman-Hollings law.

But to do that, we must recognize that growth above inflation in Federal programs is not preordained, that not all spending initiatives were designed to be immortal.

I make this pledge tonight: My team and I are ready to work with the Congress, to form a special leadership group, to negotiate in good faith, to work day and night—if that is what it takes—to meet the budget targets and to produce a budget on time.

We cannot settle for business as usual.

Government by continuing resolution—or government by crisis—will not do.

I ask the Congress tonight to approve several measures that will make budgeting more sensible. We could save time and improve efficiency by enacting 2-year budgets.

Forty-three Governors have the line-item veto. Presidents should have it, too.

At the very least, when a President proposes to rescind Federal spending, the Congress should be required to vote on that proposal—instead of killing it by inaction.

And I ask the Congress to honor the public's wishes by passing a constitutional amendment to require a balanced budget. Such an amendment, once phased in, will discipline both the Congress and the executive branch.

Several principles describe the kind of America I hope to build with your help in the years ahead.

We will not have the luxury of taking the easy, spendthrift approach to solving problems—because higher spending and higher taxes put economic growth at risk.

Economic growth provides jobs and hope. Economic growth enables us to pay for social programs. Economic growth enhances the security of the Nation. And low tax rates create economic growth.

I believe in giving Americans greater freedom and greater choice—and I will work for choice for American families, whether in the housing in which they live, the schools to which they send their children, or the child care they select for their young.

I believe that we have an obligation to those in need, but that Government should not be the provider of first resort for things that the private sector can produce better.

I believe in a society that is free from discrimination and bigotry of any kind. I will work to knock down the barriers left by past discrimination, and to build a more tolerant society that will stop such barriers from ever being built again.

I believe that family and faith represent the moral compass of the Nation—and I will work to make them strong, for as Benjamin Franklin said: "If a sparrow cannot fall to the ground without His notice, [can] a great [nation] rise without His aid?"

And I believe in giving people the power to make their own lives better through growth and opportunity. Together, let us put power in the hands of people.

Three weeks ago we celebrated the Bicentennial Inaugural, the 200th anniversary of the first Presidency.

And if you look back, one thing is so striking about the way the Founding Fathers looked at America. They did not talk about themselves. They talked about posterity. They talked about the future.

We, too, must think in terms bigger than ourselves.

We must take actions today that will ensure a better tomorrow. We must extend American leadership in technology, increase long-term investment, improve our educational system, and boost productivity. These are the keys to building a better future.

Here are some of my recommendations:

—I propose almost $2.2 billion for the National Science Foundation to promote basic research;

—I propose to make permanent the tax credit for research and development;

—I have asked Vice President QUAYLE to chair a new Task Force on Competitiveness;

—I request funding for the National Aeronautics and Space Administration and a strong space program—an increase of almost $2.4 billion over the current fiscal year. We must have a manned space station; a vigorous, safe space shuttle program; and more commercial development in space. The space program should always go "full throttle up"—that is not just our ambition, it is our destiny.

—I propose that we cut the maximum tax rate on capital gains to increase long-term investment. History is clear: This will increase revenues, help savings, and create new jobs.

We will not be competitive if we leave whole sectors of America behind. This is the year we should finally enact urban enterprise zones and bring hope to our inner cities.

But the most important competitiveness program of all is one that improves education in America.

When some of our students actually have trouble locating America on a map of the world, it is time for us to map a new approach to education.

We must reward excellence and cut through bureaucracy. We must help those schools that need help most. We

must give choice to parents, students, teachers, and principals. And we must hold all concerned accountable. In education, we cannot tolerate mediocrity.

I want to cut the dropout rate and make America a more literate Nation. Because what it really comes down to is this: The longer our graduation lines are today, the shorter our unemployment lines will be tomorrow.

So tonight I am proposing the following initiatives:

—the beginning of a $500 million program to reward America's best schools—"merit schools";

—the creation of special presidential awards for the best teachers in every State—because excellence should be rewarded;

—the establishment of a new program of National Science Scholars, one each year for every member of the House and Senate, to give this generation of students a special incentive to excel in science and mathematics;

—the expanded use of magnet schools, which give families and students greater choice;

—and a new program to encourage "alternative certification," which will let talented people from all fields teach in the classroom.

I have said I would like to be "the Education President." Tonight, I ask you to join me by becoming "the Education Congress."

Just last week, as I settled into this new office, I received a letter from a mother in Pennsylvania who had been struck by my message in the Inaugural Address. "Not 12 hours before," she wrote, "my husband and I received word that our son was addicted to cocaine. He had the world at his feet. Bright, gifted, personable, he could have done anything with his life. Now he has chosen cocaine."

"Please," she wrote, "find a way to curb the supply of cocaine. Get tough with the pushers. Our son needs your help."

My friends, that voice crying out for help could be the voice of your own neighbor. Your own friend. Your own son. Over 23 million Americans used illegal drugs last year—at a staggering cost to our Nation's well-being.

Let this be recorded as the time when America rose up and said "no" to drugs. The scourge of drugs must be stopped.

I am asking tonight for an increase of almost a billion dollars in budget outlays to escalate the war against drugs. The war will be waged on all fronts.

Our new "drug czar," Bill Bennett, and I will be shoulder-to-shoulder, leading the charge.

Some money will be used to expand treatment to the poor and to young mothers. This will offer the helping hand to the many innocent victims of drugs—like the thousands of babies born addicted, or with AIDS, because of the mother's addiction.

Some will be used to cut the waiting time for treatment.

Some money will be devoted to those urban schools where the emergency is now the worst. And much of it will be used to protect our borders, with help from the Coast Guard, the Customs Service, the Departments of State and Justice, and, yes, the U.S. military.

I mean to get tough on the drug criminals. Let me be clear: This President will back up those who put their lives on the line every day—our local police officers.

My budget asks for beefed-up prosecution, for a new attack on organized crime, and for enforcement of tough sentences—and for the worst kingpins, that means the death penalty.

I also want to make sure that when a drug dealer is convicted, there is a cell waiting for him. He should not go free because prisons are too full.

Let the word go out: If you are caught and convicted, you will do time.

But for all we do in law enforcement, in interdiction and treatment, we will never win this war on drugs unless we stop demand for drugs.

So some of this increase will be used to educate the young about the dangers of drugs. We must involve parents. We must involve teachers. We must involve communities. And my friends, we must involve ourselves.

One problem related to drug use demands our urgent attention and our continuing compassion. That is the terrible tragedy of AIDS.

I am asking for $1.6 billion for education to prevent the disease—and for research to find a cure.

If we are to protect our future, we need a new attitude about the environment.

We must protect the air we breathe.

I will send to you shortly legislation for a new, more effective Clean Air Act. It will include a plan to reduce, by date certain, the emissions that cause acid rain—because the time for study alone has passed, and the time for action is now.

We must make use of clean coal. My budget contains full funding, on schedule, for the clean coal technology agreement we have made with Canada. We intend to honor that agreement.

We must not neglect our parks. So I am asking to fund new acquisitions under the land and water conservation fund.

We must protect our oceans. I support new penalties against those who would dump medical waste and other trash in the oceans. The age of the needle on the beach must end.

In some cases, the gulfs and oceans off our shores hold the promise of oil and gas reserves that can make our Nation more secure and less dependent on foreign oil. When those with the most promise can be tapped safely, as with much of the Alaska National Wildlife Refuge, we should proceed. But we must use caution, and we must respect the environment.

So tonight I am calling for the indefinite postponement of three lease sales that have raised troubling questions—two off the coast of California and one that could threaten the Everglades in Florida.

Action on these three lease sales will await the conclusions of a special task force set up to measure the potential for environmental damage.

I am directing the Attorney General and the Administrator of the Environmental Protection Agency to use every tool at their disposal to speed and toughen the enforcement of our laws against toxic-waste dumpers. I want faster cleanups and tougher enforcement of penalties against polluters.

In addition to caring for our future, we must care for those around us. A decent society shows compassion for the young, the elderly, the vulnerable, and the poor.

Our first obligation is to the most vulnerable—infants, poor mothers, children living in poverty—and my proposed budget recognizes this. I ask for full funding of Medicaid—an increase of over $3 billion—and an expansion of the program to include coverage of pregnant women who are near the poverty line.

I believe we should help working families cope with the burden of child care.

Our help should be aimed at those who need it most—low-income families with young children. I support a new child care tax credit that will aim our efforts at exactly those families—without discriminating against mothers who choose to stay at home.

Now, I know there are competing proposals. But remember this: The overwhelming majority of all preschool child care is now provided by relatives and neighbors, churches and community groups. Families who choose these options should remain eligible for help. Parents should have choice.

And for those children who are unwanted or abused, or whose parents are deceased, we should encourage adoption. I propose to reenact the tax deduction for adoption expenses and to double it to $3,000. Let us make it easier for those kids to have parents who love them.

We have a moral contract with our senior citizens. In this budget, Social Security is fully funded, including a full cost-of-living adjustment. We must honor our contract.

We must care about those in "the shadows of life," and I, like many Americans, am deeply troubled by the plight of the homeless. The causes of homelessness are many, the history is

long, but the moral imperative to act is clear.

Thanks to the deep well of generosity in this great land, many organizations already contribute. But we in government cannot stand on the sidelines. Im my budget, I ask for greater support for emergency food and shelter, for health services and measures to prevent substance abuse, and for clinics for the mentally ill—and I propose a new initiative involving the full range of Government agencies. We must confront this national shame.

There is another issue I decided to mention here tonight. I have long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I favor statehood. But I ask the Congress to take the necessary steps to let the people decide in a referendum.

Certain problems, the result of decades of unwise practices, threaten the health and security of our people. Left unattended, they will only get worse—but we can act now to put them behind us.

Earlier this week, I announced my support for a plan to restore the financial and moral integrity of our savings system. I ask the Congress to enact our reform proposals within 45 days. We must not let this situation fester.

Certainly, the savings of Americans must remain secure—insured depositors will continue to be fully protected. But any plan to refinance the system must be accompanied by major reform. Our proposals will prevent such a crisis from recurring. The best answer is to make sure that a mess like this will never happen again.

The majority of thrifts in communities across this Nation have been honest; they have played a major role in helping families achieve the American dream of home ownership. But make no mistake: Those who are corrupt, those who break the law, must be kicked out of the business; and they should go to jail.

We face a massive task in cleaning up the waste left from decades of environmental neglect at America's nuclear weapons plants.

Clearly, we must modernize these plants and operate them safely. That is not at issue—our national security depends on it.

But beyond that, we must clean up the old mess that has been left behind—and I propose in this budget to more than double our current effort to do so. This will allow us to identify the exact nature of the various problems so we can clean them up—and clean them up we will.

We have been fortunate during these past 8 years. America is a stronger nation today than it was in 1980.

Morale in our armed forces is restored. Our resolve has been shown. Our readiness has been improved. And we are at peace.

There can no longer be any doubt that peace has been made more secure through strength. When America is stronger, the world is safer.

Most people do not realize that, after the successful restoration of our strength, the Pentagon budget has actually been reduced in real terms for each of the last 4 years. We cannot tolerate further reductions.

In light of the compelling need to reduce the deficit, however, I support a 1-year freeze in the military budget—something I proposed last fall in my flexible freeze plan.

This freeze will apply for only 1 year—after that increases above inflation will be required. I will not sacrifice American preparedness; and I will not compromise American strength.

I should be clear on the conditions attached to my recommendation for the coming year:

—the savings must be allocated to those priorities for investing in our future that I have spoken about tonight;

—this defense freeze must be part of a comprehensive budget agreement that meets the targets spelled out in the Gramm-Rudman-Hollings law without raising taxes and that incorporates reforms in the budget process.

I have directed the National Security Council to review our national security and defense policies and report back to me within 90 days to ensure that our capabilities and resources meet our commitments and strategies.

I am also charging the Department of Defense with the task of developing a plan to improve the defense procurement process and management of the Pentagon—one that will implement fully the Packard Commission report. Many of the changes can only be made with the participation of the Congress—so I ask for your help.

We need fewer regulations. We need less bureaucracy. We need multi-year procurement and 2-year budgeting. And frankly, we need less congressional micromanagement of our Nation's military policy.

Securing a more peaceful world is perhaps the most important priority I would like to address tonight.

We meet at a time of extraordinary hope. Never before in this century have our values of freedom, democracy, and economic opportunity been such a powerful political and intellectual force around the globe.

Never before has our leadership been so crucial, because while America has its eyes on the future, the world has its eyes on America.

It is a time of great change in the world—and especially in the Soviet Union. Prudence and common sense dictate that we try to understand the full meaning of the change going on there, review our policies carefully, and proceed with caution. But I have personally assured General Secretary Gorbachev that at the conclusion of such a review we will be ready to move forward. We will not miss any opportunity to work for peace.

The fundamental fact remains that the Soviets retain a very powerful military machine in the service of objectives that are still too often in conflict with ours. So let us take the new openness seriously. Let us step forward to negotiate. But let us also be realistic. And let us always be strong.

There are some pressing issues we must address:

I will pursue vigorously the Strategic Defense Initiative.

The spread and even use of sophisticated weaponry threatens global stability as never before.

Chemical weapons must be banned from the face of the earth, never to be used again. This will not be easy. Verification will be difficult. But civilization and human decency demand that we try.

And the spread of nuclear weapons must be stopped. I will work to strengthen the hand of the International Atomic Energy Agency. Our diplomacy must work every day against the proliferation of nuclear weapons.

And, around the globe, we must continue to be freedom's best friends.

We must stand firm for self-determination and democracy in Central America—including in Nicaragua.

For when people are given the chance, they inevitably will choose a free press; freedom of worship; and certifiably free and fair elections.

We must strengthen the alliance of industrial democracies—as solid a force for peace as the world has every known. This is an alliance forged by the power of our ideals, not the pettiness of our differences. So let us lift our sights—to rise above fighting about beef hormones to building a better future, to move from protectionism to progress.

I have asked the Secretary of State to visit Europe next week and to consult with our allies on the wide range of challenges and opportunities we face together—including East-West relations. And I look forward to meeting with our NATO partners in the near future.

I, too, shall begin a trip shortly—to the far reaches of the Pacific Basin, where the winds of democracy are creating new hope, and the power of free markets is unleashing a new force.

When I served as our representative in China just 14 years ago, few would have predicted the scope of the changes we have witnessed since then.

But in preparing for this trip, I was struck by something I came across from a Chinese writer, Lin Yutang. He was speaking of his country, decades ago—but his words speak to each of us in America tonight.

"Today," he said, "we are afraid of the simple words like goodness and mercy and kindness."

My friends, if we are to succeed as a nation, we must rediscover those words.

In just 3 days, we mark the birthday of Abraham Lincoln—the man who saved our Union and gave new meaning to the word opportunity. Lincoln once said:

"I hold that while man exists, it is his duty to improve not only his own condition, but to assist in ameliorating [that of] mankind."

It is this broader mission to which I call all Americans. Because the definition of a successful life must include serving others.

To the young people of America, who sometimes feel left out—I ask you tonight to give us the benefit of your talent and energy through a new program called YES, for Youth Entering Service to America.

To those men and women in business—remember the ultimate end of your work: to make a better product, to create better lives. I ask you to plan for the longer term and avoid the temptation of quick and easy paper profits.

To the brave men and women who wear the uniform of the United States of America—thank you. Your calling is a high one—to be the defenders of freedom and the guarantors of liberty. And I want you to know that a Nation is grateful for your service.

To the farmers of America, we appreciate the bounty you provide. We will work with you to open foreign markets to American agricultural products.

To the parents of America, I ask you to get involved in your children's schooling. Check on their homework. Go to the school, meet the teachers, care about what is happening there. It is not only your children's future on the line, it is America's.

To kids in our cities—do not give up hope. Say no to drugs. Stay in school. And, yes, "keep hope alive."

To those 37 million Americans with some form of disability—you belong in the economic mainstream. We need your talents in America's work force. Disabled Americans must become full partners in America's opportunity society.

To the families of America, watching tonight in your living rooms, hold fast to your dreams, because ultimately America's future rests in your hands.

And to my friends in this chamber, I ask for your cooperation in keeping America growing while cutting the deficit. That is only fair to those who now have no voice—the generations to come.

Let them look back and say that we had the foresight to understand that a time of peace and prosperity is not a time to rest, but a time to push forward. A time to invest in the future.

And let all Americans remember that no problem of human making is too great to be overcome by human ingenuity, human energy, and the untiring hope of the human spirit. I believe this. I would not have asked to be your President if I did not.

Tomorrow, the debate on the plan I have put forward begins. I ask the Congress to come forward with its proposals. Let us not question each other's motives. Let us debate. Let us negotiate. But let us solve the problems.

Recalling anniversaries may not be my specialty in speeches, but tonight is one of some note. On February 9, 1941, just 48 years ago tonight, Sir Winston Churchill took to the airways during Britain's hour of peril.

He had received from President Roosevelt a hand-carried letter quoting Longfellow's famous poem: "Sail on, oh ship of state. Sail on, oh union, strong and great! Humanity with all its fears, with all the hopes of future years; Is hanging breathless on thy fate!"

Churchill responded on this night by radio broadcast to a nation at war, but he directed his words to Roosevelt. "We shall not fail or falter," he said. "We shall not weaken or tire. Give us the tools, and we will finish the job."

Tonight, almost a half century later, our peril may be less immediate, but the need for perseverance and clear-sighted fortitude is just as great.

Now, as then, there are those who say it cannot be done. There are voices who say that America's best days have passed. That we are bound by constraints, threatened by problems, surrounded by troubles that limit our ability to hope.

Well, tonight I remain full of hope. We Americans have only begun on our mission of goodness and greatness. And to those timid souls, I repeat the plea—give us the tools; and we will do the job.

Thank you, and God bless you.

GEORGE BUSH.

THE WHITE HOUSE, *February 9, 1989.*

BUILDING A BETTER AMERICA—MESSAGE FROM THE PRESIDENT—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying document; which was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, and the Committee on Veterans' Affairs:

To the Congress of the United States:

I hereby transmit a supplement to the Message I am delivering to the Joint Session of the Congress tonight. It is titled "Building a Better America," and it contains further description of the plans and proposals mentioned in the Message. I urge the Congress to give favorable consideration to these proposals and renew my invitation to the congressional leadership to work together to assure that America is united, strong, at peace, and fiscally sound.

GEORGE BUSH.

THE WHITE HOUSE, *February 9, 1989.*

MESSAGES FROM THE HOUSE

Under the authority of the order of January 3, 1989, the Secretary of the Senate, on February 9, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 14. A concurrent resolution providing for a conditional recess of the Senate from February 9, 1989 until February 21, 1989, and a conditional adjournment of the House from February 9, 1989 until February 21, 1989.

The message also announced that the House has agreed to the following resolution:

H. Res. 70. A resolution to inform the Senate that Mr. Edwards of California is excused from service as a manager for the trial of impeachment of Judge Alcee L. Hastings, and that Mr. Synar has been appointed to serve as a manager in that trial.

The message further announced that pursuant to the provisions of section 9355 of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy, the following Members on the part of the House: Mr. DICKS, Mr. BARNARD, Mr. HEFLEY, and DELAY.

The message also announced that pursuant to the provisions of section 1295 of title 46, United States Code, the Speaker appoints Mr. MANTON and Mr. BUNNING as members of the Board of Visitors to the U.S. Merchant Marine Academy on the part of the House.

The message further announced that pursuant to the provisions of section 194 of title 14, United States Code, the Speaker appoints Mr. GEJE-

DENSON and Mrs. JOHNSON of Connecticut as members of the Board of Visitors to the U.S. Coast Guard Academy on the part of the House.

The message also announced that pursuant to the provisions of section 6968 of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy, the following Members on the part of the House: Mr. WILSON, Mr. MCMILLEN of Maryland, Mr. SKEEN, and Mrs. BENTLEY.

The message further announced that pursuant to the provisions of section 4355 of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy, the following Members on the part of the House: Mr. HEFNER, Mr. LAUGHLIN, Mr. FISH, and Mr. LOWERY of California.

The message also announced that pursuant to the provisions of section 2101, Public Law 100-203, the Speaker appoints Mr. GRAY to the National Economic Commission on the part of the House.

The message further announced that pursuant to section 2101, Public Law 100-203, the minority leader appoints Mr. FRENZEL as a member of the National Economic Commission on the part of the House.

The message also announced that pursuant to the provisions of 15 United States Code 1024(a), the Speaker appoints as members of the Joint Economic Committee, the following Members on the part of the House: Mr. HAMILTON, Mr. HAWKINS, Mr. OBEY, Mr. SCHEUER, Mr. STARK, Mr. SOLARZ, Mr. WYLIE, Ms. SNOWE, Mr. FISH, and Mr. UPTON.

The message further announced that pursuant to Public Law 453 of the 96th Congress, as amended, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy for the year 1989: Mr. HOCHBRUECKNER, Mrs. LOWEY of New York, Mr. LENT, and Mr. JONES of North Carolina, ex officio.

The message also announced that pursuant to section 2(a), Public Law 85-874, as amended, the Speaker appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House: Mr. YATES, Mr. WILSON, and Mr. MCDADE.

The message further announced that pursuant to the provisions of section 1505 of Public Law 99-498, the Speaker appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Members on the part of the House: Mr. KILDEE and Mr. YOUNG of Alaska.

The message also announced that pursuant to section 103, Public Law 99-371, the Speaker appoints as members of the Board of Trustees of Gallaudet University the following Members on the part of the House: Mr. BONIOR and Mr. GUNDERSON.

The message further announced that pursuant to the provisions of title 44, United States Code, section 2501, the Speaker appoints Mrs. BOGGS to the National Historical Publications and Records Commission on the part of the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. Res. 57. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GARN (for himself and Mr. HATCH):

S. 393. A bill entitled the "Camp W. G. Williams Land Exchange Act of 1989"; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 394. A bill for the relief of Sortirios George Mastroyanis; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. BUMPERS, Mr. CONRAD, Mr. MATSUNAGA, and Mr. SANFORD):

S. 395. A bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes; to the Committee on Armed Services.

By Mr. DECONCINI (for himself and Mr. GRASSLEY):

S. 396. A bill to amend title 11 of the United States Code, the bankruptcy code, regarding swap agreements; to the Committee on the Judiciary.

By Mr. DIXON (for himself and Mr. SIMON):

S. 397. A bill to provide assistance to small communities with ground water radium contamination; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI:

S. 398. A bill to apply the deposit insurance limitation to deposits by deposit brokers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN (for himself, Mr. PRYOR, and Mr. RIEGLE):

S. 399. A bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself, Mr. REID and Mr. BOREN):

S. 400. A bill to require that all amounts saved as a result of Federal Government contracting pursuant to Office of Management and Budget Circular A-76 be returned to the Treasury, that manpower savings resulting from such contracting be made permanent, and that employees of an executive agency be consulted before contracting determinations by the head of that executive agency are made pursuant to that circular; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 401. A bill to exclude the Social Security Trust Funds from the deficit calculation and to extend the target date for Gramm-Rudman-Hollings until fiscal year 1997; to the Committee on Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days of continuous session to report or be discharged.

By Mr. ADAMS (for himself and Mr. GORTON):

S. 402. A bill to provide for the settlement of land claims of the Puyallup Tribe of Indians on the State of Washington, and for other purposes; to the Committee on Select Committee on Indian Affairs.

By Mr. GARN (for himself and Mr. HATCH):

S. 403. A bill to authorize and amendment to a certain repayment contract for the Jensen Unit, Central Utah Project, with the Uintah Water Conservatory District, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself and Mr. MURKOWSKI):

S. 404. A bill to amend title 38, United States Code, to extend certain Department of Veterans' Affairs home loan guaranty program provisions; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. DECONCINI, and Mr. MATSUNAGA):

S. 405. A bill to amend title 18, United States Code, to require the Department of Veterans' Affairs to conduct a program providing community-based residential treatment for homeless chronically mentally ill veterans and to authorize the inclusion of certain other chronically ill veterans in such program; to the Committee on Veterans' Affairs.

By Mr. JOHNSTON (for himself and Mr. MCCLURE):

S. 406. A bill to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife Refuge in a manner consistent with protection of the environment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 407. A bill to require the Consumer Product Safety Commission to require the labeling of certain toys; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. NUNN, Mr. ADAMS, Mr. SANFORD, and Mr. MATSUNAGA):

S. 408. A bill to establish a corporation to administer a National volunteer service program; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ:

S. 409. A bill to expand the availability of quality affordable child care, and for other purposes; to the Committee on Finance.

By Mr. WARNER:

S. 410. A bill to amend title 23, United States Code, to establish a program for expanding the capacity of heavily traveled portions of the National System of Interstate and Defense Highways located in urbanized areas with a population of 50,000 or more for the purposes of reducing traffic congestion, improving safety, and increasing the efficiency of the System; to the Committee on Environment and Public Works.

By Mr. BOSCHWITZ (for himself, Mr. CRANSTON, Mr. KASTEN, Mr. SYMMS, Mr. GARN, and Mr. LUGAR):

S. 411. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential, and for other purposes; to the Committee on Finance.

By Mr. PACKWOOD (for himself, Mr. MOYNIHAN, Mr. DANFORTH, Mr. PRYOR, Mr. HEINZ, Mr. ROCKEFELLER, and Mr. RIEGLE):

S. 412. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the credit for expenses with respect to child care for dependent children, to make such credit refundable, to amend the Social Security Act to increase the funds for available child care, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. LAUTENBERG, Mr. SHELBY, Mr. BUMPERS, Mr. FOWLER, Mr. BREAUX, Mr. BURDICK, Mr. LEVIN, Mr. BENTSEN, Mr. DOMENICI, and Mr. GORTON):

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week"; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. BAUCUS and Mr. HOLLINGS):

S.J. Res. 61. Joint resolution to designate April 1989 as "National Recycling Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOREN, from the Select Committee on Intelligence:

S. Res. 57. An original resolution authorizing expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. NUNN, from the Committee on Armed Services:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. PELL (for himself, Mr. KENNEDY, Mr. LUGAR, Mr. SARBANES, Mr. HUMPHREY, Mr. KERRY, Mr. SIMON, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. HARKIN, and Mr. DODD):

S. Res. 59. A resolution commending the Government and people of Pakistan on their return to democracy; to the Committee on Foreign Relations.

By Mr. GLENN, from the Committee on Governmental Affairs:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. DIXON (for himself, Mr. HELMS, Mr. BINGAMAN, Mr. D'AMATO, Mr. BYRD, Mr. BURNS, Mr. FORD, Mr. GORE, Mr. HEINZ, Mr. HOLLINGS, Mr. LOTT, Mr. MOYNIHAN, Mr. PRYOR, Mr. RIEGLE, Mr. RUDMAN, Mr. SANFORD, Mr. SHELBY, Mr. WIRTH, Mr. GRASSLEY, Mr. COHEN, and Mr. HUMPHREY):

S. Res. 61. A resolution expressing the sense of the Senate on the sale of F-16 fighter aircraft technology from General Dynamics to Japan's Mitsubishi Heavy Industries as part of the United States-Japan FSX co-development fighter program; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GARN (for himself and Mr. HATCH):

S. 393. A bill entitled the "Camp W.G. Williams Land Exchange Act of 1989"; to the Committee on Energy and Natural Resources.

CAMP W.G. WILLIAMS LAND EXCHANGE ACT

● Mr. GARN. Mr. President, I rise to introduce legislation entitled "The Camp W.G. Williams Land Exchange Act of 1989." I am pleased that my colleague from Utah, Senator HATCH, has joined me in this effort.

This bill is virtually identical to one introduced in the last Congress by Representative HOWARD C. NIELSEN of the Third District in Utah, who has worked hard on this issue for a long time.

Essentially the bill will accomplish two things. It will:

First, overturn the National Wildlife Federation [NWF] lawsuit which has blocked numerous exchanges on public land around Utah and the country; and

Second, trade out four private inholdings within Camp Williams totaling 798 acres for public lands elsewhere of equal value.

I recognize that this legislation will only have efficacy if the recent Federal district court decision which threw out the National Wildlife Federation lawsuit is allowed to be appealed. Not knowing whether NWF's appeal will be accepted, but assuming it may be, I believe this legislation is necessary and will give the Bureau of Land Management and the Army the ability to proceed in an orderly way with the land exchange using their existing administrative authority.●

By Mr. HARKIN (for himself, Mr. BUMPERS, Mr. CONRAD, Mr. MATSUNAGA, and Mr. SANFORD):

S. 395. A bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes; to the Committee on Armed Services.

SERVICE AS NATIONAL SECURITY ADVISER

● Mr. HARKIN. Mr. President, civilian control of the military is a cornerstone of the American system of government. However, that cornerstone has been partially eroded away, as active duty military officers have gained influence inside the National Security Council. The Iran/Contra affair has clearly illustrated how military officers, without proper oversight, can go astray, subverting the democratic process, condoning illegal activities, and acting in defiance of established civilian foreign policy.

Banning military officers from the National Security Council would not necessarily have prevented the Iran/Contra escapades. Furthermore, we should not exclude highly qualified military personnel from serving on the NSC staff.

However, I strongly believe that the National Security Adviser to the President should be a civilian. This sensitive post, with daily direct access to the President, is too critical to be occupied by an active duty officer whose next promotion depends on the Department of Defense, one of the primary actors on the national security stage. As President Reagan's Special Review Board, chaired by John Tower, stated, the NSC adviser should be an "honest broker," providing "all reasonable options" to the President, "unalloyed by institutional responsibilities and biases."

How can we assure that the next NSC adviser could remain unbiased if he or she were employed by the Defense Department? Could we be sure that an active duty officer would present the case of the State Department with equal vigor to the Defense Department's position? And even if we found another Colin Powell, who most judged to be an excellent NSC adviser, could we avoid the appearance of conflict of interest?

Mr. President, I am introducing a bill that would prohibit active duty military officers from serving in this sensitive post. Many groups and prominent individuals have recommended that the NSC adviser be a civilian. The Iran/Contra Committee recommended that the NSC adviser "should not be an active duty military officer." Admiral Crowe, Chairman of the Joint Chiefs of Staff, stated that "I don't think an active military man should lead the NSC." And even General Powell stated that he thought the adviser should be a civilian.

Brent Scowcroft, our current NSC adviser, felt compelled to resign his commission in the Air Force before accepting the NSC post under President Ford. At the time, he said that "it was

sort of incompatible to remain on active duty as a serving officer in that kind of more impartial setting, so I felt it was necessary to resign."

This bill would not preclude obviously well-qualified individuals such as General Powell from serving our country in this important capacity. They would have to resign before serving. It would not ban active duty officers from serving on the NSC staff.

There is precedent for prohibiting military officers from serving in key executive posts. The Arms Control and Disarmament Agency law states that "No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director."

Mr. President, this is an excellent time to reaffirm our commitment to civilian control of the Military Establishment. The active players in the national security establishment, the Chairman of the JCS, the Secretary of Defense, and the incumbent NSC adviser all support the principle of a civilian in the National Security Adviser's post. Now is the time to solidify that commitment in law.●

By Mr. DECONCINI (for himself and Mr. GRASSLEY):

S. 396. A bill to amend title 11 of the United States Code, the bankruptcy code, regarding swap agreements; to the Committee on the Judiciary.

SWAP AGREEMENTS

● Mr. DECONCINI. Mr. President, today I rise along with my colleague, Mr. GRASSLEY of Iowa, to reintroduce a bill to amend the Bankruptcy Code to provide protection for the operation of interest rate and currency swap agreements when one of the parties files for bankruptcy relief.

This bill would amend section 362 to exempt swap agreements from the automatic stay provisions and amend section 647 to provide that ordinary transfers made or setoffs effected under a swap agreement immediately before a bankruptcy case cannot be set aside by a bankruptcy trustee. It would also create a new section 560 providing that the contractual right of a nondefaulting swap participant will not be stayed by any order of the bankruptcy court or otherwise under the Bankruptcy Code.

Mr. President, this bill was passed by the full Senate last Congress, however, the House did not have time to act on it in the closing hours. I am hopeful that with this early reintroduction in the Senate and with the bill's upcoming introduction in the House by Congressmen CHARLES SHUMER, HAMILTON FISH, and MIKE SYNAR that the bill's enactment into law will occur this year. The legislation is supported by the Federal Reserve Board, Securities Industry Association, Public Securities Association, New York Clearinghouse Association, International Swap Dealers Association, and others. I am not aware of any opposition to the legislation and urge my colleagues to again join with Senator GRASSLEY and myself in supporting these necessary amendments to the bankruptcy law.

I. THE INTEREST RATE AND CURRENCY SWAP MARKETS

A. BACKGROUND

Interest rate and currency swap agreements are a rapidly growing and vital risk management tool in the world financial markets. Financial institutions and corporations use swaps to minimize exposure to adverse changes in interest and currency exchange rates. Swaps can also be used, in effect, to convert a particular financial asset from fixed to floating rate and from one currency to another. Currency swaps and forward foreign exchange transactions also play an important role in international trade as a means of hedging against currency fluctuations. Dealers and users of these instruments include commercial banks, investment banks, thrift institutions, insurance companies, domestic and multinational corporations, foreign governments, and U.S. and foreign government sponsored entities. The International Swap Dealers Association has compiled statistics showing that the dollar volume of outstanding U.S. dollar-denominated swap transactions alone exceeded $541.5 billion at the end of 1987, and that an additional $155.7 billion in new agreements were entered into the first 6 months of 1988.

A typical single-currency interest rate swap transaction involves an agreement where one party agrees to make periodic payments based on a fixed rate while the other agrees to make periodic payments based on a floating rate. Payments are calculated on the basis of a hypothetical principal—or "notional"—amount and payment amounts are typically netted—even in the absence of default—on common payment dates. The principal or notional amounts generally are not transferred. The term of swap transactions generally ranges from 1 to 12 years.

Swap transactions are widely used by institutions, including thrift institutions, to manage mismatches between their assets and liabilities. For example, an entity that has substantial short-term floating rate liabilities and long-term relatively fixed rate financial assets has substantial interest rate exposure. In a rising interest rate environment, the entity may suffer losses as the cost of its short-term floating rate liabilities rise, above the fixed returns on its assets. To hedge this risk and "lock-in" a positive spread between the rate it receives on its assets and the rate it is required to pay on its liabilities, that entity can enter into an interest rate swap in which it will make fixed-rate payments—which can be funded by its fixed-rate assets—and will receive floating rate payments—which will rise or fall along with its floating rate liabilities.

An entity with a relatively low-credit rating not only can reduce its market risk through a swap transaction but can also lower its borrowing costs by entering into swaps with an entity with a higher credit rating. Certain institutions, either because of better credit ratings or better market recognition, have a comparative advantage in borrowing in the fixed-rate markets. Other institutions may be unable to obtain long-term fixed rate financing at acceptable rates, but will be able to obtain short-term floating-rate funds. Through the use of swaps, however, that institution will often be able to obtain favorable long-term fixed rates. Because the credit exposure on a swap is relatively small compared to a traditional loan of principal, entities with higher credit ratings are often more willing to enter into long-term swaps than long-term loans with lower-rated entities.

A party to a swap transaction may enter into a swap directly with another principle end-user. More commonly, however, it enters into a swap with a commercial or investment bank that acts as a dealer in swaps. The dealer will often act as a principal, creating a portfolio of swaps. By standing ready to enter into swaps with any qualified party at any time, swap dealers provide important liquidity for the swaps market.

B. THE MASTER AGREEMENT

Now, Mr. President I will turn to the problems that this bill is designed to address.

The International Swap Dealer Association has developed a master swap agreement that is used by most swap participants. A fundamental provision of the master agreement is that, upon termination of the agreement for default, all transactions between the parties are terminated, a single net amount due is determined, and the amount due the nondefaulting party is paid by the defaulting party. The immediate termination for default and the netting provisions are critical aspects of swap transactions. The immediate termination of all outstanding transactions is necessary for the protection of all parties in light of the potential for rapid changes in the financial markets. The provisions allowing netting of the termination values of all transactions between the parties is a fundamental aspect of swap transactions, particularly for the financial intermediaries who may have numerous transactions with one counterparty under a single master agreement.

I have become concerned about the impact of the Bankruptcy Code on these critical provisions of swap agree-

ments. In particular I am concerned that the automatic stay provision of the Bankruptcy Code could be interpreted to bar immediate termination of outstanding transactions, creating a risk of exposure to rapid change in the market. I am also concerned that, even where all transactions between two parties are conducted under a single master agreement, a bankruptcy trustee could try to "cherrypick" by assuming favorable transactions while rejecting unfavorable ones.

Although many believe that under existing statutory provisions and case law netting should be enforced under the Bankruptcy Code, the issue has never been expressly addressed by a court and, accordingly cannot be free from doubt. We cannot afford to leave this question in doubt. If netting is not allowed—and the debtor is permitted to cherrypick—the potential exposure for nondefaulting parties is drastically increased. In this day of volatile financial markets, we cannot permit one bankruptcy to undermine the basic function of a market as large and important as the swaps market.

II. PROPOSED CHANGES

The changes I proposed address three specific problems. These are (a) the impact of the automatic stay on the enforcement of the contractual rights to terminate a defaulted contract; (b) the right to net positive and negative exposures with one counterparty; and (c) the impact of the Bankruptcy Code on normal prebankruptcy activities, such as the setoff of mutual claims and debts and the potential exposure of ordinary prebankruptcy transfers to later preference recovery.

These changes closely parallel those enacted in 1982 and 1984 by Congress for securities contracts, forward contracts, commodity contracts, and repurchase agreements. The same reasons that led Congress to enact those amendments support the amendments I am introducing today.

The bills' definition of the term "swap agreement" is based on the interest rate contract and exchange rate contract definitions adopted by the Basle Committee on Banking Regulations and Supervisory Practices. The Basle Committee is comprised of representatives of the central banks and supervisory authorities of the United States and 10 other major countries. The Basle Committee definitions were adopted as part of a report establishing an international framework for implementation of uniform capital measurement and capital adequacy standards for banks. The standards utilize the interest rate contract and exchange rate contract definitions in measuring the off-balance sheet risk that arises from participation in swap market transactions. As such, these definitions represent an international regulatory consensus concerning the types of transactions that should be treated as swap agreements and, thus, an appropriate basis for the bill's definition of that term. Consistency between the bill's swap agreement definition and the Basle Committee definitions also should promote the realization of the overall objective of assuring the safety and soundness of the international financial system.

One consequence of this consistency, however, is that the swap agreement definition includes certain types of contracts that already are covered by other provisions of the code. For example, the definition includes forward foreign exchange agreements, which also are subject to the forward contract provisions of the code. A forward contract basically is any contract for the purchase, sale or transfer of a commodity with a maturity date more than 2 days after the contract is entered into. For purposes of the forward contract definition, the term "commodity" includes any good, article, service, right or interest that is the subject of a forward contract transaction. All foreign currencies satisfy one or more of these criteria. Accordingly, forward foreign exchange agreements are forward contracts for purposes of the code. The swap agreement definition in this bill is not intended to affect in any way the status of a forward foreign exchange agreement, or any other contract, as a forward contract under the code.

A. AUTOMATIC STAY PROVISIONS

The automatic stay of section 362 of the Bankruptcy Code bars a party from taking any action to interfere with the property of the bankrupt estate. It is possible that a bankruptcy court could interpret this provision to stay a nondefaulting party from taking action either to terminate a swap or forward foreign exchange agreement with a debtor or to net offsetting exposures, at least without first obtaining authority from the bankruptcy court.

Obtaining such authority necessarily takes some time, often many weeks or months. Any delay in obtaining authority to terminate outstanding transactions and to net offsetting exposures would create unreasonable risks for the nondefaulting party. The interest rate and currency exchange markets often move rapidly and, given the substantial volume of transactions, any type of delay following a bankruptcy filing would impose unreasonable risks of loss on the participants in the market. Following a default, and absent a stay, a prudent counterparty would immediately terminate all transactions with a debtor so as to fix its exposure and would simultaneously enter into separate transactions to hedge that exposure. The possibility that the automatic stay would prevent such termination—possibly for weeks or months—creates a threat of a substantial increase in the nondefaulting party's exposure to the debtor and generally complicates any effort to hedge that exposure.

The unfairness of this result can be shown by an example. First assume that two parties had entered into a single interest rate swap transaction under a master agreement. Assume also that the defaulting party receives fixed rate payments and makes floating rate payments based on a notional amount of $50 million. If that party files for relief under the Bankruptcy Code, absent the potential application of the automatic stay, the nondefaulting party could fix its exposure based on then-current interest rates and enter into a new transaction to hedge that exposure.

The situation is far more uncertain if the stay applies. If the nondefaulting party were certain that the debtor would default, it would hedge its exposure and lock in its position; if it were certain that the debtor would perform, it could do nothing. But the uncertainty as to whether the transaction will be assumed would likely force the nondefaulting party to hedge, thereby incurring the cost of a new transaction and depriving it of the benefits of its original bargain. Moreover, if the nondefaulting party has hedged the original transaction—as is often the case—it could be faced with an uncovered open position depending on the ultimate decision on assumption or rejection made by the debtor, a decision that the debtor may not make for a number of months.

The risks of cherry picking can be shown by a second example. Assume that two parties had entered into two transactions under a single master agreement. As is often the case, the parties are on opposite sides in the two transactions, so that the defaulting party receives fixed-rate payments under the first agreement and variable rate payments under the second. Assume further that each transaction has a current market value of $1 million. In such circumstances, the net position between the parties is zero and if both transactions were terminated simultaneously, no payment would be made to either party. Now assume that one of the parties becomes the subject of a case under the Bankruptcy Code. If the court failed to give effect to the termination and netting provisions of the master swap agreement, the debtor arguably could assume the favorable transaction, while rejecting the unfavorable transaction. The debtor's estate would then continue to receive payments from the nondebtor under the favorable transaction, while the nondebtor would be left with an unsecured claim for damages with respect to the rejected transaction, which is unlikely to be satisfied in full.

Congress has long recognized the need for certainty and speed in the volatile securities and financial markets. Section 60e of the former Bankruptcy Act (11 U.S.C. section 96e) provided special treatment for stockbroker bankruptcies, creating a separate fund for stockbroker customers with priority over general creditors. These provisions were carried forward into the stockholders and commodity broker provisions of chapter 7 when the Bankruptcy Code was enacted in 1978.

As new financial instruments have been developed, Congress has recognized the need to amend certain aspects of the Bankruptcy Code in order to continue to provide the necessary speed and certainty in complex financial transactions. In 1982 and again in 1984 Congress amended section 362 to exempt the termination and setoff of mutual debts and claims arising under securities contracts, forward contracts, commodity contracts and repurchase agreements. The 1982 amendments were "intended to minimize the displacement caused in the commodities and securities markets in the event of a bankruptcy affecting these industries," recognizing the "potential volatile nature of the markets." 128 CONGRESSIONAL RECORD H 261 (daily ed. Feb. 9, 1982). The same rationale supported the 1984 amendments.

These protections should be extended to the swap and forward foreign exchange agreements for the same reasons that they were provided for securities contracts, forward contracts, commodity contracts and repurchase agreements. Permitting the prompt termination and exercise of netting rights reduces the potential market impact of a bankruptcy filing by allowing immediate action as contemplated by the standard agreements. This exception does not interfere with the basic operation of the Bankruptcy Code, since section 553 of the code already preserves the right of setoff, although requiring a court hearing. The volatility of the interest rate and currency exchange markets makes the risk of delay pending such a court hearing unreasonable and detrimental both to the debtor, which could incur additional losses if open transactions turn unfavorable, as well as to the nondefaulting party.

B. RIGHT TO TERMINATE

Both the 1982 and the 1984 amendments provide that the contractual right of a nondefaulting party to terminate a securities contract, forward contract, commodity contract, or repurchase agreement will not be stayed by any order of the bankruptcy court or otherwise under the Bankruptcy Code. This provision essentially assures counterparties that they will not be exposed to an effort by a bankruptcy trustee to assume these agreements under section 365 of the Bankruptcy Code.

A similar assurance is needed for swap participants. In a volatile interest and currency exchange rate environment, a requirement that the counterparty keep open transactions awaiting such a decision risks imposing additional losses either on the nondefaulting party or on the debtor's estate at a time when the estate should be reducing its market exposure.

The right to terminate open transactions is particularly needed in light of the size of the swap market. As Congress recognized at the time of the 1982 and 1984 amendments, counterparties could be faced with substantial losses if forced to await a bankruptcy court decision on assumption or rejection of financial transaction agreements. Unlike ordinary leases or executory contracts, where the markets change only gradually, the financial markets can move significantly in a matter of minutes. The markets will not wait for a court decision on whether a debtor can cure, assume, or provide adequate assurance of future performance of such agreements. There is a clear need for Congress to assure counterparties that they will be able to terminate these agreements and exercise contractual liquidation and netting rights if a party to the agreement files for bankruptcy relief.

C. SETOFF AND PREFERENCE PROVISIONS

The 1982 and 1984 amendments provide that ordinary transfers made or setoffs effected under a securities or repurchase agreement immediately before a bankruptcy case cannot be set aside by a bankruptcy trustee. This is an exception to the preference provisions of section 547 and to the preference provisions of the setoff statute—section 553(b)(1)—which generally discourages setoffs before bankruptcy in ordinary commercial transactions.

The exception created by the 1982 and 1984 legislation recognizes that protections for payments made and setoffs effected under securities and other financial agreements are needed in order to preserve the functioning of the market. Similarly, in swap and foreign exchange transactions, it is important to eliminate any concern that Bankruptcy Code provisions could be read to preclude the exercise of contractual rights of the prebankruptcy netting or setoff. This is particularly important to swap participants since netting is the normal, intended course of dealing in swap transactions unlike ordinary commercial transactions, where setoff is an extraordinary remedy. While the setoff preference provision of section 553(b)(1) is designed to discourage bank account setoffs that may precipitate a bankruptcy filing, its operation in the swap market could materially interfere with customary operation of the market. For these reasons, swap agreements and forward foreign exchange transactions should be granted the same exception from ordinary preference rules and from the preferenced provisions of section 553(b)(1) as Congress has accorded securities contracts and other financial agreements.

I urge my colleagues to join with Senator GRASSLEY and myself in supporting these necessary amendments to the bankruptcy law. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of title 11, United States Code, is amended by—

(1) redesignating paragraphs (49), (50), and (51) as paragraphs (51), (52), and (53) respectively; and

(2) inserting between paragraphs (48) and (51), as redesignated herein, the following:

"(49) 'swap agreement' means an agreement, including terms and conditions incorporated by reference therein, which is a rate swap agreement, basis swap, forward rate agreement, interest rate future, interest rate option purchased, forward foreign exchange agreement, rate cap agreement, rate floor agreement, rate collar agreement, currency swap agreement, cross-currency rate swap agreement, currency future, currency option purchased including any option to enter into any of the foregoing or any other similar agreement or combination thereof, and a master agreement for any of the foregoing together with all supplements shall be considered one swap agreement;

"(50) 'swap participant' means an entity that, on any day during the period beginning 90 days before the date of the filing of the petition, has an outstanding swap agreement with the debtor,".

SEC. 2. Section 362(b) of title 11, United States Code, is amended by—

(1) striking out "or" at the end of paragraph (12);

(2) striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or"; and

(3) inserting at the end thereof the following:

"(14) under subsection (a) of this section, of the setoff by a swap participant, of any mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment due from the debtor under or in connection with swap agreements against any payment due to the debtor from the swap participant under or in connection with the swap agreements or against cash, securities, or other property of the debtor held by or due from such swap participant to guarantee, secure or settle swap agreements.".

SEC. 3. Section 546 of title 11, United States Code, is amended by adding at the end thereof the following:

"(g) Notwithstanding sections 544, 545, 547, 548(a)(2) and 548(b) of this title, the trustee may not avoid a transfer under a swap agreement, made by or to a swap participant, in connection with a swap agreement and that is made before the com-

mencement of the case, except under section 548(a)(1) of this title.".

SEC. 4. Section 548(d)(2) of title 11, United States Code, is amended by—

(1) striking out "and" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(D) a swap participant that receives a transfer in connection with a swap agreement, as defined in section 101(49) of this title, takes for value to the extent of such transfer.".

SEC. 5. Section 553(b)(1) of title 11, United States Code, is amended by inserting "362(b)(14)," after "362(b)(7),".

SEC. 6. Subchapter III of chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following:

"§ 560. Contractual right to terminate a swap agreement

"The exercise of any contractual rights of a swap participant to cause the termination of a swap agreement because of a condition of the kind specified in section 365(e)(1) of this title or to set off or net out any termination values or payment amounts arising under or in connection with one or more swap agreements shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title. As used in this section, the term 'contractual right' includes a right, whether or not evidenced in writing, arising under common law, under law merchant or by reason of normal business practice.".●

By Mr. DIXON (for himself and Mr. SIMON):

S. 397. A bill to provide assistance to small communities with ground water radium contamination; to the Committee on the Environment and Public Works.

ASSISTANCE FOR COMMUNITIES WITH GROUND WATER CONTAMINATION.

● Mr. DIXON. Mr. President, in February of last year I introduced S. 2060, a bill to provide assistance to small communities with ground water radium contamination. I am pleased to say that my bill passed the Senate as part of the Senate ground water bill. Unfortunately, that bill was prevented from becoming law when both Houses failed to reach a conference agreement. In the meantime, the plight of nearly 1,000 small towns without the resources to remove radium from their drinking water supply goes on.

Radium is a naturally occurring carcinogen for which the Environmental Protection Agency has determined maximum contaminant levels. It can be very costly for communities to come into attainment with EPA's radium standard. Small municipal water supplies may need to shell out as much as $150,000 to $15 million worth of improvements to their systems in order to comply with the Federal standard. In my State of Illinois alone, there are 84 communities with populations under 20,000 whose municipal water exceeds the maximum contaminant level. It is estimated that it will cost these small towns in my State $100 million to make the necessary improvements.

There is no way that towns of this size can finance this kind of project. There are many folks in these areas, in my State, and I am sure in other areas where radium naturally occurs, that are willing to take their chances and continue to drink the water as it is. Some believe the EPA's standard is too strict. But these towns have no choice—they must make these costly expenditures to their systems or face substantial fines by the Federal Government.

For this reason, on behalf of the small communities all across America, I am pleased to reintroduce today, along with my good friend and colleague, PAUL SIMON, the radium removal demonstration program.

This bill will assist local communities in radium abatement at very little cost to the Federal Government. The $20 million this bill authorizes over 3 years would not be used for direct grants. Instead, recipients would be able to use the money to provide insurance and prepay interest for local obligations. State agencies would be the actual recipients of the money, and would use that money to buy down interest rates for qualifying communities undertaking radium abatement projects. By reducing the overall financial burden on municipalities, each Federal dollar used maximizes what a local government can afford to pay at a 10-to-1 ratio.

It is not often that Federal dollars can be stretched so effectively to provide for a legitimate public need. We are talking about helping communities who are making good faith efforts to come into compliance with Federal mandates. We are not talking about helping big cities that can afford expenditures of this size. To qualify, a town must not exceed a population of 20,000. We are not talking about providing money to private water companies. Only municipal systems will be eligible for assistance.

In these days when the Federal deficit looms large over our heads, it is appropriate that we think carefully about what is proper Government activity, and about which social needs are best left for the States and the marketplace to meet. This must be done before we make even relatively small obligations of Federal funds, such as the one I am proposing today. Mr. President, I am convinced that it is the role of the Federal Government to assure that every American has safe water to drink. It is not good enough, however, for the Federal Government to simply set standards and then turn a deaf ear to the problems local governments have in meeting those standards. It is also the Federal Government which must make sure small communities will have the ability to clean up their water.

I urge my colleagues to join me in helping small communities help themselves to obtain safe drinking water.●

By Mr. MURKOWSKI:

S. 398. A bill to apply the deposit insurance limitation to deposits by deposit brokers; to the Committee on Banking, Housing, and Urban Affairs.

BROKERED DEPOSITS ACT

Mr. MURKOWSKI. Mr. President, today I am introducing a bill to limit the use of federally insured brokered deposits.

A brokered deposit is a federally insured certificate of deposit [CD] that is marketed nationwide by a financial institution to investors through the use of a broker. These deposits are presently federally insured up to $100,000 per depositor, per institution.

My bill would limit the total amount of insured deposits that could be placed by a broker to $100,000 per financial institution that does not meet the minimum capital requirements of the FDIC or FSLIC. Under my bill a single broker or firm could place no more than a total of $100,000 of federally insured brokered deposits in any one financially troubled institution. At present, there is no limit on the total amount of insured brokered deposits that can be placed in any institution.

USE OF BROKERED DEPOSITS

Advances in technology and recent legislative and regulatory advances have given rise to a CD brokerage industry. Ceilings on interest rates were removed; and issuance of CD's in negotiable form were permitted along with fees to pay brokers for obtaining the CD's.

Deposit brokers assist large institutional customers and smaller individual investors in placing their fund in CD's, none of which, in any financial institution, exceed the value of $100,000—the limit on Federal deposit insurance.

Investors like the CD's because of their safety and competitive yields; financial institutions find them a cost effective way to ease liquidity problems; and brokers enjoy the fees that CD's generate.

NEGATIVE EFFECTS ON INSURANCE FUNDS AND INDUSTRY

Although popular, brokered deposits have some extremely harmful side effects. They drain FSLIC and FDIC deposit insurance funds, inflate banking costs, take money away from local communities, encourage funds to flow to poorly managed and financially troubled institutions, and conflict with the intended purpose of Federal deposit insurance.

Federal deposit insurance was originally established in order to provide depositors with a safe place for their savings. It was seen as a way for the

Federal Government to direct money into areas it deemed worthwhile—namely, affordable home loans. The depositor, in return for safety, would receive a lower rate of interest which in turn would lower the rate of interest charged by a bank or thrift on a home loan.

Instead, federally insured brokered funds have distorted the intended purpose and use of Federal deposit insurance. They give investors a no-risk higher than average rate of return, and force financial institutions into speculative ventures.

When financial institutions use brokered deposits they do so at a high price, quite often at the expense of the FSLIC and FDIC insurance funds. With the help of brokers, institutions enter national markets by offering insured CD's at rates that are normally higher than local market rates. Since the CD's are insured, investors look to the high rate of return, not the soundness of the institution, when purchasing the CD's. This causes substantial sums of insured deposits to flow into poorly managed institutions. While this may initially prolong their life span, it greatly increases the exposure of and ultimate loss to the FDIC or FSLIC funds, or the Federal Treasury.

Nearly $1.5 billion in insured brokered deposits were part of FDIC insurance payoffs or assistance payments over the past 4½ years. The potential for further losses is even greater. Roughly $2 billion of the $11 billion in FDIC brokered funds presently sit in FDIC problem banks. Not surprisingly, problem banks use brokered funds more extensively than well-rated institutions. FDIC numbers show that the percentage of brokered funds of total deposits in problem banks is 2½ times greater than that in healthy banks. The FSLIC has no current numbers, but in its June 1985 hearing before the Senate Banking Committee it stated that over 50 percent of its most troublesome thrifts had high levels of brokered funds.

The use of brokered deposits can unduly harm local competitor institutions. When a bank brokers its CD's nationwide it typically prices its regular local CD's at a higher than market rate, but below its nationwide brokered rate. Other local banks are then forced to raise their own rates or experience a deposit decline. This leads to lower profitability which in turn increases the number of troubled banks and added costs to the insurance funds.

Time to address problem—personal experience in industry Mr. President, today I join with other respected leaders, both in Government and in the financial community, in calling for a halt to the imprudent growth of deposits in undercapitalized institutions. Perhaps more than others, however, I am particularly attuned to the crisis that confronts the Federal Deposit Insurance funds and the banking and thrift industries. Before coming to the Senate, I had the privilege of spending over 20 years in the banking industry.

My bill seeks to restore the provisions of a similar 1984 FDIC and Federal Home Loan Bank Board regulation that was subsequently overruled in a Federal court case as an invalid exercise of authority.

My bill will help the insurance funds adjust to some of the unforeseen problems caused to it by advanced technology and recent deregulation. Federal insured deposit funds were never intended to be used to attract no-risk investment opportunities, especially in unsound institutions. Rather, they were created after the crash of 1929 and the Great Depression of the 1930's to insure depositor safety, primarily in financial institutions.

CONSTRUCTIVE FIRST STEP

My bill is a modest first step that will help preserve FSLIC and FDIC insurance funds and keep banking and thrift costs down. This bill will not cure this Nation's deposit insurance crisis by itself, but it will provide a constructive first step in returning stability to our banking and thrift industries.

The problem with the thrift industry, Mr. President, goes back to deregulation. It was the death knell for the S&L's.

The S&L's were chartered to provide long-term, cheap mortgage rates. Suddenly we deregulate and they had to go out and complete for their deposits. As a consequence, they could not change their long-term interest rates and, basically, the squeeze was on.

Mr. President, I ask that this body support my bill. It will enhance the security of our Federal deposit insurance system and bring us closer to the basic free market principles that encourage the flow of capital to institutions that inspire investor confidence.

By Mr. GLENN (for himself, Mr. PRYOR, and Mr. RIEGLE):

S. 399. A bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes; to the Committee on Labor and Human Resources.

INTERGENERATIONAL LIBRARY LITERACY ACT

● Mr. GLENN. Mr. President, today, along with my colleagues, Senator PRYOR and Senator RIEGLE, I rise to introduce S. 399, the Intergenerational Library Literacy Act. An identical bill is being introduced in the House of Representatives by Congresswomen OLYMPIA J. SNOWE. The purpose of our legislation is to assist libraries faced with growing numbers of latchkey children who are being left unattended by working parents who cannot afford or cannot find adequate day care.

We have heard a great deal about latchkey children—children who return to empty homes after school. More recently, we have learned of the growing number of library latchkey children—children who regularly spend their afterschool hours in public libraries. A 1988 study by the American Library Association indicates that one of the most rapidly developing public library issues is what to do about library latchkey children. Although libraries are committed to serving the needs of children, they are not prepared to deal with the great numbers of unsupervised children who, on a regular basis, are spending extended time in libraries as a means of afterschool day care.

The Intergenerational Library Literacy Act amends the Library Services and Construction Act by authorizing a demonstration project that allows libraries to apply for title VI literacy program grants to develop programs using older volunteers to provide afterschool literacy and reading skills programs for latchkey children. Further, it amends the Domestic Volunteer Service Act by establishing intergenerational library literacy programs as Programs of National Significance, thus permitting the Retired Senior Volunteer Program [RSVP] to target its efforts toward these programs and to establish a group of volunteers for use in libraries. Funding would come from the existing moneys set aside for title VI literacy programs. No new funds would be authorized by passage of this legislation.

Members of our growing elderly population have a great deal to contribute to our society, and I can think of no better way to put their talents to use than by helping our Nation's children. Using older volunteers, such as participants in the Retired Senior Volunteer Program [RSVP], to provide literacy and other programs for children benefits all of us. It provides a meaningful way for older Americans to share their talents, it greatly benefits the children who receive both assistance in developing reading skills and special attention from an older adult, it helps the staffs of public libraries who are taking time from their other duties to supervise latchkey children, and it is addressing our Nation's growing need for day care given the increasing number of women who are working.

I urge my colleagues to join me in working for congressional passage of the Intergenerational Library Literacy Act.

Mr. President, I request that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intergenerational Library Literacy Act".

SEC. 2. INTERGENERATIONAL LIBRARY LITERACY DEMONSTRATION GRANTS.

Title VI of the Library Services and Construction Act (20 U.S.C. 375) is amended by adding at the end the following new section:

"INTERGENERATIONAL LIBRARY LITERACY DEMONSTRATION GRANTS

"SEC. 602. (a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary may make grants to local public libraries to establish demonstration projects to provide intergenerational library literacy programs for school children during afterschool hours.

"(2) LIMITATION ON AMOUNT OF GRANT.—The aggregate amount of grants under this section to a local public library may not exceed $40,000.

"(3) INELIGIBILITY OF LIBRARIES RECEIVING GRANTS UNDER SECTION 601.—The Secretary may not make a grant to a local public library under this section in any fiscal year in which the library has received a grant under section 601.

"(b) REQUIREMENTS OF DEMONSTRATION PROJECTS.—Each local public library that receives a grant under this section shall establish a demonstration project as follows:

"(1) NEW PROGRAMS.—The local public library shall use funds from a grant made under this section only to establish and administer new intergenerational library literacy programs and may not use the funds to assist or expand similar ongoing programs relating to literacy.

"(2) MULTIPLE LOCATIONS.—The local public library shall, to the extent possible, provide intergenerational library literacy programs in a variety of locations throughout the area served by the library.

"(3) AFTERSCHOOL HOURS.—The local public library shall provide intergenerational library literacy programs only during afterschool hours.

"(4) OLDER ADULT VOLUNTEERS.—In the provision of intergenerational library literacy programs, the local public library shall utilize older adult volunteers and older adult volunteer programs and may utilize other community volunteer resources.

"(5) OLDER ADULT ROLE MODELS.—In the provision of intergenerational library literacy programs, the local public library shall emphasize and provide examples of positive older adult role models (by example and through the provision of information) for the participating children.

"(6) 1-YEAR DURATION.—The local public library shall design and organize the demonstration project so that any funds received from any grant under this section are expended not later than the expiration of the 1-year period beginning on the date that the library first receives funds from a grant under this section.

"(7) EVALUATION AND REPORT.—The local public library shall conduct an evaluation regarding the demonstration project established pursuant to a grant under this section and the effect of the intergenerational library literacy programs on the participating children, and shall submit to the Secretary, not later than 18 months after the library first receives funds from a grant under this section, a report regarding the evaluation.

"(c) APPLICATION AND SELECTION OF GRANT RECIPIENTS.—

"(1) APPLICATION.—To receive a grant under this section, a local public library shall submit an application as the Secretary may require, which shall include the following:

"(A) CERTIFICATION OF FULFILLMENT OF REQUIREMENTS OF DEMONSTRATION PROJECT.—Certification that the local public library will fulfill the requirements of subsection (b).

"(B) DESCRIPTION OF PROGRAMS.—A description of the intergenerational library literacy programs to be established and administered under the demonstration project.

"(C) DEMONSTRATION OF NEED.—A statement demonstrating the presence in the area served by the local public library of unsupervised school children who could benefit from a literacy program and interaction with older adults.

"(2) SELECTION.—

"(A) IN GENERAL.—The Secretary shall select local public libraries to receive grants under this section from libraries that have applied under paragraph (1), and may select only libraries that meet the criteria for selection established under subparagraph (B).

"(B) CRITERIA FOR SELECTION.—

"(i) ESTABLISHMENT.—The Secretary shall establish criteria for the selection of local public libraries to receive grants under this section.

"(ii) PREFERENCE FOR LIBRARIES USING GRANTS TO ESTABLISH ONGOING PROGRAMS.—The criteria established under clause (i) shall require that, in making grants under this section, the Secretary shall give preference to any local public library that includes in the application under paragraph (1) a plan for the continued operation of the intergenerational library literacy programs after the time at which the funds received by the library from grants under this section have been expended.

"(d) REPORTS.—Not later than the expiration of the 3-year period beginning on the date that the Secretary shall submit to the Congress a report setting forth the findings and conclusions of the Secretary regarding the demonstration projects established with grants made under this section. The report shall include any recommendations of the Secretary regarding the establishment of a permanent program to develop intergenerational library literacy programs in local public libraries.

"(e) DEFINITIONS.—For purposes of this section:

"(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means a project established and administered by a local public library under subsection (b) that consists of intergenerational library literacy programs.

"(2) INTERGENERATIONAL LIBRARY LITERACY PROGRAM.—The term 'intergenerational library literacy progam' means a program using older adults to increase literacy, improve reading skills, or encourage reading for unsupervised school children, established under subsection (b).

"(3) OLDER AUDLT.—The term 'older adult' means any individual who is 60 years of age or older.

"(4) SCHOOL CHILDREN.—The term 'school children' means children who are of the ages appropriate for or attend school in a grade not higher than 12.

"(f) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section.".

SEC. 3. AMENDMENTS TO STATE AND LOCAL LIBRARY GRANTS PROGRAM.

(a) INELIGIBILITY OF LOCAL PUBLIC LIBRARIES RECEIVING GRANTS UNDER SECTION 602.—Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended by adding at the end the following new subsection:

"(f) The Secretary may not make a grant to a local public library under this section in any fiscal year in which the library has received a grant under section 602.".

(b) CONFORMING AMENDMENTS.—Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended—

(1) by striking "title" each place it appears and inserting "section"; and

(2) in subsection (c), by inserting "under this section" after "libraries".

SEC. 4. PROGRAMS OF NATIONAL SIGNIFICANCE UNDER RETIRED SENIOR VOLUNTEERS PROGRAM.

(a) IN GENERAL.—Part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.) is amended by adding at the end the following new section:

"PROGRAMS OF NATIONAL SIGNIFICANCE

"SEC. 202. In making grants under section 201 and determining the amount of the grants, the Director shall give priority to programs of national significance, such as volunteer programs in libraries during afterschool hours to provide literacy and reading skills training for children whose parents are not at home during afterschool hours.".

(b) CONFORMING AMENDMENT.—The table of contents in the 1st section of the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4950 prec.) is amended by inserting after the item relating to section 201 the following new item:

"Sec. 202. Programs of national significance.".●

By Mr. PRYOR (for himself, Mr. REID, and Mr. BOREN):

S. 400. A bill to require that all amounts saved as a result of Federal Government contracting pursuant to Office of Management and Budget Circular A-76 be returned to the Treasury, that manpower savings resulting from such contracting be made permanent, and that employees of an executive agency be consulted before contracting determinations by the head of that executive agency are made pursuant to that circular; to the Committee on Governmental Affairs.

COMMERCIAL ACTIVITIES CONTRACTING ACT

● Mr. PRYOR. Mr. President, I rise today to introduce the Commercial Activities Contracting Act of 1989 on behalf of myself and Senators REID and BOREN.

Our bill would return all cost savings resulting from A-76 contracting out to the Treasury, to be applied to reduce the budget deficit. Circular A-76 was issued by the Office of Management and Budget [OMB] to increase the contracting out of Government activities.

Let me state, from the start, this legislation is not intended to reduce or eliminate contracting out. The bill makes no judgment as to whether the push to contract out should be limited

or expanded. The Bush administration would be free to continue the contracting out efforts of the previous administration, or to come up with a new approach.

Our intent is to find ways to harness the savings generated from the process and put those savings to work reducing the Federal deficit. That, unfortunately, is not what we are seeing today.

According to the Congressional Budget Office and the President's Office of Management and Budget, millions and perhaps billions of dollars have been saved in recent years by contracting out over $36 billion of Government activities to the private sector.

Most Americans and, I dare say, most Senators, reasonably assume these savings go directly back to the Treasury. That makes sense. But because of a loophole—the size of a Swiss bank account—that is not the current practice.

A more likely scenario is this: An agency is told to cut costs by allowing the private sector to compete for one of its operations. A private bidder who says he can do the job for less wins the contract. The agency reports that it has saved the taxpayers x dollars. This good government story then sours because the reported savings disappear into the agency's coffers, as kind of a slush to be reallocated as the agency pleases.

Thus, a penny saved by contracting out is not a penny saved at all, it is a penny spent elsewhere on favorite projects; a project Congress may have considered and rejected.

One of the advantages I hope will result from our legislation is that the Government will keep better tabs on contractors. An agency forced to return contractor savings to the Treasury will make very sure the contractor delivers on its promise. We will be better able to ensure that we get the best deal for the taxpayer and that we are not just contracting out in order to meet some arbitrary goal set by OMB. Contracting out should have as its No. 1 goal saving money, not just the hiring of more consultants and contractors.

Finally, the bill will require the submission of actual figures on the amount of money saved by contracting out, rather than numbers that are cooked up to make the process look good.

Mr. President, the Subcommittee on Federal Services, Post Office and Civil Service, which I chair, held hearings on this legislation in the last Congress.

We heard from employee representatives who vividly outlined situations that did not, in our view, fully meet the cost and efficiency goals of the A-76 contracting out policy. The subcommittee heard from Members of Congress who reported on contracting out actions in their States which went bad.

We also heard from OMB, which is responsible for the implementation of the circular, and the Department of Defense, which performs a majority of the contracting out activity of the Federal Government.

Everyone is agreed that, given the urgency of the need to get the Federal budget deficit under control, it is crucial the A-76 program be run effectively. We agree that contracting out, when done properly, can save the Government money and increase efficiency. However, many of us are concerned by cases, such as the ones this subcommittee heard about in the last Congress, which indicate the government is actually wasting money by poorly administering the contracting out process.

Mr. President, I should also note that the Congress reformed one part of the A-76 process last year with an amendment to the Federal Employees' Retirement System Act of 1986. That amendment will require both contractors and Federal employees to include all retirement costs in contract bids to reflect actual costs. The change was suggested by OMB and seconded by the General Accounting Office [GAO]. I am hopeful this has helped to level the playing field and increase the likelihood that we will save, not waste, taxpayer dollars.

The bill we are introducing today makes a far more fundamental improvement in the contracting out system. We require savings generated by contracting out to be identified and returned to the Treasury for deficit reduction.

Mr. President, I will finish by noting that witnesses from the contractor industry testifying before the subcommittee in the 100th Congress suggested that this proposal might have a downside. While they generally supported the legislation, they suggested that allowing an agency to retain some of the contracting out savings would provide a necessary incentive to the agencies to explore contracting out opportunities. Eliminating the incentive, they theorize, might have the unintended effect of slowing down contracting out.

While it disturbs me to think that agencies need what some might call a payoff in order to save tax dollars, this is an issue that will receive further consideration in the subcommittee.

Mr. President, it is not the intent of this legislation to kill the A-76 program. The intention is to improve the process to ensure that expected savings become actual savings and that the quality of our Government is enhanced and not diminished.

Mr. President, I ask that the text of the bill and a section-by-section analysis of the bill be placed in the RECORD following my statement.

S. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Activities Contracting Act of 1989".

SEC. 2. ACCOUNTING FOR SAVINGS RESULTING FROM FEDERAL GOVERNMENT CONTRACTING UNDER OMB CIRCULAR A-76.

(a) SAVINGS TO BE RETURNED TO THE TREASURY.—(1) Not more than 60 days after the beginning of each fiscal year, the head of each executive agency shall pay into the General Fund of the Treasury the amount determined under paragraph (2).

(2) At the beginning of each fiscal year, the head of each executive agency shall determine the total amount saved by that executive agency as a result of converting during the preceding fiscal year to contractor performance any commercial activity which, during the preceding fiscal year—

(A) was previously performed by civilian employees of that executive agency; or

(B) was previously performed for or on behalf of that executive agency by members of the uniformed services.

(b) CIVILIAN EMPLOYEE SAVINGS.—(1) Whenever an executive agency converts to contractor performance any commercial activity, the total number of civilian employees authorized for that executive agency in the fiscal year in which the conversion takes place shall be reduced by the number of civilian employees of that executive agency required to perform that commercial activity on a full-time basis (including the full-time equivalent of the number of civilian employees of that executive agency required to perform such activity on less than a full-time basis).

(2) The Director of the Office of Management and Budget, after consulting with the head of the executive agency concerned, shall determine the amount of any reduction in the authorized number of civilian employees of that executive agency pursuant to paragraph (1).

(c) UNIFORMED SERVICES END STRENGTHS.—(1) Whenever an executive agency converts to contractor performance any commercial activity previously performed for or on behalf of that executive agency by members of a uniformed service, the end strength authorized for that uniformed service at the end of the fiscal year in which the conversion takes place shall be reduced by the number of members of that uniformed service required to perform that commercial activity on a full-time basis (including the full-time equivalent of the number of members of that uniformed service required to perform such activity on less than a full-time basis).

(2) The Secretary concerned shall determine the amount of any reduction in the authorized end strength of a uniformed service pursuant to paragraph (1).

SEC. 3. PARTICIPATION OF FEDERAL EMPLOYEES IN DETERMINATIONS UNDER OMB A-76.

(a) IN GENERAL.—Each officer or employee of an executive agency responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any commercial activity of that executive agency—

(1) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that deter-

mination, consult with civilian employees of the executive agency who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

(2) may consult with such employees on other matters relating to that determination.

(b) CONSULTATION PROCEDURES.—(1) In the case of employees of an executive agency represented by a labor organization accorded exclusive recognition under section 7111 of title 5, United States Code, consultation with representatives of that labor organization shall satisfy the consultation requirement in subsection (a).

(2) In the case of employees of an executive agency other than employees referred to in paragraph (1), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in subsection (a).

(c) REGULATIONS.—The Administrator of the Office of Federal Procurement Policy shall issue regulations to carry out this section. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subsection (b)(2) for purposes of consultation required by subsection (a).

SEC. 4. DEFINITIONS.

In this Act:

(1) The term "executive agency" has the same meaning as is provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term "Secretary concerned" has the same meaning as is provided in section 101 of title 37, United States Code.

(3) The term "uniformed service" means any of the uniformed services named in section 101 of title 37, United States Code.

COMMERCIAL ACTIVITIES CONTRACTING ACT OF 1989 (CACAL)—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Provides that the bill shall be referred to as "Commercial Activities Contracting Act of 1989" legislation.

The acronym to identify this bill will be "CACAL."

SECTION 2. ACCOUNTING FOR SAVINGS RESULTING FROM FEDERAL GOVERNMENT CONTRACTING UNDER OMB CIRCULAR A-76

Requires that all money savings as a result of OMB A/76 actions be returned to the Treasury. Also, any manpower positions saved will result in equivalent federal civilian and uniformed employee end strength reductions.

Some executive agencies do not turn back any money or manning positions saved after an A-76 action. Over the last five years, these contracting-out savings have amounted to over $500 million. Multiplying the yearly manpower savings (since a savings in manning is also a savings in the out years) the actual projected savings would be closer to $1.5 billion. The President's budget has never identified these additional dollars available for his agencies' use. This bill, by now requiring the monies and manning positions be returned, never technically affects the President's budget. Additionally, a loophole the executive branch has been using to avoid meeting Congressionally imposed caps on manning will be eliminated.

SECTION 3. PARTICIPATION OF FEDERAL EMPLOYEES IN DETERMINATIONS UNDER OMB A-76

Employee participation in creating the government bid in any proposed contracting-out action is mandated. Employees are placed in a position to ensure the government's bid is the most cost-efficient and therefore, the most competitive that government can create.

OMB Circular A-76 allows minimal employee participation in the creation of the government's bid. However, as A-76 is currently applied, employees are realistically excluded from the process of creating the most efficient organization to compete with the contractors' bids. Government management often uses A-76 actions to fill their manning shortfalls rather than to try to create an efficient organization. They have no natural "advocacy", as industry does, to design a bid that will be the lowest and win. However, employees are "natural" advocates of a low and competitive bid. Their motivations are similar to contractors, since both are competing for their jobs. The bill, as written, includes employees in the process as far as possible without interfering with the strict rules of federal procurement.

SECTION 4. DEFINITIONS

"Executive agency", "secretary concerned" and "uniformed service" are defined in common legal terms.●

By Mr. HOLLINGS:

S. 401. A bill to exclude the Social Security trust funds from the deficit calculation and to extend the target date for Gramm-Rudman-Hollings until fiscal year 1997; to the Committees on the Budget and Governmental Affairs jointly, pursuant to the order of August 4, 1977.

SOCIAL SECURITY TRUST FUND SANCTITY ACT

● Mr. HOLLINGS. Mr. President, I rise to introduce the Social Security Preservation Act, a simple measure with an all important public purpose: To preserve the integrity of the Social Security trust fund by taking it off budget for purposes of Gramm-Rudman-Hollings deficit calculations. In other words, this bill seeks to erect a Chinese wall to separate the Social Security surpluses from the day-to-day operating budget of the U.S. Government.

Mr. President, the Congressional Budget Office recently told us that the 1990 deficit will be $146 billion. Of course, CBO knows full well that the real deficit will be closer to $300 billion. The reality is that, in keeping with the monkeyshine budget practices of recent years, we will lop off some $135 billion of that nearly $300 billion total by ransacking the various Government trust funds to meet our current operating expenses.

The plundering of the Social Security trust fund is the most egregious example of this officially sanctioned ripoff. Good Americans are under the illusion that the hefty new Social Security payroll taxes they have paid since 1984 are being safely tucked away in a sacrosanct Social Security trust fund. The idea is that today's huge surpluses are to be set aside to pay for the baby boomers' retirement in the 21st century. Well, look again. Washington's dirty little secret is that the Social Security trust fund surpluses are being siphoned off today to mask the true scale of the Federal budget deficit. This year alone we will take $68 billion from the Social Security trust fund in order to meet current operating expenses of the Government.

All that remains in the ironically named "trust funds" are bookkeeping entries saying that the Treasury owes the fund x billion dollars. The sheriff who tries to collect on those debts in the year 2025 is truly going to have his work cut out for him.

In other words, Mr. President, we take the Social Security surplus each year, spend it on the deficit, and put an IOU in the Social Security trust fund. In later years when those IOU's are needed, the Government will have a simple choice: We will have to raise taxes drastically on working Americans—who will represent a shrinking percentage of our population in the next century—in order to repay the IOU's. Or we will have to drastically slash Social Security benefits for those future recipients.

Mr. President, either way, this is a gross breach of faith with the American people. The time has come to put Social Security truly in trust and totally off budget. We must stop playing budget games with the American people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Social Security Trust Fund Sanctity Act".

SECTION 2. EXCLUSION OF RECEIPTS AND DISBURSEMENTS OF SOCIAL SECURITY TRUST FUNDS WHEN CALCULATING MAXIMUM DEFICIT AMOUNTS.

(a) DEFINITION OF DEFICIT.—(1) The second sentence of paragraph (6) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)) is repealed.

(2) Section 275(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 note) is amended by striking out "and the second sentence of section 3(6) of such Act (as added by section 201(a)(1) of this joint resolution)".

(b) SOCIAL SECURITY ACT.—Subsection (a) of section 710 of the Social Security Act is amended by striking "shall not be included in the totals of the budget" and inserting "shall not be included in the budget deficit or any other totals of the budget".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall apply with respect to fiscal years beginning after September 30, 1989.

SECTION 3. MAXIMUM DEFICIT AMOUNT.

Section 3(7) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

(7) The term 'maximum deficit amount' means—

"(A) with respect to the fiscal year beginning October 1, 1985, $171,900,000,000;
"(B) with respect to the fiscal year beginning October 1, 1986, $144,000,000,000;
"(C) with respect to the fiscal year beginning October 1, 1987, $144,000,000,000;
"(D) with respect to the fiscal year beginning October 1, 1988, $136,000,000,000;
"(E) with respect to the fiscal year beginning October 1, 1989, $168,000,000,000;
"(F) with respect to the fiscal year beginning October 1, 1990, $132,000,000,000;
"(G) with respect to the fiscal year beginning October 1, 1991, $96,000,000,000;
"(H) with respect to the fiscal year beginning October 1, 1992, $60,000,000,000;
"(I) with respect to the fiscal year beginning October 1, 1993, $24,000,000,000;
"(J) with respect to the fiscal year beginning October 1, 1994, $0,000,000,000;

SEC. 4. CONFORMING CHANGES.

(a) DEFINITION OF MARGIN.—Section 257(10) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by—

(1) striking "fiscal year 1992" and inserting "fiscal year 1994"; and

(2) striking "fiscal year 1993" and inserting "fiscal year 1995".

(b) EFFECTIVE DATE.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in paragraph (1), by striking "1993" and inserting "1995"; and

(2) in paragraph (2), by striking "and the second sentence of section 3(6) of such Act (as added by section 201(a)(1) of this joint resolution)".

By Mr. ADAMS (for himself and Mr. GORTON):

S. 402. A bill to provide for the settlement of land claims of the Puyallup Tribe of Indians in the State of Washington, and for other purposes; to the Select Committee on Indian Affairs.

PUYALLUP TRIBE OF INDIANS SETTLEMENT ACT

● Mr. ADAMS. Mr. President, I am very pleased today to introduce legislation providing for the settlement of land claims of the Puyallup Tribe of Indians in the State of Washington.

This legislation authorizes performance of the Federal role outlined in an agreement developed last summer. This agreement, between the Puyallup Tribe of Indians, local governments in Pierce County, the State of Washington, the United States of America, and certain private property owners, is designed to settle outstanding land claims by the tribe. This settlement, which amounts to approximately $161 million, has been accepted by the tribe, the local governments in Pierce County, and the private property owners. It will become effective once it has been implemented at the State and Federal level.

The Federal role in this settlement involves several functions. One major function involves taking into trust for the tribe lands acquired through this settlement agreement. Another major function involves appropriating the $77.5 million that makes up the Federal share of this settlement. Let me explain to my colleagues why Federal implementation of this agreement is so important.

This settlement resolves longstanding tribal claims over lands in and around the city of Tacoma, the Port of Tacoma, and surrounding areas in Pierce County. The current state of affairs hurts both Indians and non-Indians. The Puyallup Tribe has been deprived for many years of much of their land base, and of full exercise of their treaty fishing rights. This is a longstanding injustice that must be made right.

At the same time, uncertainty over these land claims has created hardships for non-Indians. Private landowners have had clouds placed on the titles to their land. Corporations and municipalities have been uncertain about the impact of these claims on their plans for the future, thus curtailing economic growth.

This settlement marks the birth of an opportunity for Indians and non-Indians to work together for the common good of their region. That is why implementation of this settlement is so important. Without implementation, these claims will be resolved in court. Regardless of who wins and who loses on paper in that battle, both sides will pay enormous and unrecoverable costs during that struggle.

Instead, we can contribute through implementation of the settlement to the economic growth of the entire community. Just as the current situation has hurt both Indians and non-Indians, this settlement promises economic opportunity for everyone. The Port of Tacoma will be able to continue its amazingly successful development free of concerns caused by legal claims against its property. Municipalities like the city of Tacoma can plan for the economic well-being of all citizens in an atmosphere free of legal uncertainty and animosity.

As for the Puyallup Tribe, this settlement gives the tribe resources and economic incentives to help develop a strong and viable economic base for the future. This settlement will enable the tribe to enlarge its land base by placing new lands in trust status. It will increase opportunities for employment for tribal members. It will increase the tribe's abilities to provide health and social service to its members. Furthermore, it will enhance the tribe's ability to play a vital role as a strong partner in the overall economic development of the region as a whole.

Finally, this settlement benefits the community as a whole by developing mechanisms for cooperation between the tribe and its neighbors on a government-to-government basis. As the tribe and surrounding communities grow together, cooperation will be essential on issues such as land use matters, environmental concerns, navigation conflicts, fisheries management, and flood control. Through mechanisms established by this agreement, the cooperative spirit embodied in this settlement will become an enduring legacy for the future.

I want to make it clear that this is not just a local or State matter. Under the doctrine of the trust responsibility, the U.S. Government has an obligation to assist tribes in maintaining or reclaiming lands or rights secured by treaties or other agreements with United States. The United States bears some of the burden of responsibility for the unhappy history of this issue, and the divisions that have been caused in the community. It is only proper that the United States bear some of the burden of helping to make things whole.

Finally, Mr. President, I must commend two of my colleagues for the tremendous leadership they have shown on this issue. Both Senator INOUYE, the distinguished chairman of the Senate Select Committee on Indian Affairs, and Congressman DICKS, my good friend from Washington State, have put their hearts and souls into helping this settlement become a reality. Without them, we would not be where we are today, and I thank both of them very much.

I ask unanimous consent that the bill be printed in the RECORD as if read in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Puyallup Tribe of Indians Settlement Act of 1989".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) It is the policy of the United States, in executing the Constitution and fulfilling its trust responsibility to Indian tribes, to promote tribal self-determination and economic self-sufficiency and to support the resolution of disputes over historical claims through settlements mutually agreed to by Indian and non-Indian parties.

(2) Disputes over certain land claims of the Puyallup Tribe and other matters, including—

(A) ownership of the Commencement Bay tidelands and areas of former Puyallup Riverbed, Treaty Reservation, or intended reservation boundaries,

(B) railroad and other rights-of-way,

(C) control of fisheries resource and habitat,

(D) jurisdiction over law enforcement, environment, navigation, and authority and control in the areas of land use,

(E) business regulation and zoning, have resulted in difficult community relations and negative economic impacts affecting both the Tribe and non-Indian parties.

(3) The United States Government through acts of omission and commission, and through inconsistent policies, contribut-

ed significantly to the historical events that have led to the disputed claims that have preceded the present settlement between the Puyallup Tribe of Indians, city of Tacoma, city of Fife, city of Puyallup, Pierce County, Port of Tacoma, State of Washington, and certain private interests and property owners.

(4) Some of the significant historical events that led to the present circumstances include—

(A) the negotiation of the Treaty of Medicine Creek in December 1854, by the Puyallup Indians and others, ceded most of their territories but reserved certain lands and rights, including fishing rights;

(B) the Executive Order of 1857 creating the Puyallup Indian Reservation;

(C) the Executive Order of 1873, clarifying and extending the Puyallup Reservation in the Washington Territory;

(D) the March 11, 1891 Report of the Puyallup Indian Commission on allotments and the 1896 report by a second Puyallup Indian Commission describing the problems with sales of allotted lands; and

(E) the 1909 District Court for Tacoma decision of United States of America against J.M. Ashton and the 1910 Supreme Court decision of United States of America against J.M. Ashton.

(5) In the recent history of these affairs, certain events have occurred of significance preceding the finalization of the present agreement, including—

(A) a July 1981 United States district court ruling, Puyallup Tribe against Port of Tacoma, affecting the former riverbed;

(B) an August 1983 decision by the Ninth United States Circuit Court of Appeals upholding the 1981 United States district ruling;

(C) the beginning of negotiations in August 1984 between the Puyallup Tribe and a newly formed non-Indian negotiating team, leading to a first settlement offer to the Tribe on March 1, 1985, and rejected by the Tribal Council;

(D) a new settlement offer reached in principle by all parties was defeated in a vote by the Tribal membership on February 8, 1986; and

(E) new negotiations began leading to the successful development of a settlement agreement, approved by the Puyallup Tribal membership on August 27, 1988.

(6) It is recognized that both Indian and non-Indian parties enter into this settlement to resolve certain problems and claims and to derive certain benefits:

(A) It is the view of the Puyallup Tribe that historical injustices have been imposed upon its members through actions by Federal, State, local, and private entities. The Tribe enters into the settlement not as a means to completely redress past injustices, but as a responsible action to ensure a positive future for its members. The Tribe further recognizes that the economic benefits that are provided in the settlement, including payments to its members, funds to address Tribal human needs, funds to start business enterprises and job assistance, and land conveyances will enhance the prospects of Tribal economic stability and self-sufficiency. It is further recognized by the Tribe that jurisdiction over existing and future trust lands, the ability to place additional lands into trust, and the retention of existing treaty rights will have positive impacts upon the future of its members.

(B) It is the view of the non-Indian parties that historical land claims and disputes carried to the present day have been injurious to the development and growth of the affected communities and has inhibited business interests and the creation of jobs in the area. The non-Indian parties further assert that land and jurisdictional disputes that are subject to lengthy litigation cannot serve the interests of the public or the future of the community and believe that it is best for all parties affected to take actions to remove such disputes as an impediment to future success. The non-Indian community believes that the provisions of the settlement, through agreement, cooperation, and clarification of issues, serve to enhance property values, stimulate economic investment, promote port development, permit local governments to engage in long-term community planning, and provide a pragmatic framework for the positive resolution of future conflicts.

(7) There is a recognition that any final resolution of pending disputes through a process of litigation would take many years and entail great expense to all parties; continue economically and socially damaging controversies; prolong uncertainty as to the access, ownership, and jurisdictional status of issues in question; and seriously impair long-term economic planning and development for all parties.

(8) To advance the goals of Federal Indian policy and to fulfill the trust responsibility of the United States to the community, and to advance the Federal policy of international trade and economic development, and in recognition of the Federal policy of settling these conflicts through comprehensive settlement agreements, it is appropriate that the United States participate in the implementation of the agreement and contribute funds for such purpose.

(b) PURPOSE.—Therefore, it is the purpose of this Act—

(1) to approve, ratify, and confirm the agreement entered into by the non-Indian settlement parties and the Puyallup Tribe of Indians,

(2) to authorize and direct the Secretary to execute and perform such agreement, and

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the community as provided in the settlement agreement and this Act.

SEC. 3. RESOLUTION OF PUYALLUP TRIBAL LAND CLAIMS.

(a) RELINQUISHMENT.—In accordance with the Settlement Agreement and in return for the land and other benefits derived from the Settlement Agreement and this Act, the Tribe, and the United States as trustee for the Tribe and its members, relinquish all claims to any land, present or former tidelands, submerged lands, mineral claims, and nonfisheries water rights connected with such relinquished land, known or unknown, within the State of Washington, subject to the exceptions referred to in subsection (b)

(b) EXCEPTION FOR CERTAIN LANDS.—Subsection (a) shall not apply to the following:

(1) 12.5 acres of former riverbed land confirmed to the Tribe in Puyallup Tribes of Indians against Port of Tacoma (Western District of the United States District Court for the State of Washington, Cause No. C80-164T), which land shall be subject to the terms and conditions described in the Settlement Agreement and document 6 of the Technical Documents.

(2) All land to which record title in the Tribe or the United States in trust for the Tribe or its members derives from a patent issued by the United States or from a conveyance of tideland by the State of Washington. For the purposes of this paragraph, the term "record title" means title documented by identifiable conveyances reflected in those records imparting constructive notice of conveyances according to the laws of the State (RCW chapters 65.04 and 65.08) and the final judgments of State or Federal courts.

(3) Certain land recognized to be owned on August 27, 1988, by the Tribe or the United States in trust for the Tribe within the Indian Addition to the city of Tacoma, Washington, as recorded in book 7 of plats at pages 30 and 31, records of Pierce County, Wasnington, as follows:

(A) Land owned on August 7, 1988:

(i) Portions of tracts, 2, 5, 6, 10, and 11.

(ii) Tract 7 (school site).

(iii) Tract 8 (church site).

(iv) Tract 9 (cemetery site).

(v) Approximately 38 lots in blocks 8150, 8249, 8350, and 8442, inclusive.

(B) Land, wherever located, added to the above list of parcels on or before December 1, 1988, in accordance with paragraph A.3. of section IX of the Settlement Agreement.

(4) The lands transferred to the Tribe pursuant to the Settlement Agreement.

(5) The rights to underlying lands or the reversionary interest of the Tribe, if any, in the Union Pacific or Burlington Northern rights-of-way across the 1873 Survery Area, where the property over which they were granted belonged, at the time of the grant, to the United States in trust for the Tribe or to the Tribe.

(6) The submerged lands as of August 27, 1988, in the Puyallup River within the 1873 Survey Area below the mean high water line.

(c) PERSONAL CLAIMS—Nothing in this section or in the Settlement Agreement shall be construed to impair, eliminate, or in any way affect the title of any individual Indian to land held by such individual in fee or in trust, nor shall it affect the personal claim of any individual Indian as to claims regarding past sales of allotted lands or any claim which is pursued under any law of general applicability that protects non-Indians as well as Indians.

SEC. 4. SETTLEMENT LANDS.

(a) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the conveyance of the lands described in subsection (c), and the Outer Hylebos tidelands property referred to in section VIII, A,1,c of the Settlement Agreement, subject to the terms and conditions of the Settlement Agreement and shall hold such lands in trust for the benefit of the Tribe.

(b) CONTAMINATION.—(1) Contamination audits and cleanup of settlement lands shall be carried out in accordance with the Settlement Agreement and document 1 of the Technical Documents.

(2) The Tribe shall not be liable for the cleanup costs or in any other manner for contamination on properties described in subsection (c) except any contamination caused by the Tribe's activities after conveyance of these properties to the Tribe under the terms of the Settlement Agreement and document 1 of the Technical Documents.

(c) LANDS DESCRIBED.—The lands referred to in subsection (a), and more particularly described in the Settlement Agreement, are as follows:

(1) The Blair Waterway property, comprised of approximately 43.4 acres.

(2) The Blair Backup property, comprised of approximately 85.2 acres.

(3) The Inner Hylebos property, comprised of approximately 72.9 acres.

(4) The Upper Hylebos property, comprised of approximately 5.9 acres.

(5) The Union Pacific property (Fife), comprised of a parcel of approximately 57 acres, and an adjoining 22-acre parcel if the option relating to the Union Pacific property (Fife) (as described in document 1 of the Technical Documents) is exercised.

(6) The Torre property (Fife), comprised of approximately 27.4 acres, unless the Port elects to provide the cash value of such property.

(7) The Taylor Way and East-West Road properties, two properties totaling approximately 7.4 acres.

(8) The submerged lands in the Puyallup River within the 1873 Survey Area below the mean high water line, as provided in section I. B. of the Settlement Agreement. To the extent that the United States has title to any of the lands described in this subpart, then such lands shall be held by the United States in trust for the use and benefit of the Puyallup Tribe.

(9) The approximately 600 acres of open space, forest, and cultural lands acquired by the Tribe with cash received pursuant to section I of the Settlement Agreement or other tribal funds.

(d) RESERVATION STATUS.—Nothing in this Act is intended to affect the boundaries of the Puyallup Reservation, except that the lands described in subsection (c) above in paragraphs (1) through (8), and the Outer Hylebos tidelands property referred to in a section VIII of the Settlement Agreement, shall have on-reservation status.

SEC. 5. FUTURE TRUST LANDS.

In accepting lands in trust (other than those described in section 4) for the Puyallup Tribe or its members, the Secretary shall exercise the authority provided him in section 5 of the Act of June 18, 1934 (25 U.S.C. 465), and shall apply the standards set forth in part 151 of title 25, Code of Federal Regulations, as those standards now exist or as they may be amended in the future.

SEC. 6. FUNDS TO MEMBERS OF PUYALLUP TRIBE.

(a) PAYMENT TO INDIVIDUAL MEMBERS.—(1) To the extent provided in advance in appropriation Acts or to the extent funds are provided by other parties to the Settlement Agreement, the Secretary shall place with a financial institution the amount of $24,000,000 in an annuity fund or other investment program (hereafter in this subsection referred to as the "fund"). The selection of the institution or institutions where the funds will be held and the administration of the funds shall be in accordance with section II of the Settlement Agreement and documents 2 and 3 of the Technical Documents. Amounts earned pursuant to any investment of the fund shall be added to, and become part of, the fund.

(2) Upon attaining the age of 21 years, each enrolled member of the Tribe (determined by the Tribe pursuant to its constitution to have been a member as of the date of ratification of the Settlement Agreement by the Tribe) shall receive a one-time payment from the fund. The amount of such payment shall be determined in accordance with section II of the Settlement Agreement and document 2 of the Technical Documents.

(3) A reasonable and customary fee for the administration of the fund may be paid out of the income earned by the fund to the financial institution with which the fund is established.

(4) Upon payment to all eligible members of the Tribe pursuant to paragraph (1), any amount remaining in the fund shall be utilized in the manner determined by a vote of the members of the Tribe.

(b) PERMANENT TRUST FUND FOR TRIBAL MEMBERS.—(1) In order to provide a permanent resource to enhance the ability of the Tribe to provide services to its members, there is established the Puyallup Tribe of Indians Settlement Trust Fund (hereafter in this subsection referred to as the "trust fund").

(2) Upon appropriation by Congress or to the extend funds are provided by other parties to the Settlement Agreement, the Secretary shall deposit $22,000,000 into the trust fund. The trust fund shall be invested in accordance with the Act of June 24, 1938 (25 U.S.C. 162a), so as to earn the maximum interest on principal and interest available under that Act. No part of the $22,000,000 principal may be expended for any purpose. Income earned on the principal or interest of the trust fund shall be available for expenditure as provided in paragraph (3).

(3)(A) The trust fund shall be administered and the funds shall be expended in accordance with section III of the Settlement Agreement and document 3 of the Technical Documents. Income from the trust fund may be used only for the following purposes unless modified in accordance with subparagraph (B):

(i) Housing.

(ii) Elderly needs.

(iii) Burial and cemetery maintenance.

(iv) Education and cultural preservation.

(v) Supplemental health care.

(vi) Day care.

(vii) Other social services.

(B) The purposes of the trust fund may be modified only as provided in document 3 of the Technical Documents.

(4) The fund established under this subsection shall be in perpetuity and inviolate.

SEC. 7. FISHERIES.

In order to carry out the Federal part of the fisheries aspect of the Settlement Agreement, there is authorized to be appropriated $100,000 for navigation equipment at Commencement Bay to be used in accordance with section A of document 4 of the Technical Documents.

SEC. 8. ECONOMIC DEVELOPMENT AND LAND ACQUISITION.

(a) ECONOMIC DEVELOPMENT AND LAND ACQUISITION FUND.—To the extent provided in advance in appropriation Acts, the Secretary shall disburse $10,000,000 to the Tribe of which—

(1) $9,500,000 shall be available for the Tribe to carry out economic development consistent with section VI of the Settlement Agreement or to acquire lands; and

(2) $500,000 shall be available only to support and assist the development of business enterprises by members of the Tribe in a manner consistent with the Settlement Agreement.

(b) FOREIGN TRADE.—The Congress recognizes the right of the Tribe to engage in foreign trade consistent with Federal law and notwithstanding Article XII of the treaty with the Nisqually and other bands of Indians entered into on December 26, 1854, and accepted, ratified, and confirmed on March 3, 1855 (11 Stat. 1132).

(c) BLAIR PROJECT.—There is authorized to be appropriated $25,500,000 for the Federal share of the costs associated with the Blair project, which shall be carried out in accordance with document 6 of the Technical Documents.

SEC. 9. JURISDICTION.

The Tribe shall retain and exercise jurisdiction, and the United States and the State and political subdivisions thereof shall retain and exercise jurisdiction, as provided in the Settlement Agreement and Technical Documents and, where not provided therein, as otherwise provided by Federal law.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) LIENS AND FORFEITURES, ETC.—None of the funds, assets, or income—

(1) from the trust fund established in section 6(b) which are received by the Tribe under the Settlement Agreement, or

(2) which are held under section 6(a) for payment to members of the Tribe under the Settlement Agreement, shall be subject to levy, execution, forfeiture, garnishment, lien, encumbrance, or seizure.

(b) ELIGIBILITY FOR FEDERAL PROGRAMS; TRUST RESPONSIBILITY.—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or any of its members for any Federal program or the trust responsibility of the United States and its agencies to the Tribe and members of the Tribe.

(c) PERMANENT TRUST FUND NOT COUNTED FOR CERTAIN PURPOSES.—None of the funds, assets, or income from the trust fund established in section 6(b) shall at any time be used as a basis for denying or reducing funds to the Tribe or its members under any Federal, State, or local program.

(d) TAX TREATMENT OF FUNDS AND ASSETS.—None of the funds or assets transferred to the Tribe or its members by the Settlement Agreement, and none of the interest earned or income received on amounts in the funds established under section 6(a) and (b), shall be deemed to be taxable, nor shall such transfers be taxable events.

SEC. 11. ACTIONS BY THE SECRETARY.

The Secretary in administering this Act shall be aware of the trust responsibility of the United States for the Tribe and shall take such actions as may be necessary or appropriate to carry out this Act and the Settlement Agreement.

SEC. 12. DEFINITIONS.

For the purposes of this Act—

(1) the term "1873 Survey Area" means the area which is within the area demarked by the high water line as meandered and the upland boundaries, as shown on the plat map of the 1873 Survey of the Puyallup Indian Reservation, conducted by the United States General Land Office, and filed in 1874;

(2) the term "Secretary" means the Secretary of the Interior;

(3) the term "Settlement Agreement" means the document entitled "Agreement between the Puyallup Tribe of Indians, local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners", dated August 27, 1988;

(4) the term "State" means the State of Washington;

(5) the term "Technical Documents" means the 7 documents which comprise the technical appendix to the Settlement Agreement and are dated August 27, 1988;

(6) the term "Tribe" means the Puyallup Tribe of Indians, a tribe of Indians recognized by the United States; and

(7) the term "below the mean high water line" in reference to the submerged lands of the Puyallup Riverbed means "below the ordinary high water mark" in that portion of the river not subject to tidal influence and

"below the mean high water line" in that portion of the river which is subject to tidal influence.

SEC. 13. EFFECTIVE DATE.

Sections 3 and 9 shall take effect on the effective date of the Settlement Agreement and when all terms are met as stated under section X of the Settlement Agreement.●

● Mr. GORTON. Mr. President, I am very pleased to have the opportunity to introduce, along with my colleague from Washington State, Senator BROCK ADAMS, the Puyallup Tribe of Indians Settlement Act of 1989.

The legislation which we have introduced today is a result of several years of negotiations between the Puyallup Indians in Washington State and representatives from the State, local, and Federal Governments. It will implement an agreement approved by the Puyallup Indian Nation on August 27, 1988. The agreement resolves longstanding disputes of tribal claims involving properties in and around Tacoma, the Port of Tacoma, and surrounding localities in Pierce County in Washington State.

Preceding this settlement, the Puyallup Tribe's relationship with the local community was largely determined by a series of court actions. While some issues, chiefly involving fishing rights, were settled by litigation, the potential for further claims and litigation remained. These claims, involving prime, downtown land within the heart of the city and port will be resolved by this settlement. Additional claims, against private property owners, will also be resolved.

The legislation which we are introducing today is the Federal component of the overall settlement agreement. It provides $77.5 million, less than half of the overall settlement amount. The funds will support various economic development initiatives, infrastructure improvements, employment opportunities, and social service programs for the Puyallup Tribe. It will also provide a trust fund that will be divided among the individual members of the tribe.

In light of the Federal Government's trust fund responsibility to the tribe and because of past Federal actions that unduly deprived the tribe of much of their land base, I ask from my colleagues support for this legislation. It is a carefully crafted, fair agreement that resulted from the hard work and literally years of perseverance of the affected parties. The task of resolving historical claims was an immense one. But what has emerged is not only a fine settlement package, but perhaps even more importantly, is the basis for a new partnership for the future among all members of our community. We will no longer stand divided, we are neighbors working together for the common good. I am proud to introduce this legislation, and I commend all of the parties for their outstanding work on the settlement.●

By Mr. GARN (for himself and Mr. HATCH):

S. 403. A bill to authorize an amendment to a certain repayment contract for the Jensen Unit, Central Utah Project, with the Uintah Water Conservancy District, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

REPAYMENT CONTRACT FOR THE JENSEN UNIT, UTAH

● Mr. GARN. Mr. President, I rise with my colleague from Utah, Senator HATCH, to introduce legislation which will resolve an existing problem associated with the Jensen Unit of the Central Utah Project.

As every member of this body will recall, the atmosphere of the 1970's and early 1980's was one of near hysteria as the OPEC oil cartel used its clout to push oil prices up to levels never before achieved in history. A cost of $35 per barrel of oil was the rule of the day. It was in this environment that the Federal Government established Project Independence and through the Bureau of Reclamation, pushed local officials in the Uintah Basin in Utah to build a large capacity water project in order to accommodate energy development.

As you know, Mr. President, the States of Utah and Colorado contain oil shale deposits which, when converted to oil, exceed the known reserves in Saudi Arabia. Utah alone contains over 90 percent of the Nation's known reserves of tar sands. So, the water storage and delivery systems of the Jensen Unit of the Uintah Basin were constructed in response to Project Independence and the congressional enactment of the Energy Security Act of 1980 in anticipation of a synthetic fuels production boom.

After the facilities were constructed, the boom became a bust. Local residents left the area in droves. It became impossible for the local Uintah Water Conservancy District to repay the Federal Government for the full cost of municipal and industrial [M&I] water supply.

On September 19, 1988, the Uintah Water Conservancy District completed negotiations with the United States Bureau of Reclamation on an amendatory contract which recognizes reality and allows the district to contract for the water it can afford while reserving the remaining M&I water to the United States.

In the event the price of oil returns to its previous high levels and synthetic fuel development becomes viable, the Government can then easily utilize the provisions of the amendatory contract and the local water entity will likely be able to purchase the available unmarketed water.

I am aware of legislation which passed the 100th Congress on behalf of the town of Minot, ND, which resolved a similar problem and inequity force upon the town because of actions taken by the Federal Government.

I would hope the Congress will act quickly to approve this legislation recognizing that without it, the Federal Government will receive no return on its investment and the taxpayers would lose their investment as well.

I am including an explanation of the provisions of the amendatory contract in the RECORD as part of my statement, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 403

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to enter into Amendatory Contract No. 6-05-01-00143, as last revised on September 19, 1988, between the United States and the Uintah Water Conservancy District, which provides, among other things, for part of the municipal and industrial water obligation now the responsibility of the Uintah Water Conservancy District to be retained by the United States with a corresponding part of the water supply to be controlled and marketed by the United States. Such waters shall not be marketed outside the boundaries of the State of Utah and shall be used in conformance with Utah State law.

EXPLANATION OF PROVISIONS OF AMENDATORY CONTRACT NO. 6-05-01-00143, AS LAST REVISED ON SEPTEMBER 19, 1988

The primary terms and conditions set forth in the proposed amendatory contract are outlined below.

Article 2 describes the "Purposes and Objectives" of the amendatory contract. The Uintah Water Conservancy District (the District) contracted for 2,000 acre-feet of municipal and industrial water. The remaining 4,000 acre-feet of project water presently developed by constructed project facilities is reserved for marketing by the United States, but may be acquired by the District or sold by the United States to third parties outside the District's marketing area with the District having the right of first refusal.

Article 4 amends the "Terms of Repayment" article of the original repayment contract. Subarticle (c) defines the repayment amount for the first 2,000 acre-feet of municipal and industrial water. It is based on the per acre-foot cost allocated to municipal and industrial water (18,000 acre-feet) for all project costs expended through December 31, 1987, plus the estimated cost of Burns Pumping Plant indexed to January 1, 1988. The proportionate cost for 2,000 acre-feet was amortized over 49 years. The anticipated cost of Burns Pumping Plant was included in the pricing mechanism to establish a consistent price for present water repayment arrangements and future repayment amounts.

The price for any of the additional 4,000 acre-feet of water presently developed will be based on the same per acre-foot cost as the initial 2,000 acre-foot block, plus the per

acre-foot cost allocated to municipal and industrial water expended on the project after December 31, 1987. The District will be allowed to acquire any portion of the remaining water or granted the right of first refusal on any bona fide offer acceptable to the United States made by a third party.

The annual payments for the project water taken from the United States portion of the 4,000 acre-feet will include the per acre-foot amount of the original 2,000 acre-feet, times the 49 years in the payout period, divided by the number of years remaining between the year of acquisition and 2037. This will recover the principal and interest as if the water were all acquired today. In addition, the costs expended after December 31, 1987, will be added to the per acre-foot value determined above.

In the event Burns Pumping Plant is constructed to develop the additional municipal and industrial water, the District may acquire portions of said water based on the annual per acre-foot cost to develop the water to be sold under the terms based on Reclamation law existing at the time of acquisition. If the United States has an opportunity to sell any of the 12,000 acre-feet of municipal and industrial water to third parties outside the District's marketing area, the district will be allowed the right of first refusal of any bona fide offer.

Article 6 changes the terms for disposal of project water by the United States to give flexibility to establish the price on a case-by-case determination and to allow use of water on a temporary basis for municipal and industrial use or irrigation at the discretion of the United States.

Article 7 specifies the adjusted amounts of irrigation and municipal and industrial water the District is required to deliver to their petitioners. The quantity of municipal and industrial water and potential increases as the demand develops in the District's marketing area or as sales are made to third parties is consistent with the repayment agreements.

Article 8 which deals with operations and maintenance of project works, utilizes language from our standard article with the exception of subarticle (a), which excludes the transfer of recreation and specific fish and wildlife facilities which will be transferred to State of Utah Agencies rather than the Contractor; and subarticle (e), which deletes the last portion of the paragraph stating "or the United States required under this contract regardless of who performs those duties. The article also includes subarticle (i), which was also in the original contract. It also adds subarticle (j), which addresses the payment of operation and maintenance expenses incurred by third party purchases; and subarticle (k), which covers a portion of expense that could be incurred with extraordinary operation and maintenance that results in a significant failure of major project works under periods of special stress. The United States will be responsible for two-thirds of the expense initially. The expense will be reduced proportionately as more project water is obtained by the District or third parties.

Article 9 addresses the emergency reserve fund. Subparagraph (b) was modified to remove the inclusion of interest as part of the build-up or the continue to be retained to increase the reserve fund after the basic amount is accumulated. Subarticle (f) was also modified to exclude the reference to accumulated interest as a component of the emergency reserve fund.●

By Mr. CRANSTON (for himself and Mr. MURKOWSKI):

S. 404. A bill to amend title 38, United States Code, to extend certain Department of Veterans' Affairs home loan guaranty program provisions; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS' AFFAIRS HOME LOAN GUARANTY PROGRAM PROVISIONS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce today with my good friend from Alaska, the ranking minority member of the committee, Senator MURKOWSKI, S. 404, which would provide 2-year extensions of two statutory provisions—the 1-percent fee on Veterans' Administration-guaranteed home loans and of the statutory formula—known as the no-bid formula—governing whether the VA acquires properties at liquidation sales. Both of these provisions have sunset dates of September 30, 1989.

Mr. President, section 1829 of title 38, United States Code, provides for the collection of a 1-percent fee on those receiving a housing loan guaranteed, insured, or made by the VA. The fee, previously one-half of 1 percent was increased to 1 percent by section 2512(a) of the Deficit Reduction Act of 1984 [DEFRA] (Public Law 98-369).

The administration strongly supports extending—and indeed increasing the amount to 3.8 percent—the VA loan fee.

Although I have reservations regarding the imposition of a fee on what I am committed to preserving as a benefit program, unfortunately, the significant financial problems now facing the VA home loan program, in combination with the towering Federal deficits which are a burden on all taxpayers and all Government programs, require that we continue at least for the next 2 years the 1-percent fee on VA-guaranteed loans. The fee generates approximately $1 million per day in revenues to the Loan Guaranty Revolving Fund.

Section 1816(c) of title 38, also enacted in the DEFRA, establishes the "no-bid formula" for determining whether the VA acquires, or does not acquire, at a liquidation sale the property securing a VA-guaranteed loan that is in default.

Mr. President, the formula governing VA acquisition of properties securing loans being foreclosed has been in effect for over 4 years and provides principles, generally well-known throughout the housing and banking industries, by which the VA must abide. I believe that these provisions—with revisions which were enacted on December 21, 1987, in Public Law 100-198, based on legislation which Senator MURKOWSKI and I authored, but which, unfortunately, have not yet been implemented by the VA—establish fair and cost-effective guidelines governing the VA's acquisition of foreclosed properties and should be extended.

For further background on these provisions, I refer my colleagues to our committee's report on S. 1801 (S. Rept. 100-204).

Mr. President, I ask unanimous consent that the text of the bill we are introducing be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HOME LOAN GUARANTY FEE.

Section 1829(c) of title 38, United States Code, is amended by striking out "1989" and inserting in lieu thereof "1991".

SEC. 2. EXTENSION OF "NO-BID" FORMULA FOR DEFAULT PROCEDURES.

Section 1816(c)(11) of title 38, United States Code, is amended by striking out "1989" and inserting in lieu thereof "1991".

By Mr. CRANSTON (for himself, Mr. DECONCINI, and Mr. MATSUNAGA):

S. 405. A bill to amend title 38, United States Code, to require the Department of Veterans' Affairs to conduct a program providing community-based residential treatment for homeless chronically mentally ill veterans and to authorize the inclusion of certain other chronically mentally ill veterans in such program, and for other purposes; to the Committee on Veterans' Affairs.

HOMELESS AND OTHER CHRONICALLY MENTALLY ILL VETERANS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am introducing today, along with Senators DECONCINI and MATSUNAGA, a bill to require, during fiscal years 1990 through 1992, the Department of Veterans' Affairs [VA] to conduct a program furnishing, in VA or contract facilities, residential community-based care to homeless chronically mentally ill veterans, and authorize the VA to include in the program the furnishing of such care to certain other chronically mentally ill veterans. This bill would, in effect, provide for a 3-year extension of the VA's highly successful Homeless Chronically Mentally Ill [HCMI] Program, codify the program in title 38 of the United States Code, and remove its designation as a pilot program. Our bill would likewise extend for 3 years the authority to include in the program veterans who have service-connected chronic mental illness disabilities and chronically mentally ill veterans who are receiving VA hospital or nursing home care. It would also expand this discretionary authority to include chronically mentally ill veterans with service-connected disabilities

rated at 50 percent or more; who were included in the original program enacted in 1987.

The HCMI Program was first authorized in 1987 under section 2 of Public Law 100-6 as a contract authority. In 1988, under section 115 of Public Law 100-322, the Veterans' Benefits and Services Act of 1988, the contract authority was replaced by a requirement for the VA to conduct in fiscal years 1988 and 1989 a pilot program for homeless chronically mentally ill veterans and an authority for the agency to include in the program veterans with service-connected chronic mental illness disabilities and chronically mentally ill VA hospital and nursing home patients. Through the HCMI Program, in combination with the special homeless veteran domiciliary-bed program, which was fully authorized in Public Law 100-322, the VA has provided shelter and medical and psychiatric treatment for over 11,000 homeless veterans who are in desperate need of such help.

In section 801 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, $15 million was authorized to be appropriated (in addition to any funds appropriated pursuant to any other authorization) for each of fiscal years 1989 and 1990 for the furnishing of care and services to homeless veterans under the current program authority in section 115 of Public Law 100-322. Our bill would replace the reference in section 801 of the 1988 McKinney law with a reference to the proposed new section 620C of title 38. It is our expectation that any future extension of the McKinney authorities would include appropriate authorizations of appropriations for the furnishing of services to homeless veterans under this new section.

Finally, Mr. President, our bill would require the Secretary of Veterans' Affairs to submit, not later than February 1, 1992, to the Committees on Veterans' Affairs' of the Senate and House of Representatives a report on the experience of the Department under this bill and the recommendation of the Secretary—together with the reasons for such recommendation—as to whether the program should be continued.

The Need: The plight of homeless persons is a national disgrace that has increasingly become a focus of attention. Recent estimates suggest that each night approximately 750,000 individuals are homeless, and that in the course of a year, between 1.3 and 2 million people will find themselves out on the street, without a home. The U.S. Conference of Mayors reported in 1987 that most cities estimate increases in the number of homeless persons of 15 to 50 percent each year. These numbers reflect a most urgent problem.

Of those who are homeless, approximately 33 percent have been described as being chronically mentally ill. The reasons for this high representation of mentally ill individuals among the homeless are generally perceived to be the failure of the public mental health and social welfare systems to provide care and support for these vulnerable people combined with the decline over the last 15 years in availability of low-cost housing and the concurrent decline in the availability of public support payments.

Veterans make up approximately 29 percent of the adult male population of the United States and it seems clear that no less a percentage of veterans exist in the homeless population. Various surveys put the percentage of veterans in the homeless population between 18 and 51 percent. Using these estimates, between 135,500 and 382,000 veterans, many of whom are chronically mentally ill, are currently homeless.

The HCMI Program: The community-based program for homeless chronically mentally ill veterans combines aggressive outreach with health services, intensive case management and time-limited care in non-VA residential treatment centers. The results from the program have been very encouraging. The second annual report detailing the progress of the HCMI Program was submitted to the Committee on Veterans' Affairs on January 17, 1989. It reveals that, in the first 11 months of the program, operations in 43 VA Medical Centers in 26 States—including 5 sites in California—and the District of Columbia were able to assess 10,524 veterans and place 2,125 of them in residential treatment facilities. Given the difficult nature of contacting these veterans—in soup kitchens and shelters, on the streets, and under bridges—and of building trust between the veteran and the outreach worker, which is so very necessary to make an assessment and provide for physical and mental examinations, the numbers involved demonstrate a tremendous success on the part of the outreach workers, and consequently on the part of the program itself.

Mr. President, I'd like to take a moment to thank all of those individuals who have been so very deeply involved in this program and who have given their all to it—especially those tireless, dedicated outreach workers, some of them former homeless veterans themselves, without whom this program could not have worked—for all of the sweat, tears, and heart they have put into this program. I know I speak for every American who is concerned about and saddened by the plight of homeless people when I say thank you to all of these enormously dedicated, compassionate individuals for caring.

Mr. President, to further honor these and the other individuals who are thanked in the acknowledgment contained in the HCMI report for their efforts, I ask unanimous consent that that acknowledgment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I also wish to congratulate and thank the Director of the VA's Mental Health and Behavioral Sciences Service, Dr. Paul Errera, whose vision, inspirational leadership, and dedication have been crucial to the program.

Mr. President, the assessments given veterans under this program clearly show that the program is reaching those it was intended to reach—long-term homeless, extremely poor, chronically mentally ill veterans. Here are the figures from the VA's January 1989 report: Over 30 percent of those assessed had been homeless for 1 or more years; average total income for the 30 days prior to assessment was $228; and 38.1 percent reported having been hospitalized in the past for a general psychiatric problem, 51.6 percent manifested one or more severe psychiatric symptoms, and 97.3 percent of the 47 percent who were given psychiatric examinations from the HCMI program received at least one psychiatric or substance abuse diagnosis.

Preliminary data about the outcome of treatment in community-based residential treatment is available for 1,356 episodes of treatment and for 638 veterans involved in the follow-up evaluation. Of those discharged from residential treatment programs, 25.6 percent were judged to have successfully completed the program, 32.7 percent left against medical advice, and 20.5 percent were discharged for violation of program regulations—often for using drugs or drinking. In 10.6 percent of the cases, the veterans left to obtain more intensive medical or psychiatric treatment elsewhere.

Not surprisingly, given that the need for ongoing care is the rule rather than the exception in the care of chronically mentally ill persons, the clinicians determined that, at the time of discharge, about half of the veterans had shown improvement but were in need of additional treatment, while only 1 to 8 percent had improved to the point of needing no further treatment.

Mr. President, I ask unanimous consent that the executive summary of "Reaching Out: The Second Progress Report on the VA HCMI Veterans Program" be inserted in the RECORD at the conclusion of my remarks prior to the Acknowlegment.

The PRESIDING OFFICER. Without objection, it is ordered.

CONCLUSION

Mr. CRANSTON. Mr. President, this bill would accomplish several impor-

tant objectives. By removing the pilot program designation, we would be recognizing the success of the program and the ongoing need of these veterans. Additionally, in practical terms, it would allow the VA to offer term or career positions, complete with employee fringe benefits, to those individuals working in the program. I understand that there is a high burnout rate of outreach workers and others working with homeless veterans and that it is difficult to find replacements, due in part to the lack of job security and lack of benefits. I believe that the combination of the recognition of a job well-done and the opportunity for employment with health-insurance and other benefits will have a very positive effect on the recruitment and retention of the professionals and other personnel involved in this program.

Mr. President, I urge all of my colleagues to give their support to this measure, which will be of such great benefit to veterans who answered our Nation's call in its hour of need and who now find themselves in such great need of this assistance.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD at this point, before the other documents which I have asked to be inserted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS AND CERTAIN OTHER CHRONICALLY MENTALLY ILL VETERANS.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 620C. Community-based residential care for homeless and other chronically mentally ill veterans.

"(a)(1) The Secretary shall conduct a program to furnish care and treatment and rehabilitative services (directly or by contract) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental illness disabilities who are eligible for care under section 610(a)(1) of this title.

"(2) As part of the program, the Secretary may also provide such care and treatment and rehabilitative services—

"(A) to veterans with service-connected chronic mental illness disabilities;

"(B) veterans described in section 612(a)(1)(B) of this title who have chronic mental illness disabilities; and

"(C) veterans being furnished hospital or nursing home care by the Secretary for chronic mental illness disabilities.

"(b) Before furnishing care and treatment and rehabilitative services by contract under subsection (a)(1) of this section to a veteran through a facility described in such subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe the quality and effectiveness of the program operated by such facility for the purpose for which the veteran is to be furnished such care and services.

"(c) The Secretary may provide in-kind assistance (through the services of Department of Veterans Affairs employees and the sharing of other Department resources) to a non-Department facility described in subsection (a)(1) of this section which is furnishing care and services to veterans under this section. Any such in-kind assistance shall be provided under a contract between the Department and such facility. The Secretary may provide such assistance only for use solely in the furnishing of appropriate care and services under this subsection and only if, under such contract, the Department receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

"(d) The Secretary may not furnish care and treatment and rehabilitative services under subsection (a) of this section after September 30, 1992.

"(e) Not later than February 1, 1992, the Secretary shall submit to the Committees on Veterans Affairs' of the Senate and House of Representatives a report on the experience of the Department under this section and the recommendation of the Secretary (together with the reasons for such recommendation) as to whether the program should be continued.

"(f) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 620B the following new item:

"620C. Community-based residential care for homeless and other chronically mentally ill veterans."

SEC. 2. CONFORMING AMENDMENT.

Section 801(c) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628; 102 Stat. 3257) is amended by striking out "section 115 of the Veterans Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501)" and inserting in lieu thereof "section 620C of title 38, United States Code,".

ACKNOWLEDGMENTS

At the time when the Homeless Chronically Mentally Ill Veterans Program began, in May of 1987, its prospects for the future were slim indeed. It had only a few months of funding ahead of it and virtually no prospect of funding for the future. Undaunted by these odds, VA professionals across the country rolled up their sleeves and began to create this program, believing that if they could bring a national program for homeless veterans to life, the importance of the work they had undertaken would be recognized. So far, they appear to have been correct in both their personal conviction and in their prognostication. It has been an honor to work with so many committed people from so many different parts of the country on this project.

We would like to thank Laurent Lehmann MD, Gay Koerber MA and Robert Murphy of the Mental Health and Behavioral Sciences Services, VACO for their tireless work on behalf of the both the HCMI Program and its evaluation; and Virginia Emond, Lemuel Retamar, Lynn Gorchav, Sharon Medak, Linda Corwell, Pam Gott, Louis Massari, Vera Ratliff and Karen Arena of NEPEC for essential support in many ways. Boris Astrachan MD, of the Yale Department of Psychiatry has been an invaluable advisor and mentor throughout this evaluation, and Norman Browne, Medical Center Director at the West Haven VAMC, has been consistently helpful and supportive of our efforts. Philip Leaf PhD and Robert Milstein MD PhD have helped shape this evaluation from the beginning.

We would especially like to express our gratitude for the cooperation and efforts of the site coordinators, outreach clinicians and data managers at the 43 Sites and of the evaluation assistants at the 9 follow-up sites. We specifically want to acknowledge (in no special order): J Chester, D Campbell MSW and L Jolly, Atlanta, Ga; J Fournier MSW, N Albrecht PhD and W Cheng MSW, Augusta, Ga; D Roff, A Strite and J Heil BSW, Bath, NY; J O'Neill LCSW, Boston, Ma; D Barnes, M Englert, Buffalo, NY; N Hill ACSW, B Mizzell MSW, and C Kister MSW, Charleston, SC; I Bhatt MA, C Tyson RN and L Melka MSW, Cheyenne, WY; AR Pope MSW, Chicago, Ill (Hines); PG Courlas LISW, Cincinnati, Oh; T Dunn LCSW, T Souza LCSW and D Goldstein LCSW, Cleveland, Oh; G Townes MSW, G. Beard MA and C O'Brien, Dayton, Oh; E Trujillo MSW and J Petek MSW, Denver, Co; E Jackson LPN BSW and E Goldberg MSW, East Orange, NJ; B Gray RN MA and J Bates M Ed, Hampton, Va; M Arbuckles RN MSN, W Canteen MSW and T Courville MSW, Houston, Tx; K Vanderwater-Piercy, J Barilich ACSW, S Gross and C Lilliard ACSW, Indianapolis, In; J McGlon MSW and J Fryer MSW, Kansas City, Mo; E Morris MSW, P Helms MSN and L Rodell MSW, Little Rock, Ark; W Frink MSW, D. Shaw MSN, M Gibson MSW, Long Beach, Ca; J Stoup MSW, E Saunders LCSW, K Greaney MSN and C Jarmon, Los Angeles (OPC), Ca; B Davis RN, N Planck MSW, C Bolton RN MSN and S West, Louisville, Ky; B Allen EdD, D Kyte MSW, D Hansard MA and H Holden MSW, Mountain Home, Tn; J Eades PhD, N Moore MSW and P Coffey MSW, Nashville, Tn; A Allain PhD, K Rocky MSW, W McGowan MS and R Zepeda MSW, New Orleans, La; J Macaluso MSW, J Koment MA, L Barnadas NSW and S Grossman MSW, New York, NY; B Chrismer MSW, B Lipkin and C Davidson MSW, Perry Point, Md; C Makowsky MSW, G Baymon MSW and C Murphy MSW, Phoenix, Az; V Malec MSW, M DeWalt MSW and V Higgins RN, Pittsburgh, Pa; R Stevens MSW and M Warn MSW, Portland, Or; J McFarland ACSW, M DeMaio MSW and K Keiser PhD, Roseburg, Or; B McKee RN, MA, S Shomion MSW, L Jackson PA and J Brasatto MSW, Salt Lake City, Ut; A Miller MD, San Antonio, Tx; J Flagg PhD, D Speilberg MSW, E Pinner MSW, and H Dixon PhD San Diego, Ca; L Johnson MSW, J Mankowski MSW and M Saul-Harris, San Francisco, Ca; D Kennard MD PhD, E Paul MSW and J Fehling RN, St. Louis, Mo; C Magdziak RN and T Kohlberger MSW, Syracuse, NY; R Casey MSW and SJ Verbosky RN MSW, Tampa, Fl; H Berzes MA, S Eggelston MSW, J Hutchinson RN and Pat Gullberg RN MA Tucson, Az; L Burney MSSW and B Barrows RN, Tuskegee, Al; K Probst, K Angeil RN, V Mark RN, K Ingra-

ham MSW, Washington, D.C.; C Oliver MSW, C Brower and P Dull RN, Walla Walla, Wa; G Taylor MSW, M Santamour MSW, M Ronan LCSW and J Price, West Los Angeles, Ca; A Lewis MSSW, D Ulkoski MSW, M Goodhart MSW, Wilkes-Barre, Pa.

We would particularly like to thank the many outreach clinicians who wrote case reports and vignettes, and who sent us newspaper clippings. Beverly Gray, Patricia Gullberg and John Mankowski wrote the vignettes included in Chapter 6.

ROBERT ROSENHECK.
PEGGY GALLUP.
CATHERINE LEDA.

WEST HAVEN, CT, *December 28, 1988.*

EXECUTIVE SUMMARY

1. INTRODUCTION AND GOALS OF THIS REPORT

During the past decade, the care of the homeless mentally ill has emerged as a major public health challenge. Survey studies have suggested that between 18% and 51% of the homeless are veterans and that a significant percentage of homeless veterans served during the Vietnam Era. In May 1987, the Veterans Administration established the Homeless Chronically Mentally Ill (HCMI) Veterans Program, a program of community outreach, health care service, residential treatment and case management. Operating at 43 VA medical centers located in 26 states and the District of Columbia, this program has served 10,524 homeless veterans and placed 2,124 of them in residential treatment facilities during the first 11 months of operation, from May 1987 to March 31, 1988.

2. THE SIX STAGES OF THE HCMI VETERANS PROGRAM

The HCMI Veterans Program provides a comprehensive range of services to homeless veterans across the country. It is composed of six clinical stages:

(1) outreach in the community;

(2) intake assessment of problems and determination of immediate clinical needs;

(3) psychiatric and medical examinations and comprehensive psychosocial assessment;

(4) initiation of treatment, both directly by HCMI clinicians and through referral or linkage with other providers;

(5) residential treatment through contracts with non-VA community providers; and

(6) ongoing case management services.

3. EVALUATION PROCEDURES

The evaluation of the HCMI Program, conducted by the VA Northeast Program Evaluation Center (NEPEC) is primarily based on clinical data forms completed by HCMI clinicians and consists of three evaluation components: (1) an implementation study; (2) a follow-up evaluation component; and (3) a program monitoring system. This evaluation report has been prepared pursuant to Public Law 100-322.

4. PROGRAM STRUCTURE

The HCMI Veterans Program was established by Public Law 100-6, on February 12, 1987, and funded with $5 million for the last 6 months of Fiscal Year (FY) 1987. It was extended through FY 1988 and FY 1989 by Public Law 100-71 and Public Law 100-322, and funded with $12.5 million for FY 1988.

The 43 sites are distributed across all 7 VA Regions, and are located in 41 cities, in 26 states and the District of Columbia. HCMI sites exist in cities whose Standardized Metropolitan Statistical Areas (SMSAs) range in population from under 100,000 to over 9,000,000.

The program was put into operation within four months of its authorization by Congress and recruited over 80 clinicians, most of whom are social workers and nurses, many of whom had previously worked in VA mental health programs. By June, 1988, the 43 sites had established residential treatment contracts with 184 residential treatment facilities.

5. DESCRIPTION OF VETERANS SEEN IN THE HCMI VETERANS PROGRAM

Socio-Demographic Characteristics. Veterans assessed at intake (N=10,524) were, on average, 43 years old; 98.6% male and 1.4% female. They were 58.3% white, 33.6% black and 6.7% hispanic. Altogether 12.5% were service connected: 4.6% for a psychiatric condition and 8.6% for a medical condition. Six percent received non-service connected pensions and 42.7% received some form of VA or non-VA public support. HCMI Program veterans were younger, more often black and more often service connected than veterans in the general population.

Among those who received detailed psychosocial assessments (N=3701), only 3.6% are married, with 62.8% separated, widowed or divorced and 33.6% who had never married. Just under 80% had completed 12 years of education and 44.6% had worked at skilled manual jobs or better, higher levels of personal accomplishment and past social adjustment than are found among most other homeless populations. While 64.3% had worked at least part-time during the previous three years, only 10.5% had worked for more than 10 days during the 30 days prior to assessment. Mean income during the prior 30 days was a meager $228 (median = $90).

Homelessness. At the time of intake assessment, 83.1% were either living in shelters for the homeless or had no identifiable residence at all, while 9.2% were living intermittently with family or friends and 7.7% had a room or apartment. One-quarter (24.9%) had been homeless for less than 1 month; 43.1% for 1 month to 11 months; 10.8% for 1-2 years and 21.2% for more than two years.

Military History. Among HCMI veterans, 10.6% had served during World War II; 13.4% during the Korean era; 51.7% during the Vietnam era and 25.2% in non-combat eras. In comparison to the general veteran population, smaller percentages of HCMI veterans served in the World War II and Korean eras and greater percentages served in the Vietnam era. These contrasts are thought to reflect the fact that homeless veterans are younger than other veterans (median age=40 years in the HCMI Program vs. 53.9 years for all veterans) and are not due to Vietnam Era service per se. Altogether 30.8% claimed to have received combat pay during military service; 30.2% claimed to have been fired upon in a combat zone and 1.5% claimed to have been prisioners of war.

Involvement with the Criminal Justice System. The social marginality of these veterans was also evident in the fact that almost half of those who received psychosocial assessments (48.1%) had been in prison, 17.5% for a year or more and 8.6% for three years or more.

Substance Abuse. Over half of HCMI veterans manifested problems with substance abuse. At the time of intake assessment, 49.2% of HCMI veterans either claimed themselves or were observed to have problems with alcohol and 16.7% had problems with drugs. Almost half (44.2%) had been hospitalized in the past for an alcohol problem and 15.4% for a drug problem. On psychiatric examination (N=4,984) 55.2% were diagnosed with alcohol dependence or abuse and 18.3% with drug dependence or abuse.

Non-Substance Abuse General Psychiatric Problems. Among those assessed at intake, 38.1% reported that they had been hospitalized in the past for a general psychiatric problem and 51.6% manifested one or more severe psychiatric symptoms. Almost half (47%) received psychiatric examinations from the HCMI Veterans Program. On these examinations 97.3% received at least one psychiatric or substance abuse diagnosis as follows:

	Percent
Alcohol dependence/abuse	55.2
Drug dependence/abuse	18.3
Schizophrenia	12.3
PTSD	9.3
Affective disorder	9.3
Adjustment disorder	8.1
Bipolar disorder	4.7
Substance induced: Organic mental disorders	3.2
Anxiety disorder	2.3
Organic brain syndrome	2.2
Other psychosis	2.0
Any axis II diagnosis	18.3
Axis I or axis II diagnosis	97.3

Overall, of the 10,524 veterans assessed at intake, 79.9% had either a general psychiatric or a substance abuse problem.

Medical Disorders. Although the HCMI Program is a mental health program, many veterans seen in this program have significant medical problems. Of those assessed at intake, 45.8% felt they had a serious medical problem. Twenty-nine per cent of these veterans had further medical examinations (N=3,115). Of those who had examinations, 87.7% had a diagnosed illness, 59.6% had an illness requiring outpatient treatment and 14.6% had an illness requiring inpatient treatment.

Combined Health Care Problems. Co-morbidity was common among these veterans. Among those assessed at intake who had evidence of a general psychiatric problem, 50.8% also had an alcohol problem, 19.4% also had a drug problem and 65.9% also had a medical problem. Veterans with alcohol problems were 2.49 times as likely to have drug problems, and almost 1.5 times as likely to have medical problems as those without alcohol problems.

Recent Health Care Service Use. Health care service use was determined for 3,701 HCMI veterans who had psychosocial assessments. Only twenty-two percent of these veterans more than three outpatient visits at VA mental health *or* medical outpatient clinics during the previous six months (8.1% at mental health or alcohol outpatient clinics) and one-fourth (26.4%) had been hospitalized for a psychiatric or substance abuse problem at a VA facility during those 6 months. These data indicate that while the HCMI Program is reaching out to many veterans who have not made use of the VA, it is also providing care to homeless veterans who have previously used VA outpatient and inpatient services in an effort to curtail their homelessness and health problems.

6. CLINICAL PROCESS: OUTREACH AND ASSESSMENT

Outreach, to shelters and soup kitchens, as well as in the streets, is central to building therapeutic rapport and facilitating access to services for homeless chronically mentally ill veterans. A total of 56.8% of all intake assessments were initiated through

community outreach by HCMI clinicians. An additional 12.2% were referred to the HCMI Program by non-VA outreach workers and 24.5% either came to the VA on their own or were referred from other VA programs. Almost half (47.0%) of the intake interview assessments were conducted in community settings.

Overall 47.4% of the 10,524 veterans assessed at intake had subsequent psychiatric examinations and 29.6% had medical examinations. In view of the fact that the homeless are often difficult to engage, these percentages are quite impressive. The lack of equipment, examination space and trained personnel in community outreach settings are the main reasons for the smaller percentage of medical examinations. Experience in the HCMI Veterans Program has confirmed the impression that outreach and assertive advocacy are essential to obtaining health care services for many of the homeless mentally ill.

7. CLINICAL PROCESS: INITIATING TREATMENT AND ONGOING CASE MANAGEMENT

The process of treatment in the HCMI program is being closely studied in a follow-up evaluation at 9 of the 43 sites. Case management activities that involve making referrals to resources (84.9%), developing treatment plans (76.0%), establishing a basic relationship in the face of the veteran's distrust (58.1%) and actively monitoring the use of services (51.7%) were those most often used to describe treatment relationships in this program.

Information on the location of clinical contacts, during the first three months after starting in the program, show that most veterans had at least some clinical contracts in the community: 52.8% in shelters; 26.5% on the street and 12% in soup kitchens. However, 45.3% of these veterans had most of their clinical contacts at VA Medical Centers, suggesting that once relationships are established through community outreach, the location of treatment often shifted back to more conventional settings.

While 20.6% of homeless veterans assessed at intake had only one contact with the HCMI program, 61.4% had from 2-10 contacts and 18.1% had 11 or more contacts, over three months. These data suggest that the program is successfully engaging a significant percentage of homeless chronically mentally ill veterans in active evaluation and treatment.

Detailed information on services provided either directly by the HCMI Program or through referrals, indicate that 93.1% received some health care services, 77.4% rehabilitative service, 74.3% assistance with housing and 67.1% some basic resources such as food or clothing. Health care and rehabilitative services were more often provided directly by the program while assistance with housing or with basic resources were most often provided through referrals.

Three months after intake, 68% of these veterans had concluded their involvement in the program while 32% remained actively involved. Of those who terminated, 38.8% had been positively involved in treatment and either left for services available elsewhere or had accomplished at least limited goals; 34.3% appeared unmotivated or uninterested in treatment; and one fifth (20.2%) appeared to be unable to use treatment, mostly because of poor tolerance of the constraints required.

8. CLINICAL PROCESS: RESIDENTIAL TREATMENT

Residential treatment has proved to be a critical feature of treatment for these veterans. Between May, 1987 and March 31, 1988, 2,124 veterans were admitted to residential treatment from the 43 sites. Between 20% and 27% of veterans seen by the HCMI Program have been admitted to residential treatment.

The average length of stay in residential treatment facilities is 51.7 days with a median of 38 days. The average cost per episode of residential treatment is $1,746 (median = $1,150) and the average cost per day is $34. This per diem is somewhat higher than the $26 per day cost in the VA's substance abuse halfway house program because the level of care required by homeless chronically mentally ill veterans is generally higher than that needed by veterans with pure substance abuse problems.

Veterans admitted to residential treatment tend to have higher indices of psychiatric and medical problems and of homelessness than those not admitted, but the available data suggest that many of those not admitted also had need of residential treatment but could not obtain it because funds or beds were not available. Some of these HCMI veterans received residential treatment from VA domiciliaries or from non-contract residential treatment facilities.

9. PRELIMINARY DATA ON CLINICAL OUTCOME

Preliminary information about the outcome of treatment in the HCMI Program is available for 1,356 episodes of residential treatment; and for 638 veterans involved in the follow-up evaluation.

Veterans Discharged from Residential Treatment. In 25.6% of discharges from residential treatment the veteran was judged to have successfully completed the residential treatment program. In 32.7% the veteran left against medical advice while in 20.5% the veteran was discharged for violation of program regulations (often by drinking or using drugs) and in 10.6% the veteran left to obtain more intensive medical or psychiatric treatment elsewhere.

HCMI clinicians determined, at the time of discharge, whether there had been any improvement in alcohol problems, drug problems, psychiatric problems, medical problems and social-vocational problems. In each of these problem areas about half of the veterans showed some improvement but needed additional treatment, while only 1%-8% had improved to the point of needing no further treatment. In the care of the chronically mentally ill, the need for ongoing care is the rule rather than the exception.

The housing situation of these veterans had also improved. At the time of intake assessment, 87.4% were either living in a shelter or claimed no residence. At the time of discharge, only 10.4% had no residence or were living in a shelter, although an additional 28.8% had left residential treatment without providing any information about their residential plans and many of these may have remained homeless. Another 24.5% were living independently in apartments or rooms in the community; 17.7% were living in institutions; and 10.2% were living in transitional residences. It appears that even though 53.2% of the HCMI veterans left residential treatment under less than ideal circumstances, their clinicians felt that substantial percentages of them improved clinically and reported that they were living in better housing than when they entered the program.

Veterans in the Outcome Evaluation. Three months after their initial intake assessment, 32.2% of veterans in the outcome evaluation were still involved in the HCMI Program and 26.2% had terminated the program with some degree of success. Thus for over half (58.5%), the clinicians reported what can be interpreted as a positive engagement in treatment. The remaining veterans had less constructive involvement with the HCMI Program because they did not want help for various reasons (23.3%) or because their psychopathology or personal psychology made it difficult for them to use the help offered by the program (13.7%).

As with the residential treatment subgroup, HCMI clinicians determined, for each follow-up veteran whether there had been improvement in health care and social adjustment problem areas. The findings in the outcome sub-group were generally similar to those in the residential treatment sub-group, with more than half of the veterans showing improvement in psychiatric and medical health care problem areas and 40%-70% showing improvement in social, vocational or financial problem areas.

Improvement was also noted in the following-up veterans' residential circumstances. While 90.2% had been living in shelters or without any place to stay at intake, only 45.7% were living in shelters or had no residence at the time of last contact with a clinician. At that time, 16.4% were living in apartments or rooms in the community; 20.7% were in HCMI contract residential treatment facilities; 8.6% were in institutions and 3.1% were in non-VA funded residential treatment facilities.

10. SUMMARY AND CONCLUSION

Data presented in this report show that the HCMI Veterans Program has been implemented as planned and is providing outreach, health care, case management and residential treatment services to large numbers of homeless chronically mentally ill veterans across the country. Preliminary evidence suggests that the program is effective in improving health care and residential status for many of these veterans.

By Mr. JOHNSTON (for himself and Mr. McCLURE):

S. 406. A bill to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife refuge in a manner consistent with protection of the environment, and for other purposes; to the Committee on Energy and Natural Resources.

ARCTIC COASTAL PLAIN COMPETITIVE OIL AND GAS LEASING ACT

● Mr. JOHNSTON. Mr. President, today I am introducing the Arctic Coastal Plain Competitive Oil and Gas Leasing Act, legislation that would authorize and direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge [ANWR], Alaska. The bill provides for the phased competitive leasing of the Coastal Plain, imposes strict environmental standards, requires that exploration, development and production be undertaken in a manner consistent with the interests of the area's subsistence users, and provides that a significant portion of ANWR revenues be available for use in conservation programs including the Land and Water

Conservation Fund, and wetlands protection, acquisition, and restoration.

In addition, I am submitting three amendments, all of which were included in the ANWR bill favorably reported by the Committee on Energy and Natural Resources last Congress. The amendments set forth a congressional determination compatibility, the adequacy of the legislative environmental impact statement, and provide specific requirements relating to environmental protection of the Coastal Plain.

THE ARCTIC NATIONAL WILDLIFE REFUGE

Mr. President, in 1980, Congress enacted the Alaska National Interest Lands Conservation Act [ANILCA], establishing 16 National Wildlife Refuges in Alaska, including a 9 million acre addition to the existing 10 million acre Arctic National Wildlife Refuge. ANWR offers wildlife, scientific, recreational, and esthetic values unique to the Arctic coastal ecosystem. Found on the refuge is a full complement of arctic flora and fauna, including the calving grounds for the Porcupine caribou herd, the second largest in Alaska—approximately 180,000 caribou—and habitat for the threatened Arctic peregrine falcon, the lesser snow goose, other migratory bird species, and reintroduced muskoxen.

At the same time, the North Slope of Alaska, and the coastal plain area of ANWR in particular, have long been recognized as areas with excellent potential for large oil and gas reserves. Located 65 miles west of the ANWR, the Prudhoe Bay field has proven to be the largest in North America with original producible reserves of 9.6 billion barrels of oil and 26 trillion cubic feet of gas. Current production from Prudhoe Bay averages 1.8 million barrels per day—approximately 20 percent of the total U.S. domestic crude oil production. For years, the coastal plain area of ANWR has been rated by many geologists as the most outstanding target in the onshore United States with reserves which could match those found in Prudhoe Bay.

THE 1002 REPORT

Mr. President, during the consideration of ANILCA in 1980, Congress recognized that further information was necessary before a decision was made as to whether all of ANWR should be included in the National Wilderness Preservation System or whether at least some of this areas should be made available for oil and gas exploration and development. Section 1002 of ANILCA required the Secretary of the Interior to study comprehensively a 1.5-million-acre strip—100 miles long and 30 miles wide—along the coast of ANWR—the Coastal Plain—the area generally recognized as having the highest oil and gas recovery potential.

In April 1987, the Secretary of the Interior transmitted the report required by section 1002 of ANILCA—"1002 Report"—to the Congress. The Secretary recommended that the entire 1.5 million acre Coastal Plain be opened to oil and gas leasing.

The 1002 Report estimated that there is a 95-percent chance that the Coastal Plain contains more than 4.8 billion barrels of oil and 11.5 trillion cubic feet of gas in place. According to the report, there is a 5-percent chance that the Coastal Plain contains 29.4 billion barrels of oil and 64.5 trillion cubic feet of gas. The report stated that the economically recoverable reserves could range from a low of 600,000 barrels to up to 9.2 billion barrels.

While the 1002 Report concluded that exploration and development drilling would have only minor effects on wildlife resources in the 1002 area, full production would have potentially major effects on the 180,000 caribou in the Porcupine caribou herd and on muskoxen in the refuge. The report noted that oil development "would result in long term changes in the wilderness environment, wildlife habitats, and Native community activities currently existing."

However, the 1002 Report emphasized that the growing U.S. reliance on imported oil could have potentially serious implications for national security. The report pointed out that domestic production declined in 1986 by 10 percent and projected a further decline of 4 to 5 percent in 1987. A recent study by the American Petroleum Institute reported that oil production in 1988 hit a 12-year low. At the same time, U.S. consumption is on the rise. OPEC countries are expected to supply up to 60 percent of the world oil by 1995 when the United States will import over half of its supplies at an estimated cost of $80 billion. According to the 1002 Report, based on the mean recoverable oil estimate of 3.2 billion barrels, ANWR production by the year 2006 could provide 4 percent of total U.S. demand (about 660,000 barrels per day) and reduce imports by nearly 9 percent.

Mr. President, the billions of barrels of oil that may exist in the 1002 area could make an important contribution to the national need for domestic sources of oil. Alaska North Slope crude oil, especially that from Prudhoe Bay, now contributes approximately 20 percent of domestic production. However, production from Prudhoe Bay has peaked and a decline is expected no later than 1988. Oil from the 1002 area could help moderate these declines in supply and substantially reduce the need for increased imports.

THE LEGISLATION

Last Congress, the Senate Committee on Energy and Natural Resources concluded 9 days of hearings on this matter, during which it carefully considered the findings of the 1002 Report as well as extensive testimony provided by witnesses representing a wide range of views. On February 25, 1988, after five business meetings, the committee voted that S. 2214 be favorably reported as an original measure.

Mr. President, the bill and amendments I introduce today are the same as the legislation reported by the committee last Congress, with, in addition to technical and clarifying modifications, two substantive changes. First, the bill alters the distribution of revenues from leasing activities so that 25 percent would go to the Land and Water Conservation Fund, 15 percent would be used for the acquisition, protection, creation, and restoration of wetlands, 10 percent would go to the U.S. Treasury, and 50 percent would continue to go to the State of Alaska.

Second, the bill deletes titles VII through X of the bill reported last Congress. Titles VII and VIII became public law through congressional action during the 100th Congress. Title IX, calling for an energy plan, and Title X, imposing export prohibitions, were added to the joint staff draft—the markup document—by the committee during its consideration of this matter. Such provisions may again be taken up by the committee when it considers this bill.

Mr. President, given its significant potential, I believe that exploration, development, and production on the Coastal Plain is a key component to our efforts increase domestic oil and gas resources. At a time when production from other major fields in the United States is declining, I believe that it is important that we proceed with exploration and development of the Coastal Plain.

However, we must ensure that development occurs in an environmentally sensitive, orderly, and sound manner. My legislation imposes a strict standard of environmental protection: That activities result in "no significant adverse effect on fish and wildlife, their habitat, and the environment" of the Coastal Plain and that the "best commercially available technology" be applied on all new operations and, whenever practicable, on existing operations.

The legislation allows the Secretary to exclude from leasing areas of the Coastal Plain deemed to be of particular environmental sensitivity. It imposes specific minimum environmental requirements, mandates reclamation to a "condition as closely approximating the original condition of such lands as is feasible using the best commercially available technology," authorizes the Secretary of the Interior to clean up pollution from discharges of oil or hazardous or toxic substances at the expense of the responsible party, and establishes a $50 million

reclamation fund for use in reclaiming the Coastal Plain and other North Slope lands. Finally, the legislation modifies existing law to ensure that a significant portion of ANWR revenues are available for several important conservation programs and for wetlands protection, acquisition, and restoration.

Mr. President, I am aware that this is a difficult and controversial matter. However, I sincerely believe that this legislation is a responsible measure which balances the need for environmental protection with the need for energy development, production, and independence. I ask my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the full text of the bill, together with the section-by-section analysis, be printed in the RECORD.

(The text of the amendments is printed in today's RECORD under "Amendments Submitted".)

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Arctic Coastal Plain Competitive Oil and Gas Leasing Act".

TITLE I. STATEMENT OF PURPOSE AND DEFINITIONS

SEC. 101. PURPOSE AND POLICY.—The Congress hereby declares that it is the purpose and policy of this Act:

(a) to authorize competitive oil and gas leasing and development to proceed on the Coastal Plain in a manner consistent with protection of the environment, maintenance of fish and wildlife and their habitat, and the interests of the area's subsistence users; and

(b) to provide a new source of funding for the Land and Water Conservation Fund, Migratory Bird Conservation Fund and other fish and wildlife management programs, and for the acquisition, protection, creation, and restoration of wetlands, and for other purposes.

SEC. 102. DEFINITIONS.—When used in this Act—

(a) The term "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. Sec. 3142(b)(1)) comprising approximately one million five hundred forty-nine thousand acres; and

(b) The term "Secretary" means the Secretary of the Interior or the Secretary's designee.

TITLE II. COASTAL PLAIN COMPETITIVE LEASING PROGRAM

SEC. 201. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.—(a) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain. Activities pursuant to such program shall be undertaken:

(1) in accordance with the development requirements set out in Title III of this Act; and

(2) in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) This Act shall be the sole authority for leasing on the Coastal Plain.

SEC. 202. RULES AND REGULATIONS.—(a) The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this Act, including rules and regulations relating to protection of the environment of the Coastal Plain, as required by Title III of this Act. Such rules and regulations shall be promulgated within nine months after the date of enactment of this Act and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this Act.

(b) In the formulation and promulgation of rules and regulations under this Act, the Secretary shall request and give due consideration to the views of appropriate officials of the State of Alaska and the Government of Canada. The Secretary shall also consult with the Environmental Protection Agency and the Army Corps of Engineers in developing rules and regulations relating to the environment.

(c) The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

SEC. 203. LEASE SALES.—(a) Lands may be leased pursuant to the provisions of this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended (30 U.S.C. Sec. 181).

(b) The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale;

(3) review by the State of Alaska and local governments in Alaska which may be impacted by the proposed leasing; and Exchange

(4) periodic consultation with the State of Alaska and local governments in Alaska, oil and gas lessess, and representatives of other individuals or organizations engaged in activity in or on the Coastal Plain including those involved in subsistence uses and recreational activities.

(c) The Secretary shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall, consistent with the requirements set forth in Title III of this Act, offer for lease those acres receiving the greatest number of nominations, but not to exceed a total of three hundred thousand acres. If the total acreage nominated is less than three hundred thousand acres, he shall include in such sale any other acreage which he believes has the highest resource potential, but in no event shall more than three hundred thousand acres of the Coastal Plain be offered in such sale. Thereafter, no more than three hundred thousand acres of the Coastal Plain may be leased in any one lease sale. The initial lease sale shall be held within eighteen months of the issuance of final regulations by the Secretary. The second lease sale shall be held thirty-six months after the initial sale, with additional sales conducted every twenty-four months thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

(d) Areas of the Coastal Plain deemed by the Secretary to be of particular environmental sensitivity may be excluded from leasing by the Secretary. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives ninety days in advance of excluding any such areas from leasing. If the Secretary later determines that exploration, development, or production will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, the Secretary shall, consistent with the provisions of subsection (c) of this section, offer such lands for leasing.

SEC. 204. GRANT OF LEASES BY THE SECRETARY.—(a) The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive bid any lands to be leased on the Coastal Plain upon payment by the lease of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ per centum in amount or value of the production removed or sold from the lease.

(b) The Secretary shall not accept a bid for lease if the Secretary finds, after notice and hearing, that the bidder is not meeting diligent development requirements on any other Federal mineral lease.

SEC. 205. LEASE TERMS AND CONDITIONS.—An oil and gas lease issued pursuant to this section shall—

(a) be for a tract consisting of a compact area not to exceed two thousand five hundred sixty acres;

(b) be for an initial period of ten years and as long thereafter as oil or gas is produced in paying quantities or drilling or well reworking operations as approved by the Secretary are operated thereon;

(c) require the payment of royalty as provided for in section 205 of this Act;

(d) require approval of an exploration plan, as provided for in section 207 of this Act;

(e) require approval of a development and production plan, as required in section 207 of this Act;

(f) require posting of bond required by section 208 of this Act;

(g) provide for the suspension of the lease during the initial lease term or thereafter pursuant to section 209 of this Act;

(h) provide for the cancellation of the lease during the initial lease term or thereafter pursuant to section 210 of this Act,

(i) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by title III of this Act; and

(j) contain such rental and other provisions as the Secretary may prescribe at the time of offering the area for lease.

SEC. 206. Exploration and Development and Production Plans.—(a) Exploration Plans.—All exploration activities pursuant to any lease issued or maintained under this Act shall be conducted in accordance with an approved exploration plan or an approved revision of such plan. Prior to com-

mencing exploration pursuant to any oil and gas lease issued or maintained under this Act, the holder thereof shall submit an exploration plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any region of the Coastal Plain, or by a group of lessee acting under a unitization, pooling, or drilling agreement, shall be approved by the Secretary if he finds that such plan is consistent with the provisions of this Act and other applicable law.

(b) OIL AND GAS DEVELOPMENT AND PRODUCTION PLANS.—All development and production pursuant to a lease issued or maintained pursuant to this Act shall be conducted in accordance with an approved development and production plan. Prior to commencing development or production pursuant to any oil and gas lease issued or maintained under this Act, the holder thereof shall submit a development and production plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any region of the Coastal Plain, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if he finds that such plan is consistent with the provisions of this Act and other applicable law.

(c) REQUIREMENTS APPLICABLE TO EXPLORATION PLANS AND DEVELOPMENT AND PRODUCTION PLANS.—Exploration plans and development and production plans shall include where applicable—

(1) the names and legal addresses of the following persons: the operator, contractors, subcontractors and the owners or lessees other than the operator;

(2) a map or maps showing: (A) the location of a point of reference selected by the operator within the area covered by the plan of operations showing, in relation to that point, existing and proposed access routes or roads within the area, the boundaries of proposed surface disturbance and location of all survey lines; (B) the location of proposed drilling sites, wellsite layout, and all surface facilities; (C) sources of construction materials within the area including but not limited to gravel; and (D) the location of ancillary facilities including but not limited to camps, sanitary facilities, water supply, diposal facilities, pipelines, fuel storage facilities, storage facilities, base of operations, and airstrips. A point of reference selected by the operator within the area of operations shall be marked with a ground monument.

(3) a description of: (A) all surface and ancillary facilities, including but not limited to camps, sanitary facilities, water supply, disposal facilities, pipelines, fuel storage facilities, storage facilities, base of operations, and airstrips; and (B) the major equipment to be used in the operations, including but not limited to equipment and methods for the transport of all waters used in or produced by operations, and of the proposed method of transporting such equipment within the area covered by the plan of operations including to and from the site;

(4) an estimated schedule for any phase of operations of which review by the Secretary is sought and the anticipated date of operation completion;

(5) the nature and extent of proposed operations;

(6) plans for reclamation, including:

(A) the anticipated reclamation work to be performed;

(B) a proposed schedule of reclamation activities to be performed; and

(C) a detailed estimate of reclamation costs;

(7) methods for disposal of all wastes and hazardous and toxic substances;

(8) an affidavit stating that the operations planned will be in compliance with all applicable Federal, State, and local laws and regulations;

(9) contingency plans in case of spills, leaks, or other accidents; and

(10) such additional information as may be required by the Secretary to ensure that the proposed activities are consistent with this Act, as well as other applicable Federal and State environmental laws.

(d) PROCEDURES FOR PLAN APPROVAL.—(1) After an exploration or development and production plan is submitted for approval, the Secretary shall promptly publish notice of the submission and availability of the text of the proposed plan in the FEDERAL REGISTER and a newspaper of general circulation in the State of Alaska and provide an opportunity for written public comment.

(2) Within one hundred twenty days after receiving an exploration or development and production plan, the Secretary shall determine, after taking into account any comment received under paragraph (1) of this subsection, whether the activities proposed in the plan are consistent with this Act and other applicable provisions of Federal and State law. If that determination is in the affirmative, the Secretary shall return the plan along with a statement of any modifications necessary for its approval. The Secretary, as a condition of approving any plan under this section—

(A) may require modifications to the plan that he considers necessary or appropriate to make it consistent with this Act and other applicable law. The Secretary shall assess reasonable fees or charges for the reimbursement of all necessary and reasonable research, administrative, monitoring, enforcement, and reporting costs associated with reviewing the plan and monitoring its implementation; and

(B) shall require such periodic reports regarding the carrying out of the drilling and related activities as may be necessary or appropriate for purposes of determining the extent to which the plan is being complied with and the effectiveness of the plan in ensuring that the drilling and related activities are consistent with this Act and other applicable provisions of Federal and State law.

(e) MODIFICATION OF PLANS.—If at any time while activities are being carried out under a plan approved under this section, the Secretary, on the basis of available information, determines that the continuation of any particular activity under the plan is likely to result in a significant adverse effect on fish or wildlife, their habitat, or the environment, the Secretary, after consultation with the lessee shall—

(1) make modifications to part or all of the plan as necessary or appropriate to avoid the significant adverse effect;

(2) temporarily suspend part or all of the drilling or related activity under the plan for such time as the Secretary considers necessary or appropriate to avoid such significant adverse effect; or

(3) terminate and cancel the plan where actions under paragraph (1) or (2) will not avoid the significant adverse effect.

SEC. 207. BONDING REQUIREMENTS.—

(a) REQUIREMENT FOR PERFORMANCE BOND.—After approval of an exploration or development and production plan, the lessee shall be required to file with the Secretary a suitable performance bond. The bond shall be conditioned upon compliance with all the terms and conditions of the lease and all applicable laws. Such performance bond is in addition to and not in lieu of any bond or security deposit required by other regulatory authorities. The lessee may file either a surety bond, or a personal bond consisting of cash or negotiable Treasury bonds of the United States. When negotiable Treasury bonds serve as the personal bond, they shall be accompanied by a proper conveyance to the Secretary of full authority to sell such securities in case of a default in the performance of the terms and conditions of the lease.

(b) AMOUNT OF PERFORMANCE BOND.—The performance bond shall be in an amount:

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) an amount set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities. This amount shall not exceed $500,000.00 for geophysical surveys, and shall not exceed a blanket bond of $1,000,000.00 for all exploration activities and an additional $1,500,000.00 for all development and production activities on the Coastal Plain.

(c) ADJUSTMENT OF BOND TO CONFORM TO REVISED PLAN.—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond to conform to such modified plan.

(d) DURATION OF BOND.—The responsibility and liability of the lessee and its surety under the bond or security deposit shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease of all applicable law.

(e) TERMINATION OF LIABILITY.—Within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary shall notify the lessee that the period of liability under the bond or security deposit has been terminated.

SEC. 208. LEASE SUSPENSION.—The Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this Act: (1) in the interest of conservation of the resource; (2) where there is no available system to transport the resource; or (3) where there is a threat of significant adverse effect upon fish or wildlife, their habitat or the environment. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto.

SEC. 209. LEASE CANCELLATION.—(a) CANCELLATION OF NONPRODUCING LEASE.—Whenever the owner of a nonproducing lease fails to comply with any of the provisions of this Act, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this Act, such lease may be cancelled by the Secretary if such default continues for the period of thirty days after mailing of notice

by registered letter to the lease owner at the lease owner's record post office address.

(b) CANCELLATION OF PRODUCING LEASE.—Whenever the owner of any producing lease fails to comply with any of the provisions of this Act, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this Act, such lease may be forfeited and cancelled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this Act.

(c) ADDITIONAL PROVISIONS.—(1) In addition to the authority for lease cancellation provided for by subsections (a) and (b) of this section, any lease may be cancelled at any time, if the Secretary determines, after a hearing, that—

(A) continued activity pursuant to such lease is likely to result in a significant adverse effect to fish or wildlife, their habitat, or the environment, or is likely to result in serious harm or damage to human life, to property, or to the national security or defense; and

(B) the likelihood of a significant adverse effect will not disappear within a reasonable period of time or the threat of harm or damage will not disappear or decrease to any acceptable extent within a reasonable period of time.

(2) Such cancellation shall not occur unless and until operations under such lease or permit shall have been under suspension, or temporary prohibition, by the Secretary, with due extension of any lease term continuously for a period of five years, or for a lesser period upon request of the lessee.

(3) Cancellation under this subsection shall entitle the lessee to receive such compensation as the lessee demonstrates to the Secretary to be equal to the excess, if any, over the lessee's revenues from the lease (plus interest thereon from the date of receipt to the date of reimbursement) of all consideration paid for the lease and all direct expenditures made by the lessee after the date of issuance of such lease and in connection with exploration or development, or both, pursuant to the lease (plus interest on such consideration and such expenditures from date of payment to date of reimbursement).

SEC. 210. ASSIGNMENT OR SUBLETTING OF LEASES.—No lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary.

SEC. 211. RELINQUISHMENT.—The lessee may, at the discretion of the Secretary, be permitted at any time to make written relinquishment of all rights under any lease issued pursuant to this Act. The Secretary shall accept the relinquishment by the lessee of any lease issued under this Act where there has not been surface disturbance on the lands covered by the lease.

SEC. 212. UNITIZATION.—For the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof and in order to avoid the unnecessary duplication of facilities, to protect the environment of the Coastal Plain, and to protect correlative rights, the Secretary shall require to the greatest extent practicable, that lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof.

SEC. 213. OIL AND GAS INFORMATION.—(a)(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this Act shall provide the Secretary access to all data and information (including processed, analyzed, and interpreted information) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If interpreted information provided pursuant to paragraph (1) of this subsection is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such interpreted information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1) of this subsection—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information;

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) The Secretary shall prescribe regulations to: (1) assure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and (2) set forth the time periods and conditions which shall be applicable to the release of such information.

SEC. 214. REMEDIES AND PENALTIES. (a) GENERAL.—Except as provided in section 215 of this Act, the district courts of the United States shall have jurisdiction of cases and controversies arising out of, or in connection with, any lease issued under this act. Proceedings may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district in which the Coastal Plain is located.

(b) ACTIONS FOR RELIEF.—At the request of the Secretary, the Attorney General or a United States Attorney shall institute a civil action in the district court of the United States for the district in which any defendant resides or may be found, or in the judicial district in which the Coastal Plain is located, for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of this Act, any regulation or order issued under this Act, or any term of a lease issued pursuant to this Act.

(c) CIVIL PENALTIES.—If any person fails to comply with any provision of this Act, or any term of a lease issued pursuant to this Act, or any regulation or order issued under this Act, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than $10,000 for each day of the continuance of such failure. The Secretary may assess, collect and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing.

(d) CRIMINAL PENALTIES.—Any person who knowingly and willfully: (1) violates any provision of this Act, any term of a lease issued pursuant to this Act, or any regulation or order issued under the authority of this Act designated to protect health, safety, or the environment or conserve natural resources; (2) makes any false statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this Act; (3) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this Act; or (4) reveals any data or information required to be kept confidential by this Act, shall, upon conviction, be punished by a fine of not more than $100,000, or by imprisonment for not more than ten years, or both. Each day that a violation under clause (1) of this subsection continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in clause (3) of this subsection, shall constitute a separate violation.

(e) LIABILITY OF CORPORATE OFFICERS AND AGENTS FOR VIOLATIONS BY CORPORATION.—Whenever a corporation or other entity is subject to prosecution under subsection (d) of this section, any officer or agent of such corporation or entity who knowingly and willfuly authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under subsection (d) of this section.

(f) CONCURRENT AND CUMULATIVE NATURE OF PENALTIES.—The remedies and penalties prescribed in this Act shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this Act shall be in addition to any other remedies and penalties afforded by any other law or regulation.

(g) REMOVAL COSTS AND LIABILITY FOR DAMAGES.—Notwithstanding any other provision of law, if any area of the Coastal Plain has been or is being polluted by discharges of oil or hazardous or toxic substances from exploration, development, or production of oil or gas or related activities, conducted by, or on behalf of, a responsible party, and if the pollution has damaged or is damaging fish or wildlife, their habitat, or the environment of the Coastal Plain, or if such pollution is causing a substantial threat of damaging those fish or wildlife, their habitat, or the environment of the Coastal Plain, the responsible party shall be jointly, severally and strictly liable for the removal costs and damages specified in this subsection that arise directly out of or directly result from pollution that has damaged or is damaging or is causing a substantial threat of damaging fish or wildlife, their habitat, or the environment of the Coastal Plain. The Secretary shall make a determination with respect to such liability after notice to the responsible party and an opportunity for hearing. Upon failure of the responsible party adequately to control and remove the pollutant or threat, the Secretary, in cooperation with other Federal, State or local agencies, or in cooperation with the responsible party, or both, shall have the right to accomplish the control and removal at this expense of the responsible party. Funds contained in the Coastal Plain Liability and Reclamation Fund, provided for by section 402 of this Act, may be used to accomplish such control and removal until such time as sufficient funds can be recovered from the responsible party. The removal costs and damages referred to in this subsection are the following—

(1) all necessary removal costs as determined by the Secretary;

(2) damages for injury to, destruction of, loss of, and reclamation of natural resources, including the reasonable costs of assessing such injury, destruction, loss or reclamation; and

(3) damages for economic loss resulting from injury to, or destruction of, real or personal property or natural resources, and loss of subsistence use of natural resources by local residents.

SEC. 215. EXPEDITED JUDICIAL REVIEW.—Any complaint filed seeking judicial review of an action of the Secretary in promulgating any regulation under this Act may be filed only in the United States Court of Appeals for the District of Columbia, and such complaint shall be filed within ninety days from the date of such promulgation, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint. Any complaint seeking judicial review of any actions of the Secretary under this Act may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint.

SEC. 216. ANNUAL REPORT TO CONGRESS.—On March 1st of each year following the date of enactment of this Act, the Secretary of the Interior shall prepare and submit to the Congress an annual report on the leasing program authorized by this Act.

SEC. 217. PROPERTY INTERESTS OF THE INUPIAT ESKIMO PEOPLE.—The prohibitions and limitations contained in section 1003 of Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. Sec. 3143), insofar as they have application to the subsurface property interests owned by the Inupiat Eskimo people within and adjacent to the Coastal Plain, are repealed. No surface disturbance in support of oil or gas development or production involving such subsurface property interests shall be authorized prior to publication of final regulations issued pursuant to this Act which establish environmental stipulations, terms and conditions for oil and gas leasing on the Coastal Plain. The substantive provisions of such environmental stipulations, terms and conditions shall apply to the development of all subsurface property interests owned by the Inupiat Eskimo people within and adjacent to the Coastal Plain.

TITLE III—COASTAL PLAIN DEVELOPMENT REQUIREMENTS

SEC. 301. NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall administer the provisions of this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, and that shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations.

SEC. 302. SADLEROCHIT SPRING SPECIAL AREA.—(a)(1) The Sadlerochit Spring area, comprising approximately four thousand acres as depicted on the map referenced in section 102 of this Act, is hereby designated to be a Special Area. Such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(2) Pursuant to subsection (d) of section 203 of this Act, the Secretary may exclude the Sadlerochit Spring Special Area from leasing.

(3) In the event that the Secretary leases the Sadlerochit Spring Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(b) The Secretary is authorized to designate other areas of the Coastal Plain as Special Areas if the Secretary determines that they are of unique character and interest so as to require such special protection. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of the Secretary's intent to designate such areas ninety days in advance of making such designations. Any such areas designated as Special Areas shall be managed in accordance with the standards set forth in subsection (a) of this section.

SEC. 303. FACILITY CONSOLIDATION PLANNING.—(a) The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources. This plan shall have the following objectives:

(1) avoiding unnecessary duplication of facilities and activities;

(2) encouraging consolidation of common facilities and activities;

(3) locating or confining facilities and activities to areas which will minimize impact on fish and wildlife, their habitat, and the environment;

(4) utilizing existing facilities wherever practicable; and

(5) enhancing compatibility between wildlife values and development activities.

(b) The plan prepared under this section shall supplement any comprehensive conservation plan prepared pursuant to the requirements of section 304(g) of the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2394).

SEC. 304. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.—Notwithstanding Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized to grant under section 28 of the Mineral Leasing Act (30 U.S.C. 185) rights-of-way and easement across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The comprehensive oil and gas leasing and development regulations issued pursuant to this Act shall include provisions regarding the granting of rights-of-way across the Coastal Plain.

SEC. 305. ENFORCEMENT OF REGULATIONS. (a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this Act.

(b) RESPONSIBILITIES OF HOLDERS OF LEASE.—It shall be the responsibility of any holder of a lease under this Act to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, and the environment of, the Coastal Plain; and

(2) allow prompt access at the site of any operations subject to regulation under this Act to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ONSITE INSPECTION OF FACILITIES.—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of each facility on the Coastal Plain which is subject to any environmental or safety regulation promulgated pursuant to this Act or such provisions contained in any lease issued pursuant to this Act to assure compliance with such environmental or safety regulations; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to assure compliance with all environmental or safety regulations.

TITLE IV.—LAND RECLAMATION AND RECLAMATION LIABILITY FUND

SEC. 401. LAND RECLAMATION.—The holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, or transportation activities on a lease within the Coastal Plain. The holder of a lease shall also be responsible for conducting any land reclamation required as a result of activities conducted on the lease by any of the lease holder's subcontractors or agents. The holder of a lease may not delegate or convey, by contract or otherwise, this responsibility and liability to another party without the express written approval of the Secretary.

SEC. 402. STANDARD TO GOVERN LAND RECLAMATION.—The standard to govern the reclamation of lands required to be reclaimed under this Act, following their temporary disturbance or upon the conclusion of their use or prolonged commercial production of oil and gas and related activities, shall be reclamation and restoration to a condition as closely approximating the original condition of such lands as is feasible using the best commercially-available technology. Reclamation of lands shall be conducted in a manner that will not itself impair or cause significant adverse effects on fish or wildlife, thier habitat, or the environment.

SEC. 403. COASTAL PLAIN LIABILITY AND RECLAMATION FUND.—(a) Within six months of a commercial discovery within the Coastal Plain, the Coastal Plain Liability and Reclamation Fund (the "Reclamation Fund") is hereby directed to be established as a non-profit corporate entity under the laws of Alaska that may sue and be sued in its own name. The Reclamation Fund shall be established and administered by the holder of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Reclamation Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(b) The operator of the trans-Alaska pipeline shall collect from the owner of any

commercially-produced crude oil or natural gas liquids from the Coastal Plain at the time and point where such crude oil first enters the trans-Alaska pipeline a fee of five cents per barrel. The collection of the fee shall cease when $50,000,000 has been accumulated in the Reclamation Fund, and it shall be resumed at any time that the accumulation of revenue in the Reclamation Fund falls below $45,000,000.

(c) All revenues collected under subsection (b) shall be paid into the Reclamation Fund. The reasonable costs of administration of the Reclamation Fund shall be paid from the revenues in the Reclamation Fund. All sums not needed for administration of the Reclamation Fund or making authorized payments out of the Fund shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Reclamation Fund.

(d) The revenues in the Reclamation Fund shall be available, with the approval of the Secretary, for the following purposes:

(1) to compensate promptly any person or entity, public or private, for any damages caused by oil and gas exploration, development and production activities on or in the vicinity of the Coastal Plain;

(2) to reclaim any area of the Coastal Plain not reclaimed in accordance with the standard set forth in section 402 of this Act, by the operator or the holder of a lease or leases;

(3) up to $5,000,000.00 annually to reclaim and restore any area of the Arctic National Wildlife Refuge or other North Slope Federal lands previously disturbed by development activities and not properly reclaimed and restored by the party conducting the development;

(4) up to $2,000,000.00 annually to the Director of the Fish and Wildlife Service to monitor and conduct research on fish and wildlife species which utilize the land and water resources of the Coastal Plain; and

(5) to reclaim at the conclusion of the period of exploration, development and production, any area of the Coastal Plain and related lands which have not been properly reclaimed by the operator or lease holder.

(e) The United States shall have legal recourse against any party or entity who is responsible for the reclamation of any area within the Coastal Plain, to recover any funds expended under paragraphs (1), (2), (3) and (5) of this subsection due to a failure by the responsible party to reclaim such area as required by this Act: *Provided*, That such right of recovery shall not be available against any Alaska Natives conducting traditional subsistence use activities. Any funds so recovered shall be deposited in the Reclamation Fund.

(f) Any moneys remaining in the Reclamation Fund fifty years after the period of active oil and gas exploration, development, production and reclamation has been concluded in the Coastal Plain shall be paid into the Migratory Bird Conservation Fund.

TITLE V.—DISPOSITION OF OIL AND GAS REVENUES

SEC. 501. DISTRIBUTION OF REVENUES.—Notwithstanding any other provision of law, all revenues received from competitive bids, sales, bonuses, royalties, rents, fees, interest charges or other income derived from the leasing of oil and gas resources within the Arctic National Refuge, Alaska shall be distributed as follows:

(a) 50 per centum to the State of Alaska;

(b) 25 per centum deposited into the Land and Water Conservation Fund;

(c) 15 per centum to the Secretary to be used, under such terms and conditions as the Secretary may prescribe, for the acquisition, protection, creation, and restoration of wetlands in the United States; and

(d) 10 per centum to miscellaneous receipts in the Treasury.

SEC. 502. LAND AND WATER CONSERVATION FUND.—(a)(1) Moneys deposited into the Land and Water Conservation Fund ("the Fund") pursuant to section 501 shall be credited to a special account within the Fund. In addition beginning the first full fiscal year after funds are credited to the special account, there shall also be credited to the special account an amount equal to the average annual appropriation from the Fund for the five years preceding the date of the initial crediting of funds pursuant to section 501(b). These funds shall be derived from those moneys comprising the authorized but unappropriated balance of the Fund.

(2) Not more than 25 per centum of the funds deposited into the special account shall be available for State purposes pursuant to section 6 of the Land and Water Conservation Fund Act (16 U.S.C. Sec. 4601-8). The balance of the funds in the special account shall be available, without further appropriation, for Federal purposes as provided in section 7 of that Act (16 U.S.C. Sec. 4601-9) and shall be allocated in accordance with this section.

(b)(1) At the time of the submission of the President's budget, each Federal land managing agency eligible to receive moneys from the Fund shall provide the Committee on Appropriations of the United States House of Representatives and the United States Senate with a list, in descending order of priority, of land acquisition projects which have been authorized by law (hereinafter in this section referred to as the "priority list").

(2) The priority lists shall be prepared by the Directors of the Bureau of Land Management, National Park Service, Fish and Wildlife Service, Department of the Interior, and the Chief of the Forest Service, United States Department of Agriculture, and shall reflect their best professional judgment regarding the land acquisition priorities of such bureau or agency.

(3) In preparing such lists the following factors shall be considered: the amount of money anticipated to be made available in any one year; the availability of land appraisal and other information necessary to complete the acquisition in a timely manner; the potential adverse impacts on the park, wilderness, wildlife refuge or other such unit which might result if the acquisition is not undertaken; and such other factors as the land managers deem appropriate.

(c)(1) The Appropriations Committees shall allocate the funds from the special account in accordance with the priority lists submitted pursuant to this section unless such lists are specifically modified in appropriations Acts or reports accompanying such Acts.

(2) The Secretary of the Treasury shall notify the Appropriations Committees of the Congress on an annual basis as to the amounts available for allocation within the special account.

(3) In allocating funds from the special account among land managing agencies, the Appropriations Committee shall ensure that each agency receives a fair and equitable share in accordance with land acquisition needs, congressional directives, and historical patterns of distribution of the fund: *Provided*, That no agency shall receive more than fifty per centum of the funds available from the special account in any one year.

(d) In the event that the Appropriations Committees fail to allocate the funds from the special account, the Secretary of the Treasury is authorized and directed to make such funds directly available to the land managing agencies to be used solely for land acquisition projects on the respective priority lists in accordance with the following formula:

(1) 45 per centum to the Fish and Wildlife Service;

(2) 40 per centum to the National Park Service;

(3) 10 per centum to the Forest Service; and

(4) 5 per centum to the Bureau of Land Management.

SEC. 503. JUDICIAL REVIEW AND NON-SEVERABILITY.—(a) Notwithstanding the provisions of section 215 of this Act, any legal, including an action for declaratory judgment, to challenge the determination made in section 501(a) of this Act of the State of Alaska's share of oil and gas revenues shall be assigned for hearing and completed at the earliest possible date, shall, to the greatest extent practicable, take precedence over all other matters pending on the docket of the court at that time, and shall be expedited in every way by such court. Any such action shall be brought within ninety days of enactment of this Act in an appropriate United States District Court. Such action shall be barred unless a complaint is filed within the time specified. Any review of an interlocutory or final judgment, decree, or order of the United States District Court in such action may be had only upon direct appeal to the Supreme Court of the United States.

(b) Nothing in this section shall be construed to grant causes of action to any person or to waive any defenses which may be available to the United States.

(c) If any action is brought in accordance with subsection (a), no lease sale shall occur under section 203 of this Act until a final nonappealable decision has been issued in any such action.

(d) If the revenue sharing provision of section 501(a) of this Act is held invalid, the remainder of this Act shall be void.

SECTION-BY-SECTION ANALYSIS

Section 1 sets forth the short title of the Act.

TITLE I—STATEMENT OF PURPOSE AND DEFINITIONS

Section 101 sets forth the purpose and policy of the Act.

Section 102 sets forth definitions.

TITLE II—COASTAL PLAIN COMPETITIVE LEASING PROGRAM

Subsection 201(a) states that Congress directs the Secretary of the Interior and other appropriate Federal officers and agencies to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain.

Subsection 201(b) provides that this Act shall be the sole authority for leasing on the Coastal Plain.

Subsection 202(a) provides that the Secretary shall prescribe such rules and regulations as may be necessary to carry out the

purposes and provisions of the Act, including rules and regulations relating to protection of the environment of the Coastal Plain, as required by Title III of the Act. Such rules and regulations shall be promulgated within nine months after the date of enactment of the Act.

Subsection 202(b) provides that in the formulation and promulgation of rules and regulations under the Act, the Secretary shall give due consideration to the views of appropriate officials of the State of Alaska and the Government of Canada and shall consult with the Environmental Protection Agency and the Army Corps of Engineers in developing rules and regulations relating to the environment.

Subsection 202(c) provides that the Secretary shall periodically review and, if appropriate, revise the rules and regulations.

Subsection 203(a) provides that lands may be leased pursuant to the provisions of the Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended.

Subsection 203(b) provides that the Secretary shall, by regulation, establish procedures for certain specified activities.

Subsection 203(c) provides that the Secretary shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process. For the first lease sale, the Secretary shall, consistent with the requirements set forth in Title III of the Act, offer for lease those acres receiving the greatest number of nominations, but not to exceed a total of 300,000 acres. If the total acreage nominated is less than 300,000 acres, he shall include in such sale any other acreage which he believes has the highest resource potential, but in no event shall more than 300,000 acres of the Coastal Plain be offered in such sale. Thereafter, no more than 300,000 acres of the Coastal Plain may be leased in any one lease sale. The initial lease sale shall be held within eighteen months of the issuance of final regulations by the Secretary. The second lease sale shall be held thirty-six months after the initial sale, with additional sales conducted every twenth-four months thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

Subsection 203(d) provides that areas of the Coastal Plain deemed by the Secretary to be of particular environmental sensitivity may be excluded from leasing by the Secretary and that notice shall be provided to the specified appropriate Committees of the Congress. If the Secretary later determines that exploration, development, or production will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, the Secretary shall, consistent with the provisions of subsection (c), offer such lands for leasing.

Subsection 204(a) provides that the Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive bid any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary and of the royalty fixed in the lease, which shall be not less than twelve and one-half per centum in amount or value of the production removed or sold from the lease.

Subsection 204(b) provides that the Secretary shall not accept a bid for a lease if the Secretary finds, after notice and hearing, that the bidder is not meeting diligent development requirements on any other Federal mineral lease.

Section 205 sets forth lease terms and conditions. The provisions are self-explanatory.

Subsection 206(a) provides that all exploration activities pursuant to any lease issued or maintained under the Act shall be conducted in accordance with an approved exploration plan or an approved revision of such plan. The remaining provisions of the subsection are self-explanatory.

Subsection 206(b) provides that all development and production pursuant to a lease issued or maintained pursuant to the Act shall be conducted in accordance with an approved development and production plan. The remaining provisions of the subsection are self-explanatory.

Subsection 206(c) sets forth information to be included in exploration plans and development and production plans where applicable.

Subsection 206(d) sets forth procedures for plan approval. The provisions are self-explanatory.

Subsection 206(e) provides that if at any time while activities are being carried out under a plan approved under this section, the Secretary, on the basis of available information, determines that the continuation of any particular activity under the plan is likely to result in a significant adverse effect on fish or wildlife, their habit, or the environment, the Secretary, after consultation with the lessee shall: (1) make modifications to part or all of the plan as necessary or appropriate to avoid the significant adverse effect; (2) temporarily suspend part or all of the drilling or related activity under the plan for such time as the Secretary considers necessary or appropriate to avoid such significant adverse effect; or (3) terminate and cancel the plan where actions under paragraphs (1) or (2) will not avoid the significant adverse effect.

Subsection 207(a) sets forth the requirement for a performance bond. The provisions of the subsection are self-explanatory.

Subsection 207(b) sets forth the requirements relating to the amount of the performance bond. The provisions of the subsection are self-explanatory.

Subsection 207(c) provides that in the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond to conform to such modified plan.

Subsection 207(d) provides that the responsibility and liability of the lessee and its surety under the bond or security deposit shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable law.

Subsection 207(e) provides that within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary shall notify the lessee that the period of liability under the bond or security deposit has been terminated.

Section 208 provides that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this Act: (1) in the interest of conservation of the resource; (2) where there is no available system to transport the resource; or (3) where there is a threat of significant adverse effect upon fish or wildlife, their habitat or the environment. If a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto.

Subsection 209(a) sets forth the requirements relating to cancellation of nonproducing leases. The provisions of the subsection are self-explanatory.

Subsection 209(b) sets forth the requirements relating to cancellation of producing leases. The provisions of the subsection are self-explanatory.

Paragraph 209(c)(1) provides that in addition to the authority for lease cancellation provided for by subsections (a) and (b) of this section, any lease may be cancelled at any time, if the Secretary determines, after a hearing, that: (1) continued activity pursuant to such lease is likely to result in a significant adverse effect to fish or wildlife, their habitat, or the environment, or is likely to result in serious harm or damage to human life, to property, or to the national security or defense; and (2) the likelihood of a significant adverse effect will not disappear within a reasonable period of time or the threat of harm or damage will not disappear or decrease to any acceptable extent within a reasonable period of time.

Paragraph 209(c)(2) provides that cancellation under subsection (c) shall not occur unless and until operations under such lease or permit shall have been under suspension, or temporary prohibition, by the Secretary, with due extension of any lease term continuously for a period of five years, or for a lesser period upon request of the lessee.

Paragraph 209(c)(3) provides that cancellation under subsection (c) shall entitle the lessee to receive such compensation as the lessee demonstrates to the Secretary to be equal to the excess, if any, over the lessee's revenues from the lease (plus interest thereon from the date of receipt to the date or reimbursement) of all consideration paid for the lease and all direct expenditures made by the lessee after the date of issuance of such lease and in connection with exploration or development, or both, pursuant to the lease (plus interest on such consideration and such expenditures from date of payment to date of reimbursement).

Section 210 provides that no lease issued under the authority of the Act shall be assigned or sublet, except with the consent of the Secretary.

Section 211 provides that the lessee may, at the discretion of the Secretary, be permitted at any time to make written relinquishment of all rights under any lease issued pursuant to this Act. The Secretary shall accept the relinquishment by the lessee of any lease issued under this Act where there has not been surface disturbance on the lands covered by the lease.

Section 212 provides that the Secretary shall require to the greatest extent practicable, that lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof.

Section 213 sets forth requirements relating to oil and gas information. The provisions of the section are self-explanatory.

Subsection 214(a) provides that except as provided in section 215 of the Act, the district courts of the United States shall have jurisdiction of cases and controversies arising out of, or in connection with, any lease issued under the Act. Proceedings may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district in which the Coastal Plain is located.

Subsection 214(b) provides that at the request of the Secretary, the Attorney General or a United States Attorney shall insti-

tute a civil action in the district court of the United States for the district in which any defendant resides or may be found, or in the judicial district in which the Coastal Plain is located for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of the Act, any regulation or order issued under this Act, or any term of a lease issued pursuant to the Act.

Subsection 214(c) authorizes civil penalties of not more than $10,000 for each day of the continuance of a failure to comply with the Act, a lease term, or a regulation or order issued under the Act, after notice of such failure and expiration of any reasonable period allowed for corrective action. The remaining provisions of the subsection are self-explanatory.

Subsection 214(d) provides for criminal penalties of not more than $100,000 or imprisonment for not more than ten years, or both. The remaining provisions of the subsection are self-explanatory.

Subsection 214(e) sets forth provisions relating to the liability of corporate officers and agents for violations by a corporation or other entity. The provisions of the subsection are self-explanatory.

Subsection 214(f) is self-explanatory.

Subsection 214(g) provides that notwithstanding any other provision of law, if any area of the Coastal Plain has been or is being polluted by discharges of oil or hazardous or toxic substances from exploration, development, or production of oil or gas or related activities, conducted by, or on behalf of, a responsible party, and if the pollution has damaged or is damaging fish or wildlife, their habitat, or the environment of the Coastal Plain, or if such pollution is causing a substantial threat of damaging those fish or wildlife, their habitat, or the environment of the Coastal Plain, the responsible party shall be jointly, severally and strictly liable for the removal costs and damages specified in this subsection that arise directly out of or directly result from pollution that has damaged, or is damaging or is causing a substantial threat of damaging fish or wildlife, their habitat, or the environment of the Coastal Plain. The remaining provisions of the subsection are self-explanatory.

Section 215 provides for expedited judicial review. The provisions of the section are self-explanatory.

Section 216 is self-explanatory.

Section 217 sets forth provisions relating to property interests of the Arctic Slope Regional Corporation and the Kaktovik Inupiat Corporation.

TITLE III. COASTAL PLAIN DEVELOPMENT REQUIREMENTS

Section 301 provides that the Secretary shall administer the provisions of this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, and that shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations.

Subsection 302(a) designates the Sadlerochit Spring area to be a Special Area. The remaining provisions of the subsection are self-explanatory.

Subsection 302(b) authorizes the Secretary to designate other areas of the Coastal Plain as Special Areas if the Secretary determines they are of unique character and interest so as to require such special protection. The remaining provisions of the subsection are self-explanatory.

Subsection 303(a) requires the Secretary, after providing for public notice and comment, to prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources. The subsection sets forth objectives for the plan.

Subsection 303(b) provides that the plan shall supplement any comprehensive conservation plan prepared pursuant to the requirements of section 304(g) of ANILCA.

Section 304 provides that notwithstanding Title XI of ANILCA, the Secretary is authorized to grant under section 28 of the Mineral Leasing Act rights-of-way and easements across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The comprehensive oil and gas leasing and development regulations issued pursuant to the Act shall include provisions regarding the granting of rights-of-way across the Coastal Plain.

Subsection 305(a) provides that the Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this Act.

Subsection 305(b) sets forth responsibilities of holders of a lease. The provisions of the section are self-explanatory.

Subsection 305(c) provides that the Secretary shall promulgate regulations to provide for onsite inspection of facilities. The provisions of the section are self-explanatory.

TITLE IV. LAND RECLAMATION AND RECLAMATION LIABILITY FUND

Section 401 provides that the holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, or transportation activities on a lease within the Coastal Plain. The holder of a lease shall also be responsible for conducting any land reclamation required as a result of activities conducted on the lease by any of the lease holder's subcontractors or agents. The holder of a lease may not delegate or convey, by contract or otherwise, this responsibility and liability to another party without the express written approval of the Secretary.

Section 402 provides that the standard to govern the reclamation of lands required to be reclaimed under the Act, following their temporary disturbance or upon the conclusion of their use or prolonged commercial production of oil and gas and related activities, shall be reclamation and restoration to a condition as closely approximating the original condition of such lands as is feasible using the best commercially-available technology. Reclamation of lands shall be conducted in a manner that will not itself impair or cause significant adverse effects on fish or wildlife, their habitat, or the environment.

Subsection 403(a) directs that within six months of a commercial discovery within the Coastal Plain, the Coastal Plain Liability and Reclamation Fund (the "Reclamation Fund") be established as a nonprofit corporate entity under the laws of Alaska that may sue and be sued in its own name. The remaining provisions of the subsection are self-explanatory.

Subsection 403(b) provides that the operator of the trans-Alaska pipeline shall collect from the owner of any commercially-produced crude oil or natural gas liquids from the Coastal Plain at the time and point where such crude oil first enters the trans-Alaska pipeline a fee of five cents per barrel. The collection of the fee shall cease when $50,000,000 has been accumulated in the Reclamation Fund, and it shall be resumed at any time that the accumulation of revenue in the Reclamation Fund falls below $45,000,000.

Subsection 403(c) provides that all revenues collected under subsection (b) shall be paid into the Reclamation Fund. The remaining provisions of the subsection are self-explanatory.

Subsection 403(d) provides that the revenues in the Reclamation Fund shall be available, with the approval of the Secretary, for certain designated purposes.

Subsection 403(e) provides that the United States shall have legal recourse against any party or entity who is responsible for the reclamation of any area within the Coastal Plain, to recover certain funds expended due to a failure by the responsible party to reclaim such area as required by this Act: *Provided,* That such right of recovery shall not be available against any Alaska Natives conducting traditional subsistence use activities. Any funds so recovered shall be deposited in the Reclamation Fund.

Subsection 403(f) provides that any moneys remaining in the Reclamation Fund fifty years after the period of active oil and gas exploration, development, production and reclamation has been concluded in the Coastal Plain shall be paid into the Migratory Bird Conservation Fund.

TITLE V. DISPOSITION OF OIL AND GAS REVENUES

Section 501 provides that notwithstanding any other provision of law, all revenues received from competitive bids, sales, bonuses, royalties, rents, fees, interest charges or other income derived from the leasing of oil and gas resources within the Arctic National Refuge, Alaska shall be distributed as follows: (a) fifty per centum to the State of Alaska; (b) twenty-five per centum deposited into the Land and Water Conservation Fund; (c) fifteen per centum to the Secretary to be used for the acquisition, protection, creation and restoration of wetlands; and (d) ten per centum to the U.S. Treasury.

Subsection 502(a) establishes a special account within the Land and Water Conservation Fund ("the Fund"). The remaining provisions of the subsection are self-explanatory.

Subsection 502(b) provides that at the time of the submission of the President's budget, each Federal land managing agency eligible to receive moneys from the Fund shall provide the Committee on Appropriations of the United States House of Representatives and the United States Senate with a list, in descending order of priority, of land acquisition projects which have been authorized (the "priority list"). The subsection sets forth requirements relating to the priority lists and factors to be considered in preparing such lists.

Subsection 502(c) provides that the Appropriations Committees shall allocate the funds from the special account in accordance with the priority lists submitted pursuant to this section unless such lists are specifically modified in appropriations Acts or reports accompanying such Acts. No agency shall receive more than fifty per centum of the funds available from the special account in any one year. The remaining provisions in the subsection are self-explanatory.

Section 502(d) provides that in the event that the Appropriations Committees fail to allocate the funds from the special account, the Secretary of the Treasury is authorized and directed to make such funds directly available to the land managing agencies to be used solely for land acquisition projects on the respective priority lists in accordance with the following formula: (1) forty-five per centum to the Fish and Wildlife Service; (2) forty per centum to the National Park Service; (3) ten per centum to the Forest Service; and (4) five per centum to the Bureau of Land Management.

Subsection 503(a) provides that any legal action, including an action for declaratory judgment, to challenge the determination made in section 501(a) of this Act of the State of Alaska's share of oil and gas revenues shall be expedited in every way by the court. Any such action shall be brought within ninety days of enactment of this Act in an appropriate United States District Court, or such action shall be barred. Any review of an interlocutory or final judgment, decree, or order of the United States District Court in such action may be had only upon direct appeal to the Supreme Court of the United States.

Subsection 503(b) is self-explanatory.

Subsection 503(c) provides that if any action is brought in accordance with subsection (a), no lease sale shall occur under section 203 of the Act until a final nonappealable decision has been issued in any such action.

Subsection 503(d) provides that if the revenue sharing provision of section 501(a) of the Act is held invalid, the remainder of the Act shall be void.●

By Mr. DODD:

S. 407. A bill to require the Consumer Product Safety Commission to require the labeling of certain toys; to the Committee on Commerce, Science, and Transportation.

TOY SAFETY AND CHILD PROTECTION ACT

● Mr. DODD. Mr. President, I rise today to introduce the Toy Safety and Child Protection Act, which will significantly increase the safety of toys in America. The legislation sponsored by my friend and colleague, SAM GEJDENSON in the House, will require an explicit Consumer Product Safety Commission warning label on toys with small parts intended for children over age 3 years. The label will state the minimum age of children for which the toy is appropriate, a description of the toy's harmful properties, and the potential consequences if used by children below the minimum age. Absent this critical information, buying a toy often involves dangerous guesswork. Soon parents will be provided the basis from which to make wise consumer choices appropriate to their child's age, level of maturity, and safety awareness.

The need for this legislation is clear: in 1985 alone, small toys or toy parts were responsible for 18 suffocation deaths and over 12,000 related injuries. Next to riding toys, the second largest category of toy-related injuries involved the ingestion or aspiration of small toys or parts of toys.

The Consumer Product Safety Commission recognized the danger of toys with small parts when it prohibited toy manufacturers from making such toys designed for children under the age of 3. However, the CPSC standard only requires toys with small parts to be labeled "not recommended for children under 3 years of age," a clearly inadequate warning for parents. Without an additional statement that the toy contains small parts, parents may perceive such restrictions as relating to their child's cognitive and motor abilities, and certainly, their precocious 2-year-old can handle it.

I am introducing this legislation because parents have a right to know what hazardous potential a toy poses their child. Deaths due to toys with small parts are preventable and the first line of defense is knowing the risks. If the life of one child is saved by a proper warning label then it will be worth the effort.

Mr. President, I ask unanimous consent that this bill be printed in full text in today's RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toy Safety and Child Protection Act".

SEC. 2. LABELING REQUIREMENT.

(a) DEFINITION.—Section 2 of the Federal Hazardous Substance Act (15 U.S.C. 1261(p)) is amended in the matter following paragraph (2)—

(1) by inserting "(A)" after "also includes"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof "; (B) any toy (intended for use by children over the age of 3) that contains small parts if such toy is not labeled in accordance with the provisions of section 22.".

(b) REQUIREMENTS.—The Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 22. CHILDREN'S TOYS.

"(a) RULE.—

"(1) IN GENERAL.—The Consumer Product Safety Commission shall issue a consumer product safety standard for any toy for children which—

"(A) is manufactured for sale, offered for sale, distributed in commerce, or imported into the United States, and

"(B) which includes a small part, as defined by the Commission,

to require that the packaging of such toy and any descriptive materials which accompany such toy contain the cautionary label described in paragraph (2).

"(2) LABEL.—The cautionary label required under paragraph (1) for a toy shall—

"(A) state the age of children for which such toy is not intended, and

"(B) contain a description, with respect to children within the age range for which such toy is not intended, of any dangerous property of such toy, and the hazardous consequences which can result from any such dangerous property.

"(3) STANDARD.—No later than January 1, 1990, the Commission shall establish the consumer product safety standard referred to in paragraph (1) and rules implementing the requirements of the standard.

"(b) LABELING REQUIREMENTS.—All labeling required under a standard issued under subsection (a) for a toy shall—

"(1) be prominently and conspicuously displayed on the packaging of the toy and on any descriptive materials which accompany the toy,

"(2) be visible, noticeable, and in the English language, and

"(3) include the word "WARNING" in capital letters.

"(c) ENFORCEMENT.—The Commission may use any remedy available to it under this Act to enforce the requirements of the standard issued under subsection (a).".

SEC. 3. EFFECTIVE DATE.

Section 2 of this Act shall apply with respect to toys that are manufactured after the date of the enactment of this Act.●

By Ms. MIKULSKI (for herself, Mr. NUNN, Mr. ADAMS, Mr. SANFORD, and Mr. MATSUNAGA):

S. 408. A bill to establish a corporation to administer a national volunteer service program; to the Committee on Labor and Human Resources.

NATIONAL COMMUNITY SERVICE ACT

● Ms. MIKULSKI. Mr. President, I am introducing today the National Community Service Act of 1989, a bill to institute a voluntary national service. Cosponsoring this bill are Senators NUNN, ADAMS, SANFORD, and MATSUNAGA.

National service is an idea whose time has come. It appeals to the best in us. It offers the opportunity for volunteers to make an investment, through their own sweat equity, in themselves and their communities. It is a social invention that can keep the door to the American dream—education and home ownership—open to all Americans.

My bill calls for part time, neighborhood-based voluntary community service, modeled after the National Guard. Volunteers would serve 2 weekends a month and 2 weeks a year, for 3 to 6 years, in return for a $3,000 voucher for every year served, to be used for education or first home ownership. Volunteers would work in their own communities, through existing programs, such as Meals on Wheels or volunteer firefighters, and the bulk of program administration would be done by the States.

My proposal will give volunteers the option of weekend community service,

in their own neighborhoods. Why do we need national service? Because our young people are losing touch with values of community service. The habits of the heart that made our country great are being lost. At the same time, the skyrocketing cost of education and home ownership are pricing the American dream out of reach for many of our citizens. National service can help remedy both these problems.

One of the geniuses of America has been our inventions. And very often when we think of inventions, we think of high technology. We think of the space shuttle, or the microchip, or the pacemaker. But one of the other geniuses of America has been our social inventions. And the social inventions that we created to make sure that the people always had access to the American dream.

When immigrants came to this country, we came up with a new social invention called the night school—so that you didn't have to be rich, you didn't have to be prosperous, to get yourself through school. And the night school transformed this country.

At the end of World War II we came up with other social inventions. We came up with the GI bill of rights, saying that through the obligations you had through military services, and the time that you spent in defending America, the blessings of America should be yours. And we're going to give you the good guy bonuses for being a GI.

The other social invention was the community college. To give the people the opportunity to go to college in their own neighborhood, day or night, a modest invention. To get on with their job and their family, and then if they cared to, to finish their 4-year program through a night school opportunity.

Those were the social inventions that made sure this country and the people in it always had access to the American dream. Once again, now as we move to the 21st century, the question of access to the American dream lies before us. The ability to afford a college education, or postsecondary education of any nature, as well as home ownership is slipping away from many Americans.

I've held town hall meetings with kids in high school. The No. 1 question on their mind is: How are they going to fund postsecondary education? They know that whether it's a vocational-technical school or college, that the financial burden they will have will often be difficult to pay off. And that their first mortgage is really their tuition loans.

We need to make sure that college, vocational or technical training, or home ownership is available to all. Linking national service to an opportunity to get a public benefit. It makes sure that young people could make an investment through their own sweat equity in themselves and in their communities. It links a public benefit with public service.

National service is as old as our country. And I think that now we're going to renew it in a very special way. I like it too, because I'm a social worker. And I truly believe that I'm a better U.S. Senator because I worked in the streets and neighborhoods of Baltimore. I was a foster care worker. I was a residential care worker. I worked with the elderly. I worked with those in drug abuse. I got out and made home visits. I didn't only rely on think tanks or memos. And in fact I rely on them less now because I was a social worker.

I feel that what transformed me is not so much what I did for the poor, but what the poor taught me. That courage, character, competency, aspiration is not limited to a single class, or a single gender or a particular kind of neighborhood. It's throughout our country. And what people need are opportunities.

I hope that these new citizen activists, citizen soldiers, who when it's all said and done, waged war against drugs, illiteracy, or pollution will look back with fondness on this experience—and know that the pursuit of personal advancement need not be in conflict with the advancement of social progress. I think that these citizen volunteers will have their hearts touched as young people. And later on they'll touch American society in a very unique and special way because of National Service.

What do I like about this bill? Well, first of all it meets basic American needs. As we go into the 21st century we need to make sure we provide two things. One, access to the American dream, the ability to afford higher education, and the ability to afford a home. And at the same time as we go into the 21st century we know we are facing a work force shortage, demography is destiny. They'll be not only a shrinking pool of workers but a shrinking pool of volunteers to be to be scout leader, volunteer firefighters, men and women in the Coast Guard Auxiliary or the Civil Air Patrol.

We need to make sure that we have our volunteers. Also we go into the 21st century, I believe we need to kindle what DeToqueville called the habits of the heart. That which makes America great was not only its legislative framework or its constitution but it was the way neighbor was always committed to helping neighbor.

This legislation really combines three things in our society. One, it recognizes aspiration—that in our society everybody should have the opportunity to become all that they can be and that barriers to self-fulfillment and personal excellence should not be based of ones economic status. You should be able to be what you want to be or own a home not because of the social class you're born in and that that social class is really a freeze frame for the rest of your life.

It also says that you can't get something for nothing. It recognizes perspiration, that there has to be sweat equity, that if we are going to provide a public benefit there needs to be a corollary action and at the same time while you're aspiring and perspiring we hope that you are inspired, that you're inspired in order to help neighbor help neighbor.

It is our hope that when they are out there doing the volunteer service maybe for the first time in their life, young people will be asked to do something. It is an absolute shock to me that in this last decade nobody has been asked to do anything, including, pick-it-up-yourself and maybe what we need to do is see where people can develop this sense of obligation.

When my great-grandmother came to this country, she had no guarantees, the only thing that was guaranteed to her was opportunity and what we're talking about here through the idea of national community service, is an opportunty structure which through your own aspiration and perspiration you will be able to achieve the American dream.

Not everyone can go away nor everyone should go away for full-time service. We are familar with the fact that our hi-tech graduates particularly in science and engineering must move immediately into their field. We are also aware that there are many graduates, some who for example are single mothers, would be best if they did not go away but stayed there in their own community.

What national service offers them is the opportunity to perform a public service to get a public benefit. What we have here is a new social invention. Not necessarily a new social program. And I think that's a very important concept to keep in mind. We're not talking about a big blotted bureaucracy that uses more money to keep itself going than to keep the country humming.

It would mean that wonderful young man or woman who graduated from Johns Hopkins University in chemical engineering could go right into his or her field. But they could also work on weekends organizing a Saturday scholar program for kids or maybe being the volunteer that organizes the science fair for our children.

But we also need them as volunteer firefighters and we need them in a variety of other ways working through, I believe, nonprofit organizations. As a social worker I always knew that it was through the nonprofit organization—Family and Children Society,

the United Fund—that we had our structure for volunteers. We don't need to invent bureaucracy, we don't need to invent structure. We need to make sure we provide access to the American dream and rekindle the habits of the heart in our young people. And that's what I think this idea is all about.

You can't force someone to have an attitude change. But how do we learn and how do we develop ourselves best? It's really by experience. It's hands on experience. Very few people's lives have been changed by a memo that they've read. Most people's lives have been changed by hands on experience. A personal relationship with another human being is usually the way to do this.

I can tell you why I was a volunteer. I worked with a Catholic priest to start a drug addiction program in a neighborhood that didn't have any. I went into a prison, to work with women under a city jail, to help them plan for release, because there were no social workers there. I will tell you, this Catholic young girl meeting in a city jail with prostitutes and shoplifters and so on, had not only her eyes open. But had her heart open and her mind open. I was changed because of what I did. And the volunteers who serve in the National Community Service Program will also have their lives changed.

Mr. President, I ask unanimous consent that the text of the bill and an outline of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Community Service Act of 1989".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Purposes.
Sec. 4. Definitions.
TITLE I—ESTABLISHMENT AND ADMINISTRATION OF THE NATIONAL COMMUNITY SERVICE CORPORATION
Sec. 101. Establishment.
Sec. 102. Eligibility.
Sec. 103. Terms of service.
Sec. 104. Method of enlistment.
Sec. 105. Compensation.
Sec. 106. Training.
Sec. 107. Administration of the Program.
TITLE II—ESTABLISHMENT AND ORGANIZATION OF THE CORPORATION
Sec. 201. Establishment of Corporation; application of District of Columbia Nonprofit Corporation Act.
Sec. 202. Board of Directors.
Sec. 203. Officers and employees.
Sec. 204. Nonprofit and nonpolitical nature of the Corporation.
Sec. 205. Duties of the Corporation.
TITLE III—PROVISION OF COMMUNITY SERVICES
Sec. 301. State Administrative Office.
Sec. 302. State plan.
Sec. 303. Duties of State office.
Sec. 304. Identification of eligible agencies and organizations.
Sec. 305. Nondisplacement of workers.
TITLE IV—MISCELLANEOUS
Sec. 401. Authorization of appropriation.
Sec. 402. Effective date.

SEC. 3. PURPOSES.

The purpose of this Act is—

(1) to promote community service and civic responsibility by providing opportunities for individuals to serve in the community;

(2) to provide an alternative for young people to reduce student debt or save for a downpayment on a first home; and

(3) to enhance community and neighborhood loyalty and volunteer camaraderie by serving as part of a National Community Service Team.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) APPLICANT.—The term "applicant" means an applicant for a volunteer position in the Program.

(2) BOARD.—The term "Board" means the Board of Directors of the Corporation.

(3) CORPORATION.—The term "Corporation" means the Corporation for National Community Service established under title II.

(4) ELIGIBLE ORGANIZATION.—The term "eligible organization" means—

(A) an organization that administers a Federal, State, or local government program that primarily utilizes volunteers, such as a State conservation corps; or

(B) a private organization.

(5) FIRST HOME.—The term "first home" means the first principal place of residence that an individual purchases.

(6) PROGRAM.—The term "Program" means the National Community Service Program established under this Act.

(7) STATE ADMINISTRATOR.—The term "State Administrator" means the individual designated by the Governor to be the chief administrator of the Program in that State.

(8) VOLUNTEER.—The term "volunteer" means an individual who is participating in the Program.

TITLE I—ESTABLISHMENT AND ADMINISTRATION OF THE NATIONAL COMMUNITY SERVICE CORPORATION

SEC. 101. ESTABLISHMENT.

There is established the National Community Service Program.

SEC. 102. ELIGIBILITY.

(a) IN GENERAL.—An individual may volunteer for service with the Program if—

(1) such individual is fit for service as determined by the Corporation, in accordance with subsection (b); and

(2) adequate funds are available for the enrollment of such individual in the Program, in accordance with subsection (c).

(b) FITNESS.—

(1) IN GENERAL.—An individual shall be considered fit for service under subsection (a)(1) if such individual is willing and able to serve in the Program and carry out the duties and responsibilities of a volunteer.

(2) ROLE OF THE CORPORATION.—The Corporation may establish rules and procedures to implement the standard established in paragraph (1).

(c) LIMIT ON NUMBER OF VOLUNTEERS.—

(1) IN GENERAL.—The Corporation shall accept applicants as volunteers up to the total number of positions authorized under section 306.

(2) SELECTION OF VOLUNTEERS.—The Corporation shall establish rules for deciding which volunteer applications to accept if there are more applications than volunteer positions available, based on factors such as—

(A) the fitness of an applicant for duty;

(B) availability of positions in the community of the applicant; and

(C) the date of receipt of the application.

SEC. 103. TERMS OF SERVICE.

(a) LENGTH OF SERVICE.—An individual volunteering for service with the Program shall agree to perform community service for at least 3 years but not more than 6 years.

(b) INDIVIDUAL DISCRETION.—Within the time limits prescribed in subsection (a), the length of service of the volunteer shall be up to the discretion of the volunteer, within the time limits prescribed in subsection (a).

(c) PARTIAL COMPLETION OF SERVICE.—If the Corporation releases a volunteer from completing a term of service in the Program for compelling personal circumstances shown by such volunteer, the Corporation may provide such volunteer with a portion of the financial assistance specified in section 105 corresponding to the quantity of the service obligation completed by such individual.

(d) TERMS OF SERVICE.—A volunteer performing community service described in subsection (a) shall serve for—

(1) 2 weekends a month and 2 weeks during the year; or

(2) an average of 9 hours per week.

(e) TRANSFER OF VOLUNTEER.—During the term of service of a volunteer as described in subsection (d), the State Administrator described in section 302(a) may transfer such volunteer between organizations or government agencies—

(1) located within the State that are identified under section 304; or

(2) located outside the State that are identified under section 304, with the permission of both State Administrators.

SEC. 104. METHOD OF ENLISTMENT.

(a) APPLICATION.—An individual interested in volunteering for the Program may apply to the Corporation.

(b) REVIEW OF APPLICATION.—The Corporation shall approve an application submitted under subsection (a) so long as the applicant meets the eligibility requirements established in section 102.

(c) REGISTRATION.—After the applicant described in subsection (a) applies to the Corporation and receives approval from the Corporation, the volunteer shall register in the State administrative office of the Program in the place of the residence of such volunteer for placement.

SEC. 105. COMPENSATION.

(a) VOUCHER.—The Corporation shall annually provide to each participant in the Program a non-transferable voucher that is equal in value to $3,000 for each year of service in the Program.

(b) USE OF VOUCHER.—Such voucher shall only be used for—

(1) payment of a federally-sponsored student loan;

(2) downpayment for a first home; or

(3) payment for the educational tuition, fees, room, and board of such participant, to be paid directly to an educational, technical, or vocational institution.

(c) EXCLUSION FROM GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, any compensation received under this section by a volunteer shall not be considered gross income.

SEC. 106. TRAINING.

(a) PROGRAM TRAINING.—

(1) IN GENERAL.—Each volunteer shall attend a 6-week national training session conducted by the Corporation.

(2) CONTENT OF TRAINING SESSION.—Each training session described in paragraph (1) shall—

(A) orient volunteers to the nature, philosophy, and purpose of the Program;

(B) build an ethic of community service; and

(C) train volunteers to effectively perform their assigned Program task by providing—

(i) general training in citizenship and civic and community service; and

(ii) specialized training for the particular volunteer position for which each volunteer has been selected.

(b) ADDITIONAL TRAINING.—Each State shall provide any additional training that a volunteer may receive on the community level.

(c) AGENCY OR ORGANIZATION TRAINING.—In addition to the training described in subsections (a) and (b), each volunteer shall receive training from the sponsoring government agency or organization in skills relevant to the work to be conducted.

SEC. 107. ADMINISTRATION OF THE PROGRAM.

The Corporation shall coordinate and administrate the Program.

TITLE II—ESTABLISHMENT AND ORGANIZATION OF THE CORPORATION

SEC. 201. ESTABLISHMENT OF THE CORPORATION; APPLICATION OF DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT.

(a) ESTABLISHMENT.—There is established a nonprofit corporation, to be known as the "Corporation for National Community Service", which shall not be considered an agency or establishment of the United States Government.

(b) APPLICATION OF DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT.—The Corporation shall be subject to this Act, and to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act.

SEC. 202. BOARD OF DIRECTORS.

(a) APPOINTMENT.—

(1) ESTABLISHMENT OF BOARD OF DIRECTORS.—The Corporation shall have a Board of Directors consisting of 11 members appointed by the President, by and with the advice and consent of the Senate.

(2) POLITICAL PARTY.—No more than 6 members of the Board appointed by the President may be members of the same political party.

(3) NOMINATION.—

(A) HOUSE OF REPRESENTATIVES.—Three of the members of the Board shall be appointed from individuals nominated by the Speaker of the House of Representatives.

(B) SENATE.—Three of the members of the Board shall be appointed from individuals nominated by the majority leader of the Senate.

(b) QUALIFICATIONS.—The members of the Board—

(1) shall be selected from among citizens of the United States who are eminent in such fields as community service, education, civic affairs, business, or labor; and

(2) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the United States, various professions and occupations, and a variety of talent and experience appropriate for the performance of the functions and responsibilities of the Corporation.

(c) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to incorporate the Corporation under the District of Columbia Nonprofit Corporation Act.

(d) TERM OF OFFICE.—The term of office of each member of the Board shall be 7 years, except that any member appointed to fill a vacancy, occurring prior to the expiration of the term for which the predecessor of such member was appointed, shall be appointed for the remainder of such term.

(e) CONSECUTIVE TERMS.—No member of the Board shall be eligible to serve more than 2 consecutive terms of 7 years each.

(f) VACANCY.—A vacancy in the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(g) ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.—Members of the Board shall annually elect—

(1) one of their members to be Chairperson; and

(2) elect one or more of their members as a Vice Chairperson.

(h) COMPENSATION OF BOARD MEMBERS.—

(1) CLASSIFICATION OF EMPLOYMENT.—A member of the Board shall not, by reason of such membership, be considered to be an officer or employee of the United States.

(2) COMPENSATION AND EXPENSES.—Except as provided in paragraphs (3) and (4), a member of the Board shall—

(A) while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board, be entitled to receive compensation at the rate of $150 per day, including travel time; and

(B) while away from their homes or regular places of business, be allowed travel and actual, reasonable, and necessary expenses.

(3) LIMIT ON COMPENSATION.—No member of the Board shall receive compensation under paragraph (2) of more than $10,000 in any fiscal year.

(4) PROHIBITION ON ADDITIONAL PAY.—A member of the Board who is a full-time officer or employee of the United States shall receive no additional pay, allowances, or benefits by reason of membership.

SEC. 203. OFFICERS AND EMPLOYEES.

(a) OFFICERS OF THE BOARD.—The Corporation shall have a President, and such other officers and employees as may be named and appointed by the Board, for terms and at rates of compensation fixed by the Board.

(b) EXCEPTION FOR COMPENSATION.—No officer or employee of the Corporation referred to in subsection (a) may receive compensation at an annual rate of pay that exceeds the rate of basic pay payable from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(c) LIMITATION ON COMPENSATION.—No officer or employee of the Corporation may receive any salary or other compensation from any source other than the Corporation for services performed for the Corporation.

(d) TERM OF EMPLOYMENT.—All officers and employees shall serve at the pleasure of the Board.

SEC. 204. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) LIMITATIONS ON POWERS.—The Corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(b) CORPORATION INCOME.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) NONPOLITICAL NATURE OF CORPORATION.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

SEC. 205. DUTIES OF THE CORPORATION.

(a) IN GENERAL.—The Corporation shall—

(1) oversee and manage the Program;

(2) provide eligibility standards for applicants to the Program, as described in section 102;

(3) receive and approve State plans;

(4) establish a procedure for issuing vouchers under section 105(a);

(5) promote and publicize the Program;

(6) determine whether each State fails to follow any aspect of the State plan and, if such failure occurs, to investigate and decide if such State plan should be redesigned or Federal funding should be withdrawn; and

(7) establish a procedure for examining the effect that the Program has on the availability and terms of employment of employees where such service is performed.

(b) RECORDS.—

(1) IN GENERAL.—The Corporation shall keep accurate and complete records of the activities and transactions of the Corporation.

(2) AVAILABILITY OF RECORDS.—Such records shall be made available for audit and examination by the Comptroller General of the United States or duly authorized representatives of the Comptroller General.

(c) APPLICATION OF THE ADMINISTRATIVE PROCEDURE ACT.—In carrying out duties under this Act, the Corporation shall be subject to subchapter II of chapter 5 of title V, United States Code, and chapter 7 of such title in the same manner as an agency under section 551(1) of such title.

TITLE III—PROVISION OF COMMUNITY SERVICES

SEC. 301. STATE ADMINISTRATIVE OFFICE.

The Governor of each State shall designate a State Administrator who shall administer and supervise the Program in the State.

SEC. 302. STATE PLAN.

(a) SUBMISSION FOR APPROVAL.—Each State Administrator shall submit a State plan to the Corporation.

(b) CONTENT OF THE PLAN.—Each State plan described in subsection (a) shall describe—

(1) the State administrative plan for the Program;

(2) the work assignments for volunteers;

(3) the format for training, supervising, and organizing volunteers;

(4) the plan for placing volunteers in teams or platoons;

(5) procedures for analyzing organizations and volunteers that may be eligible to receive volunteers under section 304, including consideration of—

(A) past performance in the Program or related activities;

(B) fiscal accountability; and

(C) ability to meet performance standards; and

(6) the State budget for the Program.

(c) RESUBMISSION OF PLAN.—The State plan shall be resubmitted each year for approval by the Corporation.

SEC. 303. DUTIES OF STATE OFFICE.

Each State office shall—

(1) identify eligible organizations for the placement of volunteers, as described in section 304;

(2) create a procedure for eligible organizations to apply for such volunteers, as described in paragraph (1);

(3) compile a listing of eligible organizations from which volunteers can select placements;

(4) help to match volunteers with eligible organizations, as described in paragraph (1);

(5) supervise volunteers who have been placed with eligible organizations, as described in paragraph (1);

(6) publicize the Program; and

(7) recruit volunteers.

SEC. 304. IDENTIFICATION OF ELIGIBLE AGENCIES AND ORGANIZATIONS.

When selecting eligible organizations for the placement of volunteers, each State Administrator shall give preference to agencies and organizations that involve—

(1) primarily existing programs;

(2) nonprofit organizations, such as the United Way;

(3) government-sponsored volunteer programs, such as State conservation corps; and

(4) programs that provide or develop services to benefit—

(A) young people, such as Big Brother/Big Sister;

(B) the elderly, such as Meals on Wheels or nursing home visitors;

(C) public safety, such as volunteer firefighters or emergency medical personnel;

(D) conservation, such as parks and reforestation; and

(E) programs to help others help themselves, such as home care, literacy training, and Habitat for Humanity.

SEC. 305. NONDISPLACEMENT OF WORKERS.

(a) IN GENERAL.—No work done by volunteers shall displace employed workers, including—

(1) reduction in hours of nonovertime work;

(2) wages; and

(3) other employment benefits.

(b) ELIGIBILITY.—No eligible organization may receive volunteers under section 304 if such agency or organization uses volunteers to displace employed workers.

(c) PREVENTION OF WORKER DISPLACEMENT.—In placing a volunteer with a eligible organization, the State Administrator shall take appropriate measures to ensure that such placement shall not result in—

(1) the displacement of any currently employed worker or position (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits), or result in the impairment of existing contracts for services or collective bargaining agreements;

(2) such volunteer filling a position with an eligible organization when—

(A) any other individual is on layoff for the same or any equivalent position with an eligible organization;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce, with the effect of filling the vacancy so created with such volunteer; or

(C) any infringement of the opportunities of any currently employed individual for promotion.

(d) ENFORCEMENT PROCEDURE.—

(1) ESTABLISHING PROCEDURE.—Each State shall establish and maintain a procedure for resolving complaints by regular employees or the representatives of such employees that the placement of a volunteer under this Act violates any of the prohibitions described in subsection (c).

(2) APPEAL.—A decision of the State under the procedure described in paragraph (1) may be appealed to the Corporation for investigation and such action as the Corporation may find necessary.

TITLE IV—MISCELLANEOUS

SEC. 401. AUTHORIZATION OF APPROPRIATION.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act for—

(1) fiscal year 1991, $250,000,000 for 50,000 participants;

(2) fiscal year 1992, $500,000,000 for 100,000 participants;

(3) fiscal year 1993, $1,000,000,000 for 200,000 participants; and

(4) fiscal year 1994, $2,000,000,000 for 400,000 participants.

(b) FEDERAL, STATE, AND PRIVATE SHARES.—

(1) FEDERAL SHARE.—Subject to the amount of funds made available under subsection (a) and to the other provisions of this subsection, the Corporation shall use such funds to pay the cost of carrying out this Act.

(2) STATE SHARE.—To be eligible to participate in the Program, a State shall pay the administrative costs incurred by the State in carrying out this Act (including the cost of State training provided under section 106(b)).

(3) OTHER CONTRIBUTIONS.—A State may accept money, equipment, personnel, training costs, and other contributions from private sector organizations and local governments to comply with paragraph (2).

(4) LIMITATION.—No eligible organization shall be ineligible to obtain the services of volunteers because of an inability to make the contributions described in paragraph (3).

SEC. 402. EFFECTIVE DATE.

This Act shall become effective on

OUTLINE OF NATIONAL COMMUNITY SERVICE ACT OF 1989

The National Community Service Act of 1989 promotes community service and civic responsibility. It is a program modeled after the National Guard to provide people an opportunity to do part-time volunteer work in their own communities.

Anyone capable of providing volunteer service, that is fit to serve, is eligible for National Community Service. Volunteers would serve as part of a team. National Community Service teams would work with existing or new volunteer programs which provide services for youth, the elderly, public safety, conservation, and other self-help organizations.

Volunteers in National Community Service would serve for two weekends each month and 2 weeks during the year, or an average of 9 hours per week. For each year of service, volunteers would receive a $3,000 voucher good for educational costs or the down payment on a first home. Each volunteer commits 3 years to 6 years of service.

The National Community Service program would be administered on the state level so that the program could be flexible enough to meet the special needs of local communities. The Governor of each state would designate a State Administrator to supervise the state program. A new independent federal corporation would monitor the overall development of the program.

The National Community Service Act would start in FY 1991 with 50,000 participants at a cost of $250 million. By FY 1994, the program would involve 400,000 participants at a cost of $2 billion.

The National Community Service program is unique because it would provide people an opportunity to serve their own community while pursuing a career, caring for a family, or attending school. It also would create a civic-minded way for young people to finance their education or a first home. The entire country would benefit from the hours of community service provided.●

By Mr. BOSCHWITZ:

S. 409. A bill to expand the availability of quality affordable child care; to the Committee on Finance.

CHILD CARE ASSISTANCE AND RESOURCES EXPANSION ACT

● Mr. BOSCHWITZ. Mr. President I rise today to introduce the Child Care Assistance and Resources Expansion Act of 1989.

There's an old saying, "the child is the father of the man." It recognizes that our childhood shapes what kind of adults we become. In our rapidly changing society it's more important than ever that we give our youth the kind of support they need to prepare for adult life.

During the past 30 years scores of women, especially mothers of young children, have entered the labor force. Today, 57 percent of all women with children under 6 work outside the home; in 1950, that figure was only 12 percent. Even more critical, more than half of all new mothers now return to work before their child reaches age 1.

Mr. President, we can no longer ignore the changes in the American labor force and the fact that many children are in need of safe, high-quality child-care. My bill, the Child Care Assistance and Resources Expansion Act of 1989—child care—is drafted to improve both the quantity and quality of child care services, keep Federal regulations at an absolute minimum, and be fiscally responsible.

I believe that some of the child care legislation that has been introduced has too much Federal presence. We have to recognize that each State has to have flexibility to meet their particular needs. My bill establishes a National Commission to draw up model standards as guidelines—not regulations—for the States and requires that each State submit a plan to the Secretary of Health and Human Services [HHS] on how they will license and regulate family and group-home child care.

A child care bill should be comprehensive in its approach. It should include both block grants for States and tax incentives for parents and providers. My bill makes the dependent care tax credit refundable for low-income

families, those below $20,000. I also provide an infant care tax credit to help a parent stay home with their newborn or newly adopted child for the first 30 months of its life.

My bill provides incentives for family providers to become licensed. It reimburses a family or group-home provider for an additional snack or meal if a child is in their care for more than eight hours. It provides tax credits for home improvements that providers need to become licensed, and that those who are already licensed need to expand or rehabilitate; we all know how tough children can be on a home. Additionally, my bill would expand the Library Services and Construction Act by providing grants for libraries to purchase and deliver children's books, videos, tapes, and toys to licensed family and group-home providers.

Mr. President, we hear a lot about the need for improved quality in child care, but more regulations from Washington won't give you quality. There are existing programs that are proven to increase the child care expertise of family providers and center workers—why invent the wheel again? My bill expands the funding for the National Credentialing Program and State equivalency programs, expands the scholarships for providers, and provides stipends for the advisers.

Finally, my bill urges Congress to appropriate the authorized $10 million for postsecondary institutions to assist economically disadvantaged students with their child care expenses and provides funds for elementary and secondary schools to provide before- and after-school child care programs.

Mr. President, child care is a need that will continue to grow as our Nation moves into the 21st century. It is an area in which the Federal Government needs to provide guidance and assistance. I urge my colleagues to examine my bill and join me in helping provide a safe and secure environment for our children. Mr. President, I ask unanimous consent that the full text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Assistance and Resources Expansion Act of 1989".

TITLE III—CHILD CARE GRANT PROGRAM AND NATIONAL COMMISSION

SUBTITLE A—CHILD CARE GRANT PROGRAM

SEC. 101. DEFINITIONS.

As used in this title:

(1) CHILD.—The term "child" means an individual who has not attained 13 years of age.

(2) ELIGIBLE PROVIDER.—The term "eligible provider" means—

(A) a unit of general local government;

(B) a local educational agency;

(C) a nonprofit organization, including any organization described in section 501 (c) or (d) of the Internal Revenue Code of 1986;

(D) a professional or employee association;

(E) a consortium of small businesses;

(F) an institution of higher education;

(G) a hospital or health facility;

(H) a family child care provider that would qualify for assistance under the Child Care Food Program established in section 17 of the National School Lunch Act (42 U.S.C. 1766); or

(I) an entity that the State determines is able and appropriate to carry out a project assisted under this subtitle.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965.

(4) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given that term by section 198(10) of the Elementary and Secondary Education Act of 1965, or any successor statute defining that term for the purposes of Federal assistance to elementary and secondary education.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 102. AUTHORITY AND AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this subtitle, to make payments to States to pay for authorized activities under a State plan approved under section 104.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 for each of the fiscal years 1990 through 1992 to carry out this subtitle.

SEC. 103. ALLOTMENTS.

(a) RESERVATIONS.—The Secretary shall reserve 1 percent of the amount appropriated for each fiscal year under section 102(b) for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(b) STATE ALLOTMENT.—

(1) FORMULA.—From the remainder of the sums appropriated under section 102(b) for grants to States for each fiscal year, the Secretary shall allot to each State, an amount equal to the sum of—

(A) an amount which bears the same ratio to 50 percent of such remainder as the number of—

(i) individuals in such State who are single parents of children who have not attained 13 years of age; and

(ii) individuals in such State who are members of dual-earner families and who have children who have not attained 13 years of age,

bears to the total number of such individuals in all States, except that each State shall be allotted not less than one-half of 1 percent of such remainder for each fiscal year; and

(B) an amount which bears the same ratio to 50 percent of such remainder as the number of children who are receiving free or reduced price school lunches under the provisions of the National School Lunch Act (42 U.S.C. 1751 note) bears to the total number of such individuals in all States, except that each State shall be allotted not less than one-half of 1 percent of such remainder for each fiscal year.

(2) DEFINITION.—For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

(c) RECENT DATA REQUIRED.—For the purpose of this section, the Secretary should use the most recent data available.

(d) REALLOTMENT.—

(1) IN GENERAL.—Any portion of the allotment of a State under subsection (b) that the Secretary determines is not required to carry out a State plan approved under section 106, in the period that the allotment is made available, should be reallotted by the Secretary to other States in proportion to the original allotment of such States.

(2) LIMITATION.—The amount that another State is entitled to under paragraph (1) shall be reduced to the extent that such amount exceeds the sum that the Secretary estimates will be used in that State to carry out a State plan approved under section 105 and the amount of such reductions shall be similarly reallotted among States in which the proportioned amount is not reduced.

(3) ORIGINAL ALLOTMENT.—Any amount reallotted to a State under this subsection shall be considered to be part of the original State allotment under subsection (b) for that year.

SEC. 104. AUTHORIZED ACTIVITIES.

Payments made under this subtitle to a State may be used for—

(1) the provision of child care services to low-income parents and to parents with moderate incomes, including the provision of such services with appropriate fee schedules;

(2) the establishment and operation of resource and referral centers to—

(A) identify existing child care services in the community;

(B) provide referral information about such services to parents;

(C) offer child care training seminars to providers and center employees;

(D) recruit providers;

(E) promote programs that would improve the quality and affordability of child care; and

(F) collect appropriate data concerning child care services and needs;

(3) the establishment of programs that would increase child care slots for infants, handicapped children, and minority children;

(4) the establishment and operation of neighborhood child care centers and after school child care programs;

(5) the establishment of programs that would recruit and train senior citizens to serve as child care workers;

(6) assistance to help eligible providers and family based child care providers to meet the licensing standards required by the State for furnishing child care services;

(7) the coordination of programs assisted under this subtitle with child care programs operated or assisted by the State and with Federally assisted child care programs, including Head Start programs, Federal assistance programs for education of disadvan-

taged children in the elementary schools of the State, preschool programs, and programs for handicapped children, designed to improve the operation of such program with respect to hours of operation for child care services; and

(8) the development and implementation of the licensing and certification requirements required under section 105(c)(8).

SEC. 105. STATE APPLICATION AND PLAN.

(a) APPLICATION.—To be eligible to receive assistance under this subtitle, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require by rule.

(b) STATE PLAN REQUIRED.—The application of a State submitted under subsection (a) shall include an assurance that the State will comply with the requirements of this subtitle and a State plan that is designed to be implemented by the State using funds received under this subtitle.

(c) CONTENTS OF PLAN.—A plan submitted under this section shall—

(1) describe the State agency that will administer the programs for which assistance is sought under this subtitle;

(2) describe the authorized activities for which assistance is sought consistent with the provisions of section 104;

(3) provide assurances that the State will provide technical assistance to eligible providers;

(4) provide assurances that Federal funds made available under this subtitle for any fiscal year will be used to supplement, and to the extent practicable, to increase the level of funds that would otherwise, in the absence of such Federal funds, be made available from non-Federal sources for the purposes described in section 103, and in no case supplant such funds from non-Federal sources;

(5) provide assurances that the State will not expend more than 8 percent of the amount received in any fiscal year for administrative expenses;

(6) describe procedures the State will use for eligible providers to submit applications to the State in accordance with section 106, and for approval of applications by the State agency designated under paragraph (1), including appropriate procedures to assure that the State agency will not disapprove an application without proper notice and the opportunity for a hearing;

(7) provide assurances that—

(A) the State will establish accrediting and licensing standards for the purpose of this subtitle; and

(B) if standards established under subparagraph (A) differ from the existing accrediting and licensing standards of the State for the provision of child care services, that the State will provide training and other projects with assistance under this subtitle designed to permit the eligible provider to meet such newly established accrediting or licensing standards;

(8) provide assurances that, not later than January 1, 1992, the State will develop and begin implementing licensing or certification requirements that shall apply to all non-relative family-based and group home child care providers, and that not later than January 1, 1994, the State require that all eligible child care providers meet such licensing or certification requirements to receive assistance under this Act;

(9) provide such fiscal control and account procedures as may be necessary—

(A) to insure proper accounting of Federal funds paid to the State under this subtitle; and

(B) to ensure the verification of reports required under this subtitle; and

(10) provide such additional assurances that the Secretary may reasonably require.

(c) APPROVAL.—The Secretary shall approve State applications and plans submitted under this section that meet the requirements of this subtitle.

SEC. 106. APPLICATION FOR GRANTS BY ELIGIBLE PROVIDERS.

(a) APPLICATION.—In order to receive a grant from a State that receives funds under this subtitle, an eligible provider shall prepare and submit an application to the State that—

(1) describes the project for which assistance is sought;

(2) contains assurances that the eligible provider will use the funds furnished in accordance with requirements of this subtitle;

(3) provides assurances that appropriate fee schedules will be established in the case of any project in which child care services are furnished with assistance under this part and that such fee schedules will be based on the annual incomes of the participating families;

(4) provides assurances that procedures will be established for parental involvement in the operation of the project; and

(5) if necessary, the eligible provider will comply with the training and other requirements of section 105(b)(7).

(b) PRIORITY.—In making grants under this subtitle, a State should give priority to applications from eligible providers that significantly expand or improve the provision of child care services to children of parents with low incomes and parents with modest incomes.

SEC. 107. PAYMENTS.

(a) IN GENERAL.—

(1) AMOUNT OF PAYMENT.—Each State that—

(A) has an application and plan approved by the Secretary under section 105; and

(B) demonstrates to the satisfaction of the Secretary that it will provide from non-Federal sources the State share of the aggregate amount to be expended by the State under the State plan for the fiscal year for which it requests a grant;

shall receive a payment under this section for such fiscal year in an amount (not to exceed its allotment under section 103 for such fiscal year) equal to the Federal share of the aggregate amount to be expended by the State under the State plan for such fiscal year.

(2) FEDERAL SHARE.—The Federal share for each fiscal year shall be 80 percent.

(3) STATE SHARE.—The State share equals 100 percent minus the Federal share.

(4) LIMITATION.—A State may not require any private provider of child care services that receives or seeks funds made available under this Act to contribute in cash or in kind to the State contribution required by this subsection.

(b) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) SPENDING OF FUNDS BY STATE.—Payments to a State from the allotment under section 103 for any fiscal year may be expended by the State, in that fiscal year or in the succeeding fiscal year.

SEC. 108. EVALUATION.

(a) EVALUATIONS REQUIRED.—Each State agency designated under section 105(c)(1) shall—

(1) not less often than once every 2 fiscal years, conduct an evaluation of projects assisted under this subtitle, and make public the results of such evaluation; and

(2) inform eligible providers of the specific information that such State agency will need to conduct such evaluation.

(b) REPORT.—

(1) STATE REQUIREMENT.—Each State agency designated under section 105(c)(1) shall prepare and submit a report to the Secretary concerning the evaluations conducted under this subsection (a).

(2) REQUIREMENT OF SECRETARY.—The Secretary shall, as part of the annual report that is submitted to Congress by the Department of Health and Human Services, prepare and submit to the Congress a summary of the evaluations conducted under this section.

SUBTITLE B—NATIONAL COMMISSION ON CHILD CARE STANDARDS

SEC. 111. ESTABLISHMENT.

In order to improve the quality and affordability of child care services, the Secretary shall establish, not later than 60 days after the date of the enactment of this Act, a National Commission on Child Care Standards (hereinafter in this section referred to as the "Commission").

SEC. 112. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 16 members of which—

(1) 4 members shall be appointed by the President;

(2) 2 members shall be appointed by the majority leader of the Senate;

(3) 2 members shall be appointed by the minority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives;

(5) 2 members shall be appointed by the minority leader of the House of Representatives; and

(6) 4 members shall be appointed by the National Governor's Association.

(b) CHAIRPERSON.—The President shall appoint a chairperson from among the members of the Commission.

(c) VACANCIES.—A vacancy occurring on the Commission shall be filled in the same manner as that in which the original appointment was made.

(d) PERSONNEL, REIMBURSEMENT, AND OVERSIGHT.—

(1) PERSONNEL.—The Secretary shall make available to the Commission office facilities, personnel who are familiar with child development and with developing and implementing regulatory requirements, technical assistance, and funds as are necessary to enable the Commission to carry out effectively its functions.

(2) REIMBURSEMENT.—

(A) COMPENSATION.—Members of the Commission who are not regular full-time employees of the United States Government shall, while attending meetings and conferences of the Commission or otherwise engaged in the business of the Commission (including traveltime), be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5, United States Code.

(B) EXPENSES.—While away from their homes or regular places of business on the business of the Commission, such members

may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(3) OVERSIGHT.—The Secretary shall ensure that the Committee is established and operated in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 113. FUNCTIONS OF COMMISSION.

The Commission shall—

(1) review Federal policies with respect to child care services and such other data as the Commission considers appropriate; and

(2) not later than 180 days after the date on which a majority of the members of the Committee are first appointed, submit to the Secretary proposed model standards that States could follow in regulating child care services, taking into account the different needs of infants, toddlers, preschool and school-age children and the differing needs of local communities

SEC. 114. STATE REPORT ON MODEL STANDARDS.

Not later than January 1, 1994, the chief executive officer of a State receiving assistance under this Act shall prepare and submit to the Secretary a report that describes to what extent the State has adopted the model standards proposed under section 113(2).

TITLE II—CHILD CARE FOOD PROGRAMS

SEC. 201. CHILD CARE FOOD PROGRAM.

(a) SUPPLEMENTS.—Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by striking out "one supplement" the first time that such phrase appears, and inserting in lieu thereof "two supplements or one supplement and three meals".

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on July 1, 1990.

TITLE III—CHILD CARE PROVIDER LIBRARY PROGRAM

SEC. 301. CHILD CARE PROVIDER LIBRARY PROGRAM.

(a) GRANT PROGRAM.—The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VII—CHILD CARE PROVIDER LIBRARY PROGRAM

"SEC. 701. STATE AND LOCAL LIBRARY GRANTS.

"(a) AUTHORITY.—The Secretary shall establish a program of making grants from sums appropriated under section 4(a)(6) to State and local public libraries for the purposes of enabling such libraries to purchase and deliver children's books, videos, tapes, and toys to licensed or certified family-based or group child-care providers.

"(b) APPLICATION.—In order to receive a grant under this title, a library shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require by rule.

"(c) USE OF FUNDS.—Funds received by a library under this section shall be used by such library to purchase and deliver to family-based or group child care providers (through the expanded use of bookmobiles) books, videos, tapes and toys for the benefit of children cared for in such settings.

"(d) SELECTION OF RECIPIENTS.—Recipients of grants under this section shall be selected on a competitive basis.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4(a) of the Library Services and Construction Act (20 U.S.C. 351b(a)) is amended—

(1) in paragraph (4), by striking out "and" at the end thereof;

(2) in paragraph (6), by striking out the period at the end thereof and by inserting in lieu thereof ", and"; and

(3) by adding after paragraph (5), the following new paragraph:

"(6) for the purpose of making grants as provided in title VII, $12,500,000 for each of the fiscal years 1990 through 1992.".

TITLE IV—CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE PROGRAM

SEC. 401. CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE PROGRAM.

(a) ELIGIBLE INDIVIDUAL.—Section 604(1) of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10903(1)) is amended—

(1) by inserting "200 percent of" before "the poverty line"; and

(2) by inserting before the semicolon the following: ", or a candidate for the State equivalent of the Child Development Associate credential who meets the same income requirements".

(b) TRAINING OF CHILD CARE PROVIDERS.—Section 606 of such Act (42 U.S.C. 10905) is amended to read as follows:

"SEC. 606. CHILD CARE TRAINING ACTIVITIES.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—States that receive assistance under this title may use a portion of such assistance to provide grants to child care providers to enable such providers to conduct child care training activities.

"(b) STIPENDS.—Early childhood professionals who serve as local advisors to provide field assistance to individuals receiving scholarships or other assistance under this title shall receive a stipend for the provision of such services in the amount of $300.

"(c) CHILD CARE PROVIDER.—As used in this section the term 'child care provider' means—

"(1) a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that—

"(A) is licensed or regulated under State law; and

"(B) satisfies—

"(i) the Federal requirements, except as provided in clause (iii); and

"(ii) the State and local requirements; applicable to the child care services it provides; or

"(2) a child care provider that is 18 years of age or older who provides child care services only to an eligible child who is, by affinity or consanguinity, the grandchild, niece, or nephew of such provider, if such provider complies with any State requirements that govern child care provided by relatives.

"(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.".

(c) AUTHORIZATION OF APPROPRIATIONS.—The Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10901 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated $5,000,000 for each of the fiscal years 1990 through 1992 for carrying out this title, of which not less than $2,000,000 shall be used in each fiscal year to provide grants for training services for family-based child care providers and child care center employees.".

TITLE V—CHILD CARE EDUCATIONAL PROVISIONS

SEC. 501. GRANT PROGRAM FOR LOCAL EDUCATIONAL ASSOCIATIONS.

(a) ESTABLISHMENT.—The Secretary of Education shall establish a program to makes grants to local educational agencies to enable such agencies to establish or enhance before or after school child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section a local educational agency shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require by rule.

(c) REQUIREMENTS.—Applications submitted under subsection (b) shall contain assurances that the applicant local educational agency shall use funds received under this section to establish or enhance school-based child care programs that—

(1) are conducted either before or after normal school hours;

(2) admit all kindergarten students into the program at appropriate times of the day;

(3) admit all students under the age of 12 into such programs if such students desire such services;

(4) require that directors of such child care programs be certified teachers and that assistant directors have at least a Child Development Associate certificate, or the equivalent thereof, and each such director and assistant director shall be at least 18 years old; and

(5) meet any other requirements determined appropriate by the Secretary of Education.

(d) REGULATIONS.—The Secretary of Education shall promulgate regulations necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each of the fiscal years 1990 through 1992, $50,000,000 to carry out this section.

SEC. 502. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) postsecondary education is an increasingly important element in enhancing the productivity of the work force;

(2) the enrollment of students in colleges, junior colleges and technical institutes continues to increase rapidly;

(3) the most rapidly growing segment in such institutions consists of those students who are 25 years of age or older;

(4) postsecondary education must expand its services to meet the needs of the changing student population;

(5) a barrier to continuing education is the lack of affordable, accessible and quality child care;

(6) students are often economically disadvantaged and child care costs are an additional financial burden;

(7) postsecondary schools have limited resources for traditional student services and do not have additional funding for child care; and

(8) the 100th Congress recognized that such problems exist and authorized, but did not appropriate, $10,000,000 for postsecondary institutions to assist students with child care.

(b) SENSE OF CONGRESS.—It is the sense of Congress that $10,000,000 should be appropriated in fiscal year 1990 to carry out subpart 8 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070f).

TITLE VI—CHILD CARE TAX INCENTIVES

SEC. 601. ALLOWANCE OF CREDIT FOR EXPENDITURES FOR CERTAIN CHILD CARE HOMES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 43. CHILD CARE HOME CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the child care home credit determined under this section for the taxable year shall be equal to the amount of the credit determined in accordance with subsection (b) with respect to so much of the qualified child care home expenditures of the taxpayer for such taxable year as does not exceed $9,000.

"(b) AMOUNT OF CREDIT.—

"If qualified child care home expenditures are:	The child care home credit is:
Not over $3,000	30% of such expenditures.
Over $3,000 but not over $6,000.	$900, plus 20% of the excess over $3,000.
Over $6,000 but not over $9,000.	$1,500, plus 10% of the excess over $6,000.

"(c) PRIOR EXPENDITURES BY TAXPAYER ON SAME HOME TAKEN INTO ACCOUNT.—If for any prior year a credit was allowed to the taxpayer under this section with respect to any qualified child care home, subsection (a) shall be applied for the taxable year with respect to such qualified child care home by taking into account the prior year expenditures.

"(d) DEFINITIONS.—

"(1) QUALIFIED CHILD CARE HOME EXPENDITURES.—The term 'qualified child care home expenditures' means any expenditure made by the taxpayer as required by the State or local government to acquire, construct, rehabilitate, or expand a qualified child care home .

"(2) QUALIFIED CHILD CARE HOME.—The term 'qualified child care home' means a home—

"(A) operated by the taxpayer for the care of enrollees,

"(B) located in the principal residence of the taxpayer, and

"(C) which meets the requirements of all applicable laws and regulations of the State or local government where it is located.

"(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care home, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted from the nonallowance of the credit described under subsection (a).

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Year 1	100
Year 2	66⅔
Year 3	33⅓
Years 4 and thereafter	0.

"(B) BEGINNING OF RECAPTURE PERIOD.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care home is placed into service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the home as a qualified child care home.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a person's interest in a qualified child care home with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME CREDIT ALLOWANCE AND RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the home agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the home shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the home as a qualified child care home by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(6) the child care home credit determined under section 43.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 43. Child care home credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 602. PHASE OUT OF CHILD CARE CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 0 percent) by the sum of—

"(A) 1 percentage point (but no more than a total of 10 percentage points) for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000, plus

"(B) either—

"(i) in the case of an individual who maintains a household which includes 1 qualifying individual (as defined under subsection (b)(1)(A)), 2 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $35,000, or

"(ii) in the case of an individual who maintains a household which includes 2 or more qualifying individuals (as defined under subsection (b)(1)(A)), 2 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $45,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 603. REFUNDABLE DEPENDENT CARE SERVICES TAX CREDIT.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended—

(1) by redesignating section 35 as section 36, and

(2) by redesignating section 21 as section 35.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 35(a) of the Internal Revenue Code of 1986 (relating to allowance of credit), as redesignated by subsection (a), is amended by striking out "chapter" and inserting in lieu thereof "subtitle".

(2) Section 129 of such Code (relating to dependent care assistance programs) is amended—

(A) by striking out "section 21(d)(2)" in subsection (b)(2) and inserting in lieu thereof "section 35(d)(2)", and

(B) by striking out "section 21(b)(2)" in subsection (e)(1) and inserting in lieu thereof "section 35(b)(2)".

(3) Subsection (e) of section 213 of such Code (relating to deduction for medical, dental, etc., expenses) is amended by striking out "section 21" and inserting in lieu thereof "section 35".

(4) Paragraph (4) of section 6201(a) of such Code (relating to assessment authority) is amended—

(A) by striking out "or section 32 (relating to earned income)" and inserting in lieu thereof ", section 32 (relating to earned income), or section 35 (relating to dependent care services credit)", and

(B) by striking out the caption and inserting in lieu thereof the following:

"(4) OVERSTATEMENT OF CERTAIN CREDITS.".

(5) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(f) TIME TAX IS CONSIDERED PAID FOR DEPENDENT CARE SERVICES CREDIT.—For purposes of section 6511, the taxpayer shall be considered as paying an amount of tax on the last day prescribed for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments)

equal to so much of the credit allowed by section 35 (relating to dependent care services credit) as is treated under section 6401(b) as an overpayment of tax.".

(6) Subsection (d) of section 6611 of such Code is amended by striking out the caption and inserting in lieu thereof the following:

"(d) ADVANCE PAYMENT OF TAX, PAYMENT OF ESTIMATED TAX, CREDIT FOR INCOME TAX WITHHOLDING, AND DEPENDENT CARE SERVICES CREDIT.—".

(c) COORDINATION WITH WITHHOLDING AND ESTIMATED TAX.—Section 35 of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) COORDINATION WITH WITHHOLDING AND ESTIMATED TAX.—The Secretary shall prescribe such tables or other simplified procedures as may be necessary to ensure that the amount of the credit allowable under this section—

"(1) may be taken into account under section 3042(m)(2) in computing a taxpayer's withholding allowances, and

"(2) may be taken into account under section 6654(f) in computing the credits allowed against the tax imposed by this chapter.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking out the item relating to section 21.

(2) The table of sections for subpart C of such part IV is amended by striking out the item relating to section 35 and inserting in lieu thereof the following new items:

"Sec. 35. Expenses for household and dependent care services necessary for gainful employment.

"Sec. 36. Overpayments of tax.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 604. INFANT CARE TAX CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 36, as redesignated by section 603, as section 37 and by inserting after section 35 the following new section:

"SEC. 36. INFANT CARE TAX CREDIT.

"(a) GENERAL RULE.—In the case of an eligible individual who maintains a household which includes as a member 1 or more qualified dependents, there is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the infant care tax credit amount for the taxable year.

"(b) INFANT CARE TAX CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—Subject to paragraph (3), the infant care tax credit amount for the taxable year is an amount equal to the sum of the applicable credit percentages of so much of the taxpayer's earned income (as defined in section 32(c)(2)) for such year as does not exceed $7,407.

"(2) APPLICABLE CREDIT PERCENTAGES.—For purposes of paragraph (1), the applicable credit percentage is—

"(A) 27 percent for a taxpayer with 1 qualified dependent, and

"(B) 40 percent for a taxpayer with 2 or more qualified dependents.

"(3) PHASEOUT OF CREDIT.—In the case of a taxpayer whose gross income for the taxable year exceeds $10,000, the amount determined under paragraph (1) shall be reduced (but not below zero) by an amount equal to the sum of—

"(A) $100 (but not more than a total of $1,000) for each $1,000 (or fraction thereof) by which the taxpayer's gross income for the taxable year exceeds $10,000, plus

"(B) $500 for each $1,000 (or fraction thereof) by which the taxpayer's gross income for the taxable year exceeds $20,000.

"(c) QUALIFIED DEPENDENT.—For purposes of this section, the term 'qualified dependent' means any individual—

"(1) who is a dependent (as defined in section 152) of the taxpayer,

"(2) who is a child (as defined in section 151(c)(3)) of the taxpayer, and

"(3) who has not attained age 31 months at the close of the calendar year in which the taxable year of the taxpayer begins.

"(d) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any taxpayer—

"(1) who has the same place of abode as the qualified dependent, and

"(2) performs no services for remuneration.

In the case of a joint return, paragraphs (1) and (2) shall be treated as met if 1 of the spouses satisfies the requirements of both such paragraphs.

"(e) SPECIAL RULES.—Rules similar to the rules of paragraphs (1) through (5) of section 35(e) shall apply for purposes of this section.

"(f) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—Except in the case of a taxable year closed by reason of the death of the taxpayer, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months.

"(g) AMOUNT OF CREDIT TO BE DETERMINED UNDER TABLES.—

"(1) IN GENERAL.—The amount of the credit allowed by this section shall be determined under tables prescribed by the Secretary.

"(2) REQUIREMENTS FOR TABLES.—The tables prescribed under paragraph (1) shall reflect the provisions of subsections (a) and (b) and shall have income brackets of not greater than $50 each—

"(A) for earned income between $0 and $7,407, and

"(B) for gross income between the dollar amount at which the phaseout begins under subsection (b)(3) and the amount of gross income at which the credit is phased out under subsection (b)(3).

"(h) COORDINATION WITH ADVANCE PAYMENTS OF INFANT CARE TAX CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made to the individual by an employer under section 3507A during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of such Code is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF INFANT CARE TAX CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages to an employee with respect to whom an infant care tax credit eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment to such employee equal to such employee's infant care tax credit advance amount.

"(b) INFANT CARE TAX CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this title, an infant care tax credit eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 36 for the taxable year, and

"(2) certifies that the employee does not have an infant care tax credit eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer.

"(c) INFANT CARE TAX CREDIT ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'infant care tax credit advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period, and

"(B) in accordance with tables prescribed by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(B)—

"(A) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables, and

"(B) if the employee is not married, or if no infant care tax credit eligibility certificate is in effect with respect to the spouse of the employee, shall treat the credit provided by section 36 as if it were a credit—

"(i) of not more than the sum of the applicable credit percentages under section 36(b) of earned income not in excess of the amount of earned income which may be taken into account under section 36(b), and which

"(ii) phases down between the amount of gross income at which the phaseout begins under subsection (b)(3) of section 36 and the amount of gross income at which the credit under subsection (b)(3) of section 36 is phased out.

"(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (d) and (e) of section 3507 shall apply for purposes of this section. Proper adjustments shall be made in the application of such rules under this section to take into account payments under section 3507.".

(2) INFORMATION SHOWN ON W-2.—Subsection (a) of section 6051 of such Code (relating to receipts to employees) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof ", and", and by inserting after paragraph (9) the following new paragraph:

"(10) the total amount paid to the employee under section 3507A (relating to advance payment of infant care tax credit).".

(3) REQUIREMENT OF RETURN.—Subsection (a) of section 6012 of such Code (relating to persons required to make returns of income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual who receives payments during the calendar year in which the taxable year begins under section 3507A (relating to advance payment of infant care tax credit).".

(4) CROSS REFERENCE.—Subsection (e) of section 6302 of such Code (relating to mode or time of collection) is amended by adding

at the end thereof the following new paragraph:

"(3) For treatment of infant care tax credit advance amount as payment of withholding and FICA taxes, see section 3507A(d).".

(c) CLERICAL AMENDMENTS.—

(1) The table sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36, as redesignated by section 603, and inserting in lieu thereof the following:

"Sec. 36. Infant care tax credit.

"Sec. 37. Overpayments of tax.".

(2) The table sections for chapter 25 of such Code is amended by inserting after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of infant care tax credit.".

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b)(3) shall apply to taxable years beginning after December 31, 1989.

(2) The amendments made by paragraphs (1) and (2) of subsection (b) shall apply to remuneration paid after December 31, 1989.

SEC. 605. CHANGES IN EARNED INCOME CREDIT AND DEPENDENT CARE CREDIT.

(a) TAXPAYERS WHO CLAIM INFANT CARE TAX CREDIT INELIGIBLE FOR EARNED INCOME CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 32(c) of the Internal Revenue Code of 1986 (defining eligible individual) is amended by adding at the end thereof the following new subparagraph:

"(D) TAXPAYERS CLAIMING INFANT CARE TAX CREDIT INELIGIBLE FOR EARNED INCOME CREDIT.—No credit shall be allowed under this section to a taxpayer for the taxable year if the taxpayer claims a credit under section 36 for such taxable year.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1989.

(b) NO DEPENDENT CARE CREDIT FOR EXPENSES WITH RESPECT TO DEPENDENTS FOR WHICH INFANT CARE TAX CREDIT IS CLAIMED.—

(1) IN GENERAL.—Paragraph (1) of section 35(b) of such Code (defining qualifying individual), as redesignated by section 603, is amended by adding at the end thereof the following new sentence:

"The term 'qualifying dependent' shall not include any qualified dependent (as defined in section 36(c)) with respect to whom a credit is claimed for the taxable year.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1989.

SECTION-BY-SECTION ANALYSIS ON THE CHILD CARE ASSISTANCE AND RESOURCES EXPANSION ACT OF 1989

TITLE I—CHILD CARE GRANT PROGRAM

Authorizes a $500 million block grant to the states. This would be an 80-20 matching grant.

Sets a state's allocation with 50 percent based on the number of working single parents and dual-earner families with children under age 13, and 50 percent on the number of children who are receiving free or reduced price school lunches under the National School Lunch Act.

Requires states to develop certification or licensing regulations for all non-relative family and group home child-care providers by 1994.

Establishes a National Commission to write model standards as a guide for state programs. The Administration, the Senate, the House of Representatives, and the National Governors Association would each select 4 members. The Commission would disband after establishing the model standards.

TITLE II—CHILD CARE FOOD PROGRAM

Provides for an additional snack or meal reimbursement for family and group home providers if a child is in their care for 8 hours or more.

TITLE III—CHILD CARE PROVIDER LIBRARY PROGRAM

Amends the Library Services and Construction Act to authorize funds for public libraries to purchase and deliver (expand the use of bookmobiles) children's books, videos, tapes, and toys to licensed child-care providers.

TITLE IV—CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE PROGRAM

Increases funding for the National Credentialing Program and expands the program to include state equivalency programs. It provides for advisor stipends and raises the scholarship eligibility limit.

TITLE V—CHILD CARE EDUCATIONAL PROVISIONS

Provides funding for Local Education Associations to establish or expand before and after school child-care programs. It states that Congress should appropriate the authorized $10 million for postsecondary institutions to assist disadvantaged students to obtain child-care.

TITLE VI—CHILD CARE TAX INCENTIVES

Allows a certified or licensed family or group home provider to receive a tax credit to acquire, rehabilitate, or expand a qualified child-care home and makes the Dependent Care Tax Credit refundable. It modifies the Earned Income Tax credit system so that a parent who stays home with a newborn or newly adopted child until 30 months of age would be eligible for a refund.●

By Mr. WARNER:

S. 410. A bill to amend title 23, United States Code, to establish a program for expanding the capacity of the heavily traveled portions of the National System of Interstate and Defense Highways located in urbanized areas with a population of 50,000 or more for the purposes of reducing traffic congestion, improving safety, and increasing the efficiency of the System; to the Committee on Environment and Public Works.

EXPANSION OF CERTAIN SEGMENTS OF THE INTERSTATE HIGHWAY SYSTEM

● Mr. WARNER. Mr. President, today I am introducing legislation that will help urban and suburban areas of the country cope with increasing levels of traffic congestion on the Federal Interstate System. Our colleague, Congressman FRANK WOLF, introduced an identical bill today in the other body.

Urban and suburban segments of the Federal Highway System have become increasingly congested as traffic volume has increased beyond expectations. In many areas, the system is simply breaking down under huge loads of traffic.

The legislation we are introducing today would create a new category of Federal highway funding to expand the capacity of heavily traveled portions of the Federal Interstate Highway System located in suburban and urban areas of the country. Beginning in fiscal year 1993, $2 billion a year for 4 years would be made available nationwide for this new program.

Funds authorized under our legislation could also be used for construction of noise walls or other sound abatement devices, acquisition of rights-of-way for construction of mass transit facilities, and acquisition of land for park-and-ride-type facilities.

The type of funding program we have proposed is desperately needed throughout the Nation. The Transportation 2020 Program held a series of 65 forums across the country to discuss the future of the Federal Highway Program. Witness after witness in State after State testified about the critical transportation problems that urban and suburban areas are facing.

In metropolitan areas all over the country, interstate highways approach complete gridlock during peak travel periods. The result is that commuters cannot get to work and interstate commerce cannot flow. That translates into reduced productivity, lost income, and time and money ill-spent.

Funds provided under this legislation could be used to widen interstates where traffic overloads occur daily during rush hours. Bottlenecks could be widened or even double-decked.

Our legislation addresses these critical problems by directing Federal funds to the areas of the country where traffic congestion has virtually closed-down the Federal Interstate Highway System.

Funds would be allocated to the States based on a formula which gives preference to urban/suburban areas with high levels of traffic congestion on the Interstate System. Rural areas of the country, however, would not be adversely affected because the Federal Interstate Construction Program is nearly complete and our legislation does not affect other highway funding categories.

The Interstate System started in 1965 is nearly complete and the current highway program is scheduled to end in 1992. We must begin now to look at changes that need to be made to address our Nation's transportation needs. In the next 2 years northern Virginia, Tidewater Virginia, and other urban/suburban areas of the country face tremendous needs in the area of transportation improvements. Our legislation addresses these needs in a way that will bring relief not only to northern Virginia, but to other regions of the country as well without penalizing rural or less populated areas.

By introducing this legislation, we do not intend to overlook or underestimate the problems facing less urbanized sections of Virginia or the Nation. I intend to work diligently to see that those needs are addressed as well. This bill provides an important starting point for discussion of ways to address one particular aspect of our transportation problem as Federal, State, and local representatives and highway users begin reviewing the Federal-Aid Highway Program over the next 2 years.

It is my intention to work with my colleagues, the States, localities, highway user groups and other interested parties to address other vital transportation needs.

Over the next 2 years, as hearings begin on the Nation's transportation needs in the post-interstate period, these same parties will focus on what form any new highway program should take. If there is to be a new Federal-Aid Highway Program to replace the current program which will soon expire, it is vital that expanding urban interstate capacity be a key component of such legislation.

I urge Members to support this legislation.●

By Mr. BOSCHWITZ (for himself, Mr. CRANSTON, Mr. KASTEN, Mr. SYMMS, Mr. GARN, and Mr. LUGAR):

S. 411. A bill to amend the Internal Revenue Code of 1986 to restore a capital gians tax differential, and for other purposes; to the Committee on Finance.

RESTORATION OF CAPITAL GAINS DIFFERENTIAL

● Mr. BOSCHWITZ. Mr. President, today I am reintroducing legislation to reinstate a capital gains exclusion. I have been pushing capital gains reform since the Tax Reform Act of 1986 repealed the 60 percent exclusion. I am pleased that my effort is starting to pay off. As my colleagues know, President Bush is proposing changes in the tax rate for capital gains, and most of what he recommends is embodied in my bill.

I agree with the President that our Tax Code ought to support individuals willing to make long-term, high-risk investments. I am pleased that he has chosen a phased or tiered approach, tied to a holding period of at least 1 year, initially, and moving to a 3-year holding period for more favorable tax treatment.

My bill provides a two-tiered exclusion for long-term capital gains. Gains realized from the sale of a capital asset held for at least 1 year, would be subject to a 40-percent exclusion, providing the taxpayer with an effective maximum marginal rate of 19.8 percent. If the taxpayer holds the asset for at least 3 years, capital gains would be subject to a 60-percent exclusion for a maximum marginal rate of 13.2 percent.

Mr. President, clearly America is experiencing some pretty good times—low inflation, low unemployment, 19 million new jobs, exports are rising, and capital spending is on the rise. But, in spite of the good news, I don't believe America has been paying enough attention to her economic future. Frankly, although I supported the Tax Reform Act because it extends the tax burden to many corporate and individual taxpayers who should be paying taxes, I firmly believe repealing the capital gians exclusion has made it much more difficult to attract venture capital.

If the current approach, to capital investment and economic development continues, we will see a steady stream of our brightest young entrepreneurs looking outside the United States for their investment capital. Of course, with the outside investment goes the likelihood that technology and jobs will also be shifted to foreign entities who pay no taxes and who would have no obligation to erect job-creating plants in the United States.

We simply must recognize the distinction between ordinary income and capital gains income. The latter form of income is the result of making a commitment for the long term, whether it's by building a business, purchasing stock in a high-risk venture or running a family farm.

I strongly support the President's argument that reducing the tax rate for risky investments is the best way to stimulate long-term real economic growth. When I started my business in Minnesota, the top Federal tax rate was 91 percent. President Kennedy reduced rates to 70 percent—for unearned income—and 50 percent—on earned income. President Reagan dropped them both to 28 percent. Those high rates of earlier years were unfair to the poor and middle Americans. High income taxpayers had enormous motivation and the means to find or create the loopholes—and they succeeded.

Now we've made taxpayers out of those big earners. Government statistics consistently show that the rich pay more taxes at lower rates. All the fancy tax shelters no longer make sense.

A reduction in the capital gains rate will benefit not only the rich, but also low- and middle-income taxpayers, small business owners and family farmers across the country. I agree with President Bush that lower income taxpayers especially have an interest in capital gains reform. His recommendation that such taxpayers pay no tax on their gains is right on the mark.

Consider a typical Midwestern scenario: A hard-working, middle-income couple operates a small business or farm. They own property. Finally, after many years of work, they sell their business or farm that by any measure is modest. Inflation on their real estate and years of depreciation reduce their basis and result in a large gain. In that year they're among the rich and they love it. The next year they revert to their earlier middle-income status. This scenario is played out many time each year across the country.

I have been greatly encouraged by the President's strong support for capital gains reform. He has a vision, I am convinced, of where our economy needs to be heading if we are to compete in the 1990's and beyond. But he will need the support of all of us, Democrats and Republicans. It may be that some will disagree with specific parts of his proposal, but at least he has joined the debate. For that, I thank him.

For my part, I intend to continue pushing this subject in Congress through the Capital Gains Coalition, which I founded last year. I am pleased that our membership in the House and Senate has continued to grow, and I invite my colleagues to contact me if they have an interest in joining this group.

Mr. President, as my colleagues know, my two-tiered approach to capital gains reform is one of several that have been filed already in this Congress by other Members. Clearly, there is renewed interest in this issue and I look forward to vigorous debate here in the Senate in the weeks ahead.

Mr. President, I ask unanimous consent to have a copy of my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF CAPITAL GAINS TAX DIFFERENTIAL.

(a) TAXPAYERS OTHER THAN CORPORATIONS.—

(1) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by inserting after section 1201 the following new section:

"SEC. 1202. DEDUCTION FOR CAPITAL GAINS.

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 60 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified net capital gain, plus

"(B) 40 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the qualified net capital gain taken into account under subparagraph (A).

"(b) QUALIFIED NET CAPITAL GAIN.—For purposes of subsection (a), the term 'quali-

fied net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only capital assets held by the taxpayer for at least 3 years at the time of the sale or exchange were taken into account.

"(c) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under section 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

(b) CORPORATIONS.—Subsection (a) of section 1201 of the Internal Revenue Code of 1986 (relating to the alternative tax for corporations) is amended to read as follows:

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by sections 11, 511, and 831 (a) or (b), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the amount of the net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(2) a tax of 28 percent of the net capital gain."

(c) CONFORMING AMENDMENTS.—

(1) Section 1 of the Internal Revenue Code of 1986 is amended by striking out subsection (j).

(2) Section 57(a) of such Code is amended by adding at the end thereof the following new paragraph:

"(8) CAPITAL GAINS.—

"(A) INDIVIDUALS.—In the case of a taxpayer other than a corporation, an amount equal to the net capital gain deduction for the taxable year determined under section 1202.

"(B) PRINCIPAL RESIDENCE.—For purposes of subparagraph (A), gain from the sale or exchange of a principal residence (within the meaning of section 1034) shall not be taken into account.

"(C) SPECIAL RULE FOR CERTAIN INSOLVENT TAXPAYERS.—

"(i) IN GENERAL.—The amount of the tax preference under subparagraph (A) shall be reduced (but not below zero) by the excess (if any) of—

"(I) the applicable percentage of gain from any farm insolvency transaction, over

"(II) the applicable percentage of any loss from any farm insolvency transaction which offsets such gain.

"(ii) REDUCTION LIMITED TO AMOUNT OF INSOLVENCY.—The amount of the reduction determined under clause (i) shall not exceed the amount by which the taxpayer is insolvent immediately before the transaction (reduced by any portion of such amount previously taken into account under this clause).

"(iii) FARM INSOLVENCY TRANSACTION.—For purposes of this subparagraph, the term 'farm insolvency transaction' means—

"(I) the transfer by a farmer of farmland to a creditor in cancellation of indebtedness, or

"(II) the sale or exchange by the farmer of property described in subclause (I) under the threat of foreclosure,

but only if the farmer is insolvent immediately before such transaction.

"(iv) INSOLVENT.—For purposes of this subparagraph, the term 'insolvent' means the excess of liabilities over the fair market value of assets.

"(v) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the term 'applicable percentage' means that percentage of net capital gain with respect to which a deduction is allowed under section 1202(a).

"(vi) FARMLAND.—For purposes of this subparagraph, the term 'farmland' means any land used or held for use in the trade or business of farming (within the meaning of section 2032A(e)(5)).

"(vii) FARMER.—For purposes of this subparagraph, the term 'farmer' means any taxpayer if 50 percent or more of the average annual gross income of the taxpayer for the 3 preceding taxable years is attributable to the trade or business of farming (within the meaning of section 2032A(e)(5))."

(3) Section 62(a) of such Code is amended by adding after paragraph (12) the following new paragraph:

"(13) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1202."

(4) Subparagraph (B) of section 170(e)(1) of such Code is amended by inserting "100 percent minus the percentage described in subparagraph (A) or (B) of section 1202(a)(1), whichever is applicable, of" before "the amount of gain".

(5) Section 172(d)(2) of such Code (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction for long-term capital gains provided by section 1202 shall not be allowed."

(6) Subparagraph (B) of section 172(d)(4) of such Code is amended by inserting ", (2)(B)," after "paragraphs (1)".

(7)(A) Section 220 of such Code (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out "reference" in the item relating to section 220 and inserting "references".

(8) Subparagraph (D)(v) of section 593(b)(2) is amended to read as follows:

"(v) by excluding from gross income an amount equal to the lesser of 9/14 of the net long-term capital gain for the taxable year or 9/14 of the net long-term capital gain for the taxable year from the sale or exchange of property other than property described in clause (iii)."

(9) Paragraph (4) of section 642(c) of such Code is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(10) Paragraph (3) of section 643(a) of such Code is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for excess capital gains over capital losses) shall not be taken into account."

(11) Paragraph (4) of section 691(c) of such Code is amended by striking out "1(j), 1201, and 1211" and inserting in lieu thereof "1201, 1202, and 1211, and for purposes of section 57(a)(8)".

(12) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking out "66 percent" and inserting in lieu thereof "72 percent".

(13) The second sentence of paragraph (2) of section 871(a) of such Code is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for capital gains) and" after "except that".

(14) Paragraph (2) of section 904(b) of such Code is amended to read as follows:

"(2) CAPITAL GAINS.—For purposes of this section—

"(A) CORPORATIONS.—In the case of a corporation—

"(i) the taxable income of such corporation from sources without the United States shall include gain from the sale or exchange of capital assets only in an amount equal to foreign source capital gain net income reduced by the rate differential portion of foreign source net capital gain,

"(ii) the entire taxable income of such corporation shall include gain from the sale or exchange of capital assets only in an amount equal to capital gain net income reduced by the rate differential portion of net capital gain, and

"(iii) for purposes of determining taxable income from sources without the United States, any net capital loss (and any amount which is a short-term capital loss under section 1212(a)) from sources without the United States to the extent taken into account in determining capital gain net income for the taxable year shall be reduced by an amount equal to the rate differential portion of the excess of net capital gain from sources within the United States over net capital gain.

"(B) OTHER TAXPAYERS.—In the case of a taxpayer other than a taxpayer described in subparagraph (A), taxable income from sources without the United States shall include gain from the sale or exchange of capital assets only to the extent of foreign source capital gain net income."

(15) Paragraph (3) of section 904(b) of such Code is amended by striking out subparagraphs (D) and (E) and inserting in lieu thereof the following new subparagraph:

"(D) RATE DIFFERENTIAL PORTION.—The 'rate differential portion' of foreign source net capital gain, net capital gain, or the excess of net capital gain from sources within the United States over net capital gain, as the case may be, is the same proportion of such amount as the excess of the highest rate of tax specified in section 11(b) over the alternative rate of tax under section 1201(a) bears to the highest rate of tax specified in section 11(b)."

(16) Section 1402(i)(1) of such Code is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss

(in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(17) Section 1445(e) of such Code is amended—

(A) by striking out "34 percent (or, to the extent provided in regulations, 28 percent)" in paragraph (1) and inserting in lieu thereof "28 percent", and

(B) by striking out "34 percent" in paragraph (2) and inserting in lieu thereof "28 percent".

(18) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1201 the following new item:

"Sec. 1202. Deduction for capital gains."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.●

Mr. CRANSTON. Mr. President, I am pleased to be an original cosponsor of S. 411, Senator BOSCHWITZ's capital gains legislation. I have worked with my good friend from Minnesota on this issue for many years and I look foward to working with him again this Congress.

This is a very straightforward bill: It reestablishes a capital gains differential for long-term gains. It would provide a 40-percent exclusion for assets held over 1 year and a 60-percent exclusion for assets held over 3 years. This differs from prior law in that it requires a longer holding period. I favor this broad based approach to the capital gains issue and the 3-year holding period is essential to encourage long-term investment.

While I supported the Tax Reform Act of 1986, I did not support the elimination of a capital gains differential. In fact, Senator BOSCHWITZ and I pushed for retaining a meaningful differential. I strongly disagree with those who claim reinstating a differential would unravel the Tax Act.

Mr. President, the issue of capital gains taxation is probably one of the most controversial tax issues around today. At the heart of the controversy over capital gains is the question of whether it raises revenue or loses revenue. I believe more revenue will be generated by a lowering of the rate—as was the case in previous instances—but clearly this is a contentious issue and there is no definitive answer. Therefore, the debate should focus on what is good for the long-term health of our economy. What will give investors an incentive to avoid short-term speculation and take long-term risks? In my opinion, a lower tax on capital gains is one of the principle answers.

President Bush has made a lowering of the capital gains tax a major goal of his administration, and I look forward to seeing the details of his specific proposal. But the capital gains issue is not a Republican versus Democratic issue, it is not a rich versus poor issue. Last year, I was pleased to join with several of my colleagues in both Houses to form the bipartisan capital gains coalition. Each of us may support a different specific proposal, but we all support a lower capital gains rate to spur capital formation and job creation. I have not, at this point, cosponsored any other capital gains bills, but I commend my colleagues on both sides of the aisle who have introduced bills. This is a very important issue and a healthy debate on all the options will lead to a more thorough analysis and a better resolution of the issue.

By Mr. PACKWOOD (for himself, Mr. MOYNIHAN, Mr. DANFORTH, Mr. PRYOR, Mr. HEINZ, Mr. ROCKEFELLER, and Mr. RIEGLE):

S. 412. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the credit for expenses with respect to child care for dependent children, to make such credit refundable, to amend the Social Security Act to increase the funds available for child care, and for other purposes; to the Committee on Finance.

EXPANDED CHILD CARE OPPORTUNITIES ACT

● Mr. PACKWOOD. Mr. President, the 101st Congress will face a number of challenges, but none more fundamentally important than the well-being of our Nation's children. Child care was a dominant issue in the last Congress, and will be again in this Congress. President Bush has also made child care a top priority.

The debate in recent months on child care has made the country and the Congress focus on the difficulty working parents have in locating safe, affordable care for their children. I doubt that there is a Member of this body who had not heard from a number of his or her constituents urging him or her to do something about the child care dilemma. The argument on child care is no longer whether the Federal Government should play a role in the solution to the problem but what type of role.

Currently, there are a number of child care bills that have been introduced already in this Congress and a number of other bills still being developed by our colleagues. In my opinion, there are two basic approaches involving the Federal Government in this solution. The first approach would create a Federal bureaucracy based in Washington to exercise control over day care in the 50 States. The second approach would provide parents with the flexibility to exercise their own judgment in the care they select for their children.

Last year, I held a series of child care hearings in Oregon to find out what difficulties Oregonians faced in finding and paying for safe, reliable child care. The lack of affordable child care may, in fact, deter individuals from pursuing an education or obtaining additional training because they are unable to locate care for their children. For example, at a field hearing I held in the community of Pendleton, OR, I heard from students at Blue Mountain Community College. Some of these students told me that they bring their children with them to class because they cannot afford to pay for child care. Parents should not be forced to choose between improving their family's future and caring for their children. Yet this is a choice that many parents are faced with at the present time.

Each family situation is different and the type of child care each family prefers may be different as well. To help families meet the cost of child care, the legislation my colleagues and I introduce today provides financial assistance to working families through the dependent care tax credit. Ideally, parents should be able to choose from a number of child care options and obtain the one that best suits themselves and their children. Our approach maximizes the range of child care options parents can choose for their kids and still receive Government assistance.

Our bill achieves two goals. First, it helps parents pay for their choice of a variety of child care programs. Second, it addresses the need for improved and expanded child care options. Our bill accomplishes the latter by providing States with additional money through the current title XX Social Services block grant to enhance or expand their own child care programs and services.

Our bill also acknowledges the importance of accountability for the receipt of Federal funds. To be eligible for the child care tax credit, the child care provider selected by a parent claiming a tax credit must be in compliance with any applicable local or State regulations.

I am confident that the Congress, working with concerned citizens and the President, will arrive at a solution that provides the best possible child care for our children.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF PACKWOOD-MOYNIHAN EXPANDED CHILD CARE OPPORTUNITIES ACT OF 1989

PURPOSE

To provide low and moderate income parents with a greater variety of child care options and to assist States in improving their child care programs. The Expanded Child Care Opportunities Act of 1989 achieves these goals by increasing the amount of money low and moderate income families have to spend on child care and by increasing the funds available to States for child care services.

MAJOR FEATURES OF THE BILL

The bill has two major features:

The present law child care tax credit is increased and made fully refundable for low and moderate income families.

The present law Social Services Block Grant under Title XX of the Social Security Act is increased by $400 million so that States may improve their child care services.

Each of these features is described below.

INCREASE TO THE CHILD CARE TAX CREDIT

The bill significantly increases the present law child care tax credit for families with income under $25,000. (The present law child care tax credit remains the same for families with income over $25,000.) The bill also makes the credit fully are refundable so that lower income families who pay little or no Federal income tax can take advantage of the credit.

Child Care Tax Credit percentages are increased for low- and moderate-income families:

Over/not more than	Child care tax credit rate (in percent)	
	Present law	Packwood-Moynihan bill
Family adjusted gross income (AGI):		
$0 to 12,500	28–30	40
$12,500 to 15,000	27–28	37
$15,000 to 17,500	26–27	34
$17,500 to 20,000	25–26	31
$20,000 to 22,500	23–24	28
$22,500 to 25,000	22–23	25
$25,000 to 27,500	21–22	22
$27,500 and over	20	20

Maximum Credit Is Increased:

Under present law, the maximum amount of child care expenses eligible for the credit is $2,400 for one child and $4,800 for two or more children. Thus, the maximum credit at the 30 percent rate is $720 for one child and $1,440 for two or more children.

Under the bill, the maximum credit at the new 40 percent rate would be $960 for one child and $1,920 for two or more children. This represents a one-third increase in the maximum credit. Compare, for example:

Family income (AGI)	Present law	Packwood-Moynihan bill
$10,000 and under	[1] $1,400	$1,920
$15,000	[1] 1,296	1,776
$20,000	1,152	1,448
$25,000	1,056	1,200
$30,000 and up	960	960

[1] In fact, these families derive little or no benefit from the present law credit because it is not refundable.

Credit Is Refundable:

In a significant departure from present law, the credit would be made "refundable" for lower income families who pay little or no Federal income tax. A refundable credit is one that is paid even though you have no tax liability. Currently, lower income families do not benefit from the child care tax credit. Under the bill, the child care tax credit reduces your tax liability to zero and then any remaining credit is refunded.

Credit Can Be Received In Parent's Paycheck:

The benefit of the credit is received by the parent throughout the year by reducing wage withholding and/or estimated tax payments.

For lower income families eligible for a refundable credit, the benefit is added to the parent's paycheck as "negative income tax withholding." For example, if the parent's normal take-home pay is $500 and the child care tax credit for that pay period is $50, the parent's paycheck would equal $550.

Compliance with Government Regulation Is Required:

As under present law, the day care provider must operate in compliance with any applicable state or local regulations in order for the parent to claim a tax credit.

Examples Of How The Bill Would Work:

Jack and Jane Miller are a two-worker family living in Medford, Oregon. In 1989, their annual income is $25,000 and federal income tax is $1,800. They pay $350 a month to the Supertots Child Care Center for the care of their two sons, ages three and four. The child care cost for both children is $4,000 annually. Under current law, they are eligible for a child care tax credit of $880. Under the bill, the credit would increase to $1,000. This means an additional $120 would be available to the Millers for their child care costs.

Angela Smith is a young widow with one child living in New York. Her job pays her $12,000 annually. For 1989 her federal income tax is $500. Although she is eligible for a child care tax credit of $700 under current law, she only receives $500 of it—the amount which reduces her income taxes to zero. The rest of the credit is lost because it is not refundable.

Under the bill, her child care tax credit would be increased to $960. And Ms. Smith will receive the full benefit of the credit—instead of only $500 under current law—because $460 of the credit would be refunded to her. Thus, Ms. Smith would have an additional $460 to help with her child care costs.

TITLE XX INCREASE FOR CHILD CARE

The second major feature of this bill provides additional funds for child care as part of the present law Social Services Block Grant (Title XX of the Social Security Act).

Under Title XX, states will receive additional funds to correct deficiencies in the supply of child care and to expand and improve the quality of child care services, with an emphasis on lower income families. Within these broad guidelines, states will have wide latitude to determine how best to use these funds.

To be eligible for these funds, a State must submit a written application for approval by the Secretary of the Department of Health and Human Services.

Funds would be allocated among the States based on the number of children under age 13.

Beginning with FY 1990, Title XX funds for child care will increase by $400 million. This represents a significant increase over the Title XX funds currently used for child care services.●

● Mr. MOYNIHAN. Mr. President, I rise today with my friend and colleague from Oregon, the distinguished ranking member of the Senate Committee on Finance, Senator PACKWOOD, to introduce the Expanded Child Care Opportunities Act of 1989 [ECCO].

This is a simple but important bill. It does two things: First, it corrects an inequity in the current Tax Code that deprives low-income working families of the child care tax credit. Our bill will make sure that low-income working families benefit from the credit by making it fully refundable. In addition, our bill will make the credit more generous for the lowest-income families. I want to stress that in making these improvements to the credit we do not in any way reduce the credit available under current law.

Second, our proposed bill would provide States with additional funds, through the social services block grant—title XX of the Social Security Act—for child-care related services and activities.

THE CHANGING AMERICAN FAMILY

Mr. President, the American family has changed dramatically during the last two decades. During this time, we have witnessed a new phenomenon which has no precedent in modern American history: the stagnation of growth in family income. Since 1973, median family income has remained essentially flat: $30,820 in 1973, $30,853 in 1987. More troubling, black and Hispanic families have actually seen a precipitous decline in income. For black families, median family income peaked at $18,952 in 1978. By 1987 it had declined nearly $900 to $18,098. For Hispanic families, median family income peaked at $22,288 in 1973; by 1987, it had declined by nearly $2,000 to $20,306.

Over the same time period, our economy—indeed, our social condition—has been transformed by the entry of unprecedented numbers of women into the work force. Today, over 70 percent of all mothers are in the labor force. Over half of all mothers with preschool-age children are in the labor force: 57 percent with children under 6, 53 percent with children under 3, and, for the first time in our Nation's history, 51 percent with infants under age 1 are returning to work. Many of these working mothers are driven by economic necessity—as the income statistics I mentioned a moment ago make all too plain.

Another social fact commands our attention. I call it the dual family system. We have become a society divided into two kinds of families. The first is the intact family, where both parents live together at home. The second, increasing in number, is the single-parent family. One child in two will at some point live in a single-parent, usually a female-headed household. The Bureau of the Census projects that only 39 percent of children born last year will live with both biological parents until age 18.

There is an important economic dimension to this dual family system; indeed, we may be entering an era in which the dual family system defines the gradations of social class in America. Simply put, intact families are better off than single-parent families. In 1986, counting all cash, in-kind, and tax transfers, the Census Bureau reports that children in married-couple families are far less likely to be poor than those in single-parent families. White children in intact families expe-

rienced poverty at the rate of 7 percent, blacks 11 percent, and hispanics 20 percent. Their counterparts in female-headed families suffered a more terrible fate: poverty rates of 34 percent for white children, 50 percent for black, and 48 percent for Hispanic.

In sum, median family income has remained virtually stagnant over the past generation; mothers have entered the labor force in record numbers; and the country has entered upon an era in which half its children will live in single-parent families and, thus, will very likely be poor.

It is essential, then, that we do all we can to enable parents to better the economic status of their families through work. One sure way to help is by ensuring that parents have the wherewithal to afford decent child care.

CHILD CARE AND THE WORKING PARENT

There is a wide range of child care options available, from relatives and family day care homes to church run day care centers to private for-profit child care centers to employer-provided child care services.

Sandra L. Hofferth of the Urban Institute estimates that, in 1986, there were 63,000 day care centers with the capacity to serve some 2 million children. That same year, there were approximately 165,000 licensed homes with room for about half a million children. Dr. Hofferth's study shows that another 2.7 million children could be served in available unlicensed day care homes and day care centers, putting the total number of day care spaces in out-of-home, nonrelative care settings at 5.3 million.

As I say, a wide range of options exists; however, not all options are readily affordable for low-income families. In 1986, the average payment per week for compensated child care was $53 for a preschooler for 40 hours of care. This translates to approximately $2,800 per year. For a minimum wage earner, earning about $7,000 per year, child care costs could consume as much as 40 percent of earnings.

Clearly, for low- and middle-income families, child care at these prices constitutes a major burden. On average, according to Hofferth:

> Among those who pay for care, child care expenditures constitute a substantial proportion of the total weekly income of American families who pay for care . . . as high as 20 to 25 percent among poor families.

THE FAMILY SUPPORT ACT OF 1988

In the Family Support Act of 1988 (Pub. L. 100-485), we created a new capped entitlement program for welfare families called the JOBS Program. The JOBS Program will help poor parents who are AFDC recipients prepared to enter the labor force by providing education, training, and work experience.

While welfare families are participating in the JOBS Program, the Family Support Act guarantees them child care. When those families are ready to make the transition from the welfare rolls to payrolls, the Family Support Act provides 1 year of transitional child care services.

Mr. President, the refundable child care tax credit we propose today will pick up where the Family Support Act leaves off.

THE CHILD CARE TAX CREDIT

The Congress has long recognized that low- and middle-income families need help with child care expenses. A tax break for child care expenses was first enacted as section 214 of the Internal Revenue Code of 1954. At that time, a deduction was granted to working women, widowers, and legally separated or divorced men for specified employment-related dependent care expenses.

In 1976, the dependent care tax deduction was replaced by a nonrefundable tax credit. The credit was set at a flat 20 percent for all families for work-related dependent care expenses up to $2,000 for one qualifying individual and $4,000 for two or more qualifying individuals. A qualifying individual was defined as a dependent under the age of 15, physically or mentally incapacitated dependent, or a physically or mentally incapacitated spouse.

In 1982, the maximum credit was increased to 30 percent of dependent care expenses, phasing down gradually to 20 percent, by 1 percentage point for each $2,000 of adjusted gross income above $10,000. At the same time, the maximum amount of dependent care expenses to which the credit could be applied was increased to $2,400 for one dependent and to $4,800 for two or more dependents.

In 1988, the Family Support Act modified the definition of a qualifying individual to dependents under age 13, instead of 15.

The credit works well. It is estimated that, in 1988, nearly 10,000 families will claim the credit, for an average amount of $419. There is but one flaw. The families most in need—those working for low wages but with fixed child-care costs—do not now fully benefit from the credit. Many receive no benefit at all. This is because the existing dependent care credit is not refundable. If a family's Federal tax liability exceeds the credit, then the family fully benefits. If the credit exceeds tax liability, then the family benefits in part. If there is no Federal tax liability, there is no benefit. Consider: These families work. They must pay for child care. They earn too little to owe Federal taxes. Yet we deprive them of the child-care tax credit. And we compounded the problem with our sweeping 1986 tax reform legislation.

In the Tax Reform Act of 1986, Congress did something revolutionary: We removed 6 million low-income families from the tax rolls. We are deservedly proud of that act; we stopped taxing people into poverty. However, in removing the working poor from the tax rolls, we inadvertently denied them the child care tax credit. Recall: No tax liability, no dependent care credit. Period.

We are here today to correct this inequity in our Tax Code.

THE EXPANDED CHILD CARE OPPORTUNITIES ACT

The bipartisan legislation we introduce today will do two important things: First, it makes the existing dependent care tax credit refundable and more generous—thereby providing real relief for lower-income families. Second, it will provide additional funds, through the social services block grant—title XX of the Social Security Act—for States to expand and improve their child care services.

By making the dependent care credit refundable, low-income working families with no Federal tax liability will be paid the value of the credit in cash. As under current law, families with income tax liability may apply the credit to the amount of Federal income taxes they owe. If there is limited Federal income tax liability, the credit can be used to reduce that liability to zero and any remaining credit will be paid to the family in cash. Families may claim their credit at the end of the tax year or they may receive the credit throughout the year through reduced Federal wage withholding in each paycheck.

Our bill would also make the credit more generous for lower-income families. Specifically, we increase the maximum credit from 30 percent of dependent care costs of up to $2,400 for one dependent—$4,800 for two or more—to 40 percent. We also modify the credit phase-down. Under current law, the credit begins phasing down for families with adjusted gross incomes above $10,000. Under our legislation, the 40-percent credit will not begin phasing down until a family's adjusted gross income exceeds $12,500.

We recognize that an expanded child-care tax credit by itself may not address some of the current problems with the supply of child care. We know, for example, that there is a shortage of infant care nearly everywhere. We know that some geographical areas have a shortage of child care providers. We also know that States are trying to improve their information and referral services and to better monitor child care providers.

In order to assist States with these and other child-care concerns, title II of our legislation will increase the social services block grant available to States by $400 million in fiscal year 1990 and future fiscal years. These new funds would be earmarked specifically for child care services. States will have wide latitude in determining how best to spend these new resources to

improve the availability, accessibility, affordability, and quality of child care. The $400 million will be allocated among States based on the population of children aged 12 and younger. States will be prohibited from using these funds to supplant existing expenditures on child care. The bill also requires the Secretary of HHS to report to the Congress annually on how States are using these funds and, within 3 years from the date of enactment, to evaluate the program and to make recommendations on how it might be improved.

Mr. President, the Expanded Child Care Opportunities Act corrects a grave injustice in our Tax Code—one that punishes low-income working families—and provides States with some additional Federal resources to use as they best see fit to improve their child care services.

The Joint Tax Committee estimates our tax-credit provision will cost $2.6 billion in the first full year of operation. Together with the $400 million increase in title XX funding, our bill weighs in at $3 billion. This is not an inconsiderable sum. And yet, Mr. President, I suggest that the long-term cost of turning our backs on working American families and their children is far higher.

I urge my colleagues to join with Senators PACKWOOD, PRYOR, DANFORTH, HEINZ, ROCKEFELLER, RIEGLE, and me in support of this important legislation.●

By Mr. CHAFEE (for himself, Mr. BAUCUS, and Mr. HOLLINGS):

S.J. Res. 61. Joint resolution to designate April 1989 as "National Recycling Month"; to the Committee on the Judiciary.

NATIONAL RECYCLING MONTH

● Mr. CHAFEE. Mr. President, today Senator BAUCUS and I are introducing legislation to designate April 1989 as National Recycling Month. The importance of educating the public about the real benefits to society from recycling cannot be overstated.

A public education campaign must be launched to inform consumers that garbage does not disappear when the sanitation worker loads it into the truck. Our society must be made aware that there are very real costs, both financial and environmental, associated with the continued proliferation of municipal garbage.

In the United States today we are facing a crisis in solid waste management. The United States presently is generating about 160 million tons of solid waste, almost double the amount we produced in 1965. If present trends continue, the United States will generate close to 200 million tons by the turn of the century. Towns and cities across the United States are realizing that the city dump will be forced to close its gates in a few short years. In the meantime, during the last two decades the number of landfills accepting solid waste has been reduced dramatically—from about 30,000 to 6,000. It is becoming virtually impossible to establish any new landfill sites because of the "not in my backyard syndrome," and the rising value of land and real estate.

When confronting an urgent crisis, such as the threat to human health and the environment from burgeoning mountains of trash, it is tempting to look to technology to provide us with the easy solution. Such technological fixes, however, will not eliminate the undeniable need for significant changes in the way we conduct our daily lives. Not only must we find more environmentally sound ways of handling municipal trash, but we must also greatly reduce the amount of garbage we generate in the first place. This will require a concerted effort on the part of consumers, manufacturers, and government. That is why we are introducing legislation to designate April 1989 as National Recycling Month.

Reducing the amount of household garbage we generate poses the most difficult of public policy problems: changing human habits. The purpose of this legislation is to encourage a public attitude that can allow these needed changes to take place. People must be made aware that their actions do have a critical impact on reducing the amount of garbage entering the waste stream.

It is imperative that people learn sound disposal practices at an early age, so that by adulthood those practices will have become habit. The primary reason we have selected April as National Recycling Month is so that schools will have an opportunity to commemorate the month with appropriate educational activities centered around source separation and recycling.

My home State of Rhode Island, for example, was the first State to pass a mandatory recycling law. Citizens in West Warwick and East Greenwich, RI, separate recyclables such as glass, paper, aluminum and plastics for curbside collection. This recycling program will eventually extend to the entire State.

Recycling also creates employment. According to one recent study 10,000 tons of material spawns 36 jobs compared to 6 for landfilling the same amount. Some communities have formed working partnerships with workshops for the disabled, developed and administered job training partnerships, or otherwise found work for unemployed labor in recycling programs. In my own State, the Rhode Island Department of Environmental Management estimates that 300 jobs have been created by recycling.

The exciting feature of the battle against solid waste is that it can be won. Other nations are doing far better than we are. No drastic solutions are required, nor are big sacrifices sought. Relatively small changes in habits, modest incentives, and reasonable laws can produce victory. I urge my colleagues to help us move closer toward that victory by joining us in designating April 1989 as National Recycling Month. I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 61

Whereas a solid waste disposal crisis exists in the United States;

Whereas half of the major cities in the United States will have no space available for disposal of garbage within 4 years;

Whereas trash incineration and nonincineration industries should adopt recycling methods;

Whereas source separation, mechanical separation, and community-based recycling programs divert a significant portion of waste from landfills;

Whereas recycling preserves limited landfill capacity for disposal of nontoxic waste;

Whereas recycling saves energy and avoids the pollution created in extracting resources from their natural environment;

Whereas the revenues from goods recovered by public sector recycling programs help to offset the costs of the programs;

Whereas shared savings, which accrue by avoiding the higher cost of landfills or incineration, make recycling an economically efficient disposal policy even where markets for recycled materials are weak or undeveloped;

Whereas a well-developed system of recycling scrap metals, paper, and glass already exists and significantly reduces the quantity of solid waste composed of metal, paper, and glass;

Whereas substantial increases in the amount of materials recycled will require development of markets that absorb the increase in the amount of materials recycled, known as incremental markets;

Whereas many consumer products are designed without sufficient regard for safe and efficient recycling after disposal;

Whereas the Federal Government and State and local governments should enact legislative measures that will increase the amount of solid waste that is recycled;

Whereas the Federal Government and State and local governments should encourage the growth of incremental markets for materials recovered from recyclable goods;

Whereas the Federal Government and State and local governments should promote the design of products that can be recycled safely and efficiently after use;

Whereas the Federal Government and State and local governments should establish requirements for in-home separation of waste to enable efficient recycling; and

Whereas the people of the United States should be encouraged to participate in educational and legislative endeavors that promote waste separation methods, community-based recycling programs, and expanded utilization of recovered materials: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1989 is designated as "National Recycling Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.●

● Mr. BAUCUS. Mr. President, I rise in support of legislation to designate April 1989 as "National Recycling Month."

Recycling is a good idea whose time has come. Many Americans agree. A recent survey by the National Solid Waste Management Association shows overwhelming support for recycling. Over 80 percent of those questioned support recycling and believe it could make a substantial dent in the amount of solid waste.

But while we all believe in recycling, only about 10 percent of our garbage is currently being recycled. The rest is thrown away, and that may be the biggest waste of all.

We must start to recycle more and throw out less, or we could easily be buried in waste. Our Nation is the clear leader of the throw away society. Each American tosses nearly 3½ pounds of paper, cans, food, and yard wastes every day. By contrast, the Japanese toss out about 3 pounds per day.

Most of our garbage, nearly 85 percent, ends up in one of the Nation's 6,000 existing municipal landfills. In the next 5 years we can expect one-third of these to close. And within 10 years over half will be full. At the same time, our waste heap will continue to grow by another 40 million tons.

As you can see, unless we change our ways, we will run out of places to dump our trash. We will no longer be known as the land of opportunity, but the landfill of opportunity. And while recycling isn't the answer to our problems, it is a giant step in the right direction. And it is one we can all take.

Much of our garbage can be recycled. Some is being recycled. Large scale recycling is fact, not fiction. It is happening now.

Several States have set up programs to turn their waste into recycled paper, bottles and cans. And several manufacturers have done the same.

One of the best examples is aluminum can recycling. It's an American success story we can all learn from. Aluminum can manufacturers, as the story goes, decided they could save money and resources by using cans over and over and over again. So between 1980 and 1988 they recycled nearly 270 billion aluminum cans. And these cans ended up on our store shelves and not in our landfills.

But we need to do much, much more. We must make recycling a part of our daily lives. It must become as common as our morning coffee. Like the aluminum can manufacturers we must treat our waste as a resource, not refuse.

By designating April 1989 as "National Recycling Month" we can begin to get the word out that recycling makes good sense. It is an investment for the future. It will divert some of our waste from landfills. And it will save energy and resources by reusing what we would have thrown away.

But designating April as "National Recycling Month" is just the beginning. We can't simply talk about recycling, our actions not our words are what matters.

We must educate the public about recycling. We must share technical information on recycling. We must manufacture products that can be more easily recycled. We must stimulate and expand our recycling markets. And we must provide the tools and resources to make it happen.

Later this month I will introduce legislation to reauthorize RCRA. Like the RCRA bill I introduced last year, it provides a structure to make recycling happen.

But it goes beyond recycling. It also provides the tools and resources to help our manufacturers develop products, packages and other consumer goods that generate less waste in the first place. And last but certainly not least it puts in place the control necessary to safely manage waste that we can not reduce and cannot recycle.

The problem is too large and too complex for a single solution. Nevertheless, designating April as "National Recycling Month" is a good start. In the short term, it will help to enlighten us on the benefits of recycling. In the longer term, it will help us recognize how recycling, together with waste reduction and better waste management will lead to a safer environment for everyone. I urge my colleagues to help achieve these benefits by designating "April 1989 as National Recycling Month."●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. HARKIN], the Senator from Washington [Mr. ADAMS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes.

S. 54

At the request of Mr. METZENBAUM, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 54, a bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver of rights under such Act without supervision, and for other purposes.

S. 89

At the request of Mr. SYMMS, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. WALLOP], the Senator from Idaho [Mr. MCCLURE], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 89, a bill to delay for 1 year the effective date for section 89 of the Internal Revenue Code of 1986.

S. 276

At the request of Mr. DURENBERGER, the names of the Senator from California [Mr. CRANSTON] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 276, a bill to establish a Department of Environmental Protection.

S. 318

At the request of Mr. JOHNSTON, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 318, a bill to facilitate the national distribution and utilization of coal.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 355

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 357

At the request of Mr. SYMMS, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 357, a bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act.

S. 358

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization and for other purposes.

S. 359

At the request of Mr. NICKLES, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 359, a bill to prohibit the use of excess campaign funds for personal use.

S. 369

At the request of Mr. BOSCHWITZ, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 369, a bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000.

S. 384

At the request of Mr. CHAFEE, the names of the Senator from Nevada [Mr. REID] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for the other purposes.

SENATE JOINT RESOLUTION 32

At the request of Mr. PACKWOOD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 43

At the request of Mr. GRAHAM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution on the Essential Air Service Program.

SENATE RESOLUTION 57—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 57

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Select Committee on Intelligence is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $2,305,816, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $2,353,721, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of the Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990 and March 1, 1990 through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 58—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 58

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1989 through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $2,728,969, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $2,785,811, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989 through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 59—COMMENDING THE GOVERNMENT AND PEOPLE OF PAKISTAN ON THEIR RETURN TO DEMOCRACY

Mr. PELL (for himself, Mr. KENNEDY, Mr. LUGAR, Mr. SARBANES, Mr. HUMPHREY, Mr. KERRY, Mr. SIMON, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. HARKIN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 59

Whereas on November 16, 1988, the most free and fair elections in the history of Pakistan were held.

Whereas the elections were held in an orderly fashion and without any election-related fatalities.

Whereas the support of President Ghulam Ishaq Khan, of the Judiciary and of the Military was essential to the restoration of democracy in Pakistan.

Whereas the elections produced an electoral victory for Benazir Bhutto and the Pakistan People's Party.

Whereas Benazir Bhutto has shown extraordinary political and personal courage in the face of prolonged imprisonment and family tragedy.

Whereas Prime Minister Bhutto has moved swiftly to restore full human rights to the people of Pakistan by ordering the release of all political prisoners and the end of restrictions on the written and electronic media.

Whereas Prime Minister Bhutto has pledged to continue Pakistan's steadfast support of freedom for the Afghan people, has promised that Pakistan will not develop nuclear weapons, and has undertaken initiatives to improve relations with India.

Now therefore be it resolved, that the Senate of the United States:

(1) Commends the Government and people of Pakistan on the holding of free and fair elections and for the return to democracy.

(2) Congratulates Benazir Bhutto on her election as Prime Minister of Pakistan and wishes here a successful administration.

(3) Expresses its deep appreciation to President Ghulam Ishaq Khan, Chief Justice Nasrullah, and Chief of Army Staff Beg for their critical role in insuring the successful transition to democracy in Pakistan.

(4) Commends Prime Minister Bhutto for her prompt actions to free political prisoners and restore full human rights and expresses its support for her foreign policy statements on Afghanistan, nuclear weapons, and relations with India.

(5) Expresses its strong support for Pakistan's new democracy, reiterates its commitment to the security and independence of Pakistan, and affirms its willingness to assist the new government's efforts to address Pakistan's many economic and social problems.

● Mr. PELL. Mr. President, I send to the desk a resolution cosponsored by myself and Senators KENNEDY, LUGAR, SARBANES, HUMPHREY, KERRY, SIMON, KASSEBAUM, MOYNIHAN, BOSCHWITZ, DODD, and HARKIN to congratulate the government and people of Pakistan on the return of that country to democracy.

On November 16, 1988, Pakistan held a remarkable election. Throughout the country, tens of millions of Pakistanis lined up to cast ballots in the first free and fair elections in that country since the 1970's. As remarkable, the elections were conducted almost completely without violence. On November 16, 1988, no Pakistani died in election-related violence, an unprecedented achievement for south Asia, much less for Pakistan.

The election victor was Benazir Bhutto, a truly astonishing young woman. Educated at Harvard and Oxford, Ms. Bhutto returned to Pakistan in 1977 just weeks before her father's government was overthrown by General Zia ul-Haq. She was thrust into the fight to save her father's life, and following his execution, picked up his political mantle.

For her efforts she was imprisoned. In 1981, for most of the year she was held in solitary confinement in an unventilated class C cell. It was not until 1984 that she was released thanks in good measure to the efforts of many Members of Congress who worked with me to try to secure her freedom.

In the face of great adversity, Benazir Bhutto has shown astonishing courage. In 1988 things changed for her. In the space of 12 months, she got married, built a house, wrote a book, had a baby, ran a national election campaign, and took her first salaried job as Prime Minister of her country.

I think we all wish the new Prime Minister of Pakistan the greatest success. More importantly, however, we hope that the return to democracy will be irreversible in Pakistan. And in this regard, the United States has a part to play.

Pakistan's new democracy faces immense social and economic problems. The new government arrived to find the treasury empty and a tough new IMF austerity plan to be implemented. Over the years of military dictatorship, basic human needs have been ignored. As a result, literacy has declined in the last 20 years from 37 to 27 percent; each year 700,000 Pakistani children under the age of 5 die. The success of democracy will depend on the new government's ability to address these problems. The United States generously aided Pakistan in the years of dictatorship; we must do no less now that Pakistan is a democracy.●

● Mr. KENNEDY. Mr. President, I join my good friend from Rhode Island, Senator PELL and others, in introducing a resolution commending the Government and people of Pakistan for the return to democracy in their country. It is entirely fitting that one of the first actions of the 101st Congress will be to join together in praise of the newest member of the growing family of democracies in Asia. I urge my colleagues to support this important resolution and to ensure its swift and overwhelming passage.

Nearly a decade ago, the deposed Pakistani Prime Minister Zulfikar Ali Bhutto was sentenced to death and executed by General Zia ul-Haq. His eldest daughter and protege, Benazir Bhutto, assumed control of her father's People's Party but was persecuted by General Zia and forced to spend the next 7 years in jail, house arrest, and exile. Yet during that time, Benazir never gave in to her oppressors and never gave up on her dream of democracy for Pakistan.

Directly or indirectly, Pakistan has been ruled longer by the military than by civilians since the founding of that country over four decades ago. But tide of democracy that swept across the Philippines, that touched the shores of South Korea was lapping at the shores of Pakistan. And the people of Pakistan's yearning for justice, freedom, and democracy grew into an unyielding determination to achieve those ideals.

Bhutto returned to Pakistan in 1986 and ignited the hopes and dreams of the Pakistani people for freedom. Undaunted by the social concerns of many who objected to a woman's involvement in politics in a Moslem country, Benazir quickly came to symbolize the road to a better life for the majority of the impoverished Pakistani people. She gave hope to the children who cannot read, to the father who has no job, to the woman who cannot exercise her basic rights. She gave a new hope to a nation yearning to enjoy the basic rights and liberties of a free country.

The growing desire for change pressured General Zia to schedule elections for the fall of 1988. But he also moved promptly to ensure those elections would not be fair by prohibiting party based elections and disbanding the cabinet and national assembly. The people of Pakistan faced monumental obstacles in their quest for freedom.

Suddenly, in a tragic and as yet unexplained plane crash, General Zia and many of his top military men were killed. America also lost one of our finest citizens and dedicated public servants, Arnold Raphel.

That tragic and brutal act of fate, however, changed the landscape of Pakistani politics. The democracy that had been but a distant hope suddenly became a real and obtainable possibility. And Benazir Bhutto quickly reached out to all segments of Pakistani society—the poor, the businesses, the landed gentry—and instilled in them a confidence in her ability not only to lead a political party, but to govern a nation.

And in a tribute to the sophistication of the Pakistani people and their unwavering determination to bring democracy to this country, the election campaign was calm, free, and fair. With Benazir in the lead, the people broke the long cycle of military control and brutal election violence known so well to the people of that nation. Finally, on November 16, 1988, free and fair elections were held in Pakistan for the first time in nearly two decades. In what will surely become a watershed in Asian politics, this Moslem nation of 100 million Pakistanis voted to return their nation to the family of democracies—and they choose as their leader, 35-year-old Benazir Bhutto—the first woman to head a sovereign Moslem nation.

I share a special pride in the accomplishments of this extraordinary woman. For as a young woman, she came to Massachusetts to receive her education in international relations at Harvard University. Benazir has many friends in Massachusetts and across this Nation who know she will always

remain a true friend of the United States.

The new Pakistani Prime Minister faces serious challenges in the day ahead. The democratic transition in Pakistan is fragile at best and she must keep a coterie of senior political figures and military men in close check. The economy is fragile and the future of neighboring Afghanistan is uncertain. The questions of nuclear proliferation must be resolved.

However, Prime Minister Bhutto has already demonstrated her ability to govern and take control. In an early test of her power, the military had given preliminary permission for a plane to land in Pakistan carrying Soviet gunmen without her consent or knowledge. Upon learning of the decision, she acted swiftly and decisively to prevent the terrorists from landing in her country.

Today we stand at the threshold of a new era in Asia where justice and democracy reigns. I join with my colleagues in commending the people of Pakistan and Benazir Bhutto for their historic and monumental accomplishments. The resolution before us sends a clear message that the people of the United States stand firmly behind this progress and stand ready to support it.

Let our two nations work together to solidify these democratic achievements, to promote peace in Afghanistan, to better Indo-Pakistani relations, and to stem the spread of nuclear weapons and materials. Let us act today to promote these goals by approving the important resolution before us.●

SENATE RESOLUTION 60—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 60

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1989, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this resolution shall not exceed $4,951,018, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this resolution shall not exceed $5,501,556, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may by expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3 (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations in all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of government funds in transactions, contracts, and activities of the government or of government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of offshore banking and corporate facilities to carry out criminal objectives; and

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) The effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships,

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scare fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into discovery and development of alternative energy supplies, and

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, is authorized, in its, his, or their dis-

cretion (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) All subpoenas and related legal processes of the committee and its subcommittee authorized under Senate Resolution 313 of the Ninety-ninth Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 61—RELATING TO FIGHTER SALES TO JAPAN

Mr. DIXON (for himself, Mr. HELMS, Mr. BINGAMAN, Mr. D'AMATO, Mr. BYRD, Mr. BURNS, Mr. FORD, Mr. GORE, Mr. HEINZ, Mr. HOLLINGS, Mr. LOTT, Mr. MOYNIHAN, Mr. PRYOR, Mr. RIEGLE, Mr. RUDMAN, Mr. SANFORD, Mr. SHELBY, Mr. WIRTH, Mr. GRASSLEY, Mr. COHEN, and Mr. HUMPHREY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 61

Whereas the United States world market position in many manufacturing and high-technology areas, such as semiconductors, has deteriorated because of earlier such transfers of American technology to Japan in other industries;

Whereas the United States has a large trade deficit with several countries, particularly with Japan (more than 50 billion dollars in 1988);

Whereas selling Japan advanced fighter plane technology represents a significant leap in capability for Japan's aerospace industry, and may eventually enable it to compete with U.S. aircraft manufacturers in the world market;

Whereas the Japanese can purchase General Dynamic's F-16 at one-third the cost of the FSX and thus reduce Japan's trade surplus with the United States; and

Whereas a strong American industrial base is critical to the security and national defense of the United States, and the best interest of the United States can only be served by thoroughly examining the long-term impact of the FSX program on the United States industrial base: Now, therefore be it

Resolved, That (a) the Senate has strong reservations about the long-term impact on the United States aerospace industry that may result from the sale of United States advanced fighter technology to Japan's Mitsubishi Heavy Industries.

(b) It is the sense of the Senate that the President should—

(1) delay notifying Congress under section 36 of the Arms Export Control Act of the sale of General Dynamics F-16 fighter aircraft technology to Japan's Mitsubishi Heavy Industries for 60 days while a further review is undertaken by the Departments of State, Commerce, Labor, Energy, the CIA, DoD, Office of Science and Technology Policy, and the Office of the United States Trade Representative, and;

(2) examine closely the program's long-term impact on the health and competitiveness of the United States aerospace industry, and;

(3) submit a report containing his findings within sixty days of the passage this resolution to the Chairmen of the U.S. Senate Committees on Foreign Relations and Armed Services.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. DIXON. Mr. President, last week 11 Senators and I sent a letter to President Bush asking him to thoroughly examine the pending Japanese-United States FSX Fighter Co-Development Program for its long-term impact, on the health and competitiveness of American Aerospace industries. Several of my colleagues and I are concerned that the transfer of United States F-16 fighter technology now would represent a substantial boost in the development of Japan's aerospace industry. Consequently, this could bolster Japan's aerospace competitiveness in future markets. We are also concerned that the Commerce Department was not consulted by the Defense Department on the long-term industry and trade aspects of this program, despite language in the 1988 Defense Authorization Act calling for consultation, which was introduced by my good friend Senator JEFF BINGAMAN. I am disturbed by the fact that this program is about to go into effect without an exhaustive review of the long-term impact on our aerospace industry.

Now, Mr. President, I understand that, according to Defense News, the Department of Defense "hopes to resolve by Friday" the remaining issues pertaining to the sale of United States F-16 fighter technology to the Japanese. I certainly don't believe, and I'm sure several of my colleagues don't believe, that the administration can conduct an extensive review of the FSX program in just 7 days. I agreed with the senior Senator from North Carolina, my friend Senator HELMS, when he asked Secretary of State-designate James Baker to have the administration review this program for 60 days.

In my view, finalizing this complicated agreement with Japan during a leadership transition period probably couldn't have come at a worse time. The current administration did not negotiate the FSX deal, but has the responsibility of making the final decision without the benefit of having participated in the negotiations. This problem is compounded by pressures to continue this deal before moneys budgeted for this program by the Japanese Government are lost on March 31.

Japanese budget pressures aside, my Senate colleagues and I believe that a fresh and in-depth look at this FSX program by the new administration is needed. I want to reemphasize our serious concerns about the impact this program may have on the health of our aerospace industry as expressed in our letter a week ago and by my statement about this deal submitted for the RECORD last Thursday. To insure that there can be no doubt about the serious reservations we have about the benefits of this deal, Mr. President, I would like to introduce a sense of the Senate Resolution that expresses our reservations about the FSX program as it now stands. This resolution asks that the President delay notifying Congress of his intent to sell F-16 fighter technology to Japan for 60 days while a thorough review of the FSX program is conducted by several executive offices, to include the Commerce Department. The resolution also asks that the President report his findings to Congress.

To conduct an exhaustive study of this program is the least we can do for taxpayers who have paid billions of dollars to develop F-16 technology and for those in the aerospace industry who have worked hard to make the United States the undisputed world leader in this industry. They deserve a comprehensive review of this deal, not a parochial perspective provided by just the Departments of Defense and State. This is one area that we can improve on by following methods used by the Japanese. The Japanese Ministry of International Trade and Industry is actively involved in both civilian and military domestic production programs and influences decisions pertaining to them. We need to follow this example by insuring that the Commerce Department is extensively involved in codevelopment and coproduction programs such as FSX. Congress obviously made it clear in last year's authorization act that this should be done, but apparently the Defense Department wasn't listening.

And finally Mr. President, as a reminder to all of us, if we do not closely look at this issue from an aerospace competitive standpoint, the Japanese

certainly will. To quote from a GOA, study on the United States F-15 coproduction program with Japan, the Japanese "Ministry of International Trade and Industry recognizes that the F-15 and P-3C programs, as well as commercial joint ventures, provide the industry new technology." The study also pointed out that the "Ministry of International Trade and Industry has stated that technological developments of both civil and military aircraft mutually supplement and complement each other, because development and manufacturing techniques of both are closely related, and technological spinoffs can be mutually anticipated". In other words, the Japanese intend to extract from the FSX program any manufacturing methods or technology that may benefit the development of their commercial or defense industries. The Japanese are closely examining the FSX program to ensure the long-term health and competitiveness of their aerospace industry. So should we.●

● Mr. PRYOR. Mr. President, I want to join my colleagues in asking President Bush to postpone and more carefully review the sale of F-16 fighter aircraft technology worth an estimated $7 billion to Japan to aid the development of their so-called FSX aircraft.

The aerospace industry is one of the last areas in which America holds a predominant market position. In case after case, foreign industries have taken advantage of American industrial technology without having to foot the bill for research and development. Frequently the foreign companies are subsidized by their Government. In the case of TV's, VCR's and semiconductors, foreign industries have turned these advantages into devastating attacks on U.S. industries.

Mr. President, that is exactly what I do not want to have happen with our aerospace technology, especially the technology for our most advanced and successful fighter aircraft, the F-16. All U.S. industries must learn to effectively compete on the world market, but they should have the opportunity to do so on a level playing field.

I would note that today many of our allies including Japan, are not carrying their fair share of the common allied defense burden. Many of us are asking why, in the current world economy, the United States continues to carry the lion's share of that burden.

The United States spends billions of dollars to defend allies around the world. To do so, we spend roughly 6 percent of our GNP on our military. Japan, a country that makes $32 billion a year on its car exports to America alone, spends roughly 1 percent of its growing GNP on defense.

Instead of Japan spending its limited defense funds on this 10-year fighter development project, that money could be put to immediate work bolstering Japan's current defenses.

Mr. President, it cost the American taxpayers about $7 billion to develop the F-16 fighter. I am not saying we should not help our allies with that defense knowledge. But we can and should do so in a way that will not injure U.S. economic competitiveness. In fact, America offered to sell the F-15, the F-18, or the F-16 to Japan outright, which would have protected our technology, provided Japan with the finest aircraft money can buy, and eased United States-Japan trade deficit. But State and Defense Department negotiators allowed the Japanese to prevail in their wish to receive the underlying F-16 technology.

Mr. President, I do not think that Japan or any other country would strike a deal that might sell one of their industries short in the future. On its face the FSX deal we are about to consummate could do just that. Accordingly it makes sense for the Bush administration and Congress to take a closer look at the issue.

Our resolution calls on the Bush administration to delay the technology sale announcement for 60 days during which the long term impact of the sale can be studied more thoroughly. I urge its adoption.●

AMENDMENTS SUBMITTED

OIL AND GAS LEASING AND DEVELOPMENT ON THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE

JOHNSTON (AND McCLURE) AMENDMENT NOS. 3 THROUGH 5

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON (for himself and Mr. McCLURE) submitted three amendments intended to be proposed by them to the bill (S. 406) to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife refuge in a manner consistent with protection of the environment, and for other purposes; as follows:

AMENDMENT No. 3

S. —— is amended by inserting after title I the following new title, renumbering the remaining titles and sections as appropriate and making all necessary conforming changes:

"TITLE II. CONGRESSIONAL DETERMINATION OF COMPATIBILITY

"SEC. 201. CONGRESSIONAL DETERMINATION.—Congress hereby determines that oil and gas activities authorized and conducted on the Coastal Plain pursuant to this Act so as to result in no significant adverse effect on fish and wildlife, their habitat, and the environment, shall be deemed to be compatible with the major purposes for which the Arctic National Wildlife Refuge was established and no further findings or determinations of compatibility by the Secretary under the National Wildlife Refuge System Administration Act are required to implement this Congressional determination."

AMENDMENT No. 4

S. —— is amended by inserting after section 202 the following new section 203, renumbering the remaining sections as appropriate, and making all necesasry conforming changes:

"SEC. 203. ADEQUACY OF DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—(a) The 'Final Legislative Environmental Impact Statement' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142), and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), is hereby found by the Congress to be adequate to satisfy the legal requirements under the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act prior to conducting the first lease sale.

"(b) Except as provided in subsection (a) of this section, nothing in this Act shall be considered or construed as otherwise limiting or affecting in any way the applicability of section 102(2)(C) of the National Environmental Policy Act of 1969 to all phases of oil and gas leasing, exploration, development and production and related activities conducted under or associated with the leasing program authorized by this Act, nor shall anything in this Act be considered or construed as in any way limiting or affecting the applicability of any other Federal or State law relating to the proteciton of the environment.".

AMENDMENT No. 5

S. —— is amended by:

(1) redesignating title III as "Coastal Plain Environmental Protection";

(2) redesignating existing section 301 as section 301(a) and adding a new subsection (b) thereafter as follows:

"(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

"(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment; and

"(2) a mitigation plan be implemented to avoid, minimize or compensate for any adverse effect assessed under paragraph (1) of this subsection.".

(3) inserting after section 301 the following new section 302 and renumbering the remaining sections as appropriate:

"SEC. 302. REGULATIONS TO PROTECT THE COASTAL PLAIN'S FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS AND THE ENVIRONMENT.

"(a) Prior to implementing the leasing program authorized by title II of this Act, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken in the Coastal Plain authorized by this Act are conducted in a manner consistent with the purposes and environmental requirements of this Act.

"(b) The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program authorized by title II of this Act shall require compliance with all applicable provisions of Federal and State environmental law and shall also require:

"(1) as a minimum, the safety and environmental mitigation measures set forth in items one through twenty-nine (1 through 29) at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain;

"(2) seasonal limitations on exploration, development and related activities, were necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning and migration;

"(3) that exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 and that exploration activities will be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods: *Provided*, That such exploration activities may be permitted at other times if the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year and he finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain;

"(4) design safety and construction standards for all pipelines and any access and service roads that—

"(A) minimize adverse effects upon the passage of migratory species such as caribou to the maximum extent possible; and

"(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges and other structural devices;

"(5) prohibitions on public access and use on all pipeline access and service roads;

"(6) stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this Act, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures and equipment upon completion of oil and gas production operations: *Provided*, That the Secretary may exempt from the requirements of this paragraph those facilities, structures or equipment which the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and which are donated to the United States for that purpose;

"(7) appropriate prohibitions or restrictions on access by all modes of transportation;

"(8) appropriate prohibitions or restrictions on sand and gravel extraction;

"(9) consolidation of facility siting;

"(10) appropriate prohibitions or restrictions on use of explosives;

"(11) avoidance, to the extent practicable, of springs, streams and river systems; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling;

"(12) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

"(13) treatment and disposal of hazardous and toxic waste, solid waste, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, in accordance with applicable Federal and State environmental law;

"(14) fuel storage and oil spill contingency planning;

"(15) research, monitoring and reporting requirements;

"(16) field crew environmental briefings;

"(17) avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users;

"(18) compliance with applicable air and water quality standards;

"(19) appropriate seasonal and safety zone designations around well sites within which subsistance hunting and trapping would be limited;

"(20) reasonable stipulations for protection of cultural and archeological resources; and

"(21) all other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

"(c) In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider:

"(1) the environmental protection standards which governed the initial Coastal Plan seismic exploration program (50 Code of Federal Regulations 37.31-33);

"(2) the land use stipulations for exploratory drilling on the KIC-ASRC private lands which are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States; and

"(3) the operational stipulations for Koniag ANWR Interest lands contained in the draft Agreement between Koniag, Inc. and the United States of America on file with the Secretary of the Interior on December 1, 1987.".

(4) Inserting after section 304 the following new section 305 and renumbering the remaining sections as appropriate:

"SEC. 305. ENVIRONMENTAL STUDIES.—In addition to any other environmental studies required by law, subsequent to exploring or developing of any area or region of the Coastal Plain, the Secretary shall conduct such additional studies to establish environmental information as he deems necessary, and shall monitor the human, marine, and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with any previously collected data for the purpose of identifying any effects on fish or wildlife and their habitat and any significant changes in the quality and productivity of such environments, for establishing trends in the areas studied and monitored, and for designing experiments to identify the causes of such effects or changes."

(5 Making all necessary conforming changes.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and National Resources.

The hearing will take place on February 28, 1989, beginning at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on two bills currently pending before the Subcommittee. The measures are:

S. 237, a bill to reform the Tongass Timber Supply Fund; and

S. 346, the Tongass Timber Reform Act.

Because of the large numbers of people wishing to testify and the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510. The subcommittee intends to have additional hearings on these bills in southeast Alaska later this year.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Thursday, February 23, 1989, at 9:30 a.m. in SR-332 to receive testimony from the General Accounting Office on trading practices in the commodity futures markets.

For further information, please contact Ken Ackerman of the committee staff at 224-2035.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Monday, March 13, 1989, at 9:30 a.m. in Macon, GA, to receive testimony on tax issues affecting the timber industry.

For further information, please contact Bob Redding of Senator FOWLER's staff at 224-3643.

ADDITIONAL STATEMENTS

L. CARY BITTICK

● Mr. NUNN. Mr. President, I rise today to pay tribute to an outstanding law enforcement officer, L. Cary Bittick, executive director of the National Sheriffs' Association. Cary is retiring on March 1, 1989. Cary's career as a law enforcement officer began in 1961, when he was elected sheriff of Monroe County, GA, a position he held for 22 years. His family has a long history in Monroe County law enforcement with his father serving as sheriff prior to 1961 and his son as the currently elected sheriff.

As sheriff, Cary served as a member of the National Sheriffs' Association Board of Directors and its executive

committee for over 10 years. He served as its president from 1981 to 1982.

As a leader in the law enforcement community, Cary has received many exemplary citations. He has served on many national committees such as the National Commission on Accreditation for Law Enforcement Agencies; the Advisory Committee on State and Local Training at the Federal Law Enforcement Training Center, and as a member of the advisory board of the National Crime Information Center.

Throughout the last 28 years, he has served diligently in his law enforcement efforts at the local and national levels bringing about many innovative and progressive changes. Cary's strong leadership and commonsense approach to challenges facing criminal justice practitioners at all levels has served as an encouragement to all of us.

Upon retiring, Cary intends to remain active in local and national law enforcement activities.

I am sure my colleagues join me in commending him for his dedicated and loyal service and wishing him the best in his retirement and the future.●

THE RECENT DEPOSIT FEE PROPOSAL

● Mr. MURKOWSKI. Mr. President, few problems are more pressing as we begin this 101st Congress than the mounting crisis that exists in this Nation's savings and loan industry. Conservative estimates put the total cost of funding our insolvent deposit insurance fund at $50 billion, while several estimates envision the ultimate cost to be closer to $100 billion. In the face of a crisis of this magnitude, the American people demand that changes be made and that responsible decisionmaking take place. The recent proposal to place a fee on deposits is not only an ill-conceived solution to the problem, but it flies in the face of the very thing we should be encouraging—increasing this Nation's dangerously low personal savings rate.

CRITICISMS OF PROPOSAL

Mr. President, we are told that this deposit fee proposal will generate over $7 billion a year for the ailing deposit insurance fund, and that these moneys will adequately fund the deposit insurance system. This may be true, but lets not lose sight of the forest for the trees. The immediate effect of placing a fee on deposits will be to send money out of banks and savings and loans, and into mutual funds, money market accounts and other uninsured investments. As a nation that has a personal savings rate of less than 4 percent of gross national product, the last thing we should do is establish disincentives for people to save. It seems to me that this proposal for curing for the savings and loan crisis may well have side effects that are worse than the disease.

I must admit Mr. President, despite the seriousness of the problems that we face regarding the savings and loan industry, I am somewhat amused at the debate that has been going on in this town over what the Treasury's proposal should be called. You would hardly know we were talking about the same subject when you hear some people refer to the proposal as a deposit fee, while others call it anything from an insurance premium, user fee to a tax increase. Semantics aside, let me just go on record as stating that this proposal—under any name—is simply a bad idea that should die a swift and certain death.

PROPOSED SOLUTIONS

Mr. President, in the weeks and months ahead Congress and the administration will be charged with the responsibility of finding a bipartisan, long term solution to the savings and loan crisis. Merely finding fault with other peoples solutions will not be enough. The American people demand that we return this Nation's financial institutions to sound footing.

One proposal which merits our careful consideration is the splitting up of the duties of the Federal Home Loan Bank Board to separate the insurance and regulation duties from those involving the chartering of thrifts and the promotion of home mortgage lending. It seems to me that an inherent conflict of interest exists in any institution in which the promotion and development of an industry rests in the same body that is responsible for its oversight and regulation.

By the same token, while I do believe that we should separate the contrasting duties of the Bank Board, I do not believe that we should eliminate the Bank Board altogether by merging it into the FDIC. All the fault for the savings and loan crisis cannot be placed at the door of the Bank Board. Rising interest rates, plummeting oil and real estate prices in certain energy dependent regions, lax State regulation, mismanagement, and Federal deregulation all contributed to the inevitable crunch that thrifts experienced as they attempted to balance the constraints of holding long-term, fixed-rate home mortgage portfolios with the mounting pressure to offer higher and higher interest rates to depositors in order to attract new capital.

In our attempt to find solutions to these problems, the Congress and the administration should not proceed merely with a "heads will roll" attitude. Symbolic, draconian measures will not solve the savings and loan crisis—sound legislative and regulatory policy will.

Later today I will be introducing legislation which I believe will be a constructive first step in reforming the banking and thrift industry. My bill will seek to curtail the use of federally insured brokered deposits by limiting the amount of insured deposits that can be placed by a broker in a troubled financial institution to $100,000 per broker, per institution. These deposits, which are presently insured up to $100,000 per depositor, per institution, serve to drain the FSLIC and FDIC insurance funds, inflate banking costs, take money away from local communities, encourage funds to flow to poorly managed and financially troubled institutions, and conflict with the intended purpose of Federal deposit insurance.

WORK WITH ADMINISTRATION

Mr. President, I understand that in the next few days Secretary Brady and his staff at Treasury will be compiling a list of proposals to address the savings and loan crisis. I look forward to receiving these proposals and I am confident that Secretary Brady will show the leadership and initiative that this situation requires.

Before coming to the Senate I had the privilege of spending over 20 years in the banking industry. Perhaps that is why I am so deeply troubled by the current state of our financial institutions. I have seen first hand the vital role that banks and thrifts play in community development, entrepreneurial initiative and home ownership. I am confident that if the Congress and the administration work in a bipartisan fashion, focusing on long term solutions and not quick fixes, that we can restore the banking and thrift industries to financial stability.●

TRIBUTE TO STATE SENATOR FRANCIS J. McMANIMON

● Mr. LAUTENBERG. Mr. President, I rise to honor State Senator Francis J. McManimon, assistant majority leader from the 14th District of New Jersey. A resident of Hamilton Township, he has also served as its superintendent of parks and recreation since 1961. After serving in this capacity for 28 years he will be retiring on March 1 to devote more time to his senatorial duties and family.

As a State senator also serving in township government, he has shown that cooperation with the community can be a nonpartisan effort. For the past 13 years he has served as parks and recreation superintendent under a Republican township and previously by one controlled by Democrats.

During his tenure as superintendent, a policy called cosponsorship has been implemented. The township maintains fields and provides officials, and private groups organize leagues and teams. Under his direction, cooperation among citizens of the community has contributed to an excellent park system and recreation programs.

Senator McManimon has faithfully served the State of New Jersey since 1971 when he was elected to the State

assembly where he served until 1981, when he was elected to the State senate. He has served as chairman of the Senate Ways and Means Committee, the Senate Select Committee on Veterans' Affairs, and the Senate Intergovernmental Relations Committee. In addition he is vice chairman of the Institutions, Health and Welfare Committee, a member of the Transportation and Communications Committee and the Independent Authorities Committee and the Juvenile Delinquency Commission.

Franny was a moving force behind the creation of the New Jersey Department of Military and Veterans' Affairs. His commitment to the welfare of New Jersey's veterans has been well recognized. Known as "Mr. Veteran," he has been the recipient of many community awards, including the Veterans of Foreign Wars and the American Legion. He has been honored by the State Association of Elected Officials and the New Jersey Association of Recreation and Physical Education. Franny has also served his community through outstanding constituent work and by looking out for the little guy.

I congratulate Franny for his devoted service to his community and the State of New Jersey. As he retires from his position as superintendent of parks and recreation, the people of Hamilton Township can take consolidation in the fact that he continues to serve them ably in the State senate. I join his family, friends, and colleagues in wishing him all the best for continued success and happiness in the future.●

HELP FOR TROUBLED CHILDREN

● Mr. COHEN. Mr. President, I would like to draw the attention of my colleagues to the efforts that concerned people in the State of Maine have undertaken to help children with special needs.

On January 29, the New York Times featured an article by Lyn Riddle concerning a grassroots campaign on the part of the Coalition for Children with Special Needs, a group made up of Maine teachers, social workers, State legislators, and others, who are working to benefit troubled children. The resolve of the group is well characterized by the man who brought the group together, Mr. John Rosser, executive director of the Spurwink School, a private, nonprofit organization for troubled and handicapped children. Says Mr. Rosser, "We've studied this thing to death; let's get something done."

As the article states, Maine—like many other States around the Nation—is seeing a growing number of children who have been neglected or physically abused. These children often become violent and disruptive and need constant supervision. The coalition began by publicizing the plight of disturbed children who were living on the streets, in facilities unable to meet their needs, or in homes where they remained subject to abuse. Currently, the coalition is lobbying the legislature for more resources to improve foster care programs.

Mr. President, the problems of trouble children are too often ignored or left to grow into problems of troubled adults. I applaud what my fellow Mainers are doing to help children in desperate circumstances. I ask that this article be printed in the RECORD.

The article follows.

[From the New York Times, Jan. 29, 1989]

LOBBY EXTENDS A HAND TO CHILDREN IN TROUBLE

(By Lyn Riddle)

BIDDEFORD, ME.—When an 11-year-old boy was charged with killing his baby sitter by setting his house ablaze here in early January, some Maine residents decided it was time to stop studying the problems of seriously troubled children and start helping them.

A group of 100 social workers, teachers, legislators and others who deal with disturbed children gathered recently to set in motion a grassroots effort. The group, the Coalition for Children with Special Needs, is lobbying the State Legislature for more money to help abused and neglected children live productive lives.

"We've studied this thing to death; let's get something done for these children," said John Rosser, who brought the group together. "Year after year, there's always some other issues that need to be addressed and children with special needs get pushed aside. They don't vote. They're not necessarily nice kids. People don't like these kids."

PEOPLE WHO ARE CONCERNED

Harvey Berman, director of program operations at the Spurwink School, a private, nonprofit organization with programs for troubled and handicapped children in three states, including Maine, said the coalition was unusual because no one was looking out for his own interest.

"These are people who are concerned about children," he said. "It's not accidental that the prisons are overloaded. It's clearly a result of a lack of attention paid to troubled children."

Like many other states around the nation, Maine is seeing a growing number of children who have been neglected or physically abused. They are often violent and disruptive and need constant supervision.

CHILDREN WHO DON'T FIT IN

The situation gained attention in November, when social workers made public a list of 100 disturbed children in southern Maine who were living in unsuitable places: on the streets, in foster homes ill-equipped to handle their problems, in mental institutions and even in their own homes, where they had been subjected to abuse.

Social workers say the figure represents one-seventh of all children in state custody in southern Maine and is indicative of a system in crisis.

Penny Burns, a social worker in Portland, said she had even seen a seriously disturbed 4-year-old. "It was difficult to place her because she was so out of control," she said of the child. "Social workers quit, not because of the money, but because of situations like this. It drains you emotionally."

Social workers say one problem is that the system was developed in a time when foster parents' responsibility was limited to the physical well-being of children. Now, they say, the state relies too heavily on foster parents, many of whom are working without much training in caring for abused and neglected children. Fewer still understand how to deal with serious emotional problems.

"Many of these children don't fit into anyone's family," said Margaret Goodspeed, a social worker here.

Maine has 8,000 children in the protective services system and 1,807 are in state custody. A total of 1,031 are in foster homes, 344 are living alone or with relatives or friends, 252 are in institutions, 71 are in the Maine Youth Center and 67 are in adoptive homes, said Peter Walsh, the director of the Bureau of Social Services. He said caseworkers were not sure of the whereabouts of 42 children.

"I do not believe the whole foster care system is in crisis," said Mr. Walsh. "There are some serious problems with some parts of it and we have to fix the problems."

He said his staff had reviewed the list of children supplied by the social workers and concurred that the state had not had the proper facilities for them. He has written a report to the Commissioner of Human Services recommending ways to reallocate the state's resources to better treat these children.

ADDITIONAL FUNDS REQUESTED

In addition, Gov. John R. McKernan Jr., has asked the State Legislature to appropriate $1.2 million more than the $30 million the state already spends on child welfare to give foster parents more pay and children more money for clothing.

"That's a good start, but that's dealing with only one part of the needs," said Mr. Rosser. "You can't fix it by putting money only in one part."

Social workers in the coalition said more money was needed for a treatment center to house children entering the system so that they could be evaluated for proper placement. The group is also calling for more foster homes in which caring for the children is the parents' full-time job. The state has 171 professional foster homes.

"We're asking for people in the community, if they hate seeing kids on street corners or hearing about it, give us the tools to do our job: appropriate money," said Charlotte Bailey McPherson, a social worker in Portland.

Mr. Rosser, who is the executive director of the Spurwink School and a former Commissioner of Mental Health in Maine, said he would like to see children's services handled by a single agency, instead of spread over four.

Some people would think the incident involving the 11-year-old was an isolated case, said Mr. Berman. "But there are many people out there who have the potential of extreme behavior," he said. "Why it doesn't happen more frequently is a mystery."

Some have said the boy, who was charged as a juvenile in the baby sitter's death, was failed by the system because officials did not find appropriate care for him soon enough, even after his mother said she could no longer control him and asked for help.

But Mr. Walsh said: "This wasn't a boy who fell through the cracks." There was no reason to take him from his home because there was no evidence he had been abused

or neglected and he had been scheduled to go to a residential center in late January, Mr. Walsh said.

"We don't have a crystal ball to say what will happen with any of these kids," said Mr. Walsh. "We make a judgment on whether he is in jeopardy. Hindsight is always 20-20. The problem here was we don't know what works with these children."●

SEVENTY-FIRST ANNIVERSARY OF ESTONIA'S PROCLAMATION OF INDEPENDENCE

● Mr. LEVIN. Mr. President, later this month we will commemorate the 71st anniversary of Estonian independence. On February 24, 1918, the Estonians were the first of the three Baltic nationalities to declare an autonomous self-governing state. We remember this significant event in Estonian history, we marvel at the spirit of the Estonian people, and we share in the pride of Estonians around the world in the resilience of Estonian nationalism.

Freedom for Estonia was all too brief. After two decades, Estonian independence came to an abrupt halt when Stalin occupied Estonia, as well as the other Baltic States of Lithuania and Latvia. The United States continues not to recognize the Soviet annexation of the Baltic States. The annexation not only ended Estonian independence, but also led to massive death and deportation. A total of 350,000 people were lost between 1939 and 1949—a third of Estonia's population.

Despite the suffering and stifled nationalism, Estonians have endured in their quest for independence. On November 16, 1988, the Estonian National Assembly issued a declaration of independence, the first of the Baltic States to do so. Over a million letters of support make clear that this new expression of Estonian nationalism has wide popular support. Recalling the events of 1918, this constitutional challenge to Soviet rule has sent a strong signal to Moscow that Estonian aspirations for independence are still very much alive.

A new generation of Estonians, born and raised under Soviet rule, have added their voices to these calls for a free Estonia. Demonstrations in the streets of Tallinn, the capital city, have brought together thousands of young and old to march with the black, white, and blue flag of Estonia. These brave protests resonate in Estonian communities throughout the world.

On December 28, 1988, over 10,000 Estonians gathered in Melbourne, Australia. Esto '88, the fifth such international Estonian gathering, was different from all the others. For the first time, Estonians from Estonia joined their brethren at this Estonian World Festival. Three generations marched together in Melbourne, calling for a free Estonia. And, last month, the Estonian National Asssembly continued to take a firm stand with the Soviets, adopting measures to protect the Estonian language.

These developments have offered great hope to all of us as we remember the brief period when Estonians experienced genuine freedom in their own land. I call on Congress to join with Estonian-Americans in Michigan and throughout the country in celebrating this anniversary of Estonian independence. We celebrate with the knowledge that the voice of Estonia will continue to be heard.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, it is a great honor for me to join again with more than 1 million Lithuanian Americans in celebrating the establishment 71 years ago of the Republic of Lithuania. On February 16, those of Lithuanian heritage and their friends and supporters will commemorate the proclamation of a progressive and independent Lithuania which, for its all-too-brief life of 22 years, was a beacon of democracy. Today all Americans are afforded the opportunity to reflect on the proud heritage of our fellow citizens of Lithuanian descent and to renew our dedication to the principles of freedom and liberty for which this important day stands.

The continuing unity of the Lithuanian people is based on a common heritage dating back many centuries. In the more than 700 years since the original formation of a united Lithuania, the history of this valiant nation has been marked by constant struggle against aggressors. Through countless invasions Lithuanian defenders stood resolutely against their foes and demonstrated their commitment to freedom. After well over a century of domination by Russia, the people of Lithuania proclaimed their independence and reestablished their sovereignty as a nation February 16, 1918. Years of repression ended with the adoption of a constitution in 1922, which granted to the Lithuanian people the basic freedoms of speech, assembly, and religion. For more than two decades the young nation prospered economically and lived at peace with its neighbors. Yet this brief period was terminated in 1940, when Soviet forces occupied and annexed Lithuania in violation of their peace treaty of 1920, an occupation the United States has never recognized.

Remarkably, the brave Lithuanian people have withstood centuries of relentless pressure to abandon their religion, their culture, and their language. Their success in preserving that culture as immigrants to the New World has not only guaranteed their cohesion as a community, but has produced innumerable contributions to American society. In the last century Lithuanians joined in the building of our new land as foundrymen in western Pennsylvania; weavers in New England and New Jersey; tanners in Philadelphia; dockworkers in Cleveland; and tailors in Baltimore. Today their descendents are leading members of the professional, business, artistic, and academic communities. Lithuanian Americans have greatly enriched America's culture with their longstanding tradition of self-help and voluntarism, as shown by the more than 2,000 Lithuanian charity and mutual aid organizations in the United States today.

On this 71st anniversary of the Republic of Lithuania's restoration, we must also pay tribute to the brave men and women whose visions of freedom and whose sacrifices of the past and present continue to guide the Lithuanian people. Our thoughts turn to Viktoras Petkus, founder of the Lithuanian Helsinki Monitoring Group, who has served more than 20 years in prisons, labor camps, and internal exile. We think of Balys Gajauskas, who has spent more than half his life in prison for his human rights activities. Bishop Julijonas Steponavicius has been in exile since 1961, and Father Alfonsas Svarinskas and Sigitas Tamkevicius will remain in exile until 1993. These men have risked their lives for the rights and freedoms we, as Americans, enjoy and cherish, and their strength and steadfastness of purpose serve as a bright ray of hope for all of us.

Mr. President, Lithuanians gather today in their capital, Vilnius, and around the world to commemorate the 71st anniversary of the establishment of an independent Lithuanian Republic. We in the United States stand with them on this important occasion, and share in the hope that the day is near when their dream of independence once again becomes a reality.●

S. 35, RURAL ENTERPRISE ZONE ACT OF 1989

● Mr. DOMENICI. Mr. President, the Reagan economic recovery has done many fine things for much of America. Yet, even though our economy has generated 19,000,000 new jobs since 1980, many parts of this great country remain in need of economic stimulation.

The purpose of S. 35, the Rural Enterprise Zone Act of 1989, is to encourage more economic investment in pockets of our Nation where unemployment and poverty are too high. We want to bring the power of free enterprise to areas that are having a hard time generating needed jobs.

I like Secretary Jack Kemp's idea of "unleashing the power of free enterprise." In this bill, we are talking

about special stimulative measures to unleash this power in our rural areas.

I am proud to be an original sponsor of this act. Along with Senator DANFORTH, several distinguished colleagues joined us on January 25, 1989, in introducing this act. They are Senators PRYOR, BOND, DASCHLE, DURENBERGER, BOSCHWITZ, BURDICK, GRASSLEY, PRESSLER, and COCHRAN.

As stated in our bill, we hope to establish "Rural Enterprise Zones to stimulate the creation of new jobs, to promote revitalization of economically distressed rural areas, and to provide increased economic opportunity for residents of these communities, primarily by providing or encouraging—

First, tax relief at the Federal, State, and local levels,

Second, increased Federal and State assistance,

Third, regulatory relief at the Federal, State, and local levels, and

Fourth, improved local services, particularly through the increased involvement of private, local, and community organizations."

Our bill would designate the possibility of establishing 45 enterprise zones throughout the country. These zones would be in areas with populations of less than 50,000 people, an unemployment rate of at least 1½ times the national rate, a poverty rate of at least 20 percent, and several other criterion.

In a typical zone, a city would designate the appropriate rural census districts that meet the income and poverty criteria of the act. That zone—but not the entire city—would then be eligible for the tax and regulatory relief designed to stimulate business activity.

Increased business opportunity and business investment would be encouraged by Federal tax incentives for businesses that choose to expand or relocate to a zone. These incentives include:

First, a 10-percent tax credit for wages paid in the current year that exceed the prior year's wages,

Second, nonrecognition of capital gain for tax purposes when the taxpayer reinvests proceeds in the zone,

Third, the ability to claim accelerated depreciation deductions on property financed with tax-exempt bonds, and

Fourth, relaxation of regulatory requirements in a zone.

Mr. President, there are many rural towns and cities in New Mexico that could take good advantage of this new economic development tool. These are towns that already have basic strengths, but are in need of a slight break to become more competitive. This bill would do the trick for many of them.

When I think about the usefulness of the zone concept, I think of the growing areas around Las Cruces. Belen has special attractions along the Rio Grande. Taos could expand its tourism potential. Las Vegas would like to attract more businesses. Farmington is at the heart of a potential boom in agriculture.

Hobbs could use a boost to attract more diversification. Albuquerque's South Valley area has a large labor force and could benefit much from more employment opportunities.

Gallup and Grants have special advantages along a major interstate and a major railroad line. Santa Rosa and Tucumcari have similar benefits and a lot of interstate traffic.

In addition, this bill allows Indian reservations to participate. I feel that Zuni Pueblo, Isleta, Laguna, Santo Domingo, San Juan, and others would show great interest in enterprise zones to boost their plans for future business development.

Mr. President, while it is clear that not every New Mexico rural area would successfully compete for this exciting designation, the fact that it could be available is encouraging to New Mexicans. I enthusiastically support this concept, and I look forward to the day in the near future when New Mexico towns, cities, and Indian pueblos can apply for this special designation.

I urge my colleagues to consider cosponsorship and active support of the Rural Enterprise Zone Act of 1989.●

VOLUNTEER TUTORS

● Mr. SIMON. Mr. President, last year, Dorothy Gilliam had a column in the Washington Post about a young man who is a volunteer tutor and about the Volunteer Tutor Program at Georgetown University.

It is one small part of a lot of volunteer efforts that are taking place all over this country.

But laudable as these efforts are, we have to be doing more.

I will be saying more to my colleagues about all of this in the weeks ahead, but in the meantime, I ask to print the Gilliam column in the RECORD, and I urge my colleagues to read it.

The material follows:

[From the Washington Post, Dec. 12, 1988]

BREAKING AWAY TO LITERACY

(By Dorothy Gilliam)

When Mark Poirier left his hometown of Tucson to enter Georgetown University two years ago, he didn't want to spend all of his college years in an exclusive Washington neighborhood, so he became a tutor and got to know and respect people in a problem-plagued Washington community.

Pursuing a longtime interest in efforts against illiteracy, the 21-year-old sophomore signed up with Georgetown's Sursum Corda Adult Literacy Program and was assigned to help teach Thomas E. (Preacher) Fenner to read, write and figure.

Such involvement in the community is rare on the part of college students today, who often are said to have elevated political apathy and lack of social concern to an all-time high.

Furthermore, how many students would be eager to go one or two nights each week into the Sursum Corda apartment complex at First Place and M Street NW., which since June has been the scene of five bloody slayings, increased drug peddling and stray bullets occasionally bursting through apartment windows? But Poirier is quick to say that he has gained as much as he has given.

"It means a lot for me to get away from up on the hill and be able to get out into the community," said Poirier, who is studying pre-med and engineering but hopes to pursue a career in education. "I'm learning how to teach, and Preacher is learning how to read and do math. Besides, there's a real sense of community at Sursum Corda. There's stuff we can learn from them, and they from us."

Preacher Fenner is 6 feet tall, 40 years old and was, for many years, an inmate at Lorton. Before he started in the literacy program a year and a half ago, he could barely read or do any mathematics. "It felt strange, it felt funny," he recalled, seated in the Sursum Corda living room where he and Poirier work every week. On the other side of the room, Poirier looked sheepish as Fenner's mother, Mary Fenner, chided him about not wearing socks with his penny loafers. Poirier played casually with Preacher Fenner's nephews and nieces.

For Fenner, learning to decipher symbols, lines and dots on paper is his way of trying to make a complete break from his past and reach his goal of attaining a job and financial independence. Closed-mouthed about his past, Fenner didn't want to talk about Lorton with a visitor and remarked casually to Poirier that he had spent a long time in jail "for committing a bad crime." Today, Fenner is one of the literacy program's most dedicated participants.

Begun in October 1987 by the Sursum Corda Tenants Association and Georgetown University, the literacy program has 30 specially trained tutors who meet students at their homes or in the nearby Sursum Corda Community Center to teach them one-to-one.

Fenner helped to develop the curriculum that Poirier is using to tutor him—for fun and practice, he has written to entertainer Eddie Murphy to tell him how much he enjoyed his film "Coming to America"—and is using his skills to take more control of his life. Fenner and other literacy students plan to join the neighborhood association's drive to get city officials to help them tackle the problems at Sursum Corda.

Recognizing that building literacy skills is the way to empower the community, such an action fits the program's goal.

Christine Nicholson, who heads the tenants group, said some residents were "a little bit bashful at first, but are coming out more. They are beginning not to worry about people knowing they can't read or write much and are willing to learn more."

I've always thought that being unable to read or write is the modern equivalent of being enslaved, or, at least, of being blind to much of the surrounding world. In the Washington area, entirely too many are blind or enslaved by this problem. Nicholson said that perhaps as many as 40 percent of the tenants at Sursum Corda are illiterate. People such as Mark Poirier are making a difference. But many more volunteers, in myriad literacy program across the area, are needed.

One of the rewards is the appreciation from people such as Fenner. Saying it "feels so good" to be able to write a letter, to finally know how to add and subtract, he added, "There's a lot I still don't know, but I feel like I'm on my way at last."●

NATIONAL SKI DAY

● Mr. GARN. Mr. President, I am pleased today to join Senator WIRTH in cosponsoring a resolution designating January 19, 1990 as "National Ski Day." It has been my policy throughout my service in the Senate to encourage economic development in an environmentally responsible way. This day will help citizens foster appreciation and respect for the outdoors and, at the same time, afford economic growth in the many ski regions throughout this country.

Skiing is a vital part of recreation and tourism in my State's economy as well as the economies of many other States. Nationally, ski areas bring in over $1.6 billion a year. In Utah alone, the ski industry employs an estimated 6,000 workers in manufacturing, distribution, and resort positions. Utah's ski resorts have evolved into year-round mountain resorts providing both winter and summer activities. Skiing in Utah brings in over $360 million, and over $27 million in combined State and local tax receipts. Of the 2.5 million lift tickets sold in Utah, over 53 percent are sold to out-of-State skiers while 47 percent of the lift tickets are purchased by Utah residents. In a family oriented State like Utah, skiing is excellent recreation for the entire family.

Utahns' are extremely fortunate to have seven world class resorts within 30 minutes of downtown Salt Lake City. Skiing has had a positive effect on our canyons by increasing both recreational value and commercial use of the national forests, providing employment opportunities and economic development, and creating an appreciation for the beauties of nature. In fact, because of the lack of humidity in our desert climate, Utah's snow is light, dry, and plentiful. That is why Utah's license plates claim ours as "The Greatest Snow on Earth."

This resolution is good for the vitality of America. No sport can so clear the senses and invigorate the body, as can skiing. I urge my distinguished colleagues to join us in this fitting recognition of an important and growing industry.●

INFANT MORTALITY AND CHILDREN'S HEALTH ACT OF 1989

● Mr. SHELBY. Mr. President, I rise today to join several of my colleagues in cosponsoring S. 339, the Medicaid Infant Mortality and Children's Health Act of 1989. I would also like to commend Senator BRADLEY for his leadership in this area.

Last year I was proud to cosponsor S. 2122, a bill introduced by Senator BRADLEY which mandated State coverage of pregnant women and infants up to 100 percent of the Federal poverty level. Through his guidance, and the support of other Members of this body, this provision was included in the Medicare Catastrophic Coverage Act of 1988 which President Reagan signed into law on July 1, 1988.

Mr. President, my home State of Alabama had the dubious distinction of leading the Nation in the number of infant deaths in 1986. In 1987, we improved somewhat from 13.3 deaths per every 1,000 live births to 12.2 deaths per 1,000 live births. According to recent statistics, Alabama still ranks fourth in this indicator of our Nation's health.

Alabama is not alone in its problem with infant mortality. Our Nation ranks 19th, behind most other industrialized nations and is still far away from the Surgeon General's goal of reducing the Nation's infant mortality rate from its current level of 10.4 deaths per every 1,000 live births to 9.0 deaths per every 1,000 live births by 1990.

One significant step we can take to eradicate this problem is to expand the availability of prenatal care, the benefits of which have been demonstrated repeatedly. The Institute of Medicine recently stated that the best weapon in the fight against infant mortality is expanded access to prenatal care and treatment of infants in the first year of life.

Prenatal care is cost effective in both financial and human terms—for every $1 spent on prenatal care, $3 is saved over the first year of the infant's life. Also, prenatal care has proven effective in reducing the number of low birthweight babies.

These low birthweight babies are at the greatest risk for high mortality and morbidity, according to an Office of Technology Assessment study. Neonatal intensive care for these babies is also one of the most costly of all hospital admissions. The OTA reported that the U.S. health care system saves somewhere between $14,000 and $30,000 in hospitalization and long-term care costs for every low birthweight birth avoided. Thus, the cost of Medicaid expansion to make prenatal care available to more pregnant women will be outweighted by the savings our health care delivery system will realize from the avoidance of low birthweight births.

Although the benefits of prenatal care are obvious, many barriers exist between this care and the patient. In Alabama, one critical problem we face is the lack of adequate obstetrical services. Pregnant women who are already disinclined to seek prenatal care are further discouraged if they have to travel great distances to receive medical attention. Currently, 28 counties in Alabama are without obstetrical services, a trend which will only worsen with time.

In 1987, the Alabama Association of Obstetricians and Gynecologists [AAOG] conducted a statewide survey of its members, 80 percent of whom responded. The survey listed the three primary reasons given by respondents for refusal to treat Medicaid patients as inadequate reimbursement, paperwork, and the fear of litigation.

The survey also noted that 30 obstetricians who had recently decided to refrain from providing care would come back if the Medicaid reimbursement was increased to a reasonable rate. In Alabama, the State Medicaid agency has set reimbursement for obstetrical services at $675. The survey indicated that a majority of obstetricians would participate in Medicaid if the reimbursement level was closer to $1,000 for these services. This is still far below the average of $2,000 to $2,500 charged to private pay patients.

The lack of obstetrical services is even worse in the rural portions of my State. The maldistribution of obstetricians in urban centers will continue as more rural hospitals are forced to close their doors.

Also, the rapid rise in malpractice insurance premiums has driven qualified obstetricians to the decision to stop delivering babies. In a 1987 State survey, the average malpractice premium approached $37,500 a year. I have spoken with several doctors recently who claim that this year that figure has risen to $60,000 a year.

Mr. President, something must be done to protect the children of our future. I am pleased to support this bill, which I understand will make Medicaid eligible to about 200,000 more pregnant women and infants each year. I can think of no worthier investment we can make than in our children and the future of our country.●

RECOGNIZING THE DISTINGUISHED SERVICE OF MAJ. DON W. JANSSEN

● Mr. DIXON. Mr. President, I would like to take this opportunity to recognize the hard work and superb contribution of Maj. Don W. Janssen in our armed services. After more than 20 years of distinguished service Major Janssen is retiring from the U.S. Air Force effective March 1. Major Janssen served his country honorably and loyally in his capacity as the Deputy Director of Planning in the Headquarters Air Weather Service at Scott Air Force Base in Belleville, IL. Major Janssen has been responsible for Air Weather Service's technical management of the $2.8 billion Defense Meteorological Satellite Program. Data re-

ceived from these weather satellites are used to support worldwide Department of Defense operations and the National Weather Service. Major Janssen has served his country with great distinction and should be very proud of his fine accomplishments. I would like to join my voice with those of his family and many friends in thanking Major Janssen for a job well done and wishing him the very best in the coming years.●

REFUGEES

● Mr. SIMON. Mr. President, the Chicago Tribune's magazine had a story by William Mullen describing what refugees face around the world.

It is a remarkably perceptive piece of writing that shows graphically the problems faced by much of the world. I wish I could also insert the pictures from this report in the RECORD.

It is commonplace to say, "We don't know how fortunate we are." But reading this account, or visiting refugees in other countries as I have had the opportunity to do, makes these words breathe.

I urge my colleagues in the Senate and their staffs to read this remarkable story by William Mullen, and I ask that it be printed in the RECORD.

The material follows:

REFUGEES

(Special report by William Mullen)

Wars create refugees, and refugees prolong wars. If there is a truism about late 20th Century warfare, that is it. Wars of independence, civil wars, border conflicts, internal revolutions and full-fledged declared wars spill people across borders every day.

If there is a truism about refugees in the late 20th Century, it is this: Most refugees will never have a chance to return to the places they once called home. That is a frightening prospect for the world's 13 million refugees but one that seems increasingly likely through the passage of years, even though all refugee camps are built to be "temporary."

The temporary camps set up 40 years ago in the Middle East now hold four generations of people, two of which have never known any other kind of life. Temporary camps in Africa will soon mark their 30th anniversaries. Southeast Asia, South Asia and Central America are pockmarked with camps turning almost 10 years old. Refugee camps have a way of building their own permanency in these peace-forsaken days when "small" wars can drag on for 10 years and set no duration records.

I first encountered refugee camps as a journalist in 1972 during the latter stages of the Vietnam War. I ran across numerous refugee camps in trips to Africa in 1974 and 1975. In 1977 I watched the first refugee outpourings into Thailand from Laos, Cambodia and Vietnam. In 1978 I met refugees coming into Somalia from Ethiopia and visited Palestinian refugees under fire in their camps during the Israeli invasion of southern Lebanon. In January, 1980, I saw the great flood of Afghan refugees inundating Pakistan's western borders as they fled the Soviet invasion of their country.

I thought I had seen those people when they were at their lowest, coming across borders grief-stricken and battered. But as the years dragged on and so many of those people were never able to go home, I began to have nagging thoughts about them. I wondered if there was some factor or pattern common to all refugees globally that might explain why the refugee camp has become such a perniciously enduring institution around the world. I wanted to go back.

Most of us will never have to make a decision to drop everything and flee all we know and cherish. The hundreds of people I talked with during my journey through refugee camps new and old *did* have to make that decision, and they crossed borders for the soundest of reasons—they and their loved ones were threatened with lethal violence. The stories of their escapes were harrowing. Even more harrowing, however, were the stories of endless years of lives on hold, of never having a life to call your own, of never having a claim on your own future.

If there was one overriding impression that I carried away from my nine-month tour, it was the stunning cruelty of keeping people in camps and in limbo, away from home and normal life, for so long.

We think of refugees as having safety when they make it to a refugee camp. But they never really escape the conflicts that sent them running. The longer they live as exiles, the more likely the conflict they escaped will come to swirl around them once again. It may come at the hands of the countries as asylum, when residents rebel at the burden placed on them by refugees. It may come at the hands of the refugees' enemies, who follow them across borders to continue old battles. It may come from the refugees themselves, when they turn on one another as the years of incarceration take their toll. One way or another, it will come.

We of the Old and New Worlds ask Third World nations to take on the burden of accepting millions of refugees, and then we are puzzled when those nations eventually rebel against shouldering the burden year after year. Before the world can solve its refugee problem, it must understand that the problem is not logistical—how to care for refugees—but political. Millions of human beings around the world want a place to call home but are denied fulfillment of that want. Denied long enough, they will do anything that promises an escape from their current situation. Life in a refugee camp provides the refugees with hours, days—years—to mourn what they have lost and to hate those who have driven them away from home. Let someone offer them a chance to fight back, and the takers line up.

More than 5 million Afghan refugees in Iran and Pakistan form the nation-in-exile that sends men into Afghanistan to fight the Soviet invaders and the Marxist regime they support in Kabul. Camps and settlements throughout the Middle East for decades have been the breeding ground for Palestinian insurrectionists and terrorist cabals. A million Ethiopians—half in Sudan and half in Somalia—send their young men home to fight a Soviet-backed regime there. A coalition of insurgent armies holds 300,000 people in Thailand to form a guerrilla army against Vietnamese occupation troops inside Cambodia. Tens of thousands of Nicaraguans, backed by the United States, send their men from refugee camps in Honduras and Costa Rica to fight a Marxist regime in Nicaragua.

For the various United Nations agencies charged with providing humanitarian care for 13 million refugees around the world, the refugees as combatants pose a dilemma. UN aid is supposed to be strictly humanitarian. The activities in the camps and settlements that the UN provides for refugees are supposed to be, if not nonpolitical, at least nonmilitary.

That is a difficult standard to maintain. For the most part, the refugees, fueled by their painful memories, are willing participants in these armed struggles. They openly manipulate and in turn are manipulated by outside political forces that have a stake in whatever conflict sent the refugees fleeing from their homes.

Inevitably the countries who give sanctuary to refugees get sucked into the deadly game. Usually the host countries also are willing participants because they fear the governments that sent the refugees into their midst.

Honduras and Costa Rica fear the leftist Sandinista regime in Nicaragua. Thailand fears the ambitions of the Vietnamese regime whose army is occupying Cambodia. Sudan and Somalia are bitter, historic enemies of Ethiopia, as are the Arab nations of Israel. Pakistan lives in the shadow of Soviet power plays in South Asia. In each case, the host governments not only give sanctuary to the refugees but to some degree also allow their countries to be used as bases for continuing attacks on their neighbors' governments. Obviously this is a risky situation. When things go wrong, the host countries can suffer horribly, but eventually the refugees will suffer more because no one will take them in anymore.

On July 9, 1987, a car bomb exploded in the middle of a busy bazaar in Peshawar, the Pakistani city that is the center for Afghanistan's exiled resistance movements. The bomb killed 72 people, most of them Pakistanis. Last Feb. 19 another car bomb went off in Peshawar at a Pakistani political rally, near a public school. A dozen people were killed, including two children.

"Eighty percent of the world's state-sponsored terrorism occurred last year in Pakistan," says a Western diplomat in Islamabad, Pakistan's capital, "killing about 500 people in all. It's almost a daily occurrence. There's no secret about who's setting off these bombs. It's KHAD [the secret police of Afghanistan's pro-Soviet regime] and the KGB [the Soviet secret police]. The bombs follow a very consistent pattern, set off in crowded public places with the intention of killing and maiming as many people as possible. Bus stations, cinemas, bazaars—that sort of thing."

The main target of the bombs, he says, is not the 3 million Afghan refugees in Pakistan. It is Pakistani public opinion, which has approved of the ongoing war against the Soviets in Afghanistan and has given a generally warm reception to the hordes of refugees in their midst.

"It's no surprise that there are calls for public order by Pakistanis after the bombs explode and the casualties are counted," says the diplomat. "There are two or three levels of response to the bombs. One is a call to remove all refugees from cities and towns, to isolate them in camps so that Pakistanis won't get caught in the violence. In other instances Pakistanis have beaten up refugees after bombing incidents, blaming their presence in Pakistan for the violence. Another response has been to attack the government's policy of Afghanistan, that if the government withdrew its support of the resistance, the bombs would stop, and the refugees would go away."

Many Pakistanis are uneasy about the increased violence refugees have brought to Pakistan, but they remain supportive of the refugees' cause. "There is only a shift in degree of uneasiness about the refugees," the diplomat continues, "but certainly it's not anything that has gotten out of control."

The impact of the sudden influx of more than 3 million people into Pakistan and their prolonged stay—now up to eight years—will not easily be erased.

Ecologically the refugees have been a disaster to Pakistan, especially to the North West Frontier and Baluchistan, the provinces to which most of the Afghans have fled. In searching for firewood, they have so denuded the forests and scrublands in which they have built their camps that the World Bank has invested $60 million in reforestation projects to try to undo some of the damage.

Economically the refugees have been a mixed blessing. They have been a plentiful source of cheap labor to Pakistani farmers and businessmen, especially those in the construction industry. In other sectors, however, the refugees have been direct competitors for jobs. For example, the many refugees who came into Pakistan driving their own trucks have gone into the trucking business on a large scale. As refugees, they were not obligated until recently to pay Pakistani taxes, so they could undercut the Pakistani truckers' rates. This has led to several bloody riots.

Perhaps most serious, the enormous amount of sophisticated weapons being funneled through Pakistan for the benefit of Afghan rebels will likely alter domestic political equations in Pakistan for years to come. The North West Frontier and Baluchistan are semiautonomous tribal areas that have never been fully under the control of Pakistan's government. The history of the two provinces is one of almost constant armed feuding with the central government and among the tribes themselves.

Tribal and clan fueding within Pakistan used to be mostly minor affairs of murder and kidnaping during small/scale raids with single-shot rifles on neighboring villages. Now whole sections of rival villages are being reduced to rubble by long-range mortar and rocket attacks as tribal rustics familiarize themselves with the advanced 20th Century weaponry pouring into Pakistan to arm the Afghan resistance.

The atmosphere of violence and military bravado that the Afghans brought back with them into the North West Frontier and Baluchistan has permeated nearly every level of Pakistani society there.

Before the refugees came, few private citizens walked around carrying arms, says a Western-educated Pakistani economist in Peshawar." There were no more than 500 or 600 automatic weapons in private hands in the province," he says. "Today you can brush up against a man accidentially in the street, and you can feel a weapon underneath his clothes. An American M-16 rifle costs about $1,250, and ammunition for it is about 60 cents a round. A Russian-style AK-47 rifle is about $900, and ammunition for it is only 3 to 4 cents a round. Everybody has one, and, of course, the American gun is the prestige firearm, the one everybody wants.

"Our tribesmen today have antiaircraft guns, mortars, rockets and rocket launchers. In the Kurram Agency tribal area last year, there was a clash between the Shiite and Sunni communities, something that has always happened. This time, however, unofficially 200 people were killed. After a few days, pictures appeared in the local press. They were pure and simple war photos, not of a communal riot. Houses were collapsed from six or seven miles away by exchanges of rocket fire."

The economist admits he is himself in the market for an M-16 rifle.

"I'm going to buy one for my 16-year-old son," he says sheepishly. "He's been after me for months, arguing that all of his friends have one. I've run out of arguments. It's a status symbol, something to shoot off into the air at weddings and special functions. I'm not a rich man, and I'm not willing to buy a useless piece of metal that I hope I myself or any member of my family will never have to use. However, it comes to a point when you have to bow to societal pressures.

"The upshot of it all is that the initial feeling of goodwill for the refugees here has undergone a change. Today I think Pakistan still has the best refugee situation in the world in terms of treating them equitably. But if you ask a Pakistani man on the street, he will tell you, 'I wish them well, but I wish them gone.' The Pakistani welcomed the Afghan as a guest, but after three or four years, it wasn't exactly a guest-host relationship."

The welcome mat is wearing thin for refugees in many countries of first asylum. Underlying the lessening of hospitality for refugees is the sheer length of the time they remain in exile. The changing patterns of geopolitical alliances since World War II have meant that refugees remain in camps for years and decades. They are unable to go home, but they are also undersirable candidates for permanent resettlement elsewhere. For the first-asylum nations that must house them, the refugees create nearly impossible physical, economic and political strains.

First-asylum countries are those directly in the path of refugees looking for a haven. Because most refugees are from the Third World, most countries of first asylum are in the Third World, too, and are themselves quite poor.

There are 25 countries in Africa, Asia and Latin America that now have refugee populations of more than 50,000, according to the Independent Commission on International Humanitarian Issues. The 20 nations with the highest ratio of refugees to their own populations have a per-capita income of less than $700 annually.

Malawi is just such an accident of geography, inundated by hundreds of thousands of refugees. About the size of Pennsylvania, it is a long, narrow, landlocked country of 7.5 million people in south central Africa. With a per-capita income of $200, it is one of the most densely populated countries in Africa and one of the poorest. In the best of times, about 85 percent of all Malawians eke out living from subsistence farming. In the last three years drought and plagues of insects have brought widespread hunger and illness to the population.

Coinciding with those economic disasters is the human disasters of the civil war in Mozambique, Malawi's southern neighbor, with which it shares a 300-mile border. In 1986 Mozambicans, hungry and terrorized by war, began arriving in Malawi by the tens of thousands.

By November, 1987, when I arrived in Malawi for a tour of its refugee camps, 400,000 Mozambicans had already been registered in camps operated by the UN High Commission for Refugees, and they continued to arrive at the rate of 20,000 a month.

A 40-mile drive down Malawi's main highway connecting Lilongwe, the country's capital, with its southern districts, is one of the more eerie drives in the world.

On the Mozambican side of the road, which marks Malawi's western border with Mozambique, every town, village, hamlet and farmhouse stands empty and gutted by the insurgent Mozambican army called Renamo. Doors are gone. Window casements are empty. The corrugated tin roofs have been carted away. Not a living soul stirs in the abandoned landscape.

Just a few yards away on the Malawian side of the road, every town, village, hamlet and farmhouse is jammed to overflowing with life. Of these, many are older settlements of Malawians who, linked closely to the fleeing Mozambicans by family and tribal ties, have taken in the refugees on their own. Others are brand-new communities made up solely of refugees, set up by the UN on Malawian farmland.

One side of the road represents death or enslavement to an unpopular uprising. The other side offers life itself, albeit a precarious one. The Malawian settlements are targets of frequent raids by Renamo fighters, who steal food supplies and often kidnap refugees and force them to work as porters or field hands for the rebel forces inside Mozambique.

Even the UN is having difficulty getting sufficient food and other supplies into Malawi to care for the refugees. Renamo continues to sabotage two main rail lines that once carried 90 percent of Malawi's freight from Mozambican ports into and out of Malawi. Most supplies now must go on a circuitous truck route through the war-contested Mozambican province of Tete down to Durban, South Africa. Last November the number of army-protected convoys over that route were cut from six to three because of Renamo attacks.

At that time the UN was importing 950 metric tons of corn every week to feed the 400,000 refugees, only about half the amount needed to feed so many people adequately, says one international relief official.

In Nsanje, the southernmost district of Malawi, the 220,000 Mozambicans settled there actually outnumbered the native Malawians by 30,000. In the shade of an enormous banyan tree there last November, I met one of the most recent arrivals.

"I arrived today, walking," said Madeza Misikeni, a 33-year-old Mozambican farmer. He shared the shade of the tree with his two wives, three children and dozens of other refugees who, like him, had arrived that morning nearly naked and wracked with exhaustion. They were waiting to be registered by local officials.

Misikeni said he and his family walked for four nights from their home to get to Malawi.

"Renamo soldiers were in our area for a long time, fighting government troops," he said. "Renamo people were asking for food from the villages, and if you failed to give them any, they would torture and sometimes kill you. They came to my house one day, and I gave them food. I was afraid of their guns. Many, many people were being killed. I was afraid I would be killed.

"Nobody was working in their gardens anymore because if you were found by Renamo, they might force you to work as their porter. The day I left for Malawi the Renamo people were in our village forcing people to prepare their gardens. We were forced to give them seeds and plant their

gardens, and we were forced to carry their dead after their fights with the army.

"We had knowledge that there was a big refugee camp here. Last Wednesday I just simply slipped away with my family. Soldiers were in the bush looking for people trying to escape, so we slept during the day in the bush and walked all night."

Misikeni and his family sat with all of their wordly possessions in two baskets at their feet. They contained some tin cups and kettles and some metal farm tools. His youngest child, a 6-month-old baby, was covered with scabies.

"Most of the children are malnourished and sick," he said. "We just came with our baskets, with no blankets, no clothes and certainly no food. I expect more and more people to come."

Misikeni was right. From November to last July, 200,000 more Mozambicans arrived in Malawi, and the rate of their arrival has increased from 20,000 to 30,000 a month. By Christmastime there should be 750,000 Mozambicans in Malawi.

The additional competition for Malawian food, land, water and medical facilities deeply worries refugee and development experts working inside the country. Malawi until four years ago was generally considered self-sufficient in food and—an oddity in black Africa—a thriving, free-market economy free of international debt.

Now it appears Malawi may be sliding into a status similar to Ethiopia's—that of a chronically food-short nation that will in the future depend heavily on international assistance to avoid famine. It has an annual birthrate of 2.4 percent but less than one acre of arable land per person, and most of its farmland is only marginally productive.

The country has one of the highest child-mortality rates in the world; 151 children out of 1,000 die in their first year, and 320 out of 1,000 die fefore their fifth birthday. Child-malnutrition levels in the rural areas are among the highest in the world, with 55 percent of the children under 5 showing symptoms of chronic maluntrition. In some parts of the country, the figure is as high as 65 percent. The addition of 750,000 destitute Mozambicans to an already impoverished people could spell tragedy for Malawi.

"The refugees are camping out on farm fields, taking already very limited land out of production," one aid official said. "They are cutting down wood for fuel and accelerating deforestation and degradation of land, creating long-term problems for the government. The health concerns the refugees bring with them are very serious for Malawi.

"Few of the Mozambicans, when they arrive here, and only 40 percent of all Malawians are covered by inoculations. The government health services responded magnificently to the refugees, diverting much of the country's primary health-care resources to them. But that has compounded the problems of an already inadequate health-care system for Malawians. There are only 18 Malawian doctors in the country, and very few trained health workers."

Thus far the Malawians have been extraordinarily accepting of the Mozambican refugees. Perhaps that is because most of the early arrivals are from areas close to Malawi's border, which means they are ethnically related. As the war grinds on, however, the newer arrivals are coming from deeper and deeper inside Mozambique and thus have no tribal or family claims on Malawian hospitality. Most refugee officials in Malawi believe resentment will eventually show its face to the refugees.

"How long Malawians are going to continue to be tolerant is a matter of speculation," one UN official said. "We don't except them to be always hospitable when their own situation continues to get worse."

A catastrophe similar to that of Malawi is building in tiny Swaziland, another landlocked country, which shares borders with South Africa and Mozambique. A nation of 720,000 people and smaller in area than New Jersey, it now has 60,000 Mozambicans and 7,500 black South Africans living in refugee camps and settlements.

Swaziland and Mozambique share an 80-mile border, and so far Renamo has not operated heavily there. International relief workers believe that if Renamo became more active near that border, more people would come to Swaziland. Already 250,000 Mozambicans have fled into South Africa from areas close to Swaziland.

"There are a million people in rural areas inside Mozambique that are within a five-day walk from here," said a UN official in Swaziland. "If Renamo brings the war into that area, the Mozambicans would go either for . . . South Africa, or they would come here. Even if only 10 percent came this way, it would overwhelm us, and it would overwhelm the country."

Already Swazi newspapers are filled with stories blaming Mozambican refugees for the rising crime rates and increasing disease in the country. At a public meeting of top government officials in July this year, the Mozambican refugees emerged as the issue that most concerned Swazis, who demanded to know how long the country would have to continue ceding land to refugees. The government itself has for more than a year refused to earmark additional land for UN refugee camps.

So far, however, neither Malawi nor Swaziland has turned away refugees who appear on their borders. But increasingly other nations in the world already saddled with long-term refugee problems are going to extraordinary lengths to keep out new arrivals.

Mozambicans trying to escape into South Africa, for example, have to overcome a macabre series of lethal barriers to get through. The refugees are trying to reach the black "homelands" created by South Africa. Mozambique does not want its citizens to flee to the hated South African apartheid regime and has built a no-man's land to stop them. It is a narrow strip running along the border of the two countries that has been heavily seeded with land mines.

Those who succeed in crossing this barrier must then choose between two obstacle courses. One is a series of three parallel fences, erected by the South African government in 1986, that runs from Swaziland for about 40 miles north to the southern edge of the Kruger National Game Park. Two lower fences with a higher one between them run along the length of the border. The two lower fences are there to keep stray wild animals from running into the higher center fence, which, topped with razor-sharp concertina wire and carrying an electric charge, is designed to discourage refugees from crossing over. In its first year of operation, the charged fence has proved fatal to at least 36 would-be refugees, according to the United Nations.

Refugees who don't want to risk the fence can cross into South Africa through the game park. No fences there, but they face two other obstacles—South African authorities and the wild animals, especially lions and crocodiles.

Refugees caught inside the park by South African authorities are immediately arrested and dumped back into Mozambique. As a result, refugees hide in the bush during the day and try to cross the park at night.

"If they get into the park," says a refugee official in Swaziland, "some get eaten by the animals. The rivers are jammed with crocodiles, and the lions are developing a taste for human flesh because they're such easy prey."

Deaths in the park are common enough that they rate only a paragraph or two in South African newspapers. Last Dec. 3, in a section deep inside the newspaper devoted to local news, the Star, a Johannesburg English-language daily, ran the following account:

"On Sunday a group of people, thought to be Mozambican refugees, scattered when a large crocodile grabbed a woman and disappeared with her under dense growth in the Crocodile River.

"The woman's body was seen later alongside a large crocodile, which became aggressive when they approached.

"A search later brought in only pieces of clothing."

That Mozambicans still try this harrowing trek to get into South Africa is a testament to their tenacious will to survive. The same could be said for hundreds of thousands of refugees elsewhere in the world who have had to overcome enormous odds in their flight from danger.

Untold thousands of Vietnamese have died anonymously in the last 10 years in small, unseaworthy boats in the South China Sea. They have drowned when their boats capsized. Or they have been murdered by pirates. Or they have starved to death when their boats' engines failed and they drifted aimlessly on an endless, watery void.

The exodus of the "boat people" from Vietnam reached its peak in 1979, when as many as 50,000 people were fleeing by sea each month. Thailand, by virtue of its geography, was the hardest-hit country of first asylum. At the same time that Vietnamese boats were piling up on Thai beaches, tens of thousands of Cambodians were fleeing over Thailand's eastern border, and like numbers of Laotians were fleeing across its northern border.

Faced with feeding and housing this increasing accumulation of unwanted humanity, with little meaningful help from the outside world, Thailand took drastic measures. Thai naval vessles began towing Vietnamese back out to sea in their leaky boats, condemning many of them to certain death. In June, 1979, the Thais rounded up 40,000 Cambodian refugees and forced them at gunpoint to re-enter their own country down a steep escarpment into a heavily mined field. Ten thousand people died in the exercise, either from exploding mines or from Thai gunfire when they tried to turn back.

In this, Thailand was not alone. Other nations, in the region also began turning Vietnamese boat people back out to sea. As cruel as the policy was, it succeeded in getting the international community to react. A special UN session was called in Geneva in July, 1979, to alleviate the plight of the refugees and to assure the Southeast Asian nations of first asylum that they would not be saddled with a permanent refugee population. Thus began the remarkable effort to resettle Indochinese exiles in third countries.

To date, more than 1 million Vietnamese, Cambodians and Laotians have been resettled in the U.S., Canada and Australia. An-

other 150,000 have been resettled in such Western European nations as France, Great Britain and the Scandinavian countries. By 1981, however, the initial burst of welcome for the Indochinese refugees had waned in the West.

Refugee experts began to worry that the wide-scale resettlement of Indochinese was exacerbating the problem, luring more and more people across borders with the promise of new lives in rich, industrialized countries. This fear has been mixed with so-called Western "compassion fatigue," brought about by years of seemingly endless crisis intervention in Third World famine and refugee situations. Together those forces have gradually curtailed Western resettlement programs for Indochinese.

Cambodians, Laotians and Vietnamese are highly distrusted and disliked by the Thais, and to give them refuge year after year is a continuing dilemma for Thai politicians. The idea that the Thais might allow Indochinese refugees to settle permanently in their country is totally out of the question. The idea that the rest of the world will default on promises to empty the camps through resettlement is a recurring political nightmare for Thailand.

A country of first asylum like Thailand becomes paranoid as it watches Western commitment to refugee resettlement fade. In 1981 Thailand instituted a new policy to dam the continual flow of Indochinese. Under "humane deterrence," the Thais deliberately make life in the refugee camps, difficult. Housing is barely adequate, and refugees are restricted throughout their stay from leaving their cramped, guarded compounds. Some refugees are refused the right to apply for resettlement in other countries, as is the case with 300,000 Cambodians housed in Thai-Cambodian border camps. The idea is to make the lot of the refugees so miserable that no more will come.

Humane deterrence has not worked. Though the numbers of people fleeing Indochina dwindled initially, they increased again in 1987. By last January, new arrivals of Vietnamese boat people in Thailand had reached 2,500 a month.

The upsurge in boat people has meant a renewed source of prey for Thai pirates, who have been a constant source of torment for refugees. More and better naval patrols on refugee sea routes have curtailed piracy somewhat but not stopped it.

Last January, for example, 8 of 157 refugee boats landing in Thailand encountered pirates during their escape. Refugees in six boats were simply robbed of gold, jewelry and other belongings. The other two refugee vessels were rammed by pirate ships, killing five in one and seven in the other, six more refugees were lost at sea. Seven survivors of the latter boat also reported that two women were plucked from the water and abducted by the pirates. Since piracy statistics in the Gulf of Siam were first complied in 1981, 659 refugee women and girls have been similarly abudcted by pirates, 357 of them never to be seen again.

Alarmed by the growing new influx of boat people, Thailand in January reinstituted its policy of towing refugee boats back out to sea. The small boats then head for other Southeast Asian nations, usually Malaysia and Indonesia, both of which also have a history of refusing refugee vessels. In April a boat carrying 125 Vietnamese was fired upon by Indonesian soldiers as it tried to land, killing one refugee and wounding another. The boat eventually landed in Malaysia.

The U.S. has led the Western nations' protests against these dangerous "push back" policies of Southeast Asian first-asylum nations. Such criticism from the U.S. is viewed by the Thais as sheer hypocrisy because in 1981 President Reagan signed an executive order directing the U.S. Coast Guard to intercept boats with would-be Haitian refugees headed for Florida. The policy is still in force, and Haitian boats, when caught, are still towed back to Haiti by the Coast Guard.

"In recent years it has become quite clear that it is not wise to preach what one cannot practice," says Zia Rizvi of the Independent Commission on International Humanitarian Issues. "You can't tell the Third World to open their doors to refugees while you are slamming your own."

Thailand and other Southeast Asian nations argue that many Vietnamese now fleeing their homes are not legitimate refugees. They claim that recent arrivals are less victims of persecution than "economic" refugees merely escaping grinding poverty under Vietnam's communist system. Of the refugees landing in Thailand last January, however, 73 percent of the families either included somebody who had been jailed in Vietnamese "re-education" centers for political beliefs or were ethnic Chinese who had suffered racial persecution.

Who is a political refugee and who is an economic migrant is an increasingly blurred issue, particularly in Southeast Asia. Conditions must be excruciating any time people feel compelled to leave home, abandon their society and all that they know and love and risk death to reach an alien and inhospitable land.

Cao Thi Phi Sa and Cao Dang Ra made their wrenching farewwells to Vietnam in November, 1987, arriving in Thailand safely last Dec. 1. Their boat didn't sink, they weren't attacked by pirates and they arrived a month before Thai naval vessels began towing refugee boats back to sea. Moreover, they stand an excellent chance of jumping to the head of the line to emigrate to the U.S.

That is because Sa, 12, and her brother, Ra, 10, arrived in Thailand without their parents or other close relatives. They are housed in Phanat Nikhom refugee camp in Central Thailand, in a special compound that stands as an example of how "Band-Aid" refugee policies, no matter how well-intentioned, often turn into something verging on the perverse.

Sa and Ra live in what is called the "unaccompanied-minors compound" in the camp. In March the two long, tin-roofed buildings in the compound housed 307 children, all of them 14 years old or younger. The youngest was 4 years old. All of them arrived from Vietnam without parents or family, either sent away from home deliberately by their parents or separated from them in one way or another during their escape.

The children are well-looked after by nurses, missionaries and Vietnamese lay workers, but the emptiness of life without their parents, especially for the younger ones, is heartbreaking.

"The children are supposed to go to sleep at 9:30 at night," said a Vietnamese seminarian, also a refugee, who works in the children's compound. "I go into the dormitories and check on them about 11. Some of the children just sit by themselves and cry. They tell me they are homesick. They have no relatives, and they feel lonely. They worry because they don't have enough clothes. They worry about resettlement."

Sa said she and her brother were living in Saigon when their father arranged for their family to leave by boat last Nov. 11. They had gone with their parents from Saigon to Ha Tien, a coastal town near the Cambodian border, and gathered on the beach at nightfall with other Vietnamese who had paid for their passage. She and her brother were put into a rowboat and taken to a larger vessel moored offshore. They then waited on deck for their parents, who were to come out in a late rowboat, she said.

"On the land something happened," Sa said. She is unclear about the details, but Vietnamese authorities apparently arrived suddenly on the beach. Those caught on shore were arrested, though Sa's parents apparently got away. Whatever happened, Sa and Ra went on their way to Thailand without their parents: "When the trouble started, the big boat left right away. There were only nine of us on the boat."

When Sa and Ra arrived safely in Thailand, they were immediately taken to the unaccompanied-minors compound. More than 10,000 Indochinese children have arrived in Thailand without parents or guardians since 1975, 800 in 1987 alone. Because the U.S. considers the children of "profound humanitarian concern," it works to get them out of the camps and resettled in third countries quickly, taking the vast majority of them itself.

The swiftness of their resettlement, however legitimate a humanitarian exercise it might be, also establishes a foothold for the rest of their families to follow. The dwindling number of slots being offered to Indochinese refugees for permanent resettlement in the West has created something of a quandary.

"I'm always thinking about my father," Sa said. "I'm always hoping that he will come here. I don't know why we left, but I know he wanted to go to America."

It always helps, when applying for resettlement, for the refugee to prove he has close relatives already living in the country to which he wants to migrate. Many refugee workers believe large numbers of children are arriving in Thailand unaccompanied to take advantage of this policy.

Not all of this is cold and calculating. Refugee workers say that unaccompanied children are from very strong, tightly knit, loving families.

"The parents are usually well aware of the risks they are putting their children through," said a Western nurse working in Phanat Nikhom. "Establishing a solid future for your children is of paramount importance in Vietnamese society. Many of the children come from families who are at odds with the regime in Vietnam, and the educational and employment opportunities are very limited for their families there as a result.

"Culturally you have to divorce yourself from what a Western parent would do. It's a different situation. The parents know that circumstances change, that they might never get out of Vietnam themselves or see their children again. But they think that if their kids can get out and get to the West, even if they can't, they are making sure that their children will be properly educated and given an opportunity to make something out of life."

Unfortunately, the children are often too young to understand why their parents sent them away, believing they have done something wrong, that they are somehow at fault for the separation. Though about 75 percent of the children spend only a few weeks

or months in the camp before resettlement (98 percent of them going to the U.S.), it can take three years or more for others to get out of Thailand. These children, according to Bridget Messana, an American Catholic lay worker at the compound, often get scolding letters from their parents in Vietnam. The letter chide the children for "misbehaving and taking so long" to get resettled.

"The most pain-filled group are those children who are hopeless," Messana said. "They arrived in Thailand one, two or, for some, more than three years ago and have seen so many other children come and go, and still they remain. What is even more frustrating is that these long-staying children have no idea if 1988 will bring them that long-hoped-for freedom . . . because the international attitude toward these children is not at all welcoming. The workers who cannot comfort them with false hope because the reality is that at least half the children will remain in Phanat Nikhom throughout 1988 unless policies change."

Policies are changing rapidly in Southeast Asia, and most of them make it harder for refugees. Canada, Australia, France and Britain are under public pressure to end the resettlement policy.

The U.S. resettlement of Indochinese is gradually declining, too. In 1986 the country accepted 36,000. In 1987, 32,000. Early in 1988, in the midst of a growing number of refugee arrivals in Southeast Asia, it earmarked slots for 29,500.

Thailand, Malaysia, Indonesia and Hong Kong all point to large refugee populations in their camps who are longstayers, people who have been in camps four, five and six years. They are refugees who for one reason or another have already been turned down by Western nations and have fading hopes of ever being resettled anywhere.

Besides the 300,000 Cambodian refugees it wishes to keep for the moment, Thailand also has nearly 100,000 "residual" refugees whom nobody wants. They are Vietnamese army deserters, North Vietnamese who cannot prove they have been persecuted at home, Cambodians who have been somehow connected to the Khmer Rouge, and Hmong from Laos who do not want to be resettled but only wish to go home when it is safe.

If nobody else wants them, Thailand doesn't, either. And Thailand does not want to allow any more refugees into its camps, a certain percentage of whom are bound to become "residuals."

The Southeast Asian countries most affected by the most recent tide of refugees have been banding together to shut their doors. Most are adopting strict screening of new arrivals. If refugees cannot provide persecution by their home countries, they are arrested and jailed pending their forced removal back to their homelands.

Vietnam, the biggest generator of refugees in the region, promised last July to accept such returns of human merchandise. Previously Vietnam considered any of its refugee citizens "illegal departures" and labeled them criminals. In July, however, it declared it was ready to allow refugees unable to resettle elsewhere to come home under UN supervision.

Western nations, just as weary as Southeast Asia of the endless stream of Indochinese refugees, are beginning to support the move to send the unwanted home. Last July U.S. Secretary of State George Shultz said such repatriation, if voluntary on the part of the refugees, should be considered as an alternative to Western resettlement.

"It is feared the policies themselves are creating a possible problem," Schultz said. If resettlement is in fact encouraging economic migrants to pose as political refugees, it should be curtailed, he said.

The softening of the Western commitment to accept all refugees fleeing Indochina is typical of most refugee policy "solutions." Primarily it solves the political problems of the powerful—the nations of first asylum and of resettlement. Of secondary importance is the plight of the powerless refugees, who will eventually move where the rest of the world tells them to move. The 23,000 refugees in Hong Kong are prime examples.

Breakfast begins at 8 a.m. at the Hei Ling Chau refugee camp on a hilltop of an isolated island an hour's boat ride from the British Crown Colony of Hong Kong. The camp's 3,000 Vietnamese inmates have been up scurrying around since a public address system began trumpeting Chinese music at 7 a.m. They have lined up to use the toilets, one for each 145 inmates, and then lined up to get into the communal dining halls for their morning meal of rice, pork and vegetables.

Nowhere else in the world does the image of "warehousing" unwanted refugees become reality as it does in Hong Kong. The refugees of Hei Ling Chau are housed in 10 brick, barrackslike buildings. Each family is assigned to a cubicle made from industrial shelving exactly 8 feet long, 6 feet wide and 3 feet high. Each cubicle is expected to accommodate a family of five and all their belongings. They are stacked three high. All that separates one family from those on either side is a curtain. Those living on the top tier don't even have that small nod to privacy.

Once breakfast, served in shifts, is over, there is little for the inmates to do, except for the children, who attend school. At lunch and dinner times they line up again for a prepared, communal meal. The meals are nutritious and probably the most generous provided to refugees anywhere in the world, with beef served twice a week, fresh fish twice a week and pork and canned fish each served once a week. And boring.

"The food is healthy, but it is so repetitive that you sometimes don't eat enough," said Tran Huu Tiep. Tran, a 30-year-old bachelor, had been staring the same menu in the face for six years, since he arrived in Hong Kong on a leaky boat from North Vietnam in October, 1982.

Women are not permitted to prepare meals for their own families. Men aren't allowed out of the camp to find work. Clothing is distributed army-style: You stand in line for it, you take what they give you and you wear it, whether you like it or not.

All the basic needs of life are taken care of in Hei Ling Chau camp, but that can be said of prison, too. Everything operates smoothly and efficiently. The camp is overseen by courteous, no-nonsense young guards from Hong Kong's Correctional Services Department. Though the young men and women are trained for prison duty, they look more like resort recreation directors in their charcoal slacks, white shirts, ties and blue blazers.

The natty guards stand at the gates in the high fences that surround the camp and divide it into sectors, locking and unlocking them each time a refugee or a camp worker walks from one section to another. There is no greenery or even dirt in the camp, only cement and brick. I fit has the sterile air of a prison, that is because the Hong Kong government built Hei Ling Chau for use as a medium-security prison once it is rid of the refugees.

"A lot of people have nothing to do," said Tran. "They sit around during the day and talk or watch television in the dining halls, or they sleep. At night they sit around in their cubicles playing cards and talking, making a lot of noise when others are trying to sleep. It is a very bad problem, having nothing to do, when you are living on top of each other.

"If too many people are in a small area, you are going to have fights. Fistfights, bludgeons or whatever. Sometimes the fights send people to the hospital. Usually it's over something trivial.

"I lived in Hanoi City at home, where I never saw a man hit his wife. Here I can see trouble in families every day. A husband can't do anything for his wife and children, and people just go slightly crazy."

The sterility of life in Tran's camp is no accident. It was designed that way deliberately by the Hong Kong government. In 1982 the colonial government implemented its program of "humane deterrence," following Thailand's lead.

Leaving nothing to chance, the authorities insert a printed flier that graphically describes the misery of Hong Kong camp life into each letter the refugees send home to Vietnam.

But the boats come anyway, arriving in Hong Kong after days or weeks at sea. They are greeted by harbor police boats and officials who try to talk the refugees out of landing, and they offer to reprovision the refugee boats and help them head out to sea again. It is all explained in circulars printed in Vietnamese:

"All former residents of Vietnam seeking to enter Hong Kong since 2 July 1982 are detained in special centers.

"If you do not leave Hong Kong now, you will be taken to a closed center and detained there indefinitely. You will not be permitted to leave detention during the time you remain in Hong Kong. It is extremely unlikely that any opportunity for resettlement will be forthcoming.

"You are free to leave Hong Kong now, and if you choose to continue your journey, you will be given assistance to do so."

Hong Kong clearly wants to wash its hands of this particular political issue. Since the end of the Vietnamese war in 1975, some 140,000 refugees have come to Hong Kong from Vietnam. About 115,000 have been resettled elsewhere, half in the U.S.

The colony's population is largely Chinese, many of whom illegally crossed the border themselves or have relatives back in China clamoring to come out. The sight of Hong Kong tax-supported camps housing 23,000 Vietnamese legally admitted to the colony and awaiting legal resettlement elsewhere is a galling one to the Hong Kong Chinese.

For the last several years Chinese legislators in the colony have been demanding that any new Vietnamese arrivals in Hong Kong either be pushed back to sea or held in detention until they can be sent back to Vietnam.

"We have 6 million people [in 400 square miles]," said Nigel French, the senior civil servant in charge of Hong Kong's refugee policy. "We have 27,000 illegal immigrants a year coming in from China alone to top our own population pressures. We *can't* resettle a lot of Vietnamese. We can't politically resettle Vietnamese when we are sending home illegal Chinese immigrants, many of

whom are close relatives of our own citizens, every day."

About 70 percent of the Vietnamese boat people coming to Hong Kong are from the north of Vietnam, not the south, which makes them difficult to resettle. The U.S. inundated with requests from South Vietnamese, its former allies, generally will not consider northerners. Because Hong Kong has been by far the most generous area in terms of the numbers it accepts for resettlement, departures have not matched the influx of new arrivals.

The Hong Kong government believes the vast majority of current Vietnamese refugees are simply people hoping to improve their lot by resettling abroad, or merely joining family members who preceded them. Acting on that belief, on June 15 it, too, imposed strict screening of new arrivals. Those deemed to be economic immigrants are locked up pending shipment back to Vietnam. Still, more than 7,000 boat people arrived in Hong Kong in the first two months after screening began.

"It's not legitimate to become reunited with your family by leaving in a small boat and imposing yourself on the nearest regional nation by posing as a refugee," French said. "It brings the status of refugee into some disrepute."

Many would call Tran Huu Tiep, a slight, cheery but earnest young man, an economic migrant. Tran grew up on Quang Ninh province in North Vietnam. In 1974, a year before the North Vietnamese victory over the South, he was sent to Czechoslovakia to study electrical engineering. He stayed there for five years until the government brought him home in disgrace before he could finish his degree, he said.

"They [the Hanoi government] told me I was not a good Communist and said I had to come home. I met students from many countries when I was studying there, and I began to see the world wasn't exactly like I was told by the government when I was home. I began to question why my country was constantly at war. Every year we had three periods of vacation, and all Vietnamese had to use that time for political education among ourselves. I complained at these meetings about not being told the truth and wondered why we had to fight continually."

Removed from the Czechoslovakian engineering program for political heresy, Tran said he was sent back to his home province and was told first to become a charcoal-maker, then a truck driver. When his name came up in the draft, he said he ran away to Hanoi and began to plot his escape.

"If I had to go into the army, I thought I would end up in Kampuchea [Cambodia]," he said, "and that is not the choice I wanted. I had a friend in Hanoi who had a boat, and he was planning to take some people to Hong Kong. I chose Hong Kong because it was the closest."

For nearly five years after he arrived in Hong Kong, Tran was routinely rejected in interviews with resettlement countries. He is a bachelor, a draft dodger, presumed to be unsettled in life and potentially difficult to deal with. By contrast, young children, young single women and established families are considered the ideal immigrants.

Early in 1987, however, Canada interviewed and accepted Tran for resettlement. He, of course, was ecstatic and began researching everything he could about his intended new home, becoming a fan of ice hockey in the process, he said. Even more promising, a young Vietnamese woman he has met and fallen in love with in the camp, Pham Thi Minh, had been accepted and left for Canada in September, 1986.

In preparation for his departure, Tran was sent from Hei Ling Chau to another camp for intensive English and cultural instruction. He had been there for three months when in May, 1987, another Canada-bound refugee was allowed out of the camp to pick up a few things in preparation for his trip. When the man did not return after five hours, the camp administrator asked Tran, a friend of the man's, to go out and look for him. Tran found him in a small shop having a heated argument with the Chinese shopkeeper.

"My friend said the shopkeeper had insulted him about being a refugee, and he thought he was already Canadian," Tran said. "It was all such a silly affair, and I tried to calm them both down. I thought I had settled it, but my friend persisted in arguing with him.

"The security police came, and the shopkeeper accused both of us of stealing from him. We were taken to court and given a year's probation. After court, I got a letter from Canada rejecting me."

Considered by refugee workers and administrators who know him as a model citizen and a tragic victim of the system, Tran nonetheless is now back in Hei Ling Chau sharing a cubicle with two other bachelors. With the rapidly developing new policies aimed at repatriation rather than resettlement, he may one day find himself back in Vietnam, the fate he said he feared the most.

"I'm not sure what will happen," Tran said last May. "Sometimes I think I'll never be resettled. In the camp many people know me very well, and my camp record is very clear and very good. I hope that will clear things up and the Canadians will eventually forget this past incident."

Any plans Tran once had for a future with the young woman he met in the camp are now abandoned. She is now a dressmaker in Edmonton, Canada.

"Since this trouble, I wrote her a letter saying that I don't know when I'll get out," he said. "She wrote back and said she was sorry, that it wasn't my mistake or hers, that perhaps someday I still can come. I told her in the last letter I wrote to her that she should look for somebody else."

Tran Huu Tiep told me his story in Hei Ling Chau camp six weeks before Hong Kong announced its June policy of repatriation for Vietnam refugees. Since then the camp's refugees have staged several protests, including setting small fires and, early in August, holding a three-day hunger strike involving 3,000 persons.

The gradual hardening of world attitudes about refugees usually is linked to the long duration of the wars that sent the refugees away from their homes. The humanitarian impulse to care for homeless war victims turns into resentment when, as months become years and years become decades, these victims and their camps somehow never manage to disappear.

The longer refugees remain in camps and the longer the conflicts that sent them running spill yet more victims across borders, the greater the resentment. Refugees become "economic migrants." They are called a disruptive force within the countries that give them asylum. Or they are accused of being parasites who live comfortably on the international dole.

At the end of World War II it was relatively easy to identify legitimate refugees among the 17 million homeless wandering around Europe. Those who simply left home to get out of the way were in due course returned. Those who fled persecution for racial, religious or political reasons were resettled in safe countries where they could begin life anew. They were treated by and large on a case-by-case basis.

The post-World War II refugee practice became international refugee law in the 1951 UN Convention Relating to the Status of Refugees. That convention defined a refugee as a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality."

The 1951 convention stipulated, "No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened" on account of the reasons mentioned above.

Since 1951, there have been more than 30 other international agreements and about 20 regional agreements dealing with refugees in specific parts of the world. The most important of the latter was the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa.

Under international law, if any nation wishes to bar its doors to refugees, it can do so because it can exercise its sovereign power to control movement across its borders.

The OAU convention tried to deal with this by pledging that its "Member States . . . shall use their best endeavors . . . to receive refugees and to secure the settlement of those refugees who [cannot return home]."

The OAU convention also recognized that the changing nature of warfare had made identification of refugees more difficult. The 1951 definition was based on a European concept of ideological totalitarianism in the model of Hitler or Stalin, in which individuals are singled out as enemies of the state. The OAU recognized that 1960s Africa was experiencing new mass movements of people fleeing home not because they were singled out but because they were endangered by random, often mindless violence growing out of post-colonial wars and terrorism.

To deal with that, the OAU broadened its definition: "The term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order . . . is compelled to leave his place of habitual residence."

Since 1969 the OAU convention generally has become the norm, though a nonbinding one, for refugee treatment worldwide.

The problem with all these international refugee agreements and protocols is that they often are ignored in the heat of conflict. Political expediency and political advantage, usually couched in terms of state sovereignty rights, always take precedence over the rights of refugees.

The refugees' only support in exile is the international bureaucracy created to house, clothe, feed and care for them. These organizations, too, evolved out of World War II and led to the creation of the United Nations High Commission for Refugees (UNHCR) in 1951.

UNHCR has a mandate to protect, assist and find "permanent solutions" for refugees. For the last several years UNHCR has operated with an annual budget approach-

ing half a billion dollars largely contributed by wealthy Western nations to share the burden with Third World nations who give sanctuary to refugees. Its staff of 1,500 handles funding and administrative organization but provides few direct services to refugees.

UNHCR contracts out the actual work in camps to about 300 nongovernmental organizations. These organizations are a diverse group of large and small units all over the world. They include such church-related groups as Catholic Relief Services, Lutheran World Relief and Quaker, Baptist and Mennonite agencies. Some have been organized specifically to deal with refugees, such as the American Refugee Committee or the International Rescue Committee. Others are humanitarian groups active in a broad spectrum of Third World development, among them CARE, Oxfam, Médecins Sans Frontières, World Vision and Africare.

By contracting day-to-day services out to other agencies, UNHCR is able to pursue the most important aspects of its mandate—providing protection to refugees and finding permanent solutions to their plight.

No international protocol explicitly prohibits nations from expelling their own citizens or denying them citizenship or livelihood in their own land. But although all human beings supposedly are protected against such depredations by the 1948 Universal Declaration of Human Rights, there are 13 million refugees who can testify that that declaration is meaningless.

Mass expulsion has become a worldwide phenomenon, a tool of governments attempting to rid themselves of opposition. According to Alan Dowty, a University of Notre Dame political scientist and the author of a 1987 book on emigration, "Closed Borders," Vietnam, Cambodia, Afghanistan, Ethiopia, Laos, Mongolia, Burma, Rwanda, Iraq, South Yemen, Iran, Uganda, Cyprus, Sri Lanka, Indonesia and Sudan have engaged in mass expulsions in recent years.

In addition, Dowty cites other nations that have no mass-expulsion policy but have nonetheless viewed the exodus of citizens as a convenient solution to their internal conflicts: Guatemala, El Salvador, the Philippines, Lebanon, Angola, Mozambique, Chad, Zaire and Western Sahara. Dowty's list is a pretty fair catalogue of the origins of most of the world's refugees.

"In all the situations taking place during the past decade," said a 1981 UN Human Rights Commission study on mass exodus, "violations of the spirit, and frequently of the letter, of the Universal Declaration of Human Rights and its Preamble must be recognized."

It is in this totally political and often vicious atmosphere that UNHCR must try to operate as a nonpolitical, humanitarian agency. Even its access to refugees is not automatic. When people begin to flee one country for another, UNHCR can provide its services only after it is invited to do so by the receiving nation.

The politics of refugees immediately came into focus when UNHCR was created in 1951: It was prohibited from taking care of 700,000 Palestinians chased from their homes in Israel. Anti-Israeli Arab nations prevented the Palestinians from falling under UNHCR care and protection because they wanted to keep the Palestinian refugee problem alive.

Under the UNHCR mandate, Palestinians might have been resettled permanently in other parts of the Arab world, making Palestinian claims against Israel academic at best. Instead, a "temporary" organization, UN Relief and Work Agency (UNRWA), has provided assistance to the Palestinian refugees for nearly 40 years.

Similarly, when Thailand, for its own political reasons, did not want to classify hundreds of thousands of Cambodians living on its eastern border as refugees in 1981, the Thais simply refused UNHCR permission to care for the Cambodians and classified them as "displaced persons." Yet another agency, the UN Border Relief Operation (UNBRO), was created to care for those people.

UNHCR has no army at its disposal to stop or prevent the cruelties of forced exile or to protect refugees in border camps from further violence at the hands of hostile armies or local residents. It has no power to force countries that become sanctuaries to provide the exiles with even minimal humanitarian treatment.

"Its only weapon," said the Independent Commission on International Humanitarian Issues in a 1986 report, "is diplomatic pressure in the form of moral persuasion, protest and, ultimately, public condemnation."

While it feeds, shelters, clothes, and tries to protect refugees, UNHCR also tries to find permanent solutions that will get refugees out of camps and allow them to resume normal lives, ideally back in their home countries or, failing that, either in the host or a third country.

The overall failure to achieve permanent solutions has meant that refugees remain in camps and settlements by the millions year after year. Usually the camps are makeshift affairs, built hastily in the heat of a crisis. Designed as temporary housing, they have, by default, become permanent.

As a rule the camps are woefully overcrowded, slapped together in rural remote corners of the Third World. The remoteness of the camps, however, can be one of their few positive aspects. It locates the refugees relatively close to where they came from, in familiar landscapes and climates and among local people who share similar cultures and languages.

The basic necessities are generally well met in UNHCR camps, which are run by skilled international technocrats. In fact, the refugees usually enjoy more plentiful and more nutritious food, cleaner water and better medical treatment than do many of the local residents. Physically, most refugees are better off than they were in their home countries.

But sustenance is a spiritual thing, too, and no amount of international aid can mend the wounds of a spirit trapped in exile. Whether it holds 180 persons or 180,000 and whether it is four days or four decades old, the refugee camp has an uncanny sameness about it, be it in the Middle East, Africa, Asia or Central America.

Open garbage ditches carrying raw sewage are the norm, as are communal toilets and spartan housing crammed so closely together there is no room for privacy or space for children to play. Always there are the long lines in front of scarce water taps, in front of food depots, in front of medical clinics. People in refugee camps spend a lot of time waiting for basic necessities.

The crowding of essentially rural people into urban slumlike enclosures, the rigid routine of camp life and the constant worrying over an uncertain future combine to make refugee existence a sort of stale, sterile half-life. Refugees spend a lot of time just sitting around and brooding, wards of international welfare.

Refugees and refugeedom have become institutionalized, despite the best efforts of UNHCR. There are now UNHCR experts in camp construction and management. Nutritionists who can devise exact diets for a given refugee population in a given climate. Medical specialists who can set up hospitals overnight and inoculate refugees by the thousands in a day. Logistics experts who can calculate the precise wear and tear on local roads and bridges from trucks supplying the camps and who can then marshal the materials and the people needed to rectify the problems. Unfortunately, there are no experts in the UNHCR or anywhere else in the world who can end the wars that create the camps and send the refugees home.

"The problem of institutionalizing refugees is due to the absence of solutions to their plight," said Jean-Pierer Hocké, the high commissioner for refugees who oversees UNHCR's operations, based in Geneva. "By allowing camps to crystallize, to become semipermanent, we allow the people inside them to become increasingly dependent on our aid.

"We try to initiate some things that will bring about some amount of self-sufficiency. Even if a farmer in a camp is only given enough land to grow 15, 20 or 25 percent of the food that he and his family needs, it allows him some dignity in life. To get out of emergency assistance in the camps as soon as possible, even if we cannot get the refugees out of them, is a goal that is important to us."

Hocké's theories on refugee self-sufficiency are not mere bureaucratic rhetoric. In camps all over the world, UNHCR administrators push the theory with hard-nosed determination, even in the face of opposition from the refugees themselves. Despite these efforts, self-sufficiency is rare.

The countries that have accepted refugees are most often destitute themselves, land-poor and lacking basic resources. Whatever land is made available to refugees is usually marginally productive at best. Often camp sites are totally barren, and for lack of land or water or both, refugee farmers find it difficult to raise crops. As for traders and businessmen in exile, they are too isolated from the normal channels of commerce and industry to find a job or nurture a small business.

The refugee's plight is complicated by their sheer numbers. Once processed and placed in a camp, they are dealt with by the numbers as nameless, faceless hordes. Despite its efficiency, UNHCR simply cannot afford to deal with them individually, as European refugees were treated after World War II. Individuals with special problems, as in any large bureaucratic undertaking, often fall through the cracks.

Idris Adem Aki, 60, is a refugee who fled to Sudan from Ethiopia's northern Eritrea province in 1976, when the Ethiopian army attacked his village. A farmer, he escaped with his wife and five children into Sudan, which was just a few miles from his home. The day after the raid he returned to his village and discovered that the army not only had burned his and every other house in his community but also looted all his possessions and walked off with his 10 cows.

Ali has been living in Sudan refugee camps ever since, the last several years in Um Gargur, a camp in an arid plain on the eastern side of the country. UNHCR and Sudanese refugee officials have been trying for some time to get the camp's 7,000 people

off the dole by encouraging them to plant gardens.

Motivating the refugees was easier said than done. Most people were willing to grow crops that would supplement the boring UN food rations, according to Eritrean officials inside the camp. But they were not willing to make the gardens into a full-blown self-sufficient enterprise.

"People here do not want to make something permanent out of the camp," one of the officials said. "People want to work with community development and improve their lives, but it is a contradiction. They want to go home, and every year they hold out for that in their hopes and dreams, thinking that maybe in six months the trouble will be over and they can return. They don't want to work hard and build up a stake in this place when their primary thought is to leave it behind. If I tell somebody to think of long-term projects, they say, 'No, I don't want to stay here a long time.' "

To encourage the garden project, UNHCR gradually began to cut the rations it gave to the Um Gargur refugees. In June 1987 Sudanese refugee officials declared the camp entirely food self-sufficient, and all rations were terminated except for "at risk" groups such as widows and the elderly. The refugees tried to grow enough, but three successive 1987 plantings withered in a drought, and the fourth was destroyed by insects.

By the time I talked with Ali in October, 1987, he and many people in the camp were complaining of chronic hunger. Ali, who has a family of nine to feed, receives a monthy bag of sorghum, which the Eritreans call *dura*, from the UN.

"Here they give me this dura, which is not good quality at all," Ali said, sitting in his mud hut with a half-eaten bag of the grain in front of him. "I used to feed my cows at home with dura like this. Smell it. It's no good. How can I expect to be healthy with this sort of food in such small amounts? It's only enough for 10 days for all of us.

"Usually I try to find work outside the camp with local farmers. If I can't find work, I ask friends to help me. If they can't help, we go hungry. It happens every month. When there is no food and I am very hungry, sometimes I sit up at night and drink as much water as I can until I vomit.

"At home I had lots of butter, milk and good crops. A person my age should be fat and strong."

The Eritreans insist that self-sufficiency projects are unrealistic. The areas in which their camps are located are marginal croplands in the best of times but are so vulnerable to drought and insects that getting sufficient harvests each year is nearly impossible.

"There are many people here who are now malnourished," said one Eritrean camp official, "and they get no assistance from anywhere. The majority of the families are in some sort of difficulty."

At its Sudan headquarters in Khartoum, a UNHCR official did not dispute that statement. The garden projects in the camps have become more policy than experiment, she said, both to cut expenses and to force refugees to take charge of their own lives again. Hard-nosed as the cutting of rations seems, she said it was the only realistic way to get people to take their farming work seriously. The drought and insect problems were just bad luck, even though they left refugees hungry.

"Under our system it can happen from time to time," she said. "We do have safeguards built in, and the adjustments eventually are made. We do a major food assessment in the camps every November, and if we discover that people are in trouble, we will increase the rations."

Pakistan is home to more than 3 million refugees from neighboring Afghanistan who live in 328 refugee "villages" of sundried-mud-brick huts. The settlements, some of them with 30,000 to 170,000 people, are more populous than all but four or five of Afghanistan's largest towns. A huge concentration of refugees lives in and around Peshawar, the main city in Pakistan's North West Frontier Province. But the majority live in camps in remote, ecologically fragile desert and mountain areas.

The UNHCR effort to feed and care for so many people is the biggest and one of the best-run refugee operations in the world. Throughout the decade-long presence of Afghans in Pakistan, there have been no famines or epidemics and little acute malnutrition.

Part of the credit belongs to the Pakistan government. The camps are completely open, with no fences surrounding them, and Pakistan allows the refugees complete freedom to enter and leave. Refugees can work for local farmers, merchants and industries to supplement their rationed existence in the camps. Pakistan, which has a well-developed federal bureaucracy, supplies 3,000 administrators of its own, who do much of the refugee assistance distribution. In addition, Pakistan itself pays 48 percent of the daily operating costs of $1 million a day.

The war in Afghanistan has gone on so long, however, and the refugees have become such permanent fixtures that outside contributions for their care began to diminish in 1987, forcing UNHCR into some grim cutbacks.

Last year, for example, UNHCR stopped distributing tea and sugar in the camps to save $5 million annually. A seemingly trivial thing, the tea and sugar served two basic needs in the camps. Much of the water used in the camps is tainted, taken from irrigation ditches and rivers because refugees become impatient waiting in the interminable lines at scarce safe-water wells. Impure water is the most common cause of diarrhea, the No. 1 child-killer in the camps.

Refugee workers had used the tea to train refugees to boil impurities out of their drinking water, but they also worry that no more tea means the loss of one of the few social pleasures refugees have to break up the suffocating monotony—neighborly conversation over a shared pot of tea.

UNHCR also has been forced to make drastic cuts in its rations of powdered milk for refugee children and of kerosene for lighting and heating. Those two cutbacks save $2 million and $8 million a year, respectively.

"For our operations here, we are 100 percent dependent on donations from governments and nongovernment agencies," said a UNHCR official in Islamabad, Pakistan's capital. "We have very little regular budget, only the salaries of our essential personnel. Our cutbacks represent a saving of $15 million a year. That is a lot of money with which you can do a lot in public health, sanitation and education. Do you provide more clean-water systems in the camp or a couple of tons of tea every year?"

With a diminishing budget and with arable land so scarce in Pakistan, UNHCR cannot make the refugee population self-sufficient. The only food assistance refugees now get from the UN comes in the form of wheat and cooking oil, which are generously rationed so refugees can trade the excess on local markets for meat, vegetables and fruit.

Through the 85 international voluntary agencies that help run the camps, UNHCR has begun income-generating workshops in carpetweaving, carpentry, mechanics and other crafts. These are designed to give the refugees income and something to occupy their time. The workshops have worked well as far as they go, but they touch the lives of only a small percentage of camp inhabitants.

The essentially urban nature of the large Pakistan camps is totally unnatural to Afghans. At home they lived in remote mountain valleys, each family's house hundreds of yards from the next, each community made up of closely interlocking families and clans.

Camp life in Pakistan has been particularly hard on Afghan women, who must observe Muslim *purdah* and cover their faces with a veil when in front of men who are not close relatives. In rural Afghanistan, observing purdah is not so much a problem because even neighbors are likely to be close family members. Women can go outside during the day without veils and other restrictions. But in crowded refugee camps, men do not like women to leave their huts at all.

"The stress is incredible on village women," a Western volunteer said. "We have been developing craft workshops expressly for women so they can get a little bit of extra income but also to give them a chance just to get out of their houses once in a while. We have had a terrible struggle to overcome the objections of the *mullahs* [Muslim religious leaders], who don't want the women out of their houses under any circumstances."

The mullahs push to maintain the Afghan rural tradition of sending a husband to the doctor when his wife is sick. "There have been instances," said the volunteer, "when the mullahs said they would rather have their womenfolk die than allow them to be examined by a male doctor, and subsequently all women disappeared from the clinics. This has created terrible friction over health care for small children. If the mothers aren't there, we can't teach them anything about effective home remedies and preventive practices such as oral rehydration or nutrition.

"Oddly enough, we have been able to use purdah to introduce some living improvements in the camps. In Afghanistan, villagers relieve themselves in the fields near their homes, and that is what they have continued to do in the camps. But in the camps, the women have had to wait for nightfall or get up before dawn to dash outside in the dark. The whole practice has created enormous health hazards, as you can imagine.

"We have introduced family pit latrines for each house that eliminate the pollution. After initial resistance from the mullahs, who didn't see how it fit into the traditional way of things, the project began to succeed when men saw that their women would not have to leave their houses to relieve themselves."

Most women have been in the camps from six to eight years, however, and the experience of being held virtual prisoners in their own homes for that long has taken its toll.

"There is a lot of despondency and of uncontrollable, spontaneous weeping," said the volunteer. "When you ask them what is wrong, they don't know. They don't see

camp life and purdah as part of the problem. Some of the mullahs have said that if women had kept stricter purdah in Afghanistan, the Russians wouldn't have invaded. God is punishing them, in other words. It makes women feel all the worse."

Their prolonged stay in Pakistan has, of course, created problems for everybody in Afghan exile society. At any given time 40 percent of all married women between 15 and 45 are pregnant, according to one study. There is little for children to do. The girls, by and large, are not allowed to attend school. The boys, their hearts set on becoming soldiers, drop out as soon as they are old enough. The soldiers come home to bury their dead at the edge of the camps in cemeteries that resemble burial grounds of American Plains Indians, bristling with tribal flags attached to long poles staked into the ground.

"What is going to happen to a generation of men who now know nothing but war?" asked a Western aid worker. "What is going to happen to a generation of children who know nothing but life in a camp? Whether they like it or not, whether they win the war or not, these people are eventually going to have to go home, and their lives have been fundamentally changed by this experience."

Dr. Mohammed Azam Dadfar, an Afghan physician who now runs the Psychiatry Center for Afghans in Pesawar, said a psychological disorder he had labeled "refugee camp syndrome" had reached epidemic proportions. The refugees have relied so long on outside assistance, he said earlier this year, that they now suffer an overwhelming sense of dependency.

"We've become a paralyzed people, a nation of souls bought and sold by distant powers," he said. "The principal cause of distress is the pervasive atmosphere of life in a border society, a place of refuge that is strangely both temporary yet all too permanent. The camps are wells of frustration, of unresolved grief. It leaves the patients with a bleak view of the future, therefore they feel no urge to exert themselves."

The same sort of cultural paralysis has set in among the Hmong, the mountain tribal people from Laos who have fled by the tens of thousands into northern Thailand. The Hmong were closely allied with the U.S. Central Intelligence Agency's clandestine war in Laos during the American involvement in the Vietnam conflict.

When the Communists came to power in Laos in 1975, they turned on the Hmong for their American connections. Wholesale Communist bombing, raiding and murder inside Hmong settlements after 1975 set off their exodus to Thailand. And the Hmong were among the first groups that the U.S. wanted to bring to America for resettlement.

Of all the people the U.S. has allied itself with during the Vietnam War, the Hmong proved to be the bravest and most selfless and incorruptible. They tied down enemy forces far beyond their own numbers and saved the lives of countless American fliers shot down over Laotian jungles. America believed, rightly, that it owed something to the Hmong.

The problem is the Hmong themselves. More than 80,000 have come to the U.S., but while their numbers in Thai refugee camps keep rising, they have come here only reluctantly and slowly. In their native Laos, the Hmong were an extremely isolated, primitive mountain society that did not see or use the wheel until World War II. They are a polygamist, animist, traditionbound people who, like the Afghans, are organized by clans.

Moving to America is not particularly desirable, and the Hmong clan elder know it. Those who have come to the U.S. have not adjusted well to life in a freewheeling, high-tech, Christian, monogamist society. The children adapt, as all children do, but the older people long to go home. They write to their friends and relatives in the Tai camps of the difficulties in America.

To see the 75,000 Hmong now lodged in the Thai border camps is to see a whole culture unraveling. Old men, the family and clan leaders, stand warily outside interview centers for possible emigration to the U.S. They are afraid to go inside because they don't really want to emigrate, hoping that somehow, someday they can go back to Laos. If they do go inside, they sometimes sit answering questions with their backs to the interviewers, perhaps to show that their hearts are not really in it.

Their children, many of whom have grown up after 10 years in the camp and now have families of their own, are increasingly frustrated with their fathers' uncertainty. There is no life, no education, no opportunity in the camps. The Thais have begun hinting they may soon resolve the problem simply by pushing all the Hmong back to Laos. The children want to go to America before that day of reckoning comes, but if their fathers say they cannot, they will not go on their own.

Ban Vinai is the largest of the Hmong camps in Thailand, housing 42,000 people in a hilly, pictuesque jungle area where the Mekong River separates northern Thailand from Laos. Songleng Chang is the 62-year-old head of the Chang clan in the camp. He has been living in Thailand since May, 1979, when, he said, Communist soldiers began harassing and robbing people in his village, threatening his family in particular because of his position as head of the clan. He fled with two wives, two sisters, two sons and their wives and two grandchildren, all of whom remain in Ban Vinai.

"Many people left when we did, maybe 1,000 of us," Chang said. "We walked for 12 days until we reached the Mekong. We had to make boats out of bamboo to cross. One person would have two pieces of bamboo lashed under his arms, and he would use his hands to paddle. We lashed the old people and the babies to the younger ones. Some young men had to keep recrossing to bring the babies across."

Chang has seen many people leave Ban Vinai for the U.S., including relatives who now live in California, Minnesota, Wisconsin and Michigan. He has never gone for an interview with U.S. immigration authorities.

"I've decided not to go yet," he said, though he admits life in the camp is unbearable for most people who have been there for a long time. "I'm so bored. I want to go into the forests and hunt, but they won't let you do that here. I want to plant by fields, but they don't have land here for us to plant. In Laos we could hunt and plant any time we wanted to. In this camp or in another country, the Hmong can't farm anymore."

Charming and almost docile in demeanor, the Hmong also have a stubborness about them. Health workers are chagrined because elders have decided that modern medicines and inoculations are themselves dangerous, disease-bearing agents. As a result, it took camp doctors from 1984 to 1988 to increase inoculation coverage of children from 4 percent to 20 percent. At the same time, the overcrowded camps have been outbreaks of measles, tetanus, diphtheria, tuberculosis, polio and whooping cough.

Suicide rates in the camp are high, principally among women aged 15 to 25 who are forced into arranged marriages. Many of the adult men have turned to opium, which may be a way to escape anxiety over the future but is also a sure route to rejection by American immigration officials.

"It is a real pity," said Dr. Andre Veneman, a Dutch physician working as a camp medical coordinator.' "You can see that when fathers smoke opium, their children look worse off. Whatever money they manage to get goes to their habit, not to their families. We see a real breakup in society here. The best people leave, the rest are deprived of their leadership."

Still the Hmong continue crossing the Mekong illegally and setting up households in camps like Ban Vinai without registering with UN or Thai officials. By not registering, they have no hope of resettlement in the U.S., but they also avoid the risk of being forced to return to Laos.

Concerned about the continuing influx, Thailand earlier this year accused Laos of deliberately trying to rid itself of all Hmong. Last year the U.S. UNHCR and Amnesty International accused Thailand itself of serious human rights violations when it forced Hmong refugees it considered illegals back to Loas. One group of 33 people, shoved back across the river by the Thais, were shot to death on the banks of the Mekong by Laotian soldiers. The massacre came to light only because passing Thai fishermen stumbled on the only survivor, an 8-year-old girl.

Political reality gives men like Chang only one real option, resettlement in the U.S. But he won't take the necessary steps to leave. In a long meandering conversation, Chang came up with any number of reasons why he shouldn't go to the U.S. As he named them, you could almost hear the echoes of years of tortuous family discussions and arguments about going or staying. Finally he concluded: "I am just going to wait for Laos to reopen. I don't know when we can go back. We're just waiting. I'll wait here as long as I can. I can't permit my childen to go [to the U.S.]. I have told them they must stay with me until I make my decision. If the father cannot go, the son cannot go. He depends on the father."

Westerners working with the Hmong in the camps, however, believe that is the compelling reason older Hmong are reluctant to leave for America. "They get letters from relatives in the States all the time," said one refugee worker at Ban Vinai. "The news is bad for the older people. They know the older ones in the States are just too old to master English. They get there, and all of a sudden they have to depend on their children to get by in life. The kids learn the language, the kids dial the phones, do the talking, drive the cars. The kids get the jobs and bring home the money. It flies in the face of their tradition. It means the older ones will have to relinquish family leadership. They will never be the head of their families again. They will not be the boss."

Chang's oldest son, Lee, 30, himself married to one wife and the father of five, would not be so brutally frank about the reasons for his father's reluctance to go to the U.S. Nevertheless, he said he is ready to break tradition—and, perhaps, Chang's heart—by disobeying his father.

"Right now I've decided to go to the U.S. independent of my father. We have been in this camp too long, and I am at an age when I have to make my opportunities in the U.S. before I am too old. I will try to explain to my father the reasons why I am going. If he understands, maybe he will go with me. I wouldn't want to go without him and my mother.

"Right now he is wavering again. He thinks he can't go because he can't speak English, so he won't be able to work. It is very difficult for him."

The Hmong experience is one of the more horrible legacies of modern proxy warfare. The Hmong were courted and used in a war by a larger, richer, more powerful society—America. America lost a war; the Hmong probably lost everything. While the U.S. works vigorously to make amends with individual Hmong, the Hmong culture may not survive, not in Thailand, not in the U.S. and possibly not in Laos.

The Hmong reluctance to accept resettlement in the U.S. is odd when viewed against the belief of refugees elsewhere that America is morally obligated to take them in. The streets of Karachi, Pakistan's teeming port city, can be as mean as any in the world if you are broke, homeless and desperate to escape. Karachi is the home of Pakistan's "other" refugee problem, some 10,000 Iranians who have fled Ayatollah Khomeini's Iran.

Some are legitimate refugees, usually members of minority religious groups singled out for persecution by the Khomeini regime, including Jews, Bahais and Christians. They are relatively easy to resettle in Europe, Israel and the U.S.

Others are far more difficult. Members of two Marxist Muslim sects that have been hounded to near-extinction in Iran, the Mujahideen Khalq and the Fedayeen Khalq, have found sanctuary in Karachi, where they have remained as unreconstructed, violent radicals. Nobody else in the world wants them, though Iran's archenemy, Iraq, has funded their activities in Pakistan, enabling them to buy houses in some of Karachi's best neighborhoods.

Their presence last year set off a national debate in Pakistan about the nation's generosity to the displaced. It came after an Iranian hit squad launched a full-scale bomb, rocket and machine-gun attack on a Mujahideen Khalq house early one morning, rudely awakening the refugees' neighbors, including some of the most influential families in Pakistan. The battle transformed one of Karachi's wealthiest suburbs into an Iranian battleground for a few brief, bloody minutes.

No matter how well-run a UNHCR operation can be in any given country, people who need services fall through the cracks. Perhaps 200,000 Afghan refugees live in Pakistan without being registered with UNHCR. Many, perhaps the majority of them, do so out of choice, usually because they want to live in a city and find work on their own, rather than being stuck in a rural camp.

Tens of thousands of them, however, are in desperate need of UNHCR assistance but are blocked by Pakistani corruption. Nations of first asylum can write their own rules. Pakistan uses its own civil servants in all phases of the Afghan refugee effort, including registration for UNHCR benefits.

Registration officials are thought to charge Afghans "registration fees" of up to $200 per person at some points on the border. If the refugees don't pay, they don't get ration cards or a place in a UNHCR camp.

The knottiest problem here for UNHCR, however, is the thousands of Iranian boys and young men who have traveled dangerous roads to escape the draft and the war against Iraq. Draft dodging is not a legitimate qualification for refugee status, no matter whose war is being avoided. Most of these young men are from wealthy or middle-class Iranian families who supported Khomeini's predecessor, the late Shah Pahlavi. Many have family members in the U.S. and desperately want to get there. Their parents have the money to smuggle them out, but once they are inside Pakistan, UNHCR can do little for them.

"The big problem is that UNHCR doesn't accept draft dodgers as refugees," said a UN official in Karachi. "Their cases as refugees are rejected, but Pakistan allows them to stay unofficially to work out their own lives."

The truly rich get themselves to Europe or the U.S. rather easily. The majority become a sort of nonpeople, prey to all sorts of con artists and Karachi lowlife.

Hamid Reza Hashemi arrived in Pakistan from Mashhad, Iran's third largest city, in October, 1986, when he was 15 years old. Hashemi is the youngest of seven boys born to a Mashhad businessman. Three brothers already live in New Jersey. Another brother, Saeid, 22, followed him out of Iran in November, 1986, and remains with him.

Hashimi said he was arrested by Iranian secret police a few months before he fled to Pakistan. He had been attending high school in Mashhad and had joined a pro-shah underground protest group after 36 boys from his school had been forced to join the army. He said he was arrested one night when he was caught placing photographs of the shah's son on windows of parked cars. He was detained for 24 hours and beaten severely, he said, then released to a hospital with broken cheekbones and whip lacerations.

After a week's recovery, he said his parents told him he would be safer if he left Iran. They scraped together $2,000 to pay a Baluchi tribesman to take him into Pakistan. The escape routes, however, are well-traveled not only by draft dodgers but by bands of smugglers operating on both sides of the border, and it was Hashemi's bad fortune to stumble into a running, three-day gunfight between drug smugglers and border guards as soon as he got into Pakistan.

"We kept trying to avoid the fight by running from one mountain pass to the next," Hashemi said, "but each time we arrived at a new place, the fight would come our way. One day when we were running, I became separated from my guide. I became lost and wandered for four days by myself. A car full of Pakistani border police found me the first day and arrested me. They told me they were taking me back to Iran and drove for half an hour toward the border. When they stopped, they asked me how much I had. I took off a shoe and showed them an American $100 bill. They took it and let me out of the car."

Hashemi was lucky. UNHCR accepted the documentation he had brought with him that showed his arrest and subsequent hospitalization in Iran and proved that he was not just a draft resister. He received a coveted "blue" card from the UN identifying him as a refugee and granting him a living allowance of $60 a month and the chance to seek third-country resettlement by legitimate means.

Hashemi studied English in Islamabad for 17 months, then joined his brother in Karachi. They get a little money from home, but they must stretch their budget by sharing an $11-a-night room in a third-class tourist hotel with four other Iranian boys. There are no jobs for them, and they cannot finish school in Pakistan, so they idle away their time.

Nobody much wants them. Hashemi had an unsuccessful interview with Swedish authorities, but he and his brother most want to go to the U.S., where three older brothers got asylum while attending colleges. The U.S., however, won't interview them.

"The U.S. says they will only take Bahais, Jews and Christians but no Moslems," Hashemi said. "We don't need America to pay us anything. Just to go there as refugees and go to school so that we can be with our brothers—that is all we want."

The Iranian draft dodgers are fair game in Karachi. Pakistanis and Baluchis approach them in hotel lobbies and coffee houses, offering them forged and stolen travel documents ($350 for a Pakistani passport, $1,100 for a European one). Most Pakistani immigration officials can spot the bogus travel papers, so bribes—as high as $1,500—are arranged to get them through the gates.

The whole process has bankrupted many families in Iran. Usually the exercise is for naught, anyway. European airline personnel, trained to spot phony travel documents, refuse to take the boys on board. Should they get through to Europe, most are caught by immigration officials and returned to Pakistan and end up with a jail sentence. Worse still, many of the document peddlers are in collusion with Karachi airport officials, who arrest the boys there (after bribes change hands, of course) and send them to jail for six to nine months.

With legitimate refugee papers, Hashemi and his brother eventually have a chance for a bona-fide resettlement offer. But hundreds of draft dodgers live in seedy rooming houses in an area of Karachi called Lee Market. A burly Iranian army deserter named Asghar lives there, sharing a 40-square-foot room with five other Iranians. None has a UN refugee card, so they pool whatever resources they have to pay the $50-a-month rent and buy food. They share three cots, taking turns sleeping on the floor. A filthy toilet and washbasin are in the hall, shared with other tenants in the roach-infested building.

Asghar remains in Pakistan illegally as he tries to get to Amsterdam, where he says he has a wife and two children who emigrated legally in 1985, a year before he deserted from the army. At 34 he is the patriarch of his room. The next oldest man is 24.

Asghar takes a paternal interest in the two youngest, who are brothers, 15 and 19 years old. Their parents happened to be in England when the shah left Iran, and they remained there, he said. They finally arranged their sons' escape to Pakistan in 1986, but the boys arrived with no documentation or passports, so they are trapped in Karachi.

"I am going crazy sitting in this place, but I am even more worried about those two," Asghar said, nodding at the youths. "There is a lot of heroin in this neighborhood, and I am afraid they are giving up on hope. Right now I won't let them out of the building. Last week the younger one got into trouble on the street. A man offered to give him 1,000 rupees [$60], asking the boy to go with him.

"Somebody told me what was going on, and I ran down to the street and tracked them down. I found this Pakistani, this pimp, who was going to take this boy and turn him into a prostitute. I handled that my own way. You can't go to the police here if you don't have a UN blue card. That will just draw you into deeper trouble.

The moment a person steps across a border to seek asylum in another nation, he is supposed to be protected by international protocols. In theory, such a person cannot be sent back against his will, at least until his case is examined. In practice, with so many of them coming continuously, most refugees don't get individual hearings.

Most of those granted ayslum are protected by UNHCR against forcible repatriation, military attacks from their home countries and legal and economic exploitation by the host nation—theoretically. In practice, it rarely works that way.

International legislation drawn up after World War II assumed that the countries granting asylum would also provide the same legal, police and military protection they extend to their own citizens. But today's host countries often are too poor to provide such services even to their own citizens. When refugee camps are attacked by military forces or local citizens, UNHCR can do little but protest.

Officially there are about 500,000 Eritrean refugees living in Sudan. Unofficially the figure is far higher, as tens of thousands of Eritreans move into larger cities and towns without documentation, seeking work in the local economy. For the most part they are the urban, better-educated, better-trained Eritreans who were never farmers and for whom extended stays in isolated, rural camps is a form of ghastly torture.

In Port Sudan, a city of 300,000 and the nation's major seaport, for instance, 60,000 Eritreans live and work without direct UNHCR assistance. They live mostly in segregated refugee slums, cramped shacks and hovels without sewers or water, eking out a living from low-paying jobs. The UN helps by funding schools, hospitals and health clinics in the city, which is supposed to offer services to refugees as it would to citizens.

"The refugees are in fact sharing everything with the Sudanese people in the city," said a Sudanese refugee official. "Even the job market is open fully to them to compete equally with people in the town, and people complain that wages stay low because of the big labor market. The city's infrastructure was very fragile to begin with, and the refugees have overburdened it.

"It can't handle the additional sewage problems and the demands on electricity. The additional population drives up prices on everything. During our recent drought, everybody was looking for safe drinking water, and the sellers were getting [75 cents] for each pail. Rent for a house that should be [$14] a month now costs [$70] a month.

"At first refugees were accepted warmly in Port Sudan, as it is in the tradition of the people here. Now, after all these years and the worsening of economic conditions for Sudan, this warm welcome has changed. Now there is resentment against all refugees, especially in the towns."

In Khartoum, Sudan's capital, police periodically round up Eritreans without residency or work permits. Eritrean community leaders complain that their people are regularly shaken down by corrupt police officials. Refugee women in the city, they say, are sometimes gang-raped by police and told not to complain under threat of deportation to remote camps.

"Any man on the street can come up to you and identify himself as a policeman," one Eritrean said. "He can harass you and even rob you, and you have no recourse. Policemen can come into your house and rob you, and you have no recourse. You can't go to the courts and charge them because you yourself will be charged with having no papers and no right to be where you are. So you just keep your mouth shut and try to stay out of people's way."

On May 27, 1987, six off-duty Sudanese soldiers in civilian clothes entered an Ethiopian refugee camp not far from Gedaref, a busy market town in the eastern part of Sudan. The soldiers went to the camp to get what they cannot get on the Sudanese market—liquor. Under Sudan's Islamic law, the sale and consumption of liquor are strictly illegal, but in the camps, the refugees make a traditional Ethiopian wine for their own consumption.

According to all accounts, the Sudanese soldiers had a good time at the camp drinking much of the night away in a makeshift bar set up by a refugee. At the end of the night, the soldiers left the bar without paying but were surrounded by angry refugees before they got out of the camp. After an argument, the military men were soundly beaten for their arrogance but allowed to leave.

On May 28 rumors began to spread in the area that six Sudanese soldiers had been murdered in the camp by refugees. When the rumor hit Gedaref (a town of about 75,000 people with 7,000 unregistered Ethiopians who get by working in tea shops and as house servants), angry mobs of Sudanese began to gather.

"That night a mob gathered outside the local cinema," said an Ethiopian refugee who works for a European humanitarian agency in Gedaref. "When people came out of the cinema after the last film, they began to single out and beat any refugee they could find in the crowd. They used fists, stones and sticks.

"The next day it spread throughout the town. Any refugee found on the street was beaten. No refugees dared leave their homes, even to go out and buy food. In some cases, the mob was joined by soldiers, who went right into refugee houses and beat and robbed the people, raping the women. On Saturday, May 30, a man was beaten to death by a plainclothes policeman, and dozens of refugees were picked up and thrown in jail without charges.

"The violence continued for 15 to 20 days. You couldn't move on foot or by vehicle. The official toll was one person killed in the town, and hundreds were injured. It got so far out of hand that finally the governor of the province had to come to the city to tell the local people the truth, that no soldiers had been murdered in the camp. But he did nothing to punish them for the violence they did to the refugees here. No Sudanese were arrested, no investigation was made. Instead, he blamed the refugees for the problem because they made the liquor."

The last decade is rife with incidents of governments sending their armies across borders to attack UNHCR refugee camps on punitive raids. Guatemala has sent expeditions into Mexico against Guatemalan refugees. El Salvador has sent troops after its own citizens in Honduras. Uganda has murdered Ugandan refugees in Sudan. Vietnam has attacked and shelled refugee camps in Thailand. Afghanistan sends terrorist bomb squads and assassins after Afghans in Pakistan.

When such incidents occur, UNHCR can only protest through diplomatic channels and public condemnation through the press.

Public censure, however, is almost pointless when the raids are conducted by rebel groups beholden to no government or international organization, as is the case with Renamo in Mozambique. One seldom encounters armed soldiers anywhere in Malawi, a rare and welcome treat in security-conscious Africa. Certainly Malawi cannot afford to garrison its 300-mile border with Mozambique to protect refugees. That makes the camps easy pickings for Renamo soldiers.

"Renamo sometimes crosses into Malawi to steal food and cows from the refugees," said a Malawi government official in the Ntcheu District on the country's western border with Mozambique. "Two and a half weeks ago the wells on the Malawi side went dry, and a group of refugees went [1½ miles] inside Mozambique to their old wells. They were caught there by a group of Renamo soldiers, and two of them were shot to death."

The vulnerability of the refugees in Malawi came home personally to me last November when I toured camps in the Ntcheu district with a British journalist and a British doctor. At the end of a long day, we headed out of the area in a government vehicle. I noticed a group of refugee women taking water from a well 20 feet inside the Mozambican border, the road on which we were driving. I asked the driver to stop so I could photograph them. Having done that, I asked one of my companions to photograph me standing in "war-torn" Mozambican territory.

The doctor, a knowledgeable veteran of several years of refugee work, chided me for my horseplay. Two days later, we discoverd that Renamo soldiers apparently had watched our impromptu stop, and 10 minutes after we had left, raided the camp from which the women at the well had come. They took several cattle and half a dozen people back to Mozambique.

UNHCR's inability to protect refugee groups ironically has led to the most "successful" solutions of at least two long-standing refugee problems in Sudan and Honduras.

Between 1979 and 1982, following Idi Amin's downfall, about 350,000 people fled from Uganda's northwestern provinces into southern Sudan. Many were from the Arua district of Uganda, which happened to be Amin's home province. Though most were apolitical peasants and tradesmen who had little or no connection with Amin's government, they were singled out for revenge by the new government of Milton Obote. Arua became the scene of horrendous crimes as Obote's army stripped the province bare, literally razing entire towns and villages and robbing, killing and raping along the way.

The exodus from Arua to the Sudan was, as all refugee movements are, a harrowing one. People were murdered as they fled from pursuing Obote troops. As they crossed the border, many refugees were robbed by Sudanese border guards of whatever possessions they had managed to bring with them. UNHCR was totally unprepared for the exodus, and it took years to set up adequate camps.

But the Ugandans happily discoverd that they had moved to a vastly underpopulated, fertile part of the world with abundant if untapped water supplies. Through their

years in exile, they began to do something that rarely happens with refugees in the Third World. They began to prosper in their new land.

In 1985 a civil war broke out in southern Sudan. The southern Sudanese tribes, Christian and animist alike, rose up in revolution against the Sudanese government in Khartoum, which is dominated by the nation's Arab Muslim majority. The Ugandan refugees, the majority of whom are Muslim, again found themselves being singled out for violence.

Since 1985, the Ugandans have been running again, trying this time to get back into Uganda. Obote has since been kicked out, and the new Ugandan government has guaranteed their safety, but the Ugandans understandably have been wary. More than half have already returned, but to all, it has been a painful dilemma: Which side of the border—Sudan or Uganda—holds the most danger?

Early last November Alemi Quick, 30, brought his two wives and nine children back to Arua from Sudan on a truck convoy organized by UNHCR for several hundred returning refugees. He hadn't been in Uganda since February, 1982, he said, when Obote soldiers raided his village, looting, burning and murdering the occupants, including his grandmother.

In Sudan, Quick said life took a turn for the better. "I was given some land to farm, and every year we had a good harvest," he said. "The soil had different nutrients for crops, better than what we had at home. I had no interest in coming back to Uganda because it was comfortable there."

On July 17, 1987, however, a unit of the rebelling Sudanese Peoples Liberation Army (SPLA) surrounded the refugee settlement where Quick's family lived. "They started grabbing men in the village and beating them up," he said. "I was given strokes with a stick and hit with a gun barrel. They took all my possessions and money, and forced me to go with them by foot through the bush to their camp in Zaire. I was taken as a porter."

After several days in captivity, he was allowed to return to Sudan, he said, where he immediately went to UNHCR and filled out an application for repatriation to Uganda. The convoy he and his family returned with was laden with hundreds of bicycles, generator motors, tools, pots and pans—ample evidence of the prosperity the Ugandans had found in Sudan. Quick was not so fortunate; most of what he had accumulated in exile had been stolen by the SPLA. He was grateful for the survival package UNHCR gave to each returning family: pots, pans soap, buckets, machetes, axes, scythes, blankets and plastic tarpaulins to make temporary shelters while they repaired their old homes in their Ugandan villages.

The returning refugees were brought to a processing center in Arua, where UNHCR personnel registered them with Ugandan authorities. They arranged for the refugees to recover the lands they had abandoned when they fled Obote's troops and for transport there within a day of their return to Uganda. It was a neat and quick operation, an efficient end to several years of exile, though most of the refugees displayed little overt jubilation about being back.

"I have been told there will be no problem recovering my old farm," Quick said as he stood in line waiting to pick up his survival package. "I'am happy to be home, but now I have to start all over again for the third time in my life."

A similar repatriation process is now underway in Central America. In this case, however, the repatriation is by boat and canoe, as Miskito Indians return from exile in Honduras across the Coco River to their traditional lands in Nicaragua.

The Miskitos are a tribe of 100,000 Indians who live along both sides of the Honduran-Nicaraguan border. Until the Sandinista regime came to power in Nicaragua in 1979, the Miskitos had remained relatively untouched by the long series of Central America revolutions.

Once in power, however, the new Marxist Sandinista government embarked on a clumsy program of reorganizing and collectivizing the Miskitos. The Indians resisted this move, and many of them joined the U.S.-backed contra forces fighting the Sandinista regime.

The Sandinistas reacted quickly and harshly against the Miskitos, running large-scale military operations through the Indians tribal areas inside Nicaragua and forcing whole villages at gunpoint to move to "resettlement" villages far from the tribal lands. By 1983, 30,000 Miskitos had fled Nicaragua, settling among their fellow tribespeople in Honduras. About half settled in UNHCR camps and the rest in their own jungle communities supported, at least in part, by the contras.

By the end of this year, UNHCR officials in Honduras think that most of the 30,000 Miskito refugees will have returned to Nicaragua not so much because they think the Sandinista government will leave them alone but because Honduran soldiers began harassing them early this year.

As thin a veneer as it sometimes proves to be, protection is at least part of the UNHCR mandate. For political reasons, protection was pointedly left out of the mandate of the UN Relief and Works Agency (UNRWA), which cares for displaced Palestinians in the Middle East. Politics, too, left protection out of the mandate of the UN Border Relief Operation (UNBRO), which cares for the 300,000 Cambodians inside Thailand.

Palestinians refugees were excluded from UNHCR's jurisdiction when the agency was being formed in 1950. The Palestinian question was so politically volatile that organizers feared it would corrupt the "purely humanitarian role" envisioned for UNHCR. By creating UNRWA and denying it a protection mandate, the 2,300,000 registered Palestinian refugees living in their Middle Eastern diaspora have had at best, only second-class citizenship in the world.

Since the 1967 Arab-Israeli war, 650,000 Palestinians have lived under Israeli military occupation in the Gaza Strip with no citizenship at all. They have no rights; they have no representation in any body that enacts laws governing their life; they have no access to appeal when they feel they have suffered legal or physical injury from the Israeli military government.

Mota Jeidi is a 61-year-old shopkeeper in Rafah Camp on the southern end of Gaza Strip. As a young husband of six months in 1948, he fled with his wife from his native village in what is now Israel during the Israeli war for independence. He had fought as an irregular against the Israelis, drawing on his previous experience as a police railroad guard for the British Palestinian protectorate government.

Having fought on the losing side, Jeidi and three brothers had to abandon their 60-acre family farm. Three of the brothers ran for Gaza; the eldest, for Jordan. They have been separated ever since. For the first few years, Jeidi and his family lived in a series of tents, eventually building a more substantial house in Canada Camp near Rafah, raising three sons and a daughter. In 1982, when the Israelis wanted to build a road as a demarcation line between southern Gaza and neighboring Egypt, the surveyor's line went through Jeidi's house, and it was condemned.

"They paid me $1,000 for a house that had cost me $30,000," Jeidi said, "and they gave me an empty lot of 200 square yards in another housing project. I had no choice but to build a new house there.

"On the 20th of December, 1986, the Israeli security forces came at 3:30 a.m. to my new house. They found me and my children home, except for one son, Khalid [then 20 years old]. They asked me for Khalid, and I told them I didn't know where he was because I had gone to bed early. They told me they were taking me to jail and leaving me there until he showed up."

The next day, he said, the security forces jailed his wife, his two sons and his daughter as well because Khalid still had not appeared.

"After a week they came and told us that they had caught Khalid, and they released us," he continued. "Nobody told us what he was wanted for, where he was being held or what was happening. We were told nothing. On Feb. 11, 1987, the Israeli forces came back to my house and cordoned off the whole neighborhood at about 1:30 p.m. I had been at home waiting that day for the ICRC [International Committee of the Red Cross] to come and give me news about where Khalid was being held and what was happening to him.

"They [the Israelis] came in Jeeps, along with a bulldozer. They told me they had orders to demolish my house. I was told, 'You have only one half hour to remove what you want to save, otherwise everything that is left inside will be destroyed with the house.' I asked them: 'Why? What was my crime to deserve this?' They said they had to punish me as the father of Khalid because he had committed several crimes against the security of Israel."

Jeidi started pulling out what he could from the house, and precisely half an hour later, he was ordered to stop, and the bulldozer went to work. It took 15 minutes to pulverize his home. Five more months passed before Jeidi learned the charges against his son, he said. In July, 1987, Khalid was tried, convicted and sentenced to life in prison for stabbing two Israeli settlers to death in an open-air market in Gaza.

The Israeli military government in the Gaza Strip is a grim, no-nonsense presence that looms over every facet of life of the territory. There is no pretense of civility when Israeli soldiers issue out of their heavily guarded, fortified quarters inside Gaza to make their daily patrols. The soldiers treat the Gazans with withering contempt and stop them randomly. The Gazans are mute; but there is deadly fury in their eyes as they produce identity cards on demand. For 20 years Gaza Strip was an untended pressure cooker waiting to explode. And last December it exploded with a force that shocked not just the rest of the world but the Israelis and Palestinians themselves.

The rest of the world was stunned by the severe Israeli crackdown inside the occupied territories after refugee youths rose up in Gaza last December. Led by students, the Palestinian *intifada* against Israeli occupation troops continues.

More than 250 Palestinians and six Israelis have died in this conflict. Hundreds of Palestinians have been severely beaten by Israeli troops in a deliberate pattern designed to quell the unrest. Scores of Palestinians believed to be leaders of the uprising have been separated from their families and expelled. Thousands have been imprisoned under a policy of preventive detention whereby they can be held up to six months without formal charges. Dozens of Palestinian homes have been bulldozed by Israeli troops because an occupant of the house was suspected of "crimes against the security of Israel."

Israel has used each of those instruments of suppression in Gaza throughout its 21-year occupation. More than a year before Gaza uprising erupted last December, the Independent Commission on International Humanitarian Issues urged that more attention be paid to protecting the dispossessed Palestinians. The commission went so far as to suggest having UNHCR replace UNRWA so it could protect Palestinians from Israeli abuses.

"The events of recent years have illustrated a desperate need for the physical protection of civilian refugees, a role for which neither UNHCR nor UNRWA is adequately equipped," a 1986 commission study said. "The protection needs of the Palestinian refugees are not limited to physical protection. They include the protection of their fundamental human rights, and some very complicated problems stemming from the statelessness that many of them suffer. . . ."

Late in September, 1987, more than two months before the *intifada*, a Western administrator of refugee programs in Gaza described his suspicions of a coming Palestinian revolt. For more than a year Gazan youths had been engaged in escalating civil disobedience, and Israeli troops in turn had escalated their responses.

"UNRWA is charged with maintaining the status quo in Gaza," the administrator said. "It spends about $40 million annually here, 70 percent on education, 20 percent on medical and 10 percent on welfare. With the way the Israelis are administering the occupied territories, all they are doing is building more and more sheer, spontaneous, homegrown Palestinian hatred towards them.

"Gaza is the worst of the occupied territories because of the high level of education attained by Palestinian children, but they cannot get any work other than low-paying manual labor inside Israel. Israel uses Gaza as a labor pool and has effectively stopped economic development in Gaza.

"We have had absolute frustration on the part of the young. They see no point in studying when all they are going to do is end up as laborers in Israel. The young are angry at their parents, who are resigned after so many lost wars and have sullenly accepted the status quo. They [Palestinian youths] pay little attention to the traditional Palestinian leaders such as the PLO, which they feel has never adequately fought for their rights.

They have instead formed their own groups of 16- and 17-year-olds who roam the streets and lead even younger kids in confrontation with the soldiers. If children throw stones, the soldiers open fire, even on kids as young as 8 and 9 years old. The soldiers have no riot training or gear, but they open fire with standard infantry weapons. The children are arrested and put into prison, and new ones spring up. These kids don't give a damn, and they don't give a damn about dying."

UNBRO, the agency providing physical assistance to 300,000 Cambodian refugees along the Thai-Cambodian border is another political creation. Its mandate does not include protecting the refugees; that is the responsibility of Thailand, which supplies the camps with armed guards. Earlier this year the special Thai camp guard unit, called Task Force 80 Rangers, was disbanded after severe international criticism of its eight-year record of criminal conduct against the refugees.

Protection in the international sense is supposed to be provided in the Thai camps by the International Committee of the Red Cross (ICRC) through its protection officers. Thailand, however, forbids international personnel to remain in the camps after 5 p.m. each day, and it is at night that predators of various stripes—Thai guards, bandit gangs and gangs of refugees themselves—feed on the misfortune of the inmates. Even during the day the ICRC protection officers, who are in reality unarmed humanitarian workers, are not equipped to stop trouble when it starts.

In July 1987, for example, ICRC representatives stood impotently as a drunken Task Force 80 guard murdered two refugees at mid-afternoon in Site 2, the largest of the border camps with 170,000 inmates. Site 2, like all the border camps, is a "closed" facility, ringed with barbed wire and guard towers. The refugees are, by Thai regulation, not allowed outside.

In practice, however, refugees often make short trips outside the camp. Depending on their moods, guards sometimes let refugees go through the fence to gather firewood or collect water, both of which are in short supply. Refugee traders also bribe their way in and out of the camp in the course of business.

At 1:45 p.m., July 31, 1987, two ICRC delegates inside Site 2 were summoned to its northern perimeter fence by a group of agitated refugees. A few yards outside the fence, a Task Force 80 guard had stopped a 30-year-old pregnant woman, who had left the camp in search of wood in a nearby forest. As the ICRC delegates and the refugees inside the fence watched in horror, the guard began beating the woman and then turned on her 32-year-old husband, an amputee on crutches.

"You must understand the brutality of some of the guards," a high-ranking European refugee official said in Bangkok, asking for anonymity for diplomatic reasons. "If they are as drunk as this one was, they are vicious, and if you try to intervene yourself, they will turn their guns on you and kill you with no thought about it. The witnesses to this incident [the ICRC delegates] did the only prudent thing they could do. They frantically tried to raise the guard commander on their walkie-talkies. Unfortunately, it happened to be the first day on the job for a new commander, he was in an introductory briefing meeting, and one of his aides had turned off his radio.

"Unable to find the Ranger commander, the people inside the fence stood wordlessly while the guard pointed his gun at the couple and forced them into the forest. Moments later some shots were fired. Two hours later the camp police were allowed to go into the forest to investigate, and within several minutes they brought two bodies out. The dead parents left three orphans. The guard simply disappeared, never to be seen again in the camp."

Leaving the Cambodians exposed to physical abuse and international neglect for so many years has stripped many inmates of all vestiges of civility, the official said. "The normal behavior of people should not automatically result in violence, but this population is under such stress that . . . just a negative word can set off an eruption of violence between spouses or neighbors."

Humanitarian agencies periodically and vainly have tried to convince the Thai government to move the camps deeper inside Thailand to protect refugees from military attacks. All eight are within a mile of the Cambodian border, within easy reach of Vietnamese artillery.

I found Pra Cheau, a 53-year former rice farmer, digging furiously in front of his thatch hut in Site 8, a camp controlled by the Khmer Rouge, one scorchingly hot Saturday morning last March. The hole he was digging had the dimensions of an oversized grave.

He had survived the U.S. Air Force carpet bombings of Cambodia in the early 1970s. He had lived through the butchery and famine of Pol Pot's murderous regime that killed more than 1 million Cambodians between 1975 and 1978. He had been chased by Vietnamese shot and shell for six years along the border. And still, after all those years of living on the precipice, he was on this day digging yet another bunker for the protection of himself, his wife and his 10 children.

"Now that it's the dry season," Pra said matter-of-factly, "it's time for the Vietnamese offensive to begin again. They have been shelling nearby every day. I'm afraid of the shelling, and my old bunker has caved in, so now I'm repairing it." True to his word, while I spoke with him, a battery of Vietnamese artillery opened up from somewhere across the border.

Pra and his family live in a typical thatch hut built on stilts. If faces a wide camp service road, giving him enough room for a small vegetable garden and his bunker.

The Khmer Rouge have opened Site 8 to the outside world, allowing UN officials and humanitarian workers to visit and work in the camp daily. They have even allowed some conventions of the outside world inside Site 8. Occasionally a radio can be heard playing in some refugee huts, an activity punishable by death when Pol Pot ran Cambodia.

Schools have opened, and Khmer Rouge children are attending classes for the first time since 1975, when Pol Pot banned formal education inside Cambodia, Small-scale commerce using money, also outlawed by Pol Pot, is alive in a small but active black market along the camp fences.

But Site 8 is the only Khmer Rouge camp outsiders can enter. UN officials and humanitarian workers are stopped at the gates of the other four by armed guards. Any supplies and materials, including medicines, are left at the gate. Any information, either offered or sought, is passed along at the gate. Nobody goes inside, and no outsider knows how UN supplies are distributed or what living conditions are inside.

Site 8 is believed to be mostly populated by expendable people for whom the Khmer Rouge have little use—the sick, the lame and the old. Few fighters are recruited from the place, though young men and women are sometimes pressed into service as porters carrying supplies into Cambodia.

Even though the Khmer Rouge present it as a model camp, it is a hellhole. Fear permeates most conversations, the sort of fear

that keeps someone from saying something because he could be turned in by ever-present eavesdroppers.

As we talked, many of Pra Cheau's neighbors and curious passersby on the road stopped to listen. He seemed nervous as he watched the growing collection of people, frequently looking to see who was listening.

As residents of Site 8, Pra's family are considered Khmer Rouge loyalists. If the Khmer Rouge want him or his sons to go back to Cambodia to fight, he really won't have much choice in the matter. The Khmer Rouge routinely moves groups of camp residents out of Site 8 to its other closed border camps. What happens to them there is a mystery.

According to the camp workers, at least 50 percent, probably as much as 80 percent, of the residents in Site 8 have no allegiance whatsoever to the Khmer Rouge. They are, in effect, prisoners of the Khmer Rouge.

Every relief worker I spoke with who has worked with the Khmer Rouge is adamant that the Khmer Rouge have not substantially changed since they murdered more than a million of their countrymen. The camp workers believe that if the Vietnamese make good their promise to withdraw from Cambodia by 1990, the Khmer Rouge will seize power once again and the the bloodbath will start all over.

"It seems the Khmer Rouge are just as cruel and bloody as they ever were," said one of the few relief workers who has visited other Khmer Rouge camps. "My skin would crawl when I went into those camps. People were so quiet so robotlike. It's really a reign of terror. I'm convinced there has to be an international presence in all the border camps.

"The lack of active concern on the part of the U.S. and others to demand that nobody be forced to live with the Khmer Rouge is one of the most appalling chapters of this century's history. Informal surveys show that three-fourths of the Khmer Rouge civilians would go to another camp and another faction if given the chance. But the international community just doesn't have the will to liberate the civilian population from the Khmer Rouge. So we're condemning hundreds of thousands of people to an unspeakable fate, year after year."

No refugees in Site 8 would openly say they wished to leave, of course, for fear of reprisals. I asked Pra why he remained under Khmer Rouge control, probably a silly question to ask in front of so many people. Pra looked stunned, and real fear seemed to creep into his eyes as he remained silent for some moments.

Finally Pra blurted that he and his family fell under Khmer Rouge domination in early 1979 while hiding in the forests after the Vietnamese invasion. He said no more about it. At that, he said he is relatively happy in Site 8, especially since his children can attend school. He is quite proud of the fact that his 22-year-old son is now enrolled in primary school and learning to read and write, something he never did.

"I'm happy with this situation," he said "We get enough rice now, and we're freer than before. All my children are studying. I refused to allow the administration to let my son be taken into the army. If the enemy [Vietnam] is still in Cambodia, we would prefer to remain here in the camp.

"We have no choice, anyway. If we go back to Cambodia, we will get shot. If we try to go out of the camp here, the Thais will shoot us. So we just dig here, and we live here."

As dangerous as life can be in refugee camps, by far the most vulnerable populations in the world today are those beyond the reach of international humanitarian aid and protection. These are the "internally displaced," people displaced in their own counntries by war.

If they are lucky, the displaced fall under the control of benign forces, a socially conscientious government or a rebel group. If they are unlucky, they fall under control of malevolent forces who enslave, starve or murder them as Pol Pot did in Cambodia.

Unfortunately, in the two decades there have been dozens of Cambodias in which to one degree or another the human rights of millions of internally displaced people have been ignored. El Salvador has a million internally displaced people. At least 2 million are displaced inside Afghanistan. Another 5 million to 6 million are homeless or held in servitude inside Mozambique.

Nobody knows the number of displaced inside Ethiopia because the government won't let anybody count them. The most informed guess is at least 2 million.

If there are 13 million recognized refugees living across borders in foreign countries today, there are, by the most conservative estimates, at least twice that number living displaced in their own countries.

"In Mozambique alone," said Jean Pierre Hocke, the UN High Commissioner for Refugees, "it is a 10-to-1 ratio of internally displaced people to registered refugees outside Mozambique. To multiply the number of world-wide refugees by two or three to arrive at the number of internally displaced is probably on the conservative side."

The internally displaced are a grave concern to humanitarian agencies because they often live under far worse conditions than refugees in camps. If governments or rebel groups choose to murder or starve their own people within their own borders, they can do it. Even if the rest of the world is aware that massive crimes are being committed in a given nation, present international law works against intervention.

"What can be done about this?" asked the Independent Commission on International Humanitarian Issues in its 1986 report on refugees. "The international community is founded on the principle of state sovereignty, and governments can almost act as they please within their own borders. Their excesses may, regrettably, be condoned and even somewhat encouraged by their more powerful allies."

One example is El Salvador. "In order to receive official assistance," the commission's report said, "displaced Salvadorans must register with authorities and provide details of their personal background. Many refuse to do this, fearing that those details will be used by the military and death squads to identify and eliminate relative or fellow villagers. In response, the government considers that the . . . unregistered people are by definition 'subversive.' In some areas they have been bombed, strafed and mortared, sometimes while waiting to collect food supplies from nongovernment relief organizations. Safe havens run by the church and voluntary organizations are kept under surveillance. Any displaced person leaving the refuge runs the risk of arrest, torture and even death."

Calle Real is a camp of low-slung, dormitory-style buildings built by the Salvadoran Catholic Church nearly four years ago on a steep hillside half an hour's drive from San Salvador, the nation's capital. The camp, like many others near the city, was constructed to house the overflow of campesinos from San Salvador where the rural peasants, their homes and villages destroyed in the ongoing civil war, had flocked.

The camp is surrounded by a high fence, and its one gate is under constant guard. The 325 people living there last May seldom left the compound, though they are allowed to do so if they ask for permission. Outside the camp gate, they risk being stopped and detained by military patrols, whether they have written passes or not.

"Because we came from conflicted areas in the war zones," said a camp leader, "we are accused of being guerrillas or helping the guerrillas. If your home district is listed on a pass and a soldier stops you outside the camp, they become suspicious of you as soon as they look at it.

"Last November [1987] some women went outside the camp to do some shopping in San Salvador and were stopped by soldiers on the highway. They were kept blindfolded for 24 hours and taken to a cemetery, where they were held and questioned. If you want, you can go outside the camp and look for work, but five days later you might be arrested and detained because the military is suspicious of the village you came from. People fear going outside the camp, so most remain here all the time."

The Calle Real inmates make most of their own clothing and shoes and at least partially feed themselves with their own garden plots. The rest of their food is supplied by the Salvadoran Catholic Church and by international voluntary agencies. They are looked after by volunteer doctors and nurses, most of them American with strong church affiliations.

The mood in Calle Real is one of quiet defiance. If most of the inmates aren't rebels, their sympathies probably lie with the rebels. Every adult in the camp lost his or her home in government "sweeps" of the Salvadoran countryside. Nearly every adult has had at least one close relative killed in the civil war, usually by indiscriminate government aerial bombing or artillery fire in their native villages.

The utter savagery of civil war in a place like El Salvador stymies even the best relief organizations. The atmosphere is so politically charged that the mere act of providing the most basic aid to the internally displaced is interpreted as helping one side or the other. The Independent Commission's 1986 refugee report noted the cynical exploitation of Red Cross assistance by the Salvadoran government:

"In order to retain a good working relationship with the government, the ICRC has provided the authorities with details of its food deliveries to displaced people. In 1983 and 1984 this information was used by the military to organize attacks on the displaced people as they assembled to collect their rations. As a result, many were deterred from seeking further assistance, and the ICRC was forced to make a substantial cut in its feeding program. Not surprisingly, the ICRC has refused to take on the task of coordinating assistance to the displaced in El Salvador, believing that this would inevitably lead to conflict with the government or charges of collaboration from the guerrillas."

For internally displaced refugees, the most dreaded situations occur when governments or rebel groups completely draw curtains around their borders, keeping journalists and humanitarian workers away. The total denial of outside access to a country or a rebel-held territory is usually telling. It

often means that the people in charge are busy committing atrocities on their own people.

It took years for the rest of the world to learn of and accept as fact the mayhem Pol Pot inflicted on his people in Cambodia. Hundreds of thousands of people in rebel-controlled areas of Mozambique today are being held in a state of slavery by threat of death. A similar orgy of violence wiped out more than half a million people in Uganda in the early 1980s. But the curtains were so tightly drawn by Uganda's dictator of that period, Milton Obote, that few people outside Uganda even today are aware that anything happened. In Uganda, however, the horror of Obote's reign is evoked simply with the mention of one place: the Luwero Triangle.

Between 1982 and 1985, Milton Obote's army very nearly succeeded in depopulating the Luwero Triangle of its 1.6 million people. Any males between the ages of 14 and 50 were automatically considered opposition. If they were caught with their families, all were summarily shot. Women, children and the elderly caught in the army sweeps were herded into government enclaves run like slave camps, with no medical attention and very little food provided. When starvation began to set in, the ICRC tried to run food convoys out to the camps, but Obote stopped them, claiming the food was intended for opposition guerrillas. Within three years, 300,000 persons in the Luwero Triangle were dead either by gunshot or by enforced starvation. Another million were held in government camps, had fled to neighboring provinces or had joined the guerrilla army fighting Obote's regime.

In early November, 1987, I spent a day touring the southern districts of Luwero Triangle, just an hour north of Kampala. My driver-interpreter, Joseph, is in his early 40s. He is, I soon learned, a national celebrity who once had been the first-string goalie for the All-Africa soccer team. In the wreckage of Uganda's economy, he now makes a living with his battered old car guiding journalists and foreign delegations in and around Kampala.

The Luwero Triangle is one of the lushest areas of Uganda, a country so blessed with rain and land so rich you half-expect a broomstick left out overnight to sprout branches. Under good leadership Uganda could have been the most prosperous nation in black Africa.

As we drove along the fractured pavement of roads that obviously hadn't seen repairs since the British left, Joseph talked about the everyday terror everybody felt during the Obote regime. He had lived through it in Kampala.

"For a long time everybody went to bed wearing all their clothes, even their shoes," he said. "You wanted to be prepared in case the soldiers came to your home. You had to be ready to move fast. You wouldn't dare play a radio or a tape in your house. If soldiers came by and heard music in a house, they'd figure, 'Aha! Somebody has tapes in there,' and they'd force their way in to rob you. You didn't even want to keep a light on. Many people just didn't bother to stay in their houses at night, sleeping instead outside in their gardens or yards."

We had left Kampala early in the morning, and in my haste I had forgotten a notebook with directions to some places in Luwero that a diplomat had recommended I try to see. Joseph couldn't recognize anything from my fuzzy recollections, so he turned into a small village churchyard to consult the local priest.

I noticed as we walked toward the rectory that the church was overflowing with 300 or 400 women dressed in their finest. It being a Thursday morning, I was curious about the gathering.

"Ah, said the genial priest of Kiziba Parish, Father John Baptist Kkonde, "you have chosen a very good day to visit us. Today is the first Thursday of the month, the day we have the meeting of the Widows Club."

Father Kkonde wanted me to stay and watch the meeting. I was worried about a gathering storm. The roads would soon be impassable and my day would be wasted if I did not see and photograph some of the evidence of Obote's brutality.

We left the priest standing in the churchyard, and two minutes later Joseph stopped the car. He walked across a gully, motioning me to follow him through a 6-foot-tall barrier of grass and reeds. On the other side, neatly stacked on a platform, were perhaps 500 skulls and the bones that once belonged to them.

Many of the skulls had bullet holes through the forehead, others were horribly crushed. There was no way of identifying the remains, so the bones were just stacked up as a memorial. They were, Joseph said, Father Kkonde's former parishioners, all that was left of the husbands, brothers, sons and daughters of the Widows Club I had just left.

We hurried back to the church. The widows were of all ages, but most seemed to be in their 50s, 60s and 70s. Father Kkonde said many of the village families were wiped out except for older women and very young orphans. Returning survivors were causing great problems.

Families with surviving males were doing all right, but the widows, especially the older ones left to care for orphaned grandchildren, could not cope with the heavy farm work needed to support their households.

"After Obote was defeated, I found my nephew's children, a 5-year old girl and a 6-year old boy," said Federesi Walana, 70. "My nephew and his wife had been killed, so I have taken them in. We eat what little we can cultivate, and I make a little working as a casual laborer, but it is not a very good life."

Erunesi Ddumba, a 50-year-old primary-school teacher, lost her husband, a daughter and two sons. "When the troops came," she said, "they looted the houses and forced the men to carry to the trucks tin roofs, foodstuffs and whatever they found valuable, which they sent to Kampala to sell in the markets. They killed most of the men who were captured. Some were shot, some were beaten to death.

"The rest of us they forced to go with them to camps they had set up. There was no food, no shelter, no medicines. There the soldiers forced us to become their wives. This life continued until July, 1985, when Obote was defeated. Now I am caring for the orphans of three of my children, two boys and four girls. We have no house, so I'm living in a small room I rent. We're able to grow some food, but it's a struggle. So much of it gets eaten at night by monkeys and pigs that grew wild during the war."

Widow Rose Luboyera, 60, lost most of her relatives during the war and now helps one surviving daughter, also a widow, take care of six children.

"They just destroyed everything," she said. "All of my relatives' houses are gone. All of my brothers and sisters have been killed. When the soldiers came, we prayed for our lives, begging them to take our property but to spare our lives. They mocked us with a song they made up, 'Take anything, but spare our lives.' "

The church was trying to help, Father Kkonde said, but because little outside aid had yet arrived in the Triangle, some of the widows were having extreme difficulties.

"That is why we organized this club," he said. "They just come together to talk about their problems and help each other with their grief."

As the meeting ended, the women lingered in the churchyard. Village children came racing over as word spread that Joseph, the soccer hero, was in town. The ladies of the club wanted me to photograph the gathering to commemorate the occasion. As they organized themselves, one of them began singing. Soon all had joined in, swaying rhythmically to the tune, serenading me as I tried to focus my camera through my tears. Joseph, as moved as I, hurriedly groped through the trunk of his car and tossed to the awestruck children two brand-new $45 soccer balls he could ill afford to give away.

Joseph had seen the evidence of the Luwero Triangle carnage many times. Still, as we resumed our journey, he seemed as stunned and repulsed as I was.

Two years after the carnage ended, the Luwero Triangle had become its own monument to inhumanity. Wherever there were more than half a dozen houses clustered together, there was the same macabre display along the road—a little platform piled with bleached skulls and bones. Each village and settlement we passed through was more than half-empty, a collection of roofless houses with gaping doorways and smashed windows.

"The empty houses will never be used again," Joseph said. "Their people are all gone, dead."

That is the legacy Milton Obote left Uganda, a benighted, fractured forlorn land.

Obote and his predecessor Amin were leaders of a sovereign state, and, as such, were courted by other nations wishing to gain favor and an "edge" that would serve specific geo-political interests. In the name of Uganda, these nations were given grants, loans and gifts of modern weapons—and advice on how to use them. To serve their own personal interests, Obote and Amin used the weapons to destroy nearly all that is productive in Uganda.

In all the years that Amin and Obote ruled, from 1971 to 1985, no roads were constructed, no schools were built, no hospitals opened, while millions of acres of once-productive farmland fell fallow. Even the game parks, once the finest in Africa, were emptied of game, suffering a ghoulish parallel to the fate of so many Ugandans. Thousands of elephants, hippo, rhinos and other wild game were machine-gunned to death by marauding soldiers for sheer sport. Surviving herds, sensing the danger, migrated to neighboring countries. Strangely, the animals, too, are now returning gradually to the spectacular parks.

In his 1982 book, "Ideology and Development in Africa," Crawford Young, a University of Wisconsin political scientist, referred to Uganda as a phenomenon of our time. "Regimes might not only fail to achieve development," he wrote, "but might transform the state itself into a predator upon society."

Certainly one can fit Amin and Obote's names into that description, and Pol Pot's,

too. All three currently live comfortably in exile. There are others straining to get on the list, sovereign rulers and guerrilla leaders of "liberation" armies, predators feeding upon their own societies. That most sacrosanct international law, national sovereignty, lets the predators go about their work.

But the rest of the world, particularly the key industrial and military powers, often has had a hand in creating the Amins, Obotes and Pol Pots of our sanguinary age. It is a time of remarkable advancements in conventional weapons, enabling even illiterate bush soldiers to kill unprecedented numbers of people. It is a time when a trillion-dollar-a-year arms business supplies proxy was in the world's most impoverished, least-developed societies.

Milton Obote, Idi Amin and Pol Pot are perhaps not aberrations but the logical extension of an age that has seen 13 million people thrown into the miserable oblivion of refugee camps to rot in their own despair and grief for years and decades at a time.

Since World War II, persistent conflicts have spread refugees like malignancies in the body politic of all the world. The hatred, sorrow and misery engendered in these refugees only deepens the probability of more war, more instability, more global insecurity.

"We consider around here environmental impact statements," Sen. Edward Kennedy said during a 1987 congressional debate on U.S. funding of the rebel side in Angola's civil war. "Shouldn't we consider refugee impact statements as a result of our foreign-policy decisions? I think it would be good guidance to all administrators to consider the impact of our policies, particularly military aid, on the creation of refugees."●

THE SPECTER OF QUOTAS—DISCRIMINATION AGAINST ASIAN-AMERICAN STUDENTS IN HIGHER EDUCATION ADMISSIONS?

● Mr. SIMON. Mr. President, the Washington Post editorialized on December 17, 1988 on a subject that is of increasing concern to me—the question of discrimination against Asian-American students in making admissions decisions by institutions of higher education. "The Specter of Quotas" properly outlines the issues present in the current debate about the refusal of some of the Nation's most prestigious colleges and universities to admit apparently qualified Chinese and Japanese, as well as other Asian-American students.

My colleague, Tom Daschle and I held a seminar during the congressional adjournment on this important issue and others affecting the Asian community. We were pleased to have the participation of then Assistant Attorney General for Civil Rights William Bradford Reynolds, Dean Eric Widmer of Brown University, Assistant Vice President Alice Cox of the University of California, Grace Tsuang of the Yale University Law School and Henry Der of Chinese for Affirmative Action. The discussion was both scholarly and productive.

The Department of Education's current compliance review of several of the alleged offending institutions is critical. We must have the facts and the inquiry by the Department's Office for Civil Rights is the appropriate way to get those facts. I look forward to hearing the results of their inquiry.

Mr. President, I ask that the December 17, 1988 editorial for the Post, as well an editorial from the Boston Globe "Affirmative Action Crumbs" be printed in the RECORD at this point and I urge my colleagues to read both carefully.

The material follows:

[From the Boston Globe, Dec. 4, 1988]

AFFIRMATIVE ACTION CRUMBS

If for no other reason—and there probably is not another—Assistant Attorney General William Bradford Reynolds will be missed for his predictability. Reynolds, the head of the Justice Department's Civil Rights Division, is devoutly opposed to any affirmative action or preference program and will go to almost any length to justify his position.

This time Reynolds has decided to befriend Asian-Americans—an admirable position if Reynolds were not just using it as an excuse to attack programs to benefit blacks and Latinos. But that appears to be the case.

It is not that Reynolds or the Reagan administration cares so deeply about alleged discrimination against Asians by universities. It is that after eight years the administration's failure to declare the nation racially colorblind and derail affirmative action still galls.

Reynolds, who is resigning Friday, had what must have seemed a good forum for his last attack on affirmative action. He participated in a symposium on Asian-American university admissions sponsored by Sen. Tom Daschle (D-S.D.).

Reynolds said there is evidence that universities discriminate against Asians by giving racial preference to blacks and Latinos. Giving such preference, he said, is "the most likely explanation of the alleged discrimination against Asian-Americans."

The problem is not Reynolds' contention that some schools set quotas on admissions for Asian-Americans. It likely occurs, and such quotas are insupportable.

What is so cynical is the blatant attempt to set minorities against each other to fight over the leftover crumbs. As Grace Tsuang, a Yale Law School student, said, Asians are not against affirmative action programs for minorities. They want to be treated as fairly as whites in the college-application process—and that is not always the case.

Reynolds' departure will not be greeted with sadness in the civil rights community. It will be seen as an opportunity for President-elect Bush to show that his kinder, gentler America will include tougher enforcement of civil rights laws.

[From the Washington Post, Dec. 17, 1988]

THE SPECTER OF QUOTAS

With the approach of Jan. 1 comes high season again for applications and admissions to the most selective colleges—a process that always generates substantial amounts of anguish as a byproduct. This year one variety of that anguish is undergoing scrutiny by the Education Department. Faced with rising numbers of complaints from Asian students and parents that various colleges are trying to limit the numbers of Asians they accept—in effect, applying an unwritten quota—the department is reviewing the admissions processes of Harvard and the University of California at Los Angeles to see whether they comply with existing civil rights law. The process is likely to be long and complex.

The ethical question here is easy; obviously it is wrong, as well as illegal, to establish an admissions ceiling for a given group of students of a particular ethnic background. The idea that there is anything intrinsically "wrong" with a student body's being heavily Asian, if those students represent the best and ablest ones available, is similarly pernicious—not to mention bad for the institutions involved. What's complicated, given the traditionally secretive nature of college admissions decisions and the different kinds of factors that play into them—the student's needs, the university's, the society's—is figuring out whether that is going on. Some patterns are offered as evidence: at Harvard, for instance, average grades and scores of Asian students admitted are somewhat higher than the corresponding averages for whites, suggesting Asians face more rigorous criteria. In California, where many of the complaints originate, the situation is somewhat different: the University of California system is committed to accommodating a specified top percentage of all high school graduates in the state but, given overcrowding, doesn't promise they can go to the campus or enter the department of their choice. Asian groups say some desirable campuses—for instance, Berkeley and UCLA, both near large Asian communities—have shown suspicious drops in Asian acceptance rates in recent years.

In general, the defense offered by universities is that other factors besides ethnicity are at play, factors that may yield disproportionate results but are themselves not ethnically suspect. Harvard says certain types of avowedly preferential treatment, mainly that afforded to children of alumni and to athletes, just haven't been available to many Asians so far; admissions officers there also argue that this is the kind of preference universities are entitled to exercise, and that when corrected for these factors the gaps in achievement disappear. Some schools put heavy emphasis on extracurricular activities, and recently immigrated Asian families have tended not to encourage their children in that direction. The groups charging discrimination argue in essence that the new attention to such factors is not coincidental, that it reflects colleges' nervousness about rising numbers of successful Asian applicants. But it's been generally thought reasonable till now that colleges be permitted to seek "diversity" of interests and strengths among applicants.

The government's inquiry is a chance to examine all those perceptions afresh. Whether or not changes result (and any government litigation or compulsion would come only after many more procedural steps and chances for the universities to change themselves), such a reexamination every so often is useful; given the ugly nature of the suspicions and allegations that have been raised, it is also essential.●

RULES OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES

● Mr. KENNEDY. Mr. President, I submit the rules of the Committee on

Labor and Human Resources. I ask that they be printed in the RECORD.

The rules follow:

SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

Edward M. Kennedy, Chairman

RULES OF PROCEDURE

Rule 1.—Subject to the provisions of Rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the Committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD 430, Dirksen Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

Rule 3.—Meetings of the Committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the Committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the Committee which is composed of less than a majority of the members of the Committee shall include at least one member of the Majority and one member of the Minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the Minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a Minority member, the measure or matter shall lay over for a day. If the presence of a member of the Minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the Committee or a subcommittee unless a majority of the Committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The Committee may poll any matters of Committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each Committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forego such a record. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or the Clerk's designee, shall have the responsibility to make appropriate arrangements to implement this Rule.

Rule 8.—The Committee and each subcommittee shall undertake, consistent with the provisions of Rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the Committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of Rule 26.5 of the Standing Rules of the Senate, no person other than members of the Committee, members of the staff of the Committee, and designated assistants to members of the Committee shall be permitted to attend such closed session, except by special dispensation of the Committee or subcommittee or the Chairman thereof.

Rule 14.—The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16.—An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17.—(a) The Committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the Committee.

(*b*) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: provided, with the concurrence of the Chairman and ranking minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(*c*) The Committee may, by a majority vote, delegate the authority to issue subpoenas to the Chairman of the Committee or a subcommittee, or to any member designated by such Chairman. Prior to the issuance of each subpoena, the ranking minority member of the Committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the Chairman of the Committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the Committee requesting same, or to any assistant to a member of the Committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the Rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the Chairman of the Committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(*d*) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(*e*) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (Parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the Committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (Part II) shall not be required of any nominee when the Committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.●

GOV. WILLIAM DONALD SCHAEFER ON THE FEDERAL-STATE PARTNERSHIP

● Mr. SARBANES. Mr. President, I want to share with my colleagues a letter Gov. William Donald Schaefer, of Maryland, recently sent to President George Bush to let him know, "one Governor's view of how States and the Federal Government can work together to truly build that 'kinder and gentler' Nation to help all our people."

In his letter, Governor Schaefer lets the President know that he looks forward to being a partner with him in working on the priorities of the people of Maryland and our Nation, including educating our children, protecting our environment, cleaning up the Chesapeake Bay, improving the infrastructure, and generally building a stronger America and improving our quality of life.

I urge my colleagues to review Governor Schaefer's letter. It is a comprehensive and insightful look at what is needed to reach the goal of a better life for all Americans and how the Federal-State partnership can accomplish that goal. I ask that Governor Schaefer's letter be printed in the CONGRESSIONAL RECORD along with the accompanying executive summary.

The material follows:

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Washington, DC, January 30, 1989.

Hon. GEORGE BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I listened carefully to your inaugural speech and your pledge during the campaign for a "kinder and gentler nation." Though we are from different parties and our every step may not be completely in sync, I sense we are marching to the same tune: a better life for the people of America.

People are the backbone of our economy. Investment in people is the best way to make America strong and competitive in the world market.

I would like to be your partner in finding better ways to educate our children, to lift the indigent out of poverty, to stem the rising tide of homelessness, to build up America's infrastructure, to preserve and protect our environment, to rid our society of drugs, to make our streets safer and to provide quality health care for all Americans.

The dynamics of the federal-state relationship have changed over the last decade. The time has come to re-examine that relationship and create a new partnership.

The states have become engines for innovation in recent years. Many of their efforts have provided blueprints for successful national programs. For example, the new federal welfare law is for the most part patterned after state welfare-to-work programs. And innovative environmental projects on the state level have provided the inspiration for national efforts.

I can't think of a better example of how effective a joint federal-state partnership can be than the Chesapeake Bay clean-up program. Three states, the District of Columbia and five federal agencies have worked together to develop innovative programs to restore the Bay. The program has been so successful that it has become a model for the restoration of other estuaries around the country. If you have the opportunity, I hope you will join me on a tour of the Bay. I would like to show you first hand what can be accomplished when all levels of government join forces.

We want to build on these successes. Unfortunately, the success of the Bay clean-up program has been more the exception than the rule. We have been unable to forge an effective federal-state partnership in many other areas. While the states have bolstered their efforts, the federal government has drastically reduced its role in meeting many of the domestic needs of our country. Some cleaning and cutting of the federal budget is necessary to put our fiscal house in order. However, crippling programs that have a proven track record of helping people is counterproductive and shortsighted.

Many of the problems we face are national in scope. The states do not have the tools to solve them alone. They require a national solution. We need your assistance and cooperation. We need your leadership to reinvigorate the federal commitment to domestic programs.

I would like to share with you one Governor's view of how states and the federal government can work together to truly build that "kinder and gentler" nation to help all our people. I am enclosing some of my ideas about how we can achieve that goal. I would be happy to meet with appropriate officials of your administration to discuss these ideas in greater detail.

Sincerely,

WILLIAM DONALD SCHAEFER,
Governor.

[President George Bush, Jan. 30, 1989, Attachment No. 1]

EXECUTIVE SUMMARY

HUMAN RESOURCES

The new Welfare Reform Law guarantees welfare recipients they can receive the job training, education and support services they need to get jobs. The federal government should act quickly to give us guidance on how to implement this new law and provide us with the funds promised.

We must not only devote our efforts to increasing the supply of affordable child care, but we must also take the extra step of ensuring the health and safety of our children.

EDUCATION AND TRAINING

I am glad you agree with me that full federal support of early intervention programs—such as Head Start and Chapter One—is the best way to solve the problems of teenage pregnancy, school dropouts and drug and alcohol abuse.

Your consistent support for student aid to help all Americans receive a college education is to be commended. To achieve our goal of improving access to college for all qualified students, we need full funding of federal grant and loan programs such as the Pell Grant program for financial assistance to low income students.

I applaud your commitment to providing full funding for the Job Training and Partnership Act (JTPA), which has been particularly effective in providing young and disadvantaged workers with the training they need to adapt to the work force.

DRUGS

I applaud your emphasis on education and treatment as a long-term approach to reducing the demand for drugs. We also must take steps to reduce supply. Increased federal interdiction efforts, and a consistent federal financial commitment to assisting state and local drug enforcement efforts are essential if we are to reduce the availability of drugs in our society.

HEALTH

There are approximately 37 million uninsured Americans who face financial ruin if they contract a serious illness or other medical emergency. The federal government and the private sector must coordinate their resources to ensure these Americans have access to adequate insurance protection.

The federal government should work with the insurance industry to expand the availability of private coverage for older Americans. At the same time, it is essential that government pay costs of long-term care for those older Americans who cannot afford care or cannot obtain private insurance.

I am pleased that you believe that the AIDS epidemic requires a national solution. I applaud your proposal to provide some $2 billion for AIDS research, education, and treatment programs.

HOUSING

I urge you to renew the federal government's historic commitment to providing decent, affordable housing for all Americans. I applaud your pledge to fully fund the McKinney Act to assist the homeless. I

urge you to also support federal efforts to assure an adequate supply of affordable rental housing and to increase home ownership opportunities for middle and lower income Americans.

INFRASTRUCTURE

Money has already been set aside in trust funds for our highways, our transit systems, our airports and our waterways. We must ensure that sufficient monies are made available from these trust funds to meet the many unmet needs of our nation's infrastructure.

ENVIRONMENT

The Chesapeake Bay's disturbing trends are indicative of the problems facing many of our nation's coastal waters. We must work to stem the tide of coastal pollution problems by providing full funding for the wastewater construction program and providing the necessary funding to get the national non-point source pollution program off the ground.

Any program to solve our environmental problems must include a strategy to reduce acid rain. I am pleased to see your commitment to finding a solution to this problem and I urge you to press for legislation designed to address this problem in the 101st Congress.

I applaud your commitment to work to preserve our parks and our critical lands. I urge you to work to provide adequate resources to support the Land and Water Conservation Fund.

[President George Bush, Jan. 30, 1989, Attachment No. 2]

HUMAN RESOURCES

WELFARE REFORM

We need to bring more people into the economic process, through education, training and employment, to make America more competitive.

Our rapidly changing economy has produced new opportunities and many new jobs. But this welcome news on the jobs front is tempered by the fact that many Americans lack the required skills or need special assistance such as day care to enter the workforce.

For example, in Maryland we have been working for several years to provide welfare recipients the training and education skills they need to get off the welfare rolls and become self sufficient. Developing the productivity of every available worker has always been an important economic and social concern.

In my years as Mayor, I learned that people want to work. If we give them a chance, they'll gladly take a job to get off welfare. That's why we developed the OPTIONS program in Baltimore City. Through OPTIONS, we successfully provided employment and training opportunities for welfare recipients.

In addition, Project Independence, Maryland's nationally recognized welfare-to-work program, is designed to promote self sufficiency through private sector employment to reduce long-term poverty. I am proud that this model was adopted by the Congress last year when it passed legislation to fundamentally reform America's welfare system. The legislation guarantees welfare recipients they can receive the job training, education and support services they need to get jobs. I know the success we have had in Maryland will be realized throughout the rest of the country.

To help ensure this success, however, the federal government should act quickly to give us guidance on how to implement the new welfare reform law and provide us with the funds promised.

CHILD CARE

A related problem is the lack of affordable, quality day care to permit these individuals to accept employment. This is a problem not only for individuals entering the job market from the welfare rolls but also for the growing number of two wage earner families and single parent households.

The lack of good child care is a national problem. We must form a partnership between the federal government and the states to increase the amount of safe, affordable child care.

Consequently, I applaud your decision to devote so much attention and resources to the child care issue. But I believe your proposal does not go far enough. We must take the extra step to ensure the health and safety of children, and improve access to child care for low and middle income families.

To meet the need for safe, affordable child care in my own state, last year I developed a multifaceted child care initiative.

Our first responsibility is to maintain the health and safety of our children. Millions of working parents across America need the piece of mind that comes from knowing their child will be safe at day care. They are depending on us. That is why a cornerstone of my proposal was to continue Maryland's commitment to tough health and safety standards for day care facilities.

To stimulate growth in the private sector, the proposal combines licensing and regulation of child care, and provides money to businesses trying to set up child care facilities. This removed unnecessary red tape that prevented the expansion of child care, but kept our health and safety standards strong.

Child care is expensive, in my state it costs as much as $5,000 a year. In contrast, the median income for a household in Maryland is about $35,000. Poor and middle class families suffer most because they spend a greater portion of their income on day care.

As a result, I have made money available for subsidized child care, so that low and middle income families in Maryland can find care for their children.

EDUCATION AND TRAINING

The overhaul of our nation's welfare system is a major step in our attemps to reduce poverty and break the cycle of dependence. But we must also attack poverty and its causes on other fronts.

It is our children who are the real victims of poverty. One out of every five of our children is born into proverty. We must reverse this trend and provide opportunities for them.

Education is one of the keys to doing this. But too many poor children have no reliable access to quality education. We must plan for the next generation now. How America nurtures its children today will determine our prosperity tomorrow.

I am pleased to hear that you want to be known as the "Education President."

EARLY CHILDHOOD DEVELOPMENT

I am glad you agree with me that full federal support of early intervention programs—such as the Head Start Program and Chapter One—is the best way to solve the problems of teenage pregnancy, school dropouts, and drug and alcohol abuse. If we invest in people when they're young we will reap economic and social rewards when they're older. Moreover, we must serve the entire eligible population.

STUDENT AID

Your consistent support for student aid to help all Americans receive a college education is to be commended. As you know, not all families have the money to send their kids to college. Our goal must be to improve access to college for all qualified students. To achieve this, we need full funding of federal grant and loan programs such as the Pell Grant program for financial assistance to low income students.

JOB TRAINING

But a college diploma is not the only way to ensure that tomorrow's workers have the skills to enter the labor force. There are many people 16 to 24 years old who are high school dropouts and many more who have graduated from high school but lack the skills they need to get a job. They face bleak economic prospects unless we help them bridge the gap from school to work.

The Job Training and Partnership Act has been particularly effective in providing young and disadvantaged workers with the training they need to adapt to the work force. However, the JTPA, currently reaches only about five percent of the eligible population because not enough funding is made available. I applaud your commitment to providing full funding for this important program. Your strong support for full funding will be a great help in assuring that this program reaches the people it was designed to serve.

DRUGS AND CRIME—DRUG PREVENTION

I hope that moving these people programs along at full speed will have the long-range effect of reducing drug use in our society. But until that happens, we need to continue to vigorously enforce existing drug laws and make available treatment to drug addicts who seek help.

All of us want safe streets. Unfortunately, violence has escalated dramatically in recent years. Much of the crime in our cities and towns is tied to the problem of drugs.

I applaud your campaign pledge to work for the eradication of drugs in our society. However, as Governor I have too often seen the federal government renege on its promise to work in partnership with the states on drug treatment, prevention and enforcement. We will not solve this terrible problem overnight. What we need most is a consistent federal partner who will give us a long-term commitment to this effort.

A one-year program that encourages the states to increase enforcement personnel and treatment centers, but which is then abandoned the following year, leads to counterproductive dislocations in the states' efforts. In 1986, Congress passed a drug bill just before it adjourned for the elections. In 1987, funding under that program was slashed. In 1988, again just prior to an election. Congress passed another law giving the states additional federal help for treatment and enforcement. Now the most recent budget proposes total elimination of all law enforcement assistance to the states. We cannot fight the drug war every other year. I look to you to bring consistency to the federal/state effort to combat drug use and enforce the drug laws.

GUN CONTROL

The increasing violence attributable to drugs also calls for increased control of the weapons of violence. In Maryland we have a seven-day waiting period for the purchase of handguns. In addition, recently passed legis-

lation, approved by the people of Maryland in a referendum last November, bans the sale of "Saturday Night Specials."

I believe that a federal waiting period would be a useful adjunct to these state efforts. Felons and insane individuals are barred from owning weapons by both state and federal law. But without a uniform waiting period to give police the opportunity to check on prospective purchasers, there is no way to assure that these individuals will not seek and purchase handguns from dealers unaware of their background. I urge you to carefully review federal gun laws to assess the usefulness of such a ban.

HEALTH—HELPING THE UNINSURED

Too often America's workers find themselves destitute because they can't afford to pay their hospital bills. All working Americans should have adequate health insurance. There are approximately 37 million uninsured Americans who face financial ruin if they contract a serious illness or other medical emergency.

In Maryland there are about 630,000 citizens with no health insurance, either public or private. Seventy-eight percent of all uninsured adults are employed and 70 percent work full time. Simply expanding the federal/state health program for the very poor will not solve their health care needs. We need to coordinate the abilities and resources of the government and the private sector. These hard-working Americans must have access to adequate insurance protection.

AIDS

I'm sure you agree that AIDS is the most serious public health threat America has faced in many years. Since 1981, more than 80,000 people have been diagnosed by the Centers for Disease Control as having AIDS. More than 46,000 people have already died. I am frustrated because as a Governor, I cannot solve this problem myself. I am pleased that you believe that the epidemic requires the federal government to develop a national solution. Moreover, I applaud your proposal to provide some $2 billion for AIDS research, education, and treatment programs.

LONG-TERM CARE

We also have to guarantee that the elderly have access to adequate health care. The elderly bear most of the costs of long-term care, by far the leading cause of catastrophic health care costs. In fact, the high costs of nursing home care and other long-term health care are so financially devastating that tens of thousands of older Americans are bankrupted each year by catastrophic illness. The federal government should work with the insurance industry to expand the availability of private coverage. At the same time, it is essential that the government pay the costs of long-term care for those older Americans who cannot afford care or cannot obtain private insurance.

HOUSING

Many of the same people who lack the resources to obtain adequate medical care also lack adequate shelter. In Maryland, as in many other states, we are facing a housing crisis, one that has grown more critical in recent years. The day-to-day problems we face include homelessness, lack of affordable rental housing for poor and moderate income citizens, and declining opportunities for home ownership. The decline in federal housing funds is directly related to the increase in homelessness and the other housing problems we face.

THE HOMELESS

Over my years as Mayor, and now as Governor, I have visited homeless shelters and soup kitchens. People there need our help. We can make a difference in their lives.

The McKinney Act to assist the homeless is an important initiative, although it is, of course, not a complete solution. We are making progress in Maryland in providing a full range of services to our homeless population—not just shelter, but counseling, job training and other programs. I applaud your commitment to full funding for this federal effort. It is essential to continued progress.

AFFORDABLE HOUSING AND HOME OWNERSHIP

I realize that as Governor I have a majority responsibility to assist local governments in developing innovative programs to provide adequate shelter for Marylanders. I have created an interagency approach to Maryland's housing problems with particular emphasis on preventing homelessness. We are committed to building 1,500 new housing units every year for the next five years to help prevent new families from becoming homeless and to provide safe shelter for those who have already lost their homes.

I am encouraged by your commitment to increase home ownership. The transfer of public housing units to tenant ownership, and programs to assist first time homebuyers, are the types of innovative programs that can help people.

I urge you to support federal housing programs that provide flexible federal resources in parnership with state and local funds. I urge you to reaffirm the federal government's historic commitment to decent, affordable housing, and to return it to active involvement in providing resources for housing.

INFRASTRUCTURE

When I was Mayor, we had to deepen the channels of the Baltimore harbor from 42 to 50 feet. This was important to enable bigger ships to enter the harbor, allowing us to export more coal and other commodities. Deeper channels help us compete with nations overseas. The State and federal governments each picked up half the tab. Without federal participation, we would not have been able to undertake this project. As Governor of Maryland, I believe the primary responsibility for attending to our infrastructure rests with state and local governments, and I am happy to carry a major share of the burden to help rebuild America. But the federal government should remain a reliable partner in providing resources.

ROADS, TRANSIT, PUBLIC WORKS

Our infrastructure is the bulwark of our economy. Unfortunately, overall spending on public works has declined in recent years. Daily news reports of crumbling bridges, congested highways and aging sewer systems are a constant reminder of how long we have neglected our nation's public works. If we don't attend to the maintenance and upgrading of these facilities now, the costs will become astronomical and future generations will be left to foot the bill. Our ability to compete in the global economy will be severely hampered if we don't act know.

I recognize that budget constraints make it difficult to spend federal money on costly infrastructure programs. But money has already been set aside in trust funds for our highways, our transit systems, our airports and our waterways. The money in these trust funds comes from targeted taxes and user fees that assure that those who use these facilities and services pay for them. We must ensure that sufficient monies are made available from these trust funds to meet the many unmet needs of our nation's infrastructure.

STATE FINANCING

In addition, I am concerned that recent changes in federal tax law have unnecessarily impeded state and local government financing arrangements for infrastructure improvements. The states must have the flexibility to use tax exempt bonds to finance public activities without unnecessarily costly federal regulations and record keeping requirements, or unwarranted Internal Revenue Service restrictions on the scope of our infrastructure investments.

FEDERAL LAND DISPOSAL

I also want to bring to your attention a matter that is of great importance to local governments. That is the disposition of federal land that will take place when military bases are closed pursuant to the new agreement on base closings. While it is appropriate for the federal government to determine which bases are to be closed, it is important that state and local governments be involved in the decisions on how land released by the federal government will be used. Transitional support and consultation by the federal government with state and local governments is essential if we are to minimize any adverse economic impact of such closings.

ECONOMIC DEVELOPMENT AND TRADE—RESEARCH AND DEVELOPMENT

Expanding the federal government's Research and Development effort can pay substantial dividends to the U.S. economy. My state is home to many of the federal governments most significant research centers, including the National Institutes of Health and the Goddard Space Flight Center. I know from personal experience the impact these facilities have on business. However, research is only half of the equation.

We need a renewed emphasis on development and production technology. The National Institute of Standards and Technology can play a major role in assisting American business to develop new products and new production methods and I believe its role should be enhanced.

America's future depends on development of our research today. I encourage you to work for added effort not only in space and health but in other fields that will assure America retains a competitive edge in the highly competitive and innovative world economy.

EXPORT PROMOTION

I have spoken a great deal about our competitive position in the world market. As a Governor, I have traveled abroad to try to expand markets for Maryland goods. I have also had the opportunity to meet with businessmen from around the state who have shared with me their concerns about the difficulties of entering many foreign markets.

In Maryland, as in many other states, we are working to increase our export markets in goods and services. We have developed the concept of a "one stop shop" where businesses can go for a full range of services from the state to assist them in developing international markets. The new trade law passed in the last Congress contains some provisions to help states assist small and medium sized businesses. More is needed.

I believe that we could better coordinate our efforts at the federal and state level to

assist business, particular small business, to open up opportunities overseas. A coordinated approach between federal commercial attaches overseas and state efforts such as Maryland's could greatly enhance exports without increasing resources. My state is ready to work with you to help American industry enter these markets.

ENVIRONMENT

When I was Mayor of Baltimore, I worked to revitalize the City and meet the needs of people. I was concerned mostly about the problems in my backyard—such as the pollution problems of Baltimore harbor.

CHESAPEAKE BAY

Now as Governor, representing all Maryland, I realize that if the City of Baltimore is ever going to solve the harbor's pollution problems the entire state must help. And if the Chesapeake Bay, our nation's largest and most productive estuary, is going to be restored, the federal government must lend a hand. In my efforts to meet this challenge, I have learned how important the Bay is to the economy of the region and to the quality of life of all our citizens.

We have come far enough in our efforts to clean up the Bay to realize just what mammoth work lies ahead. It will take tremendous resolve and ingenuity to reverse the Bay's decline.

If the Bay clean-up program momentum is sustained, it surely will be one of the most spectacular environmental success stories of our time. If it falls by the wayside, it will surely be one of the most heart-breaking and unforgivable failures.

The Bay's problems are complicated. They do not lend themselves to simple solutions. Hard choices will have to be made among competing interests, and literally hundreds of millions of dollars will have to be poured into the clean-up efforts.

The states bordering the Bay are willing to shoulder most of the burden. But we do not have all the tools to handle the job alone. Environmental problems such as these cut across state borders. They require a national solution.

COASTAL WATERS

The Bay's disturbing trends are indicative of the problems facing many of our nation's coastal waters. We must work to stem the tide of coastal pollution problems before we reach the point of no return.

At the very least, the federal government should meet its obligation to fully fund the wastewater construction program and it should provide the necessary funding to get the national non-point source pollution program off the ground.

But much more needs to be done if we are going to meet our goal of obtaining fishable and swimmable waters. We must explore new ways to reduce pollution. Funding for programs designed to remove nutrients, to eliminate toxics, and to combat diseases that are hurting important wildlife populations should be a top priority.

CLEAN AIR

Any program to solve our environmental problems must include a strategy to reduce acid rain. Acid rain poses a threat to our forests, our wildlife and our fish. It is also responsible for one-fifth of the nutrient pollution entering the Chesapeake Bay. I am pleased to see your commitment to finding a solution to this problem and I urge you to press for legislation designed to address this problem in the 101st Congress.

Maryland and 40 other states have areas that do not meet federal clean air standards. Legislation was introduced in the last Congress to extend the deadline for compliance with the Clean Air Act. In exchange for the extension, states and businesses will face stiffer control measures. I urge you to support legislation that extends the ozone attainment deadline.

LAND PRESERVATION

I applaud your commitment to an outdoor ethic and your pledge to work to preserve our parks and our critical lands. In Maryland, we are setting aside 10 percent of the land along the Bay for public access and to preserve our heritage. Money will come from a variety of sources, but the Land and Water Conservation Fund is an important ingredient in this effort. I urge you to work to provide adequate resources to support the Land and Water Conservation Act.

I am encouraged by your pledge to make environment a top priority. I look forward to working with you to preserve and protect our abundant natural resources, not only for our children but for our children's children.

AGRICULTURE

As we work to improve our natural resources, we should not forget one of our most valuable resources—agriculture. Agriculture is Maryland's number one business. The success of our farmers is key to the progress of my state. We look forward to working with you and our Congressional representatives in crafting a farm bill that will help all of our nation's farmers. However, there is one recruiting problem that needs particular close attention now.

In Maryland, as in many other parts of the country, we have been experiencing severe droughts. The damage caused by last year's drought is a daunting reminder of how devastating and costly such a natural disaster can be for American farmers and for the nation as a whole. The crop insurance program is one important program designed to help farmers recoup the losses incurred in situations like this. However, it does not contain the necessary incentives to encourage farmers to participate. Participation among farmers in Maryland and in many other states is very low. I would like to work with you to change this program so that all farmers may benefit in time of need.●

CAMPAIGN CONTRIBUTIONS

● Mr. SHELBY. Mr. President, on January 31, I introduced S. 326, a bill to prohibit the conversion of excess campaign contributions to personal use. Although the Senate has instituted a standing rule to prohibit the personal use by any Member or former Member, the rule does not carry the full force of the law. The statute governing this issue allows Members who were in office before January 8, 1980, to take the campaign contributions and use at will. S. 326 removes this grandfather clause and prohibits any personal use of campaign contributions by any candidate.

I would like to submit for the RECORD two editorials which have appeared in Alabama newspapers evidencing public support for this measure. I hope my colleagues will join me in this attempt to close one of the loopholes in our campaign finance law.

I ask that the editorials be printed in the RECORD.

The editorials follow:

[From the Montgomery Advertiser, Feb. 6, 1989]

ROCKING CHAIR FUNDS

One of the beneficial results of the flap over whether Congress will get a 50 percent pay raise is proposed legislation to close an eight-year-old campaign finance loophole.

Part of the price of passing a 1980 campaign bill was a provision which allows members of Congress who were in office before 1980 to convert their campaign warchests to their personal use after they leave office, a sort of "rocking chair fund" to help the lawmakers in retirement.

In short, if a senator or House member elected prior to 1980 wants to retire, there is nothing in the law to keep him or her from walking away from Washington with whatever campaign contributions are on hand. Some House members have in excess of $1 million. Some senators, whose campaigns are more expensive, hold more than $2 million.

Alabama got an example of the loophole when the late U.S. Rep. Bill Nichols, D-Sylacauga, died in December. His campaign account held more than $400,000. Staff members say the bulk of that money will be transferred to the congressman's widow and distributed as part of his estate.

Three members of the Alabama House delegation, including U.S. Rep. Bill Dickinson, R-Montgomery, are eligible for the loophole windfall. Dickinson has $435,996, U.S. Rep. Ronnie Flippo, D-Florence, has socked away $811,380, and U.S. Rep. Tom Bevill, D-Jasper, has $515,438.

Rules of the U.S. Senate forbid personal use of campaign funds, but whether the rule could apply to former senators is uncertain. Both of Alabama's senators could take advantage of the loophole. U.S. Sen. Howell Heflin, D-Tuscumbia, could take $488,911 with him if he retired. U.S. Sen. Richard Shelby, D-Tuscaloosa, has $382,506 in his campaign account.

So Sen. Shelby deserves special commendation for introducing legislation which would bar all eligible members of Congress from taking advantage of the potentially lucrative loophole when they leave office.

At stake is a large amount of money. The 190 House members and 73 senators who were in office before 1980 have reported campaign contributions on hand of more than $61 million. That's an average of $224,000 per House member and $341,000 per Senate member.

Sen. Shelby is absolutely correct when he says that donors do not contribute to a candidate in an attempt to enrich the candidate, but rather to help a specific campaign. To turn campaign contributions into personal income invites a perversion of the process which eventually will allow the wealthy to purchase the best Congress money can buy.

Congress can end the embarrassment by passing the legislation which Sen. Shelby has introduced. It should do so quickly.

[From the Alabama Journal, Feb. 7, 1989]

NOT FOR RETIREMENT

The citizen who gives money to a member of Congress doubtless intends it as a campaign contribution, not a retirement present. Yet many members of Congress have amassed substantial campaign funds which current regulations allow them to keep when they leave office and use as they

wish. That's a rotten practice that ought to be stopped.

To his considerable credit, Alabama Sen. Richard Shelby has introduced legislation to end these so-called "rocking chair funds." This is no freebie for Sen. Shelby, no easy-to-offer bill that doesn't touch him. He has $382,506 in his campaign account that he could take with him upon leaving Congress.

Some congressmen are prohibited from using campaign funds for personal purposes, but all should be. The current regulations contain an unconscionable "grandfather clause" that exempts those who were in office on Jan. 8, 1980. Sen. Shelby, for example, was a member of the House of Representatives at that time. Seventy-two other senators and 190 representatives are covered by this indefensible exemption.

A great deal of money is involved here, so much that one must wonder how Sen. Shelby's bill will fare. Affected members may be inclined to vote with their bank books instead of with a clear view of what is right. It is estimated that the now-exempt House members alone have a total of $39.2 million in campaign funds.

Four of Sen. Shelby's Alabama colleagues are covered under the grandfather clause and all have hefty sums banked. Sen. Howell Heflin had $488,911 in his account at last report. Rep. Bill Dickinson of Montgomery had $435,996, Rep. Tom Bevill of Jasper had $515,438 and Rep. Ronnie Flippo of Florence had a whopping $811,380.

In addition, the late Rep. Bill Nichols of Sylacauga had $467,548 in campaign funds when he died in December. Under the current regulations, that money goes to his estate.

"When donors contribute to a political candidate, they do so with the understanding that their money will be used to further the candidate's campaign, not to augment his or her personal wealth," Sen. Shelby said. "Public office is a trusteeship and is not a means to accrue personal wealth." We couldn't agree more.

The grandfather clause allows veteran congressmen with key committee seats and other positions of influence—the type of congressmen who seldom faces serious opposition and so has little need for a huge campaign fund—to simply bank most of their contributions in anticipation of retirement. These contributions become a form of personal financial security, even though that was never the intent of the campaign finance laws.

Sen. Shelby's commendable bill would end this disreputable practice. Congress will disgrace itself if it fails to pass it.●

APPOINTMENT BY THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair announces, on behalf of the majority leader, pursuant to Public Law 100-690, the appointment of the following Senator to serve as a member of the National Advisory Commission on Law Enforcement: DENNIS DECONCINI.

APPOINTMENTS BY THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tem pore.

The Chair announces, on behalf of the majority leader, in accordance with Public Law 100-690, the Anti-Drug Abuse Act of 1988, the following named Senators are hereby appointed as members of the National Advisory Commission on Law Enforcement: Senator RUDY BOSCHWITZ of Minnesota, and Senator DAN COATS of Indiana.

APPOINTMENTS BY THE ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore.

In accordance with 22 U.S.C. 1928a-1928e, as amended, the Chair appoints the following Senator as chairman of the Senate Delegation to the North Atlantic Assembly during the 101st Congress: JOSEPH R. BIDEN, JR.

Pursuant to the provisions of Public Law 94-304 and Public Law 99-7 the Chair appoints the following Senators as members of the Commission on Security and Cooperation in Europe: DENNIS DECONCINI, as Chairman of the Commission; FRANK LAUTENBERG; WYCHE FOWLER, TIMOTHY WIRTH, and HARRY REID.

Thereupon at 8:39 p.m., the Senate, preceeded by the Sergeant at Arms, Mr. Henry K. Giugni; the Secretary of the Senate, Walter J. Stewart; and the President pro tempore, ROBERT C. BYRD, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George H.W. Bush.

The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.

RECESS UNTIL 2:15 P.M., TUESDAY, FEBRUARY 21, 1989

At the conclusion of the joint session of the two Houses, and in accordance with the provisions of Senate Concurrent Resolution 14, the Senate, at 10:07 p.m., recessed until Tuesday, February 21, 1989, at 2:15 p.m.

EXTENSIONS OF REMARKS

LEGISLATION TO EXPAND WOMEN'S ROLE IN U.S. DEVELOPMENT EFFORTS

HON. MICKEY LELAND
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. LELAND. Mr. Speaker, 15 years ago, Congress passed into law the Percy amendment to the Foreign Assistance Authorization Act. That amendment directed the Agency for International Development [AID] to assist developing nations to "integrate women into their national economies." In those past 15 years, much has been said and written about integrating women into development, but far too little has been done.

Congress did, however, make important progress last year in advancing the intent of the Percy amendment. The fiscal year 1989 foreign assistance appropriations legislation incorporated critical sections of H.R. 4049, both providing additional funding for women in development programs, and, more importantly, instructing AID to enhance the involvement of women in the design and implementation of development assistance programs and projects.

Today Representatives SCHROEDER, SNOWE, and I are reintroducing the Women in Development [WID] Act to permanently secure the incorporation of strong and clear guidelines on the women in development policies of the U.S. Government. Until women are incorporated fully in our development programs—from participation in the design, implementation and management of programs to the receiving of assistance from those programs—our efforts at promoting development will continue to be inequitable and ineffective in reaching those who most need our assistance.

Several facts about the role of women in the Third World serve to highlight their importance to the development process. Women are the poorest, hardest-working, least educated and most unhealthy people in the developing world. They perform two-thirds of the world's work, receive one-tenth of its income and own only one one-hundredth of its property. Studies have shown that rural women work, on average, 2 to 4 hours more per day than their male counterparts. Worldwide, one-third of all households are headed by women; in Latin America the figure is as high as 50 percent.

Women are the food producers of the developing world. In Africa, women are responsible for 80 to 90 percent of the food grown for home consumption. Women are also major income earners; their earnings provide for the most basic needs of their families: food, schooling, and medicines.

Furthermore, women are vital to the informal economy, the 30 to 60 percent of economic activity and employment which often is not officially recognized. In the Philippines, for example, four-fifths of the street food vendors are women. Most experts believe that the informal sector will be the greatest source of new employment in the coming decades.

Despite realities, women continue to be under-represented in or excluded from development programs. A study of U.N. development assistance efforts showed that in 1982, only 1 percent of all U.N. funds spent for increasing agriculture production were allocated to women.

In a time of reduced foreign aid budgets, we cannot afford to neglect women's role in the development process. AID studies have shown that the failure to integrate women has resulted in failed projects and wasted resources. It is time to include women fully in our assistance programs and to use our foreign aid dollars more wisely.

The legislation we are introducing today calls upon the Administrator of AID to make women participants in the planning, design, implementation, and evaluation of all development activities as well as recipients of assistance through those activities. The legislation directs AID to include women in proportion to their traditional participation in the designated activity or their proportion of the targeted population to the extent possible. These participation targets are not to serve as strict quotas in all of AID's activities, but as benchmarks for the Agency. The legislation calls for the full integration of women by 1995, but allowances are made for the possibility of serious obstacles. Should AID find that it is impossible to meet the benchmarks, they must identify the obstacles and what steps they propose to overcome them in project or program documents.

This bill identifies several other steps that the Agency must take. Wherever possible, economic data must be broken down by gender. Project evaluations must include an assessment of how effectively the project integrated women into the development process. Personnel evaluations must look at the same criteria at the staff level. AID must increase the number of, and the level of responsibility of, women in Washington and in mission-based professional positions in the Agency. AID's training programs must have as many women as men enrolled by 1993. Finally, AID will be required to establish a task force with representatives from its WID Office and from each of the regional and technical bureaus to oversee the implementation of this legislation, to assist mission staff in overcoming the obstacles to integrating women and to establish criteria to measure the Agency's performance in incorporating women in development activities.

In order to fund these increased activities, funding for the WID Office will be changed from the "up to $10 million" earmark that is current law to "not less than $10 million, not less than $8 million of which shall be extended as matching funds to support the efforts of the Agency's field missions to integrate women into their programs." This will allow the Office to provide greater levels of technical assistance to the missions and to maintain a larger staff, while continuing to carry out their current activities.

The legislation also provides modest funding for two U.N. organizations. UNIFEM would be authorized to receive $4 million to carry out its efforts. UNIFEM has been a small but very effective voice working to incorporate women into every aspect of the U.N.'s development programs. The bill also calls for $1 million for INSTRAW, the U.N.'s organization which carries out research on women essential to the efforts of the U.N. and many other development organizations to incorporate women. These modest contributions will have enormous impact when they are used to leverage funds from the UNDP's budget.

The sponsors of the Women in Development Act urge your support of this bill. If we want to spend our foreign aid dollars fairly and wisely, we must ensure that women are fully integrated as participants and recipients of development assistance. This bill is a clear and determined step in that direction. It deserves your support.

The legislation to promote the integration of women in development process in developing countries is reprinted for your information as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women in Development Act of 1989."

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Women in developing countries play multiple and vital roles in economic development, but in many development activities their roles have been overlooked, ignored, or displaced.

(2) The full participation of women in, and the full contribution of women to, the development process are essential to achieving growth, a more equitable distribution of resources and services to meet basic needs, a higher quality of life in developing countries, and sustainable development.

(3) In developing countries, the income earned by women is crucial to their individual self-reliance, to raising the standard of living of their families, to the overall development of the community and society, and to strengthening national economies.

(4) Achievement of development goals is being retarded by the failure to effectively integrate women in development activities.

(5) Research shows that when women's participation in development activities is high, project success and sustainability tend to be high; when participation is low, project success and sustainability tend to be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

moderate or low. Therefore, the cost-effectiveness and efficiency of United States bilateral and multilateral development assistance can be increased by improving the integration of women in all stages of the development process.

(6) In food production, low-resource women farmers provide the critical labor and offer the best hope for increasing food supplies in many developing countries. However, their contributions have been limited by a lack of access to appropriate extension, credit, and marketing services.

(7) Women are a major source of entrepreneurial talent in the informal sectors of developing countries and, with access to training, credit, and other forms of assistance, are expected to account for much of the growth in the private sector employment.

(8) United States and indigenous private and voluntary organizations have demonstrated effectiveness in strengthening women's organizations in developing countries through the development of managerial and analytical capabilities.

(9) The Agency for International Development states that its policy is that there be full involvement of women as participants and beneficiaries in all of the projects, institutions, and development processes supported by the Agency. In actual practice, the integration of women has traditionally received low priority in relation to other mandates. Although the Agency for International Development issued a policy paper in 1982 which provided guidelines for increasing the participation of women in the development process, insufficient steps have been taken to implement those guidelines. During 1988, however, the Agency did make greater efforts to increase the involvement of women in development projects, which is noted with appreciation.

(10) There are no strong accountability or management mechanisms within the Agency for International Development to ensure that the women in development policy is in fact being implemented.

(11) Training the staff of the Agency for International Development, the staff of universities participating in programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, the staff of other agencies of the United States Government, and contractors involved in carrying out programs administered by the Agency, to recognize the essential economic roles of women and to develop strategies to incorporate women in programs, projects, and institutions supported by the Agency is a necessary precondition for improved integration of women in the Agency's development activities.

(12) Training programs held in host countries or the United States for project participants are important components of most development projects and reflect the development objectives and strategies of the Agency for International Development. The low representation of women in these training programs impedes their integration in development, limits performance of their current and future roles, and constrains overall economic development.

(13) Among United Nations organizations, the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW) have demonstrated that greater support for the productive activities of women can improve the well-being of communities and societies. The United Nations Development Fund for Women plays a unique and valuable role by developing and replicating projects and ensuring the appropriate involvement of women in mainstream development activities. The International Research and Training Institute for the Advancement of Women serves as a catalytic force within the United Nations to ensure that research and data collection of all United Nations agencies identify women's economic and social roles.

(14) Research has established the value of fully integrating women and the poor in the development process, and especially in designing, implementing, and evaluating development projects. Such agencies as the Inter-American Foundation, the African Development Foundation, and the International Fund for Agricultural Development have carried out programs which have achieved a reasonable measure of success in carrying out these objectives.

SEC. 3. STEPS TO BE TAKEN BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) STRENGTHENING WOMEN IN DEVELOPMENT POLICY.—The Administrator of the Agency for International Development shall take the following steps to strengthen the Agency's women in development policy:

(1) Ensure that the Agency seeks to incorporate the active participation of local women and local women's organizations in its development activities (including their involvement in the planning, design, implementation, management, monitoring, and evaluation of the activities) in approximate proportion to their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(2) Instruct Agency staff and contractors to collect sex-disaggregated data for, and include such data in, every Country Development Strategy Statement, Project Identification Document, Project Paper, Program Assistance Identification Proposal, Program Assistance Approval Document, and Policy Inventory, as well as all relevant research projects.

(3) Instruct Agency staff and contractors to seek to ensure that country strategies, projects, and programs are designed so that the percentage of women who receive assistance is in approximate proportion to either their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(4) Instruct Agency staff and contractors that, if a country strategy, program, or project is not designed so that assistance will reach women in the proportion specified in paragraph (3), they must identify in the appropriate document referred to in paragraph (2)—

(A) what the obstacles are to achieving that goal;

(B) what steps are being taken to remove or overcome those obstacles;

(C) to the extent that steps are not being taken to remove or overcome those obstacles, why they are not being taken.

(5) Ensure that project and program evaluations include an assessment of the extent to which the project integrates women in the development process and of the impact of the project or program on women, including both positive and negative implications of the project or program in enhancing the self-reliance of women and improving their incomes.

(6) Instruct Agency staff and contractors to ensure that country strategies, projects, and programs identify and take advantage of opportunities to assist women in activities that are of critical significance to their self-reliance and development, including (A) appropriate extension and related services to low-resource women who are engaged in subsistence or cash crop production, and (B) training, technical assistance, credit, and other services to strengthen the managerial skills and capabilities of women, with special attention to women's institutions and women entrepreneurs.

(7) Develop and implement a plan to provide training for all Washington and mission-based professional staff that provides guidance on strategies for achieving the goal of incorporating women in the planning, design, implementation, management, and evaluation of the Agency's development activities; and require universities participating in programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, other agencies of the United States Government, and contractors involved in carrying out programs administered by the Agency to develop and implement plans to achieve that goal.

(8) Increase the number of, and the level of responsibility assigned to, women who are in Washington and in mission-based professional positions in the Agency or who are employed by Agency contractors; and encourages organizations involved in carrying out programs administered by the Agency to do the same.

(9) Require that efforts to achieve the goal of integrating women into the Agency's development activities be an important factor in the personnel evaluation process for all Agency staff with responsibility for reaching that goal.

(10) In the case of education or training provided in the host country or the United States for project participants, increase training opportunities for women and make every necessary provision for addressing the specific needs of women.

(11) Ensure that the necessary steps are taken so that each of the preceding paragraphs of this subsection will be fully implemented as soon as possible, but no later than by the end of fiscal year 1995, except that the following targets shall be set for implementing paragraph (10): a minimum of 30 percent of the trainees should be women by the year 1991, a minimum of 40 percent of the trainees should be women by the year 1992, and a minimum of 50 percent of the trainees should be women by the year 1993, with approximately equal levels in each region.

(12) Establish within the Agency a task force on women in development. The task force shall consist of the director of the Women in Development office and senior-level staff from each of the regional and technical bureaus who are in decision-making positions regarding the integration of women in the operations of their bureau. The task force shall be responsible for—

(A) overseeing the implementation of this Act,

(B) assisting Agency missions in developing strategies to overcome the obstacles to integration of women in the development process that have been identified by the missions, by indigenous people and organizations, and by other evaluations of Agency programs;

(C) designing means for ensuring that staff at all levels of the Agency are subject to appropriate accountability for achieving the goals of incorporating women in the development process; and

(D) establishing specific criteria for measuring and evaluating the Agency's performance in incorporating women in development activities, and developing ways to in-

stitutionalize learning within the Agency on women in development activities.

(b) FUNDING FOR WOMEN IN DEVELOPMENT ACTIVITIES.—Section 113(b)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Up to $10,000,000" and inserting in lieu thereof "Not less than $10,000,000";

(2) by inserting "and section 667(a)" after "this chapter"; and

(3) by adding at the end the following: "Beginning in fiscal year 1990, not less than $8,000,000 of the funds used each fiscal year pursuant to this subsection shall be made available as matching funds to support activities designed to better integrate women into the programs of the missions of the agency primarily responsible for administering this part.".

(c) REPORTS TO CONGRESS—Not later than one year after the date of enactment of this Act and thereafter as part of the annual congressional presentation documents for economic assistance, the Administrator of the Agency for International Development shall report to the Congress on—

(1) the specific steps taken as of the time of the report in implementing each paragraph of subsection (a);

(2) the additional steps to be taken to implement each such paragraph; and

(3) the use of funds pursuant to the amendments made by subsection (b).

SEC. 4. FUNDING FOR CERTAIN UNITED NATIONS ORGANIZATIONS.

In addition to amounts otherwise authorized to be appropriated to carry out chapter 3 of part I of the Foreign Assistance Act of 1961 (relating to international organizations and programs), there is authorized to be appropriated, without fiscal year limitation, $5,000,000. Of the amounts appropriated pursuant to this section, 80 percent shall be available only for the United Nations Development Fund for Women and 20 percent shall be available only for the United Nations International Research and Training Institute for the Advancement of Women.

SOCIAL SECURITY EARNINGS LIMITATION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation to repeal the outside earnings limitation which is currently imposed on Social Security recipients.

As many of my colleagues are aware, the American work force is experiencing major demographic changes. The elderly are the fastest growing age group in the U.S. population. According to the Census Bureau, there are more than 30 million persons in the United States aged 65 and older. This number will continue to rise at a rate of 1.7 percent a year over the next 23 years. As a result, interest has grown for adopting measures which will eliminate penalties on senior citizens who choose to remain in the work force. One of these penalties is the Social Security earnings limitation.

Under current law, Social Security recipients between the ages of 65 and 69 are threatened with a reduction in Social Security benefits if their outside income exceeds $8,400. For those under 65, the earnings limitation is $6,120. For every $2 earned in excess of these limits, Social Security benefits are reduced by $1.

It makes very little sense to penalize Social Security recipients in this fashion. Social Security is a retirement program, not a welfare program. To deny full benefits to those who have paid into the system throughout their working careers is little more than a breach of contract.

The earnings limitation serves as a disincentive to work. In 1986, more than 1 million people had their paychecks reduced because of the earnings limitation, while yet another million lost their benefits entirely.

Many Americans are choosing to work longer, contributing not only to their own economic well-being, but that of the entire economy. The American economy will surely benefit not only from their contribution of labor, but also from their vast experience. The earnings limitation is counterproductive and outdated; it should be eliminated.

LITHUANIAN INDEPENDENCE DAY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I want to include in the RECORD a statement I sent to the Rochester, NY Lithuanian-American community on their commemoration of Lithuanian Independence Day, February 16. I am extremely pleased to have a Lithuanian-American community in my district and am proud to have the opportunity to represent Lithuanian-Americans. They have a unique contribution to make to our society and a past full of heroic figures and dramatic events.

LETTER TO THE ROCHESTER, NY LITHUANIAN-AMERICAN COMMUNITY

Lithuania has a long, proud and eventful history. As early as 1009 Lithuania was an independent principality. For hundreds of years Lithuania played a major role in the politics and culture of Europe. Unfortunately, powerful external enemies divided Lithuanians between themselves for over a hundred years beginning in 1795. This difficult period was marked by numerous uprisings on the part of patriotic Lithuanians who wished to throw off the yoke of foreign rulers. The Lithuanian language was suppressed and persistent attempts to eradicate the unique Lithuanian culture were made.

The perseverance and courage of the Lithuanian people were not in vain. After 120 years of foreign rule, Lithuania declared its independence on February 16, 1918. During the period between the First and Second World Wars, Lithuania and the two other Baltic States maintained their independence bordered by unfriendly neighbors. The Nazi-Soviet pact of 1939 signaled the end of independence for Lithuania, Latvia and Estonia. In June, 1940, Soviet armies occupied Lithuania.

The United States never recognized this illegal occupation and to this day the status of these three nations has been a bone of contention between the Soviet Union and the United States. I fully support the policy we have followed. An invasion as blatantly illegal as that of the Soviet Union's into the Baltic States must never be legitimized.

Despite years of Soviet rule and the adoption of the initiative stifling central planning system, the events of the last 18 months have proven that the peoples of Lithuania, Latvia and Estonia have not lost their independent spirits. The wholehearted adoption of reform measures and the calls for autonomy and even independence from the controls of Moscow have been a shining example to all those who love freedom and self-determination.

February 16 symbolizes the undying spirit of the Lithuanian people and their hopes for future independence. It helps to keep alive the spirit of resistance to oppression that is still felt by Lithuanians in their native land. I am sorry I cannot be with you today in person, but I'm with you in spirit. We must not forget the people of Lithuania or of Estonia and Latvia.

UKRAINIAN INDEPENDENCE DAY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FAUNTROY. Mr. Speaker, just last month Ukrainian-Americans commemorated the 71st anniversary of the Declaration of Ukrainian Independence and the 70th anniversary of the unification of the Western Ukrainian National Republic with the Ukrainian National Republic. While this quest for self-determination did not survive, the Ukrainian quest for freedom like all other such struggles is unquenchable and has endured to the era in which we live. Seventy years of repressive government including Stalinist famine and targeted persecution of Ukrainian intellectuals have not stemmed the desire for freedom within the hearts of the Ukrainian people.

As evidence of this continuing struggle for human dignity the world has witnessed an outpouring by the Ukrainian people demanding greater autonomy, cultural freedom, civil liberties, and press freedom. Despite this positive activity there is also the tragic and continuing reality of repression directed against those in the forefront of the freedom struggle.

Nevertheless, I am confident that this struggle, part of the tapestry of a worldwide struggle for freedom will go on until justice is attained. The rights for which the Ukrainian people are striving are included in a number of international treaties including the concluding document of the Helsinki Final Act.

Mr. Speaker, I want to add my voice to those of my colleagues in support of the efforts of the Ukrainian people for greater autonomy, cultural freedom, civil liberties, and press freedom.

HINDSIGHT ON GRENADA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. SOLOMON. Mr. Speaker, I include the text of a letter distributed to all Members of the House on January 31 concerning the intervention by the United States in Grenada:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 1989.

HINDSIGHT ON GRENADA

DEAR COLLEAGUE: The success of Grenadan communist propaganda apparently has survived the downfall of its authors. Earlier this month Cong. George Crockett circulated by "Dear Colleague" letter an article that bears this out. Promoting some academically fashionable ideas that can only thrive in the half-light of hindsight, the authors of this article would have us believe some incredible things: that "the Soviet Union was wary of involvement in Grenada and unresponsive to Grenadan appeals for support"; that the Organization of Eastern Caribbean States' invitation to the US to intervene in Grenada was "window dressing" (as if these little nations really had had nothing to fear from Grenada); that little Grenada could in no way ever harm the big United States; and that American medical students on Grenada had little to fear, the US military intervention was a fiasco, and that US economic aid since the intervention has done little for Grenada.

There is so much to criticize about this type of "learned" hindsight that it is hard to know where to start. It is clearly hindsight, however, to state so categorically that American students were never in danger (when Grenadans were being executed in the street); it is hindsight to say that US military actions were inadequately coordinated (without having to experience the many challenges faced by military leadership in such situations); and it is easy to portray present Grenadan economic difficulties out of the context of the overall economic problems of the region and by ignoring the average 5% annual growth in Grenada since the 1983 intervention. Hindsight is equally flawed, however, when it is used to support academic suppositions that there was little Soviet involvement in Grenada and that the US and Grenada's neighbors had little to fear from its activities.

The Soviet leadership has never overlooked any opportunities for expansion. The facts show that the Grenadan communists were just as willing to provide such an opportunity to the Soviets. While the Grenadan Marxists portrayed themselves as populist reformers for the consumption of the American media and liberal American politicians, their communications among themselves showed a clearly different face. They had a clear desire to place their nation at the service of Soviet military expansion. Here are the words of the Grenadan Ambassador to the USSR, as taken from a then-secret report to the Party leadership in July 1983:

By itself, Grenada's distance from the USSR, and its small size, would mean that we figure in a very minute way in the USSR's global relationships * * *. For Grenada to assume a position of increasingly greater importance, we have to be seen as influencing at least regional events. We have to establish ourselves as * * * the sponsor of revolutionary activity. In this region at least * * * the twice per year meetings with the progressive and revolutionary parties in the region is therefore critical * * *.

"We must ensure * * * that we become the principal point of access to the USSR for all these groups even to the point of having our embassy serve as their representative while in the USSR."

The Ambassador then went on to point to the nearby countries of Surinam and Belize as the most vulnerable, whose recruitment or subdivision to the Soviet orbit would enhance Grenada's importance in Soviet eyes.

If armaments are any measure, the Grenadan communists succeeded in their efforts. When the US intervention was over, the tiny nation of 100,000 people was found to have been stockpiled with 10,000 rifles, 4,500 machine guns, 11.5 million rounds of ammunition, 294 portable rocket launchers, 84 82mm mortars, 12 75mm cannon, 15,000 hand grenades, 150 radio transmitters, and 160 field telephones, and had plans for the construction of an army equal to 15-25% of the population.

While it was easy for academicians (resting safely behind the protection afforded by our armed forces) to discount the Grenadan military buildup, it was quite a different matter for Grenada's tiny, unarmed neighbors. Prime Minister Tom Adams of Barbados said this after the intervention by US forces:

"The discovery of a sufficient store of ammunition to kill everyone in the Caribbean * * * will surely raise the question of the past government's intentions. Why did Grenada need motorised rubber landing craft? What would it have done with the 50 armoured personnel carriers it had agreed to obtain from the Soviet Union * * *? Can all these factors be ignored in assessing the threat posed to Eastern Caribbean countries, against which their Treaty entitles them to defend themselves?"

Once again, while it was easy for academicians to ignore the on-going construction of a Grenadan air field capable of handling the largest of Soviet military transports, this was not something responsible US policy makers should have ignored. With the post-intervention discovery of the armaments stockpiles and the many secret agreements the Grenadan communists had with the Soviet Union and its allies, we have to be grateful they didn't.

I want to add one final thought that may put the Grenadan intervention into better perspective for all of us. By itself, any single, small 'Third World' country can appear irrelevant to the grand strategy of defending the Free World. But when we look at the number of such countries affected by Soviet opportunistic expansionism, we can see that it is vital for the United States to respond where and when it is prudent and possible.

Where America has stood up to Soviet expansionism—in Afghanistan, Grenada, Angola and elsewhere—the tide has been turned. No longer is there the communist delusion of an inexorable Marxist march to world victory! Where America has proven irresolute—as in Nicaragua—repression continues, arms stockpiles grow, and plans for communist expansion fester.

Rather than using our hindsight to denigrate American successes, let's use it to learn the lessons that have put communism on the defensive in so many places around the world over the last eight years.

Sincerely,

GERALD B. SOLOMON,
Member of Congress.

DESIGNATING LAKE AMISTAD AS A NATIONAL RECREATION AREA

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BUSTAMANTE. Mr. Speaker, today, I am introducing legislation that would designate the U.S. side of Lake Amistad as a "national recreation area."

Amistad Recreation Area is an immense reservoir area on the Texas-Mexico border near the town of Del Rio in Val Verde County, TX. Lake Amistad is an international reservoir project of the United States-Mexico International Boundary and Waters Commission and was formed by the building of Amistad Dam in 1963-69. Under a memorandum of agreement with the U.S. section of the International Boundary and Waters Commission, the National Park Service has administered the U.S. side of the lake as a unit of the National Park System.

The Texas Historical Commission has documented that the area within Amistad Reservoir contains the highest concentration of prehistoric dry cave sites in the State of Texas. These sites contain cultural remains which record 10,000 years of aboriginal prehistoric occupation along the Rio Grande and its many tributaries. It is a human record unsurpassed in the State of Texas and much of North America. The ancient remains found in this area truly represent the cultural jewels of the Lone Star State.

Because of its unique characteristics, features, and resources, Amistad Recreation Area warrants national recognition and international attention. By elevating the status of this natural and cultural resource to the list of national sites to be preserved and protected, it is hoped that the National Park Service will redouble its efforts to conserve the important geologic, ecologic, ethnographic, archeological, pictographic, historic and recreations features found in Lake Amistad. This bill seeks to achieve that goal.

I would like to add that this bill is a noncontroversial bipartisan issue. It has been endorsed by Gov. William Clements, the National Park Service, the Texas Historical Commission, the Texas Antiquities Commission, the San Antonio Museum Association, and the International Boundary and Waters Commission. The National Park Service, IBWC, and the Texas Historical Commission were involved in drafting this legislation. The bill is consistent with the National Park Service's general management plan for Amistad Recreation Area.

I hope my Texas colleagues will join me in supporting this measure.

BOB MORISON, THE DEAN OF THE MARITIME PRESS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. JONES of North Carolina. Mr. Speaker, last week we said goodbye to an old friend, Bob Morison, who retired as the maritime reporter for the Journal of Commerce.

Bob slipped away so quietly that some might not have noticed.

Especially since his byline is still running on stories.

Bob always had a reputation for producing prodigious amounts of copy, but filing stories from retirement is, I think, above and beyond the call of duty. Perhaps a 31-year habit takes awhile to break.

That's right. Morison, as he was known, spent the last 31 years covering the ups and downs of the maritime industry, and there have been a lot of them.

He knew this industry. Probably better than a lot of people employed in it. Indeed, probably better than a lot of people tasked to regulate or legislate it.

He was fair. He was good. He did his job. He was respected both by his colleagues and by those whose doors he knocked on.

His friends at the paper have suggested that in his retirement he might be named Maritime Administrator. Or perhaps purchase the Washington Redskins and become the first ever owner-player-coach.

As seemingly attractive as either option might be, I believe Morison may pursue yet another path. Rumor has it that he is forming a cable television company that will provide live, national broadcasts of the hearings of the House Merchant Marine and Fisheries Committee and the meetings of the Federal Maritime Commission.

Once it's in your blood * * *.

THE ANTI-DRUG RESOURCE ENHANCEMENT ACT OF 1989

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GILMAN. Mr. Speaker, let me be blunt. The Congress shirked its responsibility to the American people when it only partially funded the 1988 drug bill. We delivered only $500 million in new money out of an authorization of $2.7 billion for fiscal year 1989 to combat an industry that grosses 100's of billions of dollars each year. Every day more Americans become addicted to drugs and the costs which the American economy must absorb because of increased health expenses, decreased productivity and soaring crime and violence continue to rise. The very least we can do is fully fund our recently passed drug bill, the Anti-Drug Abuse Act of 1988—Public Law 100-690.

I realize that we are in a time of tight budget constraints but I also believe that an investment in effectively fighting drugs today will help protect the health of our citizens tomorrow and will also be more cost effective than waiting until the problem becomes even more critical.

A reasonable manner to raise this desperately needed funding is through a modest increase in beer, wine, and cigarette Federal excise taxes. Accordingly, today I am introducing legislation to increase Federal excise taxes 1 cent per beer, 2 cents per pack of cigarettes and 3 cents per bottle of wine to raise approximately $1 billion. My proposal would earmark 90 percent of these funds to be used only to combat drug abuse and drug trafficking and the remaining 10 percent for research on alcohol and tobacco related addiction. The 90 percent set aside solely to fight drugs will serve as an additional appropriation to be administered by the recently nominated Federal Drug Czar.

There is significant support for raising sin taxes 10 or even 20 times more than I suggest. Our excise tax proposal is extremely limited, but would provide a very significant chunk of the funds needed to fully fund the new drug bill which passed the Congress with overwhelming support.

Accordingly, I urge my colleagues to support this desperately needed funding measure. Let's show the American people that when we passed the Anti-Drug Act of 1988, we really meant business.

Mr. Speaker, I request that the full text of my proposal be inserted at this point in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Drug Resource Enhancement Act of 1989".

SEC. 2. INCREASE IN EXCISE TAXES ON WINE AND BEER.

(a) WINE.—

(1) WINES CONTAINING NOT MORE THAN 14 PERCENT ALCOHOL.—Paragraph (1) of section 5041(b) of the Internal Revenue Code of 1986 (relating to rates of tax on wines) is amended by striking out "17 cents" and inserting in lieu thereof "32 cents".

(2) WINES CONTAINING MORE THAN 14 (BUT NOT MORE THAN 21) PERCENT ALCOHOL.—Paragraph (2) of section 5041(b) of such Code is amended by striking out "67 cents" and inserting in lieu thereof "82 cents".

(3) WINES CONTAINING MORE THAN 21 (BUT NOT MORE THAN 24) PERCENT ALCOHOL.—Paragraph (3) of section 5041(b) of such Code is amended by striking out "$2.25" and inserting in lieu thereof "$2.40".

(4) CHAMPAGNE AND OTHER SPARKLING WINES.—Paragraph (4) of section 5041(b) of such Code is amended by striking out "$3.40" and inserting in lieu thereof "$3.55".

(5) ARTIFICIALLY CARBONATED WINES.—Paragraph (5) of section 5041(b) of such Code is amended by striking out "2.40" and inserting in lieu thereof "$2.55".

(b) BEER.—

(1) IN GENERAL.—Paragraph (1) of section 5051(a) of such Code (relating to imposition and rate of tax on beer) is amended by striking out "$9" and inserting in lieu thereof "$12.30".

(2) TECHNICAL AMENDMENT.—Subparagraph (A) of section 5051(a)(2) of such Code (relating to reduced rate for certain domestic production) is amended by striking out "$7" each place it appears and inserting in lieu thereof "$10.30"

(c) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—

(A) IN GENERAL.—In the case of any tax-increased article—

(i) on which tax was imposed under part I of subchapter A of chapter 51 of the Internal Revenue Code of 1986 or section 7652 of such Code before July 1, 1989, and

(ii) which is held on such date for sale by any person,

there shall be imposed a tax at the applicable rate on each such article.

(B) APPLICABLE RATE.—For purposes of subparagraph (A), the applicable rate is—

(i) 15 cents per wine gallon in the case of wine described in any paragraph of section 5041(b) of such Code, and

(ii) $3.30 per barrel in the case of beer.

In the case of a fraction of a gallon or barrel, the tax imposed by subparagraph (A) shall be the same fraction as the amount of such tax imposed on a whole gallon or barrel.

(C) TAX-INCREASED ARTICLE.—For purposes of this subsection, the term "tax-increased article" means wine and beer.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding any tax-increased article on July 1, 1989, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary of the Treasury or his delegate shall be regulation prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before August 14, 1989.

(D) TREATMENT OF TAX-INCREASED ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) or any other provision of law, any tax-increased article which is located in a foreign trade zone on July 1, 1989, shall be subject to the tax imposed by paragraph (1) and shall be treated for purposes of this subsection as held on such date for sale if—

(i) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the first proviso of section 3(a) of such Act, or

(ii) such article is held on such date under the supervision of a customs officer pursuant to the second proviso of such section 3(a).

Under regulations prescribed by the Secretary of the Treasury or his delegate, provisions similar to sections 5062 and 5064 of such Code shall apply to any article with respect to which tax is imposed by paragraph (1) by reason of this subparagraph.

(3) EXCEPTION FOR RETAILERS.—The taxes imposed by paragraph (1) shall not apply to wine or beer in retail stocks held on July 1, 1989, at the place where intended to be sold at retail.

(4) OTHER LAWS APPLICABLE.—

(A) IN GENERAL.—All provisions of law, including penalties, applicable with respect to the comparable excise tax with respect to any tax-increased article shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply in respect of the taxes imposed by paragraph (1) with respect to such article to the same extent as if such taxes were imposed by the comparable excise tax.

(B) COMPARABLE EXCISE TAX.—For purposes of subparagraph (A), the term "comparable excise tax" means—

(i) the tax imposed by section 5041 of such Code in the case of wine, and

(ii) the tax imposed by section 5051 of such Code in the case of beer.

(5) DEFINITIONS.—For purposes of this subsection—

(A) WINE.—The term "wine" means any article which is treated as wine for purposes of section 5041 of such Code.

(B) BEER.—The term "beer" has the meaning given such term by section 5052(a) of such Code.

(C) PERSON.—The term "person" includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1989.

SEC. 3. INCREASE IN EXCISE TAX ON CIGARETTES.

(a) IN GENERAL.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

(1) by striking out "$8" in paragraph (1) and inserting in lieu thereof "$9", and

(2) by striking out "$16.80" in paragraph (2) and inserting in lieu thereof "$18.90".

(b) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before July 1, 1989, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) SMALL CIGARETTES.—On cigarettes weighing not more than 3 pounds per thousand, $1 per thousand.

(B) LARGE CIGARETTES.—On cigarettes weighing more than 3 pounds per thousand, $2.10 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on July 1, 1989, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed by section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on August 14, 1989, in the same manner as the tax imposed by such section is payable with respect to cigarettes removed on or after July 1, 1989.

(C) TREATMENT OF CIGARETTES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) or any other provision of law, cigarettes which are located in a foreign trade zone on July 1, 1989, shall be subject to the tax imposed by paragraph (1) and shall be treated for purposes of this subsection as held on such date for sale if—

(i) internal revenue taxes have been determined, or customs duties liquidated, with respect to such cigarettes before such date pursuant to a request made under the first proviso of section 3(a) of such Act, or

(ii) such cigarettes are held on such date under the supervision of a customs officer pursuant to the second proviso of such section 3(a).

Under regulations prescribed by the Secretary of the Treasury or his delegate, provisions similar to sections 5706 and 5708 of such Code shall apply to cigarettes with respect to which tax is imposed by paragraph (1) by reason of this subparagraph.

(3) CIGARETTE.—For purposes of this subsection, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of such Code.

(4) EXCEPTION FOR RETAILERS.—The taxes imposed by paragraph (1) shall not apply to cigarettes in retail stocks held on July 1, 1989, at the place where intended to be sold at retail.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to cigarettes removed on or after July 1, 1989.

SEC. 4. ESTABLISHMENT OF ANTI-DRUG RESOURCE ENHANCEMENT TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. ANTI-DRUG RESOURCE ENHANCEMENT TRUST FUND.

"(a) CREATION OF TRUST FUND. —

"(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Anti-Drug Resource Enhancement Trust Fund'.

"(2) ACCOUNTS IN TRUST FUND.—The Anti-Drug Resource Enhancement Trust Fund shall consist of—

"(A) an Anti-Illicit Drug Account, and

"(B) an Alcohol and Tobacco-Related Addition Account.

Each such Account shall consist of such amounts as may be appropriated or credited to it as provided in this section or section 9602(b).

"(b) ANTI-ILLICIT DRUG ACCOUNT.—

"(1) TRANSFERS TO ACCOUNT.—There is hereby appropriated to the Anti-Illicit Drug Account amounts equivalent to 90 percent of the increase in net revenues received in the Treasury from the taxes imposed by sections 5041(b), 5051(a), and 5701(b) attributable to the amendments made by the Anti-Drug Resource Enhancement Act of 1989.

"(2) EXPENDITURES FROM ACCOUNT.—Amounts in the Anti-Illicit Drug Account are hereby appropriated to the Office of National Drug Control Policy for purposes authorized by law.

"(c) ALCOHOL AND TOBACCO-RELATED ADDICTION ACCOUNT.—

"(1) TRANSFERS TO ACCOUNT.—There is hereby appropriated to the Alcohol and Tobacco-Related Addiction Account amounts equivalent to 10 percent of the increase in net revenues received in the Treasury from the taxes referred to in subsection (b)(1) attributable to the amendments made by the Anti-Drug Resource Enhancement Act of 1989.

"(2) EXPENDITURES FROM ACCOUNT.—Amounts in the Alcohol and Tobacco-Related Addiction Account shall be available, as provided in appropriation Acts, to carry out research, prevention, education, treatment, rehabilitation, and other programs for individuals with any alcohol or tobacco-related addiction.

"(d) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary based on the excess of—

"(1) the taxes received in the Treasury under the sections referred to in subsection (b)(1), over

"(2) the decrease in the tax imposed by chapter 1 resulting from such taxes."

"(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9511. Anti-Drug Resource Enhancement Trust Fund.

TRIBUTE TO RICK EGGE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DICKS. Mr. Speaker, I rise today to recognize Rick Egge, who is completing his presidency of the National Utility Contractor's Association [NUCA]. Rick has spent most of his life in Washington studying engineering, raising a family, starting a small business, and volunteering his spare time for many worthwhile national and local causes.

In 1971, Rick and his brother, Jon, formed DYAD Construction based in Woodinville, WA. Rick is president of the contracting firm which has been involved in a variety of work including sewer-related projects, road construction, pumping stations, and treatment plants.

Rick has been very active in utility construction association activities. He was one of the founders of the Utility Contractor's Association of Washington and served a 2-year term as the chapter's first president. He has held a variety of elective positions within the National Utility Contractor's Association, culminating in serving as its president during 1988–89. Rick made a major commitment to worker safety programs during his presidential term. In 1980, he was named NUCA's prestigious "Ditchdigger of the Year," which is presented for dedication and commitment to the utility construction industry.

Despite his busy professional life, Rick also finds time to help out those less fortunate. He serves as a board member on the Little Bit Special Riders Program, which provides equestrian facilities, therapy for paraplegic, and handicapped children and adults.

Mr. Speaker, I join Rick's wife, Jeanie, and his three children, Jordan, Laura, and Ben, in congratulating him on the completion of a successful year as president of NUCA.

INTRODUCTION OF BILL AMENDING THE COASTAL ZONE MANAGEMENT ACT

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DAVIS. Mr. Speaker, today I introduce a piece of legislation which represents unfinished business for coastal States. The bill is the text of legislation I authored last year to assist coastal States in facing destructive natural forces, and it received favorable testimony before the Merchant Marine and Fisheries Committee. Best yet, given our bleak budget climate, it authorizes no new funds while

aiding the fight to protect our ocean and Great Lakes shores.

My bill amends the Coastal Zone Management Act to create a national grant program for States with chronic, nonemergency coastal erosion, and flooding problems. Funds under this program will be made available to those who currently fall between the cracks of existing flood and erosion assistance administered by the Federal Emergency Management Agency and the Army Corps of Engineers. In addition, the bill encourages responsible coastal planning by rewarding States which are directing development away from erosion and flood prone areas.

Under my bill, States with approved coastal zone management programs and States developing such programs are eligible for Federal moneys if the State imposes the equivalent of a 30-year erosion setback for new construction in the coastal zone. States must also meet a 20-percent match requirement which can be satisfied by inkind services, local government funds, or other means.

Funds received by States may be distributed in the form of loans, loan interest subsidies, or grants. States may pass on funds to local governments, homeowners, small businesses, and charities with property threatened or already damaged by erosion of flooding.

States must follow a funding hierarchy. First preference is given to nonstructural erosion and flood prevention measures, such as elevation of buildings, moving endangered property back from the water line, and planting vegetation. The next preference is to purchase the endangered or damaged property for public use consistent with the threat of erosion or flooding. The third preference is for structural solutions, such as groins, breakwaters, and jetties; however, these projects must be consistent with all environmental laws, protect the property for at least 30 years, and not cause erosion or flooding elsewhere. Finally, funds under this program may be used to match other Federal programs consistent with the purposes of the bill.

Dollars for the program will be drawn from the existing Coastal Energy Impact Program [CEIP] fund established under section 308 of the Coastal Zone Management Act. Loan authorization from this fund expired some time ago, and States are continuing to repay the loans made to them from the fund's coffers. These CEIP funds, originally appropriated for coastal use, are now being absorbed into the general operating account of the National Oceanic and Atmospheric Administration, and could well be used to purchase typewriters, or provide travel funds for the National Weather Service.

It only makes sense to me that moneys authorized and appropriated by the Congress to States for improvements to our much-maligned coastal areas should continue to be used for this purpose. While the funds available under the CEIP are small, they will provide some relief and could serve as seed money for additional assistance from other sources.

My colleagues will remember the attack on our coastal beaches documented by the media last summer. We must act to help preserve these areas from further degradation. My bill is one small, cost-free step in this direction.

WOMEN IN INTERNATIONAL DEVELOPMENT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Ms. SNOWE. Mr. Speaker, I affirm my support today, along with my distinguished colleagues, Congressman MICKEY LELAND and Congresswoman PAT SCHROEDER, for the women in international development bill for 1989. I supported this legislation last year and was greatly encouraged by the inclusion of some very significant portions of it in the fiscal year 1989 foreign aid appropriations bill.

Last year saw the approval of key provisions designed to improve the role of women in international development. One required that Agency for International Development [AID] programs be designed so that the percentage of women participants in developing countries be demonstrably increased. A second stipulated that the percentage of women participants be in approximate proportion to their traditional participation in the targeted activities or their proportion of the population, whichever is greater. A third earmarked $5 million for strengthening Women in International Development [WID] Program initiatives—an increase over the previous amount of $2 million—with the provision that $3 million of that amount be used as matching funds. Finally, a fourth provided an increase in funding for the U.N. Development Fund for Women [UNIFEM] from $200,000 to $800,000, and a first-time line item of U.S. funding for the International Research and Training Institute for the Advancement of Women [INSTRAW] in the amount of $200,000.

Though these funding amounts do not meet the $10 million floor last year's bill recommended, they are higher than prior amounts and represent a partial victory for the legislative intent of the proposal. I am also encouraged by the recent reports indicating that AID has shown improvement in integrating women into its development programs during this past year. Prior to these more praiseworthy reports, the conclusions of experts in development research demonstrated that women were being left out of development programs at all levels: in planning and implementation, in United States and overseas-based agencies, as participants and as recipients. The perpetuation over decades of this oversight resulted almost universally in worsening the survival conditions for women and children in developing countries rather than improving them.

For example, projects intended to increase a country's GNP may have trained men in growing cash crops while ignoring women, who traditionally had played a major role in the agricultural production of the target society. Often, in the aftermath of instituting projects like these, women in the community were left to grow the family's subsistence crops on marginal soils in remote areas farther removed from villages and sources of water.

This kind of policy implementation seems to have been based on incorrect assumptions that have discounted women's and men's interdependent roles in the community. All too often, projects have not accounted for women's pre-existing roles in producing crops, and in raising and tending animals for consumption. In addition, current schemes to encourage privitization of land, while beneficial in some important respects, are not acknowledging indigenous community standards that do not permit women's access to credit, capital, and consequently to land. Women have become locked out of opportunities to farm land that was once community owned.

Practices like these, though perhaps well-intentioned, have resulted in pauperizing women and children, and ultimately, have undercut the success of development projects. The women in international development legislation introduced here today does not just call for the inclusion of women in AID programming; it calls for a reassessment of our approach to development, one that reflects an awareness that to ignore women in development programs is to ignore their vital link to family and community survival.

The reported successes of the past year need to continue and to grow. Unfortunately, incorporating these aims into foreign appropriations legislation on a year-by-year basis will not ensure the fundamental kind of commitment we need. The legislation before us today aims to extend the gains made last year, enlarge upon them, and make them permanent. I urge my colleagues to give careful attention to this issue and join me in support of its passage.

FREEDOM FOR THE BALTIC

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FLORIO. Mr. Speaker, I would like to call the attention of my colleagues to two special dates approaching in the history of the Baltic States. On February 16, we will remember the undying spirit of freedom shown by the Lithuanian people as they declared themselves free and independent in 1918. We remember a similar spirit of independence that fostered a similar declaration by the people of Estonia on February 23, 1918.

Together with the joyous remembrance of these glorious moments in Baltic history must also come the bitter memory of the subjugation of the Baltic people with the advent of the Russian Army in June 1940. Just as their shortlived freedom focused world attention to the spirit of the Baltic people, so their subsequent subjugation must also focus our attention to the harsh reality of the repression and persecution of the Baltic people that continues to occur.

Even now, in this era of glasnost, signs of that desire for freedom can be seen in Lithuania, in Estonia and in Latvia. And yet, subjugaton and human rights violations of these people will continue. To this day, Russian is

taught as a second language to students in the Baltic beginning in elementary school in an effort to replace the language of their native land.

The severe repression of the Catholic Church must also be remembered. Churches and seminaries have been ordered closed and other churches turned into museums. The persecution and harassment of priests and members of the religious orders has been so prevalent over the years that many practice their religion only secretly.

As we remember the declarations of independence by Lithuania, Estonia and Latvia, we must never forget this illegal incorporation of free and sovereign states by the Soviets. We must always work to remember the spirit that gave birth to the declarations of independence in 1918 and to continue to hope for and support the Baltic people as they strive to realize the dreams of their forefathers and once again become independent.

I join with the members of these communities in New Jersey in remembering these important days and in calling upon the Soviet authorities to extend that spirit of glasnost to all their people, including the people of the Baltic States. Only when freedom rings in areas such as the Baltic, can we be assured of an improvement of conditions in the Soviet Union.

CLIFTON CARPENTER—APPOINTED TO U.S. NAVAL ACADEMY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. PRICE. Mr. Speaker, today I want to bring to my colleagues' attention the accomplishments of Clifton Carpenter, an outstanding young man from my district.

Clifton Carpenter was recently offered a full appointment to the U.S. Naval Academy in Annapolis, MD. In addition to this honor, Mr. Carpenter was just named "North Carolina High School Soccer Player of the Year" by Gatorade and Scholastic Coach magazine. This recognition comes at the end of a season when he scored 27 goals and 13 assists, making him Broughton High School's all-time leading scorer with a career total of 63 points. His coach accredits his playing ability to his outstanding skills and his ability to read the game.

Mr. Carpenter's past accomplishments include being named: all-conference, all-State, and leading team scorer. He helped his team win the North Carolina State Championship in the IFC Soccer Classic in 1988 and most recently was chosen to play on the U.S. Olympic Development Team.

I am very proud of Clifton Carpenter's accomplishments. I know that he will represent and serve his country well as part of the U.S. Olympic Development Team as well as in the U.S. Naval Academy.

THE CUYAHOGA COUNTY BAR ASSOCIATION 43D ANNUAL PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. STOKES. Mr. Speaker, on February 22, 1989, the Cuyahoga County Bar Association will host its 43d Annual Public Servants Merit Awards Luncheon. The event recognizes the exceptional work and contributions of selected county court system employees. The association will present the merit awards in honor of Attorney Franklin A. Polk, who served as chairman of the organization for 40 years.

I would like to salute the Cuyahoga County Bar Association and this year's six public service award recipients. These individuals have averaged in excess of 29 years of public service to their community and have amassed a total of 174 years in public service.

The honorees are: Brenda J. Carey, deputy clerk, probate court marriage license bureau; Robert T. Gallagher, central scheduling, Cuyahoga County Common Pleas Court; Barbara A. Jeskey, admitting clerk, juvenile court detention center; Joseph W. Moran, Cleveland Clerk of Courts, Cleveland Municipal Court; Anita D. Newton, bailiff's department, Cleveland Municipal Court; and Ronald E. Piechowski, chief cashier, Cuyahoga County Clerk of Courts.

At this time I am pleased to share the accomplishments of the honorees with my colleagues.

Brenda J. Carey has served for 28 years as a deputy clerk of the probate court marriage license bureau. She has supervised that department since October 1, 1987. Mrs. Carey attended elementary school at Gesu and later graduated from Beaumont School for Girls in June 1959. She and her husband, Thomas F. Carey, Jr., have resided in Fairview Park for the last 18 years. During that time she and her husband have found the time to travel extensively. Their travels include trips to Canada, Ireland, France, Germany, Austria, Lichenstein, Switzerland, Spain and North Africa. She also enjoys gourmet cooking in her leisure time.

Robert T. Gallagher has spent over 29 years in public service beginning in 1959 as a clerk in the clerk of courts office for Cuyahoga County. He spent 5 years in the civil division, followed by 5 years in the criminal division. From 1972 through 1984 he served as bailiff for Judge John J. McMahon. Since 1984, Mr. Gallagher has served the public as a scheduler in the Cuyahoga County Common Pleas Court Central Scheduling Office.

Mr. Gallagher also served in the U.S. Marine Corps from 1954 through 1957. He attained the rank of corporal and received the National Defense Service and Good Conduct Medals. Mr. Gallagher and his wife, Judy, are the parents of three daughters and two sons.

Barbara A. Jeskey has 32 years of public service to her credit, beginning as a relief admitting clerk to the juvenile detention center in 1956. Presently the senior admitting clerk for the detention center, Mrs. Jeskey has filled many positions during her public service career. Her duties have included those of admitting clerk, release clerk, intercom, medical secretary, office manager, secretary to the superintendent and secretary to the chaplain.

Mrs. Jeskey attended Woodland Hills Elementary School and Nathan Hale Junior High School. She graduated from John Adams High School in 1956. She and her husband, Frank, are the parents of one daughter. Mrs. Jeskey states that she takes great joy in working with children.

Mr. Speaker, Joseph W. Moran has amassed 28 years of public service. From 1961 to the present he has worked in the clerk's office of the city of Cleveland. Mr. Moran graduated from Shaker High School in June 1951 and later attended Ohio University. He is presently a supervisor in the docketing department of the clerk's office.

Mr. Moran also served in the United States Navy from 1953 to 1957 in Korea. He is the recipient of the Korean Service Medal, National Defense Service Medal, United Nations Service Defense Medal, China Service Medal and the Navy Occupational Service Medal. Mr. Moran and his wife, Deanna, have one son. His hobbies include fishing, gardening, volunteering, and cooking for others.

Anita D. Newton began her service 29 years ago as a "key girl" for the city of Cleveland at the Woodhill Swimming Pool. Since then, she has held many jobs with the city of Cleveland, Cuyahoga County, and Cleveland Municipal Court. Mrs. Newton has served in traffic engineering, property appraisal, the department of public safety, the Cleveland Municipal Court Clerk's Office and finally, as a bailiff for the Cleveland Municipal Court from 1981 to the present time. In this capacity, she supervises the scheduling of evictions and rescheduling of housing code and municipal code violators for new court dates.

Mrs. Newton attended Robert Fulton Elementary School, Alexander Hamilton Junior High and John Adams High School. She sings soprano in her church choir and with the "Jerry Q. Parries and Christian Family Choir." The latter group performs across the country. Her hobbies include singing, cooking, and bowling. She and her husband, James, are the parents of three children.

Ronald E. Piechowski has served for 28 years in the Cuyahoga County Common Pleas Court Clerk's office. He began his career as a part-time summer helper, filing car titles, in June 1960. Thereafter, Mr. Piechowski worked in pending files, posting and finally beginning in 1962, as a cashier. He is presently the chief cashier for clerk of the court, Gerald E. Fuerst. In this capacity, he oversees the more than $90 million that passes through the clerks's office yearly.

Mr. Piechowski also served in the Army National Guard of Ohio from 1963 through 1969. In his leisure time, he enjoys playing golf, attending antique and classic car shows and horse breeding.

Mr. Speaker, it is a special honor for me to join in the salute to these exemplary public servants. Employees such as Mrs. Carey, Mr. Gallagher, Mrs. Jeskey, Mr. Moran, Mrs. Newton and Mr. Piechowski make the system

work for all of the residents of the Cleveland metropolitan area.

I join with the bar association, its president, Mr. Lawrence M. Baker, and the Merit Award Committee chairperson, Mercedes H. Spotts, in paying tribute to the 1988 Public Servant Award recipients.

MISSILE TECHNOLOGY CONTROL ACT OF 1989

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BERMAN. Mr. Speaker, today I am introducing legislation on behalf of myself and four other Members of this House requiring the President to impose sanctions on United States or foreign businesses helping additional countries acquire ballistic missile equipment and technology.

I am joined in sponsoring this legislation by Mr. SOLOMON and Mr. DOWNEY of New York, Mr. LEVINE of California, and Mr. KASICH of Ohio.

The Missile Technology Control Act addresses the critical need to halt the proliferation of this sophisticated technology. A number of the countries now acquiring ballistic missiles already possess chemical weapons. There is evidence that others in this category are actively pursuing a nuclear capability. To extend the reach of these countries' weapons to points throughout the Middle East, Europe, and, in the case of Argentina, in our own hemisphere, is dangerous and destabilizing. In their irresponsible efforts to make ballistic missile technology available to other countries, participating companies are courting catastrophe.

The evidence of European involvement in this dangerous spread of advanced weaponry is clear and unambiguous. West Germany's largest aerospace firm, Messerschmidt-Boelkow-Blohm [MBB], has played a key role in a joint Argentine, Egyptian, and Iraqi missile program since the early 1980's. SNIA-BPD, a prominent subsidiary of the Italian industry leader, Fiat, has reportedly contributed vital components to this missile system which has a range approaching 1,000 kilometers. A French company is reported to be providing valuable inertial guidance components to this project. There is also reliable evidence that MBB is participating in a separate Iraqi missile project in the northern city of Mosul, the suspected site of Iraqi chemical weapons development.

Mr. Speaker, the United States and its major allies agreed some years ago to stop cold the proliferation of ballistic missiles. It nonetheless continues unabated. Clearly, the enforcement provisions instituted by many countries are utterly ineffective.

According to the provisions of the Missile Technology Control Regime, formally adopted in April 1987, adherent countries have committed themselves to preventing their companies from exporting equipment or technology that could contribute to the acquisition of nuclear capable missiles which can carry a payload of 500 kilograms to a distance of at least 300 kilometers. There is no international organization to monitor exports and each national government is expected to regulate exports from its own country. Where differences arise, resolution is left to the individual country. We encourage the administration to negotiate a more coordinated and efficient arrangement.

Recent developments, including the proven willingness of Iraq to use chemical weapons against civilian populations and the development of a Libyan capacity to produce chemical weapons, underscore the urgent need to put some teeth into efforts to curb the spread of ballistic missile technology.

The Missile Technology Control Act of 1989 is just such an effort. It requires the President to impose at least one of three sanctions on any company he finds in violation of the Missile Technology Control Regime. These sanctions include: First, denial of U.S. export licenses; second, denial of U.S. Government contracts; and third, a ban on imports into the the United States from any such company.

The time has come for the United States to take strong action to put a ban on these reckless business practices. Perhaps our allies have done as much as they politically can. But by enacting this legislation, the United States can do more. Companies engaged in these projects will be forced to forego their business with us if they continue to pursue the profit gained by this extremely risky and ill-advised business.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) DETERMINATION BY THE PRESIDENT.—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person,

then, subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b).

(b) SANCTIONS.—

(1) The sanctions which apply to the United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (5) U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) Prohibiting the importation into the United States of any product or service of such foreign person.

(3) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

SEC. 2. REPORTS TO CONGRESS.

(a) REPORTS BEFORE ACTIONS TAKEN.—The President shall, at least 10 days before imposing any sanction, or waiving the imposition of sanctions, under section 1, report such proposed action to Congress.

(b) ANNUAL REPORT.—The President shall include in the annual report submitted under section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413), a report on the status of any sanctions imposed under section 1, including the status of any waiver of such sanctions.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(2) the term "foreign person" means any person other than a United States person;

(3) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities;

(4) the term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred; and

(5) the term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

SEC. 4. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

RETIREMENT OF JUNE H. COOK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. CONTE. Mr. Speaker, I rise today to honor June H. Cook, the director of Storrowton Village Museum in West Springfield, MA. June will retire from her position in February after 13 years of service to this historic New England landmark.

I would like to take this opportunity to recognize June's great strides in improving the educational facilities the historic community. Under her direction, Storrowton Village has grown to a year-round attraction and an integral part of a curriculum designed to enhance our children's understanding of America's history and culture. Visitors to the museum can enjoy a tour of the buildings located on the grounds of the Eastern States Exposition while they observe June and her volunteers, who relive the historic charm of 19th century New England.

One of June's most outstanding achievements was the creation and development of the living history programs designed expressly for students in grades 2 to 6. Because of June's careful and successful management, children from as far away as New York can take advantage of learning about the history of early America. Started in 1975 for local students, the project has grown to a regionwide program including 2,900 students from around New England and New York.

June and her volunteers introduce students to the daily life of 19th century folks by instructing them in the livelihoods, customs, and lifestyles of the era. Youngsters dress in traditional attire and participate in scholastic, religious, and recreational activities of the time period. I can think of no better way to enlighten students than to provide them with this unique, first-hand, educational experience.

June's organizational abilities and historic expertise are drawn from a career devoted to the arts and humanities. In years past, June has displayed her ability and commitment as administrator of the Museum of Fine Arts in Springfield, as director of the Greater Springfield Arts Festival, and as board member of the Academic Artists Association, Inc.

The list of June's achievements is almost too long to recount. She has given endless hours to her community, volunteering her time as a Girl Scout leader for 15 years, and serving as chairwoman of the Town Report Committee and secretary of the Capital Planning Committee for the town of West Springfield.

Surely June's coworkers and 65 volunteers of Storrowton Village will regret the loss of their director. She has worked side by side with her volunteers not only as an administrator, but also as a friend. June's support and inspiration have won her the respect she truly deserves as she steps down from her job as director.

In the coming years, June will be able to pursue her personal interests, such as painting, sketching, and enjoying time with her family. Yet, I am pleased that the community will still benefit from her expertise, since June will continue her lectures on New England customs and traditions, even after her retirement.

Mr. Speaker, it is an honor to pay tribute to June H. Cook on the event of her retirement from Storrowton Village. The citizens of my district and, indeed, those from all over New England should be extremely proud of June, who has dedicated her career to the cultural and historic enrichment of us all.

"WINNING ON WELLNESS" PROGRAM

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I want to bring this House's attention to a very successful drug and alcohol prevention program being conducted in my district. The Severna Park Parent, Teacher, Student Organization is working on a "Winning on Wellness" Program that's been making strong inroads into the drug problem in our community.

Over the last few years, the PTSO has been utilizing different strategies to get the antidrug message across. One method has been to develop a core of student leaders who are educated, motivated, and committed to ridding their own school of drugs. These students are active in school government, athletics, and activities, and represent the leaders of Severna Park High School. As peers, they can work with the fellow students on their own level to convince them of the dangers of drugs. Parents have already seen a change in their youngsters attitude, and the change is spreading to the junior high school and elementary grades as well.

Another strategy is to get parents more involved in counseling their own kids. The PTSO found that parents often feel trapped and unable to do anything to combat drugs in their own home. Our group has established sessions for parents that are educational and supportive—making the parents the first line of defense in our war on drugs. Parents can learn of the signs of a growing drug problem in their children and develop skills to fight that problem. The PTSO has also established the Severna Park High School PRIDE, part of a national network of parents, professionals, and kids which supports students in fulfilling their potential through substance-free living. For another year Severna Park PRIDE will be sending representatives to a national conference to study new techniques for freeing our society of drugs.

Maryland's Anne Arundel County has been looking for a model program for combating drugs in our society and the Severna Park PTSO is on its way to becoming that model. Next week we'll hold an important session in our community with well-known law enforcement officer, David Toma conducting the meeting. This is just the next step for this community's long march to a drug-free school. I know my colleagues will join me in applauding this organization's efforts and share my confidence that with more programs like this one, the scourge on our youth called drugs will soon be a forgotten memory in this Nation's history.

BLACK HISTORY MONTH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. COSTELLO. Mr. Speaker, this month the Nation celebrates Black History Month. All across the country, in churches and schools, young people are learning about black history and the impact of black leaders on American society.

We are at a crossroads in time, Mr. Speaker, looking back at the years of progressive legislation that Congress enacted over 20 years ago with a spirit of fairness and activism, and the stalled interest that typified the years when Ronald Reagan was President.

The last 8 years have been a time of mixed signals and confusion on civil rights progress. The Reagan administration supported a failed policy of constructive engagement in South Africa, and Congress finally had to pass sanctions legislation over the President's veto.

Reagan opposed restoring important civil rights statutes, and Congress again had to override his veto. Reagan opposed an increase in the minimum wage, cut programs for the poor, and now many urban areas have come to resemble war zones, torn by drugs and a lack of Reagan administration support for low-income housing.

Yet beyond the tone of these years lie the accomplishments of many black leaders. Colin Powell, National Security Adviser under Reagan, won universal acclaim for his understanding of international relations. Samuel Pierce, the only black in Reagan's Cabinet, was also the only Cabinet member to serve a full 8 years, as the President's head of Housing and Urban Development. Other leaders including Jesse Jackson and Ron Brown—now chairman of the Democratic National Committee—have made an enormous contribution to the political arena.

Progress goes beyond individual action. On this day in the House, we are focusing on the role of the church in the last 8 years. Black churches have played a large role in shaping the political and social climate of this country. The churches have raised issue awareness and consciousness for both the black and white communities, going beyond the issues of the day to talk about subjects of local and national importance.

I am hopeful, Mr. Speaker, that we can work with President Bush to set the tone for a

new beginning for racial progress in our country. I want to give my full encouragement to those students who this month are studying black history. And I want to work with other leaders of this House and leaders in my congressional district to see that these students have every opportunity to reap the fullest economic and social successes possible.

A BILL TO PREVENT CREDIT DISCRIMINATION ON THE BASIS OF MILITARY RANK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. PANETTA. Mr. Speaker, I am reintroducing legislation today which would amend the Consumer Credit Protection Act to ban discrimination by lenders against members of the armed services on the basis of military rank.

It has been brought to my attention that some lenders will not even consider granting credit to members of the armed services below a certain rank. This is obviously unfair. While rank certainly provides some indication of income, it does not necessarily provide a picture of total income, it provides no indication of other resources, and it also does not provide a credit history. Yet some lenders apparently take the view that if an individual has not achieved a certain rank, he or she simply is not likely to be a good credit risk.

Mr. Speaker, this not only makes no sense but also represents an insult to the members of our armed services and their families. And I do not believe it should be allowed.

My bill would simply add military rank or grade to the list of bases upon which credit discrimination is not permitted. As with protential borrowers in other jobs, this measure would not prevent a lender from considering the individual's income, nor would it prevent a lender from considering how long the individual had held a particular job. It would simply prevent lenders from denying credit, or a chance for credit, on the basis of rank alone.

Mr. Speaker, those who volunteer to serve in our Armed Forces make many sacrifices, which frequently include a significant financial burden. Surely, discrimination by lenders should not be added to their problems. I hope my colleagues will join me in sponsoring this bill so that we can eliminate this problem.

Following is the text of my bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON DISCRIMINATION BY CREDITORS ON THE BASIS OF THE GRADE OF AN APPLICANT WHO IS A MEMBER OF THE ARMED FORCES.

Section 701(a) of the Consumer Credit Protection Act (15 U.S.C. 1691(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2), by striking out "or" the second place such term appears; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) on the basis of the grade of an applicant who is a member of the Armed Forces; or".

"CELEBRATING THEIR DAY IN THE SUN"—DEAF AWARENESS WEEK 1989

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GUNDERSON. Mr. Speaker, as a congressional trustee of Gallaudet University, I am reintroducing a commemorative resolution designating March 7 through March 13, 1989, as "Deaf Awareness Week." I am pleased to be joined by more than 115 of my colleagues in recognizing the significant events that occurred at Gallaudet University last March—culminating with the selection of a deaf president for the institution.

Gallaudet University is a liberal arts institution, located in northeast Washington, DC, charged with the unique mission of educating thousands of deaf and hard of hearing students from young preschoolers to Ph.D. candidates.

Last spring, between March 6 and 13, the Gallaudet campus served as the backdrop for major social and civil rights movement for the deaf community, their families, and friends surrounding the selection of Gallaudet's seventh president, who was not deaf or hard of hearing. The primary goal of this movement—deaf leadership at the university—was attained on March 13, 1988, with the selection of Dr. I. King Jordan, Jr., as the eighth president of Gallaudet University—the first deaf president in Gallaudet's distinguished 124-year history.

In introducing this resolution, I salute the many heroes of this special social movement. I am also mindful of the poignantly meaningful remarks and vivid gesture of Gallaudet's seventh president, Dr. Elisabeth Zinser, as she extended her hand and heart in recognition and celebration with deaf persons during this "their day in the sun."

In special recognition of the 24 million deaf Americans and the energizing events of this social movement we witnessed nearly a year ago, Deaf Awareness Week provides us the opportunity to celebrate and reflect upon the significance and importance of this historic social movement for deaf and hard of hearing Americans. It serves to educate and sensitize us all—recognizing deaf and hard of hearing individuals for their unique abilities and qualities.

Mr. Speaker, plans are currently underway at Gallaudet for a series of activities commemorating the important events of March 1988. It is my sincere hope that both the House of Representatives and Senate will promptly adopt this Deaf Awareness Week resolution in national recognition of the significant contribution that this historic social movement had for all Americans, especially those who are deaf and hard of hearing, and I urge my colleagues to cosponsor this resolution.

The following is the text of the Deaf Awareness Week commemorative resolution:

H.J. RES. —

Whereas during the second week of March 1988, a revolutionary sequence of historic social events evolved on the campus of Gallaudet University, the only university in the Nation which teaches exclusively deaf and hard of hearing students;

Whereas the events which occurred at Gallaudet University in the Spring of 1988 had great significance to all Americans, especially those who are deaf or hard of hearing;

Whereas the week long social protest at Gallaudet University awakened the people of nations around the world to the fact that deaf and hard of hearing individuals are able to achieve at the same level as others and need to be recognized as individuals with unique abilities and qualities; and

Whereas the week long social protest at Gallaudet University served to educate and sensitize the American people concerning the hopes and dreams of the 24,000,000 Americans who are deaf or hard of hearing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 7 through March 13, 1989, is designated as "Deaf Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week by remembering the significance of the historic social movement, which began in March 1988 at Gallaudet University, through appropriate ceremonies and activities.

EL SALVADOR

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DREIER of California. Mr. Speaker, I wish to draw the attention of my colleagues to an editorial written by Mr. Allen B. Hazelwood which was printed on January 29, 1989, in the Los Angeles Times. This editorial, "El Salvador: Sleepwalking Into Disaster," represents an important analysis of the current situation in El Salvador.

Having recently traveled to El Salvador with Mr. Hazelwood, I concur with his observations and hope that the evolving U.S. policy toward El Salvador will serve to reverse, rather than secure, the recent gains of the Communist guerrillas there.

[From the Los Angeles Times, Jan. 29, 1989]

EL SALVADOR: SLEEPWALKING INTO DISASTER

(By Allen B. Hazelwood)

By any political-military calculation, domestic and international events now favor the communist guerrillas in El Salvador. Many indicators point to a coming major offensive by the Farabundo Marti Liberation Front (FMLN). The final days of 1988 were highlighted by guerrilla successes including car bombings in the capital, a daring daylight attack on the armed forces headquarters, and the forcing of about 40 rural mayors to resign after the assassination of eight of their colleagues and, just last week, a governor.

Meanwhile, the Socialist/Communist left has entered the political arena with the introduction of the Democratic Convergence party. While the party leadership remains

largely that of the FMLN's old political ally, it has candidates legally running for president and vice president in the March election. This "legitimization" is in part responsible for an increase in right-wing activity. A case in point is the birth of ARDE (the Anti-Communist Revolutionary Exterminating Action). This unwanted addition from the far right will further divide the Salvadoran people and fragment a fragile consensus of support in Washington.

Although the U.S. Embassy is optimistic about recent high-level changes in the Salvadoran military, they are unlikely to make much difference in the way the military influences events.

Although their forces are better equipped than in 1981, senior army commanders still do not fully understand all the requirements for fighting guerrillas and advancing the cause of the common people. Nothing is being done to deny the guerrillas their main "safe areas" and operational bases. The army should be moving to establish a battalion-size force near the guerrilla headquarters around the town of Perquin, 105 miles from the San Salvador, thus displacing the guerrillas from the entire Northern Department. Instead, the army has opted for a conservative defense of the safer and more pleasant urban areas.

Some U.S. advisers note that the majority of the Salvadoran people do not support the government, the military or the guerrillas. The people have designed their lives around the conflict. Each person seeks to avoid real participation or commitment. Despite evidence of heavy voting in five prior elections, perhaps 70% of the people are indifferent to the struggle.

In stark contrast, the communist leadership remains successful despite sharp internal differences over operational philosophies. The FMLN has educated the people to a steady theme of rampant social injustice under corrupt civilian and military officials. At the same time, the guerrillas have prevented the government from providing long-promised social and economic changes in the lives of the people who continue to suffer in a sad, sometimes tragic environment. In the rural areas the guerrillas and their "local peoples governments" have effectively blocked the seeds of democracy from taking hold while expanding the areas they control. More recently, a unified FMLN has succeeded in driving the beginning of a wedge between the Christian Democratic government and the increasingly restive military.

The major success of the Salvadoran left results from a remarkable ability to establish an international support mechanism. It has been particularly successful in the United States, following the Vietnamese Communist concept of exploiting the domestic political vulnerabilities of foreign powers.

Diplomatic efforts to settle differences with the guerrillas have gone nowhere. Nearly 11 years of intermittent efforts culminated in the much celebrated Esquipulas II plan, but, as President Jose Napoleon Duarte said to his Cabinet last month, "Esquipulas has only succeeded in killing off the Contras [in Nicaragua]." In recent weeks, the flawed "peace plan" has also been working to increase the flow of equipment and materiel to communist forces in El Salvador.

Despite all the bad news, there is reasonable cause for hope—if long-recommended U.S. initiatives are adopted and fully implemented.

The United States should insist that El Salvador legislate a realistic anti-terrorist law (suspected guerrillas are now freed within 72 hours) and establish an effective protection program for judges and key witnesses. When the military judge presiding over the case of the 1985 killing of four U.S. Marines was assassinated last May, a clear message went out to his colleagues on the bench.

The U.S. Embassy needs to maintain greater personnel continuity in key positions. Since 1981, Washington has sent four ambassadors and six military group commanders to El Salvador. Only one of the latter had the required training and experience in both counterinsurgency and guerrilla warfare.

As the highest priority, El Salvador should establish a nationwide civil defense program. This is the one solution that could turn the reconstruction program around and save the country. Community defense in coordination with Agency for International Development projects is the sure way to roll back guerrilla gains and prevent an otherwise inevitable communist victory. Unless the commanders of the armed forces agree to civil defense, any dream of democracy, peace and stability will be lost—along with almost 70,000 Salvadoran lives, more than a dozen Americans and $4 billion in U.S. aid.

If a predicted offensive occurs, the security of American advisers and trainers will be at serious risk. Some intelligence indicators point to 1989 as the year in which U.S. military personnel will be targeted. This would be a marked change from the FMLN's policy of avoiding confrontation with U.S. personnel.

Currently, the most dangerous area for U.S. military advisers is in the city of San Salvador. The time has come for the U.S. military group to accept recommendations to lower their number in the capital, which has become a war zone, and send home vulnerable dependents. There should be fewer U.S. military theorists and more Special Forces-qualified personnel in contested rural areas. There has long been a serious need for such specialists in low-intensity conflict, which requires multidimensional skills ranging from psychology to economics in addition to military expertise. Changing the balance of advisers, from desks in the capital to the "safer" field, is the best way to have a decisive impact on those Salvadoran commanders reluctant to challenge recent communist gains.

Finally, the United States would be well advised to stay out of the March election—something that we did not do very well in 1984. If we really support the democratic process, we ought to let the Salvadorans choose the leadership for their own future.

(Allen B. Hazelwood served for 21 years with the Marine Corps and Army Special Forces, including seven years as an adviser in El Salvador. Retired, he is a consultant with the National Defense Council Foundation.)

RELIGIOUS PASSIONS RUMBLE IN UKRAINE

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, religious belief is flourishing in the Ukraine despite the persecution Ukrainians have faced. Recently Christianity has experienced a revival that cannot be suppressed. The Chernobyl nuclear disaster, visions of the Virgin Mary, and the millennial anniversary of the establishment of Christianity in the Ukraine have bolstered open expression of religious belief. With the Speaker's permission I insert into the RECORD the following article from the February 9, 1989, issue of the Washington Times.

RELIGIOUS PASSIONS RUMBLE IN UKRAINE

(By Martin Sieff)

Savagely repressed for 70 years, Christianity has surfaced in the Ukraine with dramatic vigor and strength.

Three events over the past three years have fanned religious passions in the Soviet republic, which is larger than France and almost as populous.

First came the Chernobyl nuclear disaster of April 1986, on the weekend of Mikhail Gorbachev's first May Day celebration as party leader. The authorities were slow in taking precautions against the deadly radioactive cloud that covered Kiev and the western Ukraine after the fire in graphite rod reactor No. 4.

Officially, only 31 persons died in the disaster, but dissident sources believe that hundreds, and probably thousands, continue to die from radiation ailments. They claim that deaths attributed to cancer and heart disease, already high, appear to be soaring to cloak the radiation deaths.

A year to the day after the Chernobyl disaster came the second event: Youngsters in the western Ukrainian village of Grushevo began reporting visions of the Virgin Mary.

"What had the most impact on the Soviet officials was not the visions themselves, but the reactions to them," said a leader of the Ukrainian Christian Democratic Front (CDF). "Hundreds of thousands of people came to the site, day and night, not just from all over the Ukraine, but also from Russia, the Crimea, everywhere. People even abandoned their jobs to visit Grushevo.

"Even many Communist Party members came. They risked so much, yet they were not afraid. The communist authorities then realized that after 70 years they had not been able to liquidate the religious feelings that people held."

The reported visions boosted the morale of the Ukrainian Catholic Church, whose priests are still barred from conducting services even in churches that have been reopened. They also strengthened the perception that Chernobyl had been a divine warning, or judgment, on the communist regime.

The belief became widespread that the very name was a reference to the plague of "wormwood" in Revelation 8:10-11, wherein a great star falls burning from heaven and poisons the waters. "Wormwood" is translated in the Ukainian language as "chernobyl."

"The disaster has been widely taken as symbolizing the end of 1,000 years of terror, and we are now at the beginning of the millenium, and of a just, spiritual life on earth—the new millenium of justice," the CDF leader said. "Even Gorbachev's birthmark"—on his forehead—"has inspired jokes about the beast of Revelation."

After Chernobyl and Grushevo, the third great event was the millenial anniversary of the establishment of Christianity in the Ukraine by King Yaroslav the Wise in 988 AD.

Moscow had gone to great lengths to "hijack" the event by proclaiming it as the anniversary of Russian, as opposed to Ukrainian, Christianity. But under the dramatic shadows of Chernobyl and Grushevo, these efforts backfired.

The Russian Orthodox Church has been politically tolerated since the Russian nationalist revival of the Great Patriotic War of 1941-45. Russian Orthodoxy has a history of submission and accommodation to political overlords, dating to the early czars, that has enabled it to survive under communist control.

However, in the western Ukraine, the still-outlawed Ukrainian Catholic Church, estimated to be up to 4 million strong, is a far more formidable and independent force. In 1987, it started "coming out from the underground, the catacombs," as one leader put it.

Since then, Ukrainian Catholic priests have celebrated Mass openly—after generations of secrecy—in public places. The Soviet authorities have allowed these religious ceremonies to be performed. But from midsummer 1988, the repressions started again.

"Officials and militiamen would disrupt or stop religious services, causing disturbances at them and fining people for attending them," one religious activist said.

The authorities began reopening Ukrainian Catholic Churches, but as Orthodox churches.

"They literally physically intimidated the people to enter them, forcing them to do so, beating them with sticks and batons," the activist said. "This is still taking place."

"Now, the Komsomols"—young communists—"are no longer punished for entering a church," the CDF leader said. "But in the western Ukraine the majority of the population are Ukrainian Catholics. Since there are only Orthodox churches allowed open, they attend these. People turn to God where they can."

THE THRIFT CRISIS: SALVAGING OUR HEALTHY INSTITUTIONS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. LAFALCE. Mr. Speaker, President Bush has now announced the administration's plan for resolving the S&L crisis. In general, I believe it is a responsible and thoughtful proposal that attempts to balance the various concerns and interests at stake. It merits our most serious and expeditious consideration. There are, however, some serious questions that remain unanswered, and some important issues that remain unaddressed.

A major concern of my own is the inadequate attention given to the plight of our healthier thrift institutions. Much of the debate to date has focused on what to do with the hopelessly insolvent institutions that are continuing to drain our resources and jeopardize the stability of our financial system. Such a focus is inevitable. It is, after all, these institutions that pose the greatest immediate risk.

But other segments of the industry merit equal—perhaps greater—attention. A large proportion of our thrift institutions, while weakened and under great pressure, are fundamentally sound. They are largely victims rather than perpetrators in this thrift crisis. Certainly, the thrift industry should bear its fair share of the burden of resolving this crisis, and that burden will fall inevitably on these healthier institutions. But, if their costs are increased and their current needs are ignored, they will inevitably become part of the problem rather than part of the solution.

As we move to solve the thrift crisis, we must focus some of our attention on checking deteriorating situations before they too are beyond help. With a new infusion of capital and managerial expertise, our healthier institutions can survive and prosper. It is far better to intervene while help is useful than to wait and ultimately be forced to provide FSLIC assistance to even more insolvent institutions.

Today, I am introducing legislation that will provide the resources these institutions need. The Thrift Early Capital Attraction Plan ("TECAP") is a plan to inject capital into thrifts that are below minimum capital standards but that are still solvent. I would hope that this legislation will eventually become part of any comprehensive solution to the thrift crisis. In my view, the concept has the following merits:

(1) New capital is brought into the industry;

(2) The thrift charter is made more attractive;

(3) Responsible capital partners have an incentive to protect their investment and will, in effect, perform oversight functions that protect the insurance fund;

(4) Deteriorating situations can be addressed before they become situations requiring assistance;

(5) Regulators would have an additional option if it appears that a situation is deteriorating;

(6) Transactions between holding companies and their investee thrifts would still be sharply limited.

THE NATURE OF THE PROBLEM

In addition to the approximately 350-400 FSLIC-insured thrifts with negative net worth that have not yet been closed down, there are about a thousand more with total assets of about $800 billion that have some positive net worth but are nonetheless below minimum regulatory capital standards. Many of these institutions face inevitable failure unless they can attract additional capital.

If these institutions sustain additional losses wiping out their remaining capital, the ultimate loss to the insurance fund will increase. Any plan that deals only with thrifts that have no net worth and ignores the hundreds that have some, but inadequate, capital is inherently incomplete. We must provide methods and incentives for attracting additional capital for thrifts that can be salvaged with additional investment.

The massive losses sustained by many thrifts in recent years have left them with inadequate capital to support their operations. While some of these thrifts are insolvent, many more are simply incapacitated by the lack of sufficient capital. Because their investments and deposit growth are restricted, poorly capitalized thrifts face extremely limited business opportunities and, accordingly, have great difficulty returning to profitability.

An inability to shed poorly performing assets and acquire new ones relatively easily often leads management to engage in riskier transactions, in hopes of producing dramatic profits. Furthermore, if the institution's capital is already low, management has little incentive to protect shareholder value, and most of the risk is borne by the insurance fund.

Under current law, however, one important source of new capital and managerial discipline for such thrifts is foreclosed. A well-capitalized thrift holding company is prohibited from purchasing voting shares of thrifts in such situations unless it acquires control of the thrift. If the troubled thrift is declared insolvent, acquisition would be permitted in connection with an assistance transaction. In cases where the institution is not yet insolvent, the acquiror will become a multiple savings and loan holding company [MSLHC]. Because MSLHC's are sharply limited in the types of businesses in which they may be involved, an existing unitary holding company will be discouraged from injecting capital into a thrift that could otherwise circumvent the need for FSLIC assistance.

TECAP would supplement insurance fund resources without additional public expenditures. It would be highly advantageous to the thrift industry and its insurance fund to relax some of the restrictions on holding company investments to give healthy MSLHC's the opportunity to repair ailing thrifts before they become insolvent.

Permitting investment of up to 24.9 percent of the stock of a weakened thrift would provide both additional financial resources and new, constructive and voluntary discipline for the investee thrift without a transfer of control. My legislation would permit injection of additional capital prior to the point at which assistance is required, and permit recapitalized thrifts to operate more profitably without the need for heroic risk-taking.

THE TECAP LEGISLATION

This legislation would thus help infuse capital into institutions that may still have a future and allow us to address deteriorating situations before they are beyond salvage. Specifically, it would:

Amend the Savings and Loan Holding Company Act [SLHCA] to authorize unitary and multiple holding companies to make direct equity investment in newly issued common or preferred stock representing up to 24.9 percent of the investee thrift's total outstanding stock, when the issuing thrift had an equity to liability ratio of 5 percent or less.

Require that the funds be maintained as part of the capital of the investee. In no case could the investing holding company purchase shares held by existing stockholders. Thus the investee would have to agree to dilution voluntarily.

Require that the investing holding company's thrift subsidiary or subsidiaries be in compliance with applicable regulatory capital requirements, and that the investing holding company meet appropriate standards for financial and managerial resources established by regulators.

To permit oversight of the investment and to make additional managerial resources available to the investee thrift, permit management and director interlocks between the investing holding company and the investee thrift.

Require that each acquisition receive prior approval of the appropriate regulatory agency.

CONCLUSION

It is time for us to look forward rather than backward, and move to address problems before they degenerate into crises. I would welcome the support of my colleagues for this important initiative.

REPORT FROM THE INTERNAL REVENUE SERVICE ON EXAMINATION AND COMPLIANCE ACTIVITIES IN THE AREA OF TAX-EXEMPT ORGANIZATIONS INVOLVED IN TELEVISION MINISTRIES

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. PICKLE. Mr. Speaker, Mr. Speaker, the Committee on Ways and Means, Subcommittee on Oversight, which I chair, held a hearing in October 1987 to examine the Federal tax rules applicable to tax-exempt organizations involved in television ministries. In followup to that hearing, I requested that the Internal Revenue Service [IRS] provide quarterly status reports on examination and collection actions involving television ministries. I would like to share with my colleagues the report which summarizes IRS's examination and collection activity in this area during the year following the subcommittee's hearing.

I want to assure my colleagues and the public that I have been told that most organizations involved in television ministries do comply with our tax laws. I believe that IRS enforcement of the tax laws is critical to the protection of the public, who contribute millions of dollars a year to these organizations with the belief that these funds are used for charitable purposes, not for the minister's personal benefit. Enforcement activity is a manner of ensuring compliance with the Tax Code and does not infringe on separation of church and state.

In summary, the IRS reports that some 34 examination projects were conducted in the last year. Six of these examinations have involved prominent television evangelists, and two have involved criminal investigations. According to the report, most of the cases involving prominent television ministries focus on the diversion of income from the tax-exempt organization for the private benefit of the organization's insiders. The IRS notes that, if these funds had been reported by the evangelists involved, these funds would be considered unreasonable and excessive compensation for the services rendered. The full report from Robert I. Brauer, Assistant Commission, Employee Plans and Exempt Organizations, Internal Revenue Service, follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, December 5, 1988.

Hon. J.J. PICKLE,
Chairman, Subcommittee on Oversight, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request of November 2, 1988, for a comprehensive summary of Internal Revenue Service activities during the preceding year regarding television ministries. This report is publicly disclosable and covers the twelve month period beginning in October, 1987. A second report, containing information protected from public disclosure, will be provided to you under separate cover. The reports will be in lieu of a separate quarterly status report for the period July through September, 1988.

Service activities during the period centered around a significant number of examinations, including examinations of the returns of tax exempt organizations, related taxable organizations, and individuals. The examinations were, where appropriate, conducted in a coordinated manner and involved exempt organizations' agents, income tax agents, and criminal investigators. Such coordinated examinations involve the simultaneous examination of non-profit and for-profit organizations' returns as well as individuals' returns. Since these examinations began, nearly 100 agents and special agents have been involved in these examinations on a nationwide basis. I have enclosed a chart, edited for public disclosure, that provides additional information on the 29 separate examination projects, some of which involve many individuals and related organizations, that are currently in process or were closed since the last quarterly status report. An additional five examinations that had been reported on earlier quarterly reports have been closed, making a total of 34 examinations conducted and eight closed during the preceding year. Sixteen cases reported at various times were subsequently determined not to involve evangelists broadcasting on radio or television and were, therefore, dropped from later reports.

The 29 examinations described in the enclosed chart, which are also representative of all evangelist cases, include six examination projects involving prominent television evangelists. These individuals broadcast religious programming and solicit contributions on a national and, in some cases, an international basis. Because of (1) the size and complexity of these organizations, (2) the inadequacy of books and records in most cases, (3) a lack of taxpayer cooperation in some cases, necessitating the use of summonses, and (4) the need to observe the procedural safeguards of IRC 7611 and its predecessor (which set forth the special audit procedures applicable to entities that consider themselves to be churches), most of these examinations take several years to complete; a number are still in progress. Cases closed in the shortest time typically involve only minor employment tax issues.

Two of the six examination projects involving prominent television evangelists have involved criminal investigations. An additional three examinations of lesser known evangelists have also involved criminal investigations. Of the five total criminal investigations, three resulted in referrals to the Department of Justice, one is still undergoing preliminary investigation, and one case was closed without referral for prosecution. Civil issues in virtually all the cases involving prominent television evangelists focus on diversion of the tax exempt organization's income for the private benefit of insiders. Typically, the diverted amounts are not reported as income by the evangelist involved and, if reported, would constitute, in the Service's opinion, unreasonable and excessive compensation for the services rendered. Political campaign activity by IRC 501(c)(3) organizations is also an issue in three of the cases. With the exception of employment tax issues, other issues do not occur with any consistency. Two of the cases, both involving prominent evangelists, have been referred to the National Office for technical advice.

While the Service has been cognizant of, and careful to avoid infringing, First Amendment religious freedoms in conducting the 29 examinations, we have moved, in appropriate cases, to revoke income tax exemption and collect taxes after procedural and evidentiary standards have been met.

Sincerely,

ROBERT I. BRAUER.

Enclosure.

EXAMINATIONS OF MEDIA EVANGELISTS AND RELATED ORGANIZATIONS

[Status as of September 30, 1988]

Taxpayer	Issue	Status
1	Unreported income	The examination was started in April 1986 when taxpayer failed to file a return. The revenue agent's report was prepared and penalties assessed. The case was closed July 1988.
2	Unreported income (reported income not commensurate with life style)	The Criminal Investigation Division began an information gathering project in March 1987 based on an informant's letter. The project has been completed and the case has been referred to the Department of Justice for grand jury action, which has been accepted by the Department of Justice.
3	Unreported income and employment taxes	The examination began in September 1985 after the minister failed to file Forms 1040, 940, and 941. The Collection Division is attempting to secure assets, and is contemplating referral to Examination and/or Criminal Investigation Division.
4	Unreported income on form 1040	Examination of individual resulted in referral to Criminal Investigation Division. The case was subsequently referred to the Department of Justice for prosecution. Information was filed in U.S. district court in October 1988.
5	Political activities, commercial activity, inurement, unreported income	The examination was begun with an affiliated organization. Agents are onsite interviewing 3d parties as well as members of the organization's executive staff. The agents have reviewed the program content of the TV broadcasts and are discussing their findings with the organization, as well as activities that may have been conducted primarily for political purposes. The estimated completion date for the examination phase is March 1989.

EXAMINATIONS OF MEDIA EVANGELISTS AND RELATED ORGANIZATIONS—Continued

[Status as of September 30, 1988]

Taxpayer	Issue	Status
6	Unreported income	The forms 1040 for 1978–84 were examined and "church" income was determined to be personal income. The case is currently in the Collection Division and collection activity is in progress. The estimated completion date is December 1988.
7	Failure to pay taxes	Forms 941 were filed for 3 quarters but no employment payments were made. The organization paid the outstanding interest and has requested abatement of penalties. The estimated closing date is March 1989.
8	Failure to pay employment taxes	Forms 941 were filed but no payments were made. The taxpayer is now current in payments and is arranging a payment agreement for back taxes. The estimated completion date is December 1988.
9	Unsubstantiated deductions	Forms 1040, selected by computer scoring, are under examination. The estimated completion date is December 1988.
10	Political activity, lobbying, inurement	The cases have been assigned to an agent who contacted the taxpayer in June 1988. The form 990–T of an affiliated entity has been selected as part of the EO TCMP program and will be worked accordingly. The agents are collecting additional information on nonexempt activities. Due to the expected complexity of the case the estimated closing date is December 1989.
11	Unreported income	The examination of the form 1040 was begun in December 1985 as a result of computer scoring. The organization's funds were transferred to a 2d organization for the benefit of the minister. The case has been forwarded to the Appeals Division.
12	Employment tax	The Collection Division is attempting to secure delinquent forms 941. The organization is making payments but refuses to provide financial information. The district anticipates that the case will be closed by December 1988.
13	Nonexempt expenditures, inurement	The district has received information that the organization has used funds for nonexempt purposes and for its principal officer. The examination will commence during 1989.
14	Unreported income	The examination of the ministers form 1040 was begun as a result of a newspaper article on the minister. Examination contact has been made; however, the taxpayer has been uncooperative. The EP/EO Division is preparing a church tax inquiry letter on the minister's church and anticipates contact in December 1988. The estimated completion date is March 1989.
15	Unsubstantiated deductions	The form 1040 was selected for examination by computer scoring. The Examination Division is reviewing the information obtained in the examination. The estimated completion date is December 1988. The examination was started October 1987.
16	UBIT; allocation of expenses between commercial and religious programming	The examination of the form 990–T was initiated as part of the EO TCMP program. The district completed the examination with a change in UBI income; however, no additional tax was assessed. The case was completed August 1988.
17	UBIT, relationship between a related IRC 501(c) entity and the church; possible inurement; and, consolidated return issues.	Analysis of form 990–T indicates that the church may be improperly using an affiliated IRC 501(c) entity. The EP/EO Division began an examination of the related entity in March 1988. The examination may expand to include additional related organizations. Any expansion of the examination to include the church will be conducted under IRC 7611, Church Examination Procedures. The district has requested technical advice from the national office on the consolidated return issues. The district continues to examine the primary records of the organization.
18	Inurement	A church examination letter under IRC 7611 has been issued and a conference held. The district continues to gather information and is evaluating the best way to proceed. This is a coordinated examination involving both EP/EO and Examination Divisions.
19	Inurement, private benefit, unreported income, UBIT, church status	The hearing on the IRS proof of claim in the Bankruptcy Court has been postponed until at least Dec. 31, 1988. This deals with the exemption issue. An action has been filed on behalf of a secured creditor to liquidate the assets of the organization. Civil suits and counter suits between the organization and its founders are pending with both sides in the discovery stage.
20	Inurement, private benefit, political activity	An IRC 7611 notice of inquiry was sent August 1987, the notice of examination was sent in October 1987. The onsite phase began in January 1988. The primary issue is inurement to the benefit of the founder and his family. A review of the corporate books and records for 1984, 1985, and 1986 was completed in September 1988. The agents are evaluating the information.
21	Inurement, unreported income	The EP/EO Division has determined that an examination should be conducted as a result of an information gathering project. The case has not yet been assigned to an agent.
22	Inurement	The EP/EO Division has initiated an information gathering project as a result of a referral from the Criminal Investigation Division. Since it is still in the information gathering process we are unable to provide an estimated completion date.
23	Unreported income	This involves the individual's form 1040. The Examination Division's examination resulted in a referral to the Criminal Investigation Division based on unreported income by the taxpayer. The estimated completion date is December 1988.
24	Inurement based on the fact that the minister's retirement fund equals the organization's assets.	The EP/EO Division has completed the examination which was begun based on information from a State attorney general in March 1987. The case was settled. The exemption was terminated and the case closed.
25	Inurement, private benefit, unreported income	The exempt organizations cases are currently in the national office for technical advice. The other cases (individuals and taxable organizations) are pending in the Appeals Division. A tentative agreement on a settlement proposal has been reached. The estimated closing date is December 1988.
26	Inurement; private benefit; allocation of expenses	Examination of form 1040 initiated as a TCMP pickup. Issues involve use of "church" assets by the minister. Estimated completion date is March 1989.
27	Nonpayment of taxes	After making a series of payments toward tax liability on forms 941 and 1120, the organization ceased all further contact with collection personnel. Collection activity is in progress. Taxpayer has reduced its outstanding balance substantially in the last 3 mo. The estimated completion date is March 1989.
28	Nonpayment of employment and income taxes; fraud potential, both individual and corporate.	This case was initiated as a result of nonpayment of taxes due on form 941. It is currently in collection but a referral to Examination Division is pending and informal contact has been made with the Criminal Investigation Division. Collection activity is in progress. The estimated completion date is December 1988.
29	Other income; miscellaneous expenses	This is an Office Examination case of a computer selected 1986 form 1040. The taxpayer was contacted by letter in June 1988. No interview has been conducted as of this time. The estimated completion date is June 1989.

THE POSTAL REORGANIZATION ACT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. LELAND. Mr. Speaker, I am joined by WILLIAM D. FORD of Michigan, chairman of the Committee on Post Office and Civil Service as well as every member of that committee to assure that the intent and the spirit of the Postal Reorganization Act of 1970 is fully implemented and beyond compromise. The bill I am introducing amends the act to provide that the financial transactions of the U.S. Postal Service shall not be included within either the President's budget or the Congressional budget and shall not be counted in calculating the Federal deficit.

The effect of this bill will be to move the U.S. Postal Service or, more specifically, the Postal Service Fund, off budget, a status which it held for most of the fiscal years between 1974 and 1985.

This bill is similar to H.R. 4150 which WILLIAM D. FORD of Michigan, chairman of the Committee on Post Office and Civil Service introduced in the 100th Congress. The primary difference is that this bill does not provide for an increase in the statutory borrowing authority of the U.S. Postal Service. That the legislative measure I propose has deep and broad bipartisan support is aptly demonstrated by the overwhelming 390 to 16 margin by which H.R. 4150 passed the House.

This legislation is absolutely essential. Congress established the U.S. Postal Service as a break-even, self-sustaining, and fee-for-service entity to be operated in a businesslike manner under the Postal Reorganization Act of 1970. In so doing, Congress conferred upon the U.S. Postal Service certain management authority. Included within the scope of this management authority is the authority to allocate its revenues and arrange its spending priorities so that it can effectively and efficiently fulfill the postal mandate set forth in article I, section 8, clause 7 of the U.S. Constitution.

The management authority granted by Congress was, in effect, infringed in 1985, when the Office of Management and Budget [OMB] unilaterally placed the Postal Service Fund on budget through some form of administrative action. As a direct result of being on budget and therefore subject to the Omnibus Budget Reconciliation Act of 1987, the U.S. Postal Service was forced to severely reduce its spending without regard or reference to business considerations such as the effect on patron services and plans for modernization and building. Postal management was prevented from "managing."

To those who argue that the U.S. Postal Service must be included in the President's budget and the Congressional budget because the Federal budget must be unified and accurately reflect the overall operations of the Federal Government, I respond that including the Postal Service Fund in the Federal budget actually distorts the overall picture. This distortion derives from the fact that, in connection with funds for capital improvement, the U.S. Postal Service operates on an accrual accounting basis while the Federal budget is designed on a cash accounting basis. Consequently, dollars spent for capital improvements are deemed by the U.S. Postal Service to be dollars invested for a longer term busi-

ness objective or benefit. Under the Federal budget, however, these same dollars are deemed to be operating losses and, therefore, deemed to contribute to the Federal deficit.

To those who argue that there are other Government entities which would also have a claim to being off budget, I respond that most of those entities are Federal credit instrumentalities which provide funding for certain legislatively mandated activities. However, the budgets of these entities do not involve significant capital investment activities, such as large-scale construction and high technology automation, similar to those of the U.S. Postal Service.

I emphasize that the amendment proposed in this bill is neither new or revolutionary. This proposal will simply give practical effect to the intent of the Postal Reorganization Act of 1970 and assure that the U.S. Postal Service functions in the manner which is consistent with the will of Congress rather than in a manner set by Executive fiat.

The text of the bill is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Reorganization Act Amendments of 1989".

SEC. 2. BUDGETARY TREATMENT OF THE POSTAL SERVICE FUND.

(a) TREATMENT OF THE POSTAL SERVICE FUND.—

(1) IN GENERAL.—Chapter 20 of title 39, United States Code, is amended by inserting after section 2009 the following:

"§ 2009a. Budgetary treatment of the Postal Service Fund

"Notwithstanding any other provision of law, the receipts and disbursements of the Postal Service Fund, including disbursements for administrative expenses incurred in connection with the Fund—

"(1) shall not be included in the totals of—

"(A) the budget of the United States Government as submitted by the President, or

"(B) the congressional budget (including allocations of budget authority and outlays provided therein);

"(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government; and

"(3) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985, ans shall not be counted for purposes of calculating the deficit under section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985 nor counted in calculating the excess deficit for purposes of sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, for any fiscal year.".

(2) CHAPTER ANALYSIS.—The analysis for chapter 20 of title 39, United States Code, is amended by inserting after the item relating to section 2009 the following:

"2009a. Budgetary treatment of the Postal Service Fund.".

(b) CONSTRUCTION.—Nothing in any amendment made by subsection (a) shall be considered to diminish the oversight responsibilities of the Congress under law, rule, or regulation with resepct to the budget of the United States Postal Service.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to budgets for fiscal years beginning after September 30, 1989.

WE SHOULD RESTORE THE TAX DEDUCTION FOR IRA'S

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation to amend the Internal Revenue Code of 1986, to restore the deduction for contributions to individual retirement accounts [IRA's].

When Congress established the IRA incentive for retirement savings in 1981, it was taking an important step to encourage Americans to provide for their own security. The IRA concept leads us away from reliance on Government-sponsored Social Security. It also fills an important role by providing Americans with the flexibility to establish funds which respond to their own particular needs. Americans have made it clear that they like the idea of maintaining individual plans, and that they have confidence in their abilities to provide for the future.

Not only do IRA's benefit individual Americans—they also benefit the national economy. By encouraging long-term savings, IRA's help form the underpinnings of our economy in providing for needed capital formation. Indeed, incentives for savings should be expanded, not further restricted.

The Tax Reform Act of 1986, which I did not support in its final form, reduced or eliminated tax deferrals for contributions to IRA's for any employee who is an active participant—or who has a spouse who is an active participant—in an employer-sponsored retirement plan unless the tax filing unit's AGI falls below a specific limit. My bill would restore the tax treatment accorded to IRA's prior to enactment of tax reform.

Like many of my colleagues, my office has been flooded with mail from constituents appealing for this restoration of IRA deductability. I strongly urge my colleagues to join with me in sponsoring this measure.

WILEY A BRANTON, CIVIL RIGHTS LEADER, ATTORNEY, LAW SCHOOL DEAN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FAUNTROY. Mr. Speaker, I wish to pay tribute to the life and work of Wiley A. Branton, civil rights leader, attorney, and former dean of the Howard University School of Law, who died on December 18, 1988, in the District of Columbia.

A native of Pine Bluff, AR, Wiley Branton completed Arkansas AM&N College before becoming one of the first black graduates of the University of Arkansas School of Law.

Wiley Branton served this country's civil rights movement in numerous ways, including as defense counsel for southern blacks accused of crimes in Pine Bluff, director of the Atlanta-based voter education project that was designed to increase voter registration of blacks, and executive secretary to President Johnson's Council on Equal Opportunities.

It was in 1957 that Wiley A. Branton served as the principal attorney that represented the nine children who integrated Central High School in Little Rock. AK. Wiley A. Branton served as special assistant under two U.S. Attorneys General from 1965 to 1967, those important years of change. In 1967, Wiley Branton was appointed executive director of the United Planning Organization in the District of Columbia.

His life has contributed to the growth and development of those around him in many ways. In 1977, Wiley Branton become the eighth dean of Howard University School of Law, where he served until 1983. And in 1983, he joined the Washington office of Sidley and Austin, a Chicago-based law firm in which he was a partner at the time of his death.

Over the years Wiley A. Branton received numerous honors, including the C. Francis Stratford Award from the National Bar Association, 1958; the Henry W. Edgerton Civil Liberties Award from the Civil Liberties Union, 1977; the Charles H. Houston Medallion of Merit from the Washington Bar Association, 1978; the Lawyer of the Year Award from the Bar Association of the District of Columbia, 1986; the Whitney North Seymour Award from the Lawyers Committee for Civil Rights Under the Law, 1987; and the Martin Luther King, Jr., Leadership Award from the District of Columbia Public Library, 1988.

To his wife, Lucille, and his five children, we extend our condolences but also our gratitude for sharing this great humanitarian with all of us for these many years.

Wiley A. Branton has earned the respect, admiration and lasting friendship of all for his courageous, resolute dedication and unselfish efforts in forging new paths in our society. We shall miss him but we will never forget him.

NEWMAN E. WAIT, WORLD WAR I DRIVER, CELEBRATES 97TH BIRTHDAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. SOLOMON. Mr. Speaker, I take great pleasure in inviting members of this House to join me in paying tribute to Newman E. Wait of Gansevoort, NY, a great American.

As we approach the end of the 20th century, there are fewer and fewer surviving witnesses to that first tragic, brutal war that consumed the entire world in its fury and changed western civilization forever. Mr. Wait, a World War I veteran and outstanding citizen in my district, is such a witness.

Logistics play an important role in modern warfare, and Mr. Wait played an important part

in that role. Even before America's formal entry in World War I, Mr. Wait made his way to France to volunteer his services. When America finally entered the war in 1917, Mr. Wait enlisted and served as a driver with "Groupe Robinson, Reserve Mallet" during some of the bloodiest battles of the war, including the Aisne and Marne Defensives, and the Somme Offenses. He came home with eight bronze stars on his Victory Medal.

Service to his country was quickly followed by service to his community. For 47 years he was president of Adirondack Trust Bank in Saratoga Springs, making that institution a pillar of integrity and trust, an institution still led by his heir, Charles V. Wait.

On March 7, Mr. Wait will celebrate his 97th birthday. On Saturday, March 4, family and friends gathered in his hometown of Gansevoort to celebrate with him. I ask you, Mr. Speaker, and other Members to join me in saluting Mr. Newman E. Wait, American patriot, community leader, and beloved family man.

THE MONRONEY AMENDMENT RESTORATION ACT OF 1989

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BUSTAMANTE. Mr. Speaker, again I am introducing in this first session of the 101st Congress legislation that will restore full coverage of the Monroney amendment prevailing wage system for Federal employees.

The Monroney amendment Restoration Act of 1989 is similar to legislation I introduced last year (H.R. 4145), which was approved by this Chamber as an amendment to the fiscal year 1989 Defense Department authorization bill. Mr. Speaker, you will recall unanimously approved the amendment when the Defense authorization bill received floor consideration. However, the measure failed to survive a conference with the Senate because of that Chamber's objections to so-called labor legislation in a Defense Department bill. Seldom does the other body object to legislation on the grounds of germaneness, but the Senate's objections prevailed when this provision in the Defense Department authorization bill was debated in conference.

What this bill does is to correct an inequity contained in the fiscal year 1986 Defense authorization bill which exempted prevailing wages to DOD civilian employees under the wage compensation system established by what is known as the Monroney amendment.

The Monroney amendment was enacted under Public Law 90–560 in 1968. The purpose of this legislation is to provide a fair basis for fixing and adjusting the pay of Federal blue-collar workers assigned to specialized positions. It recognized that the Federal Government has an obligation to "make fair and relevant wage comparisons for Federal blue-collar employees whose skills and training do not compare with private enterprise jobs in the locality where they are working."

Under the Monroney amendment, Federal agencies are required to "determine whether there exists in the local wage area a number of comparable positions in private industry sufficient to establish wage schedules and rates for principal types of positions for which the survey is made * * *." If Federal agencies find that the number of comparable positions are insufficient, they must set wages on the basis of both local private sector rates and rates paid for comparable positions in the nearest wage area with similar employment and industrial characteristics. In certain cases, it is necessary to import wage data from outside the local wage area in order to make a fair and relevant wage comparison for a Federal blue-collar employee whose skills, training, and competence do not compare with a private enterprise job in the same locality.

Monroney amendment prevailing wage determinations applied to all Federal civilian employees through 1985. In that year Congress adopted a Defense authorization bill for fiscal year 1986 containing language that exempted all Department of Defense blue-collar workers from the Monroney amendment. The proposal to exempt DOD employees was introduced as an amendment to the 1986 DOD Authorization Act during its consideration by the Senate Armed Services Committee. There was no debate on the repeal. No justification was provided to explain why DOD should be the only agency exempt from the provisions of the Monroney amendment.

This unfair discrimination of DOD civilian employees has had a negative impact on the civilian employees at Kelly Air Force Base in San Antonio, part of which I represent. As of last year, blue-collar employees at Kelly Air Force Base lost, on average, 55 cents per hour in their pay. Yet, just across town, employees at the Audie Murphy Veterans Hospital receive full wages established under the Monroney amendment prevailing rate determination system.

The Monroney amendment will correct the present inequity. DOD civilian employees are no better and no worse than employees in other Federal agencies. They deserve to be treated under the same basic wage determination system used by non-DOD agencies.

This bill restores fairness to the wage determination system for all classes of Federal employees working in the Department of Defense, and I invite my colleagues who share my concerns for equity and fairness to join me in supporting this bill.

THE GLOBAL ENVIRONMENT RESEARCH AND POLICY ACT OF 1989

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing, along with nine cosponsors, the Global Environment Research and Policy Act of 1989. This bill will improve our understanding of the significant global environmental changes we are now witnessing by providing for a national global change research plan. Furthermore, this bill will encourage development of a coordinated national policy to abate, mitigate, and adapt to the effects of these changes through the creation of Council on Global Environmental Policy [CGEP]. Finally, this bill will amend the National Environmental Policy Act [NEPA] to take into consideration the impact of major Federal actions on the global environment.

Title I of the bill directs all Federal agencies involved to coordinate their scientific research activities. By developing a coordinated research plan, we will enhance our understanding of the Earth system on a global scale, improve our capability to predict natural or human induced changes and, most importantly, provide the best scientific information on which we can develop necessary and responsible policy decisions.

Title I is similar in concept to S. 169, a bill recently introduced by Sentor HOLLINGS, the chairman of the Commerce, Science, and Transportation Committee and one of the Senate leaders, along with Senators GORE and WIRTH, on the issue of global climate change.

Title II establishes the CGEP which shall initiate, coordinate, and recommend domestic and international global environmental programs, studies, and policies taking into consideration the findings and recommendations of the national global change research plan.

Title III amends NEPA to clarify its application to major Federal actions affecting the global environment including the impact on the oceans, the atmosphere, and other aspects of the global environment.

Last summer, a severe drought devastated the Midwest resulting in an estimated $13 billion in lost farm production alone. Last September, hurricane Gilbert ravaged the Caribbean. Human casualties were estimated in the hundreds. Estimates for economic loss for all nations affected by hurricane Gilbert range between $10 and $12 billion.

These events are stark and current reminders of our need to understand the Earth system and the impact humankind has on its delicate dynamic. Separating natural variability from changes induced by human activities presents a great challenge to science. My bill meets this challenge by facilitiating the coordination of the best scientific capabilities of the U.S. Government in a 10-year research plan.

There is a consensus in the international scientific community that humanity, in the next generations, will face potentially severe problems of adaptation to global warming and sea level rise.

Evidence of systematic increases in greenhouse gases such as carbon dioxide, methane, nitrous oxide, and the chloroflourocarbons [CFC's] is well documented. Observational evidence of a rise in the height of sea levels is also a well accepted fact.

The greenhouse effect as a contributing mechanism to global warming has long been understood by the scientific community. The so-called greenhouse gases absorb radiation from the Sun and the Earth, blocking the escape of energy into space, and hence, warming the lower layers of the atmosphere. The steady input of carbon dioxide into the atmosphere, recorded for the last 30 years, will double sometime before the middle of the next century. The effect of other greenhouse gases such as methane, nitrous oxide, and

CFC's has proven to be cumulative, furthering the greenhouse effect. Methane input continues to rise by 1 percent a year. The recent Montreal protocol, addressing the ozone depletion problem, succeeded in restricting—but by no means eliminating—the input of CFC's into the atmosphere.

The oceans are a very important component of the integrated Earth climate system. The oceans' unique role results from their ability to store heat and to take up carbon dioxide from the atmosphere. Scientific attention should continue to focus on the interaction of the ocean and other components of the system. An effective national program in global environmental change must include a strong focus on the interaction of the oceans and other components of the system. The National Oceanic and Atmospheric Administration Fleet Modernization Act of 1989, which I introduced on February 7, 1989, provides for the fleet capability and the scientific equipment needed in carrying out the objectives of the national global research plan mandated in this act.

The global mean temperature is now as high as it has been since the last glaciation, about 18,000 years ago. Although we cannot ascertain that the greenhouse effect is responsible for the current warming trend, some scientists are ready to state with a large degree of confidence that current temperatures represent a real warming rather than a natural fluctuation. However, scientific consensus has not been reached over whether we are in fact witnessing global warming due to the human-induced greenhouse effect or to natural variability. Furthering scientific consensus on climate change is the foremost reason for pursuing this Federal research effort.

As chairman of the Committee on Merchant Marine and Fisheries, I am particularly concerned about the profound effects global warming will have on marine living resources. Biological production and distribution of fisheries will be notably altered with uncertain implications for the economies of both coastal and inland regions. In addition, the rise of sea levels will bring flooding to many coastal areas. Even small increases in sea level pose a considerable threat to low-lying communities and ecosystems including the barrier islands of North Carolina, the coasts of Florida, and the Mississippi delta. Beach erosion, wetland destruction, and flooding of coastal structures are problems which will require adequate solutions, based on sound scientific knowledge.

Since the beginning of the industrial revolution, human activities such as fossil fuel burning, industrial practices, agriculture, and land use patterns must be regarded as active elements in the global environment. However, the cumulative effect of these activities is not fully understood. Responsible policy decisions addressing the consequences of global change can only be formulated with reliable scientific information. The questions that need to be addressed are not simple. They require the understanding of the whole Earth as one integrated and dynamic system. This formidable scientific challenge will require the concerted effort of some of our Nation's most innovative scientific capabilities.

Collaboration among scientists from diverse disciplines is essential if we are to understand the complex interactions of ocean, atmosphere, ice, solid earth, and biological systems. Research will require the use of the most advanced technology in ocean-going vessels, supercomputers satellites, and remote sensing instruments. Data management systems capable of processing, storing, and distributing the information collected will be of central importance. International collaboration will be necessary to collect the essential global observations. Cooperative efforts are currently underway. Attention has centered on two scientific research programs: The International Geosphere Biosphere Program [IGBP] developed by the International Council of Scientific Unions [ICSU] and the World Climate Research Program sponsored jointly by the World Meteorological Organization [WMO], the United Nation's Environment Program [UNEP], and ICSU.

The United Nations has moved from addressing the scientific issues to examining the wider policy implications of global change. Last year UNEP and WMO set up the intergovernmental panel on climate change [IPCC]. The IPCC set up three working groups to explore the: First, scientific issues, second, potential impacts, and third, response strategies of global environmental change. Last week the working group on response strategies, chaired by the United States, met in Washington, DC.

The Federal Government in recent years has spent millions of dollars on global change research. The National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautic and Space Administration, the Environmental Protection Agency, the U.S. Geological Survey, and the Departments of Agriculture, Defense, and Energy conduct research in different global climate areas within their respective missions. As this Nation's realization of the imperative need for global change research continues to grow, so will the appropriations for these programs. Institutional coordination and budgetary efficiency are essential if this array of research efforts is to be pooled together to solve one of humanity's most compelling scientific challenges.

Title I of my bill directs the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET] to develop a 10-year plan to coordinate scientific efforts and budgetary resources of numerous Federal agencies into a unified global science program. In addition, title I requires FCCSET, in carrying out its reponsibilities to:

Develop goals and priorities which will advance scientific understanding and provide a basis for policy decisions;

Define the role of each Federal agency and department in implementing the plan;

Describe the levels of Federal funding, and specific activities required to achieve the goals and priorities of the plan;

Review, prior to the President's budget submission, each agency budget in the context of the plan and make the results available to each agency and to the Office of Management and Budget;

Coordinate the Federal effort with the National Research Council and with other national and international research initiatives; and

Submit progress reports periodically to Congress on the implementation of the plan.

The plan is to be implemented by the Federal agencies and shall include national global change research policy recommendations and proposals for the implementation of that research policy through legislative and regulatory changes.

Title II establishes the CGEP as an Executive Office of the President to be chaired by the Chairman of the Council on Environmental Quality [CEQ] and composed of members from different Federal agencies and the Chairman of FCCSET. This Council shall analyze and recommend national policies to abate, mitigate and adapt to the impacts of global environmental change. In addition, CGEP shall:

Coordinate and initiate Federal studies on economic and social impacts of global environmental change;

Incorporate in its policy decisions the findings of the national global change research plan;

Provide recommendations to FCCSET on policy goals and objectives which most effectively provide a basis for global environmental policy decisions;

Collect and analyze data and information on social, economic, and environmental impacts of global environmental change and related policy; and,

Submit to Congress, after 5 years, and periodically thereafter, a comprehensive national program in response to the impacts of global environmental change;

On January 9, 1989, the Washington Post reported that the Council on Environmental Quality was prevented by the Reagan White House from issuing a regulation calling for consideration of the greenhouse effect when Federal agencies assess the environmental impact of their actions. Title III of my bill makes it clear that federal agencies must assess the effects of their action on the global environment.

In view of the present uncertainties in our knowledge of global climate change, scientific understanding of the whole Earth system should be a national priority. Furthermore, the result of this formidable research effort should be incorporated into a comprehensive national global enviromental policy. The success of the global climate change research program lies in a concerted effort at the national and international level. Our challenge will not stop with the scientific understanding of the problems that lie ahead. We must develop the institutional capacity to effectively incorporate scientific discoveries into national policy at all levels. My bill is an attempt to develop a coordinated Federal research program and institute a central policy coordinating body sensitive to the findings of the research plan and to emerging needs of different agencies and sectors of our society.

Any of my colleagues who wish to obtain a copy of the Global Environment Research and Policy Act of 1989 or to cosponsor it should contact the Committee on Merchant Marine and Fisheries at 226–2460.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Aharon Abed, Jose Abraham, Marie Mire Alcime, Lolita May Almero, Luis Ferna Alonso, Joseph Altagracia, Pedro Husm Andal, Jackques Aristide, Gladys Aristide, Larisa Aronov, Joseph Astride, Raymond Audige, Jorge Octa Avila-Buit.

Victoria S Babayov, Linda Broo Bacchus, Anthony Yo Baek, Maide Mart Baptiste, Esther Barnoy, Maureen He Belford, Joseph LeF Belizaire, Jose Franc Bencosme, Ruth Marth Bentson, Emilie Bernard, John Bialek, Krystyna Bialek.

Hana Blum, Sharon Mon Boothe, Carolle Ma Bordes, Sevinc Ere Bridges, Norma Patr Brown, Leola Agne Brown, Rocco Cafagna, Xiao Chuan Chan, Dusit Chariton, Muoi Tam Chau, Kinh Tu Chau, Michael Se Chen, Joan Li-Ju Chen, Siu Lian Chen.

Kan Chin Cheng, Sin Mui Cheng, Biu Wing Cheung, Tak-Choi D Cheung, Tyrone Val Chin, Ramon Infa Constancio, Castera Ca Constant, William Ja Crudge, Amelia Gab Cruz, Dennis Bri Cruz, Rommel Ben Cruz, Helen Cruz-Dittm, Euvindsonz Dacilas.

Patricia Dalrymple, Yamilee Dambrevill, Bhupen Dev Dave, Bertha Och De Garcia, Emilio De La Cruz, Roy Macase Del Mar, Marcia Mer Delaphana, Arold Desamours, Maryse Desir, Blanca Nie Diaz, John Digaletos, Ramon Mend Dikitanan, Zelpha Som Dikitanan, Yuri Dobruskin.

Digna Anal Dominguez, Anne-Marie Dominique, Marie Gabr Dorante, Zahava Dror, Jose Anton Duenas, Francisco Duran, Behroz Min Dutia, Jose Carlo Eiras, Avi Bryan Epstein, Jean-Louis Ersulia, Rosa Marie Estevez, Shahela Fabio, Masoud Fallah.

Mansur Mic Falleh, Raise Farber, Arthur Arr Faris, Rosaria El Fata, Gordon Rus Finch, Beverly Je Finch, Lahra Beth Finch, Nelicia Ch Flefil, Faustino Flores, Jean Walne Francois, Moses Fridlich, Shedly Gachette, Mehrdad Mi Gachpazany, Remedios d Gatchalian.

Rochel Geffrard, Serge Genoret, Bernhard Gerla, Frank Fran Gibbons, Boris Gindis, Mauro Gomez, Manuel Gui Gonzalez, Lucy Gonzalez, Elizabeth Grasmuck, Krystyna Grzyb, Zenaida Guerrero, Pedro Guzman, Griselda Guzman.

Atiga Hag, Lennon Cla Henry, Hazel Ione Henry, Joseph Heraghty, Hung Thinh Hguyen, Mathew Illicattil, Aliya Iman, Naz Iman, Zacharia Isaac, Zdzislawa Jakubiak, Freddy Javier, Gabriel Jean, Rose Bedic Jean-Bapti, Marie Dani Jean-Charl.

Baptiste Jean-Franc, Marie Ange Jeanty, Rony Joseph, Sarah Kaminsky, Kaveh Anto Khosrowsha, Seth Kim, Rhonda Klein, Rosa Berll Knipping, Chia Hsing Ko, Alexander Korsunsky, Irina Vlad Korsunsky, Joe Kevin Lafleur, Gloria Luc Lalinde.

Marie Sain Lamy, Young Soon Lee, Fritz Lemite, Yolanda Be Lies, Fong Ching Lim, Adrian Lim, Luz Milagr Lopez, Jean Dygui Loubeau, Jacqueline Louis, Simcha Tzv Lovi, Mary Bridg Lynch, Dieter Mahlstedt, Martina Ol Makinde, David Malool.

Teresita A Mongonon, Clara Rosa Manzano, Vin Mao, Lidia Anto Martinez, Mercy Mala Mathew, Josef Matus, Darina Matus, Gloria Mar McCleese, Daniel Fra McEnery, Rafael Hil Mendez, Cecil Leon Miller, Ivy May Miller, Karen Agne Momah.

Reza Khons Mosavi, Bissoonday Narine, Enriquita Navarro, Than Thi Nguyen, Tram Thi Nguyen, Tho Tan Nguyen, Giovanni Nicosia, Mirta Nunez, Margaret M O'Conner, Yoon Hae Oh, Robert Ala Oliveros, Vincente R Ortega, Julio Palacios, Zeanhy Ter Park.

Jagdish Ra Patel, Victor Paz, Jacques Jr Pean, Betty Pearl, Antonio Peniche, Jose Efrai Peralta, Nhora Perez-Lali, Lucken Phanor, Jill Phillips-O, Lulu Lourd Piano, Florence Pierre-Pie, Jaroslaw Pluta, Alexander Poltorak.

Valeria Le Poltorak, Thomas Pottakulat, Patricia Puranda, James Albe Quintana, Maria Rowe Ramos, Maria Cris Ramos, Patrick Raymond, Rosa Maria Rodriguez, Joel Marc Rodriguez, Jesus Garc Roque, Frank Rosano, Gennaro Russo, Andre Jose Saint-Loui, Henry Salamon.

Blesilda D Salgado, Emma Cruz Santa Ana, Grecia Ant Santana, Efren Guil Santos, Jocelyne B Saturnin, Rosemarie Scandura, Helen Ilan Schleicher, Josette Seide, Neddy Seide, Radu Mihai Serban, Shailesh Shah, Steadroy C Shaw, Liliane Fa Shenouda.

Pei Chi Sc Shih, Surinder K Singh, Lavanya Srivatsan, Simpson St Fort, Demetre Stathopoul, Sokhom Taing, Albert Min Tang, Anita Man- Tang, Maritza Taveras, Carrine El Taylor, Michel Leo Theveny, Francoise Theveny, John Thomas, Kunjoonjam Thomas.

Rafael Urena, Jose Benif Valencia, Hulda Valencia, Joseph Vaniapilli, Annam Karu Varghese, Francisca Vasquez De, Jose Veras, Jean Smart Vilfranche, David Juli Volsky, Barbara Volsky, David Chih Wang, Gary Chih- Wang, Thomas Wang.

Leonie Del White, Keith Deno White, Huey-Yuan Wu, Jasmine Zamor, Gregory Sl Zuchowski, Alina Zeno Zuchowski, Myriam Bar de Avila, Luna Sagpa de Guzman, Corazon Pa deCastro.

IN SUPPORT OF THE PUYALLUP INDIAN SETTLEMENT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DICKS. Mr. Speaker, today, I take great pride in joining my colleagues from the State of Washington in introducing the Puyallup Indian settlement bill. This legislation culminates over 4 years of persevering efforts by dedicated participants from a variety of interests. The introduction of the Puyallup bill marks a historic moment for the citizens of my congressional district and the State of Washington, and symbolizes the triumphs that are possible when individuals and communities join together to build bridges of cooperation and mutual interest.

I wish to commend the tireless efforts of both the Indian and non-Indian negotiating teams who crafted the settlement agreement and steered it through many difficult moments to reach finality. Particularly, I join the citizens of Tacoma and Pierce County, WA, in offering my gratitude to Puyallup Tribal Chairman Bill Sterud and the members of the tribal council, Jim Waldo, Harry Sachse, Mayor Sutherland, Chris Smith, Ray Corpus, Randy Harrison, Larry Killeen, John Terpstra, John Ladenberg, Lynn Anderson, and several others who have been unwavering in their commitment to this process. I am especially pleased to have had the strong support of Governor Gardner throughout the negotiating process, and am deeply indebted to Senator INOUYE for his active and visible support in encouraging a settlement agreement.

Mr. Speaker, on August 27, 1988, following a two-thirds majority vote of acceptance of the proposed settlement package, a new chapter began between the Puyallup Indian Nation and non-Indian local governments and private interests. Rather than a continuing relationship characterized by division and mistrust, the settlement agreement laid the cornerstone for a relationship to be based on cooperation and mutual benefit.

The history preceding the present settlement is not an easy one for any of the parties. It is a history characterized by a long series of disputes over land and jurisdictional claims relating to such matters as: Ownership of the Commencement Bay tidelands and areas of the former Puyallup riverbed, the perceived or intended boundaries of the the treaty reservation, control of railroad and other rights-of-way, control of the fisheries resource and habitat, jurisdiction over law enforcement, environment, navigation, and authority and control in the areas of land use, and business regulation and zoning.

While one must clearly recognize that the historical grievances that are felt by the tribe and the non-Indian community are of such magnitude and deep-felt nature that parties feel that no agreement can completely redress all perceived injustices from the past. However, what is important is that the various parties have freely through their own will and efforts, chosen to fashion a settlement of tribal claims that holds the promise of a better and brighter tomorrow for all involved. The agreement ensures the avoidance of lengthy and divisive litigation, which would be costly and damaging to the community.

The Puyallup settlement bill that I am introducing today, is the next critical stage in ensuring that the terms laid out in the Puyallup settlement are implemented, and that the Federal share of the package is made available. Through participation in significant historical acts that have given rise to the present circumstances, the Federal Government is a responsible party to all matters that have been disputed between the Puyallup Tribe and non-Indians, and should rightfully contribute to the resources necessary to implement the settlement agreement. However, the Federal share of the settlement is under 50 percent, as set forth in its cost-sharing arrangements.

As indicated in the provisions of both the bill and the settlement, both the Indian and non-Indian recipients will receive immediate and long-term tangible benefits from the agreement. Overall, the package contains $111 million in direct benefits to the membership of the Puyallup Tribe. Within the benefit package, the tribe is slated to receive approximately 900 acres of land, including forest land, fisheries enhancement, open space lands and commercial properties to produce future income. Additionally, the tribe will receive funds to buy land and pursue economic opportunities aimed at establishing a stable future income.

The direct acquisition of land and financial benefits means that the Puyallup Tribe will be able to enter the 1990's on a firm economic foundation that will promote prosperity and ensure a promising future for its children. The settlement further reinforces the benefits of lands awarded by making allowances for new lands to be placed into trust under the tribe's jurisdiction, thus guaranteeing that the tribe will have an opportunity to expand its land base. Furthermore, the agreement acknowledges and preserves tribal trust ownership of the current bed of the Puyallup River within the 1873 boundaries.

In recognition of the many crucial needs facing the tribal membership, the new agreement includes important provisions aimed at meeting critical social service needs and better protecting the well-being of the members of the Puyallup Nation. Central to this goal of the agreement, a permanent trust fund is established to address the needs of the tribal membership, including: health care, tribal elders care, housing rehabilitation, burial and cemetery maintenance, education and scholarship loans, day care for the tribe's children, and cultural preservation activities.

Because this settlement is one that skillfully balances the concerns of all affected parties, the non-Indian participating entities will also receive many positive benefits from its implementation that will manifest into the 1990's and beyond. Most importantly, non-Indian participants in the agreement will be relieved of any burden caused by lands and properties in dispute. Under the terms of the settlement agreement, the Puyallup Tribe agrees to release its claims to tidelands, former riverbeds, initial reservation, and other land claims. Through another provision of the package, the tribe agrees not to assert governmental control over non-Indian lands, businesses on non-Indian lands, and non-Indian homeowners.

One impact of the settlement that I believe is a truly significant ramification for the future is that it provides for a greater degree of cooperation between the tribe and non-Indian governmental entities on matters that have far-reaching importance to the community. The agreement establishes a cooperative approach for governmental authority and responsibility, including: A system for consultation and dispute resolution for land use matters and environmental concerns, a resolution of navigational conflicts, and an agreement on how future governmental services are to be provided.

Perhaps the most important ramification to emerge from this settlement agreement, is that its implementation will foster a more positive state of relations and knit together more closely the Indian and non-Indian communities. Because of this important settlement, I see in the 1990's a more positive situation, of a community working together, forging ahead, for the good of all concerned.

I urge my colleagues to give their full support toward the passage of this legislation.

A UNIFORM DEFINITION OF GREAT LAKES

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DAVIS. Mr. Speaker, today I introduce a bill which will provide a single definition for the term "Great Lakes" as used throughout the United States Code, and especially for maritime matters.

Various laws have passed which highlight the role of the Great Lakes. However, the references to the lakes are not uniform, creating some confusion over the coverage of the laws, especially in regard to the important connecting channels. The bill I have authored will clarify the waters encompassed by most references to the Great Lakes. However, I must stress that the intent behind this bill is mainly housekeeping: I do not intend to substantially alter any statutory jurisdiction.

Accordingly, certain violations or departures from this standard definition may be required due to the peculiar circumstances of a given situation or law. For example, there are some legal references to the Great Lakes which are based on treaty provisions or other special agreements. These particular limits, such as those found under the Convention on Great Lakes Fisheries between the United States and Canada (16 U.S.C. chapter 15A), the International Regulations for Preventing Collisions at Sea 1972 (33 U.S.C. 2001 et seq.), the Great Lakes Commodities Marketing Board (33 U.S.C. 2309), Great Lakes Pilotage (46 U.S.C. chapter 93), the International Convention on Tonnage Measurement of Ships (46 U.S.C. 14101), are to be preserved.

Although I believe we have exhausted the United States Code for references to the Great Lakes, there may be some instances where additional adjustments may need to be made. I look forward to working with the affected Federal agencies and other interested parties to correct these omissions or errors.

DEPENDENT CARE TAX CREDIT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Ms. SNOWE. Mr. Speaker, I am introducing legislation today, along with my distinguished colleague, Hon. SILVIO CONTE, that will expand the dependent care tax credit, make it applicable for respite care expense, and make the credit refundable to those whose tax liability does not exceed the credit to which they are otherwise entitled.

The circumstances which have prompted me to offer this legislation since 1983 have not improved. Indeed, the national focus on family needs in recent months has dramatically exposed the critical work and caregiving dilemmas families are facing today. This concern is shared by President Bush, whose dependent care proposal, which I applaud, recommends the same concepts offered in this bill. Both plans seek to provide assistance through the use of an expanded tax credit that is indexed and refundable. I am offering this legislation for passage in the 101st Congress because it is time that we adjust the dependent care tax credit to better assist families as they try to balance competing work and caregiving demands.

Dependent care expenses fall most heavily on working persons, especially working mothers, who must provide for the care of dependent children while having to devote primary portions of their day to earning a living. Studies show that 53 percent of women with children under the age of 6 are working outside the home. Of the women who are heads of household with children under 6 years old, 57.6 percent are working outside the home.

Providing adequate care for elderly dependents is an equally important concern. Often women who are responsible for their children also face the responsibility of caring for their aging parents. In a study done by the Geriatric Center of Philadelphia, 28 percent of nonworking caregivers had quit their jobs in order to meet caregiving responsibilities while 26 percent of working caregivers had contemplated having to quit for the same reason. One out of ten middle-aged women—45–65 years—is responsible for the care of an older relative. It is clear that respite care is an extremely vital service, the use of which can help caregivers avoid the dilemma of having to choose between giving up their careers or institutionalizing an elder family member at great financial expense.

The current dependent care tax credit is available to taxpayers who incur work-related expenses for the care of a child under age 15, a disabled spouse, or any other dependent who is physically or mentally incapable of caring for him or herself. In 1981, Congress replaced the previous flat rate credit for dependent care with a sliding scale that focused the maximum benefit of the credit on lower income households. The scale currently allows a 30-percent credit for work related dependent care expenditures up to $2,400 for taxpayers with incomes of $10,000 or less; the credit is reduced by 1 percentage point for each $2,000 of income between $10,000 and $28,000 to a minimum of 20 percent. Currently a family earning $10,000 a year would have to pay $2,400 a year, nearly one-fourth of its income, to receive the maximum credit of the $720. It should be noted that under present tax laws, a 1988 family with an income at $10,000 or less would probably not have the tax liability necessary to claim the credit, and therefore, would not receive the benefit.

The dependent care tax credit expansion I propose addresses the increased needs and costs relative to dependent care and respite care by expanding the credit to more realistically reflect present tax liability levels. The tax

liability threshold for a head of household with one dependent is $12,380; the threshold for a married couple with one dependent is $13,914. Under my proposal, the sliding scale would be raised to 50 percent of work related dependent care expenditures for families earning $15,000 or less. The scale would be reduced by 1 percentage point for each full $1,000 of income, with persons earning $45,000 or more receiving a credit of 20 percent. In addition, the dependent care tax credit would be indexed to the cost of living and be made refundable so that those families with incomes too low to have a tax liability or whose credit exceeds their tax liability would have access to the credit. Currently, 91 percent of all claims are made by families with incomes greater than $10,000 a year. A refundable tax credit that is indexed to the cost of living will ensure that lower income families have the same access to the credit that middle and higher income families do, and who now derive considerable benefit from the credit.

Finally, this legislation offers relief from the expense of respite care. This legislation would allow a credit on up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents for respite care expense. A caregiver would be able to either hire someone to come to the home to care for the elderly dependent for a few hours a day or week, or could bring that dependent to an adult day care center. My proposal would also permit up to a 2-week stay in an institution in order for the caregiver to tend to other personal or family affairs. A credit on expenses incurred for respite care would be available without regard to the caregiver's employment status.

Respite care credit is a part of this legislation that should be highlighted. Studies show that 80 to 90 percent of all medically related care, personal care, household maintenance, transportation, and shopping needs required by elderly persons is provided by their families. The role of the primary caregiver is often a female family member, who gets caught between meeting the needs of her children and her aging parents, causing this woman and others in similar situations to be viewed as part of the "sandwich generation." The magnitude of the strain that can develop in circumstances like these is both physical and financial. The dilemma of balancing work and caregiving needs has become so widespread a condition of family life that it requires national attention in the form of some assistance. A respite care credit will offer assistance to care-givers that will save dollars for both families and for the Government through postponement or avoidance of expensive institutionalizations. Further, it is an important way to address the needs of elderly citizens, the fastest growing and increasingly vulnerable segment of our Nation's population.

The dependent care and respite care tax credit provisions of this bill offer a thoughtful, prudent, and compassionate approach to helping families provide for their loved ones. I urge my colleagues to join me in this effort by supporting this important piece of legislation.

UKRAINIAN INDEPENDENCE DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FLORIO. Mr. Speaker, I would like to ask my colleagues to join with me in commemorating the 71st anniversary of Ukrainian Independence Day. On January 22, Ukrainians around the world remembered their moment of freedom in 1918 when the Ukraine declared its independence and its right to self-determination.

The formation of the Ukrainian National Republic 71 years ago signified an important step in the history of the Ukrainian people as they have struggled to assert their identity and their beliefs while under foreign domination. Although many years have passed since this declaration, the memory of this day still lives in the hearts of all Ukrainians. From the first, the new nation struggled to hold onto its newfound freedom, battered by armies from the east and west. Despite a valiant effort, the Ukrainian National Republic was crushed by the Communist Russians in the summer of 1920.

Several years later, in 1932–33, the Ukrainian people would experience yet another setback—a tragedy that must not be forgotten. Over 7 million Ukrainians were starved to death because of the Stalin policy of collectivization—a policy designed to suppress the nationalistic dreams of the Ukrainian people. I was pleased to have authored, with Senator BRADLEY, the law that created the Congressional Commission on the Ukraine Famine. Last summer, I joined Senator BRADLEY in working to pass the legislation to extend the life of this important Commission so that its work could be completed.

Although some of us are aware of this great tragedy inflicted on the Ukrainian people, this has been, for the most part, a silent chapter in the history books. The Congressional Commission hopes to change this by their report on the famine. The report issued last summer draws from the many months of research and the many hearings conducted by the Ukraine Famine Commission. I am hopeful that this report will be circulated widely and that soon, our schools will ensure that students learn about this tragedy as they learn about so many other similar tragedies. It is only with knowledge that we can combat the ignorance that produces crimes against humanity.

Despite famines and persecutions, despite the curtailment of their civil liberties, and despite the injustices they have been subjected to, the Ukrainian people continue to display courage and perseverance and have not given up the hope that, one day, they too will breathe the air of freedom. In this period of glasnost, I hope that this new thinking will also include the people of the Ukraine. It is important that we, in Congress, continue to stress the need for addressing the valid concerns of this brave community.

As the famous Ukrainian poet Taras Schevchenko said, "Our souls will never perish, freedom knows no dying." May the hope of freedom for the Ukrainian people never die and may their quest for independence be successful.

ESTHER M. DUNNEGAN—A SALUTE TO EXCELLENCE IN EDUCATION

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. PRICE. Mr. Speaker, I rise today to pay tribute to Esther M. Dunnegan of Morrisville who has recently been named North Carolina's National Endowment for the Humanities/Reader's Digest Teacher-Scholar for 1989.

Ms. Dunnegan, a social studies teacher at Athens Drive High School in Raleigh, is one of 53 teachers chosen by the NEH and Reader's Digest for a year of independent study in the humanities. She will study the historical and modern influence of Islam on the cultures of Nigeria, Pakistan, Malaysia, Trinidad, and Egypt.

Too often, good teachers must struggle to devote adequate time to explore the disciplines they teach. I am pleased to see the National Endowment for the Humanities provide teachers the opportunity to expand their knowledge in a given discipline by supporting a full year of self-directed academic study in the humanities. This program is a fine example of the public-private partnerships actively working to improve public education. NEH is to be commended for its continuing commitment to improving the quality of teaching and research in the humanities.

We in the Fourth District of North Carolina are proud of Ms. Dunnegan. This honor is not only a reflection of her dedication to learning, but a reflection of the high standards of teaching in the Wake County school system. I wish her the best of luck and continued success in her endeavors.

A SALUTE TO LT. MONTEL B. WILLIAMS AND "REACH"—THE AMERICAN DREAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. STOKES. Mr. Speaker, as you know, during the month of February our Nation celebrates Black History Month. Programs and events are being held throughout the country to commemorate the occasion. In my congressional district, the Cleveland Public School System will sponsor a number of programs featuring Navy Lt. Montel Williams. This dynamic black leader has a power-packed message for our Nation's young people. It is a distinct honor and privilege for me to join the 21st Congressional District in welcoming Lieutenant Williams to Cleveland.

In just a few days, schoolchildren, teachers, parents and business leaders will hear this young man deliver motivating speeches and challenge youth to achieve. Lieutenant Wil-

liams, a special-duty intelligence officer, is on a mission to motivate children to stay in school. His message is simple: "Stay in school. Go to college. Stay off drugs. And most important, you can be a success."

It all began in January 1988 when Williams was tapped by the Navy's Minority Officer Recruitment Efforts [MORE] to serve as a recruiter. He agreed on the condition that he be given an opportunity to speak to the college-age audience about education and obstacles. The response to Lieutenant Williams' presentations has been overwhelming. He has spoken to more than 250,000 schoolchildren and 10,000 teachers, business and civic leaders from Los Angeles to Washington, DC. He has a unique gift for inspiring and motivating people of all ages and interests, and his message transcends race and socioeconomic backgrounds.

Lieutenant Williams doesn't stop at speaking engagements, however. He has designed an entire nonprofit organization around the notion of inspiring children and reversing the negative trends that affect youth. REACH the American dream seeks to encourage children to reach for their highest potential, to inspire family and community members to reach out to one another in a spirit of caring cooperation; and to challenge corporate citizens toward greater levels of commitment and involvement with schools and local programs. The nonprofit organization is enjoying great success.

Mr. Speaker, I am pleased to share highlights of Lieutenant Williams' distinguished career with my colleagues. He grew up in the suburb of Glen Burnie, MD, and was elected president of his class at Andover High School. Upon graduation, Williams enlisted in the U.S. Marine Corps where in 6 months he was meritoriously promoted twice and selected to attend the Naval Academy Prep School in Newport, RI. Lieutenant Williams was the first black marine selected to attend the Naval Academy Prep School and entered as one of 40 marines in 1976. Of those 40 original marines, Lieutenant Williams was one of four who graduated.

Upon commissioning in 1980, Lieutenant Williams was stationed on Guam where he served as a communications officer and direct support division officer. From 1982–83, Williams studied and obtained a degree in the Russian language at the Defense Language Institute in Monterey, CA. He was then stationed at Fort George G. Mead, MD, and served onboard the U.S.S. *Sampson* during the United States invasion of Grenada. While ashore, he served as the operations officer for the fleet support division, and also as the director of a special operations division which supports U.S. operations in the Persian Gulf. Lieutenant Williams is currently assigned to the Commander in Chief, U.S. Atlantic Fleet Staff, and works for the director of cryptology.

Since commissioning, Lieutenant Williams has been the recipient of numerous awards for his dedication and hard work. He has been awarded the Armed Forces Expeditionary Medal, two Navy Expeditionary Medals, one Humanitarian Service Medal, one Navy Achievement Medal, two Navy Commendations Medals, a Meritorious Service Medal and several other unit and service awards.

Lieutenant Montel Williams is fond of saying, while pointing to his audience, that education is the key to their success. And success, he notes, wears a number of uniforms, from military threads to Polo pinstripes. "The more role models we can identify and draw the kids attention to," he says, "the more options they see for themselves."

Mr. Speaker, Lieutenant Williams is an excellent role model, a charismatic speaker and a very personable young man. We are delighted to have him participate in our Black History Month celebration and welcome him to the 21st Congressional District.

A SALUTE TO LYNNE GOLDMAN WEINGARTEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BERMAN. Mr. Speaker, I rise today to express my affection and admiration for a dear friend who will celebrate her 50th birthday on Valentine's Day. Lynne Goldman Weingarten has a host of fans who love her for her generous and compassionate nature, for her wonderful sense of humor and for her steadfast devotion and loyalty. I am proud to count myself among her friends.

Throughout her outstanding career as an educator and family therapist, Lynne has distinguished herself for her devoted service to humanity. As a counselor at Beverly Hills High, she has been a steadfast presence to help her young charges with their problems and their plans.

Her service with the Wellness Community of Santa Monica has helped countless families to deal with the joy of life and the determination to live it to its fullest. All of those fortunate enough to know Lynne have been personally enriched by her ability to communicate the great lessons she has learned in this selfless service.

In addition to the demands of her career, Lynne has volunteered countless hours of work for Hebrew University, the Maple Center for families in crisis, Planned Parenthood and One Voice. Her efforts for these organizations are yet another demonstration of her tireless gifts of time and energy to improve the well-being of her community. She has opened her home to help the poor, the disadvantaged, the homeless and the traumatized.

Lynne is the beloved daughter of two of Los Angeles' most distinguished citizens, Harvey and Lillian Silbert. She is the attentive and devoted mother of two beautiful daughters, Jill and Gina.

I am personally grateful to Lynne, not only for her shining example of how life ought to be lived, but for her gracious generosity in hosting a most special occasion in my life. My wife, Janis, and I were married in Lynne's home, and will forever remember the love and joy that she brought to that wonderful day.

I speak today for a legion of friends and family in paying tribute to Lynne Goldman Weingarten and ask my colleagues to join me in saluting this remarkable woman. Happy birthday, Lynne, and many, many happy returns of this joyous day.

COMMEMORATING NATIONAL VISITING NURSES ASSOCIATION WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. CONTE. Mr. Speaker, I rise today to honor the Visiting Nurses Associations of western Massachusetts. During the week of February 19–25, the Visiting Nurses Association will be celebrating National Visiting Nurses Association Week in recognition of their outstanding service to our communities.

For more than 100 years, the Visiting Nurses Association has provided quality home health care to all needy persons requiring their specialized services. By coming into the home to care for ill and disabled individuals, visiting nurses provide assistance on a variety of problems created by a family member's illness.

These dedicated nurses allow the infirm to seek comfort in their own homes. They provide tremendous services that include home health care, homemaking, meal preparation, shopping, and other domestic duties. Without them, those recovering in their homes would be unable to carry out normal daily activities.

Above all, Mr. Speaker, it's not just the tasks the nurses do for those taken ill, but it's the joy they give to the people they help. A visit often brightens each individual's day and lets them know someone really does care.

I am proud to honor the Visiting Nurses Association on this week commemorating its outstanding service. Its dedication to the needs of ailing people across the Nation deserves our heartfelt appreciation and gratitude.

REMOVING A DISINCENTIVE TO VOTING

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I am introducing legislation today to amend title 28 of the United States Code to provide for an alternative way of selecting jurors for grand and petit juries in each U.S. district court. Under current law, which is basically the Jury Selection and Service Act of 1968, Federal juries are composed of men and women whose names have been culled from voter registration lists or the lists of the actual voters of the political subdivisions within each judicial district or division.

It is essential, in a democracy, that juries be composed of people who represent a cross section of the community. This is an issue of fairness and of individual rights under our constitutional form of government.

At the same time, it is inappropriate that only those citizens who are registered to vote or who actually vote are selected to serve on

juries. Service on a jury should be viewed as an essential component of responsible citizenship.

Further, it is fundamentally important for citizens to participate in a democratic form of government. The way for citizens in a democracy to participate is with their votes. Unfortunately, our most recent election marked a new low in the level of voter participation.

Our Nation is the greatest democracy in history. At the same time, the level of voter registration and participation in the United States is nothing short of abysmal, particularly when compared to other western, industrialized democracies.

I am convinced—based not so much on findings explained in volumes of studies and reports, but on my own, often casual conversations with local elected officials, elections and voter registration officials, and ordinary, everyday people—that many Americans do not register to vote because they do not want to serve on juries. In this country, people who have not registered to vote because of a fear of jury service have articulated concerns about inconvenience, including the actual time involved and lost work, expense, and a general reluctance to become involved.

It is clear that people who do not want to serve on juries, do not register to vote. By not voting, these people are not exercising an important right denied to so many others in the world.

Again—and this is a point that deserves to be stressed—in a democratic system of government, it is imperative that juries are a representative cross section of the community. If the possibility of serving on juries is a disincentive to people who want to vote and participate in our elections, we should remove this disincentive.

The legislation I am introducing today will amend the way that the clerks of the Federal district courts develop rolls of those eligible for jury duty. My bill will require the use of substitutes, specifically information compiled by the Social Security Administration and the Internal Revenue Service, for voter registration lists or the lists of actual voters.

In addition, my bill recommends that the States develop their own lists of prospective jurors that are not based on voter registration lists or lists of actual voters. The States should use other sources for compiling names of those to serve on State juries, including records of motor vehicle licenses and registrations, lists of utility customers, and State or local income tax returns.

All citizens, age 18 or older, should be eligible for jury service. We all benefit from the freedoms and rights of American citizens. Thus, all citizens shall contribute to those freedoms and rights by serving on juries, if called. The selection process should not be dependent on identifying prospective jurors based on whether or not a person has exercised his or her right to vote.

I hope you will support this legislation. By eliminating this disincentive to voting, I hope that many more of our fellow citizens will take the time to study the candidates and the issues and then exercise that most precious of rights: the right to vote.

PROFAMILY VALUES

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. COSTELLO. Mr. Speaker, on January 23, 16 years after the U.S. Supreme Court overturned Roe versus Wade, thousands of people marched in Washington, DC, to voice their support for the prolife movement in our country and to call for the reversal of the Court's decision.

I met with several people who traveled to the Nation's Capital from the 21st Congressional District in my office, and was encouraged by their commitment to ending the tragic number of abortions that happen every year.

I am hopeful that the statements made by President Bush during the "March for Life" on January 23 will help to continue the ever-growing antiabortion sentiment in this country.

I am also confident that in the coming years the message of a "kinder, gentler nation" will be that of the caring family and adoption for those children who are born unwanted.

I want to thank those people who made their voice heard during this important time, and to lend my support to those who will continue to speak about profamily values in our community.

GEOGRAPHY AWARENESS WEEK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution which would designate the week of November 12–18, 1989, as "Geography Awareness Week." I am proud to be introducing this legislation along with my esteemed friends and colleagues, Representatives BILL GREEN and DALE KILDEE. This resolution, which was first introduced in the last Congress, is another expression of my strong belief in the importance of foreign language and international education.

During Geography Awareness Week, last year, there were literally thousands of activities across the country focusing on geography and its importance. At this time, I would like to commend the National Geographic Society and its president, Gilbert Grosvenor, for their strong interest in this resolution. The society is again planning many activities this year in connection with Geography Awareness Week, and interest should be even greater this year than last.

Although some progress is being made, there is still considerable evidence for the need to increase our attention to this fundamental subject. The Gallup organization recently released a survey, commissioned by National Geographic, of nearly 11,000 adults in nine countries that was the largest international study of its kind to date. Overall, the survey found that Americans unfortunately ranked below all but two other countries, Italy and Mexico, that participated. Among the specific findings, even with all of our involvement in the Persian Gulf, 75 percent of Americans could not locate that body of water on an unmarked map of the world. Even with our very extensive involvement in Central America and with its proximity to the United States, 45 percent could not locate this region on the map. Also related to Central America, less than half knew in which country the Sandinistas and Contras are struggling for control, with many naming Lebanon, Afghanistan, or Iran. Regarding Africa, only 55 percent could identify South Africa as the nation in which apartheid is official government policy. One particularly disturbing result of the survey was that American young adults fared worse than those of any other participating country and than their post-World War II peers.

This news is not only shocking; it is frightening. We depend on a well-informed populace to maintain the democratic ideals which have made and kept this country great. When 95 percent of some of our brightest college students cannot locate Vietnam on a world map, even after our extensive involvement in that country, we must sound the alarm. When only 25 percent could name four countries that acknowledge having nuclear weapons, we must acknowledge that we are failing to sufficiently educate our citizens to work and live in an increasingly interdependent world. This is especially true when our young people, our future, are even less knowledgeable in geography than are adults.

This ignorance of geography, along with a comparable lack of knowledge of foreign languages and cultures, places the United States at a significant disadvantage with other nations economically, politically, and strategically. We cannot expect to remain a world leader if our populace does not even know who the rest of the world is.

In 1980, a Presidential Commission found that U.S. companies fare poorly against foreign competitors partly because Americans are often ignorant of things beyond our borders. As Gov. Gerald Baliles said in a Southern Governors Association report, "Americans have not responded to a basic fact: the best jobs, largest markets, and greatest profits belong to those who understand the country with which they are doing business."

One of the key themes and tasks for this Congress has been restoring America's competitiveness in a highly complex, rapidly changing world. Improving our knowledge of the geography, language, and culture of other lands is a concrete, attainable, and important goal in the context of international trade and our place in the world economy. It is a substantial way to give content to the "buzzword" of competitiveness.

The understanding necessary to accomplish this, as I have said, can come only from knowledge of the peoples, cultures, resources, and languages of other nations. This is the sort of knowledge that the study of geography seeks to impart. Alarmingly, in spite of this, the discipline of geography has become seriously endangered in this country. Departments of geography are being eliminated from many institutions of higher learning, and less than 10 percent of elementary and secondary school geography teachers have even a minor in the subject.

However, in the midst of these negative indicators, I feel it is very important to note some hopeful signs that geography education is beginning to experience a long-awaited and badly needed resurgence. Among these:

The National Geographic Society has instituted a pilot school program in which schools in different parts of the country establish innovative geography education programs to test their effectiveness.

Two of the schools, Alice Deal Junior High here in Washington and Audubon Junior High in Los Angeles, have won recognition for their programs in national competitions.

At the college level, the University of Tennessee is instituting a requirement that incoming students there have a certain level of knowledge of geography. This is going to cause elementary and secondary schools throughout the State to beef up their geography education programs.

In addition to the declaration of a National Geography Awareness Week, a number of States, including Oregon, Colorado, Alabama, North Carolina, Virginia, and Utah have all instituted such weeks at the State level. These are all important occasions to promote geography education and awareness in each State.

In California, the State Board of Education, after finding that students were sorely lacking in their knowledge of geography, adopted a new, statewide history-social studies framework in which geography will be studied in specific relation to the history and culture of each country, region, and period studied at each level. This is considered a potential landmark step, one that will hopefully initiate a broad movement for improving geography education throughout the country.

Mr. Speaker, we are a nation with worldwide involvements. Our global influence and responsibilities demand an understanding of the lands, languages, and cultures of the world. It is for this reason that I strongly urge my colleagues to support this resolution focusing national attention on the integral role that the knowledge of world geography plays in preparing our citizens for the future of our increasingly interdependent, interconnected world. It is my hope that again passing this resolution will be just one more step in a revitalization of the study of geography in this country. All of our citizens should have access to the type of education that will help them appreciate the great beauty and diversity of this Nation, and its place in an even more diverse world.

H.J. RES. —

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States, and could not name the New England States;

Whereas according to a recent Gallup poll, Americans ranked among the bottom third on an international test of geography knowledge, and those age eighteen to twenty-four came in last;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world; and

Whereas one-third of adult Americans can not name four of the sixteen N.A.T.O. member nations, and another one-third can not name any;

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasing interdependent and interconnected world; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 12, 1989, and ending November 18, 1989, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

CELEBRATE PRESIDENT'S WASHINGTON AND LINCOLN BY WORKING

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GUNDERSON. Mr. Speaker, the third Monday in February, the Federal observation of President's Day, would no longer be considered a legal Federal holiday, if a bill I am reintroducing today is enacted.

This legislation is being reintroduced in the 101st Congress for two reasons. First, we need to return to the true meaning of commemorative days, such as President's Day and Columbus Day, by remembering and honoring these Americans for what they contributed and meant to our country and not lessen that emphasis by giving Federal employees an extra day off. Let's face it, the true purpose behind such holidays has become a commercial heyday for retail businesses, in addition to providing 3-day weekends for Federal employees at an enormous cost to our Nation's taxpayers.

Second, the Federal Government could save at least a minimum of $43 million if just the Federal employees in Washington, DC would work on President's Day, instead of having an extra day off. The savings to the Federal Government more than doubles if all Federal employees across the United States would work on this day. These figures do not begin to take into consideration employee productivity and service to the general public.

Mr. Speaker, realizing that this will not be very popular legislation among Federal public employees, I am reminded of the thousands of State and local community employees in my home State of Wisconsin that do not have the luxury of this holiday. Let's join these other public employees, and our counterparts in the private sector that honor our Presidents by working on the third Monday in February.

The following is the text of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF HOLIDAY DESIGNATION.

Section 6103(a) of title 5, United States Code, is amended by striking the item relating to Washington's Birthday, the third Monday in February.

SEC. 2. TECHNICAL AMENDMENTS.

(a) REMOVAL OF WASHINGTON'S BIRTHDAY FROM LIST OF DAYS CONSIDERED LEGAL HOLIDAYS FOR THE PURPOSE OF EXTENDING FILING DEADLINES IN CONTESTED CONGRESSIONAL ELECTIONS.—Section 15(a) of the Federal Contested Election Act (2 U.S.C. 394(a)) is amended by striking "Washington's Birthday,".

(b) RULES OF FEDERAL COURTS AND AGENCIES.—Any provision in the rules of any Federal agency, the Bankruptcy Rules, the Federal Rules of Criminal Procedure, the Rules of the United States Tax Court, the Federal Rules of Appellate Procedure, the Federal Rules of Civil Procedure, the Rules of the United States Claims Court, or the Rules of the Court of International Trade which treats Washington's Birthday as a legal public holiday shall be of no force or effect whatever.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the first January 1 that occurs after the 1-year period following the date of the enactment of this Act.

AN OPENING IN THE CYPRUS DISPUTE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BROOMFIELD. Mr. Speaker, it has been said in recent months that peace seems to be breaking out all over. That may be something of an exaggeration, but there is no doubt that events of the last year or so demonstrate that many world leaders sense a greater urgency about resolving longstanding problems.

The Soviet pullout from Afghanistan and the recent accords in southern Africa are two examples that come readily to mind. There are other areas where peace is being given a chance, and I'd like to think that one of them is on the island of Cyprus.

On January 30, Mr. George Vassiliou, President of the Republic of Cyprus, offered Mr. Rauf Denktash, leader of the Turkish Cypriots, a number of proposals that I hope will create an opening in the search for peace. For his part, Mr. Denktash has submitted proposals from the Turkish Cypriot community.

It is hard for any American, even one versed in the history of Cypriot politics, to appreciate the complexities involved in the search for peace on that island. Today's divisions are permeated by the memory of events that took place over a period of 3,000 years.

During this period, Cyprus has been dominated by a succession of peoples: Greeks, Assyrians, Egyptians, Persians, Franks, Turks, and British. It is not hard to see why—Cyprus is situated in a crucial location between Europe and the Middle East.

Today its importance lies not only in its geographical location but in its role as a source of division between two important NATO members—both of whom are crucial to preserving NATO's southern flank. Anything that serves to divide Greece and Turkey should be of concern to all of us in the free world.

The mere fact that President Vassiliou has offered this comprehensive series of proposals speaks well of his seriousness about the importance of the peace process. It shows that he is willing to cooperate with the United Nations peace initiatives and that he is committed to a negotiated settlement of this issue.

Three specific things stand out. First, he appears to be willing to leave open the possibility of a rotating presidency. Second, he has reaffirmed a prior commitment that each province—the Greek zone and the Turkish zone—will have equal status vis-a-vis the other province. Third is his proposal to demilitarize the island. From a personal point of view, I think this would be an appropriate first step to bring about negotiations in a peaceful environment.

I am well aware that any proposals, from either side, will generate suspicion in those with a long memory and a desire to settle old scores. But I believe that the latest round of proposals offer the possibility that men of good will can find common ground, and perhaps develop the disposition to trust each other.

For too long, our Government has placed this issue on the backburner. The issue deserves far greater attention than it is getting—if only to restore to Cypriots of all persuasions the human rights and common decencies all men and women should expect. But Cyprus also has a crucial strategic importance for NATO and its defense of the western world.

This issue should not be allowed to fester. The latest round of proposals has given the issue new momentum; I urge the Bush administration to do what it can to keep the ball rolling.

IN COMMEMORATION OF SUSAN B. ANTHONY'S BIRTHDAY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to commemorate the February 15 birthday of Susan Brownell Anthony, a pioneer in the cause of women's rights and civil rights, who is most renowned for her efforts in securing women's right to vote. Though most people have heard of Susan B. Anthony, few know the extent of her tireless and unselfish efforts in pursuing the right to vote. I am very proud to represent the area where she resided most of her adult life, and I would like to share with you some of her great history.

Susan B. Anthony's efforts to promote women's rights began early in her life and never ceased. Susan, her parents and her sister attended the first women's rights conference in Seneca Falls in 1848, where she heard Elizabeth Cady Stanton speak. In 1850, she met and was influenced by Stanton, with whom she would work closely in many endeavors in the years to come. In 1852, Susan was denied the right to speak at a meeting by the Sons of Temperance in Albany, NY. As a result of this treatment, she organized the women's New York State Temperance Society, the first of its kind ever formed. In 1853, she assisted a group of Rochester, New York seamstresses in drafting a code of fair wages for women workers. Later, in New York City, she organized a working women's association which encouraged employed women to form unions to win higher wages and shorter hours.

In addition, Susan published a suffrage paper called the Revolution which advocated an "educated suffrage irrespective of sex and color" as well as equal pay for equal work, practical education for girls, the opening of new occupations for women, and more liberal divorce laws. In 1870, she began a 30-year period of almost ceaseless travel throughout the country, working for a Federal suffrage amendment. From 1892 until her retirement in 1900, she served as president of the National American Woman Suffrage Association which she helped found.

Susan B. Anthony devoted her entire life to securing the right to vote for all, and especially for women. More than any other suffrage leader, she was the victim of ridicule, often in the form of harsh and abusive newspaper attacks. Susan endured arrest and a trial in 1872 for casting a ballot in a national election. She was, however, sustained by an unshakable belief in her cause and did not stop in pursuit of her goal. As she neared the end of her life, she gained the popular respect of many, and upon her death newspapers, political leaders, and colleagues paid her high and long overdue tribute.

The 19th amendment to the Constitution securing women's right to vote was ratified in 1920, 14 years after Susan B. Anthony's death, proving her statement true that "failure is impossible." I think it is only fitting that we honor the woman who made lifelong sacrifices in order to gain the right to vote for the majority of our people.

THE RETIREMENT OF THOMAS F. COFFEY

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. THOMAS of Georiga. Mr. Speaker, I am proud to bring to the attention of the House today a special event in the life of a very special man, the Honorable Thomas F. Coffey, Jr.

Tom is the editor of the Savannah Morning News and Savannah Evening Press, the dean of the Savannah, GA, newsmen, and one of the most respected journalists in our State and region. Effective March 1 of this year, he will retire as editor of the paper after a career of more than five decades.

I bring this to the attention of the Congress in recognition of Tom's extraordinary career and also because his life as a journalist has itself been a statement about the best qualities of citizenship in the United States.

Those of us in public life are privileged to move about in many communities in our Nation, and I know that one of the things that we notice is how much better a city can be if it has the good fortune of having a fine newspaper. A newspaper can be more than a source of news, it can be a community's conscience, its watchdog, and its institutional memory. In Savannah, GA, we are privileged to have two such papers in the Savannah Morning News and Savannah Evening Press.

But a newspaper is not ink on paper. A newspaper is the men and women who give it life. A newspaper is only as good as those men and women, and it is only as strong as they are strong.

That is why the retirement of Tom Coffey is an event worthy of special notice in our Nation's Capital.

Tom entered the news business as a copy boy when he graduated from Savannah High School in 1940. He has remained in the city as a journalist since that time with the exception of distinguished service in the Army in World War II. As a combat infantryman, he was wounded in the Philippines, and after his service, he chose to come back to the city he loves, Savannah.

Tom is a man of supreme professionalism, and he could have chosen to move through the corridors of print or broadcast journalism anywhere in the Nation. But he chose to stay in Savannah and devote himself to his hometown and his people. In that role as a citizen and a journalist, he has enriched the quality of life of generations of Georgians.

Tom's pen can be a sharp one, and he has turned it on me every now and then when he thought I needed a little advice. But he has always been fair. Most of all, everything he has done in his career has reflected his fundamental love for his city and his dedication to helping make it great.

Mr. Speaker, Tom's retirement has a silver lining. He will continue to write a regular column and will devote his considerable talents to writing a book and working on community projects such as helping to compile a written history about St. Michael and All the

Angels Episcopal Church, where has has long served as a lay leader.

So on behalf of all of the people of the First Congressional District, I would like to take this moment to salute a time of passage in the career of a man who has distinguished himself as a citizen-journalist in the highest traditions of our Nation.

We are grateful for Tom's service. We are proud that he will continue to be an active part in the life of our communities in Georgia.

Most of all, we thank him for having devoted himself to his hometown. His work has made life better for a great many people. That is a testament and an achievement that we all aspire to, but few of us attain.

Mr. Speaker, I ask that we include in the CONGRESSIONAL RECORD at this point an article that appeared recently in the Savannah Morning News regarding Tom Coffey's retirement.

PAPERS' EDITOR COFFEY ANNOUNCES RETIREMENT AFTER 5-DECADE CAREER

Thomas F. Coffey Jr., editor of the Savannah Morning News and Savannah Evening Press and dean of the city's newsmen, will retire March 1.

Coffey, 65, has won numerous awards and honors for his reporting, editorials and personal columns in both print and broadcast news in Savannah during a career that has spanned five decades—including nine mayors, 10 presidents and 12 governors.

He will continue to write a column for the Morning News and Sunday News-Press.

"I've decided that it's time to move on to other pursuits," Coffey said. he said the pursuits would include travel and writing.

"I've enjoyed the opportunity I've had working here. I've said this before, but I've had a front-row seat on the passing parade of life in this part of our world."

"Tom will be sorely missed," said Don Harwood, News-Press general manager. "He has been a giant at our papers. There is no way we can replace him. We will just have to struggle on without him."

"We will indeed miss Tom," said Executive Editor Wallace M Davis Jr. "We will miss his experience and his wisdom. He has been a part of these papers for so long that it is hard to imagine them without him. He has served journalism and his community well. No newsman is more respected."

Davis said he was delighted Coffey had agreed to continue his column. The columns will resume in March, after a February vacation.

Coffey, a native of Walthourville, was named editor of the two newspapers in 1987, more than a half-century after he started out in the trade as a carrier boy for the Evening Press as an eighth-grader.

After he graduated from Savannah High School in 1940, he got a job as a Press copy boy. A year later, he moved into the newsroom as a cub reporter, hammering out obits and rewrites under the direction of then-editor John Sutlive.

During the succeeding years, he worked as sports editor for both newspapers, Press city editor and managing editor for the News and Press. He was named associate editor in 1974, a post he held until he was promoted to editor.

Coffey has been away from the papers only three times. During World War II he served in the Army as a combat infantryman and was wounded in the Philippines. In the mid-1950s, he spent 18 months in television news and sports with WSAV-TV. From 1969 until 1974, he worked in city government, including two stints as acting city manager.

He has been active in veterans, patriotic and cultural organizations in the community and is a popular public speaker at civic and fraternal events.

His first project after he steps down as editor will be to help compile a written history about St. Michael and All the Angels Episcopal Church, where he is a longtime communicant and lay reader.

He said his second writing effort will be a book "that has never been written" about Savannah, including its politics and people.

"It's not going to be a kiss-and-tell book, but it will go into some detail about what actually took place behind the scenes," he said. "I've already got a title that my good friend Arthur Gordon suggested—'Only in Savannah.'"

Among the many honors Coffey has received are Best Editorial and Best Personal Column awards from the Georgia Press Association and a citation from the Freedoms Foundation at Valley Forge for a series of columns on American Freedom in the Bicentennial Year.

He was married to the former Mary Corley, who died last July. His daughter, Mrs. Loran D. Smith Jr., and his two grandsons, live in Pooler.

A GENTLE REMINDER TO US ALL

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, as I travel through the 25 cities and towns in the Fifth Congressional District, every so often an old-timer will stop me and recant a long-remembered anecdote about former Congressman Jim Patterson. During my tenure over the last 5 years throughout the Waterbury area and the valley, story after story is told of Jim Patterson; the dignified, respected Congressman who served our district with honor and distinction. "I remember Jim Patterson * * * he helped my family with a military problem," said one. "Jim Patterson never said no to anyone, he was always there to help when the chips were down," said another.

About 1 year ago, I decided to pay a visit to Jim and Jeanne Patterson. When I arrived at their home I was met by a most friendly and cordial couple. We had planned to meet here for a short period, but ended up talking for hours and could have gone into late evening. So many questions raced through my mind. "What was Congress like 30 years ago? What were the key issues, who were the legislative leaders, et cetera?" These questions certainly did not dominate our discussion. As a matter of fact we barely discussed politics. So what did we talk about? Well, here was a tremendously successful businessman, veteran, community leader, Congressman, former drug enforcement official, and scholar-athlete who could have spent the time bragging about his own personal accomplishments. But Jim and Jeanne Patterson wanted to talk about their family, their children, their grandchildren, where they lived, what they were doing. As I recall there were at least four doctors in the family. A happy crowd of grandchildren that liked to visit and a lot of traveling by grandma and grandpa to see the kids. I watched Jim and Jeanne Patterson as their eyes swelled with pride. What a gentle reminder, at age 80, with success after success behind him, at a time when others would reflect upon their own deeds in business and government, this gentle man felt his greatest accomplishment was a good, loving family, a loving wife of many years.

Yes. A gentle reminder to us all.

Following is an editorial which appeared in the Waterbury, CN, Republican-American on February 9, 1989:

JAMES T. PATTERSON

James T. Patterson of Bethlehem escaped public notice during the past decade or more, but it was because he did not want to remain in the limelight after serving in Congress. His latest public recognition was when Republicans honored him last year for his service to the old 5th Congressional District that covered all of Litchfield County as well as Waterbury and lower valley towns.

Mr. Patterson, who died at the age of 80, was elected to Congress in 1946 and re-elected five more times. He went down to defeat at the hands of Democrat John S. Monagan in the 1958 landslide in which former Gov. Abraham A. Ribicoff was elected by a massive plurality of more than 240,000 votes. Mr. Patterson was unsuccessful two years later in a come-back attempt.

Unlike others in Congress, Representative Patterson did not become a major lobbyist but lived a quiet family life in Litchfield County.

He was never a boisterous congressman, but that didn't diminish his worth to his constituents. Whether it was solving the industrial problems of the major brass and copper manufacturers of the Naugatuck Valley or those of an individual constituent, Representative Patterson was known for his concern and service.

He won the nickname "Copper Jim" because he fought long and hard to provide adequate copper supplies at realistic prices so crucial to the industries of the valley. He was the author of the Patterson Copper Act.

His appeal cut across party lines because of his attention to the needs of so many people. As a Marine Corps veteran, he fought for benefits for all veterans. Some said there were few churches in the district that he did not visit at one time or another.

Representative Patterson served in Congress at a time when it was a much more gentlemanly career. He fit the mold of the times.

THE FUTURE OF UNITED STATES-JAPAN RELATIONS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FASCELL. Mr. Speaker, the relationship between the United States and Japan is extraordinarily important to the peoples of both countries and to Asia and the world. Despite constant communication between the two governments and numerous meetings be-

tween private citizens, there is a disturbing edge to the rhetoric hurled across the ocean in reaction to economic disputes. As the world enters a new era in which a greater sharing of responsibilities among Japan, Western Europe, the United States, and Canada will be essential, there is an urgent need to explore not only the divisive issues but those that can reinvigorate the relationship.

In August 1988, distinguished leaders from both countries candidly probed the most difficult aspects of the relationship, exploring the risks and the opportunities. They found that the crux of today's frictions—both power and burdens—presents a new challenge thus far not adequately addressed by either party. The conferees proposed a series of recommendations to head off failure in the proper management of the crucial issues, a failure that would put at risk not only United States-Japan relations, but also economic prosperity, political stability, and strategic security in Asia and in the world. The following are the conclusions of the report of the Conference co-convened by the Council on Foreign Relations and the Asia Pacific Association written by Ambassador Francis McNeil and Professor Seizaburo Sato entitled "The Future of United States-Japan Relations":

CONCLUSIONS

Neither Japan nor the United States has a viable alternative to managing our differences. Otherwise, the cost to both societies would be incalculable and produce disastrous effects upon the world economy and regional as well as global security. The optimists judge that we will have the wisdom to coordinate policies and economies. The pessimists fear we may not be up to the task. All concur in the importance of political leadership to guide us through adjustments that will take time and stress the patience of our societies.

The restoration of economic equilibrium through reduction of America's chronic budget deficit and Japan's chronic capital surplus largely depends on macroeconomic measures. These would include fiscal and monetary policies that stimulate consumption in Japan and savings in the United States, complemented by a greater opening of Japan and the enhancement of American competitiveness. Such measures, and the change of attitudes that must accompany them, will take time. In the meantime, the most urgent tasks lie in ensuring that the narrowing trend in the trade imbalance continues and in finding appropriate ways to share responsibilities and power. Just as Japan must put its capital surplus to constructive uses in the international arena (the ecnomic sinews for shared responsibilities), so must the United States support a growing leadership role for Japan in the world. Shrinking the trade gap and shifting some of the "burden" would not only spur economic progress but would reduce contention, providing a less harsh political environment for the process of adjustment to work its way through the two societies.

Essentially we agree on the need for:

More coordination of macroeconomic policies among the United States, Japan and Western Europe.

Common understandings on how to narrow the trade gap most quickly.

Common understandings with respect to trade regimes—multilateral, regional, bilateral, or some mix thereof.

More effective integration into the world economy of the rapidly developing Asian NIEs.

Workable mechanisms to reduce the burden of Third World debt and coordinated policies for economic aid—bilateral and multilateral.

Combating stereotypes (racial and otherwise) among the public and the mass media to achieve greater understanding of each other's societies, their strengths and diversities as well as their flaws.

Expansion of privately sponsored dialogue between Americans and Japanese.

We recommend in particular that the two countries:

Jointly examine priorities for sharing responsibilities and decision-making power in the world arena—economic, political and (within international and Japanese domestic constraints) security.

Expand or initiate mutual efforts with respect to the problems of aging in our societies, cancer and AIDS research and treatment, environmental protection and reduction of pollution, civil and military research and development, and narcotics suppression, particularly demand reduction and treatment of addicts.

Undertake cooperative studies on:

Reducing the trade deficit and alternative trade regimes.

Third World debt and growth.

International regulation of the securities markets.

Increase exchanges, particularly among working media and the next leadership generation, a *sine qua non* for intelligent management of the relationship in the years ahead. Among other things, exchanges should fostert Japanese understanding of the role of minorities in American culture (e.g., recent discussions with Japanese business sponsored by Congressional Black Caucus members) and American understanding of Japan's growing contribution to Third World development.

Consider possibilities for a long-term, joint public interest effort to charter research and sponsor dialogue about significant issues, global as well as bilateral, in the coming decade.

CONFERENCE PARTICIPANTS

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William E. Brock, III, President, William Brock Associates, Former U.S. Senator, Former Special Trade Representative.

Robert Matsui, Member, United States Congress.

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A TRIBUTE TO ASSEMBLYWOMAN TERESA P. HUGHES OF LOS ANGELES, CA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DYMALLY. Mr. Speaker, on Monday, November 21, 1988, the Los Angeles Unified School District unanimously approved the renaming of Bell New Elementary School No. 1, of Cudahy, CA, the "Teresa Hughes Elementary School." Although most elementary schools are named after their location, this action was taken to honor Assemblywoman Hughes for her years of hard work and dedication in the field of education.

I would like to point out that Assemblywoman Hughes' accomplishments include, but are not limited to, her instrumental role as a fierce advocate on behalf of education. Dr. Teresa P. Hughes was first elected to the assembly in a special election in 1975. She represents the 47th Assembly District which includes south central Los Angeles, and the cities of Bell, Cudahy, and Huntington Park.

As a former legislative and education consultant to the State commission on teacher credentialing and professor of education at California State University, Los Angeles, Assemblywoman Hughes' previous professional experience as a social worker, teacher, school administrator, and professor has enhanced her reputation as a pragmatic and devoted legislator. I would like to highlight just a few of her legislative accomplishments.

Assemblywoman Hughes is the successful author of legislation mandating affirmative acton reporting for California's universities, and authorizing $800 million in bond money to construct school classrooms. She was instrumental in gaining passage of the Hughes Earthquake Safety Act of 1987, which allocates State funds for the reconstruction of nonconforming school buildings; as well as legislation to create a State school of the arts. Her efforts also included work on the Hughes-Hart Education Reform Act of 1983 which funded education proposals to upgrade California's scholastic programs.

In the field of health, Assemblywoman Hughes led the fight to provide research grants for lupus disease and high blood pressure. She introduced legislation to protect physicians from civil and criminal liabilities for informing the spouse of a patient of a positive test result for the AIDS antibodies, in addition to several provisions which would finance displaced homemaker centers, and provide adequate compensation for related development disabilities work-activity programs.

In the area of public safety, Assemblywoman Hughes authored laws establishing a gang and drug prevention program in public schools, and worked toward increasing the prison terms for gang-related drive-by shootings. She provided leadership on instituting a training program for prosecutors on gang-related crimes and developing a pilot program for burglary prevention.

During her successful tenure as an elected official, she was responsible for laws to provide $100 million to construct or rehabilitate low- and moderate-income housing. Her legislative efforts included proposals to establish antiredlining home loan laws; provide adequate notices before a person loses their home due to foreclosure; and institute a replacement housing program for development agencies established before 1975.

In addition, Assemblywoman Hughes authored legislation protecting consumer interests and creating the California Museum of Afro-American History and Culture in Los Angeles, a major center of culture. She continues to serve on the board of directors of the Afro-American Museum and is on the foundation board of the Museum of Science and Industry.

Dr. Hughes is very actively involved in local, State, and community organizations. Her accomplishments include founder of Aware Women, and membership in numerous organizations which include the California State Employees Association, the California Teachers Association, the Coalition of Labor Union Women, the Democratic Women's Caucus, and Delta Sigma Theta, Inc., a public service sorority. She is on the board of directors for the local Coalition of One Hundred Black Women, the Black Agenda, and on the corporate board of Blue Shield. She serves as a member of Los Angeles Mayor Bradley's Education Committee, the board of trustees of the Los Angeles County High School for the Arts; and the Education Council of the Music Center of Los Angeles County.

As a credit to her legislative leadership role, she has been the chairwoman of the assembly Committees on Human Services and Housing and Community Development; the Subcommittee on Postsecondary Education; the California Legislative Black Caucus; and the California Women Legislators Caucus. She presently sits on the assembly Committees on Public Employees and Retirement, Housing and Community Development, and Local Government. She is chair of the assembly Committee on Education and is also a member of the State Allocation Board.

Indeed, Assemblywoman Hughes deserves our recognition and many thanks for her vigorous role as a skillful legislator whose work has benefited the people of her community, and the citizens of California. I urge my colleagues to join me in expressing our thanks and appreciation to Assemblywoman Hughes for her strong commitment and dedication to public service.

MAX ROBINSON, TELEVISION PIONEER

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FAUNTROY. Mr. Speaker, I wish to pay tribute to the life and work of Max Robinson, who died in the District of Columbia on December 20, 1988, at the age of 49.

Max Robinson, after growing up in Richmond, VA, attended Oberlin College in Ohio and Virginia Union University in Richmond, before moving to Washington to launch his television career as a floor director trainee at WTOP-TV—now WUSA-TV—in 1965.

Following a move to WRC-TV, where he became that station's first black reporter, Max Robinson began reporting the local news segment on the "Today Show."

Max Robinson returned to WTOP-TV in 1971 to join Gordon Peterson as the most respected news anchor team in the District of Columbia. In 1978, Max Robinson became the Chicago-based member of a three-man ABC network news team.

In addition to the distinguished contributions he made to television journalism and by leading the way as a popular, respected anchorman, Max Robinson found time—out of his concern for and commitment to blacks—to participate in numerous organizations, including two that he helped found: the National Association of Black Journalists and TransAfrica. Max Robinson was honored numerous occasions for his outstanding achievements as a broadcaster, including the award of an emmy in 1966 for a documentary on life in Anacostia. He also gained fame and recognition for the work he did as the key coverage person during the Hanafi hostage crisis at three buildings in Washington, DC, in 1977.

This expression of appreciation for a life that has made many contributions to the betterment of his fellowmen is but a small gesture in comparison to the achievements in his all too brief life span. As a pioneer in the television news profession, and for his many other efforts, Max Robinson has earned the lasting respect and admiration of all of us.

JEWISH HERITAGE WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GILMAN. Mr. Speaker, I am pleased once again to be the sponsor of legislation designating May 7-14, 1989 as "Jewish Heritage Week." House Joint Resolution 136, acknowledges the Jewish contribution to our Nation's heritage and culture over the years. This measure takes specific note of Israel Independence Day, which will be celebrated for the 41st time on May 10, 1989.

The months of April, May, and June mark dates of importance to the American Jewish community, among them, Passover, Holocaust Memorial Day, Jerusalem Day, and the anni-

versary of the Warsaw Ghetto Uprising. It is a time of particular reflection for the Jewish community, which notes the redemption from slavery under the Egyptian pharoahs, the immense suffering and horrors of the Holocaust, and the birth of the modern State of Israel only a few short decades ago. Jewish Heritage Week allows our Nation to acknowledge the uniqueness of Jewish culture and heritage, and those aspects which have become a part of daily life in this country.

This Nation prides itself on the rich diversity of its ethnic heritage. House Joint Resolution 136 is an important component in celebrating this rich fabric of our culture, and accordingly, I urge my colleagues to join me in cosponsorship. Adding their support as original cosponsors are Representatives SCHUMER, MORELLA, and HOYER. And, Mr. Speaker, to assist my colleagues in better understanding House Joint Resolution 136, I ask that the text of the resolution be printed at this point in the CONGRESSIONAL RECORD. I look forward to the House considering this measure in the near future, so that we can acknowledge as a body the many contributions made to society by the American Jewish community.

H.J. RES. 136

Whereas May 10, 1989 marks the forty-first anniversary of the founding of the State of Israel;

Whereas the months of April, May and June contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day.

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history and traditions of the Jewish community and the contributions of Jews to our country and society; Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 7, 1989 through May 14, 1989, is designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, State and local government agencies, and interested organizations to observe the week with appropriate ceremonies, activities and programs.

THE INTERGENERATIONAL LIBRARY LITERACY ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Ms. SNOWE. Mr. Speaker, today I am introducing the Intergenerational Library Literacy Act, that will assist libraries in addressing the problem of the growing numbers of latchkey children who are increasingly being left in libraries because of the lack of adequate day care.

As you know, many working families are struggling to find adequate, affordable day care for their children. With the average cost of care totaling $3,000 per child, in addition to the fact that there are not enough day care slots, finding quality care can be an impossible task. Currently, 2.1 million children, ages 5 to 13 years, regularly spend some period of time without adult supervision after school.

Libraries, since the turn of the century, have made a commitment to serving the needs of children. Nothing, however, has prepared libraries to deal with the deluge of unsupervised children who, on a regular basis, are spending extended periods of time in the library because of a lack of day care.

A study conducted by the American Library Association in May 1988, indicates that what to do with and about library latchkey children has become one of the most rapidly developing public library policy arenas. For example, the Brooklyn Public Library has 100 or more unattended children a day; and in Los Angeles County a 1985 survey found about 2,000 children a day whose parents used the libraries as an after school center. In places as disparate as Illinois, Texas, and Oregon, librarians are trying to cope with a problem that is really a community problem—how shall we care for our children and who shall be responsible.

The Intergenerational Library Literacy act will amend title VI of the Library Services and Construction Act to permit libraries to apply for grant of up to $40,000 when establishing these intergenerational programs. This is larger than the amount currently available to libraries applying for title VI funds. These funds will be spent to establish demonstration programs that will match older volunteers with libraries interested in developing after school literacy and reading skills programs for latchkey children. Additionally, older volunteers, through program and example, will stress positive images of aging.

In order to provide a core of volunteers upon which libraries may rely, this bill will also amend the Domestic Service Volunteer Act to establish intergenerational library literacy programs as "programs of national significance." This will permit the Retired Service Volunteer Program to better target its resources at intergenerational library programs.

At present, library staff time is increasingly being spent in ensuring that latchkey children are not disturbing other patrons or damaging library property, leaving staff less time to devote toward normal duties. With the advent of the Intergenerational Library Literacy Act, libraries will be able to address this problem while joining the two generations in innovative programs which combine a variety of community resources.

Today, both Federal agencies and nonprofit organizations sponsor older volunteer programs. ACTION programs such as the Retired Senior Volunteer Program [RSVP] and organizations such as the American Association of Retired Persons [AARP] provide volunteers in a variety of settings.

As the population ages, there will continue to be an increasingly large number of older adults who seek meaningful opportunities for contributing to society outside of paid employment. Older volunteers bring with them a lifetime of experience which many are eager to share. The natural affinity between the oldest and the youngest generations, as described by researchers, provides a supportive environment in which both groups thrive. Older adults find fulfillment in sharing their skills and many young children have the opportunity to relate to a surrogate grandparent who embodies the positive aspects of aging.

This intergenerational approach to latchkey children in libraries will permit these older adults to contribute their vast knowledge in assisting a new generation of citizens grow and develop as literate, informed adults.

The text of the Intergenerational Library Literacy Act follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intergenerational Library Literacy Act".

SEC. 2. INTERGENERATIONAL LIBRARY LITERACY DEMONSTRATION GRANTS.

Title VI of the Library Services and Construction Act (20 U.S.C. 375) is amended by adding at the end the following new section:

"INTERGENERATIONAL LIBRARY LITERACY DEMONSTRATION GRANTS

"SEC. 602. (a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary may make grants to local public libraries to establish demonstration projects to provide intergenerational library literacy programs for school children during afterschool hours.

"(2) LIMITATION ON AMOUNT OF GRANT.—The aggregate amount of grants under this section to a local public library may not exceed $40,000.

"(3) INELIGIBILITY OF LIBRARIES RECEIVING GRANTS UNDER SECTION 601.—The Secretary may not make a grant to a local public library under this section in any fiscal year in which the library has received a grant under section 601.

"(b) REQUIREMENTS OF DEMONSTRATION PROJECTS.—Each local public library that receives a grant under this section shall establish a demonstration project as follows:

"(1) NEW PROGRAMS.—The local public library shall use funds from a grant made under this section only to establish and administer new intergenerational library literacy programs and may not use the funds to assist or expand similar ongoing programs relating to literacy.

"(2) MULTIPLE LOCATIONS.—The local public library shall, to the extent possible, provide intergenerational library literacy programs in a variety of locations throughout the area served by the library.

"(3) AFTER SCHOOL HOURS.—The local public library shall provide intergenerational library literacy programs only during afterschool hours.

"(4) OLDER ADULT VOLUNTEERS.—In the provision of intergenerational library literacy programs, the local public library shall utilize older adult volunteers and older adult volunteer programs and may utilize other community volunteer resources.

"(5) OLDER ADULT ROLE MODELS.—In the provision intergenerational library literacy programs, the local public library shall emphasis and provide examples of positive older adult role models (by example and through the provision of information) for the participating children.

"(6) 1-YEAR DURATION.—The local public library shall design and organize the demonstration project so that any funds received from any grant under this section are expended not later than the expiration of the 1-year period beginning on the date that the

library first receives funds from a grant under this section.

"(7) EVAULATION AND REPORT.—The local public library shall conduct an evaluation regarding the demonstration project established pursuant to a grant under this section and the effect of the intergenerational library literacy programs on the participating children, and shall submit to the Secretary, not later than 18 months after the library first receives funds from a grant under this section, a report regarding the evaluation.

"(c) APPLICATION AND SELECTION OF GRANT RECIPIENTS.—

"(1) APPLICATION.—To receive a grant under this section, a local public library shall submit an appication as the Secretary may require, which shall include the following:

"(A) CERTIFICATION OF FULFILLMENT OF REQUIREMENTS OF DEMONSTRATION PROJECT.—Certification that the local public library will fulfill the requirements of subsection (b).

"(B) DESCRIPTION OF PROGRAMS.—A description of the intergenerational library literacy programs to be established and administered under the demonstration project.

"(c) DEMONSTRATION OF NEED.—A statement demonstrating the presence in the area served by the local public library of unsupervised school children who would benefit from a literacy program and interaction with older adults.

"(2) SELECTION.—

"(A) IN GENERAL.—The Secretary shall select local public libraries to receive grants under this section from libraries that have applied under paragraph (1), and may select only libraries that meet the criteria for selection established under subparagraph (B).

"(B) CRITERIA FOR SELECTION.—

"(i) ESTABLISHMENT.—The Secretary shall establish criteria for the selection of local public libraries to receive grants under this section.

"(ii) PREFERENCE FOR LIBRARIES USING GRANTS TO ESTABLISH ONGOING PROGRAMS.—The criteria established under clause (i) shall require that, in making grants under this section, the Secretary shall give preference to any local public library that includes in the application under paragraph (1) a plan for the continued operation of the intergenerational library literacy programs after the time at which the funds received by the library from grants under this section have been expended.

"(d) REPORTS.—Not later than the expiration of the 3-year period beginning on the date that the Secretary first makes a grant under this section, the Secretary shall submit to the Congress a report setting forth the findings and conclusions of the Secretary regarding the demonstration projects established with grants made under this section. The report shall include any recommendations of the Secretary regarding the establishment of a permanent program to develop intergenerational library literacy programs in local public libraries.

"(e) DEFINITIONS.—For purposes of this section:

"(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means a project established and administered by a local public library under subsection (b) that consists of intergenerational library literacy programs.

"(2) INTERGENERATIONAL LIBRARY LITERACY PROGRAM.—The term 'intergenerational library literacy program' means a program using older adults to increase literacy, improve reading skills, or encourage reading for unsupervised school children, established under subsection (b).

"(3) OLDER ADULT.—The term 'older adult' means any individual who is 60 years of age or older.

"(4) SCHOOL CHILDREN.—The term 'school children' means children who are of the ages appropriate for or attend school in a grade not higher than 12.

"(f) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section.".

SEC. 3. AMENDMENTS TO STATE AND LOCAL LIBRARY GRANTS PROGRAM.

"(a) INELIGIBILITY OF LOCAL PUBLIC LIBRARIES RECEIVING GRANTS UNDER SECTION 602.—Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended by adding at the end the following new subsection:

"(f) The Secretary may not make a grant to a local public library under this section in any fiscal year in which the library has received a grant under section 602.".

"(b) CONFORMING AMENDMENTS.—Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended—

(1) by striking "title" each place it appears and inserting "section"; and

(2) in subsection (c), by inserting "under this section" after "libraries".

SEC. 4. PROGRAMS OF NATIONAL SIGNIFICANCE UNDER RETIRED SENIOR VOLUNTEERS PROGRAM.

(a) IN GENERAL.—Part A of title II of the Domestic Voluteer Service Act of 1973 (42 U.S.C. 5001 et seq.) is amended by adding at the end the following new section:

"PROGRAMS OF NATIONAL SIGNIFICANCE

"SEC. 202. In making grants under section 201 and determining the amount of the grants, the Director shall give priority to programs of national significance, such as volunteer programs in libraries during afterschool hours to provide literacy and reading skills training for children whose parents are not at home during afterschool hours.".

"(b) CONFORMING AMENDMENT.—The table of contents in the 1st section of the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4950 prec.) is amended by inserting after the item relating to section 201 the following new item:

"Sec. 202. Programs of national significance.".

SALUTE TO JOSEPH AND RACHAEL PIETRUSZKA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BERMAN. Mr. Speaker, it is an honor to rise today and ask my colleagues to join me in saluting a special and highly respected couple, Joseph and Rachael Pietruszka, who will be recognized by Chabad of the Valley for their dedicated leadership in the Jewish community.

Joseph and Rachael were both born, raised, and educated in Poland and are survivors of the Holocaust. In the early 1940's, the young couple emigrated with their son to the United States. They presently reside in New York where they enjoy a full and productive life and are an inspiration to all those privileged to know them.

Joseph and Rachael Pietruszka are well known for their kind and thoughtful ways. Their exemplary leadership in humanitarian endeavors are characterized by a strong sense of idealism. Their religious commitment, visionary judgment, and selflessness are an example to all those around them. Throughout their lives, Joseph and Rachael have always given freely of their time and energy to a multitude of worthy endeavors.

Joseph and Rachael are hard-working members of the community. They have witnessed history unfold and have never lost sight of the ideals and values for which this Nation stands. Their pleasant personalities and ready willingness to be helpful to others has endeared them to both family and friends.

I am proud to give recognition to this outstanding couple, and I invite my colleagues to share in this expression of gratitude to Joseph and Rachael Pietruszka.

WOMEN'S RIGHTS REMEMBERED ON 25TH ANNIVERSARY OF THE CIVIL RIGHTS ACT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BROOMFIELD. Mr. Speaker, tomorrow will mark the historic 25th anniversary of passage of the Civil Rights Act. I want to take this opportunity to honor a very special Michigan legislator who was instrumental in bringing women's rights into the language of the Civil Rights Act, and to the forefront of our national consciousness.

Michigan's Lt. Gov. Martha W. Griffiths, and I first served together in the State legislature in the early fifties and then in the House of Representatives from 1955 until 1974. Through her tireless work and perseverance she was responsible for the adoption of an amendment to the Civil Rights Act which included women under its many provisions.

We often take the guarantees of this act for granted. However, this was not the case in 1964. The battle for passage was long and difficult and met with fierce opposition. Today, the act enriches the lives of all Americans, its sense of fair play and equality of opportunity reinforces the freedom this country was founded upon. Through her insistence, women's rights were made a part of the Civil Rights Act.

Mr. Speaker, her leadership and vision earned the respect of her colleagues on both sides of the aisle. Today Martha continues to serve the citizens of Michigan with this same kind of dedication.

Congratulations to you Martha and to all Americans on the first 25 years of protection under the Civil Rights Act.

ADEQUATE FUNDING FOR THE NEW DEPARTMENT OF VETERANS' AFFAIRS

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. HOLLOWAY. Mr. Speaker, I rise in support of more money for the budget for the new Department of Veterans' Affairs. Without additional funds, we will not be able to provide for adequate health care and other essential services for this Nation's 27.3 million veterans.

There are 432,000 veterans living in the State of Louisiana, 157,000 are older veterans and another 61,000 are in their midfifties. It is critical that these faithful and loyal Americans be recognized, appreciated and assisted in their time of advanced age and infirmities. As a grateful and understanding nation, we must be sure to provide truly sufficient health care and services to these veterans.

There are other factors that this grossly inadequate budget will affect: the regional offices operations, shortages in manpower are causing claim backlogs. The construction of VA medical facilities will also be affected; there is not enough money to staff and equip newly built facilities. Facilities over 35 years old need renovations and repairs. All in all, we need to provide more money to provide needed services. It is not too much to ask that a grateful nation provide decent and safe facilities for the brave Americans who left behind their families and risked their lives to serve their Nation.

The price of freedom is not cheap. The cost of veterans' benefits is the direct result of the cost of war and the cost of defense in peacetime. Our Nation must be willing to recognize the needs of our older and infirm veterans who fought so long and valiantly to keep peace in America. I am in support of increased funding for our new Department of Veterans' Affairs and I am glad to speak in behalf of legislative efforts to that end.

BAN NUCLEAR POWER IN EARTH ORBIT ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BROWN of California. Mr. Speaker, today I am introducing legislation aimed at achieving a United States-Soviet ban on the use of nuclear power in Earth orbit. For environmental and national security reasons, I believe the time has come to curb all notions of surrounding our globe with nuclear reactors.

Although I support the continued use of nuclear power for deep space science missions, nuclear reactors in Earth orbit are a different matter. Military missions of dubious merit are the driving force behind proposals to use nuclear-powered satellites. The Strategic Defense Initiative Program, for instance, could involve as many as 100 nuclear reactors in orbit. Curbing the power source for provocative military spacecraft would play an important role in helping prevent a United States-Soviet arms race in space.

There are strong environmental and safety reasons for blocking the use of nuclear reactors in Earth orbit. Nuclear-power spacecraft have had a deeply troubled history, with nearly 15 percent of all missions suffering accidents or failures of some form. For example, a Soviet nuclear-powered spacecraft reentered the Earth's atmosphere in 1978, spreading radioactive debris across 40,000 square miles of tundra in northern Canada. My legislation would help make sure that such an accident never be repeated.

Some Pentagon officials claim that nuclear power is essential for their space activities. For example, Richard Verga, who is in charge of developing power sources for the SDI Program, recently said that space nuclear reactors would be "survivable, compact, lightweight and affordable," making them "an ideal technology" for space weapons and advanced military satellites. An article in today's New York Times, however, casts doubts on these claims. According to the story, a recent internal audit of the principal U.S. space nuclear reactor program found that the design of that system has an "extremely high risk" of failure, that its weight is "out of control," that it has little chance of being survivable against attack, and could cost as much as $1.8 billion. For the interest of my colleagues, I recommend that they read the article in today's New York Times.

For a full description of my arguments in support of a ban on nuclear reactors in Earth orbit, I am providing below the text of a speech I delivered last month before an audience of space nuclear reactor scientists in Albuquerque, NM.

Joining me today as original cosponsors of the Ban Nuclear Power in Earth Orbit Act are my colleagues: MORRIS UDALL, JAMES SCHEUER, LES AUCOIN, JAMES OLIN, EDWARD MARKEY, DOUG WALGREN, THOMAS FOGLIETTA, and GEORGE HOCHBRUECKNER. I encourage others to cosponsor this important legislation.

[From the New York Times, Feb. 9, 1989]

AUDIT CITES FLAWS IN PROGRAM FOR NUCLEAR REACTOR IN SPACE

(By William J. Broad)

The Federal Government's main program to fashion a nuclear reactor for use in outer space is seriously flawed and in danger of failing, according to a Government audit made public yesterday.

The audit found that the current design for the spaced reactor lacks key data on its technical feasibility and would produce a device too heavy to easily be lifted into space and too fragile for use by the military.

The current design has an "extremely high risk" of failure, the auditors found, concluding that "this power plant will not achieve its objectives."

The audit was the first sign of technical questions about the program, which has long been publicly criticized as threatening to rain nuclear debris on the Earth.

RELEASED BY ADVOCACY GROUP

The report, completed last year, was made public by the Committee to Bridge the Gap, a private group based in Los Angeles that opposes the placing of nuclear reactors in orbit. The group's director, Steven Aftergood, said he obtained the report from sources in the reactor program.

Reactor program officials responded that some of the criticisms were well-founded and that some corrective actions had been taken.

The prototype space reactor, known as the SP-100, is meant to generate 100 kilowatts of electricity and to be small enough to fit in the space shuttle.

According to the General Accounting Office, the investigative arm of Congress, the project could cost as much as $1.8 billion. Under joint development by National Aeronautics and Space Administration, the Department of Energy and the Department of Defense, the reactor is to be built by the General Electric Company and first launched into orbit in the mid-1990's.

Although no Federal agency has yet said it wants to use the reactor, its designers say it could have a variety of civilian and military functions, including powering bases on the Moon and Mars as well as space sensors and weapons.

The audit was conducted by 10 reactor experts from the Air Force, the Los Alamos and Oak Ridge National Laboratories and other research establishments. The team was headed by Glenn E. Cunningham of the NASA Jet Propulsion Laboratory in Pasadena, Calif.

On June 28 last year, a 37-page report of the audit was sent to Dr. Vincent C. Truscello of the Jet Propulsion Laboratory, who directs technical aspects of the reactor project.

The audit team said engineers were extrapolating far beyond available data and as a result, "the entire program has extremely high risk."

VULNERABILITY CITED

In addition, the team called the reactor's weight "out of control," estimating it at six tons rather than the 3.3 tons in the original specifications.

Finally, the team said the reactor's use by the military "has been precluded" since the device has little built-in protection from attack.

Dr. Truscello said in a telephone interview that his design group had acted on most of the important criticisms. He said he strongly disagreed that the design was flawed because of lack of data. He agreed, however, that the reactor was too heavy and said that the audit triggered a re-evaluation that brought the weight down to 4.2 tons.

NUCLEAR POWER IN SPACE: BALANCING THE RISKS AND BENEFITS

(By Congressman George E. Brown, Jr.)

Good morning, and thank you for inviting me to speak at your annual conference on space nuclear power systems. I note that most of your deliberations during the next few days will be extremely technical in nature. Discussions on power conversion systems, advanced materials, and reactor shielding requirements would seem to be the tough topics to be addressed at this conference, while this morning's remarks from politicians would appear to most observers to be the easy agenda items. But let me remind you of Albert Einstein's quote that "Politics is harder than physics." In the field of space nuclear power, this may well turn out to be the case. Solving the policy issues relating to the future uses of nuclear power in space could well be a more difficult task than actually developing a new nuclear reactor for space applications.

As some of you may know, my academic background was in engineering. As a result, I have a reasonable degree of insight into the challenges that each of you face in the course of your work to design, develop and operate space nuclear power systems. The obstacles before you are difficult ones, but they are tangible. You know the specifications of what you are working on. You can measure concrete parameters during experimentation. Your path is a clear one of formulas and persistence.

The political context of your work, however, is much murkier. The debate that has surfaced concerning future applications of space nuclear power is based on varying perceptions of acceptable risk, on differing opinions about federal spending priorities, and on personal views concerning U.S.-Soviet relations. Such factors cannot be easily quantified. But in some fashion, the differing views on this topic—and all other topics within the political realm—must be weighed. Our instruments for doing so may seem crude at times—we rarely use carefully calibrated balances of micrometers to measure political views in the Halls of Congress—but such is the nature of representative democracy.

I am glad to have this opportunity to provide my general views on space nuclear power, and to discuss the specific reasons why I introduced legislation last September to ban the use of nuclear reactors in Earth orbit.

As a starting point, let me share my whole-hearted enthusiasm for the tremendous accomplishments that have been made as a result of space nuclear power. During the past 20 years, radioisotope thermoelectric generators (RTGs) have served as invaluable keys to the engine of our space science and exploration program. The Apollo effort could not have been the smashing success that it was without the use of RTGs as power sources on the surface of the Moon.

Similarly, without RTGs, we may never have seen the likes of the incredible images sent back from the Viking rovers on Mars, or from Voyager 2 as it made its closest approach to Uranus in January 1986, nearly 1.8 billion miles away. Those surprising photos have revolutionized our understanding of those planets, and yet there is more to come. Voyager 2 will capture the world's attention once again later this year, with its expected rendezvous with Neptune.

The Pioneer-10 and -11 probes, each with RTGs aboard, have now left the Solar System and are serving as our emissaries in the Universe beyond. We have sent these spacecraft on an incredible voyage, the true significance of which we may never know. And we could not have accomplished this task without the use of the nuclear power systems engineered by you and your colleagues. From the present vantage of these distant space probes, our Sun appears as but a faint star, far too weak to generate a photovoltaic current.

With the launch of the Galileo spacecraft later this year, and the Ulysses probe next year, you will have further reason to celebrate. I am confident that these missions will contribute greatly to our understanding of the planet Jupiter and the Sun.

Space nuclear power has enabled us to go where no man has gone before. It has revealed sights that Galileo, Copernicus, or Ptolemy could never have imagined. This is the essence of science. This is the lure of space.

Having heralded the benefits of space nuclear power, let me now discuss my reservations about space nuclear power—specifically, my concerns about its use in Earth orbit. These concerns have led me, with a host of my colleagues, to introduce legislation to ban the use of nuclear power in Earth orbit.

History has shown how difficult it is to launch and maintain nuclear-powered satellites in Earth orbit. Over the past 30 years, the United States and the Soviet Union have launched more than 60 spacecraft with nuclear power sources on board. Approximately 15 percent of these missions have suffered some form of failure or accident, some of which have resulted in significant releases of radioactivity into the environment.

Since most of you are familiar with these accidents, I will review them only briefly. In April 1964, a U.S. navigation satellite fueled with a plutonium power source failed to reach orbit and blew apart, releasing 17,000 Curies of plutonium-238 into the atmosphere. In January 1978, a Soviet spacecraft with a nuclear reactor on board reentered the Earth's atmosphere, spreading radioactive debris across nearly 40,000 square miles of northwest Canada. In 1983, and again last summer, the Soviet Union lost control of a nuclear-powered satellite. Fortunately, these two failures ended without incident.

Following the 1978 accidental reentry and crash landing in Canada, then-Secretary of Energy James Schlesinger pointed to the "serious risks" of space nuclear power and said that it was "inappropriate to have nuclear reactors orbiting the Earth." That same year, President Carter sought an international ban on nuclear power sources in Earth orbit.

In my opinion, there should be a ban on the use of nuclear power sources in Earth orbit, not only for environmental and safety reasons, but also for national security reasons.

At the present time, the Soviet Union is the only nation actively using nuclear reactors in Earth orbit. It does so to power radar ocean reconnaissance satellites (RORSATs), used to target naval vessels. Many U.S. military officials have argued that the U.S. needs to launch a multi-billion dollar antisatellite (ASAT) weapons program with the potential to shoot down these RORSATs. A better approach, in my mind, would be to reduce the RORSAT threat by getting the Soviets to abandon that program.

Soviet scientists, including Dr. Roald Sagdeev, and advisor to General Secretary Gorbachev, have endorsed a ban on nuclear power sources in Earth orbit. My legislation, which I will discuss in a moment, would help determine whether the Soviets are really serious about abandoning RORSATs.

I have long been a critic of anti-satellite weapons development. I am convinced that U.S. national security would suffer in the event of a U.S.-Soviet ASAT arms race. The United States is enormously dependent on military satellites for communications, early warning, navigation, and intelligence gathering. We are far more dependent upon military satellites than the Soviet Union is—in part due to geography, since likely points of U.S.-Soviet conflict are on the Soviet Union's periphery, and in part due to technology, since we have done a better job of exploiting the military opportunities afforded by satellites.

At the present time, neither the United States nor the Soviet Union has a sophisticated and reliable means of disabling military satellites. And that is as it should be. It would make all the sense in the world to negotiate an ASAT Limitation Treaty to preserve this situation. But instead, the Pentagon is expected to announce sometime soon the initiation of a new U.S. ASAT program, which it will argue is critical in order to shoot down RORSATs. And efforts by the U.S. to put weapons into space will provide a similar stimulus to Soviet ASAT efforts.

From what I have seen, in briefings by industry and in presentations by NASA, the Department of Energy, and the Department of Defense, the vast majority of proposed missions for nuclear power in Earth orbit are military ones—and provocative ones at that. The concentrated power provided by the controlled fission of uranium is viewed as an "enabling technology," one that could make it possible to operate large-scale weapons in orbit around the Earth, in addition to powering other components of a space-based missile defense system.

I'll tell you right up front that I am opposed to the deployment of weapons in space. At a time when the world is faced with unprecedented human suffering and the prospect of global environmental crises, when our nation is overwhelmed with the crime and corruption caused by illegal drugs, and when we have mounted up enough debt to bankrupt the nation's economy for generations to come, I can think of no greater folly than a dangerous and costly U.S.-Soviet competition in space weaponry.

According to the American Physical Society's 1987 report on directed energy weapons, the Strategic Defense Initiative program could require "perhaps a hundred or more" nuclear reactors in space. These reactors would be used initially for targeting and tracking, battle station "housekeeping," and orbital maneuvering. More advanced reactors would provide the megawatts of burst power needed for lasers and other futuristic weapons.

Such a proposal would increase by many orders of magnitude the risks associated with space nuclear power. A single SP-100 reactor—the type being eyed by the SDI program—could have several hundred times the quantity of long-lived radioisotopes as does a single RORSAT. A deployed space-based defense could increase by tens of thousands, to hundreds of thousands, the amount of radioactive, bomb-grade uranium circling the globe. Add to this a deployed Soviet space-based defense, fueled as well with nuclear reactors, and I shudder to think of the consequences of an accident.

Chernobyls in space. You may not like to hear this phrase, but it is one that comes to the minds of many who cannot erase thoughts of Chernobyl, the Challenger Accident, Three Mile Island, or Bhophal. None of these accidents were supposed to happen, yet all of them did. Assurances about putting space nuclear reactors into "safe orbits" can only go so far. Accidents do happen.

But my concern about a space-based defense goes further, to the impact it would have on the character of near-Earth space. If the United States deploys hundreds of weapons in space, including 100 or more nuclear reactors to power them, you can be sure that the Soviets will eventually do something similar. As a result, the envelope of space surrounding our planet would be transformed into a battleground for military conflict. This would be a travesty. Space should be explored for the common good of all mankind, and not turned into yet another stage for nationalistic rivalry.

One of the conclusions of the Office of Technology Assessment's report last year on the SDI was that, "in the absence of arms

control agreements to the contrary, we should expect from the beginning of [missile defense] space deployments an intense competition between the superpowers for control of near-Earth space."

Each U.S. deployment would invite a Soviet response; each Soviet response would prompt a U.S. counter. This measure-for-measure competition would bring a host of risks. Space would become a hostile arena. The weapons would be targeted against each other, as well as against military satellites of all kinds. Our nation's command, control, and intelligence satellites would become vulnerable to attack as never before. And for what purpose? so that we can further "complicate Soviet attack plans"? That is the avowed goal of the SDI these days. But let's be realistic. We don't need hundreds of space-based battle stations to further deter the Soviet Union from initiating World War III. We're just saying that we do, for lack of any other justification for a space-based defense.

Now, I am sure there are some in this room who are convinced that we could outsmart the Soviets at each turn as we proceeded with the proposed Phase I of a Strategic Defense System, and with each subsequent phase. Our satellites would be made more survivable, our lasers quicker to the draw, our kinetic kill vehicles faster out of the chute, our sensor systems better at tracking and assessing the ongoing space battle. And with this edge, some would argue, we would be prepared to fight—and to win—any conflict that might develop.

What I am telling you is that the world is tired of this sort of thinking. The Cold War has raged for too long. It has drained the coffers of the Soviet Union, leaving their economy in a shambles. And it has diverted our own energy and resources from major problems that are corroding our quality of life—problems such as environmental decay, foreign economic competition, illegal drug use, and inadequate schools. Secretary General Gorbachev has taken some important steps toward reducing the military tensions between the United States and the Soviet Union. Cautiously, but aggressively, we should keep pushing him to take further steps.

My proposed ban on nuclear power in Earth orbit is designed to move the Soviets a bit further down this new path they have chosen. The central provision of the bill is aimed at establishing a U.S.-Soviet moratorium on the use of nuclear power in Earth orbit, and would only take place if the Soviet Union took the first step by ending its RORSAT program. Specifically, the bill calls on the President of the United States to urge the Soviet Union to end the use of nuclear power in Earth orbit. If the Soviet Union responds with an announcement that it will abandon the use of nuclear power in Earth orbit, then the United States would be prohibited from launching spacecraft into orbit with nuclear power sources on board. This prohibition would cease if the President certified to Congress that the Soviet Union had violated its declared policy to halt the use of nuclear powered satellites.

To promote an enduring and permanent prohibition, the bill calls upon the United States to initiate negotiations with the Soviet Union on the subject of space nuclear power. The goal of these talks would be an agreement specifying what, if any, exemptions might be made for short-duration orbital tests of nuclear power sources for civilian applications. It seems prudent to me that any agreement should have a 15-year duration, at which time it would be subject to review.

Such a ban could be easily verified, given the strong gamma and infrared signals emitted by space reactors. Earth-based sensors can also detect with ease the distinctive physical design of space nuclear reactors, comprised of radiator panels and a shielding system to protect on-board electronic systems.

The final section of my legislation states that nothing in the bill shall prohibit the use of nuclear power sources for deep space scientific and exploration missions or for a Moon base. As I said earlier, the use of RTGs for unmanned probes and for lunar missions has provided a marvelous contribution to space science. The Voyager, Viking and Pioneer probes stand out as some of the true scientific accomplishments of this century.

In last year's version of the bill, I included a provision aimed at encouraging a transition away from plutonium-fueled RTGs for deep space science, and toward uranium-fueled reactors for such missions. In this year's legislation, however, I intend to drop that provision. It is clear to me now that the benefits of RTGs far outweigh their risks, and that extraordinary precautions have been taken to ensure their safe use.

If adopted, this legislation could lead to the end of the RORSAT program, which would diminish current concerns about the military and environmental risks of those satellites. This would help reduce the perceived need in some U.S. military circles to embark on a multi-billion dollar anti-satellite weapons program. The bill could eliminate the prospect of an accident involving the reentry of a nuclear-powered satellite. And, it would further erode momentum to build an array of gold-plated space weapons that would add nothing to our sense of national security.

Some have viewed my bill as an attempt to kill the SP-100 program. It is not. I support continued work on the SP-100. However, I think its schedule for development should be paced to meet specific civilian applications, and should not be artificially propelled by unwarranted enthusiasm to build a space-based defense.

I feel that there would be no harmful impact on the nation's civilian space program if my bill were adopted, since it would do nothing to impede the use of nuclear power for a Moon base or for assisting with a manned mission to Mars, and because proposals for the civilian use of nuclear power in Earth orbit are either too speculative to be of interest to me or not worth having if the only way to get them is through a Faustian bargain that includes space weapons.

I want this nation to have the best civilian space program possible. I will be working to ensure funding this year for the Comet Rendezvous and Asteroid Flyby/Cassini mission. During the coming decades, we should send landers, rovers, and sample return missions to all of the major planetary bodies in the Solar System. We should use the Hubble Telescope as simply the beginning of a series of great orbiting observatories, looking to the farthest reaches of the universe. We should also provide full funding for Mission to Planet Earth, to study the changes humans are making on the climate and resources of our beautiful, yet vulnerable planet. A planet that, in my humble opinion, should not be enveloped with radioactive satellites or with orbiting battle stations.

THE HANDGUN VIOLENCE PREVENTION ACT

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. YATES. Mr. Speaker, cheap, easily obtained, dangerous handguns are a serious and unncessary threat to everyone. The Handgun Violence Prevention Act, which I am delighted to cosponsor, is a reasonable and practical way to help end the spread of these Saturday night specials. These are the guns that community leaders and police officials recognize as the easily concealed, portable menaces that produce death and tragedy on a daily basis all across this country. Reason and common sense tell us that we must stop the acquisition of the new Saturday night specials and the legal transfer of these killers. This legislation will accomplish that and I hope that my colleagues will support the effort to make this bill law during this session. It would be one of the best things we could do for the country and our constituents.

STRENGTHENING THE NATION'S SCIENTIFIC BASE: CONGRESSIONAL SCHOLARSHIPS FOR SCIENCE, MATH, AND ENGINEERING

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. WALGREN. Mr. Speaker, on behalf of a bipartisan group of 27 members of the Science, Space, and Technology Committee including Chairman ROE, I am introducing the Congressional Scholarships for Science, Mathematics, and Engineering Act.

We all know our science education system is critical to all our future—and that it is in real trouble. There is good reason that blue-ribbon national commissions title their reports on the U.S. educational system as "A Nation at Risk." Just last month, tests comparing American science students with students abroad confirmed any doubt about where we are. As the headline from the Washington Post said: "Survey of Math, Science Skills Puts U.S. Students at Bottom." This survey, funded by our National Science Foundation and the U.S. Department of Education shows American 13-year-olds scoring at the bottom, behind Spain and South Korea.

INTEREST IN SCIENCE DECLINING

We cannot take our supply of scientific talent for granted. Fewer students are choosing to study science and math. From 1966 to 1987, college freshmen planning to major in biological sciences, engineering, physical sciences, and mathematics fell from 21 to 14 percent. Interest in mathematics dropped by more than four-fifths, from 4.5 to 0.6 percent. Freshmen selecting engineering careers dropped by more than one-fourth, from 12 to 8.5 percent between 1982 and 1987. Although degrees in computer sciences are on the in-

crease, baccalaureate degrees in math, science, physics, and biology are declining.

At the same time, foreign nations are succeeding dramatically in science education. The Soviet Union is presently training four times as many engineers each year as America. For each 100 students in their population, Japan is now training twice as many engineers as the United States.

It is particularly important to develop more role models for women. Women now receive 38 percent of the total science-related undergraduate degrees. But these are concentrated largely in the social and life sciences. In recent years, the share of undergraduate science and engineering degrees obtained by women has shown no increase. And in engineering, computer, physical, and sciences, the number of women receiving degrees is actually declining. We cannot succeed in fulfilling our national requirements for scientists and engineers if we fail to attract half the available talent pool.

THE CONGRESSIONAL SCHOLARSHIPS BILL

Under this bill, the National Science Foundation would establish an annual merit-based competition for selecting one young man and young woman from each congressional district to receive a 4-year scholarship to pursue undergraduate education in science, mathematics, or engineering. NSF would establish broad-based, local committees of educators, scientists, mathematicians, and engineers to submit nominees for these national awards. Students would be selected on the basis of their potential to excel and their motivation to pursue a career in science, math, or engineering fields. Scholarships would be up to $5,000 per year and be used for tuition, fees, and room and board expenses.

Because of their broad geographic distribution, CASE scholarships would serve as highly visible role models for all high school students and symbolize the national stake in science and engineering.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Scholarships for Science, Mathematics, and Engineering Act".

SEC. 2. PURPOSES.

It is the purpose of this Act—

(1) to strengthen the United States science, mathematics, and engineering base by offering opportunities to pursue postsecondary education in science, mathematics, and engineering;

(2) to encourage role models in scientific, mathematics, and engineering fields for young people; and

(3) to strengthen the United States scientific, mathematics, and engineering potential by encouraging equal participation of women with men in scientific, mathematics, and engineering fields.

SEC. 3. CONGRESSIONAL SCHOLARSHIPS FOR SCIENCE, MATHEMATICS, AND ENGINEERING.

(a) ESTABLISHMENT OF PROGRAM.—The Director of the National Science Foundation (hereafter in this Act referred to as the "Director") shall establish and implement a competitive, merit-based program for selecting one male and one female from each congressional district of the United States each year to receive a four-year Congressional Scholarship for Science, Mathematics, and Engineering.

(b) NOTIFICATION OF SECONDARY SCHOOLS.—The Director shall notify all public and private secondary schools and all institutions of higher education in the United States annually of the availability of scholarships under this Act.

(c) NOMINATING COMMITTEES.—The Director shall establish for each congressional district, or, to the extent a contiguous group of congressional districts reflects a geographic region similar in demographics, geography, and economic status and activity, for each such group of congressional districts, a broad-based committee of educators, scientists, mathematicians, and engineers who shall submit to the Director nominations of one male and one female from each congressional district for scholarships under this Act. The membership of each committee shall reflect geographic distribution within its area.

(d) ELIGIBILITY.—Only individuals who are citizens or nationals of the United States, or who are aliens lawfully admitted to the United States for permanent residence shall be eligible for scholarships under this Act. In addition, prior to receiving a scholarship, an individual must have been accepted for admission to an institution of higher education in the United States that is currently accredited by a nationally recognized accrediting agency or association.

(e) CRITERIA FOR NOMINATION AND SELECTION.—Individuals shall be nominated and selected for scholarships under this Act on the basis of potential to successfully complete a postsecondary program in science, mathematics, or engineering, and on the basis of motivation to pursue a career in science, mathematics, or engineering. After consultation with educators with expertise in the field of educational testing and measurement, the Director shall determine the criteria for measuring the potential and motivation of nominees.

(f) NATURE AND AMOUNT OF SCHOLARSHIPS.—Scholarships awarded under this Act may be used only for tuition, fees, and room and board expenses. Such scholarships shall be limited to a maximum of $5,000 per year, except as necessary to accommodate a recipient completing a four-year academic program in less than four years.

(g) MAINTAINING ELIGIBILITY.—(1) In order to maintain eligibility to receive funds pursuant to a scholarship awarded under this Act, a student must—

(A) be enrolled at an institution of higher education in the United States that is currently accredited by a nationally recognized accrediting agency or association;

(B) major in any field of science, mathematics, or engineering;

(C) maintain academic performance in good standing, as determined by such institution; and

(D) except as provided in paragraph (2), carry a full-time academic work load, as determined by the institution in which the student is enrolled under standards applicable to all students enrolled in that student's program.

(2) The Director shall make exceptions to the requirement under paragraph (1)(D) in the case of—

(A) active duty as a member of the armed services;

(B) disability certified by a qualified physician; or

(C) exceptional personal circumstances or emergencies, as determined by the Director.

(h) NOTIFICATION OF MEMBERS OF CONGRESS.—The Director shall notify each Member of Congress in writing of selections made from such Member's district at least one week before public announcement of such selections is made.

(i) MONITORING IMPLEMENTATION AND COMPLIANCE.—The Director shall monitor the implementation of and compliance of the nominating committees with this Act.

SEC. 4. NONDISCRIMINATION.

(a) SOLICITATION, NOMINATION, AND SELECTION OF STUDENTS.—The Director shall ensure that the solicitation, nomination, and selection of students for the program established by this Act shall be carried out without discrimination on the basis of race, age, handicap, religion, ethnic background, economic status, marital status, parental status, or sexual preference.

(b) SELECTION OF NOMINATING COMMITTEES.—The Director shall ensure that the selection of nominating committees under section 3(a) shall be carried out without discrimination on the basis of race, age, handicap, religion, ethnic background, economic status, sex, marital status, parental status, or sexual preference.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Science Foundation for the purpose of carrying out this Act $5,500,000 for the fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1991, 1992, and 1993.

NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. JONTZ. Mr. Speaker, this coming week, February 12 through 18, is National Salute to Hospitalized Veterans Week. On this occasion, I would like to recognize the outstanding health care which the Department of Veterans' Affairs Medical Center provides in Marion, IN, and the dedicated VA employees who make it all possible.

This center was opened in 1889 as a soldiers' home for disabled volunteer soldiers. In 1921 it became a psychiatric facility which today has 99 buildings on a 151-acre campus.

Marion is a referral center that provides acute psychiatric care for veterans in northern Indiana, for the care of subacute psychiatric patients for whom care cannot be provided at the Indianapolis VA Medical Center, as well as for chronic psychiatric and extended care patients from throughout Indiana. In fiscal year 1987 it served over 3,000 inpatients, and had more than 60,000 outpatient visits.

I have toured this facility many times, and have been impressed by the care and commitment which the staff, consisting of approximately 1,000 full-time-equivalent employees, provides these veterans. Particularly impressive is the manner in which the staff has been able to cope with continuing budget cuts in light of an ever-increasing workload.

There is reason to be very concerned about the kind of care that will be offered at the

Marion Medical Center, as well as every other VA medical facility, under the current and proposed budget. It is going to be increasingly difficult to retain existing staff, and hire new staff, unless the budget for the Department of Veterans' Affairs is increased. Staff shortages will eventually lead to the closing of beds, and the turning away of patients. Our Nation's veterans, to whom so much is owed, will no longer be able to rely on this facility, and other VA facilities, to provide essential services. If this is allowed to happen, our commitment to this Nation's veterans will not have been kept.

The hospitals and other medical units of the Department of Veterans' Affairs are an integral part of this Nation's health care delivery system. There is still time to reverse the effect of budget cuts on our VA health care program.

There is much that our Nation owes to the hospitalized veterans that are being honored. As we pause next week to honor our Nation's hospitalized veterans, let us remember that it will require more than our good will to provide these individuals with the care that they need. It will require the strong financial commitment of this Congress to provide veterans medical care that our Nation can be proud of.

PUGWASH

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. COELHO. Mr. Speaker, during the debate on the Federal pay proposal, Mrs. BOXER raised an incident that deserves the attention of our colleagues and the public.

Last week, in a periodical press gallery election, four reporters were purged from the executive committee over the issue of disclosure.

Ousted were journalists who tried to enforce a 50-year rule—ignored by their colleagues—which says the outside income of gallery reporters must be made public.

So, while the latter-day Lord Actons wrote that "honoraria corrupt Congress and paid travel corrupts absolutely," they voted to continue collecting speech fees and enjoying travel to plush resorts—without disclosure—as if their objectivity could never be questioned.

Well, hogwash—or, as the Post might say, "pugwash." I guess under their system you can't kill the messenger but it's OK to bribe him in secret.

IN RECOGNITION OF BLACK HISTORY MONTH

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MAVROULES. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to black America. Black history, from slavery to civil rights, has been wrought with struggle and conflict. The first black Americans were brought to this country in the 1600's as indentured servants. Eventually, the evil of slavery became incorporated in American society and by the early 1800's, one-third of the Southern population was enslaved, and those blacks who were not, suffered harsh discrimination. But they did not give up. Staunch opponents and victims of slavery took steps to rid society of this disgrace. Harriet Tubman is one black leader who should be admired for her role in instituting the underground railroad which led slaves to freedom.

With the declaration of the Emancipation Proclamation in 1863, it would seem that the pathway to black freedom had been cleared. But this was only the first step. This liberty only put fear into the white population. Restrictions were put on activities of black citizens. There were "whites only" restaurants, theaters, schools, and even water fountains. Extremist groups such as the Ku Klux Klan began to gain recognition. Yet another widespread movement had to be implemented in order for blacks to obtain their inherent rights. The civil rights movement was the response.

The civil rights movement is our most recent and most widely familiar period of black struggle. From this period arose great black leaders like Rosa Parks, who refused to give up her seat on a Montgomery bus and, subsequently, ignited the movement; and Adam Clayton Powell who took steps to personally desegregate this very Congress. Most noted, Dr. Martin Luther King, Jr., has been granted a day of recognition so that his courage will be remembered and followed by those blacks still suffering from discrimination.

Those notable black leaders, and the many unnamed black freedom fighters, should be gratefully acknowledged. From slavery, to discrimination, to the relative equality that blacks exercise today, they have come a long way and they deserve utmost respect. Black History Week is the appropriate time to congratulate black Americans on their accomplishments.

EDUCATION OF THE HANDICAPPED ACT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. OWENS of New York. Mr. Speaker, there are over 4 million children and youth with handicaps in America being served under the Education of the Handicapped Act [EHA]. This act constitutes the principal mechanism through which the Federal Government assists States and local agencies to meet the special education needs of handicapped children. Central to the act are discretionary grant programs (Parts C–G) aimed at: first, supporting and improving the direct services provided under EHA; second, identifying and solving persistent problems in providing services; and third, assisting individuals with handicaps to make the transition to postsecondary education, vocational training, and competitive and supported employment. The programs support a variety of essential research, technical assistance, demonstration, information dissemination, personnel training, and model projects and activities. This program, as revised in the landmark Public Law 99–457, is intended to assist States and local agencies toward achieving special education and related services for all infants, children and youth with handicaps.

The discretionary programs, which need to be reauthorized by September 30, 1989, provide critical funds of approximately $180 million to State and local education agencies, other public agencies, private nonprofit organizations, and institutions of higher education. The main and common goal is the improvement of the educational and related services provided to infants, children and youth with handicaps. Over the years, the discretionary grant programs have supported a variety of successful program endeavors, such as:

Regional Resource and Federal Centers Programs in Vermont, Kentucky, Florida, Ohio, Utah, and Oregon;

Services for Deaf-Blind Children and Youth Program resulting in funding for 41 single State and multistate projects;

Early Education for Handicapped Children including, strategies of services for birth to 5 year olds, inservice training for infant personnel, mainstreaming models, service delivery for medically fragile infants, as well as a number of outreach, experimental and research projects, and three research institutes;

Severely Handicapped Program, which provides funding for a series of projects on social and communication skills, as well as a number of projects to develop statewide system change in services to the severely handicapped;

Postsecondary Programs, which focus on regional programs for deaf students, projects to adapt existing postsecondary programs to allow participation of the persons with handicaps with their nonhandicapped peers, research and model programs to improve the access to postsecondary opportunities;

Secondary Education and Transition Services for Handicapped Youth which focuses on cooperative models for the implementation of transition services, job related training projects for mildly and moderately handicapped and supported employment model programs for students with severe handicaps;

Special Education Personnel Development, in the areas of preservice, inservice, model training approaches, and parent training programs throughout the country;

Information and Recruitment Clearinghouses, including three national clearinghouses on education of the handicapped, postsecondary education, and personnel recruitment;

Innovation and Development programs which foster implementation and demonstration of research findings, and support field and student initiated research;

Media Services and Captioned Films which include such programs as the Loan Service for Captioned Films and Recordings for the Blind;

Special Education Technology which assures that new technological advances such as videodiscs, personal computers, and new

communications devices be applied to the education of the handicapped; and

Special Studies

The reauthorization of the discretionary programs of EHA will assure that all infants, children and youth with handicaps, and their families, will be able to take full advantage of the services provided at the State and local level. Promoting the widespread availability of these services has enabled children and youth with handicaps to participate fully and independently in their educational environment to reach their full educational potential. The discretionary programs have empowered parents with vital information and training, facilitated the availability of trained personnel to serve all children and youth with handicaps, and expanded the knowledge base of best practices through research and the development of instructional media. If infants, children, and youth with handicaps are to benefit equally from educational opportunities they must be afforded the means for doing so. This bill will complement the Federal assistance to States under EHA part B and part H, to implement free and appropriate educational programs for all infants, children and youth with handicaps, by supporting the technical assistance, information, training, technological, and research activities necessary to assure that services are provided at the State and local level.

For the reasons described above, I would urge my colleagues to support this legislation which is critical to assuring the equal educational opportunity of all infants, children, and youth with handicaps.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF HANDICAPPED INDIVIDUALS.

(a) REGIONAL RESOURCE AND FEDERAL CENTERS.—Section 628(a) of the Education of the Handicapped Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 1427(a)) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

(b) SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH.—Section 628(b) of the Act (20 U.S.C. 1427(b)) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

(c) EARLY EDUCATION FOR HANDICAPPED CHILDREN.—Section 628(c) of the Act (20 U.S.C. 1427(c)) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

(d) PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN.—Section 628(d) of the Act (20 U.S.C. 1427(c)) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

(e) POSTSECONDARY EDUCATION.—Section 628(d) of the Act (20 U.S.C. 1427(e)) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

(f) SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH.—Section 628(f) of the Act (20 U.S.C. 1427(f)) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

SEC. 2. EXTENSION OF AUTHORITY FOR TRAINING PERSONNEL FOR THE EDUCATION OF HANDICAPPED INDIVIDUALS.

Section 635(a) of the Act (20 U.S.C. 1435(a)) is amended—

(1) in the first sentence—

(A) by striking "and"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992"; and

(2) in the second sentence—

(A) by striking "and"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

SEC. 3. EXTENSION OF AUTHORITY FOR RESEARCH IN THE EDUCATION OF HANDICAPPED INDIVIDUALS.

Section 644 of the Act (20 U.S.C. 1444) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

SEC. 4. EXTENSION OF AUTHORITY FOR INSTRUCTIONAL MEDIA FOR HANDICAPPED INDIVIDUALS.

Section 653 of the Act (20 U.S.C. 1454) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

SEC. 5. EXTENSION OF AUTHORITY FOR TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR HANDICAPPED INDIVIDUALS.

Section 662 of the Act (20 U.S.C. 1462) is amended—

(1) by striking "and"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992".

SALUTE TO AMERICAN FLORAL INDUSTRY

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DE LA GARZA. Mr. Speaker, I want to take this opportunity to recognize the men and women in America's floral industry for their help in making last month's bicentennial inaugural activities a visual pleasure for the thousands of visitors who came to Washington.

Credit goes to the Society of American Florists which coordinated the procurement, design, and delivery of over 300,000 floral arrangements to all the official bicentennial inaugural events. More than 200 SAF members from around the country came to the Nation's Capital, at their own expense, to help. I know of at least 10 volunteers who were from my own State of Texas.

Flowers are not often thought of as agricultural products, but they are. And like food, flowers provide nourishment. Food nourishes the body. Flowers help nourish meaning in our lives. It's not surprising that studies have shown flowers actually improve and benefit an individual's mental well-being.

Mr. Speaker, I would like to thank the Society of American Florists for helping enhance the festive spirit of the Bicentennial Inaugural. And I salute the entire floral industry for its ongoing efforts to make our world a much more pleasant place to live and work.

LEGISLATION TO ASSIST SMALL COMMUNITIES WITH GROUND WATER RADIUM CONTAMINATION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. HASTERT. Mr. Speaker, last year I was pleased to see the Radium Grant Removal Program incorporated and passed by both Chambers in H.R. 791, a ground water research bill. While efforts were made in the final days of the last session to resolve differences between the House and Senate versions of the legislation, the job proved too complicated to complete before adjournment.

Both House and Senate versions established this grant program to provide assistance to small communities experiencing problems in their drinking water because of naturally occurring radium contamination.

I am today introducing a separate bill which will provide communities across the country some relief in financing the installation of expensive technology that is needed to remove the radium and bring those affected water systems into compliance with stringent standards set by EPA.

A conservative estimate of the total capital costs for installation of technology for communities nationwide with populations under 25,000 is $1 billion. While we cannot begin to allocate this level of assistance, the $20 million this bill authorizes over 3 years will allow local communities with populations under 20,000 to use the money to provide insurance and to prepay interest for local obligations. By reducing the overall financial burden on municipalities, each Federal dollar used will maximize what a local government can afford to pay. In a time of scarce budget dollars, this seems a judicious allocation of our resources.

Mr. Speaker, I hope that you and the other Members of the House will join me in this effort to help small communities enable themselves to obtain safe drinking water.

INTRODUCTION OF TOY SAFETY AND CHILD PROTECTION ACT

HON. SAM GEJDENSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GEJDENSON. Mr. Speaker, I rise today to introduce the Toy Safety and Child Protection Act. As you may recall, I first introduced this legislation in the 100th Congress. The intention of this bill is to address a growingly serious problem: The need to increase the safety of toys sold in the United States. This legislation would require toy manufacturers to place warning labels on an especially dangerous class of toys: Those containing small parts which can cause injury and death of children by choking. This legislation would also require warning labels to state the potential hazards of the toy to young children.

In 1986, at least 133,000 children were treated in hospital emergency rooms for toy-related injuries. There were also at least 35 reported fatalities in 1986. The second largest category of toy-related injuries involved the ingestion or aspiration of small toys or parts of toys, or insertions of these objects in the nose or ears. In 1985 alone, small toys or toy parts were responsible for 18 deaths, and over 12,000 injuries.

The Consumer Product Safety Commission, which sets safety standards for certain toys and other children's articles, recognized the danger of toys with small parts when it prohibited toy manufacturers from making toys with small parts designed for children under the age of 3. If a toy intended for under age 3 fits within a test cylinder 1.25 inches in diameter, it may not be marketed to that child.

Toy manufacturers, however, still produce thousands of toys for children over 3 with small parts. The Consumer Product Safety Commission does not require these toys to have informative labels which warn parents not to buy them for kids under 3.

Warning labels currently found on some toys are entirely voluntary, and are in some cases inadequate and confusing. There are thousands more toys on the market with small parts designed for children over the age of 3 that do not contain any warning label at all.

The CPSC recommends that parents "select toys to suit the age, skills, abilities, and interests of the individual child." The CPSC acknowledges, however, that "not all toys are age labeled or provide adequate explanations of why certain toys may be inappropriate or even hazardous for children who are younger or older than the recommended ages." The CPSC has unfortunately failed to take regulatory action to require toy manufacturers to place informative labeling on their products.

Those toy manufactuers that include warning labels on their products, furthermore, may not adequately phrase the warning, or give sufficient information, to allow the parents to make an informed decision. A recent informal poll of parental toy buyers done by the Toy Group of the Americans for Democratic Action demonstrated that most parents think that toy warning labels have to do with educational level rather than safety. Many parents indicated a willingness to buy toys marked "recommended for age 3 and up" for their child who was under 3 years of age because they believed that their child was smarter than average and could "grow into" the toy.

When parents were informed that the warning label actually referred to the safety of the toy, not a single parent was willing to purchase the toy for their child.

The Toy Safety and Child Protection Act will resolve this problem not only be requiring all toys with small parts to have warning labels, but requires the warning label to include the word "warning" in capital letters and by containing a description of the hazardous consequences which can result from use of the toy by a child under 3. While minimum standards for the new label would be determined by the Consumer Product Safety Commission, a likely possibility would be "warning: this toy contains small parts—use of this toy by a child under 3 years of age may cause choking."

Mr. Speaker, I urge my colleagues with young children and grandchildren, on their next trip to the toy store, to take a close look at the toys with small parts. They may see a paint set, currently available at toy stores and manufactured by Knobler—H.K., which includes a minute paint brush which fails the small parts test and could easily be swallowed. The toy has no label. My colleagues may also find a "little mommy" diaper and bottle set, which contains a descriptive label stating "ages 3 and up," but which does not state that it contains small parts which would also fail the cylinder test.

This legislation is especially important as there is a growing realization that current regulations to protect children under the age of 3 from toys with small parts are inadequate. The CPSC voted on February 5, 1988, to seek information on the merits of increasing the dimensions of the test cylinder used to enforce the current standard. This decision came after a formal petition filed by the Consumer Federation of America and the New York State Attorney General charging that the current standard does not adequately protect children from exposure to toys with parts that may cause choking. Statistics gathered by the CPSC indicated that 37 deaths were caused between 1973 and 1983 by small toy parts larger than the current CPSC standard.

Requiring manufacturers to place warning labels on toys with small parts would be a perfect complement to a stricter CPSC standard on small parts. More dangerous toys would come under regulation and more parents would know of the danger of the toys they see in the toy store.

Parents have a right to know which toys contain small parts and what small parts can do to young children. Deaths due to small parts in toys are preventable. Congress must intervene where the Consumer Product Safety Commission has failed. If the life of one child is saved by a proper warning label, it will be worth the effort.

CONGRESSMAN TOM LANTOS HONORED FOR HIS CONTRIBUTION TO WORKER SAFETY

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Ms. PELOSI. Mr. Speaker, I would like to call to the attention of my colleagues in the House a special honor that has been given our colleague TOM LANTOS. In recognition of his contributions to workplace safety and health, TOM has been honored with the "1988 Commitment of Life" award by the National Safe Workplace Institute [NSWI]. The awards are made annually to a small number of individuals nationally by the National Safe Workplace Institute, a private nonprofit organization founded to investigate workplace safety and health issues, to intervene on behalf of individuals to assure worker health and safety, and to acknowledge individuals who have made an important contribution to workplace safety and health. Mr. Speaker, TOM is the only Member of this House who has been so honored.

In presenting the award to Congressman LANTOS last week, Joseph A. Kinney, the executive director of the National Safe Workplace Institute gave him high praise:

From the standpoint of job safety and health, Congressman TOM LANTOS has proven himself to be one of the best friends of the American workers.

TOM was recognized for his activities as chairman of the Subcommittee on Employment and Housing for the Government Operations Committee. Mr. Speaker, I know first hand of his contribution to worker health and safety, because I served as a member of his subcommittee in the 100th Congress.

Under TOM's able leadership the committee has undertaken a number of important initiatives for worker safety. The investigation of unsafe conditions in the meatpacking industry prodded the Federal Occupational Safety and Health Administration [OSHA] to issue the highest fines to date for violations of Federal worker protection laws and led OSHA to develop a new program to assure better safety in meat packing.

The subcommittee investigation of the failure of the Federal Government to seek criminal penalties against companies whose willful negligence has led to the death and permanent injury of workers forced the U.S. Department of Justice to alter its policy on seeking criminal penalties against those who willfully violate safety laws. A recent Illinois Supreme Court decision, which relied heavily on the oversight report of the Employment and Housing Subcommittee, is only the beginning of TOM's positive impact in this area.

Under TOM's leadership the subcommittee also undertook an important investigation into the dismantling of CAL-OSHA and held hearings in San Francisco on the impact of that decision upon California working men and women. He also held hearings on the failure of OSHA to issue regulations to protect health-care workers from AIDS and other blood-borne diseases such as hepatitis B. As

a result of his initiative, OSHA finally issued its long-delayed regulations.

Mr. Speaker, I invite my colleagues in the House to join me in paying tribute to our colleague, my neighbor and good friend, TOM LANTOS for his receiving this important recognition.

UKRAINIAN INDEPENDENCE DAY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. RITTER. Mr. Speaker, on January 22 the Ukrainian people celebrated their 71st Independence Day. The Ukrainian National Republic was formed in 1918 with high hopes of freedom, sovereignty, and independence. This unconditional declaration in 1918 proclaimed the rights for all Ukrainian citizens. The rights included freedom of speech, religion and press, security of individual, and personal property, the 8-hour workday and freedom of assembly and minorities. As a member of the Helsinki Commission, who has looked at the human rights picture worldwide for 8 years, I value these rights very highly.

The brave Ukrainian people sought and got the right to practice freely their unique culture, language and religion. Unfortunately, however, after a short period of time—in the early 1920's, the Bolsheviks took over and denied this nation any attempt to exercise self-determination.

Despite almost 70 years of Soviet domination, the dreams of freedom and strong nationalistic feeling are alive among the people of Ukraine as well as among the thousands of Americans of Ukrainian background. I am honored to join with the Ukrainian-American in Pennsylvania and all over the United States, to memorialize the 71st anniversary of the declaration of independence of Ukraine.

Sadly, today the human rights activitsts in Ukraine are being punished, harassed, and slandered simply for trying to exercise their basic rights; such as freedom of speech and assembly. While I recognize and credit the human rights reform process that is taking place in the Soviet Union, I feel strongly that there is much room for improvement.

The Ukrainian-Americans, who still feel strong ties to the native country they left behind, have both preserved their cultural traditions and integrated them into American society. Their contribution to American life, span from Ukrainian folk arts to vibrant community activities. They publish 2 daily newspapers, 8 major weekly newspapers and over 80 weekly and monthly periodicals and magazines. Their political, educational, and professional societies as well as various youth organizations are active in many areas of American culture and society.

I am very proud to represent a large number of Ukrainian-Americans and I join with them in expressing our faith and hope that the millions of Ukrainians will be successful in seeking to regain their political freedom and self determination.

WOMEN IN DEVELOPMENT ACT OF 1989

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mrs. SCHROEDER. Mrs. Speaker, today I join with my colleagues, Representative MICKEY LELAND and Representative OLYMPIA SNOWE in introducing the Women in Development Act of 1989.

Women produce, process, and market up to 80 percent of the food in developing countries. They run 70 percent of all microenterprises. One-third of all households are sustained by women. If we help 100,000 women, we are helping 400,000 children.

Last year, many of you cosponsored our legislation and helped us send minor tremors through the halls of the Agency for International Development. Over the last year, efforts by AID to train its personnel to integrate women into the planning, implementation and evaluation of its development projects have increased notably.

Women are too important to the future of the developing nations to be marginalized or neglected. When women are offered resources and the power to make the decisions over those resources, they accomplish impressive results, for themselves and for the communities the United States is trying to assist. Research shows that when women are integrated into the planning and implementation of a development project, the project is more likely to succeed and to benefit more people.

Now we are working to incorporate the women in developrnent policy into the foreign aid authorization, making it a permanent part of U.S. development policy. We ask you to join us in this effort.

TRIBUTE TO WILLIAM G. EVANS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FEIGHAN. Mr. Speaker, on Monday, January 30, 1989, the community of northeast Ohio suffered a tragic loss with the passing of Mr. William G. Evans.

The list of Bill's contributions to his country and community is endless. Few people knew of Bill's distinguished service in World War II with the 3d Army Armored Division in Europe. On one occasion, he crawled to safety from his burning tank, an incident which proved he earned his three battle stars.

After the war, Bill returned to Cleveland and began working to instill quality and equality in all levels of government. In the late sixties, he played a key role in Carl Stokes' election as the first black mayor of a major American city. Through his leadership in such organizations as the Americans for Democratic Action and the Cleveland City Club, Bill was at the forefront of many important battles, such as the fight to restore education funding. Bill believed that a quality education should be available to everyone, not just to those who can afford it. This was the kind of intense concern for others that made Bill such a special person.

Bill will be remembered for his warmth, dependability, sense of humor, and sense of commitment. I had the pleasure of knowing Bill on both a professional and personal level. He will always be a great friend. Many Americans may never learn of Bill Evans' work on their behalf. Many more do know and will always keep Bill close in their memories.

EMANUEL FOUNDATION FOR HUNGARIAN CULTURE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. LANTOS. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding organization, the Emanuel Foundation for Hungarian Culture. Founded in 1987, this group of concerned Hungarian-Americans was established to restore and promote the few remaining vestiges of Jewish culture in Hungary through the creation of an International Tribute Committee for Hungarian Jewish Holocaust Victims. The Emanuel Foundation is led by such distinguished Americans as actor Tony Curtis, Nobel Laureate Elie Wiesel, and chairman of the World Jewish Congress, Edgar Bronfman.

As my colleagues know, hundreds of thousands of Hungarian Jews were murdered by the Nazis during the Second World War, despite the heroic efforts of such individuals as Raoul Wallenberg and others who succeeded in saving tens of thousands. Jewish culture in Hungary was highly developed, but the hateful fanaticism of Hitler and the Hungarian Fascists turned many of its cultural monuments to ashes.

In memory of the victims of this great tragedy, the Hungarian Government has provided a plaza at the intersection of Rumbach and Wesselnyi Street in central Budapest, and at this excellent location the Emanuel Foundation for Hungarian Culture is constructing a memorial to Hungarian holocaust victims and heroes. The inspiration for the project was the growing concern that the atrocities of the past were being forgotten and, even worse, denied.

This monument will assure that present-day Hungarians, Hungarian-Americans, and families of the victims of Fascist atrocities do not forget the unspeakable tragedy of the Holocaust, and it will remind future generations that the world must condemn genocide now and forever. The memorial is a sculpted rendering of a tree in the shape of an inverted menorah, with the names of Holocaust victims inscribed on its leaves and base.

Mr. Speaker, we must never allow the atrocities of the past to go forgotten, unless we are willing to risk their recurrence. This monument in the center of Budapest—a city where thousands died at the hands of Nazi and Fascist murderers—will serve forever to remind and to warn us. The Emanuel Foundation for Hungarian Culture deserves our commendation for this outstanding effort.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to commemorate the 16th annual National Salute to Hospitalized Veterans, which will be held on February 14.

The National Salute to Hospitalized Veterans is a way of paying tribute to these men and women not only for the contributions they have made to this country, but also to the special courage they have shown in their daily battles against illness, pain, and loneliness. As part of the salute, special quests will be touring Veterans' Administration facilities across the country to visit with patients. Veterans, youth, civic, and religious groups around the Nation will be taking part in activities to honor our hospitalized veterans.

The National Salute to Hospitalized Veterans is a fitting tribute to these men and women who have given so much to their country. It is important that we as citizens take the time to acknowledge their sacrifices and let them know that they are remembered and appreciated.

Mr. Speaker, many thousands of veterans of America's armed forces have served this Nation in times of both peace and war, and in doing so they have assured the safety and prosperity of all our people as this Nation enters its third century of independence.

Each year, more than a million veterans enter Veterans' Administration facilities nationwide for medical attention.

The Veterans' Administration, for the 16th consecutive year, has organized a national day of tribute honoring all hospitalized veterans, with the purpose of urging all Americans to remember these men and women especially on this day and throughout the year.

Mr. Speaker, I want to join that effort and offer a special tribute to the patients in the West Haven Veterans' Administration Medical Center, who deserve our concern and sincere appreciation.

I call upon my colleagues and all our citizens to pay tribute to hospitalized veterans on this day and each day of the year.

WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT OF 1989

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. SKEEN. Mr. Speaker, today I am introducing legislation along with my distinguished colleague, RICHARD STALLINGS of Idaho, that will help address a serious national security and environmental problem facing this Nation.

This bill, the Waste Isolation Pilot Plant Land Withdrawal Act of 1989, allows for the possible opening of the WIPP facility to receive transuranic waste. Located near Carlsbad, NM, the Waste Isolation Pilot Plant [WIPP] has been designated to become the Nation's first repository for defense-generated transuranic waste. This is a Department of Energy project that was authorized by Congress in 1980.

While I also introduced WIPP land withdrawal legislation during the 100th Congress, this bill has been significantly expanded from what was introduced in 1987. The reasons for the changes were to address numerous concerns regarding the operation of the WIPP project and ensure that the Department of Energy meets strict environmental and safety tests.

The transuranic waste destined for WIPP is currently sitting at the Department of Energy facilities around the Nation including the Rocky Flats plant in Colorado, and the Idaho National Engineering Laboratory. At several of these facilities, particularly Rocky Flats, the last of the authorized storage space for transuranic waste is being quickly used up. What is especially alarming about this situation is that there is no place to store any overflow waste generated at Rocky Flats. Without addressing this critical situation, Rocky Flats could close within the next few months.

Above all, the current method of storing this waste is not a final solution to safely disposing of defense-generated transuranic waste. That is why the Federal Government has spent nearly $650 million building WIPP.

In its most basic form, the legislation would permanently withdraw 10,240 acres of Federal lands located in New Mexico from certain public land laws. Until the land withdrawal is finalized, no waste can be transported to the WIPP facility. In the broadest sense, it is legislation that protects the health and safety of the citizens of New Mexico and the Nation. If it is proven to be a safe repository, this legislation would allow WIPP to open and become operational.

I want to make it perfectly clear that passage of this legislation does not automatically allow for the shipment of transuranic waste to WIPP. There are many conditions and certain environmental standards that must be met before waste shipments can begin. The responsibility will clearly be on the back of the Department of Energy to prove to Congress and the Nation that WIPP is ready to operate and receive transuranic waste.

One of the important additions to this legislation is creating a trigger on when the actual land withdrawal will take place. That trigger is the successful completion and approval of the Department of Energy's Final Safety Analysis Report which proves the facility has been safely designed.

Under this legislation, absolutely no waste can be received at WIPP until the Department of Energy shows that WIPP complies with Environmental Protection Agency [EPA] standards for the storage of transuranic waste. At that point there is a strict cap on the amount of waste that can be received at WIPP until EPA disposal standards are met. Within this cap, only the amount of waste that is necessary for specific experimental and operational tests can be received at the facility. The Department of Energy must show this waste is retrievable until EPA disposal standards are met.

If the Department of Energy determines by a certain date that WIPP is not a suitable site for permanent disposal of transuranic waste, the legislation provides for a process to retrieve the waste and close the facility.

There will be a substantial amount of oversight of the project. The State of New Mexico, the Environmental Evaluation Group [EEG], the National Academy of Sciences, and the Environmental Protection Agency will each have an important role to play in evaluating various aspects of the project and consulting with the Secretary of Energy. In fact, the State of New Mexico and the EEG will have the ability to implement a conflict resolution process to resolve specified concerns they may have with the WIPP project.

I know the safe transportation of this waste is a major concern in New Mexico and the other corridor States through which waste shipments will travel. This legislation contains numerous provisions to address transportation safety such as requiring Nuclear Regulatory Commission certification of the container that will be used for transporting the waste. The bill also authorizes the Department of Energy to provide emergency prepardness training and equipment to affected communities.

One of the key components of the bill authorizes the payment of $250 million to the State of New Mexico.

Again, this legislation only sets in motion the possibility of WIPP opening. The bill establishes a long checklist of requirements and conditions that the Department of Energy must meet. I feel these provisions adequately protect the safety and welfare of the people of New Mexico and this Nation.

If the Department of Energy wants to solve a very critical situation regarding the storage and ultimate disposal of defense-generated transuranic waste, it knows what must be accomplished. I believe the requirements are necessary and reasonable.

I ask that my colleagues join me in seeing that this legislation moves quickly through the House.

IT'S TIME TO REPEAL THE EARNINGS LIMIT ON SOCIAL SECURITY

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. McCANDLESS. Mr. Speaker, earlier this week I reintroduced legislation to repeal the earnings limit on Social Security. The earnings limitation is an unnecessary burden on the elderly. It discourages senior citizens' efforts to better their own condition, to remain independent, and to maintain a sense of pride in their ability to work.

Last year, the Commissioner of Social Security, Dorcas Hardy, called for an end to the earnings limit when she testified before the Ways and Means Committee. She pointed out that the earnings limitation equals a 50 percent marginal tax rate, because for every $2 a senior earns over the limit, $1 is withheld from his or her Social Security check.

At present the annual earnings limitation is $6,480 for those age 62–64, and $8,880 for those age 65–69. There is no limit on earnings for those age 70 and over.

The earnings limit discriminates against working people and work income. Other sources of income, such as dividends and interest, do not count toward the earnings cap. The earnings test reduces work incentives, and causes some older workers to deliberately hold down their earnings to avoid being penalized.

Repealing the earnings test would reduce the administrative costs of Social Security. The Social Security Administration spends a significant amount of its resources in efforts to identify overpayments and to collect from those senior citizens who have earned too much. The Social Security Administration informs me that over half a million overpayments were made in 1988 because of the earnings limitation. Many seniors who have received overpayments find that it is a real hardship to pay the money back. They may file a request for a waiver of the overpayment, based on financial hardship. Eliminating the need for adjudicating such requests would save money and help cover the cost of any additional benefits paid to older workers.

For these, and other reasons, the time has come to repeal the Social Security earnings limitation. People over 65 should have the freedom to work and earn as much as they can, and to remain in the labor force as long as they want, without having to worry about their Social Security checks being reduced. The earnings limitation is actually a form of age discrimination, and it should be repealed.

GOVERNMENT SECRECY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 8, 1989, into the CONGRESSIONAL RECORD.

GOVERNMENT SECRECY

This year millions of federal documents will be stamped confidential, secret, or top secret to restrict their distribution. Every nation needs to keep secrets. Sensitive information used by diplomats, the military, and intelligence officers could harm the national interest if it became widely known. But when too many documents are classified, and when too many people have access to them, it becomes extremely difficult to protect that information. And when the classification system is used for political rather than national security purposes, confidence in the management of sensitive information is undermined. I have come to the conclusion that it is time to review the government's system of classifying information.

So many government documents are now classified that an accurate accounting may not be possible, but they likely exceed several hundred million pages. In 1987, almost twelve million documents were classified for the first time, 10% more than in 1986. Throughout the 1980s, the volume of classified information has been growing, partly because of increased defense spending and covert activity, but also because of an executive order issued by President Reagan in 1982 that made it easier for government officials to classify documents and keep them classified. It even made it possible for the government to "reclassify" information that had previously been made public. Presidents from Eisenhower to Carter issued executive orders aimed at reducing the volume of classified information. Breaking with that tradition, the Reagan executive order has encouraged greater government secrecy.

Decisions to classify or to declassify information are important in a free society because they determine what information can, and cannot, be made available to the public. Those decisions are routinely made by over 6,700 individuals designated by the President or selected agency heads. Members of Congress may review classified material related to their legislative responsibilities, but they do not make classification decisions. The number of people making such decisions has declined in recent years but is still, in my judgment, too high.

Many documents are given a higher classification than they deserve, and others are classified when they do not merit any special protection at all. Estimates of the rate of overclassification vary enormously from a low of 5% to a high of 50%, but no one disputes that overclassification is a serious problem. It produces cynicism and carelessness among those who handle classified material. It also overwhelms an already strained security system. As Justice Potter Stewart said, "When nearly everything is classified, then nothing is classified."

Too many people have access to classified materials. The procedure for screening individuals before they receive classified information is overburdened by the number of people who are given clearances. Over four million Americans now hold security clearances. Even with expensive efforts to investigate their backgrounds and supervise their activities, the sheer numbers of persons with clearances overwhelms the system and makes effective security very difficult to achieve.

The "need to know" principle is one way to protect classified information, but it is often ignored. Too many people with clearances have access to too much information. A clearance should not entitle a person to anything. It is only one condition for use of classified material. Once someone has met this condition, they should be given only the information they need to know in order to do their job.

Another serious problem is political rather than practical. The freest possible flow of information is essential to the continued vitality of our democratic political process. The power of the Executive Branch to withhold or release sensitive information, like all powers, carries with it the risk of abuse.

Classification decisions can be used to hide misconduct, to avoid public accountability, to manipulate the public policy debate, and to impede congressional oversight. For example, the Department of Energy has known for some time that there were major environmental problems at many of its nuclear weapons production facilities. Yet much of that information, which was of obvious importance for the public safety of those living nearby, was classified for years. Many believe that this information was classified less to protect national security than to prevent government embarrassment and postpone the expense of rebuilding our nuclear production capabilities. In addition accounts of Sandinista aid to guerrillas in El Salvador and the role of Libya in certain terrorist incidents were exaggerated and sometimes timed for their impact on policy debates. Decisions to withhold and misrepresent information in the Iran-conta affair violated legislative reporting requirements and denied the Congress an opportunity to perform its role in making and evaluating foreign policy. Too often classified information is used to make policy look good, rather than to make good policy.

In my view, classification procedures must be revised in order to better protect the national security. The Congress should act to reform the nation's classification system. We need to reduce the number of people with clearances and the volume of classified material. We should further reduce he number of people who make classification decisions and ensure that penalties are imposed when they abuse their authority. We must restore vitality to the "need to know" principle. These changes would strengthen our classification system and allow us to focus our energies on giving the best possible protection to truly sensitive national security information. We also need to guard against the temptation to use classification to hide official misconduct and distort public debates. Both President Bush and the Congress must work together to establish an atmosphere of trust in carrying out their shared responsibilities to protect our national secrets without compromising our democratic institutions.

TRIBUTE TO SECRETARY OF THE ARMY, JOHN O. MARSH, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to a good friend and colleague, the retiring Secretary of the Army, John O. Marsh Jr. He is the longest serving Secretary of the Army or Secretary of War, as the position was called until the creation of the Department of Defense in 1947. On February 2 he beat the record established by Henry Dearborn, President Thomas Jefferson's Secretary of War. His years as the top Army civilian have been marked by quiet, selfless, and determined devotion to duty. Unlike others who seemed eager to work in the glare of the public spotlight, Jack Marsh was content to work quietly behind the scenes to promote the vitally important work of the U.S. Army. He brought to the job an unusual mix of political common sense and Army experience.

Born on August 7, 1926, in Winchester, VA, the future Secretary of the Army was commissioned from OCS in the U.S. Army in 1945 at the age of 19. He is a graduate of Parachute School and Jumpmaster School at Fort Benning and holds senior parachutist wings.

An attorney, John Marsh earned his law degree in 1951 from Washington and Lee University. Gaining admission to the Virginia bar, he took up practice in Strasburg, VA. From 1951 to 1976 he served in the 116th Infantry Regiment, the 29th Infantry Division, and the State Headquarters Detachment to the Virginia National Guard, retiring with the rank of lieutenant colonel in 1976.

From 1963 until 1971 Jack served in Congress, a four-term respresentative from Virgin-

ia's Seventh District. While a Member of Congress, he volunteered as a National Guard major for 30 days' active duty in South Vietnam. This experience, the experience he gained in 1973–74 as the Assistant Secretary of Defense for Legislative Affairs, and as his service as Counselor to President Gerald Ford, all helped prepare Jack Marsh to assume the duties as Secretary of the Army in 1981.

Under his quiet leadership, working closely with three very able Army Chiefs of Staff, Generals Edward "Shy" Meyer, John Wickham, and Carl Vuono, the Army has undergone a dramatic transformation in the 1980's. We now have a modern Army—one that has fielded a variety of new, capable, and very lethal weapon systems. A short list of new systems includes the M–1 tank, the M–2 fighting vehicle, the AH–64 Apache helicopter, the multiple launch rocket system, and the Patriot air defense missile.

As important as force modernization to the Army has been, so too has been the solid achievement in improving the quality of Army recruits. Both the Army and the National Guard have seen a tremendous increase in the number of high school graduates serving in uniform. From 1980 to 1988 the number of high school graduates in the Active Force jumped from 54 to 93 percent. In the Guard the figures for the comparable period increased from 61 to 87 percent. Today, leaders throughout the Army point to our service people—enlisted, NCO, and officer—as the finest resource in our military establishment. They are smart, tough, and disciplined.

The U.S. Army today is the beneficiary of the vision, dediction, and quiet effectiveness of John Marsh. He is a true public servant, in the finest sense of those words. Mr. Speaker, as Jack Marsh relinquishes his duties as Secretary of the Army, I want to wish him and his lovely wife, Glenn Ann, all the best that life has to offer.

TRIBUTE TO MR. HERBERT E. ZUCCA

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. WHEAT. Mr. Speaker, today I rise in recognition of an outstanding citizen of my district, Mr. Herbert E. Zucca, who recently retired after 43 years of dedicated service to our Armed Forces. Mr. Zucca is deserving of special recognition not only for his inspirational leadership and outstanding military service, but also for his unselfish contributions to the community.

Mr. Zucca was born on December 7, 1928, and joined the Navy shortly after his 17th birthday. He served on three different diesel submarines before being discharged from active duty in October 1947. In January 1948 he returned to military service, and for the next 35 years served with the 406th Infantry Regiment, the 314th Infantry Regiment, and the 418th Civil Affairs Company at Richards-Gebaur Air Force Base in Kansas City, MO.

During his 20 years with the 418th, Herb held the highest enlisted position in the unit, dedicating much extra time and energy to his work. He has received the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal with two oak leaf clusters, 10 Army Reserve component achievement medals, three Armed Forces reserve medals, the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the National Defense Medal, three overseas training ribbons, the NCO Development Program Ribbon (third level), and the enlisted Navy Submariners Badge.

In July 1983, by which time he had reached the rank of first sergeant, Herb was transferred to the Ready Reserve. After his transfer to the Retired Reserve at age 60 last December, Herb is now considering service in a National Guard unit composed of retired reservists receiving no compensation whatsoever.

Last March Herb and his wife, Opal, celebrated their 35th wedding anniversary. Their four children, Timothy, Wayatt, Marta, and Colette, now have families of their own. In 1970, Herb and Opal joined the Foster Parent Program in Jackson County, MO, and have hosted over 160 foster children in their home through this program. In 1985 they also joined the Black Adoption Agency, through which they adopted their daughter LaQuisha. Herb and Opal are also active in their church.

Mr. Speaker, neighbors such as Herb and Opal Zucca are a source of great pride to me as the Representative of the Kansas City metropolitan region. I extend my best wishes to Herb and his family for whatever challenges they take on in the years ahead. It is an honor for me to bring Herb's achievements to the attention of the House and to commend him for his fine service to our area and our Nation.

MONTGOMERY COUNTY CHAPTER OF PLANNED PARENTHOOD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mrs. MORELLA. Mr. Speaker, I rise today to join so many others in Montgomery County in expressing my appreciation and congratulations to the Montgomery County Chapter of Planned Parenthood. On February 14, the chapter will celebrate its 50th anniversary.

Montgomery County Planned Parenthood began in 1939 as the Maternal Welfare Association, Inc., at the request of the county health officer. They opened their first clinic the following year in space provided by Montgomery General Hospital. In 1943, it became the Planned Parenthood League of Montgomery County and opened a clinic in the Public Health Department of Rockville.

In 1951, the league applied and was granted separate affiliation by Planned Parenthood Federation of America. By 1961, Planned Parenthood merged with the District of Columbia association to form Planned Parenthood of Metropolitan Washington, DC [PPMW].

By 1970, Planned Parenthood established themselves as the most comprehensive family planning organization in the area. It started a volunteer program at the University of Maryland's Student Health Center, began weekly rap sessions for teens, educated clients at the Department of Social Services and Food Stamp Offices, and began programs at the detention centers, group homes, MARC, Head Start, and with parents in the Northeast Health Center. Planned parenthood was appointed to the citizens' advisory committee on family life and human development and to the council on adolescents.

Mr. Speaker, planned parenthood has served thousands of Montgomery County citizens over the past 50 years by providing high quality, low cost family planning services. Nationally, more than 800,000 unintended pregnancies per year are prevented as a direct result of family planning organizations like planned parenthood; more than half of those are among teenagers. Each dollar invested by the Federal Government into a family planning organization like PPMW yields a savings of $2.70 in health and welfare costs.

I am proud to represent such a committed organization, and I salute the dedicated health professionals and community volunteers for their tireless efforts in making available the best in family planning services. Mr. Speaker, I congratulate planned parenthood on their 50th anniversary and wish them many, many more.

THE NATIONAL PUERTO RICAN PUBLIC POLICY AGENDA

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. FUSTER. Mr. Speaker, I want to share with my colleagues today a matter that should concern us all as the 101st Congress begins to set its priorities for the national agenda. As you know, I represent 3.5 million American citizens in Puerto Rico, but there are also some 2.5 million Puerto Ricans living on the U.S. mainland, and their concerns are sometimes unique.

As such, the National Puerto Rican Coalition, Inc. [NPRC] has established a public policy agenda for 1988–90, and it is that agenda which I want to share with my colleagues today. NPRC, based in Washington, was founded in 1977 to further the social, economic, and political well-being of Puerto Ricans throughout the United States and in Puerto Rico. It is a nonprofit, tax-exempt association providing a presence and voice at the national level for all Puerto Ricans.

I am certain that my colleagues will find the following summary an important one as the Congress debates priorities:

SUMMARY

Nearly two-and-a-half million American citizens of Puerto Rican descent live in the United States mainland. They constitute an identifiable community within the general U.S. population that has a special historical relationship with the United States; an ongoing relationship with Puerto Rico; and a particular economic, social, and educational profile that requires a distinct approach to issues of priority concern.

Because it believes the needs and requirements of the Puerto Rican community differ in some significant aspects from those

of other Hispanic groups in the United States, the National Puerto Rican Coalition, Inc., (NPRC) has developed a public policy agenda keyed to those special needs and requirements. While the issues outlined are of major importance to all Hispanic Americans, the NPRC Public Policy Agenda emphasizes the elements that have a special impact on Puerto Ricans.

The 65 national and community organizations that constitute the NPRC membership have selected five issues for special action: (1) civil rights enforcement and empowerment; (2) community economic development; (3) health; (4) education; and (5) welfare reform, employment, and training. NPRC's agenda in each area is summarized below.

CIVIL RIGHTS ENFORCEMENT AND EMPOWERMENT

Puerto Ricans were made citizens of the United States in 1917 with full and expressed recognition of their cultural and language heritage. As an organization of native American citizens, NPRC:

Objects to efforts to make English the official language of the United States;

Asserts Puerto Rican civil rights in such areas as voting, housing, and employment; and

Expects that the U.S. Department of Commerce will provide an accurate count of Puerto Ricans in the 1990 Census to ensure their proper representation in the apportionment of political power.

COMMUNITY ECONOMIC DEVELOPMENT

Together with the private sector, federal and state governments have a responsibility for community economic development. Puerto Rican community-based organizations should be an integral part of economic development efforts for low- and moderate-income Americans and must be represented in policy formulation and program design. In this regard NPRC will:

Develop and strengthen partnerships between the public and private sectors and community-based organizations;

Support retention of tax incentives for the economic development of Puerto Rico as being the best interest of the Puerto Rican communities in the United States; and

Encourage the federal government to increase funding for federal housing programs that promote new construction and rehabilitation, especially in low-income areas.

HEALTH

The Puerto Rican community faces serious health risks which are compounded by low income, unemployment, and language barriers. Thus, NPRC:

Supports efforts to extend adequate health insurance, Medicare, and Medicaid to all poverty populations;

Urges federal, state, and local governments to increase funding for substance abuse prevention programs; and

Insists that adequate funding be allocated for AIDS education, research, treatment, and outreach through culturally sensitive programs.

EDUCATION

An estimated 50 percent of Puerto Rican youth never finish high school; moreover, the National Center for Health Statistics figures for 1984 show that only 34 percent of Puerto Rican mothers aged 18 and 19 had completed high school. Therefore, NPRC:

Supports efforts to improve access to culturally sensitive adolescent pregnancy prevention programs;

Urges all levels of government to expand dropout prevention and recovery programs starting at the earliest grade levels; and

Exhorts federal, state, and local governments to fund adequately bilingual education and adult literacy programs.

WELFARE REFORM, EMPLOYMENT, AND TRAINING

Given the fact that more than one-third of all Puerto Rican households are on welfare, NPRC:

Supports efforts to provide education and jobs for the poor, especially through programs targeted to female-headed households that also provide health and child care.

VOICE OF DEMOCRACY CONTEST WINNER

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. STALLINGS. Mr. Speaker, today I would like to recognize Heidi Weaver, daughter of Ronald and Lynne Weaver. Heidi attends North Gem High School in Bancroft, ID and is the 1988–89 winner of the Voice of Democracy contest for the State of Idaho.

Heidi's speech focuses on the idea that "All the World Is a Stage." She offers a challenge to each of us to take the future into our own hand and use our influence to have a positive effect upon our world. I would like to share her remarks with you:

Imagine yourself in a beautifully decorated auditorium waiting for a great production to begin. The curtain slowly raised on a boy and a girl standing hand-in-hand surveying the world. Their faces are full of undaunted courage, of faith in the future and faith in themselves. An inscription on the stage at their feet reads, "It's your world, what are you going to do with it?" The world belongs to each generation in its time and each generation answers this question in its own way. William Shakespeare said, "All the world's a stage, and all the men and women merely players. They have their exits and entrances, and one man in his time plays many parts."

Each generation has it's moment in the spotlight, plays out its part and then exits leaving the stage upon which the next generation plays out its own unique drama.

The great men and women who came before us have set the stage. Some left it a better place than when they found it, others a worse place. It's our turn, the world is ours, what are we going to do with it?

We, the youth of today, are preparing to step into the world's spotlight tomorrow. The world we face is shadowed by the threat of nuclear war. It's a world where hundreds of people die everyday from fatal and incurable diseases, and a world where people are afraid to leave their homes because they fear for their safety. Is this the kind of world we want to pass on to our children who wait so eagerly in the wings? I say no! America's future is in our hands. We must prepare for the role we'll play in building a bright future for our country.

There are many elements necessary in preparing for a great production, such as costumes, props, and most importantly actors. These elements are also important in preparing for our greatest production, life.

Costumes are an important part of any production, they must be used to emphasize a person's true character not to hide it. The time has come for each of us to take off our costumes and unmask our true selves before the world. We must have the courage to stand up for what we believe in. We show our true character not only by what we say, but by what we do.

Props can also add to any production, but we must be careful not to become so obsessed with material things that we forget that which is truly important. How can we as a society compare the material things often valued so highly to the beauty, dignity and value of a human life!

Just as the actors are the most important element in building a good production, the key to building a strong nation lies in building strong in individuals. Noted statesman Richard Aldington once said, "The wealth of a country lies in its men and women. If they are mean, unhappy and ill, the country is poor." Just as no man can rise above the limitations of his character no nation can rise above the character of its citizens.

Each of us writes the script by which we live. We are the directors of our future. We have the potential to become anything we desire. If we set our sights high enough our future will reflect that desire. James Allen said, "Man attains the measure that he aspires. His longing to be is the gauge of what he can be. To fix the mind is to foreordain achievement."

The future doesn't just happen, it is always shaped by somebody. Are we going to reach out for that future or are we going to trust that future to someone else?

We must begin to prepare for the future now for our lives set the stage upon which the youth of tomorrow will build their lives. The future belongs ot each one of us and we decide the role we'll play in life's drama. "I am only one, but I am one. I cannot do everything, but still I can do something. What I can do I should do and with the help of God I will do!" The world is yours, what are you going to do with it?

CONGRATULATIONS TO THOMASVILLE AND CUMMINGS HIGH SCHOOLS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. COBLE. Mr. Speaker, the saying goes that good things come to those who wait. The fans of the football teams at Thomasville High School and Cummings High School can attest to that. Both schools had waited a number of years to win their first North Carolina high school football championships. In 1988 the long waits came to an end as both schools emerged victorious from the State high school football playoffs. The entire Sixth District of North Carolina is proud to say that two of our State's new football champions come from our district.

The new 3–A champions are the Cavaliers of Cummings High School in Burlington, NC. In the 19-year history of the school, the Cavaliers had never won a State championship before. In 1988 the Cavaliers were perfect. When they defeated Shelby 41 to 14 on December 9, 1988, Cummings capped a perfect

15-0 season. Congratulations go to each member of the Cavalier Football Team, Head Coach Dave Gutshall and his assistant coaches, Principal J.A. Freeman, and the students, faculty, and staff of Cummings High School.

If Cummings' wait for a football championship seemed long, the fans of Thomasville High School in Thomasville, NC, would say that was nothing. Thomasville High has been around, in one form or another, for more than 50 years, and the school had never won a football championship before. The Bulldogs came close in 1983 and 1987, but in both instances, lost the title game. Those years of frustration came to an end on December 9, 1988, when the Bulldogs beat the previously unbeaten Hertford Bears 13 to 10 to capture their first State 2-A title. Congratulations go to the entire Bulldog Football Team, Head Coach Allen Brown and his assistant coaches, Principal Daniel Cockman, and the students, faculty, and staff of Thomasville High School.

As they say, good things come to those who wait. Two Sixth District schools waited a long time to savor victory, but the longer the wait, the sweeter the taste. Congratulations to Thomasville and Cummings High Schools. There is a dilemma on the horizon. Thomasville will be moving up to the 3-A ranks next year. There is a good chance that we might have two Sixth District football champions playing each other for another title. The good news is that the Sixth District stands a good chance of being the home of next year's 3-A champions.

TRUTH IN DEFICIT REDUCTION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, as you know, last year Congresswoman OAKAR and I, at your direction, established a task force to examine the impact of the Social Security Trust Fund on the Federal deficit. The task force consisted of a bipartisan group of noted economists and experts on the Federal budget and Social Security.

Yesterday, we released the report of this task force to the public. The task force recommends the removal of the Social Security Trust Fund from the budget deficit calculation. A summary of the reasons for this recommendation follows:

First, the future costs of providing for an aging population requires a greatly increased rate of national savings. Instead, the national savings rate today is barely one-third of the average over the 30-year period from 1950 to 1980.

Second, the current practice of using Social Security Trust Fund surpluses to offset current Government expenses means that these surpluses are not adding to national savings. Additional national savings are essential if we are to increase investment and growth—thereby reducing the burden imposed on future workers who will be supporting the baby boomers during retirement.

Third, the use of Social Security receipts to reduce operating deficits results in funding general outlays with regressive wage taxes instead of the more progressive corporate and personal income taxes.

Fourth, although the Social Security Trust Fund is currently running a surplus, after 2030 the fund will need to redeem securities now being purchased to keep the system solvent. Using these surpluses to cover current deficits misleads the public by depicting greater progress on deficit reduction than is actually occurring and by not explicitly showing the Government's future obligation to redeem the trust fund's bonds.

In conclusion, if the reserves in the Social Security Trust Fund are to be of any benefit in easing the financial burden of the baby-boom generation's retirement, it must be applied to enhancing economic growth. This can only occur if we truly balance the Federal budget and use the Social Security Trust Fund reserve to augment national savings. In removing Social Security from the deficit calculation we will also remove the temptation to balance the budget on the backs of senior citizens who have been promised a secure retirement.

Ms. OAKAR and I, along with two cosponsors have introduced legislation to remove the Social Security Trust Funds from the deficit calculation beginning in fiscal year 1991. Doing so will restore honesty to our budget process and help assure the future of Social Security for both current and future recipients.

TRIBUTE TO SENATOR WYCHE FOWLER

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DARDEN. Mr. Speaker, our former colleague WYCHE FOWLER has represented Georgia for 2 years now in the U.S. Senate, and already is distinguishing himself as one of the leaders of that great legislative body.

Just recently, Senator FOWLER was named assistant floor leader by Senate Majority Leader GEORGE MITCHELL. Clearly, the Senate has come to recognize and appreciate the outstanding qualities of leadership and statesmanship which we in the House of Representatives saw WYCHE FOWLER exhibit during his 10 years serving Georgia's Fifth Congressional District.

Mr. Speaker, I would like to submit for inclusion in the CONGRESSIONAL RECORD a column published last Sunday in the Atlanta Journal and Constitution. In that column, Durwood McAlister pays tribute to Senator WYCHE FOWLER for his distinguished representation of Georgia as a Member of the U.S. Senate.

FOWLER EMERGES AS SENATE LEADER IN ONLY TWO YEARS

The United States Senate has been described as "the most exclusive club in the world." Inside that club is a smaller group, the even more exclusive "inner club"—the leadership. That is where much of Washington's power and influence are concentrated.

And who is the newest member of that "inner club"? None other than Georgia's very junior senator, Wyche Fowler.

Only two years ago, Mr. Fowler was the liberal representative of Georgia's 5th District in Congress, given little chance of success in his statewide race for the Senate. He not only won the race; he has quickly established himself as a force to be reckoned with in the nation's capital.

Despite his short tenure, he was chosen this week by Senate Majority Leader George Mitchell as assistant floor leader, a position that makes him an active participant in the agenda-setting deliberations of the Democratic leadership in the Senate.

In his book, "Safire's Political Dictionary," William Safire has this to say about the "inner club" of the Congress: "Its members, whatever their political affiliation, have certain things in common: some degree of seniority and a secure seat; a working belief in compromise; the quality and force of their personality; and a willingness to do solid, difficult work in the committees where legislation is forged."

Mr. Fowler obviously comes up short on seniority and some Republicans would argue that his seat is not all that secure; but it is apparent that Mr. Mitchell sees in him an abundance of the other qualities required for membership in the inner circle.

He said as much in his announcement of Mr. Fowler's appointment. "One of the reasons I created this position, and one of the reasons I selected Senator Fowler for it," he said, "is that I want to encourage bipartisanship, and I know that Senator Fowler is widely respected among all of his colleagues, including the Republican members of the Senate. It will be his job, among other things, to help build bridges to enable us to work cooperatively to deal with the serious challenges and problems facing our country."

Citing Mr. Fowler's 12 years of experience in Congress, Mr. Mitchell went out of his way to stress the importance of the Georgia senator's new role. "I intend that he will become an active participant in the Democratic leadership in the Senate," he said. "And that involves not just activities on the floor, but right in this very room where we meet regularly to attempt to determine what our course of action should be, what legislation to bring up, when to bring it up, how to present it."

He added, "It will be an important position . . . He will have access to all of the policy staff and will be instrumental in guiding the direction of the policy committee as well."

All in all, it is a remarkable development.

Many able senators—John F. Kennedy among them—have served their full Senate careers without becoming members of the "inner club." Wyche Fowler has attained that eminence after only two years in the Senate.

Georgia's senior senator, Sam Nunn, has long been recognized as one of Washington's most respected leaders. Now Mr. Fowler joins him as a key player in shaping the country's future. Few other states contribute more to this nation's leadership.

Georgians have reason to be proud.

PASSIVE SMOKING ON COMMERCIAL AIRLINES

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. VALENTINE. Mr. Speaker, I have reviewed an article published in the February 10 issue of the Journal of the American Medical Association [JAMA] entitled "Passive Smoking on Commercial Airlines." The study was conducted by the Smoking, Tobacco, and Cancer Program of the National Cancer Institute at the request of the Surgeon General, on four Air Canada flights.

Stripped to its essentials, the study seems to say two things—that passengers who are immediately adjacent to the smoking sections on commercial flights may be exposed to some cigarette smoke and that nonsmoking passengers in the nonsmoking sections find cigarette smoke from the smoking sections to be both irritating and annoying.

Presumably, this study will be used to help justify extending—and perhaps making permanent—the 2-year moratorium on airline smoking imposed by Congress last summer. Those who wish to perpetuate the smoking ban may cite this study as proof that separating nonsmokers from smokers on airlines provides inadequate protection to nonsmoking passengers.

In my judgment, to place such reliance on this study would be entirely unwarranted. You do not have to be a scientist to see why.

First, this study involved only nine subjects—only five of whom were passengers—on a mere four flights. Drawing any conclusions from such limited data would be like predicting the result of a national election based on interviews with a handful of voters.

Second, these subjects, all of whom were nonsmokers, were not selected at random. Eight of the nine are employees of Air Canada which banned smoking on most of its flights in 1987. When it came time to answer the study's annoyance questions, these employees were surely aware of their employer's policy.

Third, it is quite possible that the subjects' answers to the irritation and annoyance questions were biased by the consent form that was used. This form stated unequivocally—and without justification—that exposure to cigarette smoke causes health problems. Faced with these assertions, it is hardly surprising that the study participants claimed to be annoyed by exposure to cigarette smoke.

Fourth, we cannot be sure how much of the irritation and annoyance reported by the subjects—even crediting those reports—was actually due to cigarette smoke from the smoking sections, and how much might have been due to low relative humidity, carbon dioxide, ozone, and other such factors. It is elementary for scientists to control for such "confounding variables." The study published in JAMA did not do so.

Indeed, no effort was made at all to measure the symptoms of passengers in the middle of the nonsmoking sections. Although the JAMA article suggests that these passengers were unlikely to be exposed to cigarette smoke, that does not mean they were unlikely to suffer from the effects of other cabin conditions that were less than optimal. Without focusing on a representative sample of the passengers in the nonsmoking sections, no conclusions concerning the causes of reported discomfort can be reached.

Fifth, the authors do not come right out and say that cigarette smoke is a health risk to passengers in nonsmoking sections, but they invite the reader to draw that conclusion. They begin by citing the 1986 report of the Surgeon General, which asserts that tobacco smoke is a cause of disease. Then they report that some passengers in nonsmoking sections are exposed to tobacco smoke.

It's easy to complete the syllogism—a nonsmoker is at risk when inflight smoking is permitted. But there is no showing that the levels of exposure in this setting actually present any health risk. In fact, much of the available evidence is to the contrary.

Given these factors, the JAMA study can be viewed as little more than a political document, written to fuel passage of legislation to ban smoking on all flights. In addition to the questions raised by the study on its face, I note that the Tobacco Institute repeatedly requested information concerning the study under the Freedom of Information Act but received only a small fraction of the documents that were undoubtedly in the Government's possession.

I hope and trust that the airline smoking study to be conducted under the supervision of the Department of Transportation will be more objective than the study reported in this week's issue of JAMA.

SECRETARY OF DEFENSE SHOULD FURNISH HOUSE INFORMATION REGARDING COMMISSION ON BASE REALIGNMENT

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. BRUCE. Mr. Speaker, I rise as a cosponsor of the resolution of inquiry directing the Defense Secretary to furnish the House of Representatives with information regarding the actions of the Commission on Base Realignment and Closure.

I would like to express my frustration and concern with lack of information Members of Congress have received thus far from the Commission. The documentation does not adequately or accurately explain the Commission's recommendations and major portions of vital information have been whited out.

As Members of Congress, our obligation is to act responsibly in reviewing the Commission's recommendations. Without an opportunity to analyze the Commission's working papers or the supporting evidence, we would be ignoring the concerns and welfare of the hundreds of thousands of citizens who would be directly affected by the proposed closures.

The documentation requested by this resolution is absolutely necessary for Congress to make a fair judgment on the Commission's recommendations. Therefore, I urge swift action on this request.

TRIBUTE TO MARY D. KILLORAN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, I would like to bring to the attention of my colleagues an individual who has worked tirelessly on behalf of the people of Suffolk County. On January 26, 1989, Mary D. Killoran was sworn in as president of the Eastern Long Island Chapter of the National Association for the Advancement of Colored People.

Mrs. Killoran, a resident of Sag Harbor, NY, has a long history of distinguished service to the community. During the 1970's she served as county committeewoman for the Democratic Party in New York City. In 1975 she was appointed by Manhattan Borough president, Percy Sutton, to Community Board One, and for 2 years served on the board's human resources committee.

Mary D. Killoran, president of the Eastern Long Island Chapter of the National Association for the Advancement of Colored People, is an outstanding person. Her many personal and professional accomplishments deserve our applause. I ask that my colleagues join me in commending Mary D. Killoran for her community spirit, and professional dedication.

THE GRIDLOCK RELIEF FOR INTERSTATES PROGRAMS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. WOLF. Mr. Speaker, today I am introducing legislation that will help urban and suburban areas of the country cope with increasing levels of traffic congestion on the Federal Interstate System. Our colleague, Senator JOHN WARNER, is introducing an identical bill today in the other body.

Urban and suburban segments of the Federal Highway System have become increasingly congested as traffic volume has increased beyond expectations. In many areas, the system is simply breaking down under the huge load of traffic.

The legislation we are introducing today—The Gridlock Relief for Interstates Program [GRIP]—would create a new category of Federal highway funding to expand the capacity of heavily traveled portions of the Federal Interstate Highway System located in suburban and urban areas of the country. Two billion dollars a year would be made available nationwide for the program.

Funds authorized under our legislation could also be used for construction of noise walls or other sound abatement devices, acquisition of rights-of-way for construction of mass transit

facilities, and acquisition of land for park-and-ride-type facilities.

The type of funding program we have proposed is desperately needed throughout the Nation.

In the Washington, DC, metropolitan area, for example, interstate highways such as I-66, I-395, I-495, and even I-95 near complete gridlock during peak travel periods. The result is that commuters cannot get to work and interstate commerce cannot flow.

Funds provided under the GRIP legislation, however, could be used to widen I-66 from the Capital Beltway to Prince William County where virtual gridlock occurs every day during rush hours. Bottlenecks on the Capital Beltway—I-495—could be eliminated. The Wilson Bridge—I-95—could be widened or even double-decked.

The problem of congested interstate highways is not unique to the Washington, DC, metropolitan area. The Transportation 2020 Program held a series of 65 forums across the country to discuss the future of the Federal highway program. Witness after witness in State after State testified about the critical transportation problems that urban and suburban areas are facing.

In California, a witness from the general assembly testified that urban congestion is costing California $2 million a day in lost productivity. The summary report on California's Transportation 2020 forum notes: "Traffic congestion in urban/metropolitan areas is California's most serious transportation problem."

In North Carolina, a State not often associated with urban traffic congestion, the Transportation 2020 findings on urban traffic noted that every city in North Carolina with a population over 100,000 has passed a major transportation bond issue within the last 3 years by overwhelming margins.

Our legislation addresses these critical problems by directing Federal funds to the areas of the country where traffic congestion has virtually closed down the Federal Interstate Highway System.

The funds would be allocated to the States based on a formula which gives preference to urban/suburban areas with high levels of traffic congestion on the Interstate System. Rural areas of the country, however, would not be adversely affected because the Federal interstate construction program is virtually completed and our legislation does not affect other highway funding categories.

In 1956 the Federal Government made a commitment to construct an Interstate Highway System linking the 48 contiguous States. That goal is nearly complete and the current highway program is scheduled to end in 1992. We must begin now to look at changes that need to be made to address our Nation's transportation needs and get a GRIP on traffic. We offer this legislation as a starting point for the discussion on this critical issue and we welcome ideas and suggestions from our colleagues.

Northern Virginia and other urban/suburban areas of the country are facing tremendous needs in the area of transportation improvements. Our legislation addresses these needs in a way that will bring relief not only to northern Virginia, but to other regions of the country as well without penalizing rural or less populated areas.

I urge Members to support this legislation.

A copy of our legislation and a section-by-section analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS OF THE GRIDLOCK RELIEF FOR INTERSTATES PROGRAM [GRIP]

SECTION 1. URBAN INTERSTATE EXPANSION PROGRAM

Section 1 provides the Secretary of Transportation authority to approve projects for the purpose of expanding the capacity of interstate highways, certain highways built to interstate standards and certain toll roads located within urbanized areas of 50,000 population or more.

Section 1 also authorizes the Secretary of Transportation to expend funds under this program for noise barriers, acquisition of right-of-way for mass transit facilities and acquisition of land for construction of parking lots to encourage car and van pools and mass transit ridership where capacity expanding programs are undertaken.

SECTION 2. APPORTIONMENT FORMULA

Section 2 establishes the formula for apportioning funds to the states under the capacity expansion program. The formula considers two factors: interstate lane miles located within urbanized areas and vehicle miles travelled on those lanes. The two factors receive weights of 55 percent and 45 percent respectively.

SECTION 3. PERIOD OF AVAILABILITY; DISCRETIONARY USE OF LAPSED FUNDS

Section 3 provides that funds awarded under this program shall be expended within one year after the end of the fiscal year in which the funds were authorized.

Funds that are not expended within this time frame lapse and are made available to the Secretary of Transportation to distribute on a discretionary basis.

Section 3 establishes criteria governing the distribution of discretionary funds. Discretionary funds are available until expended.

SECTION 4. FEDERAL SHARE

Section 4 establishes 80 percent of the cost of any project undertaken as the federal share under this program.

SECTION 5. AUTHORIZATION OF APPROPRIATIONS

Section 5 authorizes $2,000,000,000 per year for this program in each of fiscal years 1993, 1994, 1995, and 1996.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. URBAN INTERSTATE EXPANSION PROGRAM.

(a) IN GENERAL.—Section 119(a) of title 23, United States Code, is amended by inserting "(1) RESURFACING PROGRAM.—" before "The Secretary" and by adding at the end thereof the following new paragraph:

"(2) CAPACITY EXPANSION PROGRAM.—The Secretary may approve projects within urbanized areas of 50,000 population or more for expanding the capacity of open-to-traffic routes of the Interstate System designated under sections 103 and 139(c) of this title and open-to-traffic routes on the Interstate System designated under section 139 (a) and (b) of this title before the date of the enactment of the first sentence of paragraph (1); except that the Secretary may only approve a project pursuant to this paragraph on a toll road if such toll road is subject to a Secretarial agreement provided for in subsection (e). Sums authorized to be appropriated for this paragraph shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(C) of this title. The Federal share for any project under this paragraph shall be that set forth in section 120(n) of this title.".

(b) ADDITIONAL ELEMENTS OF PROJECTS.—Section 119(c) of such title is amended—

(1) by striking out "Reconstructing" and inserting in lieu thereof "ADDITIONAL ELEMENTS OF PROJECT.—Reconstruction and capacity expansion projects"; and

(2) by adding at the end thereof the following new sentence: "The Secretary may approve under subsection (a)(2) as a part of a capacity expansion project within an urbanized area of 50,000 population or more on a route of the Interstate System construction of noise barriers along such route, acquisition of right-of-way for future construction of mass transit facilities along such route, and acquisition of land for construction of parking lots to encourage car and van pooling and mass transit ridership by persons traveling on such route if such barriers, right-of-way, or land are or will be located in such urbanized area.".

(c) CONFORMING AMENDMENTS.—

(1) SECTION 119(a).—Section 119(a) of such title is further amended—

(A) by inserting "RESURFACING AND CAPACITY EXPANSION PROGRAMS.—" after "(a)";

(B) by indenting and aligning paragraph (1), as designated by subsection (a) of this section, with paragraph (2), as added by such subsection (a); and

(C) in paragraph (1), as so designated, by striking out "this subsection" each place it appears and inserting in lieu thereof "this paragraph" and by striking out "this section" and inserting in lieu thereof "this paragraph".

(2) SECTION 139.—Section 139 of such title is amended—

(A) by inserting before the period at the end of the last sentence of subsection (a) and before the period at the end of the fourth sentence of subsection (b) the following: "and funds available to it under section 104(b)(5)(C) of this title for expanding within urbanized areas of 50,000 population or more the capacity of any highway designated as a route on the Interstate System under this subsection before such date of enactment"; and

(B) by inserting before the period at the end of the last sentence of subsection (c) the following: "and Federal-aid highway funds available to it under section 104(b)(5)(C) of this title for expanding within urbanized areas of 50,000 population or more the capacity of any highway designated as a route on the Interstate System under this subsection".

SEC. 2. APPORTIONMENT FORMULA.

Section 104(b)(5) of title 23, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(C) For expanding within urbanized areas of 50,000 population or more the capacity of the Interstate System:

"55 percent in the ratio that lane miles on the interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 119(e) of this title) and located within such areas of each State bears to the total of all such lane miles within such areas of all States; and 45 percent in the ratio that vehicle miles traveled on lanes on the interstate

routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 119(e) of this title) and located within such areas of each State bears to the total of all such vehicle miles within such areas of all States. Notwithstanding the preceding sentence no State (excluding any State that has no interstate lane miles) shall receive less than ½ of 1 percent of the total apportionment made by this subparagraph for any fiscal year."

SEC. 3. PERIOD OF AVAILABILITY; DISCRETIONARY USE OF LAPSED FUNDS.

Section 118(b) of title 23, United States Code, is amended by redesignating paragraph (4), and any references thereto, as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) INTERSTATE CAPACITY EXPANSION FUNDS.—

"(A) PERIOD OF AVAILABILITY.—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(C) of this title shall continue to be available for expenditure in the State for a period of 1 year after the last day of the fiscal year for which such sums are authorized.

"(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and be made available by the Secretary for projects within an urbanized area of 50,000 population or more for expanding the capacity of any open-to-traffic route (or portion thereof) on the Interstate System (other than a highway designated as part of the Interstate System under section 130 and a toll road on the Interstate System not subject to an agreement under section 119(e) of this title). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that—

"(i) the State has obligated all of its apportionments under section 104(b)(5)(C) other than an amount which, by itself is insufficient to pay the Federal share of the cost of such a project which has been submitted by such State to the Secretary for approval; and

"(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

"(C) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

SEC. 4. FEDERAL SHARE.

Section 129 of title 23, United States Code, is amended by redesignating subsection (n), and any references thereto, as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) INTERSTATE CAPACITY EXPANSION PROJECTS.—The Federal share payable on account of any project within an urbanized area of 50,000 population or more for expanding the capacity of any open-to-traffic route on the Interstate System shall be 80 percent of the total cost thereof.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for expanding within urbanized areas of 50,000 population or more the capacity of the National System of Interstate and Defense Highways $2,000,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996.

THE CIVILITY OF AMERICAN POLITICS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MICHEL. Mr. Speaker, distinguished American scholar and former Librarian of Congress, Daniel Boorstin, has written an excellent article reminding us of the importance of something we take for granted—the civility of American politics. I recommend his article to all our colleagues.

At this point, I want to insert in the RECORD, "The Civility of American Politics," by Daniel Boorstin, published in U.S. News & World Report, January 23, 1989.

[From U.S. News & World Report, Jan. 23, 1989]

THE CIVILITY OF AMERICAN POLITICS

(By Daniel J. Boorstin)

On the eve of the election of 1952, W.H. Auden, who had personally witnessed the violence of the Spanish Civl War and the Nazi excesses, told me what was most remarkable about the contest between Adlai Stevenson and Dwight Eisenhower. "You probably wouldn't even notice it, but neither candidate is packing his bags to leave the country if he doesn't win." With poetic hyperbole he had put his finger on what most distinguishes our American political life, but which may seem too obvious to be noticed in this season of amiable White House transition.

Our tradition of political civility is nowhere more conspicuous than in the inaugural ceremony, which ends one fixed term and begins another. The question of the length of the President's term and how many terms he should serve much troubled the Framers in the Constitutional Convention. On Aug. 6, 1787, the Committee of Detail proposed: "The Executive Power of the United States shall be vested in a single person. His stile shall be 'The President of the United States of America;' and his title shall be 'His Excellency.' He shall be elected by ballot by the Legislature. He shall hold office during the term of seven years; but he shall not be elected a second time." After long debate, every one of these "details" was changed so the President would be elected by an Electoral College for a four-year term, with no limit on re-election.

History has shown that the Framers' concern was not misplaced. Five constitutional amendments—more than on any other subject except civil rights and the qualifications for voting—have modified the details of the office of the President. Most significant was the 22nd Amendment, which limited the President to two terms. What seems to have escaped our notice is the most obvious and rudimentary feature of our system.

The fixed term of the President speaks volumes about American political life. By prescribing a certain number of years for the Chief Executive's tenure of office, the Framers expressed confidence in the civility of American politics. They took it for granted that the political opposition to an elected President would never be so bitter or so violent that they would not tolerate an unpopular President for his full term.

The fixed term has had other consequences, revealed most recently in the Presidency of Ronald Reagan. For the fixed term reposes a confidence in the person of a President who is not to be casually overruled by shifting popular approval. If we had a parliamentary system with the President dependent on the continuing approval of the current majority of voters, several of our Presidents might have been recalled before the end of their four-year terms. Of course, the process of impeachment exists under our system, too, but it is extremely difficult and cumbersome.

Overruling the temporary foibles and whims of popular opinion, the fixed term also gives the President breathing space—some time to recover from passing misfortunes or misjudgments, from vicuña coats or Iran-Contra suspicions. No country in the world has had its shifts of public opinion more frequently or more expertly measured. It is doubly remarkable, and doubly desirable, that we have resisted the temptation embodied in parliamentary government to allow these shifts to be promptly registered in changes of administration.

The classic political theorists parsed governments into monarchy, oligarchy and democracy, according to the numbers and character of those who govern. In the 20th century as never before, overwhelmed as we are by the evanescent currents of public opinion and always threatened by its tyranny, we can see a new significance in the periodicity that any political system provides for the succession to power. We can see more clearly the wisdom of a government that forecasts and provides for the orderly and regular succession with a prescribed period of insulation from shifting public opinion. Today much of the world, including the Soviet and the Chinese empires, selects the successors to power in inscrutable ways hidden from the public. But in our United States, the periodicity of presidential power, well suited to a nonideological people, tolerates the personal weaknesses of leaders for the sake of the civil rhythms of our political life.

THIRTY YEARS OF COMMUNISM IN CUBA

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. SENSENBRENNER. Mr. Speaker, during the recent congressional break we celebrated the joyful Christmas season with our families, the dawning of a New Year, the swearing-in of our new colleagues, the inauguration of President George Bush and now, the anxious beginning of the 101st Congress. For most of us, the last 2 months have been full of anticipation and celebration. Not so for those in Cuba. In January, Fidel Castro—the most repressive leader in the hemisphere—held ceremonies to commemorate the 30th year since his hijack of the Cuban Government. It is safe to say the occasion is not a happy one for most Cubans.

The only happy Cubans are those million-plus who have fled to adopt the United States as their new home. Castro's defensively

braggy response is unconvincing: "So, 1 million malcontents have left, but 8 million have stayed." Can you imagine an equivalent percentage of Americans—31 million—fleeing these United States?

I suspect many more Cubans would flee if the opportunity to freely migrate were given. None of us can forget the chaos of thousands upon thousands of Cubans fleeing across the Florida Straits in every sort of vessel when for just a few short weeks Castro opened Mariel Harbor during 1979. They left all of their belongings to the state, paid exorbitant immigration fees to the Castro regime, and came with nothing in their pockets and just the shirts on their backs. They were happy just to get here. Now, even the criminals Castro mixed-in with those refugees want to stay. You probably recall the rioting by prisoners who thought they would be returned to Cuba. They would rather remain behind bars in our prisons than be returned to Communist Cuba.

Today, 30 years after the revolution, Cuba is perhaps at its nadir under Castro, hopelessly out-of-touch even with what is happening in the Soviet Union. Still, many Castro apologists believe the time for mending political fences is ripe, that we should offer to lift our embargo in exchange for moderated political policies and make Castro the "Tito of the Caribbean."

Unfortunately, these people live in a dream world. Castro lives to be a thorn in the side of the western free world and is an international figure primarily because he has tapped the underground current of worldwide anti-Americanism.

Moreover, Castro cannot even agree with his Russian handlers. Castro is no fan of Gorbachev's new thinking. In fact, Cuban censors diligently trim damaging issues of Pravda and Izvestia mentioning glasnost or perestroika.

During the past 30 years, Castro has pursued two goals: to survive and to project his brand of Cuban communism across the world. He is an adventurer who, above all, wants to leave his mark on history.

As a corollary to these goals, Castro has subjugated the very real problems of Cuba to his desire to build military capabilities commensurate with his adventurism. He is interested in big things for Cuba. Other things, such as the development and democratic reforms he and Che Guevarra promised in 1959, are long forgotten.

Despite economic and social decay in Cuba, Castro has committed Cuban troops, military equipment, technicians, resources and his personal prestige to Africa, Central and South America. The Cuban people are clearly not his priority, but their subjugation is.

In fact, the economic situation in Cuba has steadily worsened since 1959. By many accounts, Cuba before Castro was considered to be an emerging nation. Cuba had twice as many physicians as the rest of the Caribbean, life expectancy higher than several European nations, lower infant mortality than Italy, a broadening economy with perhaps the highest per capita GNP in the region and Latin America's fastest growing middle class. They even had more Cadillac's per capita than the United States.

Cuba in 1989 is nothing more than a typical Third World slum. Social indicators and economic development are way down. Most of Cuba's Latin American neighbors have eclipsed Castro's strides in education, medical care and economic development. Cuba is a shell of what it could have been.

Castro's lifelong promise to diversify the economy is the prime case in point. Cuba as a Russian satellite is more dependent on its sugar industry than ever before in its history. Castro's perennial development schemes have been a complete failure. His nation has regressed to a simple arrangement: Russians guarantee a price for Castro's sugar crop, and Cubans fight the war in Angola.

Recently, many of Castro's former admirers joined some of his critics in an open letter encouraging him to hold a plebiscite on his rule as Pinochet has just done. Castro's response to these 170 movie stars, literati and scientists was typical: "The Cuban people held a grand plebiscite concerning their destiny 30 years ago." Case closed. Imagine Pinochet, who has held power half as long as Castro, making a similar rebuff. Liberals would scream.

I see little chance for change in Cuba and, therefore, little reason for improving relations. However, we should continue to do our best to contain the violence Castro spreads, while at the same time working to improve relations with those other nations in the hemisphere more deserving than the oppressive Government of Cuba.

ENERGY SECURITY

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. WATKINS. Mr. Speaker, in an attempt to reverse the United States increasing and continued reliance on imported crude oil and refined products, I have today introduced sweeping legislation to increase domestic production.

My legislation proposes to amend the Tax Code to encourage more production by independents who make 80 percent of the petroleum industry's significant new discoveries of domestic oil and gas reserves as well as operating most of the Nation's 450,000 "stripper wells." In addition, this legislation would preserve stripper production—most of which is from economically marginal wells, yet accounts for almost 50 percent of the total U.S. production.

According to recent figures released by the American Petroleum Institute, imported crude oil and refined products exceeded domestic production in December, and in 1988 imports constituted 42 percent of domestic consumption. In addition, November's petroleum imports cost the Nation $3.14 billion. This only increases our trade deficit.

Domestic production from the lower 48 States declined at an average annual rate of about 400,000 barrels a day last year, and the National Stripper Well Association says that in the past 3 years, State regulatory agencies reported 53,498 producing stripper wells were plugged, almost all due to economics. As a comparison, in 1981 and 1982, when prices were higher, only 16,641 wells were plugged.

During 1988, for the first time in 25 years, domestic production was below 8 million barrels a day, less than half our demand.

It is imperative for our economic and military security that domestic production increase while we search for new reserves and develop ecologically safe alternative energy.

Mr. Speaker, my proposal was a maintenance bill—if it is enacted, it will just maintain the industry, and not allow for much growth. Crude oil prices must reach the $24 to $26 range to allow for long-term energy industry growth.

Dallas Federal Reserve Bank economists recently predicted that world oil prices will rise to $25 a barrel by 1993. The Nation's economic and military security cannot wait until 1993, nor can people in the oilfields of producing States such as Oklahoma, Texas, and Louisiana and the others.

Key to this legislation is a provision to establish a minimum price of $18 per barrel as a small producer "safety net."

Price is the key to keeping the domestic industry alive, and therefore the key to our Nation's military and economic security.

While prices worldwide have been generally rising, crude futures tumbled $1.50 on another rumor 1 week ago.

A butterfly can cough in the Persian Gulf and the traders jump aboard the panic wagon.

The independent segment of the industry operates on borrowed money, much as production agriculture. Lenders are reluctant to make loans when prices are so volatile, and as a result energy loans are almost nonexistent.

We must establish price stability.

My bill would direct Federal lending regulatory agencies to create a mechanism to write down or stretch out energy loans.

It would also require the Department of Energy to fill the Strategic Petroleum Reserve [SPR] with domestic stripper oil, or oil exchanged for stripper, if it can be bought as cheaply or cheaper than current DOE SPR contracts. A recent GAO report said that, for the past several years, DOE has been filling the SPR with Mexican oil at an average price of $19.

On the face of it, that's hard to understand and it's harder to explain why we've been buying Mexican crude while we've had to plug thousands of United States producing wells and bankrupting thousands of independent producers.

My legislation also proposes that natural gas prices be deregulated at the well-head while leaving intact existing contracts.

To summarize, the Secure Energy Supply Act of 1989, would:

Restore percentage depletion allowance to 27.5 percent for stripper-well production;

Repeal a net income limitation on oil and gas wells;

Repeal a provision that disallows the transfer of percentage depletion with a proven petroleum property that is sold or transferred to a new owner;

Remove percentage depletion and intangible drilling costs as tax preference items—and as such part of a minimum tax calculation;

Allow as a tax deduction, with a carryback provision, qualified losses incurred in produc-

tion of domestic crude—100 percent in the case of independents and 80 percent for other domestic producers—based on cost of production.

Provide for the Strategic Petroleum Reserve to be filled—to at least 750,000,000 barrels—by domestic stripper-well production or oil exchanged for stripper-well oil, if stripper well oil can be bought by the Department of Energy at a price equal to, or less than, the price from current sources;

Repeal price controls on first sales of natural gas at the wellhead, while leaving existing contracts in force for the life of the contract;

Establish a minimum $18 price for domestic crude, adjusted for location and quality; require domestic refiners not buying domestic to buy American crude first, when available. Domestic refiners will pay a "blending surcharge fund" into the Treasury, based on the difference between their weighted average cost of crude and $18. And a similar refined product fee would be established based on the nearest refiner's rack price;

Direct Federal fiduciary agencies to promulgate regulations granting banks and other financial institutions greater flexibility in rescheduling or marking down energy-related trouble loans, including lowered capital requirements.

Mr. Speaker, in closing, I would like to point out that the concept of this legislation has been endorsed by the Oklahoma Independent Petroleum Association, the National Association of Royalty Owners, the Permian Basin Petroleum Association, the New York State Oil Producers Association, the International Association of Geophysical Contractors, and the Association of Oil Well Service Contractors. I anticipate other endorsements from the small producer segment and those who realize that we must do something regarding our Nation's energy security.

ORGANIZATIONS ENDORSING THE RECONSTITUTION OF THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MILLER of California. Mr. Speaker, early in January, I introduced House Resolution 33 to reconstitute the Select Committee on Children, Youth, and Families. The resolution has attracted more than 180 cosponsors; and more than 150 local, State, and national organizations have endorsed the Select Committee's reconstitution—organizations ranging from the American Bar Association to the Coalition for Children in Albuquerque, NM; from the American Academy of Pediatrics to Citizens for Missouri's Children; from the American Baptist Churches to the Texas Youth Commission. I am hereby submitting a list of the organizations supporting the reconstitution of the Select Committee on Children, Youth and Families:

Action for Child Protection.
Agenda for Children (Baton Rouge, La).
Alaska Children's Services.
Alaska Youth and Parent Foundation.
American Academcy of Child and Adolescent Psychiatry.
American Academy of Pediatrics.
American Association for Marriage and Family Therapy.
American Association of School Administrators.
American Baptist Churches.
American Bar Association.
American Camping Association (Martinsville, IN).
American Educational Research Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Home Economics Association.
American Phychiatric Association.
American Phychological Association.
American Public Welfare Association.
American School Food Service Association.
American Vocational Association.
American Youth Work Center.
Arizona Governor's Office for Children.
Arkansas Advocates for Children and Families.
Association for Childhood Education International.
Association for Children of New Jersey.
Association for Retarded Citizens.
Association of Child Advocates (Cleveland).
Association of Teachers of Maternal and Child Health (Boston).
Autism Society of America.
Berkshire Farm Center and Services for Youth (Canaan, N.Y.).
Boys Town.
Bread for the World.
Bureau of Social Services, Maine Dept. of Human Services.
California Children's Lobby.
Candlelighters Childhood Cancer Foundation (D.C.).
Catholic Charities U.S.A.
CEDEN Family Resource Center.
Center for Population Options (D.C.).
Center for Youth Services (D.C.).
Center on Budget and Policy Priorities.
Child and Family Services (Knoxville, Tenn.).
Child Care Action Campaign (New York City).
ChildServ (Park Ridge, ILL.).
Child Welfare League of America.
Children's Budget Coalition (St. Louis).
Children's Defense Fund.
The Children's Foundation.
Children's Research and Education Institute, Inc.
Children's Services of Colorado, Inc.
Church of the Brethern Washington, D.C., Office.
Citizens and Agencies for Troubled Children (Stone Mountain, GA).
Citizens for Missouri's Children.
Citizen's for Children, (Albuquerque, N.M.).
Coalition on Human Needs.
Coalition on Permanence for Children.
Collaboration for Connecticut's Children.
Community Child Protection Network of Chittenden County, Vermont.
The Connecticut General Assembly Commission on Children.
Consortium of Social Science Associations.
Contra Costa Child Care Council (Calif.).
Council for Children, Inc. of Atlanta.
Council for Children (North Carolina).
Council for Exceptional Children (Reston, VA.)
Council of the Great City Schools.
District of Columbia Metropolitan Area Council on Family Relations.
Eastern Sociological Society.
Employment Support Center.
Epilepsy Foundation of America.
Family Service America.
Florence Crittenton Services of San Francisco.
Florida Governor's Constituency for Children.
Food Research and Action Center, (D.C.).
Future Advancement of Camping (Hatteras, N.C.).
Georgia Alliance for Children, Inc.
Gerber Products Company.
Girls Clubs of America, Inc.
Groves Conference on Marriage and the Family.
Hawaii Governor's Office of Children and Youth.
Health Security Action Council/Committee for National Health Insurance.
High/Scope Educational Research Foundation.
Illinois Action for Children.
Info-Line of Los Angeles.
Institute for Child Advocacy.
Jewish Child Care Association of New York.
Kansas Action for Children.
Kansas Child and Youth Advisory Committee.
Kansas Children's Service League.
Kentucky Institute for Children.
March of Dimes.
Mendota Mental Health Institute.
Mexican American Women's National Association.
Michigan Network of Runaway and Youth Services.
Minnesota Association for the Education of Young Children.
Minnesota Council on Children, Youth, and Families.
Mississippi Human Services Coalition.
NAACP Legal Defense and Educational Fund, Inc.
National Association of Counties.
National Association of Elementary School Principals.
National Association of Secondary School Principals.
National Association of Social Workers
National Association of Children's Hospitals and Related Institutions.
National Black Nurses' Association.
National Center for Clinical Infant Programs.
National Child Abuse Coalition.
National Child Welfare Leadership Center (UNC).
National Coalition Against Domestic Violence.
National Coalition of Advocates for Students.
National Coalition of Title I, Chapter I Parents.
National Committee for Adoption.
National Committee for Prevention of Child Abuse.
National Community Action Foundation.
National Crime Prevention Council.
National Exchange Club Foundation for the Prevention of Child Abuse (Toledo, Ohio).
National Head Start Association.
National Institute for Women of Color.
National Mental Health Association.
New York Citizen's Committee for Children.
New York State Citizen's Coalition for Children, Inc.
North American Council on Adoptable Children.
North Carolina Child Advocacy Institute.

Ohio Association of Child Care Caring Agencies, Inc.
Oklahoma Coalitions for Children, Youth, and Families.
Older Women's League.
Orphan Foundation of America.
Parent United, Inc. of Omaha Nebraska.
Parent United International.
Philadelphia Child Guidance Clinic.
Philadelphia Citizens for Children and Youth.
San Antonio CARES.
Sasha Bruce Youth Work, Inc. (D.C.).
Save the Children Federation.
St. Mary's County, Md., Office of Community Services.
Mississippi Governor's Office for Children and Youth.
State of Nevada Youth Services Division.
State of New Jersey Governor's Committee on Children's Services Planning.
Suspected Child Abuse and Neglect Volunteer Service, Inc. (Little Rock, Ark.).
Texas Youth Commission.
Travelers Aid International.
United Church Board for Homeland Ministries, Family Life Office.
University of California, San Francisco, Department of Family Health Care Nursing.
University of Maryland Department of Family and Community Development.
Utah Issues.
Vermont Children's Forum & Parent/Child Center Network.
Voices for Illinois Children.
Waif, Inc. (New York City, N.Y.).
West Virginia Commission on Children and Youth, W.V. Department of Human Services.
Western Association of Children's Hospitals.
Wings for Children (South Carolina).
Wisconsin Council on Developmental Disabilities.
Women's Legal Defense Fund.
YWCA of the National Capital area.
Youth Service America.

ANABOLIC STEROID RESTRICTION ACT OF 1989

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. STARK. Mr. Speaker, today, along with my colleagues LARRY SMITH, RICHARD BAKER, BILL MCCOLLUM, BILL DANNEMEYER, CLAUDE HARRIS, JIM SCHEUER, GEORGE MILLER, RAY MCGRATH, DENNY SMITH, TOM LEWIS, ESTEBAN TORRES, BILL SCHUETTE, BILL HUGHES, PAUL HENRY, BARBARA BOXER, RONNIE FLIPPO, BOB MRAZEK, BEN ERDREICH, MAJOR OWENS, SONNY CALLAHAN, BEN CARDIN, MATT MARTINEZ, TOM BEVILL, CHET ATKINS, DANTE FASCELL, JIM BUNNING, HOWARD COBLE, TOMMY ROBINSON, DAVE MCCURDY, BEN JONES, BERNARD DWYER, AL MCCANDLESS, RON DE LUGO, and BOB DORNAN, I am introducing legislation aimed at Mexican-based steroid distributors who are using the United States mails to end run our efforts to control anabolic steroids. The legislation is titled the "Anabolic Steroid Restriction Act of 1989."

This legislation is a result of a request by my constituent, Mr. Charles Miller of San Lorenzo, CA, who received a truly offensive anabolic steroid catalog, mailed from United Pharmaceuticals of Tijuana, Mexico, in October. The post office has subsequently informed me that this same catalog has been received by thousands of other households across the country.

The obnoxious content of the catalog reveals an overt, blatant attempt to convert unsuspecting American tourists into drug smugglers. Mr. Miller has asked me to try to do something to ban these mailings, and the Anabolic Steroid Restriction Act is an effort to do so.

The Anabolic Steroid Restriction Act, developed in consultation with the U.S. Postal Service, would ban any solicitation—mailing, radio, television, magazine, and so forth—for anabolic steroids, with an exception for legitimate mailings to certified medical professionals. The bill also clarifies the nonmailability status of anabolic steroids. Currently, steroid distribution is limited in the 1988 antidrug initiative to prescription-only availability.

This legislation is a reasonable, and constitutional, approach to halting the offensive solicitation of Americans by Mexican-based pharmaceutical firms to smuggle drugs across our borders. I look forward to working with my colleagues to ensure its passage.

REVITALIZING THE SSI PROGRAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MATSUI. Mr. Speaker, on behalf of Congressman DOWNEY, Congressman MILLER, and Congressman ROYBAL, today I am introducing three bills which will make the SSI Program better able to serve the needy aged, blind and disabled propulations it was designed to target.

Contrary to popular perception, poverty among elderly and disabled Americans persists. A substantial number of our elderly citizens remain poor. Three and one-half million elderly persons—about 13 percent of all persons age 65 and older—have incomes below the poverty line. Poverty is especially widespread among aged minorities, women, persons living alone, and the very old. The poverty rate for elderly female-headed families is 23 percent and the rate for elderly blacks is 31 percent—19 percent of all Americans 85 or older are poor.

Poverty rates for disabled adults are even higher. It is estimated that more than one-third of disabled adults have incomes below the poverty line and half of the disabled persons living independently are impoverished.

Congress enacted the Supplemental Security Income [SSI] Program in 1972 to guarantee a minimum level of cash income to elderly and disabled persons. However, today that guarantee has failed. Although the program's concept and structure are basically sound, the current level of Federal assistance does not provide recipients with an income that even brings them up to the poverty line. The maximum Federal SSI benefit standard for single persons is only about 75 percent of the poverty level—$368 a month for an individual and $553 for a couple. In addition, the SSI allowable assets limit is very low and has not been adjusted to keep up with inflation since 1972. As a result, many individuals who are truly impoverished are excluded from the SSI Program.

Over 250,000 aged and disabled individuals receive SSI on the basis of a Federal SSI benefit standard of only $245 a month because they are living with family or friends. Present SSI law assumes that their needs are less because they are receiving in-kind assistance even though their needs are great because of their disability or frail condition. This situation often involves parents caring for their adult mentally retarded son or daughter who is not capable of living by themselves. In many cases, where the adult disabled child receives some Social Security on their elderly parents earnings record, that income makes them totally ineligible for any SSI or Medicaid.

Adding to the program's problems are a number of technical eligibility rule glitches each affecting certain specific subgroups of SSI recipients, which collectively create a great deal of suffering and misfortune for many elderly and disabled persons. Correcting each glitch is very important to those aged, blind or disabled individuals who would retain eligibility for SSI if it were not for the unfair and often unintended consequences of current law.

Some elderly and disabled persons do not participate in SSI because their incomes are above the SSI benefit standard. Others do not qualify because their countable assets are greater than the restrictive allowable assets limit. But even with these restrictive eligibility guidelines, a large number of potential SSI beneficiaries do not participate because they do not know the program exists. A Social Security Administration study reported that 45 percent of eligible persons who did not participate simply were unaware of its existence.

The SSI Program was also intended to help the families of disabled children. Children in low-income families with disabilities of comparable severity to adults are eligible for SSI benefits. While the cash payment is important to these low-income families, the Medicaid benefit that SSI eligibility carries with it in almost all States is critical. It is often the only regular source of health care essential to stabilizing and ameliorating the child's condition. Yet despite the obvious benefits of the SSI Program for poor families with disabled children, the majority of these children are not enrolled in the program. Data from a National Health Interview Survey indicates that only a quarter of all totally disabled children living at home below the poverty line are enrolled in the SSI Program.

The three bills we are introducing today address all of the above problems with the current SSI Program. First, the SSI Benefit Improvements Amendments of 1989 would raise the SSI Federal benefit standard level to the poverty line over 3 years and raise the asset limit to reflect inflation. It would allow a person to live with another person and receive in-kind assistance without losing SSI eligibility for purposes of Medicaid. It also would require that the Social Security Administration establish a permanent SSI outreach program for both adults and children.

Second, the SSI Technical Amendments of 1989 would correct glitches in current law including treatment of unemployment compensation, weekly or bi-weekly income, travel tickets, income upon separation, interest and dividend income, life insurance, and burial accounts. It also would extend SSI eligibility for purposes of Medicaid eligibility in several deserving special situations.

The third bill we are introducing would assure that poor disabled children do not fall through the SSI safety net. The SSI Disabled and Blind Children Act of 1989 would reform the definition of disabled children to comport with current medical practices, and correct certain inequities in the treatment of a family's income and resources in determining the eligibility of a disabled child.

Taken together, these three bills would make the SSI Program fairer for recipients and more responsive to the truly needy. The following outline highlights these proposals in more detail.

HIGHLIGHTS OF SSI LEGISLATION

A. MAJOR BENEFIT AND RESOURCE CHANGES

1. Increase SSI to poverty level

2. Increase resource limit to equal value in 1974

3. Establish Permanent SSI Outreach Program for Adults and Children

4. Increase in Benefits for Aged and Disabled Persons Being Cared for in Other's Home or Receiving Housing or Other In-Kind Income

a. Individuals living in low income households would have only actual value of in-kind assistance counted as income instead of automatic one-third reduction in benefits.

b. Aged and disabled persons who are ineligible for SSI because of in-kind income from living with others or receiving below cost housing, would, nevertheless be treated as SSI recipients in determining eligibility for Medicaid.

B. DISABILITY CRITERIA FOR CHILDREN

1. Clarify that there must be an individualized assessment of each child, including consideration of functional limitations.

2. Children, ages 3 years and younger, will be presumed disabled if the child has a congenital or genetic impairment which is probable to be found disabling if tests existed which permitted testing of the young child.

C. PROTECTION AGAINST LOSS OF MEDICAID FOR SSI DISABLED PERSONS WHEN ELIGIBLE FOR SOCIAL SECURITY

1. Continued Medicaid for disabled persons when eligible for Social Security early retirement or spouse benefits at age 62.

2. Continued Medicaid for disabled who lost SSI/Medicaid prior to July 1987, when they became eligible for Social Security disabled adult children benefits.

3. Continued Medicaid eligibility determinations to be provided by Social Security Administration for early retirees, spouses, and disabled widowers.

D. TECHNICAL AMENDMENTS TO SSI INCOME AND RESOURCE ELIGIBILITY CRITERIA FOR ADULTS AND CHILDREN

1. Worker's compensation and unemployment compensation to be treated as earned income with $65 plus ½ remaining disregarded rather than as unearned income with only $20 disregard.

2. Parent's income deemed to disabled children which fluctuates in the amount of monthly earned income (resulting from bi-weekly pay periods) would be averaged over a year to monthly average if such averaging would prevent loss of SSI and Medicaid in certain months.

3. Interest income of $120 a year (increasing by $12 a year) would be disregarded in determining SSI benefits.

4. Life insurance policies (which have cash value) would not have their cash value counted if their face value is $2500 or less instead of the current $1500 limit. Allowable burial accounts would also be increased from $1500 to $2500.

5. Members of an SSI eligible couple would each be treated as individuals after one month of living apart instead of six months.

6. Gifts to aged, blind or disabled individuals in the form of commercial transportation tickets would not be counted as income.

7. Property essential for self-support would not be counted as a resource. Only income from such property is to be counted in determining eligibility.

TRIBUTE TO MILLIE WATERMAN

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. ECKART. Mr. Speaker, I would like to take this opportunity to pay tribute to Millie Waterman, a constituent of mine who is retiring after 30 years of service to our public schools. Thirty years ago, Millie began work on the local PTA in Mentor, OH. Millie's work took her to the national level 10 years ago, when she became the vice president of legislative activity for the national PTA. Through the years her work has been characterized by commitment and integrity.

The challenges that lay ahead for our Nation demand the highest degree of commitment to the education of our children. That commitment must be undertaken with the utmost sincerity and tenacity and it must come from teachers, parents and, of course, the children themselves. Millie has provided an example of this commitment.

Perhaps the greatest expression of appreciation for Millie's work can be found in the community of parents, students, and teachers in northeast Ohio, and indeed, across the country, that have benefited from her years of service.

Millie's 30 years of work on behalf of children has provided a challenge for all of us—a challenge to commit our lives to a purpose that will serve the greater community. For her accepting that challenge we are all richer.

FOREIGN TRADE ZONES AT USER FEE AIRPORTS

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. CHENEY. Mr. Speaker, I am pleased to join with my colleagues, Mr. GRANDY, Mr. GUARINI, Mr. SMITH of Texas, Mr. ROBERT SMITH of Oregon, and Mr. YOUNG of Alaska, in introducing legislation today to correct an unforeseen and unintended effect of a portion of the Budget Reconciliation Act of 1987.

This minor correction will allow airports in some of America's small communities to operate foreign trade zones as a means of economic diversification. It was never the intent of the 1987 language to deprive small airports of this tool for economic development, and this legislation clarifies the applicable law to preserve the option. This legislation would have absolutely no effect on foreign trade zones or subzones now operating at or near ports of entry.

The situation in my home State illustrates the problem. For nearly 3 years, the Natrona County International Airport, near Casper, WY, has been interested in operating a foreign trade zone. Setting up the zone would allow the expansion of some existing businesses in the Casper area, and it would encourage the development of some new businesses.

While Wyoming's economy is primarily based on mineral production, it seeks to expand in such diverse directions as light manufacturing and specialized product development. A foreign trade zone would greatly encourage the further enhancement of this bright spot on the Wyoming landscape.

It would allow businesses that locate at the airport to receive foreign goods without paying customs duties or Government excise taxes. Imported items could be used to manufacture more complex products, or sold separately themselves, and no customs duties would be imposed until the goods leave the zone to be sold in the United States.

Businesses at the zone could also receive foreign goods, assemble them at the foreign trade zone, and ship the completed items to another country, all without paying any U.S. customs duties. In addition, when a producer sells a product in the United States that contains imported items assembled in a foreign trade zone, he may choose to pay customs duties either on the assembled product itself or on its component parts. The producer can choose the method which results in the lowest possible customs duty.

Congress created foreign trade zones in 1934 "to expedite and encourage foreign commerce." But their potential benefit to States like Wyoming grew in 1980, when the Customs Service decided not to charge duties on processing costs that arise within a zone. Since then, the zones have become an economic development tool to attract and retain new businesses.

In April 1986, the Natrona County International Airport Board presented its application to the Foreign Trade Zone Board. While the airport was aware of the general practice of locating foreign trade zones at or near ports of entry, the Customs Service led the airport to believe that if it became a user fee airport, it would then be eligible for a foreign trade zone, even though the airport was not a port of entry.

In fact, the airport did acquire user fee status for the sole purpose of attracting a foreign trade zone. On November 16, 1987, a notice was published in the Federal Register regarding the application, and a hearing on the application was conducted by an examiner's committee, appointed by the Foreign

Trade Zone Board, on December 1, 1987, at Casper.

While waiting for a decision on its application, my office learned of a potential legal problem raised by the Customs Service. Customs lawyers said the problem arose from the 1987 Budget Reconciliation Act, a portion of which provided that the Customs Service may no longer charge fees for making inspections at foreign trade zones. The legislation did not prohibit Customs personnel from inspecting foreign trade zones; it simply said that they may not levy a special, additional charge for the service.

Customs said that because their personnel at a user fee airport could not charge for their services at foreign trade zones, it could not be reimbursed for what they do. Therefore, the argument went, the user fee airport personnel could not do work at a foreign trade zone, because their user fee personnel can provide services only for which they can be reimbursed.

If some change is not made in the Customs Service statutes, no user fee airport will ever be able to operate a foreign trade zone. While the problem arose in Wyoming, a similar obstacle faces other units of local government who seek to follow Casper's example.

Therefore, I am today introducing a bill to make it possible for Customs agents to make inspections at foreign trade zones at user fee airports. I must emphasize that there is no cost whatsoever to the Federal Government from this legislation. The whole point of a user fee airport is that the operator of the airport reimburses 100 percent of the Customs Service costs at the airport.

My legislation makes it possible for Customs to levy inspection fees at user fee airports only, and it makes it clear that Customs agents are permitted to inspect foreign trade zones at those airports as part of their duties. And I repeat that these fees would not apply to foreign trade zones anywhere else, such as at ports of entry.

I thank my colleagues for their cosponsorship, and I urge the Congress to enact this simple legislation to correct a situation that Congress never intended to create in the first place.

CRIPPLED BUT NOT CRUSHED

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. ROTH. Mr. Speaker, the following articles by Bob Lowe should be of interest to all Members. Entitled "Crippled but Not Crushed," the article discusses the hardship wrought upon the people of Panama by United States economic sanctions. It was printed in the Sunday Post-Crescent, a newspaper published in Appleton, WI.

The question of what direction United States-Panama policy should take is certainly one of the most important foreign policy issues facing the new administration and the 101st Congress. And on problems as complex and difficult as how to balance our security, economic, narcotics and human rights concerns in Panama, it is surely advisable for us to consider the full spectrum of responsible views. Mr. Lowe presents a different viewpoint on United States-Panama policy than is prevalent here on Capital Hill. It is my opinion, therefore, that all Members would benefit from reading Mr. Lowe's article:

CRIPPLED BUT NOT CRUSHED—IN PANAMA, NORIEGA STILL IS IN CHARGE

(By Bob Lowe)

PANAMA CITY, PANAMA.—Central Avenue, the capital city's main downtown commercial thoroughfare, continues to have massive traffic jams. During the recent holiday shopping season, hordes of shoppers crowded the sidewalks and the stores, looking for bargains.

Ships continue to traverse the 51-mile Panama Canal unimpeded and without major problems.

Anti-government riots that were widespread in the urban areas a year ago have ended. Members of Panama's Defense Forces, under the command of Gen. Manuel Antonio Noriega, are firmly in control.

People are going to work and school and flocking to the beaches, as usual. And Panamanians, who are quick to party at the drop of a sombrero, are still socializing with salsa music, sassy dances, strong drink and spicy food.

If you didn't know otherwise, you would think this Central American isthmus is exactly what the travel brochures describe it as being; a bustling, cosmopolitan, tropical paradise; an international banking and commercial center and a bridge that unites the American continent through the Panama Canal.

But these seemingly normal appearances are deceiving.

Panama today is a war zone. Perhaps, not in the same way as Beirut, the West Bank or Nicaragua, but an economic war zone. It has become the target of an economic destabilization campaign being waged against it by the U.S. government.

The nation of 2.2 million people is facing one of the biggest challenges in its 85-year history.

"The economic crisis," as it is referred to here, was initiated by the Reagan administration last March when it imposed sweeping economic sanctions in an effort to force Noriega to step down. Noriega, as commander of the 15,000-member Panama Defense Forces, is regarded as the de facto ruler of the republic.

Last February, in a highly unusual move, federal prosecutors in Miami and Tampa had Noriega indicted on charges of drug trafficking and laundering racketeering money. It is believed to be the first time the United States has ever filed criminal charges against a sitting head of another country.

The indictment precipitated a political upheaval in Panama. President Eric Arturo Delvalle's attempt to fire Noriega backfired when the Legislative Assembly dismissed him. Named to take his place was Manuel Solis Palma, the former minister of education.

Now in hiding, Delvalle is still recognized as the official head of state by the U.S. government.

Last March 10, the U.S. House of Representatives voted 367-2 on a non-binding resolution authorizing then-President Reagan to consider economic sanctions against Noriega's government.

On April 8, Reagan invoked an executive order to that effect under the provisions of the International Emergency Economic Powers Act.

The order froze an estimated $30 million in Panamanian assets in U.S. banks; revoked Panamanian trade preferences; denied U.S. landing rights for Air Panama, causing it to lose millions in airfares, and withheld payments of $78 million in annual canal revenues from the Panamanian government.

It also prohibited the payment of taxes to the Panamanian government by all U.S. citizens and companies operating in Panama and withheld the taxes deducted from the paychecks of Panamanians working for the Panama Canal Commission and placed these funds in an escrow account in a Federal Reserve Bank in New York.

These measures have resulted in depriving the Panamanian treasury of more than $250 million. But the long-term loss to the country's economy so far is in excess of $400 million, according to Orville K. Goodin, minister of finance and the treasury.

Panama does not have the option of printing money to alleviate the shortfall because the local currency is the U.S. dollar.

The sanctions have severely constrained the Panamanian populace, particularly the poorer classes. Hungry children and adults have been forced to sell plantains, oranges and trinkets at intersections—or go begging door-to-door.

People have been forced to renegotiate their mortgages or sell their homes, cars and furniture in order to eat and support their families. Unemployment is reported to be 25%.

The sanctions have crippled the country's credit system. Few stores now accept personal checks or credit cards issued by local banks.

Highway repairs and maintenance have been deferred because of a shortage of funds for the Ministry of Public Works.

Cash reserves, which as recently as 1987 totaled $200 million, are now nearly exhausted. The government is having difficulty meeting the payroll for public employees.

For the last pay period in December, all 130,000 public employees were paid the same amount: $75. They received the balance on Jan. 6.

Economic progress achieved over the past 10 years has been virtually wiped out, said Goodin, who views the sanctions as a form of neo-colonialism.

Noriega maintains that the United States is orchestrating a campaign to maintain U.S. control of strategic military bases in Panama. Under the terms of the 1977 Carter-Torrijos Treaty, full control of the canal area and military bases will revert to the Panamanian government in the year 2000.

Pro-government representatives said the withholding of taxes and canal tolls owed the Panamanian treasury clearly violates the 1977 treaty and the Charter of the Organization of American States.

Article 19 of the OAS Charter states: "No state may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind."

A number of labor unions representing Panamanian workers said the use of the International Emergency Economic Powers Act against Panama is unwarranted. The only other countries that it has been used against are Libya and Iran.

"We do not consider it to be a justified action that we have to suffer these inconveniences only because the government of

the United States, in order to justify its ego, has elected to impose these sanctions on the Panamanian regime," said Willis Small Jr., the head of Local 811 of the International Association of Machinists.

Reporters asked a U.S. State Department official what national security emergency justified Reagan invoking the seldom-used law and he replied;

"The presence of Gen. Noriega, who denies the legitimate authority of Panama. The United States' interests are very heavily intertwined with Panama's. His presence increases the threat to the canal, the people of Panama and our citizens there."

Some Panamanian officials suspect other motives. They say the indictments against Noriega were handed down after he refused to go along with a scheme by Oliver North, a former national security aide, and former National Security Adviser John Poindexter to dispatch, then intercept, a shipment of East German arms to El Salvador's leftist guerrillas.

The motive behind this ploy was to blame Nicaragua for supplying the weapons, thereby supporting the charge that the Sandinistas were exporting their revolution.

As the not-so-covert economic destabilization program continues, Panamanians say they feel like pawns in an international power struggle.

"It's like the U.S. being invited into my home and taking it over and deciding how we should live," said a taxi driver.

WHAT IF TABLES WERE TURNED?

(By Bob Lowe)

PANAMA CITY, PANAMA.—To understand the feelings of the Panamanian people in response to the economic sanctions imposed by the Reagan administration to force the ouster of Gen. Manuel A. Noriega, let's reverse the situation.

Suppose the government of Panama decides that President George Bush should be charged with conspiracy, subversion, fraud and perjury because of his role in the Iran-Contra scandal.

The Panamanian attorney general issues an indictment against Bush, declares him persona non grata and only recognizes Massachusetts Gov. Michael Dukakis as the legitimate head of the United States' government.

The Panamanian government then denies entry visas to all members of the Bush administration, including his entire cabinet. Landing rights for all U.S. airlines operating in Panama are suspended.

The government confiscates the federal withholding tax from the paychecks of U.S. employees in Panama and deposits these funds in the National Bank of Panama.

Efforts are made to recruit dissident officers in the Pentagon to foment a coup to depose Bush and his cohorts. Agents from the G-2 (Intelligence) section of the Panamanian Defense Forces are deployed to foster instability among opposition political parties, subvert the banking system and destabilize Wall Street.

Further, the Panamanian government freezes the accounts of all U.S. funds in Panamanian banks and urges all Panamanian companies operating in the U.S. to withhold all tax payments to the federal treasury as long as Bush remains in office.

Preposterous, you say?

Critics would be quick to say that the Panamanian government has no legal basis for intervening in the internal affairs of a sovereign nation. Cries of "imperialism," "neocolonialism" and "arrogance" would fill the air.

That's how the Panamanians feel.

T.R. Reid, in a satirical article published in the April 10, 1988, edition of The Washington Post ("The Noriega Effect—A Premonition") presents a fictional scenario on what would happen if the Japanese were to dump all their U.S. holdings, withdraw all their money from U.S. banks and withhold tax payments to the state and national state governments unless certain "unsavory" members of Congress and the Reagan administration resigned.

* * * * *

It is worth quoting some additional excerpts from Reid's article to see the Panamanian issue from another perspective.

"Tanaka wouldn't identify all those whose resignations his country has demanded, but he mentioned the name of Atty. Gen. Edwin Meese. 'Of course, Mr. Meese hasn't been convicted of anything' he said. 'But neither has Noriega.'

"Aftershocks of the Japanese announcement were widespread. Three unidentified men in pin-stripped suits died of suffocation while waiting in line at the Jam-packed unemployment office in Greenwich, Conn., police said.

"Impeachment proceedings were begun against four southern governors who had provided huge cash incentives to lure Japanese firms that now refuse to pay taxes to any U.S. jurisdiction.

"Meanwhile, BMW owners across the country ransacked dealerships for spare parts after West German announcement that it would cut off all auto exports to the United States unless Reagan agrees to return to Bitburg Cemetery during his trip to Europe this summer and light an eternal flame to the memory of SS veterans.

"Standing amid the wreckage of his parts department, Y.P. Boomer, owner of Boomer BMW in Potomac, Md., said he is a 'true blue Reaganite' who 'stood and cheered when Ronnie got tough on that sleeze bag Noriegas.'

"But Boomer said he is having second thoughts.

" 'Nobody ever said that other countries might start doing the same thing to us,' he said. 'I mean, just because the Germans are rich, does that give them the right to order our government around?' "

JESSE GRAY HOUSING BILL WOULD FILL URGENT NEED FOR ADDITIONAL PUBLIC HOUSING ASSISTANCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. CONYERS. Mr. Speaker, today I am introducing the "Jesse Gray Housing Act of 1989," which would authorize such Federal funds as necessary for the gradual construction and renovation of urgently needed public housing units. Estimates are that at least 5 million new units of public housing are needed to meet the demand for public housing. The "Jesse Gray Housing Act" would, over a 10-year period, create those 5 million units. An additional 100,000 existing units would be revitalized each year. And the "Jesse Gray Housing Act" would restore the requirement that public housing tenants pay no more than 25 percent of their income on housing.

From the unfortunate victims on Capitol Hill steam grates to our constituents at home, a rising tide of homelessness has swept our Nation. Demand for emergency shelters is at record levels and rising rapidly. And most tragic of all, families with children are the fastest growing segment of the homeless.

The explosion in homelessness is, in part, a consequence of policies which cut Federal housing assistance by 70 percent between 1980 and 1988. Nearly 40 million poor Americans are in need of housing assistance. But because of the massive Reagan budget cuts, only one-fifth of those in need actually benefit from our Federal housing programs.

In fiscal year 1990, alone, the Federal Government will forgo $46.9 billion in revenue to help subsidize the housing costs of middle- and upper income Americans, with two-thirds of this amount benefiting the most wealthy fourth of all households. Yet we are currently spending less than one-sixth of that for assisted housing programs for low-income Americans.

Over the last 8 years, poor Americans have faced more than declining housing stock, they also have had to pay a larger share of their income on rent. Most of the poor unable to gain public housing now pay 50 percent of their income on rent. Some pay up to 75 percent.

The "Jesse Gray Housing Act" would alleviate this burden by limiting such payments to 25 percent of income.

Mr. Speaker, we heard much over the past year about the need for "a kinder, gentler Nation." Now is the time to match this campaign rhetoric with action. For poor people who now live in public housing, the Federal Government is the only resource of affordable housing. The "Jesse Gray Housing Act" would help meet the enormous need for housing in America and restore housing as a basic right for all Americans. We must never forget the importance of public housing to people who cannot otherwise afford adequate shelter.

I insert the text of the bill in the RECORD:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jesse Gray Housing Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the number of rental dwelling units available for lower income families is insufficient, and the physical condition of a substantial portion of such dwelling units is inadequate;

(2) new construction of rental dwelling units is occurring primarily in higher income areas;

(3) Federal housing assistance programs, such as rent subsidies, vouchers, and other rental and mortgage assistance, too frequently assist middle and higher income families and do not meet the demand for housing by lower income families;

(4) such Federal housing assistance programs are not cost effective, due to a lack of suitable rental dwelling units available for lower income families; and

(5) a significant number of families are paying more than 25 percent of their monthly income for rent.

(b) PURPOSE.—It is the purpose of this Act—

(1) to ensure that all families in the United States have access to rental dwelling units at rents that are not more than 25 percent of their monthly income, and that such rental dwelling units are decent, safe, and sanitary;

(2) to ensure that all funds for housing assistance by the Federal Government benefit lower income families by requiring the Secretary of Housing and Urban Development to propose that Federal housing assistance be limited to lower income families:

(3) to encourage the establishment of a public housing system that consists of—

(A) projects located throughout metropolitan and rural areas;

(B) low-density projects, to the extent practicable; and

(C) dwelling units that are visually indistinguishable from comparable privately owned dwelling units;

(4) to provide for the revitalization of the housing construction industry and related industries; and

(5) to remedy the discriminatory practices of construction unions by providing for the establishment of special procedures for employing individuals to construct and revitalize public housing.

SEC. 3. CONSTRUCTION OF PUBLIC HOUSING.

Section 5 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(m)(1) The Secretary shall carry out a program for the construction of 500,000 new dwelling units in public housing during each of the fiscal years 1989 through 1998.

"(2) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of the fiscal years 1989 through 1998. Any amount appropriated under this paragraph shall remain available until expended.".

SEC. 4. REVITALIZATION OF PUBLIC HOUSING.

Section 14(b) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(3)(A) To the extent approved in appropriation Acts and subject to subparagraph (B), the Secretary shall make available and contract to make available financial assistance under this subsection, in addition to the financial assistance made available under paragraphs (1) and (2). In making assistance available under this paragraph, the Secretary shall give particular preference to public housing agencies requesting such assistance for public housing projects that the Secretary determines would likely have been subject to demolition or disposition under section 18, as such section was in effect before the date of the enactment of the Jesse Gray Housing Act.

"(B) For purposes of this paragraph, the aggregate amount of budget authority that may be obligated for contracts for annual contributions is increased on October 1 of each of the years 1988 through 1997 by the amount necessary to provide for the revitalization of 100,000 dwelling units in public housing during each of the fiscal years 1989 through 1998, respectively.".

SEC. 5. PROHIBITION OF DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

(a) IN GENERAL.—Section 18(a) of the United States Housing Act of 1937 is amended by striking all that follows "project" the second place it appears and inserting a period.

(b) CONFORMING AMENDMENTS.—Section 18 of the United States Housing Act of 1937 is amended—

(1) by striking subsections (b) and (c);

(2) in subsection (d), by striking "subsections (a) and (b)" and inserting "subsection (a)"; and

(3) by redesignating subsection (d) as subsection (b).

SEC. 6. EMPLOYMENT IN PUBLIC HOUSING CONSTRUCTION AND REVITALIZATION.

The United States Housing Act of 1937 is amended by adding at the end the following new section:

"EMPLOYMENT IN PUBLIC HOUSING CONSTRUCTION AND REVITALIZATION

"SEC. 22. (a) IN GENERAL.—In connection with any construction and revitalization of public housing under sections 5 and 14, each public housing agency shall carry out a program of job training and employment of individuals residing in the area with respect to which such public housing agency has authority. Each such program shall give preference to such individuals who reside in public housing.

"(b) PROGRAM REQUIREMENTS.—

"(1) Each training and employment program required in subsection (a) shall provide that 50 percent of the individuals employed in connection with the construction of any public housing project shall be individuals described in such subsection. Of the individuals employed under this paragraph, 60 percent shall be trained and employed in skilled and semi-skilled positions.

"(2) Each training and employment program required in subsection (a) shall provide that 35 percent of the individuals employed in connection with the revitalization of any public housing project shall be individuals described in such subsection. Of the individuals employed under this paragraph, 70 percent shall be trained and employed in skilled and semi-skilled positions.

"(c) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.".

SEC. 7. TENANT RENT CONTRIBUTIONS.

(a) RENTAL AND COOPERATIVE HOUSING FOR LOWER INCOME FAMILIES.—Section 236(f) of the National Housing Act is amended—

(1) by striking "30" each place it appears and inserting "25"; and

(2) in paragraph (1)(ii), by striking "25" and inserting "20".

(b) LOWER INCOME HOUSING UNDER THE UNITED STATES HOUSING ACT OF 1937.—

(1) Section 3(a)(1)(A) of the United States Housing Act of 1937 is amended by striking "30" and inserting "25".

(2) Section 8(o)(2) of the United States Housing Act of 1937 is amended by striking "30" and inserting "25".

(c) RURAL HOUSING FOR LOWER INCOME FAMILIES.—

(1) Section 521(a)(2)(A) of the Housing Act of 1949 is amended by striking "30" and inserting "25".

(2) Section 521(a)(3) of the Housing Act of 1949 is amended by striking "30" each place it appears and inserting "25".

(3) Section 530 of the Housing Act of 1949 is amended by striking "30" and inserting "25".

(d) RENT SUPPLEMENTS.—Section 101(d) of the Housing and Urban Development Act of 1965 is amended by striking "30" and inserting "25".

(e) TRANSITIONAL PROVISIONS.—Section 206(d)(6) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking "30" and inserting "25".

(f) EXCLUSION OF CERTAIN INCOME.—For purposes of determining the monthly contribution to be made by a family under the provisions amended by this section, the adjusted income of a family shall exclude any income attributable to any cost-of-living adjustment made after the effective date of this section in—

(1) any welfare assistance received by such family from a public agency; or

(2) any benefits received by such family under the Social Security Act.

(g) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on October 1, 1989.

SEC. 8. REPORT REGARDING FEDERAL HOUSING ASSISTANCE.

The Secretary of Housing and Urban Development, following consultation with public housing agencies, shall prepare and submit to the Congress a comprehensive report setting forth a proposal to limit Federal housing assistance to assistance for public housing in order to ensure that all funds for housing assistance provided by the Federal Government benefit lower income families.

THE SECURITIES LAW ENFORCEMENT REMEDIES ACT OF 1989

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. DINGELL. Mr. Speaker, today I am introducing the Securities Law Enforcement Remedies Act of 1989 to provide the Securities and Exchange Commission with additional tools for its arsenal in fighting financial crimes.

Public confidence in our markets is at an all-time low. The odious cloud hanging over the Chicago futures pits only confirms the perception of widespread corruption and regulatory failure. "Yea, they are greedy dogs which can never have enough, and they are shepherds that cannot understand: They all look to their own way, every one for his gain, from his quarters."—Isaiah 56:11. The state of affairs serves our economy very poorly.

The amendments I introduce today will enhance the SEC's enforcement of the Federal securities laws. If enacted, they would permit assessment of new civil money penalties in administrative and civil proceedings under the Federal securities laws, and would allow the SEC to ask a court to suspend or bar violators from serving as directors or officers of public companies.

A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED LEGISLATION

Section 101.—Section 101 of the Act amends Section 20(b) of the Securities Act of 1933 ("Securities Act") by adding language to clarify the ability of the Commission to obtain court orders barring persons from serving as officers or directors of any issuer that has a class of securities registered under Section 12 of the Securities Exchange Act of 1934 ("Exchange Act") or that is required to file periodic reports under Section 15(d) of the Exchange Act. While Section 20(b) as currently in force does not refer to any form of relief other than an injunction, courts have recognized

that they have available the full range of equitable remedies, including disgorgement, appointment of a receiver, and a prohibition against acting as a director or officer of reporting companies. For example in *J.I. Case Company* v. *Borak*, 377 U.S. 426, 433 (1964), the Supreme Court held that under the Exchange Act a court could order all relief necessary for the protection of investors. See also *SEC* v. *Materia*, 745 F.2d 197 (2d Cir. 1984) (once equity jurisdiction invoked, court has power to order all equitable relief necessary under the circumstances).

This amendment is intended to clarify the courts' authority to enter an order barring an individual from serving as an officer or director of a reporting company, a remedy which has been obtained by the Commission in prior cases. See, e.g., *SEC* v. *San Saba Nu-Tech, Inc.*, Litig. Rel. 10,531, 31 S.E.C. Dock. 510 (D.D.C. 1984); *SEC* v. *Florafax International, Inc.*, Litig. Rel. 10,617, 31 S.E.C. Dock. 1038 (N.D. Okla. 1984). It is intended that by specifying this particular type of ancillary relief, the Act does not restrict the Commission's ability to obtain other forms of such relief. These could include the appointment of a special agent to conduct an investigation or insure compliance, see, e.g., *SEC* v. *Beisinger Indus. Corp.*, 552 F.2d 15, 18 (1st Cir. 1977), setting aside a merger, see *Mills* v. *Electric Auto-Lite Co.*, 396 U.S. 375, 386 (1970), ousting or appointing directors, see *International Controls Corp.* v. *Vesco*, 490 F.2d 1334, 1339-40 (2d Cir.), cert. denied, 417 U.S. 932 (1974), freezing assets, see *Deckert* v. *Independence Shares Corp.*, 311 U.S. 282, 290 (1940), establishing an audit committee, see *SEC* v. *Mattell, Inc.*, 4 S.E.C. Doc. 724, [1974-75] Fed. Sec. L. Rep. (CCH) ¶ 94,754 (D.D.C. 1974), or ordering a defendant to perform specified acts not otherwise required by law, see, e.g., *Wright* v. *Heizer Corp.*, 560 F.2d 236, 256 (7th Cir. 1977). Parallel amendments are made to the Exchange Act, the Investment Company Act of 1940 and the Investment Advisers Act of 1940, in Sections 202, 302, and 402, respectively.

Section 102.—Section 102 of the Act amends Section 20 of the Securities Act, by redesignating current subsection (c) as subsection (d), and by adding a new subsection (c), to provide that the Commission may seek civil penalties in civil actions. A court can impose such penalties in any case where it finds a violation of the federal securities laws. The amount of the penalty is determined by the court in light of the facts and circumstances in the particular case, but cannot exceed the greater of (1) $100,000 for natural persons or $500,000 for other persons or (2) the gross amount of pecuniary gain to the defendant as a result of the violation. The penalty is payable into the Treasury, and the Attorney General is charged with enforcing payment of penalties. Parallel amendments are made to the Exchange Act, the Investment Company Act and the Investment Advisers Act, in Sections 202, 302, and 402, respectively. Although it is contemplated that civil penalties will be sought in conjunction with actions seeking to enjoin future violations, under new Section 20(d) of the Securities Act and those subsections added to the other acts by the parallel amendments, a court may impose a money penalty even if it finds that there is an insufficient basis to grant injunctive relief.

Section 201.—Section 201 of the Act makes two changes to the Commission's authority in proceedings under Section 15(c)(4) of Exchange Act. First, it adds violations of Section 16(a) of the Act to the list of bases for proceedings.

Second, Section 201 authorizes the Commission to bar or suspend a respondent from acting as officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act or that is required to file periodic reports pursuant to Section 15(d) of the Exchange Act. Such bars can be imposed against any person found to have failed to comply with Section 12, 13, 14, subsection (d) of Section 15, or subsection (a) of Section 16 or to have been a cause of such failure to comply, if the Commission finds that the bar was in the public interest. The bar can be either conditional or unconditional, and for such period of time as the Commission determines.

Section 202.—Section 202 of the Act makes amendments to the Exchange Act, paralleling those made to the Securities Act by Sections 101 and 102. First, it amends Section 21(d) of the Exchange Act by redesignating it as paragraph (1) of that section, and by adding language to that paragraph to clarify the authority of courts to prohibit persons from serving as officers or directors of any issuer that has a class of securities registered under Section 12 of the Exchange Act or that is required to file periodic reports under Section 15(d) of the Exchange Act. This language parallels the language added to Section 20(b) of the Securities Act by Section 102, to Section 42(d) of the Investment Company Act by Section 302 and to Section 209(d) of the Investment Advisers Act by Section 402.

Second, it adds new paragraph (2) to permit the Commission to seek and a court to impose monetary penalties in injunctive actions for violations of the securities laws. The provision excepts those violations that are subject to the civil penalty provisions of Section 21A. This new paragraph parallels new section 20(c) of the Securities Act added by Section 102, new Section 42(e) of the Investment Company Act added by Section 302, and new Section 209(e) of the Investment Advisers Act added by Section 402.

Section 203.—Section 203 of the Act adds new Section 21B to the Exchange Act, to authorize the Commission or other appropriate regulatory agency to impose civil penalties in administrative proceedings. Subsection (a) of Section 21B authorizes such penalties in proceedings under Section 15(c)(4) of the Exchange Act. Subsection (b) of Section 21B authorizes such penalties in proceedings under Sections 15(b)(4), 15(b)(6), 15B, 15C and 17A of that Act. Under subsections (a) and (b) of Section 21B, the Commission may assess a penalty if it finds that the respondent violated the federal securities laws; or willfully aided, abetted, counseled, commanded, induced or procured a violation by any other person; or made willful misstatements in any registration application, report required to be filed, or Commission proceeding with respect to registration; or failed reasonably to supervise, with a view to preventing violations of the federal securities laws, another person who committed a violation, if the other person was subject to his supervision; and also finds that a penalty is in the public interest. By authorizing the imposition of civil penalties against securities firms in administrative proceedings, this section is not intended to expand the substantive scope of firm liability for the misconduct of controlled or supervised persons. Subsection (c) of Section 21B provides that in determining whether the penalty is in the public interest, the Commission or other appropriate regulatory agency may consider the following factors:

(1) whether the act or omission for which such penalty is assessed involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement;

(2) the harm to other persons resulting either directly or indirectly from such act or omission;

(3) the extent to which any person was unjustly enriched, taking into account any restitution made to persons injured by such behavior;

(4) whether such person previously has been found by the Commission, other appropriate regulatory agency, or self-regulatory organization to have violated the federal securities laws, state securities laws, or the rules of a self-regulatory organization, or has been enjoined by a court of competent jurisdiction from violations of such laws or rules;

(5) the need to deter such person and other persons from committing such acts or omissions; and

(6) such other matters as justice may require.

The maximum amount of the penalty is $100,000 for natural persons or $500,000 for all other persons. The penalty is payable into the Treasury, and the Attorney General is charged with enforcing payment of penalties.

The six factors enumerated in these subsections are intended to be permissive considerations in determining whether a penalty is in the public interest, taken into account according to the facts of any given case. They are intended to be specific, yet flexible enough to allow the Commission to assess appropriate penalties for a broad range of violations.

Subsection (d) of Section 21B provides that a respondent may present evidence that the Commission or other appropriate regulatory agency may consider in determining whether a penalty is in the public interest. That evidence could relate to his ability to pay a penalty, including evidence of his ability to continue in business, and the collectability of the penalty, taking into account other claims of the United States or third parties upon his assets and the amount of his assets. This subsection is intended to give respondents the opportunity to show their inability to pay a penalty. It is appropriate for a respondent to have the burden of proof as to his ability to pay, because he has better access to his financial records than does the Commission. Under this subsection, the Commission has the discretion to impose a penalty even if a respondent presents evidence that his business would be affected adversely by imposition of a penalty.

Section 204.—Section 204 of the Act is a conforming amendment to Section 15B of the Exchange Act, necessitated by the Commission's authority to seek a penalty in administrative proceedings pursuant to new Section 21B. It requires the Commission to inform the appropriate regulatory agency for a municipal securities dealer of whether the Commission is seeking a penalty against the dealer pursuant to new Section 21B of the Exchange Act.

Section 301.—Section 301 of the Act adds new subsection (d) to Section 9 of the Investment Company Act of 1940 authorizing the Commission to assess monetary penalties in administrative proceedings instituted pursuant to Section 9(b) of the Investment Company Act. This new subsection parallels new Section 21B of the Exchange Act added by Section 203, and new Section 203(i) of the Investment Advisers Act added by Sec-

tion 401. Section 301 also makes conforming amendments to Section 9 by redesignating current subsection (d) as subsection (e), and by amending subsection (e) so that the clarification of the term "investment adviser" applies to all of Section 9.

Section 302.—Section 302 of the Act makes amendments to Section 42 of the Investment Company Act paralleling those made to the Securities Act by Sections 101 and 102, to the Exchange Act by Section 202, and to the Investment Advisers Act by Section 402.

First, it adds language to Section 42(d) to clarify the authority of courts to enter orders prohibiting persons from serving as officers or directors of any issuer that has a class of securities registered under Section 12 of the Exchange Act of 1934 of that is required to file preiodic reports under Section 15(d) of the Exchange Act. This language parallels the language added to Section 20(d) of the Securities Act by Section 102, to newly redesignated Section 21(d)(1) of the Exchange Act by Section 202, and to Section 209(d) of the Investment Advisers Act by Section 402. Other provisions of the Investment Company Act provide prohibitions against securities law violators from serving as an officer or director, among other things, of any registered investment company. First, Section 9(a) of the Investment Company Act makes unlawful such service by any person who within 10 years has been criminally convicted of, or who has been enjoined by a court from securities law violations. Second, Section 9(b) authorizes the Commission to prohibit service as an officer or director of a registered investment company by persons who have violated the federal securities laws. Third, Section 36(a) authorizes the Commission to institute a civil injunctive actions against any person who has served as an officer or director of a registered investment company and who engaged in or is about to engage in any breach of fiduciary duty involving personal misconduct in respect of any registered investment company for which he act as an officer or director, to obtain an injunction from such service.

Second, it adds new subsection (e) to Section 42 to permit the Commission to seek and a court to impose monetary penalties in injunctive actions. This new subsection parallels new Section 20(c) of the Securities Act added by Section 102, new Section 9(d) of the Investment Company Act added by Section 202, and new Section 209(e) of the Investment Advisers Act added by Section 402.

Section 401.—Section 401 of the Act adds new subsection (i) to Section 203 of the Investment Advisers Act of 1940 to authorize the Commission to assess monetary penalties in administrative proceedings instituted pursuant to Sections 203 (e) or (f) of the Investment Advisers Act. This new subsection parallels new Section 21B of the Exchange Act added by Section 203, and new Section 9(d) of the Investment Company Act added by Section 301.

Section 402.—Section 402 of the Act makes amendments to Section 209 of the Investment Advisers Act paralleling those made to the Securities Act by Sections 101 and 102, to the Exchange Act by Section 202, and to the Investment Company Act by Section 302. First, it adds language to Section 209(d) of the Investment Company Act to clarify the ability of the Commission to obtain court-ordered bars prohibiting persons from serving as officers or directors of any issuer that has a class of securities registered under Section 12 of the Exchange Act of 1934 or that is required to file periodic reports under Section 15(d) of the Exchange Act. This language parallels the language added to Section 20(d) of the Securities Act by Section 102, to newly redesignated Section 21(d)(1) of the Exchange Act by Section 202, and to Section 42(d) of the Investment Company Act by Section 302.

Second, it adds new subsection (e) to Section 209 of the Investment Advisers Act to permit the Commission to seek and a court to impose monetary penalties in injunctive actions. This new subsection parallels new Section 20(c) of the Securities Act as added by Section 102, new Section 9(d) of the Investment Company Act added by Section 202, and new Section 42(e) of the Investment Company Act added by Section 302.

Section 403.—Section 403 of the Act is a conforming amendment that amends Section 214 of the Investment Advisers Act to expand the jurisdiction of the district courts of the United States to include actions at law, as well as equitable or injunctive action, under that act. This amendment is necessitated by the addition of the new Section 209(e), the civil penalty provision, to the Investment Advisers, Act, since that new section requires the courts to have jurisdiction in penalty actions.

THE TONGASS TIMBER REFORM ACT

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MRAZEK. Mr. Speaker, I am pleased to introduce today, along with more than 75 of my colleagues, a comprehensive reform package that will enable prudent management of our Nation's largest national forest. This bill, the Tongass Timber Reform Act will save the American taxpayers billions of dollars and will save an ecosystem of incalculable value.

RAINFOREST PROTECTION

Last July, the House sent a strong message to the U.S. Forest Service [USFS] and the two major timber operations in the Tongass by passing H.R. 1516 by an overwhelming margin of 361 to 47. Members voted to significantly reduce the Federal deficit and to protect one of the last rain forests in the world's temperate latitudes at the same time. Considerable attention has been focused on the destruction of tropical rain forests in the Amazon Basin and the relationship to changing global climate. By passing this bill, we have an excellent opportunity to set an example by wisely managing nearly 17 million acres of pristine rain forest.

The Tongass is bigger than the State of West Virginia. It is home to the greatest concentration of bald eagles and grizzly bears in the world. Its streams provide the spawning grounds for salmon that is vital to the economy of Alaska. Perhaps most important to the future of the State's economy is the rapidly growing number of tourists who come to the Tongass to experience its spectacular wilderness. As John Muir described it more than 100 years ago, the Tongass is a place of endless rhythm and beauty.

TAXPAYER BOONDOGGLE

In addition to the need to manage this forest in an evironmentally sound way, we must change policy in order to end the loss of taxpayer dollars. The USFS is wasting tens of millions of taxpayer dollars each year on a timber program that cannot accomplish its stated goal of preserving timber industry jobs.

During years of strongest timber demand and prior to the passage of the Alaska National Interest Lands Conservation Act [ANILCA], the USFS still lost millions of dollars selling timber from the Tongass. Because of the deteriorated market conditions and high levels of USFS spending since Congress handed the Tongass Timber Program an open-ended permanent appropriation, a virtual blank check, taxpayer losses have skyrocketed.

Net Tongass Timber Program receipts and expenditures for 1977 through 1986 are negative over the entire 10-year period, resulting in a total loss of more than $360 million. In fact, annual net receipts are consistently negative even if one completely ignores the timber program's capital costs, such as roads, bridges, and facilities.

In 1983 and 1984, annual taxpayer losses on Federal timber sales from the Tongass were $57 million and $54 million, respectively. Stated differently, the Tongass Timber Program lost 91 cents on every taxpayer dollar spent in 1983 and 93 cents in 1984. In 1985 and 1986, taxpayer losses were maximized at more than 99 cents on the dollar.

Unfortunately, even the USFS's reports to Congress affirm the sad fact that the annual dollar amount of these losses is bound to grow over time. Because of chronically weak markets for southeast Alaska's timber products and the fact that future harvests will have to rely on less accessible, less valuable stands, the worst losses loom ahead for the taxpayer.

The USFS continues to commit the best portions of the Tongass' rare old-growth forest to logging, stating a need to maintain timber industry jobs. However, in spite of increasing timber program expenditures, regional timber industry employment has fallen sharply—from more than 3,000 in 1980 to less than 1,800 in 1986. Although a recent boom in the market due to the strong Japanese yen has increased employment, the boom and bust cycle of the pulpmill industry is sure to continue. In the long term, community stability is best enhanced by a competitive industry producing value-added products.

This Federal policy is also flawed because it ignores the contributions to timber output and employment that can be made by Alaska Native corporations. These corporations, established pursuant to the 1971 Alaska Native Claims Settlement Act, are wholly owned by Alaska Natives. Through careful land selections, the Native corporations now own some of the best timber lands in southeast Alaska. Their share of the regional timber harvest climbed from 13 percent in 1980 to 58 percent in the first two quarters of 1986. However, USFS sales under two exclusive 50-year contracts impede the ability of the Native corporations to successfully market their pulp-grade logs. Up to 50 million board feet of pulp-grade material is left on the ground on

Native corporation clearcuts each year because the pulpmills have access to subsidized Federal timber from the Tongass.

Finally, the Federal Timber Program places at risk a large number of jobs in southeast Alaska that ultimately depend on the preservation of more forest areas on the Tongass. This is particularly true for jobs in the fishing and tourism sectors of the economy. These sectors, which provide more than twice as many jobs as the timber industry, depend on natural resources that can be sustained in perpetuity. The southeast Alaska timber industry, on the other hand, is dependent on the one-time harvest of high-volume, old-growth timber that, for practical purposes, is nonrenewable. This fact makes a continued decline of timber industry jobs inevitable. In 1987, as much as 40 percent of the Tongass timber jobs were filled by seasonal employment from the lower 48 States. Presently, Federal Timber Program losses translate into an annual cost of more than $36,000 per job in logging and millwork.

The unique qualities that make the Tongass an important resources for the Nation are threatened by the Federal Timber Program and, particularly, but the USFS's interpretation of ANILCA. Section 705, included as part of a broad amendment package prior to Senate passage of the act, contains three provisions that are environmentally and economically unsound.

First, section 705 sets a goal of supplying 4.5 billion board feet of timber per decade from the Tongass to dependent industry. Second, it provides an open-ended appropriation of at least $40 million annually or as much as the Secretary of Agriculture finds is necessary to enable the USFS to achieve the timber supply goal. Unlike virtually all other Federal expenditures, including expenditures for national defense, these funds are not subject to deferral or rescission by the administration, nor are they subject to the annual appropriations process in Congress. Finally, the section exempts the Tongass from an important reform of the National Forest Management Act of 1976 that requires the Secretary of Agriculture to identify national forest lands that are economically and physically unsuited for timber production.

Section 705 is an anomaly in national forest management, designed especially for the Tongass. In essence, it ratified a series of unproven economic assumptions in the USFS's 1979 Tongass land management plan [TLMP] aimed at preserving the regional timber industry. The existing pulp and sawmills in southeast Alaska were built as a direct result of efforts by the USFS to establish a major timber industry in the region. The TLMP and section 705 represent an ongoing attempt to sustain the timber economy created by those earlier efforts.

In ANILCA, Congress recognized the inherent tension between logging on the Tongass and other important goals such as the preservation of wilderness, wildlife, and fish resources. Congress further recognized that economic and environmental factors change over time. For these reasons, section 705(b) of ANILCA requires the USFS to report to Congress by the fifth anniversary of the act, and every 2 years thereafter, on the status of the Tongass.

As the 1985 section 706(b) report conclusively demonstrates, section 705 will continue to result in the taxpayer loses approaching 99 cents on every dollar spent growing and selling trees on the Tongass. Moreover, because the economic assumptions upon which the law was based have proven to be totally in error, it is apparent that the law must be changed to reflect current circumstances and national fiscal priorities.

The agency continues to prepare sales without regard to demand. From 1980 through 1986, the USFS spent $287 million from its Tongass timber supply fund to put about 2.8 billion board feet of timber on sale. Only about 1.5 billion board feet, or 53 percent, was sold. In fact, while the USFS offered 450 million board feet each year, the annual average timber harvest from 1980 to 1988 has been only 285 million board feet. Even a recent General Accounting Office report recommends that Congress revise the 4.5 billion board feet per decade requirement so that timber goals can be set through the land management process—as they are on every other national forest.

The USFS should limit the preparation of new sales each year to volumes based on anticipated demand for sale offerings and estimated backlogs of prepared sale offerings. The agency should include estimated backlogs and projected demand levels in the annual supply and demand reports to Congress that are required by ANILCA. The Tongass Timber Reform Act requires the USFS to justify expenditures each year so that the Appropriations Committee can determine the appropriate level of funding.

CONTRACTS

When I traveled to Alaska, I met with representatives of the Tongass-dependent timber industry, Native and independent loggers, fishermen, local conservationists, representatives of the tourist industry, people dependent on subsistence uses, and millworkers. In addition, I visited a pulp and sawmill, commercial fishing operations, and many of the cities and rural villages in southeast Alaska. Throughout my travels, I found that there was strong support for Tongass timber reform.

The second component of the Tongass Timber Reform Act will put all purchases of timber from Alaska's national forests on an equal footing by terminating 50-year timber sale contracts in the State of Alaska and replacing them with a system of short-term timber sales used in all other national forests. I believe this bill will return to the USFS full control of management of our Nation's largest forest. In addition, this bill will, for the first time, make balanced multiple-use management of the Tongass possible.

Since the Tongass became a national forest in the early part of the century, the USFS has pursued a unique experiment designed to foster the development of a large-scale pulpmill industry in southeast Alaska. The purpose was to stablize the local economy, promote industrial expansion, provide local jobs, further the development of the State of Alaska, and to settle part of the last frontier. To attract pulpmills to southeast Alaska, a remote and economically forbidding region, the USFS offered unprecedented long-time timber contracts to potential bidders in the 1950's. The terms of these contracts give the purchasers virtually unfettered control over the national forest, sole access to a huge portion of the annual allowable timber harvest, and great competitive advantages that amount to monopoly power in the local market, They effectively commit two-thirds of the commercial forest land to the exclusive use of the mills. While these contracts may have served a purpose in the 1950's when they were signed, they no longer make sense.

In fact, Alaskan long-term timber contracts have interfered with normal free market mechanisms and are berriers to competition. For example, timber contracts have been used to manipulate the market and to eliminate competition. In a case entitled "Reid Bros. Logging against Ketchikan Pulp Company" (No. C75-165SR W.D. Washington 1981), two decades of antitrust violations by the contract holders, under sections 1 and 2 of the Sherman Act, were found to have resulted in the elimination of existing independent mills and the payment of artificially low prices to loggers, thus eliminating the independent businessmen. In addition, the holders of these contracts continue to pay only an average of $2 per thousand board feet where average rates for independent operators are approximately $40 per thousand board feet.

In addition, Alaskan long-term timber contracts antedate all major environmental and resources management laws pertaining to the national forests, including the Multiple-Use and Sustained-Yield Act of 1960, the Wilderness Act of 1964, the National Environmental Policy Act of 1969, and the National Forest Management Act of 1976. These laws have never been fully implemented for the Tongass. As a result, the existence of these long-term timber contracts impairs the ability of the United States, the State of Alaska, and other responsible parties to properly manage nontimber resources in Alaska.

It is important to realize that the termination of these contracts will not impede any timber operator in any way from competing for timber supplies from national forests located in Alaska. In fact, this bill will enhance competition within the timber industry. A 1987 Congressional Research Service report concluded that no compensation would likely be required. If by chance compensation was required, the report placed it between $21 million and $150 million, with the low figure most reasonable. Even counting compensation, millions would still be saved every year from less subsidies, enhanced industry competition and more efficient forest management. I strongly believe the contracts have ceased to further their original goals and their continued existence damages other Alaskan industries dependent on access to natural resources.

PERMANENT PROTECTION

The areas selected for protection in the bill have exceptional values for fish, wildlife, recreation, subsistence hunting and fishing, and scientific research. They are areas of high-volume old-growth forest, portions of the Tongass' rain forest with trees 200 to 800 years old, which provides essential habitat for deer, grizzly bear, bald eagles, and other wild-

life. And, this special forest occurs primarily along rivers and streams where clear-cutting leads to erosion, siltation, and other degradation of salmon habitat.

Since 1950, more than half of the highest-volume old-growth forest on the Tongass has been logged. Less than 5 percent of this habitat is protected in wilderness. By the USFS's own rating system, 70 percent of the high-value wildlife areas and 72 percent of the high-value fishery areas lie outside the Tongass' designated wilderness areas—and are subject to whatever management the forest plan prescribes for them.

With the help of local communities, 23 areas have been identified as areas of special environmental value. The list includes areas nominated by the Alaska Department of Fish and Game, the United Fishermen of Alaska, the Sealaska Corporation—the Native regional corporation—the Southeast Alaska Conservation Council, and southeast Alaska communities as deserving protection from logging. Four areas were voted by the House as wilderness in 1979, two areas were recommended by the USFS for wilderness, seven areas were identified by the Senate Energy Committee as "special management areas." In 1988, the House approved a 5-year moratorium on logging in 18 of the areas. In the Tongass Timber Reform Act, these areas will be protected as wilderness.

ALASKA GROUPS AND COMMUNITIES IN FAVOR OF TONGASS TIMBER REFORM

Alaska Center for the Environment.
Alaska Society of American Forest Dwellers, Pt. Baker AK.
Alaska Trollers Association.
Alaskans for Responsible Resource Management.
Arctic Audubon Society.
City of Angoon, AK.
City of Craig, AK.
City of Hoonah, AK.
City of Hydaburg, AK.
City of Kasaan, AK.
City of Klawock, AK.
City of Kupreanof, AK.
City of Pelican, AK.
City of Port Alexander, AK.
City of Tenakee Springs, AK.
City of Yakutat, AK.
Community Association of Edna Bay, AK.
Community Association of Elfin Cove, AK.
Community Association of Gustavus, AK.
Community Association of Point Baker, AK.
Community Association of Port Protection, AK.
Denali Citizens Council.
False Island-Kook Lake Council, Tenakee Springs, AK.
Friends of Berner's Bay, Juneau, AK.
Friends of Glacier Bay, Gustavus, AK.
Juneau Group Sierra Club.
Lynn Canal Conservation, Haines, AK.
Kootznoowoo Incorporated.
Narrows Conservation Coalition, Petersburg, AK.
Northern Alaska Environmental Center.
Pelican Forestry Council, Pelican, Alaska.
Petersburg Vessel Owners Association.
Sealaska Corporation.
Sitka Conservation Society.
Southeast Alaska Conservation Council.
Southeast Seine Boat Owners and Operators Association.
Taku Conservation Society, Juneau, AK.
Territorial Sportsmen of Alaska.
Tongass Conservation Society, Ketchikan, AK.
Tongass Tourism and Recreation Business Association.
Trustees for Alaska.
United Fishermen of Alaska.
United Southeast Alaska Gillnetters.
Wrangell Resource Council, Wrangell, AK.
Yakutat Resource Conservation Council, Yukatat, AK.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Tongass Timber Reform Act".

(b) DEFINITIONS.—As used in this Act—

(1) The term "the Act" means the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(2) Unless otherwise specified, any other term has the same meaning as the term has when used in the Alaska National Interest Lands Conservation Act.

TITLE I—ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT AMENDMENTS

SEC. 101. TO REQUIRE ANNUAL APPROPRIATIONS FOR TIMBER MANAGEMENT AND RESOURCE CONSERVATION ON THE TONGASS NATIONAL FOREST.

Section 705(a) of the Act (16 U.S.C. 539d.(a)) is repealed effective October 1, 1989.

SEC. 102. IDENTIFICATION OF LANDS UNSUITABLE FOR TIMBER PRODUCTION.

Section 705(d) of the Act (16 U.S.C. 539d.(d)) is hereby repealed.

SEC. 103. FUTURE REPORTS ON THE TONGASS NATIONAL FOREST.

(a) MONITORING.—The second sentence of section 706(a) of the Act (16 U.S.C. 539e.(a)) is hereby repealed.

(b) STATUS.—Section 706(b) of the Act (16 U.S.C. 539e.(b)) is amended as follows:

(1) Strike out "and (4)" and insert in lieu thereof "(4)".

(2) Strike out the period at the end of the section and insert in lieu thereof ", and (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats.".

(c) CONSULTATION.—Section 706(c) of the Act (16 U.S.C. 539e(c)) is amended by striking out "and the Alaska Land Use Council" and inserting in lieu thereof "the southeast Alaska commercial fishing industry, and the Alaska Land Use Council".

SEC. 104. TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA.

Title V of the Act is amended by adding at the end thereof the following new section:

"SEC. 508. TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA.

"Not later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall terminate the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 between the United States and Alaska Pulp Corporation, and between the United States and Ketchikan Pulp Company, respectively.".

TITLE II—WILDERNESS

SEC. 201. ADDITIONAL WILDERNESS AREAS.

(a) DESIGNATION.—Section 703 of the Act is amended by adding at the end thereof the following:

"(c) DESIGNATION OF ADDITIONAL WILDERNESS ON THE TONGASS NATIONAL FOREST.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands within the Tongass National Forest in the State of Alaska are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

"(1) ANAN CREEK WILDERNESS.—Certain lands which comprise approximately 37,331 acres, as generally depicted on a map entitled 'Anan Creek Wilderness—Proposed' and dated , 1989, which shall be known as the Anan Creek Wilderness.

"(2) BERNERS BAY WILDERNESS.—Certain lands which comprise approximately 35,379 acres, as generally depicted on a map entitled 'Berners Bay Wilderness—Proposed' and dated , 1989, which shall be known as the Berners Bay Wilderness.

"(3) CALDER-HOLBROOK WILDERNESS.—Certain lands which comprise approximately 62,335 acres, as generally depicted on a map entitled 'Calder-Holbrook Wilderness—Proposed' and dated , 1989, which shall be known as the Calder-Holbrook Wilderness.

"(4) CHICHAGOF WILDERNESS.—Certain lands which comprise approximately 353,540 acres, as generally depicted on a map entitled 'Chichagof Wilderness—Proposed' and dated , 1989, which shall be known as the Chichagof Wilderness.

"(5) CHUCK RIVER WILDERNESS.—Certain lands which comprise approximately 125,574 acres, as generally depicted on a map entitled 'Chuck River Wilderness—Proposed' and dated , 1989, which shall be known as the Chuck River Wilderness.

"(6) KADASHAN WILDERNESS.—Certain lands which comprise approximately 33,641 acres, as generally depicted on a map entitled 'Kadashan Wilderness—Proposed' and dated , 1989, which shall be known as the Kadashan Wilderness.

"(7) KARTA RIVER WILDERNESS.—Certain lands which comprise approximately 38,671 acres, as generally depicted on a map entitled 'Karta River Wilderness—Proposed' and dated , 1989, which shall be known as the Karta River Wilderness.

"(8) KEGAN LAKE WILDERNESS.—Certain lands which comprise approximately 23,858 acres, as generally depicted on a map entitled 'Kegan Lake Wilderness—Proposed' and dated , 1989, which shall be known as the Kegan Lake Wilderness.

"(9) NAHA RIVER WILDERNESS.—Certain lands which comprise approximately 31,926 acres, as generally depicted on a map entitled 'Naha River Wilderness—Proposed' and dated , 1989, which shall be known as the Naha River Wilderness.

"(10) NUTKWA WILDERNESS.—Certain lands which comprise approximately 53,635 acres, as generally depicted on a map entitled 'Nutkwa Wilderness—Proposed' and dated , 1989, which shall be known as the Nutkwa Wilderness.

"(11) OUTSIDE ISLANDS WILDERNESS.—Certain lands which comprise approximately 95,524 acres, as generally depicted on a map entitled 'Outside Islands Wilderness—Proposed' and dated , 1989, which shall be known as the Outside Islands Wilderness.

"(12) PLEASANT ISLAND-LEMESURIER ISLANDS WILDERNESS.—Certain lands which comprise approximately 15,527 acres, as generally depicted on a map entitled 'Pleasant Island-Lemesurier Islands Wilderness—Proposed' and dated , 1989, which shall be known as the Pleasant Island-Lemesurier Islands Wilderness.

"(13) PT. ADOLPHUS-MUD BAY WILDERNESS.—Certain lands which comprise approximate-

ly 72,091 acres, as generally depicted on a map entitled 'Pt. Adolphus-Mud Bay Wilderness—Proposed' and dated , 1989, which shall be known as the Pt. Adolphus-Mud Bay Wilderness.

"(14) PORT HOUGHTON-SANBORN CANAL WILDERNESS.—Certain lands which comprise approximately 59,712 acres, as generally depicted on a map entitled 'Port Houghton-Sanborn Canal Wilderness—Proposed' and dated , 1989, which shall be known as the Port Houghton-Sanborn Canal Wilderness.

"(15) ROCKY PASS WILDERNESS.—Certain lands which comprise approximately 74,423 acres, as generally depicted on a map entitled 'Rocky Pass Wilderness—Proposed' and dated , 1989, which shall be known as the Rocky Pass Wilderness.

"(16) SARKAR LAKES WILDERNESS.—Certain lands which comprise approximately 23,500 acres, as generally depicted on a map entitled 'Sarkar Lakes Wilderness—Proposed' and dated , 1989, which shall be known as the Sarkar Lakes Wilderness.

"(17) SOUTH ETOLIN ISLAND WILDERNESS.—Certain lands which comprise approximately 81,939 acres, as generally depicted on a map entitled 'South Etolin Island Wilderness—Proposed' and dated , 1989, which shall be known as the South Etolin Island Wilderness.

"(18) SOUTH KUIU WILDERNESS.—Certain lands which comprise approximately 190,301 acres, as generally depicted on a map entitled 'South Kuiu Wilderness—Proposed' and dated , 1989, which shall be known as the South Kuiu Wilderness.

"(19) SULLIVAN ISLAND WILDERNESS.—Certain lands which comprise approximately 3,985 acres, as generally depicted on a map entitled 'Sullivan Island Wilderness—Proposed' and dated , 1989, which shall be known as the Sullivan Island Wilderness.

"(20) TRAP BAY WILDERNESS.—Certain lands which comprise approximately 6,446 acres, as generally depicted on a map entitled 'Trap Bay Wilderness—Proposed' and dated , 1989, which shall be known as the Trap Bay Wilderness.

"(21) WEST DUNCAN CANAL WILDERNESS.—Certain lands which comprise approximately 118,812 acres, as generally depicted on a map entitled 'West Duncan Canal Wilderness—Proposed' and dated , 1989, which shall be known as the West Duncan Canal Wilderness.

"(22) YAKUTAT FORELANDS WILDERNESS.—Certain lands which comprise approximately 232,962 acres, as generally depicted on a map entitled 'Yakutat Forelands Wilderness—Proposed' and dated , 1989, which shall be known as the Yakutat Forelands Wilderness.

"(23) YOUNG LAKE WILDERNESS.—Certain lands which comprise approximately 18,173 acres, as generally depicted on a map entitled 'Young Lake Wilderness—Proposed' and dated , 1989, which shall be known as the Young Lake Wilderness.

"(d) APPLICATION OF SECTION 1315(E).—Section 1315(e) of this Act (16 U.S.C. 3203(e)) shall not apply to the wilderness designated by subsection (c).".

(b) ADMINISTRATION.—Section 707 of the Act is amended by adding the following at the end thereof: "Subject to valid existing rights, the wilderness areas designated in amendments made to section 703(c) of this Act by the Tongass Timber Reform Act shall be administered by the Secretary of Agriculture in accordance with this section, except that, in the case of such areas, any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of the Tongass Timber Reform Act.".

The Tongass National Forest is one of the last significant stands of temperate rain forest left in the Northern Hemisphere. That the American taxpayer should be asked to subsidize the destruction of this magnificent national treasure is ridiculous. I ask that you join me in limiting the funds available to subsidize the Alaska timber industry and to require the Tongass budget to reflect national fiscal needs and resources.

THE 20TH ANNIVERSARY OF CHICAGO CONFERENCE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GREEN. Mr. Speaker, on the 20th anniversary of the founding Chicago Conference of Abortion Rights Organizers in 1969, we ask that Congress join us in celebrating with the abortion rights movement a significant date that has meant so much to the progress of women.

As the backup to contraception and family planning, abortion rights have become the rock on which all other economic, social, and personal rights of women are based. By allowing women to control their fertility, it has become a dominant factor in promoting the health of women and making every child wanted and loved.

With every poll showing that the majority of Americans support abortion rights, we ask that Congress and the judiciary recognize that in our pluralist society, no minority group should force its morality on the rest of the country, and cause social chaos by enforcing minority dogma by law.

H.R. 126, THE INDIVIDUAL PRIVACY PROTECTION ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mrs. COLLINS. Mr. Speaker, what was once considered personal information is now finding its way into public and private computers across the country. And what was once considered personal conversation, can now find its way into the public airwaves through new communication technologies.

The Federal Government, through the use of high speed, efficient computers is currently the largest collector of personal data. Its various computers maintain a vast amount of personal information on each American, including one's financial, health, and entertainment habits, as well as economic, social, and marital facts. When these government computers connect with each other, they produce quite a complete—if not entirely accurate—picture of us.

Prior to the advent of these advanced technologies, data collection, and searches were carried out manually, The realities of manual recordkeeping helped assure that disclosures were legitimate.

With this new technology, however, we now have the capability to collect, record, track, correlate, and develop profiles of large classes of people. We can easily use the data for purposes unrelated to the events that generated it.

These computerized records threaten each American's privacy. When inaccurate information is disclosed, it can find its way into the files of credit bureaus, landlords, employers, and insurers—creating a dangerous cycle which can take years to correct. And even when the disclosed information is accurate, it can lead to other problems when damaging or irrelevant information is transferred.

Recently, I have introduced H.R. 126, the Individual Privacy Protection Act, to address this threat to personal privacy. By clarifying ambiguous wording and closing loopholes, it will enable people to have greater access to their records and provide new recourse for erroneous disclosure of information. It will ensure that when information is given for one purpose, it is not used for entirely different reasons without an individual's knowledge and consent.

The Individual Privacy Protection Act also will establish a permanent government board to research, study, and investigate issues relating to personal privacy. The information gathered by the Commission will put Congress in a position to legislate intelligently on privacy issues in the future. The Board also will have the authority to inform Government agencies on the impact of their regulations on an individual's privacy and, to guide them in developing recordkeeping systems which are less intrusive.

Mr. Speaker, the need for this legislation has grown throughout the 1980's and will continue to grow due to the proliferation of new information technologies unless we address these concerns.

THE PATIENT RELIEF PROGRAM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. HUNTER. Mr. Speaker, there is a group of people in San Diego, CA who, in various ways, have helped to change the lives of those ravaged by war. The Patient Relief Program is made up of physicians, hospitals, and private citizens who have banded together to nurse the victims of the wars in Afghanistan and Central America back to health. These talented men and women restore both physical and emotional health. San Diego's Patient Relief Program works in cooperation with the U.S. Government's Afghan Patient Relief Program, the Intergovernmental Committee on Migration, and the International Medical Corps.

All of the surgery and medical care performed is done free of charge. Food and housing is donated, or paid for by donations,

local immigrant and refugee communities provide translation and run food banks.

The Frost Street Surgical Center, Scripps Memorial Hospital, and Sharp Memorial Hospital, have all done outstanding work for the Patient Relief Program. They've opened up their facilities to these patients free of charge and given them the best medical care available.

Many physicians, medical specialists, and therapists have selflessly volunteered to reconstruct war-torn children and adults. I would like to especially thank Drs. Barbara Brem, Donald B. Dose, Harold Forney, Malton Johnson, Jonathan Jones, Susan Kay, Cammille Kochenderfer, Stephen Krant, and Arthur Sanford. Oculist Kirsten Kolberg-Applegate, BCO Gordon Kolberg, and therapist Sandy Doehr also have my thanks.

Without the help of private individuals and community leaders, the program could not have rebuilt so many lives. These men and women contributed countless amounts of time and money to care for the victims of war in Central America and in Afghanistan. Thanks to Larry Dickson, Michal Foote, Engineer Dost Hayat, Dan McKinnon, Sue Reeves, Zia Waleh, and Dr. Sadruddin Shuhab Zadeh.

Mr. Speaker, I am proud to be associated with the Patient Relief Program. I am sure sometimes between the language barrier, international flights, visa problems, bureaucracy, long hours, and sometimes heartbreaking cases, these fine men and women wonder if it is all worth it. But I am sure that the glow of one young patient's face, reminds them that their work is vital and deeply appreciated.

FEDERAL EXCISE TAXES: REGRESSIVE, EXCESSIVE, AND INEFFICIENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. CRANE. Mr. Speaker, today I stand before you in a tide created by the wake of the proposals of many to alleviate the budget deficit. With the ebb and flow, one remedy seems to recur as regularly and predictably as that tide: the solution of excise taxes. What is it about excise taxes that makes them so superficially appealing as a panacea for America's ills? Federal excise taxes are regressive, excessive, and inefficient. Yet time and again we turn to a so-called revenue option that allows us to simply plug the numbers into an unsound formula and "solve" the budget deficit.

Excise taxes are regressive, and this regressivity cannot be cured merely by increasing the earned income credit, which only reaches families who have earned income and does nothing to help those who have no dependents or are retired or unemployed. Moreover, the credit bears no relation to individual consumption patterns, which is essential to compensate for taxes on selected consumption items. Similarily, cost of living adjustments [COLA's] touch only limited income sources and do not reflect individual consumption patterns. Both credits and COLA's have significant time lags, and other "solutions" quickly become far too expensive and/or complex. The only solution to the regressivity of excise taxes is complete avoidance.

Fuel taxes fall most heavily on those who must drive long distances for work or other nondiscretionary purposes. Tobacco and beverage taxes penalize those products whose consumers are disproportionately from minority and lower income groups. A diesel tax falls hardest on owner-operators, as well as on workers and owners of marginal trucking companies—most of which are small businesses—as well as service stations and oil distributors. Reduced sales of beverages and cigarettes that are the result of previous tax increases hurt "mom and pop" stores most, in addition to growers, producers, and distributors of their respective goods.

According to our own Congressional Budget Office, families with incomes below $5,000 pay from 7 to 15 times as great a fraction of income for Federal excise taxes on gasoline, beverages and tobacco as do families with incomes exceeding $50,000.

Federal excise taxes undermine a critical and important State financial base. States typically rely much more heavily on excise taxes to meet their financial needs. Given the laudable trend away from Federal financial assistance, States have been forced over the last 8 years to bear a much larger portion of the financial burden in meeting the needs of their citizens.

These taxes fall upon those people least able to pay. "User fees" and "revenue enhancers" unfairly place a disproportionate burden of the responsibility for deficit reduction upon select groups of consumers. Job losses from these tax increases are likely to be highest among the small businesses of our Nation, discouraging the entrepreneurial spirit upon which our great Nation was built.

Some proponents of higher excise taxes try to mask their proposals as public health measures. These arguments are incomplete and misleading. For example, when the cigarette tax was doubled in 1982, an estimated 14,600 tobacco growers and workers lost their jobs; that social cost must be weighed against any assumed health benefits. Another example is set forth by the vast majority of those consumers of alcoholic beverages who do so moderately. These tens of millions should not be penalized for the unfortunate abuses of a small minority who will not be discouraged by a tax increase.

Excise taxes discriminate by income and by region. For instance, gasoline usage per driver is nearly 50 percent higher in Wyoming than in New Jersey or Pennsylvania. Tobacco, wine, beer, and distilled spirits taxes are assessed on farmers and manufacturers concentrated in a small number of States. Should these few States and industries bear the burden of a national deficit reduction?

Mr. Speaker, our newly elected President came to his distinguished office on a platform proclaiming "no new taxes". In his inaugural address, President George Bush recognized an important and essential fact in the ongoing dilemma of deficit reduction. "We have more will than wallet, but will is what we need." He extended a hand and appealed for a Congress and Executive working together to produce a budget on which this Nation can live.

Honorable colleagues, we can reach that goal without the retribution of an excise tax that is regressive, excessive and inefficient. We can reach that goal through budget reform, and the use of a flexible freeze. But we cannot continue to try to fill the Government wallet at the expense of the American taxpayer.

TRIBUTE TO ANTHONY TREBINO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to Mr. Anthony Trebino, a constituent of mine, who has demonstrated and remined us all that ours is still a government of the people.

In December 1988, Mr. Anthony Trebino of Glen Riddle, PA, was outraged when an independent commission recommended a huge salary increase for members of the executive, legislative and judicial branches. The Commission's proposal, if enacted, would have automatically raised congressional salaries from $89,500 to $135,000 per year, unless the House and Senate voted to prevent such action before February 8.

The House leadership, ignoring the public outcry against the raise, tried to prevent a vote on this sensitive issue. When word of this strategy leaked out, it angered Mr. Trebino even more. He, like many Americans, decided it was time to take action. He called my office and wrote Members of Congress to register his opposition to the proposed raise.

But Mr. Trebino did not stop there. He set up signs at his employer's gas station and rallied public awareness on this issue. As a result, he collected over 25,000 signatures from Delaware Valley residents opposed to the salary increase then shared them with Members. His outstanding contributions on this issue were recognized nationwide, and outlined in a recent USA Today story.

It was efforts by individuals like Mr. Trebino that ultimately forced the House not only to take a vote, but to reject the inappropriate pay raise. Once again, American citizens were able to see that their opinions do make a difference and that they can shape public policy. I think it is especially fitting that we were able to witness this precess during the bicentennial celebration of our Constitution. Mr. Trebino was an outstanding participant in one of the greatest bicentennial events we have witnessed yet and he is a personal testament to the strength of participatory democracy.

I hope that efforts like Anthony Trebino's won't stop with the defeat of the pay raise. There are many critical issues facing our Nation which demand the same kind of unity and action which we recently witnessed. I hope many others will follow in Mr. Trebino's footsteps and devote their efforts to helping us solve the problems confronting us.

A TRIBUTE TO JORGE RIVERO—MR. AMIGO 1988

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Jorge Rivero, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as honored guest of Charro Days. Charro Days is a 4-day event in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During Charro Days, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances and parties to demonstrate the goodwill of both countries. It is a well-planned, major function which is enjoyed and eagerly anticipated by many native South Texans as well as our winter visitors.

Jorge Rivero is the 25th Mexican citizen to be honored by the Mr. Amigo Association. Born in Mexico as the son of an engineer.

Mr. Rivero worked with his father in the family tannery as a young man. Although primarily recognized in Mexico as an actor, Jorge Rivero excelled in athletics and became a "world-class" athlete during his college career, winning medals at the Pan Am Games in Jai-Alai.

Soon after graduating from college with a degree in chemical engineering, Mr. Rivero made his Mexican film debut in "The Invisible Man" and his American film debut in "Soldier Blue," opposite Candice Bergen. Other co-stars of his include John Wayne, in "Rio Lobo," Charlton Heston in "The Last Hard Man" and Ava Gardner in "The Priest of Love."

Not only do Mr. Rivero's talents lay in acting, but they also include motion-picture production. He produced and co-starred with George Peppard and Max von Sydow in "Target Eagle" and with Margaux Hemingway and Lee Van Cleef in "The Killing Machine."

In between his movie producing and acting in Mexican and American films, Mr. Rivero finds time to exercise and relax at his Hollywood Hills home and his ranch in Mexico.

Mr. Amigo is selected on the basis of his or her contribution to international friendship and development of mutual understanding and cooperation between Mexico and the United States. Mr. Rivero should not only be recognized for his fine acting and production talents, but most importantly, for his contributions to international friendship, and the film industry of his native country and the United States, Mexico's sister republic. It is for these reasons that Mr. Jorge Rivero is an excellent choice for this year's award.

As Mr. Amigo, Jorge Rivero will receive the red-carpet treatment when he visits Brownsville as the city's honored guest during the upcoming Charro Days fiesta. During his 3-day stay on the border, he will make personal appearances in the Charro Days parades and at other fiesta events. Official "welcome" receptions will be staged by Cameron County, TX, and the cities of Brownsville and Matamoros, Mexico. The actor will also be the special guest at the Mr. Amigo Association Luncheon and the President's party.

I ask my colleagues to join me in extending congratulations to Jorge Rivero for being honored with this special award.

GEOGRAPHY AWARENESS WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GREEN. Mr. Speaker, I rise today to join my distinguished colleague from California, Mr. PANETTA, in introducing a resolution to declare the week of November 12–18, 1989, as Geography Awareness Week.

For the past 2 years, during Geography Awareness Week thousands of Americans across the Nation—Governors, State education officials, librarians, students, teachers, and parents—participated in numerous exercises designed to improve and promote geographic literacy. A seminar on the "geographical perspectives of Bluegrass Music," a national geography bee, special classes on mapmaking, and a lecture series on the geography of environmental hazards were just a few of the special activities that students participated in during Geography Awareness Week 1988. These and other special events conducted by our citizenry each year, during Geography Awareness Week are essential to draw attention to the critical need to know where we—and others—are.

It is important to acknowledge, though, that other than the lessons learned during Geography Awareness Week, 75 percent of American students today have no significant exposure to geography in their curricula. This is illustrated by the results of a recent Gallup poll which ranked Americans in the bottom third in an international test of geographic knowledge, with those aged 18 to 24 ranking last. The poll also found that one out of seven—a figure that would project to 24 million American adults—could not identify the United States on a world map. Further, half of those surveyed could not identify Nicaragua as the country in which the Sandinistas and Contras are fighting nor could 75 percent name four countries that officially acknowledge having nuclear weapons.

Those statistics are particularly disturbing when we realize that the United States is a nation whose global influence and responsibilities demand that its citizens be prepared for the future of a shared world. We, as the Nation's political leaders, have the responsibility to help create legitimate and viable programs for improving the state of geographic literacy in the Nation's schools and educational systems. Therefore, we are introducing this resolution today to focus national attention once again on the critical need for geography awareness in a nation that must meet the international, political, economic, environmental, social, and military challenges set forth by an increasingly interdependent and interconnected global village.

H.R. 134, THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AMENDMENTS OF 1989

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mrs. COLLINS. Mr. Speaker, at a hearing that I chaired in 1984, it was learned that the Equal Employment Opportunity Commission [EEOC] is unable to do its job completely in securing information from the 110 Federal agencies whose equal employment opportunity programs it oversees. Specifically, the EEOC is fully empowered by section 717 of the 1964 Civil Rights Act to gather data and timetables on an agency's compliance with affirmative action goals. However, it has no authority to gather that data if an agency fails to comply with Federal law.

To correct this oversight, I recently reintroduced H.R. 134, the Equal Employment Opportunity Commission Amendments of 1989, to give the EEOC the subpoena power needed to effectively enforce section 717. With this authority, the EEOC would be able to issue a subpoena against any officer or employee of the United States. This officer or employee would be required to produce the information which the Commission needs to determine compliance with an agency's affirmative action responsibilities.

If a Federal employee refused to comply with the subpoena, the EEOC could then request a court order to enforce it. If the employee still did not comply, this individual would be held in contempt of court. Under this legal authority, this person could be subject to a fine or imprisonment. These penalties are "not designed to punish" but, rather, are to "produce action."

Mr. Speaker, the EEOC does not have the necessary legal powers to do its job properly. Together, we can provide this agency with the proper means to effectively carry out the responsibilities that Congress assigned to it.

AMERICAN BUSINESS GROUP ANNOUNCES OPPOSITION TO STEEL QUOTA EXTENSION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MICHEL. Mr. Speaker, I would like to draw my colleagues attention to the announcement yesterday of a steel users coalition to oppose the extension of the voluntary restraint program for steel. The group of nearly 200 companies and trade associations represents American consumer and industrial goods manufacturers which use large amounts of steel in their products.

I was interested to see that the coalition includes companies from Massachusetts to California and from Texas to Minnesota. Large companies and small business alike are represented.

Its members also include companies from many industries; home appliances, farm equipment, food equipment, engines, auto parts, shipbuilding, industrial machinery, and metal products. This is a comprehensive cross section of the steel-consuming sector of the U.S. economy.

COALITION OF AMERICAN STEEL USING MANUFACTURERS

COALITION MEMBERS

(As of February 6, 1989)

A & E Systems, Inc., Santa Ana, CA.
A.F. Industries, Cincinnati, OH.
A.J. Antunes & Company, Addision, IL.
A.J. Rose Manufacturing Co., Cleveland, OH.
Acme Equipment Company, St. Louis, MO.
Adamation, Inc., Newton, MASS.
American Coupler Systems Inc., Kent, OH.
Advance Food Service Equipment, Westbury, NY.
AIRCON Filter Manufacturing Co., Inc., Philadelphia, PA.
Air Master Systems, Fort Atkinson, WISC.
Alofs Manufacturing Company, Grand Rapids, MICH.
All American Manufacturing, Vernon, CA.
AMCLO, Inc., Cleveland, OH.
American Hardware Manufacturers Assn., Schaumburg, ILL.
American Lawn Products, Inc., Augusta, GA.
American Metal Ware Co., Northbrook, Ill.
American Wyott Corp., Cheyenne, WY.
Anaheim Manufacturing, Anaheim, CA.
Association of Home Appliance Manufacturers, Chicago, ILL.
The Auer Register Company, Cleveland, OH.
Avtec Industries, Inc., Downers Grove, ILL.
Ayr King Corp., Louisville, KY.
Bakers Pride Oven Co., New Rochelle, NY.
Bally Engineered Structures, Bally, PA.
Bakery Equipment Manufacturers Association, Chicago, ILL.
Berkel Inc., LaPorte, IND.
The Biro Manufacturing Company, Marblehead, OH.
Blakeslee, Cicero, ILL.
Blaw-Knox Construction Equipment Corp. Mattoon, ILL.
Blodgett Corp., Burlington, VT.
Bourgeat USA, Inc., Woburn, MASS.
Burnside Manufacturing Co., Spring Lake, MICH.
C.A. Dahlin Company, Elk Grove Village, ILL.
CCI, Rancho Cucamong, CA.
Caddy Corporation of America, Pitman, NJ.
Can-Am Industries, Quincy, ILL.
Carter-Hoffman Corp., Muddelein, ILL.
Carts of Colorado, Inc., Denver, CO.
Caterpillar Inc., Peoria, ILL.
Cecilware Corporation, Long Island City, NY.
Century II, Inc., Milwaukee, WISC.
Champion Industries, Inc., Winston-Salem, NC.
Charles Richter Metal Spinning & Stamping Co., Mt. Vernon, NY.
Chatham Metal Spinning & Stamping Co., New York, NY.
Clairson Commercial Products, Corington, GA.
Clark Components North America, Buchanan, MICH.
Clark Equipment Company, South Bend, IND.
Clips & Clamps Industries, Plymouth, MICH.
Com-Corp. Industries, Inc., Cleveland OH.
Compaction Specialist Inc., Lakewood, CO.
Computer Stainless, Stratford, CT.
Construction Industry Manufacturers Association, Milwaukee, WISC.
Copes-Vulcan Inc., Lake City, PA.
Cummins Engine Company, Columbus, IND.
Dairy Food Industries Supply Association, Rockville, MD.
Davis Walker Corp., Los Angeles, CA.
Diamond Cabinets, Hillsboro, OR.
Dimas Industries, Princeton, ILL.
Dometic Corporation, Elkhart, IND.
Dormont Manufacturing, Pittsburgh, PA.
Duo-Aire, Inc., Kalamazoo, MICH.
Eagle-Picher Industries, Inc., Cincinnati, OH.
Eclipse Manufacturing Company, Sheboygan, WISC.
Edgewood Tool and Manufacturing Co., Romulus, MICH.
Edlund Company, Inc., Burlington, VT.
E.F. Bavis & Associates, Inc., Maineville, OH.
Elliott-Williams Co., Inc., Indianapolis, IND.
The Eureak Company Bloomington, IND.
Evans Industries, Inc., Harvey, LA.
Farm & Industrial Equipment Institute, Chicago, ILL.
Federal Mogul, Detroit, MICH.
Fiatallis North America, Inc., Coral Steam, ILL.
Fisher-Barton, Inc., Watertown, WISC.
Flame Gard, Inc., Los Angeles, CA.
Franklin Products Corp., Northbrook, ILL.
Frigidaire International, Pittsburgh, PA.
Gastronom, Inc., Cleveland, OH.
Gaylord Industries, Inc., Tualatin, OR.
Gerard Metal Craftmen, Gardena, CA.
Gibson International, Pittsburgh, PA.
Gold Medal Products Co., Cincinnati, OH.
Groen/Dover, Elk Grove, ILL.
H.K. Metalcraft Manufacturing Corp., Lodi, NJ.
Harford Systems, Inc., Aderdeen, MD.
Highwall Metal Spinning & Stamping, Brooklyn, NY.
The Holman Group, Inc., Saco, MAINE.
Howard/McRay Refrigerator Co., Inc., Philadelphia, PA.
Hussmann Foodservice Co., St. Louis, MO.
Ice-O-Matic, Denver, CO.
IMC/Teddy Food Service Corp., Copiague, NY
Industrial Fastener Institute, Cleveland, OH.
Industrial Washing Machine Corp., Matawan, NJ.
Ingersol Milling Machine Co., Rockford, ILL.
Intermetro Industries Corp., Wilkes-Barre, PA.
International Association of Drilling Contractors, Houston, TX.
Intertractor America Corp., Elkhorn, WISC.
Insinger Machine Co., Philadelphia, PA.
JCB, Inc., White Marsh, MD.
J.H. Carr & Sons, Seattle, WASH.
J.H. Sessions & Son, Bristol, CT.
JLG Industries Inc., McConnelsburg, PA.
John Boos & Co. Effingham, ILL.
Julius Blum & Company, Inc., Carlstadt, NJ.
J-Wood Company, Milroy, PA.
Karma, Inc., Watertown, WISC.
Kelvinator International, Pittsburgh, PA.
Kamper Company, Richmond, IND.
The Kent Company, Elkhart, IND.
Kloppenberg & Company, Englewood, CO.
LDI Mfg. Co., Inc., Logansport, IND.
Legion Industries, Inc., Waynesboro, GA.
Lincoln Foodservice Products, Inc., Ft. Wayne, IND.
Low Temp Industries, Inc., Jonesboro, GA.
Lufkin Industries Inc., Lufkin, TX.
Luitink Manufacturing Company, Menomonee Falls, WISC.
Lyon Metal Products, Aurora, ILL.
Magnuson Industries, Inc., Rockford, ILL.
Manchester Stamping Corp., Manchester, MICH.
The Metal Ware Corporation, Two Rivers, WISC.
Metropolis Metal Spinning & Stamping, Bronx, NY.
Midwest Stamping & Manufacturing Co., Bolling Green, OH.
Minneapolis Washer & Stamping, Inc., Minneapolis, MINN.
Missouri Equipment Co., St. Louis, MO.
Modular Engineering Corporation, Stone Mountain, GA.
Mozley Manufacturing Co., Stamford, CT.
MSI Corporation, Warren, MICH.
Muckler Industries, Inc., St. Louis, MO.
Multiplex Company, Inc., St. Louis, MO.
National Association of Food Equipment Manufacturers, Chicago, ILL.
National Gypsum Co., Dallas, TX.
National Tooling and Machining Association, Ft. Washington, MD.
Northland Corp., Greenville, MICH.
Nupar Manufacturing Company, Claremore, OK.
Nu-Vu Food Service Systems, Menominee, MICH.
Osmondson Corp., Perry, IOWA.
PACCAR, Inc., Bellevue, WASH.
Pacific Stamping Co., Los Angeles, CA.
Pettibone Corp., Des Plaines, ILL.
Philco International, Pittsburg, PA.
Poulan Weed Eater Company, Shreveport, LA.
Power Curbes, Inc., Salisbury, NC.
Precision Metalforming Association, Richmond Hts., OH.
Prideco Inc., Houston, TX.
Quaker Maid, Leesport, PA.
Qualheim, Inc., Racine, WISC.
Remcor Products Co., Franklin Park, ILL.
Rexworks, Inc., Milwaukee, WISC.
Richards-Wilcox, Aurora, ILL.
Robot Coupe USA, Inc., Jackson, MISS.
Rockland Manufacturing Company, Beford, PA.
Ross Company, Brownwood, TX.
Schrock Company, Aurthur, ILL.
Senco Products, Inc., Cincinnati, OH.
Service Ideas, Inc., Minneapolis, MINN.
Servolift/Eastern Corporation, Boston, MASS.
SFK Steel & Supply Company, Inc., Pensacola, FL.
The Short Run Stamping Co., Inc., Linden, NJ.
Signologies, Inc., Seabrook, NH.
Sioux Steam Cleaner Corporation, Beresford, SD.
Sko-Die, Inc., Morton Grove, ILL.
Somat Corporation, Pomeroy, PA.
Stampings, Inc., Fraser, MICH.
Stanley Knight Corp., New Troy, MICH.
Steel Window Institute, Cleveland, OH.
The Stero Co., Petaluma, CA.
Stoelting, Inc., Kiel, WISC.
Stone City Products, Inc., Bedford, IND.

Sundstrand-Sauer Co., Minneapolis, MINN.
Swan Services, Atlanta, GA.
Swisstronics Inc., Watertown, MASS.
Tenneco Inc., Houston, TX
Thermo-Kool/Mid-South Industries, Laurel, MISS.
Thiel Tool & Engineering Co., Inc., St. Louis, MO.
Toppo Manufacturing Corp., Sparks, NEV.
Trans-Matic Manufacturing Company, Holand, MICH.
Traulsen & Co., Inc., College Point, NY.
Tubular Steel Inc., St. Louis, MO.
Uniflow Manufacturing Co., Erie, PA.
Valve Manufacturers Association, Washington, DC.
Viking White Sewing, Cleveland, OH.
Vogel Machine, Effingham, ILL.
V/R Tublar Products, Park Ridge, ILL.
The Vollrath, Co., Inc., Sheboygan, WISC.
Walker Spring & Stamping Corp., Santa Fe, CA.
Washex Machinery Corp., Wichita Falls, TX.
White Consolidated Industries, Cleveland, OH.
White-Westinghouse International, Pittsburgh, PA.
Wilbur Curtis Co., Inc., Los Angeles, CA.
Wolverine Metal Stamping, Inc., St. Joseph, MICH.

COMMITMENT TO COMMUNITY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. MFUME. Mr. Speaker, Baltimore has long been known as the City of Neighborhoods. Visitors from across the country and the world marvel at the fact that a major city like Baltimore can possess such a rich and wholesome smalltown atmosphere. When these visitors ask me to comment on this phenomenon, I tell them that the credit must be given to the people within the community, who so often come together to offer a helping hand when their neighbor truly needs one.

An exemplary case in point is the relationship between Mr. Travis Winkey and the Northwest Child Development Center. Travis Winkey has been a fixture in the Greater Baltimore community for many years. His name has become synonymous with international fashion design. Yet, after all of his international success and rave reviews, Travis Winkey continues to find time to host a benefit fashion show every year for the Northwest Child Development Center. This year's benefit will be on Sunday, February 26, 1989, at the Pimlico Race Course in Baltimore.

The Northwest Child Development Center is also a fine example of how Baltimoreans commonly assist one another. The development center is a community-based day care center in the Park Heights neighborhood that has provided quality service to this community for the past 12 years. I wish to take this time to personally congratulate all those dedicated individuals from the center who have diligently and selflessly given of their time, talent, and resources to working parents and their children in the Park Heights area.

As we all know, February is Black History Month. This is the time of year when America salutes the achievements and acknowledges the contributions of our Nation's many great African-Americans. Perhaps the greatest legacy of our African-American heritage is the fact that our strength and survival has always drawn upon the energy and identity of our communities. This very unique and enduring quality helped African-American people break the bonds of slavery and provided the courage to march triumphantly down the road toward true freedom.

With this in mind, I believe that each and every neighborhood in Baltimore can be proud and thankful that we can boast of being the hometown of Travis Winkey and the Northwest Child Development Center. In closing, Mr. Speaker, I wish to remind my colleagues that our Nation's children desperately need role models to guide them toward realizing their greatest potential. Travis Winkey and the many others like him who support the Northwest Child Development Center are among the best candidates I know to fill that role by encouraging future generations to give back to the communities from which they came.

LYME DISEASE AWARENESS WEEK

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, as the Member of Congress representing the area with the most cases of Lyme disease in the country, I rise today to introduce the Comprehensive Lyme Disease Act of 1989. The senior Senator from New York State, DANIEL PATRICK MOYNIHAN has introduced identical legislation in the Senate. I am also introducing a resolution to designate the week beginning July 23, 1989 as "Lyme Disease Awareness Week." I appreciate this opportunity to provide my colleagues with some background on this disease, and why I believe that this legislation is worthy of their attention and full support.

While most people have heard of Rocky Mountain Spotted Fever, a disease transmitted by a tick that affects about 700 people a year, there is a far more common tick-borne disease that has not received enough attention—Lyme disease. Although Lyme disease was first officially reported just 14 yars ago in Lyme, CT, it has fast become the most common tick-borne disease and one of the fastest spreading infectious diseases in the United States. If treated early, the disease can be cured by antibiotic therapy. However, early diagnosis is often very difficult because of the disease's resemblance to the flu, arthritis, and ringworm. Without early treatment, Lyme disease can cause severe arthritis, heart disease, or neurologic complications. Later effects, often occurring months or years after the initial onset of the disease, include destructive arthritis and chronic neurologic disease. To date, there is no cure for Lyme disease once it reaches its later, more dangerous stages.

Since 1982, over 14,000 cases of Lyme disease have been reported to the Centers for Disease Control [CDC] from 35 States. However, because diagnosis is difficult and public awareness about the disease is limited, the CDC estimates that thousands of cases have gone undiagnosed, unreported, and—worse—untreated. CDC has unofficially announced a preliminary figure of 5,700 cases of Lyme disease for 1988 with many States not yet reporting.

New York State, which has been hardest hit by Lyme disease, offers an example of how the number of reported cases is rapidly increasing. This may be due to heightened awareness on the part of the public and physicians. The number of cases reported to the New York State Department of Health in 1988 increased three-fold over the number reported in 1987. In 1987, 877 cases were reported in New York State. As of January 1989, with 1988 reports still coming in from doctors offices around the State, 2,678 cases had been reported. This represents well over one-third of all cases reported to the CDC through 1986, and this is in just 1 year, indeed, and in one state.

Representing the First Congressional District of New York, my district encompasses two-thirds of Suffolk County, Long Island which by Federal and State statistics is the most endemic area of Lyme disease in the country. While the New York State Health Department reported 2,688 cases for 1988, Suffolk County alone reported 1,224 cases.

In some areas of my district, up to 98 percent of ticks may carry the spirochete that causes the bacterial infection. Therefore, being bitten by a tick means almost certainty of getting Lyme disease. Despite the fact that the tick which causes Lyme disease is called the "northern deer tick," it will feed on almost any mammal, including humans and their pets. In fact, the most common animal host of this disease is no longer thought to be the deer, but rather the common field mouse.

The deer tick lives in grasses along the shore, in fields, and at the edge of woodlands. Many people on eastern Long Island have expressed concern about going to the beach, taking a walk in the woods, or sitting in their own backyards for fear of getting this debilitating disease. Hospitals in some of these endemic areas will not take blood for transfusions from local residents for fear of unknowingly transmitting Lyme disease to someone else. While blood products are regularly screened for AIDS and hepatitis, there is no screening process for Lyme disease.

Many people never even know that they have been bitten by this tick because it is so small. The tick which spreads this disease is the size of a comma in newsprint. The parasite can attach itself, feed, detach itself to go and lay its eggs all without the host's knowledge. Moreover, a person might not develop the telltale rash at the site of the tick bite, leaving the person clueless as to the cause of his or her ailment. Without the characteristic rash, doctors may have difficulty diagnosing Lyme disease. Standard blood tests often do not reveal the presence of the spirochete.

Federal support for research is necessary to produce a specific blood test to isolate and accurately identify the Lyme disease spirochete and a vaccine to prevent people living

in endemic areas from contracting this disease. Effective new treatments are needed to stop the reoccurrence of Lyme disease within patients and to find a cure for advanced Lyme disease. Surveillance and education are also needed to control the spread of Lyme disease and halt the suffering it brings.

The Comprehensive Lyme Disease Act of 1989 is an expansion of legislation I introduced in the 100th Congress. This much-needed legislation will provide $2.5 million annually over 3 years for grants to public and private nonprofit entities to conduct research and to provide treatment of Lyme disease. These grants would be distributed by the National Institutes of Health. In addition, this legislation will provide $1 million annually over 3 years for efforts to educate the public about Lyme disease. These grants would be distributed by the Centers for Disease Conrol [CDC].

Last year Congress passed, and the President signed into law a resolution which former Congressman DioGuardi and I introduced designating the week of July 24–30, 1988, as "Lyme Disease Awareness Week." I was pleased that my colleagues joined me in support of this bill. I have introduced the measure again to designate the week beginning July 23, 1989, as "Lyme Disease Awareness Week." As early treatment of Lyme disease is the key to warding off its worst effects, and as there is currently no vaccine for Lyme disease, the best defense against it is prevention. Prevention depends upon public awareness. This is why I hope that my colleagues will again join me in bringing this disease to the attention of the American public and support funding for research and treatment of Lyme disease.

THE CONGRESSIONAL SALARY AND TAX ACT OF 1989

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. ROSTENKOWSKI. Mr. Speaker, in the aftermath of the vote taken earlier this week to deny ourselves and others an increase in salary, we find ourselves in a quagmire of confusion. We cannot restore the lost purchasing power of the Federal paycheck by voting for a raise, nor can we by not voting for a raise. Members are reported as being without ideas on what will work now.

With that in mind, I am today reintroducing a bill I sponsored in the previous Congress. The bill contains a provision which would establish what I call the "sign-in" system for congressional salaries. I mentioned this idea in my argument on the floor against the rejecting resolution 2 days ago. In fact, I have been promoting this idea for a few years now.

At first, it drew laughs and good-natured back slaps, but something interesting is happening. As other methods to raise Federal salaries, either directly or indirectly, fall apart, the "sign-in" system is attracting attention and gaining respect. I like to think that is so not just because it is innovative and flexible, but also because it is based entirely on a principle not often found in congressional salary plans—honesty.

The bill, which I have modified since it was last introduced, also contains provisions which address other troublesome areas of the overall income picture for Members and congressional staffs, which are decribed below.

THE SIGN-IN SALARY SYSTEM

The compensation system I propose would establish a range of salaries and would permit Members to "sign-in" somewhere in that range. The low end of the scale would be our current salary, and the high end would be the salary last recommended by the "Quadrennial Commission." If enacted this year, the scale would be from $89,500 to $135,000.

At the beginning of each Congress, Members would be permitted to claim a salary somewhere on the scale. New Members might be expected to start somewhere near the bottom, where they would be joined by those unwilling to try to justify a higher level to their constituents. Members who currently take less than the authorized salary would, of course, be free to continue that practice.

On the other hand, those Members with more responsibility or longer tenure would be free to make a statement of their worth to their constituents openly and honestly by signing in higher on the scale.

The sign-in system would give us the flexibility we need. For example, Members who live in high-cost areas, such as certain locations on the West Coast, the Northeast and the Midwest, could take that into account in deciding what salary to claim. Furthermore, it could accommodate such things as experience, expertise, effectiveness, and other factors which are commonly considered in salary negotiations in other lines of professional work.

Before this past month, I was not exactly expecting the people of the United States to recognize fully the requirements and responsibilities placed on a Member of Congress. After watching our voters be whipped into a frenzy by the media and those who are expert at manipulating it, our task of bringing a balanced view of what we do for the country now strikes me as an impossible one.

As far as I am concerned, there is no chance whatsoever that the public will support an across-the-board pay increase of reasonable size in the foreseeable future. The sign-in system addresses that problem. Instead of one national media-hyped "survey" in which all Americans are asked about all Members under whipped-up conditions, each Member would be judged by his or her own constituents, in the town meetings, in letters, in calls, and ultimately in the voting booth.

What I like most about the sign-in system is its honesty. The charade of going on "automatic pilot" would be behind us, as would all the other parliamentary shenanigans which have been tried. I am not sure what infuriated our constituents more, the pay raise or the attempt to avoid going on the public record. I have argued as strongly as I can for the self-respect of the House and its Members, and I have written this bill with that in mind.

In one major modification of last year's proposal, this bill provides that the senior members of the executive branch and the judges will receive the Quadrennial Commission's recommendation automatically.

This is yet another demonstration of the flexibility of the sign-in system. It does not break the link of parity with the other branches, since Members are free to claim a salary equal to our counterparts. However, it does mean that the future of the Federal Government's ability to meet the demands put upon it will not be held hostage to our inability to win support for an increase for ourselves.

TREATMENT OF HONORARIA

Something else we learned in the public furor of the past several months was the strong suspicion of conflict of interest which surrounds our rules on the retention of honoraria. I reject categorically the charge that the receipt of a fee for helping an audience better understand what goes on in Congress leads without fail to a loss of independence and objectivity on the part of the Member providing the information. There is no limit to the examples which could be cited to disprove the theory.

Nevertheless, we are well-advised to guard against even the appearance of a conflict of interest, no matter how unfairly suggested. Accordingly, the bill prohibits Members from retaining any honoraria and requires honoraria, if accepted, to be distributed to tax-exempt charitable organizations.

The bill's proposal on honoraria is consistent with the honest, straightforward compensation system that I propose. When a Member "signs in" for a certain salary, reflecting that Member's view of an appropriate level of compensation, there will be no reason for that Member to add another 30 percent of his salary through speaking, writing, and appearance fees. The ability to attract such fees is often a function of a Member's position in the Congress anyway, which can and should be taken into account when the salary level is chosen.

TAX TREATMENT OF MEMBERS' EXPENSES

The bill also repeals the current $3,000 limit on the deductibility of the living expenses incurred by members while in Washington on legislative business, putting Members in a position similar to other taxpayers engaged in a trade or business.

This provision addresses a problem which many Members have raised. Due to the differences in distance from home, family situation, and personal preferences, it has been extremely difficult over the years to devise an appropriate tax treatment for Members' expenses which is fair to all. Each approach has generated valid complaints from a number of Members.

So, in the context of a new compensation system which can take many of the variable factors into account, it seems fitting to adopt the simplest approach of all—treat Members of Congress like any other individuals engaged in a trade or business that often takes them away from home. Members of Congress are still different since our district homes must remain our homes even though we spend a large portion of our time in Washington. All Internal Revenue Service regulations on the subject would apply, and the level of deduction ultimately claimed by each Member would be that figure which each individual Member can justify to the IRS.

Like all other taxpayers, Members would only be permitted to deduct these expenses and other "miscellaneous deductions" to the extent that they exceed 2 percent of adjusted gross income.

The existing deductibility provision has appeared as a "perk" on the lists which our critics have been so avidly publishing all over the country. If they call it a "perk," I say let's eliminate it. By getting rid of these largely nonconsequential benefits one at a time, maybe we can carve the issue down to the point where we can have an intelligent and honest debate on salary levels without unnecessary distractions.

SENIOR CONGRESSIONAL SERVICE STUDY

Finally, Mr. Speaker, my bill calls for the next "Quadrennial Commission" to focus specifically on the very difficult problem of retaining senior congressional staff. The Commission would be directed to make recommendations for the establishment of a system of compensation which is fair, reflective of comparable private sector compensation, and ultimately designed to encourage our best public servants to consider making congressional service a career.

We do not need a statistical study to know that something is wrong in Congress when so few staffers decide to make congressional service their life's work. There is no more established truism in Washington than that service "on the Hill" is usually mere preparation for a more lucrative career in the private sector. Instead of spending so much time and passion on restricting their activities once we lose them, as we did last year and threaten to do again, I think we should explore why we lose them in the first place.

Extensive study and debate have gone into exploring what needs to be done to retain top civil servants in the executive branch. Comparability studies, the establishment of the Senior Executive Service, and professional development programs are all extremely worthy undertakings. However, all those studies and programs have ignored what needs to be done to retain those members of our personal and committee staffs who the Congress can least afford to lose.

My bill directs the next Commission, which will convene in 1992, to examine the issue in depth. In conjunction with its report, the Commission would be required to make recommendations for a definition of "Senior Congressional Service" status, and for a compensation and professional development program aimed at making it possible for our most valuable experts to make congressional service a career instead of a stepping stone.

When this bill is considered by the committees of jurisdiction, I would have no objection if somebody other than the Quadrennial Commission is given the opportunity of developing the SCS Program. It would be good not to have to wait 4 more years.

In the meanwhile, I have made one additional modification of last year's bill by changing the point of reference for staff salaries visa-vis Members' salaries. This bill ties staff salaries to the high end of the sign-in scale. In its previous version, the bill would have required staff salaries to stay below the low end.

I decided to make this change after listening to the recent debates about senior officials in the executive branch. For all the reasons cited in those debates, and for those recited above, I could see that we would only be hurting the legislative branch and the country by locking senior congressional staff into today's salary structure until something like the Senior Congressional Service can be created.

For those who feel it would be wrong for a member of a staff to receive more than a Member of the House or Senate, let me note that that is already happening. Since some Members currently are declining to accept pay increases enacted since their first election, there are today members of several staffs who are drawing more per month than some Representatives.

In a final change, this year's bill subjects staff to the same ban on retaining honoraria as Members.

CONCLUSION

Mr. Speaker, maybe there are better ideas for the pay system in the Congress. From what I read, Members seem anxious to break with the past ways of trying to handle this thorny issue, all of which have fallen into discredit. The sign-in system could represent a giant step toward an honest compensation system in which all Members can have pride. Including as it now does the other proposals I have added to the original idea and to last year's bill, I think it deserves serious study.

Let's be honest with the American people and with ourselves. Then, with heads held high, let us resolve to continue to provide quality representation and public service to our constituents and to the Nation.

MUNHALL FIREMEN TO MARK MILESTONE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1989

Mr. GAYDOS. Mr. Speaker, I have heard it said the roots of a meaningful life grow deepest in the soil of service. If that be so, then there are no deeper roots grown anywhere than by our Nation's volunteer firemen.

They truly "serve." At any hour of the day or night * * * in any kind of weather * * * when they are called, they answer.

Volunteer firemen regularly risk their own lives to protect the lives and property of their friends and neighbors. That dedication has earned them the admiration and respect of their communities.

In western Pennsylvania, we have thousands of individuals committed to such public service. It is my privilege today to single out a company of volunteer firemen that will be marking a milestone on Saturday, April 1.

It was 50 years ago this Spring when 14 members of Munhall Volunteer Fire Company No. 5 planted their roots in community service.

They started with the barest of equipment: a wheelbarrow, two sections of hose, a rake, a shovel and two brooms. Not even a truck. But, when they were needed, they were there. Fires were fought with muscle and manpower.

Those first 14 were William Jacko, John Smolley, Stephen Pentek, George Vogt, George Harry, Samuel Zaugg, William Henderson, Frank Bell, Samuel Smiden, Joseph Yesko, James Henderson, Fred London, George Pentek, and H. P. Douglas.

It wasn't until 1953 that company No. 5 got its first truck. A used vehicle, donated by Munhall Borough Council. Over the years, more equipment was added: an ambulance, a new truck, a pumper, a ladder truck, et cetera. The company did what it could to provide the community with the best service possible.

As No. 5's rolling stock grew so did its need for space. Originally housed in a garage, the company eventually bought a piece of ground, built a hall and periodically added on to it. Its membership grew, too. Today No. 5 has 64 members led by the following:

Executive Officers—Walt Dominski, president; Larry Oleksa, vice president; John R. Balint, treasurer, and Nick Havrilla, secretary.

Line Officers—Tim Smoley, chief; Bob Grobelski, Chris Cibula and Ron Smoley, assistant chiefs; Bob Dillinger, truck foreman; Mark Olsavicky, assistant truck foreman, and Andy Cibula, ambulance coordinator.

Mr. Speaker, if satisfaction with one's life is indeed found in the soil of community service then the members of Munhall volunteer Fire Company No. 5 should be most gratified. I wish them well as they embark on a second half-century of service.

SENATE—*Tuesday, February 21, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 2:15 and 30 seconds p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be recessed under the order.

RECESS UNTIL TOMORROW

Thereupon, at 2:15 and 31 seconds p.m., the Senate recessed until Wednesday, February 22, 1989, at 12 noon.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Tuesday, February 21, 1989*

The House met at 12 noon.

The SPEAKER. Our prayer today will be offered by a guest chaplain, the Reverend Ralph Hubble of the Berean Baptist Church of Richmond, VA, who today is celebrating the 50th anniversary of his ordination.

The Reverend Ralph Hubble, Berean Baptist Church, Richmond, VA, offered the following prayer:

Gracious Heavenly Father, Thine is the greatness, and the power, and the glory and the majesty; for Thou art God, the Ruler of all nations.

Thou art exalted above all principalities and powers and it is Thine, O God, to make great and to give wisdom and strength unto men and women of every family, tribe, nation, race, and tongue.

Therefore, I beseech Thee to hear this petition on behalf of this Congress. These honorable men and women are compassed about with many problems that call for divine guidance.

Quicken their hearts and minds and direct their deliberations as they share in the pursuit of peace for all nations.

This I pray in the name of the Lord Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Florida [Mr. JAMES] will lead us in the Pledge of Allegiance.

Mr. JAMES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

REV. RALPH TIPTON HUBBLE

(Mr. TAUKE asked and was given permission to address the House for 1 minute.)

Mr. TAUKE. Mr. Speaker, it is with a great privilege that I welcome today to the House Chamber our guest chaplain, a very special man, my father-in-law, who was ordained 50 years ago today as a Baptist minister.

He was at that time a young man of 20 years of age. He was born in Virginia but had been raised in Indiana, where he attended Indianapolis Bible Institute. With his young wife, Catherine, this young minister served several churches in Indiana until he was urged by Virginia Baptists to come home back to his roots.

Mr. Speaker, he returned to Virginia, and at age 35 was the founding pastor of Berean Baptist Church in Richmond. In one word, the name of Ralph Hubble's new church summarized the core focus of his life, named "Berean" after the congregation in Acts 17 that "searched the Scriptures daily."

The church was led by a young man with an extraordinary love for the Holy Scriptures. "He is quiet, unassuming, steady, persistent, but most of all, he is faithful to his calling," says his bride of 50 years, Catherine.

Thirty-five years after the debut of that Baptist Church in Richmond, Ralph Hubble serves there as pastor. I hope that his grandson, Joseph Hubble Tauke, who is in the Gallery with my wife and Joseph's grandmother, will follow the qualities, share many of the qualities, of his grandfather, the grandfather who is with us today, Ralph Tipton Hubble, 50 years a minister of the Gospel, a man who seeks God's wisdom and guidance for a Congress which can clearly use such assistance for the crucial issues confronting this generation.

APPOINTMENT AS MEMBERS TO THE U.S. BIPARTISAN COMMISSION ON COMPREHENSIVE HEALTH CARE

The SPEAKER. Pursuant to the provisions of section 403 of Public Law 100-360, the Chair appoints to the U.S. Bipartisan Commission on Comprehensive Health Care the following Members on the part of the House:

Mr. PEPPER of Florida;
Mr. STARK of California;
Mr. WAXMAN of California;
Ms. OAKAR of Ohio;
Mr. GRADISON of Ohio; and
Mr. TAUKE of Iowa.

AUTHORITY FOR APPOINTMENT AND APPOINTMENT AS MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on February 22, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Pursuant to the order of the House of today, the Chair appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on February 22, 1989:

Mr. PATTERSON of South Carolina; and

Mr. RIDGE of Pennsylvania.

INTRODUCTION OF THE NATIONAL COOPERATIVE RESEARCH AND PRODUCTION ACT AMENDMENTS OF 1989

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, today all of us surely recognize that American firms face unprecedented challenges in the global marketplace. As one—but singularly important—step in spurring the needed technological innovations to better compete in this new economic environment, I am introducing the National Cooperative Research and Production Act Amendments of 1989. This legislation builds upon the legislation that I introduced and managed to passage in the 98th Congress and which provides favorable treatment for research and development joint ventures. Five years after the success of that measure in stimulating more and dynamic cooperative ventures at the research level, it is now clear that the same incentives must exist to encourage properly structured cooperative efforts at the production, distribution and marketing levels. Only by moving more rapidly to commercialization can America capitalize on its still-dominant edge in pure research and innovative thinking.

The economic realities behind this piece of legislation seem clear enough: First, the costs of developing many items on the new technological agenda and bringing them to the marketplace often exceed the resources of a single firm. Second, the economics of high-technology manufacturing has shifted

to short product life-cycles and the need for rapid response to changing consumer demands. Third, because newly developed products may now give a technology innovator no more than 6 months to a year of exclusivity, American firms must develop and initiate marketing strategies and production scheduling with much greater dispatch than in the past. Fourth—and equally important to all the above—American-style competition can coexist with cooperative efforts to enhance innovation and be the spur to greater manufacturing success as in the past.

Must there be a contradiction between antitrust, which guarantees a healthy competitive edge and the free enterprise system, and cooperative production ventures? Absolutely not. We have seen evidence of that, most recently, in two developments. The first involved the American automobile industry, so much in need of revitalization in the 1970's and early 1980's. In 1984, GM and Toyota sought to coproduce a subcompact car, the Nova, in Freemont, CA. Here we had the world's first and third largest producers of automobiles getting together for a limited but valuable purpose. The proposal passed antitrust muster at the FTC; and the revitalization of the automobile industry in America took another step forward, with attendant employment benefits for American workers.

The second development was passage of the National Cooperative Research Act of 1984. That act reaffirmed that joint R&D was favored under the antitrust laws provided that the participants avoided certain obvious pernicious anticompetitive practices—such as price-fixing and market allocation—which, in the end, can only restrict output and product development.

The act has worked well because it has alleviated private industry's perception of antitrust hostility to properly structured cooperative efforts. Quite the contrary, such joint ventures have been, and will now always be, judged by the benign rule-of-reason test. The act also established a mechanism by which the antitrust agencies are able to preview projected plans and flag possible competition problems at the start, so that companies are not surprised later or are made to always look over their shoulders after making a tremendous financial commitment.

Finally, by making disclosures of planned joint research and development ventures a voluntary matter, there is no unwarranted Government intrusion into the private sector decisionmaking process. Should companies decide to participate, however, they will be shielded from private treble damage actions in the future. Moreover, under such a scheme, the antitrust agencies will not be converted into full-fledged regulatory bodies, which would only detract from their primary enforcement mission.

In the past few months, numerous approaches other than those developed in the 1984 act have been suggested as means by which to stimulate more production joint ventures. These suggestions have ranged across a wide spectrum of form and content, including the Government-sponsored creation of a technology company structured on the model of the creation of RCA in 1919; favorable antitrust treatment for only small business cooperative ventures; the creation of industry-specific—even, project-specific—antitrust exemptions; the development of a regulatory certification process to be administered by the Department of Justice and/or the Department of Commerce; the carving out of antitrust safe harbors for cooperative ventures based on market shares levels; the enumeration of specific factors to be considered in a rule-of-reason test by the courts, and various hybrids of some or all the above.

Without a doubt, the motivation behind all of these suggested approaches is laudatory—to prevent any further erosion of our hard-fought manufacturing leadership. But after careful reflection, I am convinced that the basic model established by the 1984 National Cooperative Research Act still provides the most balanced, less Government-intrusive means to achieve the goals we all seek.

Just as in the Joint R&D Act of 1984, I believe the answer for production joint ventures lies in generic antitrust legislation that will benefit cooperative efforts by large as well as small companies, and within our so-called moribund Rust Belt industries as well as within our high technology industries. I believe that the voluntary disclosure and notification system established in the 1984 Joint R&D Act is, at once, the least intrusive and most efficient way for American firms to receive antitrust relief from private lawsuits while not in any way permitting dangerous ancillary restraints of trade to exist under the guise of a cooperative venture. I also believe that the rule of reason standard should not be unnecessarily hampered by descriptive terms that may only freeze the development of this flexible and evolving test by the courts. Already, the test has undergone tremendous refinement in the joint venture area, with the widespread recognition of the many procompetitive justifications of such activity even in the face of structural presumptions created by market share or by moderately high levels of Herfindahl numbers used by our Federal antitrust agencies to assess concentration levels.

In this regard, I was particularly impressed by the Department of Justice's analysis of joint ventures in its recent 1988 Guidelines on International Operations and Antritrust Enforcement Policy. The paradigm elucidated in the guidelines traces a series of analytical steps, beginning with a consideration of the anticompetitive effects of the venture in the specific joint venture markets, followed by a review of the effects in the markets outside the joint venture market in which venture members are actual or potential competitors, and finally with a consideration of nonprice vertical restraints. This type of sequential analysis provides for quick yet thorough determinations about the relative balancing of procompetitive and anticompetitive factors. In any event, rule of reason analysis is continually developing and should not be constrained by spelling out some but not all the relevant factors to be considered. History has shown that these factors change over time with new developments and economic learning.

For all these reasons, I am convinced that my proposed bill provides the kind of framework to answer the need for enhanced domestic commercial responses to the challenges of the international marketplace. I intend to press forward for passage, and hope that my colleagues will join with me in supporting the National Cooperative Research and Production Amendments of 1989.

TRIBUTE TO REV. RALPH TIPTON HUBBLE

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I want to thank the Speaker for today calling on one of my constituents, the Reverend Ralph Tipton Hubble, to provide the invocation.

Mr. Speaker, 50 years is a long time, a long time of dedication to his church, and for many years, at least 35 years, to the citizens of my district.

I want to salute him and commend him and wish him many more years, and to thank him for providing my good friend and colleague, the gentleman from Iowa [Mr. TAUKE], with a wonderful wife and, now, a grandson.

AMERICAN FLAG FIDELITY ACT

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, today, I am reintroducing the American Flag Fidelity Act in an effort to protect the integrity of our Nation's most venerated symbol of freedom, pride, and independence.

The American Flag Fidelity Act would prohibit the importation of for-

eign-made American flags. Foreign workers simply do not have enough respect for our national symbol to manufacture the Stars and Stripes. I have an example of this lack of respect in my office: An American flag, made in Taiwan, with a Harley-Davidson motorcycle superimposed upon it. Emblazoned across the motorcycle's gas tank are the words "High Times." Is this a fitting design for our Nation's most revered symbol of honor and dignity? We must not allow foreign companies that violate the U.S. flag code to produce the U.S. flag.

Furthermore, I have documented evidence that at least one foreign company urges our flag importers to purchase U.S. flags produced by factories in Taiwan, remove the "Made in Taiwan" labels, and restitch "Made in the USA" labels onto the flags. This same foreign flag company will even provide the "Made in the USA" labels. We must not allow companies who encourage the violation of U.S. customs laws to produce the U.S. flag.

Throughout American history, there has been a tradition of keeping the flag raised even while soldiers are falling around it in battle. I am asking my colleagues to help me keep the flag held high by delivering it entirely into the trustworthy hands of the American worker, and out of the reach of the exploitative foreign manufacturer.

"I pledge allegiance, to the flag, of the United States of America, and to the Republic, for which it stands * * *." We should not allow these revered words to ring hollow. Our allegiance should only be pledged to a flag made by the American worker.

WASHINGTON, DC, IS NOT DODGE CITY

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, enough is enough!

With gunfire echoing throughout our Nation's Capital and a crime wave engulfing Washington, again and again we hear the one liner, "D.C. isn't Dodge City."

With all due respect to the local Mayor, the rock group that did the rap song, my colleagues in the Congress, the so-called experts on the talk shows and everyone else inclined:

For those of us who call Dodge City home, you got it right. Washington, DC, sure as heck is not Dodge City, KS, America. Better that you should follow our example in Dodge.

Education, health care, public services our rodeo, museum, library, concerts, theaters—any index you want to yardstick, we have more and do it better on a per-capita basis than this outfit we call the District of Columbia. And that is certainly true in terms of public safety and law enforcement. We don't have to have Wyatt Earp at our side to walk the streets of Dodge.

So, my colleagues, in behalf of our city fathers and all of the fine citizens of a most resourceful, positive, and progressive and safe and good-place-to-raise-your-family community, Washington, DC, is not Dodge City but it sure would be a better place to live if it was.

I would hope, Mr. Speaker, that our problems in the Nation's Capital regarding violent crime can receive the kind of attention and discussion this complex issue demands and deserves—but let us not perjure my hometown of Dodge City in the process.

NOT ALL INDIANS ARE ALIKE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, recently there has been a spate of articles about the Senate investigation of Navajo Chairman Peter McDonald. There have been charges of kickbacks, gifts, and other corrupt practices.

Whatever the merits or final outcome of this investigation, the image of our Indian people has suffered, and that is unfair. For every bad apple, there are hundreds of other tribal governments that operate efficiently, honestly, and without a hint of scandal.

The Indian people are proud of their heritage and insistent on preserving their sovereign rights. Therefore, it is important to keep this investigation in proper perspective.

I say this not because I represent a large number of Indian constituents, but because I know that many native Americans are afraid that many in this country and in this Congress will make a blanket conclusion that all tribal governments are corrupt. There is no question that the Bureau of Indian Affairs needs to be reformed. There is no question that the corruption on Indian land must not be tolerated. But most importantly, let us not malign or generalize all Indian programs or all tribal governments because of the recent allegations about one tribal chairman.

INTRODUCTION OF THE CAPITAL INVESTMENT ACT OF 1989

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, today I am introducing legislation to restore the incentive for all taxpayers to invest in our Nation's economic future through the creation of special capital gains treatment for long-term investments. The Capital Investment Act of 1989 is similar to legislation I first introduced, together with my good friend from Oregon, Congressman LES AUCOIN, in the 100th Congress. I am pleased to be joined by LES AUCOIN, once again, in sponsorship of this endeavor to provide the tax incentive for investment necessary to create new jobs and enhance American competitiveness.

The Capital Investment Act of 1989 would establish a three-tiered capital gains rate differential for individuals at all income levels. Specifically, this legislation would exclude from personal income tax 40 percent of the gain on investments held for 1 year, 60 percent of the gain on investments held for 3 years, and 100 percent or all of the gain on investments held for 5 years or longer.

Mr. Speaker, this legislation will provide the pool of venture capital necessary for developing new technology, creating new jobs, and enhancing our competitive position in the world's markets. Unlike our current system of taxation, which penalizes long-term investment, the Capital Investment Act of 1989 will reward Americans who invest in our Nation's economic future.

CAPITAL INVESTMENT ACT OF 1989

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, I am pleased to join my friend and colleague, the gentleman from Washington, Mr. SID MORRISON, in the introduction of the Capital Investment Act of 1989.

Two weeks ago President Bush put the capital gains issue back on the front burner for this country. I applaud his initiative, but I believe that the bill that the gentleman from Washington [Mr. MORRISON] and I are introducing today will go even further in stimulating the creation of jobs in Oregon and Washington and across the entire Nation.

The difference between the President's plan and ours is simple. Under our bill, the longer an asset is held, the more favorable tax treatment it gets. Investors will thus have an even greater incentive for long-term, productive investment in America, and particularly to invest in those small startup companies that provide the vast majority of jobs in this country.

Mr. Speaker, it is ironic that our capitalistic Nation taxes capital like no other nation in the world. Japan, West Germany, and other countries do not tax capital gains at all, and they are the very countries who today are beating our socks off in international competition.

I think it is time to give American investors an incentive to invest in American companies and American jobs. I hope my colleagues will agree that it is time to restore the favorable treatment on capital gains, and join my friend, the gentleman from Washington [Mr. MORRISON] and myself in supporting and cosponsoring this important legislation.

CHILD CARE DILEMMA

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, we are poised to take up the issue of child care. But the question is not whether we should have a child care program, but what kind of program we will have.

Child care is an important issue because working parents are the norm. But the concern of this Congress for the massive budget deficit must also be considered.

Proponents of a child care program take three approaches. ABC backers suggest grants to the States. Others suggest tax credits. Chairman HAWKINS would expand Head Start and school-based care.

Each of these solutions has unique advantages. But, Mr. Speaker, they all share one glaring fault. None of them includes a financing mechanism. Each would add appreciably to the Federal deficit.

It is unconscionable for Congress to continue to make multibillion-dollar promises to the American people when we can't even keep the promises we've already made. It is time to tell people, honestly, that there is no free lunch, and if Government solutions are desired, they must be paid for.

THE RIGHTS OF THE DISABLED

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, last Monday was a day of victory and celebration for 36 million Americans. Just like Rosa Parks declaring she had a right to ride at the front of the bus, last Monday disabled Americans were finally given their rights to board the bus. Last Monday the U.S. Court of Appeals said, once and for all, it was time to stop discriminating against the disabled and let them ride the bus like anyone else.

This is an important step forward for the 36 million disabled Americans, many of whom have been systematically denied access to transportation, education, employment, and public services simply because they are disabled. The court's ruling says, flat out, this kind of discrimination must stop; that disabled Americans, like all Americans, have the same rights to public transportation.

The third circuit ruling makes me believe that a "new breeze" truly is blowing in America—one I hope the Bush administration will fan into winds of change for the disabled across our country.

APARTHEID

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, last night my colleagues, Messrs. SHUMWAY, MCEWEN, and BURTON and I returned from a seven-nation tour of the frontline states and South Africa. I have to say everyone in this House certainly abhors apartheid and we found from this tour throughout Africa that the nations in that region, of course, abhor apartheid.

But we also found a very clear message which we need to hear as we address the problems that exist in South Africa. That is, the frontline states, the nations of Zimbabwe, Malawi, Zaire, Angola, Namibia, and other nations throughout that continent would be devastated if this Congress were to impose sanctions on South Africa.

We desperately want to bring the problem of apartheid to an end, but further sanctions are not the solution, Mr. Speaker.

PATRICK PURDY'S HEINOUS CRIME

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, like all other Americans, I was distressed by the Time magazine cover story describing Patrick Purdy's heinous murder of five schoolchildren in Stockton, CA. There is, however, one fact that this body and the people of this country should have in mind. Mr. Purdy was not an ordinary citizen. He had an extensive, and serious, and unpunished criminal record.

In 1980, he was arrested for soliciting sex from a police officer.

In 1982, he was arrested on drug possession charges.

□ 1220

In 1983, Mr. Purdy was arrested on a dangerous weapon charge, convicted of a misdemeanor and put on probation.

In 1983, again he was arrested and charged with receipt of stolen property. The charge was dismissed.

In 1984, he finally served some time. He was arrested and charged with two serious felonies, attempted robbery and criminal conspiracy. He served a grand total of 30 days for these crimes because, though he had already been arrested four times, he was offered a plea bargain and was convicted merely of the misdemeanor offense of being an accessory to a felony.

He was not apparently rehabilitated during that 30-day imprisonment. He was arrested again in 1987, this time for firing a pistol in the Eldorado National Forest and for resisting arrest. While he was in custody he attempted to commit suicide by cutting his wrists with his toenails and fingernails, that is after failing to hang himself.

At this point the criminal justice system meted out what was to be its strongest accomplishment: 45 days in jail followed by probation.

Mr. Speaker, we have here a litany of failure of law enforcement, a criminal, a man of known and established violence, a threat to himself and a threat to society, and one described in a probationary report as a danger to himself and to others. He served very little time. He committed no felonies which would bar him from ownership of firearms, not because he was not guilty of those events, but because the criminal justice system was not properly applied to convict him of the kind of crimes of which he was, in fact, guilty. The harsh fact of the matter is that we confront now a situation where we are charged with the need for gun control. What we believe to be the more correct result of careful analysis is that the jailing and proper punishment of serious criminal activity would go a long way to assure the safety of citizens in their homes.

I would urge that we should address this part of the problem rather than stripping American citizens of a cherished constitutional right. The right to own and bear firearms for legitimate supporting of defense purposes.

Mr. Speaker, Time magazine recently ran a cover story describing Patrick Purdy's heinous murder of five schoolchildren in Stockton, CA. While Time's piece included a great deal of editorializing, there was one fact requiring special attention.

Time reported a remark by a sociologist at the University of Texas on the sorry state of criminal justice in this country: "People have lost confidence in the ability of local government to control crime."

Mr. Speaker, if the Purdy attack proves anything, it proves that the people have been right to lose that confidence. In the wake of emotional outcrys to ban semiautomatic rifles, shotguns, and pistols, some of which can be heard in this Chamber, it is useful to keep in perspective that Mr. Purdy is not your ordinary law-abiding citizen.

It is instructive to look at the record of the man who pulled the trigger on those schoolchildren:

Mr. Speaker, I ask unanimous consent that I be permitted to insert for the RECORD the remainder of my remarks containing the full details of how Patrick Purdy was allowed to commit his horrible crime.

In 1980, Purdy was arrested for soliciting sex from a police officer.

In 1982, Purdy was arrested on drug possession charges.

In 1983, Purdy was arrested on a dangerous weapon charge, convicted of a misdemeanor, and put on probation.

Again, in 1983, Purdy was arrested and charged with receipt of stolen property. The charge was dismissed for lack of evidence.

In 1984, Purdy finally served some time. He was arrested and charged with two serious felonies—attempted robbery and criminal conspiracy. He served a grand total of 30 days for those crimes because even though he had already been arrested four times, he was offered a plea bargain and was convicted merely of the misdemeanor offense of being an accessory to a felony.

Apparently, Purdy was not rehabilitated during that 30-day imprisonmement. He was arrested again in 1987—this time for firing a pistol in the El Dorado National Forest and for resisting arrest. While he was in custody, Purdy attempted to commit suicide by cutting his wrists with his toenails and fingernails—that is, after failing to hang himself. At this point, the criminal justice system meted out what was to be its strongest punishment: 45 days in jail followed by probation.

Mr. Speaker, the most shocking fact in this litany of failure is that Patrick Purdy was given probation despite the fact that the probation report itself described him as a danger to himself and others.

When reviewing this incredible record, some of my colleagues ask: What can be done to prevent such a man from obtaining a gun? This is really the wrong question. Last year, during the debate on the Brady amendment, this body was deluged with reports as to how well the waiting periods in California works to deter criminals from purchasing handguns. The fact is, Mr. Speaker, that Purdy complied with the waiting period some five times, one of the last times being when he bought the pistol he used to kill himself after his horrible crime. Once again, gun control measures already in place failed to prevent a criminal from getting his hands on a gun, even one who was foolish enough to circumvent the black market to comply with the law.

Like John Hinckley before him, Patrick Purdy was legally entitled to purchase a firearm under the longest waiting period and background check in the Nation—not because firearms laws are too lax, but because of lax law enforcement. He had no felony record. Unlike Hinckley, Purdy would have been in jail long before his last crime had our criminal justice system worked as advertised.

Mr. Speaker, the right question to ask in light of that crime in Stockton is: Why has our criminal justice system so failed America that a known, violent criminal like Patrick Purdy can be left free to roam in the streets? Until we get an answer to that question, law-abiding citizens must insist that the law be enforced. That crime be vigorously punished. That criminals be jailed and removed from the streets where they threaten the safety of the citizenry. Only after this has been done is an attempt justified to strip citizens of a cherished and essential constitutional right, one set forth in the second amendment—the right to own and bear arms.

NO REPEAT PERFORMANCES

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, an interesting—if not frightening—item caught my eye recently that led to visions of gasoline line nightmares and overseas dependence on oil supplies.

The American Petroleum Institute has issued a report indicating that for the third year in a row—in 1988—U.S. oil production dropped. The drop last year left domestic production matching its lowest level in 24 years.

If this trend continues, with this Nation fiddling around while domestic oil production continues to slide downward, then our OPEC friends will—once again—literally have this Nation over the oil barrel. Was it not only yesterday that the agony of oil dependency from the Middle East had this Nation calling for energy independence? Didn't Congress vow—following the gasoline shortages of the seventies—to sharpen its efforts and avoid the conditions that lead to energy disaster?

The gist of this report is both a cause for concern and a warning: We need to carefully examine the importance of becoming self-sufficient. We need to take a long, hard, realistic look at U.S. oil production and avoid being held hostage—once more—to OPEC demands and mandates. I am convinced that this Nation can sustain a strong domestic energy industry without jeopardizing environmental goals. If the predictions of this particular report bear out, we will have little choice: Either place our priorities on energy independence now or we will surely pay more later.

A SAD INVITATION TO EVERY TWO-BIT LUNATIC TO CENSOR WHAT GETS PUBLISHED IN AMERICA

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ACKERMAN. Mr. Speaker, since the birth of our Nation, tens of thousands of Americans have given their very lives to protect our right to freedom of speech and freedom of the press.

Our European cousins had their homes bombed and their cities leveled rather than yield to those who would deny them their democratic institutions.

It is Voltaire who is credited with the statement that is the sum and substance of our Nation—words that have often been quoted on this floor: "I disapprove of what you say, but I will defend to the death your right to say it."

And now, in a betrayal of our constitutional underpinnings, those who make their great living from the right to publish—some of America's major book distributors—have become accomplices to censorship by threat of terror, and have quietly turned their backs on the Bill of Rights. The rattle of sabers has silenced their pens.

What a sad invitation to every two-bit lunatic with access to a phone to censor what gets published in America.

The industry with the most at stake has made losers of us all by not putting their mouth where their money is.

This body must not be a passive party to the burning of books. We must find a suitable response—not because we've read or approve of the book, which is obviously an insult to one of the world's great religions, but because we are supportive of freedom.

We're not proud of their words, but every racist, every demented dictator, every lunatic theoretician has his work on display in this heretofor uncensored America for independent judgment, whether praise or scorn. Till now, we've been proud of, and able to support that process.

But now, one humiliated individual, seeing his power and influence dwindling, desperately in need of an enemy from without—has found one: the civilized world.

[From the New York Post, Feb. 20, 1989]

(By Pete Hamill)

It has been a bad week for courage. Everywhere, free men have submitted to the forces of stupidity and darkness. Salman Rushdie has been abandoned to the assassins. As soon as Khomeini issued his death sentence, writers, editors, publishers and booksellers everywhere should have banded together and said to this demented old man:

"I am Rushdie." They should have stacked the bookshop windows with copies of "The Satanic Verses." They should have demanded from their governments the basic protections purchased by taxes and guaranteed to constitutions. They should have shouted two words to Khomeini and his God-sick followers; the second of those words is "you."

Instead, in too many cases, they ran. The book was pulled from the major American chain stores. W.H. Smith's 480 stores in England hid it in the basement. France, Greece, Turkey and West Germany announced the suspension of publication. Canada stopped new copies from crossing the border. Italy stood up, as did Holland, Finland and Norway; they deserve praise. The rest collapsed.

The reason for this submission to Khomeini was simple: runny, belly-quivering fear. The publishers and booksellers simply didn't believe that their governments could protect them and their employees from the fanatics. They believed more in the power of terror than the power of law. This loss of faith was accompanied by a lot of pussyfooting language about not intending to offend Moslems. But that only obscured the issue. The issue is not religion; it's freedom. And freedom must be exercised in the face of risk or it dies.

In this case, silence is collaboration. Writers are now speaking out. But where are the voices of the Arab intellectuals? Where is Edward M. Said, who has argued so persuasively in so many books against Western stereotypes of Islam? We have seen some Moslem leaders on TV, humorless, devoid of irony, mouthing the conventional (and ferocious) pietie. But the silence of Said and other modern, secular Arabs is morally outrageous.

The fact is that good writing usually offends someone. It was said by the Russian poet Osip Mandelstam that nobody took poetry more seriously than Stalin; he killed people for writing it. But our truest inheritance is the freedom to speak, write and publish without being killed or imprisoned. That freedom was paid for with the blood of brave men.

Yes, we have our home-grown mullahs, intolerant leftists, right-wing zealots, Bible-thumping true believers who launch periodic assaults on freedom of the mind. Like Khomeini's Shiite followers, they, too, believe they have an absolute monopoly on the truth. Agree with me, they say, or die. We have gone through know-nothing cycles when the thought police have purged our libraries, burned books and records, jammed the cement heel of the state upon the necks of free thinkers. No religion and no country is completely free of stupidity.

But it is our pride to openly fight these crackpots, insisting on the liberal virtues of tolerance, openness, pluralism. The citizen, not the state, will choose to read or not read a book, see or not see a play or movie. You don't like "The Satanic Verses?" Fine: Don't read it. But I must fight you to the death if you try to prevent me or anybody else in this country from choosing otherwise. The death sentence issued by Khomeini against Rushdie—and the contagion of cowardice that followed—is now depriving milions of people of the freedom to make such a choice.

Today we celebrate George Washington's birthday and must again honor the collective genius of the revolutionary framers of the Constitution. They absolutely separated church from state. Human beings here can embrace any religion—or no religion at all. The Founding Fathers somehow knew that when religion is welded to the state, the result is crazy old men like Khomeini and corpses rotting in the noonday sun.

But I can't believe he will prevail. You are Rushdie. I am Rushdie. In the end, our pens will be mightier than his——swords.

[From the New York Post, Feb. 21, 1989]

(Pete Hamill)

The B. Dalton book store at Sixth Avenue and 8th Street is one of the best in the city. It has a splendid collection of literature; it stocks poetry; its clerks generally know what you're talking about when you ask about a book.

But the store has been subjected to the decision of the chain's management to ban Salman Rushdie's novel, "The Satanic Verses." And when I visited yesterday there was an eerie mood in the store that I don't think was the product of my imagination. The mood was one of shame. The argument for banning Rushdie's book is that rational men can't prevent an assault by the irrational. Enraged Moslems (we are told) might come at the bookstores with bomb or torch. They might wait in ambush for the clerks. All of that is possible, if no means are taken to protect the stores. But so far as I know, those means haven't been taken.

But the trip to B. Dalton's yesterday once more proved that, at our best, we are a country where there is room for works that some might consider unacceptable. Among other books, I found various volumes by Ezra Pound, whose sick anti-Semitism and collaboration with Italian fascism continue to fill many people with loathing. I found "Journey to the End of Night," by Louis Ferdinand Celine, another manic anti-Semite and an absolute collaborator with the Nazis during the Second World War. And I found a number of copies, in hardcover and paperback, of "Mein Kampf," by Adolf Hitler.

In the same store yesterday, there were books by Voltaire, who was virtually a permanent resident of the Index in Rome; by D.H. Lawrence, whose works were so persecuted during and after his lifetime; by Thomas Paine, who was pursued with ferocity by Tories here and abroad. Karl Marx was there, and Frederich Engels. You could find "The Last Temptation of Christ," by Nikos Kazantzakis, so recently the cause of much Christian fury. You could find Thomas Mann, who was sentenced to death by Hitler. You could buy copies of "The Story of O" by Pauline Reage and works by the Marquis de Sade.

You could not find anything by Salman Rushdie.

This is not to say that any of the above writers, or their books, should be banned from the shelves. Their very presence is a triumph of freedom. Every citizen should have the right to read Hitler, to examine the course of his corrupt argument, to draw whatever parallels might apply to our own day. The moment a board of censors appears in our midst, we have begun the process of intellectual mutilation. In democracies, the worst wounds are self-inflected.

Slowly, the voices of lucidity and freedom are gathering their forces to fight the assault launched by Khomeini. There is a wider understanding that to surrender to his threats is to make an intellectual Munich. If you give in on this one, if you banish Rushdie's book, if you allow Rushdie to fall to the assassins, if you look the other way and tend your private gardens, you will not appease Khomeini. He will sneer at your weakness. He will use your weakness as evidence of the decadence of the West. And you will reach for more.

"To create today is to create dangerously," Albert Camus wrote many years ago. "Any publication is an act, and the act exposes one to the passions of an age that forgives nothing."

We have forgiven more than Camus ever could imagine. But the only unforgiveable act is that of cowardice. Tomorrow at noon, such writers as E.L. Doctorow, Normal Mailer, Gay Talese, Robert Stone, Joan Didion, Larry McMurtry and John Gregory Dunne (among others) will read Rushdie's work at a public meeting of PEN at 584 Broadway. Their courage must be applauded. The next act must be the decision of the bookstore chains to bring Salman Rushdie back to the shelves.

Note: In yesterday's column I questioned the silence of Edward W. Said on this issue. In fact, he and five other writers and scholars from the Islamic world published a three-paragraph protest, buried in the letters column of last Friday's Times. I missed it. I apologize.

[From the New York Times, Feb. 20, 1989]

BOOKSELLERS IN CHAINS

(By William Safire)

WASHINGTON.—Couple of years ago, the publisher of a novel of mine had a good idea to promote sales. She took me up to Stamford, Conn., to meet the most powerful man in American letters today: Harry Hoffman, boss of Waldenbooks, the chain of 1,200 bookstores that has brought modern merchandising techniques to the archaic book business.

This was one impressive and likable guy. Harry listened carefully to our pitch, made some shrewd suggestions about publicity and arranged for me to speak to a gathering of his store managers, which would create some point-of-sale enthusiasm just before publication date.

I had seen the future of book-selling and it worked. No more of this hokey-pokey distribution through jobbers and slow mails to mom-and-pop bookstores, which usually reorder too late to meet demand. At last the marketing of books had entered the modern era, with computerized inventories and co-op advertising and sexy display "dumps."

Such efficient marketing would not only boost the sales of my book, I reasoned, but would create a bigger pie for the whole range of literature in the U.S. Only one person in four who now shops at Waldenbooks buys a book (the three others are waiting for a spouse to try on shoes or whatnot elsewhere in the shopping mall), and if Mr. Hoffman and his chain-store competitors could raise that rate to one in two, all book sales in America would soar.

But I forgot one thing: The ability to distribute books on a vast basis includes control of the decision not to distribute. A system that centralizes creates the power to suppress.

Last week the Ayatollah Khomeini decided that a book written by a British subject, Salman Rushdie, was "satanic" as advertised, and ordered the murder of the author. The Government of Iran put a price on his head. Moslem-influenced nations, which apparently include Brian Mulroney's Canada, stopped the sale of the book. Britain objected to this censorship-by-terrorism, but Mrs. Thatcher had thrown away her moral standing with her recent suppression of a spy book.

It can't happen here, Americans thought. We regularly denounce books, plays and films that offend religious sensibilities, often with great self-righteous fervor, but suppression is not an option. The day of Savonarola's bonfire of the vanities in Renaissance Florence is four centuries past; the astronomer Galileo's abject recantation of reality before the Inquisition is remembered with shame; and our prudish barrier to James Joyce's "Ulysses" in this century is lumped in with that repressive past.

Then it happened here and now, led by—of all people—my erstwhile hero, Harry Hoffman. Panicked at the possibility of terrorism at a bookstore, Waldenbooks announced its refusal to sell "The Satanic Verses." Its competing chains, B. Dalton and Barnes & Noble, cravenly followed suit.

At a stroke, one-third of the bookstores in the United States went into the selective book-suppression business. Leaders of the nation's chain gangs said in effect: "Sorry, First Amendment, and sorry, potential buyers of controversial literature, but our first responsibility is the safety of our employees. This book has been declared dangerous; if you want it, try some independent owner who will take his own chances."

Their position is not crazy. I went into a regional chain not participating in the suppression this weekend to buy the Rushdie book (which was sold out) and the young woman at the counter grumbled, "Our boss doesn't care what happens to us."

That sales clerk, whose fear a silent President Bush did nothing to assuage, belongs at some other checkout counter. The book business, like the entire industry of the mind, has responsibilities and protections that go beyond the selling of oat bran and face cream. Even for ever-merging Big Publishing, below the bottom line is another line marked "freedom."

What can book buyers and authors do to prevent these cave-ins to terrorist (or pressure group, or government) threats, short of organizing a consumer boycott of K Mart, corporate parent of Waldenbooks?

Patronize your local independent bookseller. It's like supporting your local sheriff; it may cost a little more than relying on the F.B.I., but you get protection in your own neighborhood.

In unity there may be distributive strength, but only in diversity can we find intellectual safety. To resist conformity, do all the browsing you like at the chain bookstores in the malls, but become a regular customer at your independent bookseller.

[From USA Today, Feb. 21, 1989]

DON'T GIVE IN TO CALLS TO SUPRESS BOOKS

If you want a copy of Salman Rushdie's controversial new novel, *The Satanic Verses*, don't bother looking in a chain bookstore in you local mall.

Waldenbooks pulled the books off its shelves. So did B. Dalton. And Barnes and Noble.

The nation's three leading booksellers—controlling a third of the USA's bookstores—are giving the Ayatollah Khomenini a veto over what they sell and what you read.

Their reason: fear.

Last week, the ayatollah declared *The Satanic Verses* blasphemous to Islam and offered a reward for the death of Rushdie and his publishers at Viking Press. Fundamentalist threats against booksellers followed.

Some reacted with courage.

Viking announced it would print a second edition. Many independent booksellers kept the book on their shelves. A few prominent authors are speaking up.

Others, like the chain booksellers, gave in to the threats. Canada banned importation of the book. German, French, Greek and Turkish publishers decided not to publish it.

Their fear is understandable. Employees could be in danger. But banning books is a greater threat.

Freedom of speech, even if it happens to offend someone, must be inviolate. No one—least of all Iran's leading fanatic—can be allowed to dicate what we say or read.

That freedom applies to an everyday citizen who calls the local mayor a crook. It applies to movie makers like Martin Scorsese, who offended many Christans last year with his controversial film, *The Last Temptation of Christ.*

And it applies to Salman Rushdie.

Contrary to the claims of the writer across the page, the issue is not whether Rushdie's book is offensive to Islam. Most agree that it is.

The issue is whether Rushdie has a right to state his views without threat of censorship and death. He does.

Those who don't like it are free to criticize those views. They are free to protest against them. But they are not free to prevent Rushdie from saying or writing what he thinks.

The ayatollah cannot be allowed to dictate the reading list for this nation—or the world.

Booksellers must recognize they have a special responsibility to protect free speech. They must put Rushdie's book back on the shelf. If they don't, book buyers should take their business to sellers who will.

Moderate Islamic leaders must seize this opportunity to separate themselves from fanatics like Khomeini. They can prove to a largely ignorant Western world that Islam is a richly diverse and benevolent religion that shares many values with Christianity and Judaism—including a willingness to tolerate differing points of view.

Publishers, authors and journalists must stand up against this terrorist censorship.

And the USA must vigorously condemn the ayatollah's serious threats against British and U.S. citizens, as a dozen European nations did Monday.

This nation wrote the book on freedom of speech. Khomenini's fears and threats are no reason to ban that book.

FREE SPEECH AND THE AYATOLLAH

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the response of some Americans to the recent appalling announcement from the Ayatollah Ruhollah Khomeini—that Teheran is offering a multimillion-dollar reward for the murder of author Salman Rushdie—raises very serious questions about our willingness to defend free speech.

Two spineless American book store chains with nationwide outlets, announced that copies of the book have been removed from their shelves out of fear of Iranian reprisals. With a few more brave responses like that, the Ayatollah will have succeeded without taking another step. In the future, the literary critic from Teheran will simply announce he does not like a book and the free world will quaver and stop publication and sales.

Free speech is the backbone of democracy, the most fundamental of our freedoms. It requires sacrifice and effort on our part to defend that freedom.

The European Community's decision to withdraw diplomatic representatives in Teheran in response to this outrage is a step in the right direction. But we must go much further. The time has come for an international boycott of Iran Air—the chosen mode of transport to carry the Ayatollah's hit men to the capitals of Europe and Asia.

The hundreds of American families whose loved ones were killed in the terrorist attack on Pan Am flight 103—and indeed all the American people—call on the President immediately to initiate an international boycott with our European friends and Japan to isolate the assassins from Teheran.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore (Mr. STAGGERS) laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, DC, January 30, 1989.

Hon. JIM WRIGHT,
Speaker of the House, House of Representatives, H-209, the Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the year 1989:

The Honorable W.J. (Billy) Tauzin of Louisiana;

The Honorable William J. Hughes of New Jersey; and

The Honorable Robert W. Davis of Michigan.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am,

Sincerely,

WALTER B. JONES,
Chairman.

SEATTLE'S FORGOTTEN PIONEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I am honored to join with others in this body today in

commemorating Black History Month. For too long, too few Americans have known the full story of the black American contribution to the development and growth of our Nation. The story of black people in America has been one of struggle, hardship, heroism, tragedy, and—often despite greater obstacles—enormous influence in American life. The chance to participate in this special order, sponsored by the gentleman from Ohio [Mr. STOKES] and the gentleman from California [Mr. DELLUMS] is therefore especially welcome.

Mr. Speaker, I represent most of the city of Seattle in the Congress. About one Seattle resident in eight is an African American. Our community, like the rest of the Nation, has benefited greatly from the contributions of black Americans throughout its history. For example, few people realize that the first party of settlers in Washington Territory, who traveled north from the Columbia River to the shores of Puget Sound in 1845, included a black American with the interesting name of George Washington Bush. Is name is now preserved in the geography of the South Puget Sound area: Bush Prairie and Bush Mountain.

Mr. Speaker, I could go on at length about the black experience in Seattle and the State of Washington, but I could not do a better job than the writers Esther Hall Mumford and Eileen Flint did in Pacific magazine 2 years ago in an article entitled "Seattle's Black Victorians: The Legacy of Our Forgotten Pioneers," I include the text of this informative article following my remarks.

[From the Pacific Magazine, Jan. 18, 1987]

SEATTLE'S BLACK VICTORIANS: THE LEGACY OF OUR FORGOTTEN PIONEERS

(By Esther Hall Mumford and Eileen Flint)

In the 1850s, as a muggy July heat closed in on pioneer Seattle, Manuel Lopes, the city's first black resident, led a string of villagers in the Independence Day parade. They marched through dried mud, past shacks and around stumps to the beat of Lopes' snare drum. Usually a quiet sober man, Lopes felt a fervent patriotism for the country that refused him the right to vote.

Following the parade, Lopes solemnly returned to his restaurant kitchen tucked in the back of his small, frame house on Commercial Street (now First Avenue South). There, he carefully prepared lunch. At serving time, he picked up his drum again. A couple of beats brought hungry loggers, miners, mill hands and sailors, whose credit was always good.

Tomorrow this country salutes one of its greatest black Americans, Martin Luther King Jr. It's a good time to recall Seattle's black history, especially its early history. This look back reveals a gallery of black Victorians and their descendants, who like Manuel Lopes, lived and thrived and struggled for rights in early Seattle.

Because most of our history books are full of Dennys and Yeslers and Mercer Girls it's easy to forget that black pioneers also helped settle this wild territory. Between 1853 and the end of World War II they bought land, established churches, published newspapers, operated businesses, practiced law and medicine. Nothing came easy for anyone in those days; discrimination was an extra hurdle for Seattle's blacks.

There was plenty of land for sale, although jobs were scarce. Unlike Oregon, and other parts of the country where laws prohibited blacks from buying land and even settling, industrious blacks were able to move here and become land owners.

Take Lopes. He came to Seattle as a childless widower, and in time he shared his small house with boarders. He not only ran the restaurant, but was the city's first barber and owned the first barber chair brought round the horn. He was born in Africa and probably had been kidnapped and enslaved. Eventually he found his way to New Bedford, Mass., then to Seattle by ship. He lived here till his death in 1895. Lopes was the only black listed in the Federal Census of Seattle in 1860.

Another early entrepreneur was William Gross. In 1860, Gross migrated from Victoria, B.C., and settled in Seattle with his family. Townspeople referred to him as "Big Bill the cook" in deference to his size and trade. At 6-foot-4 and 300 pounds, Gross used his savings to open a lunch counter in Rube Low's saloon across the street from the house of pioneer Henry Yesler, at First and James. In 1876, Gross rented space on Mill (Yesler) Street for a restaurant he called "Our House," where he also rented beds for a quarter.

Gross' generosity was legendary. He'd serve up a plate of pork sausages, flapjacks and coffee to out-of-work loggers, knowing he'd get paid later.

Still, Gross was thrifty and ambitious. In 1870 he used his earnings to buy the lot at Sixth and James where he later built four small rental houses. Twelve years later Gross paid his former neighbor Henry Yesler $1,000 in gold coin for a 12-acre tract in East Madison. Given his extensive land holdings, Gross had to pay more taxes on his property than another land owner in the third ward. The ward encompassed the area from Broadway to Lake Washington and Madison to Yesler.

After the fire of 1889 leveled the city's downtown, including Gross' newest property at the foot of Yesler, Gross moved his family to the East-Madison tract. In her memoirs, his daughter Lizzie Gross-Oxendine writes, "Madison was the only street that was graded. There was nothing but roads and trails through fallen trees, stumps and underbrush; no street lights. When we went to church we carried our lanterns."

Very few blacks or whites lived in the area through the 1980s. But shortly after the Grosses settled in, other blacks moved to the area and it was referred to as a colored colony and sometimes less charitably as "Coon Hollow."

Though Gross paid gold for his land, low-paying jobs or downright unemployment kept land ownership out of reach for most blacks in early Seattle. Some blacks formed associations to pool resources. The first local tract purchased this way was on Beacon Hill, bought in 1869 and called the Riley Addition. It was named after George Riley, who organized and led the Workingman's Joint Stock Association. The group bought the Beacon Hill land as an investment.

The land covered 12 blocks bounded today by South Forest Street and South Lander between 19th Avenue South and 21st Avenue South. The group also bought land in Tacoma and on Whidbey Island. Riley's grandson, George Wright said of the association: "They were just working people. You know what employment was, and they just naturally couldn't keep up the taxes and assessment on it, so little by little they lost it. In 1911 George Wright built a 6-room house on part of Riley's holdings on the 2700 block of 21st Avenue South. It still stands today.

After the turn of the century it became more difficult for blacks to buy land beyond East Madison or the "Hollow." Still, blacks eventually owned land in every part of the city.

Seattle has a reputation for racial tolerance. But with the exception of land purchase, its history shows that discriminatory practices did not differ much from the rest of the country.

Each step to become a part of the mainstream, whether seeking a job or ordering a sandwich, was tarnished by racism. Inequities had to be challenged again and again through discrimination suits. Under Washington state law, a restaurant could be fined $50 to $300 for refusing to serve a black. But it was not unusual for the judgment to be as low as $1.

"It's the principle, not the damage that we are after," said John E. Hawkins, a black attorney who passed the Washington State Bar in 1895.

In the forefront fighting for those principles was Horace Cayton. Beginning in 1894, the black newspaperman reported case after case of discrimination in his newspaper, The Seattle Republican.

And he wasn't all talk. Cayton often filed his own discrimination suits and with his fiery voice articulated the problems, often frightening his more cautious neighbors who preferred a lower profile.

Cayton's courage and inability to tolerate injustice quietly made him one of the strongest voices in the early black community.

While black men were shut out of all-white unions, employment for black women simply did not exist outside the home where they took in laundry and boarders during the early years of settlement. Women who aspired to professions faced racial barriers.

As a young woman in the 1930s, Elizabeth Dean-Wells entered the University of Washington School of Nursing. Before her death in the late 1970s, Wells described her nursing-school experiences this way: "There were only two black nursing students . . . I tried to get into hospital here in Seattle . . . at Harborview, but discrimination was at its height, and we were not at all successful."

Wells eventually droped out of school and worked as a maid in a department store restroom. But her ambitions didn't die. Later Wells enrolled in business courses and eventually headed the Central Area Federal Credit Union.

Another black nursing student, Mildred Ardis-McIver, had a similar experience. "They (U of W) told me that they couldn't accept me as a black student, because that was completely unthinkable, the patient would not accept a black student." Neither woman ever became a nurse.

One place blacks could escape dictation and regulation was the church. The church was their own. Seattle's oldest, the First African Methodist Episcopal (AME) still stands at 14th Avenue between Pike and Pine and last year celebrated its 100th anniversary.

The church was the center for recreation as well as religion. Recalls Muriel Pollard of Seattle, "There were three leading churches; Mount Zion Baptist, First AME and Grace Presbyterian. At the Sunday-school Picnic all the churches would join; it was at Woodland Park." As the entire congregation made the trek to the Phinney Street cable

line, "We'd get on the street car with all these baskets," Pollard recalls, "Everybody was carrying something."

The church also kept blacks informed. Visiting dignitaries brought news of the condition of blacks in the South. The church was also a meeting place to discuss issues closer to home. The Afro-American Council was formed here in 1900. Protest meetings were held there. The Puget Sound Conference of the AME was organized in 1891 and included churches from all over the Northwest.

"The church is the nucleus of our community," Sara Oliver Jackson said in 1975. "We learned about the Bible. The church has always kept up with black history. We had Frederick Douglas Week and pageants that portrayed our people."

The lauding of persons and accomplishments is a good exercise. When Black History Month is observed starting Feb. 1, let's remember the beat of Manuel Lopes' drum as he led the way down those muddy streets of early Seattle.

□ 1230

IS FDIC TOO OVERWORKED TO HANDLE ADDITIONAL RESPONSIBILITIES?

The SPEAKER pro tempore (Mr. STAGGERS). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, under the Bush administration plan to resolve the savings and loan crisis, the Federal Deposit Insurance Corporation [FDIC] is given an extraordinary amount of additional new responsibilities. The FDIC already insures $1.68 trillion in 8,400 banks and I am concerned that it is too overextended to take on new work.

The FDIC would be given the responsibility to create and manage the Resolution Trust Corporation [RTC]. The RTC would be responsible for the resolution of all insolvent thrift institutions formerly insured by the Federal Savings and Loan Insurance Corporation [FSLIC] and all thrifts which become insolvent in the next 3 years. The RTC would contract with the FDIC and others to manage the insolvent institutions.

The FDIC has already entered into an agreement with FSLIC to manage a number of savings and loans that are currently under the management of FSLIC.

If this was not enough work for the FDIC, the FDIC would also be authorized to review all applications for Federal savings and loan charters; to terminate insurance for insured savings and loans; and to request that other savings and loan regulatory authorities take enforcement action. On top of that, the FDIC would issue regulations governing the powers of savings and loans and their growth.

I am concerned that not only is this a large task for any one agency to undertake, but that the FDIC's current level of supervision over the banks that it insures is inadequate.

The FDIC has been increasingly relying upon examinations conducted by the insured bank's Federal and State chartering agencies and on reports submitted to the FDIC by the insured banks themselves.

As of May 1988, banks rated 1 or 2 on the five-point CAMEL safety and soundness rating scale—with 1 being the highest rating—were being examined an average of once every 34 months. This is well behind the FDIC's policy goal of examining these institutions every 24 months. Marginal banks rated 3 on the CAMEL scale were being examined every 23 months, and problem banks rated 4 and 5 were being examined only every 19 months on average. The FDIC goal for examining these institutions was every 12 months. Like the examinations of good rated institutions, the FDIC is well behind meeting its examination schedule.

In Texas, the State which has the highest number of troubled financial institutions, the FDIC last year conducted its own examinations in only 256 of the 1,535 banks that it insures in the State, an average of only one bank in six. Another 78 Texas banks were subjected to visitations, which are a form of abbreviated examinations. All of the FDIC examinations were performed in State banks that are not members of the Federal Reserve System. For national banks and banks that are members of the Federal Reserve System, the FDIC relies entirely on examinations conducted by the Comptroller of the Currency and the Federal Reserve. For the 617 other banks in Texas at the end of 1988, only 225 of those banks had a FDIC safety and soundness examination in 1988. In fact, 224 of these institutions have had no safety and soundness exam in 2 years and 205 banks had not been examined by the FDIC since at least 1985.

Records of the Federal Reserve and the Comptroller of the Currency, indicate that they, too, do not examine every bank every year. In total, over 5,600 federally insured banks were not examined by Federal examiners last year. Those 5,600 banks represent 40 percent of the banks in the United States.

All of these banks are insured by the FDIC. With over 200 bank failures last year, the largest number since the Great Depression, we should be stepping up the number and frequency of bank safety and soundness examinations. Instead, the Bush plan will saddle the insurer of the deposits in these banks with significant new responsibilities, for not only the 220 insolvent savings and loans, but over the almost 3,000 other solvent savings and loans in this Nation.

Furthermore, the Treasury Department has indicated that other than transferring personnel from FSLIC to the FDIC, there will be no increase in the number of examiners or personnel employed by the FDIC. In other words, the agency will have to do more work with the same number of people.

I want to see the savings and loan crisis cleared up. We must resolve, and we must resolve quickly, the insolvent savings and loans who are a burden on both the taxpayer and the thousands of healthy savings and loans.

Last year, the FDIC lost money because the costs of closing more than 200 banks exceeded the deposit insurance premiums that it took in. The FDIC already has its hands full with the problems it faces now. It needs to concentrate on the problems it currently faces, not spread itself thin by dealing with the problems of insolvent savings and loan.

As chairman of the Financial Institutions Subcommittee, I will be appointing a task force of the subcommittee to examine the adequacy of FDIC supervision over insured banks. This task force will move quickly to report back to the subcommittee in time for its recommendations to be considered as the subcommittee works on resolving the savings and loan crisis.

We need to find out just how good a job FDIC is doing with its current responsibilities before we give it more responsibilities. The task force will give the subcommittee what it needs to determine whether the FDIC can handle its own work, let alone other agencies' work.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

[Mr. STOKES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

[Mr. PANETTA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RULES OF THE HOUSE COMMITTEE ON ARMED SERVICES FOR THE 101ST CONGRESS

(Mr. ASPIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPIN. Mr. Speaker, rule XI, clause 2(1) of the House of Representatives in part directs each standing committee of the House to adopt written rules governing its procedure and requires publication of those rules in the CONGRESSIONAL RECORD not later than 30 days after a new Congress convenes.

Pursuant to clause 2(a) of rule XI and the unanimous-consent request of January 27, 1989, which extends the date of the printing requirement to February 21, 1989, I submit for printing the rules of the Committee on Armed Services for the present Congress, adopted at the committee's organizational meeting February 8, 1989.

COMMITTEE RULES FOR THE 101ST CONGRESS—RULES GOVERNING PROCEDURE

RULE 1. GENERAL

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other times as may be fixed by the chairman, or by written request of members of the committee pursuant to House rule XI, clause 2(b).

(b) A Tuesday meeting of the committee may be dispensed with by the chairman, but such action may be reversed by a written request of a majority of the members.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the committee on all matters referred to it. Insofar as possible, meetings of the committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the chairman and subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

The Committee on Armed Services of the House of Representatives shall be organized to consist of the following standing subcommittees. In instances of overlapping jurisdiction subcommittee actions should be considered jointly.

The Research and Development Subcommittee which shall have legislative jurisdiction over annual authorization for research and development; airlift; and related oversight.

The Seapower and Strategic and Critical Materials Subcommittee which shall have legislative jurisdiction over procurement and construction of naval vessels; torpedoes and other weapons portion of Navy weapons; ship-related items in Navy other procurement; sealift; antisubmarine warfare; disposal of naval vessels; strategic and critical materials necessary for the national defense; and related legislation oversight.

The Procurement and Military Nuclear Systems Subcommittee which shall have legislative jurisdiction over the annual authorization for procurement of military weapons systems and components thereof, including systems transition, and those portions in the procurement category, other procurement, not assigned to the Seapower and Strategic and Critical Materials Subcommittee; military application of nuclear energy, including research and development related thereto; intelligence matters related to national security; and related legislative oversight. The subcommittee shall also have oversight responsibilities with regard to international arms control and disarmament.

The Investigations Subcommittee which shall have legislative jurisdiction over Defense Acquisition Regulations and related procurement matters; organization of the Department of Defense, including proposed reorganizations; naval petroleum reserves; and related legislative oversight; and investigative authority in relation to the committee's general oversight responsibilities.

The Readiness Subcommittee which shall have legislative jurisdiction over the annual authorization for operation and maintenance; the current readiness and preparedness requirements of the defense establishment, including the supporting defense industrial base; special operations forces oversight; commissaries and exchanges, clubs and related nonappropriated funds activities of the Armed Forces; and related legislative oversight.

The Military Installations and Facilities Subcommittee which shall have legislative jurisdiction over military construction; real estate acquisitions and disposals; housing and support facilities; base closures; real estate generally; civil defense; defense burdensharing; base maintenance and repair funding; and related legislative oversight.

The Military Personnel and Compensation Subcommittee which shall have legislative jurisdiction over authorized strengths; active duty and reserve training; recruiting; Reserve Officers' Training Corps; Selective Service System; military justice; enlistments and separations; awards; academies; human relations; medical care delivery and funding; pay and allowances; promotion; retirement; and related legislative oversight.

RULE 5. PRECEDENCE

Chairman of standing subcommittees who sit on a second subcommittee shall rank behind other members serving on that subcommittee as their primary subcommittee assignment.

RULE 6. PANELS OF THE FULL COMMITTEE AND SUBCOMMITTEES

(a) The chairman may designate a panel of the committee drawn from members of more than one subcommittee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the full committee. Any such panel shall not continue in existence for more than six months.

(b) The chairman of a standing subcommittee may designate a panel of such subcommittee to inquire into and take testimony on a specific matter within the jurisdiction of that subcommittee and to report to the subcommittee for further reference to the full committee as may be appropriate.

(c) No panels so appointed shall have legislative jurisdiction.

RULE 7. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The chairman shall refer legislation and other matters to all subcommittees of appropriate jurisdiction within 2 weeks unless, by a majority vote of the members of the full committee, consideration is to be by the full committee.

(b) Bills shall be taken up for hearing only when called by the chairman of the full committee or subcommittee, or by a majority vote of a quorum of the full committee or a subcommittee.

(c) The chairman of the full committee, with approval of a majority of the members voting, a majority of the committee being present, shall have authority to discharge a subcommittee from consideration of any bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee.

(d) Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members, except that this rule may be waived by a majority vote of a quorum of the committee.

RULE 8. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

The full committee and subcommittee shall make public announcement of the date, place and subject matter of the full committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the full committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each committee or subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided,* however, That no person other than members of the committee and/or subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by paragraph (b) of this rule, or any meeting that relates solely to internal budget or personnel matters.

(b) Each hearing conducted by the full committee or subcommittee shall be open to the public except when the full committee

or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House or Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the committee or subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be by a majority of those present, there being in attendance no less than two members of the committee or subcommittee. However, if the committee or subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No Member may be excluded from nonparticipatory attendance at any hearing of the full committee or subcommittee, unless the House of Representatives shall by majority vote authorize the full committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this rule for closing hearings to the public: *Provided,* however, That the full committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

(c) Notwithstanding the foregoing, and with the approval of the committee chairman, each member of the committee may designate by letter to the Chairman, a member of his or her personal staff with Top Secret security clearance to attend hearings of the committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(b) above for national security purposes for the taking of testimony: *Provided,* That such staff member's attendance at such hearings is subject to the approval of the committee or subcommittee as dictated by national security requirements at the time: *Provided further,* That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and *Provided further,* That the attainment of any security clearances involved are the responsibility of individual Members.

RULE 10. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) In accordance with the provision of rule XI, clause 3, Rules of the House of Representatives, it is the purpose of this rule to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee or subcommittee hearings or meetings, which are open to the public, may be covered by television broadcast, radio broadcast, and still photography, or by any such methods of coverage. In that regard, the provisions of rule XI, clause 3(a)09(d) are specifically incorporated herein by reference.

(b) The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees respectively whether hearings or meetings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise: *Provided,* however, Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(c) In accordance with rule XI, clause 3(f), the following provisions shall apply to the broadcasting of committee or subcommittee hearings or meetings which are open to the public:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the executive committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the subcommittee or its subcommittees or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee or subcommittee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the embient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee on Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee or its subcommittees.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstructive manner.

(14) With the exception of devices properly used by official reporters and by accredited media and broadcast personnel as covered in these rules, no recording or camera type devices may be operated or otherwise used during committee or subcommittee hearings.

RULE 11. QUORUM

A majority of the full committee or subcommittee shall constitute a quorum for reporting or tabling a measure or recommendation. A quorum for the purpose of taking testimony and receiving evidence by either the full committee or any subcommittee shall be not less than two. A quorum for taking any other action shall be not less than one-third of the members of the full committee or subcommittee, unless otherwise indicated in the committee rules.

RULE 12. THE FIVE-MINUTE RULE

(a) The time any one member may address the committee or subcommittee on any bill, motion or other matter under consideration shall not exceed 5 minutes and then only when the member has been recognized by the chairman, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5 minutes to address the committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution.

(b) Members present at a meeting of the committee or subcommittee when a meeting is originally convened will be recognized by the chairman in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 13. SUBPOENA AUTHORITY

The full committee, and all subcommittees, may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any such subpoena may be authorized

and issued by the committee, or subcommittee, in the conduct of any investigation or a series of investigations or activities, only when authorized by a majority of members voting, a majority being present. The power to authorize and issue subpoenas under this rule may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee.

RULE 14. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the committee or a subcommittee shall be submitted to the committee at least 48 hours in advance of presentation and shall be distributed to all members of the committee or subcommittee at least 24 hours in advance of delivery. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the committee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee offices. The requirement of this rule may be waived upon a majority of the full committee or any subcommittee, a quorum being present.

(b) The full committee and each subcommittee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 15. ADMINISTERING OATHS TO WITNESSES

The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

RULE 16. QUESTIONING OF WITNESSES

(a) When a witness is before the committee or subcommittee, members of the committee or subcommittee may put questions to the witness only when they have been recognized by the chairman for that purpose.

(b) Members of the committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the chairman.

(c) Questions put to witnesses before the committee or subcommittee shall be pertinent to the bill or other subject matter that may be before the committee or subcommittee for consideration.

RULE 17. VOTING AND ROLLCALLS

(a) Except as otherwise provided in these rules voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) Voting on reporting annual authorization bills shall be by rollcall vote.

(c) A rollcall of the members may be had upon the request of five or more members present, or in the case of subcommittees, on the request of one-fifth of a majority.

RULE 18. PROXY VOTE

A member may vote by special proxy, which must be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. A proxy may be used in full committee or subcommittee. All proxies must be filed with the staff director and be available for inspection at any time.

RULE 19. PRIVATE BILLS

No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

RULE 20. SUPPLEMENTAL, MINORITY, ADDITIONAL OR DISSENTING VIEWS

If, at the time of approval of any measure or matter by the committee, any member of the committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that members shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter.

RULE 21. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the full committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the committee rules; except that a point of order on that ground may be made by any member of the full committee or subcommittee which reported the measure if, in the full committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 22. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

(a) The result of each rollcall in any meeting of the committee shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. With respect to each record vote by the committee on each motion to report any bill or resolution of public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(b) In the event of such a rollcall vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, that circumstance shall be so recorded in the rollcall record, upon timely notification to the chairman from that member.

RULE 23. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the full committee shall, with the approval of the full committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 24. COMMITTEE STAFFING

The staffing of the full committee and the standing subcommittees shall be subject to the appropriate rules of the House of Representatives, including, among other things, the provisions of rule XI, clause 5(d).

RULE 25. COMMITTEE RECORDS

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with the rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULES FOR INVESTIGATIVE HEARINGS CONDUCTED BY SUBCOMMITTEES

i. Power to sit and act; subpoena power

1. For the purpose of carrying out any of its functions and duties under House rules X and XI, a subcommittee is authorized (subject to subparagraph 2.A. of this paragraph):

A. to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

B. to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

2.A. A subpoena may be authorized and issued by a subcommittee under subparagraph 1.B. in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed only by the chairman of the committee, or by any member designated by the committee.

B. Compliance with any subpoena issued by a subcommittee under subparagraph 1.B. may be enforced only as authorized or directed by the House. (House rule XI, clause 2(m); committee rule 13.)

ii. Quorum

Each subcommittee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which shall be not less than two. (House rule XI, clause 2(h); committee rule 11.)

iii. Notice of hearings

Each subcommittee shall make public announcement of the date, place, and subject matter of any subcommittee hearing at least one week before the commencement of the hearing. However, if the subcommittee determines there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems. (House rule XI, clause 2(g)(3); committee rule 8.)

iv. Meetings and hearings

1. Each subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: Provided, however, That no person other than members of the subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open subcommittee hearings which are provided for by paragraph 2. of this rule, or any meeting that relates solely to internal budget or personnel matters. (House rule XI, clause 2(g)(1); committee rule 9(a).)

2. Each hearing conducted by a subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be by a majority of those present, there being in attendance no less than two members of the subcommittee. However, if the subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No Member may be excluded from nonparticipatory attendance at any hearing of any subcommittee, unless the House of Representatives shall by majority vote authorize a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: Provided, however, That the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings. (House rule XI, clause 2(g)(1); committee rule 9(b).)

v. Prepared statements

Each witness who is to appear before a subcommittee shall, insofar as is practicable, file with the subcommittee (in advance of his or her appearance) a written statement of the proposed testimony. Such witness will limit his or her oral presentation to a brief summary of the statement.

Any prepared statement shall be submitted to the subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the subcommittee at least 24 hours in advance of delivery.

If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the subcommittee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee rooms. The requirement of this rule may be waived upon a majority vote of the subcommittee, a quorum being present (House rule XI, clause 2(g)(4); committee rule 14.)

vi. Opening statement

The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation (House rule XI, clause 2(k)(1).)

vii. Information for witnesses

A copy of the committee rules and of clause 2(k) of House rule XI shall be made available to each witness. (House rule XI, clause 2(k)(2).)

viii. Right to counsel

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. (House rule XI, clause 2(k)(3).)

ix. Form of oath

Witnesses, when sworn, shall describe to the following oath:

You do solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

x. Breaches of order

The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt. (House rule XI, clause 2(k)(4).)

xi. Defamatory testimony or evidence

Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(a) such testimony or evidence shall be presented in executive session, notwithstanding the provision of committee rule 9(b), if by a majority of those present, there being in attendance no less than two members of the subcommittee, the subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(b) the subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses. (House rule XI, clause 2(k)(5).)

xii. Photographing of witnesses

No witness served with a subpoena by the committee or a subcommittee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. (House rule XI, clause 2(f)(3); committee rule 10.)

xiii. Subpoena of additional witnesses

Except as provided in investigative hearing rule XI above, the chairman shall receive and the subcommittee shall dispose of requests to subpoena additional witnesses. (House rule XI, clause 2(k)(6).)

xiv. Testimony take in executive session

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the subcommittee. (House rule XI, clause 2(k)(7).

xv. Sworn statements

In the discretion of the subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. (House rule XI, clause 2(k)(8).)

xvi. Transcript of testimony

A witnesss may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the subcommittee. (House rule XI, clause 2(k)(9).)

xvii. General

The rules of the House are the rules of its committees and subcommittees as far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. (House rule XI, clause 1(a)(1).)

RULES OF THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT FOR THE 101ST CONGRESS

(Mr. DIXON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DIXON. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Standards of Official Conduct for the 101st Congress in the RECORD at this point. These rules were adopted by the committee on January 5, 1989.

RULES ON THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

PART I—SCOPE AND AUTHORITY

Scope and Authority

RULE 1. (a) These rules govern the procedures to be followed by the Committee on Standards of Official Conduct (hereafter re-

ferred to as the "Committee"). So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of each subcommittee of the Committee, but each subcommittee may prescribe additional rules not inconsistent therewith.

(b) These rules are adopted under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 101st Congress.

PART II—GENERAL COMMITTEE RULES

Subcommittees

RULE 2. (a) The Chairman may establish subcommittees and may assign to them such functions as he may deem advisable. The membership of each subcommittee shall provide equal representation for the majority and minority parties. The Chairman may refer any bill, resolution, investigation, or other matter before the Committee to an appropriate subcommittee for consideration and may recall any such bill, resolution, investigation, or other matter from the subcommittee to which it was referred.

(b) Any member of the Committee may sit with any subcommittee, but only regular members of the subcommittee may vote on any matter before the subcommittee.

Meetings

RULE 3. (a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House is not meeting on that day. When the Chairman determines that there is sufficient reason, he may call a meeting on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) Insofar as practicable, notice will be provided seven days in advance of meetings. However, the Chairman may, in his discretion, waive such time period for good cause.

Members Required for Quorums and Committee Action

RULE 4. (a)(1) A quorum of the Committee consists of a majority of the members of the Committee.

(2) A quorum of a subcommittee consists of a majority of the members of the subcommittee.

(b) Except as provided in clause 4(e)(2)(A) of Rule X of the Rules of the House of Representatives and rules 5, 8, 12, 16, and 17 of the Committee rules, action may be taken by the Committee by a simple majority, a quorum being present.

Broadcasts of Committee Proceedings

RULE 5. (a) Whenever any hearing or meeting by the Committee is open to the public, the Committee may permit, except as provided in clause (b) of this rule, by a vote of a majority to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness shall be required against his or her will to be photographed or to otherwise have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio coverage at a hearing, all microphones shall be turned off, at the request of any witness who does not wish to be subjected to television or still photography coverage at a hearing, all lenses shall be covered, and at the request of a witness who does not wish to have a graphic reproduction of his or her image made at a hearing, the making of such a reproduction at the hearing shall not be permitted. This paragraph is supplementary to clause 2 (k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(b) Coverage by radio, television, still camera, or electronic recording device of any disciplinary hearing held under subpart B of part III of the Committee rules is prohibited.

Committee Records

RULE 6. (a) The Chairman of the Committee shall, with the approval of the Committee, establish such procedures as in the Chairman's judgment may be necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Unless otherwise authorized by the Committee, no information received by the Committee, respecting any alleged violation by a Member, officer, or employee of the House of Representatives of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities shall be disclosed to the public before the transmittal under rule 11 of the Committee rules to such Member, officer, or employee of a Statement of Alleged Violation in connection with such violation. After the service of such a Statement on the Member, officer, or employee—

(1) the Statement and any other paper filed pursuant to rule 12 of the Committee rules respecting such violation shall be made available for public inspection at reasonable hours, and

(2) any other paper filed with the Committee respecting such violation shall be made available as authorized by the Committee, except that no paper shall be made available if its disclosure would violate any Executive Order or any Federal law or regulation.

Special Procedures

RULE 7. The Committee may adopt by resolution any special procedures deemed necessary to a particular matter before the Committee. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

Changes in Committee Rules

RULE 8. The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee if before such vote written notice of the proposed modification, amendment, or repeal was provided each member of the Committee.

PART III—COMMITTEE INVESTIGATIVE AUTHORITY

Subpart A—Complaints and Committee Inquiries

Complaints

RULE 9. (a) A complaint submitted to the Committee under clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives shall be in writing and under oath, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereafter referred to as the "complainant");

(2) the name and position or title of the Member, officer, or employee of the House of Representatives alleged to be in violation of the Code of Official Conduct or a law, rule, regulation, or other standard of conduct;

(3) the nature of the alleged violation, including, if possible, the specific section of the Code of Official Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

(4) the facts alleged to give rise to the violation. When facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

(b) All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee. A complaint by an individual not a Member of the House may be transmitted through a Member who agrees, in writing, to accept it for that purpose. If a complaint by an individual not a Member of the House is submitted to three Members of the House who refuse, in writing, to transmit the complaint to the Committee, the complainant may transmit the complaint directly to the Committee, provided an affidavit is attached stating, under oath, the names of the Members to whom the complaint was submitted and by whom it was rejected in writing.

Processing of Complaints

RULE 10. (a)(1) The staff of the Committee shall examine each complaint submitted to the Committee for compliance with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and rule 9 of the Committee rules.

(2) If the staff determines that a complaint does not comply with such House and Committee rules, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rules and a copy of such rules. A complainant may resubmit a complaint.

(3) If the staff determines that a complaint is in compliance with such House and Committee rules, the complaint shall be filed with the Committee. Within five days of the filing of a complaint (A) a copy of the complaint, showing the date of its filing, shall be transmitted to the Chairman and ranking minority member of the Committee, and (B) every other member of the Committee shall be notified of the filing of the complaint and of its availability for inspection by the member in the Committee offices. Upon the request of any member of

the Committee, the staff of the Committee shall inform the member of the complaints which have been filed with the Committee and which are pending before the Committee.

(4) If within thirty days of the date of the filing of a complaint the Chairman and ranking minority member of the Committee jointly—

(A) decide to place the complaint on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee, it shall be so placed on such agenda, or

(B) determine that the complaint be dismissed because it fails to allege facts which constitute a violation of the Code of Official Conduct or applicable law, rule, regulation, or other standard of conduct, the complaint together with the determination that it should be dismissed shall be placed on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee.

Unless the Committee determines under clause (b) that the complaint merits further inquiry, the complaint shall be dismissed and the complainant shall be notified of the dismissal. If upon the expiration of such thirty days, the Chairman and ranking minority member have not taken any joint action respecting the complaint, it shall be placed on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee.

(b) At the meeting at which the Committee is to consider a complaint filed with the Committee, the Committee shall determine whether the violation alleged in the complaint is within the jurisdiction of the Committee and, if so, whether the allegations in the complaint merit further inquiry. The complainant and respondent shall be notified, in writing, of action taken by the Committee respecting the complaint.

Preliminary Inquiry and Statement of Alleged Violation

RULE 11. (a)(1) If the Committee determines under rule 10(b) that the allegations of a violation in a complaint filed with the Committee merit further inquiry, the Committee shall conduct a preliminary inquiry to determine whether such violation occurred.

(2) In the preliminary inquiry—

(A) the Committee shall provide the respondent an opportunity to present to the Committee, orally or in writing, a statement respecting the allegations with respect to which the inquiry is being held,

(B) the staff may interview witnesses and examine documents and other evidentiary matter,

(C) the Committee may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by a member of the Committee or by any person authorized by law to administer oaths.

(D) the Committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other things as it deems necessary to the conduct of the inquiry, and

(E) any probative evidence may be used.

Upon the completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to the Committee a report containing a comprehensive summary of the information received in the inquiry and may include in the report a recommendation for action by the Committee respecting the alleged violation which was the subject of the inquiry.

(b) If the Committee determines on the basis of the report of the committee staff on the preliminary inquiry respecting an alleged violation that there is reason to believe that the violation occurred, the Committee may direct the staff to transmit to the respondent a Statement of Alleged Violation. A Statement shall be divided into counts and each count shall relate to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation and include a reference to the provision of the Code of Official Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated.

Answers and Motions and Committee Action

RULE 12. (a) If a Statement of Alleged Violation is transmitted under rule 11(b) of the Committee rules, the respondent receiving the Statement shall have not less than 21 days in which to respond to it. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

(1) An admission to or denial of, under oath, each count set forth in the statement. A denial may include (A) negative and affirmative defenses to the allegations in a count, and (B) any supportive evidence and any other relevant information which the respondent may desire to submit.

(2) An objection to any count in the Statement on the grounds that it fails to state facts which constitute a violation of the Code of Official Conduct or another applicable law, rule, regulation, or other standard of conduct.

(3) An objection to the jurisdiction of the Committee to consider the allegations contained in the Statement.

(4) A motion for a bill of particulars.

(5) An objection to the participation of any member of the Committee in the consideration of the allegations contained in the Statement on the grounds that the member cannot render an impartial and unbiased decision. The Committee member against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer.

Any motion submitted pursuant to this clause shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no pleading or motion not described in paragraphs (1) through (5) will be considered by the Committee and the Committee will not consider any answer or motion described in such paragraphs which is submitted under this clause after the expiration of such 21 days.

(b) Within 30 days after the receipt of any motion under clause (a) respecting a Statement, the Committee shall consider such motion. Notice of the decision of the Committee respecting the motion shall be furnished the respondent who submitted it. When the Committee has acted on all motions submitted under paragraphs (2), (3), and (4) of clause (a), the respondent shall, in accordance with paragraph (1) of such clause, submit, within fourteen days of the date of the last Committee action, an answer to each count in the Statement not dismissed by the Committee.

(c) Failure to submit, within the application time period, an answer to a count of a Statement which has not been dismissed by the Committee shall constitute an admission to the violation alleged in the count.

(d) The Chairman, in his discretion, may extend any time limitation imposed by clause (a) or (b) if he determines that the extension would facilitate a fair and complete inquiry and may shorten any such time limitation if he determines that there are special circumstances which require the shortening of such time limitation.

(e)(1) As soon as practicable after the expiration of all applicable time limitations for action under clauses (a) and (b) respecting a Statement of Alleged Violation, the Committee shall act, by the vote of a majority of the members of the Committee, to—

(A) hold a disciplinary hearing on the violation charged in the Statement, or

(B) defer action on the Statement but only if there is a judicial proceeding pending.

Failure to achieve a vote of the majority of the members of the Committee on a motion to take any action described in subparagraph (A) or (B) shall constitute dismissal of the Statement.

(2) The respondent to a Statement of Alleged Violation shall be notified in writing of action taken under paragraph (1) by the Committee respecting the Statement.

Inquiries on the Committee's Initiative

RULE 13. Notwithstanding the absence of a complaint filed with the Committee under rule 10 of the Committee rules, the staff of the Committee shall present to it any evidence available to the staff reasonably indicating that any Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to his conduct in the performance of his duties or in the discharge of his responsibilities. If the Committee determines that the evidence presented by the staff of an alleged violation merits further inquiry, the Committee shall, in accordance with rule 11(a) of the Committee rules, conduct a preliminary inquiry to determine whether such violation occurred. Rules 11 and 12 of the Committee rules shall apply to further proceedings respecting such alleged violation.

Committee Action After Criminal Convictions

RULE 14. If a Member, officer, or employee of the House is convicted in a Federal, State, or local court of a criminal offense for which a sentence of a term of imprisonment of at least one year may be imposed, the Committee shall conduct, in accordance with rule 11(a) of the Committee rules, a preliminary inquiry to review the evidence of such offense and to determine whether it constitutes a violation over which the Committee is given jurisdiction under clause 4(e) of Rule X of the Rules of the House of Representatives. If on the basis of the report of the Committee staff on the preliminary inquiry the Committee determines that an offense was committed over which the Committee has jurisdiction under such clause, the Committee shall notify the Member, officer, or employee of its determination and shall hold a disciplinary hearing for the sole purpose of determining what action to recommend to the House respecting such offense. Such hearing shall be held in accordance with the requirements of rule 16 of the Committee rules applicable to the second phase of a disciplinary hearing and any recommendation made by the Committee shall be made in accordance with rule 17 of the Committee rules.

Definition

RULE 15. For purposes of this subpart and subpart B, the term "respondent" means a Member, officer, or employee of the House who is charged in a complaint filed with the Committee under rule 10 of the Committee rules or who is charged in a Statement of Alleged Violation transmitted under rule 12 of the Committee rules.

Subpart B—Disciplinary Hearings

Disciplinary Hearings

RULE 16. (a) A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the Statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved.

(b) At a disciplinary hearing the Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other things as it deems necessary. Depositions, interrogatories, and sworn statements taken under Committee direction may be accepted into the Committee record. The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to disciplinary hearings.

(c) Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearing the Committee may expand or contract the scope in light of evidence received.

(d)(1) The order of phase one of a disciplinary hearing shall be as follows:

(A) The Chairman shall open the hearing by stating the Committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

(B) Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order whenever possible: (i) witnesses and other evidence offered by the Committee staff, (ii) witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

(C) Witnesses at a hearing shall be examined first by the Committee counsel or authorized staff member. The Committee members may then question the witnesses under the five-minute rule. The respondent or his counsel may then cross-examine the witnesses. Redirect and recross may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, and then may be cross-examined by Committee counsel or authorized staff member. Committee members may then question the witness under the five-minute rule. Redirect and recross may be permitted in the Chairman's discretion.

(2) Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

(e) At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

(f) Phase two of a disciplinary hearing shall consist of oral and/or written submission by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to any count of the Statement of Alleged Violation which has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the Committee.

Recommendations

RULE 17. (a)(1)(A) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the Committee shall consider each count contained in the Statement and with respect to each count as originally drawn or as amended shall vote on a motion that the count has been proved. A count shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved. A count which is not proved shall be considered as dismissed by the Committee.

(B) If the Committee votes that a count has been proved, the Committee may upon completion of the second phase of the disciplinary hearing, by a majority vote of the Committee, consider and vote on a motion that a recommendation be made to the House for appropriate action respecting the violation charged in such count.

(2) If in a vote taken under paragraph (1)(A) respecting a count a majority of the Committee does not vote that the count has been proved, a motion to reconsider that vote may only be made by a Member who voted that the count was not proved. If in a vote taken under paragraph (1)(B) to adopt a recommendation to the House respecting a violation charged in a count, a majority of the Committee does not vote in favor of the recommendation, a motion to reconsider that vote may only be made by a Member who voted against the recommendation.

(b)(1) With respect to any violation with which a Member of the House was charged in a count which the Committee has voted as proved, the Committee may include in its recommendation to the House one or more of the following sanctions:

(A) Expulsion from the House.

(B) Censure.

(C) Reprimand.

(D) Fine.

(E) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House may impose such denial or limitation.

(F) Any other sanction determined by the Committee to be appropriate.

(2) With respect to any violation with which an officer or employee of the House was charged in a count which the Committee has voted as proved, the Committee may include in its recommendations to the House one or more of the following sanctions:

(A) Dismissal from employment.

(B) Fine.

(C) Any other sanction determined by the Committee to be appropriate.

(c)(1) The purpose of this clause is to inform the Members of the House of Representatives as to the general guidelines the Committee considers appropriate for determining which, if any, sanctions to recommend to the House respecting violations proved in a disciplinary hearing. This clause does not limit the authority of the Committee to make or not to make recommendations for such sanctions.

(2) For technical violations, the Committee may direct that the violation be reported to the House without a recommendation for a sanction.

(3) With respect to the sanctions which the Committee may determine to include in a recommendation to the House respecting a violation, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity.

(d) The Committee report accompanying a recommendation to the House adopted by the Committee under clause (a)(1)(B) respecting a violation charged in a count shall contain a brief but complete statement of the evidence which supported the finding as to that count and a brief statement of the Committee's reasons for the recommendation.

Disclosure of Evidence

RULE 18. Upon the request of a respondent, the Committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects which the Committee intends to use as evidence against the respondent in a disciplinary hearing and which are material to the preparation of the defense of the respondent.

Subpart C—Evidence and Witnesses

Exculpatory Information

RULE 19. If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a Member, officer, or employee of the House of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct, it shall make such information available to such Member, officer, or employee.

Admissibility of Evidence

RULE 20. (a) Any evidence that is relevant and probative shall be admissible in any hearing of the Committee, unless the evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

(b) The Chairman or other Member presiding at a hearing shall rule upon any question of admissibility at the hearing of testimony or evidence presented to the Committee. The Chairman or other Member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

Witnesses

RULE 21. (a) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled appear-

ance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

(b) Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

(c) Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted at the Committee's discretion.

(d) The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(e) Each witness subpoenaed by the Committee may sign appropriate vouchers for travel allowances and attendance fees, which may be obtained from the Committee staff.

(f) Each witness appearing before the Committee shall be furnished a printed copy of the rules of the Committee and the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

RULES OF THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR THE 101ST CONGRESS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, as chairman of the House Committee on the District of Columbia, I submit the rules of the committee for the 101st Congress.

RULES GOVERNING PROCEDURES—COMMITTEE ON THE DISTRICT OF COLUMBIA, ONE HUNDRED AND FIRST CONGRESS

A. IN GENERAL

1. (a) The rules of the House are the rules of this committee and each subcommittee so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the committee and subcommittees.

(b) The procedures applicable in the House as in the Committee of the Whole apply to this committee, except that a measure considered in committee must be read (by section) for amendment; a motion to limit debate under the five-minute rule in committee must therefore be confined to the portion of the bill then pending, and the previous question may only be moved on the measure in committee if the entire measure has been read, or considered as read, for amendment.

(c) There shall be a motion for the previous question, which, being ordered by a majority of Members voting, if a quorum be present, shall have the effect to cut off all debate and bring the Committee to a direct vote upon the immediate question or questions on which it has been asked and ordered.

(d) Upon the offering of any amendment by a Member, the Committee Clerk shall promptly transmit a copy to the official reporter and copies to each Committee Member in attendance.

2. Each subcommittee is a part of this committee, and is subject to the authority and direction of the committee and to its rules insofar as applicable. The rules of the committee shall be the rules of its subcommittees.

3. No major investigation by a subcommittee shall be initiated without approval of the Chair of the committee or the majority of the full committee.

4. Any committee member, when recognized by the Chair, may address the committee on any bill, motion, or other matter under consideration before the committee. The Chair may limit to 5 minutes the time of any such member, after giving due consideration to the importance of the subject matter and to the length of time available. Any House Member not a member of the committee may testify as a witness at any hearing of the committee or a subcommittee, or may submit a statement for the official record.

B. REGULAR MEETING DAYS

1. The full committee shall have its regular meetings on the first Tuesday in each calendar month at 10 a.m. When the House is in recess, the regular monthly meeting of the committee may be dispensed with at the discretion of the Chair upon notice of such action to all members of the committee.

2. The committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of the committee business, on all regular meeting days fixed by the committee.

3. Subcommittee Chairs shall set meeting and hearing dates after consultation with the Chair and other subcommittee Chairs with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

C. ADDITIONAL AND SPECIAL MEETINGS

1. The Chair may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chair.

2. If at least three members of the committee desire that a special meeting of the committee be called by the Chair, those members may file in the offices of the committee their written request to the Chair for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chair of the filing of the request. If, within 3 calendar days after the filing of the request, the Chair does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure of matter to be considered at, the special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

D. RANKING MAJORITY MEMBER TO PRESIDE IN ABSENCE OF CHAIR

If the Chair of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

E. COMMITTEE RECORDS AND ROLLCALLS

1. The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

A record vote in subcommittee may be had upon the request of any subcommittee member, and in full committee upon the request of any committee member.

2. Records of hearings before the committee shall not be available to the public for quotation of any member until after such member has had an opportunity to examine and approve such hearing records.

3. All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair of the committee or a subcommittee; and such records shall be the property of the House and all Members of the House shall have access thereto.

4. The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the rules of the House, except that the committee authorizes use of any record to which clause 3(b)(4) would otherwise apply after such record has been in existence for 5 years. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

F. PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or

other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

G. OPEN MEETINGS AND HEARINGS

1. Each meeting for the transaction of business, including the markup of legislation, of the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public; *Provided, however,* that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by (2) of this rule, or to any meeting that relates solely to internal budget or personnel matters.

2. Each hearing conducted by the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives; notwithstanding the requirements of the preceding sentence, or rule H. (2), a majority of those present (but not less than two members voting in the affirmative).

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or defame, degrade or incriminate any person; or

(B) may vote to close the hearing if testimony or evidence to be received would defame, degrade, or incriminate any person; *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

H. QUORUM

1. The number of members to constitute a quorum for the purpose of taking testimony and receiving evidence in full committee or subcommittee is two.

2. One-third of the committee or a subcommittee shall constitute a quorum for other meetings, except that a majority of the committee or subcommittee shall constitute a quorum for the purposes of reporting a measure and closing a meeting to the public.

3. After the roll has been once called to establish a quorum during a day, the Chair may not entertain a point of order that a quorum is not present unless the committee is operating under the five-minute rule and the Chair has put the pending motion or proposition to a vote.

I. CALLING AND INTERROGATING WITNESSES

1. Whenever any hearing is conducted by the committee or a subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the Chair of the committee or subcommittee by a majority of the minority party members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

2. The committee and subcommittees shall apply the 5-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee or subcommittee who so desires has had an opportunity to question each witness.

3. Committee members may question witnesses only when they have been recognized by the Chair for that purpose.

4. All questions put to the witnesses before the committee shall be pertinent to the bill or other subject matter before the committee for consideration.

5. Insofar as is practicable, each witness who is to appear must file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and limit the oral presentation at such appearance to a brief summary of his or her argument.

J. INVESTIGATIVE HEARING PROCEDURES

1. The Chair of the committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation.

2. A copy of the committee rules and this clause shall be made available to each witness.

3. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

4. The Chair of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the full committee may cite the offender to the House for contempt.

5. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(B) the committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, or incriminate any person.

In either case the committee or subcommittee shall—

(a) afford such person an opportunity voluntarily to appear as a witness; and

(b) receive and dispose of requests from such person to subpoena additional witnesses.

6. Except as provided in subparagraph (5), the Chair shall receive and the committee shall dispose of requests to subpoena additional witnesses.

7. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

8. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

9. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

K. REPORTING BILLS AND RESOLUTIONS

1. No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

On the question of ordering a bill reported whenever a recorded vote is ordered or the yeas and nays are ordered the Chair may, in his discretion, postpone further proceedings on each such question to a designated time or place in the schedule on that day.

2. Any committee member at a meeting of the full committee or any member of the subcommittee involved may make a point of order that a quorum is not present.

3. (A) Each committee report shall include in its text a statement of the reported legislation's intent or purpose, need, the results of motions to report, including number of yeas and nays, a 5-year cost estimate, oversight statement, inflationary impact statement, any statement required by sections 308(a) and 403 of the Congressional Budget and Impoundment Control Act of 1974, administration or departmental position (if any), and changes in existing law, in addition to such other provisions as the Chair deems necessary.

(B) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, and additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted pursuant to the requirements of sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974) are included as part of the report. This subparagraph does not preclude—

(a) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(b) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

4. (A) It shall be the duty of the Chair of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of the committee on any measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the

day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chair of the committee notice of the filing of that request.

L. POWER TO SIT AND ACT; SUBPOENA POWER

1. For the purpose of carrying out any of its functions and duties under these rules, the committee, or any subcommittee thereof, is authorized—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) subject to (2)(A) of this rule, to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chair of the committee, or any member designated by the Chair, may administer oaths to any witness.

2. (A) A subpoena may be issued by the committee or subcommittee under (1)(B) of this rule in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, and authorized subpoenas shall be signed by the Chair of the full committee or by any member designated by the committee. When authorizing subpoenas, the committee may delegate to the committee Chair the responsibility of deciding what materials are to be listed in the subpoena and the names of the individuals or officials to be subpoenaed.

(B) Compliance with any subpoena issued by a committee or subcommittee under (1)(B) of this rule may be enforced only as authorized or directed by the House.

M. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, the committee or subcommittee may permit, by majority vote of the committee or subcommittee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under the following rules:

1. If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

2. No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

3. The allocation among the television media of the positions of the number of television cameras permitted by the committee or subcommittee Chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

4. Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

5. Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

6. Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

7. Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any methods of coverage of the hearing on meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

8. Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee Chair for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

9. Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

10. Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

11. Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

12. Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

13. Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

N. COMMITTEE STAFFS

1. Subcommittee staffs: From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions of the House:

(A) The Chair of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee Chair.

(B) The ranking minority party member of each standing subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(C) The staff members appointed pursuant to the provisions of subparagraphs (A) and (B) shall be compensated at a rate determined by the subcommittee Chair not to exceed (a) 75 per centum of the maximum established in 2(C) of this rule or (b) the rate paid the staff member appointed pursuant to 1(A) of this rule.

(D) No member shall appoint more than one person pursuant to 1(A) and 1(B) of this rule.

(E) The staff positions made available to the subcommittee Chair and ranking minority party members pursuant to 1(A) and 1(B) of this rule shall be made available from the staff positions provided under clause 6 of Rule XI of the House unless such staff positions are made available pursuant to a primary or additional expense resolution. 2. Committee staffs:

(A)(1) Subject to subparagraph 2(A)(2) of this rule and paragraph 2(D) of this rule, the committee may appoint, by majority vote of the committee, not more than 18 professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the Chair and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by 2(A)(1) of this rule. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of the committee—

(a) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(b) shall not engage in any work other than committee business; and

(c) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of the committee may be terminated by majority vote of the committee.

(B)(1) The clerical staff of the full committee shall consist of not more than 12 clerks, to be attached to the office of the Chair, to the ranking minority party member, and to the professional staff, as the committee considers advisable. Subject to 2(B)(2) and 2(D) of this rule, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by 2(B) of this rule, the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the Chair and the ranking minority party member on matters related to committee work.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, four persons may be selected, by majority vote of the minority party members, for appointment by the committee to positions on the clerical staff from among the number of clerks authorized by 2(B)(1) of this rule. The committee shall appoint to those positions any person so selected whose character and

qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under 2(A)(2) of this rule on matters related to committee work.

(3) Services of the clerical staff members of the full committee may be terminated by majority vote of the committee.

(C) Each employee on the professional staff, and each employee on the clerical staff, of the committee, is entitled to pay at a single per annum gross rate, to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United State Code, except that 2 professional staff members of the committee shall be entitled to pay at a single per annum gross rate to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule, section 5315 of title 5, United States Code.

(D) If a request for the appointment of a minority professional staff member under paragraph (A), or a minority clerical staff member under paragraph (B), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (A) or paragraph (B), as applicable, the person selected by the minority and acceptable to the Committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(E) Each staff member appointed pursuant to request by minority party members under paragraph (A) or (B), and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(F) Paragraphs (A) and (B) shall not be construed to authorize the appointment of additional professional or clerical staff members of the committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members provided for in paragraph (A)(1) or paragraph (B)(1) as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(G) Notwithstanding paragraphs (A)(2) and (B)(2), the committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the minority party.

O. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS TO SUBCOMMITTEES

1. All the legislation and other matters referred to the committee shall be referred to the subcommittee on appropriate jurisdiction within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommitee.

If a joint resolution of disapproval of a council act is introduced in the House during the first 15 legislative days of layover, the resolution shall be referred to the subcommittee of appropriate jurisdiction. If the joint resolution is introduced during the last 15 days of congressional layover, that matter shall be kept at the full committee level with such comments from the subcommittee as they may wish to give.

2. The Chair may refer a matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first) or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee.

3. Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chair may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. In order to permit the full committee to take timely action on special resolutions, a subcommittee should complete action on a joint resolution of approval of a charter amendment under section 303(b) of the House Rule Act not later than 15 calendar days before the expiration of the 35-day period named in the House Rule Act. The subcommittee should complete action within 12 calendar days of the introduction of a joint resolution of disapproval of a council act relating to titles 22, 23 or 24 of the District of Columbia Code under subsection (c)(2) of section 602 of the Home Rule Act.

P. SUBCOMMITTEES

1. The full committee shall determine an appropriate ratio of majority to minority members for each subcommittee and shall establish the number of subcommittees, shall fix the jurisdiction of each subcommittee, and shall determine the size of each subcommittee.

2. Additional legislative subcommittees may be established by a majority of those voting, a quorum being present, of the full committee.

3. Each member shall be given an equal number of subcommittee assignments insofar as practicable.

4. Bills shall be assigned to subcommittees in accordance with the subject matter of the subcommittees.

5. Any member of the full committee may have the privilege of sitting with any subcommittee durings its hearings or deliberations and to participate but shall not have authority to vote on any matters before the subcommittee unless he or she is a member of such subcommittee.

6. Party representation on each subcommittee, including ex officio members, shall be not less favorable to the majority party than the ratio for the full committee.

Q. GENERAL OVERSIGHT RESPONSIBILITIES

The committee and each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee or the subcommittee, respectively, and the organization and operation of the Federal and District agencies and entities have responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the committee and each subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee or subcommittee, respectively (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee or subcommittee, respectively. Each subcommittee is required to conduct oversight in the area of the respective jurisdiction, to assist in carrying out the full committee's responsibilities under Rule X, cl. 2, of the House of Representatives. The establishment of an oversight subcommittee shall in no way limit the responsibility of the subcommittees with legislative jurisdiction from carrying out their oversight responsibilities.

R. ADDITIONAL FUNCTIONS

1. The committee and each subcommittee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the House of Representatives.

2. The committee and each subcommittee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

S. POINTS OF ORDER

No point of order, other than a point of order that a quorum is not present, against the hearings or business procedures of the committee shall be sustained unless it is made in a timely fashion (1) at the commencement of the hearing or meeting, or (2) at the time such point of order first occurs. Any point of order not raised in a timely manner in subcommittee shall not be sustained in full committee.

T. NOTICE OF MEETINGS AND AGENDA

1. The committee and each subcommittee shall make public announcement of the date, place and subject matter of any com-

mittee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible day. Any announcement made under the subparagraph shall be promptly published in the Daily Digest and given to the House Information Systems.

2. The agenda for all committee meetings, setting out all items of business to be considered, including a copy of any measure or a summary of any measure and of any subcommittee amendments, shall be furnished each committee member by delivery to his or her office at least 2 full calendar days (excluding Saturday, Sunday and legal holidays) before the meeting. This requirement may be waived by a two-thirds vote, a quorum being present, of the committee.

3. No bill or other matter shall be brought up for hearing or other consideration except with the approval of the Chair or by a majority of those voting, a quorum being present; *Provided*, That any member (other than the Chair) making the motion for consideration under this rule has given 2 days' notice in writing to all members of the committee.

U. AMENDING COMMITTEE RULES

The committee rules may not be amended unless the member proposing the amendment gives 2 days' notice (excluding Saturday, Sunday and legal holidays) in writing of the text of the proposed change to all members.

V. OTHER PROCEDURES AND REGULATIONS

The Chair of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULES OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS FOR THE 101ST CONGRESS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the Rules of the Committee on Foreign Affairs for the 101st Congress as adopted by the committee on February 1, 1989:

RULES OF THE COMMITTEE ON FOREIGN AFFAIRS, 101ST CONGRESS

(Adopted February 1, 1989)

1. GENERAL PROVISIONS

The Rules of the House, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on Foreign Affairs, to the extent applicable. The Chairman shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee on Foreign Affairs (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House is in session pursuant to Clause 2(b) of Rule XI of the House. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered.

3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, with the following exceptions: (1) Reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, and (3) authorizing the issuance of subpoenas.

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule or any meeting that relates solely to internal budget or personnel matters.

(b)(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the Members, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close 1 subsequent day of hearing.

(c) No congressional staff person shall be present at any meeting or hearing of the Committee or a subcommittee which has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin meeting at an earlier date. Such determination may be made with respect to any hearing or markup by the Chairman or subcommittee chairman, as appropriate.

Public announcement of all hearings and markups shall be made at the earliest possible date and shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of the House Information Systems.

Members shall be notified by the Chief of Staff, whenever it is practicable, 1 week in advance of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting, whenever possible.

6. WITNESSES

a. Interrogation of Witnesses

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption, questioning by the Committee Members taking place afterward. In recognizing Members, the Chairman may give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and

not the witness in order to insure orderly procedure.

Each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

The Chairman shall take note of Members who are in their chairs when each day's hearing begins and, insofar as practicable, when the time occurs for interrogation, shall recognize each such Member ahead of all others.

b. Statements of Witnesses

So far as practicable, each witness shall file with the Committee, 48 hours in advance of his appearance, a written statement of his proposed testimony and shall make a brief oral summary of his views.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantially alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either body or appendixes to any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes to any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

9. PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices—including a description of the amendment, motion, order, or other proposition; the name of each Member voting for and against and whether by proxy or in person; and the Members present but not voting.

A rollcall vote shall be ordered on any question at the request of 20 percent of those present.

10. PROXIES

Proxy voting is permitted in the Committee and in subcommittees only under the following conditions:

The proxy authorization—

(a) Shall be in writing;

(b) Shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting; and

(c) Shall be limited to a motion to report a bill or a resolution.

Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies are not counted for a quorum.

11. PRIOR APPROVAL OF REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. In any case in which Clause 2(l)(5) of House Rule XI does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman of the Committee, after consultation with such Members of the Committee as the Chairman deems appropriate.

13. STAFF SERVICES

The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members.

The staff shall include persons with training and experience in foreign affairs who have a variety of backgrounds and skills so as to make available to the Committee services of individuals who have a first-hand acquaintance with major countries and areas and with major aspects of U.S. overseas programs and operations.

It is intended that the skills and experience of all members of the Committee staff shall be available to all Members of the Committee.

(a) The professional and clerical employees of the Committee, except those assigned to the minority or to a subcommittee as provided below, shall be appointed, and may be removed, by the Chairman with the approval of the majority of the Members of the Committee. Their remuneration shall be fixed by the Chairman within the ceilings set in Clause 6(c) of Rule XI, and they shall be under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(b) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority Members of the Committee shall determine within the general ceiling in Clause 6(c) of Rule XI: *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart. Such staff shall be under the general supervision and direction of the ranking minority Member with the approval or consultation of the minority Members of the Committee.

(c) In the matter of subcommittee staffing:

(1) The chairman of each standing subcommittee of this Committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority Member of each of six standing subcommittees on the Committee is authorized to appoint one staff person who shall serve at the pleasure of said ranking minority Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in Paragraph (c) of Clause 6 of Rule XI of the Rules of the House or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) No Member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the ranking minority party Members pursuant to subparagaph (2) of this paragraph shall be made available from the staff positions provided under Clause 6 of Rule XI of the Rules of the House.

14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) The full Committee will handle the markup and reporting of general legislation relating to foreign assistance (including development assistance, security-related aid, and Public Law 480 programs abroad) or relating to the Peace Corps. Regional subcommittees will have responsibility with respect to foreign assistance as follows:

(1) The annual legislative programs of foreign assistance for each region shall be referred to the appropriate subcommittee for review and legislative recommendations, within a time frame to be set by the Committee.

(2) Those subcommittees shall be responsible for ongoing oversight of all foreign assistance activities affecting their region.

(3) Those subcommittees shall have the responsibility of annually reporting to the full Committee, on a timely basis, the findings and conclusions of their oversight, including specific recommendations for legislation relating to foreign assistance.

(b) There shall be eight standing subcommittees. The names and jurisdicton of those subcommittees shall be as follows:

a. Functional Subcommittees

There shall be four subcommittees with functional jurisdiction:

SUBCOMMITTEE ON ARMS CONTROL, INTERNATIONAL SECURITY AND SCIENCE.—To deal with national security and scientific developments affecting foreign policy; strategic planning and agreements; war powers and executive agreements legislation; Arms Control and Disarmament Agency and all aspects of arms control and disarmament with particular emphasis on the investigation and evaluation of arms control and disarmament proposals and concepts; security aspects of nuclear technology and materials; international terrorism with special focus on the U.S. Government's policies and programs for combatting international terrorist movements and actions; oversight of military aspects of foreign policy and foreign intelligence; and oversight of State and Defense Department activities involving arms transfers, arms export licenses, administration of security assistance, arms sales, foreign military training and advisory programs, and conventional arms control.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS.—To deal with Department of State and U.S. Information Agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; international terrorism with special emphasis on policies and programs relating to the enhancement of embassy security and the protection of U.S. personnel and institutions abroad; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; and international communication and information policy.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY AND TRADE.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear technology and materials and international communication and information policy; legislation pertaining to and oversight of the Overseas Private Investment Corporation; commodity agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS.—To deal with oversight of, and legislation pertaining to, the United Nations, its related agencies, and other international organizations; international law; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights generally; the American Red Cross; international environmental policy; and oversight of international fishing agreements.

b. Regional Subcommittees

There shall be four subcommittees with regional jurisdiction: Subcommittee on Europe and the Middle East; Subcommittee on Asian and Pacific Affairs (including South Asia); Subcommittee on Western Hemisphere Affairs; and the Subcommittee on Africa.

In addition to the responsibilities provided by subsection (a) of this rule, the regional subcommittees shall have jurisdiction over the following:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Oversight of regional lending institutions.

(6) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(7) Environmental, population, and energy affairs affecting the region.

(8) Base agreements and regional security pacts.

(9) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(10) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of Committee or subcommittee meetings or hearings whenever possible. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to insure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman and the ranking minority Member of the full Committee may attend the meetings and participate in the activities of all subcommittees, except for voting and being counted for a quorum.

16. REFERRAL OF BILLS BY CHAIRMAN

All legislation and other matters referred to the Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within 2 weeks, unless by majority vote of the majority party Members of the full Committee, consideration is to be otherwise effected. Any subcommittee chairman who believes that the subcommittee has jurisdiction over the legislation or other matter may so notify the Chairman within the 2-week period.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as "floor manager" of a bill during its consideration in the House.

17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee: *Provided, however,* That party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman of the full Committee and the ranking minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

18. SUBCOMMITTEE BUDGETS AND RECORDS

(a) Each subcommittee shall have an adequate budget to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees. Each majority party Member of the Committee shall have the right to attend such meetings.

20. ACCESS TO CLASSIFIED INFORMATION

It shall be the policy of the Committee to afford access to classified information under its control for its own Members and other Members of the House of Representatives.

AUTHORIZED PERSONS.—In accordance with the stipulations of the House Rules, all Members of the House shall be construed to be persons authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be construed to be authorized access to classified information within the possession of the Committee (1) when they have the proper clearances, and (2) when they have a demonstrable "need to know". The decision on whether a given staff member has a "need to know" will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the ranking minority Member of the Committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the ranking minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Committee Chairman.

DESIGNATED PERSONS.—Each Committee Member is permitted to designate one member of his or her staff as having the

right of access to classified information in the "confidential" category. Such designated persons must have the proper security clearance and a "need to know" as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified "secret" which has been furnished to the Committee pursuant to section 36(b) of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Committee Chairman.

LOCATION.—Classified information will be kept in secure safes in the Committee rooms. All materials bearing the designation "top secret" must be kept in secured safes located in the main Committee offices, 2170 Rayburn House Office Building. "Top Secret" materials may not be taken from that location for any purpose.

Materials bearing designations "confidential" or "secret" may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its subunits for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman of the full Committee, under procedures designed to insure the safe handling and storage of such information at all times.

NOTICE.—Notice of the receipt of classified documents received by the Committee from the Executive will be sent promptly to Committee Members. The notice will contain information on the level of classification.

ACCESS.—Except as provided for above, access to classified materials held by the Committee will be in the main Committee offices in a designated "reading room". The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the reading room after inquiring of the Chief of Staff or an assigned staff member. The reading room will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) No photocopying or other exact reproduction, oral recording, or reading by telephone, of such classified information is permitted.

(d) The assigned staff member will be present in the reading room at the option of the authorized person. Such staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(e) The Classified Materials Log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

DIVULGENCE.—Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person in any way, shape, form, or manner. Apparent violations of this rule should be reported to the Chairman of the full Committee at once, and by him to the full Committee as promptly as possible.

TECHNICAL SECURITY COUNTERMEASURES.—Committee rooms and equipment shall be maintained in accordance with such technical security standards as the Chairman deems necessary to safeguard classified information from unauthorized disclosure. Such standards may include requirements for technical security monitoring during closed sessions involving classified information, conducted under the direction and control of the Chairman by personnel responsible to the Sergeant at Arms of the House of Representatives.

OTHER REGULATIONS.—So long as they do not conflict with any of the rules herein set down, the Chairman of the full Committee may establish other regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee. Furthermore, any additional regulations and procedures should be incorporated into the written rules of the Committee at the earliest opportunity.

21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

When requested by the Superintendent of the House Radio and Television Gallery and upon approval by the Committee or its subcommittees, all Committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage: *Provided,* That such request is submitted to the Committee or its subcommittees not later than 4 p.m. of the day preceding such hearings.

The Chairman of the full Committee or the chairmen of the subcommittees are authorized to determine on behalf of the full Committee or its subcommittees respectively whether hearings which are open may be broadcast, unless the Committee or its subcommittees respectively by majority vote determine otherwise. The Committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

Such coverage shall be in accordance with the following requirements (Section 116(b) of the Legislative Reorganization Act of 1970; Clause 3(f) of Rule XI of the Rules of the House of Representatives):

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Committee or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage to the hearing or meeting at the then current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the Committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Committee or its subcommittees, in accord with House Rule XI, Clause 2(m), in the conduct of any investigation or series of investigations, only when authorized by a majority of the Members voting, a majority of the Committee or subcommittee being present. Pursuant to House Rules and under such limitations as the Committee may prescribe, the Chairman may be delegated the power to authorize and issue subpoenas in the conduct of any investigation or series of investigations. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the fullest extent feasible the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

24. OTHER PROCEDURES AND REGULATIONS

The Chairman of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

RULES OF THE HOUSE COMMITTEE ON ENERGY AND COMMERCE FOR THE 101ST CONGRESS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I am pleased to submit the rules of the Committee on Energy and Commerce for the 101st Congress for printing in the CONGRESSIONAL RECORD. These rules were adopted by voice vote at the committee's organizational meeting on February 2, 1989.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, 101ST CONGRESS

Rule 1. *Rules of the House.* The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to the Rules of the House.

Rule 2. *Time, Place of Meetings.* (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present any any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairman of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. *Agenda.* The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4. *Procedure.* (a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize, in order of appearance, members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. *Waiver of Notice, Agenda, and Layover Requirements.* Requirements of Rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. *Quorum.* Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or a subcommittee unless a majority of the members thereof is actually present.

Rule 7. *Proxies.* No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. *Journal, Rollcalls.* The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. *Filing of Committee Reports.* If, at the time of approval of any measure or matter by this committee, any member or members of the committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. *Subcommittees.* There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. *Reference of Legislation and Other Matters.* All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. *Ratio of Subcommittees.* The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. *Subcommittee Membership.* (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of a subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of that member's choice. A member (other than an ex officio member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filled. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be ex officio members with voting privileges of each legislative subcommittee of the committee of which they are not assigned members. The ex officio members shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule 15. *Subcommittee Chairmen.* (a)(1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, they may do so, but in that event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

(c) The chairman of the committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

Rule 16. *Committee Professional and Clerical Staff Appointments.* (a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointee shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee

in the discharge of its assigned responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 17. *Supervision, Duties of Staff.* (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. *Committee and Subcommittee Budgets.* (a) The chairman of the full committee and the chairmen of each standing subcommittee, after consultation with their respective ranking minority members, shall for each session of the Congress prepare a preliminary budget for the committee and each standing subcommittee respectively, with such budgets including necessary amounts for professional and clerical staff, travel, investigations, and miscellaneous expenses, and which shall be adequate to fully discharge their responsibilities for legislation and oversight. Thereafter, the chairman of the full committee, meeting with the chairmen of the subcommittees, shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the committee and for each of the subcommittees. Such budget shall be presented by the chairman to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House, but the chairman of the full committee shall permit no subcommittee to make an expenditure beyond its portion of the budget (as established in paragraph (a)) unless the chairman determines that such expenditure can be made without exceeding the amount authorized to the full committee by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. *Broadcasting of Committee Hearings.* Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. *Comptroller General Audits.* The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the committee.

Rule 21. *Subpenas.* The full committee, or any subcommittee, may authorize and issue a subpena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. *Travel of Members and Staff.* (a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

RULES OF THE HOUSE COMMITTEE ON THE JUDICIARY FOR THE 101ST CONGRESS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, pursuant to the provisions of clause 2(a) of rule XI of the Rules of the House, I am submitting a copy of the Rules of Procedure for the 101st Congress adopted by the Committee on the Judiciary on February 7, 1989:

COMMITTEE ON THE JUDICIARY—RULES OF PROCEDURE

RULE I

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal holidays) before each scheduled Committee or subcommittee meeting, each member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business, i.e., meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any Member, and a copy made available to each Member present.

(g) In all subcommittee proceedings where a vote on a motion to report a bill to the full Committee results in a tie, such bill shall be reported to the full Committee without recommendation.

(h) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(i) A complete transcript shall be made of any full Committee meeting, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays.

RULE III. HEARINGS

(a) The Committee or any subcommittee shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or the subcommittee before which such hearing is scheduled, determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(c) For purposes of taking testimony and receiving evidence before any subcommittee, a quorum shall be constituted by the presence of two Members. For purposes of taking testimony and receiving evidence before the full Committee, a quorum shall be constituted by the presence of 10 Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

RULE IV. PROXY VOTING

A vote by any Member of the Committee, with respect to any measure or matter being considered in the Committee or in subcommittee, may be cast by proxy if the proxy authorization is in writing, asserts that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motion pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time that the proxy is signed. Proxies may not be counted for a quorum.

RULE V. BROADCASTING

When approved by a majority vote, an open meeting or hearing of the Committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House Rule XI, clause (3). In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the Chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

RULE VI. STANDING SUBCOMMITTEES

(a) There shall be seven standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) *Subcommittee on Economic and Commercial Law:* Antitrust, bankruptcy, commercial law, economic regulation generally, judgeships, Federal budget matters, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) *Subcommittee on Courts, Intellectual Property, and the Administration of Justice:* Federal court operations and administration, U.S. Attorneys and U.S. Marshals, Federal rules of evidence and procedure, prisons, judicial ethics, patents, trademarks, copyrights, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) *Subcommittee on Civil and Constitutional Rights:* Civil rights and liberties, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) *Subcommittee on Crime:* Drug enforcement, fraud, organized crime and racketeering, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) *Subcommittee on Administrative Law and Governmental Relations:* Administrative law, claims against the United States, ethics in government, legal services, other appropriate matters as referred by the Chairman, and relevant oversight.

(6) *Subcommittee on Criminal Justice:* Federal Criminal Code, pretrial services, sentencing, parole and pardons, other appropriate matters as referred by the Chairman, and relevant oversight.

(7) *Subcommittee on Immigration, Refugees, and International Law:* Immigration and naturalization, citizenship, admission of refugees, treaties and international agreements, passports, foreign sovereign immunity, other appropriate matters as referred by the Chairman, and relevant oversight.

(b) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting members, of each subcommittee to which such Chairman or ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

RULE VII. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULE VIII. NON-LEGISLATIVE REPORTS

No report of the Committee or a subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and been given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays, and legal holidays).

RULE IX. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULES OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR FOR THE 101ST CONGRESS

(Mr. HAWKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Education and Labor for

the 101st Congress, as adopted at the committee's organizational meeting on February 2, 1989:

RULES OF THE COMMITTEE ON EDUCATION AND LABOR FOR THE 101ST CONGRESS

RULE 1. REGULAR AND SPECIAL MEETINGS.—(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:45 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the ranking majority party member of the committee present.

RULE 2. QUESTIONING OF WITNESSES.—Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position. The Chairman may accomplish this by recognizing two majority party members for each minority party member recognized.

RULE 3. RECORDS AND ROLLCALLS.—(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present by not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the Committee (including any record of a legislative, oversight, or other activity of the Committee or any subcommittee shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the Committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the Committee for which a time, schedule, or condition for availability is specified by order of the Committee (entered during the Congress in which the record is made or acquired by the Committee) shall be made available in accordance with the order of the Committee.

(c) The official permanent records of the Committee includes noncurrent records of the Committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the Committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of Committee Rule 19(d) have been met, a quorum of a majority of the Members of the Committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the Committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES: SIZE, RATIO, AND JURISDICTION.—(a) There shall be eight standing subcommittees with the following jurisdictions:

Subcommittee on Elementary, Secondary, and Vocational Education.—Education through the high school level and vocational education, including but not limited to elementary and secondary education generally, vocational education, school lunch and child nutrition, adult basic education, migrant and agricultural labor education, and overseas dependent schools.

The Subcommittee on Elementary, Secondary, and Vocational Education shall consist of 24 members, 15 from the majority and 9 from the minority. This ratio includes ex officio members.

Subcommittee on Health and Safety.—Workers' health and safety, including but not limited to occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety.

The Subcommittee on Health and Safety shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Labor-Management Relations.—Relationship between employer and employee and their representatives, including but not limited to labor-management relations generally, Bureau of Labor Statistics, and pension benefits including Employee Retirement Income Security Act (ERISA).

The Subcommittee on Labor-Management Relations shall consist of 16 members, 10 from the majority and 6 from the minority. This ratio includes ex officio members.

Subcommittee on Labor Standards.—Wages and hours of labor, including but not limited to Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal employees' compensation, Migrant and Seasonal Agricultural Worker Protection Act, and Service Contract Act.

The Subcommittee on Labor Standards shall consist of 11 members, 7 from the majority and 4 from the minority. This ratio includes ex officio members.

Subcommittee on Human Resources.—All matters dealing with programs and services for the elderly, for the elimination of poverty, and for the care and treatment of children, including preschool programs but otherwise exclusive of education programs, including but not limited to Economic Opportunity and Community Services programs (Head Start Act, Community Services Block

Grant Act, etc.), Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, and older Americans.

Subcommittee on Human Resources shall consist of 9 members, 6 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Postsecondary Education.—Education beyond the high school level, including but not limited to higher education generally, education professions development, postsecondary student assistance, library services and construction, arts and humanities, museum services, and arts and artifacts indemnity.

The Subcommittee on Postsecondary Education shall consist of 16 members, 10 from the majority and 6 from the minority. This ratio includes ex officio members.

Subcommittee on Employment Opportunities.—Comprehensive employment and training, work incentives, and equal employment opportunities, including but not limited to Comprehensive Employment and Training Act and Job Training Partnership Act, equal employment opportunities, Full Employment and Balanced Growth Act (Humphrey-Hawkins Act), displaced homemakers, employment services (Wagner-Peyser Act) youth and young adult conservation corps programs (including Youth Conservation Crops and American Conservation Corps), import trade impacts, plant relocation impact, and Work Incentive Program (WIN).

The Subcommittee on Employment Opportunities shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Select Education.—Special education programs, including but not limited to alcohol and drug abuse, education of the handicapped, rehabilitation, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor, day care, child adoption, child abuse, domestic violence, domestic volunteers, and ACTION (excluding volunteer older American programs).

The Subcommittee on Select Education shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

(b) The majority party members of the committee may provide for such special and select subcommittees as determined to be appropriate.

RULE 5. EX-OFFICIO MEMBERSHIP.—The Chairman of the committee and the ranking minority party member of the committee shall have the right to be ex officio members of each subcommittee established pursuant to Rule 4. Ex officio members shall be counted for purposes of determining a quorum and shall have the right to vote on all measures and matters considered in each subcommittee.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS.—To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee, chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS.—The majority party members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting in the majority party caucus of the committee. Members so elected shall be chairmen of their respective subcommittees.

RULE 8. SUBCOMMITTEE SCHEDULING.—Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval.

RULE 9. SUBCOMMITTEE RULES.—The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFFS.—Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the House Committee on Education and Labor shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of the majority party members of the subcommittee within the budget approved for the subcommittee by the full committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

(3) The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman in consultation with and with the approval of the majority party members of the committee within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFFS.—The staff of a subcommittee shall be under the general supervision and direction of the chairman of that subcommittee. The staff assigned to the minority shall be under the general supervision and direction of the minority party members of the committee who may delegate such authority as they determine appropriate. The staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. Staff members shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE.—(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony, together with a brief summary thereof, and shall limit his oral presentation to a summary of his statement. The staff director of the committee or the subcommittee, as the case may be, shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

RULE 13. MEETINGS—HEARINGS—QUORUMS.—(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, D.C. or during a recess or adjournment of the House without the prior authorization of the committee Chairman or a majority of a quorum of the subcommittee. Where feasible and practicable, 14 days notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) In the absence of the chairman of the committee or subcommittee, the ranking majority party member present shall preside.

(d) As far as practicable, when a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

RULE 14. SUBPENAS.—A subpena may be authorized and issued by the committee or subcommittee in the conduct of any investi-

gation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpenas shall be signed by the Chairman of the committee or by any member designated by the committee.

RULE 15. REPORTS OF SUBCOMMITTEES.—(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking Republican member of the committee for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. PROXIES.—(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the staff director of the committee or the subcommittee, as the case may be, during each rollcall in which they are to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. —— ——

House of Representatives,
Washington, DC.

DEAR —— ——: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of and any amendments or motions pertaining thereto.

—— ——
Member of Congress.

Executed this the day of , 19 , at the time of P.M./A.M.

RULE 17. AUTHORIZATION FOR TRAVEL.—(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b) In the case of expenses for travel of members and staff of a subcommittee to hearings, meetings, conferences, or investigations involving activities or subject matter under the legislative assignment of such subcommittee, including the expenses of witnesses at hearings, subject to the limitations contained in Rule 22, to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the appropriate chairman of the subcommittee in writing setting forth those items enumerated in clauses (1), (2), (3), and (4) of subsection (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individual may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, such subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(e) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. OVERSIGHT.—(a) In order to enable the committee to carry out its responsibilities under Rule X, clause 2 of the Rules of the House of Representatives, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting

new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(b) The Chairman of the committee, consistent with Rule 4, from time to time in order to fulfill the committee's responsibility under Rule X, clause 3(c) of the Rules of the House of Representatives, shall assign matters to subcommittees for reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and government activities dealing with or involving domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

(c) The Chairman of the committee, consistent with Rule X, clause 2(d) of the Rules of the House of Representatives, shall from time to time assign matters to subcommittees for reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

(d) Upon the request of the chairman of any subcommittee of the committee (after consulting with the ranking minority member of such subcommittee), and in order to enable the committee to carry out its responsibilities under section 431 of the General Education Provisions Act with respect to the consideration of final regulations, the Chairman of the committee shall transmit to the appropriate department or agency head a formal statement of objection to any final regulation identified in such request for the purpose of suspending the effective date of such regulation until not less than twenty days after the end of any adjournment described in the first sentence of subsection (d)(2) of such section. Any such objection shall be deemed to have been directed by the committee on the date of the request of such subcommittee chairman.

RULE 19. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS.—(a) Each bill, resolution, or other matter, which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 4, which has been referred to the Committee shall within two weeks be referred to the subcommittee of appropriate jurisdiction unless, by majority vote of the majority party members of the committee, consideration is to be by the full committee or there is to be shared consideration under subsection (b)(2) by more than one subcommittee pursuant to a joint referral for such purpose.

(b)(1) In carrying out subsection (a) with respect to any matter, the Chairman may (consistently with Rule 4) refer the matter jointly to two or more subcommittees for concurrent consideration simultaneously or for consideration sequentially (subject to appropriate time limitations in the case of any subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter pursuant to subsection (b) of Rule 4 to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittees having legislative jurisdiction) for the specific purpose of considering such matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

(2) In the conduct of hearings and meetings of subcommittees sitting jointly, pursuant to subsection (a), for purposes of shared consideration of any bill or resolution, including marking up or reporting any such measure to the full committee—

(A) the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings and meetings for purposes of such shared consideration, and

(B) every member of each of such subcommittees shall for purposes of determining a quorum be counted individually in the aggregate total number of members of such subcommittees, and shall have equal voting and proxy rights as individual members during the shared consideration of any such bill or resolution,

in the same manner as if the total memberships of such subcommittees were combined to constitute a single subcommittee.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairman shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(d) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 20. COMMITTEE REPORTS.—(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the three-day period (provided under clause 2, paragraph (1)(5) of Rule XI of the Rules of the House of Representatives) after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

RULE 21. MEASURES TO BE CONSIDERED UNDER SUSPENSION.—A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 22. BUDGET AND EXPENSES.—(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The chairman of each standing subcommittee, in consultation with the majority party members thereof, shall prepare a supplemental budget to include funds for such additional staff, and for such travel, investigations, etc., as may be required for the work of such subcommittee. Thereafter, the Chairman shall combine such proposals into a consolidated committee budget, and shall present the same to the committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their portion of the consolidated budget as approved by the House, and the chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, D.C.:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $2,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $2,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $2,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $2,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 23. APPOINTMENT OF CONFEREES.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the speaker as conferees the names of those members of the subcommittee which handled the legis-

lation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

RULE 24. BROADCASTING OF COMMITTEE HEARINGS.—(a) When any hearing or meeting of the committee or a subcommittee is open to the public, that hearing or meeting may be covered in whole or in part by television broadcast, radio broadcast, and still photography, or by other such methods of coverage. Such coverage of hearings and meetings is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of clause 3 of Rule XI of the Rules of the House of Representatives.

(b) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(c) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the chairman of the committee or subcommittee holding such hearing or meeting. The allocation among the television media of the positions of the number of television cameras permitted by the chairman of the committee or subcommittee in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 25. CHANGES IN COMMITTEE RULES.—A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY FOR THE 101ST CONGRESS

(Mr. ROE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROE. Mr. Speaker, pursuant to rule XI, clause 2(a), and the unanimous-consent request of January 27, 1989, which extended the date of the printing requirement to February 21, 1989, I submit for printing the Rules Governing Procedure for the 101st Congress of the Committee on Science, Space, and Technology, adopted at the committee's organizational meeting of February 8, 1989:

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, 101ST CONGRESS

GENERAL

1. The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees. The rules of the committee, as applicable, shall be the rules of its subcommittees except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the committee.

COMMITTEE MEETINGS

Time and Place

2. Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 1st and 3rd Tuesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

3. The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

*4. The committee shall make public announcement of the date, time, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the Chairman determines that there is good cause to begin the hearing sooner, he shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

*5. The committee may sit while the House is reading a measure for amendment under the 5-minute rule, provided 10 or more Members on the House floor do not object when special leave for such committee or subcommittee to sit is requested.

Ranking Majority Member to Preside in Absence of Chairman

*6. If the Chairman of the committee is not present at any meeting of the committee, the ranking Member of the majority party on the committee who is present shall preside.

Order of Business

*7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

Membership

8. A majority of the majority members of the committee shall determine an appropriate ratio of majority to minority members for each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; *Provided, however,* that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the full committee. *Provided further* that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the full committee.

Special Meetings

9. Rule XI 2(c)(2) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

COMMITTEE PROCEDURES

Quorum

*10. One-third of the Members of the committee shall constitute a quorum for all purposes except that a majority must be present in order to: (1) report or table any legislation, measure or matter; (2) close committee meetings or hearings; or (3) authorize the issuance of subpoenas.

*11. The number of Members to constitute a quorum for taking testimony and receiving evidence shall not be less than two.

Proxies

*12. Any Member may authorize a vote by proxy with respect to any measure or matter before the committee. Such proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote, filed with the committee clerk, and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Witnesses.

*13. The committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a summary of his or her statement.

*14. Whenever any hearing is conducted by the committee on any measure or matter, the minority members of the committee shall be entitled, upon request to the Chairman by a majority of them, before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

Investigative Hearing Procedures

15. Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpoena).

Subject Matter

16. Bills and other substantive matters may be taken up for hearing only when called by the Chairman of the Committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 9.

17. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

18. (a) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least three calendar days in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(b) Notwithstanding the foregoing sections of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

Open Meetings

19. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by Rule 20 contained herein, or to any meeting that relates solely to internal budget or personnel matters.

20. Each hearing conducted by the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 10, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Requests for Rollcall Votes

21. A rollcall vote of the Members may be had at the request of three or more Members.

Committee Records

22. (a) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order or proposition, and the names of those Members present but not voting.

(b) The Records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee.

Publication of Committee Hearings

23. The transcripts of those hearings conducted by the committee which are decided to be printed will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate.

Any requests by those Members, staff or witnesses to correct any errors, other than errors in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

Prior to approval by the Chairman of hearings conducted jointly with another Congressional committee, a memorandum of understanding will be prepared which incorporates an agreement for the publication of the verbatim transcript.

5-Minute Rule During Committee Proceedings

24. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rule of germaneness will be enforced by the Chairman.

Requests for Written Motions

25. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

Structure and Jurisdiction

26. The committee shall have the following standing subcommittees with the jurisdiction indicated.

(a) *Subcommittee on Investigations and Oversight.*—Review and study, on a continuing basis, of the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee and the organization and operation of the Federal and private agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority may cooperatively review

and study any conditions or circumstances which indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee, and may undertake futures research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of other subcommittees from carrying out their oversight responsibilities, nor shall any investigation be undertaken by the Subcommittee on Investigations and Oversight without (a) consultation with the Chairman of the appropriate subcommittee with legislative authority and (b) approval of the Chairman of the committee.

(b) *Subcommittee on Natural Resources, Agriculture Research and Environment.*—Legislation, general and special oversight and all other matters relating to natural resources, including, but not limited to, water research, and, to the extent appropriate, agriculture R&D and population; legislation, risk assessment and other matters relating to environmental research and development generally—including, but not limited to, research and development activities of the Environmental Protection Agency; environmental health, safety, life sciences, pharmaceutical, medical, and biotechnology activities of Executive departments and agencies, as appropriate; the National Weather Service; operational and research and development activities related to the atmosphere (including meteorology, aeronomy, climate, weather modification); those ocean R&D activities related to the quality and management of the environment of the National Oceanic and Atmospheric Administration; and operations of earth observing systems (except for SARSAT).

(c) *Subcommittee on Energy Research and Development.*—Legislation, general and special oversight and all other matters relating to all energy R&D and projects therefore; all federally owned or operated nonmilitary energy laboratories; basic energy sciences; high energy and nuclear physics; policy and management programs of the Department of Energy; and uranium enrichment and waste management activities, as appropriate.

(d) *Subcommittee on Science, Research and Technology.*—Legislation, general and special oversight and all other matters relating to the National Science Foundation; the Technology Administration in the Department of Commerce, including the National Institute of Standards and Technology and the National Technical Information Service; the Office of Science and Technology Policy; the Office of Technology Assessment; scientific research and development and applications; science policy; scienific resources (including manpower); science education; science information and information sciences; technology transfer; technology assessment; innovation and industrial R&D; productivity and competitiveness; standards and standardization of measurement, patent policies as they relate to Federal research and development programs; R&D involving governmental health, nutritional and handicapped programs; intergovernmental mechanisms for R&D; geographic distribution of Federal R&D; and tax policy and the effect on R&D.

(e) *Subcommittee on Space Science and Applications.*—Legislation, general and special oversight and all other matters relating to the National Aeronautics and Space Administration (except aeronautical research and technology); commercial space activities relating to the Department of Transportation and the Department of Commerce; outer space, including exploration and control thereof, space applications, space commercialization, space communications and related matters; and research and development of earth observing systems.

(f) *Subcommittee of International Scientific Cooperation.*—International scientific cooperation; international technology transfer; international cooperative R&D (including global change, space station, nuclear and non-nuclear energy, the superconducting super collider, and international cooperative funding therefore); international scientific and technological competitiveness; international information and communications policy (including scientific data banks, technical communication and translation, and SARSAT); resolutions of joint cooperation with other national parliamentary committees on science and technology; international trade policy and its effect on science and technology and on R&D; international agriculture research policy (including the international implications of genetic engineering); and international intellectual property rights.

(g) *Subcommittee on Transportation, Aviation and Materials.*—Legislation, general and special oversight and all other matters relating to civil aviation R&D (includes aeronautical research and technology programs of the National Aeronautics and Space Administration and research and development programs of the Federal Aviation Administration); transportation programs of the Department of Energy; aviation-weather services; materials R&D and national materials policies, both domestic and international; oversight of surface transportation research and development programs of the Department of Transportation, Urban Mass Transportation Administration, Federal Railroad Administration, Federal Highway Administration, National Highway Traffic Safety Administration, and Coast Guard and the Maritime Administration; oversight of research and development in communications other than that for which the Subcommittee on Space Sciences and Applications is responsible.

Referral of Legislation

27. All legislation and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within two weeks unless, by a majority vote of the majority members of the full committee, consideration is to be by the full committee. Subcommittee chairman may make requests for referral of specific matters to their subcommittee within the two-week period if they believe subcommittee jurisdictions so warrant.

Ex Officio Members

28. The Chairman and ranking minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum on all matters before the subcommittee.

Procedures

29. No subcommittee shall meet for markup or approval when any other subcommittee of the committee is meeting to consider any measure or matter for markup or approval.

30. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

31. Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 28.

32. During any subcommittee proceeding for markup or approval, a roll call vote may be had at the request of one or more Members of that subcommittee.

Power to Sit and Act; Subpoena Power

33. Rule XI 2(m) of the Rules of the House of Representatives is hereby incorporated by reference (power to sit and act; subpoena power).

National Security Information

34. All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the full committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Sensitive or Confidential Information Received Pursuant to Subpoena

*35. Unless otherwise determined by the committee or subcommittee, certain information recieved by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the full committee, in his judgment, deems that in view of all circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

REPORTS

Substance of Legislative Reports

36. The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(A) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rule of the House of Representatives, separately set out and identified [Rule XI 2(l)(3)(A)];

(B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures [Rule XI 2(l)(3)(B)];

(C) a detailed analytical statement as to whether that enactment of such bill or joint resolution into law may have an inflationary impact on the national economy [Rule XI 2(l)(4)];

(D) with respect to each roll call vote on a motion to report such bill or resolution, the total number of votes cast for and the total

number of votes cast against the reporting of such bill or resolution, [Rule XI 2(l)(2)(B)];

(E) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subdivision (B) of Rule 36 has been timely submitted prior to the filing of the report and included in the report [Rule XIII 7]; and

(F) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, [Rule XIII 3].

37. (a) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee, [Rule XI 2(l)(3)(C);

(B) a summary of the overnight findings and recommendations made by the Committee on Government Operations under Rule X 2(b)(2) of the Rules of the House of Representatives, separately set out and identified, [Rule XI 2(l)(3(D).

(b) Notwithstanding the foregoing sections of this rule, if the committee has not received prior to the filing of the report the material required under subdivisions (A) and (B) of this rule, then it shall include a statement to that effect in the report on the measure.

Minority and Additional Views

38. If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (A) and (B) of Rule 37 are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or (2) the filing by the committee of any supplemental report upon any measure or matter whcih may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

39. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of Subcommittee Reports

40. Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

Timing and Filing of Committee Reports

41. It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

42. The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

43. Any committee or subcommittee report published by the committee shall follow the same procedures for its approval, including the opportunity to submit views, as is followed in the case of a report accompanying a bill or resolution which has been approved by the committee.

MEDIA COVERAGE

*44. The committee may permit, by majority vote, hearings or meetings which are open to the public to be covered in whole or in part by television, radio and still photography—or by any such methods of coverage—in accordance with Rule XI (3) of the Rules of the House of Representatives, provided, that the Chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room.

*Indicates rules applicable to subcommittees.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

"Rule X. Establishment and Jurisdiction of Standing Committees

"The Committees and Their Jurisdiction.

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * *

(r) Committee on Science, Space, and Technology.

(1) Astronautical research and development, including resources, personnel, equipment, and facilities.

(2) Bureau of Standards, standardization of weights and measures and the metric system.

(3) National Aeronautics and Space Administration.

(4) National Aeronautics and Space Council.

(5) National Science Foundation.

(6) Outer space, including exploration and control thereof.

(7) Science Scholarships.

(8) Scientific research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(9) Civil aviation research and development.

(10) Environmental research and development.

(11) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(12) National Weather Service.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development.

* * * * *

"SPECIAL OVERSIGHT FUNCTIONS

"3. (f) The Committee on Science, Space, and Technology shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development."

RULES OF THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION FOR THE 101ST CONGRESS

(Mr. ANDERSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON. Mr. Speaker, pursuant to rule XI, clause 2(a), I am herein submitting the Rules of the Committee on Public Works and Transportation for printing in the CONGRESSIONAL RECORD:

Rules of the Committee on Public Works and Transportation

RULE NO. I.—GENERAL PROVISIONS.

(a) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable motions of high privilege in committees and subcommittees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House

Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. II.—REGULAR AND SPECIAL MEETINGS: OPEN COMMITTEE MEETINGS.

(a) Regular meetings of the committee shall be held on the first Tuesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the committee for that month. The Chairman shall give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting. If the Chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, the meeting may be cancelled, delayed or deferred until such time as, in the judgment of the Chairman, there may be such matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the requests. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the Chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: Provided, however, that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of House Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause (g)(5) of Rule VII, or

(B) may vote to close the hearing, as provided in clause (g)(5) of Rule VII.

No member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedure designated in this subparagraph for closing hearings to the public; Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

RULE NO. III.—RECORDS AND ROLL CALLS.

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

RULE NO. IV.—PROXIES.

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. .....,
House of Representatives,
Washington, DC.

DEAR .....: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of ..... and any amendments or motions pertaining thereto.

.....,
Members of Congress

Executed this the ..... day of ....., 19....., at the time of ..... p.m./a.m.

RULE NO. V.—POWER TO SIT AND ACT; SUBPOENA POWER.

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within or without the United States, whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witness and the production of such books, records, correspondence, memorandums, papers, and documents

as it deems necessary. The Chairman of the committee, or any member designated by the Chairman may administer oaths to any witness.

(b)(1) A subpoena may be issued by the committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee. If a specific request for a subpoena has not been previously rejected by either the committee or subcommittee, the Chairman of the committee, after consultation with the ranking minority member, may authorize and issue a subpoena under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the committee. Whenever a subpoena is issued under this subparagraph, as soon as

practicable thereafter, the Chairman shall notify all members of the committee of such action.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpoenaed, upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. VI.—QUORUMS.

(a) One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to subparagraph (f) of committee Rule II, the authorizing of a subpoena pursuant to subparagraph (b) of committee Rule V, the reporting of a measure or recommendation pursuant to subparagraph (b)(1) of committee Rule VIII, and the actions described in subparagraph (b), (c) and (d) of this Rule.

(b) A majority of the members of the committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) A majority of the members of the committee or a subcommittee shall constitute a quorum for approval of any of the following actions:

(1) Construction, alteration, purchase or acquisition of a public building involving an expenditure in excess of $500,000 and lease of space at an average rental in excess of $500,000 (section 2 of P.L. 92-313, 40 U.S.C. 606).

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965, as amended).

(4) Continuation of the authorization of a water resources development project to be constructed by the Corps of Engineers where such project has been recommended for deauthorization pursuant to the provisions of section 12 of the Water Resources Development Act of 1974.

(5) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(6) Authorization of a Soil Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress, as amended).

(d) Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. VII.—HEARING PROCEDURES.

(a) The Chairman, in the case hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 2 working days before the day of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any sucommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, to the extent practicable the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) The following additional rules shall apply to investigative hearings:

(1) The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause (f)(2) of Rule No. II, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity to voluntarily appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chairman shall receive and the committee dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

(10) No major investigation by a subcommittee shall be initiated without approval of a majority of such subcommittee.

RULE NO. VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS.

(a)(1) It shall be the duty of the Chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit imme-

diately to the Chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted, under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f)(1) All committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under Rule VIII, that purport to express publicly views of the committee or any of its subcommittees or members of the committee, or its subcommittees shall be approved by the committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) No committee or subcommittee document containing views other than those of members of the committee or subcommittee shall be published without approval of the committee or subcommittee.

RULE NO. IX.—OVERSIGHT.

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications of changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be in conformity with Rule XV a Subcommittee on Investigations and Oversight.

(b) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability or enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuring fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. XI.—BROADCASTING OF COMMITTEE HEARINGS.

(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United

States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearings or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any member or bring the House, the committee, or any member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, and still photography, or by any such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause: Provided, however, each committee or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in hearing or meeting room.

(f)(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to subparagraph (g)(5) of Rule VII, relating to protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall operate from fixed positions but shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level necessary to provide adequate television coverage of the hearing or the meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

RULE NO. XII.—COMMITTEE AND SUBCOMMITTEE BUDGETS.

(a) The Chairman, in consultation with the chairman of each subcommittee, the majority members of the committee and the minority membership of the committee, shall, for each session of the Congress, prepare a consolidated committee budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the full committee and its subcommittees.

(b) Authorization for the payment of additional or unforeseen committee and subcommittees' expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule XIV within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the full committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the committee office for review by members of the committee.

RULE NO. XIII.—COMMITTEE AND SUBCOMMITTEE STAFF.

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes; Provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the Chairman.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority party member of the full committee who may delegate such authority as he determines appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff shall be available to all members of the committee.

(f)(1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 of House Rule XI; Provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1), (2), and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members

of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of the chairman.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. XIV.—TRAVEL OF MEMBERS AND STAFF.

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee of any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates, during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule VII of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel, when requested by the Chairman.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. XV.—NUMBER AND JURISDICTION OF SUBCOMMITTEES.

(a) There shall be 6 standing subcommittees. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively:

(1) Subcommittee on Aviation

(2) Subcommittee on Economic Development

(3) Subcommittee on Investigations and Oversight

(4) Subcommittee on Public Buildings and Grounds

(5) Subcommittee on Surface Transportation

(6) Subcommittee on Water Resources

(b) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

RULE NO. XVI.—POWERS AND DUTIES OF SUBCOMMITTEES.

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairman shall set dates for hearings and meeting of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and where practicable shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill reported by a subcommittee shall be considered by the full committee unless it has been delivered to the offices of all members at least 48 hours prior to the meeting, unless the chairman determines that such bill is of such urgency that it should be given early consideration. Where practicable, such bills, resolutions, or other matters shall be accompanied by a comparison with present law and a section-by-section analysis of the proposed change.

RULE NO. XVII.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES.

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule XV referred to or initiated by the full committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks, unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairman, at which time such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) In carrying out Rule XVII with respect to any matter, the Chairman may refer the matter simultaneously to two or more sub-

committees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee or refer the matter to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. XVIII.—SIZE AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES.

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittee shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; Provided, however, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and provided further, that the majority party members may limit the number of subcommittee assignments of the Chairman and the subcommittee chairman in order to equalize committee workloads.

(b) On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee. In calculating the ratio of majority party members to minority party members, there shall be included all *ex officio* voting members of the subcommittees.

(c) Following shall be the size and majority/minority ratios for subcommittees:

(1) Subcommittee on Aviation: (35 members) (21 majority; 14 minority);

(2) Subcommittee on Economic Development: (20 members) (12 majority; 8 minority);

(3) Subcommittee on Investigations and Oversight: (25 members) (15 majority; 10 minority);

(4) Subcommittee on Public Buildings and Grounds: (13 members) (8 majority; 5 minority);

(5) Subcommittee on Surface Transportation: (38 members) (23 majority; 15 minority).

(6) Subcommittee on Water Resources: (35 members) (21 majority; 14 minority).

(d) The full committee Chairman shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority. Provided, however, that recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JAMES) to revise and extend their remarks and include extraneous material:)

Mr. CONTE, for 30 minutes, on February 22.

Mr. CAMPBELL of California, for 5 minutes, on February 22.

Mr. DICKINSON, for 60 minutes, on March 2.

(The following Members (at the request of Mr. ACKERMAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 60 minutes, today and on February 22 and 23.

Mr. PANETTA, for 60 minutes, on February 22.

Mr. FRANK, for 60 minutes, on February 22 and 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JAMES) and to include extraneous matter:)

Mr. BLOOMFIELD in two instances.

Mr. GRADISON.

Mr. RITTER.

Mr. PURSELL.

Mr. SNOWE.

(The following Members (at the request of Mr. ACKERMAN) and to include extraneous matter:)

Mr. PENNY in two instances.

Mr. FLORIO.

Mr. JONTZ.

Mr. FRANK.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. MANTON.

Mr. BROWN of California in two instances.

Mr. ANNUNZIO in six instances.

Mr. MORRISON of Connecticut.

Mr. STOKES in two instances.

Mr. HAMILTON.

Mr. MCMILLEN of Maryland.

Mr. THOMAS A. LUKEN.

Mr. CLEMENT in two instances.

Mr. BEILENSON.

Mr. LEHMAN of Florida.

Mr. AUCOIN.

Mr. BILBRAY.

Mr. DINGELL in two instances.

Mr. RANGEL in three instances.

Mr. LEVINE of California.

Mr. BRUCE.

Mr. DOWNEY.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a joint resolution of the House of the following title:

On February 7, 1989:

H.J. Res. 129. Joint resolution disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

ADJOURNMENT

Mr. JONES of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 22, 1989, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

587. A letter from the Assistant Secretary for Health, Department of HHS; Assistant Secretary for Science and Education, Department of Agriculture, transmitting the sixth progress report on the human nutrition research and information management [HNRIM] system, for fiscal year 1987, pursuant to Public Law 97-98, section 1427; to the Committee on Agriculture.

588. A letter from the Assistant Secretary of Defense (Management and Personnel), transmitting the final report on the causes and circumstances of all deaths of Navy personnel during Navy training from January 1, 1986 through October 31, 1988, and on actions taken to prevent further deaths, pursuant to Public Law 100-463; to the Committee on Appropriations.

589. A letter from the Deputy Secretary of Defense, transmitting a report of violations of the Anti-Deficiency Act, which occurred in connection with funds available for the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

590. A letter from the Chief, Forest Service, transmitting a report of violations of the Anti-Deficiency Act, which occurred in connection with funds available for the National Forest System, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

591. A letter from the Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the discovery and emergency disposal of a suspected chemical at the Aberdeen Proving Ground (Edgewood Area), MD, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

592. A letter from the Comptroller, Department of Defense, transmitting the contract award report for the period March 1, 1989 to April 30, 1989, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

593. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting the "Defense Manpower Requirements Report for FY 1990," pursuant to 10 U.S.C. 115(b)(3); to the Committee on Armed Services.

594. A letter from the Director of Administration and Management, Office of the Secretary of Defense, transmitting notification of the Strategic Defense Initiative Organization's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General from a proposed contract with the United Kingdom Government for certain defense articles, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

595. A letter from the Assistant Attorney General, Legislative Affairs, Department of Justice, transmitting a report on the administration of the Equal Credit Opportunity Act for the calendar year 1988, pursuant to 15 U.S.C. 1691f; to the Committee on Banking, Fimance and Urban Affairs.

596. A letter from the Administrator, General Services Administration, transmitting the sixth report on its administration of the personal property donation program and the identification and use of Federal real property to assist the homeless, pursuant to Public Law 100-77, section 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

597. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-304, "Armed Reserve Corps Prohibition Temporary Act of 1988," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

598. A letter from the Washington Gas Light Co., District of Columbia, transmitting a copy of the company's comparative balance sheet for the year ending December 31, 1988, pursuant to D.C. Code sections 43-513; to the Committee on the District of Columbia.

599. A letter from the President, Chesapeake & Potomac Telephone Co., District of Columbia, transmitting the C&P Telephone Co. statement of receipts and expenditures for the year 1988, pursuant to the act of April 27, 1904, chapter 1628 (33 Stat. 374, 375); to the Committee on the District of Columbia.

600. A letter from the Secretary of Education, transmitting a copy of regulations for assistance to local educational agencies in areas affected by Federal activities and arrangements for education of children where local education agencies cannot provide suitable free public education (impact aid), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

601. A letter from the Attorney General, transmitting recommendations for coordination of Federal juvenile delinquency programs and activities for 1988, pursuant to 42 U.S.C. 5616(c); to the Committee on Education and Labor.

602. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the annual report for fiscal year 1988 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and Labor.

603. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the fiscal year 1987 report on the Office of Program Operations [OPO]; to the Committee on Education and Labor.

604. A letter from the Acting Secretary of Health and Human Services, transmitting the annual report for fiscal year 1987 of the activities under the Administration on Developmental Disabilities, Office of Human Development Services, and the Alcohol, Drug Abuse and Mental Health Administration, Public Health Service, pursuant to 42 U.S.C. 6006(c); to the Committee on Energy and Commerce.

605. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report on each route on which the Corporation operated rail passenger service during fiscal year 1988, the 1989 legislative report, the fiscal year 1989 Amtrak compensation report, and Amtrak's 1988 annual report, pursuant to 45 U.S.C. 548(a); to the Committee on Energy and Commerce.

606. A communication from the President of the United States, transmitting a report on international agreements transmitted to Congress after the deadline for their submission, with reasons, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

607. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 1122b(a); to the Committee on Foreign Affairs.

608. A letter from the Administrator, Agency for International Development, transmitting a report entitled, "Development and the National Interest: U.S. Economic Assistance Into the 21st Century"; to the Committee on Foreign Affairs.

609. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 12-89), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

610. A letter from the Acting Secretary of Health and Human Services, transmitting a report of the Department's activities under the Freedom of Information Act for 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

611. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

612. A letter from the Comptroller General of the United States, transmitting the results of their examination of the Environmental Protection Agency's consolidated financial statements for the fiscal year ended September 30, 1987 (GAO/AFMD-89-24); to the Committee on Government Operations.

613. A letter from the Deputy Secretary, Department of Agriculture, transmitting notification of a proposed altered Federal records system at the Forest Service, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

614. A letter from the President and Chairman, Export-Import Bank, transmitting a report on the evaluation of its systems of internal accounting and administrative control in effect during the year ended December 31, 1988, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

615. A letter from the Executive Secretary, Federal Deposit Insurance Corporation, transmitting notification of proposed altered Federal records systems in the legal intern applicant system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

616. A letter from the Federal Mine Safety and Health Review Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

617. A letter from the Director, Division of Commissioned Personnel, Health and Human Services, transmitting the Department's annual Federal Government pension plan for the year ending September 30, 1987, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

618. A letter from the Director, National Science Foundation, transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

619. A letter from the Secretary of Labor transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

620. A letter from the Secretary of Transportation transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

621. A letter from the Under Secretary of Defense for Acquisition transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; jointly to the Committees on Government Operations and Armed Services.

622. A letter from the Director, Office of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the annual report for the Commission's compliance with the Government in the Sunshine Act, calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

623. A letter from the Director, Civic Achievement Award Program, Close Up Foundation, transmitting the seminannual report on the Civic Achievement Award Program in honor of the Office of Speaker of the House of Representatives, covering the period July 1, 1988, through December 31, 1988, pursuant to Public Law 100-158, section 3(b) (100 Stat. 897); to the Committee on House Administration.

624. A letter from the Acting Secretary of the Interior, transmitting the 1987 annual report for the Office of Surface Mining Reclamation and Enforcement [OSMRE], pursuant to 30 U.S.C. 1211(f), 1267(g), 1295; to the Committee on Interior and Insular Affairs.

625. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

626. A letter from the Acting Secretary of the Interior, transmitting a copy of the 1988 hydrologic determination of the water availability from Navajo Reservoir and the Upper Colorado River Basin, pursuant to Public Law 87-483; to the Committee on Interior and Insular Affairs.

627. A letter from the Commissioner, Bureau of Reclamation, transmitting a book, entitled "Reclamation Reform Act Compilation, 1982-1988"; to the Committee on Interior and Insular Affairs.

628. A letter from the Attorney General transmitting a report on the amounts deposited in the U.S. Trustee System Fund, and a description of expenditures for the period of October 1, 1987, to September 30, 1988, pursuant to Public Law 99-554, section 115(a) (100 Stat. 3094); to the Committee on the Judiciary.

629. A letter from the Administrative Assistant, Daughters of the American Revolution, transmitting the society's report and financial audit for the fiscal year ended February 29, 1988, pursuant to 36 U.S.C. 1101(20), 1103; to the Committee on the Judiciary.

630. A letter from the Republican leader of the U.S. Senate transmitting an interim report describing the activities of the Dwight D. Eisenhower Centennial Commission during 1988, pursuant to Public Law 99-624, section 3(a) (100 Stat. 3497); to the Committee on Post Office and Civil Service.

631. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the "1988 Assessment of Needed Publicly Owned Wastewater Treatment Facilities in the United States," commonly known as the 1988 needs survey, pursuant to 33 U.S.C. 1375(b)(1); to the Committee on Public Works and Transportation.

632. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation entitled, the "Advanced Solid Rocket Motor Contingent Liability Act"; to the Committee on Science, Space, and Technology.

633. A letter from the Secretary of Health and Human Services, transmitting the report on prospective payment for Medicare skilled nursing homes, pursuant to Public Law 98-369, section 2319(f)(2) (98 Stat. 1083); to the Committee on Ways and Means.

634. A letter from the Commissioner of Social Security, transmiting a report on the notice of proposed rulemaking [NPRM] published in the Federal Register, volume 53, No. 223, November 18, 1988; to the Committee on Ways and Means.

635. A letter from the Acting Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1990, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

636. A letter from the Director, Administration and Management, Department of Defense, transmitting the annual report of each country to country or multinational agreement entered into by each military department during fiscal year 1988 and the total dollar value of purchases and sales for each agreement, pursuant to 10 U.S.C. 2349; jointly, to the Committees on Armed Services and Foreign Affairs.

637. A letter from the Secretary of Labor, transmitting the Employee Retirement Income Security Act annual report for calendar year 1987, pursuant to 29 U.S.C. 1143(b); jointly, to the Committees on Education and Labor and Ways and Means.

638. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting the report of nondisclosure of safeguards information for the quarter ending December 31, 1988, pursuant to 42 U.S.C. 2167(d); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

639. A letter from the Chairman and President, Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting the 60th annual report of the work and operations of the Gorgas Memorial Laboratory for the fiscal year ending September 30, 1988 including a report on the audit of the institute, pursuant to 22 U.S.C. 278a; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

640. A letter from the Acting Secretary of Health and Human Services, transmitting the annual report on Medicare for fiscal year 1986, pursuant to 42 U.S.C. 139511(b); jointly, to the Committees on Ways and Means and Energy and Commerce.

641. A letter from the Secretary of Health and Human Services, transmmitting the report "Review of the Impact of the Reduction of the Composite Rate for Renal Dialysis on Access and Quality of Care," pursuant to 42 U.S.C. 1395rr nt.; jointly, to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEILENSON:

H.R. 1023. A bill to amend the Internal Revenue Code of 1986 to reduce the federal deficit by increasing the tax on gasoline and other motor fuels; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself and Mr. CAMPBELL of California):

H.R. 1024. A bill to encourage national cooperative research and commercialization; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 1025. A bill to amend the National Cooperative Research Act of 1984 with regard to joint ventures entered into for the purpose of producing, marketing, or distributing a product, process, or service; to the Committee on the Judiciary.

By Mr. DOWNEY:

H.R. 1026. A bill to amend title XVIII of the Social Security Act to maintain the current distribution of outlier payments for inpatient hospital services between payments for day outliers and payments for cost outliers for 3 fiscal years, to limit the degree of variation in such distribution in succeeding fiscal years, and to maintain the current formula for determining the amount of payment for day outliers; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1027. A bill to provide temporary duty-free treatment to 2,6-HNA; to the Committe on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 1028. A bill to require the Secretary of Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MORRISON of Washington (for himself and Mr. AUCOIN):

H.R. 1029. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Mr. BATES, Mr. LIPINSKI, Mr. OWENS of New York, Mrs. BENTLEY, and Mr. COSTELLO):

H.R. 1030. A bill to amend the Securities Exchange Act of 1934 to improve the protection of the public interest and of investors in corporate takeovers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROBERTS:

H.R. 1031. A bill to authorize the reformulation of the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, to provide for the amendment of water service and repayment contracts; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. ROYBAL:

H.R. 1032. A bill to provide assistance and coordination in the provision of child-care services for children living in homes with working parents, and for other purposes; to the Committee on Education and Labor.

H.R. 1033. A bill to establish the Civilian Conservation Corps II to perform such projects on public or Indian lands or waters as the Secretary of the Interior may authorize, and for other purposes; to the Committee on Education and Labor.

H.R. 1034. A bill to provide for payment by the United States for certain medical services and treatment provided to United States citizens and permanent residents suffering from physical injuries attributable to the atomic bomb explosions on Hiroshima and Nagasaki, Japan, in August 1945; to the Committee on the Judiciary.

H.R. 1035. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 1036. A bill to prohibit the importation of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself and Mr. ROBERT F. SMITH):

H.R. 1037. A bill to prohibit the sale for export of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Foreign Affairs.

By Mr. ROYBAL:

H.J. Res. 144. A joint resolution designating El Paseo de las Flores Pedestrian Promenade and Hispanic Vietnam Veterans Memorial in Los Angeles, CA, as the "Hispanic Vietnam Veterans National Memorial"; to the Committee on House Administration.

By Mr. RANGEL:

H. Con. Res. 53. A concurrent resolution to express the sense of the Congress urging the President to recognize and include the Director of National Drug Control Policy as a fully participating member of the President's Cabinet; to the Committee on Government Operations.

By Mr. SOLOMON:

H. Con. Res. 54. A concurrent resolution expressing the sense of the Congress that States and local governments should display the National League of Families POW/MIA flag; to the Committee on Post Office and Civil Service.

By Mr. DIXON:

H. Res. 79. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. FASCELL (for himself and Mr. BROOMFIELD):

H. Res. 80. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. ROYBAL:

H. Res. 81. A resolution establishing a pilot program of fellowships under the House of Representatives for persons who are blind or deaf; to the Committee on House Administration.

H. Res. 82. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Aging in the

1st session of the 101st Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

17. By the SPEAKER: Memorial of the Legislature of the State of Texas, relative to Seaman Dorris "Dorrie" Miller; to the Committee on Armed Services.

18. Also, memorial of the Legislature of the Commonwealth of the Mariana Islands, relative to including the Commonwealth of the Northern Mariana Islands within the jurisdiction of the United States; to the Committee on the Judiciary.

19. Also, memorial of the Legislature of the State of Washington, relative to salaries of Members of Congress, Federal judges and high administrative officials; to the Committee on Post Office and Civil Service.

20. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the steel voluntary restraint arrangements; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY:

H.R. 1038. A bill for the relief of Doctor Cornel A. Petrassevich; to the Committee on the Judiciary.

By Mr. TAUKE:

H.R. 1039. A bill for the relief of Kim Maeron; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SAVAGE, Mr. COLEMAN of Texas, Mr. EMERSON, Mr. RAY, Mr. MCDERMOTT, Mr. KILDEE, Mr. SMITH of Vermont, and Mr. BEVILL.

H.R. 29: Mr. SMITH of Texas and Mr. GEKAS.

H.R. 40: Mr. KOLBE, Mr. LANTOS, Mr. HOLLOWAY, and Mr. CROCKETT.

H.R. 169: Mr. PAXON, Mr. DOUGLAS, and Mr. HOLLOWAY.

H.R. 267: Mr. DARDEN, Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. KOLTER, Mr. SHUMWAY, Mr. DYSON, and Mr. SENSENBRENNER.

H.R. 269: Mr. TANNER.

H.R. 275: Mr. BLILEY.

H.R. 285: Mr. CROCKETT, Mr. SMITH of Florida, Mr. ACKERMAN, Mr. FAUNTROY, Mr. APPLEGATE, Mr. LEVIN of Michigan, Mrs. MEYERS of Kansas, Mr. DEFAZIO, Mr. WEISS, Mr. MCDERMOTT, Mr. VENTO, Mrs. COLLINS, Mr. OWENS of New York, Mr. COLEMAN of Texas, Mr. PENNY, Mr. ROE, Mr. BERMAN, Mrs. SAIKI, Mr. MURPHY, Mr. FOGLIETTA, Mr. BOEHLERT, Mr. KILDEE, Mr. DWYER of New Jersey, Mr. DAVIS, Mr. FRANK, Mr. MANTON, Mr. MARTINEZ, Mr. BUECHNER, Mr. FORD of Michigan, Mr. BROWN of California, Mr. JONTZ, Mr. TOWNS, and Mrs. BENTLEY.

H.R. 377: Mr. ARMEY, Mr. SCHUETTE, Mr. HOLLOWAY, Mr. KOLBE, Mr. UPTON, Mr. GRANDY, Mr. CONTE, Mr. OBEY, Mr. HORTON, Mr. FOGLIETTA, Mr. PETRI, Mr. CLINGER, Mr. BROWN of California, Mr. DAVIS, Mr. DE LUGO, and Mr. LANCASTER.

H.R. 381: Mr. WALSH, Mrs. SAIKI, Mr. CLINGER, Mr. SCHAEFER, Mr. WHITTAKER, and Mr. DE LUGO.

H.R. 423: Mr. MFUME, Mr. BAKER, Mr. BROWN of California, Mrs. BENTLEY, Mr. MILLER of Washington, Mr. RIDGE, Mr. LANCASTER, Mr. TOWNS, Mrs. JOHNSON of Connecticut, and Mr. POSHARD.

H.R. 425: Mr. PURSELL, Mr. DEFAZIO, Mr. CHANDLER, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. KILDEE, and Mr. DELLUMS.

H.R. 500: Mr. SPRATT, Mr. BRUCE, Mr. DWYER of New Jersey, Mr. FOGLIETTA, Ms. OAKAR, Mr. COOPER, Mr. TORRES, Mr. LIPINSKI, and Mr. DELLUMS.

H.R. 505: Mr. COELHO, Mrs. SCHROEDER, Mr. DERRICK, Mr. NELSON of Florida, Mr. SCHAEFER, Mr. GUNDERSON, Mr. HEFNER, Mr. HAYES of Louisiana, Mr. GINGRICH, Mr. FORD of Michigan, Mr. SABO, Mr. KOLTER, Mr. HENRY, Mrs. BOXER, Mr. WEISS, Mr. HOAGLAND, Mr. GILLMOR, Mr. SLATTERY, Mr. UPTON, Mr. DEFAZIO, Mrs. MEYERS of Kansas, Mr. STUMP, Mr. ROE, Mr. NEAL of North Carolina, Mr. SOLARZ, Mr. HORTON, Mr. SMITH of Florida, Mr. DYSON, Mr. SAWYER, Mr. BATES, Mr. DORNAN of California, Mr. ROWLAND of Connecticut, Mr. GUARINI, Mr. KOSTMAYER, Mr. BROWN of California, Mr. MCDADE, Mr. LENT, Mr. YOUNG of Alaska, Mr. COLEMAN of Missouri, Mr. MCHUGH, Mr. MATSUI, Mr. ENGEL, Mr. LANCASTER, Mr. BERMAN, Mr. OWENS of Utah, Mr. PASHAYAN, and Mr. KOLBE.

H.R. 537: Mr. GONZALEZ, Mr. BUSTAMANTE, Mr. FISH, Mr. VALENTINE, Mr. SOLARZ, Mr. HENRY, Mr. BURTON of Indiana, Mr. ERDREICH, Ms. OAKAR, Mr. WATKINS, Mr. GAYDOS, Mr. DYMALLY, Mr. SAVAGE, Mr. MATSUI, Mr. FAUNTROY, Mr. DORNAN of California, Mr. JONES of North Carolina, Mr. DWYER of New Jersey, Mr. WEISS, and Mr. WILSON.

H.R. 560: Mr. WILSON and Mr. BORSKI.

H.R. 561: Mr. WILSON and Mr. CONYERS.

H.R. 562: Mr. NIELSON of Utah, Mr. MURPHY, Mr. SOLOMON, and Mr. WHITTAKER.

H.R. 586: Mr. FOGLIETTA, Mr. SMITH of Vermont, Mr. DELLUMS, and Mr. GARCIA.

H.R. 634: Mr. STUMP, Mr. ROWLAND of Georgia, Mr. THOMAS of Georgia, Mr. DONALD E. LUKENS, Mr. LENT, Mr. MACHTLEY, Mr. GALLEGLY, Mr. RIDGE, Mr. GINGRICH, Mr. CRAIG, Mr. TANNER, Mr. SHUMWAY, Mr. KOLBE, Mr. MCCRERY, Mr. WALKER, Ms. SCHNEIDER, Mr. KOSTMAYER, Mr. OWENS of Utah, Mr. QUILLEN, Mr. HATCHER, Mr. RAVENEL, Mr. ROBERTS, Mr. HERGER, Mr. SHAYS, Mr. STALLINGS, Mr. ROHRABACHER, Mr. BAKER, Mr. COLEMAN of Missouri, Mr. CHAPMAN, Mr. CAMPBELL of California, Mr. CLINGER, Mr. HAMMERSCHMIDT, Mr. MONTGOMERY, Mr. NEAL of North Carolina, Mr. SMITH of Mississippi, Mr. STEARNS, Mr. PURSELL, Mr. DANNEMEYER, Mr. GRANDY, and Mr. ROE.

H.R. 651: Mr. OWENS of New York and Mr. DE LUGO.

H.R. 652: Mr. OWENS of New York, Mr. EVANS, Mr. FRANK, and Mr. DE LUGO.

H.R. 668: Mr. LANCASTER.

H.R. 676: Mr. GARCIA, Mr. ATKINS, Mrs. SAIKI, Mrs. MEYERS of Kanasas, Mr. FAWELL, Mr. WHITTAKER, Mr. DE LUGO, Mr. THOMAS of Georgia, and Mr. CROCKETT.

H.R. 679: Mr. JOHNSON of South Dakota and Mrs. COLLINS.

H.R. 706: Mr. MFUME, Mr. DWYER of New Jersey, Mr. DE LUGO, Mr. ACKERMAN, Mr. OWENS of New York, Mr. FAZIO, Mr. TOWNS, Mr. CROCKETT, Mr. MRAZEK, Mr. DELLUMS, and Mr. STOKES.

H.R. 725: Mrs. LOWEY of New York, Mr. SHAYS, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, and Mr. WELDON.

H.R. 766: Mr. WEISS, Mr. PALLONE, and Mr. FISH.

H.R. 768: Mr. HORTON.

H.R. 794: Mr. HAYES of Illinois.

H.R. 825: Mr. DYMALLY, Mr. FAUNTROY, Mr. MARTINEZ, Mr. STUDDS, Mr. DWYER of New Jersey, Mr. OWENS of New York, Mr. RUSSO, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. ACKERMAN, Mr. ATKINS, Mr. LIPINSKI, and Mrs. MORELLA.

H.R. 826: Mr. OWENS of New York and Mr. GORDON.

H.R. 973: Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. OWENS of New York, Mrs. KENNELLY, and Mr. KASTENMEIER.

H.R. 979: Mr. HUGHES and Mr. SMITH of New Jersey.

H.J. Res. 34: Mr. HOLLOWAY, Mr. GRANDY, and Mr. LOWERY of California.

H.J. Res. 77: Mr. MCDERMOTT, Mr. DE LUGO, Mr. KOLTER, Mr. FISH, Mr. BONIOR, Mr. ENGEL, Mr. FAZIO, Mr. TOWNS, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. LANTOS, Mr. BRUCE, Mr. GORDON, Mr. COOPER, and Mr. BLILEY.

H.J. Res. 103: Mr. DANNEMEYER, and Mr. HUNTER.

H.J. Res. 114: Mr. PAXON.

H.J. Res. 124: Mr. BEVILL, Mr. BONIOR, Mr. BROOMFIELD, Mr. CARR, Mr. CLINGER, Mrs. COLLINS, Mr. CROCKETT, Mr. DAVIS, Mr. DERRICK, Mr. ESPY, Mr. FAUNTROY, Mr. FLIPPO, Mr. FOGLIETTA, Mr. GOODLING, Mr. HATCHER, Mr. HENRY, Mr. HERTEL, Mr. HORTON, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. KILDEE, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. DONALD E. LUKENS, Mr. MCHUGH, Mr. NEAL of Massachusetts, Mr. ROE, Mr. SARPALIUS, Mr. SAVAGE, Mr. SCHUETTE, Mr. SKELTON, Mr. STAGGERS, Mr. STENHOLM, Mr. TALLON, Mr. WILSON, Mr. WISE, and Mr. WOLPE.

H.J. Res. 131: Mr. FLAKE, Mrs. BOXER, Mr. SMITH of Florida, Mr. FAZIO, Mr. TRAXLER, Mr. CROCKETT, and Mr. DIXON.

H.J. Res. 138: Mr. HUGHES and Mr. SMITH of New Jersey.

H. Con. Res. 7: Mr. HILER, Mr. HASTERT, and Mr. GALLO.

H. Con. Res. 36: Mr. LENT.

H. Res. 23: Mr. YATRON, Mr. LAGOMARSINO, Mr. FORD of Michigan, Mr. BUECHNER, Mr. COSTELLO, Mr. FAZIO, and Mr. DELLUMS.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1988:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . .

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

Organization or Individual Filing	Employer/Client
Leanne J. Abdnor, 2000 Pennsylvania Avenue, NW, #3580 Washington, DC 20006	Koch Industries
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Florist's Transworld Delivery Assn
L. Wayne Addison, 5800 Quantrell Avenue, #310 Alexandria, VA 22003	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers
Alagia Day Marshall Mintmire & Chauvin, 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007	Santa Fe Pacific Pipelines, Inc
David J. Anderson, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Medical Imaging Corp
Do	6-Twelve Convenient Mart, Inc
Kevin M. Aslanian, 1000 Wisconsin Ave, NW Washington, DC 20007	National Welfare Rights and Reform Union
Marguerite D. Ayers, 10 Light Street P. O. Box 987 Baltimore, MD 21203	MNC Financial, Inc
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	Philip Morris Management Corp
Sheila Bair, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc
Gary H. Baise, 1333 New Hampshire Avenue, NW Washington, DC 20036	Beveridge & Diamond, P.C. (For:Pacific Dunlop-GNB)
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Greater New York Hospital Assn
Do	Renal Physicians of Texas
Do	West Point Pepperell, Inc
Baker Worthington Crossley Stansberry & Woolf, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Airlines, Inc
Do	Dunigan Enterprises
Do	Federal Express Corp
Do	Philip Morris Management Corp
Do	Public Service Company of New Mexico
Do	Warner-Lambert Company
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc
Robert R. Belair, 1800 M Street, NW South Lobby, 9th Floor Washington, DC 20036	Kirkpatrick & Lockhart (For:National Institute for Citizen Education in the Law)
Gene S. Bergoffen, 1800 M St., NW Washington, DC 20036	National Private Truck Council
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Landmark Hotel Corp
Margot Bester, 2300 M Street, NW, #130 Washington, DC 20037	Murphy & Demory, Ltd (For:Com-Land Group, Inc)
Do	Murphy & Demory, Ltd (For:United States Telephone Association)
Beveridge & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	City of Bluefield, WV, et al.
Sheldon D. Beychok, P.O. Box 2924 Baton Rouge, LA 70821	Ramsay Hospital Corporation of Louisiana, Inc
Birch Horton Bittner Cherot & Anderson, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Kodiak Island Borough
Jim Blomquist, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club
Anne Bloom, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Josh Bowers, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees
Raymond F. Bragg Jr., Two Lafayette Center 1133 21st Street, NW, #500 Washington, DC 20036	Federal Stategies, Inc (For:American Independent Refiners Assn)
Do	Federal Strategies, Inc (For:Consolidated Natural Gas Company)
Do	Federal Strategies, Inc (For:Enviromental Power Corp)
Do	Federal Strategies, Inc (For:National Hydropower Assn)
Do	Federal Strategies, Inc (For:Tosco)
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co
David A. Brody, 1050 Seventeenth Street, NW Washington, DC 20036	American Fiber Manufacturers Assn
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:SuperComputers, Inc)
Gary A. Brown, 1722 I Street, NW, 6th FL Washington, DC 20006	Powers Harsch & Kinder (For:Aspen Technology)
Do	Powers Harsch & Kinder (For:City of Cranston)
Do	Powers Harsch & Kinder (For:Pyropower Corporation)
Do	Powers Harsch & Kinder (For:Solv-Ex Corporation)
Burnham & Heller, 4140 Miller Road Ann Arbor, MI 48103	Accident Fund of Michigan
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	McDonnell Douglas Helicopter Company
Do	Optic-Electronic Corp
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	CenTrust Savings Bank
Do	Southland Corporation
Canady Law Legislative Group, 310 N. Grand Ave., #110 Lansing, MI 48933-1279	
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Enid Joint Industrial Foundation
Do	Michigan Biotechnology Institute
Do	University of Pennsylvania
Do	University of Pittsburgh-Presbyterian Univ. Hospital
Do	Western Townships Utilities Authority
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation
Coalition of American Steel Using Manufacturers, 555 13th Street, NW, #800 Washington, DC 20004	
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #306 Washington, DC 20007	Lykes Brothers, Inc
Compressed Gas Assn/Helium Advisory Council, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	
Veronica Compton, Reg. #276077 P.O Box 17 Gig Harbor, WA 98335-0017	
Jeffrey Neal Cotton, 329 East Ridgewood Ave., 1F Ridgewood, NJ 07450	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Illinois Department of Public Aid
Do	New York State Office of Mental Retardation and Devel...
Do	State of Idaho
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Singapore Trade Development Board
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	National Assn of Securities and Commercial Attorneys
Becky L. Davenport, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation & International Ice Cream Assn
Gregory L. Davis, 1411 K Street, NW, #500 Washington, DC 20005	District of Columbia Chamber of Commerce
Margaret N. Davis, 1020 16th Street, NW Washington, DC 20036-5754	Enron Corp
Richard S. Davis, 1333 New Hampshire Ave., NW, #900 Washington, DC 20036	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Underwriters of Lloyd's, London
Davis Polk & Wardwell, 1575 Eye St., NW, #400 Washington, DC 20005	Morgan Stanley & Co., Inc
Mark A. De Bernardo, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.
B. Rey De Castro, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Trevia A. Dean, 1250 24th St., NW, #600 Washington, DC 20037	Dean & Company (For:Gold & Liebengood, Inc (for Investment Company Institute))
Do	Dean & Company (For:Manatt Phelps Rothenberg & Evans (for Philip Morris Cos,Inc))
William E. Deegans, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation
Kathryn A. Delahanty, 206 G Street, NE, #201 Washington, DC 20002	Coalition Against Noneffective Technologies (Can't)
Do	Foley & Company (For:East Los Angeles Doctors Hospital)
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW, #350 Washington, DC 20004-2505	Equitable Life Assurance Society of the U.S.
Do	Financial Institution Retirement Fund
Willard L. Demory, 2300 M St., NW, #130 Washington, DC 20037	Murphy & Demory Ltd (For:United States Telephone Association)
Lisa M. DeFusco, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Embassy of Japan
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Financial Companies, Inc)
Anthony F. DiPasquale, 1101 John A. Denie Road P.O. Box 34550 Memphis, TN 38184-0550	
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Carlyle Group
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers
Kenneth J. Dupin, 2302 Oakland Blvd., NW Roanoke, VA 24012-3914	Robins Carbide Reynolds Fund (RCR Fund)
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Council for Solid Waste Solutions
Do	Sims Walker & Steinfeld, P.C. (For:Freight Undercharge League)
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Bobbie Brooks Inc
Do	Liberty Maritime Corporation
Do	Liberty Shipping Group Limited Partnership
Do	REN Corporation, USA
Do	The Pillsbury Company
Do	The Torrington Company
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
James L. Ervin, 499 South Capitol Street, SW, #520 Washington, DC 20003	Keystone Diagnostics, Inc
Cheri L. Farha, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn
Sarah N. Feazelle, 2302 Oakland Blvd., NW Roanoke, VA 24012-3914	Robins Carbide Reynolds Fund (RCR Fund)
Feingerts & Kelly, PLC, Poydras Center, #2750 650 Poydras Street New Orleans, LA 70130-6161	Middle South Utilities, Inc
Amy Feldman, 105 East 22nd Street New York, NY 10010	Community Service Society
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems
Do	Giant Cement Company
Do	Home Group

Organization or Individual Filing	Employer/Client
Douglas S. Foxley, 50 South Main, #975 Salt Lake City, UT 84144	Reese Communications Companies
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Madison Public Affairs Group, Inc
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America
Lucie Kristie Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Watts & Company Communications, Inc
Robert C. Gilardi, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Heliun Advisory Council
Glenn Irvin Murphy Gray & Stepp, 1325 Laurel Street P.O. Box 1550 Columbia, SC 29202	Dr. Allen P. Bruner
Do	Mr. & Mrs. Peter Buyck
Do	Joy B. Carpenter
Do	Congaree River Limited Partnership
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	South Louisiana Port Commission
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Philip Morris Company
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc
Alan Goodfader, 2300 M Street, NW, #130 Washington, DC 20037	Murphy & Demory, Ltd
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc. (For:Assn for the Advancement of Human Rights)
Do	Hill and Knowlton, Inc (For:Church of Scientology International)
Arthur J. Gregg, 7736 Rockledge Court Springfield, VA 22152	Cable TV Assn of MD, DE & DC
Jeffrey J. Grieco, 2300 M Street, NW, #130 Washington, DC 20037	Murphy & Demory, Ltd (For:Com-Land Group, Inc)
Do	Murphy & Demory, Ltd (For:Korea Tacoma Marine Industries, Ltd)
Do	Murphy & Demory, Ltd (For:Tridec Westinghouse)
Melanie Griffin, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America
Shannon P. Guiney, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Prime Computer, Inc
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance
Brian T. Hanson, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company
Edgar Hatcher, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Assn
Jerry L. Hatcher, 2302 Oakland Blvd., NW Roanoke, VA 24012-3914	Robins Carbide Reynolds Fund (RCR Fund)
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Renewable Fuel Association
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	American Meat Institute
Do	U.S. Mink Export Development Council
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Tohono O'odham Nation
Deanna Hodge, 606 North Washington Street Alexandria, VA 22314	American Society for Personnel Administration
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	State Street Bank
Darnell K. Horio, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	United Gas Pipe Line Company
Michael Hugo & Associates, Inc, 3414 N. Emerson Street Arlington, VA 22207	Professional Services Council
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Government of Pakistan
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation
Carl T. Johnson, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Helium Advisory Council
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	American Nuclear Energy Council
Do	Premier Industries
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Texaco, Inc
Kelley Drye & Warren, 1330 Connecticut Ave., NW, #600 Washington, DC 20036	Fuji Electric Co, Ltd
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers
Kemper Financial Companies, 120 South LaSalle Street Chicago, IL 60603	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	Perkinson and Associates
John Kendrick, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	West Point-Pepperell, Inc
Robert B. Kingsley, 1411 K Street, NW, #1005 Washington, DC 20005	United Electrical Radio & Machine Workers of America
Sharon Kirk, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Jon Kiser, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503	
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Paul D. Lamberth, 6701 Democracy Blvd., #300 Bethesda, MD 20817	
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Calderon Automation, Inc
Do	Trust Corp, Inc
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	Martin Marietta Corporation
Do	Optur
Peter A. Lefkin, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	Firemans Fund Insurance Cos
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Dale Leibach, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather Public Affairs
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill and Knowlton, Inc (For:Kohler Company)
Gene L. Locke, 3303 Main Street, #300 Houston, TX 77002-6392	Reese Communications Companies
Stephen G. Lodge, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Greater New York Hospital Assn
Peter A. Loomis, One Commercial Place Norfolk, VA 23510-2103	Sovran Financial Corp
Ann M. Lowell, P.O. Box 6065 Mid City Station Washington, DC 20005	Military Marketplace Assn
Thomas A. Luebbers, 425 Walnut Street, #2200 Cincinnati, OH 45202	Reese Communinications Companies
Jack Lyman, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Robert A. Macrory, C/O Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc
Madison Public Affairs Group, Inc, 2033 M St., NW, #900 Washington, DC 20036	Philip Morris USA
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group
Daniel C. Maldonado, 1030 15th St., NW #468 Washington, DC 20005	NI Industries
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	Control Data Corporation
Susan McCaffrey, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Wolverine Exploration)
McKenna Conner & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Company)
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	McNair Law Firm, P.A. (for Columbia Farms)
Do	McNair Law Firm, P.A. (for Westinghouse Electric Corp)
Susan McNally, 1667 K Street, NW, #710 Washington, DC 20006	Baxter
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)
Harold E. Mesirow, 919 18th Street NW, #800 Washington, DC 20006	Lane & Mittendorf (For:Foss Maritime, Inc)
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	National Wool Growers Assn, Inc
Meyers & Associates, 412 First St., SE, #40 Washington, DC 20003	Texas International Education Consortium
Laurie J. Micciche, 1747 Pennsylvania Ave., NW Third Floor Washington, DC 20006	Occidental Chemical Corp
Michael C. Middleton, Ten Light Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	John Hopkins University
Miller Hamilton Snider & Odom, Post Office Box 46 Mobile, AL 36601	Charter Federal Savings & Loan Assn
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute
Eric Mondres, 1601 Duke Street Alexandria, VA 22314	Society of American Florists
Eugene Moos, 517 C Street, NE Washington, DC 20002	Lesher Russell & Moos, Inc
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Abecitrus
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	U.S. Assn of Importers of Textile and Apparel (USITA)
Betty J. Munis, 1301 Pennsylvania Ave., #300 Washington, DC 20004	Public Lands Council
Daniel J. Murphy, 2300 M Street, NW, #130 Washington, DC 20037	Murphy & Demory, Ltd (For:Com-Land Group, Inc)
Do	Murphy & Demory, Ltd (For:Korea Tacoma Marine Industries, Ltd)
Do	Murphy & Demory, Ltd (For:Tridec Westinghouse)
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	Sweetner Users Assn
National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004	
National Assn of Securities and Commercial Attorneys, 1401 New York Ave., #740 Washington, DC 20005	
National Postal Mail Handlers Union, One Thomas Circle, #525 Washington, DC 20005	

Organization or Individual Filing	Employer/Client
Joseph L. Nellis, 1015 15th Street, NW, #1100 Washington, DC 20005	Pharmacy Freedom Fund
Janis A. Nero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Frederick H. Nesbitt, 1750 New York Ave., NW Washington, DC 20006-8484	International Assn of Fire Fighters
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Viacom International
Thomas E. Owens, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn
Pagonis & Donnelly Group, Inc., 1620 I Street, NW, #202 Washington, DC 20006	Association of High Medicare Hospitals
Virginia N. Pape, 888 17th Street, NW, #308 Washington, DC 20006	American Stock Exchange
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Penny L. Parkin, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical USA
Joseph Pattok, 1730 Rhode Island Ave., NW Washington, DC 20036	Natioanl Solid Wastes Management Assn
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Reinsurance Assn of America
Monica S. Pemwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Alliance for America's Homeowners
Perkinson & Associates, Inc, 453 New Jersey Ave., SE Washington, DC 20003	Alliance for America's Homeowners
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)
Do	Bannerman and Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines))
Robert A. Peters, 1730 Rhode Island Ave., NW, Washington, DC 20036	National Solid Wastes Management Assn
Susan M. Pettey, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Paul Pierpoint, P.O. Box 6065 Mid City Station Washington, DC 20005	Military Marketplace Assn
Sarah J. Pratt, 1050 17th Street, NW, #700 Washington, DC 20036	National Ocean Industries Assn
Public Land Users Society, 6824 19th West P.O. Box 282 Tacoma, WA 98466	
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:Beverly Johnson)
Do	Stoel Rives Boley Jones & Grey (For:Capital Markets)
William R. Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn
David S. Reed, P.O. Box 18092 Washington, DC 20036	EDS Federal Corporation
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	National Association of Realtors
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Sloid Wastes Management Assn
Larry D. Rickards, 600 Maryland Ave., SW, #208 Washington, DC 20024	National Assn of Area Agencies on Aging
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Committee of National Security Cos, Inc
Do	Cook Group
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion
Nancy Robleski, 1825 K Street, NW, #218 Washington, DC 20006	American Society of Mechanical Engineers
Barry K. Rogstad, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference Inc
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress
H. B. Sandford, 1127 11th Street, #1003 Sacramento, CA 95814	Capital Representation Group, Inc (For:Reese Communications Companies)
Kim Schnoor, 1667 K Street NW, #900 Washington, DC 20006	Robinson Lake Lerer & Montgomery (For:Napa Flood Control and Water Conservation District)
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn fo the U.S.
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Physicians Medical Laboratories
Stephen I. Schwartz, 1436 U Street, NW Washington, DC 20009	Greenpeace USA
Harold L. Segall, 1333 New Hampshire Ave., NW, #900 Washington, DC 20036	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)
Joseph Thomas Sella, 511 5th Street, NE, No.1 Washington, DC 20002	National Postal Mail Handlers Union
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Jim Walter Corp
William E. Shoehigh, 1750 New York Ave., NW Washington, DC 20006-8484	International Assn fo Fire Fighters
Susan Siemietkowski, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America
Stephen Silbiger, 1625 L St., NW Washington, DC 20036	American Jewish Congress
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:Liberty Shipping Group)
Marcia Silverman, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather Public Affairs
David J. Simon, 1504 Colonial Terrace Arlington, VA 22209	National Parks and Conservation Assn
Jaswant B. Singha, 1622 N. 31st Ave. (3A) Melrose Park, IL 60160	
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Richard L. Sinnott & Company (For:Intermec Corp)
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For:Dalan/Jupiter, Inc)
Do	E. Del Smith and Company (For:U.S. Escrow)
Jeffrey C. Smith, 655 15th Street, NW, #310 Washington, DC 20005	Assn of Private Weather Related Companies (APWRC)
Do	Committee for Private Offshore Rescue and Towing (C-PORT)
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202	
Owen T. Smith, Mill River Road Oyster Bay, NY 11771	Reese Communication Companies
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Alliance for America's Homeowners)
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	Ambrosia Chocolate
Do	Bank Street College
Darlene Snow, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
Society of Real Estate Appraisers, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Company
Kathryn A. Steckelberg, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc
Stephen P. Strickland, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation
Dorothy E. Stucke, 1111 14th Street, NW, #900 Washington, DC 20005	National Apartment Assn
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees
Jay R. Sullivan, 2300 M Street, NW, #130 Washington, DC 20037	Murphy & Demory, Ltd (For:TRIDEC Westinghouse)
Jeffrey Sumberg, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees
Stephen Sutton, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Government of Bermuda
T. Daniel Tearno, 1825 Eye Street, NW, #400 Washington, DC 20006	Miller Brewing Company
Richard Paul Teske, 218 3rd Street, SE Washington, DC 20003	Burroughs Wellcome Co
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of the USDA
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20004	Theodoros Anagnostopoulos
Do	CareerCom Corp
Susan K. Till, 955 L'Enfant Plaza, SW, #1202 Washington, DC 20024	National Water Resources Assn
Jean R. Toohey, 655 15th Street, NW #225 Washington, DC 20005	Rhone-Poulenc Inc
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Company
John H. Turner, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn
William R. Van Dresser, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn
H. Stewart Van Scoyoc, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:USF&G Corp)
Jean Vernet, 105 East 22nd Street New York, NY 10010	Community Service Society
M. Allan Vogelson, 35 Kings Highway East Haddonfield, NJ 08033	Reese Communications Companies
Robert A. Wait, 1710 Rhode Island Ave., #400 Washington, DC 20036	General Foods Corportion
Nancy Wallace, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance
Webster & Sheffield, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Tobacco Institute
Daniel Weiss, 330 Pennsylvania Avenue, SE Washington, DC 20003	Sierra Club
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors
Jeffrey T. Whipple, 111 W. Washington Street Chicago, IL 60602	Reese Communications Companies
Leland J. White, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Sun Exploration and Production Co
Whitworth & Associates, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Mesa Limited Partnership
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Keystone Provident Life Insurance Co
Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc
Warren A. Wilson III, 624 US Highway 19 South Palm Harbor, FL 34684	Reese Communications Companies
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Defense Products Marketing, Inc
Linda Womack, 2100 E. Exchange Place Tucker, GA 30085-1349	Oglethorpe Power Corp
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees
John H. Zimmerman, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1988:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $....."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor ("Period" from Jan. 1 through....., 19.....)*
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than Item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_____

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	4,166.66	1,392.82
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	1,392.82
Do	Tobacco Institute	29,512.50	1,392.82
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	65.00	16.00
Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211	U.S. Cane Sugar Refiners' Assn		
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	2,000.00	
Charles A. Acquard, 2302 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		22,896.00	843.43
Ad Hoc Comm for Universal Comprehensive Health & Dental Care, 12151 Bayprot St., Bldg 10, #310 Garden Grove, CA 92640.			
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Vepco		
John M. Adams, 225 N. Washington St. Alexandria, VA 22314	Retired Enlistes Assn	279.00	89.00
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America	481.25	132.25
L. Wayne Addison, 5800 Quantrell Avenue, #310 Alexandria, VA 22003			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp		
Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	4,500.00	1,500.00
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		13,602.85	13,602.85
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons	8,540.00	
Do	Association for Gerontology in Higher Education	750.00	
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company	100.00	100.00
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	2,000.00	544.47
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		115.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			1,836.65
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		168.66	168.66
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		5,286,691.00	69,088.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	600.00	6.00
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	17,000.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Aldrich Eastman Waltch, Inc	200.00	
Do	Amerada Hess Corp		
Do	American Nuclear Energy Council		
Do	American Stores Co	650.00	
Do	American Telephone & Telegraph Co	400.00	
Do	Bank of New York		
Do	Boston Company	200.00	
Do	Buckeye Pipeline Co, L.P.		
Do	Cambridge Information Group	1,200.00	19.00
Do	Charles Jacquin et Cie, Inc		
Do	City of Philadelphia		
Do	Clark/Bardes Organization, Inc	4,145.00	76.00
Do	Commercial Metals Co		
Do	COMSAT Corp		
Do	Distilled Spirits Council of the U.S., Inc	5,590.00	95.00
Do	Drexel Burnham Lambert, Inc	14,938.00	267.00
Do	First City Bankcorporation of Texas, Inc		
Do	Fujitsu America, Inc		
Do	W. R. Grace & Co	750.00	
Do	Gulf & Western Industries, Inc		
Do	Hasbro Industries, Inc	200.00	
Do	Houston Oilers		
Do	Jacquin's		
Do	John Zink Company		
Do	Peter Kiewit Son's, Inc	1,325.00	19.00
Do	Levi Strauss & Co		
Do	Lone Star Steel Co		
Do	Long Island Lighting Co	1,150.00	19.00
Do	McDonnell Douglas Corp	600.00	
Do	Mesa Petroleum Co	5,500.00	95.00
Do	Metropolitan Transit Authority of Harris County	1,000.00	19.00
Do	Minnesota Power	50.00	
Do	Morgan Stanley & Co, Inc		
Do	Motion Picture Assn of America, Inc	11,900.00	228.00
Do	Mutual Fairness Taxation Assn		
Do	National Football League		
Do	National Health Laboratories		
Do	Nevada Resorts Assn	2,470.00	38.00
Do	News America		
Do	Pepsico, Inc	650.00	
Do	Pharmaceutical Manufacturers Assn		
Do	Population Services International		
Do	Property Capital Advisors, Inc	200.00	
Do	Reebok International Ltd		
Do	RJR Nabisco, Inc	1,000.00	19.00
Do	Shell Oil Co	500.00	
Do	Southern California Edison Co	5,620.00	95.00
Do	Texas Air Corp		
Do	Texas Education Agency	1,270.00	19.00
Do	Todhunter International, Inc		
Do	United Illuminating Co	300.00	
Do	Warner-Lambert Co		
Do	Wertheim & Co	100.00	
Do	Wien Airlines	2,600.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William E. Albers, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)	1,500.00	
David Alberswerth, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	305.93	
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)	29.00	
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	14.50	
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Charter National Life Insurance Co)		
Do	Cadwalader Wickersham & Taft (For:Clark/Bardes Organization, Inc)		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Eastern Air Lines, Inc)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)		
Do	Cadwalader Wickersham & Taft (For:Henley & Co, Inc)		
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)		
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)		
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	14.50	
Do	Cadwalader Wickersham & Taft (For:PepsiCo, Inc)	43.50	
Do	Cadwalader Wickersham & Taft (For:Raychem Corp)		
Do	Cadwalader Wickersham & Taft (For:Scott Paper Co)	14.50	
Do	Cadwalader Wickersham & Taft (For:United Brands Co)		
John D. Allan, c/o Doh Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc		
Alexandra Allen, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	4,615.38	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,855.00	444.14
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Assn	7,500.00	
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		15,000.00	936.73

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		95,000.00	92,872.72
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195			36,787.57
Alliance of Nonprofit Mailers, 2001 S Street, NW, #540 Washington, DC 20009		1,616.46	1,809.99
Alliance to Save Energy, 1925 K Street, NW, #206 Washington, DC 20006			1,771.27
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
James E. Allred, 815 16th St., NW, #511 Washington, DC 20006	Transportation - Communications Union		
Alltel Corporation, 100 Executive Parkway Hudson, OH 44236			75.00
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			1,999.60
Loren J. Alter, 231 Martingale Road Schaumburg, IL 60196	Zurich-American Insurance Companies		
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	419.93
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,800.00	199.50
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	9,000.00	7,917.60
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	4,000.00	37.57
American Academy of Family Physicians, 8800 Ward Parkway Kansas City, MO 64114		17,422.81	17,422.81
American Academy of Ophthalmology, 1101 Vermont Ave., NW, #300 Washington, DC 20005			
American Assn for Marriage & Family Therapy, 1717 K Street, NW, #407 Washington, DC 20006			34,409.00
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		1,431.15	50.00
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			180.36
American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		86,841.32	86,841.32
American Business Conference, Inc, 1730 K Street, NW, #703 Washington, DC 20006		3,840.00	2,322.86
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		7,247.00	3,999.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		49,897.68	49,897.68
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			5,000.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		154,161.00	154,161.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			158,661.69
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		3,240.00	3,240.00
American Fiber Manufactures Association, Inc, 1150 17th St., NW, #310 Washington, DC 20036		34,188.00	2,500.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		6,000.00	6,000.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,706.02	10,606.22
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			2,462.80
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		4,933.00	4,933.00
American International Group, Inc, 70 Pine Street New York, NY 10270			54,313.78
American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001		264,911.00	157,333.31
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,360.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		144,750.00	15,857.62
American Library Assn, 50 E. Huron St. Chicago, IL 60611		675.00	7,407.20
American Logistics Association, 1133 15th Street, NW, #640 Washington, DC 20005			
American Lung Assn of Maryland, 1301 York Rd., #705 Lutherville, MD 21093			
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202			2,276.93
American Meat Institute, P.O. Box 3556 Washington, DC 20007			6,500.00
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			82,000.27
American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814			
American Medical Peer Review Assn, 440 First Street, NW, #510 Washington, DC 20001			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			1,000.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		7,879.63	7,879.63
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		33,779.91	33,779.91
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			5,740.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		161,810.75	205,713.06
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		5,286.44	5,286.44
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			24,044.59
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		149,406.88	135,691.60
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		87,678.00	87,678.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			9,011.00
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		300.00	300.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,385.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			31,553.80
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			1,800.00
American Soybean Association, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107		9,900.00	
American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042		160.00	160.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		33,758.22	41,491.99
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1023 15th Street, NW, #300 Washington, DC 20005		1,000.00	675.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		367,323.16	431.04
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		8,376.39	8,376.39
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		146.00	146.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Coalition for American Energy Security	4,500.00	
Do	Nathan Lewin (for 47th Street Photo)	7,500.00	
Do	Northrop Corp	3,000.00	
Do	Thompson Medical Co	4,000.00	
Jan S. Amundson, 1331 Pennsylvania Ave., #15 N. Washington, DC 20004-1703	National Assn of Manufacturers		
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Company (For:Graphic Communications International Union)	350.00	
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Burlington Northern, Inc)	785.75	
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)		
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)	610.75	7.90
Do	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Bette B. Anderson, 1020 19th St., NW, #500 Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Byron Anderson, 801 17th St., NW Washington, DC 20005	Federal Asset Disposition Assn	1,458.00	
David J. Anderson, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	500.00	
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute	50.00	
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
Steven C. Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	5,000.00	
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	300.00	
William C. Anderson, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		54.75
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	875.00	254.13
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	2,862.76
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	American Malting Barley Assn	12,000.00	
Do	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	500.00	
Philip H. Anns, 1101 Vermont Avenue, NW, #405 Washington, DC 20005	A. H. Robins Co	3,000.00	389.00
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	4,950.00	
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	2,325.00	
John Archer, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Medical Imaging Corp		
Do	Ameritech		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Central States SE & SW Areas Health Welfare & Pension Funds	102,784.61	856.49
Do	Colorado River Indian Tribes	2,970.50	53.10
Do	Guardian Life Insurance Co of America	26,050.70	843.00
Do	Independent Federation of Flight Attendants	15,000.00	620.00
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores	17,544.00	1,025.48
Do	National Field Selling Assn	414.00	
Do	National Parking Association	2,202.23	337.87
Do	SO-PAK-CO, Inc	944.04	
Do	Toshiba America, Inc	91,386.35	7,083.54
Do	Toshiba International Corp		
Do	Toyota Motor Corporation		
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	500.00	
Do	Ashland Oil Co	750.00	
Do	Corporate Property Investors	999.96	
Do	Quintana Petroleum Corp	937.44	
John E. Arnold, 1725 Jefferson Davis Highway, #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants	615.00	16.75
Do	Amok, Ltd, et al		0.75
Do	Asea AB		
Do	Asocolflores		
Do	Bank of Montreal		
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Business Roundtable		
Do	Cemal		
Do	Chubb Corporation		
Do	Continental Corporation	416.25	
Do	Donohue & Associates, Inc		
Do	Earthquake Project		
Do	Fluor Corporation		
Do	Grain & Feed Trade Assn		
Do	International Commodities Clearing House		
Do	London Commodity Exchange (1986) Limited		
Do	London International Financial Futures Exchange, Ltd		
Do	LyphoMed, Inc		
Do	Metal Market & Exchange Co, Ltd		
Do	Mutual of America	552.50	
Do	MCorp	935.00	
Do	Philip Morris Cos, Inc	165.00	18.00
Do	Recording Industry Assn of America, Inc		
Do	Republic of Panama	527.62	1.67
Do	Sacramento Municipal Utility District		
Do	State Farm Mutual Automobile Insurance Co	30,323.25	650.09
Do	Survival Technology, Inc		
Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001	Venezolana de Cementos	16,320.00	
Thomas M. Arrasmith, 1801 K Street, NW, #1200 Washington, DC 20006	Alliance for Justice	117.18	
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	IBM Corp	292.50	132.93
Michael Ashford, 2030 M Street, NW Washington, DC 20036	Coalition on Smoking or Health	18,650.00	14,916.10
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Common Cause	4,000.03	347.00
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Clorox Company		
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Association of Bank Holding Companies	2,875.00	
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852	Public Service Co of New Hampshire	800.00	32.00
Associated Credit Bureaus, Inc, 16211 Park 10 Place Houston, TX 77084			
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006		1,500.00	
Association for Commuter Transportation, Inc, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036			14,537.90
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051			
Association of American Law Schools, One Dupont Circle, NW, #370 Washington, DC 20036		18,693.88	268.00
Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036			
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		9,042.17	9,042.17
Association of American Veterinary Medical Colleges, 1023 15th Street, NW, 3rd Floor Washington, DC 20005		122,560.32	122,560.32
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016			
Association of Maximum Service Telecasters, Inc, 1730 M St., NW, #713 Washington, DC 20036		12,000.00	10,899.00
Association of Private Pension & Welfare Plans, Inc, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004			487.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		21,535.84	21,535.84
Association of Urban Universities, 501 I St. S.W. Washington, DC 20024		10,545.50	10,545.50
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202		50,000.00	14,195.39
Michael G. Atieh, 1615 L St., NW, #1320 Washington, DC 20036	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Merck & Co, Inc	1,000.00	130.22
Do	Arthur Andersen & Co		
Do	Fujitsu, Ltd		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071	Seiko Epson		
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006			498.54
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	Motion Picture Assn of America, Inc		
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	National Fed of Independent Business	3,189.00	200.00
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	American Assn of Meat Processors		
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101	Overseas Education Assn, Inc	676.96	356.20
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036			
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Unisys Corp	2,000.00	719.00
Avon Products, Inc, 9 West 57th St. New York, NY 10019	Common Cause	7,056.24	520.12
William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203		1,272.50	50.00
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	American Boiler Manufacturers Assn, Inc		
Merribel Symington Ayres, Metropolitan Square #205 655 15th Street, NW, Washington, DC 20005	Mil Davie Inc		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	National Independent Energy Producers		
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	Boeing Company		
Do	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	Shee Atika, Inc		
Brent A. Baglien, 725 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen		
Franklin Eugene Bailey, 1110 Vermont Ave., NW #430 Washington, DC 20005	National Grain & Feed Assn		
George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101	National Cotton Council of America	16,042.50	2,384.46
Sheila Bair, 1800 K Street, NW, #1100 Washington, DC 20006	CSX Transportation		
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	New York Stock Exchange, Inc		
Gary H. Baise, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Pacific Dunlop-GNB)		
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	American Consulting Engineers Council	400.00	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Fleet Reserve Assn		
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	664.50
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	National Rifle Assn of America	1,370.70	84.12
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Chemical Manufacturers Assn, Inc	225.00	31.00
Do	American Protestant Health Assn	18,000.00	100.00
Do	Biotechnology General, Inc		100.00
Do	Committee for a Just Animal Drug Law	17,150.00	100.00
Do	Hospital Insurance Forum		100.00
Do	Hyatt Corp		355.97
Do	Loyola University	175.00	
Do	Missouri Baptist Hospital	3,644.00	
Do	National Assn of Nuclear Pharmacies		
Do	National Restaurant Assn		
Do	Organ Recovery Systems	2,000.00	
Do	Puerto Rico Hospital Assn	1,000.00	50.00
Do	Uniden Corp of America		
Do	United Methodist Assn of Health & Welfare Ministries	51,254.69	100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Western Fuels Assn, Inc		
Baker Worthington Crossley Stansberry & Woolf, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Airlines, Inc	220.00	
Do	Dunigan Enterprises	120.00	
Do	Federal Express Corp	700.00	
Do	Philip Morris Management Corp		
Do	Public Service Company of New Mexico	400.00	
Do	Warner-Lambert Company		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	6,250.00	164.36
Ball Janik & Novack, 601 Pennsylvania Ave., NW, 9th Floor Washington, DC 20004	AeroLift, Inc	10,000.00	1,220.41
Do	Greenbrier Leasing, Inc	55,825.50	8,196.40
Do	Northwest Industrial Gas Users	4,179.00	1,161.41
Do	Northwest Marine Iron Works	25,500.00	3,388.69
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	7,750.00	205.61
Charles E. Bangert, P.C., 662 Mallard Court Arnold, MD 21012	Business Roundtable	3,200.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	3,229.27
Kathryn Bannan, 1050 Connecticut Ave., NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of Lebanon)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	3,000.00	66.74
Do	Government of Tunisia	3,000.00	64.83
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	5,000.00	218.83
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		100.00
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	3,750.00	
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	Joint Maritime Congress	12,000.00	185.10
Do	A. L. Williams & Company	12,000.00	521.25
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Rukert Marine Corp	975.00	
Do	Stratton Hats, Inc	5,000.00	
Do	Texas Citrus and Vegetable Import Association	32,850.00	
Barnett & Alagia, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	641.17
Barnett D'Amours Sivon & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	American Council for State Savings Supervisors	920.00	
Do	Citibank, N.A	1,105.00	22.00
Do	Credit Union National Assn, Inc		
Do	Investors in Industry		
Neil D. Baron, Booth & Baron 122 East 42nd Street, #1507 New York, NY 10168	Standard & Poor's Corporation		
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	2,500.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Doyle C. Bartlett, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	2,500.00	528.69
Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036	Kraft, Inc	750.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	7,500.00	24.75
Stephen R. Bassett, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Diane Bateman, 501 2nd Street NE Washington, DC 20002	Fertilizer Institute	9,000.00	430.83
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor & Equipment Manufacturers Assn	1,500.00	1,504.50
Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036	Mobil Corp	1,125.00	
Robin Battaglini, 1000 Wilson Blvd., 31st Fl. Arlington, VA 22209	ITT Corporation	1,500.00	[illegible].00
Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions		
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	450.00	30.00
Baumbach & Fisher Assoc., Inc, 1900 S. Harbor City Blvd. Melbourne, FL 32901	Extradition Corp of America	489.00	
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		4.29
James R. Baxter, 1101 15th St., NW, #1040 Washington, DC 20005	National Construction Employers Council		
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	332.86	987.31
Donald S. Beattie, P.O. Box 6474 Alexandria, VA 22306	B T Enterprises		
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	2,852.00	127.61
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	125.00	17.00
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	6,769.69	11.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	1,500.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	2,500.00	108.58
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	486.92	80.25
Josiah Beeman, 15 Second St., NE Washington, DC 20002	Magne-Tek ALS Corp	15,000.00	6,662.92
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			137.50
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	5,354.00	30.00
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Government & Industrial Electronics Co	9,837.00	1,294.55
James Beizer, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Peter M. Belanger, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	290.71
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	1,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Mary K. Bellamy, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Bruce Benefield, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	270.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union	3,500.80	1,298.18
Benner Burnett & Coleman, 1401 New York Avenue, NW, #740 Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al		
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Benoit Smith & Laughlin, 2001 Jefferson Davis Highway, #501 Arlington, VA 22202	Econopure		
Do	Hughes Aircraft Company		
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company	100.00	100.00
R.W. Benson, P.O. Box 6050 East St. Louis, IL 62202			
Tom Benson, 501 Union Street, #506 Nashville, TN 37219	CSX Transportation		
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	225.00	
Diana Berardocco, 555 13th St., NW, #1050 East Washington, DC 20004	Avon Products, Inc		
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,271.00	71.35
Karen A. Berg, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,350.00	68.37
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation		
Edwin M. Bergsmark, Three SeaGate Toledo, OH 43603	Trustcorp, Inc	480.00	609.47
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	200.00	
Pamela M. Berkwitz, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	12,000.00	1,928.99
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Government of Barbados, Ministry of Finance & Planning	13,522.35	916.49
Debra Berlyn, 1225 Eye St., NW #1100 Washington, DC 20005	Handgun Control, Inc	3,941.39	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	1,250.00	
Jay Harris Berman, 621A 7th Street, NE Washington, DC 20002	National Assn of Professional Insurance Agents		
Richard B. Berman, 1015 15th St., NW, #1200 Washington, DC 20005	Burger King Corp		
Do	Godfather's Pizza, Inc		
Do	Pillsbury Company		
Do	Quik Wok, Inc		
Do	S&A Restaurants Corp		
William R. Berman, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Avianca, Inc	1,500.00	366.00
Do	Bell Atlantic Corp	2,000.00	571.54
Do	China External Trade Development Council	2,000.00	1,315.00
Do	Dead Pigeon River Council		
Do	Electronic Industries Assn	3,000.00	2,144.84
Do	Eli Lilly & Company	800.00	809.79
Do	First Boston Corp	3,000.00	2,366.55

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Flo-Sun Land Corp	2,000.00	1,875.00
Do	Friendship in Freedom Assn	1,500.00	741.25
Do	Investors for US Tax Equity	500.00	330.00
Do	ITT Corporation	400.00	308.50
Do	Lynmark Group	400.00	733.35
Do	Murry's, Inc	1,000.00	975.00
Do	National Assn of Business & Educational Radio	2,000.00	964.08
Do	Natural Gas Supply Assn	3,000.00	2,322.57
Do	Okeelanta Corp	1,700.00	2,375.94
Do	Orange & Rockland	1,100.00	1,228.92
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Delanne Bernier, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	475.00	329.00
Bernstein & Lipsettin, 1920 L Street, NW, #501 Washington, DC 20036	National Assn of Police Organizations	17,218.00	1,167.52
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,120.00	190.33
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,187.50	25.00
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	15,000.00	471.26
Do	American Assn of Eye & Ear Hospitals	15,000.00	206.72
Beveridge & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	City of Bluefield, WV, et al	57.50	131.25
Do	Town of Oyster Bay Industrial Development Agency		
Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209			25,259.75
Cheryl Beversdorf, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20036	American College of Surgeons		49.74
Sheldon D. Beychok, P.O. Box 2924 Baton Rouge, LA 70821	American Waste & Pollution Control Co		
Do	Camp Dresser & McKee, Inc		
Do	Community Health Network of Louisiana, Inc		
Do	First Boston Corp		
Do	Lamar Corporation		
John C. Biechman, 655 15th St., NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	12,584.68	
Patricia H. Billings, 1129 20th St, NW, #500 Washington, DC 20036	Group Health Assn of America, Inc	4,568.56	
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Oxford Energy	6,052.07	
Do	South Coast Air Quality Management District	11,156.24	
Hugh L. Binford, 514-D Parkview Road Ft. Walton Beach, FL 32548			
Bingham Dana & Gould, 1550 M Street, NW #1200 Washington, DC 20005	Disabled American Veterans	5,372.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Birch Horton Bittner Cherot & Anderson, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Pacific Refining, Inc		
Do	Alaska Teamsters-Employer Pension Trust		
Do	Amerada Hess Corp		
Do	City of St. George		
Do	Ellers Oakley Chester & Rike		
Do	Gerry Cooney Enterprises		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Westinghouse Electric Corp		
Do	Yukon Pacific Corp		
Charles O. Bishop Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	7,197.00	171.00
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Aleut Corporation	1,500.00	
Do	Aleutian/Pribilof Islands Assn, Inc	1,500.00	
Do	Bonneville Pacific Corp	1,750.00	
Do	City of St. Paul	1,500.00	
Do	Compaq Computer Corp	82.50	
Do	Consolidated Natural Gas Co		
Do	Roadway Services, Inc		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Wayne V. Black, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company	5,000.00	
Do	Electronic Data Systems Corp		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	411.93
Do	Allied-Signal, Inc	22,500.00	332.92
Do	Bethlehem Steel Corp	22,500.00	332.92
Do	Chicago RTA	9,000.00	1,339.29
Do	Clark Construction Group	9,000.00	332.92
Do	Cooper's Ferry Development Assn, Inc	9,000.00	1,713.37
Do	Diamond Star Corp	30,000.00	332.92
Do	Financial Security Assurance	22,500.00	456.04
Do	Johnson & Johnson, Inc	30,000.00	531.62
Do	Kaman Aerospace Corp	45,000.00	292.36
Do	Massa Products Corp	15,000.00	332.92
Do	NOVA University	30,000.00	6,708.83
Do	Puerto Rico Federal Affairs Administration	9,000.00	521.96
Do	Revlon Group, Inc	6,000.00	1,781.87
Do	Tobacco Institute	22,500.00	411.93
Do	Trans World Airlines, Inc	18,000.00	379.93
Do	U.S. Sprint	12,000.00	332.92
Do	Union Pacific Corp	22,500.00	332.92
Do	UNITA	75,000.00	38.42
Lisa E. Blackwell, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	700.00	40.40
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Enserch Corporation	3,038.00	990.50
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
David A. Blair, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,050.00	499.57
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Richard R. Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Reese Communications Companies	12,000.00	
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,986.88	250.00
Kenneth T. Blaylock, 80 F St., NW Washington, DC 20001	American Fed of Government Employees		
Beatrice K. Bleicher, 1700 K Street, NW, #1100 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	200.00
Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc	880.00	75.63
Do	Brother International Corp		
Do	Fluor Corporation	170.00	15.17
Do	National Paint & Coatings Assn, Inc	290.00	28.60
Do	Philip Morris Companies Inc	1,530.00	193.58
Do	PB-KBB, Inc		
Do	Texstor		
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,100.00	
Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	21,499.98	105.96
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	750.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	1,276.92
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	833.17
Jared O. Blum, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)	1,650.00	43.87
Robert A. Blum, 600 Montgomery Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)	375.00	
Charles R. Blumenfeld, Bogle & Gates 2100 Bank of California Center Seattle, WA 98164	Pacific Seafood Processors Assn		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007	American Dietetic Assn	1,000.00	565.34
Wayne F. Boan, 6140 South Marion Street Tulsa, OK 74136	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		75,000.00	75,000.00
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Northwest Apparel & Textile Assn	5,000.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
A. Dewey Bond, P.O. Box 3556 Washington, DC 20007	American Meat Institute	500.00	
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	315.00	105.00
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	780.00	10.74
Steven A. Bookshester, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	496.00	66.46
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Patricia A. Borowski, 6824 Pacific Lane Annandale, VA 22003	National Assn of Professional Insurance Agents		
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
William J. Bosies, 1730 Pennsylvania Ave., NW, #900 Washington, DC 20006	Capital Holding Corporation		
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc		
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	6,240.00	92.70
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al	1,500.00	
John C. Bottenberg, 702 Jayhawk Tower 700 S.W. Jackson Topeka, KS 66603	Reese Communications Companies	10,000.00	118.63
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20006	Maersk Line, Ltd		
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	1,295.80	
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,400.00	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	6,558.57	2,602.67
Michael Bowers, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	250.00	
Bowery Savings Bank, 110 East 42nd Street New York, NY 10017			
Doug B. Bowles, 205 Spring Hill Terrace Roswell, GA 30075	Georgia Power Co		
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	175.00	33.00
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	1,000.00	174.63
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Austin Capital Metropolitan Transit Authority		
Do	Chemical Manufacturers Assn, Inc	645.00	257.35
Do	Coalition of Funeral Directors		
Do	Computer Dealers & Lessors Assn, Inc		
Do	Enron Corp	430.00	171.57
Do	Graham Resources, Inc		
Do	Lane & Mittendorf		
Do	Liberty Bank & Trust of New Jersey		
Do	Louisiana Land & Exploration Co		
Do	Massachusetts Mutual Life Insurance		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Assn		
Do	Southdown/Pelto Oil Company		
Do	Torch Energy Advisors, Incorporated		
Do	Valero Energy Corporation	645.00	257.35
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Southwest Financial Corp	7,000.00	295.00
Do	Arkla, Inc	4,000.00	190.00
Do	Babcock & Wilcox	4,000.00	70.00
Do	City of Klamath Falls	8,000.00	105.00
Do	City of Tucson	7,000.00	145.00
Do	Coin Coalition	7,000.00	425.00
Do	CSX Corporation	8,000.00	45.00
Do	Emerald Homes	3,000.00	50.00
Do	Energy Absorption Systems, Inc	8,000.00	130.00
Do	Estes Company	3,000.00	105.00
Do	LaserVideo, Inc		
Do	Pratt & Whitney Aircraft Group	4,000.00	10.00
Do	Satellite Broadcast Network	2,000.00	110.00
Do	Southern Arizona Water Resources Association	2,000.00	65.00
Bradbury Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	37,111.22	
Robert W. Bradford, 1101 John Denie Rd P.O. Box 34550 Memphis, TN 38134			
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
Dennis M. Bradshaw, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Raymond F. Bragg Jr., Two Lafayette Center 1133 21st Street, NW, #500 Washington, DC 20036	American Independent Refiners Assn	50.00	
Do	Federal Strategies, Inc (For:Consolidated Natural Gas Company)	75.00	
Do	Environmental Power Corp	50.00	
Do	National Hydropower Assn	75.00	
Do	Tosco Corporation	75.00	
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	125.00	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Barbara Bramble, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,354.28	
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	2,000.00	603.00
Do	Citizen/Labor Energy Coalition		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	225.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,906.08	
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America	2,500.00	
Do	American Car Rental Assn		
Do	American Fed of Labor & Congress of Industrial Organizations		
Do	Committee to Eliminate Equipment Giveaways	5,000.00	
Do	Murry's, Inc	5,000.00	
Do	Temistocles Ramirez		
Do	Ryder Systems, Inc		
Do	Trans World Airlines, Inc	2,500.00	
Do	Truck Renting & Leasing Assn	5,000.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,393.41
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	345.51
Richard Brescia, N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	150.52	
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co		
Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		18.00
Bricker & Eckler, 888 17th Street, NW, #1050 Washington, DC 20006-3967	Commonwealth of Puerto Rico		
Bobbe J. Bridge, Garvey Schubert & Barer 1011 Western Ave., 10th Flr. Seattle, WA 98104	Reese Communications Companies	16,000.00	
Bruce Briggs, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	3,229.27
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	107.54
Stephen W. Broadie, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,500.00	42.50
Bradly A. Broadwell, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
David M. Brockman, 725 15th St., NW, #500 Washington, DC 20005	National Grain & Feed Assn		
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (for Blue Cross & Blue Shield of Michigan)	6,000.00	605.59
Do	Plunkett & Cooney (for City of Detroit, Michigan)	7,500.00	600.97
Do	Plunkett & Cooney (for Detroit Educational TV Foundation)		
Do	Plunkett & Cooney (for Humane Soc of the U.S.)	603.75	
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	10,500.00	
Do	Plunkett & Cooney (for Michigan Humane Society)	603.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David A. Brody, 1050 Seventeenth Street, NW Washington, DC 20036	Anti-Defamation League of B'nai B'rith	1,500.00	
Marcia D. Brody, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn		
Michael J. Brokovich, 1725 Jefferson Davis Hwy., #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	105.00
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brook Associates, Inc, 1620 Eye Street, NW, #716 Washington, DC 20006	Northern Textile Assn	8,268.00	8,268.00
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	2,800.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	6,357.17	346.15
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Clover Park School District)	3,000.00	
Do	Evergreen Associates, Ltd (For:Computer Dynamics & Aeronautics Corp)		
Do	Evergreen Associates, Ltd (For:Democratic Party of Washington State)		
Do	Evergreen Associates, Ltd (For:DCL Industries)		
Do	Evergreen Associates, Ltd (For:Military Impacted Schools Assn)		
Do	Evergreen Associates, Ltd (For:Suffolk County, NY)	22,000.00	
Do	Evergreen Associates, Ltd (For:SuperComputers, Inc)	1,317.00	
Donald G. Brotzman, 1400 K St., NW Washington, DC 20005	Rubber Manufacturers Assn	10,000.00	
Cynthia A. Brown, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	American College of Surgeons		79.04
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	5,000.00	
Dale E. Brown, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	6,000.00	1,808.85
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co	700.00	324.84
Diane R. Brown, 2001 L Street, NW, #506 Washington, DC 20036	Chlorine Institute, Inc	285.71	409.37
Doreen L. Brown, 1001 Connecticut Ave., NW, #800 Washington, DC 20036	Consumers for World Trade		
George L. Brown, 1000 Wilson Boulevard Arlington, VA 22209	Grumman Corporation	1,250.00	1,006.64
Jesse P. Brown Jr., P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	787.50	9.33
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc	10.00	10.00
Ronald H. Brown, 2550 M Street, NW Washington, DC 20037	Wayne County Michigan		
Shirle L. Brown, P.O. Box 663, GPO New York, NY 10001	SLB Enterprises		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,000.00	324.82
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	332.21	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	3,229.27
Brown Coates & McCarthy Inc, 900 17th Street, NW, #1100 Washington, DC 20006	Royal Teton Ranch	4,000.00	
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp	6,000.00	
Do	Home Satellite Television Assn, Inc		
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	5,000.00	962.82
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		40.00
Kathryne M. Bruner, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	2,550.00	194.44
J. M. Brunkenhoefer, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union	6,250.00	123.16
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn		
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Hoyt/Easton U S A)	2,125.00	496.61
Do	Fabian & Clendenin (For:Utah Power & Light Co)	13,603.00	3,010.72
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	725.00	461.46
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	16,715.00	
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	634.10
Thomas L. Buckmaster, 1301 Connecticut Avenue, NW, #700 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	810.00	47.00
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
G. N. Buffington, 2230 California Street, NW Washington, DC 20008	National Assn of Real Estate Investment Trusts, Inc		
Building Owners & Managers Assn Int'l, 1250 Eye St., NW, #200 Washington, DC 20005			3,294.00
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	600.00	
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	686.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Magazine Publishers Assn, Inc	3,000.00	
Do	Parcel Shippers Assn	2,000.00	
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	141.80
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. Burdett, 1776 Eye Street, NW, #575 Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		59.75
Clair W. Burgener, P.O. Box 8186 Rancho Santa Fe, CA 92067	Stonecrest/The Hooberman Group		
Harriet Hunt Burgessss, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands	2,058.00	1,718.16
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		249.14
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		53,799.75	1,075.00
Burness Communications, 7910 Woodmont Ave., #912 Bethesda, MD 20814	Therapeutic Immunology, Inc	15,000.00	
Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066	National Broiler Council	420.00	
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Burnham & Heller, 4140 Miller Road Ann Arbor, MI 48103	Accident Fund of Michigan	7,046.38	7,046.38
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	31.50
Burr & Forman, 3000 Southtrust Tower Birmingham, AL 35203	Investment Company Institute	1,564.53	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Assn of Dental Schools		
Do	American Dental Assn		
Do	Arthur Andersen & Co	1,500.00	44.70
Do	Chicago & North Western Transportation Co		
Do	City of Philadelphia	165.00	14.00
Do	Clark Equipment Co		
Do	Federation of Special Care Organizations in Dentistry		
Do	Hankin Management-Arsenal Business Center Associates	1,650.00	140.00
Do	Partnership for Improved Air Travel		
Do	Pennwalt Corp		
Do	Philadelphia Industrial Development Corp	165.00	14.00
Do	Philadelphia Port Corp		
Do	Philip Morris, Inc	550.00	
Do	Saudi Refining, Inc		
Do	Softgel Assn		
Do	Specialty Vehicle Institute of America (SVIA)	6,750.00	
Do	Temple University	165.00	14.00
Do	Thomson-CSF, Inc		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	3,500.00	
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Roy Bussewitz, 1800 Diagonal Road, #140 Alexandria, VA 22314	Glaxo, Inc	1,000.00	
James J. Butera, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau		
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	National Conference of Bankruptcy Judges	6,550.50	
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute		44.02
Mary Jane Butterfield, 1200 19th St., NW, #550 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)	6,750.00	
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation		
Patrick J. Cacchione, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers		
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
Do	Official Committee of Dalkon Shield Claimants	124.35	
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	1,000.00	31.50
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	8,160.00	2,488.00
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,200.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc		
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Eastern Technologies, Inc	500.00	
Do	Ford Aerospace & Communications Corp	175.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	
Do	General Dynamics Valley Systems Division	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lockheed Aeronautical Systems Co	325.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Optic-Electronic Corp	500.00	
Do	Textron Lycoming	500.00	
Arthur E. Cameron, 1111 14th Street, NW, #1001 Washington, DC 20005	Amerace Corporation	2,250.00	
Do	Lukens General Industries, Inc	2,774.00	
Do	Safetran Systems Corporation	2,925.00	
Do	Syro Steel Co, et al	2,100.00	
Do	3M Company	3,946.00	
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	77.31	14.84
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Associated Financial Corp		
Do	Association of Independent Organ Procurement Agencies		
Do	Blue Cross & Blue Shield Assn		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	400.00	
Do	Citgo Petroleum Crop	187.50	
Do	Committee for Equitable Compensation		
Do	EG&G, Inc		
Do	Fashion Accessories Shippers Assn (FASA)		
Do	Goldbelt, Inc	300.00	
Do	Government Program Services		
Do	Greater Boston Community Development, Inc		
Do	Hospital Insurance Forum		
Do	Housing Investment Alliance	125.00	
Do	Missouri Baptist Hospital of Sullivan		
Do	Mobil Oil Corp		
Do	Stephen Moses Interests		
Do	National Assn of Nuclear Pharmacies		
Do	Natural Gas Supply Assn		
Do	NATCO (National Assn of Tax Credit Coalition)		
Do	Occidental Petroleum Corp		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	Presidential Airways, Inc		
Do	PGA Tour	200.00	
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	1,475.00	
Do	Shell Oil Co		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	Western Mobil Home Assn	83.32	
Do	World Airways		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		4,937.03	7,427.35
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	250.00	
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	400.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	120.21	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Airlines, Inc		
Do	American Nuclear Energy Council		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	Union Pacific Corp		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 1111 Jefferson Davis Highway, # 508 Arlington, VA 22202	General Electric Co	6,000.00	
Do	General Motors Corp	18,000.00	
Do	National Civic Crusade for Panama	2,025.00	
Do	Professional Services Council	200.00	
Do	West Virginia University	25,200.00	
Kelly A. Campbell, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	6,213.90
Charles J. Campisi, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	15,750.00	505.18
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		2,209.42	6,242.16
Robert P. Canavan, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	281.53	
Candlelighters, 123 C St., SE Washington, DC 20003			
Edward F. Canfield, 805 15th Street, NW, #600 Washington, DC 20005	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions		
Howard W. Cannon & Associates, 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006	Rockwell International Corp		
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Assn for Cancer Research	300.00	
Do	American Foundation for Aids Research	750.00	
Do	Arthritis Foundation	937.50	
Do	Cambridge BioScience	750.00	
Do	Cedars-Sina Medical Center	1,375.00	
Do	Charles River Biotechnology	750.00	
Do	Charles River Laboratories	1,000.00	
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	450.00	
Do	Emory University Medical School		
Do	Endocrine Society	400.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	412.50	
Do	Merck & Co, Inc	1,000.00	
Do	Museum of Science & Industry	300.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	375.00	
Do	National Coalition for Volunteer Protection	150.00	
Do	National Crime Protection Council	450.00	
Do	National Multiple Sclerosis Society	572.50	
Do	Polymer Technology Corp	500.00	
Do	Rehabilitation Institute of Chicago	812.50	
Do	Technicon Data Systems Corp	1,200.00	
Do	University of California (San Diego)	500.00	
Do	University of California Los Angeles	312.50	
Do	Westmore, Ltd	750.00	
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Association of American Publishers		
Do	Children's Television Workshop		
Do	National Council of YMCA of the USA		
Do	National Wildlife Federation		
John M. Capriccioso, 1776 Eye St., NW, #575 Washington, DC 20006	Dow Chemical USA	500.00	5,471.00
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	17,386.00	1,230.87
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	200.00	
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:GAF Corporation)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,000.00	
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Carmen Carmen & Hugel (for CareerCom)	1,000.00	
Do	First Defence Int'l Security Co		
Carmen Carmen & Hugel, Inc, 1667 K Street, NW, #950 Washington, DC 20006	CareerCom		1,033.50
William Carney, 217 3rd St., SE Washington, DC 20003	United Illuminating Co	7,500.00	
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	TD 61, Inc		
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	6,125.00	
Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers Assn, Inc	4,000.00	
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Manufacturing Co		
Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,400.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	113.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	1,019.86	379.87
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Martin Casey, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Allen R. Caskie, 1001 Penrsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	13,503.41	57.90
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,437.50	
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	13,929.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf	325.00	
Do	Alloy Technology		
Do	Arizona State University		
Do	Atlantic Financial		
Do	Barry University		
Do	Bolt Beranek & Newman, Inc		
Do	Boston College		
Do	Boston University		
Do	Bowdoin College		
Do	Cardinal Hill Hospital		
Do	Catholic University of America		
Do	Centex Communications, Inc		
Do	Challenger Center		
Do	Children's Hospital		
Do	Children's Hospital in Michigan		
Do	Clark-Atlanta University	225.00	
Do	Columbia University		
Do	Critical Languages & Area Studies Consortium, Inc	225.00	20.00
Do	Drexel University		
Do	Duke University		
Do	Emerson College		
Do	Enid Joint Industrial Foundation	100.00	
Do	Experiment in International Living	400.00	
Do	Friends of the American Tel Aviv Museum of Art	75.00	
Do	Fudan Foundation	25.00	
Do	Global Broadcasting Group, Inc		
Do	Gonzaga University		
Do	Hygienetics, Inc		
Do	Indiana University		
Do	Institute for Circadian Physiology		
Do	J & B Management Co		
Do	Kohler, Co	800.00	
Do	Lehigh University	650.00	6.00
Do	Loma Linda University Medical Center, Inc		
Do	Louisiana Public Facilities Authority		
Do	Loyola College (Baltimore)	150.00	
Do	Loyola Marymount University		
Do	Loyola University of Chicago		
Do	Martha Graham Center of Contemporary Dance, Inc		
Do	Massachusetts Corp for Education Telecommunication	150.00	
Do	Massachusetts League of Banks		
Do	Medical College of Ohio, Toledo		
Do	Medical College of Pennsylvania		
Do	Medical University of South Carolina	300.00	
Do	Michigan Biotechnology Institute		
Do	Monterey Institute of International Studies	25.00	
Do	Morgan State University		
Do	Mount Sinai Medical Center		
Do	National Jewish Center for Immunology & Respiratory Medicine		
Do	NeoRx		
Do	Northwestern University		
Do	O'Connell Management Co, Inc		
Do	Ocean Spray Cranberries, Inc		
Do	Oceanic Institute	75.00	
Do	Pan Metal Corp		
Do	Pennsylvania Turnpike Commission		
Do	Pioneer Financial	150.00	
Do	Pirelli Cable Co	300.00	
Do	Polytechnic University	225.00	
Do	Renewable Fuels Assn		
Do	Rochester Institute of Technology		
Do	Saint Joseph's University	300.00	
Do	Schutz American School		
Do	St. Norberts College		
Do	Thomas Jefferson University		
Do	Tougaloo College	25.00	
Do	Tread Corporation		8.00
Do	Tufts University	75.00	
Do	United Hospitals, Inc		
Do	Universal Med Center/U of TX Health Science Center at Dallas		13.00
Do	University of Alabama in Huntsville		
Do	University of Bridgeport		
Do	University of Hawaii	150.00	
Do	University of Kentucky Research Foundation		
Do	University of Nebraska	150.00	
Do	University of Pennsylvania		
Do	University of Pittsburgh-Presbyterian Univ. Hospital		
Do	University of Scranton	200.00	
Do	University of Southern Mississippi		
Do	University of Utah		
Do	University of Vermont	175.00	18.00
Do	Valley Children's Hospital		
Do	West Virginia University		
Do	Western Townships Utilities Authority		
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh		
Do	World Trade Center Boston	100.00	6.00
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Company	11,600.00	9,966.95
Mary Cavanagh, 305 Third St., SE Washington, DC 20003	Mercury Stainless Corp		
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mitchell Ceasar, 8181 W. Broward Boulevard, #300 Plantation, FL 33324	Port Ever Glades Authority		
Rosario Ceballo, 2030 M St., NW Washington, DC 20036	Common Cause	4,725.00	130.50
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	200.00	
Do	Martin Marietta Corp	200.00	
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	13,146.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			510.41
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	496.53	104.50
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	American Paper Institute, Inc		
Do	Commercial Bank of New York	4,915.50	21.50
Do	Napp Chemicals, Inc	1,551.50	10.00
Do	Oxbow Geothermal Corp		
Do	Ruan Transportation Management Systems	2,030.00	19.75
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Chicago Board Options Exchange	7,000.00	
Do	Harza Engineering Co		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dean S. Chalios, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Mark G. Chalpin, 1101 15th St., NW, #1000 Washington, DC 20005	National Constructors Association		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assn of Retired Persons		
Do	American Express Co		
Do	American Postal Workers Union, AFL-CIO	7,725.00	
Do	Anderson Hibey Nauheim & Blair		
Do	Apache Corporation		
Do	Coalition of Publicly Traded Limited Partnerships		
Do	Manville Corporation		
Do	Metcalf & Eddy/KVB Group		
Do	University Patents, Inc		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	3,000.00	975.00
Ed Chandler, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	11,385.00	500.00
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn	11,798.00	1,271.49
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, et al	19,950.00	438.00
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	750.00	
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	12,000.00	3,733.18
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	27,750.00	181.00
Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036			724.38
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Arena Stage	1,145.50	1,252.25
Do	Capital Childrens Museum	1,145.50	1,252.25
Do	Corcoran Gallery of Art	1,145.50	1,252.25
Do	Directors Guild of America	29,217.00	29,766.53
Do	Ford's Theater	1,145.50	1,252.25
Do	National Symphony	1,145.50	1,252.25
Do	Phillips Collection	1,145.50	1,252.25
Do	Shakespeare Theater at the Folger	1,145.50	1,252.25
Do	Textile Museum	1,145.50	1,252.25
Do	Washington Ballet	1,145.50	1,252.25
Do	Washington Opera	1,145.50	1,252.25
Do	Washington Performing Arts Society	1,145.50	1,252.25
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	700.00	
John B. Childers, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities		
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Laura Chin, 4415 Fessenden St., NW Washington, DC 20016	National Asian American Telecommunications Assn		
William W. Chip, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Raychem Corp)		
J. Samuel Choate Jr., 1701 K Street, NW, #700 Washington, DC 20006	Reichler, Appelbaum & Wippman (For:Association of Progressive Rental Organizations)		
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	660.00	18.00
Samuel W. Christine III, 1129 20th St., NW, #200 Washington, DC 20036	Greater Washington Board of Trade		
Jack E. Christy, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	565.38	
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	36.65
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			6,786.89
Donald T. Chunn, Route 2, Box 89 Columbia, TN 38401	Title Associates, Inc		
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Pipe & Accessories League	2,000.00	2,000.00
Do	American Radio Relay League, Inc	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Do	Texas Truck Safety Alliance (TTSA)	5,250.00	5,250.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Donna M. Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		5,000.00	4,910.50
Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036		1,500.00	1,500.00
Citizens for Sensible Control of Acid Rain (CSCAR), c/o 1301 Connecticut Avenue, NW Washington, DC 20036			491,368.11
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		411,110.65	84,455.28
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	500.00	
Do	Tele-Press Associates, Inc (For:Japan Fisheries Association)	3,500.00	396.00
James F. Clark, P.O. Box 2128 Juneau, AK 99802-1211	Alaska Loggers Assn	1,100.00	
Jordan Clark, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	13,395.31	64.90
Robert Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Place Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon A. Clark, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Outdoor Advertising Assn of America, Inc	8,437.50	1,467.39
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	350.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	BNS, Inc		
Do	Day-Glo Color Corp	263.25	
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	North Wind Undersea Institute		
Do	Security Pacific National Bank	21,612.00	530.00
Do	Synthetic Organic Chemical Manufacturers Assn, Inc		
Do	U.S. Bancorp	497.70	
Do	Union Oil Co of California, et al	180.00	
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	3,147.80	1,014.16
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			263.00
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	7,500.00	9,369.88
Do	J. C. Maxtone-Mailer	600.00	210.74
Do	Proprietary Association		
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Stanley A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Putman Properties, Inc		
Do	Roetzel & Andress		
Do	Stark County Commissioners		
Do	Timken Co		
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408	Product Liability - Sports	190.00	
Coastal Corporation, Nine Greenway Plaza Houston, TX 77046		3,000.00	2,008.00
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	297.76
Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303	American Petroleum Institute	100.00	214.56
Coca-Cola Company, PO Drawer 1734 Atlanta, GA 30301			
Amy A. Coggin, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	4,750.00	141.47
Albert P. Cohen, 405 Kemper Rd. Joppatowne, MD 21085	American Lung Assn of Maryland		
Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,841.00	1,384.18
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	10,374.99	
Ellen M. Cohen, 236 Massachusetts Ave., NE, #608 Washington, DC 20002	Neighbor to Neighbor Action Fund	6,180.67	257.80
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		534.07
George T. Coldeway, 8245 NW 53rd St., #200 Miami, FL 33166-4609	South Florida Hospital Assn		
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	700.00	55.00
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BN Services, Inc -	1,000.00	1,137.66
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Ad Hoc Ski Boot Committee		
Do	Chase Manhattan Bank, N.A.		
Do	Government of the Netherlands Antilles		
Do	Millipore Corporation		
Colette R. Coleman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #306 Washington, DC 20007	Alliance for Capital Access	30,000.00	30,000.00
Do	American Car Rental Assn	3,000.00	3,000.00
Do	American Couplings Coalition		
Do	American Frozen Food Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	160.00	160.00
Do	Bicycle Mfgrs Assn of Amer, Inc		
Do	Committee of American Ammunition Manufacturers		
Do	Crop Insurance Research Bureau	240.00	240.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	160.00	160.00
Do	Independent Lubricant Manufacturers Assn	280.00	280.00
Do	Inland Steel Corp		
Do	Lykes Brothers, Inc	1,000.00	1,000.00
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	350.00	350.00
Do	National Assn of Mutual Insurance Cos		
Do	National Broiler Council		
Do	National Coalition of Fresh Potato Processors		
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn		
Do	Norris Industries	100.00	100.00
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A.	2,255.00	2,255.00
Do	PetroJam, Ltd	4,500.00	4,500.00
Do	Pittsburgh Corning Corporation		
Do	Society of Independent Gasoline Marketers of America	5,550.00	5,550.00
Do	Specialty Steel Industry of the United States		
Do	Zurich-American Insurance Companies	240.00	240.00
Paul Edward Michael Collin, (Fed. Reg. No. #77634-012) 1299 Seaside Avenue P.O. Box 3007 Terminal Island, CA 90731-0207.			
Terese Colling, 1818 N Street, NW, 7th Floor Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	1,305.00	17.92
Do	Eckert Seamans Cherin & Mellott (For:York Wallcoverings, Inc)		
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	461.92
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	Southern Company Services, Inc		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Dominique Colon, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	72.73
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	513.00	
Comiskey & Hunt, 4023 Chain Bridge Road Fairfax, VA 22030	Gold Fields Operating Co-Mesquite	75.00	
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			
Committee for Humane Legislation, Inc, 1506 19th Street NW, #3 Washington, DC 20001		19,598.11	22,457.66
Committee on U.S. Business Canadian Life & Health Ins. Assn, c/o Dykema Gossett 1752 N St., NW Washington, DC 20036			
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		339,970.94	298,298.76
Common Cause, 2030 M St., NW Washington, DC 20036		2,723,047.00	512,357.00
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Lance A. Compa, 1411 K St., NW, #1005 Washington, DC 20005	United Electrical Workers (UE)	6,637.98	
Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003		101,750.00	
Compressed Gas Assn/Helium Advisory Council, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202.			
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		2,142.70
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			4,045.17
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	10,000.00	3,870.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
John J. Connolly, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Associates, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Associates, Inc (For:Western Growers Association)		
Brian L. Connor, 1235 Jefferson Davis Hgwy., #606 Arlington, VA 22202	National Utility Contractors Assn	10,800.00	
Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Gerald R. Connor, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	2,375.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	562.50	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,125.00	42.20
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	853.50	116.52
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			597.72
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			14,616.37
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 1001 Connecticut Ave., NW, #800 Washington, DC 20036		21,791.00	20,456.93
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			12,070.00
John J. Contney, Suite B 1130 E. Hallandale Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1819 L St., 7th Floor Washington, DC 20036	Reinsurance Assn of America		
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John J. Coogan, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Kodak Co	200.00	215.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	450.00	178.00
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	5,634.04	
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	150.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 925 S. Curry Pike P.O. Box 489 Bloomington, IN 47402-0489			5,758.10
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	1,758.00	
Robert M. Coon Jr., 65 Pondfield Road Bronxville, NY 10708	National Comm to Preserve Social Security		
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,026.00	
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	10,000.00	
Cherry E. Cooper, 2301 Market Street, S13-1 Philadelphia, PA 19101	Philadelphia Electric Co		
Jess Cooper, 1860 Lincoln Street, #404 Denver, CO 80295	Rocky Mountain Oil & Gas Assn	3,000.00	18.86
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	19,500.00	225.00
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	673.75
Jim Copeland & Associates, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Pacific Mutual Life Insurance Co	1,200.00	
Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036	Collins and Aikman Corp	2,933.33	1,808.65

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Tom Corcoran, 360 E. Randolph, #2402 Chicago, IL 60601	Wallace Associates Corp		
Alfred C. Cordon, 1920 N St., NW Washington, DC 20036	Buffalo Broadcasting Co, Inc		
Frank W. Corley, 8430 Blakiston Lane Alexandria, VA 22308	ITT Electro-Optical Products Div	7,500.00	1,104.43
Do	Pilkington Electro-Optics, Inc	9,500.00	403.29
Do	Spectran	7,500.00	315.52
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Alcalde Henderson O'Bannon & Rousselot		
Do	Cook Inlet Region, Inc	6,350.00	
Do	Guilford Glazer	17,850.00	
Do	Investment Partnership Assn		
Do	Kelso & Company		
Do	MCA, Inc	1,600.00	
Do	National Structured Settlements Trade Assn	600.00	
Do	Republic National Bank of New York		
Do	Texas Air Corp		
Do	Tropicana International, Inc	1,700.00	
Do	U.S. League of Savings Institutions		
Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036		5,210.00	2,688.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,394.00	68.80
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,000.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	604.53	981.52
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	2,800.00	
Anthony R. Corso, 150 East 42nd Street New York, NY 10017	Mobil Corp	900.00	
William R. Corson, 1707 H St., NW Washington, DC 20006	Penthouse International, Ltd		
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
R. H. Cory, 1005 Congress Avenue, #520 Austin, TX 78701	Central & South West Services, Inc		
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
J. Daniel Costello, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	3,300.00	360.00
Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		1,103.40
Daniel T. Coughlin, 1155 15th Street, NW, #502 Washington, DC 20005	Bristol Myers Co	25,000.00	
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		4,000.00	4,000.00
Council of Institutional Investors, 1420 16th Street, NW, #405 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		631.66	752.78
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
Christopher D. Coursen, 1627 Eye Street, NW, #525 Washington, DC 20006	O'Connor & Hannan (for Pacific Telesis Group)		
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	5,000.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn		
Do	Amoco Corporation		
Do	Archer Daniels Midland Company	3,262.50	21.30
Do	Association of Maximum Service Telecasters, Inc		
Do	Champion International Corp		10.15
Do	Charles Steiner Medical Corp	937.50	
Do	Coalition to Preserve the Integrity of American Trademarks	4,000.00	
Do	Commonwealth of Puerto Rico	4,640.00	
Do	ERISA Industry Committee	1,237.50	
Do	First Federal Savings Bank of Western Maryland		
Do	General Mills, Inc		
Do	Hallmark Cards, Inc		15.30
Do	International Business Machines Corp	625.00	
Do	International Paper Co		10.15
Do	Interstate General Company L.P.		
Do	Investment Company Institute	9,918.75	40.40
Do	Kansas Dept of Social & Rehabilitation Service		24.30
Do	Monarch Capital Corp		
Do	National Football League		
Do	O-W Fund, Inc		32.95
Do	Post-Newsweek Stations, Inc		
Do	Sun Life Assurance Co of Canada (U.S.)	3,800.00	97.46
Do	United Technologies Corporation		25.35
Do	Uranium Producers of America		
Do	Westvaco Corporation		10.15
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capitol Cities/ABC, Inc		
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	2,100.00	194.99
Do	United Fishermen of Alaska	2,000.00	119.74
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	6,067.50	
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	1,640.00	
Donald Forsyth Craib III, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	35.00	
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	680.00	39.00
Mary T. Cramer, 1830 Platte St. Denver, CO 80202	Reese Communications Companies	16,000.00	6.30
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority	13,500.00	
Do	Dade County International Airport	2,500.00	
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co		
Richard L. Crawford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Creative Dynamics, Inc, 1143 N. General Pershing Hammond, LA 70401	Reese Communications Companies	12,000.00	493.00
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	5,000.00	
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	3,000.00	2,287.61
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar Tractor Co		
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Robert W. Crollus, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn	30.00	
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	10.00	
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	Northrop Corp		
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		240.00	240.00
Mark E Crosby, 1700 North Moore St., #910 Rosslyn, VA 22209	Special Industrial Radio Service Assn, Inc		207.77
David T. Crow, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	10,000.00	1,683.89
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Asarco Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc	1,272.50	50.00
Do	Brooklyn Union Gas Co		10.00
Do	Central Nebraska Public Power & Irrigation District		
Do	Chesapeake Utilities Corp		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Contractor Liability & Indemnification Alliance		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc	275.00	10.00
Do	Eli Lilly & Company	1,237.50	10.00
Do	Emery Worldwide		
Do	Meridian Minerals Co		
Do	National Assn of Wholesaler-Distributors	4,675.00	10.00
Do	National Risk Retention Assn	4,000.00	20.00
Do	Nebraska Public Power District		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pan American World Airways, Inc, et al		
Do	Regional Airline Association		
Do	Sterling Drug, Inc		
Do	Tiffany & Co		
Do	Trust for Public Lands	250.00	
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company	90.00	10.00
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Board of Foreign Trade, Gov't of the Republic of China	125.00	
Crown Communications Consulting Co, 1025 Connecticut Avenue, NW, #405 Washington, DC 20006	National Strategies & Marketing Group	2,055.00	
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			53.00
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		55,680.36	44,605.21
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)		4,279.45
Do	McCutchen Doyle Brown & Enersen (For:Carlsmith Wichman Case... (for Hilo Coast Proscessing), et a).		2,571.50
Do	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		2,035.00
Do	McCutchen Doyle Brown & Enersen (For:New York Dept of Environmental Conservation).		415.68
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)		925.00
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,821.28	1,050.19
John T. Curran, 905 16th St., NW, Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	18,190.50	295.00
Do	National Coordinating Comm for Multiemployer Plans		
Kathleen L. Curry, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	3,225.00	
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	Colorado SSC Project		
Do	University of Colorado		
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
D'Amore & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	Gafney Bennett & Associates, Inc	18,000.00	425.03
Do	New England Assn of Business Industry & Rehabilitation, Inc	3,000.00	5,032.55
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	43.00	
Do	Coalition for Regional Banks		
Do	Houston Clearing House Assn		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Committee to Preserve Social Security	11,761.00	589.43
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
William Kay Daines, 1616 H St., NW Washington, DC 20006	American Retail Federation	450.00	65.00
Dairy Farmers for Responsible Dairy Policy, 517 C Street, NE Washington, DC 20002			3,155.00
Donna M. Daley, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	2,412.67	45.00
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	2,580.00	516.14
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
John E. Daniel, 1233 20th St., NW, #400 Washington, DC 20036	Ohio Edison Co		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cynthia L. Darcy, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	2,457.00	
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co. Inc		
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	12,692.00	
Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates, Inc (For:American Advertising Federation)	5,001.24	
Do	James H. Davidson & Associates Inc (For:American Assn of Advertising Agencies)	5,001.24	
Do	James H. Davidson & Associates, Inc (For:American Newspaper Publishers Assn)	5,001.24	
Do	James H. Davidson & Associates Inc (For:Association of National Advertisers)	5,013.89	
Do	James H. Davidson & Associates, Inc (For:Direct Marketing Assn)	3,122.54	
Do	James H. Davidson & Associates, Inc (For:Magazine Publishers of America, Inc)	17,626.91	
Do	James H. Davidson & Associates, Inc (For:Miller & Chevalier)	15,404.75	
Do	James H. Davidson & Associates, Inc (For:National Assn of Broadcasters)	20,044.25	
Do	James H. Davidson & Associates, Inc (For:National Assn of Industrial & Office Parks).	18,742.11	
Do	James H. Davidson & Associates, Inc (For:Rouse Co)	5,410.17	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	1,500.00	
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	79.32	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	9,450.00	
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,379.67	280.80
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	500.00	39.02
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,200.00	
Richard S. Davis, 1333 New Hampshire Ave., NW, #900 Washington, DC 20036	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)	57.50	131.25
Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,775.00	864.72
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	American Council on Education	2,542.37	78.68
Do	American General Life Insurance Co	3,751.80	17.00
Do	American Horse Council	1,875.00	59.08
Do	Armco Steel Co	1,560.00	38.40
Do	Bethlehem Steel Corp	1,560.00	38.40
Do	Chandis Securities Co		
Do	Chicago Board of Trade	3,750.00	41.45
Do	Committee of Annuity Insurers	1,496.92	27.00
Do	Committee of Life Insurers	4,231.22	35.00
Do	Consumer Credit Insurance Assn		
Do	Dresser Industries, Inc	1,606.90	43.98
Do	First Penn-Pacific Life Insurance Co		
Do	Florida Power & Light	803.90	7.00
Do	Florida Sugar Cane League, Inc	600.00	
Do	James Graham Brown Foundation	6,052.00	27.00
Do	LeBoeuf Lamb Leiby & MacRae (Underwriters of Lloyd's London)	1,509.60	11.50
Do	Lincoln Life Improved Housing, Inc		
Do	Lincoln National Life Insurance Co	1,020.07	8.00
Do	National Assn of Life Companies	500.00	
Do	National Cattlemen's Assn	624.99	45.08
Do	NEOAX, Inc	25,000.00	12.00
Do	Stock Information Group	9,960.17	47.00
Do	U.S. Sugar Corp	600.00	
Do	Underwriters of Lloyd's, London	153.62	
Davis Hockenberg Wine Brown Koehn & Shors, 2300 Financial Center Des Moines, IA 50309	SKC Associates (For:Southern Company Services)	26,853.00	20,269.55
Davis Polk & Wardwell, 1575 Eye St., NW, #400 Washington, DC 20005	American Inst of Certified Public Accountants	812.00	20.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co	1,240.00	36.00
Do	New York Clearing House		
Do	Norwest Corporation	350.00	10.00
Do	Occidental International Corp	319.00	
Do	Otto Bremer Foundation		
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Energy Contractors Price-Anderson Group	1,603.00	1,289.70
Do	Pacific Northwest Coalition for Maritime Law Reform		
Do	Star-Kist Foods, Inc		
Do	Tri-City Nuclear Industrial Council, Inc		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Brenda T. Day, 655 15th St., NW, #300 Washington, DC 20005	Armtek Corp	6,330.00	
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Ralph De La Cruz, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,234.00	320.00
De La Salle Institute, P.O. Box A-D St. Mary's College Moraga, CA 94575-1154			2,609.70
O. Mark De Michele, 411 N. Central Avenue Phoenix, AZ 85004	Arizona Public Service Company		
Maryann M. Dean, 1875 Eye Street, NW, #400 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John Russell Deane III, 1607 New Hampshire Avenue, NW Washington, DC 20009	Auto Internacional Assn	545.47	269.46
Do	Coalition of Automotive Assns	1,250.70	582.99
Do	Specialty Equipment Market Assn	3,751.80	1,748.87
Debevoise & Plimpton, 555 13th Street, NW Suite 1100E Washington, DC 20004	Sony Corp of America		
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Do	Pension Real Estate Assn		
William E. Deegans, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,782.86	1,588.47
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Do	Nurses Organization of the Veterans Administration		1,000.00
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	600.00	600.00
Delaney Bitonti & Wilhelm, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Harcourt Brace Jovanovich, Inc	2,476.25	141.95
Do	National Assn of Independent Insurers	15,000.00	185.20
Do	Transamerica Insurance Services	15,075.00	271.99
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW, #350 Washington, DC 20004-2505	Union Pacific Corp		
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	100.00	
George G. Demougeot, 1825 Eye Street, NW, #400 Washington, DC 20006	Haggar Women's Wear	1,199.92	199.92
Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112			
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Nuclear Energy Council		
Do	Edison Electric Institute	450.00	
Do	Michigan Consolidated Gas Co		
Do	N U S Corporation		
Do	National Office Products Assn		
Do	Westinghouse Electric Corp	150.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,473.38	24.99
Paul W. Dennett, 655 15th St., NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Thomas J. Dennis Sr., 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	6,375.00	1,500.00
Wells Denyes, 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	350.00	137.29
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		8,145.57	8,145.57
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	Grocery Manufacturers of America, Inc		
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	400.00	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Aerospace Industries Assn		
Do	Air Products & Chemicals, Inc		
Do	Amax, Inc		
Do	American Ref-Fuel Company		
Do	Arctic Alaska Seafoods, Inc		
Do	Bankers Trust Co		
Do	Baptist Foundation of Texas		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Browning-Ferris Industries, Inc		
Do	Catholic Health Assn of the U.S.		
Do	Chase Manhattan Corp		
Do	Chrysler Corporation		
Do	Committee for Future Investment in America's Past		
Do	CIC Enterprises, Inc		
Do	Digital Equipment Corp		
Do	Disk Drive Consortium		
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Reinsurance Corp		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc		
Do	Hershey Foods Corp		
Do	Hospital Coalition		
Do	Household International		
Do	Integrated Resources, Inc		
Do	Intel Corporation		
Do	Man-Made Fiber Producers Assn, Inc		
Do	Morgan Stanley Group, Inc		
Do	Mutual Life Insurance Co of New York		
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Pfizer, Inc		
Do	Premark International		
Do	Primerica, Inc		
Do	Prudential Insurance Co of America		
Do	Joseph E. Seagram & Sons, Inc		
Do	Semiconductor Industry Association		
Do	Squibb Corporation		
Do	SEMATECH	590.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports		
Do	U.S. Telephone Assn		
Do	Union Pacific Corp		
Do	Walt Disney Co		
Do	Waverley Associates		
Do	West Indies Rum & Spirits Producers Assn		
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	10,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,187.00	985.54
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Embassy of Japan	20,000.00	
Do	Groth Air Services, Inc		
Do	Universal Fruitrade Co-operative, Ltd	6,131.86	
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	717.89	
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Gregory L. DePriest, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,000.00	
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Chester T. Dickerson Jr., c/o Bernadette Hammond 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		342.31
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Robert W. Dickey, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	Allied Signal, Inc	13,800.00	
Do	Chicago & North Western Transportation	17,499.26	
Do	United Technologies Corporation	15,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	1,514.10	
Do	Apple Computer Corp	460.00	
Do	Avondale Industries, Inc		
Do	ABD Securities Corp	3,000.00	
Do	Bank of Oklahoma	125.00	
Do	Bayoil (USA), Inc	42.50	
Do	Bear Stearns & Co	1,500.00	
Do	Boundary Gas, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	California Assn of Thrift & Loan Companies	4,308.25	
Do	Car Audio Specialists Assn (CASA)	500.00	
Do	DOT Partnership		
Do	Federal National Mortgage Assn		
Do	Federated Cash Management Systems	7,500.00	
Do	Fiat USA		
Do	Flare, Inc/Seismic Reflections		
Do	Home Box Office, Inc		
Do	International Medical News Service	2,355.00	
Do	Iroquois Gas, Inc	28,800.00	
Do	IPP Working Group	5,091.25	
Do	Marine Engineers' Beneficial Assn		
Do	Medtronic, Inc	3,987.50	
Do	Morgan Guaranty Trust Co	1,545.00	
Do	J. P. Morgan Securities, Inc	656.25	
Do	Mudge Rose Guthrie Alexander & Ferndon (for Toshiba Corp)		
Do	National Fed of Societies for Clinical Social Work	1,260.00	
Do	North Carolina Dept of Natural Resources and Community Devlp	600.00	
Do	Occidental Petroleum Corp	343.75	
Do	Ocean State Power		
Do	Paulucci Enterprises	11,831.25	
Do	Security Life Insurance Co	1,093.75	
Do	States of Arkansas, et al		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Thomas A. Dine, 500 North Capitol St, NW, #300 Washington, DC 20001-1510	American Israel Public Affairs Comm	22,420.50	2,724.57
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	59.05	99.74
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Companies, Inc)		
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	29.53	
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	59.05	99.73
Do	Lumbermens Mutual Casualty Company	2,100.00	437.01
James C. Dinegar, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 511 Capitol Court, NE, Suite 300 Washington, DC 20002	Health & Medicine Counsel of Washington		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		160,647.40	160,647.40
Diversified Energies, Inc, C/O Mr. Carl W. Cummins 201 South 7th Street Minneapolis, MN 55402			
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,900.00	
Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	2,500.00	
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	150.00	
Margaret R. DiPaula, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	410.00	
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	212.00	20.00
Steven P. Doehler, 1615 L Street NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	6,000.00	
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	38.18	8.50
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers	1,250.00	28.53
Brian J. Donadio, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	3,503.00	
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 955 L'Enfant Plaza, SW, #1202-N Washington, DC 20024	National Water Resources Assn	3,125.00	
Sally S. Donner, 1710 Rhode Island Avenue, NW, #400 Washington, DC 20036	General Foods Corporation	1,343.75	43.85
Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090			
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	340.00
Kevin L. Dorn, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	7,269.00	
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dorsey & Whitney, 2200 First Bank Place East Minneapolis, MN 55402	FilmTec Corporation	512.15	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	233.75	
W. Carter Doswell, 1825 Eye Stree, NW, #450 Washington, DC 20006	Goldman Sachs & Co	500.00	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	76.40
Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402	Pillsbury Company		
Russell E. Dougherty, 8280 Greensboro Drive, #900 McLean, VA 22102	Military Impacted School Districts Assn	1,010.00	
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Theodore Douglas, 6554 Coventry Dr. Florissant, MO 63033			
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	A.P. Moller-Maersk Line		
Do	Algoma Steel Corp, Ltd		
Do	Beeman and Associates		
Do	California Wine Commission	6,486.53	1.60
Do	Canadian Institute of Steel Construction		
Do	Carlyle Group		
Do	Chamber of Commerce of the U.S	2,093.50	
Do	Chicago City Colleges		
Do	Cox Enterprises, Inc, et al		
Do	Directors Guild of America		
Do	Dofasco, Inc, et al	7,177.55	594.83
Do	Harris Steel Group, Inc		
Do	Hercules, Inc		
Do	Home Shopping Network, Inc	2,217.50	19.75
Do	Johnson-Simmons Co		
Do	Lake Ontario Cement, Ltd		
Do	Laurel Steel Products, Ltd		
Do	Life Care Services Corp		
Do	Marriott Corp	1,464.25	274.27
Do	Monarch Wine Co of Georgia, et al	7,983.00	175.38
Do	Profit Sharing Council of America	375.00	197.45
Do	Sporicidin Company	238.50	
Do	State Higher Education Executive Officers Assn		
Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	1,300.00	250.00
Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202	Harris Corporation	3,050.00	1,419.82
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,340.40	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	39.64
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,517.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	Briggs & Stratton Corp		
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	230.00	50.00
John P. Dring, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp		
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	PHLCORP	24,000.00	120.04
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Lorraine Driscoll, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action	1,312.50	210.00
Fran Du Melle, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn		
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise Marianas America, Inc	16,099.89	7,531.00
Dana D. Duden, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Michael J. Duff, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,400.00	
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	693.79
C. Ray Duggan, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	2,000.00
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc		
Deborah A. Dull, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	300.00	
Dulles Access Rapid Transit Corp, 8000 Towers Crescent Dr., #801 Vienna, VA 22180			
Mervin E. Dullum, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	200.00	102.35
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	13,884.94	310.00
Don R. Duncan, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	5,000.00	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	1,314.98
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	Western Fuels Association, Inc		
Do	WEB Water Development Assn		
Pauline Dunlap, 1201 McDuffie #222 Houston, TX 77019	Eagle Fisheries, Inc		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational & Co-Operative Union of America	12,746.67	777.80
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Kenneth J. Dupin, 2302 Oakland Blvd., NW Roanoke, VA 24012-3914	Robins Carbide Reynolds Fund (RCR Fund)		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	4,875.00	1,442.00
Joseph L. Duran, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Douglas A. Durante, 1090 Vermont Ave., NW, #900 Washington, DC 20005	Clean Fuels Development Coalition	6,000.00	2,185.00
B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co		
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Miguel H. Agosto	1,600.00	
Do	American Free Trade Assn	6,792.13	
Do	Anchor Industries, Inc	327.50	
Do	Anesthesia Care Team Society	4,000.00	
Do	Associates of North America		
Do	Association of Telemessaging Services Int'l, Inc		
Do	Citgo Petroleum Corp	8,000.00	
Do	Colorado River Municipal Water District (CRMWD)		
Do	Communications Satellite Corp	3,200.00	
Do	Council for Solid Waste Solutions		
Do	D & B Wholesale Cosmetics, Inc	600.00	
Do	DSC Communications	10,574.00	
Do	Sims Walker & Steinfeld, P.C. (For:Freight Undercharge League)	2,000.00	
Do	William Gold		
Do	Jaime Goldenberg	50.00	
Do	Granger Associates		
Do	Gulf & Western Industries, Inc	9,000.00	
Do	Hart-Culp International	800.00	
Do	International Telecharge, Inc	12,000.00	
Do	Jewish National Fund	6,000.00	
Do	Lightnet	4,209.69	
Do	MedMax		
Do	Midlands Consortium	12,998.80	
Do	Model Imperial Supply Co, Inc		
Do	Oklahoma State University	4,800.00	
Do	PacifiCare Health Systems	3,192.50	
Do	Pitts Energy Group		
Do	R-Max	9,440.50	
Do	Southland Corporation		
Do	Stedman Foundation, Inc	400.00	
Do	M. Stevens Cosmetics Co		
Do	U.S. Sprint		
Do	Yavapai Telephone Exchange	3,000.00	
Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004	National Assn of Manufacturers		
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,821.28	483.65
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,500.00	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dykema Gossett, 1752 N St., NW, 6th Fl. Washington, DC 20036	Committee on U.S. Business Canadian Life & Health Ins. Assn		
Do	Military Boot Manufacturing Assn		
Do	Total Petroleum, Inc		
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DGA International, Inc, 1818 N Street, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	724.00	251.38
Do	Sofreavia	360.00	97.51
Jeffrey P. Eagleson, 1000 Wilson Blvd., #2500 Arlington, VA 22209	Allied-Signal Aerospace Co		
Jack D. Early, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	75.00	8.00
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	607.00
Eric D. Eberhard, 1155 Connecticut Ave., NW, #500 Washington, DC 20036	Gover Stetson Williams & Eberhard (For:Campo Band of Mission Indians)		
Do	Gover Stetson Williams & Eberhard, P.C. (For:Confederated Tribes of the Colville)	350.00	
Do	Gover Stetson Williams & Eberhard, P.C. (For:Pueblo of Sandia)		
Do	Gover Stetson Williams & Eberhard, P.C. (For:Sault Ste. Marie Tribe of Chippewa Indians).		
Do	Gover Stetson Williams & Eberhard, P.C. (For:Shoshone Business Council)	2,900.00	
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto)		
Walter T. Eccard, One Farragut Square South Washington, DC 20006	Brown & Wood (For:Citicorp Investment Bank, et al.)		
Marsha A. Echols, Law Offices of Max N. Berry 3213 O Street, NW Washington, DC 20007	National Assn for the Specialty Food Trade, Inc		
N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,500.00	
Robert C. Eckhardt, 120 5th Street, NE Washington, DC 20002	Certain Claimants Lawyers		
Patricia K. Economos, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William R. Edgar, 3116 N. Nottingham Street Arlington, VA 22207	Gates Learjet Corporation		
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	537.50	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		1,169.29	45,148.46
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	17,269.20	240.00
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group		
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA		
Do	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	301.67	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,594.10	150.00
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	11,250.00	
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	14,000.00	210.27
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	12,250.00	354.00
H. J. Elam III, 1201 Maple St. Greensboro, NC 27405	Cone Mills Corp	13,650.00	7,929.85
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	166.67	197.19
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc	625.00	1,873.15
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	40.00	
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Eric J. Ellman, 100 Maryland Ave, NE Washington, DC 20002	National Coalition to Ban Handguns	5,375.00	150.00
Gary Elmestad, P.O. Box 3153 St Charles, MO 63302	Industrial Development Auth of St. Charles Co	8,750.00	1,114.74

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		98,368.65	76,032.18
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			1,000.00
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	6,300.00	37.00
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,253.12	
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference	112.50	25.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		10,250.00	
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		187.50
Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Patricia A. English, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		56.35
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037	Sinclair Oil Corporation	1,000.00	3,150.78
Epstein Becker & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	Voluntary Hospitals of America, Inc	11,325.00	
Erisa Industry Committee, 1726 M Street, NW, #1101 Washington, DC 20036			5,068.00
John Ernst, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,194.92	
James L. Ervin, 499 South Capitol Street, SW, #520 Washington, DC 20003	Baldt, Inc		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	9,929.31	
Stephen E. Eure, 1711 King Street Alexandria, VA 22314	Snack Food Assn	4,500.00	454.26
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:BATUS, Inc)		
Do	Hecht Spencer & Associates, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Associates (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Associates (For:Western Growers Association)		
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Group		
David C. Evans, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Building Owners & Managers Assn Int'l		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Hoechst Celanese Corp		
Do	IFRB Corp		
Do	Michigan Consolidated Gas Company		
Do	Stepan Corporation		
Dwight H. Evans, 1130 Connecticut Ave., # 830 Washington, DC 20036	Southern Company Services, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	ACA	2,500.00	
Do	SIA	2,500.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	2,000.00	
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	1,500.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			1,613.00
F/P Research Associates, 1700 K St., NW, #404 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Do	Shell Oil Co		
Dan L. Fager, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,200.00	
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Holding Company Advocacy Group, c/o Mr. R.H. Jeffrey 180 East Broad Street Columbus, OH 43215			202.50
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA		5,546.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	1,900.00	87.00
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		128,689.00	96,259.36
John W. Farquhar, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	100.00	
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
J. Dent Farr, 2000 M St., NW, #550 Washington, DC 20036	North American Telecommunications Assn	10,962.00	
Christopher G. Farrand, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Co, Inc		250.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Richard T. Farrell, 1133 15th St., NW, #210 Washington, DC 20005	Syntex (USA) Inc	4,125.00	696.44
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	32,714.88	5,308.63
Do	Desert Research Institute	850.44	50.44
Do	Echo Bay Mining Co	2,396.01	21.01
Do	Kirton McConkie & Bushnell	616.44	66.44
Do	Public Service Co of New Mexico	15,019.13	2,147.63
Do	Sierra Pacific Power Co	12,168.95	1,390.88
Do	Standard Oil Co (Ohio)	11,250.00	
Do	University of Nevada School of Medicine	1,864.09	239.09
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	4.17	
William D. Fay, 818 Connecticut Ave., N.W., #900 Washington, DC 20006	Clean Air Working Group	5,250.00	3,277.73
Federal Judges Association, 2188 U.S. Courthouse 75 Spring Street Atlanta, GA 30303		10,400.00	13,613.98
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		531.54	531.54
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			6,216.40
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		244.75
Scott Feierabend, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,024.90	
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Karen S. Fennell, 1522 K St., NW, #1120 Washington, DC 20005	American College of Nurse-Midwives		
Randolph Fenninger, 1030 15th St., NW, #468 Washington, DC 20005	American Assn of Colleges of Osteopathic Medicine	2,000.00	
Do	American Gastroenterological Assn	500.00	
Do	American Soc for Gastrointestinal Endoscopy	1,000.00	
Do	American Soc of Anesthesiologists	3,300.00	
Do	American Soc of Clinical Pathology	2,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	3,000.00	
Do	National Hemophilia Foundation	1,000.00	
Do	Samaritan Health Services		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn		
Fensterwald & Alcorn, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	210.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006	Times Mirror Co		
Stephen L. Ferguson, CFC, Inc 405 N. Rogers St. Bloomington, IN 47401	Cook Group, Inc		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202	AM General Corporation		
C. H. Fields, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,650.00	22.80
Marshall S. Filler, 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Continental Airlines, Inc, et al		
Do	Eastern Air Lines, Inc		
Do	National Business Aircraft Assn		
Do	Texas Air Corp		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		17,500.00	7,332.00
William J. Finch, 403 East Sixth St. Bloomington, IN 47401	Cook Group, Inc	75.00	67.71
Fine Geddie & Associates, 405 S. Hull Street Montgomery, AL 36104	Douglas Oil Co		
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	125.00	
William A. Finerfrock, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants		
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Nelson L. Fink, 378 Oak Court Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		192.07
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	5,500.00	20.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fire Equipment Manufacturers & Services Assn, Inc, 1776 Massachusetts Avenue, NW, #521 Washington, DC 20036			
First National Bank of Boston, 100 Federal St. Boston, MA 02110			16,412.26
Amy T. Fischer, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators		
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	98.40
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc		
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,500.00	
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	ARCO Chemical Co		
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 410 Asylum Street Hartford, CT 06103	American Petroleum Institute	50.00	
Richard S. Fitzsimmons, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Hilliard J. Fiord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	643.73
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	300.00	
Do	Flack, Inc (For:Spiegel, Inc)	300.00	
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Virginia Power		
James J. Flanagan, 25 Research Dr. Westborough, MA 01582	New England Power Service Co	198.00	30.20
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	National Spiritual Assembly of the Baha'is of the U.S.	3,500.00	400.00
Jonathan W. Fleming, 1225 I St., NW, #950 Washington, DC 20005	American Electronics Assn		
Michael Fleming, 1300 n. 17th st. suite 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,715.58	
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	5,250.00	
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Foley & Lardner, 1775 Pennsylvania Avenue, NW Washington, DC 20006-4680	Kohlberg Kravis Roberts & Co		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		14,636.00	14,636.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			4,850.00
Foodservice & Lodging Institute, 1919 Pennsylvania Ave, NW, #504 Washington, DC 20006			11,307.39
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
Mari S. Forbes, 1731 Connecticut Ave., NW Washington, DC 20009	Albers & Company (For:May Department Stores Co)		
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
John P. Ford, Kellogg Co One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Camp Barsh Bates & Tate		
Do	Coalition to Protect the Integrity of American Trademarks		
Do	United Food & Commercial Workers Int'l Union	300.00	10.00
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			6,750.00
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	625.00	
Sallie H. Forman, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc		
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	1,487.50	
Richard C. Fortuna, 1440 New York Ave., NW, #310 Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 1439 Rhode Island Avenue, NW Washington, DC 20005	National Coalition for the Homeless	625.00	
Bruce Foster, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	4,437.00	1,500.00
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Association	4,025.00	556.60
Stacie Foster, 1100 15th St., NW, #700 Washington, DC 20005	Sonat, Inc		
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	5,184.00	4,438.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Providence Hospital		
John P. Fowler, 1187 National Press Building Washington, DC 20045	Ad Hoc Comm in Defense of Life, Inc	3,300.00	8,935.72
Alissa T. Fox, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al.	1,000.00	
Douglas S. Foxley, 50 South Main, #975 Salt Lake City, UT 84144	Reese Communications Companies	2,500.00	9.65
Donald Fraher, 777 14th Street, NW Washington, DC 20005	American Symphony Orchestra League	10,323.12	112.00
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		54.50
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Madison Public Affairs Group, Inc	15,000.00	377.42
Richard L. Frank, 1029 Vermont Ave., NW, #400 Washington, DC 20005	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	480.00	
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Eagle Group (For:Design Systems, Inc)	1,000.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	3,750.00	
David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	499.48
Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006	Silver Users Assn, Inc	1,827.00	250.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		3.20
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	107.91
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	825.00	130.00
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference	112.50	53.10
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
Free the Eagle, 25 E Street, NW, 8th Floor Washington, DC 20001		41,468.86	224,312.37
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	5,000.00	
James O. Freeman, 324 9th Street, SE Washington, DC 20003	U.S. League of Savings Institutions	5,000.00	
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co		
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	General Atomics	2,150.00	84.48
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,000.00	
Do	Montgomery Ward & Co, Inc	2,500.00	
Do	Wheels, Inc	500.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Doyon, Limited		
Do	General Electric Co	192.50	
Do	Imperial Investments (Grosvenor) Limited	3,500.00	
Do	Lonza, Inc	1,521.00	51.84
Do	Virgin Islands Rum Industries, Ltd	1,225.00	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Cleveland Electric Illuminating Co	26,478.00	
Do	Coalition for Environmental-Energy Balance	10,269.00	
Do	Reese Communications Companies	10,000.00	
Gay H. Friedmann, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	10,500.00	436.00
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			34,557.88
Ellen Frishberg, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	5,850.00	192.00
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	560.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	797.88
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	5,882.04	
Thomas E. Fruechtenicht, 700 Harrison Bldg 143 West Market St. Indianapolis, IN 46204	Reese Communications Companies	12,000.00	
Gordon H. Fry, 1111 19th Street, NW, #900 Washington, DC 20036	Edison Electric Institute		
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	8,223.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	2,750.00	96.65
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	2,500.00	
William C. Gager, 6849 Old Dominion Dr. McLean, VA 22101	Automotive Parts Rebuilders Assn		
Deborah Gahs, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie Gainer, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	3,001.55	
Joe H. Galis 059739, D.C.I., 19000 SW 377 St. D-111-T Florida City, FL 33034	Joe H. Galis		
Linda Parke Gallagher, 1225 Eye Street, NW, 7th Floor Washington, DC 20005	Linda Parke Gallagher & Associates (For:National Corp for Housing Partnerships)		
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	South Africa Sugar Association	2,917.64	379.64
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,600.00	420.27
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	500.00	
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Galvin Fox & Palmer, 425 Park Avenue New York, NY 10022	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		
Cheryl Gannon, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	7,431.07	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	52,763.50	
John B. Gantt, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20006	Associated Aviation Underwriters	12,335.97	52.17
Nicole Gara, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Companies		
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn		
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	27.74
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750-N Washington, DC 20004	Alamo Rent-A-Car, Inc		
Do	Andrew Corp	292.50	0.65
Do	Ansell, Inc	540.00	31.00
Do	Midcon Corp		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company		
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Ann Lakin Garver, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty and Surety Agents	1,500.00	35.00
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20007	City of Aberdeen	27,970.00	
Do	Space Industries, Inc	12,101.15	
Do	Totem Ocean Trailer Express, Inc	12,450.00	
Do	Washington Citizens for World Trade	14,604.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	4,000.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Electronic Data Systems Corp	160.00	136.00
Fred Gehringer, P.O. Box 1002 Chino, CA 91710			39.86
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Robert H. Kellen Co (For:Infant Formula Council)		
Morton A. Geller, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			10,825.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		7,322.50	63.97
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		9,113.00	9,113.00
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Cheryl K. Genevie, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	3,000.00	
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Transco, Inc		
Georgia Power Co, 333 Piedmont Ave Atlanta, GA 30308		7,936.50	7,234.81
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co		60.00
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,201.46
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,927.09	58.30
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Gerst Heffner Foldes & Podgorsky, 1700 K Street, NW, #1107 Washington, DC 20006	Local Railroad Coalition	600.00	15.00
Kenneth Gersten, P.O. Box 667 Annapolis, MD 21404	Sierra Club		
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	ARCO Chemical Co	525.00	
Do	Benchmarks, Inc	568.75	
Do	Grupo Industrial Alfa, SA	568.75	
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	16.65	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	2,000.00	140.00
Clair Ghylin, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	7,500.00	
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Committee for the Protection of Shippers Shortlines & Equip		
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	15,000.00	337.50
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	
David Wesley Gibbons, 1735 Jeff Davis Hwy., #403 Arlington, VA 22202	Morton Thiokol	21,732.00	32,973.00
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
Robert B. Giese, 3811 Garfield St., NW Washington, DC 20007	BHC, Inc		
Do	Chris-Craft Industries, Inc		
Do	United Television, Inc		
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corporation		
Lucie Kristie Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	15,450.00	
Robert C. Gilardi, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Heliun Advisory Council		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	5,538.48	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Michael Gildea, 815 16th St., NW #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,247.16	
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Astra Holdings Corp	200.00	
Do	IPAC, Inc	200.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	31,250.04	915.98
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Daniel F. Gilligan, 1701 K Street, NW, #400 Washington, DC 20006	National Manufactured Housing Federation	1,000.00	
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)		
Do	Robertson Monagle & Eastaugh (For:Bristol Bay Native Corp)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)		
Do	Robertson Monagle & Eastaugh (For:Dyer Ellis Joseph & Mills)	1,250.00	
Do	Robertson Monagle & Eastaugh (For:Fierce & Associates)	1,250.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	900.00	
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	12,500.00	429.33
Gilmartin Poster & Shafto, One William Street, 5th Floor New York, NY 10004	B & B Dredging Corp		
Jim Gilmore, 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	11,250.00	221.93
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Agusta Aviation Corp		
Do	Allied Signal Aerospace Co	2,760.00	61.42
Do	Chrysler Corporation		
Do	Equifax		
Do	First Federal Savings Bank	4,500.00	99.60
Do	Lockheed Aeronautical Systems Company	1,040.00	23.17
Do	Lockheed Corporation		
Do	Mechanical Technology, Inc		
Do	Oglethorpe Power Corp		
Do	Rockwell International Corp	3,600.00	79.68
Do	Shell Oil Co	3,000.00	66.40
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Mark R. Ginsberg, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	5,000.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,470.77
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co		
Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005			
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martin J. Gleason, 1250 24th Street, NW, #600 Washington, DC 20037	Van Dyk Associates, Inc (For:American Gas Assn)	1,750.00	64.00
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	9,503.04	411.80
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Glenn Irvin Murphy Gray & Stepp, 1325 Laurel Street P.O. Box 1550 Columbia, SC 29202	Dr. Allen P. Bruner		5.33
Do	Mr. & Mrs. Peter Buyck		5.33
Do	Joy B. Carpenter	2,054.64	5.33
Do	Congaree River Limited Partnership	1,488.67	5.33
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fanuc Ltd		
Do	Hitachi, Ltd	72.11	
Do	Hyundai Motor America	120.19	
Do	Japan Fed of Construction Contractors, Inc	108.17	
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Sisters of Charity of the Incarnate Word	240.00	
Do	Teco Transport & Trade Corp		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,050.00	21.57
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	600.00	312.12
A. James Golato, 2300 M St., NW, #800 Washington, DC 20037	H&R Block, Inc		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Access Communications, Inc		1,737.00
Do	American Academy of Ophthalmology	2,100.00	1,827.00
Do	American Assn of Airport Executives	7,200.00	1,929.00
Do	American Medical Assn	26,000.00	2,090.00
Do	Anchor Savings		1,737.00
Do	Arizona Legislative Council	40,500.00	1,737.00
Do	Beretta Corp	8,410.00	2,137.00
Do	Camp Barsh Bates & Tate	1,540.00	1,814.00
Do	Chemical Manufacturers Assn, Inc	910.00	1,737.00
Do	College of American Pathologists	6,666.00	2,137.00
Do	Electronic Data Systems Corp	11,668.00	1,811.00
Do	Energy Research Corp	12,600.00	1,944.00
Do	Equitable Life Assurance Society of the U.S	50,000.00	2,137.00
Do	Eye Bank Assn of America	1,875.00	1,926.00
Do	Federal Express Corp	2,612.00	2,107.00
Do	Federated Investors, Inc	6,250.00	2,137.00
Do	Fiat, USA	24,000.00	2,137.00
Do	Ford Motor Co		1,737.00
Do	Hopi Tribe	12,000.00	1,737.00
Do	Investment Company Institute	11,056.00	2,137.00
Do	Martin Marietta Corp	3,000.00	1,823.00
Do	MCI Communications Corp	13,650.00	2,137.00
Do	National Cattlemen's Assn	500.00	930.00
Do	National Football League	4,645.00	2,024.00
Do	National Restaurant Assn	18,000.00	2,137.00
Do	National School Transportation Assn	3,012.00	1,883.00
Do	Pacific Enterprises	13,200.00	2,137.00
Do	Philip Morris Company		1,158.00
Do	Phillips Petroleum Co	7,500.00	2,137.00
Do	Public Securities Assn	5,077.00	2,137.00
Do	Ricoh Corp		1,995.00
Do	Texas Cattle Feeders Assm	500.00	930.00
Do	Ticor Title Insurance Co	4,000.00	1,942.00
Do	Times Mirror Co	8,077.00	2,137.00
Do	Tobacco Institute	20,000.00	979.00
Do	Washington Metropolitan Area Transit Authority	16,875.00	1,737.00
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227			9,8[illegible]00
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Goldman Sachs & Co, 1825 Eye St., NW, #450 Washington, DC 20006			1,550.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,300.00	
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Soc of Public Accountants		
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	3,037.95	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	1,307.63
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Beth Goodrich, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc		
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	1,250.00	408.16
Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036	National Hydropower Assn	100.00	
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	40.00	27.00
John Gordley, 201 Massachusetts Avenue, NE, #C-5 Washington, DC 20002	Evans Grain Co	4,500.00	1,284.14
Do	Iowa Pork Producers Assn	4,500.00	1,456.12
Do	National Sunflower Assn	16,500.00	3,681.38
Do	Nebraska Wheat Board	24,000.00	2,503.71
Randall C. Gordon, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
William Gordon, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	700.00	544.14
Gordon Feinblatt Rothman Hoffberger & Hollander, 233 East Redwood Street Baltimore, MD 21202	O-W Fund, Inc	4,450.00	60.00
John C. Gore, 1776 Eye Street NW Suite 1000 Washington, DC 20006	BP America, Inc		
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	14,916.00	217.50
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	1,881.00	
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	Burger King Corp		
John T. Gould Jr., 475 Park Ave. South New York, NY 10016	Soap & Detergent Assn		
Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202			1,500.00
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817			185.51
Government Research Corporation, 1250 Connecticut Ave., NW, #600 Washington, DC 20036	SNA Canada, Inc		
Government Strategies, Inc, 1712 Walnut Street,#300 Philadelphia, PA 19103	Lukens, Inc	11,560.00	6,598.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
James E. Graf II, 555 13th Street NW, #480 W. Washington, DC 20004-1109	Contel Corp	9,000.00	25.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions		
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Karen Graham, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc		
Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn	231.00	
Frances Turk Granahan, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		398.81
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Grant Thornton, 1850 M St., NW, #300 Washington, DC 20036			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)		
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	1,875.00	
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	10,500.00	294.88
Do	Portsmouth-Kittery Armed Services Committee, Inc		
James A. Gray, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	1,028.00	25.00
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc. (For:Assn for the Advancement of Human Rights)		
Do	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:First American Bank, N.A.)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton Inc (For:Hoopa Valley Business Council)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		200.00	200.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Greater Washington Board of Trade, c/o Ellie Weilenmann 1129 20th Street, NW, #200 Washington, DC 20036			
James R. Greco, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc		
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,500.00	142.47
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Gretchen Green, 1000 Connecticut Ave, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102-2130	Papillion-Lavista School District	4,262.00	106.42
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	2,138.71
Robert H. Green, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	1,349.63
Wayne Green, Enterprises, Inc Route 202 North Peterborough, NH 03458	73, Inc		
Douglas Greenaway, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l		
David I. Greenberg, 1875 Eye Street, NW, #500 Washington, DC 20006	Philip Morris Companies, Inc	5,100.00	1,034.00
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	9,000.00	
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Robert Greenstein, 236 Massachusetts Ave, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	88.00	
Lynn Greenwalt, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	308.22	
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	Erisa Industry Committee	2,325.00	3.00
John D. Gregory, P.O. Box 12458 Columbia, SC 29211	Norfolk Southern Corp		
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	25,000.00	
Ginny Grenham, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers		
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America		
Do	American Assn of Airport Executives		
Do	American Insurance Assn		
Do	American Psychological Assn	1,200.00	36.00
Do	Arthur Andersen & Co	200.00	6.00
Do	Blue Cross & Blue Shield Association	200.00	6.00
Do	Camp Barsh Bates & Tate		
Do	Coalition to Protect the Integrity of American Trademarks		
Do	CBS, Inc		
Do	COMSAT Corp		
Do	Gulf Oil Corp		
Do	McCaw Communications Cos		
Do	Merck & Co, Inc		
Do	Pharmaceutical Manufacturers Assn		
Do	Philip Morris, Inc		
Do	Puyallup Tribe of Indians		
Do	United Cable Television Corp		
John Grigsby, 108 N. Alfred Street Alexandria, VA 22314	Conservative Alliance		
McGee Grigsby, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Latham & Watkins (For:Farmers & Merchants Bank of Long Beach)		
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		70.00
Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22042	AAA Potomac		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			902.70
James N. Groninger, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		94.50
Groom & Nordberg, Chtd, 1701 Pennsylvania Ave, NW, #1200 Washington, DC 20006	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Chevron Corp	200.00	20.00
Do	Colorado-Ute Electric Assn, Inc		
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	100.00	10.00
Do	Principal Financial Group	100.00	10.00
Do	Prudential Insurance Co of America	500.00	50.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation	500.00	8,000.00
Do	Reading & Bates Corporation		
Do	Southern California Edison Co		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Academy of Dermatology		
Do	American Academy of Otolaryngology-Head & Neck Surgery		
Do	American Gastroenterological Assn		
Do	American Soc of Clinical Oncology		
Do	Association of American Cancer Institutes		
Do	Cooley's Anemia Foundation		
Geri A. Guardino, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,036.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Marketing Service International, Inc	2,000.00	
Do	O'Connor & Hannan (For:Blanchfield & Moore)	5,000.00	
Do	Dillon Read & Co, Inc	5,000.00	
Do	LF Rothschild Unterberg Towbin, Inc		
Do	Michigan State Housing Development Authority	2,500.00	
Do	Morris Communications	14,000.00	
Do	Naegle Outdoor Advertising	5,000.00	
Do	O'Connor & Hannan	25,000.00	
Do	Paine Webber Group, Inc		
Do	Riverton Investment Corp	4,000.00	
Do	Simpson Thacher & Bartlett (for Sol Goldman Estate)	24,000.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 102 Roff Way Reno, NV 89501	Motion Picture Assn of America, Inc		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	BASF Chemicals Corp		
Do	KMS Fusion, Inc	550.00	55.00
Do	Marine Shale Processors, Inc	3,000.00	100.00
Do	Walk-Haydel & Associates, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		194,949.03	156,609.34
Dan A. Gunderson, Minnesota Petroleum Council 350 St. Peter St., #1025 St. Paul, MN 55102	American Petroleum Institute		
Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006	Department for Professional Employees, AFL-CIO	3,969.50	
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	66.97
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	13,425.00	7,913.45
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	192.12	40.50
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	396.00	17,772.00
Kenneth C.O. Hagerty, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn		
Bruce N. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744	National Tooling & Machining Assn	11,681.28	1,353.32
Peter H. Hahn, 10409 La Costa Dr. Austin, TX 78747	Chromalloy American Corp		
John F. Haifley, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	1,875.00	
Jay D. Hair, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,609.33	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	8,000.00	733.33
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Avondale Industries, Inc		
Do	Boston Redevelopment Authority		36.97
Do	Gay Head Taxpayers Assn		
Do	Leach & Garner Refining Corp		
Do	Northeastern University	2,080.00	262.62
Do	Prime Computer, Inc	2,450.00	
Do	State Street Development Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	408.49
Elliott S. Hall, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,440.00	1,194.80
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887	Midwest Public Affairs-Management Consulting Group		
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,385.00	2,668.40
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	581.44
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company		
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	3,290.65
Rhonda Lee Halverson, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	152.50	25.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	46.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,038.48	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	228.96	
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	360.00	201.94
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1825 K St., NW Washington, DC 20006	American Soc of Mechanical Engineers		
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	6,250.00	
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	12,800.00	532.56
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	1,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	5,926.37	
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads	363.85	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	673.98	
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		8.00
Elisabeth Hanlin, 2000 L St., NW, #1000 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	125.00	
Richard L. Hanneman, 206 North Washington Street Alexandria, VA 22314	Salt Institute		
M. Arnita Hannon, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	1,826.40	1,203.66
Daniel J. Hanson Sr., 501 School Street, SW, #800 Washington, DC 20024	American Road & Transportation Builders Assn	12,000.00	273.00
Hanson Bridgett Marcus Vlahos & Rudy, 333 Market Street, #2300 San Francisco, CA 94105	Itel Rail Corp	7,500.00	
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037	Sugar Regulatory Administration	45,000.00	22,886.41
Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036	Gerber Products Co		
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
James W. Harff, 1200 19th St., NW, #550 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)	2,250.00	
Harff Butterfield, 1200 19th Street, NW, #550 Washington, DC 20036	Turkish Republic of Northern Cyprus	18,000.00	
Jon Harkavy, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Donna Akers Harman, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical USA		5,546.00
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	793.00	2,589.21
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	61.19
W. Brendan Harrington, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	150.00	
Richard M. Harris, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	12,000.00	537.01
Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Adidas, USA	2,100.00	20.00
Do	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Jim Harrison, 501 EYE Street, SW Washington, DC 20024	Association of Urban Universities	11,250.00	
Mark Harrison, 711 G Street, SE Washington, DC 20003	SANE/FREEZE, Inc	5,850.20	
Paul M. Harrison, P.O. Box 4079 Gulfport, MS 39502	Mississippi Power Co	4,059.00	68.50
Anne Harrison-Clark, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	12.25
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Susan P. Hart, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Harter Secrest & Emery, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			35,800.00
Vance Hartke, 7637 Leesburg Pike Falls Church, VA 22043	Alliance of Foreign Medical Graduates	9,000.00	
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Richard Gordon Hatcher, 2210 Hayes Street Gary, IN 46404	R. Gordon Hatcher & Associates, Inc (For:National Assn of Realtors)	15,000.00	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	12,500.00	183.35
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn		
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	4,500.00	497.00
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,369.90
Arnold I. Havens, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Armstrong World Industries, Inc)	12,730.00	157.68
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	26,172.50	382.66
Do	Eckert Seamans Cherin & Mellott (For:CSX Corporation)	16,577.50	696.28
Do	Eckert Seamans Cherin & Mellott (For:MetPath, Inc)	10,813.75	543.54
Do	Eckert Seamans Cherin & Mellott (For:Product Liability Coordinating Committee, et al.)		
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	460.00	30.00
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce	6,346.00	
Paul M. Hawkins, 26 Ridgeview Drive Asheville, NC 28804	Colonial Life & Accident Insurance Co		
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech	65,000.00	4,215.25
Edmund S. Hawley, 555 13th St., NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	75.00
Robert T. Hayden, 1120 Connecticut Avenue, NW, #469 Washington, DC 20036	Maurer Anderson Conway Communications (For:Coalition for Safe & Responsible Railroads)	7,500.00	204.03
David J. Hayes, 555 13th Street, NW Washington, DC 20004	Hogan & Hartson (For:American Electronics Assn)		14.45
Do	Hogan & Hartson (For:Semiconductor Industry Association)		64.63
Do	Hogan & Hartson (For:Tektronix, Inc)		3.94
R. Michael Haynes, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	18,375.00	1,341.90
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	New England Anti-Vivisection Society	938.00	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	50.00
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
HealthCare COMPARE, Corp, 1133 21st St., NW, #450 Washington, DC 20036			
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	120.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	873.00	
Brian Keith Heard, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	11,287.50	1,188.11
Lynn C. Hearnes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,000.00	270.00
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Associates, Inc (For:CSX Corporation)		
Do	Hecht Spencer & Associates, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Associates, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)		
Do	Hecht Spencer & Associates, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Associates (For:Traditional Industries, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Associates, Inc (For:Western Growers Association)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	500.00	
Do	Boy Scouts of America	500.00	
Do	Brown & Williamson Tobacco Corp	2,000.00	
Do	BATUS, Inc	1,000.00	
Do	CSX Corporation	500.00	
Do	Great Western Financial Corp	500.00	
Do	Harmer-Eyring	250.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	Illinois Dept of Energy & Natural Resources	500.00	
Do	Kansas City Southern Industries, Inc		
Do	Los Angeles Raiders		
Do	Marwais Steel Co	250.00	
Do	National Assn for the Support of Long Term Care		
Do	Southern California Rapid Transit District		
Do	Texas Clinical Laboratories, Inc		
Do	Traditional Industries, Inc	1,000.00	
Do	Western Growers Association	250.00	
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	12,068.76	88.03
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Chicago Board Options Exchange	3,000.00	
Do	CSX Corporation	5,000.00	
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Renewable Fuel Association	3,000.00	
Do	Sealaska Corp	3,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert E. Heggestad, 805 15th Street, NW, #600 Washington, DC 20005	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	20,259.20	321.40
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	28.83	
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	600.00	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			16,513.00
Richard L. Hellwege, 1225 Jefferson Davis Highway, #402 Arlington, VA 22202	Smiths Industries		
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Association of National Advertisers, Inc		
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	428.40	
Nancy Ginn Helme, Box 723 Washington Grove, MD 20880	Weil & Howe, Inc (for Champlain Pipeline Co)	3,903.00	255.32
Suzanne C. Helmick, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
Thomas M. Helscher, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		214.57
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Hecht Spencer & Oglesby, Inc		
Do	Hecht Spencer & Associates (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Associates (For:Illinois Department of Energy & Natural Resources)		
Do	Hecht Spencer & Associates (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Associates (For:Texas Clinical Laboratories, Inc)		
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101, Box 54 Washington, DC 20002	American Library Assn	1,185.00	
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Richard Dean Henderson, 2022 P Street, NW Washington, DC 20036	Private Truck Council of America, Inc		
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues, Inc	4,250.00	607.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314	Retired Officers Assn	6,693.00	
John Hugh Henry, 1735 Eye St., NW, #814 Washington, DC 20006	McDermott, Inc	7,300.00	1,147.68
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	205.00	225.00
Michael T. Henson, #03960-054, P.O. Box 1000 Tallahassee, FL 32301			2.50
Charlotte W. Herbert, 555 New Jersey Avenue, NW, #255 Washington, DC 20001	Vern Clark & Associates, Inc	305.00	646.60
M. Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	1,200.00	
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	600.00	70.56
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Aerojet-General Corp	6,364.10	1,012.76
Do	Agri-Business Corp of America		2.11
Do	American Meat Institute	4,856.25	1.41
Do	American Medical Technologists	4,304.81	52.16
Do	Claudia Ashton		8.82
Do	Asia Satellite Telecommunications, Ltd	173.44	905.87
Do	Asocoflores		
Do	Association of Floral Importers of Florida		
Do	Association of Human Resource Consultants		72.04
Do	ARCO	979.68	2.81
Do	Badger Pipeline	98.75	2.81
Do	Balanced Trade Group		147.08
Do	Bay Area Rapid Transit District		2.11
Do	Bechtel	1,570.31	9.14
Do	Bramelea Pacific	625.63	16.50
Do	C.B.I. Sugar Group, Inc	19,924.67	1,253.80
Do	California Almond Growers Exchange	44,959.06	2,034.88
Do	California Central Valley Project Water Users Assn		12.42
Do	California CH2M Hill	324.06	2.81
Do	California Energy Commission	7,121.09	617.27
Do	California Kiwi Commission	6,582.25	1,745.08
Do	California State Teachers' Retirement System	11,433.25	1,155.36
Do	Canada Cement LaFarge, Ltd		
Do	Central Utah Water Conservancy District	3,750.00	339.91
Do	City of Sacramento	20,220.55	1,490.86
Do	Colorado-Ute Electric Assn, Inc	16,271.56	2,019.40
Do	Council of American Overseas Research Centers	699.18	7.37
Do	Dalton Construction Co		5.63
Do	Desert Research Institute	369.69	157.02
Do	East Kentucky Power Cooperative	575.94	4.92
Do	Electronic Data Systems Corp	10,298.44	1,598.10
Do	Farm Labor Alliance	10,000.00	1,343.65
Do	Friant Water Users	1,547.50	46.56
Do	General Atomics	2,195.78	444.00
Do	Girling Health Care, Inc	7,187.12	67.41
Do	Globos International, Inc	250.00	2.81
Do	Good Sam Club	1,435.26	620.44
Do	Granite Rock Co		129.56
Do	Greenbrier Intermodal	8,717.19	173.27
Do	Independent Cement Corp		
Do	Inland Cement Limited		
Do	International Apple Institute	749.69	165.31
Do	John Hancock Mutual		0.70
Do	Elizabeth (Becky) Johnson	500.63	47.04
Do	Kings River Conservation District	1,926.69	23.52
Do	Lake Ontario Cement, Ltd		
Do	Las Vegas YMCA		
Do	Massport/Commonwealth of Massachusetts	5,000.00	1,744.95
Do	Mid-Valley Water Authority	142.19	2.81
Do	National Council on Teacher Retirement	8,085.31	1,356.77
Do	National Medical Care	10,143.12	3,193.58
Do	National Potato Council	7,000.00	542.56
Do	Northern California Power Agency	737.19	2.81
Do	NTEC - Northeast Texas Electric Cooperative, Inc	11,160.38	129.70
Do	Orion Air	2,486.28	29.37

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Riverside Resorts	14,951.94	161.47
Do	Ryder Systems, Inc	2,921.56	118.04
Do	Sabine River Authority	10,143.80	14.02
Do	San Gabriel Valley Boys Club of America		
Do	Sioux Honey Assn	793.83	7.91
Do	Solano Water Authority	3,581.84	1,627.03
Do	South Dade Land Corp	4,091.65	449.07
Do	St. Lawrence Cement	6,873.89	661.91
Do	St. Mary's Cement		
Do	Sunkist Growers, Inc	34,719.19	2,665.95
Do	Tex-La	264,307.50	134.05
Do	Thai Steel Pipe Industry Assn	17,815.00	206.46
Do	University of California		1.41
Do	University of Nevada/Las Vegas	1,875.00	920.58
Do	University of Nevada/Reno	5,375.34	1,655.64
Do	Vermont Electric Cooperative	19.06	5.94
Do	W.E.S.T.		2.11
Do	Walnut Street Bridge Commission	207.32	40.50
Do	Welch Foods, Inc	1,737.50	220.53
Do	Westlands Water District	408.64	2.81
Do	Yamaichi International (America), Inc	976.40	41.07
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	2,345.13
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	2,985.30	20.00
Dale E. Heydlauff, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	127.85	412.87
Donita Hicks, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action		
Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903	American Petroleum Institute		
J. Thomas Higginbotham, One Mellon Bank Center, #3003 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al	2,000.00	
John S. Hightower, 251 Florida St., #412 Baton Rouge, LA 70801	Louisiana-Pacific Corp	7,125.00	1,284.00
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anne R. Hill, 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Kids Project	13,749.99	17,189.19
Damian P. Hill, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Gerald 'Jerry' Hill, 6 Executive Park Drive, NE Atlanta, GA 30329	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	335.58
Shepard William Hill, 11003 Burywood Lane Reston, VA 22094	Rockwell International Corp	15,737.00	452.96
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	910.13	
Hill & Barlow, One International Place 100 Oliver St. Boston, MA 02110	United Asset Management Corporation		
Hill Betts & Nash, 1818 N St., NW, #700 Washington, DC 20036	Hispacement, S.A.		
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	575.00	
Roderick M. Hills, 1155 15th St., NW, #302 Washington, DC 20005	Manchester Group, Ltd (For:C Itoh & Co, Ltd, et al.)		
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	17,500.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,230.76	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Sheila K. Hixson, 2000 P Street, NW, #505 Washington, DC 20036	Cook & Associates	1,000.00	500.00
Kenneth Hoagland, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,890.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	250.00	
Karen L. Hobert, 2030 M St., NW Washington, DC 20036	Common Cause	5,897.52	356.25
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	29,602.11	
Glen D. Hofer, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Gail Hoffman, 1225 Eye St., NW #1100 Washington, DC 20005	Handgun Control, Inc	8,768.57	
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	3,404.09
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-PEC	500.01	10.00
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	5,000.00	532.95
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Physical Therapy Assn		
Do	Amgen, Inc		
Do	Baptist Medical Center		
Do	Caremark Homecare, Inc	1,327.67	
Do	CH2M Hill	220.00	
Do	Dianon Systems, Inc		12.00
Do	Freightliner Corp	440.00	
Do	Glasrock Home Health Care, Inc		
Do	Jewish Institute for Geriatric Care		
Do	Manufacturers Hanover Trust Co		
Do	Marion Laboratories, Inc		
Do	May Department Stores Co	2,287.50	111.89
Do	Mercedes-Benz of North America, Inc		
Do	Mercy Medical Center		
Do	Mutual Life Insurance Co of New York	600.00	
Do	National Hospice Organization		
Do	National Telecommunications Network		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Payload Systems, Inc		
Do	Schering-Plough Corp		
Do	Simplex Wire & Cable Co		
Do	Software Co Task Force on Foreign Market Penetration		
Do	SouthernNet, Inc		
Do	Tandem Computers, Inc		
Do	Timex Corporation	660.00	
Do	Toyota Motor Sales, USA, Inc	1,652.50	45.36
Do	Underwriters at Lloyd's London	870.00	
Do	University of Pennsylvania		
Philip A. Hogue, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	3,510.00	127.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	22,000.00	
Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064			
Philip C. Holladay Jr., 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Citgo Petroleum Corp		
Do	Citmoco Services, Inc		
Do	Grocery Manufacturers of America, Inc	1,037.50	225.00
Do	Southland Corporation		
Do	State Street Bank		131.00
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Indian River Citrus League	500.00	
Do	Pan American Satellite Corp	1,876.00	
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	2,490.00	3,186.09
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201			
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn		
E. Y. Holt Jr., 3138 North 10th St., Arlington, VA 22201	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	80.00	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		25,000.00	56,752.24
Billy E. Hooper, 1023 15th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,570.00	1,581.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	828.82	
Karen A. Hoover, 560 N St., SW, Apt. N-609 Washington, DC 20024	American Maritime Officers Service		
Mark Hopkins, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy	849.50	
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	342.50	
Hopkins Sutter Hamel & Park, 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Alaska Tae Woong		
Do	Alaskan Cod, Inc		
Do	Peter Buyck		62.50
Do	Joy B. Carpenter	7,536.50	1,563.25
Do	Congaree River Limited Partnership	7,368.35	1,581.25
Do	Cook Inlet Land Exchange, Inc		
Do	Estate of Helen Halbach		
Do	First Federal Savings Bank		
Do	Grand Trunk Corp	8,139.50	74.80
Do	Gundle Lining Systems, Inc	11,465.00	
Do	Louisiana Pacific Corp	7,955.00	
Do	Martel Laboratory Services, Inc		
Do	Safe Travel America		
Do	Skylink Corporation, Inc		
Do	Tandy Corporation		
Do	United Video		
Do	Zambelli Internationale		
Darnell K. Horio, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	70.00	164.38
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	30.00
Robert Horvitz, 1006 Poplar Drive Falls Church, VA 22046	Association of North American Radio Clubs		
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	75.40
Thomas B. House, 1764 Old Meadow Lane #350 Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Eagle-Picher Industries, Inc	81,900.00	20,786.53
Do	Western-Southern Life Insurance	25,000.00	216.63
Gerald M. Howard, National Assn of Home Builders 15th & M St., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	300.00	5.00
Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006	Ford Motor Co	1,867.20	1,716.70
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad		
Jonathan Howe, 1200 18th Street NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,250.00	100.00
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	500.00	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,205.00	
John A. Howes, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	8,700.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
John J. Huber, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference		
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	300.00
Stewart Hudson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,800.70	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Madison Public Affairs Group, Inc	2,000.00	1,004.00
Dana Hughes, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund	675.00	
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James R. Hughes, 1020 19th St., NW, #700 Washington, DC 20036	U S West, Inc	2,000.00	
Peter W. Hughes, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	21,862.00	
Sharon M. Hughes, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc		
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians	23.97	
Michael Hugo & Associates, Inc, 3414 N. Emerson Street Arlington, VA 22207	Professional Services Council	500.00	3.36
Cordell W. Hull, 50 Beale St., 23rd Fl. San Francisco, CA 94119	Bechtel Group, Inc		
R. Theodore Hume, 1333 New Hampshire Ave., NW Washington, DC 20036	Beveridge & Diamond, P.C. (For:Pacific Dunlop - GNB)	2,575.00	55.00
Do	Philippine Food Processors and Exporters Organization		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,750.02	176.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation		
Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	5,496.00
Richard M. Hunt, 550 N St., SW, #S-201 P.O. Box 70192 Washington, DC 20024	NL Industries, Inc	8,100.00	
James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA Inc	126.00	195.74
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,600.00	62.00
William N. Hunter, 2104-A GAllows Road Vienna, VA 22180	W N Hunter & Associates	2,000.00	
W. N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Charles G. Huntington, 600 Maryland Ave., SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,343.75	156.70
Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330	American Petroleum Institute		
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 P.O. Box 19230 Washington, DC 20036	Copyright Justice Coalition		
Do	Edison Electric Institute	12,850.00	1,627.67
Do	Long Island Lighting Co	1,000.00	
Adele M. Hurley, 112 St. Clair Ave., West, #401 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain	400.00	1,114.93
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	200.00	25.00
Suzanne C. Hutchinson, 1615 L St., NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	3,400.00	167.13
James L. Hutchison, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,203.11	1,216.40
Richard L. Hyatt, 1750 New York Ave., NW, 3rd Floor Washington, DC 20006	International Assn of Fire Fighters		
B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219	American Petroleum Institute	200.00	
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Bankers Assn)		
Do	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	200.00	
Do	Hill & Knowlton, Inc (For:Asarco Inc)		
Do	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	400.00	
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Cellmark Diagnostics, Inc)		
Do	Hill & Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:Hoopa Valley Business Council)	500.00	
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:Newmont Mining Corp)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Authority)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	600.00	
Do	Hill & Knowlton Inc (For:Ryder Systems Inc)	25.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
HCA The Healthcare Co, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550			
Richard H. Ichord, 499 S. Capitol St., SW, #520 Washington, DC 20003	AAI Corporation	262.50	89.75
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	1,443.27
Kris H. Ikejiri, P.O. Box 3556 Washington, DC 20007	American Meat Institute	1,000.00	
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		9,038.06	9,038.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Independent Lubricant Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007		280.00	280.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		1,903.69	1,903.69
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Industrial Truck Association, 1750 K Street, NW, #210 Washington, DC 20006			
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		20,216.75	20,216.75
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	2,600.00	68.44
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	C. Brewer & Company, Ltd	1,530.00	
Do	Hawaiian Electric Industries, Inc	8,330.00	31.58
Do	Kamehameha Schools/Estate of Bernice P. Bishop	8,500.00	33.09
Do	U.S. Windpower, Inc	3,060.00	32.85
Charles W. Ingram, 305 C Street, NE, #309 Washington, DC 20002	S.K.C. & Associates	5,208.75	1,059.46
Robert A. Ingram, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc		
Institute of International Container Lessors, Bedford Consultants Building Box 605 Bedford, NY 10506			
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		11,654.93	23,135.91
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			80,017.74
International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031		20,486.00	4,972.74
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			68,461.77
International Public Affairs Consultants, Inc, P.O. Drawer 9376 Arlington, VA 22209	Embassy of South Africa		
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,000.00
Investment Company Institute, 1600 M St., NW Washington, DC 20036			132,458.20
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Peter A. Iovino, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	2,124.00	1,516.13
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute		
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	200.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		11,999.06	12,067.63
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation		
Edrie Irvine, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	90.00	
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Coniractors of America		
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Do	Borg-Warner Corp		
Do	Employee Relocation Council		
Do	Family Holding Company Advocacy Group	202.50	
Do	Oberlin College		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
III Dimension of Indiana, Inc, 730 Century Bldg. 36 S. Pennsylvania St. Indianapolis, IN 46204	Reese Communications Companies	12,000.00	
INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice		
Benjamin R. Jackson, 14500 Avion Parkway,#300 Chantilly, VA 22021	Techlaw		
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,900.00	20,126.35
Glenn Jackson, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Julia Jackson, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	380.67
William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	Osborne Truck Line, Inc, et al	1,050.00	1,500.00
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,700.00	368.31
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	National Cooperative Bank	15,000.00	
Do	University of Kansas	250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc		
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Jamin Ebell Bolger & Gentry, P.O. Box 4269 Kodiak, AK 99615	Old Harbor Native Corp	1,735.00	463.20
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,443.00	1,443.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Marc R. Jartman, c/o UNC Incorporated 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc	2,500.00	
Evelyn Jarvis-Ferris, 444 Market Street San Francisco, CA 94111	Shaklee Corporation		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Julie A. Javernick, 413 North Lee St. P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	75.00	
Do	Garber International Associates, Inc	105.00	
Do	Hazeltine Corp	200.00	
Do	ISC Defense & Space Group	200.00	
Do	John Deere Technologies International, Inc	200.00	
Do	Litton Data Systems	50.00	
Do	LTV Defense & Space Co	100.00	
Do	McDonnell Douglas Corp	150.00	
Do	Piasecki Aircraft Corp	90.00	
Do	Pratt & Whitney Group	150.00	
Do	Raytheon Corp	225.00	
Do	Spartan Electronics Corp	50.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Adolph Coors Co	59,098.00	1,204.00
Do	ASARCO, Inc	55,327.00	1,500.00
Do	Colorado School of Mines Foundation		
Do	East Bay Municipal Utility District	5,423.00	578.00
Do	Los Angeles County Sanitation District	11,149.00	3,489.00
Do	New York Power Authority	1,895.00	98.00
Do	Rhone-Poulenc Ag Co	5,784.00	286.00
Do	State of North Carolina, Dept. of Natural Resources	1,436.00	36.00
Do	Union Pacific Corp	2,955.00	315.00
Do	Waste Management Lawncare	3,763.00	1,769.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	MCI Communications Corp		
Do	National Glass Association		
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Equitable Financial Companies		
Rusty L. Jesser, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,500.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Kataejar U. Jibas, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Charles B. Jiggetts, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,821.28	1,022.99
Carl T. Johnson, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Helium Advisory Council		
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Jess Johnson Jr., 4198 Roberts Pt. Circle Sarasota, FL 34242	Shell Oil Co	12,500.00	2,033.00
Joel L. Johnson, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	6,600.00	190.08
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Johnny Johnson, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Kenneth A. Johnson, 4524 Hillsboro Ave. North New Hope, MN 55428	Pillsbury Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	320.00	
Nicholas Johnson, Box 1876 Iowa City, IA 52244			
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	149.64
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	1,000.00	329.73
Barbara W. Johnston, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	BHP-UTAH International, Inc		
David A. Johnston, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,390.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	6,118.60
Johnston Barton Proctor Swedlaw & Naff, 1100 Park Place Tower Birmingham, AL 35203	John W. Jamison III		
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,020.65	81.45
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas	293.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald R. Jones, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,562.50	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Theodore L. Jones, 412 First St. SE, #60 Washington, DC 20003	Hartford Group		
Do	Mall Properties, Inc		
Do	Maxicare Health Plans, Inc		
Do	Michcon Corporation		
Do	United Companies Life Insurance Companies		
Do	Zapata Corporation		
Do	Zapata Gulf Marine Corp		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Co	1,000.00	500.00
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	10,625.00	2,000.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Pfizer, Inc	365.00	
G. Harris Jordan, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
David C. Jory, 1275 Pennsylvania Ave., NW, #503 Washington, DC 20004	Citibank, N.A.	500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio	16,551.25	996.66
Diana Jost, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Tomaki Juda, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Kathy L. Judd, 1700 K St., NW, #1204 Washington, DC 20006	Chevron Chemical Co		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause		
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Aetna Life & Casualty	12,000.00	
Do	American Express Co		
Do	ADAPSO, Inc	5,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	27,625.02	1,020.35
Do	International Speedway Corp	7,500.00	
Do	Monarch Capital Corp	5,000.00	
Do	National Academies of Practice		
Do	Rentar Industries, Inc		
Do	Stock Information Group	10,000.00	
Geza Kadar Jr., 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	12,924.99	74.80
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Cambridge Redevelopment Authority		0.45
Do	Humane Society of the U.S., et al	5,332.00	302.89
Do	Iriquois Gas Transmission Systems	29,562.50	1,943.42
Do	Thermedics, Inc		
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		997.00
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	7,269.24	
Enid Kassner, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	5,216.00	15.00
George Kassouf, 600 New Jersey Ave., NW Washington, DC 20001	Alliance for Justice	110.84	
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	528.85	358.37
Kevin B. Kearney, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	General Instrument Corporation		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)		
Do	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)		
Do	Keefe Company (For:Westinghouse Electric Corp)		
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	10,584.00	
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	American Truck Dealers		
Do	ESOP Association of America		
Do	National Assn of Royalty Owners, Inc		
Do	Small Business Council of America		
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Robin E. Keeney, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	2,160.00	
Kendell W. Keith, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l	600.00	60.00
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Kelley Drye & Warren, 1330 Connecticut Ave., NW, #600 Washington, DC 20036	Cushman & Wakefield		
Do	Fuji Electric Co, Ltd		
Do	Greyhound Corp	5,282.00	173.50
Do	J.P. Morgan & Co, Inc		
Do	Society of the New York Hospital		
Do	Tokyo Electric Co., Ltd		
Do	U.S. League of Savings Assns		
Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1700 Pennsylvania Ave, #525 Washington, DC 20006	Equitable Financial Companies		
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,000.00	
Richard B. Kelly, Kelly Eckhaus & Mohen 40 Birch Hill Road Locust Valley, NY 11560	National Assn of Catalog Showroom Merchandisers		
William N. Kelly, Norwest Center- Sixth and Marquette Minneapolis, MN 55479-1032	Norwest Corporation	2,500.00	
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	2,500.00	812.99
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	3,710.00	3,710.00
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		
Do	Hogan & Hartson (for Timex Group, Ltd)		
Do	Hogan & Hartson (for Volume Shoe Corp)		
Do	Manville Corporation	500.00	
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	2,500.00	
Do	Worldwide Information Resources, Inc		
John Kendrick, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	900.00	1,227.00
Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024	Volkswagen of America, Inc	250.00	35.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Koniag, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,250.00	
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	National Wood Energy Assn, Inc		
Do	Ultrasystems, Inc		
Erica G. Kenney, 499 South Capitol St., SW, #520 Washington, DC 20003	Petroleum Marketers Assn of America		
Jeremiah J. Kenney Jr., 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	664.50
J. H. Kent, Kent & O'Connor, Inc 1825 K Street, NW, #305 Washington, DC 20006	American Soc of Plastic & Reconstructive Surgery		
Do	American Supply Association		
Do	International Assn of Airport Duty Free Stores		
Do	National Customs Brokers & Forwarders Assn of America		
Elizabeth Kepley, 370 L'Enfant Promenade, SW, Suite 800 Washington, DC 20024	Concerned Women for America	7,102.64	
Vytautas Kerbelis, P.O. Box 44 P.O. Box AF Seal Harbor, ME 04675	ARAS		
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,125.00	24.00
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	13.00
Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006	Smokeless Tobacco Council, Inc	280.00	
Victoria M. Kessler, 1731 Connecticut Avenue, NW Washington, DC 20009	Albers & Company (For:May Department Stores Co)		
Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004	General Electric Co		
Gilbert W. Keyes, P.O. Box 3999 (Mail Stop 8c-68) Seattle, WA 98124	Boeing Aerospace Co		
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Earline A. Keyser, 3022 Cedar Hill Road Falls Church, VA 22042	Bechtel Group, Inc		
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,240.18
Brian M. Kilbury, 815 16th St., NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	824.22	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	5,660.00	113.07
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mary K. Killorin, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp		
Do	Furniture Rental Assn of America		
Do	Greenpeace USA	1,200.00	
Do	Kootznoowoo, Inc	500.00	
Do	PepsiCo, Inc	1,185.00	39.00
Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korea Foreign Trade Assn	600.00	500.00
Phillips Kimball Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	2,512.06	87.50
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			2,884.56
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	National Industrial Transportation League		
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,000.00	
Charles L. King, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	103.95
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	500.00	212.50
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alabama State Docks Department	1,689.50	
Do	Bausch & Lomb	534.00	
Do	Generic Pharmaceutical Industry Assn	576.00	30.40
Do	Lincoln Property Co, et al	877.50	9.75
Do	Martin-Marietta	8,991.50	942.60
Do	National Assn of Bond Lawyers		579.70
Do	National Strategies and Marketing Group	20,000.00	63.72
Do	Trammell Crow Co	324.00	8.49
King Shapiro Cohen Boyd & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp		
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	4,650.00	1,007.11
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	3,800.00	1,636.19
Robert B. Kingsley, 1411 K Street, NW, #1005 Washington, DC 20005	United Electrical Radio & Machine Workers of America	7,102.98	
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Marcia Y. Kinter, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc	2,000.00	168.40
Cecilia Anne Kirby, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	1,556.82	
Peter M. Kirby, Ginsburg Feldman & Braess 1250 Connecticut Avenue, NW Washington, DC 20036	Chugai-Upjohn, Inc		84.00
Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Midlantic Corp		
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	10,080.00	530.99
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,375.00	
James A. Klein, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans	1,259.32	129.11
Kline & Knopf, Inc, 355 N. 21st Street, #303 Camp Hill, PA 17011	General Public Utilities Corp		
William Klinefelter, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,031.93	
Jeffery L. Klinger, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		28.42
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	849.90	145.00
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Gary D. Knight, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			45.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	982.86
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	90.00	
Patrick C. Koch, 900 19th St., NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn	5,000.00	
William E. Koch Jr., 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719	NorLight		
Gary J. Kohn, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	296.70	316.31
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	355.81
Timothy S. Kolly, 2805 Meadow Vista Drive Charlottesville, VA 22906	Worrell Enterprises, Inc		
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Bollinger Machine Shop & Shipyard, Inc		
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn		
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,600.00	
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc		
Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	2,093.00	1,819.61
Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	620.00	312.53
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	101,743.48
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	11,627.58	
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	3,938.00	308.35
Joseph H. Kramer III, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 3771 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company	1,500.00	458.00
Robert S. Krebs, 8111 Gatehouse Road Falls Church, VA 22042	AAA Potomac		
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Kroger Company, 1014 Vine St. Cincinnati, OH 45201			5,133.01
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group		
Keith R. Krueger, 1529 Wisconsin Avenue, NW Washington, DC 20007	Tele-Systems Assn, Inc	3,000.00	
Do	US West Communications	6,000.00	386.41
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	4,500.00	1,390.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	1,758.24	64.00
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Transport Lines, Inc		
Do	Seafarers International Union		
Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	16,903.50	228.93
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock & Campbell, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036	Association of Financial Guaranty Insurors	71,267.15	3,502.48
Do	Financial Security Assurance	53,106.62	1,748.00
Do	Municipal Bond Insurance Assn	4,027.50	1,861.86
Do	State of New York Mortgage Agency	40,000.00	453.05
Peter Kyros, Kurrus & Kirchnerway 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Cooperative of American Physicians, Mutual Protection Trust		
Do	Uniformed Services Disabled Retirees		
John R. Kyte, 201 Massachusetts Avenue, NE, #5 Washington, DC 20002	BMc Strategies, Inc	2,250.00	1,421.13
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		4,480.00	5,005.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
Lachelli Waller & Associates, 600 Maryland Ave., SW, West Wing #302 Washington, DC 20024		45,462.70	14,950.00
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	751.16
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	64.00	
Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006	Motorola, Inc	16,500.00	90.00
Christine Ladd, 2030 M St., NW Washington, DC 20036	Common Cause		
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	2,250.00	677.36
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	262.50	36.09
Robert Lamb, 1627 Eye St., NW Washington, DC 20006	Doe Run Company	5,000.00	
Do	James River Corp	5,000.00	
Do	National Paint & Coatings Assn	5,000.00	
Do	Occidental Chemical Corp	5,000.00	
Do	Occidental Petroleum Corp	5,000.00	
Do	Sun Company, Inc	5,000.00	
David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
James E. Lamble, 4000 Tunlaw Road, NW, #324 Washington, DC 20006	Bechtel Group, Inc		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	433.00	
Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	122.44
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Thomas M. Landin, P.O.Box 7929 One Franklin Plaza Philadelphia, PA 19101	SmithKline Beckman Corp		
Landis Cohen Rauh & Zelenko, 1019 19th St., NW, #500 Washington, DC 20036	American Soc of Composers Authors & Publishers	3,000.00	
Do	National Council for Japanese American Redress		
Do	NFL Players Association	6,500.00	
Maria Landolfo, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic Electrical Sal Mach & Furn Workers	11,585.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	125.00	97.65
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	Coalition to Preserve Low Income Housing Tax Credit	3,000.00	
Do	Council for Housing & Rural Development	4,000.00	
Do	National Leased Housing Assn	900.00	
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	5,000.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	1,696.00	2,725.97
Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	33.00
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	1,430.00	
Jason Caesar Larkin, 11230 Cherry Hill Rd., #302 Beltsville, MD 20705			
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314-2715	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Lash Group, 555 13th St., NW Washington, DC 20004	American Physical Therapists Assn		
Do	Caremark/Home Health Care of America		
Do	University of Pennsylvania		
Latham & Watkins, Sears Tower, #5800 Chicago, IL 60606	Ocenco, Inc		
Daniel Lauwers, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	2,080.00	
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	2,100.00	275.49
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	9,300.00	158.43
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	5,500.00	
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	12,000.00	750.00
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	Mechanical Technology Incorporated	18,000.00	900.00
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	462.86	
Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Mesa Limited	2,000.00	
Do	Milliken & Co	3,200.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	R. T. Vanderbilt Co, Inc		
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	American College of Neuropsychopharmacology		
Do	AVW Electronic Systems, Inc		
Do	City of Inglewood		
Do	City of Oakland		
Do	Government of Antigua	157.00	
Do	Greenebaum & Rose		
Do	Martin Marietta Corporation		
Do	Nordisk-USA		
Do	Optur		
Do	Southwest Gas Corp		
Do	State of Arizona		
Do	Yukon Pacific Corp		
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,062.50	2,000.00
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,700.00	
Joseph A. LaSala Jr., 555 13th Street, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		35,546.66	35,546.66
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			19.00
Alisa J. Learner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	967.00
Noel R. Leary, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l		
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	52,605.75	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Linda S. Lee, 4 Monroe Street, #301 Rockville, MD 20850	Ataji L. Balos, et al		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	100.00	20.00
Peter A. Lefkin, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	450.00	200.00
Do	Firemans Fund Insurance Cos	4,500.00	162.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	990.00	649.33
C. Hoke Leggett, 1875 I St., NW, #800 Washington, DC 20006	Tobacco Institute		
Meric L. Legnini, 10807 Gainsborough Rd Potomac, MD 20854	Scheduled Airlines Traffic Offices, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
C. Richard Lehmann, 15327 NW 60th Ave., #240 Miami Lakes, FL 33014	Richard Lehmann & Associates, Inc (For:Bond Investors Assn)		
Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	6,765.00	
Matthew R. Lehrman, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
G. Timothy Leighton, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn	250.00	
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		
Do	Johnson & Johnson		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America		
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:American Shrimpboat Association)	1,000.00	
Do	Bogle & Gates (For:Crystal Globe, Ltd)	17,500.00	
Do	Bogle & Gates (For:Northern Eagle Partners, L. P.)		
Do	Bogle & Gates (For:Northern Falcon, Inc)	2,500.00	
Do	Bogle & Gates (For:Sahlman Seafoods, Inc)	500.00	
Joseph L. Leitzinger, Bank of California Building 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co		
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Laverne Still Lemen, 1100 Vermont Avenue, NW, Suite 430 Washington, DC 20005	National Cotton Council of America	440.00	18.53
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	600.00	494.85
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	572.00	339.19
Jerris Leonard, Leonard & Ralston 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Krueger, Inc	1,650.00	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	7,086.29	95.00
Lepon McCarthy & Jutkowitz, 1146 19th Street, NW, Third Floor Washington, DC 20006	Manhattan Apartments, LP		
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co		
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher Russell & Moos, Inc		
Lesher Russell & Moos, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group		
Do			
Daniel Lesmez, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,596.00	
Craig S. Lesser, 23/333 Piedmont Ave Atlanta, GA 30308	Georgia Power Co	7,936.50	7,234.81
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation	72.00	40.29
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,556.45	141.50
Leva Hawes Mason Martin & Bebchick, 1220 19th St., NW, #700 Washington, DC 20036	Finnigan Corporation		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc		
Robert John Levering, 1101 17th St., NW, #900 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Betsy Levin, One Dupont Cirle, NW, #370 Washington, DC 20036	Association of American Law Schools		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Bertram J. Levine, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Harry Levine Jr., 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	General Electric Co		
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Gulf & Western, Inc	2,750.00	320.00
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	2,500.00	
Howard Lewis, National Association of Manufacturers 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Association of Manufacturers		
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	3,550.00	654.44
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	10,900.00	897.86
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	650.00	
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,100.00	1.60
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	400.00	
Do	Manufacturers Hanover Corp	400.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,754.56	
LeBoeuf Lamb Leiby & MacRae, 520 Madison Avenue New York, NY 10022	General Conf of the 7th Day Adventists Church Risk Mgt Svcs	9,963.72	
Do	Maritrans Operating Partners, L.P.		
Do	Physicians Insurers Assn of America		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club		
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	892.86	206.83
James M. LeMunyon, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	1.50
William J. Lhota, 215 N. Front Street Columbus, OH 43215	Columbus Southern Power Co		
Richard A. Lidinsky Jr., 1440 New York Ave., NW, #430 Washington, DC 20005	Sea Containers America, Inc		
Janet Lieberman, 1012 14th St., NW, #207 Washington, DC 20005	U.S. Student Association	1,400.00	70.00
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	990.00	24.00
Ross W. Lillard, 920 Main Street Kansas City, MO 64105	Stinson Mag & Fizzell (For:Farmland Industries, Inc)		
Lillick McHose & Charles, 1800 M Street, NW, #250N Washington, DC 20036	American High Seas Fisheries Assn		
Leanne Klyza Linck, 360 Broadway Saratoga Springs, NY 12866	Sierra Club		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,306.14
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70152	Southern Forest Products Assn	2,339.62	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Cellmark Diagnostics, Inc)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Damon Corp)		
Do	Hill and Knowlton, Inc (For:Kohler Company)	86.10	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corp)		
Victor E. Lindenheim, 1945 Old Gallows Rd., #550 Vienna, VA 22180	American Wood Preservers Institute	281.25	
George E. Lindow, 625 Liberty Avenue Pittsburgh, PA 15222-3197	Peoples Natural Gas Co	127.00	352.28
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	1,300.00	200.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW Washington, DC 20005	Iowa Department of Transportation	5,648.00	
Do	Madison Gas & Electric Co	1,673.00	
Do	Metropolitan Sanitary District of Greater Chicago	8,793.00	89.00
Do	Michigan Dept of Transportation	4,283.00	
Do	Northern States Power Co	3,012.00	
Do	State of Colorado, Dept of Highways	5,000.00	
Do	State of IL, Dept of Transportation	8,112.00	87.00
Do	State of IL, Dept of Transportation, Div of Water Resources	2,790.00	
Do	Superior Water Light & Power Co		
Do	Wisconsin Electric Power Co	7,335.00	
Do	Wisconsin Fuel and Light Co		
Do	Wisconsin Natural Gas Co		
Do	Wisconsin Power & Light Co	2,279.00	
Do	Wisconsin Public Service Corp	3,034.00	
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Maverick Tube Co, et al	25,000.00	21,550.00
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	2,000.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
William F. Little, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	487.00	712.70
Roy Littlefield, 15900 Pinecroft Lane Bowie, MD 20716	American Retreaders' Assn	300.00	
Do	Greater Washington/Maryland Service Station Assn	200.00	
E. Geoffrey Littlehale, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	24.00
David A. Litvin, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64190-1402			
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	2,560.40	116.06
Do	Phone Medium		9.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul Locigno, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	23,290.91	
Gene L. Locke, 3303 Main Street, #300 Houston, TX 77002-6392	Reese Communications Companies	7,500.00	92.50
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Committee for Just Animal Drug Law		
Do	CIGNA Corp		
Do	Greater New York Hospital Assn	525.00	
Do	National Restaurant Assn		
Do	New Orleans Cold Storage & Warehouse Co., Ltd		
Do	Non-Profit Hospital Insurance Forum	350.00	
Do	Toyota Motor Manufacturing, USA		
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	537.90
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Gerald D. Lore, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	30,126.00	4,698.10
Louisiana State University Foundation, P.O. Box 25198 Baton Rouge, LA 70894		1,500.00	1,004.00
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephanie P. Loving, 1101 Vermont Ave., NW, #405 Washington, DC 20005	A. H. Robins Co	8,025.00	992.87
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO)	4,000.00	300.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	10,500.10	9.75
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,936.70
William L. Lucas, 2021 K Street, NW, #300 Washington, DC 20006	Michigan Consolidated Gas Co	500.00	
Mary Riddle Ludke, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	100.00	20.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Thomas A. Luebbers, 425 Walnut Street, #2200 Cincinnati, OH 45202	Reese Communications Companies	3,000.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 1155 15th St., NW, #510 Washington, DC 20005	City of Miami	7,500.00	
Do	City of Miami Beach	12,500.01	
Do	Cybernectics & Systems, Inc	6,000.00	
Do	Dade County, Florida	7,708.00	
Do	Howard Needles Tammen for Miami Int'l Airport	6,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:National Medical Enterprises, Inc)		
Do	Fowler White Gillen Boggs Villareal & Banker (For:University of Tampa)		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,237.01
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		106.06
Lund & O'Brien, 1625 Eye St., NW Washington, DC 20006	Pennsylvania Power & Light Co	1,740.00	149.77
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Ann P. Lunson, Eastman Kodak Company 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	58.63	7.00
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,239.38	396.43
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	2,875.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	6,250.00	5,927.00
M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102		10.00	10.00
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	20,995.00	500.00
Olivia C. Mackin, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Mackin Sorensen Peizer Richards & Edwards, PS, 2201 Sixth Avenue, #1301 Seattle, WA 98121	Shee Atika Inc		25.00
Robert A. Macrory, C/O Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute		
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	9,375.00	
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209-1606	Beverly Enterprises, Inc	6,250.00	75.00
Malcolm MacKay, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
John H. Madigan Jr., 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	5,000.00	70.00
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	American Assn of Airport Executives	3,000.00	
Do	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Citation Homes	15,000.00	
Do	Federal Express Corp	10,500.00	
Do	Mark Air, Inc	15,000.00	
Do	Quantas Airways, Ltd	15,000.00	
Do	Regency Outdoor Advertising	5,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Do	Ventura Port District	9,000.00	
Susan Magaw, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	453.74
James J. Magner, 600 Maryland Ave., SW, #302 West Wing Washington, DC 20024	Lachelli Waller & Magner	45,462.70	14,950.00
A. John Maguire, 1110 Vermont Ave. NW Suite 430 Washington, DC 20005	National Cotton Council of America	26,000.00	5,480.47
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	1,125.00	111.31
David L. Mahan, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation)		
Do	DGA International, Inc (For:Sofreavia)		
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Mary Mahon, 380 Second Avenue New York, NY 10010	Planned Parenthood of New York City, Inc		
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd	3,250.00	140.00
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney & Associates (For:Connecticut Med Ins Co)	675.00	
Do	Mahoney & Associates (For:Crouse Irving Memorial Hospital)	1,950.00	
Do	Mahoney and Associates (For:Marc Associates (for American Soc of Anaesthesiologists))	1,200.00	
Do	Mahoney & Associates (For:Physicians Ins Co of Indiana)	675.00	
Do	Mahoney & Associates (For:Physicians Ins Co of Wisconsin)	675.00	
Do	Mahoney & Associates (For:Physicians Mutual Ins Trust)	675.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			244.75
Daniel C. Maldonado, 1030 15th St., NW #468 Washington, DC 20005	American Soc of Anesthesiologists	10,050.00	840.99
Do	National Hemophilia Foundation		
Do	NI Industries	7,750.00	
Do	Research Society on Alcoholism		
Do	Samaritan Health Services		
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes		
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C		
David Mallino, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	8,422.68	1,794.12
J. Wilson Malloy Jr., 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division		
Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Manatt Phelps Rothenberg & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Assn of Nurse Anesthetists	1,062.50	
Do	American Institute of Real Estate Appraisers		
Do	Bowling Proprietors Assn of America		
Do	California Bankers Assn		
Do	Centre Pointe Associates		
Do	Chronar Corporation		
Do	Connecticut National Bank		
Do	Fairfield Communities, Inc		
Do	First Bank System, Inc		
Do	Flying Tiger Line, Inc		
Do	Government of Cyprus	825.00	
Do	Home Group, Inc	1,045.00	
Do	Krueger, Inc		
Do	Manufacturers Hanover		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Matlack, Inc		
Do	Melrose Company	112.50	
Do	Money Store		
Do	National Cable Television Assn, Inc	5,625.00	
Do	North Beach Property Owners' Assn		
Do	Northrop Corp	612.50	
Do	NEC Corporation		
Do	Philip Morris, Inc	2,515.00	
Do	Rollins Environmental Services		
Do	RLC Corporation		
Do	Security First Group, Inc		
Do	Donald T. Sterling & Associates		
Do	Superior Training Services	550.00	
Do	U.S. Telephone Assn	3,000.00	
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	American Retail Federation	200.00	69.00
Manchester Associates, Ltd, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA		
Manchester Group, Ltd, 1155 15th St., NW, #302 Washington, DC 20005	C Itoh & Co, Ltd, et al		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	14,400.00	228.66
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Systems)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Donald W. Mann, 210 The Plaza Teaneck, NJ 07666	Negative Population Growth, Inc	500.00	
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation		
Robert C. Manship, 1725 Jefferson-Davis Highway, #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			23,705.48
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Law Off of Ricardo B. Marasigan, 6420 14th Street, NW, A-4 Washington, DC 20012	Prisco E. Entines		
Bristow Marchant, P.O. Box 394 Columbia, SC 29202	Frank J. Merrill		3.00
Michael Marchese Jr., 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,500.00	2,500.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			19,792.00
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	1,765.12	5,021.77
Marc L. Marks, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp		
Ramon P. Marks, 400 Park Ave. New York, NY 10022	Japan Steel Works, Ltd	10,545.00	
Ronald Anthony Marks, 7640 Tremayne Place, #208 McLean, VA 22102			
Luther A. Markwart, 1156 15th St., NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #200 Washington, DC 20036-1081	International Chemical Workers Union	2,000.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Marlowe & Company (For:Graphic Communications International Union, AFL-CIO, CLC).	250.00	
Do	Marlowe & Company (For:Lazare Kaplan International, Inc)	2,500.00	30.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	End Notch Discrimination	1,800.00	12.00
Do	Graphic Communications International Union	600.00	600.00
Do	Lazare Kaplan International, Inc	2,500.00	2,530.00
William G. Margaritis, 1747 Fennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
Do	National Assn of Public Television Stations	600.00	150.00
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe	19.00	
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	3,000.00	
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	92.00
David F. Martin, 2020 14th Street, North Arlington, VA 22201	American Standard, Inc		
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. #565 New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	865.35	466.89
J. Ross Martin, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	334.62	378.09
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co		
Robert F. Martin, 1275 Pennsylvania Ave, NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	15,450.00	
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	112.03
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 85 Ridge St. North Sydney, NSW 2060 Australia			
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Merrill D. Marxman, 8213 Terra Grande Avenue Springfield, VA 22153	Marxman & Associates, Inc		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Japan Telescope Manufacturers Assn	300.00	
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,379.00	15.60
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	10,200.00	123.95
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		339.36
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	750.00	
Do	Hill & Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College Foundation)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:Hoopa Valley Business Council)	3,450.00	
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	450.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Wilfred American Education, Corp)		
James D. Massie, 50 F Street, NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	300.00	103.50
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	515.76	50.00
Daniel N. Matheson, 100 Congress Ave., #1400 Austin, TX 78701	Reese Communications Companies	10,000.00	
Richard D. Mathias, 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 919 18th Street, NW, #800 Washington, DC 20006	Dawson Mathis & Associates (For:Crowley Maritime Corp)		
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)		
Do	United Parcel Service		
Dawson Mathis & Associates, 919 18th Street, NW Suite 800 Washington, DC 20006	Crowley Maritime Corp		
Do	Massachusetts Mutual Life Insurance Co		
Ann H. Mattheis, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,250.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,181.25	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	168.66	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		811.87
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	American School Food Service Assn	9,000.00	696.13
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)		
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	11,826.30	197.72
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	4,000.00	128.42
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	5,000.00	
Jerry C. May, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307	Yellow Freight System, Inc	13,500.00	2,004.00
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	26,968.12	510.14
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	16,200.00	401.74

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Attorneys' Liability Assurance Society Ltd		
Do	Business Roundtable		
Do	Cabot Cabot & Forbes Realty Advisors, Inc		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.		
Do	FMC Corporation		
Do	Goldman Sachs & Co		
Do	Hewlett-Packard Co		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	Lasalle Partners, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Quaker Oats Company	300.00	
Do	RJR Nabisco, Inc		
Do	Sara Lee Corp	300.00	
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Smith Barney Harris Upham & Co, Inc		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Voluntary Hospital Assn		
Loomis Mayfield, 815 15th Street, NW, #711 Washington, DC 20005	Americans for Democratic Action, Inc	2,433.69	
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	750.00	140.68
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Mays & Valentine, 2300 South 9th Street Arlington, VA 22204	Baxter Healthcare Corp		
Do	Tobacco Institute		
Donald S. Mazzullo, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,000.00	
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Douglas E. McAllister, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Timothy McAnarney, 312 South 4th Street, #3 Springfield, IL 62701	Reese Communications Companies	10,000.00	283.12
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn		
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Alcohol Beverage Legislative Council	1,000.00	
Do	Association of Human Resource Consultants	100.00	
Do	ADAPSO	2,000.00	
Do	Bay Area Rapid Transit District	1,500.00	
Do	Cellular Telecommunications Industry Assn		
Do	Chicago Mercantile Exchange	100.00	
Do	D/FW Railtran System		
Do	Human Rights Campaign Fund	3,000.00	
Do	International Franchise Assn	200.00	
Do	Lawyers' Mutual Insurance Co		
Do	National Medical Care	100.00	
Do	Joseph E. Seagram & Sons, Inc	3,000.00	
Do	Southern California Rapid Transit District	1,000.00	
Do	State Street Development Co of Boston	1,000.00	
Do	Stock Information Group	1,000.00	
Do	Transamarica Corporation		
Do	U.S. Telephone Assn	200.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	16,540.02	
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc	4,500.00	
Do	American Nuclear Energy Council	4,500.00	371.03
Do	Carolina Power & Light Co	4,500.00	
Do	Commonwealth Edison Co	4,500.00	
Do	Consolidated Edison Co of New York, Inc	3,000.00	
Do	Control Data Corporation	13,700.00	2,169.18
Do	ETA Systems, Inc		
Do	General Atomics	12,000.00	653.04
Do	Oxford Energy Co	34,200.00	481.04
Do	Sealaska Corp	9,000.00	2,889.63
Do	Southern California Edison Co	4,500.00	
Do	Stone & Webster Engineering Co	2,000.00	
Do	Tri-City Industrial Development Council	6,000.00	81.77
Do	Turlock Irrigation District		
Do	United Illuminating Co	15,000.00	279.94
Do	Urenco, Inc	9,000.00	295.70
Do	Westinghouse Electric Corp	8,500.00	1,230.43
Do	Will & Muys, P.C.	15,000.00	387.85
Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202	Community Service Council of Central IN, Inc		
Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
McCamish Martin Brown & Loeffler, P.C., 1200 First Republic Bank Tower 175 East Houston San Antonio, TX 78205	Central & South West Corp		
Do	Salomon Brothers, Inc		
Do	United Services Automobile Assn		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	2,000.00	
David J. McCarthy, Baker & Daniels 1920 N Street, NW, #600 Washington, DC 20036	Indiana Electric Assn	2,640.00	
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Sun Co, Inc		
Robin W. McClung, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	
Frederick D. McClure, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp	4,900.00	4,011.00
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Allied Capital Corp		26.64
Do	Coca-Cola Company	121.13	218.87
Do	Gulf & Western, Inc		48.89
Do	Mobil Oil Corp	1,051.88	326.24
Do	Rank Video Services America		32.30
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Hugh T. McCormick, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:General Conf of the 7th Day Adventists Church Risk Mgt Svcs)		
Margaret M. McCormick, 236 Hamburg Hall 5000 Forbes Ave. Pittsburgh, PA 15213	Carnegie-Mellon University	11,000.00	1,199.95
Molly McCormick, 2301 Market Street, box 8699 Philadelphia, PA 19101	Philadelphia Electric Company		
Steven A. McCoy, 1030 15th Street, NW #1020 Washington, DC 20005	North American Export Grain Assn, Inc		
Tidal W. McCoy, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Harmer-Eyring)		
Do	Hecht Spencer & Associates (For:Marwais Steel Company)		
James K. McCracken, 9211 Holly Oak Drive Bethesda, MD 20817			
Cliff G. McCreedy, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	3,702.00	
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	1,125.00	
Frank X. McDermott, Apruzzese McDermott Mastro & Murphy 500 Morris Ave. P.O. Box 329 Springfield, NJ 07081	Reese Communications Companies	9,000.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
Mark T. McDermott, Joseph Powell McDermott & Reiner, P.C. 1300 19th Street, NW, #400 Washington, DC 20036	Civil Pilots for Regulatory Reform		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists Assn	11,400.00	
Do	American Soc of Outpatient Surgeons	2,500.00	
Do	Banks of Iowa		
Do	California Assn of Children's Hospitals	5,995.00	
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co		
Do	Hitachi America, Ltd		
Do	Home Intensive Care, Inc	1,405.00	14.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	International Minerals & Chemical Corp		
Do	Juvenile Diabetes Foundation, International	6,700.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumberman Mutual Co		
Do	Outpatient Opthalmic Surgery Society	10,400.00	
Do	Peterson & Sullivan	3,055.00	18.00
Do	Public Employees Retirement Assn of Colorado		
Do	Solar Turbines, Inc		
Do	Technicon Instruments Corp		
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	4,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union		
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDonald Co (For:Association of Bank Holding Cos)		
Do	Jack McDoanld Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	General Cinema Corp		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	110.00	
Patricia McDonald, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	American Express Corp	900.00	
Do	Association of Bank Holding Cos		
Do	Belz Enterprises		
Do	Dow Corning Corp		
Do	Hitachi America, Ltd	550.00	
Do	Hitachi Sales Corp of America		
Do	Jacques Borel Enterprises, Inc		
Do	Societe Generale de Surveillance, S.A.		
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co	491.60	516.54
Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,400.00	386.20
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Hughes Aircraft	6,249.00	62.25
Do	A. L. Williams & Company	12,000.00	682.92
William S. McEwen, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		107.30
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Terry M. McGann, 1900 Placer Gold Court Gold River, CA 95670	Foundation Health Corp		
Do	Maxicare		2,867.50
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	24.18	
Dana McGee, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corp	1,250.00	297.70
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	1,000.00	132.50
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	9,712.50	66.35
Michael McGehee, 555 13th Street, #500E Washington, DC 20036	Research to Prevent Blindness, Inc	4,187.50	812.50
P. Anne McGhee, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,115.46	1,681.14
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Jeanne H. McGowan, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,500.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Borg-Warner Corp		
Do	International Theatrical Agents Assn		
Do	National Assn of Orchestra Leaders		
Do	National Manufactured Housing Assn		
Do	Pony Express Courier Corp		
Do	Wells Fargo Armored Service Corp		
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Monica M. McGuire, 1331 Pennsylvania AVe., NW, #1500 North Lobby Washington, DC 20004-1703	National Assn of Manufacturers		
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA 22313	Aaronson Properties, Inc		
Do	CSX Corporation		
Do	RF&P Railroad		
Do	Savage/Fogarty Companies, Inc		
Do	Vulcan Materials Co		
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Estate of Mabel R. Ladd		133.86
Do	Indiana Bell Telephone Co	1,000.00	600.00
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Pan-Alberta Gas Ltd	195.00	
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	3,500.00	160.57
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	1,530.00	403.23
Larry McKenzie, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,458.00	63.00
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
Law Offs of James D. McKevitt, 1101 16th Street, NW, 500 Washington, DC 20036	Kelly Assisted Living		
Do	Kelly Services, Inc		
Do	National Assn of Wholesaler-Distributers		
Do	National Fed of Independent Business		
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,000.00	779.47
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Company)		
Do	Balch & Bingham (For:Southern Company Services, Inc)		
Thomas I. McKnew Jr., 1001 Pennsylvania Ave., NW, #675 Washington, DC 20004	Santa Fe Southern Pacific Corp		
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	400.00	
Ursula H. McManus, 1707 H St., NW, #602 Washington, DC 20006	G. Heilman Brewing Co, Inc	502.50	136.63
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	368.00	
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling		
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	250.00	
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	4,368.00	
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Clemson University	19,637.50	1,545.25
Do	Correctional Concepts, Inc		
Do	CSX Corporation	17,914.75	452.04
Do	Illinois Central Railroad	32,526.75	1,153.77
Do		30,306.45	
Do	McNair Law Firm, P.A.		
Do	McNair Law Firm, P.A. (for Air Force Association)	900.00	
Do	McNair Law Firm, P.A. (for Columbia Farms)		
Do	McNair Law Firm, P.A. (for Westinghouse Electric Corp)		
Do	McNair Law Firm, PA (for GTE)		
Do	Norfolk Southern Corp	22,686.75	508.45
Do	Pennsylvania Shipbuilding		
Do	Railstar Control Technology, Inc	2,000.00	136.24
Do	Railway Progress Institute		
Do	Riedel Omni Products, Inc	19,162.50	573.14
Do	South Carolina State College	1,500.00	123.28
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc	306.80	4.72
Do	Americans for Fair Treatment of Alcoholic Veterans	1,790.15	187.87
Do	Association of Independent Television Stations, Inc		
Do	Automobile Importers of America	3,612.00	330.55
Do	Columbia Farms	2,975.00	37.00
Do	Gasoline Alliance to Preserve Competition	2,153.73	66.34
Do	Georgia-Pacific Corp		
Do	GSX Corporation	3,127.90	248.13
Do	GTE Government Systems Corporation		0.30
Do	Insurance/Financial Affiliates of America	425.50	
Do	International Assn for Financial Planning		
Do	International Paper Co		
Do	Melrose Company	1,524.00	43.97

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Milliken Mills	355.00	17.97
Do	National Council on Alcoholism, Inc	1,237.64	159.05
Do	New York State Bankers Assn	12,000.00	999.54
Do	Norfolk Southern Corp	120.00	44.67
Do	Nuclear Fuel Services, Inc	1,936.50	
Do	P.U.S.H., Inc	400.00	47.05
Do	Pneumo-Abex	1,200.00	8.65
Do	R.J. Reynolds Tobacco Co		0.68
Do	Times Mirror Co	534.75	17.01
Do	Vulcan Materials Co		
Do	Westinghouse Electric Corp	3,463.90	113.33
Susan McNally, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	250.00	210.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition	6,156.25	272.47
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Martha McSteen, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,059.00	
George G. Mead, 1500 K St., NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc	1,150.00	
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	6,500.00	
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Acme Steel Company	1,500.00	
Do	Interlake Corp	3,000.00	
Colise G. Medved, 1800 Diagonal Rd., #500 Alexandria, VA 22314	Penn Central Corporation		
William H. Megonnell, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	1,029.87	306.00
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	2,030.22	2,030.22
Katherine Meier, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn	2,250.00	
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees		
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Margaret Mellon, National Wildlife Federation 1412 16th St., NW Washington, DC 20036	National Wildlife Federation	391.43	
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	304.44
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	50.51
Edward L. Menning, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians	21.85	
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Barron Collier Co)		
Do	Cadwalader Wickersham & Taft (For:Coalition for Capital Import Neutrality)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)		
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)		
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)		
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)		
Do	Cadwalader Wickersham & Taft (For:Pepsico, Inc)		
Do	Cadwalader Wickersham & Taft (For:PFIC Group)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	3,937.50	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc		
Do	Rolls-Royce Motors, Inc	787.50	14.85
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			5,750.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	337.28
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,200.00	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	52.06	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	MOVAN Enterprises, Ltd	6,249.99	
Do	Van Fleet Associates	6,249.99	
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	American Beekeeping Federation	1,000.00	
Do	Concerned Shrimpers of America	4,500.00	
Do	CEPEX Pacific, Inc	600.00	
Do	Friends of the Show Horse		
Do	Granada Corp		
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Coalition to Defeat H.R. 281/S. 492		
Do	National Peanut Growers Group	3,000.00	
Do	National Wool Growers Assn, Inc	2,500.00	
Do	Rice Belt Warehouse, Inc	4,500.00	
Do	Sam Kane Packing		
Do	Texas A&M Research Foundation	7,500.00	
Do	Texas Cotton Marketing		
Meyers & Associates, 412 First St., SE, #40 Washington, DC 20003	Golf Course Superintendents Assn of America	2,500.00	
Do	Texas International Education Consortium	5,000.00	
David R. Mica, Florida Petroleum Institute 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute		
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,750.00	746.53
Michael G. Michaels, P.O. Box 150160 Lakewood Station Box PMB Atlanta, GA 30315			
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	National Assn for Ambulatory Care		
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc		
Frank G. Michelena, 17925 Sky Park Cir. Irvine, CA 92714	Landsdell Co		
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,415.00	428.79
Mid-Continent Oil & Gas Assn, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006		2,115.25	24,139.76
Mid-West Electric Consumers Assn, 1441 York Street, #305 Denver, CO 80206			
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,100.00	144.17
Evan M. Migdail, 888 17th Street, NW Washington, DC 20006	CITGO Petroleum Corp	750.00	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	500.00	169.25
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Miles & Stockbridge, 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006	Black and Decker Corp		275.00
Do	PepsiCo, Inc		
Do	Pizza Hut, Inc		300.00
Milgrim Thomajan & Lee, 1025 Connecticut Ave, NW, #1000 Washington, DC 20036	AGS Management Systems, et al		
Do	Lloyds U.S		
Do	Management Data Communications Corp		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Charles R. Miller, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	1,443.27
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Denny Miller, 409 South Barton St. Arlington, VA 22204	Denny Miller Associates	7,500.00	
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Lawrence E. Miller, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn		
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,900.00	1,310.44
Sandra Miller, 409 South Barton St. Arlington, VA 22204	Denny Miller Associates	1,250.00	
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Boeing Company		
Do	Gold Fields Operating Co - Mesquite	300.00	
Do	John Hopkins University		
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	National Assn of Temporary Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pacific Medical Center	225.00	8.00
Do	Professional Services Council		
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	2,460.00
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do		19,862.50	16,250.00
Do	Momentum 88	1,875.00	1,530.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Tri-City Industrial Development Council (TRIDEC)	4,000.00	3,265.00
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	National Assn of Life Underwriters, et al	2,100.00	
Do	47th Street Photo	1,000.00	
Miller Hamilton Snider & Odom, Post Office Box 46 Mobile, AL 36601	Camp Barsh Bates & Tate (for Sears Roebuck & Co)		
Do	Charter Federal Savings & Loan Assn	1,782.00	3,272.66
Do	Colonial Bancgroup, Inc	275.00	596.18
Miller Young & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Sacramento, et al	267.50	
Do	Sugar Land Telephone Co	762.50	167.90
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		838.99
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	1,800.00	
Amy J. Millman, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc		
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Dallas Miner, One Thomas Circle, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn		
Minimum Wage Coalition to Save Jobs, P.O. Box 28261 Washington, DC 20038		41,305.00	65,720.17
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Bayamon Federal Savings	6,000.00	
Bennett L. Minton, 900 19th Street, NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1200 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Charles P. Mitchell, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	230.00	0.80
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	188.04	
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	300.00	
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Crop		
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)		
Robert H. Mollohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	600.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	85.00
C. Manly Molpus, P.O. Box 3556 Washington, DC 20007	American Meat Institute	1,000.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
William J. Montwieler, 1750 K Street, NW, #210 Washington, DC 20006	Industrial Truck Assn		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,750.00	
Alan J. Moore, 1001 Pennsylvania Ave., NW, #675 Washington, DC 20004	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Frank B. Moore, 1155 Connecticut Avenue, NW Washington, DC 20036	Waste Management, Inc	5,000.00	4,959.78
Richard L. Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund, et al	4,101.63	765.50
Thomas L. Moore, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Timothy X. Moore, Timothy Moore & Co 2900 M Street, NW, #300 Washington, DC 20007	All-Industry TV Music License Committee	8,500.00	
Do	Swidler & Berlin, Chtd		
Ann Moorhead, 2571 Vernon Drive, NE Palm Bay, FL 32905	Press Television		
Eugene Moos, 517 C Street, NE Washington, DC 20002	Lesher Russell & Moos, Inc		
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		89.19	89.19
Lori M. Moran, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	224.00	
Sue Markland Moreland, 918 North Carolina Avenue, SE Washington, DC 20003	Hazardous Waste Treatment Council	1,840.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	12,875.04	
E. Joyce Morgan, 1920 N St., NW Washington, DC 20036	American Mining Congress		
J. Railton Morgan, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	115.15
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Business Roundtable		
Do	Coalition to Stop the Raid on America		
Do	Consolidated Natural Gas Co		
Do	Scotch Whisky Assn		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	123.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	208.81
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers, AFL-CIO	16,125.00	200.00
Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp		
Tom C. Morris, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
James W. Morrison Jr., 655 15th St., NW, #300 Washington, DC 20005	ARA Services, Inc	6,249.99	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	28,588.00	2,690.56
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn	1,362.50	
Do	City and County of San Francisco	2,196.25	13.00
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al	128,620.00	929.04
Do	National Electrical Manufacturers Assn		
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Evelyn M. Morton, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	455.76	202.78
George R. Moses, 2033 M Street, NW #300 Washington, DC 20036	National Association of Arab Americans	5,625.00	125.02
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		56.60
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		24,102.18	24,102.18
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	500.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical		275.35
Do	ABRASSUCOS - Brazilian Juice Assn	5,990.00	793.26
Do	ANIC - National Assn of Citric Industries	5,990.00	845.09
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			4,925.65
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		33,423.45	33,423.45
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,000.00	
Katharine R. Mountcastle, 2030 M St. NW Washington, DC 20036	Common Cause	4,693.78	200.55
Susan Connolly Moya, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Cheryl L. Moyer, 1006 West College Avenue State College, PA 16801	Pennsylvania Assn of Families	14,233.80	587.13
Steve Moyer, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	126.95	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	American Assn of Exporters-Importers-Textile & Apparel Group		
Do	Government of Hong Kong	1,012.50	104.03
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Empire of America, FSB		
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,300.00	
Richard J. Muller, 1100 Connecticut Ave., NW, #930 Washington, DC 20036	Chrysler Corporation	2,000.00	105.00
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,200.00	35.00
Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	15,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	4,000.00	85.50
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Betty J. Munis, 1301 Pennsylvania Ave., #300 Washington, DC 20004	Public Lands Council	1,000.00	
James Brian Munroe, 340 Kingsland Street Nutley, NJ 07110	Hoffmann-La Roche, Inc		
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	10,000.00	144.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al		
James P. Murphy, 485 Lexington Ave., 25th Floor New York, NY 10017	New York State Bankers Assn	450.00	198.00
John P. Murphy, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	560.00	164.38
Lester L. Murphy Jr., 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	490.08	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al	8,600.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		2,486.98
James E. Murray, One Farragut Square South Washington, DC 20006	Brown & Wood (For:Citicorp Investment Bank, et al.)		
Rosemary Griffin Murray, 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	Lightning Location & Protection, Inc	625.00	
Do	LTV Corporation	450.00	
Do	National Business Aircraft Assn	500.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	PHP Healthcare Corp	600.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Robert Musil, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,014.44	4,944.98
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202		5,000.00	2,059.50
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,100.00	
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	171.49
MOVAN Enterprises, Ltd, 499 S Capitol St., SW, #520 Washington, DC 20003	Magnavox Government & Industrial Electronics Co	15,000.00	6,249.99
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Sally B. Narey, 385 Washington Street St. Paul, MN 55102	St. Paul Fire & Marine Insurance Co	18,000.00	
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	4,400.00
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Frances E. Nathan, 455 Fifth Avenue New York, NY 10016	New York Public Library	6,439.50	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Abortion Rights Action League, 1101 14th Street, NW, 5th Floor Washington, DC 20005			10,167.08
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		583.00	583.00
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		119,650.00	11,747.46
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,071.34	1,226.72
National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015			
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,455.63	3,915.01
National Assn of Air Traffic Specialists, 4780 Corridor Pl., Suite B Beltsville, MD 20705			
National Assn of Auto Fleet Buyers, Inc, 66 Bay 19th Street Brooklyn, NY 11214			
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		70,712.06	70,712.06
National Assn of Catalog Showroom Merchandisers, C/O Kelly, Eckhaus, Mohen 40 Birch Hill Road Locust Valley, NY 11560			
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-049 Alexandria, VA 22313			
National Assn of Energy Service Companies, c/o Skadden Arps State Meagher & Flom 1440 New York Avenue, NW Washington, DC 20005.			
National Assn of Federal Employees, 3500 Maple Avenue, Suite 1650 Dallas, TX 75219			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			45.82
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		402,871.00	45,515.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703		95,607.74	95,607.74
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268			
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	2,600.00
National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314			
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		7,500.00	7,500.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #505 Falls Church, VA 22041		134,044.00	33,841.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,170.00	3,170.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			8,917.28
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		32,719.16	32,719.16
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			6,000.00
National Citizens Communications Lobby, P.O. Box 1876 Iowa City, IA 52244			
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coalition for Fair Trade, 7200 Wisconsin Avenue Bethesda, MD 20814			
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		21,032.00	16,297.99
National Coalition of Fresh Potato Processors, c/o Collier Shannon Rill & Scott 1055 Thomas Jefferson St., NW Washington, DC 20007.			
National Comm to Preserve Social Security, 2000 K Street, NW, 7th Floor Washington, DC 20006		552,475.00	552,475.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		3,331.00	5,524.43
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10122		12,250.00	354.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		63,896.92	38,182.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	9,412.32
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		77,142.44	77,142.44
National Council for Languages & Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001		34,675.06	16,746.24
National Council of Agricultural Employers, 499 S. Capitol Street, SW, #411 Washington, DC 20003			5,213.98
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		12,006.00	10,368.36
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005			
National Education Assn, 1201 16th St., NW Washington, DC 20036		14,193.69	14,193.69
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037			
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		43,355.00	43,355.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		600.00	600.00
National Grain & Feed Assn, 725 15th St., NW, #500 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		15,875.00	15,875.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		7,232.00	909.37
National Independent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039			7,182.13
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		15,000.00	13,640.25
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			1,137.94
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		900.00	900.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201			
National Motorsports Comm of Accus, 1500 Skokie Boulevard, #107 Northbrook, IL 60062			
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036		7,372.71	7,372.71
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		19,431.00	7,800.00
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			39,381.15
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Public Affairs Corp, 6296 Dunaway Court McLean, VA 22101	Westinghouse Electric Corp	300.00	
National Realty Committee, 1250 Connecticut Ave., NW, #303 Washington, DC 20036		1,885.50	1,885.50
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036			20,069.17
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036			
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		7,851.70	7,851.70
National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			7,250.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		12,500.00	10,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			173.43
National Solid Wastes Management Assn, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Alliance for Capital Access	30,000.00	
Do	Columbia Savings & Loan Assn	7,449.38	6.00
Do	Manor Care	5,504.44	2,075.25
Do	PGA Tour, Inc		0.63
Do	Triangle Industries	21,223.12	19,652.52
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,705.05
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			9,271.40
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			8,451.75
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		12,000.00	12,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Landis M. Neal, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	11,341.00	2.50
Richard W. Neal, 1301 Pennsylvania Ave., #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	465.00	10.50
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Laura C. Nehf, 1101 Connecticut Avenue, NW, #405 Washington, DC 20036	Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		22,683.98	10,400.50
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006	Arab Republic of Egypt		14,200.82
Do	Hashemite Kingdom of Jordan		3,854.13
Do	Islamic Republic of Pakistan	75,000.00	15,419.97
Do	Kingdom of Morocco	300,000.00	2,267.80
Do	Republic of Kenya		2,950.36
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	Florida East Coast Railway Co	1,000.00	
Do	National Council Social Security Management Assns, Inc	4,000.00	150.00
Do	North American Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc	4,500.00	150.00
Do	Senior Executives Assn	5,000.00	210.00
Do	Soo Line Corporation	2,500.00	
Do	TACA International Airlines		
Joshua E. Neiman, 815 16th St., NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO	537.00	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Paul Gunnar Nelson, Hamilton & Hamilton 734 15th St., NW, 11th Floor Washington, DC 20005	GNA	262.50	32.28
Do	Weyerhaeuser Company	16,275.00	274.26
Michael A. Nemeroff, 1722 Eye Street, NW 7th Floor Washington, DC 20006	Sidley & Austin (For:Borden, Inc)	7,275.00	
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	35.00
Mark Nestlen, 1300 L Street, NW, #950 Washington, DC 20005-4107	American Soybean Assn	2,812.50	170.68
Network, 806 Rhode Island Ave., NE Washington, DC 20018		38,448.71	42,955.78
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	2,229.20	5,410.48
New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006			
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		60,000.00	116,644.00
Cynthia E. Newman, 400 North Washington Street Alexandria, VA 22314	Professional Insurance Agents	500.00	200.00
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Sharon Newsome, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,700.82	
E. Archie NeSmith Jr., 1000 Wilson Blvd., #2500 Arlington, VA 22209	Allied-Signal Aerospace Co		
Todd C. Nichols, 1600 Seattle Tower Seattle, WA 98101	Francis & Nichols (For:Ueki America Corp)		
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	2,900.00	3,124.58
Thomas Nickels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	5,144.00	160.00
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,761.35	3,142.23
Ellen Nissenbaum, 236 Massachusetts Avenue, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	36.54	
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	2,025.00	217.10
Do	Bausch & Lomb		
Do	Thompson Medical Co		
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	
A. Allan Noe, 655 15th Street, NW, #975 Washington, DC 20005	Unilever United States, Inc	1,500.00	103.08
Robert W. Nolan, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036	Edison Electric Institute	3,090.66	826.63
Robert I. Nooter, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,442.00	292.31
David F. Norcross, 1010 Kings Highway So., #2-C Cherry Hill, NJ 08034	National Check Cashers Coalition	2,500.00	2,810.80
North American Export Grain Assn, Inc, 1030 15th Street, NW, #1020 Washington, DC 20005			
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		10,962.00	10,962.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,280.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			782.25
Graham T. Northup, 2333 Highland Avenue Falls Church, VA 22046	Dominion Bankshares Corp	9,000.00	678.24
Do	Golembe Associates, Inc	6,000.00	
Edward M. Norton Jr., 1400 16th Street, NW, #300 Washington, DC 20036	Grand Canyon Trust		
NorLight, 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719			
Russell C. Notar, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,000.00	155.66
Nathan Note, Box 373 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Steven R. Nousen, P.O. Box 3529 Portland, OR 97208	Port of Portland	11,750.00	200.32
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	12,521.83
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	12,966.00	285.77
C. D. Nyberg, 103 S.W. 14th Street Austin, MN 55912	Geo. A. Hormel & Co		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	659.11	402.27
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	9,188.00	151.77
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	8,312.50	30.00
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	9,000.00	508.85
Mary Eileen O'Brien, 1800 M St., NW, Suite 325-S Washington, DC 20036	Dow Corning Corp		
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	750.00	60.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	88.66
Thomas H. O'Brien, P.O. Box 69, The Cay Key Colony Beach, FL 33051	Harris Corporation		
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	12,000.00	625.35
David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042	American Textile Machinery Assn		
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co		
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)	1,500.00	
Do	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)	1,250.00	
Do	Keefe Company (For:Westinghouse Electric Corp)		
William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601	U.S. League of Savings Institutions	25,375.00	2,724.71
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	American Supply Association		
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Bus Assn	2,665.26	
Do	American Clinical Laboratory Assn	2,500.00	
Do	American Family Life Assurance Co		
Do	American Health Care Assn	1,113.13	
Do	American Insurance Assn		
Do	American Maritime Transport, Inc		
Do	American Soc of Assn Executives	4,726.12	
Do	American Trucking Assns, Inc		
Do	Arthur Andersen & Co	1,000.00	
Do	California Student Loan Finance Corp	1,516.87	
Do	Center for Environmental Education, Inc		
Do	ChemWaste Management, Inc		
Do	China External Trade Development Council	8,290.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Minneapolis		
Do	Coca-Cola Company	15,800.00	
Do	Connaught Laboratories, Inc	5,341.64	
Do	Consumer Credit Insurance Assn	7,000.00	
Do	Corcoran Mullins Jennison	250.00	
Do	Crescent Cities Jaycees Foundation, Inc	2,983.00	
Do	CNA Insurance Co	2,864.72	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Eastern Michigan University	432.19	
Do	Electronic Data Systems Corp	10,000.00	
Do	Embassy of Bolivia		
Do	Gaming Industry Assn of Nevada, Inc	5,623.75	429.57
Do	Glass Packaging Institute	5,400.00	
Do	Government of Netherlands Antilles	29,300.00	
Do	Hennepin County		
Do	Independent Advertising Council		
Do	Independent Computer Consultants Assn	2,550.85	
Do	Investment Company Institute	7,000.00	
Do	Kawasaki Kisen Kaisha, Ltd		
Do	Mastercard International, Inc	4,000.00	
Do	Mercedes-Benz of North America, Inc	150,500.00	
Do	Mexican Cement Chamber	10,000.00	
Do	Michigan Consolidated Gas Co	3,836.12	
Do	Miller & Schroeder Financial, Inc		
Do	Minnesota Mutual Life Insurance Co	2,000.00	
Do	Mitchell Sweet & Associates	2,000.00	
Do	National Assn of Off-Track Betting		
Do	National Assn of Optometrists and Opticians, Inc		
Do	National Assn of Portable X-Ray Providers		
Do	National Assn of Private Enterprise of El Salvador	2,400.00	
Do	National Funeral Directors Assn	5,789.29	
Do	National Republican Alliance of El Salvador (ARENA)	15,000.00	
Do	Nevada Resort Assn	8,126.25	644.35
Do	Philadelphia Stock Exchange	3,262.00	
Do	Joseph E. Seagram & Sons, Inc	519.84	
Do	SmithKline Beckman Corp	5,026.62	
Do	State of Alaska	1,741.13	
Do	Visa, USA, Inc	4,000.00	
Do	Westinghouse Electric Corp	4,500.00	
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Producers Assn, Inc	2,500.00	
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	150.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
Bridget O'Grady, 955 L'Enfant Plaza, SW, #1202 N Washington, DC 20024	National Water Resources Assn	3,812.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,107.16	520.74
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,052.70	209.57
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	125.00	
James G. O'Hara, Patton, Boggs & Blow 2550 M St., NW, #800 Washington, DC 20037	Wayne County Michigan		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	CIGNA Corp		
Do	Dulles Access Rapid Transit Corp		
Do	Holden Group, Inc (Public Employer Benefits Council)		
Do	Mobil Oil Corp		1,358.78
Joseph O'Neil, 1000 Wilson Blvd., 31st Floor Arlington, VA 22209	ITT Defense Technology Corp	2,000.00	45.00
Sarah E. O'Neil, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,344.00	639.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	American Retail Federation	1,200.00	83.75
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	Indian Development Opportunities Corp		
Do	Massachusetts General Hospital		
Do	Massachusetts Hospital Assn		
Do	National Football League		
Do	National Gas Pipeline Coalition		
Do	New England Deaconess Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Source Data Network		
Do	USTA		
J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,250.00	
John E. O'Toole, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	750.00
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		254.74
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	5,805.42
Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	600.00	
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Harry R. Obley, One Mellon Bank Center, #3003 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al	2,000.00	922.75
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	550.00	
Ocenco, Inc, 400 Academy Dr Northbrook, IL 60062			
Neil H. Offen, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Ohrenstein & Brown, 655 Third Avenue New York, NY 10017	Mutual Signal Corp		36.99
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,375.00	500.00
Eric Olson, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,103.48	
Richard C. Olson, 2000 Edmund Valley Drive, #400 Reston, VA 22091	Citibank, N.A.	4,250.00	
Do	DynCorp	2,171.00	114.00
Do	Hydrocarbon Research, Inc		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Signal Landmark	500.00	
Do	United Engineers & Constructors	300.00	
Clark Onstad, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp, et al	4,500.00	2,005.00
Philip C. Onstad, 500 West Putnam Avenue Greenwich, CT 06832	Control Data Corporation	200.00	
Oppenheimer Wolff & Donnelly, 1020 19th Street, NW, #400 Washington, DC 20035	Korean Footwear Exporters Assn	4,723.19	
Do	Nishika Corp	1,255.22	15.23
Charles J. Orasin, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,884.62	
Michel Orban, American Express Company American Express Tower World Financial Center New York, NY 10285-4890	American Express Co		
Organ. for Protection & Advancement of Small Telephone Cos, 2000 K Street, NW, #205 Washington, DC 20006			
Edward R. Osann, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	9,812.23	
James L. Osborne, 4th & Davis Streets P.O. Box 808 McMinnville, OR 97128	National Assn of Mutual Insurance Cos		
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Tranpsortation Communications Union	1,000.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Gene E. Overbeck, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc	2,125.00	78.40
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,000.00	716.53
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	American Savings Financial Corp		
Do	Dollar Savings Bank, et al	82,038.26	20,194.63
Do	PSFS Meritor Financial Group		
Do	Washington Physicians Service		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	90.00	
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,992.20	24.50
Eileen E. Padberg, 17011 Beach Blvd., 8th Floor Huntington Beach, CA 92647	Reese Communications Companies	16,000.00	
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Pagonis & Donnelly Group, Inc., 1620 I Street, NW, #202 Washington, DC 20006	Air Products & Chemicals Inc	1,135.00	461.75
Do	Algoma Steel Corp, Ltd, et al		
Do	Americans for National Dividend Act, Inc	6,000.00	
Do	Association of High Medicare Hospitals	4,500.00	
Do	ABB, Inc	600.00	
Do	Burroughs Wellcome Co	10,440.00	539.07

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Pompano Beach		
Do	Dow Chemical USA	6,150.00	119.60
Do	Harrah's, Inc		
Do	Holiday Corp	14,550.00	1,068.45
Do	National Wool Growers Assn		
Do	Nord Resources Corp		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Atlantic Richfield Co	6,000.00	
Do	European Community	13,200.00	
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	American Soc of Composers Authors & Publishers	27,000.00	
Do	Artists for Tax Equity	4,166.66	
Do	RJR Nabisco, Inc	12,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Peter J. Pantuso, 7900 Westpark Drive, A-320 Mclean, VA 22102	National Confectioners Assn of the U.S.		1,650.00
Marcia M. Pape-Daniels, 655 15th Street NW, Suite #444 Washington, DC 20005	CH2M Hill	750.00	
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 210 Little Falls Street Falls Church, VA 22046	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.25	7,438.49
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bonnie S. Parker, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	98.87
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	11,549.14	272.81
Tom V. Parker, Arkansas Petroleum Council 460 Twin City Bank Bldg. North Little Rock, AR 72114	American Petroleum Institute		
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	5,000.00	
Ann M. Parman, 1701 K Street NW, Suite 400 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,000.00	500.00
Richard M. Parsons, 1652 Wainwright Dr. Reston, VA 22090	Safari Club International	4,125.00	
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,500.00	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	1,027.01
Richard E. Pasco, 1015 15th St., NW, #402 Washington, DC 20005	National Pork Producers Council	2,000.00	9.00
Peter R. Pastre, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
M. Stephanie Patrick, 1101 15th Street, NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	50.00	
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency	2,433.00	
Do	Burke Williams & Sorensen (For:City of Huntington Beach)		
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Richard M. Patterson, 1776 EYE St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	5,596.00
Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn	4,268.74	
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Group for 8(a) Reform		
Do	Advanced Technology, Inc		
Do	Aiwa America, Inc		
Do	Akai America, Ltd		
Do	Alain Wertheimer		
Do	Alexander & Baldwin, Inc		
Do	American Congress on Surveying & Mapping	412.50	
Do	American Express Co		
Do	American International Automobile Dealers Assn		
Do	American Logistics Assn		
Do	American Maritime Assn		
Do	American Stock Exchange		
Do	Art & Craft Materials Coalition	160.00	8.00
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	727.50	18.00
Do	Atacra Trustees		
Do	ALTA Technology		
Do	Biogen		
Do	BATUS, Inc		
Do	Cadawalader Wickersham & Taft		
Do	Center for Molecular Medicine & Immunology		
Do	Charles Center-Inner Harbor Management, Inc)	1,500.00	
Do	Chelsea Property Owners		
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	1,880.00	
Do	Chicago Board Options Exchange	4,850.00	50.00
Do	Chrysler Corporation		
Do	City & County of Denver		
Do	Coalition on State Use Taxes	5,000.00	
Do	College Savings Bank	3,862.50	322.00
Do	Columbia Farm Credit District		
Do	Columbia, Inc		
Do	Costa Rican Foreign Trade Committee		
Do	Council of Graduate Schools		
Do	Cryolife, Inc		
Do	CIGNA Corporation		
Do	Dealer Action Association	175.00	
Do	Dole Fresh Fruit Co		
Do	Dredging Industry Size Standards Committee (DISSC)	8,530.00	
Do	Duty Free Shoppers Group, Ltd		
Do	DOYON, Ltd	1,225.00	60.00
Do	Fiart Cantieri Italiani, S.P.A.		
Do	Fidelity Investors		
Do	Fishing Vessel Owners' Assn		
Do	Freedom to Advertise Coalition		
Do	Fuji Photo Film USA, Inc		
Do	Fundacion de Defensa del Comerio Exterior		
Do	Government of the Republic of the Marshall Islands		
Do	Great Western Financial Corp		
Do	Charles Heilbronn, et al.		
Do	G. Heilman Brewing Co, Inc		
Do	Hitachi Sales Corp of America		
Do	Hobby Industries Assn		
Do	Immune Response Corp		
Do	Incorporated Research Institutions for Seismology		
Do	Institute of Scrap Iron & Steel, Inc	540.00	8.00
Do	International Thomson, Inc		
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation		
Do	Loop, Inc		
Do	Marathon Oil Co	1,600.00	
Do	Mars, Inc	2,750.00	
Do	Mass Mutual	400.00	8.00
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America		
Do	Maxell Corp of America		
Do	May Department Stores Co	360.00	8.00
Do	Metropolitan Life		
Do	Minerals Marketing Corp of Zimbabwe		
Do	Mitsubishi Electric Sales of America, Inc		
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	2,400.00	258.00
Do	MCI Telecommunications, Inc	525.00	
Do	Nakajima All Co, Ltd		
Do	Nakamichi USA		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn for Foreign Student Affairs		
Do	National Assn of Life Underwriters	200.00	8.00
Do	National Assn of Retail Druggists		
Do	National Cable Television Assn, Inc	320.00	8.00
Do	National Con-serv, Inc	200.00	
Do	National Intergroup, Inc		
Do	National Marine Manufacturers Assn	900.00	16.00
Do	National Soft Drink Assn		
Do	Navajo Nation	900.00	
Do	New Process Co		
Do	New York Life Insurance Co	200.00	100.00
Do	Newmont Mining Corp		
Do	Northwestern Mutual Life	500.00	300.00
Do	NEC Electronics (USA) Inc		
Do	Onkyo USA Corp		
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc		
Do	OTASCO, Inc		
Do	Paine Webber, Inc		
Do	Pioneer Electronics (USA), Inc		
Do	Prince George Center, Inc	800.00	
Do	Reader's Digest Assn, Inc		
Do	William G. Reed		
Do	Reinsurance Assn of America	515.00	20.00
Do	Retail Industry Trade Action Coalition		
Do	Retail Tax Committee		
Do	Rice Millers' Assn		
Do	Sansui Electronics Corp		
Do	Sanyo Electronics, Inc		
Do	Sharp Electronics Corp		
Do	Shell Oil Co		
Do	Charles E. Smith Companies		
Do	Smokeless Tobacco Council, Inc	910.00	8.00
Do	Sony Corp of America		
Do	Squibb Corporation		
Do	Sultantate of Oman	800.00	
Do	Teac Corp of America		
Do	Teknika Electronics Corp		
Do	Toshiba America, Inc		
Do	TDK USA Corp		
Do	U.S. Air, Inc		
Do	U.S. Tobacco Co		
Do	U.S.A. Coalition/Fishing Vessel Reflagging		
Do	Union Pacific Corp		
Do	Unitary Tax Campaign		
Do	Universal Lottery Co		
Do	University of Arizona Foundation	2,000.00	
Do	US JVC Corporation		
Do	Waste Management Inc	2,887.50	
Do	WWL-TV		
Do	Yamaha Electronics Corp, USA		
Andrew R. Paul, 1875 Eye Street, NW, #1225 Washington, DC 20006	Gulf & Western, Inc	1,500.00	20.45
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Amdahl Corporation		
Do	CalMat Company		
Do	GAF Corporation		
Do	Kawasaki Motors Corp, USA	5,771.25	
Do	Oglethorpe Power Corp		
Do	Security Life of Denver	11,487.50	
Do	Tobacco Institute		
Jude C. Payne, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc	1,800.00	
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,100.00	
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	15,000.00	
F. Colin Pease, Iron Horse Park North Billerica, MA 01862	Boston and Maine Corp, et al		
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Shelley Peck, 122 C St., NW Washington, DC 20001	Children's Defense Fund	243.20	
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,250.00	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,889.77
Pennwalt Corporation, Three Parkway Philadelphia, PA 19102			4,281.06
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio Officers Union	13,750.00	
Pension Real Estate Assn, 1129 20th Street, NW, #705 Washington, DC 20036			
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc	232.00	
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20910	American Soc for the Prevention of Cruelty to Animals	1,500.00	1,500.00
Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		
James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108	Palmer & Dodge (For:National Assn of Bond Lawyers)		
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	550.00
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Boeing Company		
Do	Burlington Northern, Inc		
Do	Cook Inlet Region, Inc		
Do	Kootznoowoo, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Beneficial Management Corp of America)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Perkinson & Associates, Inc, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Do	Save Home Equity Deductions (SHED)		
Ernest Michael Perley, 112 St. Clair Avenue, West, #401 Toronto, Ontario M4V 2Y3	Canadian Coalition on Acid Rain	1,800.00	2,793.95
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,000.00	279.13
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	American Assn for Counseling & Development		
Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights		
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Government of Tunisia)	990.00	
Phillips S. Peter, 1331 Pennsylvania Avenue, NW, #800-S Washington, DC 20004	General Electric Co	100.00	
Michael W. Peters, 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	1,650.00	75.00
Robert Peters, 342 West 15th Street New York, NY 10011	Morality in Media, Inc	20.60	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036	Federated Research Corp	26,400.00	449.16
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		205,525.00	19,584.26
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Annabelle Petys, P.O. Box 5053 7022 Rhoden Court Springfield, VA 22150-5053			110.64
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia	32,000.00	
Do	Juvenile Products Manufacturers Assn	5,000.00	
Do	Metro	4,600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Metropolitan Toledo Consortium	14,875.00	
Do	National School Health Education Coalition	1,700.00	
Do	New York State Bridge Authority	3,000.00	
Do	Regional Transit Authority	13,500.00	
Do	Southeastern Pennsylvania Transit Authority	9,000.00	
Robert X. Peyton, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Steven J. Prister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	2,000.00	130.74
Kurt Pfotenhauer, 555 13th Street, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	5,000.00	150.53
James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	3,570.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		22,962.33	22,962.33
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,577.25	32.84
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	7,500.00	149.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	6,800.00	1,783.90
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	23,565.36	796.00
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	230.00	375.30
William G. Phillips, 417 Sixth Street, SE Washington, DC 20003	Association of Univ Environmental Health Science Centers	6,000.00	609.06
Do	Association of Univ Programs in Occupational Health & Safety	11,050.00	2,923.57
Do	Metal Trades Department, AFL-CIO	3,750.00	454.69
Phillips Nizer Benjamin Krim & Ballon, c/o Tibero Schwartz 40 West 57th Street, 32nd floor New York, NY 10019	Riverbay Corp	474.64	49.22
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	1,045.99
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	4,000.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	540.07	3,316.06
Janice Pieper, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers Int'l Union	4,374.99	546.33
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	27,300.00	567.24
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		
Do	Oklahoma Natural Gas Company		
Do	Six Flags Corporation		
Susan G. Pikrallidas, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
John H. Pilcher, 1331 Pennsylvania Ave..NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc	825.00	183.00
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc		
Do	Temis Ramires de Arellano		
Jane Pinsky, 1101 14th St., NW, #200 Washington, DC 20005	American Nurses' Assn	4,625.00	188.30
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,276.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Baltimore County, MD		
Do	Edison Electric Institute	1,235.00	664.91
Do	General Electric Capital Corp		
Do	Shearson Lehman Hutton, Inc		
Do	United Telecom		
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036	American College of Emergency Physicians	1,683.92	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Plaintiff Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	5,250.00	1,256.51
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	447.43	
Podesta Associates, Inc, 426 C Street, NE Washington, DC 20002	American Newspaper Publishers Assn	1,836.00	
Do	Chemical Producers & Distributors Assn		
Do	Digital Equipment Corp	6,000.00	
Do	Merck & Company		
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp		
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co	15,000.00	
Gerald Poje, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	88.15	
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		83.84
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	499.61	755.39
Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp		
Richard Popkin, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Portable Power Equipment Manufacturers Assn, 4720 Montgomery Lane, #514 Bethesda, MD 20814			
Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215	Coalition for Environmental-Energy Balance	100,000.00	4,031.91
John C. Pouland, 5757 Martel, B-9 Dallas, TX 75206	Reese Communications Companies	12,000.00	282.69
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Association of Bank Holding Cos	14,996.00	
Do	Bayley Seton Hospital		
Do	Committee for Competitive Marketing		
Do	Council of State Housing Agencies		
Do	Federal National Mortgage Assn		
Do	Flood Control Advisory Committee		
Do	Hitachi Sales Corp of America		
Do	Massachusetts Housing Finance Agency		
Do	National Development Service Corp		
Do	National Investment Development Corp		
Do	National Multi Housing Council		
Do	Owens-Illinois, Inc	3,324.00	
Do	Second Olbil Era Kelulau	19,268.00	
Do	Starrett Housing Corp		
Do	Sunbelt Corp	6,969.76	
Do	Philip D. Winn		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,107.16	830.66
Graydon R. Powers Jr., 1101 16th St., NW Washington, DC 20036	Scientific Apparatus Makers Assn		
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	700.00	120.00
Robert L. Pratt, 125 Second Avenue Waltham, MA 02254	Thermo Electron Corporation	3,600.00	970.00
Richard H. Prendergast, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Nuclear Insurers		
Do	American President Lines	5,579.00	
Do	Bay Tankers Inc		
Do	Bellingham Cold Storage		
Do	Burlington Northern Railroad	26,270.00	490.12
Do	Calista Corp		
Do	Council on Research & Technology	1,039.50	
Do	COMPACT		
Do	Data General Corp	1,264.50	
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Lutheran Medical Center		
Do	Marine Management, Inc		
Do	Martin's Point Health Care Center		
Do	Moore McCormack Resources, Inc		
Do	Mutual Atomic Energy Liability Underwriters		
Do	National Council on Compensation Insurance	330.00	
Do	OMI Corp		
Do	Pacific Medical Center		
Do	Port of Seattle		
Do	Seaboard Pacific Co		
Do	Seattle Organizing Comm		
Do	South Dakota Dept of Transportation	605.00	30.00
Do	Sunmar Shipping, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	Waste Management, Inc.		
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute		
Do	John D. & Catherine T. MacArthur Foundation		
Do	Toyota Motor Manufacturing, USA		
Do	Wolverine Exploration		
Patricia Pride, 1129 20th St., NW Washington, DC 20036	Financial Accounting Foundation	307.60	140.43
William Prindle, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	289.54
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			17,581.56
Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	297.37
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Project Cure, Inc, 2020 K St., NW, #350 Washington, DC 20006			
Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			4,000.00
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	5,475.00	
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	124.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036			
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036			16,750.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		67,054.95	22,915.89
Public Employer Benefits Council, 555 13th Street, NW #500-W Washington, DC 20004			
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	110.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,475.00	
Do	Florida Progress Corp	625.00	
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	5,100.00	
Robert N. Pyle & Associates, 3222 N Street, NW, #32 Washington, DC 20007	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	150.00
Do	Stratcor	6,000.00	110.00
Do	Welch Foods, Inc	3,600.00	65.00
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc		
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,470.00	6.00
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
George Gregory Raab, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		6.80
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,700.00	782.90
Peri Jude Radecic, 1517 U Street, NW Washington, DC 20009	National Gay & Lesbian Task Force (NGLTF)	6,000.00	
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Washington Public Utility Districts Assn	200.00	
W. A. Radziewicz, 400 First Street, NW, #708 Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Michael Rae, 2030 M St., NW Washington, DC 20036	Common Cause		
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ragan & Mason, 900 17th St., NW Washington, DC 20006	American Bureau of Shipping	5,000.00	42.70
Do	American Ship Building Co	5,000.00	82.46
Do	Bechtel Corp	2,835.00	13.26
Do	Earth Observation Satellite Co		
Do	Government of Bermuda	3,000.00	33.75
Do	National Bulk Carriers, Inc	4,500.00	
Do	R.J. Reynolds Nabisco, Inc		
Do	R.J. Reynolds Tobacco Co		
Do	Sea-Land Industries, Inc	20,000.00	402.85
Do	Security Pacific National Bank		
Do	Stimson Lumber Co & Miller Redwood Co	3,000.00	
Tanya A. Rahall, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	7,895.85	14.00
Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	450.00	33.00
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		399,360.00	56,706.74
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 236 Massachusetts Avenue, NE, #409 Washington, DC 20002		230,765.30	198,806.91
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:Association of O & C Counties)	138.00	
Do	Stoel Rives Boley Jones & Gray (For:Gregory Affiliates, Inc)	31,900.00	1,606.00
Do	Stoel Rives Boley Jones & Grey (For:Pacificorp)	1,750.00	1,040.00
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, P.C., 321 D Street, NE Washington, DC 20002	Automotive Service Assn	569.16	
Do	National Independent Dairy-Foods Assn		
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	3,229.27
Brian Rasmussen, 655 Fifteenth Street, NW, Suite 350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Billye Lynn Ratliff, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co		
Robert Ratliffe, 5808 Lake Washington Blvd., 3rd Fl. Kirkland, WA 98033-7397	McCaw Communications Cos		
John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	350.00	466.23
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,490.00	
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	American Committee for Shaare Zedek Hospital in Jerusalem	5,000.00	147.01
Do	Bayley Seton Hospital	3,000.00	
Do	Maimonides Hospital, et al		231.37
Do	Pines Steel Supply Corp	2,000.00	88.92
Do	Regional Transit Authority (New Orleans)		
Do	Rochester & Southern Railroad	3,750.00	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Ralph Rayburn, 403 Vaughn Bldg. 807 Brazos Austin, TX 78701	Texas Shrimp Assn	1,730.00	150.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	973.81
Floyd C. Raynard, 3169 Holcomb Bridge Rd., #505 Norcross, GA 30071	Stellar Technology Enterprises, Inc		
Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131-2363	Thomson Bohrer Werth & Razook (For:Burger King Corp)	40.63	
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		7,175.00	9,475.00
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	438.46	107.56
David S. Reed, P.O. Box 18092 Washington, DC 20036	EDS Federal Corporation	562.50	262.18
Dwight C. Reed, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	552.69	301.48
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	10.25
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	25.00
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)		162,805.82
Do	National Association of Realtors	31,576.89	24,822.85
Do	Philip Morris USA	219,000.00	220,317.77
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,075.00	
J. Ronald Reeves, Washington National Airport Washington, DC 20001	U.S. Air, Inc	2,000.00	143.75
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	2,000.00	707.98
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036		2,000.00	1,150.00
John Regnier, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	300.00
Reichler, Appelbaum & Wippman, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	31,000.00	438.95
Do	Republic of Nicaragua	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	United Coconut Assn of the Philippines	20,500.00	576.12
Michael Reid, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy	145.60	
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,626.44	
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	City of Philadelphia	6,712.00	1,220.47
Do	Committee of Corporate Telecommunications Users		
Do	CIAC Group		5.00
Do	Edison Electric Institute		4.00
Do	Pennsylvania Shipbuilding Co		
Do	Philadelphia Industrial Development Corp		
Do	Rhode Island, Inc		
Do	SPD Technologies		
Do	Transol USA, Inc		
Do	Utility Decommissioning Group		
Joseph J. Reilly, Jr, 2419 Leighton Street Fort Lee, NJ 07024	Morality in Media, Inc	2.74	
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002		158,366.10	10,671.80
Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers	5,000.00	842.05
Barclay T. Resler, 1627 K St., NW, #800 Washington, DC 20006	Coca-Cola Co	390.00	232.84
Resource Technical Consultants (USA), Inc, d/b/a TECNA 330 Seventh Avenue, #1902 New York, NY 10001			
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		80,535.33	32,869.81
John H. Reurs, 74 Trinity Place New York, NY 10006	New York Comm of Intl Comm of Passenger Lines		
Vincent P. Reusing, 1615 L Street, MW, #1210 Washington, DC 20036	Metropolitan Life Insurance Companies	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	17,371.98	68.00
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	3,850.00	150.00
Renee Reymond, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Timothy M. Reynolds, 1776 Eye Street, NW Suite 1000 Washington, DC 20006	BP America Inc		
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	Loral Corporation	4,250.00	
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,700.00	340.32
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation	35.00	
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	500.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	111.91
John C. Richardson, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:Underwriters at Lloyd's London)		
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	49.19
Kevin C. Richardson, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	3,000.00	598.57
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,375.00	
Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015	National Assn for Stock Car Auto Racing, Inc (NASCAR)		
Do	National Motorsports Comm of ACCUS, FIA, Inc		
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	693.00	
E. George Riedel, 1000 Wilson Blvd., 31st Floor Arlington, VA 22209	International Telephone & Telegraph Corporation	1,500.00	65.00
Mark J. Riedy, 1101 15th St., NW, #400 Washington, DC 20005	National Council for Savings Institutions	10,000.00	
Garth B. Rieman, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	196.10
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	14,088.00	219.79
Ellen Riker, 1030 15th Street, NW, #468 Washington, DC 20005	American Society of Anesthesiologists	11,150.00	
Do	American Society of Clinical Pathologists	2,000.00	
Do	National Hemophilia Foundation		
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Kevin J. Riordan, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	75.00	50.00
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,562.50	10.00
Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036-1011	Association of American Publishers	2,000.00	
Jane Risk, 1730 M Street, NW Washington, DC 20036	League of Woman Voters of the U.S.	4,858.88	44.00
Delbert A. Ritchhart, 1530 Jamacha Road, #K330 El Cajon, CA 92019	General Dynamics Laser Systems Laboratory	20,640.00	4,830.36
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Valentin J. Riva, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	2,700.00	
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc		
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	ALC Communications Corp		
Do	Chemical Bank	15,000.00	5,325.00
Do	Committee of National Security Cos, Inc	2,500.00	100.00
Do	Cook Group	5,500.00	300.00
Do	Lever Brothers Co, Inc		
Do	National Basketball Assn		
Do	National Foreign Trade Council	21,672.00	11,470.00
Do	National Soft Drink Assn		
Do	Primerica		
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	1,470.00	436.18
Carole T. Roberts, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	1,825.00	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		
Richard W. Roberts, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc		
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Co (For:Sanders Associates, Inc)	1,500.00	
Do	Keefe Company (For:Tres Grande Vitesse (TGV-USA, Inc))	2,000.00	
Do	Keefe Company (For:University of Miami)	600.00	
Do	TKC International, Inc (For:UNIAO Nacional Para Independencia Total DeAngola)	12,500.00	
Gordon C. Robertson, 444 North Capitol St., NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	9,312.54	126.92
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion		
Nathan Robfogel, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Robins, Kaplan, Miller & Ciresi, 1627 Eye St., NW, #610 Washington, DC 20006	City of St. Paul	400.00	54.43
Do	Dominium Group, Inc		
Do	Polaris Industries	1,170.00	
Do			
Betty S. Robinson, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	13,750.61	31.00
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Thomas E. Robinson, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Do	Pension Real Estate Assn		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Sun-Diamond Growers of California	5,000.00	
Do	Suzuki Motors of America, Inc	7,500.00	
Nancy Robleski, 1825 K Street, NW, #218 Washington, DC 20006	American Society of Mechanical Engineers		
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al	2,000.00	1,001.33
Quincy Rodgers, 1155 21st Street, NW, #400 Washington, DC 20036	General Instrument Corporation	3,000.00	63.97
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co	1,939.00	
Rogers & Wells, 200 Park Avenue New York, NY 10166	Adamar of New Jersey, Inc, et al		
Do	American Express Co		117.50
Do	Cafritz Foundation		
Do	Liz Claiborne, Inc	1,000.00	294.00
Do	Compagnie Financiere de Paribas		
Do	Desert Palace, Inc		
Do	Dreyfus Corporation		602.00
Do	Grocery Manufacturers of America, Inc		
Do	Internor Trade, Inc		
Do	Investment Partnership Assn		426.00
Do	Jockey Club		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar	2,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	Pan American World Airways, Inc		
Do	Pan American World Services, Inc		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Walker Telecommunications Corp		
Do	Wine & Spirits Wholesalers of America, Inc		
Do	Wordperfect Corp		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Stephen F. Rohrkemper, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
John F. Rolph III, 1275 Pennsylvania Ave, NW, #503 Washington, DC 20004	Citicorp Washington, Inc	1,500.00	
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	200.00	
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Company		21.00
Michael J. Romig, 1001 Pennsylvania Avenue Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
Fred B. Rooney, 1050 Connecticut Ave., NW, #1200 Washington, DC 20036	American Iron & Steel Institute	3,050.00	
Do	Association of American Railroads	3,150.00	
Do	CalMat Company	2,950.00	
Do	Crawford Fitting Co	2,950.00	
Do	Specialty Vehicle Institute of America	20,000.00	
James Roosevelt, 567 San Nicolas Dr, # 106 Newport Beach, CA 92660	National Committee to Preserve Social Security	2,250.00	
John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Atlantic Richfield Co	84.49	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Digital Equipment Corp	1,025.00	32.00
Do	Eastern Gas & Fuel Associates		
Do	Reebok International Ltd		
Clifton Peter Rose, 1825 Eye Street, NW, #450 Washington, DC 20006	Goldman Sachs & Co	500.00	
Rose Communications, Inc, 901 15th Street, NW Washington, DC 20005	Johnson Matthey, Inc	5,245.00	11,476.50
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Cigar Assn of America, Inc		
Do	Equimark Corporation		
Do	Joy Technologies, Inc		
Do	Social Security Protection Bureau	1,725.00	
Burt E. Rosen, 1155 15th St. NW., #502 Washington, DC 20005	Bristol-Myers Co	25,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	2,500.00	
Susan D. Rosen, Keller and Heckman 1150 17th Street, NW, 1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,643.00	
Gregory M. Rosenberg, 5410 Grosvenor Lane, #120 Bethesda, MD 20814	Mechanical Contractors Assn of America, Inc		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	10,000.00	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Richard H. Rosenzweig, 2033 M Street, NW, #900 Washington, DC 20036	Miner Fraser & Gabriel Public Affairs, Inc (For:STRATCO, Inc)		
Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582			
Lawrence J. Ross, 1700 K Street, NW, #1100 Washington, DC 20006	Ross and Duerk, P.C		
William F. Ross, South Carolina Petroleum Council 1310 Lady Street, #716 Columbia, SC 29201	American Petroleum Institute	438.00	824.66
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Intertek Services International, Ltd	3,750.00	
Ross Marsh Foster Myers and Quiggle, 888 16th St., NW Washington, DC 20006	Church Alliance	22,211.25	1,546.55
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,261.00	
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,165.39	
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	12,000.00	815.68
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,000.00	
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	750.00	35.00
Do	Citizen/Labor Energy Coalition	1,500.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	800.00	57.08
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc		
Do	Revco D.S., Inc		
George R. Rowan, 1750 New York Ave., NW, #340 Washington, DC 20006	Armed Forces Marketing Council		
Rowan & Blewitt, Inc, 1000 Vermont Ave., NW Washington, DC 20005	Velsicol Chemical Corp		
J. Patrick Rowland, 918 16th St., NW, #601 Washington, DC 20006	Rowland Government Relations Associates (For:Baker Industries)	1,500.00	
Do	Rowland Government Relations Associates (For:Borg-Warner Automotive, Inc)	1,500.00	
Do	Rowland Government Relations (For:Coalition for Uniform Product Liability Law)	2,000.00	
Do	Rowland Government Relations (For:Committee of National Security Cos)	2,500.00	
Ted Rowland, 47 W. 34th Street, #804 New York, NY 10001	International Footwear Assn		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	40.00	
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202	Medical Identification Card		
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Eric M. Rubin, Rubin Winston & Diercks 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Ganes Chemicals	1,540.00	
Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		
Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209-1606	Beverly Enterprises, Inc	3,375.00	75.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers of America	488.00	78.90
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc		
Morgan S. Ruph, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Tonda F. Rush, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		37.00
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	9,875.00	192.53
Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc		
James A. Russell, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	475.00	21.97
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher Russell & Moos, Inc		
William Russell & Associates, Inc, 1701 Pennsylvania Ave., NW, #100 Washington, DC 20006	Pacific Telecom, Inc		
Herman Max Ruth 71990-158, FCI La Tuna P.O. Box 1000 Anthony, NM 88021			
Anthony C. Rutherford, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Frank T. Ryan, 1400 K Street, NW Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113	Lake Carriers' Assn		
Joseph Ryan, 1155 21st., NW, 4th Fl Washington, DC 20036	General Instrument Corporation		
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
John Ryan Associates, 8447 Portland Place McLean, VA 22102	MPB Corp	450.00	22.77
Charles Ryan Associates, Inc, 1110 Vermont Avenue, NW, #820 Washington, DC 20005	West Virginia Bankers Assn	3,000.00	83.44
Do	West Virginia Hospital Assn	8,250.00	479.22
Do	West Virginia Independent Oil & Gas Assn	7,500.00	376.88
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	83.00	6.00
RADAR, 4949 S 25A Tipp City, OH 45371		190,994.85	
RJR Nabisco, Inc, 401 N. Main Street Winston-Salem, NC 27102			17,627.69
S.A.F.E.S.T., 1120 G St., NW, #800 Washington, DC 20005			
G. J. Thomas Sadler Jr., 3521 Valley Drive Alexandria, VA 22302	Communications Satellite Corp	1,500.00	400.95
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	750.09
Anthony J. Saggese Jr., 1051 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Gene A. Sale, 9621 Locust Hill Dr. Great Falls, VA 22066			
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard F. Samson, 3773 Cherry Creek North Dr., #750 Denver, CO 80209	Federal Asset Disposition Assn	825.00	889.85
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	300.00	435.75
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Reese Communications Companies	12,000.00	
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	50.00
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	200.00	15.00
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives	1,384.50	23.00
H. B. Sandford, 1127 11th Street, #1003 Sacramento, CA 95814	Capital Representation Group, Inc (For:Reese Communications Companies)	3,500.00	18.00
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Myron G. Sandifer III, 1001 Pennsylvania Ave., NW, #625-South Washington, DC 20004	Jack McDonald Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie Sarasin, 1010 Massachusetts Avenue, NW Washington, DC 20001	National Food Brokers Assn		
Ronald A. Sarasin, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	45.50
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Victoria V. Schaff, Missouri Electric Utilities 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al	3,000.00	2,189.01
Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Committee on Pipe & Tube Imports	13,319.25	217.16
Do	Sprinkler Pipe Producers Group	4,395.00	
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	15,007.85	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
Mary L. Schapiro, 1825 Eye St., NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
C. M. Schauerte, 2929 Allen Parkway Houston, TX 77019	American General Corporation		
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corp		
Robert H. Scheerschmidt, 490 L'Enfant Plaza East, #4200 Washington, DC 20024	Xerox Corp	500.00	
Robert J. Schenk, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	384.28
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Robert Richard Schmitt, #12453-047 PO Box 1000 Leavenworth, KS 66048-1000			
Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036	Savin Corporation		
Do	Toyota Motor Corporation	962.50	470.45
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	300.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Products Co, 3200 N.W. Yeon Avenue Portland, OR 97210			13.00
Kim Schnoor, 1667 K Street NW, #900 Washington, DC 20006	Robinson Lake Lerer & Montgomery (For:Napa Flood Control and Water Conservation District)	3,000.00	
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,000.00	100.00
Martha J. Schoonover, Fulbright & Jaworski 1150 Connecticut Ave., NW Washington, DC 20036	Merichem Company	784.00	
Elizabeth J. Schram, 555 Thirteenth Street, Suite 450 West Washington, DC 20004	Union Pacific Corp	5,000.00	23.00
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	3,229.27
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005	Health Industry Manufacturers Assn		
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	160.00	
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	575.76	645.40
Mark Schultz, 918 16th Street, NW, #406 Washington, DC 20006	Professional Services Council	1,500.00	12.00
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,629.20	374.86
Robert L. Schulz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309	American Petroleum Institute		
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		8.00
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	1,125.50
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S	14,000.00	
Stephen I. Schwartz, 1436 U Street, NW Washington, DC 20009	Greenpeace USA		
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	2,115.00	
Scientific Apparatus Makers Assn, 1101 16th St., NW Washington, DC 20036		6,989.57	
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S	14,000.00	
Harold B. Scoggins Jr., 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,423.00	
Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	358.75	274.00
James E. Scott, 906 12th Street , NE Washington, DC 20002			
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	197.33
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	1,725.00	2,718.50
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	12,099.09	
Walter J. Sczudlo, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Company	500.00	
Seabed Association, 3408 Bonnie Road Austin, TX 78703			
Earl W. Sears, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	760.00	81.95
James E. Secrist, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	2,000.00	495.94
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	2,650.00	
Ruth L. Segal, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates	1,297.10	900.00
Harold L. Segall, 1333 New Hampshire Ave., NW, #900 Washington, DC 20036	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)	57.50	131.25
Merrill K. Seggerman, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	1,540.00	
George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Seidman & Associates, P.C., Federal Bar Building, #1001 1815 H Street, NW Washington, DC 20006	National Tooling & Machining Assn		15.00
Marlissa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	16,000.00	1,646.98
Stanton P. Sender, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	5,125.00	262.10
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	2,345.13
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	2,000.00	
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006	Merrill Lynch & Co, Inc	105.00	
Do			
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	960.23
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW, #500 Washington, DC 20036	Agricultural Producers		
Do	American Soc of Pension Actuaries	13,800.00	46.26
Do	Flxible Corp		
Do	Technology for Communications International		
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,350.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	2,000.00	
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Contruction Contractors	3,901.57	134.76
Do	American Insurance Assn	629.38	58.72
Do	Aronov Realty		
Do	Auburn University	2,000.00	121.80
Do	ADDSCO Industries, Inc		
Do	Bristol-Myers Co	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Citmoco Services, Inc	4,423.75	132.26
Do	Drummond Company, Inc	1,250.00	108.34
Do	Emerson Electric Co		
Do	Federation of Bankers Assn of Japan		
Do	Institute of International Bankers	10,615.00	
Do	Intergraph Corporation	1,735.32	116.99
Do	Investment Counsel Assn of America, Inc		
Do	Jim Walter Corp		
Do	Michelin Tire Company	11,528.13	675.41
Do	Minimum Wage Coalition to Save Jobs	7,350.00	66.64
Do	Munitions Carrier Conference	1,875.00	58.00
Do	National Industries	2,507.50	282.18
Do	Pfizer, Inc	4,500.00	82.71
Do	Private Child Care Providers	6,065.10	483.81
Do	Rust Engineering	617.50	33.76
Do	Southern Company Services, Inc	5,625.00	616.35
Do	Utility Nuclear Waste Management Group		
Do	Vulcan Materials Co	12,891.57	572.87
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
Shea & Gould, 1775 Pennsylvania Ave, NW, #700 Washington, DC 20006	Group Health, Inc		
James V. Sheahan, 1666 Manhasset Drive Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Viacom International Inc	31,200.00	233.45
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,088.25	
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,700.00	30.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	809.71
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	14,149.98	1,010.93
C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute		
Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005	American Fiber Manufacturers Assn, Inc		
George A. Sherman, 6511 Gateway Blvd. District Heights, MD 20747	AMEX Life Assurance Co	12,000.00	
Judith C. Sherman, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		
R. Parker Sherrill, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550	HCA The Healthcare Company		
Nelson T. Shields, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,107.97	
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	General Atomics	1,570.00	2,115.01
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	8,437.50	60.00
T. V. Shockley III, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co		
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	300.00	
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	11,800.00	
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	4,480.95	
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc	5,165.16	
Do	Peoria Journal Star, Inc		
Richard D. Siegel, 1029 Vermont Avenue, NW, #400 Washington, DC 20005-3589	Guilford Glazer & Assoc	5,355.00	182.60
Susan Siemietkowski, 1730 North Lynn Street Arlington, VA 22209	American Veterinary Medical Assn		
Christine Sigler, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,940.00	
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	8,946.00	1,032.49
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	7,500.00	
Do	Alaska Pulp Corp	2,250.00	
Do	Robertson Monagle & Eastaugh (For:Bristol Bay Native Corp)	10,125.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)		
Do	Robertson Monagle & Eastaugh (For:BP Minerals America)		
Do	Robertson Monagle & Eastaugh (For:Dyer Ellis Joseph & Mills)	900.00	
Do	Robertson Monagle & Eastaugh (For:General Communications, Inc)		
Do	Robertson Monagle & Eastaugh (For:Liberty Shipping Group)	2,250.00	
Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006		8,158.20	3,476.12
Bruce A. Silverglade, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	600.00	45.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Government of Bangladesh)	750.00	
Do	Bannerman & Associates, Inc (For:Government of Tunisia)	750.00	
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	750.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Cushman & Wakefield		
Do	Music Corp of America, Inc		
Do	National Assn of Home Builders of the U.S.		
Do	Rolls-Royce Motor Cars, Inc		
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	7,000.00	
M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482	CertainTeed Corp		
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Michael E. Simon, 1666 K St., NW Washington, DC 20006	Arthur Andersen & Co		
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201	Southland Corporation		
Simon & Company, Inc, 1001 Connecticut Ave., NW #435 Washington, DC 20036	City of Erie, PA	11,499.96	4,149.18
Do	City of Fresno, CA	10,507.42	7,055.34
Do	City of Portland, OR	8,044.37	4,740.18
Do	Gary, Indiana	8,154.00	4,125.59
Do	Newark, Ca	5,558.03	4,530.17
Do	San Leandro, CA	4,679.16	4,243.81
Do	Tacoma, WA	2,587.88	4,184.62
Do	Water Department in San Bernadino, CA	2,733.05	3,705.20
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	1,553.00	236.00
C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046	Coastal Corporation		
Thomas D. Simpson, 700 N. Fairfax Street Alexandria, VA 22314	Railway Progress Institute	525.00	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corp	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America, Inc	500.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	1,443.27
James H. Skidmore, 1156 15th St., NW, #1201 Washington, DC 20005	NCR Corporation		
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc	474.00	0.45
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	6,333.00	9,333.77
Steven A. Skonberg, 3138 North 10th Street, Arlington, VA 22209	National Assn of Federal Credit Unions	1,250.00	
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Jonathan Slade, 444 North Capitol St., #711 Washington, DC 20001	Cuban-American Freedom Coalition	8,000.00	677.00
Do	Keefe Company (For:UNITA)	6,000.00	
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 22307	Grumman Aero Corp, et al	200.00	
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Barry S. Slevin, 1000 Potomac Street, NW, #204 Washington, DC 20007	Seifman Semo & Slevin, P.C. (For:United Food & Commercial Workers International Union).		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Deborah Sliz, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,500.00	
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		49,154.77	43,321.53
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	American Horse Council	3,666.00	
Do	Florida East Coast Railway Co	750.00	
Do	National Hockey League	500.00	
Do	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James R. Smircina, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al	1,221.54	510.41
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266	International Airline Passengers Assn, Inc		
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Center for Electrochemical Systems & Hydrogen Research	6,562.50	311.97
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For:American Assn of Petroleum Geologists)		
Do	E. Del Smith and Company (For:Bright & Associates)		
Do	E. Del Smith and Company (For:California Independent Prod Assn)		
Do	E. Del Smith and Company (For:Cement Free Trade Assn)		
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)		
Do	City of Anaheim Public Utilities		
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)		
Do	E. Del Smith and Company (For:City of Long Beach, CA, Dept. of Oil Properties)		
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations).		
Do	E. Del Smith and Company (For:City of Santa Monica)		
Do	E. Del Smith and Company (For:Clark County Regional Flood Control District)		
Do	E. Del Smith and Company (For:County of L.A. Community Development Commission).		
Do	E. Del Smith and Company (For:County of Los Angeles)		
Do	E. Del Smith and Company (For:Dalan/Jupiter, Inc)		
Do	E. Del Smith and Company (For:Davis Walker Corp)		
Do	E. Del Smith and Company (For:Hidden Valley Resources Inc)		
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)		
Do	E. Del Smith and Company (For:Northern California Power Agency)		
Do	E. Del Smith and Company (For:Port of Hueneme, CA, Oxnard Harbor District)		
Do	E. Del Smith and Company (For:Port of Long Beach, CA)		
Do	E. Del Smith and Company (For:Port of Santa Cruz, CA)		
Do	E. Del Smith and Company (For:Prado Oil Company)		
Do	E. Del Smith and Company (For:Rancho Palos Verdes)		
Do	E. Del Smith and Company (For:Signal Landmark, Inc)		
Do	E. Del Smith and Company (For:U.S. Escrow)		
Gordon L. Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn)	2,500.00	
Jeffrey A. Smith, 19001 S. Western Avenue Torrance, CA 90509	Toyota Motor Sales, USA, Inc		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jeffrey C. Smith, 655 15th Street, NW, #310 Washington, DC 20005	Assn of Private Weather Related Companies (APWRC)	250.00	40.00
Do	Committee for Private Offshore Rescue and Towing (C-PORT)	2,250.00	203.00
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	20,727.00	4,531.97
Kathryn Smith, 1454 Duke Street Alexandria, VA 22314	American Osteopathic Hospital Assn		
Kern Smith, 400 First St., NW, #710 Washington, DC 20001	Alliance of Foreign Medical Graduates	9,000.00	
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202			
Maureen Smith, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,626.00	49.00
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	560.00	198.00
Owen T. Smith, Mill River Road Oyster Bay, NY 11771	Reese Communication Companies	4,000.00	
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	556.15	305.78
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,000.00	5,790.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	15,450.00	
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	206.56
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Beneficial Management Corp)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Smith Anderson Blount Dorsett Mitchell & Jernigan, P.O. Box 12807 1300 St. Mary's Street Raleigh, NC 27605	Investment Company Institute	8,003.20	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	Ambrosia Chocolate	2,500.00	
Do	Bank Street College	3,000.00	
Do	City of Eugene, Oregon	9,750.00	
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	9,900.00	145.00
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc	2,000.00	155.00
Do	San Francisco Public Utilities Commission	8,250.00	
Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006		1,420.05	1,420.05
Clair A. Snyder, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	450.00	24.00
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	6,596.25	
Gene Snyder, 205 North Third Street LaGrange, KY 40031	Cincinnati Microwave, Inc	15,000.00	3,028.53
Do	Norfolk Southern Corp	15,000.00	3,401.54
Do	United Parcel Service	15,000.00	3,169.09
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	11,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp	70.00	309.83
Laurie J. Snyder-Cavell, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		61,853.14	28,874.48
Thomas J. Soles Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sandra M. Solowiej, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,368.00	
Judah C. Sommer, 1825 Eye Street, NW, #450 Washington, DC 20006	Goldman Sachs & Co	500.00	
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co	323.00	15.56
Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000	College of American Pathologists	7,000.00	43.00
Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006	American Assn of Small Dredging & Marine Construction Cos	37,600.00	3,098.52
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Susan E. Spangler, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	500.00	
D. Dean Sparkman, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	300.00	
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Company	362.22	480.00
John D. Sparks, 2033 M Street, NW, #900 Washington, DC 20036	Miner Fraser & Gabriel Public Affairs, Inc (For:STRATCO, Inc)		
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	1,990.01	
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Sandra Spence, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036	Spence Group (For:Association for Commuter Transportation, Inc)		
Do	Spence Group (For:Fire Equipment Manufacturers & Services Assn, Inc)		
William C. Spence, 3805 W. Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Alan P. Spielman, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council		
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	200.00	20.00
Martha Ann Spudis, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Earl C. Spurrier, The Madison Building, #900 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alaska Air Group, Inc	1,286.25	20.00
Do	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Chemstar, Inc		
Do	Independent Data Communications Manufacturers Assn	8,888.75	67.80
Do	National Collegiate Athletic Assn	33,542.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Public Securities Assn		
Do	Samaritan Health Services	2,562.50	
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
John W. Sroka, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Janet G. St. Amand, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	150.00	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	450.00	1,621.03
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	McDermott, Inc	3,953.19	
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jane Sutter Starke, 1818 N St., NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Armstrong World Industries, Inc)	520.00	
Do	Eckert Seamans Cherin & Mellott (For:AC Transit)		
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	2,158.00	37.65
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)		
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	679.26
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,900.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Mick Staton Associates, Inc, 4607 Lillian Drive Alexandria, VA 22310	Delchamps, Inc		
Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	150.00	35.00
Do	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	200.00	45.00
Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036	Broadcast Music, Inc	200.00	60.00
Do	Federacion Nacional de Cafeteros de Colombia	200.00	45.00
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Empire Resources, Inc)	3,488.00	24.25
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Do	Barnes & Thornburg (For:Westland Oil Development Corp)		57.25
Kathryn A. Steckelberg, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	104.40	386.35
Dean E. Steel, 1655 N. Ft. Myer Drive, #1120 Arlington, VA 22209	Varian Associates, Inc		
Carol Higgins Steenland, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Long Island University	15,750.00	1,955.10
Do	Nassau-Suffolk Hospital Council, Inc	10,000.00	1,106.25
Do	National Passenger Traffic Assn	4,276.25	450.84
Do	SPC Securities Services Corp	22,500.00	4,593.94
Kristin Steick, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women	5,000.00	228.89
Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	1,431.25	97.21
Do	Bear Stearns & Co		
Do	Caltex Petroleum Corp		
Do	Canadian Sugar Institute		
Do	Citizens Savings Financial Corp		
Do	CSO Company	4,852.18	
Do	Harley-Davidson Motor Co, Inc		
Do	Mutual Life Insurance Company Tax Committee	550.00	
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	4,300.00	483.33
Eugene L. Stewart, 808 17th Street, NW, #301 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Roses, Inc		
Do	Timken Co		
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,999.00	
Terence P. Stewart, Stewart and Stewart 808 17th Street, NW, #301 Washington, DC 20006-3910	Cabot Corporation		
Do	Floral Trade Council		
Do	Monsanto Co		
Do	PPG Industries, Inc		
Do	Roses, Inc		
Do	Smith Corona Corp		
Do	Timken Co		
Do	Torrington Company		
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Chemical Producers & Distributors Assn	420.00	12.00
Do	Cheminova		
Do	International Sanitary Supply Assn	806.25	23.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,613.98	12.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	1,675.00	
David J. Stirpe, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW Suite 1250 Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		3,565.00	299.72
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	National Assn of Business PACs		
Do	Springs Industries	1,000.00	
Stoel Rives Boley Jones & Grey, 1730 M Street, NW, #900 Washington, DC 20036	A-dec, Inc	4,160.00	40.00
Do	Cape Fox Corp	960.00	503.75
Do	Capital Markets	688.00	1,544.96
Do	Beverly Johnson		
Do	Klawock Heenya Corp	2,023.00	607.92
Do	Klukwan, Inc	1,140.00	426.14
Do	Oregon Dept of Transportation		
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,379.00	280.63
Robin E. Stombler, 1919 Pennsylvania Avenue, NW, #300 Washington, DC 20006	American College of Surgeons		143.58
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,800.00	
Harry L. Storey, 8400 E Prentice Ave. 15th Floor Englewood, CO 80111	Alliance for Clean Energy	20,000.00	4,770.34
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	6,550.00	20,729.25
Michael L. Strang, 218 2nd St., SE Washington, DC 20003	ATR Defense Group	10,000.00	
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America	6,553.75	
Do	National Machine Tool Builders' Assn		2,000.00
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	876.72
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America Ltd		
Stephen P. Strickland, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation		
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Dreyfus Corporation	430.00	10.00
William M. Stroud, 231 Martingale Road Schaumburg, IL 60196	Zurich-American Insurance Company		
R. Keith Stroup, Suite 500A, Box 69 100 Maryland Ave., NE Washington, DC 20002	League of Rural Voters Education Project, Inc		
Do	League of Rural Voters, Inc		
Do	National Organization for the Reform of Marijuana Laws		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	11,900.00	4,000.00
Cory N. Strupp, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	900.00	
Charlene A. Sturbitts, 901 15th Street, #570 Washington, DC 20005	Interstate Natural Gas Assn of America	5,000.00	
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	586.33	193.92
Lawrence J. Suffredin Jr., 55 West Wacker Drive #702 Chicago, IL 60601	Harza Engineering Co	5,000.00	
Glenn Sugameli, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	3,742.27	2,826.40
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Jay R. Sullivan, 2300 M Street, NW, #130 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Company, Inc)	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc		
Patrick J. Sullivan, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	11,233.26	2,227.44
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	BP North America, Inc		
Do	Esselte Business Systems, Inc		
Do	Goldman Sachs & Co		
Do	Grand Met USA, Inc		
Do	Kidder Peabody & Co, Inc		
Do	Securities Industry Assn		
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	7,500.00	
Bruce W. Sumner, 315 Amethyst Balboa Island, CA 92662	National Comm to Preserve Social Security		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Ad Hoc Comm for a Competitive Electric Supply System		
Do	American Bar Endowment		
Do	American Council on Education	217.67	12.67
Do	American Industrial Clay & Georgia Kaolin	10,350.00	672.00
Do	Anglo-American Clays Corp	10,350.00	672.00
Do	City of Baton Rouge	1,000.00	
Do	Committee Against Revising Staggers		
Do	Council of Industrial Boiler Owners		
Do	Duke University		
Do	Engelhard Minerals & Chemicals Corp	10,350.00	672.00
Do	Forethought Life Insurance Co	2,830.00	31.00
Do	J. M. Huber Corp	10,350.00	672.00
Do	Industrial Oil Consumers Group		
Do	Minnesota Mutual Life Insurance Co	14,237.50	459.94
Do	Mutual of Omaha Insurance Co		
Do	Nord Resources Corp	10,350.00	672.00
Do	North American Co for Life & Health Insurance	1,122.50	6.00
Do	Philip Morris, Inc	487.50	
Do	Process Gas Consumers Group		
Do	Thiele Kaolin Co	10,350.00	672.00
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers	3,081.00	639.00
Stephen Sutton, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	900.00	38.14
Douglass W. Svendson Jr., 1730 Rhode Island Avenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc		
Do	Shell Oil Co		
David L. Swanson, Craft & Loesch 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Clean Coal Technology Coalition	6,387.50	
Do	Edison Electric Institute	10,616.50	
Do	General Atomics	22,875.89	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	21,221.87	
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians	3,750.00	1,582.19
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	American Nuclear Energy Council		
Do	China External Trade Development Council		
Do	Embassy of Japan		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	400.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	9,375.00	793.26
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Government of Bermuda		193.75
Do	Hyundai Motor Company	1,286.25	20.00
Do	National Assn of Wholesaler-Distributors		
Do	New England Power		
Do	STC PLC		
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,300.00	
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society	3,000.00	1,150.00
Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Randall Swisher, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	3,000.00	
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	6,054.45
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute		
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,500.00	277.41
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
SKC & Associates, 900 17th St., NW, #1100 Washington, DC 20006	Seldovia Native Assn	5,000.00	
Do	The state of South Dakota	9,000.00	
Do	Southern Company Services		
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Empire Resources, Inc)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)	667.50	
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Do	Taft Stettinius & Hollister (For:Westland Oil Development Corp)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Kirk Talbott, Weisgall Law Office 1300 19th St., NW, #407 Washington, DC 20009	Bikini/Kili/Ejit Council		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,386.28	72.85
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	7,200.00	813.09
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	7,406.00	254.19
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			185.00
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Dennis J. Taylor, 36 Grove Street New Canaan, CT 06840	Central States Health & Life Co of Omaha	55,000.00	5,120.00
Do	International Typographers Assn		
Do	U.S. Surgical Corporation		
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	445.90
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest	735.00	35.00
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,650.78	1,105.67
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
T. Daniel Tearno, 1825 Eye Street, NW, #400 Washington, DC 20006	Miller Brewing Company		
Telos Corp, 3420 Ocean Park Blvd. Santa Monica, CA 90405			
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Company	3,380.00	657.63
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.	750.00	
Cheryl Terio, 1957 E Street, NW Washington, DC 20006	American Institute of Architects		
Do	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	4,000.00	74.53
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	1,487.00	197.25
Richard Paul Teske, 218 3rd Street, SE Washington, DC 20003	Burroughs Wellcome Co	7,000.00	3.70
Michelle C. Tessier, 1350 Connecticut Ave., NW, # 200 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electrical Co	169.70	2.50
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Castine Partners	3,459.42	1,539.71
Do	Citicorp Mortgage Finance, Inc	5,836.80	1,539.71
Do	Ranieri-Wilson	1,000.00	1,539.71
Do	Salomon Brothers, Inc	8,629.60	1,539.71
Do	Urcarco, Inc	495.00	3,239.71
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,021.00	144.00
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc		
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		600.00	600.00
Diane Kay Thomas, 2327 Nebraska Ave., NW Washington, DC 20016	National Assn of Investment Companies	9,231.00	
Doris I. Thomas, 15th & M St, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Henry A. Thomas, 2801 Bell Brook St. Temple Hills, MD 20748			
J. David Thomas, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Chemical Division	1,100.00	273.58
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	120.00	
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Virginia Lamp Thomas, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,400.00	322.71
Barbara Thompson, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	1,666.66	
Bruce E. Thompson Jr., 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	3,750.00	
Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314	Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers		
Do	Metal Trades Department, AFL-CIO		
Do	Sheet Metal Workers International Assn	3,000.00	385.87
Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006	Michigan Consolidated Gas Company	2,200.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co	7,500.00	
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Mitchell, 1120 Vermont Avenue, NW, #1000 Washington, DC 20005	Crown Life Insurance Co	15,000.00	1,782.78
Do	Midland Enterprises, Inc	12,000.00	591.57
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	Alltel Corporation	75.00	
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Bechtel Group, Inc	387.50	39.35
Do	Fluor-Daniel, Inc	387.50	39.35
Do	M.W. Kellogg Company		
Do	Morrison-Knudsen Co, Inc	387.50	39.35
Do	National Coalition to Defeat H.R. 281/S. 492		3,936.31
Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131-2363	Thomson Bohrer Werth & Razook (For:Burger King Corp)		
Thomson Bohrer Werth & Razook, 200 South Biscayne Blvd., #4900 Miami, FL 33131	Burger King Corp	11,275.39	2,758.47
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	163.00	
Julianne S. Thrift, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	3,375.00	39.00
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Ad Hoc Comm of Mutual Fund Managers	2,500.44	
Do	Coalition for H.R. 2972 (Richardson) Substitute Bill		
Do	Integrated Resources, Inc		
Do	Sharp Manufacturing Co of America		
Do	Town of Andover, Massachusetts	50.00	
Rebecca E. Tillet, 1275 K St., NW, #750 Washington, DC 20005	National Women's Political Caucus	6,250.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	250.00	
Do	American Trucking Assns, Inc	1,187.50	
Do	Amoco Corporation	250.00	
Do	Anheuser-Busch Companies, Inc	1,062.50	
Do	Association of Trial Lawyers of America	300.00	
Do	Boeing Company	125.00	
Do	Brown Group, Inc		
Do	Capital Cities/ABC, Inc	500.00	
Do	Chrysler Corporation	625.00	
Do	H. J. Heinz Co	125.00	
Do	Major League Baseball	500.00	
Do	Morgan Stanley & Co, Inc	520.00	
Do	MSU System Services, Inc	250.00	
Do	National Rifle Assn of America	375.00	
Do	Northern Telecom, Inc	125.00	
Do	Northrop Corp		
Do	NutraSweet Co		
Do	G. D. Searle & Co	125.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	10,539.00	10,434.84
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	15,910.60	235.58
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		
Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209	Hewlett-Packard Co	4,000.00	358.70
Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401			
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute		
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			5,493.00
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
Edward Tonat, 6723 Brigadoon Drive Bethesda, MD 20817	Robert Goff & Associates, Inc		
Billy W. Tongate, 4842 Randolph Drive Annandale, VA 22003	Circus Circus Enterprises, Inc	25,500.00	2,221.89
Jean R. Toohey, 655 15th Street, NW #225 Washington, DC 20005	American Cyanamid Co		
Do	Rhone-Poulenc Inc	175.00	85.92
William D. Toohey, Two Lafayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,568.00	
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	300.00
Touche Ross & Co, 1900 M Street, NW Washington, DC 20036-3564	Restaurant Associates	19,988.00	
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Tower & Associates, 2101 L St., NW, 9th Floor Washington, DC 20037	British Aerospace, Inc		
Do	Hicks & Associates		
Do	LTV Defense & Space Co	420.00	
Do	Martin Marietta Corp		
Do	Rockwell International Corp		
Do	Textron, Inc		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,375.00	
Transportation - Communications Union, 815 16th St., NW Washington, DC 20006		1,000.00	4,749.19
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		4,280.00	4,300.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			8,868.00
Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	50.00	25.00
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		3,000.00
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	12,500.00	
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Alexander B. Trowbridge, 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	475.00	
Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	20.51
Takashi Tsurusawa, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Motoyuki Tsutsui, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Genevieve W. Tuchow, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies	4,000.00	
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Manville Corporation		
Do	Regional Transportation District		
Do	Security Life Insurance Co of Denver		
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Stanley F. Turesky, 1250 24th Street, NW, #600 Washington, DC 20037	Van Dyke Associates, Inc (For:American Gas Assn)		
Do	Van Dyke Associates, Inc (For:Boston Company)		
Do	Van Dyke Associates, Inc (For:USF&G Corp)		
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Loyens & Volkmaars)		
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	8,699.95	
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	500.00	150.00
Jane L. Turner, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
John M. Turner, 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	12,500.00	
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters		
Turner Broadcasting System, Inc, 111 Massachusetts Ave., N.W. Third Floor Washington, DC 20001		10,517.50	10,517.50
Richard F. Turney, 1725 K St., NW, #710 Washington, DC 20006	Courtney McCamant & Turney	300.00	
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	480.00	
S. Diane Turpin, 1100 17th St., NW, #1203 Washington, DC 20036	Financial Executives Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	20,000.00	
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
Patrick R. Tyson, Constangy Brooks & Smith 2400 Peachtree Center Bldg 230 Peachtree Street, NW Atlanta, GA 30303	National Assn of Manufacturers		
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036			
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			185,450.73
U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003		90,289.47	82,519.95
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	6,000.00	
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	American Retail Federation	250.00	77.50
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee	1,412.00	
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	202.67
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Unilever United States, Inc, 390 Park Ave. New York, NY 10022			4,551.32
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			27,867.24
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		65,769.02	65,769.02
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	24,999.00
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006	T. Boone Pickens, Jr. United Shareholders Assn		14,867.69
Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Grayce K. Uyehara, 1730 Rhode Island Ave., NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm		
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	6,000.00	376.34
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	American Gas Assn	4,800.00	1,814.00
Do	Boston Company		
Do	USF&G Corp		
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Financial Companies		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	13,813.00	
Do	Cincinnati Electronics	3,300.00	
Do	Cypress International, Inc	6,000.00	
Do	Ford Aerospace		
Do	Harsco Corp	30,249.00	9,192.46
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	1,674.00	66.75
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants		
Do	American President Lines		32.81
Do	Arctic Slope Regional Corp	2,979.00	97.42
Do	Bumble Bee Seafoods, Inc		
Do	BRAE Corporation		
Do	Clean Coal Technology Coalition		
Do	Coal Waste to Energy Coalition		
Do	Coalition for Electric Vehicle Development		
Do	Collier Company	836.00	
Do	Committee of Hydroelectric Dam Owners		6.00
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Edison Electric Institute		
Do	Fidelity Management & Research Co	190.00	
Do	Geothermal Resources Assn	300.00	
Do	Hawaiian Electric Company, Inc		
Do	Larry Latham Auctioneers		
Do	LUZ International Ltd	157.00	
Do	Malacha Power Project, Inc	228.00	
Do	Postal Square Associates		
Do	Uranium Producers of America	2,090.00	16.00
Do	Wagner & Brown	57.00	
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	730.50	42.93
Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301	American Petroleum Institute	127.00	150.00
Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019			18,466.00
Theresa Varner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	530.76	
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers		
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
William P. Verdon, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America	12,500.00	
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005	UNC, Inc	5,273.25	
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Gold & Liebengood, Inc	12,000.00	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Insurance Agents		
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California Public Employees' Retirement System	10,316.25	
Do	International Assn of Amusement Parks & Attractions		
Do	Pacific Stock Exchange, Inc	8,378.82	
Do	State Board of Equalization (Calif)	5,765.75	
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	120.01
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank Tax Group	2,850.00	
Do	Enserch Corporation		
Do	Fidelity Management & Research Co		
Do	Goldman Sachs & Co	600.00	
Do	John Hancock Mutual Life Insurance Co		
Do	Merrill Lynch & Co, Inc	600.00	
Do	Provident Life & Accident Insurance Co		
Do	Travelers Insurance Co		
Do	Winn-Dixie Stores, Inc	750.00	
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	5.00	
Do	National Fraternal Congress of America	14.00	
Virginia Association of Railway Patrons, P.O. box 867 Richmond, VA 23207			1.15
George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
M. Allan Vogelson, 35 Kings Highway East Haddonfield, NJ 08033	Reese Communications Companies	3,000.00	
Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	49,000.00	601.68
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			450.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	14,520.74	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Assn of Trade & Technical Schools	1,250.00	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			11,325.00
Marcos Von Goihman, P.O. Box 65475 Washington, DC 20035	Guyana Airways Corp		
Ingrid A. Voorhees, 311 First STreet, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn		188.02
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Committee of Publicly Owned Companies	768.30	80.52
Do	Dale Michael A/K/A Riviera Bowling Lanes		93.10
Do	Fraternal Order of Police - National Headquarters		
Do	Grocery Manufacturers of America, Inc		
Do	HPM Corporation		
Do	Ohio Manufacturers Assn		
Do	Trustcorp/Toledo Trust Co	21,600.00	4,353.55
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	11,654.93	
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	15,775.00	
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Debra Waggoner, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	231.00	25.73
Wagner Hines & Avary, Inc, 1615 L Street, NW suite 750 Washington, DC 20036	Association of Business Publishers		
Do	Charter Federal Savings & Loan Assn		
Do	Kabumoto & Malany	187.50	34.02
Do	National Beer Wholesalers of America	20,512.50	4,129.09
Do	National Debt Repayment Foundation		
Do	New MediCo Associates, Inc		
Do	Rainbow Navigation, Inc	8,143.13	1,297.81
Frederick P. Waite, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Loyens & Volkmaars		
Herbert R. Waite, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	7,200.00	8,606.96
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	920.00	137.72
Barbara J. Walker, P.O. Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
Robert Joseph Walker, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	271.38	
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Aluminum Company of America		
Do	American Petroleum Instittute		
Do	American Telephone & Telegraph Co		
Do	Anheuser-Busch Companies, Inc	4,500.00	
Do	Bank Capital Markets Assn		
Do	Broadcast Music, Inc	9,375.00	
Do	Burlington Northern, Inc		
Do	Champion International Corp		
Do	Coalition to Preserve Group Workers' Compensation Funds	625.00	
Do	Consolidated Gold Fields PLC	25,000.00	
Do	CBS Records Group	2,500.00	
Do	CBS, Inc		
Do	CSX Corporation	250.00	
Do	Dresser Industries, Inc		
Do	Enron Corp		
Do	First Texas Savings & Loan		
Do	Ford Motor Co		
Do	Goodyear Tire & Rubber Co		
Do	International Paper Co		
Do	John Zink Company	1,000.00	
Do	Lone Star Technologies, Inc	3,645.83	
Do	National Assn of Small Business Investment Cos		
Do	Northville Industries Corp		
Do	Northwestern Mutual Life Insurance Co		
Do	Oppenheimer & Co, Inc	1,875.00	
Do	Owens-Illinois		
Do	Phlcorp, Inc	625.00	
Do	Quanex Corp		
Do	Sea-Land Corporation	1,250.00	
Do	Southern Company Services, Inc	6,250.00	
Do	Texas Ozone Task Force	375.00	
Do	U.S. Fidelity & Guaranty Co	3,000.00	
Do	Union Carbide Corp		
Do	University of Alabama System	525.00	
Do	Vulcan Materials Co	1,500.00	
Do	Weyerhaeuser Company		
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	California Federal Savings & Loan Assn	1,000.00	
Do	Cantor Fitzgerald & Co, Inc	600.00	
Do	Footwear Retailers of America	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	Life of Virginia	1,000.00	
Do	National Assn of Temporary Services, Inc	1,000.00	
Do	New York State Bankers Assn	1,500.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Pittston Group	1,000.00	
Do	Securities Industry Assn	500.00	
Do	Sullivan & Cromwell	750.00	
Do	Torchmark Corporation	1,000.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	15,250.00	50.00
Raymond C. Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	1,500.00	
Do	American Society of Farm Managers and Rural Appraisers	1,250.00	
Do	American Sugar Cane League	4,375.00	
Do	Amstar Corp	3,750.00	
Do	Cotton Warehouse Assn of America	4,550.00	
Do	Federal Compress & Warehouse Co		
Do	Fiber Fabric & Apparel Coalition for Trade	6,250.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	2,500.00	
Do	Merchants Grain & Transportation, Inc	7,500.00	
Do	Service Corporation International	1,875.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
R. Douglas Wallin Jr., P.O. Box 1417 D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Anne Marie Walsh, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc		
James P. Walsh, Davis Wright & Jones 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	4,000.00	
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	725.00	256.25
Samuel J. Walsh, 1608 K Street, NW Washington, DC 20006	American Legion		
William C. Walsh, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,384.62	
John C. Walton, Suite 600, 2300 N Street, NW Washington, DC 20037	General Dynamics Corp	12,499.98	
Do	General Electric Co	12,000.00	630.90
Do	Martin Marietta Corp	5,400.00	248.60
Do	Morton Thiokol, Inc	4,200.00	266.54
Do	Stone & Webster Engineering Corp	5,700.00	
Do	Textron, Inc	12,499.99	929.55
John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314	Retired Officers Assn	2,331.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Justin R. Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc		
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	19,265.13	114.00
Jack Ware, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,890.00	
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	1,250.00	
Ann D. Warner, 1513 16th St., NW Washington, DC 20036	Air Conditioning Contractors of America	1,250.00	
Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		97.51
Do	DGA International, Inc (For:SNECMA)		251.38
William H. Warner, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	39.00	21.75
Christine M. Warnke, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	400.00	71.85
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Barbara J. Washburn, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	212.50	140.90
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Bill Wasserman, 215 Pennsylvania Ave., SE Washington, DC 20036	Public Citizen Inc	1,000.00	
Koichi Watanabe, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Millie Waterman, 5256 Corduroy Road Mentor, OH 44060	National Congress of Parents & Teachers		2,362.44
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc.	2,400.00	
Clarke R. Watson, 1111 Ash Street Denver, CO 80220	Westland Companies, Inc.		
Jerry B. Watson Jr., P.O. Box 90257 Washington, DC 20090-0096		45.00	7.08
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	5,375.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carl E. Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	164.17
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,000.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,500.00	
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc		
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	6,660.00	292.91
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	500.00	
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Inc.		
Charles R. Weaver, 8990 Springbrook Dr., #250 Coon Rapids, MN 55433	Larkin Hoffman Daly & Lindgren (For:Reese Communications)	10,000.00	
Andrew H. Webber, 440 First Street, NW, #510 Washington, DC 20001	American Medical Peer Review Assn		
Webster & Sheffield, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Asarco Corporation		
Do	Liggett Group, Inc.		
Do	Mazda Motor Manufacturing (USA) Corp		
Do	Pipe Tobacco Council	500.00	12.00
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Beer Industry Alliance		
Do	International Taxicab Assn		
Do	Miller Brewing Co	800.00	175.00
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Fred B. Weil, One California Street San Fransisco, CA 94111-5482	Broad Schulz Larson & Wineberg (For:De La Salle Institute)	795.00	13.80
Weil & Howe, Inc, Two Central Plaza Augusta, ME 04330	Champlain Pipeline Co	4,158.32	4,158.32
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Chevron Corp		
Do	TIME, Inc.		
Suzanne E. Weiland, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn.		22.00
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc.	600.00	150.00
Mark Weinberg, 11300 Rockville Pike, #1200 Rockville, MD 20852	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)		
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn.		
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Douglas B. Weinfield, 1333 New Hampshire Ave., NW Washington, DC 20036	Beveridge & Diamond, P.C. (For:Pacific Dunlop-GNB)	2,575.00	55.00
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
David Weiss, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	977.39
Bryant L. Welch, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	3,750.00	20.00
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Jerry Welcome, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
John T. Weller, 1776 Eye St., NE, #1000 Washington, DC 20006	BP America, Inc.		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	3,000.00	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,136.26	711.00
Roland Wesley, 4732 W. North Ave. Chicago, IL 60639	Committee for Minor. Access to Post Second. School Ownership		
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	681.32
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	4,000.00	
W. P. West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	2,500.00	804.08
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		7,500.00	7,500.00
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	357.61	637.81
William Wewer, 7201 Wisconsin Ave., Suite 705 Bethesda, MD 20814	National Comm to Preserve Social Security		
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	62.51
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn.	1,000.00	
Clyde A. Wheeler Jr., Bishop Cook Purcell & Reynolds 1400 L Street, NW Washington, DC 20005	American Petroleum Institute		
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Company	17,400.00	12,045.54
June M. Whelan, 400 Madison Street, NW Alexandria, VA 22314	Van Ness Feldman... (for Uranium Producers of America)	1,500.00	
Jeffrey T. Whipple, 111 W. Washington Street Chicago, IL 60602	Reese Communications Companies	3,500.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	1,386.00	21.00
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	94.05	
George E. White Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc.		
John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc.		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	486.92	144.50
Leland J. White, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	American Soc of Mechanical Engineers		
Margita E. White, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	470.00	
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	2,591.99
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	95.38
Sam White, 412 First St., SE, #40 Washington, DC 20003	American Beekeeping Federation	1,500.00	
Do	Concerned Shrimpers of America	4,500.00	
Do	Friends of the Show Horse		
Do	Independent Cattlemen's Assn		
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Peanut Growers Group	6,000.00	
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments	500.00	80.00
W. Keith White, 412 First St., SE, #100 Washington, DC 20003	White & Associates (For:Concerned Shrimpers of America)	1,200.00	
White & Associates, 412 First St., SE, #40 Washington, DC 20003	Golf Course Superintendents Assn of America	2,500.00	
Donald W. Whitehead, 1000 Connecticut Ave., NW, #707 Washington, DC 20036	Washington States Representatives	500.00	
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,350.00	
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Sun Co, Inc	100.00	64.87
Do	Sun Exploration and Production Co	800.00	721.11
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc.	500.00	
Whitworth & Associates, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Mesa Limited Partnership	3,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	100.00	
Wickwire Gavin & Gibbs PC, 1133 21st St., NW, #500 Washington, DC 20036	ANR Venture Management Co	100.00	
Do	Cogeneration & Independent Power Coalition of America, Inc	100.00	
Do	Consolidated Natural Gas Service Co	100.00	
Do	Energy Factors, Inc.		
Do	Environmental Power Corp		
Do	Great River Gas Co	100.00	
Do	HYDRO-CO Enterprises, Inc	100.00	
Do	Indeck Energy Services, Inc		
Do	Mercer Companies, Inc		
Do	Natural Gas Vehicle Coalition	100.00	
Do	Racquette Hydro, Ltd.		
Do	Solar Turbines, Inc.		
Do	Thermo-Electron Crop.	100.00	
Do	Tri-Energy Pipeline Co.		
Do	TBG Cogen Partners	100.00	
Mary Frances Widner, 1455 Pennsylvania Ave, NW Washington, DC 20004	American Inst of Certified Public Accountants	500.00	4,388.32
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	19,065.72	9,789.64
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	American Public Land Exchange Co	300.00	
Do	Bonneville Pacific Corp	1,150.48	1,150.48
Do	Western Land Exchange Co		
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	253.38
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	1,850.00	280.00
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co		
Wythe Willey, 4040 First Ave,. NE Cedar Rapids, IA 52402	Reese Communications Companies	5,000.00	
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	14,220.00	
Charles C. Williams, P.O. Box 3500 M/S 630 Vancouver, WA 98668	Tektronix, Inc.	720.00	1,550.40
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	75.00	122.47
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Lee Williams, 1616 H St., NW Washington, DC 20006	American Retail Federation	900.00	
Leonard B. Williams, 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	105.00	
Lucinda L. Williams, 1155 15th Street, NW, #510 Washington, DC 20005	American Health Care Assn		
Do	National Medical Enterprises, Inc	4,980.00	
Marcia E. Williams, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc	688.00	25.00
Merrill Williams, 3701 Connecticut Ave., NW, #802 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactica Biochemical		
Patrick H. Williams, 1722 Eye St., NW, #4040 Washington, DC 20006	Telecommunications Industry Assn	2,000.00	545.00
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	854.00	657.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	430.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
Williams & Connolly, 839 17th St., NW Washington, DC 20006	National Comm to Preserve Social Security		
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	640.64	30.00
Charlotte M. Wilmer, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Broadcasting Co, Inc, et al		
Do	American Honda Motor Co, Inc		
Do	American Soc of Composers Authors & Publishers		
Do	Apache Corporation		
Do	Capital Cities/ABC, Inc	44.00	93.13
Do	Citicorp		
Do	Government of Tibet in Exile		45.00
Do	International Swap Dealers Assn	28,965.00	1,842.96
Do	National Assn of Broadcasters		
Do	People of Enewetak	687.50	
Do	Viacom International, Inc	2,479.00	
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp		250.00
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	6,000.00	262.64
Denise Wilson, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l	500.00	
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Robert Gary Wilson, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
Warren A. Wilson III, 624 US Highway 19 South Palm Harbor, FL 34684	Reese Communications Companies	3,000.00	14.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	Air Line Pilots Assn International	20,000.00	
Do	American Assn of Equipment Lessors	22,500.00	
Do	American Automotive Leasing Assn	6,000.00	
Do	Burlington Northern, Inc	15,000.00	
Do	Coalition to Preserve Group Worker's Compensation Funds	12,500.00	
Do	FAG Bearings Corporation	15,000.00	
Do	Gray Communications Systems, Inc		
Do	Green Bay Packaging Co		
Do	The Hartford	15,000.00	
Do	Leggett & Platt	12,000.00	
Do	National Assn of ASCS County Office Employees	3,000.00	
Do	Pennzoil Co	7,500.00	
Do	Quanex Corp	7,500.00	
Do	Rosenberg Real Estate Equity Fund, Inc		
Do	Ruan Transport Corp	27,000.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	500.00	32.00
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn		
Kathleen J. Winn, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	690.00	
Lars Winoy, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	7,000.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	656.25	82.00
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition		
Do	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc		
Do	Brown & Bain		
Do	BASF Structural Materials, Inc		
Do	BASF, Corp		
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Fiberite Corp		
Do	Fusion Systems Corp		
Do	Hercules Aerospace Co		
Do	Irving Bank Corp		
Do	IBJ Schroder Bank & Trust Co		
Do	National Vehicle Leasing Assn		
Do	Norsk Forsvarsteknologi A/S		
Do	Patrolmen's Benevolent Assn		
Do	QO Chemicals, Inc		
Jim Wise Associates, 1707 Duke St., #300 Alexandria, VA 22314	Thrifty Rent-A-Car System, Inc	60,402.50	182.70
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	National Assn of Credit Management	9,000.00	1,322.00
Glenn P. Witte, 888 16th St., NW Washington, DC 20006	International Paper Co	1,100.00	
Hazel A. Witte, 1100 17th St., NW, #1203 Washington, DC 20036	Milk Industry Foundation/Int'l Ice Cream Assn		
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Financial Executives Institute		
Sandra W. Wobbe, 1250 Eye Street, NW Washington, DC 20005	Defense Products Marketing, Inc		
James Wolf, 1925 K St., NW, #206 Washington, DC 20006	Aerospace Industries Assn of America, Inc	2,782.50	313.51
James E. Wolf, 2020 14th St., North Arlington, VA 22201	Alliance to Save Energy		
Wolf Block Schorr & Solis-Cohen, 12th Floor Packard Building 15th & Chestnut Streets Philadelphia, PA 19102	American Standard, Inc	1,000.00	
Do	CIGNA Corporation	3,000.00	662.21
Do	Revlon Group, Inc		
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Smith Kline Beckman, Inc		
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Schering-Plough Corp	114.50	195.21
Christopher C. Womack, 600 North 18th Street Birmingham, AL 35291	Public Citizen Health Research Group		
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Alabama Power Company	7,750.00	7,531.20
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	Texas Utilities Services, Inc	3,375.00	134.27
G. Kent Woodman, 1818 N Street, NW, #700 Washington, DC 20036	National Assn of Life Companies	2,500.00	
Do	Eckert Seamans Cherin & Mellott (For:AC Transit)		
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)		
Irvin M. Woods, 500 E Street, SW, #920 Washington, DC 20024	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	Aircraft Owners & Pilots Assn	12,981.00	250.28
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	LeBoeuf Lamb Leiby & MacRae		
Edward A. Woolley, Bedford Consultants Building P.O. Box 605 Bedford, NY 10506	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	Institute of International Container Lessors		
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	National Assn of Broadcasters	4,700.00	1,038.08
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	International Telephone & Telegraph Corporation	5,000.00	72.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	AMVETS	6,800.00	
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	U.S. Chamber of Commerce		37.00
Do	Avon Products, Inc		
Do	Bombardier Corp		
Do	Equitable Life Assurance Society of the U.S.		
Do	Toshiba America, Inc		
Do	Toyota Motor Sales, USA, Inc		
W. Robert Worley, 190 St.Clair Drive St. Simmons Island, GA 31522	Transportation Group, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	Southern Company Services, Inc	1,875.00	2,419.30
	HRM		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	1,500.00	
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd	7,787.50	421.58
Do	Alaska Airlines, Inc		
Do	Alliance of American Insurers	806.00	89.43
Do	Anderson Hibey Nauheim & Blair		
Do	Association of American Railroads	833.30	16.46
Do	BellSouth Corp		
Do	Bohemia Lumber Co		
Do	Dominion Resources		
Do	Duke Power Co		
Do	Enserch Corporation		
Do	Federation of Postal Police Officials	315.00	5.10
Do	Food Marketing Institute		
Do	Ford Motor Co	305.00	8.23
Do	GenenTech, Inc		
Do	General Aviation Manufacturers Association	536.10	24.82
Do	Georgia-Pacific Corp	315.00	4.55
Do	GTE Corporation		
Do	Hook-SupeRx, Inc		
Do	HDTV 1125/60 Group	4,500.00	5.10
Do	Interlocking Directorate Reform Coalition	2,919.30	62.56
Do	Investment Company Institute	24,750.00	226.08
Do	Koniag	2,472.50	175.62
Do	LTV Corporation		
Do	Metropolitan Insurance Co	7,121.00	129.38
Do	Michigan Consolidated Gas Company	391.25	4.47
Do	Mortgage Guarantee Insurance Corp		
Do	Mutual Life Insurance Co Tax Committee		
Do	National Assn of Temporary Services	1,228.50	59.44
Do	National Cable Television Assn, Inc	4,166.60	123.06
Do	North American Phillips Corp	12,049.80	269.30
Do	Northwestern Mutual Life Insurance Co		
Do	Pennsylvania Higher Education Assistance Agency		
Do	Polaris Industries		
Do	Product Liability Coordinating Committee	2,500.00	35.55
Do	Shared Medical Systems (SMS)		
Do	Sony Corp of America	3,775.00	93.62
Do	Squibb Corp		
Do	State of North Carolina		
Do	Texas Oil & Gas Corp		
Do	Tobacco Industry Labor Management Committee	13,331.49	2,058.46
Do	U.S. Telephone Assn	3,200.00	57.13
Do	Union Labor Life		
Do	1587 Group		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	10.62
Wyman Bautzer Kuchel & Silbert, 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006	American Boiler Manufacturers Assn, Inc		
Do	Eklutna, Inc		
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	75.00
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	800.00	
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,750.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036-3691	Edison Electric Institute	1,730.77	465.35
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	247.50	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	390.00	102.90
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	1,500.00	
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	4,500.00	
Robert C. Young, 10 Park Lane, NE Atlanta, GA 30309	Federal Asset Disposition Assn	825.00	1,022.99
Thomas F. Youngblood, 1201 New York Ave. NW, #600 Washington, DC 20005	American Hotel & Motel Assn	1,841.70	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	6,000.00	326.21
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Elizabeth Ysla, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
David E. Yudin, 1225 Eye Street NW, #300 Washington, DC 20005	Bus Transit Caucus		
Do	Regional Transportation District	1,750.00	36.86
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Janice Zarro, 555 13th Street, NW, #1050 Washington, DC 20004	Avon Products, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,150.00	785.38
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,600.00	335.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	81.63
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	541.67	
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,200.00	243.55
Kathleen Zimmerman, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Ziontz Chestnut Varnell Berley & Slonim, 2121 Fourth Avenue, #1230 Seattle, WA 98121	Makah Indian Tribe		
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Association	1,404.00	283.38
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	CITGO Petroleum Corp	1,058.75	1,156.91
Zurich-American Insurance Co, 231 Martingale Road Schaumburg, IL 60196		240.00	240.00
Kurt D. Zwikl, 2024 Lehigh Street Allentown, PA 18103	Merchants Bank		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			
Zurich-American Insurance Co, 231 Martingale Road Schaumburg, IL 60196		240.00	240.00
Kurt D. Zwikl, 2024 Lehigh Street Allentown, PA 18103	Merchants Bank		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1988 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . .

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* ("Period" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than Item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_____

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	12,499.98	4,399.76
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	3,198.96
Do	Tobacco Institute	20,100.00	3,434.96
Leanne J. Abdnor, 2000 Pennsylvania Avenue, NW, #3580 Washington, DC 20006	Koch Industries	3,000.00	3,437.25
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	486.00	3.00
Abiondi & Foster, P.C., 1776 K Street, NW, #606 Washington, DC 20006	Rhone-Poulenc, Inc		933.45
Do	Taiwan Textile Federation		
Action, Inc, 460 Spring Parks Place, #1000 Herndon, VA 22070	American Indian Higher Education Consortium		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	120.00
John D. Allan, c/o Doh Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc		
David Allen, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Damon Corp)		
Do	Hill & Knowlton, Inc (For:Medvision, Inc)		
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Assn	7,500.00	108.75
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	72.00	
American Academy of Ophthalmology, 1101 Vermont Ave., NW, #300 Washington, DC 20005			
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		16,103.18	16,103.18
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		12,562.00	12,562.00
American Assn for Counseling & Development, 901 East Capitol Street, SE Second Floor Wahington, DC 20003		54,259.00	39,826.00
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			4,242.50
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		20,250.00	16,123.54
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			194.66
American Fiber Manufactures Association, Inc, 1150 17th St., NW, #310 Washington, DC 20036		65,862.00	20,060.00
American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001		97,010.50	97,010.50
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		337,573.74	218,723.13
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			8,338.00
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			4,500.00
John G. Ams, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America		
Arne Anderson, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	11,062.87	
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	BN Services Inc	1,900.00	794.53
Anderson & Pendleton, 1000 Connecticut Avenue, NW, S.1200 Washington, DC 20036	Military Mission of Chile		
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	9,493.65	361.22
Do	American International Group, Inc		
Do	Amerop Sugar Corporation		
Do	Bay Area Rapid Transit District		
Do	Communication Industries Assn of Japan	1,808.10	65.37
Do	Eco Corporation	1,585.20	167.44
Do	Steven Eggers		
Do	Electronic Industry Assn of Japan		
Do	Enterprise Leasing Co	3,229.48	340.46
Do	Institute for Financial & Fiscal Studies	861.75	90.28
Do	Japan Machine Tool Builders Assn	1,255.80	54.56
Do	Park 'N Fly, Inc	2,863.87	299.05
Do	Project Orbis, Inc	774.70	15.23
Do	Riviana Foods, Inc		
Do	Toshiba Corp	1,835.50	38.27
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)		
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	800.00	485.76
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Ameritech		
Do	Central States SE & SW Areas Health Welfare & Pension Funds	36,111.38	338.65
Do	Colorado River Indian Tribes		21.24
Do	Diagnostic Health Services, Inc		
Do	Guardian Life Insurance Co of America	17,361.00	655.38
Do	SO-PAK-CO, Inc	3,250.23	108.75
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	National Coordinating Comm for Multiemployer Plans	15,312.00	591.68
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Companies	2,875.00	
Lud Ashley, P.C., 1735 New York Ave., NW, #600 Washington, DC 20006	American International Group, Inc		
Do	Wells Fargo Bank, N.A.		
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005		12,250.00	9,943.00
Association of Private Pension & Welfare Plans, Inc, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004		15,719.35	15,822.82
Association of Urban Universities, 501 I St. S.W. Washington, DC 20024		14,500.00	10,090.54
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
AFL-CIO Maritime Committee, 444 North Capitol Street, #820 Washington, DC 20001		5,645.00	8,074.65
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	Advanced Center for Technology Training		
Do	Amok, Ltd, et al	375.00	
Do	Asocoflores		27.00
Do	Bank of Montreal		
Do	Cemai		
Do	CEL Educational Resources		
Do	Earthquake Project		
Do	Ferroalloys Association		
Do	Japan Fair Trade Center	281.25	
Do	Manitoba Energy Authority		
Do	Profilo Holding A.S.		
Do	Province of Manitoba		
Do	Recording Industry Assn of America		
Do	Sacramento Municipal Utility District		75.93
Do	Tulane University		9.00
Do	Virginia Institute of Marine Science		
William W. Bailey, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	1,579.56
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Astroline Communications Co		
Do	Hyatt Corp		521.00
Donald Baldwin, 1140 Connecticut Ave., NW, #804 Washington, DC 20036	Association of Federal Investigators		
Do	Diagnostic/Retrieval Systems, Inc		
Do	Federal Criminal Investigators Assn		
Do	Mack Trucks, Inc		
Do	National Law Enforcement Council		
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	6,250.00	21.11
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jim Barnes, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	61.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Commonwealth Garment Manufacturing Co		
Do	Dow Chemical Co		
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual	3,626.25	
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co	314.60	10.85
Do	Tartaric Chemical Corp	16.05	0.25
Do	Uniroyal Chemical Co, Inc	3,965.36	81.63
Barnett & Alagia, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp		202.60
Do	Dairymen, Inc	10,780.00	2,586.49
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006	American Assn for Clinical Chemistry Inc		
Doyle C. Bartlett, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	2,500.00	589.43
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	BN Services Inc	1,750.00	165.95
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,300.00	726.24
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		12.11
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc	300.00	85.62
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	372.00	
Michael K. Beard, 100 Maryland Ave., NE Washington, DC 20002	National Coalition to Ban Handguns	875.00	225.00
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	875.00	227.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lee Becker, 1111 14th St., NW Washington, DC 20005	American Bakers Assn		
Merritt Becker, 1844 Kalorama Rd. NW Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)	4,806.90	
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	127.50	
Donald K. Beich, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	265.00	461.54
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union	2,821.86	924.10
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Hoffmann La Roche, Inc)		
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
Benoit Smith & Laughlin, 2001 Jefferson Davis Highway, #501 Arlington, VA 22202	Econopure		
Do	Hughes Aircraft Company		
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153			
Eve Berton, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,187.50	100.00
Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209			25,259.75
Robert D. Billings, 301 Corla Ct. Oxon Hill, MD 20745	American Conservative Union		
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Akhiok-Kaguyak, Inc	1,100.00	
Do	Compaq Computer Corp	843.75	
Do	Computer & Business Equipment Manufacturers Assn		
Do	National Mass Retailing Institute	1,500.00	
Do	Tobacco Institute	19,500.00	56.50
Do	Wal-Mart		
Do	Washington Public Power Supply System	4,500.00	
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,736.58	2,248.93
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Center	153.63	
Jim Blomquist, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club	6,649.50	
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	2,853.16	94.00
George H. Bohlinger III, 1015 18th St., NW, #400 Washington, DC 20036	Domino's Pizza, Inc		
Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,443.74	327.85
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	500.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Dennis M. Bradshaw, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	West Group	400.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,644.81	2,363.03
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn	1,400.00	2,238.00
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	938.00	
Joseph Browder, 418 10th St., SE Washington, DC 20003	Unelco	2,400.00	
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Gary A. Brown, 1722 I Street, NW, 6th FL Washington, DC 20006	Powers Harsch & Kinder (For:Solv-Ex Corporation)	4,372.50	981.47
John J. Brown, 1125 17th St., NW Washington, DC 20036	International Union of Operating Engineers	8,500.00	610.00
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	20,000.00	696.56
Carol Brownell, 105 East 22nd Street New York, NY 10010	Community Service Society	117.54	
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon	500.00	177.89
Do	Canadian Financial Corporation		
Do	Schochet Associates		
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Rocky Mt States Partnership for Educational Telecomm...)	360.00	103.81
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,223.00	143.00
David S. Bunton, 801 17th Street, NW, #200 Washington, DC 20006	Federal Asset Disposition Assn	6,400.00	100.00
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,900.26	136.00
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	530.00	4.50
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Burnham Connolly Oesterle & Henry, 3050 K St., NW, #450 Washington, DC 20007	Sparber Shevin Shapo & Heilbronner (for Emma L. Bixby Hosp.)		
Michael Burns, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
James J. Butera, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	727.62
Mary Jane Butterfield, 1200 19th St., NW, #550 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)	6,750.00	28.15
BP America, Inc, 1776 Eye Street, NW Suite l000 Washington, DC 20006			99,231.40
BZS Capitol Strategies, LP, 1401 New York Ave., NW, #900 Washington, DC 20005	National Multi Housing Council	6,000.00	
Do	NY City Housing Development Corp	1,187.96	
Do	NY State Mortgage Loan Enforcement and Admin. Corp		
Do	Related Companies	3,000.00	
Do	Sentinel Holdings Inc	3,000.00	
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
John D. Cahill, 1310 19th St., NW Lower Level Washington, DC 20036	Massachusetts Bay Transportation Authority	3,750.00	
Do	Massachusetts Port Authority	11,748.00	
Do	Massachusetts Water Resources Authority	10,925.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of the Republic of Guatemala	9,000.00	91.91
Do	Embassy of Mozambique	33,250.00	1,572.44
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Presidential Airways, Inc		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		4,197.71	22,792.40
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	9,874.00	746.00
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)	235.00	
Ross Capon, 236 Massachusetts Ave., NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	12,499.98	
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
William Carney, 217 3rd St., SE Washington, DC 20003	Clare Rose, Inc	7,500.00	
Do	Dare County, North Carolina	15,000.00	
Do	Edison Electric Institute	12,000.00	
Do	Lipsen Hamberger & Whitten	12,000.00	
Do	Lipsen Hamberger & Whitten (for Vickers Ship Building Ltd)		
Do	United Illuminating Co	7,500.00	
George L. Cary, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	236.41
Center for Law and Education, Inc, Larsen Hall, 6th Floor 14 Appian Way Cambridge, MA 02138		41,911.65	128.47
Henry Chajet, Doyle & Savit 919 18th St., NW, #1000 Washington, DC 20006	ASARCO, Inc		
Do	Homestake Mining Co		
Do	National Coal Assn		
William Chasey Organization, 855 La Jolla Corona Ct. La Jolla, CA 92037	Industrial Data Link		
Do	Life Insurance Coalition of America		
Do	Professional Asset Management, Inc		
Do	Real Property Services Corp		
Do	Syncrotech Software Corp		
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	27,750.00	66.50
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Chamber of Mines of South Africa	8,350.00	
Do	Universal Frutrade Co-operative, Ltd	11,494.23	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
J. Samuel Choate Jr., 1701 K Street, NW, #700 Washington, DC 20006	Reichler, Appelbaum & Wippman (For:Association of Progressive Rental Organizations).		
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
James F. Clark, P.O. Box 2121l Juneau, AK 99802-1211	Alaska Loggers Assn		
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	350.00	
Close & Associates, Inc, 1615 St. Paul Street, Suite 1 Baltimore, MD 21202	National Funeral Directors & Morticians Assn, Inc		
Coffee Sugar & Cocoa Exchange, Inc, 4 World Trade Center, 8th Fl. New York, NY 10048			
Ellen M. Cohen, 236 Massachusetts Ave., NE, #608 Washington, DC 20002	Neighbor to Neighbor Action Fund	7,018.48	5,542.77
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	200.00	40.00
Colette R. Coleman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Paul Edward Michael Collin, (Fed. Reg. No. #77634-012) 1299 Seaside Avenue P.O. Box 3007 Terminal Island, CA 90731-0207.			
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,922.10	95.10
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee on U.S. Business Canadian Life & Health Ins. Assn, c/o Dykema Gossett 1752 N St., NW Washington, DC 20036			
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		11,500.00	12,500.00
Community Service Society, 105 East 22nd Street New York, NY 10010			1,410.21

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		22,131.43	22,131.43
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			4,049.94
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	355.05
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	4,518.69	
Gerald R. Connor, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	2,375.00	
Kathryn Conroy, 105 East 22nd Street New York, NY 10010	Community Service Society	127.23	
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			14,538.86
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
John J. Contney, Suite B 1130 E. Hallandale Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	250.00	
Robert M. Coon Jr., 65 Pondfield Road Bronxville, NY 10708	National Comm to Preserve Social Security		
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	8,164.00	444.00
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	1,105.31	
C. William Cooper, 203 Pittsburgh Nat'l Bank Building Sewickley, PA 15143	United Distribution Companies		
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	672.97	5,844.55
Bennett J. Corn, Four World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	729.61	792.79
Walter Coulliard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	8,265.39	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			21,868.68
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	First Federal Savings Bank of Western Maryland		
Do	Georgia-Pacific Corp		
Do	Non-Ferrous Metals Producers Committee	3,757.50	49.50
Mark D. Cowan, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)		
Do	Jefferson Group, Inc (For:Kelly Services, Inc)		
Willard F. Cox, 2021 Sandcastle Dr Tallahassee, FL 32308	Florida Institute of Technology	9,000.00	
Richard L. Crawford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Patricia Cregan, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	2,100.00	380.00
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	3,000.00	2,768.10
Mary Dent Crisp, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	City of North Miami	400.00	
Do	Cook Inlet Region, Inc		
Do	Meridian Minerals Co	400.00	
Do	Trust for Public Lands	1,650.00	
Do	Western Governors' Assn		
Do	Wyatt Company		10.00
Herminia L. Cubillos, 20 F Street, NW, 2nd Floor Washington, DC 20001	National Council of La Raza	991.14	4,382.48
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	11,250.00	1,162.08
John T. Curran, 905 16th St., NW, Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	16,536.75	709.25
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	7,250.00	859.94
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		7,408.02
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co. Inc		
Theodore S. J. Davi, 624 South Quincy Street Green Bay, WI 54301			
John W. Davis, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	200.00	
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Tri-City Nuclear Industrial Council, Inc		
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gail De Loach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Trevia A. Dean, 1250 24th St., NW, #600 Washington, DC 20037	American Insurance Assn	3,800.00	2,420.00
Do	National Rifle Assn of America	8,700.00	1,200.00
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW, #350 Washington, DC 20004-2505	Equitable Life Assurance Society of the U.S.		
Do	Financial Institution Retirement Fund	2,354.00	
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		11,670.47	11,670.47
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Arctic Alaska Seafoods, Inc		
Do	Catholic Health Assn of the U.S.		
Do	Committee for Future Investment in America's Past		
Do	CIC Enterprises, Inc		
Do	Duke Endowment		
Do	Federation of American Health Systems		
Do	General Electric Pension Trust	650.00	
Do	Hanschell Inniss, Ltd		
Do	Household International	1,300.00	
Do	Integrated Resources, Inc	2,600.00	
Do	Man-Made Fiber Producers Assn, Inc		
Do	Mutual Life Insurance Co of New York		
Do	Joseph E. Seagram & Sons, Inc	1,300.00	
Do	U.S. Coalition for Fair Lumber Imports		
Do	Union Pacific Corp	1,950.00	
Do	Waverley Associates	625.00	
Do	West Indies Rum & Spirits Producers Assn		
Beth DeGrasse, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World		
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	717.89	
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	59.05	75.60
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Companies, Inc)	132.86	52.99
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	132.86	59.48
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	59.05	75.60
Do	Lumbermens Mutual Casualty Company	2,100.00	162.78
Diversified Energies, Inc, C/O Mr. Carl W. Cummins 201 South 7th Street Minneapolis, MN 55402			
G. Diane Dodson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Nancy A. Donaldson, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al	625.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	338.50	6.00
May Del Rio Dorfman, 380 Second Avenue New York, NY 10010	Planned Parenthood of New York City, Inc	424.48	327.02
Linda Dorian, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA	1,000.00	306.85
Michael B. Dorsey, 1245 1/2 Duncan Place, NE Washington, DC 20002	Dorsey & Associates, Inc		
Dorsey & Whitney, 1330 Connecticut Avenue, NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	1,600.00	110.00
Do	MacMillan Bloedel, Inc		
Do	Texas Assn of Steel Importers		
Russell E. Dougherty, 8280 Greensboro Drive, #900 McLean, VA 22102	Military Impacted School Districts Assn		
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Johnson-Simmons Co		
Do	Life Care Services Corp	4,237.00	48.31
Do	Marriott Corp	4,471.25	148.56
John C. Doyle Jr., 218 D St., SE Washington, DC 20003	Environmental Policy Institute	576.40	
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Joan Albert Dreux, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	4,000.00	796.83
Fran Du Melle, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	2,890.00	1,068.00
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	12,280.80	275.50
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise Marianas America, Inc	8,000.00	12,607.30
Duncan Allen & Talmage, 1575 Eye Street, NW Washington, DC 20005	Cecil Saydah Co	400.00	101.70
Do	Colorado River Energy Distributors Assn	8,278.00	1,200.93
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Corp/California Energy Commission)	4,500.00	
Do	Dunlap & Browder, Inc (For:Unelco)	1,800.00	
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Alliance for Corporate Growth	2,348.98	512.90
Do	Allscrips, et al		
Do	Apex Marine Corp	3,420.00	412.06
Do	ARCO Marine Co, Inc	5,370.00	233.54

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bender Shipbuilding & Repair Co, Inc		
Do	Bristol Bay Native Corp	24,437.00	562.92
Do	Crowley Maritime Corp	400.00	17.02
Do	PubCo Corp		
Do	Smith Corona Corp	3,432.00	248.25
Dykema Gossett, 1752 N St., NW, 6th Fl. Washington, DC 20036	Committee on U.S. Business Canadian Life & Health Ins. Assn		
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto)		
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Charles E. Ehrhart, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Jill W. Eiland, 121 SW Salmon Portland, OR 97204	Portland General Electric Co		
Electronic Industries Assn, 2001 Eye St., NW Washington, DC 20006		44,883.96	15,434.75
Elliott Zweben & Steelman, 1140 19th St., NW, #600 Washington, DC 20036	Argus Health Systems, Inc	800.00	200.00
Do	Indiana Medical Review Organization		200.00
Do	Missouri Blue Cross Blue Shield	150.00	200.00
Do	Pharmaceutical Manufacturers Assn	840.00	100.00
J.W. Ellis, 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	950.00	
Mark C. Ellison, 300 N. Washington St. #208 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn		
Eric J. Ellman, 100 Maryland Ave, NE Washington, DC 20002	National Coalition to Ban Handguns	4,387.00	1,100.00
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,880.94	140.90
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			2,883.59
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		9,991.96	
Cheryl Anthony Epps, 13 Firstfield Road Gaithersburg, MD 20878	International Assn of Chiefs of Police	9,075.00	6,433.00
Erisa Industry Committee, 1726 M Street, NW, #1101 Washington, DC 20036		2,000.00	12,282.00
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Group		
Robert J. Evans, 2013 Centerburn Road Kingsport, TN 37660			
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Family Holding Company Advocacy Group, c/o Mr. R.H. Jeffrey 180 East Broad Street Columbus, OH 43215		500.00	3,397.50
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,296.00	772.00
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			871.68
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			
Amy Feldman, 105 East 22nd Street New York, NY 10010	Community Service Society	27.58	
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co., Inc	13.00	500.00
Fensterwald & Alcorn, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees		
Stephen L. Ferguson, CFC, Inc 405 N. Rogers St. Bloomington, IN 47401	Cook Group, Inc		
John H. Ferman, 1023 12th Street Sacramento, CA 95814	California Assn of Hospitals & Health Systems	15,000.00	866.90
Robert J. Fersh, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	326.59	
Fiber Fabric & Apparel Coalition for Trade, 1101 Connecticut Ave., NW, #300 Washington, DC 20036		10,809.00	134,441.00
Manuel D. Fierro, 1901 N. Fort Myer Dr., #202 Rosslyn, VA 22209	Fond Du Lac Reservation		
Do	National Indian Gaming Assn	4,000.00	1,383.00
Robert E. Finch, 2400 E. Commercial Blvd., #500 Ft. Lauderdale, FL 33308	Ameriserv, Inc		
Fine Geddie & Associates, 405 S. Hull Street Montgomery, AL 36104	Douglas Oil Co		
William A. Finerfrock, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants	10,500.00	75.00
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group (For:Chase Manhattan Bank, N.A.)	68,750.00	3,950.00
Do	Secura Group (For:Northeast Bancorp)	2,500.00	30.00
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad	22,500.00	1,874.73
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Virginia Power		
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	5,250.00	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	216.00
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,550.00
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			6,750.00
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	15,762.00	5,350.00
Allan M. Fox, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)		
Do	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	309.39	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Bristol-Myers Co		
Do	Courtaulds North America, Inc		47.50
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson	180.00	
Do	Lederle Laboratories		
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	GEM Corp		
Jacob Fraire, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	California Dept of Education		
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	Madison Public Affairs Group, Inc	15,000.00	70.16
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Kerr-McGee Corp		
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006			2,833.68
Fraternal Order of Police, Legislative Committee, 2100 Gardiner Lane Louisville, KY 40205	International Energy Brokers, Inc		
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	Society of the Plastics Industry, Inc		
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	General Electric Co	370.00	
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	American Petroleum Institute		
G. William Frick, 1220 L Street, NW Washington, DC 20005	Copley Investors Limited Partnership, et al	20,000.00	1,500.00
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Edison Electric Institute		
Gordon H. Fry, 1111 19th Street, NW, #900 Washington, DC 20036	United Fresh Fruit & Vegetable Assn	3,240.00	589.66
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	Automotive Parts Rebuilders Assn		
William C. Gager, 6849 Old Dominion Dr. McLean, VA 22101	National Lumber & Building Material Dealers Assn	4,500.00	
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	Sierra Club	4,276.25	44.72
David McLane Gardiner, 330 Pennsylvania Ave., SE Washington, DC 20003	Moog, Inc		
Frank T. Gasper, Jamison Road East Aurora, NY 14052	Zero Population Growth	1,402.00	
Karl Gawell, 1400 16th St., NW, #320 Washington, DC 20036			
Fred Gehringer, P.O. Box 1002 Chino, CA 91710		4,322.50	195.99
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153	Alliance for Rail Competition	3,000.00	
Cheryl K. Genevie, 1120 G St., NW, #800 Washington, DC 20005	Brooklyn Union Gas Co		
Fred J. Gentile, 195 Montague Street Brooklyn, NY 11201		7,936.50	11,169.55
Georgia Power Co, 333 Piedmont Ave Atlanta, GA 30308			
David Troy Saxton Getty, 4888 West Cherry Lane Meridian, ID 83642	Pacific Telesis Group	15,450.00	
Lucie Kristie Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	National Treasury Employees Union	12,500.00	909.52
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	B & B Dredging Corp		
Gilmartin Poster & Shafto, One William Street, 5th Floor New York, NY 10004	National Frozen Food Association	2,000.00	
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	Godfrey Associates, Inc		
Horace D. Godfrey, 910 16th St., NW, S-402 Washington, DC 20006			
Godfrey Associates, Inc, 910 16th St., NW, S-402 Washington, DC 20006	Environmental Defense Fund	11,000.00	
Joseph Goffman, 1616 P Street, NW, #150 Washington, DC 20036			9,106.44
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227	American Hospital Assn	3,453.02	577.08
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	Department for Professional Employees, AFL-CIO	4,731.90	
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Meredith Corp	40.00	27.00
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	National Fed of Federal Employees		
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	O-W Fund, Inc	1,150.00	
Gordon Feinblatt Rothman Hoffberger & Hollander, 233 East Redwood Street Baltimore, MD 21202	TRW, Inc	120.00	
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	National Restaurant Assn	1,500.00	990.00
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	Burger King Corp		
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	National Assn of Letter Carriers	13,610.34	8,011.38
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	International Assn of Amusement Parks & Attractions		
John R. Graff, 4230 King Street Alexandria, VA 22302	MCI Communications Corp	2,000.00	
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	American Psychiatric Assn	2,592.00	1,507.85
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	Center on Budget & Policy Priorities	1,056.00	45.66
Robert Greenstein, 236 Massachusetts Ave, NE, #305 Washington, DC 20002	Erisa Industry Committee	4,650.00	18.00
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Melanie Griffin, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club	4,506.06	13.00
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	6,075.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
David Gusky, 1016 16th Streeet, NW Washington, DC 20036	National Fed of Federal Employees	1,356.53	
Raymond J. Gustini, Breed, Abbott & Morgan 1875 Eye Street, NW, #1000 Washington, DC 20006	Great Western Financial Corp	12,524.00	2,100.23
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	4,428.50	3,019.58
Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,716.25	
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	1,875.00	
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	283.95	
Karen Hammond, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	1,899.00	1,069.53
Handgun Control, Inc, 1400 K Street, NW, #500 Washington, DC 20005		1,381,633.00	482,926.82
Richard L. Hanneman, 206 North Washington Street Alexandria, VA 22314	Salt Institute		
Frederick J. Hannett, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Foundation Health Corp)		
Do	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)		
Hansell & Post, 3300 First Atlanta Tower Atlanta, GA 30383-3101	Nuclear Fuel Service, Inc	3,933.00	
Eric Hard, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036	Gerber Products Co	250.00	12.00
James W. Harff, 1200 19th St., NW, #550 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)	2,250.00	10.50
Harff Butterfield, 1200 19th Street, NW, #550 Washington, DC 20036	Turkish Republic of Northern Cyprus	18,000.00	1,256.60
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910	National Assn of Social Workers	6,563.00	734.00
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Adidas, USA	4,500.00	52.00
Do	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jim Harrison, 501 EYE Street, SW Washington, DC 20024	Association of Urban Universities	7,500.00	
Paul M. Harrison, P.O. Box 4079 Gulfport, MS 39502	Mississippi Power Co	4,371.50	1,265.80
Vance Hartke, 7637 Leesburg Pike Falls Church, VA 22043	Alliance of Foreign Medical Graduates	9,000.00	
Jenifer Hartog, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co		
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce	6,346.00	
R. Michael Haynes, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
Brian Keith Heard, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	4,539.54	
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	5,000.00	
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	919.65
Richard Dean Henderson, 2022 P Street, NW Washington, DC 20036	Private Truck Council of America, Inc		40.00
Bruce Heppen, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
William G. Herrold, 1111 19th St., NW, #608 Washington, DC 20036	Institute of Electrical & Electronics Engineers		
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	5,929.00
Donita Hicks, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action		
Hal D. Hiemstra, 216 7th Street SE, Washington, DC 20003	Coalition for Scenic Beauty	1,500.00	50.00
Gerald 'Jerry' Hill, 6 Executive Park Drive, NE Atlanta, GA 30329	Amoco Corporation		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Association of Navajo Community Controlled School Boards	150.00	
Do	Bristol Bay Area Health Corp	1,120.00	93.75
Do	Maniilaq Assn		
Do	Metlakatla Indian Community	70.00	
Do	Miccosukee Tribe of Indians of Florida	90.00	3.75
Do	Norton Sound Health Corp	30.00	
Do	Oglala Sioux Tribe	10.00	
Do	Oglala Sioux Tribe Public Safety Commission		
Do	Quinault Indian Tribe/Quinault Allottees Assn	60.00	7.50
Do	Tanana Chiefs Conference, Inc		
Do	Tohono O'odham Nation	30.00	30.00
Philip A. Hogue, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,184.48	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al	2,904.16	7,278.66
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	State Street Bank		
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201	Contra Costa Water District	31.50	6.49
Do	Home Group, Inc	18,549.94	4,029.25
Do	Irish Immigration Reform Movement	10,858.50	1,324.62
Do	Texas Ranchers Labor Assn	180.00	
Do	TF Energy Ventures	563.50	10.55
Do	U.S. English	3,768.75	199.44
Do	Western Agricultural Coalition	1,350.00	220.56
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,562.00	106.69
Pete Homer Jr., 2015 Wyoming Blvd., NE, Suite H Albuquerque, NM 87112			
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	3,900.00	696.02
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		6,768.00	6,768.00
Allynn Howe, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	9,303.42	34.75
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	4,500.00	
Terry D. Hudgins, P.O. Box 53999 Station 1715 Phoenix, AZ 85072-3999	Arizona Public Service Company	2,286.00	99.60
Betty Hudson, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	80.00
Michael Hugo & Associates, Inc, 3414 N. Emerson Street Arlington, VA 22207	Professional Services Council	1,000.00	5.48
Brett Hulsey, Sierra Club, Midwest Office 214 N. Henry St.— Suite 203 Madison, WI 53703	Sierra Club	732.00	273.00
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	4,700.00	84.00
Charles G. Huntington, 600 Maryland Ave., SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,343.00	131.33
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Richard L. Sinnott & Co (For:Dallas/Ft. Worth International Airport)		
Do	Richard L. Sinnott & Co (For:Galena Resort Co)		
Do	Richard L. Sinnott & Co (For:Intermec Corp)		
Do	Richard L. Sinnott & Co (For:Oakland Colliseum)		
Do	Richard L. Sinnott & Co (For:Port of Oakland)		
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			30,331.70
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		22,500.00	926.00
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,076.20	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Limited, Inc		
ICI Americas, Inc, 1600 M Street, NW, #702 Washington, DC 20036			50,138.62
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		12.00
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	6,500.00	100.00
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Waste Management Lawncare	124.00	
Jet, Inc, 1100 Huntington Building Cleveland, OH 44115			
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	311.67
Allen Fredrick Johnson, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates, Inc (For:National Soybean Processors Assn)		
Beth Johnson, 6220 Gaston Avenue, #609 Dallas, TX 75214	Sierra Club	6,289.00	4,443.00
Bruce Johnson, 1000 Connecticut Ave., NW, #9 Washington, DC 20036	Ad-Hoc Asset Backed Securities Legis. & Regulatory Assn		
Do	CAM Finance Associates		
Do	Kellner DiLeo & Co	6,000.00	554.00
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc		
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	97.74	
Theodore L. Jones, 412 First St. SE, #60 Washington, DC 20003	Hartford Group		
Do	Mall Properties, Inc		
Do	Maxicare Health Plans, Inc		
Do	Michcon Corporation		
Do	United Companies Life Insurance Companies		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Zapata Corporation		
Do	Zapata Gulf Marine Corp		
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	American Nuclear Energy Council	765.00	16.50
Do	AmeriTrust Co, Nat'l Assn		
Do	Automotive Dismantlers & Recyclers Assn, Inc		
Do	Bank Street Consultanting Group		
Do	Bear Stearns & Co		10.00
Do	Cleveland Cliffs Iron Co		
Do	Computer & Business Equipment Manufacturers Assn		
Do	Consumers for Competitive Fuels	705.50	
Do	Consumers United for Rail Equity (C.U.R.E.)	1,733.00	72.32
Do	Embassy of the People's Republic of China	1,147.50	
Do	Greyhound Lines, Inc		102.15
Do	Health Policy Coalition		8.00
Do	Heron International, Ltd		
Do	Hilton Hotels		19.50
Do	Jeffrey Company	4,273.75	
Do	Laurel Industries, Inc		
Do	Los Angeles County	17,862.00	78.48
Do	M.A. Hanna Company	2,392.25	14.00
Do	Michigan Consolidated Gas Company	1,077.00	
Do	Morgan Grenfell & Co, Ltd		102.00
Do	National Assn of Independent Insurers		
Do	National Assn of State Auditors Comptrollers & Treasurers		
Do	National Beer Wholesalers Assn		
Do	Pfizer, Inc	1,555.00	142.75
Do	Premier Industries	6,527.50	
Do	RJR Nabisco, Inc	2,144.00	
Do	State Assn of County Retirement Systems		
Do	SCM Corp		
Do	Teleconnect Co	1,984.00	
Do	Thrift Roundtable		248.50
Do	USAA Federal Savings Bank		
JK Research Associates, Inc, 3408 Bonnie Road Austin, TX 78703	Seabed Association		
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	11,749.98	605.10
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	12,000.00	2,139.06
Patricia L. Katson, 11215 Oak Leaf Drive Silver Spring, MD 20901	Liberty Lobby, Inc	8,250.00	
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	144.24	30.50
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	American Nuclear Energy Council	2,917.01	206.88
Do	Robert Bosch Corp	115.00	115.00
Do	Brown Brothers Harriman & Co		
Do	Carlon Company	593.98	133.98
Do	Eastern Airlines		
Do	Estate of Minnie Fierman		3,190.32
Do	Goldman Sachs & Co		
Do	GAF Corporation		
Do	Kraft, Inc	2,359.44	1,313.37
Do	Londontown Corporation		
Do	Michigan Consolidated Gas Co	681.25	681.25
Do	Morgan Guaranty Trust Co of New York		1,086.75
Do	Siemens Medical Systems, Inc	2,151.65	1,030.40
Do	U.S. Industrial Fabric Institute	1,328.83	546.78
Do	UTV of San Francisco, Inc		
Do	Westwood One, Inc		
Do	Winfield Manufacturing Co	1,422.25	178.90
Kevin B. Kearney, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
David L. Keating, 18 9th Street, NE Washington, DC 20002	National Taxpayers Union	3,029.00	
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	American Assn for Marriage & Family Therapy	3,974.50	
Do	General Instrument Corporation	1,322.50	
Do	National Assn of Social Workers		
Do	Polar Marine Partners		
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	2,000.00	
John E. Kelly, 3408 Bonnie Road Austin, TX 78703	JK Research Associates, Inc (For:Seabed Assn)		
Richard B. Kelly, Kelly Eckhaus & Mohen 40 Birch Hill Road Locust Valley, NY 11560	National Assn of Catalog Showroom Merchandisers	2,250.00	
Kemper Financial Companies, 120 South LaSalle Street Chicago, IL 60603			185.85
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			192.34
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			823.73
Timothy C. Kernan, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	8,000.00	1,278.36
Suzanne S. Kerr, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al	1,384.62	
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,390.50	208.42
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	553.86	
Dorothy A. Keville, 422 11th Street, SE Washington, DC	Mothers Without Custody, Inc		
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	5,660.00	25.00
Phillips Kimball Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Search Group, Inc	10,591.00	1,081.57
Carla Kish, D & R International 962 Wayne Avenue, #800 Silver Spring, MD 20902	Florida Solar Energy Center	3,000.00	
William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
James A. Klein, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans	1,325.60	103.47
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	22,500.00	436.49
James E. Kneale, 2335 South Meade St. Arlington, VA 22202	Lockheed Corporation	4,000.00	188.85
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	8,000.00	780.08
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		5,000.00	650.00
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			95,813.54
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Krivit & Krivit, P.C., 50 E Street, SE Washington, DC 20003	City of St. Petersburg, Florida	1,200.00	130.00
Keith R. Krueger, 1529 Wisconsin Avenue, NW Washington, DC 20007	US West Communications	2,000.00	
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	6,000.00	1,970.00
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,823.90	761.61
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153			
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		5,745.00	5,166.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			29,601.08
Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006	Motorola, Inc	16,500.00	110.00
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	262.50	25.12
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	4,425.00	
Maria Landolfo, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic Electrical Sal Mach & Furn Workers	11,585.00	19.70
Moon Landrieu, P.O. Box 18198 Washington, DC 20036	Coalition to Stop the Raid on America		
Lane Powell Moss & Miller, 3800 Ranier Bank Tower Seattle, WA 98101-2647	Afognak Joint Venture		14,452.80
Richard A. Lauderbaugh, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Daniel Lauwers, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	2,080.00	
Charles B. Lavin Jr., 1120 19th St., NW, #1120 Washington, DC 20036	Alarm Industry FCC Frequency Advisory Committee		
Do	Central Station Electrical Protection Assn		
Do	National Burglar & Fire Alarm Assn, Inc		
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	1,365.29
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		109,926.83	45,454.12
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	230.73	
Arnold H. Leibowitz, 1707 H Street, NW, #500 Washington, DC 20036	Guam Contractors Assn		
Do	Republic of Palau		
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE, #301 Washington, DC 20003	National Audubon Society	7,250.00	3,381.50
Craig S. Lesser, 23/333 Piedmont Ave Atlanta, GA 30308	Georgia Power Co	7,936.50	11,169.55
Robert John Levering, 1101 17th St., NW, #900 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
David A. Lewis, 1000 Sixteenth St., NW., #810 Washington, DC 20036	Physicians for Social Responsibility	2,243.06	19.51
David J. Lewis, 2321 N. Columbus Street Arlington, VA 22207	International Trade & Development Agency, Inc		
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	550.00	
Do	Manufacturers Hanover Corp	700.00	
James Patton LeGory, 8823 Southwick Street Fairfax, VA 22031	Oxford Group, Limited		
Janet Lieberman, 1012 14th St., NW, #207 Washington, DC 20005	U.S. Student Association	2,800.00	120.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW Washington, DC 20005	Iowa Department of Transportation	5,709.00	13.00
Do	Madison Gas & Electric Co	1,767.00	
Do	Metropolitan Sanitary District of Greater Chicago	9,659.00	53.00
Do	Michigan Dept of Transportation	4,176.00	
Do	Northern States Power Co	3,185.00	
Do	Oregon Department of Transportation	3,750.00	
Do	State of Colorado, Dept of Highways	4,700.00	
Do	State of IL, Dept of Transportation	7,596.00	162.00
Do	State of IL, Dept of Transportation, Div of Water Resources	3,093.00	164.00
Do	Superior Water Light & Power Co	479.00	
Do	Wisconsin Electric Power Co	7,748.00	49.00
Do	Wisconsin Fuel and Light Co		
Do	Wisconsin Natural Gas Co		
Do	Wisconsin Power & Light Co	3,317.00	
Do	Wisconsin Public Service Corp	3,205.00	
Lipsen Hamberger Whitten & Hamberger, 1725 DeSales St., NW, #800 Washington, DC 20036	American Dehydrated Onion & Garlic Assn		
Do	American Public Transit Assn	4,586.40	
Do	Dallas County Utility & Reclamation District		
Do	Dinamo/OVIA	2,486.77	
Do	Enserch Corporation		
Do	McKesson Corp	550.32	
Do	Meridian Bancorp, Inc	958.24	
Do	National Rural Letter Carriers Assn	313.24	
Do	Olivetti USA, Inc	989.35	
Do	Perot Group		
Do	Perot Systems	3,661.75	
Do	Pharmaceutical Card System, Inc	1,444.25	
Do	RJR Nabisco, Inc	6,495.05	
Do	Seatrain Tankers Corp	478.89	
Do	Staley Continental, Inc	2,299.57	
Do	Sun Transport, Inc	1,121.15	
Do	TeleCommunications, Inc		
Do	Tobacco Institute	1,777.32	
Do	Westinghouse Electric Corp	4,993.75	
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64190-1402			
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,249.98	937.82
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,221.28
James Lyon, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	7,500.00	4,917.03
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW, #500 Washington, DC 20037	Algoma Steel Corp, Ltd		
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209-1606	Beverly Enterprises, Inc	6,250.00	75.00
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	National Taxpayers Union	2,322.00	
Paul MacMurdy, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,883.75	522.56
John H. Madigan Jr., 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	5,000.00	60.00
Madison Public Affairs Group, Inc, 2033 M Street, NW, #900 Washington, DC 20036	Navajo Nation	13,665.00	9,172.00
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	12,115.39	99.95
James J. Magner, 600 Maryland Ave., SW, #302 West Wing Washington, DC 20024	Lachelli Waller & Magner	70,348.50	17,838.62
Mary Mahon, 380 Second Avenue New York, NY 10010	Planned Parenthood of New York City, Inc	200.35	477.48
James Timothy Mahoney, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club	5,822.86	11.95
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney and Associates (For:Marc Associates (for American Soc of Anaesthesiologists)).	1,000.00	
Michael C. Maibach, Intel Corporation, GR1-63 3535 Garrett Drive Santa Clara, CA 95051-8119	Intel Corporation	12,000.00	7,378.45
Daniel C. Maldonado, 1030 15th St., NW #468 Washington, DC 20005	NI Industries	11,750.00	
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		31.10
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America	50.00	
Donald W. Mann, 210 The Plaza Teaneck, NJ 07666	Negative Population Growth, Inc	500.00	
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies	5,643.00	181.00
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	280.00
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
Robert F. Martin, 1275 Pennsylvania Ave, NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	15,450.00	
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	601.73	$1.90
Herbert S. Matthews, Route 6, Box 83 Mechanicsville, MD 20659	Martin Marietta Corp	6,600.00	
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	19,615.38	347.66
Rosemary A. Mazon, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Maryln Lee McAdam, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	GEM Corp		
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn		
Patrick H. McCarthy, 2700 Fidelity Building 123 S. Broad St Philadelphia, PA 19109	Dilworth Paxson Kalish & Kauffman (For:Automatic Data Processing, Inc)	2,645.00	
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	5,250.00	589.54
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	4,000.00	
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Jet, Inc		
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co	491.60	730.42
Christine W. McEntee, 50 F Street, NW, #100 Washington, DC 20001	American Hospital Assn	818.43	
William S. McEwen, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		185.00
Monica E. McFadden, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA	4,250.00	751.24
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	6,000.00	1,055.00
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)		
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	7,741.75	
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc		
Law Offs of James D. McKevitt, 1101 16th Street, NW, 500 Washington, DC 20036	Kelly Assisted Living	400.00	12.00
Do	Kelly Services, Inc		
Do	National Assn of Wholesaler-Distributers		
Do	National Fed of Independent Business	500.00	15.00
Francis X. McLaughlin Jr., 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	9,875.25	26.44
Edward T. McMahon, 216 7th Street, SE Washington, DC 20003	Coalition for Scenic Beauty	210.00	
Joseph E. McMahon, 1331 Pennsylvania Avenue, NW, #909 Washington, DC 20004	Rodale Press	8,370.00	630.95
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	338.80	213.71
Martha McSteen, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	702.89
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc	1,450.00	
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			4.80
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,002.74	127.00
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Harold E. Mesirow, 919 18th Street NW, #800 Washington, DC 20006	Lane & Mittendorf (For:Foss Maritime, Inc)		
Do	Global Marine, Inc		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	MOVAN Enterprises, Ltd	6,249.99	
Do	Van Fleet Associates	6,249.99	
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems	3,500.00	490.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Harris-RF Communications	12,000.00	1,080.00
Do	Harris/3-M Document Products, Inc	11,250.00	1,140.00
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,750.00	555.45
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	713.78	25.00
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Milbank Tweed Hadley & McCloy, 1825 Eye St., NW Washinton, DC 20006	Committee for Fair Trade with China		
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	26.60	
Carol Miller, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA	2,300.00	354.45
Linda B. Miller, 1625 Eye St., NW, #810 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Marye T. Miller, 1200 East Capitol Street, NE, #6 Washington, DC 20002	Mobil Oil Corp	600.00	40.00
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Aerospace Industries Assn of America, Inc	811.38	
Do	American Electronics Assn	1,000.00	25.00
Do	Computer & Business Equipment Manufacturers Assn		
Do	Council on Research & Technology	3,731.62	76.00
Do	Electronic Industries Assn		
Do	Tektronix, Inc		
Do	UDC-Universal Development L.P.	591.00	25.00
Miller Hamilton Snider & Odom, Post Office Box 46 Mobile, AL 36601	Camp Barsh Bates & Tate (for Sears Roebuck & Co)		
Do	Colonial Bancgroup, Inc	935.00	3,251.19
John H. Miner, Room 1414-South Building, USDA Washington, DC 20250	Organization of Professional Employees of USDA	326.10	
W.W. Collin Moller, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	4,600.00	1,651.97
Walter K. Moore, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Mark E. Moran, 1129 20th Street, NW Washington, DC 20036	Shawn Berger Mann & Moran (For:Government of Mexico)		
Anne L. Morgan, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
James Morrison, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn	1,993.00	56.00
Do	Mastercard International, Inc, et al	36,423.13	203.20
Do	National Electrical Manufacturers Assn	375.00	
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Beth Moten, 1016 16th St., NW, Washington, DC 20036	National Fed of Federal Employees	10,370.34	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	American Assn of Exporters-Importers-Textile & Apparel Group	4,227.50	327.81
Do	Toshiba Corp	385.00	
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,300.00	
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
H. Edward Munnerlyn, P.O. Box 1017 Greenwood, SC 29648	Greenwood Mills, Inc	2,500.00	292.58
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	8,318.76	127.04
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	7,000.00	162.00
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	66.16
Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102	Automotive Parts Rebuilders Assn		
Paul J. Myer, 600 Maryland Ave., SW, #605-607 Washington, DC 20024-2520	Capitol Cities/ABC, Inc		
MLR Associates, 3805 Alton Place, NW Washington, DC 20016	Neighborhood Housing Services of America		
MOVAN Enterprises, Ltd, 499 S Capitol St., SW, #520 Washington, DC 20003	Magnavox Government & Industrial Electronics Co	15,000.00	6,249.99
MPC & Associates, 3 Lafayette Centre 1155 21st St, NW, #1000 Washington, DC 20036	Virginia Institute of Marine Science		
MWW/ Strategic Communications, Inc, 70 Grand Ave River Edge, NJ 07661	Fidelity Environmental Insurance Co	15,000.00	2,077.19
Do	GAF Corporation	21,300.00	2,472.95
Do	Kaselaan & D'Angelo Associates, Inc	13,800.00	2,758.02
Do	W R Grace		50.92
Do	Winters Original Chocolate Liquor Bottles, Inc	11,461.26	1,810.97
National Assn of Auto Fleet Buyers, Inc, 66 Bay 19th Street Brooklyn, NY 11214			
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Catalog Showroom Merchandisers, C/O Kelly, Eckhaus, Mohen 40 Birch Hill Road Locust Valley, NY 11560			2,673.36
National Assn of Energy Service Companies, c/o Skadden Arps Slate Meagher & Flom 1440 New York Avenue, NW Washington, DC 20005.			
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,96,478.69	359,298.06
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002		64,501.28	53,045.24
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			49,324.98
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		1,200.00	8,074.35
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,408,831.67	13,545.78
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		13,971.00	15,000.75
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005			
National Education Assn, 1201 16th St., NW Washington, DC 20036		33,129.02	33,129.02
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		107,788.00	893.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		23,737.15	23,737.15
National Independent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039		1,300.00	15,826.97
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			34,525.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201			
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			5,600.38
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		248,296.66	724,529.80
National Solid Wastes Management Assn, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036			
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		13,947.00	11,900.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		37,599.00	37,599.00
National Turkey Federation, 11319 Sunset Hills Rd. Reston, VA 22090			
Natural Gas Supply Assn, 1129 20th St. nw #300 Washington, DC 20036		17,800.00	11,990.17
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	16,173.99	288.92
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	3,600.00	
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Frederick H. Nesbitt, 1750 New York Ave., NW Washington, DC 20006-8484	National Assn of Letter Carriers	9,607.26	3,331.34
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,973.18	421.91
David B. Neumeyer, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	32.86	
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	5,019.54	
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,676.11	5,764.88
Ellen Nissenbaum, 236 Massachusetts Avenue, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	890.33	3.00
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
A. Allan Noe, 655 15th Street, NW, #975 Washington, DC 20005	Unilever United States, Inc	1,500.00	110.95
North West Timber Association, PO Box 5554 Eugene, OR 97405			3,355.80
Graham T. Northup, 2333 Highland Avenue Falls Church, VA 22046	Golembe Associates, Inc	12,000.00	
Do	Sanwa Bank Ltd	11,400.00	
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	1,800.00	
Shannon O'Chester, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America		
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co		
Charles Albert O'Connor Jr., 200 N. Pickett Street, #810 Alexandria, VA 22304			
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Producers Assn, Inc	2,500.00	
Kathleen O'Leary, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Transmission Corp	4,000.00	115.23
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	1,968.75	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	BHC, Inc		
Do	Chris-Craft Industries, Inc		
Neil H. Offen, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Olwine Connelly Chase O'Donnell & Weyher, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Family Service America	250.00	
Do	Grants & Contracts Projects		
Philip C. Onstad, 500 West Putnam Avenue Greenwich, CT 06832	Control Data Corporation	200.00	
Oppenheimer Wolff & Donnelly, 1020 19th Street, NW, #400 Washington, DC 20035	Korean Footwear Exporters Assn	10,487.37	
Do	Nishika Corp	617.20	37.52
Organ. for Protection & Advancement of Small Telephone Cos, 2000 K Street, NW, #205 Washington, DC 20006			
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		1,806.60	1,311.70
Abraham Orlofsky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,355.76	
Orrick Herrington & Sutcliffe, 555 Capitol Mall, #1200 Sacramento, CA 95814	Cone Mills Corp		
Charles D. Osborn, 434 Washington Street Gwinn, MI 49841	Gwinn Area Community Schools		
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries, Inc	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Federation of Small Businesses, Inc.	1,500.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Jack W. Owen, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		
P/M Consulting, Inc, 1211 Connecticut Avenue, N.W. Suite 506 Washington, DC 20036	Syscon Corporation	9,000.00	9,000.00
Do	Talley Corporation	9,000.00	9,000.00
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al.		
Preston R. Padden, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc.	3,000.00	
Pagonis & Donnelly Group, Inc., 1620 I Street, NW, #202 Washington, DC 20006	Algoma Steel Corp, Ltd, et al.		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	3,895.50	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	9,928.61	2,634.23
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	1,792.50	
DeLane Pate, c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			4,861.30
F. Colin Pease, Iron Horse Park North Billerica, MA 01862	Boston and Maine Corp, et al.		
Shelley Peck, 122 C St., NW Washington, DC 20001	Children's Defense Fund	1,600.00	
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,975.26	
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Humberto R. Pena, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co		
Margaret Pena, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	10,166.10	3.00
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	5,997.10	
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio Officers Union	13,750.00	
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Boeing Company		
Do	Burlington Northern, Inc		
Do	Cook Inlet Region, Inc		
Do	Kootznoowoo, Inc.		
Abigail Perlman, 801 17th Street, NW., #200 Washington, DC 20006	Federal Asset Disposition Assn	6,400.00	100.00
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Petrillo & Hordell, 2000 L Street, NW, #504 Washington, DC 20036	International Computaprint Corp	347.50	
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Financial Institutions Retirement Fund)	16,899.00	
Susan M. Pettey, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	178.50	21.75
Pettit & Martin, 1800 Massachusetts Avenue, NW, #600 Washington, DC 20036	Nippon Yusen Kaisha (NYK) Line	6,291.25	60.62
Do	U.S. Suzuki Motor Corp	29,460.00	1,240.78
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		9,999.89	10,083.11
Janice Pieper, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers Int'l Union	5,048.06	728.16
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	American Academy of Pediatrics	10,000.00	
Do	Community Psychiatric Centers	13,407.60	
Do	Contel ASC	2,500.00	
Do	Dun & Bradstreet		
Do	Genentech	13,062.50	
Do	Infectious Diseases Society of America	6,000.00	
Do	National Assn for Biomedical Research	1,140.50	
Do	Securities Industry Assn	2,750.00	
Nancy Pinson-Millburn, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development		
James H. Pissot, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	7,250.00	3,381.50
Planned Parenthood Fed of America, Inc. 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		7,596.12	7,596.12
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,106.24	533.44
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	6,522.12	288.39
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Donna Potemken, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	949.73	36.36
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Alliance for Medical Nutrition	616.00	
Do	American Council on Education		
Do	Belz Investment Co	60.00	
Do	General Cinema Corp		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	6,000.00	484.39
Lesley Primmer, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036	Planned Parenthood Fed of America, Inc	797.33	90.04
Pro-Desert Coalition, P.O. Box 188380 Sacramento, CA 95818-8380		288.00	19.39
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		22,250.00	22,250.00
Public Land Users Society, 6824 19th West P.O. Box 282 Tacoma, WA 98466		850.00	1,282.00
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Peri Jude Radecic, 1517 U Street, NW Washington, DC 20009	National Gay & Lesbian Task Force (NGLTF)	6,000.00	
Ragan & Mason, 900 17th St., NW Washington, DC 20006	American Bureau of Shipping	5,000.00	16.96
Do	American Ship Building Co	5,000.00	89.25
Do	Bechtel Corp	7,245.00	
Do	Earth Observation Satellite Co		
Do	Government of Bermuda	3,000.00	15.42
Do	National Bulk Carriers, Inc	4,500.00	
Do	R.J. Reynolds Nabisco, Inc		
Do	R.J. Reynolds Tobacco Co		
Do	Sea-Land Industries, Inc	20,000.00	60.00
Do	Stimson Lumber Co & Miller Redwood Co	3,000.00	
Craig J. Rancourt, 1050 17th Street NW., #210 Washington, DC 20036	American Assn of Classified School Employees	16,250.01	722.07
Tim Ransdell, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education		
Billye Lynn Ratliff, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Floyd C. Raynard, 3169 Holcomb Bridge Rd., #505 Norcross, GA 30071	Stellar Technology Enterprises, Inc		
Robert E Redding, 7315 Wisconsin Ave., #325 E Bethesda, MD 20814	Shippers National Freight Claim Council, Inc		200.00
William D. Reese, Annex 6, Room 200 1407 West North Temple Salt Lake City, UT 84140	Utah Power & Light Co		
John Regnier, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	2,732.09	2,372.49
Mary Lynn Reilly, 3805 Alton Place, NW Washington, DC 20016	Neighborhood Housing Services of America		623.00
Zev M. Remba, 1111 14th Street, NW, #1200 Washington, DC 20005	Academy of General Dentistry		
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company (For:EXPEX, Inc)		
Do	Rendon Company (For:Government of Aruba)		
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	EXPEX, Inc		
Do	Government of Aruba		
Renewable Fuels Assn, 201 Massachusettes Ave, NE, #C-4 Washington, DC 20002		341,607.93	75,518.14
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Steve Ricchetti, 655 15th Street NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	92.15	
Kevin C. Richardson, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	3,000.00	647.80
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al.		
Mark J. Riedy, 1101 15th St., NW, #400 Washington, DC 20005	National Council for Savings Institutions	10,000.00	
Siert F. Riepma, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Susan Riley, 1401 New York Ave., NW, #900 Washington, DC 20005-2102	Capital Strategies, Inc (For:Camera de la Industria de Transformacion de Nueve Leon).	500.00	
Do	Capital Strategies, Inc (For:Export Packers Co, Ltd)	1,600.00	
Do	Capital Strategies, Inc (For:Forest City Residential Development, Inc)		
Do	Capital Strategies, Inc (For:Kidder Peabody & Co, Inc)		
Do	Capitol Strategies, Inc (For:Miami Beach Housing Authority)	320.00	
Do	Capital Strategies, Inc (For:National Multi Housing Council)		
Do	Capital Strategies, Inc (For:New York City Housing Development Council)		
Do	Capital Strategies, Inc (For:New York State Mortgage Loan Enforcement & Admin Corp).		
Do	Capital Strategies, Inc (For:Olympus Corp)		
Do	Capital Strategies, Inc (For:South Bay Foundry)		
Do	Capital Strategies, Inc (For:Tri-Star Electronics)	500.00	
Do	Capital Strategies, Inc (For:Universal Furniture Industries, Inc)		
Do	Capital Strategies, Inc (For:Vitrocrisa Cristaleria, S.A.)	850.00	
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	143.24
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,562.50	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Ad Hoc Ethanol Committee	5.00	
Do	Akin Gump... (Drexel Burnham Lambert, Inc)	2,220.00	11.00
Do	Allstate Insurance Co	8,152.50	95.00
Do	American Bakers Assn	4,086.25	10.00
Do	ALC Communications Corp	483.75	110.00
Do	Business Coalition for RICO Reform	16,584.72	1,097.49
Do	Chemical Bank	25,000.00	5,250.00
Do	City of South Bend	1,408.75	5.00
Do	Emmis Broadcasting	9,044.58	100.00
Do	Gunnar Dana Associates		
Do	Lever Brothers Co, Inc		
Do	National Basketball Assn		
Do	National Foreign Trade Council	9,325.00	5,840.00
Do	National Soft Drink Assn		
Do	New Energy Co of Indiana	1,468.75	102.50
Do	Primerica		
Do	Renewable Fuels Assn	4,037.50	32.00
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	2,000.00	535.34
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,883.59
Michelle Robinson, 20 Park Plaza, Suite 603 Boston, MA 02116	Peace Political Action Committee	2,183.64	
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Sun-Diamond Growers of California	5,000.00	
Do	Suzuki Motors of America, Inc	7,500.00	
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,688.18	370.66
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	360.50	34.50
Terrence L. Rogers, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	13,072.85	32,968.52
Lori S. Rogovin, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development	6,339.00	
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Digital Equipment Corp		
Do	Eastern Gas & Fuel Associates		
Do	Reebok International Ltd		
Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Intertek Services International, Ltd		
Rhond Rudolph Roth, 813 Maryland Avenue, NE Washington, DC 20002			
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Ganes Chemicals	2,420.00	
Do	Great Lakes Products, Inc	8,140.00	
Do	Research Corp Technologies		
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BN Services, Inc	500.00	412.24
Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209-1606	Beverly Enterprises, Inc	3,375.00	75.00
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,000.00	
S.A.F.E.S.T., 1120 G St., NW, #800 Washington, DC 20005		2,000.00	402.74
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Satellite Broadcasting & Communications Assn, 300 N. Washington Street, #208 Alexandria, VA 22314			
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		7,175.00	12,706.00
Thomas C. Sawyer, 1825 K Street, NW Washington, DC 20006	National Broadcasting Co, Inc	5,000.00	1,344.18
Donna Scampoli, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Thomas A. Schatz, 1511 K Street, NW, #643 Washington, DC 20002	Council for Citizens Against Government Waste	1,400.00	27.20
Schiff Hardin & Waite, 1101 Connecticut Avenue, NW Washington, DC 20036	Chicago Board Options Exchange		
James P. Schlicht, 655 15th Street NW #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Sandra A. Schlicker, McMahon and Associates 1331 Pennsylvania Avenue, NW Washington, DC 20004	Rodale Press	12,555.00	950.97
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, #1000 Washington, DC 20037	American Honda Motor Co, Inc	2,944.00	
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Kim Schnoor, 1667 K Street NW, #900 Washington, DC 20006	Robinson Lake Lerer & Montgomery (For:Napa Flood Control and Water Conservation District)	3,000.00	
Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005	Health Industry Manufacturers Assn		
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Investment Co Institute	249.81	145.41
Do	Physicians Medical Laboratories	1,315.64	765.50
Do	State of Oregon, City of Portland, Oregon Metro	8,382.94	4,873.64
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	34.76
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	3,515.00	1,750.65
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,839.35	
Schwinn Bicycle Co, 217 North Jefferson St. Chicago, IL 60606			
Scrivens Goldstone & Co, 5857 S. Gessner, #287 Houston, TX 77036			
Walter J. Sczudlo, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Company	500.00	
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	316.23
Debbie Sease, 330 Pennsylvania Avenue, SE Washington, DC 20003	Sierra Club	5,220.55	39.50
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	2,650.00	
J. Peter Segall, 2033 M Street, NW, #900 Washington, DC 20036	Miner Fraser & Gabriel Public Affairs, Inc (For:STRATCO, Inc)		
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,100.31	
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	5,929.00
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	8,375.01	471.83
Daniel E. Shaughnessy, 1911 North Ft. Myer Drive, #702 Arlington, VA 22209	Western Great Lakes Maritime Assn		
Shea & Gould, 1775 Pennsylvania Ave, NW, #700 Washington, DC 20006	Group Health, Inc	2,450.00	20.00
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,156.00	
Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005	American Fiber Manufacturers Assn, Inc		
Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743			
Sierra Club, 730 Polk Street San Francisco, CA 94109		360,592.40	360,592.40
William Douglas Simon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	AFL-CIO Maritime Committee	300.00	260.00
Do	Labor-Management Maritime Committee, Inc	1,553.00	484.00
Patricia Simpson, 105 East 22nd Street New York, NY 10010	Community Service Society	133.56	
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Dallas/Ft. Worth International Airport	9,000.00	859.87
Do	Galena Resort Co	300.00	183.36
Do	New United Motor Manufacturing, Inc	8,809.00	554.48
Richard L. Sinnott & Co, One Thomas Circle, NW, #900 Washington, DC 20005	Oakland Coliseum		39.06
Do	Port of Oakland	18,750.00	15,753.09
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Center for Electrochemical Systems & Hydrogen Research	6,562.50	1,739.15
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,929.00	1,395.41
Jeffrey A. Smith, 19001 S. Western Avenue Torrance, CA 90509	Toyota Motor Sales, USA, Inc		
Kern Smith, 400 First St., NW, #710 Washington, DC 20001	Alliance of Foreign Medical Graduates	9,000.00	
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	15,450.00	
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	341.33	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	Ambrosia Chocolate	7,500.00	528.25
Do	Bank Street College	1,500.00	25.75
Do	City of Eugene, Oregon	6,000.00	
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	5,000.00	175.00
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc	2,500.00	225.00
Do	San Francisco Public Utilities Commission		
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	Massachusetts Education Loan Authority		
Clair A. Snyder, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
Thomas J. Soles Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,078.48	
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co	3,096.50	138.51
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,800.00	241.20
Spriggs & Hollingsworth, 1015 15th St., NW, 11th Floor Washington, DC 20005	Circle Energies, Inc		
Do	PetroJam, Ltd		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John W. Sroka, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	143.64	3.80
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	1,284.57
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
J. C. Steen, 412 First Street, SE, #301 Washington, DC 20003	McDonnell Douglas Corp	600.00	238.05
Do	Snyder Ball Kriser & Assocs (for Allison Gas Turbine Div)	600.00	208.08
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,185.00	2,671.00
Kristin Stelck, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women	5,000.00	344.79
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Caltex Petroleum Corp		
Do	Canadian Sugar Institute		
Do	Rule of Law Committee	362.50	8.00
H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069			
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Stonebridge Group, 1250 24th St., NW, #230 Washington, DC 20037	Brandeis University	3,000.00	
Do	Marine Biological Laboratory	3,000.00	338.38
Do	University of Nevada at Reno		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America Ltd		
Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	7,500.00	
Bruce W. Sumner, 315 Amethyst Balboa Island, CA 92662	National Comm to Preserve Social Security		
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians	3,750.00	2,457.22
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	3,071.25	
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	759.00	11.00
Anthony Syrett, Crystal Gateway 3, #900 1215 Jefferson Davis Highway Arlington, VA 22202	Marconi Electronics, Inc, et al		
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	BN Services, Inc	1,750.00	196.77
Elayne L. Tempel, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170			210.60
Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036	Women's Legal Defense Fund		
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Law Offices of Fred Thompson, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds	2,000.00	
Do	Westinghouse Electric Corp	4,480.00	
Marilyn Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	550.00	
Do	Keefe Co (For:City of Newark, NJ)	1,250.00	
Do	Keefe Company (For:Mutual Benefit Insurance Co)	7,500.00	
Do	Keefe Company (For:New York University)	7,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	1,250.00	
Do	Keefe Company (For:University of Miami)	650.00	
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of the USDA	326.10	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,500.00	
Thompson & Mitchell, 1120 Vermont Avenue, NW, #1000 Washington, DC 20005	Crown Life Insurance Co	15,000.00	1,276.35
Do	Midland Enterprises, Inc	12,000.00	426.28
Do	Mutual Fairness Taxation Assn	31,250.00	10,277.86
Thrift Roundtable, 1450 G St., NW, #600 Washington, DC 20005			
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	12,646.14	98.37
Robert C. Troup, Box 893 New Canaan, CT 06840			
Genevieve W. Tuchow, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies	4,000.00	
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	220.00	19.00
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee	4,238.00	
Unilever United States, Inc, 390 Park Ave. New York, NY 10022			4,243.10
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		55,707.03	55,707.03
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		10,933.74	1,507.05
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc		
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Kristin Lea Vehrs, 1110 Vermont Avenue, NW, #1160 Washington, DC 20005	American Assn of Zoological Parks & Aquariums	1,000.00	800.00
Do	Texas Shrimp Assn	1,000.00	310.00
Alfred H. Velarde, 2517 Babcock Road Vienna, VA 22180	Pureco Energy, Inc	6,000.00	
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005	Atlantic Richfield Co	2,650.00	
Do	Bell Atlantic Corp		
Do	Brown & Root, Inc	108.75	
Do	Central Gulf	2,332.50	
Do	Continental Airlines	7,427.50	
Do	GenCorp	13,456.25	
Do	Investment Company Institute	77,570.75	
Do	John F. Kennedy Center for the Performing Arts	250.00	
Do	NYNEX Corp	21,532.50	
Do	Rayburn Country Electric Cooperative, Inc		
Do	STV Engineers		
Do	Travelers Corporation	11,316.25	
Do	TRW, Inc		
Do	UNC, Inc	3,256.25	
Jean Vernet, 105 East 22nd Street New York, NY 10010	Community Service Society	37.70	246.05
Virginia C. Vertiz, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators	5,355.42	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents	18,750.00	
Victoria E. Vidal, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	1,000.00	
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		40,750.00	12,411.00
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	210.00
Marcos Von Golhman, P.O. Box 65475 Washington, DC 20035	Guyana Airways Corp		
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Cardinal Industries, Inc		
Do	Committee of Publicly Owned Companies	1,046.70	220.25
Do	Dale Michael A/K/A Riviera Bowling Lanes		173.15
Do	Distrigas Corp	1,644.80	63.48
Do	Fraternal Order of Police - National Headquarters		
Do	Hanson Industries		
Do	HPM Corporation	2,574.00	6.58
Do	Ohio Deposit Guaranty Fund	214.40	1.42
Do	Ohio Manufacturers Assn		
Do	Trustcorp/Toledo Trust Co	21,600.00	3,933.32
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
R. Douglas Wallin Jr., P.O. Box 1417 D49 Alexandria, VA 22313	Emerson Electric Co		
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc		
Barbara F. Warden, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	8,522.54	213.83
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			1,882.50
Bill Wasserman, 215 Pennsylvania Ave., SE Washington, DC 20036	Public Citizen Inc	1,000.00	
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	63.38	
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	26.00	
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	30.03	
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Daniel Weiss, 330 Pennsylvania Avenue, SE Washington, DC 20003	Sierra Club	6,042.00	2.00
Stanley A. Weiss, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	56.25	6.60
Judith Wessler, 105 East 22nd St. New York, NY 10010	Community Service Society	68.95	
W. P. West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	2,500.00	1,286.11
W. Keith White, 412 First St., SE, #100 Washington, DC 20003	White & Associates (For:Concerned Shrimpers of America)	1,200.00	
Donald W. Whitehead, 1000 Connecticut Ave., NW, #707 Washington, DC 20036	Washington States Representatives	500.00	
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,350.00	
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		868.90
Dean M. Wilkinson, 1436 U Street, NW Washington, DC 20009	Greenpeace USA	2,215.68	181.16

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barrett Williams, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	7,483.26	
Lawrence F. Williams, 330 Pennsylvania Avenue, SE Washington, DC 20003	Sierra Club	1,491.93	
Lucinda L. Williams, 1155 15th Street, NW, #510 Washington, DC 20005	American Health Care Assn	10,000.00	
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	710.00	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	462.00	376.00
Williams & Connolly, 839 17th St., NW Washington, DC 20006	National Comm to Preserve Social Security		546.00
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	225.00	15.34
Do	American Real Estate Committee		
Do	Association of Family Farmers		59.98
Do	Association of Progressive Rental Organizations		
Do	Robert M. Bass Group		230.17
Do	Century 21 Real Estate Corp		
Do	College Construction Loan Insurance Assn	112.50	6.97
Do	CIGNA Corporation	362.50	15.34
Do	Environmental Processing, Inc		
Do	Estee Lauder, Inc	225.00	15.34
Do	Federation for American Immigration Reform		
Do	Financial Security Assurance		73.93
Do	First Boston Corp	5,242.50	336.18
Do	Goldome FSB		
Do	GAMMA Corp		8.37
Do	Hazel/Peterson Cos, Inc	10,100.00	142.29
Do	Higher Education Assistance Foundation		
Do	Kellogg Company		
Do	Kelly Appleman Hart & Hallman		8.37
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards	787.50	52.64
Do	Norfolk Southern Corp	887.50	55.80
Do	Paralyzed Veterans of America		
Do	Pharmaceutical Manufacturers Assn		
Do	Recording Industry Assn of America, Inc	562.50	37.66
Do	Southwest Airlines		
Do	Southwestern Bell Corp		
Do	Student Loan Marketing Assn	800.00	59.98
Do	Texaco, Inc	225.00	15.34
Do	Texas Air Corp	3,375.00	223.19
Do	Trailer Train Co	675.00	44.64
Do	Turner Broadcasting System, Inc	2,025.00	133.92
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Deutsche Lufthansa AG		
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Marie Winslow, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	8,679.26	
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Appraisal Associates, Inc		
Do	American Assn of Museums		
Do	City of Tucson		
Do	Council of Forest Industries of British Columbia		
Do	CNA Financial Corp		
Do	Emerson Radio Corp		
Do	International Council of Shopping Centers	320.00	9.00
Do	Lease Management Corp		
Do	National Council of Health Facilities Finance Authorities		
Do	Staley Continental, Inc		
Do	Syntex Laboratories, Inc		
Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	2,100.00	333.52
Thomas J. Wolf, 5810 Wilmett Road Bethesda, MD 20817	Rendon Company (For:EXPEX, Inc)		
Do	Rendon Company (For:Government of Aruba)		
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,050.00	2,395.00
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	5,000.00	84.00
F. Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		26.94
Do	Rio Grande Valley Sugar Growers		26.94
Brooks B. Yeager, 330 Pennsylvania Avenue, SE Washington, DC 20003	Sierra Club	2,062.54	36.70
Richard K. Yep, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development	8,975.00	
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	1,500.00	
Do	United Assn of Jnymen & Appren of Plmbg & Pipefg Industry	4,500.00	
Mitchell Zeller, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	250.00	22.50
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036		4,195.00	2,819.00
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	2,816.00	

EXTENSIONS OF REMARKS

PROTECTION OF PUBLIC INTERESTS IN HOSTILE BUSINESS TAKEOVERS

HON. TIMOTHY J. PENNY
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. PENNY. Mr. Speaker, today I am introducing legislation with our colleagues JIM BATES, BILL LIPINSKI, MAJOR OWENS, HELEN DELICH BENTLEY, and JERRY COSTELLO to protect the public's interest in hostile business takeovers. Last Congress I had offered similar legislation (H.R. 2016).

We have heard a great deal about these takeovers in recent months. It is time to do something about them.

It is time to do something because there are many people who can be hurt by takeovers but who do not have any say about the takeover transaction itself. Too often, these are loyal, long-term employees concerned about their jobs and retirement and small investors who fear a loss of their savings.

The national economy itself is affected when investment dollars are tied up in a takeover battle. Dozens of takeovers have tied up tens of billions of dollars in the last few years. Economists agree that this is a very unproductive use of capital. These funds would be better used to buy new equipment, renovate plants, construct new buildings, do research on new products, and create more jobs.

For employees, the threat of a takeover has a negative impact. They rightfully fear plant closings, job losses and the wholesale restructuring of the combined business if a takeover is successful. These fears undermine employee/employer cooperation that becomes even more important if a merger occurs.

Customers and suppliers of a company that are bought out in a hostile takeover face the same kind of threat. Longstanding relationships, both nationally and within communities, can be disrupted by management and organizational decisions made by the new company resulting from a forced merger.

In addition, if plants are closed and jobs are lost, local governments lose their tax base, and communities lose their economic vitality. Local businesses are hurt, churches and schools close, residential property taxes skyrocket, and too often communities die.

Finally, if the new, combined company is weakened by the cost of a takeover, the stockholders of both companies lose.

Recognizing the negative consequences of many hostile takeovers, I believe something should be done. However, we can rely on the free market to do it. We can rely on the free market by providing additional information to the shareholders of both the target company and the acquiring company before a takeover begins. In addition, we must insure that all shareholders of the target company are treated equally in the takeover process.

The legislation I am introducing today has provisions designed to prevent the negative consequences of hostile takeovers.

First, the legislation requires that a company planning to acquire another prepare a statement of its plan for plant closings, changes in workforce, modification of supplier agreements, and any other major changes in its cooperate structure, management or personnel. This statement then must be made available to the shareholders of the target company. The takeover would be permitted to proceed only if the transaction were approved by a majority vote of the shares of the target company that are not owned already by the company planning the takeover. This statement guarantees that shareholders have more information about the planned takeover than just the price they are being offered for their stock.

Second, the bill would stop a company from paying more for the first shares acquired in a takeover than for those remaining after the takeover has progressed. To prevent this "two tier" pricing, under the terms of this bill, an acquiring company must pay the same amount for all shares acquired over a period of 2 years following an initial takeover attempt.

Mr. Speaker, megamergers have far reaching economic and personal effects. Employees, community officials, and stockholders should have information about planned corporate changes and should be given time to consider those plans. This bill requires both.

I urge my colleagues to support this legislation.

Mr. Speaker, I ask that the text of this legislation follow my statement.

H.R. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Community, Employee, and Stockholder Right-to-Know Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) To assure that the impacts of takeovers on all affected constituencies are identified and disclosed prior to the consummation of these transactions;

(2) to provide to shareholders both necessary information and the opportunity to thus cast fully informed votes on any takeover transactions; and

(3) to encourage reasoned decisionmaking by assuring equal financial treatment of all shareholders similarly situated at the time any takeover attempt is initiated.

SEC. 3. DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new paragraph:

"(41) The term 'beneficial owner' includes, but is not limited to, any person who directly or indirectly through any contract, arrangement, understanding, relationship, or otherwise has or shares the power to vote or direct the voting of a security or the power to dispose of, or direct the disposition of, the security, or both. 'Beneficial ownership' includes, but is not limited to, the right, exercisable within 60 days, to acquire securities through the exercise of options, warrants, or rights or the conversion of convertible securities, or otherwise. The securities subject to such options, warrants, rights, or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of securities beneficially owned by any relative or spouse or relative of the spouse residing in the home of such person, any trust or estate in which such person owns ten percent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which such person owns ten percent or more of the equity, and any affiliate or associate of such person.".

SEC. 4. SUSPENSION AND TERMINATION OF TENDER OFFERS.

Section 14(d) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new paragraphs:

"(9)(A) The Commission may by order summarily suspend the effectiveness of an offer for, or request or invitation for tenders of, a security if the Commission determines that the statement filed under paragraph (1) does not contain all of the information specified in section 13(d)(1) or that the information provided to offerees does not provide full disclosure to offerees of all material information concerning the offer for, or request or invitation for tenders of, a security. The suspension shall remain in effect only until a determination is made following a hearing held pursuant to subparagraph (B).

"(B) A hearing shall be scheduled by the Commission with respect to each suspension under this paragraph and shall be held within ten calendar days of the date of the suspension. Any determination made following the hearing shall be made within three calendar days after such hearing has been completed. If, based upon the hearing, the Commission finds that the offer, request, or solicitation fails to provide for full and fair disclosure to offerees of all material information concerning the offer, request, or solicitation, or that the offer, request, or solicitation is in material violation of any provision of this title, the Commission shall permanently suspend the effectiveness of the offer, request, or solicitation, subject to the right of the offeror to correct the disclosure and other deficiencies identified by the Commission and to reinstitute the offer, request, or solicitation by filing a new or amended statement pursuant to paragraph (1).

"(10)(A) No offeror may make an offer for, or request or invitation for tenders of, or acquire any equity securities at any time when any proceeding by the Commission is pending against the offeror alleging a viola-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tion of any provision of this title or of the Securities Act of 1933.

"(B) No offeror may acquire, remove, or exercise control, directly or indirectly, over any assets of the issuer pursuant to an offer for, or request or invitation for tenders of, such securities at any time when any proceeding by the Commission is pending against the offeror alleging a violation of any provision of this Act or the Securities Act of 1933.

"(C) No offeror may acquire any equity securities of any class of an issuer at any time within two years following the last purchase of securities pursuant to an offer for, or request or invitation for tenders of, securities of that class, including, but not limited to, acquisitions made by purchase, exchange, merger, consolidation, partial or complete liquidation, redemption, reverse stock split, recapitalization, reorganization or any other similar transaction, unless the holders of the equity securities are afforded, at the time of the acquisition, a reasonable opportunity to dispose of the securities to the offeror upon substantially equivalent terms as those provided in the earlier offer, request, or invitation.

"(11) All shares acquired in violation of any provision of this section or any rule or regulation hereunder, or any order of the Commission of which the person has notice, shall be denied voting rights for one year after acquisition. Such shares shall not be transferable on the books of the target company for one year after acquisition and the issuer shall, during this one-year period, have the option to call the shares for redemption at book value per share as of the last day of the fiscal quarter ended prior to the date of the call for redemption. Such a redemption shall occur on the date set in the call notice, but not later than 60 days after the call notice is given.".

SEC. 5. CONTENTS OF DISCLOSURE STATEMENTS BY PRINCIPAL SHAREHOLDERS AND TENDER OFFERORS.

Section 13(d)91) of the Securities Exchange Act of 1934 is amended—

(1) in subparagraph (B), by inserting after "making the purchases," the following: "including (if applicable) a description of any securities which are being offered in exchange for the equity securities of the issuer,"; and

(2) in subparagraph (C), by striking out "merge it with any other person, or to make any other major change in its business or corporate structure" and inserting in lieu thereof "effect its merger or consolidation with any other person, to change the location of its principal executive office or of a material portion of its business activities, to change its management or make any major change in the number of its employees or make any other changes in its policies of employment, to materially alter its relationship with suppliers or customers or the communities in which it operates, or make any other major change in its business, corporate structure, management, or personnel".

SEC. 6. FRAUDULENT, DECEPTIVE, OR MANIPULATIVE PRACTICES DURING TAKEOVERS.

Section 14(e) of the Securities Exchange Act of 1934 is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraphs:

"(2) As part of the rules and regulations defining, and prescribing means reasonably designed to prevent, acts and practices that are fraudulent, deceptive, or manipulative, the Commission shall promulgate rules and regulations to prohibit—

"(A) the sale by any principal stockholders of the issuer of any of their equity securities to the offeror for a consideration greater than that to be paid other stockholders pursuant to the offer, request, or invitation, or the purchase of any of the securities of a principal stockholder of the issuer by the offeror for a consideration greater than that to be paid other stockholders, pursuant to an agreement not disclosed to the other stockholders;

"(B) the refusal by the issuer to permit an offeror who is a stockholder of record to examine its list of stockholders, and to make extracts therefrom, for the purpose of making an offer, request, or invitation in compliance with this section, or, in lieu thereof, to mail any solicitation materials published by the offeror to its security holders with reasonable promptness after receipt from the offeror of such materials together with the reasonable expenses of postage and handling; and

"(C) the solicitation of any acceptance or rejection of an offer, request, or inivitation before the filing of the statement required by paragraph (1).

"(3) For the purpose of paragraph (2), the term 'principal stockholder' includes any person required to file a statement under section 16.".

SEC. 7. ACQUISITIONS OF CONTROL.

Section 13 of the Securities Exchange Act of 1934 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h)(1) Unless otherwise expressly provided in the articles of incorporation of an issuer, this subsection applies to a control share acquisition.

"(2) All securities acquired by an acquiring person in violation of paragraph (5) shall be denied voting rights for one year after acquisition. Such securities shall not be transferable on the books of the issuer for one year after acquisition. The issuer shall, during the one-year period, have the option to call the securities for redemption at book value per share as of the last day of the fiscal quarter ended prior to the date of the call for redemption. Such a redemption shall occur on the date set in the call notice, but not later than 60 days after the call notice is given.

"(3) A person proposing to make a control share acquisition shall deliver to the issuer at its principal executive office a statement in such form as the Commission may, by rule prescribe, setting forth—

"(A) the identify of the person;

"(B) a reference that the statement is made under this subsection;

"(C) the number of shares of the issuer beneficially owned by the person;

"(D) a specification of which of the following ranges of voting power in the election of directors would result from consummation of the control share acquisition:

"(i) at least 10 percent but less than 20 percent;

"(ii) at least 20 percent but less than 30 percent;

"(iii) at least 30 percent but less than 40 percent;

"(iv) at least 40 percent but less than a majority; and

"(v) at least a majority; and

"(E) the terms of the proposed control share acquisition, including, but not limited to, the source of funds or other consideration and the material terms of the financial arrangements for the control share acquisition, any plans or proposals of the acquiring person to liquidate the issuer, to sell all or substantially all of its assets, or merge it or exchange its shares with any other person, to change the location of its principal executive office or of a material portion of its business activities, to change its management or make any major change in the number of its employees or make any other changes in its policies of employment, to materially alter its relationship with suppliers or customers or the communities in which it operates, or make any other major change in its business, corporate structure, management, or personnel.

"(4) Within five days after receipt of a statement pursuant to paragraph (3), a special meeting of the stockholders of the issuer shall be called to vote on the proposed control share acquisition. The meeting shall be held no later than 55 days after receipt of the statement, unless the acquiring person agrees to a later date, and no sooner than 30 days after receipt of the statement, if the acquiring person so requests in writing when delivering the information statement. The notice of the meeting shall at a minimum be accompanied by a copy of the information statement and a statement disclosing that the issuer recommends acceptance of, expresses no opinion and is remaining neutral toward, or is unable to take a position with respect to the proposed control share acquisition. The notice of meeting shall be given within 25 days after receipt of the information statement.

"(5)(A) The acquiring person may consummate the proposed control share acquisition if and only if both of the following occur:

"(i) The proposed control share acquisition is approved by the affirmative vote of the holders of a majority of the voting power of all securities entitled to vote which are not beneficially owned by the acquiring person. A class or series of securities of the corporation is entitled to vote as a class or series if any provision of the control share acquisition would, if contained in a proposed amendment to the articles, entitle the class or series to vote as a class or series.

"(ii) The proposed control share acquisition is consummated within 180 days after shareholder approval.

"(6) Notwithstanding any contrary provision of this title, a proxy relating to a meeting of stockholders required under paragraph (4) must be solicited separately from the offer to purchase or solicitation of an offer to sell securities of the issuer and must not be solicited sooner than 30 days before the meeting unless otherwise agreed in writing by the acquiring person and the issuing public corporation.

"(7) An acquiring person may on written demand examine the most recently prepared stockholder register for the purpose of communicating with stockholders to obtain authorization for a control share acquisition under this subsection.

"(8) For purposes of this subsection—

"(A) the term 'acquiring person' means a person that is required to deliver a statement under this section; and

"(B) the term 'control share acquisition' means an acquisition of shares of an issuer resutling in beneficial ownership by an acquiring person of a new range of voting power specified in paragraph (3)(D), but does not include any of the following:

"(i) an acquisition before, or purusant to an agreement entered into before, the effective date of this section;

"(ii) an acquisition by a donee pursuant to an inter vivos gift not made to avoid this subsection;

"(iii) an acquisition pursuant to a security agreement not created to avoid this subsection; or

"(iv) an acquisition from the issuer.".

LIBYAN-BACKED TERRORISM IN AMERICA: THE UNITED STATES MUST REMAIN VIGILANT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BROOMFIELD. Mr. Speaker, while I commend the fine work of New Jersey State troopers and the FBI in bringing convicted terrorist, Yu Kikumura, to justice, I am concerned that Qadhafi and other supporters of state terrorism may again try to bring the scourge of violence to our own shores. America must be prepared to defeat future terrorist attacks in our own land.

Over the years, as terrorist attacks against American targets overseas have become almost routine occurrences, our Government's focus has been directed toward the high-terrorist threat regions of the world. I am concerned about the possibility that terrorist might increase their efforts to infiltrate this country and operate in our own backyard. The openness of our society, our long borders and the huge illegal alien population in the United States are all factors which can facilitate the successful covert entry of terrorists into America.

In 1987, three suspected Arab terrorists of Lebanese origin crossed into the United States from Canada carrying explosives. Fortunately, they were arrested in Vermont before they could carry out their planned bombing operations.

Later that year, five members of one of this Nation's deadliest street gangs were sentenced to long prison terms for conspiring to acquire $2.5 million from Libya in exchange for their offer to commit terrorist acts in the United States. They allegedly bought a disabled antitank weapon from undercover Federal agents and then traveled to Libya to meet with Libyan representatives in order to discuss their planned terrorist operations in the United States.

Last year, Mr. Kikumura legally entered the United States, and planned to bomb three different locations in Manhattan in retaliation for the 1986 United States bombing of Libyan terrorist training facilities. Kikumura is a member of the Japanese Red Army and was secretly working with agents of Libyan leader, Mu'ammar Qadhafi. A recent State Department report on Libyan terrorism clearly links the JRA with Qadhafi and notes that the JRA does Qadhafi's bidding.

A few days after Kikumura was arrested, JRA terrorists successfully bombed a USO club in Naples, Italy. Italian authorities linked the car used in the attack of a known JRA terrorist, and an anonymous caller claimed that the attack was in retaliation for the United States bombing of Libya.

While the work of protecting U.S. diplomats and diplomatic facilities overseas continues, we must also remember that future acts of terrorism here in our own country are a distant possibility. The agencies of our Government responsible for America's domestic security need to have the resources necessary to carry on this battle and they must be eternally vigilant in combatting this new and deadly menace.

I commend the following Washington Post article to my colleagues in the Congress.

TERRORIST BOMB PLOT OUTLINED

(By Howard Kurtz)

NEW YORK, February 2.—A suspected Japanese terrorist was secretly working with Libya to detonate bombs at three sites in Manhattan, including a Navy recruiting office, when he was arrested last April, a federal prosecutor said today.

New details involving Yu Kikumura, convicted in November without offering a defense, emerged as prosecutors and defense lawyers prepared for his sentencing Monday in U.S. District Court in Newark.

In a confidential presentencing memorandum, the government charged that Kikumura is a member of the Japanese Red Army who was secretly working with agents of Libyan leader Moammar Gadhafi seeking retaliation for the 1986 U.S. bombing of Libya, according to Samuel A. Alito, U.S. attorney in Newark.

The government alleged that a map with three pinholes, found in Kikumura's car, showed that his targets were the United Nations, the Manhattan garment district and a Navy recruiting office. His goal was "mass slaughter," prosecutors charged in their 32-page memo.

Ronald L. Kuby, Kikumura's attorney, called the charges "wild and unsubstantiated speculation" and said, "We categorically deny that he was planning to injure or kill people."

Kuby said in his presentencing memo that prosecutors had resorted to "innuendo and guesswork" in an attempt to link Kikumura to Libyan terrorists.

Alito agreed to confirm the government's findings after being told that many of the details were cited in the defense memo, made available to The Washington Post. This is the first time that prosecutors have discussed publicly the alleged nature of Kikumura's mission.

Kikumura, 36, was arrested last April 12 at a rest stop on the New Jersey Turnpike by a state trooper who thought he was acting suspiciously. Kikumura, apparently heading for Manhattan, was found to be carrying three 18-inch pipe bombs loaded with gunpowder.

At a brief nonjury trial in November, Kikumura did not contest several federal charges, the most serious of which was transporting explosives with intent to kill.

Alito noted that Kikumura's arrest came two days short of the second anniversary of the U.S. bombing of Libya. Two days after the arrest, five people were killed in the bombing of a USO club in Naples, Italy. A Japanese Red Army member was the chief suspect.

"The Japanese Red Army was carrying out retaliatory bombings for the Libyan air strike," Alito said. He said a State Department report recently noted the group's role "in doing Gadhafi's bidding."

The govenrment memo alleged that a confidential informant reported having seen Kikumura, wearing a ski mask, training in Lebanon's Bekaa Valley with several other masked persons who later went to Libya.

Kurby denied this and, in his memo, assailed "the government's imaginative attempts to bootstrap this into the much-discussed 'Libyan terrorism' . . . Because the bombs were not planted or detonated, the prosecution feels free to conjure up scenarios of 'mass slaughter.'"

While federal sentencing guidelines call for Kikumura to receive a prison term of 27 to 33 months, prosecutors have asked that U.S. District Court Judge Alfred J. Lechner sentence him to spend most of his life in prison.

Kuby said he asked that the govenment be required to prove its terrorism allegations at a court hearing. "The Constitution does not permit imprisonment by innuendo," he said.

Alito said such a hearing would jeopardize confidential sources and hinder terrorism probes. "It's hard enough to get confidential informants to tell you what's going on in places like the Japanese Red Army," he said.

Alito said the sentencing guidelines "don't take into account the nature of the bombs he had, what he intended to do with the bombs or the fact that he's an international terrorist. I don't think you'd find a judge in the country who would give this guy two or three years."

Kuby declined to say why his client was carrying three powerful bombs in the back seat of a 1980 auto.

FLORIO HONORS ANDREW DiMATTEO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding individual from the State of New Jersey, Andrew F. DiMatteo.

Andy DiMatteo was born on February 27, 1924, in Trenton, NJ. After serving his country for 3 years in the Navy during World War II, he returned to Trenton to seek employment.

Andy was hired by the General Motors Corp. in November 1946. Two and a half years later he married a fellow employee, the former Irene Stolarski. On July 9 of this year, Andy and Irene will celebrate their 40th wedding anniversary.

There are few people who have demonstrated the level of leadership and community service as Andy DiMatteo. Recognizing the importance of the American Labor movement, Andy has a long history of service to the United Auto Workers of America. He has held several elected positions with local 731, including president, Executive Board and Election Committee. During the period from 1973 to 1988, Andy was elected five times as a delegate to the UAW National Convention.

While serving as president of local 731, Andy was elected vice president of the UAW Region 9 CAP Council. He also served for 5 years as the local 731 delegate to the Mercer County Industrial Union Council.

Andy was appointed by the international union to serve as the UAW joint member of the Local Health and Safety Committee. He has served in this position for the past 15 years and has received extensive yearly training. Andy holds union labor training certifi-

cates from Rutgers, Penn State, Cornell, and Flint Institute in Michigan.

In addition to his work with the UAW, Andy has been very active in local political and civic activities. Andy's community service includes 7 years as a member of the Ewing Township Zoning Board and 7 years as a board member of the Ewing-Lawrence Sewerage Authority, where he is currently serving his second term as chairman.

Andy and Irene have three children, Christine, Linda, and Drew; and three grandchildren, Amanda and David Spalinski, ages 7 and 6; and Andrew DiMatteo, age 1½.

On Saturday, February 25, 1989, Andy's many friends and family will join him at a testimonial retirement dinner, in honor of his many years of service to the United Auto Workers and community.

Mr. Speaker, I am certain that my colleagues would join me in congratulating Andrew DiMatteo, and wishing him and Irene many happy and healthy retirement years together.

INCLUDE THE DRUG CZAR IN THE CABINET

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. RANGEL. Mr. Speaker, on February 9, 1989, I introduced House Concurrent Resolution 51 calling for the inclusion of the Director of National Drug Control Policy as a fully participating member of the President's Cabinet. A similar measure, Senate Resolution 19, was introduced by Senator ALAN DIXON on January 25, 1989.

By now, everyone knows of the damage drugs are doing to America—a murder a day in the District of Columbia, public housing projects made uninhabitable because of violence associated with drug dealing, and teenagers lured into the drug trade because of the money they can make serving as lookouts and pistol men for drug dealers.

Despite well-publicized seizures by the DEA, Customs Service, Coast Guard, and other agencies, drugs are cheaper in price and more available than ever. Illicit cultivation of drug crops abroad outpaces efforts by the Bureau of International Narcotics Matters to get foreign drug-producing nations to curtail their production. The United States itself is a significant producer of marijuana, and drug traffickers could not remain in business if there was not a huge demand for their product in the United States.

With a new President in office, now is an appropriate time to reassess our current policies for fighting drugs and to undertake some new initiatives. President Bush pledged in his inaugural address, "this scourge will stop."

President Bush said in this speech:

And when that first cocaine was smuggled in on a ship, it may as well have been a deadly bacteria, so much has it hurt the body, the soul, of our country.

He also called for a "new engagement . . . between the Executive and the Congress."

I welcome the President's call for a stepped-up attack on drugs, and I know Congress is ready at any time to cooperate with the administration in working toward the goal of a drug-free America.

Last year, as part of the Anti-Drug Abuse Act of 1988, the Congress created the Office of National Drug Control Policy headed by a Director of National Drug Control Policy, the so-called drug czar. William Bennett, the former Secretary of Education, has been selected by President Bush to be the Director of National Drug Control Policy. Mr. Bennett has testified twice before the Select Committee on Narcotics on drug abuse education programs. He is knowledgeable about the drug issue and committed to reducing drug usage in America.

President Bush pledged at his first news conference that he would be at Mr. Bennett's side whenever he needed him to show his commitment to winning the battle against drugs. In his budget address to Congress on February 9, he reiterated his commitment to a strong antidrug program and his full support for Mr. Bennett saying:

Our new drug czar, William Bennett, and I will be shoulder to shoulder in the executive branch, leading the charge in the war against drugs.

Nothing the President can say, however, would demonstrate his support of the drug czar more than making the drug czar a fully participating member of the Cabinet. This would be an unmistakable signal, to the rest of the Cabinet, to our Nation and to the world, that antidrug efforts will be given the highest priority by the Bush administration.

Congress gave the drug czar Cabinet rank, but the drug czar will not truly be a first-team player unless he is included in the Cabinet and can participate fully in Cabinet meetings. He cannot be an effective advocate for comprehensive antidrug strategy or adequately address the impact that other foreign and domestic policy decisions will have on drug policies and programs unless he has equal access to other Cabinet members and the President. I urge President Bush to reassess his decision to exclude Mr. Bennett from the Cabinet.

COMMEMORATING BLACK HISTORY MONTH: A TRIBUTE TO MRS. ROSA PARKS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to recognize a woman who is known to many as the "Mother of the Civil Rights Movement." She is one of our country's most respected civil rights activists, a reputation that she has earned for her years of persistence in pursuing racial equality. Mr. Speaker, I can think of no individual who better personifies the struggle for racial justice than Mrs. Rosa Parks.

Mrs. Parks is best known for her role in the Montgomery bus boycott, the event which is often credited for igniting the Civil Rights Movement. In his latest novel, "Parting the Waters: America in the King Years 1954–63," Taylor Branch gives an excellent account of what happened to Mrs. Parks on that fateful day when she refused to move to the back of the bus.

On December 1, 1955, Rosa Parks left the Montgomery Fair department store late in the afternoon for her regular bus ride home. All thirty-six seats of the bus she boarded were soon filled, with twenty-two Negroes seated from the rear and fourteen whites from the front. Driver J.P. Blake, seeing a white man standing in the front of the bus, called out for the four passengers on the row just behind the whites to stand up and move to the back. Nothing happened. Blake finally had to get out of the driver's seat to speak more firmly to the four Negroes. "You better make it light on yourselves and let me have those seats," he said. At this, three of the Negroes moved to stand in the back of the bus, but Parks responded that she was not in the white section and didn't think she ought to move. She was in no-man's-land. Blake said that the white section was where he said it was, and he was telling Parks that she was in it. As he saw the law, the whole idea of no-man's-land was to give the driver some discretion to keep the races out of each other's way. He was doing just that. When Parks refused again, he advised her that the same city law that allowed him to regulate no-man's-land also gave him emergency police power to enforce the segregation codes. He would arrest Parks himself if he had to. Parks replied that he should do what he had to do; she was not moving. She spoke so softly that Blake would not have been able to hear her above the drone of normal bus noise. But the bus was silent. She should not move until he returned with the regular Montgomery police.

As the cliche goes, "the rest was history." Mrs. Park's arrest provided the impetus for the local chapter of the NAACP to challenge the Alabama segregation laws, as well as kicking off a city-wide bus boycott which lasted 381 days and virtually crippled the bus system in Montgomery. On December 21, 1956, Montgomery's buses were integrated and the boycott was called off. This single event was perhaps the most effective grass roots effort by civil rights activists during the entire Civil Rights Movement. Much of its success is owed to Mrs. Rosa Parks.

Mr. Speaker, Mrs. Parks is known to many as the tired seamstress who refused to move to the back of the bus because her "feet hurt." This characterization is not only inaccurate, it is very unfair to Mrs. Parks. Rosa Parks was a dedicated member of the NAACP who was well aware of the larger struggle for racial justice. Her life as a civil rights activist has been exemplary, one that should serve as an example for all people concerned with promoting racial equality. I urge my colleagues to join me today in honoring Mrs. Rosa Parks for her commitment to civil rights.

PAY RAISE FOLLIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. DINGELL. Mr. Speaker, with much of the press ballyhooing the payraise as a ripoff and a congressional boondoggle there were

some beacons of light in both the electronic and print media who had the courage to cast the payraise issue in an ethical and realistic framework. Both Nancy Dickerson, of Fox Television News, in a broadcast on February 1, and Bob Talbert, writing for the Detroit Free Press on February 6, both pointed out the bottom line on the pay-raise issue: if the Congress does not permit the pay raise to take effect, the American people will be the ultimate losers. These commentators rightly argue that if we fail to pay our Federal judges and top Federal administrators a realistic wage, the exodus of talent from the executive and judiciary branches will be enormous. I couldn't agree with them more:

NANCY DICKERSON'S FOX TELEVISION NEWS COMMENTARY

Should congress get a pay raise and should they vote on it, publicly, one way or another?

The answer to the first question is yes. Yes, they should get a raise. And the answer to the second is no, they should not vote on it publicly because if they do, they will defeat it because voting yourself a raise is the most unpopular thing a congressman can do. So, unless congress decides to change it, the current plan provides that judges, other top government officials and congressmen get a raise without congress voting directly. This is not a sneaky device; it's the same way we determine which unnecessary military bases to close because no congressman wants a base in his district closed no matter how obsolete it is. So an impartial group makes the unpopular decision. In this case, salary increases were recommended by a commission headed by Lloyd Cutler, the distinguished Washington lawyer. He tells me that if congress votes publicly, the whole carefully crafted plan will fail.

In the past 20 years the general public has done better in real wages, has done better than congress, by 35%. In fact the entire structure of government results in top officials who are underpaid, their salaries not commensurate with the awesome responsibilities they bear. We must attract the very best that America produces. Under the current system good men can't afford to work here or to run for office unless they are rich. That doesn't make sense and may explain the low caliber of some bureaucrats.

Remember, you pay for what you get. And since government officials, congress in particular, decide so many crucial things about my life—I want the very best and believe me, I'm willing to pay for it.

I'm Nancy Dickerson and that's my commentary.

APATHY THAWS OUT AS NATION'S EMOTIONS RISE

(By Bob Talbot)

Emotions are running high, aren't they?

Sometimes they turn to blind rage—or sometimes into a blindfold.

Everyone, everywhere you turn, seems to be getting all emotional about something.

In one way this is good, even terrific. People are coming down on one side of an issue or the other. No wishy-washy fence-straddling here. No "who cares" and "why bother".

The fact that we are concerned, the fact that we are taking sides openly and noisily speaks well, if loudly, about us as a people.

As a people we seem to go through phases: periods of silence or speaking out. Right now, it's Stand Up and Speak Out Time in America. Some periods we say nothing about nothing. Sit on our hands, reserve our opinions, possibly because we're afraid they wouldn't jibe with everyone. Make no waves. Status quo.

I have to hand it to Ralph Nader and talk-show hosts like WXYT-AM's Roy Fox who emotionalize on the issue of federal pay raises, mobilizing it into a rage against the people we entrust to run out national government, rule on court cases and run programs.

We get the government we deserve and pay for. If we pay our legislators enough, we will attract the best and brightest who now wouldn't touch government on a bet.

If we pay our judges enough, the best and brightest in the law would seek the positions.

If you pay people a wage they are happy with, they are loyal to you. If we allow the single-issue Political Action Committees and the payers of favor-currying honoraria to pay our legislators more than we do, then guess who they are going to be more loyal to? Our votes and support don't mean beans when the PACmen come knocking and reminding.

If you think our congressmen acted like a bunch of chicken-skinned, yellow-livered, noodle-spined hypocrites during this whole thing—you are exactly right. Know why? That's exactly the sort of person you're going to get for that job at the price we pay them in this day and time.

We're getting discount legislators at discount prices and they're giving us discount government. And if the current methods of giving government workers pay raises remain in place, we'll soon be getting garage-sale legislators at garage-sale prices giving us garage-sale government.

So, I differed totally with the no raise, no-way attitude of Roy Fox and others who helped crank up the anti-government bandwagon early. I did appreciate Roy's kind offer to a Tea Bag critic like me to come on his show Tuesday "to get in on the fun," as he said.

I declined because "that's your fun, Roy, not mine." Fun, to me, is when energy is spent and progress is made. No matter what you say and do, there's no way I see any sort of progress in what the anti-pay raise forces have accomplished.

But I never became emotionally involved in the issue. I preferred the reasoned way of intellect and logic, which didn't seem to matter in this case from the start. Nothing was going to change America's decade-long mind-set against raising taxes and hiking the pay of our lawmakers.

Conservative, fed-up America is saying: don't throw money at problems and don't throw money at legislators because it won't do any good.

The populist backlash against the pay raise is our most glaring and extraordinary instance of emotions running high these days. But "highly emotional" is the state many are in.

In the last 24 hours, I've had people get extremely emotional with me about:

Hot singer Bobby Brown not showing up for his Sunday night Joe Louis Arena concert because the promoters said he was sick. My complainers heard he was "partying at the Pontch" and decided not to perform because it was his birthday.

Neil Diamond, wanting to open up great seats to his fans, making the Palace renege on promises to its Royal seat-holders ($5,000 a seat) for tickets to every show.

The movie "Mississippi Burning" for slandering Mississippi and the South in the '60s. That from a couple who worked there then in the civil rights movement.

Abortion, in every way, shape and form. I've yet to meet anyone without an opinion on this, or one with an opinion I thought was going to change.

Closing Detroit Catholic churches is proving so much more emotional than the Detroit Catholic hierarchy imagined; it doesn't know how to handle what it hadn't bargained for.

The next step after emotions running high is emotions running away. That next step is worrying me.

COSTLY PRESIDENTIAL INAUGURATION CEREMONIES

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. JOHNSON of South Dakota. Mr. Speaker, with each Presidential inaugural in recent years, there have been sharp increases in costs—both public and private.

Although it is difficult to regulate private expenditures by corporations and individuals, we can hope that common sense will prevail in the future and lead to greater restraint and respect for the dignity of the occasion.

With respect to public costs, we can and should make an effort to see that taxpayer dollars are not used to pay for lavish balls and other private activities. The expenditure of public funds should be limited—as much as possible—to public activities such as the actual swearing-in ceremony and necessary security protection for the President, Vice President, their families and other inaugural participants. I have introduced legislation (H.R. 587) to move that goal.

Two South Dakota newspapers last month printed excellent editorials which deal with this subject, and I recommend them to my colleagues for serious consideration.

One editorial is from the January 18 issue of the Yankton Daily Press and Dakotan, where Noel Hamiel is editor:

INAUGURATION'S PRICE TAG SENDS WRONG MESSAGE

Ugh.

That's our reaction to the reports that Friday's inaugural for incoming President George Bush will cost $32 million.

For those of you who thought that Ronald Reagan set a new standard for pomp and spending, you were right. But it was mostly OK. It was reassuring. The country needed to see the commander in chief on a fancy pedestal. The president of the United States ought to be surrounded by a certain amount of gilt and glitter.

But step aside now for real power partying on Jan. 20, when Mr. Bush takes the oath of office.

The president-elect makes no apologies for the tab, most of which is being picked up by private concerns. But just because corporate high-rollers write checks for $25 million, and the public pays $7.1 million, doesn't make this entertainment extravaganza any less offensive. Why does everything have to be show-biz instead of just traditionally ceremonial?

Although we never were all that impressed with Jimmy Carter carrying his own luggage, he got by on just $3 million when he was sworn in, a mere 10th of the cost of the Bush gala.

Is this the sort of example the new administration should be setting for fiscal restraint? It's like the company president who tells his employees that it's been a bad year and there's no money for raises—and then he redecorates his office, complete with bar and and hot tub.

The country no doubt is looking forward to the inauguration ceremony and all that goes with it. We are too. Yet this event is shaping up as another example of the profligate spending that sends entirely the wrong signal to those who have deep concerns about the have-nots in this country, and the debt.

The other editorial is from the January 22 issue of the Huron Daily Plainsman, where Roger Kasa is editor:

INAUGURAL SPENDING TAB DOESN'T HELP GOP IMAGE

According to news accounts, the cost of President Bush's three-day inaugural festival cost $32 million.

If that's true, and we have no reason to believe otherwise, we suggest it is time for the American people to question such extravagant spending for such a simple, yet historical, ceremony. Granted, the swearing-in ceremony for the president and vice president is a grand event, but is it necessary to spend that much money?

At a time when the Republican Party is battling the image that it is the "party of the rich," we would have thought that the party's current leader would have tried to turn that image around by planning an inaugural that was more affordable.

As the Yankton Press and Dakotan noted editorially, before the inaugural event, "the president-elect makes no apologies for the tab, most of which is being picked up by private concerns. But just because corporate high-rollers write checks for $25 million, and the public pays $7 million, doesn't make this entertainment extravaganza any less offensive. Why does everything have to be show biz instead of just traditionally ceremonial?

Closer to home, Craig Wenzel, in his column in the weekly Wesington Springs True Dakotan, writes: "I know my desk is an easier place to run the country than the Oval Office, but this is incredible. With people starving right here in America . . . with farmers scrimping to make ends meet . . . small businesses closing all over the Midwest . . . senior citizens struggling to make Social Security checks last a month . . . with more than 4,000 homeless people in South Dakota alone, there must be better places to sink that kind of cash."

We admit that at the start of the recent political campaign it was our opinion that George Bush didn't stand a chance. He was nothing but a wimp. And after he announced his choice for vice president, we thought the coffin was nailed shut.

The long, weary political campaign didn't do much to change our mind about that image. But then, we weren't very impressed with the other candidate either.

On Nov. 4, the people decided they wanted Bush to lead the country for the next four years. And since election night, Bush seems to have made a complete turnaround. He now looks and acts like the leader this country needs to carry on after eight years of Ronald Reagan.

That's why we are having some difficulty in understanding why Bush feels it is necessary to spend $32 million to take the oath of office. Sure, it's a once-in-a-lifetime experience (Bush is probably hoping he will have two shots at it), but with the many problems facing the Bush administration and the nation as a whole, we feel he is sending the wrong signal to the American people. He says he wants to be a president for all the people. At the moment, we would say he's certainly not afraid to spend our money.

A CASE OF EXTREMES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. GINGRICH. Mr. Speaker, the following is an editorial from the Clayton News Daily. It explains through a perfect example how the principle of separation of church and State can be taken to an extreme. While the Founding Fathers wisely recognized the inherent risks of a government sponsored religion, they did not intend to disallow the State from recognizing religion as a valid part of society. I would urge my colleagues to read this editorial.

[From the Clayton News Daily, Jan. 4, 1989]

WE REGRET THE RULING

Our sentiments about yesterday's 11th Circuit Court of Appeals ruling which bans pre-game invocations at public school athletic events are pretty much the same as those of Jonesboro attorney Larry Foster, a member of the State Board of Education and former attorney for the county school system.

We hate it and we hoped against hope that it would not come down as it did. However, we expected it.

Historically, this nation has been committed to the separation of church and state since its earliest days.

The trend in recent years, though, has been to interpret this commitment as erecting a complete barrier which bars almost any interaction between the two.

The always emotional question gets more difficult to decide when it is asked in terms of church-school relations.

Part of the growth of church-sponsored private schools over the last three decades has been due to the legal restrictions which have been placed on the relationship between the schools and religion.

As Mr. Foster pointed out, though, we are located within the 11th Circuit and—even if we should ignore this decision—that would be the court which would decide any case stemming from our local school system's action.

What the 11th Circuit rules is, in effect, the law until it is changed by a higher authority—either overturned by the U.S. Supreme Court or overruled by congressional action.

Since the Supreme Court has been ruling similarly over the years in cases involving church-state relations, we have to think they are not likely to overturn the Douglas County decision.

That means that if there are going to be any changes in the future, they will have to be enacted by Congress.

In the past, Sixth District Congressmen Newt Gingrich (who represents both Clayton and Douglas counties) has been supportive of local school systems who want to allow access to their facilities on an equal basis to all.

We think the time has come for some action to be taken which will set this nation back on a more equitable and reasonable foundation when it comes to the separation of church and state.

HONORING JOHN V. SCHMIDT

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. McEWEN. Mr. Speaker, I rise today to honor Mr. John V. Schmidt, who has received the 1988 Ohio Tree Farmer Award. His is truly an example of wise land management. His dedication to conservation, to understanding the forest, and to multiple use of forest resources while maintaining the forest beauty certainly makes him the best possible recipient of the Ohio 1988 Tree Farmer of the Year.

Caring for a farm such as his is no simple task. The use he and his family have made over their 100-year history of the educational and conservation tools of the Forest Service and Extension Services make the Schmidt Tree Farm certainly one of a kind.

He has also been nominated for the American Forest Council's Northeast Regional Tree Farmer of the Year Award. I can think of no better recipient. A man of diverse and interesting background, ranging from NCAA champion pole vaulter, Broadway singer, TV broadcaster for Ohio State basketball games, Ohio State University professor, and extenison specialist, Mr. Schmidt truly exemplifies the kind of person in whose hands we can trust our Nation's forests.

Mr. Schmidt's philosophy concerning forest conservation and forest has led him to these great achievements. I think no man can best describe it than himself. To this end, I would submit the following article for your interest. Taken from his address at the Ohio Forest Association Tree Farm Awards Luncheon, these words best explain Mr. Schmidt's belief in conservation combined with the sound management and use of our Earth's resources.

OFA/TREE FARM AWARDS LUNCHEON: 1988 TREE FARMERS OF THE YEAR JOHN AND MARY SCHMIDT

(By Mrs. Bert Silvius, Dundee, OH)

"One of the Hallmarks of the frontier tradition here in America is that of the trail blazing frontiersmen who opened this land to settlement and farming communities. Manifest destiny, a vision of one united community from sea to sea, was the password on the lips of every American citizen. This philosophy was strongly rooted in what Aldo Leopold called the Abrahamic concept of land use and management—that the highest purpose of any natural resource was to be found in the service of God's highest creation—man."

With this opening statement, John V. Schmidt began his presentation at the Ohio Forestry Association Annual Tree Farm Awards Luncheon, as he and his wife, Mary, were honored as the 1988 Ohio Tree Farm-

ers of the Year. The luncheon also featured the recognition of new tree farmers and outstanding tree farm inspectors, in addition to several individual awards, and special songs sung by Schmidt.

"With the advent of the 20th century, this attitude began to change," Schmidt went on. "This Abrahamic, or intensely extractive concept, has been slowly giving way to an ecologically healthier point of view. This new attitude is mirrored in what Aldo Leopold referred to as his concept of the man/land community—a philosophy of partnership in which mankind's responsibilities to his other community members on this earth must always equal his rights of resource extraction from the land."

"The impact of this philosophy is manifested in the rise of our national and state systems of parks and forests. The changing resource management practices of our federal, state and local governments are here on display."

"Now as a nation, we must judge the progress of these management practices by diverse standards: the renewal of beauty, the recreational and educational opportunities, and last but not least, the economic perspective."

"However, it is my firm belief that the acid test of the success of today's resource management practices will be seen in the results that you and I and all other private landowners produce here in the United States and throughout the world."

"The promotion of biological and ecological diversity on our 'space ship' earth is a delicate balancing act between the forces of protection and extraction. The often diverging concerns of conservation and of economic growth must both be answered. To this end, the technique of conflict management most often employed in the public sector of land-management is diversification, or the application of the multiple use concept. Broadly stated, the mandates of our national parks and forests generally mention this multiple use concept and translate it into timber, wildlife and mineral resource management: recreational and educational activities; as well as wilderness designation and protection."

"But what of you and me? What is our mandate? In focusing on this issue, let me begin with one family's history on the land here in Ohio. That of my family."

"Back in 1985, my grandfather, Fred Schmidt, Sr., began clearing more than 600 acres of Ross and Pike County hills. His aim was to convert the land to cattle pastures. To this end, he hired six 'squatter' families to clear the land. After they burned and slashed their way through the timber, they had cropping privileges for three years. Crossties, posts, tanbark and hickory butts were sold."

"When we hear of the deforestation of South America's rain forests the parallels strike home hard. It is a classic case of human beings seeking to survive and prosper in the only way they knew how by an intensive exploitation of the land".

"Fortunately, the United States has developed into one of the world leaders in the science of forest resource management. We now have the technical expertise to seek that balance of protection and extraction which is, I hope, the goal of every sensitive observer of the natural world".

"In 1926, my dad, J. P. Schmidt, took over the management of our home place. Being a firm believer in managing with an eye to the future, he actively sought the advice of Ohio's foremost forestry professionals of the day such as Forest Dean, O. A. Alderman, Frank Needham and many others.

"Through the practices of selective cutting and occasional clear cuts, to manage for disease, along with other forest management problems, dad put their good advice to work."

"In 1929, J. P. Schmidt, then a professor of rural sociology at Ohio State University, also took over the direction of Ohio's Farmers' Institute. Following his strongly held beliefs of forest/land management, he enlisted the forestry division personnel as instructors and encouraged the developing school community forests."

"As the years passed, the timber on our farm slowly made a comeback and the erosive effects of the squatters pressure passed away. In 1944, dad began building the first of three farm ponds under the land improvement program of the Soil Conservation Service. In 1947, he was instrumental in the formation of a survey research group directed by state service forester, Frank Needham of Chillicothe. The goal of this group was to study the possible utilization and marketing of Ohio's forest products. By 1948, the first full timber survey of our farm was completed. It was in the early 1950's that service forester, Byron Kent, first began cruising and marking timber for our family. Looking back today, from the perspective of his several decades of association with our family, it is easy to see how both our family and our forests have benefited from this advice in forest management and product marketing."

"Through the '50's and '60's, dad looked to Pete Cross to cut our timber, and during this time, dad turned to my cousin, Edward Schmidt, to manage the day to day operations suggested by forester Kent. It was midway through the '60's that I first took on the responsibilities of the overall management of the family farm. By this time my wife, Mary, and I determined that we would continue my dad's programs aimed at sustained yields of timber, while expanding into the area of farmland recreation."

"To this end, our system of stocked farm ponds was expanded to a total of five, two of which have sand beaches for the swimmers. Then Mary and I instituted a program of cabin rentals, with cousin Eddy and his wife, Martha, managing the on-site rentals and activities of this program. In addition, we graded and improved many of our old logging roads. This enabled us to add the extra recreational activities of trail hiking and horseback riding."

"In just the last few years the sustained yield forest management practices of the past five deades have paid tremendous dividends toward our overall farm revenues. I've continued to rely on the expertise of Byron Kent who now works as an independent forestry consultant and now our new Service Forester, Lee Crocker, who has also given us the benefit of his excellent advice and experience. We have also been quite fortunate to find a logging contractor like Perry Mustard, whose harvesting techniques are environmentally sound."

"Our goal has been to leave as few scars as possible on standing timber from felling or dragging logs. Damage to our streams, watersheds, and roads are repaired after the cutting of each compartment. In the last three years, we have selectively marked and cut seven tracts."

"In addition, we have further expanded our operations to maple syrup production. If nothing else, we expect to gain some good experience and have some fun with our new sugar operation."

"Today, the only remaining evidence of our squatters' presence are a few remnant stones of their cabin foundations. Now that the more destructive methods of land use are beginning to fade and the public views of conservation and development are being educated, our mandate as landowners seems to have become much clearer. In the '80's the concept of eco-development is gaining acceptance in our country, as in most of the developing nations throughout the world. I feel that sustained development, both agricultural and industrial, must be based upon intelligent and sensitive resource management practices."

"Ohio is one of the world's major regions of hardwood lumber production and research tells us our success is due largely to the efforts of Ohio's private landowners and their willingness to seek and take good advice from forestry professionals. This also includes the efforts of organizations such as the Ohio Forestry Association which provide a valuable forum for our exchange of views and news."

In conclusion. Schmidt said: "It may not be too easy to judge our own success or failure in achieving the global goals of ecologically sound development through the local perspective of Ohio's forest products industry. I trust that these Ohio forests will hear testimony to future generations of our honest efforts to give back to the land as much as we have received."

In his introduction of Schmidt, Lee Crocker, nominating forester, noted that during the time John was away from the farm he helped produce many educational films on forestry while at Ohio State University. "Just as a tree is tied to his roots, so was John," he said. "He continued to come back to the farm whenever it was possible. Today we honor John and Mary Schmidt as Tree Farmers of the Year because they understood the principles of nature and forestry and they also practiced them for the wise use of their forest."

TRIBUTE TO FREDERICK CLOUD, JR.

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. CLEMENT. Mr. Speaker, today I want to call to your attention the heroic efforts of a member of the Metropolitan Nashville Police Department.

His name is Frederick Cloud, Jr. On January 2, 1987, a very cold day in Nashville, Officer Cloud risked his life to save the life of a woman who was distraught and jumped from the Martin Luther King, Jr. Memorial Bridge into the icy waters of the Cumberland River.

Without regard to his own personal safety, Officer Cloud jumped into the river and saved the woman's life. This heroic deed should not go unnoticed.

Officer Cloud displayed the kind of courage and bravery that truly went above and beyond his call of duty. He is a shining example of a true hero not only to his fellow officers, all Nashvillians and Tennesseans, but to every person in our Great Nation.

On February 8, Officer Cloud was recognized by the U.S. Coast Guard. He received

their highest meritorious award for a citizen—the Coast Guard Silver Award.

No tribute can reflect my own personal appreciation of his actions, but I do urge each and every member of the U.S. House of Representatives to take note of his deeds. He is an example of an American hero in which we can all be proud.

I have enclosed the following news article which offers more detail of his lifesaving effort:

[From the Tennessean, Jan. 2, 1987]

HEROISM AND "LUCK" SAVE WOMAN IN RIVER

(By Lacrisha Butler)

An alert police officer, a heroic rescue and a fateful landing combined to save a woman's life after she plunged into the chilly waters of the Cumberland River yesterday.

"It was stupid. It was stupid," Penny Evans, 29, of 1813 Manchester Ave., told paramedics after she was pulled from the river about 10:30 a.m. "My chest is hurting bad."

She was listed in good condition last night in Vanderbilt Hospital.

Police said she jumped from the Martin Luther King Jr. Bridge in Bordeaux after an apparent spat earlier in the morning with her boyfriend, Michael Farmer, of the same address.

But Evans phoned *The Tennessean* late last night from her hospital room to insist that she fell off the bridge into the river after "drinking" throughout the night and just before the incident.

"I was definitely not trying to commit suicide. I don't even have the courage to jump off a bridge," she said.

Evans, who said she was a self-employed typist, said she asked her boyfriend to stop the car because she felt ill and got out of her car to vomit over the bridge rail.

"I leaned over the rail and the next thing I knew was that I was falling," she said.

She confirmed that she and Farmer had a spat, but she said they had made up and were headed home.

"We're very fortunate to have gotten to her and I'd say she's very fortunate to have been rescued," said Lt. John Manning, who attributed Evans' survival in part to quick action by his partner, officer Fred Cloud. The two were the first officers on the scene.

In assessing how Evans survived the 100-foot fall, police also cited quick action by a passing police officer and the river's southwesterly flow.

Off-duty police Sgt. Shirley Davis was crossing the bridge on Clarksville Highway about 9:45 a.m.—the same time Evans and her boyfriend were driving north on Clarksville Highway.

Police said Evans opened the door of the car, ran across two lanes of traffic and jumped off the east side of the bridge.

Davis immediately alerted other police.

Evans was pulled south swiftly by the current, estimated at between 5 and 8 mph, near the west bank.

The National Weather Service said the air temperature was about 38 degrees at 10 a.m. About that time, Officers Cloud and Manning had worked their way to the area behind Marathon Petroleum Co., 2920 Hydes Ferry Road, near where the Illinois Central railroad trestle crosses the river.

Cloud jumped into the river and pulled Evans out almost a mile from where she splashed in.

"When we heard her hollering, that completely surprised me," Manning said. "We could hear her screaming, but we couldn't see her—there was thick underbrush.

"And we both kept hollering: 'We're coming to you! We're coming to you!' "

Cloud said he walked along the railroad bridge until he "spotted what I thought was her." Both officers then started down the 150-foot river bank.

"After I got off the trestle . . . I started going down the river bank," Cloud said. "I grabbed a tree limb of a dead tree and it broke. I hit on my bottom and I started sliding.

"When I got her in sight, I dove in. The current helped bring her to me.

"She was just floating in a ball when I got to her. I just pulled her in."

Cloud said that when he reached Evans he was not sure if she was still alive.

"She said: 'Am I still here?' " he recalled. "I said: 'Oh yeah, you're going to be here for a while.' "

Manning said that without his partner's heroic rescue, Evans probably would not have survived.

"I don't think there's any question about it," he said. "Officer Cloud showed great heroism, not only risking his life, but, in my opinion, if it hadn't been for him, I don't think she would have made it."

Cloud shrugged off the praise.

"I'm not a hero," he said. "Other officers would have done it. I'm just a police officer doing a job."

Officer Ed Moran said the fact that the current swept Evans to the west bank helped save her life.

"If she had come up on the other side, there's no way she would have made it," he said. "We wouldn't have been able to get to her."

INTRODUCTION OF THE CAPITAL INVESTMENT ACT OF 1989

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. AuCOIN. Mr. Speaker, I'm pleased to join my colleague from Washington, SID MORRISON, in the introduction of the Capital Investment Act of 1989.

Two weeks ago in his State of the Union speech, President Bush put the tax treatment of capital gains back on the legislative front burner. While I applaud his interest in stimulating investment, I am concerned that his proposal only covers investment in equity securities and it does not provide enough incentives for investors to make long-term financial commitments to U.S. industry.

The major difference between the President's plan and the Capital Investment Act is simple: our bill gives investors a greater incentive to make a long-term financial commitment to U.S. industry. By creating a more stable investment climate, this will allow the company to engage in strategic long-term planning. And this gets us closer to the goal we all share: the creation of more American jobs.

President Busch has proposed that most assets held for 3 or more years be taxed at a rate of 15 percent. Under our bill, an asset that is held for 5 or more years will not be taxed at all. For assets held from 3 to 5 years, 60 percent of the gain would be excluded from taxation. And for assets held from 1 to 3 years, 40 percent of the gain would be excluded. Our bill would also reduce the corporate rate from 34 to 20 percent.

Our bill provides a greater reward for venture capitalists if they keep their money invested in a U.S. company for a long period of time. By creating a more stable investment climate, this will allow the company to engage in strategic long-term planning.

All too often, the debate over the taxation of capital gains focuses on the immediate beneficiaries—the venture capitalists. We hear that reducing the capital gains rate is only a tax break for the rich.

I totally disagree.

First of all, under the Capital Investment Act a person who uses their money to buy a Mercedes Benz, a diamond ring or some priceless artwork will not be given a tax break if those items appreciate. So-called collectibles are excluded from our bill.

Our bill only provides a break to those who are willing to invest in American companies and American jobs. Our message is simple: if you have extra money, are willing to make a long-term investment in an American company, and that company happens to be successful, then and only then would you get a tax break.

Isn't that better than seeing their money go to less productive uses?

We have to remember that the ultimate beneficiaries of investment are not just the investors, but the workers and consumers as well.

Like every other State in the Nation, Oregon stands to reap tremendous benefits if we can create a strong investment climate. This is especially true in two industries: high technology and timber.

Twenty years ago, Washington County, OR, was dotted with a sprinkling of high technology companies. In 1978, however, the Congress dramatically cut the capital gains rate. Since then, this area has exploded. Venture capitalists came in and fueled the development of over a hundred new companies in what is now known as Silicon Forest. Companies like Support Technologies, Bipolar Intergrated Technology, Mentor Graphics, NW Instrument Systems, Sequent, and the Metheus Corp. might never have gotten off the ground if there weren't people out there willing to take a chance with their capital. These and other companies that were launched with capital now employ thousands of Oregonians.

Let's look at the high technology industry on a national level. According to the American Electronics Association, in the 3 years before 1978, venture firms committed only $950 million in new business ventures. In the 3 years following the capital gains cut, $2.6 billion was invested—an increase of almost 300 percent. From 1978 to 1987, when the capital gains rate was low, that industry created over 1 million additional jobs. Industry payrolls rose from $24 billion to over $72 billion.

Oregon's timber industry literally grew up on the basis of a favorable capital gains rate. The risk involved in growing timber is often higher than encountered in other investments. Weather, disease, insects, and fires can adversely affect this industry. A favorable capital gains treatment tempers the risks to a great

extent. It also serves as an incentive for reforestation and as an inducement for prudent forest management.

That's one reason why the Oregon Small Woodlands Association supports the reestablishment of a capital gains differential. As they said in a letter to me last year:

The 1986 act (which eliminated the capital gains break) effectively doubled the tax bill of small tree farmers . . . That means less money available to improve the timber stand and to replant after harvest. The long-term impacts on Oregon are substantial and negative.

Mr. Speaker, I don't need to remind everyone that countries like Japan, Taiwan, and West Germany are knocking our socks off in the international marketplace. How can we make America competitive again? Is a question we are still grappling with.

There are many reasons why these countries are doing well. But there's one thing they all have in common—they don't tax capital gains. Is it any wonder that these countries are gobbling up American companies? Surely there is some correlation to the increasing level of foreign investment in the United States and the fact that their governments encourage their investors to take risks.

I believe it's time for us to strike back, to get our industry back into the ball game. U.S. industry needs a shot in the arm. We need to encourage those with money to take risks. We need to resurrect the innovative spirit that once drove this country to greatness. I believe that lowering the capital gains tax rate is one way to accomplish that.

I encourage my colleagues to support this legislation.

HONORING RALPH LIBERATO

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. HERTEL. Mr. Speaker, I rise today to honor Ralph A. Liberato, the chairperson of the Macomb County Democratic Party. Ralph has been selected "Democrat of the Year" by the 14th District Democratic Party, and will be recognized for this honor on February 26, 1989.

Ralph grew up in the Detroit area and attended Madison Heights High School. He received his B.A. from Wayne State University. He is also completing requirements for his M.A. in industrial relations at Wayne State University in Detroit, MI.

Ralph served his country by joining the U.S. Marine Corps. He became a marine when he was only 15 years old. Ralph fought for his country with distinction in World War II.

From 1952 to 1957, Ralph worked at the General Motors Technical Center, and served as committee chairperson of the shop committee and as president of the United Automobile Workers Local 160. During this time, Ralph served on the civil service commission of the city of Warren, MI. In 1958, Ralph was elected president of the Macomb County AFL-CIO, where he served until 1968. And from 1968 to 1988, Ralph continued with the AFL-CIO as secretary-treasurer of the Metropolitan Detroit AFL-CIO.

Throughout the years, Ralph has been a dedicated member of the Democratic Party. He represents the Democratic Party as a precinct delegate, and has since 1960. Ralph was also elected as a delegate to the Michigan Constitutional Convention in 1961. And from 1964 to the present, Ralph has served as chairperson of the Macomb County Democratic Party. In 1988, Ralph was chosen as the Michigan Democratic elector in the Presidental election.

Ralph has served his community with dedication and integrity for many years. His tireless work for his community knows no bounds. Whether organizing a spaghetti benefit dinner, or serving as a board member of the Macomb County Community Growth Alliance, Ralph seeks to assist his fellow citizens.

The honor bestowed on him, Democrat of the Year, is richly deserved. My dear colleagues, I ask you to join me, and the many friends of Ralph A. Liberato, in extending sincere congratulations and warmest wishes to a person so very much appreciated throughout the Detroit community and the State of Michigan, for giving so much to so many.

HONORING RABBI AND MRS. MOSHE GREENBERG

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. SCHUMER. Mr. Speaker, it is with great pride and pleasure I call my colleagues' attention to the work of Rabbi and Mrs. Moshe Greenberg on the occasion of the 18th Annual Young Israel of Midwood Dinner held in their honor.

Rabbi Greenberg became the leader of the Young Israel Synagogue during its early and formative years. His farsighted leadership, firm guidance, and wise counsel have been instrumental in this shul's tremendous progress and growth. He has devoted endless hours and energy to solving the problems of and to providing for the needs of both the congregation and the community.

Moshe Greenberg was groomed for Torah scholarship by his father Reb Chaim Dov, a disciple of the famed Slabodka Yeshiva. He continued his early education, after leaving his father's capable tutelage, at the Mestiva Torah Vodaath. While in his early teens, the sainted Goan Harav Aaron Kotler selected him to become one of the original talmidim at the Lakewood Yeshiva. At the time he had the honor of being the youngest talmud in attendance. Finally, he received his smicha from the eminent orthodox leader, the Reverend Posak Horav Moshe Feinstein SHLITA.

His secular scholastic achievements rival his rabbinical ones. Attending college as a married man with four children he gained the distinction of being elected to the Phi Beta Kappa Honor Society. Eventually, he would graduate summa cum laude, third highest in his class at Baruch College. Today, a senior rabbi in Midwood, Moshe Greenberg stands at the helm of one of the largest and most active congregations in Flatbush.

Through all of his work and study, the unsung heroine of Rabbi Greenberg's life has been his wife Evelyn. She has also been an active and concerned member of the community. In her quiet and unassuming way, Mrs. Greenberg has always been supportive of synagogue functions. With her gentle and diplomatic manner she has endeared herself to all who come into her reach. The community values her loyal support and sees her as a true Aishes Chayil.

It is with profound respect that I share with my colleagues the closeness this couple share and the energy they have dedicated to instilling the values of their lives embody into the community in which they live.

SCHOLARSHIP NAMED FOR MAIL CARRIER WHO TOUCHED HOMES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. FRANK. Mr. Speaker, when I opened an office in Attleboro, MA, in 1983, after the redistricting which added that city to my district, one of the nicest parts of my new environment was my letter carrier—Walter Livramento. Walter was one of those people who exemplified public service at its best. He took his job seriously while performing it cheerfully. He was conscientious, helpful, and always a pleasure for those who dealt with him. And as the accompanying article from the Sun Chronicle of Attleboro points out, Walter was good at more than his job—he was one of those people who was very good at life.

Walter was active in the Letter Carriers Union in Attleboro, and active in a number of other civic activities. Tragically, Walter died last May of cancer. His death left a void, but it also left many of us with very happy memories of an extraordinary man. One of his good friends, Robert Otrando, who worked with Walter at the Attleboro Post Office has begun a scholarship fund—and nothing could be a more fitting tribute to Walter than this fund which will help deserving young people from Attleboro with their higher education plans.

Robert Ortrando and those who are working with him deserve congratulations for their efforts. At a time when our new President is highlighting the need for greater volunteer efforts, it seems to me that we ought to be giving due recognition to some of those efforts which are already going on, as an example of the sort of thing that can be helfpul.

Mr. Speaker, I want to send my congratulations to those who have begun this fund in Walter Livramento's name, and I ask that the article from the Sun Chronicle of Attleboro be printed here.

[From the Sun Chronicle, Jan. 31, 1989]

SCHOLARSHIP NAMED FOR MAIL CARRIER WHO TOUCHED HOMES

(By Virginia Terhune)

ATTLEBORO.—An Attleboro man has started a scholarship in memory of Walter Livramento letter carrier with the Attleboro post office who died of cancer last May.

The scholarship was started by close friend Robert Otrando, a fellow carrier at the post office.

A scholarship of $300 will be awarded this spring to a senior at Attleboro High School who is planning to continue his or her education.

Otrando said the money is intended to help pay for commuting costs, books or other expenses.

The memorial scholarship is a way of remembering Livramento and the rare quality he had of communicating with people.

"He was really a special person," said Otrando. "He made friends as soon as he walked into the room. . . He just had a way about him. He made you feel special."

Otrando said he and Livramento served as stewards in the local branch of the postal union. They went to meetings together and over time became close friends.

"We could depend on each other," said Otrando. "The friendship just grew day by day."

For almost 10 years. Livramento delivered mail to homes and businesses along County Street.

He took the time to talk to people and get to know them, and many also became his friends.

"He'd go out of his way to help people, and they knew it," said Ortando.

When Livramento fell seriously ill with liver cancer, people who knew him tried to help.

Otrando would sometimes take him an order of broiled haddock—one of his favorite dishes—from the Fish Net on South Main Street.

The restaurant was once on his route, and Livramento used to sometimes stop there for lunch.

Before he was a letter carrier, Livramento was in the Army, Born in New Bedford, he served 21 years before retiring in 1968.

He was a Korean War veteran and was stationed in Germany at the time he retired.

He then joined the U.S. Postal Service in Annapolis, Md. where he worked for 10 years before transferring to Attleboro in 1979.

Livramento was union president of both the Annapolis and Attleboro chapters of the National Association of Letter Carriers.

He was also a member of Attleboro Lodge 463, Loyal Order of the Moose, and the Cape Verdean Veterans' Association of New Bedford.

In addition, he received the Legion of Honor for his volunteer work with the Chapel of Four Chaplains, a group which encourages inter-faith and inter-racial unity.

When Livramento becaume seriously ill with cancer, his wife Regina, who is a registered nurse, took care of him at home.

Walter knew how sick he was, but he never asked, "Why me?" she said. "He would say instead, 'There is a reason, and it is mine to deal with.' "

Mrs. Livramento said she was "honored and proud" that a scholarship was being established in his name.

Her husband had a special quality about him, she said. He was a friendly, open person who was able to establish instant communication.

"He loved people . . . ," said Mrs Livramento. "You weren't just a letter box, you were a person behind that name."

Business people along County Street say they remember Livramento as a soft-spoken man who always had a kind word for everyone.

"He was a genuine, real person—he was very, very special," said Joyce Kelly, owner of Eli's Pizza. "He is very missed."

MEDICARE OUTLIER PAYMENTS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. DOWNEY. Mr. Speaker, I am introducing legislation today to prevent the Health Care Financing Administration from taking further action to deprive New York and many other States of needed Medicare dollars for very costly cases, called outliers.

When the prospective payment system was enacted, Congress was concerned that a uniform DRG price would not adequately compensate hospitals for treating atypical cases. As a partial solution to this problem, the Congress required the Medicare Program to provide additional payments for these extraordinary cases. The payments outside of the typical DRG payments are called outlier payments.

The main purpose of outlier payments is to recognize extraordinary costly cases. Unfortunately, there is no simple or direct way to measure the cost of an individual patient's stay. Moreover, there is no way to determine whether the costs associated with an individual's stay are appropriate. Current law reflects this difficulty and establishes two proxies for measuring costs.

The first proxy is the length of time a patient stays in the hospital compared to the average patient. Hospitals can claim additional payments for patients with extraordinary long stays compared to other patients classified within the same DRG. These cases are known as day outliers.

The second proxy is a comparison of an individual patient's charges compared to the average patient. Hospitals can claim additional payments for patients incurring extraordinarily high charges compared to other patients classified within the same DRG. These cases are called cost outliers.

Last November, the Health Care Financing Agency [HCFA] implemented regulations that substantially increased the outlier thresholds—the point beyond which a hospital can claim outlier payments. These new thresholds were intended to correct inaccurate previous estimates of outlier payments and decrease the predominance of day outliers.

The decrease in payments for cases that qualified as day outliers was very significant. During 1988, payments for cases that qualified as day outliers accounted for 80 percent of all payments for outliers. Payments for cases that qualified as cost outliers accounted for 20 percent. These new regulations will reduce payments for day outliers from 80 to 45 percent of the total, and increase payments for cost outliers from 20 to 65 percent of the total.

The Prospective Payment Assessment Commission [ProPAC], a Commission explicitly established by the Congress to advise the Congress and the Secretary of HHS, recommended moderation in implementing these regulations and believed they should be phased in over several years. A number of ProPAC commissioners cited the problems this change in outlier payment policy would create for hospitals across the country and especially for those hospitals serving a disproportionate number of low-income patients.

These regulations have had the effect of redistributing hundreds of millions of dollars nationwide and have created financial hardships for hospitals across the country. My legislation would prohibit HCFA from making further changes in Medicare outlier payment policy for 3 years. Moreover, it would require the Secretary of the Department of Health and Human Services to phase in any future change in this policy. In particular, it would prevent the Secretary from making any change in outlier payment policy that would shift the percentage relationship between payments for day outliers and cost outliers to the total payments for outliers by more than 5 percent during any given year.

The legislation is necessary because hospitals must be given a chance to adjust to the November 1988 regulations. Many will be reeling from the loss of day outliers for quite some time. My legislation will permit the dust to settle. I have attached the language of the bill below:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAINTENANCE OF PERCENTAGE OF OUTLIER PAYMENTS WHICH ARE PAYMENTS FOR DAY OUTLIERS.

Section 1886(d)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amended by adding at the end the following new clauses:

"(v) The Secretary shall provide that—

"(I) the day outlier percentage for fiscal years 1990, 1991, and 1992 shall be equal to the day outlier percentage for fiscal year 1989; and

"(II) the day outlier percentage for fiscal year 1993 and each succeeding fiscal year shall be not greater or less than 5 percentage points of the day outlier percentage for the preceding fiscal year.

"(vi) For purposes of this subparagraph, the term 'day outlier percentage' means, for a fiscal year, the percentage of the total additional payments made by the Secretary under this subparagraph for discharges in that fiscal year which are additional payments under clause (i).".

SEC. 2. MAINTENANCE OF FORMULA FOR DETERMINING PAYMENTS FOR DAY OUTLIERS.

Section 1886(d)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(A)(iii)) is amended by striking the period at the end and inserting the following: ", and, in the case of additional payment under clause (i), be derived by applying a percentage to the average per diem payment for the applicable diagnosis-related group, as calculated by dividing the applicable DRG prospective payment rate by the mean length-of-stay for that diagnosis-related group.".

TRIBUTE TO ANNIE RUTH BROWN, PRINCIPAL, NATHAN B. YOUNG ELEMENTARY SCHOOL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. LEHMAN of Florida. Mr. Speaker, during my 6 years serving on the Dade County School Board, I became aware that the most important person in a school system is the principal. Also, as a former teacher in public schools, I learned that every principal has his or her own system and personal style. Always, the success of the school was dependent on the effectiveness of the principal.

Mrs. Annie Ruth Brown, principal of Nathan B. Young Elementary School, has her own unique way of running her school and it works very well.

The following story in the January 19 Miami Herald describes how a school with such a principal can truly educate.

TRIBUTE TO ANNIE RUTH BROWN, PRINCIPAL, NATHAN B. YOUNG SCHOOL

When students enter the halls of Nathan B. Young Elementary School, they check any bad habits they may have picked up on the outside at the door.

Inside, they learn to use their hands not for fighting, but for eating, writing and touching. They use phrases like "Excuse me" and write letters to the principal about fights they were involved in or witnessed.

"They are survivalists," Principal Annie Ruth Brown says about the students growing up in drug-ridden neighborhoods surrounding the school at 14120 NW 24th Ave.

"They know how to survive. We need to polish the survival skills, enhance them with the basic skills and produce a child ready for the junior highs."

The staff credits Brown for the changes the children undergo at Young. Since Brown came in 1984, fights have decreased by 95 percent, she said.

Also, students have raised their scores on the state Student Assessment Test enough to have Young removed from the state's deficient list. And Young was named an outstanding school for the 1986-87 and 1987-88 school years for improving its students' Stanford Achievement Test scores.

Brown, who lives in North Miami, said she always wanted to be a teacher. When she was growing up in Jacksonville, she even held "class" for her elementary school classmates on the steps of her house.

She has been an educator for 31 years and joined the Dade system in 1969 as a teacher. Before coming to Young in 1984, Brown was an assistant principal at Royal Green Elementary and principal of Holmes Elementary.

Brown credits staff members for improvements at Young. And she said part of the credit goes to size of the school. With only 516 students, children have names and histories, not numbers.

"I know when they're upset," Brown said, "I know when something happy happened, when a little baby brother or sister is born, when relatives come to visit and when they're having a birthday party."

The school's size makes everyone there feel as though they are part of a family, said Ruth Mobley, the only secretary the school has had since it opened in 1962 as East Opalocka Elementary School with about six portables.

Assistant Principal Phyllis Whitmire said parents are involved in what happens to the school and their children, thanks to Brown.

"If she gets on the phone and calls parents, they would turn the sky over for her," Whitmire said.

This year, parents are working with the school to make the area safer.

The Parents Advisory Council and school staff have met with Opa-locka police to get a light placed outside the school because students sometimes are in the building until 6 p.m. for after-school programs, Brown said.

They also are asking police to fence the school to protect students from drug sellers and buyers. About midday, while students eat their lunch in the cafeteria, drug transactions take place across the street. And the students know what's happening, Brown said.

"That's why they have so many problems; because of the environment they're in." Brown said.

Since she came to the school four years ago, Brown said, the drug traffic has escalated. But while things may have gotten worse on the outside, things have only gotten better inside the walls of Nathan Young.

When Brown arrived, there was at least one fight every day, She asked parents for help. Now they stand outside their doors before and after school to break up skirmishes.

Brown initiated a "hands campaign" her first year. Students who grow up in an environment where fists are used to resolve problems learned their hands should be used for other things.

Another part of the campaign included teaching teachers to use their hands rather than raising their voices to control students. With a peace sign, Brown can silence the cafeteria. With a snap of her fingers, she can grab everyone's attention. By lowering her hands, she can lower students' voices.

Brown also has challenged students' minds to keep them from fighting and to help with their writing. She has students who were participants in a fight or witnesses to one write a letter telling her about the incident, their involvement and why they were there.

The letters also give students practice in writing, an area in which scores are low on the state Student Assessment Test, which measures basic skills in reading, writing and math.

Students love coming to Nathan B. Young, Brown said. Attendance is between 95 percent and 97 percent, and many of the classrooms have 99 percent attendance.

Sean Shannon, 11, just knows it feels good to be at Young. "It feels like being a hero because they teach us a lot of things."

A TRIBUTE TO JOSEPH H. NIXON

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. JONTZ. Mr. Speaker, Joseph H. Nixon of Wabash, IN, will be greatly missed by many of us in the Hoosier State. A community leader and newspaper executive for decades, Joe Nixon was a dedicated civic activist who worked tirelessly to improve the lives of his Hoosier friends and neighbors.

Joe Nixon was chairman emeritus of Nixon Newspapers, Inc., which publishes the Wabash Plain Dealer and the Peru Daily Tribune in my congressional district, as well as nine other newspapers in Indiana, Illinois, and Louisiana.

Joe Nixon served our community in many ways, including terms as president of both the Peru and Wabash Chambers of Commerce. During his tenure with the Peru Chamber, he successfully convinced the Navy to build the Bunker Hill Naval Air Station near Peru. Today, that facility is Grissom Air Force Base, a key link in our Nation's air defenses.

Joe Nixon worked for world peace on trips to South America, Europe, Russia, the Middle East, Asia, and Africa. His efforts for flood control resulted in construction of the Mississinewa, Salamonie, and Huntington Reservoirs in our State.

Joe Nixon began his career in the newspaper business in 1934, as a reporter for the Michigan City Dispatch. He served the Indiana journalistic community for 54 more years, including service as director of the Inland Daily Press Association and president of the Hoosier State Press Association.

Joe Nixon was honored for his public service by many civic groups. The distinctions that he has earned include the Wabash Chamber of Commerce's Distinguished Citizen Award, the Peru Kiwanis Club Community Service Award, the Wabash Valley Association Pioneering Award, the Indiana Council of Churches Christian Service Citation, and the Sagamore of the Wabash.

Joe Nixon devoted his life to serving the communities of northern Indiana, and he will be remembered by all whose lives he touched.

CITIZENSHIP AND NATIONAL SERVICE ACT OF 1989

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. PENNY. Mr. Speaker, I have cosponsored the Citizenship and National Service Act of 1989 (H.R. 660) recently introduced in the House of Representatives by Congressman DAVE MCCURDY of Oklahoma. This legislation would create a national service corps to address some persistent problems facing our country while strengthening the ethic of civic obligation. Service would be voluntary but strongly encouraged by Federal education, job training, and other benefits in return for 1 or 2 years of service.

The prospect of national service for all citizens can be supported by both philosophical and practical arguments. On the philosophical side is the idea that every citizen should serve his country in some way, that is, public benefits should be earned through public service. And from a practical standpoint, our Nation faces problems of homelessness, hunger, illiteracy, deterioration of the environment, and a host of others that could be addressed by a well-supervised citizens' corps.

Service in a national program would expand the educational and job training opportunities available to many of our young people, especially the poor. Under our current student loan and grant system, the proportion of poor and minority students enrolling in college is declining. By putting a service-related grant system in place, I believe that we can expand access to higher education in this country. In addition, for those 50 percent of American youth who do not go to college, national service would offer many of them vocational training previously unavailable. It seems to me there is no better way of ending the cycle of poverty and despair that faces many of our youth than through education and job training.

A national service program would also address the cost of student loan defaults—some $1.6 billion in 1987! The National Service Corps would be funded from existing college loan and grant programs, to be phased in over several years. The costs of a national service program would, of course, depend on the level of participation, but I am convinced that the additional costs would be more than returned to society through better educated and training Americans.

It is time to seriously consider a national service plan that gives citizens the chance to address directly some of the ills of our society and be rewarded for their efforts. I urge my colleagues to support the Citizenship and National Service Act.

ASSISTANCE TO THE U.S. TRAVELER GOING OVERSEAS: THE DEPARTMENT OF STATE EXTENDS A HELPING HAND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to commend the Department of State for taking the initiative to establish a modern advisory system to help Americans planning to travel overseas. A traveler can now call a special number at the Department of State and obtain current information on the advisibility of traveling to certain countries around the world. This newly created program is a step in the right direction and the Department has wisely decided to keep traveling Americans informed about current developments in various regions of the world that could have an impact on the safety of travelers.

A few years ago, a constituent of mine encountered serious difficulties during a vacation in Mexico. She was unaware of the Department's former program which made available written advisories for Americans planning overseas travel. My constituent and many other travelers did not realize that this service existed.

After learning of my constituent's unfortunate experience, I wrote to the Department and strongly encouraged that agency to establish a better system for notifying future travelers and also suggested that the availability of this service be more widely publicized.

Under the new advisory system, a traveler calls (202) 647-5225 at the Department in order to listen to a series of recorded travel advisories. Also included in this modernized information program is guidance for helping U.S. citizens in distress overseas as well as guidance concerning the visa requirements of foreign governments.

In addition, the Department of State plans to place interactive TV equipment in passport offices for use by applicants for U.S. passports.

In the age of aircraft sabotage and foreign airport bombings, the traveling public deserves to have a rapid and accurate way of learning about potential problems in the countries they are about to visit.

I commend the following New York Times article to my colleagues in the Congress.

[From the New York Times, Feb. 5, 1989]

GETTING A DIRECT LINE TO THE STATE DEPARTMENT

(By Betsy Wade)

For 10 years, the Bureau of Consular Affairs in the State Department has been preparing, revising and rescinding informative notices to Americans about travel abroad. These information sheets, or travel advisories, to give them their official name, are based on reports from State Department people in the field. They may be headed "warning" or "caution" or labeled simply "travel to" the country in question, and range from reports on hotel crowding—during an international fair in Baghdad, Iraq, last October, for example—to a continuing warning of the danger of guerrilla land mines in rural areas of El Salvador.

The 46 advisories in effect today include admonitions that would keep prudent United States citizens away from a country altogether, because there are no diplomatic relations or the security situation is perilous, and enumerations of remote areas likely to be hazardous for vacationers. But for all of their obvious value, these reports have remained unknown to most pleasure travelers; to get the information, you had to know that the advisories existed to begin with and then ask someone who had them if there was one in effect for the place you planned to visit.

In other words, for the 10 years these messages have been available, it took pretty aggresive research to learn that the United States Government cautions travelers to Ghana against wearing camouflage jackets or any "clothing or items which may appear military in nature" or that adventure travelers planning to trek in Nepal should register with the United States Embassy before setting out and should never trek there alone because of the danger of being harassed, robbed or kidnapped.

In December the State Department took a modest step toward putting this kind of information directly into the ears of the traveling public. If you use a push-button phone to call 202-647-5225, a number used by the Citizens Emergency Center in the State Department, you will be told to punch particular numbers on your phone for certain areas of the world, further numbers for portions of the alphabet, and then numbers to activate the recording of an advisory applying to the country you want to visit. If you have a long itinerary in mind, you can listen to three advisories before the connection is broken, and then call again to hear three more. (Questions about visa requirements can also be answered.)

Right now, if you use a dial phone to make the call, you are told to remain on the line and an employee comes on to learn which advisories—up to three—you want to hear. If the emergency center is not overloaded, the reports will be read to you. If things are busy, you will get a call back—the Government pays this toll—and the advisories will be read to you then. You may also ask to have pertinent advisories mailed to you.

Until the department gets an additional system that can be activated by voice as well as phone push buttons, people calling on a dial phone will be able to get information only on weekdays between the hours of 8 A.M. and 10 P.M. and on Saturdays from 9 A.M. to 3 P.M., Eastern standard time. Those using a push-button system who want to hear recordings can call at any time. It may be midyear before a sytem for the voice-activated recordings is installed.

The basic purpose of the center's phone service continues to be providing expert help for callers who are anxious about someone missing or jailed overseas, need to arrange to send money to a stranded friend or want information on a storm or crash. Before Dec. 20, the Department's employees who answered on this line would also read travel advisories if asked, but the installation of the recorded service to take the burden of rote work means that emergency advice and action will be provided faster.

On Dec. 21, the day after the recordings were hooked in, the department had to cope with a surge of calls about the crash in Scotland of a Pan American plane flying to the United States. Understandably, the emergency overwhelmed the newly installed recorded advisory service; the department figures show that from Dec. 20 to Dec. 31, 1,090 calls were put through to the task force dealing with the Pan Am crash and 538 callers wanted to hear travel advisories. In the week of Jan. 8 to 14, 670 travel advisory messages were heard by callers either listening to a recording or to a staff person.

Before the recording device was hooked up, the State Department's advisories were posted in passport offices and supplied to big travel agents, major newspapers and airlines. This means your travel agent or your airline probably could have read you the information if you asked, but neither would have been likely to volunteer it.

Newspapers, at least this one, seldom carry travel articles that might encourage visits to places that are subjects of advisory notices. However, new State Department advisories are usually reported in The Times's Travel section, or old ones are noted where appropriate in articles on the country in question.

According to Philip Covington of the Department's Bureau of Consular Affairs, the recent rise in sabotage and terrorist attacks at airports has made the traveling public much more attentive to security matters, and this is part of the reason the department is making its advisory information more accessible.

The next step in this effort will be to place interactive television equipment in passport offices for use by applicants for passports. These TV sets will work like those in supermarkets or shopping malls, where the user presses a key or a spot on the screen to bring up a table of information on a particular topic. The first sets will probably be placed in four agency offices later this year. For the vaguer future is a plan to insert the advisories into computer reservation systems maintained by airlines for themselves and travel agents.

Travel agents and airlines have usually been reluctant to volunteer negative information that they receive from United States agencies, meaning the State Department and the Centers for Disease Control, unless clients specifically ask.

One New York travel agent, Roberta E. Barcelon of Union Tours at 79 Madison Avenue, thinks the display of advisories in the reservations systems would be valuable. "Quite a few people—travelers and travel agents—don't pay attention to what's going on in the world," Ms. Barcelon said. "People pick up tours that are going to parts of the world that aren't particularly safe. With this warning, you could check with the packagers and see if they are going to deviate from the itinerary. Business people always make a contact with people out there, but pleasure travelers do not always know what they are getting into."

Here is a list, as of early January, of the travel advisories in effect that may be heard on the recorded service. The department cautions: "The State Department does not advise avoidance of all travel to most of the nations listed but wishes Americans to be aware of problem areas." It lists these places:

Afghanistan, Angola, Burma, Cambodia, Chad, China, Colombia, Cuba, Cyprus, El Salvador, Ethiopia, Ghana, Guatemala, Honduras, India, Iran, Iraq, Kuwait, Lebanon, Libya, Malaysia, Mozambique, Namibia, Nepal, Nicaragua, North Korea, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Somalia, South Africa, Soviet Union, Sri Lanka, the Sudan, Suriname, Syria, Tanzania, Thailand, Turkey, Uganda, Vietnam, West Bank and Gaza, Zambia and Zimbabwe.

FLORIO HAILS POLICE CHIEF FOR LIFELONG SERVICE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. FLORIO. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues a gentleman who is being honored by his community and friends upon the occasion of his retirement for his lifelong commitment to law enforcement. I am speaking of Chief of Police Andrew James Truex, of Pennsville, NJ.

Chief Truex began his career with the Delaware River Port Authority after serving admirably in the U.S. Marine Corps for 3 years. In November 1962, Chief Truex was appointed to the Pennsville Police Department as a patrolman; rising through the ranks with a steadfast determination, he became chief of police in February 1976.

Throughout this time, Chief Truex continually brought an extraordinary professionalism to all of the positions he has held—especially to the office of chief of police. He recognized the need for improvement while maintaining the tradition of excellence which has always been a part of this south Jersey police force. While firm handed and willing to make tough decisions, Chief Truex maintained a policy of fairness and pragmatism with his coworkers as well as the entire community.

It is indeed apparent that the modern, efficient, and responsive force that is the Pennsville Police Department is largely a result of the tireless efforts of Chief Andy Truex. Therefore, Mr. Speaker, it is a privilege for me to join with the chief's wife, Janice, and all of his family and friends in extending my best wishes for much success and happiness in the many years to come.

TRIBUTE TO MAX ROBINSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. RANGEL. Mr. Speaker, I rise today to honor and pay tribute to a man who will long be remembered as the Nation's first black newsman to anchor a network television program, and the first black to anchor a local television news program in the Washington metropolitan area. I am speaking of a man who never aimed low for what he wanted in life, but instead set his sights among the stars. And for that, we are all the more enriched. This man of whom I speak is Max Robinson. His untimely death on December 20, 1988, at the age of 49, was a tragedy and a great loss to those who knew him personally, and to those who only knew him by way of the medium of television.

Max Robinson's life is not one to be mourned, but one to be celebrated. His talents and perseverance helped cast him to the highest levels of his profession. He started his television career in 1965 in Washington, DC, at WTOP Channel 9 as a floor director trainee. He went on from there to become WRC–TV's first black reporter and to win six journalism awards. Shortly thereafter, Robinson received a major break for a young black reporter when he began doing the local news segment on the "Today" show. But the single most important thing that really boosted his career was a special called "The Other Washington," an Emmy-winning documentary on black life in Anacostia.

A short time later, Robinson was back at Channel 9, combining with Gordon Peterson as the top-rated anchor team in this city. But success would not stop there for him. In 1977, Robinson was the first to broadcast a conversation with Hanafi Muslim leader, Hamass Abdul Khaalis in the Hanafi hostage talkings at three downtown Washington buildings. It was his coverage for that event that attracted ABC executives to him and eventually lead to an anchor position on "World News Tonight" from Chicago.

Max Robinson was a gifted and talented television newsman who achieved a great deal in his life. He was a pioneer who paved the way for many black perspective journalists who were to follow him. He was also a role model for many would-be journalists. He was and will always be a symbol to society.

Truly, Max Robinson will be missed. His integrity, strong will, caring personality, and intelligence will always be remembered. He said it best during his last public appearance:

Try to keep your integrity, because you're going to find out in life that in the end, that's all you've got.

A TRIBUTE TO SAMMIE ROSS ARMSTRONG

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to honor an outstanding citizen of Las Vegas, Sammie Ross Armstrong. Mr. Armstrong will be honored on March 4, 1989, at the Beta Eta Theta Chapter of Gamma Phi Delta Sorority, a national business and professional women's organization, sixth annual "This Is Your Life" Banquet. He is truly deserving of this honor.

Born in Lisbon, LA, Mr. Armstrong graduated from Lincoln High School in Camden, AR, and studied at Chaffee Junior College in Ontario, CA, for 2 years. In 1964 he decided to make Las Vegas his home, and shortly thereafter, began his driving career at the Clark County School District, transporting handicapped students in specially equipped buses. From the school district, he moved on to work for Transportation Unlimited, at that time one of the largest bus companies in southern Nevada.

His natural management skills and a strong drive to "do it better" led him to purchase his first bus, and in 1975, with partner Douglas Ray McCain, he founded Ray & Ross Transport, Inc. This small business providing bus transportation services to the Las Vegas valley is solely minority-owned. With his careful hands-on attention, the company today is a growing and thriving concern located in west Las Vegas.

Mr. Armstrong has made community involvement an important part of his life. He coached Pop Warner Football from 1970–72. He has served as a deputy constable for the cities of Las Vegas and North Las Vegas since 1979. From 1970–74, he was a member and then chairman of the Clark County School District Transportation Safety Council, during which time he pioneered a prototype safety program which is still in use today. In addition to serving as an active member of the Private Industry Council—Southern Nevada Employment and Training Program—for 4 years, he was instrumental in starting the Las Vegas Chapter of the National Forum of Black Public Administrators in 1986. He worked on the Clark County School District Advisory Board's Student Activity Committee, and is currently an active member of the Clark County Community College Advisory Board.

Mr. Armstrong's years of hard work and dedication to the community have paid off in many tangible ways, the most evident being the number of jobs and specialized training being offered by Ray & Ross. His deep personal commitment to serve the economically disadvantaged neighborhood surrounding his business has not changed, yet he seldom seeks the limelight. Those who have worked closely with him over the past several years consider one of the greatest compliments to his efforts to be his recognition by the State of Nevada as the Minority Small Business Person of the Year for 1985.

Mr. Speaker, Mr. Armstrong's contributions and endeavors have literally helped to create

the community of Las Vegas as we know it today. I ask my colleagues to join me in commending one of Las Vegas's finest citizens, Mr. Sammie R. Armstrong.

TRIBUTE TO RAYMOND P. NOWOSATKO

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. DINGELL. Mr. Speaker, I rise today to honor a distinguished veteran of the 16th District in Michigan, Mr. Raymond P. Nowosatko. Stationed in the Pacific, Mr. Nowosatko served over 4 years in the U.S. Army during World War II. He has been a continuous member of the Veterans of Foreign Wars Organization for over 35 years, holding many positions and receiving many awards. Mr. Nowosatko's pride and devotion to the VFW has earned the respect of all who know him. Known as "Doc" or "Ray Now" by his VFW comrades, Mr. Nowosatko is well known for not only the excellence of his service but also for the relentlessness with which he accepts each and every new position and project offered to him. Upon reviewing the lengthy list of his achievements, it is not difficult to understand why he is known as the man who "can't say no."

He has served as commander of Post 5120 three times, as well as junior vice commander, senior vice commander, and commander of the fourth district. In addition, Mr. Nowosatko has distinguished himself as department poppy chairman, national commander's Aide-De-Camp, inspector of VFW national, and hospital chairman of the VA hospital in Allen Park, MI. He has started at least six new VFW posts, signed up over 300 new members, and has received the Four Chaplains Award from the president of the Michigan VFW Womens Auxiliary.

In addition to his honorable activities in the Veterans of Foreign Wars Organization, Mr. Nowosatko has enriched the 16th District with over 22 years of service as a U.S. Postal Service employee. He is the kind of man who constantly thinks of others, and is always willing to help a friend or colleague. Throughout his years with the Postal Service, and to this day, he dresses as Santa Claus during Christmas and gives gifts to each employee of the Dearborn Post Office. Since retirement, he has expanded this to include the Allen Park Post Office. These activities exemplify the kind of spirit Mr. Nowosatko mustered in all of his endeavors.

As a devoted husband and father of four children, Mr. Nowosatko held two jobs for years in order to provide the best life possible for his family. As a dedicated son, he visited his mother twice a day for the last 3 years until her death January 16, 1989, at the age of 94. As a proud grandfather of five, he continues to enrich the lives of his beloved family.

Thus, I see it only fitting on this day that after his many years of dedicated service to others, my colleagues join me in honoring Mr. Raymond P. Nowosatko. His kind nature and unselfish devotion to the VFW, the Postal Service, and his family and friends represent a life truly dedicated to helping his fellow men.

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE MOUNT RUSHMORE NATIONAL MEMORIAL

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. JOHNSON of South Dakota. Mr. Speaker, in 2 years we will be celebrating the 50th anniversary of the Mount Rushmore Memorial. Today I am introducing legislation which will in many ways help us to adequately celebrate this momentous occasion—an occasion which deserves our recognition, our respect, and our reverent reflection.

The facilities at Mount Rushmore are in desperate need of physical improvements and expansion to accommodate the vast number of tourists that visit the memorial every year. There have been no substantial improvements to the facilities in almost 25 years, and the annual visitation level has nearly doubled since that time. In 1991, we can anticipate an even stronger onrush of visitors who will wish to be a part of the golden anniversary celebrations. To help pay for badly needed renovation to accommodate these tourists, my legislation will call for commemorative coins to be issued which will recognize the golden anniversary of the memorial. Half of the surcharges from the sale of these coins will go toward improving the facilities at Mount Rushmore, and the other half will go toward reducing the national debt.

This bill, which will provide for the issuing of $5, $1, and half dollar commemorative coins, has been introduced by Senators DASCHLE and PRESSLER in the Senate. I would urge my colleagues to join me in supporting this extremely important legislation on behalf of one of America's greatest national shrines—the Mount Rushmore National Memorial.

WHY AMERICANS HATE THE PAY RAISE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. GINGRICH. Mr. Speaker, I would like to urge my fellow colleagues to read the editorial appearing in the February 7, 1989, issue of the Atlanta Constitution regarding the congressional pay raise. After you read the editorial, however, you'll realize that it is not an argument against the raise. It is an argument for Congress to take a good look at itself. More than hating the idea of a pay raise, Americans hate the fact that it would be going to a Congress which is greedy, self-serving, and corrupt.

WHY AMERICANS HATE THE PAY RAISE

Americans don't merely dislike the idea of a 51 percent pay raise for members of Congress. They hate it. Congressional mail is running vehemently against the plan. In a weekend Gallup poll, 82 percent of those questioned opposed the raise and a scant 15 percent favored it. "People are ready to pick up a brick or a rifle," marveled Rep. Les AuCoin (D-Ore.). "It goes much deeper than the issue, the dollars." People feel alienated from their leaders, he suggested—and they feel an "inability to control events." In short, it's the last straw.

The American people are surely on to something. Thanks to campaign funding by political action committees, members of Congress are virtually assured of re-election unless they're enmeshed in scandal. Such a situation gives citizens the short end of the stick. The system allows wealthy industrial lobbies to kill clean-air legislation. It allows groups like the National Rifle Association to block efforts for safer streets.

What can be done? Often, the answer is "not much." Too many of our politicians are beholden to interests other than those of their home-state voters.

The pay-raise contretemps underscores congressional problems with accountability and credibility. Instead of confronting the issue head-on, Congress devised a scheme. Last week, the Senate voted against the raise, 95-5. Then the House was to vote on the plan, but there was a catch: Its vote was to come after the raise had taken effect at 12:01 a.m. Wednesday. With the increase a fait accompli, House Speaker Jim Wright (D-Texas) would propose to cut it from 51 percent to 30 percent.

It was an outrageously sneaky idea—designed to give each member of Congress a chance to claim a vote in favor of a smaller paycheck without jeopardizing the raise. Those who voted for a 30-percent increase could say they did so because it was better than a 51-percent increase. Those who voted against the 30-percent increase could say they opposed any pay raise.

Americans had every right to be furious—and on Monday the House acknowledged their wrath. It bucked the speaker and forced him to schedule a vote for today—before the raise takes effect.

The irony is: For all the hullabaloo, most of the pay-raise package is overdue. Included in the plan are federal judges (whose salaries would go from a yearly $89,500 to $135,000) and heads of agencies such as the FBI and CIA. Without a pay scale roughly equivalent to that of private enterprise, the quality of the government's workforce could suffer.

Even Congress deserves some raise. A yearly salary of $89,000 may look like a mint to most Americans. Still, members must maintain two homes, one on their home turf and one in Washington, and they face other expenses by virtue of their office.

But what Congress needs more than a pay raise is a stem-to-stern overhaul. The Senate has already voted for one reform in the event of a raise—a ban on honoraria, often a dodge for slipping heavy-duty special-interest money to members for light speaking chores. Beyond that, members must find ways to dilute the impact of political action committees and to bolster their accountability. Pay raises will always be controversial. Yet as public trust grows, the chances for firestorms will diminish.

The raises themselves are not alarming. What is alarming is the blind fury Americans feel toward Congress. Congress should take the money—or some percentage of it—straightforwardly. It should grant raises for judges and others. Then it should take a long, hard look at itself.

DEAN SIMERAL RETIRES AFTER LONG CAREER PROMOTING FARM ISSUES AND AWARENESS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. McEWEN. Mr. Speaker, I rise today to honor a man who retires this year from spending so much of his time and energy throughout his long career in promoting farm issues and farm awareness, Mr. Dean Simeral.

As vice president for public affairs in the Ohio Farm Bureau, Mr. Simeral worked hard to keep Members of Congress informed about those issues which affect Ohio. During the drought crisis this past summer, moreover, he personally saw to it that the Ohio delegation was kept informed on the situation in Ohio as the Farm Bureau perceived it. But these actions were also examples of his personal dedication to Ohio agriculture. He made himself available with a friendliness and a helpfulness that went beyond devotion to his work. He understood the vagaries of working on Capitol Hill and always managed to find a way to work with the people there to bring out the farm issues so important to Ohio and the Ohio Farm Bureau.

As a native of Jackson County, OH, Mr. Simeral's commitment to public service started in the armed services. He fought for his country during World War II in the Air Force. Only after the war did Mr. Simeral follow his private calling, which led him to Bowling Green State University, where he graduated with a degree in business administration. But his roots in Ohio and his commitment to agriculture brought him back to public service in the Ohio Farm Bureau, which acts as an advocate for the many farmers in Ohio.

Mr. Simeral started with the Farm Bureau in 1949 as the organization director for Lorain County, OH. As his abilities in this area became apparent, Cuyahoga, Huron, and Summit Counties were added to his district. Eventually his expertise became available statewide upon his appointment as director of State activities for the public affairs department. This area proved to be his forte, for he eventually rose to the position of vice president for public affairs. In his capacity his responsibilities were for the organization's legislative and policy development program, a position which often took him around the State of Ohio and to Washington, thus giving both the farmers in Ohio and the Members of Congress the benefit of his insights into agriculture.

His contributions to agriculture have been recognized by many awards, including the Future Farmers of America Distinguished Service Award, the Meritorious Award for Distinguished Contributions to Agriculture from Ohio State University, and the College of Agriculture Centennial Award, as well as many others. His most recent awards include the National Friend of Extension Award, and the FFA degree. The variety and number of these awards serves to highlight both the expertise and devotion which has characterized Mr. Simeral's long and prosperous career. Like any well-rounded and respected person, he has not confined his activities solely to work and agriculture. In his community of Reynoldsburg, where he resides with his wife Ruth, Mr. Simeral is also known for his participation in his community and church. Whether private citizen or public official, Mr. Simeral dedicates himself to working for the good of those around him.

January 1, 1989, Mr. Simeral retired from his work at the Ohio Farm Bureau, leaving an example that will be difficult to follow. His advice and presence will be sorely missed, as will his personal warmth and humor. However, I am sure that he will continue to contribute his advice to the farming community and the many upcoming important farm legislation proposals, such as the upcoming 1990 farm bill discussions. Though Mr. Simeral's visits to my office will certainly be missed, I wish him a well-earned, restful, productive retirement with his wife and three grandchildren. I also look forward to hearing his voice in the future, since one of his knowledge will certainly continue to contribute to the farming community.

All of us who are privileged to call Dean a friend will miss him, but our lives have been immeasurably increased by our association with him and our benefit from his counsel. We all wish Dean and Ruth well in the many years of productive life before them.

TRIBUTE FOR BLACK HISTORY MONTH: "YOU CAN MAKE A DIFFERENCE"

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. CLEMENT. Mr. Speaker, I would like to take this opportunity to share with my House colleagues a portion of a speech I recently delivered at Fisk University in commemoration of Black History Month.

The theme of my message was "You Can Make a Difference."

I told Fisk students that each of them had the power and ability to make a real difference in the world in which we live today. I cited examples of the contributions of blacks throughout American history who made a significant difference in the struggle for equality and freedom in our country.

Although most Fisk students are too young to remember first hand the tremendous, sometimes almost insurmountable odds their forefathers faced in their effort to obtain equality, they are aware of the history of the struggle and the evolution of civil rights in America.

I believe they, and other young people, can use the examples of many heroic role models in determining the part they can each play in creating a better world. And I think the same message applies to blacks, whites, and persons of all ethnic origins and of all ages.

From Crispus Attucks to Harriet Tubman to Thurgood Marshall, we are all aware of the contributions that famous figures in black American history made to society. But I think it is very important to note that there are millions of people whose names we'll never know who played an equally important part in the area of civil rights and human equality. Individually and collectively millions of brave black Americans made a difference in our world.

For the benefit of my congressional colleagues, I would like to share an example—the Fisk Jubilee Singers.

While you may be unfamiliar with this dedicated group of musicians, their contribution illustrates how perseverance and dedication changed our society.

The Fisk Jubilee Singers demonstrated that black religious singing had an impact on history far greater than just the enjoyment of good music.

This group's singing tours during the 1870's provided funds which actually allowed Fisk to continue operating when the very future of the institution was in jeopardy.

Their efforts eventually led to the construction of Jubilee Hall, the first permanent structure erected in the South for the purpose of black education. A milestone in black history that certainly made a difference.

In my remarks to the Fisk students, I offered other examples of black Tennesseans who have made a difference in a variety of fields. These Tennesseans include well known figures like Alex Hailey, Wilma Rudolph, Tina Turner, and Oprah Winfrey.

There are educational leaders like Dr. Henry Ponder at Fisk, Dr. David Satcher at Meharry Medical College and Otis Floyd at Tennessee State University.

In government there are people like Lois Deberry, speaker pro tempore of the Tennessee House of Representatives and the entire Black Caucus of State Legislators and there is my close personal friend Assistant Adjutant Gen. Ken Jordan, the first black to ever head the Tennessee Air National Guard.

During my lecture, I pointed to national figures at the forefront of their respective fields. People like Michael Jackson, Michael Jordan, Ron Brown, Rev. Jesse Jackson, and my colleague Congressman BILL GRAY who has helped advise me and provided direction in my career as a Member of the U.S. House of Representatives.

Much progress has been made in America during the past 25 years, but we still have a long way to go.

While we are not in a period of slavery, or a civil war, or even the civil rights movement of the 1960's, we still haven't solved the problems of homelessness, overcome the culture of poverty, provided full educational opportunities, or eliminated drug abuse and disease.

But we are on the threshold of a new century, in an age of technology that can improve our world. We are in the middle of an era where every person who so desires can truly make a difference.

My message to the Fisk students and every person in our country is to make a difference in your own unique way, whether you be a doctor, lawyer, farmer, businessman, or politician.

Whether the contribution is large or small, we can all work toward leaving a legacy of hope for our children and other generations to come.

I concluded my message with a portion of what I believe to be the most inspirational speech delivered in my lifetime; Dr. Martin Luther King, Jr.'s, "I Have a Dream" speech delivered here in Washington, DC.

After reciting some of his inspiration words, I said, "I am here today to tell you that Dr. King did not die in vain, and much of his dream has come true.

If he were here at Fisk University this morning, I believe he would have an even greater dream.

A dream of every student, every faculty member, teacher, and Congressman here today being able to make a difference.

A dream of all of God's children, black men and white men, jews and gentiles, Protestants and Catholics all joining hands, not just to sing the words of a great spiritual hymn.

But a dream to work together to provide housing for the poor, food for the hungry, new cures for dreaded diseases, and a better way of life for us all.

Can you make a difference?

If Dr. King were here today he would tell you I know you can!

I know you can too.

DRAWING THE LINE IN THE ARCTIC

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. AuCOIN. Mr. Speaker, the Sierra Club's Doug Scott hit the nail on the head when he recently wrote that "* * * cautious development of oil and gas resources in the Arctic National Wildlife Refuge * * * is an oxymoron."

Some may wonder why environmentalists are unwilling to accept "reasonable" development or "responsible" leasing in the Arctic refuge. It is a simple matter of fact that damage to the refuge from exploration and development of oil and gas resources there would be irreparable. And that conclusion is unacceptable to them and to me.

I commend Mr. Scott's recent opinion column to my colleagues.

The article follows:

[From the New York Times, Feb. 14, 1989]

DRAWING THE LINE IN THE ARCTIC

(By Douglas Scott)

SAN FRANCISCO.—In his budget address last Thursday, President Bush called for the "cautious" development of oil and gas resources in the Arctic National Wildlife Refuge. But for this last Arctic coastal wilderness, that is an oxymoron.

Both Mr. Bush and his Interior Secretary, Manuel Lujan Jr., want environmentalists to be more reasonable about all this. "I'm not happy" Mr. Lujan told the senators, "that the line has been drawn" over the issue of allowing oil drilling in the Arctic wilderness.

Sorry, Mr. Secretary. As willing as we are to resolve issues amicably, for environmentalists the Arctic is an issue that is precisely about drawing lines—and then respecting them. Environmentalists have drawn a line in the Arctic and it is imperative that the new Secretary and the new President understand why.

We draw lines to protect our national treasures. They are real lines—the boundaries of our national parks, our national wildlife refuges and our wilderness areas. Though established in laws and on official maps, the only true force these park lines have lies in the social consensus of the great majority of Americans that our parks, wilderness and wildlife refuges are to be preserved.

Environmentalists must often contest with developers over whether to sustain and respect these lines. The history of conservation in this country reflects a whole series of schemes to rip open our parks, refuges and wilderness areas.

In the 1940's, logging companies set up a huge clamor to sacrifice the deepest rainforests within the then-new lines demarcating Olympic National Park to build war planes from the spruce trees. In the 1950's, there was a stampede to violate the lines protecting our Western parks and wilderness. It was in all in the name of building dams to "make the deserts bloom"—at a horrendous costs in taxpayer subsidies and environmental damage. In the 1960's, these fights reached full scale when the Western development establishment even sought to breach the park line around the Grand Canyon to build dams.

In each case, environmentalists had to draw the line. No partial logging, no "little dams."

The new test is the Arctic. The fight over the Arctic costal plain is not just about this one refuge, even though it is America's second largest wildlife sanctuary and the world's only remaining intact and complete sample of the high Arctic ecosystem. Nor is the fight over the Arctic just about the astonishing stupidity of drilling for $40 dollar a barrel oil to fuel yet another generation of gas guzzlers that convey drivers, one person to a car, even more slowly into urban gridlock and that spew ever more carbon dioxide into the imperiled atmosphere.

No, the fight about the Arctic is bigger, more symbolic. It is a true litmus test. It is a fight about drawing lines—and then, against all comers, however powerful, defending those lines. To preserve America's parks, refuges and wilderness areas there is no other hope.

President Bush and Secretary Lujan begin their era of stewardship with their capability as stewards untested, however much it is self-proclaimed. They may yet earn the title of environmentalists. Mr. Bush's call for the indefinite postponement of two lease sales in California and one in Florida is a promising start. But they must follow through by defending all the lines that have been drawn around America's most sacred natural treasures.

And they must proceed by leading us through the difficult but economically and environmentally essential transitions needed for a sound energy policy that will pull us back from the brink of atmospheric disaster. Respecting the lines in the Arctic is a good and vital first step.

HONORING WALTER FRANCHUK

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. HERTEL. Mr. Speaker, I rise today to honor the retirement of a great American and friend, Walter Franchuk. Walt's retirement from 30 years of politics in Michigan's Macomb County will be celebrated with friends on February 16.

Walt has dedicated many years of public service to the people of Macomb County and the State of Michigan. His public sector career has spanned almost three decades. During this time, he has served as a member of the New Haven Community School's Board of Education and has also held the position of Lenox Township supervisor. In 1972 he was elected to his first term as a Macomb County Commissioner and was responsible for the development and implementation of many major projects for Macomb County during his subsequent terms. In January of 1985 and again in January of 1986, Walter Franchuk was elected chairman of the Macomb County Board of Commissioners. As chairman, Walter Franchuk represented the Macomb County Board of Commissioners at the community, county, regional, State, and Federal levels of government, and was responsible for the coordination of all operational activities of the board of commissioners.

Walter Franchuk has served the citizens of Macomb County with integrity. Always involved with the needs and interests of his constituency, Walter dedicated his years as a public servant to achieving the goals of the people he represented.

Walt is a truly remarkable person. Not only has he held public office, but he has owned and operated a business for 23 years in Macomb County. Walter is committed to his family. He has been married to his wife Freda for 44 years and has four daughters, Susan, Annete, Dora, and Julie.

I congratulate and express my gratitude to Walter Franchuk for his many years of honorable service. On behalf of the citizens of Macomb County and the State of Michigan, I thank Walt and wish him and Freda a warm and enjoyable retirement.

A TRIBUTE TO DR. AND MRS. METRICK

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I call my colleagues' attention to Dr. Bernard Metrick and his wife Irene, two outstanding leaders of the Jewish community of Brooklyn.

The East Midwood Jewish Center Shaare Torah has benefited as has the whole community from this couple's integrity, devotion, and support of all aspects of Jewish life. Dr. and Mrs. Metrick's dedication to the syna-

gogue/community center has helped place it at the forefront of conservative Judaism. Their continued dedication to the center will guarantee it remains the focal point of the Brooklyn conservative Jewish community.

For the past 65 years, the East Midwood Jewish Center has played an active role in the community. A small sampling of the projects the center endeavors to support include neighborhood associations, programs for all age groups, both teenagers and senior citizens, a Braille institute, and child education. This center's desire to provide a diversified nonsectarian community organization is a tribute to East Midwood's desire to reach out into the community beyond the boundaries of religion.

It is fitting that the East Midwood Jewish Center Shaare Torah has chosen to honor Dr. and Mrs. Metrick in their upcoming souvenir journal, for no two individuals better embody the standards the community center represents than these two. While, in the East Midwood Center, the Metricks have found the perfect vehicle to carry out their good work.

Mr. Speaker, it is with the greatest admiration that I share with my colleagues the role both this center and this couple have played in strengthening the social fabric of the Jewish community and Brooklyn. I am heartened to know that such good work continues in communities like Brooklyn, taking place without Government incentive, but instead through a civic desire to better a community.

TRIBUTE TO MICHAEL PELAVIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. KILDEE. Mr. Speaker, I rise today to salute Mr. Michael Pelavin of Flint, MI, who today completes his 3-year term as chairman of the National Jewish Community Relations Advisory Council.

NJCRAC, founded in 1944, is one of the world's most influential and respected voices for the rights and dignity of Jews everywhere. Mr. Pelavin, like NJCRAC itself, has an impressive history of fighting, and winning, battles against the oppression, prejudice, and ignorance that still exists in this country and runs brutally rampant in others.

And they do still exist here. The ugliness of anti-Semitism still mars our society. Whether anti-Semitism is subtle or violent, it, like every other hatred, is an assault upon the rights of individuals and a threat to the foundation of any just society.

Mr. Pelavin's leadership of NJCRAC's relentless war on hatred is making this country a better place to live for all of us because it is making this country a fairer place to live for all of us. It is forcing America to live up to its hope of freedom and justice for all.

Internationally, too, Michael has carried the banner of human dignity to foreign officials who hold in their hands the fate of Jewish men, women and children. In fact, he was among a handful of American Jews who journeyed to Reykjavik, Iceland to press for the rights of Soviet Jews. He recognized a momentous opportunity to speak out for those who have been silenced, and he took it. He helped pry open a few more precious inches a door that Perestroika had barely begun to crack. As NJCRAC continues to force it to open ever wider, more and more Soviet Jews will find their way to peace and safety.

Michael Pelavin is a leading attorney in my hometown of Flint, and I have had the pleasure and privilege of counting him as a friend for many years. Long before his fight for justice brought him to the international arena, Michael was fighting in the trenches in Flint. I will never forget our success in pushing through a fair housing measure in Flint, in 1968—a giant step forward for civil rights in Flint that forever bettered our city and our way of life.

In addition to Mr. Pelavin's role as chairman of the NJCRAC, he has also served as president of the Flint Jewish Federation, chairman of the United Jewish Appeals Young Leadership Cabinet, and in community organizations such as the Greater Flint Urban Coalition.

Mr. Speaker, I would like to ask all of my colleagues in the U.S. House of Representatives to join with me in paying tribute to this remarkable man. As a civil rights activist wrote in the 1960's, a threat to justice anywhere is a threat to justice everywhere. Mr. Pelavin's fight for the rights of Jews is a fight for all of us. Indeed, Mr. Pelavin's respect for human dignity includes the entire human race. We will not be a just Nation until all of our citizens are treated justly. Please join me in commending the leadership and vision of Mr. Michael Pelavin of Flint, MI.

TRIBUTE TO THE CAUCUS ON TRAVEL AND TOURISM

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. ROTH. Mr. Speaker, I would like to take this opportunity to report on the efforts of the caucus on travel and tourism. Since I became a member upon entering Congress, the caucus has grown considerably, and this year we expect to have over 200 members. In recent years, the travel and tourism caucus has been very effective in promoting tourism as a national industry, for instance spearheading our support of the U.S. Travel and Tourism Administration and its promotion of our tourism resources.

Tourism is the second largest private employer in the United States. It is one area in which we actually have a $1 billion surplus with the Japanese. We must recognize the opportunity that lies in this sector to contribute to our future economic growth.

We must consider tourism as an export. Foreign visitors are eager to come to the United States—it is up to us to improve the incentives. Last year, an estimated 33.5 million people visited this country, and that figure should rise about 7 percent in the coming year. The travel and tourism caucus is now working with Members to provide materials to set up a tourism economic development conference for their districts.

In my home State of Wisconsin, tourism has become a key element in our economy. I have an advisory group in my district to monitor tourism issues. I work very closely with this group to determine the best initiatives for our tourist business. The advisory group is composed of restaurant owners, travel agents, gas station owners, boat manufacturers, and many others. Together, we are able to promote the tourist trade in northeast Wisconsin.

In the 101st Congress, there will be several issues that interest the tourism industry. First, we must continue adequate funding levels for the U.S. Travel and Tourism Administration. The funding for this program must reflect the importance of the industry to our economy.

The proposed increase on the gas tax would be an enormous burden on much of the tourism business—and the caucus will help Members assess this issue.

Our experience in promoting tourism in Wisconsin can apply throughout America. I encourage my colleagues to support tourism in their area, and be aware of any initiatives that affect it. The outlook for tourism in America is bright—and the caucus is committed to seeing that the industry remains strong.

ELMER GATES, DISTINGUISHED AMERICAN AND VALUED FRIEND

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. RITTER. Mr. Speaker, since leadership and deliberation in the midst of diversity are highly regarded by the Congress, it is a real privilege for me to honor a friend and distinguished citizen who embodies so many of these American foundation principles. Elmer Gates, raised in "Small-Town" New York State, has worked hard all his life to rise up and fulfill the American dream.

Elmer Gates, president and CEO of Fuller Co., in Allentown, PA, and the Lehigh Valley, is a proven, established leader on the national and international level of business and commerce. Moreover, his dynamism and energy continue a quiet, driving force in a remarkably wide range of community interests and business endeavors. One striking instance is Elmer's leadership in an extraordinary team effort to bring Fuller Co. to world leadership. What Elmer Gates and the Fuller team have done is symbolic of what can be done to build up our country's industrial base that some wrote off not so long ago.

On February 24, 1989, Elmer Gates receives the "Distinguished Citizen Award" by the Lehigh Valley Chapter of Sales and Marketing Executives. This is presented annually to an individual in recognition of his or her outstanding achievements in the sales and marketing professions, their contributions to the strengthening of the American free enterprise system, and their concern for human betterment through community involvements.

According to Scott Stoneback, chapter president, "the term 'distinguished' is most appropriate in describing Elmer Gates. Both as a leader in the Lehigh Valley business

community, and in many important civic affairs, Mr. Gates is truly a giant among us."

In 1987, Elmer Gates received the Americanism Award from the Anti-Defamation League of B'nai B'rith for having "made a difference through your outstanding leadership and the inspiration you bring to so many others." The Americanism Award is a tribute to strong family values, the rich cultural heritage, and the respect for achievement through hard work of Jewish communities across America.

These achievements and projects would be sufficient to draw great honor to this man. Add his diversity in other areas such as the Boy Scouts, the Allentown Art Museum, and the Lehigh and Northampton County Community Colleges where we see the kinds of citizenship important to the very mission of our representative government. It's simple. People like Elmer Gates make American democracy work—make the Lehigh Valley, Quality Valley.

All that being said, Elmer, the remarkable human energy machine, remains a down-to-earth guy, a really likable fellow. And his family deserves praise. It would be missing something to not mention Elmer's very special family. I'm speaking of his lovely and capable wife Betty, and their two children, Patti and Jody. They are an adventuresome lot but stay close together.

For Elmer Gates, the concept of Quality is a living, breathing organism. The leadership of Elmer Gates steered the Fuller Co. to a principal role in founding Quality Valley, U.S.A. while making Quality the first priority at Fuller. The Vocational industrial Clubs of America [VICA], developed locally by Elmer, are imbued with the idea that Quality must guide our jobs from beginning to end. He is providing new leadership to vocational education in America, making attitudes change and upgrading performance. He realizes the importance of the future member of team America's workforce. Elmer Gates understands the bond between intelligence, leadership, and the physical, emotional human being whose hands and minds do the jobs for our companies, our communities, and our country.

And so Mr. Speaker, I can say to Elmer Gates, your understanding of the meaning of teamwork, your love of competition and your ability to convey that spirit, serves the Lehigh Valley and America well. I can personally say "thanks," Elmer and Betty, for your friendship and for bringing those qualities to all of us.

THE NATIONAL COOPERATIVE INNOVATION AND COMMERCIALIZATION ACT OF 1989

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BOUCHER. Mr. Speaker, today the gentleman from California, Mr. CAMPBELL, and I are introducing the National Cooperative Innovation and Commercialization Act of 1989. This legislation calls for a fundamental reformation of existing antitrust laws to permit rival U.S. companies to create joint ventures for production in order to compete more effectively against foreign companies in technically oriented global markets.

America today finds itself at an important crossroad in defining its role in the global marketplace. The ability of domestic companies to compete with European and Japanese rivals, especially in technically sophisticated industries, is a subject of the highest national importance.

The need to address questions of competitiveness is patently obvious. Indeed, a cursory glance at the business section of virtually any newspaper starkly reveals the challenges we face.

America's surplus in high technology exports over imports has dropped alarmingly from $26 billion in 1981 to less than $600 million in 1987. 1988 actually produced a $2.5 million deficit. It is critical to restore this balance. Failure to act now carries the risk of America becoming a second-tier industrial power by the year 2000.

Japanese producers of semiconductors have solidified their dominant position in this vital international industry. The United States' steady decline in the semiconductor market over the past 8 years now raises concern within our Government that this country's commercial and military manufacturers are becoming too dependent on overseas suppliers for key parts.

In another field, there is alarm over the failure of the United States to gain a foothold in what is expected to be a new multibillion-dollar television market. High Definition Television, or HDTV, promises a technology which will deliver crisp, motion-picture quality pictures to homeowners before the end of the century. HDTV assumes an even higher importance because it dovetails with clear needs in such critical areas as computers, defense, and medical know-how. Already, America lags far behind Japan and Europe in developing HDTV technology.

Vast economic opportunities also await successful competitors in the emerging fields of high temperature superconductivity and robotics.

The future success of U.S. firms in these markets is questionable today. American companies often face barriers not faced by companies in our competitor nations. some countries, notably Japan, offer direct government financial support to private industry in markets targeted for national dominance. Almost uniformly, companies in other nations do not face the antitrust restraints which confront U.S. firms.

Bringing a new product to market involves both research and production. The costs of developing technically sophisticated products, such as HDTV, semiconductors, or high temperature superconductors, and bringing them to market often exceed the resources of any single firm. Intense coordination among companies in both the strategic and operational phases is required.

Existing antitrust laws in both Europe and Japan recognize that cooperation through interfirm alliance is beneficial to industry as well as to the consumer. It is time for American law to make a similar recognition and sanction joint production ventures in those instances where competition will be preserved. That is the purpose of the legislation we are offering today.

Current antitrust law needlessly inhibits joint production ventures. The legal standards for these alliances are not as clear or as friendly as they are for mergers. Under existing law, two or more American firms interested in the joint production or marketing of an expensive new product or pioneering a more efficient manufacturing process cannot even discuss such an alliance without incurring potential treble damage liability. At the same time, current law provides far more friendly treatment and certainty if these two firms want to merge, even if that merger poses an anticompetitive risk.

The cooperative industrial activity that yields a competitive advantage to America's foreign rivals is, for the most part, effectively denied to our own companies.

It is true that joint ventures for production are not illegal per se under U.S. antitrust laws. But even in those instances where the principals are fairly certain that a joint venture does not violate the law, the risk of guessing wrongly is simply too great. The threat of treble damages and attorney's fees broadly inhibits the kinds of cooperative arrangements in the United States that flourish in Japan and Europe.

What U.S. companies need is assurance before the joint venture is undertaken that it will not violate the antitrust laws. It is that assurance which our legislation provides.

We propose a procedure through which the Department of Justice and the Federal Trade Commission, in consultation with the Department of Commerce, will review proposed joint ventures for production and determine which can go forward consistently with a competitive market. Once so sanctioned, the joint venture participants would be relieved of all potential civil liability, save injunctive relief, for activities within the scope of the sanctioned proposal.

Either the authorizing agency or a private plaintiff could thereafter seek review of the appropriateness of the joint venture, and if it is found to have outgrown its original charter and poses anticompetitive risks, a court could order its termination. Our bill offers prospective joint venturers the protection they need from civil antitrust liability and offers the public protection from anticompetitive activities. In short, we both foster a higher American ability to enter important new markets and protect competition for consumers.

Congress recognized, in 1984, that the uncertainties of antitrust laws and the potential for treble damage litigation were primary reasons why U.S. firms have failed to enter into cooperative innovation arrangements for basic research and development. The resulting legislation, the National Cooperative Research Act of 1984, took significant steps in the direction of fostering joint R&D efforts domestically. What this important legislation failed to do was offer protections to joint arrangements for production.

The National Cooperative Innovation and Commercialization Act of 1989 carefully preserves the antitrust law's protections against any abuse of cooperative arrangements. The power to enjoin any anticompetitive joint venture is unimpaired. Upon approval of the ar-

rangement by antitrust authorities, however, the risk of costly damage actions is removed. Basically, if firms can merge under existing antitrust standards, they would be allowed to form joint ventures for the limited purposes stated in their applications for approval.

Our legislation simultaneously preserves protections against anticompetitive conduct for the public and business competitors and resolves the uncertainties which currently inhibit the formation of joint ventures for production. By encouraging procompetitive joint ventures, our bill will help open the door to U.S. participation in the manufacture of high technology products which will be the major staple of tomorrow's global market and assist current domestic industries now undergoing rapid technological changes.

This legislation enjoys a broad range of support in business, legal, and academic circles. I invite my colleagues to join with Mr. CAMPBELL and me in this effort to enhance America's role in the world economy.

TRIBUTE TO THE ST. CHARLES BORROMEO CHURCH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. RANGEL. Mr. Speaker, it is with great honor that I acknowledge the 100th anniversary of the St. Charles Borromeo Church, located in my district in New York City. In addition to this monumental event, I would also like to acknowledge the beautification of Mother Katherine Drexel, who was the founder of the Order of the Sisters of the Blessed Sacrament.

Under the direction of Mother Katherine Drexel, who died in 1955 at the age of 96, The Order of the Sisters of the Blessed Sacrament established more than 60 schools. These schools were located in 23 States, and among there number was and still is the St. Charles Borromeo School in my district.

Throughout its 100 year history, the St. Charles Borromeo Church has performed innumerable services to the Harlem community. Perhaps their largest contribution has been their commitment to education in the black community. When the Pope spoke of Mother Drexel in his homily, he spoke in particular of her commitment to education and said of it:

What better way could be found to conquer the devastating effects of racism and to provide effective help for these disadvantaged brothers and sisters.

I salute the St. Charles Borromeo Church for all of its services to my community but in particular because it has carried on this great tradition of commitment to education.

It is with great pleasure that I share this tribute with my colleagues. The St. Charles Borromeo Church has long been a pillar of good in my district and on its 100th anniversary is deserving of great praise.

THE FOURTEENTH ANNUAL BROOKLYN IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I commemorate the 14th annual Brooklyn Irish-American Parade, taking place March 19, 1989. This fine occasion, begun on the year of America's bicentennial celebration, continues as a reminder of the role the Irish freedom fighters played in America's battle for independence.

The parade will highlight the cultural, historical, and educational accomplishments of Brooklyn's Irish-American community and will encourage the appreciation of ancient Irish traditions. Yet the day will be more than a tribute to the Irish Americans of Brooklyn, it will be a celebration of Brooklyn's cultural diversity and richness. The parade takes place in the neighborhood of Prospect Park, the historic site of the Battle of Brooklyn, the battle in which the Irish freedom fighters gave their lives to secure American independence. The Honorable William Bellard of the supreme court will be the grand marshal of the parade.

This year's parade will honor Padraic Pearse on the 75th anniversary of his visit to Brooklyn. Padraic Pearse embodied the very spirit that the Brooklyn Irish-American Parade tries to recapture. Pearse, a Gaelic scholar, poet, educator, political philosopher, and Irish nationalist delivered his prophetic and eloquent address on Robert Emmet and Irish independence at the Brooklyn Academy of Music on March 1, 1914. Two brief years after his visit to Brooklyn, Pearse would become a key leader in the Easter uprising of 1916 and as commander-in-chief of the Irish forces was chosen to become president of the provincial government of the Republic. Padraic Pearse's life and work came to an end shortly thereafter when he was executed by a British firing squad.

We can draw important parallels between Pearse's life and battle for the independence of his homeland, commemorated in this year's Brooklyn Irish-American Parade, and the same struggle America underwent to secure its own freedom over 200 years ago. The role the Irish played in the successful American endeavor for freedom should not be forgotten, even as the Irish struggle carries on.

Mr. Speaker, I urge my colleagues to remember the spirit that the annual Brooklyn Irish-American Parade tries to recapture and the critical role that spirit has played in our own history.

A TRIBUTE TO J. MICHAEL LAUMANN

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, it is with the greatest pleasure that I call my colleagues' attention to the accomplishments of Mr. J. Michael Laumann, the mayor of Cheviot, OH. Mr. Laumann will be receiving deserved recognition for his community dedication at the Cheviot Eagles Annual Hall of Fame and Civic Appreciation Testimonial Dinner tomorrow night.

Mike Laumann has had an impressive career in public service. His loyalty to the people of Cheviot is obvious. In 1973 he was elected to Cheviot City Council and reelected to the council in 1975. Following that he served as my administrative assistant and business district manager from 1977 until 1980. IN 1981 he returned to Cheviot City Council as president, and became their mayor in March 1983.

Since the beginning of his tenure in Cheviot, he has greatly contributed to the distinction of the city. A lawyer's attention to detail causes him to check that addresses read "Cheviot, OH" rather than "Cincinnati, OH." And a sincere respect for Cheviot caused him to see through the new Cheviot City Hall from its conception years ago to its dedication in 1987.

Along with the familiar civic management, he preserves the "small town" atmosphere and charm of his city with such involvement as calling Bingo games, and personally swearing-in organizations' officers. Speaking for the people of the First District of Ohio, especially those in Cheviot, I would like to thank J. Michael Laumann for his many years of devoted service.

Mr. Speaker and Members of the House, I have known Mike for many years and consider him to be a good friend. I take much pride in giving him this tribute, and I join his wife Debbie and young daughter Courtney in honoring him today.

SALVATORE LoPINTO GUEST OF HONOR

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. MRAZEK. Mr. Speaker, the Cellini Lodge No. 2206 of Order Sons of Italy in America, representing the village of New Hyde Park, Long Island, and surrounding hamlets, has chosen to honor Salvatore LoPinto of Stewart Manor as the guest of honor at its 21st annual dinner this year. I rise today to bring to the attention of my colleagues the record of service and involvement which has led to this milestone for Brother LoPinto.

A member of the OSIA since 1974, Brother LoPinto has served as trustee, orator, first vice president and, from 1985–87, as president of the Cellini Lodge. He has led by example from his early days at the lodge, when he assisted in raising $50,000 for the St. Francis Heart Program in Italy project, building bridges of friendship both within the order and with the motherland in Italy.

During his presidency of the lodge, Brother LoPinto shepherded several important projects to fruition. He initiated an annual formal "Salute to Mothers" each May, establishing a stronger relationship between the

lodge's ladies of the auxiliary and a then-all men's lodge. He ramrodded "Project Italia," a culturally based organization encouraged by the lodge, and encouraged establishment of regular Saturday morning Italian language classes as sponsored by the lodge.

Professionally, Brother LoPinto has had a variety of accomplishments and interests. He began at age 15 as a baker, became a New York City firefighter at age 25, then moved on to become an entrepreneur in the garment industry. He now works as an insurance manager for the Prudential, where he has won numerous awards for his outstanding service.

Brother LoPinto's mother and father came to the United States from Sicily. His mother hailed from the city of Palermo, his father from the town of Corleone. Brother LoPinto grew up in Brooklyn, the Bronx, and Long Island, and met his wife Carmela "Millie" Nizzari while they were both students at Lafayette High School. The couple has three sons, Robert, Salvatore, and Stephen, as well as grandchildren. Also, Brother LoPinto's mother-in-law, Anna Nizzari, has actively supported the couple's activities and is a lodge member, as are Millie, Salvatore, and Stephen.

The Cellini Lodge has chosen to honor Salvatore LoPinto for his record of service, his business acumen and his leadership ability. Mr. Speaker, I join with the membership of Order Sons of Italy in America's Cellini Lodge in congratulating Salvatore LoPinto for his outstanding contributions to the community, and I wish Brother LoPinto and his family all the best in the years ahead.

A LARGER ROLE FOR JAPAN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BEREUTER. Mr. Speaker, Japan is garnering more than its share of news headlines these days. Prime Minister Takeshita met with President Bush at the White House on February 2, the first foreign leader to do so. Japan announced in late January that it would increase its foreign aid budget by almost 8 percent and its defense budget by almost 6 percent. In doing so, Japan becomes the largest foreign aid donor in the world. Meanwhile, Japan continues to run huge trade surpluses with the United States and the European Economic Community and has emerged as the world's largest creditor nation.

In short, Japan has come of age on the world stage and must begin to play the part. Although Japan is seeking a more dominant role for itself in international affairs, it has yet to assume its full responsibilities. A February 6 Omaha World-Herald editorial entitled "More Responsibility for Japan" expresses that viewpoint by pointing out that the time has come for Japan to take "a larger role in matters of foreign aid, diplomacy and global security." I agree completely and commend this editorial to my colleagues.

MORE RESPONSIBILITY FOR JAPAN

Japan recently passed the United States in the amount of foreign aid it dispenses. The Tokyo stock exchange rivals Wall Street. The central bank in Tokyo is busier with international loans and investments than any U.S. bank. Now the Japanese are openly seeking a greater role in diplomatic affairs.

Fifty years ago, the rising sun fluttered on Japanese military flags as the Japanese army pushed into China and the Japanese navy prepared to challenge the U.S. Pacific fleet. The Japanese war cabinet, led by General Hideki Tojo, had formulated the notion of establishing a "greater East-Asia co-prosperity sphere."

In other words, an empire abroad.

The Japanese generals, admirals and industrialists tried to justify their actions by pointing out that Japan was a small, overcrowded island, lacking in minerals and other raw materials. Its assets included factories and an industrious population. Following a simplistic line of reasoning, the leadership concluded that the raw materials were ready at hand—in China, Manchuria, Indochina, the Philippines and the Dutch East Indies.

The American Pacific fleet, a potential obstacle to exploitation of the Pacific, was attacked at Pearl Harbor.

The resulting war with the world's strongest industrial power was a disaster for the Japanese. More than two million Japanese casualties resulted. Virtually the entire navy and many of the merchant ships were destroyed. Japanese cities were laid waste by heavy bombing raids, including the nuclear destruction of Hiroshima and Nagasaki.

Now Japan has developed a different kind of influence. It is the major power in the robust Pacific Rim economy. It has investors and sales people in nearly all the countries it once sought as colonies. It has moved ahead of the United States and Western Europe in significant technological and electronic fields.

Japan achieved some of the goals economically that it failed to achieve militarily.

In recent meetings with President Bush, Prime Minister Noburu Takeshita urged the United States to consult Japan on an equal basis so that his country could play a major role in world political affairs. Under the protective umbrella of the United States, Japan has prospered without having to spend huge amounts for defense. It is time Japan took a larger role in matters of foreign aid, diplomacy and global security.

CREDIT REFORM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. GRADISON. Mr. Speaker, over time, and on a bipartisan basis, the Congress and the executive branch have become more cognizant of the need for the accurate budgetary treatment of Federal credit programs. The basic purpose of credit reform is to reflect the true costs of credit programs in the budget. Over the past decade, significant progress has been made, but more needs to be done.

In his budget proposal for fiscal year 1987, President Reagan put forward several credit management reform initiatives. The use of loan asset sales and borrower prepayments were among them.

Loan asset sales have been the subject of considerable debate during the most recent budget deliberations in the Congress. However, loan prepayment programs have attracted less attention.

During fiscal year 1987, as required either by the 1986 Budget Reconciliation Act (Public Law 99-509) or the administration's Loan Prepayment Pilot Program, several Federal agencies initiated borrower loan prepayment programs. The aggregate unpaid principal balance of these programs was $3.7 billion and they yielded $3 billion in net prepayment proceeds. Under two programs, borrowers prepaid their loans at the unpaid principal balance—$1.9 billion. Under the remaining programs, borrowers prepaid their loans at less than the unpaid principal balance. Specifically, loans with an unpaid principal balance of $1.8 billion yielded $1.1 billion in net proceeds.

In these cases, the agencies surrendered the financial right of the Federal Government to recover the full amount loaned to the borrower. Absent specific statutory authority, no officer of the Federal Government may surrender or waive contract rights vested in the Government, including the right to receive loan repayments on a certain schedule and at a certain interest rate, without a compensating benefit to the United States.

In August 1987, I requested that the General Accounting Office investigate these loan prepayment programs and ascertain whether they conformed with this legal principle. The GAO has recently completed its investigation. The report, "Borrower Loan Prepayments: OMB Guidelines Need To Be Strengthened" (GAO/AFMD-88-19), is now available.

Among its principal findings, GAO determined:

First. The loan prepayment programs reviewed by GAO were all within the law. Each agency had the statutory authority to accept loan prepayments at less than the unpaid principal balance.

Second. The costs of the prepayment program generally exceeded the benefits to the Government. That is, the Government generally received less in net principal proceeds than the present value of future loan principal and interest payments. Put another way, the Government took a loss.

Third. Loan prepayments do not effectively achieve credit reform objectives. As is the case with seasoned loan asset sales, prepayments cannot accurately measure credit program subsidies.

Fourth. OMB's guidelines need to be strengthened. OMB's current loan asset sale guidelines also address how to conduct a loan prepayment program. The guidelines, however, do not adequately ensure that sale or prepayment decisions are made consistently across the Government or that individual agency decisions yield the optimal financial and credit reform benefits to the Government.

Although I generally support GAO's conclusions, I do have a disagreement with GAO's methodology. I join OMB and CBO in taking issue with GAO's longstanding position on the proper way to measure the cost of Federal credit programs. GAO believes that federally assisted loans should be valued by using yields on similar-maturity Treasury debt, adjusted for expected defaults, as the discount rate. This, I believe, is wrong.

The Government, like any investor, bears the risk that default and other costs may be higher than expected. This risk lowers the value of federally assisted loans relative to what their value would be if expectations were certain—as with Treasury securities. By failing to recognize the effect of uncertainty on the value of federally assisted loans, GAO's approach understates the true subsidy cost of Federal credit programs.

In the past, the understatement of credit programs cost may have biased Government decisions toward federalization of our financial system. We should not continue this bias.

Notwithstanding this technical, albeit important, disagreement, I commend GAO for its effort in producing this report. I am especially heartened that OMB concurs, in large part, with GAO's analysis and has agreed to strengthen its loan asset sale and loan prepayment guidelines in a manner generally consistent with GAO's recommendations.

PROF. DAVID EISENBERG—FACULTY RESEARCH LECTURER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. LEVINE of California. Mr. Speaker, I am pleased to report that the UCLA Faculty Research Lecture will be delivered tomorrow by Prof. David Eisenberg, a distinguished chemist and molecular biologist and one of the most respected and popular men in the Los Angeles community.

Dr. Eisenberg has determined the atomic structure of the most abundant protein on Earth. Last year he and his associates reported the precise atomic structure of the more than 37,000 atoms that form the three-dimensional shape of RuBisCo, the most abundant protein on Earth and a substance critical to life because it starts the sequence that transforms carbon dioxide into sugar during photosynthesis.

Knowledge of RuBisCo's structure is important to applied scientists who may be able to increase crop yields by modifying its structure, to biochemists who are interested in a detailed understanding of the organization of RuBisCo and other molecules, and to theoreticians interested in such questions as how the atoms form the protein's three-dimensional shape.

Being named a faculty research lecturer is the highest honor bestowed by the university's faculty on its members. Recipients are selected by a committee of former honorees based on exceptional research achievements.

Eisenberg's lecture, titled "Protein Structure and Design," will be presented free of charge and is open to the public.

Professor Eisenberg has been a member of the UCLA faculty for over 20 years since 1968. He has received international recognition for his research on the structure and function of protein molecules, and has played a key role in the development of UCLA's highly acclaimed biological structure laboratories.

David Eisenberg is not only a shining star in the University of California constellation but also has a remarkable family, including his talented and terrific wife, Lucy, and children, Jenny and Nell. He is also a special friend, whose lecture I am pleased to call to the attention of my colleagues.

A BILL TO RAISE THE GASOLINE TAX

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BEILENSON. Mr. Speaker, I am introducing a bill today to increase the Federal excise tax on gasoline by 50 cents a gallon, phasing it in by 10 cents annually for 5 years. This proposal would make an enormous contribution toward reducing our Federal budget deficit, the No. 1 problem facing our Nation today. It would also reduce the U.S. trade deficit, lessen our Nation's vulnerability to a new energy crisis, improve U.S. auto industry competitiveness, and reduce the auto emissions that are contributing to air pollution and the global warming phenomenon.

This additional tax would apply to other motor fuels as well, including gasohol, ethanol, methanol, and diesel fuel sold at the pump. It would not apply to gasoline used for noncommercial aviation, however, so as to avoid creating a large discrepancy between the costs of gasoline and jet fuel for aircraft. Revenues from the added tax would accrue to the General Treasury, to be used to reduce the Federal budget deficit, rather than to the highway trust fund, for which the revenues from the existing 9.1-cent-a-gallon tax are earmarked.

Since each penny per gallon of gasoline tax raises about $1 billion annually, this bill would reduce Federal budget deficits by a total of roughly $150 billion over the next 5 years, and by about $50 billion annually thereafter. Yet, because the cost of gasoline is so low—about 40 cents a gallon lower than its peak price in 1981—this huge deficit reduction is possible without asking Americans to pay much more for gasoline than we were accustomed to paying in the past. And, even after the full 50-cent increase in its place, we would still pay less for gasoline than our counterparts in European countries and Japan pay, where the taxes on gasoline range from $1.20 to $3 per gallon.

The low price of gasoline has contributed to another critical problem that would be addressed by this bill: Our Nation's growing dependence on imported oil. In 1985, we imported 27 percent of our Nation's oil supplies; we're currently importing over 40 percent of the oil we consume, and much of it from countries in the politically unstable Middle East. By the early 1990's, energy experts are predicting we will be importing more than half the oil we use—a greater proportion than that which triggered our energy crises of the 1970's, bringing not just the inconvenience of long gas lines but also two serious recessions, high unemployment, and the worst period of inflation in American history.

This dangerous trend toward increased reliance on imported oil would be reversed if Americans had an incentive to conserve. If gasoline cost more, people would buy more fuel-efficient cars and, where possible, cut back on driving by using mass transit or forming carpools. Since any increased demand for oil is met by increasing imports, our reduced gasoline consumption would translate into reduced imports of oil.

As we lower our oil imports, we would also reduce the enormous U.S. trade deficit. Because oil accounts for nearly one-quarter of that deficit, lowering our demand for just this one commodity would substantially reduce the total amount of money we sent overseas. Our trade deficits would decline further in response to the lower Federal budget deficits which would result from the higher gas tax. Reducing our Nation's so-called twin deficits would stop the hemorrhaging of our Nation's economic resources and bring about lower rates, less unemployment, higher economic growth, and a higher standard of living for all Americans.

Gradually raising the gas tax by 50 cents a gallon would also help save domestic automakers from the devastating blow they are setting themselves up for by continuing their production of gas-guzzling cars. Their competitors in Europe and Japan are now developing and will soon be marketing 60 to 90 miles per gallon vehicles, while the U.S. industry, which has successfully petitioned the Federal Government to roll back our relatively modest fuel-economy standards, is moving in precisely the opposite direction. When the world oil market tightens, as it inevitably will, and rising oil prices again generate a frenzied demand for higher-mileage cars, U.S. automakers will be demolished—unless we help them prepare for that day by stimulating demand now for more efficient cars, as a higher gas tax would do.

Finally, by lowering our consumption of gasoline, raising the gas tax would also help reduce auto emissions, which are the primary cause of polluted air in most U.S. cities. It would also help slow the buildup of carbon dioxide in the atmosphere, which is believed to be the main contributor to the global warming phenomenon. Although a higher gasoline tax by itself would not solve these critical problems, it would help control the damage while we work on more comprehensive solutions.

Despite the enormous potential benefits of this proposal, critics have opposed raising the gas tax for three commonly stated reasons: that it would deplete a source of funding that has traditionally been reserved for building highways, that it is a regressive tax, and that it would hurt people who must drive long distances or who work in the tourist industry. Each of these criticisms deserves a response.

Although the current Federal tax on gasoline is dedicated to the purpose of paying for highway construction and mass transit, and despite the fact that many communities urgently need new or improved roads, in recent years Congress has appropriated a lower level of funding for roads than the revenues from the gas tax would allow so that at least a portion of those revenues could be used for deficit reduction. Congress has thus already implicitly decided that the need for reducing the

deficit is more important than fully funding road construction.

And, in fact, that is a good decision, and a good precedent. As obvious and as critical as is the need for new roads, bridges, and mass transit, the need to reduce the deficit is even more so: the deficit problem is entwined with every national problem we face, and until we get it under control, we cannot begin to address the growing needs of our Nation in a responsible manner. The gas tax has the potential to make a much greater contribution to the solution of the deficit problem than it has been used for thus far, and we should not refrain from using it just because historically it has been levied for a different purpose.

There is justifiable concern about levying any tax that would hurt lower-income individuals, and I would favor raising the earned income tax credit for low-income workers or developing another way—other than a direct rebate, which would nullify the conservation incentive—to help compensate those at the lowest end of the income scale for the higher gas tax. However, it is doubtful that this measure would hurt the poor as much as is commonly believed. A Congressional Budget Office study conducted last year on the distributional effects of higher excise taxes found that, for all but the very highest and very lowest income classes, an increase in the gasoline tax would have the same effect on all income classes when measured as a percent of total expenditures. Also, because the price is so low, and because of the fuel-efficiency gains made in the past, gasoline represents a fairly small component of most household budgets, even for families of modest means.

Because this tax would be phased in by 10 cents per gallon per year, this bill would give people time to adjust to higher gas prices. A person who drives 10,000 miles a year in a car that gets 25 miles per gallon would pay an extra $40 each year for gasoline—assuming oil prices stay the same—or $200 more annually by the time the full 50 cents increase is in place—if he made no changes in driving patterns or car ownership.

However, if that same driver bought a car that gets 35 miles per gallon, he would only pay an extra $29, instead of $200, in gasoline taxes once the full tax increase is in place. Or, if he decided to carpool to work with another person and thereby cut his driving by one-third, he would offset the additional tax completely. As we learned from the gas price hikes in the 1970's, most people will lower their consumption of gas by one means or another in response to higher prices—and that is precisely the goal of this legislation.

Those who must drive long distances, or who work in the tourism industry, or who depend on the continuation of low gasoline prices for any other reason are the very same people who will be hurt the most if we do not raise the gas tax.

If we do nothing to curb our demand for imported oil, the cost of gasoline will go up because world oil supplies will decline. We could soon by paying $2 or $3 a gallon more, and OPEC will again be able to raise its prices as it gains more control over the world oil market.

On the other hand, the cost of gas will go up modestly if we raise the tax on it, but we will have lowered our demand for imported oil and kept OPEC from being able to raise its prices. We will thus pay the entire cost of gasoline to ourselves, so that it can be used for purposes here at home, instead of sending tens of billions of dollars overseas to foreign oil producers.

Americans will thus pay more for gasoline whether we in Congress raise the price ourselves, or do nothing and thereby set the stage for OPEC to raise its prices, but if we act, we will ensure lower prices and greater supplies of oil, as well as the economic benefits that reduced trade and budget deficits will bring.

In other words, if we raise the gasoline tax, we will pay more for gasoline, but our standard of living will rise; whereas, if we do nothing, we will pay more for gasoline and our standard of living will decline. Over the long run, the economic benefits that would result from raising the gas tax will far outweigh the near-term disadvantages of higher gas prices.

There are, of course, other ways to decrease our dependence on foreign oil besides raising the gasoline tax. But every other major proposal for doing so creates new problems, and not one does nearly so much to help reduce the Federal budget deficit as does a higher gasoline tax.

For example, the most commonly suggested way to reduce our imports is to impose an oil import fee. Although a fee would bring in some revenues, it would also result in inexcusable windfall profits for domestic producers who would raise the price of their oil to match the higher price of imported oil. Thus, we would be raising the cost to American consumers of both domestic and imported oil, but only receiving the benefit of revenues from imports. With a gasoline tax, however, all the additional cost of gasoline would be used to reduce the deficit.

In addition, an oil import fee would cause resentment and retaliation from trading partners and would reduce incentives for our own oil industry to improve its international competitiveness. It would also raise the cost of all uses of oil, from home heating to manufacturing, whereas a gas tax would affect only transportation costs. And, an oil import fee would be difficult to administer, compared with the ease of administering an increase in the Federal gasoline tax, for which there is already a collection system in place.

Most of the other frequently suggested ways of reducing our oil imports involve various means of expanding domestic production of fuel, such as opening more public lands for oil development, creating synthetic fuels, or providing tax incentives for our own oil industry. But these and virtually all other means of increasing domestic production have environmental, administrative, or economic drawbacks that a gasoline tax doesn't have. Because of those drawbacks, all of these proposals would be subject to lengthy consideration before they could be implemented. Raising the gas tax, on the other hand, could be implemented—and would show results—immediately.

Mr. Speaker, this bill is not a cure-all for the severe economic and environmental problems facing our Nation, but it is the one measure that can do more to ease the array of serious problems we face than any other I know of. It is a wise and sensible step that is long overdue.

TRIBUTE TO E. CONRAD TURNER

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. PURSELL. Mr. Speaker, I rise today to acknowledge a milestone in the life of one of my constituents, E. Conrad Turner of Jackson, MI. On March 5, 1989, Mr. Turner will celebrate the 80th anniversary of his birth. In honor of his birthday, I submit the following tribute written by his grandson and commend it to the attention of my colleagues.

IN PRAISE OF MY GRANDFATHER ON HIS 80TH BIRTHDAY

From even a casual examination, you can see that my grandfather is a very special man. He embodies the ideals we cherish in all human beings. A man of unquestioned integrity and an enduring conviction to the values we hold dear, Grandpa projects a vision of strength and optimism to all who are fortunate to know him.

Born on a small farm in rural Ballard County, Kentucky into a family of humble means, Grandpa learned the value of hard work at a young age and in the process developed a myriad of talents. This work ethic and the skills he mastered have served him well throughout his life. When he was 18, Grandpa moved to Jackson, Michigan to earn a living and at the age of 24 he made one of the best decisions of his life, he married Emma Lee Bugg. Even today, they are an inseparable unit bonded by the lasting love that only a lifetime of devotion and fidelity can cement. Together they raised two children; Shirley J. Heydlauff, a mother and wife whose innumerable achievements are due in no small way to the guidance received from her parents; and Captain James R. Turner, USN, whose keen intellect and fierce patriotism were molded in large part by the example of his father and mother.

In many respects, my grandfather exemplifies what is good and commendable in people. A man whose life is governed by Christian principles, Grandpa possesses a gentle and loving heart, abundant generosity and kindness, resourcefulness and a commitment to hard work. Always ready with a helping hand, Grandpa consistently exhibits fine moral character and high ethical standards. He resembles a beautifully woven cloth comprised of stitches of wisdom, decency, compassion, strength and peacefulness. He truly symbolizes what we should all strive to attain.

On behalf of his eight grandchildren, their spouses and seven great grandchildren, I want to express our heartfelt appreciation for the many contributions he has made to our lives. We are grateful for his existence and elated at his achievement of this important event in his life. We honor him today with a celebration of the life he has had and to toast the years to come.

Dedicated to my grandfather with love and gratitude. Dale E. Heydlauff.

MAINE'S BLIND WORKER OF THE YEAR

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Ms. SNOWE. Mr. Speaker, I rise today to extend my congratulations to Roger Nadeau, who has been named Blind Worker of the Year by the Maine Center for the Blind. Roger will now compete for the Peter J. Salmon National Blind Worker of the Year Award given by the Board of Directors of National Industries for the Blind.

Roger has been chosen Blind Worker of the Year, not only because of his successful on-the-job performance but also for his work in the community. He is employed by the Maine Center for the Blind where he produces flyers' kit bags for the Air Force and a retention strap for the parachutists' version of the new Kelvar helmet under Federal contracts. He also produces pens for the State of Maine. Aside from his excellent work record, Roger also is a consumer representative to the Board of the Directors of the Maine Center for the Blind and is an officer in the Portland Chapter of the American Council of the Blind.

I would like to commend Roger on the receipt of this award, and am pleased he will be Maine's candidate for the Peter J. Salmon National Blind Worker of the Year Award.

TRIBUTE TO WALTER FRANCHUK

HON. DAVID E. BONIOR

OF MICHGIAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a good friend of mine, Walter Franchuk. Walt retired last year from the Macomb County, MI, Board of Commissioners after nearly 26 years of distinguished service. He left an indelible mark on the county and will be sorely missed by those he served.

I have known Walt for 30 years. He served on the old board of supervisors with my father, and it has been a privilege to be friends with Walt and his wife Freda over the years. I have always been impressed with his ability to bring people together to solve problems. As chairman of the board of commissioners earlier this decade, Walt oversaw the growth of northeastern Macomb County and aided the development of better services to the entire county. Always ready with a smile, Walt was a dedicated and much-loved public servant.

People of all political stripes couldn't help but to admire Walt Franchuk. His sense of fair play and his gentle disposition enabled him to bring divisive factions together over the course of his three decades in politics. Macomb County is a better place because of Walt Franchuk. Lean and trim, Walt has a great future ahead of him, and I am proud to honor him today.

THE MASK OF THE RED DEATH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. MANTON. Mr. Speaker, recently the National Oceanic and Atmospheric Administration [NOAA] announced the results of its multi-year study into the tragic deaths of hundreds of bottlenosed dolphins experienced along the East Coast and, to a lesser extent, the Gulf Coast during the summer of 1987 and into early 1988. The results, to say the least, are remarkable in that the cause of this unfortunate event differs greatly from what many would have had us believe.

The deaths were not the result of the vast quantities of man-made pollutants which enter our coastal waters daily. Rather, they were the result of natural causes. The NOAA study concluded these dolphins were poisoned by eating fish tainted by a naturally occurring toxin [brevetoxin] from "red tide" algae [Ptychodiscus brevis]. NOAA reported this is the first known instance of the toxin being transmitted to a mammal through tainted fish.

Red tides are normally confined to the Gulf of Mexico, although occasionally they can be found around Florida and along the Atlantic Coast. This particular algae "bloom" reached as far as North Carolina, where it had a devastating effect on the local shell-fish industry.

From the moment these dolphin deaths began, a collective finger was pointed towards the treated municipal sewage sludge which is disposed of at the 106-mile deepwater municipal dump site off the New York and New Jersey coast. As a result, last year the Congress passed the Ocean Dumping Ban Act, which sets a deadline for the ocean disposal of municipal sludge and establishes a new fee and penalty structure for ocean dumping.

Mr. Speaker, the Ocean Dumping Ban Act is good legislation which will assure the practice of ocean disposal of industrial wastes and treated municipal sludge ceases as expeditiously as possible. However, this legislation will do very little to prevent future such episodes of mass dolphin deaths. This situation should be a good reminder for all of us not to point an accusatory finger without having all the facts in hand, and not to react in a "knee-jerk" fashion in addressing our pressing national pollution problems.

This year I intend to pursue legislation to remedy the direct discharge of pollutants into our Nation's wetlands, estuaries, near coastal and ocean waters. Also, I will be looking for support for an increase in our research efforts into determining what causes such red tides and how we can protect our coastal waters and marine life from these occurrences. However, I hope these important issues can be pursued in a calm and rational manner.

Mr. Speaker, I commend to my colleagues attention two articles which appeared in the Washington Post and the New York Times concerning the NOAA study.

[From the Washington Post, Feb. 2, 1989]

TOXIC ALGAE KILLED DOLPHINS—MARINE MAMMAL CATASTROPHE BLAMED ON POISONOUS RED TIDE

(By Philip J. Hilts and Lisa Leff)

Half the bottlenosed dolphins off the Atlantic Coast died during the past three years after eating fish loaded with poisonous "red tide" algae, researchers at the National Oceanic and Atmospheric Administration reported yesterday.

It apparently was the first time that marine mammals have been poisoned on such a large scale, said Dr. Joseph R. Geraci, a veterinarian from the University of Guelph in Ontario, who headed the NOAA team investigating the deaths.

The dolphin deaths were widely reported in the summer of 1987, when hundreds of the dead and dying animals washed ashore on East Coast beaches from New Jersey to Florida. The event sparked concern that a man-made hazard was threatening the species.

As recently as last summer, no one could say what had contributed to the massive kill. But after an 18-month investigation that checked for more than 12,000 chemicals, investigators said the cause apparently was a natural, albeit unusual, event.

More than 750 emaciated and peeling dolphin bodies infected with several common viruses and bacteria have washed ashore since July 1987, but NOAA officials estimate that as many as 3,000 dolphins have died with similar symptoms. Afflicted dolphins continued to wash ashore in large numbers through the first few months of last year, and the numbers of dead are still above normal levels.

Geraci said the mass poisoning was the result of a rare set of circumstances that brought together the poison naturally produced by one species of algae and the dolphins, which do not normally eat the algae.

Some of the animals died from the poison outright, but most died of diseases that overtook them after their immune systems were weakened by eating the toxin-loaded fish.

The poison strikes the central nervous system, the heart and the lungs, Geraci said.

Menhaden, a small fish somtimes used to make fish meal and oil, was apparently the fish that the dolphins ate, Geraci said. The menhaden ate the algae, ptychodiscus brevis, which produces the potent nerve poison called brevetoxin.

Spanish mackerel is another fish that may have eaten the menhaden, and then were eaten by the dolphins in turn, Geraci said.

The scarred dolphins were first noticed in June 1987, when they began turning up on the beaches of southern New Jersey.

NOAA investigators began working on the case that summer and pieced together the following sequence of events that they believe led to the natural catastrophe:

In the fall of 1986, the "red tide" algae began to bloom off the west coast of Florida, a normal annual occurrence. But instead of dissipating over the winter as usual, the bloom continued into the early spring.

A loop current from the Gulf of Mexico drew some of the algae around the tip of Florida and sent it hundreds of miles up the East Coast. By March, the menhaden had begun feeding on the algae, the mackerel feeding on the menhaden, and the dolphins eating both.

The fish were found to have high levels of brevetoxin in their guts, but were apparent-

ly not affected by it, Geraci said. NOAA fisheries experts said that because the poison did not show up in the meat of the fish, it would not be a threat to humans who eat fish.

During the summer, the dolphins and the fish headed north toward New Jersey. That year, the fish ran farther north than they had in more than a decade. The dolphins continued to feed on them, and by June began to wash ashore.

Geraci said the dolphins may have been poisoned a second time when they migrated south in the fall. By then, the red tide had drifted north with the Gulf Stream to North Carolina waters, where they poisoned local oyster and clam beds.

The NOAA team had not determined the cause of the deaths until, in January 1988, they investigated a similar but smaller event. That winter, 19 whales washed ashore in Cape Code, dead of paralytic shellfish poisoning. That toxin is more familiar and was quickly identified.

"Then I realized that a toxin could kill marine mammals. I hadn't through of it. Once I had the idea, within 36 hours we confirmed it," Geraci said.

Seventeen dolphin carcasses were examined in exhaustive detail, and of those, eight had brevetoxin in their livers. Some of the others may have, but the data was not clear enough to be certain.

William E. Evans, NOAA administrator, said that a coast watch has been started, including satellite observations of the Gulf Stream and shore observers to look for the red tide in Florida and North Carolina. Others will be started soon in the Chesapeake Bay and the Pacific Ocean. Brevetoxin does affect humans when they eat shellfish contaminated with it. The sickness has symptoms like severe 24-hour influenza, but is not fatal, authorities said.

[From the New York Times, Feb. 2, 1989]

"DEATH OF DOLPHINS ARE LINKED BY U.S. TO NATURAL CAUSES"

WASHINGTON, Feb. 1—Hundreds of bottlenose dolphins found dead on East Coast shores two summers ago were poisoned after eating fish contaminated with a toxin from an algae rarely found in those waters, a National Ocean and Atmospheric Administration study has concluded.

Gerald Scott, an official of the agency, said that as many as a thousand dolphins, half of the coastal migratory population, were lost. It could take up to a century to regain their former population level, he said. The "red tides" algae was found in the liver and other viscera of menhaden and Spanish mackeral and other fish eaten by the dolphins.

Officials of the oceanic administration said the toxin was not found in the flesh of the fish and thus posed no threat to humans eating fish fillets.

The officials said the algae occurred naturally and not because of any manmade pollutant. The deaths had puzzled scientists for 18 months and caused concern among the public about the health of the nation's waters, some of which are threatened by industrial discharges, sewage, air pollution, and acid rain.

HUNDREDS OF SCIENTISTS

The dolphins' death from such a cause "is a first," said Joseph Geraci, professor of veterinary medicine in the pathology department at the University of Guelph near Toronto. Dr. Geraci headed an 18-month investigation that involved hundreds of scientists at dozens of Federal, university and private agencies and laboratories.

The agency's findings were disputed by Greenpeace, a worldwide environmental group, which said brevetoxin and red tide blooms are common in the Gulf of Mexico, which is inhabited by thousands of bottlenose dolphins. "There have never been any recorded cases of dolphins in the Gulf being affected by brevetoxin," said Bruce McKay, Greenpeace spokesman.

Mr. McKay said the agency supplied no documented evidence for its theory. Officials said a final report would be available in three weeks.

When asked why dolphins survive in the Gulf of Mexico with the red tide algae, Brian E. Gorman, an agency spokesman, said the red tide blooms there tend to be denser and more discrete then that found along the Atlantic coast. "The red tide algae we are talking about in the dolphin episode was more widely dispersed and more easily taken up by the fish," he said.

Agency officials did, however, find elevated levels of some pollutants, mainly PCB's in the internal organs of the dolphins, Mr. Gorman said. But, he said, "We are convinced that it wasn't the high pollution level that lead to their death."

Today's explanation for the dolphins' death is consistent with Dr. Geraci's earlier finds in August 1987 that the dolphins died from common bacteria normally found in coastal waters. Dr. Geraci said today that, while some of the dolphins died immediately from the brevetoxin, others were weakened by it and became more susceptible to bacterial and viral infections.

DR. W.R. GOMES

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1989

Mr. BRUCE. Mr. Speaker, it is a privilege for me today to recognize the nomination of Dr. W.R. Gomes to the position of dean of the College of Agriculture at the University of Illinois. Through my dealings with the University of Illinois as its Congressman I have developed a great fondness for the quality of research and instruction conducted by an outstanding College of Agriculture faculty. I am positive that Dr. Gomes will provide inspirational leadership for college as it heads into the 1990's.

Arriving at the University of Illinois in 1981, Dr. Gomes was then head of the dairy science department. In 1985, when the animal science department and the dairy science department merged Dr. Gomes successfully headed up the expanded animal sciences department. As an expert in animal reproduction, Dr. Gomes has a long list of scientific research papers and abstracts to his credit.

Dr. Gomes holds a doctorate in animal sciences from Purdue University in 1965, a master's degree from Washington State University in 1962 and a bachelor of science degree from California Polytechnic State University in 1960. He has taught at Ohio State University from 1965 to 1981, with time out as a Fulbright-Hayes professor in Yugoslavia in 1974 and a guest professor at Kyoto University in Japan in 1980. The native Californian was one of six children reared on a dairy farm. As a youth, he was active in 4–H and Future Farmers of America.

As dean of the College of Agriculture, Dr. Gomes' responsibilities will include a $78 million budget, overseeing new research initiatives in animal genetics, biotechnology, and the field of agronomy. The agriculture community of Illinois is fortunate to have Dr. Gomes at the helm directing the university's efforts in this area. I look forward to working closely with this distinguished leader in the field of agriculture during his term as the dean of the College of Agriculture at the University of Illinois.

SENATE—*Wednesday, February 22, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

Eternal God, our fathers' God, thank Thee for the first President of the United States. As we listen to his word today, help us to hear and heed the wisdom which guided him and his peers in founding our Nation. Make us aware that their faith was not incidental or peripheral to their vision for our Nation, but that it was central and foundational. Help us to realize how Biblical truth pervaded their minds and hearts and nurtured their convictions which produced our Nation. Help us to see that if we forsake the spiritual roots which made us great, we imperil the benefits which grew from those roots.

"Our fathers' God, to Thee,
Author of liberty,
To Thee we sing:
Long may our land be bright
With freedom's holy light;
Protect us by Thy might
Great God our King."

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 22, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, the Senator from Virginia, Mr. WARNER, having been appointed by the Vice President, will now read Washington's Farewell Address.

Mr. WARNER. Mr. President, I have the distinct honor and privilege of addressing the Senate today. It is a longstanding custom, reading in its entirety the Farewell Address given by the first President of the United States, who said:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your sup-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

port was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions

and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there

being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumberable ways, such attachments are particularly alarming to the truly enlightened and independent patriot.

How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of may administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

RECESS UNTIL 2:15 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:55 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LIEBERMAN].

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senate majority leader.

RECOGNITION OF THE MAJORITY LEADER

SENATE AGENDA

Mr. MITCHELL. Mr. President, for the information of Senators, I will now describe my plans for the Senate schedule for the next 3 weeks, including a description of the schedule for handling the nomination of Senator Tower and other nominations pending.

It is my intention to put the Senate over until 4 p.m. tomorrow following today's business and to be in on Friday for a pro forma session only. The Senate will then stand in recess until 2:15 p.m. on Tuesday, February 28.

It appears that none of the remaining nominations will be ready for floor actions this week. Therefore, I do not anticipate any rollcall votes this week. With no votes scheduled, it will permit committees to conduct business uninterrupted.

The Energy Committee will hold hearings today on the nomination of Adm. James D. Watkins to be Secretary of Energy. The committee expects to vote on the nomination next week.

The hearings and markup on the nomination of Louis W. Sullivan to be Secretary of Health and Human Services will take place on tomorrow. The Finance Committee would like to have the nomination scheduled for floor action on Tuesday, February 28. The Judiciary Committee, at the request of the White House and the nominee, has presently announced hearings on March 1 and 2 on the nomination of William J. Bennett to be Director of National Drug Control Policy.

In order to accommodate scheduling problems, the Veterans' Affairs Committee has postponed its consideration of the nomination of Edward J. Derwinski to be Secretary of Veterans' Affairs until the week of February 27.

The Armed Services Committee hopes to vote on the nomination of John Tower to be Secretary of Defense on this Thursday, February 23. If the nomination is reported to the Senate, it is my intention to call it up on next Wednesday, March 1, with a final vote occurring either on Wednesday or Thursday. The committee report will hopefully be available to Senators on next Monday.

The FBI reports will be available for Senators in S407 of the Capitol on next Monday, Tuesday, and Wednesday.

With respect to the Legislative Calendar, the schedule for the whistleblower protection bill, S. 20, has been delayed, at the administration's request, until early next week.

The Rules Committee is expected to report out the omnibus committee funding resolution on Thursday of this week. It is my intention to seek prompt consideration for this resolution. If there are no amendments, then that resolution should be disposed of quickly and possibly without a rollcall vote. However, if there are amendments, rollcall votes are possible in connection with the resolution. If that is the case, it is my intention to then turn to the consideration of this resolution as the first order of business on next Tuesday.

It is also my intention to schedule the deliberations on Judge Hastings' motions to dismiss some of the articles of impeachment for Wednesday and Thursday, March 8 and 9. Senators should arrange their schedules so that they will be able to attend these important proceedings.

I understand the Labor Committee is expected to report the minimum wage bill on Wednesday, March 8. Should the bill be reported at that time, it is my intention to schedule minimum wage legislation the following week.

In summary, there will be no rollcall votes this week. Next week, on Tuesday, there may be a vote on the Sullivan nomination as well as a vote, or votes, on the committee funding resolution. On Wednesday or Thursday, there may be a vote on the Tower nomination.

On the following week, there will be debate and votes on the motion to dismiss some of the articles of impeachment against Judge Hastings, and on other nominations which may be ready for Senate action.

Finally, on the week after that, there may be debate and votes on the minimum wage bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, on February 2, 1989, the Senate agreed to Senate Resolution 39, which had been reported by the Committee on Rules and Administration, to provide for the filing and argument of motions by Judge Alcee L. Hastings to dismiss articles of impeachment against him. A second resolution reported by the Committee on Rules and Administration, Senate Resolution 38, would provide for the appointment of a committee pursuant to Senate Impeachment Rule XI to receive and report to the Senate evidence with respect to this impeachment. The Committee on Rules and Administration recommended that the Senate defer consideration of Senate Resolution 38, on the appointment of an evidentiary committee, until after the full Senate hears and acts on Judge Hastings' motions to dismiss.

In accordance with the schedule set forth in Senate Resolution 39, Judge Hastings has filed a motion to dismiss article I through XV of the Articles of Impeachment and a memorandum in support of that motion. Article I alleges that Judge Hastings engaged in 1981 in a corrupt conspiracy to obtain a bribe in a criminal case in which he was the trial judge. Articles II through XV allege that at his trial for bribery in 1983, Judge Hastings made various false statements. Judge Hastings has moved to dismiss articles I through XV on the grounds that his acquittal in 1983 bars an impeachment trial on those articles and that he has been prejudiced by the lapse of time between 1983 and the present.

Judge Hastings has also filed a motion to dismiss article XVII. That article alleges that because of the actions alleged in the preceding articles, Judge Hastings has undermined confidence in the integrity and impartiality of the judiciary. Judge Hastings did not move to dismiss article XVI, which alleges that he improperly disclosed confidential information that he learned in 1985 as the supervising judge of a wiretap.

The House of Representatives is scheduled to file an opposition to these motions by February 24, and Judge Hastings may file a reply to the House opposition by March 3.

Senate Resolution 39 provides that the majority leader, in consultation with the minority leader, shall designate a date for the Senate to resume its consideration of the articles of impeachment for the purpose of hearing argument on Judge Hastings' motions to dismiss. The unanimous consent agreement, which I will propound momentarily, provides for the Senate to meet on March 8, at 2:15 p.m., to hear argument. It further provides that the Senate will meet the following day,

March 9, at 2:15 p.m., to deliberate on the motions.

Because Judge Hastings has not moved to dismiss article XVI, the Senate will need, at the very least, to consider whether to appoint a committee to receive and report evidence on that article. Accordingly, after the Senate rules on Judge Hastings' motions to dismiss, the Senate should consider Senate Resolution 38 on the appointment of a committee to receive and report evidence in this impeachment. The full dimension of that comittee's task, if the Senate acts favorably on Senate Resolution 38, will depend, of course, on the Senate's actions on Judge Hastings' motions to dismiss.

One preliminary matter when the Senate meets to hear argument on March 8 will be the administration of the constitutionally required impeachment oath to newly elected members of the Senate. Senators who took the impeachment oath when this impeachment was before the Senate during the last Congress will not be required to retake the oath. The Senate has, by Senate Resolution 480 of the 100th Congress, continued these proceedings from the Congress to this one and all actions, including the administration of the oath taken during the last Congress, remain fully effective.

Mr. President, accordingly, I now propound the following unanimous-consent request:

Pursuant to Senate Resolution 39 of the 101st Congress, and after consultation with the minority leader, I ask unanimous consent that:

First, the Senate shall resume, on March 8, 1989, at 2:15 p.m. or following the establishment of a live quorum, its consideration of the Articles of Impeachment against Judge Alcee L. Hastings for the purpose of hearing arguments on motions by Judge Hastings to dismiss articles I through XV and article XVII of the Articles of Impeachment.

Second, the argument of the motions shall be preceded by a live quorum call that shall begin at 2 p.m.

Third, the Sergeant at Arms shall arrange the Senate Chamber for the presentation of the arguments on behalf of Judge Hastings and the House of Representatives.

Fourth, the two motions that Judge Hastings has filed to dismiss Articles of Impeachment shall be deemed, for the purpose of rule XXI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, to be a single motion that shall be argued for a time not exceeding 1 hour on each side. Counsel for Judge Hastings may reserve a portion of the hour allotted to him for a reply to the argument by the managers for the House of Representatives.

Fifth, after the conclusion of arguments on Judge Hastings' motions to dismiss, the Senate shall continue its consideration of the Articles of Impeachment on March 9, 1989, at 2:15 p.m., for the purpose of deliberating on, pursuant to rule XX of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the motions to dismiss.

Sixth, the deliberations of the Senate on the motions of Judge Hastings to dismiss the Articles of Impeachment shall be preceded by a live quorum call that shall begin at 2 p.m.

Seventh, promptly upon the disposition of the motions to dismiss, the Senate shall consider Senate Resolution 38 of the 101st Congress on the appointment of a Committee to receive and report evidence on article XVI of the Articles of Impeachment, which Judge Hastings has not moved to dismiss, and on any other article that has not then been dismissed by the Senate.

Eighth, the Secretary shall notify counsel for Judge Hastings and the House of Representatives of this unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection to the several requests of the Senate majority leader?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, I thank the Chair.

NOMINATIONS

Mr. DOLE. Mr. President, as the majority leader has indicated, we have made these various agreements. As to the summary on page 3, in the event the Watkins nomination has been reported, I assume we would also act on that next week.

But it is our hope that the Tower nomination can be affirmatively disposed of on next Wednesday. I think it is unprecedented that everyone will have access to the FBI reports, and I urge my colleagues before making any judgment—some may have done it without reading the report—to go up and take a look at it.

There have been a lot of stories on television and in newspapers and magazines covering all different facets of this particular nominee and his life. Now we have a rather exhaustive report from the Federal Bureau of Investigation which I think, by a fair reading by any Member of this body on either side of the aisle, will demonstrate that there is nothing in that report to disqualify former Senator John Tower from being Secretary of Defense.

I would add that—and it is of course a matter of importance to us—we have the final say in the U.S. Senate under the advise and consent process. It is extremely important to the Defense Department, the Pentagon, and extremely important to President Bush.

I hope that before anybody gets carried away by some poll they may have read about they would take the time to read the report. There has been a lot of garbage heaped upon this nominee for the last 30 days, and enough garbage heaped on anybody begins to have an impact after a while. That is what has happened in at least one of the polls I have seen taken of the American people. They have not heard anything but hearsay, rumor, and gossip. They have not heard any of the facts. They have not heard the truth. I think it is most unfortunate that we subject the nominee to this humiliation, in some respects. But the facts are there. We have had a thorough investigation by the Senate Armed Services Committee. It has been free of politics. It should remain and will remain free of politics.

Now, as the majority leader has announced, next week—hopefully Wednesday and Thursday—we will make the judgment in the Senate as a whole. But the FBI reports are available. I remember reading back on the availability of the FBI reports. It was not many years ago, as the distinguished former majority leader knows, I think it was the case involving a nominee of President Eisenhower, and at that time they did not pass out the FBI report to everyone in the Senate. Senator Robert Taft was the majority leader. He and Senator Sparkman went down to the FBI. They did not have the report delivered to them. They took a look at the FBI report. They came back and they announced to the Senate that there was next to nothing in it, and that was the end of it. They took the majority leader's word for it, and they took Senator Sparkman's word for it.

In this case I think we all can make our own judgment, but hopefully it will be based upon a reading of the information available. So we are looking forward to that nomination, dealing with the Sullivan nomination, and dealing with the Watkins nomination which I assume will be ready next week. That would leave only two.

I again commend the majority leader for his expeditious action on all nominees as soon as they were available to the Senate.

"THE HISTORY OF THE SENATE" RECEPTION

Mr. DOLE. Mr. President, I would also indicate, as I have and will to my colleagues, that there is another very important event tomorrow afternoon beginning at 5:30. Our friend and former distinguished majority leader, Senator ROBERT BYRD, will have a reception, but it is a very unique reception.

In this particular reception we are going to be celebrating the publication of "The History of the Senate, 1789 to 1989"—in other words, 200 years—addresses that Senator BYRD has made on this floor, every word on this floor, over the past several years on the history of the Senate. That reception will be from 5:30 to 8 o'clock. I urge my colleagues. It is in room 312, the reception room. I know we will all be there.

Mr. President, I look forward to working with the majority leader—and in effect what he has announced as I understand is a schedule to take us from today until the Easter recess. Is that correct?

Mr. MITCHELL. That is correct.

Mr. DOLE. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

UNITED STATES ASSISTANCE TO SOVIET ARMENIA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 62, the resolution submitted earlier today by Senator SIMON and others on the subject of United States assistance to Armenia.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 62) requesting the Secretary of State to submit a report regarding United States assistance to Soviet Armenia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution? Without objection, it is so ordered.

The Senate proceeded to consider the resolution.

Mr. PELL. Mr. President, I am very pleased to join with Senator SIMON and Senator PRESSLER in submitting this legislation regarding earthquake relief in Soviet Armenia, and I commend them for the initiative they have taken on this issue.

The earthquake that struck Soviet Armenia on December 7 left more than 25,000 dead and 100,000 injured. Thousands of houses, schools, and stores collapsed as the quake shook hundreds of cities, towns, and villages. More than half a million people lost their homes. Thousands of children became orphans.

This awful tragedy has devastated Soviet Armenia, but it has not crushed the spirit of the Armenian people. No foreigners to adversity, they have faced the calamity with the same courage and strength that has guided them through difficult times in the past. Their spirit has been buoyed by the knowledge that they were not forgotten in their hour of need. At a moment of great human despair, the international community responded with an outpouring of compassion and assistance. The response of the world community gives one hope that human kindness recognizes no boundaries.

The American people rallied to the support of the earthquake victims with urgency and generosity. Food, shoes, blankets, and clothes were flown into Soviet Armenia. Dog teams trained in the United States sniffed out survivors trapped beneath the rubble. Many Armenian children are now being treated for injuries in American hospitals. At last count, American private donations reached $12.5 million. In addition, the U.S. Government, through AID, has provided over $2 million for relief efforts and teams of disaster specialists.

The United States is not alone in its relief efforts. Altogether, 53 governments, seven international organizations, and 38 nongovernmental organizations have provided about $106 million in assistance.

This surge of international support helped meet the most urgent needs of the earthquake victims. Now that the immediate crisis has subsided, however, the long and expensive process of reconstruction must begin. The Armenian people are determined to rebuild their homes, their schools, and their stores. The challenge they face is enormous. It is estimated that reconstruction will cost about $13 billion.

The international community may be able to find ways to help rebuild the collapsed towns throughout Soviet Armenia. It is not clear what form such assistance might take or how it would be coordinated. This legislation asks the administration to prepare a report on the feasibility of organizing an international effort to assist in the long-term reconstruction of Soviet Armenia. The U.S. Government has a wealth of experts in housing, transportation, medicine, and other areas of knowledge that could facilitate reconstruction efforts. Such experts can, of course, be found throughout the private sector as well. Thus, this legislation also asks the administration to explore the idea of establishing a joint public-private task force to participate in an international relief effort.

I hope the international community, which responded with such compassion to the immediate earthquake crisis in Soviet Armenia, will not forget the Armenian people as the long road toward reconstruction begins.

Mr. SIMON. Mr. President, today my distinguished colleagues Senator LARRY PRESSLER, Senator CLAIBORNE PELL, and I are resubmitting a resolution requesting an administration report on whether it makes sense to continue U.S. assistance to Armenia. The situation in the earthquake-stricken republic is desperate, and it is our hope that the Senate will quickly pass this resolution so that this body can receive the report by April 1, 1989, and consider the Secretary of State's findings.

In my statement of February 2, 1989, I pointed out that we have already provided over $2 million in U.S. Government money, that the American people have donated $12.5 million and that the worldwide public and private contributions have totaled $106 million. The needs of the sick and the homeless are tremendous.

Just recently, on February 9, the 375th Aeromedical Airlift Wing sent a C-9 medical plane from Scott Air Force Base, IL, to Andrews Air Force Base in Maryland, to meet another U.S. cargo plane carrying 37 injured Armenian children. The children were transferred to the special medical aircraft, which then took them to Buffalo and Syracuse, NY. The remainder of the children will go to hospitals in Illinois, Massachusetts, Pennsylvania, Virginia, Florida, and Ohio.

We can all be proud of the men and women of the Military Airlift Command who undertook this humanitarian mission. But we cannot lose sight of the stark reality in Armenia: 500,000 homeless, 25,000 people dead, 130,000 injured. It is our hope that the State Department will examine the situation, think through the proper U.S. Government role in the Armenian reconstruction now underway, and give us their expertise.

I urge my colleagues to support this effort.

Mr. PRESSLER. Mr. President, I am honored that the Senate has decided to agree to this resolution to require a report from the Secretary of State regarding relief and reconstruction in Soviet Armenia. Senator SIMON and I originally co-authored and submitted the resolution as Senate Resolution 37 on February 2, 1989. To expedite consideration of this measure, it has been resubmitted today. I thank all Senators who have consented to its consideration and adoption today.

The earthquake that struck Armenia without warning on December 7, 1988, killed more than 25,000 people, injured tens of thousands more, left 500,000 homeless, and destroyed vital infrastructure—such as schools, roads, power and communications lines, bridges, and public service and manufacturing facilities. It is estimated that

the cost of building new homes and restoring or replacing other damaged property could reach more than $3 billion.

The reaction to the Armenian catastrophe by Americans and citizens of many other nations has been extremely sympathetic and generous. Not only have Americans contributed millions of dollars worth of money and materials to the relief effort, but their government also has assisted with extensive transportation and other logistical support, as well as significant amounts of tools, blankets, tents, medicines, and other supplies. This outpouring of charity by the American people is unique in the relationship between the United States and the Soviet Union in the cold war era.

Our resolution is intended to provide Congress with a comprehensive State Department evaluation of the relief provided since the earthquake and prospects for further assistance. It also calls for a report on available United States Government expertise that would be relevant to reconstruction efforts in Armenia, the feasibility of establishing a joint public and private task force to assist in long-term reconstruction efforts, and the foreign policy implications of United States public and private assistance to the survivors of the earthquake.

Mr. President, I urge our distinguished colleagues to consider and support this timely resolution. Its enactment would provide Congress the information it needs to assess properly the implications of past, current, and possible future Government and private assistance to that area of the world.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 62) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 62

Whereas, on December 7, 1988, the worst earthquake in modern times devastated the Soviet Socialist Republic of Armenia in the Union of Soviet Socialist Republics (hereafter in this resolution referred to as "Armenia"), leaving tens of thousands dead and seriously injured;

Whereas the earthquake completely destroyed housing, schools, and other buildings in more than one hundred cities, towns, and villages in Armenia;

Whereas the earthquake has literally wiped out the homes and families of hundreds of thousands of Armenians;

Whereas the United States has historically supported the Armenians' struggle to survive through immeasurable adversities during this century;

Whereas the American people have overwhelmingly reaffirmed this tradition of support by their generous assistance to the earthquake's survivors;

Whereas the Agency for International Development, the Department of State, the Department of Defense, the United States Geological Survey, the Department of Energy, and the National Guard have performed admirably in delivering the first phases of emergency relief to Armenia;

Whereas the United States Government should continue as a leader among the nations of the world who have offered assistance to Armenia as it did in response to the earthquakes in Italy in 1980 and Mexico in 1985;

Whereas the Union of Soviet Socialist Republics has allowed unprecedented foreign relief efforts into Armenia; and

Whereas the United States encourages the delivery of additional resources as a part of the continuing relief efforts: Now, therefore, be it

Resolved, That it is the sense of the Senate that, not later than April 1, 1989, the Secretary of State or his designee should prepare and transmit to the Congress a report describing—

(1) all United States private and public assistance delivered to Armenia;

(2) the prospects for expeditious delivery of future United States private assistance to, and United States trade with, Armenia;

(3) the existence of United States Government experts in housing, transportation, management, medicine, geology, economic development, and other fields relevant to reconstruction efforts in Armenia;

(4) the feasibility of establishing a joint public-private task force to assist in the long-term reconstruction of Armenia;

(5) the feasibility and wisdom of undertaking a diplomatic initiative encouraging the international community to continue supporting Armenian relief and reconstruction efforts;

(6) any other humanitarian efforts which could facilitate the recovery and rehabilitation of the areas stricken; and

(7) the United States foreign policy implications, if any, of assisting Armenia.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask that there be a period for morning business for not to exceed 30 minutes with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCIAL ACTIVITIES CONTRACTING ACT OF 1989

Mr. REID. Mr. President, we are all advocates of efficiency. But what can be done about improving efficiency is the real question.

One place I looked was Hawthorne, NV. This is where the Department of the Navy, at a military base more than 50 years old, decided to be more efficient.

The move toward efficiency was to contract out what the Navy themselves had done previously.

This move turned out to be neither efficient nor economical.

That is one reason why I am distressed at how some Federal agencies operate.

That is why I join my colleague, the junior Senator from Arkansas [Mr. PRYOR], in proposing the Commercial Activities Contracting Act of 1989.

Senator PRYOR and I have joined forces in the past. We worked together for over 2 years to make the taxpayers' bill of rights a reality.

We undertook what was, at times, an arduous process. But the outcome was well worth it.

We were able to effect positive change in a system that previously provided little recourse for taxpayers armed with grievances or faced with challenges from the IRS.

The Commercial Activities Contracting Act, like the taxpayers' bill of rights, is designed to help the American taxpayers—taxpayers who have been wronged.

When it comes to Government contracting out, we have all been wronged. We have all been deceived.

Private contracting is borne from competition, which is a good thing. But Federal agencies justify the use of contracting out with evidence of significant cost savings.

When contractors come in to do the job, all the personnel they displace are not cut from the payroll—they are merely transferred to other positions.

The purported cost savings is an illusion. We pay for the private contractor and many of the individuals whose jobs they are doing.

We ultimately pay more, not less.

The proposed legislation will eliminate the practice of retaining personnel for jobs that others are contracted to perform. There should be no double dipping in the Federal Treasury well.

Contracting out may result in cost savings. But where do those savings go?

The savings should go back to the Federal Treasury—not to the coffers of the Federal agency which set up the contracting out procedure.

I would be most surprised, Mr. President, if the Federal Treasury has seen so much as 1 penny of savings returned to them from Federal agencies.

We are playing with semantics when we talk about savings. And the American people are the big losers in this game. Consider what we are up against. The budget deficit overshadows all our efforts in the Congress. If something is not done, our country's economy and standard of living will buckle under the deficit's impact.

In this most precarious of times, when every penny counts Federal agencies are stashing their savings—for a slush fund with no controls and no budget—rather than giving that money back to the Treasury—to be used for deficit reduction.

According to the Office of Management and Budget, the Treasury would have recouped more than $4 billion in Federal agency savings between 1980 and 1986 if the bill proposed today had been law.

This bill will require Federal agencies to give back to the Federal Treasury any saved or unneeded dollars obtained as a result of contracting out.

The twin towers of debt loom larger everyday, Mr. President.

We are considering creative solutions to the trade deficit.

We realize that productivity and management techniques must be improved before we can reach our goal of exporting more and importing less.

Why can't we look beyond the obvious in reversing the budget deficit?

It's easy to cut programs here, and eliminate funding there. But that only penalizes programs and agencies. We need to look not only at how much money agencies receive, but how they spend that money.

How are resources utilized? What happens when cost savings are attained?

In many cases—nothing constructive. But with the savings these agencies generate, we could make a contribution to reducing our country's deficit.

I encourage my colleagues to join Mr. PRYOR and myself in cosponsoring and supporting the Commercial Activities Contracting Act.

Help us correct abuses in the system. Our Federal agencies should serve as exemplary models of efficiency and accountability. In many instances, they are not.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FIRST AMENDMENT, RIGHT TO FREEDOM OF SPEECH AND RELIGION, AND SALMAN RUSHDIE'S NOVEL, "THE SATANIC VERSES"

Mr. LEAHY. Mr. President, today, as we all know, is George Washington's actual birthday. Throughout all the ads we see for Washington Birthday sales and all the various hype that goes with it, we occasionally see something in the press that speaks of a serious thought that relates to the history involved in the commemoration of America's first President.

I thought of that earlier today because I gave a speech on Monday to an international gathering of development agencies that are trying to devise for international banks and others programs for development. And the former Foreign Minister of Peru spoke. He said that "You will honor George Washington this week." He said, "We, too, honor George Washington, because of his dedication to freedom and his dedication to the principles of freedom of expression and of democracy."

It was ironic that we have this man who came from another country praising us for what we have done in the United States. And I thought it only right that as an American, because we have seen in the past few days a very cherished freedom in this country threatened--the freedom of thought, the freedom to publish, the freedom to write—as a U.S. Senator, the least I could do is to raise some of those same issues of freedom that others who have come to our country have raised.

So I want to talk about freedom—the freedom to write and the freedom to read; the freedom to offend beliefs and the freedom to defend beliefs; the precious freedom to express ideas untrammeled by the threat of death.

In the past week, we have witnessed the controversy and now crisis around Salman Rushdie, the Indian-born, Moslem writer, now a British citizen, and his most recent novel, "The Satanic Verses."

I have read the printed excerpts of Salman Rushdie's book—I do not think you can find a copy of the book itself in Washington today. No doubt his words give deep offense to many Moslems. The author explains that his is a work of the imagination—and exploration of good and evil from a secular point of view. He incorporated many symbols sacred to Islam that seem to attack the religion of one-fifth of the world's believers and to question its basic tenets.

I understand that there is a religious and a political basis to the outrage that led—let me outline this for my colleagues: The Ayatollah Khomeini of Iran to call for Rushdie's execution as a blasphemer of Islam; India, Pakistan, South Africa, Egypt, and many other countries with large Moslem populations banned "The Satanic Verses." In fact, even Canada—even Canada, amazingly enough—temporarily halted imports of the book.

Mr. Rushdie has received death threats. So have the publishers of the novel, Viking-Penguin.

And now almost in an obscene fashion, there is a price on Rushdie's head: an Iranian cleric offered $1 million to any foreigner carrying out the Ayatollah's order to murder Rushdie and, in fact, $3 million to any Iranian who would carry out this order of murder.

Moslem protesters in Islamabad, Pakistan tried to storm the United States Information Service Building last week. They did that to protest the U.S. publication of the book. In protesting the printed word, six people were killed during the confrontation that took place when an angry mob was storming the U.S. Information Service.

Mr. President, this chain of events is difficult for Americans to fathom because the Government of the United States, unlike a single leader in Iran, cannot abridge the freedom of speech or inhibit the operation of the press. The first amendment of the Constitution says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In America, we recognize the importance of the free flow of information and free discussion of all points of view. In fact, we recognize that it is precisely that pluralism, that diversity of opinion, that makes this country great and causes most of the world to yearn after these freedoms that we take for granted. Experience shows that forbidding the free flow of ideas and punishing people for speech does not discourage speech: It drives ideas underground and encourages conspiracy and hate.

Two of our most cherished rights are interwoven in the first amendment: the freedom of speech and the freedom of religion. By guaranteeing every American's right to choose his or her own religion—or to choose not to practice any religion at all—and by guaranteeing freedom of the press, the first amendment guarantees the diversity that makes democracy possible.

Mr. President, it could be argued that everything that we stand for as a democracy, everything that makes this country great, is contained in that first amendment. The basic freedoms of people to practice religion or not to practice religion, to speak or not to speak, are guaranteed by our Constitution. No Constitution of any country in the world has ever gone that far.

We are blessed by it. That is why we are the strongest democracy in the world.

We in the Congress and those in the Bush administration have a responsibility to remind the world that free speech is our ally, not our enemy. I am relieved that President Bush spoke out strongly yesterday and I urge him to

make known at the United Nations our national abhorrence for the terrorism represented by Iran's putting a price on the head of an author. I wait to hear a chorus of outcry from educators, clerics, writers, librarians, politicians, and law enforcement officials.

It saddens me that some American booksellers removed Rushdie's book from their shelves, and that Rushdie's French and German publishers halted plans for translations. It saddens me that terrorism has actually worked in the United States, the most powerful nation in the world.

The work of publishers and booksellers is more than just a business. They are the stewards of the free flow of information throughout the world community. This responsibility means publishers and booksellers must fight attempts to censor books by pressure groups—regardless of whether the pressure comes from the leader of a nation or from a small group of individuals within their own country.

Edward Morrow, a bookseller in Manchester, VT, has described the book community as "having to deal with the feeling of terror that goes with the word terrorism."

He says that clerks in bookstores have to decide whether they want these books in the front window or merely available, on request, in the back room because some may be nervous to have them on display.

Let us keep the first amendment in mind, and speak out strongly against the suppression of freedom of speech internationally. As the novel of Salman Rushdie is burned in the streets of Britain, we in the United States must reaffirm our commitment to freedom of speech.

Let us not condone the terrorism of ideas, whether by silence or cool analysis of fear. All people, all cultures, all religions, will be strengthened by practicing tolerance. Just as we comprehend the threat of Salman Rushdie's works to Islam, so, too, we can preach understanding. Death sentences that threaten free thought will do more damage than one man's novel.

If publishers and booksellers in the United States and throughout the world bow to censorship because of this threat, next week, or next year, or in the year 2000, will we find ourselves banning books written by Roman Catholics, by American Jews, by Americans of Irish descent, or by professors with certain political stripes? The horrifying lessons of Nazism demonstrate the importance of speaking out against this censorship now, before we allow it to grow even further.

Lest we lull ourselves by thinking that all this is happening far away, and in a different culture, let me recall that when film artists in our country interpreted the life of Jesus Christ, they received anonymous death threats. In the artists' minds, "The Last Temptation of Christ," based on Nikos Kazantzakis' novel was a respectful interpretation—to some American Christians it, too, was blasphemy. But the reaction was chilling and disturbing. There are parallels here, and in the recent jailing of a Czech playwright. In the United States, we actually have a duty to protect the ideas and to protect the protest. Law enforcement must zealously protect those whose lives are threatened—whether they are writers, publishers, or the clerk in the local bookstore.

I commend Rushdie's publisher, Viking-Penguin. It resisted self-censorship in the face of mob violence. Moreover, when Iran placed a bounty on the publisher as well as the author of the book, Viking-Penguin refused to back down.

Some American Moslems are peacefully protesting the book at Viking-Penguin's offices in New York. The first amendment protects their right to do so. D.C. Moslems explained their dismay at the book to the press, but renounced violence. I commend those who choose peaceful demonstrations of their opinions. This is what the first amendment is all about: It protects "the right of the people peaceably to assemble."

For years, we have discussed the vulnerability of our open Democratic society to terrorist attacks.

I chaired committee discussions on how terrorism might be exported to our shores. Senators and expert witnesses have even discussed whether the first attempt at mass disruption of our society would be by a biological or nuclear triggered device. But I would never have dreamed that a mere threat would serve as a catalyst for the temporary suspension of the first amendment to the Constitution. I would never have believed that a threat could silence publishers and booksellers in this country, people who have stood up, with courage and conviction, to our Government time and time again.

I would never have believed that an 88-year-old cleric in Iran, by his threat, could make people in the most powerful nation in the world cower and retreat, retreat from a Constitution that we have held dear these 200 years, a Constitution that we have fought wars to protect; that we have given tens of thousands, hundreds of thousands of American lives to preserve. And now we cower and run from the protections of our own Constitution?

If we do that, then the terrorists win.

Many Moslems are offended by the contents of Mr. Rushdie's book. Believing as I do in freedom of religion, I do not want to offend anyone. But however offensive Mr. Rushdie's views may be, publication of his book does not warrant the death penalty.

The death sentence the Ayatollah Khomeini imposed on Salman Rushdie is an act of international terrorism against a citizen of Britain and an artist. It has terrorized the author, who with his family has gone into hiding in Britain with police protection. Now, and quite possibly for the rest of his days, Rushdie will fear for his life. It has terrorized the publishers and distributors of the book. The United States cannot tolerate acts of state-sponsored terrorism.

I commend the members of the European Economic Community, for withdrawing their senior diplomats from Iran, and I call on President Bush to lend his support and that of our great Nation to these sanctions.

On the great marble walls of the Jefferson Memorial are carved words worth repeating and crying out today. Jefferson said:

> I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man.

Mr. President, I ask unanimous consent that an article by Tom Wicker and an article by William Safire, both of the New York Times, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 21, 1989]

RUSHDIE AND THE WEST

(By Tom Wicker)

Is the Ayatollah Ruhollah Khomeini, in demanding the execution of Salman Rushdie, really defending the faith of Islam, which he contends was blasphemed by certain passages in Mr. Rushdie's novel "The Satanic Verses"?

Or does his threat and offer to pay a reward to an executioner suggest that the Ayatollah is exploiting the faith of Islam to further his own political power?

That possibility was raised by Kayhan, an English-speaking newspaper in Teheran. Kayhan editorially denounced the death threat and the proffered reward as "exceptionally poor and ridiculous methods" that "speak more of domestic political opportunism than a real desire to defend the faith."

The Islamic revolution, centered in Iran, symbolized by Ayatollah Khomeini and embraced by millions of Muslims, was a fundamental reassertion of faith in traditional religious principles and a rejection of Western ideas and the threat they posed to Islam. Recently, however, Government leaders in Teheran seem to have been moving cautiously toward a more secular regime and to be seeking closer ties to the West. Many Iranians bitterly concede they lost the long war with Iraq.

The Ayatollah may have seized upon the publication of "The Satanic Verses" to reawaken the passions of the Islamic revolution and reassert his personal dominance. That Muslim protests began well before he issued his death threat suggests that he inflamed, rather than created, Islamic sentiment.

It was easy to do. Salman Rushdie is a British citizen living and working in the

hated West, but born a Sunni Muslim; thus Shiite Muslims, the principal followers of the Ayatollah, had double reason to regard him as a renegade, even before his novel offended two revered tenets of the Muslim religion.

In Islam, the Word embodied in the Koran is considered to have been carried directly from Heaven; unlike the Christian Bible, the text never has been edited, added to or changed. Tampering with that language, as occurs in the novel, is tampering with the received Word of God, an extreme blasphemy for which there is no Christian parallel.

The suggestion, moreover, in "The Satanic Verses" that anyone or anything can or does share in the power of God raises the idea of an alternative Creator, or the Devil. This is a particularly loathsome offense to devout Muslims.

The Islamic reaction, nonetheless whether motivated by religion or politics or both, is offensive to Western sensibilities. More than that, it directly challenges some of the most valuable Western principles—freedom of expression and freedom of religion, and in its post-Khomeini phase the right of an individual not to be lynched by outraged mobs but to be tried fairly by a jury of peers considering legal charges.

In failing to stand up for these principles, the three leading chains of U.S. bookstores deserve criticism, rebuke, even what would hurt them most boycott—but not, under Western customs, death threats. Not only could they have made adequate security arrangements for employees, rather than suppressing sales of Mr. Rushdie's book; in failing even to try to do so, they turned their backs on what has enabled them to compile their wealth—the free circulation of ideas, however controversial.

Most European nations, showing a proper sense of outrage, have recalled their ambassadors from Iran; but little, so far, has been done by the Bush Administration to express their nation's revulsion. Relations with dominantly Muslim nations are important, or course; but so is the defense of ideas embodied more powerfully than anywhere else in the Constitution of the United States.

Those ideas distinguish and honor the West, but they are by no means universal. Indeed, in Islam, Western ideas are seen by many devout Muslims as threat to their system of values and to the religion that they regard as providing a true guide to belief and behavior. Nor can Western ideas be persuasive where the Western presence is contemptuous of tradition, destructive to cultural patterns and insensitive to religious belief.

The lesson of Salman Rushdie's ordeal, as of the Islamic revolution, is that the world of Islam is far different from that of the West, with its own traditions and convictions, to be understood if not accepted, and never to be taken lightly.

[From the New York Times, Feb. 20, 1989]

BOOKSELLERS IN CHAINS

(By William Safire)

WASHINGTON.—Couple of years ago, the publisher of a novel of mine had a good idea to promote sales. She took me up to Stamford, Conn., to meet the most powerful man in American letters today: Harry Hoffman, boss of Waldenbooks, the chain of 1,200 bookstores that has brought modern merchandising techniques to the archaic book business.

This was one impressive and likable guy. Harry listened carefully to our pitch, made some shrewd suggestions about publicity and arranged for me to speak to a gathering of his store managers, which would create some point-of-sale enthusiasm just before publication date.

I had seen the future of book-selling and it worked. No more of his hokey-pokey distribution through jobbers and slow mails to mom-and-pop bookstores, which usually reorder too late to meet demand. At last the marketing of books had entered the modern era, with computerized inventories and coop advertising and sexy display "dumps."

Such efficient marketing would not only boost the sales of my book, I reasoned, but would create a bigger pie for the whole range of literature in the U.S. Only one person in four who now shops at Waldenbooks buys a book (the three others are waiting for a spouse to try on shoes or whatnot elsewhere in the shopping mall), and if Mr. Hoffman and his chain-store competitors could raise that rate to one in two, all book sales in America would soar.

But I forgot one thing: The ability to distribute books on a vast basis includes control of the decision not to distribute. A system that centralizes creates the power to suppress.

Last week the Ayatollah Khomeini decided that a book written by a British subject, Salman Rushdie, was "satanic" as advertised, and ordered the murder of the author. The Government of Iran put a price on his head. Moslem-influenced nations, which apparently include Brian Mulroney's Canada, stopped the sale of the book. Britain objected to this censorship-by-terrorism, but Mrs. Thatcher had thrown away her moral standing with her recent suppression of a spy book.

It can't happen here, Americans thought. We regularly denounce books, plays and films that offend religious sensibilities, often with great self-righteous fervor, but suppression is not an option. The day of Savonarola's bonfire of the vanities in Renaissance Florence is four centuries past; the astronomer Galileo's abject recantation of reality before the Inquisition is remembered with shame; and our prudish barrier to James Joyce's "Ulysses" in this century is lumped in with that repressive past.

Then it happened here and now, led by—of all people—my erstwhile hero, Harry Hoffman. Panicked at the possibility of terrorism at a bookstore, Waldenbooks announced its refusal to sell "The Satanic Verses." Its competing chains, B. Dalton and Barnes & Noble, cravenly followed suit.

At a stroke, one-third of the bookstores in the United States went into the selective book-suppression business. Leaders of the nation's chain gangs said in effect: "Sorry, First Amendment, and sorry, potential buyers of controversial literature, but our first responsibility is the safety of our employees. This book has been declared dangerous; danger is bad for employee relations; if you want it, try some independent owner who will take his own chances."

Their position is not crazy. I went into a regional chain not participating in the suppression this weekend to buy the Rushdie book (which was sold out) and the young woman at the counter grumbled, "Our boss doesn't care what happens to us."

That sales clerk, whose fear a silent President Bush did nothing to assuage, belongs at some other checkout counter. The book business, like the entire industry of the mind, has responsibilities and protections that go beyond the selling of oat bran and face cream. Even for ever-merging Big Publishing, below the bottom line is another line marked "freedom."

What can book buyers and authors do to prevent these cave-ins to terrorist (or pressure group, or government) threats, short of organizing a consumer boycott of K Mart, corporate parent of Waldenbooks?

Patronize your local independent bookseller. It's like supporting your local sheriff; it may cost a little more than relying on the F.B.I., but you get protection in your own neighborhood.

In unity there may be distributive strength, but only in diversity can we find intellectual safety. To resist conformity, do all the browsing you like at the chain bookstores in the malls, but become a regular customer at your independent bookseller.

PELL CALLS FOR FAIR BREEZE FOR CENTRAL AMERICAN PEACE PLAN

Mr. PELL. Mr. President, last week the Presidents of the five Central American countries declared a new day in the region. They spoke as one in taking a bold step to press for democracy in Nicaragua and to end the Contra war, including the key step of recommending that Contra bases in Honduras should be dismantled.

In return, Nicaragua said it would hasten its compliance with the Esquipulas II accord by holding national elections by February 1990 with free access to the media and measures to assure the participation of opposition political parties. The Sandinistas also pledged to release over 3,000 political prisoners, including former Somoza National Guardsmen and Contra fighters.

I view these developments as encouraging, and for that reason am dismayed by the unenthusiastic reaction of the administration thus far. We should be providing a fair breeze behind this initiative to try to make it work.

One action we can take is to restructure the Contra humanitarian assistance program so it supports this accord. Our programs should facilitate the repatriation and relocation of the Contras and their families to Nicaragua or other countries. The United Nations and other international bodies will be involved in this, and we should give our full support.

There are risks involved. There are no guarantees that the Sandinistas will comply with the accord. They are Marxists who have not given up their Communist principles. But the economic realities they face provide significant pressure.

The United States should make known its support for the plan to give it the best possible chance of working. If it fails, we should not give cause for that failure to be laid at our door.

CONGRESS: TWO HUNDRED YEARS

Mr. PELL. Mr. President, as vice-chairman of the Joint Committee on the Library, I am pleased and proud to bring to the attention of my colleagues "Congress: Two Hundred Years," a series of special programs, symposia, exhibits, and publications sponsored by the Library of Congress during its year-long celebration of the congressional bicentennial.

For 200 years, we and our predecessors in this body and the other body have grappled with national issues; our actions, debates, legislation, and appropriations have shaped the Nation and determined the course of its history. During that long history, our library—and the Nation's library—has also developed as a vital national resource, providing the legislative branch with the knowledge necessary to ensure enlightened debate and policymaking. Drawing upon the unique treasures of the Library—its manuscripts, rare books, maps, drawings, photographs, films, sound recordings—"Congress: Two Hundred Years" at the Library of Congress will explore the origins, growth, and development of the legislative branch, and, in doing so, will encourage the cultural and political literacy of our citizens, the very foundation of democratic government.

The Library's bicentennial celebration was launched on February 8 in Madison Memorial Hall with the opening of an exhibit of congressional district maps titled "The Tides of Party Politics: Two Centuries of Congressional Elections, 1789-1989." I attended the opening with Representative LINDY BOGGS, chairwoman of the House Commission on the Bicentenary, and our distinguished colleague Senator ROBERT C. BYRD, a preeminent scholar of Senate history and Chairman of the U.S. Senate Commission on the Bicentennial.

Beginning in September, a major exhibition entitled "To Make All Laws" will document the institutional development of Congress over the past 200 years and outline its major legislative achievements during that time. This exhibit will be accompanied by a scholarly catalog. The exhibit will be reproduced in three copies, and under the sponsorship of the Library of Congress and the American Library Association, will circulate to over 30 libraries across the country. As chairman of the Subcommittee on Education, Arts, and Humanities, I am particularly pleased that educational materials for the use of teachers and libraries will be made available with the traveling exhibit.

Mr. President, I would like to print in the RECORD the Library of Congress' Calendar of Events for the Congressional Bicentennial Program, and urge my fellow Senators to take advantage of the rare opportunity to view these historic exhibitions and participate in these unique events. They will not only be enlightened and entertained in the process, but will demonstrate their support of the institution which has served us well for nearly 200 years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS CALENDAR OF EVENTS

THE CONGRESS BICENTENNIAL PROGRAM

February 8: The tides of Party politics: Two Centuries of Congressional Elections, 1789-1989. A cartographic exhibition of the one hundred congressional elections from 1789-1989.

February 9-10: Understanding Congress: A Bicentennial Research Conference. A seminar sponsored by the Library's Congressional Research Service, with the U.S. House and Senate Commissions on the Congressional Bicentennial.

March 8-9: Knowledge, Power and the Congress. A Library of Congress Council of Scholars symposium.

March 22: Sixth Annual Forum on Federal Information Policies. A conference sponsored by the Federal Library Information Center Committee.

Summer: Educator's Institute. A two-week institute for teachers and librarians offering the opportunity to study Congress.

September 28: "To Make All Laws": The Congress of the United States, 1789-1989. A major exhibition depicting how Congress has grown and developed over the past 200 years, and how its labors have shaped our history and our lives.

The exhibit will be accompanied by a companion volume, written by Dr. James H. Hutson, Chief of the Library's Manuscript Division.

October 1989 to December 1990: "To Make All Laws": The Congress of the United States, 1789-1989. A national circulating exhibition which will tour to 30 libraries around the country.

November 6: Public Property: Images of American Government. A small exhibit focusing on government as conveyed in American prints, drawings, and architecture.

Fall: The Congress Portfolio. An educator's resource packet and display for schools and libraries.

Fall: A Salute to the Congress. The American Society of Composers, Authors & Publishers (ASCAP) joins the Library to host an evening of popular music.

Fall: Biotechnology and the Congress. A symposium jointly sponsored by the Library's Council of Scholars and the Library's Congressional Research Service.

Winter: My Dear Wife: Letters From Congressmen to Their Wives. An exhibition of letters from Congressmen to their wives.

January 1990: Senate Bicentennial Film Festival. A festival drawing on the Library's national collections of motion pictures and televised productions.

Year-Long: Congress in the Year 2000. A special study and collection of commissioned papers, undertaken by the Library's Congressional Research Service.

LOU HOLTZ: NO. 1—AND GEORGE KOCH KNOWS WHY

Mr. HELMS. Mr. President, all of us have some very special friends, and I had lunch the other day with one of mine—George W. Koch. George has countless friends in this city because he knows how to be a friend. He is genuine, he is sincere, and my experience with him has demonstrated time and time again that his word is his bond.

George is president and CEO of the prestigious Grocery Manufacturers of America, but there's nothing pretentious about him.

Mr. President, while visiting with George, we fell to talking about a mutual friend—another thoroughly decent guy named Lou Holtz. George Koch and I share the view that Lou Holtz is one of the most remarkable men we have ever known. We swapped stories about Lou, little vignettes that spell out the character of the head football coach at Notre Dame.

Everybody who has any interest in sports at all is aware that Coach Holtz, in his third year at Notre Dame, led his team to the 1988 national NCAA championship. Week after week, I followed the Fighting Irish as they won game after game. A lot of excitement along the way, but not one defeat for Notre Dame. Coach Holtz always gives the credit to others—his players, his coaching staff, the spirit of Notre Dame University which he loves.

That's fine, but George Koch and I know something about Lou Holtz. We know why he is the No. 1 college football coach in the country. We know how he inspires his players—and everybody else with whom he comes in contact.

I have known Lou Holtz since his days as head football coach at North Carolina State University in Raleigh. I followed his career then, and I followed it later as he moved to pro ball as coach of the New York Jets. Then to Arkansas, then Minnesota. And 3 years ago, he realized his lifetime ambition. He was offered the head coaching job at Notre Dame—and he hastened to accept. The rest is history.

Mr. President, Lou Holtz is a winner because he is a thoroughly decent, totally dedicated, amazingly talented man. He is a tough task-master, but every young man who has ever played under him has known that Lou Holtz sincerely loved him. That doesn't mean that Lou Holtz is a pushover. He requires discipline of his team, he teaches his players personal and professional morality. And he has never hesitated to give players their walking papers when they have violated the rules of discipline and personal morality.

So, Mr. President, George Koch and I are not unlike countless thousands of others who admire Lou Holtz, and who have personal stories to share about the greatness of the man. George has his; I have mine. Both of us are proud of Lou Holtz—and this much we know: With the character and dedication that Lou Holtz possesses, he would

have been a success in any field he may have chosen.

He happened to choose football coaching and I suspect that Notre Dame University is delighted and grateful that he did.

He demonstrated how to become No. 1.

TESTIMONIAL TO ERNEST A. METTINET, JR., RETIRING VICE CHAIRMAN OF THE HERCULES AEROSPACE CO., AND FORMER PRESIDENT OF THE HERCULES AEROSPACE PRODUCTS GROUP

Mr. HATCH. Mr. President, I take the floor of the Senate today to honor one of America's distinguished aerospace leaders, Mr. Ernest A. Mettinet, Jr., who retires from his position as vice chairman of the Hercules Aerospace Co.

During his 40 years of service to Hercules, he pioneered technology breakthroughs in high-performance strategic missile motors, and large solid-propellant space motors. He also helped make Hercules the world leader in graphite materials and graphite composite structures.

Ernie's production experience was amply matched by his marketing and management skills. While he served as president of the Aerospace Products Group, sales grew rapidly to over $600 million. Major contract awards on the Delta II and Titan IV solid rocket motors occurred under his tutelage. As he moved toward the end of his long and most distinguished career, Ernie's responsibilities grew—when he retired on January 31, 1989, he turned over responsibility to his successor for more than 6,500 employees in plants in Cumberland, MD; Waco, TX; and the Hercules flagship facility at Bacchus, UT—one of the world's largest rocket motor facilities, representing an investment of over $150 million, currently expanding from an additional investment of $145 million.

Ernie is a long-time and very close friend of mine. I was therefore very pleased to see him lead the Hercules team effort in working with the Department of Defense and State, the National Security Council, the Arms Control and Disarmament Commission, and other official organizations responsible for negotiating and implementing the INF Treaty between the Soviet Union and our country.

For the first time in our diplomatic history, Mr. President, a private corporation, Hercules, was named in a treaty with a foreign state. As is well known, the Hercules plant at Magna, UT, is the only site of resident Soviet inspectors placed there under the terms of the INF Treaty.

I attended many of the meetings in which Ernie argued the Hercules case for assurances that the Bacchus plant, truly a national asset of tremendous value, would be fully protected—both from discrimination by DOD in the letting of future defense awards as well as from unauthorized surveillance and compromise.

In addition to working out the framework by which today's INF inspection regime now operates, Ernie laid the groundwork for future inspection arrangements under treaties which we can reasonably expect to see in the not-too-distant future.

Ernie's service began at the national level, and as we have seen, it ends there. For I do not want to overlook his distinguished record as an infantryman in World War II, where he earned the Silver Star, the Nation's third highest award for valor, along wtih numerous other decorations for gallantry, heroism, and distinction in combat, as well as the Purple Heart for his wounds from that conflict.

Ernie's sense of service is enduring. He has been a long promoter of junior achievement programs and a member of the Blue Cross Board of Trustees. In Utah he served on the State safety council's board and as a director of the great Salt Lake Area United Way. The Utah Manufacturers' Association named Ernie Businessman of the Year in 1984, and he became a member of the board of governors of the Salt Lake Area Chamber of Commerce the following year.

Ernie's commitment to his profession extended to assuring opportunities and training for those interested in science and engineering. He served as a member of the University of Utah College of Engineering State Advisory Board, and Utah State University's National Advisory Council Roundtable.

Nor has Ernie's own alma mater overlooked his accomplishments: In 1988, he was awarded the "Outstanding Graduate" award from the University of Delaware School of Engineering, from which he holds degrees in chemical and civil engineering.

Mr. President, I request that my remarks be printed in the RECORD of this Chamber so that the place of Ernest A. Mettinet, Jr., is given due historical tribute, acknowledging the contributions of this great American to 20th century progress.

NATIONAL PRAYER BREAKFAST SPEECH BY SENATOR ALAN SIMPSON

Mr. THURMOND. Mr. President, I rise today to bring to the attention of my colleagues a particularly notable and worthy speech which was delivered by the distinguished Senator from Wyoming, Senator SIMPSON. The speech which Senator SIMPSON delivered at the National Prayer Breakfast on February 2, 1989, embodied three crucial and profoundly meaningful themes: the everlasting value of humor, a solid life philosophy, and a deep faith in God and religion.

Senator SIMPSON spoke eloquently on the endearing power of humor to heal and to soften the hardships sometimes encountered in life. He expatiated on his general life philosophy—the importance of a strong foundation of parental love for a child, the value of self-discipline—and the many changes through which this simple yet powerful philosophy has carried him. Finally, he cited a deep and enduring faith in God as the basis for all success, both public and private.

I found Senator SIMPSON's speech to be both inspirational and thought-provoking. For those present, his comments prompted personal reflection on our lives and the paths we have taken, and provided an opportunity to renew our relationships with the Lord. I believe we could all benefit from such moments.

Therefore, I ask unanimous consent that the content of Senator SIMPSON's speech be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR AL SIMPSON, NATIONAL PRAYER BREAKFAST, FEBRUARY 2, 1989

Thank you, Bob. Mr. President, Barbara Bush, Marilyn Quayle, Dr. Graham, fellow "seekers."

What a rare treat and honor. And Mr. President and our gracious First Lady, and the steady Marilyn, I was pleased to be one of the celebrants at that magnificent ceremony in the National Cathedral the Sunday after your impressive dual inauguration. The world sees you and the Quayles as people of faith and enthusiasm and strong belief and spirit who "live out" your religion—people who "walk the walk" instead of "talk the talk." To have two of the most visible and remarkable families in America and those marvelous children of yours—a strong bond of family and a loving support system—we are indeed blessed.

I am so pleased you learned a bit of our Senate prayer breakfast group from PAUL SIMON. Always a special time. My Father was a member when he was in the U.S. Senate. He is 91 years old. Someone asked him the other day if he had lived in Cody, WY, all his life and he said, "not yet!"

It is here in that weekly gathering that we share our personhood in God—a sharing of ourselves—actually it is more the sharing of our own vulnerabilities. Often provocative—sometimes moving—a continual learning and growing.

Here we are gathered from the world over—meeting in the foundation of faith, the spirit of Christ and the spirit of reconciliation. Not as Christians or Jews or Moslems or Buddhist or Hindu, but all under one common aegis—humans. All who believe in a higher being—whatever that may mean to them individually.

This day is not about formal religion. That was always pretty "heavy" for me as a child. I'm reminded of the one about the restless and active child at the church service—a jumpy rascal. He was "antsy" and always "up to things" and scratching and looking around. But his mother was at the ready. She took the Crayolas and the color-

ing books and the little pencils and pads with her and he sat there and asked, "what's that over there?" and she said, "well thats the alter." He said, "well what's that over there?" She said, "that's where they baptize people." He looked at a flag and said, "what flag is that?" "Well," she said, "that's our American Flag." And he said, "well, what's that up there on the wall?" "That's the cross of our church." And he said, "what's that over there?" "That's a plaque for the boys who died in the service." And the young kid looked at her with resignation and wistfully rolled his eyes heavenward and said, "which one, the 9 o'clock or the 11 o'clock?"

You like that stuff at this hour? Then how about the little boy sitting in a church service in London and he looked at his mother with a sad expression, and he said, "well, mummy God won't be able to bless us anymore will he?" She said, "why not, my son?" He said, "well, I just heard the minister say that Jesus was sitting on his right hand."

Let me share a few thoughts with you in my brief time this morning about a subject that I know more about than anyone else does. Me! A hazardous statement in Washington, DC, where there are lots of "experts" and "authorities."

Indeed, those who travel the high road of humility in Washington, DC, are not really troubled by heavy traffic.

Let me first tell you that my present faith in God was not what I had in mind at one time in my life!

I was raised by very dear and loving parents and I have so very much to be thankful for. Dad, as I say, 91 years of age, suffering from Parkinsons disease, arthritis, the loss of an eye years ago and sometimes the gentle fog of age rolls over him—but that is always penetrated when you say, "Hi Pop, how are ya?" And he says, "great!" My mother is 88, a woman of immense faith and huge courage and grace and power and strength. My dear and living brother and I often referred to her as "the velvet hammer."

Well, I was a rambunctious and very curious young guy. If it is true that "a spirited colt makes the best horse," then I should have been "Secretariat" or "Whirlaway!" Then I got fat and I had enough blemishes to be in one of those old comic book ads. Then I learned of humor, for I used it to cover pain. Many do. I also used it to cover shyness. Many do. A very valuable lesson for me.

In my formal religion I was baptized in the Episcopal Church. Served as an acolyte, confirmed, and married in that church to this classy lady. I've been living with Ann for 35 years—married all that time of course! You have to say that in politics these days.

Then in high school I was always into something. Then finally I got into "the big something." We destroyed mailboxes, blew them up, shot them up, it was a Federal offense. I was on Federal probation for 2 years. Not the best time of my life—and every time the probation officer came to see me I was shooting pool—in a pool hall mind you! Shades of River City. My parents had thought at birth that I might have had the strong and sensitive hands of a surgeon, but I could really stroke that cue! I'd come home with that green felt stain on the meaty part of my hand. My mother would say, "what have you been doing?" I'd say, "I've been mowing the grass." The old man never cracked a smile. But I was very loved. The single most important thing to give a child—love. I thought "why am I doing these things?" Am I doing that to hurt my parents, for obviously and visibly they were hurt enough—especially when the old man cried at the dinner table once and said, "where have we failed?" Oh yes, I'd get guilty about that but never to the point of limiting my activities.

And then off to college. I thought I was quite the big cheese, the "Bolshoi Shiska" as they say in Russian, the "Big pine cone." I smoked about three packs a day. Got to be a fine broth of a boy. I weighed 260 pounds, had hair and thought beer was food. Yes, that was me—the "me" of age 21. I also got in a couple of slugfests—spent a couple of nights in the clink. Even Ann's sorority sisters wouldn't raise the bail for me that night! I had been named to "who's who in American Colleges and Universities" and the president of the University called me in and said, "we're not going to give you that award." I smiled, laughed, made a joke, but there was a real hard lump down inside me. Kind of like cotton balls in my throat choking to come up.

Then off to law school. I married this magnificent lady in '54 and headed for Germany to serve in the Army. There was the test. It was the very first time in my life where other people were telling me what to do—and some real dire consequences out there if you didn't do it! The humor, the charm, the old stuff—the B.S. didn't work anymore. I was miserable. I couldn't do what I wanted to do. It tore me up. I had ulcers, gas, heartburn, a blood pressure of about 220, depression as if somebody had pulled "the great black sheet" over my head. That stuff happens in life—to almost everybody.

Then out of the Army and back to law school. Slowly I started to sort it out. Searching through it. I call it "creeping maturity." It is pretty slow sometimes. Isn't it an adventure? We search for peace, for stability, for love—to know where our own inner gyroscopes are. We're all seeking the "peace that passes all understanding." And think about that one for a minute. We might have it—or be close to it—and never even know it. For it is beyond our cognitive powers—after all "beyond understanding."

Then in my 30's I grappled with jealousy and possessiveness. Why not? A guy could feel that about a woman like that, couldn't he? And then I struggled with the distortion of love, when we get to a point where we come to love things and try to possess persons—it used to be that we loved persons and possessed things. We learn that we lose a person when we try to possess him or her. And if jealously is one of your little red wagons you'd like to leave back in the shed—go see Shakespeare's "Othello" once more.

Yes, it's sure been a slow process. When I have those pangs of self pity and guilt and compassion fatigue or have that feeling of despair or disquietude and longing that I think no one else has ever had—when I do that I reduce myself to a child again. And when I take "the child" of Al Simpson into a relationship or challenge that demands and calls for "the man," Al Simpson, I can get pretty gummed up!

I practiced law for 18 years and I did about 1,500 divorces over that time and I learned more about my own marriage than I did about others. All the time learning. As we used to say in the pool hall, "going to school on their shot." Finding people you admire, and trying to emulate them. Nothing wrong with that as long as you keep your own uniqueness and don't spend too much time comparing. The very act of comparing puts you in second place. Else why do it? Reading some good books. when somebody says that "bad" books and porno and thrash don't affect people, then how come it is that good and inspirational books do?

There are some very "sure things" that I have found marked on the trees along the trail as I hit 57 years of life with this remarkable lady at my side. There's lots of things I've come to know, but the very prince of a one I learned was where to turn when I didn't know where to turn. One place. Only God.

And I don't often enough match up too well with the continuing care and nurture of my fellow humans.

One that hit me right between the eyes recently was a sermon I heard about caring people going to an institution of people of lesser capacity. Some folks in there were doing pretty well and some were very down and some were just shuffling husks of human beings. This group was passing through them—some ordained and some laymen—lay ministry is just as vital as the clerical ministry in our church. Finally one of the bright very old women looked up as they all leaned down to her and all said to her, "God cares. Our Lord cares about you and God bless you." She stopped them all—held up a gnarled hand, fixed them with a clear and steady eye and she said, "I know God cares. I want to know whether you care?" Now that's where the rubber meets the road. It's too easy to say "God cares for you" and then just go about our lives. We have to be involved. We are the only instruments of His love and care that God has placed here. There are no others.

I often take periodic stock—try to assess as to "how am I doing" with the things that God gave me and entrusted to me here on the Earth? We all hold those things in trust as stewards for God during our lives—and He will gather them back from us—one unknown day. As stewards we must properly care for the things that He has given us. Our Earth, our countries, our homes, our parents, our spouses, our children. We must do that actively and enthusiastically and with faith and good humor—not in monkish and silent ways that close us off and cloister us away from others. And live it. And humor—may I commend that to you? My dear mother living her beautiful life at the age of 88 said to me as a child "humor is the irreplaceable solvent against the abrasive elements of life." So it is.

Our physical bodies will go back to the Earth—to dust—and others will come after us to manage what God has given, and will we really be able to account, will we really have left a better place, a better government in our own lands? A better people? A better world?

What an opportunity! How do we be about it? My wise and earthy dad always said, "to do a thing, be at it." It wasn't original, but he loved it. He also said, and I never forget this, "any damn fool can be unhappy." He also said, "son, I can't tell you how to succeed. But I can sure as hell tell you how to fail—and that's to try to please everybody." For Heaven's sake, take a risk, make a choice! Take a tough stand, don't be one of the "dead unkilled." I see a lot of those kind of people in this community. They sold themselves out somewhere far back down the line. Stay in the present, for living in the present is the truest act of faith. Hear

that. And fretfulness and worry are just the opposite of that.

There is a powerful story about the lady who was anguishing through life and stumbling and lashing out. She was filled with hostility and spewing it out to her pastoral counselor, "you tell me you can help to comfort me and give me peace of mind and how in this terrible hell of a world am I going to do that?" That wise man said, "well I'll tell you if you'd like." She said sarcastically—"sure. You mean you're actually going to tell me how to do that? How to get rid of the pain and the pity and the hate and the anxiety and the conflict down inside and you are the person—the smart aleck who is going to tell me all that?" The fellow said patiently, "yes, yes I will." She said, then almost exhaustedly and beseechingly, "okay how do I do that?" The fellow said, "listen very carefully. Hear it. It is one word. It comes up in the east with the Sun. One word. Only one. "Start." This is the only yard marker on the playing field of life. Today. Right now. This instant. This flash of time: February 2, 1989, 9:15, on a bright Thursday morning. "Start." Not too profound is it? But yet it sure is.

Then let me close and share with you "Simpson's Laundry List of Life." It is short:

All of us are worth something.

Love is not enough—but it sure helps.

All of the important decisions of life will be made on the basis of insufficient data.

We are responsible for everything we do.

You can run but you can't hide.

It is most important to run out of scapegoats.

All of the significant battles are waged within the self.

You are free to do whatever you like. You need only face the consequences.

And what d'ya know for sure, anyway?

So I have so very much to be thankful for. Why then am I often limited in word and act and deed? I have found the toughest thing in my life is to learn to forgive myself and yet I have that ability—learned through a belief in a higher power—that openness, forgiveness, and God's wholeness are not separate entities—they are very much the same. Ah, that issue of forgiveness in our lives! I couldn't forgive others until I learned how to forgive myself. I couldn't love others until I learned to love myself. Teachers could forgive me. Principals in school would forgive me. My buddies would forgive. Other parents would forgive me as I often led their sons astray, but boy! It was so tough to do that for myself. To be able to look in that mirror and say: "Al, I forgive you." That is when things began to fall together for me—with God's help. That is when pain passes, when old wounds heal, when new light comes to dark places. The most wretched and sadest thing I ever observed in my life with my fellow humans is the person 45 or 50 or 60 years old still limited and constricted—and almost choking like having that cotton ball in the throat—in their present life—limited and in fear and loathing today—by "something" they did or had done to them that was "bad" or even unforgiveable, at least to them. Way back when they were 6 or 10 or 20 or 40 years old and they just keep bringing it back. Hauling it back in those old red wagons—through the back channels of their mind and laying it on so very hard and heavy on themselves. Well, God never intended that for us. That was not the promise on the cross. The promise was that we would have life and have it abundantly—through forgiveness of our sins and not just the latest ones—all of them.

When I learned God's grace of forgiveness then the boy became a man. I sure wouldn't want to go back. For life is meaningful and savored and joyful and I am excited about life. Excited about these people, excited about this fine President and Barbara and about our fine Vice President and Marilyn, excited about this Government, about this land and about our world. Those are things I wanted to share with you this day. Thank you and God bless you.

TRIBUTE TO CARLEY SULLIVAN

Mr. REID. Mr. President, I rise today to pay tribute to Carley Sullivan, a woman who has dedicated her life to bettering the community in which she has resided since 1955, Elko County, NV.

The board of county commissioners in Elko proclaimed Friday, September 2, 1988, as "Carley Sullivan Day" to express their thanks and appreciation for Mrs. Sullivan's continuous public service.

Mrs. Sullivan, a longtime Democratic Party worker, has served as secretary and treasurer for the Elko County Democratic Central Committee. Her commitment to public service, however, extends far beyond any political barriers. She is active in the Business and Professional Women's Club on both the local and national level. She is a member of the Elko Hospital Auxiliary and serves on the Elko County Rural Mental Health Advisory Board.

For 20 years, Mrs. Sullivan has lobbied the Nevada State Legislature in the areas of health, education, juvenile concerns, drug abuse, and safety issues and is the cochair of the First Rural Nevada Women's Conference. She is a board member and past president of the Nevada Parent Teacher Association and has served for 10 years as coordinator of the Governor Youth Traffic Safety Conference. Mrs. Sullivan has done invaluable work on various advisory boards to Nevada Governors Sawyer, Laxalt, O'Callaghan and Bryan and was the Nevada delegate to a White House Conference on Children and Youth.

I could spend an entire day listing the numerous honors and awards which Mrs. Sullivan has received throughout her many years of public service, but a listing of her achievements would hardly begin to illustrate the innumerable contributions which she has made on the local, State and national level. Her dedication to issues which affect our young people, including her active pursuit of educational excellence, is perhaps her most inspiring cause.

We have a shining star by the name of Carley Sullivan in Nevada. The effects of her selfless energy on behalf of her community radiate throughout our State.

In the words of Robert Kennedy:

Let no one be discouraged by the belief there is nothing one man or woman can do against the enormous array of the world's ills—against misery and ignorance, injustice and violence. Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation.

Carley Sullivan is one of those rare individuals whose tireless efforts have brought about a truly changed and better world for us all.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, paragraph 2 of Senate rule XXVI requires that, not later than March 1 of each year, the rules of each committee be published in the RECORD and, that, not more than 30 days after a committee amends its rules, the amendment be published in the RECORD.

In compliance with both of these provisions, Mr. President, I ask unanimous consent that the rules of the Committee on Veterans' Affairs as amended on February 3, 1989, by unanimous vote of the committee, be printed in the RECORD at this point, along with copies of the amendments and of an explanation thereof.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO THE RULES OF THE COMMITTEE ON VETERANS' AFFAIRS, FEBRUARY 3, 1989

AMENDMENT NO. 1: NOTICE OF ITEMS OF BUSINESS AND AMENDMENTS

At the end of Rule I, insert the following new paragraphs:

"(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of members and an agenda shall be furnished prior to the meeting.

"(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).".

AMENDMENT NO. 2. OATHS

Further amend Rule I by inserting after the paragraphs added by Amendment #1 the following new paragraph:

"(h) Witnesses at hearings will be required to give testimony under oath whenever the Chairman or Ranking Minority

Member deems such to be advisable. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.".

AMENDMENT NO. 3. SUBPOENAS

Amend Rule V by adding at the end the following new paragraph:

"(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committees staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.".

AMENDMENT NO. 4. MEDIA COVERAGE

After Rule V insert the following new rule and renumber the succeeding rules accordingly:

"VI. MEDIA COVERAGE

"Any Committee or Subcommittee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.".

AMENDMENT NO. 5. TECHNICAL AND CONFORMING AMENDMENTS

In paragraph (b) of rule III, strike out "'yea' and 'nay'" and insert in lieu thereof "roll-call".

Rule IX (as renumbered by Amendment No. 4) is amended—

(1) in the heading, by striking out "VETERANS' ADMINISTRATION" and inserting in lieu thereof "DEPARTMENT OF VETERANS AFFAIRS";

(2) in the matter preceding clause (A), by striking out "Veterans' Administration" and inserting in lieu thereof, "Department of Veterans Affairs"; and

(3) in clause (A)(3), by striking out "or" the first place it appears and inserting in lieu thereof "a Secretary of Veterans Affairs,".

EXPLANATION OF AMENDMENTS TO THE RULES OF THE COMMITTEE ON VETERANS' AFFAIRS, FEBRUARY 3, 1989

Amendment No. 1 (Advance Notice of Agenda Items and Amendments): Requires that, at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of any meeting, the members be provided with written advance notice of the meeting and an agenda enumerating the items of business. Where compliance with that requirement is not possible, notice by the quickest appropriate means would be required. If the 72-hour notice has been furnished, the rule requires that, for a first-degree amendment to be considered, a copy of it must be provided to each member at least 24 hours before the meeting. This 24-hour notice requirement is waivable by majority vote.

Amendment No. 2 (Oaths): Provides for either the Chairman or Ranking Minority Member to insist that testimony be given under oath and requires that at a confirmation hearing the nominee and, at the request of any member, any other witness be under oath.

Amendment No. 3 (Supoenas): Authorizes the Chairman, with the Ranking Minority Member's concurrence (or failure to object within 48 hours) or based on the vote of the members, to subpoena witnesses and the production of materials.

Amendment No. 4 (Media Coverage): Sets ground rules for media coverage and authorizes the presiding member to take action necessary for the orderly conduct of a meeting or hearing.

Amendment No. 5 (Technical Amendments): Provides a better description of a roll-call vote (in Rule III(b)) and provides updated references to the Department of Veterans Affairs and to the Secretary of Veterans Affairs in the rule regarding the naming of facilities.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee or a Subcommittee shall be open to the public.

(c) The Chairman of the Committee or of a Subcommittee, or the Vice Chairman in the absence of the Chairman, or the Ranking Majority Member present in the absence of the Vice Chairman, shall preside at all meetings.

(d) No meeting of the Committee or any Subcommittee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

(h) Witnesses at hearings will be required to give testimony under oath whenever the Chairman or Ranking Minority Member deems such to be advisable. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

II. QUORUMS

(a) Subject to the provisions of paragraph (b), six member of the Committee and four members of a Subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee or Subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee or Subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Vote may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll-call vote is requested.

IV. SUBCOMMITTEES

(a) No member of the Committee may serve on more than two Subcommittees. No member of the Committee shall receive assignment to a second Subcommittee until all members of the Committee, in order of seniority, have chosen assignments to one Subcommittee.

(b) The Committee Chairman and the Ranking Minority Member shall be ex officio nonvoting members of each Subcommittee of the Committee.

(c) Subcommittees shall be considered de novo whenever there is a change in Committee Chairmanship and, in such event, Subcommittee seniority shall not necessarily apply.

(d) Should a Subcommittee fail to report back to the Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and so notify the Committee for its disposition.

V. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee or a Subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcement of the date, place, time, and subject matter of such hearing.

(c) The Committee or a Subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the Committee or Subcommittee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

VI. MEDIA COVERAGE

Any Committee or Subcommittee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VII. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee and its Subcommittee.

VIII. PRESIDENTIAL NOMINATIONS

Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

IX. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who was instrumental in the construction or the operation of the facility to be named;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility; or

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

X. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

UKRAINIAN INDEPENDENCE DAY

Mr. PELL. Mr. President, on January 22, 1989, the Ukraine celebrated the 71st anniversary of its declaration of independence. Many of our colleagues in both the House and the Senate rose to commemorate this day, which holds tremendous significance for the Ukrainian community in the United States. In recognition of the importance of this milestone, I am today calling attention to the proud spirit of the Ukraine.

The Ukraine has an independent tradition that dates back to the days of the ninth century. Now the Ukraine ranks second in population and in industrial development of all of the republics in the Soviet Union, and it still carries a strong, independent spirit. We in the United States have been enriched by sharing the cultural heritage of the Ukraine with those of Ukrainian descent who have made their home throughout the United States, including my own State of Rhode Island. The Ukrainian-American community is an important segment of the many diverse cultures that exist in the United States, and Ukrainian Americans have contributed significantly to American history and American life.

Mr. President, it is a tribute to Ukrainian nationalism that the Ukraine has maintained such a strong, separate identity to this day. I am proud to join my colleagues and others who celebrated Ukrainian Independence Day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN, KHOMEINI AND RUSHDIE

Mr. GORTON. Mr. President, although it has been available in the United States for several weeks now, today marks the formal American publication date of a book entitled "The Satanic Verses." The author, Salman Rushdie, a British subject born in Bombay, India, first published his work in Britain in September 1988. I have read several reviews of Mr. Rushdie's novel, as a result of which I have no interest at all in purchasing or reading his work. That, however, is not the point of these remarks.

Last week, on February 14, the Ayatollah Khomeini, the de facto ruler of Iran, sentenced Salman Rushdie to death for blasphemy against Islam. While mixed signals came out of Iran during the course of the next few days, the Ayatollah and his supporters have now made it clear that the sentence of death stands. Rewards of up to $6 million have been offered to anyone who will carry out the sentence.

Additionally, Reuters reported, the Ayatollah's death sentence extends to all involved in the publication of "The Satanic Verses." If this is to be believed, untold numbers of westerners now live under the Iranian leader's cloud of blood, apparently without hope of appeal or commutation.

This event shows the continuing barbarism of the Iranian regime, but subsequent events show decay in our own civilization.

In prompt response to the Ayatollah Khomeini's pronouncement, Harry Hoffman, president of Walden Books, this country's largest chain of book stores, has ordered the removal of the chain's remaining inventory of the

book citing his "first allegiance to the safety of employees and patrons." Several other booksellers followed suit.

Yesterday, the Seattle Post-Intelligencer published a cartoon from the Arizona Republic by a cartoonist named Benson equating the Ayatollah's threats with the reaction of a wide range of conservative Christians to the movie "The Last Temptation of Christ."

Our Western European allies, led by the United Kingdom and by West Germany, have recalled their ambassadors to Iran and, in some cases, all of their diplomats. They are saying they may call off most or all of their newly reestablished diplomatic and economic relationships with Iran. Yet, notably, even these countries are halting publication, and, to my knowledge, not one drop of the oil the sale of which is so critical to the Ayatollah's regime, has ceased its flow to the West.

Meanwhile our Canadian neighbors delayed entry of the novel, and, here at home, Secretary Baker called Iran's action "regrettable." More than a week later President Bush upped that to "deeply offensive."

Having issued our toothless yelps of distress, Western civilization seems to have crawled into its bunker and apparently resigned to prepare for increased threats of aircraft bombings, commissioned murders, and random terrorism.

On these subjects, I should like to share some thoughts with my countrymen and my colleagues.

For its root is the question "Do we know what we stand for?" If one of our cultural and political cornerstones is freedom to exchange ideas, then why is the Ayatollah's repulsive act met by mere statements of "regret" and "offense." We did go on to imply some response if actions based on Khomeini's threats hurt Americans, but this action has already had its affect as evidenced by our cowardly response to his unilateral attack on our foundation of constitutional liberties.

Since when did the leaders of the political and corporate Western World need to dilly-dally about, weighing the costs and benefits of defending so vital a principle?

I was in east Asia while this crisis brewed, attending to increasing prospects for trade for my State. Imagine my surprise to return to such a wretchedly tepid defense and, in essence, a retreat from an intentional bully.

I speak here not just of the administration, whose goals and leaders I admire, but of our civilized world as a whole—the cartoonist who fails to see reality, the corporate leader too gutless to play his part in preserving free speech, the entire community of free nations backing away.

Mr. Benson, of the Arizona Republic, reflects all too much of what now seems to pass for thinking within a wide range of the liberal community. Mr. Benson trivializes the real threat of the deeply and profoundly barbarian Iranian Government. For Mr. Benson, it amounts to no more and no less than the loud and vociferous objections to "The Last Temptation of Christ." But those who objected to, and called for a boycott of, that movie did so without the slightest hint of the use of force, much less murder, in response to what they considered to be a blasphemous attack on Orthodox Christianity.

The equals in this saga are the book and the movie, both deeply offensive to many. But the difference in the reaction, which the cartoonist wrongly parallels, is the difference between the exercise of free speech—including the right of some to persuade others not to read or see something—versus the abuse of free speech to incite others to murder those with which they disagree.

It is the difference between progress in a free nation by useful debate, and yet another attempt by Iran's leader to take civilization, muffled protests notwithstanding, backward into darkness.

Mr. Benson, no doubt, will defend his actions as "humor" and as "his free speech." Well he should. And well he should hope that the Free World will be more forceful in the defenses of his freedoms, should some tryant single him out for injury.

Mr. Hoffman of Waldenbooks, and his corporate brethern who followed suit, deserve equal contempt. He says, in the New York Times, that Waldenbooks "have throughout our corporate history decried and fought censorship wherever we have found it." Sad that he chose to end that noble tradition, if it indeed existed. He leaves the defense against terrorism to those of us he charges with that duty, himself not included.

The Ayatollah Khomeini has passed a law, in his own preemptory fashion, denying to all of the people of the world the rights of freedom of speech—and Waldenbooks cravenly submits to this decree. That book seller has set a wonderful example for the future. It will defend the freedom of speech only so long as it costs nothing to do so, but the more serious and more threatening the limitation, the more likey it is that Walden books will submit.

For anyone for whom the first amendment amounts to anything more than a license to make money, the proper response to the cowardice of that book seller is to purchase all of his or her books elsewhere.

Our Western European allies have, I believe, responded to Khomeini's threats appropriately and courageously, or at least they will have if they now follow through and actually cut off oil shipments and the rest.

In the final analysis, of course, it is impossible to have diplomatic relations with a nation which threatens mindless violence to the citizens of other nations for the mere exercise of their God-given rights to speak or to publish—or for that matter, for simply being the citizens of a nation which protects such rights.

We, in the civilized world, must make it clear that any violence, any terrorism, any act ordered or encouraged by the Ayatollah outside the borders of Iran will not be tolerated. We should make it crystal clear that any such action will trigger a response which is swift, certain and which will cost Iran far more than it can possibly gain from any attempt to carry bluff and rhetoric to murder and terrorism.

It is not merely a responsibility shared by the President and the bookseller, but by all of us, to be concerned enough to act in defiance of these threats. For when the threat to our freedoms is as vast as this one—when an author must be hidden from avengers for the exercise of his rights—we are all submitting to the degree we are not repulsed and defiant.

No one, save the Ayatollah, seeks bloodshed. But we must remember that the success of Western civilization is based, in a way measured by the white markers in a cemetery not far from here, on the willingness of all of us to risk harm to defend its central premises.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 21, 1989, during the recess of the Senate, received a message from the President of the United States submitting sundry nominations; which were referred to the appropriate committees.

(The nominations received on February 21, 1989, are printed in today's RECORD at the end of the Senate proceedings.)

ANNUAL REPORTS OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 17

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 21, 1989, during the recess of the Senate, received the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 308 of Public Law 97-449 (49 U.S.C. 308(a)), I hereby transmit the 19th, 20th, and 21st Annual Reports of the Department of Transportation, which cover Fiscal Years 1985, 1986, and 1987, respectively.

GEORGE BUSH.

THE WHITE HOUSE, *February 21, 1989.*

SUPPLEMENTARY SOCIAL SECURITY AGREEMENT BETWEEN THE UNITED STATES AND SWITZERLAND—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 18

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 21, 1989, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to Section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Supplementary Agreement Amending the Agreement between the United States of America and the Swiss Confederation on Social Security ("Supplementary Agreement"), which consists of two separate instruments—a principal agreement and an administrative agreement. The Supplementary Agreement was signed at Bern on June 1, 1988.

The U.S.-Switzerland agreement is similar in objective to the social security agreements in force in Belgium, Canada, France, the Federal Republic of Germany, Italy, Norway, Spain, Sweden, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other. The present Supplementary Agreement would amend the original agreement with Switzerland to update and simplify several of its provisions in view of changes in U.S. and Swiss law and to simplify the method of computing U.S. benefit amounts.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Supplementary Agreement and the effect on social security financing as required by the same provision of the Social Security Act. I note that the Department of State and the Department of Health and Human Services have recommended the Supplementary Agreement and related documents to me.

I commend the U.S.-Switzerland Supplementary Social Security Agreement and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *February 21, 1989.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 19

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 21, 1989, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I herewith transmit the fifth Annual Report of the National Endowment for Democracy, which covers Fiscal Year 1988.

GEORGE BUSH.

THE WHITE HOUSE, *February 21, 1989.*

ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 20

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 21, 1989, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 407 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 5047, I transmit herewith the Annual Report of the ACTION Agency for Fiscal Year 1988.

GEORGE BUSH.

THE WHITE HOUSE, *February 21, 1989.*

ANNUAL REPORT ON MINE HEALTH AND SAFETY ACTIVITIES—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 21

Under the authority of the order of the Senate of Janauary 3, 1989, the Secretary of the Senate, on February 21, 1989, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 511(a) of the Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 958(a)), I transmit herewith the Fiscal Year 1987 annual report on mine safety and health activities as submitted by the Secretary of Labor.

GEORGE BUSH.

THE WHITE HOUSE, *February 21, 1989.*

MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 21, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that pursuant to Public Law 301 of the 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1989: Mr. TAUZIN, Mr. HUGHES, Mr. DAVIS, and Mr. JONES of North Carolina, ex officio.

The message also announced that pursuant to the provisions of section 403 of Public Law 100-360, the Speaker appoints to the U.S. Bipartisan Commission on Comprehensive Health Care the following Members on the part of the House: Mr. PEPPER, Mr. STARK, Mr. WAXMAN, Ms. OAKAR, Mr. GRADISON, and Mr. TAUKE.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 22, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment:

Senate Concurrent Resolution 5. A concurrent resolution to provide for the use of the rotunda of the U.S. Capitol to inaugurate the display of the POW/MIA flag.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-518. A communication from the Assistant Secretary for Science and Education, Department of Agriculture, transmitting, pursuant to law, the Department's sixth progress report on the human nutrition research and information management [HNRIM] system; to the Committee on Agriculture, Nutrition, and Forestry.

EC-519. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report containing notification that the Navy intends to offer for lease certain naval vessels to the Government of Portugal; to the Committee on Armed Services.

EC-520. A communication from the Director of Administration and Management; Department of Defense, transmitting, pursuant to law, the Department's annual report during fiscal year 1989; to the Committee on Armed Services.

EC-521. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report containing a proposal by the Department of the Navy to transfer the obsolete drydock AFDM-9 to the city of Jacksonville, FL, for use as an artificial fishing reef; to the Committee on Armed Services.

EC-522. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on the Annual Inspection of the U.S. Soldiers' and Airmens' Home for Fiscal Year 1987; to the Committee on Armed Services.

EC-523. A communication from the Director, Administration and Management, Department of Defense, transmitting, pursuant to law, a report containing the Navy's determination and findings indicating the necessity to exclude the clause concerning examination of records by the Comptroller General from a proposed contract with the United Kingdom Ministry of Defense; to the Committee on Armed Services.

EC-524. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, a report describing the extent to which commercial and industrial-type functions were performed by the Department of Defense contractors during the preceding fiscal year; to the Committee on Armed Services.

EC-525. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report entitled "Comprehensive Transit Plan for the Virgin Islands"; to the Committee on Banking, Housing, and Urban Affairs.

EC-526. A communication from the Acting Secretary, Department of Energy, transmitting, pursuant to law, the Department's 12th annual report required under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976; to the Committee on Commerce, Science, and Transportation.

EC-527. A communication from the Acting Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, a report on the Department's metric transition program as part of the annual budget submission for the Department of Defense; to the Committee on Commerce, Science, and Transportation.

EC-528. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on a study of noise abatement proposals under consideration by airport operators and local governments and to identify those proposals which are not currently eligible for Federal financial assistance; to the Committee on Commerce, Science, and Transportation.

EC-529. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on Railroad Financial Assistance; to the Committee on Commerce, Science, and Transportation.

EC-530. A communication from the Secretary of Commerce, transmitting, pursuant to law, the first report from the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation, U.S. Department of Commerce, for the period ending December 31, 1988; to the Committee on Commerce, Science, and Transportation.

EC-531. A communication from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-532. A communication from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-533. A communication from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-534. A communication from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-535. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the annual report of the Office of Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-536. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on the 1988 Hydrologic Determination of the water availability from Navajo Reservoir and the Upper Colorado River Basin; to the Committee on Energy and Natural Resources.

EC-537. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a study report on the California and Pony Express Trails in California, Colorado, Idaho, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Utah, and Wyoming; to the Committee on Energy and Natural Resources.

EC-538. A communication from the Assistant Secretary (Conservation and Renewable Energy), Department of Energy, transmitting, pursuant to law, a report on updated management plans for wind and ocean energy programs; to the Committee on Energy and Natural Resources.

EC-539. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-540. A communication from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-541. A communication from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-542. A communication from the Assistant General Counsel, Department of Energy, transmitting, pursuant to law, a report containing the notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-543. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the second annual report on the Status of the Radon Mitigation Demonstration Program; to the Committee on Environment and Public Works.

EC-544. A communication from the Assistant Secretary (Civil Works) Department of the Army, transmitting, pursuant to law, a report requesting that the study on the St. Francis River, Missouri and Arkansas, (Fish and Wildlife) study be deleted from the list previously submitted which contained 64 studies that meet the criteria of not having funds appropriated during the preceding 5 full fiscal years; to the Committee on Environment and Public Works.

EC-545. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, the Administrtaion's annual report regarding the accessibility standards issued, revised, amended, or replaced under the Architectural Barriers Act of 1968; to the Committee on Environment and Public Works.

EC-546. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report concerning Indian Wastewater Treatment Needs and Assistance; to the Committee on Environment and Public Works.

EC-547. A communication from the Chairman, U.S. Nuclear regulatory Commission, transmitting, a draft of proposed legislation which would make numerous changes to the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974; to the Committee on Environment and Public Works.

EC-548. A communication from the Chairman, U.S. Nuclear Regulatory Commission, Transmitting, a draft of proposed legislation to add section 161y to the Atomic Energy Act of 1954, as amended; to the Committee on Environment and Public Works.

EC-549. A communication from the Administrator of NASA, transmitting, pursuant to law, the first annual report concerning NASA Progress on Superfund Implementation in Fiscal Year 1988; to the Committee on Environment and Public Works.

EC-550. A communication from the Commissioner of Social Security, Department of Health and Human Services, transmitting, pursuant to law, a report containing notice of proposed rulemaking [NPRM]; to the Committee on Finance.

EC-551. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report containing agreements other than treaties entered into by the United States within the past 60 days; to the Committee on Foreign Relations.

EC-552. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to section 2202 of the Omnibus Trade and Competitiveness Act of 1988; pursuant to Public Law

100-418 referred jointly to the Committee on Foreign Relations, Committee on Finance, Committee on Banking, Housing, and Urban Affairs, and the Committee on Agriculture, Nutrition, and Forestry.

EC-553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Review of the Impact of the Reduction of the Composite Rate for Renal Dialysis on Access and Quality Care"; to the Committee on Finance.

EC-554. A communication from the Acting Administrator of the Veterans' Administration, transmitting, pursuant to law, the Administration's annual report on procurement competition pursuant to section 2732 of the Competition in Contracting Act; to the Committee on Governmental Affairs.

EC-555. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, a report on the Commission's experience under the Government in Sunshine Act during the calendar year 1988; to the Committee on Governmental Affairs.

EC-556. A communication from the Administrator of NASA, transmitting, pursuant to law, NASA's annual report on the performance of our Competition Advocacy Program for fiscal year 1988; to the Committee on Governmental Affairs.

EC-557. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the Fiscal Year 1988 FMFIA Report on Internal Control and Financial Systems; to the Committee on Governmental Affairs.

EC-558. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Board's annual report regarding the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-559. A communication from the Head, Personnel Benefits Section, Department of the Navy, transmitting, pursuant to law, the 1987 annual report for the Navy nonappropriated Fund Retirement Plan of Employees of Civilian Morale, Welfare and Recreation; to the Committee on Governmental Affairs.

EC-560. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report containing notice of a rescission of two systems of records under the Privacy Act of 1974; to the Committee on Governmental Affairs.

EC-561. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on Federal human resource management; to the Committee on Governmental Affairs.

EC-562. A communication from the controller, Washington Gas Light Co., transmitting, pursuant to law, a report containing a certified copy of a balance sheet of the company as of December 31, 1988; to the Committee on Governmental Affairs.

EC-563. A communication from the Chairman of the Board, U.S. Railroad Retirement Board, transmitting, pursuant to law, a report on the Board's internal control and financial systems; to the Committee on Governmental Affairs.

EC-564. A communication from the Chairman, U.S. Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1988 by the Commission; to the Committee on Judiciary.

EC-565. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a report on the activities of the Commission with respect to the Freedom of Information Act during 1988; to the Committee on the Judiciary.

EC-566. A communication from the chief judge, U.S. Claims Court, transmitting, pursuant to law, certified copies of each hearing officer's report on the claim of the White Sands ranchers of New Mexico and the report of the review panel; to the Committee on the Judiciary.

EC-567. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report containing a compilation and analysis of State activities in implementing the first year of the Child Abuse and Neglect Prevention Challenge Grant Program; to the Committee on Labor and Human Resources.

EC-568. A communication from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 1987; to the Committee on Labor and Human Resources.

EC-569. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on the establishment of an Office of Inspector General within the Commission; to the Committee on Rules and Administration.

EC-570. A communication from the Acting Administrator of Veterans' Affairs, transmitting, pursuant to law, the annual report on the VA's furnishing of contract care and services for fiscal year 1988; to the Committee on Veterans' Affairs.

EC-571. A communication from the Acting Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on VA programs, benefits and services to assist homeless veterans under the Stewart B. McKinney Homeless Assistance Act; to the Committee on Veterans' Affairs.

EC-572. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, the annual report of the Forest Service for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

EC-573. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on a violation of the Antideficiency Act involving overobligation of an approved appropriation; to the Committee on Appropriations.

EC-574. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, a report on a violation of the Antideficiency Act involving overobligation of an approved appropriation; to the Committee on Appropriations.

EC-575. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report on contract awards for the period March 1, 1989, to April 30, 1989; to the Committee on Armed Services.

EC-576. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report on the use of funds made available to the Coast Guard for drug interdiction; to the Committee on Commerce, Science, and Transportation.

EC-577. A communication from the Director of the National Acid Precipitation Assessment Program, transmitting, pursuant to law, a report entitled "National Acid Precipitation Assessment Program [NAPAP] Plan and Schedule for NAPAP Assessment Reports"; to the Committee on Environment and Public Works.

EC-578. A communication from the Acting Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information by the Nuclear Regulatory Commission for the quarter ended December 31, 1988; to the Committee on Environment and Public Works.

EC-579. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the needs survey report on the "Assessment of Publicly Owned Wastewater Treatment Facilities in the United States"; to the Committee on Environment and Public Works.

EC-580. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the 1989 Social Security Annual Report; to the Committee on Finance.

EC-581. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual report on Medicare for fiscal year 1986; to the Committee on Finance.

EC-582. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Prospective Payment for Medicare Skilled Nursing Homes; to the Committee on Finance.

EC-583. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to January 19, 1989; to the Committee on Foreign Relations.

EC-584. A communication from the Secretary of Commerce, transmitting, pursuant to law, a monthly report on imports during October 1988 of strategic and critical materials from countries of the Council for Mutual Economic Assistance; to the Committee on Foreign Relations.

EC-585. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report of the Department of the Treasury on competition advocacy for calendar year 1988; to the Committee on Governmental Affairs.

EC-586. A communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a statement of the receipts and expenditures of the Chesapeake & Potomac Telephone Co. for calendar year 1988; to the Committee on Governmental Affairs.

EC-587. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the 13th annual report of the Commission dated January 1989; to the Committee on Governmental Affairs.

EC-588. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report of the Foundation on competition advocacy for calendar year 1988; to the Committee on Governmental Affairs.

EC-589. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor on competition advocacy for calendar year 1988; to the Committee on Governmental Affairs.

EC-590. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration on competition advocacy for calendar

year 1988; to the Committee on Governmental Affairs.

EC-591. A communication from the Director of the Human Resources Directorate, U.S. Army Community and Family Support Center, Department of the Army, transmitting, pursuant to law, the annual report for the U.S. Army Nonappropriated Fund Employee Retirement Plan for the year ended Septmeber 30, 1986; to the Committee on Governmental Affairs.

EC-592. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report of the tribunal for fiscal year 1988; to the Committee on the Judiciary.

EC-593. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-594. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Administration on Aging of the Department of Health and Human Services for fiscal year 1988; to the Committee on Labor and Human Resources.

EC-595. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the second biennial report of the Director of the National Institutes of Health; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RIEGLE (for himself, Mr. GARN, Mr. GRAMM, and Mr. SHELBY) (by request):

S. 413. A bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATFIELD:

S. 414. A bill for the relief of Jessielito G. Infante; to the Committee on the Judiciary.

S. 415. A bill for the relief of Rita Luz Juarez C.; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 416. A bill to provide that all Federal civilian and military retirees shall receive the full cost of living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEINZ (for himself, Mr. GRASSLEY, Mr. PELL, Mr. HOLLINGS, Mr. LEVIN, Mr. DECONCINI, Mr. WILSON, Mr. RIEGLE, Mr. WARNER, Mr. SARBANES, Mr. BURDICK, Mr. NUNN, Ms. MIKULSKI, Mr. ROBB, and Mr. JOHNSTON):

S. 417. A bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of applications of Federal employees seeking retirement benefits, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HELMS:

S. 418. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, and for other purposes; to the Committee on Finance.

By Mr. SIMON (for himself, Mr. HATCH, Mr. METZENBAUM, Mr. CRANSTON, Mr. KERRY, Mr. BIDEN, Mr. SPECTER, Mr. KENNEDY, Mr. SIMPSON, Mr. KOHL, Mr. LEVIN, Mr. RIEGLE, Mr. BURDICK, Mr. MATSUNAGA, Mr. INOUYE, Mr. BINGAMAN, Mr. DASCHLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. GORTON, Mr. SANFORD, Ms. MIKULSKI, Mr. SARBANES, Mr. ADAMS, Mr. LIEBERMAN, Mr. BOSCHWITZ, Mr. GLENN, and Mr. CHAFEE):

S. 419. A bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation; to the Committee on the Judiciary.

By Mr. FORD:

S. 420. A bill for the relief of certain individuals to settle certain claims filed against the Federal Deposit Insurance Corporation; to the Committee on Banking, Housing, and Urban Affairs.

S. 421. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Natural Resources.

S. 422. A bill to require the Secretary of Agriculture and the Secretary of Commerce to conduct a joint study of commodities and products that may be produced and marketed in conjunction with the production of tobacco; to the Committee on Agriculture, Nutrition, and Forestry.

S. 423. A bill for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 424. A bill to provide a minimum monthly annuity for the surviving spouses of certain deceased members of the uniformed services; to the Committee on Armed Services.

By Mr. DOMENICI:

S. 425. A bill to restore the Tight Sands Tax Credit by amending the Internal Revenue Code of 1986 to clarify the rules concerning the nonconventional fuels credit with respect to gas produced from a tight formation, and to restore the application of such credit to the alternative minimum tax; to the Committee on Finance.

By Mr. BENTSEN:

S. 426. A bill to direct the Secretary of State to construct, operate, and maintain an extension of the American Canal at El Paso, Texas; to the Committee on Environment and Public Works.

By Mr. MACK:

S. 427. A bill to designate the Federal Building located at 1801 Gulf Breeze Parkway, Gulf Breeze, Florida, as the "Bob Sikes Visitor Center"; to the Committee on Environment and Public Works.

By Mr. WALLOP (for himself, Mr. CRANSTON, Mr. ARMSTRONG, Mr. DOLE, Mr. SIMPSON, Mr. BAUCUS, Mr. BOND, Mr. BOREN, Mr. BOSCHWITZ, Mr. BREAUX, Mr. BURDICK, Mr. BURNS, Mr. COCHRAN, Mr. CONRAD, Mr. CHAFEE, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. DOMENICI, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HUMPHREY, Mr. INOUYE, Mr. KASTEN, Mr. KERRY, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. REID, Mr. ROTH, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, and Mr. WILSON):

S. 428. A bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOREN:

S. 429. A bill to establish a National Foundation for Excellence for outstanding students who are committed to careers in teaching in public education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. RIEGLE, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. MATSUNAGA, Mr. CHAFEE, Mr. MOYNIHAN, Mr. DANFORTH, and Mr. SIMON):

S. 430. A bill to amend title XIX of the Social Security Act to provide coverage for certain outreach activities undertaken at the option of a State for the purpose of identifying pregnant women and children who are eligible for medical assistance and assisting them in applying for and receiving such assistance, and for other purposes; to the Committee on Finance.

By Mr. NUNN (for himself, Mr. FOWLER, Mr. KENNEDY, Mr. HOLLINGS, Mr. BIDEN, Mr. LEVIN, Mr. GLENN, Mr. SIMON, Mr. SHELBY, Mr. MATSUNAGA, Mr. PRYOR, Mr. INOUYE, Mr. BENTSEN, Mr. LAUTENBERG, Mr. DANFORTH, Mr. GRAHAM, Ms. MIKULSKI, Mr. CRANSTON, Mr. DODD, Mr. SANFORD, Mr. JOHNSTON, Mr. METZENBAUM, Mr. KERRY, Mr. GORE, Mr. KOHL, Mr. SPECTER, Mr. HARKIN, Mr. WILSON, and Mr. LIEBERMAN):

S. 431. A bill to authorize funding for the Martin Luther King, Jr. Federal Holiday Commission; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. MOYNIHAN):

S. 432. A bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads; to the Committee on Environment and Public Works.

By Mr. ARMSTRONG (for himself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. CHAFEE, Mr. COATS, Mr. CONRAD, Mr. DOLE, Mr. DOMENICI, Mr. HOLLINGS, Mr. LEVIN, Mr. LUGAR, Mr. MOYNIHAN, Mr. NUNN, Mr. THURMOND, Mr. PELL, and Mr. METZENBAUM):

S.J. Res. 62. Joint resolution designating May 1989 as "National Stroke Awareness Month"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. SIMON, Mr. DODD, Mr. PRESSLER, Mr. METZENBAUM, Mr. PELL, Mr. INOUYE, Mr. DOLE, Mr. LEVIN, Mr. EXON, Mr. GLENN, Mr. BOREN, Mr. DECONCINI, Mr. SARBANES, Mr. KERRY, Mr. NUNN, Mr. DASCHLE, Mr. LUGAR, Mr. COCHRAN, Mr. MURKOWSKI, Ms. MIKULSKI, Mr. BURDICK, Mr. FOWLER, Mr. SPECTER, Mr. WILSON, Mr. LAUTENBERG, Mr. GRASSLEY, Mr. HATCH, Mr. BRADLEY, Mr. CHAFEE, Mr. DIXON, Mr.

LIEBERMAN, Mr. BIDEN, Mr. MCCLURE, Mr. GARN, Mr. THURMOND, Mr. D'AMATO, Mr. HEINZ, Mr. KASTEN, Mr. LEAHY, Mr. BENTSEN, Mr. HUMPHREY, Mr. BUMPERS, Mr. WIRTH, Mr. SYMMS, Mr. DURENBERGER, Mr. REID, Mr. BOSCHWITZ, Mr. ROTH, Mr. KENNEDY, and Mr. MOYNIHAN):

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S.J. Res. 64. Joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON (for himself, Mr. PRESSLER, Mr. PELL, Mr. DOLE, and Mr. MITCHELL):

S. Res. 62. Resolution requesting the Secretary of State to submit a report regarding United States assistance to Soviet Armenia; considered and agreed to.

By Mr. SYMMS:

S. Res. 63. Resolution expressing the sense of the Senate that the Federal excise taxes on gasoline and diesel fuel shall not be increased to reduce the Federal deficit; to the Committee on Finance.

By Mr. PELL (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. KENNEDY, Mr. LEAHY, Mr. RUDMAN, Mr. COHEN, Mr. HEINZ, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. HUMPHREY, Mr. JEFFORDS, Mr. KERRY, and Mr. METZENBAUM):

S. Res. 64. Resolution expressing the opposition of the Senate to the imposition of a fee on imported crude oil and refined petroleum products; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE (for himself, Mr. GARN, Mr. GRAMM, and Mr. SHELBY) (by request):

S. 413. A bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT

● Mr. RIEGLE. Mr. President, upon request of the administration I am pleased to introduce today, together with Senator GARN, the ranking Republican on the committee, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. This proposal is designed to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies and to permanently resolve the problems facing the Federal Savings and Loan Insurance System. Senators GRAMM and SHELBY have asked that they be listed as original cosponsors of this legislation.

This morning in the Banking Committee Treasury Secretary Brady formally presented this administration proposal. He and President Bush are to be commended for directly facing the problem and developing a comprehensive proposal quickly.

During the next 5 days the Banking Committee will give the administration and the bank regulators an opportunity to explain all aspects of their proposal. We look forward to hearing from Federal Reserve Board Chairman Greenspan tomorrow. He will be followed in subsequent days by FDIC Chairman Seidman, Comptroller of the Currency Clarke, Federal Home Loan Bank Board Chairman Wall, and OMB Director Darman. The committee will then hear from a variety of other interested parties.

I intend to complete these hearings on March 17. From March 20 to April 2—the Easter recess—the committee and its staff will be at work, together with the administration, on the final legislative package. I believe that package will earn the strong support of the committee and the Senate.

President Bush has said directly that he expects some adjustments and modifications to this plan—and we will work with the administration to make whatever adjustments are needed.

The thrift industry's problems are extremely serious. They have generated enormous public and press attention and for good reason. But one point is not in question, and that is the absolute safety of federally insured deposits. As Senator GARN and I have repeatedly made clear, the full faith and credit of the U.S. Government stands behind every dollar of deposits at federally insured savings and loan institutions, up to $100,000 for each depositor. People's deposits are safe—they need not worry—that is an iron guarantee. President Bush has also made this absolutely clear.

There is much to be said for this proposal. The administration wisely suggests separating the Federal Savings and Loan Insurance Corporation from the Federal Home Loan Bank Board, and breaking up the historically close relationship between the thrift industry and its regulators.

Capital and accounting standards must be strengthened. The Government must crack down and put in jail the white-collar criminals who have abused their positions of trust and recover as much money as possible. I support these and many other aspects of the President's proposal. But other very important issues remain to be more adequately addressed.

Is the financing mechanism proposed by the administration sound, does it provide enough money, and is it the least expensive alternative from the taxpayer's point of view?

What activities, if any, should be prohibited for a State-chartered institution which enjoys Federal deposit insurance, and what should be the criteria for making such a decision? I believe Federal deposit insurance should only cover federally authorized activities. This has been a root cause of the financial disaster now facing the S&L industry.

Do we need a separate thrift industry devoted to housing finance in the future and, if so, what exactly should a thrift operating charter look like?

If we are going to give special advantage to a specialized institution, we should clearly and precisely define the activities those institutions may engage in. The Treasury proposal in large part does not answer that question. It is a major omission.

These are a few of the issues we will have to work on together to resolve. I believe that we will be able to do so and I look forward to working with all members of the Banking Committee and the Senate as well as with my counterparts in the House of Representatives to move legislation promptly.●

● Mr. GARN. Mr. President, today I join Senator RIEGLE in introducing, at the request of the administration, the Financial Institutions Reform, Recovery and Enforcement Act of 1989. This is the administration's proposal to resolve the problems in the thrift industry.

I applaud the administration for stepping right up to the plate with a bold, comprehensive plan to address what we all know is an ugly problem. The plan proposes fundamental reforms; it turns to the taxpayer only as a last resort; and the administration has already started taking steps before the legislation is enacted. All three steps are absolutely critical.

I recognize that critics have already begun lining up to take shots at different aspects of the plan. That is inevitable, and I, myself, am not happy with every detail I've seen. Congress will no doubt make some changes as the legislative process moves forward.

But I believe that these are disputes at the margin. The administration's plan credibly addresses the most important issues, and I believe that that has been recognized. It is more than a first step in the process—it is the basic model that Congress will use to solve this crisis.

That is why I will do everything I can to meet the President's request for legislation in 45 days, at least from the Banking Committee. It's a tall order, but I believe that it can be done for three reasons.

First, as I've already said, the administration has put a credible plan on

the table that we can work with. We won't have to waste a lot of time trying to come up with a plan of our own.

Second, I believe there is a truly bipartisan consensus that can be reached using the administration plan as foundation. There will be rigorous debate, as there should be, but I have every reason to think that we can avoid partisan bickering.

Finally, and most importantly, we simply cannot afford to wait. The problem will continue to hemorrhage every day that we delay infusing cash into the insurance funds. The public is anxious; the healthy part of the industry needs relief; and congress has already caused enough problems through delay. We need to move as quickly as we possibly can, and I urge my colleagues to join me in doing so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.—

(a) SHORT TITLE.—This Act may be cited as the "Financial Institutions Reform, Recovery and Enforcement Act of 1989."

(b) TABLE OF CONTENTS.—

Sec. 1. Short Title and Table of Contents.

TITLE I—PURPOSE

Sec. 101. Purpose.

TITLE II—FEDERAL DEPOSIT INSURANCE CORPORATION AUTHORITIES AND RESPONSIBILITIES

Sec. 201. Financial Institutions.
Sec. 202. Duties of the Federal Deposit Insurance Corporation.
Sec. 203. FDIC Board Members.
Sec. 204. Definitions.
Sec. 205. Insured Savings Associations.
Sec. 206. Application Process; Insurance Fees.
Sec. 207. Insurability Factors.
Sec. 208. Assessments.
Sec. 209. FDIC Corporate Powers.
Sec. 210. Administration of Corporation.
Sec. 211. Insurance Funds; Corporation Powers as Receiver.
Sec. 212. FSLIC Resolution Fund.
Sec. 213. Amendments to Section 12.
Sec. 214. Amendments to Section 13.
Sec. 215. Borrowing Authority.
Sec. 216. Limitation on Borrowing.
Sec. 217. Reports.
Sec. 218. Regulations Governing Insured Financial Institutions.
Sec. 219. Nondiscrimination.

TITLE III—SAVINGS ASSOCIATION SUPERVISION IMPROVEMENTS

Sec. 301. Definitions.
Sec. 302. Supervision of Savings Associations.
Sec. 303. Applicability.
Sec. 304. Conforming Name Changes.
Sec. 305. Safety and Soundness.
Sec. 306. Deposits.
Sec. 307. Supervisory Revisions.
Sec. 308. Receiverships.
Sec. 309. Technical Amendment.
Sec. 310. Technical Amendment.
Sec. 311. Amendment to Section 5.
Sec. 312. Technical Amendment.
Sec. 313. Conversions.
Sec. 314. Capital Standards.
Sec. 315. Technical Amendments.
Sec. 316. Repeal.
Sec. 317. Recovery Regulations Repealed.
Sec. 318. Cost of Examination and Reports.
Sec. 319. Savings and Loan Holding Companies.
Sec. 320. Transactions with Affiliates; Loans to Insiders.
Sec. 321. Advertising.

TITLE IV—DISSOLUTION AND TRANSFER OF FUNCTIONS, PERSONNEL AND PROPERTY OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Sec. 401. Dissolution.
Sec. 402. Continuation of Rules.
Sec. 403. Personnel.
Sec. 404. Division of Property and Personnel.
Sec. 405. Repeals.
Sec. 406. Report.

TITLE V—FINANCING FOR THRIFT RESOLUTIONS

Subtitle A—Resolution Trust Corporation

Sec. 501. Resolution Trust Corporation Established.

Subtitle B—Resolution Financing Corporation

Sec. 502. Resolution Financing Corporation Established.
Sec. 503. Financing Corporation.
Sec. 504. Mixed Ownership Government Corporation.

TITLE VI—THRIFT ACQUISITION ENHANCEMENT PROVISIONS

Sec. 601. Acquisition of Thrifts by Bank Holding Companies.
Sec. 602. Investments by Savings and Loan Holding Companies in Unaffiliated Thrift Institutions.
Sec. 603. Technical Amendment to Bank Holding Company Act.

TITLE VII—FEDERAL HOME LOAN BANK SYSTEM REFORMS

Subtitle A—Federal Home Loan Bank Act Amendments

Sec. 701. Definitions.
Sec. 702. Federal Home Loan Bank System Chairman.
Sec. 703. Election of Bank Directors.
Sec. 704. Federal Home Loan Bank Lending.
Sec. 705. Chief Supervisory Officers.
Sec. 706. Thrift Advisory Council.
Sec. 707. Federal Savings and Loan Insurance Corporation Industry Advisory Committee.
Sec. 708. Rate of Interest.
Sec. 709. Liquidity Requirements.
Sec. 710. Advances.
Sec. 711. Conforming Federal Home Loan Bank Act Amendments.

Subtitle B—Conforming Amendments

Sec. 712. Federal Home Loan Mortgage Corporation Act Amendment.
Sec. 713. Repeal of Limitation of Obligation for Administrative Expenses.
Sec. 714. Amendment of Additional Powers of Chairman.
Sec. 715. Amendment of Title 5, United States Code.
Sec. 716. Amendment of Title 31, United States Code.
Sec. 717. Amendment of Balanced Budget and Emergency Deficit Control Act Provisions.
Sec. 718. Amendment of Title 18, United States Code.

TITLE VIII—BANK CONSERVATION ACT AMENDMENTS

Sec. 801. Definitions.
Sec. 802. Appointment of Conservator.
Sec. 803. Examinations.
Sec. 804. Termination of Conservatorship.
Sec. 805. Conservator; Powers and Duties.
Sec. 806. Liability Protection.
Sec. 807. Rules and Regulations.
Sec. 808. Repeals.
Sec. 809. Conforming Amendment.

TITLE IX—REGULATORY AUTHORITY AND CRIMINAL ENHANCEMENTS

Sec. 901. Short Title.

Subtitle A—Regulation of Financial Institutions

Sec. 902. Amendments to the Federal Deposit Insurance Act.
Sec. 903. Parallel Increases in Civil Penalty Provisions.
Sec. 904. Penalty for Violation of "Change in Bank Control Act".
Sec. 905. Reports.

Subtitle B—Regulation by the Federal Home Loan Bank System

Sec. 906. Examination Authority.
Sec. 907. Reports of Condition and Penalties.
Sec. 908. Savings and Loan Holding Companies.
Sec. 909. Continuity of Authority for Ongoing Litigation.
Sec. 910. Temporary Extension of Authority.

Subtitle C—Credit Unions

Sec. 911. Amendments to Section 206.
Sec. 912. Amendments to Section 205.
Sec. 913. Amendments to Section 202.

Subtitle D—Right to Financial Privacy Act

Sec. 914. Amendments to Right to Financial Privacy Act.

Subtitle E—Criminal Enhancements

Sec. 915. Increased Criminal Penalties and Civil Penalties for Certain Financial Institution Offenses.
Sec. 916. Miscellaneous Revisions to Title 18.
Sec. 917. Civil and Criminal Forfeiture.
Sec. 918. Grand Jury Amendments.
Sec. 919. Litigation Authority.
Sec. 920. Department of Justice Appropriation.

TITLE X—STUDY OF FEDERAL DEPOSIT INSURANCE AND BANKING REGULATION

Sec. 1001. Study.
Sec. 1002. Topics.
Sec. 1003. Final Report.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Amendment to Section 202 of the Federal Credit Union Act.
Sec. 1102. Amendment to Section 203 of the Federal Credit Union Act.
Sec. 1103. Amendment to Section 5240 of the Revised Statutes.
Sec. 1104. Separability of Provisions.

TITLE I—PURPOSE

SEC. 101. PURPOSE.—The purposes of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 are: to promote a safe and stable system of affordable housing finance through regulatory reform; to improve supervision by strengthening capital, accounting, and other supervisory standards; to establish a relationship of general oversight by the Treasury Department over the Federal Home Loan Bank System similar to that of the Office of the Comp-

troller of the Currency; to establish an independent insurance agency to provide deposit insurance for savers; to put the federal deposit insurance system on a sound financial basis for the future; to create a new corporation to contain, manage and resolve failed thrift institutions; to provide the necessary private and public financing to resolve failed institutions in an expeditious manner; to provide for improved supervision and enhanced enforcement powers; to increase criminal and civil money penalties for crimes of fraud against financial institutions and depositors; and for other purposes.

TITLE II—FEDERAL DEPOSIT INSURANCE CORPORATION AUTHORITIES AND RESPONSIBILITIES

SEC. 201. FINANCIAL INSTITUTIONS.—Except as otherwise hereinafter provided, the terms "insured bank", "insured banks", and "insured bank's" in the Federal Deposit Insurance Act, as amended (12 U.S.C. 1811 et seq.), are hereby deleted and the terms "insured financial institution", "insured financial institutions", and "insured financial institution's", respectively, are inserted in lieu thereof, provided however that where the term "insured bank" is preceded by the word "member" or by the work "nonmember" such substitution of the term shall not be made; and the term "Federal Home Loan Bank Board" is deleted and the term "Federal Home Loan Bank System" is inserted in lieu thereof.

SEC. 202. DUTIES OF FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 1 of the Federal Deposit Insurance Act (12 U.S.C. 1811) is hereby amended by adding "and savings associations" after "banks".

SEC. 203. FDIC BOARD MEMBERS.—Section 2 of the Federal Deposit Insuance Act (12 U.S.C. 1812) is hereby amended as follows:

(1) In the first sentence, by deleting "three" and inserting in lieu thereof "five", by adding after the second comma the phrase "one of whom shall be the Chairman of the Federal Home Loan Bank System", and by deleting "two" and inserting in lieu thereof "three";

(2) In the second sentence by deleting everything up to and including the word "members" the second time it appears therein, and inserting in lieu thereof the following: "One of the appointive members shall be designated by the President to serve from time to time as Chairman of the Board of Directors of the Corporation, and one shall be designated by the President to serve from time to time as Vice Chairman of the Board, and not more than two of the appointive members";

(3) The fifth sentence shall be amended to read as follows: "In the event of a vacancy in the office of the Comptroller of the Currency, or the Chairman of the Federal Home Loan Bank System, and pending the appointment of a successor, or during the absence or disability of any such member, the Acting Comptroller of the Currency, or the Acting Chairman of the Federal Home Loan Bank System, shall be a member of the Board of Directors in the place and stead of the Comptroller of the Currency or the Chairman of the Federal Home Loan Bank System, respectively.";

(4) In the sixth sentence, by deleting "Comptroller of the Currency" and inserting in lieu thereof "Vice Chairman of the Board";

(5) In the last sentence, by adding "or Federal Home Loan bank" after "Federal Reserve bank", and by adding "or financial institution holding company" before the semi-colon; and

(6) By adding the following new paragraph at the end thereof: "The members of the Board of Directors on the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 shall continue to serve in office until the fulfillment of their existing terms; the Chairman of the Board of Directors shall continue to serve until a successor has been appointed and qualified."

SEC. 204. DEFINITIONS.—Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is hereby amended as follows:

(1) Notwithstanding Section 201 of this Act, subsection (h) shall not be amended to delete the term "insured bank" and insert the term "insured financial institution".

(2) Subsection (j) is amended by adding "conserving assets or" before "winding up", and by adding before the period therein the following phrase, ", or of a savings association";

(3) Subsection (1) is amended as follows:

(a) by adding the phrase "or savings association" after the phrases "a bank", "the bank", "receiving bank", or "such bank" each time such phrases appear in the subsection; and by adding the phrase "or savings association's" after the word "bank's" each time it appears in the subsection; and

(b) by striking out the word "and" at the end of subparagraph (5)(B) with "; or"; and

(c) by adding a new subparagraph (5)(C) reading as follows:

"(C) any money denominated in any currency other than that of the United States, and any obligation otherwise equivalent to money but which is not expressed in terms of the currency of the United States."

(d) in paragraph (5), by adding ", Chairman of the Federal Home Loan Bank System" after "Comptroller of the Currency";

(4) Subsection (m) is amended by adding at the end thereof the end thereof the following:

"(3) In the case of a savings association that becomes an insured financial institution as a result of the operation of section 4(a), the term "insured deposit" shall include any liability of that financial institution which constituted an "insured account" within the meaning of section 401(c) of the National Housing Act immediately prior to enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (hereinafter referred to as "FIRREA"); Provided, that in the case of any such liability that would not otherwise be eligible for insurance provided by the Corporation:

"(A) if the liability has one or more fixed maturity dates, the liability shall cease to be included within the term "insured deposit" upon the earliest maturity date occurring after the expiration of six months from the date of enactment of FIRREA;

"(B) if the liability has a minimum required notice period, the required notice period shall be deemed to be initiated on the date of enactment of FIRREA and the liability shall cease to be included within the term "insured deposit" upon expiration of the required notice period or upon the expiration of six months after the date of enactment of FIRREA, whichever is later; or

"(C) if the liability has no fixed maturity date or required notice period, the liability shall cease to be included within the term "insured deposit" upon the expiration of six months from the date of enactment of FIRREA.".

(5) Subsection (q) is amended to read as follows:

"(q) The term "appropriate Federal banking agency" shall mean—

"(1) the Comptroller of the Currency in the case of a national banking association, a District bank, or a federal branch or agency of a foreign bank;

"(2) The Board of Governors of the Federal Reserve System—

"(A) in the case of a State member insured bank (except a District bank),

"(B) in the case of any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act which is made applicable under the International Banking Act of 1978: Provided, that for the purposes of subsections (b) through (n) of section 8 of this Act, the term "insured financial institution" includes an uninsured branch or agency of a foreign bank or a commercial lending company owned or controlled by a foreign bank,

"(C) in the case of any foreign bank which does not operate an insured branch,

"(D) in the case of any agency or commercial lending company other than a Federal agency, and

"(E) in the case of supervisory or regulatory proceedings arising from the authority given to the Board of Governors under section 7(c)(1) of the International Banking Act of 1978, including such proceedings under the Financial Institutions Supervisory Act;

"(3) the Federal Deposit Insurance Corporation in the case of a State nonmember insured bank (except a District bank) or a foreign bank having an insured branch; and

"(4) the Federal Home Loan Bank System in the case of a savings association or of a savings and loan holding company.

"Under the rule set forth in this subsection, more than one agency may be an appropriate Federal banking agency with respect to any given institution."

(6) Be deleting the provisions of subsection (t) and reserving such subsection.

(7) By adding new subsections at the end thereof to read as follows:

"(u) The term 'savings association' means any institution that was supervised by the Federal Savings and Loan Association Corporation immediately prior to the enactment of the FIRREA, a Federal savings and loan association or Federal savings bank, or a building and loan, savings and loan, homestead association, or cooperative bank organized and operating according to the laws of the State (as defined in the text of subsection (a) hereof) in which it is chartered or organized, or a corporation that the Board of Directors determines to be operating substantially in the same manner as a savings and loan association;

"(v) The term 'bank' means all banks as defined in subsections (a) through (g) hereof;

"(w)(1) The term 'financial institution' means a bank or savings association.

"(2) The term 'insured financial institution' means a bank or savings association insured pursuant to the Federal Deposit Insurance Act.

"(x)(1) The term 'default' with respect to an insured financial institution means an adjudication or other official determination of a court of competent jurisdiction, the appropriate Federal banking agency, or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for an insured financial institution or, in the case of a foreign bank having an insured branch, for such branch.

"(2) The term 'in danger of default' with respect to an insured financial institution means that the appropriate Federal banking agency or State chartering authority has advised the Corporation with respect to such institution (or in the case of a foreign bank having an insured branch, with respect to such insured branch) that, in its opinion—

"(i)(I) the financial institution or insured branch is not likely to be able to meet the demands of its depositors or pay its obligations in the normal course of business, and

"(II) there is no reasonable prospect that the financial institution or insured branch will be able to meet such demands or pay such obligations without Federal assistance; or

"(ii)(I) the financial institution or insured branch has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and

"(II) there is no reasonable prospect for the replenishment of the capital of the financial institution or insured branch without Federal assistance.

"(y)(1) The term 'financial institution holding company' means a bank holding company or a savings-and-loan holding company.

(2) The term 'bank holding company' has the meaning prescribed in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.).

(3) The term 'savings and loan holding company' has the meaning prescribed in section (10)(a)(1)(D) of the Home Owners' Loan Act of 1933 (12 U.S.C.).

SEC. 205. INSURED SAVINGS ASSOCIATIONS.—Section 4 of the Federal Deposit Insurance Act (12 U.S.C. 1814) is hereby amended as follows:

(1) Subsection (a) is amended by adding the following new sentence at the end thereof:

"Every savings association, the deposits of which were insured by the Federal Savings and Loan Insurance Corporation on the date immediately preceding the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall be, without application or approval, an insured financial institution as of the date of enactment of that Act, and shall be subject to the provisions of this Act."

(2) Subsection (b) is amended by adding the following phrase prior to the first period therein:

"; provided, however, that any application or notice for membership or to commence or resume business must be promptly provided by the appropriate Federal banking agency to the Corporation and the Corporation shall have a reasonable period to provide comments with respect thereto which must be considered by the appropriate Federal banking agency in making its findings thereon and with respect to the statutory factors in section 6 of this Act."

(3) By deleting the last two sentences of subsection (b) and all of subsection (c) and inserting the following new subsections in lieu thereof:

"(c) Except as provided in subsection 5(d), a State financial institution resulting from the conversion of an insured Federal financial institution shall continue as an insured financial institution.

"(d) Except as provide in subsection 5(d), a State financial institution resulting from the merger or consolidation of insured financial institutions, or from the merger or consolidation of a noninsured financial institution with an insured financial institution, shall continue as an insured financial institution."

SEC. 206. APPLICATION PROCESS; INSURANCE FEES.—Section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815) is hereby amended as follows:

(1) by adding the following new paragraphs at the end of subsection (a) thereof:

"Subject to the provisions of this Act, any Federal savings association that is authorized by the Federal Home Loan Bank System to engage in the business of receiving deposits, other than trust funds as herein defined, upon application by the association to the Federal Home Loan Bank System, may become an insured financial institution following submission of such application to the Corporation together with a certificate issued to the Corporation by the Federal Home Bank System, unless insurance is denied by the Board of Directors; provided, however, that with respect to any interim Federal savings association chartered by the Federal Home Loan Bank System, and which will not open for business, such insurance shall be automatically granted upon issuance of such association's charter by the Federal Home Loan Bank System. Such certificate shall state that the savings association is authorized to transact business as a savings association and that consideration has been given to the factors enumerated in section 6 of this Act. Upon Corporation review of such certificate and application, and any appropriate examination by the Corporation, the Board of Directors shall give consideration to factors (1), (2), (3), (4), and (5) of section 6 of this Act in determining whether to deny insurance. If the Board of Directors, after giving due deference to the determination of the Federal Home Loan Bank System with respect to such factors, does not concur with the determination thereof, the Board of Directors shall promptly notify the Federal Home Loan Bank System that insurance has been denied, giving specific reasons in writing for the Corporation's determination with reference to factors (1), (2), (3), (4) and (5) of section 6 of this Act and no charter or insurance shall be granted. Determination by the Board of Directors to deny insurance under this subsection may not be delegated."

(2) The first sentence of subsection (a) is amended, by deleting the comma following "State nonmember bank" and adding thereafter "and State savings association,"; and

(3) The second sentence of subsection (a) is amended, by deleting the comma following "State nonmember bank" and adding thereafter "or such State savings association,", and by deleting the comma after "such bank" and adding thereafter "or savings association,", and by adding before the period at the end of the sentence "or savings association."

(4) Subsection (b) is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8) respectively; and by inserting a new paragraph (5) to read as follows:

"(5) The risk presented to the Deposit Insurance Fund, the Bank Insurance Fund and the Savings Association Insurance Fund."

(5) New subsections (d) and (e) are added at the end thereof to read as follows:

"(d) INSURANCE FEES.—

"(1) UNINSURED INSTITUTIONS.—

"(A) Every noninsured financial institution that becomes insured by the Corporation, and every noninsured branch that becomes insured by the Corporation, shall pay the Corporation any such fees as the Corporation may by regulation prescribe: Provided, that a financial institution that becomes an insured financial institution as a result of the operation of section 4(a) of this Act shall not pay any fee.

"(B) The fee paid by the financial institution shall be credited to the Bank Insurance Fund if the financial institution becomes a Bank Insurance Fund member, and to the Savings Association Insurance Fund if the financial institution becomes a Savings Association Insurance Fund member.

"(2) CONVERSIONS.—

"(A) No insured financial institution may participate in a conversion transaction without the prior consent of the Corporation. Except as provided in paragraph (C), the Corporation shall not provide its consent to any conversion transaction occurring before the expiration of five years from the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"(B) A 'conversion transaction' means—

"(i) The change of status of an insured financial institution, whether as a result of a charter conversion or otherwise, from a Bank Insurance Fund member to a Savings Association Insurance Fund member or from a Savings Association Insurance Fund member to a Bank Insurance Fund member;

"(ii) The merger or consolidation of a Bank Insurance Fund member with a Savings Association Insurance Fund member;

"(iii)(I) The assumption on the part of a Bank Insurance Fund member of liability to pay any deposits in a Savings Association Insurance Fund member, or

"(II) The assumption on the part of a Savings Association Insurance Fund member of liability to pay any deposits in a Bank Insurance Fund member; or

"(iv)(I) The transfer on the part of a Bank Insurance Fund member of assets to any Savings Association Insurance Fund member in consideration of the assumption of liabilities for any portion of the deposits in such Bank Insurance Fund member, or

"(II) The transfer on the part of a Savings Association Insurance fund member of assets to any Bank Insurance Fund member in consideration of the assumption of liabilities for any portion of the deposits in such Savings Association Insurance Fund member.

"(C) The Corporation may provide its consent at any time to a conversion transaction if:

"(i) The conversion transaction affects an insubstantial portion, as determined by the Corporation, of the insured liabilities of each financial institution participating in the conversion transaction; or

"(ii) The Corporation and, during the existence of the Resolution Trust Corporation, the Resolution Trust Corporation Oversight Board determine that the conversion transaction is in the best interests of the Bank Insurance Fund and the Savings Association Insurance Fund.

"(D) Every financial institution participating in a conversion transaction shall pay:

"(i) In the case of a conversion transaction in which the resulting or acquiring financial institution is a Bank Insurance Fund member, an exit fee to be determined by the Secretary of the Treasury, which fee shall be paid to the Resolution Trust Corporation or to such agency as the Secretary of the Treasury may specify; and

"(ii) An entrance fee to be determined by the Corporation, provided:

"(I) That in the case of a conversion transaction in which the resulting or acquir-

ing financial institution is a Bank Insurance Fund member, the fee shall be in an amount necessary to prevent dilution of the Bank Insurance Fund, and shall be paid to the Bank Insurance Fund; and

"(II) That in the case of a conversion transaction in which the resulting or acquiring financial institution is a Savings Association Insurance Fund member, the fee shall be in an amount necessary to prevent dilution of the Savings Association Insurance Fund, and shall be paid to the Savings Association Insurance Fund.

"(e) LIABILITY OF COMMONLY-CONTROLLED FINANCIAL INSTITUTIONS.—

"(1) REQUIRED.—Notwithstanding any provision of law, State or Federal, or the constitution of any State, or of any contract or other instrument or security, on and after the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, whenever the Corporation incurs a loss in connection with the default of an insured financial institution, or in connection with providing assistance to an insured financial institution in danger of default, any other commonly-controlled insured financial institution shall be liable to the Corporation following notice to the institution as provided below and on request shall reimburse the Corporation for any such loss. No such liability shall arise under this subsection if the Corporation fails to provide notice within two years of the date the Corporation incurs such loss.

"(2) AMOUNT OF COMPENSATION; PROCEDURES.—

"(A) USE OF ESTIMATES.—When an insured financial institution is in default or requires assistance to prevent default, the Corporation shall in good faith estimate its prospective losses resulting from such default or assistance, shall advise any commonly-controlled financial institution of the amount of its liability in connection with such losses, and if there is more than one such commonly-controlled financial institution, determine such commonly-controlled financial institution's share of such liability.

"(B) PROCEDURES; IMMEDIATE PAYMENT.—The Corporation, after consultation with the appropriate Federal banking agency, may specify the procedures and schedule by which each such commonly-controlled financial institution must reimburse the Corporation for its liability under this subsection on a case-by-case basis. The Corporation may compel any or all commonly-controlled institutions to make immediate payment of any compensation required under paragraph (1).

"(C) PRIORITY.—The liability established pursuant to the provisions of this subsection shall be:

"(i) superior to the following obligations and liabilities of the financial institution:

"(I) any obligation subordinated to depositors or other general creditors;

"(II) any obligation to shareholders arising as a result of their status as shareholders (including a bank holding company or savings and loan holding company or any shareholder or creditor of such company);

"(III) any obligation or liability owed to any other commonly-controlled company or commonly-controlled insured financial institution; or

"(IV) any liability which is a contingent liability on the date the liability of the financial institutions to the Corporation is determined; and

"(ii) subordinate in right or payment to the following obligations and liabilities of the financial institution:

"(I) deposit liabilities other than those to commonly-controlled financial institutions;

"(II) secured obligations; and

"(III) other general liabilities, except to the extent specified in (i) above; and

"(iii) pari passu with other liabilities and obligations of the financial institution.

"(D) ADJUSTMENT OF ESTIMATED PAYMENT.—

"(i) OVERPAYMENT.—If the amount of compensation estimated by and paid to the Corporation by one or more such commonly-controlled financial institutions is greater than the actual loss incurred by the Corporation, the Corporation shall reimburse each such commonly-controlled financial institution its pro-rata share of any overpayment.

"(ii) UNDERPAYMENT.—If the amount of compensation estimated by and paid to the Corporation by one or more such commonly-controlled financial institutions is less than the actual loss incurred by the Corporation, the Corporation shall redetermine in its discretion the liability of each such commonly-controlled financial institution to the Corporation and shall require each such commonly-controlled institution to make payment of any additional liability to the Corporation.

"(3) REVIEW.—

"(A) ADMINISTRATIVE REVIEW.—The Corporation shall by regulation establish an administrative procedure for review of the amount of losses, the liability of individual commonly-controlled financial institutions, and the schedule of payments to be made by such commonly-controlled financial institutions. The regulations shall provide for a hearing on the part of any such commonly-controlled financial institution.

"(B) JUDICIAL REVIEW.—Determination made by the Corporation of the amount of losses, the liability of commonly-controlled financial institutions, or the procedures or scheduling of the payments required, shall be reviewable by the Court of Appeals for the District of Columbia Circuit or the Court of Appeals for the circuit where the financial institution in default or is located, and shall be upheld unless found to be arbitrary or capricious.

"(4) LIMITATION ON RIGHTS OF PRIVATE PARTIES.—No court shall give effect to any rights or powers conferred on any person, whether such rights or powers are conferred by State constitution or statute or by Federal statute or by the articles or by-laws of a financial institution, a financial institution holding company or any subsidiary thereof or by any debt or equity security of any such financial institution, financial institution holding company or subsidiary thereof or by any other contact or other instrument or otherwise, and any provision of any such statute or security or article or by-law or contract or instrument shall be void, insofar as giving effect to any such rights or powers would impair the ability of the financial institution to perform its obligations under this subsection.

"(5) LIMITATION.—For a period of five years from the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, no Savings Association Insurance Fund member shall have any liability to the Corporation under this subsection arising out of assistance provided to or loss incurred as a result of the default of a Bank Insurance Fund member, and no Bank Insurance Fund member shall have such liability with respect to assistance provided to or loss incurred as a result of the default of a Savings Association Insurance Fund member.

"(6) DEFINITIONS.—For the purpose of this section:

"(A) COMMONLY-CONTROLLED INSTITUTIONS.—Financial institutions are "commonly-controlled" whenever:

"(i) one financial institution is controlled by or under common control with any company that controls or is under common control with another financial institution, or

"(ii) one financial institution controls or is controlled by another financial institution.

"(B) DEFINITIONS.—The terms "company" and "control" have the meanings specified in the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841 et seq.)."

SEC. 207. INSURABILITY FACTORS.—Section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816) is hereby amended to read as follows:

"Except as otherwise provided, the factors to be considered and enumerated in the certificate required under section 4 hereof and to be considered by the Board of Directors under section 5 shall be the following:

"(1) The financial history and condition of the financial institution;

"(2) The adequacy of its capital structure;

"(3) Its future earnings prospects;

"(4) The general character and fitness of its management;

"(5) The risk presented to the Deposit Insurance Fund, the Bank Insurance Fund and the Savings Association Insurance Fund;

"(6) The convenience and needs of the community to be served; and

"(7) Whether or not its corporate powers are consistent with the purposes of this Act."

SEC. 208. ASSESSMENTS.—Section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817) is amended as follows:

(1) Paragraph (2) of subsection (a) thereof is amended as follows:

(a) the words "or the Federal Home Loan Bank System or any Federal Home Loan Bank" are added after "Comptroller of the Currency" each time they appear;

(b) the word "either" is deleted and "any" is inserted in lieu thereof;

(c) the words "State nonmember bank (except a District bank)" are deleted and the words "financial institution" are inserted in lieu thereof; and

(d) subparagraph (B) is deleted and in lieu thereof the following shall be inserted:

"(B) The Board of Directors may from time to time require any or all insured financial institutions to file such additional reports as the Corporation, after agreement with the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Home Loan Bank System, as appropriate, may deem advisable for insurance purposes.".

(2) Paragraph (3) of subsection (a) thereof is amended by:

(a) deleting everything prior to the words "four reports" and inserting in lieu thereof the following:

"Each insurance financial institution shall make to the appropriate Federal banking agency";

(b) adding after the word "bank" each time it appears in the second, fifth, and sixth sentences, the words "or savings association"; and

(c) by adding after the words "member bank" in the seventh sentence the words "and each insured savings association"; and

(d) paragraphs (4) and (7) are amended by adding after the words "bank", "bank's", or "'banks" the words "or savings association", "or savings association's", or, "or savings as-

sociations", respectively, except that no words shall be added after the words "insured bank" or "insured financial institution" or "foreign banks".

(3) By replacing "bank" with "financial institution" and "bank's" with "financial institution's" respectively everywhere those words appear in paragraphs (3) through (8) of subsection (b), except that the phrases "foreign bank" and "foreign bank's" shall not be amended; and by deleting paragraphs (1) and (2) of subsection (b) and inserting in lieu thereof the following:

"(1) ASSESSMENT RATES.—

"(A) ANNUAL ASSESSMENT RATES PRESCRIBED.—The Corporation shall set assessment rates for insured financial institutions annually. The Corporation shall fix the annual assessment rate for Bank Insurance Fund members independently from the annual assessment rate for Savings Association Insurance Fund members.

"(B) ASSESSMENT RATE FOR BANK INSURANCE FUND MEMBERS.—

"The annual assessment rate for Bank Insurance Fund members shall be:

"(i) Until December 31, 1989, one-twelfth of one per centum;

"(ii) From January 1, 1990, through December 31, 1990, 12 one-hundredths of one per centum; and

"(iii) On and after January 1, 1991, 15 one-hundredths of one per centum.

"(C) ASSESSMENT RATES FOR SAVINGS ASSOCIATION INSURANCE FUND MEMBERS.—

"The annual assessment rate for Savings Association Insurance Fund members shall be:

"(i) Until December 31, 1990, 20.8 one-hundredths of one per centum;

"(ii) From January 1, 1991, through December 31, 1993, 23 one-hundredths of one per centum; and

"(iii) From January 1, 1994, and thereafter, 18 one-hundredths of one per centum.

"(D) FACTORS TO BE CONSIDERED IN ADJUSTING RATE.—The Corporation shall have authority and discretion to fix the annual assessment rates for insured financial institutions above the levels described in paragraphs (B) and (C) provided the Corporation makes the findings herein prescribed; Provided, that except as otherwise expressly provided herein the Corporation shall not fix any such annual assessment rates that exceed the maximum levels specified in paragraph (E); and Provided further, That before increasing the annual assessment rates, the Corporation determines that one or more of the following conditions exist:

"(i) BANK INSURANCE FUND.—In the case of Bank Insurance Fund members, the factors shall be the following:

"(I) That the Bank Insurance Fund has experienced a net loss during any one of the prior three years;

"(II) That the Bank Insurance Fund reserve ratio or the Deposit Insurance Fund reserve ratio is less than 1.20 per centum; or

"(III) That, in the opinion of the Board of Directors, extraordinary circumstances exist that raise a reasonable risk of serious future losses to the Bank Insurance Fund or to the Deposit Insurance Fund as a whole.

"(ii) SAVINGS ASSOCIATION INSURANCE FUND.—In the case of Savings Association Insurance members, the factors shall be the following:

"(I) That the Savings Association Insurance Fund has experienced a net loss during any one of the prior three years;

"(II) That the Savings Association Insurance Fund reserve ratio or the Deposit Insurance Fund ratio is less than 1.20 per centum; or

"(III) That, in the opinion of the Board of Directors, extraordinary circumstances exist that raise a reasonable risk of serious future losses to the Savings Association Insurance Fund or to the Deposit Insurance Fund as a whole.

"(iii) MAXIMUM ANNUAL INCREASE.—The maximum annual increase in the annual assessment rate with respect to each fund shall not exceed a 50 percent annual increase over the annual assessment rate of the prior year.

"(E) Notwithstanding subparagraphs (B), (C) and (D) of this paragraph (1), the Corporation may in its discretion set a lower minimum annual assessment rate for the Bank Insurance Fund or the Savings Association Insurance Fund if the respective fund has a reserve ratio greater than 1.25 per centum and it is likely that such reserve ratio will not decrease over the following five year period; (ii) each insured financial institution shall pay a minimum annual assessment of $500, or such higher amount as may be calculated by the Corporation to cover direct expenses incurred by the Corporation related to such institutions, or a lower amount if the conditions provided in (i) of this subparagraph (E) exist; and (iii) the annual assessment rate shall not exceed 35 one-hundredths of one per centum, except as provided in (ii) of this subparagraph (E).

"(F) FINANCING CORPORATION AND FUNDING CORPORATION ASSESSMENTS.—Notwithstanding any authority provided herein, with respect to Savings Association Insurance Fund members, amounts assessed by the Financing Corporation and the Funding Corporation under sections 21 and 21b, respectively, of the Federal Home Loan Bank Act, as amended, shall be substracted from the amounts authorized to be assessed by the Corporation hereunder.

"(2) ASSESSMENT PROCEDURES.—

"(A) SEMIANNUAL ASSESSMENTS.—Except as provided in subsection (c)(2) of this section,

"(i) the semiannual assessment due from any Bank Insurance Fund member for any semiannual period shall be equal to one-half the annual categorical assessment rate applicable to such Bank Insurance Fund member multiplied by such Bank Insurance Fund member's average assessment base for the immediately preceding semiannual period; and

"(ii) the semiannual assessment due from any Savings Association Insurance Fund member for any semiannual period shall be equal to one-half the annual categorical assessment rate applicable to such Savings Association Insurance Fund member multiplied by such Savings Association Insurance Fund member's average assessment base for the immediately preceding semiannual period.

"(B) For the purpose of this section the term "semiannual period" means a period beginning on January 1 of any calendar year and ending on June 30 of the same year, or a period beginning on July 1 of any calendar year and ending on December 31 of the same year."

(4) By amending subsection (d) to read as follows:

"(d) ASSESSMENT CREDITS.—

"(1) IN GENERAL.—As of December 31, 1990, and as of December 31 of each calendar year thereafter, the Corporation shall compute the aggregate amount to be credited to insured financial institutions.

"(2) AMOUNT OF ASSESSMENT CREDIT.—

"(A) CREDIT BARRED.—Whenever the Board of Directors determines that the Bank Insurance Fund reserve ratio is equal to or less than 1.25 per centum, the Board of Directors shall not credit any amount to Bank Insurance Fund members.

"(B) CREDIT AUTHORIZED.—

"(i) AGGREGATE CREDIT.—Whenever the Board of Directors determines that the Bank Insurance Fund reserve ratio exceeds 1.25 per centum, or such higher level as the Board of Directors in its discretion may determine, the Board of Directors may in its discretion credit the smaller of the following amounts to Bank Insurance Fund members:

"(I) The amount necessary to reduce the Bank Insurance Fund reserve ratio to 1.25 per centum or such higher level as the Board of Directors may determine; or

"(II) 60.00 per centum of the net assessment income received from Bank Insurance Fund members the prior year.

"(ii) The Corporation shall deduct any outstanding obligations owed to the Corporation by an individual insured financial institution from any assessment credit to be credited to such financial institution.

"(C) CREDIT BARRED.—Whenever the Board of Directors determines that the Savings Association Insurance Fund reserve ratio is equal to or less than 1.25 per centum, the Board of Directors shall not credit any amount to Savings Association Insurance Fund members: Provided that no credit shall be made as long as the Financing Corporation is authorized to assess on Savings Association Insurance Fund members an assessment to cover Financing Corporation interest obligations pursuant to Section 21 of the Federal Home Loan Bank Act.

"(D) CREDIT AUTHORIZED.—

"(i) AGGREGATE CREDIT.—Whenever the Board of Directors determines that the Savings Association Insurance Fund reserve ratio exceeds 1.25 per centum of such higher level as the Board of Directors in its discretion may determine, the Board of Directors may in its discretion credit the smaller of the following amounts to Savings Association Insurance Fund members:

"(I) The amount necessary to reduce the Savings Association Insurance Fund reserve ration to 1.25 per centum, or such higher level as the Board of Directors may determine; or

"(II) 60.00 per centum of the net assessment income received from Savings Association Insurance Fund members the prior year.

"(ii) The Corporation shall deduct any outstanding obligations owed to the Corporation by an individual insured financial institution from any assessment credit to be credited to such financial institution.

"(3) APPLICATION OF ASSESSMENT CREDIT.—Each year any such credit shall be applied by the Corporation toward the payment of the total assessment becoming due for the semiannual assessment period beginning the next ensuing July 1 and any excess credit shall be applied upon the assessments next becoming due.

"(4) NET ASSESSMENT INCOME DEFINED.—The term 'net assessment income' as used herein means the total assessments which become due during the calendar year less:

"(A) the operating costs and expenses of the Corporation for the calendar year;

"(B) additions to reserve to provide for insurance losses during the calendar year, except that any adjustments to reserve which result in a reduction of such reserve shall be added;

"(C) the insurance losses sustained in said calendar year plus losses from any preceding years in excess of such reserves; and

"(D) any lending costs for the calendar year, which costs shall be equal to the amount by which the amount of interest earned, if any, from each loan made by the Corporation under section 13 of this Act after January 1, 1982, is less than the amount which the Corporation would have earned in interest for the calendar year if interest had been paid on such loan during such calendar year at a rate equal to the average current value of funds to the United States Treasury for such calendar year.

"If the above deductions exceed in amount the total assessments which become due during the calendar year, the amount of such excess shall be restored by deduction fom total assessments becoming due in subsequent years."

(6) By replacing "bank" wherever it appears in subsections (e), (f), (g) and (i) with "financial institution."

(7) By amending subsection (j) as follows:

(a) The last sentence in paragraph (1) is amended by inserting before the words "any bank holding company" the numeral "(1)" and by inserting before the period the following:

"; (2) any "savings and loan holding company" which has control of any insured financial institution, and the appropriate Federal banking agency in the case of savings and loan holding companies shall be the Federal Home Loan Bank system; and (3) any other company that controls an insured financial institution that is not a bank holding company or a savings and loan holding company."

(b) In subparagraph (2)(A), the word "failure" is deleted and "default" is inserted in lieu thereof; and the word "bank" is deleted and the word "financial institution" is inserted in lieu thereof."

(c) In subparagrph (2)(D), the words "unless it finds that an emergency exists," are added after the comma following the word "shall";

(d) In paragraph (7), the word "or" at the end of subparagraph (D) and the period at the end of subparagraph (E) are deleted and the word "; or" is added at the end of subparagraph (E), and a new subparagraph (F) is added to read as follows:

"(F) the appropriate Federal banking agency determines that the proposed transaction would result in an adverse effect on the Bank Insurance Fund, the Savings Association Insurance Fund, or the Deposit Insurance Fund.";

(e) Deleting paragraph (17) and inserting in lieu thereof the following:

"(17) This subsection shall not apply to a transaction subject to section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) or section 18 of this Act (12 U.S.C. 1828) or section 10 of the Home Owners' Loan Act of 1933, as amended.";

(f) Inserting the following new subsection (1) to read as follows:

"(1) For purposes of this section—

"(1) The "Deposit Insurance Fund reserve ratio" is the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate insured deposits held in all insured financial institutions.

"(2) The "Bank Insurance Fund reserve ratio" is the ratio of the net worth the Bank Insurance Fund of the Deposit Insurance Fund to the value of the aggregate insured deposits held in all Bank Insurance Fund members.

"(3) The "Savings Association Insurance Fund reserve ratio" is the ratio of the value of the net worth of the Savings Association Insurance Fund of the Deposit Insurance Fund to the value of the aggregate insured deposits held in all Savings Association Insurance Fund members.

"(4) "Bank Insurance Fund member" means any insured financial institution other than a Savings Association Insurance fund member.

"(5) 'Savings Association Insurance Fund member' means any financial institution that was insured by the Federal Savings and Loan Insurance Corporation immediately prior to the enactment of FIRREA, and any insured savings association other than a Federal savings bank chartered pursuant to section 5(o) of the Home Owners' Loan Act of 1933.

"(6) The 'Deposit Insurance Fund' is comprised of the Bank Insurance Fund and Savings Insurance Fund.".

SEC. 209. FDIC CORPORATE POWERS.—Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) is hereby amended:

(1) by striking out the words "bank" and "banks" wherever they appear and inserting "financial institution" or "financial institutions", respectively, in lieu thereof;

(2) by inserting "other than as received under the provisions of section 11(e)(2) or 11(e)(3)" immediately before the words "and which involves" in paragraph Fourth; and

(3) by adding at the end thereof the following new paragraph:

"Eleventh. To define any terms used in the Federal Deposit Insurance Act, as amended, that are not specifically defined in such Act, and to interpret the definitions of any terms that are not so defined; Provided, That no such definition shall be binding on any other Federal banking agency as it may implement or enforce the provisions of this Act."

SEC. 210. ADMINISTRATION OF CORPORATION.—Subsection 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820) is hereby amended as follows:

(a) In the first sentence, by adding after "or other institution," a comma and the phrase "including a State savings association".

(b) In the second sentence, by deleting "insured Federal savings bank" and by inserting in lieu thereof "insured savings association".

SEC. 211. INSURANCE FUNDS; CORPORATION POWERS AS RECEIVER.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is hereby amended as follows:

(1) Subsection (a) is amended as follows:

(a) Paragraph (1) is amended to read as follows:

"(1) On and after the effective date of the "Financial Institutions Reform, Recovery and Enforcement Act of 1989" the Corporation shall insure the deposits of all insured financial institutions as provided in this Act. Except as provided in paragraph 2, maximum amount of the insured deposit of any depositor shall be $100,000."

(b) In subparagraph (2)(B), the words "time and savings" are deleted.

(c) By adding a new paragraph (4) to read as follows:

"(4) There are hereby established two insurance funds both to be operated and administered by the Corporation and to be separately maintained and not commingled, which shall be used by the Corporation for the purposes of carrying out the insurance purposes of this chapter in the manner set forth below.

"(A) As of the effective date of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, there is hereby established a fund to be designated the Bank Insurance Fund. On that date, the Permanent Insurance Fund shall be dissolved and all the assets, debts, obligations, contracts, and other liabilities of the Permanent Insurance Fund, matured or unmatured, accrued, absolute, contingent, or otherwise shall hereby be transferred in their entirety to the Bank Insurance Fund. Money in the Bank Insurance Fund shall be available to the Corporation for the uses and purposes herein provided with respect to the Bank Insurance Fund members. All amounts assessed Bank Insurance Fund members by the Corporation shall be deposited into the Bank Insurance Fund.

"(B)(i) As of the effective date of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, there is hereby established a fund to be designated the Savings Association Insurance Fund. All amounts assessed Savings Association Insurance Fund members from the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and not required for the Financing Corporation or for the Resolution Funding Corporation pursuant to section 21 and 21b, respectively, of the Federal Home Loan Bank Act, or for the FSLIC Resolution Fund pursuant to section 11A of this Act, shall be covered into the Savings Association Insurance Fund; provided, however that beginning in 1992, no amounts assessed Savings Association Insurance Fund members shall be provided to the FSLIC Resolution Fund.

"(ii) Beginning in fiscal year 1991, in order to provide funding to the Savings Association Insurance Fund, the Secretary of the Treasury shall, subject to the availability of appropriations, pay to the Fund the amounts per fiscal year, less the assessment paid by the savings associations to the Fund for such fiscal year, as set forth in the table below; provided, however, that at such time as the Savings Association Insurance Fund reserve ratio is equal to 1.25 per centum no further amounts shall be paid to the Fund by the Secretary of the Treasury.

Fiscal year beginning October 1:	Billions
1991	$2.0
1992	3.4
1993	4.6
1994	3.0
1995	4.0
1996	4.0
1997	4.0
1998	4.0
1999	3.0

"Provided further that the Secretary of the Treasury shall pay to the Savings Association Insurance Fund such additional funds as necessary, if any, to ensure that such Fund has the minimum net worth, as determined by the Corporation and the Secretary of the Treasury, set forth in the table below in each respective fiscal year as specified therein (subject to the above proviso that at such time the Savings Association Insurance Fund reserve ratio is equal to 1.25 per centum no further amounts shall be paid to the Fund by the Secretary of the Treasury).

Fiscal year beginning October 1:	Billions
1991	$0
1992	1.0
1993	2.1
1994	3.2
1995	4.3
1996	5.4

1997	6.5
1998	7.6
1999	8.8"

"(iii) There are hereby authorized to be appropriated to the Secretary of the Treasury, without fiscal year limitation, such sums as may be necessary for payments to individual funds as authorized by this Act.

"(iv) The Corporation is hereby authorized to borrow from the Federal Home Loan Banks, with the concurrence of the Chairman of the System, such funds as the Corporation deems necessary for the use of the Savings Association Insurance Fund, which borrowings shall be a direct liability of such Fund and shall be subject to the limitations in paragraph (b) of Section 15 of the Federal Deposit Insurance Act (12 U.S.C. 1825(b)).

"(v) Money in the Savings Association Insurance Fund shall be available to the Corporation for the uses and purposes herein provided with respect to Savings Association Insurance Fund members. All amounts assessed Savings Association Insurance Fund members by the Corporation which do not include those required for the Financing Corporation or the Resolution Funding Corporation pursuant to the Federal Home Loan Bank Act, or for the FSLIC Resolution Fund pursuant to section 11A of this Act, shall be deposited into the Savings Association Insurance Fund."

(2) Subsection (c) is amended to read as follows:

"(c) CORPORATION AS RECEIVER OR CONSERVATOR.—

"(1) Notwithstanding any other provision of law, State or Federal, or the constitution of any State, the Corporation is authorized to accept appointment and act as receiver or conservator for financial institutions in default upon appointment as set out in subsection (d) or (e) hereof.

"(2) As such receiver or conservator, the Corporation shall have the following authorities and duties:

"(A) the Corporation is authorized:

"(i) to take over the assets of and operate the financial institution with all the powers of the member or shareholders, the directors, and the officers of the financial institution and shall be authorized to conduct all business, including taking deposits, and perform all functions of the financial institution in its own name,

"(ii) to take such action as may be necessary to put the financial institution in a sound and solvent condition,

"(iii) to merge the financial institution with another insured financial institution,

"(iv) to organize, with respect to savings associations, by application to the Chairman of the Federal Home Loan Bank System a new Federal Savings Association to take over such assets and/or such liabilities as the Corporation may deem appropriate, or with respect to any insured financial institution, to organize a bridge bank under subsection (i) hereof or a new national bank under subsection (h) hereof.

"(v) to transfer any assets or liabilities of the financial institution in default (including assets and liabilities associated with any trust business), such transfer to be effective without any further approval, assignment or consent with respect thereto, provided that when the transfer is another financial institution, the transfer must be approved by the appropriate Federal banking agency for the acquiring institution,

"(vi) to place the financial institution in liquidation and to proceed to realize upon the assets of the financial institution, having due regard to the condition of credit in the locality,

"(vii) to determine claims under the provisions set forth under subsection (1),

"(viii) to exercise all powers and authorities specifically granted by the provisions of this Act and such incidental powers as shall be necessary to carry out the powers so granted, and to take any actions authorized by this Act, or

"(ix) to exercise any combination of the powers enumerated in clauses (2)(A)(i) through (2)(A)(viii),

"whichever shall appear to be in the best interests of the financial institution in default, of its depositors, or the Corporation;

"(B) the Corporation shall pay all valid credit obligations of the financial institution in accordance with the prescriptions and limitations set forth in this Act;

"(C) in cases of liquidation, or other closing or winding up of the affairs of a closed financial institution, the Corporation:

"(i) shall promptly publish a notice to the financial institution's creditors to present their claims, with proof thereof, to the receiver by a date specified in the notice (at least 90 days after first publication). The notice shall be published again approximately 1 month and 2 months respectively after first publication. Claims filed after the specified date shall be disallowed. The receiver shall mail a similar notice at the time of first publication to any creditor shown on the financial institution's books at the creditor's last address appearing thereon or upon discovery of the name and address of a claimant not appearing on the financial institution's books within 30 days of discovery;

"(ii) shall allow any claim seasonably received and proved to its satisfaction. The receiver may wholly or partly disallow any creditor claim or claim of security, preference, or priority not so proved, and shall notify the claimant of the disallowance and the reason therefore. Mailing notice of the disallowance to the claimant's last address appearing on the financial institution's books or on the proof of claim shall be sufficient notice. Unless, within 30 days after notice is mailed, the claimant files a written objection to the disallowance, disallowance shall be final. Those claims to which an objection is properly and timely filed shall be decided in accordance with the provisions of subsection (1).

"(iii) may pay creditor claims which are allowed by the receiver or approved by a final determination by the receiver in accordance with subsection (1), from time to time, in the receiver's discretion, to the extent funds are available, in such manner and amounts as are authorized under this act;

"(D) the Corporation shall pay to itself for its own account such portion of the amounts realized from any liquidation as it shall be entitled to receive on account of its subrogation to the claims of depositors, and it shall pay to depositors and other creditors the net amounts available for distribution to them;

"(E) the Corporation may, in its discretion, pay dividends on proved claims at any time, and no liability shall attach to the Corporation itself or as such receiver by reason of any such payment for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment;

"(F) the Corporation may request a stay for a period of up to 90 days after the appointment of the receiver as to any legal action or proceeding to which the receiver or the financial institution in default is or may become a party. Upon petition, the court shall grant such stay as to all parties:

"(G) the Corporation is authorized to disaffirm or repudiate any contract or lease the performance of which the Corporation in its discretion considers to be burdensome, or in its discretion considers the disaffirmance or repudiation of which will promote the orderly administration of the financial institution's affairs. So long as the Corporation disaffirms or repudiates the contract within 90 days from the date the Corporation is appointed conservator or receiver or discovers the existence of the contract or lease subject to disaffirmance or repudiation, neither the Corporation nor the estate of the financial institution will incur any liability with respect to such contract or lease, except that lessors shall be entitled to the contractual rent for the period from the appointment of the receiver to the date the notice of disaffirmance or repudiation is mailed or effective: Provided, That nothing herein is intended in any way to limit the authority of the Corporation as receiver to disaffirm or repudiate such contract or lease after the 90-day period set out above;

"(H) the Corporation may enforce any contract entered into by the financial institution to the same extent as the financial institution in default, notwithstanding any provision of the contract to the contrary, which it deems in its discretion to be necessary for the orderly execution of its duties;

"(I) the Corporation shall keep a full accounting of each receivership estate and conservatorship estate or other disposition of institutions in default and make such accounting available to the shareholders of the financial institution, the Secretary of the Treasury, and the Comptroller General;

"(J) in any case in which funds remain after all depositors, creditors, other claimants, and administrative expenses are paid, the Corporation shall distribute such funds to the financial institution's shareholders or members along with the accounting specified in paragraph (I); and

"(K) the Corporation may, any time five years after its appointment as receiver of a Federal financial institution, destroy any records of such institution which the Corporation in its discretion deems to be unnecessary."

(3) Subsection (d) is amended to read as follows:

"(d) CORPORATION AS RECEIVER OR CONSERVATOR OF FEDERAL FINANCIAL INSTITUTIONS.—

"(1) Except as provided in section 21a of the Federal Home Loan Bank Act notwithstanding any other provison of law, State or Federal, or the constitution of any State, whenever a receiver or conservator is appointed for an insured Federal or District financial institution by the authority having supervision of such financial institution for the purpose of liquidation or winding up its affairs, the Corporation shall be appointed, and shall accept appointment, as such receiver or conservator. The Corporation may, at the discretion of the supervisory authority, be appointed conservator not for the purpose of liquidation or winding up the financial institution's affairs, and the Corporation may accept such appointment.

"(2) As such receiver or conservator, the Corporation shall have all powers and duties set forth in this Act, and such other powers and duties possessed by receivers and conservators for Federal financial institutions under any other provisions of of law, in addition to and not in derogation of the powers conferred in this Act;

"(3) As such receiver or conservator, the Corporation shall not be subject to the direction or supervision of any other agency or Department in the exercise of its rights, powers, and privileges as receiver or conservator, *Provided that*, in cases in which the financial institution continues to operate in conservatorship the institution shall remain subject to the supervision of its primary regulator."

(4) Subsection (e) is amended to read as follows:

"(e) CORPORATION AS RECEIVER OR CONSERVATOR OF STATE FINANCIAL INSTITUTIONS.—

"(1)(A) Whenever the authority having supervision of any insured State financial institution (except a District financial institution) appoints a receiver or conservator for such State financial institution and tenders appointment to the Corporation, the Corporation may accept appointment as receiver or conservator.

"(B) The Corporation as such receiver or conservator shall possess all the rights, powers, and privileges granted by State law to a receiver or conservator of a State financial institution of any kind, in addition to and not in derogation of the powers conferred upon the Corporation under subsection (c).

"(C) As such receiver or conservator, the Corporation shall not be subject to the direction or supervision of any other agency or Department, State or Federal, in the exercise of its rights, powers, and privileges.

"(2) Whenever the Chairman of the Federal Home Loan Bank System appoints a conservator or receiver under the provisions of section 5(d)(2)(C) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. (d)(2)(C), the Corporation shall be appointed.

"(3) The Corporation shall have power and jurisdiction to appoint itself as sole conservator or receiver of an insured State financial institution in the event the Corporation determines—

"(A) that—

"(i) a conservator, receiver, or other legal custodian has been or is hereafter appointed for an insured State financial institution other than by the Federal Home Loan Bank System or by the Comptroller of the Currency and that the appointment of such conservator, receiver, or custodian, or any combination thereof, has been outstanding for a period of at least 15 consecutive days, and that one or more of the depositors in such institution is unable to obtain a withdrawal of this deposit, in whole or in part; or

"(ii) an insured State financial institution has been closed by or under the laws of any State; and

"(B) that one or more of the grounds specified in paragraph (2)(A) of Section 5(d) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)) existed with respect to such financial institution at the time a conservator, receiver, or other legal custodian was appointed, or at the time such financial institution was closed, or exists thereafter during the appointment of the conservator, receiver, or other legal custodian or while the institution is closed.

"(4) In any case where the Corporation is appointed conservator or receiver of an insured State financial institution—

"(A) the provisions of this Act shall be applicable in the same manner and to the same extent as if such institution were a Federal financial institution with respect to which the Corporation had been appointed conservator or receiver; and

"(B) the Corporation shall have authority to liquidate such financial institution in an orderly manner or to make such other disposition of the matter as it deems to be in the best interests of the institution, its savers, and the Corporation.

"(5) The authority conferred by paragraphs (2) and (3) shall be in addition to, and not a limitation upon, appointment under paragraph (1)."

(5) Subsection (f) is amended to read as follows:

"(f) PAYMENT OF INSURED DEPOSITS.—

"(1) In cases of the liquidation, or other closing or winding up of the affairs of a closed insured financial institution or insured branch of a foreign bank, payment of the insured deposits in such financial institution or branch shall be made by the Corporation as soon as possible, subject to the provisions of subsection (g) of this section either by cash or by making available to each depositor a transferred desposit in a new financial institution in the same community or in another insured financial institution in an amount equal to the insured deposit of such depositor: *Provided*, however, that all payments made pursuant to this section on account of a closed bank or insured branch of a foreign bank shall be made only from the Bank Insurance Fund, and all payments made pursuant to this section on account of a closed savings association shall be made only from the Savings Association Insurance Fund.

"(2) The Corporation, in its discretion, may require proof of claims to be filed and may approve or reject such claims. In the case of a disputed claim, the Corporation shall have the power to adjudicate such dispute according to rules and regulations established for that purpose. Final determination made by the Corporation shall be reviewable by the Court of appeals for the District of Columbia Circuit or the Court of Appeals for the circuit where the financial institution is located and shall be upheld unless found to be arbitrary or capricious. In the absence of rules and regulations, the Corporation may require the final determination of a court of competent jurisdiction before paying such claim."

(6) Subsection (g) is amended to read as follows:

"(g) SUBROGATION.—

"Notwithstanding any other provision of law, State or Federal, or the constitution of any State, the Corporation, upon the payment to any depositor as provided in subsection (f) of this section, or the assumption of any deposit pursuant to Section 13, shall be subrogated to all rights of the depositor against the financial institution or branch to the extent of such payment. Such subrogation shall include the right on the part of the Corporation to receive the same dividends from the proceeds of the assets of such financial institution or branch and recoveries on account of stockholders' liability as would have been payable to the depositor on a claim for the insured deposit, but such depositor shall retain such claim for any uninsured or unassumed portion of the deposit: *Provided*, That, with respect to any bank which closes after May 25, 1938, the Corporation shall waive, in favor only of any person against whom stockholders' individual liability may be asserted, any claim on account of such liability in excess of the liability, if any, to the bank or its creditors, for the amount unpaid upon his stock in such bank; but any such waiver shall be effected in such manner and on such terms and conditions as will not increase recoveries or dividends on account of claims to which the Corporation is not subrogated: *Provided further*, That if the Corporation determines not to invoke the authority conferred in subsection (e)(3), the rights of depositors and other creditors of any State financial institution shall be determined in accordance with the applicable provisions of State law."

(7) Subsection (h) is amended as follows:

(a) The term "closed bank" is deleted, and the term "financial institution in default" is inserted in lieu thereof wherever it appears;

(b) In paragraph (1), the words "closing of an insured bank" are deleted and the words "default of an insured financial institution" are inserted in lieu thereof;

(c) In paragraph (2), the words, "State or Federal, or the constitution of any State," are added after "Nothwithstanding any other provision of law" in the last sentence; and

(d) In paragraph (4), the words "closed insured bank" are deleted, and the words "financial institution in default" are inserted in lieu thereof.

(8) Subsection (i) is amended to read as follows:

"(i) BRIDGE BANKS.—

"(1) ORGANIZATION.—

"(A) PURPOSE.—When one or more insured financial institutions are in default or in anticipation of its or their becoming in default, the Corporation may, in its discretion, organize a bridge bank or banks with respect thereto and upon the granting of a charter to such bridge bank, the bridge bank may—

"(i) assume such deposits of such insured financial institution or institutions that is or are in default or in danger of default as the Corporation may, in its discretion, determine to be appropriate;

"(ii) assume such other liabilities (including liabilities associated with any trust business) of such insured financial institution or institutions that is or are in default or in danger of default as the Corporation may, in its discretion, determine to be appropriate;

"(iii) purchase such assets (including assets associated with any trust business) of such insured financial institution or institutions that is or are in default or in danger of default as the Corporation may, in its discretion, determine to be appropriate; and

"(iv) perform any other temporary function which the Corporation may, in its discretion, prescribe in accordance with this Act.

"(B) ARTICLES OF ASSOCIATION.—The articles of association and organization certificate of a bridge bank as approved by the Corporation shall be executed by three representatives designated by the Corporation.

"(C) NATIONAL BANK.—A bridge bank shall be organized as a national bank.

"(D) Interim directors.—A bridge bank shall have an interim board of directors consisting of not fewer than five nor more than ten members appointed by the Corporation.;

"(2) CHARTERING.—

"(A) CONDITIONS.—A bridge bank shall be chartered by the Comptroller of the Currency as a national bank only if the Board of Directors determines that—

"(i) the amount which is reasonably necessary to operate such bridge bank will not exceed the amount which is reasonably necessary to save the cost of liquidating, including paying the insured accounts of, one or more insured financial institutions in default with respect to which the bridge bank is chartered;

"(ii) the continued operation of such insured financial institution or financial institutions in default with respect to which the bridge bank is chartered is essential to provide adequate banking services in the community where each such fiancial institution in default is located; or

"(iii) the continued operation of such insured financial institution or institutions in default with respect to which the bridge bank is chartered is in the best interest of the depositors of such financial institution or institutions in default or the public.

"(B) INSURED NATIONAL BANK.—A bridge bank shall be an insured bank from the time it is chartered as a national bank.

"(C) BRIDGE BANK TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—Notwithstanding any other provision of law, State or Federal, or the constitution of any State, any bridge bank shall be treated as a financial institution in default at such times and for such purposes as the Corporation may, in its discretion, determine.

"(D) MANAGEMENT.—A bridge bank, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than five nor more than ten members appointed by the Corporation.

"(E) BYLAWS.—The board of directors of a bridge bank shall adopt such bylaws as may be approved by the Corporation.

"(3) TRANSFER OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—Upon the granting of a charter to a bridge bank pursuant to this subsection, the Corporation, as receiver, or any other receiver appointed with respect to any insured financial institution in default with respect to which the bridge bank is chartered may, transfer any assets and liabilities of such financial institution in default to the bridge bank in accordance with paragraph (1) of this subsection. Thereafter, the Corporation, as receiver, or any other receiver appointed with respect to an insured financial institution in default may transfer any assets and liabilities of such insured financial institution in default as the Corporation may, in its discretion, determine to be appropriate in accordance with paragraph (1) of this subsection. For purposes of this paragraph of this subsection, the trust business, including fiduciary appointments, of any insured financial institution in default, is included among its assets and liabilities. The transfer of any assets or liabilities associated with any trust business of an insured financial institution in default transferred to a bridge bank shall be effective without any further approval, assignment or consent with respect thereto, notwithstanding any other provision of law, State or Federal, or the constitution of any State.

"(B) INTENT OF CONGRESS REGARDING CONTINUING OPERATIONS.—It is the intent of the Congress that, in order to prevent unnecessary hardship or losses to the customers of any insured financial institution in default with respect to which a bridge bank is chartered, especially creditworthy farmers, small businesses, and households, the Corporation should—

"(i) continue to honor commitments made by the financial institution in default to creditworthy customers, and

"(ii) not interrupt or terminate adequately secured loans which are transferred under subparagraph (A) and are being repaid by the debtor in accordance with the terms of the loan instrument.

"(4) POWERS OF BRIDGE BANKS.—Each bridge bank chartered under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, a national bank, except as otherwise provided in this subsection and except that—

"(A) the Corporation may—

"(i) remove the interim directors and directors of a bridge bank;

"(ii) fix the compensation of members of the interim board of directors and the board of directors and senior management, as determined by the Corporation in its discretion, of a bridge bank; and

"(iii) waive any requirement established under section 5145, 5146, 5147, 5148, or 5149 of the Revised Statutes (relating to directors of national banks) or section 31 of the Banking Act of 1933 which would otherwise be applicable with respect to directors of a bridge bank by operation of paragraph (2)(B);

"(B) the Corporation may idemnify the representatives for purposes of subparagraph (1)(B) and the interim directors, directors, officers, employees and agents of a bridge bank on such terms as the Corporation determines to be appropriate;

"(C) no requirement under section 5138 of the Revised Statutes or any other provision of law relating to the capital of a national bank shall apply with respect to a bridge bank;

"(D) the Comptroller of the Currency may establish a limitation on the extent to which any person may become indebted to a bridge bank without regard to the amount of the bridge bank's capital or surplus;

"(E)(i) the board of directors of a bridge bank shall elect a chairperson who may also serve in the position of chief executive officer: *Provided*, That such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Corporation;

"(ii) the board of directors of a bridge bank may appoint a chief executive officer who is not also the chairperson: *Provided*, That such person shall not serve as chief executive officer without the prior approval of the Corporation;

"(F) a bridge bank shall not be required to purchase stock of any Federal Reserve bank;

"(G) the Comptroller of the Currency shall waive any requirement for a fidelity bond with respect to a bridge bank at the request of the Corporation;

"(H) any action to which a bridge bank becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a financial institution in default shall be stayed from further proceedings for a period of up to 90 days at the request of the bridge bank;

"(I) no agreement which tends to diminish or defeat the right, title or interest of a bridge bank in any asset of an insured financial institution in default acquired by it shall be valid against the bridge bank unless such agreement:

"(i) shall be in writing,

"(ii) shall have been executed by such insured financial institution in default and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by such insured financial institution in default,

"(iii) shall have been approved by the board of directors of such insured financial institution in default or its loan committee, which approval shall be reflected in the minutes of said board or committee, and

"(iv) shall have been, continuously from the time of its execution, an official record of such insured financial institution in default; and

"(J) except with the prior approval of the Corporation, a bridge bank may not, in any transaction or series of transactions, issue capital stock or be a party to any merger, consolidation, disposition of assets or liabilities, sale or exchange of capital stock, or similar transaction, or change its charter.

"(5) CAPITAL.—

"(A) NO CAPITAL REQUIRED.—The Corporation shall not be required to—

"(i) issue any capital stock on behalf of a bridge bank chartered under this subsection; or

"(ii) purchase any capital stock of a bridge bank: *Provided*, That notwithstanding any other provision of law, State or Federal, or the constitution of any State, the Corporation may purchase and retain capital stock of a bridge bank in such amounts and on such terms as the Corporation, in its discretion, determines to be appropriate.

"(B) OPERATING FUNDS IN LIEU OF CAPITAL.—Upon the organization of a bridge bank, and thereafter, as the Board of Directors may, in its discretion, determine to be necessary or advisable, the Corporation may make available to the bridge bank, upon such terms and conditions and in such form and amounts as the Corporation may in its discretion determine, funds for the operation of the bridge bank.

"(C) AUTHORITY TO ISSUE CAPITAL STOCK.—Whenever the Board of Directors determines it is advisable to do so, the Corporation shall cause capital stock of a bridge bank to be issued and offered for sale in such amounts and on such terms and conditions as the Corporation may, in its discretion, determine.

"(6) NO FEDERAL STATUS.—

"(A) AGENCY STATUS.—A bridge bank is not an agency, establishment, or instrumentality of the United States.

"(B) EMPLOYEE STATUS.—Representatives for purposes of subparagraph (1)(B), interim directors, directors, officers, employees, or agents of a bridge bank are not, solely by virtue of service in any such capacity, officers or employees of the United States for purposes of Title 5, United States Code, or any other provision of law. Any employee of the Corporation or of any Federal instrumentality who serves at the request of the Corporation as a representative for purposes of subpargraph (1)(B), interim director, director, officer, employee or agent of a bridge bank shall not

"(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of Title 5, United States Code, or any other provision of law, or

"(ii) receive any salary or benefits for service in any such capacity with respect to a bridge bank in addition to such salary or benefits as are obtained through employment with the Corporation or such Federal instrumentality.

"(7) ASSISTANCE AUTHORIZED.—The Corporation may, in its discretion, provide assistance under section 13(c) to facilitate any transaction contemplated in subparagraph (10)(A) (i), (ii) or (iii) with respect to a bridge bank in the same manner and to the same extent as such assistance may be provided under such section with respect to an insured financial institution in default, or to facilitate a bridge bank's acquisition of any assets or the assumption of any liabilities of an insured financial institution in default.

"(8) ACQUISITION.—

"(A) IN GENERAL.—Any transaction with respect to the merger or sale of a bridge bank requiring approval under section 18(c),

unless immediate action is necessary to prevent the probable failure of an insured financial institution, shall be deemed to be an emergency requiring expeditious action. The responsible agency shall notify the Attorney General thereof and if a report on competitive factors is requested within ten days, such transaction may not be consummated before the fifth calendar day after the date of approval by the responsible agency with respect thereto.

"(B) BY OUT-OF-STATE HOLDING COMPANY.—Notwithstanding any other provision of law, State or Federal, or the constitution of any State, any financial institution, including an out-of-State financial institution, or any out-of-State financial institution holding company may acquire and retain the capital stock or assets of, or otherwise acquire and retain a bridge bank; Provided, That the bridge bank at any time had assets aggregating $500,000,000 or more, as determined by the Corporation on the basis of the bridge bank's reports of condition or on the basis of the last available reports of condition or thrift financial reports of any insured financial institution in default, which institution has been acquired, or whose assets have been acquired, by the bridge bank; and Provided further, That the acquiring entity may acquire the bridge bank only in the same manner and to the same extent as such entity may acquire an insured bank in default under section 13(f)(2).

"(9) CORPORATE EXISTENCE OF BRIDGE BANK.—Subject to paragraphs (10) and (11) of this subsection, the corporate existence of a bridge bank shall not exceed the period of two years from the date it is granted a charter: Provided, That the Board of directors may, in its discretion, extend the corporate existence of the bridge bank for additional three one-year periods.

"(10) TERMINATION OF BRIDGE BANK STATUS.—

"(A) IN GENERAL.—A bridge bank shall terminate its status as such upon the earliest to occur of the following:

"(i) The merger or consolidation of the bridge bank with a financial institution that is not a bridge bank: Provided, that in connection with such a transaction, the bridge bank may request conversion of its charter to that of a financial institution that is not a bridge bank;

"(ii) The sale of all or substantially all of the capital stock of the bridge bank to an entity other than the Corporation and other than another bridge bank.

"(iii) The assumption of all or substantially all of the deposits and other liabilities of the bridge bank by a financial institution holding company or a financial institution that is not a bridge bank, or the acquisition of all or substantially all of the assets of the bridge bank by a financial institution holding company, a financial institution that is not a bridge bank, or other entity as permitted under applicable law.

"(iv) The dissolution of the bridge bank by the Corporation in accordance with paragraph (11) of this subsection prior to the initial two-year period of corporate existence of the bridge bank and any extension thereof in accordance with paragraph (9) of this subsection.

"(v) The expiration of the initial two-year period of corporate existence of the bridge bank and any extension thereof in accordance with paragraph (9) of this subsection.

"(11) DISSOLUTION OF BRIDGE BANK.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, State or Federal, or the constitution of any State—

"(i) the Board of Directors may, in its discretion, dissolve a bridge bank in accordance with this paragraph (11) at any time during the corporate existence of a bridge bank if the Board of Directors determines that the amount which is reasonably necessary to dissolve the bridge bank will not exceed the amount which is reasonably necessary to either continue operation of the bridge bank or effect a transaction with respect to the bridge bank as contemplated in subparagraph (10)(A)(i), (ii) or (iii) of this subsection;

"(ii) the Board of Directors may, in its discretion, commence such dissolution proceedings in accordance with this paragraph (11) with respect to a bridge bank as the Board of Directors determines to be necessary following the consummation of a transaction contemplated in subparagraph (10)(A)(ii), or (iii); and

"(iii) the Board of Directors shall commence dissolution proceedings in accordance with this paragraph (11) upon the expiration of the period of corporate existence of a bridge bank as provided in paragraph (9) of this subsection.

"(B) PROCEDURES.—The Comptroller of the Currency shall appoint the Corporation receiver for a bridge bank upon certification by the Board of Directors to the Comptroller of the Currency of its determination to dissolve the bridge bank. The Corporation as such receiver shall wind up the affairs of the bridge bank in conformity with the provisions of law relating to the liquidation of closed national banks. With respect to any such bridge bank, the Corporation as such receiver shall have all the rights, powers and privileges now possessed or hereafter granted by law to a receiver of a national bank or a District bank and notwithstanding any other provision of law in the exercise of such rights, powers, and privileges the Corporation shall not be subject to the direction or supervision of the Secretary of the Treasury or the Comptroller of the Currency.

"(12)(A) Each bridge bank established under this subsection may operate branches in only one state.

"(B) The Corporation may, in the Corporation's discretion, organize two or more bridge banks under this subsection to assume any deposits of, assume any other liabilities of, and purchase any assets of a single financial institution in default."

(9) Subsection (j) is amended by deleting the term "closed bank" and inserting "financial institution in default" in lieu thereof.

(10) By adding new subsections (k), (l) and (m) at the end thereof to read as follows:

"(k) VALUATION OF CLAIMS AGAINST FINANCIAL INSTITUTIONS IN DEFAULT.—Notwithstanding any other law, State or Federal, or the constitution of any State, and regardless of the method which the Corporation determines to utilize with respect to an insured financial institution in default or in danger of default, including but not limited to transactions authorized under subsection (i) and under section 13(c)(2)(A), the following provisions shall govern the rights of the creditors (other than insured depositors) of such financial institution:

"(1) MAXIMUM LIABILITY.—The maximum liability of the Corporation to any person having a claim against the estate of an insured financial institution in default shall be equal to the amount such claimant would have received from the estate of the financial institution if the Corporation had liquidated such estate. In the case of an insured financial institution which the Corporation elects to operate, the point in time for determining what such claimant will receive from the estate of the financial institution had the Corporation liquidated such estate shall be the date the receiver ceases operating the financial institution, and begins to wind up the affairs of the financial institution, and the Corporation shall not be liable to any such claimant should the estate of the financial institution be diminished from the time the Corporation begins operating the financial institution to the time the Corporation ceases operating the financial institution and begins to wind up the affairs of the financial institution, absent a finding of bad faith on the part of the Corporation; and

"(2) ADDITIONAL PAYMENTS AUTHORIZED.—The Corporation may, in its discretion, use its own resources to make additional payments or credit additional amounts to or with respect to or for the account of any claimant or category of claimants: Provided, That the Corporation shall not be obligated, as a result of having made any such payment or credited any such amount to or respect to or for the account of any claimant or category of claimants, to make payments to any other claimant or category or claimants; and Provided further;

"(A) That if the financial institution in default is a Bank Insurance Fund member, the Corporation may only make such payments out of fund held in the Bank Insurance Fund of the Deposit Insurance Fund; and

"(B) That if the financial institution in default is a Saving Association Insurance Fund member, the Corporation may only make such payments out of funds held in the Savings Association Insurance Fund of the Deposit Insurance Fund.

"(3) The Corporation may make the payments or credit the amounts specified in paragraph (2) directly to the claimants or may make such payments or credit such amounts to an open insured financial institution to induce the open insured financial institution to accept liability for such claims.

"(l) RULE-MAKING AND CLAIMS DETERMINATION AUTHORIZED.—

"(1) The Corporation shall have power to make rules and regulations for the conduct of conservatorships and of receiverships and the Corporation may, by regulation or order, provide for the exercise of functions by members or stockholders, directors, or officers of a financial institution during conservatorship or receivership. The Corporation shall also have the power to determine claims in accordance with rules and regulations it shall prescribe and subject to judicial review as herein provided.

"(2) The authority to determine claims shall only be exercised after the Corporation has established rules or regulations governing the processing of claims, the accounting of estates funds, and the distributing of residual funds to shareholders. Final determinations made by the Corporation with respect to claims asserted against the estate of a financial institution shall be reviewable by the Court of Appeals for the District of Columbia Circuit or the Court of Appeals for the circuit where the financial institution is located and shall be upheld unless found to be arbitrary or capricious.

"(3) In the absence of rules and regulations established by the Corporation for the resolution of claims against the estate of the financial institution, any action or proceeding against a financial institution for

which the Corporation has been appointed receiver, or against the Corporation as receiver of such financial institution, shall be brought in the district or territorial court of the United States held within the district in which that financial institution's principal place of business is located, or, in the event any State, county, or municipal court has jurisdiction over such an action or proceeding, in such court in the county or city in which the financial institution's principal place of business is located.

"(m) JUDICIAL REVIEW.—Except as provided in this section, no court may take any action, except at the request of the Board of Directors by regulation or order, to restrain or affect the exercise of powers functions of the Corporation as a conservator or receiver."

SEC. 212. FSLIC RESOLUTION FUND.—There is hereby added after Section 11 of the Federal Deposit Insurance Act a new section 11A (12 U.S.C. 1821A) to read as follows:

"SEC. 11A. FSLIC RESOLUTION FUND.—(a) ESTABLISHED.—There is hereby established a separate fund to be designated as the FSLIC Resolution Fund which shall be managed by the Corporation and separately maintained and not commingled. On the date of the dissolution of the Federal Savings and Loan Insurance Corporation in accordance with section 401 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, all reserves and all other assets of any kind, and debts, obligations, contracts and other liabilities of the Federal Savings and Loan Insurance Corporation, matured or unmatured, accrued, absolute, contingent, or otherwise shall hereby be transferred in their entirety to the FSLIC Resolution Fund; provided however that such liabilities transferred to the FSLIC Resolution Fund shall not include liabilities specifically transferred pursuant to section 21a of the Federal Home Loan Bank Act. Such reserves assets, debts, obligations, contracts, or other liabilities as are so transferred shall be exclusive assets and liabilities of the FSLIC Resolution Fund and not of the Coroporation and shall not be consolidated with the assets and liabilities of the Deposit Insurance Fund or the Corporation for accounting or reporting or any other purpose.

"(b) SOURCE OF FUNDS.—The FSLIC Resolution Fund shall be funded from the following sources in the listed priority to the extent funds are needed: (i) miscellaneous income from assets of the Federal Savings and Loan Insurance Corporation that were transferred to the FSLIC Resolution Fund on the date of enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; (ii) the proceeds of the resolution of insolvent thrift institutions which became insolvent prior to December 31, 1988, to the extent such funds are not required by the Resolution Funding Corporation pursuant to section 21b of the Federal Home Loan Bank Act; (iii) proceeds from borrowings by the Financing Corporation pursuant to section 21 of the Federal Home Loan Bank Act; (iv) all amounts assessed Savings Association Insurance Fund members by the Corporation pursuant to section 7 from the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and not required by the Financing Corporation pursuant to section 21 of the Federal Home Loan Bank Act, or for the Resolution Trust Corporation pursuant to section 21a of the Federal Home Loan Bank Act, which shall be covered into the FSLIC Resolution Fund until December 31, 1991.

"(c) TREASURY BACKUP.—In the event that all the above funds are insufficient for the purposes of the FSLIC Resolution Fund, the Secretary of the Treasury shall, subject to the availability of appropriations, provide such excess funds determined by the Federal Deposit Insurance Corporation and the Secretary to be necessary for FLSIC Resolution Fund purposes. There are hereby authorized to be appropriated to the Secretary of the Treasury, without fiscal year limitation, such sums as may be necessary to carry out the provisions of this paragraph.

"(d) LEGAL PROCEEDINGS.—Notwithstanding any other provision of law, any judgment resulting from civil action, suit, or proceeding to which the Federal Savings and Loan Insurance Corporation was a party prior to its dissolution hereunder, or which is initiated against the Corporation or its assets thereafter, shall be limited to the assets of the FSLIC Resolution Fund.

"(e) DISSOLUTION.—The FSLIC Resolution Fund shall be dissolved upon satisfaction of all debts and liabilities of sale of all assets acquired in case resolutions and otherwise. Upon dissolution any remaining funds shall be covered into the Treasury, provided that any tangible assets, including offices and office supplies, shall be transferred to the Corporation for use by and to be held as asset of the Savings Association Insurance Fund."

SEC. 213. AMENDMENTS TO SECTION 12.—Section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822) is hereby amended as follows:

(1) The words "closed bank" are deleted wherever they occur, and the words "financial institution in default" are inserted in lieu thereof;

(2) Subsection (a) is amended to read as follows:

"(a) BOND NOT REQUIRED; AGENTS; FEE.—Notwithstanding any other provision of law, State or Federal, or the constitution of any State, the Corporation as receiver of an insured financial institution or branch of a foreign bank shall not be required to furnish bond and shall have the right to appoint an agent or agents to assist it in its duties as such receiver, and all fees, compensation, and expenses of liquidation and administration thereof shall be fixed by the Corporation, and may be paid by it out of funds coming into its possession as such receiver."

(3) In subsection (d), the words "as a stockholder or the closed bank, or of any liability of such depositor" are deleted; and the words "such bank" are deleted and "such financial institution" are inserted in lieu thereof.

SEC. 214. AMENDMENTS TO SECTION 13.—Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) INVESTMENT OF CORPORATION FUNDS.—

"(1) AUTHORITY.—Funds belonging to the Corporation and held in either the Bank Insurance Fund or the Savings Association Insurance Fund that are not otherwise employed shall be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States: *Provided,* That funds held in the Bank Insurance Fund and the Savings Association Insurance Fund shall be invested separately and not commingled.

"(2) LIMITATION.—The Corporation shall not sell or purchase any such obligations for its own account and in its own right and interest, at any one time aggregating in excess of $100,000, without the approval of the Secretary of the Treasury. The Secretary of the Treasury may waive the requirement of his approval with respect to any transaction or classes of transactions subject to the provisions of this subsection for such period of time and under such conditions as he may determine."

(2) Subsection (b) is amended as follows:

(a) by deleting the words "banking and checking" wherever they occur, and inserting the word "depository" in lieu thereof;

(b) by deleting the word "bank" wherever it occurs, and inserting the words "financial institution" in lieu thereof, except that the phrase "Federal Reserve bank" shall remain unchanged.

(3) Subsection (c) is amended as follows:

(a) The words "closing" or "closed" are deleted wherever they occur, and the words "default" or "in default" are inserted in lieu thereof respectively;

(b) Notwithstanding Section 201 of this Act, the term "closed insured bank" is deleted wherever it occurs and the term "insured financial institution in default" is inserted in lieu thereof;

(c) In subparagraph (2)(A), the words "insured institution" are deleted wherever they occur and the words "another insured financial institution" are inserted in subparagraph (2)(A) in lieu thereof, and the words "such other insured financial institution" are inserted in subparagraph (2)(A) (ii) and (iii) in lieu thereof;

(d) In paragraph (2), a new subparagraph (2)(C) is added to read as follows:

"(C) Any action to which the Corporation is or becomes a party by virtue of its acquisition of any asset or exercise of any other authority set forth in this section shall be stayed for a period of ninety days at the request of the Corporation.";

(e) In paragraph (3) the words "section 13(f) of this Act" are deleted, and the words "subsections (f) and (g) hereof" are inserted in lieu thereof;

(f) In paragraph (4), the word "banking" is deleted and the word "financial" is inserted in lieu therof, and the following new sentences are inserted immediately after the period at the end of paragraph (A):

"In determining the cost of assistance, the Corporation shall consider the immediate and long-term obligations of the Corporation with respect to such assistance, including contingent liabilities. The Corporation shall also consider the Federal tax revenues foregone by the government, to the extent reasonably ascertainable, as a result of the provisions of the Technical and Miscellaneous Revenue Act of 1988 providing specific tax benefits to acquirers of financial institutions in default or in danger of default or to such institutions as a result of assistance provided by the Corporation, or any similar statutory provision."; and

(g) By redesignating existing paragraph (6) and (7) as paragraphs (7) and (8); and by deleting existing paragraph (8); and by inserting a new paragraph (6) to read as follows:

"(6) Notwithstanding any other provision of law, State or Federal, or the constitution of any State, the transfer of any assets or liabilities associated with any trust business of an insured financial institution in default under subparagraph (2)(A) shall be effective without any further approval, assignment, or consent with respect thereto."

(4) Subsections (d) and (e) are amended to read as follows:

"(d) SALE OF ASSETS TO CORPORATION.—Conservators, receivers, or liquidators of insured

financial institutions in default shall be entitled to offer the assets of such financial institutions for sale to the Corporation or as security for loans from the Corporation. The proceeds of every such sale or loan shall be utilized for the same purposes and in the same manner as other funds realized from the liquidation of the assets of such financial institutions. The Corporation, in its discretion, may make loans on the security of or may purchase and liquidate or sell any part of the assets of an insured financial institution which is now or may hereafter be in default.

"(e) AGREEMENT AGAINST INTERESTS OF CORPORATION.—No agreement which tends to diminish or defeat the right, title or interest of the Corporation in any asset acquired by it under this section or section 11, either as security for a loan or by purchase or as receiver of any insured financial institution, shall be valid against the Corporation unless such agreement (1) shall be in writing, (2) shall have been executed by the financial institution and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the financial institution, (3) shall have been approved by the board of directors of the financial institution or its loan committee, which approval shall be reflected in the minutes of said board or committee, and (4) shall have been, continuously, from the time of its execution, an official record of the financial institution."

(5) Subsection (f) is amended as follows:

(a) Notwithstanding section 201 of this Act, subsection (f) shall not be amended to delete the term "insured bank" and insert the term "insured financial institution";

(b) The words "closed" and "closing" are deleted wherever they occur and the words "in default" or "default" are inserted in lieu thereof respectively;

(c) In subparagraph (2)(B)(iii) the phrase "a unanimous vote" is replaced by "a vote of 75 per centum of";

(d) The word "depository" is deleted wherever it occurs and the word "financial" is inserted in lieu thereof;

(e) In subparagraph (3)(E) the word "relevant" is added before the words "State supervisor"; and a new sentence is added at the end thereof to read as follows:

"The "relevant State supervisor" means the State supervisor having authority to supervise the financial institution in danger of default."

(f) In subparagraph (6)(A) the words "the offeror which made the initial lowest acceptable offer and" are inserted after "the Corporation shall permit";

(g) Paragraph (7) is amended by adding a new subparagraph (7)(C) to read as follows:

"(C) if in the opinion of the Corporation the acquisition threatens the safety and soundness of the acquiror or does not result in the future viability of the resulting financial institution.";

(h) In paragraph (8), subparagraphs (A), (B), (C), (D), (F) and (G) are deleted and subparagraph (E) is redesignated to become paragraph (8); and

(i) Paragraph (9) is amended as follows: (i) in the paragraph heading the word "nonbank" is deleted and the word "certain" is inserted in lieu thereof; (ii) in subparagraph (9)(A), the words ", other than a subsidiary that is an insured bank," are added after the word subsidiary that is an insured bank," are added after the word "subsidiary" and the phrase "which is not an insured bank" is deleted, and (iii) in subparagraph (9)(B) the words "or an affiliate of an insured bank" are added after the words "intermediate holding company;" in the sentence.

(6) In subsection (h), the terms "a closed insured bank", "closing" and "insurance fund" are deleted, and the terms "an insured financial institution in default," "default" and "Bank Insurance Fund" are inserted in lieu thereof respectively.

(7) Subsection (i) is amended:

(a) by inserting the word "financial" before the word "institution" wherever it occurs;

(b) in subparagraph (1)(C) by deleting the words "chartered bank" and inserting "financing institution" in lieu thereof, by adding the words "a savings association," after "State member bank," and by adding "Chairman of the Federal Home Loan Bank System," after "Federal Reserve System,"; and

(c) in paragraph (5)(C) by deleting the words "greater than zero and".

(8) Section 408(m) of the National Housing Act, as amended (12 U.S.C. 1730a(m)), is hereby transferred to and shall become part of the Federal Deposit Insurance Act, as amended, at Section 13 and shall become subsection (k) thereof (12 U.S.C. 1823(k)), and is further amended as follows:

(a) After transfer to the Federal Deposit Insurance Act, the term "Corporation" shall mean the Federal Deposit Insurance Corporation;

(b) By deleting the words "insured institution", "an insured institution" and "insured institutions" wherever they appear and inserting in lieu thereof "Savings Association Insurance Fund member", "a Savings Association Fund member: and "Savings Association Insurance Fund members" respectively;

(c) By deleting the words "depository institution" and "depository institutions" wherever they occur and inserting in lieu thereof "financial institution" and "financial institutions" respectively;

(d) Notwithstanding Section 201 of this Act, subparagraph (A)(i) of paragraph (1) shall not be amended to delete the term "insured bank" and insert the term "insured financial institution".

(e) In subparagraph (1)(A)(i), the phrase "this section" is deleted and the phrase "section 10 of the Home Owners' Loan Act of 1933, as amended," is inserted in lieu thereof, and the words "section 1729(f) of this title" are deleted, and the words "subsection (c) are inserted in lieu thereof;

(f) In subparagraph (1)(A)(iii), the words "the party thereto that is not an insured institution" are deleted, and the words "every party thereto" are inserted in lieu thereof;

(g) The language in subparagraph (1)(A)(iv) is deleted and the following language is inserted in lieu thereof:

"In authorizing any transactions under this subsection, the Corporation must obtain the prior concurrence of (i) the Chairman of the Federal Home Loan Bank System in connection with the override of any provisions of the laws or constitution of any State or any provision of Federal law other than section 10(e)(3) of the Home Owners' Loan Act of 1933, as amended; and (ii) the Board of Governors of the Federal Reserve System in connection with the override of the provisions of the Federal Reserve Act or the Bank Holding Company Act."

(h) Subparagraph (1)(B)(iii) is amended:

(i) by deleting in the first sentence everything after the words "only by", and inserting in lieu thereof the words "a vote of seventy-five per centum or more of the voting members of the Board of Directors."; and

(ii) by deleting in the second sentence the words "Federal Home Loan Bank Board" and inserting in lieu thereof the words "the Corporation";

(i) Subparagraph (3)(A) is amended:

(i) by deleting the words "savings and loan holding company" and inserting "holding company that controls a Savings Association Insurance Fund member" in lieu thereof; and

(ii) by inserting after the words "shall permit" the words "the offer or which made the lowest acceptable offer and";

(j) In subparagraph (3)(C), insert the word "financial" before the words "institution" and "institutions";

(k) Amend paragraph (4):

(i) by deleting the language in subparagraph (A) and inserting in lieu thereof the following language: "the term 'of the same type' means financial institutions that are 'savings associations' as defined in section 10(a) of the Home Owners' Loan Act of 1933, as amended, or holding companies thereof; and"

(ii) in subparagraph (B), by deleting the words "the term 'in-State depository institution or in-State depository institution holding company' means" and inserting in lieu thereof the words "a financial institution is 'within the same State' where the financial institution is".

SEC. 215. BORROWING AUTHORITY.—Section 14 of the Federal Deposit Insurance Act (12 U.S.C. 1824) is hereby amended as follows:

(1) by deleting "$3,000,000,000" and inserting in lieu thereof "$5,000,000,000, subject to the approval of the Secretary of the Treasury"; and

(2) by adding at the end of the section the following: "The Corporation may employ such funds for purposes of the Bank Insurance Fund or the Savings Association Insurance Fund and the borrowing shall become a liability of each such fund to the extent funds are employed therefore."

SEC. 216. LIMITATION ON BORROWINGS.—Section 15 of the Federal Deposit Insurance Act (12 U.S.C. 1825) is hereby amended as follows:

(1) by redesignating the existing paragraph as subsection (a) and by adding at the end thereof the following: "and such State, territorial, county, municipal or local taxation shall be the only type of State, territorial, county, municipal, or local tax to which the Corporation for itself or as receiver of an insured financial institution shall be subjected. Further, the failure of an insured financial institution to pay or remit any State, territorial, county, municipal, or other local tax shall not subject the Corporation as receiver or conservator of that financial institution to any penalty, forfeiture, or limitation with respect to the enforceability of any right, title, or interest the Corporation as receiver or conservator may have and such failure to pay the tax shall only result in a claim for such tax against the estate of the financial institution."; and

(2) by adding a new subparagraph (b) to read as follows:

"All notes, debentures, bonds, or other similar obligations including estimated losses for guarantees or other liabilities, of the Bank Insurance Fund or the Savings Association Insurance Fund (other than obligations to the Treasury) outstanding at any one time, may not exceed 50 per centum of the adjusted net worth of the Bank Insurance Fund or the Savings Association Insur-

ance Fund, respectively, as calculated based on the most recent audit by the General Accounting Office, or $10,000,000,000 to each fund, whichever is less.

SEC. 217. REPORTS.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is hereby amended:

(1) By striking out subsection (a) and inserting in lieu thereof the following:

"(a) The Corporation shall annually submit a full report of its operations, activities, budget, receipts and expenditures for the preceding 12-month period. Such report shall be submitted to the President of the Senate and the Speaker of the House of Representatives, who shall cause the same to be printed for the information of Congress, and the President as soon as practicable after the first day of January each year."

(2) By redesignating subsections (b), (c) and (d) as (c), (d) and (e) respectively, and by adding a new subsection (b) to read as follows:

"(b) As soon as practicable, prior to the beginning of each fiscal quarter, the Corporation shall submit a report to the Secretary of the Treasury and the Director of the Office of Management and Budget with respect to the Corporation's financial operating plans and forecasts (including estimates of actual and future spending, and estimates of actual and future non-cash obligations) taking into acccount the Corporation's financial commitments, guarantees and other contingent liabilities. Nothing herein implies in and of itself any obligation on the part of the Corporation to obtain the consent or approval of the Secretary or the Director of the plans and forecasts provided pursuant hereto."

SEC. 218. REGULATIONS GOVERNING INSURED FINANCIAL INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is hereby amended as follows:

(1) Subsection (a) is amended by adding before the period in the first sentence the following: "; Provided further that such signs displayed by financial institutions will further represent whether the financial institution is a Bank Insurance Fund member or a Savings Association Insurance Fund member."

(2) Subsection (c) is amended—

(a) in paragraph (2), by deleting subparagraph (C) and inserting in lieu thereof the following:

"(C) the Corporation if the acquiring, assuming, or resulting bank is to be a State nonmember insured bank (except a District bank or a savings bank supervised by the Federal Home Loan Bank System); and

"(D) the Federal Home Loan Bank System if the acquiring, assuming, or resulting institution is to be a savings association.";

(b) by deleting subparagraph (12);

(c) in subparagraphs (3), (4), (6), (7) and (9), by adding after the word "bank" or "banks" each time it appears, the words "or savings association" or "or savings associations", respectively.

(d) in subparagraph (3), the word "failure" is deleted, and the word "default" is added in lieu thereof.

(3) Subsection (d) is amended by adding after "(except a District bank)" each time they appear, the words "or savings bank supervised by the Federal Home Loan Bank System.

(4) Subsection (i) is amended—

(a) in paragraph (1) by deleting the words "nonmember bank (except a District bank)" and replacing in lieu thereof the words "financial institution (except a member bank or a District bank)";

(b) in paragraph (2):

(i) by adding before the period the following:

"; (D) the Federal Home Loan Bank System if the resulting institution is to be a State savings association or a savings bank to be supervised by the Federal Home Loan Bank System; and

(ii) in subsection (C), by adding after the words "resulting bank" the words "or savings association", and by adding after the words "(except a District bank)" the words "a savings bank to be supervised by the Federal Home Loan Bank System)."

(5) By inserting the following new subsections after subsection (1) therein:

"(m) ACTIVITIES OF SAVINGS ASSOCIATIONS SUBSIDIARIES.—

"(1) PROCEDURES.—Whenever an insured savings association establishes or acquires control of a company or whenever an insured savings association elects to conduct any new activity through a company that the insured savings association controls, the insured savings association:

"(A) shall notify the Corporation and the Federal Home Loan Bank System not less than 30 days prior to the establishment, or acquisition, of any such new company, and not less than 30 days prior to the commencement of any such activity, and in either case shall provide at that time such information as each such agency may, by regulation, require;

"(B) except as provided in subsection 5(t)(1) of the Home Owners' Loan Act, as amended, shall deduct its entire investment in and loans and other financial accommodations to the company from its own capital for the purposes of determining capital adequacy if the company is engaged in activities not permissible for a national bank; and

"(C) shall conduct the activities of the company in accordance with such rules, regulations and orders as may be established by the Federal Home Loan Bank System.

"(2) ENFORCEMENT POWERS.—With respect to any company controlled by an insured savings association:

"(A) the Corporation and the Federal Home Loan Bank System shall each have, with respect to such company, the respective powers and authorities that each may possess with respect to the insured savings association pursuant to this section or to section 8; and

"(B) the Federal Home Loan Bank System shall have authority to determine, after notice and opportunity for hearing, that the continuation by the insured savings association of its ownership or control of, or its relationship to, the company constitutes a serious risk to the financial safety, soundness or stability of the insured savings association is inconsistent with sound banking principles or with the purposes of this act, and upon making any such determination the agency shall have authority to order the insured savings association to divest itself of control of the company; the Federal Home Loan Bank System shall also have the authority to take any other corrective measures with respect to the company, including the authority to have the company terminate the activities or operations posing such risks, as the agency may deem appropriate.

"(3) ACTIVITIES INCOMPATIBLE WITH DEPOSIT INSURANCE.—

"(A) The Corporation shall have authority to determine by regulation of general applicability to all State-chartered Savings Association Insurance Fund members that any specific activity after determination by the Board of Directors poses a serious threat to the Savings Association Insurance Fund: Provided, that prior to adopting any such regulation, the Corporation shall consult with the Chairman of the Federal Home Loan Bank System and shall provide appropriate State supervisors the opportunity to review such regulation and comment thereon, and the Corporation shall specifically take such comments into consideration. Upon issuing such a regulation with respect to an activity, the Corporation may order that no Savings Association Insurance Fund member may engage in any activity directly that is not permissible for a federal savings and loan association under the Home Owners' Loan Act. In addition, no Savings Association Insurance Fund member shall be or become liable for the liabilities or obligations arising out of any such activity conducted indirectly, except to the extent such liability or obligation (i) is in writing, (ii) shall have been executed by the member and person or entity to whom the liability or obligation is owed either contemporaneously with the creation of the liability or obligation, or if the liability or obligation was created prior to the effective date of the FIRREA, within 120 days of the effective date of the FIRREA, (iii) has been approved by the Board of Directors or an official committee of the member, and (iv) shall have been, continuously, from the time of its creation, an offical record of the bank.

"(B) Nothing in this section shall limit the authority of the Federal Home Loan Bank System to issue regulations to promote safety and soundness or to enforce compliance with other applicable laws.

"(4) "COMPANY" DEFINED.—As used in this subsection (m), the term "company" shall not include an insured financial institution.

"(5) Nothing contained in subsection (m) shall derogate from the rights and authorities of the Corporation under other provisions of law."

SEC. 219. NONDISCRIMINATION.—Section 22 of the Federal Deposit Insurance Act (12 U.S.C. 1830) is hereby amended to read as follows:

"It is not the purpose of this chapter to discriminate in any manner against State nonmember banks or State savings associations and in favor of national or member banks or Federal savings associations, respectively; but the purpose is to provide all banks and savings associations with the same opportunity to obtain and enjoy the benefits of this chapter."

TITLE III—SAVINGS ASSOCIATION SUPERVISION IMPROVEMENTS.

SEC. 301. DEFINITIONS.—Section 2 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1462) is hereby amended as follows:

(1) by amending subsection (a) to read as follows:

"(a) The term "Chairman" means the Chairman of the Federal Home Loan Bank System.";

(2) by amending subsection (b) to read as follows:

"(b) The term "System" means the "Federal Home Loan Bank System",

(3) by amending subsection (c) to read as follows:

"(c) The term "savings association" means any institution that was supervised by the Federal Savings and Loan Insurance Corporation immediately prior to the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, a Federal savings and loan association or Federal savings bank, a building and loan, savings and loan or homestead association, a cooper-

ative bank or state savings bank that is a member of the Savings Association Insurance Fund, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(4) by amending subsection (d) to read as follows:

"(d) The term "federal savings association" means a Federal savings and loan association or a Federal savings bank chartered under section 5 of this title.",

(5) by adding new subsection (e) to read as follows:

"(e) The term "Federal banking agencies" means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation." and

SEC. 302. SUPERVISION OF SAVINGS ASSOCIATIONS.—(a) The Home Owners' Loan Act of 1933, as amended, is hereby further amended by inserting a new Section 3 as follows:

"Section 3.—SUPERVISION OF SAVINGS ASSOCIATIONS.—(a) The Chairman is authorized to provide for the examination, safe and sound operation, and regulation of savings associations. The Chairman may issue rules and regulations, including regulations defining the terms used in this chapter, to carry out the responsibilities of the Chairman, or the System. The authorities conferred by this section are intended to encourage savings associations to maintain their role of providing credit for housing in a manner consitent with principles of safe and sound operation.

"(b) The Chairman shall by regulation prescribe uniform accounting and disclosure standards for all savings associations to be used in determining their compliance with all applicable rules and regulations. These uniform accounting standards shall incorporate generally accepted accounting principles to the same degree that generally accepted accounting principles are used to determine compliance with rules and regulations issued by the Federal banking agencies, shall require full compliance therewith no later than the schedule provided in 12 C.F.R. Section 563, and shall be coordinated with the capital standards established by the Chairman pursuant to section 5(t)(1) of this Act, provided that there will be no deviation from full compliance with the uniform accounting standards after December 31, 1993.

"(c) The rules, regulations and policies of the Chairman governing the safe and sound operation of savings associations, including policies governing asset classification and appraisals, shall be no less stringent than those of the Office of the Comptroller of the Currency.

"(d) No savings association shall make loans beyond one hundred miles from its principal office except (1) loans in the area beyond such one hundred mile limit in which it was operating prior to June 27, 1934, and (2) loans which are made pursuant to regulations of the Federal Home Loan Bank System: *Provided*, That any loan made beyond fifty miles from the savings association's principal office (and outside the territory in which it was operating on such date also shall be subject to such regulations.".

(b) Section 409 of the National Housing Act (12 U.S.C. 1730b) relating to investment of certain funds in accounts of savings associations is hereby transferred to and shall become a part of the Home Owners' Loan Act of 1933 as new Section 3(e) hereof and is further amended by replacing the words "institutions insured by the Corporation," with "Savings associations, to the extent they are insured by the Federal Deposit Insurance Corporation".

(c) Section 410 of the National Housing Act (12 U.S.C. 1730c) relating to participation by savings associations in lotteries and related activities is hereby transferred to and shall become part of the Home Owners' Loan Act of 1933, amended, at Section 3(f), and is further amended by deleting the term "insured institution" and "institution" each time they appear and inserting in lieu thereof the term "savings association".

(d) Section 413 of the National Housing Act (12 U.S.C. 1730f) relating to disclosures with respect to certain federally related mortgage loans is hereby transferred to and shall become a part of the Home Owners' Loan Act of 1933 as new Section 3(g) thereof and is further amended by replacing the words "insured institution" and "institution," wherever they appear in that section with the words "savings associations".

(e) Section 414 of the National Housing Act (12 U.S.C. 1730g) relating to state usury override for certain loans is hereby transferred to and shall become a part of the Home Owners' Loan Act of 1933 as new Section 3(h) hereof and is further amended by:

(1) replacing the terms "insured institution" and "institution," wherever they appear in that section, with the term "savings association"; and

(2) deleting the words "(which, for the purpose of this section, shall include a Federal association the deposits of which are insured by the Federal Deposit Insurance Corporation)".

(f) Section 403 of the National Housing Act (12 U.S.C. 1726(b)) relating to the form and maturity of securities is hereby transferred to and shall become a part of the Home Owners' Loan Act of 1933 as a new section 3(i) hereof to provide as follows:

"(i) No savings association shall issue securities which guarantee a definite maturity except with the specific approval of the System, or issue any securities the form of which has not been approved by the System.".

SEC. 303. APPLICABILITY.—The Home Owners' Loan Act of 1933, as amended, is further amended by adding new section 4 as follows:

"SEC. 4. APPLICABILITY.—(a) The following sections of this Act apply to all savings associations: sections 3, 5(d), 5(f), 5(i), 5(o), 5(p), 5(q), 5(s), 5(t), 5(u), 5(v), 6, 7, 9, 10, 11, and 12.

"(b) The following sections of this Act apply to Federal savings associations: sections 5(b), 5(c), 5(e), 5(g), 5(h), 5(j), 5(l), 5(m), 5(n), 5(r), and 8.".

SEC. 304. CONFORMING NAME CHANGES.—Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) is hereby amended, as follows:

(1) Except as otherwise provided in this section, all references to "association," "Federal association," or "Federal savings and loan association" shall be replaced with "Federal savings associations," in the following subparts: 5 (b), (c), (g), (h), (i), (j), (l), (n), (p), and (r), (12 U.S.C. 1464 (b), (c), (g), (h), (i), (j), (l), (n), (p), and (r), respectively).

(2) All references to "association" shall be replaced with "savings association," in the following subparts: (5) (d), (f), (k), (o), (q), and (s) (12 U.S.C. 1464 (d), (f), (k), (o), (q), and (s), respectively).

(3) The following miscellaneous changes and exceptions to the foregoing portions of this section are as follows:

(A) References to "associations" in subsections 5(c)(1) (D) and (F) (12 U.S.C. 1464(c)(1) (D), (F)) shall remain unchanged.

(B) References to "savings and loan association" in subpart 5(c)(1)(R) (12 U.S.C. 1464(c)(1)(R)) shall be amended by deleting "and loan."

(C) References to "association" in subparts 5(i)(3)(A)(iv)-(v) and 5(i)(3)(B)(ii) (12 U.S.C. 1464(i)(3)(A)(iv)-(v), (B)(ii)) shall be replaced with "savings associations."

(D) The reference to "building and loan" in subpart 5(m) (12 U.S.C. 1464(m)) shall be replaced with "savings."

(E) The reference to "mutual savings and loan association" in subpart 5(p)(1) (12 U.S.C. 1464(p)(1)) shall be replaced with "mutual savings association."

(F) The reference to "domestic building and loan association" in subpart 5(r)(1) (12 U.S.C. 1464(r)(1)) shall remain unchanged.

SEC. 305. SAFETY AND SOUNDNESS.—Section 5(a) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(a)), is hereby amended by inserting after the words "credit for housing" the words "consistent with the safe and sound operation of Federal savings associations".

SEC. 306. DEPOSITS.—Section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(c)), is hereby amended by revising paragraph (c)(1)(G) to read as follows:

"(G) DEPOSITS.—Investments in time deposits, savings accounts certificates, or accounts of any financial institution, the deposits of which are insured by the Federal Deposit Insurance Corporation."

SEC. 307. SUPERVISORY REVISIONS.—(a) Section 5(d) of the Home Owners' Loan Act is amended by deleting paragraphs 2 through 5, 7 through 10, 12(a), 13 and 15.

(b) Section (5)(d)(1) of the Home Owners' Loan Act of 1933 shall be hereby redesignated as (5)(d)(1)(A).

(c) Section 407(m) of the National Housing Act (12 U.S.C. 1730(m)) is hereby transferred to and shall become a part of the Home Owners' Loan Act of 1933, as amended, at section (5)(d)(1)(B) and is further amended by substituting the term "savings association" for the terms "institution" and "insured institution", and the term "savings associations" for the terms "institution" and "insured institutions", deleting the phrase "on behalf of the Corporation" and substituting the term "System" for "Corporation" everywhere else it appears and is further amended by redesignating paragraphs (m)(1) through (m)(4) as clauses (5)(d)(1)(B)(i) through (5)(d)(1)(B)(iv) respectively.

SEC. 308. RECEIVERSHIPS.—Section 5(d)(6) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(6)) is redesignated as Section 5(d)(2) and is hereby amended:

(1) by deleting the words "the Federal Savings and Loan Insurance Corporation or" from subparagraph (B) thereof;

(2) Subsections (C), (D), and (E) of section 5(d)(2) as redesignated of the Home Owners' Loan Act of 1933 are hereby redesignated as (D), (E), and (F) and a new subsection (C) is added to read as follows:

"(C) Notwithstanding any other provision of law, State or Federal, or the constitution of any State, or of this section, the System shall have power and jurisdiction to appoint the Federal Deposit Insurance Corporation as sole conservator or receiver of an insured State savings association, in the event that the System determines that any of the following grounds for the appointment of a

conservator or receiver exist with respect to such financial institution:

"(i) insolvency in that the assets of the financial institution are less than its obligations to its creditors and others,

"(ii) substantial dissipation of assets or earnings due to any violation or violations of law, rules, or regulations, or to any unsafe or unsound practice or practices, or

"(iii) an unsafe or unsound condition to transact business.

"(B) In such cases the Federal Deposit Insurance Corporation shall have powers and duties specified in subsection (c) and in subsection (1) of section 11 of the Federal Deposit Insurance Act.

"(C)(i) The authority conferred by this paragraph (2) shall not be exercised without the written approval of the State official having jurisdiction over the insured State financial institution that the grounds specified for such exercise exist.

"(ii) If such approval has not been received within 30 days of receipt of notice to the State that the System has determined such grounds exist, and the System has responded in writing to the State's written reasons, if any, for withholding approval, then the System may proceed without State approval."

(3) by deleting the words "Federal Savings and Loan Insurance Corporation" from redesignated subparagraph (E) thereof and substituting the words "Federal Deposit Insurance Corporation"; and

(4) by deleting the last sentence of redesignated subparagraph (E) thereof.

SEC. 309. TECHNICAL AMENDMENT.—Section 5(d)(11) of the Home Owners' Loan Act of 1933 is redesignated as Section 5(d)(3).

SEC. 310. TECHNICAL AMENDMENT.—Section 5(d)(12) of the Home Owners' Loan Act of 1933 is redesignated as (5)(d)(4) and is further amended by redesignating existing paragraph (A) and (B) as (B) and (C) respectively.

SEC. 311. AMENDMENT TO SECTION.—Section 5(d)(14) of the Home Owners' Loan Act of 1933 is redesignated as Section 5(d)(5) and is amended to read as follows:

"(3)(A) As used in this subsection, the term "savings association" includes any former savings association that retains deposits insured by the Federal Deposit Insurance Corporation notwithstanding termination of its status as an institution insured by such corporation and any Federal savings bank whose deposits are insured by the Federal Deposit Insurance Corporation, and any former Federal savings bank that retains deposits insured by the Federal Deposit Insurance Corporation notwithstanding termination of its status as an insured bank.

"(B) References in this subsection to savings account holders and to members of savings associations shall be deemed to be references to holders of withdrawable accounts in savings institutions over which the System has any statutory power of examination or supervision as provided in this paragraph, and references therein to boards of directors of savings associations shall be deemed to be references to boards of directors or other governing boards of such associations. The System shall have power by regulation to define, for the purpose of this paragraph, terms used or referred to in the preceding sentence and other terms used in this subsection.".

SEC. 312. TECHNICAL AMENDMENT.—Section 5(d)(16) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(16) is redesignated as section 5(d)(6) (12 U.S.C. 1464(d)(6)).

SEC. 313. CONVERSIONS.—Section 5(i) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(i)) is hereby amended by deleting paragraph (2) and inserting in lieu thereof the following:

"(2)(A) No savings association may convert from the mutual to the stock form, or from the stock form to the mutual form, except in accordance with the rules and regulations of the System.

"(B) Any aggrieved person may obtain review of a final action of the Federal Home Loan Bank System which approves, with or without conditions, or disapproves a plan of conversion pursuant to this subsection only by complying with the provisions of subsection (d) of section 10 of this Act within the time limit and in the manner therein prescribed, which provisions shall apply in all respects as if such final action were an order the review of which is therein provided for, except that such time limit shall commence upon publication of notice of such final action in the FEDERAL REGISTER or upon the giving of such general notice of such final action as is required by or approved under regulations of the System, whichever is later.

"(C) Any Federal savings association may change its designation from a Federal savings and loan association to a Federal savings bank, or the reverse.".

SEC. 314. CAPITAL STANDARDS.—Section 5 of the Home Owners' Loan Act of 1933 as amended (12 U.S.C. 1464) is hereby further amended by adding the following new subsection (t) at the end thereof to read as follows:

"(t)(1) Not later than 90 days after enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Chairman shall by regulation establish uniformly applicable capital standards for savings associations. Such standards shall be not less stringent than the capital standards applicable to national banks, provided that any deviation from such standards shall not result in materially lower capital standards than are applicable to national banks; Provided that the standard may include, as a component of capital, goodwill (limited to goodwill existing on the date of the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989) to be amortized on a straight-line basis over a ten-year period or over such shorter period as may be determined by the Chairman with the concurrence of the Secretary of Treasury. For purposes of determining such capital adequacy, the savings association's entire investment in, and loans to, any subsidiary engaged in activities not permissible for a national bank shall be deducted from the capital of the savings association. In any event, any investments in, and loan to, a subsidiary engaged solely in mortgage banking activities shall not be deducted from the capital of the associations. The standards established under the subsection shall include all relevant substantive definitions established by the appropriate Federal banking agency for national banks. The Chairman shall prescribe a timetable for the implementation of these capital standards that requires their full implementation by no later than June 1, 1991.

"(2) Until June 1, 1991, the Chairman may restrict the asset growth of any savings association not in compliance with capital standards established pursuant to this subsection. After June 1, 1991, the Chairman shall prohibit the asset growth of any savings association or class of savings associations not in compliance with capital standards established pursuant to this subsection. The Chairman may restrict the asset growth of any savings association that the Chairman determines is taking excessive risks or is paying excessive rates for deposits."

"(3) For purposes of this subsection, the term "national bank" shall have the same meaning as it has in section 3(d) of the Federal Deposit Insurance Act (12 U.S.C. 1813(d))."

SEC. 315. TECHNICAL AMENDMENT.—Section 8 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1466a), is hereby amended by replacing all references to "association" with "savings association", except with respect to references to "Federal savings and loan association", which shall be replaced with "Federal savings association."

SEC. 316. REPEAL.—Section 9 of the Home Owners' Loan Act of 1933 as amended (12 U.S.C. 1467) is repealed.

SEC. 317. Recovery Regulations Repealed.—(a) Section 10 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1467a) is hereby repealed effective on the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, provided that associations that had entered into a plan approved by the Federal Home Loan Bank Board shall be grandfathered hereunder as long as the association adheres to the plan and continues to submit to the Chairman of the Federal Home Loan Bank System regular and complete reports on the association's progress in meeting the association's goals under the plan.

(b) Section 416 of the National Housing Act (12 U.S.C. 1730i) is hereby repealed effective on the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, provided that insured institutions which had entered into a plan approved by the Federal Savings and Loan Corporation shall be grandfathered hereunder as long as the insured institution adheres to the plan and continues to submit to the Chairman of the Federal Home Loan Bank System regular and complete reports on the insured institutions progress in meeting the insured institutions goals under the plan. For the purpose of this section, the term 'insured institution' shall have the same meaning as in 12 U.S.C. 1730a(a)(1)(A).

SEC. 318. COST OF EXAMINATION AND REPORTS.—A new Section 9 is added to the Home Owners' Loan Act of 1933 as amended to read as follows:

"SECTION 9. EXPENSES OF EXAMINATIONS OF SAVINGS ASSOCIATIONS OR AFFILIATES.—(a) The expense of examination of savings associations provided for by section 5 of this chapter shall be assessed by the Chairman upon savings associations in proportion to their assets or resources.

"(b) The expense of examinations of an affiliate of a savings association provided for by this Act may be assessed by the Chairman upon the affiliates examined in proportion to assets or resources held by the affiliates on the dates of such examination.

"(c) If any affiliate shall refuse to pay such expense, or other expense imposed pursuant to this section, or shall fail to do so within sixty days after the date of such assessment, then such expenses may be assessed against the affiliated savings association and when so assessed, shall be paid by such association; *Provided however*, That, if the affiliation is with two or more savings associations or affiliates, such expenses may be assessed against, and collected from, any or all of such savings associations in such proportions as the Chairman prescribe.

"(d) If any affiliate of a savings association shall refuse to permit an examiner to make an examination of the affiliate or shall refuse to give any information required in the course of any examination, the savings association with which it is affiliated shall be subject to a penalty of not more than $25,000 for each day that any such refusal shall continue. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the Corporation may, in its discretion, assess a penalty of not more than $1,000,000 per day for each day during which such violation continues. Such penalty may be assessed by the Chairman, and collected for the use of the System and deposited in the same manner as expenses of examinations.

"(e) The Funds derived from such assessments may be deposited by the Chairman as provided in sections 1439 and 1439a, as amended, of this title, or upon the approval of the Secretary of the Treasury, in any Federal Reserve Bank or other Government depository under the same provisions as apply in section 192 of this title to the Comptroller of the Currency. The funds derived from such assessments shall not be construed to be Government or public funds or appropriated monies.

"(f) The Chairman, is authorized and empowered to prescribe regulations governing the computation and assessment of the expenses of examinations herein provided for and the collection of such assessments from the savings associations of affiliates examined.

"(g) In addition to the expense of examination to be assessed by the Chairman, as provided in this section, all savings associations exercising fiduciary powers and all savings associations or similar institutions in the District of Columbia exercising fiduciary powers, shall be assessed by the Chairman for the examination of their fiduciary activities a fee adequate to cover the expenses thereof, and which fee shall be treated, paid, and deposited in the same manner as an assessment for expenses of examination provided for in this section.

"(h) In addition to the expense of examinations to be assessed by the Chairman in accordance with paragraphs (a) and (b), savings associations or affiliates of savings associations examined more frequently than twice in one calendar year shall be assessed the expense of those additional examinations. Funds from such assessment shall be treated, paid, and deposited in the same manner as an assessment for expenses of examination provided for in this section.

"(i) All savings associations and affiliates shall provide the System with access to any information or report with respect to any examination made by any public regulatory authority and furnish any additional information with respect thereto as the System may require.".

SEC. 319. SAVINGS AND LOAN HOLDING COMPANIES.—Section 408 of the National Housing Act (12 U.S.C. 1730a) is hereby transferred to and shall become new section 10 of the Home Owners' Loan Act of 1933, as amended, and is further amended as follows:

(1) by deleting the words "insured and institution", "insured institutions", and "institution" wherever they occur and inserting in lieu thereof "savings association", "savings associations" and "association", respectively;

(2) by deleting the word "Corporation" wherever it occurs and inserting in lieu thereof "System";

(3) by deleting all references to subsection (m) and section 1729(f) of this title wherever they occur and inserting in lieu thereof "section 1823(c) of this title" and "section 1823(k) of this title", respectively;

(4) by deleting subparagraph (a)(1)(A) and inserting in lieu thereof the following:

"(A) "savings association" means a Federal savings and loan association or Federal savings bank, a building and loan, savings and loan or homestead association, a cooperative bank or a state savings bank that is a member of the Savings Association Insurance Fund, the deposits of which are insured by the Federal Deposit Insurance Corporation, and shall include a savings bank which is deemed by the System to be a savings association under subsection (m)";

(5) by deleting subparagraph (a)(1)(B) and inserting in lieu thereof the following:

"(B) "uninsured institution" means any financial institution the deposits of which are not insured by the Federal Deposit Insurance Corporation;";

(6) by striking out "and" at the end of subparagraph (a)(1)(K) thereof; by striking out the period at the end of subparagraph (a)(1)(L) thereof and inserting in lieu thereof a semicolon; and by adding a new subparagraph (a)(1)(M) to read as follows:

"(M) "System" means the Federal Home Loan Bank System and";

(7) by deleting subsections (d), (g), (m), (p), (t), by redesignating subsections (h), (i), (j), (k), (l), (n), (o), (q), (r) and (s) as paragraphs (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q), respectively, and by inserting the following new subsection (d) to read as follows:

"(d) TRANSACTIONS WITH AFFILIATES.—Transactions between any subsidiary savings associations of a savings and loan holding company and any affiliate (of such savings association subsidiary) shall be subject to the limitations and prohibitions specified in section 11 of this Act.";

(8) by deleting paragraph (e)(4) thereof and by redesignating paragraph (e)(5) as new paragraph (e)(4);

(9) by amending subsection (2)(i) by striking out "(A), except with the prior approval of the Board, to serve at the same time as a director, officer, or employee of an insured institution or another savings and loan holding company, not a subsidiary of such holding company, or (B)", and inserting a comma in lieu thereof;

(10) by deleting paragraph (4) of redesignated subsection (n) and inserting in lieu thereof the following:

"(4) FAILURE TO ACHIEVE AND MAINTAIN QTL STATUS.—

"(A) A savings association that fails to achieve or maintain its status as a qualified thrift lender shall, within three years of the date on which the association loses its status as a qualified thrift lender, convert its charter to one or more bank charters, unless during the one year period following the date it loses its status as a qualified thrift lender, the association becomes a qualified thrift lender and does not thereafter lose its status as a qualified thrift lender.

"(B) Until such conversion is complete, such savings association shall not:

"(i) after three years from the date it loses its qualified thrift lender status, be eligible to obtain advances from any Federal Home Loan Bank and shall repay any outstanding advances promptly;

"(ii) expand its activities beyond those conducted on the date the savings association loses its status as a qualified thrift lender;

"(iii) open any additional branch offices; or

"(iv) after three years from the date it loses its qualified thrift lender status, engage directly or through a subsidiary in an activity unless such activity is permissible for either a bank or a state bank (other than a savings bank) located in the State in which the association is located.

"(C) Any company that controls a savings association identified in paragraph (A) shall, after three years following the date on which the savings association loses its status as a qualified thrift lender, be subject to all of the provisions of the Bank Holding Company Act of 1956, as amended, and other applicable statutes as if the company were a bank holding company and the savings association were a bank as those terms are defined in the Bank Holding Company Act of 1956, as amended.

"(D) Any bank chartered as a result of the requirements of this section shall be obligated until December 31, 1993, to pay the assessments assessed on savings associations under the Federal Deposit Insurance Act. Such institution shall also be assessed the exit fee provided in section 5(d)(2) of the Federal Deposit Insurance Act.

"(E) as used in this subsection, "bank" shall mean a national member bank or a State bank (other than a savings bank), as defined in section 3 of the Federal Deposit Insurance Act."

(11) By deleting paragraph (7) of redesignated subsection (n).

SEC. 320. TRANSACTIONS WITH AFFILIATES; LOANS TO INSIDERS.—The Home Owners' Loan Act of 1933 as amended is further amended by adding at the end thereof the following new section 11:

"SECTION 11. TRANSACTIONS WITH AFFILIATES; LOANS AND EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS, DIRECTORS AND CONTROLLING PERSONS.—(a) Except to the extent that the System determines for reasons of safety and soundness that additional restrictions should apply the provisions of section 23A and section 23B of the Federal Reserve Act shall be applicable to every savings association in the same manner and to the same extent as if such savings association were a member bank as defined in that Act and for this purpose any company which would be an affiliate of a savings association for the purposes of section 23A and section 23B of the Federal Reserve Act if such savings association were a member bank as defined in that Act shall be deemed to be an affiliate of such savings association.

"(b) Except to the extent that the System determines for reasons of safety and soundness that additional restrictions should apply, the provisions of section 22(h) of the Federal Reserve Act relating to limits on loans and extensions of credit by a member bank to its executive officers or directors or to any person who directly or indirectly owns, controls, or has the power to vote more than 10 per centum of any class of voting securities of such member bank shall be applicable to every savings association in the same manner and to the same extent as if such savings association were a member bank as defined in that Act.

"(c) Violations of this section shall be enforced by the System in accordance with section 8 of this Federal Deposit Insurance Act.".

SEC. 321. ADVERTISING.—The Home Owners' Loan Act of 1933, as amended, is hereby amended by adding a new section 12 to read as follows:

SECTION 12. ADVERTISING.—No savings association shall carry on any sale, plan or practices, or any advertising, in violation of regulations promulgated by the System.".

TITLE IV—DISSOLUTION AND TRANSFER OF FUNCTIONS, PERSONNEL AND PROPERTY OF FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SEC. 401. DISSOLUTION.—Sixty days after enactment of this Act, except as otherwise provided in it, the Federal Savings and Loan Insurance Corporation, shall cease to exist and shall for all purposes be considered dissolved. Except as otherwise provided in this Act, after its enactment, all insurance and receivership functions previously performed by the Federal Savings and Loan Insurance Corporation shall be performed as appropriate, by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation. The Federal Deposit Insurance Corporation shall also have the power to take any action necessary on behalf of the Federal Savings and Loan Insurance Corporation in connection with its dissolution in accordance with this Act.

SEC. 402. CONTINUATION OF RULES.—(a) All rules, regulations and orders of the Federal Savings and Loan Insurance Corporation, or the Federal Home Loan Bank Board as operating head thereof, in effect on the date of enactment of this Act and relating to (i) the provision, rates, cancellation, or payment of insurance of accounts, (ii) administration of the insurance fund, or (iii) conduct of conservatorships or receiverships, including the handling of claims against receiverships, shall remain effective and enforceable by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, as appropriate, unless otherwise determined by the Federal Deposit Insurance Corporation after consultation with the Chairman of the Federal Home Loan Bank System.

(b) All other rules, regulations, and orders of the Federal Savings and Loan Insurance Corporation shall remain effective and enforceable by the Chairman of the Federal Home Loan Bank System.

(c) Within 60 days after enactment of this Act, the Chairman of the Federal Home Loan Bank System and the Chairman of the Federal Deposit Insurance Corporation shall identify the rules, regulations, and orders referred to in subsections (a) and (b) of this section in accordance with the allocation of authority between them under this Act and promptly publish notice thereof in the Federal Register.

(d) The Federal Deposit Insurance Corporation shall have the power to promulgate and enforce rules, regulations, or orders to prevent actions or practices of savings associations that pose a serious threat to the Savings Association Insurance Fund or the Bank Insurance Fund.

SEC. 403. PERSONNEL.—(a) The Chairman of the Federal Home Loan Bank System, jointly with the Chairman of the Federal Deposit Insurance Corporation, shall identify those employees of the Board and the Federal Savings and Loan Insurance Corporation who, on the date of enactment of this Act, were engaged in functions or activities (hereinafter, "functions") related primarily to the functions which are transferred from the Board and/or Federal Savings and Loan Insurance Corporation to the Federal Deposit Insurance Corporation. The employees so identified shall be entitled to the following rights:

(1) Each employee identified in a transferred function shall be transferred to the Federal Deposit Insurance Corporation for employment and shall be guaranteed a position. All Board and Federal Savings and Loan Insurance Corporation employees electing to transfer with their function shall be transferred to the Federal Deposit Insurance Corporation no later than 60 days after the date of enactment of this Act. For purposes of determining assignment rights, any transfer from the Board and/or Federal Savings and Loan Insurance Corporation to the Federal Deposit Insurance Corporation shall be deemed to be a transfer of function as defined by the regulations promulgated by the Office of Personnel Management pursuant to 5 U.S.C. 3503 and transferring employees shall be entitled to all rights and benefits under the regulations promulgated by the Office of Personnel Management pursuant to 5 U.S.C. 3502. All Board and Federal Savings and Loan Insurance Corporation employees who agree to transfer with their functions shall be placed in a competitive area of their own at Federal Deposit Insurance Corporation separate and apart from the competitive areas in existence at Federal Deposit Insurance Corporation for purposes of placement under this section. In placing transferring employees under 5 CFR 351 procedures, Federal Deposit Insurance Corporation may provide for the assignment of a transferred employee in an excepted service position to a position in the competitive service. In addition Federal Deposit Insurance Corporation may elect to bring into the competitive service any or all excepted service positions tranferred from the Board or Federal Savings and Loan Insurance Corporation. Transferring employees who are in the excepted service and are placed by Federal Deposit Insurance Corporation in a competitive service position will have their appointments converted to career or career conditional in accordance with 5 CFR 315.701. Transferring employees shall receive notice of their assignment rights pursuant to 5 CFR 351 and this section no later than 90 days after the effective date of their transfer to Federal Deposit Insurance Corporation. Transferring employees shall be entitled to pay and grade retention in accordance with the principles reflected in the regulations promulgated by the Office of Personnel Management pursuant to 5 U.S.C. 5361-66.

(2) Any employee who declines to transfer with his or her function to the Federal Deposit Insurance Corporation shall be entitled to severance pay in accordance with the regulations promulgated by the Office of Personnel Management pursuant to 5 U.S.C. 5595 and shall be entitled to placement assistance under the Office of Personnel Management's Displaced Employee Program as defined at 5 CFR 330, Subpart C. Notwithstanding the foregoing, severance pay shall in no event be less than 90 days pay. All such severance pay shall be paid by the Federal Home Loan Bank System. Each employee in an excepted service position who declines to transfer shall be entitled to placement assistance under the Office of Personnel Management's Interagency Placement Assistance Program for a period of 120 days after receipt of their termination notice.

(3) A transferred Board or Federal Savings and Loan Insurance Corporation employee who declines an offer of employment by the Federal Deposit Insurance Corporation which is not considered a reasonable offer under regulations promulgated by the Office of Personnel Management pursuant to 5 U.S.C. 8336(d)(1) shall be entitled to the benefits specified in paragraph 2 of this subsection for employees declining to transfer and any such employee who is otherwise eligible shall be entitled to early optional retirement under 5 U.S.C. 8336(d)(2). Within one year after the transfer of functions to the Federal Deposit Insurance Corporation is completed, should Federal Deposit Insurance Corporation determine that a reorganization of the combined workforce is required, that reorganization shall be deemed a "major reorganization" for purposes of affording employees early optional retirement under 5 U.S.C. 8336(d)(2).

(4) Any employee accepting employment with the Federal Deposit Insurance Corporation as a result of this transfer may retain any benefit of or continue membership in any employee benefit program of the Federal Home Loan Bank Board, including insurance, to which he or she belongs on the date of enactment of this Act, provided the employee does not elect to give up the benefit or membership in the program and further provided the benefit or program is continued by the Federal Home Bank System. The difference in the costs between the benefits which would have been provided by the Federal Deposit Insurance Corporation and those provided by this section shall be paid by the Federal Home Loan Bank System.

SEC. 404. DIVISION OF PROPERTY AND PERSONNNEL.—Within 60 days after enactment of this Act, the Chairman of the Federal Home Loan Bank System, jointly with the Chairman of the Federal Deposit Insurance Corporation, shall divide between the Federal Home Loan Bank System and the Federal Deposit Insurance Corporation in accordance with the division of responsibilities effected by this Act, all personnel and all property of the Federal Savings and Loan Insurance Corporation previously employed to perform its functions and those of the Federal Home Loan Bank Board. Any disagreement between them in so doing shall be resolved by the Director of the Office of Management and Budget.

SEC. 405. REPEALS.—Except as otherwise provided in this Act, sections 401, 402, 403, 404, 405, 406, 407, 411, 415, and 416 of the National Housing Act are hereby repealed.

SEC. 406. REPORT.—Immediately prior to its dissolution, the Federal Savings and Loan Insurance Corporation shall provide by written report to the Secretary of the Treasury, the Director of the Office of Management and Budget and to the Congress, a final accounting of its finances and operations, and shall thereafter cease operations.

TITLE V—FINANCING FOR THRIFT RESOLUTIONS

Subtitle A—Resolution Trust Corporation

SEC. 501. RESOLUTION TRUST CORPORATION ESTABLISHED.—

The Federal Home Loan Bank Act (12 U.S.C. 144 et seq.) is hereby amended by inserting after section 21 the following new section:

"SECTION 21a. RESOLUTION TRUST CORPORATION ESTABLISHED.—ESTABLISHMENT.—(a) There is hereby established the Resolution Trust Corporation (hereinafter in this section also referred to as the Corporation) with the powers, authorities and purposes herein provided. The Oversight Board and the Corporation shall not be an "agency" or "executive agency" for purposes of title 5, United States Code.

(b) PURPOSES.—(1) The purpose of the Corporation shall be to carry out a program, under the direction of the Oversight Board, to manage and resolve all cases involving institutions, the accounts of which were insured by the Federal Savings and Loan Insurance Corporation, prior to enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, for which a receiver or liquidating conservator has been appointed or is appointed within the three-year period following the date of the enactment of that Act; to manage the assets of the Federal Asset Disposition Association; and to perform such other functions as authorized under this Act. In its resolution activities, the Resolution Trust Corporation is authorized to take warrants, voting and nonvoting equity, or other participation interests in resolved institutions or assets or properties acquired in connection with resolution.

"(2) In carrying out its obligations, the Corporation shall possess all of the rights and powers provided in Sections 11, 12 or 13 of the Federal Deposit Insurance Act, or otherwise granted herein; provided that it shall not have the power to obligate the Federal Deposit Insurance Corporation or its funds (except as otherwise specifically provided); and in connection with providing assistance to or liquidating or otherwise resolving an institution as provided above, it shall consider and be subject to the limitations set forth in Section 13(c)(4) of the Federal Deposit Insurance Act.

"(c) OVERSIGHT BOARD.—

"(1) MEMBERSHIP.—The Oversight Board of the Resolution Trust Corporation, which shall serve as the board of directors thereof, shall consist of three members: the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the Attorney General of the United States, or their respective designees.

"(2) CHAIRMAN.—The Chairman of the Oversight Board shall be the Secretary of the Treasury.

"(3) TERMS OF OFFICE, SUCCESSION, DELEGATION, VACANCIES.—The term of each member of the Oversight Board shall expire when the Resolution Trust Corporation is terminated. Vacancies on the Oversight Board shall be filed in the same manner as the vacant position was previously filled.

"(4) COMPENSATION.—Members of the Oversight Board shall receive reasonable allowances for necessary expenses of travel, lodging, and subsistence incurred in attending meetings and other activities of the Oversight Board, as set forth in the bylaws issued by the Oversight Board, except that such level shall not exceed the maximum fixed by subchapter 1 of chapter 57 of title 5, United States Code, for officers and employees of the United States.

"(5) DUTIES.—The Oversight Board shall review and have overall responsibility over the work, progress, management and activities of the Resolution Trust Corproation and may disapprove, in its discretion, any and all regulations, policies, procedures, guidelines, statements, contracts, and other actions of the Resolution Trust Corporation and shall approve or disapprove, in its discretion, any and all agreements for the purchase of assets and assumption of liabilities, any and all agreements for the acquisition, consolidation or merger, or any other transaction proposed by the Resolution Trust Corporation by which any person or entity will acquire an institution subject to the provisions of this title.

"(6) QUORUM REQUIRED.—A quorum shall consist of two members of the Oversight Board and all decisions of the Board shall require an affirmative vote of at least a majority of the members voting.

"(7) The Oversight Board is authorized to employ such staff as it deems necessary and appropriate to fulfill its obligations under this Act, which shall be subject to the terms and conditions of employment applicable to the Resolution Trust Corporation, provided however that the Oversight Board as it considers necessary shall utilize the personnel of the agencies of the three members of the Oversight Board, without additional compensation to carry out the Oversight Board's staff functions.

"(8) RULES AND RECORDS.—The Oversight Board shall adopt such rules as it may deem appropriate for the transaction of its business and the accomplishment of its duties hereunder, and shall keep permanent and accurate records of its acts and proceedings.

"(d) CHIEF EXECUTIVE OFFICER.—A chief executive officer of the Resolution Trust Corporation shall be selected by the Oversight Board and shall serve at the pleasure of the Board.

"(e) CORPORATE POWERS.—The Resolution Trust Corporation shall be a body corporate that shall have the power to—

"(1) operate under the direction of the Oversight Board;

"(2) adopt, alter, and use a corporate seal, which shall be judicially noted;

"(3) issue capital certificates as provided in this Act;

"(4) provide for one or more vice presidents, a secretary, a treasurer and such other officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

"(5) subject to the approval of the Oversight Board, hire, promote, compensate, and discharge officers and employees of the Resolution Trust Corporation, without regard to title 5, United States Code, provided that compensation and benefits of such employees shall be consistent with those of the Federal Deposit Insurance Corporation;

"(6) prescribe by the Oversight Board its bylaws that shall be consistent with law and that shall provide for the manner in which—

"(A) its officers, employees, and agents are selected;

"(B) its property is acquired, held and transferred;

"(C) its general operations are to be conducted; and

"(D) the privileges granted by law are exercised and enjoyed.

"(7) with the consent of any executive department or agency, use the information, services, staff, and facilities of such in carrying out this title;

"(8) enter into contracts and make advance, progress, or other payments with respect to such contracts;

"(9) acquire, hold, lease, mortgage, or dispose of, at public or private sale, real and personal property, and otherwise exercise all the usual incidents of ownership of property necessary and convenient to its operations;

"(10) obtain insurance against loss;

"(11) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this title;

"(12) deposit its securities and its current funds under the terms and conditions applicable to the Federal Deposit Insurance Corporation under section 13(b) of the Federal Deposit Insurance Act and pay fees therefor and receive interest thereon as may be agreed; and

"(13) exercise such other powers as set forth in this title, and such incidental powers as are necessary to carry out its powers, duties and functions in accordance with this title.

"(f) SPECIAL POWERS.—

"(a) IN GENERAL.—The Resolution Trust Corporation is authorized—

"(1) to enter into contracts with the Federal Deposit Insurance Corporation and with such other persons or entities, public and private, as it deems advisable and necessary in order to manage the institutions for which it is responsible and their assets; provided, however, that the Federal Deposit Insurance Corporation shall be the primary manager of the Resolution Trust Corporation, in accordance with an agreement between the Federal Deposit Insurance Corporation and the Oversight Board, except in such case where the Oversight Board shall specifically contract with another person or entity on a case by case basis; provided further that all contracts with persons or entities other than the Federal Deposit Insurance Corporation must be subject to a competitive bid process;

"(2) to set the policy on credit standards to be used by the institution for which it is responsible;

"(3) to require a merger or consolidation of an institution for which it is responsible;

"(4) to organize one or more Federal mutual savings associations, which shall be chartered by the Federal Home Loan Bank System and the deposits of which shall be insured by the Federal Deposit Insurance Corporation through the Savings Association Insurance Fund;

"(5) to review and analyze all insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation since January 1, 1988, through the date of enactment of this Act, and to actively review all means by which it can reduce costs under existing Federal Savings and Loan Insurance Corporation agreements, including through the exercise of rights to restructure such agreements, subject only to the monitoring of the Oversight Board. The Corporation shall report to the Oversight Board the results and conclusions of its examination, and thereafter the Corporation, as permitted by the terms of any resolution agreement and upon the express concurrence of the Oversight Board, shall restructure such agreements where savings would be realized therefrom, the costs of which restructuring shall be a liability of the Corporation;

"(6) to exercise all resolution powers and activities authorized to be exercised by the Federal Deposit Insurance Corporation under the Federal Deposit Insurance Act and the Federal Savings and Loan Insurance Corporation under title IV of the National Housing Act including but not limited to the powers and authorities with respect to receiverships or conservatorships, to engage in assistance transactions, to collect indebtedness, to enforce liabilities and obligations, and to exercise the incidental powers and authorities provided the Federal Deposit Insurance Corporation all of which may be performed and exercised by the Corporation under this section as may be necessary to fulfill its obligations and duties under this Act; and

"(7) to take such other incidental powers as the Resolution Trust Corporation deter-

mines as may be necessary to carry out the purposes of this title.

"(g) INSTITUTIONS MANAGED BY THE CORPORATION.—

"(1) All insured savings associations organized by the Corporation under this section shall be subject to such limitations, restrictions, and conditions as determined by the Corporation with respect to the following activities:

"(A) growth of assets;

"(B) lending activities;

"(C) asset acquisitions (except as necessary to serve its existing customer base with residential mortgages or consumer loans;

"(D) use of brokered deposits; and

"(E) payment of deposit rates.

"(2) All insured savings associations organized by the Corporation under this section shall be subject to all laws, rules, and regulations otherwise applicable to them as insured savings associations.

"(3) Any insured savings association organized by the Corporation under this section that holds deposits insured by the Federal Deposit Insurance Corporation shall continue to be subject to supervision by the Federal Home Loan Bank System and Federal Deposit Insurance Corporation as othewise provided by law.

"(h) FADA.—The Corporation shall convert the Financial Asset Disposition Association to a corporation or other business entity and sell such other corporate entity or business entity, or wind down such Association or dissolve it no later than 180 days after the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; provided that in connection with any such sale, no contract rights to manage savings association resolution shall be transferred.

"(i) CAPITAL CERTIFICATES.—The Resolution Trust Corporation shall be authorized to issue capital certificates to the Resolution Funding Corporation consistent with the provisions of section 21b of this Act.

(i) IN AUTHORIZATION TO ISSUE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Resolution Trust Corporation is hereby authorized to issue to the Resolution Funding Corporation nonvoting capital certificates.

"(2) REQUIREMENT RELATING TO THE AMOUNT OF CERTIFICATES.—The amount of certificates issued by the Resolution Trust Corporation under paragraph (A) shall be equal to the aggregate amount of funds provided by the Resolution Funding Corporation to the Resolution Trust Corporation under section 21b of the Federal Home Loan Bank Act.

"(3) CERTIFICATES MAY BE ISSUED ONLY TO THE RESOLUTION FUNDING CORPORATION.—Capital certificates issued under subparagraph (A) may be issued only to the Resolution Funding Corporation in the manner and to the extent provided in section 21 of the Federal Home Loan Bank Act and this subsection.

"(4) NO DIVIDENDS.—The Resolution Trust Corporation shall pay no dividends on any capital certificates issued under this paragraph.

"(j) EXEMPTION FROM TAXATION.—The Resolution Trust Corporation, the capital, reserves, and surplus thereof, and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation except taxes on real estate held by the Resolution Trust Corporation, according to its value as other similar property held by other persons is taxed.

"(k) TERMINATION.—

"(1) RESOLUTION TRUST CORPORATION.—The Resolution Trust Corporation shall terminate five years after the date of enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(2) CASE RESOLUTIONS.—Simultaneously with the termination of the Resolution Trust Corporation as provided in subsection (1), all assets and liabilities of the Corporation would be transferred to the FSLIC Resolution Fund to be managed by the Federal Deposit Insurance Corporation with the proceeds of the net assets being provided to the Resolution Funding Corporation."

"(l) POWER TO REMOVE: JURISDICTION.—Notwithstanding any other provision of law, any civil action, suit or proceeding to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the United States District Courts shall have original jurisdiction over such. The Resolution Trust Corporation may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States District Court for the District of Columbia, or if the action, suit or proceeding arises out of the actions of the Corporation with respect to an institution for which a receiver or liquidating conservator has been appointed, the United States District Court for the district where the institution is located.

"(m) GUARANTEES OF FSLIC.—(1) Guarantee issued by the Federal Savings and Loan Insurance Corporation after January 1, 1989, and before the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, made in connection with loans made to savings associations extended by the Federal Reserve Banks and Federal Home Loan Banks (the "Lenders") and guaranteed by the Federal Savings and Loan Insurance Corporation during such period, shall be operation of law and without further action by the Federal Home Loan Bank System, the Federal Savings and Loan Insurance Corporation, or any court, become and be converted into obligations, entitlements, and instruments of the Corporation.

(2) Obligations under the guarantees to the Lenders, assumed by the Corporation under (1) above, shall be paid by the Corporation one year after the date of enactment of this title, to the extent that the loans referred to in (1) above have not previously been paid, using any funds or other assets available to the Corporation; and, in any event, the Corporation shall draw upon the resources available to it through borrowing by Resolution Funding Corporation.

"(n) ISSUE REGULATIONS.—The Corporation may issue such regulations, policies, procedures, guidelines or statements as that Corporation considers necessary or appropriate to carry out this title, all of which shall be promulgated and enforced without regard to subchapter II of chapter 5 of title 5, United States Code.

"(o) BORROWING.—The Corporation is authorized to borrow from the Treasury, and the Secretary of the Treasury authorized and directed to loan to the Corporation on such terms as may be fixed by the Secretary of the Treasury not exceeding in the aggregate $5,000,000,000 outstanding at any one time. Provided, That each such loan shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such loan: For purposes of this subsection, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are hereby extended to include such loans.

Subtitle B—Resolution Funding Corporation

SEC. 502. RESOLUTION FUNDING CORPORATION ESTABLISHED.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is hereby amended by inserting after new section 21a the following new section:

"SECTION 21b. RESOLUTION FUNDING CORPORATION ESTABLISHED.—(a) PURPOSE. The purpose of the Resolution Funding Corporation is to provide funds to the Resolution Trust Corporation in order for that corporation to carry out its purposes under this Act.

"(b) ESTABLISHMENT.—Notwithstanding any other provision of law and not later than five days after the enactment of this title, the Chairman of the Federal Home Loan Bank System shall be authorized to and shall charter a corporation to be known as the Resolution Funding Corporation (hereinafter referred to in this Act as the 'Funding Corporation').

"(c) MANAGEMENT OF THE FUNDING CORPORATION.—

"(1) DIRECTORATE.—The Funding Corporation shall be under the management of a directorate composed of three members as follows:.

"(A) The director of the Office of Finance of the Federal Home Loan Banks (or the head of any successor office to such office); and

"(B) Two members selected by the Oversight Board from among the presidents of the Federal Home Loan Banks.

"(2) TERMS.—Of the two members appointed under (1)(b) with respect to initial terms, one shall be appointed for a term of two years and one shall be appointed for a term of three years, and thereafter, each member appointed under paragraph (1)(b) shall be appointed for a term of three years.

"(3) VACANCY.—If any member leaves the office in which such member was serving when appointed to the Directorate—

"(A) such member's service on the Directorate shall terminate on the date such member leaves such office; and

"(B) the successor to the office of such member shall serve the remainder of such member's term.

"(4) EQUAL REPRESENTATION OF BANKS.—No president of a Federal Home Loan Bank may be appointed to serve an additional term on the Directorate until such time as the presidents of each of the other Federal Home Loan Banks have served as many terms on the Directorate as the president of such bank (before the appointment of such president to such additional term).

"(5) CHAIRPERSON.—The Oversight Board shall select the chairperson of the Directorate from among the three members of the Directorate.

"(6) STAFF.—

"(A) NO PAID EMPLOYEES.—The Funding Corporation shall have no paid employees.

"(B) POWERS.—The Directorate may, with the approval of the Chairman of the Federal Home Loan Bank System, authorize the officers, employees, or agents of the Federal Home Loan Banks to act for and on behalf of the Funding Corporation in such manner as may be necessary to carry out the functions of the Funding Corporation.

"(7) Administrative expenses, insurance costs and custodian fees.—

"(A) IN GENERAL.—All administrative expenses issuance costs (as defined in subsection (k)(4)) and custodian Fees (as defined in subsection (k)(5)) of the Funding Corporation shall be paid by the Federal Home Loan Banks.

"(B) PRO RATA DISTRIBUTION.—The amount each Federal Home Loan Bank shall pay shall be determined by the Oversight Board by multiplying the total administrative expenses, issuance costs and custodian fees for any period by the percentage arrived at by dividing—

"(i) the aggregate amount the Oversight Board required such bank to invest in the Funding Corporation (as of the time of such determination) under paragraphs (4) and (5) of subsection (e) (as computed without regard to paragraphs (3) or (6) of such subsection); by

"(ii) the aggregate amount the Oversight Board required all Federal Home Loan Banks to invest (as of the time of such determination) under such paragraphs.

"(C) ADMINISTRATIVE EXPENSES DEFINED.—For purposes of this paragraph, the term 'administrative expenses' does not include any interest on (and any redemption premium with respect to) any obligation of the Funding Corporation.

"(8) REGULATION BY OVERSIGHT BOARD.—The Directorate of the Funding Corporation shall be subject to such regulations, orders, and directions as the Oversight Board may prescribe.

"(9) NO COMPENSATION FROM FUNDING CORPORATION.—Members of the Directorate of the Funding Corporation shall receive no pay, allowances, or benefits from the Funding Corporation by reason of their service on the Directorate.

"(d) POWERS OF THE FUNDING CORPORATION.—The Funding Corporation shall have only the following powers, subject to the other provisions of this section and such regulations, orders, and directions as the Oversight Board may prescribe:

"(1) To issue nonvoting capital stock to the Federal Home Loan Banks;

"(2) To purchase capital certificates issued by the Resolution Trust Corporation under section 21a of this Act;

"(3) To issue debentures, bonds, or other obligations and to borrow, to give security for any amount borrowed, and to pay interest on (and any redemption premium with respect to) any such obligation or amount;

"(4) To impose assessments in accordance with subsection (e)(7);

"(5) To adopt, alter, and use a corporate seal;

"(6) To have succession until dissolved;

"(7) To enter into contracts;

"(8) To sue and be sued in its corporate capacity, and to complain and defend in any action brought by or against the Funding Corporation in any State or Federal court of competent jurisdiction; and

"(9) To exercise such incidental powers not inconsistent with the provisions of this section or section 21a(i) of the Federal Home Loan Bank Act as are necessary or appropriate to carry out the provisions of this section.

"(e) CAPITALIZATION OF THE FUNDING CORPORATION.—

"(1) IN GENERAL.—Purchase of capital stock by Federal Home Loan Banks. Each Federal Home Loan Bank shall invest in nonvoting capital stock of the Funding Corporation at such times and in such amounts as the Oversight Board may prescribe under this subsection.

"(2) PAR VALUE; TRANSFERABILITY.—Each share of stock issued by the Funding Corporation to a Federal Home Loan Bank shall have a par value in an amount determined by the Oversight Board and shall be transferable only among the Federal Home Loan Banks in the manner and to the extent prescribed by the Oversight Board at not less than par value.

"(3) MAXIMUM INVESTMENT AMOUNT LIMITATION FOR EACH FEDERAL HOME LOAN BANK.—The cumulative amount of funds invested in nonvoting capital stock of the Funding Corporation by each Federal Home Loan Bank shall not exceed the aggregate amount of—

"(A) the sum of—

"(i) the reserves maintained by such bank on December 31, 1988, pursuant to the requirement contained in the first two sentences of section 16 of this Act (12 U.S.C. 1436); and

"(ii) the undivided profits (as defined in paragraph (8) hereof) of such bank on such date; minus

"(iii) the amounts used to invest in the capital stock of the Financing Corporation pursuant to the requirement contained in section 21 of this Act (12 U.S.C. 1441); and

"(B) for the period December 31, 1988 through December 31, 1991, or such later date as necessary to fund the funding Corporation Principal Fund pursuant to this Act, the sum of—

"(i) the amounts added to reserves after December 31, 1988, pursuant to the requirement contained in the first two sentences of section 16 of this Act (12 U.S.C. 1436); and

"(ii) the undivided profits of such bank accruing after December 31, 1988; minus

"(iii) the amounts required to be used to invest in the capital stock of the Financing Corporation pursuant to the requirement contained in section 21 of this Act (12 U.S.C. 1441) after December 31, 1988.

"(4) PRO RATA DISTRIBUTION OF FIRST $1,000,000,000 INVESTED IN THE FUNDING CORPORATION BY THE FEDERAL HOME LOAN BANKS.—With respect to the first $1,000,000,000 which the Oversight Board may require the Federal Home Loan Banks to invest in capital stock of the Funding Corporation under this subsection, the amount which each Federal Home Loan Bank (or any successor to such bank) shall invest shall be determined by the Oversight Board by applying to the total amount of such investment by all such banks the percentage appearing in the following table for each such bank:

"Bank	Percentage
Federal Home Loan Bank of Boston	1.8629
Federal Home Loan Bank of New York	9.1006
Federal Home Loan Bank of Pittsburgh	4.2702
Federal Home Loan Bank of Atlanta	14.4007
Federal Home Loan Bank of Cincinnati	8.2653
Federal Home Loan Bank of Indianapolis	5.2863
Federal Home Loan Bank of Chicago	9.6886
Federal Home Loan Bank of Des Moines	6.9301
Federal Home Loan Bank of Dallas	8.8181
Federal Home Loan Bank of Topeka	5.2706
Federal Home Loan Bank of San Francisco	19.9644
Federal Home Loan Bank of Seattle	6.1422

"(5) PRO RATA DISTRIBUTION OF AMOUNTS REQUIRED TO BE INVESTED IN EXCESS OF $1,000,000,000.—With respect to any amount in excess of $1,000,000,000 which the Oversight Board may require the Federal Home Loan Banks to invest in capital stock of the Funding Corporation under this subsection, the amount which each Federal Home Loan Bank (or any successor to such bank) shall invest shall be determined by the Oversight Board by multiplying such excess amount by the percentage arrived at by dividing—

"(A) the sum of the total assets (as of the most recent December 31) held by all insured savings associations which are members of such bank; by

"(B) the sum of the total assets (as of such date) held by all insured savings associations which are members of any Federal Home Loan Bank.

"(6) SPECIAL PROVISIONS RELATING TO MAXIMUM AMOUNT LIMITATIONS.—

"(A) IN GENERAL.—If the amount any Federal Home Loan Bank is required to invest in capital stock of the Funding Corporation pursuant to a determination by the Oversight Board under paragraph (5) (or under subparagraph (B) of this paragraph) exceeds the maximum investment amount applicable with respect to such bank under paragraph (3) at the time of such determination (hereinafter in this paragraph referred to as the 'excess amount')—

"(i) the Oversight Board shall require each remaining Federal Home Loan Bank to invest (in addition to the amount determined under paragraph (5) for such remaining bank and subject to the maximum investment amount applicable with respect to such remaining bank under paragraph (3) at the time of such determination) in such capital stock on behalf of the bank in the amount determined under subparagraph (B);

"(ii) the Oversight Board shall require the bank to subsequently purchase the excess amount of capital stock from the remaining banks in the manner described in subparagraph (C); and

"(iii) the requirements contained in subparagraphs (D) and (E) relating to the use of net earnings available for dividends shall apply to such bank until the bank has purchased all of the excess amount of capital stock.

"(B) ALLOCATION OF EXCESS AMOUNT AMONG REMAINING HOME LOAN BANKS.—The amount each remaining Federal Home Loan Bank shall be required to invest under subparagraph (A)(i) is the amount determined by the Oversight Board by multiplying the excess amount by the percentage arrived at by dividing—

"(i) the amount of capital stock of the Funding Corporation held by such remaining bank at the time of such determination; by

"(ii) the aggregate amount of such stock held by all remaining banks at such time.

"(C) PURCHASE PROCEDURE.—The bank on whose behalf an investment in capital stock is made under subparagraph (A)(i) shall purchase, annually and at such issuance price, from each remaining bank an amount of such stock determined by the Oversight Board by multiplying the amount available for such purchases (at the time of such determination) by the percentage determined under subparagraph (B) with respect to such remaining bank until the aggregate amount of such capital stock has been purchased by the bank.

"(D) LIMITATION ON DIVIDENDS.—The amount of dividends which may be paid for

any year by a bank on whose behalf an investment is made under subparagraph (A)(i) shall not exceed an amount equal to ¼ of the net earnings available for dividends of the bank for the year.

"(E) TRANSFER TO ACCOUNT FOR THE PURCHASE OF STOCK REQUIRED.—Of the net earnings available for dividends for any year of a bank on whose behalf an investment is made under subparagraph (A)(i), such amount as is necessary to make the purchases of stock required under subparagraph (A)(ii) shall be placed in a reserve account (established in such manner as the Oversight Board shall prescribe by regulations) the balance in which shall be available only for such purchases.

"(F) NET EARNINGS AVAILABLE FOR DIVIDENDS DEFINED.—For purposes of this paragraph the term 'net earnings available for dividends' means the net earnings of a bank for any period as computed after reducing the amount of earnings for such period by the amount required to be carried (for such period) to reserves maintained by such bank pursuant to the first two sentences of section 16 of this Act (U.S.C. 1436).

"(7) ADDITIONAL SOURCES.—In the event that each Federal Home Loan Bank has exhausted the investment amount applicable with respect to such bank under paragraph (3) with respect to investments under paragraphs (4), (5), and (6), then the amounts necessary to provide additional funding for the Funding Corporation Principal Fund shall be obained as follows:

"(A) First, the Funding Corporation, with the approval of the Board of Directors of the Federal Deposit Insurance Corporation, shall assess each insured savings association an assessment as if such assessment was assessed by the Federal Deposit Insurance Corporation with respect to Savings Association Insurance Fund members pursuant to section 7 of the Federal Deposit Insurance Act, as amended; provided that the maximum amount of the aggregate amount assessed shall be the amount of additional funds necessary to fund the Funding Corporation Principal Fund; provided that the amount assessed hereunder and the amount assessed by the Financing Corporation under section 21 of this Act shall not exceed the amount authorized to be assessed pursuant to section 7 noted above and that the Financing Corporation shall have first priority to make such assessments; all such amounts shall be subtracted from the amounts authorized to be assessed by the Federal Deposit Insurance Corporation pursuant to section 7 noted above.

"(B) To the extent funds available pursuant to paragraph (A) are insufficient to capitalize the Funding Corporation so as to provide funds for the Funding Corporation Principal Fund, then the Federal Deposit Insurance Corporation shall transfer to the Funding Corporation from the proceeds of the FSLIC Resolution Fund the remaining amount of funds necessary for such purpose.

"(8) UNDIVIDED PROFITS DEFINED.—For purposes of paragraph (3), the term 'undivided profits' means retained earnings minus the sum of—

"(A) that portion required to be added to reserves maintained pursuant to the first two sentences of section 16 of this Act (12 U.S.C. 1436); and

"(B) the dollar amounts held by the respective Federal Home Loan Banks in special dividend stabilization reserves on December 31, 1985, as determined by the table set forth in section 21(d)(7) of this Act (12 U.S.C. 1441(d)(7)).

"(9) AGGREGATE ANNUAL FEDERAL HOME LOAN BANKS CONTRIBUTION.—Notwithstanding any other provision in sections 21, 21a and 21b of this Act, the aggregate annual amount contributed by the Federal Home Loan Banks under subsections (e)(3)(B) and (f)(2)(B) of this section (for the period from the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, until such time as the Funding Corporation has no more liabilities) for Funding Corporation principal and interest payments and Financing Corporation principal payments under section 21 of this Act shall be $300,000,000; provided, however, that such aggregate annual amount shall be such lesser number equal to all the amounts needed for the purposes above if such total amounts shall be less than $300,000,000.

"(f) OBLIGATIONS OF THE FUNDING CORPORATION.—

"(1) ISSUANCE.—The Funding Corporation, subject to the direction of the Resolution Trust Corporation, may issue bonds, notes, debentures, and similar obligations, in an aggregate amount not to exceed $50,000,000,000.

"(2) INTEREST PAYMENTS.—The Funding Corporation shall pay the interest due on (and any redemption premium with respect to) such obligations from funds obtained for such interest payments from the following sources.

"(A) The Resolution Trust Corporation shall pay to the Funding Corporation the net proceeds received by the Resolution Trust Corporation from the liquidation of institutions under its management pursuant to section 21a of this Act to the extent they are determined by the Oversight Board to be in excess of funds necessary for resolution costs in the near future and any proceeds from warrants and participations of the Resolution Trust Corporation; and

"(B) To the extent the funds available pursuant to clause (A) are insufficient to cover the amount of interest payments, then the Federal Home Loan Banks shall pay to the Funding Corporation the aggregate annual amount of $300,000,000 minus the amounts needed by the Financing Corporation pursuant to section 21 of this Act and for the purchase of Funding Corporation capital certificates, with each bank's individual share to be determined pursuant the formulation and limitations of paragraphs (3) through (6) of subsection (e);

"(C) The proceeds of all net assets of the Resolution Trust Corporation, upon its dissolution, which shall be transferred to the Funding Corporation; and

"(D) Notwithstanding any other provision of this Act, to the extent that the Directorate determines after consultation with and approval of the Secretary of the Treasury that the Funding Corporation is unable to pay the interest on any obligation issued under this subsection from the sources of funds under (A), (B), and (C), the Secretary of the Treasury shall pay to the Funding Corporation the additional amount due which shall be used by the Funding Corporation to pay such interest. In each such instance where the Secretary of the Treasury is required to make a payment under this paragraph to the Funding Corporation, the amount of the payment shall become a liability of the Funding Corporation to be repaid to the Secretary of the Treasury upon dissolution of the Funding Corporation to the extent that the Funding Corporation may have any remaining assets. There is authorized to be appropriated to the Secretary of the Treasury, for fiscal year 1989 and each fiscal year thereafter, such sums as may be necessary to carry out this paragraph.

"(3) PRINCIPAL PAYMENTS.—On maturity of an obligation issued under this subsection, the obligation shall be repaid by the Funding Corporation from the liquidation of noninterest bearing instruments held in the Funding Corporation Principal Fund established by subsection (g)(2). The Funding Corporation shall obtain funds for such Principal Fund from the funds obtained pursuant to subsection (e) of this section, all of which such funds shall be invested in noninterest bearing instruments described in subsection (g)(1).

"(4) PROCEEDS TO BE INVESTED IN CAPITAL CERTIFICATES OF THE RESOLUTION TRUST CORPORATION.—Subject to such terms and conditions as may be approved by the Oversight Board, the proceeds of any obligation issued by the Funding Corporation shall be used to—

"(A) purchase the capital certificates issued by the Resolution Trust Corporation under section 21a of this Act; or

"(B) refund any previously issued obligation the net proceeds of which were invested in the manner described in subparagraph (A).

"(5) INVESTMENT OF UNITED STATES FUNDS IN OBLIGATIONS.—Obligations issued under this section by the Funding Corporation, with the approval of the Oversight Board shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer of the United States.

"(6) MARKET FOR OBLIGATIONS.—All persons having the power to invest in, sell, underwrite, purchase for their own accounts, accept as security, or otherwise deal in obligations of the Federal Home Loan Banks shall also have the power to do so with respect to obligations of the Funding Corporation.

"(7) TAX EXEMPT STATUS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), obligations of the Funding Corporation shall be exempt from tax both as to principal and interest to the same extent as any obligation of a Federal Home Loan Bank is exempt from tax under section 13 of this Act (12 U.S.C. 1433).

"(B) EXCEPTION.—The Funding Corporation, like the Federal Home Loan Banks, shall be treated as an agency of the United States for purposes of the first sentence of section 3124(b) of title 31, United States Code (relating to determination of tax status of interest on obligations).

"(8) OBLIGATIONS ARE EXEMPT SECURITIES.—Notwithstanding paragraph (10) below, obligations of the Funding Corporation shall be deemed to be exempt securities (within the meaning of the laws administered by the Securities and Exchange Commission) to the same extent as securities which are direct obligations of the United States or are guaranteed as to principal or interest by the United States.

"(9) MINORITY PARTICIPATION IN PUBLIC OFFERINGS.—The Oversight Board and the Directorate shall ensure that minority owned or controlled commercial banks, investment banking firms, underwriters, and bond counsels throughout the United States have an opportunity to participate to a significant degree in any public offering of obligations issued under this section.

"(10) NO FULL FAITH AND CREDIT OF THE UNITED STATES.—Obligations of the Funding Corporation shall not be obligations of, or guaranteed as to principal by, the Federal Home Loan Bank System, the Federal Home Loan Banks, the United States, or the Resolution Trust Corporation and the obligations shall so plainly state. The Secretary of the Treasury shall pay interest on such obligations as required pursuant to subsection (f).

"(g) USE AND DISPOSITION OF ASSETS OF THE FUNDING CORPORATION NOT INVESTED IN RESOLUTION TRUST CORPORATION.—

"(1) IN GENERAL.—Subject to such regulations, restrictions, and limitations as may be prescribed by the Oversight Board, assets of the Funding Corporation, which are not invested in capital certificates issued by the Resolution Trust Corporation under section 21a of this Act and which are not needed for current interest payments, shall be invested in—

"(A) direct obligations of the United States;

"(B) obligations, participations, or other instruments of, or issued by, the Federal National Mortgage Association or the Government National Mortgage Association;

"(C) mortgages, obligations, or other securities for sale by, or which have been disposed of by, the Federal Home Loan Mortgage Corporation under section 305 or 306 of the Federal Home Loan Mortgage Corporation Act [12 U.S.C. 1454 or 1455]; or

"(D) any other security in which it is lawful for fiduciary and trust funds to be invested under the laws of any State.

"(2) SEGREGATED ACCOUNTS FOR ZERO COUPON INSTRUMENTS HELD TO ASSURE PAYMENT OF PRINCIPAL.—The Funding Corporation shall invest funds from sources specified in subsection (e) in, and hold in a segregated account (the "Funding Corporation Principal Fund"), noninterest bearing instruments—

"(A) which are securities described in paragraph (1); and

"(B) the total of the face amounts (the amount of principal payable at maturity) of which is approximately equal to the aggregate amount of principal on the obligations of the Funding Corporation.

"(h) MISCELLANEOUS PROVISIONS RELATING TO THE FUNDING CORPORATION.—

"(1) TREATMENT FOR CERTAIN PURPOSES.—Except as provided in subsection (f)(7)(b), the Funding Corporation shall be treated as a Federal Home Loan Bank for purposes of sections 13 and 23 of this Act (12 U.S.C. 1433 and 1443).

"(2) FEDERAL RESERVE BANKS AS DEPOSITARIES AND FISCAL AGENTS.—The Federal Reserve banks are authorized to act as depositaries for or fiscal agents or custodians of the Funding Corporation.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO GOVERNMENT CORPORATIONS.—Notwithstanding the fact that no Government funds may be invested in the Funding Corporation, the Funding Corporation shall be treated, for purposes of sections 9105, 9107, and 9108 of title 31, United States Code, as a mixed-ownership Government corporation which has capital of the Government.

"(4) POWER TO REMOVE AND JURISDICTION.—Notwithstanding any other provision of law, any civil action, suit, or proceeding to which the Resolution Funding Corporation is a party shall be deemed to arise under the laws of the United States, and the United States District Court for the District of Columbia shall have original jurisdiction over such. The Resolution Funding Corporation may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States District Court for the District of Columbia.

"(i) TERMINATION OF THE FUNDING CORPORATION.—

"(1) IN GENERAL.—The Funding Corporation shall be dissolved, as soon as practicable, after the date by which all capital certificates purchased by the Funding Corporation in the Resolution Trust Corporation have been retired.

"(2) OVERSIGHT BOARD AUTHORITY TO CONCLUDE THE AFFAIRS OF THE FUNDING CORPORATION.—Effective on the date of the dissolution of the Funding Corporation under paragraph (1), the Oversight Board may exercise on behalf of the Funding Corporation, any power of the Funding Corporation which the Oversight Board determines to be necessary to settle and conclude the affairs of the Funding Corporation.

"(j) REGULATIONS.—The Oversight Board may prescribe such regulations as may be necessary to carry out the provisions of this section, including regulations defining terms used in this section.

"(k) DEFINITIONS.—For purposes of this section—

"(1) INSURED SAVINGS ASSOCIATION.—The term 'insured savings association' means a savings association as such term is defined by section 3(u) of the Federal Deposit Insurance Act and which is insured by the Federal Deposit Insurance Corporation.

"(2) OVERSIGHT BOARD.—The term 'Oversight Board' means the Oversight Board of the Resolution Trust Corporation under section 21a of the Federal Home Loan Bank Act, and after the termination of said Corporation the term shall mean the Secretary of the Treasury, the Chairman of the Federal Reserve Board and the Attorney General.

"(3) DIRECTORATE.—The term 'Directorate' means the directorate established in the manner provided in subsection (c)(1) to manage the Funding Corporation.".

"(4) ISSUANCE COSTS.—The term "issuance costs"—

"(i) means issuance fees and commissions incurred by the Funding Corporation in connection with the issuance or servicing of any obligation of the Funding Corporation; and

"(ii) includes legal and accounting expenses, trustee and fiscal paying agent charges, costs incurred in connection with preparing and printing offering materials, and advertising expenses, to the extent that any such cost or expense is incurred by the Funding Corporation in connection with issuing any obligation; and

"(5) CUSTODIAN FEES.—The term "custodian fee" means—

"(i) any fee incurred by the Funding Corporation in connection with the transfer of any security to, or the maintenance of any security in, the segregated accounts established under subsection (g); and

"(ii) any other expense incurred by the Funding Corporation in connection with the establishment or maintenance of such accounts.

SEC. 503. FINANCING CORPORATION.—Section 21 of the Federal Home Loan Bank Act (12 U.S.C. 1441) is hereby amended as follows:

(1) By deleting the term "insured institution" and "institution" each time they appear and inserting "insured savings association" and "savings association" in lieu thereof respectively; and by deleting the term "Federal Home Loan Bank Board" and "Board" each time they appear and inserting in lieu thereof "Chairman of the Federal Home Loan Bank System" and "Chairman" in lieu thereof respectively.

(2) In subsection (c), in paragraph (2) by adding "prior to the date of the enactment of the Financial Institution Industry Reform, Recovery and Enforcement Act of 1989 and thereafter the FSLIC Resolution Fund" before the period therein; and in paragraph (9) by striking out "or section 402(b) of the National Housing Act [12 USCS § 1725(b)]".

(3) In subsection (e), in paragraph (3) by adding "prior to the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and thereafter purchase capital certificates or capital stock issued by the FSLIC Resolution Fund" before the semi-colon;

(4) In subsection (e), in paragraph (7) by deleting "the Federal Savings and Loan Insurance Corporation" and inserting "the FSLIC Resolution Fund" in lieu thereof.

(5) In subsection (f), by striking out everything thereunder and inserting the following:

"(f) SOURCES OF FUNDS FOR INTEREST PAYMENTS; FINANCING CORPORATION ASSESSMENT AUTHORITY.—The Financing Corporation shall obtain funds for interest payments on obligations issued hereunder from the following sources:

"(1) The Financing Corporation assessments which were assessed on insured institutions pursuant to subsection (f) of this section prior to the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989;

"(2) The Financing Corporation, with the approval of the Board of Directors of the Federal Deposit Insurance Corporation, shall assess on each insured savings association an assessment as if such assessment was assessed by the Federal Deposit Insurance Corporation with respect to Savings Association Insurance Fund members pursuant to section 7 of the Federal Deposit Insurance Act: Provided, That the amount assessed hereunder and the amount assessed by the Funding Corporation under section 21b of this Act shall not exceed the amount authorized to be assessed pursuant to section 7 of the Federal Deposit Insurance Act, and that the Financing Corporation shall have first priority to make such assessments; and Provided, further, that all assessments made by the Financing Corporation under this section and the Funding Corporation under section 21b shall be subtracted from the amounts authorized to be assessed by the Federal Deposit Insurance Corporation pursuant to section 7 of the Federal Deposit Insurance Act; and

"(3) To the extent the funds available pursuant to paragraphs (1) and (2) are insufficient to cover the amount of interest payments, then to the extent the funds are not required by the Resolution Funding Corporation so as to provide funds for the Funding Corporation Principal Fund under section 21b of this Act, then the Federal Deposit Insurance Corporation shall transfer to the Financing Corporation from the proceeds of the FSLIC Resolution Fund the remaining amount of funds necessary for the Financing Corporation to make interest payment.

"(4) In subsection (g), by deleting the comma after "[12 USCS 1725(b)(1)(A)]" and inserting thereafter "prior to the enactment of the Financial Institution Industry Reform, Recovery and Enforcement Act of 1989 and thereafter in capital certificates or

capital stock issued by the FSLIC Resolution Fund,".

(5) In subsection (1), by deleting subparagraph (1) and inserting in lieu thereof a new subparagraph (1) to read as follows:

"(1) Insured Savings Association means a savings association as defined by section 3(u) of the Federal Deposit Insurance Act (12 USCS § 1813(u)) that is insured by the Federal Deposit Insurance Corporation."

SEC. 504. MIXED OWNERSHIP GOVERNMENT CORPORATION.—

Section 9101(2) of title 31, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(L) The Resolution Funding Corporation".

TITLE VI—THRIFT ACQUISITION ENHANCEMENT PROVISIONS

SEC. 601. ACQUISTION OF THRIFTS BY BANK HOLDING COMPANIES.—Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 184 is amended by adding at the end thereof the following new subsection:

"(i) ACQUISITION OF SAVINGS ASSOCIATIONS.—

"(1) Beginning on the date two years following the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Board may approve an application by a bank holding company under subsection (c)(8) to acquire any savings association pursuant to the requirements and limitations of this section. In approving applications by bank holding companies to acquire a savings association, the Board shall not impose restrictions on transactions between the savings association and its holding company affiliates, except as required under the provisions of sections 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c and 371c-1) or other applicable statute."

SEC. 602. INVESTMENTS BY SAVINGS AND LOAN HOLDING COMPANIES IN UNAFFILIATED THRIFT INSTITUTIONS.—Section 408(e)(1)(A)(iii) of the National Housing Act (12 U.S.C. 1730a(e)(1)(A)(iii)) is amended to read as follows;

"(iii) to acquire, by purchase or otherwise, or to retain more than 5 percent of the voting shares of an insured institution not a subsidiary, or of a savings and loan holding company not a subsidiary, or in the case of a multiple savings and loan holding company, to so acquire or retain more than 5 percent of the voting shares of any company not a subsidiary which is engaged in any business activity other than those specified in paragraph (2) of subsection (c) of this section.".

SEC. 603. TECHNICAL AMENDMENT TO THE BANK HOLDING COMPANY ACT.—Section (2)(j) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(j)) is amended to read as follows:

"(j) INSURED INSTITUTION; SAVINGS ASSOCIATION.—For purposes of this Act, the terms 'insured institution' and 'savings association' have the meaning given to the term 'savings association' in section 10(a)(1)(A) of the Home Owners' Loan Act (12 U.S.C. ——)."

TITLE VII—FEDERAL HOME LOAN BANK ACT SYSTEM REFORMS

SUBTITLE A—FEDERAL HOME LOAN BANK ACT AMENDMENTS

SEC. 701 DEFINITIONS.—

(a) Add new paragraph (10) to section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) to read as follows:

"(10) The term "savings association" has the same meaning as in section 2(c) of the Home Owners Loan Act (12 U.S.C. § 1462(c))."

(b) Add a new paragraph (11) to Section 2 of the Federal Home Loan Bank Act and (12 U.S.C. 1422) to read as follows:

"(11) The term "Chairman" means "Chairman of the Federal Home Loan Bank System."

(c) All provisions of Federal law are hereby amended by deleting the term "Federal Home Loan Bank Board" or "Board" where such term refers to the Federal Home Loan Bank Board, and inserting "Chairman of the Federal Home Loan Bank System" or "Chairman" in lieu thereof, respectively.

SEC. 702. FEDERAL HOME LOAN BANK SYSTEM CHAIRMAN.—Section 17 of the Federal Home Loan Bank Act (12 U.S.C. 1437) is hereby amended to read as follows:

"(a) The Federal Home Loan Bank Board is hereby abolished and all power and authority vested in it or its Chairman immediately prior to enactment of the Financial Institution Industry Reform, Recovery and Enforcement Act of 1989 are, except as otherwise provided in that Act, vested in the Chairman of the Federal Home Loan Bank System, which System shall be a bureau in the Department of the Treasury. The Chairman shall supervise the Federal Home Loan Banks and their members and shall promulgate and enforce such rules, regulations, and orders, as are necessary from time to time for carrying out the provisions of this Act and all other laws it is his duty to implement. The Chairman shall perform his duties under the general directions of the Secretary of the Treasury.

"(b) The Chairman, who shall be a citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office for a term of five years unless sooner removed by the President, upon reasons to be communicated by the President to the Senate; provided, however, that the individual serving as the Chairman of the Federal Home Loan Bank Board on the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 shall be the Chairman until the date on which his term as Chairman of the Federal Home Loan Bank Board would have expired notwithstanding subsection (a). The Chairman may continue to serve until a successor has been appointed and qualified.

"(c) Subject to the approval of the Secretary of the Treasury, the Chairman of the Federal Home Loan Bank System may employ, direct and fix the compensation of such employees, attorneys and agents as he deems necessary to carry out his duties. In directing and fixing such compensation, the Chairman shall seek to maintain comparability with the compensation at the other Federal bank regulatory agencies. The Chairman may designate who shall serve in his absence; may continue or establish collective offices or administrative units of the Federal Home Loan Banks and, after consultation with the Federal Home Loan Banks, appoint the heads of such collective offices or administrative units; and, notwithstanding any other provisions of law, may delegate to any duly authorized employee, representative, or agent (including the Office of Finance or Office of Regulatory Affairs of the Federal Home Loan Banks or any other joint office or administrative unit of the Federal Home Loan Banks) any power vested in the Chairman by law.

"(d) The Chairman shall have the power to suspend or remove any director, officer, employee or agent of any Federal Home Loan Bank or administrative unit of such Banks (including the Office of Finance and the Office of Regulatory Affairs or any other joint office or administrative unit of the Federal Home Loan Banks), the fact of such suspension or removal to be communicated in writing forthwith to such director, officer, employee, or agent and to such Bank or joint office or administrative unit.

"(e) The salaries of the Chairman and other employees of the bureau and all other expenses thereof shall be paid from assessments levied on the Federal Home Loan Banks pursuant to section 18 of this Act, and the funds derived from such assessments shall not be construed to be Government Funds or appropriated monies, or subject to Presidential apportionment for the purposes of Chapter 15 of Title 31 or any other authority. Such compensation, other than that of the Chairman, shall be paid without regard to the provisions of other laws applicable to officers or employees of the United States.

"(f) It shall not be lawful for the Chairman of the Federal Home Loan Bank System to have a financial interest, either directly or indirectly, in any member of a Federal Home Loan Bank.

"(g) Notwithstanding any other provision of law, the Chairman shall have and may exercise all functions which the Chairman of the Federal Home Loan Bank Board, the Federal Home Loan Bank Board, and the Federal Savings and Loan Insurance Corporation had or could exercise immediately prior to August 24, 1954, or immediately prior to June 24, 1954, which are not expressly transferred or consolidated into the Federal Deposit Insurance Corporation or the Resolution Trust Corporation pursuant to this Act.

"(h) The Chairman of the Federal Home Loan Bank System shall make an annual report to Congress."

SEC. 702. ELECTION OF BANK DIRECTORS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is hereby amended as follows: (1) By striking out subsections (a), (b), (c), and by inserting the following new subsections in lieu thereof:

"(a) NUMBER OF MEMBERS; CLASSES.—The management for each Federal Home Loan Bank shall be vested in a board of directors selected as hereinafter specified and shall consist of nine members, all of whom shall be citizens of the United States, holding office for three years, and divided into three classes, designated as classes A, B, and C, as follows.

"(1) Class A shall consist of three members, without discrimination on the basis of race, creed, color, sex, or national origin, who shall be chosen by and be representative of the stockholding members.

"(2) Class B shall consist of three members, who shall represent the public and who shall be elected without discrimination on the basis of race, creed, color, sex, or national origin, and with due consideration to the interests of the financial services industry and the housing industry, who shall be chosen by the Class A and C directors.

"(3) Class C shall consist of three members who shall be designated by the Chairman of the Federal Home Loan Bank System. They shall be selected to represent the public, without discrimination on the basis of race, creed, color, sex, or national origin, and with due but not exclusive consideration to the interests of commerce, industry (other than the savings and loan industry), services, agriculture and consumers. No Class C director shall be an officer, di-

rector, employee of stockholder of any member.".

"(b) CLASS A DIRECTORS; SELECTION.—Directors of Class A shall be chosen in the following manner:

"(1) The System shall classify the members of a district into three general groups or divisions, designating each group by number. Each group shall consist of as nearly as may be of members of similar capitalization. Each member shall be permitted to nominate, in writing to the chairman of the board of directors of the Federal Home Loan Bank of the district, one candidate for director of Class A. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within fifteen days after its completion, be furnished by the chairman to each member. Each member by a resolution of the board or by amendment to its bylaws shall authorize its president, cashier or some other officer to cast the vote of the member in the elections of Class A directors: *Provided,* That whenever any member within the same Federal Home Loan Bank district are subsidiaries of the same savings and loan holding company, within the meaning of section 10 of the Home Owners' Loan Act of 1933, as amended, participation in any such nomination or election by such member, including such holding company if it is also a member, shall be confined to one of such members, which may be designated for the purpose by such holding company.

"(2) Within fifteen days after receipt of the list of candidates, the duly authorized officer of the member shall certify to the chairman his first, second, and other choices for director of Class A upon a preferential ballot upon a form furnished by the chairman of the board of directors of the Federal Home Loan Bank of the district. Each such officer shall make a cross opposite the name of the first, second, and other choices for a director of Class A, but shall not vote more than one choice for any one candidate. No officer or director of a member shall be eligible to serve as a Class A director unless nominated and elected by members which are of the same group as the member of which he is an officer or director.

"(3) Any person who is an officer or director of more than one member shall not be eligible for nomination as a Class A director except by members in the same group as the member having the largest aggregate resources of any of those of which such person is an officer or director.

"(4) Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate has a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. The candidate then having a majority of the electors voting and the highest number of combined votes shall be declared elected. If no candidate has a majority of electors voting and the highest number of votes when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report shall be declared.

"(c) CLASS B DIRECTORS; SELECTION.—Class B directors shall be chosen by the Class A and C directors. They shall have been for at least two years residents of the district for which they are appointed.

"(d) CLASS C DIRECTORS; SELECTION.—Class C directors shall be appointed by and serve at the pleasure of the Chairman of the System. They shall have been for at least two years residents of the district for which they are appointed. One Class C director shall be designated by the Chairman of the System as chairman of the board of directors of the Federal Home Loan Bank. The chairman of the board of directors shall be a person of tested experience and shall be required to maintain, under regulations established by the System, a local office of said board on the premises of the Federal Home Loan Bank. The chairman of the board shall make regular reports to the Chairman of the System and receive an annual compensation to be fixed by the Chairman of the System and paid monthly by the Federal Home Loan Bank to which the chairman of the board is designated. One other Class C director shall be appointed by the Chairman of the System as deputy chairman of the board to exercise the powers of the chairman of the board when necessary. In case of the absence of the chairman and deputy chairman, the third Class C director shall preside at meetings of the board.";

(2) Renumber subsection (d) as (e), and strike out the first two sentences thereof;

(3) Delete existing subsection (e) and inserting in lieu thereof the following new subsection as subsection (f):

"(f) ESTABLISHMENT OF TERMS.—At the first meeting of the full board of directors of each Federal Home Loan Bank, it shall be the duty of the Class A, B, and C directors, respectively to designate one of the members of each class whose term of office shall expire in one year from the 1st of January nearest to the date of such meeting, one whose term of office shall expire at the end of two years from said date, and one whose term of office shall expire at the end of three years from said date. Thereafter every director of a Federal Home Loan Bank chosen as hereinbefore provided shall hold office for a term of three years."; and

(4) Renumber existing subsection (f) as (g) and delete subsections (g) and (h), and redesignating (i) and (j) as (g) and (h), respectively.

SEC. 704. FEDERAL HOME LOAN BANK LENDING.—Section 11(k) of the Federal Home Loan Bank Act (12 U.S.C. 1431(k)) is hereby amended to read as follows:

"(k) The Federal Home Loan Banks are hereby authorized, as directed by the Federal Deposit Insurance Corporation with the concurrence of the Chairman of the System, to make loans to such Corporation for the use of the Savings Association Insurance Fund, which loans shall be a direct liability of such Fund.

SEC. 705. CHIEF SUPERVISORY OFFICER.—(a) Section 19 of the Federal Home Loan Bank Act (12 U.S.C. 1439) is hereby amended by deleting the first sentence and adding a new second sentence to read as follows:

"The senior supervisory employee of each Federal Home Loan Bank, the principal supervisory agent, shall report to the chief supervisory official of the Federal Home Loan Bank System and may be removed for cause by the Chairman."

(b) The title to section 19 of the Federal Home Loan Bank Act (12 U.S.C. 1439) is amended to read "Supervision; Receipts and Expenditures".

SEC. 706. THRIFT ADVISORY COUNCIL.—Section 8a of the Federal Home Loan Bank Act (12 U.S.C. 1428a) is amended as follows:

(1) The words "Federal Savings and Loan" are deleted from the first sentence and title of this section and the word "Thrift" substituted.

(2) In paragraph (1) of Section 8a delete the following words "and board of trustees of the Federal Savings and Loan Insurance Corporation" and the words "and such Corporation".

(3) In paragraph (2) of Section 8a delete the following words "and the board of trustees of such Corporation".

SEC. 707. FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION INDUSTRY ADVISORY COMMITTEE.—Subsection (i) of Section 21 of the Federal Home Bank Act (12 U.S.C. 1441(i)) is hereby repealed.

SEC. 708. RATE OF INTEREST.—Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is hereby repealed.

SEC. 709. LIQUIDITY REQUIREMENTS.—Section 5A of the Federal Home Loan Bank Act (12 U.S.C. 1425a) is hereby amended as follows:

(1) The first sentence of paragraph 1 of subsection (b) is amended by deleting the words "an insured institution as defined in Section 1724(a) of this title" and by adding the words "a savings association" in place thereof;

(2) Subsection (d) is hereby amended by deleting in the first sentence the word "its" and by substituting the word "his" in lieu thereof and in the second sentence by deleting the words "Federal Savings and Loan Insurance Corporation" and by substituting the words "Federal Deposit Insurance Corporation" in lieu thereof;

(3) Subsection (f) is hereby amended by deleting the last sentence and by adding the following in lieu thereof:

"The provisions of Section 5(d)(1) of the Home Owners' Loan Act as redesignated shall govern the conduct of any such examination or investigation."

(4) Section 5A(b)(1) of the Federal Home Loan Bank Act (12 U.S.C. § 1425a(b)(1) is hereby amended:

(a) by striking out "and" at the end of subparagraph (F);

(b) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; and"; and

(c) by adding at the end thereof the following new subparagraph:

"(H) to such extent as the Chairman may approve, other assets prescribed by the Chairman by regulation and of a type such that their inclusion as liquid assets would comport with the purpose of this section as described in subsection (a)."

SEC. 710. ADVANCES.—Subsection (e) of Section 10 of the Federal Home Loan Bank Act is hereby amended as follows:

(a) The words "insured institution" are deleted wherever they occur and the words "savings association" are added in lieu thereof.

(b) In paragraph (3)(A), "Section 1730a(a)(1)(A)" is deleted and "Section 1467a" is substituted in lieu thereof.

(c) In paragraph (3)(B), "Section 1730a(o)" is deleted and "Section 1467a" is substituted in lieu thereof.

(d) In paragraph (3)(c), "Section 1730a(o)(5)(A)" is deleted and "Section 1467a" is substituted in lieu thereof.

SEC. 711. CONFORMING FEDERAL HOME LOAN BANK ACT AMENDMENTS.—(a) Amend § 1438(c)(5) to delete everything in the first sentence after "under this subsection".

(b) Amend the first sentence of § 1438(c)(6) to delete everything after "budget program" and before "and (B)".

(c) Delete § 1438(a) entirely.

(d) Delete the last sentence of § 1439.

(e) Amend § 101 of Title I of the Act of June 16, 1943 (12 U.S.C. § 1439a) to delete everything after "Federal Home Loan Bank Administration".

(f) Amend Section 111 of Title I of Public Law 93-495 (12 U.S.C. 250) to delete "the Federal Home Loan Bank Board".

Subtitle B—Conforming Amendments

SEC. 712. FEDERAL HOME LOAN MORTGAGE CORPORATION ACT AMENDMENTS.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is hereby amended as follows:

(1) Section 303 (12 U.S.C. Section 1452) is amended as follows:

(a) the first sentence of subsection (a) is amended by deleting the words "members of the Federal Home Loan Bank Board" and inserting in place thereof the words "three members who shall serve without additional compensation and who shall be the Chairman of the Federal Home Loan Bank System, the Secretary of the Treasury, or his designate, and the Secretary of Housing and Urban Development, or his designate. The Board of Directors may elect a Vice Chairman."

(b) the second sentence of subsection (a) is amended by deleting the word "Federal Home Loan Bank Board" and inserting in place thereof the words "Federal Home Loan Bank System".

(c) the fourth sentence of subsection (a) is amended by deleting the words "Federal Home Loan Bank Board" and inserting in place thereof the words "Chairman of the Federal Home Loan Bank System".

(2) Section 305 (12 U.S.C. Section 1454) is amended as follows:

(a) deleting the words "Federal Savings and Loan Insurance Corporation" each time they appear in this section and inserting "Resolution Trust Corporation" in lieu thereof; and,

(b) deleting the word "Board" in the second to last sentence of subsection (a)(2) and inserting the word "System" in lieu thereof.

SEC. 713. REPEAL OF LIMITATION OF OBLIGATION FOR ADMINISTRATIVE EXPENSES.—Section 7 of the First Deficiency Appropriation Act of 1936 (15 U.S.C. Section 712a) is amended by deleting from subsection (b) the following enumerated entities:

"1. Federal Home Loan Bank System; 2. Home Owners' Loan Corporation; 11. Federal Savings and Loan Insurance Corporation;".

SEC. 714. AMENDMENT OF ADDITIONAL POWERS OF CHAIRMAN.—

(A) Subsection (c) of section 502 of the Housing Act of 1948, as amended (12 U.S.C. Section 1701c(b)), is amended by striking out the terms "Federal Home Loan Bank Board (which term as used in this section shall also include and refer to the Federal Savings and Loan Insurance Corporation, and the Chairman of the Federal Home Loan Bank Board)," and inserting in lieu thereof the following: "Chairman, Federal Home Bank System"; and

(B) Subsection (1) of subsection (c) of said section 502 is amended by inserting between the term "of any" and "State or" the following term: "Federal".

SEC. 715. AMENDMENT OF TITLE 5, UNITED STATES CODE.—

(A) Section 5314 of Title 5, United States Code (5 U.S.C. Section 5314) is amended by deleting the term "Board" from the phrase "Chairman, Federal Home Loan Bank Board" and inserting in lieu thereof the term "System"; and

(B) Section 5373 of Title 5, United States Code is hereby amended by inserting at subparagraph (2), between the terms, "481," and "and" the following terms: "1437, 1439,".

SEC. 716. AMENDMENT OF TITLE 31, UNITED STATES CODE.—

(A) Chapter 3 of Title 31, United States Code is amended by inserting at subchapter I, a new section 307a to read as follows:

Section 307a. Federal Home Loan Bank System

The Federal Home Loan Bank System, established under section 17 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1437) is subject to the general oversight of the Secretary of the Treasury.

(B) Subsection (c) of section 321, Title 31, United States Code (31 U.S.C. Section 321) is amended by adding thereto a new subparagraph (3) as follows:

"(3) of the Chairman, Federal Home Loan Bank System."; and

(C) Subsection (a) of section 714, Title 31, United States Code (31 U.S.C. Section 714) is amended by adding to the end of the first sentence the following:

"and the Office of the Chairman, Federal Home Loan Bank System."; and

(D) Section 9101 of Title 31, United States Code (31 U.S.C. Section 9101) is amended by striking from subsection (3) the following:

"(E) the Federal Savings and Loan Insurance Corporation."

SEC. 717. AMENDMENT OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT PROVISIONS.—(A) Subsection (1)(A) of subsection (g) of section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. Section 905) is amended by striking out the following terms: "Federal Home Loan Bank Board;" and "Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation;" and inserting in lieu thereof:

"Federal Home Loan Bank System and Resolution Trust Corporation;"; and

(B) Subsection (4) of subsection (b) of subsection 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. Section 256) is amended by—(1) striking out the term "(C) Federal Home Loan Bank Board" and inserting in lieu thereof:

"(C) Federal Home Loan Bank System and Resolution Trust Corporation."; and

(2) by striking out the term "(D) Federal Savings and Loan Insurance Corporation."

SEC. 718. AMENDMENT OF TITLE 18, UNITED STATES CODE.—

(A) Sections 1008 and 1009 of Title 18, United States Code (18 U.S.C. Sections 1008, 1009) are repealed; and

(B) Section 1014 of Title 18, United States Code (18 U.S.C. Section 1014) is amended—

(1) by striking out the term "the Federal Home Loan Bank Board, the Home Owner's Loan Corporation" and inserting in lieu thereof the following:

"a Federal Savings Bank;"; and

(2) by striking out the terms, "any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, and Bank" and inserting in lieu thereof the following:

"any financing institution the accounts or"; and

(3) by amending the term "any member of the Federal Home Loan Bank System" by striking out the term "member" therein and inserting in lieu thereof the following: "component or office"; and

(4) by striking out the term "the Savings and Loan Insurance Corporation".

TITLE VIII—BANK CONSERVATION ACT AMENDMENTS

SEC. 801. DEFINITIONS.—Section 202 of title II of the Act of March 9, 1933 (48 Stat. 2, 12 U.S.C. 202), the Bank Conservation Act (hereinafter "Bank Conservation Act"), is amended by adding the words "or any other financial institution chartered under Federal law and subject to the supervision of the Comptroller of the Currency after the words "national banking association".

SEC. 802. APPOINTMENT OF CONSERVATOR.—Section 203 of the Bank Conservation Act (12 U.S.C. 203) is amended to read as follows:

"SECTION 203. APPOINTMENT OF CONSERVATOR.—

(a) APPOINTMENT.—

The Comptroller of the Currency may, without notice, appoint a conservator which may be the Federal Deposit Insurance Corporation, to take possession and control of a bank whenever the Comptroller determines that one or more of the following circumstances exists:

(1) the conditions for appointment of a receiver for the bank are present;

(2) the bank is in danger of closing, such that the bank is not likely to be able to meet the demands of its depositors, or pay its obligations in the normal course of business, or the bank has incurred or is likely to incur losses that will deplete all or substantially all of its capital;

(3) a violation or violations of laws, rules or regulations or any unsafe or unsound practice or condition which is likely to cause insolvency or substantial dissipation of assets or earnings, or is likely to weaken the condition of the bank or otherwise seriously prejudice the interests of its depositors;

(4) the bank is in an unsafe and unsound condition to transact business;

(5) the bank's board of directors consists of less than five members;

(6) a willful or continuing violation of an order enforceable under the provisions of section 8(i) and (j) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1818 (i));

(7) concealment of books, papers, records, or assets of the bank or refusal to submit books, papers, records, or affairs of the bank for inspection to any examiner or to any lawful agent of the Comptroller; or

(8) such other circumstances which, in the Comptroller's opinion, warrant appointment of a conservator for the benefit of depositors and other creditors.

(b) JUDICIAL REVIEW.—

(1) Not later than ten days after the initial appointment of a conservator pursuant to this section, the bank may bring an action in the United States District Court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller to terminate the appointment of a conservator, and the court, upon the merits, shall dismiss such action or shall direct the Comptroller to terminate the appointment of such conservator. The Comptroller's decision to appoint a conservator pursuant to this provision shall be set aside only if the court shall find that such decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(2) Upon the commencement of such an action, the court having jurisdiction of any other action or proceeding to which the bank, or the conservator thereof, is a party

shall stay such action or proceeding during the pendency of the action for removal of the conservator.

(3) Except as provided in this subsection, no court shall have jurisdiction to affect by injunction or otherwise the appointment of a conservator, or to review, modify, suspend, terminate or set aside any order or action taken pursuant to such conservatorship: *Provided,* That a court, upon application by the Comptroller, shall enforce an order of the Comptroller relating to the conservatorship and the bank in conservatorship or restraining or affecting the exercise of powers of functions of a conservator.

(c) ADDITIONAL GROUNDS FOR APPOINTMENT.—

In addition to the foregoing provisions, the Comptroller may appoint a conservator for a bank in the event that (i) the bank, by an affirmative vote of a majority of its board of directors or by an affirmative vote of a majority of its shareholders, consents to such appointment, or (ii) in lieu of the provisions of section 8(o) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1818(o)), the bank's status as an insured bank is terminated by the Federal Deposit Insurance Corporation. The appointment of a conservator pursuant to this subsection shall not be subject to review.

(d) EXCLUSIVE AUTHORITY.—

The Comptroller shall have exclusive power and jurisdiction to appoint a conservator for a bank. Whenever the Comptroller appoints a conservator for any bank, he may appoint the Federal Deposit Insurance Corporation conservator for such bank. The Federal Deposit Insurance Corporation, as such conservator, shall have all the powers granted under the Federal Deposit Insurance Act, and (when not inconsistent therewith) any other rights, powers, and privileges possessed by conservators or receivers of banks under this Act and any other provisions of law. The Comptroller may also appoint another person as conservator, who shall be subject to the provisions of this Act.

(e) The Comptroller may, without notice or hearing, replace a conservator with another conservator. Such replacement shall not affect the bank's right under subsection (b) to obtain judicial review of the Comptroller's original decision to appoint a conservator.

SEC. 803. EXAMINATIONS.—Section 204 of the Bank Conservation Act (12 U.S.C. 204) is amended to read as follows:

"SEC. 204. EXAMINATIONS.—

The Comptroller of the Currency, in consultation with the Board of Directors of the Federal Deposit Insurance Corporation when the Corporation is appointed conservator, is authorized to examine and supervise the bank in conservatorship as long as the bank continues operations as an ongoing national bank. The Comptroller may use reports and other information provided by the Federal Deposit Insurance Corporation for this purpose."

SEC. 804. TERMINATION OF CONSERVATORSHIP.—Section 205 of the Bank Conservation Act (12 U.S.C. 205) is amended to read as follows:

"SECTION 205.—TERMINATION OF CONSERVATORSHIP.—

(a) At any time the Comptroller becomes satisfied that it may safely be done and that it would be in the public interest, the Comptroller, with the agreement of the Board of Directors of the Federal Deposit Insurance Corporation when the Corporation is appointed conservator, may:

(1) terminate the conservatorship and permit the involved bank to resume the transaction of its business subject to such terms, conditions and limitations as the Comptroller may prescribe; or

(2) terminate the conservatorship upon a sale, merger, consolidation, purchase and assumption, change in control, or voluntary liquidation of the involved bank.

(b) The Comptroller also may terminate the conservatorship upon a declaration that the bank is insolvent and upon the appointment of a receiver pursuant to section 1 of the Act of June 30, 1876 (12 U.S.C. 191).

(c) Such terms, conditions and limitations as prescribed by subsection (a)(1) of this section shall be enforceable under the provisions of section 8(i) and (j) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1818(i) and (j)) to the same extent as an effective and outstanding order issued pursuant to section 8(b) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1818(b)) that has become final: *Provided,* that the bank may bring an action in the United States district court for the judicial district in which the home office of such bank is located or in the United States District Court for the District of Columbia for an order requiring the Comptroller to terminate the order. An action for judicial review of the terms, conditions and limitations may not be commenced later than 30 days from the date of the termination of the conservatorship or the imposition of the order, whichever is later.

(d) Upon termination of the conservatorship under subsection (a)(2) of this section—

(1) when the Federal Deposit Insurance Corporation is appointed conservator, the Federal Deposit Insurance Corporation, as conservator, shall proceed to wind up the affairs of the conservatorship; or

(2) when another person is appointed conservator, the conservator shall proceed to wind up the affairs of the conservatorship as follows:

(A) Within 180 days of the sale, merger, consolidation, purchase and assumption, or voluntary liquidation, the conservator shall deposit all net proceeds received from the transaction, less any expenses of the conservatorship that are outstanding, with the United States District Court for the judicial district in which the home office of such bank is located and shall cause notice to be published for three consecutive months and notify by mail all known creditors and shareholders. Within sixty days thereafter, any depositor, creditor, or other claimant of the bank, or any shareholder of the bank may bring an action in interpleader in that court for distribution of the proceeds. The District Court shall disseminate such funds in an equitable manner. If no such action is instituted within one year of the date the funds were deposited with the District Court, title to such net proceeds shall revert to the United States and the District Court shall remit the funds to the Treasury of the United States.

(B) The conservator shall be deemed to have discharged all responsibility of the conservatorship upon the deposit of the proceeds with the District Court and fulfillment of the required notifications.

SEC. 805. CONSERVATOR; POWERS AND DUTIES.—Section 206 of the Bank Conservation Act (12 U.S.C. 206) is amended to read as follows:

"SECTION 206. CONSERVATOR; POWERS AND DUTIES.—

(a) A conservator shall have all the powers of the shareholders, directors, and officers of the bank and shall be authorized to operate the bank in its own name unless the Comptroller in the order of appointment limits the authority of the conservator.

(b) The conservator shall be subject to such rules, regulations, and orders as the Comptroller from time to time deems appropriate; and, except as otherwise specifically provided in such rules, regulations, or orders, shall be vested with or subject to the same rights privileges, duties, restrictions, penalties, conditions, and limitations that apply to directors, officers, or employees of a national bank, except as otherwise provided in Section 209 of this Act.

(c) The Comptroller may require the conservator to set aside and make available for withdrawal by depositors and payment to other creditors such amounts as in the opinion of the Comptroller may safely be used for this purpose: *Provided,* That all depositors and creditors who are similarly situated shall be treated in the same manner.

(d) The conservator and professional employees appointed to represent or assist the conservator shall be paid amounts no greater than are payable for employees of the Federal Government for similar services, except that the Comptroller of the Currency may authorize payment at higher rates, not to exceed rates prevalent in the private sector, if the Comptroller determines that payment of such higher rates is necessary in order to recruit and retain competent personnel.

(e) All expenses of any such conservatorship shall be paid by the bank and shall be a lien upon the bank which shall be prior to any other lien.

SEC. 806. LIABILITY PROTECTION.—Section 209 of the Bank Conservation Act (12 U.S.C. 209) is amended to read as follows:

"SECTION 209. LIABILITY PROTECTION.—

(a) The conservator shall not be held liable for damages in tort or otherwise for acts or omissions of acts performed pursuant to and in the course of the duties and responsibilities of the conservatorship unless such acts or omissions of acts are grossly negligent, as determined by a court.

(b) The Comptroller shall have authority to indemnify the conservator on such terms as the Comptroller deems proper.

SEC. 807. RULES AND REGULATIONS.—Section 211 of the Bank Conservation Act (12 U.S.C. 211) is amended to read as follows:

"SECTION 211. RULES AND REGULATIONS.—

"The Comptroller of the Currency is hereby authorized and empowered to prescribe such rules and regulations as the Comptroller may deem necessary to carry out the provisions of this Act."

SEC. 808. REPEALS.—Sections 207 and 208 of the Bank Conservator Act (48 Stat. 3, 12 U.S.C. 207 and 208) are hereby repealed.

SEC. 809. CONFORMING AMENDMENT.—Section 5373(2) of Title 5, United States Code, is amended to read as follows:

"(2) sections 203, 248, 481 and 1819 of title 12,".

TITLE IX—REGULATORY AUTHORITY AND CRIMINAL ENHANCEMENTS

SEC. 901. SHORT TITLE.—

This title may be cited as the "Enforcement Powers Improvement Act of 1989".

Subtitle A—Regulation of Financial Institutions

SEC. 902. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(a) Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) by replacing the following phrases in each place they appear with the phrase "institution-related party":

(A) "director, officer, employee, agent, or other person participating in the conduct of the affairs of such bank";

(B) "director, officer or other person"; and

(C) "director, officer, employee, agent or other person";

(2)(A) by redesignating subsection (a) as subsection 8(a)(1) and by replacing the words "one hundred and twenty days" with the words "sixty days";

(B) by replacing the words "shall continue for a period of two years" with the words "shall continue for a period of at least six months or up to two years, within the discretion of the Board of Directors."; and

(C) by adding the following new paragraph (a)(2):

"(2) In addition to the foregoing administrative proceedings described in subsection (a)(1), whenever the Board of Directors, after consultation with the appropriate federal banking agency, shall find that an insured financial institution has no tangible shareholders' equity that qualifies as tier one capital under the capital guidelines or regulations of the appropriate Federal banking agency, the Corporation may issue a temporary order suspending deposit insurance on all deposits received by the institution after the effective date of such order. Such order shall become effective not earlier than ten days from the date of service upon the institution and, unless set aside, limited or suspended by a court in proceedings authorized hereunder, such temporary order shall remain effective and enforceable pending completion of the administrative proceedings or until the Corporation shall dismiss such administrative proceedings. Within ten days after the temporary order has been served upon the institution as hereinabove provided, the institution may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the home office of the institution is located, for an injunction setting aside, limiting or suspending the enforcement, operation or effectiveness of such order, and such court shall have jurisdiction to issue such injunction. The insured deposits of each depositor in such financial institution on the effective date of the order issued under this paragraph (8), less all subsequent withdrawals from any deposits of such depositor, shall continue to be insured, subject to the administrative proceddings as provided in this Act. In addition, the Corporation may publish notice of any order issued under this paragraph (8) and the financial institution shall give notice of such order to each of its depositors in such manner and at such times as the Board of Directors may find to be necessary and may order for the protection of depositors. In the event the Corporation determines that the financial institution has not substantially complied with the notice to depositors required by the Board of Directors, the Corporation may provide such notice in such manner as the Board of Directors may find to be necessary and appropriate. The failure of a depositor to receive notice shall not affect the effectiveness of any order issued under this paragraph.";

(3) at the end of paragraph (1) of subsection (b), by striking the period and inserting: "including, without limitation, reimbursement, restitution, indemnification, rescission, the disposal of loans or assets, prohibitions or restrictions on growth of the institution, guarantees against loss, or other action the appropriate Federal banking agency deems appropriate. Such order may place limitations on the activities or functions of the financial institution or any institution-related party necessary to correct the conditions resulting from any such violation or practice.";

(4) in paragraph (3) of subsection (b), by striking out "Nothing" in the second sentence thereof and inserting in lieu thereof "Except as provided in subsection (b)(6) of this section, nothing";

(5) at the end of subsection (b), by adding the following new paragraph:

"(6) This subsection and subsections (c) through (n) of this section shall apply to any savings and loan holding company and to any subsidiary (other than a bank or subsidiary of that bank) of a savings and loan holding company, to any service corporation of a savings, association and to any subsidiary of such service corporation, whether wholly or partly owned, in the same manner as they apply to a savings association.";

(6) in paragraph (1) of subsection (c), by striking the words "substantial" and "seriously" and by inserting the following sentence after the first sentence: "Such order may place limitations on the activities or functions of the financial institution or prohibitions or restrictions on the growth of the institution or any institution-related party.";

(7) at the end of subsection (c), by adding the following new paragraph:

"(3) Whenever a notice of charges specifies that an insured financial institution's books and records are so incomplete or inaccurate that the appropriate Federal banking agency is unable with reasonable effort to determine the financial condition of that financial institution or the details or purpose of any transaction or transactions that may have a substantial effect on the financial condition of that financial institution, the agency may issue a temporary order requiring cessation of any activities the agency deems appropriate, including prohibitions or restrictions on the growth of the institution, or affirmative action to restore such books and records to a complete and accurate state, or both, until completion of proceedings conducted under paragraph (1) of subsection (b) of this section. Such order shall become effective upon service, and unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2) of this subsection, shall remain effective and enforceable pending completion of the administrative proceeding initiated under such notice or until the Federal banking agency determines by examination or otherwise that the financial institution's books and records are accurate and capable of reflecting the financial condition of the financial institution.";

(8) in subsection (e), by striking paragraph (2) and amending paragraph (1) to read as follows:

"(1)(A) Whenever the appropriate Federal banking agency determines that any institution-related party, directly or indirectly, has violated any law, rule, regulation, or cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with any insured financial institution or business institution, or has committed or engaged in any act, omission, or practice which constitutes a breach of fiduciary duty, and

"(B) such insured financial institution or business institution has suffered or will probably suffer financial loss or other damage, or the interests of its depositors have been or could be prejudiced by reason of such violation, practice, or breach, or the institution-related party has received financial gain by reason of such violation, practice, or breach, and

"(C) such violation, practice, or breach involves personal dishonesty on the part of such institution-related party or demonstrates willful or continuing disregard for the safety or soundness of such insured financial institution or business institution,

the agency may serve upon such institution-related party a written notice of its intention to remove such party from office or to prohibit the party's further participation in any manner in the conduct of the affairs of any insured financial institution.";

(9) in subsection (e), by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively, and by amending paragraph (3), as redesignated, to read as follows:

"(3) In respect to any institution-related party referred to in paragraph (1) or (2) of this subsection, the appropriate Federal banking agency may, if it deems it necessary for the protection of the financial institution or the interests of its depositors, by written order to such effect served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the financial institution. Such suspension or prohibition shall become effective upon service of such order on the institution-related party and, unless stayed by a court in proceedings authorized by subsection (f) of this section, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under paragraph (1) or (2) of this subsection and until such time as the agency shall dismiss the charges specified in such notice, or, if an order of removal or prohibition is issued against such party, until the effective date of any such order. Copies of any order issued pursuant to this paragraph shall also be served upon any financial institution where the party involved is presently associated.";

(10) after paragraph (5) of subsection (e), as redesignated, by inserting the following new paragraph:

"(6) Any person who is subject to a removal, suspension, or prohibition order pursuant to this subsection or subsection (g) shall also be removed, suspended, or prohibited from participation in the conduct of the affairs of—

"(A) any insured financial institution,

"(B) any bank holding company or subsidiary of a bank holding company (as those terms are defined in the Bank Holding Company Act of 1956),

"(C) any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act,

"(D) any service corporation or subsidiary of a service corporation whether wholly or partly owned of any insured financial institution,

"(E) any savings and loan holding company or any subsidiary of a savings and loan holding company (as those terms are defined in the Home Owners' Loan Act),

"(F) any depository institution whose accounts are insured by the National Credit Union Share Insurance Fund, and

"(G) any institution chartered under the Farm Credit Act of 1971,

unless the party involved has received the prior written approval of the appropriate

Federal regulatory agency to continue such affiliation or to continue participating in the affairs of such institution.";

(11) in subsection (f), by striking "(e)(4)" in subsection (f) and inserting "(e)(3)", and by striking "(e)(1), (e)(2), or (e)(3)" and inserting "(e)(1) or (e)(2)";

(12) in subsection (i), by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and by inserting after "(i)" the following new paragraph:

"(1) The jurisdiction and authority of the appropriate Federal banking agency to proceed under this section against any institution-related party shall not be affected by the resignation, termination of employment, or other separation of such person from an insured financial institution.";

(13) by amending redesignated subsection (i)(3)(i) by replacing the words "$1,000 per day for each day during which such violation continues" with the words "$25,000 for each day during which such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the Corporation may, in its discretion, assess a penalty of not more than $1,000,000 per day for each day during which such violation continues.";

(14) by adding paragraph (i)(4) as follows:

"(4)(A) Any insured financial institution and any institution-related party which has violated any law or regulation relating to financial institutions, or any condition imposed in writing by the appropriate Federal banking agency in connection with the grant of any application or other request by such insured bank, or has breached any fiduciary duty or engaged in any unsafe or unsound practice where such breach or practice has resulted in a loss to the financial institution or pecuniary gain to the institution-related party, shall pay a civil penalty of not more than $25,000 for each day during which such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the Corporation may, in its discretion, assess a penalty of not more than $1,000,000 per day for each day during which such violation continues.

"(B) Any penalty imposed under subparagraph (A) shall be assessed, determined, reviewed, and collected in the manner provided in paragraph (3) for any penalty imposed under such paragraph.

"(c)(i) The assessment of any penalty under subparagraph (A) with respect to any violation shall not preclude the appropriate Federal banking agency from issuing any order under subsection (b), (c), (e), (g), or (s) with respect to such violation, or taking any other action authorized by law with respect to such violation.

"(ii) No civil penalty may be imposed under subparagraph (A) for any violation for which a civil penalty is imposed under paragraph (3) or any other provision of law.";

(15) in (i)(2)(vi), by removing the period at the end thereof and by adding the words "and shall have the authority to promulgate regulations to define any term not otherwise defined in this section.";

(16) by amending subsection (j) to read as follows:

"(j) PENALTY.—Any institution-related party against whom there is any outstanding and effective order served upon such person under paragraph (3) or (4) of subsection (e) or under subsection (g) who, directly or indirectly, without the prior written approval of the appropriate Federal regulatory agency.

"(1) participates in any manner in the conduct of the affairs of any insured financial institution, any bank holding company or subsidiary of a bank holding company (as those terms are defined in the Bank Holding Company Act of 1956), any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act, any service corporation or subsidiary of a service corporation of any insured financial institution, any savings and loan holding company or subsidiary of a savings and loan holding company (as those terms are defined in the Home Owners' Loan Act), any depository institution whose accounts are insured by the National Credit Union Share Insurance Fund, or any institution chartered under the Farm Credit Act of 1971, from which he has been suspended, removed, or prohibited, or solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote any proxies, consents, or authorization in respect to any voting rights in such institution; or

"(2) votes for a director, or serves or acts as a director, officer, employee, or agent, or otherwise participates in any manner in the conduct of the affairs of any insured institution, any bank holding company or subsidiary thereof or any other institution described in paragraph (1) of this subsection shall be fined not more than $1,000,000 for each day the violation continues or imprisoned for not more than five years, or both. Any order issued under subsection (e) of this section may prohibit any act that would violate this subsection.";

(17) by amending subsection (k) to read as follows:

"(k) DEFINITIONS.—As used in this section:

"(1) The term 'appropriate Federal regulatory agency' means—

"(A) the appropriate Federal banking agency, as provided in subsection (g) of section 3 (12 U.S.C. 1813);

"(B) the National Credit Union Administration Board in the case of a depository institution whose accounts are insured by the National Credit Union Share Insurance Fund; and

"(C) the Farm Credit Administration in the case of an institution chartered under the Farm Credit Act of 1971.

"(2) The terms 'cease-and-desist order which has become final' and 'order which has become final' mean a cease-and-desist order or other order issued by the appropriate Federal banking agency (i) with the consent of the financial institution or the institution-related party concerned; (ii) with respect to which no petition for review of the action of the agency has been filed and perfected in a court of appeals as specified in paragraph (2) of subsection (h) of this section; (iii) with respect to which the action of the court in which such a petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in that paragraph; or (iv) under paragraph (1) or (3) of subsection (g) of this section.

"(3) The term "controlling shareholder" means a person that directly or indirectly, or acting through or in concert with one or more persons, owns or controls a financial institution. Shares owned or controlled by a member of an individual's immediate family are considered to be held by the individual. For the purpose of this paragraph, a "person" means an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship unincorporated organization, or any form of entity not specifically listed herein.

"(4) The term 'institution-related party' means a director, officer, employee, agent, independent contractor, controlling, shareholder (other than a holding company), or other person participating in the conduct of the affairs of an insured financial institution or a subsidiary of an insured financial institution, or any person who has filed or is required to file a change-in-control notice with the appropriate Federal banking agency under section 7(j).

"(5) The term 'violation' includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.";

(18) by adding at the end thereof the following new subsections:

"(t)(1) An appropriate Federal banking agency, within its discretion, after notification to the Attorney General, may pay a reward to a person who provides original information which leads directly to recovery which exceeds $50,000, of a criminal fine, restitution or civil penalty under this title or under section 215, 656, 657, 1005, 1006, 1007, 1014, 1344, or 3663 or a forfeiture under section 983 or 984 of title 18, United States Code, or of a penalty under this section.

"(2) An appropriate Federal banking agency may not pay a reward of more than 25 per cent of the amount of the fine, penalty, restitution, or forfeiture or $100,000, whichever is less.

"(3) An officer or employee of the United States, State or local government who provides information described in subsection (a), obtained in the performance of official duties, is not eligible for a reward under this section.

"(4) A reward decision, or decision not to give a reward, made pursuant to this section by the appropriate Federal banking agency is final and not reviewable by any court.

"(u)(1) No federally insured financial institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any financial institution regulatory authority or to the Department of Justice regarding a possible violation of any law or regulation by the financial institution or its officers, directors or employees.

"(2) Any employee or former employee who believes he has been discharged or discriminated against in violation of paragraph (1) may file a civil action in federal district court within two years from the date of such discharge or discrimination.

"(3) If the district court determines that a violation of paragraph (1) has occurred, it shall order the financial institution who committed the violation to reinstate the employee to his former position together with compensatory damages and otherwise remedy any past discrimination.

"(4) The protections of this subsection do not apply to any employee who deliberately causes the alleged violation of law or regulation.

"(v) The Corporation, based on an examination of a savings association by the Corporation or by the Federal Home Loan Bank System, may recommend that the System take any enforcement action authorized under this section with respect to any savings association. If the System fails to take

the recommended action or to provide an acceptable plan for addressing the concerns of the Corporation as set forth in its recommendation within 60 days of receipt of the formal recommendation from the Corporation, the Board of Directors may order the Corporation to take such action if the Board determines that the association is in an unsafe or unsound condition to continue as an insured financial institution or that failure to take the recommended action will result in continuance of unsafe or unsound practices in conducting the business of the savings association. Notwithstanding the above, the Board of Directors may order the Corporation to exercise its authority without regard to the time period set forth, in exigent circumstances upon notification of the System. The Corporation shall, by agreement with the System, set forth those exigent circumstances in which the Corporation may act without regard to the time period set forth above.

"(w) The authority granted to the appropriate Federal banking agencies under this section shall be in addition to, and not be restricted by, any other authority provided by Federal or State law."

"(x) Any decision by the Board of Directors to:

(1) issue a notice of intention to terminate insured status;

(2) issue a temporary order terminating deposit insurance;

(3) issue a final order terminating deposit insurance; or

(4) initiate an enforcement action against an ongoing association pursuant to subsection (v)

shall be made by the Board of Directors and may not be delegated.".

(b) Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended to read as follows:

"SEC. 1829. PENALTY FOR PARTICIPATION.—

"Except with the prior written consent of the Corporation, no person who has been convicted, or who is hereafter convicted, of any criminal offense involving dishonesty or a breach of trust shall act or serve as an institution-related party of an insured financial institution or shall participate in the conduct of the affairs of any insured financial institution. For each knowing violation of this section, the financial institution or the individual involved each shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than five years, or both, and be subject to a civil penalty of not more than $1,000,000 for each day such prohibition is violated. The Corporation may recover the costs of assessment and collection of such penalty for its use.

SEC. 903. PARALLEL INCREASES IN CIVIL PENALTY PROVISIONS.—

(a) Section 29(a) of the Federal Reserve Act (12 U.S.C. 504(a)) is amended by replacing the words "$1,000 per day for each day during which such violation continues" with the words "$25,000 for each day during which such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the Corporation may, in its discretion, assess a penalty of not more than $1,000,000 per day for each day during which such violation continues.".

(b) Section 8 of the Bank Holding Company Act of 1956 (12 U.S.C. 1847) is amended—

(1) by amending section 1847(a) to read as follows:

"Any company which willfully violates any provision of this chapter, or any regulation or order issued by the Board pursuant thereto shall be subject to a fine of $1,000,000 for each day during which such violation continues. Any individual who willfully participates in a violation of any provision of this chapter or any rule, regulation or order thereunder, shall be subject to a fine of not more than $1,000,000 for each day during which such violation continues or shall be imprisoned for not more than five years, or both."; and

(2) in section 1847(b)(1)—

(A) by replacing the first sentence with the following:

"Any company which or individual who willfully participates in a violation of any provision of this chapter, or any regualtion or order issued pursuant thereto, shall pay a civil penalty of not more than $1,000,000 per day for each day during which such violation continues and for all other violations shall pay a civil penalty of not more than $25,000 per day for each day during which such violation continues."; and

(B) by adding at the end thereof the following sentence:

"Criminal and civil penalties under this section are cumulative.".

(c) Section 106(b)(2)(F)(i) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(F)(i)) is amended by replacing the words "$1,000 per day for each day during which such violation continues:" with the words "$25,000 for each day during which such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the agency having authority to impose a penalty may, in its discretion, assess a penalty of not than $1,000,000 per day for each day during which such violation continues.".

(d) Section 5239 of the Revised Statutes (12 U.S.C. 93) is amended in subsection (b)(1) by replacing the words "$1,000 per day for each day during which such violation continues" with the words "$25,000 for each day during which such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the Corporation may, in its discretion, assess a penalty of not more than $1,000,000 per day for each day during which such violation continues.".

(e) Section 5240 of the Revised Statutes (12 U.S.C. 481) is amended by replacing the words "$100 for each day such refusal shall continue" with the words "not more than $25,000 for each day such refusal continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the bank, the Comptroller may, in his discretion, assess a penalty of not more than $1,000,000 for each day during which such refusal continues.".

SEC. 904. PENALTY FOR VIOLATION OF "CHANGE IN BANK CONTROL ACT".—

Section 7(j)(16) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(16)) is amended to read as follows:

"(16)(A) Any person who violates any provision of this subsection, or any regulation or order issued by the appropriate Federal banking agency pursuant thereto, shall pay a civil penalty of not more than $25,000 for each day during which such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the agency having authority to impose a civil money penalty, in its discretion, may assess a penalty of not more than $1,000,000 per day for each day during which such violation continues. The agency having authority to impose a civl money penalty may, in its discretion, compromise, modify, or remit any civil money penalty which is subject to imposition or has been imposed under such authority. The penalty may be assessed and collected by the appropriate Federal banking agency by written notice. As used in this paragraph, the term 'volates' includes without any limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

"(B) In determining the amount of the penalty, the appropriate Federal banking agency shall take into account the appropriateness of the penalty with respect to the size of financial resources and good faith of the person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require.

"(C) The person assessed shall be afforded an opportunity for an agency hearing upon request made within 10 days after receipt of the notice of assessment. In such hearing all issues shall be determined on the record pursuant to section 554 of title 5, United States Code. The agency determination shall be made by final order which may be reviewed only as provided in subparagaph (D). If no hearing is requested as herein provided, the assessment shall constitute a final and unappealable order.

"(D) Any financial institution or person against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States Court of appeals for the circuit in which the home office of the insured financial institution is located, or the United States Court of Appeals for the District of Columbia Circuit, by filing a notice of appeal in such court within 20 days from the date of such order and simultaneously sending a copy of such notice by registered or certified mail to the appropriate Federal banking agency. The agency shall promptly certify and file in such court the record upon which the penalty was imposed, as provided in section 2112 of title 28, United States Code. The findings of the agency shall be set aside if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code.

"(E) If any person fails to pay an assessment after it has become a final and unappealable order, or after the court of appeals has entered final judgment in favor of the agency, the agency shall refer the matter to the Attorney general, who shall recover the amount assessed by action in the appropriate United States district court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

"(F) All penalties collected under authority of this section shall be paid into the Treasury of the United States."

SEC. 905. REPORTS.—

(a) Section 3 of the Bank Protection Act of 1968 (12 U.S.C. 1882) is amended by striking in the first sentence of subsection (b) the phrase "and shall require the submission of periodic reports with respect to the installation, maintenance, and operation of security devices and procedures".

(b) Section 5211 of the Revised Statutes (12 U.S.C. 161) is amended—

(1) by striking, in the fifth sentence of subsection (a), "within ten days after the receipt of a request thereof from him;" and inserting "within the period of time specified by him;";

(2) by striking "; penalties" in the heading of subsection (c); and

(3) by striking the last sentence of subsection (c).

(c) NATIONAL BANKS.—Section 5213 of the Revised Statutes (12 U.S.C. 164) is amended by striking the first sentence and inserting the following:

"Every association which fails to make, obtain, transmit or publish any report or information required by the Comptroller under section 5211 of the Revised Statutes (12 U.S.C. 161) or which submits any false, misleading, or incomplete report or information shall be subject to a penalty for such failure, submission, or publication of not more than $25,000 for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the financial institution, the Comptroller may, in his discretion, assess a penalty of not more than $1,000,000 per day for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected.".

(d) STATE NONMEMBER BANKS.—Section 7(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(1)) is amended by striking the last sentence and inserting the following:

"Every such bank which fails to make or publish any such report within the period of time specified by the Corporation or which submits or publishes any false, misleading, or incomplete report or information shall be subject to a penalty for such failure, submission, or publication of not more than $25,000 for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Notwithstanding the foregoing, for such failure, submission or publication resulting from reckless disregard for the safety and soundness of the institution, such bank shall be subject to a penalty of not more than $1,000,000 for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete information is corrected. Such penalty may be collected by the Corporation by suit or otherwise and the costs of assessment and collection for such penalty retained by the Corporation for its own use.".

(e) Section 9 of the Federal Reserve Act (12 U.S.C. 324) is amended by striking the fourth sentence and inserting "Every bank which fails to make such reports within the period of time specified by the Board of Governors of the Federal Reserve System or which submits or publishes any false, misleading, or incomplete report or information shall be subject to a penalty for such failure, submission, or publication of not more than $25,000 for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Notwithstanding the foregoing, for such failure, submission or publication resulting from reckless disregard for the safety and soundness of the bank, such bank shall be subject to a penalty of not more than $1,000,000 for each day during which such failure continues or for such day from the time of submission or publication until such false, misleading or incomplete information is corrected, and for all other such failures, submissions, or publications a penalty shall be assessed and collected in the same manner as prescribed by section 8(i)(3) of the Federal Deposit Insurance Act.".

(f) Section 8(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1847(b)) is amended—

(1) by redesignating subsection (b)(1) as subsection (b) and redesignating sections (b)(2) through (6) as sections (d)(1) through (5); and

(2) by adding a new subsection (c) as follows: "Any company which fails to make such reports as are required by this chapter or any regulation or order issued pursuant thereto within the period of time specified by the Board or which submits or publishes any false, misleading or incomplete report or information shall pay a civil penalty of not more than $25,000 for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Notwithstanding the foregoing, for such failure, submission or publication made with reckless disregard, the company shall be subject to a penalty of not more than $1,000,000 for each day during which such failure continues or for each day from the time of submission or publication until such false or misleading report or submission is corrected.

Subtitle B—Regulation by the Federal Home Loan Bank System

SEC. 906. EXAMINATION AUTHORITY.—

Section (5)(d)(1) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)) is redesignated as (5)(d)(1)(A) and section 407(m) of the National Housing Act (12 U.S.C. 1730(m)) is redesignated as section 5(d)(1)(B) of the Home Owners' Loan Act of 1933 and is further amended by substituting the term "savings association" or "savings associations" for the terms "institution" and "insured institutions", by deleting the phrase "on behalf of the Corporation" and by substituting the term "System" for "Corporation" everywhere it appears and a new subparagraph (5)(d)(1)(C) is added as follows:

"(C) References in this subsection to savings account holders and to members of associations shall be deemed to be references to holders of withdrawable accounts in institutions over which the System has any statutory power of examination or supervision as provided in this paragraph, and references therein to boards of directors of associations shall be deemed to be references to boards of directors or other governing boards of such institutions. The System shall have power by regulation to define, for the purposes of this paragraph, terms used or referred to in the preceding sentence and other terms used in this subsection.".

SEC. 907. REPORTS OF CONDITION AND PENALTIES.—

Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) is amended by inserting after new subsection (t) the following new subsection:

"(u)(1) Each association shall make reports of condition to the System which shall be in such form and shall contain such information as the System may require.

"(2) The System may require reports of condition to be published in such manner as the System may direct.

"(3) Any association which fails to submit or publish any report or information required by the System under paragraph (1) or (2) within the period of time specified by the System, or submits or publishes any false, misleading or incomplete report or information shall be subject to a penalty for such failure, submission or publication of not more than $25,000 for each day during which such failure continues, or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Notwithstanding the foregoing, for violations resulting from reckless disregard for the safety and soundness of an association, the system may, in its discretion, assess a penalty of not more than $1,000,000 for each day during which such failure continues or for each day from the time of submission or publication until such false or misleading report or information is corrected.

"(4) Any penalty imposed under paragraph (3) shall be assessed, and collected by the System in the manner provided in section 8(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)) and any such assessment (including the determination of the amount of the penalty) shall be subject to the provisions of such section.

"(5) The Federal Deposit Insurance Corporation shall have access to reports of condition made to the System pursuant to paragraph (1) and any revision made to any such report.".

SEC. 908. SAVINGS AND LOAN HOLDING COMPANIES.—

(a) Redesignated sections 10(j) (1) and (2) of the Home Owners' Loan Act (formerly 12 U.S.C. 1730a(j) (1) and (2)) are amended to read as follows:

"(j)(1) Any company which willfully violates any provision of this section, or any regulation or order issued by the System pursuant thereto shall be subject to a fine of $1,000,000 for each day during which such violation continues. Any individual who willfully participates in a violation of any provision of this section or any rule, regulation or order thereunder, shall be subject to a fine of not more than $1,000,000 for each day during which such violation continues or shall be imprisoned for not more than five years, or both."; and

"(2) Any company which or individual who willfully participates in a violation of any provision of this section, or any regulation or order issued pursuant thereto, shall pay a civil penalty of not more than $1,000,000 per day for each day during which such violation continues and for all other violations, shall pay a civil penalty of not more than $25,000 per day for each day during which such violation continues.".

"(b) Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) is amended by inserting after new subsection (u) the following new subsection:

"(v) Any savings and loan holding company, and any subsidiary of such holding company, which fails to submit or publish any report or information required under section 5 of the National Home Owners' Loan Act or regulations prescribed by the System within the period of time specified by the System, or submits or publishes any false, misleading or incomplete report or information shall be subject to a penalty for such failure, submission or publication, or false, misleading or incomplete submission of not more than $25,000 for each day during

which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Notwithstanding the foregoing, for violations resulting from reckless disregard for the safety and soundness of the association, or not more than $1,000,000 for each day during which such failure continues or for each day from the time of submission or publication until such false or misleading, or incomplete report or information is corrected;

"(2) Any penalty imposed under paragraph (1) shall be assessed and collected by the System in the manner provided in section 8(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)) and any such assessment (including the determination of the amount of the penalty) shall be subject to the provisions of such section.".

SEC. 909. CONTINUITY OF AUTHORITY FOR ONGOING LITIGATION.—

All ongoing litigation in which the Federal Home Loan Bank Board or the Federal Savings and Loan Insurance Corporation are named parties, shall be pursued after the effective date of this Act by the Federal Home Loan Bank System or the Federal Deposit Insurance Corporation, as appropriate under this Act.

SEC. 910. TEMPORARY EXTENSION OF AUTHORITY.—

Any administrative hearing or proceeding initiated prior to the effective date of this Act or any order issued, agreement entered, condition imposed, memorandum of understanding entered, penalty assessed or capital directive issued pursuant to those provisions in section 5(d) of the Federal Home Owners' Loan Act (12 U.S.C. 1464(d)), repealed by section 307 of this Act, or pursuant to section 407 (e) through (h), (k) or (p) of the National Housing Act (12 U.S.C. 1730) shall be continued by the Federal Home Loan Bank System as if those provisions remained in effect.

Subtitle C—Credit Unions

SEC. 911. AMENDMENTS TO SECTION 206.—

Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended—

(1) by striking the following phrases:

(A) "director, officer, committee member, employee, agent, or other person participating in the conduct of the affairs of such a credit union";

(B) "director, officer, committee member, employee, agent, or other person";

(C) "director, officer, committee member, or employee";

(D) "director, officer, or committee member";

(E) "director, committee member, or officer";

(F) "director, committee member, officer, or other person";

(G) "officer, director, committee member, employee, agent, or other person participating in the conduct of the affairs of such a credit union";

(H) "officer, director, committee member, employee, agent, or other person participating in the conduct of the affairs of such a credit union";

(I) "director, committee member, officer or other person";

(J) "director, officer, committee member, or other person"; and

(K) "director, committee member, or officer of an insured credit union, or other person participating in the conduct of the affairs of such credit union";

each place they appear and inserting "institution-related party";

(2) in section (b)(1) by replacing the words "one hundred and twenty days" with the words "sixty days";

(3) in section (c), by replacing the words "one year" with the words "a minimum of six months up to two years";

(4) at the end of section (e)(1) by striking the period and inserting the following: "including, without limitation, reimbursement, restitution, indemnification, rescission, the disposal of loans or assets, prohibitions or restrictions on growth of the institution, guarantees against loss, or other action the Board deems appropriate. Such order may place limitations on the activities or functions of the credit union or any institution-related party necessary to correct the conditions resulting from any such violation or practice.";

(5) after the first sentence of paragraph (1) of subsection (f), by inserting the following sentence: "Such order may place limitations on the activities or functions of the credit union or any institution-related party.";

(6) in subsection (f), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Whenever a notice of charges specifies that any insured credit union's books and records are so incomplete or inaccurate that the Board is unable with reasonable effort to determine the financial condition of that credit union or the details or purpose of any transactions that may have a substantial effect on the financial condition of that credit union, the Board may issue a temporary order requiring cessation of any activities the Board deems appropriate, including prohibitions or restrictions on the growth of the institution, or affirmative action to restore such books and records to a complete and accurate state, or both, until completion of proceedings conducted under paragraph (1) of subsection (e) of this section. Such order shall become effective upon service, and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (3) of this subsection, shall remain effective and enforceable pending completion of the administrative proceeding initiated under such notice or until the Board determines by examination or otherwise that the credit union's books and records are accurate and capable of reflecting the financial condition of the credit union.";

(7) by striking paragraph (2) and amending paragraph (1) of subsection (g), to read as follows:

"(1) Whenever the Board determines that—

"(A) any institution-related party, directly or indirectly, has violated any law, rule, regulation, or cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with any insured credit union or other business institution, or has committed or engaged in any act, omission, or practice which constitutes a breach of fiduciary duty, or by conduct or practice has evidenced such party's personal dishonesty or unfitness to continue as an institution-related party; and

"(B) such insured credit union or other business institution has suffered or will probably suffer financial loss or other damage, or the interests of its insured members have been or could be prejudiced by reason of such violation, practice, or breach, or the institution-related party has received financial gain by reason of such violation, practice, or breach

the Board may serve upon such institution-related party a written notice of its intention to remove such party from office or to prohibit such party's further participation in any manner in the conduct of the affairs of any insured credit union."

(8) in subsection (g), by striking subparagraph (7) and by redesignating paragraphs (3) through (6) of subsection (g) as paragraphs (2) through (5), respectively, and by amending paragraph (3) (as so redesignated) to read as follows:

"(3) In respect to any institution-related party referred to in paragraph (1) or (2) of this subsection, the Board may, if it deems necessary for the protection of the credit union or the interests of its members, by written order to such effect served upon such party, suspend that party from office or prohibit that party from further participation in any manner in the conduct of the affairs of the credit union. Such suspension or prohibition shall become effective upon service of such order on the institution-related party and, unless stayed by a court in proceedings authorized by paragraph (5) of this subsection, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under paragraphs (1) and (2) of this subsection and until such time as the Board shall dismiss the charges specified in such notice, or, if an order of removal or prohibition is issued against such party, until the effective date of any such order. Copies of any order issued pursuant to this paragraph also shall be served upon any institution where the party involved is presently associated.";

(9) in subsection (g)(5), as redesignated, by striking "(4)" and inserting "(3)", and by striking "(1), (2), or (3)" and inserting "(1) or (2)";

(10) in subsection (k)(2)(A), by replacing the words "$1,000 per day during which such violation continues" with the words "$25,000 for each day such violation continues. Notwithstanding the foregoing for violations made with reckless disregard for the safety and soundness of the institution, the Board, in its discretion may assess a penalty of not more than $1,000,000 per day for each day such violation continues.";

(11) by adding the following new subparagraphs (3) and (4) to subsection (k):

"(3)(A) Any insured credit union which, and any director or officer of such credit union or other person participating in the conduct of the affairs of such credit union who, has violated any law or regulation on which no civil penalty has been assessed under any other provision of law, or any condition imposed in writing by the Board in connection with the grant of any application or other request by such credit union, or has breached any fiduciary duty or engaged in any unsafe or unsound practice, where such breach or practice has lead to a loss to the credit union or pecuniary gain to the institution-related party, shall pay a civil penalty of not more than $25,000 for each day such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the institution, the Board, in its discretion, may assess a penalty of not more than $1,000,000 per day for each day such violation continues.

"(B) Any penalty imposed under subparagraph (A) shall be assessed, determined, reviewed, and collected in the manner provided in paragraph (2) for any penalty imposed under such paragraph.

"(C)(i) The assessment of any penalty under subparagraph (A) with respect to any

violation shall not preclude the appropriate Federal banking agency from—

"(I) issuing any order under subsection (e), (f), or (g) with respect to such violation; or

"(II) taking any other action authorized by any such subsection with respect to such violation.

"(ii) No civil penalty may be imposed under subparagraph (A) for any violation for which a civil penalty is imposed under paragraph (2) or other provision of law.

"(4) The jurisdiction and authority of the Board to proceed under this section against any institution-related party shall not be affected by the resignation, termination of employment, or other separation of such person from an insured credit union.";

(12) in the first sentence of paragraph (3)(A) of subsection (k), by inserting after "this section" the following: "or any condition imposed in writing by the Board in connection with the granting of any application or other request by the credit union", and by striking "subsection (e), (f), or (g)" and inserting "subsection (e), (f), or (p)";

(13) by amending subsection (1) to read as follows:

"(1) Any person against whom there is outstanding and effective any order served upon such person under paragraph (3) or (4) of subsection (g) or under subsection (i) who, directly or indirectly, without the prior written approval of the Board participates in any manner in the conduct of the affairs of—

"(A) any insured institution,

"(B) any bank holding company or subsidiary of a bank holding company (as those terms are defined in the Bank Holding Company Act of 1956),

"(C) any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act,

"(D) any savings and loan holding company or subsidiary of a savings and loan holding company, or

"(E)(1) any institution chartered under the Farm Credit Act of 1971, from which such person has been suspended, removed, or prohibited, or solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote any proxies, consents, or authorization in respect to any voting rights in such institution; or

"(2) votes for a director, or serves or acts as a director, officer, committee member, employee, or agent, or otherwise participates in any manner in the conduct of the affairs of any insured institution, any bank holding company or subsidiary thereof, or any other institution described in paragraph (1) of this subsection.

shall be fined not more than $1,000,000 or imprisoned for not more than five years, or both. Any order issued under subsection (g) of this section may prohibit any act that would violate this subsection.";

(14) by striking subsection (m) and redesignating subsections (n), (o), (p), and (q) of this section as subsections (m), (n), (o), and (p), respectively; and

(15) by adding at the end thereof the following new paragraphs, (q), (r), (s), and (t):

"(q) (A) The Board, within its discretion, after notification of the Attorney General may pay a reward to a person who provides original information which directly leads to recovery of a criminal fine or restitution or civil penalty under this title, or under section 215, 656, 657, 1005, 1006, 1007, 1014, 1344 or 3663 or of a forfeiture under section 983 or 984 of title 18, United States Code, or penalty under this section, which exceeds $50,000.

"(B) The Board may not pay more than 25 per cent of the amount of the fine, penalty or forfeiture or $100,000, whichever is less.

"(C) An officer or employee of the United States, State, or local government who provides information described in paragraph (A), obtained in the performance of official duties, is not eligible for a reward under this section.

"(D) A reward decision or decision not to make a reward made pursuant to this section by the Board is final and not reviewable by any court.

"(r)(1) No federally insured credit union may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any financial institution regulatory authority or to the Department of Justice regarding a possible violation of any law or regulation by the financial institution or its officers, directors or employees.

"(2) Any employee or former employee who believes he has been discharged or discriminated against in violation of paragraph (1) may file a complaint in federal district court within two years from the date of such discharge or discrimination.

"(3) If the district court determines that a violation of paragraph (1) has occurred, it shall order the financial institution who committed the violation to reinstate the employee to his former position together with compensatory damages and otherwise remedy any past discrimination.

"(4) The protections of this subsection do not apply to an employee who deliberately caused the alleged violation of law or regulation.

"(s) DEFINITIONS.—As used in this section:

"(1) The term 'appropriate Federal regulatory agency' has the same meaning as in section 8(k) of the Federal Deposit Insurance Act.

"(2) The terms 'cease-and-desist order which has become final' and 'order which has become final' mean a cease-and-desist order or other order issued by the Board (A) with the consent of the credit union or the institution-related party concerned; (B) with respect to which no petition for review of the action of the agency has been filed and perfected in a court of appeals as specified in paragraph (2) of subsection (j) of this section; (C) with respect to which the action of the court in which such a petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in that paragraph; or (D) under paragraphs (1) or (3) of subsection (i) of this section.

"(3) The term 'institution-related party' means a director, officer, committee member, employee, agent, independent contractor, or other person participating in the conduct of the affairs of an insured credit union.

"(4) The term 'insured institution' means an insured credit union, as defined in section 101, or a depository institution whose accounts are insured by the Federal Deposit Insurance Corporation.

"(5) The term 'violation' includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

"(t) The authority granted to the Board under this section shall be in addition to, and not restricted by, any other authority provided by Federal or State law.".

SEC. 912. AMENDMENTS TO SECTION 205.—Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended—

(1) in the first sentence of subsection (d), by inserting after the phrase "insured credit union", the phrase "or shall participate in the conduct of the affairs of such insured credit union";

(2) by striking the second sentence of subsection (d) and inserting "For each violation of this subsection, the credit union or the individual involved shall pay a civil penalty of not more than $25,000 for each day such violation continues. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of the institution, the Board, in its discretion may assess a penalty of not more than $1,000,000 per day for each day such violation continues. The Board may recover the costs of penalty assessment and collection for its use."; and

(3) in the first sentence of paragraph (2) of subsection (e), by inserting a period after the word "standards" and striking the phrase "and shall require the submission of periodic reports with respect to the installation, maintenance, and operation of security devices and procedures".

SEC. 913. AMENDMENTS TO SECTION 202.—Section 202(a)(3) of the Federal Credit Union Act (12 U.S.C. 1782(a)(3) is amended by striking out the second sentence and inserting in lieu thereof the following new sentences: "Any insured credit union which—

"(A) fails to submit or publish any report required under this subsection or section 106 within the period of time specified by the Board; or

"(B) submits or publishes any false, misleading, or incomplete report or information shall be subject to a penalty for such failure, submission, or publication or false, misleading, or incomplete submission of not more than $25,000 for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Notwithstanding the foregoing, for violations made with reckless disregard for the safety and soundness of a credit union, the Board, in its discretion, may assess a penalty of not more than $1,000,000 for each day during which such failure continues or for each day from the time of submission or publication until such false, misleading, or incomplete report or information is corrected. Any penalty imposed by the preceding sentence shall be assessed and collected by the Board in the manner provided in section 206(k)(2) (for penalties imposed under such section), and any such assessment (including the determination of the amount of the penalty) shall be subject to the provisions of such section.".

Subtitle D—Right to Financial Privacy Act

SEC. 914. AMENDMENTS TO RIGHT TO FINANCIAL PRIVACY ACT.—(a) Section 1101 of the Right to Financial Privacy Act of 1978 (Title XI of Public Law 95-630, 12 U.S.C. 3401) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by deleting in paragraph (7), as redesignated, all before subparagraph (A) and inserting in lieu thereof:

"(7) 'supervisory agency' means with respect to any particular financial institution,

holding company or any subsidiary of a financial institution or holding company, any of the following which has statutory authority to examine the financial condition, business operations or records or transactions of that institution, holding company or subsidiary—"; and

(3) by inserting after paragraph (5) the following new paragraph (6) to read as follows:

"(6) 'Holding company' means any 'bank holding company' as defined in section 2 and any company described in section 3(f)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), or any 'savings and loan holding company' as defined in the National Home Owners' Loan Act.".

(b) Section 1113 of the Right of Financial Privacy Act of 1978 (Title XI of Public Law 95-630, 12 U.S.C. 3413(b)) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Nothing in this chapter applies to the examination by or disclosure to any supervisory, agency of financial records or information in the exercise of its supervisory, regulatory or monetary functions, including conservatorship or receivership functions, with respect to any financial institution, holding company or any subsidiary of a financial institution or holding company or any officer, director, employee, agent or other person participating in the affairs thereof."; and

(2) by adding new paragraphs (m) and (n) as follows:

"(m) Nothing in this title shall apply to the examination by or disclosure to employees or agents of the Board of Governors of the Federal Reserve System or any Federal Reserve Bank of financial records or information in the exercise of the Federal Reserve System's authority to extend credit to depository institutions or others.

"(n) Nothing in this title shall apply to the examination by or disclosure to the Resolution Trust Corporation or its employees or agents of financial records or information in the exercise of its conservatorship, receivership or liquidation functions with respect to a financial institution.".

(c) Section 3420 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended by adding at the end thereof the following: "A financial institution on which a grand jury subpoena has been served, relating to a possible violation of sections 215, 656, 657, 1005, 1006, 1007, 1008, 1014, or 1344 of title 18, United States Code, shall not notify the customer whose records are sought or any other party about the existence or contents of the subpoena or information that has been furnished to the grand jury in response to that subpoena. Any person who violates the requirement of the preceding sentence shall be punished as provided in section 1510(b) of title 18, United States Code.".

Subtitle E—Criminal Enhancements

SEC. 915. INCREASED CRIMINAL PENALTIES AND CIVIL PENALTIES FOR CERTAIN FINANCIAL INSTITUTION OFFENSES.—

(a) Section 215, title 18, United States Code, is amended—

(1) by replacing "$5,000" with "$1,000,000" and the word "five" with the word "twenty" in subsection 215(a) and removing the period at the end thereof and adding the following: "and shall be subject to a civil penalty of $1,000,000 or the amount of the thing given, offered, promised, solicited, demanded, accepted or agreed to be accepted, whichever is greater. Civil and criminal penalties under this section are cumulative." and

(2) in subsection 215(b)—

(A) by replacing the words "a bank" in subsection (b)(1) with the words "an institution"; and

(B) by removing subsections (b)(2) and (b)(8) and by redesignating subsections (b)(3), (4), (5), (6), and (7) subsections (b)(2), (3), (4), (5), and (6); and

(3) by adding new subsections (e) and (f) as follows:

"(e) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business, may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.

"(f)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district where such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena of the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.".

(b) Section 656, title 18, United States Code, is amended—

(1) by replacing "$5,000" with the words "$1,000,000 or twice the amount authorized by section 3571(d) of this title, whichever is greater," and the word "five" with the word "twenty";

(2) by removing the period at the end of the first paragraph and adding the following:

"and shall be subject to a civil penalty of $1,000,000 for each day the violation continues or the amount embezzled, abstracted, purloined or willfully misapplied and any pecuniary gain attributable to that amount, or $5,000,000, whichever is greater. Civil and criminal penalties and restitution under this section are cumulative."; and

(3) by redesignating current section 656 as 656(a) and by adding new subsections (b) and (c) as follows:

"(b) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business, may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law."

"(c)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district where such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena of the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.".

(c) Section 657, title 18, United States Code, is amended—

(1) by replacing "$5,000" with the words "$1,000,000 or twice the amount authorized by section 3571(d) of this title, whichever is greater, and any pecuniary gain attributable to that amount," and the word "five" with the word "twenty";

(2) by removing the period at the end of the section and adding the following:

"and shall be subject to a civil penalty of $1,000,000 for each day the violation continues or the amount embezzled, abstracted, purloined or willfully misapplied and any pecuniary gain attributable to that amount, or $5,000,000, whichever is greater. Civil and criminal penalties and restitution under this section are cumulative."; and

(3) by redesignating current section 657 as 657(a) and by adding new subsections (b) and (c) as follows:

"(b) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business, may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law."

"(c)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. And any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena of the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.".

(d) Section 1005, title 18, United States Code, is amended—

(1) by adding the words "bank or savings and loan holding company," after the words "member bank," in the third clause thereof;

(2) by replacing the "—" at the end of the third clause following the words "Federal Reserve System" with a semicolon and adding a fourth clause immediately thereafter as follows:

"Whoever with intent to defraud the United States or any agency thereof, or any financial institution referred to in this section, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of any such financial institution".

(3) by replacing "$5,000" with the words "$1,000,000 or twice the amount authorized by section 3571(d) of this title, whichever is greater" and the word "five" with the word "twenty";

(4) by removing the period at the end of the first paragraph and by adding the following:

"and shall be subject to a civil penalty of $1,000,000 for each day the violation continues or the amount of any pecuniary gain attributable to the proscribed actions, or $5,000,000, whichever is greater. Civil and criminal penalties and restriction under this section are cumulative."; and

(5) by redesignating current section 1005 as 1005(a) and by adding new subsections (b) and (c) as follows:

"(b) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business, may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law."

"(c)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued, to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. And any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district where such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena of the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.".

(e) Section 1006, title 18, United States Code, is amended—

(1) by replacing "$5,000" with the words "$1,000,000 or twice the amount authorized by section 3571(d) of this title, whichever is greater" and the word "five" with the word "twenty";

(2) by removing the period at the end of the section and adding the following: "and shall be subject to a civil penalty of $1,000,000 for each day the violation continues or the amount of pecuniary gain attributable to the proscribed actions, or $5,000,000, whichever is greater. Civil and criminal penalties and restitution under this section are cumulative."; and

(3) by redesignating current section 1006 as 1006(a) and by adding new subsections (b) and (c) as follows:

"(b) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business, may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law."

"(c)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or pro-

ceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. And any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district where such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena of the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.".

(f) Section 1007, title 18, United States Code, is amended to read:

"(a) Whoever, for the purpose of inducing the insurance of the accounts of any institution by the Federal Deposit Insurance Corporation, for the purpose of obtaining any loan from the Federal Deposit Insurance Corporation, for the purpose of obtaining any extension or renewal of such insurance or such loan, or for the purpose of obtaining the acceptance, release, or substitution of security for such loan, or for the purpose of inducing the Federal Deposit Insurance Corporation to purchase any assets, or for the purpose of obtaining the payment of any insured deposit or transferred deposit or the allowance, approval, or payment of any claim, or for the purpose of influencing in any way the action of the Federal Deposit Insurance Corporation, makes, passes, utters, or publishes any statement, knowing it to be false; utters, forges, or counterfeits any instrument, paper, or document, or utters, publishes, or passes as true any instrument, paper or document, knowing it to have been uttered, forged, or counterfeited; or willfully overvalues any security, asset, or income, of any institution insured or applying for insurance by the Federal Deposit Insurance Corporation shall be fined not more than $1,000,000 or twice the amount authorized by section 3571(d) of this title, whichever is greater, or imprisoned for not more than twenty years, or both, and shall be subject to a civil penalty of $1,000,000 for each day the violation continues, or the amount of pecuniary gain attributable to the proscribed actions, or $5,000,000, whichever is greater. Civil and criminal penalties and restitution under this section are cumulative.

"(b) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business, may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law."

"(c)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. And any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district where such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena of the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.".

(g) Section 1008, title 18, United States Code, is repealed.

(h) Section 1014, title 18, United States Code, is amended—

(1) by replacing "$5,000" with the words "$1,000,000 or twice the amount authorized by section 3571(d) of this title, whichever is greater" and the word "two" with the word "twenty";

(2) by removing the period at the end of the first paragraph and by adding the following:

"and shall be subject to a civil penalty of $1,000,000 for each day the violation continues, or the amount of any pecuniary gain attributable to the false statement or report or overvaluation, or $5,000,000, whichever is greater. Civil and criminal penalties and restitution under this section are cumulative."; and

(3) by redesignating current section 1014 as 1014(a) and by adding new subsections (b) and (c) as follows:

"(b) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business, may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.

"(c)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. And any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district where such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena of the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.".

(i) Section 1344(a), title 18, United States Code, is amended—

(1) by replacing "$10,000" with the words "$1,000,000 or twice the amount authorized by section 3517(d) of this title, whichever is greater" and the word "five" with the word "twenty";

(2) by removing the period at the end and adding the following: "and shall be subject to a civil penalty of $1,000,000 for each day the violation continues or the amount of pecuniary gain attributable to the fraud, or $5,000,000, whichever is greater. Civil and criminal penalties and restitution under this section are cumulative."; and

(3) by adding new subsections (c) and (d) as follows:

"(c) The Attorney General may bring a civil action against any person who violates the provisions of the preceding section. The suit may be brought in any district court of the United States or the United States courts of any territory in which the defendant or, in the case of multiple defendants, any one defendant resides, is doing business,

may be found, or in which any proscribed act was committed. A subpoena requiring the attendance of a witness at trial or hearing conducted under this provision may be served at any place in the United States. The court in which such action is brought shall determine the existence of a violation upon a preponderance of the evidence, shall assess the civil penalty, and shall have power to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law."

"(d)(1) For the purpose of any civil investigation or proceeding under this chapter, the Attorney General or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

"(2) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Attorney General or officer designated by the Attorney General to produce records, if so ordered, or to give testimony touching upon the matter under civil investigation or in question. And any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district where such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpoena or the Attorney General shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both."

(j) Chapter 213 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"SECTION 3293. FINANCIAL INSTITUTION OFFENSES.—

"No person shall be prosecuted, tried, or punished for violation of any provision of sections 215, 656, 657, 1005, 1006, 1007, 1008, 1014 and 1344 of this title, or for conspiracy to commit violations of any of the aforementioned sections, unless the indictment is returned or the information is filed within ten years after the commission of the offense. This section shall apply to any of the aforementioned offenses committed before the effective date of this section, if the statute of limitations applicable to that offense under this chapter had not run as of the effective date of this section.".

(k) Pursuant to its authority under section 994(p) of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, or 1344 of title 18, United States Code, under circumstances which substantially jeopardize the safety and soundness of a financial institution shall be assigned an offense level under chapter 2 of the sentencing guidelines that is not less than level 24. If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in this provision so as to achieve a comparable result.

SEC. 916. MISCELLANEOUS REVISIONS TO TITLE 18.—

(a) The term "Federal Home Loan Bank Board" is replaced by the term "Federal Home Loan Bank System" wherever it appears.

(b) Section 212 of title 18, United States Code, is amended by replacing the word "bank" or "banks" wherever they appear with the words "financial institution" or "financial institutions", respectively (except in the phrases "land bank" and "member banks") and by adding in the second sentence the words "Federal Home Loan Bank System" after the words "Federal Deposit Insurance Corporation".

(c) Section 213 of title 18, United States Code, is amended by replacing the words "banks the deposits of which" with the words "financial institutions the deposits of which".

(d) Section 1009, title 18, United States Code, is repealed.

(e) Section 1030, title 18, United States Code, is amended by removing the words "a bank" from subsection (e)(4)(A) and replacing it with the words "an institution," by removing subsection (e)(4)(C), and by redesignating subsections (e)(4)(D), (E), (F), (G), and (H), as subsections (e)(4)(C), (D), (E), (F), and (G), respectively.

(f) Section 1114, title 18, United States Code, is amended by removing the words "the Federal Savings and Loan Insurance Corporation,".

(g) Section 1306, title 18, is amended by removing the words "section 20 of the Federal Deposit Insurance Act, or section 410 of the National Housing Act" and replacing it with the words "or section 20 of the Federal Deposit Insurance Act."

(h) Section 1510, title 18, United States Code, is amended (1) by redesignating subsection (b) as subsection (c), and (2) by adding a new subsection (b) as follows: "Whoever, being an officer, director, partner, or employee of a financial institution (as that term is defined in section 3401 of title 12, United States Code), directly or indirectly notifies a customer of that financial institution whose financial records are sought by a grand jury subpoena served on that financial institution, relating to a possible violation of sections 215, 656, 657, 1005, 1006, 1007, 1008, 1014, or 1344 of title 18, United States Code, or any other party about the existence or contents of the subpoena or information that has been furnished to the grand jury in response to that subpoena shall be fined not more than $1,000,000 or twice the amount authorized by section 3571(d) of this title, whichever is greater, or be imprisoned not more than twenty years, or both.".

(i) Section 2113, title 18, United States Code, is amended—

(1) by removing from subsection (f) the words "any bank the deposits of which" and replacing it with "any institution the deposits of which";

(2) by adding before the period at the end of subsection (h) the words ", and any 'Federal credit union' as defined in section 2 of the Federal Credit Union Act"; and

(3) by removing subsection (g) and redesignating subsection (h) as subsection (g).

(j) Section 1961(1), title 18, United States Code, is amended by adding the words "Sections 656 and 657 (relating to financial institution embezzlement)," after the words "(relating to counterfeiting)," and the words "section 1344 (relating to financial institution fraud)," following the words "(relating to wire fraud),".

SEC. 917. CIVIL AND CRIMINAL FORFEITURE.—

(A) Title 18, United States Code is amended by adding the following new sections 983 and 984 as follows:

"§ 983. Civil forfeiture relating to certain financial institution violations

"(a) Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of sections 215, 656, 657, 1005, 1006, 1007, 1014, or 1344 of this title affecting a federally insured financial institution, shall be subject to forfeiture to the United States, except that no property shall be forfeited under this section, to the extent of the interest of an owner or lienholder by reason of any act or omission established by that owner or lienholder to have been committed or omitted without the knowledge or consent of that owner or lienholder.

"(b) Any property subject to civil forfeiture to the United States under this section may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is incident to a lawful arrest or search or if the Attorney General has probable cause to believe that the property is subject to civil forfeiture under this section. In the event of seizure pursuant to paragraph (1) or (2) of this subsection, proceedings under subsection (d) of this section shall be instituted promptly. The government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) The provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and

not inconsistent with the provisions hereof; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures of property under this section by the Federal Bureau of Investigation, and with respect to custody and forfeitures under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.

"(e)(1) Whenever property is forfeited under this section, the Attorney General may sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public.

"(2)(a) The Attorney General shall transfer the property or proceeds from the sale of such property to any federal financial institution regulatory agency to the extent of such agency's contribution of resources to, or expenses involved in, the seizures and forfeiture, and the investigation leading directly to the seizure and forfeiture, of such property; and

"(b) The Attorney General may retrain property and proceeds from the sale of such property to the extent of the Attorney General's contribution of resources to, or expenses involved in, the seizure and forfeiture, and the investigation leading directly to the seizure and forfeiture, of such property. Such expenses include, but are not limited to, expenses for maintenance of custody, advertising, and court cost.

"(3) Notwithstanding any other provision of law, if the affected financial institution is in receivership, property forfeited pursuant to this section, or proceeds from the sale of such property, less any amount transferred pursuant to subsection (e)(2) of this section, shall be deposited to the General Fund of the Treasury.

"(4) Notwithstanding any other provision of law, if the affected financial institution is not in receivership, property forfeited pursuant to this section, or proceeds from the sale of such property, less any amount transferred pursuant to subsection (e)(2) of this section, shall be deposited to the General Fund of the Treasury or may be made available upon the order of the appropriate federal financial institution as restitution to that financial institution. Amounts received by the financial institution shall be set off against any amounts later recovered by the institution as compensatory damages in any State or Federal proceeding.

"(5) The United States shall not be liable in any action arising out of a transfer made pursuant to subsection (e) (2), (3), or (4).

"(f) All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(g) The filing of an indictment or information alleging a violation of law which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(h) In addition to the venue provided for in section 1395 of Title 28 or other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.

"S 984. Criminal Forfeiture relating to certain financial institution violations

"(a) Any person convicted of an offense under section 215, 656, 657, 1005, 1007, 1014, or 1344 of this title affecting a federally insured financial institution, shall forfeit to the United States, irrespective of any provision of state law, any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation. The court, in imposing sentence on such person shall order, in addition to any other sentence imposed, that the person forfeit to the United States all property described in this section.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interest, claims and securities.

"(c) All right, title and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 215, 656, 657, 1005, 1006, 1007, 1014, or 1344 of this title and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or othewise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered: *"Provided, however,* That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment of information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(e) Upon conviction of a person under section 215, 656, 657, 1005, 1006, 1007, 1014, or 1344 of this title, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(f) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him.

"(g) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of the violation, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited

under this section, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(h) Except to the extent that they are inconsistent with the provisions of this section, the provisions of sections 983(d) and 983(e) of this title shall apply to a criminal forfeiture under this section.

"(i) Except as provided in subsection (m) of this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(j) The district court of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(k) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 or the Federal Rules of Criminal Procedure.

"(l)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave right to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture under this section, the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(m) If any of the property described in subsection (a) of this section, as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty

"the court shall order the forfeiture of any of the property of the defendant up to the value of any property described in paragraph (1) through (5).".

SEC. 918. GRAND JURY AMENDMENTS.—

(a) Paragraphs (A), (B), and (C) of Rule 6(e)(3) of the Federal Rules of Criminal Procedure are amended to read as follows:

"(A) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury, other than its deliberations and the vote of any grand juror, may be made to—

"(i) any attorney for the government for use in the performance by an attorney of the government's duty to enforce federal criminal or civil law; and

"(ii) such government personnel (including personnel of a state or subdivision of a state) as are deemed necessary by an attorney for the government to assist an attorney for the government in the performance of such attorney's duty to enforce federal criminal law.

"(B) Any person to whom matters are disclosed under subparagraph (A)(ii) of this paragraph shall not utilize that grand jury material for any purpose other than assisting an attorney for the government in the performance of such attorney's duty to enforce federal criminal or civil law. An attorney for the government shall promptly provide the district court, before which was impaneled the grand jury whose material has been so disclosed, with the names of the persons to whom such disclosure has been made, and shall certify that the attorney has advised such persons of their obligation of secrecy under this rule.

"(C) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury may also be made—

"(i) when so directed by a court, upon a showing of particularized need, preliminarily to or in connection with a judicial proceeding;

"(ii) when permitted by a court at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury;

"(iii) when the disclosure is made by an attorney for the government to another federal grand jury;

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law; or

"(v) at the request of an attorney for the government, and when so permitted by a court upon a showing of substantial need, to personnel of any department or agency of the United States (a) when such personnel are deemed necessary to provide assistance to an attorney for the government in the performance of such attorney's duty to enforce federal civil law, or (b) for use in relation to any matter within the jurisdiction of such department or agency.".

The first sentence of paragraph (D) of Rule 6(e)(3) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(D) A petition for disclosure pursuant to subdivision (e)(3)(C)(i) or (v) shall be filed in the district where the grand jury convened."

(b) Paragraph (1) of section 1681b of title 15, United States Code, is amended by inserting after "an order" the following: ", or a subpoena issued in connection with proceedings before a grand jury".

SEC. 919. LITIGATION AUTHORITY.—

Nothing in this Act may be construed as impairing or diminishing the authority of the Attorney General under section 516 of title 28, United States Code, to conduct and coordinate litigation on behalf of the United States Government.

SEC. 920. DEPARTMENT OF JUSTICE APPROPRIATION.—

There is hereby authorized to be appropriated, without fiscal year limitation, from the General Fund of the Treasury, $50,000,000 for the fiscal year ending September 30, 1989 and for each of the two fiscal year thereafter, to the Attorney General, for purposes of investigations and prosecutions involving financial institution crimes.

TITLE X.—STUDY OF FEDERAL DEPOSIT INSURANCE AND BANKING REGULATION

SEC. 1001. STUDY.—The Secretary of the Treasury, in consultation with the Comp-

troller of the Currency, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Federal Home Loan Bank System, the Chairman of the Federal Deposit Insurance Corporation, and the Director of the Office of Management and the Budget, shall conduct a study of the Federal deposit insurance system, including an appropriate structure for the offering of competitive products and services to consumers consistent with standards of safety and soundness.

SEC. 1002. TOPICS.—As part of such study, the Secretary shall investigate, review and evaluate the following:

(a) risk and rate structure for deposit insurance;

(b) incentives for market discipline;

(c) the scope of deposit insurance coverage and its impact on the liability of the insurance fund;

(d) the feasibility of market value accounting, assessments on foreign deposits, limitations and brokered deposits, the addition of collateralized borrowings to the deposit insurance base, and multiple insured accounts;

(e) policies to be followed with respect to the recapitalization or closure of insured depositories whose capital is depleted to or near the point of, insolvency; and (f) the efficiency of housing subsidies through the Federal Home Loan Bank System.

SEC. 1003. FINAL REPORT.—The Secretary shall submit to Congress within eighteen months from the date of enactment of this Act, a final report which shall contain a detailed statement of findings and conclusions, including recommendations for advisable administrative and legislative action.

TITLE XI.—MISCELLANEOUS PROVISIONS

SEC. 1101. AMENDMENTS TO SECTION 202 OF THE FEDERAL CREDIT UNION ACT.—Section 202 of the Federal Credit Union Act, 12 U.S.C. 1782, is amended as follows:

1. in paragraph (1) of subsection (b), by deleting "both the amount of its deposit or adjustment thereof and" and "both as computed under subsection (c) of this section".

2. in subsection (c) by striking paragraph (1), redesignating paragraph (2) as paragraph (1) and by adding a new paragraph (2) to read as follows:

"In the event the operating level of the Fund at the end of a given insurance year is below a minimum level specified by the Board or extraordinary circumstances exist that in the opinion of the Board raise a risk of serious future insurance losses, the Board shall have authority to assess a premium in excess of that specified in (c)(1). In no event shall any increase in the premium rate exceed fifty percent over the previous year, and in no event shall the premium in a given year exceed 0.35 percent of total member accounts. In no event shall the premiums or fees assessed under this chapter be considered appropriated monies."

3. in paragraph (1) of subsection (d) by striking "deposit or any".

4. in paragraphs (2) and (3) of subsection (d), by striking "its deposit or" and "deposit or the" each time they appear therein.

5. in subsections (e) and (f), by striking "deposit or" "deposit or any", and "its deposit or" each time they appear therein.

6. in subsection (g), by striking "deposits" in the first sentence, and by striking in the second sentence "any deposit or adjustment thereof or" each time it appears therein.

7. in paragraph (2) of subsection (h) by striking "1.30" and inserting "1.25".

8. adding a new paragraph (i) to read as follows:

"(1) Over an eight year transition beginning one year after the date of enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, insured credit unions shall expense the one percent deposit maintained with the Board pursuant to P.L. 98-369. The method of expensing the deposit shall be established pursuant to rules and regulations of the Board.

"(2) Credit unions that obtain insurance from the Fund during the transition period in (i)(1) above shall not be required to maintain a deposit with the Board, but the Board shall have authority to assess such additional premiums on those credit unions as are necessary and appropriate to ensure that the economic cost of maintaining the Fund is comparable for all insured credit unions."

SEC. 1102. AMENDMENT TO SECTION 203 OF THE FEDERAL CREDIT UNION ACT.—Section 203 of the Federal Credit Union Act, 12 U.S.C. 1783, is amended by striking "deposits and" in paragraph (b).

SEC. 1103. AMENDMENT TO SECTION 5240 OF THE REVISED STATUTES.—

Section 5240 of the Revised Statutes (12 U.S.C. 482) is amended by—

(1) by deleting the first sentence; and

(2) by inserting in lieu thereof the following:

"Subject to the approval of the Secretary of the Treasury, the Comptroller of the Currency shall fix the compensation of employees of the Office of the Comptroller of the Currency and shall make a report thereof to the Congress. Such compensation shall be determined by the Comptroller without regard to the provisions of any law or regulation (including, but not limited to, provisions in Title 5 of the United States Code) relating to federal employee and officer compensation. In setting and adjusting such compensation, the Comptroller shall seek to maintain comparability with the compensation at the other Federal bank regulatory agencies."

SEC. 1104. SEPARABILITY OF PROVISIONS.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

By Mr. DOMENICI:

S. 416. A bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes; to the Committee on Governmental Affairs.

COLA EQUITY ACT OF 1989

● Mr. DOMENICI. Mr. President, today I am introducing legislation—the COLA Equity Act of 1989—to ensure that every Federal and military retiree receives the full cost of living adjustment [COLA] due under current law.

The budget submitted to Congress by the administration is, in general, a good starting point for resolving the 1990 budget. But I cannot support the proposal to eliminate the COLA's for Federal and military retirees in 1990, and hold future increases below the rate of inflation.

Mr. President, it is simply unfair to single out Federal and military retirees for COLA cuts. These individuals have spent their careers in the public service. They deserve our thanks and support, not a targeted budget cut.

I am a strong supporter of the concept of COLA equity. In fairness, the same basic COLA policy must apply to those who retire under all Government-sponsored retirement programs, be it Federal and military retirement, or Social Security.

Since no change is contemplated in Social Security COLA's, my bill would ensure that full COLA's are paid to all Federal and military retirees.

And my proposal also covers all retirees of the Postal Service, plus all railroad retirees.

The bill also corrects a technical error in the Gramm-Rudman-Hollings law by exempting from sequestration the supplemental annuities paid to railroad retirees. This change is supported by the General Accounting Office and would conform treatment of this program to other Government pensions.

Mr. President, I ask unanimous consent that a summary of my bill and the bill itself be printed in the RECORD following this statement.

Finally, Mr. President, the Washington Post agrees with my position on these COLA's and I ask unanimous consent that their editorial of February 20, 1989, be included in the RECORD following my statement.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "COLA Equity Act of 1989".

SEC. 2. CIVIL SERVICE RETIREMENT BENEFITS.

(a) IN GENERAL.—Any benefits payable from the Civil Service Retirement and Disability Fund pursuant to the provisions of chapter 83 or 84 of title 5, United States Code, during fiscal years 1990 and 1991, including any increase in such benefits which is scheduled to become payable during such fiscal years as the result of an adjustment under section 8340 or 8462 of title 5, United States Code, shall not be subject to reduction or suspension, pursuant to any statute (other than applicable provisions of such chapter 83 or 84).

(b) BENEFITS.—The benefits under this section shall be determined solely in accordance with applicable provisions of chapters 83 and 84 of title 5, United States Code.

SEC. 3. MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS.

(a) IN GENERAL.—Any percentage adjustment provided by law to be made in amounts payable under military retirement and survivor benefit programs to take effect during fiscal years 1990 and 1991 shall take effect in accordance with the law providing for such adjustment.

(b) CONSTRUCTION.—During fiscal years 1990 and 1991, an adjustment described in

subsection (a) shall not be subject to reduction or suspension under any provision of law (other than applicable provisions of title 10, United States Code).

(c) MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS DEFINED.—For purposes of this section:

(1) the term "military retirement and survivor benefit programs" means—

(A) the provisions of law creating entitlement to, or determining the amount of, retired or retainer pay for members of the uniformed services; and

(B) the programs providing annuities for survivors of members and former members of the uniformed services, including chapter 73 of title 10, United States Code, section 4 of Public Law 92-425, and section 5 of Public Law 96-402; and

(2) the term "uniformed services" has the meaning given that term in section 101 of title 37, United States Code.

SEC. 4. FOREIGN SERVICE RETIREMENT BENEFITS.

(a) IN GENERAL.—Any benefits payable from the Foreign Service Retirement and Disability Fund pursuant to the provisions of subchapter I or II of chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) during fiscal years 1990 and 1991, including any increase in such benefits which is scheduled to become payable during such fiscal years pursuant to section 826(a) of such Act (22 U.S.C. 4066(a)) shall not be subject to reduction or suspension, pursuant to any statute (other than applicable provisions of chapter 8 of such Act).

(b) BENEFITS.—The benefits under this section shall be determined solely in accordance with applicable provisions of chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.).

SEC. 5. BENEFITS UNDER THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

The President shall, pursuant to the authority granted in section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note), extend the prohibition under section 2 of this Act on reduction or suspension of certain benefits payable from the Civil Service Retirement and Disability Fund, to apply with respect to benefits payable from the Central Intelligence Agency Retirement and Disability Fund.

SEC. 6. RAILROAD RETIREMENT TIER II AND SUPPLEMENTAL ANNUITY COLAS.

Section 3(g)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(g)(1)) is amended by inserting ", shall not otherwise be prevented from taking effect, with respect to benefits paid during fiscal years 1990 and 1991, by any provision of law other than this Act," after "shall not be deferred".

SEC. 7. EXEMPTION OF RAILROAD RETIREMENT SUPPLEMENTAL ANNUITIES FROM SEQUESTER.

Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding before the item "Railroad retirement tier II (60-8011-0-7-601)" the following:

"Railroad retirement supplemental annuities (60-8012-0-7-601)".

SUMMARY OF THE COLA EQUITY ACT OF 1989

Sections 2 through 6 of the bill ensure payment of full COLAs in 1990 and 1991—the likely term of any Budget Summit Agreement—for the following retirement programs:

Federal Civilian Retirement (including Postal Service);

Military Retirement and Survivor Benefit Programs;

Foreign Service Retirement;

Central Intelligence Agency Retirement; and

Railroad Retirement Tier II Pensions and Supplemental Annuities.

Note: Coast Guard retirees and retirees from uniformed service of the Public Health Service and the National Oceanic and Atmospheric Administration are covered under the Military Retirement program.

Section 7 of the bill corrects a technical error in the Gramm-Rudman-Hollings law by exempting from sequestration the Supplemental Annuity Pension Fund for railroad retirees. This change is supported by the General Accounting Office and would conform treatment of this program to other government pensions.

[From the Washington Post, Feb. 20, 1989]

CUTTING COLA'S

One of the few specific budget cuts to which George Bush put his name two weeks ago would affect federal civilian and military retirees. The president would deny them a cost-of-living increase next year, and in subsequent years would keep increases one percentage point below the consumer price index (the retirees get the full CPI now).

The proposed cut is unfair; it goes either too far or not far enough. If COLAs are thought to be the source of too much fizz in the budget, the president should seek to decarbonate more than just these. Social Security benefits are indexed in much the same way as federal retirement benefits and have a vastly greater impact on the deficit. If there is justification for cutting the one, why, except for the obvious politics of it, isn't there even greater justification for cutting the other? The income tax threshold and brackets are also indexed. If retirees are to lose some protection against inflation in the name of deficit reduction, why not other taxpayers too?

It can be argued that too much of the budget is indexed now, so that the government has become an echo chamber for inflation, and every budget director dreams of cutting or relaxing the connection. But cutting COLAs is neither as painless nor always as fair a step as it sounds. Some of the people covered by these devices—retirees and lower-income taxpayers especially—badly need the protection, without which they will slip below or further below the poverty line. If COLAs are to be cut, it should be all COLAs (or nearly so; we would exempt means-tested programs) for a limited period of time and as part of a major agreement to reduce the deficit. No games.

The administration says that federal retirement benefits are too high. But cutting COLAs is an indiscriminate correction. The budget book notes, among other things, that because retirement benefits were fully indexed they rose faster than pay in the past 10 years. But that is true of Social Security benefits as well. The budget writers also remind us that the civil service and military retirement systems were changed in 1986 so that COLAs for future retirees will generally be kept a percentage point below the CPI; so why not apply the same rule to current retirees? The answer is that the future retirees know what's coming and have time to prepare; the people now in the free fall of retirement cannot.

The bureaucracy is always a tempting target at budget time. Of the cuts the president endorsed in his incomplete budget, about a third would be at the bureaucracy's expense. There is plenty of room for reform still in the federal compensation system, but the budget ax is the wrong way to achieve it. The burden of cutting the deficit should be broadly distributed. The president's proposals two weeks ago were not.

By Mr. HEINZ (for himself, Mr. GRASSLEY, Mr. PELL, Mr. HOLLINGS, Mr. LEVIN, Mr. DECONCINI, Mr. WILSON, Mr. RIEGLE, Mr. WARNER, Mr. SARBANES, Mr. BURDICK, Mr. NUNN, Mr. ROBB, and Mr. JOHNSTON):

S. 417. A bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of applications of Federal employees seeking retirement benefits, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL RETIREES' FAIRNESS ACT OF 1989

● Mr. HEINZ. Mr. President, today I am introducing a measure which addresses a serious problem facing Federal workers who will retire this month and in the months and years to come—late retirement benefits. I am pleased to be joined in this effort by Senator GRASSLEY and several of my colleagues. A companion bill is being introduced today in the House by Congressmen FLORIO and ROYBAL.

There are over 2.6 million Federal employees, and about 6.7 percent—171,000—of them retire each year. In my own State there are over 131,000 Federal employees, of whom over 8,800 will retire this year. These public servants, who have worked for the Government for 20, 30 or more years, have earned their retirement benefits. They expect to receive these benefits in a timely fashion—not months and months later.

The fact is, Mr. President, many of these same Federal employees, after years of public service, wait from 3 to 8 months for their first pension check. While many retirees wait for that first annuity check, they are obliged to draw down on their savings or borrow money to pay their bills.

This delay—an obvious inconvenience to all retirees, but in some cases, a terrible hardship—is not their fault. Unbelievably, the fault lies with the agencies which they have served for many years.

When this problem came to our attention last year, Senator GRASSLEY and I found that the check-issuing agency, the Office of Personnel Management [OPM], is not at fault. OPM cannot begin adjudicating the retirement checks until the employees' records are received from the employing agencies. In fact, once OPM receives the retirement data from the agencies, it takes another 20 to 24 days to cut that first check, assuming the documents are processed correctly by the employing agency.

The statistics—included in the RECORD at the conclusion of my remarks—show agencies are remiss by delaying their records' submissions to OPM. For example, the data for all retirements, just in the single month of March 1988, show that fully 26 percent of the total 11,447 retirement claims that month alone—representing 3,026 individuals—were forwarded to OPM more than 60 days after the employees' separation. This meant that over 3,000 retirees had to wait more than 3 months for their first pension annuity. Many of these individuals waited as long as 6 to 8 months because their agency did not consider their needs important enough. The attitude seems to be out of sight, out of mind. No matter that the retirees served many, many years in the public's behalf. No matter that the retirees were, in most instances, Federal workers trying to do their jobs well, and on time.

Fixing the current crisis requires urgent management attention. Government agencies must give their retirees the attention and priority they deserve. Retirement processing must be given a higher priority than is now the case. Obviously, there must be more agency accountability.

I am pleased to note that since this legislation was introduced in June of last year, first in the Senate and later in the other body, some agencies have already upgraded their processing systems. This indication that agencies are able to improve their performance shows that it can be done. We must, however, follow through and pass this legislation; although some agencies are improving, most are not. In fact, one or two agencies still forward only 5 percent—yes, 5 percent—of their retirement records to OPM within 30 days.

A former Printing Office employee states the problem better than I ever could:

> It seems to me that retirees deserve much better treatment than this. To me, the time they took to process my papers is entirely too long and is not satisfactory, even reprehensible. * * * I will survive this, even though it looks like it will be a hardship on me and my wife, but there are those who will retire in the future who will really be hurt by the senseless delays.

This is a situation that is simply not fair—but it is a situation that can be solved without spending a dime.

The bill I am introducing today would simply require the agencies to forward retirement documentation to OPM within 30 days at least 80 percent of the time. To enable the agencies to meet this deadline, the legislation would:

Allow agencies to begin retirement processing as early as 4 months before each employee's separation date. Agencies usually wait until the very day an employee actually leaves the Government to begin the paperwork.

Agencies would be required to update employment records of all new employees, thus helping personnel managers to compile much of the data as employees move from agency to agency. This information would then be available at retirement time without undue complications.

Agencies would be required to conduct at least two retirement counseling sessions per year to inform potential retirees of the necessary documents that will be required, such as obtaining former spouses' signatures waiving pension rights. Some of these documents are not easily assembled; the earlier the employees know what documents are actually needed, the better.

If an agency fails to forward at least 80 percent of its retirees' documentation to OPM within 30 days, its inspector general must draft a compliance plan by which the agency can meet this goal. IG's are responsible for eliminating agency waste and management inefficiency. If an IG instructs its agency's personnel office to shape up, there is a good likelihood it will.

Mr. President, what I, Senator GRASSLEY, and 14 other Senators are proposing is simply a management tool to help our Federal retirees make the transition to private life in an orderly, predictable manner. OPM assures us that these proposals will work. The legislation is also strongly endorsed by the Pennsylvania chapter of the National Association of Retired Federal Employees, as well as its national headquarters in Washington, the National Federation of Federal Employees, and the American Federation of Government Employees.

I request that the accompanying graph and bill be included in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL RETIREMENT PROCESSING.

(a) SHORT TITLE.—This Act may be cited as the "Federal Retirees' Fairness Act of 1989".

(b) PROCESSING OF CIVIL SERVICE RETIREMENT SYSTEM APPLICATIONS.—Chapter 83 of title 5, United States Code, is amended by inserting after section 8347 the following new section:

"§ 8347a. Processing of applications

"(a) Within 180 days after the date on which an employee begins service with an agency (other than on a temporary or other similar basis), such agency shall take appropriate measures to ensure that the employee's personnel file contains all relevant information concerning any previous employment or military service which would be needed for purposes of any determination relating to such employee's rights under this chapter.

"(b)(1) If an employee notifies an agency of an intention to separate from service, or if the employee dies such agency shall—

"(A) inform such employee or the employee's survivors of any retirement counseling and other related services or resources available to such employee or survivor; and

"(B) in the case of any employee who would be entitled to an immediate annuity based on such employee's age and service as of the date of such employee's proposed date of retirement under section 8335 or 8336 of this title, take appropriate measures to ensure that all information and records needed for any agency certification, documentation, or other action required in the processing of an application for such annuity are complete and accurate.

"(2) All measures required under paragraph (1)(B) with respect to an employee shall be initiated—

"(A) upon receipt of the notification of intent to separate, when such notification is furnished at least 4 months, but not earlier than 12 months, in advance, or

"(B) if the notification of intent to separate is furnished later than 4 months before the proposed separation date, as soon after the receipt of such notification as possible,

so that all such measures can be completed and any certification, documentation, or other matter required from the agency will be received by the Office no later than 30 days after the date of the employee's separation.

"(c) If an employee applies for an annuity under section 8337 of this title through such employee's employing agency, all measures described in subsection (b)(1)(B) shall be completed by the employing agency, and all certification, documentation, or other matter required from the agency shall be received by the Office no later than 30 days after the date on which the employee files the application.

"(d) In the case of any employee who applies for a refund of retirement deductions under section 8342 of this title through the employing agency of such employee, such agency shall take appropriate measures to insure that all information and records needed for any agency certification, documentation, or other action required in the processing of an application for refund are complete and accurate so that all measures required under subsection (b)(1) and section 8342 with respect to the employee are completed and received by the Office no later than 30 days from the date of separation.

"(e) In the case of any deceased employee, such agency shall take appropriate measures to insure that all information and records needed for any agency certification, documentation or other action required in the processing of an application for death benefits are complete and accurate so that all measures required under subsection (b)(1) and section 8341 of this title with respect to the deceased employee and the survivors of such employee are completed and received in the Office no later than 30 days from the date of the employee's death.

"(f)(1) The Office shall compile aggregate records on a quarterly basis on—

"(A) the number of applications for retirement, death benefits, or refunds of deductions under section 8335, 8336, 8337, 8341, or 8342 of this title received by the Office from each agency; and

"(B) of the total number under subparagraph (A)—

"(i) to the extent that section 8335, 8336, 8341, or 8342 of this title is involved, how

many (expressed as a number and as a percentage) were received by the Office—

"(I) before 31 days after the date of separation or death;

"(II) after 30 days but before 61 days after the date of separation or death; and

"(III) after 60 days after the date of separation or death; and

"(ii) to the extent that section 8337 of this title is involved, how many applications (expressed as a number and as a percentage) which were accompanied by preliminary retirement records, and were received by the Office—

"(I) before 31 days after the date the application was filed with the employing agency;

"(II) after 30 days, but before 61 days after the date the application was filed with the employing agency; and

"(III) after 60 days after the date the application was filed with the employing agency.

"(2) The Office shall—

"(A) prepare a report on a quarterly basis on the performance of each agency, as determined under paragraph (1) of this subsection; and

"(B) send a copy of each such report to the head of each agency.

"(3)(A) No later than 30 days after receiving a report under paragraph (2)(B), each agency described in subparagraph (B) of this paragraph shall—

"(i) prepare a corrective action plan specifying actions to bring such agency into conformance with the provisions of this subsection; and

"(ii) send such plan to the Inspector General of such agency or, if such agency does not have an Inspector General, the officer designated to perform the functions of Inspector General within such agency.

"(B) This paragraph applies with respect to any agency, the percentage for which in any quarter is less than 80 percent for the figure reported under paragraph (1)(B)(i)(I) or (1)(B)(ii)(I) of this subsection.

"(C) The Inspector General (or the officer performing the functions of Inspector General, if applicable) of the agency shall review any corrective action plan submitted to such Inspector General (or officer) under this paragraph and provide such assistance as appropriate to assist such agency in achieving conformance with the provisions of this subsection.

"(4) No later than April 30 of each year, the Office shall submit a report to the Congress on—

"(A) the speed, accuracy, and completeness with which agencies have provided the Office with the records, certifications, and other matters required in order to process applications for annuities, death benefits, or refunds of deductions under section 8335, 8336, 8337, 8341, or 8342 of this title; and

"(B) the average number of days from the date that the Office receives an application and supporting documentation—

"(i) for an annuity or refund based on section 8335, 8336, 8341, or 8342 of this title, until the Office's authorization of the refund or first annuity payment for those cases that are determined by the Office to be complete enough to initiate the payment process; and

"(ii) for an annuity based on section 8337 of this title, until the Office's authorization of the first annuity payment for those cases that are determined by the Office to be complete enough to initiate the payment process.".

(c) PROCESSING OF FEDERAL EMPLOYEES RETIREMENT SYSTEM APPLICATIONS.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8466 the following new section:

"§ 8466a. Processing of applications

"(a) Within 180 days after the date on which an employee begins service with an agency (other than on a temporary or other similar basis), such agency shall take appropriate measures to ensure that the employee's personnel file contains all relevant information concerning any previous employment or military service which would be needed for purposes of any determination relating to such employee's rights under this chapter.

"(b)(1) If an employee notifies an agency of an intention to separate from service, or if the employee dies, such agency shall—

"(A) inform such employee or the employee's survivors of any retirement counseling and other related services or resources available to such employee or survivor; and

"(B) in the case of any employee who would be entitled to an immediate annuity based on such employee's age and service as of the date of such employee's proposed date of retirement under section 8412, 8414, or 8425 of this title, take appropriate measures to ensure that all information and records needed for an agency certification, documentation, or other action required in the processing of an application for such annuity are complete and accurate.

"(2) All measures required under paragraph (1)(B) with respect to an employee shall be initiated—

"(A) upon receipt of the notification of intent to separate, when such notification is furnished at least 4 months, but not earlier than 12 months, in advance, or

"(B) if the notification of intent to separate is furnished later than 4 months before the proposed separation date, as soon after the receipt of such notification as possible, so that all such measures can be completed and any certification, documentation, or other matter required from the agency will be received by the Office no later than 30 days after the date of the employee's separation.

"(c) If an employee applies for an annuity under section 8451 of this title through such employee's employing agency, all measures described in subsection (b)(1)(B) shall be completed by the employing agency, and all certification, documentation, or other matter required from the agency shall be received by the Office no later than 30 days after the date on which the employee files the application.

"(d) In the case of any employee who applies for a refund of retirement deductions under section 8424 of this title through the employing agency of such employee, such agency shall take appropriate measures to ensure that all information and records needed for any agency certification, documentation, or other action required in the processing of an application for refund are complete and accurate so that all measures required under subsection (b)(1) and section 8424 with respect to the employee are completed and received by the Office no later than 30 days from the date of separation.

"(e) In the case of any deceased employee, such agency shall take appropriate measures to ensure that all information and records needed for any agency certification, documentation or other action required in the processing of an application for death benefits are complete and accurate so that all measures required under subsection (b)(1) and subchapter IV of chapter 84 of this title with respect to the deceased employee and the survivors of such employee are completed and received in the Office no later than 30 days from the date of the employee's death.

"(f)(1) The Office shall compile aggregate records on a quarterly basis on—

"(A) the number of applications for retirement, death benefits, or refunds of deductions under section 8412, 8414, 8424, 8425, 8451, or subchapter IV of chapter 84 of this title received by the Office from each agency; and

"(B) of the total number under subparagraph (A)—

"(i) to the extent that section 8412, 8414, 8424, 8425, or subchapter IV of chapter 84 of this title is involved, how many (expressed as a number and as a percentage) were received by the Office—

"(I) before 31 days after the date of separation or death;

"(II) after 30 days, but before 61 days after the date of separation or death; and

"(III) after 60 days after the date of separation or death; and

"(ii) to the extent that section 8451 of this title is involved, how many applications (expressed as a number and as a percentage), which were accompanied by preliminary retirement records, and were received by the Office—

"(I) before 31 days after the date the application was filed with the employing agency;

"(II) after 30 days, but before 61 days after the date the application was filed with the employing agency; and

"(III) after 60 days after the date the application was filed with the employing agency.

"(2) The Office shall—

"(A) prepare a report on a quarterly basis on the performance of each agency, as determined under paragraph (1) of this subsection; and

"(B) send a copy of each such report to the head of each agency.

"(3)(A) No later than 30 days after receiving a report under paragraph (2)(B), each agency described in subparagraph (B) of this paragraph shall—

"(i) prepare a corrective action plan specifying actions to bring such agency into conformance with the provisions of this subsection; and

"(ii) send such plan to the Inspector General of such agency or, if such agency does not have an Inspector General, the officer designated to perform the functions of Inspector General within such agency.

"(B) This paragraph applies with respect to any agency, the percentage for which in any quarter is less than 80 percent for the figure reported under paragraph (1)(B)(i)(I) or (1)(B)(ii)(I) of this subsection.

"(C) The Inspector General (or the officer performing the functions of Inspector General, if applicable) of the agency shall review any corrective action plan submitted to such Inspector General (or officer) under this paragraph and provide such assistance as appropriate to assist such agency in achieving conformance with the provisions of this subsection.

"(4) No later than April 30 of each year, the Office shall submit a report to the Congress on—

"(A) the speed, accuracy, and completeness with which agencies have provided the Office with the records, certifications, and other matters required in order to process applications for annuities, death benefits, or refunds under section 8412, 8414, 8424, 8425,

8451, or subchapter IV of chapter 84 of this title; and

"(B) the average number of days from the date that the Office receives an application and supporting documentation—

"(i) for an annuity or refund based on section 8412, 8414, 8424, 8425, or subchapter IV of chapter 84 of this title, until the Office's authorization of the refund or first annuity payment for those cases that are determined by the Office to be complete enough to initiate the payment process; and

"(ii) for an annuity based on section 8451 of this title, until the Office's authorization of the first annuity payment for those cases that are determined by the Office to be complete enough to initiate the payment process.".

(d) FORM OF APPLICATIONS UNDER CHAPTER 84.—Section 8466 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Applications under this chapter shall be in such form as the Office prescribes. Agencies shall support the applications by such certificates as the Office considers necessary to the determination of the rights of applicants.".

(e) RETIREMENT COUNSELING.—Section 8350 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) No less than twice each year, the retirement counselor or designee of each agency shall conduct retirement counseling seminars for all interested employees (including employees within the meaning of chapter 84).

"(2) Such seminars shall include an explanation and review of—

"(A) the retirement processing functions of the agency and the Office of Personnel Management, respectively;

"(B) the application which the employee is required to complete and any certification or documents which are required to be submitted to the Office before refund or annuity payments may begin, including written information designed to assist employees in the expeditious completion of such applications;

"(C) specific circumstances which may complicate and lengthen the amount of time needed to process an application; and

"(D) methods to assist employees in solving potential problems to complete the required retirement documentation.".

(f) CONFORMING AMENDMENTS.—(1) The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8347 the following:

"8347a. Processing of applications.".

(2) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8466 the following:

"8466a. Processing of applications.".

(g) EFFECTIVE DATE.—The amendments made by this Act shall be effective 6 months after the date of the enactment of this Act.

AGING OF SEPARATIONS—DECEMBER 1988 ANALYSIS

[Government-wide trends]

	0–30 days		31–60 days		Over 60 days		Total records
	Number records	Percent	Number records	Percent	Number records	Percent	
December 1987	3,722	56	1,732	26	1,216	18	6,670
March 1988	5,079	45	3,342	29	3,026	26	11,447
June 1988	5,965	63	2,320	24	1,277	13	9,562
September 1988	4,938	60	2,263	28	984	12	8,185
December 1988	3,517	61	1,437	25	781	14	5,735

"BIG 13" AGENCY PERFORMANCE FOR RECORDS SUBMITTED WITHIN 30 DAYS

[In percent]

	Number covered employees (Sept. 1988)	Dec. 1987	Mar. 1988	June 1988	Sept. 1988	Dec. 1988
Post Office	754,667	83	81	83	72	78
Army	382,587	45	40	66	61	57
Navy	301,207	44	30	52	52	53
Air Force	249,631	75	54	64	62	71
Veterans' Administration	215,749	68	77	86	86	73
Agriculture	170,535	44	26	59	57	66
Treasury	161,618	1	2	5	2	10
HHS	113,786	40	1	19	49	56
Justice	71,746	30	9	30	39	34
Transportation	61,733	30	29	60	74	55
Interior	53,430	48	34	62	66	46
Army Corps of Engineers	39,485	36	38	73	64	62
D.C. Government	30,559	5	5	18	17	7

● Mr. GRASSLEY. Mr. President, today I am joining Senator HEINZ and other colleagues in reintroducing a bill the purpose of which is to speed up the provision of first annuity checks to just-retired Federal employees. At the time of introduction of that bill, S. 2469, on June 6, 1988, both Senator HEINZ and I provided detailed commentaries on the problem and on the bill we were introducing to fix it. I do not intend to repeat that detailed discussion here, Mr. President.

Suffice it to say that we believe that most Federal agencies simply take too long to provide their just-retired former employees with a first annuity check. Furthermore, we do not believe that there is any good reason for such delays.

I was first alerted to this problem by mail from constituents, many of whom wrote to me complaining of the delays they experienced in receiving their first annuity check from the Office of Personnel Management. Some of them told me that they had to wait up to 6 months before receiving that check.

For those in the middle or lower grades when employed, and that is probably the vast majority of Federal retirees, to go 6 months without an annuity check can be a real hardship. Many of these individuals are not eligible for Social Security. Many have not made enough in their working lives to accumulate sufficient resources to carry them through a 6-month wait to their first annuity check.

Even if they have accumulated sufficient resources to do so, it is still unconscionable for them to have to eat into savings just because the Government takes 6 months to send them their first check.

Therefore Senator HEINZ and I introduced, and are reintroducing today, "The Federal Retirement Processing Act of 1989," a bill designed to speed up the completion of the paperwork required to get first annuity checks in the hands of just-retired Federal employees.

When we looked into the causes of the delays experienced by retirees in getting their checks, we found that the problem lies with the agencies which last employed the retiree.

Once the Office of Personnel Management gets a retirement application

from the employing agency, it is able to authorize an interim annuity payment of around 80 to 85 percent of the ultimate full benefit due an employee within 12 to 14 days. It then takes the Treasury department and the Postal Service 8 to 10 days to get a check into the mailbox of the retiree. Thus, from the time OPM gets the retirement package from the employing agency, it takes from 20 to 24 days for the retiree to get his or her first annuity check. Currently, OPM is able to follow this time schedule for 95 percent of retirement cases. But only after it receives a retirement claim from the agency.

How have the agencies been about getting those retirement packages to OPM? Well, not very good.

OPM, the Federal Government's personnel officer, thinks the agencies should be able to get an application claim to them within 30 days after the employee's date of separation.

But OPM data show that, over the last year, not more than 63 percent of retirement claims have reached OPM within 30 days after the employees' date of separation from service. In fact, the latest data—for all retirements in the month of December 1988—fully 14 percent of the total 5,735 retirement claims were submitted more than 60 days after the employee's separation date. The data cannot show how much longer than 60 days after separation it took the agencies to submit claims to OPM, but in view of the complaints I have received from new retirees it seems clear that it took much longer than 60 days to submit some of these late claims.

In fairness, it needs to be said that this does represent improvement over the performance we cited when we introduced this bill last year. At that time 26 percent of claims were received by OPM more than 60 days after separation.

The performance record of the 13 largest agencies, which account for 93 percent of the total records submitted to OPM, reflects this generally poor performance. For the month of December 1988, the Justice Department forwarded only 34 percent of its retirement claims within 30 days (still, an improvement over the 9 percent it forward in March 1988). The Treasury forwarded only 10 percent (better than the 2 percent for March 1988). The D.C. government forwarded only 7 percent (a 2-percentage point improvement). The Department of Health and Human Services forwarded 56 percent (vastly better than the 1 percent of March 1988; HHS had achieved 40 and 46 percent in the two data collection periods preceding March 1988).

The same two agencies whose performance demonstrated to us last year that the job can be done better continue to demonstrate that it can be done better. The Post Office, with 800,000 employees, and the Veterans' Administration, with 220,000 employees have regularly forwarded close to 80 percent of their retirement claims to OPM within 30 days.

The legislation Senator HEINZ and I are introducing would do five things:

First, it would require agencies to update the personnel records of employees to reflect all former Federal employment within 180 days after an employee begins service with an agency.

Second, the bill would require agencies to begin processing retirement applications as soon as an individual notifies his or her personnel office of their intention to retire. Although our expectation is that agencies would begin such processing as soon as notified by the employee of his or her intention to retire, our bill requires them to do this only if the employee indicates an intention to retire 120 days prior to the anticipated date of separation. If the employee does not give 4 months' notice, the agency is required to begin processing the employee's paperwork as soon as possible after being notified of the intention to retire. Now, many agencies wait until virtually the last minute before beginning to process an employee's retirement claim.

Third, we have required each agency to hold retirement counseling sessions for all interested employees at least twice yearly. These would focus on the steps required before an employee can retire and on some of the typical problems employees can encounter in trying to complete the required documents. Employees themselves can be a source of delay in completion of their retirement claim. If they are better informed about how the process works and what is expected of them they may do their part more efficiently. This may also help bring about more planful retirement and reduce the number of spur-of-the-moment retirements.

Fourth, the bill would require each agency to file corrective action plans with their agency's inspector general in the event that OPM data show the agency failing, in any quarter, to forward at least 80 percent of their retirement claims to OPM within 30 days of the date the employee separated. The inspector general will provide assistance to the agency so as to achieve a level of 80 percent complete and timely submissions.

The final provision of the bill would require the Office of Personnel Management to report to Congress not later than April 30 of each year on the speed, accuracy, and completeness with which agencies have provided OPM with annuity. Thus, ultimately the oversight committees of the Congress would be able to see how the process is working and take steps to make it work better should that be necessary.

Mr. President, I think this program, if implemented, would shorten the time it takes Federal retirees to get their first annuity checks, and thus would eliminate much inconvenience and some hardship caused by the way the present system works.●

● Mr. D'AMATO. Mr. President, I am pleased to join my colleagues in supporting legislation to ensure that Federal retirees receive their first retirement checks in a timely manner.

I applaud their efforts on behalf of the millions of retired civil servants who have given so much to their country. This measure would bring some peace of mind to retirees at a turning point in their lives. Our Federal retirees should not be burdened with unnecessary financial hardship caused by bureaucratic inefficiency.

It is time for agencies to be held accountable for the speed in which they process the retirement data of employees. The requirement for agencies to provide counseling is also a good one. Certainly these hard-working employees deserve such consideration at this crucial time in their lives.

The Federal Retirement Applications Act is a thoughtful piece of legislation. I am delighted that this measure would aid the 9,400 Federal employees who retire each year in my State of New York.

I commend my colleagues for their wisdom in introducing this important bill.●

By Mr. HELMS:

S. 418. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10-percent tax on the earned income—and only the earned income—of individuals, to repeal the estate and gift taxes, and for other purposes; to the Committee on Finance.

TITHE TAX ACT

Mr. HELMS. Mr. President, a couple of years ago I had the pleasure of meeting Jim and Karen Quick, a delightful young couple from Greensboro, NC. At the time, Karen was a 12-year veteran of the Internal Revenue Service and was working in the Greensboro district's problem resolution office.

I met with Karen and her husband to congratulate her on her international award-winning essay of tax policy. The essay was titled, "Tax Simplification: Let's Play Flat Ball."

In her prize-winning essay, Karen compared U.S. tax laws to a frustrating ball game with constantly changing rules and few winners. "Americans are tired of playing Bracketball," she wrote. "One of the most infuriating aspects of Bracketball is the constant movement of the goal line. When the players get near it, the officials move

it." The solution she proposed is "a simple, fair, efficient game called 'Flatball.'"

Mr. President, I ask unanimous consent that a copy of her essay be placed in the RECORD at the conclusion of my remarks, and I recommend that Senators take the time to read and consider Karen's thoughts.

Mr. President, I had mixed feelings about the Tax Reform Act of 1986. On the one hand, Congress made a significant improvement by lowering the tax rates and reducing the number of brackets. On the other hand, many provisions were included simply to raise revenue and keep the bill "revenue neutral." These changes were based neither on logic nor on sound tax policy. The result was that the tax laws were made even more complex, thereby causing a number of problems for various sectors of the economy.

In the closing hours of the 100th Congress, the House and Senate finally managed to pass a tax technical corrections bill that was long overdue. By the time the bill was passed, the "corrections" made to our tax laws were far more than technical.

Mr. President, we still have a long way to go to achieve a tax system which is simple and fair and in which the American people can have confidence. Recently, I've received hundreds of letters from constituents complaining about the growing complexity of our tax laws. These letters are coming not only from average taxpayers trying to fill out their 1040's, but also from tax experts who have spent many years studying Federal tax laws. One such letter came from Mr. R.A. Goodwin, from Wilmington, NC.

Without objection, I ask that a copy of Mr. Goodwin's letter be included in the RECORD at the conclusion of my remarks.

Mr. President, the complexity of our tax laws was recently demonstrated by a survey done by Money Magazine. In the survey, tax information for a mythical family was sent to 50 tax experts, including 30 independent certified public accountants, 12 representatives of franchise return-preparation outlets, 3 certified public accountants from national accounting companies, and 5 enrolled agents who are tested and licensed by the Internal Revenue Service. Each professional was asked to calculate the family's taxes.

Mr. President, these 50 tax experts came up with 50 different answers for the family's tax liability. Their results ranged from $12,539 to $35,813. The February 18 issue of News and Observer, a newspaper in Raleigh, NC, carried an article about the Money Magazine survey.

Without objection, I ask that a copy of the article be included in the RECORD at the conclusion of my remarks.

I don't believe anyone can dispute that our tax laws have become much too voluminous and complex. We must continue to focus our efforts on bringing true simplification to our tax system.

With that goal in mind, I am reintroducing a bill I offered in the 100th Congress to implement a 10-percent flat tax bill. I hope this bill will be the basis for a continued comprehensive study of our increasingly complex Tax Code. The bill is very similar to legislation which I proposed in the 97th Congress. A similar bill had been introduced in the House of Representatives by my distinguished friend and colleague from Illinois, PHIL CRANE.

The first part of the bill would eliminate the income tax on corporations. This recognizes the economic reality that corporations don't pay taxes, people do. Corporations simply pass taxes on to consumers in the form of higher prices and to workers in the form of reduced wages. This burden falls most heavily on the poor because the poor spend a larger percentage of their income on consumer goods.

The corporate income tax is also passed on to shareholders in the form of reduced dividends and reduced corporate savings and investment. Since pension plans are major shareholders, the corporate tax can drastically reduce potential pension benefits to workers.

Reduced corporate savings and investment have a negative impact on economic growth and thus reduce employment opportunities. This constitutes a further hidden tax on America's workers.

Mr. President, elimination of the corporate income tax will promote efficiency in the market because all businesses will be placed on a level-playing field. Tax considerations will no longer affect business decisions. Furthermore, elimination of this cost to business will also make U.S. business more competitive in the world market.

A second aspect of this plan proposes a reform of the income tax on individuals. The bill would eliminate all current deductions, credits, and exemptions. It would provide a single exemption of $10,000 per taxpayer and impose a 10-percent tax on all earned income. The $10,000 individual exemption would be adjusted each year for inflation.

"Earned income" is defined as the compensation one received for performing work. It includes wages, salaries, fees, and fringe benefits. It does not include passive income, such as capital gains, interest income, and dividends. Furthermore, while fringe benefits are taxable, the bill eliminates valuation problems by valuing all fringe benefits at the actual cost to the employer of providing the benefits.

Mr. President, implementation of a flat tax will have a profound effect on the economy by stimulating growth in several ways. First, it will stimulate economic growth through increased savings resulting from the elimination of the tax on interest income. The increased savings will put downward pressure on interest rates and thus reduce the cost of capital.

Second, it will stimulate economic growth through the elimination of tax on capital gains. This will encourage investment and expansion of capital funds, which will lead to more businesses and more jobs.

Third, a flat tax will stimulate economic growth by eliminating the tax on dividends. This eliminates the penalty for investing in stock and will stimulate greater capital availability for economic growth.

Finally, a flat tax brings greater efficiency to the economy by eliminating preferences in the Tax Code that interfere in economic decisions.

Mr. President, the exemption from taxation of the first $10,000 of earned income for each taxpayer will provide relief for low-income individuals while also providing an incentive for individuals to enter the work force. The flat 10-percent rate eliminates the disincentive for one to increase one's income that results with a highly progressive system.

Mr. President, I don't know what could be more fair than a flat 10-percent tax. It makes sense both economically and administratively. Furthermore, true simplification of our Tax Code will go a long way toward restoring faith in our tax system. It deserves full consideration by every Member of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAX SIMPLIFICATION: "LETS PLAY FLATBALL"

(By Karen Quick)

Americans are tired of playing Bracketball. Who wants to keep playing this "tax game" which has unfair, complicated rules; an unlimited fourth quarter with no timeouts; and is affiliated with an inefficient association at the point of bankruptcy? Complaints are commonplace; motivation is low; and initiative is almost nonexistent. It is a confusing and biased game. The players are involuntarily drafted for participation despite their physical conditions. Their contracts automatically renew annually requiring longer and longer playing periods. The more influencial athletes manage to gain preferential treatment from the promoters and officials. Some are allowed to sit the bench for extensive periods of time and some are even paid not to show up at all. Needless to say, this does little for team morale and enthusiasm. This favoritism puts an unnecessary burden on the rest of the team. The few remaining dedicated players, who show up for all the practices come rain or shine and who give it their best shot, look forward to high scores. It gets to be a tough game as these dedicated

players are forced to compensate for the "bench sitters" and "game cutters." There is a noncommittal attitude spreading among the ranks. Partly to blame is the large staff of inconsistent coaches who have different ideas of how the game is to be played. More and more of the officials are using poor judgment to call the plays. Many illegal substitutes, illegal blockings, and intentional fouls go uncalled. A lot of bloody noses result. Nobody, including the promoters and officials, seems to know how the game is to be played. One of the most infuriating aspects of Bracketball is the constant movement of the goal line. When the players get near it, the officials move it. There are strong rumors circulating in the locker rooms that a players' strike is in the works. They are tackling an enormous task in their efforts to change to a simple, fair, efficient game called "Flatball."

This fictitious analogy of our current system of American taxation may be somewhat exaggerated in pointing out the inherent problems. Yet, it brings to light the need for simplicity, fairness, and efficiency in our system of taxation. Such a tax reform referred to above as "Flatball" would not only provide needed revenue, it would also stimulate the economy, lighten the administrative load, and improve compliance. The most noteworthy result would be a boost to those precious intangibles; morale, motivation, and ingenuity.

To better understand the need for tax reform, some brief background information on the definition and history of American taxation will be given first. Numerous indictments of the current income tax system will follow. The last section will contain workable methods of sound income tax reform.

DEFINITION OF TAXATION

"The art of taxation consists of plucking the greatest number of feathers from a goose with the least amount of squawking." This popular saying equates the unpleasant task of collecting taxes with the plucking of feathers. It implies the need for an economically balanced method that is viewed by the populous as simple, fair, and efficient.

What is a tax and why is it levied? "Tax" is defined as a compulsory contribution levied upon persons, property, or businesses for the support of government. This basic definition makes no implication that taxes are imposed to resolve all the nation's financial and social problems. The tax laws were not intended to legalize social engineering as a government business. In a July 8, 1982 Wall Street Journal articles by Christopher Conte, the following quotation from Senator Hatfield was given; "By attempting to solve every social and economic problem through the tax code, we have put a greater burden on the average taxpayer." Taxes are not defined as a vehicle to be used to subsidize special interest groups regardless of their merits. The meaning is clear and simple. Taxes are collected to pay the necessary military and civil expenses that provide goods, services and order without stifling economic growth or human ingenuity.

HISTORY OF AMERICAN TAXATION

Chief Justice John Marshall stated in 1819 during the famous case of McCulloch v. Maryland "the power to tax is the power to destroy." The power to tell the citizenry how much money they must pay to make their government work must be jealously guarded. The writers of the Constitution were very much aware of this fact. They knew one of the major causes of the War of Independence was the imposition of taxes by the British Parliament on the colonies without their consent.

In the United States, the first income tax was enacted in 1861 to help finance the Civil War. It allowed a $600.00 exemption and levied a 3% charge on incomes below $10,000 and a 5% charge on incomes above that level. In 1864, the rates were increased to 5% and 10%. Tax receipts peaked in 1866 when income tax accounted for about 25% of federal revenue. In 1871, Representatives Dennis McCarthy of New York expressed the view of the income tax opponents in these words, "unequal, perjury-provoking, and crime-encouraging, because it is at war with the right of a person to keep private and regulate his business affairs and financial matters." Senator John Sherman of Ohio responded with these remarks: "When you come to examine the income tax you will find that it applies, it is true, to only about 60 thousand people; but they do not pay their proper share of other taxes. Why? Can a rich man with an overflowing revenue consumer more sugar or coffee or tea, or drink more beer or whiskey, or chew more tobacco, than a poor man? You tax tobacco at the same rate per pound, whether it is the tobacco for the wealthiest or the poorest. . . . But when in a system of taxation you are compelled to reach out to many objects, you must endeavor to equalize your general results. . . . Therefore, when it is complained that the tax on an article consumed is unjust upon the poor, because the poor have to consume a greater proportion of their income in its purchase than the rich, we answer that to countervail that we have levied a reasonable income tax upon such incomes as are above the wants and necessities of life. That is the answer and it is a complete answer; because, if you leave your system of taxation to rest solely upon consumption, without any tax upon property or income, you do make an unequal and unjust system." These words of Sherman and other supporters of an income tax failed to gain a renewal of the tax. Thus, the income tax law expired in 1872 because it was considered an invasion of privacy with socialistic tendencies.

Between 1873 and 1893, members of Congress introduced 68 different income tax bills. In 1894, a 2% income tax on incomes over $4,000 was finally passed with much controversy. But the U.S. Supreme Court declared the tax unconstitutional and in violation of Article 1, Section 2, Paragraph 3 which says that all direct taxes must be levied among the states in proportion to their population. Congress circumvented the Supreme Court's decision by proposing a constitutional amendment on July 12, 1909. The well-known sixteenth amendment was ratified on February 29, 1913 by 42 states. This removed the constitutional hurdle and gave Congress the authority to tax incomes from whatever source derived; without apportionment among the several states and without regard to any census or enumeration."

After more than 40 years from the expiration of the Civil War income tax, the first legal income tax was enacted under the leadership of President Woodrow Wilson. It granted a $3,000 exemption for single persons and a $4,000 exemption for married couples. The graduated rate began at 1% on the first $20,000 of taxable income and ranged to a top rate of 7% on taxable incomes over $500,000. Net profits of corporations were taxed at a flat rate of 1%. Only about 0.4% of the population filed tax returns in 1913. All federal receipts amounted to abut 2.6% of GNP.

The next 40 years was just as stormy for the income tax. From 1913 to 1954 the income tax was part of America's struggle for survival through war and depression. By the time WWI had ended, three separate tax bills had increased tax rates nearly tenfold and exemptions had dropped significantly. But only 8% of the population paid taxes. President Warren G. Harding's Secretary of Treasury, Andrew Mellon, argued persuasively for tax reduction to foster economic growth. He stated: "Any man of energy and initiative in this country can get what he wants out of life. But when that initiative is crippled by legislation or by a tax system which denies him the right to receive a reasonable share of his earnings, then he will no longer exert himself and the country will be deprived of the energy on which its continued greatness depends. . . . On the other hand, a decrease of taxes causes an inspiration to trade and commerce which increases the prosperity of the country. . . .

With a large part of the population tired of war and taxes, Mellon's proposals gained ground. In 1921, the maximum tax rate was cut from 77% to 58% and in 1926 it was finally cut to 25%. Credit is given to Mellon and his support for tax cuts that spurred the economic boom of the 1920's. A get-rich-quick attitude pervaded the scene and many people had their shirts riding on the stock market. This speculative fever prevented sound financial decisions and resulted in a rocky financial structure. Frantic transactions were prevalent. "Even the professional analyst of financial properties was sometimes bewildered when he found Co A holding a 20% interest in Co B, and Co B an interest in Co C, while C in turn invested in A, and D held shares in each of the others. But few investors seemed to care about actual worth. . . ."

Until the Great Depression of the 1930's, Americans practiced the notion of a limited role for federal government with correspondingly low taxes. Except for periods of war or recession, revenues from excises and customs were sufficient to finance those activities widely regarded as federal functions. But when the Great Depression took hold, President Herbert Hoover sponsored tax increases in a vain effort to balance the budget that reduced personal allowances and pushed the top tax bracket from 25% to 63%. The economy was too weak to provide sufficient revenue. Increased rates just made matters worse. Taxes were now spent on human needs as well as national defense. When World War II broke out, millions of Americans went back to work and taxes were increased. Before the war was over, rates exceeded 90% and three-fourths of the population had to pay income taxes. A "class tax" had been replaced by a "mass tax." After World War II, rates were not greatly reduced. This was the first time marginal peacetime rates, even for the middle classes and corporate businesses, exceeded 40% and even 50%. The role of government had become more involved creating a much larger establishment requiring continuously larger revenue for its ever-increasing expenditures. With the acceptance of a larger government establishment, people realized high tax rates were inevitable. The Internal Revenue Code of 1954 preserved high tax rates ranging from 20% to 91%. It laid the foundation for the slow downhill slide to our current complicated, unfair tax system.

The end of the 1950's ushered in a new business term "tax planning" (a euphemism for tax avoidance) and a new profession appeared on the scene—"tax consultant." A reform introduced by President Kennedy lowered the top rate to 70%. Another tax cut, in 1969, lowered the top rate for salary income to 50%. In 1981, legislation was passed to enact President Reagan's three-year 25% across the board tax cut that reduced the range to 11%-50% for all types of income and introduced inflation indexing. These reductions only slightly modified the progressivity of the income tax system and preserved the unfair tax expenditures and loopholes.

Tax revenue from federal, state, and local governments amounts to approximately one-third of the Gross National Product. About 35% of all government revenues is collected by the state and local levels. It is in the form of individual income taxes, corporated income taxes, sales taxes, property taxes, and various fees and charges. Recent dramatic events such as Proposition 13 in California and Proposition 2½ in Massachusetts have brought some needed reform. Although reforming state and local government taxes is an important controversial subject, this paper will focus on the federal tax policies that generate about 65% of all government receipts.

What are the sources of federal revenue? Nearly one-half is derived from individual income taxes. This category amounted to 49% of all federal receipts in 1982. This percentage has been as low as 12% in 1940 and stayed around 45% during the 1960's and 1970's. The fastest growing category in the federal system is the social security taxes that provided about 34% of the total revenue in 1982. Corporate income taxes as a share of federal receipts steadily dropped throughout the 1970's. In 1982, this category generated about 8% of the revenue. Excises provided approximately 5%; estate and gift taxes brought in barely over 1% and other miscellaneous charges were just under 3% of the total receipts.

Federal income taxes for individuals have increased from about $120 billion in 1974 to about $300 billion in 1982. During this same period, corporate income taxes stayed relatively flat at about $50 billion causing a decline in their share of overall federal receipts. To provide sufficient revenue for the current level of government operations, a simplified tax system would have to be capable of generating approximately $350 billion if both the individual and corporate income tax structure were overhauled.

The proposal that will be recommended in this paper would replace the existing individual and corporate income taxes leaving the other aspects of the federal tax structure intact.

Why is a tax reform needed? The answer to this question could easily exceed 2,000 pages which is approximate length of the Internal Revenue Code. Only the main indictments against the current income tax system will be covered in this paper. The four main dimensions to the inefficiency of the present system encompass economic barriers, complexity, stiffled intangibles and administrative difficulty.

Going back to the basic definition of taxation, we are reminded that the reason for the collection of taxes is to support the government as it provides necessary goods, services, and order without stiffling economic growth or human ingenuity. Our current income tax system fails to meet the fundamental purpose of its existence. It produces too little revenue. The United States government spends more on defense and domestic programs than it collects in tax revenue. Federal taxes went from a level of 3% of the Gross National Product in 1929 to about 19% in 1982. However, government spending amounted to approximately 24% of the Gross National Product in 1982. Chronic deficits over the last two decades not only offend the notion of good fiscal housekeeping, but also injure the economy and create unnecessary distortions. In fiscal year 1982, after the enactment of a large budget reduction, the federal budget still had a deficit for the 13th straight year and for the 19th time in the last 20 years. Deficits have grown in recent years at such a rate that three-fourths of the 486 billion dollars in deficit accumulated from 1962-1982 resulted since 1974. From fiscal year 1946 through 1960, deficits as a percent of Gross National Product averaged about 0.4%. Over the next ten years the deficit equivalent averaged 0.8% of the Gross National Product. But over the next eleven years, the average magnitude of the deifcit rose to 2.4% of the Gross National Product.

Budget deficits reduce the growth of productive capacity when the economy is operating at a high level of employment. Deficits absorb over one-half of national savings leaving less savings available for investments in productive expansions. To maintain high levels of investment, the United States must borrow from abroad. If present trends continue, the United States could easily become a net debtor to the rest of the world.

Because deficits force the government to complete for available saving, interest rates remain artificially high. These high rates discourage purchases of long-term assets such as housing. They also overvalue the dollar causing a competitive disadvantage for the United States in the world market.

Closely tied to the problem of persistent, chronic deficits is the accusation that the federal government has become bloated, disorganized, wasteful, and inefficient. Is the federal government too big? Donald Lambro, Washington correspondent for the United Press International, would shout an emphatic "yes"! Mr. Lambro concludes, "Americans have more government than they need, more than they want, and more than they can afford. Like a riderless locomotive whose throttle has been pulled wide open, the federal government is running out of control. This paper will not attempt to address the issue concerning the excessiveness of the federal government. An organized and efficient use of income taxes directly relates to the amount of revenue needed and the existence of a balanced budget.

Another economic indictment against the current tax system is that increased earnings with progressive rates cause "Bracket Creep." Inflation pushes income into higher marginal tax rates making the overall effect of "Bracket Creep" worse. Millions of Americans face high marginal tax rates that were intended for those with much higher incomes. The Treasury Department reported that in 1965 a family of four earning a median income had a tax rate of 17% which increased to 24% in 1980. For families with twice the median income the rate almost doubled from 22% to 43%. This increase was due to the progressive rate structure and inflation. "Bracket Creep" is leaving many families with less real purchasing power after taxes.

For the last 20 years, each time family income rose by 10%, government receipts increased approximately 15%. High marginal tax rates affect people's incentive to produce additional earnings. It impacts upon the worker's decision to work overtime or to go play tennis. The higher the marginal rate, the cheaper the price of leisure. High rates reduce capital formation and economic growth. Professor Arthur Laffer illustrates the relation between taxes and incentives with the "Laffer Curve." He restates the concept of diminishing returns. "At some point, additional taxes so discourage the activity being taxed, such as working or investing, that they yield less revenue rather than more. There are two rates that yield the same amount of revenue: high taxes on low production; or low taxes on high production. . . . There is, however, at any one time, some rate that allows the government maximum revenue and yet does not discourage maximum production. Congressman Jack Kemp in his book entitled, An American Renaissance, gave the following illustration: "Consider the baker who is taxed 20% on the first loaf of bread, 40% on the second load, 60% on the third, 80% on the fourth, and 100% on the fifth and who can produce only one loaf per day. His objective would be to increase his output and increase his income. His rewards for pushing forward on the frontiers of baking technology are reduced again and again for each additional loaf he bakes. When he is at the level of four loaves—or at the margin, the 100% tax rate—all incentive to increase his baking productivity ends because if the baker were to produce a fifth loaf of bread, it would be taxed entirely away.

A fourth economic indictment against the present tax system is that loopholes and taxshelters are allowing many Americans to avoid their fair share of the tax burden. Since 1979, there has been a rapid increase in the number of tax preferences and in their revenue loss. According to the Joint Committee on Taxation and the Congressional Budget Office, there were 104 tax preferences in effect in the fiscal year 1982. These preferences caused the tax base to shrink to less than one-half of the 1982 national income. In 1981, these 104 preferences cost $229 billion in lost revenue. According to the IRS publication, Statistics of Income for 1981, the category of itemized deductions alone reduced adjusted gross income by 24% that year or by $254.4 billion. Interest expense was the single largest itemized deduction claimed in 1981 amounting to $108.7 billion. Senator Bill Bradley of New Jersey gave an example of the largest syndicated tax shelter in history. He included it in his book entitled, The Fair Tax, Chapter 3 appropriately subtitled, "True Tales of Amazing Tax Shelters." The example follows: "The largest syndicated tax shelters in history allows the partners to purchase 45,000 old billboards for $485 million and depreciate them over the 15-year write-off period for real estate. When the billboards are sold, they will generate a long-term capital gain taxed at preferential rates. Each investor must put up $150,000, so this shelter is only available to the big hitters. However, each was promised net tax benefits over a six-year period worth $181,950; that is the tax benefits exceeded the original investment. Is this what the President meant by supply-side economics? Obviously not. No economic growth results from simple reshuffling the ownership of 45,000 existing billboards." With this example it is easy to see how families who reported income in 1981 of more than $1 million

paid an effective rate of only 17.7% through the use of tax shelters.

In order to manipulate transactions to avoid tax, some keen minds had to connive the schemes. Out of the approximate 46,000 active tax professionals needed to interpret the complex tax law, several thousand specialize in tax shelters. Think of the talent and time expended in this tax shelter industry. It is sad to admit but our income tax system has created an industry devoted to the inefficient use of investment capital. Our tax system encourages people to lose money for tax purposes and it encourages special interests to lobby for more and more selective relief.

To better understand the existence of tax preferences, we must recall the squeeze of inflation and the pain of high tax rates. Many groups have lobbied for selective relief before their elected representatives. The most powerful and influential got an exclusion, deduction, or credit to suit their special interest. Legislators keep succumbing to the pressures of the lobbyists who keep repeating the "little ditty" made famous by Senator Russell Long of Louisiana; "Don't tax you, don't tax me, tax that fellow behind the tree." President Reagan even abandoned his "clean bill" principles to join the crowd supporting special interests before the passage of the Economic Recovery Tax Act of 1981. A New York Times editorial said; "Greed and politics are running wild on Capitol Hill, and the Nation's great economic difficulties, which were supposed to be the object of budget and tax reductions, are recklessly ignored." Once again the well-being and prosperity of the nation lost out to the flawed logic of special interest groups. When will the legislators stop playing Santa Claus to influential lobbyists?

Evidenced by a newspaper article as recent as June 7, 1986, the Senate Finance Committee still insists on playing Santa Claus. The Greensboro News and Record article stated the Committee was proposing to give away more than 170 "toys" to special interest beneficiaries, such as "cellular telephones," "strawberry square," and "Chanel." Senator Howard Metzenbaum of Ohio said, "There is blatant concealment in this bill. . . . We're still trying to find all the special provisions that are hidden in those 2,847 pages." Senator Metzenbaum listed 16 specific provisions that warranted further study. What about the remaining 154 special interest provisions? Another article, one week later in the same newspaper, gave some specifics on one of the loopholes that had been proposed by the Senate. Unocal of Los Angeles was to forego paying up to $50 million of federal taxes because they had incurred a $4.4 billion debt fighting off an attempted takeover. This loophole was killed by Senator Metzenbaum's amendment but what about the remaining loopholes? The whole legislative process seems to "degenerate into a scramble to see who can get the largest slices of a shrinking pie." Nobody wins in this sport of mutual plunder. Real economic expansion through fair and simple tax reform is the surest remedy for this divisive sport.

Taking into consideration the high tax rates of our progressive structure, the high level of inflation, and the large number of unfair tax preferences, is it any surprise that the underground economy in the United States is growing so rapidly? A fifth indictment against the present tax system is that it encourages tax evasion. "Sheep may stand still while they are sheared, but taxpayers do not." An estimated 25 million working Americans engage in both legal and illegal activities to hide all or a portion of their income from taxation. The magnitude of this problem is described by Sylvia Porter in the following manner: "A veiled economy more vast in scope than most of the individual economies of most other countries on this globe lies underneath the in-the-open economy in which tens of millions of us in the United States live. An immense proportion of all the transactions that occur in our country take place in this underground—but they are untraced in any fashion, thus uncounted, unreported and most significant, untaxed. You yourself may well be a part of it, without even being aware that you are." The Internal Revenue Service estimated the 1981 loss of revenue from legal activities to be $81.5 billion. In addition, the Internal Revenue Service estimated a $9 billion tax evasion from illegal activities such as drug traffic and prostitution. Some experts think the legal and illegal sources of income that do not appear in the Gross National Product is much higher than these Internal Revenue estimates. Some analysts claim that unreported income in the United States is close to a trillion dollars. For every four dollars of legal income reported, there is another one hidden from view.

Why is tax cheating so prevalent? People are very dissatisfied with unfair loopholes that favor special interest, poor fiscal policies that contribute to inflation, steep graduated rates that cause "Bracket Creep" during inflationary times, government waste, and the unresponsiveness of the tax legislators to the national interest. The cure for these ills is not cheating. The solution is a complete overhaul of the federal income tax system. This would not only boost the Gross National Product but remove some of the incentives to join the underground economy. Less participation in the underground economy would increase the tax base already riddled with unfair, excessive loopholes, and reduce the burden on taxpayers.

A sixth economic indictment against the current system of taxation is the disincentives and distortions it causes on saving, investing, working, and prices. High marginal tax rates discourage every productive activity. The incentives to take a risk, accept added responsibilities, and expand our Gross National Product, are dulled when a big hunk of the prize goes to somebody else. "When individuals bear the full cost of their actions and are able to reap fully the gains that occur from their activities, they use resources wisely. When I bear the full cost of food, clothing, telephone service, recreation facilities and thousands of other items, you can be reasonably sure that I will conserve on my use of these items. I will not consume them unless I value the services that they provide more than the cost of the provision. Similarly, when I am able to reap the full benefits of my productive activities, you can be sure that I will undertake even unpleasant tasks when the benefits (usually personal income) exceed the costs. When individuals bear the full cost and reap the full benefits, they will use resources in a wealth-creating manner. They will engage in positive-sum economic activity. . . . Problems arise when a sizeable share of the benefits or costs emanating from economic activity accrues to nonparticipating parties. High marginal tax rates make it possible for individuals to enjoy tax deductible items at a fraction of their cost to our economy. . . . However, deductibility does not reduce the cost *to society* of the valuable resources used to produce these commodities." The marketplace is far more efficient in allocating resources and setting prices than the Internal Revenue Code. The present system makes us less competitive in the world economy and prevents us from reaching our economic potential as a nation. A tax deduction is of little benefit if there is no income to subtract is from.

The tax laws interfere with business decisions in an unwise, haphazard way. High marginal tax rates make consumption cheap and encourage debt instead of equity. This causes saving to decline and in turn reduces investment which is the foundation for furture economic growth. This disincentive is aggravated by inflation which pushes people into higher marginal tax brackets even though their real pre-tax income does not change. Tax policy distorts income during real economic growth and inflationary periods causing consumption to become cheaper and saving more expensive. "The current tax code distorts investment decisions so that economically desirable investments often appear less attractive than those where tax incentives inflate profitability. Section after seciton tells new investor what lines of business to enter, tells existing corporations how to go about their work, and puts a heavy tax on the profits of successful and productive corporations. The whole system makes no economic sense." To improve incentives and reduce investment distortions, a tax system is needed with a much broader base that permits a low tax rate.

The second main dimension to the inefficiency of the current tax system is the complexity of the Internal Revenue Code. The legal complexity makes comprehension, compliance, and administration difficult. Transactional complexity encourages individuals and businesses to engage in complicated maneuvers to avoid taxes. The lack of simplicity makes the uniform application of the tax laws difficult to achieve. It also imposes a high cost of taxation.

"It was a bizarre trial, a tax protest case. The defense lawyer didn't have a chance, but his closing argument was a humdinger. It went like this: The lawyer hefted the Internal Revenue Code and leaned on the jury box. 'I wish this book could talk,' he said plaintively. 'I wish this book could talk because it would crawl over this rail, it would crawl up into your laps, it would look up at you and it would cry, 'Nobody understands me.' "

The above segment was taken from a May 13, 1983 *Wall Street Journal* article by Caryl Conner, who was a speechwriter in the Carter White House. In her article entitled "Offering Incentives to Tax Evaders," she realizes the essential function of the Internal Revenue Code is to raise revenue but it creates tax evasion by its complexity and "revenue hemorrhage." She is critical of the Code's ambiguity, chaos, loopholes, social engineering, and unenforceability. Let's not take Ms. Conner's word for it, let's go right to the source—section 1302. "Definition of Averageable Income; Related Definitions" states:

(1) Average Income.—

(1) In general.—For purposes of this part, the term "averageable income" means the amount by which income for the computation year (reduced as provided in paragraph 2) exceeds 120% of average base period income.

(2) Reduction.—The taxable income for the computation year shall be reduced by—

(A) The amount (if any) to which section 72(m)(5) applies—and

(B) The amounts included in the income of a beneficiary of a trust under section 667(a)

(b) Average Base Period Income.—For purposes of this part—

(1) In general.—The term "average base period income" means one-fourth of the sum of the base period incomes for the base period.

Is it surprising less than one-third of those eligible to reduce their tax computation by income averaging actually do so? In short, section 1301 means that if a person has a lot more income in 1984 than he (she) had in the past four years, the income averaging may lower the tax amount. Phrases such as "averageable income" and "base period income" are contained in this Code Section. The word "income" is also used. Nowhere in the two thousand pages of the Internal Revenue Code is the word "income" defined. Since tax is imposed on "income," it would be logical to expect a definition in the beginning of the Code. Congress threw darts all around the bullseye with definitions of "gross income," "adjusted gross income," "taxable income," "earned income," "unearned income," "ordinary income," "averageable income" and others.

Tax law terminology is difficult to understand but the problem is aggravated by the use of such long sentences. A sentence in section 170(b)(i)(A) contains 379 words; another sentence in section 7701(a)(19) has 506 words. The Connecticut statute forbids the use of sentences longer than an average of 22 words and no sentence can be longer than 50 words. To comprehend the exact meaning of some of these long Code sentences, the reader would need to construct flow charts. What kind of grade would the English high school teacher of those tax legislators give her ex-students on clarity and sentence structure?

The application of tax law is not uniform. In an attempt to understand and fairly apply the more than 2,000 pages of basic tax law, there are about 10,000 pages of tax regulations and thousands of pages of interpretations and judicial opinions. Even with all this research material available, most taxpayers do not understand the tax laws. Judges do not interpret the laws uniformly. Consider the two separate cases of a Minnesota state trooper and a New Hamsphire state trooper. The argument was that since the state was his employer, all the highways were the "premises" of his employer. Since he was required to eat at restaurants on the highway, the meals were "furnished for the employer's convenience on his premises." The Minnesota state trooper won the court case. Unfortunately, the state trooper in New Hampshire fared worse. The court there stated that it did not go along with this "metaphysical concept" concerning the state's territory being the "premises" of the employer. The court further stated that the meals must be "furnished in kind." With the same facts, two different states had two different rulings.

Former Commissioner of the Internal Revenue Service, Jerome Kurtz, stated the Service was aware of 3.8 million taxpayers who underreported their 1979 income but an astonishing 2 million overstated their income. In addition to the confusing, verbose language of the Code, the taxpayer has to contend with complicated, lengthy forms. People turn to commercial tax preparers, IRS employees, and certified public accountants for help. Facing up to the complexity of the Code, it is understandable that these assistors and preparers do not always get the right tax amounts. Certified Public Accountants have the best record for accuracy but they are a very expensive source of help. In 1981, about 41% of all filers had their returns prepared by tax professionals with a price tag of over $1 billion. To obtain a true picture of the cost of taxation, the time spent collecting and recording data must be considered as well as the time spent filling out the various forms. Taxpayers must also fund the operations of the Internal Revenue Service. Its budget grew from about $2 billion in 1978 to approximately $3 billion for 1983. Lumping all these direct and indirect costs together, taxpayers bear between $9 and $10 billion for preparing and verifying their taxes, above what they pay in income taxes.

The tax laws are complex and ambiguous. They need to be reformed to impose a low flat rate on a much broader base. The laws could be simple if there were no exceptions.

The third dimension to the inefficiency of the present tax system is the negative impact upon human intangibles. In some way, all the previously discussed indictments have a stiffling effect upon those precious intangibles. When disincentives and dissatisfaction are high, morale and initiative are low. This puts a damper on human ingenuity which is one of the greatest sources of improved productivity. History has proven reward, not deprivation, to be the best method for motivating people to be aspiring, risk-taking, and enterprising. Congressman Jack Kemp, in his book entitled *An American Renaissance*, summarizes the way our current tax system operates. Human ingenuity "isn't just amazing inventors like Edison or dramatic managerial innovators like Henry Ford. Improvements in efficiency spring from millions of creative workers, supervisors, and managers whose intimate knowledge of their tasks leads to new methods of improving products or saving costs. From this vast pool of dispersed knowledge, a market economy draws people who gamble that they have a better idea about how to provide more or better goods with fewer or cheaper resources. But they won't take those risks unless they will be rewarded if they succeed. By continually removing the incentives which reward achievement, we have created a system which taxes the imagination, ingenuity, and enterprise of the American people.

The last dimension to the inefficiency of the present system of taxation is administrative difficulty. The economic barriers, excess burdens, unfair rules and repressed intangibles pose problems in collection and enforcement. Complexity, combined with inflation and high marginal rates, encourage tax avoidance and evasion. These factors increase the administrative burdens. The Internal Revenue Service employed about 85,000 people in 1983, which was about the same number as in 1979. During this same period, returns being audited because of tax shelter issues increased from 183,000 to 335,000. The proportion of returns examined in 1984 was only 1.3%. Administrative expenditures of the Internal Revenue Service dropped from 0.54% of revenue collected in 1975 to 0.41% in 1981 before reaching 0.48% in 1984. Over this same period, the ratio of IRS employees to total returns filed declined by 19%. With taxpayers devoting more time and resources in avoidance techniques, administrative costs must increase to ensure proper compliance.

An income tax reform removing special deductions, credits and allowances would simplify enforcement. Compliance costs could be utilized more effectively if the tax system had a broad base with a low flat rate. Internal Revenue Service could concentrate on unreported income without being bogged down with verifying a proliferation of credits, exclusions, allowances and deductions. With understandable rules and low rates, a sense of fairness would be present that would foster voluntary compliance.

Having reviewed the numerous inefficiencies of the American income tax system, it is refreshing to present some workable recommendations for sound tax reform. The simplification proposals set forth in this paper will suggest fundamental changes in tax laws, forms, and procedures for the individual and corporation income taxes.

Tax legislators, accountants, administrators, most other taxpayers, and even some of the guilty tax evaders want tax reform. They just can not seem to agree on *how* to reform the tax laws. Some people have even developed a strong dislike for the phrase "tax reform. The cannot help but recall the numerous changes made in prior years that started out as tax simplification measures but resulted in another lost battle for efficiency and fairness.

An Internal Revenue employee shared her astonishment at the size of one estate tax return that was about two inches thick, complete with index tabs. The next day she realized that estate return was not so long compared to other tax returns that were filled in the Greensboro District of the Internal Revenue Service. Tax returns had been received that individually filled the contents of a cardboard box one foot deep. It is time to raise the confidence of all taxpayers in the income tax system. True tax reform without loopholes, steep rates, and complicated rules is urgently needed.

How could true federal income tax reform be achieved? The basic steps to true reform follow:

a. Abolish loopholes
b. Broaden the tax base
c. Change to a low, flat rate
d. Deduct a personal allowance
e. Exempt an amount for each dependent
f. File simplified forms 1040 and 1120

What are the goals of sound tax policy? After implementation of the above tax simplification, the following would result:

a. Administrative ease
b. Boosted intangible
c. Conserved resources
d. Dynamic economy
e. Efficiency
f. Fairness

To achieve these goals for individual income taxes, the following tax law changes are recommended:

1. Repeal all individual adjustments to income, exclusions, deductions, and credits (except withholding and excess FICA credits). Depreciation would be allowed at a rate that provides an adequate cushion for inflation but would not favor one asset over another.

2. Include employee compensation, such as wages, salaries, tips, pensions, bonuses, prizes, fringe benefits, workman compensation and the market value of non-cash items.

3. Exclude employee reimbursements for business expenses and employer provided medical benefits.

4. Include income (loss) from business activities and any other income sources.

5. Allow a personal allowance of $6,000.00 for married taxpayers; $4,500.00 for head of household status, and $3,000,00 for single status.

6. Allow dependent allowances of $1,000.00 each.

7. Apply a low, flat rate against taxable income.

8. File on simplified form 1040.

9. Require residential leasor information. (Space is provided on form 1040).l

10. Require withholding at the source whenever possible.

The individual income tax return, form 1040, would be used primarily to report employee compensation, dividends, interest, capital gains (losses), and the net income (loss) from sole proprietorships, partnerships, and small business corporations. Rents, royalties, and other sources of individual income would be included on form 1040. The personal and dependent allowances would provide a floor so that the poorer families would pay little or no income tax. After combining all sources of income and subtracting the allowance(s), taxable income would remain. If the amount was positive, then the flat rate would be applied to arrive at a total income tax.

The goals previously listed could be achieved by implementing the following major revisions to the corporate income tax structure:

1. Gross revenue would be reduced by ordinary and necessary business expenses provided such items were included in receipts.

2. Business expenses would include the cost of purchases of goods and services used for business purposes during the tax year.

3. Dividends paid to shareholders and reported on their returns would be excluded on the corporate return. Federal income tax would be withheld on dividends which would be reflected on the 1099-DIV forms sent to shareholders.

4. Depreciation and amortization would be allowed at a rate that provides an adequate cushion for inflation but would not favor one asset over another.

5. Exemptions and exclusions, such as the capital gain exclusion, would no longer be allowed.

6. Tax credits would be repealed. This includes investment tax credit, jobs credit, research and development credit, and business energy credit.

7. Tax would be computed on the simplified form 1120 using the same low, flat rate assessed on the individual income tax return.

8. If negative income resulted, the loss would be carried forward and interest income allowed. There would be no limit to the amount of the loss of the number of years carried forward.

The underlying foundation for income tax reform for individual and corporate incomes is a much broader base with a low flat rate. The most unfair aspect of our current system is the large array of complicated loopholes that haphazardly and uneconomically grant selective relief. A wise economist commented several years ago, "Taxpayers using loopholes are a lot like a crowd of people standing tip-toed watching a parade. They are all very uncomfortable on their toes, but no one can stand flat on his feet because he would lose his view. Yet, if they all could agree to get off their toes together, they all would see just as well, and they would feel much better too." Loopholes must be abolished in order to restore a sense of fairness and to encourage economic growth.

The flat rate income tax system would be fine tuned for maximum efficiency. The lowest possible rate would be applied against a broad tax base to provide sufficient revenue to fund the fiscal budget. (A temporary source of revenue to pay off the accumulated deficits will be discussed later.) A low flat rate of 10% on a very broad base has been proposed by Senator Jesse Helms. Robert Hall and Alvin Rabushka first published in the *Wall Street Journal* their proposal for a flat tax that closely fits the consumption tax concept. They are confident that a low, flat rate of 19% on individual and corporate incomes would generate more revenue than the current system and would, thus, take less time to balance the federal budget. The recommendations outlined in this paper conform to the rules of comprehensive income taxation instead of consumption taxation. The flat rate would be lower than 19% because the base would be broader. The flat rate could hoover around 10% and generate sufficient revenue to fund an efficient federal government operation.

To clean up some of the results of poor fiscal housekeeping, the flat rate could be increased. But to interfere as little as possible with saving, investing, and working decisions, a temporary source of revenue could be implemented. A national retail sales tax on nonessential, luxury goods could supplement the income taxes collected. These funds would be earmarked for paying off the accumulated deficits. Implementation would be faster and more efficient if the states were used as administrative agents. The rates should be set high enough to cover existing state retail sales taxes. This supplemental tax system could be a powerful tool to wipe out the accumulated deficits. The importance of previously discussed problems, such as reduced investments, economic distortions, and high interest rates have serious repercussions on the entire nation. Whether these deficits are funded by a slightly higher flat tax or a national retail sales tax is not as important a decision as the need to pay them off.

With simpler and fairer laws, the costs that taxpayers bear to prepare, verify, and pay their income taxes would be greatly reduced. The removal of loopholes and the expansion of the tax base would also reduce administrative costs. A low, flat tax would restore a sense of fairness that would make administration much easier. It would improve the intergrity of the administrators which is the heart of voluntary compliance.

One of the key concepts to efficient tax administration is withholding at the source. Wages, pension, interest, dividends, etc., would be subject to the low flat rate. Using a withholding chart, the payer would retain and remit the income tax to the Internal Revenue Service via the quarterly employment tax return (form 941). The recipient would be issued an information document such as W-2 or 1099 showing the total income and withholdings. If the recipients had only wage and salary income, it could be possible that they would have the correct amount remitted to IRS and would not have to file a 1040 form. They would, however, be required to claim the correct filing status and number of dependents on their withholding certification (form W-4). This form would be updated annually and could require copies of birth certificates for each dependent. Annual wage statements, forms W-2, would still be issued.

Former IRS Commissioner Mortimer Chaplin estimated the following percentages of income types go unreported:

1. 35-50 percent of royality and rental income

2. 30-40 percent all self-employed income

3. 17-22 percent of capital gains

4. 8-16 percent dividend interest income.

The flat proposals would help compliance in the last category by requiring withholding at the source. Payers of royalty income would also be required to withhold at the source. Payers of residential rental income would submit an information form stating the amount and recipient of the rental income. Individual payers would be provided space on their form 1040 to give this information. A large amount of capital gain income results from real estate and stock transactions. Consideration could be given to the collection at the local government level for the income tax on real estate sales at the time the deeds are recorded. The seller could present documentation of the basis. It could be compared to the sales price to obtain the withholding amount for income taxes. When corporations sell stock, they could also compare the basis to the selling price and withhold the appropriate amount of income taxes at the flat rate. Withholding at the source and better utilization of information documents, would improve compliance.

With the repeal of loopholes, IRS would no longer utilize resources to verify a mass of deductions, exclusions, and credits. They could concentrate on sources of unreported income, the proper filing of returns, and the prompt payments of all taxes. With the implementation of the flat tax supplemented by a national retail sales tax on a temporary basis, the folks at IRS would find the laws easier to understand and enforce. Tax simplification would also improve public understanding of the tax laws and boost public confidence. Tax administrators would smile as they noticed the taxpaying public moving toward a model state of voluntary self-assessment.

The proposed tax simplification set forth in this paper would establish a fair and efficient income tax system. A redirection of efforts and capital would produce real growth. A growing, efficient economy would raise national output, stimulate human intangibles, and increase the standard of living. The American dream is not a scramble for a larger piece of a shrinking pie. In the words of Congressman Jack Kemp, "We must have economic growth . . ., which means we must press ahead to gain the necessary tax . . . reforms that will permit growth. We want to excite the elusive but vital qualities of human ingenuity and effort. Qualities important not only to an economy increasingly dominated by sophisticated services, but to the well-being and happiness of our nation's people. Ingenuity is discovered only through *effort*, an intangible substance which certainly means more, much more, than putting in hours. After all some people manage to retire on the job. Effort encompasses such things as a continual eagerness to acquire new knowledge and skills, a willingness to accept new responsibilities, to take the risk of initiating change. *Effort* can only be measured indirectly, by results, and the results are not only measured by personal prosperity but by the enrichment of community life as well.

GOODWIN AND PAGE,
CERTIFIED PUBLIC ACCOUNTANTS,
Wilmington, NC, December 6, 1988.

Senator JESSE A. HELMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: This is my second letter to your office during this year concerning the federal tax law as we know it today. I say "know it" with a great deal of reservation, as I do not believe anyone knows the current tax law. My earlier letter this year was a personal comment on the TRA '86, and the complexities and impractical aspects of this law.

Since the TRA '86, I believe we have had at least three more tax acts, two of them supposedly labeled Technical Corrections Act. I do not mind telling you, I am becoming very disappointed with my profession. I have been a practicing CPA since 1958, and feel like I should be pretty competent in the area of taxation, since I have had considerable experience regarding these matters.

The Internal Revenue Code as it stands today, is a very complex and unworkable mass of confusion. How are taxpayers, or for that matter, tax practitioners, going to prepare correct tax returns if they cannot understand the tax law. Whenever we do get to the point we feel we have some understanding of certain parts of the tax code, it is changed on us and we have to relearn it all over again. I know of no other profession, that is subject to the whims of Congress as the CPA profession. Sometimes I feel like giving up, walking out of my office, and not preparing another tax return at any time.

This is a bad feeling, when your profession is your means of livelihood, and you have tried to do a good job for many years, in servicing your clients and advising them properly in tax matters.

I also feel sorry for the IRS agents who have to audit tax returns. They are going to be just as confused, if not more so, than I am.

I realize the necessity of changing the tax act occasionally because it needs improving, or additional revenue needs to be generated. But, there is no sensible reason for passing tax acts like the ones Congress has done recently.

Once these acts are passed and the IRS starts working on them, they generate the most complex regulations that anyone can imagine. I have found it necessary to attend a great many tax seminars in the last several years, not to learn more about taxation, or to become more proficient, but just to keep my head above water. These sessions are usually conducted by well informed, tax professionals, who are some of the best in the country. I believe every session leader, without fail, makes vary lengthy comments on the disservice that Congress is doing to the American taxpayer, by passing such ridiculous and difficult legislation.

I could continue for quite a while, telling you of my frustration with the current tax laws, my adverse feelings towards elected representatives who would saddle us with such legislation. I do not know what can be done at this stage, but I feel something must be done, or our tax problems will become so bad, no one will be able to manage them.

Yours very truly,

R.A. GOODWIN.

[From the News and Observer, Feb. 18, 1989]

FIFTY TAX PROS GIVE FIFTY DIFFERENT ANSWERS ON TEST

WASHINGTON.—Those still confused about the new federal tax law shouldn't feel as if they are alone. Fifty professionals who advertise themselves as experts calculated a mythical family's taxes and came up with 50 different answers.

Even worse, according to a survey by Money magazine, the experts' figure for the family's tax bill varied from $12,539 to $35,813. The correct answer, according to the accountant who devised the test, was $23,393.

"The abundance of mistakes our test turned up suggests that pros are nowhere near as knowledgeable about the tax law as they are supposed to be," Money says in its March issue. "After all, we were sampling highly regarded preparers who willingly accepted our challenge to calculate the model return."

The experts actually did worse than in a similar Money test a year ago when taxpayers were facing effects of the landmark 1986 tax law for the first time.

In last year's survey, the professionals also came up with 50 different answers but the gap between the highest and lowest was about 50 percent; this year, the gap was nearly 300 percent.

"I was completely surprised by the results," said Wesley R. Fitzpatrick of the Portland, Ore., office of Grant Thornton accountants, who made up this year's test.

"When the tax reform law was new, you could understand the confusion, but now it's hard to explain all the mistakes about fundamental rules," Mr. Fitzpatrick said.

The hypothetical family's tax return was tackled by 30 independent certified public accountants, 12 representatives of franchise return-preparation outlets, three certified public accountants from national accounting companies and five enrolled agents, who are tested and licensed by the Internal Revenue Service. Their fees range from $325 to $2,500.

According to Money, the only preparers who made no major goofs were five independent accountants, one enrolled agent, four franchised preparers and Mr. Fitzpatrick, who devised the test.

For the test, Mr. Fitzpatrick conjured up a three-member family whose tax problems are unlikely to be faced by most taxpayers. However, Money said, the experts made mistakes on basic tax provisions that could affect taxpayers at almost any income level.

For example, the family's 13-year-old son earned $600 mowing lawns but 16 of the professionals failed to note that he would have to file a return. Twelve of the experts made the wrong choice on the tax treatment of inherited U.S. savings bonds.

The family had salaries of $56,400 but both spouses quit their jobs during the year and took big lump-sum withdrawals from their pensions. The wife set up her own business; the husband was negotiating to buy his own company. The couple had several investments, owned two homes and inherited a third from the wife's mother.

The biggest problem for the experts—although it had a relatively minor impact on the family's taxes—was calculating the deduction for interest. The 1986 law made major changes on this deduction.

Ten preparers were wrong in claiming the husband's mother, who lived with the family all year, as a dependent. Nineteen experts claimed three times too much depreciation on equipment used in the wife's new business.

By Mr. SIMON (for himself, Mr. HATCH, Mr. METZENBAUM, Mr. CRANSTON, Mr. KERRY, Mr. BIDEN, Mr. SPECTER, Mr. KENNEDY, Mr. SIMPSON, Mr. KOHL, Mr. LEVIN, Mr. RIEGLE, Mr. BURDICK, Mr. MATSUNAGA, Mr. INOUYE, Mr. BINGAMAN, Mr. DASCHLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. GORTON, Mr. SANFORD, Ms. MIKULSKI, Mr. SARBANES, Mr. ADAMS, Mr. LIEBERMAN, Mr. BOSCHWITZ, Mr. GLENN, and Mr. CHAFEE):

S. 419. A bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation; to the Committee on the Judiciary.

HATE CRIME STATISTICS ACT

Mr. SIMON. Mr. President, I rise today to introduce the Hate Crimes Statistics Act. I am very pleased that 29 of my colleagues, including seven members of the Judiciary Committee, have joined me as original cosponsors of the Act. I want to extend my special thanks to Senators HATCH, METZENBAUM, CRANSTON, and KERRY whose leadership on the issue has ensured its continued progress. I am also particularly pleased to note that the chairman of the Judiciary Committee, Senator BIDEN, has added his name to the list of original cosponsors.

Since my introduction of the Hate Crimes Statistics Act in the 100th Congress, I have spoken on the floor and in the Judiciary Committee about incidents of hatred and violence which continue to plague our country. Unfortunately, once again, I must report that hate-related violence appears to be on the rise. Just a few examples demonstrate the extent of the problem. In November, a 28-year-old Ethiopian man was beaten to death with a baseball bat as he was walking down the street in Oregon. Three members of the largest, most violent skinhead group in Oregon have been accused of the murder. Also in November, the Tifereth Israel Synagogue in San Diego, CA, was extensively spray-painted with antisemitic graffiti. Swastikas and other hate-related messages like "Adolf lives" were painted on the synagogue walls and stained glass windows. Also, this fall, the house of our colleague, Rep. MIKE ESPY, the first black Congressman from Mississippi since reconstruction, was maliciously vandalized.

These stories are just a small sample of the many incidents which occurred in 1988 alone. Indeed the limited data available suggests that 1988 may have been one of the worst years for hate-related activity. The Anti-Defamation League of B'nai B'rith [ADL] reported

that incidents of antisemitic behavior in 1988 rose to a 5-year high. Klanwatch of the Southern Poverty Law Center, which tracks the activities of the white supremacist groups, reported that white supremacist violence appeared to surge in 1988.

While there is little doubt that hate-motivated crimes exist and appear to be on the rise, there is no national data base to monitor the real extent of the problem. Without this information, many questions remain unanswered. These questions include whether the attacks that we read about are isolated events or symptoms of a more pervasive problem; whether hate-related violence is more prevalent in particular sections of the country or in particular kinds of communities; whether certain groups are more frequently victimized than others and whether we are experiencing a resurgence of racism and other types of bias.

The Hate Crime Statistics Act addresses this problem by directing the Attorney General to acquire data about serious crimes which manifest prejudice based on race, religion, sexual orientation, or ethnicity. We have worked with the Justice Department to ensure conformity with their existing programs for data collection. The bill specifically authorizes the Attorney General to establish guidelines for the collection of data. It also ensures that the privacy of crime victims will be protected by limiting the use of data to research or statistical purposes. The bill is virtually identical to S. 702, which unanimously passed the Senate Judiciary Committee last summer. It is also similar to H.R. 3193, which overwhelmingly passed the House last spring.

Collecting data will not erase bigotry. However, as Elie Weisel so dramatically portrayed in his book Night and as Attorney General Thornburgh wrote in the introduction to ADL's audit of antisemitic incidents, "unblinking exposure is the first step in prevention and reform."

It is my intention to move the bill as quickly as possible. I urge my colleagues to join the cosponsors of the bill in this effort and work with us for its prompt enactment. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill and statements were ordered to be printed in the RECORD, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Hate Crime Statistics Act".

(b)(1) Under the authority of Section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act.

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the indentity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 1994.

Mr. HATCH. Mr. President, I am pleased to join Senator PAUL SIMON and others in cosponsoring the Hate Crimes Statistics Act. This act requires the Attorney General to acquire data for the next 5 calendar years "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, nonnegligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson and destruction, damage or vandalism of property."

Under the act, the Attorney General must establish guidelines for the collection of this data to ensure that the incidents reported truly reflect prejudice based on the characteristics delineated in the bill.

This bill is virtually identical to one which was reported favorably by the Judiciary Committee on a voice vote, August 10, 1988.

I stress that this act is only about Federal data collection. It creates no substantive rights or causes of action, as made clear by section 2(c). Moreover, it does not direct any State or local government or police agency to take any particular action. I hope, however, that the data collected under the act will be useful to state and local law enforcement agencies in deploying their resources and addressing hate crimes in their jurisdictions.

Mr. President, this act serves a vital purpose. While the Federal Bureau of Investigation, through its Unform Crime Reporting [UCR] Program, collects national crime statistics, there is no Federal recordkeeping concerning the occurrence of hate crimes.

Hate crimes are among the most heinous of all crimes because they strike so deeply at their victims' individuality and self-esteem. Differences in the race, religion, and ethnicity of our citizens should be a source of national strength, cultural diversity, and celebration of our Nation's pluralism. Hate crimes present a particular threat to the fabric of our free society because they use characteristics such as race, religion, and ethnicity to foster a sense of division and fear among citizens.

For persons who are members of minority groups with a history of mistreatment or persecution, these crimes understandably create anxiety, unease, and concern about the security of their place as Americans in their own land or as persons striving to become citizens. Emotional and psychological scars can result from these crimes. For Jewish people, who have suffered terribly from persecution, the desecration, vandalism, burning of synagogues and stores, defacing of cemeteries and property with Swastikas and Nazi slogans, and physical intimidation are horrible reminders of such persecution and the bigotry they still must sometimes face. For black Americans, who have endured slavery, lynchings, Jim Crow laws, and continuing discrimination, and for other racial and ethnic minorities with a history of ill treatment and discrimination by others, physican violence because of their race or ethnicity is a particularly brutal manifestation of hatred. For Catholics, who have faced religious prejudice, a cross-burning is an act meant to deny the legitimacy of their faith. All of these crimes are intended to deny persons a sense of their own worth and their place in their native or adopted land.

Such crimes must never be tolerated. The Federal Government can help by compiling reliable data on the incidence of hate crimes. Through the use of such data, law enforcement agencies can better address—and seek to prevent—these crimes in their communities. We currently have no uniform method of determining if these crimes are on the rise and where they are taking place. This bill is aimed at rectifying that information gap.

We do know that hate crimes occur across our country. Not long ago, a black teenager was killed in Howard Beach, NY, in a crime of racial hatred. In July 1987, a black woman in San Jose, CA, was terrorized by white supremacists making racial threats. These hate mongers also denied her access to a public park. During the winter of 1982-83, the White Knights of Liberty conducted nighttime cross burnings in front of interracial couples in North Carolina. In February, 1982,

a member of the Social Nationalist Aryan People's Party murdered two blacks and a white person he erroneously believed to be a Jewish professor and seriously wounded a fourth person at Cleveland State University in Cleveland, OH. In 1981, members of the United Klans of America murdered a black teenager in Mobile, AL. In 1980, a former member of the American Nazi Party murdered two black men jogging with two white women in Salt Lake City, UT, in a sniper attack. This same individual was later also convicted of the 1977 bombing of a synagogue in Chattanooga, TN.

Crimes of violence and vandalism have been directed against Asian immigrants.

A Chinese-American was chased through the streets of Detroit by a white man and his stepson after a dispute at a nighclub. The two whites were upset about the impact of Japanese car imports on American jobs and beat the Chinese-American to death with a baseball bat.

Last September 17, on the Jewish Sabbath, two teenage boys desecrated a Brooklyn, NY, synagogue. Swastikas were sprayed on the walls. Six precious Torah scrolls were ripped and burned, and the synagogue itself suffered heavy damage from fire.

Last year the Yeshiva High School in Doraville, GA, was vandalized and spray-painted with anti-Semitic and racist slogans, such as "Niggers and Jews, we're coming for you."

In the mid-1980's, Hispanic residents of Cedartown, GA, were subjected to violence because of their ethnicity and resentment about the jobs they were taking in the community. The cars owned by Hispanics were rammed by Klansmen in pickup trucks. The trailers and homes of Hispanic workers were shot at in the evening hours.

According to the Anti-Defamation League of B'nai B'rith in its 1988 audit of anti-Semitic incidents, "During 1988, 823 episodes of vandalism and desecration, and 658 acts of harrassment, threat, and assault against Jewish individuals, their property and their institutions resulted in the highest number of anti-Semitic incidents reported in more than 5 years. * * * The 1988 vandalism figure represents an 18.5 percent increase over 1987. * * * This is the second straight year of substantial increase in anti-Semitic vandalism after a general 4-year downward trend."

Some hate groups, loosely connected to each other, operate in all parts of the country. Neo-Nazi "Skinheads" or "Skins" are youthful gangs which sprout neo-Nazi rhetoric and preach hatred and violence toward blacks, Hispanics, Jews, Asians, and homosexuals. These hate groups can be found all over the Nation, particularly in the Pacific Northwest, the Southwest, the Midwest, and the Southeast. Other white supremacists groups similarly operate in more than one region of the country. See Hate Groups in America, Anti-Defamation League of B'nai B'rith, 1988. The Justice Department has vigorously prosecuted these groups. The victims of racial violence in cases brought by the Department include black homeowners and college students, Asian homeowners and restaurant patrons, Jewish workers and Hispanic travelers.

Thus, hate crimes are a national concern and affect citizens who belong to a variety of groups targeted by the hatemongers.

In consideration of this problem, I believe it should be clearly understood that our democratic institutions are strong. The overwhelming majority of our citizens are intolerant of hate crimes and those who perpetrate them. Local, State, and Federal law enforcement agencies have been on the job. For example, the Anti-Defamation League of B'nai B'rith cited the Justice Department's superb job in prosecuting the hate groups in its 1987 report, "The Hate Movement Today." Most, if not all, of the incidents I have mentioned earlier resulted in the apprehension and conviction of the criminals involved. Frequently, there is a public outcry about these crimes, and local citizens have often rallied to the support of their neighbors who are the victims of these crimes.

While I do not feel we face an epidemic of these crimes, we do face too many of them. This act will provide a useful tool to law enforcement agencies to identify those areas where resources can be deployed and this problem better attacked.

I want to address two further points. Some of my colleagues may be concerned that this Act provides an imprimatur for homosexual rights legislation. It does not. As I mentioned earlier, it creates no substantive rights or cause of action, "including an action based on discrimination due to sexual orientation." Section 2(c). Violence or other illegal criminal activity specified in the act directed at a person because of sexual orientation, however, is as much a local or State criminal offense as it is when directed to a person because of race, religion, or ethnicity. Obviously, no one favors the commission of the crimes listed in the act for any reason. If violence or other hate crime activity directed toward persons because of their sexual orientation is a problem that is identifiable through this kind of data collection, law enforcement agencies can benefit from the collection of such information. The Attorney General, of course, must take care that the data collection is reliable and truly reflects criminal activity based on prejudice. In short, this data collection measure regarding the commission of crimes is no precedent for asserting protected status under our civil rights laws.

Finally, there is one omission in this act which I hope we can correct in committee or on the floor. The act does not require statistics to be kept on crimes that manifest prejudice based on membership or nonmembership in a labor organization. An amendment offered in the committee last year by Senator GRASSLEY, which I supported, failed by a 7-to-5 vote. I will support the inclusion of such language in the act in this Congress.

Mr. CRANSTON. Mr. President, I am very glad to join my good friend from Illinois, Senator SIMON, in introducing this important legislation which would direct the Attorney General to collect data on the incidence of crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity. This bill is similar to legislation I introduced in the 100th Congress, S. 2000, that was incorporated into S. 702 which unanimously passed the Senate Judiciary Committee last summer. While this is a very simple bill, it represents a significant step toward addressing the serious problem of the incidence of hate crimes in the United States.

Unfortunately, Mr. President, the need for this legislation is obvious. Across the country there are reports that hate crimes motivated by prejudice are on the increase. The Anti-Defamation League of B'nai B'rith recently reported that anti-Semitic incidents rose to a 5-year high in 1988, with harassment up 41 percent and vandalism up 19 percent from 1987. In June of 1988, the National Gay and Lesbian Task Force reported that hate crimes directed at gay and lesbian individuals increased by 42 percent from 1986 to 1987. Additionally, the Klanwatch project of the Southern Poverty Law Center notes that the seriousness of the problem is reflected in the increased number of Federal prosecutions involving hate crimes during late 1988. According to Klanwatch, the U.S. Justice Department brought cases against 16 defendants in 10 cases of racially motivated violence in the last 4 months of 1988, compared to 13 cases brought in the entire year preceding September 1988. Additionally, during 1988, Klanwatch received reports of hate crime incidents in 35 States and the District of Columbia; of the reported hate crimes, 27 percent were directed at Jews, 56 percent directed at blacks, and 17 percent directed at others.

In spite of this evidence, Mr. President, there is no national system for collecting data on the severity, pattern, and location of these hate crimes. With this information, law enforcement officials and prosecutors will be better able to utilize their resources and to target specific neigh-

borhoods or organizations for special attention. Some States have already recognized that this data is a valuable law enforcement tool and have adopted their own system for tracking the incidence of hate crimes. But these individual efforts are not enough. Racism and bigotry are clearly national problems, and we need a national solution.

For these reasons, I urge my colleagues to support this legislation.

By Mr. FORD:

S. 421. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Natural Resources.

PETROLEUM MARKETING PRACTICES ACT AMENDMENTS

● Mr. FORD. Mr. President, today I am again introducing the Petroleum Marketing Practices Act amendments, making minor modifications to the act consistent with the original congressional intent. Last year, on March 16, I introduced identical legislation, and hearings were held on October 4 before the Senate Energy Subcommittee on Energy Regulation and Conservation. A similar measure, H.R. 1842, passed the House Energy and Commerce Committee on October 20.

The Petroleum Marketing Practices Act was enacted in 1978 to assure fairness and equalize the bargaining positions between franchisors and franchisees during the renewal or renegotiation of their agreements. The act attempted to promote fair competition, prevent unreasonable terminations and nonrenewals, and enhance stability in the marketing of gasoline at the retail level.

This legislation modifies the original act in three important ways to more fully realize its intended purposes. First, it requires any changes proposed at the time of renewal of a franchise agreement to be "fair and reasonable." Present law allows franchise nonrenewals based on a failure to agree to changes or additions to the underlying franchise agreement, so long as such changes or additions are made "in good faith" and not "for the purpose of preventing the renewal of the franchise relationship". This standard poses the danger of requiring overly subjective assessments of the motivation underlying changes or additions to the franchise agreement. And it is inconsistent with other areas of the act where the "reasonableness" standard is followed.

For instance, Mr. President, termination or nonrenewal of a franchise is permissible upon the occurrence of a relevant event, categories of which are delineated in the act, which makes such termination or nonrenewal "reasonable." In addition, termination or nonrenewal is allowed where the franchisee fails to comply with any provision of the franchise which is both "reasonable" and of "material significance." And the act allows nonrenewal where the franchisor determines, in good faith, that the continuation of the relationship would be uneconomical despite any "reasonable" changes or additions which might be made to the agreement. I believe the "fair and reasonable" standard will enable changes or additions to be viewed in a much more objective manner, consistent with the purposes and other provisions of the act.

Second, the legislation clarifies the definition of "franchise" to make clear that all contracts "economically necessary to the operation of the franchise" will be considered part of the franchise agreement, so that the termination of such contracts between a franchisor and franchisee which are closely related to the operation of a retail gasoline facility will also be subject to the PMPA. In this light, cancellation of contracts which would make the operation of the franchise uneconomical for the franchisee must be done in accordance with the permissible grounds under the act.

Third, Mr. President, the legislation protects franchisees from being terminated in situations where the retail gasoline facility is operated pursuant to a lease negotiated between the franchisor and the owner of the property, and the franchisor allows the lease to expire. Under this proposal, if the franchisor intends to let the lease expire and the franchisee is able to negotiate its own lease agreement with the owner of the property, then the franchisee may continue to operate.

Mr. President, I believe these changes are straightforward and necessary, and will go a long way toward assuring that the PMPA is being implemented as initially intended. I urge my colleagues to join me in cosponsoring this measure and securing its swift passage.●

By Mr. FORD:

S. 422. A bill to require the Secretary of Agriculture and the Secretary of Commerce to conduct a joint study of commodities and products that may be produced and marketed in conjunction with the production of tobacco; to the Committee on Agriculture, Nutrition, and Forestry.

STUDY OF COMPLEMENTARY COMMODITIES AND PRODUCTS OF TOBACCO PRODUCERS

● Mr. FORD. Mr. President, today I am reintroducing legislation to require a study identifying commodities and agricultural products with production and marketing requirements complementary to those of tobacco. Given the cyclical, labor-intensive nature of tobacco production and marketing, such a study would be helpful in demonstrating to farmers the manner in which they can get the most from their resources.

Tobacco remains the mainstay of Kentucky agriculture. It is the very nature of tobacco, yielding a gross return of $3,500 per acre, that has enabled Kentucky agriculture to diversify. Kentucky ranks 12th among States in corn production, and ranks in the top 20 in the production of soybeans, hay, winter wheat, and sorghum. Its livestock operations are equally diverse, ranking 12th in the number of cattle and calves used in beef and dairy production, and 14th in hog production.

There are 99,000 farms in Kentucky, and nearly all are involved in some form of tobacco production. Despite the appearance of diversity in Kentucky agriculture, it is tobacco that makes up 20 percent of the total farm receipts and more than half of all crop receipts, all on just over 1 percent of the farmed land. The average farm in Kentucky is just about 146 acres, compared to the national average of over 460 acres. Kentucky farms are small, family operations. The average farm in Kentucky will raise a few head of cattle and some grain for feed, selling the rest. It is tobacco, however, which pays the bills, allowing a Kentucky farmer to operate on a unit one-third the size of the national average.

I am bullish on tobacco. I know of no other commodity in which a 1-percent loss of output could mean 545 lost jobs, or $19.4 million in lost income. No other crop of which I am aware is so labor and capital intensive, yet requiring such a small amount of tillable soil, which can produce such great returns to Kentucky farmers.

However, I am concerned for the crop. The overall condition of agriculture is such that extreme pressure has been placed on this commodity to shoulder the whole load of farm profitability. Debt to asset rations have risen dramatically in recent years, in large part because of falling farmland values. In Kentucky, the average value of farm land and buildings has declined more than 25 percent over the past 6 years. We are just beginning to stabilize. Individual farmers, farm communities, and our States are just beginning to rebound from declining farm profitability.

The cries for help ring out and, all too often, the reply is to diversify and reduce your debt load. However, if one farmer tries to diversify, it usually increases investment, which only compounds debt problems.

Mr. President, today I am introducing a bill for all of agriculture. A broad-based change in a single farm philosophy will not solve all our problems. What we must do is key on specialities, or niche farming, and find a whole range of alternatives to allow a farmer to choose what is right for his or her own operation. The bill I am introducing today will focus on tobacco.

Allow me to highlight some of the practices unique to the tobacco industry and how they can be helpful in promoting complementary products.

LABOR

The average farmer will spend some 35 cents per pound in outside labor costs to produce his or her tobacco. One of the objectives of this bill should be to identify complementary production practices requiring labor either right before or right after peak periods in tobacco production. Normally, a tobacco farmer must hire additional temporary labor as these peak periods arise. Ideally, complementary production practices would allow more full-time labor, improving efficiency and quality. Quality would improve with a stable labor supply so that when tobacco work was called for, the supply of labor would be there. In addition, a steady labor force would generally take more pride in its endeavors. A 5-cent-per-pound reduction in labor costs would save burley farmers over $23 million annually. Labor requirements for U.S. burley production and time of year called for are as follows:

Operation	Time of year	Labor hours per acre
Plant bed preparation	March and April	16
Field preparation	do	6
Transplanting	Late May/early June	26
Growth (sidedressing)	July	39
Harvesting	August/September	26
Transport and housing	do	39
Curing	do	3
Stripping and marketing	Late October thru January.	72
Total		227

Those of my colleagues unfamiliar with tobacco production will find it interesting to note that each acre has about 8,000 plants, each handled individually twice before transplanting and several more times each before harvest, at which time bending, straightening, and spearing the plants on 1,300 sticks is required before placing them in the barn. On average, an individual farmer will bend over 10,000 times in harvesting a single acre of tobacco. I believe my colleagues can appreciate the skill and back-breaking labor required to produce this commodity.

EQUIPMENT

Surprisingly enough, a farmer can easily have $58,000 invested in equipment required to produce just 1 acre of tobacco. Obviously, finding another use for this equipment will lower overhead costs and allow the farmer the advantage of using equipment with which he or she is already familiar. The study should examine those practices for which use of some of the more unique types of tobacco equipment is suitable. For example, the tobacco transplanter is used but a few days a year, yet costs $625. These unique machines transplant tender seedlings produced in a seedbed into the ground in a row. This machine is capable of transplanting tomato plants, tree seedlings and any other transplantable items.

A special unit for cultivating close to the tobacco plants, removing weeds, and permeating the soil is required for "sidedressing." Sidedressers are used to apply fertilizer and/or nitrogen directly onto the plant at crucial times in the growing season without the wasted expense of broadbase application. The total cost is $1,600.

BUILDINGS

At a minimum, a two-bent, four-tier barn with 14 foot eaves is required for an acre of tobacco. A barn of this type will easily cost $7,000, but is used only about 60 days a year. Specialty herbs and spices requiring a well-ventilated curing area would be ideal for the use of these structures. In addition, I have heard of studies to adapt these structures to greenhouses. I also know of many farmers who shelter livestock, cure our famous Kentucky hams or board horses in other months for additional income. The study should focus on other uses for such facilities during low demand periods.

CASH FLOW

I pointed out that seedbed preparation for tobacco begins in March. Many farmers may not market their tobacco until January or February. Thus, special emphasis should be placed in the study on identifying those crops which can provide a source of income during the year, especially at periods of peak cash requirements for tobacco such as cutting and housing time, which requires over $300 per acre. Providing an influx of cash at crucial times of the year could easily save the farmer some 2 cents per pound in interest on operating costs—or $9 million annually in the eight State burley belt.

MARKETING STRUCTURE

The marketing of burley tobacco begins in November of each year and runs through early February. Tobacco is brought to warehouse floors, where it is displayed under countless skylights. These warehouses are generally located in populous areas and have loading and unloading facilities, but are usually not used for the better part of the year. Currently, there are over 200 warehouses in 74 separate markets in an 8 burley State area, representing literally millions of square feet of display, receiving, packaging, and shipping opportunities. These markets include Louisville, Lexington, Knoxville, and Covington. I have long felt that these facilities could well be used by cooperatives, or for direct marketing outlets of farmer goods in major areas.

PROCESSING FACILITIES

Tobacco, after it has been purchased by a manufacturer or dealer, must be processed for shipping and storage prior to use. This process, commonly referred to as "redrying," is a complex operation requiring large numbers of employees, assembly line type sorting and use of high-pressure steam. Here again, I am convinced that these facilities, generally used no more than 6 months per year, are adaptable to other uses, especially given that the peak periods are during the winter months. I am aware of a farmer cooperative already using one such facility for sorting and packaging green peppers.

THE STUDY

The bill which I am introducing today calls for a joint study, to be carried out by the Department of Agriculture and Commerce, of the existing infrastructure of tobacco, from seedbed to sales counter, and to identify potential crops that are complementary to the production of tobacco, including its cultivation practices, use of equipment and know-how, as well as the marketing structure unique to tobacco. The USDA should be a part of this study because it has the necessary expertise in agricultural production.

The Commerce Department is included in this study in order to avoid one of the most serious pitfalls in American agriculture—lack of marketing expertise. I do not want Kentucky farmers, among the best producers in the world, to spend money and put forth the effort of producing a complementary crop and not find a market for that commodity.

The Commerce portion of the study would recommend how best the States, cooperative markets, and individuals can promote, sell, and distribute the identified commodities. Special emphasis should be placed on the benefits of cooperative organizations versus corporations or subchapter S corporations, especially as it relates to acquiring financing, insurance, and staff. Strong emphasis should also be placed on the hiring of recognized consultants in the field.

The Commerce Department should identify potential markets, by segmentation—income, age, buying patterns, et cetera. The method of purchase preferred by segment, such as whether or not health conscious Americans spend extra time to purchase fresher, locally grown foods at a central cooperative location, or through supermarkets, should be addressed.

Further, the Commerce Department should make recommendations on the efficient distribution of a product; the laws of interstate and intrastate transportation and any licenses required; how best to sell to regional supermarket chains; packaging required; and how best to distribute to other identified market outlets.

In essence, the study will identify the existing infrastructure of tobacco, both in marketing and production and

those practices and commodities which would avail themselves of that infrastructure. Such a study should result in the determination of a capable marketing plan with specific suggestions to the State agencies, farm cooperatives, and extension services. Included in the plan should be points of reference to government and private programs available to provide both monetary and information assistance.

I would hope the study would not limit itself to just food production. We must also look upon nonfood options, looking at fiber and resource production for such uses as energy, pharmaceuticals, additives, and any other enterprises outside the realm of traditional food production. I would also hope the study would focus on those special foods finding favor in our changing diets, and on changes in livestock production practices to cater to the restaurant industry.

The purpose of this study is twofold. First and foremost, it is designed to identify sources of additional income to tobacco producing States. Second, by utilizing the existing infrastructure of tobacco, production costs in the crop should decline, thus increasing profits, while making the U.S. producer more competitive in the world marketplace.

I recognize the large scope of such a study. I am also aware of similar studies currently underway or under consideration. The intention of this bill is to provide purpose and direction, to serve as a focal point for all studies. I urge my colleagues to allow this bill to be given proper committee hearings to draw together all the leaders in their respective fields, to coordinate the activities currently underway, and to initiate further thought to achieve the results I have outlined.

In closing, let me say that the tobacco industry has been a blessing to my State of Kentucky, and will continue to be. However, strong as the crop might be, it cannot save the farmer alone during these times. By taking advantage of the existing knowledge and know-how of tobacco, I am convinced we can use tobacco to grow and profit in other areas.

I urge my colleagues and members of the tobacco community to join me in concentrating our efforts on this particular measure.●

By Mr. THURMOND:

S. 424. A bill to provide a minimum monthly annuity for the surviving spouses of certain deceased members of the uniformed services; to the Committee on Armed Services.

FORGOTTEN WIDOWS AND SURVIVORS BENEFITS IMPROVEMENTS ACT

Mr. THURMOND. Mr. President, today, for the seventh time, I am introducing survivor benefit plan [SBP] legislation to rectify a longstanding and most unfortunate and inequitable situation involving the aged widows of certain deceased military retirees. My proposal will cost less than half as much as most of my previous proposals.

The inequity this legislation is aimed at correcting involves the so-called forgotten widows. These are the widows of military retirees who died prior to establishment of the survivor benefit plan. Also, included in this heading is another group of widows of retired military personnel who died without having had an opportunity to convert over from the previous retired serviceman's family protection plan to the more generous survivor benefit plan.

ORIGIN OF THE INEQUITY

Mr. President, a full understanding and appreciation of how the inequity I will refer to came about requires a review of the two principal Government-sponsored benefit plans that have been available to military personnel for the protection of their families in their postretirement years.

Prior to 1972, we had the contingency option plan [COP], later renamed the retired serviceman's family protection plan [RSFPP]. While created with good intentions, there were many problems associated with this program. First of all, the plan was simply not a bargain. The premiums charged for coverage under the RSFPP were excessively high. In some instances, the premiums were 2½ to 5 times as great as those charged contemporary civilians for the protection coverage.

The high cost of participating in the RSFPP relative to the level of benefits provided, coupled with the low rates of pay received by the military at the time, resulted in a poor rate of participation among military personnel. It was mainly due to these problems, Mr. President, that we abolished the RSFPP and established instead, the current survivor benefit plan [SBP]. While the SBP is a great improvement over its predecessors, there remains today an inequity that dates back to the creation of SBP.

ESTABLISHEMENT OF SBP

Mr. President, with the enactment of Public Law 92-425, which established the SBP on September 21, 1972, both active and retired military personnel were given the opportunity to participate in the new SBP Program. The opportunity to participate in the SBP was afforded retirees whether or not they had formerly participated in the RSFPP. However, this opportunity was extended to retirees only, and was not extended to the widows of retirees who died prior to September 21, 1972. Thus the widows of retirees who had formerly participated in the RSFPP, as well as the widows of retirees who could not afford the high cost of the RSFPP and, therefore, did not participate in it, were excluded from participation in the SBP.

While it is true that there was an 18 month SBP open enrollment season in 1982-83, whereby both RSFPP and non-RSFPP, or living retirees, were given an opportunity to obtain or convert to SBP coverage, the opportunity was again limited solely to living retirees and did not include the widows of deceased retirees.

Quite frankly, Mr. President, I believe it was wrong for these widows to have been excluded from participating in the SBP in the first place, and grossly unfair for this inequity to have been allowed to continue these many years. Except for the fact that their husbands passed away prior to September 21, 1972, these widows would in all likelihood be covered by the SBP today.

REMOVE THE INEQUITY

While there is no way to make amends for the years these widows have endured being excluded from coverage of SBP, the legislation I am introducing would begin to close this unfortunate chapter in the history of our treatment of military widows. Under the provisions of my bill, the forgotten widows group would be afforded the long awaited and overdue benefit of the SBP.

The measure I am introducing would provide an SBP annuity at the minimum level of only $165 per month. In addition, the bill would limit offsets in these minimum payments and would provide for these benefits to be increased in the future through cost-of-living adjustments. Still this annuity would be well below the poverty level.

OVERCOME PREVIOUS OBJECTIONS

Mr. President, in the past, objections have been raised regarding the cost of my proposals. The cost of this new approach is much less than my previous proposals. However, these previous objections were not based on accurate information as to the number of forgotten widows.

For example, Department of Defense [DOD] estimates of several years ago put the number of forgotten widows at close to 39,000. Other estimates in recent years range from 3,845 to 24,288, not including RSFPP annuitants. If there are only about 4,000 of these widows, my measure would cost about $8 million annually. In addition, the total number has been reduced because some of the widows are now covered if their retired husbands died before November 1953.

The Department of Defense cannot provide a reliable estimate. This is because the only source of calculation is widows who have defense ID cards, and many do not use, or renew their ID cards, especially those living great distances from military hospitals.

Fortunately, with implementation of the Defense Enrollment Eligibility Report System [DEERS], which is now the data base of military health

care, a more accurate assessment of the number of forgotten widows is available. One recent estimate by DEERS projected the number of forgotten widows to be only 3,845. This significantly lowers the estimate of the projected cost of providing an SBP annuity to these widows.

By including the relatively few RSFPP widows who currently receive small annuities, this proposal would avoid creating an annuity gap between RSFPP widows and the forgotten widows which this legislation is designed to help. In so doing, a major objection of my previous forgotten widows would be nominal, since this legislation would only allow a nominal increase in these widows' current annuity and there are a small number of them. Also, the election is optional.

The main reason cost has been significantly reduced is because the level of benefits offered in the bill are dramatically reduced compared to previous proposals. Some say the benefit level is now much too low. However, as a matter of equity, it would provide the minimum optional benefit currently paid to beneficiaries of an SBP annuity. The annuity is only $1,980 per year, but the proposal contains provisions to preclude offsets and provides for cost-of-living adjustments.

Mr. President, I am mindful of the fact that the cost of any new program is a grave concern for all Senators. This is particularly true in a time when we are faced with massive budget deficits and an even larger outstanding national debt. However, the national debt is not the only debt this Nation owes. We owe a debt to these forgotten widows, and the similarly situated RSFPP annuitants. It is a debt that has gone unpaid for over a decade.

RAPID DECLINING COSTS

In addition, what I am proposing is not a permanent expansion of the SBP. The widows I have been talking about are not young, and they are not getting any younger. Their number grows smaller with each passing year. In fact, if we continue to let this problem go unaddressed 15 more years, it may well be too late. By the year 2000, it is possible that many of these widows will no longer be alive. It will be too late for the Congress to correct a gross inequity. Failure to act would be an unconscionable mark on the Congress well into the next century.

CIVIL SERVICE PRECEDENT

Mr. President, I think there are two things that one should keep in mind during consideration of this legislation. First, my proposal is not without precedent. In 1948, when the Civil Service survivor benefit plan was established, it, too, created an inequity very similar to the one I have been talking about today. However, in 1958, 10 years later, the act establishing the plan was amended and made retroactive to include all pre-1948 widows. It has now been over 16 years since establishment of the SBP to replace the RSFPP Program, and the inequity created then remains with us today.

WIDOWS' SACRIFICES

The second factor for my colleagues to bear in mind in their consideration of this measure is the sacrifices and hardships these widows have endured.

Most of these women functioned in traditional family roles as wife, homemaker, and mother in the context of military service. During long periods, they supported the military work of their husbands, while also contributing to the economic and emotional well-being of the family unit.

In most cases, of course, the servicemen's inadequate pay and transitory lifestyle made a normal home and savings program impossible.

WIDOWS' TRUST IN GOVERNMENT MISPLACED

Additionally, few military widows were aware of the ramifications of their husbands' deaths. Survivor benefits were assumed by these women who trusted that the military would not simply lose the file and forget them after the deaths of their husbands. Their blind trust was misplaced. In many cases, upon the death of the serviceman, all monetary benefits ceased.

It was not until the passage of the SBP Program that it became mandatory under law that the spouse be notified in writing if the serviceman chose not to participate in the SBP Program.

Mr. President, most of these forgotten widows are very elderly women of diminishing means. Some of them, whose husbands were covered by Social Security after 1957, rely solely on that source of income for their subsistence. Those whose husbands retired prior to 1956 are not covered by Social Security as a result of their husband's military earnings.

VICTIMS OF MILITARY SERVICE

Mr. President, these military widows are victims of long periods with low pay, and many find themselves today existing in poverty. As economic captives, their current problems include dependence on welfare, evictions from apartments as buildings are converted to condominiums, skyrocketing health care costs, and unaffordable nursing home charges.

These women are generally the widows of men who fought in World War II and were recalled for the Korean war. In some cases, their husbands served in Vietnam as well. They served during a time when military compensation was extraordinarily low. Due to frequent moves or remote duty stations, their wives could seldom find work and when they did, it was at low paying, entry level wages.

While their husbands were overseas, these women held the families together. If on accompanied tours, they established and maintained homes, often under primitive, difficult conditions.

These military families served selflessly and willingly as a team without regard for their future. Now, in their declining years, the Nation must not desert these widows. They are proud, self-reliant women, many of whom have worked into their seventies and eighties at the minimum wage to survive.

Although this bill will not begin to provide a level of compensation equal to their contribution to our Nation, it will help. One hundred sixty-five dollars per month will not bring a widow living alone up to the poverty level. As one widow, 84 years of age put it, "I am living on less than $300 per month. I can no longer work. An additional $165 would be a Godsend. It will help me live my remaining years with some degree of independence and dignity."

Last year we provided an increased annuity for a limited number of military widows who were eligible for the Department of Defense minimum income widow payment and whose husbands died prior to November 1, 1953. This legislation today will provide a benefit for the remaining widows whose husbands never had the opportunity to enroll in the current survivor benefit plan.

Mr. President, the commonly stated objection to including pre-March 31, 1974, widows because servicemembers could have enrolled in earlier plans suggests that the older plans provided an adequate survivor program. This is not supported by the facts. The participation rate in the earliest plan, the contingency option plan [COP] enacted in 1953, was about 11 percent of those eligible. When compared with over 90 percent participation rate in the civil service survivor plan, it is clear that the program was a failure. There are several reasons why this plan was not successful.

GROSS INEQUITY IN PREVIOUS SBP'S

Service members had to elect to participate prior to the 18th year of service, 2 to 12 years before retirement. The election was irrevocable and even if the spouse predeceased the service member, the pay reduction continued. Can you imagine any company selling an insurance policy which required a lifetime payment of premiums even though no death benefit would ever be paid? Yet that is the case with the earlier survivor benefit programs.

The plans offered no inflation protection, therefore, their future worth could not be determined.

Member participation cost, unlike the Civil Service plan, was subject to taxation requiring the payment of taxes on money not received.

Again, unlike the Civil Service plan, there was no employer contribution. As a result, individual participation costs were more than 22 cents per

dollar of monthly coverage. The retired serviceman's family protection plan [RSFPP] passed in 1961, along with subsequent changes, resulted in some improvements but raised the participation cost to 42.9 cents per dollar of coverage. Both COP and RSFPP were poorly conceived that no more than 15 percent of those eligible ever elected to participate. If offered by a private insurer today, the plans would probably be against the law in some States.

To suggest that either of these plans offered service members viable spouse protection is clearly not supported by the facts. To use this as a basis for excluding military widows from the SBP Program simply continues a longstanding injustice.

Mr. President, I urge my colleagues to cosponsor this badly needed legislation, so that the Nation may satisfy this long neglected indebtedness to these courageous, dedicated women. Equity demands that we help the forgotten military widows.

Over the past 15 years, I have received many hundreds of pleading letters from these elderly widows from all across our country. Many of them are barely surviving. Nevertheless, most, I am proud to say, have managed to keep their pride and dignity, even in poverty.

Mr. President, it is time to give the forgotten widows equitable consideration. No only have we ignored their plight for these many years, but we have failed to acknowledge their cause. Understandably, they feel rejected, and some feel bitter. It is as if our Nation has turned its back on their courageous husbands who gave 20, 30, and in some cases 40 years of the most productive years of their lives for our country. We must now give these forgotten widows the recognition and compensation they deserve.

RESTORE FAITH

Mr. President, the passage of my bill would be a milestone for these elderly widows who, in support of their husbands, gave the best years of their lives for our country.

It is inconceivable that we have deserted them for so long, and it is high time we face up to the responsibilities we owe these widows and restore the faith which has not been maintained for our military community.

I urge my distinguished colleagues to act favorably and with compassion on this vital legislation, and to join me in working for its early enactment.

By Mr. DOMENICI:

S. 425. A bill to restore the tight sands tax credit by amending the Internal Revenue Code of 1986 to clarify the rules concerning the nonconventional fuels credit with respect to gas produced from a tight formation, and to restore the application of such credit to the alternative minimum tax; to the Committee on Finance.

TIGHT FORMATIONS TAX CREDIT RESTORATION ACT

● Mr. DOMENICI. Mr. President, I rise today to reintroduce a bill I introduced in the last session of Congress. It is similar to S. 383, which I introduced earlier this month with some technical changes.

This legislation would reinstate the tight-formations tax credit for income tax and the alternative minimum tax. This credit is technically referred to in the Tax Code as the nonconventional fuels credit. This is a credit that encourages natural gas producers to drill for hard-to-get natural gas found in geological formation that are known as "tight formations." Some of these are tight sands, others are carbonate formations.

We need to reinstate the credit because, very simply, what the bold print giveth, the fine print taketh away.

Every member of this body knows that the Tax Code is a very complex law. While one code provision may establish a tax incentive, another code provision may inadvertently take that incentive away.

In the area of natural gas, it becomes more complicated because qualifying for the tight-formations credit requires a taxpayer not only to meet provisions of the Tax Code, but also to comply with certain Natural Gas Policy Act requirements as well as to comply with FERC orders and court interpretations on those orders.

Until recently, qualifying for the tight-formations credit was, if you will pardon me, a tight-rope act. But it worked. It was a sound incentive.

For the tight-formation credit to be available, the Tax Code and the Natural Gas Policy Act had to be consistently interpreted. Unfortunately, recent events have effectively eliminated the credit. Congress didn't change the law. Rather, an order by FERC and subsequent Supreme Court decision produced a conflict.

The bill I am introducing today would straighten out the unintended consequences.

Section 29 of the Internal Revenue Code allows a tax credit for nonconventional fuels, such as tight-formations, coal seam gas, devonian shale, provided the price of crude oil drops below a certain level and provided the gas price was "regulated." That price level was reached in 1984, and a tax credit of 52 cents per million cubic feet of gas was provided.

The Federal Energy Regulatory Commission, in its dual-category regulation rule, provided that tight-sands, or section 107, gas is automatically deregulated when it has dual classification with another NGPA classification. Prior to this ruling the producers were entitled to choose the category they wished to qualify a particular gas.

If a producer chose a "regulated" category, it was entitled to the tight-formation credit. If it chose deregulated," the Tax Code did not provide a credit.

In the case Martin Exploration Management Co. against FERC, the U.S. Court of Appeals for the 10th Circuit decided that FERC had misinterpreted the statute, that producers were clearly presented with this choice of categories, and FERC could not deny this choice. At this point in the proceedings the tight-formations credit was still in tact.

However, the Supreme Court disagreed and reversed this order last May on a basis other than the tight-formations credit. The opinion dealt with the appropriate interpretation of the Natural Gas Policy Act.

The Court in essence said: "If the gas could be regulated or deregulated, treat it as deregulated." The opinion's policy was that we should maximize deregulation. The Court did not deal with the Tax Code. The credit wasn't an issue before the Supreme Court. It wasn't even a factor. But, as a result of this ruling, the credit has been unavailable since January 1, 1985.

Mr. President, the FERC's purported deregulation has been particularly harmful to the gas producers in New Mexico, and to those in other gas producing States that depend upon this credit.

As you will recall, the original purpose of the Nonconventional Fuels Credit was to serve as an incentive to drill and as a partial compensation to producers that drilled expensive tight-formation wells, in the event of a price drop. The worst case scenario has happened: The price drop has occurred and the tax credit was abolished by the FERC order.

Mr. President, I played an active role in passing the Natural Gas Policy Act, and I am very familiar with the legislative history of section 107.

The intent of Congress in this case was clear. The Unconventional Fuels Credit provides that any wells drilled up to January 1, 1990, would be eligible for the credit during low crude oil price periods and that it would be allowed until January 1, 2001, or until the prices rose to the former levels.

The oil and gas industry have been facing tremendous difficulties for the past 4 years.

We thought the oil industry had hit bottom in 1986, but it continued to decline in 1987. The number of wells drilled in the State of New Mexico dropped 24 percent from 1986 to 1987. During that same time, oil production declined 4.5 percent and natural gas prices fell 12 percent.

I have heard from many producers in my State who have explained to me

the difficulties they are facing as a result of the low natural gas prices. The reinstatement of the tight-formations credit would help avoid premature abandonment of many New Mexico natural gas wells.

There are 4,850 wells throughout New Mexico that produce 200 million mcf per month. These operators have had tremendous difficulty because of a commitment made in the legislation for special pricing on 107 gas, and they have had to adjust to the substantially lower prices they have been realizing in recent years. I am told the most influential factors in deciding to continue production at that field has been the tight-formations credit.

Several producers in my State say they will be unable to produce without this incentive, one they had relied upon. Certainly, they will not be able to drill the remaining wells.

This is not just a problem in New Mexico. This affects tight-formations producers in Texas, West Virginia, Oklahoma, and Kansas, as well. I urge my colleagues to act quickly to correct this grave error.

The bill I am introducing is very simple, it merely reinstates the tight-formations credit for income tax and the alternative minimum tax, notwithstanding the FERC order and the Supreme Court case.

I have said on many occasions on the Senate floor that the United States needs to reevaluate its energy policy to take into account low price scenarios that can be expected for the next 5 to 10 years. Congress needs to enact additional incentives for exploration and development. Congress needs to intervene when the Supreme Court inadvertently abolishes an incentive.

Canada has already put into place a package of tax incentives to combat low price scenarios. Reinstating the tight-formations credit doesn't go far enough. It doesn't look to the future, but it does set the present record straight.

The industry desperately needs the credit. Well completions went from 1,243 in 1986 to 938 in 1987, the lowest number in 16 years. Oil production fell from 75.7 million to 72.3 million barrels per year, and the average field price of natural gas dropped from $1.92 to $1.69 per thousand cubic feet.

Depressed oil prices are harming much of the Southwest. New Mexico ranks fourth among the States in natural gas production and seventh in crude oil.

Mr. President, about 1 out of every 3 dollars going into New Mexico's General Fund comes from oil and gas related taxes, royalties, and permanent fund earnings. It is fair to say the petroleum industry is the State's No. 1 taxpayer.

Every county in my State benefits from assessments on the oil and gas industry. Four of the 33 counties in New Mexico account for 95 percent of all oil and gas produced in the State.

The State revenues derived directly or indirectly from oil and gas sources totaled $750.7 million in 1987. That was only a 1 percent improvement over the 1986 figure of $743.5 million, but provided an extra $7.2 million for the general fund. These revenues include production taxes, State and Federal royalties, lease sales, rentals, and earnings from two State permanent funds financed primarily by assessments on oil and gas production.

In the 1986-87 school year, education's share of the oil and gas revenues in New Mexico amounted to about $404 million. These revenues are crucial to the public schools, colleges, and other educational institutions and agencies.

I have included these statistics to highlight the important contribution the oil and gas industry makes. In reinstating the tight-sands credit, we are acting in the national interest because it would contribute to America's energy independence. We are also acting in the various States' interest, because the oil and gas industry supports many vital State programs.

I hope my colleagues will support reinstating the tight-formations credit.

Mr. President, I ask unanimous consent that the text of the bill, a short summary of the bill, and a list of designated tight formations be printed in the RECORD following my remarks.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Tight Formations Tax Credit Restoration Act of 1989".

SECTION 1. RESTORE NONCONVENTIONAL FUELS CREDIT TO GAS PRODUCED FROM TIGHT FORMATIONS.

(a) IN GENERAL.—Paragraph (2) of section 29(c) of the Internal Revenue Code of 1986 (defining qualified fuels) is amended to read as follows:

(2) GAS FROM GEOPRESSURED BRINE, ETC.—The determination of whether any gas is produced from geopressured brine, Devonian shale, coal seams, or a tight formation shall be made in accordance with section 503 of the Natural Gas Policy Act of 1978.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1984.

(2) WAIVER OF STATUTE OF LIMITATIONS.—If on the date of the enactment of this Act (or at any time within 1 year after such date of enactment) refund or credit of any overpayment of tax resulting from the application of the amendment made by subsection (a) is barred by any law or rule of law, refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefore is filed before the date 1 year after the date of the enactment of this Act.

SEC. 2. RESTORE APPLICATION OF NONCONVENTIONAL FUELS CREDIT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Paragraph (5) of section 29(b) of the Internal Revenue Code of 1986 (relating to limitations and adjustments) is amended to read as follows:

"(5) LIMITATION BASED ON AMOUNT OF TAX.—

"(A) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(i) the sum of—

"(I) the taxpayer's tentative minimum tax liability under section 55(b) for such taxable year determined without regard to this section, plus

"(II) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(ii) the sum of the credits allowable against the taxpayer's regular tax liability under subpart A and sections 27 and 28.

"(B) APPLICATION OF THE CREDIT.—Each of the following amounts shall be reduced by the full amount of the credit determined under subparagraph (A):

"(i) the taxpayer's tentative minimum tax under section 55(b) for the taxable year, and

"(ii) the taxpayer's regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27 and 28.

If the amount of credit determined under subparagraph (A) exceeds the amount described in clause (ii) of subparagraph (B), then the excess shall be deemed to be the adjusted net minimum tax for such taxable year for purposes of section 53.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1986.

TIGHT SANDS TAX CREDIT

PURPOSE

Restore NCF credit for gas produced from a tight formation by clarifying that the treatment of such gas as deregulated gas does not disqualify it for the credit.

CURRENT LAW

Tight formation gas qualifies for the NCF credit only where its price is regulated and where its maximum lawful price under the Natural Gas Policy Act of 1978 is at least 150 percent of the applicable price under section 103 of such act. When certain new gas under such section 103 was deregulated effective January 1, 1985, tight formation gas in that category thus fell into both a regulated and deregulated category. The IRS ruled based in part on FERC rulings that such dual category tight gas was to be treated as deregulated gas thus disqualifying it for the NCF credit. Subsequent court decisions ultimately upheld these IRS and FERC rulings.

OPERATION

Deletes the regulated price requirement of current law to quality tight formation gas for the NCF credit.

Applies retroactively to taxable years beginning after December 31, 1984 and extends the statute of limitations on statute barred refunds to one year after date of enactment.

RATIONALE

Encourages higher cost tight gas production in order to give effect to the incentive enacted in 1980 for this alternative source of gas production. Retroactivity is appropriate due to the regulatory confusion and con-

flicting court cases that ensued after the deregulation of certain new gas, which includes tight gas, under the Natural Gas Policy Act of 1978 and FERC rules thereunder.

SUMMARY OF DESIGNATED TIGHT FORMATIONS AS OF DEC. 7, 1988

State	Formation(s), portions of the formation(s), reservoirs, etc.	Counties where tight formation determinations have been granted [1]	Approximate depth of the formation
Alabama—1	Basal Pennsylvanian	Jefferson, Walker, Tuscaloosa	700
Alabama—2	Hartselle Formation	Walker, Winston	1,700
Arkansas—1	Arbuckle	White	6,400
Colorado—1	Wattenburg J	Boulder, Adams, Weld	8,000
Colorado—1 add	J Sand	Boulder, Adams, Larimer, Weld	8,000
Colorado—1 amend	Wattenburg J Sand	Weld	8,000
Colorado—1 amend 2	Wattenburg J Sand	Weld	8,000
Colorado—1 amend 3	J Sand	Weld	8,000
Colorado—1 add 2	J Sand	Adams	8,000
Colorado—2	Mancos B	Rio Blanco, Garfield	3,475
Colorado—3	Niobrara	Cheyenne, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, Tuma	2,150
Colorado—4	Fort Union	Rio Blanco	4,700
	Mesaverde	Rio Blanco	7,200
	Mancos B		10,500
Colorado—5	Rollins, Cozzette, Corcoran	Mesa	3,850
Colorado—5 add	Lower Mesaverde	Mesa	3,850
Colorado—6	Mancos B	Rio Blanco	2,500
Colorado—7	Dakota	La Plata, Archaleta	7,750
Colorado—8	Sanastee, Dakota	La Plata, Archaleta	7,600
Colorado—9	Corcoran, Cozzette	Mesa, Garfield	2,478
Colorado—10	Morrow	Kiowa	4,500
Colorado—11	Mancos B	Rio Blanco, Garfield	3,603
Colorado—12	Corcoran	Garfield	7,477
	Cozzette		7,677
Colorado—13	Mancos B	Rio Blanco	3,500
Colorado—14	Dakota	Mesa, Garfield	7,705
Colorado—15	Dakota	Mesa, Garfield, Rio Blanco	6,993
Colorado—16	Sussex	Weld	4,450
Colorado—17	Mesaverde	Garfield	4,475
Colorado—18	Dakota	La Plata, Archeleta	7,950
Colorado—19	Mesaverde	La Plata, Archeleta	5,380
Colorado—20	Upper Mancos	Rio Blanco	1,800
Colorado—21	Wasatch	Garfield	1,767
Colorado—22	Mesaverde, Rollins	Garfield, Mesa, Delta, Pitkin, Gunnison	5,641
	Cozzette		6,869
	Corcoran		7,069
Colorado—23	Dakota	Garfield, Mesa	2,815
	Morrison		3,005
Colorado—24	Mesavrede	Rio Blanco	6,693
	Mancos		9,495
Colorado—25	Codell	Adams, Boulder, Jefferson, Larimer, Weld	7,000
Colorado—26	Dakota-Lakota	Boulder	9,100
Colorado—27	Mancos B	Rio Blanco	3,000
Colorado—27 add	Mancos B	Rio Blanco	3,000
Colorado—28	Dakota	Garfield, Mesa, Rio Blanco	5,450
	Morrison		5,590
Colorado—29	J Sand	Adams, Arapahoe	7,700
Colorado—30	Plainview	Adams, Weld	8,586
Colorado—31	Mesaverde	Rio Blanco	7,790
Colorado—32	Upper Mesaverde	Mesa	500
Colorado—33	Shannon	Boulder, Weld	4,900
Colorado—34	Sussex	Boulder, Weld	4,525
Colorado—35	J Sand	Adams, Arapahoe, Elbert	8,100
Colorado—35 add	J Sand	Adams	8,100
Colorado—36	Dakota	Mesa	8,100
Colorado—37	Morrison	Mesa, Garfield	8,050
Colorado—38	Niobrara	Larimer, Weld	3,000
Colorado—39	Niobrara	Larimer, Weld	6,900
Colorado—39 add	Niobrara	Weld	7,000
Colorado—39 add 2	Niobrara	Weld	7,000
Colorado—40	Niobrara	Adams, Boulder, Weld	7,600
Colorado—40 add	Niobrara	Adams, Weld	7,500
Kentucky—1	Berea	Lawrence	1,400
Kentucky—2	Berea Sandstone	Pike	2,400
Kentucky—3	Big Lime	Harlan, Lesalie, Letcher, Perry	2,626
Kentucky—4	Corniferous—Big Six	Lawrence, Johnathin	2,325
	Clinton		3,255
Louisiana—1	Arkadelphia	Union	2,038
Louisiana—2	Haynesville	Bossier	10,603
Louisiana—2 add	Haynesville	Bossier	10,360
Louisiana—2 add 2	Haynesville Res B	Claiborne	10,120
Louisiana—3	Cotton Valley	Bossier, Caddo	8,590
Louisiana—3 add	Cotton Valley Sandstone, Cotton Valley Limestone	Bienville, Bossier, Caldwell, Claiborne, Desoto, Franklin, Caddo, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster, Allen, Beauregard, Catahoula, Concordia, Grant, Lasalle, Madison, Morehouse, Winn, Rapides, Richland.	9,740
Louisiana—4	Gray Sand, Reservoir A	Lincoln, Claiborne	12,840
Louisiana—5	Smackover C Zone	Claiborne, Webster	11,290
Louisiana—5 add	Smackover C Zone	Webster	11,429
Louisiana—6	James Lime	Desoto	5,072
Louisiana—7	Hosston	Bienville, Natchitoches, Red River	6,696
Louisiana—8	Smackover Formation (Gray Sand)	Bienville, Bossier, Claiborne, Lincoln, Ouchita, Unon, Webster	11,285
Louisiana—9	Hosston B Zone	Bienville, Claiborne	9,346
Louisiana—10	Mid-Cockfield Sand	St. Landry	10,705
Mississippi—1	Upper Hosston	Jefferson Davis	14,350
Mississippi—2	Rea Sand	Clay	9,420
Missouri—1	Cherokee, Marmaton, Pleasanton	Cass, Bates	650
Nebraska—1	Niobrara	Chase, Deuel, Dunoy, Hitchcock, Keith, Lincoln, Perkins, Frontier, Cheyenne, Garden	2,450
Nebraska—1 add	Niobrara	Chase, Deuel, Dunoy, Hitchcock, Keith, Lincoln, Perkins, Frontier, Cheyenne, Garden	2,450
New Mexico—1	Austin-Mississippian	Lea	13,250
New Mexico—2	Atoka	Lea	12,200
New Mexico—2 add	Atoka	Lea	12,200
New Mexico—3	Abo	Debaca	3,650
New Mexico—4	Fruitland	San Juan, Rio Arriba	2,800
New Mexico—6	Dakota	San Juan, Rio Arriba	6,350
New Mexico—7	Pictured Cliffs	San Juan, Rio Arriba	3,200
New Mexico—8	Dakota	San Juan, Rio Arriba	7,950
New Mexico—9	Dakota	San Juan	6,753
New Mexico—10	Charcra	San Doval	1,658
New Mexico—11	Pictured Cliffs	Rio Arriba	2,387

SUMMARY OF DESIGNATED TIGHT FORMATIONS AS OF DEC. 7, 1988—Continued

State	Formation(s), portions of the formation(s), reservoirs, etc.	Counties where tight formation determinations have been granted [1]	Approximate depth of the formation
New Mexico—12	Mesaverde	San Juan	5,463
New Mexico—13	Permo Penn	Eddy	5,822
New Mexico—14	Dakota	San Juan	6,544
New Mexico—15	Atoka, Morrow	Chaves	8,100
New Mexico—16	Chacra	Rio Arriba	3,390
New Mexico—17	Dakota	San Juan	5,952
New Mexico—18	Basin Dakota	San Juan	7,575
New Mexico—19	Mesaverde	San Juan	5,600
New Mexico—20	Abo, Wolfcamp	Chaves	3,615
New Mexico—21	Abo	San Miquel, Torrance, Quadalupe, Debaca, Lincoln, Chaves	3,025
New Mexico—22	Morrow	Eddy, Lea	13,600
New Mexico—23	Chacra	Rio Arriba	3,350
New Mexico—24	Morrow	Eddy	11,553
New Mexico—25	Pictured Cliffs	Rio Arria, San Doval	2,685
New Mexico—26	Dakota	San Juan	6,400
New Mexico—27	Morrow Formation	Lea	14,287
New York—1	Medina Group	Chautauqua, Cattarugus	3,850
New York—2	Medina Group, Queenston Shale	Erie, Genesee, Wyoming, Allegany, Livingston, Ontario, Yates, Seneca, Cayuga, Tompkins	3,300
Ohio—1	Clinton Sandstone	Ashland, Ashtabula, Athens, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Gallia, Geauga, Guernsey, Lovain, Lake, Harrison, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Medina, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Portage, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, Wayne.	2,500
Ohio—2	Berea, Second Berea	Athens, Gallia, Meigs, Morgan, Muskingum, Perry	1,600
Ohio—2 add	Berea, Second Berea	Athens, Belmont, Meigs, Monore, Morgan, Noble Washington	2,400
Oklahoma—1	Atoka	Washita	14,800
Oklahoma—2	Cleveland	Ellis	8,075
Oklahoma—4	Atoka	Washita	11,500
Oklahoma—5	Cleveland-Jones Sands	Lincoln	4,205
Pennsylvania—1	Medina Group	Erie, Crawford, Mercer, Venango, Warren	3,000
Pennsylvania—2	Venango Group	Fayette, Westmoreland, Indiana, Jefferson, Armstrong	1,500
Pennsylvania—3	Bradford Group	Fayette, Westmoreland, Indiana, Jefferson, Armstrong	2,500
Pennsylvania—4	Catskill, Lock Haven Formation	Clearfield, Cambria, Clinton, Cameron, Elk	1,400
Tennessee—1	Mississippian Monteagle	Morgan, Scott, Fentress	1,100
Texas—1	Cotton Valley Sandstone, Bossier Shale, Cotton Valley Limestone	Fannin, Lamar, Red River, Bowie, Collin, Hunt, Delta, Hopkins, Franklin, Titus, Camp, Shannon, Cass, Dallas, Rockwell, Rains, Wood, Upshur, Marion, Harrison, Gregg, Smith, Van Zandt, Rusk, Kaufman, Ellis, Navarro, Henderson, Cherokee, Panola, Shelby, Nacogdoches, Anderson, Freestone, Limestone, Falls, Leon, Robertson, Milan, Burleson, Brazos, Madison, Walker, Trinity, Houston, Angelina, San Augustine, Sabine.	8,000 8,970 9,350
Texas—1 add	Cotton Valley Sandstone	Bastrop	12,150
Texas—2	Canyon Sandstone	Crockett, Edwards, Schleicher, Sutton, Terrell, Van Verde	4,387
Texas—2 add	Canyon Sandstone	Tom Green	5,250
Texas—2 add 2	Canyon Sandstone	Irton	7,080
Texas—3	Cisco Sandstone	Reagan	8,262
Texas—3 add	Cisco Sandstone	Reagan, Sterling	8,030
Texas—3 add 2	Cisco Sandstone	Sterling	7,125
Texas—3 add 2 amend	Upper Cisco	Sterling	7,338
Texas—3 add 3	Cisco Canyon	Glasscock	7,125
Texas—3 add 4	Cisco Canyon	Glassrock, Reagan, Sterling	8,525
Texas—3 add 5	Cisco Canyon	Glassrock, Reagan, Sterling	8,120
Texas—3 add 6	Cisco Canyon	Sterling	7,755
Texas—4	Vicksburg UV	Hidalgo	13,261
Texas—5	Vicksburg V	Hidalgo	13,419
Texas—6	Midway Sandstone	Montgomery, Grimes	11,746
Texas—7	Lower Wilcox	Austin, Wharton, Colorado	11,700
Texas—7 add	Lower Wilcox	Wharton	13,900
Texas—7 add 2	Lower Wilcox (Midcox)	Colorado	11,822
Texas—7 add 3	Lower Wilcox	Dewitt	12,599
Texas—8	Geopressured Wilcox-Lobo	Webb, Zapata	5,840
Texas—9	Travis Peak	Cherokee	10,950
Texas—9 add	Travis Peak	Freestone, Leon	9,921
Texas—9 add 3	Travis Peak	Nacogdoches	9,430
Texas—9 add 4	Travis Peak	Nacogdoches	8,300
Texas—9 add 6	Travis Peak	Nacogdoches, Rusk	8,150
Texas—9 add 7	Travis Peak	Nacogdoches	8,400
Texas—10	Edwards Limestone	Dewitt, Karnes, Lavaca	13,825
Texas—10 add 2	Edwards Limestone	Live Oak	13,782
Texas—10 add 3	Edwards Limestone	Karnes	13,042
Texas—11	Wilcox	Webb	11,085
Texas—11 add	Wilcox	Starr	9,750
Texas—11 add 2	Wilcox	Webb	9,135
Texas—11 add 3	Wilcox	Zapata	11,181
Texas—11 add 4	Wilcox 1st Hinnant	Jim Hogg	10,890
Texas—11 add 5	Wilcox 10,400 South	Duval, McMullen	10,890
Texas—12	Frio	Willacy	9,765
Texas—13	Navarro	Webb	7,815
Texas—14	Wolfcamp	Loving, Pecos	10,918
Texas—14 add	Wolfcamp	Sutton	2,400
Texas—15	Lower Vicksburg, Deep Vicksburg	Starr	9,729
Texas—15 amend	Deep Vicksburg	Starr	9,250
Texas—16	Olmos	Webb, Dimmit	4,692
Texas—16 add	Olmos	McMullen	9,350
Texas—16 add 2	Awp Olmos	McMullen	9,454
Texas—16 add 3	Awp Olmos	McMullen	9,975
Texas—17	Massive A	Live Oak	11,600
Texas—18	Cleveland	Lipscomb, Ochiltree, Hansford, Hemphill, Hutchinson, Roberts, Wheeler	6,100
Texas—19	Georgetown	Brazos, Washington, Burleson	12,250
Texas—20	Vicksburg (9,000), Monte Christo	Hidalgo	9,350
Texas—20 add	Monte Christo, South (9,000)	Hidalgo	9,175
Texas—21	James Lime	San Augustine, Shelby	7,225
Texas—21 add	James Lime	Shelby	5,900
Texas—22	Strawn, Detrital	Crockett	8,350
Texas—22 add	Detrital	Crockett	8,110
Texas—22 add 2	Strawn, Detrital	Crockett	8,110
Texas—22 add 3	Strawn, Detrital	Crockett	8,218
Texas—22 add 4	Strawn, Detrital	Crockett	8,800
Texas—22 add 5	Strawn, Detrital	Crockett	8,400
Texas—23	Clearfork	Pecos	2,950
Texas—24	Garza Sand	Duval	7,050
Texas—25	Monte Christo, South (10,500)	Hidalgo	10,400
Texas—26	Anacacho	Atascosa	1,850
Texas—27	Middle Wilcox	Lavaca	13,000
Texas—28	Vicksburg	Hidalgo	11,994
Texas—29	Vicksburg	San Patricio	8,800
Texas—30	Vicksburg	Hidalgo	8,585
Texas—31	Upper Wilcox	Live Oak	14,000
Texas—32	Granite Wash	Wheeler, Hemphill, Roberts, Lipscomb, Ochiltree	9,160

SUMMARY OF DESIGNATED TIGHT FORMATIONS AS OF DEC. 7, 1988—Continued

State	Formation(s), portions of the formation(s), reservoirs, etc.	Counties where tight formation determinations have been granted [1]	Approximate depth of the formation
Texas—33	Devonian, Strawn, Detrital	Crockett, Terrell	9,490
Texas—34	Pettit Limestone	Cherokee, Leon, Houston	9,750
Texas—35	Devonian, Fusselman, Montoya	Reeves	12,137
Texas—36	Cook Mountain	Harris	7,650
Texas—37	Lower Vicksburg Sandstone	Hidalgo	11,300
Texas—38	Austin Chalk	Grimes	12,210
Texas—39	Burnett Shale	Wise, Denton, Tarrant	6,350
Texas—40	Strawn	Sutton, Crockett, Schleicher	8,300
Texas—40 add	Strawn	Crockett, Val Verde	11,165
Texas—41	Wilcox 10,200	Zapata	10,180
Texas—42	Wilcox Reagan, Wilcox K Middle, Wilcox House C, Wilcox Basal House	Duval, McMullen	8,558
Utah—1	Wasatch, Mesaverde	Uintah	4,559
Utah—2	Mancos B	Uintah, Grand	5,049
Utah—3	Dakota	Uintah, Grand	6,034
Utah—4	Morrison	Uintah, Grand	6,315
Utah—5	Dakota	Uintah, Grand	8,925
Utah—7	Mancos B	Carbon	7,490
Virginia—1	Berea Sandstone	Dickenson, Lee, Scott, Wise, Russell, Buchanan, Tazewell	4,697
Virginia—2	Little Valley	Scott, Washington	3,191
Virginia—3	Injun-Weir	Dickenson, Lee, Scott, Wise, Russell, Buchanan, Tazewell	3,948
	Maxton		2,770
Virginia—4	Big Lime	Dickenson, Lee, Scott, Wise, Russell, Tazewell	3,500
West Virginia—1	Ravencliff	Fayette, Raliegh	1,400
	Injun-Squaw, Weir, Berea		1,900
West Virginia—1 add	Princeton	Mercer, McDowell, Wyoming	1,450
	Ravencliff		1,600
	Injun		3,700
	Weir		3,900
	Berea		4,275
West Virginia—1 add 2	Injun	Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, Wayne	2,100
	Squaw		2,125
	Weir		2,125
	Berea		2,525
West Virginia—2	Maxton, Big Lime	Fayette, McDowell, Raleigh, Wyoming, Mercer	2,545
West Virginia—2 add	Big Lime	Boone	1,641
		Cabell	1,386
		Kanawha	1,743
		Lincoln	1,529
		Logan	2,144
		Mingo	2,161
		Putnam	1,576
		Wayne	1,374
West Virginia—3	Riley-Benson (in the Chemung Group)	Barbour, Doddridge, Gilmer, Harrison, Lewis, Upshur, Randolph	3,783
West Virginia—4	Berea, Second Berea	Jackson, Mason, Wood	2,090
	Gordon		2,429
West Virginia—5	Maxton	Clay, Braxton	1,550
	Little Lime		1,650
	Blue Monday		1,685
	Big Lime		1,735
	Keener	Clay, Braxton	1,845
	Big Injun		1,865
	Squaw		2,025
Wyoming—1	Frontier Formation	Sweetwater, Uinta, Lincoln	11,120
Wyoming—2	Mesaverde	Sweetwater, Carbon	10,125
Wyoming—3	Fort Union Formation	Sublette	8,887
Wyoming—4	Fox Hills Formation	Sweetwater	7,412
Wyoming—5	Frontier Formation	Carbon	6,000
Wyoming—6	Bear River Formation	Sweetwater, Lincoln, Sublette	10,300
Wyoming—7	Frontier Formation	Sweetwater, Lincoln, Sublette	9,750
Wyoming—8	Frontier Formation	Sweetwater, Lincoln, Sublette	7,700
Wyoming—9	Frontier Formation	Sweetwater	9,500
Wyoming—10	Frontier Formation	Sweetwater, Lincoln	8,500
Wyoming—11	Lewis Formation	Sweetwater, Carbon	7,800
Wyoming—12	Nuggett Formation	Carbon	11,690
Wyoming—13	Lance Formation	Fremont, Natrona	8,915
	Meeteetse Formation		14,319
	Mesaverde Formation		15,396
Wyoming—14	Frontier Formation	Fremont	8,188
Wyoming—15	Muddy Formation	Fremont	9,337
	Dakota Formation		9,514
	Lakota Formation		9,639
Wyoming—16	Muddy Formation	Natrona	19,800
	Lakota Formation		20,020
	Morrison Formation		20,100
	Sundance Formation		20,300
Wyoming—17	Bear River Formation	Sweetwater, Lincoln, Sublette	9,000
Wyoming—18	Turner Formation	Campbell, Converse	9,400

[1] All, or only a portion, of each county has been designated as a tight formation. For a detailed description of the area designated as a tight formation, reference must be made to maps on file with the Federal Energy Regulatory Commission or the applicable jurisdictional agency.

Affirmative NGPA tight formation well determinations (received prior to Oct. 1, 1988)

State:	Number of wells
Alabama	1
Colorado	2,930
Kentucky	88
Louisiana	911
Mississippi	3
New Mexico	1,161
New York	3,378
Ohio	21,749
Oklahoma	43
Pennsylvania	10,296
Tennessee	35
Texas	5,967
Utah	286
Virginia	604
West Virginia	2,563
Wyoming	497
Grand total	50,512

By Mr. BENTSEN:

S. 426. A bill to direct the Secretary of State to construct, operate, and maintain an extension of the American Canal at El Paso, TX; to the Committee on Environment and Public Works.

RIO GRANDE AMERICAN CANAL EXTENSION ACT

● Mr. BENTSEN. Mr. President, I introduce today the Rio Grande American Canal Extension Act of 1989. It is a bill I introduced last year. This bill would allow the International Boundary and Water Commission to construct an extension of the Rio Grande American Canal. The extension would lie wholly within the United States, and it would enable the canal to continue to provide meaningful assistance to farmers and to water experts in the border region. Extending the canal

would result in the following benefits to the United States:

Recapture of 12,000 to 22,000 acre feet of water that is lost to seepage and piracy every year;

Create badly needed jobs in the area;

Increase environmental and health benefits through proper use and regulation of water;

Serve as a conveyance channel for water to the city of El Paso; and

Provide optimal control over water belonging to the United States under a 1906 treaty with Mexico.

In sum, Mr. President, this bill is helpful in many important respects. One of its chief purposes is to avoid potentially disruptive international issues that might arise from the commingling of United States and Mexico waters in this reach of the Rio Grande. That issue has been perennial down in the border area, and it is time for us to solve the problem once and for all.

I urge my colleagues to support this needed legislation.●

By Mr. MACK:

S. 427. A bill to designate the Federal building located at 1801 Gulf Breeze Parkway, Gulf Breeze, FL, as the "Bob Sikes Visitor Center"; to the Committee on Environment and Public Works.

BOB SIKES VISITOR CENTER

● Mr. MACK. Mr. President, today I am introducing legislation which will designate the new headquarters for the Gulf Islands National Seashore located in Gulf Breeze, FL, as the "Bob Sikes Visitor Center" in honor of the former Florida Congressman Robert L.F. Sikes.

During my service in the House of Representatives I had the privilege of getting to know Congressman Sikes. In my recent travels in the panhandle of Florida I have found Bob's name to be legendary. He is truly one of the most highly regarded leaders in the State of Florida.

Congressman Sikes was known for his ability to balance the economic growth and development in the Pensacola region with the protection of the area's sensitive natural resources and historic landmarks. His efforts to establish a national seashore along the northwest Florida and Mississippi gulf coast yielded one of only two specially designated seashores along the Gulf of Mexico. The mainland area of the park features spectacular bayous, beaches and historic military forts and the Gulf Islands National Seashore now attracts over 5 million visitors a year.

The new facility will serve as the administrative headquarters for the entire park and will have a visitor information center and a theater. Congressman Sikes' contributions in bringing national attention to Gulf Islands National Seashore makes it most appropriate that the headquarters be named after him.●

By Mr. WALLOP (for himself, Mr. CRANSTON, Mr. ARMSTRONG, Mr. DOLE, Mr. SIMPSON, Mr. BAUCUS, Mr. BOND, Mr. BOREN, Mr. BOSCHWITZ, Mr. BREAUX, Mr. BURDICK, Mr. BURNS, Mr. COCHRAN, Mr. CONRAD, Mr. CHAFEE, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. DOMENICI, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HUMPHREY, Mr. INOUYE, Mr. KASTEN, Mr. KERRY, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. LOTT, Mr. LUGAR, Mrs. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. REID, Mr. ROTH, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, and Mr. WILSON):

S. 428. A bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution; to the Committee on Banking, Housing, and Urban Affairs.

COIN REDESIGN ACT

● Mr. WALLOP. Mr. President, today, I am pleased to join with my colleague from California, Mr. CRANSTON, and 54 other Senators in reintroducing legislation to modernize the design of U.S. coins. In the last Congress, we were very successful in moving this legislation through the Senate; 67 Senators joined in sponsoring the bill. This legislation passed as a freestanding bill once, and as an amendment to other legislation twice. It stalled in the House of Representatives, but we are confident that it will succeed in the 101st Congress.

There were 200 cosponsors of the bill in the House last year; 100 House Members have already cosponsored the House bill this year. In addition, hearings were held by the House Banking Committee last September on the coin redesign bill. So, there is a great deal of support in the House as well.

This is a very simple bill. It requires new designs on the reverse sides of our five circulating coins, the cent through the half dollar. The new designs are to be phased in over 6 years. The first design will mark the 200th anniversary of the Constitution. The other designs on the reverse sides will be emblematic of themes from the Bill of Rights. After 2 years, the first reverse changed will also contain a theme from the Bill of Rights. The Presidents will be retained on the obverse sides. All inscriptions, "E Pluribus Unum," the "United States of America," "Liberty", and "In God We Trust," will be retained on the coins. The size, shape, weight, color, and metallic content of the coins will remain the same.

The concept of changing coin designs is not new. Coin designs have been changed 33 times in the history of our country. The design change we advocate is most appropriate at this time as we celebrate the bicentennial of the ratification of our Constitution. It also recognizes the role of our Bill of Rights in preserving freedom. The coin redesign is a simple reminder of our precious liberties.

There is also a useful monetary benefit from the coin redesign. It will provide a profit to the Government. In both House and Senate hearings last year, the Congressional Budget Office, the Office of Management and Budget, and the Treasury testified that this bill will provide a profit to the Government. It is quite remarkable when all three agencies agree on a fiscal matter, and even more noticeable when they predict some action will actually make money.

According to the Treasury estimate, the extra demand for these new coins from collectors and souvenir hunters will yield an additional $256 million in seigniorage during the initial 6-year phase in period. Seigniorage is the profit left over after the Government subtracts its manufacturing costs from the value of the coins produced. In addition, the Treasury estimates an extra $18 million in profit on special sets sold to coin collectors. Because of this extra revenue, the Government will pay approximately $100 million less in interest during those 6 years because the extra revenue means less borrowing. The Treasury will not have to sell as many bills, bonds, and notes to the public to finance Government debts. The sum total of these figures is $374 million. Subtract from this sum the $8.15 million in Treasury-estimated extra minting charges. The net figure is $366 million net profit to the Government without increased taxation.

This bill makes money while making money.

The legislation is very popular among the 10 million coin collectors in the United States who are most likely to notice the change. Two recent polls by the two leading weekly hobby newspapers, Coin World and Numismatic News show overwhelming support.

It is a good bill, it serves a useful purpose, it makes money for the U.S. Treasury. I hope we can enact this legislation in the near future.●

By Mr. BOREN:

S. 429. A bill to establish a National Foundation for Excellence for outstanding students who are committed

to careers in teaching in public education, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL FOUNDATION FOR EXCELLENCE ACT

● Mr. BOREN. Mr. President, as we begin a new Congress and a new administration, one committed to building a reputation in the area of education for this Nation, I am pleased to rise to introduce a bill to give a renewed support to the field of teaching.

I truly believe that the bill which I am introducing today deals with the single most important challenge facing this generation of Americans: the critical need to restore excellence to our system of public education.

If we deal successfully with every other major policy area facing us and fail to rebuild our educational system, we will eventually undermine our progress in all other areas. The plain truth is that a nation with a second or third rate educational system will ultimately be in the second or third rank of nations.

Our public education system is the cornerstone of a strong and vital democratic system. The people cannot fully participate in a society if they are not sufficiently educated about themselves, their own past, and the nature of the problems which they confront.

Excellence in public education is fundamental to our commitment to equality of opportunity without regard to race, creed, or economic status. If we allow two standards of educational opportunity to develop, excellence in private schools for the affluent and mediocrity in public schools for the masses, we will soon find that we live in a country in which true equality of opportunity has ceased to exist.

We will also find that our economic strength and our ability to compete in the world marketplace will continue to erode and a nation that loses its economic strength will soon lose its political, diplomatic, and military strength as well.

No longer can we pay Americans $10 or $20 an hour to perform tasks requiring no advanced training when people in other parts of the world are willing to do the same task using the same machinery or the same assembly lines for far less. The only way for the United States to retain the highest standard of living in the world in a century in which human resource development has become the key element is to have the best educated work force in the world.

We are learning that the failure of our educational system to adequately prepare workers can greatly increase the cost of production in the private sector and make American companies less competitive. Private companies are now close to spending roughly as much retraining and providing remedial education for their workers as we as taxpayers spend educating all of the children in the Nation in elementary and secondary schools.

The key to rebuilding our educational system is the attraction of qualified young people into the teaching profession and retention of the best teachers already in the classroom. Fine physical facilities will only produce mediocre educational experiences if they are staffed with mediocre teachers.

As more and more career options have opened to young people and especially to young women who might have considered teaching as a career in the last generation, and as the salary gap between outstanding members of other professions and our very best teachers has widened even further, we have begun to see an alarming loss of our best and brightest men and women from the classroom.

Recent studies have shown that of those in college who plan to enter the teaching profession, very few, only 2 percent, rank in the top quarter of their class academically while over 50 percent come from the bottom quarter of their classes. If we populate our classrooms with teachers for the next generation who do not even measure up to the average level of academic performance, the result will be disastrous.

There is no single solution to the problem and no simple way to attract a fair portion of the best and brightest in our society to the teaching profession and keep them in it. Compensation is a major part of the problem, and the failure to recognize the importance of teaching and grant it the community status which it deserves is another.

In my home State, through the Oklahoma Foundation for Excellence which I chair, we have started an annual ceremony carried on statewide television in which the business and political leaders of the State honor four outstanding public school and college educators each year with a medal of excellence and a $5,000 prize. Likewise, 100 high school seniors are selected as academic all-staters and receive $1,000 prizes.

Symbols are important. Through them we indicate to the next generation what it really means to be successful. For far too long our actions, as opposed to our words, have failed to convey upon teaching the status which it deserves.

How do we break the cycle of taxpayers who are unwilling to raise teachers' salaries as long as they feel that we are bringing too many mediocre people into the profession? A part of the answer is to ask taxpayers to invest in what they know is an excellent product. That is what this bill seeks to do. It is not a total solution to the problem. It does not deal with the need to retain good teachers already in the profession, but it does take a step in the right direction of bringing more of our most talented people into teaching.

When I was Governor, we had a shortage of doctors in rural areas and small towns. We developed a Rural Medical Scholarship Program under which we paid the full educational cost of medical students who promised to practice in these underserved areas for a least 5 years after graduation or be forced to pay back all of the educational costs plus a large penalty payment. The program made a major reduction in the shortage of rural medical manpower.

It is time to act on a major scale to do the same thing for the teaching profession—on a national scale. This bill seeks to do exactly that. It bears the title, "The National Foundation for Excellence Act." It establishes a national foundation ultimately funded by a public and private partnership to fund the full educational costs for our very best students who desire to enter the teaching profession in public schools for up to 6 years. It provides for governance by a board of distinguished citizens and is patterned somewhat after the Harry S Truman Scholarship Foundation which awards scholarships to students interested in careers in public service.

A student, to apply for the educational package, would have to have tested in the top 10 percent of the Scholastic Aptitude Test or the American College Test; must have graduated in the top 10 percent from high school; must maintain a 3.2-grade point average in college; and, must commit to teaching in public schools after graduation.

The amount of available financial aid would depend on the student's commitment to teaching postgraduation. A ceiling of $20,000 would be available for individuals who will teach for a minimum of 2 years: $28,000 for 3 years, $36,000 for 4 years, $50,000 for 5 years, and $70,000 for 6 years.

A penalty for failing to teach in public schools after graduation would be the principal amount of the scholarship plus interest equal to the T-bill rate plus 20 percent.

The Foundation would be funded by a permanent endowment. The funding would come from a one-time $200 million appropriation and an additional $200 million available for matching to private gifts, for a period of 5 years. Further, $5 million would be appropriated for each of the first 5 years for administrative and operating costs of the Board.

I would envision that this Foundation have a highly visible and energetic board chairman and membership, whose job would be to actively solicit private and corporate contributions to utilize the matching funds provisions

of the legislation. This is an important element not only for the practical need of private funds, but for the public relations value in having such an effort lead on a Federal level with support of the White House and Congress. Incidentally, such a Foundation could serve as a host committee for an annual meeting to recognize outstanding teachers nationally. This was a campaign proposal of our new President and an idea of great merit recently discussed in other forums.

The goal is to have at least 100 students per State participating in the program and States could enter into agreements with the Foundation to help pay part of the scholarship in return for the student's agreement to teach in that State.

The Board would consist of 15 members including an executive director as an ex officio, nonvoting member.

Eleven members would be appointed by the President with the advice and consent of the President—six of whom must have 10 years experience in education. Two of those six must have been classroom teachers.

Further, two would be appointed by the House—one each by the Speaker and the minority leader—and two appointed by the Senate. One each by the majority leader and minority leader. One of the eleven would be designated by the President as the chairman of the board.

If we fail to rebuild our system of public education by attracting well qualified people into the profession, our generation will justly be held accountable for placing the future of our Nation in peril. This bill is not offered as a complete answer to the problem. It is, I believe, a source of an important constructive step that should be taken as soon as possible. I hope for the active support of my colleagues in the Senate as well as our President.

I ask unanimous consent that a summary of the bill and the text of the bill appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF SENATOR BOREN'S NATIONAL FOUNDATION FOR EXCELLENCE ACT

The bill establishes a nationally prestigious board whose goal is to administer a scholarship program to attract & retain academically gifted students into the teaching profession and enhance the image of teaching.

BOARD OF DIRECTORS

15 Members plus an Executive Director as ex-officio, non-voting member.

11 Members Presidentially appointed with advice & consent of the Senate, 6 must have 10 years experience in education, not more than 3 of whom shall be of the same political party. At least 2 of the 6 must have had education experience as classroom teachers.

2 Members of the Senate & 2 Members of the House—1 each appointed by the respective Majority Leader and Minority Leadership of each House.

SCHOLARSHIPS

Eligibility: College individual who has graduated from secondary school in the top 10%; who has scored in the top 10% of the American College Test (ACT) or Scholastic Aptitude Test (SAT); maintains a 3.2 grade point average in college; AND who certifies he/she will enter a teaching career after graduation.

Award: Students would receive up to a full annual scholarship grant to be used for tuition, fees, and housing in college, so long as they maintain the requirements of eligibility. They would be able to receive the grant for a maximum of 4 undergraduate years and/or 2 years of graduate study with a total cap of $70,000.

Teaching Commitment: Individual must agree to teach in a public elementary or secondary school for a minimum of 2 years and maximum requirement of 6 years. The total amount of grants would determine the teaching commitment. {e.g. 2 years / $20,000 or less; 3 years / $20,000 to $28,000; 4 years / $28,000 to $36,000; 5 years / $36,000 to $50,000; 6 years / $50,000 to $70,000.

Penalty Payback: Those not completing the program would pay back the amount of the grants plus interest equal to T-bill rate plus 20 percent to accrue when found in noncompliance.

Exceptions to Payback: Individuals will not be found to be in violation in case of required military service; disability sworn by a physician and other unusual circumstances.

STATE PARTICIPATION

States are encouraged to help fund part of the costs of the program through a partnership with the Foundation. The Board of Directors would have the discretion to make state/foundation agreements whereby a state, with either public funds or private donations could share ¼ or more of the cost, in return, requiring participating students to commit to teaching in that state.

The Board would be directed that as funds are available, it is the intent of Congress that both aggregate financial disbursement and number of scholarships, should be distributed to students in the fifty states proportionally.

FUNDS

$200 million would be authorized for deposit in the "National Foundation for Excellence Fund" to be invested by the Secretary of the Treasury.

It doesn't have to be "matched" but would be authorized to receive private donations and the government would match private donations dollar for dollar up to an additional $200 million above to the $200 million with funds contributed, credited to the home state matching fund of the donor if the donor desires.

$5 million would be authorized to be appropriated for operating and administrative expenses with any excess to remain in the fund for endowment for 5 fiscal years after which time the Foundation would be fully self-supporting.

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Foundation for Excellence Act".

PURPOSE

SEC. 2. The purpose of this Act is to establish a National Foundation for Excellence to carry out a scholarship program for outstanding students who are committed to careers in teaching in public education.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Board" means the Board of Directors of the National Foundation for Excellence;

(2) "Foundation" means the National Foundation for Excellence established pursuant to section 4(a);

(3) "fund" means the National Foundation for Excellence Fund established pursuant to section 4(b);

(4) "institution of higher education" means any such institution as defined by section 1201(a) of the Higher Education Act of 1965;

(5) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and considered as a single entity, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands; and

(6) "Secretary" means the Secretary of the Treasury.

ESTABLISHMENT OF THE NATIONAL FOUNDATION FOR EXCELLENCE

SEC. 4. (a) ESTABLISHMENT.—There is established, as an independent establishment of the executive branch of the United States Government, the National Foundation for Excellence.

(b) BOARD OF DIRECTORS.—(1) The Foundation shall be subject to the supervision and direction of a Board of Directors. The Board shall be composed of—

(A) 11 members to be appointed by the President, one of whom shall serve as Chairman, by and with the advice and consent of the Senate;

(B) 2 members of the Senate;

(C) 2 members of the House of Representatives; and

(D) the Executive Director of the Foundation, who shall serve ex officio as a member of the Board, but shall not be eligible to vote.

(2)(A) In carrying out the provisions of paragraph (1)(A), the President shall appoint at least 6 individuals with 10 years experience as educators, not more than 3 of whom shall be of the same political party. Two of the six individuals must have been classroom teachers.

(B) In carrying out the provisions of paragraph (1)(B), the Majority Leader of the Senate shall appoint 1 member of the Board and the Minority Leader shall appoint 1 member of the Board.

(C) In carrying out the provisions of paragraph (1)(C), the Speaker of the House shall appoint 1 member of the Board and the Minority Leader shall appoint 1 member of the Board.

(c) COMPENSATION OF THE BOARD.—Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

SCHOLARSHIPS

SEC. 5. (a) IN GENERAL.—The Foundation is authorized, in accordance with the provisions of this Act, to award scholarships to outstanding students who are committed to careers in teaching in public education.

(b) COURSE OF STUDY RULE.—A student awarded a scholarship under this Act may attend any institution of higher education offering courses of study, training, or other educational activities designed to prepare a recipient for a career in teaching in public education determined pursuant to criteria

established by the Foundation in consultation with the Secretary.

(c) DURATION OF SCHOLARSHIP ASSISTANCE.—Scholarship assistance under this Act shall be awarded for such periods as the Foundation may prescribe but not to exceed 4 academic years. In the case of graduate study, scholarship assistance may be awarded for a period of study not to exceed 2 academic years.

ELIGIBILITY AND SELECTION OF FOUNDATION SCHOLARS

SEC. 6. (a) ELIGIBILITY.—An individual is eligible to receive Foundation scholarships if the individual—

(1) ranks in the top 10 percent of the graduating class of the secondary school of the individual;

(2) scores in the top 10 percent of students taking the Scholastic Aptitude Test or the American College Test;

(3) maintains a 3.2 grade point average in an institution of higher education; and

(4) enters into an agreement with the Foundation, pursuant to section 8(c), that the student will pursue a teaching career after graduation from an institution of higher education.

(b) SELECTION OF FOUNDATION SCHOLARS.—(1) The Foundation is authorized, either directly or by contract, to provide for the conduct of a nationwide competition for selecting Foundation scholars.

(2) The Foundation shall adopt selection procedures which assure that at least 1 Foundation scholar shall be selected each year from each State in which there are at least 50 resident applicants who meet the minimum criteria established by the Foundation.

(3) The Board shall attempt to award scholarships to students in the 50 States proportionately, on the relative basis of the number of secondary school students in a State compared to the total number of secondary school students in the United States.

STIPENDS

SEC. 7. (a) IN GENERAL.—Each student awarded a scholarship under this Act shall receive a stipend which shall not exceed the cost of attendance to such student at the institution of higher education for tuition, fees, books, and room and board. Such cost of attendance shall be adjusted annually to reflect increases, if any, in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

(b) LIMITATION.—In no event shall the total amount of scholarship assistance awarded to any recipient exceed $70,000.

SCHOLARSHIP CONDITIONS

SEC. 8. (a) IN GENERAL.—A student awarded a scholarship under the provisions of this Act shall continue to receive the payments provided in this Act only during such periods as the Foundation finds that the student is—

(1) maintaining a 3.2 grade point average;

(2) maintaining a class rank in the top 10 percent of the class; and

(3) devoting full time to study or research designed to prepare the student for a career in teaching in public education and is not otherwise engaging in gainful employment other than employment approved by the Foundation pursuant to regulation.

(b) REPORTS.—The Foundation is authorized to require reports containing such information in such form and to be filed at such times as the Foundation determines to be necessary from any student awarded a scholarship under this Act. Each such report shall be accompanied by a certificate from any appropriate official at the institution of higher education, approved by the Foundation, stating that such student is making satisfactory progress in, and is devoting essentially full time to, study or research, except as otherwise provided in subsection (a).

(c) STUDENT AGREEMENT.—(1) A student awarded a scholarship under the provisions of this Act shall enter into an agreement with the Foundation to teach in a public elementary or secondary school for the period required under paragraph (2).

(2) For the purpose of determining the duration of the teaching commitment required in paragraph (1), the following schedule shall apply:

Total Amount of Scholarship Awarded	Teaching Commitment
$20,000 or less	2 years
$20,000 to $28,000	3 years
$28,000 to $36,000	4 years
36,000 to $50,000	5 years
$50,000 to $70,000	6 years

SCHOLARSHIP REPAYMENT PROVISIONS

SEC. 9. Each Foundation scholar found by the Foundation to be in noncompliance with the provisions of this Act shall be required to repay—

(1) the total amount of scholarships awarded under this Act plus interest equal to the sum of the rate of interest of 91-day Treasury bills auctioned for the 3-month period for which the determination of noncompliance is made;

(2) 20 percent of the total amount calculated under paragraph (1); and

(3) where applicable, reasonable collection fees.

EXCEPTIONS TO REPAYMENT PROVISIONS

SEC. 10. (a) DEFERRAL DURING CERTAIN PERIODS.—A Foundation scholar shall not be considered to be in violation of the provisions of this Act during any period in which the Foundation scholar—

(1) is serving, not in excess of 3 years, as a member of the armed services of the United States;

(2) is temporarily totally disabled for a period of time not to exceed 3 years as established by the sworn affidavit of a qualified physician;

(3) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(4) is seeking and unable to find full-time employment as a teacher in a public elementary or secondary school for a single period not to exceed 12 months; or

(5) satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this Act.

(b) FORGIVENESS IF PERMANENTLY TOTALLY DISABLED.—A Foundation scholar shall be excused from repayment of any scholarship assistance received under this Act if the student becomes permanently totally disabled as established by the sworn affidavit of a qualified physician.

GRANTS TO STATES FOR FOUNDATION SCHOLARS

SEC. 11. (a) STATE GRANTS AUTHORIZED.—The Foundation is authorized to make grants to States to pay the Federal share of scholarship programs conducted by the States in accordance with the provisions of this Act.

(b) APPLICATION.—Each State desiring to participate in the scholarship program authorized by this section shall submit an application to the Foundation, at such time, in such manner, and containing or accompanied by such information as the Foundation may reasonably require. Each such application shall contain—

(1) assurances that the State will conduct the State program substantially in compliance with this Act;

(2) assurances that the State will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources;

(3) a description of any additional teaching commitment to which a student may be subject upon graduation from an institution of higher education under the State program; and

(4) such additional assurances as the Foundation determines essential to ensure compliance with the requirements of this Act.

(c) FEDERAL SHARE.—The Federal share of the cost of the program established under this section shall be 50 percent.

NATIONAL FOUNDATION FOR EXCELLENCE FUND

SEC. 12. (a) ESTABLISHMENT.—

(1) There is established in the Treasury of the United States a trust fund to be known as the National Foundation for Excellence Trust Fund.

(2) The fund shall consist of amounts appropriated to it by section 16 of this Act. Amounts raised from non-Federal sources by the Foundation shall be credited to and form part of the fund.

(b) INVESTMENT AUTHORITY.—It shall be the duty of the Secretary to invest in full amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market place. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(c) SALE AND REDEMPTION.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

EXPENDITURES FROM THE FUND

SEC. 13. (a) IN GENERAL.—The Secretary is authorized to pay to the Foundation from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provisions of the Act.

(b) AUDIT.—The activities of the Foundation under this Act may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation, pertaining to such activities as necessary to facilitate the audit.

ADMINISTRATIVE PROVISIONS

SEC. 14. (a) IN GENERAL.—In order to carry out the provisions of this Act, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the rate provided for employees in grade 15 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 3324);

(8) rent office space in the District of Columbia; and

(9) make other necessary expenditures.

(b) EXECUTIVE DIRECTOR.—(1) There shall be an Executive Director of the Foundation who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this Act as the Board shall delegate.

(2) The Executive Director of the Foundation shall be compensated at the rate specified for employees in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

ANNUAL REPORT

SEC. 15. The Board shall make an annual report of its operations under this Act to the Congress not later than April 1 of each year. Each such report shall include—

(1) an analysis of the administration of the Foundation;

(2) a description of the services provided by the Foundation;

(3) a statement of the finances of the Foundation;

(4) a description of the plan and goals of the Foundation for disbursing $500,000 per year in States with a population of fewer than 2,000,000;

(5) a description of the plan and goals of the Foundation for disbursing $1,000,000 per year in States with a population greater than 2,000,000; and

(6) a description of the plan and goals of the Foundation to award scholarships to at least 100 students in every State.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. (a) IN GENERAL.—(1) There are authorized to be appropriated $200,000,000 to the fund.

(2) There are authorized to be appropriated $5,000,000 to the Foundation for each of the fiscal years 1988 through 1993 for operating and administrative expenses with remaining monies left in the fund.

(b) MATCHING FUNDS.—Subject to subsection (c), there are authorized to be appropriated $200,000,000 to the fund for the period beginning October 1, 1988, and ending September 30, 1993.

(c) AVAILABILITY.—The amount authorized pursuant to subsection (b) shall be available in each fiscal year in an amount equal to the amount raised from non-Federal sources by the Foundation in each such fiscal year.●

By Mr. DASCHLE (for himself, Mr. RIEGLE, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. MATSUNAGA, Mr. CHAFEE, Mr. MOYNIHAN, Mr. DANFORTH, and Mr. SIMON):

S. 430. A bill to amend title XIX of the Social Security Act to provide coverage for certain outreach activities undertaken at the option of a State for the purpose of identifying pregnant women and children who are eligible for medical assistance and assisting them in applying for and receiving such assistance, and for other purposes; to the Committee on Finance.

COVERAGE OF CERTAIN OUTREACH ACTIVITIES FOR PREGNANT WOMEN AND CHILDREN

● Mr. DASCHLE. Mr. President, I rise today to introduce the Medicaid Enrollment Improvement Act of 1989. This bill would offer States financial incentives to seek out Medicaid-eligible pregnant women, infants, and children, inform them of the benefits of health services available to them, and assist them in enrolling in the Medicaid Program. The ultimate goal of this measure is to assure that each and every baby born in the United States has the best chance possible of surviving and living a healthy, productive life.

We have all heard the dismal facts and figures related to infant mortality and childhood illnesses: over 40,000 infants in the United States each year do not live to celebrate their first birthday; over one-third of pregnant women receive little or no prenatal care; and a child born in Singapore, Hong Kong, Ireland, Australia, Canada, or Japan has a better chance of surviving his or her first year than a child born in the United States.

Put simply, too many infants in this country are born too small, too many are born premature, and too many mothers get little or no prenatal care while they are pregnant. Unless we act to reverse this situation, in the next decade, we will lose more American infants than we have lost soldiers in all the wars we have fought in this century. This is a shameful condition, given our wealth and advanced medical technology.

But unlike most other social problems whose solutions have baffled policymakers for years, we know the key to conquering infant mortality and childhood illness. In fact, it can be summed up in three words: preventive health care.

The cost-effectiveness and positive results of preventive care are indisputable. A single baby born with low birthweight, the factor most commonly associated with death of newborns, costs society between $14,000 and $30,000, and the lifetime costs of caring for these infants can reach $400,000. On the other hand, care that might prevent the low birthweight condition in the first place can cost as little as $400. Overall, every $1 spent on prenatal care for high-risk women saves our Nation over $3—an impressive return on our investment.

Unfortunately, the barriers poor pregnant women and their children face in pursuit of preventive health care services are monumental. Recognizing these barriers, Congress over the last several years has enacted a series of important bills that have expanded pregnant women and children's access to the Medicaid Program. I am also encouraged by President Bush's emphasis on the health status of pregnant women and children, and his proposals to expand health coverage for this group. I applaud these measures.

However, as important and promising as these initiatives are, they are only a first step. For a simple broadening of income levels does not guarantee that women will take advantage of the opportunity to receive early prenatal care. Nor does it ensure that children will seek crucial well-child care checkups that prevent future illnesses.

In fact, evidence indicates that States' efforts to identify and enroll newly eligible children and pregnant women have not kept pace with eligi-

bility expansions. Without changes in the administration of this benefit designed to facilitate enrollment in the program, the full potential of expanded opportunities will never be met.

One reason for the low enrollment levels in the Medicaid program among pregnant women and children is that eligible people simply are not aware that they are entitled to Medicaid benefits. Consequently, they often delay seeking medical services and then needlessly struggle to pay for services out-of-pocket when they fall ill.

Lack of transportation is another problem; many applicants cannot easily get a ride to the benefits office. In a sparsely populated, rural State like South Dakota, this problem is particularly acute. And for women and children who are eligible for Medicaid but do not receive AFDC, there is no reason to go to the county welfare office and little chance of encountering eligibility workers at all.

These barriers to application have led some observers to conclude that the process seems to be set up to deny people benefits.

These problems are particularly acute in rural America, where infant mortality rates have been consistently higher than in urban areas. The rural poor often fall through the cracks because they have difficulty connecting with health asssistance programs often designed with the urban poor in mind. This point was confirmed during a recent rural health care tour I conducted in my home State of South Dakota, where I learned that over one-fourth of babies in the State are born to mothers who did not receive any prenatal care during the first trimester of their pregnancy. The difficulty of enrolling in the Medicaid program and the long distances one must travel to apply for benefits was often cited as the reason for not obtaining prenatal care.

It simply defeats efforts to boost people's access to health care if we cannot get the benefits to them. That is why I am introducing this bill, a measure that attempts to break down some of the barriers to enrollment in the Medicaid program.

My bill would offer States a 75-percent Federal matching rate to engage in efforts designed to educate women and children about the preventive health services available to them, and help them to apply for these benefits.

Numerous studies have shown that current efforts to inform women and children about their eligibility for Medicaid and help them through the application process are sparse and uneven. My bill addresses this problem by offering an enhanced matching rate to States that "outstation" eligibility workers and engage in outreach efforts.

Outstationing means placing eligibility workers outside of the county welfare office and in locations more accessible to Medicaid-eligible patients—places like public health clinics, courthouses, and hospitals. This addresses one key weakness in the eligibility process by moving eligibility workers to sites where pregnant women and their children are likely to go.

Outreach means systematically seeking out eligible children and expectant mothers and informing them of the health benefits available to them. With more outreach efforts, we can urge eligible people to get into the Medicaid Program before problems develop.

Finally, providing a higher matching rate gives States an immediate return for their enrollment efforts. Only by encouraging these kinds of efforts can we hope to improve our record in the area of infant mortality and morbidity.

I believe that we must make the health and well-being of mothers and infants a national priority and give them the public attention and resources that they deserve. After all, maternity and infant care are matters of life and death.

I urge my colleagues to support this innovative approach to improving the health of our young ones.●

By Mr. NUNN (for himself, Mr. FOWLER, Mr. KENNEDY, Mr. HOLLINGS, Mr. BIDEN, Mr. LEVIN, Mr. GLENN, Mr. SIMON, Mr. SHELBY, Mr. MATSUNAGA, Mr. PRYOR, Mr. INOUYE, Mr. BENTSEN, Mr. LAUTENBERG, Mr. DANFORTH, Mr. GRAHAM, Ms. MIKULSKI, Mr. CRANSTON, Mr. DODD, Mr. SANFORD, Mr. JOHNSTON, Mr. METZENBAUM, Mr. KERRY, Mr. GORE, Mr. KOHL, Mr. SPECTER, Mr. HARKIN, Mr. WILSON, and Mr. LIEBERMAN):

S. 431. A bill to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission; to the Committee on the Judiciary.

MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION EXTENSION ACT

● Mr. NUNN. Mr. President, I am reintroducing, along with 28 of my colleagues, legislation today to reauthorize and to provide Federal funds for the Martin Luther King, Jr., Federal Holiday Commission. The Commission was established in 1984 to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr. It was also directed to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observance of the holiday.

The Commission was reauthorized in 1986 and is due to expire in April 1989. The bill we have introduced would extend the Commission for 5 years.

We feel that this legislation will serve an important service for our Nation. The celebration of Dr. King's birthday serves as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr. The Commission performs a vital, congressionally recognized service to promote the teachings of Dr. King by coordinating special commemorative events in the 50 States and in more than 140 nations around the globe.

The Commission has been instrumental in instructing our young people on the importance of educational excellence, of community service, and of peace and justice in our contemporary global society. In the past 2 years, significant progress has been made in supporting efforts to formalize such instruction and curriculum in all American schools, both public and private.

The Commission's Education Committee has responded to thousands of requests from school districts, principals and classroom teachers for "Learn-a-bration" packets containing literature, information, and bibliographies on Dr. King and his important philosophy of nonviolence. Many of these schools, both public and private, have conducted special "teach-ins" each year during the week of the holiday.

There are also other Commissions that receive Federal funds to carry out their programs. They include the Christopher Columbus Quincentenary Jubilee Commission, the Franklin Delano Roosevelt Memorial Commission, and the Commission on the Bicentennial of the United States Constitution to name a few. We believe that the Martin Luther King, Jr., Federal Holiday Commission is also deserving of Federal funds to carry out its congressional mandate to promote the holiday and the dream of Dr. King.

The Commission has been successful in carrying out its mandate as set forth by Congress. However, it is now in a critical stage of its development and needs Federal financial support that would help it complete its important work. Federal assistance would also help in establishing a solid base for financial support from the private sector. This bill would authorize an annual appropriation of $300,000 for 5 years that would enable the Commission and its committees to devote their time to the promotion of the holiday and the dream of Dr. King.

Representative CONYERS plans to reintroduce his companion measure to this bill later this week. We both hope the Congress can enact this legislation prior to the expiration of the Commission in April.●

29-059 O-90-35 (Pt. 2)

By Mr. ROCKEFELLER (for himself and Mr. MOYNIHAN):

S. 432. A bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads; to the Committee on the Environment and Public Works.

SCENIC BYWAYS STUDY ACT OF 1989

● Mr. ROCKEFELLER. Mr. President, today, I am pleased to introduce the National Scenic Byways Study Act of 1989. This measure requires the Secretary of Transportation to develop a plan for a National Scenic Byways Program for inclusion in the 1991 highway bill. It also asks the Secretary of Transportation, in coordination with other Federal agencies, to examine the potential benefits of a scenic byways system on our Nation's travel and tourism industry.

A 1986 study for the President's Commission on Americans Outdoors found that almost 80 percent of American adults drive for pleasure and to sightsee. Driving for pleasure is second in popularity only to walking as a recreational pursuit for Americans. Based on its findings, the President's Commission recommended creation of a national system of scenic byways—the designation of existing quiet roads which would highlight for travelers the aesthetic, cultural, and historical values of an area. The report recommended that State and local governments create a network of scenic byways and take action to protect these resources.

Nearly three decades ago, the United States started construction of our vast Interstate Highway System. Now these transportation routes are almost completed. The purpose of the interstates was to allow safe and rapid travel between two points. By and large, we succeeded. The interstates are quick and efficient—they get you where you need to go. But relatively few segments of the interstates are scenic.

Many Americans prefer roads that offer a variety of sights and experiences—rushing streams, giant mountains, peaceful river valleys, unfettered wildlife, small towns and farms, and unspoiled rural America. These roads are what I would like to see designated as scenic byways.

Preserving scenic beauty for future generations is an important reason for designating and protecting our scenic roads. But there's a huge economic incentive as well. With travel and tourism a booming segment of the U.S. economy—tourism is America's second largest employer and third largest retail industry—scenic byways are in every State's best financial interest.

Studies show that our population is getting older, increasingly urban—80 percent live in urban areas—and are choosing 3-day weekends instead of entire weeks or longer for their vacations. In 1987, 82 percent of summer vacation travel was by motor vehicle. Yet vacation nights away from home dropped 3 percent. In other words, the trend is toward shorter, more frequent vacation travel by motor vehicle.

Scenic roads satisfy the urban family's desire to see rural America. A scenic road trip provides a short 3-day vacation for the working family. Under a scenic byways program, the roads themselves could become the destination. For example, America's most visited national park is the Blue Ridge Parkway, with some 23 million visitors touring this scenic road annually.

Scenic roads abound in West Virginia and the rest of our Nation. For instance, projects currently on the drawing board, including the New River Parkway and Coalways, show the diversity of opportunities that scenic byways present in my State. The National Forest Service has seized on this opportunity by starting up their National Scenic Byway Program and I am very pleased that they have chosen West Virginia's Highland Scenic Highway in the Monongahela Forest for scenic byway status. But that's just a start. There are many scenic roads in West Virginia and in our Nation that are largely unknown to travelers.

Only about 30 States have recognized the importance of scenic byways by establishing official scenic road programs or enacting legislation to create scenic routes. For travelers to know and take advantage of scenic roads, these roads must be publicized, marked, preserved, and made safe and accessible.

The intent of the legislation that I'm introducing today is to lay the groundwork for designating a National Scenic Byways Program that will identify, protect, and enhance our Nation's scenic roads. To accomplish this, the bill requests that the Secretary of Transportation develop a long-range plan for a scenic byways program, including guidelines and criteria for designating scenic byways. It also asks the Secretary to prepare a nationwide inventory of scenic roads within 12 months of passage of the act. Also requested in the measure is a study of the economic impact of scenic byways on travel and tourism, which may be undertaken with the Secretary of Commerce, and case studies of those States that already have scenic byways programs in place.

This scenic byways bill has the support of a broad coalition of tourism, recreation, environmental, preservation, and transportation organizations. A companion measure will be introduced in the House of Representatives by Congressman JAMES OBERSTAR.

Mr. President, a National Scenic Byways Program is not a new idea. The Kennedy, Johnson, Nixon, and Reagan administrations all issued recreation reports calling for a national system of scenic byways. Unfortunately, the time was never ripe and there were always—and still will be—competing budgetary and policy demands. However, the time may have arrived, at last, for a scenic byways program. The Interstate System is virtually complete. The highway bill will be revisited in 1990. And maybe most importantly, there is a broad-based understanding of the economic benefits of travel and tourism to the States and a growing recognition that a system of scenic roads can attract or retain welcomed visitors.

I urge my colleagues to support the Scenic Byways Study Act of 1989. This bill is negligible in cost but is a critical first step.●

By Mr. ARMSTRONG, along with Mr. BOSCHWITZ, Mr. BRADLEY, Mr. CHAFEE, Mr. COATS, Mr. CONRAD, Mr. DOLE, Mr. DOMENICI, Mr. HOLLINGS, Mr. LEVIN, Mr. LUGAR, Mr. MOYNIHAN, Mr. NUNN, Mr. THURMOND, Mr. PELL, and Mr. METZENBAUM:

S.J. Res. 62. Joint resolution designating May 1989 as "National Stroke Awareness Month;" to the Committee on the Judiciary.

NATIONAL STROKE AWARENESS MONTH

● Mr. ARMSTRONG. Mr. President, this year, some 500,000-600,000 Americans will have a stroke. One-third of those afflicted die within 1 month; of the survivors, two-thirds will suffer some degree of permanent disability.

Today, there are approximately 2-3 million persons living with stroke aftereffects in the United States. Reports indicate that 90 percent of stroke survivors can benefit from rehabilitation therapy, while only a minority of them receive it. Strokes affect not just the individual, but the entire family, because the family unit becomes the primary caregiver for the survivor. Worst of all, strokes are the third leading cause of death in our country.

To help reduce the risk of having a stroke, there are several precautionary measures we can take. One is to make Americans more aware of the problem, symptoms, and risk factors. That is the reason I am introducing legislation declaring the month of May 1989, as "National Stroke Awareness Month." I hope my colleagues will join me in cosponsoring this legislation.

I ask unanimous consent to print the joint resolution in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 62

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas stroke is the third leading cause of death in the United States;

Whereas stroke is the leading cause of adult disability in the United States;

Whereas stroke is a distinct disease of the brain and nervous system, causing paralysis and speech, perceptual, emotional, and cognitive impairment;

Whereas there is insufficient public knowledge of stroke prevention, treatment, and rehabilitation;

Whereas between 500,000 and 600,000 Americans are affected by a stroke each year;

Whereas between 2,000,000 and 3,000,000 American stroke survivors have not fully regained their physical and mental abilities and remain significantly disabled;

Whereas stroke is a sudden catastrophe that devastates families and routinely robs survivors and family caregivers of the most rewarding years of their lives;

Whereas stroke costs the United States between $12 and $13 billion annually in medical treatment, rehabilitation, and lost potential economic output;

Whereas the National Stroke Association's mission is to provide the means to reduce the incidence and effects of stroke through public and professional education, community service, and research; and

Whereas increased national awareness of stroke may stimulate greater interest, concern, and participation by the American people and may lead to increased research and to reducing the overall impact of stroke in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1989 is designated as "National Stroke Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S.J. Res. 64. Joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy;" to the Committee on the Judiciary.

GREEK INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, I rise to introduce a joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

This resolution is identical to one that Senator SPECTER and I introduced in the last Congress, Senate Joint Resolution 346. That resolution, which had 60 cosponsors, was approved unanimously by the Senate. Unfortunately, the House of Representatives did not act on the companion resolution so it did not become law. That is why we are reintroducing the resolution today in the Senate. The companion will also be reintroduced in the House of Representatives.

March 25, 1989, marks the 168th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said:

If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost.

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a heavy debt to the Greeks.

The common heritage which we share has forged a close bond between Greece and the United States, and between our peoples. And it is reflected in the numerous contributions made by present-day Greek Americans in New Jersey and across the country to our American culture.

I ask unanimous consent that the names of the Senators that cosponsored this resolution in the last Congress be printed in the RECORD. I urge my colleagues to support this resolution as a tribute to these contributions, past and present, which have greatly enriched American life.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COSPONSORS OF SENATE JOINT RESOLUTION 346 DESIGNATING MARCH 25, 1989 AS GREEK INDEPENDENCE DAY

Democrats: Senators Lautenberg, Kerry, Sarbanes, Rockefeller, Stennis, Burdick, DeConcini, Moynihan, Conrad, Levin, Dixon, Daschle, Pell, Bradley, Riegle, Melcher, Reid, Mikulski, Nunn, Bentsen, Metzenbaum, Gore, Leahy, Wirth, Pryor, Mitchell, Simon, Biden, Sasser, Adams, Heflin, Matsunaga, Kennedy, Graham, and Chiles.

Republicans: Senators Specter, D'Amato, Roth, Dole, Weicker, Pressler, Cochran, Lugar, Hatch, Stafford, Chafee, Thurmond, Humphrey, McClure, Boschwitz, Trible, Wilson, Murkowski, Simpson, Durenberger, Heinz, Garn, Kassebaum, Nickles, and Grassley.●

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 7, a bill to amend the Federal Election Campaign Act of 1971 to further restrict contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, correct inequities resulting from personal financing of campaigns, strengthen the role of political parties, and contain the cost of political campaigns.

S. 32

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 32, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 35

At the request of Mr. DANFORTH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 35, a bill to amend the Housing and Community Development Act of 1987 to improve the enterprise zone development program, to amend the Internal Revenue Code of 1986 to provide tax incentives for investments in enterprises zones, and for other purposes.

S. 69

At the request of Mr. D'AMATO, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 69, a bill entitled the Posse Comitatus Improvement Act of 1989.

S. 75

At the request of Mr. HELMS, the names of the Senator from Utah [Mr. HATCH] and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 75, a bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 82

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maine [Mr. COHEN], the Senator from Indiana [Mr. COATS], the Senator from Kentucky [Mr. FORD], the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 90

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 90, a bill to provide for comprehensive reforms and to achieve greater equity in the compensation of attorneys pursuant to Federal statute in civil and administrative proceedings in which the United States, or a State or local government, is a party.

S. 100

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 100, a bill to amend title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 134

At the request of Mr. GLENN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 134, a bill to establish the Congressional Scholarship for Science, Mathematics, and Engineering, and for other purposes.

S. 135

At the request of Mr. GLENN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. ADAMS], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 137

At the request of Mr. BOREN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 163

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 163, a bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax.

S. 166

At the request of Mr. PRYOR, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 166, a bill to improve contracting procedures for procurements of advisory and assistance services by the Federal Government, and for other purposes.

S. 184

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 184, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible before 1979.

S. 185

At the request of Mr. DIXON, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 185, a bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental child abduction.

S. 240

At the request of Mr. HEINZ, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 240, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to modify the calculation of Federal deficits and maximum deficit amounts under the Balanced Budget and Emergency Deficit Control Act of 1985 and to modify the maximum deficit amounts set by the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 243

At the request of Mr. MCCLURE, the names of the Senator from Nevada [Mr. REID], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. EXON], the Senator from Arizona [Mr. MCCAIN], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 243, a bill to provide for the extension of regional referral center classification of certain hospitals under the Medicare Program and to continue the payment rates for such hospitals.

S. 244

At the request of Mr. GLENN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 244, a bill to require the Administrator of the General Services Administration to encourage the development and use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies, and for other purposes.

S. 256

At the request of Mr. HARKIN, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 256, a bill to direct a study by the Secretary of Agriculture of the classification of anhydrous ammonia as a poisonous gas for purposes of the Hazardous Materials Transportation Act, and for other purposes.

S. 277

At the request of Mr. HUMPHREY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 277, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 278

At the request of Mr. HUMPHREY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 278, a bill to make permanent the authority of the Secretary of Defense to reimburse members of the Armed Forces for certain expenses incurred in the adoption of children.

S. 279

At the request of Mr. HUMPHREY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 279, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income employee adoption assistance provided by the employer.

S. 302

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 302, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 324

At the request of Mr. WIRTH, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 324, a bill to establish a national energy policy to reduce global warming, and for other purposes.

S. 327

At the request of Mr. BIDEN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 327, a bill to amend title 18 of the United States Code to punish corruption.

S. 341

At the request of Mr. HOLLINGS, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 341, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 342

At the request of Mr. DANFORTH, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 342, a bill to amend the Internal Revenue Code of

1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 344

At the request of Mr. NICKLES, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 344, a bill to require certain work on aircraft to be performed by a domestic repair station.

S. 357

At the request of Mr. SYMMS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 357, a bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act.

S. 370

At the request of Mr. CHAFEE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 370, a bill to amend the Land and Water Conservation Fund Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes.

S. 378

At the request of Mr. ROCKEFELLER, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Iowa [Mr. HARKIN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 378, a bill to extend the Steel Import Stabilization Act for an additional 5 years.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 411

At the request of Mr. BOSCHWITZ, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential, and for other purposes.

SENATE JOINT RESOLUTION 10

At the request of Mr. THURMOND, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Georgia [Mr. NUNN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. BREAUX], the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. DANFORTH], the Senator from North Carolina [Mr. HELMS], the Senator from Illinois [Mr. DIXON], the Senator from Arizona [Mr. DECONCINI], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 10, a joint resolution to designate the month of May, 1989 as "National Foster Care Month."

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October of 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 25

At the request of Mr. D'AMATO, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 25, a joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 34

At the request of Mr. BENTSEN, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 34, a joint resolution designating the week of April 14, 1989, through April 22, 1989, as "National Minority Cancer Awareness Week."

SENATE JOINT RESOLUTION 37

At the request of Mr. GRASSLEY, the names of the Senator from Utah [Mr. HATCH] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 37, a joint resolution designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989."

SENATE JOINT RESOLUTION 39

At the request of Mr. BRADLEY, the names of the Senator from Alabama Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Louisiana [Mr. BREAUX], the Senator from Maine [Mr. MITCHELL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. RIEGLE], the Senator from Nevada [Mr. REID], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from North Carolina [Mr. SANFORD], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. BOREN], the Senator from Texas [Mr. BENTSEN], the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mr. ADAMS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Wisconsin [Mr. KOHL], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Alaska [Mr. STEVENS], the Senator from California [Mr. WILSON], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. MCCLURE], the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Mississippi [Mr. COCHRAN], the Senator from Missouri [Mr. DANFORTH], the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Washington [Mr. GORTON], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to designate April 6, 1989, as "National Student-Athletic Day."

SENATE JOINT RESOLUTION 40

At the request of Mr. BRADLEY, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to authorize the President to proclaim the last Friday of April 1989 as "National Arbor Day."

SENATE JOINT RESOLUTION 41

At the request of Mr. SPECTER, the names of the Senator from Texas [Mr. BENSTEN], the Senator from Delaware [Mr. BIDEN], the Senator fron New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the

Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Florida [Mr. GRAHAM], the Senator from Tennessee [Mr. GORE], the Senator from Pennsylvania [Mr. HEINZ], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 41, a joint resolution to designate April 1989, as "Fair Housing Month."

SENATE JOINT RESOLUTION 43

At the request of Mr. GRAHAM, the names of the Senator from Nebraska [Mr. KERREY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Delaware [Mr. BIDEN], the Senator from Missouri [Mr. DANFORTH], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

SENATE JOINT RESOLUTION 44

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mr. WILSON], the Senator from Colorado [Mr. WIRTH], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Delaware [Mr. ROTH], the Senator from Delaware [Mr. BIDEN], the Senator from Georgia [Mr. NUNN], the Senator from Georgia [Mr. FOWLER], the Senator from Idaho [Mr. MCCLURE], the Senator from Idaho [Mr. SYMMS], the Senator from Illinois [Mr. DIXON], the Senator from Illinois [Mr. SIMON], the Senator from Indiana [Mr. LUGAR], the Senator from Indiana [Mr. COATS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mr. DOLE], the Senator from Louisiana [Mr. BREAUX], the Senator from Maine [Mr. COHEN], the Senator from Maryland [Mr. SARBANES], the Senator from Michigan [Mr. RIEGLE], the Senator from Michigan [Mr. LEVIN], the Senator from Montana [Mr. BAUCUS], the Senator from Nebraska [Mr. EXON], the Senator from Nevada [Mr. REID], the Senator from North Carolina [Mr. HELMS], the Senator from North Dakota [Mr. CONRAD], the Senator from Oklahoma [Mr. BOREN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. BENTSEN], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. WARNER], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 44, A joint resolution designating the week of April 9, 1989, as "Crime Victims Week."

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to recognize the 75th Anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOSCHWITZ, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. PRYOR], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. SASSER], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. BIDEN], the Senator from Washington [Mr. ADAMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oregon [Mr. PACKWOOD], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. MCCLURE], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. COATS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Michigan [Mr. RIEGLE], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. PELL], the Senator from North Dakota [Mr. BURDICK], the Senator from Wisconsin [Mr. KOHL], the Senator from Louisiana [Mr. BREAUX], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Vermont [Mr. JEFFORDS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], the Senator from Missouri [Mr. BOND], the Senator from Alaska [Mr. STEVENS], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to express gratitude for law enforcement personnel.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Joint Resolution 52, supra.

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 58

At the request of Mr. DOMENICI, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nevada [Mr. BRYAN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alaska [Mr. STEVENS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Idaho [Mr. MCCLURE], the Senator from Hawaii [Mr. INOUYE], the Senator from Kentucky [Mr. FORD], the Senator from Idaho [Mr. SYMMS], the Senator from Virginia [Mr. ROBB], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Indiana [Mr. LUGAR], the

Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Georgia [Mr. NUNN], the Senator from Texas [Mr. BENTSEN], the Senator from Mississippi [Mr. LOTT], the Senator from Florida [Mr. MACK], the Senator from Louisiana [Mr. BREAUX], the Senator from Utah [Mr. GARN], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. BURDICK], the Senator from Delaware [Mr. ROTH], the Senator from Wisconsin [Mr. KOHL], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Texas [Mr. GRAMM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Carolina [Mr. HELMS], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

SENATE JOINT RESOLUTION 60

At the request of Mr. DECONCINI, the names of the Senator from Washington [Mr. ADAMS], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Florida [Mr. MACK], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Utah [Mr. HATCH], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. ROCKEFELLER, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution on the Essential Air Service Program.

SENATE RESOLUTION 16

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Resolution 16, a resolution to express the sense of the Senate regarding future funding of the Municipal Sewage Treatment Program under the Clean Water Act.

SENATE RESOLUTION 19

At the request of Mr. DIXON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 19, a resolution to express the sense of the Senate to urge the President to recognize and include the Director of National Drug Control Policy as a fully participative member of the President's Cabinet.

SENATE RESOLUTION 37

At the request of Mr. SIMON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 37, a resolution requesting the Secretary of State to submit a report regarding United States assistance to Soviet Armenia.

SENATE RESOLUTION 61

At the request of Mr. DIXON, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Resolution 61, a resolution expressing the sense of the Senate on the sale of F-16 fighter aircraft technology from General Dynamics to Japan's Mitsubishi Heavy Industries as part of the United States-Japan FSX Codevelopment Fighter Program.

SENATE RESOLUTION 62—REQUESTING A REPORT ON UNITED STATES ASSISTANCE TO SOVIET ARMENIA

Mr. SIMON (for himself, Mr. PRESSLER, Mr. PELL, Mr. DOLE, and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 62

Whereas on December 7, 1988, the worst earthquake in modern times devastated the Soviet Socialist Republic of Armenia in the Union of Soviet Socialist Republics (hereafter in this resolution referred to as "Armenia"), leaving tens of thousands dead and seriously injured;

Whereas the earthquake completely destroyed housing, schools, and other buildings in more than one hundred cities, towns, and villeges in Armenia;

Whereas the earthquake has literally wiped out the homes and families of hundreds of thousands of Armenians;

Whereas the United States has historically supported the Armenians' struggle to survive through immeasurable adversities during this century;

Whereas the American people have overwhelmingly reaffirmed this tradition of support by their generous assistance to the earthquake's survivors;

Whereas the Agency for International Development, the Department of State, the Department of Defense, the United States Geological Survey, the Department of Energy, and the National Guard have performed admirably in delivering the first phases of emergency relief to Armenia;

Whereas the United States Government should continue as a leader among the nations of the world who have offered assistance to Armenia as it did in response to the earthquakes in Italy in 1980 and Mexico in 1985;

Whereas the Union of Soviet Socialist Republics has allowed unprecedented foreign relief efforts into Armenia; and

Whereas the United States encourages the delivery of additional resources as a part of the continuing reflief efforts; Now, therefore, be it

Resolved, That it is the sense of the Senate that, not later than April 1, 1989, the Secretary of State or his designee should prepare and transmit to the Congress a report describing—

(1) all United States private and public assistance delivered to Armenia;

(2) the prospects for expeditious delivery of future United States private assistance to, and United States trade with, Armenia;

(3) the existence of United States Government experts in housing, transportation, management, medicine, geology, economic development, and other fields relevant to reconstruction efforts in Armenia;

(4) the feasibility of establishing a joint public-private task force to assist in the long-term reconstruction of Armenia;

(5) the feasibility and wisdom of undertaking a diplomatic initiative encouraging the international community to continue supporting Armenia;

(6) any other humanitarian efforts which could facilitate the recovery and rehabilitation of the areas stricken; and

(7) the United States foreign policy implications, if any, of assisting Armenia.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

SENATE RESOLUTION 63—RELATING TO FEDERAL EXCISE TAXES ON GASOLINE

Mr. SYMMS submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 63

Whereas Federal excise taxes are regressive in that a lower income individual must use a higher percentage of his income to pay the taxes than a higher income individual;

Whereas adding 10 cents or more per gallon to the cost of fuel will have a devastating effect on the Nation's economy in that such an increase would—

(1) reduce the gross national product by $10 billion in the 1st year,

(2) reduce automobile production by 1.3 percent,

(3) reduce housing construction by 0.9 percent,

(4) increase unemployment by 80,000 in the 1st year and 130,000 by the third year,

(5) reduce petroleum refinery output by 1.2 percent,

(6) reduce income tax revenues by almost $1 billion annually,

(7) reduce personal savings by nearly 3 percent, and

(8) increase the Consumer Price Index by 0.3 percent;

Whereas it would be discriminatory for one portion of the Nation's population, highway users, to pay an additional tax in order to reduce the Federal deficit, thereby forcing this segment to shoulder a greater share of our Nation's financial burden;

Whereas it would be inequitable for individuals to contribute to Federal deficit reduction based on the number of miles driven per year;

Whereas Federal highway and public transit programs are funded at levels significantly lower than documented needs requiring States to provide funds to fill that shortfall;

Whereas an increase in the Federal tax on gasoline and diesel fuel—

(1) inhibits the ability of State and local governments to raise revenues to fund transportation projects, and

(2) reduces the revenues for State and local government fuel taxes unless State and local governments increase their taxes; and

Whereas total motor fuel taxes (including State and local taxes) account for nearly 25 percent of the retail price of gasoline and about 29 percent of the retail price of diesel fuel making motor fuel among the most heavily taxed essential items in the Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Federal excise taxes on gasoline and diesel fuel shall not be increased in order to reduce the Federal deficit.

Mr. SYMMS. Mr. President, I am pleased to submit a resolution expressing the sense of the Senate that Federal fuel taxes should not be raised to reduce the deficit. The resolution is identical to a House resolution introduced by GLENN ANDERSON, chairman of the House Public Works and Transportation Committee, and cosponsored by more than 140 of our House colleagues as of this morning.

While Congress and the administration continue to wrangle over how to handle the budget deficit, there remains strong concern among transportation users and officials responsible for maintaining the Nation's transportation infrastructure that Federal fuel taxes will be seen as a relatively easy way out of the deficit crunch. While it is not legally binding, this resolution offers Members a chance to say clearly that a fuel tax increase will not be easy to achieve and should not be viewed as the course of least resistance.

For my own part, no tax increase of any kind can be justified on the basis of our budget deficit problems. As I have said many times previously, U.S. budget deficits are not the result of too little revenue accuring to the Federal Treasury. They are, instead, the direct result of too much Federal spending. To preserve economic growth, we cannot take an ever-growing percentage of private wealth to be redirected into public activities which generally constitute a far less efficient or productive use of the wealth.

Notwithstanding the salient arguments of President Bush, many Members of Congress, and leading economists to the contrary, some national leaders—mostly inside the Beltway—continue to argue that a tax increase is necessary to reduce the deficit by the timetable established under Gramm-Rudman-Hollings. Some of those same tax advocates, including my friend, DANNY ROSTENKOWSKI, chairman of the Ways and Means Committee, have publicly supported a fuel tax increase as the most politically palatable way to raise big bucks fast. I hope Members who support a tax increase will consider the adverse economic and political consequences of additional fuel taxes.

For more than 30 years now, Federal motor fuel and truck taxes have been used almost exclusively to finance the Federal-Aid Highway Program and, for the past 7 years, the Mass Transit Program. The pay-as-you-go, user-financed highway program serves as a model of Federalism because Congress has respected the trust our predecessors intended to impart when they established the Highway Trust Fund. Taxes paid by highway users across the Nation have accrued to the trust fund and have been reserved for use in the highway program.

That trust has been diminished in recent years as Congress reduced spending in the highway program so the trust fund's growing cash balance would help offset—hide—deficit spending in programs financed out of the general fund. There is a growing awareness among highway users that their fuel taxes were being used to hide deficit spending in other programs, and it will be difficult to restore public confidence in the trust fund concept.

The only redeeming aspect of this smoke-and-mirrors budgeting is that most Members have felt sufficient shame about the process that it has been a game of silent collusion. If Congress increases motor fuel taxes—user fees—to reduce the deficit rather than pay for highway construction and maintenance, all pretense at maintaining the fiscal integrity of the Highway Trust Fund will be eliminated. The mainstay of support for the Federal-Aid Highway Program—namely, the American taxpayers' willingness to pay for a program in direct proportion to the benefit they receive from it—will be lost forever. I hope Senators will join me as cosponsors of this resolution to ensure that such a travesty does not occur.

There are numerous additional reasons an increase in Federal fuel taxes for deficit reduction purposes would be bad economics and bad public policy. The fuel tax is a regressive tax that hits hardest at low-income, rural Americans who tend to drive further to make a living; an increase would cause financial and job losses in many industries; it would eliminate part of the tax base many States intend to use to increase State funding for highway and bridge improvements; and by hindering infrastructure improvements, new fuel taxes to reduce the deficit would make badly needed productivity increases difficult or impossible. I know interested parties who contact Members about this resolution will expound on these arguments against a fuel tax increase, and I will not do so here.

I would note that we have tremendous unmet highway and bridge needs that only grow more expensive as we delay those projects in order to increase the cash balance in the Highway Trust Fund. After the 1982 nickel gas tax increase, pavement conditions improved on all highway systems. However, statistics for the period from 1985 to 1987 show the percentage of rural interstate pavement in poor condition is increasing, and the percentage of pavements rated in good or excellent condition has decreased on almost every system.

The interstate system carries over 21 percent of all traffic and 15.9 percent of the bridges on the interstate system are now rated as deficient. There are 238,357 Federal-aid system and off-system bridges that are either structurally deficient or functionally obsolete. We will need an investment by all units of government of approximately $5 billion per year to maintain our bridges. In addition, to maintain our highways in a condition which will meet most of our transportation needs will require a capital investment by all levels of government of $30 to $35 billion per year. Compare that to the 1987 capital investment of $31 billion by all levels of government for highway and bridge improvements. We are already falling behind, without taking a cut out of the tax base for nontransportation purposes.

Mr. President, again I invite Senators to join me as cosponsors of this important resolution. I ask unanimous

consent that the following documents in opposition to a fuel tax increase be printed in the RECORD following my remarks: a memorial approved by the Idaho House of Representatives, a letter from the director of the Idaho Transportation Department, and a letter from the American Association of State Highway and Transportation Officials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF IDAHO

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Centennial Idaho Legislature, do hereby respectfully represent that:

Whereas, the United States Congress is seeking some effective means of reducing the federal budget deficit in the immediate future; and

Whereas, several proposals being considered for budget reduction purposes would increase the existing federal gasoline tax by various sizable increments; and

Whereas, the U.S. Department of Energy has stated that "a motor fuel tax will create an economic loss which is of far greater magnitude than the possible benefits. . ."; and

Whereas, a gasoline tax for deficit reduction would be a regressive tax affecting the poor to a greater extent than other income levels; and

Whereas, states would receive no direct revenue benefits, while incurring substantial increases in public assistance costs; and

Whereas, the residents of the south, midwest and west pay more fuel taxes because they must travel greater distances by personal vehicles than residents of other regions and therefore would bear a disproportionate burden of deficit reduction; and

Whereas, since there continues to exist a great need to rehabilitate and reconstruct the nation's transportation infrastructure, motor fuel taxes should continue to be dedicated to transportation purposes; and

Whereas, the tourism industry, one of the top three employers in eighty per cent of the states, would be adversely affected; and

Whereas, the gross national product, consumer price index, and employment all would be severely and negatively affected; and

Whereas, raising the gasoline excise tax for deficit reduction purposes would not only undermine the highway trust fund, but would also fail to get to the root of the problem of federal spending exceeding federal income.

Now, therefore, be it resolved by the members of the First Regular Session of the Centennial Idaho Legislature, the House of Representatives and the Senate concurring therein, that we petition the United States Congress to oppose the use of the federal gasoline tax to reduce the federal deficit.

Be it Further Resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the cochairmen of the National Economic Commission, and the congressional delegation representing the state of Idaho in the Congress of the United States.

STATE OF IDAHO,
TRANSPORTATION DEPARTMENT,
Boise, ID, February 3, 1989.

Hon. DREW LEWIS,
Hon. ROBERT STRAUSS,
Cochairmen, National Economic Commission, 734 Jackson Place, NW., Washington, DC.

DEAR MESSRS. LEWIS AND STRAUSS: I am writing to inform you that the Idaho Transportation Department, in concert with nearly 800 other transportation organizations, industries, and user groups, is adamantly opposed to the imposition of additional highway fuel taxes for reducing the Federal budget deficit.

Gentlemen, we are approaching a landmark event in the history of surface transportation in the United States of America—the completion of the Interstate Highway System. The unparalleled accomplishment which that system embodies was only made possible by the dedicated funds of the Highway Trust Fund. And there is no doubt that, had other additional fuel taxes been levied during that third-of-a-century Interstate era, finishing those freeways would still be many years in the future.

Gasoline and diesel fuel are already among the most heavily taxed consumer items. And analysis shows that a motor fuels tax is not an efficient way to handle the deficit because other tax revenues would decrease while federal expenditures would rise.

A far more efficient and much fairer tax would be a per-barrel oil import fee or a value-added tax. Either one would be a broad-based approach to the deficit problem which, I agree, needs to be solved as soon as possible.

In my opinion, the addition of new fuels taxes, while some alternative tax would accomplish the same effect, would be a serious error in national policy.

Sincerely,

KERMIT V. KIEBERT,
Director.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
Washington, DC, January 19, 1988.

Senator QUENTIN BURDICK,
Chairman, Senate Environment and Public Works Committee, Washington, DC.

DEAR MR. CHAIRMAN: In response to past requests from the Senate Environment and Public Works Committee regarding state views on transportation issues we would like to advise you that the AASHTO Policy Committee has identified four critical transportation issues as the Association's National Priority Issues for 1989. AASHTO considers these priorities to be of vital importance to the states, as they seek to provide safe and efficient transportation facilities throughout the nation.

In brief, the four National Priority Issues are the following:

NO USE OF THE MOTOR FUEL TAX FOR DEFICIT REDUCTION

The federal highway motor fuel taxes are collected from highway users for the sole support of transportation programs, and revenues collected are dedicated to this purpose. Motor fuel taxation should continue to be used only to support transportation, and should not be employed for deficit reduction or general government purposes.

Similarly, aviation user fees are collected from air passengers for the sole support of the nation's aviation programs, are dedicated to this purpose as defined in the aviation authorizing legislation enacted by Congress, and should not be employed for deficit reduction or general government purposes.

FUNDING LEVELS AND STABILITY

The revenues flowing into the Highway and Aviation Trust Funds should be fully expended for the purposes collected. Further, every effort should be made to fund the highway, public transportation and aviation programs up to the levels authorized by the Congress and to ensure stable funding through the life of the authorization measures.

EQUITABLE TAXATION OF ALTERNATE FUELS

Subsidization of ethanol and other alternate fuels through the Highway Trust Fund should be ended, and certainly not expanded.

NO EXTENSION OF FEDERAL LABOR PROTECTION IN RAILROAD LINE SALES

The Congress should not impose additional unemployment compensation (labor protection) as a condition to the sale of rail lines to new enterprises.

Further details on each of these National Priority Issues will be found in the attached materials, and we would note that the matter of labor protection in railroad line sales is now before the Supreme Court. We recognize that the Committee is not directly concerned with all of these Issues, but we wanted to call all of them to your attention.

You and the Committee are of course deeply involved with the issue of use of the fuel tax for deficit reduction purposes. We believe this issue is of paramount importance for the future of America's surface transportation system.

Among the reasons the member departments of ASSHTO have are opposed to the utilization of the motor fuel tax for deficit reduction are the following:

A major increase in motor fuel taxes for deficit reduction purposes would damage, not improve, the nation's economy.

A recent study by the Wharton Econometric Forecasting Associates estimates that a gasoline tax of 10 cents per gallon would reduce the Gross National Product by $10 billion in the first year alone, eliminating 80,000 jobs, and cutting automobile production and housing construction.

A motor fuel tax increase would not reduce the deficit in proportion to the size of the increased tax levy, because of the damage such a large motor fuel tax increase would do to our economy.

According to a study by Data Resources, Inc., a private consulting group, each dollar of additional fuel tax revenue will reduce the deficit by only 27 cents.

A large motor fuel tax increase for deficit reduction purposes would act to cut overall transportation funds at all levels of government, at a time when increases are needed to keep America moving.

The U.S. Department of Energy estimates that a tax increase of 25 cents per gallon on motor fuels would decrease 1990 fuel tax revenues by $416 million at the federal level, because of a drop in fuel consumption. State fuel tax revenue is estimated to decline by twice that amount, resulting in a combined loss of transportation revenues of an estimated $1.2 billion per year.

States rely heavily on highway user fees, such as motor fuel taxes, to fund state transportation programs. In 1987, highway

user fees accounted for 81.2 percent of the $32.8 billion total of state highway receipts, an increase of some $1.3 billion in user fees over the 1986 level.

Use of the motor fuel tax for deficit reduction places a heavier burden on those with low incomes, who devote a larger share of their income to motor fuel purchase than do the wealthy.

As the House Public Works and Transportation Committee has reported, 78 percent of Americans earning less than $10,000 a year commute to work by private motor vehicle. These low-income gasoline users would pay more than three times as much for deficit reduction relative to their income as more affluent motorists.

Because residents in larger, more rural states must drive many more miles than those living in compact urban states, they will be unfairly called upon to pay more per person to reduce the national debt owed by all Americans.

For example, the average motorist in Hawaii uses only 568 gallons of gasoline per year, according to the U.S. Department of Transportation. An average motorist in Wyoming uses 949 gallons of gasoline per year, and would pay 2.2 times as much for deficit reduction.

The Federal-aid Highway Program has helped America construct the finest highway system in the world, on an essentially pay-as-you go basis. Key to this success has been a long standing compact between highway users and the federal and state governments, whereby motor fuel taxes are levied and collected with the pledge that revenues from the taxes will be used only for transportation purposes.

If federal motor fuel taxes should be employed for deficit reduction or other purposes, it would break this long standing compact, do harm to the nation's transportation system, and be unfair to highway users.

We at AASHTO look forward to working with you in the coming year as you consider these and other transportation issues.

Very truly yours,

FRANCIS B. FRANCOIS,
Executive Director.

SENATE RESOLUTION 64—OPPOSING FEES ON IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS

Mr. PELL (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. KENNEDY, Mr. LEAHY, Mr. RUDMAN, Mr. COHEN, Mr. HEINZ, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. HUMPHREY, Mr. JEFFORDS, Mr. KERRY, and Mr. METZENBAUM) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 64

Whereas a fee on imported crude oil and refined petroleum products would directly increase the cost of production and manufacturing for industries using petroleum products;

Whereas the increased production costs resulting from such a fee would impair the ability of industries to compete in international markets;

Whereas such fee would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes, and those who use electricity generated from oil;

Whereas the increased costs to industry and to homeowners from such a fee would not be uniformly distributed geographically or among economic sectors, but would be borne disproportionately by those industries and regions most dependent on petroleum products: Now therefore, be it

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose fees on imported crude oil and refined petroleum products.

Mr. PELL. Mr. President, I am today submitting a resolution expressing the sense of the Senate that neither the Congress nor the President should impose an oil import fee on imported crude oil or refined petroleum products. Joining me in sponsoring this resolution are Senators CHAFEE, MITCHELL, KENNEDY, RUDMAN, COHEN, HEINZ, LAUTENBERG, MATSUNAGA, HUMPHREY, JEFFORDS, KERRY, METZENBAUM, and LEAHY.

During the past few weeks, oil import fees have been the subject of renewed interest and serious attention by several in the administration including Office of Management and Budget Director Richard G. Darman. In addition, several measures to impose a fee on imported oil and petroleum products have been reintroduced in the 101st Congress. The oil import fee has been presented as an easy and painless way for the Government to increase revenue, reduce the Federal budget deficit, and ease concerns, regarding our domestic energy security.

The truth is that an oil import fee is not a good idea and would certainly not be painless for consumers. An oil import fee would impose heavy new costs on all who use oil and oil products in manufacturing and production. It would also impose higher energy costs on all who heat their homes with oil or use oil-generated electricity, particularly families throughout the Northeast. On the matter of energy security, there are certainly no assurances that the financial windfall collected by the oil companies as a result of an oil import fee, would be plowed back into immediate oil and gas exploration and production to ease energy dependency concerns.

In addition, and relating directly to our domestic economic security, oil import fees would increase the production costs of energy and raw materials for our domestic industries, making American manufacturers far less competitive in world markets—a situation certainly not acceptable with today's trade imbalance.

Equally important, an oil import fee would severly impact some of our most friendly and secure suppliers of imported oil—Mexico and Venezuela. Such a fee would force these nations to absorb some or all of the import fee—a matter that must merit careful attention in view of the massive debt burden carried by several of these countries.

Mr. President, as noted in a recent editorial in the Washington Post, an oil import fee would also have an unconscionable effect on families who use oil to heat their homes, particularly families throughout the Northeast. Rhode Island as well as other States of the Northeast, for example, already suffer from energy costs that are well above the national average. Compounding the problem is the fact that Rhode Island, along with most States in the Northeast in spite of vigorous conservation efforts, remains heavily dependent upon oil as the primary source of energy. Approximately 65 percent of Rhode Island's energy consumption is in the form of oil, while oil provides for the Nation as a whole just 40 percent of total energy consumption.

Without question an oil import fee would impact far more heavily on States along the east coast, especially in the Northeast, than other regions of the country that have access to natural gas, coal, and hydroelectric power. An oil import fee would further widen the gap between energy costs in the Northeast and energy costs in other regions of the country, resulting in more economic dislocations for many workers throughout this region. Clearly, an oil import fee would heavily subsidize other regions of the country at the expense of oil consuming States in the Northeast.

Mr. President, an oil import fee is just bad national policy. It is a discriminatory tax on all consumers throughout the Northeast, and it does not address the concerns over energy security that a more vigorous and sustained energy conservation effort would accomplish. Furthermore an oil import fee only encourages the growth of our Federal deficit by causing economic dislocations for American workers, increasing our trade imbalance, and adding to the massive debt burden of certain oil exporting countries.

I hope this resolution will persuade the administration and some in Congress not to press for an oil import fee. I welcome additional cosponsors to this resolution and ask unanimous consent that the recent editorial from the Washington Post on January 3, 1989, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN OIL IMPORT FEE?

As the Government's need for tax revenues grows more urgent, the idea of an oil import fee is (once again) turning up here and there. Because it would be levied on all imported oil, the enthusiasts say, it wouldn't hit commuters as hard as a gasoline tax would.

Watch out for the oil import tax. It's a badly flawed concept. One defect is that, while it could certainly raise a lot of money, most of it would go to domestic oil produc-

ers. Imports are now 40 percent of American oil consumption, and the price of the imports sets the price for the oil produced here. If the government were to put a tax of $1 on every barrel of imported oil, the price of every barrel of domestic oil would also rise by a dollar. Consumers would pay $6.5 billion more a year for their oil, of which something over $2 billion would go to the U.S. Treasury. The rest would go in the form of higher prices to the producers here and in Canada.

The Canadians would share this largess because of the Free Trade Agreement now going into effect. That opens up an interesting question of foreign policy. If the Canadian imports were to be exempt from the tariff, what about imports from Mexico? Surely the United States would not discriminate against one neighbor at the expense of the other. And if the Mexicans got a neighborly exemption, how about the Venezuelans, whose oil exports to this country were crucial in World War II? And if the Venezuelans were to be exempt, what about the Nigerians? In political terms, the question of discrimination is insoluble.

While a gasoline tax would hit motorists hard, it wouldn't lay a finger on other oil users—like the families that use oil to heat their homes. Many readers have written to chide us severely for our alleged lack of social conscience in supporting a stiff tax on gasoline. But the truly unconscionable effect of an oil import tax is what they should be worrying about. It would raise the cost of home heating. Oil heat is most common in New England, where the climate is not gentle at this time of year.

The oil import fee enjoys periodic bursts of popularity whenever the gasoline tax comes up. On first glance, it always seems such an appealing alternative. On more careful examination, the appeal always fades.

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

Mr. HARKIN. Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will hold its fiscal year 1990 public witness hearings on the following dates: May 3, 4, 5, 8, 11, and 12. The first day of hearings will include any testimony from Members of Congress.

The deadline for interested groups or individuals to submit their request to testify is Monday, March 27. All requests must be in writing and should be addressed to me in care of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, Senate Dirksen 186, Washington, DC 20510.

It should be noted that this year, because of time constraints, the number of public witnesses will be limited to 150. Therefore, I urge interested parties to respond in a timely manner.

Those first 150 persons whose requests are received by March 27 will receive a letter providing instructions for their appearance before the subcommittee. Interested groups or individuals who are not among the first 150 requests will be given the opportunity to have their written testimony published in the committee's hearing record.

The deadline for those who wish to submit statements for the hearing record will be Monday, May 15. Such statements must be no longer than five double-spaced pages, and three copies should be sent to me in care of the subcommittee.

For those Senate offices which I believe may be interested, I ask unanimous consent that the regular hearing schedule for the subcommittee be printed in the RECORD.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

HEARING SCHEDULE

Senate Subcommittee on Labor, Health and Human Services, Education and Related Agencies:

THURSDAY, MARCH 9, 10 A.M.—SD 116

Department of Labor: Secretary of Labor; Inspector General.

FRIDAY, MARCH 10, 9 A.M.—SD 192

Related Agencies: ACTION; Commission on Children; National Council on Disability; Federal Mediation and Conciliation Services; National Mediation Board; Railroad Retirement Board; Commission on Railroad Retirement Reform; Federal Mine Safety & Health Review Commission; National Labor Relations Board; Occupational Safety & Health Review Commission.

FRIDAY, MARCH 17, 9 A.M.—SD 192

Related Agencies: Physician Payment Review Commission; Corporation for Public Broadcasting; National Commission on Libraries; U.S. Institute of Peace; National Commission on Infant Mortality; U.S. Bipartisan Commission on Comprehensive Health Care; Prospective Payment Review Commission; Soldiers' and Airmen's Home.

TUESDAY, APRIL 4, 9:30 A.M.—SD 138

Department of Education (a.m.): Secretary of Education; Salaries and Expenses (includes Program Administration and OCR); Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet and Howard Universities).

TUESDAY, APRIL 4, 2:30 P.M.—SD 138

Department of Education (p.m.): Compensatory Education for the Disadvantaged; Special Programs; Impact Aid; Bilingual Education; Immigrant and Refugee Education; Education for the Handicapped; Rehabilitation Services and Handicapped Research; Vocational and Adult Education.

FRIDAY, APRIL 7, 9:30 A.M.—SD 138

Student Financial Assistance; Guaranteed Student Loans; Higher Education; Higher Education Facilities Loans and Insurance; College Housing Loans; Education Research and Statistics; Libraries; Inspector General.

MONDAY, APRIL 10, 1:15 P.M.—SD 116

Department of Health and Human Services: Secretary—Overview; Office of Civil Rights; Policy Research; Inspector General.

WEDNESDAY, APRIL 12, 9:30 A.M.—SD 138

Social Security Administration; Health Care Financing Administration.

THURSDAY, APRIL 13, 2:30 P.M.—SD 138

Family Support Administration; Human Development Services.

FRIDAY, APRIL 14, 9:30 A.M.—SD 138

Office of the Assistant Secretary for Health; Centers for Disease Control.

TUESDAY, APRIL 18, 9:30 A.M.—SD 116

Alcohol, Drug Abuse, and Mental Health Administration; Health Resources and Services Administration.

MONDAY, MAY 1, 9:30 A.M.—SD 192

National Institutes of Health (a.m.): Overview; National Cancer Institute; Heart, Lung, and Blood Institute; National Dental Institute; Deafness Institute; Neurology Institute; Fogarty International Center.

MONDAY, MAY 1, 2:30 P.M.—SD 192

National Institutes of Health (p.m.): Diabetes, Digestive, and Kidney Diseases; Allergy and Infectious Diseases; General Medical Sciences; Child Health and Human Development; National Eye Institute; Environmental Health; National Institute of Aging; Arthritis and musculoskeletal and Skin Disease; Division of Research Resources; Nursing Research; National Library of Medicine.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on March 6, 1989, beginning at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 406, a bill to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife Refuge in a manner consistent with protection of the environment; and three amendments to the bill, numbered 2, 3, and 4.

The Secretary of the Interior, the State of Alaska, two conservationists, and two representatives of the oil and gas industry have been invited to testify. Written comments on the legislation have been solicited from the Department of Energy, Department of Commerce, and the Environmental Protection Agency. Others wishing to submit written testimony to be included in the hearing record are welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Tom Williams of the committee staff at (202) 224-7145.

Mr. JOHNSTON. Mr President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, February 22, 1989, at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to consider the nomination of Adm. James D. Watkins to be the Secretary of Energy.

For further information, please contact Nancy Blush at (202) 224-3606.

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The full committee hearing will take place Tuesday, March 14, 1989, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on energy efficiency technologies and renewable energy resources as they relate to S. 324, the National Energy Policy Act of 1989.

For further information, please contact Leslie Black, committee staff, at (202) 224-9607 or David Harwood, Senator WIRTH's office, at (202) 224-5852.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging, in conjunction with the Subcommittee on Long-Term Care, and the Subcommittee on Housing and Consumer Interests of the House Select Committee on Aging, has scheduled a joint hearing to receive testimony on Residential Board and Care Facilities.

The hearing will take place on Thursday, March 2, 1989, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director of the Senate Special Committee on Aging at (202) 224-5364.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Friday, February 24, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on the Puyallup Land Claims Settlement Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Oversight of DOD's Management of Inside Information in the Acquisition Process, on February 24, 1989, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Thursday, March 9, 1989, at 2 p.m., in SR-332 to receive testimony from the Commodity Futures Trading Commission on exchange trading practices in the commodity futures markets.

For further information, please contact Ken Ackerman of the Committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February 22, 1989, at 2 p.m. in executive session to discuss the Tower nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, February 22, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON INVESTIGATIONS OF THE SELECT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Special Committee on Investigations of the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on February 22, 1989, at 10 a.m. to hold hearings pursuant to Senate Resolution 381, section 21, agreed February 26, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the full committee of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on 10 a.m., February 22, 1989, to hold hearings to consider the nomination of Adm. James D. Watkins to be the Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, February 22, 1989, at 10 a.m. to conduct hearing on "Early Education and the Future of the Skilled Workforce."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 22, 1989, at 9:30 a.m. to hold a hearing on the greenhouse effect and global change, and S. 169, the National Global Change Research Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVATE RETIREMENT PLANS AND OVERSIGHT OF THE INTERNAL REVENUE SERVICE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Private Retirement Plans and Oversight of the Internal Revenue Service of the Committee on Finance be authorized to meet during the session of the Senate on February 22, 1989, at 9:30 a.m. to hold a hearing to review the General Accounting Office report, managing IRS: actions needed to assure quality service in the future.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

● Mr. BUMPERS. Mr. President, February 16, 1989, marked the 738th anniversary of the creation of the Lithuanian state and the 71st anniversary of the restoration of the Independent Democratic Republic of Lithuania. This day serves to remind us not only of the independence of the Lithuanian state, but also of the continuing struggle for freedom of the Lithuanian people. Lithuanian Independence Day recognizes the war the Lithuanian people have fought for freedom and independence throughout their history.

The Lithuanian nation began in 1251 when Mindaugas was crowned King of the united Lithuanian principalities. By the 14th century, Lithuania had expanded its borders, improved its education and granted more freedoms to its people than any of its neighboring countries. However, despite this political and cultural progress, Lithuania was annexed by Russia in 1795 during the third partition of Poland. The Lithuanian people struggled painfully against the tsarist "Russification" policies of the late 19th century, and they were ultimately successful in maintaining their own language, religion, and traditions.

During World War I, Lithuania was overrun by the Germans. The German Government was later compelled to authorize the gathering of the 200-member congress which declared the independence of a democratic Lithuania on February 16, 1918. However, as soon as the German Army had pulled out of Lithuania's capital of Vilnius, the Red Army moved in to try to establish a Communist government. With the help of the Polish Army,

Lithuanian fighters not only drove out the Red Army, but also secured a treaty from Russia recognizing Lithuania as an independent nation.

Lithuania flourished as a democratic state during the 1920's and 1930's, establishing equitable labor laws, achieving land reform and improving education and the arts. However, Lithuania was to suffer heavily during World War II as it again became a pawn in the struggle between the Soviet Union and Germany. Beginning in 1940, the Russian Army occupied Lithuania. When the war ended, Lithuania did not return to independence, but was forcibly incorporated into the Soviet Union.

The United States rightly denounced the Soviets' aggression and has never recognized the illegal incorporation of Lithuania or any of the other Baltic States. I strongly support this long-standing policy. The international community also stands in solidarity with the Lithuanian people, as the Soviets' forceful subjugation of the Lithuanian people violates the internationally recognized norms of human rights set out by the U.N. Charter, the Helsinki accords, and the Universal Declaration of Human Rights.

The Lithuanian people are represented in the United States by a legation of officials from the former independent government. The United States policy provides inspiration to the thousands of Lithuanians who fight at great risk for freedom and democracy and the over 1 million Lithuanian-Americans who share their cause. The Lithuanian diplomatic legation serves to remind the entire world of the ultimate goal of a free and independent Lithuania.

The Lithuanian people are making progress in the fight for freedom, democracy and justice. A new, more moderate Communist Party chief has initiated many reforms which are in line with the nationalist demands of the Lithuanian people. These include making the Lithuanian flag legal again and reopening the Vilnius Cathedral which had been closed by the Russians for 30 years. The Lithuanian Government recently asked West Germany for a copy of the infamous secret protocol of the 1939 German-Soviet Treaty. Lithuanians may now learn the terrible truth of how the Nazis and Stalin planned to extinguish Lithuania's freedom.

In the last year, the congress of an organization called the Lithuanian Movement for the Support of Perestroika approved a platform calling for the curtailment of Soviet rule, wide latitude in the managing of its own economy, the creation of a Lithuanian currency, permission to maintain embassies abroad and the establishment of Lithuanian as the official language. The Lithuanian people continue to fearlessly protest the Soviet Union's policies. Last year on November 18 over 10,000 people wearing black armbands took to the streets to show their support for a declaration of national sovereignty and the supremacy of Lithuanian law over Soviet control. The Washington Post reports that on Independence Day of this year, the demand for state sovereignty was approved overwhelmingly by the leaders of the 200-member council of Sajudis, a movement that has become a powerful political force in Lithuania over the past few months.

However, despite the recent reforms and apparent openness of the Gorbachev era, Lithuania is still not free. The Soviet Union has made clear that they will not withdraw from the Baltic States nor will they allow any of them the right to secede. The Lithuanian people remain under the oppressive weight of communism and Soviet hegemony.

This week I want to join in solidarity with all Americans to salute those Lithuanians and Lithuanian-Americans who continue fighting for freedom, democracy and justice. Lithuanian Independence Day serves to remind the entire world of the struggle of these courageous people and the righteousness of their cause. In the words of Lithuanians themselves would use freely if they could, I would like to say happy independence day and let freedom return to Lithuania. Linksma neprikausombes diena. Sugryski laisve lietuvoj.

Mr. President, at this time I would like to ask that the article from the February 17 edition of the Washington Post entitled "Lithuanian Mass Movement Calls for Independence," appear in the RECORD.

The article follows:

[From the Washington Post, Feb. 17, 1989]

LITHUANIAN MASS MOVEMENT CALLS FOR INDEPENDENCE

(By Michael Dobbs)

Moscow, Feb. 16.—The largest grass-roots organization in Lithuania has broken one of the last remaining political taboos in Mikhail Gorbachev's Soviet Union by pledging to work toward the "independence" and "neutrality" of the Baltic republic.

The demand for "state sovereignty" was overwhelmingly approved at a meeting last night of leaders of the 200-member council of Sajudis, a mass movement that has emerged as a powerful political force in Lithuania over the past few months. Sajudis officials said the decision was passed with only eight opposing votes and eight abstentions.

The political goals cited in the manifesto included the restoration of Lithuania's "traditional status of neutrality in a European demilitarized zone, as well as [striving for] universally accepted human and civil freedoms, from which flows the general right of Lithuania's citizens independently to choose and develop their own forms of state-existence."

Independent mass movements and fledgling political parties in other East European countries have generally refrained from endorsing neutrality because of fears that it might exceed the bounds of Kremlin tolerance. A declaration of neutrality by the Hungarian government in 1956 was followed days later by a Soviet invasion and brutal suppression of a popular uprising.

Reflecting the dramatic change in political climate among Baltic republics over the past year, hundreds of thousands of Lithuanians today celebrated their rear nation's independence day legally for the first time in nearly 50 years.

Lithuania was absorbed into the Soviet Union in 1940 as a result of a secret pact between Nazi Germany and Joseph Stalin's regime.

The Independence Day celebrations, marking Lithuania's emergence as an independent nation after World War I, were officially endorsed by the local Communist Party, which is attempting to regain popular support. Both the party and Sajudis are putting forward candidates to contest nationwide elections for a revamped Soviet legislature on March 26.

The latest challenge from Lithuania poses new political problems for Gorbachev, who has sought to keep the lid on a resurgence of nationalist feelings in the Baltic republics over the past year. In a meeting with workers' representatives in Moscow earlier this week, the Kremlin chief said that only "extremists" or "people obsessed with personal ambition" would go so far as to demand Lithuania's secession from the Soviet Union.

Although the Sajudis manifesto did not call for the republic's immediate secession from the Soviet Union, it made clear that this was its long-term goal. It also suggested that an independent Lithuania would not remain part of the Soviet-led Warsaw Pact.

"Sajudis will follow the road to legal, political, economic and cultural independence for Lithuania, to state sovereignty, without confining itself to partial achievements," the manifesto said, citing Gorbachev's speech to the United Nations in December in which he called for all nations to be allowed to exercise "freedom of choice."

In a telephone interview from the Lithuanian capital of Vilnius tonight, Sajudis President Vytautas Landsbergis acknowledged that the manifesto marked a major "step forward" for the movement that only held its inaugural congress last October. He said that Sajudis would work toward the goals of independence and neutrality through "peaceful, legal and constitutional methods."

The manifesto goes significantly further than a controversial resolution adopted by the parliament of the nearby Baltic republic of Estonia in November that declared the republic's "sovereignty" within the framework of the Soviet Union. That resolution provoked a political showdown between Estonia and central authorities in Moscow, with Gorbachev ruling that it was "invalid" and "unconstitutional."

In private, many activists of the newly formed popular fronts that have emerged in all three Baltic republics over the last year readily concede that independence is their long-term goal. But until now, they have refrained from including this aim in official documents and resolutions.

Landsbergis said he expected Sajudis to win three-quarters of the 42 seats allocated to Lithuania in the new Congress of People's Deputies, a prediction echoed by many other political analysts. This would leave the movement in a very strong position to win a majority of seats in the Lithuanian

legislature when new elections in the republics are held in the fall.

"We will be a small minority in Moscow, but we will be in a strong moral position if most Lithuanians vote for us," said Landsbergis, who is also a professor of music.

Asked whether the resolution meant that an independent Lithuania would leave the Warsaw Pact, Landsbergis said Lithuanians had never been permitted to express freely their opinion about joining a military alliance. He described the call for a neutral Lithuania as "simply a continuation" of prewar tradition when the country was a buffer between Germany and the Soviet Union.

With its relatively homogeneous population, Lithuania has a more solid base of support for an independent, nationally inspired mass movement than either Estonia or Latvia. Native Lithuanians account for about 80 percent of Lithuania's population of 3.5 million, in contrast to Latvia, where Russian and other Slav immigrants are almost as numerous as native Latvians.

During the Independence Day celebrations, about 200,000 people gathered in the prewar capital of Kaunas to mark the reopening of the Liberty Monument in the city center. The last foreign minister of independent Lithuania, Guozas Urbsys, now 92, told the crowd that he hoped that the republic would one day enjoy real independence again.●

TIME AND HISTORY ON THE HILL

● Mr. GRAHAM. Mr. President, I would like to present to you and my Senate colleagues a speech given by David McCullough at the Bicentennial Research Council on February 10, 1989. This address, titled "Time and History on the Hill," shows keen insight and awareness about the politics and politicians that shaped this great Nation. I would like to share this perceptive essay with the American public by printing it in the RECORD.

The remarks follow:

TIME AND HISTORY ON THE HILL

(By David McCullough)

Simon Willard was never a member of Congress in the usual sense. He was never elected to anything as far as I know. Simon Willard of Roxbury, Massachusetts, was a clockmaker early in the nineteenth century and he did it all by hand and eye.

"In cutting his wheel teeth," reads an old account, "He did not mark out the spaces on the blank [brass] wheel and cut the teeth to measure, but he cut, rounded up and finished the teeth as he went along, using his eye only in spacing, and always came out even . . . It is doubtful if such a feat in mechanics was ever done before, and certainly never since."

The exact date is uncertain, but about 1837, when Simon Willard was in his eighties, he made a most important clock. I will come back to that . . .

In 1863, the year of the Battle of Gettysburg, the year the bronze statue of "Freedom Triumphant" was hoisted to the top of the new Capitol dome, a young man from Augusta, Maine, a former newspaper editor, came to Washington to begin his first term in Congress. Six years later, at age 39, he was elected Speaker of the House. He became a senator, Secretary of State, and candidate for president in 1884—and all largely by force of personality, since, being from Maine, he had none of the advantages of politicians from the big industrial states.

He was James G. Blaine, the "Plumed Knight" of the Republican Party, the most exciting political figure of his day. He was of "stalwart, well-proportioned physique," we read, and, at the peak of his career, silver-bearded with large bright eyes and great personal magnetism. As the famous Mulligan letters revealed, he was also not entirely incorruptible.

Blaine's career is like to a lens on the whole Gilded Age. His nemesis here on the Hill was Roscoe Conkling of New York, and the clash of their ambitions is one of the vivid theater pieces in the history of Congress. Conkling was gorgeous. He carried a sun umbrella, wore bright bow ties, fawn-colored vests, and shiny, pointed shoes. He had built himself up with hard exercise and walked with his chest swelled out—walked, as Blaine said, with a "majestic, supereminent, overpowering turkey-gobbler strut."

Blaine's red brick mansion still stands at DuPont Circle. But for a margin of just 600 votes in New York, he, not Grover Cleveland, would have become president.

I've been thinking what a wonderful book could be written about James G. Blaine.

I think also of the possibilities in Thomas Bracket Reed or Joseph Gurney Cannon, two more Speakers of the House, who, each in his way, ran the House with an iron hand in the decades after Blaine.

"Czar" Reed stood six-foot-three and weighed nearly 300 pounds. An observer noted, "How narrow he makes the street look." Henry Cabot Lodge, Sr., who was no easy judge of ability, called him "the greatest parliamentary leader I ever saw." His wit was famous. When he first saw his portrait by John Singer Sargent, the portrait that hangs in the Speaker's Lobby, Reed remarked, "All my enemies are avenged."

Reed disliked long speeches. He thought the purpose of legislation was to accomplish something. He had his principles. Bitterly opposed to the imperialist impulses of the day, he gave up his power and resigned from Congress, rather than "go along."

And then there was Cannon—Uncle Joe Cannon from Danville, Illinois. "I have oats in my pocket and hayseed in my hair," he liked to say. It was the new twentieth century. The talk everywhere was of reform. But Uncle Joe wanted no change. He ran the Rules Committee and the Rules Committee decided which bills were considered and which weren't.

"Every thing is all right out west and around Danville," he would say. "The country don't need any legislation."

He was a tough, cigar-chewing, profane, and exceedingly shrewd old pol. And memorable. When a bill came up to add a new function to the U.S. Commission of Fish and Fisheries, making it the U.S. Commission of Fish and Fisheries and Birds, Cannon protested because he didn't like adding "and Birds" . . . "and Birds" was new and therefore unacceptable.

Uncle Joe Cannon was the first person ever on the cover of Time magazine. He was the man for whom this building was named. The insurrection that brought him down, a revolt in the House in 1910 led by George Norris, was one of the turning points of national politics in this century.

I think how fine it would be to have substantial, up-to-date biographies of Blaine, Reed, and Cannon. And the fact that there are none. The last book about Blaine appeared more than fifty years ago.

But then there are no adequate biographies of an astonishing array from both the House and the Senate. There is no adequate biography of Justin Morrill of Vermont, author of the Land Grant College Act, the Morrill Tariff, champion of the Library of Congress and the building of the Washington Monument, who served 12 years in the House, 32 years in the Senate . . . no adequate biography of Senator Burton K. Wheeler, the Montana liberal who fought to keep America out of the Second World War . . . no biography of Congressman and Senator Jimmy Byrnes, who was widely regarded as the most skillful politician of his day and judged privately by Franklin Roosevelt as the man best equipped to replace him as President.

There is no biography of Carl Hayden, who served forty-one years in the Senate, longer than anyone ever, or of Joe Robinson, the tenacious Democratic majority leader whose sudden death in 1937, in an apartment not far from here, meant defeat for Roosevelt's court-packing scheme.

We have John Garraty's life of Henry Cabot Lodge, Sr., but none of Henry Cabot Lodge, Jr. Go to the library for a good biography of Alben Barkley or Speaker Joe Martin and you won't find one. They don't exist. The only biography of Senator Arthur Vandenberg, without whom there would have been no Marshall Plan, ends in 1945, when his career was just taking off.

The twentieth century senator who has been written about most is Joe McCarthy. There are a dozen books on McCarthy. Yet there is no biography of the extraordinary senator who had the courage to first stand up to him—Margaret Chase Smith.

"I speak as a Republican," she said on the floor of the Senate. "I speak as a woman. I speak as a United States Senator. I speak as an American. I don't want to see the Republican Party ride to political victory on the four horsemen of calumny—fear, ignorance, bigotry, and smear."

We have books on people like Theodore Bilbo and Huey Long, but no real biographies of George Aiken or Frank Church.

Richard Russell of Georgia, one of the most respected and influential figures ever to serve in the Senate, used to take home old bound copies of the Congressional Record, to read in the evenings for pleasure. He loved to read the great debates and orations of the last century and would remark to his staff how strange it made him feel to realize that those who once held such sway, and so often effected the course of American life, were entirely forgotten. . . .

And no, there isn't yet a biography of Richard Russell.

You wonder how many who stream in and out of this building every day, or its Senate counterpart, the Russell Building, have any idea who Joe Cannon or Richard Russell were?

What a shame! And what an opportunity! On this bicentennial occasion, I might better say what a golden opportunity!

Important books are waiting to be written. And not only about such singular individuals.

No historian has yet taken a look at the dominance of the Democratic Party here on the Hill over the past half century, to see what that has meant to Congress and to the nation.

The Foreign Relations Committee is another major subject that has still to be done.

The struggle in the Senate over the Panama Canal treaties is an important story

and time it was told, while there are so many who can talk about what went on and why. It not only changed our policy toward Panama and the Canal, but cost several prominent senators their seats.

A great book is waiting to be written about the Senate during the momentous years of the New Deal. Think of who was in the Senate—Hugo Black, Robert Wagner, Barkley, Harry Truman, Cotton Ed Smith, Huey Long, Vandenberg, old Borah, the Lion of Idaho, George Norris.

For some strange reason, there is not even a first-rate history of the Capitol, nothing comparable to William Seale's history of the White House. The Capitol grew in stages, as America grew; it is really an assembly of different buildings, representative of different times. In a great book on the Capitol, the building would become a metaphor for the story of our national life.

The plain fact is we historians have neglected Congress. Two hundred years after the creation of Congress, we have only begun to tell the story of Congress. Maybe this occasion can help inspire a change in outlook.

The material available is surpassing. The Blaine papers, for example, include hundreds of letters, diaries, scrapbooks, notebooks, speeches, telegrams, financial records, more than 7,000 items—all in the Manuscript Division of the Library of Congress, and all on microfilm.

The Jimmy Byrnes papers are at Clemson University, the Margaret Chase Smith papers at her library in Skowhegan, Maine. The Barkley papers—an immense collection—are at the Barkley Museum at Paducah, Kentucky, and at the University of Kentucky. For the New Deal years in the Senate, there are, among other collections in the Library of Congress, the exceptionally revealing papers of Hugo Black.

Thornton Wilder once said that he wrote what he did in order to discover a new book on his shelf that he would enjoy reading, or to see a new play that would engross him.

A book I would love to read would begin in Washington at the time John Quincy Adams was elected to the House of Representatives. That was in 1830. Adams was 63, his great years behind him, supposedly. As a boy of seven, standing with his mother on a distant knoll, he had watched the Battle of Bunker Hill. At fourteen he was a diplomatic secretary at the court of Russia's Catherine II, at 28, minister to The Hague. He was minister plenipotentiary to Russia at the time of Alexander I. He saw Napoleon return to Paris from Elbe. He became Secretary of State under Monroe, then Senator, then President.

But now, as no president ever had, he returned to serve in the House and was openly thrilled about it. "No election or appointment conferred upon me ever gave me so much pleasure," he wrote in his diary. And it was in the House that he had his finest hours.

Small, fragile, fearing no one, he spoke his mind and conscience without stint. He championed scientific inquiry. To no one in Congress are we so indebted for the establishment of the Smithsonian Institution. With Congressman Lincoln of Illinois and Corwin of Ohio, he cried out against the Mexican War, and for nine long years, almost alone, he battled the infamous "gag rule" imposed by southerners to prevent any discussion of petitions against slavery. Adams hated slavery, but was fighting, he said, more for the unlimited right of citizens to have their petitions to Congress heard, no matter what the subject. It was a noble fight and in the end he won. The gag rule was permanently removed.

"To withstand multitudes is the only unerring test of decisive character," he said.

Adams' diaries stand at the forefront of our political literature. They are beyond compare. His main concerns were problems brought on by what have been two great recurring themes in the history of Congress down to our own time—the phenomenal growth of the country and civil rights. But he tells us also of his morning swims in the Potomac, the books he is reading, the poetry he is writing, of friends and family, and the tragic death of his coachman in an accident by the Capitol. We meet Charles Dickens, Davey Crockett, and Congressman James Blair of South Carolina who carried a loaded pistol with him in the House. We learn that President Van Buren is "growing inordinately fat." Of Speaker of the House James K. Polk, Adams writes: "He has no wit, no literature, no point of argument, no gracefulness of delivery, no elegance of language, no philosophy, no pathos, no felicitous impromptus; nothing that can constitute an orator, but confidence, fluency, and labor."

Congressman John Quincy Adams is a reminder that heroes can come in all shapes and sizes. This is an entry from March 29, 1841:

The world, the flesh, and all the devils in hell are arrayed against any man who now in this North American Union shall dare to join the standard of Almighty God to put down the African slave trade; and what can I, upon the verge of my seventy-fourth birthday, with a shaking hand, a darkening eye, a drowsy brain, and with all my faculties dropping from me one by one, as the teeth are dropping from my head—what can I do for the cause of God and man . . . Yet my conscience presses me on; let me but die upon the breach.

And how he loved the House of Representatives:

The forms and proceedings of the house [he wrote one February] this call of the States for petitions, the colossal emblem of the Union over the Speaker's chair, this historic Muse at the clock, the echoing pillars of the hall, the tripping Mercuries who bear the resolutions and amendments between the members and the chair, the calls of ayes and noes, with the different intonations of the answers, from different voices, the gobbling manner of the clerk in reading over the names, the tone of the Speaker in announcing the vote, and the varied shades of pleasure and pain in the countenances of the members on hearing it, would form a fine subject for a descriptive poem.

The diaries were published in the 1870's in 12 volumes. That was only part of it. The complete diaries, if published, would run to thirty volumes. And they are all in the Massachusetts Historical Society.

Some nights Adams returned to his lodgings so exhausted he could barely crawl up the stairs. In the winter of 1848, at age 80, after nearly twenty years in Congress, he collapsed at his desk in the old House chamber, present-day Statuary Hall. A brass plate in the floor marks the place.

He was carried to the Speaker's office and there, two days later, he died. At the end Henry Clay in tears was holding his hand. Congressman Lincoln helped with the funeral arrangements. Senator Daniel Webster wrote the inscription for the casket.

The story of Adams' years in the House is one of the great chapters in American history, and a book that does it justice is waiting to be written.

His replacement in the House, incidentally, was Horace Mann, whose young wife back in Massachusetts saved the long letters he wrote describing in colorful detail all that was going on in Washington. Like many intellectuals of the time, Horace Mann was keen on phrenology and would occasionally visit the Senate to pursue this interest. In one letter he writes of contemplating the large head of Daniel Webster and noting all the bad bumps.

Today is an anniversary of an important event in the annals of Congress. On February 10, 1941, forty-eight years ago today, Senator Harry Truman rose in the Senate to propose the establishment of a Special Committee to Investigate the National Defense Program. It was an historic moment in the course of the Second World War, not to say a turning point in Truman's life.

He had come to Washington six years earlier, handpicked for the Senate by Boss Tom Pendergast of Kansas City whose parting words were, "Work hard, keep your mouth shut, and answer your mail." In the Senate he was befriended by the illustrious J. Hamilton Lewis of Illinois, a Senator of the old school who still wore spats and wing collars, as well as a pink toupee to mach his pink Vandyke whiskers. Lewis told him, "Harry, don't start out with an inferiority complex. For the first six months you'll wonder how the hell you got here, and after that you'll wonder how the hell the rest of us got here."

Truman was assigned one of seven seats that had to be installed in back of the back row on the Democratic side, so disproportionately large was the Democratic majority. And as he would write, he was under a cloud, because of his background. He was spoken of as the Senator from Pendergast.

But the committee he proposed at the start of his second term, what became known as the Truman Committee, changed all that and much more. "Looks like I'll get something done," he wrote to his wife, Bess.

It was one of the best-run, hardest-working, most effective committees in the history of Congress. It looked into waste and mismanagement in the construction of army camps, investigated arms production, government contracts, the stockpiling of vital materials. What it turned up was often alarming. There was too little aluminum and copper. Standard Oil of New Jersey, through agreements with the German firm of I.G. Farben, had intentionally delayed the development of synthetic rubber plants. Testifying about contracts with the Navy, one shipyard representative said that if it weren't for taxes his company could not have handled its profits with a steam shovel.

Curtiss-Wright was discovered building faulty airplane engines for delivery to combat forces. An incredible project called Canol, for Canadian Oil, was uncovered, a scheme to build an oil pipeline from Canada to Alaska. It had been launched with little thought to the realities of terrain, climate, the views of oil experts, or whether it was even necessary. The project wound up costing $134 million, all money that need never have been spent.

It was the Truman Committee, not the Bureau of Ships, that recognized the virtues in the Higgens landing craft, the famous, hinge-prowed landing craft for amphibious assault, and saw that it was put into production.

Altogether the Committee issued more than fifty reports resulting from more than

400 hearings. Amazingly, all the reports were unanimous. Amazingly, the chairman permitted no grandstanding by members, no browbeating of witnesses, and virtually no politics.

Truman understood that his efforts, if mishandled, could delay the whole defense effort. And he knew the risks he was running politically—since many of the faults and abuses uncovered might well be traced to mismanagement at the White House.

From his reading of Civil War history, he knew the damage that could be done in a time of emergency if a President was subjected to constant congressional harassment. The powerful Joint Committee on the Conduct of the War had been a constant headache for Abraham Lincoln, causing the Union effort repeated trouble and delays. Robert E. Lee once remarked that the Committee had been worth two divisions to him, a remark Truman often quoted.

In the thousands of pages of Truman Committee testimony on file at the National Archives, there are also occasional moments of inadvertent humor.

This is an example from Entry 45 of Record Group 46, the Committee's investigations of the steel industry, a collection filling 13 boxes.

It had been found that the Carnegie-Illinois Steel Company, through various forms of trickery in their record books, was supplying the Navy with substandard steel plate for ships—a practice that had gone unnoticed until a new tanker, the *Schenectady,* broke up and sank at Portland, Oregon. On March 23, 1943, the chief specifications manager for Carnegie-Illinois, a man named Murray Stewart, appeared before the Committee. He was being questioned by the Committee's chief council, Hugh Fulton:

FULTON. In other words—you would make up a chemical analysis which you thought would fit what the steel should have been.

STEWART. That is right.

FULTON. And how would you deal with that in that particular record book?

STEWART. In order to keep our records so that we would know when it was an incorrect heat number, we would enter it in this book in pencil.

FULTON. How are the other entries made?

STEWART. They are made in ink.

FULTON. And did you, in addition to making them in pencil, put any prefix letter in front of them?

STEWART. It was a common practice to put an "F."

FULTON. What did "F" mean?

STEWART. Fake.

FULTON. You told our investigator originally that it meant phone.

STEWART. That is right—The investigator was a stranger to me and I was sort of pressed for something to say at the moment.

Estimates were that the Truman Committee saved the country as much as $15 billion, which is probably too high a figure. But it was a very great sum in any event. The most important "power" of the Committee was its deterrent effect. Fear of public exposure by the Committee was enough in itself to cause any number of people in industry, government, and the military to do their jobs properly, thereby saving thousands of lives.

Truman loved the Senate. He had never imagined he would rise so high, and once there, never wished for anything more. It was the highest time in his life, as he often said.

In a poll of Washington correspondents, Truman was named one of the ten men in Washington who had done the most for the war effort and he was the only one on the list from either branch of Congress.

But what if Harry Truman had never become President? How many today would ever have heard of him or know what he did? Would we care? Probably not, to judge by the attention Congress has received.

Even as it is this part of his background is little known. The common conception is that he came out of the blue, the unknown vice presidential choice in 1944. I have only learned to appreciate the full importance of what he did in the Senate because I am writing a book about him. When I say we historians have neglected Congress, I am including myself.

There are, of course, splendid books about Congress. I like especially Harry McPherson's "A Political Education" and Allen Drury's "A Senate Journal," covering the years 1943 to 1945, which, to my mind, it is better even than his famous novel, "Advise and Consent." I like Alvin Josephy's "On the Hill," a good one-volume history, and the fine recent biography of Sam Rayburn by D.B. Hardeman and Donald Bacon. Now, in this bicentennial year, comes volume one of Senator Robert Byrd's monumental history of the Senate.

But compared to what has been published about presidents and the presidency, we have hardly begun. The field is wide open. The opportunity for a new generation of outstanding congressional scholars couldn't be greater.

Important work has been done in Congressional studies in recent years thanks to Congress itself—by the Senate Historical Office under Richard Baker, and the House Office of the Bicentennial under Ray Smock. The Senate biographical directory has been updated and greatly improved. The new Guide to the research collections of former members of the House is a reference of a kind never available before.

We are all of us so accustomed to seeing our history measured by the presidency that we forget the extent to which the real story of the country can be found here.

Beside Congress, the presidency seems clear and orderly. Its terms of office are nicely defined. The cast of characters is manageable in number. The protagonists take their turn one at a time.

Congress, on the other hand, rolls on like a river. Someone said you never cross the same river twice. Congress is like that—always there and always changing. Congressional terms overlap. Individuals come and go with little or no fanfare. Influences change, recede, return. The talk, the rumpus go on endlessly. The stage is always crowded and yet it's never the same crowd exactly.

And then there is all the posturing and humbug and so much that has been so overwhelmingly boring.

But let us make no mistakes. Victories have been won here, decisions of courage and vision achieved here, moments of high purpose and creativity, that are as great and inspired as any in our whole record as a people.

Congress is a representative institution. And it is as representative of our past as any institution, maybe more so.

This, as they say—this as perhaps we cannot say too often—is where the people are heard.

Asked once why he chose history for his life's work, Dumas Malone said, "I could not fathom the nature of God or the meaning of the universe. I had to settle for humanity, so I turned to history, which deals with people."

In two hundred years, 11,220 human beings have served in Congress, in the House and Senate. A large cast indeed. And while the proportions of black Americans, of women, of Hispanic and Asian Americans, and native Americans do not reflect the country at large, it is nonetheless a cast of many different faces, many voices. . . .

We need to know more about Congress because we need to know more about leadership. We need to know more about Congress because we can never know enough about human nature.

We may also pick up some ideas. It seems to me, for example, given what we know of defense spending in recent years, that this would be an excellent time to bring back the Truman Committee.

Above all, we need to know more about Congress because we are Americans. We believe in governing ourselves.

For those of us who write and research and publish history, the object should not only be more books about Congress, but better books. Our research must be more imaginative. We must go beyond surface appearances, look more closely at our subjects, see politics more in the context of American society and American culture at large. We must write better—with greater feeling for the human condition, greater empathy, remembering always that those who went before us had no more idea how it was all going to turn out than we do.

Who were those very human beings in the old bound volumes of the Congressional Record? What moved them? How were they different from us. For whom did they speak? Maybe everything really was all right around Danville. It would be interesting to know.

History, history, history. How can we know who we are or where we are heading if we don't know where we have come from?

I have decided the digital watch is a perfect symbol of much that is out of balance in our day. It tells us only what time it is now, at this instant, as if that were all anyone would wish to know, or need to know.

Which brings me back to Simon Willard.

In the years when the House of Representatives met in Statuary Hall, all deliberations were watched over by the muse of history, Clio. She is there still over the north doorway, riding the winged Car of History, as it is called, keeping note in her great book. The idea was that those who sat below would take inspiration from her. They would be reminded that they too were part of history, that their actions would face the judgment of history, that they themselves were part of a great heritage. In today's House, unfortunately, there is no such reminder. There are only the television cameras.

Clio and the Car of History are by an Italian sculptor named Carlo Franzoni of Carrara. The clock in the foreground is by Simon Willard. As I said earlier it was installed about 1837. Its inner workings, cut freehand by Simon Willard, ticked off the minutes and hours through debate over slavery, the annexation of Texas, a declaraton of war on Mexico, tariffs, postal service, the establishment of a Naval Academy, statehood for Arkansas, Michigan, Wisconsin, matters concerning immigration, the Gold Rush, statehood for California, the fateful Kansas-Nebraska Act, as well as the final hours of John Quincy Adams.

It is also a clock with two hands and an old-fashioned face, the kind that shows what time it is now . . . what time it used to be . . . and what time it will become.

And it still keeps time.

On we go . . .

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JOHNSTON. Mr. President, in accordance with section 2 of Senate rule 26, I submit the Rules of the Committee on Energy and Natural Resources for publication in the CONGRESSIONAL RECORD.

The rules of the committee follow:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, *Provided*, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless ten Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request on any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: *Provided,* That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

FULL COMMITTEE ISSUES

Jurisdiction of the Full Committee includes oversight and legislative responsibilities for strategic petroleum reserves; intergovernmental relations; Outer Continental Shelf leasing; investigation and oversight; international energy affairs; global climate change; natural gas pricing and regulation; utility policy; nuclear waste and insurance programs; territorial affairs including Commonwealths; Free Associated States; and Antarctica. [In addition, other issues are retained in the Full Committee on an ad hoc basis. Generally, these are issues which (1) require extremely expeditious handling or (2) substantially overlap two or more subcommittee jurisdictions, or (3) are of exceptional national significance in which all Members wish to participate fully.]

MEMBERSHIP AND JURISDICTION OF SUBCOMMITTEES

[Italic denotes Republican Members]

Subcommittee on Energy Regulation and Conservation

Howard M. Metzenbaum, Chairman
Bill Bradley
Jeff Bingaman
Timothy E. Wirth
Don Nickles
Frank H. Murkowski
Pete V. Domenici

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for Federal energy conservation programs; energy information; commercialization of new technologies (e.g., wind, solar, ocean thermal energy conversion); liquefied natural gas projects; oil and gas pipelines and pipeline regulation including regulation of Alaska Natural Gas Transportation System, Trans-Alaska Pipeline System, and other oil or gas pipeline transportation systems within Alaska (e.g., the Trans-Alaska Gas line system); regulatory functions of ERA; refinery policy; gasoline rationing; emergency preparedness; petroleum allocation; and coal conversion.

Subcommittee on Energy Research and Development

Wendell H. Ford, Chairman
John D. Rockefeller IV, Vice Chairman
Dale Bumpers
Howard M. Metzenbaum
Timothy E. Wirth
Howell T. Heflin
Pete V. Domenici
Mitch McConnell
Don Nickles
Conrad Burns
Jake Garn

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for nuclear R&D; coal and synfuels R&D; nuclear and nonnuclear energy commercialization projects; nuclear fuel cycle policy, including uranium resources; new technologies R&D (e.g., conservation, solar, OTEC, and MHD); nuclear facilities siting; and breeder reactor development.

Subcommittee on Mineral Resources Development and Production

Jeff Bingaman, Chairman
Howell T. Heflin, Vice Chairman
Dale Bumpers
Wendell H. Ford
Kent Conrad
Frank H. Murkowski
Mitch McConnell
Malcolm Wallop
Don Nickles

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for energy and nonfuel mineral resources; Federal mineral leasing; national mining and minerals policy and general mining laws; surface mining, reclamation and enforcement; coal production, distribution and utilization; oil and gas production and distribution; mining education and research; minerals exploration development and production from public and acquired lands; mineral conservation; royalty management; coal severance tax, Naval Petroleum and Oil Shale Reserves; deep water ports; and deep seabed mining.

Subcommittee on Public Lands, National Parks and Forests

Dale Bumpers, Chairman
Timothy E. Wirth, Vice Chairman
Bill Bradley
Jeff Bingaman
Kent Conrad
John D. Rockefeller IV
Malcolm Wallop
Mark O. Hatfield
Conrad Burns
Jake Garn
Pete V. Domenici

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for the public lands administered by the Bureau of Land Management; National Forest System; National Park System; National Wilderness Preservation System; Wild and Scenic Rivers System; National Trails System; establishment of wildlife refuges on public lands; Alaska Native Claims Settlement Act; Alaska National Interest Lands Conservation Act; reserved water rights; military land withdrawals; national recreation areas; national monuments; historic sites; military parks and battlefields; Land and Water Conservation Fund; historic preservation; renewable resources; outdoor recreation resources; and on the public domain, preservation of prehistoric ruins and objects of interest.

Subcommittee on Water and Power

Bill Bradley, Chairman
Kent Conrad, Vice Chairman
Wendell H. Ford
Howard M. Metzenbaum
Howell T. Heflin
Conrad Burns
Mark O. Hatfield
Jake Garn
Malcolm Wallop

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for irrigation; reclamation projects; including related flood control purposes; power marketing administrations (e.g., Bonneville Power, Alaska Power, Southwestern Power, Western Area Power, Southeastern Power); energy development impacts on water resources; groundwater resources and management; small power producers; hydroelectric power; low head hydro.●

AIRCRAFT REPAIR

● Mr. METZENBAUM. Mr. President, I rise today to offer my support for S. 344, a bill designed to maintain high standards of airline safety and save thousands of American jobs. I would like to commend my colleague Senator NICKLES, for introducing this important legislation.

Mr. President, I support S. 344 for three compelling reasons. At a time when many American jobs are being transferred overseas, it is imperative that we do everything we can to encourage American companies to keep American jobs on American soil. It is bad public policy for the Federal Aviation Administration, after encouraging U.S. airlines to create the best aircraft maintenance facilities in the world, to go out and issue a rule that undermines these very facilities. Labor organizations and leaders in the airline industry agree; the FAA's new rules governing foreign repair stations are injurious to our own airline industry.

Mr. President, this legislation is not only about saving American jobs. The safety of the skies is also an issue. This bill will ensure that U.S. planes are maintained by the best equipped and most qualified aircraft mechanics in the world—our own. Given the awesome logistical problems presented by adding over 200 repair stations worldwide, I do not believe it is possible for the FAA to guarantee that all repairs performed at foreign repair stations are of the same quality as those performed on American soil. That is a risk we cannot afford to take.

Finally, Mr. President, I must mention a matter that makes this legislation all the more pressing: the specter of international terrorism. With every U.S. plane that is maintained overseas comes an increase in the potential for sabotage. In an age of sophisticated destruction, it is imperative that we maintain the tightest possible control

over the personnel servicing U.S. aircraft.

Mr. President, S. 344 is a balanced bill that represents a logical approach to the changing world of aviation. For the sake of American jobs, our airline industry, and public safety, I urge swift action on this much needed measure.●

RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

● Mr. BOREN. Mr. President, paragraph 2 of Senate rule XXVI requires that, not later than March 1 of each year, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

The rules follow:

RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of five committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2 Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3 Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPENAS

Subpenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpenas. Each subpena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 *Notice.*—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 *Oath or Affirmation.*—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 *Interrogation.*—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 *Counsel for the Witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 *Statements by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement

for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 *Inspection and Correction.*—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 *Requests to Testify.*—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 *Contempt Procedures.*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the Committee to forward such recommendation to the Senate.

8.10 *Release of Name of Witness.*—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, the Clerk of the Committee shall be notified. The Clerk of the Committee shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or other materials or other information received by the Committee except as authorized by the Committee in accordance with Section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, employees of the Members of the Committee assigned to the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the general supervision of the Chairman and Vice Chairman of the Committee. Except as otherwise provided by the Committee, the duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.●

UNITED STATES SHOULD AID NICARAGUA TOO

● Mr. SIMON. Mr. President, I was pleased and heartened by this Nation's response to the difficulties in Armenia following the earthquake there.

I had the opportunity to ask top officials in both the Defense Department and the State Department for their assistance on some specific problems, and both Departments gave their quick and full support.

We responded in a humanitarian way, despite our political difficulties with the Soviet Union.

But when Nicaragua had the most devastating hurricane in that small nation's history, unfortunately, our response was not the same.

Recently, Bishop Herbert W. Chilstrom, the presiding bishop of the newly merged Evangelical Lutheran Church in America, the largest body of Lutherans, had an editorial piece in the Chicago Tribune urging response to the needs in Nicaragua.

I applaud his sensitive and compassionate statement. My belief is, as we respond to human needs, some of the political difficulties between nations diminish. There is an abundance of historical evidence of that reality.

I ask to insert Bishop Chilstrom's statement in the RECORD at this point. And I urge my colleagues to read it.

The article follows:

[From the Chicago Tribune, Dec. 30, 1988]

A TIME TO BUILD UP: THE UNITED STATES SHOULD AID NICARAGUANS, TOO

(By Herbert W. Chilstrom)

"For everthing there is a season . . . a time to bring down and a time to build up."—Ecclesiastes 3.

The holidays are a time for peace, giving and forgiving. In church and synagogue we hear reminders that the effort to bring order and stability to our world is costly. It is a time for looking again at our assumptions, for changing our outlook, for taking action to bring reconciliation in all of our relationships—personal, family, national and international.

This year the holidays highlight dramatic developments on the world scene. We rejoice during the closing days of the Reagan administration in progress toward peace and reconciliation in a number of the world's trouble spots, such as Afghanistan, the Middle East and Namibia/Angola. In the midst of actions of revenge and terrorism, we celebrate these advances. Along with the easing of superpower tensions which they reflect, they make our fragile planet seem a more human place.

Celebrating our common humanity is marred by our government's refusal to offer emergency assistance to Nicaragua following the devastating hurricane of Oct. 22, the worst national disaster ever to strike that small nation. The political motivation underlying this decision is apparent in that the Reagan administration wasted no time in aiding neighboring Costa Rica, far less seriously affected by the same storm. Appeals from members of Congress and private relief groups that the decision be reversed have been turned down.

The administration expresses doubts that the Nicaraguan government could be trusted with U.S. aid, or would accept it if offered. Initial statements by Nicaraguan officials did create confusion about whether U.S. aid would be welcome, and earlier U.S. assistance with a heavily political agenda was rejected. Nicaraguan officials have since indicated, however, that they would welcome genuine relief aid from the U.S. government. The stumbling block appears to be the administration's unwillingness to assist people living under a government it views as hostile to U.S interests.

During the 1984-85 famine in Ethiopia, the Reagan administration acknowledged that those in urgent need of humanitarian assistance should not be held hostage to political agendas. "A hungry child knows no politics," the President stated in explaining why U.S. aid was making its way to people in a Marxist nation. U.S. leadership in the international famine relief effort became a major political plus, strengthening the association of our nation with humane values.

The U.S. response to the Nicaraguan disaster contains a major irony. The denial of humanitarian aid, questionable in itself, seems doubly dubious now that the U.S. is providing earthquake aid to the Soviet Union. Fortunately, political differences were not allowed to impede humanitarian action as the U.S. government moved with dispatch to provide almost $1 million in emergency assistance to Armenian earthquake victims, the first such U.S. aid accepted by the Soviet Union since World War II.

Last fall, an invitation from Bishop Medardo Gomez, head of the Lutheran Church in El Salvador, gave me an opportunity to experience firsthand the human situation in that country and in neighboring Nicaragua. I was overwhelmed by what I encountered. Life in Nicaragua, after seven years of civil strife, is harsh. But there is an incredible will on the part of people to put together a society that works. Before the hurricane many people lacked the bare essentials: food, clothing, housing, medical care. The situation has worsened in the wake of the hurricane. I was humbled to learn that in the midst of this deprivation Nicaraguans are donating their blood to help the Armenian earthquake victims.

It is not too late for the United States to help Nicaraguans affected by the hurricane. Aid should be made available in amounts proportionate to the need. Given the politicalization of U.S. aid to Central America during the decade, Nicaraguan hurricane relief should be channeled through respected and impartial international and private agencies.

Aid should be provided promptly. The longer aid is delayed, the greater the need will be for reconstruction rather than emergency assistance. Reconstruction aid is less possible under the restrictions of current law. If the Reagan administration does not come forward with such aid, the Bush administration should make it an early action item.

The time is ripe to initiate a new era of reconciliation and peaceful dialogue with our neighbors to the south. As we have normalized relationships with socialist governments in other parts of the world, we can now do the same with nations in our own hemisphere.

The holidays remind us of the need for magnanimity rather than mean-spiritedness in our dealings with others. The humanitarian assistance provided by the U.S. government to people in Armenia and Ethiopia better reflects fundamental American values than the denial of such aid to people

in Nicaragua. It is time for us to reach out to people in ways which affirm our common humanity and common future with all the world's people.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DIXON. Mr. President, February 16, 1989, marked the 71st anniversary of the Declaration of Independence of Lithuania.

June 14, 1989, will mark the 49th anniversary of the date on which the Soviets, acting on the Molotov-Ribbentrop Pact and in collusion with Nazi Germany, began their occupation of the then-sovereign state of Lithuania and the deportation of thousands of Lithuanian citizens to Siberia, few of which ever returned.

The people of Lithuania and their relatives worldwide, many of whom reside in my home State of Illinois, have a praiseworthy record of peacefully resisting Soviet occupation of their land, deportation of their peoples and Russification of their culture.

Recently, Roman Catholic Mass was allowed to be openly celebrated for the first time in more than 40 years in Vilnius, Lithuania, in what is viewed as an improvement in church-state relations there. Thousands worshipped at the cathedral.

Last week, the Moscow Government declared Lithuanian Independence Day to be an officially approved legal holiday in Lithuania and it allowed peaceful demonstrations to take place. More than 200,000 participated.

At first glance, these actions by the U.S.S.R. prompted by the mood of glasnost, would seem significant. Upon closer inspection, however, it appears that little perestroika, or real, meaningful change has taken place. Lithuania cannot set its own self-determined course. General Secretary Gorbachev was quoted in Pravda as saying that those who desire Lithuania's cultural, political, economic, and legal secession from the Soviet Union are to be regarded as extremists pursuing an unconstitutional agenda.

In addition, the Lithuanian reform movement, Sajudis, had invited 50 foreign guests to attend a series of cultural and political events in Lithuania for Independence Day. The Soviet Union refused to grant visas to eight Americans, including four Chicagoans, but it did grant them to invitees of other Western nations. This action by Moscow to disallow participation in the commemoration day events in Lithuania violates the spirit of the agreed to Vienna Concluding Document on Human Rights of 1986-89, which provides for the contact between members of national minorities who reside both within and outside of the Soviet Union. It is my hope that this action by Moscow will not set a precedent for Western nondiplomats who may wish to travel to Moscow for the 1991 Conference on Human Rights. This 1991 Conference was also agreed to at the Vienna Conference. Also, the demands for more autonomy by Sajudis of Lithuania and the popular fronts of Estonia and Latvia should not impede full participation in the Conference by westerners.

I am completely committed to freedom, independence, and self-determination for Lithuania and the Baltic States. We must never forget the Lithuanian struggle. For, when we support the people of Lithuania, we support the pursuance of freedom and liberty in the United States and everywhere. And when we continue our support of Lithuania, we know that one day freedom will come to Lithuania. Tegyvuoja Laisvoji Lietuva! (May Lithuania be free!)●

RAOUL WALLENBERG

● Mr. BOSCHWITZ. Mr. President, for many years I have been deeply moved by the story of Raoul Wallenberg, a Swedish national and honorary American citizen who disappeared in Budapest during the closing months of World War II. Wallenberg was sent to Hungary at the request of American representatives in late 1944 for the seemingly impossible task of saving the lives of as many Hungarian Jews as possible from the Nazi death camps.

Doing the incredible in a nightmarish situation, Wallenberg was able to save literally thousands of lives by providing the Jews of Hungary with the protection of the Swedish flag and Swedish documents. All this was done against the confusion and anarchy of the German retreat from central Europe and the Red Army's advance.

In January 1945, Wallenberg disappeared after going to meet the Soviets. He has not been heard from since, although there have been a number of reports over many years that he continued to be alive in Soviet captivity. Although the Soviets have long claimed that he died in 1947, they have never offered even the slightest supporting evidence for this assertion. His fate remains an agonizingly unsolved question left over from one of the most tragic events in history, the destruction of Europe's Jews.

Raoul Wallenberg was a true hero. He became committed while others stood aside. He saw evil and resolved to do good. There is a Jewish saying that to save one life is to save the entire world. Raoul Wallenberg saved many worlds.

Mr. President, to honor Raoul Wallenberg, keep the message of his life alive, and once again ask that the Soviet Government finally reveal the complete story of his fate, I ask that the article "Story With No End," by A.M. Rosenthal which appeared in the New York Times on November 25, 1988 be printed in the RECORD.

The article follows:

[From the New York Times, Nov. 25, 1988]

STORY WITH NO END

(By A.M. Rosenthal)

The other day I mentioned to a friend, a journalist, that I was going to take part in a meeting in New York about Raoul Wallenberg. He looked at me in astonishment.

"Wallenberg? The man has been missing for what, 40 years, more—ever since the end of World war II. Nobody lives that long in a Russian prison! What is there to talk about anymore?"

I suppose I looked as astonished as he. I told him that the Wallenberg story kept popping up in my mind because one story or another in the news reminded me of him. We agreed that people have different interests.

That night at the meeting of the Raoul Wallenberg Committee of the United States there were lawyers and bankers and teachers, writers, some men from Wall Street, doctors, retailers, clergymen, about 150 people in all, including a member of Congress and a diplomat representing Carl XVI Gustaf, the King of Sweden.

There were New Yorkers, and men and women from Colorado, Idaho, California and Michigan who belonged to the American group, one of 13 Wallenberg committees active around the world.

The same day there was a story on the front page of every newspaper that called the name of Wallenberg into the minds of thousands of Americans who read it. The story said that Mikhail Gorbachev would visit the United States in December.

In 1944, Raoul Wallenberg a young Swede of 32, was asked by American representatives to go to Budapest, there to risk his life every day by trying to snatch Hungarian Jews from the Nazis. German soldiers and Hungarian Fascists were rounding them up to send to slaughter camps.

Wallenberg came from a good family and had a fine education, but there was nothing about him that spoke of the man he was to become in Budapest—a man who by force of his own will did rescue thousands of Jews.

He used only diplomatic status, a little money contributed by American Jews, and a stunningly indomitable will. He hid Jews in houses from which he hung Swedish flags. He marched into knots of Nazi kidnappers crying, "Ich Bin Wallenberg," as if that would make them fall back. Sometimes it did.

Hundreds of thousands of Hungarian Jews were murdered by the Germans. Wallenberg saved thousands.

To them and to their sons and daughters, and to millions of people around the world for whom the Holocaust is eternal, Wallenberg is an almost mystical reminder of what one decent, brave person can do, just one.

In January 1945, the Russians entered Budapest. Wallenberg went to meet them and disappeared. For years, the Russians said they had no idea where he was.

In 1957, Andrei A. Gromyko, then a deputy foreign minister and later President of the Soviet Union, said yes, Wallenberg had been imprisoned but had died in a Soviet jail in 1947 and that there were no documents or witnesses remaining. From that day to this the Soviet Government has added no further information.

So for three decades, no real news. But the Wallenberg movement is as alive as ever, for two reasons. One is hope. Nobody wants to say it is gone. There are many who

cling hard to the belief he is alive and meticulously try to track down reports that he has been seen in one Soviet prison or another.

The other, far stronger, is the determination not to do to Wallenberg what he refused to do to the Jews of Hungary—turn away.

For the people in every part of the world, Wallenberg becomes part of every story that has to do with brave men and women willing to sacrifice life or liberty for others.

Andrei Sakharov visits the United States and his very presence somehow freshens the name of Wallenberg and the search.

The United States Senate honors a Polish Jew called Raphael Lemkin, almost 30 years after his death in New York. It puts into law the genocide convention to which he devoted his life. Thought association: Wallenberg and Lemkin fought murder, each in his own way.

Now there is a Wallenberg story of another kind—Mr. Gorbachev's visit. Will he finally fulfill the hopes that he would uncover and reveal the full story of Raoul Wallenberg or allow an international commission to try?

The responsibility to reply belongs to Mr. Gorbachev. The responsibility to ask the question belongs to those who meet with him. President Reagan and President-elect Bush will have the chance. So will the American press—public questions requiring public answers, an opportunity for journalists and a far greater one for the leader of the Soviet Union.●

SANCTIONS DON'T HELP

● Mr. ARMSTRONG. Mr. President, often legislation passed by our Congress does not produce the intended effect. It clearly identifies an existing problem, but because its impact may not have been thoroughly researched or it was ill-conceived from the start—it only serves to exacerbate the issue. Such is the case with the economic sanctions against South Africa passed more than 2 years ago by Congress.

We've been concerned for years about apartheid in South Africa. Each one of us feels deeply the tragedy of a society that does not afford each citizen the same rights.

In 1986, there had been many signs that apartheid was beginning to break down. More than 100 of the discriminatory laws that serve as the legal pillars of South Africa's racially separate society had been removed. Lifted was the ban on racial discrimination in trade relations, racial discrimination in most sporting events, and the hated "Pass Laws" that required blacks to carry identification papers authorizing them to move about the countryside. But for the Congress, these changes were not soon enough or fast enough.

Other Members may well remember that we then decided to enact economic sanctions against South Africa, which many thought would speed the process of reform and help abolish apartheid. Those of us who voted for this legislation were wrong. Dead wrong.

David Reed, a Reader's Digest roving editor, has written a compelling article in February's edition of the Digest. In it, he depicts case after case of black South Africans whose lives have been destroyed by sanctions. I ask to have this article printed in the CONGRESSIONAL RECORD and strongly recommend its reading to all of my colleagues.

According to Mr. Reed, almost 29,000 nonwhites have lost their jobs because of American sanctions and disinvestment. Many of them have no money for food and suffer from malnutrition. Blacks within South Africa today are dying. Not because of a violent revolution, not because of apartheid: Because of American sanctions. In the words of Chief Minister Mangosuthu Buthelezi, leader of South Africa's Zulus, "Whites will not be made to bend because of sanctions. Disinvestment will lead to mass destitution among blacks. It is madness!"

Our economic sanctions are bringing about change all right. Backward change. The Washington Post recently carried a front-page article declaring, "'Whites Only' Signs Reappearing in South Africa." Fueled by our sanctions, the numbers of whites voting in opposition to change and in support of apartheid is increasing.

The situation Mr. Reed's article describes raises serious questions about the economic sanctions we have imposed on South Africa. Are we hurting the very people we had hoped to help? Are there other alternatives that help to peacefully dismantle apartheid, that don't worsen an already difficult situation? How can the United States constructively assist to bring change in this society? And finally, how can the American people best help South Africa's blacks and other nonwhites?

United States sanctions against South Africa are making a difficult situation worse: They hurt, but only the wrong people. It's time now for us to reconsider our policy toward this African nation.

The article follows:

DO SOUTH AFRICAN SANCTIONS MAKE SENSE?

(By David Reed)

For ten years Timothy Capho, a black South African, had what he considered a dream job. He earned $310 a month working on the assembly line in a Ford Motor Company plant in Port Elizabeth. He and his family lived well. Then Ford pulled out of South Africa. Today Capho and his wife subsist on maize meal and beans and are hungry most of the time. Unable to feed their children, they have sent them to live with Capho's sister. They are two years behind in their rent and fear they may be thrown out on the street. Says Mrs. Capho, "There is no hope for us."

The Caphos and tens of thousands of other black South Africans are the victims of a powerful U.S. lobby bent on bringing down the minority white government. For years, many human-rights activists, universities, churches and politicians have joined forces to demand that American companies divest their South African holdings in protest against apartheid—the government's system of racial separation.

Ford initially resisted the pressures but closed its Port Elizabeth plant in 1985, putting more than 4000 people, the majority of them nonwhite, out of work. Most remain unemployed, in as desperate a state as the Caphos.

Tightening the Screws. Cheered on by the pro-divestiture lobby, our Congress passed legislation in 1986 banning many South African goods from the U.S. market. Those favoring the measure argued it would create enough economic havoc to force the white government to abandon racial segregation. President Reagan opposed the bill, but Congress overrode his veto.

Time has proved the law to be counterproductive. Those who have been hurt are not South Africa's five million whites, but rather those the law was supposed to help: the 25 million blacks, three million "coloreds" (mixed-race) and one million Indians.

As of mid-1988, almost 29,000 nonwhites had lost their jobs because of American sanctions and disinvestment. Among the 162 U.S. firms that have already pulled out of South Africa are General Motors, IBM, Unisys and Eastman Kodak. As a result, many destitute blacks must live off the charity of relatives and neighbors and by doing odd jobs. Too often now, they suffer from malnutrition.

At Madadeni Hospital, in the KwaZulu homeland, Dr. George Campbell showed me a 22-month-old girl whose hair had turned orange, the telltale symptom of kwashiorkor—a disease prevalent among malnourished children. Her unemployed young mother said she had been feeding the baby porridge, maize meal and potatoes. Although the disease can be cured with proteins, Dr. Campbell knows the parents can't afford milk or eggs. The child will go home only to come down with kwashiorkor again, which can eventually result in mental retardation.

Pellagra, caused by niacin deficiency, has been rising rapidly among adults. I saw a 37-year-old patient named Abednego Zondo who weighed less than 90 pounds. His body was covered with sores, and he was in a stupor. Said Dr. Guy Daynes, medical superintendent of the hospital, "He probably has had an inadequate diet for a year." Zondo had worked in a coal mine but had been laid off.

Advocates of sanctions, seemingly ignorant of, or indifferent to, the suffering, seem bent on further tightening the economic screws on South Africa. In an attempt to force more American firms to pull out, the pro-sanctions lobby has persuaded 21 state governments, 72 cities, 14 counties and 84 universities to sell their stocks and bonds in companies that do business in South Africa.

A bill sponsored by Rep. Ronald V. Dellums (D. Calif.)—approved by the House in the last session—would ban all trade. The remaining 149 American companies, including The Digest, which publishes a South African edition, would have to get out within six months. An estimated 500,000 Americans who own stock worth $4 billion in South African gold mines and other companies would have to sell—possibly at huge losses—or face up to five years in prison.

"Madness!" Chief Minister Mangosuthu Buthelezi, leader of South Africa's 6.4 million Zulus, is deeply committed to ending apartheid by nonviolent struggle, but feels that American sanctions have been a tragic

failure. He notes that 350,000 young blacks enter the labor market each year. To provide jobs for them, the economy would have to expand at five or six percent annually. In 1987, crippled by sanctions, high population growth, and the refusal of many foreign banks to grant loans to South Africa, the economy grew just 2.6 percent; three-percent growth was forecast for 1988. Says Buthelezi: "Whites will not be made to bend because of sanctions. Disinvestment will lead to mass destitution among blacks. It is madness!"

Still the pro-sanctions bandwagon rolls on. Leading political figures involved include Jesse Jackson and Senators Edward M. Kennedy (D., Mass.) and Alan Cranston (D., Calif.). They are supported by a wide range of activist political organizations, some of them leftist. However, most of those involved are well-meaning people of moderate outlook who are appalled at apartheid and are eager to help South Africa's nonwhites. Apparently they have no idea what suffering the sanctions cause, and are unaware of the limited political progress already achieved there.

For all of its faults, the country has come a long way from the total apartheid of 20 years ago. Then, blacks were restricted by law to menial jobs. They had to carry passes—or go to jail. They were not allowed into public facilities patronized by whites. Mixed marriages were a prison offense.

The system first began to unravel in the early 1970s because of astonishing growth in South Africa's economy. Needing more skilled workers, employers defied the law, hiring and upgrading the training of blacks. Hotel and restaurant owners strongly supported a repeal of statutory racial barriers. Pass laws and the prohibition of mixed marriages were abolished. Blacks began holding clerical, supervisory and even some executive positions.

Today, additional reform is all but dead. Growing numbers of whites, angered by what they consider an American attempt to wreck their economy and destroy their standard of living, are turning to the Conservative Party, a right-wing radical party that favors a return to total apartheid.

The National Party, which has governed the country for 40 years, passed laws that give statutory force to apartheid, practiced in South Africa from time immemorial. It still retains control of the all-white House of Assembly, part of the tricameral Parliament. But in municipal elections last October, the Conservatives scored big gains and could double their seats in the next Parliamentary election.

BLACK ADVANCEMENT.

American firms operating in South Africa have had a good and generally unacknowledged record in promoting black advancement. "In the past eight years U.S. corporations in South Africa spent more than $210 million on education, training, and housing of their black employees and their families, on health facilities and on legal aid," said Helen Suzman, a member of Parliament and a lifelong foe of apartheid, in the Washington Post.

Typical is Baltimore Aircoil, which has been in South Africa since 1961. The company employs 95 people, mostly nonwhites, in a plant next door to Crossroads, a squatter's settlement near Cape Town. Solly Keraan, the 45-year-old colored man who runs the company's social program, was once a militant bent on destroying the apartheid system. He even spent time in prison. Today Keraan has what he thinks is a better way to help his fellow nonwhites. He disburses $53,000 of company funds a year for education and cooperative measures designed to make people in Crossroads self-supporting. "If Baltimore Aircoil is forced to leave South Africa, it will be the end of those programs," Keraan says. "The American Congress has not consulted us, but has decided in its wisdom what is good for us."

Similar programs are already on their way to extinction because of sanctions. Before pulling out, Unisys had donated almost $2 million a year to black education. Its new South African owners are phasing out the program. Eastman Kodak had funded training and work in appliance repair and carpentry for handicapped blacks who otherwise would be condemned to street begging. When Kodak yielded to the pressures from the U.S. anti-South African lobby and withdrew, the blacks were left to fend for themselves.

On the other hand, the withdrawal of American firms has turned out to be a bonanza for many white South Africans. General Motors' sprawling assembly plant in Port Elizabeth was taken over by seven South African former GM executives. In most cases, banks are only too eager to finance takeovers. A number of whites have become millionaires overnight because of U.S. withdrawal.

Blacks are the losers. American firms pay premium wages. The new owners generally cut wages to the going rate. Anticipating hard times because of sanctions, most firms trim costs still further by cutting payrolls to the bone. This has meant laying off large numbers of unskilled and semi-skilled blacks.

Especially hard hit by the 1986 sanctions were agricultural workers. Ernestina Joorst, a 37-year-old colored woman and mother of two, used to make $55 a week packing apples at the Kromrivier Apple Growers Cooperative near Cape Town. Her income, together with her husband's earnings of $135 a month as a forest-department laborer, lifted the family into the middle class. "We fixed up our home, bought clothing, furniture and a TV set and, for the first time in our lives, opened a savings account," she recalls.

When sanctions closed the American market to South African apples, the industry laid off 12,000 seasonal workers, including Joorst. Today the Joorst family has slipped back into poverty. Their savings are gone. And Joorst considers herself fortunate if she can get $3 for working 12 hours a day at the stoop-labor task of planting onions.

Sanctions have also prevented the creation of new jobs. Until recently, the coal industry had been planning to double the capacity of its port facilities at Richards Bay in Natal Province. This would have opened up several thousand new jobs in the terminal and in mines and railroads. When South Africa's coal exports to the United States were cut off, the Richards Bay project was scaled back.

DEPRESSION AND HUNGER.

At dawn each morning, thousands of men set out on foot from Port Elizabeth's black townships in search of work. They stand in front of factory gates, hoping to be taken on for a day or two as casual laborers. Others go from door to door, begging for a chance to cut grass. Most return home empty-handed.

Norman Jacobs, 31, a former Ford worker, has been unemployed for three years. He and his three brothers—also out of work—are supported by their elderly mother, who scrubs floors in a white school. Jacobs suffers from acute depression and sits at home all day staring blankly at the walls.

The South African government has no regular long-term program for feeding the destitute unemployed, so instead the task is carried out by voluntary organizations made up of people of all races. Glynis Baer, Port Elizabeth regional director of Operation Hunger, which feeds 1.3 million people throughout South Africa, is worried about the Dellums bill. "If it should pass," she says, "it will mean real hunger for thousands and thousands more people."

Although some prominent blacks, notably Archbishop Desmond Tutu, head of South Africa's Anglican Church, favor sanctions as the only nonviolent way to end apartheid, the overwhelming majority of blacks are opposed to such measures if that means losing jobs. Most, however, are afraid to speak up because of a reign of terror imposed by the Communist-led African National Congress, a revolutionary organization that seeks to overthrow the government. The ANC favors sanctions, hoping in the process to destroy the capitalist system and replace it with Soviet-style communism.

White South African liberals who are against apartheid also oppose U.S. sanctions. John Kane-Berman, director of the liberal South African Institute of Race Relations, wrote in *Finance Week*, "If black people wanted sanctions and disinvestment, they could bring both about themselves. Black miners could stop digging coal. Blacks could refuse to load and unload ships." And Suzman asks, "Are there people who really believe that labor power is more effective when people are unemployed? Or that consumer power is more potent when people have no money to spend?"

ECONOMIC EMPOWERMENT.

The outside world keeps thinking that a black revolution is about to erupt in South Africa, but the whites remain as firmly entrenched in power as ever. Even after 28 years of what it calls armed struggle, the ANC has not "liberated" a square inch of South African territory.

The best hope for South Africa's black lies in improved education and job opportunities. As blacks acquire greater economic power, they will inevitably acquire more political power. Says Buthelezi, "Economic empowerment strengthens blacks to free themselves."

If the Dellums bill becomes law, South Africa's economy will be damaged, but it will not collapse. Other countries, notably Japan, Taiwan, Hong Kong and Israel, have already moved in to pick up the loss in South Africa's trade with the United States. Moreover, it is impossible to impose effective sanctions in gold, diamonds and platinum, which together account for over half of South Africa's total exports.

Instead of trying to destroy South Africa's economy, the U.S. Congress would do better to encourage American firms to set up shop there—to promote the economic growth that will assure black progress. The last thing blacks need is "help" from Washington in the form of sanctions.

Timothy Capho, who lost his job at Ford, knows nothing about U.S. politics or sanctions. All he knows is that he and his family have been overwhelmed by economic disaster. He also worries about his two children who are living with his sister. She and her husband are disabled and receive a total monthly pension of about $70, on which she also supports her own four children.

Across the street from her house is a foul-smelling dump. People more desperate than she keep it picked clean of edibles. And, in Washington, politicians who dine in expensive restaurants demand the imposition of even more draconian sanctions.●

TOWN AND GOWN THEATER

● Mr. SHELBY. Mr. President, I rise today to pay tribute to the Town and Gown Theater from the University of Alabama at Birmingham—one of my States greatest assets—to Washington. Last weekend, the Town and Gown Theater made its national debut with a performance of "Speak Of Me As I Am" at the prestigious Smithsonian Institution commemorating Black History Month.

The University of Alabama's Town and Gown Theater, produced and directed by Mr. James Hatcher, has been recognized as one of the most cohesive forces in the Southeast for joining black and white cultures through the performing arts. The Town and Gown's unique and moving presentation of "Speaks Of Me As I Am," which recognizes the talents and contributions of famous Black Americans, has been received with overwhelming enthusiasm in Alabama and on tour.

A collage of historical and entertaining material "Speak Of Me As I Am" features professional actors and musicians recreating some of the historical moments which have shaped the destiny of black society.

Mr. President, "Speak Of Me As I Am" is an exciting choreographed production with specially designed sets and theatrical lighting effects. It is exuberant, subtle, informative and exciting. I am extremely proud to pay tribute to the Town and Gown Theater and I congratulate them on a magnificent performance. I hope that my colleagues and others in Washington had the opportunity to take advantage of seeing one of my State's greatest treasures.●

THE CHEMICAL AND BIOLOGICAL WEAPONS CONTROL ACT OF 1989

● Mr. D'AMATO. Mr. President, today I join 19 of my colleagues as a cosponsor of the Chemical and Biological Weapons Control Act of 1989. The evenly bipartisan sponsorship of this measure indicates the universal recognition of its importance.

The resurgence in the use and spread of chemical and biological weapons has reached a global crisis level, demanding immediate and strong action. The most distressing turn of events in the past quarter century has been the increasing availability of these weapons to Third World countries who show little restraint in unleashing them on their immediate neighbors. The specter haunting our future is the proliferation of this technology to the point that irresponsible powers can threaten territories far beyond their own borders through the use of ballistic or cruise missiles.

The New York Times recently called chemical and biological weapons the "poor man's atomic bomb." While their effects are not of the scale of a modern nuclear device, the horror is comparable; chemical and biological weapons have the same characteristics of massive, indiscriminate, and lingering destruction. The ready availability of the component chemicals compounds the problem, making the spread of such weapons easier. The difficulty in monitoring production of poison agents by belligerents is demonstrated by the case of the Libyan chemical plant near Tripoli which can be converted to the productions of pharmaceuticals in order to cover its sinister purpose.

Mr. President, the aim of the Chemical and Biological Weapons Control Act of 1989 is to punish those countries who openly show their disregard for the 1925 Geneva protocol. President Bush has said:

> Nations guilty of chemical warfare must pay a price. They must know that violation of the ban against the use of such weapons carries a heavy penalty. Not just a fine or a minor sanction that can be ignored.

Mr. President, this act is intended to get and hold the attention of those nations which may contemplate the use of chemical and biological weapons. It will demonstrate the resolve of the United States to stop the worldwide danger imposed by this abhorrent form of warfare.●

THE HATE CRIME STATISTICS ACT

● Mr. D'AMATO. Mr. President, I am pleased today to join several of my colleagues in cosponsoring the Hate Crimes Statistics Act. This is a simple, yet very important measure that merits swift passage.

This bill directs the Attorney General to collect and publish statistics indicating the nature and extent of crimes motivated by bigotry and based on hate for certain racial, ethnic, and religious groups, among others. It may come as a surprise to many that at present no such collection effort is mandated. The truth is that data on hate crimes is collected, at best, in a haphazard and sporadic manner, exclusively on the State and local level. This legislation will assure, henceforth, the prosecution of a coordinated and centralized data collection effort.

If America is to preserve its cultural, ethnic, and religious diversity, we must bring down upon those who would blemish our cultural fabric a legal and moral wrath. To effectively deal with the bigots among us, we must substitute our reliance on anecdotal evidence with hard data. This data will serve as an important tool in a campaign of public awareness, and will bolster the power of bully pulpits nationwide.

This bill came within a razor's edge of passing last Congress. The House passed it by substantial margin and the Senate Judiciary Committee reported it unanimously. It was the subject of close negotiations in the waning hours of the 100th Congress, and most surely would have passed but for adjournment.

There is no question that this bill enjoys widespread, bipartisan support, as well it should. Any Member concerned about the integrity of diversity in America should support this bill.

Mr. President, be it a swastika painted on a synagogue or a cross burned on a lawn, hate crimes must not be tolerated. I urge my colleagues to join us in sending a message across the land.●

NEW YORK STATE SENATOR MARTIN J. KNORR

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a respected former member of the New York State legislature on his retirement. For 35 years, the Honorable Martin J. Knorr represented Queens, NY, in both the New York State Assembly and Senate.

Senator Knorr's lifetime of public service includes more than just his legislative experience. Prior to his election to the New York Assembly, he was the assistant attorney general of New York State, law assistant of the surrogate court of Queens, associate attorney of the New York State Department of Taxation and Finance, and supreme court law secretary, 11th judicial district, Queens County.

While in Albany, Senator Knorr did not forget his civic responsibilities back home in Queens, and served as president of the associated organizations of Ridgewood, Glendale, Maspeth and Middle Village; founder of the west Queens Coordination Civil Council; member of the board of trustees of Christ the King Regional High School in Queens; and several other community groups.

Over the years, Martin Knorr served with distinction, and earned the respect of both those he represented, and those who served with him. The people of Queens, and the entire State of New York will certainly miss his presence in Albany. I salute Senator Knorr on his lifetime record and accomplishments. I know that my colleagues will want to join me in wishing Marty a happy and fruitful retirement.●

NATIONAL ARBOR DAY

● Mr. D'AMATO. Mr. President, I rise today to give my support to Senate Joint Resolution 40, a resolution intro-

duced by my neighbor from New Jersey, Senator BRADLEY. National Arbor Day designates "the last Friday in April" as a time to give special recognition to trees, a vital part of our environment.

Trees are an important natural resource; trees stabilize our environment, provide raw materials, and add to our nature's beauty. However, we may lose our forests forever if we do not preserve and protect them today. I commend Senator BRADLEY in taking the initiative in recognizing this danger. I am proud to join him as a cosponsor of this resolution, and urge my colleagues to do the same.●

FIFTIETH ANNIVERSARY OF BOONVILLE, MO, LIONS CLUB

● Mr. DANFORTH. Mr. President, I am pleased to offer my enthusiastic congratulations to the Boonville, MO, Lions Club which celebrates its 50th anniversary on February 25, 1989.

Long before President Bush spoke of a "thousand points of light," the Lions sparkled in Boonville. Over the years they have been recognized for their tireless work to aid both research and victims of sight and hearing impairments, diabetes, and other maladies. Always a strong force in local charities, they truly embody their motto: "We Serve."

The Lions Club of Boonville has enjoyed 50 years of achievement through good deeds and good fellowship, I salute them.●

RACHEL VERMILLION

● Mr. MCCONNELL. Mr. President, I rise today to insert into the RECORD a copy of an article that appeared in Corbin! This Week about Rachel Vermillion, an extraordinary woman who has voted in every election since women were granted the right to vote in 1921.

Mrs. Vermillion, a strong supporter of women's rights, was 31 when she was first given the right to vote in the 1921 Presidential elections. She voted for Warren Harding and later listened to the election returns on the radio. The 1921 election returns were the first ever broadcast. Sixty-seven years later Mrs. Vermillion has never missed an opportunity to exercise her privilege to vote. As she signed the register book on November 8, 1988, Mrs. Vermillion remarked, "I always look forward to this and I always want to vote."

Furthermore, Rachel Vermillion has instilled the importance of voting to all members of her family. The Vermillion family has a long and rich history of participating in politics. Mrs. Vermillion ran for police judge in 1941, the first woman to run for an office in Corbin, KY, and she finished second in the six man race. Her husband was a county magistrate and her son, Dick Vermillion, is Corbin's city manager.

Rachel Vermillion turned 98 a few days after the 1988 election and she will be nearing 102 when the 1992 Presidential elections are held. I have no doubt that if at all possible Mrs. Vermillion will be at the polls ready to exercise her right to vote.

Rachel Vermillion is a fine example to all generations of the patriotic devotion we should all have to exercise our privilege and right to vote. I commend her to my colleagues today.

The article follows:

RACHEL VERMILLION HASN'T MISSED A VOTE SINCE WOMEN WON RIGHT IN 1921

(By Teresa J. Hill)

Rachel Vermillion was 31 years old before women were granted the right to vote in this country. She said it was a happy day for her—"I'd always been for women's rights," she said.

The year was 1921 and she cast her ballot for Warren Harding, a Republican and a Baptist. Afterward, she listened to the election returns on the radio—the first year they ever were broadcast.

Sixty-seven years later Mrs. Vermillion is still exercising her voting privilege and still voting Republican.

As she walked slowly to the line of voters outside East Ward Elementary Tuesday, she stopped many times to speak to old friends and take some good-natured kidding.

"Heard you're here campaigning for Mike Dukakis," one man said with a grin, knowing full well that Mrs. Vermillion was the Republican Chairwoman of Knox County for more than 30 years.

"You know better than that," she answered with a smile, pausing to clasp another hand reached out in greeting.

Though the line wasn't too long, those waiting urged her to the front. "Anyone who's been voting as long as she has shouldn't have to wait in line," whispered one woman.

That may be true, but it is also true that she wouldn't mind waiting in line if that's what it takes to vote. "I always look forward to this," she said as she signed her name in the register book. "I always want to vote."

Her entire family knows the importance of getting to the polls and voting. The Vermillion's have a rich history of politics starting with Mrs. Vermillion's grandfather whose name is about as patriotic as they come.

"Grandfather's name was Abraham Lincoln Strunk," said Dick Vermillion, Rachel's son and Corbin city manager. "We've all been involved in politics. Dad was a county magistrate, but she has always been my inspiration."

Rachel Vermillion ran for police judge in 1941. She was the first woman to run for office in Corbin and she gave an excellent showing, finishing runner-up to Judge Ben Gooding in a six man race.

She served as court clerk for ten years and eventually served as city police judge protem for several years.

According to Mrs. Vermillion, she believes strongly that women have the right to work as well as vote.

"Married women couldn't work," she said, adding that she'd been forced to quit her job as a telephone operator when she married. "I went back when the law changed, but not for long. I had too many children, seven's a lot."

The first time she voted, said Mrs. Vermillion, she had tickets and she punched out her choice.

The methods may have changed but the result is still the same. Mrs. Vermillion will be 98-years-old this Friday and she admits with a smile, "Maybe I am the oldest one here."

The next presidential election will be four years from now in 1992. Mrs. Vermillion will be 102 when she goes to the polls and there's a good chance she'll be the oldest person voting then, too.

The important thing is, no matter what, Rachel Vermillion will be voting.●

MINNESOTANS PROVIDE DIALYSIS ASSISTANCE TO ARMENIA

● Mr. DURENBERGER. Mr. President, I rise today to recognize the exemplary service of five Minnesotans who aided the people of Armenia with urgently needed kidney dialysis assistance. the Minnesota Kidney Institute team, which consisted of five Twin Cities dialysis professionals, clearly demonstrated Minnesota's dedication to public service and world relief.

The Minnesota Kidney Institute recognized the need for a dialysis relief program immediately upon news of the tragic earthquake, and sent the team to the area. The institute is a combined effort of the Hennepin County Medical Center, Metropolitian-Mount Sinai Medical Center, the Regional Kidney Disease Program, and individual transplant surgeons. This organization has gained national notoriety for its excellence in kidney-related treatments and research.

Dr. Allan Collins departed the Twin Cities for Yerevan, Armenia, on December 18, 1988, to initiate and coordinate the program which he would administer for five grueling weeks. He was later joined by Sandra Aronson, R.N., of Richfield, Roberta Badiner, R.N., of Minneapolis, Betty Bergerson, R.N., of Vadnais Heights, and Thomas Pence, M.D., of Edina, MN, who acted as the support team, which based its operation out of the Mikaelyan Institute. The team withdrew from Armenia on January 24, 1989, and was one of the last dialysis groups to leave.

The Minnesota Kidney Institute members were not the only Minnesotans who recognized the need for aid to the people of Armenia. Over 150 tons of clothing were donated by Minnesotans, and were collected by churches, community groups, and corporations. This effort was unmatched throughout the United States.

It is with great pride that the Minnesota medical community—and all Minnesotans—pay tribute to this talented group of professionals, who were so generous with their knowledge, compassion, and time. Their stay in Armenia truly reflects a situation where volunteerism, as advocated by

former President Reagan, and President Bush, has filled a void that no one could have anticipated or desired. Today, I want to share that pride with my colleagues in the Senate.●

ILLINOIS SCHOOL FOR THE DEAF

● Mr. SIMON. Mr. President, I rise today in recognition of the 150th anniversary of the Illinois School for the Deaf. This is an institution that carries with it a strong sense of pride for being one of the oldest and finest State residential schools for deaf children in the world.

Illinois School for the Deaf was founded in February 1839, and officially opened its doors in 1846. Since then, more than 12,000 students have attended the school, which is located in Jacksonville, IL. Many of the graduates of Illinois School for the Deaf have gone on to pursue goals in higher education; others have become productive, contributing citizens spreading a reputation for academic excellence throughout the Nation and the world.

Today, the school offers support services to parents of deaf infants and pre-school-age children, as well as informational outreach services to professionals who work with deaf children throughout the State. The school is focused on the development of an independent and educated individual through the work of a dedicated, talented staff. The school has a reputation for excellence in developing and implementing quality, comprehensive programs for deaf children.

Mr. President, I ask my colleagues to join me in saluting this fine institution on its sesquicentennial and in wishing the staff and faculty in Jacksonville many more successes as they continue to serve throughout the years.●

COMMERCIAL RELATIONS WITH THE SOVIET UNION

● Mr. SIMON. Mr. President, last fall my distinguished colleague from New Jersey, Senator BILL BRADLEY, gave some very thoughtful testimony before the House Banking Subcommittee on International Finance, Trade and Monetary Policy. It is the kind of testimony the Senate has come to expect from BILL BRADLEY.

Senator BRADLEY calls for the United States to take the lead in developing a Western strategy toward commercial relations with the Soviet Union. That strategy should avoid the pitfalls of below-rate loans or Government-guaranteed subsidies while reinforcing Gorbachev's encouraging moves to reform the lethargic Soviet economy. In doing so the West has an obligation to continue to press the Soviets on human rights and emigration, both of which hold the key to expanding United States-Soviet trade.

Senator BRADLEY's testimony is realistic and hard headed. I commend it to my colleagues.

Mr. President, I ask that Senator BILL BRADLEY's testimony of September 22, 1988, be placed in the RECORD in full.

The statement follows:

TESTIMONY OF SENATOR BILL BRADLEY BEFORE THE HOUSE BANKING SUBCOMMITTEE ON INTERNATIONAL FINANCE, TRADE AND MONETARY POLICY

WHY THE SOVIETS NEED REFORM

The reason the Soviet leadership is committed to change—economic reconstruction and a modicum of political freedom—is because the economy has stagnated, living standards have deteriorated, the budget deficit has ballooned, corruption is rampant, shortages are proliferating, and the people are losing hope. Gorbachev knows that unless things change the Soviet Union could remain a third-rate economic power, and become a second-rate military power, in his lifetime. That is why he has embarked on an ambitious program of economic reform that emphasizes efficiency, decentralization, and a much bigger role for the market in setting prices and allocating resources. As the reformers say, "economic criteria will become more dominant in the allocation of resources."

Whatever its ultimate payoffs, this "perestroika" carries big political risks. It means higher prices, less job security, and harder work today in exchange for the promise of a better life sometime in the future. No wonder there's so much opposition—from workers, bureaucrats, peasants, party officials, consumers, black marketeers.

That is where "glasnost" comes in. Glasnost is merely greater permission to speak, not freedom of speech guaranteed under law as in America. Yet, it has won over many intellectuals, not just in the U.S.S.R. but also in the West, and made them advocates of Gorbachev's reforms. This, together with the new opportunities for entrepreneurship—like cooperative restaurants, music stores, dry cleaning shops, truck-farms, long-term leases of land—is supposed to take the edge off the harsh realities of the new economic policies, deflect opposition to change, and keep the Soviet people on board. Glasnost has also generated public discussion of the system's ills. Because Soviets are finally admitting how bad things are, it may be possible to mobilize support for the radical change perestroika requires.

Will it succeed? No one, including Gorbachev, knows. How should the West react? Some people, including some of our European allies, argue that Gorbachev's new policies are the best hope for the West and that his failure would harm prospects for a more peaceful and humane Soviet Union. They urge the West to promote reform by easing Soviet access to Western markets, credits, and technology. Others, mainly American skeptics, argue the opposite, that successful reform and economic revival would only make the Soviet Union more powerful and menacing, not make it less expansionist or repressive. They urge the US to reduce Soviet access to Western capital and markets.

In my view, neither position fully reflects the interests of the West. As for helping Gorbachev, it is naive to rest our hopes on the success of any Soviet leader, since he will ultimately be followed by another who may disown his policies. It is also unrealistic to think that the West can do much either to help or to hinder him, even if we wanted to. The success or failure of Gorbachev and his reforms will be determined by the quality of his leadership, the responsiveness of the Soviet people, and the adaptability of the Soviet system, not by whether the rest of the world supports or opposes him. Moreover, our interests would be served if, but only if, a successful revival of the Soviet economy is accompanied by lasting changes in the way Soviet society is governed and its resources are used, e.g. through real democratization, greater openness, and stronger civilian claims for highly talented manpower, modern machinery, and other scarce factors of production.

The real test is whether the Soviets choose butter over guns. So far, this hasn't happened. A recent House Armed Services Committee report found that "there have been no significant, identifiable changes traceable to Gorbachev's drive to scale back defense spending . . . Not only has Gorbachev failed to suppress defense spending, but it has actually increased. According to preliminary unclassified intelligence estimates, Soviet military spending grew by about 3 percent in both 1986 and 1987, almost double the growth rate of the 1981-86 period . . . The conclusion is inescapable that so far the military's budget has not been nicked by Gorbachev."

The West has a strong interest in seeing the military burden decline. We want increases in consumption and productive investment to come out of the Soviet military, not from Western depositors, shareholders, and taxpayers. It would be a tragic mistake if Western capital enables the USSR to put off the hard choice between "guns" and "butter." Not only would it threaten Western security, but it would subvert Soviet reform.

I see two problems with the approach that says the West should not have any dealings with the Soviet Union. First, perestroika will need imports of technology and consumption items that the Soviets cannot now produce and do not have the hard currency to pay for. Second, the US does not have a monopoly on capital, trade, and technology. Attempting to deny the Soviets access to all Western capital and credit without the cooperation of Japan, Western Europe, and other nations which may assess the Soviet threat somewhat differently from us, is neither feasible nor desirable. So, imposing unilateral restrictions on US banks, farmers, and businessmen is just shooting ourselves in the foot. And blustering about it to our allies endangers alliance cohesion.

That is why we need a middle ground between "helping" and "hindering," one that friends and allies will support.

A WESTERN APPROACH TO ECONOMIC RELATIONS WITH THE U.S.S.R.

What might be the basis for a common approach? It would proceed from a couple of fundamental goals: fostering a more peaceful and prosperous world, and preserving a cohesive Western economic and security alliance. It would be premised on the assumptions that:

(a) Economic reform in the Soviet Union would be in the West's interests if it: Permanently reallocates resources away from Soviet military use and control into civilian consumption and productive capital formation; paves the way for greater political liberalization and respect for human rights; and

(b) By speaking with one voice on key aspects of East-West economic relations, Western governments and businesses may be able to reinforce the efforts of those in the U.S.S.R. who are working for these goals.

What are the main issues Western nations should focus on in formulating a strategy toward economic relations with the Soviet Union and Eastern Europe? I see five key areas: Multilateral export controls on militarily critical technologies (COCOM), Soviet activities in Western capital markets, East-West trade, including US political constraints on trade and export credits, Soviet participation in Western economic institutions, and investment in joint ventures and special economic zones.

Let me briefly outline my views on each of them.

MULTILATERAL EXPORT CONTROLS (COCOM)

In the 21st century, our collective security will depend even more heavily on preserving and replenishing the West's technological advantage vis-a-vis the Soviet Union and the Eastern bloc. In recent years, multilateral export controls (COCOM) have been strengthened. More countries have recognized that COCOM is vital to their own security. They have tightened their laws and put more resources into enforcing them. Yet as Soviet interaction with the West expands, export controls on sensitive technology will probably come under increasing pressure from potential exporters. Developments within the EEC raise new challenges for Western cooperation. On the one hand, the EEC's commitment to create a common regulatory framework for foreign trade offers the prospect of stronger national laws to meet new community standards by 1992. Yet, on the other hand, projected negotiations toward cooperation with the Eastern bloc could exacerbate alliance frictions over COCOM and complicate further progress toward improved enforcement. Western solidarity and Western security both depend on our ability to maintain and enforce the COCOM regime. As in the past, US leadership will be critical to ensure Western cooperation.

SOVIET ACTIVITIES IN WESTERN CAPITAL MARKETS

To my knowledge, there is no single, readily accessible, comprehensive, and authoritative compilation of statistics on East European and Soviet external debt. Several bodies, including the OECD and the BIS, collect and publish much of the relevant data but not all.

Despite differences in their coverage and methodology, they present a consistent picture of growing indebtedness since Gorbachev took power in 1985. According to OECD estimates (which are adjusted for fluctuations in the dollar), the gross debt of the Eastern bloc (including the Soviet Union) was valued at $129 billion at the end of 1987, up from $82 billion at the end of 1984. In the case of the USSR, the value of its debt rose from $22.5 billion at the end of 1984 to $38 billion at the end of 1987. In 1986, Western Europe apparently provided about 55 percent of all Western loans, Japan 40 percent, and the US 2 percent. Over the medium term, most observers expect a moderate but steady rise in Soviet indebtedness. Some people are predicting more substantial increases, particularly in the international securities markets where the Soviets have already floated bond issues. The official Soviet position is to limit debt service to 25 percent of export earnings. However, influential Soviet experts acknowledge that this may not be feasible. They might want more debt.

The Soviet Union and other Eastern European countries, including the USSR, have been able to take advantage of competition among various Western creditors to obtain preferential borrowing terms. In 1986, for example, the USSR and Czechoslovakia were able to obtain loans on private markets at rates just one-eighth of a point above LIBOR, which is the rate for the most preferred, credit-worthy borrowers. These are better terms than those available to Latin American debtors and even to many Western firms and individuals. While Western creditors' attitudes toward the Eastern bloc vary depending on how they assess each country's situation, it appears that in the Soviet case, interest rates have generally fallen and repayment periods have lengthened.

Leading Western governments also guarantee or insure financing for exports to the USSR and Eastern Europe. In West Germany, export financing can be guaranteed by a private company, Hermes Credit Insurance, which acts as an agent for the German government. In the UK, the government administers guarantees through the Export Credits Guarantee Department. In France, there is the French Bank of Foreign Trade and the French Insurance Company for Foreign Trade, a semipublic joint stock company. In Japan, the government Export-Import Bank cooperates with commercial banks to provide export credit financing, while government-backed insurance is available through the Export Insurance Division of the Ministry International Trade and Industry (MITI). In the US, guarantees would be provided by the Ex-Im bank. However, under the Stevenson Amendment to the 1974 Trade Act, there is a $300 million ceiling on new Ex-Im Bank authorizations to finance exports to the U.S.S.R.

Why are these government guarantees important? First, they are just like any other subsidy. Because the financing is backed by the full faith and credit of the lender's government, the borrower gets better terms. Second, they insulate lenders from the full extent of the risk of doing business in the USSR and pass that risk onto the taxpayers. Third, the data on the extent and magnitude of insurance and guarantees is quite sketchy. Western governments are apparently reluctant to let voters and taxpayers know just what good deals the Soviets are getting.

The news on the official credit and guarantee front is not all bad. The U.S. has taken the lead in persuading representatives of OECD governments to stop directly subsidizing trade credits, including export sales to the Eastern bloc. This agreement, the "Arrangement on Guidelines for Officially Supported Export Credits", has been strengthened since it was signed by twenty Western governments in 1978. But it still lacks an enforcement mechanism. Subsidies are permitted upon notification to the parties to the agreement. And in recent years, the growing number of deviations from the agreement indicates a troubling weakening of credtor discipline vis-a-vis the Eastern bloc.

The U.S.' ability to strengthen this discipline has been compromised by the Administration's allowing the Soviet Union to benefit from subsidized grain sales under the Export Enhancement Act. In 1983, we negotiated a Long Term Grain Agreement with the U.S.S.R. This agreement specifies the minimum level of Soviet grain purchases from the U.S. over a 5-year period. Beginning in 1984, the Soviets failed to meet their commitments under the agreement. In 1985-86, the Reagan Administration attempted to induce the Soviets to buy more American grain by subsidizing their purchases, first to the tune of $15/metric ton, and when that didn't work, $44/metric ton—a twofold increase that substantially undercut the world price. Understandably, American taxpayers and European allies were outraged. Since then, the subsidy has declined to $19/metric ton, but it remains a sore point between the U.S. and other nations.

What might the elements of a rational, Western policy toward capital flows to the U.S.S.R. be? First, recognize that there is no strategic justification for official Western loans. Second, Western governments and creditors should forego all types of loan subsidies, guarantees, and other indirect means of reducing the costs of borrowing by Soviet government agencies, enterprises, and joint ventures. And we must improve our ability to enforce that mechanism.

Third, Western governments and financial institutions should review the extent of our ability to monitor Soviet activity in Western capital markets, including the adequacy of reporting by the BIS, OECD, and Western central banks and, where necessary, upgrade the collection and disclosure of data on Soviet financial flows. (There are a number of technical questions about the adequacy of existing reporting systems that I am submitting for the record.)

Finally, Western governments need a better process for periodic consultations on Soviet borrowing. Even though we may not expect their borrowing to surge, we need a common Western understanding and a mechanism in place should the unexpected occur. Certainly, we do not want Soviet bloc debt to mount up the way LDC debt has. In addition, we ought to monitor how the Soviet Union uses Western capital to ensure that our credits do not preempt the reallocation of industrial resources from non-productive military uses to civilian consumption or productive capital formation.

EAST-WEST TRADE

From the West's standpoint, as well as Soviet reformers', it is better if the Soviets finance legitimate imports by increasing civilian exports than by borrowing more from the West. This is because having to produce and sell goods in a highly competitive world market is more likely to accelerate the pace and broaden the scope of reform than mere borrowing would. If they want to sell, they have to improve quality. To improve quality, the system must evolve. The extensive contacts with the West that would be essential to a civilian export strategy would reinforce the reformers' goal of decentralization and a greater role for the market. Weakening the hold of the Soviet state could, in time, promote political liberalization and amplify the voice of human rights advocates within the U.S.S.R. as well as in the West. On the other hand, borrowing allows them to avoid what it takes to function as a member of the open world economy.

The difficulties with this approach are twofold. In the short run, the USSR is unlikely to produce much that foreigners want, aside from natural resources, gold, and weapons. Second, the US, a potentially significant market, has several foreign policy barriers to Soviet exports, in particular, the Jackson-Vanik Amendment to the

1974 Trade Act which links MFN to emigration.

I would oppose repeal of Jackson-Vanik unless there is a resurgence in emigration and a new and proven respect in the Soviet Union for human rights. However, it must be said that there is not much evidence it has worked, i.e., that it has induced the USSR to liberalize emigration. The numbers speak for themselves. In 1979, 51,320 Jews were permitted to emigrate. In 1981, it was down to 9,447 and in 1986 to 914. So far this year, 9,520 Jews have been allowed to leave. German emigration has also dropped dramatically since the 1970's.

If the Soviets are serious about reform, they will get serious about human rights. Not just emigration, but freedom to worship, to give one's children a religious education, freedom from fear or persecution and humiliation for one's beliefs. So I hope that changes in Soviet behavior will make Jackson-Vanik moot. If this happens, the US should be prepared to reevaluate its policy toward trade in light of overall developments within the U.S.S.R.

WESTERN ECONOMIC INSTITUTIONS

The Soviets have expressed interest in exploring opportunities for participating in GATT, the IMF, the World Bank, the BIS, and the Asian Development Bank (ADB). They have already obtained limited representation rights at the ADB's 1987 and 1988 meetings. In 1986, they formally requested observer status in GATT, which was denied. They are expected to repeat this request in the near future. However, they are unlikely to seek membership in the World Bank or the IMF at this time.

It has been argued that Soviet observer status, and even membership, in GATT would serve, or at least would not hurt, Western interests. However, the GATT's fundamental principles presuppose the existence of a market-pricing system and a substantial competitive private sector. Thus, it would be difficult, perhaps impossible, for GATT to assimilate a centrally planned economy which views membership as a political platform instead of an economic commitment. In the final analysis, the Soviets must understand that radical economic reform, not diplomacy, is the key to acceptance in GATT and the West's main financial and economic institutions. The West should not give the Soviets the rights of a major economic power until they earn them. This requires, among other things: A market-pricing system linked to world prices through exchange rates and a convertible currency, dismantling of central planning for most goods and services, opening Soviet markets to foreign as well as domestic competition, and scaling back the military sector so that the economy produces the things people want and need.

Even if the Soviets choose this direction, getting there will take time. The West should not undercut those in the U.S.S.R. who advocate more radical price reform by granting the Soviets membership, or even observer status, in GATT on the cheap. Instead, the West should condition observer status in GATT on complete access to (i.e. transparency of) the Soviet pricing system. That is, observer status should depend on the Soviet Union providing the West with comprehensive, detailed data on the pricing structure and on how they actually set both domestic and foreign prices for all non-military goods and services, including those produced by defense industries. Since the Soviets seem to have an incomplete understanding of how their own pricing system works, such a cooperative study could make important contributions to the domestic economic reform process. In addition, it would provide the basis for an evaluation by Western countries of the merits, costs, and terms of eventual Soviet Membership.

INVESTMENT IN JOINT VENTURES AND SPECIAL ECONOMIC ZONES

The U.S.S.R. is actively seeking to attract Western investment by encouraging joint ventures. However, joint ventures are unlikely to be a major factor in Soviet reform and modernization because there are still too many uncertainties for, and restrictions on, foreign investment. Nonetheless, contacts with Western businessmen could facilitate reform by teaching the Soviets what is required to compete successfully in the international marketplace and by pushing the bureaucracy to make necessary changes.

However, there is a danger that joint venturers (particularly consortia of joint venturers from individual countries backed by their respective governments) will not push for decentralizing power and resources but will instead prefer to deal with a powerful, centralized, autocratic bureaucracy that gives their needs priority. In this case, joint ventures could retard rather than promote real reform.

The same considerations apply to special economic zones. On the one hand, they might facilitate experimentation with price reform, tax structures, currency exchange, etc. On the other hand, they could impede decentralization and slow the pace of reform in areas outside the zones. China's experience is relevant. Having developed several special economic zones, the Chinese are now questioning the extent of their contribution to reform. Some Chinese economists are concerned that the benefits have been concentrated almost entirely within the zones and that, on balance, they have not been a significant factor in strengthening and expanding reforms elsewhere.

In any event, Western governments should refrain from insuring, guaranteeing, or otherwise artificially reducing the risk of investing in the U.S.S.R. Western investors should base their calculations of profitability on Soviet realities, not on how generously Western taxpayers will insulate them from losses. Western businessmen need to be rational, not romantic, capitalists when dealing with the Soviet Union.

CONCLUSION

The issue of how the West should manage its economic relations with the Soviet Union and Eastern Europe is potentially divisive. It does not have to be. The Soviets obviously have an interest in fueling competition among Western bankers and businessmen to secure the best possible terms. But the West has an interest in a collective strategy toward commercial dealings with the Soviets that will avoid a destructive beggar-thy-neighbor approach and reinforce the pressures for reform within the U.S.S.R. The US must take the lead in developing that strategy. I would hope that the next American President will put it high on his agenda and be ready to raise it at the Allied Economic Summit in Paris next year.●

DNA FINGERPRINTING: A NEW TECHNOLOGICAL WEAPON IN FIGHTING CRIME

● Mr. SIMON. Mr. President, one of the most promising developments in the areas of forensic science and law enforcement is the advent of a new technology known as DNA fingerprinting. DNA, or deoxyribonucleic acid, is the basic genetic material which gives every person in the world a distinct identity. With the exception of identical twins, no two persons have exactly the same DNA pattern. British geneticists developed a series of scientific tests which can analyze the DNA found in hair, blood, semen, or skin left at a crime scene and match the evidence to samples provided by a suspect or defendant. These tests are regarded as nearly foolproof, causing some defendants to confess immediately upon learning test results. Conversely, DNA fingerprinting can definitively show that an individual could not have been involved in a particular crime.

Though most often used in cases of questionable paternity, DNA fingerprinting is expected to yield valuable information in cases of rape and other violent crimes where the perpetrator is not immediately known. Identifying an individual through the use of DNA fingerprinting is vastly superior to conventional forensic tests in many ways. First, DNA fingerprinting requires only small amounts of forensic evidence. For example, a sample of dried blood smaller than a dime, or just one human hair, can provide enough information to conclusively link one individual to that evidence. Second, conventional testing procedures lose their effectiveness as evidence ages, while DNA fingerprinting has proven to be effective using samples as old as 3 years. Third, DNA fingerprints, which resemble the Universal Price Code bars found on many supermarket products, provide a visual representation which allows for easy comparison and analysis.

In the last year, DNA fingerprinting has been used to convict a New York man of raping one woman, sexually abusing two others, and attempting to burglarize the apartment of a fourth during a 4-week period. DNA analysis conclusively matched sperm cells taken from the rape victim with a blood sample provided by the defendant. This same technology has been used in at least one case to prove that an individual did not commit a crime. A teen-aged hospital worker, accused of raping and murdering two 15-year-old girls, was released from custody when his DNA fingerprints did not match those taken from evidence found at the crime scene. Finally, DNA fingerprints were instrumental in the pardon of David Vasquez, who pleaded guilty to second degree murder—rather than face a capital murder charge—and was imprisoned 5 years ago. Virginia Gov. Gerald L. Baliles pardoned Vasquez after an analysis of DNA evidence proved decisively that another man had committed the crime. I would like to share with you

newspaper accounts concerning this case, and that of a Florida man who was convicted as a result of DNA technology.

DNA fingerprinting is expected to have a significant impact on criminal prosecutions by enhancing the ability of U.S. attorneys and local prosecutors to obtain convictions. California Attorney General John Van de Kamp has been a long-time proponent of this technology, addressing a number of prosecutors' offices and police organizations on the subject. I have included a copy of a recent speech given by Attorney General Van de Kamp. Further, criminal justice researchers believe that the number of guilty pleas will increase as defendants are confronted with visible, irrefutable evidence against them. Finally, studies have shown that juries are more likely to find a defendant guilty when conclusive forensic evidence is presented at trial.

DNA fingerprinting, hailed as the most important technological breakthrough in law enforcement since the inception on conventional fingerprinting, is not yet fully effective in our efforts to identify, apprehend, and prosecute criminals. At present, the process is time-consuming and costly; some courts are reluctant to accept DNA-related evidence; no standards exist to ensure the quality of chemicals, laboratory equipment or procedures; and, very few people are qualified to perform, interpret, and testify as to the results and validity of the tests. However, Government agencies such as the Federal Bureau of Investigation and the National Institutes of Health are working together with private entities to train law enforcement personnel, crime scene technicians, laboratory scientists, and expert witnesses in the handling, processing, and evaluation of DNA evidence. Working together, the law enforcement, medical, and scientific communities will ultimately be responsible for the integrity and acceptance of this most promising and important technology.

As violent crime becomes increasingly pervasive, and at times overwhelming, every avenue must be explored to ensure that those who commit violent crimes will be expeditiously apprehended and prosecuted. I am very enthusiastic about the applications of DNA technology to the field of law enforcement, and foresee its widespread use and acceptance. Once adequate standards are developed, DNA fingerprinting will surely become an invaluable tool in the fight against crime. I have recently sent a letter to William Sessions, Director of the Federal Bureau of Investigation, asking for a progress report on DNA fingerprinting and encouraging further exploration of this technology, efforts which will undoubtedly aid our Nation's prosecutors in fighting violent crime.

The previously referred to material follows:

DNA Fingerprinting Upheld in First Appellate-Level Challenge

A Florida appeals court has ruled that "DNA fingerprinting" technology, if performed properly, is admissible as evidence in a criminal trial. The October 20 ruling, by the 5th District Florida Court of Appeal in *Andrews v. State (Florida), No. 87-2166,* is the first by an appellate court on the question of admissibility of DNA evidence in criminal cases.

The appellant, Tommy Lee Andrews, was convicted of sexual battery and related offenses, partially on the basis of DNA analysis of his blood and of semen taken from a rape victim. Dr. Michael Baird of Lifecodes Corp., an Elmsford, N.Y.-based firm specializing in DNA analysis, testified at the trial that there was a "match," and that the chance that the DNA bands would be duplicated in some other person's cells was less than 1 in 839 million.

Andrews appealed on the grounds that the DNA tests were unreliable and that there were not enought checks conducted to ensure against shoddy laboratory work.

The appeals court disagreed. It noted that DNA testing has been used in nonjudicial settings for about 10 years, that there is an extensive scientific literature on the subject, and that control tests using known DNA samples were used to guard against faulty laboratory work in the Andrews case. Furthermore, the court noted, experts testified that even if DNA testing is done erroneously, "it would ordinarily lead to no result being obtained rather than an erroneous result."

"Admittedly, the scientific evidence here, unlike that presented with fingerprint, footprint or bite mark evidence, is highly technical, incapable of observation and requires the jury to either accept or reject the scientist's conclusion that it can be done," the courts stated. "While this factor requires courts to proceed with special caution . . . it does not of itself render the evidence unreliable. The trial court did not abuse its discretion in ruling the test results admissible in this . . ."

In considering how to judge the new technology, the Florida court decided not to rely on a 1923 federal court ruling which called for "general acceptance" of a technology in the scientific community. That "nose counting" approach might result in exclusion of reliable but not yet widely used types of evidence, the Florida court said.

Rather, the court relied on a 1985 ruling by the 3d Circuit U.S. Court of Appeals in *U.S. v Downing, 753 F.2d 1224.* Under that ruling, the prime consideration is the technology's relevance to the trial, and a variety of factors can be considered as tests of the technology's reliability. Those include its relationship to more established modes of scientific analysis, the existence of a specialized literature on the subject, the professional stature of expert witnesses, and experience with nonjudicial purposes of the technology.

Advocates of DNA technology welcomed the Florida ruling but said that many more rulings will be necessary before the technology is firmly established in the criminal justice system. "It's a good start, but it's not by any means the last word for the nation," said Dr. Howard Harris, director of the Monroe County, New York Crime Laboratory and chairman of a steering committee on DNA technology established by the state Division of Criminal Justice Services.

Virginia Man Pardoned After Five Years in Prison: Baliles Acts After Evidence Links Murder to Arlington Killer

(By Dana Priest)

Virginia Gov. Gerald L. Baliles granted a complete pardon yesterday to David Vasquez, who pleaded guilty to murder and has been imprisoned for five years, after new evidence linked the killing to an Arlington man convicted of two other murders.

In a written statement released yesterday, Baliles said his decision followed an "exhaustive analysis" of the evidence by the Arlington County Police Department and the FBI, and he had concluded that "reason and justice" required the pardon, which exonerates Vasquez of the crime.

"I'm ready to cry," Vasquez said in an interview from the Buckingham Correctional Center, from which he was released early yesterday evening. To Baliles he had this message: "I love him. I'm glad he did everything right." Vasquez, 42, said he wanted to hurry to his mother's home in Manassas, where he hoped to celebrate a belated Christmas.

Vasquez, who had been imprisoned since Feb. 6, 1984, was accused of killing Washington lawyer Carolyn Hamm, who detectives believe was raped and then hanged from a pipe in her basement the month before. The weekend before the trial began in 1985, Vasquez pleaded guilty to second-degree murder to avoid being tried for capital murder, which carries the death penalty.

In an unusual move, Arlington Commonwealth's Attorney Helen F. Fahey, whose office had prosecuted Vasquez, asked the governor in October to consider a pardon.

Fahey's request was based on new evidence unearthed during the investigation of another murder, that of Susan Tucker of Arlington in November 1987.

Police believed that the same person who killed Tucker also killed Hamm because of dozens of similarities between the two murders.

The similarities included strangulation but no signs of struggle, and that the victims were raped, their hands bound, their purses robbed only of cash.

Police also knew that the assailant in both cases carried a knife and covered his hands with gloves or socks.

Relying on genetic DNA testing, police linked Timothy W. Spencer to Tucker's death, and in July, a jury convicted Spencer and sentenced him to death.

In September, Spencer was sentenced a second time to death for the rape and murder of Richmond resident Debbie Dudley Davis, who was killed in late 1987.

Fahey said that the blood type of the semen sample found on Hamm matched Spencer's blood type, which was compared only after he became a suspect in the Tucker case.

Fahey said Spencer, who faces a third capital murder trial in Richmond, will not be tried for Hamm's death because of the convictions against him.

Fahey and detectives said they always believed that Vasquez was an accomplice to the Hamm murder. He is a slight man, they pointed out, probably physically unable to have hanged Hamm.

The main evidence against Vasquez at the time of his arrest was a hair fiber found at the scene that was consistent with Vasquez's hair type, a neighbor who spotted Vasquez the night before the crime in front of the victim's home and three long, often rambling conversations Vasquez had with

Arlington detectives after his arrest. The conversations were taped, but only one was ruled admissible in court.

Police said during a preliminary hearing that Vasquez, who was described in court as having low-level intelligence, rambled during his statements. Vasquez seemed to be in a trance as he recounted the crime to police, as if it were "a horrible dream," a detective testified.

The detective testified that he had asked Vasquez "to get himself in a state where he can really think about the dream . . . force himself a little bit in order to discuss this dream."

Richard McCue, Vasquez's attorney at the time, said yesterday that during the conversations the detectives fed Vasquez bits of information about the crime and that Vasquez incorporated them into his story. For instance, Vasquez first said he stabbed Hamm, then that he used a belt to strangle her. Each time, said McCue, who has listened to the tapes, detectives told Vasquez he had given the wrong answer. Hamm was strangled with the cord to venetian blinds.

At no point during those conversations did Vasquez request an attorney.

McCue said yesterday that Vasquez did not understand he had that right. "He was not capable of fully understanding his Miranda rights," McCue said.

Vasquez said he was confused and frightened at the time, that he "was repeating everything the detectives were saying," but that he was innocent of murdering Hamm.

The week before the trial was scheduled to begin, Arlington Circuit Court Judge William L. Winston ruled that the third tape was admissible as evidence and that McCue would be restricted in what he told the jury about how the detectives had conducted the conversations.

McCue said the ruling significantly weakened his case. It meant he would not have been able to tell jurors that the Vasquez statements they heard on the third tape were the result of prodding during the first two conversations.

The weekend before the trial, McCue and Henry E. Hudson, Arlington commonwealth's attorney at the time, negotiated the agreement for Vasquez to plead guilty to second-degree murder.

Arlington Detective Joe Horgas, whose work led to Spencer's convictions and Vasquez's release, said last night that he "felt great" about the pardon.

Vasquez said he plans to ask the state to compensate him for what he estimated to be $250,000 in lost wages from the fast food job he held at the time of his arrest.

Imelda Shapiro, Vasquez's mother, said while choking back tears yesterday that she had kept her Christmas tree up and packages wrapped in expectations of her son's freedom.

Asked what she wanted to do upon his return, she said: "Just love him and hug him and thank God he's home. He's suffered too much."

REMARKS BY JOHN K. VAN DE KAMP, ATTORNEY GENERAL OF CALIFORNIA

One year ago this month, I stood before a room full of prosecutors eager to use DNA analysis as a tool for criminal investigations and prosecutions. Many were waiting only for a green light to move forward. Instead, they got a stop sign.

I expressed great confidence in the future of DNA analysis, but grave doubts about its present ability to withstand a court challenge. I felt the same concern for this new technology that a worried father might feel for his 16-year-old son if he showed up one day with a brand new, cherry-red convertible—but no driver's license and no vehicle registration.

The boy might be a helluva driver, but the moment he hit the freeway there'd be a cop in his rearview mirror—and a major dent in someone's wallet.

So I instructed my own lawyers and criminalists not to use DNA evidence until further notice. And I asked District Attorneys to take the same go-slow approach.

Meanwhile, I promised to get the kid a license and some legal plates—so we could all hit the road in style.

Today I want to thank the members of the C.D.A.A. for your patience. You've handled this technology with commendable caution. No one has rushed into court with a bad case that might jeopardize admissibility.

Instead, we have had an opportunity for the science to catch up with our needs, for potential problems to be resolved, and for some intelligent planning.

As a result, I am now able to say to you: "Ladies and gentleman, start your engines." With careful handling, DNA is ready to go to court in California, and ready to win.

This morning I'd like to tell you what's been happening with DNA technology in the past year, where we stand at present, and what we see in California's future.

I'm sure that some of you manage to look very knowing on the subject of DNA analysis without having the vaguest idea what anyone's talking about. So let me remind you that DNA, or deoxyribonucleic acid, is the molecule which carries our genetic code. DNA is the blueprint for our individual traits as well as for the characteristics that we share with all members of our species.

I'll give you an example. Some District Attorneys are tall with white hair. Others are short and wear glasses. But the entire species plans to run for Attorney General some day. That's DNA at work.

There is nothing speculative about DNA analysis. Researchers have been analyzing the structure of this molecule for more than 30 years. Forensic applications are relatively new; but they are based on a huge body of scientific work.

For the purposes of criminal justice, we don't have to do anything too exotic—no gene-splicing or bio-engineering.

We simply conduct a series of tests, called probes, at specific points along the DNA molecule. The result is a series of alternating black and white bands on x-ray film. By measuring the density of the bands, we get a set of numbers which describes that particular piece of DNA.

Since every cell from the same human body contains the same, unique DNA molecule, we can test blood, semen, scrapings of skin left under fingernails, hairs that still have roots attached—any human tissue. It is a method of establishing identity potentially far more powerful than a fingerprint.

Unless they are identical twins—like Arnold Schwartzenegger and Danny Devito—the odds of two people having the same DNA structure are roughly one in 30 billion. Evidence used in court is unlikely ever to use the full discriminatory power of the technology. But that's just as well, since there are only 5 billion people on earth.

DNA is also one tough little piece of evidence. Unlike proteins, which are the basis of many forensic tests, DNA is highly resistant to the forces of nature—like drying and bacterial contamination. Intact DNA has even been recovered from Egyptian mummies thousands of years old.

Using this technique we would nail King Tut on a morals charge; but I believe the statute has run.

While our primary interest is identification of criminal suspects, we should be aware that this extraordinary technology has many other potential applications as well. It can identify the remains of victims. It can establish paternity. It can distinguish serial crimes from "copycat crimes." It can also clear suspects who are falsely accused.

Just last week a carpenter's assistant named Sammy Scheff of Greenburgh, New York, was cleared of rape charges with DNA evidence. Mr. Scheff had been convicted and imprisoned for eight months based on identification by the victim from photos and a lineup. It took DNA analysis to prove that he was innocent.

There was a similar case in San Mateo County last year, though the evidence never got to court. That victim, too, had positively identified a kidnapper and rapist. But DNA analysis convinced the DA not to prosecute.

In England, where the technique was first developed, it is now used to determine whether would-be immigrants are, in fact, related to British citizens.

DNA was first used in England as an investigative tool—and on an extraordinary scale. In 1985 DNA tests were performed on more than 5,500 men in a region where a sexual killer was at large.

Fearing that he would be suspected if he refused to cooperate, and identified if he did, the murderer, a man named Pitchfork, convinced a friend who had already been tested to submit a second blood sample in Pitchfork's name. When police discovered the deception, the killer confessed—so DNA evidence was never actually introduced against him.

Obviously, such uses raise serious questions of privacy and civil liberties—including the dangers and the benefits of screening for genetic traits and diseases. But all such controversy, as well as all usefulness for our work, depends on one question: Is DNA analysis a legally-admissible means of establishing identity?

In California, as in many states, that question will be answered by applying the *Kelly-Frye* standard, first enunciated in federal court in 1923. In simplest terms, *Kelly-Frye* says that forensic evidence is admissible only if the reliability of the method has been established, usually by expert testimony.

Any witness furnishing that testimony must be properly qualified to give an expert opinion. Those who introduce the evidence must prove that correct procedures were used in their particular case. They must also prove that the method and procedures have achieved general acceptance in the scientific community.

That was the test which electrophoresis failed in *People* v. *Brown* in 1985. The technology was rushed helter-skelter into court. And a valuable forensic technique was lost to us until we could painstakingly re-establish its validity—a process that took three years, plus more trouble and money than I care to think about.

Last year I was fearful that a similar fate could befall DNA analysis. Although the technology was very old by the standards of this fast-moving age, its application to criminal justice was new. Although thousands of scientists were at work in the field, only a handful were working on forensic ap-

plications—and none were law enforcement personnel.

The available experts were all attached to just three private laboratories. Furthermore, the most experienced of these regarded its technology as proprietary. So its procedures could not have been verified by an independent government lab even if one had existed.

The California Association of Crime Lab Directors was still trying to validate the techniques used by the private vendors. And my own Bureau of Forensic Services had reservations about validity as well.

In short, we could not conclusively demonstrate the reliability of DNA analysis. Qualified expert witnesses were scarce. And general acceptance in the scientific community was something of an open question.

Under the circumstances, I concluded that it would be foolish to expose DNA to a *Kelly-Frye* hearing. So I ordered the Department of Justice not to do so, and I asked that others follow suit.

Now, what has happened since that time to change my mind? First, substantial additional research has been published in this area. None of it indicates any division within the scientific community on the use of DNA technology in a forensic context.

Second, after validating its own series of probes, the FBI has started doing DNA case work. As a result, we now have independent confirmation by a highly-respected law enforcement agency on some key questions—like what happens when blood or tissue samples are contaminated? The FBI says that may prevent a DNA typing, but it will not produce an inaccurate result.

A third development has been experienced elsewhere. Thus far, courts in 13 states have ruled that DNA evidence is admissible—including one capital case in Virginia.

A number of these trials have involved strenuous challenges to DNA evidence. Yet no court has refused to admit DNA. At a minimum, it is clear that the supply of qualified expert witnesses has been adequate. It is also reasonable to assume that, if there were a major problem with the technology, it would have surfaced by now.

All of these developments give us confidence that the *Kelly-Frye* standard can now be met—even though it hasn't yet been done with finality. The first and only appellate decision was published in October. Although the decision was favorable, the case came from Florida which, as the court noted, may not be a *Frye* state. Nevertheless, language in the opinion suggests that the evidence would also meet the *Frye* standard.

Meanwhile, here in California, the Bureau of Forensic Services, working with Dr. George Sensabaugh at UC Berkeley, has resolved most of its concerns about validity.

I have here a five-page single-spaced description of the two methods of DNA analysis. But, since I have friends in the audience, I'm not going to read it to you. Suffice it to say that, while we still have some questions about the PCR method, BFS believes that the standard, RFLP method is suitable for casework in the hands of properly trained individuals.

So does the California Association of Crime Laboratory Directors. CACLD has completed its investigation—including submission of 150 samples to the three private vendors in a blind test—and has endorsed the process. Incidentally, a similar blind test of 700 samples was conducted in New York, with equally good results.

At the time that I put the brakes on the use of DNA in California last year, I appointed a DNA Advisory Board consisting of Ira Reiner and Jack Meehan, representing this association; James Anthony and Robert Shiells representing the California Police Chiefs Association; John Zunino and Brad Gates representing the California Sheriffs' Association; and John Hicks representing the F.B.I.

After reviewing the advances in the state of DNA technology, the Advisory Board has officially recommended that I modify my position and support the use of DNA typing in case work. I concur with that recommendation. It is time to take this technology into court.

That is not a suggestion that we rush willy-nilly to trial. On the contrary, it is important that the first presentations of this evidence come in the best possible cases. Every prosecutor who follows behind will be eternally grateful for careful work by those who lead the way. We need to establish clear, solid precedents.

Fortunately, two strong cases are ready to go. For some months now, the Department of Justice has been assisting the District Attorneys of Ventura and Orange Counties with cases involving DNA evidence. Both are likely to go to trial in the next few months.

In Ventura County, Deputy DA Carol Nelson is handling the *People* v. *Lynda Axell*, a murder case which was originally set for trial yesterday, but which is now expected to begin in March or April. While no DNA evidence was introduced in the preliminary hearing, it is expected to be used at trial.

The evidence consists of approximately sixty human hairs, some of which have been analyzed by the Cellmark Company. This case will provide a very clear test because there is virtually no other physical evidence, and conventional methods of forensic analysis were attempted to no avail.

Meanwhile, in Orange County, Deputy DA Dennis Bauer is handling the *People* v. *Danny Harris*, a case involving as many as 63 counts of serial rape, which is expected to reach trial in May or June. There will be an admissibility hearing in February or March.

This case, too, is a real showcase for DNA evidence. During the period when the crimes were committed, two serial rapists with very similar MO's were working in Orange County. Using conventional methods, it would have been impossible to say which of the two suspects was responsible for many of these crimes. Through DNA analysis, however, suspect Harris has been tied conclusively to five cases.

There are other cases in the works in DA's offices around the state, but these two are likely to provide the first critical tests of DNA evidence in California. We wish the prosecutors well. We are confident that they will prevail.

After we take our first tentative steps in court, we must be ready to hit full stride with this technology. That will be both complicated and expensive. Very few crime labs in the state will be capable of doing this work. And it is important that those who can do it do it the same way.

Researchers have developed more than 500 different DNA probes to date. If LPAD uses one series, while the LA Sheriff's Office uses another, we're all going to waste a lot of time and money. No single agency, no matter how large or sophisticated, can manage this project in splendid isolation. Uniform local, state and federal standards are essential.

The Attorney General's DNA Advisory Board, along with the California Criminalistics Institute, or C.C.I., and the F.B.I., have been working on that problem for the past year. We are now prepared to establish a state-wide system of standardized DNA laboratory work to support criminal investigation and prosecution in California.

The CACLD and BFS have recommended a regional approach, funded on a state/local cost-sharing basis—along the lines of the Cal-ID fingerprint system. Their proposal calls for three to five regional DNA labs in California. One will be run by the Department of Justice. The others will be staffed by host law enforcement agencies.

The state will provide equipment and facilities for each laboratory. Host agencies will provide the personnel. C.C.I. will provide training and general supervision. The result will be an efficient system for making the technology readily available throughout California.

The DNA Advisory Board has accepted the recommendation in concept. And a budget request to fund initial development has been submitted. Unfortunately, the Governor disapproved it for fiscal reasons. So, we will have to take this proposal directly to the Legislature.

We are preparing legislation that will give specific form to the regional laboratory proposal. I expect to be able to make a detailed announcement about the plan, and about additional DNA-related proposals, within the next month.

Make no mistake about it. The future of this technology as a tool of justice in California is very bright.

And yet, there are days when no part of life looks bright. Yesterday I traveled to Stockton to attend the memorial service for the five children who were murdered in their schoolyard. As I prayed with the mourners, I felt that special grief we in law enforcement feel when we are sworn to protect the innocent but we cannot do it.

Usually there is no action we can take at such moments, no consolation except to redouble our efforts to prevent the violence—and, when we cannot, to seek out and punish those responsible.

But in this case I feel there is something very specific that we can do, something very tangible that this organization can help accomplish. We can halt the legal sale of weapons like the one that was fired on those children—and is fired every day on the gang-infested streets of our cities, all to often at policemen in the line of duty.

Military assault rifles must be banned in California. That much we can do in memory of those five young lives.

And, in the broader sense, there is also something else that we can do. We can give police and prosecutors in this state the finest support available anywhere in the world.

We can use new technologies like DNA wisely and well to protect the public. We can use every resource to ensure that justice in California is swift and justice is sure. For, in the end, that is the best and perhaps the only protection we can offer the innocent.●

HATE CRIMES STATISTICS ACT OF 1989

● Mr. LIEBERMAN. Mr. President, I am proud to rise as a cosponsor of the Hate Crimes Statistics Act of 1989, which is being introduced by my col-

leagues Senator HATCH and Senator SIMON.

Hate crimes are a growing problem in the United States. The Southern Poverty Law Center reported that in 1988, racial violence was on the upswing, due in part to the disturbing proliferation of violent, racist Skinhead gangs throughout the country. In a special report on hate crimes in 1988, the Klanwatch Intelligence Report notes that Skinheads were linked to four murders and two-thirds of the racial assaults documented by Klanwatch last year.

Crime motivated by religious hatred has also risen over the past year. The Anti-Defamation League reported that in 1988, 823 episodes of vandalism and desecration and 458 acts of harassment, threats, and assaults were committed against Jews, their property and their institutions—the highest number in 5 years.

Hate crimes are on the increase in my State of Connecticut. From 1987 to 1988, there was a threefold increase in the number of anti-Semitic incidents in Connecticut, including the burning of a synagogue in West Haven and the desecration of a Holocaust memorial in New Haven. The latter case was accompanied by vandalism at the Afro-American Culturual Center at Yale University within the same 24-hour period.

Overall in Connecticut, there were 27 hate crimes from July to December 1988. We know that fact because Connecticut has a new law requiring the State police to maintain statistics on hate crimes—a law I was pleased to support as attorney general. That is what the Hate Crimes Statistics Act of 1989 is all about. We have reason to believe hate crimes are on the increase nationally, but there are no comprehensive, accurate, up-to-date statistics kept on the national incidence of such crimes.

Such data would be very useful to law enforcement organizations, State and local governments, the media, antidiscrimination organizations, and the general public. Investigators will be able to assess whether certain attacks are isolated incidents or symtomatic of pervasive problems, whether hate-related violence is more prevalent in certain regions or communities, and whether particular groups are suffering greater numbers of attack.

Organizations such as Klanwatch, the Southern Poverty Law Center, and the Anti-Defamation League do what they can to gather information on hate crimes, but they cannot do it alone. The Hate Crimes Statistics Act of 1989 addresses this problem by requiring the Attorney General and the Justice Department to collect data on crimes which manifest prejudice based on race, ethnicity, sexual orientation, or religious preference; acts which violate the free exercise of civil and constitutional rights.

Collecting data alone will not erase bigotry. But without the facts, we cannot hope to mount a coordinated, national response to hate crimes. Cross burnings are more than "arson." Painting swastikas on a synagogue is more than "vandalism." Such acts intimidate and harass not just the immediate victim, and not just the group represented by the victim, but all of us who believe in the principles of the Constitution.

Passage of this bill is critical to understanding the national scope and magnitude of the problem of hate crimes. It is an important first step toward the goal of eradicating bigotry. The 101st Congress has a significant opportunity to take that step, and I urge my colleagues to join me in support of this legislation.●

1988 CAMPAIGN SPENDING

● Mr. BOREN. Mr. President, the election spending to win a seat in this body has once again set a new record. Through the 1988 election cycle, the sad fact is: the average cost to win a seat in the U.S. Senate was $4,083,308. This compares with just over $3 million in the 1986 cycle.

Mr. President, this again illustrates that we are becoming a "Congress on the auction block"—competing on money and who can raise it, instead of leadership, and who can provide it.

I have introduced a campaign reform bill which calls for comprehensive reform of our system of election finance. S. 137, cosponsored by Senators MITCHELL, BYRD, and 11 other colleagues, is designed to contain overall spending, cap the runaway growth of special interest, PAC contributions, and close, not merely disclose, but close the most dreadful loophole in election law today: "soft money."

Mr. President, I urge my colleagues, Democrats and Republicans, to seriously review this legislation, as well as the recently disclosed figures from the 1988 elections.

I ask that a chart showing these figures be printed in the RECORD at this point.

The chart follows:

1988 SENATE CAMPAIGN SPENDING AND PAC RECEIPTS—COMPARED TO S. 137 LIMITS

State [1]	Winning candidate		Losing candidate	
	Total spending PAC receipts	[1] Excess/ spending limit [1] excess/PAC limit	Total spending PAC receipts	[1] Excess/ spending limit [1] excess-/PAC limit
Arizona	$2,969,525	$1,143,213	$238,369	
(D/I)	1,125,566	905,753	20,350	
California	14,656,367	6,425,117	6,986,342	
(R/I)	2,410,082	1,585,082	872,988	$47,988
Connecticut	2,570,779	691,361	2,731,294	851,876
(D/C)	175,566		1,042,193	815,988
Delaware	1,976,430	389,930	2,385,414	798,914
(R/I)	875,041	684,091	91,810	
Florida	5,181,639	493,114	3,714,852	
(R/O)	1,018,745	454,438	899,385	335,078
Hawaii	790,710		47,065	
(D/I)	255,233	64,283	10,000	
Indiana	3,244,601	576,108	314,233	
(R/I)	836,846	515,669	119,150	
Maine	1,471,426		147,760	
(D/I)	804,969	614,019	2,599	
Maryland	1,584,668		662,651	
(D/I)	617,797	338,709	63,352	
Massachusetts	2,992,538	129,323	587,323	
(D/I)	359,747	15,133		
Michigan	3,594,880		442,693	
(D/I)	1,543,544	1,091,043	8,055	
Minnesota	6,859,409	4,661,355	2,477,068	279,014
(R/I)	1,792,646	1,528,090	557,234	292,678
Mississippi	3,405,242	1,818,742	2,355,957	796,457
(R/I)	1,118,111	927,161	962,719	771,769
Missouri	4,060,441	1,537,739	880,160	
(R/I)	1,408,391	1,104,761	241,231	
Montana	1,076,010		1,469,286	
(R/C)	315,387	124,437	968,286	777,336
Nebraska	3,461,148	1,874,648	3,411,361	1,824,861
(D/C)	799,279	608,329	883,895	692,945

1988 SENATE CAMPAIGN SPENDING AND PAC RECEIPTS—COMPARED TO S. 137 LIMITS—Continued

State [1]	Winning candidate		Losing candidate	
	Total spending PAC receipts	[1] Excess/ spending limit [1] excess/PAC limit	Total spending PAC receipts	[1] Excess/ spending limit [1] excess-/PAC limit
Nevada	2,957,789	1,371,289	3,540,344	1,953,844
(D/C)	802,792	611,842	1,260,144	1,069,194
New Jersey	8,090,446	3,280,846	7,616,249	2,806,649
(D/I)	1,651,841	1,072,961	855,144	276,264
New Mexico	4,376,888	2,790,388	659,624	
(D/I)	1,403,255	1,212,305	91,363	
New York	5,468,516		528,989	
(D/I)	1,228,712	434,059	33,495	
North Dakota	2,165,640	579,140	906,807	
(D/I)	1,187,274	996,324	254,518	63,568
Ohio	8,834,251	4,546,109	8,373,167	4,085,025
(D/I)	1,137,932	621,815	1,377,727	861,610
Pennsylvania	5,674,449	924,969	544,137	
(R/I)	1,381,858	810,214	48,805	
Rhode Island	3,019,329	1,432,829	2,735,917	1,149,417
(R/I)	1,185,195	994,245	655,752	464,802
Tennessee	3,441,466	1,004,435	612,421	
(D/I)	1,625,800	1,332,481	24,925	
Texas	9,467,641	3,634,331	1,353,345	
(D/I)	2,739,211	2,037,118	95,021	
Utah	4,520,796	2,934,296	153,475	
(R/I)	1,324,915	1,133,965	71,800	
Vermont	876,877		549,908	
(R/O)	650,393	459,443	109,950	
Virginia	2,881,666	100,281	282,229	
(D/O)	914,763	579,998	23,148	
Washington	2,851,591	565,862	2,191,187	
(R/O)	939,406	664,298	618,074	342,966
West Virginia	1,282,746		115,284	
(D/I)	1,021,570	830,620	2,103	
Wisconsin	7,491,600	5,074,609	2,908,101	491,110
(D/O)			993,692	702,785
Wyoming	1,451,670		490,230	
(R/I)	923,592	732,642	248,303	57,353

[1] Designates winning candidate's party and campaign status: D—Democrat; R—Republican; I—Incumbent; C—Challenger; O—Open Seat.

STUDY SUMMARY

Total Senate Campaign Spending: $197,162,416.

Incumbents: $113,147,118; Challengers: $49,324,449; Open: $34,690,849.

Winning Candidates: $134,749,174; Losing Candidates: $62,413,242.

Democrats: $103,142,489; Republicans: $94,019,927.

Total Spending over the S. 137 limit: $63,017,210.

Campaign Spending would have been reduced 32% had S. 137 been law.

Total PAC Contributions: $49,082,670.

Incumbents: $32,995,535; Challengers: $7,838,749; Open: $8,248,386.

Winning Candidates: $35,575,459; Losing Candidates: $13,507,211.

Democrats: $25,860,338; Republicans: $23,222,332.

PAC contributions over the S. 137 limit: $32,657,652.

PAC contributions would have been reduced by 66% had S. 137 been law.

KEY FIGURES

Incumbents outspent challengers by a ratio of 2.3 to 1.

Of the 4 challengers that won—3 were still outspent by the incumbent and the 4th only outspent the incumbent by 1.4%.

Winning candidates outspent losing candidates by a ratio of 2 to 1.

Democrats slightly outspent Republicans.

PACs gave to incumbents by over a 4 to 1 ratio over challengers (81.2%).

7 Senate candidates got over 50% of their funds from PACs.

9 of the 33 races saw BOTH candidates spend within the S. 137 limits.

10 of the 33 races saw BOTH candidates exceed the S. 137 limits.

Of those that WON these 10 races:

6 were Democrats; 4 were Republicans;

2 were incumbent Democrats; 3 were incumbent Republicans; 3 were Challenger Democrats; 2 were open seat races with 1 of each party.

14 of the 33 races saw ONE candidate exceed the S. 137 limits: 7 were Republicans; 7 were Democrats; 11 were incumbents; 3 were for open seats; all 14 candidates WON.

Of the 24 races where one or both candidate(s) exceeded the S. 137 limits: 17 were Republicans; 17 were Democrats; 19 were incumbents; 8 were challengers; 7 were in open seat races (4 Rep./3 Dem.)

Average cost of a winning campaign for the Senate:

1988—$4,083,308 (up 98% from '82; up 570% from '76).

1982—$2,066,700.

1976—$609,100.

NINETY-FIFTH ANNIVERSARY OF UKRAINIAN NATIONAL ASSOCIATION

● Mr. LAUTENBERG. Mr. President, I rise to join the Ukrainian National Association in celebrating its 95th anniversary.

The Ukrainian National Association is a fraternal insurance organization that was founded on February 22, 1984, to provide financial services in the Ukrainian immigrant community. Ninety-five years ago, the organization had 13 branches. Today, the Ukrainian National Association has expanded considerably and has 420 branches in the United States and Canada. It is the largest Ukrainian-American fraternal insurance organization and has over 77,000 members in 28 States.

The group offers much more than life insurance to its members. For the Ukrainian-American community, the Ukrainian National Association provides scholarships and retirement benefits in addition to educational, cultural, and social benefits. Through its many services, the Ukrainian National Association helps to enhance the lives of countless Ukrainian-American citizens.

One of the important ways the Ukrainian National Association contributes to the lives of Ukrainian-American citizens is through the newspapers it publishes. The group publishes a Ukrainian-language daily newspaper called Svoboda, an English weekly newspaper called the Ukrainian Weekly, and a monthly children's magazine called Veselka. In addition, the Ukrainian National Association has financially supported a number of books on Ukrainian history. These publications play a critical role in keeping the Ukrainian-American community informed about events of interest in the United States and in the Ukraine.

While the Ukrainian National Association was organized to assist Ukrainians living in the West, it has continued to assist the friends and families of those living in the Ukraine. The group has continued to make the situation of millions of Ukrainians in the Soviet Union a priority for the Congress and the administration.

I urge my colleagues to join me in celebrating this important anniversary with the Ukrainian National Association.●

"THE HISTORY OF THE SENATE" RECEPTION

Mr. MITCHELL. Mr. President, my distinguished colleague referred a few moments ago to the reception tomor-

row to be held in honor of the publication of Senator BYRD's history of the Senate over the past 200 years. I hope very much that all of our colleagues will attend and, more importantly, will actually read the book, because having myself read several of the statements which Senator BYRD has made on the Senate floor and which comprise the volume, it will be most helpful and instructive to us in our own future conduct.

Senator BYRD has so often reminded us of the importance of history in determining the future.

ORDERS FOR TOMORROW

RECESS UNTIL 2 P.M.

Mr. MITCHELL. I earlier had stated, Mr. President, that it was my intention to recess over until 4 p.m. tomorrow, but in order to better accommodate the reception for Senator BYRD, to permit the setting up, I am going to change that until 2 o'clock tomorrow in the unanimous-consent request which I shall now propound.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 2 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that on tomorrow following the time for the two leaders there be a period for the transaction of morning business for not to exceed 1 hour with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

"THE HISTORY OF THE SENATE" RECEPTION

Mr. BYRD. Mr. President, I thank both leaders for their comments with respect to the reception on tomorrow afternoon and evening. I thank the majority leader for his having rearranged the time.

I had earlier told the majority leader that I felt at best the Senate could go out about 5 or 5:30, at the time the reception began, so we would have a good attendance of Senators. But my staff is of the opinion that it is going to take a couple of hours to prepare the premises for that reception. It will occur in the reception room just off the Chamber here, and it will also spill over to the LBJ Room, S-211.

So the majority leader now, with the concurrence of the distinguished minority leader, has agreed to have the Senate come in at 2 p.m. This will allow the Senate to have some morning business and then go out, hopefully around 3 or 3:30. This will give my staff then the opportunity and the time to prepare for the reception.

I do hope that all 100 Senators will be able to attend, and their spouses.

Mr. President, I thank both leaders for the support that they have given to the publication of this volume. It is volume I, and I believe that the people will, in reading it, understand the great amount of time and effort that have gone into the preparation of it.

This book is 800 pages in length, including the footnotes and index, with 270 illustrations, many of which are in color. It contains 39 chapters and weighs 7 pounds, and it will be followed by 2 or 3 volumes in due time.

I again thank both leaders.

INTRODUCTION OF BILLS AND SUBMISSION OF STATEMENTS

Mr. PELL. Mr. President, I ask unanimous consent that the RECORD remain open until half past 4 this afternoon for the introduction of bills and submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 2 P.M.

Mr. PELL. Mr. President, if the acting Republican leader has no further business, and if there is no Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 2 p.m. tomorrow.

There being no objection, the Senate, at 3:31 p.m., recessed until tomorrow, Thursday, February 23, 1989, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 21, 1989, under authority of the order of the Senate of January 3, 1989:

CENTRAL INTELLIGENCE

RICHARD J. KERR, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE, VICE ROBERT M. GATES, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING RESERVE OFFICERS OF THE UNITED STATES COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF CAPTAIN:

JOHN C. GRIGGS MICHAEL W. PIERSON

THE FOLLOWING RESERVE OFFICERS OF THE UNITED STATES COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF COMMANDER:

PERCY O. NORWOOD, JR. VIRGIL R. ALLEN
CARL H. CROWN

THE FOLLOWING REGULAR OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT (JUNIOR GRADE):

JOHN F. MALONEY
CRAIG T. HOSKINS
MARK A. STAFFORD
JAMES P. MCLEOD, JR.
FRANK X. GEARHART
RAYMOND D. HUNT
LOUIS W. FREY
JAN R. PROEHL
KENNETH V. FORDHAM
JON S. KELLAMS
KEITH M. SMITH
ALVIN D. YATES
JOSE A. NIEVES
BYRON L. BLACK
MARK D. BERKELEY
RICHARD A. SANDOVAL
ROBERT C. WILSON
GARY L. BRUCE
JIM L. MUNRO, JR.
DAVID W. SHERROD
KEVIN P. FROST
ROBERT D. KIRK
WILLIAM L. STINEHOUR
SCOTT B. VARCO
DAWAYNE R. PENBERTHY
KEITH D. BOUNDS
SAMMY D. BROOK
KEITH R. BILLS
RICHARD K. WOOLFORD
WAYNE TOMPKINS
TIMOTHY A. ORNER
RICHARD M. REJNIAK
EDDIE A. SIZEMORE

THE FOLLOWING OFFICER TO BE A PERMANENT COMMISSIONED OFFICER IN THE COAST GUARD HAVING BEEN FOUND FIT FOR DUTY WHILE ON THE TEMPORARY DISABILITY RETIRED LIST IN THE GRADE OF CHIEF WARRANT OFFICER, W2.

FREDERICK GONZALES

THE FOLLOWING RESERVE OFFICERS OF THE UNITED STATES COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

PAUL A. WOLF

To be lieutenant (junior grade)

RICHARD J. STOUD
MATTHEW J. SISSON
KENNETH B. HERTZLER
DAVID M. POULSEN
JAMES P. SOMMER
ERIC B. VONDRA
JOSEPH S. PARADIS
PETER N. TROEDSSON
PATRICK L. CAYLOR
BROOKS A. MINNICK
JAMES R. SUMMERS
WILLIAM C. DEAL
JUNE E. RYAN
JOSEPH T. BAKER
GEORGE H. BURNS III
JAMES A. WIERZBICKI
SMITH W. KALITA
JAMES F. MCKELL
ANDREW C. METCALF
HERBERT M. HAMILTON III
MICHEL E. SETTLE
DON G. ROBISON
SUSAN B. WOODRUFF
FRANK E. PILE
MICHAEL J. MANSKER
BRADLEY W. BEAN
RICHARD KERMOND
NORMAN S. SCHWEIZER
RALPH HAWES
DREW W. PEARSON
MICHAEL A. DAVIES
HARRINGTON M. DRAKE III
DONALD A. MILLER
MICHAEL R. BURNS
MARK S. HEMANN
ROBERT A. HONEYWELL
CHRISTOPHER J. OLIN
MARYANN P. SMID
JOHN E. PADUKIEWICZ
MICHAEL ZACK
CRAIG B. LLOYD
ROBERT M. BRADY
DON R. PELTONEN
DOUGLAS E. KAUP
RAYMOND J. PERRY
ARA A. YANIKIAN
EDUARDO PINO
GAIL P. KULISCH
JAMES B. WALLACE
STEVEN R. DOYLE
PHILLIP E. ROSS
MICHAEL S. GARDINER
JOHN N. ROUGAS
GREGORY A. CRUTHIS
MARCUS E. WOODRING
THOMAS W. JONES
PATRICK R. DOWDEN
ELIZABETH A. PEPPER
MATTHEW R. WANNAMAKER
WILLIAM ROGERS
EUGENE A. LORENZO
DONALD T. NOVEILLO
SHARON D. DONALD
BRIAN L. KRENZIEN
MARGARET S. SANSOM
DAVID C. STALFORT
DAVID M. STACKS
JAMES M. FLAHERTY
BRIAN G. BUBAR
CHARLES M. GRIECO
CHARLES J. HONOROWSKI

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3370:

ARMY PROMOTION LIST

To be colonel

JOSEPH E. ABODEELY, xxx-xx-xxxx
RAFAEL A. ACEVEDO, xxx-xx-xxxx
WILLIAM H. ADAIR, xxx-xx-xxxx
EUGENE C. ADAMS, xxx-xx-xxxx
JOHN R. ALEXANDER, xxx-xx-xxxx
GARY R. ALLEN, xxx-xx-xxxx
GREGORY S. ALLEN, xxx-xx-xxxx
HERBERT ALTSHULER, xxx-xx-xxxx
JOSE M. ALVAREZ, xxx-xx-xxxx
WILLIAM S. ANTHONY, xxx-xx-xxxx
CALVIN G. ARNOLD, xxx-xx-xxxx
JAMES S. ARTHURS, xxx-xx-xxxx
FARRIS G. ARWOOD, xxx-xx-xxxx
PETER L. ATHERTON, xxx-xx-xxxx
WILLIAM W. AUSTIN, xxx-xx-xxxx
JAMES C. AVERY, xxx-xx-xxxx
JOHN AVILA, JR., xxx-xx-xxxx
MARY E. AYDAM, xxx-xx-xxxx
MICHAEL BALDEWICZ, xxx-xx-xxxx
HECTOR BANCHNEGRON, xxx-xx-xxxx
THOMAS G. BANJANIN, xxx-xx-xxxx
GEORGE A. BANNON, xxx-xx-xxxx
DAVID H. BARKES, xxx-xx-xxxx
CLIFFORD B. BARKLEY, xxx-xx-xxxx
WILLIAM J. BARNES, xxx-xx-xxxx
CHARLES J. BARNETTE, xxx-xx-xxxx
WILLIAM E. BARRON, xxx-xx-xxxx
ROBERT A. BARTLETT, xxx-xx-xxxx
DENNIS BARTON, xxx-xx-xxxx
WILLIAM J. BAXLEY, xxx-xx-xxxx
CLARENCE E. BAYLESS, xxx-xx-xxxx
RICHARD BEARDSLEY, xxx-xx-xxxx
JOHN H. BECKROGE, JR., xxx-xx-xxxx
ANTHONY J. BENEDICT, xxx-xx-xxxx
JACK A. BENNETT, xxx-xx-xxxx
CHARLIE D. BETTS, xxx-xx-xxxx
PARK P. BIERBOWER, xxx-xx-xxxx
RUSSELL V. BIERL, xxx-xx-xxxx

HUGO C. BIERMANN, xxx-xx-xxxx
STEPHEN R. BLACK, xxx-xx-xxxx
THOMAS A. BLAKE, xxx-xx-xxxx
NORMAN L. BLANCHARD, xxx-xx-xxxx
WILLIAM H. BLANTON, xxx-xx-xxxx
SPESSARD BOATRIGHT, xxx-xx-xxxx
LOUIS O. BODE, xxx-xx-xxxx
WILBUR J. BOEGLI, xxx-xx-xxxx
JOSEPH L. BOLING, xxx-xx-xxxx
MURL T. BONESTEEL, xxx-xx-xxxx
WALTER E. BORTREE, xxx-xx-xxxx
J. E. BOUCHELL, xxx-xx-xxxx
HAROLD N. BOWERS, xxx-xx-xxxx
DARRELL A. BRADLEY, xxx-xx-xxxx
EDWARD T. BRADY, xxx-xx-xxxx
JOHN M. BRADY, xxx-xx-xxxx
THOMAS B. BRAGG, xxx-xx-xxxx
ERIC W. BRAMAN, xxx-xx-xxxx
WILLIAM R. BRANNON, xxx-xx-xxxx
WILLIAM E. BRASS, xxx-xx-xxxx
KENNETH W. BRAY, xxx-xx-xxxx
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To be colonel

JOHN E. ELLIS, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

CHAPLAIN

To be lieutenant colonel

CHARLES N. ARLIN, xxx-xx-xxxx
TERRY R. BAKER, xxx-xx-xxxx
STEPHEN R. BARTELT, xxx-xx-xxxx
GEORGE C. BOONE, xxx-xx-xxxx
ANDRE R. BROUSSARD, xxx-xx-xxxx
GARY W. CLIFTON, xxx-xx-xxxx
JIMMY F. COMER, xxx-xx-xxxx
GEORGE N. CROCKER, xxx-xx-xxxx
JOHN DAWSON, xxx-xx-xxxx
JOSEPH B. FLATT, JR, xxx-xx-xxxx
ROBERT J. GOODE, xxx-xx-xxxx
EMIL D. GREINER, xxx-xx-xxxx
RICHARD H. HARGETT, xxx-xx-xxxx
CALVIN M. HARRIS, xxx-xx-xxxx
LARRY P. HENDERSON, xxx-xx-xxxx
RONALD P. HERZOG, xxx-xx-xxxx
ELISHA C. HURLEY, xxx-xx-xxxx
LAWRENCE JOHNSTON, xxx-xx-xxxx
DONIEL Z. KRAMER, xxx-xx-xxxx
JOHN B. LEDFORD, xxx-xx-xxxx
PAUL E. LUTHMAN, xxx-xx-xxxx
TIMOTHY J. OBRIEN, xxx-xx-xxxx
HENRY L. PETERSON, xxx-xx-xxxx
MARTIN W. PFAB, xxx-xx-xxxx
RICHARD POINDEXTER, xxx-xx-xxxx
ERNEST M. SHIPE, xxx-xx-xxxx
JOHN M. SWEIGART, xxx-xx-xxxx
FRED S. TATE, xxx-xx-xxxx
ROLAND C. TURNBOW, xxx-xx-xxxx
EVERETT L. WRIGHT, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3359:

MEDICAL CORPS

To be lieutenant colonel

ROSEN J. LAWSIN, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

RANDALL OTTO ABSHIER
CHRISTOPHER LYNWOOD ADDISON
DONALD CHARLES AHLSTRAND
ROBERT G. ALLEE
STEPHEN ROBERT ARENDS
RALPH EDWIN ARNOTT
ROBERT DUANE AXTELL
MARIO JOSEPH BAGAGLIO, JR
ROBERT LEE BAKER
STEPHEN HALL BAKER
ROBERT EDWARD BARATKO
FRANK ELMER BARKER, JR
JAMES DOUGLAS BARTON
RONALD BRUCE BAUMAN
ALAN ROBERT BEAM
NATHAN HOWARD BEASON
JOHN JOSEPH BECKER, JR
RICHARD WAYNE BENNETT
WILLIAM DALLAS BETHEA
GEORGE EDWARD BIEDA
JOHN PAUL BIELIK
KENNETH GEORGE BIXLER
WILLIAM THOMAS R. BOGLE
JAMES ARMAND BOLAND
PETER KEMBLE BOLTON
DONALD ROBERT BOUCHOUX
PHILLIP WAYNE BOWER
DANIEL RICHARDS BOWLER
MALCOLM PARKER BRANCH
DAVID LAWREN BREWER, III
GLENN THOMAS BRODIE
GREGORY CHARLES BROWN
PAUL ROBERT BROWN
TEMOTIO ESPINA BUGARIN, JR
GREGORY ALLEN BUSHNELL
SHANNON RAE BUTLER
CRAIG VANHARTEN CAMPBELL
PAUL DAVID CASH
JOHN ALEXANDER CASSIDY, JR
ALLAN BISCHOF CHALOUPKA
CARL WILLIAM CHAMBERLAIN, JR
ROBERT CHARLES CHAPLIN
STANLEY BARNETT CHEPENIK
DANIEL MATTHEW CHOPP
RONALD LEE CHRISTENSON
WILLIAM WILSON COBB, JR
JOHN MACKAY COCHRANE
HARRY PARKER CONSAUL, III
RICHARD CORN, III
STEVEN LEE COUNTS
ROBERT ORD CRAWSHAW
FREDERICK E. CRECELIUS
CHARLES TODD CREEKMAN, JR
DALE WILLIAM CRISP
DENNIS PATRICK CURRY
JOHN WALLACE CURTIN
THOMAS PATRICK DANAHER
JAMES ASHTON DARE, JR
THOMAS CLIFFORD DAVIS
JAMES CUTLER DAWSON, JR
ROBERT WRIGHT DAY
STEPHEN WELD DELAPLANE
WILLIAM MICHAEL DESPAIN
EDWIN WALTER DEWS
ROBERT WILLIAM DICKERSON, II
JEROME VINCENT DIEKEMPER
AUGUSTO JAMES DIONIZIO, JR
JOHN DEAN DOLQUIST
LARRY SPENCER DOYLE

JOHN CHARLES DRANCHAK
ROBERT RAWDON DUNNE
STEPHEN MICHAEL DWYER
BARRY JUSTICE DYSART
DON RONDELL ENGLAND
CLEVELAND DUANE ENGLEHARDT
DAVID PAUL ERICKSON
THOMAS SCOTT ESEMAN
MALCOLM IRVING PAGES
DENNIS ERVIN PANDREI
DAVID DICKSON PARALDO
THOMAS BOULTON FARGO
JAMES STEPHEN FARRAR
THOMAS RAYMOND FEDYSZYN
JOHN JOSEPH FELLONEY, JR
WILLIAM GREGORY FIDYK
DAVID PAUL FITCH
THOMAS JAMES FLANAGAN
JOHN BAPTIST FOLEY, III
ROBERT VINCENT FOLEY
WAYNE EDWARD FOSHAY
ROBERT ELLIS FRICK
DALE ALLAN GARDNER
HAROLD COE GASTLER
ROCKLIN E. GMEINER, JR
WILLIAM ROSS GRANER
ROBERT KELLY GRAY
JOHN JOSEPH GROSSENBACHER
LEE SAMUEL GURKE
DANIEL MARK HACKER
HOWARD JAMES HALLIDAY, JR
STEVEN PATRICK HANNIFIN
ROSS CHESNEY HANSELL
TERRIS LEIGH HANSON
ALFRED GLEN HARMS, JR
RONALD ROBINSON HARRIS
JEFFREY HARRISON
ROBERT LINAE HENDRICKS
TERRANCE LEE HIGHTOWER
CARL CLIFTON HILL, III
HARRY THORNTON HINMAN, III
BRUCE MICHAEL HOELLER
GERALD LEE HOFWOLT
GORDON STALLINGS HOLDER
BERNARD G. HOLLENBECK, JR
JAMES ALBERT HOOPER, IV
JAMES LEROY HORNBACK
PRENTICE LEE HOUSE
SAM KENNEY HOUSTON, JR
TOMMY LLOYD HOVLAND
ROBERT LEE HUFFMAN
GERALD WAYNE HULL
DOUGLAS PHILLIP HUTH
LLOYD EDWIN JAMES
GREGORY GORDON JOHNSON
JOHN MICHAEL JOHNSON
STEPHEN IRVIN JOHNSON
FREDERICK EUGENE JUNG
GEORGE WALTER JURAND
STUART CHARLES KARON
GEORGE EDWIN KEEFE, JR
RAYMOND ARTHUR KELLETT, JR
JOHN JOSEPH KENNEDY, JR
RICHARD ANTHONY KENNEDY
JAMES KIRKWOOD KERESEY
REX WILLIAM KIBLER
JAMES CLAUDE KINNEY
ROBERT CHARLES KLOSTERMAN
GEORGE WAYNE KOLAROV
MICHAEL LAIRD LAGOW
LOUIS PATRICK LALLI
JOSEPH THOMAS LARIO
GLENN DOUGLAS LATTIG
THOMAS PETER LAWLER
JANE STEWART LECOMPTE
DAVID MICHAEL LEE
PETER DAWSON LEIBUNDGUTH
ROBERT LEE LEITZEL
WILLIAM CHARLES LIEBE
ROBERT CALDWELL MABRY, JR
JOHN JOSEPH MACKIN
DENNY KAYE MAJOR
GREGORY ALLEN MARKWELL
HAROLD EDDY MARSHALL
JANET MARIE MCAULEY
FRANCIS JOSEPH MCCAFFERY
MICHAEL SHANNON MCCRARY
KENNETH LEE MCCRORY
HUGH JOSEPH MCCULLOM
ROBERT ALAN MCCURRY
THOMAS BARON MCFARLAND
BARBARA ELIZABETH MCGANN
DANA BRUCE MCKINNEY
JAMES SCOTT MCROBERTS
JERRY DARIOUS MERRITT, III
DONALD EDWARD MITCHELL, JR
PATRICK DAVID MONEYMAKER
THOMAS RICHARD MOONEY
TERRY W. MOORE
CHARLES EDWARD MULROY
JOHNIE M. MURPHY
PATRICK MURPHY
JOHN BERNARD NATHMAN
JAMES PATRICK OBRIEN
JAMES ROBERT ODONNELL
JAMES RICHARD OHORA
TIMOTHY WALLEN OLIVER
DAVID REED OLSON
JOHN EDWARD ONEIL, JR
DONALD GEORGE OWEN
JOHN BRAMWELL PADGETT, III
CHARLES VANCE PARKER
TRAVIS WOOD PARKER, JR
WILLIAM HUTCHINSON PARKS, JR
HUGH PENCE PARSONS
JAMES WYNN PATTISON
RONALD STEVEN PEARSON
DAVID LYMAN PECK
ANDREW MICHAEL PETRUSKA, III
GERALD ALLEN PIKE
JAMES ROBERT PORTER
JOHN DAVID PRICE
WILLIAM GRIFFITH PRUETT
CHARLES JEFFRIES RAPTER
JACK BROWN RECTOR, JR
JAMES ARMSTRONG REID
GORDON CHARLES REIF, JR
ROY DOUGLAS RESAVAGE
RICHARD JAMES RHOADES
NICHOLAS LADELL RICHARDS
RICHARD NOEL RICHARDS
PAUL FREDRICK RICHARDSON
ROBERT MURRAY RIEVE
PAUL XAVIER RINN
MICHAEL FRANCIS RIOUX
RICHARD ALAN ROBBINS
MICHAEL DEAN ROBINSON
JOHN MICHAEL ROSE
JEREMY CARTER ROSENBERG
DONALD FRANKLIN RUSSELL
ROBERT JOHN SANDERSON
JEROME EDWARD SCHILL
ROBERT STEPHEN SCHMIDT
EDWARD GEORGE SCHWIER
JOHN CHRISTOPHER SCRAPPER
JOHN CHARLES SHICK
LEONARD MCCOY SHORES, JR
WILLIAM EDWIN SHOTTS
PHILIP FRANCIS SHULLO, JR
MARY ANDERSON SHUPACK
DOUGLAS HENRY SIEMON
WILLIAM RICE SISLEY, JR
NILS ALFRED SJOSTROM
WALTER SCOTT SLOCUM
WARREN EDGAR SMALL
HELEN ELIZABETH SMITH
PETER RAYMOND SMITH
STEVEN GRAYSON SMITH
NELSON LEE SPIRES
MARTIN MICHAEL SPOLARICH, JR
ROBERT GARY SPRIGG
GORDON GRANT STEWART
WILTON RICHARD STEWART
RALPH HESTON STOLL
GARY ALAN STORM
JOHN HOWARD STRAUSS
GARY WINTERSON STUBBS
JAMES WILLIAM SUHR
LUDVIG KRIS TANDE
RUSSELL MAXFIELD TAYLOR, II
BILLIE LEON TEMPEL
RAYMOND EDGAR THOMAS
TIMOTHY LEE THORSEN
ROBERT ALFRED TOLHURST, JR
THOMAS ERIC UTEGAARD
PHILIP DANE VOSS
PAUL KURT ALFRED VOSSELER
JOHN RUSSELL WALL
JAMES YOUNG WALLACE, III
CLEMENT HARRY WARD
JOHN WILLARD WARREN
LANCE ARTHUR WATERS
ANTHONY JOHN WATSON
HARRY FRANKLIN WATTS, JR
ROBERT DOWNIE WHITE
MARTHA LOUISE WHITEHEAD
JOHN FORREST WILLIAMS
DONALD LIND WINCHELL, JR
WILLIAM DOUGLAS WOODMAN
CHARLES WESLEY WOOMER, III
SHERMAN E. WRIGHT, JR
JAMES ALBERT YOUNG
WILLIAM KARL YOUNG
RALPH KHAN ZIA
ROBERT TIMOTHY ZIEMER
HARRY JACK ZINSER

ENGINEERING DUTY OFFICERS

To be captain

JAMES ERNEST BASKERVILLE
ROBERT KEITH BRANDS
ROY LESLIE BRENNON, JR
RANDOLPH MICHAEL BROOKS
RICHARD MICHAEL CASSIDY, JR
JOHN BENJAMIN CAVENDER, III
STEVEN ROY EVANS
JOHN ANTHONY GAUSS
MAURICE ALFRED GAUTHIER
RICHARD WAYNE GILBERT
RICHARD WILLIAM HAVEL
ROLAND BERTRAM KNAPP
WILLIAM DOUGLAS LARSON
JERRY NEAL LAYL
DENNIS PAUL MAHONEY
WILLIAM RICHARD MILLER
MICHAEL CHARLES MORGAN
GERALD KARL NIPONTOFF
JEREMY JOHN NITTLE
CARL HENRY OOSTERMAN
GEORGE HAROLD ORR
PETER RODMAN RENFREE
CHARLES THOMAS RISTORCELLI
ROGER KEITH ROOSA
ERIC RUNNERSTROM
RONALD DAVID TURNER
WILLIAM DAVID WHIDDON
ROBERT LEWIS WILSON, JR
GEORGE RICHARD YOUNT

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

To be captain

MICHAEL DENNIS BARRETT
RONALD ALAN DIBBLE
SIMEON GUY HIGGINS, JR
MICHAEL KENNETH HOLLIS
MICHAEL KENNETH JOHANNSEN
WILLIAM LOWELL MCCRACKEN
JOHN BRYAN PATTERSON
ROBERT EMMETT RIERA, JR
MICHAEL ANTHONY SARANIERO
CHARLES DOUGLAS THOMPSON

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be captain

WILLIAM FREDERICK ADAMS
JOHN CLAUDE BUCELATO
ROBERT LEON MOELLER, JR
ROBERT WARREN NEEL
THOMAS WAYNE ROGERS
DONALD ARTHUR SCHRAMM
LEON FREDRIC THOMSEN

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

JAMES HARRIS BARNETT
WILLIAM YORK FRENTZEL, II
CLYDE CECIL LOPEZ
RICHARD JOSEPH MCCLUSKEY
STEVEN CARL MYERS
DAVID MICHAEL WHITNEY

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

LENORE MARIE FUNKHOUSER
JACK ALLEN LAUTENSCHLAGER
THEODORE MICHAEL LAVEN
WILLIAM FRANCIS MACLAREN
JOSEPH MICHAEL MAZZAFRO, JR
CHARLES EDWARD MCKELDIN, JR
RICHARD KING PERKINS
THOMAS ANTHONY WEIK
JOHN CHARLES WILLIAMS
THOMAS RAY WILSON

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

MARK CONWAY BAKER
PERRY CALVIN BISHOP, JR
THOMAS JOSEPH JURKOWSKY
FREDERIC GLENN LEEDER
RONALD EVERETT WILDERMUTH

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

THOMAS EDWIN CALLAHAM
HERBERT PALFREY COLOMB, JR
BRUCE BARTON EDWARDS
RICHARD JOSEPH PENTIMONTI
CRAIG ALLEN PETERSON
DIETER KLAUS RUDOLPH

LIMITED DUTY OFFICERS (LINE)

To be captain

ISAIAH JOHN JONES
CHARLES JAMES NECHVATAL
JESSE EARL SALTER
JACK EUGENE TURNER

HOUSE OF REPRESENTATIVES—*Wednesday, February 22, 1989*

The House met at 2 p.m.

Father Anthony Dranginis, pastor, St. Alphonsus Church, Baltimore, MD, offered the following prayer:

O Heavenly Father, we are proud to be Americans and not ashamed to admit that we are Lithuanians. Dear God, keep us mindful, that liberty is not only to be loved and enjoyed but also to be lived, that freedom does not mean the right to do as we please, but rather the responsibility to do what is right.

Grant, O Lord, that these United States of America may always be a fortress of hope and freedom for all the enslaved nations of the world, that the leaders of our country would lead us in the ways of peace and continue to work with courage and wisdom for the freedom of Lithuania and all the enslaved peoples. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from California [Mr. ANDERSON] will lead us in the Pledge of Allegiance.

Mr. ANDERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

FATHER ANTHONY S. DRANGINIS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure for me to welcome to our Nation's Capitol Father Anthony S. Dranginis, pastor of St. Alphonsus Church in Baltimore, MD, who offered the opening prayer.

Father Dranginis has dedicated his life in service to our country and to his church. He received his bachelor of arts degree in history from Marianapolis College in Thompson, CT, in 1939, and received a scholarship to attend Kaunas University in Lithuania in the fall of 1939. However, the beginning of World War II prohibited him from pursuing his studies in Lithuania. Instead, he became a chemist assistant, and later entered the U.S. Marine Corps in 1943. He served our country with distinction in Saipan, Iwo Jima, and Okinawa until the end of the war.

In 1947, he came to Baltimore, where he became very active in the Lithuanian community, assisting Lithuanian immigrants in resettling in the United States. He also was active in Lithuanian Post 154 of the American Legion, and became commander of that post in 1949. As commander, he helped develop the Post Everlasting Services at the installation of new officers, which is still part of the American Legion State Convention every year.

While working with the Lithuanian community, Father Dranginis saw his true calling. In 1951, he entered Mount St. Mary's Seminary and was ordained as a priest on May 26, 1956. Assigned to St. Alphonsus Parish, he spent 32 years of his priesthood in service to this church, first as assistant pastor and now as pastor. Also, he writes a column for a weekly Lithuanian newspaper, and his column, "The Chaplain's Corner," appears in several publications, including the Free State Warrior, the American Legion magazine, and the Department of Maryland Monthly Journal.

I want to thank Father Dranginis for being with us today, and to wish him continuing success in his dedicated work both in the church and in the community.

EXTENDING TIME FOR SUBMISSION OF COMMITTEE RULES FOR PRINTING IN THE RECORD

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the time permitted to submit committee rules for printing in the RECORD pursuant to rule XI, clause 2(a), be further extended until March 2, 1989.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING PRINTING IN THE RECORD OF REMARKS OF CERTAIN MEMBERS IN CONNECTION WITH OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the remarks of the two Members representing the House of Representatives at the wreath-laying ceremony today at the Washington Monument for the observance of George Washington's Birthday, the gentlewoman from South Carolina [Mrs. PATTERSON] and the gentleman from Pennsylvania [Mr. RIDGE] be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REMARKS OF HON. TOM RIDGE

I am proud to represent my colleagues in the House of Representatives today as we remember and honor a great leader, statesman, and patriot, George Washington.

I am equally proud to represent millions of American veterans in saluting the first soldier president, George Washington.

And as citizens, we are all proud to honor an American who served his country so faithfully and well both in war and in peace, George Washington.

He was a man of great vision. He saw a land pledged to democracy and to freedom. He understood the need for constant vigilance and sacrifice to sustain it. First as a soldier and then as president, Washington was constantly striving to preserve what he called the "sacred fire of liberty."

As a veteran, I and millions of other men and women, like Washington and his Continental Army, have tried to preserve that fire of liberty. Washington's service, as all other veterans, was rooted in a desire to protect liberty, both here and abroad.

Today, as we stand before this majestic monument located symbolically in the middle of the capital city, we are reminded that the man for whom it is named, George Washington, is also a symbol for America. His hopes for a land of democracy and justice are today preserved in the many buildings that encircle this monument. His dream for a strong, united and free nation is today a reality.

Reality, because as Washington correctly envisioned, a nation committed to liberty will flourish.

And an enduring reality because, as a nation, we have sustained Washington's commitment to freedom and liberty through vigilance and sacrifice.

Let us today, then, recommit ourselves to Washington's dream. The life of Washington and the American experience is grand testimony that free men and women can prosper and that democracy can overcome any barrier placed in its way. The flame of liberty first lit by Washington 200 years ago continues to lead our nation with its light. As citizens, it is our challenge and our responsibility to ensure that it remains as brightly lit for future generations.

REMARKS OF HON. ELIZABETH J. PATTERSON

It is an honor to speak today at this ceremony celebrating the 257th anniversary of George Washington's birth.

This year, we also celebrate the 200th anniversary of Washington's inauguration as

President of the United States. In describing that first election in his book, "Presidential Campaigns," Professor Paul Boller says, "The first presidential election in American history was throughly undemocratic. There were no primaries, nominating conventions, rival candidates, campaign speeches, or debates on public issues; and the American people didn't even get to vote for their Chief Executive. Yet the election of George Washington as first President of the United States was a perfect expression of the popular will. * * * It was never to be like this again."

There was never any doubt among his contemporaries that Washington would be the first President. At a diplomatic dinner in Paris soon after the American victory at Yorktown, Benjamin Franklin, then minister to France, indicated the high regard in which Washington was held.

The French foreign minister opened the dinner by toasting his king with champagne: "His Majesty, Louis the Sixteenth, who, like the moon, fills the Earth with a soft, benevolent glow." The British ambassador then rose to give his toast: "George the Third, who, like the sun at noonday spreads his light and illumines the world."

Franklin spoke last and said: "I cannot give you the sun nor the moon, but I give you George Washington, General of the armies of the United States, who, like Joshua of old, commanded both the sun and the moon to stand still, and both obeyed."

Washington's handling of the presidency was a crucial test for this fledgling nation. Many would argue that our Constitution was drafted with two thoughts foremost in the minds of the delegates. That George Washington would be our first president—and that someone else would be our second.

While many urged him to seize the reigns of power with both hands, Washington rejected their seductive voices. He loved his country too much to place personal ambition ahead of public good.

We honor George Washington today because he embodied the traits that Americans search for in a leader and wish for in ourselves.

He was a man of courage and fortitude in the face of adversity. He was also a man of great patriotism who believed wholeheartedly in the value of a free nation.

More than anything, however, Washington was a man of great common sense. An infant nation looked to him as its first leader with the instinctive trust that the would exercise the powers of this nation's highest office wisely and well. It was his common sense, no nonsense approach to affairs of state that guided this nation through its early years and laid the foundation for future greatness.

As citizens of a republic, we look to George Washington as our ideal. Time and again, he unselfishly answered his nation's call. It is his service to his nation that we celebrate today and must seek to emulate in the future.

In St. Paul's cathedral in London, there is a memorial to the cathedral's architect, Sir Christopher Wren. It says quite simply, "If you would see his monument, look around."

George Washington's monument is more than just this column of stone. As we stand here in this beautiful city that bears his name, look around you. As far as you can see, from the Atlantic coast to far into the Pacific, this nation of men and women of all occupations, religions and beliefs is the memorial to a citizen who placed his country ahead of self to ensure the success of what he called "the fairest prospect of happiness and prosperity that ever was presented to men."

STATE OF AFFAIRS IN OUR NATION'S CAPITAL TERMED A NATIONAL DISGRACE

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, the state of affairs in our Nation's Capital City is a national disgrace. It is an international embarrassment and dishonors the name of our first President, George Washington.

Today this city is, once again, the murder capital of the country, with accelerating carnage and random violence. More than 50 people have been murdered already this year. That is intolerable. Mayor Marion Barry correctly now admits that there are parts of the city that one should avoid as unsafe. Gross inefficiency and corruption are endemic in this city and drug dealers now, apparently, are threatening the lives or safety of local public officials.

Since there is no chance that a Republican can be elected Mayor of Washington, DC, I call upon the Democratic Members to bring their influence to bear to seek Mayor Barry's resignation, or as a minimum to find candidates to defeat him at the polls. By the people he has hired for his administration, and especially by his personal conduct, he has sent the message to the young people of Washington, DC, and all its residents, that he tolerates corruption, abuse of power, and the drug culture. He seems to say, "Do as I say, not what I do." The police are undercut and hamstrung. The judicial system is tragically deficient. The Mayor seems to answer any criticism or serious reform effort with the charge that it is racially motivated.

My Democratic colleagues, Mayor Barry's personal and mayoral leadership failures are resulting in hundreds of personal tragedies in the city every day. The current situation will shortly and irresistibly tempt the Congress to reassert Federal control over the governance of the Nation's Capital City. If the Mayor can't restore order in the streets and an acceptable degree of safety for the citizens and other visitors to this city, the Federal Government must. I challenge my Democratic colleagues to find a political solution to the tragic leadership void that now exists in the city where Congress conducts its business.

COMMUNICATION FROM CHAIRMAN OF THE HOUSE DEMOCRATIC CAUCUS

The SPEAKER laid before the House the following communication from the chairman of the House Democratic Caucus:

FEBRUARY 22, 1989.

Hon. JAMES WRIGHT,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you that on this date, I have received a letter from the Honorable Bill Grant resigning from the House Democratic Caucus, effective immediately.

Congressman Grant has changed his party affiliation from Democrat to Republican, thereby vacating his two committee posts.

Sincerely,

WILLIAM H. GRAY III,
Chairman, House Democratic Caucus.

The SPEAKER. Without objection, the accompanying documents will be inserted in the RECORD at this point.

There was no objection.

Hon. WILLIAM H. GRAY III,
Chairman, Democratic Caucus,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to inform you of my change of registration from the Democratic Party to the Republican Party.

Accordingly, I must resign from the Democratic Caucus effective immediately.

Bill, I sincerely hope that this action does not strain the bonds of friendship we have developed during my service in Congress. However, I am convinced that I can best represent the values and serve the interests of my constituents as a Republican.

I look forward to serving with you in the 101st Congress.

With best wishes.

Sincerely yours,

BILL GRANT,
Member of Congress.

FEBRUARY 22, 1989.

Hon. GLENN M. ANDERSON,
Chairman, Committee on Public Works and Transportation,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Bill Grant's election to the Committee on Public Works and Transportation has been automatically vacated pursuant to clause 6(b) of Rule X, effective today.

Sincerely,

JAMES WRIGHT,
The Speaker.

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1989.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on Government Operations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Bill Grant's election to the Committee on Government Operations has been automatically vacated pursuant to clause 6(b) of Rule X, effective today.

Sincerely,

JAMES WRIGHT,
The Speaker.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

The SPEAKER. Pursuant to the provisions of section 244(a)(1)(B) of Public Law 100-607, the Chair appoints to the National Commission on Acquired Immune Deficiency Syndrome the following members on the part of the House:

Mr. ROWLAND of Georgia;

Mr. Scott Allen, of Dallas, TX;

Mr. Norman E. Zinberg, of Cambridge, MA;

Mr. Donald S. Goldman, of Livingston, NJ; and

Mrs. Diane Ahrens, of St. Paul, MN.

APPOINTMENT AS MEMBERS OF THE HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97-377, the Chair appoints as Members of the House of Representatives Page Board the following Members of the House:

Mr. KILDEE of Michigan; and

Mr. TOWNS of New York.

COMMUNICATION FROM THE HONORABLE ROBERT H. MICHEL, REPUBLICAN LEADER

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1989.

Hon. JIM WRIGHT,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 127, Public Law 97-377, I hereby appoint the gentleman from Missouri (Mr. EMERSON) to serve as a member of the House of Representatives Page Board.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

□ 1410

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MICHEL. Mr. Speaker, by the direction of the Republican Conference, I offer a privileged resolution (H. Res. 85) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 85

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Post Office and Civil Service: THOMAS J. RIDGE, Pennsylvania; and ROD CHANDLER, Washington.

Committee on House Administration: JOHN HILER, Indiana.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LOW INCOME HOUSING PRESERVATION ACT

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, today I am pleased to reintroduce the Low Income Housing Preservation Act along with my colleagues NANCY PELOSI and NORMAN Y. MINETA. The bill will help nonprofit organizations and housing agencies to acquire low income projects threatened by the prepayment of HUD-subsidized mortgages and the termination of HUD low income housing subsidies.

Unless Congress acts at once to preserve existing low income housing, more than 300,000 low income families nationwide could end up on the streets in the next few years. We simply can't afford to let these threatened units slip away. In the counties in our districts, the potential loss is over 17,000 units alone. And I assure you, congressional districts all over the country face the same imminent crisis.

The Federal Government became partners with private owners to build these low income projects, and it has a responsibility to make sure these units remain low income. Our bill provides a sound way for the Federal Government to help States and local governments put threatened low income units into the hands of groups committed to retaining their low income character.

It is time for the Federal Government to rededicate itself to providing affordable housing for every low income family. Congress can take an important first step by preserving low income housing that already exists.

OPPOSING DOT RECLASSIFICATION OF ANHYDROUS AMMONIA

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I rise to once again protest the Department of Transportation's handling of an issue critical to our Nation's agricultural production.

That issue being the Department's ridiculous plan to decree that a basic, widely used fertilizer henceforth be treated as a poisonous gas.

Anhydrous ammonia is one of the most beneficial and cost-effective nitrogen fertilizers. For more than four decades it has been used safely. It currently constitutes more than 50 percent of American nitrogen fertilizer supplies.

However, the use of this fertilizer is in jeopardy because bureaucrats continue to promote a plan to reclassify it from a nonflammable gas to a poisonous gas.

This action is unreasonable, and I have introduced legislation to stop it.

I call my colleagues to immediate action because after Thursday, March 9, 1989, the Department will be free to implement this economically destructive regulation.

That action would result in dramatic increases in the cost of nitrogen fertilizer, transportation costs would skyrocket, and insurance to transport the chemical would be prohibitive if even available. And that would only be the initial impact.

Help me kill this ridiculous, ill-advised and inappropriate proposal and move forward on the issue in a productive manner.

Cosponsor H.R. 371.

INTRODUCTION OF LOW INCOME HOUSING PRESERVATION ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today I join my esteemed colleague and the dean of the California congressional delegation, Congressman DON EDWARDS, and Congressman MINETA and I are reintroducing the Low Income Housing Preservation Act.

The severe housing crisis this Nation is experiencing will soon become much worse if Congress does not act quickly to address the fact that we are about to start losing, on a grand scale, our dwindling stock of low income housing. The prepayment of HUD subsidized mortgages and the termination of HUD low income housing subsidies threaten 316,481 low income families nationwide with homelessness over the next few years. In San Francisco alone, over 1,400 low income families are in real danger of losing their homes within the next 3 years. By the year 2000, that number will be over 5,525.

The Low Income Housing Preservation Act would enable nonprofit corporations and State and local housing agencies to acquire and maintain the stock of low income housing. To truly solve the problems of homelessness requires not only providing housing for people without homes, but also preventing those people who could easily become homeless from losing their homes.

I commend my colleague Mr. EDWARDS for his pursuit of the preservation of the low income housing stock and I urge my colleagues to cosponsor this important legislation.

LEGISLATION TO PROTECT THE ELDERLY FROM EVICTION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, last year across the television screens of the Nation there flashed the sad spectacle of a 90-year-old lady being forcibly evicted from her premises and carried out literally for a series of events that led to her not being able to pay the existing debt. The authorities acted because they had no other choice.

But the community, which happened to be my own hometown, reacted very promptly and promised itself that this spectacle should never happen again.

Again, I am introducing a piece of legislation which would amend the Older Americans Act providing for a State plan whereby if the point should be reached of eviction in any case involving a person over 65 years of age, there should be a delay period so that the community's area agency on aging or other agencies can come to the aid of that person and smooth the transition for whatever the legal act should call for at that time. I ask my colleagues for cosponsorship of this legislation.

HATE CRIMES STATISTICS BILL

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, today my good friend and distinguished colleague, JOHN CONYERS, is introducing the hate crimes statistics bill, a bill which is necessary and long overdue.

Nearly every day, I hear of a different tragedy—a beating, an act of vandalism, or sometimes murder—which is motivated by the hatred of one American for another.

The victims are not only the Indian-American in New Jersey, who was beaten to death because he wore a small dot on his forehead; or the recent Ethiopian immigrant in Portland, OR, who was killed because he was African-American; or the family, originally from Laos, who moved from State to State not only in search of work but to escape the brutality which followed them solely because they were from Southeast Asia.

These people are the innocent victims of hate. But as long as this scourge continues, all of us, and our institutions, are also victims.

I could go on and on with a sad and shocking litany of such events. Hate crimes are certainly not on the decrease in our Nation.

What other acts could be more antithetical to our ideals and principles? We are a nation founded on freedom and the concept of equal rights for all. Our greatness comes from our diversity and the blood and sweat of immigrants from every corner of the globe. When one of our citizens terrorizes another because of differences of race, religion, sexual preference, or culture, the very core of our principles is threatened.

There is no question that these crimes and the attitudes which permit them must be confronted. Yet, how can we begin to fight them, when their depth and scope are unknown?

Right now, we rely only on spotty, anecdotal information. This bill sets up a system whereby hate crimes are added to the standard Federal crime data collected.

The hate crimes statistics bill, which has been the subject of hearings and scrutiny, has already passed the House of Representatives. I urge my colleagues to join me in supporting this legislation, and I look forward to the day when it becomes law. I hope that day is soon.

INTRODUCTION OF HEALTH CARE SAVINGS ACCOUNTS

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, our Nation faces many pressing health care needs. While the 101st Congress may consider worthwhile proposals to address these needs through an expansion of Federal programs, it is doubtful that the Federal Government alone can meet our Nation's health care needs without first putting our endangered Medicare Program back on sound financial footing.

In their 1988 annual report to Congress, the Medicare trustees estimated that because of our aging population by the year 2005 the Medicare trust fund will be bankrupt and therefore unable to pay promised benefits to current and future retirees. The trustees have repeatedly urged Congress to act promptly to put Medicare on sound footing, or face the prospect of enacting a substantial tax increase, a cut in benefits, or both.

That is why I am reintroducing the Health Care Savings Account Act today, along with 29 of our colleagues. This legislation will allow individuals to contribute during their working years to voluntary tax-favored savings accounts to pay for health care needs in retirement. As an incentive, individuals would receive a 60-percent income tax credit for their contributions, and would be required to use the accumulated funds for their health needs in retirement before making claims on Medicare. By thus reducing claims on—and expenses by—Medicare, our bill can put Medicare on sound financial footing for all retirees, including those who choose not to exercise this new option. Besides financing doctor and hospital bills now covered by Medicare, health care savings accounts could help individuals pay for long-term care insurance, home-care, and prescription drugs.

Mr. Speaker, I urge my colleagues to protect Medicare's future by adopting the Health Care Savings Account Act.

VACLAV HAVEL

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, yesterday the prominent Czech playwright, Vaclav Havel, was sentenced to 9 months in prison for participating in rallies protesting the 1968 Soviet invasion of Czechoslovakia.

Vaclav Havel has been nominated by the Helsinki Commission to receive the 1989 Nobel Peace Prize. His arrest has been protested, as surely his imprisonment will be, by many brave Czechs.

Appeals on Havel's behalf have been made by leading American literary figures, including Arthur Miller and the Pen American Center—who this week are protesting Iranian persecution of Author Salman Rushdie. Thirty Members of the House have written to the President of Czechoslovakia, Gustav Husak, calling for the immediate release of Havel.

The men who lead Czechoslovakia must not be under the illusion that their acts of repression will go unnoticed anywhere in the world. Neither trade or other relations with the United States can improve until Czechoslovakia demonstrates that it has the courage to join the Soviet Union's first, tentative reforms respecting public debate and personal liberties.

The spirit of Josef Stalin must not be renewed. Free Vaclav Havel now.

□ 1420

CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984—EXTENSION

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, today, I am introducing legislation which amends section 464(c) of the Social Security Act to force delinquent parents to take more responsibility for the care and welfare of their children. Single mothers with adult physically or mentally handicapped offspring often must bear single handedly the financial burdens of the costly care that these special individuals require. My legislation will extend a provision of the Child Support Enforcement

Amendments of 1984 allowing the U.S. Treasury to "intercept" a delinquent parent's Federal income tax refund and transfer the intercepted funds to the party owed the money.

Federal law states that submission for the interception of funds may be made only on behalf of minor children. Current law is inadequate because it does not allow for situations where the person owed child support is no longer a minor but remains fully dependent of the custodial parent due to a mental or physical disability. My legislation will, however, extend the law to allow single parents with physically or mentally handicapped adult offspring to collect past-due child support on behalf of the offspring. The past-due child support would be collected from the Federal tax refunds otherwise payable to persons who are delinquent in child support payments. Approximately $39 million was offset in 1987.

This legislation will not add to the national deficit. Aside from negligible administrative expenses, the legislation will carry no cost to the taxpayer. The Department of Health and Human Services has estimated that administrative costs will average $4.50 per case.

I urge all my colleagues to join me in helping single parents with dependent children by making delinquent parents take more responsibility for the care of their handicapped children.

JAPAN IS BUYING AMERICA AT A RECORD PACE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, President Bush is in Japan to pay his respects to the deceased Emperor Hirohito and that is good and fitting. The problem is while he is paying his respects Japan keeps on bombing us with Hondas and Toyotas. And Congress does nothing about it.

We must be crazy here. One thing is for sure: In Japan they are not reading Mr. Bush's lips; they are counting their dollars.

In fact they are buying America at a record pace and now they are renting it back to us.

The truth is for 1 week of every year Americans work solely to pay back the Japanese banks the dollars they use to help finance this so-called helpful debt service.

The President asked for kinder, gentler America and I think that is good, all except for our trade programs. I think it is time that the nice guy image gets put aside and we do what we have to do.

I think there is only one way to deal with it: Congress is going to have to speak to the pocketbook of Japan or we will be very lucky to have any jobs left in this country.

LET IT REMIND US: THE ACCOUNTING IS NOT COMPLETE

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, in a city full of symbols and symbolism, it is only fitting that the very head of our Government include a symbol of ongoing importance and tremendous concern.

The House will soon consider a resolution reserving the Capitol rotunda for ceremonies to be held on March 9 to observe the unveiling of the National League of Families' POW/MIA flag.

The resolution authorizes the display of this moving reminder of our commitment to the missing in action until a full and satisfactory accounting of Americans missing in Southeast Asia is achieved.

I commend the Congress for taking this step * * * one that is * * * in itself * * * historic and noteworthy. In the process of our approving this resolution, let us also make a promise that our Government will consistently endeavor to go beyond the symbolism and make it a priority to resolve this issue once and for all.

We owe the families of these men nothing less than the same full measure of devotion that Americans—still missing—brought to the service of this Nation.

SOUTH DAKOTA: THE "ENABLING ACT" A CENTURY LATER

(Mr. JOHNSON of South Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Mr. Speaker, exactly 100 years ago today, President Grover Cleveland signed the "Enabling Act" dividing Dakota Territory into two parts, and allowing the people of South and North Dakota to form State governments. Later in the year, both States were officially admitted into the Union.

In 1889, South Dakota was pioneer country. Much of the land was barren and unsettled. Only 3 years earlier, track had been laid for the first railroad into the Black Hills. But the population was growing and optimism was high.

The "Enabling Act" signed by President Cleveland on February 22, 1889, is a legal document. It is full of detail and dictum. Yet, the formal words and phrases of this law don't tell the full story. The people of South Dakota made substance of statehood. They organized a State government, built communities opened schools and churches, and turned much of our prairie and mountains into productive farms and ranches.

Today we observe the legal significance of this date in South Dakota's history. More importantly, we celebrate the power and potential of South Dakota's people. For a century, they have continued to give life and meaning to the words, "Enabling Act."

PUBLIC SAFETY RADIO INTEROPERABILITY

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, county sheriff's Deputy Jim Evans was ambushed and killed by machinegun fire as he pursued a carload of thieves fleeing from a California bank robbery. They were so far ahead of him that he couldn't see them stop and get the automatic weapons out of their trunk. However, city police officers watching from their helicopter did see the killers set the trap and tried desperately to warn Jim on their radio. Unfortunately, Jim could not hear them. Their separate radio systems were not interoperable.

When the Air Florida jet crashed into the 14th Street Bridge in January 1982, rescue efforts were hampered by the fact the public safety organizations were unable to communicate with each other. Ambulances were sitting by the Potomac waiting to rescue people who were already died while injured survivors of a metro accident across town were anxiously waiting for ambulances. Again, the separate radio systems did not interoperate. Amazingly enough, this is not an uncommon occurrence.

Today I am introducing legislation which would require the Federal Communications Commission to set a standard by which all public safety radio equipment would become interoperable. The Commission recently set a national policy for public safety coordination, but, for some unexplained reason, neglected to set a standard to allow all public safety radio equipment to become interoperable. This is a glaring oversight that must be corrected.

Public safety radio equipment must be made interoperable in order to improve rescue operations and save lives. The FCC must set a standard in order to ensure that, in time of crisis, police, firefighters, and ambulance services can adequately communicate to save lives and property. It's time for this unnecessary problem to be solved.

Public safety officers across the Nation support a national standard for radio interoperability. I urge my col-

leagues to join me in order to save lives and improve safety.

PRAGUE NINE STAND TRIAL IN CZECHOSLOVAKIA

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, several weeks ago, I had the privilege, along with Senator DENNIS DECONCINI, chairman of the Helsinki Commission, to nominate the internationally renowned playwright Vaclav Havel for the Nobel Peace Prize. We did so because we admire and respect Mr. Havel's commitment to the promotion and protection of human rights and fundamental freedoms. We did so because Havel's dedication to human rights has made him a leader in Czechoslovak citizens' initiatives such as Charter 77 and the Committee for the Defense of the Unjustly Persecuted. We did so because he has shared in the creation of new groups—the Movement for Civil Liberties and the Czechoslovak Helsinki Committee—in order to gain his government's compliance with the international obligations it has assumed in the Helsinki accords. And we did so because he has earned the honor and recognition which only the Nobel Institute can bestow.

At the time of that nomination, Vaclav Havel—along with hundreds of others—had been detained for the nonviolent expression of their beliefs. Yesterday, Havel was convicted of incitement and obstructing the police, and sentenced to 9 months in a category two prison—that is, a more restrictive facility usually reserved for recidivists. Eight others remain on trial, and will probably receive judgment today. The true basis for these trials, as is widely known within Czechoslovakia as well as in the West, was their participation in January—along with thousands of other citizens—in a peaceful commemoration of the death, 20 years ago, of Jan Palach. Jan Palach had committed suicide to protest the Soviet-led invasion of his country.

Of the thousands who participated in the January commemoration, Vaclav Havel and eight others have been selected for criminal prosecution. Perhaps the Czechoslovak authorities believe that Vaclav Havel's loyalty to his beliefs can be shaken, or at least tempered, by time in prison. But the notoriously abysmal conditions of Czechoslovakia's jails have not diminished Havel's spirit during his previous two prison terms, and they are not likely to do so now. Even as his sentence was being pronounced, Havel stated, "I will accept the punishment as a sacrifice for a good cause, which is nothing in the face of the ultimate sacrifice of Jan Palach, whom we sought to commemorate."

Perhaps the Czechoslovak authorities believe that Havel's imprisonment may at least serve as a warning to other would-be activists. Yet Havel's selfless and enduring devotion to the cause of democracy and pluralism has earned him the respect of his peers, and the regime's over-reaction has served to solidify Havel's support. At the time of his incarceration in January, hundreds of fellow playwrights, journalist, actors, and other prominent cultural figures signed a petition on Havel's behalf. Since then, the number of those openly supporting Havel have risen to the thousands, as hundreds of scientists, researchers, factory workers and students have joined the call for his release. The Archbishop of Prague, Frantisek Cardinal Tomasek, called the commemoration of Jan Palach "the expression of the real thinking of our people and their yearning for full freedom." Clearly, the regime is now faced with a citizenry which will no longer stand silently by while human rights are trampled into the ground of Saint Wenceslas Square.

Perhaps the Czechoslovak authorities believe that a swift and firm response would stem the tide of dissent and protect Czechoslovakia's international image. Yet this is also not the case. The Governments of the United States, the Netherlands, West Germany, and Austria have all condemned the actions against Havel. In Poland, hundreds of citizens protested the conviction. In Hungary, even the official press has been critical of Havel's trial, and the Hungarian Writers' Union issued a strong defense of his principles and actions.

The trials of the Prague Nine stand in direct contradiction to the guarantees contained within the Vienna Concluding Document. In calling for the release of Vaclav Havel and the eight others, we do no more than call on the Government of Czechoslovakia to abide by the commitments it has pledged to uphold. In addition, the Vienna Concluding Document reiterates the "right of the individual to appeal to executive, legislative, judicial or administrative organs." I urge the Czechoslovak authorities to reconsider the case of the Prague Nine in light of this obligation, and thereby reaffirm Czechoslovakia's commitment to human rights and fundamental freedoms.

STRATEGIC SEALIFT CRITICAL TO AMERICA'S SECURITY

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, last week, the Commission on Merchant Marine and Defense submitted its fourth and final report, which lays out a broad plan of action to reverse the decline in our Nation's maritime resources. This report is an urgent call to action, and I urge my colleagues to review it carefully.

The importance to our national security of the U.S.-flag merchant marine, and the shipbuilding, ship repair, and shipyard supplier industries cannot be overemphasized. The decline of these industries has weakened our trade position and threatened our ability to transport and resupply troops during war. Since 1982, 76 domestic shipbuilding and ship repair facilities have closed their doors, and fewer and fewer young people are seeking careers in the merchant marine.

Without action now, Mr. Speaker, conditions in the maritime industries will only worsen.

With this report, the Commission on Merchant Marine and Defense has provided Congress, the executive branch, and private industry with a comprehensive set of recommendations which, if adopted, will reverse this alarming decline. The time to act is now.

□ 1430

PRINCIPLES OF LIBERTY THREATENED

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRANK. Mr. Speaker, there are few more depressing spectacles now going on than the outrageous continued insistence by the Ayatollah of Iran and other Moslem fundamentalists that they have a right not merely to censor what their own people read but to murder other people who will not bow down to them. The world has not seen in recent years a more outrageous assault on the most fundamental principle of liberty, and it is essential every civilized government do what they can do to repel the assault.

Mr. Rushdie and others who cooperate are entitled to the fullest possible police protection no matter what the cost. Those of the bookselling trade and elsewhere who are backing down in the face of these threats ought to be ashamed and avail themselves of protection, and internationally there has got to be a mobilization. It is bad enough that the Ayatollah Khomeini chooses to deprive the people of Iran of basic rights. The notion that he and Islamic fundamentalists in Pakistan and elsewhere would impose that tyranny extraterritorially is absolutely intolerable and there must be international response to it.

I would ask, Mr. Speaker, that two editorials from the Boston Globe dealing with both aspects of this, the terrible situation in Iran and the extraordinary danger to liberty presented by this worldwide threat, be included with these remarks.

[From the Boston Globe, Feb. 22, 1989]

FEAR IN THE BOOKSTORES

The most distressing aspect of Ayatollah Khomeini's death threats against Salman Rushdie and "anyone involved" in the publication and distribution of "The Satanic Verses" is the decision of three major bookstore chains to remove the book from their shelves.

Together, the three chains—B. Dalton, Waldenbooks and its subsidiary, Barnes & Noble—operate about one-third of the bookstores in the United States. For many readers, particularly those in small cities and rural areas, theirs are likely to be the only bookstores. Thus their decisions will effectively prevent many readers from obtaining copies of the novel, and from being able to experience for themselves its fantasy, its wit and its literary distinction.

In the 10 years of his Islamic Revolution, about the only thing the ayatollah has been able to export is fear—certainly the present campaign does little to export the nobler ideals of the Islamic faith.

That fear of mindless assault—until now an assault directed against people—has been directed at ideas and against the imagination.

Booksellers have a great responsibility in fostering and maintaining access to ideas and the imagination. So great is that responsibility that some of the First Amendment's protection of free speech and expression devolve upon them.

By their everyday business decisions—whether to order a thousand copies of one book and none of another—booksellers shape the cultural life of Americans. It is bad enough when those decisions are made for purely business reasons; it is even worse when they are shaped by the fear of offending someone.

Today that someone is an aging fanatic in a far-off country; tomorrow, it may be a domestic protest group.

As Salman Rushdie wrote last month, after Moslems in Britain burned copies of his book: "How fragile civilization is. How easily, how merrily a book burns." The three American booksellers have demonstrated just how fragile civilization is.

TERROR TOO BLATANT TO IGNORE

Novelist Salman Rushdie is not the first person marked for execution by Ayatollah Khomeini. The Iranian despot has had people killed from Paris to Beirut, from Istanbul to London. While Americans remember best the Marines who were executed by Khomeini's agents in Lebanon, tens of thousands of Iranians have been tortured, raped and murdered in Khomeini's prisons.

The foreign ministers of the European Community were forced to recall their diplomats from Tehran because Khomeini's order to assassinate Rushdie, unlike his other murders, was broadcast around the world.

In the past, when Iranian "diplomats" supervised bombers and assassins operating in European capitals, they tried to maintain secrecy and deniability. Except in the most egregious cases, government officials and businessmen in the target countries could continue to invoke moderating tendencies in Tehran, hoping to cash in on the lucrative contracts promised for postwar reconstruction in Iran.

Khomeini's assassination edict, against Rushdie is too blatant to ignore. Governments that did little to protest Khomeini's systematic violations of human rights inside Iran could not look on passively while he promised millions of dollars, or a place in paradise, to the killer of a British citizen. The ayatollah's public contract on Rushdie's life makes it impossible for the most abject appeasers in European foreign ministries to pretend that the Khomeini regime has ceased exporting terrorism.

Iranian Prime Minister Hussein Musavi expressed his regime's contempt for the European action when he called it "useless maneuver," since it is "the Western countries which need to win Iran's favor, rather than the other way around." This contempt derives not only from Ronald Reagan's secret arms sales to Khomeini but also from the deals European leaders have made with Khomeini's terrorists and hostage takers.

The time has come for the international community to treat Khomeini as the criminal he is. His regime should be subject to an economic embargo and be ostracized from international bodies. Not only because of Rushdie, but because of all the terror Khomeini has loosed upon the world.

EQUALITY IN ENVIRONMENTAL STANDARDS

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, to my colleagues I wish to advise them that today I and a dozen of my colleagues are introducing legislation which will place very clearly within the Hazardous Waste Control Act and the Solid Waste Disposal Act the clear intention of the Congress of the United States that all Federal facilities be subjected to the same stringent and strict environmental standards as we expect to be enforced against the other major corporations, State and local governments in this Nation.

Mr. Speaker, it is an absolute tragedy that those who are part of the Federal Government, those in the Federal Government responsible for enforcing important environmental protection laws are the first to walk away from those protections, and that, in fact, under the previous administration's regimen and Department of Justice in the enforcement of laws would not allow or indeed even encourage Federal facilities to be held to the same environmental standards as we would expect from other citizens in the United States. This legislation extends the provisions of the Solid Waste Disposal Act to all Federal facilities, enhances the cleanup, gives States greater authority to effect their rights under the Federal Facilities Act and ensures that all Americans not only are protected by their Federal Government, but are protected from the pollution of the Federal Government as well.

YELLOWSTONE SLAUGHTER OF BUFFALO

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the "home where the buffalo roam" has been converted into a slaughterhouse by the policies of Montana and the National Park Service.

Hundreds of buffalo, nearly a quarter of the Yellowstone's historic herd, have been systematically slaughtered because they are wandering beyond the park's boundaries in search of food.

Hunters, who track the buffalo in their four-wheel drive vehicles and blast them from a few feet away, claim to be helping thin the herd. And it is likely some thinning is needed because of the fire which destroyed much of the food supply in Yellowstone last year.

But already, 422 buffalo have been killed, and today's newspapers report that another 225 could be destroyed by hunters. That is one-quarter of the entire herd—in all likelihood, far more than is needed to correct for the loss of food.

The slaughter isn't occurring because it is sound game management. It is because the buffalo are crossing an arbitrary boundary.

If there's another big storm, how many more will leave the park looking for food? Eight hundred? A thousand? The whole herd?

Should all these animals be slaughtered because they cross an arbitrary line on a map?

The Park Service and Montana must halt the further indiscriminate destruction of these historic animals.

If they do not, we should consider legislation to expand the park's boundaries to include the entire Yellowstone ecosystem, including the buffalo.

PROVIDING FOR THE USE OF THE ROTUNDA OF THE CAPITOL TO INAUGURATE DISPLAY OF THE POW/MIA FLAG

Mr. FLIPPO. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 5) to provide for the use of the rotunda of the Capitol to inaugurate the display of the POW/MIA flag, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 5

Whereas America can never forget the sacrifices of our brave servicemen still missing in action, nor the heroic suffering of our prisoners of war;

Whereas the families of Americans missing in Southeast Asia, having suffered greatly themselves, joined together in 1970 as the National League of Families to facilitate and promote the fullest possible accounting for POW/MIAs;

Whereas the official National League of Families POW/MIA flag symbolizes the nationwide recognition that is justly deserved by the missing and unaccounted for servicemen of all armed conflicts; and

Whereas the POW/MIA flag is an effective means of further raising public consciousness on this key American issue: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol may be used on Thursday, March 9, 1989, at 3 p.m., for ceremonies to observe the unveiling of the National League of Families POW/MIA flag which shall be displayed in the Capitol Rotunda until a satisfactory accounting of all America's POW/MIA's has taken place. The POW/MIA flag so displayed shall be in such size and at such place as the Architect of the Capitol, the Speaker and the Minority Leader of the United States House of Representatives, and the Majority and Minority Leaders of the United States Senate shall designate.

SEC. 2. The Architect of the Capitol may prescribe conditions for physical preparations with respect to the use of the rotunda authorized by the first section.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. FLIPPO] is recognized for 1 hour.

Mr. FLIPPO. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois [Mr. MICHEL], who is the author of the House companion bill.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for the display of the POW/MIA flag in the rotunda of the Capitol and allows the rotunda to be used for appropriate ceremonies on March 9 for the unveiling of the flag.

It is identical as the gentleman indicated, to a resolution I introduced on January 27 here in the House.

Display of this flag until such time as there has been a satisfactory accounting of all our American POW's and MIA's, is a means of demonstrating our national concern and support for our servicemen who are missing in action or unaccounted for.

I can think of no better place for this flag to be displayed. The rotunda, with its statues of great Americans like Washington, Jefferson, Lincoln, Jackson, and Grant and the new bust of Martin Luther King is a place fit for American heroes.

The flag will be a continuing reminder that we must not rest until a full accounting of our POW/MIA heroes has been achieved.

There are still nearly 2,400 of our brave citizens who are still unaccounted for in Southeast Asia. I know that President Bush and everyone in the new administration are dedicated to a continuation of the unprecedented efforts of the Reagan administration to uncover all the facts and achieve a full accounting.

In any problem so filled with emotion there are bound to be disagreements as to the effectiveness of the Government's efforts. I am aware of such criticism. All I can say is that however we may feel about the Government's efforts, and I strongly support them, let us unite in this resolution to express our common concern. Let us concentrate really on what unites us—and not on what may divide us.

This Congress, through our Intelligence Committees and our bipartisan House Task Force on the POW/MIA's, is fully dedicated to working with the administration in order to achieve a full accounting.

I, as a former combat infantryman in the European theatre during World War II, I have a special feeling for missing comrades. I know what it is to lose a number of buddies. I know the agony and anguish of writing those letters back home to their loved ones when they were either killed in action, missing in action, or yes, taken prisoner. So this tragedy has a special meaning for me.

The display of the POW/MIA flag in our Nation's Capitol rotunda will be a continuing reminder to all who visit there that we must keep working until the task is completed.

We should continue prodding the Vietnamese Government to be totally forthcoming. Our future relations with that government should be based, I believe, in no small measure on their cooperation in this effort of ours.

So adopting this resolution today sends a message to all concerned about the importance we place on achieving a resolution of this issue. The POW/MIA flag is more than a recognition of a problem. It is a symbol of determination, united efforts, and our continuing hope.

Mr. FLIPPO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before the House today acknowledges the simple truth that the United States of America continues to owe a great debt to American prisoners of war and those missing in action. The placement of the POW/MIA flag in the Capitol Rotunda reminds both the American people and their Congress of the great sacrifice made by those who have served our country with honor.

We must never forget the brave men who served their country in Vietnam, Korea, and World War II. We must never forget the continuing emotional pain suffered by the families of America's POWs and MIAs.

Until a satisfactory accounting of POWs and MIAs is made, their flag should continue to stand in the Rotunda. The POW/MIA flag reaffirms the dedication of the Congress, the administration and the American people to locating our country's missing servicemen. For their efforts on this issue, the National League of Families deserve both our commendation and our thanks.

Let there be no doubt that the POW/MIA issue will be a top priority in dealing with our former adversaries. We can never have good relations with countries such as Vietnam until this fact is recognized. I am pleased that President Bush has expressed his personal commitment toward progress in this area.

Display of the POW/MIA flag in the Capitol's historic Rotunda sends a clear message to the American people, the families of those missing and our former adversaries: America's POWs and MIAs will not be forgotten. It is a great honor and personal pleasure for me to support this measure, and I urge each of my colleagues to join together in approving Senate Concurrent Resolution 5.

□ 1440

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], who has served with such distinction on our Committee on Veterans' Affairs until recently being appointed to the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank our Republican leader, the gentleman from Illinois [Mr. MICHEL] for yielding me this time, and I thank him for authorizing this legislation. I look forward with great anticipation to passage of this resolution and the ceremonies it would authorize.

Mr. Speaker, as we speak here today, the work of investigating the fate of our MIAs, identifying recovered remains, and excavating aircraft crash sites is at its highest pitch.

This work would not be possible today without 8 years of investment in resources and concern by one man—Ronald Reagan who breathed life back in to the issue.

To the extent that we in the Congress were able to support him in this—we did so. The agreement to display the POW/MIA flag in the Capitol rotunda was one step we took, to focus continuing attention on this vital issue—a small step, but an important one.

I was proud to join my colleagues, Congressman SOLARZ and Congressman GILMAN, in introducing the House version of the resolution that makes the bill we are considering today possi-

ble. As former chairman of the House task force concerned with this issue, I know just how hard these two Members have worked on this issue—as well as the present task force Chairman, Congressman LAGOMARSINO.

My hat is off to these Members for all they have done and are doing.

Mr. Speaker, as sad as I was to see that great man, Ronald Reagan, leave us for California, I was greatly pleased and appreciative that our new President made a point of mentioning our missing men in his inaugural address. I believe President Bush's commitment to continue President Reagan's strong efforts will enjoy the bipartisan support in Congress that is crucial to resolving this issue.

This support is important not just to the President, but to the many personnel and servicemen and women who bear the weight of the hard work that must be done to answer the questions surrounding the fate of these men.

Displaying the POW/MIA flag in our Capitol rotunda will help to show that support and help to keep this issue before us all. I have this week introduced a resolution urging all 50 State governments to take similar action in displaying this flag in or near their capitol buildings. Twenty States have already done so. I invite my colleagues to join me in this effort.

In closing, Mr. Speaker, I want to again thank my colleagues for their support for our missing men.

Also, Mr. Speaker, let me say "Thank you, President Bush, for what you hope to accomplish, and above all, thank you, Ronald Reagan, for all you have already tried to do on their behalf."

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, as vice chairman of the bipartisan House Task Force on our Prisoners of War and Missing in Action in Southeast Asia, I am pleased to associate myself with this resolution, Senate Concurrent Resolution 5, similar to the resolution introduced by the distinguished Minority Leader, Mr. MICHEL, and on behalf of all of us, extend our thanks to our colleague from New York [Mr. SOLARZ] and our colleague from California [Mr. LAGOMARSINO] and the gentleman from New York [Mr. SOLOMON] for keeping this issue before the Congress.

The 100th Congress approved a resolution calling for the display of a National League of Families POW/MIA flag in the great rotunda until as full an accounting as possible has been obtained. Both the House and Senate have gone on the record strongly in support of this demonstration of solidarity with the families and loved ones of our POW's and MIA's. This resolution now before us quite simply provides the authority to conduct a ceremony in the rotunda of the Capitol to inaugurate the display of the POW/MIA flag.

It is most appropriate that this ceremony take place now, for there is no better time than the beginning weeks of a new administration to send a signal to friend and foe alike that we in Congress have not forgotten our missing Americans.

Throughout his 8 years as our Vice President, George Bush maintained a strong commitment to the POW/MIA issue, as well as maintaining direct personal involvement in the issue. Meetings with officials of the National League of Families since his election as our 41st President indicate that we need not be concerned about the commitment of the Bush administration to a full accounting of all our missing POW/MIA's.

Mr. Speaker, by conducting this POW/MIA flag ceremony in the rotunda on March 9, we will be expressing the shared concern of Congress for the issue and we will be sending an indisputable message at home and abroad, and especially to Southeast Asia, that both the executive and legislative branches of our Government remain united and committed on this important issue.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 5, which would allow the use of the Capitol rotunda on March 9, 1989, for the unveiling ceremonies of the National League of Families POW/MIA flag.

While the Vietnam war years are becoming a distant memory for many Americans, for the families of our still unaccounted for servicemen, Vietnam remains a daily personal reminder of the tragedy of war and the loss of a loved one.

America must never forget the sacrifices of our brave young servicemen nor the anguish of those families who still as yet do not know the fate of their husbands, fathers, and brothers. It there are U.S. servicemen still alive in Southeast Asia, we must do all we can to bring them home. If not, we must do all we can to identify the whereabouts of those who are still missing in action.

The POW/MIA flag symbolizes a nationwide recognition that a final chapter in the history of United States involvement in Southeast Asia has yet to be written. The flag, located here in the Capitol will serve as a constant reminder of work which still must be done. This resolution should serve as the Congress' continuing commitment to that goal.

Mr. DONNELLY. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 5, legislation authorizing the display of the National League of Families POW/MIA flag in the Capitol rotunda.

By displaying the POW/MIA flag prominently in the most hallowed hall of our Nation's Capitol, we both honor those men still listed as missing, and we restate the intent of Congress, the U.S. Government and the American people not to rest until we have a full accounting of all of these brave men.

I would also like to take this opportunity to discuss legislation which I have introduced addressing the plight of American POW/MIA's. House Concurrent Resolution 2 is intended to direct some of the attention on this issue toward those U.S. servicemen still missing from the Korean war.

To many, the Korean conflict is known as "the Forgotten War." The U.S. involvement in what was officially referred to as a "Police Action" by the United Nations bewildered the American people. Coming closely on the heels of World War II, the Korean conflict lacked the same clear-cut objectives, and was fought in a far-off corner of the world. Most Americans knew little about Korea, and cared even less. Eventually, the Vietnam war relegated the generation of men and women who served in the Forgotten War to oblivion.

Today, few people realize that there are many more American servicemen listed as missing from the Korean conflict than from the Vietnam war. In all, there are over 8,000 Americans still missing from the Korean conflict, and of that number, 389 were prisoners of war known to have been alive and in Korean custody prior to the 1953 cease-fire.

While the U.S. Government has worked hard to obtain information regarding the whereabouts of United States servicemen missing in Vietnam, those men still listed as missing in Korea have been largely forgotten by United States officials and the national media. This is wrong. We have the same obligation to these men and their families that we have to the families of those servicemen missing in Vietnam. We have a responsibility to establish once and for all the whereabouts and fate of all our POW/MIA's.

Mr. Speaker, I urge my colleagues to cosponsor House Concurrent Resolution 2, and to join me in my efforts to focus international attention on the Korean POW/MIA problem.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 5, which would allow the use of the Capitol Rotunda on March 9, 1989, for the unveiling ceremonies of the National League of Families POW/MIA flag.

While the Vietnam war years are becoming a distant memory for many Americans, for the families of our still unaccounted for servicemen, Vietnam remains a daily personal reminder of the tragedy of war and the loss of a loved one.

America must never forget the sacrifices of our brave young servicemen nor the anguish of those families who still as yet do not know the fate of their husbands, fathers and brothers. If there are U.S. servicemen still alive in Southeast Asia, we must do all we can to bring them home. If not, we must do all we can to identify the whereabouts of those who are still missing in action.

The POW/MIA flag symbolizes a nationwide recognition that a final chapter in the history of U.S. involvement in Southeast Asia has yet to be written. The flag, located here in the Capitol will serve as a constant reminder of work which still must be done. This resolution should serve as the Congress' continuing commitment to that goal.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLIPPO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

ESTABLISHING THE COMMISSION ON THE U.S. HOUSE OF REPRESENTATIVES BICENTENARY

Mrs. BOGGS. Mr. Speaker, I offer a resolution (H. Res. 83) to establish the Commission on the U.S. House of Representatives Bicentenary, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Louisiana?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the gentlewoman from Louisiana [Mrs. BOGGS] so she may explain her resolution.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman from Minnesota [Mr. FRENZEL] for yielding.

The purpose of this resolution, Mr. Speaker, is, of course, to reconstitute the Commission on the U.S. House of Representatives Bicentenary exactly as it was done in the 99th and 100th Congresses.

□ 1450

The Commission has had the responsibility for overseeing the planning and direction of the commemoration of the 200th anniversary of the House through appropriate publications, exhibits, symposia, ceremonies related to the activities and of coordinating its planning and activities with the Senate Bicentennial Commission and the Commission on the United States Constitution.

Mr. Speaker, the composition of this Commission is composed of eight Members who are appointed by the Speaker in consultation with the minority leader. Six must be current Members of the House and two former Members, and they are equally divided between Democrats and Republicans, and the majority leader and the minority leader are ex-officio members of the Commission.

The Commission has no staff of its own. It is supported by the Office of the Bicentennial staff and other coordinating staffs, support staffs, in the House, and I am happy to report, Mr. Speaker, that the Commission has incurred no expenses in the 4 years of its existence.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, there is no objection to the resolution which has been offered by the gentlewoman from Louisiana [Mrs. BOGGS]. The resolution should have been offered earlier in the year, and the gentlewoman from Louisiana [Mrs. BOGGS] tried to do so, but a number of Members of the House, including myself, objected on a point which was extraneous to the thrust of her resolution, and her resolution is, I think, unanimously endorsed by the membership on this side of the aisle, and in fact those of us on the Republican side believe that the gentlewoman from Louisiana's [Mrs. BOGGS] leadership on this Commission is exemplary, and we are very pleased and proud to have her continue in that leadership position and to have her Commission continue.

However, further reserving the right to object, I would like to make a statement about the item of controversy that caused this delay which inconvenienced the gentlewoman from Louisiana [Mrs. BOGGS] and perhaps other people in the House. The problem centered around the Historian of the House, and for historians who want the history of how we got to have a Historian, the story really begins over in the other body which decided that it needed a Historian to record its heroic and titanic efforts in defense of the public and hired one.

Mr. Speaker, in the U.S. culture, if you see one, you got to have one, so the House decided that it in turn needed a Historian. The matter was brought to the floor of the House, and the House rejected the motion which would have created the Office of Historian. The Office of Historian was subsequently created in another larger act in a way that the Members of the House had no opportunity to vote on it.

Now again, just as the gentlewoman from Louisiana's [Mrs. BOGGS] resolution, there is no objection to the current Historian, a worthy Historian by the name of Ray Smock, who is doing splendid work for the House and for the Commission of the gentlewoman from Louisiana. However, there are a number of people that believe the Historian needs a better administrative home because his job was thrust upon us surreptitiously, or at least without the normal House consideration. He now finds himself attached to the Office of the Speaker. The Office of the Speaker does not need a Historian any more than it needs a piano tuner or a golf pro, and he should have an administrative home, and those of us who caused the problem over this resolution have been assured that sometime later in the year, by another means other than through the resolution that creates this Commission, he will have an administrative home. Perhaps this will be with the Clerk of the House, which would be my preference. Perhaps in another place.

However, Mr. Speaker, I do want to restate a point I make when we extended this job in the rules of the House last year, which was another inappropriate place to deal with the job of the Historian, and that is that we have lots of historians around the Capitol. We have a Library of Congress, we have a Smithsonian, we have a Parliamentarian who works hard on the history of the House, and we have a historical society, and, once the job of the Bicentennial Commission is completed, it seems to me that in the time while we are struggling to work down our deficit and to provide enough resources to do other things which the House must do that we might leave to outsiders and other agencies the task of recording our titanic chores and heroic deeds on behalf of the Republic.

With that modest explanation, Mr. Speaker, I would further reserve the right to object, and I yield to the gentlewoman from Louisiana [Mrs. BOGGS] if she has any concluding statement.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman from Minnesota [Mr. FRENZEL] for yielding, and, if I may follow his yield and give some of the history of the Historian of the House office, it of course, as the gentleman has said, replaces the Office of the Bicentennial which is currently scheduled to expire on September 30, 1989, under the provisions of the law 2 U.S.C. 29(c), and, although the Office of the Bicentennial was originally established by an amendment to the rules of the House, that provision was subsequently enacted into statutory law in the 1985 Legislative Branch Appropriations Act, and the rules provision was repealed. The Act and the original rules provision placed the Office of the Bicentennial under the direction of the Speaker of the House. At some point it is likely to be appropriate, and I do think it is appropriate, to change the authority for the Office of the Historian from the rules to statutory law as was done for its predecessor office. This would provide an appropriate opportunity to shift responsibility for the Office of the Historian from the Speaker's Office to whatever administrative structure the leadership decides is appropriate such as, for instance, the Clerk's Office. Without further amending the rules of the

House to shift administrative responsibility, the shift could be accomplished when the legislative branch bill is enacted, and it can take place before next September 30.

Mr. Speaker, I think that this is within the same kind of format that we were able to use previously, and I would hope that the gentleman from Minnesota [Mr. FRENZEL] would be agreeable to it.

Mr. FRENZEL. Mr. Speaker, I thank the gentlewoman from Louisiana [Mrs. BOGGS] for her explanation, and all of us in the House, I think, thank the gentlewoman for the extraordinarily effective job she has done in leading the House Bicentennial Commission, and we thank her for the work she is about to do.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 83

Whereas the House of Representatives was established under the Constitution in the year 1789;

Whereas in the year 1989 the House of Representatives will celebrate the bicentennial of its establishment under the Constitution;

Whereas the House of Representatives for the past two hundred years has reflected the will and strength of the people of the United States and has, in its historical development, adhered to our national heritage of individual liberty and the attainment of equal and inalienable rights; and

Whereas it is appropriate and desirable to provide for the observation and commemoration of this anniversary: Now, therefore, be it

Resolved,

SECTION 1. ESTABLISHMENT.

There is established in the House of Representatives the Commission on the United States House of Representatives Bicentenary (hereinafter in this resolution referred to as the "Commission").

SEC. 2. FUNCTIONS.

(a) IN GENERAL.—It shall be the duty of the Commission to oversee the planning and direction of the commemoration of the bicentennial of the House of Representatives through an appropriate program of publications, exhibits, symposia, and related activities. The objective of this commemoration is to inform and emphasize to the Nation the role of the House of Representatives through two hundred years of growth, challenge, and change. The Commission is directed to develop a program, in consultation with the Office for the Bicentennial of the House of Representatives, that will draw upon the resources of current and former Members, scholars, and the general public.

(b) COORDINATION WITH SENATE BICENTENNIAL COMMISSION.—It shall be the duty of the Commission to coordinate programs commemorating the bicentennial of the House of Representatives with commemorative programs and activities directed by the United States Senate Bicentennial Commission.

(c) COORDINATION WITH COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION.—It shall be the duty of the Commission to coordinate programs commemorating the bicentennial of the House of Representatives with commemorative programs and activities directed by the Commission on the Bicentennial of the United States Constitution.

SEC. 3. COMPOSITION.

(a) IN GENERAL.—The Commission shall be composed of 8 members appointed by the Speaker (in consultation with the minority leader) as follows:

(1) Six Members of the House, of whom no more than 3 shall be members of the same political party; and

(2) Two former Members of the House, who shall not be members of the same political party.

The majority leader and the minority leader shall be ex officio members of the Commission.

(b) DESIGNATION OF CHAIRMAN.—The Speaker shall designate one of the members of the Commission to serve as Chairman of the Commission.

(c) VACANCY.—Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment.

(d) DEFINITION.—As used in this section, the term "Member" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 4. ADMINISTRATIVE MATTERS.

(a) RULES OF ORGANIZATION.—The Commission may make such rules with respect to its procedure as it considers necessary.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SEC. 5. POWERS.

(a) IN GENERAL.—In order to carry out its functions, the Commission is authorized to sit and act at such times and place within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) ACQUISITIONS.—The Commission is authorized to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement in the House wing of the Capitol or the House office buildings.

SEC. 6. STAFF.

The Commission shall be staffed by the Office for the Bicentennial of the House of Representatives and shall have full supervisory powers over such Office. The Commission may also draw upon the staff support of such other employees of the House or its support agencies as may be agreed to by mutual consent.

SEC. 7. PAYMENT OF EXPENSES.

The expenses of the Commission shall be paid from money appropriated to the Office for the Bicentennial of the House of Representatives.

SEC. 8. PERIODIC REPORTS.

The Commission may submit periodic reports on its activities to the House. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

SEC. 9. TERMINATION.

The Commission shall cease to exist at the end of the 101st Congress, unless otherwise provided by law or resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 21, 1989.

Hon. JIM WRIGHT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit five sealed envelopes received from the White House at 2:51 p.m. on Tuesday, February 21, 1989 and said to contain the following messages from the President:

(1) Transmitting the annual reports of the Department of Transportation for Fiscal Years 1985, 1986, and 1987;

(2) Transmitting the Fiscal Year 1987 annual report on mine safety and health activities as submitted by the Secretary of Labor;

(3) Transmitting the Annual Report of the ACTION Agency for Fiscal Year 1988;

(4) Transmitting the annual report of the National Endowment for Democracy for Fiscal Year 1988; and

(5) Transmitting the Supplementary Agreement Amending the Agreement between the U.S.A. and the Swiss Confederation of Social Security, consisting of two separate instruments—a principal agreement and administrative agreement.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORTS OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation, the Committee on Energy and Commerce, and the Committee on Merchant Marine and Fisheries:

(For message, see proceedings of the Senate of today, Wednesday, February 22, 1989.)

ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings, of the Senate of today, Wednesday, February 22, 1989.)

□ 1500

SUPPLEMENTARY AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SWISS CONFEDERATION ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES. (H. DOC. NO. 101-27)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, February 22, 1989.)

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY, 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Wednesday, February 22, 1989.)

ANNUAL REPORT ON MINE SAFETY AND HEALTH ACTIVITIES, 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Wednesday, February 22, 1989.)

THE ABSURD 25 PERCENT "CHICKEN WAR" DUTY

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, on January 4, 1989, the U.S. Customs Service reversed longstanding policy and caused a tenfold increase in the duty on sport/utility vehicles and passenger vans by classifying all multipurpose vehicles as trucks. This had the effect of subjecting them to the 25-percent "chicken war" truck tariff rather than the 2.5-percent duty applicable to cars. As a result of this decision, U.S. dealers of foreign-made multipurpose vehicles, which had relied on longstanding Customs' policy and practice in entering multipurpose vehicles into the United States as cars, were confronted overnight with a tenfold tariff increase, without the usual notice or any opportunity to comment.

Along with a number of my colleagues, I wrote to the Secretary of the Treasury to express my deep concern about the Custom Service's action. I am pleased that the Department rescinded the Custom Service's decision last week and announced new criteria by which to judge whether a multipurpose vehicle is a car or a truck.

In essence, the Department decided generally to continue to classify as cars all four-door multipurpose vehicles and all passenger vans. These vehicles make up the fastest growing segment of the market. Unfortunately, the Department's decision will continue to classify two-door sport/utility vehicles as trucks of the Treasury subject to the 25-percent tariff.

There has been criticism of the Treasury ruling and the criteria it used in making this distinction. It can be argued that many of these vehicles are used chiefly as passenger vehicles as well. I myself urged that all such vehicles be described as cars subject to the 2.5-percent tariff. On the whole, however, I think the Department made a prudent decision, one that will have broad benefits for consumers and will avoid a trade war with some of our largest trading partners. The Department did not create the absurd 25-percent "chicken war" duty. It did its best to provide a rational solution to a Customs Service blooper and a bad law.

THE DECLINE OF U.S. TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAMPBELL] is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Speaker, there was a time when the United States was the principal manufacturer of semiconductors in this world, and that time has passed.

There was a time when the United States was the only manufacturer of VCR's.

There was a time when the United States was the manufacturer of electronics, exclusive and the best.

There was a time when the United States made steel and automobiles and it did not have any serious competition.

As we extend into world trade and into the higher technology aspects of world trade, it is essential that we unleash the genius of the American economic system, and to that end particularly to allow the U.S. companies who wish to pool their research to pool their capital and to pool risk to do so.

In 1984 we passed the National Cooperative Research Act. This allowed American companies who wished to pool their research and development to do so, but it had a critical shortage. It stopped at the manufacturing level. It did not allow American companies who wished to take their thoughts, the product of their innovation, and make the product to do so. It did not allow American companies to collaborate and to develop its commercialization of those products.

This is critical to allow. The reason is that so much is learned not only from the research and development, but from the manufacturing of the good itself and so much is learned from talking with the customers and learning from them what problems they have, particularly in high technology, but not exclusively in that area. It is critical as well that the U.S. manufacturers get the opportunity that foreign manufacturers have.

In order to achieve this, I have introduced and joined my colleague from Virginia, Congressman RICK BOUCHER, in this bill, H.R. 1024. H.R. 1024 would allow American firms to take the products of their minds, research and development, and commercialize and bring that back into the world of economic competition.

An example serves to prove how important this is. Right now we have Sematech, a consortium of manufacturers of semiconductor technology, operating in Austin, TX.

Dr. Robert Noyce is the chief executive officer of Sematech. I spoke with him about this bill. He pointed out to me that right now if that consortium makes a silicon chip, it has to throw it away because it would be against the law to allow those firms to collaborate beyond the research and development stage.

This bill is necessary. Consider where we stand in just one field, high technology. The United States has gone from a surplus of $26 billion in high technology in 1981 to a surplus of less than $600 million in 1987. Indeed, the 1986 high technology trade balance was in deficit.

Now, there are several solutions. There are some who suggest that the answer is that America erect trade barriers so that we keep out foreign competition. There are some who suggest that America as a government put money into particular industries, choosing which ones to support. There are some who would take the American economy and re-create in it the Japanese economy. I do not think so.

The genius of the American system is in its free enterprise and its entrepreneurship. The genius of the American system is in harnassing that ability of individual thinkers to take their products, commercialize and sell them,

and that is precisely what this bill does.

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It is not an attempt to replicate the Japanese experiment in America. It, rather, harnesses the unique genius of the American economy.

Mr. Speaker, the time is short. We must support the opportunity for American firms to collaborate among ourselves so that we can better compete with foreign firms. I ask all of my colleagues to support this bipartisan effort, and I would like to conclude with that one point.

Please note I speak on behalf of a bill which I have coauthored with the gentleman from Virginia [Mr. BOUCHER], recognizing support from both sides of the aisle, recognizing support from the administration.

In the words of Commerce Secretary Mosbacher and Attorney General Thornburgh, it is essential that this be bipartisan, and it is essential it be done.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 5 minutes.

[Mr. DYMALLY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ORDER OF BUSINESS

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to defer my special order for this moment and let the following speaker go ahead, and I will come in after him.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE CONGRESSIONAL SCHOLARSHIP FOR SCIENCE AND MATHEMATICS ACT OF 1989, AND THE EDUCATION AND SAVINGS ACCOUNT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. COSTELLO] is recognized for 5 minutes.

Mr. COSTELLO. Mr. Speaker, I urge my colleagues to support two bills that I have cosponsored, H.R. 343 and H.R. 70.

H.R. 343 establishes the Congressional Scholarship for Science, Mathematics, and Engineering Act of 1989. As Members know, the National Science Foundation's efforts in science education remains far below the level of efforts made by the NSF in the mid-1960's.

Mr. Speaker, at the same time American high school students are scoring dead last on international science and math exams. Interest in science has fallen sharply at the college level, and women and minorities remain in large part nonparticipants.

I have cosponsored H.R. 343 to create two significant scholarships each year based in each congressional district to be awarded through an NSF merit-based review to a bright young man or woman to pursue science, math, or engineering at the college level.

Considering the strong science and math education programs of Japan, the Soviet Union, and others, these congressional scholarships for science, math, and engineering could make an important contribution to our national interest.

Mr. Speaker, the other bill I have cosponsored and which I ask my colleagues to support is H.R. 70, a bill that in my opinion would help make it much easier for middle-income families to save for the high cost of college tuition. The right to a good, affordable education is one that should be given to every American family. This bill will allow families to put up to $1,500 a year in a special savings account to help save for that goal.

The Education and Savings Account Act is modeled after the highly successful IRA, [individual retirement account] legislation.

In contrast, this account is tax free, and families will be able to draw on it at any time without penalty as long as it is used to further the college education of their children or for vocational training expenses. The bill is also similar to the IRA by allowing families to establish the account at banks and savings institutions, where as it matures it serves as a valuable source of investment capital to fuel the private economy.

If the family begins to save early, the interest gained on this account can add up to sizable amounts by the time the child is ready to go to college.

Mr. Speaker, the future of the country depends greatly upon how prepared our young men and women are to assume responsibility. It is our responsibility to see that they are given the opportunity for a good, affordable, quality education, and I ask my colleagues to join me in supporting H.R. 343 and H.R. 70.

A SALUTE TO BILL YOUNG FOR HIS LEADERSHIP IN ESTABLISHING THE NATIONAL BONE MARROW REGISTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, the Appropriations Subcommittee on Defense I serve on is charged with overseeing spending decisions on thousands of important national defense programs that total almost $300 billion.

Today, however, I want to tell you about a small program that few people are aware of, but one that our subcommittee members are extremely proud of because it is saving the lives of people with life-threatening blood disorders. The program is the National Bone Marrow Donor Registry, a national computer network that matches bone marrow donors with those people in need of a bone marrow transplant.

Our subcommittee's involvement and the ensuring success of this program has been due to the leadership of my colleague from Florida and a distinguished member of the subcommittee, BILL YOUNG. He made our committee aware in 1987 of the lack of a national registry to match bone marrow donors and recipients and it was BILL YOUNG who for the past 3 years has included funding in the defense appropriations bill to allow the Department of the Navy to issue contracts to the American Red Cross and several blood banks to make the concept of the registry a reality.

The St. Petersburg Times, of St. Petersburg, FL, recently ran an excellent story about the history of the National Bone Marrow Registry and about BILL YOUNG's efforts to get the registry off the ground. Because of his work, the registry became operational in December 1987 and in the past 14 months has resulted in 88 matches between donors and recipients. These are children and adults who were in need of a bone marrow transplant to save their lives but for whom they had no relative to serve as a compatible donor. Without the registry, the possibility that these 88 would have had a transplant was extremely remote.

The story which follows my remarks details how BILL YOUNG became aware of the need for a registry through his personal experience with a little girl suffering from leukemia who ultimately died because doctors could not find a matched bone marrow donor. The story also discusses the efforts of BILL YOUNG to convince Federal health officials of the importance of this program. His work has been so successful that in the next few weeks, oversight for the registry will be transferred from the Navy to the National Institutes of Health where it can be used to expand Federal health research efforts.

What is not included in this story is a full understanding of all the behind the scenes work BILL YOUNG put into this program without any expectation of receiving credit or publicity for his efforts. His motivation simply was to fill a need for some type of system where people in need of a bone marrow transplant could find a matched donor, giving them a chance to survive an otherwise terminal dis-

ease. It is this drive and determination to serve the American people that makes me proud to serve in this body and on the Appropriations Committee with my friend and colleague BILL YOUNG.

THEIR ONLY HOPE

(By Larry King)

WASHINGTON.—Greg Powell's call came in October. Five months earlier, Powell had offered to make an unusual sacrifice that most people have never heard of. Now officials at a Fort Lauderdale blood bank were on the phone, wanting to know whether his offer still stood.

Yes it did, Powell told them.

On the Monday before Thanksgiving, the 41-year-old Boca Raton resident checked into Shands Teaching Hospital in Gainesville. He lay on his stomach while attendants numbed the lower half of his body.

Two physicians stood beside Powell and inserted two long needles through the right and left sides of his pelvis. For the next half hour they poked syringes through the openings and extracted about two liters of marrow from within the bone.

The next morning, with only minor soreness, Powell hopped into his car and drove off to see relatives in Jacksonville. His part was completed.

His marrow, meanwhile, was flown to Los Angeles, where doctors let it drip into the bloodstream of a young woman dying of aplastic anemia. Within days the marrow found its way into the woman's bones and began to manufacture healthy blood.

That much of the transplant succeeded, Powell was told later. But within a month the woman died of other complications. He was never told her name.

"They kind of control the communications you have with the patient," he says. "But I thought it would really have been neat for her to get better, you know, and then sometime we could have written or called each other."

His disappointment aside, Powell's gesture does appear to have made a small bit of Florida medical history. So far as he and his doctors can tell, he was the first Floridian to donate marrow to a recipient who is not a family member.

Bone marrow transplants are a last resort for many peope dying of blood dieases such as leukemia. Thousands are performed each year, and more than half either save or significantly extend the recipients' lives.

Until recently, though, most were limited to patients with family members whose marrow matched well enough to try a transplant. For the other 70 percent who need transplants but don't have an acceptable family donor, most were out of luck. Fewer than 100 non-family transplants occurred between 1979 and 1987.

That's changing, thanks to a curious alliance of politicans, military officials, medical experts and concerned parents. A national computer network has been established to help match donors with recipients.

Plans for the National Bone Marrow Donor Registry began in 1986, when about $3.5-million in start-up money was slipped into, of all things, a defense appropriations bill. The money went to the Navy, which contracted the work out to the American Red Cross and other blood-collection organizations.

Today the registry lists about 28,000 potential donors such as Greg Powell.

Any healthy adult under 55 years of age can sign up for the registry. Each person is listed according to his or her human leukocyte antigen (HLA) type, a combination of six tissue factors.

Thousands of HLA combinations are possible, some more common than others. For a marrow transplant to succeed, a near-perfect match is necessary.

"The problem is that most of the patients that need these transplants are very sick, so they don't have several months to try and find a donor," says Dr. David Stroncek, medical director for the registry in St. Paul, Minn. "Usually it's only a matter of several weeks before they die, so time becomes a critical issue."

Once a potential donor is matched to a recipient, he or she undergoes counseling to make sure they want to go through with the transplant. Because recipients undergo treatment to destroy their own marrow before a transplant, a last-minute refusal by the donor would be fatal.

The registry went into operation in late 1987. From then through the middle of last week, 88 transplants were performed using the registry. Of those, well over half appeared to be successful.

Right now about 12 to 15 transplants per month are arranged through the registry. Most donors learned about the program through involvement with local blood banks.

Registry officials are hoping that the word will spread and that the number of donors will grow to at least 100,000 over the next few years, which would greatly increase the chances of successful matches.

Bone marrow transplants began in the 1960s, but not until a decade later did the first transplant between unrelated parties occur.

In 1979, a girl named Laura Graves became the first such recipient. She was dying of a blood disorder and her father Robert, as a last resort, took her to a Seattle hospital for the experimental transplant. Laura's HLA type was relatively common, Graves says, and two potential donors were on file there.

"It was totally experimental," says Graves, a dairy farmer from Fort Collins, Colo. "We were the first because I showed up, that's all. I came at the right time. Many forces worked together there."

The transplanted marrow functioned well inside Laura's body, but she died a year later of other complications. Her father started devoting time to setting up local donor registries in various cities.

"It was very splintered and wasn't working that much," Graves says. "We decided we'd better do something better. So we started to appeal to the political world and found a sponsor in Sen. Paul Laxalt from Nevada."

Beginning around 1983, Laxalt, Graves and their allies tried to set up a national registry, but found little interest. Some medical experts still regarded marrow transplants as experimental.

In 1986, Laxalt finally slipped some start-up money for the registry into a defense appropriations bill, Graves said. And, like Graves, he had a personal stake.

"There was some interesting byplay," Graves recalls. "One of his staff members had a child with leukemia along about that time."

But Laxalt retired that year, and the program needed a new congressional champion.

That person turned out to be Republican Rep. C.W. Bill Young of Pinellas County. Young has worked hard to keep money flowing to the program, Graves says.

"He has really become our lead person in Congress now," Graves says. "To take on a cause like that isn't normal. There was no family involved, nothing like that. There was a constituent involved."

Brandy Bly was an unusual constituent. She was a 10-year-old girl from Dunedin who spent half of her life battling cancer.

Young met Brandy in 1986, when he helped arrange for her to meet President Reagan at a rally in Miami. A week earlier, the girl had met George and Barbara Bush during an appearance in Clearwater.

"Barbara Bush was just a sweetheart," recalls Brandy's mother, Caron Pappas. "I remember her patting me on the arm and saying, 'Honey, I know what you're going through.' " The Bushes had a daughter who died of leukemia early in their marriage.

After that, Young and his wife Beverly continued to visit Brandy at All Children's Hospital in St. Petersburg.

"Brandy was probably the only child in the United States who had a U.S. congressman sitting on her bed playing Monopoly," her mother says. "Bill was great about that."

Brandy, in turn, would make jewelry and trinkets from kits and give them to the Youngs. Her mother didn't realize it then, but Brandy wrote diary notes worrying whether her mother would be all right if she died.

"She was very smart. She knew exactly what was happening to her," Young says. "She knew that she didn't have much of a chance, but she was determined that she was going to live. It was really something to see the courage that little girl had."

Brandy was diagnosed as having cancer of the lymph nodes when she was 6. Chemotherapy made it disappear for a while, but later it developed into leukemia.

By the time Brandy turned 10, her chances of living much longer were flagging.

"When the question of a bone marrow transplant came up as her only hope, she had no siblings," Young says. Because the registry did not yet exist, "they just couldn't find a donor."

In February 1987, Brandy was taken to a hospital in Minneapolis, where doctors extracted her own marrow, treated it with chemicals to remove the cancer, and reintroduced it into her body. In the meantime, Brandy underwent huge doses of radiation.

After three months in intensive care, Brandy went home. But the radiation had caused significant brain damage.

On Monday, May 11, 1987, Young stood in Congress and asked to address the House of Representatives.

"Mr. Speaker, Brandy Bly died Saturday . . ." Young said. "The irony of Brandy's story is that when her little body stopped functioning it was totally free of the terrible leukemia and had been for more than 100 days."

Could a registry have made a difference?

"I do believe her chances would have been better," says Mrs. Pappas, "but I'm not God. Had she been allowed the transplant early on, then her body possibly would have been strong enough to fight it off."

Since then, Young has helped keep money flowing to the program, and it is now being transferred from the Navy to the supervision of the National Institutes of Health.

"It will grow," Young says of the registry, "and a lot of people who might not have survived will be alive and well because of it. It's pretty exciting."

THE GULF OF MEXICO MARINE AND COASTAL RESOURCES PROTECTION ACT

Mr. Speaker, today I am reintroducing legislation—which I first introduced in the 100th Congress—to address the serious problem of coastal wetland erosion in Louisiana and to protect our Gulf of Mexico marine and coastal resources.

While broad legislation, which I support, has already been introduced in an attempt to address the loss of our Nation's coastal wetlands, I believe the legislation I am introducing today is critical to the national debate on this issue if Congress is to develop a final bill that represents a fair and realistic solution to this entire issue.

The specific legislative solution that I am proposing is necessary because the loss of Louisiana coastal wetlands represents approximately 80 percent of the total national coastal wetlands loss.

Louisiana's coastal wetlands are eroding at a rate estimated to be 60 square miles per year.

Since 1900, Louisiana has lost over 2,100 square miles of coastal wetlands, an area one and two-third times the size of Rhode Island. Unless these losses are reversed, the remaining Louisiana coastal wetlands will disappear in our lifetime.

If this is allowed to occur, this Nation will lose one of the most productive ecosystems in the world that produces 27 percent of our Nation's annual commercial seafood harvest. At least 98 percent of the entire Gulf of Mexico's commercial fisheries species and 75 percent of the volume of the commercial seafood harvest spend part of their life cycle in the Louisiana's coastal wetlands. These wetlands also produce 40 percent of the animals supporting our Nation's fur industry, and they represent the southern end of the national Mississippi Flyway, which constitutes a vital habitat for the breeding, wintering and migration of wild birds and waterfowl.

Mr. Speaker, the legislation I have introduced addresses the Louisiana coastal wetlands loss problem; and it protects our Gulf of Mexico marine and coastal resources at the site of the highest concentration of damage. Indeed, it is a very real national emergency. Just as Congress has recognized and begun to address the unique regional problems of the Chesapeake Bay and its impact on the Atlantic Coast, it is likewise imperative that we do not ignore the Louisiana coastal wetlands problem and its significant impact on the Gulf of Mexico region and this Nation.

To his credit, President Bush, as a candidate and as President, has committed his administration to a strong wetlands policy, a national goal of "no net loss of wetlands." Both the Environmental Protection Agency and the U.S. Corps of Engineers have devoted new and additional resources to this serious problem. Many of our national and state environmental and industry organizations have already made wetlands protection and enhancement a top priority in their education and funding efforts. I sincerely believe the legislation I am reintroducing today still addresses many of the key issues and solutions for wetlands protection and enhancement these diverse groups advocate.

Most importantly, this legislation, for the first time, would unite most Federal and State governmental authorities, industry, environmental, hunting, fishing, and landowner representatives to develop, once and for all, a comprehensive corrective action plan for our wetlands.

This legislation, the Gulf of Mexico Marine and Coastal Resources Protection Act, authorizes the creation of a Commission consisting of key Federal, State, and local representatives who will provide directly to Congress within 2 years a specific and comprehensive action plan to reduce the loss of Louisiana coastal wetlands and return these wetlands to a natural and productive state. In doing so we will also protect the marine resources of the entire Gulf of Mexico.

This Commission will provide, for the first time, a coordinated policy and action plan for dealing with wetlands loss. The Commission's existence is authorized for 15 years to monitor the implementation of the action plan once it is developed. Such sums as necessary are authorized for fiscal years 1989 through 1992 for the Commission to develop the action plan and conduct its duties. Funding for projects to be recommended in the action plan has not been authorized in this bill. While it is certain that the protection of our wetlands will not come cheaply, it would be premature to set funding authorization levels that could be inaccurate for projects for which technical and engineering requirements and cost estimates will not be available until the action plan is submitted to Congress. However, this legislation does authorize cost sharing levels for these future projects. The costs of implementing projects included in the final action plan would be funded, in most instances, on a cost sharing basis, with the Federal Government paying 75 percent of the costs and non-Federal interests paying 25 percent.

Commission members include: Two cochairmen, the Secretary of the Army for Civil Works and the Administrator of the Environmental Protection Agency; the Secretaries of Agriculture, Interior and Commerce; the Chairman of the Gulf of Mexico Marine Fisheries Council; State of Louisiana department leaders with jurisdiction over wetlands; representatives from the commercial and sports fisheries industries, hunters' associations, landowners' associations, and environmental groups in Louisiana; and, as an advisory committee to the Commission, the Governors of Gulf of Mexico coastal States. The Commission's broad representation at the Federal, State, and local levels is the only way to develop an effective policy for dealing with wetlands erosion along the Louisiana coastline, and, ultimately, the rest of the Nation.

Mr. Speaker, this legislation also directs the Commission to analyze and consider some specific but controversial solutions in developing a final action plan to revitalize our coastal wetlands. One key policy issue this legislation addresses is whether the mission of the U.S. Corps of Engineers must be amended to include coastal wetlands protection, enhancement and restoration as an equal element with the corps' navigation and flood control missions. The magnitude of the wetlands erosion problem demands that we seriously consider all of these solutions and more. However, the Commission's broad representation as well as a public comment period on the action plan will ensure that every possible solution, from freshwater-sediment diversion to water control structures, will be developed and addressed in an equitable manner.

Finally, this legislation also specifically addresses the national policies that have caused our coastal wetlands loss. By including such specifics in the bill, I merely want to emphasize to my colleagues that these important national policies and activities, which many in Congress—including myself—have supported in the best interest of our citizens, are also responsible for most of our wetlands erosion.

Therefore, it is only equitable that we take further and more specific action on the Federal level and in Congress to address the serious problem of wetlands erosion. Though our efforts have increased over the years, there is still no coordination at all levels of Government, nor is there a coordinated and comprehensive policy to address this wetlands issue. With this legislation, Congress can take immediate action to set as well as coordinate wetlands policy for our Nation's largest and most severely impacted area and subsequently apply this policy to the remainder of the Nation's coastal wetland areas.

I urge my colleagues in Congress to support this legislation in concert with other initiatives that address our Nation's serious wetlands erosion problem.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

[Mr. BEREUTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 60 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is an honor for me to reserve this special order to commemorate the 71st anniversary of Lithuanian Independence Day, and I would like to thank all of my colleagues in the House of Representatives joining me today in tribute to the brave people of Lithuania who continue in their daily struggle to achieve freedom for their beloved homeland.

On February 16, 1918, 71 years ago, the Lithuanian people regained their independence at the conclusion of World War I. They began to rebuild their devastated country, and to establish democratic institutions to safeguard their newly won independence. Unfortunately, these benefits of freedom were short-lived because Lithuania was invaded by Stalin's forces. Those who resisted Stalin's brutality were executed or were deported under inhumane conditions to slave labor camps in Siberia.

Nevertheless, this very short period of freedom—less than one-quarter of a century—left an idelible impression on the Lithuanian people, and the years of Communist domination and Nazi occupation have strengthened their resolve for freedom. The Communists have been ruthless in their efforts to destroy the culture, religion, language, and heritage of the Lithuanian people. Yet the desire for liberty has not diminished.

In fact, in recent months, there has been a growing movement of Lithuanian nationalism sweeping Soviet-occupied Lithuania. In just about 9 months, the Lithuanian Movement To Support Perestroika, called Sajudis, has grown to a membership of over 150,000. Unlike last year, when independence day ceremonies in Lithuania were prohibited by Soviet authorities, this year over 100,000 people gathered in Kaunas to commemorate the 71st anniversary of Lithuania, and over 200,000 gathered in Vilnius. In an unprecedented action strengthening the cultural independence of Lithuania, Lithuanian has been declared the official language of Lithuania, and Russians and other minorities living within the borders of this Republic have been given 2 years to gain fluency in this language.

Our Nation has never recognized the forced incorporation of Lithuania by the Soviet Union, and we must continue to support the efforts of the Lithuanian people as they again seek their own autonomy—free from the domination of Soviet tyranny.

I would like to take this opportunity to share with my colleagues in the House of Representatives, two recent articles, which appeared in the Chicago Tribune and the Chicago Sun-Times, outlining the activities in Lithuania to commemorate the 71st anniversary of Lithuanian Independence Day, and copies of those articles follow:

[From the Chicago Sun-Times, Feb. 16, 1989]

PRO-AUTONOMY LITHUANIANS CELEBRATE 1918 INDEPENDENCE

KAUNAS, LITHUANIA.—A mass movement campaigning for greater autonomy for Lithuania held a ceremony Wednesday in Kaunas, opening two days of officially sanctioned celebrations marking the anniversary of the Baltic state's declaration of independence.

It is the first time since the independent state of Lithuania was forcibly incorporated into the Soviet Union in 1940 that independence anniversary celebrations have been tolerated.

Hundreds of Lithuanians stood in rapt silence outside the music theater in the former capital of independent Lithuania while the Feb. 16, 1918, declaration of independence was read out to the 220 members of the Sajudis movement's parliament, or Sejm, packed inside.

A huge yellow, green, and red flag, the colors of independent Lithuania, hung over the stage in front of a picture of the city's freedom monument, which is to be unveiled today after a long period hidden from public view.

The festive atmosphere in the theater's auditorium was in sharp cotrast to last year's mood, when the army and police sealed off the center of Kaunas and Vilnius, the present Lithuanian capital, to forestall nationalist demonstrations on the anniversary. Reports of those detained ranged from several dozens to hundreds.

Sajudis, which was founded last October, has a reform platform similar to that of the popular fronts in the neighboring Baltic states of Estonia and Latvia.

Sajudis secretary Virgil Cepaitas said that today's Sejm session would last at least four hours. A declaration on "the future of Lithuania" would be discussed and adopted, he said.

Another Sejm member, Algirdas Patackas, said the final resolution would call for Lithuania to be "independent, netural, and demilitarized," as "a buffer zone between East and West."

Asked about the apparent contradiction between Sajudis' stated goal of Lithuania sovereignty inside the Soviet Union and the resolution's call for independence, a leader of the movement's Kaunas branch, Algirdas Saudargas, said, "Yes there are contradictions. But there are contradictions in our Sajudis program."

He pointed out that the Sajudis platform, in addition to pledging fidelity to the Soviet Union, called for annulment of the 1939 Nazi-Soviet pact that led to annexation of Lithuania and the other Baltic states. Saudargas noted that annulment would automatically restore Lithuania independence.

The Freedom League, a group campaigning for total Lithuanian independence, has called for participants at a major rally today to place black bands across the nationalist flag, signifying that the state is not yet free.

The Lithuanian Communist Party leader, Algirdas Brazauskas, is to address today's rally in Vilnius. Party members in Sajudis do not hide the fact that they now consider the reform movement, which claimed 60,000 members, as a "second government." Since the founding of Sajudis, other groups have sprung up in the new atmosphere of official tolerance, some proposing more radical platforms demanding a multiparty system.

[From the Chicago Tribune, Feb. 17, 1989]

LITHUANIANS RECALL INDEPENDENCE: MOSCOW ALLOWS THOUSANDS TO MARK SHORT-LIVED AUTONOMY

(By Vincent J. Schodolski)

Moscow.—In the latest sign of a more relaxed Kremlin attitude toward the stirring of self-rule in the Soviet Baltic republics, Lithuania on Thursday openly marked the anniversary of its short-lived independence for the first time since World War II.

In marked contrast to events a year ago, when officials pre-empted celebrations with house arrests and heavy police presence, tens of thousands of people this year took part in a two-day commemoration of Lithuania's 1918 declaration of independence.

That period of freedom ended in 1940 when Lithuania was annexed by the Soviet Union as part of a secret agreement with Nazi Germany.

The two days of celebrations started Wednesday in Lithuania's second largest city, Kaunas, and concluded Thursday in Vilnius, the republic's capital.

"Unfortunately today we are celebrating independence not as we have independence, but as we want independence," said Vincent Cardinal Sladkvichius, head of the Lithuanian Roman Catholic Church.

He spoke at a ceremony in Kaunas that witnesses said was attended by as many as 120,000 people.

During the same ceremony, a tape-recorded message was played from 92-year-old Juozas Urbsys, the last foreign minister of independent Lithuania. In a halting voice, he spoke of the precious nature of a nation's independence.

Last year local officials ordered police to surround the homes of prominent Lithuanians who had been planning independence day celebrations. Police also blocked the entrance to cemeteries and other public places that were open this year.

Later Thursday in Vilnius a crowd estimated at nearly 200,000 people heard a conciliatory speech from the new head of the Lithuanian Communist Party, Algirdas Brazauskis.

"We have taken many steps during this short time," he said. "In addition to the steps we have already taken, . . . we face many decisions that we have to decide by joint efforts."

In the last year numerous events have reflected Moscow's williness to allow greater independence in the three Baltic republics.

Lithuania, Latvia and Estonia now all have large and active popular organizations that have started to have a limited degree of influence over the political and social life there.

The Lithuanian popular movement, known as Sajudis, issued a statement saying that based on the "new thinking" of Soviet leader Mikhail Gorbachev, it would move toward an independent Lithuania.

"Sajudis will proceed toward a law-governed, economically and culturally inde-

pendent Lithuania," said the statement, which was read to the crowd in Vilnius.

Lithuanian and Estonian have been declared the official languages of those two republics, and Russians and other ethnic minorities living there have been given two years to gain a prescribed degree of fluency in the native tongues.

Growing Lithuanian nationalism, especially as reflected in the language decree, has also led to increased tensions between Lithuanians and the Russians and ethnic Poles who live in the republic.

After decades of deep distrust and repression, the Kremlin has even relaxed its stance regarding the Catholic Church in Lithuania. After more than 28 years in internal exile, Lithuanian Bishop Julijonas Steponavicius, 77, was invited in December to resume his clerical duties.

The main cathedral in Vilnius was returned to the church in October. The cathedral, which had been turned into an art museum by local party officials, was reconsecrated by Bishop Steponavicius on Feb. 5.

But Moscow has indicated it will not accede to the more radical demands made by some Lithuanians, including those who call for total independence from Moscow.

Lithuania's 1918 independence was agreed to by Vladimir Lenin, the leader of the Bolshevik Revolution, but came to an end as a result of decisions made by his successor, Josef Stalin.

Despite greater openness and efforts to correct many historical inaccuracies, Moscow has always denied existence of secret protocols with the Nazis that dealt Lithuania to the Soviet Union and parts of Poland to Germany.

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Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am happy to yield to my distinguished friend, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would like to thank the distinguished gentleman from Illinois [Mr. ANNUNZIO] for providing us this opportunity to note the commemoration of Lithuanian Independence Day.

Founded in 1918 by the Council of Lithuania, the Lithuanian people spent the following 2 years battling the Bolsheviks in a valiant effort to retain their freedom. Beginning in 1920, Lithuania enjoyed two decades of a self-governing status, and her citizens were free to practice their national culture and religious heritage. In 1940, however, the independent nation of Lithuania was forcibly annexed by the Soviet Union. For the almost five decades that have followed, dreams and aspirations have centered on regaining that sovereign status.

Fortunately, Mr. Speaker, for the first time in 50 years, the Lithuanian people were able to celebrate their prewar independence day legally. Officially endorsed by the local Communist party, hundreds of thousands throughout Lithuania recently expressed their hopes for the future of Lithuanian Independence Day by taking to the streets, including about 200,000 who gathered in the prewar capital of Kaunas to commemorate the reopening of the liberty monument in the city center. There, the group heard from Guozas Urbsys, the last foreign minister of independent Lithuania. Now 92, he informed the crowd of his countrymen that he hoped the Republic would one day enjoy real independence again.

Another important sign of Lithuanian nationalism was the overwhelming call for state sovereignty, as expressed by the 200 member council of Sajudis, a mass grass roots political movement. In its manifesto, the council called for restoration of Lithuania's traditional status of neutrality, striving for universally accepted human and civil freedoms, from which flows the general right of Lithuania's citizens independently to choose and develop their own forms of state existence. Upon voting, only eight opposed and eight abstained from endorsing this document.

Mr. Speaker, it has been many years since Americans of Lithuanian heritage could recall such an Independence Day. Although Lithuania has not yet regained its sovereign status, its people have spoken. We support them in these efforts, and visualize the day when Lithuania will once again govern itself. This year's Lithuanian Independence Day was truly remarkable, significantly expanding hopes and aspirations for the future, and we acknowledge its commemoration with great pleasure.

Mr. ANNUNZIO. I thank my good friend from New York for his very excellent statement.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am happy to yield to my colleague, the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I want to thank my colleague from Illinois for bringing us together this afternoon for this special order. As I mentioned to the gentleman before I took the floor, I did not want to miss this. I still believe that I may be the only Lithuanian-American serving in the House of Representatives. My mother was born in Lithuania and came to the United States at the age of 3 or 4.

I take great pride in the fact that 10 years ago I had an opportunity to visit Lithuania myself and to actually see the country and to meet with the fine people of that great nation. This is a special commemoration.

I know the gentleman from Illinois [Mr. ANNUNZIO] has accepted willingly and with a great deal of pride this assignment each year to bring us to the floor of the House to recognize Lithuanian Independence Day. In the many years the gentleman has done this there has never been a time when we could speak with such optimism about the future of Lithuania. Since World War II I am afraid we have seen too many examples of repression, too many examples of Soviet rule that have attempted to quash the feeling of nationalism in that great nation. But now in the last year or more we have seen a rekindled flame from the three, four, or five decades while the Lithuanian people kept this hope alive against all odds, and many of us in the United States and around the world have tried to encourage that.

Mr. Speaker, I want to salute my colleague, the gentleman from Illinois [Mr. ANNUNZIO] for the role that he has played, small role that it might have been, a very important role in bringing this evolution of independence in Lithuania that we see today. There is much that still lies ahead. I do not want to suggest that the battle has been won, but the battle has been joined, and Lithuanians are now proud to stand publicly and speak of their own independence, proud of their own language, proud of their own flag, to speak of their own sovereignty, thoughts that would have been unheard of just a few years ago.

I can recall in my visit to the Soviet Union one of the more tragic aspects of that visit was to visit with the Catholic clergy in Lithuania. What they have been through over the past four or five decades is frankly unspeakable on the floor of this House of Representatives. Yet they have kept that hope alive, and they have given their lives to the struggle.

I will not take anymore time of my colleagues except to state my pride in having Lithuanian heritage, my pride in counting the gentleman from Illinois, Mr. FRANK ANNUNZIO, and his fine work as a real example of the kind of faithful effort which can lead to positive results. My salute to Lithuanians on this independence day.

Mr. Speaker, I include for the RECORD a statement on Lithuanian Indpendence Day.

The statement referred to follows:

LITHUANIAN INDEPENDENCE DAY

Mr. Speaker, I rise today along with many of my colleagues to comemorate the 71st anniversary of Lithuanian Independence Day. At this time of great change in United States-Soviet relations, it is worth remembering the noble and valiant stuggles of the Lithuanian peoples to secure their religious and political rights. Being of Lithuanian descent myself, and having traveled to that special land, I am especially grateful for this opportunity to express my support for the people of Lithuania and their continuing devotion to the cause of freedom.

On February 16, 1918, Lithuania declared its independence from the Soviet Union. This courageous act ended more than a century of Russian domination and embarked the country on a brave new path of democratic rule. In the face of difficult circumstances, Lithuania pursued a program of agricultural reform and industrialization that spurred the development of its economy. Perhaps more importantly, the Lithuanians used their political freedom to protect and enhance their rich cultural heritage.

This brief flowering of independence came to an abrupt, brutal end twenty-two years

later. In negotiations leading up to the signing of the Molotov-Ribbentropp Pact between the Soviet Union and Germany, Lithuanian independence was bargained away. Joseph Stalin, with the acquiescence of Nazi Germany, demanded in June of 1940 that a Soviet-backed government be installed in Lithuania. To back up this threat, he sent Soviet troops into the country and a month later, declared the formal annexation of Lithuania. Thousands of heroic Lithuanians died defending their country against the Soviets. Thousands more died during the fighting between Germany and the Soviet Union a couple of years later.

From the early days of their occupation through to the present, the Soviets have attempted to "Russify" the Lithuanian people. Their Soviet jailers have denied them basic human rights. Political expersion has been banned, as has the free practice of religion, a particularly galling policy to the predominantly Catholic population. The cultural heritage of the Lithuanian people has been suppressed. Yet these repressive policies have failed to destroy the Lithuanian people and their hopes for a freer, more peaceful future.

Mr. Speaker, the United States has never recognized the Soviet occupation of Lithuania and its neighbors, and we continue to maintain diplomatic relations with representatives of the Republic of Lithuania. This is as it should be. If Mr. Gorbachev is serious about his policy of "glasnost," then the situation in Lithuania presents him with the perfect opportunity to demonstrate this commitment. The Lithuanian people have already demonstrated how the principles of glasnost, in particular the need for democratic rule, can better the lives of people.

The Lithuanians continue to press their case. Just last week, the largest grass-roots organization in Lithuania demanded state sovereignty and an end to Soviet domination. The political manifesto, approved by the council of Sajudis, also called for restoration of Lithuania's traditional neutral status and for protection of basic human freedoms. And over 200,000 Lithuanians turned out for the first officially-sanctioned celebration of Independence Day.

We have a special obligation to stand by our Lithuanian friends during this tumultuous time. They are fighting for the very same liberties and freedoms we hold near and dear to out heart. We must let them know that we will not forget their suffering and or their cause and that we are ready to do all we can to aid their liberation.

Mr. ANNUNZIO. Mr. Speaker, I thank my colleague from Illinois for the very generous remarks.

I also want to say that as a colleague of Lithuanian descent, the gentleman from Illinois is a credit and an honor not only to the Lithuanian people, but to all of the people of his district and the people of the United States. He has served his country well, served his people with distinction, and he is one of the alert, conscientious Members of this body. So I thank him for his contribution today.

Mr. DURBIN. I thank the gentleman from Illinois for those kind remarks.

Mr. ANNUNZIO. Mr. Speaker, Americans of Lithuanian descent join in the hopes and prayers of the Lithuanian people in their actions to achieve a free Lithuania. As a part of our commemoration of this 71st anniversary of Lithuanian Independence Day in the House of Representatives, the Lithuanian-American Council selected Father Anthony S. Dranginis to be the guest chaplain. The names of the officers of the Lithuanian-American Council follow:

National President: Grozvydas J. Lazauskas.

Vice Presidents: Stanley Balzekas, Petras Buchas, Povilas P. Dargis, Alexander Domanskis, Esq., Leonas Kriauceliunas, D.V.M., Vicktoras Naudzius, Casimir Oksas, and Mykolas Pranevicius.

Secretary: Stasys Dubauskas.

Treasurer: Daina Danilevicius-Dumbrys.

Members: Irene D. Bilinstrubas, Vytautas P. Dargis, M.D., Vanda Gasparas, Ramune Kelecius, Vida Jonusas, Birute Skorubskas, and Morkus Simkus.

Council's Representatives in Washington, DC: Jonas B. Genys, Ph.D., and Milda Vaivada.

Director of Information: Msgr. Joseph Prunskis, J.C.D.

Office Manager: Nijole Gierstikas.

Trustees: Vytautas Abraitis, Algirdas Budreckis, Ph.D., Kostas Burba, and Vytautas Yucius.

Mr. Speaker, although under the new policies of glasnost and perestroika, the Communists have eased some of their forms of oppression, still Lithuanians remain prisoners in their own homeland. On the occasion of the 71st anniversary of Lithuanian Independence Day, I am honored to join with Americans of Lithuanian descent all over this Nation, as we commend the great courage of the Lithuanian people in resisting the tyranny of their Communist oppressor, and as we support their efforts and goals in 1 day achieving self-determination in a free Lithuania.

Mr. CARDIN. Mr. Speaker, February 16 marked the 71st anniversary of Lithuanian Independence Day, for it was that day in 1918 when the Lithuanian people declared themselves to be the Independent Democratic Republic of Lithuania—a nation with all the rights and privileges accorded any independent nation such as our own. Unfortunately, that independence did not last long. After 26 years of struggling to keep its freedom, the country was captured by the Union of Soviet Socialist Republics which began to systematically erase Lithuania's unique culture, politics, language and religion.

This day has been set apart from the rest of the year for us to enjoy Lithuanian culture and reflect upon its contribution to the world. In this way, we do our part to preserve that culture and look forward to the day when it may thrive in its own homeland once again.

This day has also been set apart for us to consider the many people of Baltic nations which have been deprived of their independence, and for us to consider how fortunate we are to be free.

Perhaps most importantly, this day has been set apart for us to examine the future. We must work to restore Lithuanian independence, and we must work for a world where all people will be independent and never subjugated by force of arms.

Mr. LAGOMARSINO. Mr. Speaker, on this occasion, I would like to join with my colleague Congressman ANNUNZIO in the commemoration of Lithuania's Independence Day. The United States has always believed in the right of self-determination and this right has been denied to Lithuanians due to their brutal occupation by the Soviet Union.

In 1919 at the Treaty of Versailles, the people of Lithuania were granted their own independent state. This independence lasted only a brief 20 years as the Soviet Union occupied and annexed the Baltic States in 1939. Since that bleak day, Lithuanians have suffered under Soviet policies of subjugation. They have been denied religious freedoms, free enterprise, free speech, the right to learn and speak their native tongue in schools and institutions, and the basic guarantees of civil liberties that we sometimes fail to appreciate in this country.

We have never recognized the annexation of Lithuania and this policy will not change. The Lithuanians have struggled to this day to retain their cultural identity and regain the individual liberties that have been lost. They have never forgotten that they were once a free nation. We shall not forget either. I hope that in the spirit of glasnost Mr. Gorbachev will try to rectify this grevious situation. If the Soviets really claim to be for greater openness in their society, they cannot fail to hear the voice of the Lithuanian people and continue to deny them their freedoms.

Mr. BROOMFIELD. Mr. Speaker, I am delighted to join my colleagues in marking a birthday of freedom, the 71st Anniversary of Lithuanian Independence. Congressman ANNUNZIO is to be commended for this timely legislative initiative.

Over the years, the Lithuanian people have fiercely clung to their love of freedom. Their determination is finally paying dividends. Recent political developments in Lithuania offer hope for a brighter and freer tomorrow for the Lithuanian people.

After declaring itself a nation state in 1918, Lithuania flourished economically, politically, and religiously. This period of freedom lasted, however, for just a brief time. Lithuania soon fell into the grasp of the Soviet Union. The Soviets then began their forceful occupation of the Baltic nations. They attempted to assimilate the Lithuanian people into the Soviet Union.

While the freedoms enjoyed by the Lithuanian people during their fleeting experience with liberty were lost, the flame of freedom burned deep in their hearts. Those brave people continued the struggle for human rights and cultural identity.

Mr. Gorbachev's glasnost has brought the winds of change to that closed police state. In recent months, independent political movements have been established in Lithuania that challenge the Communist Party's monopoly on power. The Lithuanian perestroika movement has demanded political, economic, and cultural autonomy.

Just last week, the perestroika movement pledged that it would work for independence and neutrality for Lithuania as a long-term

goal. Already, these organizations have persuaded local Communist authorities to legalize national symbols that were outlawed after the Soviet takeover. Progress is being made in promoting local languages.

A Mass was recently celebrated at Vilnius Cathedral after the government turned the church over to the Catholic Church. For the first time in 50 years, thousands of Lithuanians legally celebrated their nation's independence day. A step along the road to freedom has been taken.

By commemorating this special independence day, we keep the light of hope burning for the millions of Lithuanians who cherish liberty. We share their hopes and dreams that someday their legitimate nationalistic aspirations will be realized.

I urge my colleagues to join me in supporting this special order.

Mrs. KENNELLY. Mr. Speaker, I am proud to join my colleagues in commemorating Lithuanian Independence Day.

February 16, 1918, is an important day for Lithuanians and for all freedom-loving people around the world. On this day, a group of prominent Lithuanians declared Lithuania free and independent from Russian domination. Political, social and cultural freedoms followed this declaration and with the advent of these freedoms, Lithuania flourished.

Sadly, the hard-won freedom of the Lithuanian people was taken away when Lithuania was forcibly incorporated into the Soviet Union in 1940. Our Nation has never recognized this brutal incorporation and at the same time we have not forgotten the proud people of Lithuania.

The new spirit of glasnost has brought some hope to people living under the yoke of Soviet oppression. Lithuanians are once again demanding greater economic, religious, cultural and national autonomy. Their attempts to combat the religious persecution and religious persecution that they face has been truly courageous.

Despite the hardships that Lithuania has endured, the dignity of the Lithuania people survives. The hope for the eventual liberation of Lithuania is shared by Lithuanian-Americans in this country. And it is a hope that is shared by free people across the globe.

Seventy-one years ago this month, a free Lithuania was established. Although that freedom has been forcibly taken away, the love of freedom cannot be taken away from the Lithuanian people. It is my hope, and the hope of Lithuanian-Americans across this country, that someday soon, Lithuania will once again be free.

Mr. BEREUTER. Mr. Speaker, I am pleased to participate in today's special order to commemorate Lithuanian Independence Day.

Lithuania and the other Baltic States are shining examples of the principle that, once freedom has flourished, it never dies. Lithuania was a powerful independent state during the Middle Ages and briefly existed as a republic after World War I (from 1918 to 1940). Since the Soviet Union illegally annexed Lithuania in 1940, the people of Lithuania have nurtured the dream of freedom and independence and have refused to accept Soviet domination, despite frequent oppression and overwhelming odds.

As a result of this unconquerable spirit, Lithuania is in the forefront of political and economic reform in the Soviet Union. In the past year, the people of Lithuania have regularly asserted their demands for greater political and cultural autonomy and have achieved a number of successes in that regard. Just last week, on the eve of the 71st anniversary of the founding of an independent Lithuania, "Sajudis," the largest grass-roots organization in Lithuania, publicly pledged to work toward an independent and neutral Baltic republic, Such actions would have been unthinkable a few years ago. These activities have also shown that the Lithuania people have never given up their ultimate goal of regaining their independence through peaceful means.

In fact, the nationalist movement in Lithuania has both reinvigorated the republic's political life and posed a major challenge to Soviet authorities trying to grapple with resurgent nationalism throughout the Soviet Union. Under the current circumstances of lessened East-West tensions and greater respect for human rights, it would be totally inappropriate for the Soviet Union to attempt to suppress these legitimate Lithuanian aspirations.

I am proud to join with many of my colleagues today in commemorating the spirit of Lithuanian independence. I am equally proud that the United States has steadfastly upheld the principles of international law by consistently refusing to recognize the forcible incorporation of Lithuania and its two sister republics by the Soviet Union in 1940. This policy will never change.

I represent a number of Americans from various Eastern European ancestries, especially Latvian-Americans, and I believe I speak for all Nebraskans of the First District when I proclaim my admiration and support for the strong and courageous people of Lithuania and the Baltic States.

Ms. OAKAR. Mr. Speaker, I join my colleagues in a solemn moment of reflection on the anniversary of independence in Lithuania. On February 16, 1918, the Lithuanian people proclaimed their will to be a free, self-governing, and independent nation. They built their social and economic future on the principles of liberty and their cultural heritage.

But in 1940, in complete violation of international agreements, the Soviet Union militarily occupied Lithuania and annexed it. Under Stalin, the ruthless suppression, mass deportation and economic exploitation began. According to the Lithuanian National Foundation, between March 23 and 25, 1949 alone, 100,000 people were deported to Siberia from Estonia, Latvia, and Lithuania.

The suppression of Lithuanians continues to this day. Almost 1 year ago today, 32 Lithuanians risked their safety as they sent an appeal to Amnesty International about the arbitrary imprisonment of two young men who wished to commemorate the victims of Stalin and Beria. The letter describes the 70 Lithuanian citizens who perished in the Rainiai grove:

> They were simple people—workers, artisans, white collar workers, farmers, students, their only crime was their deep love for their fatherland Lithuania and their hatred of tyranny, which Stalin and Beria introduced in Lithuania.

As the letter closes, the authors urge our support for "all those who are wronged in the world and whose only weapon is the truth."

Last week on February 16, the Lithuanian group Sajudis called for Lithuanian independence. I urge this administration to implement a policy that will encourage Lithuanian aspirations—and the hopes of all captive nations—for a future of freedom and self-determination. We must continue to press the Soviet Union to abide by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Helsinki Compliance Commission.

Last year General Secretary Gorbachev promised to build a memorial to those who perished under the tyranny of Stalin. I applaud this gesture, as well as the decision to return the Cathedral in Vilnius to Lithuanian people.

We must never forget the crimes perpetrated against the Luthuanian people; the abuse of their human rights and their religious freedom, the exploitation and pollution of their land, the suppression of their culture.

To further right the crimes committed by Stalin, I call on General Secretary Gorbachev now to publish and repudiate the Molotov-Ribbentrop Pact and end the tyranny of these captive nations. I believe now is the time for the leader of the Soviet Union to take this historic step. We know only too well, in the wise words of Edmund Burke, "The only thing necessary for the triumph of evil is for good men [and women] to do nothing."

Mr. MOAKLEY. Mr. Speaker, I am honored to join with my colleague, the Honorable FRANK ANNUNZIO, for today's special order commemorating Lithuanian Independence Day.

Many decades have passed since Soviet troops first illegally occupied Lithuania and her neighboring Baltic States of Latvia and Estonia. And despite what seems to be an improved attitude on human rights by the new Soviet leadership, Lithuania still remains hostage.

I want to salute the untiring will of the Lithuanian people to regain their liberty and freely practice their unique and wonderful culture once again. We must make clear that this Congress and the people of the United States support the return of independence to Lithuania, and unresevedly condemn the continuing occupation by the Soviet Union. And we must make clear that we will continue to express our outrage until Lithuania and her neighboring Baltic States are permitted to regain their rightful place in the community of free nations.

Mrs. JOHNSON of Connecticut. Mr. Speaker, we take the floor today to celebrate the 71st anniversary of the Lithuanian people's declaration of independence. But we are also celebrating something more—the spirit of a people which has remained undanted through more than 40 years of Soviet domination.

Each year I have joined the members of St. Andrew's Church in New Britain, CT, to celebrate Lithuania's past and give encouragement to her people. This year, as we gathered, we felt the excitement of the hope that has spread throughout Lithuania. Nationalistic movements are gaining momentum as the limits of President Gorbachev's policy of openness are being tested. This is ever so

evident in the Baltic States, where the memories of what it is like to worship freely, to express without fear one's political views, to be proud of one's heritage, history, and culture, or simply to converse in one's native tongue, continue to burn in their minds and inspire their spirits.

Just this past November, Estonia boldly challenged the centralized power of Moscow by adopting a declaration of sovereignty. And in Lithuania, recent nominations for seats in the legislature have shown great gains for the reform party, Sajudis. While skeptics are viewing the upcoming Soviet elections in March with apathy, others are using this new opportunity to raise fundamental issues and pose the policy options that are the real grist of the mill of democracy. As the excitement and interest gather momentum, it becomes increasingly possible for this first democratic election in modern Soviet history to bring real gains in economic, cultural, and political freedoms for Lithuanians.

In these critical months, we must assure tha our Government provides diplomatic pressure in support of the Lithuanian people's struggle for freedom and that we urge Soviet recognition of Lithuanian human rights. I join my colleagues in commemorating Lithuania's Independence Day on the floor of the House of Representatives this February 22, and I salute those whose faith, hope and energy are building the foundation in today's new world for tomorrow's independent Lithuania.

Mr. DORNAN of California. Mr. Speaker, I rise today to express my heartfelt support for Lithuanian Independence Day, and my solidarity with the courageous people of Lithuania. However, the joy of celebration must be tempered by concern, and the realization that the Lithuanian people, and those of Eastern Europe still live under the dark cloud of Soviet oppression.

With respect to glasnost and peristroika, Mr. Speaker, I hope that we do not fall into the trap of mistaking changes in style for substantive changes in the Soviet system. I applaud the efforts of General Secretary Gorbachev to the extent that they are sincere. However, we must always bear in mind that the General Secretary is in the process of forming a more formidable adversary of the United States as against the participatory democracy which he would have the world believe he is forming.

No one knows the discrepancy between Mr. Gorbachev's rhetoric and the reality of his agenda than the people of Lithuania, and the other Baltic States of Latvia and Estonia. Despite the rhetoric to the contrary, the people of Lithuania and the rest of Eastern Europe still do not determine their own fate as we do in this country. Any celebration of Lithuanian independence is really a memory of a brief interval in history following World War I. The best way for General Secretary Gorbachev to demonstrate his policy of openness would be to allow Lithuanian people and the other subjugated nations of Eastern Europe to recapture their independence.

We have seen the demonstrations in the streets of Lithuania. We have heard the people's call for democracy. We continue to hear their cries for independence. We feel in our hearts the passion Lithuanians hold for independence. Seeing this phenomena inspires all Americans to maintain their solidarity with the Lithuanian people.

Mr. Speaker, let us not remember the Lithuanian people just on their independence day. Let us all keep their struggle in our hearts and in our prayers every day of the year. Hopefully, at this time next year all of us can truly celebrate the independence of Lithuania, and not just the memories of their freedom.

Mr. HORTON. Mr. Speaker, I rise today to join my colleagues in commemorating Lithuanian Independence Day. This day has special meaning to me and to several others from the 29th District.

Last year, Mr. Paulius Klimas walked over 500 miles, from Rochester, NY, to Washington, DC, on behalf of Lithuanian dissident Petras Grazulis who, at the time, was imprisoned in the Soviet Union. In addition to focusing the world's attention on the detention of Mr. Grazulis, Mr. Klimas' walk brought hope for all Lithuanians around the world.

Mr. Speaker, I am proud to report that Mr. Klimas' journey produced a tangible success. Today, on Lithuanian Independence Day, Mr. Grazulis is out of prison and living at home in Lithuania. His release serves as a beacon of hope for all of his compatriots.

These two shining examples reflect across the Lithuanian Republic. I found a recent headline in the Washington Post, "Communists Running Scared in Lithuania" very encouraging. The article centered on the upcoming elections for the national Soviet legislature. The article reports that activists in the Lithuanian reform movement, known as Sajudis, believe the Communist Party will be lucky to win more than a handful of the 42 seats allocated to Lithuania in the new Congress of People's Deputies.

Mr. Speaker, the United States is the citadel of human freedom. We have a responsibility to the peoples of captive nations such as Lithuania as they demonstrate exemplary courage and determination. Our culture has been enriched by the emigration of Lithuanians to our country. Lithuanians like Mr. Klimas have shown through their actions their strong sense of appreciation for the freedoms we enjoy in this country.

Lithuanian Independence Day is a source of both pride and sadness for men like Messrs. Klimas and Grazulis. Lithuanians can take pride in the heroic efforts of these men and of the millions of others who have toiled against Soviet oppression. However, victory will not be had until the people of the Republic are permitted to exercise their God-given right of self-determination.

Mr. Speaker, I appreciate this opportunity to join with my colleagues on this day of hope. Let us hope that General Secretary Gorbachev and the powers that be in the Soviet Union will act so that next year we will be celebrating the creation of the new, independent State of Lithuania.

Mr. WOLF. Mr. Speaker, I rise today to commemorate Lithuanian Independence Day and to focus on the heroic deeds of present-day Lithuanians.

I take great joy in reporting that Viktoras Petkus, a former prisoner of conscience whom I adopted as such nearly 2 years ago, has been released from internal exile and returned to his home in Vilnius. Petkus is the last of the founding members of the Lithuanian Helsinki monitoring group who is still alive and in Lithuania.

Not only will Petkus resume monitoring Soviet compliance with the Helsinki accords, he participated in public demonstrations on January 10 in Vilnius. He delivered what I understand was a tremendously inspiring speech and called for the total independence of Lithuania.

Petkus' return to the public defense of human rights for the Lithuanian people stands out against a dramatic background of recent activity. The national democratic movement Sajudis has built unprecedented grassroots power and worked within the Lithuanian political system to initiate reforms and contest Communist Party candidates in upcoming elections. Perhaps even more significant, the Catholic Church has scored a landmark victory—holding its first mass in the old cathedral at Vilnius since the cathedral was seized by the Soviets in 1950.

The return of the cathedral to the faithful of Lithuania is a remarkable story of perserverence and resistance to compromise—it merits telling here.

All believers in Lithuania regard the cathedral—which the Soviet had converted into an art gallery—as the symbolic center of religious life. After years of protest and silent indignation, the Soviets quietly tried to cut a deal with Lithuanian Cardinal Sladkevicius. They offered to let the cathedral be opened for occasional Sunday services. The Cardinal refused, holding firm that the church belongs to the faithful. The faithful would accept no conditions for returning the cathedral to the church. Under such conditions, he asked that the cathedral remain closed.

One week later, on Saturday, October 22, the First Party Secretary in Lithuania announced on television that the cathedral would be given back to the church. This time—there were no conditions. That night an already scheduled, and approved, rally became an unprecedented celebration—Western reporters estimated 300,000 to 400,000 people gathered near the cathedral. It was also the weekend of the founding of the Lithuanian Movement to Support Perestroika, or Sajudis.

At dawn the next day, Sunday morning, mass was held with the cathedral doors opened to symbolize its return to the church. However, not everything had been set straight. When Soviet authorities offered the Cardinal the keys to the cathedral, he replied that he was not the bishop of Vilnius to whom the keys should be entrusted. In fact, the apostolic administrator, Bishop Steponavicius was still being held in internal exile. The bishop had been banned by the Soviets in 1960 for allegedly violating laws governing religious activity.

In late December, it was announced that the bishop, now 78, would be officially allowed to resume his duties. The bishop himslef had declined repeated offers of release during the past 28 years because he would not have been granted permission to carry out his duties. Now he could do so.

By the cathedral's return, and the bishop's release, the two most grievous examples of

direct interference in Lithuanian church affairs by the Soviets were removed. Not by Soviet generosity, but by the years of heroic resistance of the faithful. That is what will turn the tide as the church seeks further restoration—the right to name its own bishops without Soviet pressure, the resumption of religious instruction for children, and the control of seminaries and other fundamental aspects of church life.

I want to pay tribute also to the work of Lithuanian-Americans who have stood in solidarity with their brothers and sisters in Lithuania. Many Lithuanians in my congressional district in northern Virginia have generated tremendous support, and the work of the Lithuanian Information Center, and its partner Lithuanian Catholic Religious Aid in New York, to mobilize this support has been invaluable.

Mr. COYNE. Mr. Speaker, this month marks the anniversary of the founding of the Independent Democratic Republic of Lithuania. It is a very special time of year for millions of Lithuanians and Americans of Lithuanian ancestry. It is when they and their friends remember that, despite all the tragedies that have come to that land, Lithuania is still a nation, it is still a people, it is still a culture.

On that chilly February day in 1918 when the Independent Democratic Republic of Lithuania was proclaimed, the Lithuanian people—whose history goes back to the seventh century A.D. and who take great pride in what the New York Times correctly calls an old and accomplished civilization—looked forward to an era of freedom and national sovereignty. It was to be all too brief. In 1940, in the wake of a secret protocol in the Soviet-German pact a year earlier, the Soviet Army occupied Lithuania and its sister Baltic republics, Estonia and Latvia, and illegally incorporated them into the U.S.S.R.

The United States, to its credit, has never recognized that illegal annexation; but, except for a short and terrible period of Nazi occupation, Lithuania has been under Soviet oppression ever since.

It took little time for the Kremlin to eliminate the most basic human freedoms. The people of Lithuania were subjected to state terror such as they never seen before in all their history. We will never know just how many Lithuanians were deported to Siberia and other distant territory, how many were tortured, and how many were murdered—nor will we ever know how many patriots of Lithuania resisted the oppression against all odds.

The last 49 years have been a bleak period in that nation's history. Recently, however, there have been some extraordinary rays of hope.

The Catholic Church, a rallying point for Lithuania, has been given back its cathedral in the port of Klaipeda, and Pope John Paul II has appointed the first Lithuanian cardinal in modern times.

Lithuanian nationalism, suppressed for decades, has been given a bit of room to breathe. Soviet authorities are permitting a new grassroots political movement called the Lithuanian Movement for the Support of Perestroika that would all but sever the political and economic links with Moscow. Its founding congress was even broadcast on Lithuanian television, and the new Lithuanian Communist Party chief has expressed his sympathy for the group.

Authorities granted official status to the banned scarlet, green, and yellow flag that flew over Lithuania before 1940.

And Lithuanians are openly calling for publication of one of the most important documents in their nation's history the secret Nazi-Soviet protocol that paved the way for their conquest nearly five decades ago.

Does all this mean that Lithuania has finally regained its freedom? Unfortunately not. Lithuanians know that the iron grip of Moscow's domination has relaxed, and things are better now than they have been. But the Lithuanian people have not forgotten the taste of true liberty, and they know they do not yet have it. Their long struggle is not yet over.

There is a lesson all of us can learn from the Lithuanian experience of the last 49 years. It is that a nation whose only resources are tenacity, faith, and courage can survive unspeakable hardship and not be crushed.

The Lithuanian people may not have achieved their goal of national independence just yet. But as long as the spirit of freedom, and love of country, and pride in culture exist, Lithuania will live for all of us.

Mr. MORRISON of Connecticut. Mr. Speaker, I am proud to join with many of the colleagues in commemorating the 71st anniversary of Lithuanian Independence.

First, I would like to thank my good friend and colleague FRANK ANNUNZIO for seeking this special order to commemorate Lithuanian Independence Day. I am honored to speak in support of Lithuanians and Lithuanian-Americans who refuse to accept the death of Lithuania's dream of freedom. Indeed, as we speak, freedom is being fought for in Lithuania and throughout the captive nations.

Lithuania, until 1795, was a free nation. It was in 1795 that the once heroic nation's independence was seized by the Russian regime. In 1918, Lithuania declared itself a free and sovereign nation. For 22 years Lithuanians were free from Soviet interference. Then, in 1940, the Baltic Republic lost its independence through the cruel Hitler-Stalin pact, a scheme of the Nazis and the Kremlin. The pact demanded the formation of a Soviet-controlled government and held a one-party election. Lithuania was annexed 1 month later. It is time that the Soviets renounced this corrupt agreement.

Under Soviet rule, Lithuanians have been killed, imprisoned, or deported for fighting for political independence. Their religious beliefs are oppressed. The Catholic Church, by far the dominant religion of the Lithuanian people, is officially outlawed and the target of particularly harsh treatment.

The policy of glasnost is meant to give the Soviet Union a state of openness. It is an opportunity for the people of the U.S.S.R. to speak out about their discontent. The people of Lithuania have spoken. The United States is listening. We have never recognized the unlawful occupation of Lithuania and her Baltic neighbors and continue to maintain diplomatic relations with the representatives of the independent Republic of Lithuania. The question is: Is Mikhail Gorbachev listening?

Gorbachev has been challenged by the Lithuanians' desire for restored independence. Lithuania nationalists made no secret of their plans to commemorate Lithuanian Independence Day last year with church services and public demonstrations. Unfortunately, Soviet officials intimidated would-be demonstrators with threats of repression. Despite this, thousands of Lithuanians participated in the commemorative activities.

We gather today, Mr. Speaker, to honor Lithuanians and Lithuanian-Americans who have kept their dreams of Lithuanian independence alive.

Mr. RUSSO, Mr. Speaker, I rise today to commemorate another year of imprisonment for the captive nations of Europe. Today, we mark a special anniversary for one of those captive nations, Lithuania. Every year we celebrate the anniversary of Lithuanian independence as a fitting and ironic reminder of the Soviet's rule of force. I want to thank my colleague from Illinois FRANK ANNUNZIO for organizing this special order again this year.

Mr. Speaker, on February 16, 1918, the people of Lithuania issued their own declaration of independence. This assertion of self-determination by the people of Lithuania still stirs the hearts of Americans 71 years later.

In the 22 years that followed, the Lithuanian people seized their destiny, working hard to advance their society on many fronts. They raised their standard of living above the prewar level; adopted a permanent constitution which provided for an 8-hour work day and land reform; and undertook a number of public works projects, including the construction of a great many secondary schools. Moreover, the rebirth of an independent Lithuanian state launched a cultural renaissance in Lithuanian music and literature. Lithuanian artists created many moving works that drew on the Nation's rich culture.

This golden age of independence and progress came to a bitter end in 1940, when the Soviet Union invaded and annexed Lithuania, Latvia, and Estonia. The U.S. Government has never recognized this intolerable act—nor should it ever. The passage of time does not erode or negate the Lithuanian people's right of self-determination. Under harsh Soviet rule, the Lithuanian people have suffered mass deportations, violent repression of dissent, and suppression of Lithuanian culture in a cruel, brutally choreographed attempt at russification. In the face of the Soviet's overwhelming military might, the Lithuanians have never cease their struggle to be free.

I am honored to speak in Congress and call the free world's attention to the Lithuanian people's courage and resolve. They are a source of inspiration, and a reminder of the irrepressible human spirit, which struggles for freedom and justice even under threat of death. We commemorate the anniversary of the declaration of Lithuanian freedom each year on February 16 to assure the brave people of Lithuania that their struggle is not forgotten.

Today, we see changes within the Soviet bloc that have been inspired—or perhaps I should say permitted—by Mr. Gorbachev's policies of glasnost and perestroika. Just last week, Lithuanians were able to freely articulate their desires for independence openly for the first time in 50 years. Such progress is

laudable; but it falls far short of actual independence. Gorbachev's policies of reform will face real challenges as his inspirational rhetoric meets the chilling realities of the Stalinist Soviet system. The free world will watch and pray that the legitimate aspirations of this great people will at least be realized after so many years.

Mr. WELDON. Mr. Speaker, I rise today to honor a desire for freedom which burns still in the hearts and minds of the people of Lithuania. The United States recognized the independent Lithuanian Government on July 27, 1922. Yet 67 years later, the people of this nation still struggle for human rights, economic freedom, and cultural autonomy.

This European nation has been ravaged by the tyranny of the Nazis and the repression of the Soviet Union. The Soviets have made extraordinary efforts to dim the religious spirit of the Lithuanians. They have closed virtually every monastery in the country and reduced the clergy to less than half the size which it had before World War II. Many citizens have been forced to relocate away from their homes and families. The people of Lithuania have been denied freedom of the press and freedom of religion, two of the most basic rights enjoyed by Americans.

Mr. Speaker, I believe that all of my colleagues welcome the reforms which Mr. Gorbachev has undertaken. He is attempting to increase civil, political, and economic freedoms for the people of the Soviet Union. As Mr. Gorbachev strives to improve the economy of his nation, I hope that he also remembers the struggle for freedom of ethnic minorities like the Lithuanians.

Mr. Speaker, I am privileged to stand before the Congress today to commemorate Lithuanian Independence Day. I hope my colleagues will take a moment to reflect on their brave attempts to secure basic human liberties.

Mr. ACKERMAN. Mr. Speaker, I rise with my colleagues to commemorate Lithuanian Independence Day. Forty-eight years have passed since the Soviet Union first occupied the small state of Lithuania at the Baltic Sea. This violation of international rights ended its 22-year-long era of national sovereignty. During this time of independence the Lithuanian people had developed a strong economy and industry. Their culture and national unity flourished. The church and the people enjoyed freedom. But since the annexation by the U.S.S.R. Lithuania and the two other Baltic republics have suffered great religious and national injustices. As with the Jews and other religious groups in the Soviet Union, the Lithuanian Catholic Church suffers oppression. For example, Bishop Julijona Steponavicius spent over 25 years in internal exile. In addition, no free organization of parties and other movements was allowed and the citizens could not express their opinion freely without fear of punishment.

But now it seems that things in Lithuania as well as in the entire Soviet Union are improving. In October, the internal exile of Bishop Steponavicius ended. He was permitted to visit the Vatican and to return afterwards to Lithuania. In another important step in the direction of religious freedom, the cathedral of Klaipeda returned to church control last November. The government had used this church for more than 20 years as a state museum.

There has also been progress toward more political rights for the Lithuanian people. On October 22, Lithuania became the third of the three Baltic republics to set up a popular front, called Sajudis (Lithuania for Unity). This new founded mass organization calls for a degree of autonomy that falls slightly short of national independence.

It seems probable that Sajudis will gain some seats in the Soviet Congress of Delegates that will be elected on March 26; they might even win the majority of Lithuania's 42 representatives in this new Soviet parliament. I welcome this development, particularly because Sajudis works for Lithuania's freedom while avoiding violent conflicts in finding a political solution for Lithuania's autonomy.

But let us look beyond the surface of the new developments in Lithuania. We have to recognize that all these changes happen in an international context of evolutionary—some call it revolutionary—change. In the last year we saw very positive developments in Poland and Hungary, and we say many signals that the Soviet Union is beginning to define its security less by military strength and territorial gains than by reducing tensions within and without its borders.

We have to welcome this "new thinking" particularly if it provides a change for real autonomy for Lithuania and the other Baltic republics. As the Soviet leadership recognizes that it is in its own interests to have a friendly and peaceful Lithuania on its west rather than as a possible center for unrest, there is a higher chance that Lithuania will gain autonomy in the not-so-far future.

As Members of Congress we call on the Soviet leadership to fulfill its promise of more freedom and democracy and to accept the desire of the people of the Baltic Republics for independence and autonomy. We must not forget how often optimistic hopes of more freedom and human rights were proven wrong since World War II. Too often force was used to suppress movements from freedom and independence in the Soviet block. This must not happen again.

Mr. MANTON. Mr. Speaker, I want to thank my distinguished colleague from Illinois [Mr. ANNUNZIO], for calling this special order. I am honored to join him today in commemorating the 71st anniversary of the Lithuanian Declaration of Independence.

When the nation of Lithuania declared its independence in 1918, it brought into the 20th century a tradition of independent nationhood which may be traced back to the 11th century. The Soviet Union's illegal occupation of Lithuania since 1940, has robbed today's Lithuanians of this legacy of freedom. The United States has never, and will never recognize the Soviet Union's unlawful annexation of this independent nation. On February 16 of every year, Lithuanian-Americans across our Nation join to remember the special day in history when Lithuania declared its independence and to look forward to the special day yet to come when Lithuania is again free.

Mr. Speaker, last year Lithuanian-Americans and friends of Lithuania everywhere had cause for hope for a change in the status of Lithuania. The world watched as grassroots political movements took shape in Lithuania and her Baltic neighbors of Estonia and Latvia. The largest such grassroots movement in Lithuania, the Lithuanian Movement for the Support of Perestroika, or "Sajudis," gathered in the capital city of Vilnius on October 23, 1988. The Sajudis issued a platform calling for limits on Soviet control of their nation. Nearly 200,000 Lithuanians congregated there to witness and celebrate this historic meeting.

Mr. Speaker, last year also marked the beginning of improved religious freedom for Lithuanians. On October 23, 1988, 20,000 Lithuanians gathered to celebrate mass at Vilnius Cathedral. What made this service so remarkable was that it was the first mass allowed to be celebrated in this historic cathedral in 30 years.

Mr. Speaker, as we mark the anniversary of Lithuania's declaration of independence, we have cause to celebrate the people of Lithuania's victories during the last year. Today, the strength of the Sajudis continues to build. In January, a member of the Sajudis easily defeated a local Communist official for a seat in Lithuania's Supreme Soviet. Victories such as this have given activists cause for high hopes for success in the nationwide elections for the Soviet legislature scheduled for March 26. We must remember, however, Lithuania's freedom is far from secured and there is much which still must be accomplished.

In a little more than a month, the Soviet Union will hold elections in Lithuania for a restructured Soviet legislature. I urge Soviet President Gorbachev to carry out his pledge to make these elections free, and continue his policy of perestroika, by opening the doors of leadership to Lithuanians, and allowing them the right to self determination. The Lithuanian people and their families in America continue to have my unwavering support and prayers that one day Lithuania will again be a free nation.

Mr. HYDE. Mr. Speaker, I join with my colleagues in commemorating the 71st anniversary of the Lithuanian Declaration of Independence. Today is a bittersweet anniversary for millions of Lithuanian citizens and their American cousins who recall a brief period of freedom and independence in this Baltic land following World War I.

The Lithuanian people are noted for their rich culture and their religious devotion. This is an affront to totalitarian conformity, and so, for almost 50 years now, the Soviet Union has tried to eradicate all vestiges of an independent Lithuania.

The Soviet Union has failed, and will continue to fail, until it realizes that it can imprison a people, but it cannot imprison a spirit.

A week ago, hundreds of thousands of Lithuanians poured peacefully into the streets for the first time since the Soviet invasion to celebrate this important anniversary. In October 1988, the main cathedral in Vilnius, the country's capital city, was reopened, and earlier this month was reconsecrated by Lithuanian Catholic Bishop Julijonas Steponavicius. The bishop has only recently been permitted to resume his clerical duties after 28 years of internal exile ordered by Soviet officials.

More and more, native Lithuanians want the opportunity to learn their native language in

school instead of Russian, which is currently mandatory.

Lithuanian history dramatizes the spirit that motivates ordinary men and women to risk death or imprisonment as they struggle for the right to worship as they please, to speak the language of their parents, and to exercise national self-determination.

It is often said that when freedom is diminished anywhere, it is diminished everywhere. In the name of freedom I call upon General Secretary Gorbachev to withdraw all Soviet personnel from Lithuania to allow its citizens to exercise the national self-determination that is the birthright of all peoples.

Mr. WALSH. Mr. Speaker, today I am placing in the RECORD a short statement regarding Lithuania's independence. My respected and dear friend from Illinois, Mr. ANNUNZIO, has requested a special order to commemorate today, February 22, Lithuanian Independence Day.

It has been estimated that there are now well over 1 million Americans of Lithuanian descent. Lithuania has had a long and difficult struggle, being known to historians as far back as 1009, when it was still a nation divided into many principalities. The country was seized by German armies during the First World War, and then occupied by the Soviets in the second, ending two decades of independence. It was one of the first countries to experience the aggression of both Hitler and the Soviet Union.

Lithuanian immigrants came to the United States as early as 1688, and until 1850, the chief influxes of immigrants followed periods of famine or intense political oppression by the Russians. They have settled all over this great country; Illinois, Pennsylvania, Massachusetts, New Hampshire, Rhode Island, New York, Connecticut, New Jersey, Michigan, Ohio, Wisconsin, Maryland, Indiana, California, and Minnesota.

The United States recognized the Lithuanian Government on July 27, 1922, and it has never recognized it's incorporation into the Soviet Union. We also continue to maintain diplomatic relations with the representative of the former independent government, which has a legation in Washington.

I support Lithuania's current initiatives for independence and autonomy, and commemorating their independence day is a fitting way to recognize their people as well as those Lithuanian-Americans who are struggling at a distance to regain Independence for Lithuania. I ask you today Mr. Speaker, and other Members, to join me in the honoring of Lithuanian Independence Day.

Mr. FEIGHAN. Mr. Speaker, I want first to commend Chairman ANNUNZIO for leading this special order today on the floor of the House to commemorate the 71st anniversary of Lithuanian Independence Day. It's critical that Members of the United States Congress show their strong and continuing support for the people of Lithuania, especially at this time, and I thank Chairman ANNUNZIO for organizing this important event.

As many of us know, Lithuanians declared their independence on February 16, 1918, following 123 years of occupation. From 1918 until 1939, Lithuania remained in independent state, until it lost its independence in June of 1940 when it was occupied by 300,000 Soviet troops. During 1940, 6,000 Lithuanians were killed and another 30,000 were shipped to Siberia. During World War Two, one-third of the Lithuanian people were lost, even though Lithuania was a noncombatant during the war. Tens of thousands died in the war, and as many were imprisoned in concentration camps. Nearly 400,000 Lithuanians were exiled to Siberia.

Last week, the people of Lithuania celebrated Lithuanian Independence Day over 2 days. As many as 20,000 people attended a flower-laying ceremony at a cemetery in Kaunas, the second largest city in Lithuania, honoring the remains of soldiers who died in Lithuania's war of independence. Following the ceremony, the national assembly of Lithuania's largest grassroots organization, Sajudis, met for 6 hours and then issued a declaration calling for a democratic and independent Lithuania. The following day, a Mass was held at the Kaunas Cathedral, followed by a rededication ceremony of the freedom monument which had been removed after the Soviet invasion of Lithuania. The ceremony was attended by 200,000 people.

When we compare this year's celebration of Lithuanian Independence Day with last year's, it's evident that real progress has been made during the past year. Last year, Soviet authorities did not allow flower-laying ceremonies to take place. Workers were told to avoid demonstrations or else they would be placing themselves in grave danger. Demonstration organizers were placed under house arrest and prevented from attending their churches where they had planned to observe Lithuanian Independence Day. The telephone lines of key activists were cut throughout Lithuania.

Recent events have shown that glasnost has indeed begun to make its way into Lithuania. Real progress has been made regarding freedom of speech and freedom of assembly. Yet no real changes in power have taken place in Lithuania. Decisionmaking continues to take place in Moscow, not in Vilnius. The free, democratic and neutral Lithuania that Sajudis called for last week clearly does not yet exist.

Despite 71 years of occupation, the spirit of freedom lives on in the hearts of the Lithuanian people. As cochair of the Lithuanian Catholic Religious Liberty Group, I pledge today to continue my support of these brave people in their struggles throughout the coming year, and I urge my colleagues in the House to lend their support as well.

A copy of the full text of Sajudis's statement, as translated by the Lithuanian Information Center, follows:

Lithuania's declaration of independence on February 16, 1918, expressed the Lithuanian nation's aspiration to create a democratic state. The Lithuanian republic, successfully defended in the war for independence, received international recognition and became a member of the League of Nations. Although Germany and the USSR, through ultimate coercion and mutual agreement in 1939–40, annexed the Lithuanian state, the definitive international recognition of Lithuania's independence remains in force.

The Lithuanian nation never reconciled itself to the loss of its state sovereignty. Through various means it resisted Hitlerite and Stalinist genocide and to this date has opposed manifestations of state colonialism. Lithuania's Reform Movement (Sajudis) expresses the nation's determination to regain its rights through peaceful means, to live independent of any kind of dictate.

Relying on the new political thinking declared by the top leadership of the U.S.S.R. as well as on Mikhail Gorbachev's speech to the United Nations General Assembly on December 7, 1988, which stressed the right of nations to choose freely, Sajudis will follow the road to legal, political, economic, and cultural independence for Lithuania, to state sovereignty, without confining itselt to partial achievements.

Sajudis's goal: to struggle against depression and degeneration, to build new foundations for Lithuania's well-being, to create the conditions for free and democratic national self-determination. Sajudis stands for social justice, humaneness and democracy, for cultural autonomy for Lithuania's national minorities in a Lithuanian state, for its traditional status of neutrality in a European demilitarized zone, for universally accepted human and civil freedoms, from which flows the general right of Lithuania's citizens independently to choose and develop their own forms of state existence. Sajudis invites all patriotic forces in Lithuanian society to unite in raising up and fostering our native land.

Mr. LIPINSKI. Mr. Speaker, I rise today to commemorate the 71st anniversary of Lithuanian independence. Each year this day serves as a reminder that Lithuania was one of the first victims of Soviet colonial aggression. We are reminded that a country with a rich history spanning nearly 5,000 years lost its independence due to a 1939 pact between Stalin and Hitler. Since 1940, Soviet military occupation has denied the sovereignty of Lithuania and its proud people. Today we must remember the illegitmate origins of Soviet domination of Lithuania, and condemn the Soviet Union's continued denial of self-determination for all Baltic people.

However, today also reminds as that the Lithuanian people have never accepted unjust domination by the Soviet Union, and still continue their courageous struggle against Soviet oppression. In fact, the struggle for independence has resulted in some significant concessions in the past year. On February 16, at least 500,000 people participated in national celebrations of independence day. Unlike the past 70 years, Lithuanians sang their national anthem, flew their flag, and displayed their emblem without punishment. Most notably, on March 4 of this year, the Church of St. Casimir will be restored back to religious use. State funds will pay for the reconstruction of the chapel, which the invading Communists turned into a museum of atheism after World War II. Finally, the majority of political prisoners have been released from Lithuanian jails.

We should find some solace in these concessions by the Moscow government to the irrepressible Lithuanian people. Such changes show that public opinion and diplomatic pressure can have an impact on Gorbachev's policies. These concessions certainly show that the attention and concern of the U.S. Government is necessary and must continue. Howev-

er, we must remember that what the Lithuanian people justifiably call for is not concessions, but sovereignty.

We cannot afford to be satisfied with Soviet concessions to the Lithuania's call for autonomy. The Soviet Union's military presence in the Baltic States still guarantees its domination of the people. Along with the force of arms, the Soviets still impose their rule through even more insidious methods, such compulsory teaching of Russian at the expense of native Lithuanian, and the suppression of Lithuanian culture and history. Lithuanian Independence Day highlights the ongoing battle against Soviet domination, and reminds the United States that we must not be satisfied with anything short of self-determination for all people. We have seen Gorbachev pull his military out of Afghanistan. We should not be content until military occupation throughout the Soviet empire ends, and Lithuanians and all others gain their due independence after 70 long years.

Mr. DINGELL. Mr. Speaker, today we recognize for the body of the RECORD the 71st anniversary of Lithuania's independence which was declared on February 16, 1918. It is fitting that the representatives of the American people acknowledge the achievements of the Lithuanians. Some of us share in their heritage. All of us share in their spirit for democracy.

Recent history has shown Lithuania's continuous struggle for independence. In 1795, the Russian Army conquered the Lithuanian people and annexed the land to Russia. Despite Russian control, Lithuanians retained their desire for self-determination. They unsuccessfully tried to regain their independence in 1831 and in 1863–1864 before finally obtaining freedom in 1918.

Yet, this freedom was short-lived. Even though the Soviet Union formally recognized Lithuania as an independent nation in 1920, the Soviet's Molotov-Ribbentrop Pact of 1939 with Nazi Germany unilaterally declared Lithuania to be a part of the Soviet Union. Lithuania has been militarily occupied since 1940. The Soviet Union replaced the Lithuanian Government with a Soviet-backed government which is still in operation today.

The Soviet occupation of Lithuania has certainly tested the spirit of these people. During World War II, tens of thousands of Lithuanians were killed and 400,000 more deported to Siberia despite the fact that Lithuania was a noncombatant throughout the war. Lithuania lost one-third of her total population, a percentage loss unsurpassed by any other nation during World War II. Lithuanians have been denied the freedoms of assembly and press. The Soviet Union has tried to suppress the people's strong religious devotion. Nothing better exemplifies this suppression than the Soviet's conversion of the cathedral in Vilnius, long a symbol of the nation's predominate Roman Catholic faith, into an art gallery. Despite these atrocities, however, the spirit for democracy continues to burn strongly in the hearts of these courageous people.

Our own history has taught us the sacrifices and hardships that must be endured to achieve freedom. We wholeheartedly empathize with the plight of these democratic people. Yet, our history also has taught us that when the spirit has survived difficulties, the dream of independence inevitably has become the reality of independence. We celebrate with Lithuania her 71 years of democratic independence and hope with her for the day when, once again, the blessings of independence will be realized.

Mr. CONTE. Mr. Speaker, today marks the anniversary of the independence of Lithuania—an ancient and proud nation whose people are dedicated to freedom. Since 1940, their country has been occupied by the Soviet Union. Lithuanian culture has been violated and the Lithuanian language has been repressed. Yet Lithuanians of all ages, all over the world, cherish their heritage and their country's independence. With them, we have faith that their courage will one day bring liberty.

Throughout this year, Lithuanians and their neighbors in Estonia and Latvia have taken to the streets to demand that their rights be respected and their histories restored to them. We in the United States do not recognize the Soviet Union's illegal annexation of the Baltic States, and we stand with their citizens in the fight for freedom. Let us hope that the next Lithuanian Independence Day will witness that freedom at last.

Mr. HUGHES. Mr. Speaker, I am proud to join with my colleagues once again in commemoration of Lithuanian Independence Day.

As we mark today the 71st anniversary of the Lithuanian Declaration of Independence, there is cause for optimism in the homes of Vilnius, Kaunas, and other communities across Lithuania. Moscow is now apparently calculating that allowing Lithuanians some small degree of autonomy, at least for the moment, will advance its broader political objectives. Given the improved climate in relations between the United States and the Soviet Union, it is more important than ever that we continue to support the Lithuanian nationalist movement and to focus world attention on the plight of the Lithuanian people.

I was encouraged to learn that only yesterday the Lithuanian Council of Ministers issued a final decree making Lithuanian the official language of that Baltic Republic. Henceforth, all public business and services will be conducted in the language of the vast majority of the population. This small concession, however, came only after years of pressure from nationalist groups within Lithuania. We must not forget—that which the Kremlin giveth, the Kremlin can also taketh away.

This annual special order serves to symbolize our fellowship with the Lithuanian people in their struggle for national identity. We in the United States look with respect and admiration upon the national pride of Lithuanians and their commitment to the goal of self-determination. It is proof that the short-lived period of independence enjoyed by Lithuanians kindled a love of freedom that nearly 50 years of subjugation has not extinguished.

Mr. Speaker, the message that we wish to convey to the Lithuanian people is one solidarity and of hope—the hope that the Soviet retreat from Afghanistan is but the prelude to the breakup of an empire that spans two continents and holds millions of individuals in thrall. As we reaffirm our steadfast support fo the Lithuanian people's right to self-determination, let us also renew our commitment to freedom for all captive nations.

Mr. HOYER. Mr. Speaker, this year, Lithuanians around the world celebrated the 71st anniversary of their country's independence. Yet again, so many people showed their loyalty to the cause of an independent Lithuanian state. Such loyalty is a hallmark of these independence days. This year, there were also major new events.

For the first time, the Soviet authorities in Lithuania legalized the holding of independence celebrations for pre-Soviet Lithuania. Last year on November 16, Soviet troops patrolled Kaunas and Vilnius. Planned demonstrations were prevented or disrupted.

While I greet this new official Soviet tolerance towards Lithuanian Independence Day, I regret that such tolerance did not extend to eight Lithuanian Americans who applied for visas to go to Lithuania on February 16. These eight Lithuanian Americans are Ginte Damusis, Lithuanian Information Center; Algimantas Gureckas, Lithuanian World Community; historian Romuald Misiunas, Petras Molis, Lithuanian Scouts; Bronius Nainys, World Lithuanian; Dr. Antanas Razma, Lithuanian-American Community; and Darius Suziedelis, Lithuanian-American Youth Association. In a protest statement, the eight said, "Isn't it strange that a country which has declared a national holiday does not permit us to mark it * * *"

Official and unofficial sources say that it was Moscow and not Vilnius which denied these visa requests. One Helsinki Commission staffer's visa request to attend Lithuanian Independence Day celebrations was also refused. Such arbitrary visa denials by the Soviet authorities do not bode well for similar visa requests to attend the 1991 Moscow Human Rights meeting. I hope that this unfortunate Kremlin response to these visa requests will not repeat itself on other occasions.

It was Sajudis, or the Lithuanian Movement to Support Perestroika which invited some 50 foreign guests to attend independence day celebrations. And, indeed, February 16, 1989 is a day that will be long remembered in Lithuania.

A crowd of some 200,000 people gathered in Kaunas—Lithuania's ancient capital—to mark independence day on February 16. Lithuanians of various persuasions turned out: former political prisoners such as Viktoras Petkus and Balys Gajuskas, Catholic rights campaigners such as Nijole Sadunaite, participants in the Lithuanian Liberty League, liberal members of the intelligentsia, and Sajudis activists.

During a meeting on the eve of February 16, the Sajudis assembly of 220 elected national representatives, issue a remarkable statement:

Lithuania's declaration of independence on February 16, 1918, expressed the Lithuanian nation's aspiration to create a democratic state. The Lithuanian republic, successfully defended in the war for independence, received international recognition and became a member of the League of Nations. Although Germany and the U.S.S.R., through ultimate coercion and mutual agreement in 1939–40, annexed the Lithuanian state, the definitive international rec-

ognition of Lithuania's independence remains in force.

The Lithuanian nation never reconciled itself to the loss of its state sovereignty. Through various means it resisted Hitlerite and Stalinist genocide, and to this date has opposed manifestations of state colonialism. Sajudis expresses national determination to regain its rights through peaceful means, to live independent of any kind of dictate.

Relying on the new political thinking declared by the top leadership of the USSR as well as in Mikhail Gorbachev's speech to the UN General Assembly on December 7, 1988, which stressed the right of nations to choose freely, Sajudis will follow the road to legal, political, economic and cultural independence for Lithuania, to state sovereignty, without confining itself to partial achievements.

Sajudis goals: To struggle against depression and degeneration, to build new foundations for Lithuania's well-being, to create conditions for free and democratic national self-determination. Sajudis stands for social justice, humaneness and democracy, for cultural autonomy for Lithuania's national minorities in a Lithuanian state, for its traditional status of neutrality in a European demilitarized zone, for universally accepted human and civil freedoms, from which flows the general right of Lithuanian citizens independently to choose and develop their own forms of state existence. Sajudis invites all patriotic forces in Lithuanian society to unite in raising up and fostering our native land.

This dramatic statement of Sajudis, which represents some 300,000 people in Lithuania, clearly marks a new stage in Lithuania's movement toward national self-determination. My congressional colleagues and I have been consistent supporters of the longstanding United States policy of nonrecognition of the illegal incorporation of the three Baltic States of Lithuania, Latvia, and Estonia into the Soviet Union. In light of recent events in the Baltic States, there is reason to hope that history is finally moving toward granting the Baltic States a greater share of that freedom to which they have so long aspired.

Mr. ATKINS. Mr. Speaker, I rise today with several of my colleagues to pay tribute to the Lithuanian people on the 71st anniversary of Lithuanian Independence Day.

Seventy-one years ago, Lithuania released itself from the shackles of foreign domination and declared itself a free and independent nation. It enjoyed 21 years of political independence and economic success. On the eve of World War II, the Soviet Union and Germany concluded a secret treaty that cleared the way for the Soviet invasion of Lithuania and its sister states, Latvia and Estonia. Today, all three of the Baltic States still suffer from unwanted and unwelcome foreign rule.

Lithuania's independence celebration will be darkened by the shadow of this foreign rule. Unlike America's Fourth of July, marked by joy and happiness, Lithuania's Independence Day is marked by hope and determination. Hope that one day their nation will be free, and determination to bring about the reality of that dream.

Even after 50 years of oppression, the Baltic people have never relinquished their hope or resistance. They have endured the years of terror during the alternating Nazi and Soviet rules, the brutal collectivization policies of Stalin's dictatorship, and continued Soviet domination and oppression. Throughout all the hardships, they have never lost their faith in religion and their firm resolve to rule themselves. Today, this faith and resolve is manifest in the efforts of Lithuanians living in the free world, who have formed agencies and organizations to remind the world of illegal Soviet occupation, and to ensure that this issue remains on the international agenda. Of course, it is also characterized by the unyielding resistance of those living in Lithuania, Estonia, and Latvia, who continue their fight for freedom.

Mr. Speaker, we have all heard praise for the new "openness" that is sweeping the Soviet Union. I question the ability of the Soviet leadership to espouse this openness, but refuse to allow a proud people not only its right to self-government, but its right to celebrate an important date in its history. I hope that I speak for all of my colleagues in urging the Soviet Union to allow this celebration to take place in peace, and to remove its iron grip from a proud, peaceful and determined people.

I am honored to represent the many Lithuanians in the Fifth Congressional District of Massachusetts, and I am proud to take part in the celebration of Lithuanian independence being held this month by the Lawrence Chapter of the Lithuanian American Council. I know that the Lithuanian people and their friends will continue their struggle for independence until this hope becomes a reality. On this day we observe this struggle, and renew our vows to make it end in fruition.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, it brings me much joy to be able to recognize and commemorate Lithuanian Independence Day. This is a time in which we recognize Lithuania's struggle for freedom and self-determination. We acknowledge and pay tribute to the thousands of Lithuanians who died in their pursuit for freedom.

For hundreds of years Lithuania has been dominated by Russian and German forces. During this period of time the strength of the culture, values, religion and traditions of the Lithuanian people carried them through years of suppression and enabled them to survive as a distinct group of people.

In February 1918, at the conclusion of World War I, Lithuania finally gained independence after hundreds of years of foreign occupation. The people of Lithuania went on to pursue their dreams and grow and prosper as a nation in the arts, religion, industry, and agriculture. Unfortunately this period of freedom was short-lived as a result of World War II and Soviet expansionist policy.

The strategic importance of Lithuania in World War led the Soviet Union to use that country as a base for Russian troops. Once inside Lithuania the Soviets arranged a rigged election in 1940 to install a regime of their own. This led to the unwilling incorporation of that nation into the Soviet Union. Political repression continues to be the hand that tries to break the spirit of the Lithuanian people. Few who have been able to escape that country report a lack of freedom. The Soviet Union has suppressed their freedom and sovereignty and this is in direct violation to the values which the United States holds so dearly and stands for. As President Reagan once said: "As a nation, we must remain dedicated to the furtherance and preservation of the fundamental human rights and freedoms of all people."

The tragedy of Soviet domination continues to this day. Lithuanian culture, language, and religion faces constant repression. The Catholic Church continues to be the center of attack by Soviet authorities. By suppression of the church the Soviets attempt to break the spirit of the Lithuanian nation, deprive it of its spiritual values and denationalize the people.

Lithuanians are a strong people and very proud of their heritage. They continue to this very day to fight for their independence and they will not give up until they win it back. The United States has never recognized the incorporation of Lithuania into the Soviet Union and we must continue to support freedom and self-determination in that country. It is important that the people of Lithuania know we support them and encourage them to continue their fight for freedom.

Mr. DWYER of New Jersey. Mr. Speaker, I am pleased to join with my colleagues today in a tribute to the spirit of the Lithuanian people, and I would like to express my thanks to Congressman ANNUNZIO for again reserving this time for such an important matter.

One year ago, many of us stood in this Chamber to call attention to the struggle of the Lithuanian people in their ongoing fight to regain their independence from Soviet domination. Today, we meet again to commemorate their 71st anniversary of independence. However, while they are still under the rule of the Soviet Union, as they have been for over 48 years, there have been significant changes internally in all of the Baltic countries, including Lithuania.

In this new age of perestroika, the Lithuanian people have renewed their calls for nationalism and late last year a grassroots political movement in Lithuania approved a founding platform dedicated to curtailing Soviet rule in the country.

Throughout the fall, significant events in Lithuania made news in Western papers which raised the hopes of all freedom-loving peoples. In October, the government announced that it was returning to the church a 14th century cathedral after nearly 40 years of use as an art gallery. To coincide with that announcement, the first Mass in 30 years was held at the cathedral with worshipers carrying the yellow, green and red flag that flew in Lithuania during its brief independence so many years ago.

By the end of November of last year, the Lithuanian Communist Party chief was announcing plans to publish a new draft constitution asserting Lithuania's sovereignty and its right to dispose of its own national resources.

The early signs for 1989 are just as promising. In January the official Communist Party official was defeated by a 32 year-old environmentalist in a Lithuanian local election. National elections for the Soviet legislature will be held on March 26. In Lithuania, and in all of the Baltic nations, the Communist Party is on the defensive due to the resurgence of nationalism. I am hopeful that the Lithuanian people will continue to win more of their rights

in the coming year; so that next year when we again gather to commemorate the anniversary of Lithuanian independence, it will be a celebration of new-found freedom and independence for these valiant people.

Mr. BLILEY. Mr. Speaker, today, I join many of my colleagues in honoring Soviet Lithuania and recognizing the independence of her people. The United States was founded on the belief that the choice of religion, form of communication, diversity in political ideals and adherence to cultural traditions are an absolute right. We must take this opportunity to remember those who are not able to benefit from these same freedoms.

Since 1795, the Lithuanian people have been forced to live under the religious, political, and cultural repressions imposed interchangeably by both the Russians and Germans. In 1920, Russian leaders signed a peace treaty with the Lithuanian Government recognizing full right of self-determination, freedom to secede from the state, full sovereignty and independence for both the Lithuanian people and their territory. However, with the outbreak of World War II, Lithuania, acting as a buffer state between the Soviet Union and Hitler's Germany, was one of the first to experience the aggression and fury of the war. As an occupied territory during the war, the Lithuanian people experienced communism and Soviet domination and have since been completely incorporated into the Soviet Union.

These soldiers fighting for the simplest freedoms, of worship, of speech and of political conviction, are threatened daily by the repressive Soviet Government. These people who are dissenters in their own state are not nonconformists, they are not rebels, they are fighting for the privileges that are embodied in the freedoms that we Americans so thoroughly enjoy. They are soldiers for peace and independence and are represented by the Helsinki group, which was established in 1976 as a committee for the oversight of Soviet adherence to the Helsinki accords who successfully published over 30 papers bringing to public attention the human rights violations that have persisted in Lithuania. Yet since 1981, there has been no trace of the Helsinki group. They are also represented by the signers of the Baltic Declaration, considered the most prominent dissenters. These dissidents have committed their names to the "Declaration of 45," the "Baltic Declaration," renouncing the legality of Lithuanian annexation. They have condemned the Afghanistan invasion and formed their solidarity with striking Polish workers. Yet these 45 dissenters were more harshly dealt with than all. They have been eliminated, incarcerated and forced to flee their native country.

The most established and effective form of dissidence is the Catholic Church. As the pillar of culture, language and tradition for the Lithuanian people, it fights an ongoing battle for Lithuanian freedoms. The church has been forced to take the brunt of the oppression inflicted due to its ability to act as the repository of the fundamental traditions feelings of nationalism. As the mainstay for the Lithuanian people, the church has become a target for persecution in expectation of shaking the foundations of strength by removing Lithuanian heritage. However, the Lithuanians have the largest practicing population in the U.S.S.R. and even in the face of persecution, these Christians continue to attend Mass and fight for their religious recognition and their right to choose their form of worship.

We should be encouraged by the recent overwhelming approval for State sovereignty by the 200-member council of Sajudis. These representatives of the first political movement have surfaced as the most viable political force among all of the Baltic States. The basis for this overwhelming endorsement was founded on the goals of the Lithuanian people as they were established before the occupation periods began. The desire to remain as a demilitarized zone in the neutral European buffer area, is fused with their struggle for human freedoms including the right to choose their State existence, political ideals and religious convictions. Just yesterday, the Lithuanian Council of Ministers promulgated the official language of the state as Lithuanian in a move even one step beyond that of the Lithuanian Congress. These objections, though they may be met with persecutions and repressions that as a democracy, we can not even fathom, they are a signal to the Soviets and the world, the determination of these people in acquiring the freedoms they so justly deserve.

Mr. Speaker, let us honor these people and be encouraged by their strength and resolve. Their plight is one which allows us, as Americans, to remember and be grateful for the liberties and freedoms on which this country has been built. As leader of the free world, let us continue to support the Lithuanian battle for sovereignty and appeal to the Soviet leaders for their total independence.

Mr. MCEWEN. Mr. Speaker, I join my colleagues in honoring the subjugated peoples of Lithuania in their continuing struggle to regain their economic and cultural autonomy and political liberty.

The brave and honorable people of Lithuania have been repeatedly oppressed for decades by the mailed fist of Soviet leaders from Stalin to Gorbachev. Recently, a strong freedom movement within Lithuania has offered a small but steady glimmer of hope that one day liberty will return. Our recognition today of Lithuanian Independence Day is a step in that direction. Our support sends a critical message to those still enslaved that we have not forgotten them or their noble and worthwhile goal—freedom.

In addition our public support sends an equally strong signal to Moscow, adding much needed pressure on General Secretary Gorbachev to spread glasnost to the peoples of Lithuania.

Mr. RITTER. Mr. Speaker, I am honored to join my colleague from Illinois in this special order to commemorate the 71st anniversary of the declaration of Lithuanian independence. During the period of independence, from 1918 to 1940, Lithuanians took great advantage of their new found freedom to make progress in the fields of agriculture, industry, and education. Furthermore, Lithuania was admitted as a full member to the League of Nations. In 1920 Soviet Russia declared:

> Russia, without any reservation whatsoever, recognizes Lithuania as a self-governing and independent state with all juridical consequences that follow from such a recognition and in the spirit of free and good will renounces for all time all sovereignty rights of Russia concerning the Lithuanian nation and Lithuanian territory.

In 1939, however, as part of the Nazi-Soviet pact a secret territorial agreement was made and the future of Lithuania was determined by two brutal dictators: Adolf Hitler and Joseph Stalin. Soon Soviet troops invaded Lithuania and she fell under Soviet totalitarian rule. Lithuania has been a victim of her powerful neighbor for almost 50 years.

The loss of independence and the occupation by the Soviet Union drastically altered Lithuanian culture, language, economics and national consciousness. Lithuanians, as well as their Baltic neighbors, were deprived basic human rights, including freedom of the press, speech, assembly, and religion.

As a member of the Helsinki Commission, I am aware of our continuing duty to do everything we can to help and improve the human rights situation in Lithuania today. As long as the Soviet Government denies these basic human rights, it is violating its Helsinki commitments. Nobody should ignore the illegal occupation and colonization of Lithuania, which is contrary to the values upon which our civilization is based. I am pleased that the United States has never recognized the takeover of Lithuania and therefore we acknowledge Lithuania's right to seek self-determination.

Along with the people of Lithuania, I appreciate and welcome the reforms that have occurred in the Soviet Union during the last few years. This year Lithuanians were able to celebrate their independence day freely and legally for the first time in nearly 50 years. Although there is still a long way to go to establish a neutral and independent Lithuania, we see a reform taking place in the Baltic countries that is definitely a step in the right direction. I strongly feel that the proud people of Lithuania, who struggle for basic human rights and freedom for their country on day-to-day basis, are entitled to real democracy and political autonomy.

Mr. Speaker, the spirit of freedom is alive. I salute the people of Lithuania and join with them to hope and pray for self-determination and liberty for Lithuania.

Mr. KLECZKA. Mr. Speaker, I rise to commemorate the 71st anniversary of the rebirth of an independent Lithuania. On February 16, 1918, the proud Lithuanian people declared their full independence from over 100 years of Russian and German domination. For 22 years, they enjoyed free political institutions and a cultural renaissance unparalleled in their great history.

This brief period of sovereignty ended abruptly in 1940 when Russia invaded and occupied Lithuania and the other Baltic States of Latvia and Estonia following dictator Joseph Stalin's secret nonaggression pact with Nazi Germany.

After nearly five decades of brave resistance to Soviet oppression, Lithuanians are once again tasting the fruits of freedom. Sajudis, the growing democratic mass movement of nationalist Lithuanians, has increasingly challenged the Communist Party in Vilnius and Moscow.

Just last week, Sajudis committed itself to restoring Lithuania's traditional status of neutrality in a European demilitarized zone, as well as—striving for—universally accepted human and civil freedoms, from which flows the general right of Lithuania's citizens independently to choose and develop their own forms of state existence.

On this Independence Day, I applaud the courage of Sajudis and the Lithuanian people, both in their homeland and here in America, who continue to struggle fearlessly for liberty and justice.

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today along with many of my esteemed colleagues to salute the people of Lithuania for the courage they have shown in their struggle for sovereignty. At this time, I also commend my fellow Members of Congress for supporting this worthy endeavor. For it is we, as leaders of the free world, who can best empathize with the people of a nation who desire independence.

The state of Lithuania has played an essential role in the development of Europe as we know it today. Its origin dates back to the latter days of the feudal state system and its history is long and rich. There are many notable points about this history. Some are positive, like prosperous cities, cultural development, and recognition by other states as a power to be respected. Some of these points are negative, like regional conflicts, internal struggles, and economic depression. However, the worst of these, and certainly the most saddening, was the Nazi invasion and subsequent Soviet occupation, which ended Lithuania's existence as a sovereign state.

That, Mr. Speaker, is the reason I am here today. Twenty-two years before the outbreak of World War II, and after a resurgence in Lithuanian pride, the citizens of this Baltic State reestablished themselves as an independent nation. They declared themselves free from Polish or Russian influence, or the influence of any other power seeking to interfere in Lithuanian matters. This was done in much the same way our Founding Fathers declared our own independence. For more than two decades, these energetic and industrious people enjoyed the freedom of self-rule. Their culture regained international recognition and Lithuania became a part of the European community as a member of the League of Nations. However, this political prosperity was extremely short lived. In 1939, Hitler's army brutally subjugated these quiet people of the Baltic region and crushed any hope of further Lithuanian statehood.

By virtue of its location, Lithuania was in constant conflict with neighboring Russia. Therefore Lithuania's interests were neglected later in 1939 when the Soviet Union and Germany formed a mutually beneficial pact. The Soviet Union occupied their territory, and to this day has not relinquished its control. They sent in troops and established a political system pleasing to Moscow. Hence, the people of Lithuania have been unable to realize one of the most basic freedoms we know as Americans, self-government. But, it is a freedom they have not forgotten.

In spite of invasions, concentration camps, and foreign rule, the people of Lithuania have not lost sight of their dreams. They work incessantly toward attaining the independence they once had, confident that their goal is within reach. The Lithuanians are a people who have courageously endured many hardships. Fortunately, the casualties of conflict have not extended to the spirit of determination, which is the driving force behind all of their efforts. It is with pleasure I say that progress has been made.

In the era of Mikhail Gorbachev and glasnost we have seen small advances in Lithuania's peaceful fight for freedom. After 40 years, the ban on Lithuanian flags has been lifted, allowing Lithuanians to join their comrades around the world and celebrate the anniversary of their independence. Hopefully, these new Soviet promises of openness will not prove to be empty, and the people of Lithuania will begin to really feel the benefits of glasnost. For it is they who are most affected.

The people of Lithuania have a long way to go in their struggle to be free from Soviet rule and certainly their plight is not over. But, their future is bright. They seek the same independence we often forget as we go about our daily lives in a free society. I think that we need to take time to reflect, to give thanks, and to really realize what we have in America. At the same time, we must remember those who are less fortunate than we, applaud their efforts thus far to attain freedom, and offer our continued support. We must do this for Lithuania and any nation around the world seeking independence.

Mr. PEPPER. Mr. Speaker, February 16, 1989 marked the 71st anniversary of Lithuania's declaration of independence. Hundreds of thousands of Lithuanians gathered last Thursday to legally celebrate their nation's prewar independence for the first time in nearly 50 years. At the same time, leaders of the Sajudis independent mass movement broke one of the last remaining political taboos by defying Communist mandates and openly pledging to work toward restoring Lithuanian independence.

Lithuanians have peacefully resisted the unlawful occupation of their nation since its 1940 incorporation into the Soviet Union while watching the decline of their economies, cultures, and religious lives. But, Lithuania's determination to regain their rightful independence was rewarded in 1988 as Lithuania, along with neighboring Latvia and Estonia, took to heart Mikhail Gorbachev's call for increased democracy. Numerous major strides toward establishing autonomy were made during the past year.

Baltic citizens created independent political movements which now challenge the Communist Party's unlawful monopoly on power. Lithuania's independent Sajudis party is expected to provide the Communists stiff competition in the March 26 elections to revamp the Soviet legislature. While the Baltic efforts have not yet secured their rightful independence from oppressive Communist rule, we should find encouragement in Lithuania's continued determination to fulfill their desire for true independence.

One of the most heartening advancements was the gathering of more than 20,000 worshippers October 23 at the Vilnius Cathedral to participate in the first mass in 30 years. The event, led by the first Lithuanian cardinal of modern times, celebrated the Soviet decision to return ownership of a 14th-century cathedral to the Roman Catholic Church.

Predawn worshippers wept tears of joy and sang nationalist songs as they flocked to the cathedral which had, under Soviet rule, served as a museum to atheism. Officials allowed the once banned scarlet, green and yellow flag of pre-Soviet Lithuania to be flown at the mass. The Lithuanian flag, the overt religious activity and the nationalist sentiment all stood as proof to us that Lithuanians will not allow their culture to be swallowed up by the Soviet Union.

I wish to remind the people of Lithuania that the United States has never acknowledged the authority of the Soviet Union to annex the Baltic nations against their will and we continue to support them in their struggle for freedom from Soviet dictatorship. We will also continue our support of the more than 100,000,000 people in Albania, Armenia, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and Ukraine who are deprived of their right to exercise the free choice of their government in a democratic pluralistic system.

I join with my colleagues today in reaffirming our pledge to assist the Lithuanian effort. We can only hope Lithuania will celebrate its next independence day as a nation free from Soviet control. In closing, I would like to say to all who celebrated February 16 as both the 71st anniversary of Lithuania's declaration of independence and as another step toward regaining sovereignty, "Dieve palaimink Lietuva." God bless Lithuania.

Mr. McGRATH. Mr. Speaker, I rise today on behalf of the thousands of Lithuanian descendants in my district to recognize Lithuanian Independence Day.

It has now been over 45 years since Lithuania was incorporated into the Soviet bloc. The hardships and religious persecution that continue to plague the people of Lithuania are unmeasurable. The Helsinki accord on human rights and the birth of glasnost have yet to bring independence and religious self-determination to a land of over 3.6 million inhabitants.

Lithuania is no stranger to repression. In 1795, Lithuania was annexed by Russia and came under complete Russian domination. While World War I took a great toll on Lithuania, independence was proclaimed on February 16, 1918. Independence, however, was short lived. In January 1919, the Red Army entered Lithuania and installed a Communist government. A independence was soon settled with Moscow but Lithuania again fell to Soviet occupation in 1944.

The United States has always recognized Lithuania independence and has supported efforts to restore basic human rights in that area. As we again commeomrate Lithuanian Independence Day here in the House of Representatives, let us remember those who gave their lives in the name of freedom. In addition, let us work hard and remain optimistic that someday Lithuanians the world over will join one another and truly celebrate independence.

29-059 O-90-37 (Pt. 2)

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1530

ORDER OF BUSINESS

Mr. CONTE. Mr. Speaker, I ask unanimous consent that I may switch places with the gentlewoman from Maryland [Mrs. BENTLEY] in our special orders.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CARL YASTRZEMSKI ELECTED TO MAJOR LEAGUE BASEBALL'S HALL OF FAME

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts [Mr. CONTE] is recognized for 30 minutes.

Mr. CONTE. Mr. Speaker, I thank the Chair for this courtesy in allowing me to speak at this time.

Mr. Speaker, today, I have the great honor of publicly extending my congratulations to a dear, dear friend of mine, Carl Yastrzemski. Last month, the man the baseball world calls Yaz, was elected to Major League Baseball's Hall of Fame, along with one of the games greatest catchers, Johnny Bench.

Mr. Speaker, my colleagues know where I'm from and a great many of them, knowing that I was born and raised in western Massachusetts, know that I am devoutly, religiously, and to the very end, a Boston Red Sox fan.

Those of you who are from New England, of course, know what it means to be a Red Sox fan. Those of you from other areas, areas beyond the Berskshire Hills and Lake Champlain, probably don't know and can only imagine what it is like. New Yorkers have experienced the joy of World Series Championships brought to their Mets and Yankees by the likes of Joe DiMaggio, Mickey Mantle, Tom Seaver, Reggie Jackson, and Ray Knight. In Los Angeles, only last year the moment of victory was brought to you compliments of Kurt Gibson and Orel Hershiser. Those between the coasts—Detroit, St. Louis, Kansas City—have had their victories too. But, you see, those of us in New England have been denied the ultimate victory of the world's greatest game since 1918, back when the doughboys were still in France and Woodrow Wilson was in the White House.

Much has been written about New England's baseball travails. I am no writer but I can tell you that those of us in New England and elsewhere have experienced something perhaps more profound than victory, something that has toyed with our emotions, teasing us into a frustrated state of hope and tension that has only become bearable through years of numbing and the company of generations of fellow Red Sox fans. Yes, it is "near victory" that truly tries men's souls. Red Sox fans have felt the ecstasy of victory in their grasps so many times, have had their fists clenched, waiting for that final out in heady anticipation, only to be put through the agony of another lost victory. It is a ritual that has been repeated many more times than a kinder and gentler God would allow. Through the ups and downs, the joys and the sorrows of seasons like 1946, 1967, 1975, 1978, and 1986, the treacherous journeys were always led by almost mythical heroes who courageously donned the Red Sox uniform to try to slay that dragon which plagued the people of New England. For many years, it was Ted Williams, who fought the dreaded beast. But from 1961 until 1983, it was a man called Yaz who led the entire region into battle.

Today, different Red Sox fans remember different great moments in Yaz' career. Many baseball prophets say that no one will ever again win the triple crown as Yaz did in 1967. So many of us will recall a young and inexperienced Red Sox team entering September of that year.

The experts said that they were sure to crumble under the pressure of the team's first pennant run in over a decade. Indeed, the young team did start to wither and almost certainly would have fallen had it not been for the heroic efforts of a 26-year-old Carl Michael Yastrzemski.

With the team starting to fade Yaz strapped on the harness and the yoke and grabbed the reins of that team and pulled and strained and carried the Sox to their first pennant in 19 years. In the last 2 weeks of that season, Yaz batted .523, hit five home runs, and batted in 16 runners. In the very last two games of that season, with the pennant on the line, Yaz went seven for eight. Seven for eight. The World Series that followed saw the Sox push the Cardinals, led by pitcher Bob Gibson, to seven games before the impossible dream was ended. In that series, Yaz batted .400, had three homers and five RBI's. The dragon wasn't slain that year but Yaz bloodied him as never before.

Yaz played 23 years for the same ball club, a feat unheard of in today's arena of opportunism. Yaz was always there in the lineup, day in, day out, season after season. For an entire generation of Red Sox fans, the idea of the Red Sox without Yaz was as unthinkable as Plymouth without the Rock. He could have played elsewhere but even after years of adversity Yaz came to love the Boston Red Sox as if he had been born and reared in the shadow of glorious Fenway Park itself.

Yaz set many records. Yaz leads players since the dawn of the national pastime in total plate appearances. No player in the American League, not even the mighty Babe Ruth himself, has ever been intentionally walked as many times as Yaz. And, he is the only player in American League history ever to hit over 3,000 hits and 400 home runs.

Baseball fans the world over have heard of the menacing 37-foot high wall that guards Fenway Park's left field. Before it was resurfaced the wall was a contorted warped beast that would deflect line drives in a hellish fashion. Visiting leftfielders would have nightmares thinking of playing the wall. And yet, Yaz would win seven gold gloves playing in front of the foreboding green monster.

Yaz was the captain of the Red Sox most of his career. But he was never a cheerleader. Instead, Yaz led by example and courageousness. During his career, he would suffer strained knee ligaments, torn ankle ligaments, fractured ribs, wrist tears, and a chronic back problem, and yet, in 23 years Yaz was on the disabled list but one time.

If you were to ask Yaz about his amazing durability he would simply say that, after all, he is of "tough Polish stock." Fiercely devoted to his wonderful family, Yaz would always attribute his successes to their love and support.

I could read down the long list of his marvelous career stats and records, but, it is a man, a great man, that I wish to honor here today, not just a list of statistics and awards.

We remember great men not by their awards but by the memories they leave us and our posterity.

One of my fondest memories of Yaz the player, came later in his storybook career. I can remember another young Sox club, one lacking the talents of the once-promising 1975 team that had the likes of Fred Lynn and Carlton Fisk and Rick Burleson. The 1982 Sox were a collection of journeymen, wet-behind-the-ears kids, and cagey veterans. It was a team in awkward transition, but still, in July 1982, a team somehow in contention. With players injured it was once again Carl Yastrzemski that the Sox turned to and, at the age of 43, Yaz who had been DHing, strapped on full armor for battle once again and became the oldest player ever to start a game in centerfield. Yaz knew the possible consequences that such a move would

have on an aging body but he again sacrificed himself for his team.

It is true that today I have the honor of calling Yaz a great personal friend. But I stand with all of his admiring fans throughout New England and the baseball world in praise of his truly heroic career. Many have said that great players like Yaz are a lost breed, that heroes are of an age foregone. For all of our sakes, I hope that it is not so. I hope that the children of today are drawn to cheer for their favorite baseball teams just as children of 10 and 20 and 60 years ago cheered for their ball clubs. I recall my own youth and the hours spent trying to hear beneath the static of the radio the play by play of a baseball announcer, calling balls and strikes from a baseball field far away. And I can recall last season stranded in Washington DC, with the pressures of the appropriations process bearing down and still craving for time enough to try and tune in WTIC out of Hartford, the southernmost station broadcasting Sox games, and hearing much more of the static than Ken Coleman's voice transmitting from heavenly Fenway. But as I hope that youngsters today will fall in love with baseball as I did so many seasons ago, I know that they will never see a man play in the Red Sox uniform with the courage and the conviction that Yaz had. During the 23 years of his career, Yaz symbolized what was the very best in New England's team or any other team—commitment, sacrifice, and perseverence.

These are the qualities that endear true heroes to children and adults alike. It just so happens that Carl Yastrzemski chose to devote himself to baseball, but again, it is the man that we have all grown to respect, not just the baseball player. Long ago, Yaz won our respect and our hearts. And now, he has won his place among the other legends of baseball in the Hall of Fame. Yes, Mr. Speaker, there will be other heroes, but there will never be another Yaz. God bless you, old pal.

□ 1540

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. MOAKLEY. I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, early last month the Baseball Writers of America voted almost unanimously to induct Carl Yastrzemski into the Baseball Hall of Fame in his first year of eligibility.

Carl's selection to the Hall of Fame came as no surprise to those of us who admired his skill, strength, and leadership throughout his 23 years wearing the uniform of the Boston Red Sox. Carl came to embody all that for which the Red Sox professional sports, and indeed, all New England stands. He was the consummate professional: long hours of practice, modest in victory, gracious in defeat, and always accessible to fans and sportswriters alike.

Carl was also known throughout his career as a generous man. He always had time for fans, children, various charities, and other worthy causes. Much of his work was done away from the bright lights and cameras that characterize the "public service" performed by some of today's athletes. And now that Carl has been retired for nearly 6 years, he has been more active than ever on behalf of those in need.

Every year Yaz hosts a golf tournament on Cape Cod to benefit the Genesis Fund—a fund that aids children in need of orthopedic and other corrective surgery. He also works tirelessly for the Jimmy Fund which helps to finance research on cures for children's cancer. Furthermore, Carl is concerned about education as evidenced by the ever-growing scholarship he has funded at Merrimack College in his mother's name. Add to this dozens of personal appearances on behalf of other charities and his duties as a businessman and you get an idea of the kind of man Carl Yastrzemski is.

Carl Yastrzemski is being honored by his induction to the shrine which houses the names of the greatest baseball players of all time. This is a most worthy acclaim as Carl takes his place alongside the Ruths, the Williams, and the Musials. If there were a place for the player that meant the most to a game, a team, and a region, however, Carl Yastrzemski would stand alone.

Once again, I thank the dean of the Massachusetts delegation for allowing me to talk about our friend and our hero, Carl Yastrzemski.

Mr. CONTE. Mr. Speaker, I want to thank my good friend, JOE MOAKLEY, for the fine remarks about our mutual friend. JOE and I are fortunate to sport that beautiful ring when Carl retired he had made up, and had about half a dozen of these and gave them to the Speaker and some of his closest friends. It is a duplicate of the World Series ring.

I yield to the gentleman from Massachusetts, my Boston colleague and friend [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding and thank him for having this special order.

Carl Yastrzemski is to those of us who lived in New England in the 1950's and 1960's, a savior. We had gone from 1946 to 1967 in a baseball wilderness, waiting for our savior to bring us back to respectability.

In that summer of 1967, Carl Yastrzemski did more for the spirit of Boston and for New England than any single individual had done throughout the entire decade, and in that one miracle summer he took the forlorn hopes of all Red Sox fans and made them a reality as he and Jim Lonberg carried us to the impossible dream, that pennant in 1967, and I spent the bulk of that summer driving an ice cream truck and parking it outside of Fenway Park every single night to catch the overflow of the 30,000 fans who had returned to that ballpark after two decades of despair, and was able to sneak in almost every night to be able to see the final two innings of every game, ending up with Carl Yastrzemski making the catch or the hit that won the game.

So all of us have a special place in our hearts to Carl Yastrzemski for his entire career, but from my perspective, 1967 will always be the special year in all of our lives in terms of what he meant to us in the baseball community because there are only two things that I think most of us really think about as young boys growing up in Massachusetts, and one of them was being a left fielder for the Red Sox, and from Ted Williams to Carl Yastrzemski, and right through Jim Rice, we have had a special relationship with that position, and in 1967, I think was and always will be the most special of years.

I thank the gentleman for bringing this special order to the floor, because there is no one more deserving than Carl Yastrzemski.

Mr. CONTE. Mr. Speaker, thank you very much, and I yield to my good friend, the gentleman who is not from New England but from Illinois, Chicago, MARTY RUSSO.

I might say, Carl, I will send you this tape, and MARTY is a great athlete in his own right. Lousy baseball player, but one of the best golfers in the House of Representatives, MARTY RUSSO.

Mr. RUSSO. Mr. Speaker, like Mr. CONTE, I love the Sox. But, being from Chicago, the Sox I love are White, not Red. Regardless of my loyalty to the Chicago White Sox, however, I share his great respect and admiration for one of baseball's greatest—Carl Yastrzemski.

As a former young ball player and proud father of Little League players, I understand the value of role models as great as Carl Yastrzemski. His athletic talent and dedication to his team and the sport of baseball merit high praise. His accomplishments are almost too many to count and his contribution to baseball is immeasurable. Throughout his career, Yaz was a class act.

Off the field, Yaz has also been an inspiration. His commitment to helping our Nation's children, especially those kids who need it most, also deserves special mention and commendation.

Mr. Speaker, respect for an athlete transcends an individual's uniform. Carl Yastrzemski is a perfect example

of that. He is what baseball is all about. Although Chicago would have welcomed him with open arms and invited him to wear white instead of red, we were still privileged to enjoy watching this tremendous athlete.

I am honored to congratulate Carl Yastrzemski for his election to major league baseball's Hall of Fame.

□ 1550

Mr. CONTE. Mr. Speaker, I want to thank my dear and beloved friend, the gentleman from Illinois [Mr. RUSSO] for his remarks.

Mr. DONNELLY. Mr. Speaker, I rise today to join my colleagues in paying tribute to Carl Yastrzemski, in recognition of his admission to his Baseball Hall of Fame.

During his distinguished 23-year career, Yaz was a model of consistency, tenacity, and an inspiration to millions of Little Leaguers. During his career Yaz set numerous records worthy of Hall of Fame recognition, both with his bat and on the field. He was the recipient of seven Golden Gloves and the winner of two batting titles, with more than 400 home runs, and 3,000 hits. Yaz's most impressive achievement was winning the Triple Crown, making him the last major league player to win the highest of baseball's individual honors.

Carl Yastrzemski set standards of excellence for players in both the American and National Leagues. As captain of the Boston Red Sox, he provided the leadership and instilled the confidence needed to carry the "impossible dream team" to the 1967 World Series, and again in 1975. Yaz thrilled the fans in Boston with his versatility and his flawless play in left field. To baseball fans everywhere, Yaz is still known as the master of the "Big Green Monster," Fenway Park's famed left-field wall.

Carl's career continued right on into the 1980's as he continued to set records and inspire Boston fans and baseball fanatics around the world. As a fellow Baystater, I take pride in the many accomplishments of my friend Carl Yastrzemski. I want to join my colleagues and all baseball fans in thanking Yaz for his dedication and for the pleasure he brought us, and congratulate him on his admission to the Hall of Fame.

Mr. HOCHBRUECKNER. Mr. Speaker, for 23 years, Carl Yastrzemski was a Boston Red Sox at home in Fenway Park.

Before going to Boston, where he became a baseball legend and where he remains a local hero, Carl Yastrzemski made his home on an eastern Long Island potato farm.

As a fellow Long Islander, I rise today to honor this baseball player. I represent Carl Yastrzemski's home district. Mr. Speaker, Bridgehampton is proud today of its favorite son.

Yastrzemski has officially entered the Baseball Hall of Fame. This honor says again what his fans and neighbors have been saying for years.

Yastrzemski's career stats say it: More than 3,000 hits, more than 400 home runs, a Triple Crown, a Most Valuable Player Award, two batting championships, and seven Golden Glove Awards.

The content of Yastrzemski's character says it.

Yastrzemski himself would be too modest to say it.

But I'll say it: Yastrzemski is an American hero.

Mr. NEAL of Massachusetts. Mr. Speaker, it gives me great pleasure to join my colleagues in commemorating the election of the Boston Red Sox great Carl Yastrzemski to the Baseball Hall of Fame, and I would like to thank Mr. CONTE for calling this special order today.

I think it is pointless for me or anyone else to defend Yaz' inclusion to the Hall of Fame. If anyone deserves to be in the Hall, he does. Many will remember him only for his 1967 season as the force which brought a ragtag Red Sox team to the World Series. Yastrzemski hit for the Triple Crown that year, the last ballplayer in the major leagues to accomplish that feat. But plenty of players have outstanding seasons; what sets him apart in my memory, however, is a lifetime of achievement. Yaz' career statistics alone—over 3,000 hits, 400 home runs—put him in a very elite league of ball players.

Most New Englanders, however, will not remember the numbers. They may not even remember the awards or the American League Pennants. What will always be retained, however, is that Yaz, by virtue of his character, leadership, and longevity came to embody the unique mania that is Boston Red Sox baseball. History will show that Carl Yastrzemski received more Hall of Fame votes than almost anyone to ever play the game. Memory will tell those of us who follow the Sox that he deserved it.

Mr. PICKLE. Mr. Speaker, I thank my good friend from Massachusetts for recognizing me. As a lifelong fan of the game of baseball, I am proud to join with him in extending our congratulations in Carl Yastrzemski upon his induction into the Hall of Fame.

I have followed Carl Yastrzemski's career with great appreciation for his talent and his style. Over the years, when talk in the cloakroom has turned to baseball, Mr. CONTE and our former colleague and Speaker, Tip O'Neill, have recounted the exploits of "Yaz" in proportions worthy of Homer's epics.

But, Mr. Speaker, with the kind indulgence of my friend from Massachusetts, I want to take just a moment to call attention to another legend of baseball whose achievements have been overlooked by the Hall of Fame.

A few years ago I joined with many others in urging the selection of Willie "Devil" Wells to be inducted into baseball's Hall of Fame. In his day he was recognized as the best shortstop in baseball and his record proved it—a .358 lifetime batting average and 111 home runs.

Many oldtimers consider Willie Wells the finest black shortstop ever born, and Mrs. Effa Manley—who owned the Newark Eagles, which Willie managed from 1936 to 1941—would have amended that statement to read "the finest shortstop ever born—black or white."

Mr. Clark Griffith, the owner of the Washington Senators, used to love to watch Wells and third baseman Ray Dandridge so much that he would beg sportswriter Rick Roberts to let him know whenever "those two bow-legged men" were coming to Washington.

After attending Sam Huston College in Austin, TX, Willie Wells began his professional career in 1925, playing shortstop for the St. Louis Stars. Not only did he establish himself as a star on the team, but in 1929 he led the Negro league with an even .400 batting average. Three years earlier, he led the league in home runs. In 33 post-season games against teams from the major leagues, Willie hit .392.

In 1929, Willie played against big league teams that included Hall of Famers Charley Gehringer, Heinie Manush, and Harry Heilmann. In the first game, against 17-game winner Willie Hudlin, Willie went 2 for 5. His ninth-inning triple knocked in the tying run, and he scored the game-winner himself a moment later by stealing home, kicking the ball out of Wally Schang's glove. The next day he slammed two triples and stole home again against Jake Miller, who won 14 games for the Cleveland Indians that year. Finally, against Detroit's George Uhle, he collected three more hits, knocking in the winning run in the ninth inning.

Willie Wells' also contributed to the game of baseball through his innovative approach. After being knocked unconscious by a pitched ball, Willie returned to action a week later and came to the plate wearing a workman's hardhat. The batting helmets that protect today's players are the result of Willie's resourcefulness.

Everyone who saw Willie Wells play agreed that he was an intelligent student of the game and a superb teacher. He passed on his experience and secrets to young ball players including Monte Irvin, Larry Doby, Ernie Banks, and Don Newcombe, all of whom went on to become stars in the major leagues.

Willie Wells recalled that, upon entering college in Austin, "I was so wrapped up in baseball. I played all sports. I was wrapped up in sports, period. I guess that was my career right there; wasn't nothing else interesting to me. Every day I had a ball in my hand, I just loved it that much. Well, the big teams were playing down South—Kansas City, the Chicago American Giants, St. Louis—and the colleges picked all the best ballplayers from each school to play against those boys. They were professionals, you know; we weren't. When Chicago saw me play, they said 'We want you'. Chicago wanted me and St. Louis wanted me. That was 1927, and I was only 17 years old, so I picked the closest town. I said, 'I think I want to go to St. Louis'. Well, when I left Texas to go to St. Louis, I cried. They said I wasn't going to make it, but I was determined to make it. If you have desire, you'll make it. But if you give up * * *"

Mr. Speaker, to this day many students of the game consider Willie "Devil" Wells to be one of the finest shortstops ever to step on to a baseball field. But, because he performed at a time when major league baseball was not integrated, Willie never got the chance to play in the big leagues—yet among his peers he played the game to perfection. Despite his outstanding record and the legacy he left behind, his friends and advocates have never been able to get him into the Hall of Fame. Willie Wells deserved to be recognized for his

achievements during his lifetime. Sadly, we no longer have that opportunity, because he died January 24.

Mr. Speaker, the name and accomplishments of Willie Wells should be resubmitted to the Hall of Fame's veterans selection committee and that committee should posthumously induct him into the Hall, so that future generations of baseball fans will know about his excellence and marvel at his achievements.

And, again, I thank my good friend from Massachusetts for permitting me to recount the achievments of Willie Wells. In doing so, I do not in any way want to detract attention from the equally impressive achievements of Carl Yastrzemski. I am proud to join Mr. CONTE and all Boston Red Sox fans in congratulating Mr. Yastrzemski on this recognition of his outstanding career.

GENERAL LEAVE

Mr. CONTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the subject of my special order here today.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. STOKES] is recognized for 60 minutes.

[Mr. STOKES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SCHUMER] is recognized for 60 minutes.

Mr. MARKEY. Mr. Speaker, the gentleman from New York [Mr. SCHUMER] is momentarily delayed, and, therefore, I ask unanimous consent that I be allowed to begin the special order that the gentleman from New York has requested and then yield to him upon his arrival.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MARKEY] is recognized for 60 minutes.

Mr. MARKEY. Mr. Speaker, the special order that has been requested here today is one that deals with a very important issue, the issue of the budget and the roles which this administration and the previous administration have played in changing the relationship that exists between the budget and various parts of the American society that are funded by that budget. What we hope to do here today is to lay out some of these issues for the American public.

Mr. Speaker, I see that the gentleman from New York [Mr. SCHUMER] has now arrived, and so at this point I yield to the gentleman so that he may proceed under the special order which he requested.

Mr. SCHUMER. Mr. Speaker, I thank my friend and colleague, the gentleman from Massachusetts [Mr. MARKEY].

First, Mr. Speaker, let me say that this is one of several special orders that various Members on our side will be taking out to deal with different aspects of the budget.

Why did we decide to do this? I think it is quite simple. First, this year, unlike in previous years, the budget is basically in the dark. By administration's own admission, there is a big blank box that has a lot of things whirling around in it. But the most ironic thing of all is that the budget the President has submitted is not a budget at all. It is much more like an outline that does not really fill in the blanks, and we feel it is our job at least to probe the budget and reveal it in its dark little corners so that people will know what is in it. That is, as I said, difficult, because they have not given us traditionally what an administration has always done; the administration, since the Budget Act was passed, whether it be a Democratic or a Republican administration, has always stepped up to the batter's box and swung at the pitch. By that I mean the administration has submitted a complete budget.

The Bush administration is something different. We heard a grandiose speech in this room about increases that the President had wished to make. He wanted more money for education, and that is a cause we would probably all support. He wanted more money to fight drugs, and that is something that I think is supported from one end of this Nation to the other. That all sounded very nice, but then the next day, when we opened up the blue and white book that was the President's budget and we looked for specific details, we saw there were very few to be found.

As I am sure my colleagues know, we divide up the budget into approximately 15 functions—050 for defense and 150 for foreign aid, et cetera. But the budget plan submitted by this administration is so vague and is so nebulous that we cannot even fill in those numbers. The President has said he does not want to do that, that he wants to let Congress make the choices, but again an examination of the budget and the rhetoric that surrounds it reveals that is not to be the case because the President has made a choice about taxes. He made that clear in his campaign: "Read my lips," and "ducks"—you name it. Put it any way you want to talk about it, the President has made it clear that he does not want anymore taxes.

Of course, there are different euphemisms. They are willing to go for user fees. Today the Budget Director appearing before the House Budget Committee said that fairness treatments would work, and some kinds of things are called fairness treatments. But basically the President says he does not want taxes.

He has also in some detail said that he wants to increase programs in certain places. We heard that in his speech. But what he has not said is where he wants to make any cuts, and one does not have to be a Ph.D. in mathematics, economics, or nuclear physics to know that if you have a deficit of approximately $150 billion and you are not going to increase taxes and you are going to increase about 20 programs and you are not going to make any cuts, you are not going to reduce the deficit.

This budget was a budget of public relations. It was a budget that was meant to say to America, "I'm not President Reagan. I am kinder, I am gentler." But what was not said in the budget is how we were going to get there.

There was a cartoon in the Washington Post that summed it up very well. It was a Herblock cartoon, and the title was: "The Bipartisan Budget." There was President Bush, who has filled in the one chart, saying, "I want to increase"—and then they listed 10 things—and then he is saying to Congress, "here, you make the cuts."

There cannot even be the pretext of bipartisanship when that is happening. So what we are here to say to the President today is this: "President Bush, step up to the plate. Swing that bat. Submit your budget." We will disagree in some areas, and we will work with you in others. We certainly don't want the acrimonious kinds of fights that have characterized relationships between the President and Congress, whether they be Democratic or Republican, over the past 8 years, but we can't do anything until you have actually laid out your blueprint. Otherwise here is what will happen, Mr. President: There will be one gigantic fudge. We won't make any cuts. If you are unwilling to make cuts, why should Democrats in Congress then make the cuts?

"There won't be any tax increases, you have made that clear, and I think

the Congress would agree with that. There may be some increases. It is going to be awfully hard, Mr. President, when the Congress wants to increase education by a billion dollars for you to say, 'No, that is too much,' after the rousing speech that was given."

Then the budget deficit will get greater and greater.

□ 1600

So why we are asking you to submit a detailed budget is because that is how the process has all worked. There are responsibilities, as well as privileges, to being the President. One of them is to submit a budget under the Budget Act, and then we can go to work in a bipartisan, compromising way. But, Mr. President, for you to say you will do the increases, let Congress make the cuts, is not only unfair, but it is a formula for disaster. It is a formula for increased deficits, not increased deficits. It is a formula that will see the great economic strength of this country slowly ebbed away.

Now, Mr. Speaker, I would like to talk on one specific area, as well as giving that overview, before I yield to my colleagues, and that is on the FSLIC plan, the budget implications of the President's FSLIC plan. Let me say at the outset that I have been generally supportive of the actual plan he has put together. I have some disagreements with it, but overall in this area, unlike the budget, the President deserves a lot of credit. He bellied up to the bar, he put his plan on the table, something the previous administration had ducked for over a year, and said, "Fellows, ladies, here's how I want to fix it." There was not too much political gain, but in the end the President will be given a lot of credit for doing it early and doing it forthrightly.

So, Mr. Speaker, I think the President deserves credit not only for putting a plan in action, but for putting a tough plan in action. We have seen the industry already try to rally its forces to dilute the plan, but let me says that I agree with the President. We are not going to allocate $50 billion and then have no reform for things that appear like reform but really are not. But in the budget implications of the FSLIC plan we have two very serious problems.

Mr. Speaker, the first problem is a consequence of "read my lips." Because the President does not want to increase taxes, he had to set up a separate financing agency. That finance agency would be the place where the $50 billion was raised, and because it is separate it does not come under the budget. When it goes and it makes obligations of $50 to $90 billion, that does not show up in the budget. But that has two consequences that are quite disturbing from a budgetary point of view.

The first consequence is that it costs more because the Treasury is not the one backing up these notes, but rather with this separate financing agency; the acronym for it is REFCO, it costs more. Some people say it will cost 1 percent more to issue these bonds; the administration says it will only cost 0.25 percent more to issue the bonds. But in either case over the 30-year period of the bond it will cost us anywhere from $12 to $15 to $20 billion more.

Mr. Speaker, that is an awful price to pay given our deficit and given "read my lips," and then there is a second budgetary problem which is probably even worse than the first.

In this budget that the President has submitted the fact is because of budgetary legerdemain that the Government on the balance sheets will look like it is saving money because the REFCO will issue money for these bonds and incur obligations ultimately of the United States. That is off budget so that does not appear.

On the other hand, the money that REFCO gives to the Treasury and to the FDIC to close or merge insolvent institutions is on budget and is a net gain for the budget.

So, Mr. Speaker, what we have is the anomalous situation where in the first few years of this plan because of this REFCO it looks like on paper that the Government is actually making money by issuing $50 billion of bonds because the issuance of bonds is off budget, the money that comes in and is spent, new revenue is on budget, and until we have to start paying the interest down the road and the interest payments exceed the amount of money actually coming into the Federal coffers, it looks like, although we have not, it looks like we have made money, and so we have the situation where the Government is actually going to gain $0.2 billion over the Reagan budget and $8.5 billion over the CBO baseline because of this fiscal, and I would not call it gimmickry, but it is close and, my colleagues, taxpayers of America should not be fooled.

Mr. Speaker, it is costing us money to rescue the thrifts. It is costing us a heck of a lot of money, and it will continue to cost us quite a bit of money for probably 30 years. But the budget actually shows a gain because of the moneys that are coming in, so that is a very, very serious problem with the budget. The off-budget character of the REFCO makes the costs higher, but makes it look like for budgetary purposes on paper, a problem.

There are several other problems that I would just like to quickly go over with the budget.

No. 1, with the financing plan there are very aggressive expectations of the proceeds from the receiverships. When the Federal Government takes over these ailing institutions, what they are going to do, of course, is take over the assets which are not worth that much but are worth something. The estimates as to what those assets will be worth is certainly optimistic. If not, it is going to cost us more.

Second thing that is rather optimistic is the fact that the administration is projecting that overall money that goes into the thrifts will increase at the same rate it is increased over the last few years. That is certainly gainsaid by the fact that money is actually now flowing out of the thrifts, and so, given the fact that everyone expects the industry to be smaller, the amount of money that it will be able to pay into this plan through the premiums paid to the FSLIC will be smaller, and this idea that they will increase at 7 percent each year is not likely to occur.

All of that means that the costs in the outyears to the taxpayers will be even greater than stated in the plan, and it is certainly true that, if one looks at the budget implications of the President's FSLIC plan that, No. 1, the budget does not actually show the costs the taxpayers are going to entail. No. 2, even in actual dollars those costs are likely to be significantly higher than stated in the plan.

What does that mean? Well, I think very simply it means that by "read my lips," by the dilemma that we find here and ultimately by the President's desire not to make tough choices not only our children and grandchildren, but we ourselves through the 1990's will pay more even than we have to for the FSLIC mess that has been created in the eighties, and so I hope that when the American people review this plan they will see those costs and perhaps we will have some change of heart in the administration of showing the courage they showed in actually putting a plan forward to deal also with the budget crisis and come up and belly up to that bar to solve it in a way that all of us would welcome.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from New York [Mr. SCHUMER] very much for calling for this special order because I do think it is important, as he has pointed out, that we separate fact from fiction in the Bush budget. The gentleman from New York [Mr. SCHUMER] has now gone through several Bush policy initiatives which clearly are at odds with the reality of what is in fact taking place out in the American economy at large.

Mr. Speaker, what I would like to do during this special order is to discuss several aspects of the President's 1990 budget request. First, I will address funding priorities within the Department of Energy, with special emphasis on the crisis at DOE's weapons pro-

duction facilities. I will also say a few words about the budgets for the Environmental Protection Agency and the regulation of our Nation's financial markets.

Let me begin with an overview of the budget for the Department of Energy.

DEPARTMENT OF ENERGY BUDGET

Under the Reagan administration the Pentagon executed what amounts to a highly leveraged buyout of the Department of Energy. A department which was primarily geared toward overseeing all of the Nation's civilian energy programs was gradually transformed into a wholly owned subsidiary of the Department of Defense. In the process, the subsidiary was forced to cut back on what was once its central mission—securing our Nation's energy future—and refocus its attention on military activities.

If you will take a look at this chart, you will see that in 1981 41 percent of the DOE budget—or just under $4 billion—was for atomic energy defense activities; 53 percent of the DOE budget was for civilian energy programs, and the remaining 6 percent was for general science. The Department of Energy was primarily a civilian energy agency that also carried out a secondary military mission.

[Charts are not reproducible in the RECORD.]

In 1989, however, the picture is much different. As you can see, atomic defense now makes up 61 percent of the DOE budget, while civilian energy programs make up only 32 percent and general science makes up 7 percent. Essentially, $2.7 billion have been shifted from the Department's civilian energy programs to its military programs. DOE has become a military agency that also carries out a secondary civilian mission.

The 1990 budget continues this trend. As you can see in the third pie on the chart, atomic defense makes up 62 percent of the fiscal year 1990 DOE budget—or about $9 billion. Civilian energy programs, in contrast, make up only 30 percent of the budget—dropping from $4.9 billion in 1981 to a level of just $4.3 billion in fiscal year 1990.

Sadly, the ever dwindling portion of the DOE budget devoted to meeting our Nation's civilian energy needs is misdirected. The DOE budget fails to seriously confront the threat to our global competitiveness posed by our inefficient use of energy.

Today, Japan is twice as energy efficient as the United States—giving them a competitive edge in international markets. Our Government should have been following policies designed to take that edge away. Instead, over the past 8 years, we have abandoned energy conservation as the cornerstone of a sound and effective energy plan.

If you look at the second chart, you will get a clear picture of what has happened to the Federal commitment to conservation. Between 1981 and 1989, spending has fallen from $709 million to $315 million. The results of this 56 percent drop are beginning to show. In the decade following the 1973 OPEC embargo, we were able to reduce energy consumption per dollar of GNP by 21 percent. That success has stalled—efficiency has not increased since 1985 and reports suggest that consumption may even be on the increase. Instead of promoting R&D, commercialization and technology transfer—in short, instead of becoming as energy efficient as the rest of the industrialized world—we are moving in the opposite direction. Our energy policy over the past 8 years has been to ignore the oft-cited and obvious economic, environmental and energy benefits of efficiency. And, the Bush budget plan would cut back even more—dropping conservation funding to only $96 million—an 87-percent cut form 1981 levels.

This same chart also shows that DOE funding since 1981 for solar and other renewable energy sources has been synonymous with missed opportunities. We used to have a goal of achieving 20 percent of our energy needs from renewables in the next century. Rather than pursuing that goal, the past administration slashed support for renewables by 86 percent. While other countries were investing funds in solar cells and renewable technologies, we disinvested. Had DOE stayed the course the United States would be better poised for the combination punch we are being hit with—global warming and increased energy needs. Instead, we have fallen behind.

Energy efficiency and renewable technologies are not the only victims—even the development of our domestic fossil resources has suffered. As the chart shows, the administration's request for fossil energy R&D is 14-percent less than 1989 even with increased clean coal funding. Ironically, President Bush's request for an additional $385 million in clean coal funding for fiscal year 1990 far exceeds the combined funding for energy conservation and solar programs.

The two program areas which have not suffered over the past 8 years are nuclear fusion and fission. In fact, the nuclear fission program would increase under President Reagan's budget. This despite the recognition by Main Street and Wall Street that nuclear power is a bankrupt energy option.

At a time when there is widespread recognition that energy efficiency gives the biggest bang for the buck in reducing energy demand, solving environmental problems, and improving competitiveness—the administration's budget continues to pour money down the nuclear drain. By doing so, we are getting ready to repeat the mistakes of the past 8 years—which have left us without a viable energy policy.

The nuclearization of the civilian energy side of DOE has had disastrous consequences. So too has the increasing militarization of the overall agency. Because the majority of DOE funding is now spent on weapons I am going to concentrate today on the environmental catastrophe that the Department's nuclear weapons production programs have left in their wake.

DOE PRODUCTION FACILITIES

For more than 40 years the Department of Energy and its predecessor, the Atomic Energy Commission, have operated our Nation's nuclear weapons programs in great secrecy—churning out nuclear warheads and nuclear waste, shielded from outside scrutiny by the invocation of national security. If concerns were raised about potential health and safety risks posed by these operations, DOE said "don't worry, we're taking care of it." If questions were asked about the environmental hazards posed by the wastes left behind, DOE said "don't worry we'll take care of it."

But we now know that DOE was not taking care of things. Developing, testing, and producing nuclear weapons drove DOE priorities—health, safety, and the environment took and back seat. While DOE was telling us "don't worry, be happy" it was allowing our Nation's nuclear facilities to deteriorate and dumping millions of tons of radioactive and hazardous wastes into our environment. This is really the ultimate oxymoron—the ultimate contradiction in terms—the Department of Energy was slowly poisoning America in order to defend America.

While the media finally began to focus attention on the crisis at DOE last summer, the problems themselves are not new. DOE has known that its facilities have been polluting the environment and threatening health and safety for years, but it chose either to ignore or minimize these problems.

Two years ago, Dan Arthur, a whistleblower from DOE's Fernald plant, came to the Subcommittee on Energy Conservation and Power—which I then chaired—to complain about the horrendous working conditions at the plant. He described a scene of working conditions straight out of Dickens—walking through uranium dust up to his ankles, discovering air filter bags which hadn't been changed for 30 years, finding the DOE orders which were supposed to guide the contractor in running the plant strewn about haphazardly on the floor of the plant's library. Dan Arthur was forced to resign his job as a quality assurance/quality control auditor because he refused to sign off on inadequate safety procedures for processing plutonium at the plant. After the subcommittee's hearing exposed conditions at

Fernald Dan Arthur was offered his job and back pay.

After years of foot dragging, DOE has finally been goaded into action by persistent pressure from Congress, devastating findings by independent oversight panels, increasing pressure from Federal regulators, and a grassroots revolt by the States in which DOE facilities are located.

In a report released last December, DOE admitted that 37 of its 45 sites across the Nation require "remedial actions" to cleanup environmental contamination from releases of radioactive and hazardous substances. This involves cleanup the soil, subsurface water, or ground water and stabilizing or removing and treating bulk wastes. According a December 1988 report by DOE, this cleanup will cost $64 billion and take decades to complete.

DOE has estimated that the cost of bringing DOE existing weapons production facilities into compliance with Federal and State environmental, health and safety requirements so that we can continue producing more nuclear bombs into the 1990's century would require an additional $14.2 billion. The cost of decommissioning and decontaminating old production facilities we no longer intend to use and safely managing the wastes resulting from current production activities adds yet another $13.5 billion to the bill. All told, DOE says it will need nearly $92 billion for environmental, safety, and health programs.

An independent assessment by the General Accounting Office conducted last July indicated that the overall costs could be even higher. GAO estimated that the total cost of cleaning up wastes at DOE facilities and bringing the production complex up to proper health and safety standards would cost from $115 to $150 billion.

Let's just take a look for a moment at one of the key elements of that $92 billion—the $64 billion that both DOE and GAO agree will be required over the next two decades to fund the cleanup of existing radioactive and hazardous waste caused by the production of the nuclear weapons we already have.

Here is a table showing the total estimated cost to clean up the soil, the surface water, or the ground water at the 37 waste sites DOE has identified as being contaminated with radioactive wastes or hazardous wastes. This would include cleaning up some of the most contaminated sites: the Fernald plant in Ohio, Savannah River in Georgia, Rocky Flats in Colorado.

On the left you see a thin line representing the original Reagan administration request for these same programs in fiscal year 1990. Despite the urgent need to begin cleaning up these sites, only $315 million was requested for environmental restoration programs in the Reagan budget—that's less than 1 percent of the total amount DOE says is needed.

I wish that I could say that President Bush's revised DOE budget offered a kinder, gentler alternative that matches the President's campaign rhetoric about the environment.

Unfortunately it does not. If you look at the thin line in the middle of this chart you will see the Bush budget for environmental restoration—which provides a total of $415 million or just $86 million more than the Reagan budget and only $242 million more than the 1988 level.

On the current funding schedule, DOE estimates that it will take 5 to 10 years to start cleaning up its hazardous waste sites. DOE projects that funding for the cleanup will rise from the 1988 level of $160 million to $1 billion per year by 1995, to $2 billion per year by the year 2000, and then remain at that level until the cleanup is complete.

So, it took us 8 years to create this problem, and now the administration is proposing we take about 40 years to clean up the mess. This is not kinder or gentler, it is just slower and dirtier.

At the same time, the Bush budget calls for much larger increases in funding for modernizing the weapons production complex—a total of some $52 billions in spending over the fiscal year 1989 level during the next 20 years. Funding for modernizing the weapons complex is slated to rise from $842 million to $1.3 billion in the 1990 budget request—an increase of $471 million or 56 percent.

The Department is asking for a 237-percent increase in funding for development of two new production reactors whose total cost is estimated to be about $6.8 billion. In addition, DOE is also requesting $115 million—an increase of 300 percent over this year's level—for a $2 billion special isotope separation plant that uses lasers to extract plutonium from scrap. In testimony before the House Armed Services Committee yesterday, DOE witnesses identified SIS as a "time-critical and essential" project, despite the fact that former DOE Secretary John Herrington has publicly testified that "We're awash in plutonium. We have more plutonium than we need." If we are awash in plutonium, we should not be wasting billions of taxpayer dollars on SIS. We should be putting this money into cleaning up DOE wastes.

In "Building a Better America," the President states that:

> As President, I will insist that in the future Federal agencies meet or exceed environmental standards: The Government should live within the laws it imposes on others. The problem we have created is so large and so hugely expensive that we cannot expect to correct it overnight, but attack it we will, as rapidly as we can.

I agree with the President's statement, but when I look at the 1990 budget I see the same old "production first" mentality still holds sway at DOE. We have to change that mentality, and what I would suggest we do is freeze growth in the DOE budget for weapons research, development testing, and production and transfer the proposed increases over to the environmental restoration program. Let's take the President's "flexible freeze" approach to budgeting and reconcile it with his stated environmental principles.

This year's DOE budget requests a $712.5 million increase for nuclear weapons research, testing and weapons production and new production reactors. If funding for those programs were frozen at the 1989 level, we would free that money to accelerate waste cleanup at DOE sites without increasing the overall appropriation to DOE. If DOE says that it will need an average environmental restoration budget of between $1 and $2 billion a year to fund the cleanup, then let's start pushing that budget up to that target level; $401 million is clearly inadequate as a first step toward meeting the $64 billion total need, and if we are serious about cleaning up DOE's waste sites, we need to do more.

We face a difficult challenge in trying to clean up the accumulated problems resulting from years of allowing our Nation's nuclear facilities to deteriorate and failing to safety dispose of the wastes resulting from nuclear weapons production. Now we have reached a critical point. Unless we reorient the Department of Energy toward a new way of thinking about its responsibility by redirecting its budget priorities, the environmental and safety crisis cannot be solved.

ENVIRONMENTAL PROTECTION AGENCY

The environmental crisis of the DOE weapons facilities is just one of the enormous challenges facing us as we seek to protect the health and safety of our generation and of generations to come. In "Building a Better America," President Bush writes that:

> The protection of the environment and the conservation and wise management of our natural resources must have a high priority on our national agenda. But given sound research, innovative technology, hard work, sufficient public and private funds, and—most important of all—the necessary political will, we can achieve and maintain the environment that protects the public health and enhances the qualify of life for us all.

President Bush has already won high marks for such statements. After the past administration's failure to give even lip service to acid rain and other environmental threats, these statements really are welcome. But ultimately, President Bush's environmental grades will depend not on statements but on deeds. Whether he will truly be considered a proenvironment President will be determined by

what he does rather than what he says.

"Building a Better America" recommends few changes in the environmental budget as presented by President Reagan. It does not restore any of the massive cuts proposed for EPA's sewer construction grants and State revolving loan fund under the Clean Water Act. The proposed funding level—$1.2 billion—is just half of the authorized level and less than two-thirds of current appropriations.

It is disappointing that President Bush failed to ask for increases in clean water program funding. But it is ironic that among the environmental victims of the proposed budget is Boston Harbor. Missing is $59 million which Congress authorized for the cleanup of this great port—of a harbor which then Vice President Bush visited in order to point out the need for cleanup action. As the budget debate proceeds, it is my hope that the new administration will be reborn in its commitment to improving the quality of our Nation's water—not only at Boston Harbor but around the country.

This will require not just additional resources under the Clean Water Act but solutions to an old problem—acid rain. I am heartened that the President is going to send Congress clean air, acid rain, and air toxics legislation. I am heartened that our President says that the time for study alone has passed, that the "action we take today * * * is an insurance policy against future disaster."

But I am disheartened by the lack of specifics on that legislation—the specific tonnage reductions and the timeline for those reductions. And, I am disheartened by the implication that this administration may prefer "least cost compliance strategies" instead of the most effective emissions reduction strategies possible. Again, the jury is out and won't give its verdict until the President's proposals are actually on the table.

These are just two of the major environmental challenges facing this administration. I have already discussed how President Bush has failed to increase energy efficiency and renewable energy funding at DOE—a decision which ignores the immediate and very real environmental benefits these energy sources provide. We will soon see whether this administration will set a new course in the implementation of the appliance and automobile efficiency standards. And we will see whether this administration steps into an international leadership role to deal with global warming and reduction of CFC's.

President Bush has encouraged us to believe that the laissez-faire environmental policies of the past will be discontinued. But so far, his budget recommendations suggest more of the same or, if the flexible freeze is invoked, even larger than anticipated cuts in domestic discretionary programs.

REGULATING FINANCIAL MARKETS

While I have been discussing the budget requirements on the energy and environmental fronts, similar impacts will be felt by a wide range of programs. One final budget area I'd like to mention briefly relates to our financial markets. Here, too, the Bush administration has presented worthy goals but not budgetary blueprint for meeting those goals. Modernizing our regulatory structure is as important as any governmental task we face in the 1990's. Yet the administration's flexible freeze plan would not only prevent the construction of such a framework, but would threaten a deep chill for the financial markets and the investing public.

The SEC has the primary responsibility for protecting shareholders and assuring public confidence in our markets. In the 1980's, the challenges confronting the Commission have grown exponentially: a 283-percent increase in sales on U.S. securities exchanges, a 76-percent increase in the number of registered broker-dealer firms; and a 145-percent increase in the number of National Association of Securities Dealers registered representatives. By contrast, SEC staff years devoted to overseeing the securities markets has actually decreased by 2 percent. And, under the flexible freeze, the SEC might receive only a 1- or 2-percent outlay increase—a level that won't even keep pace with inflation.

The effect on the Commission would be devastating. At a time when oversight of our finaicial markets demands far greater attention, the budget proposal would move in precisely the wrong direction. It would prevent the Commission from fulfilling its mandate of ensuring that our markets serve as a source for raising the capital necessary for long-term investment and economic growth.

CONCLUSION

We all agree with the President's goal of building a better America. But we cannot and will not meet that goal by refusing to make the investments necessary to protect our environment, provide safe and affordable energy, and promote fairness and trust in our financial markets. We are all ready to work with the President to make our country even better—but we cannot do so unless our deeds match our words.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I appreciate the gentleman yielding and taking time this afternoon to illuminate as well as he has some of the most critical technical issues of the budget. We heard a very nice speech in this very Chamber a couple of weeks ago by the President which seemed to me at the time it was a kind of good news, bad news. The good news was the speech. The bad news was in the budget.

Increasingly as we read that budget what we see is a very real disparity between the goals the President professes, which many of us agreed with and were glad to have him join us in being for, and the budgets which do not begin to help out.

He had a great deal of talk about the environment. The gentleman from Massachusetts in the well has been a student of the Department of Energy and nuclear matters for a long time, and my sense is that the kind of budgets they are talking about in terms of cleanup, and at the same time with their simultaneous resistance to any type of a negotiated nuclear test ban and an insistence on increasing weapons production at a fairly high level, we will be lucky to stay even in terms of environmental damage from these plants. That is, rather than cleaning up we may be reducing the amount of damage we are doing, but we are certainly not on the track to undo the enormous environmental damage that we have inflicted on ourselves.

Mr. MARKEY. If the gentleman will yield back to me, I would state that my deepest concern and fear is that rather than accepting responsibility for their gross mismanagement at the Department of Energy over the last 8 years of their nuclear weapons program and their civilian nuclear energy programs, and making themselves internally accountable, that they will look to other valuable programs in our economy, to education, to health care, and to long-term investment in other areas, job training, and other things that are also critical to our long-term economic competitiveness, and what they will do is rather than accepting accountability here is that they will ignore the mess which they have created, not want to pay for it, and to the extent to which they are forced to pay for it out of their own internal budgets at the Pentagon and at the Department of Energy they will look to raid other programs that were set aside for other purposes in our society.

My real concern is that at the rate at which they are planning to remedy the environmental disaster which they have created, right now we will have to wait 40 years. It will be the time that has transpired since the dawn of the nuclear age to today if they take from today and went out into the future that they expect to be able to cure these problems. I think that would be an inexcusable lapse of public responsibility for the Congress to be a partner.

Mr. FRANK. If the gentleman will yield further, I think it is important that we put this information out.

There are a couple of points the gentleman may have made, but I would not mind reemphasizing them. One is that they have clearly now been underestimating the cost of the weapons production. They have been sending up budgets talking about how much we were going to spend on the weapons. They were neglecting even the cleanup costs and the $64 billion the gentleman has on the chart at his right-hand side. Correctly that ought to be seen as an additional cost to weapons production, and as the gentleman said, how are they planning to deal with it in the future? The President came and told us we are going to cut Medicare by $5 billion. That is terrible news if you are old and sick, terrible news. He also tells us that he wants to cut $11 billion or $12 billion out of a bunch of programs, including child nutrition, education, important transportation programs. He does not want to specify.

On the one hand we have had people at the White House tell us Congress should not be inserting itself into the Presidential decisions, but when it comes to making tough budgetary decisions, they send us the un-budget. They do not want to choose, but at the same time, what the President has said is that starting after this fiscal year he wants to have the Pentagon budget grow by more than the inflation rate. So we will be cutting medical care, we will be cutting education, and we will be increasing military spending at a time when the Russians are cutting back, at a time when we are letting our allies get away with doing very little, and we are going to spend more and more and more.

I think the point the gentleman from Massachusetts makes is how are they planning ultimately to literally clean up their own mess, those who produce the weapons, and they are planning to do it by increasing weapons spending sufficiently so that they can take away from these important programs.

I think that as a result of these budgetary choices that President Bush glided over that George Bush, as a result of that speech, might be called the great noncommunicator, because the greatness from his standpoint of that speech is in what he did not communicate. It is in what he did not tell us. That is where the most important story lies.

Mr. MARKEY. I would add to the comments of the gentleman from Massachusetts that the mentality inside the Reagan administration for the last 8 years has been that nuclear weapons are in a special category and that the country as a whole should have absolutely no remorse about whatever the consequences are, budgetary, environmental, military, and that we ought to just go forward almost with blinders on deeper into this nuclear age.

This production-first mentality has resulted in all of the consequences which I have outlined here today.

□ 1645

The SPEAKER pro tempore (Mr. BARNARD). Under a previous order of the House, the gentleman from New York [Mr. SCHUMER] is recognized for 60 minutes.

[Mr. SCHUMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

[Mr. PANETTA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

QUESTIONS ABOUT THE FSLIC SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, the previous speakers, including my colleague from New York, Mr. SCHUMER, have discussed the budget process that is going forward, and I am quite grateful for what I have learned in just the few minutes which I have sat here to listen to their discussion of the budget. Those gentlemen are members of the Budget Committee. They understand the budget process very well.

I want to discuss an aspect of the budget also, just one area in the budget—maybe I should say one nonarea, after listening to Mr. SCHUMER discuss it. That is the savings and loan association scandal. What will be the impact of this scandal on the budget?

I call it a scandal because I do not know enough about it to dress it up. It seems to me that we have a major multibillion-dollar scandal on our hands, unlike anything that the Nation has ever seen. We are told from good sources that about one-third of the savings and loan associations are in trouble and will have to be bailed out. We are told that among that one-third about 80 percent are in the position they are in because of fraud. Whether it is fraud or incompetence, I am greatly troubled by the fact that the taxpayers of this Nation, one way or another, no matter how you finance it, whether you use REFCO, which takes it off the budget and we pay only the interest for a while, or use REFCO which might fail and we would have to pay the interest and the principal; whatever way it is handled, a large percentage of the money to bail out the savings and loan associations will have to come out of the pockets of innocent taxpayers.

Now I am not on the Committee on the Budget, nor on the Committee on Banking, Finance and Urban Affairs. I have questions. I am not going to use my full 60 minutes. I just want to use enough to pose some questions that I would like to see answered before Members of Congress, before this Member of Congress is asked to vote on a plan to bail out the defunct savings and loan associations. I think it is important because we are so organized in this House—we are overorganized sometimes—that I suspect, I am almost certain that when the plan to bail out savings and loan associations comes to the floor, we will not have any more than 1½ or 2 hours to discuss it. This Member not being on the Committee on Banking nor any other relevant committee will certainly not have a moment to discuss it, even, on the floor.

So I want my questions to go forth now. I would like the members of the Committee on Banking, all of the people related to this matter to, in the next few days and weeks between now and the time that I am requested to vote on the budget, answer some of these questions please.

The first question is a broad and general one: Are we dealing with a network of racketeering enterprises which developed in collusion with our own Government regulatory agency? That is what it looks like sometimes.

Are we asking the taxpayers to fill a vacuum that has been created by incompetents and crooks, scoundrels. The difference between a scoundrel and an incompetent is not so easy to tell except in a field like banking it seems to me they do not let too many incompetents in there. Most people who are in the field who are already there, you would assume have some level of competence. I am very suspicious about excusing anybody on the basis of incompetence. I think fraud is at the root of this enormous crisis.

The enormity of the crisis is such that I think every American ought to be asking the same questions which I am asking, not only this year but in the years to come. I heard Mr. SCHUMER say for the next 30 years. For the next 30 years we will be paying off whatever the cost is to bail out these defunct institutions. So no matter how you hide it in the present budget or refuse to deal with it in the budget message, as Mr. Bush failed to do—he

did not deal with it forthrightly in the budget message—it is going to have an impact on the budget this year and on the budgets to come for a long time.

This Member has been in Congress 7 years. It has been 7 years of frustration because all of the things which I am most concerned about, which my constitutents need most, I have been told we cannot have it because we have a deficit, we have a deficit. The Government just does not have the money.

We cannot provide decent health care to senior citizens, we cannot provide catastrophic health care without imposing new costs on the senior citizens, surcharges, surtaxes. They must pay a greater part of it because the country just cannot afford it.

I have been told we cannot afford to have a welfare reform program which can provide in that welfare reform program money to provide for education for the people, for the people we want to move off the welfare rolls. Adequate money to provide for education, adequate money to provide for job training, it is not there; we cannot afford it.

I have been told we cannot have job training for people in general. I have been told we cannot pay any greater percentage of the Federal budget out for education.

We recognize that education is a key problem. I serve on the Committee on Education and Labor. Time after time we are authorizing legislation about programs that have already been certified as being workable. There is no debate about the fact that the Head Start Program works. Everybody agrees that it works. There is no debate about chapter 1 programs for remedial reading, remedial education in elementary schools; everybody agrees that chapter 1 works. On and on it goes.

There are some programs where there is no debate about the workability of them and yet we have not been able to fund any more than 20 percent of the eligible Head Start children in this country. Yet we are not able to fund more than 50 percent of the Women, Infants and Children's Program, the WIC Program; everybody agrees that that program works, that it will save the Government a lot of money because it takes care of pregnant women, takes care of young children.

By paying a small amount of money to make sure that the pregnant women is properly taken care of, and paying a small amount of money to make certain that a youngster gets the right nutrition and the right care, that we save enormous amounts on health care bills for Medicaid and Medicare later.

Everybody agrees that it works. Yet 50 percent is all we have been able to get for that program, which is a very modest program.

To fully fund the WIC Program would only cost $2 billion. Two billion dollars would fund everybody who is eligible, it would take care of all the pregnant mothers, all the children who are eligible; $2 billion.

Now you might say $2 billion is a lot of money. Back in my district people cannot think beyond $100 sometimes, and $500 or $1,000 is a lot of money. But let us look at it in relative terms.

□ 1700

Two billion dollars is less than the cost of one aircraft carrier, one nuclear aircraft carrier. One costs $3.5 billion. When you compare $2 million to take care of pregnant women and children, compared to what we are considering now with respect to the bailout of the savings and loan associations, which is $90 billion. Talking about $90 billion of the taxpayers' money to bail out institutions which have gone under because they are corrupt or incompetent, and they were private to begin with. Talking about the introduction of socialism into the banking industry. It is already there. Our Government is running banks right now, running savings and loan associations right now. Large numbers, our Government is making deals, to have bailout banks right now. Large numbers, Danny Wall, and his crew, before December 31, 1988, committed the American people, the taxpayers, to 40 billion dollars' worth of deals. They said they could not do them openly because that would have caused problems. They could not have completed them if they had openly told people what the facts are, saying exactly what Oliver North's lawyer says in defense of him before the American people right now.

You know we have to have these secrets. We are going to hide behind secrets. They say $40 billion we are committed, and we do not know what we are committed for. The American people do not know, and most people on Capitol Hill do not know. Members of Congress, members of the administration do not know. Mr. Bush is talking about an additional $50 billion, totally; $90 billion is the President's conservative estimate. That is the President's estimate. Time magazine had an article saying before it is over, talking $200 billion to bail out the corrupt enterprises, the racketeering enterprises. $200 billion it would cost the taxpayers. A professor at Columbia University estimates $130 billion. All get past $90 billion, and we are talking between $90 billion and $200 billion. The question is how will that impact on everything else we are trying to do? I do not know. Budget members, please tell me how will that impact on the deficit, our attempts to bring the deficit down. How can we add that obligation and remain within the parameters of Gramm-Rudman?

Strange things happen on this Hill. We are told we cannot have more money for the welfare reform bill, cannot have more money for education. We are told we must tax the senior citizens with a surtax. We are told that Social Security must be brought in line. They took away the death benefits from youngsters at age 18, so many poor youngsters could not go to college because the Social Security payments were cut off at 18. When we did our Social Security reform, we are telling the American people in all kinds of ways that we are a poor country, and we cannot afford to maintain basic decencies for the average person. We instituted what they call DRG's, diagnostic related groupings in the hospital, so if a person goes into a hospital with a certain ailment, they are supposed to stay a certain number of days, and if they are not cured by then, the Government cuts off its funding and the hospital personnel pushes the patient out. If they have a complication of some kind, or they are just a person whose body will not mend as fast as the formula says it should have, the patient gets pushed out.

At the same time this Nation practices that kind of medicine, push out medicine through DRG's, we will say we are going to spend or be asked on this floor to vote on some plan which spends billions of dollars to bail out corrupt enterprises, racketeering enterprises. Tell me exactly why we should do this? What is the obligation of the Government? What is the obligation to bail out the racketeering enterprises? We have an obligation to spend up to $100,000 for every depositor because we guaranteed that, and we certainly should do that, and any depositor out there, I am certain our Government will follow through on that. I am certain all of the Congressmen like myself would vote wholeheartedly to live up to that obligation if put to a vote, but it is a legal obligation. We do not have to vote on it. What we will vote on is a plan that attempts to bail out not just the guaranteed depositors but to bail out the owners, shareholders. Everybody involved will be bailed out. That is what Danny Wall, his deals have done. They are deals which attempt to bail everybody out, including the crooks who made the problem. Tell us, why should the Government do this? Why should the Government subsidize bad business, for capitalism prides itself from being separate and apart from the Government.

Capitalism is called creative destruction. When I was in school, they used that formula. Capitalism is creative destruction. Any institution or any business which cannot fend for itself

in the marketplace, cannot stand on its feet, that business deserves to be destroyed by some other business or some other institution that comes along and can survive in the marketplace and will increase their profits.

Why are we going socialist and jumping under falling or failing banks, for whatever reason they fail? I would like to know what is the impact on the budget. Can we ever invest any more money in education? Education is at the root of a society that cannot go forward. We all agree to this. Nobody would dispute me when I say we cannot carry them forward unless we have an education indicated populace, and unless we maximize education. We know in our competition of the free world, commerce competition, education is what we need more often in order to maintain our present position and in order to get the education on our competitors in Japan and Germany. We know there is an agreement all over. No one disputes it. We know that education has an impact on national security. No matter what we spend for weapons systems, for guns, bombs, or tanks, it is ultimately the scientists we create, the soldiers, the technicians, the people who will perfect the systems and keep them operating and develop new systems, that is the real resource and the brain power behind our power, commercial power, economic power, military power. There is no power that does not begin with brain power. We ascribe to that. Nobody disputes that.

Yet in our budget the President says he wants to be the education President, has proposed increases on the one hand as we heard from the person who discussed the budget before. Those increases he proposed. The decreases, we will have to deal with when we get through with the increases he proposed, plus the existing programs and the fact they cannot be increased, it ends up being a cut. Education will be cut between $100 and $200 million. That is what the Bush budget did not tell you. The education President will cut the education budget in his first year. Certainly, if there was some truth in budgeting and the increases that the President proposed in education were real, the increases still are paltry, Mickey Mouse beginnings for an education President, proposing $500 million in new programs, comeptitive high schools, scholarships for science teachers, all of which is needed.

We are in a crisis. Inner-city schools, the poorest schools in our Nation, are falling apart completely. They cease to be relevant in the kind of education they are providing. They cannot provide chalk, blackboards. Total chaos remains at many of our inner-city schools in the poorest areas. On the other hand, our best schools are not performing well. Recent tests show when our youngsters are tested against youngsters from Korea, from Canada, from Britain, they score on the bottom most of the time. They score on the bottom in arithmetic, reading comprehension, and science and knowledge. There is a great need to improve, as well as a great need to sort of revitalize and revamp the worst, which is falling apart.

Can there be investment in education? Over the next 4 or 8 years, can we really make a substantial investment in education, if we are going to spend our money bailing out savings and loan associations that were private enterprises, and do not deserve a penny of the American taxpayers' money except to live up to our obligation of guarantee, of course, for $100,000 for deposits that are insured.

Is their suffering for any good reason? Do we have to suffer through 8, 10, maybe 30 years of budget deficits, more budget deficits, or constructed budgets where we cannot spend for the things we need? Are we going to have to run the risk of our economy suffering strains that may throw it out of kilter, and some serious recessions or depressions or overinflation? All kinds of things may happen, all as a result of the Government coming to the aid of the savings and loan association. It is a serious matter, and the first question is why it cannot be discussed more on Capitol Hill.

Why is there such a low profile with respect to the savings and loan associations? With Congress contemplating a pay raise, due to the formula I do want to get into much of the detail as it is not important to mention, but the congressional pay raise would have cost 0.009 percent of the budget; 0.009 percent of the total $1.3 trillion plus budget, I don't know exactly what beyond that amount, but the costs would have been infinitesimal in the total budget, yet we have a cost now of at a minimum, $90 billion, $90 billion as a minimum, that we will obligate ourselves for, and there is very little discussion about it. Taxpayers will have to pay them.

Another broad question I was asked, is everything being done that can be done to get the money in some other way other than going the pockets of the American taxpayer?

Is everything being done? Is everything being done to collect the funds from the incompetents and the crooks who created this problem? I would say that the Government ought to pledge itself, our Government should pledge itself to a policy of fiscal meltdown for all the people involved, for the owners, the stockholders, for the top management. They should be made to shell out every dime they have to fill up the cup. The vacuum is created by them. Somebody took it or loaned it off, irresponsibly or whatever.

People are saying, well, numerous articles begin saying that fraud is not the problem. As I said before, some experts estimate the problem, 80 percent of the problem is fraud. There are articles I have seen in the New York Times where people are involved, the managers say fraud is not the problem, the problem was poor bookkeeping.

The problem was poor bookkeeping, poor recordkeeping. The problem was bad loans. The problem was sloppy management. Is it because people who were responsible for millions of dollars keep bad books and records? I do not believe it.

I was once a New York City bureaucrat, a commissioner responsible for an agency that had 500 different entities that it funded. We had contracts with 500 different groups, and the patterns of fraud and stealing always started with shoddy bookkeeping. If you wanted to steal, you mess up the books. The best cover you have is shoddy bookkeeping, so be careless with your records. That is obvious. It is a barometer of possible stealing.

So instead of saying that the problem was not fraud or it was not criminality, the minute the bookkeeping goes bad, there should be, there should have been, or there still should be an investigation to determine to what degree bookkeeping was done in this way, because the thieves and the crooks have made it so.

I have not heard the word, "thieves," used in reference to the S&L's. They talk about fraud, they talk about incompetence, and they talk about embezzlement, but they do not want to talk about thieves. We are talking about stealing, we are talking about a double standard, we are talking about the possibility that our Government is soft on white-collar crime. They are actually taking a very soft approach on white-collar crime at the expense of the American taxpayer.

When is there a poor loan or a bad judgment loan? When is there thievery? It all depends, and we cannot find out until we investigate. If a man made a bad loan of a few million dollars and he made it to his brother-in-law or he made it to a man who plays cards with him every night, then I would say we have good reason to suspect thievery, not just bad judgment. If he made a loan that later on he derives some benefit from because he was in cahoots with some operation that received a benefit from the loan, then that is thievery, not bad judgment. We do not know until we investigate.

Are we investigating? The President said at the end of his plan to bail out the savings and loans associations that in addition to everything else he was asking in this great and enormous sacrifice by the American taxpayers, he

was asking for $50 million for the Justice Department to go in and investigate and to prosecute the crooks. I hope that $50 million is enough. I do not have any way of knowing, but I think that instead of the $50 million for the prosecution of the thieves being an afterthought, it ought to be at the center of the total program.

Let us go in with the idea of prosecuting crooks first. Then a lot of other things would happen that are positive in terms of recovering the money that has been lost. It is quite legitimate to trade off and tell a person, "you face a fine of so many millions of dollars or so many years in prison." It is quite legitimate to do that. We do it all the time. It is one way of recovering money instead of taking it out of the pockets of taxpayers.

But are we soft on high-level crime? I have not heard anybody get on the floor and scream for justice for the American taxpayer. I have not heard anybody say that we should prosecute and make the people who benefited from these corrupt enterprises pay the price.

Oh, yes, in the past I have heard speeches about welfare queens and about people who stole a few hundred or a few thousand of dollars. I have heard all kinds of speeches about their crucifixion and about putting them in jail for life and all kinds of things of that type, but I have heard nothing yet in the discussion of the savings and loan association scandal which equals the level of the problem.

It is a serious problem. It is a problem of many millions of dollars being stolen. One of my constituents told me that they saw something on television about a person from California—I do not remember the name or the situation—a person who was arrested, tried, and convicted, and this was the owner of a savings and loan association. It seems that this man had wanted to buy a house and he could not buy the house because he could not get a loan, but he found out that he could buy a savings and loan association cheaper than he could buy the house. So he bought a savings and loan association and, of course, parlayed that into millions of dollars with investors and depositors, et cetera. So he built himself $1 million house, and he bought himself all the other accouterments that went along with it, including a jet plane. He lived quite a high lifestyle for a while, and after he was tried and convicted, he was given 2 years in prison. With 2 years in prison, as we all know, with good time, you are out in 6 months.

So he was asked by a television reporter, "Do you think they dealt with you in a just manner?"

He was at least decent enough to say, "Well, I am not going to question the judgment of the court. I accept the punishment."

I think that most people in this world would accept that kind of punishment, 6 months in jail, for stealing and spending and enjoying millions of dollars.

How many more patterns like this do we have? We would like to know. I would like to know, and I would like to see a listing of all the prosecutions that have taken place in connection with S&L associations to date, and I do not care who prosecuted them, whether they were prosecuted at the local level or by the Justice Department. Let us have a list before we vote on a solution to the S&L crisis or scandal. Let us have a list that we can see in terms of who is being punished. Let us have a list so we can see who was most incompetent, so that we can in the future insist that certain people who get certified as incompetent are never allowed to work in the banking industry again. Let us deal with this in a serious manner.

Investigations, indictments and prosecutions ought to go forward as not an afterthought but as a key part of the plan to rescue the savings and loan associations.

We have been told that the problem is in good hands now, that Mr. Bush has a great plan. Instead of the FSLIC being in charge, we are going to put FDIC in charge, and they say that FDIC is tougher than FSLIC and will solve the problem.

I put it this way, and I would like to ask the question: Does anybody remember that FDIC started the problem of socialism in the banking industry when they bailed out the Continental Illinois Bank and obligated $4 billion of taxpayers' funds for that deal? Four billion was obligated, and then within the last year FDIC has bailed out another large bank. This was a deal between a bank in North Carolina and a bank in Texas. That was another $4 billion of taxpayers' money obligated to cover the deal.

So FDIC will not be an automatic answer. FSLIC is broke. After so many months they were saying they were $14 billion in the red, so they were out of kilter, and they cannot function anymore. How soon will FDIC be out of kilter and unable to function when they link the two together? We have a monumental problem shaping up as a result of our old friend introduced by the Reagan administration—massive deregulation.

All of these operations have received less attention from the Government and from the regulators than they had received before. The S&L's were deregulated on a massive basis. If they are deregulated and they are on their own, then why should they come crying to the Government and the taxpayers when the whole system collapses?

Is it moral to cut the budget for education? Is it moral to cut the budget for women, infants, and children? Is it moral to make senior citizens pay more for their Medicare in a surtax and at the same time spend the taxpayers' money to bail out private institutions which were deregulated for owners and management who have had a good time fiscally for quite a while? I would like to have these questions answered.

The gentleman from New York [Mr. SCHUMER] said that REFCO is being created. REFCO is going to be a new fiscal entity created by Mr. Bush to hide the truth of what is happening with the savings and loan associations from us. Mr. SCHUMER did not say that; I am saying it. It gets it off budget. It keeps it out of our attention for a while, and it will have its own crisis in a few years, because the funding of REFCO and the health of REFCO are dependent on how much money they can recover from a system that is failing. The S&L system is failing, and the gentleman from New York [Mr. SCHUMER] said himself the likelihood is that they will not be able to carry their own weight. He also said that as a result of this little trick of moving the crisis from the budget and from the view of the American taxpayers this year to REFCO so we can put the impact of it over to the future—and he is an expert of the Budget Committee—that will cost us at least $2 billion additionally because REFCO will pay a higher interest cost than we would have to pay if it was a regular government institution.

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It will cost at least $2 billion, and, as the rates go up, of course it will cost as much as $20 billion more, $20 billion more than the $90 million because we are playing this cute trick of moving it out of sight.

Mr. Speaker, I think these matters are quite serious. I think they are questions that should be answered. I think there are some alternatives to the President's plan.

Mr. Speaker, I am not an expert. I cannot go into detail, but I would like to know why we cannot make a rule that we will do only what we are legally obligated to do. The Danny Wall gang has given out a lot of money already, but why should we go on any further paying off anybody in the S&L situation except the depositors that are guaranteed the money by FSLIC? The Government stands behind that. Every depositor up to $100,000 should receive his money, but no more. No more responsibilities for any other investor or any other person involved. Why can we not expand and intensify our efforts to recover money wherever it is found? And that does not mean we have a bankruptcy situa-

tion. We allow the owner of an S&L to plead bankruptcy, but he can keep his home. His home happens to be a ranch and 4 acres, as my colleagues know, along with the ranch. He would be allowed to keep that because it is his home.

Mr. Speaker, we have got to be realistic and force the people who committed this crime to pay. Why can we not have some tradeoffs? Why can we not have some prosecutions and sentences which say, "You pay the money, you raise the money, you spend the rest of your life paying back the money or you go to prison?" I think we would recover large amounts of money if that happened. That is more moral than having the taxpayers who are innocent, have nothing to do with it, pay it off.

Why can we not sue some of the collaborators? Every savings and loan association has to have a certified public accountant. A certified public accountant had to periodically do an audit and certify the conditions of that savings and loan association. Why can we not sue? Every certified public accountant who did not do his job properly should be penalized, and let them pay into a fund for the next 10 or 20 years of their existence.

Mr. Speaker, why can we not stop this softness on professionals and the softness on white-collar criminals? I think we ought to get the socialism out of the banking industry. We are setting precedents that are really going to destroy the American economy. We are setting precedents which will destroy capitalism. If we are going to bail out free enterprise, even deregulated enterprises when they are in trouble, billions of dollars are going to go into bailing them out, and we are setting a precedent. We have no arguments in the future for not bailing out any enterprise that gets into great trouble.

At the same time, Mr. Speaker, we are saying to the average youngster on the streets, and I am the Representative of the 12th Congressional District in Brooklyn, and among the 435 districts in the country my district ranks as No. 8 in terms of poverty. Poor people live in my district. We have a high crime rate. We have a high drug addiction rate. In 1 precinct in my district, and there are 75 precincts which covers about 125,000 people, there were 108 murders, drug-related murders, last year. I cannot go to those youngsters out there who are part of that drug culture who are killing each other because they are trying to make a fast buck here and there. They set up their own enterprise, and they want to make a fast buck. I cannot go to them and say, as my colleagues know, that crime does not pay. I cannot go to them and say, "Not only might you get killed, but, if you don't get killed by your rivals, eventually the Government is going to catch you, and it just doesn't pay. Don't get involved in this enterprise."

Mr. Speaker, I cannot really go to them and say that, if they look at what is happening with the Oliver North case where he ran a racketeer enterprise in the basement of the White House and he is probably going to get off. And then look at the hundreds of savings and loan associations, their owners, their stockholders, their managers not only walking scot-free, but also the American taxpayers will subsidize them. The American taxpayers will pay for their crimes.

Mr. Speaker, this is a horrendous situation. There are many questions. I intend to keep asking those questions between now and the time that I vote. I hope that somebody will have the guts to answer us, to answer the American people fully.

I hope the talk show hosts, the radio talk show hosts around the country, will understand that this is an issue which impacts on the pocketbooks of everybody in a great way. I hope they understand that and begin to ask the questions also. We should not only focus on trivia. We should look at the matter which is a life-and-death, dollars-and-cents matter which will impact not only upon us, but also our grandchildren to come.

The savings and loan association scandal might represent the greatest scandal in the history of this Nation, and we are not willing to admit that. We must be made to admit it and to deal with it in a realistic way.

RULES OF THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES FOR THE 101ST CONGRESS

(Mr. JONES of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of North Carolina. Mr. Speaker, pursuant to clause 2 of rule XI, I hereby submit the rules of the House Committee on Merchant Marine and Fisheries:

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

RULE I. APPLICABILITY OF HOUSE RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees.

RULE II. JURISDICTION

As established in Rule X of the House Rules, the jurisdiction of the Committee on Merchant Marine and Fisheries is:

(1) Merchant marine generally.

(2) Oceanography and Marine Affairs, including coastal zone management.

(3) Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

(4) Fisheries and wildlife, including research, restoration, refuges, and conservation.

(5) Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

(6) Merchant marine officers and seamen.

(7) Navigation and the laws relating thereto, including pilotage.

(8) Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

(9) Registering and licensing of vessels and small boats.

(10) Rules and international arrangements to prevent collisions at sea.

(11) United States Coast Guard and Merchant Marine Academies, and State Maritime Academies.

(12) International fishing agreements.

RULE III. FUNCTIONS

(A) *General Oversight Responsibilities.*—

(1) The Committee shall review and study, on a continuing basis:

(a) the application, administration, execution, and effectiveness of those laws, or parts of laws, within its jurisdiction;

(b) the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution of these laws in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated; and

(c) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within its jurisdiction (whether or not any bill or resolution has been introduced with respect thereto).

(2) The Committee shall undertake future research and forecasting on matters within its jurisdiction.

(3) The Committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction.

(B) *Annual Appropriations.*—In its consideration of all public bills and joint resolutions, the Committee shall ensure that appropriations for continuing programs and activities will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(C) *Views and Estimates.*—On or before March 15 of each year, the Committee shall submit to the Committee on the Budget:

(1) it views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

RULE IV. SUBCOMMITTEES

(A) *Applicability of Committee Rules.*—Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each of its Subcommittees. Each Subcommittee is a part of the Full Committee and subject to its authority, direction, and Rules.

(B) *Standing Subcommittees.*—There shall be six standing Subcommittees: the Subcommittee on Merchant Marine; the Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Oceanography; the Subcommittee on Panama Canal/Outer Continental Shelf; and the Subcommittee on Oversight and Investigations.

(C) *Other Subcommittees.*—The Chairman, or a majority of the Committee, may establish, as determined to be appropriations for the conduct of Committee business, other special, select or ad hoc committee.

(D) *Subcommittee Membership.*—

(1) The ratio of Majority Members to Minority Members on Subcommittees, including Ex Officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

(2) A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of a vacancy. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(E) *Ex Officio and Other Committee Members.*—

(1) The Chairman and the Ranking Minority Member of the Full Committee shall serve as Ex Officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member. They shall have the right to participate fully, including the right to vote on all matters before the Subcommittees, but shall not be counted in establishing the requirements of, or in determining, a quorum.

(2) Any Member of the Committee may sit with any Subcommittee of which he or she is not a Member during its hearings or meetings (including closed meetings) and participate therein, but may not vote on any matter, or be counted present for the purpose of determining a quorum, or raise points of order, or, except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule.

(F) *Subcommittee Meetings.*—

(1) Subcommittees may hold hearings, receive evidence, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee.

(2) Dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairmen and as nearly as practicable in relation to, and in accordance with, workloads.

(3) Subcommittees shall not meet at the same time as the Full Committee without the express permission of the Chairman of the Committee.

(G) *Joint Subcommittee Markup.*—When two or more Subcommittees meet jointly to take action on any measure or matter, each Member shall be entitled to one vote on each amendment, motion, order, or proposition.

RULE V. MEETINGS

(A) *Regular Meetings.*—The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, 1334 Longworth House Office Building, while Congress is in session. This meeting may be dispensed with at the discretion of the Chairman, in consultation with the Ranking Minority Member, if there is no business.

(B) *Additional Meetings.*—The Chairman may call and convene additional meetings.

(C) *Meeting Notices.*—

(1) The date, time, place, and subject matter of meetings shall be announced to all Members of the Committee and the public at least one week in advance. If the Chairman, in consultation with the Ranking Minority Member, determines this is not possible, a public announcement and oral and confirming written notice to Committee Members shall be made at the earliest possible date.

(2) All meeting notices shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

(3) All Committee Members shall have adequate notice prior to Committee or Subcommittee investigations or hearings at locations other than Washington, D.C.

(D) *Special Meetings.*—

(1) Three or more Committee Members may file with the Committee Clerk, a signed, written request to the Chairman for a special meeting of the Committee, specifying the measure or matter to be considered.

(2) If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file with the Committee Clerk their signed, written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Only the measure or matter specified in that notice may be considered at that special meeting. Immediately upon the filing of that notice, the Clerk of the Committee shall notify all Members of the Committee of the special meeting.

(3) The above procedures also apply to Subcommittees, except that the number of Subcommittee Members required to request a special Subcommittee meeting is two, and a majority of the Members of the Subcommittee must file their signed, written notice with the Subcommittee Clerk.

(E) *Conflict With Party Caucus or Conference.*—When a Party Caucus or Conference of either Party directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled. The Clerk of the Committee shall give oral and confirming written notice to that effect to all Committee Members. The Chairman shall reschedule the meeting at the earliest practical time.

(F) *Prohibition Against Meeting During the Five-Minute Rule and During Joint Sessions and Joint Meetings.*—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE VI. COMMITTEE PROCEDURE

(A) *Applicability of House Procedure.*—The procedure in the Committee and its Subcommittees shall follow the procedure of the House.

(B) *Referral of Legislation.*—

(1) All legislation and other matters referred to the Committee shall be referred by the Chairman to all Subcommittees of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee or by agreement between or among the Chairman and all the Subcommittee Chairmen to whom the legislation or other matter would otherwise be referred, consideration is to be by the Full Committee.

(2) The Chairman may refer any measure or matter simultaneously to two or more Subcommittees for concurrent consideration, or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different Subcommittee.

(C) *Power To Sit and Act and Subpoena Power.*—

(1) For the purpose of carrying out any of its functions and duties under Rules X and XI of the House of Representatives, the Committee, or any Subcommittee, is authorized:

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned;

(b) to hold hearings; and

(c) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

(2) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph (1)(c) in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority being present.

(3) The power to authorize and issue subpoenas is also delegated to the Chairman of the Full Committee.

(4) Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(5) Compliance with any subpoena issued by a Committee or a Subcommittee may be enforced only as authorized or directed by the House.

(6) The Chairman of the Committee, or any Member designated by the Chairman, may administer oaths to any witness.

(D) *Presiding Officer.*—The Chairman shall preside at meetings. If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member present shall preside.

(E) *Quorums for Meetings, Markups, and Hearings.*—

(1) Except as provided below, one-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business.

(2) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(3) Testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the

Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(4) Proxies may not be counted for a quorum.

(F) *Open Meetings.*—Each business meeting, including the markup of legislation, of the Committee and its Subcommittees shall be open to the public, except as provided below.

(G) *Closed Meetings.*—

(1) The Committee or Subcommittee, by a rollcall vote in open session and with a majority present, may determine that all or a part of the remainder of the business meeting, including the markup of legislation, on that day shall be closed to the public.

(2) If the meeting or markup is closed, no person other than Members of the Committee, and Congressional staff and departmental representatives as the Members may authorize, may be present.

(3) Any meeting that relates solely to internal budget or personnel matters may be closed by the Chairman after consultation with the Ranking Minority Member.

(H) *Closed Hearings.*—

(1) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives.

(2) Notwithstanding paragraph (1), a majority of those present, if the number required for the purpose of taking testimony are present, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or tend to defame, degrade, or incriminate any person.

(3) The Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(4) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or its Subcommittees, unless the House of Representatives, by majority vote, authorizes the Committee or the Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures for closing hearings to the public.

(I) *Investigative Hearings.*—

(1) The Chairman shall announce in the opening statement the subject of the investigation.

(2) Except as provided by the rule for closing an investigative hearing, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(3) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(4) At the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(J) *Closed Investigative Hearings.*—

(1) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person.

(2) The Committee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) In either case, the Committee shall afford such person an opportunity voluntarily to appear as a witness, and shall receive and dispose of requests from such person to subpoena additional witnesses.

(K) *Questioning of Witnesses.*—

(1) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing.

(2) After completing his questioning, the Chairman shall recognize the other Members beginning with the Ranking Minority Member and then the Ranking Majority Member, and thereafter, alternating between Minority and Majority, taking into consideration the ratio of Majority to Minority representation on the Committee. Each Member may request up to five minutes in each round of questioning. Additional time may be extended at the discretion of the Chairman.

(L) *Minority Witnesses.*—A majority of the Minority Members shall be entitled, upon request to the Chairman before the completion of any hearing, to call witnesses with respect to that measure or matter during at least one day of hearing.

(M) *Points of Order.*—No point of order shall lie with respect to any measure reported by the Committee on the ground that hearings on the measure were not conducted in accordance with the Rules governing open or closed hearings, public notice of hearings, or the requirements for advance filing and summarizing of statements by witnesses; except that a point of order on these grounds may be made by any Member of the Committee if, in the Committee, the point of order was timely made, and improperly overruled or not properly considered.

(N) *Ordering of Rollcall Votes.*—A rollcall vote may be ordered by one-fifth of the Members present.

(O) *Proxies.*—

(1) A Member may vote by proxy only on a specific measure or matter and any amendments or motions pertaining to it; except that a Member may authorize a proxy for all motions to recess, adjourn, or other procedural matters.

(2) In order to be considered a valid and duly executed proxy, the proxy authorization must: be in writing; assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee; designate the person who is to execute the proxy authorization; and be signed by the Member assigning his or her vote, noting the date and time that the proxy was signed.

(3) For a proxy to be valid in sessions on succeeding days, it must be stipulated in the proxy, and if not stipulated, cannot be voted.

(4) All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after they have been voted.

(5) Points of order as to the validity of proxies must be made at the time the proxies are voted.

(6) Proxies may not be counted for a quorum.

(P) *Limitation on Floor Action Under Suspension of the Rules.*—No bill which directly or indirectly authorizes the expenditure of over $1 million in Federal funds shall be brought to the House Floor by the Committee under Suspension of the Rules if the text of the bill has been changed after it was reported by the Committee unless:

(1) the changes are purely technical and conforming; or

(2) all Members of the Committee have been provided a written copy of the changes at least twenty-four hours prior to the time the bill is considered in the House.

RULE VII. WITNESSES

(A) *Advance Testimony Requirements.*—A witness shall not be permitted to testify or present evidence, nor will any statement or testimony be included in the Committee hearing record, unless seventy-five copies of the testimony have been delivered to the Clerk of the Committee at least twenty-four hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. At least ten of these copies must be delivered at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. These requirements may be waived only by the Chairman.

(B) *Written Summary.*—Each prepared statement of ten pages or more shall include a summary which may not exceed five pages in length

(C) *Federal and Administration Witnesses.*—To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on the matters pending before it.

(D) *Ten Minute Oral Testimony.*—Witnesses will be allowed no more than ten minutes to orally summarize their prepared statement. The full statement will be made a part of the record.

(E) *Investigative Hearing Witnesses.*—

(1) A copy of the Committee Rules shall be made available to each witness.

(2) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(3) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(4) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

(F) *Responses/Information for the Record.*—Responses to Members' or staff questions and other information offered for the record, shall be submitted, in triplicate, to the Committee Clerk within forty-five days from the time of the request. One copy will be retained by the Clerk for printing and the remainder transmitted to the appropriate Majority and Minority Counsels.

(G) *Availability of Records.*—The records of the Committee at the National Archives

and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

(7) The number of television cameras allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, the allocation among the television media of these positions shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Gallery.

(8) Members of the media and their equipment shall not obstruct in any way the space or visibility between any witness and any Member of the Committee nor obstruct unnecessarily coverage by the other media.

(9) No audio-visual equipment will be allowed on the dais without the express prior approval of the Chairman.

(10) Fixed audio-visual equipment shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(11) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(12) The number of still photographers allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, allocation among this media shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers. Preference shall be given to photographers from Associated Press Photos and United Press International Newspictures.

RULE IX. COMMITTEE RECORDS

(a) *Votes.*—

(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a rollcall vote is demanded.

(2) The result of each rollcall vote—including a description of the issue, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting—shall be available for inspection by the public at reasonable times in the offices of the Committee.

(B) *Separate Files.*—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Chairman. These records shall be the property of the House and all Members of the House shall have access.

(C) *Permanent Records.*—The Clerk of the Committee shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the Committee, together with all evidence taken by the Committee under the order of the House during that Congress and not reported to the House.

(D) *Open Hearings.*—

(1) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after that Member has had an opportunity to examine and approve them. No more than forty-five days after the conclusion of hearings, the transcript shall be closed and no further changes may be made.

(2) In no instance will the Committee staff distribute, or prepare for distribution, to persons, other than Members and witnesses for the purpose of correction, any open hearing transcript that has not yet been closed and transmitted to the Government Printing Office for publication.

(E) *Closed Meetings.*—Transcripts and records of closed meetings shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the offices of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session transcripts and records be taken from the Committee offices by anyone.

(F) *Markup Transcripts.*—In no event shall markup transcripts and records be taken from the Committee offices by anyone.

RULE X. COMMITTEE REPORTS AND PUBLICATIONS

(A) *Activities Report.*—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on its activities under Rules X and XI of the House during the Congress ending at noon on January 3 of that year.

(B) *Procedures for Reporting.*—

(1) The Chairman shall report or cause to be reported promptly to the House any measure approved by the Committee and shall take or cause to be taken necessary steps to bring the matter to a vote.

(2) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of this request, the Clerk of the Committee shall immediately notify the Chairman.

(C) *Minority, Supplemental, or Additional Views.*—

(1) Members of the Committee must give notice to the Committee Clerk of intention to file supplemental, minority, or additional views within twenty-four hours after the time of approval of any measure or matter by the Committee (excluding Saturdays, Sundays and legal holidays).

(2) Members shall be entitled to not less than three calendar days (excluding Saturdays, Sundays and legal holidays) from the time of approval of any measure or matter, in which to file such views, in writing and signed by that Member, with the Clerk of the Committee.

(3) The provisions of subparagraphs (1) and (2) do not preclude—

(a) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this paragraph, or

(b) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(D) *Committee Report Requirements.*—Committee reports shall be printed in a single volume and include the following:

(1) with respect to each rollcall vote to report any bill or resolution, the total number of votes cast for and against, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting;

(2) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules, separately set out and clearly identified;

(3) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(4) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, separately set out and clearly identified, if timely submitted;

(5) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause (4)(c)(2) of Rule X of the House Rules, separately set out and clearly identified, if it has been submitted to allow for the Committee's consideration during deliberations on the measure;

(6) on each bill or joint resolution of a public character, a detailed analytical statement as to whether its enactment into law may have an inflationary impact on prices and costs in the operation of the national economy;

(7) on a bill or a joint resolution repealing or amending any statute or part thereof, in the report or in an accompanying document—

(a) the text to be repealed; and

(b) a comparative print showing by stricken-through type and italic, parallel columns, or other appropriate typographical devices, the omissions and insertions proposed to the statute;

(8) all supplemental, minority, or additional views filed by one or more Members of the Committee; and

(9) on its cover, a recital that any material submitted under subparagraphs (4), (5), and (8) above are included as part of the report

(E) *Approval by Chairman.*—All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to distribution.

RULE XI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A) *Authorization.*—All travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice or the actual travel.

(B) *Trip Report.*—A substantive report shall be filed with the Chairman within thirty days after any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(C) *Domestic Travel.*—Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committee's activities within the United States.

(D) *Foreign Travel.*—

(1) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions.

(2) No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose.

(3) The following conditions apply to travel outside the United States or its territories or possessions:

(a) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem rate set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(b) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended.

(c) All such individual reports shall be filed, no later than sixty days following the completion of travel, with the Chairman of the Committee for use in complying with the reporting requirements in applicable Federal law and shall be open for public inspection.

(4) In carrying out the Committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the Committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(5) A Member or employee of the Committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(E) *Lame Duck Members.*—No local currencies owned by the United States and made available to the Committee, no primary expense resolution, and no additional expense resolution of the Committee may provide for the payment or reimbursement of expenses incurred by any Member of the Committee for travel after the general election in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate, the earlier of the general election date or the adjournment sine die of the last regular session of the Congress.

RULE XII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) *Hiring Practices/Terms of Employment.*—The staff members of the Committee—

(1) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(2) shall not engage in any work other than Committee business; and

(3) shall not be assigned any duties other than those pertaining to Committee business.

(B) *Limitation on Appointing Government Personnel.*—The Committee shall not appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(C) *"Clause 5" Appointments.*—

(1) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(a) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(b) The Ranking Minority Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the Subcommittee Ranking Minority Member.

(c) The staff members appointed pursuant to the provisions of (a) and (b) shall be compensated at a rate determined by the Subcommittee Chairman not to exceed: (1) 75 per centum of the maximum established in paragraph (c) of clause 6 of Rule XI of the House Rules, or (2) the rate paid the staff member appointed pursuant to subparagraph (a) of this paragraph.

(2) Subcommittee staff members appointed under paragraph (1) are subject to the supervision and control of, and shall be responsible to, the Subcommittee Chairman or Ranking Minority Member of the Subcommittee, as appropriate.

(D) *"Clause 6" Appointments.*—

(1) The Committee shall appoint, by a majority vote, from a list submitted by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of clause 6 of Rule XI of the House Rules.

(2) Each employee on the professional, clerical and investigating staff of the Committee shall be entitled to pay at a single gross per annum rate, to be fixed by the Chairman, which does not exceed the maximum rate of pay, as in effect from time to time, under applicable provisions of law.

(3) Subject to the provisions of paragraph (C)(2), each Committee staff member, other than a member appointed pursuant to the request of Minority Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign.

(4) In the case of staff members appointed pursuant to the request of Minority Members, the Ranking Minority Member shall exercise general supervision and control, subject to the assignments designated by Minority Members in accordance with clause 6 of Rule XI of the House Rules.

(5) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Subcommittee Ranking Minority Member, as appropriate, for duty assignment purposes.

(6) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

RULE XIII. COMMITTEE BUDGET

(A) *Annual Budget.*—

(1) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated funds necessary for all anticipated activities and programs of the Committee and its Subcommittees, that will be requested under a primary expense resolution submitted in accordance with clause 5 of Rule XI of the House Rules.

(2) In presenting the budget, the Chairman shall ensure that it contains sufficient funds to enable the Committee and each Subcommittee to discharge its responsibilities for legislation and oversight.

(B) *Additional Expense Resolutions.*—Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out above.

(C) *Monthly Accounting.*—

(1) Once monthly, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all expenditures made during the period since the last accounting from the amount budgeted to the Full Committee.

(2) Each report shall show the amount and purpose of each expenditure and the budget to which the expenditure is attributed.

(3) Each report shall be available, upon request to the Committee Clerk, to any Member of the House of Representatives.

RULE XIV. CHANGES IN THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted upon.

APPENDIX

HOUSE RULE XI(2)(k)—INVESTIGATIVE HEARING PROCEDURES

(k)(1) The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade or incriminate any person.

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpeona additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULES OF THE HOUSE COMMITTEE ON AGRICULTURE FOR THE 101ST CONGRESS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD pursuant to the rules of the House a copy of the rules of the Committee on Agriculture, which were adopted at the organizational meeting on February 1, 1989. The rules were agreed to by a unanimous voice vote.

RULES OF THE COMMITTEE ON AGRICULTURE

I. GENERAL PROVISIONS

a. *Rules of the U.S. House of Representatives.*—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. (See Appendix B for the applicable Rules of the U.S. House of Representatives.)

b. *Applicability to Subcommittee.*—The following rules shall apply to meetings, hearings, and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. *Regular and Additional Meetings.*—The Committee shall meet on the first Tuesday of each month while Congress is in session. The Committee also shall meet at the call of the Chairman at such other times as he considers to be necessary, subject to advance notice to all Committee members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by him need not be held, he shall give all members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI. e. for provisions which apply to meetings of Subcommittees.

b. *Special Meetings.*—If at least three members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure or matter, the Staff Director shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure or matter. If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Staff Director shall notify all members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure or matter. Only the measure or matter so specified in the meeting notice as filed by the majority of Committee members and transmitted to all Committee members may be considered at a special meeting.

c. *Presiding Member.*—If the Chairman is not present at any Committee meeting or hearing, the ranking member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any subcommittee meeting or hearing, the ranking member of the majority party who is present shall preside.

d. *Committee and Subcommittee Meetings Prohibited.*—The Committee or any of its Subcommittees may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

e. *Open Business Meetings.*—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public. This clause does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

f. *Records and Rollcalls.*—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a rollcall is demanded. A rollcall vote shall be ordered on demand by one-fifth of the members present. The record of such action and the results of the rollcall votes during each session of Congress shall be made available by the Committee, on request, for public inspection during regular office hours in the Committee offices and on telephone request. The information so available on rollcall votes shall include a brief description of the amendment, motion, order, or other proposition; the name of each member voting for and each member voting against such amendment, motion, order, or other proposition; whether such vote was by proxy or in person; and names of those members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and thereafter may be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting other than rollcall votes shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee. See Rule IV. f. for publication of the minutes of meetings.

g. *Quorums.*—A majority of the members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided,* That the Chairman of the Committee may determine that one-third of the members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if he gives written notice to that effect to the members prior to the meeting.

h. *Proxy Voting.*—A member may vote by proxy on any matter before the Committee or Subcommittee other than the issuance of a subpoena pursuant to Rule III. c. The proxy authorization shall be in writing, shall assert that the member is absent on official business or otherwise is unable to be present at the Committee or Subcommittee meeting, shall designate the member who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning the vote and shall contain the date and time of day the proxy is signed as well as the date or dates during which it is to be effective. (See Appendix A for the proxy form required by the Committee or Subcommittee.) In order to be cast in a vote, a proxy shall be filed with the Committee or Subcommittee during such vote and must be placed on file with the Staff Director. Proxies shall not be counted toward a quorum.

i. *Location of Persons at Meetings.*—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area during a meeting of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

j. *Consideration of Amendments and Motions.*—A member, upon request, may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by himself or another member, or upon any other matter under consideration, unless he receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute

made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any member present, be reduced to writing, and a copy thereof shall be made available to all members present: *Provided,* That such amendment shall remain pending before the Committee or Subcommittee and may not be voted on until the requirements of this section have been met.

k. *Points of Order.*—No point of order, other than a point of order that a quorum is not present, against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion either at the commencement of the hearing or meeting or at the time such occasion for a point of order first occurs.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. See Rule VI. e. for provisions relating to Subcommittee hearings and meetings.

b. *Announcement of Hearings.*—The Chairman of the Committee or Subcommittee shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority Member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Staff Director shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement has been made and enter the announcement into the Committee scheduling service of the House Information Systems.

c. *Power to Subpoena.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a rollcall vote of the majority of the members of the Committee, a majority being present, except that no proxies may be used to vote on the authorization and issuance of such a subpoena. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other member the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all members of the full Committee by 5 p.m. of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. *Scheduling of Hearings and Witnesses.*—Except as otherwise provided in this clause, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee on any measure or matter, the Committee's or Subcommittee's minority party members shall be entitled, or request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing.

e. *Witnesses' Statements in Advance.*—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Staff Director a written statement of the witness's prepared testimony at least two working days in advance of the witness's appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee members, staff, and the news media. The Committee or Subcommittee staff shall distribute such written statements to all members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. *Testimony of Witnesses.*—The Chairman of the Committee or Subcommittee or any member designated by him may administer an oath to any witness. Each witness who has been subpoenaed, on the completion of the witness's testimony, may report in person or in writing to the Staff Director and sign appropriate vouchers for travel allowances and attendance fees. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the testimony and the length of time available.

g. *Questioning of Witnesses.*—Committee or Subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel or witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines, otherwise, no person shall interrogate witnesses other than members and Committee or Subcommittee staff.

h. *Open Hearings.*—Each hearing conducted by the Committee or Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided,* That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule III. k. or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no Member of the House may be excluded from nonparticipatory attendance at any unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by means of the above procedure.

i. *Quorum.*—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. *Record of Hearing.*—An accurate stenographic record shall be kept of all testimony taken at public hearings. Any public witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may examine the transcript of his or her own testimony and make such grammatical or technical changes as will not substantially alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff he designates, and the Chairman of the Committee or Subcommittee or his designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. *Investigative Hearings.*—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provision of the House Rules set forth in Appendix B) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender of the House for contempt. Whenever it is asserted that the evidence or testimony at an

investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall presented in executive session, notwithstanding the provisions of Rule III. h., if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; or

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or Subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee or Subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

l. *Broadcasting and Photography.*—Television, film making, and live radio broadcasting of all or part of any Committee hearing or meeting shall be permitted only when the Committee by a majority vote agrees or, if the Committee cannot be polled in a timely manner, when approved by the Chairman of the Committee after consultation with the Ranking Minority Member. Except as otherwise determined by the Committee, television, film making, and live radio broadcasting of all or part of any Subcommittee hearing or meeting shall be permitted only when the Subcommittee by a majority vote agrees or, if the Subcommittee cannot be polled in a timely manner, when approved by the Chairman of the Committee or the Chairman of the Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee, Radio broadcasting that is not live and still photography are permitted of any Committee or Subcommittee meeting or hearing unless otherwise determined by the Chairman of the Committee or applicable Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee; *Provided,* That when such radio broadcasting is conducted, written notice to the effect shall be placed on the desk of each Member. Each Committee or Subcommittee Chairman shall determine, in his or her discretion, the mumber of television and still cameras permitted in a hearing or meeting room. Any broadcasting, electronic recording, film making, or still photography of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI, clause 3(f), which appear in Appendix B.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. *Filing of Reports.*—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

b. *Content of Reports.*—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of the rollcall vote on the motion to report such bill or resolution, including the total number of votes cast for and total number of votes cast against such reporting;

(4) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authorty (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Operations or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less, together with a comparison of these estimates with those made and submitted to the Committee by any Government agency (the provision of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report;

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(a) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee on that measure or matter shall be printed in a single volume, which shall:

(1) include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of paragraph (l)(3) of House Rule XI, clause 2) are included as part of the report.

This clause shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this clause or the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

d. *Availability of Printed Hearing Records.*—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House.

e. *Committee Prints.*—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

f. *Publication of Minutes.*—The Chairman of the Committee, in consultation with the Ranking Minority Member, shall cause to be published as a Committee Print on a periodic basis (and insofar as practicable on a semiannual basis) the minutes of all business meetings and hearings of the Committee and any of its Subcommittees; and such minutes shall include a record of the attendance of members, all recorded votes, and the action on all amendments and motions relating to legislation.

V. OTHER COMMITTEE ACTIVITIES

a. *Annual Appropriations.*—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program

could be modified so that appropriations therefor would be made annually.

b. *Budget Act Compliance: February 25.* (See Appendix C).—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

c. *Budget Act Compliance: Subdivision of Allocations* (See Appendix C).—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

d. *Budget Act Compliance: Recommended Changes* (See Appendix C).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees he deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee members of the majority party as the Chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the Committee. In making recommendations of minority party members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. *Committee Records.*—All Committee or Subcommittee hearing materials, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Staff Director shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

g. *Archiving of Committee Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

VI. SUBCOMMITTEES

a. *Number and Composition.*—There shall be such Subcommittees as specified in clause b of this rule each of which shall be composed of the number of members set forth in such clause, including ex officio members.[1] The Chairman may create additional Subcommittees of an ad hoc nature as he determines to be appropriate.

b. *Jurisdiction.*—The Subcommittees shall have the following general jurisdiction and number of members.

Commodity subcommittees

Cotton, Rice, and Sugar (18 members, 11 majority and 7 minority).—Cotton, cottonseed, rice, and sugar matters, generally.

Livestock, Dairy, and Poultry (18 members, 11 majority and 7 minority).—Livestock, dairy, poultry, and bees, generally.

Tobacco and Peanuts (13 members, 8 majority and 5 minority).—Tobacco and peanut matters, generally.

Wheat, Soybeans, and Feed Grains (20 members, 12 majority and 8 minority).—Wheat, soybeans, feed grains, oilseeds not otherwise assigned, dry beans, peas, and lentils, generally.

Operational subcommittees

Conservation, Credit, and Rural Development (18 members, 11 majority and 7 minority).—Soil and water conservation, small watershed program, commodity futures, agricultural credit, and rural development matters, generally.

Department Operations, Research, and Foreign Agriculture (15 members, 9 majority and 6 minority).—Foreign agricultural programs, agency review and analysis, research, and pesticides, generally.

Domestic Marketing, Consumer Relations, and Nutrition (11 members, 7 majority and 4 minority).—Marketing orders, domestic marketing, food stamps, nutrition, and consumer programs, generally.

Forests, Family Farms, and Energy (15 members, 9 majority and 6 minority).—Family farming, forestry, and energy matters, generally.

c. *Referral of Legislation.*—In the case of any measure or matter not specifically described above, or that includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by him for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks unless, by majority vote of the members of the Committee, consideration is to be by the Committee.

d. *Service on Subcommittees.*—The Chairman and the Ranking Minority Member shall serve as ex officio members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such member is a member of such Subcommittee.

e. *Subcommittee Hearings and Meetings.*—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Staff Director. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the date for hearings and meetings of the Subcommittee during the period between the date of the vacancy and the date the vacancy is filled. The provisions of Rule II. a. regarding notice and agenda of Committee meetings and of Rule II. b. regarding special meetings shall apply as well to Subcommittee meetings.

f. *Subcommittee Action.*—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee member authorized to do so by the Subcommittee. Upon receipt of such report, the Staff Director shall promptly advise all members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. *Subcommittee Investigations.*—Except for the Subcommittee on Department Operations, Research, and Foreign Agriculture, no investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

[1] The Chairman and Ranking Minority Member of the Committee (See clause d. of this Rule).

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. *Committee Budget.*—The Chairman, in consultation with the majority members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittees thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. *Committee Staff.*—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assisted to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee members seeking assistance from the staff shall make their requests through the Chairman or Ranking Minority Member. The Chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. *Committee Travel.*—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Mr. DYMALLY, for 5 minutes, today.
Mr. COSTELLO, for 5 minutes, today.
Mr. STARK, for 60 minutes, on February 23.
Mr. OWENS of New York, for 5 minutes, on February 28.
Mr. OWENS of New York, for 60 minutes, on March 1.
Mr. OWENS of New York, for 60 minutes, on March 2.
Mr. OWENS of New York, for 60 minutes, on March 3.

(The following Members (at the request of Mr. HANCOCK) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 5 minutes, today.
Mr. BEREUTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HANCOCK) and to include extraneous material:)

Mr. BROOMFIELD.
Mr. YOUNG of Florida.
Mr. FIELDS in three instances.
Ms. SCHNEIDER.
Mr. BLILEY.
Mr. LAGOMARSINO in three instances.
Mr. BEREUTER in two instances.
Mr. MCDADE.
Mr. CRANE.
Mr. HOLLOWAY.
Mr. GRADISON in two instances.
Mr. NIELSON of Utah.
Mr. SCHULZE.
Mr. DORNAN of California.

(The following Members (at the request of Mr. KLECZKA) and to include extraneous matter:)

Mr. BONIOR.
Mr. BERMAN.
Mr. DWYER of New Jersey.
Mr. WYDEN.
Mrs. BOGGS.
Mr. EDWARDS of California.
Mr. MANTON.
Mr. STARK in four instances.
Mr. VENTO.
Mr. DOWNEY in two instances.
Mr. KENNEDY.
Mr. LEVINE of California.
Mr. ROYBAL.
Mr. DIXON.
Ms. PELOSI.
Mr. FEIGHAN.
Mr. BORSKI.
Mr. HAWKINS in two instances.
Mr. ANNUNZIO.
Mr. MILLER of California.
Mr. PEASE.
Mr. PEPPER.
Mr. FLORIO.
Mr. PALLONE in two instances.
Mr. KANJORSKI.
Mr. SKELTON.
Mr. OWENS of New York.
Mr. BATES.
Mr. HAMILTON.
Mr. WALGREN.
Mr. NATCHER.
Mr. HOYER.
Mr. HEFNER.
Mr. LANTOS in three instances.
Mrs. COLLINS.
Mr. ATKINS.
Mrs. KENNELLY.
Mr. JONTZ.
Mr. FLORIO.
Ms. SLAUGHTER of New York.
Mr. NOWAK.
Mr. WOLPE.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, February 23, 1989, at 11 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members, Resident Commissioner, and Delegates of the 101st Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Sonny Callahan.
2. William L. Dickinson.
3. Tom Bevill.
4. Ronnie G. Flippo.
5. Ben Erdreich.
6. Claude Harris.

ALASKA

At Large

Don Young.

ARIZONA

1. John J. Rhodes III.
2. Morris K. Udall.
3. Bob Stump.

4. Jon L. Kyl.
5. Jim Kolbe.

ARKANSAS

1. Bill Alexander.
2. Tommy F. Robinson.
3. John Paul Hammerschmidt.
4. Beryl Anthony, Jr.

CALIFORNIA

1. Douglas H. Bosco.
2. Wally Herger.
3. Robert T. Matsui.
4. Vic Fazio.
5. Nancy Pelosi.
6. Barbara Boxer.
7. George Miller.
8. Ronald V. Dellums.
9. Fortney Pete Stark.
10. Don Edwards.
11. Tom Lantos.
12. Tom Campbell.
13. Norman Y. Mineta.
14. Norman D. Shumway.
15. Tony Coelho.
16. Leon E. Panetta.
17. Charles Pashayan, Jr.
18. Richard H. Lehman.
19. Robert J. Lagomarsino.
20. William M. Thomas.
21. Elton Gallegly.
22. Carlos J. Moorhead.
23. Anthony C. Beilenson.
24. Henry A. Waxman.
25. Edward R. Roybal.
26. Howard L. Berman.
27. Mel Levine.
28. Julian C. Dixon.
29. Augustus F. Hawkins.
30. Matthew G. Martinez.
31. Mervyn M. Dymally.
32. Glenn M. Anderson.
33. David Dreier.
34. Esteban Edward Torres.
35. Jerry Lewis.
36. George E. Brown, Jr.
37. Alfred A. (Al) McCandless.
38. Robert K. Dornan.
39. William E. Dannemeyer.
40. C. Christopher Cox.
41. Bill Lowery.
42. Dana Rohrabacher.
43. Ron Packard.
44. Jim Bates.
45. Duncan Hunter.

COLORADO

1. Patricia Schroeder.
2. David E. Skaggs.
3. Ben Nighthorse Campbell.
4. Hank Brown.
5. Joel Hefley.
6. Dan Schaefer.

CONNECTICUT

1. Barbara B. Kennelly.
2. Sam Gejdenson.
3. Bruce A. Morrison.
4. Christopher Shays.
5. John G. Rowland.
6. Nancy L. Johnson.

DELAWARE

At Large

Thomas R. Carper.

FLORIDA

1. Earl Hutto.
2. Bill Grant.
3. Charles E. Bennett.
4. Craig T. James.
5. Bill McCollum.
6. Cliff Stearns.
7. Sam Gibbons.
8. C. W. Bill Young.
9. Michael Bilirakis.
10. Andy Ireland.
11. Bill Nelson.
12. Tom Lewis.
13. Porter J. Goss.
14. Harry Johnston.
15. E. Clay Shaw, Jr.
16. Lawrence J. Smith.
17. William Lehman.
18. Claude Pepper.
19. Dante B. Fascell.

GEORGIA

1. Robert Lindsay Thomas.
2. Charles Hatcher.
3. Richard Ray.
4. Ben Jones.
5. John Lewis.
6. Newt Gingrich.
7. George (Buddy) Darden.
8. J. Roy Rowland.
9. Ed Jenkins.
10. Doug Barnard, Jr.

HAWAII

1. Patricia F. Saiki.
2. Daniel K. Akaka.

IDAHO

1. Larry E. Craig.
2. Richard H. Stallings.

ILLINOIS

1. Charles A. Hayes.
2. Gus Savage.
3. Marty Russo.
4. George E. Sangmeister.
5. William O. Lipinski.
6. Henry J. Hyde.
7. Cardiss Collins.
8. Dan Rostenkowski.
9. Sidney R. Yates.
10. John Edward Porter.
11. Frank Annunzio.
12. Philip M. Crane.
13. Harris W. Fawell.
14. J. Dennis Hastert.
15. Edward R. Madigan.
16. Lynn Martin.
17. Lane Evans.
18. Robert H. Michel.
19. Terry L. Bruce.
20. Richard J. Durbin.
21. Jerry F. Costello.
22. Glenn Poshard.

INDIANA

1. Peter J. Visclosky.
2. Philip R. Sharp.
3. John Hiler.
4. Jim Jontz.
5. Dan Burton.
6. John T. Myers.
7. Frank McCloskey.
8. Lee H. Hamilton.
9. Andrew Jacobs, Jr.

IOWA

1. Jim Leach.
2. Thomas J. Tauke.
3. David R. Nagle.
4. Neal Smith.
5. Jim Lightfoot.
6. Fred Grandy.

KANSAS

1. Pat Roberts.
2. Jim Slattery.
3. Jan Meyers.
4. Dan Glickman.
5. Bob Whittaker.

KENTUCKY

1. Carroll Hubbard, Jr.
2. William H. Natcher.
3. Romano L. Mazzoli.
4. Jim Bunning.
5. Harold Rogers.
6. Larry J. Hopkins.
7. Carl C. Perkins.

LOUISIANA

1. Bob Livingston.
2. Lindy (Mrs. Hale) Boggs.
3. W.J. (Billy) Tauzin.
4. Jim McCrery.
5. Jerry Huckaby.
6. Richard H. Baker.
7. James A. Hayes.
8. Clyde C. Holloway.

MAINE

1. Joseph E. Brennan.
2. Olympia J. Snowe.

MARYLAND

1. Roy Dyson.
2. Helen Delich Bentley.
3. Benjamin L. Cardin.
4. C. Thomas McMillen.
5. Steny H. Hoyer.
6. Beverly B. Byron.
7. Kweisi Mfume.
8. Constance A. Morella.

MASSACHUSETTS

1. Silvio O. Conte.
2. Richard E. Neal.
3. Joseph D. Early.
4. Barney Frank.
5. Chester G. Atkins.
6. Nicholas Mavroules.
7. Edward J. Markey.
8. Joseph P. Kennedy II.
9. Joe Moakley.
10. Gerry E. Studds.
11. Brian J. Donnelly.

MICHIGAN

1. John Conyers, Jr.
2. Carl D. Pursell.
3. Howard Wolpe.
4. Frederick S. Upton.
5. Paul B. Henry.
6. Bob Carr.
7. Dale E. Kildee.
8. Bob Traxler.
9. Guy Vander Jagt.
10. Bill Schuette.
11. Robert W. Davis.
12. David E. Bonior.
13. Geo. W. Crockett, Jr.
14. Dennis M. Hertel.
15. William D. Ford.
16. John D. Dingell.
17. Sander M. Levin.
18. Wm. S. Broomfield.

MINNESOTA

1. Timothy J. Penny.
2. Vin Weber.
3. Bill Frenzel.
4. Bruce F. Vento.
5. Martin Olav Sabo.
6. Gerry Sikorski.
7. Arlan Stangeland.
8. James L. Oberstar.

MISSISSIPPI

1. Jamie L. Whitten.
2. Mike Espy.
3. G.V. (Sonny) Montgomery.
4. Mike Parker.
5. Larkin Smith.

MISSOURI

1. William (Bill) Clay.
2. Jack Buechner.
3. Richard A. Gephardt.
4. Ike Skelton.
5. Alan Wheat.
6. E. Thomas Coleman.
7. Melton D. "Mel" Hancock.
8. Bill Emerson.
9. Harold L. Volkmer.

MONTANA

1. Pat Williams.

2. Ron Marlenee.

NEBRASKA

1. Doug Bereuter.
2. Peter Hoagland.
3. Virginia Smith.

NEVADA

1. James H. Bilbray.
2. Barbara F. Vucanovich.

NEW HAMPSHIRE

1. Robert C. Smith.
2. Chuck Douglas.

NEW JERSEY

1. James J. Florio.
2. William J. Hughes.
3. Frank Pallone, Jr.
4. Christopher H. Smith.
5. Marge Roukema.
6. Bernard J. Dwyer.
7. Matthew J. Rinaldo.
8. Robert A. Roe.
9. Robert G. Torricelli.
10. Donald M. Payne.
11. Dean A. Gallo.
12. Jim Courter.
13. Jim Saxton.
14. Frank J. Guarini.

NEW MEXICO

1. Steven Schiff.
2. Joe Skeen.
3. Bill Richardson.

NEW YORK

1. George J. Hochbrueckner.
2. Thomas J. Downey.
3. Robert J. Mrazek.
4. Norman F. Lent.
5. Raymond J. McGrath.
6. Floyd H. Flake.
7. Gary L. Ackerman.
8. James H. Scheuer.
9. Thomas J. Manton.
10. Charles E. Schumer.
11. Edolphus Towns.
12. Major R. Owens.
13. Stephen J. Solarz.
14. Guy V. Molinari.
15. Bill Green.
16. Charles B. Rangel.
17. Ted Weiss.
18. Robert Garcia.
19. Eliot L. Engel.
20. Nita M. Lowey.
21. Hamilton Fish, Jr.
22. Benjamin A. Gilman.
23. Michael R. McNulty.
24. Gerald B.H. Solomon.
25. Sherwood L. Boehlert.
26. David O'B. Martin.
27. James T. Walsh.
28. Matthew F. McHugh.
29. Frank Horton.
30. Louise McIntosh Slaughter.
31. Bill Paxon.
32. John J. LaFalce.
33. Henry J. Nowak.
34. Amo Houghton.

NORTH CAROLINA

1. Walter B. Jones.
2. Tim Valentine.
3. H. Martin Lancaster.
4. David E. Price.
5. Stephen L. Neal.
6. Howard Coble.
7. Charles Rose.
8. W.G. (Bill) Hefner.
9. J. Alex McMillan.
10. Cass Ballenger.
11. James McClure Clarke.

NORTH DAKOTA

At Large

Byron L. Dorgan.

OHIO

1. Thomas A. Luken.
2. Willis D. Gradison, Jr.
3. Tony P. Hall.
4. Michael G. Oxley.
5. Paul E. Gillmor.
6. Bob McEwen.
7. Michael DeWine.
8. Donald E. "Buz" Lukens.
9. Marcy Kaptur.
10. Clarence E. Miller.
11. Dennis E. Eckart.
12. John R. Kasich.
13. Donald J. Pease.
14. Thomas C. Sawyer.
15. Chalmers P. Wylie.
16. Ralph Regula.
17. James A. Traficant, Jr.
18. Douglas Applegate.
19. Edward F. Feighan.
20. Mary Rose Oakar.
21. Louis Stokes.

OKLAHOMA

1. James M. Inhofe.
2. Mike Synar.
3. Wes Watkins.
4. Dave McCurdy.
5. Mickey Edwards.
6. Glenn English.

OREGON

1. Les AuCoin.
2. Robert F. (Bob) Smith.
3. Ron Wyden.
4. Peter A. DeFazio.
5. Denny Smith.

PENNSYLVANIA

1. Thomas M. Foglietta.
2. William H. Gray III.
3. Robert A. Borski.
4. Joe Kolter.
5. Richard T. Schulze.
6. Gus Yatron.
7. Curt Weldon.
8. Peter H. Kostmayer.
9. Bud Shuster.
10. Joseph M. McDade.
11. Paul E. Kanjorski.
12. John P. Murtha.
13. Lawrence Coughlin.
14. William J. Coyne.
15. Don Ritter.
16. Robert S. Walker.
17. George W. Gekas.
18. Doug Walgren.
19. William F. Goodling.
20. Joseph M. Gaydos.
21. Thomas J. Ridge.
22. Austin J. Murphy.
23. William F. Clinger, Jr.

RHODE ISLAND

1. Ronald K. Machtley.
2. Claudine Schneider.

SOUTH CAROLINA

1. Arthur Ravenel, Jr.
2. Floyd Spence.
3. Butler Derrick.
4. Elizabeth J. Patterson.
5. John M. Spratt, Jr.
6. Robin Tallon.

SOUTH DAKOTA

At Large

Tim Johnson.

TENNESSEE

1. James H. (Jimmy) Quillen.
2. John J. Duncan, Jr.
3. Marilyn Lloyd.
4. Jim Cooper.
5. Bob Clement.
6. Bart Gordon.
7. Don Sundquist.
8. John S. Tanner.
9. Harold E. Ford.

TEXAS

1. Jim Chapman.
2. Charles Wilson.
3. Steve Bartlett.
4. Ralph M. Hall.
5. John Bryant.
6. Joe Barton.
7. Bill Archer.
8. Jack Fields.
9. Jack Brooks.
10. J.J. Pickle.
11. Marvin Leath.
12. Jim Wright.
13. Bill Sarpalius.
14. Greg H. Laughlin.
15. E de la Garza.
16. Ronald D. Coleman.
17. Charles W. Stenholm.
18. Mickey Leland.
19. Larry Combest.
20. Henry B. Gonzalez.
21. Lamar S. Smith.
22. Tom DeLay.
23. Albert G. Bustamante.
24. Martin Frost.
25. Michael A. Andrews.
26. Richard K. Armey.
27. Solomon P. Ortiz.

UTAH

1. James V. Hansen.
2. Wayne Owens.
3. Howard C. Nielson.

VERMONT

At Large

Peter Smith.

VIRGINIA

1. Herbert H. Bateman.
2. Owen B. Pickett.
3. Thomas J. Bliley, Jr.
4. Norman Sisisky.
5. Lewis F. Payne, Jr.
6. Jim Olin.
7. D. French Slaughter, Jr.
8. Stan Parris.
9. Rick Boucher.
10. Frank R. Wolf.

WASHINGTON

1. John Miller.
2. Al Swift.
3. Jolene Unsoeld.
4. Sid Morrison.
5. Thomas S. Foley.
6. Norman D. Dicks.
7. Jim McDermott.
8. Rod Chandler.

WEST VIRGINIA

1. Alan B. Mollohan.
2. Harley O. Staggers, Jr.
3. Robert E. Wise, Jr.
4. Nick Joe Rahall II.

WISCONSIN

1. Les Aspin.
2. Robert W. Kastenmeier.
3. Steve Gunderson.
4. Gerald D. Kleczka.
5. Jim Moody.
6. Thomas E. Petri.
7. David R. Obey.
8. Toby Roth.
9. F. James Sensenbrenner, Jr.

WYOMING

At Large

Dick Cheney.

PUERTO RICO

Resident Commissioner

Jaime B. Fuster.

AMERICAN SAMOA

Delegate

Eni F. H. Faleomavaega.

DISTRICT OF COLUMBIA

Delegate

Walter E. Fauntroy.

GUAM

Delegate

Ben Garrido Blaz.

VIRGIN ISLANDS

Delegate

Ron de Lugo.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

642. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer several naval vessels for lease to the Government of Brazil, through the Director, Defense Security Assistance Agency, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

643. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a proposed transaction involving U.S. exports to Zimbabwe in excess of $100 million, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

644. A letter from the Chairman, Federal Reserve System, transmitting a copy of the Board's Monetary Policy Report, 1988, pursuant to 12 U.S.C. 225a; to the Committee on Banking, Finance, and Urban Affairs.

645. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Review of Receipts and Disbursements of People's Counsel Agency Fund," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

646. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Review of Receipts and Disbursements of Public Service Commission's Agency Fund," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

647. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the fourteenth 90-day report on the investigation into the death of Drug Enforcement Administration agent Enrique Camarena Salazar, disappearances of U.S. citizens and general safety of U.S. tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

648. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report of the agency's activities under the Freedom of Information Act for the calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

649. A letter from the Director, Office of Personnel Management, transmitting the Fiscal Year 1988 report of actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

650. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1988, through December 31, 1988, pursuant to 2 U.S.C. 104a (H. Doc. No. 101-28); to the Committee on House Administration and ordered to be printed.

651. A letter from the Adjutant General, the United Spanish War Veterans, transmitting the proceedings of the national encampment held in Orlando, FL, September 11 to 16, 1987, pursuant to 44 U.S.C. 1332 (H. Doc. 101-29); to the Committee on Veterans' Affairs and ordered to be printed.

652. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting a report on telecommunications investigations to identify "priority foreign countries," pursuant to Public Law 100-418, section 1374(d); jointly, to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHULZE (for himself, Mr. MCCURDY, Mr. NEAL of Massachusetts, Mr. HAMILTON, Mrs. SAIKI, and Mrs. BENTLEY):

H.R. 1040. A bill to amend section 464 of the Social Security Act to authorize the interception of Federal tax refunds that would otherwise be payable to persons who are delinquent in the payment of child support with respect to certain disabled and dependent adults; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. ROE, Mr. SOLARZ, Mr. FUSTER, Mr. RANGEL, Mr. ENGEL, Mr. CAMPBELL of Colorado, Mr. FLORIO, Mr. FAUNTROY, Mr. HOCHBRUECKNER, Mr. COSTELLO, Mrs. COLLINS, Mr. MANTON, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. STARK, Mr. PEPPER, Mr. BROWN of California, Mr. BATES, Mr. DE LUGO, and Mr. GUARINI):

H.R. 1041. A bill to amend title 28, United States Code, and the Tariff Act of 1930 to provide amounts from the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund to assist the States in providing for drug treatment and education programs; jointly, to the Committees on the Judiciary, Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. AKAKA:

H.R. 1042. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make certain grants to native Hawaiian health centers; to the Committee on Energy and Commerce.

By Mr. BARNARD:

H.R. 1043. A bill to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments, and for other purposes; to the Committee on Rules.

By Mr. BATES (for himself, Mr. ENGLISH, and Mr. FAUNTROY):

H.R. 1044. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude the operations of the Social Security trust funds in determining the Federal deficit and maximum deficit amounts under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Government Operations.

By Mrs. BENTLEY (for herself, Mr. BILIRAKIS, Mr. JONTZ, Mr. FEIGHAN, Mr. MANTON, Mr. TRAXLER, Mr. LELAND, Mr. THOMAS A. LUKEN, Mr. COYNE, and Mrs. BOXER):

H.R. 1045. A bill to prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem; to the Committee on Foreign Affairs.

By Mr. BOUCHER (for himself, Mr. GEKAS, Mr. MICHEL, Mr. COLEMAN of Texas, Mr. BRYANT, Mr. MOAKLEY, Mr. HATCHER, Mr. PENNY, Mr. CLINGER, Mr. SMITH of Florida, Mr. CRAIG, Mr. DERRICK, Mr. SCHIFF, Mr. BURTON of Indiana, Mr. DENNY SMITH, Mr. WHITTAKER, Mrs. COLLINS, Mr. HAMMERSCHMIDT, Mr. RAHALL, Mr. KLECZKA, Mr. TALLON, Mr. FAWELL, Mr. SLATTERY, Mr. EMERSON, Mr. SPRATT, Mr. PORTER, Mr. LENT, Mr. MARLENEE, Mr. THOMAS of California, Mr. FEIGHAN, Mr. KANJORSKI, Mr. MCEWEN, Mr. BROWN of Colorado, Mr. GORDON, Mr. JACOBS, Mr. LIVINGSTON, Mr. SCHAEFER, and Mr. WILSON):

H.R. 1046. A bill to amend chapter 96 of title 18, United States Code (relating to racketeer influenced and corrupt organizations); to the Committee on the Judiciary.

By Mr. COELHO (for himself, Mr. AKAKA, Mr. WEBER, Mr. ROYBAL, Mr. OLIN, Mr. FORD of Michigan, Mr. MANTON, Mr. FOGLIETTA, Mr. MCNULTY, Mr. LIPINSKI, Mr. ATKINS, Mr. FAUNTROY, Mr. MILLER of California, Mr. MOAKLEY, Mr. BLAZ, Mr. SLATTERY, Mr. ROBINSON, Mr. FROST, Mr. KENNEDY, Mr. SYNAR, Mr. OWENS of New York, Mr. SCHUETTE, Mr. QUILLEN, Mr. BERMAN, Mr. ESPY, Mr. HOCHBRUECKNER, Mr. PEPPER, Mrs. SMITH of Nebraska, Mr. YATES, Mr. DYMALLY, Mr. BRUCE, Ms. PELOSI, Mr. SISISKY, Mr. CHAPMAN, Mr. BEVILL, Mr. KOLTER, Mr. DE LUGO, Mr. BILBRAY, Mr. FLORIO, Mr. PURSELL, Mrs. MEYERS of Kansas, Mr. MCGRATH, Mr. HOYER, and Mr. RANGEL):

H.R. 1047. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. FISH, Mr. EDWARDS of California, Mrs. KENNELLY, Mr. DELLUMS, Mr. FUSTER, Mrs. COLLINS, Mr. TRAXLER, Mr. BERMAN, Mr. WYDEN, Mr. LEWIS of Georgia, Mr. KASTENMEIER, Mr. MANTON, Mr. STUDDS, Ms. OAKAR, Mr. MOLINARI, Mr. CONTE, Mr. BROWN of California, Mr. UDALL, Mr. MOAKLEY, Mr. MOODY, Mr. MILLER of Washington, Mr. CAMPBELL of Colorado, Mr. SYNAR, Mr. PEASE, Mr. BLAZ, Mr. GREEN, Mr. DEFAZIO, Mr. LEVINE of California, Mr. BATES, Mr. FLORIO, Mr. PANETTA, Mr. MINETA, Mr. WEISS, Mr. BRENNAN, Mr. HOCHBRUECKNER, Mr. ACKERMAN, Mr. FAUNTROY, Mr. STARK, Mrs. MORELLA, Mr. FRANK, Mr. AUCOIN, Mr. HAYES of Illinois, Mr. DYMALLY, Mr. GARCIA, Mr. SIKORSKI, Mr. VENTO, Mr. SHAYS, Mr. DIXON, Mr. MATSUI, Ms. PELOSI, Mr. FASCELL, Mr. FEIGHAN, Mr. HENRY, Mr. HOYER, Mr. BILBRAY, and Mr. PETRI):

H.R. 1048. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, reli-

gion, homosexuality or heterosexuality, or ethnicity; to the Committee on the Judiciary.

By Mr. COYNE (for himself and Mr. SCHULZE):

H.R. 1049. A bill to authorize States to validate former taxes in certain cases; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 1050. A bill to provide for annual observances of certain legal public holidays on their traditional dates; to the Committee on Post Office and Civil Service.

By Mr. CRANE (for himself and Mr. GIBBONS):

H.R. 1051. A bill to authorize the establishment of a United States-Japan free trade area; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 1052. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for dividends paid by domestic corporations; to the Committee on Ways and Means.

H.R. 1053. A bill to amend the Impoundment Control Act of 1974 to provide that any recission of budget authority proposed by the President take effect unless specifically disapproved by the adoption of a joint resolution; jointly, to the Committees on Government Operations and Rules.

By Mr. DOWNEY (for himself and Mr. DONNELLY):

H.R. 1054. A bill to amend the Internal Revenue Code of 1986 to provide a $100 income tax credit to individuals who are volunteer firefighters; to the Committee on Ways and Means.

By Mr. DOWNEY (for himself, Mr. GRADISON, Mr. GUARINI, Ms. SCHNEIDER, Mr. WALKER, Mr. MOAKLEY, Mr. HOCHBRUECKNER, Mr. PORTER, Mr. SMITH of New Hampshire, Mr. MOODY, Mr. PEASE, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. CARPER, Mr. DOUGLAS, Mr. BATES, Mrs. JOHNSON of Connecticut, and Mr. CRANE):

H.R. 1055. A bill to restore balance among sources of supply for the Nation's sweetner needs, and for other purposes; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. ECKART (for himself, Mr. THOMAS A. LUKEN, Mr. SWIFT, Mr. SYNAR, Mr. WYDEN, Mr. MARKEY, Mr. SLATTERY, Mr. TAUZIN, Mr. SIKORSKI, Mr. FLORIO, and Mr. SKAGGS):

H.R. 1056. A bill to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities; to the Committee on Energy and Commerce.

By Mr. EDWARDS of California (for himself, Ms. PELOSI, and Mr. MINETA):

H.R. 1057. A bill to authorize the Secretary of Housing and Urban Development to make grants to States for the preservation of low income housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FIELDS (for himself, Mr. TAUZIN, Mr. HAYES of Louisiana, Mr. ROBINSON, Mrs. BOGGS, Mr. CALLAHAN, Mr. ANDREWS, Mr. BROOKS, Mr. DELAY, Mr. WILSON, Mr. GIBBONS, Mr. HAMMERSCHMIDT, Mr. LIVINGSTON, Mr. HOLLOWAY, Mr. ESPY, Mr. ORTIZ, Mr. HARRIS, Mr. HALL of Texas, Mr. HUTTO, Mr. BAKER, Mr. ARMEY, Mr. STENHOLM, Mr. LAUGHLIN, and Mr. BARTON of Texas):

H.R. 1058. A bill to amend the Merchant Marine Act, 1936, to repeal the requirement that the Secretary of Transportation preserve the share of certain commodities exported from Great Lake ports; to the Committee on Merchant Marine and Fisheries.

By Mr. FLORIO (for himself, Mr. ROYBAL, Ms. SCHNEIDER, Mr. PEPPER, Mr. DELLUMS, Mr. MANTON, Mr. HEFNER, Mr. MARTINEZ, Mr. FAUNTROY, Mr. HARRIS, Mr. AKAKA, Mr. OWENS of New York, Mr. COSTELLO, Mr. MORRISON of Connecticut, Mr. LEATH of Texas, Mr. HANSEN, Mr. FASCELL, Mr. SMITH of Florida, Mr. ROBINSON, Mr. ROE, Mr. ERDREICH, Mr. WILSON, Mr. BATES, Mr. WOLF, Mr. DYMALLY, Mr. KANJORSKI, Mr. NEAL of Massachusetts, Mr. ROWLAND of Connecticut, Mr. SAVAGE, Mr. RITTER, Mr. MCCURDY, Mr. DWYER of New Jersey, Mr. DAVIS, Mr. ATKINS, Mr. SCHUMER, Mr. BLAZ, Mr. BONIOR, Mr. BEREUTER, Mr. GORDON, Mr. KILDEE, Mr. HAWKINS, Mr. DEFAZIO, Mr. JONTZ, Mrs. COLLINS, Mr. HAYES of Illinois, Mr. HOYER, Mr. SHUMWAY, Mr. SCHUETTE, Mr. HAMMERSCHMIDT, Mr. PARRIS, Mr. FRANK, Mr. HENRY, and Mr. BATEMAN):

H.R. 1059. A bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of applications of Federal employees seeking retirement benefits, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FORD of Tennessee:

H.R. 1060. A bill to amend title II of the Social Security Act to provide for a more gradual period of transition (and a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930 (and related beneficiaries) and to provide for increases in their benefits accordingly, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 1061. A bill to repeal section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GEKAS:

H.R. 1062. A bill to require as a condition of receiving funds under the Older Americans Act of 1965 that States require that, not later than 60 days after commencing any proceeding to compel the sale of a residence occupied by an older individual or to evict such individual from such residence, notice of such proceeding be given to such individual and to the appropriate area agency on aging if such proceeding is based on the failure of such individual to pay a debt; and for other purposes; to the Committee on Education and Labor.

By Mr. GIBBONS (for himself, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. IRELAND, and Mr. GOSS):

H.R. 1063. A bill to amend the Federal Water Pollution Control Act to add Tampa Bay, FL, to the national estuary program; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. GRANT:

H.R. 1064. A bill to amend the Animal Welfare Act to prohibit greyhound racing and greyhound race training unless any visual lures used in such racing or training are of artificial or mechanical construction and to make such Act applicable to facilities that are used for greyhound racing or greyhound race training; to the Committee on Agriculture.

By Mr. GUARINI:

H.R. 1065. A bill to amend section 110 of title 28, United States Code, to require that district court shall be held at Jersey City, NJ; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 1066. A bill to amend the Land and Water Conservation Fund Act of 1965 to prohibit use in a fiscal year of amounts in the land and water conservation fund for acquiring land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding fiscal year; to the Committee on Interior and Insular Affairs.

By Mr. HERGER (for himself, Mr. COELHO, Mr. MCCOLLUM, Mr. ASPIN, Mr. MCEWEN, Mr. TORRICELLI, Mrs. BENTLEY, Mr. FAZIO, Mr. SHAYS, Mr. OWENS of New York, Mr. SHUMWAY, Mr. MOODY, Mr. DONALD E. LUKENS, Mr. TORRES, Mr. BURTON of Indiana, Mr. MFUME, Mr. DORNAN of California, and Mr. DREIER of California):

H.R. 1067. A bill to deny nondiscriminatory (most-favored-nation) trade treatment to the products of India; to the Committee on Ways and Means.

By Mr. KOLBE (for himself, Mr. UDALL, Mr. SIKORSKI, Mr. HAYES of Louisiana, Mr. HANSEN, Mr. OLIN, Mr. DAVIS, Mr. NIELSON of Utah, Mr. FUSTER, Mr. ROBINSON, Mr. BUSTAMANTE, Mr. RICHARDSON, Mr. OBERSTAR, Mr. DWYER of New Jersey, Mr. MARTINEZ, Mr. MARKEY, Mr. VALENTINE, and Mr. SMITH of New Hampshire):

H.R. 1068. A bill to provide for the minting and circulation of one dollar coins, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LENT:

H.R. 1069. A bill to amend the Federal Power Act to guide the Federal Energy Regulatory Commission in the issuance of licenses to operate existing hydroelectric facilities; to the Committee on Energy and Commerce.

By Mr. LIVINGSTON:

H.R. 1070. A bill to conserve the marine and coastal resources of the Gulf of Mexico; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. NELSON of Florida:

H.R. 1071. A bill to provide for regional primary elections and caucuses for selection of delegates to political party Presidential nominating conventions and for Federal funding of presidential primary elections; to the Committee on House Administration.

By Mr. NIELSON of Utah:

H.R. 1072. A bill to require the Federal Communications Commission to prescribe standards for compatibility of mobile radio systems for public safety uses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NIELSON of Utah (for himself, Mr. HANSEN, and Mr. OWENS of Utah):

H.R. 1073. A bill to authorize the Secretary of the Interior to enter into an amendatory contract with the Uintah Water Conservancy District; to the Committee on Interior and Insular Affairs.

By Ms. OAKAR (for herself, Mr. LENT, Mr. DE LUGO, Mr. COLEMAN of Texas, Mr. ANNUNZIO, Mr. BOSCO, Mr. ERDREICH, Mrs. MORELLA, Mr. MOAKLEY, Mr. HOCHBRUECKNER, Mr. TRAFICANT, Mr. WOLF, Mr. WOLPE, and Mr. PARRIS):

H.R. 1074. A bill to provide for cost-of-living adjustments in 1990 under certain Government retirement programs; jointly, to the Committees on Post Office and Civil Services, Armed Services, Foreign Affairs, the Permanent Select Committee on Intelligence, and Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. SIKORSKI, Mr. VENTO, Mr. SABO, Mr. FRENZEL, Mr. PENNY, Mr. STANGELAND, and Mr. WEBER):

H.R. 1075. A bill to amend the Indian Gaming Regulatory Act to classify electronic or electromechanical facsimiles of certain games of chance as class II gaming; to the Committee on Interior and Insular Affairs.

By Mr. POSHARD:

H.R. 1076. A bill authorizing the city of Chester, IL, to reconstruct, repair, or improve a toll bridge across the Mississippi River at or near Chester, IL; to the Committee on Public Works and Transportation.

By Mr. ROE:

H.R. 1077. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for contributions to individual retirement accounts; to the Committee on Ways and Means.

By Ms. SCHNEIDER (for herself, Mr. BROWN of California, Mr. UDALL, Mr. GILMAN, Mr. ROE, Mr. BOEHLERT, Mr. EDWARDS of California, Mr. HOUGHTON, Mr. STUDDS, Mr. SHAYS, Mr. PORTER, Ms. KAPTUR, Mr. HAWKINS, Mr. FAWELL, Mr. HUNTER, Mr. SIKORSKI, Mr. SCHEUER, Mr. SMITH of New Hampshire, Mr. LEHMAN of Florida, Mr. LAFALCE, Mrs. SAIKI, Mr. CONYERS, Mr. NELSON of Florida, Mr. GARCIA, Mr. ATKINS, Mr. MACHTLEY, Mrs. BOXER, Mr. CARDIN, Ms. SNOWE, Mr. MINETA, Mrs. MORELLA, Ms. PELOSI, Mr. BONIOR, Mrs. COLLINS, Mr. STARK, Mr. FRANK, Mr. ACKERMAN, Mr. BEILENSON, Mr. DEFAZIO, Mr. KENNEDY, Mr. JONTZ, Mr. AUCOIN, Mr. BERMAN, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. KASTENMEIER, Mr. LEVINE of California, Mr. LIPINSKI, Mr. MARKEY, Mr. MILLER of Washington, Mr. OLIN, Mr. OWENS of New York, Mr. PALLONE, Mr. PEASE, Mr. RAVENEL, Mr. TORRES, Mrs. UNSOELD, Mr. CAMPBELL of California, and Mr. FOGLIETTA)

H.R. 1078. A bill to establish national policies and support and encourage international agreements that implement energy and natural resource conservation strategies appropriate to preventing the overheating of the Earth's atmosphere, known as the greenhouse effect; jointly, to the Committees on Energy and Commerce; Science, Space, and Technology; Ways and Means; Foreign Affairs; Public Works and Transportation; Government Operations; Agriculture; Interior and Insular Affairs; Banking, Finance and Urban Affairs; Armed Services; and Merchant Marine and Fisheries.

By Mr. SCHULZE (for himself, Mr. FLIPPO, Mr. DUNCAN, Mr. MCEWEN, Mr. DEFAZIO, Mr. SAXTON, and Mr. BEREUTER):

H.R. 1079. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, first home savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. SLAUGHTER of Virginia (for himself, Mr. CRANE, Mr. DREIER of California, Mr. BLILEY, Mr. RITTER, Mr. DANNEMEYER, Mr. DE LUGO, Mr. PACKARD, Mr. PARRIS, Mr. SHUMWAY, Mr. SOLOMON, Mr. ARMEY, Mr. DORNAN of California, Mr. SCHUETTE, Mr. EMERSON, Mr. COMBEST, Mrs. VUCANOVICH, Mr. PORTER, Mr. LAGOMARSINO, Mr. IRELAND, Mr. SMITH of New Hampshire, Mr. GINGRICH, Mr. BAKER, Mr. WALKER, Mr. BURTON of Indiana, Mr. DELAY, Mrs. BENTLEY, Mr. HUNTER, Mr. WEBER, and Mr. MCCOLLUM):

H.R. 1080. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for amounts contributed to a health care savings account and to amend title XVIII of the Social Security Act to provide for a high deductible and protection against catastrophic medical care expenses for individuals who have established such accounts; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. SOLOMON:

H.R. 1081. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of firefighting vehicles; to the Committee on Public Works and Transportation.

H.R. 1082. A bill to amend the title 39, United States Code, with respect to the budgetary treatment of the Postal Service fund; jointly, to the Committee on Post Office and Civil Service and Government Operations.

By Mr. SWIFT:

H.R. 1083. A bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Post Office and Civil Service.

By Mr. TRAFICANT:

H.R. 1084. A bill to amend title 18, United States Code, to provide the death penalty for civilian espionage; to the Committee on Judiciary.

By Mr. VENTO (for himself, Mr. ACKERMAN, Mr. ROE, Mr. BOEHLERT, Mr. ROYBAL, Mr. BILIRAKIS, Mr. YATES, Mr. MORELLA, and Mr. SIKORSKI):

H.R. 1085. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income from the taxable year; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mr. THOMAS of Georgia, Mr. MORRISON of Washington, and Mr. CALLAHAN):

H.R. 1086. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to farming activities; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. DEFAZIO, Mr. RAHALL, Mrs. VUCANOVICH, and Mr. SKELTON):

H.R. 1087. A bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads; to the Committee on Public Works and Transportation.

By Mr. BILIRAKIS (for himself, Mr. NEAL of North Carolina, and Mr. DYSON):

H.J. Res. 145. Joint resolution designating March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA:

H.J. Res. 146. Joint resolution to designate October 7 through October 14, 1989, as "National Week of Outreach to the Rural Disabled"; to the Committee on Post Office and Civil Service.

By Mr. KOLTER:

H.J. Res. 147. Joint resolution to designate September 1, 1989, as "National Day of Recognition of the Polish Armed Forces of World War II"; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Ms. SNOWE, Mr. BEVILL, Mr. KOSTMAYER, Mr. COLEMAN of Texas, Mr. ROE, Mr. WALGREN, Mr. CAMPBELL of Colorado, Mr. WOLPE, Mr. SOLARZ, Mr. JONES of North Carolina, Mr. FAUNTROY, Mr. MILLER of California, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. MOAKLEY, Ms. OAKAR, Mr. FORD of Tennessee, Mr. GREEN, Mr. CLAY, Mr. DYMALLY, Ms. KAPTUR, Mr. GORDON, Mr. CONTE, Mr. SCHEUER, Mr. HUGHES, Mr. MATSUI, Mr. WOLF, Mr. ACKERMAN, Mr. BLAZ, Mr. FUSTER, Mr. BONIOR, Mrs. BOXER, Mr. GUNDERSON, Mr. PANETTA, Mr. BERMAN, Mrs. SCHROEDER, Mr. SKELTON, Mr. FAZIO, Mrs. MORELLA, Mr. MURPHY, Mr. TALLON, Mr. ERDREICH, Mr. CARPER, Mr. TRAFICANT, Mr. SAWYER, Mr. WILSON, Mr. BORSKI, Mr. AUCOIN, Mr. ATKINS, Mr. JONTZ, Mr. SABO, Mr. HAWKINS, Mr. DWYER of New Jersey, Mr. LEVIN of Michigan, Mr. LEHMAN of California, Mr. MCMILLEN of Maryland, Mr. CARR, Mr. WYDEN, Mr. NEAL of Massachusetts, Mr. YATES, Mr. GEPHARDT, Mr. FROST, Mr. LAFALCE, Mrs. PATTERSON, Mr. HAYES of Illinois, Mr. OWENS of New York, Mr. VOLKMER, Mr. RICHARDSON, Mrs. COLLINS, Mr. HOCHBRUECKNER, Mr. MANTON, Mr. LIPINSKI, Mr. FOGLIETTA, Mr. STUDDS, Mr. BENNETT, Mr. CHAPMAN, Mr. SPRATT, Mr. DE LUGO, Mr. NATCHER, Mr. FASCELL, Mr. THOMAS A. LUKEN, Mr. FRANK, Mr. MCGRATH, Mr. HENRY, Mr. KOLTER, Mr. RINALDO, Mr. COSTELLO, Mrs. MARTIN of Illinois, Mr. VALENTINE, Mr. RANGEL, Mrs. BENTLEY, Mr. RAY, Mr. OWENS of Utah, Mr. ROBERT F. SMITH, Mrs. KENNELLY, Mr. BROWN of California, Mrs. SAIKI, and Mr. HORTON):

H.J. Res. 148. Joint resolution designating March 1989 as "Women's History Month"; to the Committee on Post Office and Civil Service.

By Mr. RUSSO:

H.J. Res. 149. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 150. Joint resolution to designate April 30, 1989, as "National Society of the Sons of the American Revolution Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. PURSELL (for himself and Mr. MURTHA):

H. Con. Res. 55. Concurrent resolution calling for the reestablishment of the Na-

tional Bipartisan Commission on Central America to study the nature of the United States interests in the Central American region and the threats now posed to those interests; to the Committee on Foreign Affairs.

By Mr. ROTH:

H. Con. Res. 56. Concurrent resolution expressing the sense of Congress with respect to a plebiscite in Cuba; to the Committee on Foreign Affairs.

By Mrs. BOGGS:

H. Res. 83. Resolution establishing the Commission on the United States House of Representatives Bicentenary; considered and agreed to.

By Mr. PEPPER (for himself, Mr. LELAND, Mr. EMERSON, Mr. MILLER of California, Mr. BLILEY, Mr. RANGEL, and Mr. COUGHLIN):

H. Res. 84. Resolution to establish the Select Committee on Hunger; the Select Committee on Children, Youth and Families; and the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

By Mr. MICHEL:

H. Res. 85. Resolution designating minority membership on certain standing committees; considered and agreed to.

By Mr. BEILENSON:

H. Res. 86. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. BROOKS (for himself, Mr. EDWARDS of California, Mr. FISH, and Mr. SENSENBRENNER):

H. Res. 87. Resolution impeaching Walter L. Nixon, Jr., judge of the U.S. District Court for the Southern District of Mississippi for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. DINGELL:

H. Res. 88. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mr. GONZALEZ:

H. Res. 89. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 1st session of the 101st Congress; to the Committee on House Administration.

By Mrs. MEYERS of Kansas:

H. Res. 90. Resolution expressing the sense of the House of Representatives that when funds are made available through the American Heritage Trust or other sources for grants for historic preservation, a grant for the preservation of Quindaro, KS, should be given high priority; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H. Res. 91. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular Affairs in the 1st session of the 101st Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOSCO introduced a bill (H.R. 1088) for the relief of James F. and Shirley M. Silva and Walter F. and Mary L. Stuart, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. STAGGERS, Mr. BRENNAN, Mr. HAYES of Illinois, Mr. STOKES, Mr. GONZALEZ, Mr. BILBRAY, Mr. DURBIN, and Mr. VALENTINE.

H.R. 7: Mr. FAUNTROY and Mr. RAHALL.

H.R. 8: Mr. BOEHLERT, Mr. ATKINS, Mr. SIKORSKI, and Mr. PRICE.

H.R. 10: Mr. RAHALL, Mrs. LLOYD, Mr. CLARKE, Mr. MCDADE, Mr. COYNE, Mr. MCEWEN, Mr. FORD of Tennessee, Mr. APPLEGATE, Mr. MONTGOMERY, Mr. ERDREICH, Mr. MURTHA, Mr. GAYDOS, Mr. FOGLIETTA, Mr. THOMAS of Georgia, Mr. HATCHER, and Mr. MOLLOHAN.

H.R. 14: Ms. SCHNEIDER, Mr. ESPY, and Mr. CAMPBELL of California.

H.R. 15: Mr. ATKINS, Mr. BATES, Mr. BILBRAY, Mrs. BOXER, Mr. BRYANT, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. FRANK, Mr. FUSTER, Mr. THOMAS A. LUKEN, Mr. MOAKLEY, Mr. OWENS of New York, Mr. STOKES, and Mr. SYNAR.

H.R. 18: Mr. DYMALLY.

H.R. 22: Mr. CLAY, Mr. DE LUGO, Mr. PARRIS, Mr. DERRICK, and Mrs. UNSOELD.

H.R. 24: Mr. FAUNTROY, Mr. RAHALL, and Mrs. UNSOELD.

H.R. 41: Mr. ATKINS, Mr. DIXON, Mr. DYMALLY, Mr. FRANK, and Mr. TOWNS.

H.R. 46: Mr. PENNY, Mr. RICHARDSON, Ms. PELOSI, Mr. JONTZ, Mr. HERTEL, Mr. CHAPMAN, Mr. WALGREN, Mr. TRAFICANT, and Mr. HAYES of Illinois.

H.R. 58: Mr. VANDER JAGT, Mr. PURSELL, Mr. FIELDS, Mr. BROOMFIELD, Mr. FAWELL, Mr. DE LUGO, Mr. WHITTAKER, Mr. HANCOCK, Mr. ARMEY, Mr. KOLBE, Mr. FISH, Mr. MARTIN of New York, Mr. BLILEY, and Mr. SMITH of New Hampshire.

H.R. 60: Mr. OXLEY, Mr. WHITTAKER, Mr. SHAW, Mr. RIDGE, Mr. BLILEY, Mr. BUNNING and Mr. CALLAHAN.

H.R. 63: Mr. MCCOLLUM, Mr. GRANT, Mr. ANNUNZIO, Mr. YOUNG of Florida, Mr. MOORHEAD, Mr. PAXON, Mr. LEWIS of Florida, Mr. DOUGLAS, Mr. MARTIN of New York, Mr. LANCASTER, and Mr. BAKER.

H.R. 82: Mr. COSTELLO, Mr. KENNEDY, Mr. BLAZ, Mrs. MEYERS of Kansas, Mr. VALENTINE, Mr. BUSTAMANTE, Mr. STUMP, Mr. SISISKY, Mr. DYSON, Mr. SCHUETTE, Mr. FIELDS, Mr. HOYER, Mr. COLEMAN of Texas, Mr. ROSE, Mr. KOSTMAYER, and Mr. ROBERTS.

H.R. 91: Mr. SCHEUER, Mr. DYMALLY, Mr. CLAY, Mr. FOGLIETTA, Mr. WAXWAN, Mr. LEVINE of California, Mr. GOODLING, Mr. DWYER of New Jersey, Mr. NEAL of Massachusetts, Mr. KOSTMAYER, Mr. OWENS of Utah, Mr. BOSCO, Mr. ACKERMAN, Mr. ATKINS, Mr. JONTZ, Mr. BEILENSON, Mr. LEHMAN of Florida, Mr. STUDDS, Mr. ANDREWS, Mr. PEPPER, Mr. MRAZEK, Mr. FROST, Mr. LAGOMARSINO, Mr. OWENS of New York, Mr. MCGRATH, Mrs. MORELLA, Mr. PEASE, Mr. LAFALCE, Ms. KAPTUR, Mr. BRYANT, Mr. BROWN of California, Mrs. COLLINS.

H.R. 118: Mr. ANDREWS, Mr. ANTHONY, Mr. ARCHER, Mr. CHANDLER, Mr. COURTER, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. HENRY, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. MARLENEE, Mr. RAVENEL, Mr. ROWLAND of Connecticut, Mr. SKEEN, Mr. HUGHES, Mr. HEFNER, Mr. BENNETT, Mr. WOLF, Mr. CLINGER, and Mr. FASCELL.

H.R. 145: Mr. HAYES of Louisiana, Mr. YATRON, Ms. OAKAR, Mrs. COLLINS, Mr. KENNEDY, Mr. SKAGGS, Mr. DORGAN of North Dakota, Mr. ROSE, Mr. ROBERTS, and Mr. GLICKMAN.

H.R. 160: Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. DYMALLY, Mr. LEWIS of Georgia, Mr. COLEMAN of Missouri, Mr. WOLPE, Mr. SOLARZ, Mr. ARCHER, Mr. MACHTLEY, Mr. AUCOIN, Mrs. ROUKEMA, Ms. SCHNEIDER, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. ROYBAL, Mrs. MORELLA, Mr. CROCKETT, Mr. LANTOS, Mr. CAMPBELL of California, Mr. DE LUGO, Mrs. JOHNSON of Connecticut, Mr. BLAZ, and Mr. DONALD E. LUKENS.

H.R. 161: Mr. GRANT, Mr. BARNARD, Mr. BATEMAN, Mrs. BENTLEY, Mr. CALLAHAN, Mrs. COLLINS, Mr. COOPER, Mr. DEFAZIO, Mr. DYMALLY, Mr. FASCELL, Mr. FIELDS, Mr. GUNDERSON, Mr. LIPINSKI, Mr. MFUME, Mr. MINETA, Mr. OWENS of New York, Ms. PELOSI, Mr. PICKETT, Mr. RANGEL, Mr. RICHARDSON, Mr. ROE, Mr. SISISKY, Mr. SMITH of Florida, Mr. ATKINS, Mr. CARDIN, Mr. DE LUGO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FROST, Mr. HUGHES, Mr. ORTIZ, Mr. TOWNS, and Mr. WEISS.

H.R. 210: Mr. CONYERS.

H.R. 211: Mr. HATCHER, Mr. CHAPMAN, Mr. ERDREICH, Mrs. COLLINS, Mr. FROST, Mr. SLATTERY, Mr. MILLER of Ohio, Mr. SAVAGE, and Mr. UDALL.

H.R. 212: Mr. CONYERS, Mr. CROCKETT, and Mr. HAYES of Illinois.

H.R. 213: Mr. RAHALL, Mr. GARCIA, Mr. AKAKA, and Mr. TRAFICANT.

H.R. 214: Mr. RAHALL, Mr. TORRICELLI, Mr. GEJDENSON, Mr. FLORIO, Mr. KANJORSKI, Mrs. BENTLEY, Mr. MCCURDY, Mr. THOMAS A. LUKEN, Mr. PARRIS, Mrs. SAIKI, Mr. HAYES of Illinois, Mr. AKAKA, Mr. GARCIA, Mr. APPLEGATE, and Mr. VALENTINE.

H.R. 215: Mr. ORTIZ, Mrs. BENTLEY, Mr. KASTENMEIER, Mr. CALLAHAN, Mr. SOLOMON, Mr. WYDEN, Mr. CLARKE, Mr. TRAXLER, and Mr. ROWLAND of Connecticut.

H.R. 216: Mr. CROCKETT, Mr. VENTO, and Mr. CHAPMAN.

H.R. 217: Mr. VENTO, Mr. TOWNS, and Mr. GARCIA.

H.R. 243: Mr. WHITTAKER, Mr. FISH, Mr. CAMPBELL of California, Mr. DAVIS, Mr. SAXTON, Mr. CONYERS, and Mr. THOMAS A. LUKEN.

H.R. 267: Mr. TOWNS.

H.R. 283: Mr. RHODES, Mr. COSTELLO, Mr. DE LUGO, Mr. ENGLISH, Mr. SOLOMON, Mrs. PATTERSON, Mr. LEATH of Texas, Mr. HUTTO, Mr. WILSON, Mr. BUNNING, Mr. BILBRAY, Mr. JOHNSON of South Dakota, and Mr. HAYES of Louisiana.

H.R. 286: Mr. RIDGE, Mr. LIGHTFOOT, and Mr. FALEOMAVAEGA.

H.R. 289: Mr. DIXON and Mr. GONZALEZ.

H.R. 360: Mr. WOLPE, Mr. RICHARDSON, Mr. FOGLIETTA, Mr. FAZIO, Mr. WEISS, Mr. JONTZ, Ms. SCHNEIDER, Mr. CONYERS, and Mr. HAYES of Illinois.

H.R. 361: Mr. WOLPE, Mr. RICHARDSON, Mr. FOGLIETTA, Mr. FAZIO, Mr. WEISS, Mr. JONTZ, Ms. SCHNEIDER, Mr. CONYERS, Mr. OWENS of New York, and Mr. HAYES of Illinois.

H.R. 362: Mr. KOLBE and Mr. LAGOMARSINO.

H.R. 371: Mr. GRANDY, Mr. BAKER, Mr. HILER, Mr. SKEEN, Mr. JONTZ, Mr. PENNY, Mr. COSTELLO, Mr. TAUKE, and Mr. LIGHTFOOT.

H.R. 418: Mr. SWIFT, Mr. STARK, Mr. SAVAGE, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. SKAGGS, and Mr. KENNEDY.

H.R. 446: Mr. MOAKLEY.

H.R. 510: Mr. PARKER, Mrs. MARTIN of Illinois, Mr. HUGHES, Mrs. BENTLEY, Mr. FOGLIETTA, Mrs. COLLINS, Mr. ATKINS, Mr. DE LUGO, Mr. CAMPBELL of California, Mrs. BOGGS, and Mr. COSTELLO.

H.R. 514: Mr. DE LUGO, Mr. EVANS, Mr. LEWIS of Georgia, Mr. RAY, Mr. WEISS, Mr. ACKERMAN, Mrs. BENTLEY, Mr. LANCASTER, and Mr. GARCIA.

H.R. 518: Mr. WOLF, Ms. SNOWE, Mr. SMITH of Mississippi, Mr. EMERSON, Mr. SHUMWAY, Mr. STANGELAND, Mr. COBLE, Mr. GUNDERSON, Mrs. BENTLEY, Mr. PETRI, Mr. MCCOLLUM, Mr. WELDON, Mr. PAYNE of Virginia, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. MARLENEE, Mr. HOUGHTON, Mr. DARDEN, Mr. SOLOMON, Mr. WEBER, Mr. GINGRICH, Mr. ROHRABACHER, Mr. BAKER, Mr. PURSELL, Mr. INHOFE, Mr. FLORIO, Mr. STUMP, Mr. ROBERTS, Mr. HILER, Mr. DELAY, Mr. HOLLOWAY, Mr. SMITH of New Hampshire.

H.R. 545: Mr. DWYER of New Jersey, Mrs. SAIKI, Mr. BROWN of California, Mr. TOWNS, and Mr. MRAZEK.

H.R. 563: Mr. OWENS of New York, Mr. LANCASTER, Mr. GORDON, Mr. CRAIG, Mr. HUCKABY, Mr. STUDDS, Mr. DYSON, Mr. DANNEMEYER, Mr. CAMPBELL of California, Mr. PEPPER, and Mr. CROCKETT.

H.R. 567: Mr. SWIFT, Mr. HOUGHTON, Mr. CALLAHAN, Mr. MRAZEK, Mr. HAYES of Louisiana, Mr. WYDEN, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. AKAKA, Mr. GEPHARDT, Mr. RAHALL, Mr. SMITH of New Jersey, Mr. HERGER, Mr. MFUME, Mr. TAUZIN, and Mr. MILLER of California.

H.R. 586: Mr. BOEHLERT and Mr. FUSTER.

H.R. 594: Mr. HOUGHTON, Mr. LANCASTER, Mr. ENGEL, Mr. TRAXLER, Mr. WALGREN, Mr. CLAY, Mr. RANGEL, Ms. SLAUGHTER of New York, Mr. GLICKMEN, Mr. WOLPE, Mr. JONES of Georgia, Mr. ROE, Mrs. LOWEY of New York, Mr. WATKINS, and Mr. DERRICK.

H.R. 598: Mr. GARCIA, Mr. STALLINGS, Mr. WAXMAN, Mr. HANSEN, Mr. GUARINI, Mr. DE LUGO, Mr. DORNAN of California, Mr. FRANK, Mr. IRELAND, Mr. BATES, Mr. ATKINS, and Mr. KILDEE.

H.R. 637: Mr. BILIRAKIS, Mr. IRELAND, Mr. SHAW, Mr. PEPPER, Mr. NELSON of Florida, and Mr. JOHNSTON of Florida.

H.R. 652: Mr. SCHUMER, Mr. DELLUMS, Mr. GARCIA, Mr. TOWNS, and Mr. HAYES of Illinois.

H.R. 654: Mr. BROOMFIELD, Mr. RITTER, Mr. UPTON, Mr. LAGOMARSINO, Mr. HORTON, Mr. HASTERT, Mr. HEFLEY, Mr. HERTEL, Mr. FAUNTROY, Mr. BEREUTER, Mrs. COLLINS, Mr. LIPINSKI, Mr. MCGRATH, Mr. KILDEE, and Mr. RANGEL.

H.R. 655: Mr. ENGEL, Mr. SOLARZ, Mr. DIXON, Mr. TORRICELLI, Mrs. BOGGS, and Ms. OAKAR.

H.R. 658: Mr. SKEEN, Mr. GLICKMAN, Mr. CHAPMAN, and Mr. ENGLISH.

H.R. 659: Mr. SKEEN and Mr. GLICKMAN.

H.R. 664: Mr. YOUNG of Alaska, Mr. MARLENEE, Mr. FIELDS, and Mr. CHENEY.

H.R. 669: Mr. YATES, Mr. FAUNTROY, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. BEILENSON, Mr. LEWIS of Georgia, Mr. ACKERMAN, Mr. BONIOR, Mr. THOMAS A. LUKEN, Mr. MCDERMOTT, Mrs. BOXER, and Mr. MATSUI.

H.R. 670: Mr. RICHARDSON, Mr. GARCIA, and Mr. DE LUGO.

H.R. 679: Mr. KILDEE.

H.R. 683: Mr. BEREUTER, Mr. BRUCE, Mr. DWYER of New Jersey, Mr. GARCIA, Mr. HERTEL, Mr. LANCASTER, and Mr. SMITH of Florida.

H.R. 703: Mr. NELSON of Florida.

H.R. 720: Mrs. JOHNSON of Connecticut, Mr. EVANS, Mr. BROWN of California, Mr. SKAGGS, Mrs. ROUKEMA, Mr. DEFAZIO, Mr. HOYER, Mr. WOLPE, Mr. WILSON, Mr. AKAKA, Mr. ROYBAL, Mr. TOWNS, Mr. CROCKETT, and Mr. STARK.

H.R. 730: Ms. OAKAR, Mr. DWYER of New Jersey, Mr. ATKINS, Mr. KILDEE, Mr. CHAPMAN, Mr. LEHMAN of Florida, Mr. RANGEL, and Mr. HERTEL.

H.R. 743: Mr. FAZIO.

H.R. 746: Mr. PEPPER, Mr. PENNY, Mr. BOSCO, Mr. NELSON of Florida, and Mr. SIKORSKI.

H.R. 747 Mr. ACKERMAN, Mr. ANDERSON, Mr. ARMEY, Mr. BATEMAN, Mr. ATKINS,

Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BROOMFIELD, Mr. BRYANT, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CARR, Mr. CHAPMAN, Mr. CLARKE, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COMBEST, Mr. CONTE, Mr. CONYERS, Mr. COURTER, Mr. COYNE, Mr. CRANE, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DAVIS, Mr. DELLUMS, Mr. DERRICK, Mr. DEWINE, Mr. DORNAN of California, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. DYSON, Mr. ECKART, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FRANK, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. GEJDENSON, Mr. GILMAN, Mr. GOODLING, Mr. GORDON, Mr. GRANDY, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFLEY, Mr. HEFNER, Mr. HENRY, Mr. HERGER, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HOUGHTON, Mr. HOYER, Mr. HUBBARD, Mr. HYDE, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Mr. KLECZKA, Mr. KOLBE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEWIS OF CALIFORNIA, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. THOMAS A. LUKEN, Mr. DONALD E. LUKENS, Mr. MANTON, Mr. MARKEY, Mr. MARLENEE, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MARVROULES, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCEWEN, Mr. MCMILLEN OF MARYLAND, Mr. MFUME, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MRAZEK, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OWENS of Utah, Mr. OWENS of New York, Mr. PACKARD, Mr. PANETTA, Mr. PARRIS, Mr. PASHAYAN, Mr. PERKINS, Mr. PORTER, Mr. RAHALL, Mr. RAVENEL, Mr. RIDGE, Mr. RITTER, Mr. ROGERS, Mr. ROSE, Mr. ROWLAND of Connecticut, Mr. SAVAGE, Mr. SAWYER, Mr. SAXTON, Mr. SCHEUER, Ms. SCHNEIDER, Mr. SCHUETTE, Mr. SHUMWAY, Mr. SKAGGS, Mr. SKELTON, Mr. DENNY SMITH, Mr. SMITH of New Hampshire, Mr. SOLARZ, Mr. SPRATT, Mr. STAGGERS, Mr. STANGELAND, Mr. STOKES, Mr. STUDDS, Mr. TALLON, Mr. TAUZIN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. UPTON, Mr. VALENTINE, Mr. VENTO, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WALKER, Mr. WELDON, Mr. WHITTAKER, Mr. WILSON, Mr. WISE, Mr. WOLPE, Mr. WYDEN, Mr. YATES, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. COX, Mr. POSHARD, Mr. INHOFE, and Mr. GALLEGLY.

H.R. 774: Mr. LELAND, Ms. OAKAR, Mr. WEISS, Mr. JOHNSON of South Dakota, Mr. BARNARD, Mr. JACOBS, Mr. RAVENEL, and Mr. SABO.

H.R. 819: Mr. RITTER, Mr. HORTON, Mr. ROBINSON, Mr. BEREUTER, Mr. FAWELL, Mr. ACKERMAN, Mr. SOLOMON, Mr. ROE, Mr. CAMPBELL of Colorado, Mr. HAYES of Louisiana, Mr. PAXON, Mr. BATES, Mr. ENGLISH, Mr. BROWN of California, Mr. RAY, Mr. MCDERMOTT, Mr. ATKINS, Mr. BOSCO, and Mr. ANDREWS.

H.R. 820: Mr. DEWINE, Mr. DWYER of New Jersey, Mr. KYL, Mr. FROST, Mr. TOWNS, and Mrs. SAIKI.

H.R. 840: Mr. HUBBARD.

H.R. 873: Mr. BATES, Mr. DONALD E. LUKENS, Mr. BROWN of Colorado, and Mr. COOPER.

H.R. 874: Mr. GARCIA, Mr. OWENS of New York, Mr. FLORIO, Mr. FAUNTROY, Mr. SAVAGE, Mr. COOPER, Mr. KILDEE, Mr. GUNDERSON, Mr. NELSON of Florida, Mr. DONALD E. LUKENS, and Mr. BROWN of California.

H.R. 889: Mr. MONTGOMERY, Mr. BLILEY, Mr. GORDON, Mr. HATCHER, Mr. BROOKS, Mr. PEPPER, Mr. BENNETT, Mr. BOUCHER, and Mr. JONES of North Carolina.

H.R. 901: Mr. JAMES.

H.R. 917: Mr. CLARKE, Mr. BENNETT, Mr. SOLARZ, Mr. BEVILL, Mr. POSHARD, Mr. TOWNS, Mr. GRANT, Mr. RICHARDSON, Mr. PALLONE, Mrs. SAIKI, and Mr. MORRISON of Connecticut.

H.R. 985: Mr. HOYER, Mr. CAMPBELL of Colorado, Mr. LEWIS of California, Mrs. COLLINS, Mr. GOODLING, Mr. SHAYS, Mr. MRAZEK, Mr. MAVROULES, Mr. RANGEL, Mr. BROWN of California, and Mr. BOUCHER.

H.R. 987: Mr. PRICE, Mr. WELDON, Mr. BATES, Mr. CLAY, Mr. WALGREN, Mrs. MORELLA, Mr. DELLUMS, Mr. MILLER of Washington, Mr. GARCIA, Mr. TALLON, and Mr. BILBRAY.

H.R. 995: Mr. LAGOMARSINO, Mr. CHANDLER, Mr. INHOFE, Mrs. COLLINS, Mr. BILIRAKIS, and Mr. HUNTER.

H.R. 1036: Mr. RITTER and Mr. BATEMAN.

H.J. Res. 19: Mr. TOWNS, Mr. HATCHER, Mr. SKELTON, Mr. GUNDERSON, Mr. ATKINS, Mr. NEAL of Massachusetts, Mr. SCHUETTE, Mrs. BENTLEY, Mr. ENGLISH, Mr. JOHNSON of South Dakota, Mr. KOLTER, Mr. FOGLIETTA, and Mr. LIGHTFOOT.

H.J. Res. 22: Mr. BLAZ, Mr. MAZZOLI, Mrs. BENTLEY, Mr. SCHEUER, Mr. HUGHES, Mr. THOMAS A. LUKEN, Mr. SAVAGE, Mr. DEWINE, Mr. SHAW, Mr. GARCIA, Mr. PORTER, and Mr. VENTO.

H.J. Res. 82: Mr. QUILLEN, Mr. MARTIN of New York, Mr. CAMPBELL of California, Mr. MANTON, Mr. SMITH of New Hampshire, Mr. TAUKE, Mr. HAYES of Illinois, Mr. BEVILL, and Mr. FISH.

H.J. Res. 94: Mrs. BENTLEY, Mr. BLILEY, Mr. BONIOR, Mrs. BOXER, Mr. CLAY, Mrs. COLLINS, Mr. COSTELLO, Mr. DE LUGO, Mr. DERRICK, Mr. DEWINE, Mr. DWYER of New Jersey, Mr. DYSON, Mr. FAWELL, Mr. FOGLIETTA, Mr. GARCIA, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HUGHES, Mr. IRELAND, Mrs. KENNELLY, Mr. LAGOMARSINO, Mr. LIPINSKI, Mrs. LLOYD, Mr. MCDERMOTT, Mr. MARTIN of New York, Mr. NELSON of Florida, Mr. OLIN, Mr. PARRIS, Mr. PAYNE of Virginia, Mr. PORTER, Mr. QUILLEN, Mr. RANGEL, Mr. RIDGE, Mr. SKEEN, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. SPRATT, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. VOLKMER, and Mr. WILSON.

H.J. Res. 95: Mr. ACKERMAN, Mr. BERMAN, Mr. BLAZ, Mr. BORSKI, Mr. CLARKE, Mrs. COLLINS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DIXON, Mr. DONNELLY, Mr. DYMALLY, Mr. ESPY, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. GILMAN, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. LEHMAN of Florida, Mr. LEWIS of

Georgia, Mr. MCEWEN, Mr. MACHTLEY, Mr. MRAZEK, Ms. PELOSI, and Mr. PEPPER.

H.J. Res. 110: Mr. BALLENGER, Mr. BILBRAY, Mr. FIELDS, Mr. WHITTAKER, Mr. CLINGER, Mr. QUILLEN, Mr. DEWINE, Mr. KOLBE, Mr. BAKER, Mr. DELAY, Mr. LIVINGSTON, Mr. MCCANDLESS, and Mr. STEARNS.

H.J. Res. 112: Mr. ATKINS, Mrs. BENTLEY, Mr. BERMAN, Mr. BORSKI, Mr. BUSTAMANTE, Mr. CROCKETT, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. ESPY, Mr. GILMAN, Mr. HARRIS, Mr. HAYES of Louisiana Mr. HERTEL, Mr. JONES of North Carolina, Mr. PARRIS, Mr. RINALDO, Mrs. ROUKEMA, Mr. SMITH of New Jersey, and Mr. THOMAS of Georgia.

H.J. Res. 120: Mr. ATKINS, Mr. BATES, Mrs. BENTLEY, Mr. BONIOR, Mr. BORSKI, Mr. CROCKETT, Mr. DARDEN, Mr. DICKS, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FASCELL, Mr. FISH, Mr. FROST, Mr. GARCIA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LEHMAN of California, Mr. LIVINGSTON, Mr. MANTON, Mr. MARTINEZ, Mrs. OAKAR, Mr. OWENS of Utah, Ms. PELOSI, Mr. ROE, Mr. SAVAGE, Mr. SKEEN, Mr. STARK, Mr. TRAFICANT, Mr. WYDEN, and Mr. TOWNS.

H.J. Res. 132: Mr. COELHO, Mr. SOLARZ, Mr. CONTE, Mr. DONNELLY, Mr. FLAKE, Mr. DORGAN of North Dakota, Ms. SLAUGHER of New York, Mr. FROST, Mr. APPLEGATE, Mr. BERMAN, and Mr. LAFALCE.

H. Con. Res. 30: Mr. DE LUGO, Mr. BUECHNER, Mr. CROCKETT, and Mr. WEBER.

H. Con. Res. 34: Mr. SKEEN, Mr. CHAPMAN, and Mr. ENGLISH.

H. Con. Res. 39: Mr. SLATTERY, Mr. CLEMENT, Mr. WHITTAKER, Mr. BROWN of Colorado, Mr. STUMP, Mr. HANSEN, Mr. MARLENEE, Mr. UPTON, Mr. DICKINSON, Mr. DORNAN of California, Mr. PAXON, Mr. DYMALLY, Mr. SWIFT, Mr. LIGHTFOOT, Mr. LAUGHLIN, Mr. HATCHER, Mr. RAVENEL, Mr. BUSTAMANTE, Mr. HUBBARD, Mr. LEATH of Texas, Mr. DONALD E. LUKENS, Mr. MACHTLEY, Mr. DAVIS, and Mr. SARPALIUS.

H. Con. Res. 40: Mr. LEHMAN of California, Mr. WILSON, Mr. MADIGAN, Mr. CALLAHAN, Mr. WOLF, Mr. BURTON of Indiana, Mr. JOHNSTON of Florida, Mr. MCGRATH, Mr. WISE, Mr. MURTHA, Mr. AKAKA, and Mr. COLEMAN of Texas.

H. Con. Res. 41: Mr. FAZIO, Mr. WILLIAMS, Mr. ROBINSON, Mr. UDALL, Mr. RIDGE, Mr. HAWKINS, Mr. ESPY, Mr. FUSTER, Mr. PORTER, Mr. FROST, Mr. SAXTON, Mr. BILBRAY, Mr. RHODES, and Mr. HUGHES.

H. Con. Res. 42: Mr. KILDEE.

H. Con. Res. 44: Mr. FISH, Mr. STUDDS, Mr. DURBIN, and Mr. ACKERMAN.

H. Con. Res. 48: Mr. AKAKA, Mr. APPLEGATE, Mr. ATKINS, Mr. AUCOIN, Mr. BATES, Mr. BROWN of California, Mr. BUSTAMANTE, Mr. CLAY, Mrs. COLLINS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Mr. DORGAN of North Dakota, Mr. DOWNEY, Mr. FLAKE, Mr. FOGLIETTA, Mr. KILDEE, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MFUME, Mr. MINETA, Mr. MOODY, Mr. MRAZEK, Mr. OWENS of New York, Mr. RUSSO, Mr. SCHEUER, Ms. SLAUGHTER of New York, Mr. TOWNS, Mr. YATES, Mr. OLIN, Mr. MAVROULES, and Mr. CAMPBELL of Colorado.

H. Res. 20: Mr. NOWAK, Mr. CHANDLER, Mr. TORRICELLI, Mr. SISISKY, and Mr. SCHAEFER.

H. Res. 23: Mr. SISISKY and Mr. DARDEN.

H. Res. 33: Mr. BLAZ, Mrs. BYRON, Mr. CLEMENT, Mr. DEFAZIO, Mr. DICKS, Mr. FASCELL, Mr. FLAKE, Mr. FUSTER, Mr. HAMMERSCHMIDT, Mr. HOAGLAND, Mr. JAMES, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. LAGOMARSINO, Mrs. LOWEY of New York, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. NCNULTY, Mr. MOAKLEY, Mr. PARKER, Mr. PEPPER, Ms. SNOWE, Mr. SMITH of Iowa, Mr. TORRICELLI, Mr. WATKINS, Mr. WHITTEN, Mr. WILLIAMS, Mr. WILSON, and Mr. WOLF.

H. Res. 41: Mr. ALEXANDER, Mr. ANTHONY, Mr. BONIOR, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CARR, Mr. ERDREICH, Mr. FAUNTROY, Mr. GEJDENSON, Mr. HAWKINS, Mrs. MEYERS of Kansas, Ms. OAKAR, Mr. PETRI, Mr. RHODES, Mr. RITTER, Mr. SMITH of Vermont, Mr. TRAFICANT, Mr. TRAXLER, and Mr. WALKER.

H. Res. 56: Mr. GUNDERSON, Mr. DONALD E. LUKENS, Mrs. JOHNSON of Connecticut, Mr. HENRY, and Mr. BEREUTER.

H. Res. 57: Mr. FAUNTROY, Mr. SAVAGE, Mr. DONNELLY, Mr. NEAL of North Carolina, Mr. ATKINS, Mr. FOGLIETTA, Mr. ROE, and Mr. ACKERMAN.

H. Res. 76: Ms. PELOSI, Mr. ROGERS, and Mr. FAZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII,

23. The SPEAKER presented a petition of the mayor and council, Tucson, AZ, relative to the Urban Mass Transportation Administration proposed budget funding for fiscal year 1989-90; which was referred to the Committee on Public Works and Transportation.

EXTENSIONS OF REMARKS

FUTURE OF THE FEDERAL OCS PROGRAM

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. FIELDS. Mr. Speaker, during his State of the Union Address, President George Bush announced his intention to delay leasing activity on certain Federal OCS lands off the coasts of California and Florida.

Mr. Speaker, after years of moratoria and other delays, it is time for the Federal OCS Leasing Program to move forward in the balanced manner that Congress required in the OCS Lands Act Amendments of 1978.

As the ranking minority member of the Panama Canal/Outer Continental Shelf Subcommittee, I have thoroughly reviewed every aspect of the Federal OCS Program. There is no question that Federal lands off our coast, which belong to all Americans, can be explored and developed in an environmentally sound manner. After all, the Federal OCS is our Nation's safest energy extraction program. In fact, there has never been an oil spill resulting from a blowout in any of the more than 6,000 exploratory wells drilled in U.S. waters.

Unless we have a viable OCS Program, our Nation will continue to become more and more dependent on foreign oil. In fact, it has been estimated that without new and significant oil resources, we will be importing 60 to 75 percent of our petroleum needs by the year 2000.

Mr. Speaker, I find that prospect totally unacceptable and strongly believe that offshore leasing must go forward with due regard for environmental protection.

With that goal in mind, I am today submitting for the RECORD outstanding testimony presented by Mr. John R. Huff, the president and CEO of Oceaneering International of Houston, TX. Mr. Huff testified on Tuesday, February 9, before the Subcommittee on Interior and Related Affairs on behalf of the National Ocean Industries Association, the International Association of Drilling Contractors, the International Association of Geophysical Contractors, the Offshore Marine Service Association and the Petroleum Equipment Suppliers Association. I would urge my colleagues to review this excellent testimony and to contemplate, as I have, the consequence of this Nation importing 75 percent of our petroleum needs. I would remind my colleagues that a disruption of less than 6 percent of our energy supplies in 1978–79 led this Nation down the disastrous road of double-digit inflation, high-interest rates, negative productivity, and massive unemployment.

History need not repeat itself if we have a sound and rational energy policy that includes the development of our Federal OCS lands including those off the coasts of California and Florida.

The text of Mr. Huff's testimony follows:

TESTIMONY OF JOHN R. HUFF, PRESIDENT AND CEO OCEANEERING INTERNATIONAL

Chairman Yates and members of the subcommittee. I am John R. Huff, President and CEO of Oceaneering International of Houston, Texas. Oceaneering, together with its affiliate companies, is the world's largest publicly-owned underwater services contractor to the petroleum industry. We operate in 24 countries and employ approximately 1,500 workers worldwide.

Today, I am testifying on behalf of the National Ocean Industries Association which represents over 325 companies engaged in all aspects of offshore oil and gas exploration and development. My statement is supported by the International Association of Drilling Contractors, the International Association of Geophysical Contractors, the Offshore Marine Service Association, and the Petroleum Equipment Suppliers Association. These groups represent companies which provide the equipment, services, and support required for offshore energy development. Together we represent approximately 2,200 companies and 250,000 employees. We come before this subcommittee to state our opposition to the insertion of OCS leasing and drilling moratoria in the FY90 Interior appropriation bill not only because they directly impact our industries' economic livelihood, but also because they affect our nation's overall energy supply.

MORATORIA IS LIKE AN UNCONTROLLABLE CANCER

This subcommittee is no stranger to the offshore oil and gas leasing controversy. Since 1981, you have chosen to block leasing on an annual basis in areas off California, Florida, and New England. Last year, you expanded the New England moratorium and took the unprecedented action of banning exploratory drilling on existing leases off the coast of Florida which certain companies spent $108 million to obtain. This year you are under pressure to do more of the same. In addition, you can expect to hear calls for moratoria off Oregon, Washington, New Jersey, and North Carolina, and for a drilling ban on existing leases off Alaska. To avoid these yearly battles, some who are opposed to offshore leasing are now calling for 10 year moratoria, and in some cases, permanent moratoria.

What began as "just one more year of moratoria to keep pressure on Interior to settle our differences" has turned into an uncontrollable cancer which threatens the energy supply of the United States. If not stopped, it will soon spread to other areas as well until there will not be any new domestic leasing or drilling where the smallest bit of opposition exists. There seems to be a foolproof formula to stop offshore development:

Leasing/Drilling Proposal + Coastal Opposition + Media Coverage + Local Official Response = Congressional Moratoria

I wonder whether these public officials are aware that the decisions they are making today will affect our energy supply 5–10 years from now? Can they be that confident we will have an adequate energy supply? If so, where do they think it will come from?

Something must be terribly misunderstood about our nation's offshore oil and gas leasing program for it to be in such serious trouble. Consider the facts: 25 percent of our domestic natural gas and 12 percent of our oil is produced on the OCS in an environmentally sound manner; the OCS program contributes an average of $2.6 billion annually to the United States treasury since 1954; the offshore industries employ thousands, not only in Louisiana and Texas but in Ohio and Pennsylvania; we created and support a high tech industry in which America leads the world; and the OCS leasing program is supported by the courts time after time. Certain individuals in coastal communities choose to ignore these facts and instead, do whatever it takes to make enough noise and controversy to prevent the opportunity to find additional energy supplies for our nation.

WE'RE ALL ENVIRONMENTALISTS, BUT NOT EXTREMISTS

No one questions today's renewed commitment to environmental protection. I, like George Bush, am a environmentalist. This concern for the environment and safety should not surprise anyone. The people who make up the offshore industries are the last ones in the world to tolerate a polluted ocean because we physically work out in the ocean every day. We dislike oil spills just as much as anyone else. Don't you think I care about the environment which my employees dive in to perform underwater inspection work? Yes, we are environmentalists, but that does not mean we don't support offshore oil and gas development.

We believe we can have both development and environmental protection. Offshore drilling is not what our opponents make it out to be. Perhaps those fighting against offshore development can be "kinder and gentler" with their arguments by using scientific, rational, and balanced reasoning instead of extremist, emotional arguments. For example, they speak of using more natural gas because it is clean to burn, but do they realize much of that natural gas will come from the offshore? They say we can't have offshore development because of the chance of an oil spill. They cite oil spills off Washington State and in the Antarctic as reasons to stop drilling. But they ignore our exceptionally safe record and equate tanker spills with drilling. Actually, the truth is, if we produce less oil domestically, there will be more tankers bringing in imported oil which will increase the risk of oil spills. Some Californians say we shouldn't have drilling off their state because it pollutes the air but, at the same time, they allow fishing and pleasure boats to go unregulated and drive their over 20 million cars 215 billion miles a year. Medical wastes wash up on beaches and it's suddenly a reason not to have offshore drilling. They want alternative energy sources but don't speak of the economic reality of developing them. They demand conservation, but what do you do in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the meantime? Have you ever fueled your car with conservation? I can go on and on with these arguments. I do not mean to dismiss them but want merely to point out they must be discussed in a more rational manner.

There are justified environmental concerns with offshore drilling. That is why there are stringent safety rules and regulations in place, lengthy federal, state, and local permitting processes, and extensive environmental studies. We support reasonable regulation to ensure environmental safety, but we must not go beyond reason in an attempt to create a zero-risk society. I can't swear that an oil spill won't occur from exploratory drilling, but I can say the likelihood of a spill is extremely remote and if one did occur, it would be cleaned up. Does that mean we shouldn't have offshore drilling? No one can guarantee the plane you fly in won't crash, the car you drive won't be in an accident, or you won't be struck by lightning on the golf course, but that does not stop you from participating in these activities. The same logic should be used for offshore drilling.

WON'T STOP UNTIL NO LEASING IS PROPOSED

This subcommittee has addressed the OCS leasing issue for the past seven years. During that time, how many times have you heard moratoria supporters come up with an acceptable solution to allow drilling to occur? What has happened instead have been one-sided compromises by the Department of the Interior in the form of massive acreage deferrals, sale delays, and cancellations. It seems every time Interior gives in a little, they want more. Currently, 75 percent of the California OCS is off limits to leasing. That, they say, is still not enough. What exactly will please them? The answer is they won't be pleased until no leasing is proposed. This is their true goal. There is even legislation in both the House and Senate to turn offshore California into an Ocean Sanctuary which would ban all OCS leasing and drilling forever. Is this their idea of a kinder, gentler nation?

It appears to be the same old tactics which only serve to polarize the issue.

AN INDUSTRY HEADING FOR FRIENDLIER SHORES

As described above, the offshore oil and gas industry is not welcomed in many parts of this country. The only predictable area to operate offshore in the United States is in the Central and Western parts of the Gulf of Mexico where over 90 percent of all OCS drilling has taken place. There is more oil and gas to be found in the Gulf, but there are huge deposits of oil and gas thought to be elsewhere on the OCS, especially off California. Unfortunately, access to those areas has been stymied. Frankly, the climate to operate in the United States is worsening. Compared to other nations, the United States is already a high-cost area in which to operate. Implementation of moratoria make it even more expensive and less attractive.

Consider what an oil and gas company must be going through today. Once a lease sale is proposed on the Five-Year Program, time, money, and people are invested in preparation for that sale. Years ahead of a sale, geological information must be gathered and analyzed and drilling and production technology developed. Because companies have limited budgets they must examine all available areas and then decide what looks best for them considering their budget and what their competitors are doing. If Congress enacts a moratorium in an area, all that work is put on the shelf, and the time and money is wasted and no new oil and gas is found. Then consider if a lease sale is held and the company bids several million dollars for the right to apply for a permit to explore a tract but Congress places a drilling ban on that area. This continues year after year and spreads to other areas until there is no certainty or predictability. If I were an oil company official, I would not choose to invest in these areas. I would go somewhere else.

Well, that somewhere else is abroad. The United States must compete with other nations of the world for the billions of dollars invested each year by the oil industry. Since the domestic investment climate is worsening, companies are spending more and more of their money outside the country. As money for drilling leaves, so do companies in the oilfield service industry, taking with them jobs, technology, and investment capital. Historically, one-third of the sales of the United States oilfield industry were foreign, today it is up to one-half. Recently, for the first time, the international rig count was higher than the U.S. count. Ironically, we pay twice for the loss; not only do we lose domestic investment, we pay billions of dollars a year for the oil found abroad as it is imported into the country. It's amazing to examine the differences between the U.S. and other nations. Other countries want drilling so badly they are granting royalty holidays and improved contract terms with new tax and financial incentives.

TIME FOR A SOLUTION

This controversy has been going on long enough. We are allowing a few vocal coastal residents to override our nation's need to develop dependable energy resources. Members of Congress from interior states have been deferring to their coastal colleagues far too long. What we need now is a solution. Under the leadership of George Bush and Manuel Lujan it is our hope we can end these yearly moratoria battles. We agree with Secretary Lujan who said at his confirmation hearing, "We must lower our voices so we may hear each other." Continuing the moratoria battle will not solve the problem or quiet the controversy, but only serve to perpetuate the conflict. Wouldn't our energies be better spent on finding a rational solution to this problem?

In 1978, after the first oil crisis, Congress amended the OCS Lands Act to call for the expeditious development of the outer continental shelf. Unfortunately, impediments such as moratoria prevent the execution of that mandate. It is Secretary Lujan's job to implement that law now. He has a very difficult challenge ahead of him for he must balance two seemingly divergent goals—development and protection. As you know, anytime you reach a balance, neither side is going to be 100 percent satisfied. We must accept we will not get everything we want, and leasing opponents should be prepared to accept the same. Given this understanding, there should be no need to perpetuate these moratorium battles. Let's allow the Secretary of the Interior the opportunity to carry out the law so we can develop energy resources for the nation *and* protect the environment.

29-059 O-90-38 (Pt. 2)

IN HONOR OF ENGINEERS WEEK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a group of fellow countrymen that have been a vital part of making this Nation a true world power, the engineers who have led our country from a small agrarian nation to an international technological and economic leader.

Every year, the week containing George Washington's Birthday is officially declared "Engineers Week" by the National Society of Professional Engineers. That week was chosen in honor of our first President, because George Washington is said to be the first American engineer and land surveyor.

Throughout the country during the week of February 19–25, there will be a series of events intended to cast light on the importance of engineers and scientists in this country and throughout the world, on their past achievements, and their future aspirations.

Mr. Speaker, it is imperative that we recognize the importance of the engineering field to our country's future. In a time when we are faced with ever-increasing foreign competition, it is an absolute necessity that we give our fullest support to the promotion of technical education and research in the United States.

In a small way, let us begin today by paying tribute to those who have undertaken this honorable profession, and let us keep in mind the further support and encouragement we can provide from our seats in Congress. To the engineers of America we extend to you our sincere appreciation and admiration for a job well done.

FEDERAL RETIREES FAIRNESS ACT OF 1989

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. FLORIO. Mr. Speaker, I am introducing today a bill to expedite the processing of retirement applications of Federal employees. This legislation will help Federal employees who wish to retire by requiring both the Federal agencies where they are employed and the Office of Personnel Management [OPM] to process retirement applications in a more timely manner.

There are currently over 2.6 million Federal workers in the United States, and over 74,000 Federal workers in my home State, New Jersey. About 200,000 annuity and refund applications will be sent to the OPM from various Federal agencies this year, and it is only fair that these individuals receive their payments promptly.

Before I discuss the need for this bill and its specific provisions, I want to thank my colleagues in the House who have joined me as original cosponsors. I know that, with almost 50 original cosponsors, a large number of us

have heard from constituents regarding the unconscionably late payment of pension benefits to Federal retirees. Members on both sides of the aisle would like to ensure that these retirees are treated fairly by the Government that they have faithfully served.

Particularly, I would like to thank my distinguished colleague and chairman of the Select Committee on Aging, ED ROYBAL, for his support and assistance on this legislation.

Also, I commend Senators HEINZ and GRASSLEY for introducing this legislation today in the Senate. Mr. HEINZ is committed to improving the current system which does not serve our Federal retirees adequately.

Mr. Speaker, last year this legislation was introduced in the House and received the cosponsorship of 75 Representatives, and it was broadly supported in the Senate, as well. The bills were introduced at the end of June and because of the committees' very full schedules and with so little time available on the floor, consideration of this important measure was postponed. It is my sincere hope, however, that the 101st Congress will move this bill quickly through committee and demand action from Federal agencies by passing this legislation.

I am pleased to state that my legislation is also supported by the OPM, the National Association of Retired Federal Employees, the American Federation of Government Employees, and the National Federation of Federal Employees. I am not aware of any opposition to this bill.

Mr. Speaker, the basic objective of this legislation is to direct all Federal agencies to do a better job of processing the applications and supporting documentation of employees who plan to retire, request refunds, or who die and have families with rights to certain benefits. This is necessary because we have discovered a very poor record of agency timeliness and effectiveness. In fact, many retirees wait 6 months or more for their first retirement check to arrive. It's obvious that for most individuals, a delayed retirement check would be as difficult to handle as a delayed pay check. Individuals who do not receive retirement checks on time are often forced to use savings; borrow from family, friends, or financial institutions; or go without some necessities.

The agencies retirement statistics that we have obtained show that the delays that many retirees experience are not the fault of the OPM. As I understand the process, the OPM must wait for each retiree's agency to provide his or her retirement records and supporting documentation before they can authorize the first annuity check, refund or death benefits. When this has been done, the Treasury Department processes the check, and the Postal Service delivers it—usually within 20 days.

The data that the OPM has recently provided to us shows that in December 1988 only 61 percent of the retirement applications made by all Federal agencies were received by the OPM within 30 days after the retiree left the agency. Some 25 percent were received between 31 and 60 days of separation, and 14 percent were received after 60 days. Although these figures represent some improvement from December 1987, the past year has revealed fluctuating percentages within a consistently poor performance record for most agencies. In addition, these statistics do not show the number of applications and documentations that were incomplete and could not be processed. We simply cannot be proud of this record of service and the difficulties caused to so many retirees.

Mr. Speaker, I ask unanimous consent that two tables which show the performance of Federal agencies in providing applications to the OPM be included in the RECORD following my remarks.

Mr. Speaker, my bill amends title 5 of the United States Code to mandate that Federal agencies take corrective action to improve their performance. To begin, agencies are instructed to provide, in a consistent and timely manner, retirement counseling to advise retirees of the necessary procedures that they must follow to collect benefits. I believe it is necessary to instruct agencies to carry out this task within 4 months of the intended date of separation, at the very latest.

Second, this legislation requires that once a Federal agency has been notified by an employee of his or her intention to retire, that agency must take the necessary steps in anticipation of the employee's separation to expedite the processing of the application and other paperwork. This process must occur 4 months prior to the planned retirement date, at the latest.

Third, the bill requires Federal agencies to ensure that, within 180 days of the date that an employee joins the agency, each new employee's personnel file is up to date. I think it is essential that agencies verify information in an employee's file subsequent to hiring, to prevent time-consuming investigations that must take place prior to retirement when mistakes in personnel files are discovered years after they have been made.

Fourth, my legislation requires the OPM to make annual reports to Congress on Federal agency processing of retirement, refund, and death benefit applications. The OPM must also report on the time it takes the OPM to process the applications and authorize the annuity payments. This should provide Congress with a better record of good and poor performance in the future.

Fifth, this legislation mandates that agencies with poor records of providing retirement, refund, and death benefit applications to OPM, will have to prepare a corrective action plan, which specifies actions that will be taken by the agency to correct the problems creating delays. Each agency's inspector general will review its corrective action plan and work with the agency to improve the application process.

Mr. Speaker, I am pleased to state that this bill will not cost any money. I am informed that Federal agencies have the personnel to process applications in a timely manner. If we learn that improvements are not possible because resources are the reason for delays, then at least Congress will be informed and can make decisions on other ways to correct this unacceptable situation.

Mr. Speaker, this is the beginning of a new Congress and I look forward to working with the Committee on Post Office and Civil Service and particularly the distinguished chairman of the Subcommittee on Compensation and Employee Benefits, Mr. ACKERMAN, to move this bill through the legislative process. It is only fair to Federal retirees, for Congress to act immediately to correct this serious problem.

AGING OF SEPARATIONS—DECEMBER 1988 ANALYSIS

	Governmentwide trends						
	0 to 30 days		31 to 60 days		Over 60 days		Total records
	Number of records	Percent	Number of records	Percent	Number of records	Percent	
December 1987	3,722	56	1,732	26	1,216	18	6,670
March 1988	5,079	45	3,342	29	3,026	26	11,447
June 1988	5,965	63	2,320	24	1,277	13	9,562
September 1988	4,938	60	2,263	28	984	12	8,185
December 1988	3,517	61	1,437	25	781	14	5,735

BIG 13 AGENCY PERFORMANCE FOR RECORDS SUBMITTED WITHIN 30 DAYS

	Number of covered employees (September 1988)	December 1987 (percent)	March 1988 (percent)	June 1988 (percent)	September 1988 (percent)	December 1988 (percent)
Post Office	754,667	83	81	83	72	78
Army	382,587	45	40	66	61	57
Navy	301,207	44	30	52	52	53
Air Force	249,631	75	54	64	62	71
Veterans' Administration	215,749	68	77	86	86	73
Agriculture	170,535	44	26	59	57	66

BIG 13 AGENCY PERFORMANCE FOR RECORDS SUBMITTED WITHIN 30 DAYS—Continued

	Number of covered employees (September 1988)	December 1987 (percent)	March 1988 (percent)	June 1988 (percent)	September 1988 (percent)	December 1988 (percent)
Treasury	161,618	1	2	5	2	10
Health and Human Services	113,786	40	1	19	49	56
Justice	71,746	30	9	30	39	34
Transportation	61,733	30	29	60	74	55
Interior	53,430	48	34	62	66	46
Army Corps of Engineers	39,485	36	38	73	64	62
District of Columbia government	30,559	5	5	18	17	7

Source: Compiled by the Office of Personnel Management [OPM].

SALUTING THE VISITING NURSE ASSOCIATION OF THE INLAND COUNTIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BROWN of California. Mr. Speaker, February 19 to 25, 1989, has been designated "National Visiting Nurse Associations Week." I would like to ask my colleagues to join me in saluting the nurses, aides, therapists, social workers, and support staff who comprise Visiting Nurse Associations, for their valuable contributions to their communities.

The more than 500 Visiting Nurse Associations around the Nation are made up of health care professionals and volunteers who make vital home care available to the neediest of our citizens. Visiting Nurse Associations provide a wide range of services, including home health care, hospice, personal care, and occupational, physical, and speech therapy. Home care aides also assist the disabled and the infirm with homemaking, meal preparation, shopping, and other domestic duties.

As my colleague, Congresswoman MARY ROSE OAKAR, said upon introduction of the legislation to designate "National Visiting Nurse Associations Week," many patients would not be able to choose the preferred option of home care if it were not for community based, nonprofit, visiting nurse associations."

I would especially like to salute the Visiting Nurse Association of the Inland Counties [VNAIC] and its affiliate, Ramona VNA and Hospice. They have been providing home health care to the citizens in my district for more than 58 years. The VNAIC is a nonprofit, United Way member organization dedicated to providing quality care in the comfort and convenience of the home setting. In addition to traditional home health, the VNAIC offers programs in home maintenance for seniors, as well as programs on hypertension, education, health insurance advocacy, and early intervention to maintain infants' health.

On March 6, the VNAIC steff will host a "Loving Care Award" presentation to recognize the mothers, wives, husbands, volunteers, and attendants from San Bernardino and Riverside Counties. These are the people who, working with the VNAIC staff, cope with the difficulties of providing a safe environment for a loved one. I will not be able to join my friends from the VNAIC on that day, but I wanted to recognize their efforts and share their stories of courage with my colleagues. Thank you for joining me in expressing our appreciation to these dedicated professionals and volunteers.

TRIBUTE TO DR. THEODORE VON KARMAN

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. HAWKINS. Mr. Speaker, I would like to pay a tribute to one of our Nation's brilliant scientific minds, Dr. Theodore von Karman, who was the founder of modern American aerodynamics. Dr. von Karman passed away in 1963, shortly after President John F. Kennedy awarded him the first National Science Medal. Yet, today there is little recognition for the contributions of this scientific pioneer.

I would like to submit to the record a brief story by Dr. Michael H. Gorn on Dr. von Karman. Dr. Gorn is the author of "Harnessing the Genie: Science and Technology Forecasting for the Air Force, 1944–1986." He received his Ph.D. from the University of Southern California in 1978 and is presently researching the life of Theodore von Karman. His tribute follows:

TRIBUTE TO DR. THEODORE VON KARMAN

(By Michael H. Gorn)

On May 11, 1989 all people interested in the origins of powered flight should observe the 108th anniversary of the birth of one of America's greatest scientific minds, a pioneer researcher in aircraft design, propulsion, and rocketry. Theodore von Karman, born in Budapest, Hungary on May 11, 1881, was the son of Maurice von Karman, distinguished Professor of Education at the University of Budapest. Past generations of Karmans had simple Jewish roots; his paternal grandfather had been a tailor for Hungarian noblemen. Maurice von Karman received his title of nobility for sweeping reforms he instituted in the Hungarian school system. Although Theodore showed genius in mathematics at a very early age, his father insisted he receive a liberal education before narrowing his sights on the sciences. After several years of home tutoring and matriculation at an elite gymnasium, he studied at the Budapest Royal Polytechnic Institute, and in 1902 took a degree with the highest honors in mechanical engineering. For the next four years he taught at his alma mater.

Von Karman then pursued the study of aerodynamics under one of the discipline's founding giants, Professor Ludwig Prandtl of Gottingen University, Germany, and received the doctor of philosophy there in 1908. Von Karman's brilliant mathematical inquiries on aerodynamic drag and on the buckling strength of straight columns had a profound impact on the designs of aircraft, ships, and bridges. He published profusely. With a reputation second only to his mentor's, in 1912 he was invited to organize an aeronautics institute at Aachen, Germany and taught there until World War I, when he acted as director for research for the Austrian Air Service. Between the end of the war and 1929, he served as Director of the Aachen Aeronautics Institute and pursued research in the frictional resistance of fluids. By the end of the decade he had equalled Prandtl's stature as a research aerodynamacist, attracting students from every part of the world.

Von Karman's fame spread to America, where the science of aeronautical research had not yet reached the degree of sophistication it had in Europe. To remedy the situation, in 1926 Harry Guggenheim, President of the Guggenheim Fund for the Promotion of Aeronautics, established the Danial Guggenheim Aeronautical Laboratory at the California Institute of Technology (GALCIT). Cal Tech President Robert A. Millikan invited von Karman to come to Pasadena to lecture and advise on GALCIT curricula. The trip persuaded Millikan that von Karman must be GALCIT's first director. Millikan and Harry Guggenheim were deeply impressed by his intellect, practical wisdom, and administrative experience. His charm and humor also won converts and in 1928 he began to divide his time between California and Aachen. Finally, in 1929 he accepted the GALCIT directorship, both to escape the Nazi tide at Aachen and to take advantage of Guggenheim's generosity.

During the 1930s von Karman exerted a significant influence over aeronautical research and development in his adopted country.[1] Due largely to his efforts, Cal Tech came to rival Gottingen and Aachen as centers of advanced aviation studies. Indeed, Southern California became the hub of the nation's aircraft industry thanks in part to the brainpower assembled by von Karman in Pasadena. At the request of the Army Air Corps, in 1938 he and his students undertook a project to develop liquid and solid rocket engines for jet-assisted take-off of aircraft. The solid rocket motors proved so successful that in 1942, unable to interest any existing firms in rocketry, von Karman and five colleagues formed Aerojet Engineering (forerunner of the Aerojet General Corporation). Two years later, Cal Tech received a contract from the Army Ordnance Departmernt to develop tactical ballistic missiles, resulting in the official restructuring of GALCIT as the Jet Propulsion Laboratory (JPL). Von Karman served as JPL's first director.

His crowning service to the nation began in fall 1944, at which time he agreed to act

[1] Von Karman became an American citizen in 1936.

as scientific advisor for the commanding general of the Army Air Forces, Henry H. Arnold. At Arnold's urging von Karman assembled a select group of scientists to tour the world and issue a report on the future of military aeronautics. Von Karman capsulized the predictions in a famous study known as *Toward New Horizons*, and in the process of compiling it, launched the first of the permanent peacetime science advisory groups, the United States Air Force Scientific Advisory Board.

Von Karman devoted the last decade of his life to founding and chairing the NATO Advisory Group on Aeronautical Research and Development. In February 1963—just three months before his death—President John F. Kennedy awarded him the first National Science Medal. Twenty-five years later the name von Karman still resonates in the minds of colleagues, students, and friends with memories of his kindness, wit, and extraordinary genius for the science of flight.

AN NLRB DECISION IN THE SAM McCULLUM CASE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. LANTOS. Mr. Speaker, last month, like millions of Americans, I watched the San Francisco 49ers' exciting Super Bowl victory over Cincinnati. The game had particular interest to me since Candlestick Park, the home of the 49ers, is just outside my congressional district. While watching San Francisco wide receiver Jerry Rice make his usual unbelievable, acrobatic catches, I thought about another wide receiver, Sam McCullum, whose football career took a different turn.

Last July, Sam McCullum, testified before the Government Operations Subcommittee on Employment and Housing, which I chair, at an oversight hearing on delays by the National Labor Relations Board [NLRB] in deciding cases. His outstanding testimony helped dramatize the impact that inordinate delays by the NLRB in deciding cases have on people's lives and careers.

Sam McCullum, a veteran wide receiver with the Seattle Seahawks football team, was discharged by the Seahawks in September 1982, allegedly because of his union activities. His case was fully investigated by the general counsel's office of the NLRB and a decision to issue a complaint was made within 2 weeks. Following a hearing and the submission of briefs, an NLRB administrative law judge needed only 3½ months to issue a decision. In November 1983, the administrative law judge ruled that McCullum had been discriminatorily discharged by the club because of his union activities. The administrative law judge directed that Mr. McCullum receive "immediate and full reinstatement to his former position" as well as backpay. The judge's decision was appealed to the five-member Board here in Washington where at the time of the subcommittee hearing it had been pending for almost 5 years.

The average career of a professional football player is less than four seasons. Yet, incredibly, Mr. McCullum's case has spent more than five seasons before the Board.

In professional football there is a 5-yard penalty for delay of game. If we were to impose a similar penalty against the Board for delay of case, the Board would probably be backed up to the Golden Gate Bridge.

Mr. McCullum's case does not involve hot cargo agreements, secondary boycotts, or other complex sections of the act which labor lawyers sometimes have trouble interpreting. This case involves the discharge of one individual. The National Labor Relations Act protects the right of workers to engage in union activities whether their job is catching footballs in the NFL or catching sides of beef at IBP.

I am pleased to report that last week, finally, after almost 5½ years, the Board issued a decision in the Sam McCullum case. The Board affirmed the administrative law judge's ruling that the Seahawks football club unlawfully discharged Sam McCullum in September 1982 because of his union activities.

Sam McCullum put his faith in the system and risked his career. Although he eventually won the case, he lost because of the inordinate delay by the NLRB in deciding his case. Backpay cannot compensate him for those lost seasons.

We have reached a point where legal rights given to workers to organize are in jeopardy because of the NLRB's failure to issue timely decisions.

I am deeply troubled by the system in place at the Board for processing and deciding cases. There appears to be no logic, order, rhyme or reason, and no deadline as to when a case will be decided. Accordingly, I have asked the General Accounting Office [GAO] to undertake a major study and analysis of the system in place at the Board level for processing and deciding cases. I hope to find out, with GAO's assistance, why workers are being forced to wait years before cases affecting their livelihood and the economic well-being of their families are decided by the NLRB.

VOLUNTEER FIREFIGHTERS TAX CREDIT ACT OF 1989

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. DOWNEY. Mr. Speaker, I am introducing the Volunteer Firefighters Tax Credit Act of 1989 today, which will provide a tax credit of $100 to volunteer firefighters or volunteer rescue squad members.

Since the inception of this Nation in the 18th century, volunteer firefighters have played a critical role in the daily fabric of American life. For over 200 years, Americans have been able to rest assured that should tragedy strike, their neighbors serving in the local volunteer fire department would be there to put the fire out, deliver the stricken family member to the local hospital or rescue the cat at the top of the elm tree. Today, volunteers provide fire protection to three-fourths of the geographical area of the United States.

Yet the safety net provided by our neighbors in volunteer fire departments is fraying unbeknownst to many of us. For a variety of socio-economic reasons, the ranks of volunteer fire departments are dwindling. While a recent study prepared on volunteer firefighters concludes that the overall number of volunteers appears stable, a spokesman for the National Volunteer Fire Council points out that neighboring departments can be in radically different positions with regard to the number of volunteers. Because of a smaller percentage of farmers and shift workers in the United States, the number of people who were formerly available to volunteer during the day has fallen. Volunteers must also travel further distances from the workplace to either the firehouse or directly to a fire. The bottom line is that something must be done to encourage new volunteers to join, if Americans want to continue to receive fire protection from volunteer departments.

As a means of assisting departments in recruiting new members, the Volunteer Firefighters Tax Credit Act of 1988 will provide volunteer firefighters and rescue squad personnel with a $100 Federal tax credit. This credit will also help to defray the often unreimbursed costs that volunteers incur as a result of their service. For instance, a volunteer may often respond to a call directly from work, without being able to stop at the firehouse to change into gear. As a result, street clothes may often have to be cleaned or replaced.

Volunteer fire service enjoys a long history in this Nation. It counts George Washington, Thomas Jefferson, and Ben Franklin among its founding members. It is a form of public service that embodies the American values of democracy and patriotism. My legislation seeks to continue this tradition and ensure continued protection of our property and safety.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. CREDIT FOR ACTIVE VOLUNTEER FIREFIGHTERS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a volunteer firefighter, there shall be allowed a credit of $100 against the tax imposed by this chapter.

"(b) DEFINITION.—For purposes of this section, the term 'volunteer firefighter' means any individual who—

"(1) for the taxable year is an active member of a qualified volunteer fire department (within the meaning of section 150(e)(2)), and

"(2) receives no compensation for services performed as a member of such volunteer fire department."

(b) The table of sections for subpart A of Part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Credit for active volunteer firefighters."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

NEW ARMAMENT FOR THE WAR ON DRUGS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. STARK. Mr. Speaker, in the "War on Drugs", the bad guys have no difficulty in obtaining their weapons of choice: AK47's, Uzi machine pistols, et cetera. The good guys have had a tough time of it. Effective weapons in fighting the craving for drugs have been few and far between.

I am exicited, therefore, about a promising new medication for use against the terrifyingly difficult to treat addiction to cocaine. I would like to share with my colleagues excerpts from the Washington Post, February 17, 1989, regarding the use of carbamazepine in cocaine addicts.

Research is beginning to pay off. I am encouraged, and urge my colleagues to vigorously support efforts to implement these new treatments effectively.

[From the Washington Post, Feb. 17, 1989]

MEDICATION MAY REDUCE COCAINE ADDICTS CRAVING

PRELIMINARY STUDY YIELDS DRAMATIC RESULTS

(By Larry Thompson)

Physicians believe they may have found a drug that can dramatically reduce the craving for cocaine and could lead to successful treatments for cocaine addiction.

A preliminary, unpublished study by psychiatrists at the University of Minnesota School of Medicine in Minneapolis showed that carbamazepine, a drug long used to prevent seizures and treat certain forms of depression, can control cocaine cravings well enough for addicts to benefit from more traditional forms of treatment. With traditional therapy alone—withdrawal from the cocaine and psychotherapy—more than 80 percent of addicts go back to using cocaine within a year after leaving treatment.

"Cocaine treatment fails because patients are trapped by craving, by a compulsion to use cocaine," said Dr. James Halikas, codirector of the chemical dependency treatment program at the University of Minnesota and study director. "We feel that we may have found [a drug] . . . that cures or that eliminates craving."

Many drug-abuse researchers think that cocaine, which activates the brain's pleasure centers, is the most addictive of regularly abused drugs.

"This is the first drug where the preliminary evidence suggests . . . this level of reduction in cocaine craving," said Dr. Frederick K. Goodwin, director of the Alcohol, Drug Abuse and Mental Health Administration, the federal agency that leads the public health battle against drug abuse. "With any uncontrolled trial, one has to be cautious. But . . . I was struck by the extremely hard correlation between compliance with carbamazepine and the rather dramatic decrease in cocaine abuse."

Of the addicts in the study, 13 were men and eight were women. Their average age was 34, and they had abused drugs an average of 18 years and cocaine specifically for more than six years. Eleven received methadone treatment for heroin use. On the average, this group of addicts had been arrested 10 times and spent nearly 20 months in jail.

Of the 13 who stayed with carbamazepine, six virtually stopped using cocaine and seven reduced their cocaine use by nearly two-thirds.

At this point, physicians do not know how long an addict will have to continue taking carbamazepine, but Halikas said he does not believe it would be lifelong, as methadone treatment appears to be for many patients. People may be able to quit taking carbamazepine after two years, he said. Its side effects can include dizziness, rashes and, rarely, a reduction in white blood cells.

Halikas got the idea for using carbamazepine from basic research conducted in animals by Drs. Robert Post and Susan Weiss at the National Institute of Mental Health, who discovered that low doses of cocaine given to animals cause a condition called kindling in which brain neurons can begin to fire spontaneously, causing a seizure. Pretreatment with carbamazepine for a period of time could block the kindling and the danger of seizures.

THE CLOSING OF THE WATERTOWN ARSENAL

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. KENNEDY. Mr. Speaker, the Base Closure Commission has recommended the closure of the Army Materials Technology Laboratory in Watertown, MA, and has recommended the distribution of the mission to systems commands in Michigan, New Jersey, and Virginia. An exhaustive study of the Watertown facility was made during 1986 and 1987, in the context of a formal realignment study being conducted by the Army. The conclusions of that study were expressed in the following statements by members of the administration to Congress and the public.

On March 26, 1987, Paul Johnson, Deputy Assistant Secretary of the Army for Installations and Housing, wrote Congressman LES ASPIN, chairman of the House Armed Services Committee, that the "most promising alternatives—for the much needed upgrade of the facilities—included modernization of the laboratory at the existing Watertown, MA, site of collocation of the laboratory with the Natick Research and Development Engineering Center in Natick, MA."

On May 15, 1987, James Ambrose, the Under Secretary of the Army, wrote to the Secretary of Defense, and publicly announced at a meeting of the Watertown Town Council, that the Army had determined that the most economical alternative was to retain and upgrade the Watertown site, a choice which "makes the best use of experienced personnel, and keeps an important Army mission in an area with ready access to private sector technology."

Also on May 15, 1987, John Shannon, Assistant Secretary of the Army for Installations and Logistics, wrote to Senator DIXON of the Senate Armed Services Committee, that "retaining the lab at Watertown is in the best interest of the Government," and asked for financial support for the modernization of the facility.

In June 1988, the Office of Technology Assessment published its study, "Advanced Materials By Design." The study describes the nature of advanced materials development as highly interdisciplinary, that is, requiring a multidisciplinary team, such as now exists at the Watertown Laboratory.

All of these statements and studies were based on the agreement that materials R&D work is a unique and essential mission that deserves a proper facility. The Army itself dismissed the idea of dividing up the work among other installations as a false economy and as inconsistent with the interdisciplinary nature of the work. It has been, and remains, the position of the Army laboratory command that the Materials Laboratory should remain intact.

This recent history raises questions as to why and how the Commission arrived at its recommendation of closure and redistribution, which is completely inconsistent with prior statements and studies regarding this facility.

Furthermore, I am advised that the figures used to justify this closure are questionable; for example, it appears that the sale price of the land was about half of the figure estimated by the GSA 2 years ago. A higher profit from the sale of the land would have allowed the Army's previously preferred option, a move to Natick, to fall within the 6-year payback period. The cost of the cleanup, though not included in the formula, appears to be about half of the common estimates. Therefore, I have the following specific questions about the methodology in recommending the closure of the Watertown Laboratory.

While the R&D managers have clearly maintained that the work is a single cooperative, coherent mission, why did the Commission elect to break it up?

Since the Commission admitted that it did not have time to review the entire complex subject of the military laboratories, why did it recommend closure of one and the task force to study all the rest?

Since the Commission "recognized that the numerous laboratory activities of the Department of Defense are important to maintaining necessary technological competence," why did it make a recommendation which was led by housing and installation considerations, to the detriment or perhaps destruction of the mission? The current work comprises about seven disciplines and six special functions; how can the Commission divide the current work into only two disciplines and one function?

Since the work cannot efficiently be divided as specified in the Commission report and since any division of the technical team would result in a severe loss of efficiency, how does the Commission explain its comment that its recommendations for MTL would "enable the research to be performed more efficiently?"

The most commonly-heard estimate for cleanup of the property—removal of the residual structural materials from the deactivated nuclear reactor, removal or scrubbing of the depleted-uranium processing facilities, and routine cleanup of whatever petrochemical traces exist in the soils—is $100 million, twice the figure reportedly used by the Commission. It is my concern that there is not, and will not

be, enough money in the Defense Environmental Restoration Fund to clean up the Watertown site. The town of Watertown and I are naturally concerned that a good neighbor, MTL, is being exchanged for a fenced wasteland. What assurance can I give the town that they will not be saddled with an environmental mess for decades to come?

On February 15, 1989, I requested from the Assistant Secretary of Defense for Legislative Affairs a report detailing the Base Commission's numbers, calculations and assumptions in reaching its decision. That report may, or may not, address some of my concerns about the Commission's decision on the Watertown arsenal. But I am also seeking clear, detailed and satisfactory answers to the questions and concerns outlined above. I need to be able to assure the town of Watertown that these matters have been carefully considered and that the Watertown arsenal and the important functions it performs are not being sacrificed in a rush to close bases.

WILLIE WELLS—A HALL OF FAMER NOT YET RECOGNIZED

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. PICKLE. Mr. Speaker, a few years ago I joined with many others in urging the selection of Willie "Devil" Wells to be inducted into baseball's Hall of Fame. In his day he was recognized as the best shortstop in baseball and his record proved it—a .358 lifetime batting average and 111 home runs.

Because he performed at a time when major league baseball was not integrated, Willie never got the chance to play in the big leagues—yet among his peers he played the game to perfection. Despite his outstanding record and the legacy he left behind, his friends and advocates have never been able to get him into the Hall of Fame. Willie Wells deserved to be recognized for his achievements during his lifetime. Sadly, we no longer have that opportunity, because he died January 24.

Mr. Speaker, the name and accomplishments of Willie Wells should be resubmitted to the Hall of Fame's veterans selection committee and that committee should posthumously induct him into the hall, so that future generations of baseball fans will know about his excellence and marvel at his achievements. I ask that the text of an article from the Austin American-Statesman be reprinted immediately following my remarks and that copies be sent to the Baseball Hall of Fame and members of the veterans selection committee.

[From the Austin American-Statesman, Jan. 24, 1989]

HEART FAILURE CLAIMS FAMED SHORTSTOP WELLS

(By Kirk Bohls)

Austinite Willie Wells, once described as "the greatest living shortstop not in the Hall of Fame," died of congenital heart failure on Sunday. He was 82.

The proud, dignified gentleman spent nearly a quarter of a century in the Negro leagues playing baseball better than all but a handful who had ever put on a glove—and the next 44 years explaining without rancor why he wasn't being honored for it.

His daughter, Stella Wells of Austin, said his final days in a local hospital did nothing to change that pristine attitude.

"He had heart trouble all his life," said Wells, a retired nurse. "But he never did complain about a lot of things. You never knew if he was in pain."

His omission from baseball's Hall of Fame frustrated but never angered her father, she said, and he forever carried with him an uncompromised love for the game.

Only 11 Blacks from the Negro leagues have been inducted into Cooperstown, although many prominent baseball figures — including Hall of Famer Monte Irvin, one of three Blacks who serve on the hall's 20-member veterans selection committee—have said that at least twice that many should have their place in history reserved. It was Irvin, a former player under Wells for the Newark Eagles, who paid tribute to Wells as the "greatest living shortstop not in the Hall of Fame."

He told me one day: 'Baby, I'm not going to be in the Hall of Fame till I die. You'll find out,'" Stella Wells said. "I said, I sure hope it doesn't happen that way. I would love to see him get in.

"He was never bitter about it, but he did talk about it. He loved to talk about his ball. He ate it and breathed it. If you didn't talk about ball, he didn't have time for you."

If Wells was resentful of not receiving an honor so many thought he deserved, he didn't let it show.

"It doesn't make any difference," he said in an interview in June. "I know what I did."

In his career, Wells had a life-time batting average of .358, the fifth-highest in the Negro leagues, and 111 home runs, the sixth-most in history. He hit 27 homers in the 88-games season in 1926 to set what then was the Negro leagues' single-season record.

He was nicknamed "Devil" for his relentless, competitive style, and he was given much credit for teaching the game to Jackie Robinson, who shattered the color barrier in the major leagues. It was Wells who taught Robinson how to pivot on the double play.

Wells has tried to train his son, Willie Wells Jr., but his daughter said his son didn't have the same appreciation for the game.

"He was pretty good, but he wasn't as good as his daddy," said Stella Wells.

Raised as one of three sons of a woman who earned a modest income by washing and ironing laundry, Wells first signed to play for the paltry sum of $400 at age 17. When he decided to end his career in 1945 and return home to care for his seriously ill mother, he was making $2,800 a month, a paycheck that pales in light to today's $2 million annual salaries.

Satchel Paige, baseball's eternal pitcher, called Wells "one of the greatest who ever lived." Former Chicago Cubs scout Buck O'Neil said Ozzie Smith, the St. Louis shortstop who is unmatched on defense, "could have played with Wells. But he couldn't hit with Wells."

The tributes were as abundant as Wells' stories about his days in the Negro leagues. Yet, no bitterness lingered.

"God has given me so much," Wells said last summer, "My life has been beautiful, just beautiful."

Besides his two children, Wells is survived by a brother, Nathaniel Wells, of San Mateo, Calif. The funeral will be at 2 p.m. Friday at the First Baptist Church, 4805 Heflin Lane.

DR. CHARLES BROWN RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise today to bring to the attention of my colleagues the retirement of Dr. Charles Brown from the Ventura Unified School District after 16 years service in the district.

Dr. Brown received his education from Kansas State Teacher's College, Pittsburg, KS, where he earned a B.S. degree in 1954 and an M.S. degree in education in 1955.

While attending Kansas State he was elected to Kappa Delta Pi, honorary society in education; and Phi Alpha Theta, honorary society in history.

From 1956 to 1962 Dr. Brown attended Claremont Graduate School, earning a California secondary administrative credential and the pupil personnel services credential. He was also elected to Phi Beta Kappa Organization Claremont Campus Chapter.

From 1966 to 1970 Dr. Brown attended the University of Southern California earning an Ed.D. degree in personnel administration with a supplemental field in secondary curriculum.

Positions held by Dr. Brown include: elementary teacher, Cherokee County, KS; elementary teacher, Kingman, KS; junior high teacher, San Bernardino, CA; senior high teacher, San Bernardino, CA; senior high counselor, Palos Verdes High School, Palos Verdes Estates, CA; assistant principal, Rolling Hills High School, Rolling Hills Estates, CA; staff assistant, Palos Verdes Unified School District; and from 1972 until retirement, assistant superintendent/personnel services, Ventura Unified School District, Ventura, CA.

Professional and other memberships include Ventura Administrators Association; Association of California School Administrators; American Association of Personnel Administrators; representative to ACSA Personnel Administrators Committee; chairperson for ACSA Employer/Employee Relations Committee; board of directors, ACSA Region 13; and program chair, North Ventura Charter, ACSA.

I ask my colleagues to join me in wishing Dr. Brown a very happy retirement, which he has earned many times over in his many years of service to our children.

SUGAR SUPPLY STABILIZATION ACT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. GRADISON. Mr. Speaker, I am pleased to join today with Congressman DOWNEY in reintroducing the Sugar Supply Stabilization Act and urge my colleagues to join us in support of this important legislation.

The imperative to reform the Sugar Program has not eased since the Sugar Supply Stabilization Act was first introduced in 1987. American consumers still pay significantly higher prices for sugar than the world market price. Last April, the Commerce Department completed a study which supports the assertion of many private economists that the Sugar Program costs American consumers an additional $3 billion annually in added and unnecessary food costs.

In addition, in spite of the small, aberrational increase in the import quota due to the drought last summer, the program still limits access to the U.S. Market. This continues to exacerbate our relations with crucial friends and allies of the United States, particularly the Philippines and many Central American and Caribbean states, who have traditionally supplied the United States.

Not only does the sugar program continue to distort international trade patterns, but it also continues to distort growing patterns in the domestic farm economy. Due to the comparatively high rate of return guaranteed by the program, significant increases in domestic production have occurred over the last few years that bear no relation to market demand. Existing producers have expanded their sugar operations and other farmers have been encouraged to switch to sugar production. It is a rational and understandable economic choice on their part, but at the expense of consumers and our foreign policy.

Enactment of the Sugar Supply Stablization Act would serve as the foundation of a more rational sugar policy. The bill would establish a more reasonable and competitive price for sugar. Price supports would be adjusted to accomplish this end. The legislation mandates a gradual reduction in the nonrecourse loan rate of 18 cents for raw cane sugar by 1.5 cents per year until it reaches a level of 12 cents.

Regarding quota administration, the bill provides for a gradual and measured increase in import quotas to maintain demand while easing the economic pressure on traditional suppliers to the American market. The bill urges the Secretary of Agriculture to increase import quotas by 500,000 tons per year. However, unlike the previous version of the legislation, while quotas would increase under the bill, the Secretary would retain the flexibility to raise the quota less than 500,000 tons in order to preserve the no net cost mandate of the program.

In my view, the legislation we are proposing offers the best opportunity to correct a policy that is harmful to American consumers and contradicts our foreign policy objectives. This bill would not eliminate the Sugar Price Support Program. American farmers would still receive support for their sugar crop, but by guaranteeing a more reasonable level of price support, the Sugar Program would no longer distort agricultural production or the patterns of international trade. The long-term interests of all concerned with this issue would, I believe, be best served by enactment of the Sugar Supply Stabilization Act.

INTRODUCTION OF THE CIVILIAN ESPIONAGE PENALTIES AMENDMENTS ACT

HON. JAMES A TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to extend the death penalty to any American civilian convicted of espionage or treason against the United States.

Over the past 2 years spy scandals have shocked Americans and caused great damage to our national security. These scandals underscored the sad reality that America remains highly vulnerable to foreign espionage. Although the United States-Soviet relationship is changing, the Soviet Union remains a real threat to America. United States intelligence officials estimate that one out of every three Soviet officials in this country is involved in espionage or intelligence activity.

In all too many instances, American civilians who have access to top secret and sensitive information dealing with our national security have been tempted by foreign bribes to betray their country. These despicable traitors must be put on notice that if caught, they will face the ultimate penalty.

The legislation I am introducing today is similar to current statutes dealing with military personnel who are found guilty of espionage against the United States. Under my bill the death penalty would apply for those civilians convicted of: First, another offense involving espionage or treason for which either a life or death sentence was authorized; second, knowingly creating a grave risk of substantial damage to national security; or third, knowingly creating a grave risk of death to another person in the course of engaging in espionage activity.

Mr. Speaker, perhaps one way to deter treason is to ensure that those who betray America are put to death. The safety and security of our Nation is at stake and the Congress should use every available tool to protect our national secrets from our enemies.

I urge all my colleagues to strongly support this legislation, the full text of which is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Espionage Penalties Amendments Act of 1989".

SEC. 2. ESTABLISHMENT OF PENALTIES.

That section 794 of title 18, United States Code, is amended—

(1) by inserting after subsection (c) the following:

"(d) Except as provided in subsection (e), if the accused is found guilty of an offense under this section that directly concerns—

"(1) nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large scale attack;

"(2) war plans;

"(3) communications intelligence or cryptographic information; or

"(4) any other major weapons system or major element of defense strategy;

the accused shall be punished by death or life imprisonment.

"(e)(1) No person may be sentenced to death under subsection (d) unless—

"(A) a jury, in a separate sentencing proceeding, unanimously finds, beyond a reasonable doubt, at least one of the aggravating factors set out in paragraph (4) of this subsection; and

"(B) that jury unanimously determines that any extenuating or mitigating circumstances are substantially outweighed by any aggravating circumstances, including the aggravating factors set out in paragraph (4) of this subsection.

"(2) Findings under this subsection may be based on—

"(A) evidence introduced on the issue of guilt or innocence, if the jury is the same jury for the issue of guilt and the sentencing proceeding;

"(B) evidence introduced during the sentencing proceeding; or

"(C) all such evidence, to the extent properly before the jury.

"(3) The accused shall be given broad latitude to present matters in extenuation and mitigation.

"(4) The aggravating factors referred to in paragraph (1) of this subsection are as follows:

"(A) The accused has been convicted of another offense involving espionage or treason for which either a sentence of death or imprisonment for life was authorized by statute.

"(B) In the commission of the offense, the accused knowingly created a grave risk of substantial damage to the national security.

"(C) In the commission of the offense, the accused knowingly created a grave risk of death to another person.

"(5) If the accused waives a jury, the functions of the jury under this subsection shall be performed by the judge."; and

(2) redesignating subsection (d) as subsection (f).

WESTINGHOUSE RECOGNIZES NEW JERSEY TALENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. FLORIO. Mr. Speaker, I would now like to call members' attention to a group of outstanding students from my home State of New Jersey. These six high school students have been selected by the prestigious Westinghouse Science Talent Search for 1989 as outstanding scholars and researchers who show great promise for the future. They now join an impressive group of nationally and internationally recognized scientists, educators and researchers, including five winners of the Nobel Prize.

I would like to include in this record a description of the Science Talent Search as it appears in the 1989 Honors List, as well as the names of the honorees from New Jersey and their individual areas of research.

SCIENCE TALENT SEARCH

The Science Talent Search was the pioneering endeavor to discover and encourage high school seniors with the ability to be tomorrow's outstanding scientists and engineers. It has succeeded far beyond the hopes of its founders.

Aided over the years by millions of dollars in Westinghouse scholarships and similar aid from educational institutions eager to have such talented students, many of those discovered by the Search have gone on to distinguished careers. Many have received major recognition, including five who have won Nobel prizes.

The Search itself has become an institution, a prestigious tradition widely approved and supported by the academic community.

Westinghouse Electric Corporation has made a notable contribution to the advancement of science in America by financing the Science Talent Search through the 48 years of its existence.

Science Service, engaged in the interpretation and public understanding of science on a broad front, is proud of administering the annual Science Talent Search. From the educators, journalists, scientists and engineers of America there has been enthusiastic cooperation in this annual activity that means so much to high school seniors interested in science and engineering.

This year's honorees from the state of New Jersey are:

Divya Chandler is Hillsdale, Matrix-Driven Translocation as a Possible Mechanism for Gastrointestinal Invasion by Salmonella typhimurium.

John Michael Ballato of Long Branch, Digital Refractometry: A New Way to Measure the Index of Refraction of Optical Materials.

Philip David Cofield of Middletown, Mechanical Analog of the Rutherford Experiment.

Sandra Chang of Millburn, Agglutinating Effects of Seed Lectins on Animal Erythrocytes.

Maria Rose Servedio of Oakland, Cloning of Tandem Repeats.

David Isaac Kaiser of West Orange, Working Apparatus for Determining Metal's Rates of Corrosion.

ESTONIAN INDEPENDENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. PALLONE. Mr. Speaker, February 24, 1989, will mark the 71st anniversary of the declaration of Estonian independence from the Soviet Union.

The past year has witnessed an unprecedented increase in support for the fight for Estonian independence. The movement has taken dramatic strides to emphasize that resistance to continued Soviet occupation of Estonia will be met with strong opposition. To that end, Mr. Speaker, I would like to add my voice to those offering support and encouragement to the cause of Estonian freedom.

The courage demonstrated by the Estonian people in their efforts to break the domination of continued Soviet rule has provided inspiration to many others throughout the world.

Estonian independence fighters have been in the vanguard of the movement to create economic and political autonomy for the Baltic Republics. Indeed, their courage in adopting an amendment to the constitution declaring Estonian as the official language of the Republic sent shockwaves throughout the Soviet political structure.

Perhaps we truly can look forward to the day, not so far off when the Estonian people can enjoy the economic, cultural, and social advances which they enjoyed during their days of independence.

The remarkable Estonian spirit could not be broken by the brutal dictatorship of Joseph Stalin. Today, that indomitable spirit has shown that a people's perseverance can indeed pay off. The strong resistance to Soviet domination has been felt by people not only in Estonia but by the many Estonian-Americans with whom we share the dream that one day soon we will together celebrate Estonian independence.

BLACK HISTORY MONTH 1989

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BROWN of California. Mr. Speaker, the theme this year for Black History Month, "The Role of African-American Churches in Economic, Political and Social Development at Home and Abroad," has special meaning for me. I have spent a lot of time in black churches throughout my career, not simply because of my involvement in the civil rights movement, but because of the unique role the black church plays in the community.

Early in my career, I learned that if you want to reach the black community, the church is the first place to go. More than any other organization within the black community, the churches are where you find the activities, the leaders, the people who want to be informed and involved.

Regardless of denomination, the church is unrivaled in the United States as the major institution of black Americans. It is easy to see why. During times in our history when there were no black labor unions, no lodge balls, no school auditoriums and no community groups where blacks could gather, the church was the focal point. Often built right in the center of the town or the neighborhood, the church was big enough to hold large gatherings of people. So it follows naturally that if you were black, and wanted to call a meeting or have a dance or organize a boycott, you'd meet at Big Bethel, or a Tabernacle, or at Ebeneezer.

Dr. Carter G. Woodson, considered by many to be the Father of Black American History, wrote in his book, called "The History of the Negro Church," that in addition to the church itself, the black preacher has been the cornerstone of the black community.

The historian, W.E.B. DuBois, described the black preacher and his importance when he wrote:

> The preacher is the most unique personality developed by the Negro on American Soil. A leader, a politician, an orator, a boss, an intriguer, an idealist,—all these he is, and ever, too, the centre of a group of men, now twenty, now a thousand in number.

As the most enduring facet of black life in America, the church has been the natural catalyst for political activism and community leadership. And since the basis for American politics is the local community, it follows naturally that from the church have come many of our finest black American leaders. The Reverend Richard Allen, founder of the African Methodist Episcopal Church, is also considered the first national black leader. Allen was responsible for organizing the first black convention, held in Philadelphia in 1830. Former U.S. Ambassador to the United Nations, and currently the mayor of Atlanta, Andrew Young, is a minister. There are also the Reverend Jesse Jackson, Dr. Benjamin E. Mays, and, of course, Dr. Martin Luther King, Jr., all men whose commitment to public service and call to leadership had its root in the church.

I was personally acquainted with the Reverend Adam Clayton Powell, Jr., who was pastor of Harlem's Abyssinian Baptist Church, and the first black man elected to Congress since Reconstruction. That was in 1944. In addition to chairing the House Education and Labor Committee for 6 years, Reverend Powell was the leading black spokesman in Congress throughout the 1950's and 1960's. He was also personally responsible for desegregating Capitol Hill facilities, such as the barber shops and restaurants.

For Adam Clayton Powell and other black leaders, the church has been a sort of springboard. Reverend Powell's congregation eventually grew so large that it spanned nearly the full length of a congressional district; that congregation ultimately elected him to Congress. Without his support in the Abyssinian Baptist Church, Powell would probably never have made it to Washington.

There is another institution which historically has opened doors for black Americans. I am referring, of course, to the military. From our earliest days as a nation to the present time, blacks have played a major role in the United States Armed Forces. While the military's record on treatment of its black soldiers is far from untroubled, by and large the Armed Forces have forwarded the cause of black Americans.

From the Revolutionary War to Vietnam, black soliders have participated in every conflict the United States has ever fought. There were black minutemen at the battles of Lexington and Concord in 1775. Crispus Attucks, a fugitive slave, was one of the first Americans to die during the Revolutionary War. He and four others were killed by British soldiers at the Boston Massacre in 1770. One of the most famous black Americans from that period was Peter Salem, who fought at the Battle of Bunker Hill. Salem is believed to have fired the shot that killed Maj. John Pitcairn of the Royal Marines, the second in command of the British forces in Lexington.

Of course, this period was not without its troubles. Once the Continental Army was formed, black soldiers were not allowed to enlist. That didn't change until the British put out a notice freeing all the slaves and encouraging them to join the King's army. The fear that slaves would run away and join forces with the English finally convinced the Americans to let black men enlist. Almost 5,000

blacks eventually fought with the Revolutionary Army. Two black soldiers accompanied Washington when he crossed the Delaware on Christmas Day in 1776.

Although our history books today tell us that the Civil War was fought to free the slaves as well as preserve the Union, black men were barred from enlisting in the Union Army.

Of course, that didn't stop courageous blacks from contributing to the war effort. Maybe some of you know the story of Robert Smalls, a seaman and slave from South Carolina. Smalls served on the Confederate gunboat, the *Planter,* which, except for three white officers, had an entirely black crew.

One night, in 1862, when all the white officers went ashore, Smalls and the rest of the crew smuggled their families aboard, and prepared to get away. In order to pass the heavily guarded fortifications of Charleston Harbor, they had to act as if the ship were on a routine run out to sea. If the plan failed, they vowed to drown themselves, even the children, before returning to slavery.

At about 3 o'clock in the morning Smalls and his men fired up the engines and cast off the lines. As they passed the port barriers they gave all the appropriate signals, and were cleared. As soon as they were out of range of Fort Sumter, they lowered the Confederate flag, hoisted a white bedsheet and headed for the Union blockade. The story goes that when Robert Smalls handed the ship over to the Union captain, he said, "I thought the *Planter* might be of some use to Uncle Abe."

Well, 1 year later Uncle Abe signed the Emancipation Proclamation, which as we all know declared all slaves free. It also stipulated that freed men should be accepted into the Union Army.

Nearly 200,000 black troops participated in the Civil War. The historian, John Hope Franklin, has estimated that the mortality rate for black soldiers was 40 percent higher than for white soldiers. Forty percent higher—during a war where the number of dead exceeds the totals from all the other wars the United States has fought, combined. W.E.B. DuBois writes that one reason for this high death rate is that blacks were "repeatedly and deliberately used as shock troops, when there was little or no hope of success." Despite the fact that black soldiers demonstrated their bravery daily, and gave their lives, there was still a long way to go on the path to equality.

During the two world wars blacks continued to perform with distinction, and continued to confront discrimination.

Among the most famous American troops in World War I was the 369th infantry, known as the "Harlem Hell Fighters." They were attached to the French Army, and were the first Allied troops to reach the Rhine. Nearly 1 million blacks served during the Second World War; but, as I know from personal experience, the military did not make full use of the talents and abilities of its black soldiers.

My roommate at UCLA was a young black man who enlisted in the Air Force during World War II. Although he was trained to fly, he was placed in an all-black squadron which never flew in combat. It was a great source of frustration to him that he was not given the chance to fight for his country.

As the war progressed, blacks eventually were used as replacements, and served with distinction. Largely because of that record, in 1948—a little less than 20 years before the Civil Rights Act—President Harry Truman signed an order integrating the U.S. Armed Forces. When our men went to Korea, a universal integrated military policy was in effect.

I saw for myself how difficult those early years of integration were for the black recruits. I was stationed at Fort Benning, where we had the first black officer trainees. Those guys had it tough. Training is difficult for everyone, as you know, but the trainers, the noncoms, absolutely harassed the young black men.

When we look at the host of black officers and generals in the Armed Forces today, many who flew combat in Korea and Vietnam, it is a tribute to the courage and determination of those men and women who endured so much for so long in our country. It is because of them that today we have a Brig. Gen. Sherian Grace Cadoria, the highest ranking black woman in the military, and one of only four female Army generals. It is because of them that President Reagan appointed the first black National Security Adviser, Lt. Gen. Colin Powell. Currently a three-star general, Colin Powell is slated to become a four-star general in April, when he assumes the forces command at Fort McPherson, GA.

I look forward to the day when, just as it is common knowledge that Paul Revere rode through the night to warn that the British were coming, we know that Crispus Attucks was the first American to die in the Revolutionary War. Just as our children know that Christopher Columbus discovered America, they'll know that the first man to reach the North Pole was a black man, Matthew Henson.

I salute those black Americans, who, in the words of Frederick Douglas, "cleared the road, went forward and continued the race in enriching our American history."

REMEMBERING THE BLACK COWBOY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. HAWKINS. Mr. Speaker, millions of Americans tuned in to watch the CBS-TV miniseries "Lonesome Dove," a gripping classic of the western frontier spirit that in many ways epitomizes our Nation's great traditions. The miniseries, without a doubt, was a terrific production.

With the success of Lonesome Dove still fresh in the minds of many viewers, I thought it would be appropriate during Black History Month, to provide some information on the life and times of the black cowboy, who like their white counterparts shared in the adventure and yore of the Old West.

In a fascinating book entitled "Black Cowboys," by Paul Stewart and Wallace Yvonne Ponce, unsung black heroes of the West are profiled. Historians have estimated that the number of cowboys during the period after the Civil War was 35,000. Of this amount, about 1 out of 4, or about 8,000 were black. Here are a few short biographies about some of the bold and daring black heroes of the Old West:

Mary Fields was a stagecoach driver who ran a stageline through the dangerous Montana territory. Carrying her double-barreled shotgun and packing a .38 caliber pistol she became the second woman in American history to deliver the U.S. mail.

Willie Kennard, applied for the job of U.S. marshall in Yankee Hill, CO, which was quite bold for a black man in 1874 beginning at age 42. His first assignment was to arrest the town villain, Barney Casewit, who was a rapist and a murderer. In a classic western confrontation, Kennard faced the outlaw Casewit and said, "I'm saying it just once more, you're under arrest, so drop that gunbelt and be careful how you move those hands." As Casewit made his move, Kennard shot the guns from Casewit's hands and then went over and arrested him.

Some of the more famous black cowboys include Nat Love, alias "Deadwood Dick," and Bill Pickett both well known for their cattle roping skills and sure-shot marksmanship. Samuel Steward lived in the Colorado territory and served as deputy sheriff and deputy U.S. marshall. He spoke American Indian, French and Spanish dialects which helped him significantly in his law enforcement duties.

James Arthur Walker was the originator of the "Hollywood Hop" which was later made famous by several Hollywood cowboy stars. He invented the trick one day when he rode into his yard at full speed, jumped to the ground, then hopped back upon the horse while it was still moving.

The Black 10th Cavalry patrolled the high plains of the Old West for over 50 years. They served on isolated posts located in Texas and the Southwest—building roads, stringing telegraph wire, escorting groups crossing Indian territory, and scouting hostile tribes. During this period, 12 blacks won Congressional Medals of Honor for their bravery in battle.

There are countless other documented stories of the brave exploits of blacks during the western frontier era, and many others which were never recorded historically. As we celebrate the month of February as "Black History Month," we recognize the richness and diversity of our American heritage. As we continue this celebration each year, it will continue to strengthen the fabric of this great Nation.

LEGISLATION IS NEEDED TO REFORM THE FEDERAL EMPLOYEE DISCRIMINATION COMPLAINT PROCESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. LANTOS. Mr. Speaker, with a number of our distinguished colleagues, I recently introduced H.R. 1012, a bill to improve Federal employee discrimination complaint procedures under the Federal Equal Employment Opportunity Commission. I was joined in introducing this bill by Mrs. COLLINS of Illinois, Mr. FAUNTROY of the District of Columbia, Mr. FRANK of

Massachusetts, Mr. HAWKINS of California, Mr. LELAND of Texas, Mr. MARTINEZ of California, Mrs. MORELLA of Maryland, Mr. MCEWEN of Ohio, Mr. NELSON of Utah, Mr. OWENS of New York, Ms. PELOSI of California, Mr. SABO of Minnesota, Mrs. SCHROEDER of Colorado, and Mr. WEISS of New York.

The bill contains only minor revisions from H.R. 5112, which I introduced in the 100th Congress. Our bill implements recommendations made in the report unanimously adopted by the Committee on Government Operations: "Overhauling the Federal EEO Complaint Processing System: A New Look at a Persistent Problem."

The committee report found that the present system of handling Federal employee complaints of discrimination on the basis of race, sex, religion or national origin is "an embarrassment to the Federal Government. It is a system that Rube Goldberg would have been proud of. It lacks all appearance of fairness" and "it is unnecessarily complex and inordinate lengthy."

Under the present system of handling discrimination complaints, the Federal agency against which a complaint is made has the responsibility of investigating that complaint and then making a decision about whether the complaint is valid. This means that the agency involved—one of the parties in the dispute—investigates and then judges itself. As our report noted, this is akin to putting the fox in charge of the henhouse.

Our bill will eliminate this built-in conflict of interest caused by agencies investigating themselves and then deciding discrimination charges against themselves. This legislation will transfer the process from the individual Federal agencies to the Equal Employment Opportunity Commission [EEOC], while allowing the employing agencies 45 days of counseling in order to resolve the problem before administrative proceedings begin.

The EEOC is to determine within 90 days whether there is reasonable cause to believe that the charge is true. If so, it will attempt conciliation. If this fails, the complainant may either sue in district court or request adjudication by an administrative law judge [ALJ] of the Commission. The ALJ will hold a hearing with full procedural safeguards under the Administrative Procedures Act. Either the individual or the agency may appeal the ALJ decision to the Commission itself. If the Commission affirms the decision or fails to act within the specified time, the individual may appeal to the court of appeals for a review on the record. Time limits are established for each stage of the process.

The legislation provides for the issuing of orders, which may include backpay for up to 2 years, attorneys' fees and costs with interest, reinstatement or hiring, and other equitable relief. To enforce such an order, the Commission may require that the responsible official not be paid until there is compliance. In case of noncompliance by an agency, EEOC or the individual may go to district court.

Mr. Speaker, this bill represents a careful balancing of the need for a speedier, simpler system for handling discrimination complaints with the need for an equitable system with procedural safeguards. It makes the system for Federal workers closer to the one in effect for employees in the private sector. In addition it provides an option for administrative processing as an alternative to costlier lawsuits in district courts. I truly believe that it will be a giant step to overcome the frustration and despair voiced by thousands of Federal employees over the years.

I urge my colleagues to join us in supporting this much needed reform of the Federal employee discrimination complaint process.

THE SUGAR SUPPLY STABILIZATION ACT OF 1989

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. DOWNEY. Mr. Speaker, as Congressman GRADISON and I reintroduce the Sugar Supply Stabilization Act, I feel a bit like Arnold Schwarzenegger in "The Terminator" when he utters his now famous line, "I'll be back."

We are "back" with the Sugar Supply Stabilization Act of 1989 for a very simple reason—the domestic Sugar Program, which costs U.S. consumers about $3 billion a year and has drastically slashed imports of foreign sugar into the United States, is still a bad program and it must be changed. Of course, someone has been benefiting from this sugar program, even if it's not the consumer. About 10,000 domestic sugar growers just love the current arrangement because it guarantees them an artifically high price for their product and insulates them from outside competition. As a consumer, I find this kind of hidden consumer tax unjustifiable.

The bill that we are introducing today sets forward a sensible and gradual approach to restructuring the U.S. Sugar Program. The bill would put in place a gradual phase down of the current nonrecourse loan rate of 18 cents per pound. The phase down will total a reduction of 1.5 cents per year until the loan rate reaches 12 cents. While the loan rate is decreasing, the import quota will see a gradual increase. This measured increase in import quotas will maintain domestic demand while easing the economic pressures that have mounted on friends and allies who have seen their sugar exports to the United States slashed over the last several years.

To those of our colleagues who might respond to our renewed efforts to reform the Sugar Program with an equally famous Clint Eastwood line, "Go ahead, make my day," Congressman GRADISON and I can assure you that we'll keep coming back until we have succeeded.

ROBERT BALL ON THE MEDICARE CATASTROPHIC COVERAGE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. STARK. Mr. Speaker, on February 9, 1989, Robert Ball, Commissioner of Social Security from 1962 to 1973 and one of the leading experts on retirement programs in the Nation, testified before the Ways and Means Committee on budget issues.

I would like to share part of his excellent statement with the rest of the Congress:

I don't know that there is much more to be done immediately about holding down Medicare cost increases. At one time I would have suggested a reduction of the general revenue financing of Part B of Medicare since, it has seemed to me, that a 75 percent subsidy to this program was not justified for the group of beneficiaries that are relatively well-off. However, the income-related premium in the Catastrophic Health Protection Act of 1988 effectively dealt with this problem by charging the well-off beneficiaries more than the catastrophic protection is worth, and thereby effectively reducing their Part B general revenue subsidy.

I know the income-related premium has become controversial, but it seems to me that the theory was right. In one way or another, relatively well-off Part B beneficiaries ought to be paying more of their own way under Medicare, considered as a whole. They have no basis for being upset because they are paying "too much" for a new addition to the program when they are being heavily subsidized for the old Part B benefits. I would hope the Committee does not spend money to relieve the relatively well-off from what they are required to pay for catastrophic protection, unless at the same time you introduce a way to have them pay more for the old Part B benefits. Looking at Medicare as a whole, the well-off are well treated, as is everyone else. Moreover, I think many of those protesting are failing to take into account that their supplementary Medigap protection should cost less than it would otherwise because of the addition of catastrophic coverage to Medicare.

In the long run, there are certainly savings to be made in Medicare and health care generally. The fact that, even with great gaps in coverage, we are currently paying 11.3 percent of our gross national product for health care—more than any other nation—tells us there is fat to trim. Increased efforts to control unnecessary services are clearly worthwhile. So are efforts to prevent illness from occurring in the first place.

CHILDREN'S DAY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. KENNEDY. Mr. Speaker, today I am introducing a resolution that will celebrate the second Sunday of October as National Children's Day. Children's Day will serve as national recognition of our great country's most valuable asset: our children. Our children represent the future, the hope and the inspiration of our Nation. Children's Day will stress the importance of the role of the child within a family, just as we recognize the importance of mothers and fathers every year. It is not intended to represent a commercial extravaganza for the local toy stores. It is intended to emphasize the significance of family life, education and religion. By encouraging schools and communities to hold appropriate celebrations and events, Children's Day will focus our

Nation's attention on the positive possibilities open to our youth. When our youth believe that their contributions are valued, they will continue to follow their dreams.

During these times when modern society and economic needs place a heavy strain on family life, it is important that we as a nation keep alive the conviction in our children that enables them to change what is wrong, to keep what is right and to distance themselves from the improprieties of the world. I hope my colleagues will join me by supporting this resolution which will provide our Nation with a golden opportunity to instill hope and pride in the youth of America.

MARXIST PEACE PLOY IN EL SALVADOR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BEREUTER. Mr. Speaker, the Marxist guerrillas in El Salvador [the Farabundo Marti Liberation Front] or FMLN, on January 24 put forth a peace plan to forgo violence and join in government-run elections—under certain specified conditions. The plan was designed to encourage both the new Bush administration and Salvadoran President Duarte to be more flexible in their approach to the rebels. Initially, President Duarte rejected the FMLN offer, but the U.S. Department of State was more conciliatory, saying the proposal deserved a closer look.

Few observers questioned the FMLN's motives in offering this peace initiative 6 weeks before the long-scheduled Salvadoran elections. Leading American newspapers editorialized that the FMLN offer was constructive and worth considering.

Former Ambassador Jeane Kirkpatrick was one of the few opinion-makers who reacted negatively to the FMLN proposal. In a February 6 column, "The Marxists' Game in El Salvador," published in the Washington Post, Ambassador Kirkpatrick maintains, in her usual trenchant style, that the FMLN peace plan is just another ploy to buy time for the Marxist rebels and undercut President Duarte and the Christian Democrats.

A recent editorial in the Omaha World-Herald entitled "Desperation in El Salvador" also reflected considerable skepticism that the FMLN is truly interested in a democratic solution to El Salvador's problems.

Meanwhile, in the days since the peace plan was offered, there has been a resurgence of political violence from both the left and the right in El Salvador. In fact, belying the peaceful intentions of the FMLN, leftist gunmen on February 17 assassinated Miguel Castellanos, the highest ranking guerrilla commander to defect and publicly work with the government.

The stakes in this game are high for both the United States and El Salvador. I urge my colleagues to read Ambassador Kirkpatrick's column and the Omaha World-Herald editorial before deciding if the FMLN offer is genuine and worth pursuing, or if it is simply another tactic designed to aid the rebels and delay the resolution of El Salvador's decade-old civil war.

THE MARXISTS' GAME IN EL SALVADOR

(By Jeane Kirkpatrick)

From time to time, it has seemed as though democracy and peace have come to El Salvador. But El Salvador's Marxist guerrillas have never lost faith in their ultimate victory.

"We have time," FMLN commander Ferman Cienfuegos has said of their 15-year-long struggle to win power over Central America's smallest, most overcrowded, deeply divided country. "All the time it takes."

Now, six weeks before El Salvador's presidential election, the FMLN has launched a new "strategic ofensive." The FMLN representative to Cuba, Farid Handal, explained that their struggle had entered a new phase. Now the guerrillas would simultaneously accelerate military activities and enter the electoral arena "but without making any electoral commitments." Each tactic reinforced the other: the strategic offensive targeted mayors and the accompanying "peace proposal" promised that—for a price—the murder of mayors could be called off.

By the time the so-called peace proposal was offered (Jan. 24), several dozen mayors had already been killed and more were resigning daily in the face of deadly serious threats—three in Usulutan Department on Jan. 18 after being given 48 hours to leave their posts or die, several more in Ahuachupan Department, and another in Santa Ana, where the lives of the mayor's family were threatened along with his own.

"The resignation of mayors in serveral of our country's municipalities is nothing more than an expression that the FMLN is an alternate power in El Salvador," guerrilla spokesman Javier Castillo bragged.

But the FMLN is not just interested in murder. Out of respect for the "current trend in the international field" where "most wars are being solved by negotiations," El Salvador's guerrillas announced that they would not kill mayors who refused all cooperation from the government. The FMLN would "respect those who abandoned resistance."

As further proof of their flexibility, the five commanders of the FMLN also offered in their Jan. 24 proposal to participate in national elections providing the presidential elections be postponed for six months, from March 19 to Sept. 15, and held under a new electoral law adopted by consensus by a new electoral commission in which the FMLN would be represented.

During this six-month period El Salvador's army would be required to cease all attacks on guerrilla forces in return for which the FMLN would observe a five-day cease-fire (from two days before the election until two days after).

No prescience was required to see that this was an offer that no government could accept.

"The president's term is set by the constitution," El Salvador's President Napoleon Duarte commented on Jan. 26. "It is not possible to extend the presidential term of office by a single day. I am not going to stay one day more in the presidency, so this document that proposes I remain in the presidency is neither valid nor acceptable at all."

Opposition leader Alfredo Cristiani struck a similar note. "The people do not want a mere two days of truce before and after the elections. If the FMLN is seeking peace it should declare its decision and accept a permanent and verifiable cease-fire."

Duarte's chosen successor, Christian Democratic candidate Fidel Chavez Mena, agreed. Like Duarte, he welcomed the fact that for the first time ever the FMLN had spoken of elections, but he said the proposal raised insurmountable legal problems. "If they agree in supporting the elections, why not do it now, without waiting any longer?"

Why indeed? Because the FMLN—like the PLO—understands how to pursue power by violence and propaganda: seeking now to terrorize, now to legitimize its own intentions, now to delegitimize existing processes and opponents.

Speaking always of peace while making war confuses the easily confused and provides a fig leaf for those who would like to see the Marxists win. Meanwhile, the violence is spilling across the borders of the region.

The same day Duarte rejected the FMLN proposal, Honduran Gen. Gustavo Alvarez Martinez and his driver were shot dead in Tegucigalpa. Within 15 minutes, the Cinchonero Peoples Movement had claimed credit for his murder. "The execution of Gustavo Alvarez Martinez was assigned to our heroic Lempira command. Long live our martyrs, their ideas and their practices! Let us all organize better to wage the people's revolutionary war! Those who know how to die always win."

Meanwhile in Managua, Nicaraguan President Daniel Ortega offered a visitor from the German Democratic Republic a tour of the Karl Marx Hospital and transmitted revolutionary congratulations to comrade Heng Samrin, Vietnam's puppet ruler of Cambodia.

And the slow slide to a Marxist Central America continues.

DESPERATION IN EL SALVADOR

A recent wave of terroristic attacks by Marxist rebels in El Salvador suggests both desperation and callous indifference to the suffering of their countrymen.

The Farabundo Marti Liberation Front guerrillas, who have been unable to win their long war with the U.S.-backed government of El Salvador, are now resorting to the assassination of village mayors and other civic officials who represent the democratic government.

The leadership of the rebels is largely made up of former teachers and professors who have an intellectual loyalty to Marxist theories. Like the crazed revolutionaries who emptied Cambodia's cities and slaughtered a quarter of the nation's population in the 1970s, the Marxists of El Salvador have offered only a theoretical blueprint for what they would do if they came to power.

The economic and political failures of virtually every Marxist regime in the world have apparently not impressed them. They persevere as only theory-intoxicated fanatics can, sure that if they can destroy El Salvador's fledgling democracy they will overcome the extreme right and the military and finally come to power. What happens to the country in the meantime doesn't seem to trouble them.

El Salvador will have a presidential election in March in which candidates connected with the guerrillas will be allowed to run for office—a considerable test of the fragile democratic regime of President Jose Napoleon Duarte, who is dying of cancer. Political participation sometimes leads to moderation. Instead, the Marxists are intensifying the violence.

The civil war in El Salvador has killed an estimated 70,000 people and made half a

million people homeless. It has disrupted the economy and increased the poverty of the masses whom the guerrillas claim to represent. Communications have been severed.

When the guerrilla leaders sought contact with elected officials in other Latin countries, they were told to seek peace negotiations with the Salvadoran government. Their response has been the campaign to kill provincial government leaders.

The ranks of the rebels are not growing. The movement is no closer to victory today than it was six or seven years ago. Unable to accept the obvious, the rebels are showing the world and the people of El Salvador that seizing power is what really matters to them. The suffering of the people of El Salvador is apparently a minor matter; the rebels will go to any lengths to destroy democracy.

INTRODUCTION OF THE FAIR AND EQUITABLE CARGO ALLOCATION ACT OF 1989

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. FIELDS. Mr. Speaker, during the last Congress, more than 30 gulf coast representatives and I proposed legislation to repeal an onerous feature of the Food Security Act of 1985 known as the Great Lakes Cargo Set-Aside Program.

The goal of the set-aside was to temporarily help Great Lakes ports retain access to a certain portion of our Public Law 480, title II cargoes; its effect has been to adversely affect other ports throughout our Nation.

The Food Security Act of 1985 unambiguously stipulates that the Secretary of Transportation shall administer the set-aside program "without detriment to any port range".

Mr. Speaker, sadly, the program has not been administered in that manner. During the past 3 years, the Great Lakes Set-Aside Program has been a financial nightmare for ports in the east, west, and gulf coast regions of this Nation.

It has created a system whereby Great Lakes ports have become the only coastal range in the United States that don't have to adhere to the principle of lowest landed cost. Unlike other ports, Great Lakes ports have no incentive to be cost competitive, because they are guaranteed Government cargo regardless of their handling costs.

Let me share with my colleagues several examples of what has happened since the enactment of the set-aside program.

First, the Waterman Steamship Co. in 1988 transported between 80,000 and 100,000 long tons of Public Law 480, title II cargo from the Port of Chicago. Without this set-aside requirement, none of this cargo would have been transported from Chicago or any other Great Lakes port facility. In fact, it would have been handled by ports on either the west or the gulf coasts at a savings to taxpayers of $17 to $20 per long ton—or approximately $2 million.

Second, our Government was forced to pay excessive handling costs to ship bulgur wheat to Haiti and India. Because of the set-aside, it cost our Government $143,000 more in freight charges, a figure which could have purchased an additional 1 million tons of wheat for some needy nation.

Third, in April 1987, our Government purchased for export to Senegal, Africa, 5.1 million pounds of cornmeal from the Lauhoff Grain Co. of Danville, IL. The cornmeal was shipped from the Port of Milwaukee on a foreign-flag vessel at a landed cost of $464,887.

Without the set-aside, the Department of Agriculture could have bought the cornmeal for the same price from the Lincoln Grain Co. of Atchison, KS, and shipped it from Corpus Christi, TX, on a U.S.-flag vessel at a landed cost of $439,311. By so doing, it would have saved taxpayers $25,576 which could have purchased an additional 300,000 pounds of cornmeal for the starving people of Senegal.

Mr. Speaker, these are but three examples of how the Great Lakes Set-Aside Program has damaged other ports, taxpayers, our U.S.-flag fleet, and even starving people around the world.

To make matters worse, since no Federal funds have been appropriated to pay for the additional Great Lakes transportation costs, they have been deducted directly from the Public Law 480, title II budget. This has caused a serious reduction in the amount of cargo provided under Public Law 480, title II and a further loss in the availability of cargo for east, west, and gulf coast ports.

Mr. Speaker, the Great Lakes Set-Aside Program has been a total disaster. It has caused real detriment to all of our port ranges by denying them access to some 300,000 metric tons of cargo; it has cost our taxpayers an additional $4.3 million; and it has resulted in the loss of tons of cargo for starving people throughout the world.

Interestingly, this provision is not even popular among Great Lakes ports' representatives. The U.S. Chairman of the International Association of Great Lakes Ports, Mr. Davis Helberg, has publicly stated that "the set-aside simply hasn't worked. It was a sop to the Great Lakes to wean us off the Government programs. Gulf ports have been highly critical of the set-aside. We agree."

At the same time, one Great Lakes representative, Congressman JIM OBERSTAR of Minnesota, already has introduced legislation in this Congress, H.R. 597, to repeal the set-aside program. In his introductory statement, Congressman OBERSTAR noted that "in the 3 years that these provisions have been in effect, they have created only dissatisfaction and objection on the part of the Great Lakes port authorities. Great Lakes port communities are intensely dissatisfied."

Mr. Speaker, we along the gulf coast share that dissatisfaction. I look forward to working with Congressman OBERSTAR to repeal the set-aside program, which is the only feature of the cargo preference compromise of 1985 that I don't support, and to ensure that this misguided policy is not extended beyond its sunset date of December 31, 1989.

In the final analysis, it is clear that the Great Lakes Set-Aside Program is bad for our Nation's ports, bad for our Nation's taxpayers, bad for our U.S.-flag fleet, bad for the Public Law 480, title II program, and even bad for Great Lakes ports which have no incentive to become more competitive. Without this set-aside, all ports will be given the opportunity to bid on Government cargo on an open, fair, and competitive basis.

Mr. Speaker, that is how the system has historically worked and, with that goal in mind, I am today reintroducing, along with more than 20 of our colleagues, the Fair and Equitable Cargo Allocation Act of 1989.

I urge my colleagues to join with us in supporting this repeal legislation and I am hopeful that Merchant Marine and Fisheries Committee Chairman WALTER B. JONES soon will hold hearings on this most important issue. We must end this highly discriminatory reservation system which is having such a detrimental effect on ports throughout the east, west, and gulf coast port ranges.

THE CIRCLEVILLE PHILOSOPHER

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. PICKLE. Mr. Speaker, in central Texas Henry B. Fox, the "Circleville Philosopher," was as well known as Mark Twain, and he often got even better chuckles. His published articles and books were avidly and pleasantly read, and everyone—liberal and conservative alike—could laugh at the truisms in his commentaries.

Henry came from a large family whose members had varied political philosophies, but he staked out his claim and never waivered from his outlook as a progressive philosopher. I have personally been on the receiving end of his barbs and his compliments, but as far as a reasonable stance on the issues Henry Fox was the most consistent person I have ever known—he was against everything, or he was for everything, at one time or another. Those of us who knew him recognized Henry as a wise and learned commentator on his times.

Earlier this month, we buried Henry Fox and many residents of Williamson County and central Texas noted his passing and mourned his loss.

Mr. Speaker, I ask that the text of an article from the Austin American-Statesman on the death of Henry Fox be printed in the RECORD immediately following these remarks.

SERVICE SCHEDULED TODAY IN TAYLOR FOR 'CIRCLEVILLE PHILOSOPHER' FOX

(By Linda Latham Welch)

TAYLOR—Services will be today for H.B. Fox, a writer and humorist known as the "Circleville Philosopher," who died Tuesday at Johns Community Hospital in Taylor.

Fox, 78, once wrote, "All I know is that being alive is fun." He lived on a ranch near Circleville in rural eastern Williamson County.

A memorial service will be at 4 p.m. at Condra Memorial Chapel at Condra Funeral Home, 503 Talbot St. in Taylor.

Fox began writing a syndicated humor column 45 years ago. Called The Circleville Philosopher, the column ran weekly in 50 Texas newspapers and other papers nationwide.

Newspaper articles about him said readership of the column was more than 1 million.

A published statement from his family said the column was believed to be the longest-running column in the country.

Though best known for his column, Fox wrote three books: The 2,000-Mile Turtle, and Other Episodes from Editor Harold Smith's Private Journal; Dirty Politics is Fun; and Murder in a Small Town—Perhaps.

Fox's books were full of disgressions in which his characters made observations about the world. In one book, a newspaper editor faced with a power outage said, "You can publish a newspaper without talent, education, writing ability, correct spelling, moral fiber, fairness or intelligence, but not without electricity."

Fox was born in Granger. Like all seven children in his family, he was a graduate of Southwestern University in Georgetown.

After graduation, he lived for a year in New York City and wrote of that time: "All I saw up there were writers trying to get rich enough to buy a house and move to the country. I saw a shortcut and figured, why not move to the country in the first place and to hell with getting rich?"

Fox moved back to Texas, ran two weekly newspapers for awhile, sold them, and in 1949, bought a ranch in Circleville, where he said he raised Republican cows.

Fox is survived by his wife, Marie Fox of Taylor; daughter, Carol Fox of Austin; and son and daughter-in-law, John and Diann Fox of Taylor.

Other survivors include his sisters, Mary Elizabeth Fox of Temple and Frances Smithers of Huntsville; brothers, Howard Fox of Hearne and Bryan Fox of Granger; and five grandchildren.

RETIREMENT OF SGT. ROGER L. KERR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. LAGOMARSINO. Mr. Speaker, I ask my colleagues to join me today in congratulating Sgt. Roger Kerr on his retirement from the Ventura County Sheriff's Department.

Sergeant Kerr joined the department October 2, 1967, and has worked in various details. He is a trained, experienced major crimes investigator whose experience extends to arson, explosives, robbery, homicide, and property crimes.

He has been a member of the Ventura County Sheriff's bomb team for 15 years, polygraph examiner since 1977, certified forensic hypnosis investigator, and member of the International Association of Bomb Technicians and Investigators as well as the California Homicide Investigators Association.

Sergeant Kerr has been recognized by Federal, State, and local agencies for excellence in his public service. He was Officer of the Year of the Thousand Oaks Kiwanis Club in 1970.

Prior to joining the sheriff's department Roger worked as a supervising psychiatric technician for 11 years. Because of his expertise in this field he was appointed by the Ventura County Board of Supervisors to serve on the mental health advisory board and served in that capacity until August 1984.

Again, please join me in congratulating Sergeant Kerr and wishing the very best in his retirement years.

IN MEMORY OF VINCENT G. KENNELLEY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to acknowledge the loss of a respected civic leader and dear friend, Vincent G. Kennelley, the mayor of Fairport, NY. Vinnie died on January 22, 1989, much too soon. I am deeply saddened by his death, and I ask my colleagues to join me in paying tribute to a man who served as mayor of the village of Fairport for 8 years.

Vinnie Kennelley was devoted to his family, his country, and his village. He was an unfailing public servant who dedicated his life to working for others. Vinnie had the courage to stand up for what he believed in, and he always put the needs of the people first. He worked relentlessly to make our community a better and safer place to live, and his devotion to Fairport will long be remembered.

I remember Vinnie on cold Fairport mornings, manning his volunteer post as a crossing guard. For 10 years, he and his wife Noreen helped keep the children of the village safe on their way to school. I remember how he loved talking about his days working on the New York Central Railroad. I remember how he lobbied me in Albany for his volunteer firemen and the VFW. I remember how Vinnie was determined that the village would keep its public power system that gave us the lowest electric rates in the country.

Perhaps the fondest memory I have of Vinnie is of the last Fourth of July Parade. Vinnie had the plaque at the War Memorial altered to include Korean and Vietnam veterans. When we gathered at the monument, Vinnie asked all the veterans of the Vietnam and Korean wars to come forward. At first there was reluctance, and then, one by one, relinquishing the hands of their children, the veterans approached the memorial. Men who had served together met for the first time others who had been their comrades in battle. Wives, and the rest of us, found ourselves trying to hide our tears. Children looked at their fathers with awestruck eyes. Many who were new to the village found a common bond with older veterans. Only Vinnie could have brought them together.

Vinnie first won elective office in 1956 when he became a trustee for Fairport Village. He was reelected countless times until in 1981 he was appointed to the office of mayor. He was elected to the office of mayor in 1982, and again in 1986.

For over 30 years Vinnie Kennelley served the village of Fairport, and everything about the village was a part of him. He refurbished local bridges, revamped the village business district and fought for safer school crossings. Many of his efforts were recognized with awards like the 1985 Perinton Chamber of Commerce Citizen of the Year Award and a Bronze Star from the U.S. Army for his valiant and dedicated service in World War II. He was a past commander and life member of the Perinton Memorial Post of the Veterans of Foreign Wars.

Words do not pay homage to a man who accomplished so much. No one has played a greater role in the life of Fairport than its mayor, Vinnie Kennelley. Little League opening day, Memorial Day celebrations, parades, Fairport Fire Department meetings, public meetings and local sporting events—no matter what the occasion—Vinnie was always there.

When he died, thousands came to his wake. More than 900 in one evening stood in the cold for the chance to pay their respects. Mounted sheriffs watched over the grieving crowd. At his funeral a passing train blew a last salute, and the fire siren sounded a mournful tribute.

Mr. Speaker, Vinnie was a dear friend and adviser whom I will miss, as will the people of his village. I share the grief I know his family suffers, but I know they are comforted by the fact that he was respected and loved. Vinnie Kennelley was a thoroughly honest man who dedicated his life to his wife, his children, his church, his friends, and his village. There is no greater representative of the words community and devotion than Vinnie Kennelley, and we will not see his like again. His death is truly a loss to us all.

THE S&L BAILOUT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. GRADISON. Mr. Speaker, President Bush has put forth a positive plan to resolve the S&L crisis. Congress should give expedited consideration to his plan. Continued delay serves only to add significantly to the cost of what is already a huge taxpayer burden.

I am glad that the focus of the debate has shifted somewhat from budget considerations to another key policy question; namely, how to ensure that nothing like this even happens again. Nevertheless, the budget treatment of the bailout is not insignificant, and I take issue with that part of the President's proposal.

I am not naive as to the political desirability of off-budget treatment. But I believe that honest budgeting requires on-budget status. If my colleagues find that argument less than compelling, perhaps they will consider a cost argument. The fact is that off-budget status will raise significantly the total cost of the bailout. Each basis point above the Treasury borrowing rate adds $5 million a year to the cost of borrowing $50 billion, so that a spread as low as 25 basis points means an added, and unnecessary, cost of $125 million a year.

This cost implies a windfall to those who purchase the bailout bonds and a burden on whoever pays the interest, whether S&L's or taxpayers.

The following article from today's Wall Street Journal by Alan Murray illustrates this issue. I commend it to my colleagues.

[From the Wall Street Journal, Feb. 22, 1989]

BUSH S&L BAILOUT CREATES ILLUSION OF DEFICIT CUT THAT CONGRESS QUESTIONS BUT WANTS TO BELIEVE

(By Alan Murray)

WASHINGTON.—The savings-and-loan crisis looks like a bonanza when viewed through the strange prism of President Bush's fiscal 1990 budget.

It shows government spending on deposit insurance declining by $14 billion from the current year. That's enough to pay for the president's new spending initiatives three times over.

The $14 billion windfall, of course, is a mirage. Government spending on insolvent savings and loans will actually increase substantially in the year beginning Oct. 1. But, with some accounting sleight of hand, that huge liability has been turned into a sizable asset, easing the administration's budgetary squeeze.

"I'm amazed, amused and bemused," says Carol Cox, director of the bipartisan Citizens for a Responsible Federal Budget. "Would you believe the thrift crisis is going to save us money and reduce the deficit? Well that's just what the budget says!"

The deposit-insurance artifice, involving off-budget financing, is the biggest in a bag full of tricks that Budget Director Richard Darman used this year to pull off a remarkable budgetary coup. His proposal included a far sparser rise in overall government spending than any Reagan budget. But it is skillfully packaged to emphasize spending increases and obscure painful spending cuts.

As a result, it's the first budget in eight years to escape the fate of being declared "dead on arrival" by Congress. Concludes Ms. Cox: "Dick Darman is the smartest person I've ever observed."

The reduction in budget outlays for the saving-and-loan rescue stems from the administration's plan to create a new company called the Resolution Financing Corp., which will borrow $50 billion over the next three years by selling long-term bonds. The company will be modeled after other government-sponsored but privately owned enterprises, such as the Federal National Mortgage Association (Fannie Mae). And like Fannie Mae, the new corporation won't be part of the federal budget.

The money borrowed by the new corporation, however, will simply be handed over to the government, and will appear on the federal books as a "receipt." Thus, rather than increasing the budget deficit, the scheme actually reduces it.

Defenders of this artifice argue that the bond sale should be off-budget because it doesn't have the same economic effects as most types of deficit spending. While borrowing to finance government spending drains the nation's pool of available capital, borrowing to rescue thrifts doesn't. Instead, it merely transfers capital from bond buyers to thrift depositors.

Budget experts say the new borrowing ought to be counted in the budget. "It gets to be a murky legal issue," says Rudolph Penner, former director of the Congressional Budget Office. "But conceptually, forgetting the intricacies of accounting, I really do think it should be counted as federal borrowing."

Moreover, by creating a new borrowing agency, the government will be forced to pay a higher interest rate than it would on straight government debt, increasing the taxpayers' cost by anywhere from $2 billion to $8 billion over the life of the bonds.

"This is not just an arcane, inside-the-beltway bookkeeping dispute," says GOP Rep. Willis Gradison of Ohio. "The Treasury plan is a highly creative accounting shell game which gives a windfall to the purchasers of $50 billion of new debt in order to be able to argue that the FSLIC rescue should be off-budget. That's a mighty high price to pay for appearances."

Budget accounting rules, established by a federal commission in 1967, allow an organization to be taken off the budget if it is privately owned. Administration officials argue that the Resolution Financing Corp. passes that test. They say it isn't any different than the Financing Corp. set up two years ago to raise money for recapitalizing the Federal Savings and Loan Insurance Corp. Both the Office of Management and Budget and the Congressional Budget Office agreed that that corporation could be treated as an off-budget entity.

But Financing Corp., or FICO, bonds were financed totally by money from the S&L industry. In the case of the new corporation, two-thirds or more of the interest payments on the bonds would be paid by Treasury, making it difficult to argue that the corporation isn't part of the government.

Thomas Stanton, a Washington lawyer who specializes in government-sponsored enterprises, says the new corporation "clearly and unambiguously fails the private-ownership test." And the Congressional Budget Office sent a memo to the House Ways and Means Committee last week that said putting the new corporation off-budget may damage "the integrity of the unified budget, the meaning of the budget deficit, and deficit-reduction efforts."

Mr. Darman, however, doesn't share that view. "Some people will make the argument, including perhaps some in the Congressional Budget Office, that the payment of interest by Treasury changes the budgetary treatment," says a spokesman for the White House budget office, "We do not accept the administration's legerdemain. That's because, like the White House, members are anxious to meet the Gramm-Rudman law's deficit-reduction targets this year, without facing the political pain of excessive spending cuts or tax increases.

Rep. Gradison has proposed, as an alternative, putting the borrowing for the S&L bailout on budget, but exempting it from the Gramm-Rudman targets.

IN RECOGNITION OF NATIONAL VOCATIONAL EDUCATION WEEK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. TRAFICANT. Mr. Speaker, I stand today in order to pay tribute to a very special branch of our educational system, the vocational education systems of the United States, in celebration of National Vocational Education week that took place last week.

The vocational education system of our country provides for a truly diverse educational experience for our high school students. The vocational education system provides an opportunity for those students who want to supplement their traditional education with those skills that will lead them down a track towards a vocation of their choice while still in high school. The value of a vocational education in preparing these students for a successful career in the business world is immeasurable.

Mr. Speaker, I think I speak on behalf of all of us who are fortunate enough to represent school districts with vocational education systems, when I ask that we take a few minutes to express our gratitude for a job well done. Please join me in congratulating the vocational education systems of our country on their many years of educational success. May their programs continue to flourish in the future.

CHILDREN DELIVERING DRUGS—NOT NEWSPAPERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. FLORIO. Mr. Speaker, the prevalence of drugs in the United States has reached epidemic proportions. Drugs have touched every segment of our society. Drug dealers have taken over our streets and are corrupting our children.

I would like to share a personal example about how our children are being tainted by the prevalence of drugs in our society. I visited a school in Camden, NJ, and a teacher came to me and asked how she can teach values to children who are carrying $200 in their pockets? When I was a boy, I delivered newspapers and learned about the work ethic. Today, children are being used by drug dealers as delivery men and lookouts. Children are being exploited by the drug kingpins.

Soon, I plan to introduce legislation which will increase the penalties for persons who use minors in their drug operations. We are fighting a war against drugs in the United States but the drug traffickers and dealers are hiding behind an army of children. We must punish the people who are profiting from corrupting our society and our children.

The following Courier Post article "Ten-Year-Old Boy Used To Run Drugs, Police Say" may be of interest to my colleagues:

[From the Camden (NJ) Courier Post, Feb. 1, 1989]

TEN-YEAR-OLD USED TO RUN DRUGS, POLICE SAY

(By Louis T. Lounsberry)

CAMDEN.—A 20-year-old man surrendered to police yesterday and was charged with using a 10-year-old boy as a drug runner to make deliveries in return for a quarter or a toy car.

Arrest warrants had been issued Friday for Roy Lee Shinsholster, of the 1400 block of Kenwood Avenue, in connection with the incident that police said began in late December and continued into the first week of January.

Shinsholster surrendered to Detective Sgt. Al Handy yesterday afternoon after he learned through family members that the warrant had been issued.

He was charged with endangering the welfare of a child and using a child in a drug trafficking operation. He also was charged with burglary, theft and harassment in connection with the same incident.

Police, who were withholding the name of the family involved to shield the child's

identity, gave the following account of their investigation:

The boy's mother first met Shinsholster in mid-September when she had told him to stay away from her 14-year-old daughter. Since that time, the mother said Shinsholster had exchanged words about the incident but neither knew the other by more than their first names.

During this time, unknown to his mother, the 10-year-old was befriended by Shinsholster.

Then earlier this month officials at the Lincoln School, where the boy attends fourth grade, notified his mother that her son was having absentee problems.

The boy said that he had made friends with a man named "Roy" and that Roy had asked him to do favors for him. He was given boxes wrapped in either Christmas or birthday wrapping paper and told to go to a store in the vicinity of Kenwood and Euclid Streets. The boy was either given a name or shown a photograph of the person to whom he was to deliver the package, which police suspect contained cocaine.

The meetings took place sometimes inside the store and on other occasions outside the store. Police said the storeowner was not aware that drug trafficking was taking place at his establishment.

The person that the boy met would in turn give the boy an envelope which he would return to Roy. When his job was complete, the boy would be rewarded with a quarter or a small toy car, said Detectives Gary Miller and Edwin Figueroa, who investigated the case.

The deliveries continued until one day when the boy became curious and opened one of the packages in the basement of his home. He became ill after tasting its contents, which he threw away, police said. After that he didn't make any more deliveries for his friend, police said.

Soon after that, the woman learned that "Roy" was looking for her son.

Then last Tuesday, the woman received a telephone call at work from a friend who said someone was trying to break into her home in the 1500 block of Greenwood Avenue. The family has since moved to another location in the city.

When she arrived at her house, she saw a man later identified as Shinsholster leaving from a basement door carrying a bow, a quiver with arrows, clothing and a television set, taken from the home.

It is believed that the items were taken as payment for the drugs that the boy was supposed to deliver on the day he opened the box and threw out its contents, police said.

The mother learned Roy's last name and notified police, who investigated the case.

The suspect was sent to the Camden County Jail to await bail hearing and arraignment today.

TRIBUTE TO BROOKDALE COMMUNITY COLLEGE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. PALLONE . Mr. Speaker, in 1986, President Reagan began the tradition of February as National Community College Month. This tradition has taken hold, and communities around the country extend special recognition during the month of February to the contributions made by their community colleges.

I wish at this time to pay special tribute to an excellent institution located in my legislative district: Brookdale Community College. With its main campus in Middletown, NJ, and satellite facilities located in nearby communities, Brookdale provides a wide range of educational services to more than 30,000 people each year. Brookdale students range in age from 18-year-olds right out of high school to senior citizens seeking to develop new interests and skills. Like the many other fine community colleges located all across our Nation, Brookdale provides transfer education, 2-year degree programs, certificate programs, for employment, basic skill education, continuing and community education, career development, and job search assistance.

Community colleges are an invaluable resource in that they provide their students with high-quality education at a reasonable cost within commuting distance of their homes. During this month of February—and throughout the year—we should recognize the contribution made by our community colleges, and make every effort we can to support their continued growth and development.

HAVE YOU READ YOUR GUNS AND AMMO MAGAZINE THIS MONTH?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. STARK. Mr. Speaker, glancing through my March 1989 Guns and Ammo magazine yesterday afternoon, I came across a particularly well-written "letter to the editor" from a police officer from Bakersfield, CA. If any of my colleagues missed the article, or haven't had a chance to sit down with their G&A yet, I thought I'd share the letter with you:

FOOD FOR GUN THOUGHTS

Being that yours is a California-based firm, I am sure that you are aware of the California law that prohibits the delivery of newly-bought handguns into the hands of the purchaser until a period of 15 days has elapsed. This is to allow local law enforcement and the Department of Justice some time in which to check the purchaser for a criminal record or record of mental problems or history of drug abuse. This statute has been in effect for several years.

Being a police officer who has reviewed these "applications to purchase handguns," I am pleased to announce that the system actually works. I have seen many handgun purchases denied because of a purchaser's past criminal record.

I am somewhat disheartened by the NRA's recent battle against the 7-day waiting period proposed in recent Federal legislation. The [Brady] bill was backed by several police and pro-police organizations as a way of monitoring who was buying handguns. As you are well aware, the bill was defeated in the Halls of Congress. Score this one as a victory for the crooks.

DIPLOMATIC SUCCESS IN SOUTHERN AFRICA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BEREUTER. Mr. Speaker, one of the greatest diplomatic triumphs of 1988 for the United States and the Reagan administration was the signing on December 22, 1988, of agreements between South Africa, Cuba, and Angola providing for the withdrawal of Cuban troops from Angola and the independence of Namibia. These agreements represented the culmination of 8 years of hard work by Secretary of State Shultz and Assistant Secretary Chester Crocker, who masterminded and shepherded this settlement from the battlefield to the bargaining table.

The signing of this agreement would not have been possible without the strong and continuing U.S. commitment to the negotiations in our role as an "honest broker." It is both rare and noteworthy when such patient negotiations bear fruit. I urge my colleagues to read a recent editorial, "African Pact a Victory for Diplomacy," published in the Omaha World-Herald, which summarizes the situation in southern Africa and underscores the point that diplomacy can be a powerful tool in the peaceful solution of international problems when it is properly and skillfully applied.

AFRICAN PACT A VICTORY FOR DIPLOMACY

The United States and South Africa, with behind-the-scenes help from the Soviet Union, have helped southern Africa move toward peace. South Africa has signed a U.S.-mediated agreement with Cuba and Angola that will let Namibia become independent and require 50,000 Cuban soldiers to leave Angola.

The Cuban troops have been fighting a Soviet proxy war against the anti-Communist UNITA guerrilla army of Jonas Savimbi. They wouldn't leave on their own, so some kind of trade had to take place. The South Africans, in effect, offered to trade their control of Namibia, also known as South West Africa, for the evacuation of the Cubans.

Namibia was once a German colony. It was seized by the British in World War I and became an appendage of South Africa. When the South Africans gained independence, they held on to Namibia. Despite a 1966 U.N. demand for its independence, Namibia has remained a South African dependency. Twice the size of California, the mineral-rich but relatively barren area has a population of only a million people.

Angola agreed to the trade-off because it was eager to see the South Africans withdraw from adjacent African territory. The other "front line" anti-South African states approved. The deal was struck. After one or two diplomatic glitches, signing of the preliminary agreement took place Tuesday.

Hard bargaining, attention to details and a refusal to give away anything without reciprocity proved to be the right tactics for dealing with the Cubans and Angolans. The successful negotiations were a good example of what can be accomplished through international cooperation and diplomacy.

WHAT HAPPENED TO THE FEDERAL OCS PROGRAM?

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. FIELDS. Mr. Speaker, after many years of careful consideration and thousands of hours of public debate, Congress enacted the Outer Continental Shelf Lands Act Amendments of 1978.

This historic law states that it is national policy of the United States to "expedite exploration and development of the Outer Continental Shelf in order to achieve national economic and energy policy goals, assure national security, reduce dependence on foreign sources, and maintain a favorable balance of payments in world trade".

Regrettably, in the 11 years since the passage of this landmark statute, the Congress has repeatedly supported efforts to undermine and destory the positive effects of offshore energy development. In many cases, these efforts have been led by the same individuals who strongly supported the 1978 amendments. Sadly, the U.S. Congress has abdicated its responsibility and, in so doing, has condemned this Nation to an ever-increasing dependence on foreign oil.

By contrast, many of our trading partners, most notably Great Britain, have decided to take a different approach. Unlike the United States Congress, the British are encouraging offshore driling by offering royalty holidays and improved contract terms with new tax and financial incentives. As a result, many U.S. companies are now allocating a growing portion of their exploration budget for drilling in international waters.

Mr. Speaker, can we really blame them? After all, last year the U.S. Congress even went so far as to prohibit drilling on certain tracts in the eastern Gulf of Mexico already legally obtained by exploration companies at a cost of more than $100 million.

Mr. Speaker, this postlease sale prohibition has had a chilling effect on the OCS Program for it demonstrates that the Federal Government is an unreliable partner willing to unilaterally change the rules at any time.

Mr. Speaker, it's time we follow the British example and time for Members of this body to read the excellent article by internationally respected oil expert, Mr. Paul L. Kelly. In his article entitled "Abdicating Our Energy Leadership", Mr. Kelly predicts that "unless we move decisively to provide incentives to drill in the United States, there will not be enough industry infrastructure left to manage the energy crisis which is sure to follow from our current malaise and lack of leadership".

I urge my colleagues to listen to Mr. Kelly's sound advice and to allow our Nation's OCS Program to go forward in the balanced manner required by the OCS Lands Act Amendments of 1978. The text of Mr. Kelly's article, which was printed in the January 1st Houston Chronicle, follows:

[From the Houston Chronicle, Jan. 1, 1989]

ABDICATING OUR ENERGY LEADERSHIP

(By Paul L. Kelly)

As the curtain opens on 1989, U.S. imports of crude oil and oil products have increased sharply to about 8 million barrels a day or about 50 percent of domestic consumption. By contrast, a new study in Great Britain concludes that self-sufficiency in oil in that country will extend until the end of the century.

Crude oil production in the United States fell 361,000 barrels a day in November, the steepest monthly drop in 1988. Drilling activity here is at one of its lowest levels since 1981, and the small number of applications for drilling permits does not offer hope for an upturn in the early months of the new year. Yet the jack-up drilling rig fleet in the British sector of the North Sea is now fully employed even in the face of uncertainty about world oil prices.

The difference in outlook highlights a growing divergence in national energy policy between the United States on the one hand, and Britain and our other Western allies on the other. Cecil Parkinson, Britain's secretary of state for energy, has just published a bill to abolish royalties for post-1982 oil and gas fields in the Southern Basin of the North Sea and onshore. The elimination of the royalty (normally 12.5 percent) is part of a package of measures announced in the Thatcher government's budget which "are designed to make the North Sea fiscal regime more responsive to the economics of individual fields and encourage the development of new fields in the Southern Basin." Lest there be any doubt about the short-term sacrifices Britain is willing to make to stimulate domestic energy prodcution and assure long-term energy supplies, in 1987-88 the government received over 1 billion pounds (about $1.8 billion) from royalties.

This is not the first time Britain has adjusted its fiscal policies to spur domestic production. The government's latest action follows tax incentives adopted in 1987 to stimulate exploration in marginal fields and reflects policies of the European Economic Community as a whole.

Meeting in 1986 to approve new long-term energy objectives for 1995, EEC foreign ministers said, "considering the major changes which have taken place in the oil and natural gas markets since 1980, the more relaxed state of the markets has released some of the pressure. However, the change is not without danger. The temporary surpluses . . . together with pressure toward lower prices, could, in the short term delay or undermine the decisions required to ensure that long-term needs are covered. The effect of a depressed market on the situation of the energy industries could prevent investment." Besides pursuing energy alternatives and conservation policies, EEC member-states should "maintain suitably balanced legal and financial inducements in favor of prospecting for and production of oil within the Community."

Following the EEC ministers conference at a meeting of the International Energy Agency in Paris in 1987, U.S. Energy Secretary John Herrington tried to convince other industrialized nations to follow the U.S. example of building large volumes of emergency oil stocks as protection against a revival of OPEC's price-fixing clout. For the most part, the Europeans found U.S. reliance on its strategic petroleum reserve by itself to be a rather weak defense against potential supply disruptions. They rejected Herrington's call and suggested the United States try harder to expand domestic production, improve energy efficiency and diversify fuel sources. Alick Buchanan-Smith, the chief British delegate to the meeting, told reporters that no one doubted the wisdom of maintaining an emergency reserve of crude oil. But he said, "this should not be an end in itself" and that there was "some question" about the U.S. government's readiness to cope with a crisis in world oil supplies.

The Europeans are not the only U.S. allies concerned about America's inability to cope with an oil supply crisis. Last year the Canadian House of Commons Standing Committee on Energy, Mines and Resources urged a higher level of exploration and development activity for light crude oil in the non-OPEC world so that more oil would be available to importing countries in the event of another embargo or disruption in OPEC supply. The committee said: "It is particularly important that the United States solve its worsening supply problem, given its central position in the world economy and its pivotal role in Western security."

One of the realities of the world petroleum arena is that governments compete with each other for the limited exploration and development dollars spent by major oil companies and large independents. This competition comes in the form of adjustments to royalties, contract terms, tax and other financial incentives. Britain's bold moves to attract oil investment are not the only foreign government actions taken to attract exploration dollars. Since the oil price collapse, more than 25 countries have made changes which recognize the high costs and risks involved in petroleum exploration and, in one way or another, reduce the government's take. Australia, Indonesia, Canada, Ecuador, Gabon and China are among the latest to act. As a matter of fact, among the non-OPEC oil-producing countries the United States is notable for its inaction.

Spending by American oil companies is now shifting from the United States to international exploration and production. Lower finding costs, more untested basins and the potential for larger discoveries create a natural attraction to invest overseas. Add to these factors inducements such as those Britain and other countries are now providing, and the pace of foreign investment quickens. The United States needs to wake up to these realities and make itself more competitive.

As oil imports cross the 50 percent mark, it is clear that the United States is abdicating its leadership role in energy policy in the Western alliance. The oil patch depression of the past five years already has done irreparable harm to the domestic petroleum industry and our production capability. One of the results of declining U.S. production and the ongoing shift from domestic to foreign investment by American oil companies is likely to be further efforts to trim U.S. overhead costs. This could mean another round of job cuts in 1989. Another result will be a continued worsening of the oil trade deficit.

We should really take a hint from our good friends, the British, and follow their example. Unless we move decisively to provide incentives to drill in the United States, there will not be enough industry infrastructure left to manage the energy crisis which is sure to follow from our current malaise and lack of leadership.

UNIVERSITY OF TEXAS OLYMPIC TRAINER

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. PICKLE. Mr. Speaker, on February 6 we buried Frank Medina in Austin, TX, and we mourn the loss of one of the great University of Texas sports figures of our time.

Frank wasn't a sprinter or hurdler; he didn't run the mile or leap in the broad jump—he was a world-class trainer who taught hundreds of young athletes how to train and excel. He knew how to inspire his athletes and how to be a friend to them. For four decades Frank was part of our athletic program and every athlete who represented the University of Texas remembers him with love and affection.

Frank was such a caring and thoughtful man that most athletes who knew him felt that he alone was the counselor best suited to advise them. After graduating and going on to compete in professional life, these athletes would often come back and seek Frank's counsel regarding all their dealings.

Few sports fans fully recognize just how much Frank contributed to training and conditioning techniques. His expertise was so highly valued that he was named the U.S. Olympic team's trainer three times.

It was my privilege to visit with Frank here in Washington as well as in Austin and to share his hopes and aims. We have lost a gentle and caring person who greatly enriched the University of Texas and athletics everywhere.

Mr. Speaker, I ask that the text of an editorial from the Austin American-Statesman memorializing Frank Medina be printed in the RECORD immediately following my remarks.

The editorial follows:

UT SIDELINE HERO LEFT LASTING LEGACY

Frank Medina, a Cherokee Indian who contributed mightily to the University of Texas sports program, was buried today. Medina, 73, died Thursday after almost 40 years of work with UT.

Standing near the coaches of many sports events at the campus, Medina was familiar to the hundreds of thousands of fans who have attended games at UT. Yet few of those fans knew the tremendous contributions Medina made through his sports training and conditioning. So valued were his skills he was three times the U.S. Olympic team's trainer.

What Medina did for UT sports was as important as any wishbone invention or new defensive set. An unsung hero. Medina went about his business with diligence and integrity and retired only after he was sidelined by a stroke. He will be missed.

TRIBUTE TO WILLIAM E. REPASKY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. TRAFICANT. Mr. Speaker, it is with great honor that I stand today to pay tribute to one of the most distinguished, dedicated and respected citizens of my 17th Congressional District of Ohio, Mr. William E. Repasky.

Mr. Repasky is an outstanding man who has dedicated his life to public service. Prior to his appointment as Mahoning County Recorder in 1981, he had served 30 years in city and county government. From the beginning of his service when he was a deputy sheriff, until the end of his service as Mahoning County Recorder, William Repasky has continuously left behind a legacy of excellence and achievement.

Mr. Repasky has also graciously and most honorably dedicated himself to community service. He has voluntarily served on fund raising campaigns for the March of Dimes, Muscular Dystrophy and the American Cancer Society. In addition, he has been a lifelong member of St. Matthias Church, and has served as church councilman for 16 years and is a past officer of its Holy Name Society.

William Repasky has also been very actively involved in the Democratic Party both on the local as well as State level. Locally, he has held the post of district leader and party treasurer. On the State level, he has served as a State officer of the Young Democrats of Ohio.

I would like to congratulate William Repasky for his service to the people of the Mahoning Valley. He has done a most admirable job. It is with great pride that I stand here today to pay tribute to William Repasky and to wish him well in all future endeavors.

FREE TRADE ARRANGEMENT WITH JAPAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. CRANE. Mr. Speaker, today I am introducing a bill for the purpose of authorizing the negotiation of a free trade arrangement with Japan. The idea hardly originated with me, rather it has the support of a number of highly esteemed experts in the area of United States-Japanese relations, including the former United States Ambassador to Japan, Mike Mansfield.

As the possibility of an FTA with Japan became more and more the subject of discussion, the International Trade Commission was requested to explore the advantages and disadvantages of such an undertaking. The report, revealed a large universe of positive ideas about such an agreement, and as experts reflect further, the possibility of improving the bilateral relationship seems to be gaining in popularity. Consequently, I am determined to move the process closer to reality.

As our second largest trading partner, with total two-way trade exceeding $100 billion, developing a long-term trading relationship with Japan has never been more important. A free trade arrangement would provide us with the opportunity to develop that relationship. By eliminating all trade barriers in both the United States and Japan and establishing new mechanisms for resolving trade differences, the United States will profit considerably. The removal of trade tension and the overall feeling of goodwill, which generally accompanies an agreement of this nature, will finally provide the United States with our long-desired free access to the Japanese market place.

My bill draws on the positive features of the ITC report and derives from it a very basic set of objectives necessary for the negotiation of a United States-Japan FTA. Chief among the negotiating objectives set forth in my bill are the removal of formal and informal trade barriers, the creation of new mechanisms for dispute settlement, and most importantly, the improvement of market access in both countries as a means of stabilizing the bilateral balance of trade. My bill also would allow both countries to determine the initiation date for negotiations by mutually agreeing to the forum, structure, and timetable. This would assure that both countries plan to oblige themselves to reciprocal trade disciplines. Success in these areas will ultimately lead to the improvement of the United States-Japanese political atmosphere, increased economic benefits, and the advancement of other United States trade objectives.

Rather than continue trade negotiations with Japan in the ad hoc manner with which we have become accustomed, an FTA offers both countries the opportunity to improve our political atmosphere. It is likely that a dispute settlement mechanism would eliminate the friction we now experience under our current system. The special trade relationship that we have gained with Israel and anticipate we will achieve through the United States-Canada FTA, will increase our willingness to reach mutually desired goals.

The principal reason for entering into a free trade agreement is the economic benefits it will provide to the manufacturers and consumers in the signatory countries. Open markets increase competition, thus eliminating inefficiency, which ultimately results in lower costs to the consumer. There is no reason to believe that a United States-Japan FTA will have anything less than the desired result.

Additionally, an FTA will advance other U.S. trade objectives. Our trading partners will see clearly that the U.S. intends to pursue the most open and mutually advantageous trade arrangements that are possible, whether it be through multilateral or bilateral agreements. Rather than sit idly by watching the enormous economic progress of nations engaged in free trade, hesitant nations will likely learn the value of joining progressive trade efforts and of contributing to improved trade disciplines worldwide. The bilateral process, therefore, can enhance the multilateral process.

My purpose of exposing the advantages of an FTA is not to misrepresent the ITC report, as indeed, it too explored the disadvantages of such an agreement as well. Admittedly, the differences in our languages, customs, and business practices present some difficulties. However, the hurdles we must overcome shrink in comparison to the enormous benefits we will gain as a result of our endeavor to create a free trade area with Japan.

TRIBUTE TO BILL WILLOUGHBY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. FEIGHAN. Mr. Speaker, I would like to pay special tribute today to Bill Willoughby, the president of Cleveland Track Material Inc. Four short years ago, Bill began a business venture in Cleveland. Since then, he has proved to be a classic successful American entrepreneur: full of creativity, self-confidence and determination.

In large part, his success is the product of a well-conceived, ambitious business plan. Bill took his expertise as a division manager for Alloy Engineering Co. and used that as a base for his new enterprise. From there, he turned quickly to his long-range plan—the production of standard and specialized rail joint bars.

We in Congress could learn a lot from Bill's judicious use of resources. Bill, realizing he was in a competitive business, kept expenses down. He has bought most of his metalworking machinery at auctions for a fraction of the cost of new equipment and has not hesitated to make money-saving purchases all over the country and across the globe.

I think Bill should be especially proud of the jobs his business has spawned. A 1,200-percent increase in employment over decade would be a remarkable achievement. Bill's company has accomplished this feat in only 4 years.

In addition to his many business responsibilities, Bill is also the area coordinator for the U.S. Military Academy at West Point, NY. He enjoys working on the admissions process with hundreds of students and their families, and with Army friends. As a graduate of West Point, Bill exemplifies many of the characteristics needed for an Academy appointment: leadership, integrity and outstanding intellect.

I am fortunate to have Bill as a friend and adviser. I want to extend my best wishes to him for an even more prosperous 1989. He is certainly one of Greater Cleveland's finest.

SCENIC BYWAYS: OUR NEXT FEDERAL HIGHWAY PRIORITY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. OBERSTAR. Mr. Speaker, we are a nation on wheels. Americans drove some 2 trillion miles last year. We have 3.9 million miles of roads, including nearly 43,000 miles of Interstate Highways. Forty-three percent of Americans in a recent survey listed pleasure driving as a primary form of recreation. Twenty-two million Americans own or use recreational vehicles and there are 7.4 million RV's on the road today.

Construction of the Interstate Highway System has been our top Federal highway priority for over 30 years. We have invested $95 billion constructing an intricate network of high-speed highways linking our major cities from coast to coast and border to border. The Interstate Highway System—the largest public works project in history—is now 99 percent complete. Only 794 miles are yet to be built, and 495 of them are currently under construction. We now face the question of what our highway priorities will be in the post-Interstate era.

The legislation we introduce today addresses that question. It would direct the Secretary of Transportation to identify scenic and historic roads throughout the country, and develop methods for creating a system of scenic byways to complement the Interstate System.

Unlike Interstate highways, which provide high-speed, point-to-point travel, scenic byways would take travelers away from the main corridors and into the mountains, forests and countryside, along the lakes, rivers and seashores of our great country. Instead of bypassing towns and villages, scenic byways would take the traveler into America's rural communities—to eat, to shop, perhaps to experience a different way of life. Interstate highways are a means of getting to a destination; scenic byways are a destination in themselves.

Unlike the Interstate System, scenic byways would not be an interconnected network. The scenic byway system would consist of many, unconnected roads—in many cases just segments of roads—with scenic or historical significance. Most of these roads already exist—as Federal, State and county roads. A national scenic byways program would create a system to enhance, protect, and promote these roads and give them special designation and signage.

The Great River Road is a prime example of the scenic byway concept. Starting in Minnesota, the Great River Road winds some 3,000 miles along the Mississippi River to Louisiana. Passing through 10 States, the road incorporates Federal, State and county highways and spurs, carrying travelers to, through or near 1,583 historical sites, 217 wildlife areas, 90 registered landmarks, 36 locks and dams, 288 river towns and 72 State parks. The familiar green and white Great River Road sign lets the traveler know he is on a very special route, and scenic overlooks along the way provide panoramic views of the country's mightiest river. A national scenic byways program can expand this concept to nearly every state.

A scenic byways program would not be a roadbuilding program of the same scope of the Interstate Program. It would require relatively little acquisition for right-of-way and new construction. It would, however, provide a cooperative program between the Federal, State and local governments, private industry and concerned individuals to develop and preserve a valuable resource: our scenic and historic sites and roads.

Such a program would place a special emphasis on preservation—of the environment, of historical sites and landmarks, of the natural charm of the small town. It would allow States and local governments the flexibility to determine the best way to develop their scenic and historic roads in ways best suited to their unique history and geography. It would stimulate the tourism industry and provide new business for motels, restaurants, and services away from the Interstate corridors.

In 1991, the current Surface Transportation Assistance Act expires, and, unless Congress acts, the Highway Trust Fund with it. Now is the time to begin planning for our highway priorities in the post-interstate era. The legislation we introduce today is the first of many steps in the creation of a scenic byways system. This bill has bipartisan support here in Congress and broadbased support outside of Washington.

Driving for pleasure and leisure is a preferred American pastime, and this country is full of scenic wonder. Scenic byways would help Americans know and preserve our environmental and historical heritage.

SSI FOR CHILDREN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. MILLER of California. Mr. Speaker, I am pleased to join my colleagues, Mr. MATSUI, Mr. DOWNEY, and Mr. ROYBAL as an original cosponsor of an important legislative package, including H.R. 866, H.R. 867, and H.R. 868 to make the Supplemental Security Income Program [SSI], which provides needed income assistance to low-income disabled children, adults, and the elderly, fairer and more responsive to those it is intended to serve.

I am especially pleased to support H.R. 868, the "SSI Disabled and Blind Children Act of 1989," to correct grave inequities in SSI eligibility determination for as many as a million disabled children.

Every year about 50,000 children with chronic conditions such as muscular dystrophy, spina bifida, and organic brain syndrome are denied SSI assistance because their conditions were not thought to be serious enough by the Social Security Administration, and individual assessments for these children, which take into account the need for extraordinary medical care or family support services, have consequently never been conducted. Serious and often fatal conditions affecting children, such as cystic fibrosis, are not even included in the highly restrictive "Listings of Impairments" which are used to define eligibility.

As a result, only a quarter of all disabled low-income children living at home are enrolled in the SSI Program. Testimony presented to the select committee by families with disabled children demonstrated that when these disabilities or illnesses are chronic, and repeated visits to the doctor or hospital are the norm, the economic and emotional outcomes for the family can be devastating. For poor families who must also forfeit income to stay home and provide life-saving care for their children, income supports become critical.

In addition to denying these critical cash benefits available through the Supplemental Security Income Program [SSI], to hundreds of thousands of low-income children with disabilities, in most States where automatic Medicaid coverage is tied to SSI eligibility, these children are also denied essential medical care. For children with serious chronic illness,

a stable, regular source of health care protection can be life saving.

As the Select Committee on Children, Youth, and Families has learned, debilitating illness or disability does not discriminate on the basis of age. And today, the frightening reality is that more children are unprotected than ever before.

Poor disabled children are especially vulnerable. Only half of all poor children and 60 percent of low-income disabled children are covered by Medicaid. For low-income families, the cost of routine medical care or care for a minor illness or surgery can be catastrophic. And without adequate insurance, the only alternative often becomes more costly institutionalization.

The legislation we introduced earlier this month would correct the highly restrictive disability, income and asset limitations which currently exclude most eligible children from the SSI Program, and as a result Medicaid. The bill would require the Social Security Administration to conduct individualized assessments of each child, assume presumptive disability for children age 3 or younger with congenital or genetic problems, require the Secretary to immediately publish the childhood mental impairment listings and review all childhood listings so that they take into account the age of the child. The bill also makes important modifications in the way family income and resources are counted to ensure that children and families in need are adequately served.

In addition, many impoverished elderly and disabled adults are excluded from the SSI Program because the allowable asset limit is very low. Even when an individual is deemed eligible, the current level of Federal assistance does not provide recipients with an income that even brings them up to the poverty line.

H.R. 866, the SSI Benefit Improvements Amendments of 1989 raises the SSI Federal benefit standard level to the poverty line and raises the asset limit to reflect inflation. H.R. 867, the SSI Technical Amendments of 1989 makes eligibility determination less stringent by easing up on bureaucratic obstacles and unfair asset and income limitations.

I would like to thank the National Center for Youth Law in San Francisco, the California Rural Legal Assistance Program, Community Legal Services of Philadelphia, and the National Mental Health Law Project for their tireless efforts to bring these important issues to our attention.

I urge my colleagues to support this legislation and assure its timely passage. These measures provide one way to ameliorate poverty among disabled elderly and disabled adults, and to reduce the traumas of childhood disability and assure that families are given every opportunity to stay together.

SUPREME COURT'S RICHMOND RULING UNDERMINES AFFIRMATIVE ACTION

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. WOLPE. Mr. Speaker, the Supreme Court's recent decision to overturn a Richmond, VA, set-aside program strikes a severe blow to the struggle for racial justice in our country. Affirmative action efforts such as Richmond's have been indispensable to ongoing efforts to correct the economic and social inequities which centuries of racial discrimination have engendered.

A recent exceptionally thoughtful editorial in the Kalamazoo Gazette exposes the illogic and insensitivity of the Supreme Court's recent majority opinion and, in my view, is deserving of the attention of my House colleagues.

[From the Kalamazoo Gazette, Jan. 29, 1989]

RICHMOND RULING BLOW TO AFFIRMATION ACTION

It would be great if this were a colorblind society. But no bending of rose-colored glasses can produce that effect, no matter how U.S. Supreme Court justices might wish it were so.

The Supreme Court decision last week overturning a Richmond, Va., affirmative action plan designed to aid minority contractors has placed an unfortunate cloud over efforts to remedy the still-present effects of past racial discrimination. Although the decision dealt specifically with a municipality's set-aside program, it places all other similar efforts, whether public or private, in doubt.

Like it or not, the nation's highest court was probably speaking for many Americans when it, in effect, declared by fiat that the playing field is, indeed, level. And, further, that affirmative action can only be applied when it is a specific remedy—"give that contractor a job"—to a specific set of proven acts of discrimination—"on such and such a date, this contractor was wrongfully denied a job." It cannot take into consideration the reality that if there is little potential of getting jobs, the contractor won't be in business at all.

Reality is on the side of Justice Thurgood Marshall, who said in his dissent that "A majority of this court signals that it regards racial discrimination as largely a phenomenon of the past and that government bodies need no longer preoccupy themselves with rectifying racial injustice. The battle against pernicious racial discrimination or its effects is nowhere near won."

Like Henry L. Marsh, former Richmond mayor, we believe affirmative action laws like that tossed out by the Supreme Court have been one of the best ways to assure that blacks share in the American economic dream. "One of the best ways to cut black unemployment is to build up black businesses and we were doing that, making real progress. A court decision like yesterday's is very, very damaging," Marsh told The New York Times.

Before the Richmond ordinance was passed, black contractors were getting less than one percent of the city's business. After it was passed, black contractors got the required 30 percent. But as soon as the lower courts threw out the ordinance, officials say, the percentage once again dropped to less than one percent.

Michigan officials are hoping that the state's affirmative action law will stand. The set-aside program requires that 7 percent of all purchasing and construction grants go to minority-owned business and 5 percent go to businesses owned by women. State contracts awarded to women and minorities increased from $34 million in 1982 to $114.6 million in 1987.

Righting the wrongs of racial discrimination remains one of this nation's most difficult, agonizing problems. The cancer of racism has its tentacles deep in the vital organs of our society and economy. And its ravages can be seen in the continued exclusion of many minorities from the mainstream of American life, including its economic life.

In 1965, former President Johnson spelled out the need for affirmative action to begin to redress past actions: "You do not wipe out scars of centuries by saying 'now you're free to go where you want and do as you desire,'," he said. "You do not take a person who for years has been hobbled by chains and liberate him, bringing him up to the starting line of a race and then say 'you're free to compete,' and justly believe that you have been completely fair."

The race-consciousness of affirmative action plans is much like chemotherapy—a necessary step to rid our democracy of an illness that threatens our very life as a nation. Like chemotherapy, affirmative action can be difficult to swallow. Like chemotherapy, it's only something you'd take if you are sick. Affirmative action is an antidote to rid the body of a toxin before healing can take place.

It is hard to argue with Justice Antonin Scalia's assertion that "The difficulty of overcoming the effects of past discrimination is as nothing compared with the difficulty of eradicating from our society the source of those effects, which is the tendency—fatal to a nation such as ours—to classify and judge men and women on the basis of their country of origin or the color of their skin. A solution to the first problem that aggravates the second is no solution at all.

Certainly there is a dynamic tension between the 14th Amendment to the Constitution—the equal protection clause—and affirmative action. And yet those programs were devised to heal a society which, by its actions and inactions, did not allow the Constitution to function as it was written.

To declare that this is a colorblind society, is to whistle in the dark. To pretend that the cancer of racism that has embedded itself in our national soul isn't there is eqully fallacious.

Despite the ruling, efforts to open the economic mainstream to all must continue. More than ever, public and private institutions and employers must remain committed to battling the complex and subtle lingering effects of racism. The quest to level the playing field must go on.

And some day, this society could become truly colorblind.

A TRIBUTE TO DONALD RIGGS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. WALGREN. Mr. Speaker, it gives me tremendous pleasure to have this opportunity to stand before my colleagues here in the House of Representatives and pay tribute to a close personal friend, Donald Riggs.

On February 28, 1989, the Myasthenia Gravis Association of western Pennsylvania will present Donald Riggs with the 1989 Art Pallan Humanitarian Award for Community Service and Volunteerism.

This award was established on May 4, 1982, in the name of Arthur E. Pallan in recognition for distinguished community service. The award proclaims:

Acknowledging that Art Pallan exemplifies the essence of integrity, sincerity, and commitment that are needed by the people to unify our ability to change and to endure. * * * And honoring Art Pallan because of his personal warmth, depth of belief and strength of character which have led him to serve as an affirmative advocate, supporting individual rights and dignity, providing impetus to the caring services, and enriching communication between the people.

It is certainly true that Don exhibits similar extraordinary personal qualities and exemplary public service. The Pittsburgh community has benefited greatly from Don's professional and volunteer contributions. Not only has Don assisted the Myasthenia Gravis Association of western Pennsylvania, but has contributed his time, talent and resources to multiple community and human service agencies, such as the Spina Bifida Association and Special Olympics.

Mr. Speaker, I ask that you join me in saluting Donald Riggs. His boundless dedication to his community is a fine example for us all. It is clearly evident that Donald Riggs is a most outstanding and deserving recipient of the Art Pallan Humanitarian Award.

REV. ARTHUR LIBBY ALBERS—A LIFE OF DEDICATED COMMUNITY SERVICE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. YOUNG of Florida. Mr. Speaker, it was in 1955 that Rev. Arthur Libby Albers moved to St. Petersburg, FL to start a Lutheran mission and since his arrival, the people of Pinellas County have been blessed by his more than 30 years of unselfish public service to our community.

Upon his arrival in St. Petersburg, Reverend Albers delivered his first sermons in the recreation hall of a trailer park. The Garden of Peace Lutheran Church he founded now serves more than 480 families and the beautiful sanctuary which is now its home was designed by Reverend Albers.

In addition to his work with the church and his service as chaplain in the U.S. Navy Reserve, Reverend Albers found time to serve on the Pinellas County School Board for 16 years. He has served on the boards of the YMCA, United Way, little league baseball and football associations, the American Legion, Veterans of Foreign War, Kiwanis Club, Pinellas Association of Retarded Children, and the St. Petersburg Junior College. He also helped found and manage three highrise residential Lutheran retirement centers in Pinellas County and was the founder and is still the chaplain of the Swanholm Nursing Home in St. Petersburg.

Following my remarks, I would like to include a recent article by Jeanne Pugh of the St. Petersburg Times which chronicles Reverend Albers' years of community services and commemorates his retirement as pastor at the Garden of Peace Lutheran Church. The article reassures his friends and neighbors that although he is retiring, Reverend Albers will be no less active. He plans to continue his work as chaplain at Swanholm, he will become headmaster and chaplain of the Garden of Peace preschool he founded 32 years ago, and he is even thinking about returning to Stetson Law School to finish work on a law degree.

Mr. Speaker, the dedication Reverend Albers has shown over the years to improving the quality of life of the people of Pinellas County can be an inspiration to other community leaders throughout our Nation. It is that spirit of service I want to share with my colleagues today in addition to wishing Reverend Albers and his wife Doris all the best in their retirement years.

[From the St. Petersburg Times—Dec. 31, 1988]

ARTHUR LIBBY ALBERS' YEARS IN ST. PETERSBURG HAVE BEEN DEDICATED TO COMMUNITY SERVICE

(By Jeanne Pugh)

When the Rev. Arthur Libby Albers, 63, looks back on his 33 years in St. Petersburg, the images that come to mind do not just concern his long pastorate at Garden of Peace Lutheran Church.

He remembers, for instance, the day in 1966 when he was persuaded to enter politics.

"I was at a meeting at the YMCA, and Congressman (C.W.) Bill Young suggested that I run for a seat on the School Board," he recalled last week. "I said no—but then I started thinking about it. So I called the woman who was chairman of the School Board at the time and asked her what it involved. I'm afraid I was misled. She said there was nothing to it. All you do is visit schools and, once in a while, you have a ribbon-cutting. Then you have coffee and punch. I decided that, if that was all there was, I should go for it and get to know more people. So I filed (as a candidate) and was fortunate enough to win."

Within a year, the Pinellas County School Board was involved in a bitter teachers' strike that placed the board members "between a rock and hard place, right between the teachers on one side and the parents on the other," he said.

"Suddenly, I realized that we weren't playing games and that this was not just ribbon-cutting." "There were meetings day after day, night after night. My telephone rang at all hours. I felt sympathy for the teachers, but I had to do what I felt was right.

The strike was not settled amicably. The School Board fired the striking teachers and hired substitutes. "We had to hold our ground," Albers said. "and I know the teachers did not agree with that, but it had to be done."

That crisis had barely passed when a federal court ordered the School Board to begin busing students to integrate the schools. During that period. Albers was elected chairman of the board.

"I felt that, as God-fearing people, we had to comply with the law, which was morally right," he said. "I believed firmly that there had to be equality in the schools and that busing was the way the courts wanted it done."

The ensuing conflict proved to be even more bitter than the teachers strike, he said. "My car tires were slashed, my house was egged, they burned my front lawn with tire tracks. They put up signs labeling us—the School Board members—as skunks. And they harassed my children—even though our three youngest were among the first to be bused from the north side to the south side of town."

Albers served 16 years on the board, including five as chairman. But in 1982, he was defeated by a fellow Republican in the primaries. By then, he had won back the confidence of the teachers and was endorsed by the Pinellas Classroom Teachers Association. But his opponent. Wally Voege, who won in the general election, defeated Albers by charging that Albers was too strong an advocate of busing, that he was opposed to teaching creationism and permitting organized prayer in the schools and that he was not sensitive to school needs in northern Pinellas County.

Albers laughs about it now. Back then, he admits, the defeat hurt. "But it was a blessing in disguise," he said. "I didn't realize how much I needed to relax."

One benefit, he said, is that a neuromuscular problem in his right leg has disappeared. He also thinks his family—his wife, Doris, and their four sons and four daughters—came out of all the controversy stronger individuals.

Albers acknowledges that he probably became too much involved in community service during the last three decades, but he thinks that was part of his duty as a minister. In addition to his service on the School Board, he has served on the boards of the YMCA, United Way, Little League baseball and football, American Legion, Veterans of Foreign Wars, Kiwanis Club, Pinellas Association for Retarded Children and St. Petersburg Junior College.

He also served for many years as a chaplain in the U.S. Navy Reserve and helped to found and manage three high-rise residential centers for Lutheran retirees—two in St. Petersburg and one in South Pasadena. He was the founder—and remains the chaplain—at Swanholm, a nursing home in west St. Petersburg.

Such an eclectic life was far from his mind, he said, when he was growing up on a farm near Flatville, Ill., and preaching sermons to the cows. All he wanted to do then was be a Lutheran minister. After graduation from Capital Theological Seminary in Columbus, Ohio, he served as pastor of a church in Steubenville, Ohio for three years before entering the Navy as a chaplain.

His introduction to Florida came after his release from active duty two years later, in 1955, when he was asked by the American Lutheran Church to start a mission in St. Petersburg.

The denomination had acquired some land in what is now the Tyrone area of St. Petersburg, in an area that "was nothing but cattle ranches and pig farms," he recalled. "I preached my first sermons in the recreation hall of a trailer park that was located just about where the Sears store is now in the Tyrone Square Mall."

He eventually was able to sell the land that the church had acquired and buy a tract in a better location—amid a growing new residential district—at 6161 22nd Ave. N. The Garden of Peace Lutheran Church is still on that property, although if has grown from a tiny congregation to one serving about 480 families.

The current sanctuary, built in 1967, was designed by Albers. It is octagonal in shape, with a pulpit on a raised platform in the middle of the room. The motorized pulpit, Albers said, "can move 180 degrees while I'm preaching my sermon." The plan has since been copied by a number of churches.

Albers, whose retirement becomes effective today, does not intend to stop working. He has taken the required courses for certification as a preschool administrator, and next week, he will become the headmaster and chaplain of Garden of Peace's 100-student preschool, which he founded 32 years ago. He also will continue to serve as chaplain at Swanholm, and he is toying with the idea of returning to finish his studies at Stetson College of Law—a project he began a number of years ago but had to give up because of his other activities. He also hopes that he and his wife will have the time to visit their grown children and seven grandchildren who are now scattered throughout the United States.

But they won't be moving from St. Petersburg. "We've had 33 beautiful years here," he said, "and, as far as I'm concerned, this will serve as paradise until the real one comes along."

TRIBUTE TO MR. CHARLES "BUD" KNUTSEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BERMAN. Mr. Speaker, I rise today to express my admiration, respect, and gratitude for a good friend and outstanding leader of the Democratic Party, Mr. Charles "Bud" Knutsen, who will be recognized by the North Valley Democratic Club for his service as president. Although Bud is stepping down as president, he will undoubtedly continue his long record of involvement.

Bud Knutsen is one of the most involved, dedicated, persistent, and effective leaders of Democratic politics in the San Fernando Valley. His hard work and efforts have had a major impact on the grassroots movement within local and statewide Democratic Party activities. Bud's exemplary leadership in Democratic causes has been characterized by a deep commitment and strong sense of idealism. He is a strategist and political thinker and shows every sign of enjoying his work.

Thoughout his career, Bud has always shown a willingness and desire to give freely of his valuable time to aid organizations and causes important to the Democratic Party. At present, he is Chair of the Democratic Party of the San Fernando Valley and Chair of the 39th Assembly District Committee. He is also a member of the North Valley, Burbank, Chatsworth, Sherman Oaks, and Valley West Democratic Clubs. He is an active member of the Los Angeles County Democratic Central Committee, member of the executive board of the California Democratic Party, and a member and delegate for the California Democratic Party.

Bud Knutsen is a native of Minneapolis, MN. At age 16, he joined the U.S. Army to help defend his country. He attended Long Beach State University where he received his baccalaureate of arts and his master of arts, and has been happily married for many years.

It is my distinct honor and pleasure to ask my colleagues to join me in honoring Mr. Charles "Bud" Knutsen, an outstanding member of our community and truly dedicated citizen.

TRIBUTE TO REV. NEVIN L. KERSHNER

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Rev. Nevin L. Kershner, the Pastor Administrator of the Philadelphia Protestant Home. With his guidance, this fine facility has become a leader in long-term care for the elderly.

Reverend Kershner has been Pastor Administrator since 1969. In the two decades of Reverend Kershner's tenure, there has been remarkable change at the Philadelphia Protestant Home.

Twenty years ago, when Reverend Kershner was a young man, there were 160 women and men living at the home. Today, the facility is home to more than 550. Twenty years ago, there were only two buildings. Now, there is a bustling campus.

The challenge of Reverend Kershner's ministry at the Philadelphia Protestant Home lies in the responsibility for the lives of the residents, the people who care for them and the buildings which house them. For 20 years, Reverend Kershner has met that challenge with joy and enthusiasm.

Mr. Speaker, the Philadelphia Protestant Home will celebrate it's 100th anniversary this year, an event you will hear more about from me later this spring.

I believe it is fitting that Rev. Nevin L. Kershner will usher in the centennial of the Philadelphia Protestant Home and lead the home into it's next century. I congratulate him and wish him continued success.

TAX INITIATIVE TO IMPROVE MANAGEMENT AND UTILIZATION OF PRIVATE TIMBER LANDS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. WYDEN. Mr. Speaker, I am introducing a bill today that puts our tax policy on the side of jobs, wildlife conservation and proper timber management—where it always should have been in the first place.

My bill will restore to tens of thousands of small woodlot owners the right to deduct reasonable business expenses in managing their nonindustrial private timberlands.

Incredibly, IRS recently stripped woodlot owners of this favorable tax treatment—even though it would cost states like Oregon an untold number of timber industry jobs and undercut proper forest management.

IRS claims its new ruling is consistent with the 1986 tax reforms. But we say here today that it is entirely inconsistent with the intent and will of Congress in enacting that legislation.

I'm proud to be joined by my cosponsors—Representatives THOMAS, CALLAHAN, and MORRISON—who have worked very hard with me in crafting the "Farm and Woodland Owners Tax Simplification Act," which affects owners of 275 million acres of timberland.

As a result of the IRS ruling, our small woodlot owners lost an incentive and our public lost an insurance policy for proper management of our Nation's timberlands. Most woodlot owners are now unable to meet the stringent new rules for material participation, the test that separates passive investors from active managers.

That means they can't even use professional foresters to manage their lands without endangering their active management status—and the more favorable treatment that active management allows.

This bill addresses a timber management and conservation issue which touches all concerned with our Nation's forests, public and private.

Discouraging proper, professional planning for private timber lands encourages their mismanagement. And that means less timber at a sustainable, high-yield level. Some of these lands may even be transformed to nontimber uses, as owners search for better tax advantages.

As a consequence, wildlife habitat and watershed maintenance will suffer. At the bottomline, even more pressure will arise to harvest timber from public lands to satisfy demand from our wood products mills and plants.

In Oregon, we've got something in excess of 3.3 million acres in small woodlot ownership. Our state forecasts on future timber need already have earmarked these acres as an increasingly important source of trees for our mills. Already, these woodlands account for about 9 percent of the total tree harvest—public and private—in Oregon.

These woodlots account for real dollars, and real jobs. Discouraging tree farming activities such as these will have real, long-term, adverse effects on employment and consequently, on IRS tax collections.

No less a conservationist organization than our own 1,000 Friends of Oregon has sued the IRS, asking that the agency reconsider its regulations in this area.

Here is a partial list of groups supporting this legislation:

Alabama Forestry Association, American Paper Institute, American Pulpwood Association, Association of Consulting Foresters, American Forestry Association, Audubon Society, Florida Forestry Association, Forest Farmers Association, Forest Industries Committee on Timber Valuation & Taxation, Georgia Forestry Association, Louisiana Forestry Association, National Woodland Owners Association, National Association of State Foresters, National Christmas Tree Association, National Forest Products Association, North Carolina Forestry Association, One Thousand Friends of Oregon, Oregon Forestry Association, The Sierra Club (Oregon chapter), The Society of American Foresters, Tennessee Forestry Association, Texas Forestry Association, and Virginia Forestry Association.

INTRODUCTION OF PUBLIC PENSION PARITY ACT OF 1989

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. VENTO. Mr. Speaker, today I reintroduced legislation that I first introduced in the 98th Congress to rectify a serious tax inequity facing retired public employees. The time has come to bring this bill's goals to fruition.

Most public sector retirees receive a pension in lieu of the Social Security benefits received by private sector retirees. These retirees—people who have committed their careers and lives to public service—deserve equitable taxation of their retirement benefits. In general these benefits are the equivalent of a private sector retiree's Social Security benefits, however, they are not treated like Social Security benefits under the Internal Revenue Code. My legislation would tax public pension benefits on a parity with the preferred tax treatment of Social Security benefits.

The principle of this legislation is simple—treat public sector in the same manner as private sector retirees for purposes of taxation. It is fundamentally unfair to tax the retirement benefits of public employees differently than the Social Security retirement benefits of private sector employees. The full taxation of public pension benefits effectively penalizes these retirees for having worked in public service rather than the private sector.

The Public Pension Parity Act would amend the Internal Revenue Code so that a public retiree could deduct that portion of his or her governmental pension up to the maximum Social Security retirement benefits for an individual or couple from their gross income. Under the current law, individuals earning up to $25,000 and couples earning up to $32,000 receive full tax exemptions for their Social Security benefits. The maximum exemption for a 65-year-old retiring in 1989 is $10,795.20.

This legislation became increasingly important because of the repeal of the 3-year basis recovery rule in the Tax Reform Act of 1986. I urge my colleagues to join me this year in my efforts to correct this inequity in the tax treatment of public retirees' benefits.

Mr. Speaker, I submit a copy of this bill for the RECORD:

H.R. —

A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Pension Parity Act of 198 ".

SEC. 2. EXCLUSION FOR CERTAIN PENSIONS AND ANNUITIES UNDER PUBLIC RETIREMENT SYSTEMS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. CERTAIN PENSIONS AND ANNUITIES UNDER PUBLIC RETIREMENT SYSTEMS.

"(a) GENERAL RULE.—Gross income does not include any amount (otherwise includable in gross income) received by an individual as a qualified governmental pension.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The aggregate amount excluded under subsection (a) for the taxable year shall not exceed—

"(A) the maximum excludable social security benefits of the taxpayer for such year, reduced by

"(B) the social security benefits (within the meaning of section 86(d)) received by the taxpayer during such year which were excluded from gross income.

"(2) SERVICE REQUIREMENT.—Subsection (a) shall not apply to any qualified governmental pension received by the taxpayer during the taxable year unless the taxpayer (or the spouse or former spouse of the taxpayer) performed the service giving rise to such pension.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED GOVERNMENTAL PENSION.—The term 'qualified governmental pension' means any pension or annuity received under a public retirement system to the extent such pension or annuity is not attributable to service—

"(A) which constitutes employment for purposes of chapter 21 (relating to the Federal Insurance Contributions Act), or

"(B) which is covered by an agreement made pursuant to section 218 of the Social Security Act.

"(2) MAXIMUM EXCLUDABLE SOCIAL SECURITY BENEFITS.—The term 'maximum excludable social security benefits' means an amount equal to so much of the applicable maximum benefit amount for the taxpayer for the taxable year which would be excluded from gross income if such benefit amount were treated as social security benefits (within the meaning of section 86(d)) received during the taxable year.

"(3) APPLICABLE MAXIMUM BENEFIT AMOUNT.—The term 'applicable maximum benefit amount' means—

"(A) in the case of an unmarried individual, the maximum individual social security benefit,

"(B) in the case of a joint return, 150 percent of the maximum individual social security benefit, or

"(C) in the case of a married individual filing a separate return, 75 percent of the maximum individual social security benefit. For purpose of the preceding sentence, marital status shall be determined under section 7703.

"(4) MAXIMUM INDIVIDUAL SOCIAL SECURITY BENEFIT.—

"(A) IN GENERAL.—The term 'maximum individual social security benefit' means, with respect to any taxable year, the maximum total amount (as certified by the Secretary of Health and Human Services to the Secretary) which could be paid for all months in the calendar year ending in the taxable year as old-age insurance benefits under section 202(a) of the Social Security Act (without regard to any reduction, deduction, or offset under section 202(k) or section 203 of such Act) to any individual who attained age 65, and filed application for such benefits, on the first day of such calendar year.

"(B) PART YEARS.—In the case of an individual who receives a qualified governmental pension with respect to a period of less than a full taxable year, the maximum individual social security benefit for such individual for such year shall be reduced as provided in regulations prescribed by the Secretary to properly correspond to such period.

"(5) PUBLIC RETIREMENT SYSTEM.—The term 'public retirement system' means any pension, annuity, retirement, or similar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia."

(b) TECHNICAL AMENDMENT.—Subparagraph (A) of section 86(b)(2) of such Code (defining modified adjusted gross income) is amended by inserting "135," before "911".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from income) is amended by redesignating the item relating to section 135 as section 136 and by inserting after the item relating to section 134 the following new item:

"Sec. 135. Certain pensions and annuities under public retirement systems."

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

WEEKSVILLE PRESERVATION PROJECT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. OWENS of New York. Mr. Speaker, this Black History Month I rise to pay tribute to the Society for the Preservation of Weeksville and Bedford-Stuyvesant History in Brooklyn, NY,

and its executive director, Joan Maynard. They have dedicated much time and effort to restoring the remaining wood-frame houses which were once part of Weeksville, one of New York's first settlements of free African-Americans.

The restoration project began in 1968 when two African-American students at the renowned art college in Brooklyn, Pratt Institute, decided to do research on Weeksville. Encouraged by their professor, historian Jim Hurley, Dolores McCullough and Patricia Johnson began the work that would lead to the discovery of the four wood-frame houses—the only structures remaining of Weeksville.

When Hurley learned that a site close to the center of what was once Weeksville was about to be cleared for low-income city housing, he asked city authorities to allow an archeological dig on the site before the city began its wrecking work. Much of the Bedford-Stuyvesant community became involved in the project to save the houses, particularly the children at P.S. 243, a school which was built on land where one of Weeksville's first institutions, Colored School No. 2, once stood. In 1971, the year that the society was formed, the children of P.S. 243 raised nearly $1,000 to start the restoration project. Since then, additional funding for the project has come from city, Federal, and private sources, including numerous African-American organizations. The society, a member of the African American History Museums nationally, recently received a National Endowment for the Humanities grant to conduct a self-study on its restoration project.

In addition to the restoration work, the society conducts free tours of the landmark houses 5 days per week for all who are interested.

It has a slide program and lecture on the restoration project and on Weeksville's history which it presents in public schools, colleges and hospitals throughout New York City and New York State. And the society has produced a booklet about Weeksville and the restoration project for children entitled "Let's Make a Landmark" which features a cutout of a wood-frame Weeksville house that children may put together themselves.

The society's executive director Joan Maynard says the project is not only crucial in preserving the history of Weeksville, but in helping to build a sense of continuity, self-knowledge, self-esteem and self-worth for present and future generations of Brooklyn's African-Americans. She feels that young African-Americans in particular will have a better understanding and deeper appreciation of their strengths and abilities once they know of their Weeksville ancestors and the incredible odds these first settlers faced.

Life was not easy for Weeksville's citizens, for even the "freedom" of these African-Americans had severe limitations. Weeksville, named after stevedore James Weeks who purchased two lots from the old John Lefferts farm, was founded in 1838, only a little over a decade after slavery was abolished in New York. But despite the end of slavery there, free African-Americans faced racial discrimination in housing, education, employment, and voting. Even skilled African-Americans in Weeksville were frequently restricted to menial and domestic work. Because slavery persisted in the South until the end of the Civil War, free African-Americans were always under the threat of being kidnaped by hired "slave catchers" who also snatched those who had never been slaves in their hunts in the North for fugitives. And because the African-Americans of Weeksville were primarily poor, many lost the ownership of their property when it was confiscated for nonpayment of taxes or debt.

Despite these odds, the people of Weeksville were always ready to lend a helping hand; there are indications that Weeksville was a way station in the underground railroad which assisted African slaves fleeing the South for freedom in the Northern States and Canada. And during the 1863 draft riots when white males in Manhattan protested conscription into the Civil War which they felt the slaves had caused, Weeksville assisted free Africans from Manhattan who sought protection from white gangs.

Weeksville continued to thrive as a community until about 1920 when its residents began to spread out to other communities. The first African-American policeman of what was then the city of Brooklyn, Moses Cobb, lived in Weeksville. One of the earliest free African-American churches in Brooklyn, the Bethel AME Church, was founded in Weeksville in 1848. In later years, Weeksville had a newspaper, an orphanage, a senior citizens' home, and its own baseball team.

Mr. Speaker, the legacy of Weeksville's free African-Americans is a legacy of courage and commitment. Thanks to the restoration work of Joan Maynard and the Society for the Preservation of Weeksville and Bedford-Stuyvesant History, generations of Brooklyn residents will continue to learn from, and be inspired by, that history.

NATIONAL WOMEN'S HISTORY MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Ms. PELOSI. Mr. Speaker, today, with my esteemed colleague Congresswoman SNOWE, I am honored to introduce National Women's History Month.

Women's History Month has been proclaimed by Congress each year since 1980. Congressional Members from both parties have come together to recognize past and present women leaders and their contributions to our society.

This bill provides the opportunity for teachers, historians, librarians, and Members of Congress to educate the public about the role women have played in the economic, social and cultural life of our country. We want to honor women such as Susan B. Anthony, Clara Barton, Harriet Tubman, Amelia Earhart and Sally Ride, as well as women whose everyday experiences give our younger generation the strength and encouragement to pursue their dreams and aspirations.

By expanding the focus of "history lessons" to include the contributions of women, our students can gain a deeper understanding and appreciation of American history. Women leaders of the past and the present serve as important role models to our sons and daughters as they begin to vision their future. I urge my colleagues to cosponsor this bill. Thank you.

PADEREWSKI SINGING SOCIETY OBSERVES 50TH ANNIVERSARY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. NOWAK. Mr. Speaker on March 4, the Ignace Jan Paderewski Singing Society in Buffalo, NY, will celebrate its 50th anniversary.

It is with great pride and pleasure that I recognize the society for its many achievements. For the past 50 years, it has promoted the very rich Polish cultural traditions indigenous to the Greater Buffalo metropolitan area, which I am privileged to represent. In addition to sponsoring concerts and an annual ball, many members participate in other civic organizations, further enhancing the quality of life in our community.

The society has also been actively involved nationally in the Polish Singers Alliance of America, which is observing its 100th anniversary this year.

Mrs. Adeline Wujcikowski, cochairman of the anniversary committee, has forwarded me a brief history of the Ignace Jan Paderewski Singing Society, which I would like to insert in the RECORD at this point:

PADEREWSKI SINGING SOCIETY,
Buffalo, NY.

Congressman HENRY J. NOWAK,
Rayburn Building, Washington, DC.

HONORABLE CONGRESSMAN NOWAK: This year marks the 50th Anniversary of the Ignace Jan Paderewski Singing Society No. 275 member of the Polish Singers Alliance of America, Buffalo, New York.

Saturday, March 4, 1989 we will begin our memorable year with a Jubilee Mass to be offered at St. Adalbert's Basilica at 4:00 p.m. followed by a Banquet and Ball scheduled at Hearthsone Manor, 333 Dick Road, Depew, New York. Starting with cocktails at 6:00 p.m. to be followed by dinner, program and dancing.

Our choral group has lived up to its aims and goals in the promulgation of song and music.

We, the committee, for this auspicious occasion humbly request Congratulations and or a Citation from the President of the United States, Honorable Goerge Bush, and we sincerely hope you will be able to intervene for us in securing some recognition which will be presented at the banquet March 4, 1989. We, wish also to request this occasion be included in the Congressional Records. Attached is a brief history of our organization.

If this is possible please mail any correspondence to the Cochairman of the committee Miss Adeline Wujcikowski, 327 Sweet Ave., Buffalo, New York 14212

Thank you in advance for your consideration and cooperation, we remain,

Sincerely,

ROSE M. RICHTER,

President.
THEODOSIA BUCZKOWSKI,
Cochairman.
ADELINE WUJCIKOWSKI,
Cochairman.

Enclosure.

I.J. PADEREWSKI SINGING SOCIETY CELEBRATES ITS 50th ANNIVERSARY

The I.J. Paderewski Singing Society had its beginning on March 3, 1939 at St. Adalbert's Basilica, where on March 4, 1989 we will be present at the 4:00 p.m. Mass to commemorate this milestone and to honor its deceased members over the past 50 years.

It was through the inspiration of the late Rev. Anthony J. Krawczyk, the late Walter Kotowski and the director emeritus Michael C. Slominski who combined the voices of the St. Theresa's Young Ladies Sodality of the Parish and the Holy Name Society to form the I.J. Paderewski Singing Society. At that time Maestro Ignace Jan Paderewski was still alive and a letter was written to him asking permisison to use his name for the society. Maestro Paderewski personally granted the society permission to use his name for our choral group, which was only days prior to his death that this telegram was received.

Michael C. Slominski was not only its organizer but was the group's first Choral Director until just a few years ago when he had to resign due to personal reasons. The late Walter Z. Kotowski was its first president, a post he held for 18 years.

The society held its first concert October 13, 1940 at the St. Adalbert's Auditorium. The organization throughout its 50 years presented annual concerts and ball. Aside from sponsoring concerts annually the society remained faithful to its goals by promoting polish culture and our heritage participating in various manifestations of fraternal organizations, provided liturgical enhancement at many of Polonia's Parishes.

The singing group has joined the Polish American Singers Alliance a National organization in September 1947 and has been very active participating in its Tri-Annual international conventions. We celebrate a dual anniversary the 50th or our organization and the 100th Anniversary of the Polish Singers Alliance of America, this year 1989.

The society's faithful and devoted president is Mrs. Rose M. Richter who has been president of the group for several years. The present choral director is Donald Jenczka. Two of the charter members remain active within the group Theodosia Buczkowski and Adeline Wujcikowski and who are co-chairing the Society's 50th Anniversary.

The society has had a spiritual leader and for the past several years Rt. Rev. Msgr. John R. Gabalski has been the Chaplain of the Paderewski Singing Society.

The society participated in the International Conventions of the Polish Singers Alliance of America taking part in the choral competition at each of these conventions. The group was victorious in several of the competions placing third in the Mixed group category in 1953, 1956, 1965 and 1986.

Several of the members have been distinguished at the National Convention having been bestowed Honorary Membership to the Polish Singers Alliance of America. Among the honorees are Michael C. Slominski, the late Walter Z. Kotowski, Adeline S. Wujcikowski, Theodosia Biczkowski, Daniel J. Kij, Edwin V. Doruszewski, Rose Wieckiewicz, Florence B. Oleszek and Wanda Slominski.

TRIBUTE TO THE REVEREND GEORGE CHAUNCEY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BONIOR. Mr. Speaker, I want to pay tribute to the Reverend George Chauncey who will retire on March 1, 1989, having completed 36 years of service in the Presbyterian Church. George was the first director of the Washington Office of the Southern Presbyterian Church, [U.S.A.]. Since the formation of the reunited Presbyterian Church [U.S.A.] in 1983, he has served as deputy director of the Washington office.

I had the good fortune to become acquainted with George as he made the rounds of Congress representing the views of the Presbyterian Church on U.S. policy toward Central America. In my opinion, the church could not have found a more compelling voice to speak about the human tragedy occurring in Central America. He sought to inspire rather than berate by calling those of us in this body to stand for a U.S. policy that would embody the best of U.S. tradition and values.

George's compassionate vision will be missed on Capitol Hill. He deserves our thanks for the many years that he has helped to hold before Congress issues of social and economic justice. We have been served by his fortitude in advocating the perspectives of the church. I wish him the best as he begins his well-earned retirement.

JOE NIXON WILL BE REMEMBERED

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. JONTZ. Mr. Speaker, Joseph H. Nixon, of Wabash, IN, will be greatly missed by many of us in the Hoosier State. A community leader and newspaper executive for decades, Joe Nixon was a dedicated civic activist who worked tirelessly to improve the lives of his Hoosier friends and neighbors.

Joe Nixon was chairman emeritus of Nixon Newspapers, Inc., which publishes the Wabash Plain Dealer and the Peru Daily Tribune in my congressional district, as well as nine other newspapers in Indiana, Illinois, and Louisiana.

Joe Nixon served our community in many ways, including terms as president of both the Peru and Wabash Chambers of Commerce. During his tenure with the Peru Chamber, he successfully convinced the Navy to build the Bunker Hill Naval Air Station near Peru. Today, that facility is the site of Grissom Air Force Base, a key link in our Nation's air defenses.

Joe Nixon worked for world peace on trips to South America, Europe, Russia, the Middle East, Asia, and Africa. His efforts for flood control resulted in construction of the Mississinewa, Salamonie, and Huntington Reservoirs in our State.

Joe Nixon began his career in the newspaper business in 1934, as a reporter for the Michigan City Dispatch. He served the Indiana journalistic community for 54 more years, including service as director of the Inland Daily Press Association and president of the Hoosier State Press Association.

Joe Nixon was honored for his public service by many civic groups. The distinctions that he has earned include the Wabash Chamber of Commerce's Distinguished Citizen Award, the Peru Kiwanis Club Community Service Award, the Wabash Valley Association Pioneering Award, the Indiana Council of Churches Christian Service Citation, and the Sagamore of the Wabash.

Joe Nixon devoted his life to serving the communities of northern Indiana, and he will be remembered by all whose lives he touched.

HON. JOSEPH CARRIGG

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. McDADE. Mr. Speaker, it is with great regret that I bring to the attention of my colleagues the death earlier this month of Joseph Carrigg, a former Member of this House. After reapportionment took place in 1952, Joe Carrigg was first man to serve as Congressman from the newly formed 10th District of Pennsylvania.

Those of us from my region of the country remember Joe Carrigg for his 20-year political career which began in 1938 when he began service as District Attorney of Susquehanna County. He was elected mayor of Susquehanna and chairman of the Susquehanna County Republican Committee in 1950.

His congressional career began in 1951 when he won a special election to fill a vacancy in the former 14th Congressional District. Following reapportionment, his victory in 1952 made him the first representative of the 10th District, which encompassed Lackawanna, Wayne, Pike, Wyoming, Susquehanna, and Bradford Counties. He was reelected in 1954 and 1956 before being narrowly defeated in 1958.

President Eisenhower appointed Carrigg as an Assistant to the General Counsel of the Treasury Department in 1959 and later that year as Director of Practice for the Internal Revenue Service. He served as Administrative Assistance to William W. Scranton during Scranton's term in the U.S. House of Representatives.

Carrigg retired in 1971 after serving as head of the Workmen's Insurance Fund in Scranton. He died February 6 at the age of 88.

Joe Carrigg's contribution to this body and the betterment of northeastern Pennslyvania cannot, of course, be measured by a mere repetition of his resume. Those who knew him were familiar with his high principles and dedication to improving this country and serving his constituents. I am proud that he served as one of my predecessors, and I know that my colleagues will join with me in celebration his life and mourning his passing.

FAMOUS KENTUCKY EDITOR EMERITUS DIES AT AGE 100

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. NATCHER. Mr. Speaker, James Saunders Moran, the elder statesman of central Kentucky journalism, died at the age of 100, on February 13, 1989.

Mr. Moran, editor emeritus of the Springfield Sun, began his distinguished journalism career at the age of 10 when he wrote a community column for the Valley Hill area of Washington county, KY, under the pen name, Uno. He worked at the Sun as the editor and publisher until it was sold in 1966, at which time he became editor emeritus.

J.S. Moran, reputed across the country to be the Nation's oldest active journalist, witnessed and wrote about a great many of the world events that took place during his 100 years. He was honored on many occasions during his career for his writing on such diversified subjects as agriculture, government, education, and conservation. In 1985, he was among the first to be inducted into the Kentucky Journalism Hall of Fame.

He was a newspaper man in every best sense of the word and a gentleman of high caliber. He always believed that the basic function of a newspaper is to keep its readers intelligently informed and thus prepare them to better share their civic and moral responsibilities.

To him, his newspaper was far more than a profession, more than a trade, and more than a business. It was his way of life and his way of living his life.

He knew during his 90 years in journalism that a newspaper cannot be better than the people who establish it and determine its policy. I have lost a true friend and Kentucky has lost an outstanding citizen. Prior to his death, J.S. Moran wrote his last editorial opinion, with instructions that it not be opened until his death. His editorial, as printed in the Springfield Sun on February 15, 1989, is as follows:

"30"—THIS IS THE CONCLUSION OF OUR OPINIONS

(By J.S. Moran)

This is it. In newspaper terminology, this editorial simply means "30" or the end of the chapter.

The years I have spent among the fine folk of Springfield and Washington County have been enjoyable. Associations have been pleasant. My greatest pleasure has been in serving. How well we served is better known to you than the writer.

It was an honest, sincere effort to please, and to accomplish something worthwhile for the community as a whole. I endeavored through the years to promote the welfare of our town and our county; we tried, insofar as it was possible, to avoid controversial subjects that might engender racial, political or religious hatred. We have never compromised our position, however.

I conceded to everyone the rights and privileges we demanded as our own, and respected their opinions, though, as often has happened, we could not agree. I have tried, always to disagree without being disagreeable; our efforts at all times have been for the moral and progressive advancement of the community. It has been our constant endeavor to live up to a covenant made with the businessmen of Springfield over a half century ago to devote our time and effort toward one ultimate goal, that the providing for them, and for the county as a whole, a newspaper worthy of their support, one of which they could be proud, and that fact I enjoyed their confidence, and their loyal support these many years not only justified our faith in them but gives us reason to believe we have not failed utterly, and the thought fills us with pride, a pardonable pride, we sincerely hope.

It is not altogether pleasant to approach the end of a public career which has been blessed with such pleasant associations as we have enjoyed, yet there is much satisfaction in the thought we may have run a good race, thanks to the assistance we had from those whose support we proudly acknowledge.

As we view the descending sun on the western horizon, realizing that we are rapidly approaching the final dissolution, we rejoice in the thought that we found along life's pathway many pleasures others may not have known. We were able to see in the full blown rose something aside from beauty and fragrance. We found atop the tallest mountains in Eastern U.S. the beauty and grandeur of a brilliant sky above the clouds, there realizing the insignificance of man compared with the handiwork of his Creator. We saw tiny rivulets as they wended their way down mountainsides into the rich valleys below, providing life for the blankets of green that nature so bountifully provided, finding a resting place, finally, in the bosom of the sea from whence it arises as a vapor to replenish the earth again and aid in the resurrection of the flowers, and trees, and grasses, symbolical of the life-cycle of we mortals who, after an allotted time, must lay down the working tools of life and stand before the eternal judge beyond for a final accounting.

In conclusion, we are convinced that with all the burdens we must bear there is a power above which makes life worthwhile, which inspires us with the thought that we should always be proud to be alive but so live that we need not be afraid to die.

As we place the duties and responsibilities of our organization upon the shoulders of others to carry on, we sincerely hope they will find the same joy in serving it was ours to know. We hope, also, that the history we have recorded in these columns may be beneficial to the generations to follow. Our town and county are rich in actual and traditional history. Our citizenship is the finest to be found anywhere; our town one of the best of its size in the whole world, and in this great setting we have lived and loved and learned, and served, thanks unto Him who gave to us so bountifully the joys, the pleasures, the good health, the friends, the loved ones that helped make life more pleasant for us than we deserved, perhaps, and we depart with the eternal hope that something we have said; something we have done as we passed down the highway of life among you may be beneficial; that we may not have lived in vain, and that memory of one as humble as the writer may not fade into forgetfulness with the reading of these words, the last it has been our good fortune to pass along to you, and may the richest blessings of Heaven be and abide with each of you now and forever.

THE CHILD AND FAMILY DEVELOPMENT ACT, H.R. 120, AND THE CHILD CARE COORDINATION AND INFORMATION ACT, H.R. 133

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mrs. COLLINS. Mr. Speaker, in recent years, family structures have changed to greater degrees than ever before in history. Progressively more families include two working parents or only one parent who must work as well as raise a family: Over 55 percent of all women work outside the home and over 60 percent of them have children under 18; nearly 50 percent of American mothers return to work before their baby's first birthday; 70 percent of mothers of school age children are working or looking for work; if current trends continue to 1995, two out of every three preschool children will have mothers in the work force.

Recognition of these facts go hand-in-hand with the recognition that our children's development is as good as the care which they receive. Child care and day care centers are regularly relied upon for care during the working hours of the day. But unfortunately, these facilities are often too expensive for many families to afford, particularly when a family has more than one child. And often, those who are able to afford only the least expensive care have found the quality of the care to be inadquate and sometimes even dangerous.

The benefits yielded by adequate child care programs are manifest. In addition to the obvious benefits to the children involved, Fortune magazine reported that "In some cases child care is as strong an influence on workers performance as the number of hours worked, the relationship with a supervisor, and even job security." The article went on to say that "Problems with child care are the most significant predictors of absenteeism and unproductive time at work."

The need for a stronger Federal presence in the realm of child care is manifest. At the onset of the 101st Congress, I reintroduced two bills (known as H.R. 120 and H.R. 133) which address the quantity, quality, and cost of child care services. The features of the Child and Family Development Act, H.R. 120, include: Preparation of a comprehensive plan for covering all child care needs in the country, including consideration of the needs for children of all ages and family circumstances; distribution of Federal child care funds in a way that gives priority to providers who emphasize serving needy families and who have well-structured, high quality programs; calling on the States to furnish child care services and assist to the maximum extent possible, and offering funds to the States for training and the coordination of their efforts; establishment of a reasonable fee schedule for services; and offering subsidies, loans, and grants to certain facilities as an incentive to establish effective services.

The features of the Child Care Coordination and Information Act include: Requiring all fed-

erally funded services to describe their services, clientele, costs, and the length of their waiting list; establishing and maintaining a clearinghouse for child care information; and conducting a comprehensive study on the need for an availability of child care services in the United States, including the impact of present programs and recommendations for the future.

The aim of these two bills is for the Federal Government to take a lead on the child care issue by actively steering national policy and doing so in a way that benefits the most needy families. Thus, my bills would accomplish what tax credits would not. The various tax credit proposals are based on the assumption that a family can afford to first pay for child care and then reap a windfall through tax savings a year later. Furthermore, a tax break of this kind only benefits those who have a tax liability—and hence an income—high enough for there to be something to offset. The active, guiding role which would not be taken through a tax credit system would thus be supplied through my bills.

For example, in my district in urban and suburban Chicago, there is an overwhelming need for additional child care services. But most of the demand is from low-income families who need somewhere to leave their children while pursuing job or educational opportunities. And even my constituents who are not in the lower income brackets find it very difficult to find child care that is both affordable and of high quality.

Mr. Speaker, without an immediate Federal response, countless families face a harsh choice: give up educational opportunities and needed second jobs or leave their children with inadequate care, if any at all.

THE MORTGAGE-INTEREST DEDUCTION: A WRITEOFF WHOSE TIME IS PAST

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. GIBBONS. Mr. Speaker, because we are getting so much mail generated by the realtors and homebuilders, and perhaps others, concerning the home mortgage interest tax deduction, I thought that my fellow Members and those who answer form-letter mail would be interested in the article that appeared in the Washington Post this morning under the byline of Jerry Knight. I hope you will find it as illuminating as I have and perhaps you may wish to share it with your constituents.

[From the Washington Post, Feb. 7, 1989]

THE MORTGAGE-INTEREST DEDUCTION: A WRITEOFF WHOSE TIME IS PAST?

(By Jerry Knight)

There are a lot of bastard ideas on Capitol Hill, but none that have as much trouble finding a father as the thought of tinkering with the federal income tax deduction for home mortgage interest.

Any politician worthy of the name would just as soon campaign against the flag and motherhood as champion an assault on the homey grail of writing off the interest on the mortgage.

The home mortgage deduction is so popular that two members of the House have introduced a resolution to protect it at any cost and are busy signing up cosponsors. Several powerful trade associations have teamed up on a campaign to save the home mortgage deduction and already are piling up PAC money. Some lenders mailed out letters with the year-end statement of mortgage interest warning homeowners their tax deduction is threatened unless they grab pitchforks and march on the Capitol.

What's curious about all that is that the home mortgage tax deduction is not being threatened by anyone.

Chairman Dan Rostenkowski (D-Ill.) of the House Ways and Means Committee has said it is sacred, and his press aides will gladly play the tape for any doubters. The only House member who ever even mentioned the remote possibility of taking it away has since issued a stirring retraction. The entire Bush administration quacks in unison at the question of whether cutting the mortgage deduction would meet the "duck test" for new taxes.

The mortgage tax deduction is a duck all right—a sitting duck. Fat to the point where it can no longer fly, the home mortgage writeoff is waiting to be knocked off, or at least knocked down, and the people scurrying to its defense know it.

What was once an effective inducement to home ownership for all Americans has become the number one tax shelter for the rich. Deducting the interest on a mortgage is increasingly irrelevant to lower income Americans as their dream of home ownership is left behind by soaring house prices.

Part of the reason prices are going up so fast is that the tax deduction encourages families to spend more on housing. For upper-income families, the ability to write off interest payments is an irresistible incentive to buy a bigger house and make bigger mortgage payments. Where else will the government give you $1 back for every $3 you spend? The deduction encourages overinvestment in housing and drags down the nation's savings rate, many economists believe.

What was once a boon to homeowners is now a boondoggle for homebuilders and lenders.

In the name of encouraging home ownership, Congress has been conned by the argument that if one home is good, two homes are better. There are more families in America that can't afford to buy one house than there are who really need two, but tax code now subsidies the latter and ignores the former. Once-bucolic beaches are now crowded with condominiums that would not exist if the tax law didn't subsidize second homes. Mountain resorts from the Blue Ridge to Colorado are monuments to the mortgage deduction for second homes.

It is the builders of these houses, time shares and condos who are clamoring to protect the deduction—in the names of the carpenters, cleaning crews and ski instructors whose jobs depend on them—not the two-home families who know they can claim few favors from the government.

It is the lenders who are leading the fight to save the income tax writeoff for home equity loans, a loophole that was poked open when Congress was knitting the simplified tax code a couple of years back.

In order to bring down overall tax rates, they eliminated a lot of little deductions, including the one for interest on consumer loans. The mortgage interest deduction, of course, was sacred, and so was the deduction for home improvement loans and second mortgages. Faster than you could say "business opportunity," banks began pushing home equity lines that could be used like a MasterCard. "Credit cards in drag," as some critics call them.

In parts of the country where house prices have escalated nearly every year—the Washington area and all of the Northeast, California and Florida—homeowners are buying cars and sending kids to college and using charge cards on home equity lines and getting a tax deduction just like in the good old days.

In places like Des Moines, Denver and Dallas, where house prices are stable if not declining and homeowners generally have less equity, for fewer families are able to slip through the loophole for home equity loans. Inequity loans, they ought to be called, because they favor some regions over others, homeowners over non-homeowners and those with a lot of equity in their house over those with little.

The homebuilding, lending and real estate industries—which do the talking on these issues in Washington—defend equity loans on the ground that they are pro-homeownership because they make houses a better investment. If Congress begins to search for revenue, however, the lobbyists will be willing to sacrifice the second home and home equity loans first, and then the deduction for real estate taxes—a Republican favorite because it hits hardest at high-tax Eastern, Democratic states—before giving ground on the sacred mortgage deduction.

Congress took the first bite out of the basic mortgage deduction just over a year ago, but almost no one noticed. In conference, House and Senate tax writers agreed to limit the deduction to the interest on mortgage of no more than $1 million.

That $1 million ceiling won't bring in a lot of money, but it sets a precedent. Once you have a ceiling, it's easy to lower it. Scrunching the ceiling down to an interest deduction of $20,000 a year on a joint return or $12,000 a year for a single person would raise $10.3 billion in new revenue over five years, the Congressional Budget Office calculates.

At today's interest rates, $20,000 a year represents the interest on a mortage of about $180,000—the loan on a $225,000 house with a 20 percent down payment. In places like Washington where house prices are high, such a ceiling would have an enormous impact, in effect adding 33 percent (the amount of the tax deduction for top-bracket buyers) to the price of houses with mortgage interest payments of more than $20,000 a year. Nationwide, however, a $20,000 ceiling on mortgage interest deductions would affect only ½ of 1 percent of all taxpayers—a tiny constituency, but one with a lot of loud voices.

It's not homeowners who lobby Congress on these issues, it's the real estate industry, and their interests aren't always the same. Last time around, the real estate industry sold out homeowners in favor of real estate investors. Looking for a little revenue, Congress targeted "like-kind exchanges," in which the owner of, say, an old apartment building swaps it for a shopping center and avoids paying taxes on the profits.

But the real estate lobbyists persuaded the tax writers to protect that deal and instead to put the $1 million cap on deductible mortgages. The decision set the procedent for what could happen next time Congress write a tax bill.

PRESIDENT BUSH'S BUDGET PROPOSAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 22, 1989, into the CONGRESSIONAL RECORD.

In his February 9th budget, President Bush proposed many new programs but very little extra spending. The budget clearly shows the problem that Washington faces: without a tax increase or sharp cuts in defense or social security, there is very little money for new programs. In addition, while the Bush budget emphasizes where he wants to spend more money, it gives scant attention to where he wants to spend less.

Total budget outlays in 1990 under the Bush budget would be $1.160 trillion and total receipts would be $1.066 trillion. That would yield a deficit of $94 billion compared to $170 billion in 1989. The key elements of the Bush budget are a "freeze" on defense spending with no real growth for one year, an estimated $86 billion in new revenues arising from economic growth, and a series of new spending initiatives.

The President has laid out the most pressing domestic needs for the country, with an emphasis on increasing productivity, investing in people, and ending the scourge of drugs. He has proposed new programs to alleviate the shortage of child care, guarantee poor mothers access to health care, prop up the eroding public educational system, house the homeless, redevelop urban slums and declining rural areas, expand drug education and interdiction efforts, extend the frontiers of space, and clean up the air, water, and contaminated nuclear energy plants.

His priorities are sound, but his budget does not indicate how he is going to reach his objectives. The President has generous rhetoric but penny-pinching proposals. For example, while he wants to be known as the "education President," his innovative education proposals total only $58 million, less than $1.50 for every child in our public schools. It is hard to see how so little additional money will help us recover from the deterioration of public education in the country. He recognized his dilemma when he said that "there are many areas in which we would all like to spend more than I propose, but we cannot until we get our fiscal house in order." One risk to the President's approach is that his sweeping language can unleash pent-up demands for much larger spending programs.

On the tax side, the President proposes generous tax breaks for investors, independent oil and gas drillers, computer companies, and inner-city manufacturers. He proposes reinstating a tax deduction for adoption expenses and giving low-income families up to $1000 in tax credits or cash for the cost of caring for young children. Chief among his proposals is his plan to cut the top capital gains tax rate from 33 percent to 15 percent for assets held 1 year or longer. He claims that would yield $4.8 billion in additional revenues because investors would sell their stocks in order to take advantage of a more generous tax rate. Economists disagree over whether cutting the capital gains tax rate will produce more revenue.

The President seems committed to reversing one of the proudest achievements of the Reagan administration: Tax reform. He not only proposes reducing the capital gains tax, which erodes the reform principle that earned and unearned income should be taxed equally, he has proposed a large number of special interest tax breaks that the 1986 tax reform act was designed to curtail.

The budget illustrates how policymakers are boxed in. The President's position on taxes has made tax increases virtually impossible, Yet the huge budget deficits, strictly legislated deficit targets, and festering problems like the savings-and-loan bailout and the cleanup of nuclear weapons plants, all but rule out any major spending increases. The President and the Congress are more constrained on the budget than any President or Congress in recent times.

To his credit, the Bush budget takes steps to smooth out some of the rougher edges of the Reagan budgets to make it kinder and gentler. Its new directions are ones that are popular in the Congress, such as more attention to education and the environment. It eliminates various traditional Reagan proposals that were nonstarters and made many of his budgets dead on arrival. President Bush's call for bipartisan cooperation and his conciliatory language were well received in the Congress.

A major concern in the Congress about the President's budget is that it lacks detail. His budget is replete with proposals expanding government programs but gives little attention to the difficult political task of where to cut federal spending to meet mandated deficit targets. About half of his proposed cutbacks are spelled out (with the largest savings to come from curbing increases in Medicare and Government worker retirement and health program costs); the rest he leaves to be negotiated with the Congress. At the heart of his spending reduction strategy is the $136 billion pool of popular programs that he would lump together and freeze overall. He makes no specific proposals whatsoever for programs lumped into this black box other than to say that if the Congress wants to increase funding for some, offsetting cuts will have to be made in others. I view this budget as an opening bid by the President for his forthcoming negotiations with the Congress. He certainly is not showing all of his cards.

Moreover, the President's budget is based on rosy economic assumptions that minimize the cuts needed to hit the deficit targets. A major premise of this budget is the theory that the nation can, to a large extent, grow its way out of the deficit. He assumes that strong economic growth will generate an additional $86 billion in government revenue in 1990. With the economy already close to full employment and full capacity use, most economists put the economy's potential growth at about 2.5 percent a year and reject the President's view that the economy can grow at a rate of 3.25 percent per year over the next 5 years.

My concern is that as the President and the Congress maneuver over the budget, they will engage in clever tactics and political symbolism rather than building a budget to meet the needs of the Nation and producing a sound long-range approach to solving our budgetary problems.

HATE CRIMES STATISTICS ACT INTRODUCED

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mrs. KENNELLY. Mr. Speaker, today I am joined by over 45 of my colleagues in introducing the Hate Crime Statistics Act, a bill to require the collection and publication of statistics on crimes motivated by hatred of a person's race, ethnic background, religion, or sexual orientation. This legislation is identical to legislation which passed the House on May 18, 1988 by a resounding margin of 383 to 29. And the bill is very similar to legislation that passed the House by a voice vote on July 22, 1985.

I first intoduced a hate crime bill on February 4, 1984 in response to a series of incidents with possible religious overtones, in my district. Sadly, these types of incidents are not uncommon. Each year, hundreds of acts of violence and intimidation are committed against groups and individuals in every region of the country because of their race, religion, sexual orientation, or ethnic background. At present, it is impossible to measure the extent of the problem. Without solid information on when, where, and how often these crimes occur, we cannot take the positive steps we must take to end this violence.

Mr. Speaker, the basic idea behind hate crime legislation is simple: The more we know about these crimes of hate, the better chance we have to prevent them. I am convinced that the hate crime data this bill calls for is urgently needed by the law enforcement officials and public policymakers in this country. I urge my colleagues to join me in cosponsoring this most important legislation.

TRIBUTE TO GEN. CHARLES BOLTE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. SKELTON. Mr. Speaker, on Saturday February 11, Gen. Charles L. Bolte, a decorated combat veteran of two world wars, lost that final battle that all of us are destined to lose. I want to take this time to recognize the accomplishments of a man who gave a lifetime of distinguished service to our Nation.

He responded to the call of his country early this century as a company commander in the 4th Infantry Division, seeing action in the St. Mihiel, Meuse-Argonne, and Aisne-Marne offensives during World War I. After the signing of the Armistice on November 11, 1918, Charles Bolte participated with other units of the American Expeditionary Forces as part of the Army of Occupation in Germany. Future duty would find him sent by his country to the other end of the world, to serve with U.S. Army units stationed in China.

During the 1930's, the country struggled through the ravages of the Great Depression.

An Army too poor to equip its forces with the latest in weapons and equipment and too poor to provide them adequate training, made the best of a tough situation by sending its officers to school. It was during the interwar years, the golden age of military education, that Charles Bolte attended the Infantry School at Fort Benning, the Command and General Staff College at Fort Leavenworth, and the Army War College. located at that time here in Washington, DC, at Fort McNair. He also served as a member of the faculty or staff of those institutions.

Thus, Charles Bolte and hundreds of his fellow officers were adequately prepared to take on the responsibilities and duties thrust on them at the beginning of World War II—fighting a war on a global scale. During that war Maj. Gen. Charles Bolte saw action in some of the most difficult combat in Europe, as the commanding general of the 34th Infantry Division. The 34th fought in Italy with General Bolte leading it through the Gothic Line, through the winter Appenines campaign, to the taking of the northern Italian city of Bologna. After the war, the general served in a variety of senior staff posts, in Washington and in Europe. His final post, from October 1953 to April 1955, was as Army Vice Chief of Staff, the Army's No. 2 soldier.

I had the great pleasure of meeting General Bolte and his lovely wife, Adelaide, early last year. At that time the House Armed Services Committee Panel on Military Education had just begun its comprehensive study of the 10 intermediate and senior level schools of the professional military educational system. As the chairman of the panel, I took a short car trip to the Alexandria residence of General Bolte, on a cold January morning. Accompanied by three staffers, I wanted to get his views on professional military education. It was the most enjoyable outing of the many I took with the panel and the most memorable.

For a period of about 2½ hours the general, with the help of his wife, gave us personal testimony about how the Army educational system operated during the interwar period. George Marshall, George Patton, Omar Bradley, Joseph Stillwell, and Dwight Eisenhower came up time and again in conversation with the general and Mrs. Bolte. The insights our panel gained from our visit with the general inspired us in our work. In many ways we hope to put into place an educational system in the military that can draw upon the best of an earlier era.

I will always treasure the opportunity afforded me to have met Gen. Charles Bolte. As I left his home last January, I noticed on the mantle a photograph of the general taken while he was the commanding officer of the 34th Infantry Division. It revealed him in open khaki collar with two stars on each collar. He had a determined look about him and seemed to me to reflect every schoolboy's notion of what a general should look like. He was, indeed, the real thing. With the passing of Charles Bolte, the country has lost a fine man, a courageous soldier, and a dedicated citizen. To his family I extend my sincerest sympathies. May God comfort them at this difficult time.

INTRODUCTION OF LEGISLATION

HON. RICH BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BOUCHER. Mr. Speaker, I am pleased today to join with 37 of my colleagues in the introduction of legislation to amend the civil provisions of the Federal racketeering law.

Civil RICO is truly a statute run rampant. It was intended for use against persons involved in organized crime, but its actual use has been almost exclusively against the business community.

The pleading requirements are so minimal that virtually any contract dispute becomes a candidate for civil RICO jurisdiction. If the plaintiff alleges the existence of a contract dispute and can demonstrate that the mails or the telephone were used on several occasions either in forming or breaching the contract and if the plaintiff is willing to allege fraud, as is often the case in commercial disputes, the pleading requirements for a civil RICO case are met.

The statutory treble damages and attorney's fees available to the successful plaintiff are a lure making civil RICO the weapon of choice in modern day civil litigation.

A number of unfortunate consequences flow from this state of affairs:

1. Ordinary and respected businessmen and women, whose reputations are often their principal stock in trade, have been branded as racketeers simply because they have become embroiled in a commercial dispute.

2. The availability of civil RICO treble damages has dramatically upped the ante in commercial litigation and leveraged substantial settlements on less than substantial allegations.

3. Finely crafted State and Federal remedies, such as the Federal securities laws, are being undermined by the extensive use of civil RICO as an alternative to those remedies.

4. The Federal courts are being burdened by civil RICO filings of cases more appropriately handled in State court and under State law. In many of these instances, the sole basis for Federal jurisdiction is the civil RICO claim.

The legislation we are introducing today is an appropriate restriction of civil RICO. In the vast majority of cases, the remedy will be limited to single damages and attorney's fees. Automatic treble damages will be provided to Federal, State and general unit of local government plaintiffs and to plaintiffs who proceed against a defendant previously convicted of a RICO predicate offense.

Actual damages as well as discretionary punitive damages in an amount equal to twice the actual damages may be awarded to special purpose units of local government, plaintiffs injured by violations of the Federal insider trading laws and consumers defrauded in connection with a purchase for personal, household use or investment unless a remedy is available to the consumer under the securities or commodities laws.

Our legislation bears the endorsement of a large number of business organizations, the AFL-CIO and the American Civil Liberties Union. While there are interests opposing our effort, I am confident that the clear need for civil RICO reform and the appropriateness of our amendments will result in the enactment of the legislation during the course of this Congress.

REINTRODUCTION OF THE EARLY RETIREMENT BILL FOR CUSTOMS AND IMMIGRATION INSPECTORS AND IRS REVENUE OFFICERS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. SWIFT. Mr. Speaker, last Congress, 89 Members joined with me to sponsor H.R. 2532, a bill to bring customs inspectors, immigration inspectors and IRS revenue officers under the same retirement plan as Federal firefighters and law enforcement officers. I am pleased to be reintroducing this bill again in the 101st Congress.

I think it is very clear that the men and women covered by this bill are required to work under extremely stressful and, too often, hazardous conditions. For example, customs inspectors make more felony arrests based on information from the FBI's National Crime Center than all other Federal agencies combined, including over 80 percent of all Customs Service arrests. Immigration inspectors are up against increasingly sophisticated groups that supply illegal aliens with fraudulent documents. This is an increasingly volatile situation, in which violence and arrest-resistance are constant threats. And the job description for IRS inspectors cautions that, "the Revenue Officer is subject to potential physical danger each time an initial field call is made." Threats to revenue officers become especially glaring as tax enforcement becomes a major tool in fighting drugs and organized crime.

The only change to last year's bill is the addition of Customs canine enforcement officers [CEO's] to the early retirement system. CEOs' duties are very similar to those of customs inspectors, but they have the additional burden of controlling an attack dog. CEO's and inspectors enforce the same laws, wear the same uniform, exercise the same arrest authority, and often work side-by-side. Not to give equal retirement rights to less than 200 CEO's now on duty at our Nation's borders would very likely have a "chilling" effect on the ability of customs to fill this skilled position.

We need a young and vigorous workforce to meet dangerous and hazardous challenges facing the Federal Government. In many States, including most border regions, customs and immigration inspectors have also been designated by State law enforcement agencies to act as State peace officers. As such, they are authorized to make arrests under State laws. This duty is on top of their Federal mandate to enforce the laws and regulations of some 40 different Federal agencies.

Our Government has funded aggressive, effective special interdiction teams to combat the incoming flow of drugs, the smuggling of defense-related contraband, and other felonies. In doing so, we have demanded that revenue officers and inspectors serve as a first line of defense to protect the integrity of our borders and insure the vigilant, energetic enforcement of our Nation's laws. If we expect this public mandate to be met, then we need the best people for the job at hand. Without ensuring the enthusiasm and esprit de corps that a young and vigorous workforce will be able to bring to the job, we have not done our best to protect the national interest and the public welfare.

REMOVE SOCIAL SECURITY TRUST FUND OPERATIONS FROM BUDGET CALCULATIONS

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BATES. Mr. Speaker, today I am introducing legislation that will revise the budget treatment of Social Security benefits.

Mr. Speaker, the inclusion of Social Security operations in the calculation of the Federal budget deficit is a poor solution to a serious problem. By doing so, we are deceiving ourselves and creating an insecure financial future which will have serious ramifications for the next generation. While they are now off budget, Social Security operations are included in calculating the maximum permissible Federal budget deficit under the Gramm-Rudman-Hollings Balanced Budget Act. This legislation will keep all Social Security related items off budget, thereby protecting the benefits enjoyed by Social Security recipients.

If it were not for the Social Security surplus, the budget deficit would be significantly larger. According to the Congressional Budget Office, the Federal budget deficit for fiscal year 1989 would be $199 billion without the inclusion of Social Security operations. However, if the Social Security surpluses are calculated within the Federal budget figure, as they currently are, then the Federal budget deficit figure would be $148 billion. The Social Security surplus is now at $52 billion.

This is poor policy from both an economic, and a demographic standpoint. Economically, by borrowing money from the Social Security trust fund, the Federal Government is better able to pay its bills. However, eventually, the Treasury will have to pay the Social Security trust fund back. At that point, the Treasury will to either borrow the money from another source, or raise revenue through various taxes.

Perhaps more of a potential crises is the intergenerational conflict that is sure to ensure if the current policy is maintained. Ironically, the cause of the current Social Security surplus was foresight. The surpluses were created by the Social Security Amendments of 1977 and 1983 which raised Social Security taxes and modestly reduced benefits. These changes were made to assure today's workers and tomorrow's retirees that future benefits would be paid without reduction and that funds were being set aside to pay those benefits. Unfortunately, with the current formula used to calculate the Federal budget deficit, there may not be enough funds left to pay tomorrow's retirees.

The initial need to set aside funds was a result of demographics, and it obviously still is a need. After the turn of the century, when a large number of "baby boomers" retire, there will be a much lower ratio of workers to retirees and therefore fewer people to pay the taxes needed to cover rising Social Security outlays. The ratio of workers to Social Security retirees is expected to fall from 3.3 to 1 in 1990 to 1.9 to 1 in 2030. This is also partly caused by increased life expectancy coupled with increasingly lower retirement ages. The only way to avoid an intergenerational conflict over pension rights is to make the economy grow stronger. By removing the Social Security trust fund from calculation in the budget deficit, we will take the first step toward doing so.

Social Security trust funds must be removed from Federal budget deficit calculations. Federal budget deficit calculation is a zero-sum game and Social Security recipients are the losers.

Thank you, Mr. Speaker.

THOMAS H. KILEY: DISTINGUISHED CITIZEN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues a distinguished resident of my district, Mr. Thomas H. Kiley.

This year, the Boy Scouts of America will be presenting the Distinguished Citizenship Award to Mr. Kiley, who, as president of the Penn Mountains Council of the Boy Scouts of America, stands as an excellent role model for the youth of our country. This award is presented each year to an outstanding citizen who best exemplifies the qualities fostered by the Citizenship in the Community Merit Badge Program.

Before dedicating himself to helping the youth of the Wilkes-Barre area, Mr. Kiley was an accomplished businessman. He is the former board chairman and chief executive officer of the First Eastern Bank, and has been an important force behind the economic growth in the Wyoming Valley for many years. During his long and distinguished banking career, he helped organize the Wilkes-Barre Chamber of Commerce and numerous industrial ventures vital to the economic stimulation of the region.

Since his retirement from banking in 1974, Thomas Kiley has remained actively involved in many business and civic organizations. He has served as president of the Pennsylvania Gas and Water Co., trustee and board chairman of Wilkes College and the Geisinger Medical Center, and has been a key member of several other important community-based organizations. His contributions to these organizations, and to the entire Wyoming Valley region, have been, and continue to be, most invaluable.

Thomas H. Kiley is genuinely deserving of this recognition of his community service. He has been an important pillar of support and ingenuity in the Wyoming Valley region. His selfless contributions toward improving our area serve as a reminder to all of us that we can make a difference in the communities in which we live; we can work to change things for the better; and, we can make our communities a nicer place to live and grow.

OBSERVING GEORGE WASHINGTON'S BIRTHDAY DURING THE 200TH ANNIVERSARY YEAR OF CONGRESS AND THE FEDERAL GOVERNMENT

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mrs. BOGGS. Mr. Speaker, on Monday, February 20, I had the privilege of addressing the Friendship Veterans Volunteer Fire Engine Association of Alexandria, VA, and the honor of serving as grand marshall of the city of Alexandria's annual George Washington Birthday Celebration Parade. Not only is Alexandria George Washington's "hometown," but our first President was a member of the Friendship Veterans Fire Engine Association which was organized in 1774.

Because today is the actual date of Washington's birth, I would like to include in the RECORD the text of my address to the association Monday.

REMARKS BY LINDY BOGGS

I am very happy to be with you all today to celebrate the birthday of George Washington. I am honored, and touched, that you have selected me to be an honorary life member of the Friendship Veterans Fire Engine Company, an organization that is older than the United States, and one that can claim George Washington himself as a member. When I look over the list of your distinguished trustees and officers and the marvelous group of great Americans who are honorary life members, I can only say that I will try to be worthy of the recognition you have so graciously extended to me.

As you know, it has been my good fortune to be associated with a number of our national historic celebrations including the American Revolution Bicentennial in 1976. More recently I have worn two bicentennial hats one as a member of the Commission on the Bicentennial of the United States Constitution and the other as Chairman of the Commission on the Bicentenary of the United States House of Representatives. Like all of you here I have an abiding interest in keeping alive the rich heritage contained in the story of the development of the United States of America.

The story of America from its colonial origins along the Atlantic seaboard, to the United States of today, a world power second to none extending from the Atlantic to the Pacific and up to Alaska and out to Hawaii, is one of the most compelling stories in human history. I expect it will be told for many centuries to come, and I

expect new and exciting chapters to unfold in the years ahead of us. The vitality of the American people and the institutions they have created are stronger today than ever before. And I do believe that the best is yet to come.

But the story of our nation needs constant attention. We cannot assume it will be automatically preserved. Each generation has an obligation to pass the memory of the country on the next. Each new generation has to learn history all over again. How well it is learned plays a large role in determining how well the values and the wisdom, and even the foibles, of our ancestors shape our definition of what it is to be an American.

This is why we celebrate our special anniversaries and why we encourage the study of history in schools. It is hard to imagine that this country could ever forget someone of the stature of George Washington, a singular personality who encompasses so much of what we value in our history. But even this great man could fade from memory unless we and future generations continue to make it our business to remember him, to honor him, and to continue to study his life and times.

Just this year, in time for the bicentennial of George Washington's inauguration as our first President, a small team of scholars at George Washington University has published a new edition of "The Diary of William Maclay and Other Notes on Senate Debates," which gives us a rare glimpse into the First Congress. William Maclay was a Senator from Pennsylvania. The Senate met in secret in those days, so if it wasn't for Senator Maclay we wouldn't know very much about the early activity of that body. Maclay was often caustic and sometimes pessimistic in his private journal. He could also be witty and charming. Whatever his mood, he was usually quite accurate and truthful in his observations.

He began his journal the same week that George Washington arrived in New York to be sworn in as our first President. Maclay observed Washington closely on April 30, the day Washington took the oath and delivered the first inaugural speech. He began his entry: "This is the great important day. Goddess of Etiquette assist me while I describe it."

Washington entered the Senate chamber amid much commotion since all the Members of the House and Senate gathered there were conscious that what ever they did would set precedent. After some preliminary words by Vice President John Adams, acting in his role as President of the Senate, Washington stepped out onto the balcony of Federal Hall, in New York City, accompanied by Congress, and took the oath of office, administered by the Chancellor of New York Robert Livingston. (Congress was still months away from establishing the Supreme Court, so there was no Chief Justice of the United States to administer the oath.)

After the oath, the crowd cheered three times and then cheered again when Washington bowed to them. He then went back into the Senate chamber where he delivered his address to Congress. The President took the Chair in the Senate chamber and sat down. The members of the House and Senate took their seats. Then the President stood up to give his address and thinking that they should not be seated while the President stood, the entire assembly rose to its feet and stood while the president spoke.

Maclay observed that the President was nervous and irritable. He wrote in his diary: "this great man was agitated and embarrassed more than he ever was by the levelled Cannon or pointed Musket. He trembled, and several times could scarce make out to read . . ." Washington shifted nervously and held the speech first in one hand and then the other and which ever hand was not occupied holding the speech was thrust awkwardly in his britches. Maclay felt Washington's gestures were ill timed and exaggerated. He was embarrassed by what he saw as a poor performance by a man he respected above all others. "I felt hurt," Maclay wrote, "that he was not first in every thing."

I have a theory about that day and about Washington's performance. We have no reason to doubt the observations of the Senator from Pennsylvania. But I venture that no one in the room fully appreciated what was going through George Washington's mind at the time of his address. This was the pivotal moment in American history up to that time. Washington's oath and his inaugural address marked in a very real sense the final act of the American Revolution and the beginnings of the United States of America.

This man, who led the nation in war against great odds, who presided in Philadelphia when the Constitution was drafted, and who anxiously awaited the Constitution's ratification and the first federal elections, and who was called out of retirement from his beloved Mount Vernon to lead the nation again, was, at the moment of his inauguration, fulfilling the promise of the Declaration of Independence and the genius of the American Constitution, by ushering in the executive branch of government surrounded by the members of the First Congress.

The ship of state was launched at that moment, the dream had become reality. The full weight of all the years of revolutionary struggle and nation building were concentrated into that time and place. If his hand had not shaken, if he was not nervous that day, he would not have been the great leader he was.

On April 30 this year, in honor of the events of 200 years ago, a Congressional delegation will go to New York to take part in ceremonies commemorating Washington's inauguration. New York City plans a gala two days to mark the anniversary with fireworks, a parade, and ships gathered in the harbor. They have invited the President and all the living past presidents to join in the activities. This will be one of the major events of our celebration this year. But it is not the only one, and what I would like to do in the time remaining is give you an idea of how we in Congress will be commemorating the year the Congress began.

March 4, 1789, was the day the Constitution went into effect. It was the day the First Congress met. There has never been a more unique assembly of lawmakers in the history of the country. Their job was to take the great document drafted at Philadelphia in 1787 and make it work. In 1789 there ws still much apprehension in the land about the new government. No one knew for sure if the brilliant work of the Framers of the Constitution could become reality. It was one thing to draft a document that described how government should work, and another matter altogether to make it work.

That great task fell to the First Federal Congress. The Framers left Philadelphia with much work left to be done. The executive and judicial branches were only partially described in the Constitution and had to be fleshed out with legislation. And during the ratification process, many states had demanded constitutional amendments guaranteeing certain liberties.

The First Congress did its work well by presiding over the election of George Washington, establishing executive departments that were the beginning of the President's cabinet, creating a federal court system and the Supreme Court and the Office of Attorney General. Under the leadership of another great Virginian, James Madison, who served in the House of Representatives in the First Congress, a series of constitutional amendments were sent to the states for ratification and became known as the Bill of Rights.

The work of the First Federal Congress breathed life into the Constitution and established the government that has now been in place for two centuries. All of us here are the benefactors of that great assembly.

The Commission on the Bicentenary of the House of Representatives along with the Senate Bicentennial Commission chaired by Senator Robert C. Byrd, has the pleasant assignment of planning for our two hundredth anniversary with a series of exhibits, publications, conferences, and ceremonies. Ours is a year long celebration since the creation of the government was a process not a single event. It is a part of our five-year celebration from the drafting of the Constitution to the ratification of the Bill of Rights.

Several of our major publications are already completed. Last month the bicentennial edition of the Biographical Directory of the United States Congress was published. It contains information on all 11,000 persons who have served in the House and Senate since 1789 and even includes all those who served in the Continental Congress beginning in 1774. The Office for the Bicentennial of the House also conducted a four-year survey to locate the papers of former Members of the House, which serve as basic research collections on the history of the House. The survey, which relied on hundreds of volunteer historians and librarians in all fifty states has been published and we have already heard from scholars around the country who are saying that this will be a boon to congressional studies.

Later this year we will publish biographical studies on "Black Americans in Congress" and "Women in Congress" and a collection of documentary sources on the origins of the House of Representatives. Later this week Senator Byrd's "History of the United States Senate" will make its appearance. This beautiful volume, the first of four, is based on more than 100 speeches on the history of the Senate the Senator has delivered on the floor of the Senate.

On March 2 Congress will hold a joint meeting in commemoration of its 200th anniversary, in addition to the remarks of House and Senate leaders, the Poet Laureate of the United States, Howard Nemerov and the distinguished historian David McCullough will address the assembly. The night before, we will cut the ribbon that opens a major exhibit on the First Federal Congress at the National Portrait Gallery, where some of the finest portraits and artifacts on that period ever assembled will be on display.

On March 13, Congress will attend a world premier of an important documentary film made for television called "The Congress."

The film is the work of the award-winning film maker, Ken Burns, who also did the film on the Statue of Liberty. A week later on March 20 the film will be broadcast over PBS stations nationwide. It will also be made available to schools, with accompanying classroom materials.

On April 4 and April 6 the U.S. Postal Service will issue special commemorative postage stamps, one for the House and one for the Senate, the designs for the stamps will be unveiled at the joint meeting of Congress next month. The First Day of Issue ceremonies will be held in the Capitol Building. On April 30, in New York, a stamp will be issued to commemorate the executive branch bicentennial, and early next year the Supreme Court bicentennial stamp will make its appearance.

The United States Mint is preparing a three coin commemorative set on the bicentennial of Congress. The initial designs are circulating now and we expect a first strike ceremony later this spring. The stamps and coins will help carry the bicentennial message to millions of Americans, and will be permanent keepsakes of this special anniversary.

The Library of Congress has launched a major series of bicentennial programs on Congress. Already open is an amazing exhibit in the Madison Building "The Tides of Party Politics: Two Centuries of Congressional Elections," which graphically portrays every congressional election in American history on 100 maps each representing one congressional election. The exhibit is based on the work of a West Virginia political geographer, Dr. Ken Martis, who spent more than ten years researching the project. In September the Library will present an exciting exhibit and book on 200 years of Congress called "To Make All Laws."

Earlier this month about 40 scholars and students of Congress assembled on Capitol Hill for a conference on "Understanding Congress." From the results of that conference and the remarks of those on the panels, we are on the verge of a new era of interest in political history and the beginnings of some major new studies of Congress in the years ahead. One such study, which has just been funded from by the Commission on the Bicentennial of the Constitution is the Encyclopedia of Congress Project, which in about three years will result in a large one-volume encyclopedia that will condense the best information obtainable on the history and workings of Congress prepared by a network of historians, political scientists, journalists, lawyers, and other scholars all across the country.

These are just some of the events that will take place this year. Our goal has been to combine scholarly activities and public ceremonies, because both are important components in the transmission to the next generation of our rich heritage. It is our solemn obligation to see to it that the citizens of this country know and understand how government works, how it has developed over two centuries, and what its promise is for the future.

Our Founding Fathers knew how important education was and how an informed public was the best guarantee against the erosion of liberty. When our government began it was called "the Great Experiment." Democracy is always an experiment, it is now, and will always be. The minute we cease to see it as a great experiment and take it for granted as something set in stone, we will cease to grow as a nation. As George Washington told the assembled members of Congress in his inaugural address:

"The preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people."

I look forward, as I know you do, to the beginning of the third century of the Great Experiment." Thank You.

SSI REFORM PACKAGE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. MATSUI. Mr. Speaker, on February 6, 1989, Congressman DOWNEY, Congressman MILLER, and Congressman ROYBAL joined with me to introduce three bills, which, taken together, would make the supplemental security income [SSI] program fairer and more responsive to the truly needy it is intended to serve. The following is a section-by-section summary of the provisions of the first bill in this SSI reform package, H.R. 866.

SUMMARY OF SSI BENEFIT IMPROVEMENTS AMENDMENTS OF 1989

TITLE 1. PROVISIONS TO INCREASE THE FEDERAL SSI BENEFIT STANDARDS AND CHANGES IN TREATMENT OF CERTAIN IN-KIND INCOME

Section 101. Increase the Federal SSI benefit standard to poverty level by 1992

This provision provides for the following increases in the SSI benefit standard:

	Individual		Couple	
	Monthly	Annual	Monthly	Annual
Present law				
1989	$368	$4,416	$553	$6,636
1990	437	5,244	625	7,504
1991	506	6,072	697	8,368
1992	(1)	(1)	(1)	(1)

[1] HHS poverty income guideline in 1992.

The provision already in the law which requires the states to pass-through any SSI increases in supplements which the states provide would not be changed. That is, states can not decrease their state supplements when there is an increase in the federal SSI benefit standard.

Section 102. Changes in the treatment of in-kind income received when a person is living in the household of another

Present SSI law provides that if an SSI applicant or recipient is "living in another person's household and receiving support and maintenance in-kind from such person", the value of the in-kind assistance is presumed to equal one-third of the regular Federal SSI benefit standard. The Federal SSI benefit standard applicable to the individual or couple is two-thirds of the regular Federal SSI benefit standard. If an individual actually owns or rents the living quarters or contributes his or her pro rata share to the household's expenses, this lower benefit standard does not apply.

By regulation, the Social Security Administration has also provided that the value of any in-kind support or maintenance received (other than in the case of those receiving in-kind assistance by reason of living in the household of another) is presumed to have a maximum value of no more than one-third of the Federal SSI benefit standard plus $20. The individual can rebut this presumption. If it is determined that the actual value is less than the one-third amount, the lower actual value will be counted as unearned income.

Under this amendment, in cases where it is determined that an individual is "living in the household of another and receiving support and maintenance in-kind," the amount that the Federal SSI benefit standard would be reduced would be the lesser of one-third of the regular Federal SSI benefit standard and the actual value of the in-kind assistance received. The actual value would be calculated by determining the amount that the contribution by the individual to the household expenses are deficient in paying his or her pro rata share of household expenses.

This will permit those for whom the actual value of the in-kind assistance received is less than one-third of the Federal SSI benefit standard to have a smaller reduction in their benefits. It will target increased benefits to aged, blind or disabled persons living in low income households; that is, those with low household expenses.

In case of in-kind assistance for support or maintenance where the person is not in the "household of another," the amount that the Federal SSI benefit standard would be reduced would also be the lesser of one-third of the regular Federal SSI benefit standard and the actual value of the in-kind assistance received.

Section 103, SSI status to be deemed for certain persons with in-kind income

This section provides that if an individual or a couple would be eligible for SSI if he or she did not receive in-kind assistance then the individual or couple will be considered to be receiving SSI so that they will be eligible to receive Medicaid. This rule will apply in all states, including those which exercise the § 209(b) Medicaid option. In States where SSI recipients are all eligible for Medicaid and the Social Security Administration administers such eligibility, such an individual or couple will be on the SSI rolls in a non-cash payment status (as in the case of Section 1619(b) work incentive cases) and SSA will be responsible for determining ongoing eligibility.

TITLE II. INCREASES IN SSI RESOURCES LIMITS

Section 201. Increase in SSI resources limit

The current SSI resource limits are $2000 for an individual and $3000 for a couple. Effective 1990, this provision will raise the limits to $4200 for an individual and $6300 for a couple.

TITLE III. ESTABLISHMENT OF A PERMANENT SSI OUTREACH PROGRAM BY THE SOCIAL SECURITY ADMINISTRATION

Section 301. Establishment and conduct of SSI outreach program

This provision requires the Secretary to establish and conduct an ongoing outreach program which is designed to provide people who may be eligible for SSI with information about the program. One specific part of the new program will be notices sent by SSA to Social Security applicants and recipients when they reach age 65 and annually thereafter, when they apply for or are awarded disability insurance benefits, and when they are notified that they are eligible for Medicare Part B benefits.

In addition, the Secretary is required to enter into cooperative arrangements with other Federal, State and private agencies

and nonprofit organizations which serve the aged, blind and disabled in order to facilitate outreach services.

Special outreach to disabled and blind children: This section requires the Secretary to establish and conduct an ongoing outreach program to disabled and blind children who may be eligible for SSI. Recognizing that different outreach will be needed here, the section requires cooperation with not only the groups listed above, but also school systems and social services agencies which address the needs of children.

Evaluation of the program/report to Congress: The Secretary would be required to evaluate the effectiveness of the outreach which is conducted and to report to the Congress, annually, on the nature, scope and effectivenss of its outreach efforts.

TRADE BETWEEN THE UNITED STATES AND INDIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. DYMALLY. Mr. Speaker, today I would like to reaffirm the shared values that we have with the world's largest democracy, India, and to express solidarity with the struggle of the Indian people against terrorism and secession.

Very recently, elections have been held in some Indian States where Prime Minister Rajiv Gandhi's Congress Party won in some district, while losing in others. The freedom to hold differing political views was reaffirmed, the people expressed their wishes, and all parties abided by it. However, there has been some violent dissent in India, and we in the House who have been in the vanguard of the protection of human rights, around the world, need to demonstrate our strong opposition to violence.

There is a proposed bill soon to be introduced in the House to deny non-discriminatory trade treatment, or most-favored-nation status, to the products of India. The reasons for denial outlined in the proposed bill are the alleged human rights violations, especially against Sikhs in the Punjab. These allegations include arbitrary arrests, detention of prisoners without trial, torture of prisoners, and the use of progovernment death squads in the Punjab.

The proposed bill is based primarily on the alleged detention of 300 Sikhs without charge or trial in a jail in the Indian city of Jodhpur since 1984. The fact is, however, that 380 people had been originally detained in that jail out of which 188 continue to be held. They are charged and are on trial for waging war against the country and the illegal possession of arms.

India has been a functioning and viable democracy since 1947. It has a rule of law and a constitution that protests the rights of its citizens. And yet a dangerous situation has been created by small groups of terrorists and criminals. A reign of terror has been unleashed in the Punjab in which nearly 2,300 people lost their lives last year. Terrorists in the Punjab have been indiscriminate in their killing; their targets ranging from political leaders to children. A large number of victims of terrorism have been innocent Sikhs themselves, particularly those who have opposed violence and have called for a political dialogue between the Indian Government and responsible Sikh leaders.

Our attention has been drawn to stray cases of violation of human rights in the Punjab. In the massive anti-terrorist operations which are ongoing in that area there may indeed have been cases of misuse of power of miscalculations. Unfortunately, we cannot ignore the fact that innocent and unarmed people in the Punjab have been victims of violence and crime at the hands of a small group of fanatics, secessionists, and criminals. Just as terrorist victims deserve our deepest sympathy, those who are fighting against terrorism deserve support. What they do not deserve is a break in equal trade relations.

I would like to share with my colleagues the State Department's recent assessment of the situation in the Punjab in response to a request for their views on House Concurrent Resolution 343, introduced last August which concerns the human rights of the Sikhs in the Punjab. The State Department responded that "the Indian authorities are attempting to confront a terrorist movement which has claimed over 2,300 victims this year, well over twice the rate of killings in 1987. The terrorists are well-armed with automatic machine guns and rocket-propelled grenade launchers. In many instances, they are better armed that the police units fighting them." It is also the view of the Department that the "harsh police tactics" referred to in the legislation "are in part an attempt to protect innocent lives and property from extremists."

In recent years we and India have enriched our relationship through trade, science, and technology, and narcotics control. Bilateral trade in 1988 reached the $5.7 billion mark. The interaction between the business and industrial communities of India and the United States has continued to flourish under the various agreements on trade and collaboration in advanced technology. A relationship of trust has been built up, which we must continue to support. Any effort to deny nondiscriminatory trade treatment to India will seriously and adversely affect our economic and trade relations between our two countries.

HATE CRIME STATISTICS ACT IS KEY TO FIGHTING BIAS CRIMES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. CONYERS. Mr. Speaker, Today, February 22, 1989, I reintroduced the Hate Crime Statistics Act, a bill that will aid law enforcement officials in the fight to eradicate hate crimes.

During the past few years, there have been an increasing number of physical and psychological attacks on persons who were targeted solely because of their race, religion, sexual orientation, or ethnic origin. They have been carried out by organized groups, as well as by nonaffiliated individuals.

The Hate Crime Statistics Act will require the Department of Justice to annually collect and publish statistics on "crimes which manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity." There are presently no comprehensive, accurate, and up-to-date statistics kept on the national incidence of these crimes. Once available, such statistics could provide the basis of more effective law enforcement efforts in communities throughout the nation seeking to combat hate crimes.

During the 100th Congress, I introduced identical legislation, H.R. 3193—see House Report No. 100-575. That bill passed the House on May 18, 1988, by an overwhelming margin of 383 to 29. It had been endorsed by 30 state attorneys general. A similar bill was favorably reported by the Senate Judiciary Committee but received no further action before adjournment.

The Subcommittee on Criminal Justice, which I formerly chaired, held oversight hearings on antigay violence and anti-Arab violence during 1986, and two hearings on legislation to establish a commission on racially motivated violence in 1988. The Subcommittee on Civil and Constitutional Rights held an oversight hearing on anti-Asian violence in 1987, and on anti-Native American violence in 1988. The witnesses at each of these hearings stated that reports of hate crimes received by their organizations are increasing. They also urged that the Department of Justice begin to produce nationwide data about them.

On January 13, 1988, the Center for Democratic Renewal released "They Don't All Wear Sheets: A Chronology of Racist and Far-Right Violence 1980-1986," which provides some statistical data on bias motivated crimes. The Center reports that there were nearly three thousand incidents of hate motivated violence, harassment, and vandalism during the seven year period. This figure is based upon data compiled from press accounts, victim statements, law enforcement agency reports, and information supplied by civil rights groups and government human relations agencies. Its statistical accuracy is limited by the lack of a national reporting system for hate crimes.

In 1987, the Anti-Defamation League of B'nai B'rith [ADL] issued a special report entitled "The Hate Movement Today: A Chronicle of Violence and Disarrary" that suggests that there was more criminal violence by extremists during the past 3 years than there has been over the previous two decades.

The ADL released its annual audit of antisemitic incidents during January 1988. The organization reported 1,018 incidents, an increase of 12 percent over last year. Of these, 694 involved acts of vandalism ranging from swastika daubings to arson and pipe bombings. The number of acts of harassment, threat, and assault was 324.

Dramatic incidents like the death of Michael Griffith in the Howard Beach neighborhood of Queens, NY in 1986, or the death of Vincent Chin in Detroit in 1982, capture the attention of the national news media and, as the result of the headlines they generate, pierce the consciousness of most Americans, reminding us that hate crimes are still a reality today.

Few across the Nation, however, will ever know about the thousands of other lesser known incidents unless information about

them is compiled and published in the manner provided for in the Hate Crimes Statistics Act.

Participants in the "Brotherhood March" in Forsyth County, GA, on January 17, 1987, were attacked by white hooded Ku Klux Klansmen hurtling rocks, bottles, and racial slurs. This unfortunate incident brought home to many the fact that the Klan is still a visible and active organization, despite a decline in membership. Over the past decade, however, a number of new, more sinister, and more militant extremist groups such as the White Aryan Resistance and the Skinheads have surfaced and engaged in robbery, assaults, bombing, and murder to advance their white-supremacist agenda. Although their leadership has been the target of arrests and successful prosecutions, these groups continue to survive and sow the seeds of racial hatred.

In response to the public's growing concern about hate crimes and the inability of most law enforcement agencies to address the problem adequately, the National Institute of Justice [NIJ] commissioned Peter Finn and Taylor McNeil of Abt Associates Inc. to conduct a study of the effective steps being taken by police and prosecutors to combat them. The study, entitled "The Response of the Criminal Justice System to Bias Crimes," was submitted to NIJ in October 1987.

The authors interviewed 40 individuals, 21 of which represented police agencies or district attorneys offices. They concluded that while there is no accurate data regarding the number of bias crimes committed each year, there is plenty of documentation to suggest that the problem is widespread and increasing. The study indicates that 50 percent of the people arrested for hate crimes are teenagers and young adults between the ages of 16 and 25. The most frequent victims were found to be blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians.

The study further indicates that while most States have enacted some legislation targeting hate crimes, only a few have thus far enacted laws mandating the collection of data on them. Maryland became the first State to collect statistics on hate crimes when in 1981 it required its State Police to collect the data and provide monthly summaries to the Maryland Human Relations Commission. In 1986, Pennsylvania required its police agencies to file monthly reports on hate crimes with the State Police Bureau of Community Services. Connecticut, Illinois, and Oklahoma enacted laws in 1987 requiring the collection of data on hate crimes.

To facilitate the investigation and prosecution of hate crimes, some police departments have established bias crimes units. The New York Police Department uses decoy teams to identify and arrest those who perpetrate such offenses. The action was taken in response to a rise in hate crimes in that city; nearly 500 of these offenses were reported in 1987, twice the number reported in 1986.

In 1985, the National Organization of Black Law Enforcement Executives [NOBLE] received funding from the National Institute of Justice to study the police response to racial and religous violence. NOBLE produced two publications, "Racial and Religious Violence: A Model Law Enforcement Response," and "Racial and Religious Violence: A Law Enforcement Guidebook," which recommend policies, practices, and procedures, and emphasize the need for more information and analysis.

The following law enforcement organizations endorsed the Hate Crimes Statistics Act during the 100th Congress: The Police Foundation, the Police Executive Research Forum, the National Black Police Association, and the National Organization for Black Law Enforcement Executives.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) IN GENERAL.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1991 through calendar year 1995, data on the incidence of criminal acts that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

(b) CONSTRUCTION.—Nothing in this Act creates a right for an individual to bring an action complaining of discrimination based on homosexuality.

(c) LIMITATION ON USE AND CONTENT OF DATA.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(d) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1991 through fiscal year 1996.

SECTION-BY-SECTION ANALYSIS

Section one of the bill provides that the short title of the legislation is the "Hate Crimes Statistics Act".

Section two of the bill requires the Attorney General, under the authority of 28 U.S.C. 534 (which provides for the acquisition, preservation, and exchange of identification records and information, and the appointment of officials) to acquire data on crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity. The crimes for which data will be collected include homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, and threat. The data acquired can only be used for research and statistical purposes and may not contain information that may reveal the identity of an individual crime victim. A summary of the data is to be published annually for five calendar years, starting with the data for the calendar year 1991.

Section three of the bill authorizes the appropriation for fiscal year 1991 through fiscal year 1996 of such sums as are necessary to carry out the legislation.

LEGISLATION TO ESTABLISH FIRST HOME SAVINGS ACCOUNTS FOR YOUNG AMERICANS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. MAVROULES. Mr. Speaker, since coming to Congress 15 years ago, working toward ensuring opportunities for young Americans to own their own homes has been one of my top priorities. Yet, recent trends have gone against affordable housing for our young people. The American dream of that first home and the benefits of home ownership must not be cast aside.

Today I am introducing legislation to establish first home savings accounts for young Americans—a savings incentive to help young people realize that dream of owning their first home.

My bill would allow a $2,000 yearly deduction to a first home savings account or, the withdrawal of up to $20,000 without penalty from 401K or IRA savings plans. The first home savings accounts would be capped at $20,000, yet encourage all young Americans to save, a goal which we must meet as a nation.

I urge my colleagues to join me in encouraging savings and home ownership.

SRI LANKA NATIONAL DAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. TORRICELLI. Mr. Speaker, I rise today to recognize the 41st anniversary of Sri Lanka's independence this month. Over these years, the United States has actively worked to support Sri Lanka's independence and to promote her political and economic development.

Although Sri Lanka has experienced episodes of violence between the two major ethnic communities, the Sinhalese and the Tamils, over the past few years, a couple of positive developments give hope that lasting peace will come to Sri Lanka. In July 1987, Sri Lanka and India signed a peace accord which has helped to reduce terrorist activity. Late last year, Sir Lanka successfully completed a presidential election in which Ranasinghe Premadasa was elected prime Minister on December 19, 1988. As we congratulate Sri Lanka on their 41st anniversary, I would like to reaffirm the commitment of the American people in assisting Sri Lanka to once again enjoy the benefits of economic prosperity and social tranquility.

To assist in Sir Lanka's development, the United States and Sri Lanka have successfully created mutually beneficial economic links. For example, in 1985 the United States opened a Sri Lanka Business Development Center to assist in the promotion of private enterprise projects in Sri Lanka. This center

has been working together with the Sri Lanka Government to shift the economy toward a more decentralized and market-oriented system in which private enterpreneurship, both domestic and international, flourishes. The Government of Sri Lanka has almost completed the $2 billion Mahaweli project, a massive hydroelectric, irrigation, and resettlement program. Accomplished with significant assistance from the United States and other countries, the Manhaweli project will generate 1.7 billion kilowatt hours of electricity through the damming of the nation's longest river.

Through our shared interest in democratic principles, the United States also continues to give firm support to Sri Lanka in her effort to resolve recent episodes of social and political violence. We in the United States have and will continue to support a process of dialog, compromise, and political choice to resolve the genuine grievances that exist. Minority rights should continue to be protected and access to local political institutions should be guaranteed without discrimination. Calls for the partition of Sri Lanka should not be heeded; she should remain unified.

As Sri Lanka celebrates her independence, we join with the Sri Lanka people in looking forward to further progress on their already impressive record of national development. By remaining committed to the upholding of democratic principles and institutions and the guarantee of security for all her citizens, Sri Lanka will once again prosper in an atmosphere of domestic peace and harmony.

BLACK HISTORY MONTH

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, as we commemorate "Black History Month," I would like to take this opportunity to bring your attention to the rich contributions made to black history by Marylanders. Residents of my State and the Fourth Congressional District have contributed to the achievements, the heritage, and to the character of American history and black history in particular.

As Marylanders, we don't have to look long or far for the accomplishments and great deeds of black Americans from one State. In fact, three of the most noted black Americans in history, Benjamin Banneker, Frederick Douglass and Harriet S. Tubman, all hail from Maryland. Christian Fleetwood, a "free man of color" and college graduate was the recipient of a Congressional Medal of Honor for his bravery during the Civil War. Henry Blair, of the Eastern Shore, inventor of a seed planter, was the first black American to receive a patent from the U.S. Office of Patents.

The list of contributions made by black Marylanders is extensive and due in part to the fact that by 1830, our State had the largest number of free blacks than any State in the Union. By 1860, blacks constituted one-third of the State's population. The Maryland Abolition Society formed in 1789 was only the fourth such society organized in this country. Its work made a significant impact on the dismantling of that system here in our State in 1864, as well as nationally.

There's a great deal of local history in Anne Arundel County as well. Kunta Kinte, made famous through Alex Haley's book "Roots," arrived in the Port of Annapolis on the *Lord Ligonier* in September 1767. The area we now call Historic Annapolis was the hub of activity for many black artisans and businessmen. Following the Civil War, the former Camp Parole became a popular settlement area for newly freed men and is still one of the most stable and respected communities in the city of Annapolis today.

The first school for blacks in the county, the Freedmen's Bureau, was established in 1865 on Muddy Creek Road in south Anne Arundel County. Supported by Federal funds, it founded the Stanton School in the Parole area of Annapolis in 1867. When the original school closed in 1870, black residents rallied to save the Parole site, purchasing land and moving it to West Washington Street in Annapolis. The original Freedmen's Bureau is now the site of the Ralph Bunche Community Center, and the former Stanton School now a community recreation center. The Free School had the distinction of being the oldest school in continous use for the blacks in the county and was never a part of the public school system.

Over the span of our Nation's history, black Marylanders have made enormous contributions to our heritage. By remembering their achievements over the past 200 years, we are reminded of how far we've come as a nation.

UKRAINIAN NATIONAL ASSOCIATION, INC. CELEBRATES 95TH ANNIVERSARY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives that the Ukrainian National Association, Inc., a fraternal organization serving the Ukrainian community in the United States and Canada, celebrates its 95th anniversary on February 22.

During the last 95 years since its founding in 1894, the Ukrainian National Association has grown from its original 13 Ukrainian-American societies with 439 members, to 420 branches with a membership of over 77,000. Over 8,000 members are organized in 27 branches in my home State of Illinois.

This fine organization currently provides insurance coverage of over $150 million, and has engaged in numerous educational, cultural, social, and charitable efforts over the years. It has helped Ukrainians to settle in our country, and has provided scholarships for Ukrainian youth. At this point in the RECORD, I would like to include a statement prepared by the Ukrainian National Association outlining its history and its activities on behalf of the Ukrainian community in the United States and Canada, and a copy of that statement follows:

UKRAINIAN NATIONAL ASSOCIATION

The Ukrainian National Association [UNA], a fraternal insurance organization, was founded on February 22, 1894—George Washington's birthday—in Shamokin, Pennsylvania. The creation of the UNA was sparked by a full first-page article in the fourth issue—November 1, 1893—of Svoboda, the first Ukrainian newspaper printed in the United States. Svoboda first appeared on September 15, 1893 and is the oldest Ukrainian newspaper in the world.

The need for a financial organization in the growing Ukrainian immigrant community was apparent and it was Svoboda's founder and editor, Reverend Gregory Hrushka, who encouraged the idea. Upon the creation of the Ukrainian National Association, Svoboda became its official organ. It still is today.

From its humble beginnings in 1894 with thirteen branches, not unlike the thirteen original States that comprised the United States, the Ukrainian National Association has expanded to its present 420 branches—or lodges—in the United States and Canada. It is the largest Ukrainian-American fraternal insurance organization with over 77,000 members and over $100 million in estimated assets. The UNA currently has branches in 28 states in the United States and 7 provinces of Canada.

In addition to providing for the life insurance needs of the Ukrainian-American community by offering low-cost life insurance protection, the UNA provides its members with a wide range of educational, cultural, social, and charitable benefits. Through its many, diverse programs, the Ukrainian National Association has helped preserve the national traditions and customs of Ukrainians in the United States and Canada, thereby contributing to the richness of American culture.

Through its network of 420 branches, the UNA maintains close contact with its membership. Officers of the branches see to the needs of their members, participate in various Ukrainian local activities, and provide leadership in the Ukrainian-American community.

In addition to publishing Svoboda, a Ukrainian-language daily newspaper, the UNA publishes the Ukrainian Weekly in English and a monthly children's magazine, Veselka (Rainbow). Over the years, the UNA has also financed numerous books on Ukrainian subjects such as the two volume Ukraine: A Concise Encyclopedia—University of Toronto Press—and Robert Conquest's Harvest of Sorrow (Oxford University Press), a highly acclaimed history of the famine in Ukraine during 1932-33.

As part of its fraternal benefit work, the UNA provides over $120,000 in scholarships annually to its members. It operates a retirement home for its senior citizens, provides mortgages to its members, and is a patron of the Ukrainian community's cultural and religious activities. Over the years, the UNA has provided low-interest mortgage loans for the construction of many Ukrainian churches and community centers in the United States and Canada thereby strengthening the religious and cultural bonds of the community.

The Ukrainian National Association also owns and operates "Soyuzivka," a year-round, full-service resort in the Catskill Mountains in New York State. In addition to providing social and cultural activities for its members at "Soyuzivka," the UNA operates children's camps, cultural courses, and sports camps at its resort.

The dedication by former President Dwight D. Eisenhower of a monument to Taras Shevchenko, the national poet of

Ukraine, in Washington, DC, in June 1964 was a project unitiated by the Ukrainian National Association. The Ukrainian Congress Committee of America [UCCA] and the Ukrainian American Coordinating Council [UACC] were both established by the UNA in an effort to better coordinate the work of the many financial, cultural, social, youth, and political organizations in the Ukrainian-American community.

While the UNA was established to assist Ukrainians living in the United States and Canada, it has never lost sight of the needs and aspirations of Ukrainians in Ukraine. Throughout its history the UNA has assisted the struggle for a free and independent Ukraine by keeping American policy makers current on events taking place in Ukraine. The UNA assisted the many Ukrainian refugees created by World War II and has aided the victims of natural disasters such as Ukrainians in Yugoslavia in the 1970's and Armenians left homeless by the recent earthquake in Armenia.

Mr. Speaker, on the occasion of the 95th anniversary of the Ukrainain National Association, I would like to take this opportunity to commend the officers and members of this organization on their efforts on behalf of Ukrainians, and to extend my warmest best wishes as they continue in their actions which have contributed to the rich diversity in our own American culture.

ESCROW BOND DEAL ABUSES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. DONNELLY. Mr. Speaker, I am enclosing for the RECORD an editorial from the Bond Buyer, a respected financial publication. This responsible editorial comments on several billion dollars worth of tax-exempt bond deals rushed to market during consideration of the 1986 Tax Reform Act. Many of these deals appear extremely abusive.

Mr. Speaker, during the 2-year process leading to enactment of the 1986 Tax Reform Act, Congress was considering several restrictions on the ability of tax-exempt bond issuers to earn arbitrage profits. In general, the term "arbitrage" refers to profits earned when bond proceeds are invested in an investment paying a higher yield than the bond itself. The 1986 Tax Reform Act imposed numerous additional—and, I might add, justified—restrictions on the ability of issuers to earn arbitrage profits.

The Bond Buyer editorial references an investigation being conducted by the Securities and Exchange Commission on several bonds issued between 1984-86 which appear to be driven principally to avoid the arbitrage restrictions considered by Congress. The Bond Buyer—and other media sources, including the Wall Street Journal—have discovered that of several billion dollars worth of bond issues in that period, very little in the way of tangible construction has occurred. In fact, in some cases, bond proceeds have been invested in guaranteed investment contracts with 7-year maturities. In these abusive instances, it seems clear that the primary motivation behind the bond issues was high fees for bond lawyers and underwriters. In many cases, there was probably no intention to build tangible projects.

Mr. Speaker, tax-exempt bonds are not a God-given right. They are a gratuity, provided by the taxpayer, to do things in the public interest. In the case of bond transactions where bond proceeds are outstanding up to 5 years after issuance of the bonds and no projects have been built, little in the way of public interest is occurring. Outstanding issues of bonds with no underlying projects place an unconsionable level of debt on local communities. This can not, should not, and will not be tolerated.

I will be writing to the Commissioner of the Internal Revenue Service, the Secretary of the Treasury, and the Chairman of the Securities and Exchange Commission on this issue. I will ask Treasury and the Service to not hesitate to collapse bond transactions and declare them taxable if the transactions violate existing law. In my letters, I will also indicate—and let me reiteriate this point there—that legislation on this issue may be forthcoming.

Let me make one final point, Mr. Speaker. I heard a lot of complaints when I introduced legislation imposing additional bond restrictions earlier this year and made the legislation effective on the date of introduction. I did so because I was concerned about a potential rush to market—precisely what happened between 1984 and 1986. Articles such as the one in the Bond Buyer convince me that my approach on tight effective dates is the correct one. Congress has every right to prevent abusive bond transactions from being rushed to market and, quite frankly, situations such as this make it easier to convince my colleagues of the legitimacy of using restrictive effective dates.

The Bond Buyer article follows.

ESCROW PROJECTS PROVIDE A REASON FOR NEW CURBS ON ABUSIVE DEALS

WASHINGTON.—Save a copy of this newspaper.

Then, the next time you get upset because Congress or the Treasury has cracked down with lightning speed on some perceived abuse in the tax-exempt bond market, pull the paper out and reread the story at the far right and its accompanying charts.

As they show, municipal market participants will have no one to blame but themselves if new curbs are proposed.

Based on an investigation by The Bond Buyer into the status of 85 arbitrage-driven escrow projects that were rushed to market in 1985 and 1986 and are under investigation by the Securities and Exchange Commission, the municipal market has proved Congress with a prime argument for taking quick action to halt future abusive bond deals.

The research shows that of the 73 projects on the list that can be identified, 46—or 63% of the deals—were never started. More important, those 46 deals account for a gargantuan 86% of the dollar value of the 73 deals, or $2.35 billion. Only a pitifully small $350 million out of an estimated $2.72 billion of projects on the list of 73 were ever completed.

Most of the deals produced nothing—except large fees to the participants and lost revenue for the Treasury.

Here's one example:

Barbourville, Ky., with a population of 1,038, floated $33.9 million of escrow bonds to finance a feasibility study and construction of a plant in the southeastern part of the state that would burn trash to generate electricity.

That's about $32,600 per resident—an unconscionably high amount of debt when the average per-capita amount of state and local debt in the United States is about $2,300.

Not surprisingly, the feasibility study, done after the bonds were issued, showed that the odds of the project being financially successful were only marginal. So the bond issue was collapsed on Aug. 1, 1988—three years after it was issued—when certificates of deposit at Banque Paribas, where the bond proceeds had been invested, came due.

Although nothing was ever constructed, Matthews & Wright Inc., the underwriter, received a fee of $1.186 million.

The bond counsel, Berkman, Ruslander, Pohl, Lieber & Engel, and the underwriter's counsel, tax counsel, and trustee got combined fees of about $339,000.

The city, according, to local officials, profited as well by getting the $694,904 in arbitrage profits that remained after the bondholders were paid off.

The investors, of course, profited by getting tax-exempt interest.

Only the federal government got shortchanged. Not only did the bondholders avoid paying federal tax on the interest they earned, but nothing was built in exchange for the indirect subsidy provided through the tax exemption.

Admittedly, the deals being investigated, which include 33 underwritten by the besieged Matthews & Wright Inc., and 18 by Donaldson, Lufkin & Jenrette Securities Corp., are probably the worst-case examples among the tens of billions of dollars of bond deals that were rushed to market to beat the arbitrage provisions in the 1986 tax law.

Those provisions, which made such arbitrage deals economically impossible by requiring a rebate of the excess arbitrage earned, applied to private-purpose bond deals done after Dec. 31, 1985, and to public-purpose deals done after Aug. 31, 1986.

The track record for the hundreds of other arbitrage-driven deals might be better, but it is the record of the deals under investigation that Congress will remember.

Unfortunately, that abysmal record gives Congress and the Treasury a strong argument for making any future bond curbs effective immediately, especially if there is any hint that a rush to market similar to those in 1985 and 1986 might occur.

To a certain extent, that happened last month, when Rep. Brian J. Donnelly, D-Mass., introduced legislation to put further curbs on rental housing bonds.

He made the provisions effective as of Jan. 3, 1989—the day he introduced the bill—because he argued that he feared a rush to market would occur if he made the provision effective the day the committee acted on the measure or later.

The Jan. 3 effective date touched off a furor in the housing rental bond market, and Mr. Donnelly last week finally calmed the market down by announcing that he would not oppose a delay in the Jan. 3 date unless there are abuses or a rush to market. So far, there are no signs of a rush or serious abuses, and Mr. Donnelly should be commended for freeing the market.

Retroactive effective dates have always been reserved for curbing rushes to market or serious abuses, such as arbitrage-driven blind pools and pension bonds or fee-driven housing bonds for projects outside an issu-

er's jurisdiction, which threatened to produce a hugh volume of bonds but little public benefit.

Their use has always been saved for congressional leaders and Treasury officials, and that is how it should stay.

When escrow bonds were being rushed to market in 1985 and 1986, however, issuers and underwriters persuaded congressional leaders to let them finish their deals before the new curbs went into effect.

The grim picture painted by the SEC's escrow bond investigation now shows that many of those deals produced little of value and probably never should have been sold.

But that is not the case for all municipal bond deals. The job ahead for municipal market participants are twofold: to avoid doing deals that have little chance of being completed and to convince Congress that market participants are not all greedy. Otherwise, hair-trigger effective dates might become the norm.

GLOBAL WARMING PREVENTION ACT

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Ms. SCHNEIDER. Mr. Speaker, today, I and my colleague Representative GEORGE BROWN are joined by 60 Members of the House in introducing the Global Warming Prevention Act. This comprehensive legislation deals with the threat of rapid climate change resulting from rising atmospheric concentrations of carbon dioxide, chlorofluorocarbons, nitrous oxide, methane, and other infrared trapping aerosols.

Americans witnessed an unusual number of disasters in 1988 that included: the crop-destroying drought that devastated many of America's farms; raging forest fires that spread uncontrollably through our commercial timber and pristine wilderness areas; Hurricanes Gilbert and Helene that ravaged the Caribbean and our southeastern shores, leaving entire communities homeless; the record heat wave that gripped the Nation and intensified the unhealthy effects of urban pollution; and the tragic flooding of Bangladesh that left disease and starvation in its wake.

Scientists lack adequate data to say whether these costly incidents were influenced by the global warming trend. But the scientific community is united in warning us that in the future such disasters will occur with increasing frequency and severity if the rise in greenhouse gas emissions goes unchecked.

Clearly more basic research on climate change is paramount if science is to be able to better predict the many consequences from rising levels of greenhouse gases. Yet, we already know that massive economic dislocations are in store if business as usual continues, as was detailed in the climate impact report recently prepared for Congress by the Environmental Protection Agency. Sea level rise could destroy one-fourth to two-thirds of coastal wetlands, jeopardizing U.S. shellfish and finfish supplies. Significant dieback of southern forests could occur, which currently supply about half of the Nation's softwood and hardwood timber.

An estimated $100 billion will have to be spent on sea walls and coastline protection against rising sea levels. This will still not prevent the loss of some 7,000 square miles of shoreline. Farming would shift northward, as would agricultural pests and pathogens—many resistant to current pesticides—as temperatures and droughts increase. Some regions could suffer crop losses of up to 80 percent. Heat waves will drive up electricity demand, eventually leading to the need for upwards of 400,000 megawatts of extra powerplants at a cost of $325 billion. By 2055, utility bills could climb by as much as $75 billion per year solely to pay for the additional generating capacity.

Temperature increases would speed the reaction rates among chemicals in the atmosphere and prolong their consequences as a result of a longer summer season. This could lead to increased smog in many urban areas. According to the EPA study, an area like the San Francisco Bay could experience a 20-percent increase in ozone concentrations and a doubling of days exceeding air quality standards, even if emissions did not increase from present levels.

Erratic weather patterns could produce dramatic reductions in rain and snowfall, jeopardizing the reliability of hydrodams, irrigation systems, and even river transport, as was experienced on the Mississippi River this past year.

The EPA did not study all possible consequences, and some scientists believe that as global climate models become more sophisticated we are likely to discover more changes, including abrupt ones. This was the message delivered a few months ago by a number of prominent ecologists and biologists at the World Wildlife Fund Conference in the Nation's Capital on the consequences of the global warming on the world's plant and animal species. Profound and widespread biological disruption is likely to occur in the coming decades.

As Dr. Stephen Schneider of the National Center for Atmospheric Research noted, humans are in the process of changing the Earth's atmosphere 10 to 40 times faster than natural climate changes have occurred in the past. The natural rate of change is about 4 degrees Fahrenheit in 1,000 years, while the forcing effect of rising greenhouse gases could warm the global climate 4 to 9 degrees Fahrenheit in the next 100 years.

"Rapid change is the enemy of life," Dr. George Woodwell, director of the Woods Hole Research Center, told the convening scientists. If the warming is not stopped, the changes will be "open-ended, rapid and accelerating." Species extinction will be accelerated. Trees, for example, can only migrate tens of miles per century, whereas the changing climate will force their survival range hundreds of miles northward. Even mobile species capable of shifting quickly are likely to be blocked by cities and other impenetrable manmade barriers.

Such dire consequences have led several of the world's prestigious scientific bodies, including the World Meteorological Union, the International Council of Scientific Unions, and the United Nations Environment Programme, to call for steps to prevent a worsening of the global warming trend. Minimum reductions of 20 percent from current carbon dioxide emissions levels within the next 15 years was the recommendation issued at the 1988 Toronto World Conference on the Changing Atomosphere.

The legislation I and my colleagues are introducing today takes this advice very seriously. We firmly believe that timeless adage, an ounce of prevention is worth a pound of cure. At the same time, we are quite aware from the considerable congressional testimony that has been provided in recent years, that the available options for reducing greenhouse gases such as carbon dioxide can vary in cost by tenfold or more. This makes it imperative that the strategy the Federal Government undertakes in formulating global warming prevention policies avoid imposing needless and wasteful expenditures on the Nation's taxpayers, ratepayers, and stockholders.

I believe our legislation lays out just such a strategy. The guiding principle of this bill is to implement a federalwide, least-cost planning process, especially for the energy sector, which produces roughly half the total greenhouse gas emissions.

The bottom line result of this approach is to engender, as much as is possible, a positive sum strategy that cuts greenhouse gas emissions while cutting energy costs at the same time. Indeed, based on the available evidence of what the least cost energy approach offers, we could as well have referred to this bill as the "global competitiveness and U.S. productivity enhancement act." The several dozen policy measures detailed in this legislation should: Help consumers eventually save several hundred billion dollars per year on their energy bills; create high-efficiency, energy-generating, and energy-consuming products and services for export; reduce foreign oil imports and the trade deficit; and, reduce a range of other environmental pollutants in addition to greenhouse gases.

This is the repeated message in testimony delivered by numerous expert witnesses before Congress, who have detailed the preeminent role that energy efficiency has come to play in our economy. Energy efficiency improvements, which flow from scientific advancements and technological innovations that enable more energy services to be delivered with less energy input, have become the key source of least cost energy services.

It is a too little appreciated fact that over the past 15 years investments in improving the efficiency of America's stock of buildings, appliances, vehicles, industrial equipment, and other energy-consuming devices have cut energy consumption by one-third, reduced carbon emissions 40 percent below what they otherwise would have been, and trimmed the U.S. energy bill by a phenomenal $160 billion per year.

Success breeds success, and this is undeniably true about remaining opportunities for saving more money and cutting greenhouse emissions through additional efficiency improvements.

Detailed Government and private studies show that the U.S. economy could maintain robust economic growth while achieving $200 billion per year in energy savings through continued investment in efficiency technologies.

These investment opportunities are on average 2 to 5 times cheaper than conventional fossil and nuclear resource options. Declining levels of greenhouse gas emissions are a derivative, cost-free benefit of the efficiency improvements.

Let me illustrate with one example: lighting. Lighting, and the associated air conditioning needed to remove the heat generated by lights, consumes the equivalent of nearly one-half of all coal burned by utilities. Yet, a rich variety of highly efficient lighting products now make it possible to deliver the same lighting amenities while consuming one-half to three-fourths less electricity. These more efficient lighting products would not only cut carbon emissions by tens of millions of tons annually, but reduce yearly energy bills by several tens of billions of dollars

However, a variety of market imperfections and institutional barriers currently inhibit the timely capture of the low-cost energy options. In particular, public policymaking has failed to keep pace with these technological innovations and new commercial opportunities, nor have any public policy efforts been taken to deal with the threat of global warming. The proposed legislation sets out new, needed changes in Federal policies that reduce a number of the key market barriers.

Again, let me illustrate with another example: vehicles. The current efficiency of the Nation's more than 130 million light cars and trucks averages less than 20 miles per gallon [mpg]. These vehicles consume over 7 million barrels of oil per day, emit their weight per year in carbon emissions, and are responsible for nearly one-third of U.S. greenhouse emissions. Fuel economy standards have raised new vehicle fleet averages to roughly 27 mpg, nearly twice the level of the fleet average when the standards were enacted in the mid-1970's. The standards have cut carbon emissions by millions of tons per year, while accumulating net energy savings for consumers of $180 billion as of 1987.

Unfortunately, since less than a fifth of total driving cost is fuel, consumers have little incentive to purchase vehicles much more efficient than 30 or 35 mpg. This remains the case even at fuel prices 2 to 4 times the U.S. pump price, as found in most European nations. Yet, at least seven manufacturers have already tested cost-effective, high-performance prototype cars getting 65 to 135 mpg, while maintaining crashworthiness, emissions controls, acceleration, and other amenities.

Obviously, from a societal and global perspective, these highly efficient vehicles would greatly reduce greenhouse gases—as well as vulnerable foreign oil imports and our $130 billion trade deficit. There are policy actions that are available to overcome this market failure. This legislation includes three such measures: new, and greatly improved, vehicle energy efficiency performance standards; tax rebates of up to $2,000 per car as an incentive for consumers to purchase more efficient vehicles; and an increase in the current gas guzzler tax on very inefficient vehicles. These three measures are certain to raise the U.S. vehicle fleet efficiency average to 45 mpg for light vehicles and 35 mpg for light trucks by 1999. This will result in preventing the combustion of 8 billion barrels of oil over the next 30 years.

The auto improvements will save consumers tens of billions of dollars at the gas pump, prevent the release of over 1 billion tons of carbon into the atmosphere, improve urban air quality by reducing volatile organic compounds, and continue to save an additional 500 million barrels of oil each year. It is also noteworthy that these modest improvements exceed the combined oil resources that could be extracted from the Pacific coast, Alaska, the Arctic Refuge, and the Atlantic coast. This by no means exhausts the cost-effective efficiency improvements that are available; an additional 8 billion barrels could be saved by achieving light car/truck levels of 60/45 mpg by early in the next century.

Efficiency is not a panacea to the global warming problem, but represents the most important first step this and other nations can take in reducing greenhouse gases in a cost-minimizing manner, while at the same time spurring economic productivity.

The energy savings may offer one of the few sources of investment capital for undertaking additional steps to control greenhouse emissions. The international study by the highly respected End Use Global Energy Project, "Energy for a Sustainable World" (Eastern-Wiley Press, 1988), found that it is cost effective to continue a 3-percent-per-year improvement in energy efficiency for several decades to come. Energy savings would eventually exceed a staggering $5 trillion per decade.

Milking this cash cow is imperative, given the equally staggering debt and deficits that the United States and many other countries face. Without these relatively easy savings, it may well be impossible to finance the billions of dollars of additional research and steps that must be undertaken.

Other vital steps that need to be taken, and that are addressed in this legislation, include: Rapid development of ecologically sustainable renewable energy resources; prevention of deforestation and promotion of reforestation and agroforestry worldwide; eliminating stratospheric ozone-depleting chlorofluorocarbons [CFC's] and other halocarbons, and reducing other greenhouse gases—for example, methane and nitrous oxide; achieving population stabilization sooner than later through promotion of universal family planning services; and development of adaptive measures for agriculture and other affected parts of the economy that will be impacted by changing climate patterns and sea level rise as the global warming takes its course.

The Global Warming Prevention Act gives high priority to reinvigorating the Nation's energy efficiency and renewable energy R&D program, which have been reduced 50 percent and 75 percent respectively, over the past decade. Research and development of these two nongreenhouse energy options receive a mere $160 million and $150 million, respectively, of the U.S. Department of Energy's [DOE] roughly $15 billion yearly budget.

These low funding levels are unfathomable, given the fact that the Federal energy efficiency R&D program has been a spectacular success. If just seven of its most impressive results had to justify every tax dollar ever expended on energy efficiency R&D, the taxpayers would still realize a $50 return on each dollar. Yet, according to the American Institute of Physics, which pioneered work done on this energy option, this Nation has just scratched the surface of what remains to be achieved. Our legislation reflects this sage advice by maintaining a vigorous, albeit modest, program.

In the case of renewables, which include solar, biomass, hydro, wind, and geothermal resources, the United States has barely tapped its massive reserves, although renewables currently contribute close to 10 percent of the Nation's total energy needs—50 percent more than nuclear power, which currently receives five times more Federal R&D funds than renewable resources.

According to DOE's Energy Research Advisory Board [ERAB] the U.S. reserves of renewable energy resources exceed 80,000 quads. This is 1,000 times the current total U.S. energy consumption, and 5 to 10 times larger than U.S. coal reserves. ERAB estimates that with a modest, but stable-funded R&D program, the Nation could economically extract 85 quads from this resource base, or 75 percent of the energy projected to be needed, within 25 years. This bill takes that advice seriously.

Much of America's garbage wastes represent an untapped renewable resource. This legislation proposes to alleviate a nagging national problem of waste disposal, by including policy measures for spurring greater reliance on recyclable materials. Studies have shown that if the United States increased its recycling rate 10 percent above the projected level by 1992 and 30 percent above the projected level by 2008, the Nation could accumulate savings of $30 billion and 7 quads of energy.

Natural gas can also play an important role as a bridging fuel, since it produces roughly half as much CO_2 as coal. The United States currently has the world lead in high efficiency advanced gas turbines, researched and developed over the past decade for the Air Force for aircraft. They can be modified for use as highly efficient electric and steam generators.

The bill promotes the demonstration of this aeroderivative technology. They can operate 50 percent more efficiently than conventional powerplants, and cost half as much as new coal or nuclear plants. Studies have shown that just using them to replace currently operating gas-fired powerplants would save the Nation a half a million barrels of gas per day and $16 billion in net present value.

Equally important, this technology represents an outstanding export product. An Agency for International Development [AID] study found that this aircraft-derived gas turbine could be used to cost effectively meet the steam-processing needs of the sugar cane factories located in 70 developing countries, while also cogenerating an estimated 50,000 megawatts of excess electricity. This is equal to one-fourth of all electricity currently generated in these countries. Most importantly, the turbines can use sugar cane wastes and renewably cultivated tree crops and other biomass as fuel, instead of depending on the next least-cost fuel, imported coal. Fuelwood plantations also fit nicely with global warming

prevention, since trees serve a double function as carbon reservoirs.

Recent congressional testimony indicates that aeroderived turbines also offer an excellent opportunity for U.S. farmers to diversify their income by planting tree crops. The 80-plus million acres of erosive lands that could qualify under the Conservation Reserve Program are capable of growing biomass fuels for these advanced turbines sufficient to replace half of all coal-fired powerplants when they are eventually retired. This idea merits serious attention, including more research on appropriate tree species and ecologically sustainable forest management practices.

In addition to reducing carbon emissions through efficiency improvements, greater reliance on renewable resources, and the use of natural gas as a bridging fuel, further steps can be taken to offset current emissions from coal combustion. The United States extracts over 900 million tons of coal per year, and coal generates over half of U.S. electricity. The legislation before us promotes research to reduce CO_2 emissions from coal. Recent estimates indicate that trees could be planted to offset the carbon dioxide emissions of new coal plants, adding a modest 5 percent to the cost of delivered electricity.

A key provision in the legislation also promotes urban tree planting, which pioneering research by Lawrence Berkeley Laboratory and the American Forestry Association find to be one of the lowest options available for offsetting carbon emissions. Only one tree is replanted in the United States for every four that die or are cut down. As a result of less shaded communities, more fossil fuels are burned to operate air conditioners. An estimated 160 million trees could be selectively planted around buildings and on streets, cooling communities, saving several billion dollars per year in air-conditioning costs, and reducing carbon emissions by tens of millions of tons per year. One tree planted in urban settings has the same offsetting effect as 14 trees planted in rural areas, because of the reduced air-conditioning effect.

The Global Warming Prevention Act addresses other aspects of the greenhouse probe besides fossil fuel combustion. The bill calls for eliminating the use of ozone-depleting chemicals included in the Montreal Protocol by 1995. This is imperative, as underscored by the new scientific findings that, in addition to serious depletion in the Antarctic, ozone depletion in the Arctic Circle is 50 times higher than models projected.

Another problem in need of immediate attention is forest destruction which, according to scientific estimates, contributes 10 to 20 percent of the annual loading of greenhouse gases into the atmosphere. The world's original forest area has declined by 20 percent. Half the remaining forest are in developing countries, where over 25 million acres, or the size of Great Britain, are being destroyed each year. Reforestation is occurring at a miserably slow rate—just a few percent in Africa, 10 percent in Latin America, and about 25 percent throughout Asia and the United States.

Developing countries are also losing 15 million acres of cropland to desertification each year. This is roughly the same area each year that in 10 years time could grow tree crops sufficient to provide the energy necessary to double agriculture output. According to the U.N. Food and Agriculture Organization, a doubling of output is imperative to feed and clothe the nearly 1 billion new births projected in these countries by the end of this century.

This legislation calls for the establishment of bilateral and multilateral Tropical Forestry and Agroforestry Programs. Well-crafted programs, learning from and avoiding the many mistakes of past projects and assisting widespread replication of the outstanding successes, could greatly spur the food, timber, and energy needs of developing countries in a low cost and ecologically sustainable manner.

There are a formidable set of problems that currently drive deforestation, but the long-term societal cost of this destruction demands our immediate attention and sustained leadership. Such steps make good sense, not only for slowing the global warming peril, or for reducing the rate of species extinction that is coupled to tropical forest loss, but to help eradicate famine and poverty and transform aid-dependent developing countries into prosperous trading partners.

Finally, I would like to recall the findings of a 1981 DOE report on "Energy and Air Quality," that a significant increase in atmospheric CO_2 "is expected to be caused by worldwide increases in population which will increase energy use and speed deforestation, limiting the control of CO_2 by natural processes." As World Bank President Barber Conable recently reiterated, unchecked population growth threatens to overwhelm even the best of development assistance programs. The World Bank and other international organizations have repeatedly stated the imperative of achieving population stabilization through the provision of universal family planning services. Achieving this goal in a reasonable timeframe could stablizie world population at several billion fewer births. The impact on global warming could be as great as the other efforts noted above.

This legislation proposes several policy measures regarding population stabilization, including: establishment of a National Commission on Population, Environment, and Natural Resources; the convening of an international conference on population to examine policies necessary to achieve sustainable world population levels; and, support for the goal of noncoercive, universal family planning services through increased Federal funding for these programs.

As can be seen from my statement, I believe we must act expeditiously and comprehensively to slow the greenhouse warming, and that we can do so in a cost-minimizing manner that bodes well for alleviating a variety of other pressing national concerns and global problems. The public policy measures put forward in this bill recognize a pivotal role to be placed by Federal policymakers in assisting States and communities to undertake appropriate actions at their level, as well as working with other nations to collaborate on achieving international goals.

Preventing a worsening of the world's climate will also turn on the commitment of individuals to take personal responsibility. Take something as simple as recycling paper. No one would look upon paper recycling as monumental, yet paper consumes half of all harvested wood worldwide. Currently, only 25 percent of that paper is reused. Or consider the replacement of a single incandescent bulb with the new, highly efficient compact fluorescent lamp. Over its lifetime, the compact will deliver the same light as an incandescent consuming four times more electricity, but will save the consumer over $25 and prevent the combustion of 1,000 pounds of carbon dioxide and 25 pounds of sulphur dioxide. Dozens of such individual options abound.

Perhaps never before in history have individual actions come to play so great an influence on the course of human events. Prevention pays, and it is incumbent upon each and every one of us to cash in on these opportunities. Failure to do so will be a terrible squandering of our national endowment.

SIDNEY HARMAN AND AMERICAN CONSUMER ELECTRONICS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. LEVINE of Califorina. Mr. Speaker, Britain's preeminent audio magazine recently published an interview with Sidney Harman, chairman and CEO of Harman International. At a time when the American consumer electronics industry has largely been given up for dead, Harman International is demonstrating that it is possible for Americans to beat our competitors at their own game. Not only is Harman Industries making products of higher quality than their competitors, but the individual companies which make up Harman International are consistently operating on the leading edge of technology in home music reproduction.

I commend Sidney's thoughtful comments to my colleagues. If more American companies were to adopt his successful strategies of manufacturing and marketing I suspect the United States would have a much more vital and successful home electronics industry.

I ask for unanimous consent to the interview with Sidney Harman in the RECORD and urge my colleagues to take a few moments to read and reflect on his comments.

SIDNEY HARMAN AND AMERICAN CONSUMER ELECTRONICS

For 40 years, Sidney Harman has been involved in audio: in the early days, he was one of the prime movers in creating an industry where only a hobby had existed before; now, he is Chairman and Chief Executive of Harman International, which includes Harman/Kardon, Infinity, JBL, Audax and Soundcraft, with sale that topped $325 million in 1987.

His first job out of college (with a BSc in electrical engineering) was with Bogen, which build public address systems. He was quickly moved out of engineering and into management-level administration, though he became friends with the Chief Engineer, Bernard Kardon, and designed turntables and giant speakers for his own use. He and Kardon were instrumental in prodding David Bogen to develop the first amp. He left Bogen along with Kardon in 1953 to start Harman/Kardon; left H/K too a

decade later to turn around a failing automotive accessories company but then bought H/K again in 1969, when he also acquired JBL and started building an audio empire which came to be called Harman International.

Then Harman was appointed Under-Secretary of Commerce to the Carter administration in 1977, and Harman International was sold to Beatrice Foods. Just a few years later, having left the government, he repurchased most of the original business. In '85, he was able to buy back Harman/Kardon from the Japanese electronics company Shin Shirasuna, making Harman/Kardon one of the few survivors of the American 'Golden Age' of audio to be still in the hands of its founder. The H/K line has been manufactured in Japan for the past 20 years, but by next year most of it will again be made in America.

Harman International's future is build on two strategies: selling in a world-wide market; and doing its own manufacturing in highly integrated, advanced facilities, using a motivated, skilled workforce. Some 80 percent of Harman's manufacturing sales come from US-made loudspeakers, including some built for the Japanese companies Sharp and Mitsubishi—a twist on the more common Western-designed/Far East-made scenario. This is no assembly operation: the plant makes its own veneer speaker enclosures, mills its own wire, winds its own voice coils, and makes its own precision components. To compete worldwide, equipment is designed for its own specific market in terms of both acoustic 'voice' and visual appearance.

MANUFACTURING

Weaken the linkage between design, manufacturing, and marketing, Harman believes, and you weaken the product. 'Design and manufacturing are stamen and pistil. They must be integrated from start to finish, or the product will soon lose its character and become like everyone else's.

The emphasis is on making your own because in making your own you can control the product, you can generate product differentiation and thus distinction from others—genuine legitimate distinction, not distinction just to be different.

The further away from hands-on that making the product goes, the more diluted, almost by definition, is the control. If your own people are not daily at the business of making the product, certain compromises are inescapable.

Time and again, as we build our own cabinets, the people working the now highly sophisticated machines learn what those machines can do, that even the designers of the machines don't know—what they can do working materials for our kind of product. If they are working in an environment that encourages them to think that their ideas are going to be welcomed, then they feed that kind of information back. That can't happen in an environment that regards the people doing the work as the equivalent of machines. It can't happen as readily when the work is being done 3000 miles away.

You see, the tradition in craft industries, and others, has always been that the design and the manufacturing are conceived together. Henry Ford knew that instinctively. I say it's always been there, it just hasn't been documented, it hasn't been analysed and articulated the way I'm doing now but failure after failure in products, in terms of the effectiveness of the product, in terms of the management of the cost of the product—products costing infinitely more than the designers expected, the marketing people wanted, the customers is ready to pay—failure after failure arises from the separation of the design and the manufacture.

Often the designers sit down and they design the product in terms of the circuitry or its electronics; or the acoustics if it's a loudspeaker, and then, with the product designed from their point of view, they pass it through a transom to the manufacturers and say then to the manufacturing people "Put this into production". Not unusually, the manufacturing people say "It's not possible, we don't have the machines for doing that, we don't have the tooling capacity to do that, and if we went outside to get the tooling capacity, you're asking for things so difficult to tool as to be inordinately costly and you don't need those. You don't need the particular tooling specs that are implicit in this design". And of course the designers say "Mind your own business, take what we've designed." The awkward, unconstructive and frequently unsuccessful process is that arms-length relationship between the designer and the manufacturer.

In real manufacturing, there's almost no separation between the production of the product and the design. You have to design it to be made and you have to have a sense of what the facilities are that you've got. Now if you want a facility for this design that you don't already have, you have to justify getting it.

But company after company has abandoned the manufacturing on the basis that in the first place it's trenchwork, it's hard, difficult, costly, tough work. Anybody can do that, has been the argument, anybody can suff the boards, load the boxes. There has been a certain fashion for the notion (not Harman, but other) that "What we'll do here is separate the two poles of the continuum. We'll do the design and the marketing, we'll farm out the manufacturing to the lowest cost nation or manufacturer in that nation and we will be opportunists and expedient, we will be quick to see when those things change, and if they change, we'll move it from Japan to Korea, and from Korea to Singapore, and from Singapore to Taiwan and from Taiwan to India and so on". Sounds good, sometimes works.

In the long term, the odds are against firms that abandon their manufacturing, that yield the stamen/pistil relationship. Once that decision has been made you clearly have to make compromises with other cultures, and other facilities, and you're not there to make the decisions on capital facilities. You don't live with it day in and day out, you don't have your own people on the production lines, talking with you about "we could do this better if we made this change, we're there all the time, we do it".'

DESIGNING FOR WORLD MARKETS

We know from experience, for example, that the voicing of loudspeakers, the intrinsic behaviour of the loudspeaker acoustically, is regarded in different terms in Europe, the United States and Japan. So we specifically generate acoustic designs that are responsive to those different appetites. In addition to that, we do intend to generate products which in their appearance, within an organic view of design, are also responsive to the market. Clearly, you can use a loudspeaker designed for any country in any other country. You don't even have questions of power supply. But if you want to design loudspeakers which are functionally responsive to the way in which people live, which musically respond to the particular attitudes that are almost generic in that society, you're going to come up with something that is somewhat different in Japan from the United States.

INTO THE LIVING ROOM

Before co-founding Harman/Kardon in 1953, Harman was executive vice-president and Bernard Kardon chief engineer with Bogen, which manufactured public address systems. Largely at their proddings, Bogen marketed the first high fidelity amp in 1948, distributing this through radio parts jobbers. At that time, David Bogen did not recognize it as a harbinger of home audio.

Harman and Kardon were among the very first to recognize that audio was changing from a strictly hobbyist interest and was coming out of the basement and moving into the living-room. This new market demanded a new approach.

The original audio products, the Bogen products and the others of that vintage, really grew out of industrial product attitudes. Bogen was making public address amplifiers and so when we decided we'd make an amplifier uniquely for the purpose of reproducing music at home, no-one paid much attention to what it *looked* like. It came out looking like a public address amplifier, with somewhat different electrical circuitry.

The first high fidelity shows were typically in hotels—a couple of floors of suites and rooms became exhibit areas. It won't surprise you that the products were mounted on industrial boards, looking for all the world like industrial products in an industrial display. H/K took the view that the purpose of the product was to reproduce music at home and, since it was, it was no more difficult or costly to make the product look attractive.

So the first H/K products used chassis just as others used chassis, but we copperplated them—you have to plate the chassis somehow or other. And against the copper plate we used simple, stark black knobs and we paid attention to form. Fundamentally, the product was the same product others had, except that thinking about it in these terms produced products that at the time looked remarkably attractive and different, and didn't cost any more to do.

And then what we did was to recognize that everyone was trying to sell the same experience in these high fidelity display rooms. As you walked down the corridor, everyone was playing the same record provided to them by the record companies. I remember that at one of those shows I walked down the corridor and *everybody* was blasting away with Richard Strass's *Also Sprach Zarathustra.* Why? Because it had relatively high levels of energy, and because the demonstrations seemed comparatively vivid; every room did the same thing.

However, the HK room was a living room, and in that living room, on a nice table, sat this very graceful looking product, and the music you listened to was Frank Sinatra, not Richard Strauss. We knew that a relatively small percentage of the people wandering those halls had experienced listening to *Zarathustra* very often in reproduced form—or in any other form. A very high percentage of them probably listened to Sinatra on the three-tube radios at home and in their automobiles and so they had a particular Sinatra reference, and no Strauss reference. Thus when they walked into our room, they heard Sinatra played over this, by comparison, remarkably sophisticated system. If you hadn't listened to *Zarathustra*, how did you know there was any difference?

INTEGRATEDS V. SEPARATES

This debate has been around since high fidelity's beginnings. The fashion seems to be changing once again—whereas a few years ago, no high-end company that wanted to be taken seriously would include an integrated in its line, now more and more are doing just that, particularly in England. Harman/Kardon, however, has recognized its benefits since it introduced its first receiver in 1955.

The initial products arose from people who were engineers interested in music and who had not surprisingly concluded that the conventional way of listening over very modest equipment produced very modest audio results. So the conventional wisdom for these first products was clearly separated components, which is why we speak of *component* high fidelity.

Take a radio, which typically had incorporated on a small chassis a tuning unit, an amplifier, and a loudspeaker, all in a little box, 6 in square. The original address to this was "Let's break out these components, let's get a tuner that is all tuner, and do everything we can, within the confines of the available technology, to make it the best tuner possible. Let's do the same thing with the preamplifier and the power supply and the power amplifier and the loudspeaker". Thus components, each the optimum expression that the people doing the design were capable of. And that led, not surprisingly, to a series of beliefs, prejudices, which said if they're not individual components, they can't be high fidelity. Thus nobody in the industry dared to do anything that was different from that.

Harman Kardon produced the first receiver. We put an elaborated tuner, an elaborated pre-amplifier, an elaborated power amplifier, and an elaborated power supply on the one chassis. When we first took it around, salesmen in the dealer shops said, "That's ridiculous, nobody will ever buy such a product". Somebody ridiculed it, laughed uproariously, and said "Hang a loudspeaker on that chassis, and my friend, you've got a radio." And H/K at the time said, "You're wrong. In fact, if you'll just take a look at this beautiful brushed copper chassis, you'll see markings on the top that delineate the tuner, the preamplifier, the power supply, and the power amplifier. What we've done is to integrate them, and in the very process of integrating, eliminated some of the problems that components generated." What were the problems? If you separated each of these units, then you had to interconnect them with wiring and cable and the like and the opportunity to introduce distortion that way was increased. H/K moved against the conventional wisdom and of course, the history of this industry makes it very clear that the receiver has been the single most successful high fidelity product of all.

HOBBY TO INDUSTRY

Audio is now a multi-billion dollar industry, where, 40 years ago, it barely existed. Over 80% of American households have stereo systems of some kind. I would say that a quite wonderful thing has happened over a number of decades. I remember very well the early years when the major companies in the country—RCA, CBS, General Electric—were engaged in manufacturing products for reproduction of music at home. And they scorned this industry.

I remember a full-page advertisement by CBS Columbia. Occupying about the top third of the page was a photograph of a maniacal-looking fellow with over 100 electrical components in front of him on a table—transformers and capacitors and tubes and wire and solder—and in his hands a soldering iron and a pair of pliers, and he looked quite mad. Dirty, sweaty. And the caption above the photograph read "High Fidelity for the .025%". Then below it was a picture of a very staid couple, dressed in evening attire, listening in rapture to a phonograph box called, as I remember, the Columbia 360, because, presumably, it distributed sound in approximately a 360 arc. And the caption above the photo was "High Fidelity for the 99.975%". So, it said, this fledging activity is for idiots and maniacs. They scorned the business.

Today, those firms are essentially out of this business and high order of respect and regard is experienced by all the legitimate manufacturers in the business on a fairly broad scale. It is an established industry that did not exist 35 years ago. This is no longer a business for the privileged few. The name H/K and the names JBL and Infinity exceed in their reputation by a *long* margin the real weight and size of the companies. More than anything else, I would say that this is what is happening to this industry over the years.

IN MEMORY OF JOHN EDWARD ATKINSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. DIXON. Mr. Speaker, in January 1983, I rose to pay tribute to a distinguished citizen of Los Angeles, Mr. John Edward Atkinson, on the occasion of his retirement from the Carnation Co. Today, Mr. Speaker, it saddens me to inform my colleagues that Mr. Atkinson, or Eddie, as we all called him, passed away on December 26, 1988. Those of us who were privileged to know and love Eddie are in deep mourning at the passing of such a great man. I would like to submit for the RECORD, a profile of Eddie's life.

PROFILE OF EDDIE ATKINSON

J. Edward Atkinson—Eddie, as we knew him, was manager of Urban relations for the Carnation Co., Los Angeles, CA, and acted as a liaison officer between Carnation Co. and all minority communities. He was promoted to this position in 1975. Previously, he had served, beginning in 1965, as public relations supervisor, senior public relations supervisor, and assistant director of public relations.

Born in Denver, CO, he received his B.A. degree from Loyola University in Los Angeles. He was the editor and researcher of Black Dimensions in Contemporary American Art, a record of the genius of 50 black American artists, published in 1971, and recognized by Esquire magazine and the business committee for the arts for its outstanding contribution in promoting the arts.

In 1974, Eddie coordinated, edited, and was involved in the promotion and distribution of "Rising Voices"/"Voces Que Surgen". This book includes the inspiring stories of 52 outstanding Spanish-Americans portrayed in vivid words and photos. He has authorized many pamphlets on employment, prenatal care and health, and black history. Distribution of these pamphlets has exceeded 15 million.

In 1958, Eddie was the first black to run for the city council and reach the general election—losing by only 1 thousand votes!

Eddie Atkinson has served as a past national vice president of the National Association of Market Developers, Inc.; as a member of the board of directors of Loyola University Alumni Association; Los Angeles Chapter of the NAACP; Western Region Urban League, and was, at the time of his passing, a member of the Pre-Need board of trustees for the Angelus Corp.

Among his many distinguished awards were: In 1974, Eddie was awarded a "Silver Anvil", for his institutional public relations program on behalf of Carnation. The Silver Anvil Awards are presented by the Public Relations Society of America and are the ultimate honors to public relations professionals.

In 1977, he received an honorary doctorate in humane letters from King Memorial College in Columbia, SC. In 1978, he received the achievement award from the Los Angeles Association of Advertising Women. In 1979, the Governor of Kentucky bestowed upon Eddie the title of "Honorary Kentucky Colonel". In 1981, he received the National Association of Market Developers' Presidential Award.

He leaves to cherish his memories: a wife, Antoinette; two children, Edward Charles and Joy; 3 grandchildren, Katherine, Aaron, and Corine; and a host of friends.

EDUCATION IN THE PRESIDENT'S BLACK BOX

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. MARTINEZ. Mr. Speaker, I want to bring to the attention of the Members a brief article from the Montebello Community News. The article notes a few of my concerns about the President's budget proposals and their implications for our Nation's future.

EDUCATION IN THE PRESIDENT'S BLACK BOX

(By Matthew G. Martinez, Member of Congress)

International comparison after international comparison shows that America's best students are as good as any in the world—but most of our students come in last or nearly last on tests measuring what they know. In terms of national security, national prosperity, and national community, is it any wonder that America is becoming A Nation At Risk?

Excellence in education is not free. While the total spending per student has climbed a bit over the years, this statistical average hides huge changes in the demands our schools must meet and in the nature of the students attending our schools. A hundred years ago—at the peak of America's first industrial revolution—only about 6 out of every 100 17 year olds had graduated from high school. The jobs shoveling coal or pumping gas or doing mindless tasks on an assembly line that allowed those dropouts to succeed no longer exist.

Technological wizardry, skyrocketing opportunities in world trade, and major demographic shifts are all making education more important today than ever before. Today, as we enter a new industrial revolution, 73% of our 17 year olds graduate high

school, and over half of the graduates go on to some postsecondary education. As the President said in his budget speech, the longer our graduation lines are today, the shorter our unemployment lines will be tomorrow.

Yet America is doing too little to meet this challenge. America has cut the proportion of its economic might that goes toward building educational excellence. The proportion of our economy going toward education has fallen from 7.5% of the GNP in 1970 to 6.7% in 1985. And worse—virtually all this decline in effort has come in elementary and secondary schools. This gap between what we are doing and what we would be doing if we had just maintained our level of effort is roughly equal to all funds going into postsecondary education in 1970. Even when we ignore the changing nature and size of our economy, Federal expenditures for education fell 8% between 1980 and 1988. Clearly, our priorities have been misplaced.

For far less than the price of last year's drought relief for farmers or the Bush savings and loan bailout, our nation could build a true revolution in educational excellence for all Americans. In large part, we know what works but we aren't doing it. Early education is vital. It builds later success in school, and as the kids grow it helps them to find jobs and to keep them out of trouble with the law. Yet Head Start—a program with a proven long term track record in improving the achievement of at risk students—only reaches about one sixth of the poor children who qualify for the program. Despite significant gains by children participating in the program, less than half the eligible children receive Chapter I support for the education of disadvantaged children. Mr. Bush has proposed a $250 million increase in funding for Head Start—but since the program currently serves only one sixth of the eligible children, much more is needed. That is why I have cosponsored legislation to provide $500 million in additional funding for Head Start.

Instead of support for educational programs with excellent track records, we are getting the glitz. Mr. Bush wants to reward a few "merit schools" because they are already doing well. He wants to provide scholarships for outstanding students in science and to increase support for magnet schools. These are laudable programs. Indeed, last year as a member of the House Committee on Education and Labor, I helped craft the Hawkins-Stafford School Improvement Act which sets up a program of "Blue Ribbon Schools" to recognize achievement, and establishes awards for excellence in teaching math science and foreign languages, establishes federal support for gifted and talented education, and strengthens the magnet school program. Spotlighting achievement and diffusing information about what works in building performance is vital.

But we cannot afford to cream the best 1% of our nation's students, and to forget the rest. Japan excels because it has the best bottom half of the class in the world. The Bush proposals ignore most of our students. Mr. Bush talks about avoiding drop outs—but the Bush budget does nearly nothing to prevent dropouts.

The President's budget has been termed a "black box" because while the President has spotlighted where he wants new money, he is playing coy with information on where the cuts required by his "flexible freeze" deficit reduction plan would be made. Because he has taken so many budget items off the table, education is a likely target for cuts. By refusing to state his commitment to defending funding for existing education programs, the President has put funding for existing educational programs at risk.

The President has also proposed a troubling federal grab for power in education. Mr. Bush has put his full weight behind alternative certification of teachers, to allow individuals to enter teaching from other fields. Certification of teachers is not an appropriate role for the Federal government. From the earliest days of schooling in America, establishing requirements for who will be allowed to teach in our schools has been a matter of local and state judgment. This decentralization has been the genius of American education: it is the laboratory of democracy.

The problems are many, and they are serious. Truly, America's future is at risk in our schools today. Let us hope that as our President's plans for education emerge from his black box budget they will begin to include serious efforts to improve our schools.

JENSEN UNIT REPAYMENT CONTRACT

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. NIELSON of Utah. Mr. Speaker, I rise with my colleagues from Utah, Congressmen HANSEN and OWENS, to introduce legislation to solve a serious problem with the Jensen unit of the central Utah project.

In the late seventies and early eighties, this country experienced great concern over the future energy supply. With the uncertainty of the OPEC oil prices, attention focused on domestic sources. Utah is a State with considerable energy resources including oil shale, tar sands, uranium, oil, and gas. During this furor over energy, the Federal Government saw a need for a water development in the Uintah basin, home of abundant oil shale reserves, in order to meet projected development demands. Since the development of oil shale requires a lot of water the Jensen unit was born.

The project was constructed by the Bureau of Reclamation over the next few years. As the Jensen unit neared completion, the people became concerned because the predicted energy boom had never materialized. How were they supposed to pay for all the municipal and industrial water supplied by the project, one that was built at the Federal Government's insistence?

Last September, the district completed negotiations with the BOR on an amendatory contract. This contract would allow the district to purchase the water it can afford and turn the remaining M&I water over to the United States. If the energy boom should ever occur, the Government can release the surplus water under the terms of the amendatory contract.

My colleagues and I hope that Congress can move quickly on this legislation. Without it the Federal Government will end up with no return at all on the Jensen unit project.

HISTORY OF SHELTER FOR THE HOMELESS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. DORNAN of California. Mr. Speaker, the President of the United States, on several occasions, has paid tribute to the spirit and the sacrifice of the American people—the thousand points of light—who give of themselves to improve the quality of life for those who are less fortunate.

In Westminster, CA, the Shelter for the Homeless is a nonprofit community organization that provides food and lodging to the poor, the disabled, and the old. My wife Sallie and I proudly serve on its board of directors. The shelter receives no city, State or Federal aid and relies on the generosity of private contributors. With a meager budget, and with a great deal of love and compassion, the Shelter for the Homeless has provided hope and opportunity to individuals who had no where to turn.

Mr. Speaker, I wish to commend my friend Jim Miller, the executive director of the Shelter for the Homeless, and all those who have worked on behalf of the homeless in Westminster. As a result of their dedication, the thousand points of light shine bright.

HISTORY OF SHELTER FOR THE HOMELESS

In April, 1984, Jim Miller was motivated to do something positive for the homeless after hearing about local people living in the parks and out of their cars.

Jim made several visits to local shelters to get a better understanding of the needs of the homeless. After spending some weekends and evenings volunteering his services, he recognized the urgent need for more temporary housing and related services. Many of the homeless were being turned away for lack of space to house them.

Shelter for the Homeless was incorporated on May 7, 1985 as a non-profit organization in order to care for the homeless in the community. Local concerned citizens became involved when the needs of the homeless were made known to them.

One of our first projects was to distribute food and clothing to the homeless who were living in our city parks or under the freeway bridge. We started with one park and later expanded our service to several others. As we visited the parks during the Christmas Season, we met families who were still sleeping in their cars. Members of our group opened their homes to them and assisted them in other ways.

1986

In February 1986 we obtained funding from the County of Orange to provide food and shelter to the mentally-ill homeless. The funds would only be paid after the service was provided, so the Board of Directors put in their own money to open our first shelter on Birch street in the City of Santa Ana.

In May 1986 the City of Westminster gave Shelter for the Homeless its first grant of $14,000 to open a shelter in the community and on September 1, 1986 we opened our first family shelter.

On Thanksgiving day we provided over 200 meals to the homeless and lonely of the

community at the Blessed Sacrament Church in Westminster.

During the year we provided 44 homeless with 1,555 nights of shelter; delivered 9,190 lbs of food to needy families. This was accomplished by our volunteers who donated over 5,147 hours of service.

1987

On February 1, 1987 we opened another shelter in the City of Westminster to care for homeless families and changed the other house into a shelter for single men.

In April 1987 we were awarded a Community Service Award from Disneyland and received $2,500.

Ever since we started we have continually passed out food to anyone in need and one of our goals is to have no one go to bed hungry. As we passed out food to the homeless living in the park it was pointed out that although it was good food, it was not enough to make a balanced meal out of. So, with the help of the homeless we set out to end hunger.

On May 24, 1987 we rented an old bar that was closed and converted it into a Food Center. The homeless themselves worked day and night painting and repairing the building and on June 24, 1987 we opened our doors to serve the needy. The center is run by volunteers who donate over 200 hours per week and by their actions we are ending hunger in Orange County.

On July 1, 1987 we were awarded our second grant in the amount of $20,000 from the City of Westminster and on September 1st we opened another house for single homeless women or mothers with children.

On Thanksgiving Day we again served over 200 meals to the homeless and lonely. On December 19, 1987 we shared a Christmas dinner with 10 homeless families and Santa was there with presents for all the children.

Each Saturday we go out into the community to deliver food to the hungry who live in motels, apartments and homes. During 1987 we had 342 people who volunteered a total of 19,040 hours helping feed the poor and house the homeless.

During this past year 80.5% of all funds collected went directly to house the homeless and feed the poor. We housed 102 homeless by providing them with 4,298 nights of shelter.

1988

In April, we again won the Community Service Award from Disneyland. Out of 421 applicants we came in second place and received $12,500.

In June, we received a contract from the County of Orange to open a house for people with AIDS. We are the first homeless organization in Orange County that have provided housing to homeless AIDS clients.

During October, we won a Register Charities Award for community service and received $2,000.

On November 1st we opened our first long term housing program for the poor. We call this program "American Lodging". In this program we offer the homeless who have found a job, the disabled and Senior Citizen a clean and decent place to live at the lowest cost possible. This program is supported by the poor themselves and does not receive any government funding.

During the year we provided 1,520 homeless with 7,451 nights of shelter. Our volunteers donated 13,915 hours of service. 77.4% of all funds collected were spent on feeding and housing the poor. We now operate four homes providing temporary and permanent housing.

Each Saturday we are still going out into the community to deliver food to the hungry who are living in motels, apartments and in homes.

WE CAN DO BETTER

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. HOLLOWAY. Mr. Speaker, millions of senior citizens across this land are puzzled and angered by the prospect of paying much higher taxes for so-called catastrophic health insurance which is no such thing at all. The 100th Congress made a mistake when it approved this plan, which greatly expands the Medicare system at the expense of our senior citizen's pocketbooks. It is up to this 101st Congress to correct that mistake. I'm ready to repeal the so-called catastrophic health insurance plan. It will bring about a significant increase in the premium which our senior citizens must pay for Medicare, part B. What's more, and what's worse, is the 15 percent additional income tax which most seniors must pay for the additional coverage which the new law will provide this year. Those same senior citizens will pay an additional 28 percent income tax by 1993 in order to pay for the catastrophic health care plan.

Mr. Speaker, what they now get in return is an incomplete law. The measure includes no provision for nursing home care—the biggest single health care expense for our senior citizens—and a prescription drug deductible which many older Americans won't exceed. The coverage is inadequate, the income tax increase is costly, and older Americans are rightly upset about this one-sided raid on their wallets.

Mr. Speaker, every senior citizen will be forced to pay for this so-called catastrophic health care, but comparatively few will ever reap its few benefits. Mr. Speaker, this is wrong, this is unnecessary. We can do better. Mr. Speaker, I am proud today to be a cosponsor of legislation to repeal the new catastrophic health care law. It is time to develop a new plan, one which protects older Americans from the astronomical costs of health care without the burden of new taxes.

RETURN OUR LEGAL HOLIDAYS TO THEIR TRADITIONAL DATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. CRANE. Mr. Speaker, today, Washington's birthday, I will introduce a bill to return the observance of legal public holidays to their traditional calendar dates. As a former history professor, it is easy for me to recognize how important it is for our children to be proud of our heritage and the bravery and sacrifices of our Nation's forefathers. By altering the dates to allow the famed "three day weekends" we neglect to acknowledge these valiant individuals and their heroic deeds in our scramble to get out of town.

In their battle to have the dates changed to Monday, the travel industry as well as various other sectors successfully destroyed the meaning of the holidays by equating them to business and profits. In looking at the CONGRESSIONAL RECORD during the debate in 1968, the arguments that carried the day include absenteeism and money lost as a result, and the closing down and startup costs of some plants and industries.

Since 1971, when the Monday holidays first took effect, the meaning of the special days has become more and more obscure. The Washington Times sums it up best in an article written on February 9, 1971:

The price of these dubious achievements is one more sacrifice of tradition at a time when that commodity is in seriously short supply. Draining holidays of meaning and color, the plan does honor chiefly to the dollar. Obviously it is good for travel agencies, motels, gas stations and chronic weekenders. But if that is all the holidays are to mean, they why even retain their names? They might as well be numbered.

Early this week, we celebrated President's Day, and although I cannot say for sure, I will bet that a large number of Americans are unaware of what we celebrated. And as the years pass, I believe more and more of our Nation's citizens, in their anticipation of the short holidays, will neglect to take the time to pause and remember our Nation's history.

I urge my colleagues to cosponsor my bill to return our legal holidays to their traditional dates; thus, returning our heritage to the children of our future.

GIVE SCIENCE ITS DUE IN POLICY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. EDWARDS. of California. Mr. Speaker, my distinguished California colleague and good friend Representative GEORGE BROWN, JR., has written an insightful article about the need for a science adviser "to help the Nation develop coherent and rational policies for science and technology'." I highly recommend this article to all my colleagues.

The Los Angeles Times article follows:

[From the Los Angeles Times, Feb. 19, 1989]

GIVE SCIENCE ITS DUE IN POLICY—BUSH NEEDS AN ADVISER IN THIS AREA CRITICAL TO OUR SECURITY

(By George E. Brown, Jr.)

Although President Bush has assembled the major players of his policy-making team, the critical post of presidential science adviser remains unfilled. During his campaign for the White House, Bush vowed to elevate the post in order to help the nation develop coherent and rational policies for science and technology. There are several reasons why he should act promptly to fulfill that commitment.

First, the nation needs a coherent science policy in order to set priorities among the abundance of enticing, yet competing, sci-

ence projects on our national agenda. The superconducting supercollider, mapping of the human genome and the space station are but a few of the projects that could provide exciting new discoveries about ourselves and our universe.

But there is a fundamental dilemma posed by this wealth of scientific investigations. While these are all admirable enterprises, each has a high price tag. Full funding of but a few of these big-ticket efforts could easily deplete our entire discretionary federal science budget. In the process, these efforts could crowd out smaller yet just as important efforts such as strengthening the nation's science and math education programs, additional unmanned space probes or understanding the complex web of nature's ecosystem. These smaller-scale projects are essential to rebuild our science infrastructure and maintain diversity of scientific inquiry.

The dilemma is made more complex by urgent national and global problems. The greenhouse effect, depletion of non-renewable energy resources, species extinction, environmental pollution and the spread and effects of the AIDS virus are but a few problems that require urgent attention. Each is competing for a piece of the same small funding pie.

Society must decide which of these projects are most pressing and serve the greatest national interest. These decisions must be made at the highest levels of the Administration in conjunction with sound scientific counsel.

Second, a rational technology policy is essential if America is to regain the role it once played on the world economic stage. A quarter of a century ago, this country dominated the world's marketplace, partly because we effectively turned our scientific knowledge into technological products that had great utility.

This is no longer the case, for many reasons. High-definition television technology is one striking example. If the United States is to regain the competitiveness it once enjoyed in international commerce, we must develop better mechanisms for transforming the knowledge of the research laboratory into products useful for society.

We need a system to develop integrated policies for both science and technology, keeping in mind that these enterprises do not operate independently of each other. Science is a method for discovering attributes of the world in which we live. Technology encompasses those activities that follow scientific discovery and lead to useful products. The two are intimately linked, for without science, technology obviously would not exist. The same is true for science; witness, for example, the way a technological innovation such as the computer has advanced the frontiers of so many different scientific disciplines.

In order to develop effective policies for science and technology, it is imperative that the President have advice on these matters just as he has advice on economic and security matters.

Indeed, science and technology, economics and national security are not isolated endeavors, they are deeply intertwined. Science and technology would be difficult in a nation that lacked political security and economic stability. By the same token, science and technology are pivotal to our national security and economic growth.

Dr. Jerome Wiesner, science adviser to Presidents John F. Kennedy and Lyndon B. Johnson, recently decried the paucity of science advice in recent Administrations. He correctly noted that this absence has led to several distortions of priorities in setting a national science agenda.

An effective science-advice apparatus cannot be created *de novo* but rather must be allowed to evolve and grow under the leadership of a skilled and respected science adviser. This person must have sufficient respect and status within the scientific community that he or she can attract the best people available. Only then can this group begin to address the manifest list of science and technological problems facing our nation.

Before this evolutionary process can begin, however, it is essential that a science adviser be named and given a mandate to begin organizing the structures necessary for a strong and effective science advisory system.

The necessity for this system was concisely stated by President Bush during his campaign.

"The world today is in the midst of a profound transformation—one so far-reaching in its consequences that past revolutions—political, economic or scientific—will all be dwarfed by comparison." Administration structures are now in place to contend with the political and economic consequences of that transformation. It is vital that we now set about addressing its scientific consequences.

Representative George E. Brown Jr. (D-Colton) is a member of the House Science, Space, and Technology Committee.

CONGRESS SHOULD SUPPORT A PLEBISCITE FOR CUBA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. ROTH. Mr. Speaker, today I am introducing a sense of the Congress resolution that calls upon Fidel Castro to hold a plebiscite on the continuation of his rule, and to abide by the results of that plebiscite.

Fidel Castro has been in power 30 years, longer than any other currently reigning dictator except Kim Il Sung in North Korea. Castro has never once submitted himself to the test of a free and fair popular election. Isn't it high time that he did? The people of Cuba should be able to decide their own political future. That is their unalienable right.

The broad trend of events in Latin America during the past decade has been toward democracy, with civilian-led governments replacing military dictatorships in Argentina, Brazil, Bolivia, El Salvador, Guatemala, Honduras, and Suriname. Why should the people of Cuba forever be denied the opportunity to govern themselves?

Fidel Castro claims to support the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. The Declaration proclaims that "Everyone has the right to take part in the Government of his country, directly or indirectly through freely chosen representatives." The Declaration further stipulates that the will of the people should be "expressed in periodic and genuine elections." Fidel Castro professes to support the Universal Declaration of Human Rights, but he has honored its provisions on democracy as little as he has honored its provisions regarding freedom of speech, freedom of assembly, freedom of religion, the right to strike, and the humane treatment of prisoners.

I believe that the people of Cuba would vote to put Fidel Castro in permanent retirement if they had the chance. Nobdy likes having his basic rights and liberties violated and denied. But take a look at the chapter on Cuba in the State Department's latest Country Reports on Human Rights. The Castro regime is one of the most repressive in the world. Even the celebration of Christmas is expressly prohibited.

It is a safe rule of thumb that governments do not win popular support by grossly mismanaging the national economy. Well, the Cuban economy today is in serious disarray. Despite years of multi-billion dollar infusions of economic assistance from the Soviet bloc, the Cuban economy is stagnant and experiencing negative growth. In fact, some experts estimate that real wages for the average Cuban worker have actually declined by one-third since the 1950s.

It is also a safe rule of thumb, that people are not pleased when their country's blood and treasure are spent on foreign military adventures that serve no legitimate national interest or defensive purpose. Yet Castro has been prosecuting just such foreign military adventures. Indeed, by his own count, Castro has dispatched some 300,000 Cuban soldiers into Angola since 1975, to protect the Communist side in the civil war in that unfortunate country. He also continues to deploy thousands of troops to prop up the genocidal Mengistu regime in Ethiopia.

Finally, I mention that over 1 million Cubans, more than 10 percent of the population, have fled their native land since Castro came to power in 1959. This, surely, is prima facie evidence of widespread popular dissatisfaction with Castro's rule.

Of course, Castro claims to have the enthusiastic support of the Cuban people. But with what right does he make this claim, when he has never held a free and fair national election, and when criticism of the Marxist-Leninist orientation and basic policies of his regime is an offense punishable by imprisonment and worse?

On December 26 of last year, a group of 163 prominent scientists, artists and intellectuals published an open letter to Castro, requesting that he hold a plebiscite in which the Cuban people, by free and secret ballot, could assert with a simple "yes" or "no" whether thay want him to remain in power. The remarkable thing about this letter, Mr. Speaker, is that many of the signers were once admirers of Castro. What the letter shows is that the truth is finally catching up with Castro.

It is time now for the U.S. Congress to do its part in exposing Castro for what he is: a tyrant masquerading as a liberator. More important, it is time for Congress to add the weight of its moral authority behind the damands for Cuban freedom being made by private individuals and groups. I therefore urge all my colleagues to support the resolution I am introducing.

TRIBUTE TO JAMES V. TINO PORTNOY HUMANITARIAN AWARD

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. RINALDO. Mr. Speaker, I rise today to offer a tribute to an outstanding businessman from Union, NJ, James V. Tino. He is being honored by the Phil Portnoy Humanitarian Association with its annual award for distinguished service to the community.

Jim Tino has generously supported the Union County Chapter of the American Cancer Society, the Union County Patrolmen's Benevolent Association, the New Jersey Special Olympics, the Union Township Emergency Medical Service, and the Callmen.

In addition to his personal generosity and willingness to extend a helping hand to various charities, Jim Tino has been a major supporter of the Union Festival on the Green, a celebration of our ethnic heritage and cultural achievements. The Union Township Fourth of July Celebration and the Union Mayor's Day Golf Tournament also have benefited from Jim Tino's help.

Recently, a local police officer, Donald St. Amand, was stricken with cancer. Jim Tino came to the aid of the St. Amand family, just as he has for others.

As president of Multi-Chevrolet in Union, Jim Tino has enhanced the reputation of the Union business community for its involvement and support of a wide range of activities that help the people of Union.

Thousands of students in Union have been helped by Jim Tino's support for the Boys and Girls Club, and bicycle safety program, drug education, soccer leagues, bowling and baseball leagues, driver safety education, the soap box derby, and many other youth activities.

Furthermore, his generous nature has extended far beyond the township limits. He regularly contributes to the poor of Appalachia to brighten their holidays. It is an amazing and impressive record of an unselfish and generous friend to everyone, young and old.

When the earthquake struck in Armenia, Jim Tino was among the first to raise funds to aid its victims. The charities that have been beneficiaries of this generous impulse include the Spina Bifida Foundation, Save the Children Fund, Little Sisters of the Poor Greater Newark Christmas Fund, Kidney Fund, Father Flanagan's Boys' Town, Presbyterian Home for the Elderly, Jewish War Veterans, Handicapped Workers, the Children's Liver Foundation, and Union Township PTA.

I am proud to join with my fellow citizens in Union and members of the Phil Portnoy Humanitarian Association in paying tribute to Jim Tino, and to congratulate his wife, Elaine, and their two children, Valerie Motylewski and Jim Tino, Jr., for encouraring and supporting Jim Tino's spirit of being a good and generous neighbor and leader in the community.

TRIBUTE TO LOIS MORRIS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. MAZZOLI. Mr. Speaker, I am proud to join my colleagues in the House in celebrating February as National Black History Month. The many accomplishments of black Americans over our Nation's history make setting aside a month of the calendar to recognize these persons and their accomplishments most appropriate.

As a representative of Louisville and Jefferson County, KY—and a hometowner—I am proud to say that our community boasts many black citizens whose achievements are worthy of recognition and honor during this month.

Mrs. Lois Morris, who recently passed away, was a black American who made a tremendous impact in our community.

Mrs. Morris, the wife of Ralph Morris, an outstanding physician in Louisville, graduated from Clark College in Atlanta and earned a master's degree in international law and political science from Catholic University. She went on to teach at Alcorn College and at high schools in Maryland, Mississippi, and Virginia before coming to Kentucky.

In 1969 Lois was elected to the board of alderman from its 12th ward and went on to win three consecutive seats. While serving as an alderman, Mrs. Morris worked tirelessly for the rights of blacks, women, and the disadvantaged in the Louisville area. She was especially concerned with human rights, public accommodations, and the importance of electing blacks and women to public office.

Not only was Alderwoman Morris active in the political arena, but also in many social organizations. She founded and served as president of the Louisville chapter of the National Council of Negro Women. She also was secretary of the Southern Black Caucus and a board member of the State chapter of the National Association for the Advancement of Colored People. Furthermore, Lois founded and served as executive director of National Black Women for Political Action and was a member of the Louisville Urban League and its women's committee.

With her undaunting spirit and tireless efforts, Lois Morris was an asset to her people and community. She was indeed a black American worthy of recognition during this month when we honor and celebrate such achievements.

WE NEED TO STOP SHIFTING FEDERAL BUDGET BURDENS TO THE STATES THROUGH UNFUNDED MANDATES

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. BARNARD. Mr. Speaker, today I have introduced legislation aimed at preventing an existing problem with congressional spending from becoming much worse. That problem is the growing tendency to circumvent budgetary controls on new Federal domestic spending by enacting national policy mandates and then requiring State and local governments to pick up the tab.

This tendency is not associated with any one political party or any particular ideological persuasion. Conservatives sometimes support imposing mandates on States and localities as a roundabout way to return domestic responsibilities from Washington. Liberals on occasion see unfunded mandates as the only available avenue for pursuing desirable social objectives. Both in Congress and within the administration, such efforts are often rationalized by comparison of the Federal budget deficit to the relatively sound fiscal condition of States and localities. Of course, virtually all State and local governments are required by constitution or statute to approve and maintain balanced budgets, and it hardly seems fair to penalize them for succeeding where we have so far failed.

This legislation would not flatly prohibit the imposition of new costs on State and local governments, but it would ensure that such actions are not taken without due analysis and debate of the consequences. How many Members were aware that our fiscal year 1986 budget reconciliation bill imposed massive new costs on our constituents back home through mandatory extension of Medicare coverage to new State and local employees? This initiative and many others of the same nature may well be sound Federal policy. My point is that it is fiscally irresponsible to impose such new costs without careful analysis and a guaranteed opportunity to assess and debate the impact on our constituents as State and local taxpayers.

This bill will address both objectives through two simple amendments to the Congressional Budget Act of 1974. The first section creates a point of order, waivable through the normal procedures of each Chamber, against any legislation imposing a new obligation on State and local governments costing on a national basis more than $50 million per year. Sequestrations under the Gramm-Rudman-Hollings legislation are specifically exempted from this point of order. The second section beefs up the existing requirement, honored primarily in the breach, that the House and Senate Budget Committees conduct detailed analysis accompanying the budget resolution report of the impact of budgetary decisions on State and local governments. In combination, these two provisions would help guarantee that massive new costs to our constituents would no longer be adopted unintentionally or negligently, buried in the fine print of some fast-moving bill.

Some Members may object that this adds yet another procedural requirement to an already overburdened congressional budget process. I would respond that the fundamental purpose of the budget process is endangered if we fail to recognize efforts to shift costs back to our constituents in the guise of reducing or containing Federal spending. As a former Governor of my State, George Busbee, used to say when he was chairman of the National Governors' Association, "You can't save a buck by passing the buck." Imposing

Federal costs on States and localities clearly violates the spirit of the Congressional Budget Act, and this bill would simply place the most minimal safeguards into the letter of the act.

I want to make a special appeal to those Members who have over the years supported termination or reduction in the General Revenue Sharing Program for States and localities. As you know, revenue sharing for States was eliminated back in 1980, and payments to cities and counties ended on October 1, 1986. In my opinion, the best argument for revenue sharing has been that it provides some assistance in offsetting the cost of unfunded Federal mandates, in areas ranging from environmental protection to wage rates on Federal projects. If our position is that we no longer can afford to help pay for existing unfunded obligations, then I think the least we can do is make some effort to ensure that major new obligations are not imposed on States and localities without some compelling national need. Otherwise, Governors, State legislators, and city and county officials, not to mention our constituents, may justifiably conclude that we are indifferent to our entire system of federalism.

This bill is strongly supported by the bipartisan National Governors' Association and National Conference of State Legislatures. I urge Members from both parties to offer immediate support for this legislation, symbolizing a bipartisan commitment to adopt a fresh and honest approach with State and local officials without whom all our efforts toward fiscal responsibility will come to naught.

THE 50TH ANNIVERSARY OF THE FOUNDING OF THE JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER PHILADELPHIA

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. GRAY. Mr. Speaker, I rise today to call the attention of the House to an important milestone. This year marks the 50th anniversary of the founding of the Jewish Community Relations Council of Greater Philadelphia. It came into being during one of the darkest periods in the history of mankind. The Depression was already 8 years old and economic dislocation was commonplace. Hitler was in power for 6 years and Czechoslovakia and Austria were already under the hell of Nazi tyranny. In America, the Father Coughlins and the Gerald L.K. Smiths were playing to increasingly receptive audiences. Racist and anti-Semetic expression were acceptable in polite circles, even including the Halls of the U.S. Congress.

It was a time of choice. One could keep a low profile and hope that the ugliness would somehow go away or you could stand up to the evil that was sweeping the world, even if it was only in a small way.

A group of men and women representing 17 Jewish organizations in the city of Philadelphia would not be silent. In the winter of 1939, they came together in one of the first instances of a local voluntary association dedicated to fighting bigotry and improving intergroup relations.

In its 50 years, the record of this organization is indeed remarkable. In the 1940's it was a pioneer in the creation of intergroup training for public school teachers and police officers. In the fifties, it helped draft and played a key role in the passage of State and local fair employment and housing legislation. In the sixties it initiated programs designed to help ameliorate some of the problems of the inner city including a project in which the ownership of neighborhood businesses was transferred from Jewish to minority proprietors. In the seventies it developed a national reputation for its effective advocacy on behalf of Soviet Jewry. In the eighties, interfaith and interracial dialog groups, organized by the Jewish Community Relations Council, functioned in numerous neighborhoods throughout Philadelphia and its suburbs.

These made a major contribution toward improving understanding between individuals of different races, religions, and nationalities.

Throughout these 50 years, the JCRC has been a champion for human rights, for social justice and for the basic dignity of all peoples, regardless of race, religion or ethnicity.

We in Philadelphia consider it to be a major asset in maintaining William Penn's vision of a City of Brotherly Love.

MARION OFFICER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. COSTELLO. Mr. Speaker, it is with great sorrow and remorse that I announce the passing of a leader in my congressional district.

Marion Officer was a good friend to the people of East St. Louis and southwestern Illinois. He was an asset to the community, a quiet man whose willingness to get involved changed the lives of many in our area for the better.

He sought no public recognition, craved no awards and sought no high honors but with his passing we realize how much of a contribution he made. He kept on changing the lives of many people, working with individuals to help solve problems, pay a utility bill, or just be a good friend.

He was actively involved in his church, and I know that the congregation will miss him. He embodied the best of East St. Louis, its community spirit, sense of history, and fight for constant change.

Mr. Speaker, I want to extend my thoughts to his family, and use this occasion to pay tribute to the memory of Marion Officer.

SUPPORT THE LOW INCOME HOUSING PRESERVATION ACT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. MINETA. Mr. Speaker, I would like to urge my colleagues to cosponsor the Low Income Housing Preservation Act, introduced today by Representative DON EDWARDS.

I am proud to join the gentlewoman from California, Representative NANCY PELOSI, as an original cosponsor of this bill, which will greatly help to resolve the housing crisis that our Nation faces.

Contracts with private investors to provide Government-subsidized housing are expiring in the near future, some within the next 2 years.

Unless these units remain in the subsidized housing stock, our country will face an unprecedented increase in the number of homeless Americans as these evicted tenants find they cannot afford housing at market prices and turn to the streets.

In my home district of San Jose, CA, approximately 2,200 units will be lost in the next 2 years. In the years to come, the number could rise to 7,000.

But this is a nationwide problem. At least 300,000 low-income families could be forced out on the streets all over the country.

Homelessness has risen during the last decade because fewer and fewer low-income housing units have been put on the market. In this case we can prevent further increases in homelessness by preserving what we have already.

Representative EDWARDS's bill will allocate $437.5 million in each of the next 3 years to be granted to the States. They in turn will make grants to local governments and nonprofit bodies to purchase the units whose contracts are expiring.

This bill grants maximum flexibility to local organizations, those most responsive to the immediate needs of area citizens.

Most importantly, it allows the Federal Government, a partner in providing low-income housing for our Nation's needy, to preserve our low-income housing stock and keep our promise to the poor to help them find a decent place to live.

We can stave off future misery by taking immediate steps to retain low-income housing.

Mr. Speaker, I urge my colleagues to cosponsor the bill.

TRIBUTE TO IRWIN SMALLWOOD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. COBLE. Mr. Speaker, a good sport is leaving the ranks of good sportswriters, and all of us in the Sixth District will be sorry to see him to. Mr. Irwin Smallwood is retiring as

executive sports editor of the Greensboro News & Record. On behalf of the people of the Sixth District of North Carolina, I hope Irwin Smallwood's retirement years will be as fulfilling as his many years of service at the Greensboro News & Record.

He was born in Middlesboro, KY, on February 3, 1926, and his family moved to Greensboro in 1940. While attending Greensboro Senior High School, Irwin began his newspaper career as sports editor and editor of his high school newspaper. He also began working part-time for the Greensboro Daily News while he was still in high school. Following 2 years in the Navy, Irwin received his degree from the University of North Carolina in 1947. While at Chapel Hill, Irwin worked for the student newspaper, the Daily Tar Heel, and also served as a correspondent for the Daily News.

Irwin joined the staff of the Greensboro Daily News full-time in the summer of 1947 and has been with the newspapers as sports writer, associate sports editor, city editor, managing editor, deputy executive editor and executive sports editor. His more than 40 years with the Daily News and now the News & Record will come to an end March 1, 1989.

While he excelled in sports reporting of all kind, Irwin is best known for his love of the game of golf. He was a co-founder and first president of the Carolinas Golf Writers Associations. Irwin was a board member of the Gold Writers Association of America. He was also chairman of the 50th anniversary celebration for the Greater Greensboro Open. He has won numerous awards for his writing about the game of golf and its many personalities. His reporting skills, however, were not limited to gold.

Irwin was named the North Carolina Sports Writer of the Year in 1959. He was a three-time winner of the North Carolina Press Association writing competition. He has won numerous national awards for his writing, also. He is a past president of the Atlantic Coast Conference Sports Writers Association and is still a member of the board of the North Carolina Sports Hall of Fame. Irwin has also tried to improve the quality of life for all residents of our area by his involvement with the Greensboro Sports Council, the Atlantic Coast Conference Service Bureau, and the Jaycees.

Irwin Smallwood has also extended his reputation for writing and editing into the news department, as well. The Daily News staff under his direction was runner-up for the Pulitzer Prize on two occasions. The newspaper twice won the N.C. Press Association Public Service Award during his tenure. He has been an active participant in the social life of our area through his work with such groups as the United Way, the United Church of Christ, and the National Council of Churches. In all aspects, Irwin Smallwood has given much more to his city than he has taken. He has earned the thanks of all of us in the Sixth District for his many years of excellence as a writer, editor, and concerned citizen. Thank you, Irwin.

A LITERARY OASIS

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. KOLBE. Mr. Speaker, there is in my district a most extraordinary bookstore, owned and operated by a most extraordinary woman, Winn Bundy. This is no bookstore in a shopping mall but a bookstore located at the end of a dirt road, several miles off the interstate highway.

As remote as such a location may seem, Singing Wind Bookstore has an extraordinary, diverse collection of books, reflecting the eclectic interests of Winn Bundy. One doesn't go to this bookstore just to find an unusual, out of print title—though you can do that at the Singing Wind. Rather, you go for the intellectual stimulation you are likely to find in a conversation with Winn and to soak up the sense of southwestern history that permeates the floorboards of this ranch, cum bookstore.

I know this to be true because I have been there—and and found myself going back time and again. The Singing Wind Bookstore and Winn Bundy is one of those vignettes that enrich the life of each of our districts. Mr. Speaker, I am pleased to share with my colleagues a most engaging article that appeared about Winn Bundy and her passion for books in a recent issue of Arizona Trend.

A LITERARY OASIS

(By Leo W. Banks)

Winn Bundy is sitting at the head of her dinner table at the Singing Wind ranch near Benson. Grace has been said, lunch is in high roar, and as always out here, stories are being told. Over gazpacho, Bundy tells about her bull, Montana.

He weighed close to 3,000 pounds, and when he died it took a powerful derrick to haul his carcass to a nearby alfalfa field. Two months later, as Bundy was herding cows through the field, the animals formed a circle around their giant friend's remains, bent their forelegs in a reverent posture, and howled—a high-pitched, mournful wail. "It sent chills down my spine," she says. "They sounded like Moslem women crying for their dead."

Bundy's guests swallow fresh fruit and nibble cheese crisps as she continues telling stories about life on the ranch. Once, a man drove his son out to Ocotillo Road, stopped at the dirt path leading to the Singing Wind ranch, got out with a shotgun and began teaching the boy how to shoot. Their target? Bundy's mailbox, which to this day is riddled with buckshot holes. Not long ago Bundy's neighbor received an unexpected visit: from a bear, which walked *through* a chain-link gate. Bundy says bears routinely trundle up from Mexico and cross her 640-acre spread to take a dip in the San Pedro River, 2,000 feet to the east. She sometimes sees them shimmying up utility poles to have a look-see.

But for sheer improbability, the trek of the shimmying bears through Cochise County's outback is nothing compared with the migration of a different breed: the literati. Thousands of them come here every year, from as far away as Canada, Italy, Germany, Japan, New Zealand and Africa. Why they come is even unlikelier: Out of her ranchhouse Bundy runs a bookshop.

Think about that a moment. At a time when people read little except the movie synopsis on videocassette sleeves, people from around the world are flocking to a ranch in the middle of nowhere to buy books. Out here hawks soar, rattlesnakes slither, and huge black turkey vultures swoop overhead in search of food. The ranch is set back from the road behind a cattle gate and concealed by rows of apple and pecan trees, Aleppo pines and craggy mesquites. Even attendants at the gas station off Interstate 10, about three miles away, shrug when lost customers roll in asking for directions.

Only a believer of the bizarre would try operating a bookstore out of this locale, and Bundy, with her tales of mourning bovine, is certainly that. But she's a hard-as-nails businesswoman, too. She depends on the bookstore for her livelihood, she says, but refuses to disclose her sales or volume, saying it's nobody's business. She claims to have, in stock, 150,000 titles—about five times as many as the average bookstore. And though some other booksellers regard that number as a tall tale, Bundy cantankerously responds, "Come down and count them."

Because of its location, there is a tendency to think of the Singing Wind Bookstore as an accident, as wondrous in its own way as a two-headed cow. But the existence of the Singing Wind Bookshop is anything but accidental. The Bundys Winn and her husband Bob, took over the Singing Wind ranch in 1956, got electricity in 1958, and their first phone 20 years after that. They made their living as ranchers, but all the while Winn was nurturing the dream of a bookstore. "I had this all planned out from the start," she says.

Her plan was not especially complicated. She enrolled in the University of Arizona's graduate program in library science, and while pursuing a degree she plugged into a group of people who shared her passion for books. In 1973, a year after receiving her master's degree, she used $600 that she and her husband had earned dog-sitting to stock two shelves in the alcove by the front door. Then she opened for business. "I wouldn't say we took off like a rocket," Bundy recalls. "It was gradual."

Bundy depended exclusively on the least expensive kind of advertising: word-of-mouth. She herself worked endlessly to get out the word, and her fellow U of A library science graduates gave a big hand as well. After taking jobs across the country, they recommended her bookstore to paying customers. Then came a big write-up in Time magazine. Eventually, she developed a steady clientele.

Nowadays, much of her business actually comes from overseas. Her bookstore is listed on a tour guide of southern Arizona, and it isn't uncommon for groups from Germany or Japan to arrive at the Singing Wind ranch. She piles them into her Jeep Cherokee and takes them to see the Cochise Stronghold and other sites in the county. After a day of local color and a night at the ranch—Bundy puts them up, too, free of charge—they binge on books.

Bundy specializes in Southwestern books and Western Americana, although she also carries fiction she considers extraordinary. Don't look for Westerns or romance novels. "Good God, they can just go to a supermarket if that's what they want," she says.

Bundy has enormous energy. A typical day begins at 6 a.m. in the corral, where she tends to the horses and the cows. She used

to take bike rides of a hundred miles to Bisbee and back, or go on her own version of an Old West roundup—on her bicycle. But now her bookshelves—some of which she handcrafted herself, out of mesquite—take up all her time. "Usually the phone starts ringing early and I have to run to get it," she says. "Then maybe I get to eat breakfast and maybe I don't."

Eager readers have been known to rap on her door as early as sunup and as late as 11 o'clock at night. Some ride up on horseback. And because of the layout of the long, 13-room house, customers often browse the shelves without Bundy knowing it. When they're done, they stroll into the dining room with an armload of books and say something like, "When you're finished with that sandwich, I'd like to buy these." She obliges, as long as they're not paying with a credit card. "I hate the paperwork," she says.

Time magazine called Singing Wind one of the warmest bookshops on Earth. That may be the case; how many other bookstore proprietors routinely invite customers to lunch? But warmth doesn't keep a business going. Strength does, and Bundy has her share of that. When her husband died almost six years ago, Bundy was left to manage the ranch and the bookshop largely on her own. "It was a little scary," she says. "I married very young and never had to do things myself."

Now, she does everything herself, but not for lack of men willing to help her. Following publication of the Time article, which opened with the words "A lonesome widow," Bundy received offers from men around the country suggesting various arrangements. One man drove all the way from northern Arizona to give Bundy a big howdy-do. Another called from California to say he'd haul his trailer over right away if she'd give him a job. Bundy took down his name and address, saying she'd have the local Mormon bishop research his background to determine whether he'd make a suitable employee. That was the last she heard from him.

No fool, this widow, and not lonesome either, thanks to the company of customers.

INEQUITABLE TREATMENT OF OUR SENIOR CITIZENS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Ms. OAKAR. Mr. Speaker, once again Federal retirees are being singled out to bear the brunt of Federal deficit reduction in their cost-of-living adjustments [COLA's] by the new administration. As you well remember, the Balanced Budget and Emergency Deficit Control Act of 1985 eliminated fiscal year 1986 COLA's for civil service, military, railroad, and disability annuitants while guaranteeing a COLA for Social Security and veteran benefit recipients. This decision to differentiate between annuitants with respect to COLA's was contrary to policy decision made by the Congress.

Mr. Speaker, this year it is the same story: President Reagan, in submitting his final budget, called by the elimination of COLA's for Federal retirees in 1990, and the new administration seems willing to follow his lead.

Mr. Speaker, in 1986, I was joined by more than 280 of my colleagues in sponsoring legislation guaranteeing COLA's for all Non-Social Security recipients. This legislation, as passed by the House under suspension of the rules, was amended to ensure that military, tier II, railroad retirement, CIA, Foreign Service, and certain FECA beneficiaries would also receive their COLA's on time. The Senate shortly thereafter passed similar language. Final language was included in budget reconciliation and since that time all retirees have been receiving their yearly COLA.

Mr. Speaker, I believe and think most of my colleagues agree, that it is important that we treat all of our Nation's retirees fairly. But the new administration seems intent on breaking this promise we have made to our senior citizens. Federal budget cuts during the last 8 years have already fallen heavily on Federal workers and annuitants. Annuitants have lost approximately 30 percent on their cost-of-living adjustments. Such reductions fall especially hard on Federal retirees, whose average pensions are $1,146 a month and their survivors, whose average benefit is $552.

We cannot undo the events of the past. However, we can prevent the perpetuation of inequitable treatment of our senior citizens who performed the jobs so essential to making our Government work. I will be introducing legislation that simply provides that these retirees be treated the same as Social Security beneficiaries. It guarantees that our Nation's retirees will be treated equally and that they will be assured of the COLA's we promised them. I ask all my colleagues to sponsor this important legislation.

H.R. —

A bill to provide for cost-of-living adjustments in 1990 under certain Government retirement programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BENEFITS PAYABLE FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

(a) IN GENERAL.—Subchapter III of chapter 83 of title 5, United States Code, is amended by adding at the end the following:

"§ 8352. Benefits during calendar year 1990

"(a) Any benefits payable from the Fund during calendar year 1990, including any increase in those benefits which is scheduled to become payable during such calendar year as the result of an adjustment under section 8340 or 8462 of this title, shall not be subject to reduction or suspension, either pursuant to statute (other than applicable provisions of this chapter and chapter 84) or Presidential order, during such calendar year.

"(b) For the purpose of this section, 'benefits payable from the Fund' shall be determined solely in accordance with applicable provisions of this chapter and chapter 84.".

(b) CHAPTER ANALYSIS.—The analysis for chapter 83 of title 5, United States Code, is amended by adding after the item relating to section 8351 the following:

"8352. Benefits during calendar year 1990.".

SEC. 2. MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS.

(a) IN GENERAL.—Any percentage adjustment provided by law to be made in amounts payable under military retirement and survivor benefit programs to take effect during fiscal year 1990 shall take effect in accordance with the law providing for such adjustment.

(b) CONSTRUCTION.—During fiscal year 1990, an adjustment described in subsection (a) shall not be subject to reduction or suspension under any provision of law (other than applicable provisions of title 10, United States Code) or any Presidential order.

(c) MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS DEFINED.—For purposes of this section:

(1) The term "military retirement and survivor benefit programs" means—

(A) the provisions of law creating entitlement to, or determining the amount of, retired or retainer pay for members of the uniformed services; and

(B) the programs providing annuities for survivors of members and former members of the uniformed services, including chapter 73 of title 10, United States Code, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

(2) The term "uniformed services" has the meaning given that term in section 101 of title 37, United States Code.

SEC. 3. FOREIGN SERVICE RETIREMENT BENEFITS DURING CALENDAR YEAR 1990.

Section 826 of the Foreign Service Act of 1980 (22 U.S.C. 4066) is amended by adding at the end the following:

"(h)(1) Any benefits payable from the Fund during calendar year 1990, including any increase in those benefits which is scheduled to become payable during such calendar year pursuant to subsection (a), shall not be subject to reduction or suspension, either pursuant to statute (other than applicable provisions of this subchapter) or Presidential order, during such calendar year.

"(2) For the purpose of this subsection, 'benefits payable from the Fund' shall be determined solely in accordance with applicable provisions of this subchapter.".

SEC. 4. BENEFITS UNDER THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

The President shall, pursuant to the authority granted in section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note), extend the prohibition contained in section 8352 of title 5, United States Code, on reduction or suspension of certain benefits payable from the Civil Service Retirement and Disability Fund, to apply with respect to benefits payable from the Central Intelligence Agency Retirement and Disability Fund.

SEC. 5. RAILROAD RETIREMENT TIER II COLAS.

Section 3(g)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(g)(1)) is amended by inserting ", shall not otherwise be prevented from taking effect, with respect to benefits paid during calendar year 1990, by any provision of law other than this Act," after "shall not be deferred".

SEC. 6. FEDERAL EMPLOYEE DISABILITY COMPENSATION DURING CALENDAR YEAR 1990.

Section 8147 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Any compensation payable from the fund during calendar year 1990, including any increase in those benefits which is scheduled to become payable during such calendar year pursuant to section 8146a, shall not be subject the reduction or suspension, either pursuant to statute (other than

applicable provisions of this subchapter) or Presidential order, during such calender year.

"(2) For the purpose of this subsection, 'compensation payable from the Fund' shall be determined solely in accordance with applicable provisions of this subchapter.".

PROPOSAL TO REDUCE THE CAPITAL GAINS TAX QUESTIONS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. PEASE. Mr. Speaker, President Bush has stirred considerable controversy with his proposal to reduce the capital gains tax rate to a maximum of 15 percent. He says it will promote savings, encourage entrepreneurial activity and the formation of venture capital, and foster long-term investment. I am sure we all find these to be worthwhile goals, but it is far from clear that the President's proposal will help us achieve them.

I submit for the RECORD two expressions of editorial opinion from sources one might expect to be sympathetic to the President's plan. However, neither The Economist nor Business Week is jumping on the bandwagon.

[From Business Week, Feb. 13, 1989]

BUSH HASN'T PROVED HIS CAPITAL-GAINS CASE

If it could be shown that cutting the capital-gains rate from a high of 33% to 15% would increase the money available for venture capital and other long-term investments, we would be all for it. That argument is what enshrined a capital-gains-rate reduction in George Bush's 1988 Republican platform. Its advocates point to the boom in venture-capital investment when the capital-gains rate was cut in 1978. The problem with the argument today is that the venture-capital market has changed a lot.

As recently as 10 years ago, venture capital still came primarily from wealthy individuals. Today more and more comes from tax-exempt private and public pension funds. Corporations, both U.S. and foreign (especially Japanese), make up the other big source. Indeed, the real problem in venture capital is too much money chasing too few opportunities. Capital gains don't matter to either of these major sources, and corporations have armies of accountants to keep their tax payments down anyway. Even more important, they are investing more for long-term strategic reasons and less for traditional portfolio results.

It's true there are studies showing that cutting the tax rate on capital gains would actually increase Treasury revenues. This notion has the imprimatur of President Bush. Still, there are many studies that show the opposite. Whether or not the Treasury gains or loses money is probably a toss of the coin, depending on the strength of the market, international money flows, and the state of the economy.

Another appealing motive for cutting the capital-gains tax is to encourage long-term investment at a time when the fast-buck mentality holds sway. If that's the aim, though, a better way to attain it would be to index the gains so that only profits in excess of inflation are taxes. This would appeal to the people who care most about capital-gains taxes: individual investors. The present system grossly overtaxes long-range investment.

Institutional investors, who dominate the market, do most of the trading. And a good deal of that business comes from tax-exempt pension funds. The issue is how to guide this money into long-term investment, as in Japan and Germany. It won't be easy, but tinkering with the capital-gains rate is like pouring buckets of water on a burning house.

[From the Economist, Feb. 4, 1989]

ONE STEP BACK

One proposal that will feature in the budget plans President Bush will present to Congress on February 9th is his campaign pledge to cut the top rate of tax on capital gains from assets held for more than one year. The cut—from today's 28% (or, in some cases, 33%) to 15%—would more than reverse the increase from 20% that was part of the 1986 tax reform. Mr. Bush believes the cut would increase, not reduce, revenue by encouraging people to realize gains and by stimulating new investment.

The evidence for such a view is thin. Last year the Congressional Budget Office concluded from an exhaustive look at academic studies that the 1986 change had increased revenue, and that the cut now planned by Mr. Bush was likely to reduce tax revenue by an annual $4 billion-8 billion. The chairman of the Federal Reserve, Mr. Alan Greenspan, was evasive before Congress's Joint Economic Committee on January 31st, going no further than to say that a cut in the rate would not automatically reduce revenue. The cut might indeed increase it in 1990, as investors realise gains on assets they have held on to since Mr. Bush's pledge. But future budgets would almost certainly lose revenue.

The lowest tax rate on income, including the social-security levy, is over 22% (or almost 30% if you include the employer's portion of social security). It will be hard for Mr. Bush to explain why he wishes to tax capital gains at only 15%—a break whose benefit will go overwhelmingly to the rich. It also will be hard for him to explain why he wants to reopen the Pandora's Box of special loopholes and deductions that his predecessor, Mr. Reagan, took great credit for closing in 1986.

But the best argument against a capital-gains break is strictly free-market. The tax system should be as neutral as possible between alternative economic opportunities. If capital gains get special treatment, investors will arrange their affairs so as to have capital gains instead of ordinary income. That will not produce the same results as the market working its will unmolested. In America before 1986 it produced tax shelters and empty office buildings, among other wasteful activities. Britain recently followed America's lead in eliminating the capital gains differential. It would be a pity if one of Mr. Bush's first acts were to undermine America's fiscal neutrality and so add to its economic inefficiency.

ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to offer my congratulations to the Ukrainian National Association on the 95th anniversary of its founding. The Ukrainian National Association was founded on February 22, 1894, in Shamokin, PA, with 439 members and only 13 branches. It now has over 77,000 members in 28 States and 7 provinces in Canada. The Ukrainian National Association now has over 420 branches and provides a wide range of services to its members.

Furthermore, the Ukrainian National Association has been a strong and consistent voice opposed to oppression in Ukraine. Through the many tribulations of Ukrainians the Ukrainian National Association has spoken out, through its official journal, the Ukrainian Weekly and Svoboda, and through its individual members about human rights and national repression in Ukraine.

The Ukrainian National Association also sponsors a wide range of events that preserve Ukraine's unique cultural heritage such as scholarships, the operation of children's camps, the offering of cultural courses and financial assistance to Ukrainian cultural centers. Ukrainians have contributed an important heritage to our culture and the Ukrainian National Association has been instrumental in this process.

The Ukrainian community in the United States as well as all of us who are concerned about Ukrainian affairs, applaud the efforts of the Ukrainian National Association. I look forward to many more years of service by the association.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 23, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Customs Service, Department of the Treasury, and the Committee for Purchase from the Blind and Other Severely Handicapped.
SD-116

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review Department of Defense management of inside information in the acquisition process.
SD-342

Select on Indian Affairs
To hold hearings on S. 402, to provide for the settlement of land claims of the Payallup Tribe of Indians in the State of Washington.
SR-485

Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SR-485

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for basic energy research programs and the superconducting super collider.
SD-366

FEBRUARY 27

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for military construction programs.
SD-192

FEBRUARY 28

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for defense programs.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings to discuss potential fraud, audit savings and inappropriate medicare payments.
SD-124

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on Japanese patent policy.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 237, to reform the timber program for the Tongass National Forest, and S. 346, to repeal certain provisions of the Alaska National Interest Lands Conservation Act of 1980 relating to the Tongass National Forest.
SD-366

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on deceptive mailing practices.
SD-342

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, Blind Veterans of America, Jewish War Veterans, American Ex-Prisoners of War, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1990 budget.
SD-608

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Select on Intelligence
To hold hearings on the nomination of Richard J. Kerr, of Virginia, to be Deputy Director of Central Intelligence.
SH-216

11:00 a.m.
Appropriations
To hold hearings on the President's proposed budget for fiscal year 1990.
SD-192

2:15 p.m.
Veterans' Affairs
To hold closed hearings on the nomination of Edward J. Derwinski, of Illinois, to be Secretary of Veterans' Affairs, and Administrator of Veterans' Affairs.
Room to be announced

3:00 p.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
SR-253

MARCH 1

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the Federal Communications Commission price cap proceeding.
SR-253

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Tax Court, Federal Labor Relations Authority, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, and the Administrative Conference of the United States.
SD-116

Energy and Natural Resources
Business meeting, to consider the nomination of Admiral James D. Watkins, U.S. Navy, Retired, of California, to be Secretary of Energy, and other pending calendar business.
SD-366

Foreign Relations
To hold hearings to review the nature and extent of the threat of chemical and biological weapons proliferation.
SD-419

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To hold oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

Judiciary
To hold hearings on the nomination of William J. Bennett, of North Carolina, to be Director of the National Drug Control Policy.
SD-106

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

1:30 p.m.
Veterans' Affairs
To continue hearings on the nomination of Edward J. Derwinski, of Illinois, to be Secretary of Veterans' Affairs, and Administrator of Veterans' Affairs.
SH-216

2:00 p.m.
Foreign Relations
To meet in closed session to receive a briefing on the nature and extent of the threat of chemical and biological weapons proliferation.
S-116, Capitol

4:00 p.m.
Select on Ethics
Closed business meeting, to consider pending committee business.
SH-220

MARCH 2

9:00 a.m.
Appropriations
Defense Subcommittee
Military Construction Subcommittee
To hold joint hearings on proposed budget estimates for fiscal year 1990 for base closures and realignments.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Judiciary, and the Federal Trade Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

Judiciary
To continue hearings on the nomination of William J. Bennett, of North Carolina, to be Director of the National Drug Control Policy.
SD-226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

1:30 p.m.
Veterans' Affairs
Business meeting, to consider the nomination of Edward J. Derwinski, of Illinois, to be Secretary of Veterans' Affairs, and Administrator of Veterans' Affairs.
SR-418

MARCH 3

8:30 a.m.
Veterans' Affairs
To hold hearings to review the Veterans' Administration proposed budget request for fiscal year 1990.
SR-418

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

Environment and Public Works
To hold hearings on the proposed budget requests for fiscal year 1990 for the Environmental Protection Agency.
SD-406

MARCH 6

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space science and application programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), Alaska.
SD-366

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Army and Navy military construction programs.
SD-192

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to examine the use of toxic materials in the aerospace industry.
SD-406

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the American Battle Monuments Commission, Cemeterial Expenses (Army), and the Selective Service System.
SD-116

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Geological Survey.
S-128, Capitol

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Indian Affairs, Office of Construction Management, and the National Indian Gaming Commission.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the U.S. Trade Representative, and the International Trade Commission.
S-146, Capitol

1:00 p.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1990.
SD-192

MARCH 8

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed estimates for fiscal year 1990 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of Public Debt, U.S. Mint, Office of the Inspector General, and the U.S. Savings Bond Division.
SD-116

Commerce, Science, and Transportation
To hold hearings on the mission to planet Earth.
SR-253

Rules and Administration
To hold oversight hearings on the operations of the Office of the Senate Sergeant at Arms and the Office of the Architect of the Capitol, and to consider any pending calendar business.
SR-301

Veterans' Affairs
Business meeting, to consider the Veterans' Administration proposed budget request for fiscal year 1990.
SR-418

MARCH 9

10:00 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1990.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Labor.
SD-116

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed estimates for fiscal year 1990 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on exchange practices in the commodity futures markets.
SR-332

MARCH 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for ACTION, National Commission on Children, National Council on Disability, Federal Mediation and Conciliation Services, National Mediation Board, Railroad Retirement Board, Commission on Railroad Retirement Reform, Federal Mine Safety and Health Review Commission, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Internal Revenue Service and the U.S. Postal Service.
SD-116

MARCH 13

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the relationship between bilateral trade agreements and the General Agreement on Tariffs and Trade, and the potential for bilateral arrangements to address U.S. trade problems.
SD-215

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Energy Information Administration, Economic Regulatory Administration, Office of Hearings and Appeals, and

Emergency Preparedness, all of the Department of Energy.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Air Force and Defense Agencies military construction programs.
SD-192

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the National Credit Union Administration.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Minerals Management Service, and the U.S. Fish and Wildlife Service, both of the Department of the Interior.
S-128, Capitol

MARCH 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to prohibit discrimination against blind individuals in air travel.
SR-253

Energy and Natural Resources
To hold hearings on energy efficiency and renewable energy technologies as they relate to S. 324, National Energy Policy Act of 1989.
SD-366

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Indian Health Service of the Department of Health and Human Services, and Indian education programs.
S-128, Capitol

MARCH 15

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review U.S. foreign assistance programs.
Room to be announced

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Merit Systems Protection Board, Office of Special Counsel, General Services Administration, and the Office of the Inspector General, General Services Administration.
SD-116

Governmental Affairs
To hold hearings on the proposed Federal Advisory Committee Act Amendments of 1989.
SD-342

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space station programs.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on global climate change and ocean perspective.
SR-253

MARCH 17

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Physical Payment Review Commission, Corporation for Public Broadcasting, National Commission on Libraries, U.S. Institute of Peace, National Commission on Financing Post Secondary Education, National Commission on Migrant Education, National Commission on Infant Mortality, U.S. Bipartisan Commission on Comprehensive Health Care, Prospective Payment Review Commission, and the Soldiers' and Airmen's Home.
SD-192

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Surface Mining, Office of the Secretary, Office of the Solicitor, and the Office of Inspector General, of the Department of the Interior.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation.
SD-138

APRIL 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on the Office of the Secretary of Education, Salaries and Education (includes Program Administration, Office for Civil Rights, and Office of the Inspector General), Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet and Howard Universities).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Critical Materials Council, Executive Office of the President, Vice President's Residence, and the White House Residence.
S-126, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Park Service, Department of the Interior.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Compensatory Education for the Disadvantaged, Special Programs, Impact Aid, Bilingual Education, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-138

APRIL 6

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Highway Administration and the National Transportation Safety Board.
SD-138

APRIL 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Education Research and Statistics, and Libraries.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of National Drug Control Policy.
SD-116

Finance
International Trade Subcommittee
To hold hearings to examine trade disputes between the United States and Canada.
SD-215

APRIL 10

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Land Management, Department of the Interior, and the Navajo and Hopi Indian Relocation Commission.
S-128, Capitol

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of Civil Rights, Policy Research, and the Office of Inspector General.
SD-116

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency and the Council on Environmental Quality.
SD-116

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the Secretary of the Treasury, and the Federal Election Commission.
SD-116

APRIL 13

10:00 a.m.
Transportation Subcommittee
Appropriations
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Coast Guard.
SD-138

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Family Support Administration and Human Development Services.
SD-138

APRIL 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health and the Centers for Disease Control.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Management and Budget (Office of Federal Procurement Policy), Commission on Government Ethics, and the National Archives and Records Administration.
SD-116

APRIL 17

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for fossil energy and clean coal technology programs.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.
SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse, and Mental Health Administration and the Health Resources and Services Administration.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.
SD-192

APRIL 19

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Personnel Management.
SD-116

10:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

1:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for territorial and international affairs.
SD-192

APRIL 20

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Emergency Management Agency.
SD-192

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990

for the Department of Health and Human Services, focusing on the National Institutes of Health.

SD-192

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.

SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for activities of the Secretary of the Interior and the Secretary of Energy.

S-128, Capitol

MAY 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.

SD-138

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Aviation Administration.

SD-138

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-192

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-192

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.

SD-138

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-192

MAY 15

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.

SD-138

MAY 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.

SD-138

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.

SD-116

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.

SD-116

CANCELLATIONS

MARCH 7

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for nuclear energy research and development programs.

SD-336

MARCH 9

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for advanced nuclear-reactor technologies.

SD-116

POSTPONEMENTS

MARCH 2

9:30 a.m.
Special on Aging
To hold joint hearings with the Select Committee on Aging's Subcommittee on Health and Long-Term Care and the Subcommittee on Housing and Consumer Interests on residential board and care facilities.

SD-628

HOUSE OF REPRESENTATIVES—*Thursday, February 23, 1989*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Gracious God, as we experience the actions of our society and the torment of our world, there is cause for despair and we realize how we have missed the heavenly vision of understanding and respect between people. We pray, O God, that Your good spirit will ever encourage those who dedicate themselves and their energies to speak for life, to act for justice, to work for peace, to strive for sincere communication between adversaries, and so to be the people You would have them be. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from Illinois [Mr. HASTERT] kindly lead the Members in the Pledge of Allegiance?

Mr. HASTERT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS OF THE TECHNOLOGY ASSESSMENT BOARD

The SPEAKER. Pursuant to the provisions of section 4(a), Public Law 92-484, the Chair appoints as members of the Technology Assessment Board the following Members on the part of the House:

Mr. UDALL of Arizona;
Mr. BROWN of California;
Mr. DINGELL of Michigan;
Mr. MILLER of Ohio;
Mr. SUNDQUIST of Tennessee; and
Mr. HOUGHTON of New York.

APPOINTMENT AS MEMBERS OF THE COMMITTEE ON THE HOUSE RECORDING STUDIO

The SPEAKER. Pursuant to provisions of 2 U.S.C. 123(b) the Chair appoints as Members of the Committee on the House Recording Studio the following Members of the House:

Mr. ROSE of North Carolina;
Mr. SWIFT of Washington; and
Mr. BOEHLERT of New York.

APPOINTMENT AS MEMBERS OF THE COMMITTEE ON WAYS AND MEANS TO BE ACCREDITED BY THE PRESIDENT AS OFFICIAL ADVISERS TO THE U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of 19 U.S.C. 2211, and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 101st Congress:

Mr. ROSTENKOWSKI of Illinois;
Mr. GIBBONS of Florida;
Mr. JENKINS of Georgia;
Mr. CRANE of Illinois; and
Mr. FRENZEL of Minnesota.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER. Pursuant to the provisions of section 3, Public Law 93-304, as amended by section 1 of Public Law 99-7, the Chair appoints as members of the Commission on Security and Cooperation in Europe the following Members of the House:

Mr. HOYER of Maryland, cochairman;
Mr. FASCELL of Florida;
Mr. MARKEY of Massachusetts;
Mr. RICHARDSON of New Mexico;
Mr. FEIGHAN of Ohio;
Mr. RITTER of Pennsylvania;
Mr. PORTER of Illinois;
Mr. SMITH of New Jersey; and
Mr. WOLF of Virginia.

APPOINTMENT AS MEMBERS OF THE BIOMEDICAL ETHICS BOARD

The SPEAKER. Pursuant to section 11 of Public Law 99-158, the Chair appoints as members of the Biomedical Ethics Board the following Members on the part of the House:

Mr. WAXMAN of California;
Mr. THOMAS A. LUKEN of Ohio;
Mr. ROWLAND of Georgia;
Mr. GRADISON of Ohio;
Mr. TAUKE of Iowa; and
Mr. BLILEY of Virginia.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 84, ESTABLISHING THE SELECT COMMITTEE ON HUNGER, THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES, AND THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-1) on the resolution (H. Res. 84) to establish the Select Committee on Hunger, the Select Committee on Children, Youth, and Families, and the Select Committee on Narcotics Abuse and Control, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, FEBRUARY 27, 1989

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 1, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUR OF MEETING ON THURSDAY, MARCH 2, 1989

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, March 1, 1989, it adjourn to meet at 9:30 a.m. on Thursday, March 2, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, MARCH 2, 1989

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, March 2, 1989, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of celebrating the 200th anniversary of the commencement of the First Congress of the United States under the Constitution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INTRODUCTION OF THE COMPETITION IN GOVERNMENT SPARE PARTS PROCUREMENT ACT

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, today, I am reintroducing the Competition in Government Spare Parts Procurement Act. The act has three main purposes.

The first is to provide a level playing field for all businesses to compete for spare parts contracts. The bill will help correct the two main obstacles the Defense Department has identified as the major impediments to increased competition: Sufficient numbers of skilled procurement personnel and access to appropriate technical data.

In the 4 years since the passage of the Competition in Contracting Act defense spare parts costs have been reduced by $5.6 billion. Through further reducing the barriers to competition, this bill will continue the trend of decreased spare parts costs.

At the same time the bill would improve our industrial base by broadening the number of sources for spare parts. Since 1969 we have fallen from first to fourth behind Japan, West Germany, and the Soviet Union as makers of metal shaping and cutting machines. Through our neglect, we are risking our national security. Our toolmaking force and plant capacity may not be big enough to fight a conventional war. This bill would help the American tool and die industry to compete and has been endorsed by the National Tooling and Machining Association.

Mr. Speaker, I encourage my colleagues to join me in this effort to allow our small businesses to compete, help fight the budget deficit, and build up our defense industrial base.

INCREASING GAS TAX UNFAIR TO RURAL AMERICA AND THE POOR

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I rise to express my opposition to increasing Federal excise taxes on gasoline for the purpose of reducing our deficit. This idea, whose supporters are attracted by its simplicity and potential for vast new revenues, is one that is patently unfair to those most dependent on automobile transportation for their daily needs; rural America and the poor.

Rural residents, unlike their urban counterparts, have no mass transit services. They tend to live farther from work and from grocery stores, hospitals, and other services those in the city tend to take for granted.

Rural residents are totally dependent on their cars. They drive greater distances on an annual basis than city residents. Lower income families often are totally reliant on their cars to survive.

Increasing the gas tax unfairly targets these groups. It is a regressive tax in the worst sense of the word.

Let me mention also that the question of fairness goes well beyond the notion of who pays. Urban areas receive far more in Federal aid than do rural communities. So under the gas tax proposal, not only does the rural resident pay a greater share for deficit reduction, he receives less in Federal investment than does his urban cousin.

Mr. Speaker, the gas tax is a bad idea, it's unfair, and it violates the concept of user fees, a concept that has served the Highway Program extremely well. I urge my colleagues to examine this issue carefully and say "no" to the gas tax.

JOINT RESOLUTION DENOUNCING DEATH SENTENCE AGAINST BRITISH AUTHOR

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, today with 79 colleagues, I introduce a joint resolution denouncing the intolerable death sentence against British author Salman Rushdie issued by the Ayatollah Ruhollah Khomeini of Iran. The death sentence is a pernicious and unacceptable attack against the free expression of writers and publishers throughout the world. The death threat must be clearly denounced by the Congress, the President, and governing bodies in all countries whose responsibility is to protect freedom of expression.

The resolution condemns the death threat, calls for it to be withdrawn, together with the reward of $5 million for the murderer. And it calls on the Secretary of State to convey the sense of Congress to the Government of Iran.

Let me make it clear that I do not condone discrimination or demeaning behavior against any one's religion. And Rushdie's book, "The Satanic Verses," has obviously offended members of the Islamic faith. But to respond to such offense with an international call to murder is wholeheartedly unacceptable, completely irresponsible, and contrary to the norms of international behavior.

To fail to respond to the death threat in the strongest terms is to allow a serious infringement on free expression, one of our most sacred freedoms.

I applaud the writers, publishers, and booksellers of America that have come to the defense of Mr. Rushdie, as well as applaud the European Community diplomatic actions condemning the death threat.

I hope the House will swiftly consider this resolution and that the Senate will follow suit, so that this Congress, and the U.S. Government, are firmly on record in opposition to this reprehensible attack on free speech.

LEGISLATION TO DELAY VOTE ON RECOMMENDATIONS OF COMMISSION ON BASE CLOSURES AND REALIGNMENTS

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I am introducing legislation to delay a House vote on the recommendations of the Commission on Base Closures and Realignments. I am requesting this delay so that the General Accounting Office can complete an ongoing inyestigation into the savings that the Commission outlines in its report.

We owe it to the American taxpayers to make sure that closing these recommended bases will actually yield the savings that the Commission proposes. I believe that Congress has a serious obligation to examine the savings findings of this Commission before voting.

For some unknown reasons, interested Members of this body have been denied basic information as to the analysis of the Commission's proposals. I, for one, have found serious flaws in the Commission's mathematical approaches and savings assumptions. I am convinced that the Commission, in its haste, has reached a conclusion which will actually cost unnecessary tax dollars.

All I am asking in this bill is that we give GAO ample time to conduct an objective analysis. I think this is reasonable, and I hope my colleagues will agree.

□ 1110

RAISE THE MINIMUM WAGE TO $4.35 PER HOUR

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I am again introducing legislation to raise the minimum wage to $4.35. Raising the minimum wage will be one of the most important legislative battles of the 101st Congress. As the Congress debates this issue we should remember that this is not an abstract policy debate but an issue of crucial importance to millions of American workers.

Opponents of a higher wage would have us believe minimum wage workers are mostly teenagers. This is just not true. The Bureau of Labor Statistics reports that 63 percent of minimum wage workers are age 20 or above.

One such worker is Ann Rogers from Milwaukee. Mrs. Rogers is desperately trying to support a family of five but she earns just above the minimum wage of $3.35 per hour. Child care expenses for her family immediately eat up much of her wages and what's left simply doesn't provide the bare necessities of life for her family.

She says,

It's hard explaining to the kids you just don't have money. For us there is no such thing as a night out at the movies. My kids can't even go on school field trips because we can't spare the money.

All Ann Rogers is asking for is a fair day's wage for a fair day's work.

The Congress should restore some dignity to America's lowest paid workers. The best way to help Ann Rogers and the millions of other hard-working Americans like her is to raise the minimum wage.

TRIBUTE TO HERMAN L. LONGERBEAM

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I would like to bring to your attention the service rendered by a brave soldier who paints a truly patriotic example for all Americans, Mr. Herman L. Longerbeam.

Mr. Longerbeam as a litter bearer to a medical attachment was in Belgium in 1945 assisting in the removal of casualties from a highly exposed area, when six casualties were found exposed and vulnerable. Private Longerbeam proceeded to administer aid, allowing five to crawl away and carrying the sixth one-half mile through deep snow to safety. The entire time he was besieged by enemy fire and ruthless snipers.

Mr. Longerbeam is a man who has demonstrated heroism beyond any that was asked of him or even expected of him. It is this kind of courage for which our Nation should be proud. For this reason, Mr. Speaker, I am introducing a bill which waives the time limitation on the Congressional Medal of Honor, and awards Herman Longerbeam the highest medal awarded by the United States. For his dedicated service not only to his country but to his fellow human beings we should express our thanks and recognize his immeasurable patriotism demonstrated through this selfless contribution.

Mr. Speaker, for the courage he so loyally displayed, I salute Mr. Herman Longerbeam.

THIRD WORLD DEBT

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, in the first hearing that he chaired as the new chairman of the Banking, Finance and Urban Affairs Committee, Chairman GONZALEZ described the Third World debt crisis as "a ticking time bomb which threatens the international financial system, costs the United States jobs, and most importantly, exacerbates the poverty already rampant in the Third World."

Chairman GONZALEZ was right. The Third World debt crisis is creating multiple problems around the world and in our country.

Today, on behalf of my colleague, the gentleman from California [Mr. TORRES] and myself, I am introducing a debt-reduction bill which would provide massive and significant debt relief to Third World nations. It is time for imaginative thinking. We hope that this bill will make a contribution.

COMMUNICATION FROM THE HONORABLE ROBERT K. DORNAN, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable ROBERT K. DORNAN:

HOUSE OF REPRESENTATIVES,
January 31, 1989.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L of the Rules of the House of Representatives, that an employee in my office has been served with deposition subpoenas *duces tecum* issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the Clerk, I will make the determinations required by the Rule.

Sincerely,

ROBERT K. DORNAN,
U.S. Congressman.

COMMUNICATION FROM THE HONORABLE WALLY HERGER, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable WALLY HERGER:

HOUSE OF REPRESENTATIVES,
Washington, DC. January 3, 1989.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that an employee in my office has been served with a trial subpoena issued by the Superior Court of the State of California.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

WALLY HERGER,
Member of Congress.

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. BERMAN] is recognized for 5 minutes.

[Mr. BERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

BUSH S&L PLAN SETS UNREALISTIC TIMETABLE

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today the Secretary of the Treasury, Nicholas Brady, appeared before the Committee on Banking, Finance and Urban Affairs to discuss the plan put forth by President Bush to resolve the savings and loan crisis. While I commend the President for moving quickly on the problem, the Bush plan must be examined carefully. We need to solve the S&L crisis for good, not merely meet an artificial timetable set by the President. I have described the Bush plan as an attractive porcupine—you have to be very careful how you embrace it.

In that regard, I am inserting my opening statement before the hearings this morning to further outline my position on the Bush S&L plan.

OPENING STATEMENT FROM CONGRESSMAN FRANK ANNUNZIO, FEBRUARY 23, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. Chairman, I first want to commend you for the expeditious manner in which you have called these hearings, and for your willingness to deal with the savings and loan

crisis on an immediate basis. Secondly, I want to commend President Bush for also recognizing the problem, and for making it a priority of his Administration.

As Chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance, I too want to move with the greatest possible speed to deal with this situation.

I am deeply concerned about the 45 day time table that President Bush has laid out for passage of this legislation. It was only last evening that we finally received a copy of the legislation. Prior to that time we had been given two position papers outlining the legislation and many of the points made in the first paper were subsequently changed in the second document. I can only wonder if the legislation is identical to the second outline or does it contain as many gaps as the infield of the Baltimore Orioles.

When President Bush delivered his State of the Union message on February 9th, he indicated that he was giving Congress 45 days to have the completed S&L legislation on his desk. Apparently, the President started the clock running on that date, yet it was not until yesterday, 14 days later, that Congress received the President's proposal in a legislative form. For the past 14 days I have been prepared, as has Chairman Gonzalez, to move ahead with hearings on the legislation, but it is impossible to hold hearings on a piece of legislation that does not exist.

The President's 45 day plan is inviting disaster. It places speed above the need to carefully craft a plan that will pass, not the 45 day time test, but the long term test of time so that we will not be back here in six months or two years repeating the exercise again.

For the past eight years the Republican Party has controlled the White House and thus the Executive Branch. That Administration has appointed every regulator of every federal bank regulatory agency. That Administration has hired every bank examiner, and every official in the Treasury Department. All of the horror stories of the savings and loan industry occurred under the term of that same administration.

Congress didn't pick those people, the American public didn't pick those people, and certainly the industry did not select the regulators. Those choices were made by the Administration. Now, many members of that same Administration are asking Congress to "stop me before I appoint again."

And not only is Congress being asked to clean up the mess, but it is being given an unrealistic time table. It took the Administration eight years to cause the problem, yet Congress is given only 45 days to correct the situation. If the Republican Administration had appointed quality people to run the Federal financial regulatory agencies and given those peopole the tools that they need to enforce the regulations in the form of enough examiners; we would not be sitting here today.

In 1980, I was a member of the Conference Committee that developed the first deregulation legislation for the Financial Institution Industry. I was the only member of that Conference Committee who would not sign the conference report, and who spoke out strongly against the evils of deregulation. In 1980 during the Conference Committee hearings, I correctly predicted everything that is happening in the financial industry today: I hoped that I would be wrong, but unfortunately I was not. I was criticized in 1980 for not going along with the crowd—for not giving in to what I felt was a path of destruction for our financial community. I feel those same pressures today.

The media is already calling for swift adoption of the Bush Plan. Both of the major newspapers in my hometown of Chicago have already endorsed the Bush Plan on almost a line for line basis. Perhaps the safe thing for me to do would be to quietly march to the beat of the 45 day Bush drum. But there is too much at stake here for me to simply announce my complete and unqualified support for the Plan.

Let me cite some of the areas in which I will offer amendments to improve the Plan. I cannot support placing the Federal Home Loan Bank Board under the Treasury. My concern with moving the Bank Board into Treasury is that there are too many officials within the Administration who would just as soon see the home mortgage lending industry done away with. I support a separate home lending industry in this country, and I will oppose any attempt to do away with such an industry or any plan which would even give those who want to do away with the industry a better chance to accomplish their mission.

If we lose a home mortgage lending industry, interest rates on home loans will rise dramatically, and home lending will not be a priority for the remaining financial industry.

Secondly, the Bush Plan does nothing to eliminate the problems that currently exist in the savings and loan industry. Instead of concentrating on home mortgage lending, that industry under deregulation, has branched out into too many other areas and its percentage of financing has shrunk from 80% to 40% of our nation's homes. The Bush Plan allows that situation to continue and therefore I will offer an amendment to require savings and loans to keep 80% of their loans in 1 to 4 family mortgages within 50 miles of their trade area. All other activity of the savings and loan would have to be placed in a 20% basket, and any loans or investments made outside of the 50 mile area would also have to be placed in that 20% basket. I want to return the savings and loan industry to the home lending business. The Bush Plan merely allows business to continue as usual as long as the savings and loan is able to pay increased insurance premiums and attract more capital. It doesn't stop the crooks, it just makes them pay more to do business.

I want to stop the crooks before they commit the crime, and I note that nowhere in the Bush Plan is there the direct ability or money for the financial regulators to hire more examiners. Therefore, I will offer an amendment that will require the hiring of more examiners. I think the American people are shocked to find out that there are some financial institutions in this country that have not been examined for six or seven years. My goal is to have every financial institution in this country examined every year. In that regard I would point out that the National Credit Union Administration does examine every federally-chartered credit union every year. And does that kind of examination help catch problem operations? You be the judge. Last year, both the Banking and Savings and Loan Industry set records for the number of institutions that failed. Credit unions also set a record for failed institutions, but it was a record that went in the other direction. Out of 15,000 credit unions in this country only a record low 85 failed last year. I note that in the Administration's Bill, it also wants to change the way that credit unions handle their insurance fund. I would suggest that rather than fooling with the credit union's insurance fund the Administration ought to learn from the example set by the National Credit Union Administration and its share insurance operation. Let's deal with the real problems in the financial community and let's not take on the problem of fixing an insurance fund that already works. Let's find out why the NCUA can examine every one of its institutions every year and avoid losses and why the other regulators cannot.

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. DOWNEY] is recognized for 60 minutes.

[Mr. DOWNEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 1120

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 60 minutes.

[Mr. STARK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 60 minutes.

[Mr. HUBBARD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RULES OF THE JOINT ECONOMIC COMMITTEE FOR THE 101ST CONGRESS

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, pursuant to rule XI, clause 2(a), of the Rules of the House of Representatives, I am inserting in the RECORD the Rules of Procedure of the Joint Economic Committee, adopted on February 15, 1989. The rules adopted are the same as existed in the 100th Congress, without change.

RULES OF THE JOINT ECONOMIC COMMITTEE [1]

RULE 1. The rules of the Senate and House, insofar as they are applicable, shall govern the committee and its subcommittees. The rules of the committee, insofar as they are applicable, shall be the rules of any subcommittee of the committee.

RULE 2. The meetings of the committee shall be held at such times and in such places as the chairman may designate, or at such times as a quorum of the committee may request in writing, with adequate advance notice provided to all members of the committee. Subcommittee meetings shall not be held when the full committee is meeting. Where these rules require a vote of the members of the committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a committee meeting, unless the ranking minority member assents to waiver of this requirement.

RULE 3. Ten members of the committee shall constitute a quorum. A majority of the members of a subcommittee shall constitute a quorum of such subcommittee.

RULE 4. Written or telegraphic proxies of committee members will be received and recorded on any vote taken by the committee, except at the organization meeting at the beginning of each Congress, or for the purpose of creating a quorum.

RULE 5. The chairman may name standing or special subcommittees. Any member of the committee shall have the privilege of sitting with any subcommittee during its hearings or deliberations, and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

RULE 6. The chairmanship and vice chairmanship of the committee shall alternate between the House and the Senate by Congresses. The senior member of the minority party in the House of Congress opposite to that of the chairman shall be the ranking minority member of the committee. In the event the House and Senate are under different party control, the chairman and vice chairman shall represent the majority party in their respective Houses.

RULE 7. Questions as to the order of business and the procedure of the committee shall in the first instance be decided by the chairman, subject always to an appeal to the committee.

RULE 8. All hearings conducted by the committee or its subcommittees shall be open to the public except where the committee or subcommittee, as the case may be, by a majority vote orders an executive session. Whenever possible, all public hearings shall include some sessions held on the Senate side and some on the House side. House and Senate Members shall alternate in order of seating and interrogation.

RULE 9. So far as practicable all witnesses appearing before the committee shall file advance written statements of their proposed testimony, and their oral testimony shall be limited to brief summaries. Brief insertions of additional germane material will be received for the record, subject to the approval of the chairman.

RULE 10. An accurate stenographic record shall be kept of all testimony and each witness provided with a copy thereof. Witnesses may make changes in testimony for the purpose of correcting grammatical errors, obvious errors of fact, and errors of transcription. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the chairman. Witnesses shall be allowed 3 days within which to correct and return the transcript of their testimony. If not so returned, the clerk may close the record whenever necessary.

RULE 11. Each member of the committee shall be provided with a copy of the hearings transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If another person is authorized by a committee member to make his corrections, the clerk shall be so notified.

Members who have received unanimous consent to submit written questions to witnesses shall be allowed 2 days within which to submit these to the executive director for transmission to the witnesses. The record may be held open for a period not to exceed 1 week awaiting responses by witnesses.

RULE 12. Testimony received in executive hearings shall not be released or included in any report without the approval of a majority of the committee.

RULE 13. The chairman shall provide adequate time for questioning of witnesses by all members, and the rule of germaneness shall be enforced in all hearings.

RULE 14. None of the hearings of the committee shall be telecast or broadcast, whether directly or through such devices as recordings, tapes, motion pictures, or other mechanical means, if in conflict with a rule or practice of the House on the side of the Capitol where hearings are being held. If no general rule or practice prevails in regard to such telecasts or broadcasts, none of the hearings of the committee shall be telecast or broadcast unless approved by a majority of the members of the committee.

Telecasts or broadcasts of any such portion of hearings of the committee as may include testimony of a witness, shall not be authorized if such witness objects to such telecast or broadcast: *Provided*, That such witness shall be afforded the opportunity to make such objection, if any, to the committee at a time when the proceedings are not being telecast or broadcast.

RULE 15. No committee report shall be made public or transmitted to the Congress without the approval of a majority of the committee except that when the Congress has adjourned, subcommittees may by majority vote and with the express permission of the full committee submit reports to the full committee and simultaneously release same to the public: *Provided*, That any member of the committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible. Factual reports by the committee staff may be printed for the distribution to committee members and the public only upon authorization of the chairman of the full committee either with the approval of a majority of the committee or with the consent of the ranking minority member.

RULE 16. No summary of a committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the committee or of the committee staff prior to the issuance of a report of the committee.

RULE 17. There shall be kept a complete record of all committee proceedings and actions. The clerk of the committee, or a designated member of the committee staff, shall act as recording secretary of all proceedings before the committee and shall prepare and circulate to all members of the committee the minutes of such proceedings. Minutes circulated will be considered approved unless objection is registered prior to the next committee meeting. The records of the committee shall be open to all members of the committee.

RULE 18. The committee shall have a professional and clerical staff under the supervision of an executive director. The committee shall appoint and remove the executive director with the approval of not less than ten members of the committee. Staff operating procedures shall be determined by the executive director, with the approval of the chairman of the committee, and after notification to the ranking minority member with respect to basic revisions. The executive director, under the general supervision of the chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the committee.

The professional members of the committee staff shall be appointed and removed on the recommendation of the executive director with approval by majority vote of the committee. The professional staff members, including the executive director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret economic developments and programs. The clerical and temporary staff shall be appointed and removed by the executive director with the approval of the chairman, and after notification to the ranking minority member. The committee staff shall serve all members of the committee in an objective, nonpartisan manner. From time to time, upon request, the executive director shall designate individual members of the staff to assist subcommittees, individual committee members, and the minority members. The staff, to the extent possible, shall be organized along functional lines to permit specialization.

RULE 19. Attendance at executive sessions shall be limited to members of the committee and of the committee staff. Other persons whose presence is requested or consented to by the committee may be admitted to such sessions.

RULE 20. Selection of witnesses for committee hearings shall be made by the committee staff under the direction of the chairman. A list of proposed witnesses shall be submitted to the members of the committee for review sufficiently in advance of the hearings to permit suggestions by the committee members to receive appropriate consideration.

RULE 21. The chairman of the committee shall have the overall responsibility for preparing and carrying out the committee's program, including staff studies, subject to prior approval of each item on the program by a majority of the committee or, alternatively, by the ranking minority member. Prior to and during the transition from one Congress to another, the outgoing committee shall prepare and have ready a plan for the consideration of the President's Economic Report and the preparation of the committee's report thereon in order to meet the March 1 deadline established by Public Law 304 (79th Cong.), as amended. (See historical note at top of p. 14.)

RULE 22. Proposals for amending committee rules shall be sent to all members at least 1 week before final action is taken thereon, unless the amendment is made by unanimous consent. Approval by at least 11

[1] As amended; originally approved Dec. 6, 1955.

members of the committee shall be required to amend these rules.

RULE 23. The information contained in any books, papers, or documents furnished to the committee by any individual, partnership, corporation, or other legal entity shall, upon the request of the individual, partnership, corporation, or entity furnishing the same, be maintained in strict confidence by the members and staff of the committee, except that any such information may be released outside of executive session of the committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation, or entity: *Provided*, That the committee by majority vote may authorize the disclosure of the identity of any such individual, partnership, corporation, or entity in connection with any pending hearing or as a part of a duly authorized report of the committee if such release is deemed essential to the performance of the functions of the committee and is in the public interest.

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS FOR THE 101ST CONGRESS

(Mr. CONYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONYERS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House of Representatives, herewith are submitted for publication in the CONGRESSIONAL RECORD the rules of the Committee on Government Operations, which were adopted on February 9, 1989:

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Rule XI, 1(a)(1) of the House of Representatives provides:

"The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees."

Rule XI, 2(a) of the House of Representatives provides, in part:

"Each standing committee of the House shall adopt written rules governing its procedure.* * *"

In accordance with the foregoing, the Committee on Government Operations, on February 9, 1989, adopted the rules of the committee. The rules read as follows:

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Operations and its subcommittees as well as the respective chairmen.

[See House Rule XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall constitute a quorum for taking any action other than the reporting of a measure or recommendation. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman in accordance with House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calender days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE 5.—PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

[See House Rule XI, 2(f).]

RULE 6.—ROLLCALLS

A rollcall of the members may be had upon the request of any member.

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittes with appropriate party ratios which shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

RULE 9.—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 10.—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

RULE 11.—STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12.—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply

the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

[See House Rule XI, 2(g)(3), (g)(4), (j), and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2(g) and (k).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17.—TV, RADIO, AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(d);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SLAUGHTER of New York) to revise and extend their remarks and include extraneous matter:)

Mr. BERMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. MILLER of California, for 60 minutes, on March 1.

Mr. OWENS of Utah, for 60 minutes, on March 7.

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. PETRI.

Mrs. SMITH of Nebraska.

Mr. WELDON.

Mr. GRADISON.

Mr. MCGRATH.

Mr. SHUMWAY.

Mr. HEFLEY.

(The following Members (at the request of Ms. SLAUGHTER of New York) and to include extraneous matter:)

Mr. PENNY.

Mr. LANTOS in two instances.

Mr. DONNELLY in two instances.

Mr. ROE.

Mr. TRAFICANT.

Mr. DINGELL.

Mr. SAWYER.

Mr. KLECZKA.

Mr. TORRICELLI.

Mr. DORGAN of North Dakota.

Mr. FASCELL in two instances.

Mrs. LLOYD.

Mr. MOODY.

ADJOURNMENT

Ms. SLAUGHTER of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes a.m.) under its previous order, the House adjourned until Monday, February 27, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, INC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

653. A letter from the Secretary of Commerce, transmitting a report on the imposition of certain chemicals and biological agents for foreign policy purposes, pursuant to 50 U.S.C. App. 2405(f); to the Committee on Foreign Affairs.

654. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report on the status of the Alaska Natural Gas Transportation System covering the period from July 1988, through February 1989, pursuant to 15 U.S.C. 719e(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

655. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting a report of the Advisory Committee on Reactor Safeguards on the Nuclear Regulatory Commission Safety Research Program, pursuant to 42 U.S.C. 2039; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. Report to establish the Select Committee on Hunger, the Select Committee on Children, Youth and Families, and the Select Committee on Narcotics Abuse and Control (Rept. 101-1). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California (for himself and Mr. SCHEUER):

H.R. 1089. A bill to authorize appropriations to expand programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT (for himself, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. IRELAND, Mr. DENNY SMITH, and Mr. TRAFICANT):

H.R. 1090. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. COURTER:

H.R. 1091. A bill to provide that a State may not take into account income from sources outside the State in determining the amount of tax imposed on the income of nonresidents; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 1092. A bill to amend title 23, United States Code, relating to open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles to the Committee on Public Works and Transportation.

By Mr. FLORIO:

H.R. 1093. A bill to establish standards for the conduct of the business of insurance in interstate commerce, to protect insurance consumers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRENZEL:

H.R. 1094. A bill to provide for the temporary suspension of the duty on certain two-stroke cycle piston engines; to the Committee on Ways and Means.

By Mr. GRADISON (for himself, Mr. THOMAS A. LUKEN, Mr. BATES, Mr. DURBIN, Ms. KAPTUR, Mr. LEWIS of California, and Mr. OXLEY):

H.R. 1095. A bill to promote safety and health in workplaces owned, operated or under contract with the United States by clarifying the U.S. obligation to observe occupational safety and health standards and clarifying the U.S. responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mr. TORRICELLI, Mr. FLORIO, and Mrs. ROUKEMA):

H.R. 1096. A bill to prohibit a State from taking into account income from sources outside the State in determining the amount of income tax imposed on individuals who are not residents or domiciliaries of the State; to the Committee on the Judiciary.

By Mr. HAYES of Louisiana:

H.R. 1097. A bill to release restrictions on certain property located in Calcasieu Parish, LA; to the Committee on Interior and Insular Affairs.

By Mr. HUBBARD:

H.R. 1098. A bill to establish a wholly owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; and Science, Space, and Technology.

By Mr. KLECZKA:

H.R. 1099. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage; to the Committee on Education and Labor.

By Mrs. LLOYD (for herself, Mr. MCEWEN, and Mr. HUBBARD):

H.R. 1100. A bill to prohibit the purchase of uranimum enrichment services from the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. MILLER of California (for himself, Mr. CHENEY, Mr. RAHALL, Mr. RICHARDSON, Mr. CAMPBELL of Colorado, Mr. LAGOMARSINO, Mr. DE LUGO, Mr. LIGHTFOOT, Mr. MARKEY, Mr. LEHMAN of California, and Mr. COELHO):

H.R. 1101. A bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of California (for himself, Mr. WAXMAN, Mr. ATKINS, Ms. PELOSI, Mr. FAUNTROY, Mr. BEILENSON, Mr. DEFAZIO, Mr. EDWARDS of California, Mr. MARKEY, Mr. JONTZ, Mr. MATSUI, Mr. OWENS of New York, Mr. SIKORSKI, Mr. WOLPE, Mr. FRANK, Mr. TORRES, Mr. MORRISON of Connecticut, Mr. FASCELL, Mr. FOGLIETTA, Mr. STUDDS, Mr. OWENS of Utah, Mr. MILLER of Washington, Mr. STARK, Mr. GARCIA, Ms. SCHNEIDER, Mr. SWIFT, Mr. YATES, Mr. WYDEN, Mr. BOSCO, Mr. DE LUGO, and Mr. GEJDENSON):

H.R. 1102. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to provide for the financial accountability of certain contractors of the Department of Energy, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEASE:

H.R. 1103. A bill to expand world trade, promote economic development by providing debt relief for highly indebted, less developed countries, and ensure the soundness of the world financial system; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETRI (for himself, Mr. MURPHY, Mr. PENNY, Mr. TAUKE, Mr. BARTLETT, Mr. STENHOLM, Mr. MICHEL, Mr. SUNDQUIST, Mr. SMITH of Vermont, Mr. ARMEY, Mr. FAWELL, Mr. GRANDY, Mr. BALLENGER, Mr. IRELAND, Mr. GREEN, Mr. HILER, Mr. BOEHLERT, and Mr. HENRY):

H.R. 1104. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit for taxpayers with school age or preschool age children, and for other purposes; to the Committee on Ways and Means.

By Mr. RAHALL:

H.R. 1105. A bill relating to the establishment of reciprocity with respect to exports of United States metallurgical coal and imports of foreign steel products; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 1106. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude receipts and disbursements of the Social Security trust funds from the calculation of Federal deficits and maximum deficit amounts under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Government Operations.

By Mr. SABO:

H.R. 1107. A bill to amend title II of the Social Security Act to provide that the aggregated period of an invalid marriage deemed valid under such title and a subsequent valid marriage (including any reasonable intervening period) shall be treated as a sufficient period of marriage for treatment as a surviving divorced spouse; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. COURTER, Mr. MADIGAN, Mr. LEWIS of California, Mr. HAMILTON, Mr. HOPKINS, Mr. BROWN of California, Mr. BRUCE, Mr. PORTER, Mr. CAMPBELL of Colorado, Mrs. BOXER, Mr. SMITH of New Jersey, Mr. GALLO, Mr. MCCLOSKEY, and Ms. PELOSI):

H.R. 1108. A bill to provide for additional information to be supplied to the Congress before its consideration of the recommendations of the Commission on Base Realignment and Closure; jointly, to the Committee on Armed Services and Rules.

By Mr. SHUMWAY (for himself, Mr. LIGHTFOOT, Mr. WHEAT, Mr. BEREUTER, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. PASHAYAN, Mr. LAGOMARSINO, Mr. HANSEN, Mr. GALLEGLY, and Mr. HERGER):

H.R. 1109. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; to the Committee on Interior and Insular Affairs.

By Mr. SKELTON (for himself, Mr. CHAPMAN, and Mr. EMERSON):

H.R. 1110. A bill to amend title XVIII of the Social Security Act to provide for payment of hospitals under the DRG prospective payment system on the basis of a blend of hospital-specific rates and a national rate, depending on the degree of variation of costs within specific diagnosis-related groups; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York (for herself, Mr. CONTE, Mr. MURPHY, Mr. FAZIO, and Mrs. BOXER):

H.R. 1111. A bill to revise certain Government procurement procedures with respect to contracts for the procurement of spare parts in order to reduce Federal procurement costs and to improve the ability of small businesses to compete for such contracts; jointly, to the Committee on Government Operations, Armed Services, and Small Business.

By Mr. STARK (for himself, Ms. SCHNEIDER, Mr. HOCHBRUECKNER, Mr. HENRY, Mr. GEJDENSON, Mr. KASTENMEIER, Mr. BROWN of California, Mr. DE LUGO, Mr. BERMAN, Mr. TORRES, Mr. CONTE, Ms. PELOSI, Mr. ATKINS, Mr. AUCOIN, Mr. BEILENSON, Mr. WAXMAN, Mr. EDWARDS of California, Mr. FAWELL, Mr. FRANK, Mr. BONIOR, Mr. DWYER of New Jersey, Mr. SIKORSKI, Mr. MORRISON of Connecticut, Mr. LEHMAN of California, Mrs. COLLINS, Mrs. BOXER, Mr. KANJORSKI, Mr. FORD of Michigan, Mr. STUDDS, Mr. OWENS of New York, Ms. OAKAR, Mr. LEWIS of Georgia, Mr. SCHEUER, Mr. WOLPE, Mr. DOWNEY, Mr. KILDEE, Mr. FAUNTROY, and Mr. MARTINEZ):

H.R. 1112. A bill to amend the Internal Revenue Code 1986 to impose a manufacturer's excise tax on the sale of chemicals which deplete the ozone layer in the stratosphere and of products containing such chemicals; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mr. DAVIS, Mr. YOUNG of Alaska, and Mr. WELDON):

H.R. 1113. A bill to authorize appropriations for the Office of Environmental Quality for fiscal years 1989, 1990, 1991, 1992, and 1993; to ensure consideration of the impact of major Federal actions on the global environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WELDON (for himself, Mrs. BENTLEY, Mr. LAGOMARSINO, Mr. WHITTAKER, Mr. FAWELL, Mr. FOGLIETTA, Mr. DWYER of New Jersey, Mr. LIGHTFOOT, Mr. CHAPMAN, and Mr. SHUMWAY):

H.R. 1114. A bill to prohibit certain railroad employees from leaving their post in the event of a train accident; to the Committee on Energy and Commerce.

By Mr. DEWINE (for himself, Mr. HUNTER, Mr. SCHUETTE, Mr. HILER, Mr. DENNY SMITH, Mr. WOLF, Mr. HARRIS, Mr. FAWELL, Mr. BILIRAKIS, Mr. DANNEMEYER, Mr. DWYER of New Jersey, Mr. BILBRAY, Ms. OAKAR, Mr. HASTERT, Mr. DYMALLY, Mr. HUGHES, Mr. BENNETT, Mr. CONTE, Mr. BLILEY, Mr. LIPINSKI, Mr. JONTZ, Mr. DAVIS, Mr. ROE, Mr. SMITH of New Hampshire, Mr. RAVENEL, Mr. HAMMERSCHMIDT, Mr. CHAPMAN, Mr. BLAZ, Mr. DE LUGO, Mrs. LLOYD, Mr. DEFAZIO, Mr. PARRIS, Mr. EMERSON, and Mrs. MEYERS of Kansas):

H.J. Res. 151. Joint resolution to designate September 1989, as "Partnerships in Educa-

tion Month"; to the Committee on Post Office and Civil Service.

By Mr. ERDREICH:

H.J. Res. 152. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. HEFNER (for himself, Mr. PRICE, Mr. CLARKE, Mr. DE LUGO, Mr. JONES of North Carolina, and Mr. LANCASTER):

H.J. Res. 153. Joint resolution to authorize and request the President to designate the month of May 1989, as "National Duckling Month"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. BROWN of California, Mr. TORRES, Mr. WEISS, Mr. COELHO, Mr. PANETTA, Mr. WILLIAMS, Mr. DURBIN, Mr. SANGMEISTER, Mr. BONIOR, Mr. STENHOLM, Mr. SISISKY, Mr. JOHNSON of South Dakota, Mr. BATES, Mr. BILBRAY, Mr. HAWKINS, Mr. WAXMAN, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. FAZIO, Mr. SABO, Mr. COLEMAN of Texas, Mr. FLAKE, Mr. LELAND, Mrs. BOXER, Mr. BUSTAMANTE, Mr. SKAGGS, Mr. EVANS, Mr. EDWARDS of California, Mr. RUSSO, Mr. STARK, Mr. DYMALLY, Mr. MATSUI, Mr. MINETA, Mr. ALEXANDER, Mr. GRAY, Mr. JONTZ, Mr. KILDEE, Mr. HOYER, Ms. SLAUGHTER of New York, Mr. LEVIN of Michigan, Mr. ACKERMAN, Mr. CROCKETT, Mr. PENNY, Mr. AKAKA, Mr. ANDERSON, Mr. APPLEGATE, Mr. BOSCO, Mr. FAWELL, Mr. CONYERS, Mr. MARKEY, Mr. ROWLAND of Connecticut, Mr. SMITH of Vermont, Mr. FORD of Michigan, Mrs. BENTLEY, Mr. HAYES of Louisiana, Mr. TORRICELLI, Mr. AUCOIN, Mr. BERMAN, Mr. GILMAN, Mr. BENNETT, Mr. MAVROULES, Mr. FOGLIETTA, Mr. GEJDENSON, Mr. ATKINS, Mr. CAMPBELL of Colorado, Mr. HENRY, Mr. ANDREWS, Mr. FUSTER, Mr. CARR, Mr. LAGOMARSINO, Mr. COYNE, Mr. MCHUGH, Mr. TAUKE, Mr. ESPY, Mr. IRELAND, Mr. STAGGERS, Mr. FRANK, Mrs. JOHNSON of Connecticut, and Mr. OWENS of Utah):

H.J. Res. 154. Joint resolution expressing the sense of the Congress to condemn the death sentence issued against British author Salman Rushdie by the Ayatollah Ruhollah Khomeini of Iran and to call for its immediate repudiation; to the Committee on Foreign Affairs.

By Mr. RUSSO:

H.R. Res. 155. Joint resolution proposing an amendment to the Constitution of the United States to protect unborn children and other persons; to the Committee on the Judiciary.

By Mr. SAWYER:

H. Con. Res. 57. Concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII,

21. The SPEAKER presented a memorial of the Legislature of the State of Arkansas, relative to the national energy strategy proposed by the South/West Energy Council; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BLILEY introduced a bill (H.R. 1115) for the relief of Herman L. Longerbeam, which was referred to the Committee on the Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 30: Mr. MARKEY, Mr. FAUNTROY, Mr. RAHALL, Mr. KENNEDY, Mr. COLEMAN of Texas, Mr. WALGREN, Mr. MCCLOSKEY, Mr. CARDIN, Mr. FUSTER, Mr. HAYES of Illinois, Mr. COYNE, Mr. DYMALLY, Mr. LANTOS, Mrs. MORELLA, Mr. ROYBAL, Mr. TORRES, Mr. MORRISON of Connecticut, Ms. PELOSI, Mr. SCHEUER, Mr. STUDDS, Ms. SCHNEIDER, Mr. RANGEL, Mr. MFUME, Mr. FLORIO, Mr. MILLER of California, Mrs. COLLINS, Mr. STARK, Mr. FORD of Tennessee, Mrs. BOXER, Mr. EVANS, Mr. LEHMAN of Florida, Mr. FRANK, Mr. SKAGGS, Mr. ATKINS, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Mr. DE LUGO, Ms. OAKAR, Mr. MAZZOLI, Mr. AKAKA, Mr. WAXMAN, Mr. GEJDENSON, Mr. HOYER, Mr. DWYER of New Jersey, Mr. DOWNEY, Mr. SMITH of Florida, Mr. GIBBONS, Mr. MOODY, Mr. CROCKETT, Mr. BERMAN, Mr. LEWIS of Georgia, Mr. MAVROULES, Mr. TOWNS, and Mr. DORGAN of North Dakota.

H.R. 40: Mr. OWENS of Utah and Mr. CARPER.

H.R. 169: Mr. HERGER.

H.R. 263: Mr. GORDON.

H.R. 449: Mr. SOLOMON, Mr. MILLER of Ohio, Mr. SKEEN, Mr. PENNY, Mr. HARRIS, Mr. NIELSON of Utah, Mr. BENNETT, Mr. RHODES, Mr. LIGHTFOOT, Mr. UPTON, Mr. KOLBE, Mr. WELDON, Mr. WHITTAKER, Mr. CRAIG, Mr. SCHUETTE, Mr. EMERSON, Mr. BALLENGER, Mr. FAWELL, and Mr. STUMP.

H.R. 520: Mr. DE LUGO, Mr. KILDEE, Mr. KENNEDY, Mr. DEWINE, Mr. ARMEY, Mr. CAMPBELL of Colorado, Mr. OWENS of New York, Mr. SIKORSKI, Mr. BLILEY, Mr. LANCASTER, Mr. TOWNS, Mr. HERTEL, Mr. HAWKINS, Mr. HAYES of Illinois, and Mr. DYMALLY.

H.R. 521: Mr. DE LUGO, Mr. KILDEE, Mr. KENNEDY, Mr. DEWINE, Mr. ARMEY, Mr. CAMPBELL of Colorado, Mr. OWENS of New York, Mr. SIKORSKI, Mr. BLILEY, Mr. LANCASTER, Mr. TOWNS, Mr. HERTEL, Mr. HAWKINS, Mr. HAYES of Illinois, and Mr. DYMALLY.

H.R. 522: Mr. DE LUGO, Mr. KILDEE, Mr. KENNEDY, Mr. DEWINE, Mr. ARMEY, Mr. CAMPBELL of Colorado, Mr. OWENS of New York, Mr. SIKORSKI, Mr. BLILEY, Mr. LANCASTER, Mr. TOWNS, Mr. HERTEL, Mr. HAWKINS, Mr. HAYES of Illinois, and Mr. DYMALLY.

H.R. 523: Mr. DE LUGO, Mr. KILDEE, Mr. KENNEDY, Mr. DEWINE, Mr. ARMEY, Mr. CAMPBELL of Colorado, Mr. OWENS of New York, Mr. SIKORSKI, Mr. BLILEY, Mr. LANCASTER, Mr. TOWNS, Mr. HERTEL, Mr. HAWKINS, Mr. HAYES of Illinois, and Mr. DYMALLY.

H.R. 524: Mr. HAWKINS, Mr. FAUNTROY, Mr. BENNETT, Mrs. COLLINS, Mr. HENRY, Mr. TOWNS, Mr. FOGLIETTA, Mr. BROWN of California, Mr. RANGEL, Mr. MRAZEK, Mr. DE LUGO, Mr. BILIRAKIS, Mr. STARK, Mr. OWENS of New York, and Mr. STUDDS.

H.R. 526: Mr. OWENS of New York, Mr. GARCIA, Mr. MCDERMOTT, Mr. LEVIN of Michigan, and Ms. SLAUGHTER of New York.

H.R. 529: Mr. FAUNTROY, Mr. ACKERMAN, Mr. LAFALCE, Mr. OWENS of New York, Mr. KILDEE, Mr. MFUME, Mr. BONIOR, Mr. VENTO, Mr. FOGLIETTA, Mr. DE LUGO, Mr. GRANT, and Mr. FAZIO.

H.R. 530: Mr. FAUNTROY, Mr. ACKERMAN, Mr. OWENS of New York, Mr. KILDEE, Mr. MFUME, Mr. BONIOR, Mr. VENTO, Mr. FOGLIETTA, Mr. DE LUGO, Mr. GRANT, and Mr. FAZIO.

H.R. 537: Mr. JOHNSON of South Dakota, Mr. HAYES of Louisiana, Mr. JONTZ, Mr. STUDDS, Mr. PANETTA, Mr. GUNDERSON, Mr. DEFAZIO, Mr. HAYES of Illinois, Mr. PEPPER, Mr. MURTHA, Mrs. LLOYD, Mr. THOMAS A. LUKEN, Mr. SARPALIUS, Mr. PAXON, Mr. KOLTER, and Mr. CHAPMAN.

H.R. 575: Mr. BUNNING, Mr. HANCOCK, Mr. HENRY, Mr. LENT, Mr. MCEWEN, Mr. ROHRABACHER, and Mr. SMITH of New Hampshire.

H.R. 670: Mr. FAUNTROY, Mr. HATCHER, Mr. JONTZ, and Mr. ROE.

H.R. 780: Mr. ANDREWS, Mr. WOLPE, Mr. KILDEE, Mr. HENRY, Mr. GARCIA, Mr. NELSON of Florida, Mr. ROE, Mr. MILLER of California, and Mr. HERTEL.

H.R. 794: Mr. KOLBE.

H.R. 814: Mr. MILLER of California, Mr. MURTHA, and Mr. APPLEGATE.

H.R. 899: Mr. DORNAN of California, Mr. SKEEN, Mr. DONALD E. LUKENS, Mr. PENNY, Mr. COELHO, Mr. LAGOMARSINO, Mr. HORTON, and Mr. THOMAS A. LUKEN.

H.R. 913: Mr. EMERSON, Mr. FAUNTROY, Mr. GORDON, Mr. MRAZEK, Mr. DE LUGO, Mr. PENNY, Mr. OWENS of New York, Mrs. BENTLEY, Mr. VOLKMER, Mr. GARCIA, and Mr. BILBRAY.

H.R. 962: Mr. BALLENGER, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BLILEY, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BUECHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CAMPBELL of California, Mr. CHANDLER, Mr. CLINGER, Mr. CRAIG, Mr. COBLE, Mr. COMBEST, Mr. COX, Mr. DANNEMEYER, Mr. DELAY, Mr. DEWINE, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DREIER of California, Mr. EMERSON, Mr. FAWELL, Mr. FIELDS, Mr. FRENZEL, Mr. GALLEGLY, Mr. GALLO, Mr. GOSS, Mr. GRANDY, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HALL of Texas, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MARLENEE, Mr. MCCANDLESS, Mr. MCCRERY, Mr. MCEWEN, Mr. MOORHEAD, Mr. MILLER of Washington, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PARRIS, Mr. PENNY, Mr. PETRI, Mr. PORTER, Mr. PURSELL, Mr. RAVENEL, Mr. RIDGE, Mr. RITTER, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROWLAND of Connecticut, Mr. SCHAEFER, Mr. SCHULZE, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHUMWAY, Mr. SKEEN, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SMITH of Vermont, Mr. ROBERT F. SMITH, Mr. SMITH of New Hampshire, Mr. SOLOMON, Mr. SPENCE, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. UPTON, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALKER, and Mr. WEBER.

H.R. 984: Mr. HERTEL, Mr. DE LUGO, Mr. DONNELLY, Mr. ACKERMAN, Mr. ENGEL, and Mr. MRAZEK.

H.R. 995: Mrs. MEYERS of Kansas and Mr. LEHMAN of California.

H.J. Res. 74: Mr. HEFNER, Mr. COLEMAN of Texas, Mr. FUSTER, Mr. KOSTMAYER, Mr. SPRATT, Mr. TALLON, Mr. LELAND, Mr. LAGOMARSINO, Mr. HORTON, Mr. NEAL of North

Carolina, Mr. RANGEL, Mr. MANTON, Mr. LEVIN of Michigan, Mr. FISH, Mrs. SAIKI, Mr. PAYNE of New Jersey, Mr. DE LUGO, Mr. FROST, Mr. SOLARZ, Mr. COYNE, Mr. THOMAS of Georgia, Mr. AKAKA, Mr. DIXON, Mr. SAVAGE, Mr. STOKES, and Mr. CROCKETT.

H.J. Res. 81: Mr. PACKARD, Mr. SHUSTER, Mr. HYDE, Mr. BURTON of Indiana, Mr. BLILEY, Mr. APPLEGATE, Mr. BALLENGER, Mr. WALSH, and Mr. MCCANDLESS.

H.J. Res. 115: Mr. FAUNTROY, Mr. ROE, Mr. DYMALLY, Mr. ACKERMAN, Mr. HUNTER, Mr. GARCIA, Mr. HORTON, Mr. MATSUI, Mr. SPRATT, Mr. SCHUETTE, Mr. IRELAND, Mr. BLAZ, Mr. POSHARD, Mr. HATCHER, Mr. DWYER of New Jersey, Mr. BONIOR, Mr. KOLTER, Mr. LAGOMARSINO, Mr. COSTELLO, Mr. HUGHES, Mr. EMERSON, Mr. SCHEUER, Mr. HAYES of Illinois, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. WALSH, Mr. DE LUGO, Mr. ENGEL, Mr. FROST, Mrs. COLLINS, Mr. OWENS of New York, Mr. BILBRAY, Mr. VALENTINE, and Mr. CHAPMAN.

H.J. Res. 130: Mr. RANGEL, Mr. LIPINSKI, Mr. PAXON, Mr. WILSON, Mr. BONIOR, Mr. TORRES, Mr. FUSTER, Mr. THOMAS of Georgia, Mr. HANCOCK, Mr. BATES, Mr. OWENS of New York, Mr. SOLOMON, Mr. RIDGE, Mr. HUGHES, Mr. KENNEDY, Mr. SHUMWAY, Mr. MURTHA, Mr. DE LUGO, Mr. PORTER, and Mr. MINETA.

H. Con. Res. 40: Mrs. ROUKEMA, Mr. DENNY SMITH, Mr. SCHEUER, Mr. WELDON, Mr. PERKINS, Mrs. UNSOELD, and Mr. MONTGOMERY.

H. Con. Res. 46: Mr. RITTER, Mr. WILSON, Mr. PORTER, Mr. BARTON of Texas, Mr. EMERSON, Mr. DREIER of California, Mr. COOPER, Mr. DWYER of New Jersey, Mr. BATEMAN, Mr. HUNTER, Mr. LIPINSKI, Mr. PEASE, Mr. RHODES, Mr. LAGOMARSINO, and Mr. GALLEGLY.

SENATE—*Thursday, February 23, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

The PRESIDING OFFICER. The session will be opened by a prayer of our guest chaplain, the Reverend Jay Wolf, of the First Baptist Church of Alexandria, VA.

PRAYER

The Reverend Jay Wolf, pastor of the First Baptist Church, Alexandria, VA, offered the following prayer:

Senators, please join your hearts with mine as we pray together.

Gracious Lord Jesus, we thank You for the privilege of pausing and turning to You in prayer.

We acknowledge that these are difficult and dangerous days in our world community. Father, we confess that our resources and wisdom are not adequate to solve the problems, so we come to You and ask for Your help.

Lord, we want You to know that these deliberations of this hour will be committed to You. We would ask that You would give these wonderful legislators Your wisdom, Your hope, Your strength, Your peace, and Your encouragement, even in these moments.

Father, would You make them righters of wrong, defenders of the oppressed, lovers of righteousness and justice. Father, even in these moments as we make decisions that will affect this national world family, You give them that deepest sense of knowing that they are ultimately accountable to You.

Father, we wrap this prayer in the magnificent, majestic, and saving name of Jesus Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 23, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

THE JOURNAL

Mr. FOWLER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF MAJORITY LEADER'S TIME

Mr. FOWLER. Mr. President, I ask unanimous consent that the majority leader's time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting Republican leader is recognized—the Senator from North Carolina and a member of the First Baptist Church of Alexandria, VA.

Mr. HELMS. Mr. President, I thank the Chair very much.

THE REVEREND JAY WOLF

Mr. HELMS. Mr. President, I was delighted some weeks ago when I learned that Rev. Jay L. Wolf, Jr., had been selected to serve today as guest chaplain of the U.S. Senate. Jay is one of the most remarkable young men I have had the privilege of knowing.

When Dorothy and I are in Washington on weekends, we attend First Baptist Church of Alexandria. In 1984, Jay Wolf was selected by that church to serve as its pastor. Jay was 30 years old at the time.

Mr. President, to be honest about it, there perhaps were some who wondered if such a young minister could successfully lead a great church the size of First Baptist of Alexandria. Dorothy and I were not among the doubters, if any, particularly after we first heard Jay Wolf preach.

In the weeks that followed, we noticed a remarkable thing: Every Sunday, more and more young people were coming to First Baptist, and more and more of them were joining the church. Jay became pastor in September 1984. In his first 4 years as pastor, more than 1,200 new members joined the fellowship at First Baptist of Alexandria.

Mr. President, in September 1984, First Baptist of Alexandria had one morning service each Sunday. In all honesty, the church sanctuary was seldom filled, sometimes not even on Easter morning. Today, there are two morning services and one in the evening each Sunday. The morning services are packed, and if you expect to find a parking space and a seat, you had better come a bit early.

This is a measurement of the Reverend Mr. Wolf's dedication to preaching the gospel. He is not a social activist. He is, as we say in the Baptist Church, a Bible-believing minister who preaches the gospel with good humor yet firm convictions. He knows that there is a difference between right and wrong, and those who attend First Baptist of Alexandria appreciate his willingness to preach the Word of God.

He is, in every sense, a devoted, caring and loving pastor, and his congregation knows it.

Jay is a native of Texas, as just about everybody in this town these days is. His parents, Mr. and Mrs. Jay Wolf, Sr., live in Georgetown, TX. Jay's wife is the former Mary Ruth Simmons, of Jackson, MS. They were married in 1977 and have two children—Jay III, born in 1982, and Sarah, who was born in 1985. Jay was licensed to the Gospel Ministry in 1971 and ordained February 16, 1978.

He was graduated from Georgetown (TX) High School in 1973. He was salutatorian of his class. He was graduated magna cum laude from Baylor University in 1977, and received his master of divinity degree in 1981 from the New Orleans Baptist Theological Seminary.

All in all, a remarkable young man. Obviously, Mr. President, it gives Dorothy and me a very special pleasure that the Reverend Jay Wolf has today been honored by the Senate with an invitation to serve this day as the guest chaplain of this body.

Mr. FOWLER. Mr. President, may I just add to the words of the distinguished Senator from North Carolina

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

my personal thanks for Reverend Wolf's being with us today, for the eloquence of his prayer, but also for the essence of the message that the Lord built a house, of course, by extension, the Nation, and all we who labor, labor in vain.

Thank you for your work and thank you for being with us today.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I yield 2 minutes of my time to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished leader for yielding time to me.

TECH-PREP EDUCATION ACT

Mr. COCHRAN. Mr. President, the youth of today must prepare for the work force of tomorrow. That will require workers with increased levels of skill and proficiency in mathematics, science, and communications. We must provide a technical education program of higher quality if we are to meet that need.

One way to do this is to increase the cooperation between secondary schools and community colleges in technical education, so that students have a unified, continuous program. It is with this goal in mind that I am joining my colleague from Rhode Island, Mr. PELL, in introducing the Tech-Prep Education Act. This bill would provide planning and demonstration grants to consortia of local educational agencies and community colleges for the development and operation of 4-year technical preparation education programs leading to an associate degree.

Secondary schools and community colleges would work together to offer students a comprehensive 4-year curriculum designed to prepare them to enter the modern work force. There would be joint training of teachers, and counselors would be trained in effective recruiting techniques.

Mr. President, each year over 1 million young people drop out of school, and many wind up on the welfare rolls. Tech-prep is a new way to encourage those who may be tempted to drop out to stay in school.

It gives us a better chance to prepare our students for a different kind of future.

Hearings will begin soon in the Education Subcommittee on reauthorization of our vocational education programs. It is my hope that careful consideration will be given to this proposal for improved coordination of effort among our schools to ensure a more interesting, appealing, and rewarding program of study for technical and vocational education students.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. DOLE. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. I am sure that the Senator has. We are about to go into morning business, if that makes any difference.

Mr. DOLE. If I have any leader time remaining that I could yield, I wish to do so.

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. DOLE. I yield that time to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the leader.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. STEVENS. Mr. President, this morning I read the FBI report in toto that is before the Senate on our former colleague, John Tower.

I have read FBI reports for a long time. Early in my career I was a U.S. attorney and had occasion to read FBI reports in criminal matters on many occasions. Later I was Solicitor of the Interior Department. I read them there. I read them here in the leadership for 8 years and also as chairman and ranking minority member of committees and subcommittees I have read FBI reports.

I want the Senate to know that we have agreed not to talk about what is in the report. But I think it is within our prerogative to talk about our reaction to the report, and my reaction is that nothing in that report changes my mind concerning my support for John Tower to be the Secretary of Defense.

Mr. President, I have known John Tower since 1961. He has traveled to my State. I have traveled with him. I have served here in the Senate with him from 1968 to 1985.

After that, on many occasions as chairman of the Senate's arms control observer group, I went to Geneva. On occasion, I stayed with John Tower in his home. One summer, as a matter of fact, I borrowed his home and my wife and little girl and a staff member went and stayed in the house. He was there part of the time. Part of the time, he was not because he had official business in Geneva at the time.

During this long period here in the Senate, my Capitol office was right around the corner from Senator Tower's and as we all know, we spent a lot of long hours here, sometimes all night, going back and forth on votes.

So I can say to the Senate that I think I have known John Tower as well or better than any Member of the Senate. I have traveled with him. I have stayed in his home. He has visited mine. I have been with him here extensively.

I know of nothing in John Tower's background or his personal or professional experience which would justify anyone in concluding that he was not ably qualified to be Secretary of Defense.

In terms of defense matters, the Senate will recall that Senator Tower and I disagreed on many occasions.

He was chairman for 6 years on the Armed Services Committee and I was chairman of the Defense Appropriations Subcommittee, and we had violent arguments on the floor of the Senate.

Senator Tower is not one to mince his words or to stop arguing when he left the floor of the Senate.

We have had words in his office and in mine and they were direct and professional.

I consider John Tower one of my best friends, and I hope that he will be able to say the same despite all of those arguments and collisions, collisions that I recall on one occasion, as a matter of fact four occasions, concerning battleships which I opposed his refurbishing and refloating, and he was dedicated to achieving, and he did achieve, his goal of bringing the battleships back.

Mr. President, seeking public office is one thing. Seeking to perform public service after leaving public office is an entirely different thing.

When Senator Tower took on the task of being one of our Ambassadors in Geneva in arms control he knew what he was doing.

Would the Chair like to interrupt now and go into regular morning business?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FOWLER. I yield the Senator from Alaska as much time as he wishes.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. I thank the Senator for his courtesy.

Senator Tower took on a task very important to this country and did an admirable job.

I do not know of any person in Geneva who criticized Senator Tower's conduct there at the time or after he left until he was a nominee for the Secretary of Defense.

When we went to Geneva, we were all cautioned that Geneva is a place where everybody is under observation. We did not have conversations about arms control except in a secure place.

I spent many hours with Senator Tower in his home and in his office, met very often in his office with Ambassador Karpov from the Soviet Union to discuss issues concerning the negotiations that were going on.

My point to the Senate is this: I have heard a lot of these rumors and I have read a lot about rumors lately concerning Senator Tower.

Mr. President, Senators know who as a Member of the Senate has a drinking problem. I have known Senators who have had drinking problems. We have all known Senators who had drinking problems. We all know Senators even to drink during working hours.

But I can tell the Senate this, and I tell the American people this: In all my time working with John Tower, I never saw him drinking during working hours. I never saw him in a situation where he was not in complete control of his brain. He never drank during those long hours that we spent either here or over in Geneva except on social occasions when work was over.

I have not heard anyone who served in the Senate with John Tower say that John Tower had a drinking problem. If there is anyplace that will bring up a drinking problem, it is right here. That is all there is to it.

This word that is going around that John Tower has a drinking problem in my opinion is ludicrous, is absurd, and I think that those of us who have worked with John Tower, who know John Tower and know his ability, including those Senators like me who have been the target of his invective at times because he disagreed with us and we know he is a tough person to deal with, it is time for us to stand up and defend this man because he is the kind of man that ought to be Secretary of Defense right now.

John Tower knows what those programs are. He knows where there is overspending. He knows where there is great need that we do not have money allocated for. He knows after negotiating with the Soviets, better than any man who served in this Senate, what the Soviets have and do not have, what our potential enemies of this world have and who they are. It is my opinion, Mr. President, that this man is a good choice to be the Secretary of Defense.

I am very hopeful that this will settle down today and we will get a vote to bring this nomination to the floor.

I intend to pursue it and defend him and am prepared to meet anyone here on the floor and defend my friend and this nominee at any time.

I thank the Chair and I thank my friend for yielding his time.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, are we now in morning business?

The ACTING PRESIDENT pro tempore. The leader still has time.

Mr. FOWLER. Mr. President, I reserve the remainder of my leader time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 1 hour with Senators permitted to speak therein for 5 minutes each.

The Republican leader is recognized.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. DOLE. Mr. President, I wish to thank the Senator from Alaska for his statement. I know that today is a very important day insofar as the nomination of John Tower is concerned. And though I get a little scent around this place that maybe we are going to have a party line vote in the committee, I hope that is not the case.

We are all going to be attending a reception later on today. Senator BYRD has spent a lot of time on a book, "200 Years in the Senate." It seems to me that we are about on the verge, unless there is some change of what I sense around, of sort of tearing this place up.

I have already seen on the talk shows some of my colleagues hiding behind the FBI report, saying, "Oh, I can't tell you what's in it, can't tell you what's in it, but I can tell you this: I can't vote for John Tower."

So now we have the FBI report, which is not supposed to make a judgment on whether or not you should vote for or against any nominee, being used by some to say, "Well, I can't tell you what's in it, but I can tell you there are some problems in there."

And, having read the FBI report myself—and again, being under the same constraints that Senator STEVENS indicated, we cannot tell you what is in it—I can tell you a lot of it is anonymous, no names, people that do not know John Tower, people that have heard rumors. And then they sic the FBI onto that particular source and they run down the rumor and in nearly every case the rumor is shot down.

Now, I have heard others say, "Well, this has been around for quite a while now and we have had so much news on it and a lot of people back home are opposed to Tower." Why would they not be? Every night on the nightly news, on every network, on CNN, in every newspaper, there is some rumor, some rumor that somebody has spread and it is repeated in the news. If somebody in my State or your State sees that report, they would not be for John Tower, either.

Talk about cynical news coverage and media frenzy, it has been around in this case. Every night there is a negative story on John Tower.

Now, we have had eight Cabinet officers turned down in the history of this country—eight—and four of them were in the term of John Tyler, and were part of a power struggle between the first Vice President to assume the powers of the President and Henry Clay, and one got caught in the politics of the impeachment of President Johnson and other things. Only one has ever been turned down in the early part of a President's term.

Now, I think it is time we understand that this is not a trial of John Tower. This is a confirmation.

I heard one Senator say last night on television, on the "Larry King Show," "Well, 90 percent of that FBI file is rubbish."

Is he on trial that we have to have beyond a reasonable doubt; it has to be 100 percent or I cannot vote for John Tower? What have we come to in the U.S. Senate? What kind of a standard do we need someone to meet to be confirmed on a bipartisan basis?

Now, I have to believe there are Republicans and Democrats who are reasonable men and women who are going to take the time to read the report and reach their own conclusion and not let some television commentator make it up for you or some poll that somebody took for Time magazine that says it is 54 to 26 percent against Tower. How did he get the 26 percent? I was surprised. If you hammer someone for 30 days or 45 days, every day, I think he is pretty lucky to have 26-percent support.

But, as I understood the process—and I have been around here for some time—the President of the United States, whether he is a Democrat or Republican, has a right to choose people he wants to serve in his Cabinet. And unless there is some overriding reason that that person should not be confirmed, in all the history of the Senate, we have done that without hesitation. There have been eight exceptions and many of those are far different than the one before us.

But now, in the modern day of television and instant news coverage and every night we have some story made out of whole cloth or based on some rumor, we have a different standard.

Today is a very important day, not just for John Tower but for the Senate of the United States. And I hope, the one thing I do hope is that it is not a party line vote on this nomination in the Armed Services Committee. I think we deserve better.

President Bush is in Tokyo today, I believe, for a very important mission. Among other things, attending the funeral, but, among other things, visiting with 12 to 15 heads of state from around the world.

I have had two conversations with Mr. Sununu, the Chief of Staff, one last night at 9:30 our time—I do not know what time it was there; they were not in Tokyo yet, they were a couple of hours out—and one at 11 o'clock this morning, which is 1 or 2

a.m. in Tokyo, concerning the Tower nomination. It is matter of minute-by-minute concern to the President of the United States. This is his nominee. He did not pick John Tower up off the street. He did not do it without careful consideration. He did it after a lot of thought and a lot of investigation. Nobody has ever been investigated as much by so many FBI agents in history, probably combined, than has former Senator John Tower.

So I hope we can restore a little balance, as the Senator from Alaska said, in what we are about to do. I would state there are 71 Senators in this body have served with Senator Tower. And I want to re-underscore what Senator STEVENS has said. I cannot believe some Senator is going to believe some anonymous source in some FBI report, a Senator who has served with John Tower and been on the Senate floor with John Tower night after night, day after day, and knows for certain that he has never seen John Tower in any condition except a proper condition. What does it come to if we rely on some anonymous source, someone who never knew John Tower or some who were political enemies of John Tower to make up our minds when we know Senator Tower and we know what his conduct was like?

So I hope that when we think about the 200 years of the Senate, we think about the institution, we think about the disservice that we could do to someone who served in this body with honor and distinction. As far as I know, nobody ever quarreled with that. When he was chairman of the Tower Commission, when he criticized Ronald Reagan, nobody jumped on Senator Tower that I know of. When he was our negotiator in Geneva, nobody criticized Senator Tower. Now we have all these charges coming out of the woodwork, over the transom, under the door, across on the House side, and some are not even related to John Tower but he is making the nightly news.

I would just say we have to have some fairness. There could be some hypocrisy around here. I hope not. But I am convinced that we ought to look at this man's strengths. His strengths are he understands the Pentagon, he understands the Congress, he knows how the executive branch works, and he can help reshape the Pentagon and help reduce some of the spending that we have to do in defense and he will know where to go to do it. That is why John Tower was selected by President Bush.

So it just seems to me that I am concerned, as a Senator that has been here for a long time, that everybody is going to hide behind the FBI reports: "Oh, we can't make that public. We can't tell you anything, but I will tell you I can't vote for John Tower."

Maybe it ought to be made public. Maybe there ought to be an exception. Maybe it ought to be sanitized. Maybe we ought to answer it charge by charge by charge. And I am willing to bet that if some objective Senator, any objective Senator, Republican or Democrat, goes through all that report and has a charge up here and an answer here, you are going to find in nearly every case they are unfounded.

So if there is no foundation except maybe rumor—and from anonymous sources, in most cases—then I wonder how we are ever going to come to grips with our responsibilities as Senators and how we are going to advise and consent on the nomination.

I guess I could call Tokyo now and tell the President the committee is meeting. Maybe he can make some phone calls. But I do not think I will do that. I think he believes, as I believe, and I think most Senators believe, that the nominee is going to have a fair hearing, not a trial, a fair hearing in the Senate. And they have had a very thorough, a very exhaustive and a very fair hearing in the Armed Services Committee. The only thing I hope is when they meet later today it is going to be a vote that expresses the concerns of the Senators but it is not going to be party line.

But whatever happens, it will be on the Senate floor, as I understand it; hopefully as early as next week. And then it is going to be incumbent upon all of us on this side and the other side of the aisle to make a judgment of the nominee and for us to understand that he is President Bush's nominee. President Bush selected John Tower. He has a right to have people in his Cabinet.

George Bush has been around awhile. I learned the hard way, he is a pretty tough competitor. And I think he has made some pretty good choices.

So I just hope that when all is said and done we are going to be objective about this nomination. If it becomes a party line vote, Republican on one side and Democrats on the other, then I think we have had a big, big setback in the U.S. Senate, notwithstanding the 200 years of history we are going to hear about later today.

I thank the Presiding Officer.

The ACTING PRESIDENT pro tempore. The acting majority leader.

Mr. FOWLER. I suggest the absence of a quorum, Mr. President.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

UNESCO

Mr. MOYNIHAN. Mr. President, in the course of the Senate Foreign Relations Committee hearings on the nomination of our distinguished Secretary of State, Mr. Baker, I took the occasion to ask whether he would be open to some reconsideration of our decision several years ago to leave the United Nation's Educational, Scientific, and Cultural Organization known commonly as UNESCO. I did not ask that he state whether he thought returning to UNESCO was a good idea, nor did I indicate that I thought it was of necessity a good idea. However, it seemed to me that we should take into account the progress UNESCO has made under its new Director General, Federico Mayor. This distinguished Spanish biochemist has done much to reform the management of the organization and moderate the ideological extremism to which it had fallen prey in the years immediately preceding our decision to withdraw.

I might make the point, Mr. President, that we have once before withdrawn from a specialized agency of the United Nations system, the International Labor Organization. It is a sequence in which I have found myself intimately involved. As it happened, my doctoral dissertation was written on the subject of how we came to join the ILO. Of the three organizations of the League of Nations—the League itself, the World Court and the ILO—the one we were least likely ever to join was the last. But it was the only one we did join. We joined in large part because of the American labor movement, which had been involved with these matters for a third of a century before we joined in 1934. Samuel Gompers, the head of the AFL, was the Chairman of the Commission which drafted the ILO charter in Paris in 1918.

The ILO held its first labor conference here in Washington in 1919. While they met, this Senate, in this Chamber, was debating the Treaty of Versailles. We were not members of the ILO, or any of the other League organizations.

Franklin D. Roosevelt, then Assistant Secretary of the Navy, allowed the ILO to occupy temporary offices which had been built on the Mall during the war. He generally did what he thought President Wilson would want done, Wilson being then in a coma.

That attachment continued to the time that Franklin Roosevelt returned to Washington as President-elect and the United States joined the ILO. The ILO was the organization to survive the League of Nations and to go on into the U.N. system. And yet it, too, began falling into a pattern of ignoring its basic charter. The ILO was to operate on a tripartite basis: govern-

ment, business, labor, representatives concerning themselves with fundamental issues such as freedom of association, and with important issues such as working conditions and the rights of employees. In the 1970's there was a nasty effort to exclude Israel from any regional groups. There was a typical pattern of these things, the Soviets being very much involved. And so it fell to me, in 1975, when I was our Ambassador to the United Nations, to draft a letter telling the ILO that we were giving 2 years' notice of our intention to leave. I said we hoped we would not have to leave but we would, if there were no change. This letter was signed by the Secretary of State, Dr. Kissinger, of course.

It happens, also, that when the 2-year time period had expired, as a Senator I moved that we leave the ILO. And I said that we hoped, one day, to return, but we were leaving.

Indeed, this did concentrate the minds of the bureaucracy in Geneva. The delegates of labor and business, and even from the Marxist world, realized they had lost the United States, the country that had sustained the body through half a century. They did make changes and we did return. And not 6 months ago, again on this floor, I was able to move the adoption of three international labor conventions the first we had ratified in a third of a century.

So we are back in the ILO. We are out of UNESCO. Yet, the question arises whether we should reconsider our position in the light of changes UNESCO has made. I am particularly pleased to know that the United Nations Association, USA, has formed a panel to engage in what it calls "rethinking UNESCO." I see that the chairman of the panel is none other than our revered former colleague, Senator Robert T. Stafford, of Vermont. He has joined with what appears to me to be a very distinguished group of persons who might consider this whole question of the governance of UNESCO past, present, and future.

In that context, Mr. President, I have been struck by an address which the Soviet Foreign Secretary, Mr. Eduard Shevardnadze, gave at UNESCO House in Paris on October 11, 1988. His address appeared in Pravda on October 13, and has now been reprinted in English by the newsletter of the Americans For the University of UNESCO.

Mr. Shevardnadze stated that he was the first Soviet Foreign Minister to speak to that body, which I do not doubt. I am not aware that any American Secretary of State has done so, although one may have many years ago. Shevardnadze had something powerfully important to say. Acknowledging that UNESCO could not escape the influence of political and ideological storms of this century, he said:

As we delve into the roots of the trouble, we don't try to shift the blame on others. We submitted to the influence of confrontation and adopted its spirit as we sought to repulse ideas alien to us. The exaggerated ideological approach undermined tolerance intrinsic to UNESCO.

At this point, Mr. President, I would ask unanimous consent that excerpts from Mr. Shevardnadze's speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MOYNIHAN. I thank the distinguished Presiding Officer.

Mr. President, it is not every day in my experience that a Soviet diplomat goes to an international organization and asks: "Has this organization been torn apart by ideological stress? Has it been confrontational? Has it departed from its essential mission?" and answers: "Yes, it has. And we are the ones who did it."

That is a significant event. I know of no equivalent in Soviet diplomacy. I know no equivalents of a Soviet acknowledgement that, at minimum, the UNESCO is an organization that was meant to embody, "The tolerance"—I use Mr. Shevardnadze's words—"of opposing opinion." The tolerance, I might add, which is the essence of a liberal society—small "l."

Did I use the word "liberal?" Well, it can still be used, even on the Senate floor. We are immune from prosecution for statements made in this body.

The UNESCO is an embodiment of the kind of liberal tradition of the West. The founders of UNESCO had expected that the world would soon resemble the Western democracies, but that did not turn out to be so.

On the other hand, it did not have to follow that when nondemocratic states became the majority, they used that power to begin turning the very institution that embodied the world order's expectation of a free and liberal political, cultural and scientific life into the very opposite.

Part of that effort was the New World Information and Communications Order. In a word, Mr. President, UNESCO set out to make rules for journalism: what you could do, could not do, what you had to report and could not report. Nothing quite as extreme as the Ayatollah's proposal to sentence to death anyone who writes things of which he disapproves, but still the clearest possible violation of the spirit and the word of the UNESCO constitution.

I recall going to Paris 10 years ago for the purpose of calling on our mission there and meeting with Mr. M'Bow. I was not able to do so; he was not in Paris at the time. But I had met him in Geneva earlier when I was the U.N. Ambassador, and I said to him, "Listen, you are way off. You are heading in directions that are going to destroy this organization, and it will not be missed. If your idea is to license journalists and to set up the one-party press that is characteristic of the majority of the countries now in UNESCO, I tell you, we will depart."

My dear friends of earlier years, Prof. Gene Lyons and Michiline Lyons of Dartmouth College were there. Both expressed their hope we would not leave. We had not given the subject the attention it deserved. We did not have a mission there that was saying, "Keep this up and out we go," or to the degree it was heard, it was not believed. Indeed, we did go.

Well, that concentrated the mind. Just as the ILO began to address our concerns, so did UNESCO. And in the course of a normal sequence of the expiration of the term of office of the Director General, the effort by Mr. M'Bow to succeed himself yet again was rejected. The body turned, as I remarked earlier, to Mr. Mayor, an eminent Spanish scientist who embodies the expectations of the organization.

Mr. President, we are going to have hearings on this subject in the Committee on Foreign Relations. We are going to ask the persons who think we should reaffiliate, those who think we should not, those who have various views in between. It is a sensible time to do this. For my part, I would take the surprisingly candid admission of Mr. Shevardnadze that the Soviets were behind the wrecking of the institution to be an indication of their willingness to see to its rebuilding. I do not know.

The distinguished Presiding Officer may have a very healthy skepticism, but the matter is worth inquiry when our former colleague, Senator Stafford, devotes himself to the matter. Surely we can do as well. I thought I would take this moment to advise the Senate of our intention to hold hearings and also of this rather unusual statement by a Soviet diplomat.

EXHIBIT 1

SOVIET FOREIGN MINISTER SPEAKS AT UNESCO

[Following are excerpts from the speech delivered in UNESCO House before Permanent Delegates, members of the Executive Board, staff and guests on 11 October 1988 by Eduard Shevardnadze, USSR Minister of Foreign Affairs. The English text appeared in a Supplement to "Moscow News" No. 45, and was translated from the Russian original in Pravda of 13 October 1988.]

I am the first Soviet Foreign Minister to speak here. This address is inspired by Mikhail Gorbachev's words that the goals for which the UNESCO was set up are of special importance today.

My speech has been inspired by the desire and, no less so, by the Soviet will to be constructive and trailblazing contributors to UNESCO's activity.

On my way here, I recalled a Soviet novella whose hero never distinguishes between homeland and foreign countries and takes to heart others' problems, joys and sorrows

like his own. Such people are linked with the entire humankind by ideas, by feeling part of everything, by faith in the triumph of reason, by responsibility for whatever happens in the world.

For me, that story goes together with the basic law of our perestroika: human life, dignity and social progress matter more than anything else. Universal human values are above all other interests.

I think it especially important to say that to an organization whose founding fathers wrote in its Charter the words on peace based on intellectual and moral solidarity of the human race.

That goal used to seem a beautiful ideal torn apart from reality. Now that ideal is imperative, politically and morally. This world is indivisible, and the clearer we see it, the clearer to us the global nature of that imperative.

UNESCO could not escape the influence of political and ideological storms of this century.

It found itself on the threshold of a crisis. It could not fully use its rich potentials.

As we delve into the roots of the trouble, we don't try to shift the blame on others. We submitted to the influence of confrontation, and adopted its spirit as we sought to repulse ideas alien to us. The exaggerated ideological approach undermined tolerance intrinsic to UNESCO.

We refuse to act as judges, and we start our criticisms with ourselves. We call on everybody to learn the lessons of the past as UNESCO revival is starting. The organization shall be one universal whole to respond to the emergent wholeness of the world.

UNESCO shall embark on the course determined in its Charter and become a genuine center of cooperation. Thus we see the goal of its revival.

As we refer to the universal nature of UNESCO, we mean not only extensive representation. Such nature presupposes that UNESCO's practical activity rests on the principle of a united human race, a world inter-connected and interdependent. Our decisions ought to bring to a common denominator the demands and interests of East and West, of South and North, of humanity as a whole.

The existence of universal values is beyond doubt. Such values take shape and consolidate, above all, the realm of the spirit.

It is in the nature of man to repeat great truths, but only experience engenders a conscious desire to follow them. It has taken us decades of alienation and confrontation to see that we are different and will remain as such for some time. Yet we have one civilization and we will not be able to save it if we stay divided. There is a need for consolidation and solidarity of thinking people, first and foremost.

There is a need for real solidarity that would foster the idea of the world's unity and of a common destiny of its nations.

The perestroika philosophy has enabled us to develop a new view of the world and ourselves, to look through new lenses at our responsibility to our own people and the human race generally.

Perestroika has tapped previously unused creative energies, brought unjustly rejected names and works back from limbo, restored the civil right of dialogue between the public and the state, between authorities and the creative artist, and between the individual and the community.

Further decentralization and greater glasnost go a long way to foster the plurality of views and assessments, freedom to disagree, tolerance and humanity.

The traditional concept of culture has suddenly taken on new aspects.

For, apart from everything else, culture is that potent force crucial to the ability of society to set itself progressively higher value standards, organizing public life accordingly.

Surely this change in attitudes has had an impact on our foreign policy, which today is underpinned and guided by the concept of new political thinking.

The basic principles of this concept are these:

Free choice, which implies that one must not claim the right to final judgment, nor impose ideas, doctrines or models of development;

Political and cultural pluralism, which implies that no commitment to one's beliefs can any more justify their messianic promotion;

Reliance on dialogue, not on confrontation, and on the balance of interests, not on the balance of forces;

Exclusion of the self-acting component of ideological differences from international affairs, and measures to guarantee national security in the context of universal security;

Peace through wisdom, not through force; force of politics, not politics of force;

Supremacy of international law in international affairs.

The Soviet Union is rethinking its attitude to many international organizations, including those concerned with economic issues and seeks a worthy place in them.

The Soviet Union sees its role in UNESCO in a new light, too. Now that the ideas of its founding fathers, who foresaw the unique role of intellectual, cultural and ethical factors in politics in the context of an integral world, are getting a new lease on life, we have no task more important than humanizing international relations, promoting intellectual and emotional unity of world peoples, and concentrating on ways and means of saving the foundations of life on Earth.

The Soviet Union calls for this high energy to be immediately used in world politics, and regards UNESCO as a unique generator of fresh innovative approaches to humanitarian and intellectual cooperation in the cause of peace and security.

As we see it, UNESCO has a major role to play in devising a sound strategy for a world that is undergoing renewal.

There is therefore an objective necessity to reorient UNESCO, laying special emphasis on the utilization of the latest achievements in science, engineering, culture and education. It would be proper to think of new ways of organizing UNESCO's work.

Science has elevated the world to such a height from which it may either develop, reaching still higher summits, or fall into an abyss. Scientific discoveries have proved the truth which was known back in antiquity: knowledge by itself is not a panacea from all evils. Without moral guidelines it may become a source of evil.

The sacred faith in the power of knowledge has been undermined by infernal discoveries, by the depletion of the natural sources of self-reproduction, and by hunger and poverty.

The scientific and technological revolution has not merged with the spiritual and moral advancement. As a consequence, the fertile layer feeding civilization has started thinning.

Only recently science was isolated from other spheres of intellectual activity. Now its impact on human life is becoming more and more visible.

Much depends on the international and universal human function of science, on the ability to cope with the still dominating tendency of monopolizing scientific and technological achievements.

Jointly, the nations must find a formula for the just distribution of products of the scientific intellect, and establish such an order whereby the benefits of scientific discoveries might become accessible to all.

To keep whole nations on the periphery of the emerging scientific and information world is not only immoral, but also dangerous, particularly for the peoples which, for historical reasons, have risen to the heights of welfare.

Culture is more than the preservation of historical monuments or human aesthetical erudition. It's an imperative standard of inner relationships between the eternal and transient, and a permanent test of plans and their realization by the supreme criteria—justice, the good and beauty.

There is also the problem of dying languages, and natural and forced assimilation of cultures. Our integral world is not a melting pot. It is integral due to its diversity.

Shortly before our meeting, the permanent representatives of the Soviet Union, the Ukraine and Byelorussia handed UNESCO Director-General Federico Mayor the instruments of ratification pertaining to the convention on the protection of the world cultural and natural heritage.

Frankly, we were impermissibly long in acceding to the convention drafted with our involvement way back in 1972. This is also an aftereffect of the recent stagnation on our domestic scene. However, we will try to make up for the time lost by vigorous efforts to save and protect cultural monuments and natural riches in the Soviet Union and elsewhere.

We hope that the World Decade for Cultural Development will make for nations' resolves to prevent the erosion of moral and cultural values.

Under the Decade's program, the Soviet Union will be glad to host in Moscow a major international symposium on 'Mankind's Common Heritage and the Third Millennium.'

Our common heritage includes land and sky, seas and oceans, lakes and rivers. It includes everything that has made us the human race.

It includes space, a field of peaceful concerns in the future. We must keep it peaceful.

We know that UNESCO is emphatically for international space research projects under its aegis.

UNESCO could promote a UN world information program by using its own TV and computer facilities. We pledge support with national technical facilities to further the idea of unity for the survival of mankind, the protection and augmentation of its spiritual and ethical values, and greater humanitarian and intellectual cooperation.

UNESCO is drafting a third medium-term plan which is to shape its prospect practically till the end of this millennium. We hail the organization's intention to work, in compliance with its mandate, for peace, development and environmental protection.

We also support UNESCO's emphasis on human rights and efforts against discrimination in any form.

The current boom in communications explains UNESCO's interest in this field. The

organization should make for a free circulation of information.

UNESCO should resolutely turn to the issues that concern young people. The organization should enter into an active dialogue with young men and women everywhere. We will do our best to contribute to drafting projects oriented to those who will inherit this planet and peace.

We are reviving many words and notions which enmity and violence have removed from mankind's lexicon. Charity is one of them. UNESCO is right in proposing that charity should be fostered internationally through programs designed to help the destitute. We believe UNESCO was also correct in centering on urbanization issues and selecting the future of cities as the subject of one of its mobilizing projects.

It is precisely at UNESCO that we can do a lot together to overcome lack fo understanding.

Let us remember this, while conducting debates, discussing cooperation projects, and passing resolutions. Let us remember this every day and minute.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

CONSULTANTS

Mr. SASSER. Mr. President, recently my friend and distinguished colleague from Arkansas, Senator DAVID PRYOR, chaired an important hearing before the Subcommittee on Federal Services, Post Office, and Civil Service, on which I shall serve. That hearing examined the role played by private consultants to the Environmental Protection Agency in planning and administering Superfund cleanup activities. We heard some disquieting testimony about the extent to which private contractor consultants—some of whom do extensive work for the very industries being regulated—plan and execute public policy without proper accountability and oversight.

The proper role of consultants in Government activity is not, of course, an issue limited to the environmental area. Last year's Pentagon procurement scandal, involving alleged use of insider information by well-placed defense consultants, reminded us of the need for better scrutiny of this form of "shadow government." Senator PRYOR has been in the forefront of such scrutiny, and I am sure my colleagues join me in commending his efforts.

On January 6, 1989, readers of the Los Angeles Times were privileged to read a most thoughtful editorial piece by Senator PRYOR entitled, "Insiders on the Loose—Nobody Knows What All the Government's Consultants Are Doing." I believe Senator PRYOR's observations are interesting and well-taken, and should be available to my colleagues.

Accordingly, I ask unanimous consent that Senator PRYOR's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INSIDERS ON THE LOOSE—NOBODY KNOWS WHAT ALL THE GOVERNMENT'S CONSULTANTS ARE DOING

(By David Pryor)

When the Justice Department announced Operation Ill Wind last June, it was as if a hurricane had suddenly struck the entire defense-procurement system.

The revelations concerning potential criminal behavior on the part of some well-connected defense consultants brought the usually behind-the-scenes world of consulting out into the open. Just as the eye of a hurricane provides a brief respite, the secrecy of the grand-jury process has thrown a calmness over the events of the scandal over procurement. It is appropriate then, in this time of relative calm, to take a systematic look at the role that consultants play in our government.

Since 1978, when President Jimmy Carter asked for a short list of all consultants who were working for the federal government, we have been aware of an abysmal lack of information on the government's use of such people. We do not know the answers to such basic questions as how many consultants work for the government, how much we pay them (estimates have ranged from $243 million a year to $26 billion a year), what work they are doing, or whether anyone has checked to see if federal workers could have done the job.

Yet, increasingly, the basic work of government has been delegated to a work force that is nowhere to be found on the official organization charts—a shadow government.

It is not my contention that this shadow government is totally corrupt. It is my contention that Congress, the press and the public should have easy access to the "real organizational charts" of our federal agencies. Only when we have information on the numbers of consultants and the actual work that they are performing can we then have a true picture of our government.

We found in the past that the Department of Energy employed a contractor to help plan our nation's response to future oil shortages. This same contractor also worked for the Organization of Petroleum Exporting Countries. A federal worker would not be allowed to maintain this potential conflict of interest. But in the shadow of government the agencies often don't know what private-sector (or in this case what international) interests the consultants or contractors have.

At the Department of Defense, we recently found that a consulting organization had largely written the department's directive that established the Pentagon's policy on consultants.

In 1981 the Department of Defense testified that it had 31,000 contractors performing consulting services, studies, management and professional services. The government did not know in 1981, and the government still does not fully know in 1989, what potential conflicts of interests exist between the work that these individuals do for the government and the work that they do for the private sector.

In the defense-procurement scandal we have seen that private contractors themselves have the resources and the incentive to hire their own private consultants. The actual work performed by these private-sector consultants and their relationship to the government is shrouded in the same shadow as the government's own consultants and contractors.

It is all too difficult to find the most basic data on the government's private work force. But at least when a consultant is hired by the government some record should exist. This new level in the private bureaucracy, where consultants hire consultants, defies even the most basic opportunity for scrutiny. Though tax dollars might (it is hard to say with certainty) be paying these consultants to consultants, neither Congress nor the public can find out what these people are actually doing.

We are becoming a nation of insiders and outsiders, not public officials and citizens. On the one hand, the public is unaware of the decisions and actions made by this unelected bureaucracy. On the other hand, those who happen to be plugged into this shadow government have privileged access to government information. when unscrupulous individuals trade on this government information and are caught, we have a scandal. I deplore this alleged example of profiteering off one's privileged access to information. Until we have total disclosure, however, we simply don't know the extent of the procurement problems.

We need our own glasnost in this area. Unless we have comprehensive disclosure of the private-sector connections of persons hired as government consultants or contractors, then neither Congress, the citizens nor indeed the majority of the federal work force can have complete trust that we are receiving unbiased and untainted advice. Furthermore, as far as defense contracting is concerned, only through disclosure will we know if major procurement decisions (that is, weapon systems) are being made based on reasons of national security and not based on who had the best inside information. While the disclosure of who is doing what for the federal government and who his private-sector clients are will not solve all the defense-procurement problems, this openness will go a long way toward restoring confidence in our system.

I am somewhat encouraged by the Pentagon's recent announcement that it no longer opposes the registration of consultants. With the Defense Department's support, perhaps the congressionally mandated requirement for the Administration to formulate a consultant registration proposal will result in some meaningful procurement reform. Unfortunately, the legislation gives the incoming Bush Administration the option of deciding whether or not to actually use the registration proposal.

Yet when the grand-jury indictments start the Operation Ill Wind hurricane blowing again, I hope that the new Administration will seize the concept of consultant registration as a way of restoring taxpayer confidence in a troubled system.

RAILROAD TRANSPORTATION REFORM

Mr. ROCKEFELLER. Mr. President, for a number of years, I have been advocating legislation to improve the implementation of the Staggers Rail Act of 1980. In the Staggers Act, Congress deregulated rail transportation where shippers have competitive alternatives but it established important safe-

guards for captive shippers who lack such alternatives.

While the Staggers Act produced many benefits, implementation of the safeguards for captive shippers was not satisfactory. In West Virginia and in many other States we are heavily dependent on railroad transportation and have many captive shippers. Without competition, such shippers face the prospect of monopoly rates unless they can rely on the checks and balances afforded by Federal law. Unfair rail rates can create economic trouble. In West Virginia and elsewhere, for example, excessive rates for shipping coal can mean coal contracts lost to foreign competitors and higher electricity rates.

Efforts to improve implementation of the Staggers Act have focused on the need for more streamlined Interstate Commerce Commission procedures and fair standards that will provide captive shippers with the safeguards to which they are entitled. One of the issuers in this debate which I have emphasized because of its importance has been the proper calculation of the rail cost index. Since that index insulates railroad rates from captive shipper challenge, many of us have argued that, in order to be fair, the index must be adjusted for railroad productivity improvements.

The ICC is currently conducting a rulemaking on adjusting the cost index for productivity, and I am pleased to say that the Commission has tentatively decided to make a productivity adjustment. Because of the importance of the issue, I have submitted a statement to the ICC on the matter and ask unanimous consent that a copy of the statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROCKEFELLER. Mr. President, regulatory issues can be complicated and difficult to understand, but they have a pocketbook impact on the public that we must not ignore. In the months ahead, I intend to keep reminding my colleagues of the real world importance of the sometimes arcane issues involving our railroad laws. I am cautiously optimistic that we are getting back on the right track.

EXHIBIT 1

BEFORE THE INTERSTATE COMMERCE COMMISSION

(In the matter of: Railroad cost recovery procedures—productivity adjustment, Ex Parte No. 290 (Sub-No. 4))

STATEMENT OF JOHN D. ROCKEFELLER IV, U.S. SENATOR, FEBRUARY 22, 1989

As a Senator representing the state of West Virginia, I believe it is important for me to comment on the Interstate Commerce Commission's consideration of whether to adjust the Rail Cost Adjustment Factor (RCAF) for improvements in railroad productivity.

West Virginia—known, for good reason, as the Mountain State—is heavily dependent on railroad transportation. Many of our shippers, particularly coal companies, are captive shippers. That is, they have access to a single railroad and have no viable transportation alternative. Without competition, such shippers face the prospect of monopoly rates unless they can rely on the checks and balances afforded by federal law. Unfair rail rates can create trouble for our economy in coal contracts lost to foreign rivals and higher electricity rates. Captive shippers exist in many states and face similar problems. This includes, for example, many of the grain shippers of the farm belt.

Foremost among the checks and balances provided by federal law to guard against monopoly rates is the right of captive shippers to challenge unreasonable rail rates at the Interstate Commerce Commission. However, as the Commission explains in its November 14, 1988 decision on the RCAF, the law provides that rate increases that track the increases in the RCAF index are "insulated from shipper protest." (ICC decision, page 1) The idea behind this, as I understand it, is that rates should be allowed to rise without challenge as costs rise, because a rate increase that covers costs is considered reasonable. The use of a cost index avoids the need for the elaborate and burdensome proceedings that previously were used for general rate increases. (ICC decision, note 2)

Fair enough. But if the RCAF index is going to play the important role of sheltering rate increases from challenge by captive shippers, then how that index is constructed becomes crucial. As the Commission points out, for years "many shippers have argued that railroad productivity gains should be factored into the compilation of the RCAF index." (ICC decision, p. 1) The reasoning is this: If railroad costs increase, but productivity also increases by the same amount, the cost of providing a given service does not rise. Consequently, the rate level that is insulated from captive shipper challenge should not rise. Of course, this does not mean the railroad cannot charge above the level insulated by the RCAF—the RCAF is no cap on rates. It just means that a rate above the RCAF level is not automatically and forever immune from challenge. A captive shipper can challenge such a rate, but the shipper will prevail only if the rate is unreasonable.

In its decision proposing to adopt a productivity adjustment to the RCAF, the Commission succinctly explained its rationale. The Commission observed that the adjustment "will insure that rail carriers cannot use the procedural protections of the RCAF process to avoid scrutiny of potentially excessive rates in captive markets." (ICC decision, p. 3) The Commission also tentatively concluded that the methodology employed should be that developed by its independent contractor, Reebie Associates. (ICC decision, p. 2) I submit this statement in support of adoption by the Commission of a productivity adjustment and use by the Commission of the Reebie methodology.

A Commission decision to adopt an appropriate productivity adjustment to the RCAF would be, I believe, well founded and is badly needed. The Railroad Accounting Principles Board stated that it believed "that a productivity adjustment is necessary for the RCAF to measure cost changes accurately." (RAPB Final Report, Vol. II, p. 90. See also Railroad Cost Recovery Procedures, 3 I.C.C. 2d 60, 65 (1986)) The Commission observes, in something of an understatment, that since 1980 railroad "productivity gains have been achieved." (ICC decision, p. 3) In fact, I understand that such gains have been substantial. Across the whole spectrum of the business, railroads have enhanced productivity and made substantial investments in upgrading their physical plant. For the most part, however, the improved productivity these steps have made possible has not been reflected in the RCAF. The cumulative impact of eight years of such gains means that the RCAF is now at serious odds with actual costs.

Various objections to implementation of productivity adjustment to the RCAF, including the concern that incentivies to innovate not be adversely affected, were answered by the Railroad Accounting Principles Board report. (RAPB Final Report, Vol. II, pp. 89-92) Let me only emphasize what is widely acknowledged—that most railroad traffic is deregulated because it is disciplined by a reliable and effective incentive to innovate, namely competition. Moreover, my understanding is that the Reebie methodology carefully preserves incentives to innovate. For example, since productivity improvements under the proposed methodology will be applied on a delayed basis, railroads will be able to retain productivity gains initially under the RCAF. In this respect, the Reebie approach imitates the competitive market. In the competitive marketplace in which most American business functions, a firm innovates without a permanent guarantee that it will keep the fruits of productivity gains. It constantly innovates to get or keep an edge on the competition, knowing that it may be to keep the fruits of any particular productivity improvement only for a limited time. The preservation of incentives for innovation under the Reebie methodology makes unnecessary and excessive an additional sharing of productivity between railroads and shippers as suggested by some in the present proceeding.

The decision in this proceeding is, of course, for the judgment of the Commission. Given the importance of the decision, however, to my own state and to our national transportation policy, I appreciate this opportunity to comment.

Respectfully submitted,

JOHN D. ROCKEFELLER IV.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNATION OF THREATS AGAINST THE AUTHOR AND PUBLISHERS OF "SATANIC VERSES"

Mr. MOYNIHAN. Mr. President, I send to the desk a resolution and ask that it be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, might I, by way of explanation, say that this is a resolution which we hope

will win the support of both sides of the aisle. It is a sense-of-the-Senate resolution concerning the threats which the Ayatollah Khomeini has directed against an Indian-born author and the employees of his American publisher.

It was our hope that we might have voted on this resolution by now. Slightly different versions were prepared on both sides of the aisle. Senator PELL, Senator SANFORD, and Senator GRAHAM have joined me in sponsoring this version. Mr. WALLOP would like to introduce a measure, too. He is necessarily engaged in the Armed Services Committee and cannot be here at the moment. We hope that this might be resolved before the end of the day.

But in the event that it may not be possible, I wish to have the RECORD note that the Senate is concerned and will make its views known, if not today then in our next regular session.

When the leader of a foreign nation orders the assassination of the citizen of another, the Senate cannot stand silent. Our response must be clear and immediate. To paraphrase the 19th century British Prime Minister W.E. Gladstone, the resources of civilization in dealing with its enemies are not exhausted. Indeed they have as yet hardly been displayed.

Egyptian author Naguib Mahfouz, last year's Nobel laureate in literature, spoke for us all when he said of the Ayatollah Khomeini's threat to murder Salman Rushdie: "I consider it intellectual terrorism." I will not comment on the quality of the book. The quality of the book is not the issue. The issue is that any attempt to suppress any book by violent intimidation is a threat to intellectual freedom that cannot be allowed to succeed.

"Satanic Verses" has been banned in India, Pakistan, and Egypt. In Great Britain its author hides in fear. In the United States, the offices of Viking, the book's American publisher, have been evacuated several times following bomb threats.

Outrage is certainly in order, though it must be tempered with a few words of caution. Mr. Rushdie is, indeed, fortunate to be living in Western Europe. Vaclav Havel, the Czech author who was sentenced to 9 months in prison on Tuesday for offending the Czech state was not as fortunate. Nor were the Czech, Polish, Russian, and Hungarian writers whose works cannot yet and may never be read because totalitarian regimes erased them from the world's culture. Their persecutors were not fanatics. They are not as easily caricatured as the Ayatollah.

But as a challenge to international law and to freedom of thought, the threat against Mr. Rushdie and his publishers cannot pass without condemnation. Our attitude, this Senator's attitude, was summed up in an ad placed in the New York Times on Wednesday by the Association of American Publishers, the American Booksellers Association, and the American Library Association. It read:

Free people write books.
Free people publish books.
Free people sell books.
Free people buy books.
Free people read books.

Mr. President, a free people will not be intimidated into abandoning their freedom by the threatening voice of a second-rate dictator and a religious zealot.

We do not speak in any disapprobation of religious zeal. It is religious intolerance which brings us to the floor at this moment.

Mr. President, I would like it to be understood that we very much approve of our President's statements in this matter and say once again that the resources of civilization have not been exhausted. We would put those who now threaten our civilization on notice that in their actions, they submit themselves to a yet greater threat from vastly greater powers, vastly more protective of what has created this civilization.

We did not reach the point of freedom we enjoy today because we were unwilling to defend that freedom. And we will not give it up. We will not allow ourselves to be intimidated by those who have never known freedom and would reject it if they did.

Mr. President, I thank the Senate for its courteous attention.

Mr. MITCHELL. Mr. President, I commend the actions of the European Economic Community nations in recalling their diplomatic personnel and suspending official visits with the regime of the Ayatollah Khomeini in Iran. These actions are a measured and reasonable response to the death threats made against Salman Rushdie. President Bush also deserves praise for his strong condemnation of Khomeini's acts.

Openly avowed threats of assassination have no place in the world community. They cannot be tolerated in a pluralistic world, and to deny them legitimacy is the only appropriate response.

The Islamic religion, one of the world's great faiths, the second largest by number of adherents in the world, the youngest of the religious beliefs that is heir to the traditions venerated by Jewish and Christian people, does not authorize contract murder or bounty hunting.

The world's Islamic people honor the books of what we call the Old and New Testaments, with their repeated proscriptions against killing. Their own holy book, the Koran, is equally explicit.

Indeed, in the particular case of the Ayatollah's death threat against a fellow Moslem, Salman Rushdie, there is a direct injunction: "Whoso slayeth a believer of set purpose, his reward is Hell forever" (Surah IV, 93).

The death threat and the reward offered for the killing of this man, therefore, offend against Islam as a matter of faith, no less than they offend against Judaism or Christianity.

It is important for Americans to remember that the call for the author's death is not the universal reaction of the Moslem world. Many members of that faith, while deeply offended by Rushdie's bock, do not support the Ayatollah's call for his murder.

Ayatollah Khomeini's actions are simply unacceptable within the context of tolerance that has traditionally characterized Islam or within the context of norms and principles broadly shared by the international community.

In the spirit of the American tradition of honoring freedom of conscience and thought, our Nation can understand the anger and frustration of the members of a great faith, Islam, against a book that seems to mock it.

We respect the feelings of those who believe their faith has been blasphemed. We recognize the indignation of a people who too often see their faith scorned or misunderstood by a Western world that demands respect for its own beliefs.

We welcome the efforts of Moslem people who share our respect for human life to make clear that the Islamic faith looks with dismay on assassination, as do all civilized peoples.

People of good will, regardless of religious faith, should not let one man sway them from the injunctions to brotherhood that are common to all faiths. We Americans should set the example, drawn from our own struggles to accommodate diversity in practice and belief.

We reaffirm both our deep respect for all forms of religion and our belief that freedom of expression is a fundamental individual right that must be vigilently protected by the international community.

We join in standing firmly behind President Bush in his unequivocal condemnation of the Ayatollah's threats.

This is the purpose of the resolution before us. It is a purpose which I believe all Americans can and do support.

I believe that our words join a growing chorus of voices worldwide united in support of the right of free expression and the condemnation of violence against individuals who exercise that right.

Mr. PELL. Mr. President, I join in the concern that has been so widely expressed about threats against the writer Salman Rushdie for his recently published book, "Satanic Verses." On February 22, in Boston, New York,

Washington, and other cities there were public meetings at which writers and scholars joined to uphold Mr. Rushdie's freedom to publish, and to condemn the threats against his life that have been uttered by the Ayatollah Khomeini.

Of those who spoke in support of Salman Rushdie, none was more eloquent than Christopher Hitchens, columnist for the Nation magazine in New York and for the New Statesman in London. Mr. Hitchens was to have introduced Salman Rushdie at a program in Berkeley, CA, this week. The program, and Mr. Rushdie's entire visit to the United States, had to be canceled in the face of the threats on his and his wife's life.

In his remarks in New York, February 22, Mr. Hitchens applied the English poet Shelley's line about an "old, mad, blind, despised and dying king" to the Ayatollah. He quoted the German Poet, Heinrich Heine, to the effect that "where books are burned, men will be burned."

As reported by the New York Times, Mr. Hitchens received the strongest response for his statement:

> Until the threat of murder by contract is lifted, all authors should declare themselves as co-conspirators. It is time for all of us to don the yellow star and end the hateful isolation of our colleague.

This is a timely and appropriate reminder of the attacks on Jews under Hitler's regime in Germany, which culminated in the Holocaust. Jews were required to wear a yellow star as an emblem of shame. A few non-Jews would wear the star as an expression of sympathy with the Jews and opposition to the Nazi policies. Some of those individuals perished in the madness that followed. We honor their memory by drawing the parallel to the situation before us today.

Mr. President, in our lives we have occasional opportunities to stand in solidarity for that which is right. This is one of those opportunities. I join in this resolution expressing support for the author, and publishers, the booksellers, and the writers and others who are upholding Mr. Salman Rushdie in his right to publish "Satanic Verses." The Ayatollah should understand the very wide concern that his threats against Mr. Rushdie have aroused.

Debate and disagreement there may be. Books may give offense and be sharply criticized. That is part of the discourse of intellectual life.

But threats against the very person of an author cross a line that is so fundamental that they deserve the widest condemnation. I congratulate the Senator from New York for his initiative in bringing forward this resolution and urge its immediate approval. May I add that I congratulate Senator LEAHY on his position in this regard.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. BYRD. Mr. President, the Senate is in the process of performing a duty central to the constitutional responsibilities and powers of this body. Under section 2, clause 2, article II of the Constitution, the President shall appoint public ministers with the advice and consent of the Senate. The Senate has a shared constitutional responsibility with the President to judge the fitness of a person to serve as a Cabinet Secretary and shares the responsibility, as an institution, for the consequent acts and behavior of nominees to whom it gives its consent.

The position of Secretary of Defense is particularly unique, sensitive, and important. The standard of fitness to exercise the responsibilities of that office must be extremely high. The Secretary is in the chain of command, and his decisions, often made on the basis of unforeseen developments, partial information, excruciating time pressures, in the middle of the night, or at any hour of the day, affect the lives of our fighting men and women, the credibility of this Nation, and could affect the fate of other nations as well. These are sometimes grave decisions and a person in the position of Secretary of Defense must possess unfailingly sound judgment, and precise, careful, cogent reasoning powers at all times.

The individual charged with decisions of this gravity must be one of proven, strong self-discipline, mature judgment, unclouded reputation, and demonstrated constancy. He must set an example for our fighting men and women.

At issue as well is a nominee's managerial capability in running the gigantic bureaucracy of the Defense Department, and his ability to resist any temptation, based on past associations, present influences or potential future opportunities. His judgments must not be colored by any consideration other than the most efficient use of our scarce national resources to develop our military systems. Today, in particular, the American people have been treated to inexcusable and seemingly unending abuses of the Defense procurement system. It will take hard-nosed determined and sustained action to clean the system out. Credibility must be restored to the Defense Department for the good of our Nation.

In these two vital benchmarks of fitness—unfailingly sound judgment under circumstances of duress and difficulty, and freedom from conflicting interests and financial pressures—Senator Tower in my judgment falls short of these thresholds. The substantial body of information made available to the Armed Services Committee leads me to question his ability to perform this unusually demanding position under all circumstances, and at any and all times. His acceptance of large sums of money for what appears to be little identifiable productive work, leads me to question his capacity to hold the seductive pressures of vested interests at arms length. Even in the absence of impropriety, the extensive dealings he has recently engaged in with many influential defense contractors gives the appearance—the appearance—that could damage his ability to carry out his responsibilities from the outset.

I reach these conclusions in spite of Senator Tower's experience in this body, and as an official in the arms control field with the previous administration.

John Tower is capable, he is knowledgeable, and he has an extensive background in defense matters.

So there is no question about his capability from that standpoint. There are relatively few people in the country who have the kind of background and experience, long experience, and knowledge that John Tower possesses in this field. But he is not the only person who can fill this position. There are others who can be nominated, who have equally good qualifications in this respect but who will not have the problems that have caused the concerns and the questions raised about this nominee.

This is not an easy vote for me to cast. Senator Tower is a former colleague and he is the President's first choice. And there are those who feel that doubts over a Cabinet nominee should be resolved in favor of the President's preferred choice.

There are those who believe that in the case of Supreme Court nominees, nominees who are to serve for life, perhaps the test should be greater and more should be expected, but that in the case of Cabinet nominees, these individuals working very closely with a President, as they will, we should bend over backward to give the benefit of the doubt to the President.

I do not find any fault with that logic. But in this case, the doubts are too serious, and the post is too vital. Our primary responsibility must be to resolve any doubts, not in favor of the President, but there is a higher level that is required of us—namely, to resolve any doubts in the best interests of the American people and the Nation.

We must not overlook the nominee's problems and subject him to less rigid standards just because he once served in this body.

Passing judgment on someone's fitness for office is always a tough assignment. There is no smoking gun in the FBI reports. But there is enough smoke to cause one to be most uneasy with this nominee for this position.

In the end, each of us must make a personal judgment based on the totali-

ty of the information and impressions we have gained in the confirmation process. I cannot support a nomination which sends a message to the American people and to our friends and allies that repeated serious errors of judgment, of self-discipline, of propriety, and of the appearance of lucrative intimacy with many defense industries can be overlooked, on the hope that such failings will not be repeated and will bear on his capacity to discharge his responsibilities.

I have tried to be fair in my efforts to reach the right judgment, and I know that this is an extremely difficult decision for my colleagues to reach, as it has been for me. I have read all of the FBI reports, as have most, if not all, of my colleagues. One has to weigh the evidence and then reach the judgment in his own mind as to the weight of the evidence.

I have done this, and I reach this conclusion after studying the record produced by the FBI and by the careful inquiries that have been conducted by the Armed Services Committee. I want to commend Senator NUNN and Senator WARNER for having conducted what is, in my estimation, a very fair, thorough, careful, painstaking, conscientious inquiry.

It has gone on over a period of many days. I think now the time has come when there will be a decision. So far as I am concerned, I judge former Senator Tower solely as a nominee for this very special post only, and not as a man, not in any other context.

It is painful to reach this conclusion, but I am a little like Vice President Calhoun, when he had to cast the tie-breaking vote on a very important matter that came before the Senate. Apparently, the tie may have been prearranged, but he could not vote "maybe," so he had to make a decision, and he voted.

Therefore, I shall vote no when the time comes in the Senate, if the Senate is to be the final arbiter, and I shall hopefully have the opportunity to cast my vote in committee, not to vote no there, because I want to give the man his day in the full court.

I did this in connection with Mr. Kleindienst some years ago. It was my position that I would vote to report his nomination to the Senate, that the Senate be the final judge. I would vote no there. So in the committee, it would be my choice to vote to report this nomination, but I think the committee ought to showdown and ought not hesitate to send a message to the country as to where it stands. My judgment would be to send the nomination to the Senate with an adverse recommendation. To do otherwise, I think, would be a copout.

Mr. President, I thank the leadership, Mr. MITCHELL and Mr. DOLE, for having kept the Senate in. I do not know whether other Senators are going to speak or not. I appreciate it very much. I hope I have not kept them too long.

ENVIRONMENTAL CONDITIONS IN THE U.S.S.R.

Mr. WIRTH. Mr. President, as we are in the throes of the debate on the nomination of John Tower, certainly that should lead us to be thinking very carefully about our overall relationship with the Soviet Union. We know that our relationship with the Soviets is going to change very dramatically, in part because of extraordinary changes going on within the Soviet Union itself.

We have read a great deal about perestroika, glasnost, changes within the political structure of the Soviet Union. We know that the Soviet Union is in very severe economic problems and, without reform, may fast become a third-rate world economic entity.

We know that the Soviet Union ecologically has major problems within the Soviet empire itself and as a model to the rest of the world. What is less well known is that the Soviet Union is also at this point an ecological disaster zone.

What I would like to do, Mr. President, is to cite a little evidence of this which I think will be of interest to all my colleagues in the Senate, and those in the country who are concerned about our relationship with the Soviets and the kinds of problems they have internally, which must be overcome.

The first are excerpts from an article by Stefan Hedlund, who is the associate professor at the University of Lund in Sweden, after a recent trip to the Soviet Union.

ENVIRONMENTAL RUIN: A SWEDE'S PERSPECTIVE ON THE U.S.S.R.

(Excerpts from an article by Stefan Hedlund)

The destruction of the Soviet environment, particularly in the Central Asian area, has now progressed beyond the point of recovery. The Caspian Sea is dying, the Black Sea is heading for the same fate, and Lake Ladoga, Europe's largest inland sea, is so polluted that it cannot be used even by a planned extension of a paper mill. By the year 2000 Central Asia will be environmentally dead.

As a result of glasnost, horror stories on ongoing environmental destruction began to appear after 1987. To understand the scale of the catastrophe, one must understand the enormous land mass involved, with seemingly unlimited resources of waterpower, forests, and mineral deposits. The main problem, however, is that much of the resources have not been readily available. The land surface has either been too warm or too cold, too wet or too dry, or simply too hilly for rational farm production. Forests, oil and gas are primarily found in Siberia, while Central Asia has the manpower.

In order to "rectify" this unfavorable situation, powerful measures have been taken to "bring nature to its knees." Soviet intellectuals are agreeing that the victory won was nothing less than spectacular. The forests are gone, the rivers are poisoned, farm land has been turned into swamps or salt marsh, and the atmosphere is thick with pollution.

Part of Central Asia consists of the republics of Uzbekistan, Tadzhikistan, Turkmenistan and Kirghizia. The mainstay of this area's ecological system has been the Aral Sea, once the world's fourth largest inland sea with a surface of 66,000 square kilometers. This sea moderated the climate and water cycle of the region: The rivers flowing into the Aral Sea were used to irrigate cotton and rice fields. The Aral Sea is in the process of drying out, rapidly transforming surrounding areas into salt deserts. Tons of salt from the dying Aral Sea is spread by the wind over neighboring areas. Today about a third of the lake has disappeared. The coast line has receded by about 40 to 50 kilometers. Fifty percent of nearby Lake Balkash has dried up.

Soviet Academician Andei Monin writes in the July issue of Novy Mir that while traveling by car some 300 kilometers between the cities of Khiva and Mukus, he saw a white, what appeared to be snow-covered plain stretching to the horizon without a sign of life. The area, once a major irrigated agricultural area, has been transformed into a salt desert. Monin expects the Caspian Sea to meet with the same fate.

The Black Sea is increasingly polluted also. The waters off the famous Crimean resorts are changing into a green soup due to high concentrations of agricultural chemicals such as phosphorous, nitrogen, and potassium. The bottom is devoid of life and the air smells of rotten eggs. There are reports from Odessa that bathing is prohibited and that the drinking water contains typhus and cholera.

North of the Black Sea, in the "black earth" region, environmental destruction is a problem as well. Despite being only 8 percent of the Soviet land surface, the area contains two-thirds of the arable land. The chief editor of the newspaper *Znamya*, Grigory Baklanov, reports that in the last decade the region has lost 25 to 40 percent of its soil, which is like "cutting out part of the motherland's heart."

The vice chairman of the Soviet Academy of Science, Valentin Koptjug, talks of "unlimited cutting of forests, construction of hydro-power without regard for forests and soil, salt-buildup from irrigation, the desertification of the Aral Sea and the northern part of the Caspian Sea, catastrophic pollution of numerous rivers, and heavy smog over many industrial areas."

Leningrad's drinking water has been contaminated over a long period by amoebic dysentery bacteria. To this should be added recent reports describing the dumping of industrial waste in the river Neva.

The chief editor of *Novy Mir*, Sergei Zalygin, put it this way: "It is now crystal clear for everyone that we have perhaps five or six years left to us. Then it's over. Then we can talk about perestroika or whatever else we choose. But our resources will be destroyed beyond recovery." The Soviet Ministry for Irrigation compares the problem to the Mongol hordes or the German invasions.

Stefan Hedlund is associate professor at the University of Lund, Sweden.—[Excerpts from an article in the Swedish paper, Dagens Nyheter, 8/27/88. Department of Commerce cable summary).

That was an outside commentary.

An inside one came from the new head of the environment for the Soviet Union, a very distinguished Soviet by the name of Fyodor Morgun, who was recently in the United States and attended the Time magazine conference in Boulder, CO.

Mr. Morgun, who was given the extraordinary responsibility to chair the new committee on nature within the Soviet Union, said the following:

ECOLOGICAL PERESTROIKA

[In January 1988 the Central Committee of the Communist Party and the USSR Council of Ministers adopted a resolution calling for the establishment of a State Committee for Environmental Protection, Goskompriroda. Fyodor Morgun, chairman of the new committee, addressed the 19th Party Conference in June about the country's need for ecological perestroika.]

I would like to talk about some ecological problems. Some 64 million tons of harmful substances are discharged into the atmosphere by industry and even more by automobiles, and the content of these substances in the air exceeds air quality standards in all industrial centers. In 102 towns and cities with populations of fifty thousand, the air pollution level is frequently ten times the permitted level.

Water quality is deteriorating nearly everywhere, but particularly in the rivers of Western Siberia, the Ob and the Irtysh, where the concentration of oil products is twenty times the permitted level. Water quality in the Volga, Dnepr, Don, Ural, Kura, Amur, Syrdaria, Amudria has sharply deteriorated. Unless serious measures are taken immediately, water in some parts of the basins of these rivers will very soon be unfit to drink and use for irrigation. Seas are becoming polluted: the phenol concentration in the Caspian is nine times the permitted level. The Aral Sea is an ecological disaster area. The environmental conditions for nearly a million people in Karakalpakia and many parts of Kazakhstan and Turkmenia have become extremely bad.

Ill-considered chemicalization is especially damaging to nature today. Comrade chemists, slow down your current expansion, take a rest, let people breathe normal air, let the rivers and soils cleanse themselves of all the rubbish. Propose ecologically clean and economically advantageous, waste free projects, and then your request for the construction of new plants will be welcomed where new plants are not being waved away like so many pesky flies.

Rather than being applied properly to our soil, chemical fertilizers are being thrown around. But in nature nothing is lost. They run off into reservoirs and then turn up in the waters of the Volga, Dnepr, Don and other rivers in the form of blue-green algae and other pollutants that are harmful to every living thing.

In the field of ecology, restructuring is not just necessary, it is unavoidable. It can be said that for an entire year, our Party and professional propaganda and science took an intolerably passive attitude toward ecology. Behind every encroachment on nature and threat to people's health are specific academicians and scientists, planning institutes and construction workers and members of state commissions who have given their blessings to projects that destroy nature.

ENERGY EFFICIENCY: A KEY TO SOVIET REFORM

(Excerpts from a proposal on US-Soviet cooperation in resource efficiency by Hal Harvey and Armory Lovins)

Perhaps the most important single technical element in the success of perestroika is the efficient use of energy. Efficiency frees scarce domestic resources, such as capital and technical skills, for more productive reinvestment in modernizing agriculture and industry. At the same time, it frees oil and gas for export to earn hard currency to buy foreign technologies for the same purpose. The current Soviet leadership fully grasps this connection: General Secretary Gorbachev last year set the world's most ambitious national goal for energy efficiency, namely using savings to meet 75-80% of the USSR's needs for increased energy services.

The Soviet economy is arguably the least energy-efficient, and the least adaptive to post-1973 world market conditions, of any in the world. According to the Worldwatch Institute's State of the World 1987, for example, in 1983 the energy intensity of the Soviet economy was two-thirds higher than that of the United States, and 3.8 times that of Sweden or France. In recent years, for example, Soviet coal-mining has resulted in mining more coal but getting less energy out of it, simply because the grade of the coal has fallen faster than the tonnage has increased. Some principal Eastern coals are of such low grade that no one has ever figured out a reliable way to burn them.

Improving Soviet energy efficiency is important to all countries for three reasons. First, the alternative to efficiency is continued stagnation, instability, or worse. Everyone has a security stake in the success of Soviet internal reforms. Second, depletion of anyone's resources is ultimately, in a global economy, depletion of everyone's resources. Third, the flip side of depletion is pollution: Soviet inefficiency carries profound environmental consequences for the world.

If perestroika proceeded without dramatic gains in energy efficiency, the resulting economic growth would surely require massive infusions of additional energy from some combination of three sources, none of them attractive to either the Soviets or anyone else: increased oil imports, increased burning of dirty, low-grade coal and accelerated expansion of nuclear power. The formidable constraints on all three approaches are at the front of Soviet planners' minds. Hard currency remains precious. Concern about acid rain and CO_2 is burgeoning. Construction at two or three Soviet nuclear plants has recently been suspended due to public protest. The time could not be riper for a sound, affordable alternative to energy sources.

(Hal Harvey is Director of the Security Program and Armory Lovins, Vice President and Research Director at Rocky Mountain Institute in Snowmass, Colorado.)

The economic problems that come along with this, Mr. President, are also very clear. There is no question but that the Soviet Union has economic challenges, and the cost of this is going to be very severe indeed.

The Soviets recognize this, and it is appropriate for us as well to recognize this reality and the problems that this is creating for the Soviet Union.

Let me close, if I might, with a quote from Mr. Shevardnadze, the Foreign Minister of the Soviet Union, recognizing this challenge and recognizing the job that our countries and other industrialized nations around the world have to do together. This statement from Mr. Shevardnadze:

NO BORDERS HAS THE BIOSPHERE

(Excerpts from Eduard Shevardnadze's 1988 speech to the UN General Assembly)

Faced with the threat of environmental catastrophe, the dividing lines of the bipolar ideological world are receding. The biosphere recognizes no division into blocs, alliances or systems. All share the same climatic system and no one is in a position to build his own isolated and independent line of environmental defense.

Perhaps for the first time we have seen the stark reality of the threat to our environment—a second front fast approaching and gaining an urgency equal to that of the nuclear and space threat. For the first time we have clearly realized that in the absence of any global control, progress is turning into a global aggression against the very foundations of life on earth. For the first time we have understood clearly what earlier we only guessed: that the traditional view of national security based primarily on military means of defense is now totally obsolete and must be urgently revised.

Divisions and redivisions of the world into spheres of influence are historically pointless. Today, we all have only one sphere of influence—our planet. It will perish if our influence on the course of development is divided and fragmented into blocs and systems. Therefore the Soviet leadership has tried to reinterpret more profoundly the idea, originally inherent in Marxism, of interrelationship between class and universal human values, according to priority to the interests shared by all nations.

If the term "great powers" is to be retained at all, it is only in the sense of great responsibility to the rest of the world.

(Eduard Shevardnadze is Foreign Minister of the USSR. [News and Views from the Soviet Union, 9/28/88])

Mr. President, it is sobering to hear this information about the Soviet Union, sobering in terms of the problems that they have and sobering as that might be a harbinger for elsewhere in the industrialized world.

I bring it up at this point, Mr. President, at the time we are about to go into the vote on John Tower, only because that is a time when once again we ought to be focusing on our relationships with the Soviet Union, the fact that the world is changing rapidly and in my belief, the No. 1 issue may no longer be our military confrontation but rather the joint responsibilities we have together to save this globe.

Mr. President, I yield the floor.

IN PRAISE OF STUART SYMINGTON

Mr. HOLLINGS. Mr. President, on January 10, 1989, hundreds of friends of Stuart Symington gathered beneath the soaring arches of Washington's National Cathedral to pay tribute to the man who gave so much of himself

to that institution and who devoted much of his life to the work of the U.S. Senate.

Few men, in the 200 years of our Nation's history, have compiled such a record of distinctive achievements. He brought to the U.S. Senate ability, courage, integrity, and a measure of experience rarely found in one person. He was a soldier, several times a corporation president, and six times a Presidential appointee to head various Federal agencies. He capped his career in the executive branch as the first Secretary of the U.S. Air Force. After completing this remarkable career in business and Government, Stuart went on to 24 years of distinguished service in the Senate form the State of Missouri.

Twice he sought his party's nomination for President of the United States, and for all of his life he brought wisdom and insight to the administration of the Government of the United States. While his family, his friends, his fellow Missourians, his fellow Senators, and Americans throughout the country will miss this giant of a man, the memory of his achievements lives as a part of this institution and as a part of our Nation's history.

I was honored to be asked to pay tribute to Stuart Symington at the memorial service held at the National Cathedral, along with his son, the Honorable James W. Symington, the Honorable David Acheson, and the Honorable Clark Clifford. I ask unanimous consent that the eulogies delivered at that service be printed in the RECORD following these remarks and that following the eulogies, there be printed a number of editorial tributes from newspapers throughout the country who recognized the contributions of this man from Missouri. I also ask that there be printed in the RECORD the "Legislative History of Senator Stuart Symington," which was prepared in his last year of service in the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF JAMES W. SYMINGTON AT SERVICES FOR SENATOR STUART SYMINGTON, WASHINGTON CATHEDRAL, JANUARY 10, 1989

On behalf of his beloved wife Nancy, my brother Stuart, and all the families united by my father's life I embrace you and thank you for coming today to share in this farewell salute. In St. Paul's Cathedral is the epitaph of its great architect, Christopher Wren. It reads, "If you seek my monument, look about you." My father might well say the same, not of this glorious cathedral, per se, though he served it well, but the people in it—loving friends—the truest monument to any life.

Born 87 years ago, he came with the century, and in every walk, or rather giant stride of that life gave back to his country the best his country could produce. He was graceful in manner, keen in competition, resourceful in business, caring and just to laboring men and women, compassionate and fair to minorities and the less fortunate, and ever so proud of his peers and colleagues in the Air Force, the Senate, and the wide worlds of public and private endeavor.

Formidable in a fight, philosophic in the outcome, forgiving of his adversary, but most of all devoted to each and every friend, his joy was in their achievement more than his own. Of the Air Force's Tooey Spaatz, Norstad, Vandenberg and that whole Pantheon of heroes, "Best people I ever worked with." "Never could have made it to the Senate, boys, without Jim Meredith." "Couldn't have done the job without Stanley Fike." "You should have seen how Bob and Dolores at the air base in Alaska made those tough, young soldiers laugh and cry on Christmas Eve." "You know, of all Musial's records, one that isn't written down—never thrown out of a game." "A call was a call." "Your darling mother was a saint." "Dearest Nancy saved my life." "Now let me tell you about Clifford."

Well, Dad, there must have been something about *you* that attracted all these stars. What was it? The eyes? What the journalists called, "the look of the eagles"? It's the same look in all the old photos. The judgmental infant, the solemn tow head with bangs, the eleven year old paperboy who emerged from the 1912 Democratic convention in Baltimore exclaiming, as reported, "It's Woodrow Wilson *unanimously*", the 17 year old lieutenant of field artillery, the impatient industrialist, the Air Force Secretary, the Senator, the grandfather. Those constant blue eyes were windows to a light that burned to be seen and felt, and not eclipsed. He was tall and built to move. But as Emerson said of Hercules, he needed no contest. He conquered where he stood.

At this point he is undoubtedly standing up there looking down, and saying, "Make it short, Jim, these are busy people." My friend John Walker has a long day ahead, and anyway, I want to hear Dave, Fritz and Clark. By the way, thank them for me." Well, Pa, I'm used to the five minute rule, and in your presence the 10 second rule, but reflection is the order of this day.

So, first a few other illustrative strictures. Chronologically: Sit up. Hit those books. Don't drop your racquet head, swing through—get that math down. Be on time. You can't learn what you already know, the greatest fool is the fool who fools himself. The greatest thrill in politics is to make a friend out of an enemy. There's nothing older than yesterday's newspaper.

Whence these principles and perceptions? What confluence of genes and experience produced them? His great grandpa quarried the corner stone of the Washington Monument. His granddad was a captain in the army of Northern Virginia and went up the hill at Gettysburg. His father abandoned a low-paid professorship in romance languages to study law and become a judge in his hometown of Baltimore. His mother campaigned for women's suffrage, and ran a shelter for homeless black families.

Stuart Symington was a southerner, with that admixture of charm, remembered pain, and lofty spirit that carried the ramparts of Northern institutions and national respect. A Missourian by choice, he brought to government a "show me" mindset as well as a concept of public service that stands like a Doric column against the grey Washington sky. And with that look of the eagles he saw beyond most—and lived to see much that he'd foreseen. Western democracies ill prepared to meet a ruthless enemy, a separate and more effective air arm and an academy to nourish it, a faulted and futile war in Asia, the debts and deficits of an unbalanced economy, a brighter future for Missouri, and a changing world where hope could one day outpace fear.

In 1946 as my brother and I headed for college, he counselled, "Take Russian. We'll either be fighting or doing business with them in the next half century." Like the Spartan at Thermopylae his wounds were all in front. And honorably earned in just causes—"I'm not afraid of you", he said to Joe McCarthy. "I believe you", he said to Annie Lee Moss. Yet he appeared to stand above the very conflicts that engaged his energies, in a way that friend and foe alike considered him trustworthy. True of Harry, Ike, Jack, Lyndon, Jerry Ford and all his colleagues on both sides of the aisle. Yet the essence of Stuart Symington, what was it?

"The best portion of man's life," wrote Wordsworth, "is his little, nameless, unremembered acts of kindness and of love." But my father's are remembered. For I've read them in your letters and in your faces. As Longfellow said,

When a great man dies
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.

So to the well-intentioned gentleman who observed, it must be tough for you and your brother, living in your father's shadow, I say, "Correction, Sir. We live as we always have, and always will, not in his shadow, but his light.

MEMORIAL SERVICE FOR W. STUART SYMINGTON, REMARKS OF DAVID C. ACHESON, WASHINGTON CATHEDRAL, JANUARY 10, 1989

Only a few people are blessed with a clear perception of fundamental values and the ability to protect them in a simple and forceful way. Those few people are a national resource, and Stuart Symington was one of them.

I inherited from my father an admiration for Stuart, and soon knew him better as my friend Jim's father. Later we became friends in a different setting, when Stuart was President of the National Cathedral Association. As his successor at the NCA I had many occasions to talk to him and to see his deep imprint on the constituency of the Washington Cathedral. His attractive and forceful personality symbolized and inspired a truly national association for this Cathedral. He had a way of turning sober and mundane work into fun, a faculty that made for high morale and a devoted following. He made one work, with a light and gracious hand, to be sure, but he made one work.

Stuart used to say that Washington had a political "Hill" where, granting the best of intentions, standards sometimes fell a but short. Official Washington, he said, should have another and different hill, one that would hold out a standard to remind us how things ought to be. He wanted that other hill to be this Cathedral. He had the best possible credentials to convey that message.

Stuart's life reflected themes that were simple and powerful, such as personal integrity, loyalty both up and down, service, patriotism, leadership from the front line in good times and bad, for he was no summer soldier. The essence of his style was the projection of those values with energy and impact. This style energized other people to turn out and work. At the Cathedral, Stuart never presumed to persuade his workers

that they were enlisted in the Lord's work. To them, if Stuart was for it, that was enough, so contagious and compelling was his example.

Many different communities have felt the force of that example: the national security community, the Senate, his adopted state, the Washington Cathedral and his countless friends. That example may well be his most lasting public service. It has touched each of us in an unforgettable way.

REMARKS OF SENATOR ERNEST F. HOLLINGS AT SERVICES FOR SENATOR STUART SYMINGTON, WASHINGTON CATHEDRAL, JANUARY 10, 1989

Stuart Symington, a leader of this church, loyal to his family, was above all a unique public servant. Stuart Symington ran a government bureau—the Reconstruction Finance Corporation—and believe it not, made a profit. While other Senators cringed, he was the Senator that told Joe McCarthy, "I am not afraid of anything about you or anything you have got to say, anytime, any place, anywhere." Six times he was appointed by the President to executive posts in the government and six times he was unanimously confirmed by every Democate and every Republican Senator. He was the first Secretary of the Air Force. The only Senator from Missouri elected four times. The only member of the United States Senate in its history to serve simultaneously on the Armed Services Committee, the Foreign Relations Committee, the Joint Committee on Atomic Energy. He was a Senator's Senator, a Senator for all reasons.

I had the privilege of practicing law in the early 60's with Stuart Symington, Jr. so I had the pleasure of knowing Senator Symington before I came to the Senate over 22 years ago. He was my mentor, my ideal. I campaigned for him in the boot heel section of Missouri and traveled with him on that fateful trip to Eastern Europe in 1972 when he came down with the flu and his dear Evie broke her health caring for him so that he could complete the trip. And I visited with him and his Nancy at Del Ray, Florida. Most revealing was my regular contract with Stu during the 10 years that we served together on the Democratic Policy Committee. It is there the Senators let their hair down, that you get to know a colleague, that you get to know the country's needs. What this country needs more than a balanced budget is a balanced Senator. Such a Senator was Stuart Symington of Missouri. Barry Goldwater said it best, and I quote: "Stuart Symington knows so much about so many things, it's unfair to this Renaissance public servant to single out a particular forte."

Many Senators would single out his expertise at saving failing businesses, and applying that expertise to failing fiscal policy. It was Stuart Symington who stated, "There has to be a viable economy with a strong dollar."

Others would stress that it was Symington of Missouri who sponsored the first statutory measure to curb the growing danger of nuclear proliferation. It was Stu who stated, "We have to control the atom before it controls us."

It was the Senator from Missouri who counseled in the early days of Vietnam, "We ought to go all out or get out of Vietnam." Applying his studied approach to every problem, Stuart Symington was the member of our body who exposed the secret war in Laos and Cambodia. This dramatic revelation turned the tide of debate in the Senate and started our withdrawal. As a member of Armed Services when first elected, he was a hawk. Later, as a member of Foreign Relations, some charged that he had become a dove—he has switched. It was then that Senator Symington delievered his famous rejoinder, "It isn't that you switch, it's that you learn."

Stu's judgment was balanced from a vast experience—his wise counsel balanced with humor. Referring to the arrogance of a witness, he told the story of a Boston Brahmin seated next to a rabbi at a formal dinner. The member of the old New England family turned to the rabbi and said, "Rabbi, I will have you know my ancestor wrote the Declaration of Independence." And the rabbi replied, "Good enough—I will have you know that my ancestor wrote the Ten Commandments." As a former Secretary in the Pentagon, he would bring us down to earth with the story about his friend Pete Quesada. Returning from the war, landing at Washington National and riding in a taxi past the Pentagon, seeing for the first time the world's largest office building, General Quesada asked, "How many people work in a building like that?" And the taxi driver without batting an eye answered, "About half!"

The other morning when I was called and told that I could have this honor today, a breakfast cereal ad had just appeared on TV with the call, "Breakfast as it is meant to be." I immediately thought of Stuart Symington—United States Senator as one is meant to be.

Over the past two decades, we have witnessed the raise of the "pollstered" public servant, a new breed that practices public service by windsock. At the right hand of this new politician sits a poll-taker who identifies the issues of importance and the popular side on each issue. At the left hand sits a media consultant to help him express that popular view in a 20-second sound bite.

I can assure you—Stuart Symington never tailored his politics to a opinion poll. Winston Churchill once stated: "Nothing is more dangerous than to live in the temperamental atmosphere of a Gallup poll, constantly feeling one's pulse, taking one's temperature. The only duty, the only safe course is to try to do what is right." Stuart Symington did what was right. He knew no dictate save his own conscience, no guide but his own judgment, no purpose but to serve his state, his country, his God!

REMARKS OF CLARK CLIFFORD AT SERVICES FOR SENATOR STUART SYMINGTON, WASHINGTON CATHEDRAL, JANUARY 10, 1989

Stuart Symington was my best friend. In 1938, I was a young lawyer practicing in St. Louis, my home, and he came out there to become president of one of the large companies. We became friends and our friendship flourished so for 50 years we had a bond between us that could have been, perhaps to some extent, the most important one each of us had. By coincidence, we left St. Louis, each of us, during the war. But then resumed our friendship in 1945, when by different roots we each came into the Truman Administration.

Stuart had many admirable qualities; intelligence, charm, grace, good humor, and I can talk about those as I came to learn, as I knew him better, that there was another quality of transcendence importance that he possessed. It was that unique and rare quality of courage. I saw it again and again. It was an important thread that wove through his life. Some examples: when he was 17 years old our country was in the first world war, he decided to leave his family, leave his classmates and embark on a new and even frightening experience. He fibbed a bit about his age and joined the United States Army. It took a good deal of courage. It was a successful venture; he came out later a first lieutenant. When he came out he was to become President of the Emerson Electric Company. It had had a long history of faltering earnings, but even more important, it had a history of the most vicious and venomous labor difficulties between management and employees. He knew all that and many counseled him against it because they said, as a matter of fact, there was no real solution to it. He squared his shoulders and walked right into it and he brought about a transformation of that company. One reason was he put into operation, what was very new and even regarded possibly as socialistic then, he put in a profit sharing plan with the employees. They returned enthusiastically, within a year he had turned the company around and later made such a success of it that President Truman drafted him to come into government.

After he had served in many capacities in the Executive Branch, he finally concluded that period of his life. We had a long talk one evening about what he was going to do. He'd had a number of business offers but that was not an attractive life to him. he had one intriguing offer to become Commissioner of baseball, that caught his attention because he loved the game, but it didn't seem to be what he wanted to do with the rest of his life. He said that he had been visited by a group of Democrats from Missouri and they suggested that he come out and run for the Senate. With my unerring judgement I said, "You'll never make it. You were born in Massachusetts, you were reared in Baltimore, Maryland, you've spent your adult life in New York. Out in Missouri they like their public servants to come from Missouri, they like to feel they are risen from Missouri soil." So I said, "You'll be a carpet bagger out there, Stuart, and I strongly counsel you to look in a different direction." He said, "I'm going to give it a try." He went out and went through the length and breadth of Missouri. He saw thousands of people, he made hundreds of speeches, he won the primary against substantial odds, and then in the election, in the Eisenhower sweep of 1952, he fought against that current and won, and won comfortably. It was really an outstanding illustration of the basic courage of the man.

After reaching the Senate, it's been referred to, he was a member of the committee that went through the Army-McCarthy Hearings. You would have to live in that era to have believed it. It was a period of national paranoia. Senator Joe McCarthy claimed that our government was riddled with communists. He destroyed individuals, he ruined characters, he ruined reputations and finally one day at a meeting on television, Senator Symington said, "I will take no more of this. Senator," he said, "you have a serious problem. If I were you, I would consult a psychiatrist." It was the first real important puncture in the Joe McCarthy balloon and it started in on a precipitous decline which ultimately ended in his total destruction. The position that Stu took was against the feeling of the time. But it was that air of indomitability within him that caused him to ignore that. In the middle 60's our Nation was wrestling with the war in Vietnam. Stuart had supported it at first but then as more and more troops were sent and the

war worsened, he became uneasy. He became more uneasy and finally he lost faith in it entirely and even though the great tide of public opinion was strongly in support of the war, he decided to go public with it and he made a public statement and he said the war is a mistake, our national security is not involved, we may not ever prevail under the conditions that exist. The time has come for us to get out. Cries of traitor, treason meant nothing to him because, not only was he courageous but he turned out to be so right.

This is the man we honor today, the man who had that rare quality of binding others to him closely and permanently and a man who saw fit to give his very best efforts to the defense and the honor of his country. I would be remiss if I did not refer to his widow, Nancy. Ten years ago they were married and it proved to be the happiest ten years I believe Stuart Symington ever had. She was affectionate and loving, supportive and sympathetic and stood with him through difficult times day after day. As his physical problems worsened these last years, it seemed to me she stood even taller, always solicitous, always protective, it meant a life for him that she made livable. I am glad to have the public opportunity, in behalf of all of those who loved him, to express our appreciation to Nancy for what she did. I know that our Lord felt kindly toward Stuart Symington, and if during his lifetime our Lord had had a chance to speak to him, I think he might well have spoken in the words our Lord used in 12-Mathew-verse-18 when He said: Here is my servant, whom I have chosen, the one I love and with whom I am pleased. I will send My spirit upon you and he will announce My judgement to the nations. He will persist until he causes justice to triumph and on him all people will put their hope.

[From the New York Times, Dec. 15, 1988]

STUART SYMINGTON, 4-TERM SENATOR WHO RAN FOR PRESIDENT, DIES AT 87

(By Eric Pace)

Former Senator Stuart Symington, a Missouri Democrat who twice sought the Democratic President nomination and became a leading critic of the Vietnam War, died early yesterday at his home in New Canaan. He was 87 years old and had lived in retirement there since 1978.

Mr. Symington's son Stuart said he died in his sleep after being "ill with angina and weakness of the heart."

Senator Symington was a candidate for the Democratic President nomination in 1956 and 1960. He was a notable adversary of Senator Joseph R. McCarthy of Wisconsin at the Army-McCarthy hearings in 1954.

Tall, sandy-haired and square-shouldered, Mr. Symington was an imposing and influential figure in the Senate from 1953 to 1976, serving on both the Foreign Relations and Armed Services Committees. At first a staunch supporter of large military outlays, he became increasingly critical of military spending and of the war in Vietnam.

OUTSPOKEN ADVOCATE

Announcing that he would retire as Senator at the end of his forth term, he said at a St. Louis news conference in April 1975, "I'm tired of having old men in Government passing laws that force young men to do battle in causes that are not essential to the United States."

He was an outspoken advocate on a multitude of other military issues. As Secretary of the Air Force in the Truman Administration, he championed the building of American air power. After his election to the Senate, he contended heatedly that the Soviet Union was outdoing the United States in the missile race.

TRIBUTE FROM KENNEDY

In 1972 he repeatedly decried "excessive secrecy" in the storage of United States nuclear weapons on foreign soil and said such storage complicated relations with other countries. In the 1970's he was also a prominent opponent of the Grumman F-14 fighter plane.

Senator Edward M. Kennedy, Democrat of Massachusetts, said yesterday through a spokesman, Jeff Smith: "Stuart Symington was a great Senator and a great friend whom I learned from, respected and admired throughout our 14 years of service together in the Senate. He was a profound and persuasive voice for both a strong and a responsible national defense, especially in the controversial years following the Vietnam war. Even today, whenever a defense bill is being hotly debated on the Senate floor, all of us who knew him still ask, 'What would Stu Symington have done?' "

In 1960, when Mr. Symington lost the Presidential nomination to John F. Kennedy on the first ballot at the Democratic National Convention in Los Angeles, many said he was "everybody's second choice" for the nomination. It was often said at the convention that he was the most Presidential-looking White House aspirant. Delegates called him a "gentleman candidate" who made nobody angry except the Republicans.

In military issues, his advocacy was forceful and sometimes pungent. In 1972, castigating the Nixon Administration for its secrecy about nuclear weapons outside the country's borders, he said, "Comparable to the problems of an alcoholic in the family, the subject is never mentioned."

SPARRED WITH MC CARTHY

One of Senator Symington's most visible roles was as a member of the Senate Subcommittee on Investigations headed by McCarthy. During the 1954 Army-McCarthy hearings, the two frequently traded insults, with McCarthy calling his Missouri colleague "Sanctimonious Stu." For this part, Senator Symington suggested that McCarthy should see a psychiatrist.

William Stuart Symington, who dropped the first name years later, was born June 26, 1901 in Amherst, Mass. His parents were William Stuart Symington, a professor of Romance languages at Amherst College who became a Baltimore judge, and Emily Haxall Harrison Symington.

The future Senator grew up in Baltimore and, after graduating from secondary school at the age of 17, joined the Army as a private in World War I. He was later commissioned a second lieutenant, but the war ended before he could see action.

He studied at Yale College from 1919 to 1923 but left without a degree and went into business; in 1946, Yale awarded him a bachelor's degree. He became an executive of several companies before rising to be president and chairman of the Emerson Electric Manufacturing Company from 1938 to 1945.

AIR FORCE SECRETARY

Mr. Symington entered Government in 1945 when the new President, his fellow Missourian Harry S. Truman, appointed him chairman of the Surplus Property Board. He later became Assistant Secretary of War for Air and Secretary of the Air Force.

As Air Force Secretary, Mr. Symington championed an expanded Air Force while James Forrestal, then the Defense Secretary and other influential Government defense experts held other views. Mr. Symington liked to ask, "What the hell good is it to be the richest man in the graveyard?" He resigned as Secretary when his views did not prevail in the Truman Administration.

Mr. Symington first won election to the Senate in 1952, defeating a candidate backed by Truman in the Democratic primary and then easily beating the Republican nominee. He was reelected with ease in 1958 and 1964 but by only 37,000 votes in 1970, when he was 69 years old. The Republican candidate was John C. Danforth, the Missouri State Attorney General, who is now a Senator.

After his retirement, he worked on his memoirs and played golf frequently, his son James said, adding, "He was a sportsman all of his life."

Mr. Symington was variously a vice chairman and a director of First American Bankshares and President of the National Cathedral Association in Washington.

Mr. Symington's first wife, the former Evelyn Wadsworth, died in 1972 after 48 years of marriage. In 1978, he married Ann Hemingway Watson.

He is survived by his wife; two sons, James Symington of Washington, a former Congressman from Missouri, and Stuart Symington Jr. of St. Louis; six grandchildren, and six great-grandchildren.

[From the St. Louis Post-Dispatch, Dec. 15, 1988]

SYMINGTON LAUDED AS BRAVE, DEVOTED

(By Robert L. Koenig)

WASHINGTON.—Former U.S. Sen. Stuart Symington of Missouri was eulogized Tuesday as a public figure of great courage, "a senator's senator" and a Renaissance man who excelled as a businessman, government administrator and legislator.

The praise for Symington rang through the Washington Cathedral, where about 700 people attended a memorial service for him. Those paying their respects included a former president's widow, several former presidential hopefuls, numerous senators and other dignitaries.

Symington, who represented Missouri in the Senate for 24 years and sought the Democratic nomination for president in 1960, died of a heart ailment Dec. 14 at his home in New Canaan, Conn. His remains were interred in a crypt at Washington Cathedral after a funeral service last month attended by family members and close friends.

Clark M. Clifford, a former St. Louisan who called Symington his "best friend," praised Symington on Tuesday as a man who had "the unique and rare quality of courage" in public life.

"I saw it again and again. It was an important thread that wove through his life," said Clifford, a former secretary of defense and a confidante of several Democratic presidents.

Clifford cited Symington's courage in beating the odds to win election as a U.S. senator in 1952; in standing up to then-Sen. Joseph McCarthy in the 1950s when McCarthy was accusing many government officials and public figures of being communists; and in becoming a critic of the Vietnam War in the late 1960s.

"Even though the great tide of public opinion was strongly in support of the (Vietnam) war, he made a public statement and

said: "The war is a mistake,'" Clifford said. "Not only was he courageous, but he turned out to be so right."

Clifford, who first met Symington while both men worked in St. Louis in the 1930s, called Symington, "a man who gave his best efforts to the defense and honor of this country."

Symington was appointed in 1947 as the nation's first secretary of the Air Force and served in several other posts in the administration of President Harry S Truman.

Before Symington's government service, he was chief executive officer of Emerson Electric Co. in St. Louis. He represented Missouri in the Senate from 1952 to 1976.

Former U.S. Rep. James W. Symington, now a lawyer in Washington, praised his father in a eulogy as being "formidable in a fight, philosophic in the outcome, forgiving of his adversary—but most of all, devoted to each and every friend."

The late senator's other son, Stuart Symington Jr. of St. Louis, gave a reading from the Bible, a passage that begins: "Let us now praise famous men."

Symington's second wife, the former Ann H. Watson, also attended the memorial service. Other survivors include Symington's brother, Charles H. Symington of St. Louis; six stepchildren; six grandchildren; and six great-grandchildren.

Also giving eulogies at Tuesday's service were U.S. Sen. Ernest F. Hollings, D-S.C., chairman of the Senate Commerce Committee, and David C. Acheson, a friend of the Symington family and the son of former Secretary of State Dean Acheson.

Among those attending the service were Lady Bird Johnson, the widow of former President Lyndon B. Johhnson; former Sen. George McGovern, D-S.D., who was the Democratic presidential nominee in 1972; Senate Minority leader Bob Dole, R-Kan.; and Sen. Lloyd Bentsen, D-Texas, who was the Democratic nominee for vice president last year.

Also present were William H. Webster, a former St. Louisan who is director of the Central Intelligence Agency; former Sen. Edmund Muskie, D-Maine, a former Secretary of State who was the Democratic vice presidential nominee in 1968 and later a presidential hopeful; Sen. Edward M. Kennedy, D-Mass.; and Ethel Kennedy, the widow of former Sen. Robert F. Kennedy, D-N.Y.

Also attending were Missouri's two senators, John C. Danforth and Christopher S. Bond, both Republicans; Sen. Alan K. Simpson, R-Wyo.; former Sen. Charles Percy, R-Ill.; Paul Kirk, outgoing chairman of the Democratic National Committee; Katharine Graham, chairman of The Washington Post; Paul Warnke, a former high Pentagon official; and True Davis, a Missouri Democrat who ran unsuccessfully for the U.S. Senate in 1968.

[From the St. Louis Post-Dispatch, Dec. 15, 1988]

STUART SYMINGTON

Few Americans have achieved more than Stuart Symington, who died Tuesday night at his home in New Canaan, Conn. He was a successful businessman, an able government executive and a distinguished senator.

Missourians remember him fondly as their four-term senator, although, curiously, his speech clearly revealed that he was not a Missourian and he had lived and worked here for only seven years when he decided, in 1952, to seek the Democratic nomination for the Senate. His voting record during his 24 years in the Senate placed him unmistakably among the liberals, but he was no doctrinaire ideologue.

For example, like millions of fellow Americans, he began as a strong supporter of the U.S. military effort in Vietnam but gradually came to see that the nation was paying a heavy price in lives and national unity for no clear-cut American interest. From his influential posts on the Armed Services and Foreign Relations committees, Mr. Symington helped lead the fight against American involvement.

Though his name does not evoke a piece of watershed legislation, he played an important part in shaping American defense policy and arms control initiatives. Civil rights advocates had a friend in Stuart Symington, as did organized labor. In the 1950s, when too many were mute, the Missouri senator stood up to Sen. Joseph McCarthy.

Had it not been for Emerson Electric, Mr. Symington would never have represented Missouri in the Senate. In 1938, after several business successes in the East, he was invited to come here to rescue the company, which he did. After World War II, President Truman appointed him to a succession of administrative posts in Washington, including naming him the first secretary of the Air Force. Then, instead of returning to business, he turned to politics.

Well regarded by colleagues in all three of his careers, Stuart Symington brought skill and conviction to his responsibilities in a measure too seldom seen.

[From the St. Louis Post-Dispatch, Dec. 15, 1988]

STUART SYMINGTON DEAD AT AGE 87

(By Robert Koenig and Jo Mannies)

Former Sen. Stuart Symington, a Democrat who represented Missouri for 24 years and unsuccessfully sought his party's nomination for president in 1960, died in his sleep early Wednesday at the age of 87.

Sen. Symington's death sparked statements of regret from Democrats and Republicans in Missouri and Washington. All lauded him for a "brilliant career" in business and government spanning more than 50 years.

Sen. Symington served as head of Emerson Electric for seven years, beginning in 1938. In 1947, he was appointed the nation's first Secretary of the Air Force by then-President Harry S. Truman.

He served in numerous other posts under Truman before being elected to the U.S. Senate in 1952. He served until he retired in 1976. As a senator, Sen. Symington served on the Foreign Relations and Armed Services Committees, as well as the Joint House-Senate Economic Committee, the Joint Committee on Atomic Energy, and the Senate Aeronautical and Space Sciences Committee.

Sen. Symington died at his home in New Canaan, Conn. Relatives said he had suffered from heart failure.

"We were talking every other day about everything under the sun," said his son, James Symington, a lawyer in Washington. "His mind was in perfect condition.

"He had had angina, I spoke with him yesterday (Tuesday). He said he had congestive heart failure. I asked, 'What was that?'" He said, "I'm not sure, but I have to rest a lot."

"We were planning to get together over the holidays. He didn't seem in any urgent condition."

A funeral service for family and closer friends will be held at 3 p.m. Saturday at the Bethlehem Chapel of the Washington Cathedral in Washington. A memorial service will be at 11 a.m. Jan. 10 in the cathedral. Sen. Symington will be buried in a crypt in the cathedral next to his first wife, Evelyn, who died in 1972.

The family has asked that, in lieu of flowers, contributions be sent to the Stuart Symington Scholarship Fund at the University of Missouri at St. Louis. The fund has been in existence for several years.

Survivors include his second wife, Ann H. Watson; two sons, Stuart Jr. of St. Louis and James W. of Washington; and six grandchildren and six great-grandchildren.

Former Sen. Thomas F. Eagleton, D-Mo., a close friend, said Wednesday, "Stuart Symington was a Renaissance man. He could do anything, in any discipline and do it extraordinarily well: business, sports and the executive and legislative branches of the federal government."

Eagleton said he had written weekly to Sen. Symington. Some of Sen. Symington's last letters dealt with his disappointment with the unsuccessful presidential campaign of Massachusetts Gov. Michael S. Dukakis, a Democrat.

Sen. John C. Danforth, R-Mo., who succeeded Sen. Symington in the Senate in 1976, called him "one of the best-known Missourians ever," who had a national reputation and "a distinguished career."

"I think one of his great characteristics was his thoughtfulness for others and for the state of Missouri," said Danforth, who ran unsuccessfully against Sen. Symington in 1970 before winning election to the Senate seat the year Sen. Symington retired.

Danforth said that after the 1976 election Sen. Symington "called me and invited me to Washington to give me his thoughts on the job. It was advice that I took, and it helped me."

In addition, Danforth said Sen. Symington had given him a head start in seniority over 17 other newly elected senators by resigning early (on Dec. 27, 1976) from the Senate seat. "That has always helped me," Danforth said. "It helped me get on the Finance Committee and the Commerce Committee. . . . Every day I serve in the Senate, my work reflects the generosity of Sen. Symington.

"To consider that he did this for someone who had run against him, for someone of the other party, says a lot about the man, about the bigness of the man and about his concern for the state."

The desk that Danforth uses in his Senate office is a gift from Sen. Symington, and Danforth has kept an autographed photo of Sen. Symington on his office wall since 1976. Danforth's parents—Dorothy Danforth and the late Donald Danforth of St. Louis—were contemporaries and acquaintances of Sen. Symington.

Sen. Edward M. Kennedy, D-Mass., said Sen. Symington was "a great senator and a great friend whom I learned from, respected and admired throughout our 14 years of service together in the Senate."

Kennedy added: "He was a profound and persuasive voice for both a strong and a responsible national defense, especially in the controversial years following the Vietnam War. Even today, whenever a defense bill is hotly debated on the Senate floor, all of us who knew him still ask: 'What would Stu Symington have done?'"

Missouri Lt. Gov. Harriett Woods described Sen. Symington as someone "who

set an example for a generation of politicians."

"He was truly a citizen-politician who left a successful private life to commit himself to the service of his country," Woods said in a statement. "In a time when power and personal advancement sometimes seem to be the order of the day, his standards of personal ethics and commitment to principle was a model for us all."

Sen. Christopher S. Bond, R-Mo., said in a statement that Sen. Symington "made great contributions to the state of Missouri and to the nation through his public service."

Rep. Richard A. Gephardt, D-Mo., said Sen. Symington "was one of my political heroes and dear friends. He was an inspiration to my becoming a public servant."

Gephardt said Sen. Symington "was instrumental in many major projects in St. Louis. His contributions to the people of Missouri and this country are greatly appreciated. He will be truly missed."

Gephardt also said it had been an "honor and privilge" for him to serve as campaign manager for Sen. Symington's re-election in 1970.

Rep. William L. Clay, D-Mo.—the dean of Missouri's congressional delegation—called Sen. Symington "a grand statesman who will forever rank among the most deeply devoted and highly revered elected officials in the history of Missouri politics."

"Stuart Symington was a diplomat, a laborer and a leader among leaders," Clay said. "He was blessed with a grace and a wisdom that brought him the friendship and trust of ordinary citizens and extraordinary world leaders."

Nothing that Sen. Symington had once referred to politics as "the art of persuading people in the right direction," Clay observed: "By this definition, Stuart Symington was among the most gifted and talented artists who ever served in the U.S. Congress."

Former Sen. William Fulbright, a Democrat from Arkansas who used to chair the Senate Foreign Relations Committee, called Sen. Symington "a distinguished senator."

Fulbright, 83 was reached by telephone at his vacation home in Florida. He said Sen. Symington was a good friend for many years and used to play tennis with him in Washington. "Stu Symington was a very agreeable fellow, with a wonderful approach to life," he said.

Fulbright, who was one of the most vocal opponents of the Vietnam War, said he was impressed that Sen. Symington had moved from being a hawk on Vietman in the early 1960s to expressing serious reservations about the conflict in the late 1960s.

"You have to respect a man who can evolve like that. It takes political courage," said Fulbright, who was defeated in 1974 in part because of his controversial stand against the Vietnam War and his positions on other issues of foreign policy.

Sen. Paul Simon, D-Ill., called Sen. Symington "a class act" who made "a tremendous contribution to the nation. In a sense, he was an aristocrat, but one who fought for working men and women."

Simon noted that Sen. Symington "came within a hair of being named the vice presidential nominee under John Kennedy and he would have been a superb president if he had emerged in that role."

Rep. Jack Buechner, R-Mo., said Sen. Symington was "a man with vision, and he'll be missed. You have to admire his dedication to principle."

Rep. Bill Emerson, R-Mo., said Sen. Symington "will be remembered for the dignity, independence and integrity that he brought to all the tasks he was called upon to undertake."

CHRONOLOGY

Following are some of the key events in the life of former U.S. Sen. Stuart Symington, who died Wednesday at the age of 87.

1901: Born in Amherst, Mass. 1923: Left Yale University just short of getting a degree.

1924: Married Evelyn Wadsworth of New York.

1938: Become head of Emerson Electric in St. Louis.

1945: Named nation's Surplus Property Administrator by then-President Harry S. Truman.

1947: Named first Secretary of the Air Force. Also awarded national Medal of Merit for his work in various government posts.

1952: Wins first term to U.S. Senate from Missouri. Also receives national Distinguished Service Medal for "distinguished service to the United States in positions of great responsibility."

1960: Makes unsuccessful bid for Democratic presidential nomination and norrowly misses being named the vice presidential choice of candidate John F. Kennedy, who goes on to win the presidency.

1976: Retires from the U.S. Senate.

1978: Marries Ann Watson six years after being widowed.

[From the St. Louis Post-Dispatch, Dec. 15, 1988]

STUART SYMINGTON: PRAGMATIST, EXECUTIVE, STATESMAN

(By Jo Mannies)

Former Sen. Staurt Symington, who died Wednesday at the age of 87, had three distinguished careers:

First as a successful businessman who was a millionaire by age 40.

A government administrator who helped the nation shift from World War II.

And a legislator, serving as Missouri's senator from 1952 to 1976.

By any measure, he was a success in all three.

In 1960, Symington—then regarded as a Democratic star—was narrowly edged out at the last minute as the Democratic vice presidential choice of presidential candidate John F. Kennedy.

But those who remember him say that Symington's real legacy is as a man who cared about people and his country.

He backed a strong defense and the Equal Rights Amendment, changed from a hawk to a dove during the Vietnam War and was staunchly pro-labor.

He consistently supported measures liberalizing Social Security payments, unemployment compensation, domestic aid, foreign aid, housing public works and education.

In 1938, he became president of the then-financially troubled Emerson Electric Co. here and stunned local union leaders and the business world by initiating a profit-sharing program for employees—something unheard of at the time.

As a senator in the 1950s, Symington once canceled a speech in Little Rock, Ark., when he learned that blacks would be seated at separate tables.

Also in the 1950s, Symington became a television star via his public debates with Sen. Joseph McCarthy, R-Wis., who accused many government officials and public figures of being communists.

Symington's son, former U.S Rep. James Symington, said the McCarthy confrontations made up some of the most important memories he has of his father.

"A lot of average citizens were being bullied. He stood up for them," the younger Symington said Wednesday." He knew how to be intelligently concerned by communism but didn't like seeing people's lives destroyed by the rampage."

Indeed, former Sen. Thomas F. Eagleton, who retired in 1986, once said that he would be honored if he were to be remembered as being half as good as Symington.

On Wednesday, Eagleton added: "Stuart Symington was a Renaissance man. . . . When I went to the Senate in 1968, he became my political father. I made a lot of mistakes, but I would have made even more if Stuart Symington hadn't stopped me."

William Stuart Symington was born on June 26, 1901, in Amherst, Mass. His father, for whom he was named, was a professor of Romance languages at Amherst College, later opened a law office in Baltimore and was elected a judge. His mother was the former Emily Hazall Harrison. The couple had five other children.

After attending public schools at Baltimore and graduating from Baltimore City College, a high school, Symington enlisted in the Army at the age of 17 and became a second lieutenant before he reached the age of 18.

At the end of World War I he entered Yale University. He attended from 1919 to 1923, but because of a deficiency in mathematics, Symington did not graduate with his class. He was awarded a B.A. degree by Yale in 1946.

In 1924, he married Evelyn Wadsworth of New York. She was the daughter of James W. Wadsworth, a Republican who served as a U.S. senator from 1915 to 1927 and as a representative from 1933 to 1951.

Evelyn Symington, who died in 1972, became known in her own right in the middle 1930s when, as Eve Symington, she had a successful career as a Cafe Society singer in New York.

She and Symington had two sons, Stuart Jr. and James W., both lawyers.

When he left Yale, the elder Symington went to work for the Symington Co., which was owned by an uncle, in Rochester, N.Y. There, he got his first "degree"—one of which he was ever afterward proud—a certificate from the International Correspondence Schools for completing an engineering course.

For the next few years, he was in and out of Symington family firms while engaging in some business enterprises of his own.

In 1928, he organized a company to manufacture radio loudspeakers, and two years later, he set up a company to manufacture radios. In 1935, he accepted the presidency of the Rustless Iron & Steel Co. to reorganize it. He did such a good job that the owner sold it in 1937—a Depression year—for a profit.

In 1938, a friend, the late James V. Forrestal, who later became the first secretary of defense, urged him to come to St. Louis to take over the strike-plagued plant of the former Emerson Electric Manufacturing Co.

It was here that the young industrialist attracted national attention by demonstrating his skill at labor relations and by putting the shaky plant on a profitable basis.

"He took over Emerson when it was broke and involved in a 90-day sit-down strike," James Symington said. "He made arrangements considered almost socialist at that

time. He made the company a union shop (all-union) and approved a dues check-off.

"Then he said to the man running the union, a known communist, and said, 'Is that all you want?' The man said, 'Yes.' My father replied 'You're not really concerned about the workers are you?' Then he put into place the profit-sharing plan.

"When he left Emerson, he told employees never to drop the profit-sharing plan," James Symington said. "But they eventually did, for a pension plan, because that seemed safe. But they would have made a great deal (more) money if they had kept it. Imagine what those families would be getting now from that profit-sharing plan. He knew it would work."

Stuart Symington went to England in 1941 to study airplane armament for the War Department and returned with British blueprints that made the Emerson company the largest manufacturer of power-driven gun turrets for airplanes.

He remained at the helm of Emerson throughout World War II.

On Aug. 1, 1943, a last-minute business trip prevented Symington from being a passenger on an Army glider that made a demonstration flight in St. Louis.

The glider crashed, killing Mayor William Dee Becker and nine others.

In 1945, Symington sold his Emerson stock for a reported $1 million and went to Washington to begin a career in politics.

His performance with Emerson during the war had caught the eye of then-Sen. Harry S. Truman when Symington had appeared as a witness before a congressional panel investigating national defense contracts.

When the death of President Franklin D. Roosevelt in 1945 placed Truman in the White House, Truman summoned Symington to Washington to become administrator of surplus property.

In 1946, Symington was appointed assistant secretary of war for air under Secretary of War Robert P. Patterson. The next year, when a unified Department of Defense was established, Symington became the first secretary of the Air Force. This was a period of growing post-war tension with the Soviet Union, and Symington rapidly emerged as an advocate of strong American defenses, particularly air power.

He resigned the secretaryship in 1950 after charging that Truman's administration made armaments reductions for the sake of balancing the budget.

But the same year, he was named chairman of the National Security Resources Board, which was charged with long-range planning of national defense needs.

In 1951, he was appointed cleanup administrator of the Reconstruction Finance Corporation to replace the five-man board that had been in charge of the agency. The board had been discredited by a congressional investigation that disclosed favoritism and influence in the awarding of loans.

For his government service, Symington was awarded the Medal of Merit in 1947 for "extraordinary fidelity and exceptionally meritorious conduct" and the Distinguished Service Medal in 1952 for "distinguished service to the United States in positions of great responsibility."

In 1952, at the age of 51, Symington then entered the third—and arguably most public—phase of his life.

A resident of Missouri for 14 years, half of them spent in Washington, Symington returned to St. Louis and filed for the Democratic nomination for U.S. senator in March 1952. Truman supported the opposing candidate, J.E. "Buck" Taylor.

It was a long, hard primary campaign. Symington, his wife and guitar-playing son, James, visited every corner of the state. In southern parts of the state, Symington played up the fact that he was the grandson of Maj. W. Stuart Symington, who had served on the staff of Gen. Robert E. Lee and was cited for conspicuous gallantry after charging with Gen. George E. Pickett at Gettysburg, Pa.

In the end, Symington beat Taylor. The primary vote was: Symington, 368,595; Taylor 180,849.

In the election Nov. 4, Symington beat the incumbent Republican, U.S. Sen. James P. Kem of Kansas City, by a vote of 1,008,523 to 858,170. The victory was notable because Republican Dwight D. Eisenhower carried the state over Adlai Stevenson, 959,429 to 929,830.

Symington's first term was marked by his confrontations with McCarthy and Symington's keen interest in a strong defense. Within months after first taking office, he criticized the Pentagon for bad management. "It is nonsensical to spend ourselves into bankruptcy because of a wastefully inefficient defense organization."

Symington's debates with McCarthy stemmed from his service on the latter's Permanent Investigations Subcommittee.

"Sen. Symington took him on at the hearings," recalled Clark M. Clifford, a former defense secretary.

"At one time, in utter exasperation, he turned to Sen. McCarthy and said: 'Senator, the main thing you need to do is go to a psychiatrist.'

"Symington stood up to him," Clifford said. "It took a lot of courage."

Symington also showed that he did not hold a grudge. Although McCarthy had called him "Sactimonious Stu" during their battles, Symington and his wife later accepted an invitation to dinner at McCarthy's home, James Symington said.

Stuart Symington's vote-pulling ability and his strong support by labor made him attractive to some in the Democratic Party as a potential presidential candidate. In 1956, his supporters made an effort to enlist delegates at the Democratic National Convention.

The senator allowed himself to be considered as a "favorite son," and at one point in the convention, he loomed as a compromise candidate in a deadlock between Adlai Stevenson and Sen. Estes Kefauver of Tennessee. The deadlock did not develop, but as it was, Symington got 45 first-ballot votes for the nomination.

Two years later, in 1958, Symington won re-election to a third term easily; he faced no serious opposition either in the primary or the election in November.

Although he announced early in 1960 that he would be a candidate for the presidential nomination and carried on an active pre-convention campaign, Symington was buried with other favorite sons under the elaborately planned campaign of John F. Kennedy, who won on the first ballot.

Later in the convention, Symington almost came a heartbeat away from the presidency when Kennedy decided to offer him the vice presidential slot.

But in a last-minute switch, the position on the ticket went to Sen. Lyndon B. Johnson, a Democrat from Texas. Johnson became president in 1963 when Kennedy was assassinated.

In 1964, Symington won renomination easily and led the state Democratic ticket with a landslide victory that November. His margin, more than 590,000 votes, was the largest for any candidate in the state.

But opposite conditions prevailed in 1970, when Symington faced a strong Republican challenge by the young Missouri attorney general, John C. Danforth. Thus, the senator's final victory was also his narrowest with the margin over his opponent totaling a slim 37,000 votes.

Symington announced his decision to retire in 1975—a year before the expiration of his term. Among those Democrats who sought to succeed him was his younger son, James, then the congressman from Missouri's 2nd District.

Danforth ended up winning the seat, and Stuart Symington showed once again that he did not hold a grudge by resigning his seat early so that Danforth would have an edge in seniority over other freshmen senators.

Two years later, Symington married Ann Watson, the widow of Arthur Watson, the founder of International Business Machines Corp. At the time of his death, he lived in Connecticut.

As a senator, one close associate described Symington as a "middle-of-the-roader with good humanistic instincts."

In addition to membership on the Foreign Relations and Armed Services Committees, Symington served on the Joint House-Senate Economic Committee, the Joint Committee on Atomic Energy, and the Senate Aeronautical and Space Sciences Committee.

Some regarded Symington as one of the liberal members of the Senate. His record was rated at 100 percent in a ranking of members of Congress for many years by Americans for Democratic Action.

The AFL-CIO Committee on Political Education gave him a 100 percent rating on his votes on labor legislation.

He repeatedly supported Senate efforts to enact civil-rights legislation. When Eisenhower sent soldiers to Little Rock, Ark., after racial riots in 1957, Symington agreed that the president "had no other course."

But many also regarded Symington as a pragmatist—a man persuaded by practicalities rather than by dogma—and this outlook resulted in changes of position over the years on two major issues: defense spending and the Vietnam War.

Friends and enemies alike credited him with the rare political courage to renounce an earlier stand when convinced by changing circumstances.

For much of his career in Washington, Symington was known as a "big bomber and big-missile man," and in the early phases of the Vietnam War, as a hawk.

But as sums for defense expenditures mounted in the late 1960s and early 1970s, he became a critic of ever-larger Pentagon budgets and an opponent of a number of costly and elaborate weapons projects.

In the 1970s, he became increasingly concerned about the proliferation of nuclear weapons and the associated arms race, and he became a vocal advocate of arms control.

Symington's position on American involvement in Indochina went through a similar evolution.

In 1961, he announced that the United States must do everything in its power to prevent South Vietnam from becoming a communist satellite. As late as 1966, he urged the American bombing of North Vietnam and the mining of Haiphong harbor.

But by the next year, in 1967, he had become convinced that the war was a stalemate, that the military and economic costs

were burdensome, and that no basic American interests were at stake.

Symington served on the Senate Foreign Relations and the Senate Armed Services Committees, a rare dual membership that gave him unusual access to top secret information in two key areas.

As a consequence, he played a central role in revealing to the public the clandestine American military and CIA operations in Laos and Cambodia, American payments to Asian allies to support the Vietnam War, and the efforts by the administration and the Pentagon to conceal them.

Much of his work was done in 1973, when he served as acting chairman of the Armed Services Committee for several months while the permanent chairman, John C. Stennis, recuperated from a gunshot wound suffered in a street robbery.

During his career, Symington received numerous awards and honorary degrees. Among the degrees were those conferred by William Jewel College, Park College, Rockhurst College, Avila College, Missouri Valley College, the University of Missouri, Washington University and St. Louis University.

Numbered among his awards were the Missouri Society's "Silver Mule" award, the Herbert Lehman Award for Significant Public Service, two "Man of the Year" awards from the Air Force Association and the Wright Brothers trophy of the National Aeronautic Association.

When Symington retired in 1976, many of the nation's most powerful and respected officials sent in letters of tribute. Among those tributes:

Then-President Gerald R. Ford said Symington's career was "marked with the wisdom, honor and integrity of a great statesman."

Former President Jimmy Carter, who was then running for president, said Symington's years in the Senate "exemplify the highest standards of public service and will be an inspiration to all who aspire to the highest elective offices in the country.

Then-Secretary of State Henry A Kissinger wrote: "Your service to this country has been long, steadfast and brilliant. We have disagreed sometimes, but I have always found you a constructive and honest statesman."

Then-Vice President Nelson Rockefeller wrote that Symington's career in the Senate was "marked by a broadness of vision which placed the national interest above narrower considerations, a long view particularly apparent in his valuable contributions to American foreign and military policy."

[From the St. Louis Post-Dispatch, Dec. 15, 1988]

SYMINGTON HAD MOMENT IN SUN IN 1960

(By Bob Adams)

Clark M. Clifford, confidant of many Democratic presidents, well remembers the night in 1960 when Stuart Symington was almost nominated for vice president of the United States.

John F. Kennedy, the young senator from Massachusetts, had clinched the presidential nomination. At the Democratic convention in Los Angeles, various names were tossed around for vice president: Lyndon B. Johnson of Texas, Henry M. Jackson of Washington. Orville Feeman of Minnesota.

And Stuart Symington of Missouri.

"I was carrying messages back and forth," said Clifford, a former St. Louisan and a longtime friend of Symington, in a telephone interview Wednesday.

"The day before the decision was to be made, Sen. Kennedy said: I'm now offering the No. 2 position to Sen. Symington. Take it to him and get back to me.'

"I reported it to Sen. Symington," Clifford said. "He got his wife and two sons and their wives and Mrs. Clifford and me together. It was discussed all through dinner.

"Finally, after hearing everybody's opinion, Sen. Symington said: 'I think well of the idea, and I accept.' "

Clifford said he had relayed that message to Kennedy the same night. "We shook hands on it," Clifford said.

But others had different ideas. They were pressing Kennedy to pick a Southerner. They felt he could not win without carrying a major southern state—like Texas.

Historians have described the confusion that swarmed over the convention. Johnson, to the surprise of many, said he would accept the No. 2 spot. Northern liberals threatened a floor fight if the choice was Johnson.

"It was batted back and forth," Clifford said. "Finally, I got another call. I went back over, and Kennedy said: 'I've got to do something I've never done before. I have to go back on a commitment. But I'm persuaded that I can't win without Texas.'

"I took that back to Sen. Symington," Clifford said. "He seemed very relaxed about it. He didn't seem to be hungering for it anyway."

In the end, Clifford said, the closeness of the election proved that picking Johnson had been the politically astute move.

"The returns were so close, that Kennedy couldn't have won without Johnson's help in Texas," Clifford said.

Had Symington been chosen, he might have become the nation's 36th president when Kennedy was assassinated. But if Symington had been chosen, Kennedy might never have been president.

Clifford believes Symington did not agonize over the might-have-beens. "He just went on about his business," Clifford said.

LEGISLATIVE HISTORY OF SENATOR STUART SYMINGTON

GENERAL

Senator Stuart Symington has served in the Senate since January 3, 1953.

Throughout his career his overriding goal: a secure and prosperous America in a peaceful and prosperous world.

He has served on major committees concerned with both domestic and foreign policy: Armed Services, Foreign Relations, Joint Atomic Energy, Government Operations, Joint Economic, Agriculture, Space and Aeronautics, Ex Officio Appropriations, Democratic Policy, and Democratic Steering.

He is the only Senator serving concurrently on the Armed Services, Foreign Relations and Joint Atomic Energy Committees, enabling him to combine the expertise learned in these Committees for significant, lasting contributions to our military security and sound foreign policies.

He was among the first Senators who realized the implications of atomic technology for military warfare, and early warned his colleagues of the grave dangers associated with the growing proliferation of nuclear know-how and materials.

In 1971 he left the Joint Economic Committee to join the Joint Atomic Energy Committee to learn more about atomic power and especially our nuclear weapons. He held the first public hearings on the deployment of our tactical nuclear weapons in 1973.

This year he sponsored the first legislation aimed at curbing nuclear proliferation, legislation which became law on June 30.

As Chairman of the Subcommittee on Security Agreements and Commitments Abroad of the Foreign Relations Committee from 1969-1975, he exposed the United States' "Secret War" in Laos, as well as bringing attention to Executive clandestine military operations in Cambodia.

This Committee also presented to the public the incredible magnitude of the American military and economic involvement abroad, causing many to question the role of the United States as world policeman.

Each year he brings his expertise to bear on reviewing the military budget, concerned that we have the most cost-effective military possible to provide necessary military might without sacrificing our economic well-being at home.

All in all, Senator Symington has been a consistent champion of the American public's right to know the facts about government policies warning against the dangers of unnecessary secrecy in government, believing the people to be the best judges as to their priorities and needs.

True National Security has three integral components in Senator Symington's eyes: first, the military capability to destroy any would-be enemy and the possible nation's knowledge of that fact; second, a sound economy based on a sound dollar; and third, the faith of the people in their government.

GOVERNMENT OPERATIONS COMMMITTEE

Senator Symington early established his reputation as a man of integrity and courage to fight for his beliefs during the McCarthy hearings.

As a minority member of the Subcommittee on Permanent Investigations, he publicly disputed Senator McCarthy's accusations that the Army was infiltrated by communists, and charged before an unprecedented television audience that McCarthy needed a psychiatrist. It was this courage, in large measure, which led others to challenge McCarthy's methods and charges, and ultimately McCarthy was censured by the Senate for his conduct.

AGRICULTURE COMMITTEE

Senator Symington served on the Committee on Agriculture and Forestry from 1957-1960 to better serve the needs of many of his constituents, for farming is big industry in Missouri.

He served on two Subcommittees: Agriculture Research and General Legislation; and Agricultural Credit and Rural Electrification.

In 1959 and 1960 he headed a Special Agriculture Investigating Subcommittee, and in 1959 introduced the Symington Farm Bill, a 12 point farm program from which many proposals have later been enacted as part of the feed grain programs.

Although he left this Committee in 1961 to join the Foreign Relations Committee, he has never lost interest in farm legislation, working consistently for effective and adequate farm programs. With his votes and testimony before Congressional committees, Senator Symington has always sought income protection and disaster assistance for the farmer and an adequate food supply at reasonable prices for the American consumer.

As but one example of his continued interest in the family farm, in 1962 and 1963 Sen-

ator Symington arranged a series of bi-partisan meetings of members of the House and Senate, representatives of the Department of Agriculture, and beef producers. These meetings resulted in the beef import quota system designed to limit beef imports.

MISSOURI WATER RESOURCE PROJECTS

One of Senator Symington's 1952 campaign promises was to aid in the control and development of Missouri's water resources, a promise he fulfilled time and again. Among the projects championed include Table Rock Lake, Pomme de Terre Dam and Reservoir, the Harry S. Truman Dam and Reservoir, Stockton Dam, Cannon Dam and Reservoir, Meramec Park Lake, Smithville Lake, and Long Branch Lake.

DOMESTIC POLICY

As a highly successful businessman before coming to the Senate, Senator Symington has been particularly sensitive to the importance of a sound economy. For this reason he sought membership and served on the Joint Economic Committee from 1967–1971.

Even though next in line for Chairman of the Joint Economic Committee, he left that Committee to join the Joint Committee on Atomic Energy because of his growing concern about nuclear proliferation and the lack of adequate programs for utilization and control of nuclear materials and power.

He has consistently supported anti-poverty legislation, hospital construction, aid to education, housing for low income as well as middle income groups, urban mass transit, and improved social security benefits.

He has an outstanding record on civil rights legislation, being one of the strong supporters of the public accommodations and fair employment provisions in the 1964 Civil Rights Bill.

It is noteworthy that when a businessman in the early 1940s, and President of the Emerson Electric Manufacturing Company in St. Louis, Senator Symington was a leader in providing equal employment opportunities long before it was a popular and mandated practice.

He is also especially proud of the 1974 establishment of the Harry S. Truman Scholarships by Congress, which, when fully operative, will provide 52 four-year higher education scholarships each year, one from each State, the District of Columbia, and the Territories for study in public service fields.

MILITARY AND FOREIGN POLICY

ARMED SERVICES

When first coming to the Senate in 1953, due to his expertise gained as First Secretary of the Air Force, Senator Symington was named to the Senate Armed Services Committee and is now the Ranking Member of that Committee.

Subcommittee assignments have included Central Intelligence, Preparedness and Investigating, Tactical Air Power, Nuclear Test Ban Treaty Safeguards, Disarmament, a Special Ad Hoc Committee on Defense Savings, Chairman of the National Stockpile and Petroleum Reserves Subcommittee, and currently Chairman of Military Construction.

As a member of this Committee, he looks for the most cost-effective defense possible for the taxpayers, without sacrificing necessary military programs. He knows we can destroy any enemy who would attack us, believes any possible enemy knows this fact, and that, he says, is the best possible security in this nuclear space age.

Senator Symington has long been concerned about the amount of money spent on armaments by all nations. In July 1955 he sponsored a resolution unanimously passed by the Senate dubbed the "guns or butter" resolution by the press. This resolution called on the President to present to the United Nations suggestions that steps be taken to explore the possibilities of limiting the proportions of every nation's resources devoted to military purposes to the end that a steadily greater proportion of such resources could be used to improve the living standards of all people.

Following six fact-finding trips to Southeast Asia starting in 1960, each reported to the Armed Services and Foreign Relations Committees. In the fall of 1967 Senator Symington urged that we declare a cease-fire in Vietnam and bring our military involvement there to an end on the best basis possible.

Another example of Senator Symington's efforts to eliminate unnecessary military programs was his fight against the ABM system, a system which has resulted in a $10 billion loss to the American taxpayer.

In 1973 Senator Symington became Acting Chairman of the Armed Services Committee for several months while Senator Stennis was incapacitated. During this time he held important hearings on the United States bombing policy in Cambodia, bringing out facts for the American people and the Congress: the tremendous lack of communication between the military and policy planners, emphasizing the dangers of excessive secrecy in government, and criticizing the clandestine military operations authorized by the Executive Department without consulting the Congress. He termed the Cambodian bombing immoral, illegal and wasteful, and helped turn the public's attention to, and consequently against, this policy.

As Acting Chairman of the Senate Armed Services Committee in 1973, Senator Symington also played an important role in bringing some of the Watergate activities to light. Concerned with allegations that the CIA was implicated in the bugging of the Democratic National Headquarters, Senator Symington called then Deputy Director of the CIA, Lt. General Vernon Walters, to testify in May 1973.

Walters said he had been told by Haldeman, Erlichman and Dean it was the "President's wish" that Walters go to then Acting Director of the FBI, L. Patrick Gray, and request that the FBI cease its investigation of certain Mexican funds associated with Watergate.

This testimony implicated Haldeman, Erlichman, Dean and Gray in the Watergate Affair, and made clear that senior White House officials were deeply involved in attempts to unload the bugging scandal on the CIA. At the time Senator Symington said it was hard for him "not to believe the President didn't know about these actions."

He sent copies of memoranda supplied by Walters to the Senate Select Committee on Intelligence, the U.S. Attorney General, and the House and Senate committees with jurisdiction over the CIA, and gave as much information as possible to the press. He supported further efforts to uncover what eventually became an unparalled national nightmare.

FOREIGN RELATIONS COMMITTEE

In 1961 Senator Symington became a member of the Foreign Relations Committee to broaden his knowledges in international relations.

Subcommittee service included European Affairs, Genocide Convention, Multinational Corporations, Chairman of the Subcommittee on Near East and South Asia Affairs, and Chairman of the Subcommittee on Security Agreements and Commitments Abroad. He currently chairs the Subcommittee on Arms Control, International Organizations and Security Agreements.

As Chairman of the Subcommittee on Security Agreements and Commitments Abroad, he has conducted the most extensive review of U.S. commitments ever made for the Foreign Relations Committee.

His conclusions warned the American people of the dangers of extending ourselves abroad to the detriment of our economic health at home. Further, he warned that Congress may play a greater role in formulating foreign policy, and especially in getting the necessary information to make sound judgments. He has often emphasized and documented that foreign policy must be debated in Congress with consideration of all the facts.

Perhaps his greatest contribution has been in calling attention to what he considers the greatest problem facing the world today, that of nuclear proliferation. Since coming to the Senate, Senator Symington has been alerting his colleagues to this matter, and trying to find out more about the ramifications of nuclear technology, especially as it relates to weapons capabilities.

It is noteworthy to speak of his role in creating a Non-Proliferation Treaty, for in 1966, in Geneva, there appeared to be a hopeless stalemate between American and Soviet policy.

Senator Symington went to Geneva, and talked with the Soviet Ambassador, and helped convince him that the Senate was in earnest about negotiating a meaningful treaty to halt the steady spread of nuclear technology. This conversation, and the efforts of a few other Senators, greatly contributed to creating the Treaty completed in 1968 and ratified by this country in 1970.

Throughout this year Senator Symington's Subcommittee on Arms Control, has held hearings on the many aspects of nuclear proliferation—the nuclear suppliers' conference, the role of the International Atomic Energy Agency which Senator Symington visited in July of 1975, the Non-Proliferation Treaty, the nuclear capabilities of other nations, security of weapons and technology, and the transfer of nuclear technology to other nations.

As a result of these hearings, Senator Symington offered the first statutory action to deal with nuclear proliferation, a provision enacted on June 30 as part of the International Security Assistance and Arms Export Control Act of 1976–1977.

This law serves notice to all recipients of United States foreign aid that if they import nuclear reprocessing or enrichment technology without placing all of their nuclear facilities under the inspection network of the International Atomic Energy Agency, and under additional international control when it becomes available, all aid from the United States will be cut off. The State Department is currently using this law as a diplomatic tool.

JOINT ATOMIC ENERGY COMMITTEE

Senator Symington joined the Joint Atomic Energy Committee in 1971 so he would have access to information about our deployments of nuclear weapons, and more about nuclear technology. As a member of both the Armed Services and Foreign Relations Committees, for over a decade he had been trying to find out this information,

and decided he had to join this Committee for the additional knowledge.

Convinced of the right of the American public to know all the facts that would not aid a possible enemy, in 1973 as Chairman of the Subcommittee on Military Applications, Senator Symington held the first public hearings on the deployment of our tactical nuclear weapons abroad.

In July 1974 he sponsored legislation, which became law, requiring the Joint Committee to submit an annual report to the Senate and House on nuclear weapons and policies and capabilities, as well as general atomic technology.

DONALD F. COLLINS BUSINESSMAN OF THE YEAR

Mr. COHEN. Mr. President, tomorrow night, one of Maine's most prominent and respected citizens is being named the State's "Businessman of the Year" by the Maine Chamber of Commerce and Industry. I am also proud to note that the recipient, Donald F. Collins, has been one of my closest friends and supporters over the years.

Don Collins has served Maine in a number of capacities—he's an important member of the State legislature, he owns one of the State's oldest businesses, and he is a leader in the community of Caribou, ME.

The Collins family of Caribou has contributed much to the heritage of my State. For 145 years, the S.W. Collins Lumber Co. has operated on the banks of the Caribou River and is one of Maine's best-known family businesses.

The company's namesake, Samuel W. Collins, also started a family tradition of public service that endures to this day. At this time, three members of the Collins family are active in public life in Maine and many more work diligently in their communities.

I ask unanimous consent that an article about Don's award and another story about the work of his distinguished family be printed in the RECORD for the benefit of my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Maine Chamber of Commerce and Industry, Jan. 27, 1989]

DONALD F. COLLINS NAMED BUSINESS LEADER

A successful businessman, an involved civic leader and a dedicated public servant—the Maine Chamber of Commerce and Industry is proud to salute Donald F. Collins, the 1989 Business Leader of the Year.

The annual award is given to an individual who is outstanding in both professional and community life. It will be presented at the Seventh Annual Chamber of Commerce Day, February 23, at the Augusta Civic Center.

Collins leads a family business which this year celebrates 145 years of lumbering and supplying associated building products to Aroostook County. Started as a sawmill and a grist mill on the Caribou River, the S.W. Collins Co. grew from a milling operation to supplying a wide variety of hardware and building items. The milling operation was phased out in the 1950s. Today lumber is purchased from local operations and the emphasis is on contractor and home construction trade. A small wood shop supplies custom construction needs.

Over the past ten years, volume has tripled, largely because of building growth in Central Aroostook. Fifteen employees operate the business, with three employees added during the summer months.

Collins says he prefers to do business in Aroostook, however, occasionally purchases of lumber are made from neighboring Canada and building supplies are ordered throughout the state and New England. Business last year increased slightly and he looks to maintain a similar volume this year.

Collins also continues another family tradition—public service. This session marks his fourth term in the Maine Legislature. He served as state representative in 1971-72, and as the Senator from District 2 in 1977-78, and again in the last legislative session. Collins' great grandfather, Samuel W. Collins, was twice elected to the Maine House of Representatives and once to the Senate. His grandfather was active in Caribou community affairs and also served in the State Legislature as did his father.

When he is in Augusta, the business is run by two of his sons, Sam who is General Manager, and Greg who is the Assistant Manager. Don and his wife Pat have four other children, Kathleen, Susan, Michael and Nancy. Susan is Commissioner of Professional and Financial Regulation.

Collins met his wife when they were both attending the University of Maine. They are both active in community service and both have been mayor of Caribou. Pat has also served on the Caribou City Council and is now a Trustee of the University of Maine system.

Don Collins has a long list of civic and professional accomplishments. He is past president of the Maine Retail Lumber Dealers Association, Caribou Rotary Club, and Foundation of the University of Maine at Presque Isle. He received an Outstanding Citizenship Award from the Caribou Chamber of Commerce and serves as director of Maine National Bank, Maine Mutual Insurance Company, Maine Public Service Company, and Maine Community Foundation.

[From the Bangor (ME) Daily News, Feb. 6, 1989]

COLLINS' DYNASTY SERVING MAINE WELL—TRADITION IN GOVERNMENT BEGAN IN HOUSE IN 1856

AUGUSTA.—More than a century has passed since the first Collins from Caribou became involved in Maine state government. Today there are three—each occupying a lofty position in a separate branch.

Samuel W. Collins Jr., the namesake and great-grandson of a northern Maine settler and lumberman who was first elected to the Maine House of Representatives in 1856, is a justice of the state supreme court.

His brother, Donald F. Collins, is beginning his third term in the Maine Senate after serving one term in the House.

And Donald's daughter, Susan M. Collins, is a member of Gov. John R. McKernan's Cabinet, serving as commissioner of the Department of Professional and Financial Regulation.

All Republicans, they are the latest heirs to a proud family tradition.

To date, four generations of Collinses have served a combined total of more than three decades in the Legislature. Members of the family also have held a variety of municipal, civic and state posts, ranging from Boy Scout leader to University of Maine trustee.

"We kind of grew into it. Government and politics were always topics of conversation," Donald Collins, 63, said in an interview in the Senate chamber.

The senator, a former Caribou mayor and the fourth-generation operator of the family's lumber business, recalled his own frequent visits to the capital as a young man during his father's six terms in the Legislature.

"All of us had some sort of bent toward public service," he said. "It was just a sort of a natural happening."

Samuel Collins, 65, who served stints as leader of a Republican majority and a Republican minority during a decade in the Senate before his appointment to the high court, said he too was inspired, but not pushed, by his father.

"He set an example for me," said the soft-spoken jurist said. "He never asked me to do what he did. It wasn't his way."

Collins said his high-school principal nudged his toward a career in the courts, telling him he would someday make a good judge. Asked whether he had ever pictured himself on the Maine Supreme Judicial Court, he had a ready answer.

"To be honest, yes I had," said the justice, a Harvard Law School graduate whom McKernan appointed to the bench last year.

He described his work as challenging and said he especially enjoys interpreting laws he helped pass as a legislator. He is determined to recuperate fully from an auto accident that he says he is lucky to have survived in 1987. "By golly, I'm gonna catch up," he vowed.

Government service has taken Susan Collins the farthest from the family home in Caribou.

During 12 years in Washington, she advised Republican Sen. William S. Cohen of Maine on banking and labor issues. She also worked on a subcommittee headed by Cohen that had jurisdiction over federal ethics and procurement laws.

The 36-year-old commissioner, whose state agency regulates the banking and insurance industries, said family tradition helped draw her to public service.

"It's something we all enjoy," Collins said, "because you make such an impact on people's lives."

She draws particular satisfaction from the work of the department's consumer protection bureau. Through enforcement actions in fraud and similar cases, the bureau was responsible for payments of a record $1 million in restitution to Maine consumers last year.

When she joined the McKernan administration in 1987, Collins recalled, she was often asked if she would have difficulty adjusting to the relatively quiet pace of activity in Maine's capital after a dozen years in Washington.

"I would say, 'I grew up in Caribou,'" she said. "I had always wanted to come back to Maine. When the governor approached me (about the Cabinet post), I jumped at it."

The first Collins to settle in what is now called Caribou arrived in 1844. At the time, officials in the 24-year-old state of Maine, hoping to settle the northern wilderness, were offering blocks of land to anyone who would build and maintain a sawmill or grist mill along certain rivers.

Samuel W. Collins of Calais, after venturing to midwestern states in search of his fortune, returned to Maine and decided to take up the state's offer. What a partner named Washington A. Vaughan, he took land along the Caribou Stream that eventually developed into the village by the same name, and built a grist mill as well as a sawmill that is still partially standing.

Despite periods of losses in his lumber business, the family patriarch eventually prospered, and gave financial help to settlers who followed him to the northern woodlands. A Democrat living in a Republican district, he decided to run for a Maine House seat in 1856.

According to a family history, a GOP legislator named Thomas B. Read told Collins, "I like you personally, Sam, but I intend to oppose every measure you are trying to carry, because I want to teach those Republicans who elected you that you must not send a Democrat to the Maine House of Representatives."

Today, Democrats have an enrollment edge in Caribou, as well as a decisive majority in the House, but the Collinses remain "very highly regarded in this area," said former GOP Sen. James McBreairty of Perham.

"I would assume the biggest percentage of people in Aroostock County know the Collinses," McBreairty said.

Settler Samuel Collins' youngest son, Herschel D., started out as a Democrat but later became a staunch Republican and served one legislative term in the 1930s.

Herschel's son, Samuel W., served six legislative terms, in addition to stints on a variety of boards overseeing railroads, the University of Maine and business groups, and heading the S.W. Collins Co.

Some of the younger Collinses, including Donald's son, Samuel, also are involved in public service. Samuel is a member of the Aroostook County Charter Commission.

"I foresee a continuing interest on the part of my children," said Donald, a father of six, "It's a bit of a dynasty."

AMBASSADOR AND MRS. MAXWELL RABB

Mr. LEAHY. Mr. President, I could not help but notice the article about Ambassador and Mrs. Maxwell Rabb in the Washington Post.

Max and Ruth Rabb are special friends of our family. We feel a great sense of friendship for them because of the kind of people they are, and an enormous respect because of the way they have represented the United States throughout the Reagan administration.

I have had the opportunity to meet with Max and Ruth, both in Washington and in Rome. I also know the great deal of affection and respect American officials in Italy have for them and the similar level of affection and respect the Italian officials have for them. Not just because of the country they represent, but because of the way they represent it. It would be impossible not to respond to two people so proud of their country and so eager to represent it in the best way possible.

United States-Italian relations have never been stronger, and certainly a lot of that credit can go to this remarkable couple.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 28, 1989]

RABB & ITALY'S RENAISSANCE

(By Jennifer Parmelee)

ROME.—Tucked away among the memorabilia from decades of political and diplomatic life, U.S. Ambassador Maxwell M. Rabb keeps a photo of the man he believes was sent to kill him one fall day in 1981.

"That was [Col. Moammar] Gadhafi who put the contract out on me for that one," Rabb recounted recently. The Libyan leader, angered by the downing of two of of his planes by U.S. jets in a dogfight over the Mediterranean, allegedly wanted to strike at "a symbol of the United States and so he went after me . . .

"I've still got a photograph of my hit man."

That was in October, just four months after Rabb had been posted to Rome, a time when Americans were beginning to feel especially vulnerable to international terrorists and Italy seemed like the crossroads of it all.

Italian police foiled the plot, but the Reagan appointee's baptism by fire had only just begun. Italy's home-grown Red Brigade terrorists abducted their first prominent foreign victim—U.S. Brig. Gen. James Dozier. (It was considered a triumph for Italy's antiterrorism campaign when Dozier was freed after 42 days.) Rabb says there were five other plots against his life; and within the ultrasecure 19th-century villa in downtown Rome that houses the U.S. Embassy, the terrorist threat remains a quiet obsession.

Recently, in his high-ceilinged office overlooking fashionable Via Veneto, Rabb looked back on the nearly eight years in Italy that make him this country's longest-serving U.S. ambassador. His tenure is ending with the election of George Bush. As is the custom, his resignation has been submitted, and according to Bush administration sources, it has been accepted.

The 78-year-old Rabb does not speak much Italian, but he has cultivated friendships from across the political spectrum, and many of Italy's best and brightest are regular guests at the spectacular Villa Taverna, which he and wife Ruth call home. A touch of weariness momentarily dims his characteristically upbeat delivery when he says, "It's been a long eight years."

Eight long years. Mafia wars and Sicilian heroin flowing to the United States. Tax and extradition treaties signed. Trade battles resolved on shoes, citrus and Parma ham. American almonds versus Italian anchovies. Arafat, the Achille Lauro and the 1986 bombing of Libya.

And all of it between the parentheses of Italy accepting the unwanted intermediate-range nuclear missiles in 1981 and the equally disdained F16s last year—two remarkable gestures that in Rabb's view make Italy a vital part of the Western alliance, "the best ally maybe that we have, as good as anyone."

It wasn't always that way.

"When I came in 1981," he remembers, "Italy was a good friend—but not the essential ally."

The United States was worried by signs of a possible resurgence by Italian Communists. On terrorism, according to Rabb, Italy had "a rotten record." And in Europe, the Italians were regarded as followers rather than leaders.

What turned things around? Rabb believes that Italian acceptance of the missiles and skills in handling the Dozier rescue helped catalyze what now is known as the new Italian renaissance, an unprecedented period of stability, prosperity and newfound respectability. He also credits himself squarely for having lobbied hard on Italy's behalf right down the line.

"I'll tell you how bad it was at the time, with the United States: The Italians weren't getting the attention of a Mrs. Thatcher, or Kohl, or Mitterrand," Rabb says, remembering that Sandro Pertini, then Italy's president, hadn't been invited to the White House.

"Pertini asked me to get him over, and that was the first time I said to Washington, 'You invite him over if you expect anything in return,' " Rabb says, thumping the end of a long conference table for emphasis.

Once in the United States, the 85-year-old Pertini, one of Italy's most popular political figures, etched what to Rabb is one of the most indelible images of U.S.-Italian friendship—and the sentimental symbol of a new era.

During a public ceremony at the White House, Pertini was standing on a platform flanked by President and Nancy Reagan, listening to their countries' respective anthems. "Then Pertini broke ranks and went over to the American flag, this old man, lifted the folds of the flag, kissed it and went back," Rabb says. "Never had this happened before. And that picture was all over the world the next day."

Another flashback: It is a June day one week after arriving in Rome. Rabb is feeling "very pleased" about his new assignment when he receives a cable from Washington telling him it's "imperative" he persuade Italy to accept 112 nuclear missiles, the INFs.

The imperious language was telling, he remembers: "Not 'it is important that you consult with the Italians on this matter,' " but a direct order—and for missiles that had been spurned by America's other allies.

"It was with a somewhat heavy heart that I went to the meeting of the prime minister and his leadership," Rabb says, remembering there seemed to be "an abnormal number of cabinet members there just to take a look at me and size me up."

"I poured out my story and frankly was pleased that there was so much patience in the attitude of those listening, thinking to myself, 'Maybe I'm making some progress.' "

But when he finished, then prime minister Giovanni Spadolini replied: "But Mr. Ambassador, look at the other countries in the alliance . . . what are they doing?" His hand fluttering in the air, Spadolini said that maybe, in a year or two, the Italians might consider the idea. "In other words, a very distinct no, but done diplomatically," recalls Rabb.

Spadolini then asked if the U.S. envoy had any important addition to make to his argument. To the Italians' surprise, and his own, Rabb said he did.

"To tell the truth I didn't act in a very Foreign Service manner . . . I said, 'Gentlemen, if you will deploy the INF and construct the base for the INF, you'll make me a big man in Washington,' " he says. "Four days later we got it. The whole world was

astonished. How did Italy, the follower, take the lead to do this?

"That," asserts Rabb, "was the beginning of the present modern greatness of Italy. . . . Without Italy, we would never have had the Gorbachev-Reagan agreement eliminating a whole category of nuclear arms . . . the missiles in Italy were the bargaining chip, you see."

The Italian government followed the American lead in joining the multinational peace-keeping force in Lebanon and in dispatching minesweepers to the Persian Gulf. And last year, Italy came forward again to accept 79 American F16 fighter-bombers that had been dumped by fellow NATO-member Spain.

Rabb likes to joke that his home's 14-foot walls and phalanx of guards are just to protect his coveted chef, but terrorism is a phenomenon that has changed the face of diplomacy. And it's been an undercurrent in some of the most difficult—and most successful—moments of Rabb's tenure here.

To many Americans, the image of Italy as an unshakable and invaluable ally is undermined by the impression that it doesn't always share the United States' hard line on terrorism. The emotion-charged Achille Lauro affair of 1985 was burned deeply into American memories, while Italy's considerable economic and political ties with Libya remain a major concern.

"Almost the key source of problems today [between Italy and the United States] is around this subject of terrorism," concedes Rabb. "Whether it's the Mideast or it's Libya, it all comes back to this basic subject."

But he hastens to add, "On this subject, as we talk about differences, what I like to point out is that Italy is probably the best nation in all of Europe in suppressing terrorism, in working hand in hand with the United States . . . while preserving its own point of view, its own attitudes and independence."

The Italians and the Americans have exchanged frank and divergent opinions on the U.S. bombardment of Libya in April 1986 (Italy was angry it hadn't been consulted beforehand and deplored the military action) and on the U.S. rejection of a visa for PLO leader Yasser Arafat to address the United Nations.

But it was the killing of an elderly wheelchair-bound American on the hijacked Achille Lauro cruise liner and its political fallout in October 1985 that brought U.S.-Italian relations to the breaking point.

After the Achille Lauro murder, U.S. commandos forced down an Egyptian military plane carrying Mohammed Abbas accused of masterminding the hijacking, and three other suspected Palestinian terrorists. The situation quickly degenerated into a hostile standoff between Italian and American soldiers.

In the end, the Italian government, bitter about violations of its air space and strong-arm U.S. tactics, allowed Abbas to leave, while holding the other three suspects—infuriating the U.S. government.

"I've got a picture of me . . . where I was so mad," says Rabb, who was described by Italian newspaper accounts as appearing on television "sputtering with impotent rage."

"Generally I'm supposed to be a nice person . . . but I almost brought the Italian government down," he says, although he also concedes that American behavior in the episode was less than perfect.

The day after Abbas was spirited out of Italy, Renato Ruggiero, then No. 2 at the Foreign Ministry, visited Rabb on behalf of his government. "He said, 'This is terrible . . . my people would like it straightened out.' I said, 'My people are mad, they're just as furious as they can be. . . . We can't expect you to agree with us on everything but when it comes to an American or the life of an American, we'll go to any length. . . .'

Ruggiero asked what he could do, saying he'd hop the next plane to Washington if needed. Rabb called then secretary of state George Shultz and undersecretary Michael Armacost.

"They said to me, 'It's a terrible mess, the country is up in arms.' I said, 'I know but why don't we make peace? . . . The [Italian] government is going to fall and it will be the United States that brought them down. That's not for us to do . . .'

"And the reply came back, 'Would you be wiling to carry this yourself?' Meaning would I go to the White House and stand alone on this. . . . And I will tell you I gulped because I saw what was happening to me, but I said yes.

" 'Wonderful,' said Shultz. 'I'll be right behind you,' and Armacost said, 'I'll be right behind you'. . . .

"And in the end, peace was done."

GARY SKOGEBO, VETERAN PILOT OF EXTRAORDINARY SKILL

Mr. LEAHY. Mr. President, I go back and forth to Vermont virtually every week, and sometimes more than once during the week. Fortunately, my hometown of Burlington has an airport, and I can be home a few minutes after landing.

On some of the flights I have taken, Gary Skogebo of Grand Isle, a veteran pilot with USAir, has been on the flight. I was pleased to see an article about Gary in my hometown's local paper and his extraordinary skill.

The article describes his actions far better than I, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Nov. 28, 1988]

PILOT GAINS RECOGNITION FOR ONE-ENGINE LANDING

(By Eloise Hedbor)

It began as an ordinary flight from Philadelphia to Boston. It ended with the plane's returning to land in Philadelphia "without incident or injury."

"That was music to my ears," recalled Capt. Gary Skogebo, who drew on years of safety training to bring his USAir Boeing 737 to a safe landing after an engine fell off.

Skogebo, a commercial pilot for 10 years who lives in Grand Isle with his wife, Mary, recently received an Airline Pilots Association's Air Safety Foundation award for "superior airmanship."

Similar awards went to four other airline crews who avoided crashes in emergencies.

In each case pilot skill overcame a potentially fatal problem. In Skogebo's case, the Federal Aviation Administration determined that both a bolt and a backup safety chain designed to hold the engine in place failed because of manufacturing defects.

That Saturday morning flight last Dec. 15, with 69 people on board, began routinely. But five minutes into the flight, about seven miles from the airport, the throttle on the right engine went to idle, and the "airplane started to roll to the right," the pilot recalled.

"I suspected either a partial or complete engine failure," said Skogebo. There was "quite a bit of vibration" but no warning lights, and instruments showed "parameters close to normal for idle."

Skogebo had never before faced this sort of emergency in the air, but his flight simulator experience had him well-prepared. "Gary's very even-keeled," said his wife.

"I decided to return to Philadelphia, and initiated standard engine shutdown procedure," Skogebo said.

With a "predetermined signal" he alerted the flight attendants that there was an emergency, and he notified the airport.

Meanwhile, Skogebo was going through the "immediate action items" to shut down the failed engine and bring his plane in on just one engine. These and other procedures are practiced countless times in mock emergencies on the simulator so it is almost second nature when the real emergency comes along, Skogebo said.

"A flight attendant came into the cockpit," Skogebo said. "I said there was an apparent problem with the right engine and asked him to look and see if he could see anything unusual. As he left the cockpit, we were beginning to reduce speed, and the vibration quit abruptly. I knew something had dropped off the plane."

As the cockpit crew reviewed the procedures for a one-engine landing the "attendant came back and said the engine was missing."

Skogebo advised the passengers and flight crew to prepare for a full emergency landing. There was no nose wheel steering and only partial brakes. And the wing flaps would extend only partially.

But Skogebo remained confident. "I had a chance to talk to the folks in the cabin before the final approach. I told the passengers we had a problem, and I told them I didn't expect any difficulty with landing."

The plane landed smoothly, and slowed down with the help of "partial reverse on the engine we had" and "light to medium braking."

A quick check by the first officer and ground personnel revealed no leaking fluids, no smoke or other signs of impending fire and Skogebo determined there was no need for emergency evacuation, a procedure that, given the short extension of the wing flaps, almost certainly would have resulted in some injuries.

"Probably after the landing most people were thinking, 'What's so bad about this?' " Skogebo said.

The whole thing had taken just 12 minutes.

For the passengers, the entire incident caused only a slight delay. "As we got to the gate, I opened the door, and they took all but four of the passengers, marched them across the hall and put them on another flight to Boston."

Skogebo said he thinks his experience and that of other pilots honored this year, demonstrates the ever-increasing safety of airline travel.

The constant retraining of pilots helps ensure that even when the machinery fails, "the human factor is positive" and can save the plane and passengers.

"It's really satisfying to know that these efforts are paying off," Skogebo said. "An accident is a series of things, that if even one can be avoided, you can break the chain of events," and prevent an "incident" from becoming an "accident."

"The most gratifying thing to me was the comment that the aircraft landed safely without incident or injury. You never heard about it again," Skogebo said.

Mary Skogebo admits she does sometimes worry when her husband is flying, but not in his commercial flights. In his spare time, Skogebo is wing commander for the Civil Air Patrol and Mary said there are some search and rescue operations over the mountains in bad weather that "have me wringing my hands."

BETTER CHILD CARE SERVICES

Mr. LEAHY. Mr. President, ask the parents of any toddler what they look for in child care and they will tell you first about how difficult it can be to find adequate care. They will tell you about a lack of child care centers that are bright, and safe, and affordable. They will tell you about long waiting lists for the best centers, and the tremendous costs that put them out of their economic reach. They will tell you what every parent knows—that there is no greater anguish than having to leave a child in the care of another, and worry all day about the child's welfare and safety.

They will tell you about the need for better child care in their community.

The better child care working parents seek can be summed up in three words: Supply, quality, and affordability. These three ingredients are essential to the safety of our children, the integrity of our families, and the productivity of our workforce. They are the keys to a brighter future for our children and for America.

Today I rise in support of the Act for Better Child Care Services which establishes a comprehensive system of child care to help States increase their supply of safe services and help low-income working parents meet the high cost of child care.

Supply. In Vermont, the number of licensed child care spaces has risen dramatically over the last 5 years, but an estimated 30,000 children go without the benefits of quality child care services. The ABC bill will expand child care options for working parents. It will allow them to choose among a wide variety of child care services, including nonprofit and for-profit child care centers, family day care homes, school-based care and nonsectarian church-based care.

Quality. Experienced child care providers whose programs offer stimulating, challenging, and safe environments for our children contribute greatly to the future of this country. Happy, healthy, motivated kids get a head start on long, productive working lives. That is good for our children and good for the economic well-being of our country.

The ABC bill will give parents the peace of mind that their children are safe and secure in programs that meet minimum national health and safety standards. In addition, the bill will allow States to use ABC fund to increase child care provider salaries and to recruit new providers by establishing scholarship assistance.

Affordabilty. Every year Vermont families spend more than $60 million for child care. That is no small investment, especially when you consider the rising costs of other necessities like housing, health care, and heating expenses. The ABC bill will provide direct assistance to working families to pay for child care. Priority for funds will go to low-income families.

Senator DODD deserves our praise for the work he has done to improve this legislation. Working with Senators HATCH, KENNEDY, and MIKULSKI he has produced a bill that responds to many of the concerns raised about last year's bill. The ABC bill provides the framework for bipartisan cooperation and compromise, and for a Federal commitment to building an adequate child care system in America.

That commitment, as part of a strong private-State-Federal partnership, is essential to resolving our child care crisis.

Many have expressed concern about the cost of this legislation. I share that concern, but I consider child care an investment in the future. According to the House Select Committee on Children, every $1 invested in preschool child care saves the Government $4.75 over the life of the child. The savings come from spending forgone on programs further down the line like remedial education, and AFDC.

The President and Congress must work together to bring the deficit down so that we can invest now in programs that will save us money later. The American people want that. They recognize the need for public investment in child care and are willing to make sacrifices to achieve it.

Many in the business community advocate investing in prenatal care and early childhood education. The Committee for Economic Development [CED], a group of more than 220 heads of major U.S. corporations and universities, released a report in 1987 entitled "Children in Need: Investment Strategies for the Educationally Disadvantaged." The report called for increased government and business investment in early-intervention programs for disadvantaged children and adolescents.

Everyone agrees—early intervention makes sense economically.

Our children pay the price when their parents cannot afford quality care for them. Our children pay the price when the people we entrust to care for them cannot afford to live on the meager salaries we pay them. Our children deserve better. Our Nation cannot afford to give them and their hard-working parents anything but the best. Let this be the year that Congress makes a commitment to better child care in America.

NATIONAL POLICY ON PERMANENT PAPERS

Mr. PELL. Mr. President, I am very pleased indeed to present for publication in the RECORD a resolution of the Rhode Island Senate memorializing Congress to adopt my pending proposal to establish a national policy on permanent paper.

My proposal, introduced on February 8 as Senate Joint Resolution 57, would declare it to be a policy of the United States that all Federal records, books, and publications of enduring value be produced on acid free permanent paper. It urges all Federal agencies to bring themselves into compliance with the policy and also urges that publishers in the private sector do likewise on a voluntary basis.

The resolution of the Rhode Island Senate reflects the fact that there is a growing awareness at the local level across the country that we are faced with a national problem of deterioration of valuable publications because of the high acid content of paper in use since the mid-19th century. Fortunately, we now have the technology at hand to stop this problem at its source and Senate Joint Resolution 57 would simply encourage its utilization as swiftly as possible.

I am most appreciative of the action of the Rhode Island Senate in passing this resolution and of the efforts of Senators Victoria Lederberg, Sean O. Coffey, William C. O'Neill, and June N. Gibbs, who joined in introducing the measure.

Mr. President, I ask unanimous consent that the resolution 89-S 0851 of the Rhode Island Senate be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND—SENATE RESOLUTION

Whereas, it is now widely recognized and scientifically demonstrated that acidic papers commonly used in documents, books, and other publications for more than a century are self-destructing and will continue to self-destruct; and

Whereas, Rhode Islanders are facing the prospect of continuing to lose state and national historical records, including government records, faster than salvage efforts can be mounted despite the dedicated efforts of many libraries, archives and agencies; and

Whereas, nationwide many hundreds of millions of dollars will need to be spent by the federal, state and local governments and private institutions to salvage the most es-

sential books and other materials in libraries and archives; and

Whereas, there is an urgent need to prevent the acid paper problem from continuing into the indefinite future by means which already exist, in as much as acid free permanent papers with a life of several hundred years already exist and are being produced at prices competitve with acid papers; and

Whereas, some publishers such as the National Historical Publications and Records Commission, the Library of Congress and many university presses are already publishing on acid free papers, and the U.S. Office of Technology Assessment has estimated that only 15 to 25 percent of the books currently being published in the United States are printed on acid free paper; and

Whereas, most government agencies do not require the use of permanent papers for appropriate state and federal records and publications, and associations representing commercial publishers and book printers have thus far not recommended the use of acid free papers; and

Whereas, paper manufacturers have stated that a sufficient supply of acid free papers would be produced if publishers would specify the use of acid free papers; and

Whereas, Senator Claiborne Pell has introduced a joint resolution in the United States Senate to establish a national policy of permanent papers; now, therefore, be it

Resolved, That the members of this Senate of the State of Rhode Island and Providence Plantations hereby urge the members of the United States Congress to adopt Senator Pell's joint resolution to establish a national policy on permanent papers; and be it further

Resolved, That the Secretary of State be, and she is hereby authorized and directed to transmit duly certified copies of this resolution to Senator Claiborne Pell, Senator John Chafee, Representative Claudine Schneider and Representative Ronald Machtley.

DEATH OF JOHN BLAIR

Mr. DODD. Mr. President, I was shocked and saddened to learn of the sudden death this week of John Blair, a close friend of mine who was well known throughout Connecticut and in business circles around the Nation for his lobbying work on behalf of the insurance industry.

John had a reputation in Hartford not only for being hard working, committed, even driven, but also for having those rare qualities of honesty, fairness, and trustworthiness. Despite his important role as representative of the largest industry in the State, John retained his straightforward manner. Among lawmakers he was known as an aggressive advocate of insurance companies' interests, and among other lobbyists he was known for the value of his word.

As attached as John was to his work, his devotion to his family went much further. He refused to allow the responsibilities of his job to take away from time set aside for his wife and four children, whom he felt were his greatest responsibility.

John's athletic exploits were legend. Star of the baseball and football teams of New Britain High School, John was awarded a football scholarship from Boston College and was visited by recruiters from major league teams. He remained active throughout his life, taking time every day to go running. He took part several times in the Boston Marathon, and was in training to enter the race again this year.

John's death, at only 44 years of age, is truly a tragedy. Here was a man who was both devoted to his family and successful in his work. My sympathies go out to his wife and children. He will be remembered by all of us who had the good fortune to befriend him.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF THE ROBERT C. BYRD ROOMS

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 65) to designate rooms S221, S222, S223, and S224 in the U.S. Capitol Building as the "Robert C. Byrd Rooms."

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of this resolution.

The majority leader.

Mr. MITCHELL. Mr. President, today is a truly notable day in the history of the U.S. Senate.

In a short while Senators will attend a reception to honor the publication of Senator ROBERT C. BYRD's monumental book, "The Senate, 1789–1989."

The work being unveiled today combines Senator BYRD's own insights and recollections, gathered during more than three decades of service here, with an encyclopedic synthesis on modern scholarship on the Senate. Nothing of its kind has ever been undertaken. For the first time, Senators, teachers, students, and others, both at home and abroad, will have access to a highly readable account of the Senate's development during its first two centuries.

"Byrd's History"—as it undoubtedly will be called throughout the coming two centuries—stands as a monument to its author's diligent work, his attention to detail, his boundless energy, and his intense loyalty to the Senate. No one, among the nearly 1,800 persons who have ever served in this body, has given more of himself to the Senate than ROBERT C. BYRD. This magnificent book will stand for the ages as his gift to the Senate.

I believe that it is now appropriate that the Senate recognize, in a lasting way, this extraordinary American leader's contributions. Consequently, I am honored to serve as a cosponsor of a resolution providing that the Senate majority leader's rooms in the U.S. Capitol Building be designated, and hereafter known, as the "Robert C. Byrd Rooms." It is my hope and belief that those who walk these halls in the decades and centuries ahead will pause to recall the Senator from West Virginia who served so effectively as both a maker and a recorder of Senate history.

Mr. DOLE. Mr. President, I want to associate myself with the remarks of the distinguished majority leader. I was certainly pleased to cosponsor the resolution. It was my honor and privilege to work across the aisle from Senator BYRD as majority leader and then as the Republican minority leader. There is no doubt about it: he is the one of the 100 in this body that understands this institution. What he has done in the book that he has written will be of value not only to us but, as the majority leader indicated, to Senators who will serve here 10 years from now, 20, 30, 40, 50 years from now. So it is a tribute well deserved and I am pleased to join in the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

The resolution, and its preamble, reads as follows:

S. RES. 65

Whereas, Senator Robert C. Byrd has served in the Senate with great distinction for more than thirty years, twenty-two of which he served in positions of leadership within the Senate, including six years as Majority Leader and six years as Minority Leader;

Whereas, his service to the Senate has been characterized by diligent work, attention to detail, boundless energy, and intense loyalty;

Whereas, Senator Byrd was the first Majority Leader in Senate history to occupy the suite of rooms S221, S222, S223, and S224 in the United States Capitol Building;

Whereas, Senator Byrd, during the past decade, has prepared a monumental written history of the Senate, which will be widely consulted as the authoritative text on the Senate's past, both now and for decades to come; and

Whereas, by virtue of these extraordinary achievements it is appropriate that he be remembered for as long as there is a Senate of the United States: Now, therefore, be it

Resolved, That the suite of rooms S221, S222, S223, and S224 in the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Robert C. Byrd Rooms", in recognition of the unequaled service in this body of Robert C. Byrd on behalf of the people of the United States.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation by the Senate legal counsel and authority for the Committee on Foreign Relations to produce documents, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 69) to direct the Senate Legal Counsel to represent Senator Kerry and employees of the Senate in the case of *United States v. Norman LeFevre, et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. In 1987 and 1988 the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations conducted an investigation and held hearings on the foreign policy implications of narcotics trafficking in Central America. Two of the subcommittee's witnesses testified about their involvement in narcotics trafficking in closed session, as well as in public hearings.

A defendant in a narcotics indictment currently pending in the U.S. District Court for the middle district of Florida has applied to the court for a subpoena to obtain from the subcommittee transcripts of the closed sessions at which these witnesses testified. The Department of Justice has also requested that the subcommittee provide the transcripts to it so that it may determine which, if any, of the material should be turned over to the defense in accordance with rules on the production of exculpatory material and the prior statements of witnesses.

The determination whether to make congressional investigatory records public is solely within the discretion vested by the Constitution in each House of the Congress. In exercising that discretion, the Senate has sought to balance its interests in maintaining the confidentiality of its investigative records with the legitimate needs of the criminal justice system.

This resolution authorizes the Senate legal counsel to represent Senator KERRY, who chaired the subcommittee, and staff of the Committee on Foreign Relations in order to protect the Senate's prerogative to control its records from compelled disclosure. The resolution also authorizes the chairman and ranking minority member of the full Committee on Foreign Relations, acting jointly, to provide any material that in their judgment is appropriate in the interests of justice.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 69) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 69

Whereas, in 1987 and 1988 the Subcommittee on Terrorism, Narcotics, and International Operations of the Committee on Foreign Relations conducted an investigation of the foreign policy and international implications of narcotics trafficking;

Whereas, in the case of *United States* v. *Norman LeFevre, et al.*, No. 88-131 Cr-T-17, pending in the United States District Court for the Middle District of Florida, a defendant is seeking a subpoena for the production of documents from the investigation by Senator John Kerry or employees on the staff of the Committee on Foreign Relations, and the Department of Justice has requested that the documents be provided to it so that appropriate materials can be produced for the defendant;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent Members and employees of the Senate with respect to subpoenas issued to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Kerry and employees of the Senate in the case of *United States* v. *Norman LeFevre, et al.*

SEC. 2. That the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, are authorized to provide records of the Subcommittee's investigation, if in their judgment circumstances so warrant.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation by the Senate Legal Counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) to direct the Senate Legal Counsel to represent Senators KENNEDY, THURMOND, HOLLINGS, GORE, WILSON, and BIDEN in the case of *Rodney F. Stich* v. *Senator Edward Kennedy, et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, Rodney F. Stich, the plaintiff in an action filed in the U.S. District Court for the District of Columbia, has brought a civil action against six Members of the Senate and five present or former Members of the House. Mr. Stich's complaint asserts that he has petitioned Members of the Congress about problems of airline safety, but that those Members have not responded adequately, in his estimation, to those petitions.

Every citizen has a constitutionally protected right to petition the Government for the redress of grievances. In turn officials of the Government have the discretion to decide how to respond to the many problems that are presented to them by concerned citizens. The following resolution will authorize the Senate Legal Counsel to represent the Senate defendants in this action and to move to dismiss the complaint.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 70) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 70

Whereas, in the case of *Rodney F. Stich* v. *Senator Edward Kennedy, et al.*, No. 89-0170, pending in the United States District Court for the District of Columbia, the plaintiff has named Senators Kennedy, Thurmond, Hollings, Gore, Wilson, and Biden as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senators Kennedy, Thurmond Hollings, Gore, Wilson, and Biden in the case of *Rodney F. Stich* v. *Senator Edward Kennedy, et al.*

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPORTS OF COMMITTEES

The following reports of the committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 66. An original resolution authorizing biennial expenditures by committees of the Senate (Rept. No. 101-3).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 53. Resolution authorizing printing additional copies of Senate report titled "Developments in Aging: 1988."

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week."

S.J. Res. 32. Joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day."

S.J. Res. 34. Joint resolution designating the week of April 14, 1989, through April 22, 1989, as "National Minority Cancer Awareness Week."

S.J. Res. 37. Joint resolution designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989."

S.J. Res. 39. Joint resolution to designate April 6, 1989, as "National Student-Athlete Day."

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 40. Joint resolution to authorize the President to proclaim the last Friday of April 1989 as "National Arbor Day."

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 44. Joint resolution designating the week of April 9, 1989, as "Crime Victims Week."

S.J. Res. 45. Joint resolution designating May 1989 as "Older Americans Month."

S.J. Res. 50. Joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week."

S.J. Res. 51. Joint resolution to designate the month of April 1989, as "National Cancer Awareness Month."

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 56. Joint resolution designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week."

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 58. Joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week."

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Louis W. Sullivan, of Georgia, to be Secretary of Health and Human Services:

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 433. A bill to amend title 10, United States Code, to provide for centralized acquisition of property and services for the Department of Defense, to establish in the Department of Defense a Defense Acquisition Agency, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. BRYAN):

S. 434. A bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State; to the Committee on Finance.

By Mr. REID (for himself, Mr. DANFORTH, Mr. GRAHAM, and Mr. SYMMS):

S. 435. A bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. GRASSLEY, Mr. SIMON, Mr. PELL, Mr. DODD, Ms. MIKULSKI, Mr. HARKIN, Mr. LEVIN, and Mr. KENNEDY):

S. 436. A bill to strengthen the protections available to employees against reprisals for disclosing information, to protect the public health and safety, and for other purposes.

By Mr. DIXON:

S. 437. A bill to temporarily suspend the duty on certain glass bulbs; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. HATCH, Mr. HEFLIN, and Mr. SYMMS):

S. 438. A bill to amend chapter 96 of title 18, United States Code, to the Committee on the Judiciary and the Committee on Labor and Human Resources, jointly.

By Mr. PELL (for himself and Mr. COCHRAN):

S. 439. A bill to establish a program of grants to consortia of local educational agencies and community colleges for the purposes of providing technical preparation education and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BIDEN (for himself and Mr. INOUYE):

S. 440. A bill to amend title XIX of the Social Security Act to extend Medicaid coverage to certain low-income children, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. BENTSEN):

S. 441. A bill to amend the Immigration and Nationality Act to make available funds to reimburse localities which are impacted by substantial increases in aliens applying for political asylum; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 442. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to provide a trust fund in the Department of the Treasury restricting the use of the revenues from the value added tax to deficit and debt reduction; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 443. A bill to authorize the Secretary of the department in which the Coast Guard is operating to convey the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation; to the Committee on Commerce, Science, and Transportation.

By Mr. GLENN (for himself, Mr. LEVIN, Mr. ROTH, Mr. PRYOR, Mr. KOHL, Mr. HEINZ, Mr. LIEBERMAN, Mr. STEVENS, and Mr. SASSER):

S. 444. A bill to amend the Federal Advisory Committee Act; to the Committee on Governmental Affairs.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 445. A bill to delay the Medicare Catastrophic Coverage Act of 1988 for two years and to establish a Commission to assess the health care needs of the elderly as it relates to catastrophic illness; to the Committee on Finance.

By Mr. METZENBAUM:

S. 446. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to provide for the financial accountability of certain contractors of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOSCHWITZ (for himself, Mr. ARMSTRONG, Mr. GORTON, Mr. KASTEN, Mr. BOND, Mr. SYMMS, Mr. NICKLES, Mr. SHELBY, Mr. RUDMAN, and Mr. MCCAIN):

S. 447. A bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days of continuous session to report or be discharged.

By Mr. SIMON (for himself, Mr. CRANSTON, and Mr. DASCHLE):

S. 448. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

By Mr. BOREN (for himself, Mr. JOHNSTON, Mr. BINGAMAN, Mr. NICKLES, Mr. DOMENICI, Mr. WALLOP, and Mr. SIMPSON):

S. 449. A bill to amend the Internal Revenue Code of 1986 to provide incentives for oil and natural gas exploration and production, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. DODD, Ms. MIKULSKI, and Mr. KASTEN):

S. 450. A bill to amend the Internal Revenue Code of 1986 to increase the earned income tax credit on the basis of family size, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 451. A bill to provide grants to States for fellowships for individuals who have outstanding ability, demonstrate an interest in a teaching career, and will teach in areas of the State where there is a shortage of quality elementary or secondary school teachers or in fields of study in which there is a shortage of quality elementary or secondary school teachers, or both, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WILSON:

S. 452. A bill entitled the "California Military Lands Withdrawal Act"; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself, Mr. DODD, Mr. WILSON, Mr. BURDICK, Mr. BOREN, Mr. GRAMM, Mr. SHELBY, Mr. LEVIN, Mr. GORE, Mr. BRADLEY, Mr. REID, Mr. LIEBERMAN, Mr. BRYAN, Mr. SASSER, Mr. SARBANES, Mr. CONRAD, Mr. HOLLINGS, Mr. METZENBAUM, Mr. PELL, Mr. KERRY, Mr. ROBB, Mr. DOLE, and Mr. MACK):

S.J. Res. 65. Joint resolution designating June 12, 1989, as "Anne Frank Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 65. Resolution to designate rooms S221, S222, S223, and S224 in the United States Capitol Building as the "Robert C. Byrd Rooms"; considered and agreed to.

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 66. An original resolution authorizing biennial expenditures by committees of the Senate; placed on the calendar.

By Mr. FORD:

S. Res. 67. Resolution to refer S. 423 entitled, "For the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs." to the Chief Judge of the United States Claims Court for a report thereon; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. PELL):

S. Res. 68. Resolution to express the Senate's condemnation of the threats against the author and publishers of Satanic Versus; ordered held at the desk.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 69. Resolution to direct the Senate Legal Counsel to represent Senator Kerry and employees of the Senate in the case of United States v. Norman LeFevre, et al.; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 70. Resolution to direct the Senate Legal Counsel to represent Senators Kennedy, Thurmond, Hollings, Gore, Wilson, and Biden in the case of Rodney F. Stich v. Senator Edward Kennedy, et al.; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. SIMPSON, Mr. PELL, Mr. SIMON, and Mrs. KASSEBAUM):

S. Con. Res. 15. Concurrent resolution concerning peace and famine relief in Sudan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 433. A bill to amend title 10, United States Code, to provide for centralized acquisition of property and services for the Department of Defense, to establish in the Department of Defense a Defense Acquisition Agency, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE ACQUISITION REORGANIZATION ACT

● Mr. ROTH. Mr. President, I am pleased to introduce today legislation to create a Civilian Acquisition Agency in the Department of Defense. This proposal would amend title 10, of the United States Code, to establish a Defense Acquisition Agency to perform all weapons acquisition functions within DOD. This agency, staffed by well-trained, experienced, career experts, would assume responsibility for the management of weapons acquisition programs from the military services. I firmly believe that this approach will result in more effectively managed and less costly weapons programs.

When I first proposed this idea 4 years ago, it received little attention because it was considered too radical a concept. But the continuing problems in the DOD procurement process, and the public outrage over the recent Pentagon procurement scandal, point to the need for a basic system overhaul. Clearly Defense experts are coming around to support my proposal for a Civilian Acquisition Agency.

For example, during a July 8, 1988, Federal Services Subcommittee hearing on DOD consultants, Dr. Lawrence Korb and Mr. James Falk, both former high ranking DOD officials, stated that my proposal for a Civilian Acquisition Agency was on the right track and that such a concept could only be beneficial. Dr. Korb went on to state that the time was right to take a hard new look at a radically different approach to the way we go about procuring our weapon systems.

Additionally, President Bush has indicated that he plans to make Defense procurement reform a top priority in his new administration. I welcome the opportunity to work with President Bush and the Secretary of Defense in reforming our Defense procurement process.

Mr. President, the Under Secretary of Defense for Acquisition will be the Director of the Agency. Under this concept, the military will continue to perform the military functions of identifying threats, developing requirements for weaponry to fight those threats, and commanding combat units. Only the management of the actual acquisition of weapons would be changed. The acquisition work force will be selected by the Under Secretary for Acquisition from among the best qualified civilian applicants. The Agency is intended to encourage a career service of acquisition experts much like the Foreign Service. The personnel of the new Acquisition Agency will be highly professional, with required degrees in science, engineering, business, financial management, or other related disciplines. I envision a corp of procurement professionals who are also professional career arms designers and buyers, trained to understand both the mechanics of weapons systems and the politics of the armed services.

Mr. President, I would point out that in creating such an agency, we should be fully prepared to adequately compensate the procurement professionals employed there. That is why my bill would set up a special salary scale and bonus system based on achievement, to recruit and retain the professional work force that the Agency will attract. Personnel in the Agency would be eligible for higher compensation, and agency managers would be granted greater flexibility in personnel matters. This bill would also require agency members to continue training and development in their assigned fields.

Mr. President, the current investigation into the DOD procurement process is one more example of the massive problem that we face as we attempt to clean up the Defense procurement system. What my bill is designed to do, is to focus on the problem of weapons acquisition on a long term basis; to fundamentally reform the Defense acquisition process to ensure that we begin to make some of the critically needed changes in how we go about producing and purchasing the weapons that are used to defend this country.

The concept of a Civilian Acquisition Agency, which will assume responsibility for the procurement function, will help to alleviate many of the problems that the procurement process is experiencing. I think that it would be appropriate here to mention that the Agency will not take over the common supply procurement function from the Defense Logistics Agency. The CAA, will be strictly limited to procuring weapon systems for DOD.

Mr. President, I would be the first to acknowledge that it is no simple task

to develop, produce and manage complex weapon systems and to hold down the cost growth which routinely affects them. If it were, the dozens and dozens of acquisition improvement efforts which have been initiated by virtually every administration would certainly by now have given us a more efficient and well managed acquisition process.

The reform goals have not been achieved, however. In fact, the problems in the acquisition process are as serious today as they have ever been and the public has the perception that the United States really doesn't know how to build dependable, reasonably priced weapon systems. David Packard, former Chairman of the Blue Ribbon Procurement Commission better known as the Packard Commission, was quoted recently as saying that "The system for buying weapons is Mickey Mouse and that contracts might as well be awarded by throwing darts." Packard went on to say that the Department of Defense, the administration, and Congress together have created an environment in which honest and efficient military acquisition is impossible to implement.

The current procurement process is frustrating not only the procurement experts, but the public is beginning to believe that the entire system is rife with corruption. The fact is, that the public's view of Defense matters is greatly influenced by their perceptions of the way in which weapon programs and spare parts purchases are managed. I am concerned, as I know are other Senators, that the public is becoming convinced the Defense Department cannot effectively and honestly manage the Defense acquisition process and hold down program costs. The public's growing disillusionment with the management of the acquisition process is a serious matter and one that I, as a strong proponent of a revitalized Defense, am anxious to see reversed. The job of buying weapons and equipment not only must be done well, the public must truly believe it is being done well and honestly.

Mr. President, the acquisition process has been examined repeatedly over the years. We are all familiar with the many problems cited at one time or another as major factors in cost growth and mismanagement: Poor or overly optimistic cost estimates, "gold-plating", poor testing, lack of competition in contracting and so on.

In outlining the serious problems we face in improving the management of acquisition programs, it becomes apparent to me that the solutions of the past are no longer adequate. I believe we should consider more comprehensive, and far reaching changes, which may threaten the status quo, but could help set the stage for real and lasting improvements.

Our current military service dominated acquisition system results in a confusing morass of different procurement organizations and policies, high turnover or procurement personnel, poor training and experience for the government's work force and almost no accountability for the success or failure of weapons programs. For military offices, managing an acquisition program is not often a career goal and few officers want to stay for a long period of time as a program manager or other procurement official.

A centralized civilian weapons acquisition management agency in DOD would help ensure the continuity of key personnel, reduce duplication and ultimately result in greater economies. Further, procurement is a business function, not a military one. Taking it out of the hands of the services would free up valuable military personnel to be concentrated on true military functions, such as military strategy formulation and contingency planning.

The Acquisition Agency that I am proposing, will be staffed by civilian professionals, trained and prepared to devote their careers to acquisition management. They would direct the acquisition of a weapon system and would be assigned to manage the program for many years, remaining fully accountable for its success or failure.

Such problems as interservice rivalries and military service domination of acquisition also makes it difficult, if not impossible, to implement uniform department wide policies for procurement or to pursue potentially money-saving acquisition strategies such as joint service purchasing of weapons. The morass of different procurement organizations and policies, the high turnover of procurement personnel, the poor training and experience that characterizes the Government's work force, and the lack of accountability for the success or failure of weapons programs are problems my bill seeks to address.

I urge my colleagues to review this proposal, to weigh it against our current procurement system in DOD, and to join with me as the debate begins on how best to create a more effective, less costly approach to securing the weapons to defend our Nation.

Mr. President, I ask that the complete text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Department of Defense Acquisition Reorganization Act of 1989".

SEC. 2. CENTRALIZATION OF PROCUREMENT AUTHORITY IN THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Section 133 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out clause (1) and inserting in lieu thereof the following:

"(1) subject to section 2303a of this title, conducting all Department of Defense acquisitions, including construction;"; and

(2) by adding at the end the following new subsections:

"(f)(1) In planning and conducting a program for the acquisition of a weapon system, the Under Secretary—

"(A) shall consult with and receive information, evaluations, analyses, and advice from the Secretaries of the military departments and the heads of appropriate Defense Agencies with regard to the need and justification for such system;

"(B) shall have final decisionmaking authority for selection of (i) the weapon system for which research and development is to be conducted for the Department of Defense, and (ii) the weapon system to be acquired for the Department of Defense;

"(C) shall carry out functions, consistent with the provisions of this title and applicable acquisition regulations, relating to the research for, development of, and production of the weapon system, including—

"(i) determining the feasibility of conducting research for, development of, and production of such weapon system for two or more military departments;

"(ii) preparing solicitations;

"(iii) evaluating bids and proposals;

"(iv) selecting contractors;

"(v) managing the acquisition of the weapon system;

"(vi) establishing and improving programs and methods that foster maximum cost control and enhance productivity and manufacturing operations;

"(vii) establishing schedule goals and determining compliance with such goals;

"(viii) making contract payments;

"(ix) making contract changes;

"(x) modifying the weapon system acquisition program; and

"(xi) terminating contracts;

"(D) during the conduct of the weapon system acquisition program for a military department, shall consult on a continuing basis with the Secretary of such department and shall request the advice and comments of such Secretary on the conduct of the acquisition; and

"(E) shall be the sole representative of the Department of Defense in negotiating with representatives of the private sector in the acquisition of the weapon system.

"(2) In this section, the term 'weapon system' includes a subsystem and any component related to the weapon system.

"(g) The Under Secretary shall—

"(1) determine funding priorities for acquisitions of weapon systems for the Department of Defense; and

"(2) in connection with the preparation of each request for an appropriation for weapon systems acquisitions for the Department of Defense under section 1108 of title 31, submit to the Secretary of Defense a proposed appropriation request reflecting the priorities determined pursuant to clause (1).".

SEC. 3. DEFENSE ACQUISITION AGENCY

(a) ESTABLISHMENT.—(1) Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 135 the following new chapter:

"CHAPTER 136—DEFENSE ACQUISITION AGENCY

"Sec.
"2281. Establishment.
"2282. Duties.
"2283. Civilian personnel.
"2284. Members of the armed forces.

"§ 2281. Establishment

"There is a Defense Acquisition Agency in the Department of Defense. The Under Secretary of Defense for Acquisition is the head of the Defense Acquisition Agency.

"§ 2282. Duties

"The Under Secretary of Defense for Acquisition shall conduct weapon system acquisition programs through the Defense Acquisitions Agency.

"§ 2283. Civilian personnel

"(a) CIVILIAN PERSONNEL SYSTEM.—(1) The Secretary of Defense shall establish by regulation a special personnel system for civilian employees of the Defense Acquisition Agency. The regulations establishing such system shall—

"(A) establish the rates of pay for employees of the Defense Acquisition Agency not to exceed the maximum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5;

"(B) provide for removal of an employee of the Defense Acquisition Agency to a position outside the Defense Acquisition Agency consistent with the terms, conditions, and procedures provided in section 3592 of such title for removal of a career appointee in the Senior Executive Service to a position outside the Senior Executive Service, except that any hearing or appeal to which an employee of the Defense Acquisition Agency is entitled shall be held and decided pursuant to procedures prescribed by the Secretary of Defense in such regulations;

"(C) provide for removal or suspension of an employee of the Defense Acquisition Agency for a period of more than 14 days consistent with subsections (a), (b), and (c) of section 7543 of title 5 (relating to the removal or suspension for such a period of a career appointee in the Senior Executive Service), except that any hearing or appeal to which an employee of the Defense Acquisition Agency is entitled shall be held and decided pursuant to procedures prescribed by the Secretary of Defense in such regulations;

"(D) permit the payment of performance awards to employees of the Defense Acquisition Agency consistent with the provisions applicable to performance awards under section 5384 of title 5; and

"(E) establish career recruiting and training (including high-technology training) programs for the Defense Acquisition Agency that promote (i) the recruitment of personnel capable of attaining expertise in a broad range of acquisition functions, (ii) the attainment of such expertise by each acquisition employee of the agency, and (iii) the retention of employees who attain such expertise.

"(2) Subject to paragraph (1), the Secretary of Defense may—

"(A) make applicable to employees of the Defense Acquisition Agency any of the provisions of title 5 that are applicable to applicants for or members of the Senior Executive Service; and

"(B) appoint, promote, and assign individuals to acquisition positions in the Defense Acquisition Agency without regard to the provisions of such title governing appointment, promotions, and assignments for personnel in the competitive service.

"(b) QUALIFICATIONS FOR APPOINTMENT.—The Secretary of Defense shall make appointments to acquisition positions in the Defense Acquisition Agency from among applicants who, by reason of education, experience, training, and performance on relevant examinations, are best qualified to perform the duties of that agency.

"(c) PERFORMANCE MANAGEMENT AND RECOGNITION.—The Secretary of Defense may establish and administer a performance management and recognition system for such employees of the Defense Acquisition Agency as the Secretary considers appropriate. Such system shall be consistent with the purposes set out in section 5401 of title 5 and with subsection (a)(1)(D) of this section.

"(d) ASSIGNMENTS.—The Secretary of Defense may assign and reassign an employee of the Defense Acquisition Agency to any position in that agency in which such employee is qualified to serve, as determined by the Secretary taking into consideration the needs of the agency.

"(e) INAPPLICABILITY OF OTHER PERSONNEL LAW.—The provisions of the personnel system established for civilian employees of the Defense Acquisition Agency pursuant to this subsection shall apply to such employees in lieu of the provisions of any personnel system relating to pay, removal to another position, adverse personnel actions, payment of performance awards, appointments, performance management and recognition, and assignments that, except for this subsection, would otherwise apply to such employees.

"§ 2284. Members of the armed forces

"A member of the armed forces may be detailed to the Defense Acquisition Agency to participate in the conduct of a weapon system acquisition program.".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 135 the following new item:

"136. Defense Acquisition Agency..... 2281".

(b) TERMINATION OF PROCUREMENT AUTHORITY OF MILITARY DEPARTMENTS.—(1) Section 2302(1) of title 10, United States Code, is amended by striking out "the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force,".

(2) Section 2303(a) of such title is amended—

(A) by striking out paragraphs (2), (3), and (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively.

(c) TRANSITION PROVISION.—To the extent practicable, the Secretary of Defense shall make appointments to acquisition positions in the Defense Acquisition Agency under section 2283 of title 10, United States Code (as added by subsection (a)) from among the best qualified civilians serving in acquisition positions in the Department of Defense during the implementation of the provisions of this Act and the amendments made by this Act.

SEC. 4. RESPONSIBILITY FOR DETERMINING PROCUREMENT NEEDS

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2303 the following new section:

"§ 2303a. Determinations of procurement needs

"(a) MILITARY DEPARTMENTS.—The Secretary of each military department shall determine and define the procurement needs of that department and report such needs to the Under Secretary of Defense for Acquisition.

"(b) DEFENSE AGENCIES.—The head of each Defense Agency shall determine and define the procurement needs of that agency and report such needs to the Under Secretary of Defense for Acquisition.

"(c) FINALITY OF DETERMINATIONS.—The procurement needs reported to the Under Secretary of Defense pursuant to subsections (a) and (b) may not be revised by the Secretary of Defense or the Under Secretary of Defense for Acquisition.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2303 the following:

"2303a. Determinations of procurement needs.".

SEC. 5. REVIEW OF MAJOR DEFENSE ACQUISITION PROGRAMS

(a) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2439. Approval of program stages

"(a) PROGRAM REVIEW.—(1) The Under Secretary of Defense for Acquisition shall review each major defense acquisition program before such program proceeds into each of the following stages:

"(A) Concept exploration.

"(B) Demonstration and validation.

"(C) Full-scale development.

"(D) Production.

"(2) The review of each major defense acquisition program required by paragraph (1) shall include an evaluation of each of the following:

"(A) The plans and requirements for such program.

"(B) The need for the system to be acquired under such program.

"(C) In the case of a program for the acquisition of a weapon system for two or more military departments, the extent to which there is a commonality of parts and components among the systems to be acquired for such military departments.

"(D) The complexity and practicality of such program.

"(b) LIMITATION RELATING TO APPROVAL OF PROGRAM STAGE.—Funds may not be obligated or expended with respect to a stage of a major defense acquisition program specified in clauses (A)–(D) of subsection (a)(1) unless the Under Secretary of Defense for Acquisition has reviewed the program for such stage as required by subsection (a) and, based on such review, approved the program for such stage.

"(c) NONDELEGABILITY.—The Under Secretary of Defense for Acquisition may not delegate any duty under this section to the Secretary of a military department.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of title 10, United States Code, is amended by adding at the end the following new item:

"2439. Approval of program stages.".

SEC. 6. SAVINGS PROVISIONS

(a) CONTINUED EFFECTIVENESS OF ADMINISTRATIVE ACTIONS.—All contracts, orders, determinations, rules, regulations, permits, grants, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Secretary or other officer or employee of a military department, or by the head or other officer or employee of a Defense Agency of the Department of Defense, or by a court of competent jurisdiction, in connec-

tion with any acquisition activity of a military department or a Defense Agency, and

(2) which are in effect on the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseddate of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense, the Under Secretary of Defense for Acquisition, or another authorized official, by a court of competent jurisdiction, or by operation of law.

involving a claim or application, in connection with any acquisition activity of a military department that is pending before any military department on the effective date of this Act.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Defense or the Under Secretary of Defense for Acquisition, by a court of competent jurisdiction, or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Defense may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Secretary of Defense or to the Under Secretary of Defense for Acquisition.

SEC. 7. CONFORMING AMENDMENTS

Title 10, United States Code, is amended as follows:

(1) Section 1584 is amended—

(A) by striking out "of a military department" and inserting in lieu thereof "of the Department of Defense"; and

(B) by striking out "the Secretary of that department" and inserting in lieu thereof "the Secretary of Defense".

(2) Section 1621(1) is amended by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense".

(3) Section 1622 is amended—

(A) in subsection (a)—

(i) by striking out "The Secretary of each military department" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out the last sentence; and

(B) in subsection (d), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(4) Section 1623 is amended—

(A) in subsection (a)—

(i) by striking out "The Secretary of each military department" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out the last sentence; and

(B) in subsection (c), by striking out "The Secretary concerned" and inserting in lieu thereof "The Secretary of Defense".

(5) Section 2305(d) is amended—

(A) in the first sentence of paragraph (1)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a development contract for a major system, shall";

(B) in the first sentence of paragraph (2)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a production contract for a major system, shall";

(C) by striking out "the head of the agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(D) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary of Defense".

(6) Section 2306(h) is amended—

(A) in paragraph (1), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(B) in paragraph (2)(D), by striking out "agencies in";

(C) in paragraph (3) by striking out "the head of the agency concerned" and inserting in lieu thereof "the Secretary of Defense";

(D) by striking out paragraph (7); and

(E) by redesignating paragraph (8) as paragraph (7).

(7) Section 2311 is amended—

(A) by striking out "Except as provided in" and inserting in lieu thereof "(a) Except as provided in subsection (b) and"; and

(B) by adding at the end the following new subsection:

"(b) The Secretary of Defense may delegate any authority of the Secretary under this chapter only to—

"(1) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition;

"(2) the Under Secretary of Defense for Acquisition; or

"(3) any employee of the Defense Acquisition Agency or the Defense Logistics Agency.".

(8) Section 2324 is amended—

(A) in subsection (k), by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) In the case of a proceeding referred to in paragraph (1) that is commenced by a State, the Secretary of Defense may allow the costs incurred by the contractor in connection with such proceeding as reimbursable costs if the Secretary determines, under regulations prescribed by the Secretary, that the costs were incurred as a result of (A) a specific term or condition in the contract involved in the proceeding, or (B) a specific written instruction of the Department of Defense."; and

(B) in subsection (h)(2), by striking out "or the Secretary of the military department concerned".

(9) Section 2326 is amended—

(A) in subsection (a)—

(i) by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out "the head of an agency" and inserting in lieu thereof "the Secretary";

(B) in subsection (e), by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense";

(C) by striking out subsection (f);

(D) by redesignating subsection (g) as subsection (f); and

(E) in subsection (f)(1) (as redesignated by clause (D)), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense".

(10) Section 2327 is amended—

(A) in subsection (a), by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense";

(B) in subsection (b), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(C) in subsection (c)(1)—

(i) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(ii) by striking out "such head of an agency" each place it appears and inserting in lieu thereof "the Secretary";

(D) in subsection (c)(2), by striking out "Upon the request of the head of an agency, the" and inserting in lieu thereof "The"; and

(E) in subsection (d)—

(i) by striking out "(1)"; and

(ii) by striking out paragraph (2).

(11) Section 2329 is amended—

(A) in subsection (b), by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense";

(B) in subsection (c)—

(i) by striking out "the Secretary concerned" each place it appears and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out the last sentence of paragraph (3).

(12) Section 2352 is amended by striking out "a military department" and inserting in lieu thereof "the Department of Defense".

(13) Section 2353 is amended—

(A) in the first sentence of subsection (a)—

(i) by striking out "a military department" and inserting in lieu thereof "the Department of Defense"; and

(ii) by striking out "the Secretary of the military department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b)(3), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(14) Section 2354 is amended—

(A) in subsection (a), by striking out "the Secretary of the military department concerned, any contract of a military department" and inserting in lieu thereof "the Secretary of Defense, any contract of the Department of Defense";

(B) in subsection (c)—

(i) by striking out "the Secretary of the department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "of his department"; and

(C) in subsection (d), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(15) Section 2355 is amended—

(A) by striking out "Secretary of each military department" and all that follows through "Comptroller General," and inserting in lieu thereof "Secretary of Defense, with the approval of the Comptroller General, may"; and

(B) by striking out "his department" and inserting in lieu thereof "the Department of Defense".

(16) Section 2356(a) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), the Secretary of Defense may delegate any authority under section 1584, 2353, 2354, 2355, or 2358 of this title to—

"(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition;

"(B) the Under Secretary of Defense for Acquisition; or

"(C) any employee of the Defense Acquisition Agency or the Defense Logistics Agency.

"(2) The authority of the Secretary under section 2353(b)(3) of this title may not be delegated to a person described in paragraph (1)(C).".

(17) Section 2357 is amended by striking out "The Secretary of each military department" and inserting in lieu thereof "The Secretary of Defense".

(18) Section 2381 is amended—

(A) in subsection (a)—

(i) by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out "that department" in clause (1) and inserting in lieu thereof "the Department of Defense"; and

(B) in subsection (b), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(19) Section 2388 is amended—

(A) in subsection (a), by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense"; and

(B) in subsection (d), by striking out "The Secretary concerned" and inserting in lieu thereof "The Secretary of Defense".

(20) Section 2393 is amended—

(A) in subsection (a)—

(i) by striking out "the Secretary of a military department" in paragraph (1) and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "the Secretary concerned" in paragraph (2) and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(21) Section 2394 is amended—

(A) in subsection (a), by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) A contract may be made under subsection (a) only after the Committees on Armed Services and on Appropriations of the Senate and House of Representatives have been notified of the terms of the proposed contract, including the dollar amount of the contract and the amount of energy or fuel to be delivered to the Government under the contract.".

(22) Section 2401(a) is amended by striking out "The Secretary of a military department" both places it appears and inserting in lieu thereof "The Secretary of Defense".

(23) Section 2403 is amended—

(A) in subsection (a), by striking out paragraph (8);

(B) in subsection (b), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(C) in subsections (c), (f), and (g), by striking out "head of the agency concerned" each place it appears and inserting in lieu thereof "Secretary of Defense";

(D) in subsection (d)—

(i) by inserting "(1)" after the subsection designation;

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(iii) by striking out the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may delegate authority under this subsection only to the Under Secretary of Defense for Acquisition."; and

(E) in subsection (h)—

(i) by striking out "(1)"; and

(ii) by striking out paragraph (2).

(24) Section 2405(a) is amended by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense".

(25) Section 2406 is amended—

(A) in subsection (a)—

(i) by striking out "head of an agency" and inserting in lieu thereof "Secretary of Defense";

(ii) by striking out "head of the agency" and inserting in lieu thereof "Secretary" each place it appears; and

(iii) by striking out "that agency" and inserting in lieu thereof "the Department of Defense"; and

(B) in subsection (f)—

(i) by striking out paragraph (1);

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iii) by striking out "2432(a)" in paragraph (1) (as redesignated by clause (ii)) and inserting in lieu thereof "2430"; and

(iv) by striking out "the head of an agency" in paragraph (3) (as redesignated by clause (ii)) and inserting in lieu thereof "the Secretary of Defense".

(26) Section 2411(3) is amended by striking out "Director of the Defense Logistics Agency" and inserting in lieu thereof "Under Secretary of Defense for Acquisition".

(27) Section 2433 is amended by striking out "Secretary concerned" each place it appears and inserting in lieu thereof "Secretary of Defense".

(28) Section 2435 is amended—

(A) by striking out "Secretary of the military department concerned" each place it appears and inserting in lieu thereof "Secretary of Defense";

(B) in subsection (a)(1), by striking out "under the jurisdiction of such Secretary" in the matter before clause (A); and

(C) in subsection (b)—

(i) in paragraph (1), by striking out "the senior procurement executive of such military department (designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)))" and inserting in lieu thereof "the Under Secretary of Defense for Acquisition"; and

(ii) in paragraph (2), by striking out "will be missed by more than 90 days—" and all that follows and inserting in lieu thereof "will be missed by more than 90 days, establish a review panel—

"(A) to review such program; and

"(B) to submit the results of such review to the Secretary before the end of the 45-day period beginning on the date that the program deviation report is submitted under paragraph (1).".

(29) Section 2436 is amended—

(A) in subsection (a)—

(i) by striking out "Secretaries of the military departments" and inserting in lieu thereof "Under Secretary of Defense for Acquisition"; and

(ii) by striking out "senior procurement executive of the military department concerned" and inserting in lieu thereof "Under Secretary";

(B) in subsection (b), by striking out the first sentence and inserting in lieu thereof the following: "The Secretary of Defense may designate any defense acquisition program to participate in the program described in subsection (a).";

(C) in subsection (c), by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The program executive officer for a program shall report with respect to such program directly, without intervening review or approval to the Under Secretary of Defense for Acquisition'."; and

(D) in subsection (d)(1), by striking out "the senior procurement executive of the military department concerned with the approval of".

(30) Section 2437(a)(1)(A) is amended by striking out "in each military department (as designated by the Secretary of the military department" and inserting in lieu thereof "(as designated by the Secretary)".

(31) Section 2502(c)(1) is amended to read as follows:

"(c) ASSESSMENTS.—(1) the Secretary of Defense shall ensure that, for each major defense acquisition program, the Under Secretary of Defense for Acquisition has made an assessment of the following matters:

"(A) The capability of the domestic defense industrial base to meet requirements for that program.

"(B) The capability of the domestic defense industrial base to meet the aggregate requirements for all such programs.".

SEC. 8. EFFECTIVE DATE

This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.●

By Mr. REID (for himself, Mr. DANFORTH, Mr. GRAHAM, and Mr. SYMMS):

S. 435. A bill to amend section 118 of the Internal Revenue Code to provide for certain exemptions from certain rules for determining contributions in aid of construction; to the Committee on Finance.

TREATMENT OF CONTRIBUTIONS ON AID OF CONSTRUCTION

Mr. REID. Mr. President, this Congress and this country are faced with some challenging problems.

At the forefront of our concerns is the lack of affordable housing.

The ability of Americans to provide a roof over the heads of themselves and their families is progressively weakening.

The affordability crisis among prospective first-time homebuyers across the Nation is the worst it has been since the end of World War II.

How can we rectify this situation? How can we restore a basic standard of living to all Americans? Today, I am proposing a bill that responds to this Nation's housing needs.

I am joined by my distinguished colleagues, Senator JOHN DANFORTH, of Missouri, Senator BOB GRAHAM, of Florida, and Senator STEVE SYMMS, of Idaho.

We propose a change to a little-known provision in the Tax Reform Act of 1986. This change will not call for the Federal Government to acquire, construct or rehabilitate affordable housing.

But it will help developers build the houses—it will help prospective homeowners afford what to some is little more than a dream.

Our bill will reinstate the tax exemption for contributions-in-aid-of-

construction. In many cases, when housing is being constructed, builders extend gas and water mains and electric lines into their developments. They then turn this property over to the utilities without charge, or they pay the utilities to install the lines themselves. The utilities receive this financial or property compensation from the developers for establishing service to the new homes and buildings.

Prior to 1986, these contributions were not taxable as income. But in 1986, the tax reform law changed that principle. The impact of this seemingly innocuous technical change is significant.

It increases the cost of housing by as much as $2,000 for a new home.

By accepting this tax, we are undermining our basic but paramount aim to promote affordable housing. This new tax means increased revenue for the Federal Treasury. But at what cost?

The intention of the tax was to place part of the new corporate tax burden on utilities. This may have made sense in theory, when the 1986 tax reform bill was being drafted. But it has failed miserably in practice. Why? Because utilities pass the tax onto consumers in the form of higher rates.

If the tax burden is shifted to builders, they merely incorporate that extra cost into the purchase price of their homes. The buck stops, once again, at the prospective or current homeowner. A tax intended for a corporation has instead fallen on consumers.

The tax has led to some unusual maneuvering which takes its toll on the homeowner. I was first alerted to such problems by my constituents. They told me that in Reno, NV, the water utility obtains rights to deliver water from the State.

These water rights are considered taxable income, even though they have no fair market value and cannot be depreciated. The additional costs borne by the utility are passed on to Reno homebuilders, schools, and homeowners.

Texas also provides an interesting example. There are over 800 small, investor-owned utilities in Texas. They can't afford the extra tax, so they pass the cost back to developers.

Some developers have chosen to circumvent this cost by creating their own utilities and drilling their own wells. The result is a massive decentralized network of small utilities. This is not good because it leads to uneconomical, inefficient utility service that proves costly and frustrating for the homeowner.

Added taxation is not the solution to the affordability problem. Our bill to restore the tax exemption is not a solution in itself. But it is certainly a move toward a solution.

A companion bill has been introduced in the House by my good friend and colleague from California, Congressman BOB MATSUI. His legislation enjoys the support of numerous Members, many of whom serve on the Ways and Means Committee.

The legislation is also supported by a wide range of organizations, including the National Association of Regulatory Utility Commissioners, the National Association of State Utility Consumer Advocates, the National Association of Water Companies, the National Association of Homebuilders, the American Public Power Association, the Consumer Federation of America, the Edison Electric Institute, the American Public Transportation Association, and the National Association of Realtors.

We hope to generate an equally strong level of support from our colleagues in the Senate.

Federal expenditures to stimulate production of affordable housing have declined 70 percent since 1981.

Our bill to restore the tax exemption for contributions-in-aid-of-construction is not a spending measure, but its impact will help stimulate affordable housing.

Its impact will increase the likelihood that all Americans who so desire can purchase and maintain a place to live.

● Mr. GRAHAM. Mr. President, I am pleased to join my distinguished colleagues today in originally cosponsoring a bill that addresses a provision in the Tax Reform Act of 1986 law regarding contributions-in-aid-of-construction.

The issue created by the 1986 Tax Act is as follows: The developer contributes property or cash to the utility and under the Tax Reform Act of 1986 this creates a taxable transaction. The utility then generally charges the developer for income tax burden, created by this contribution. This charge is itself a taxable transaction to the utility, the utility again charges the developer for the income tax burden now created by this second charge. This creates a pyramid of taxable transactions.

Prior to 1987, contributions-in-aid-of-construction [CIAC] received by an investor-owned utility were not included in the taxable income of the utility. Rather, they were considered capital contributions and given a zero basis—meaning they were not subject to depreciation. Effective in 1987, the Tax Reform Act requires that utilities include all money and property received as contributions-in-aid-of-construction in their gross income.

In order to meet the income tax burden created by the virtue of receiving the CIAC, the utility has the option of raising all of the customers' utility rates or causing the contributing developer to bear the burden of the additionally created income tax. This burden inflates the costs of rent, home purchases, consumption of utility services, and development in general.

Data from the National Association of Homebuilders indicates that in some cases, this new tax burden has caused an increase in the price of new homes by as much as $2,000 per unit. This cost is passed on to the homebuyer, and thus, makes worse this Nation's housing affordability crisis. Frequently, the pre-sale burden is so great on the builder that production must be curtailed.

Taxation of contributions-in-aid-of-construction is wrong in concept, because it takes capital formations, creating a disincentive to economic growth. It is a serious problem in States like Florida where rapid development has outstripped the capacity of municipal and county-owned utilities.

Not only have residential and commercial developers felt the negative impact of the CIAC tax, which in turn affects Florida's homebuyers and businesses, utilities have also been affected. I fear that we could see an increasing negative impact for consumers in the long run because of the potential for higher housing costs and utility bills. The Florida Public Service Commission has written to me with their support for all of the above reasons. And have reiterated that one possible result of the CIAC tax is a general increase across the board for all consumers for their utility bills.

This bill will restore the original pre-1986 language regarding contributions-in-aid-of-construction. I urge my colleagues to closely examine the situation created by the 1986 tax law, and favorably consider the bill as a reasonable and fair remedy.●

By Mr. METZENBAUM (for himself, Mr. GRASSLEY, Mr. SIMON, Mr. PELL, Mr. DODD, Ms. MIKULSKI, Mr. HARKIN, Mr. LEVIN, and Mr. KENNEDY):

S. 436. A bill to strengthen the protection available to employees against reprisals for disclosing information, to protect the public health and safety, and for other purposes; to the Committee on Labor and Human Resources.

EMPLOYEE HEALTH AND SAFETY WHISTLEBLOWER PROTECTION ACT

● Mr. METZENBAUM. Mr. President, I rise today to introduce the Employee Health and Safety Whistleblower Protection Act. This bill is designed to protect workers from reprisal when they blow the whistle on unlawful or dangerous activities that threaten the public health and safety. Too often, these courageous employees are discharged, demoted, harassed or intimidated for simply telling the truth. The

fear of reprisal has silenced many workers who otherwise could help Federal authorities enforce health and safety laws.

Protecting the public health and safety is in everyone's interest. It is not a partisan issue. I am proud that Senator GRASSLEY of Iowa is the lead cosponsor of this legislation. He has been a consistent champion for whistleblowers in the Senate not only in the health and safety area but with regard to civil service reform, defense fraud and false claims against the Government. I have worked closely with Senator GRASSLEY to draft a bill that provides necessary protections for workers and includes procedural safeguards to ensure expedited fair resolution of whistleblower complaints. Senator GRASSLEY and I are joined by Senators SIMON, PELL, DODD, MIKULSKI, HARKIN, LEVIN, and KENNEDY as original cosponsors of the bill.

Punishing workers for reporting health and safety violations is intolerable. It is a fundamental principle of good Government that citizens should assist in the enforcement of our laws by reporting illegal activities to the proper authorities. But if we expect workers to help us enforce Federal health and safety laws, we must do more than provide public praise and encouragement. Employee health and safety whistleblowers need and deserve effective Federal laws—laws with real teeth—to protect them from reprisal. That is what this bill is all about. It will prohibit employers from firing, harassing, intimidating, demoting or blacklisting employees for reporting violations of Federal health and safety laws.

The Administrative Conference of the United States, in its detailed study of Federal protection for employee health and safety whistleblowers, found that the current system is a patchwork collection of laws with glaring loopholes and inconsistencies. The bill we are introducing today incorporates a number of the conference's recommendations. It closes the loopholes in employee protection and alleviates several of the procedural inconsistencies.

Because of current gaps in coverage, millions of workers, in such critical public safety areas as aviation, food processing, nuclear weapons production, drug and medical device manufacturing and pesticide application have no Federal statutory whistleblower protection. Employees of Government contractors and certain State and local employees who report health and safety violations are excluded from coverage in most cases.

This is no theoretical problem. It is happening every day to real people who are trying to do the right thing:

A number of pilots, including several helicopter pilots who fly emergency medical flights, have been fired summarily for reporting unsafe aircraft to the Federal Aviation Administration.

I heard harrowing testimony last year from a woman who was harassed and intimidated out of a job for cooperating with Federal meat inspectors in an investigation that uncovered sanitary conditions at a chicken processing plant that would make your stomach turn.

In my own State of Ohio, a technician at a nuclear weapons facility was fired for reporting radiation safety hazards to the Nuclear Regulatory Commission.

A foreign company fired its import manager who reported to the Food and Drug Administration that the company's artificial kidneys did not meet American safety standards.

In perhaps the most celebrated incident, engineers working for the Government contractor that built the solid rocket motors for the space shuttle were demoted after testifying before Congress about their unheeded safety warnings in advance of the *Challenger* disaster.

Moreover, gaps in coverage are not the sole problem. Those workers who are protected under current Federal law face unrealistic time limits for filing complaints. For example, a construction inspector who was fired for reporting falsified safety records to the Nuclear Regulatory Commission lost his claim because he failed to file a complaint within 30 days. In addition, the Department of Labor, which has the responsibility to process the majority of whistleblower complaints, too often lacks the authority to conduct meaningful investigations.

The Employee Health and Safety Whistleblower Protection Act will improve the Federal protection system by: First, closing existing gaps in coverage so that workers in all industries—including employees of Government contractors and certain public employees—who currently have no statutory remedy against reprisal will have some protection; second, creating a uniform 180-day statute of limitations for filing health and safety whistleblower complaints; third, authorizing the Secretary of Labor to issue subpoenas to investigate whistleblower complaints; and fourth, ensuring that the underlying health and safety issues reported by the whistleblowers are referred to the appropriate Federal agency for further investigation.

Let me be clear about the limited scope of this bill. With the exception of the extended statute of limitations and the authorization of subpoena power, which were both specifically called for by the Administrative Conference covered by current Federal statute. For example, a coal miner protected under the whistleblower provisions of the Mine Safety and Health Act or a trucker covered under the Surface Transportation Act would not be affected by the bill. Those workers, and millions of others, already have Federal statutory remedies against whistleblower reprisal. This bill merely provides whistleblowers who have been left out in the cold a Federal statutory remedy patterned after current law.

We are all a little safer thanks to the efforts of employee health and safety whistleblowers. As a matter of justice and equity, we owe those whistleblowers at least an opportunity to protect themselves from reprisal for their unselfish acts.

Senator GRASSLEY and I intend to move this bill quickly through the Senate. The Labor Subcommittee will hold hearings on the bill on March 7. Representatives HAWKINS, chairman of the Education and Labor Committee, intends to introduce companion legislation soon in the House. We are eager to work with the House and with the Bush administration so that the bill can become law this year.

I urge all my colleagues to join us in supporting this bipartisan good government legislation.

Mr. President, I ask unanimous consent that the tact of the bill, a summary of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Health and Safety Whistleblower Protection Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) employees who report unlawful or hazardous activities are performing an important public service by helping ensure the health and safety of workers and the general public;

(2) employees should be able to report unlawful or hazardous activities without fear of reprisal; and

(3) employees who make such reports are not adequately protected against reprisal by the current Federal laws designed to protect private sector whistleblowers.

(b) PURPOSE.—The purpose of this Act is to strengthen and improve protection for employees who report unlawful or hazardous activities, to prevent retaliation against employees, and to improve the health and safety of workers and the general public by—

(1) extending whistleblower protection regarding health and safety matters to all employees not currently protected by Federal law;

(2) creating a uniform statute of limitations for all whistleblower complaints by private sector employees;

(3) ensuring that the Secretary of Labor has subpoena power to investigate whistleblower complaints;

(4) providing for a limited private right of action for certain whistleblower complaints; and

(5) ensuring that reports of unlawful or hazardous activities are referred to the appropriate Federal agencies for investigation.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) COMMERCE.—The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States, or between points in the same State but through a point outside thereof.

(2) EMPLOYEE.—The term "employee" means any individual who is employed by an employer, or who is a former employee of an employer, to the extent that—

(A) such individual is discharged or discriminated against for any of the conduct described in section 4; and

(B) no remedy is available to such individual for such discharge or discrimination under an existing Federal whistleblower protection law.

(3) EMPLOYER.—The term "employer"—

(A) means a person engaged in a business affecting commerce who has employees;

(B) includes—

(i) a State or political subdivision of a State, or an interstate governmental agency; and

(ii) an agent of an employer and an employer of an employee; and

(C) does not include the United States, except for a government corporation (as defined in section 103(1) of title 5, United States Code) and the United States Postal Service.

(4) EXISTING FEDERAL WHISTLEBLOWER PROTECTION LAW.—The term "existing Federal whistleblower protection law" means those provisions of Federal law that protect employees against discharge or discrimination for any of the conduct described in section 4, that are contained in—

(A) section 942 of Department of Defense Authorization Act of 1987 (10 U.S.C. 2409);

(B) section 23 of the Toxic Substances Control Act (15 U.S.C. 2622);

(C) section 211 of the Asbestos Hazard Emergency Response Act of 1986 (15 U.S.C. 2651);

(D) section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c));

(E) section 505(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1855(a));

(F) section 105(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 815(c));

(G) section 703 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1293);

(H) section 507 of the Federal Water Pollution Control Act (33 U.S.C. 1367);

(I) section 1450 of the Public Health Service Act (42 U.S.C. 300j-9);

(J) section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851);

(K) section 7001 of the Solid Waste Disposal Act (42 U.S.C. 6971);

(L) section 322 of the Clean Air Act (42 U.S.C. 7622);

(M) section 110 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9610);

(N) section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441);

(O) section 7 of the International Safe Container Act (46 U.S.C. 1506); or

(P) section 405 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2305).

(5) FEDERAL AGENCY.—The term "Federal agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, or any interstate governmental agency or commission. For purposes of section 4, the term includes each authority of the Government of a State or a political subdivision of a State that administers or enforces a Federal health or safety law.

(6) FEDERAL HEALTH OR SAFETY LAW.—The term "Federal health or safety law" means any Federal law, or any portion thereof, including any Federal regulation, rule, or order implementing such law or portion thereof, a primary purpose or effect of which is to protect health or safety. The term includes a State law, regulation, rule, or order, enacted as part of a State plan established to carry out a Federal health or safety law.

(7) INVESTIGATION OFFICE.—The term "investigation office" means the office or unit created or designated within the Department of Labor pursuant to section 5(c)(1).

(8) PERSON.—The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(9) PROCEEDING.—The term "proceeding" means a trial, hearing, investigation, inquiry, inspection, administrative rulemaking, or adjudication involving a Federal agency.

(10) RESPONDENT.—The term "respondent" means a person named in a complaint as a respondent.

(11) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(12) STATE.—The term "State" means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or any other Territory or possession of the United States.

SEC. 4. EMPLOYEE PROTECTION.

(a) IN GENERAL.—No person shall discharge or in any other manner discriminate against any employee because the employee—

(1) discloses, or demonstrates an intent to disclose, an activity, policy, or practice that the employee believes evidences a violation of a Federal health or safety law;

(2) initiates, assists, or participates, or demonstrates an intent to initiate, assist, or participate, in a proceeding with respect to—

(A) an activity, policy, or practice that the employee believes evidences a violation of a Federal health or safety law;

(B) enactment, adoption, promulgation, issuance, or amendment of a Federal health or safety law; or

(C) administration or enforcement of a Federal health or safety law or of this Act; or

(3) refuses to participate in an activity, policy, or practice when—

(A) such participation constitutes a violation of a Federal health or safety law; or

(B)(i) the employee has a reasonable apprehension of serious injury to the employee, other employees, or the public due to such participation;

(ii) the activity, policy or practice causing the employee's apprehension of such injury is of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude there is a bona fide danger of an accident, injury, or serious impairment of health or safety, resulting from participation in the activity, policy, or practice; and

(iii) before refusing to participate, the employee, where possible, sought, and was unable to obtain, a correction of the dangerous activity, policy, or practice.

(b) WAIVER.—Except as provided in section 5(l) or pursuant to any court supervised settlement agreement, an agreement by an employee, express or implied, written or oral, purporting to waive or modify the rights of the employee under this Act shall be void as contrary to public policy.

(c) EXEMPTION.—This Act shall not apply under circumstances where an employee acted without direction from the employee's employer, deliberately causing a violation of a Federal health or safety law.

SEC. 5. REMEDY.

(a) STATUTE OF LIMITATIONS.—The statute of limitations for filing a complaint pursuant to this Act or an existing Federal whistleblower protection law shall be 180 days after the later of the date—

(1) an alleged violation occurs;

(2) the discharge or other discrimination has taken effect; or

(3) the employee first learns or reasonably should have learned of the violation.

(b) COMPLAINT.—

(1) FILING.—Any employee who believes the employee has been discharged or otherwise discriminated against by any person in violation of section 4 may, within the period prescribed in subsection (a), file (or have filed by any person on the employee's behalf) a complaint with the Secretary alleging such violation. Except as provided in section 4(a)(3)(B)(iii), the complaint may be filed without regard to exhaustion of any other remedies.

(2) COPY.—On receipt of a complaint, the Secretary shall cause a copy of the complaint to be served on the respondent and on any Federal agency that may have jurisdiction over the activity, policy, or practice alleged in the complaint.

(c) INVESTIGATION.—

(1) ADMINISTRATIVE PROVISIONS.—The Secretary shall create or designate an identifiable office or unit within the Department of Labor that shall be responsible for investigation of complaints filed under subsection (b). The Secretary shall refer all such complaints immediately to the investigation office.

(2) IN GENERAL.—Within 60 days of the receipt of a complaint filed under subsection (b), the investigation office shall conduct an investigation, determine whether there is reasonable cause to believe the complaint has merit, and make findings of fact. If there is reasonable cause to believe a violation of this Act has occurred, the investigation office shall accompany the findings of fact with a preliminary order providing the relief prescribed by subsection (i), including immediate reinstatement of the employee pending a final order on the complaint.

(3) HEARING.—The findings and any preliminary order issued by the investigation office shall be served on all parties to the investigation and shall include a statement of the right of any party to request a hearing pursuant to subsection (d). Where a hearing is not timely requested, the findings and any preliminary order issued by the investigation office shall be deemed the final order of the Secretary and shall not be subject to judicial review.

(4) HEARING PROCEDURE.—In all hearings conducted under this Act, once the complainant has established by a preponderance

of the evidence that an activity protected by this Act was a factor in the alleged discharge or discrimination, the burden of proof shall be on the respondent to prove by clear and convincing evidence that the alleged discharge or discrimination would have occurred even if the employee had not engaged in activities protected by this Act.

(d) HEARING REQUEST.—

(1) TIMING.—The complainant or the respondent may request a hearing before an administrative law judge—

(A) within 30 days of receipt of the findings or preliminary order of the investigation office; or

(B) if no findings have been issued on or before the 60th day of receipt of the complaint, within 30 days thereafter.

(2) JURISDICTION.—The jurisdiction of the investigation office to make findings or issue a preliminary order shall cease on the filing of a request by the complainant for a hearing or the expiration of the period for filing such a request, whichever occurs first. Once the investigation office has lost jurisdiction to make findings or issue a preliminary order, any investigative material compiled by the investigating office in connection with the investigation shall be made available to the complainant or the respondent on request, subject to section 552a of title 5, United States Code.

(3) FILING WITH DEPARTMENT.—Any request for a hearing shall be filed with the investigation office. The investigation office shall file the request with the Office of Administrative Law Judges in the Department of Labor within 5 days of receipt.

(4) NO STAY OF REINSTATEMENT.—Such a request shall not operate to stay any reinstatement remedy contained in a preliminary order issued by the investigation office.

(5) NO FINDINGS.—If the investigation office has failed to make findings within the time period prescribed, the complainant may include in the hearing request a request to the administrative law judge for a preliminary order for immediate reinstatement.

(e) INTERVENTION.—

(1) VIOLATION DETERMINED BY INVESTIGATION OFFICE.—If the investigation office has determined there has been a violation of section 4, the investigation office shall intervene on behalf of the complainant in the proceedings authorized under this section.

(2) VIOLATION NOT DETERMINED.—In all other cases, within 15 days after receipt of a request for a hearing, the investigation office shall make a determination in writing whether, in its discretion, to intervene on behalf of the complainant.

(3) REPRESENTATION.—Such determination or the intervention by the investigation office shall not preclude the complainant or any other person on behalf of the complainant from representing the complainant in the proceedings authorized under this section.

(f) SUBPOENA AND RULEMAKING.—

(1) SUBPOENA POWER.—For purposes of any hearing or investigation provided for in this Act, or any hearing or investigation conducted pursuant to an existing Federal whistleblower protection law where the Secretary has authority to conduct investigations or hearings, the provisions of sections 9 and 10 (relating to attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49 and 50) shall be applicable to the jurisdiction, powers, and duties of the Secretary.

(2) RULEMAKING AUTHORITY.—The Secretary shall promulgate such rules and regulations as may be appropriate to administer this Act.

(g) HEARING PROCEDURE.—

(1) TIME FOR COMPLETION.—Any hearing requested pursuant to subsection (d) shall be conducted by an administrative law judge and completed within 180 days of receipt of the request for a hearing by the Office of Administrative Law Judges.

(2) NOTICE.—The parties shall have a reasonable opportunity for prehearing discovery and shall be given written notice of the time and place of the hearing at least 15 days prior to the hearing.

(3) ADMINISTRATIVE PROCEDURE.—The hearing shall be subject to the requirements of section 554 of title 5, United States Code.

(4) TRIAL DE NOVO.—The hearing shall be de novo, except that any preliminary order directing immediate reinstatement shall be enforceable.

(5) DECISION.—Within 60 days after the conclusion of the hearing on the record, or within 240 days after receipt of the hearing request by the investigation office, whichever is sooner, the administrative law judge shall issue a decision containing findings of fact, conclusions of law, and the remedy ordered, if any. The decision shall be served on the Secretary and on all parties to the hearing and shall include a statement to the parties of their right to appeal.

(h) ADMINISTRATIVE APPEAL.—

(1) REVIEW.—Any decision issued pursuant to subsection (g) shall be the final order of the Secretary subject to judicial review pursuant to subsection (k) unless a party petitions the Secretary for review or the Secretary issues an order of review within 30 days after the issuance of the decision.

(2) TIME FOR REVIEW.—Within 60 days after receipt of the petition for review or issuance of an order of review, the Secretary shall issue a final order, based on the record and the decision of the administrative law judge, which shall be served on all parties. If the Secretary does not issue a final order within the period prescribed by this subsection, the decision of the administrative law judge shall become the final order of the Secretary.

(i) REMEDIES.—

(1) IN GENERAL.—If, in response to a complaint filed under subsection (b), the Secretary, investigation office, or administrative law judge determines that a violation of this Act occurred, the Secretary, investigation office, or administrative law judge shall order—

(A) the person who committed the violation to take affirmative action to abate the violation;

(B) such person to reinstate the complainant to the complainant's former position, if reinstatement is sought, together with compensation, including back pay and lost benefits, terms, conditions, and privileges of the complainant's employment;

(C) compensatory damages; and

(D) such equitable relief as is necessary to correct any violation of this Act or to make the complainant whole.

(2) COSTS.—On the issuance or designation of a final order of the Secretary sustaining the complainant's complaint, the Secretary, at the request of the complainant, may assess against the respondent a sum equal to aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary, by the complainant for or in connection with, the bringing of the complaint on which the order was issued.

(j) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—If no decision by an administrative law judge is issued within the period prescribed by subsection (g), the complainant may file a civil action against the respondent within 60 days for damages and declaratory and equitable relief in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, the citizenship of the parties, or further exhaustion of any administrative remedies provided in this Act, except that the court shall not take jurisdiction if the decision of the administrative law judge is issued before the filing of any civil action. The complainant may not file a civil action against the respondent under this subsection once the filing period has expired.

(2) LOSS OF JURISDICTION.—The jurisdiction of the Administrative Law Judge and the Secretary shall cease upon the filing of such civil action. The filing of such civil action shall not operate to stay any preliminary orders, including any orders for immediate reinstatement, issued by the investigation office or by the administrative law judge, unless otherwise ordered by the court.

(3) NOTICE.—On expiration of the period prescribed by subsection (g), the Secretary shall notify the complainant of the opportunity to file a civil action pursuant to this subsection.

(4) COSTS.—On the issuance or designation of a final order of the court sustaining the complainant's complaint, the court, at the request of the complainant, may assess against the respondent a sum equal to aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the court, by the complainant for or in connection with, the bringing of the complaint on which the order was issued.

(5) EVIDENTIARY RECORD.—If the complainant files a civil action within the period prescribed in this subsection, either party to that action may request that the Administrative Law Judge provide the complete evidentiary record compiled during the administrative hearing to the district court. Provision of the evidentiary record shall not preclude either party from supplementing the record before the district court.

(k) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by a final order issued pursuant to subsection (h) may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred. The petition for review must be filed within 60 days after the issuance or designation of the final order. The review shall be conducted in accordance with chapter 7 of title 5, United States Code. The filing of a petition for review under this subsection shall not, unless ordered in accordance with the Federal Rules of Appellate Procedure, operate as a stay of the order. A final order of the Secretary with respect to which review could have been obtained under this paragraph shall not be subject to judicial review in any criminal or other civil proceeding.

(l) SETTLEMENT OR ALTERNATIVE DISPUTE RESOLUTION.—

(1) SETTLEMENT.—On receipt of a complaint pursuant to subsection (b), the investigation office shall attempt to reach a settlement between the complainant and the respondent. The Secretary, investigation office, or administrative law judge shall not enter into a settlement terminating a proceeding without the participation and writ-

ten consent of the complainant. Any settlement order issued pursuant to this subsection shall be a final order of the Secretary and shall include findings that the settlement is fair, adequate, reasonable, and in the public interest.

(2) ALTERNATIVE DISPUTE RESOLUTION.—While the complaint is pending within the Department of Labor, the Secretary may use alternative means of dispute resolution to resolve the complaint, but the parties must consent, in writing, before the Secretary may employ such means.

(m) TIME COMPUTATIONS.—Except as otherwise provided in this Act, for purposes of a proceeding on a complaint, all time computations shall be made in accordance with the Federal Rules of Civil Procedure.

(n) POSTING.—Each employer subject to this Act shall post and keep posted in conspicuous places on its premises a notice to be prepared or approved by the Secretary setting forth such information as the Secretary considers appropriate to effectuate the purposes of this Act.

SEC. 6. ENFORCEMENT.

(a) BY THE SECRETARY.—Whenever a person has failed to comply with an order issued under this Act, the Secretary may file a civil action in the United States district court for the district in which the violation is alleged to have occurred to enforce such order. In an action brought under this subsection, the district court shall have jurisdiction to grant all appropriate relief, including injunctive and declaratory relief and compensatory and exemplary damages.

(b) BY THE PARTIES.—Any person on whose behalf an order is issued pursuant to this Act may commence a civil action against the person named in the order to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order. On issuance of an order on behalf of any person seeking enforcement under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to the person seeking enforcement.

SEC. 7. COMPLAINT REFERRAL.

(a) REFERRAL.—On issuance of a final order (including an order approving a settlement pursuant to section 5(1)) by the Secretary, investigation office, or administrative law judge, the Secretary shall cause a copy of such order, but only the relevant portions of a settlement order, to be served on each Federal agency that may have jurisdiction over the activity, policy, or practice alleged in the complaint. Any such Federal agency shall take appropriate action with respect to the activity, policy, or practice. Within 30 days after taking such action any Federal agency shall inform the parties to the complaint filed under section 5(b) of any action taken and shall inform the relevant committees of Congress. If appropriate, the Federal agency shall inform the parties and Congress in the form of a report.

(b) OTHER INVESTIGATIVE AUTHORITY.—Subject to section 8, nothing in this section shall limit the authority of any Federal agency under any other law.

SEC. 8. EFFECT ON OTHER RIGHTS AND REMEDIES.

(a) FEDERAL RIGHTS AND REMEDIES.—It is the express intent of Congress to supersede an existing Federal whistleblower protection law only insofar as such law—

(1) may provide a statute of limitations for filing complaints that is less than 180 days; and

(2) does not authorize subpoena power for the Secretary as provided in section 5(f).

(b) STATE RIGHTS AND REMEDIES.—The rights and remedies provided to employees by this Act are in addition to, and not in lieu of, any other rights and remedies of the employees provided under State law, and are not intended to alter or effect such rights and remedies.

(c) CONTRACTUAL RIGHTS AND REMEDIES.—The rights and remedies provided to employees by this Act are in addition to, and not in lieu of, any other contractual rights and remedies of the employees, and are not intended to alter or effect such rights and remedies.

SEC. 9. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—This Act shall become effective on the date of enactment.

(b) PENDING CASES.—This Act shall apply only to those complaints filed on or after the effective date of this Act.

SUMMARY OF EMPLOYEE HEALTH AND SAFETY WHISTLEBLOWER PROTECTION ACT

Employees who "blow the whistle" on employers by reporting unlawful or hazardous activities need protection. These courageous individuals should be honored as heroes for protecting the public health and safety. Instead, too often they are discharged, demoted, harassed or intimidated for telling the truth. Worse, many workers are afraid to report unlawful activities because of the threat of personal reprisal.

The current federal statutory scheme to protect employee whistleblowers is a patchwork collection of over a dozen laws. Millions of workers, in such critical industries as aviation, food processing, drug and medical device manufacturing, and pesticide application, have no protection under these laws. Those workers who are protected face unrealistic time limits for filing complaints and the administrative agencies lack the authority to investigate complaints most effectively.

The Employee Health and Safety Whistleblower Protection Act would improve the current federal protection system by (1) closing existing gaps in coverage so that employees in all industries are protected; (2) creating a uniform 180-day statute of limitations so employees can have adequate time to file a complaint; (3) granting subpoena power to the Secretary of Labor to ensure effective investigation of complaints; and (4) ensuring that the underlying health or safety complaints are referred to the appropriate federal agency for further investigation.

CLOSING GAPS

The current federal protection system has enormous gaps in coverage that make no sense. For example, truckers are protected from reprisal if they report truck safety or health hazards, but airline personnel—pilots, flight attendants or mechanics—have no protection whatsoever. Food processors may be protected if they report hazards that affect their own personal safety, but they are unprotected if they tell government inspectors about tainted or diseased food that endangers consumers.

This bill eliminates the gaps in coverage. The bill generally does not affect those employees already covered by current law. Instead, the bill protects only those employees whose actions are not otherwise protected by existing federal whistleblower statutes. For that limited class of employees, the Act prohibits discrimination against an employee who (1) discloses an activity the employee reasonably believes violates a federal health and safety law; (2) assists or participates in a federal proceeding relating to a federal health and safety law; or (3) refuses to participate in an activity when such participation violates a federal health and safety law or where the employee has reasonable apprehension of serious injury to the employee or the public due to the participation.

The bill creates an administrative procedure in the Department of Labor. All complaints would be investigated initially by the Department. After the investigation, any party could request a full hearing on the record before an administrative law judge within the Department. The bill clarifies each party's burden of proof for an evidentiary hearing. The Secretary of Labor could review a decision by the hearing officer and any party could appeal the Secretary's decision to the court of appeals.

Quick resolution of a whistleblower's complaint furthers everyone's interests. Therefore, the bill includes specific, realistic time limits at each stage of the procedure to insure expeditious consideration of the complaint. If the Department of Labor fails to issue a final decision within the prescribed time period, the employee may then, and only then, bring a civil action seeking protection. The bill provides for standard "make whole" remedies. In addition, copies of complaints and final decisions are forwarded to the appropriate federal agency for further investigation of the substantive health or safety violations uncovered by the whistleblower.

STRENGTHENING PROCEDURES

In addition to closing gaps in coverage, the Employee Health and Safety Whistleblower Protection Act strengthens several key procedures for existing whistleblower protection statutes. The bill addresses two procedural issues—statute of limitations and subpoena power.

Statute of limitations

Under the current federal system, the statute of limitations—the time one has to file a complaint—ranges from 30 to 180 days. There is no apparent reason for these different statutes of limitations. The resulting confusion in filing deadlines has diminished the effectiveness of the federal protection system. The bill provides a uniform 180-day statute of limitations to provide adequate time to file a complaint and to eliminate unnecessary confusion.

Subpoena power

The Secretary of Labor enforces the majority of existing whistleblower protection statutes. In many cases, however, the Secretary lacks subpoena power to investigate whistleblower complaints fully. The bill remedies that problem by conferring such power on the Secretary for investigative purposes.

In sum, the Employee Health and Safety Whistleblower Protection Act is designed to eliminate glaring gaps in current federal whistleblower laws and strengthen key enforcement procedures. For further information about the Act, please contact Al Cacozza, Counsel to the Labor Subcommittee at (202) 224-5546 or Melissa Patack, Minority Counsel to the Courts Subcommittee at (202) 224-6736.

SECTION-BY-SECTION ANALYSIS OF THE EMPLOYEE HEALTH AND SAFETY WHISTLEBLOWER PROTECTION ACT

SHORT TITLE

Section 1 establishes the short title of the Act as the "Employee Health and Safety Whistleblower Protection Act."

FINDINGS

Section 2(a) lists the findings: (1) employees who report unlawful or hazardous activities are performing an important public service; (2) employees should be able to report such activities without fear of reprisal; and (3) current federal laws designed to protect employee health and safety whistleblowers are inadequate.

PURPOSE

Section 2(b) states the purposes of the Act: (1) to extend protection to employee health and safety whistleblowers who currently have no federal statutory remedy; (2) to create a uniform 180-day statute of limitations for filing whistleblower complaints; (3) to provide the Secretary of Labor with subpoena power to investigate complaints; (4) to provide a limited private right of action for health and safety whistleblowers without current federal statutory remedy; and (5) to ensure that substantive health and safety complaints are referred to the appropriate federal agency.

DEFINITIONS

Section 3(2) defines the term "employee" as any individual employed by an employer, including a former employee, who has been retaliated against for reporting a health or safety violation and who currently has no remedy under an existing federal whistleblower protection law.

Section 3(3) defines the term "employer" as a person engaged in a business affecting commerce who has employees. The term "employer" includes a government corporation, the U.S. Postal Service, a State or subdivision of a State, or an interstate governmental agency, but does not include the United States. Agents or employers of an employer are considered "employers."

Section 3(4) defines "existing federal whistleblower protection law" by listing those sections of 16 federal statutes that protect employees from retaliation for reporting unlawful or hazardous activities.

Section 3(6) defines the term "federal health or safety law" as any federal law, regulation, rule, or order, a primary purpose or effect of which is to protect health or safety. The term includes any State law, regulation, rule or order enacted as part of a State plan to carry out a federal health and safety law.

Section 3 also provides standard statutory definitions for the following terms; "commerce," "federal agency," "investigation office," "person," "proceeding," "respondent," "Secretary," and "State."

PROTECTED ACTIVITY

Section 4(a) prohibits retaliation against an employee because that employee (1) discloses an activity that the employee believes evidences a violation of a federal health or safety law; (2) initiates, assists, or participates in a proceeding before a federal agency regarding an activity that the employee believes evidences a violation of a federal health or safety law or which relates to enactment, administration, or enforcement of such a law; or (3) refuses to participate in an activity when such participation constitutes a violation of a federal health or safety law or when the employee has reasonable apprehension of serious injury to the employee, other employees, or the public due to such participation and the employee has sought and been unable to obtain a correction of the dangerous activity.

WAIVER

Section 4(b) establishes that an employee cannot waive the rights provided under this Act, except through a settlement agreement.

EXEMPTION

Section 4(c) provides that the protection afforded by the Act does not apply to an employee who deliberately causes a violation of a federal health or safety law.

STATUTE OF LIMITATIONS

Section 5(a) creates a uniform 180-day statute of limitations for filing a complaint pursuant to this Act or an existing federal whistleblower protection law.

COMPLAINT PROCEDURE

Section 5(b) allows any employee to file a complaint with the Secretary to redress a violation of the Act. The Secretary shall serve the complaint on the respondent and refer the underlying safety or health allegations to the appropriate federal agency.

INVESTIGATION

Section Section 5(c)(1) requires the Secretary to create or designate an investigation office to investigate complaints. The Secretary must refer all complaints immediately to that office.

Section 5(c)(2) requires that the investigation office, within 60 days of receipt of the complaint, conduct an investigation, determine whether there is reasonable cause to believe the complaint has merit, and make findings of fact. If the investigation office finds reasonable cause to believe a violation of the Act has occurred, it shall issue a preliminary order providing for relief, including immediate, temporary reinstatement.

Section 5(c)(3) requires the investigation office to serve the findings on all parties, and to inform the parties of the right to request a hearing before an administrative law judge (ALJ). If no hearing is requested, the findings issued by the investigation office are final and not subject to judicial review.

BURDEN OF PROOF

Section 5(c)(4) establishes the burden of proof for all hearings conducted under the Act. The complainant must prove, by a preponderance of the evidence, the protected activity was a factor in the employment action. If the complainant meets that burden, the respondent must prove by clear and convincing evidence that the employment action would have occurred regardless of the complainant's participation in protected activity.

HEARING REQUEST

Section 5(d)(1) states the time for filing a hearing request: (1) within 30 days of receipt of the findings of the investigation office; or (2) if the investigation office has issued no findings on or before the 60th day of receipt of the complaint, within 30 days thereafter.

Section 5(d)(2) provides that the investigation office loses jurisdiction upon the filing of a hearing request by the complainant or when the filing period for a hearing request expires, whichever occurs first. Once the investigation office loses jurisdiction, either party may obtain any investigative material compiled by that office, subject to the limits of the Privacy Act.

Section 5(d)(3) directs the parties to file hearing requests with the investigation office, which will file such requests with the Office of Administrative Law Judges within 5 days.

Section 5(d)(4) establishes that a hearing request shall not stay any reinstatement remedy contained in a preliminary order.

Section 5(d)(5) states that if the investigation office has failed to make findings within the time period prescribed, the complainant may seek a preliminary order for immediate, temporary reinstatement from the ALJ.

INTERVENTION

Section 5(e) directs the investigation office to intervene on behalf of the complainant if the office finds the complainant has been retaliated against for engaging in protected activity. In all other cases, the investigation office shall make a written determination whether to intervene for the complainant, within 15 days after receipt of a hearing request. Intervention by the investigation office shall not preclude the complainant from obtaining separate representation.

SUBPOENA AND RULEMAKING

Section 5(f) provides the Secretary with subpoena power identical to the power currently provided by the Federal Trade Commission Act for any hearing or investigation under this Act or any existing federal whistleblower protection law. The section also directs the Secretary to promulgate rules necessary to administer this Act.

HEARING PROCEDURE

Section 5(g)(1) directs the ALJ to complete the hearing within 180 days of receipt of a hearing request. Section 5(g)(2) allows all parties to have a reasonable opportunity for discovery and to be given written notice of the hearing at least 15 days in advance.

Sections 5(g)(3-4) provide that the Administrative Procedure Act rules for adjudications should apply to the hearing and that all hearings shall be de novo, except that any preliminary order for immediate temporary reinstatement shall be inforceable.

Section 5(g)(5) directs that within 60 days after conclusion of the hearing, or within 240 days after the investigation office receives a hearing request, whichever is sooner, the ALJ shall issue a decision containing findings of fact, conclusions of law, and the remedy ordered. The ALJ shall serve the decision on the Secretary and all parties, along with a statement concerning the right to appeal.

ADMINISTRATIVE APPEAL

Section 5(h)(1) deems ALJ's decision as the final order of the Secretary, subject to judicial review, unless a party petitions the Secretary for review or the Secretary orders review within 30 days after the issuance of a decision.

Section (5)(h)(2) states that the Secretary shall issue a final order within 60 days after receipt of a petition for review. If the Secretary fails to act within the 60-day period, the decision of the ALJ becomes the final order of the Secretary.

REMEDIES

Section 5(i)(1) provides for the following remedies: (1) affirmative action to abate the violation; (2) reinstatement of the complainant to the complainant's former position, together with compensation, including back pay and lost benefits; (3) compensatory damages; and (4) equitable relief as neces-

sary to correct any violation or make the complainant whole.

Section 5(i)(2) allows the Secretary to assess against the respondent all costs and expenses reasonably incurred by a successful complainant incuding attorney's fees.

PRIVATE RIGHT OF ACTION

Section 5(j)(1) creates a private right of action for the complainant against the respondent if the ALJ fails to issue a decision within 60 days after completion of the hearing or within 240 days after the investigation office receives a hearing request, whichever is sooner. In that limited circumstance, the complainant may file a civil action within 60 days in any United States district court with jurisdiction over the parties. The court shall not take jurisdiction if the ALJ issues a decision before the filing of the civil action. The complainant is barred from filing a civil action once the filing period has expired.

Section 5(j)(2) provides that the ALJ and the Secretary lose jurisdiction once the complainant files a civil action. The filing, however, does not stay a preliminary order unless ordered by the court.

Section 5(j) (3) specifies that the Secretary shall notify the complainant of the opportunity to file a civil action when that opportunity becomes available.

Section 5(j) (4) allows the court to assess against the respondent all cost and expenses reasonably incurred by a successful complainant, including attorney's fees.

Section 5(j) (5) provides that either party may request that the ALJ transmit the complete evidentiary record compiled during the administrative hearing to the court. This request does not preclude supplementing the court record.

JUDICIAL REVIEW

Section 5(k) provides that any person adversely affected by the Secretary's final order may obtain judicial review in the United States court of appeals. The petition for review must be filed within 60 days after the issuance of the final order. The court will apply the judicial review provisions of the Administrative Procedure Act. The petition does not stay any order of the Secretary unless otherwise ordered by the court. If the parties do not seek judicial review, a final order shall not be reviewable in any other proceeding.

SETTLEMENT OR ALTERNATIVE DISPUTE RESOLUTION

Section 5(1)(1) establishes that investigation office shall attempt to reach a settlement between the parties. There cannot be a settlement without the written consent of the complainant, and without a finding by the Secretary that the settlement is fair, adequate, reasonable, and in the public interest.

Section 5(1)(2) states that the Secretary may use alternative means of dispute resolution to resolve the complaint, so long as all parties consent in writing.

TIME COMPUTATIONS

Section 5(m) provides that time computations, not otherwise provided for in this Act, shall be made in accordance with the Federal Rules of Civil Procedure.

POSTING

Section 5(n) requires each employer to post a notice containing information the Secretary deems appropriate to effectuate the Act.

ENFORCEMENT

Section 6 states that if a person fails to comply with an order issued under this Act, the Secretary, or any person on whose behalf an order is issued, may file a civil action in the United States district court to enforce such an order.

COMPLAINT REFERRAL

Section 7 requires the Secretary to serve each final order on any federal agency that may have jurisdiction over the underlying health or safety allegations in the complaint. Such agency shall take appropriate action regarding the allegations. Within 30 days after taking such action, the agency shall inform the involved parties and the relevant committees of Congress as to any action taken.

EFFECT ON OTHER RIGHTS AND REMEDIES

Section 8 establishes that Congress intends this Act to supersede existing federal whistleblower protection laws only insofar as such laws: (1) may provide a statute of limitations for filing complaints that is less than 180 days; and (2) do not authorize subpoena power for the Secretary. The rights and remedies provided to employees by this Act are in addition to, not in lieu of, any other rights and remedies as provided by State law or by contract.

EFFECTIVE DATE

Section 9 provides that this Act shall become effective on the date of enactment, but that it will apply only to those complaints filed on or after the effective date.●

● Mr. GRASSLEY. Mr. President, I am pleased to join Senator METZENBAUM in introducing the Employee Health and Safety Whistleblower Protection Act. As I have stated on numerous occasions on this floor, we must praise courageous employees who come forward to disclose wrongdoing. Instead, our system has a peculiar way of "rewarding" these employees: they are discharged, demoted, transferred, and harassed.

This bill addresses itself to employees who blow the whistle on violations of Federal health and safety laws. Currently, there are more than a dozen Federal laws that regulate health and safety at the workplace. Many of these laws contain protections for whistleblowers, but some of these laws, enacted decades ago, don't cover whistleblowing activity. This bill is designed to fill in the gaps.

Let me cite a couple of examples of the loopholes in our laws. An employee in the food service industry who is fired for complaining to the U.S. Department of Agriculture that the products don't meet USDA standards has no protection. Likewise, an employee in a company under Federal contract to make nuclear weapons may have no way to protect his job when he goes to the regulatory agency to disclose that the work doesn't meet safety standards.

This bill will afford employees in these kinds of situations appropriate protection. It vests the Department of Labor with the authority to investigate whistleblower complaints, as well as to refer the underlying health or safety complaint to the appropriate regulatory agency. If the DOL investigator cannot resolve the matter, the case can go to an administrative law judge for a hearing. The administrative proceedings are geared to resolve the case quickly and efficiently. In the event the administrative law judge does not conclude the case within specified time limits, then, and only then, the employee will have the right to proceed in Federal court to redress the discrimination.

While this bill does not attempt to create complete uniformity in the existing whistleblower protections, it does address two inconsistencies. First, all employees who disclose a health or safety violation would be entitled to 180 days in which to file a charge of retaliation or discrimination. Currently, the more than 12 statutes which exist provide for varying time limits. Second, the bill would vest the Department of Labor with subpoena power to investigate the retaliation claim brought by the employee.

About 2 years ago, the Administrative Conference of the United States held a hearing on the issue of health and safety whistleblowing activity, at which I testified. Based upon that hearing and various other research, the Administrative Conference concluded that our existing laws lacked uniformity and coverage was incomplete. The legislation we are introducing today closes the loopholes and reduces the number of inconsistencies.

Employees who point out health and safety violations serve the public interest. They help protect workers and the public at large. We want to make sure that an individual can disclose a dangerous situation without the fear of reprisal. That's why this legislation is so important. I look forward to speedy passage of this bill.●

By Mr. DIXON:

S. 437. A bill to temporarily suspend the duty on certain glass bulbs; to the Committee on Finance.

DUTY SUSPENSION ON CERTAIN GLASS BULBS

● Mr. DIXON. Mr. President, a company in my State, the Clinton Electronics Corp. of Rockford, is facing an unnecessary trade problem.

Clinton makes monochrome cathode ray tubes for use in word processors, computer terminals, and other similar products. They are the only domestic producer of monochrome cathode ray tube. Their competition is solely international and comes mainly from Japan.

One the most essential components of this product is not produced in the United States. Consequently, Clinton imports this part, a monochrome glass bulb, from Taiwan. Due to Taiwan's former generalized system of preference [GSP] status, Clinton had been able to import this part duty free.

The competition in the monochrome cathode ray tube market is fierce and, as a result, the profit margin is slim.

The Japanese, in particular, sell their product at a very low price. Clinton's ability to import monochrome glass bulbs duty free has allowed them to keep their costs low and to remain competitive in the monochrome cathode ray tube market.

Last year, President Reagan decided that Taiwan should no longer merit GSP status. The loss of GSP status for all of Taiwan's products means that monochrome glass bulbs can no longer be imported into the United States duty free. As a result, Clinton petitioned the U.S. Trade Representative to preserve the duty-free status of monochrome glass bulbs. Unfortunately, because similar products—which cannot be used in the manufacture of Clinton's cathode ray tubes—are made in the United States, USTR refused to grant the exemption Clinton needed.

The problem stems from the Government's broad classification of glass bulbs. Customs does not make any distinction between monochrome and other types of glass bulbs. Consequently, although U.S. law mandates the restoration of duty-free status for a product if there is no domestic production of a like or competitive item, according to Customs' classification there is domestic production of a competitive item. In other words, because Customs sees no evil, there is no evil.

The USTR's decision not to grant a duty exemption to monochrome glass bulbs is bad trade policy. It was a mistake because it unnecessarily places the sole remaining U.S. supplier of a product at a competitive disadvantage for no other reason than for adherence to out-of-date rules.

We in the Congress can rectify Clinton's situation by directing Customs to allow Clinton Electronics to continue to import monochrome glass bulbs duty free. I am introducing a bill which would direct the Customs Department to retain the duty-free status of monochrome glass bulbs. Clinton Electronics represents the kind of company we want to help. They are the kind of company we should encourage and not discourage to compete in the international market.

Mr. President, I ask unanimous consent that a copy of the bill be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN GLASS BULBS.

Chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new item:

"990270.10	Monochrome glass enveloped for cathode ray tubes (provided for in subheading 7011.20.00.	Free....	No change.	No change.	On or before 12/31/93".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. DECONCINI (for himself, Mr. HATCH, Mr. HEFLIN, and Mr. SYMMS):

S. 438. A bill to amend chapter 96 of title 18, United States Code; to the Committee on the Judiciary.

RICO REFORM ACT

● Mr. DECONCINI. Mr. President, I am introducing today, along with my colleagues Senators HATCH, HEFLIN, and SYMMS, legislation to reform the racketeer influenced and corrupt organizations [RICO] statute. The legislation's purpose is to restore the usefulness and effectiveness of the RICO statute that existed prior to the explosion of abusive and harassing lawsuits filed in the 1980's. I am a strong believer in the use of RICO, both civil and criminal, to penalize and prosecute organized crime and habitual criminals. I believe that this intended use of RICO has been undercut and thwarted by the misuse of RICO by plaintiffs and their attorneys who have employed RICO to extort and blackmail defendants by bringing a RICO action every time they are involved in a commercial dispute.

The racketeer influenced and corrupt organizations statute was enacted in 1970 at a time when Congress was increasingly worried about the power and influence of organized crime. Congress had devoted much time and attention to studying the activities of organized crime syndicates and their efforts to infiltrate legitimate businesses and unions. The result of these studies was the Organized Crime Control Act of 1970. Title IX of that act was RICO.

In order to understand what Congress had in mind when it adopted RICO, it is instructive to read the congressional findings which preceded the text of the statute.

The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of social exploitation; (3) this money and power are increasingly used to infiltrate and corrupt our democratic processes; (4) organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the Nation and its citizens; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

In light of these findings it was the declared purpose of Congress:

To seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime.

There have been numerous judicial decisions which have called upon Congress to modify the RICO statute. Most of these decisions have been in cases in which the judge felt bound by the law and by Supreme Court decisions to reach a result of allowing a RICO count to continue or to uphold a RICO award. These judges have stated that RICO is too broad and that it has become a windfall for plaintiffs.

Among the statements made by Federal judges in published decisions, the following are particularly noteworthy:

Justice Byron White:

In its private civil version, RICO is evolving into something quite different from the original conception of its enactors. (majority opinion, *Sedima, S.P.R.I.* v. *Imrex Co., Inc.*)

Justice Lewis Powell:

It defies rational belief, particularly in light of the legislative history, that Congress intended this far reaching result. (dissenting, *Sedima, S.P.R.I.* v. *Imrex Co., Inc.*)

Justice Thurgood Marshall:

Many a prudent defendant, facing ruinous exposure, will decide to settle a case with no merit. It is thus not surprising that civil RICO has been used for extortive purposes, giving rise to the very evils that it was designed to combat. (dissenting, *Sedima, S.P.R.I.* v. *Imrex Co., Inc.*)

Judge Anthony Kennedy:

A company eager to weaken an offending competitor obeys no constraints when it strikes with the sword of the Racketeer Influenced and Corrupt Organizations Act. . . . It is most unlikely that Congress envisaged use of the RICO statute in a case such as the one before us, but we are required to follow where the words of the statute lead. . . . (*Schreiber Distributing* v. *Serv-Well Furniture Co.*, 9th Cir.)

The Court stated in Van Schaick versus Church of Scientology:

We do not believe Congress intended Section 1964(c) to afford a remedy to every consumer who could trace purchase of a prod-

uct to a violation of Section 1962. Such an interpretation would open the federal courts to frequent RICO treble damage claims by federalizing much consumer protection law and by inviting plaintiffs to append RICO claims for consumer fraud to nonfederal claims thereby achieving treble damage recovery and a federal forum. Yet the legislative history contains no hint that Congress intended RICO as a remedy for private plaintiffs alleging consumer fraud. (D.Mass. 1982)

The Court stated in HMK Corporation versus Walsey:

In enacting RICO, Congress did not intend to preempt and federalize the field of state business law. . . . Such familiar state causes of action as common law misrepresentation and fraud, unfair trade practices, and wrongful franchise termination, not to mention the general run of commercial and contractual disputes, could be eclipsed or resolved primarily as pendant claims in federal court. . . . To permit plaintiffs injured in such schemes to bring their claims under RICO would consign state law to unprecedented federal oversight irrespective of the parties' citizenship, and would deprive the states of jurisdiction over these local controversies in a way Congress never intended. (*HMK Corporation* v. *Walsey*, 4th Cir. 1987)

In addition, a number of Federal Judges have made public statements regarding what they believe is the breadth of RICO and the need for reform. Two of the more interesting are the following:

Judge Abner Mikva, U.S. Court of Appeals for the District of Columbia:

I stand amazed . . . to realize that my hyperbolic horrible examples of how far the law would reach pale into insignificance when compared to what has actually happened. . . . What started out as a small cottage industry for federal prosecutors has become a commonplace weapon in the civil litigation arsenal. (Hearing before the House Subcommittee on Criminal Justice, Oct. 9, 1985)

Judge Pollack, U.S. District Court of the Southern District of New York:

[O]ne of the proliferating developments in civil litigation has been the use of RICO . . . in civil claims, in routine commercial disputes, including those arising under the federal securities laws. I think that the proliferation of these claims and the use of a law that was designed to eliminate organized crime is a very bad influence on the commercial community. (Symposium Highlighting Developments in Securities Law Over Past Century, January 30, 1984)

I believe it is clear from the record and from the urgings of those judges charged with enforcing our criminal and civil laws that Congress act expeditiously to make the necessary changes in RICO. To this end we have made several changes in the bill from the one that was reported by the Senate Judiciary Committee last year. Working with the Justice Department and with House Members, we have added a number of important new predicate offenses dealing with terrorism and organized crime. Because the standard by which a judge was to determine whether punitive damages were appropriate existed no where else in statutes or court decisions, we have adopted the punitive damage standard developed by the Supreme Court of Arizona.

In addition, we have made two changes in the controversial section of the bill dealing with its application to pending lawsuits. First, we have expanded the definition of prior criminal conviction to include any felony conviction arising out of the same conduct on which the lawsuit is based. Last year's bill would have limited the provision to convictions of RICO predicate offenses. This change will give prosecutors more flexibility in charging defendants in criminal proceedings and will make clear that our intent is to penalize criminals, including white collar criminals, for their criminal acts. The second change is to allow RICO plaintiffs to recover reasonable litigation costs incurred in bringing a civil RICO suit. While we do intend to take away the windfall that many RICO plaintiffs are seeking to gain, we do believe it fair to make the plaintiff whole in his reliance on RICO and the way the courts have recently interpreted it.

Legislation similar to that which I am introducing today has been considered by the Congress before. In the 99th Congress, legislation to reform RICO passed the House and was voted on by the Senate as an amendment to the continuing resolution at the end of the Congress. Last Congress, a bill introduced by Senator METZENBAUM was reported by the Senate Judiciary Committee, but was not considered by the full Senate. I am hopeful and optimistic that the 101st Congress will see the enactment of this important legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The RICO Reform Act of 1989".

SEC. 2. ADDITION OF PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting "prostitution involving minors," after "extortion,";

(2) in subparagraph (B)—

(A) by striking "section 201" and inserting the following: "Section 32 (relating to destruction of aircraft or aircraft facilities), section 81 (relating to arson), section 112 (a), (c)-(f) (relating to protection of foreign officials and other persons), section 115 (relating to acts against Federal officials and other persons), section 201";

(B) by inserting after "sections 471, 472, and 473 (relating to counterfeiting)", the following: "section 510 (relating to forging of Treasury or other securities), section 513 (relating to forgery of State and other securities),";

(C) by inserting after "section 664 (relating to embezzlement from pension and welfare funds)," the following: "section 878 (relating to threats and extortion),";

(D) by inserting after "section 1029 (relating to fraud and other activity in connection with access devices)," the following: "section 1030 (relating to fraud in connection with computers),";

(E) by inserting after "section 1084 (relating to the transmission of gambling information)," the following: "sections 1111, 1112, 1114, 1116, and 1117 (relating to homicide), section 1203 (relating to hostage taking),";

(F) by striking out "section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)," and inserting in lieu thereof the following: "sections 1501-1506, 1508-1513, and 1515 (relating to obstruction of justice)";

(G) by inserting after "sections 2251-2252 (relating to sexual exploitation of minors)," the following: "section 2277 (relating to vessels),";

(H) by inserting after "sections 2314 and 2315 (relating to interstate transportation of stolen property)", the following: "section 2318 (relating to counterfeit materials)"; and

(I) by inserting after "section 2320 (relating to trafficking in certain motor vehicles or motor vehicle parts)," the following: "section 2331 (relating to terrorist acts abroad),";

(3) by striking out "or" at the end of subparagraph (D);

(4) by striking out the semicolon at the end of subparagraph (E) and inserting in lieu thereof ", (F) any offense under section 134 of the Truth in Lending Act (15 U.S.C. 1644), or (G) section 5861(b)-(k) of the Internal Revenue Code of 1986 (relating to firearms controls) (26 U.S.C. 5861(b)-(k));"

SEC. 3. BURDEN OF PROOF.

Section 1964(a) of title 18, United States Code, is amended by inserting after "of this chapter by issuing" the following: ", upon proof by a preponderance of the evidence,".

SEC. 4. CIVIL RECOVERY.

Subsection (c) of section 1964 of title 18, United States Code, is amended to read as follows:

"(c)(1)(A) A governmental entity (excluding a unit of local government other than a unit of general local government), whose business or property is injured by conduct in violation of section 1962 of this title may bring, in any appropriate United States district court, a civil action therefore and, upon proof by a preponderance of the evidence, shall recover threefold the actual damages to the business or property of the governmental entity sustained by reason of such violation, and shall recover the costs of the civil action, including a reasonable attorneys' fee.

"(B) A civil action under subparagraph (A) of this paragraph must be brought by—

"(i) the Attorney General, or other legal officer authorized to sue, if the injury is to the business or property of a governmental entity of the United States;

"(ii) the chief legal officer of a State, or other legal officer authorized to sue, if the

injury is to the business or property of a governmental entity of the State;

"(iii) the chief legal officer, or other legal officer authorized to sue, of a unit of general local government of a State, if the injury is to the business or property of the unit of general local government; or

"(iv) a court-appointed trustee, if the injury is to the business or property of an enterprise for which the trustee has been appointed by a United States district court under section 1964(a) of this title.

"(2) A person whose business or property is injured by conduct in violation of section 1962 of this title may bring, in any appropriate United States district court, a civil action therefore and, upon proof by a preponderance of the evidence, shall recover—

"(A) the actual damages to the person's business or property sustained by reason of such violation;

"(B) the costs of the civil action, including a reasonable attorney's fee, if the person whose business or property is injured is—

"(i) a unit of local government other than a unit of general local government; or

"(ii)(I) a natural person, or an organization meeting the definition of exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or an organization meeting the definition of an indenture trustee under the Trust Indenture Act of 1939 (15 U.S.C. 77jjj, et seq.), or an organization meeting the definition of a pension fund under the Employee Retirement Income Security Act (29 U.S.C. 1001, et seq.), or an organization meeting the definition of an investment company under the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.); and

"(II) the person is injured by conduct proscribed by section 21(d)(2)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(2)(A)); or

"(iii)(I) a natural person and the injury occurred in connection with a purchase or lease, for personal or noncommercial use or investment, of a product, investment, service, or other property, or a contract for personal or noncommercial use or investment, including a deposit in a bank, thrift, credit union, or other savings institution; and

"(II) neither State nor Federal securities or commodities laws make available an express or implied remedy for the type of behavior on which the claim of the plaintiff is based; and

"(C) punitive damages up to twice the actual damages if the plaintiff may collect costs under the provisions of subparagraph (B) of this paragraph, and the plaintiff proves by clear and convincing evidence that the defendant's actions were consciously malicious, or so egregious and deliberate that malice may be implied.

In actions in which the plaintiff may collect costs under the provisions of subparagraph (2)(B)(ii) of this paragraph, the calculation of punitive damages also shall be consistent with section 21(d)(2)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(2)(C)), and the assessment of punitive damages against a person employing another person who is liable under this clause shall be consistent with section 21(d)(2)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(2)(B)).

"(3) A natural person who suffers serious bodily injury by reason of a crime of violence that is racketeering activity and that is an element of a violation of section 1962 of this title may bring a civil action in an appropriate United States district court, and, upon proof by a preponderance of the evidence, shall recover—

"(A) the costs of the civil action, including a reasonable attorneys' fee;

"(B) the actual damages to the person's business or property sustained by reason of such violation;

"(C) the actual damages sustained by the natural person by reason of such violation, as allowed under applicable State law, (excluding pain and suffering); and

"(D) if the plaintiff proves by clear and convincing evidence that the defendant's actions were consciously malicious or so egregious and deliberate that malice may be implied, punitive damages of up to twice the actual damages.

"(4) In an action under this subsection, evidence relevant only to the amount of punitive damages shall not be introduced until after a finding of liability, except the court may permit, for good cause shown and in the absence of any undue prejudice to the defendant, introduction of such evidence prior to a finding of liability on motion of a party or in the exercise of it discretion.

"(5)(A) A person whose business or property is injured by conduct in violation of section 1962 of this title may bring, in any appropriate United States district court, a civil action therefore and, upon proof by a preponderance of the evidence of such violation, shall recover threefold the actual damages to the person's business or property sustained by reason of such conduct, and the costs of the civil action, including a reasonable attorneys' fee, from any defendant convicted of a Federal or State offense described in subparagraph (B).

"(B) The offense referred to in subparagraph (A) must—

"(i) be based upon the same conduct upon which the plaintiff's civil action is based;

"(ii) include a showing of a State of mind as a material element of the offense; and

"(iii) be punishable by death or imprisonment for a term of more than one year.

"(6)(A) Except as provided in subparagraph (B), a civil action or proceeding under this subsection may not be commenced after the latest of—

"(i) four years after the date the cause of action accrues; or

"(ii) two years after the date of the criminal conviction required for an action or proceeding under paragraph (5) of this subsection.

"(B) A civil action brought pursuant to subsection (c)(1)(B) (i), (ii), or (iii) may not be commenced more than 6 years after the date the cause of action accrues.

"(C) The period of limitation provided in subparagraphs (A) and (B) of this paragraph on a cause of action does not run during the pendency of a government civil action or proceeding or criminal case relating to the conduct upon which such cause of action is based.

"(7)(A) It shall be an affirmative defense to an action brought under this subsection that a defendant acted in good faith and in reliance upon an official, directly applicable regulatory action, approval, or interpretation of law by an authorized Federal or State agency in writing or by operation of law.

"(B) Before the commencement of full discovery on and consideration of the plaintiff's claim, the court shall determine, upon defendant's motion, the availability of any affirmative defense asserted under this paragraph. The discovery of any such affirmative defense shall be allowed, as provided by law or rule of procedure, prior to the court's determination of the availability of such an affirmative defense.

"(8) In an action under this subsection, facts supporting the claim against each defendant shall be averred with particularity.

"(9)(A) An action or proceeding under this subsection shall not abate on the death of the plaintiff or defendant, but shall survive and be enforceable by and against his estate and by and against surviving plaintiffs or defendants.

"(B) An action or proceeding under this subsection shall survive and be enforceable against a receiver in bankruptcy but only to the extent of actual damages.

"(10) In a civil action or proceeding under this subsection in which the complaint does not allege a crime of violence—

"(A) the term 'racketeer' or the term 'organized crime' shall not be used by any party in any pleading or other written document submitted in the action, or in any argument, hearing, trial, or other oral presentations before the court; and

"(B) the terms used to define conduct in violation of section 1962 of this title shall be referred to as follows:

"(i) 'racketeering activity', as defined in section 1961(1) of this title, shall be referred to as 'unlawful activity'; and

"(ii) 'pattern of racketeering activity', as defined in section 1961(5) of this title, shall be referred to as 'pattern of unlawful activity'.

"(11) For purposes of this subsection—

"(A) the term 'governmental entity' means the United States or a State, and includes any department, agency, or government corporation of the United States or a State, or any political subdivision of a State which has the power (i) to levy taxes and spend funds, and (ii) to exercise general corporate and police powers;

"(B) the term 'unit of general local government' means any political subdivision of a State which has the power (i) to levy taxes and spend funds, and (ii) to exercise general corporate and police powers; and

"(C) the term 'crime of violence' means an offense involving—

"(i) when chargeable under State law the following: murder, kidnapping, arson, robbery, or dealing in narcotic or other dangerous drugs;

"(ii) when indictable under title 18, United States Code, and when accompanied by serious bodily injury the following: destruction of aircraft or aircraft facilities as defined by section 32; arson as defined by section 81; acts against foreign officials and other persons as defined by section 112 (a), (c) through (f); acts against Federal officials and other persons as defined by section 115; threats and extortion as defined by section 878; loansharking and other extortionate credit transactions as defined by sections 891–894; homicide as defined by sections 1111–1112, 1114, 1116–1117; hostage taking as defined in section 1203; obstruction of justice as defined in sections 1501–1506, 1508–1513, and 1515; extortion as defined by section 1951; murder-for-hire as defined by section 1958; sexual exploitation of children as defined in sections 2251–2252 and 2256; explosives or dangerous weapons aboard vessels as defined in section 2277; terrorist acts abroad as defined in section 2331; or

"(iii) the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States.".

SEC. 5. INTERNATIONAL SERVICE OF PROCESS.

Section 1965 of title 18, United States Code, is amended—

(1) in subsection (b) by striking "residing in any other district";

(2) in subsection (b) by striking "in any judicial district of the United States by the marshal thereof" and inserting "anywhere the party may be found";

(3) in subsection (c) by striking "in any other judicial district" and inserting "anywhere the witness is found";

(4) in subsection (c) by striking "in another district"; and

(5) in subsection (d) by striking "in any judicial district in which" and inserting "where".

SEC. 6. EXCLUSIVE FEDERAL JURISDICTION.

Chapter 96 of title 18, United States Code, shall not be construed to confer jurisdiction to hear a criminal or civil proceeding or action under its provisions on a judicial or other forum of a State or local unit of government.

SEC. 7. STYLISTIC AMENDMENT.

The analysis of chapter 96 of title 18, United States Code, is amended by striking out the item for section 1962 and inserting in lieu thereof the following:

"1962. Prohibited activities.".

SEC. 8. JUDICIAL STANDARD TO DETERMINE REMEDY.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), the amendments made by this Act shall apply to any civil action or proceeding commenced one day after the date of enactment of this Act.

(2) In any pending action under section 1964(c) of title 18, United States Code, in which a person would be eligible to recover only under paragraph (2)(A) of section 1964(c) as amended by this Act because the action does not meet the requirements of paragraph (2)(B) of section 1964(c), if this Act had been enacted before the commencement of that action, the recovery of that person shall be limited to the recovery provided under paragraph (2)(A), unless in the pending action—

(A) there has been a jury verdict or district court judgment, establishing the defendant's liability, or settlement has occurred; or

(B) the judge determines that, in light of all the circumstances, such limitation of recovery would be clearly unjust.

(b) EXCEPTION FOR COSTS OF CIVIL ACTION.—For purposes of this subsection, in any action in which a person would be eligible, by operation of subsection (a), to recover only under paragraph (2)(A) of section 1964(c) of title 18, as amended by this Act, the person shall also recover the cost of the civil action, which includes, in addition to a reasonable attorneys' fee, reasonable litigation expenses.●

Mr. HATCH. Mr. President, I rise today to join Senators DECONCINI, HEFLIN, and SYMMS in introducing a bill that provides needed changes to chapter 96 of title 18 of the United States Code better known as RICO, the Racketeer Influenced and Corrupt Organization Act. Congress enacted RICO in 1970 principally as a weapon to attack organized crime, including organized crime activity that promotes and profits from the international drug trade. This bill is the product of 3 years of bipartisan efforts in both Houses of Congress and will focus RICO more effectively on organized crime.

The civil provisions of the RICO statute, available to private plaintiffs, like the rest of RICO, were intended to combat the infiltration of legitimate businesses by organized crime. Unfortunately, private plaintiffs have seriously abused civil RICO to harm legitimate businesses. As a result of judicial construction of the civil RICO provisions, particularly the Supreme Court's ruling in *Sedima* v. *Imrex Co., Inc.*, 473 U.S. 479 (1985), RICO has evolved to encompass situations never intended by Congress to be covered by that act. The Supreme Court's decision, handed down on July 1, 1985, has greatly burdened the caseload of the Federal courts, as well as undermined RICO as a weapon against organized crime. Perhaps this result may be more aptly blamed on loose drafting of the civil RICO provisions by Congress, but the need for action is clear. As then Judge Anthony Kennedy, in a concurring opinion in *Schreiber Distributing* v. *Serv-well Furniture Co.*, 806 F. 2d 1393, 1402 (9th Cir. 1986), said:

> A company eager to weaken an offending competitor obeys no constraints when it strikes with the sword of the Racketeer Influenced and Corrupt Practice Act. . . . It is most unlikely that Congress envisaged use of the RICO statute in a case such as the one before us, but we are required to follow when the words of the statute lead. . . .

When RICO was first enacted, the provisions for civil suits within its purview were little used. In recent years, however, garden-variety business and contractural disputes have blossomed into extensive Federal litigation under 18 U.S.C. section 1964(c). The Court's ruling in Sedima allows a civil RICO action based on nothing more than two allegedly fraudulent mailings or uses of the wire occurring within 10 years of each other. For example, a business which transmits two or more accounting errors through the mails within a 10-year period could conceivable be subject to treble damages in a civil suit. Even the Supreme Court concedes in the majority opinion in Sedima that "in its private civil version, RICO is evolving into something quite different from the original conception of its enactors." 473 U.S. at 500. The Court goes on to conclude that it is compelled by the statutory language to construe section 1964(c) to encompass small-time fraud and breach of contract cases. An examination of the statute's legislative history indicates that the Court was correct in noting that the abuse of civil RICO provisions is quite different from Congress' intent.

RICO was enacted as a response to a growing concern on the part of Congress and the public about the ability of organized crime to profit from illegal activity. The avowed purpose of RICO was to decrease the incidence of, and act as a deterrent to, organized crime. Nowhere do the purposes of the legislation outlined by Congress mention private business litigation. The only reason RICO contained civil provisions at all was that some of its authors were concerned about limited enforcement capability on the part of the Government in the fight against organized crime. Therefore, RICO was written broadly to fill an existing gap in civil remedies and to provide a means of compensation that otherwise did not exist for the honest businessman harmed by the unfair economic pressure of "racketeers."

PRESENT CIVIL RICO PROVISIONS

As I mentioned, the provisions for private civil suit were included in RICO to provide economic victims of organized crime adequate redress for their injuries. Section 1964(c) of title 18, United States Code, grants a private right of action to any person "injured in his business or property by reason of a violation of section 1962." Section 1962, in turn, makes it unlawful to invest funds "derived, directly or indirectly, from a pattern of racketeering activity," or to acquire or operate an interest in a business enterprise through "a pattern of racketeering activity." "Racketeering activity" is defined to include any of numerous acts "chargeable" under enumerated State laws, including murder, arson, robbery, bribery, or "indictable" under Federal laws, including bribery, mail fraud, wire fraud, and the anti-fraud provisions of Federal securities laws. It states that "a pattern" of racketeering activity requires at least two acts of racketeering within 10 years of each other.

Section 1964(c) further states that any person so "injured in his business property * * * may sue therefor in any appropriate U.S. district court and * * * recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." Congress intended the private civil action to be linked to "racketeering activity" in order to enhance law enforcement against organized crime. This provision was not intended to create a vehicle for treble damage recoveries in ordinary commercial and business litigation. Unfortunately, however, alleging that a business has breached the Federal mail fraud and wire fraud statutes made it easy for plaintiffs, including business plaintiffs, to bring their litigation within the ambit of the civil RICO provisions. Indeed, the breadth of the definition of "pattern of racketeering activity" made it possible for two technical violations of those broad statutes to give rise to Federal civil litigation under RICO. The breadth of this definition has contributed to the utterly unanticipated, broad-gauged civil use of RICO.

For example, under recent caselaw, civil RICO can be used in wrongful discharge cases, e.g., *Williams* v. *Hall*, 683 F. Supp. 639 (E.D. Ky. 1988), and sexual discrimination and harassment cases, *Hunt* v. *Weatherbee*, 626F. Supp. 1097 (D. Mass. 1986). Now, obviously, persons may be entitled to relief in these and other circumstances of business wrongdoing, but trebling damages in such cases is not appropriate and may eventually work a revolution in our law. See "Look Who's Using RICO," *ABA Journal*, February, 1989. As the judge in *Lode* v. *Leonardo*, 557 F. Supp. 675, 681 (N.D. I11. 1982), a civil RICO action brought by shareholders against bank holding companies and their officers and directors alleging misrepresentation concerning commercial loans, stated:

> Congress may not have envisioned that the civil remedies it supplied in RICO would find the widespread use that they have in commercial fraud cases. And such use of RICO's remedies may well be somewhat undesirable. But, when a plaintiff makes allegations which appear to state a claim under the statute as it is written, courts are bound to what Congress said in the statute. . . .

FEDERALIZATION OF STATE LAW

The Supreme Court's interpretation of the civil RICO statute federalizes broad areas of State law concerning fraud. It also displaces well-established Federal remedial provisions. Prior to RICO, no Federal statute expressly provided a private damage remedy based on a violation of the broadly written mail or wire fraud statutes, which make it a Federal crime to use the mail or wires in furtherance of a scheme to defraud. Moreover, courts of appeals consistently had held that no implied Federal private causes of action accrued to victims of these Federal violations. The victims were restricted to bringing actions in State courts under common law fraud theories.

Since the Supreme Court's ruling, two fraudulent mailings or uses of the wires occurring within 10 years of each other might lead to civil RICO liability. In recent years, there has been an extraordinary expansion of mail and wire fraud statutes to permit Federal prosecution for conduct that some had though was subject only to State criminal and civil law. In bringing criminal actions under those statutes, prosecutors need not show either a substantial connection between the scheme to defraud and the mail and wire fraud statutes, see *Pereira* v. *U.S.*, 347 U.S. 1, 8 (1954), or that the fraud involved money or property.

The only restraining influence on the inexorable expansion of the mail and wire fraud statutes has been the prudent use of prosecutorial discretion. Prosecutors simply do not invoke the mail and wire fraud provisions in every case in which a violation of the relevant statute can be proved. The responsible use of prosecutorial discretion is particularly important with respect to criminal RICO prosecutions, which often rely on mail and wire fraud as predicate acts.

In the context of civil RICO, however, the restraining influence of prosecutors is completely absent. Unlike the Government, private litigants have no reason to avoid displacing State law remedies. On the contrary, such litigants, lured by the prospect of treble damages and attorney's fees, have a strong incentive to invoke RICO's provisions whenever they can allege two instances of mail or wire fraud. The defendant, facing financial exposure and the threat of being labeled a racketeer, has a strong incentive to settle the dispute. Many a prudent defendant, facing ruinous exposure, will decide to settle even a case with little merit. It is thus not surprising that civil RICO has been used for extortive purposes.

The civil RICO provisions consequently are used to stretch the mail and wire fraud statutes to their absolute limits and federalize important areas of civil litigation that until now were solely within the domain of the States.

DISPLACEMENT OF FEDERAL LAW

In addition to fundamentally altering the Federal-State balance in civil remedies, the broad reading of the civil RICO provision also displaces important areas of Federal law. For example, one predicate offense under RICO is "fraud in the sale of securities." By alleging two instances of such fraud, a plaintiff may bring a case within the scope of the civil RICO provision. It does not take great legal insight to realize that such a plaintiff would pursue the case under RICO rather than do so solely under the Securities Act of 1933 or the Securities Exchange Act of 1934, which provide both express and implied causes of action for violations of the Federal securities laws. The Federal securities laws contemplate only compensatory damages and ordinarily do not authorize recovery of attorney's fees. By invoking RICO, in contrast, a successful plaintiff will recover both treble damages and attorney's fees.

The civil RICO provisions, as now construed, substantially supplant decades of legislative and judicial development of private civil remedies under the Federal securities laws. Securities law has developed special requirements regarding standing, culpability, causation, reliance and materiality, as well as definitions of "securities" and "fraud." See, for example, *Blue Chip Stamps* v. *Manor Drug Stores*, 421 U.S. 723 (1975). All these requirements of securities law can be circumvented because plaintiffs can avoid the carefully developed limitations of securities law merely by alleging violations of predicate acts constituting an alleged "pattern of racketeering activity" such as mail or wire fraud. For example, even if cases in which the investment instrument is not a "security" covered by the Federal securities laws, RICO provides a treble damage remedy to a plaintiff who can prove the required pattern of mail or wire fraud. Before RICO, the plaintiff could not have recovered damages under Federal law for the mail or wire fraud violation.

Nothing in the language or legislative history of RICO suggests that Congress intended either the federalization of State common law or the displacement of existing Federal remedies.

DESCRIPTION OF THE RICO REFORM ACT OF 1989

The bill introduced by Senators DECONCINI, LEAHY, myself, and others not only curtails the abuses of RICO in the area of garden-variety litigation between businesses, but it strengthens the statute as an effective law enforcement tool. This bill adds a substantial number of Federal offenses to the existing list of so-called predicate acts under RICO. The "predicate acts" are the underlying offenses that make up the proof of the organized criminal activity that is the hallmark of a proper RICO claim. Many of these new predicate offenses, such as ones relating to acts against Federal officials, forgery of securities, fraud in relation to computers, hostage taking, and others, will enhance significantly the flexibility of RICO to respond to different manifestations of organized crime.

In addition, those who have been the victim of defendants that have any prior felony conviction with a state of mind element, based upon the same conduct upon which the RICO action is based, may recover treble damages, costs, and attorney's fees in a RICO action. Federal and State governments, and units of general local government are also entitled to this relief under RICO, as amended by this Act.

Moreover, a series of plaintiffs are permitted, under this act, to recover not only actual damages, but costs and reasonable attorney's fees, plus punitive damages of up to twice the amount of actual damages if the defendant's actions were consciously malicious or so egregious and deliberate that actual malice may be implied. These plaintiffs include: units of local government other than a unit of general local government; natural persons, charitable organizations and ERISA pension funds injured by insider trading; consumers defrauded in connection with a variety of consumer transactions—unless a remedy is available under securities or commodities law for the type of behavior at issue. Persons who suffer serious bodily injury by reason of a crime of violence which is racketeering activity under RICO may receive actual damages for both the harm to their business or property and personal injuries, togeth-

er with the costs, reasonable attorney's fees and punitive damages just described.

Plaintiffs in ordinary business versus business commercial and contract litigation will be able to receive actual damages in such cases, under the act.

The act will apply to all actions commenced 1 day after enactment. The act treats pending actions as follows:

First, for those pending actions which would be eligible only for actual damages as a result of enactment of this act, recovery is limited to actual damages, unless, in the pending action: there has been a jury verdict or district court judgment establishing defendant's liability, or settlement has occurred; or the judge determines, in light of all of the circumstances, that such limitation on recovery would be clearly unjust.

Second, where a pending case is limited to actual damages, the plaintiff will be able to recover all reasonable litigation expenses, including reasonable attorney's fees.

Third, in all other pending actions, that is, those which would not be limited to actual damages by this act, plaintiffs will be able to obtain treble damages.

In addition, this act would permit RICO damage suits to continue against the estate of a defendant even after the individual dies. I see no reason why the heirs of someone who has profited from organized criminal activity should be immunized from the claims of victims. This bill would facilitate those suits.

Finally, this bill makes other changes that are designed to address the misuse of the law that currently undermines the effectiveness of RICO as a weapon in the war on drugs and other forms of organized crime.

This act will clarify the scope of the civil remedies available under section 1964(c) and restore displaced State and Federal law. The RICO Reform Act of 1989 eliminates the award of mandatory treble damages and attorneys' fees in ordinary civil suits between two businesses. These types of garden variety business and contractual disputes were not intended to fall under the purview of RICO and eliminating automatic treble damages and attorneys' fees awards will reduce the incentive to bring these suits under RICO.

Mr. President, we urge our colleagues to join us in sponsoring this important legislative reform.

By Mr. PELL (for himself and Mr. COCHRAN):

S. 439. A bill to establish a program of grants to consortia of local educational agencies and community colleges for the purpose of providing technical preparation education, and for other purposes; to the Committee on Labor and Human Resources.

TECH-PREP EDUCATION ACT

Mr. PELL. Mr. President, today I am reintroducing the "Tech-Prep Education Act. I am very pleased to be joined by my colleague, Senator COCHRAN, in its introduction. This legislation, which I introduced last Congress, authorizes $100 million for demonstration grants to technology education partnerships between local educational agencies and community colleges.

This bill provided discretionary grants to programs which coordinate 2 years of instruction at the high school level with 2 years of instruction at a community college in technology education. This approach offers high school students an alternative course of study that culminates in an associate degree in tech-prep from a community college. The legislation is modeled after a program initiated by Dale Parnell, president of the American Association of Community and Junior Colleges. Its development was prompted by a growing recognition that future occupational needs will require a work force equipped with an education that goes beyond high school instruction, but not necessarily as far as 4 years of postsecondary instruction.

These occupational needs were confirmed by a recent report of the Department of Labor that indicates that the fastest growing jobs will require a considerable degree of technological literacy. This includes computer service technicians, computer systems analysts, programmers and operators, electrical and electronic technicians, mechanical engineers and mechanical engineering technicians.

The tech-prep program is an example of what can be accomplished when secondary schools and community colleges work together. Coordination of 2 years of high school with 2 years at a community college offers an educational channel to a growing group of students who are not part of the college preparatory track, and who are not necessarily part of the vocational educational track, a group of students, who as part of a general educational track, do not have a clear hold on their future direction. This two-plus-two program enables high school students to meet and talk with faculty advisers at the community college, thereby developing a sense of the opportunity that such a course of applied instruction at the community college will offer them. In this manner, it can ignite their interest in pursuing an education beyond the high school level—a pursuit that can have a significant effect on their employment prospects upon graduation.

It is my firm belief that we have a considerable responsibility at the Federal level to break through the convention of 12 years of formal education and go at least as far as 14 years. it is clear that the needs of the sophisticated work force demand education beyond high school. Moving beyond what I would call the 12-year barrier will mean the difference between riding the wave of prosperity and growth, or being sucked under by the drain of inadequate skills. To my mind, the two-plus-two program is an important initiative that begins the groundwork toward achieving this goal.

Tech-prep programs have already been launched at the Community College of Rhode Island with successful results. Eleven high schools currently participate in the program, and an additional five will participate next year. I am very hopeful that we can build on this success in Rhode Island and throughout the Nation.

The legislation we are introducing today enables both community colleges and high schools to establish model technology education programs which can then be repeated nationwide. Assistance under this legislation is designed to encourage these educational partnerships to begin a program that will continue when Federal aid ends. This, therefore, is the basis for a gradual decline in the Federal aid share.

Special emphasis in funding would be placed on applications which successfully assist students with job placement or enrollment in a 4-year postsecondary program. And, additional consideration is given to applications which involve business, industry and labor unions.

This legislation will be a particular focus during the reauthorization of the Carl D. Perkins Vocational Education Act this Congress. Similar legislation has been introduced in the House by Congressman WILLIAM D. FORD. Congressman FORD's views on this legislation are outlined in a recent interview in the Community Technical and Junior College Journal. I would recommend this article to my colleagues as background on this legislation, and ask that this interview be printed in the RECORD following my remarks.

Mr. President, we have an opportunity through this legislation to strengthen the linkages between secondary and postsecondary instruction. Such linkages are clearly in our national interest, as they improve the relationship between course work at both institutions. This is something that can often encourage students to continue their education beyond high school by improving the transition from high school to college so that the time spent in college is more productive and less duplicative. It also offers high school instructors greater access to training, facilities and equipment at the community college, and enables community colleges to become even more responsive to their communities by giving them a greater sense of the

needs of local schools, their students and their teachers.

I commend this legislation to my colleagues, and urge that they give it very careful consideration. I ask unanimous consent that the full text of the bill be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tech-Prep Education Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Rapid technological advances and global economic competition demand increased levels of skilled technical education preparation and readiness on the part of youths entering the work force.

(2) Effective strategies reaching beyond the boundaries of traditional schooling are necessary to provide early and sustained intervention by parents, teachers, and educational institutions in the lives of students.

(3) A combination of nontraditional school-to-work technical education programs, using state of the art equipment and appropriate technologies, will reduce the dropout rate for secondary school students in the United States and will produce youths who are mature, responsible, and motivated to build good lives for themselves.

(4) The establishment of systematic technical education articulation agreements between secondary schools and community colleges is necessary for providing youths with skills in the liberal and practical arts and in basic academics with the intense technical preparation necessary for finding a position in a changing workplace.

(5) By the year 2000 an estimated 15 million manufacturing jobs will require more advanced technical skills, and an equal number of service jobs will become obsolete.

(6) More than 50 percent of jobs that are currently developing will require skills greater than those currently provided by existing educational programs.

(7) Dropout rates in urban schools are currently 50 percent or higher, and more than 50 percent of all Hispanic youth drop out of high school.

(8) Each year, as a result of 1 million youths dropping out of secondary school with inadequate preparation to enter the work force, the United States loses $240,000,000,000 in earnings and taxes.

(9) Employers in the United States pay an estimated $210,000,000,000 annually for formal and informal training, remediation, and in lost productivity as a result of untrained and unprepared youth joining, or attempting to join, the work force of the United States.

(b) PURPOSE.—It is the purpose of this Act—

(1) to provide planning and demonstration grants to consortia of local educational agencies and community colleges, for the development and operation of 4-year technical preparation education programs leading to an associate degree for youths; and

(2) to provide, in a systematic manner, strong, comprehensive links between secondary schools and community colleges.

SEC. 3. PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—The Secretary of Education shall make grants to pay the Federal share of the cost of activities carried out under this Act to consortia of—

(1) local educational agencies or area vocational schools serving secondary school students; and

(2) community colleges (including postsecondary vocational technical schools).

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out with assistance under this Act may not exceed—

(1) for the first year that a grant is received, 80 percent of such cost with respect to planning purposes;

(2) for the second year that a grant is received, 60 percent of such cost with respect to implementation and operation;

(3) for the third year that a grant is received, 40 percent of such cost with respect to operation; and

(4) for the fourth and fifth year that a grant is received, 20 percent of such cost with respect to operation.

SEC. 4. TECHNICAL PREPARATION EDUCATION PROGRAMS.

(a) GENERAL AUTHORITY.—Each grant recipient shall use amounts paid under this Act to develop and operate a 4-year technical preparation education program.

(b) CONTENTS OF PROGRAM.—Each such program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of the 2 years of secondary school preceding graduation and 2 years of higher education, with a common core of required proficiency in mathematics, science, communications and technologies designed to lead to an associate degree in a specific career field;

(3) include the development of technical preparation education program curriculum appropriate to the needs of the consortium participants; and

(4) include in-service training for teachers that—

(A) is designed to train teachers to implement effectively technical preparation education curriculum;

(B) provides for joint training for teachers from all participants in the consortium; and

(C) may provide such training in weekend, evening and summer sessions, institutes or workshops.

(c) ADDITIONAL AUTHORIZED ACTIVITIES.—Each such program may—

(1) provide for training programs for counselors designed to enable counselors more effectively to recruit students for technical preparation education programs, and ensure their successful completion of such programs and their placement in appropriate employment; and

(2) provide for the acquisition of technical preparation education program equipment.

SEC. 5. APPLICATIONS.

(a) IN GENERAL.—Each consortium that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

(b) FIVE-YEAR PLAN.—Each application submitted under this section shall contain a 5-year plan for the development and implementation of activities under this Act.

(c) APPROVAL.—The Secretary shall approve applications based on their potential to create an effective technical preparation education program as described in section 4.

(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applicants whose applications—

(1) provide for effective employment placement activities or transfer of students to four-year baccalaureate degree programs;

(2) demonstrate commitment to continue the program after the termination of assistance under this Act; and

(3) are developed in consultation with business, industry and labor unions.

(e) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In making grants, the Secretary shall ensure an equitable distribution of assistance among the States and among a cross section of urban and rural consortium participants.

SEC. 6. REPORTS.

Each grant recipient shall, with respect to assistance received under this Act, submit to the Secretary such reports as may be required by the Secretary to ensure that such grant recipient is complying with the requirements of this Act.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term "articulation agreement" means a commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to competencies in a technical preparation education program.

(2) The term "community college" has the meaning provided in section 1201(a) of the Higher Education Act of 1965 for an institution which provides not less than a two-year program which is acceptable for full credit toward a bachelor's degree.

(3) The term "Secretary" means the Secretary of Education.

(4) The term "local educational agency" has the meaning provided in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(5) The term "technical preparation education program" means a combined secondary and postsecondary program which—

(A) leads to an associate degree;

(B) provides technical preparation in at least 1 field of mechanical, industrial or practical art, trade or applied science;

(C) provides competence in mathematics, science and communications (including through applied academics); and

(D) leads to placement in employment.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $100,000,000 for fiscal year 1990, and such sums as may be necessary in each of the 4 succeeding fiscal years to carry out the provisions of this Act.

THE FORD BILL: CREATING A WORLD-CLASS WORK FORCE

(By Frank Mensel)

How often has a community college president or school superintendent been frustrated by a local employer's request for a special technician's course, because the college or school district's math, science, and technical courses fell short of meeting the employer's standards?

Many such frustrations will disappear—and American technical education will become a more formidable force in the global skills derby—if the $200 million Tech-Prep Education Act authored by Rep. William D. Ford, (D-MI), becomes law. Ford, widely recognized as the foremost voice of the House on postsecondary issues, has signaled his determination to win passage of Tech-Prep by reintroducing the bill in the

first minutes of the new Congress as H.R. 22.

Ford has summed up the purpose of his bill as "a program of matching grants to consortia consisting of secondary schools and community colleges to encourage them to provide a four-year program of tech-prep education . . . which, first, leads to an associate degree; second, provides technical preparation in at least one mechanical, industrial, or practical field; third, provides a high level of competence in mathematics, science, and communications; and fourth, leads to job placement.

"Our society," he stresses, "needs workers well-trained in technology and well-versed in basic skills if we are to forge the world-class work force for the future.

"We simply have to out-produce them," he says, as his way of summing up the urgency of moving vocational technical education into the forefront of American education, in order to give it the quality and appeal necessary to make the U.S. skill base the best in the world.

Twice the former chair of the Subcommittee on Postsecondary Education, and the ranking Democrat of the Education and Labor Committee, Ford chairs the Committee on Post Office and Civil Service. In asking the chair of a full committee to chair a subcommittee of another standing committee, the House made an exception to its own rules in asking him four years ago to lead the Postsecondary Subcommittee in complex reauthorization of the 1986 Higher Education Act.

AACJC's Frank Mensel recently met with Ford to discuss the workforce needs of the future.

MENSEL. Do you see a connection between vocational-technical education and what is happening to the U.S. economy and work force in global competition?

FORD. Well, anybody who comes from an industrial area like mine has had to see it for a number of years. The requirements of the work force are changing dramatically. I frequently refer to the period we are going through as the second industrial revolution of the 20th Century. People refer to the period leading up to World War I as our industrial revolution, a dramatic turn from agriculture as the primary economic base to manufacturing. Today's revolution is every bit as important because it is condensing into a relatively short period of time radical changes in what the American work force looks like . . . as in the service industries, with the kinds of things that people are relying on other people to do for them.

From the end of the Depression until probably the late 1970s, you could afford to ignore the fact that high schools were not really doing a good job with vocational education in terms of matching skills to actual job requirements. There were plenty of industrial jobs around that people literate could handle and learn on the job and in a few years be making a very respectable, middle-class income.

Today, I tell high school students in my area that unless they are fortunate enough to get more education than their parents had, the likelihood that they will be able to provide for their own families the life style that their parents provided for them, as an auto worker, steel worker, or chemical worker, is very slight. Most of the available jobs that are still left in industry—require far more entry-level training than they did just a generation ago.

MENSEL. What is the impact of such change on the American work force?

FORD. When we were going at it in the late 1960s, we did a number of things to try to redirect vocational education away from traditional ideas of what it was—elementary wood shop, elementary metal shop, homemaking, all those titles they used to have that bore no real relevance to what the labor market out there was or was likely to be. We started a number of incentives with federal money that go far beyond the value of a dollar in tailoring a change of attitudes.

Now we have to continue. In my district educators have understood a need for change longer than parents. Parents saw no reason why their children could not repeat their own experiences. Now parents are beginning to understand, and the kids have been figuring this out in high school for some time. There is a strong and increasing realization on the part of young people themselves that they cannot make it the way dad did or mother did.

The other thing is the rapid movement of women into the work force—not precipitated by some exceptional factor like war work—but the first infusion of women into jobs that have been nontraditional for them. It was the country's attitude in the past that the workplace would do everything it could for women when they were needed in a national emergency, but to hell with them the rest of the time. Now we know that most women are planning to be in the work force. They expect to work most of the years that men have traditionally felt they had to work. Women are not working anymore because it is something nice to do to get away from the kids. They are working because they want to work, and we have got to do things to advance training that we haven't done in the past.

MENSEL. What I hear you saying, then, is that these changes are coming about as much from internal pressures in our society as from global pressures.

FORD. All you have to do is look at Census figures. When we were doing the Higher Education Act reauthorization, we got tired of listening to people talk about a typical family, about how parents ought to do more to help their kids go to college. We asked the Library of Congress and the Census people who was really out there and who we were passing the legislation for. What we are going to have in a very short time is a new underclass of people who used to be middle class, and a population that could fall very short of the kind of workers that are going to be needed. We will always have plenty of people coming out of the big schools to be the managers of the companies. But there has to be somebody who really makes the thing work: people who can adapt to new technologies that are coming along—not just machines, but processes, compounds, chemicals, and all sorts of new things. A barely literate person is lost. No longer can we contemplate people being able to function effectively with the skills they leave high school with. They are continually going to have to get more education, more training. There is nothing that I have seen that indicates to me that we are going to have any substantial enlargement of the work force in a way that is either going to affect the strength of this country, the strength of the economy, or the welfare of the workers that is not tied to more education or more training.

MENSEL. That transition from high school to adult training points up the need for the two-plus-two Tech-Prep concept.

FORD. What we need is something more than teaching kids how to fry hamburger, but teaching them how to figure out how the business runs, how to order and estimate things, and to do all the rest of it. This is all part of what we are aiming at in the partnership arrangement between community colleges and the high schools in the two-plus-two approach. Now, I wish I could say that we thought this up, but, as a matter of fact, in my area some of this is already going on.

MENSEL. Yes, the idea has been around. As a matter of fact, several states are trying it.

FORD. In places where you have people of good will who have really tried to make it work, it is working. And everybody that gets hands-on experience with it seems to be saying, Hey, why didn't we do this sooner? So it's not just a good idea for Michigan; it should be a good idea for the country. My area is a microcosm, moving perhaps a bit ahead of others because we have had a firm industrial base that has been going overseas, and it is being replaced by technology.

MENSEL. How does this slippage in voc ed relate to our trade deficit?

FORD. If you only look at the part of the trade deficit that is represented by our ability to produce goods. I don't think that's a big part of our problem at this point. If the trade bill and the Bush administration produce some slowdown in the artificial factors that discriminate against our exports, what do you do then?

We can't crank up what we had in World War II again and be competitive because too many countries have emerged that, on that basis, are better than competitive with us. If you look at national training needs with the selfish idea of how do I make this a strong country for our grandchildren, or will we let it fall down around our ears, it won't be because we don't have enough rocket scientists. We will be turning out rocket scientists—the rewards for being a rocket scientist in our society are sufficient. What I am worried about is the sort of journeyman worker who can adapt to new ways of doing things and grow with change and benefit from that growth. You are not going to outproduce the other guy by manpower, by numbers of people; we are going to have to have better people. . . . And, in fact, American industries are catching up on quality. In the process of catching up, they are changing the work force dramatically.

With Washtenaw Community College retraining machinists for General Motors, GM makes transmissions for some 28 companies around the world. The Rolls Royce transmission is made there, not by fine craftsmen in England, but by fine American auto workers. GM came to the conclusion that if they were going to upgrade, it was better to re-educate a machinist to be compatible with computers and robots than to train others in computers and robots and turn them into machinists. They turned to Washtenaw Community College, and they started training employees. Almost immediately they discovered something interesting, which is reflected in a way in our bill. Just training them to become computer literate won't get the job done. So they added to the vocational element, if you will, a course in psychology. It was designed to deal with the psychology of reaching 30- to 40-year-olds so that in working with the upgraded machinery, they would be convinced that they could grow as the technology grows, and that they were not going to be replaced but were going to be part of what goes on. Until Washtenaw added the psychology program, there was a tremendous dropout problem.

In essence, Ford believes American vocational-technical education will not meet the long-term challenge of global competition unless the community colleges and secondary education "get their act together." The articulation, improved content, and increased student appeal that his bill seeks to foster are vital keys to a winning human resource initiative. "We have to out-produce the competition . . . and we will, "he concludes, in a tone of optimism borne of many legislative successes.

By Mr. BIDEN:

S. 440. A bill to amend title XIX of the Social Security Act to extend Medicaid coverage to certain low-income children, and for other purposes; to the Committee on Finance.

HEALTH CARE FOR CHILDREN ACT

● Mr. BIDEN. Mr. President, today I am introducing, along with Senator INOUYE, the Health Care For Children Act. This legislation seeks to fill some of the serious gaps in Medicaid's coverage of poor children and pregnant women. The bill expands Medicaid's income eligibility rules so that all children aged 18 and under in families with incomes below 100 percent of the Federal poverty line would be covered by 1993. The bill also addresses a number of other barriers to care for both children and pregnant women, including abolishing the use of asset tests and improving reimbursement levels.

We are in the midst of a great national debate on how to provide medical care to the 37 million Americans who have no health insurance. Some argue that businesses should be required to provide insurance to their employees, some argue that the Government must fill this gap, some argue that the uninsured must themselves play a role in solving their problems, and some like me argue for a combination of these strategies. One thing that is clear, however, is that this debate is almost certain to range on for several years to come. Rather than waiting indefinitely for a total solution to the problems of the uninsured, we must quickly take the crucial interim step of addressing the needs of the most vulnerable members of our society—poor children.

Medicaid is the only source of health insurance for most poor children, but there are major gaps in its coverage. In 1985, Medicaid served fewer than half of all poor children. While the program has been expanded several times in recent years, there are still millions of poor children who are not covered by Medicaid or any other health insurance.

Similarly, our disgracefully high infant mortality rate could be reduced with timely prenatal care. While Congress has recently expanded Medicaid's coverage of poor pregnant women, a number of barriers in addition to income eligibility continue to prevent many women from receiving needed care.

This is not simply a matter of abstract rules—lack of Medicaid coverage can have a dramatic effect on the lives of these women and children. A number of studies have documented that people without health insurance are less likely to receive needed medical care, and that failure to receive needed care often leads to preventable death and illness. The evidence is overwhelming. A study by the Robert Wood Johnson Foundation found that only 40 percent of persons without health insurance seek help when they have such worrisome symptoms as chest pains or frequent loss of consciousness, while more than 65 percent of similar sufferers who have insurance go to a doctor. According to the Children's Defense Fund, low-income children with no health insurance receive only about one-half the medical care received by insured children. Another study by the researchers at the University of Pittsburgh found that two-thirds of the uninsured who needed health care did not seek it.

It is not acceptable for these children to go without medical care. These children are not "somebody else's" children. They're our children—American children—and they're our future. We can no longer allow young children to be denied the basic human right of medical care, simply because they were born into proverty. For no child can hope to develop to his full potential if his abilities are stunted by a lack of health care. Today, however, our poor children are not protected against health problems that slow their development and sap the energies they need to achieve in school.

GAPS CAUSED BY INCOME ELIGIBILITY RULES

The problem arises because Medicaid is generally only available to persons with family incomes below their State's welfare eligibility level, rather than the Federal poverty line—which is $9,690 for a family of three. The only major exception is that States are required to provide Medicaid coverage to all pregnant women and infants in families with incomes below 100 percent of the Federal poverty line.

Under recent expansions of the program, States have the option of covering children aged 7 and younger up to 185 percent of the Federal poverty line. While a number of States have seized all or a part of this option, millions of poor children still have no coverage.

The problem with covering the majority of our children only up to State welfare eligibility lines is that these levels are frequently extremely low. In the average State, a family must have an income of less than half of the Federal poverty level to be eligible for Medicaid. In nine States, the Medicaid eligibility level is less than 25 percent of the Federal poverty line. As of last July, for example, a child in a three-person family with an annual income of $1,417 was not considered poor enough to receive Medicaid in Alabama.

Even though many States have medically needy programs for families with high medical expenses and incomes up to 33 percent above State welfare eligibility levels, in the average State these programs still only extend Medicaid coverage to persons with incomes of 60 percent or less of the Federal poverty level. In any case, some States—including my own State of Delaware—do not even have a medically needy program.

Finally, even some children in families with incomes below State welfare eligibility levels may not receive Medicaid because of their family structure.

The Health Care for Children Act would help reverse this situation. While I would prefer to have these children covered immediately, due to budgetary and administrative constraints this legislation will require States to provide Medicaid coverage for all children 18 years of age or younger with family incomes below 100 percent of the Federal poverty line within the next 4 years. This coverage would be phased in as follows: States would be required to cover all children aged 7 and younger by 1990; aged 12 and younger by 1991; aged 15 and younger by 1992; and aged 18 and younger by 1993. To phase in full coverage for poor children more slowly would raise the possibility that some children in a family could have adequate medical insurance at a time when their older siblings were still uninsured.

GAPS CAUSED BY RESOURCE ELIGIBILITY RULES

In addition to income tests, families must often meet stringent asset tests to be eligible for Medicaid. As a result, in many States, a child can be denied Medicaid coverage if the family has a car worth $1,501, even if that is the only way the parent can get to work or transport the child to a doctor. The Health Care for Children Act would require States to eliminate asset tests for poor pregnant women and children aged 18 or under.

Sarah Shuptrine has studied the reasons that some families who apply for AFDC/Medicaid benefits are denied benefits. She found that, according to official records, 4 percent of all eligibility denials are due to findings that the applicants had too many resources.

Asset tests also create a more hidden barrier to medical care, by generating redtape that prevents some eligible families from receiving coverage. There can be little doubt that redtape blocks many eligible persons from receiving Medicaid. Sarah Shuptrine reported that of over 2.6 million persons, mostly children, denied eligibility in

fiscal year 1986, 60 percent of these applicants were turned down because they failed to comply with procedural requirements. In another 7.8 percent of these denials, the client withdrew the application before the agency had made a decision. While she reports that the exact reasons that so many applicants failed to complete the eligibility process are unknown, I suspect that it could well be that many of these applicants withdrew because they either realized that they could not meet their State's asset tests or failed to comply with procedures because they could not complete the lengthy and difficult application form.

Unfortunately, the information and documentation required by some States to verify that applicants meet their asset tests often add to the length and complexity of application forms. When one State recently eliminated its asset test for pregnant women, its Medicaid application form dropped from 14 pages to 4 pages.

Some will wonder about the wisdom of simply eliminating asset tests, and will argue that it would be better to merely reduce them. The experience of many States leads me to disagree. The 1986 Omnibus Budget reconciliation Act allowed States to do away with asset tests for pregnant women and infants. As a result, 44 States modified their asset tests. While a few of these States reduced their asset tests or changed them around, 37 of the States completely eliminated their asset tests for this population.

In addition, there is very little risk that this provision will lead to abuse. I suspect that very few, if any, children in families which have so many assets that they are objectively well off, will sneak into the program if there are no asset tests. The income requirements are simply so stringent that almost all families with substantial assets would already be ineligible even without resource tests.

Finally, the only way to seriously reduce the redtape and the length of application forms is to eliminate asset tests. Simply increasing the amount of assets allowed will do little to cut this redtape.

PRESUMPTIVE ELIGIBILITY

Medicaid's application process often takes several months, and this delay can be very harmful for children. Many parents do not apply for Medicaid for their children until after they discover that their child is ill. Because of the waiting period, some children do not receive coverage of medical care until well after they are ill. This is unfortunate, because delaying medical care often exacerbates ailments that could have been easily cured with timely care.

Congress recently gave the States the option of extending presumptive eligibility to pregnant women, and about 20 States have taken this option so far. Some have argued that the Congress should mandate this option, and require all States to extend presumptive eligibility to pregnant women. I do not agree with this proposal, however, not much data has come back from the field, yet, to demonstrate in hard evidence the effectiveness of the current presumptive eligibility option. In addition, there is still substantial opposition from some State Medicaid directors to this process. Before we mandate that the remaining States also adopt this system, it would be better to first offer the States even more presumptive eligibility options, and let the system prove itself in the field.

Accordingly, this bill would extend the current presumptive eligibility option, so that States could offer presumptive eligibility to all children aged 18 and younger.

PROVIDER REIMBURSEMENTS

Under current regulations, State Medicaid plans must offer sufficient reimbursements to providers so that "care and services are available under the plan at least to the extent that such care and services are available to the general population."

This regulation is rarely enforced, however, and Medicaid's reimbursements to its providers are extremely low. While many commentators on this topic focus on reimbursements to physicians—and particularly the wholly inadequate reimbursements to obstetricians—we should not overlook the effect of low reimbursements on hospitals as well. According to a study by the National Association of Children's Hospitals and Related Institutions, in 1986 children's hospitals lost 23 cents for every dollar of medical care provided to children covered by Medicaid.

As a result of poor reimbursements, many providers refuse to treat Medicaid patients. In some cities, only one hospital will take any Medicaid patients except in emergencies. In some rural areas, patients must travel great distances to find a provider who will treat them.

This legislation seeks to remedy this situation by strengthening the enforcement of existing law relative to reimbursements. First, the Health Care for Children Act would codify the above cited regulatory language into statutory law. Second, the legislation would establish a structure to enforce this law. Under this structure, States would be required to submit their reimbursement rate schedules for Medicaid care to pregnant women and children aged 18 and under annually to the Department of Health and Human Services. This requirement would extend both to reimbursement rates for care by pediatricians, obstetricians and other physicians and to care provided by hospitals. States would also be required to submit a variety of other information that will help the Secretary of HHS evaluate the adequacy of these schedules. If the Secretary determines from this data that a State's reimbursement rates are insufficient, he or she could order the State to improve its fees as a condition to continued participation in the Medicaid Program.

Mr. President, this legislation will not solve the problems of all of the uninsured, and it is far from a complete answer to America's health needs. Nonetheless, this bill would help provide basic, needed medical care to the youngest, the most vulnerable and the poorest among us. We can afford to do no less.

I ask unanimous consent that a copy of the Health Care for Children Act be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Health Care for Children Act of 1989".

SEC. 2. FINDINGS OF CONGRESS WITH RESPECT TO MEDICAID COVERAGE.

The Congress finds that—

(1) millions of poor children in America have no health insurance, and there are substantial gaps in medicaid's coverage of these children;

(2) to fill gaps in medicaid coverage, it is necessary to expand medicaid's income and resource eligibility rules;

(3) even for those persons who are eligible for medicaid, a variety of daunting procedural barriers often prevent such persons from receiving coverage; and

(4) children without health insurance are less likely to receive needed medical care, and failure to receive medical care often results in preventable death and illness.

SEC. 3. PHASED-IN MANDATORY COVERAGE OF CERTAIN LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)—

(A) by striking "or" at the end of subclause (IV),

(B) by striking the semicolon at the end of subclause (V) and inserting ", or", and

(C) by adding at the end the following new subclause:

"(VI) who are described in subparagraph (C) of subsection (l)(1) and whose family income does not exceed the income level the State is required to establish under subsection (l)(2)(B) for such a family;";

(2) in subsection (a)(10)(A)(ii)(IX), by inserting "or clause (i)(VI)" after "clause (i)(IV)"; and

(3) in subsection (l)—

(A) by striking subparagraph (C) of paragraph (1) and inserting the following:

"(C) Children who—

"(i) after September 30, 1990, have attained one year of age but have not attained 9 years of age,

"(ii) after September 30, 1991, have attained one year of age but have not attained 13 years of age,

"(iii) after September 30, 1992, have attained one year of age but have not attained 16 years of age, and

"(iv) after September 30, 1993, have attained one year of age but have not attained 19 years of age,"; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

"(B) For purposes of paragraph (1) with respect to individuals described in subparagraph (C) of that paragraph, the State shall establish an income level which is equal to the minimum percentage provided under subclause (I) or (II) of subparagraph (A)(ii) of the income official poverty line described in subparagraph (A) applicable to a family of the size involved.".

(b) CONFORMING AMENDMENT.—Section 1905(n)(2) of such Act (42 U.S.C. 1396d(n)(2)) is amended by striking "age of 7" and all that follows through "(or such earlier date as the State may designate)," and inserting in lieu thereof "age of 19".

(c) ADDITIONAL CONFORMING AMENDMENT.—Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting "(a)(10)(A)(i)(VI)," after "(a)(10)(A)(i)(IV),".

(d) EFFECTIVE DATE.—For purposes of section 1905(n)(2) of the Social Security Act (as amended by subsection (b)) for medical assistance provided—

(1) during fiscal year 1991, any reference to "age of 19" is deemed to be a reference to "age of 9";

(2) during fiscal year 1992, any reference to "age of 19" is deemed to be a reference to "age of 13"; and

(3) during fiscal year 1993, any reference to "age of 19" is deemed to be a reference to "age of 16".

SEC. 4. ELIMINATION OF ASSET TEST FOR CERTAIN PREGNANT WOMEN AND LOW-INCOME CHILDREN.

(a) IN GENERAL.—Paragraph (3) of section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended to read as follows:

"(3)(A) Notwithstanding subsection (a)(17), for individuals who are eligible for medical assistance because of subsection (a)(10)(A)(i)(III), (IV) or (VI), the State shall not apply a resource standard with respect to such individuals for the purpose of determining eligibility for or the extent of medical assistance under the plan.

"(B) Notwithstanding subsection (a)(17), for individuals who are eligible for medical assistance because of subsection (a)(10)(A)(ii)(IX)—

"(i) application of a resource standard shall be at the option of the State;

"(ii) any resource standard or methodology that is applied with respect to an individual described in subparagraph (A) of paragraph (1) may not be more restrictive than the resource standard or methodology that is applied under title XVI;

"(iii) any resource standard or methodology that is applied with respect to an individual described in subparagraph (B) or (C) of paragraph (1) may not be more restrictive than the corresponding methodology that is applied under the State plan under part A of title IV;

"(iv) the income standard to be applied is the appropriate income standard established under paragraph (2); and

"(v) family income shall be determined in accordance with the methodology employed under the State plan under part A or E of title IV (except to the extent such methodology is inconsistent with clause (D) of subsection (a)(17), and costs incurred for medical care or for any other type of remedial care shall not be taken into account.

"(C) Any different treatment provided under this paragraph for individuals described in subparagraph (A) or (B) shall not, because of subsection (a)(17), require or permit such treatment for other individuals.".

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on July 1, 1990.

SEC. 5. OPTIONAL PRESUMPTIVE ELIGIBILITY FOR CERTAIN CHILDREN PROVIDED.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"PRESUMPTIVE ELIGIBILITY FOR CHILDREN

"SEC. 1927. (a) A State plan approved under section 1902 may provide for making medical assistance available to any individual under the age of 18 during a presumptive eligibility period.

"(b) For purposes of this section—

"(1) the term 'presumptive eligibility period' means, with respect to any individual under the age of 18, the period that—

"(A) begins with the date on which a qualified provider determines, on the basis of preliminary information, that the family income of such individual does not exceed the applicable income level of eligibility under the State plan, and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of the individual for medical assistance under the State plan,

"(ii) the day that is 45 days after the date on which the provider makes the determination referred to in subparagraph (A), or

"(iii) in the case of an individual who does not file an application for medical assistance within 14 calendar days after the date on which the provider makes the determination referred to in subparagraph (A), the fourteenth calendar day after such determination is made; and

"(2) the term 'qualified provider' means any provider that—

"(A) is eligible for payments under a State plan approved under this title,

"(B) provides services of the type described in subparagraph (A) or (B) of section 1905(a)(2) or in section 1905(a)(9),

"(C) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A), and

"(D)(i) receives funds under—

"(I) section 329, 330, or 340 of the Public Health Service Act,

"(II) title V of this Act, or

"(III) title V of the Indian Health Care Improvement Act,

"(ii) participates in a program established under—

"(I) section 17 of the Child Nutrition Act of 1966, or

"(II) section 4(a) of the Agriculture and Consumer Protection Act of 1973, or

"(iii) is the Indian Health Service or is a health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act (Public Law 93-638).

"(c)(1) The State agency shall provide qualified providers with—

"(A) such forms as are necessary for an individual under the age of 18 (or a guardian of such individual under State law) to make application for medical assistance under the State plan, and

"(B) information on how to assist such individual in completing and filing such forms.

"(2) A qualified provider that determines under subsection (b)(1)(A) that an individual under the age of 18 is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made, and

"(B) inform the individual (or such individual's guardian) at the time the determination is made that the individual is required to make application for medical assistance under the State plan within 14 calendar days after the date on which the determination is made.

"(3) An individual under the age of 18, who is determined by a qualified provider to be presumptively eligible for medical assistance under a State plan shall make application for medical assistance under such plan within 14 calendar days after the date on which the determination is made.

"(d) Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual under the age of 18—

"(A) during a presumptive eligibility period,

"(B) by a provider that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by a State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903.".

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on July 1, 1990.

SEC. 6. PAYMENT FOR SERVICES PROVIDED TO PREGNANT WOMEN AND CHILDREN.

(a) CODIFICATION OF ADEQUATE PAYMENT LEVEL PROVISIONS.—Section 1902(a)(30))(A) of the Social Security Act (42 U.S.C. 1396a(a)(30)(A)) is amended by inserting before the semicolon at the end the following: "and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population".

(b) ASSURING ADEQUATE PAYMENT LEVELS FOR CERTAIN SERVICES.—Title XIX of such Act, as amended by section 5, is further amended by redesignating section 1926 as section 1928 and by inserting after section 1925 the following new section:

"ASSURING ADEQUATE PAYMENT LEVELS FOR SERVICES PROVIDED TO PREGNANT WOMEN AND CHILDREN

"SEC. 1926. (a)(1) A State plan under this title shall not be considered to meet the requirement of section 1902(a)(30)(A) with respect to services provided to individuals described in section 1902(l)(1) as of July 1 of each year (beginning with 1990), unless, by not later than April 1 of such year, the State submits to the Secretary an amendment to the plan that specifies, the payment rates to be used for such services under the plan in the succeeding period and includes in such submission such additional data as will assist the Secretary in evaluating the State's compliance with such requirement.

"(2) The Secretary, by not later than 90 days after the date of submission of a plan amendment under paragraph (1), shall—

"(A) review each such amendment for compliance with the requirement of section 1902(a)(30)(A), and

"(B) approve or disapprove each such amendment.

If the Secretary disapproves such an amendment, the State shall immediately submit a

revised amendment which meets such requirement.

"(b) For amendments submitted under subsection (a)(1) in 1991 and thereafter, the data submitted under such subsection shall include, for the second previous year, the following:

"(1) The number of pediatricians, nurse practitioners, physician assistants, obstetricians, family practitioners, and certified nurse midwives who were licensed in the State in the year, and, of such providers, the number of each class of provider who provided services in the State and the number who provided services to medicaid beneficiaries.

"(2) An estimate of—

"(A) the number of pregnant women who were in the State in the year, and the percentage of such women who received prenatal services in the State in the year, and

"(B) the number of pregnant women who were medicaid beneficiaries in the State in the year, and the percentage of such women who received prenatal services in the State in the year.

"(3) An estimate of—

"(A) the number of children aged 18 and under who were in the State in the year, and the percentage of such children who received medical care in the State in the year; and

"(B) the number of children aged 18 and under who were medicaid beneficiaries in the State in the year, and the percentage of such children who received medical care in the State in the year.

"(4) The statewide average payment rates under the State plan for services furnished by pediatricians, nurse practitioners, physician assistants, obstetricians, family practitioners, and certified nurse midwives, by procedure, stated in dollar amounts and as a percentage of the statewide average payment rates for such procedures other than under the State plan.

"(5) The statewide average payment rates under the State plan and the statewide reasonable cost (as that term is defined by the appropriate State regulatory agency or agencies) for inpatient and outpatient services furnished by teaching hospitals, nonteaching hospitals, children's hospitals, rural hospitals, urban hospitals, and disproportionate share hospitals (within the meaning of section 1923(a)(1)), by procedure, stated in dollar amounts and as a percentage of the statewide average payment rates for such procedures other than under the State plan.

"(6) The statewide average payment rates and the statewide reasonable cost (as that term is defined by the appropriate State regulatory agency or agencies) for inpatient services for infants aged one and under furnished by disproportionate share hospitals (within the meaning of section 1923(a)(1)).

Information described in paragraphs (1) and (4) shall be provided separately for providers located in rural areas and for providers located in urban areas and the information described in paragraphs (2) and (3) shall be provided separately, to the extent practicable, for individuals located in rural areas and for individuals located in urban areas. In this section, the term 'medicaid beneficiaries' means individuals (as described in section 1902(l)(1)) entitled to benefits for services under the State plan under this title.

"(c) Nothing in this title (including section 1902(a)(30)(A)) shall be construed as preventing a State from establishing payment levels for services delivered to individuals described in section 1902(l)(1) that are higher for those services furnished in rural areas than those furnished in urban areas.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective upon the date of enactment of this Act.

SEC. 7. OPTIONAL AND MANDATORY CONTINUITY OF CARE.

(a) OPTIONAL CONTINUED ELIGIBILITY.—Section 1902a(e)(6) of the Social Security Act (42 U.S.C. 1396a(e)(6)) is amended by inserting "(A)" after "(6)" and by adding at the end the following new subparagraph:

"(B) At the option of a State, in the case of an individual described in subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), or (a)(10)(A)(ii)(IX) who, because of a change in income of the family of which the individual is a member, would not otherwise continue to be described in such subsection, the State may nonetheless treat the individual as being an individual described in such subsection and subparagraph (B) or (C) of subsection (1)(1) (as the case may be) without regard to such change of income through the end of the 1-year period beginning on the last date on which the individual was determined to be eligible for medical assistance as an individual described in such subsection.".

(b) MANDATORY CONTINUED ELIGIBILITY.—Section 1902(e) of such Act (42 U.S.C. 1396a(e)) is further amended—

(1) in the first sentence of paragraph (4), by striking "so long as" and all that follows through "the woman remains eligible for such assistance"; and

(2) in paragraph (6)(A) (as redesignated by subsection (a))—

(A) by striking "At the option of a State, in" and inserting "In", and

(B) by striking "the State plan may nonetheless treat the woman as being" and inserting "the woman shall be deemed to continue to be".

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to individuals born on or after July 1, 1990, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(2) The amendments made by subsection (b) shall apply to women effective with respect to determinations to terminate eligibility, based on change of income, made on or after July 1, 1990, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date. For purposes of the previous sentence, in the case of a woman who is provided ambulatory prenatal care pursuant to section 1920 of the Social Security Act during a presumptive eligibility period, the determination that the woman is not eligible for medical assistance (other than under such section) shall not constitute a termination of eligibility.●

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. BENTSEN):

S. 441. A bill to amend the Immigration and Nationality Act to make available funds to reimburse localities which are impacted by substantial increases in aliens applying for political asylum; to the Committee on the Judiciary.

REIMBURSEMENT OF CERTAIN LOCALITIES FOR COSTS OF POLITICAL REFUGEES

Mr. GRAHAM. Mr. President, many of the fastest-growing communities in our Nation have an unanticipated growth factor which is severely straining financial resources and social services and at times—the very fabric of those communities.

That growth is the arrival of thousands of refugees, undocumented aliens, asylum applicants—by whatever name, people from other countries who arrive in Miami or Brownsville or Los Angeles with nothing but their hopes and their needs.

Those people are not statistics—but they create some alarming ones for the local governments which must absorb the cost of caring for them. It is an unfair burden—Federal immigration policy and enforcement, Federal judicial decisions, all impact a few communities without the backing of Federal resources.

The bill I am introducing today cosponsored by Senator CONNIE MACK will amend section 404 of the Immigration Act to allow the U.S. Attorney General to release up to $20 million from the Immigration Emergency Fund to communities impacted by the recent influx of asylum seekers, many of those from Central America.

It does not require a declaration of emergency—the discretion to reimburse would be triggered by a significant increase in arrivals—an increase of 1,000 asylum applications experienced in an Immigration and Naturalization Service district during a calendar quarter over the previous quarter.

This is realistic and human legislation. Influxes of asylum seekers are a reality of the 1980's. We cannot pretend they don't exist and we cannot shift the entire burden of caring for them to local communities.

Just how severely these arrivals impact an area can be seen in the example of a single Nicaraguan family. We will call them the Cardozas: Manuel, Juana, who is expecting a child, 8-year-old Oscar, and 4-year-old Blanca.

The Cardozas arrive in Miami during 1988. In that year, Dade County, which includes the city of Miami, expended over $14 million in services to Nicaraguans. That figure does not include most costs to the city of Miami nor does it include the $104 million in new school facilities the county must now build.

It does include use of the existing school system, hospital services, emergency housing in a baseball stadium, and social and community college services. We can see the scope of the impact more clearly when we relate it to a single Nicaraguan family.

Upon arrival in Miami the Cardozas are temporarily housed in Bobby Maduro Baseball Stadium. Their stay costs about $232 per person. Then they find housing through a local church group at a cost of $400 a month. Pro bono legal counsel to assist them in filling out an asylum application is worth $300.

Oscar is enrolled in public school at a cost to the State and county school board of $3,930 a year. His sister, Blanca, will be in day care after Juana has her baby and that cost is picked up by volunteer groups or families.

Manuel goes to English language and vocational skills training at Miami Dade Community College on a $420 scholarship—but he has no legal work permit—so he looks for illegal work at very low pay. The family is now living on charity. Medical and educational services are still provided for them.

Juana gives birth to a son at Jackson Memorial Hospital. If it is a normal birth, the cost to the hospital is $2,500. If there are complications, if the baby requires neonatal care—the cost is between $10,000 and $15,000.

The Cardozas are not a family of extraordinary needs but the cost of supplying their most basic needs fast becomes astronomical. These costs do not take into account untold charitable donations, police and municipal services which must now be stretched to encompass thousands of new people, or the tensions the community experiences.

Our old definition of an emergency doesn't quite fit the Cardozas and the thousands of families like them. But they are an urgent problem all the same. That is why it makes sense to empower the Attorney General to designate funds—at his discretion—to those areas absorbing large numbers of asylum seekers.

This is a short term strategy to deal with a present crisis. The next step will be to appropriate the money authorized for the immigration emergency fund which has not yet been funded.

We cannot, in good conscience, turn our backs on the communities which are bearing the brunt of these influxes. The issues at stake in asylum applications are complex ones, but the simple fact of feeding and clothing and caring for people who arrive on our doorstep without warning and without resources is an inescapable reality.

Immigration control is a Federal responsibility. Clearly, any costs to local communities resulting from refugee arrivals stimulated by foreign policy decisions or a failure to control U.S. borders should be borne by the Federal Government.

Our support of this bill will send an unmistakable signal to local governments that the Federal Government is prepared to act responsibly and fairly in dealing with the special problems arising from influxes of refugees and asylum seekers.

Mr. President. I ask unanimous consent that the text of the bill as well as a report from GAO be printed in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Whenever a district director of the Service certifies to the Commissioner that the number of asylum applications filed in the respective district during a calendar quarter exceeded by 1,000 or more the number of asylum applications filed in that district during the preceding calendar quarter, then funds which are authorized to be appropriated by paragraph (1), subject to the dollar limitation contained in subsection (b), shall be available for the reimbursement of localities providing assistance to aliens in that district who have asylum applications pending.

"(B) Not more than $20,000,000 shall be available for all localities eligible for benefits under this paragraph.

"(C) For purpose of subparagraph (A), the requirement of paragraph (1) that an immigration emergency be determined shall not apply.".

[Factsheet from the General Accounting Office for Hon. Bob Graham and Hon. Connie Mack]

Asylum Applicants—Financial Impact on Local Services in the Miami Area

In response to your joint request, we met individually with Miami area officials [1] on February 1, 1989, to discuss how the influx of Nicaraguans entering the country at Brownsville, Texas, has affected local service providers in Miami. The Miami officials expressed concern about (1) the financial strain on their public and private organizations providing services to the aliens (e.g., education for children and health needs) and (2) the aliens' general welfare.

After briefing your offices on the result of the meetings with Miami officials, you asked us to provide you with a written summary of the information provided to us. The information Miami officials provided was (1) derived from the data they had at the time of the meetings and (2) not verified by us. The Greater Miami Chamber of Commerce set the agenda and invited the participants. Representatives from your Miami offices were present.[2]

BACKGROUND

United States law allows aliens legally or illegally in this country to apply for asylum. To be granted asylum, an alien is required to demonstrate a well-founded fear of persecution in his or her home country (or country of habitual residence for those persons having no nationality) because of race, religion, nationality, political opinion, or membership in a social group.

The Refugee Act of 1980 established the authority for any alien present in the United States, or at a land border or port-of-entry, to apply for asylum irrespective of the alien's immigration status. The act authorizes the Attorney General at his discretion to grant asylum to an alien who meets the definition of a refugee and requires that the Attorney General establish a uniform procedure for determining the eligibility of an alien for asylum. The Attorney General has delegated his authority to grant asylum to the 33 district directors of the Immigration and Naturalization Service (INS) and the immigration judges in the Department of Justice's Executive Office for Immigration Review.

According to an INS official, the 10 INS district offices with the largest volume of asylum applications received 56,067 applications in fiscal year 1988. The INS Los Angeles District Office received the most applications (28,491), and the INS Miami District Office was second with 8,214 applications. INS estimates that these 10 districts will receive 76,857 applications in fiscal year 1989, or a 37-percent increase from the previous fiscal year. Fiscal year 1989 estimates show that the Los Angeles District will remain first with 33,857 applications and that the Miami District will remain second with 15,021 applications. The estimate for the Miami District shows an 83-percent increase to 15,021.

According to INS statistics, of the 6,270 aliens applying for asylum in INS' Harlingen District in Texas between January 9 and 27, 1989, 38 percent were from Nicaragua and 29 percent were from El Salvador. Miami was the most frequent destination given (31 percent) and Los Angeles the second (19 percent). of the 1,947 applicants going to Miami, about three-fourths (1,440) were Nicaraguans. The remainder were Hondurans (237), Guatemalans (121), and El Salvadoreans (75). The country of origin for 68 aliens was unknown and 6 came from 5 other countries.

INFORMATION DADE COUNTY PUBLIC SCHOOLS OFFICIALS PROVIDED

Dade County has the largest school enrollment in Florida—an estimated 323,380 students for the 1988 to 1989 school year—and the largest estimated increase in enrollment (67,008) from 1980 to 1990. Both its current enrollment and estimated increase is about twice that (1) of the second largest school district and (2) of the district with the next largest estimated increase. The district is beginning a massive construction and renovation program to accommodate student growth. Forty-nine schools are scheduled for construction in the next 5 to 7 years. Although voters passed a $980 million bond referendum in March 1988, the construction plans did not consider the substantial increase in Nicaraguans. The District has now tapped all available state and local funding sources for its capital construction program and must now address the influx of aliens. According to the district, its present student space is already 20 percent less than what is needed for just its current enrollment. To handle the overcrowding, class size has been increased, space is being rented, and rooms not intended to be used as classrooms are being used as such.

According to officials from Dade County Public Schools, a critical problem is a lack of classroom space, but the district has operating expenses of $5.8 million for school years 1987 to 1988 and 1988 to 1989 that were not reimbursed by the state. They

[1] Offices represented were: Dade County Public Schools, Office of Metro-Dade County Manager, Florida Health and Rehabilitation Services, City of Miami, United Way, Miami-Dade Community College, and Immigration and Naturalization Service Miami District Office.

[2] We met with the Immigration and Naturalization Service Miami District Director separately.

added that illiteracy levels among the new aliens place even more demands on the district school system.

INFORMATION THE OFFICE OF THE METRO-DADE COUNTY MANAGER PROVIDED

In calendar year 1988, Nicaraguans received an estimated $4 million in social services in addition to those provided by the school system. At Jackson Memorial Hospital, an estimated $3,350,00 was spent to provide health services to Nicaraguan patients classified as indigent or temporarily indigent. The Community Action Agency provided about $480,000 in social services to Nicaraguans for education, health, and nutrition programs. In addition, the Department of Human Resources spent $50,000 for such things as neighborhood emergency services and child and elderly services for about 2,000 Nicaraguans.

INFORMATION CITY OF MIAMI OFFICIALS PROVIDED

On December 14, 1988, the City of Miami offered an emergency shelter at the Bobby Maduro Stadium for the homeless, who included Nicaraguan refugees. The City provided dormitory/sleeping arrangements, meals, job placement, and transportation assistance. City staff have also coordinated volunteer case management services and mental health and primary health services through local agencies. A total of 808 people received services: 433 Nicaraguans and 375 other homeless individuals.

The city estimated the cost of these services since December 14, 1988, to be about $4,000 a day. Most of the daily cost ($3,336) was for personnel and labor (e.g., police, and parks and recreation staff). The remaining daily cost ($683) was for such things as cars, supplies, and property maintenance. Costs are also being incurred for Nicaraguans sheltered at another facility (Pastoral Activity Center).

The Miami City officials said that the Nicaraguans were not causing a crime problem and expressed concern about their plight and the need to find a permanent solution to their problem. The officials believed that if INS denies the aliens' asylum requests, they would try to remain there illegally.

INFORMATION UNITED WAY OFFICIALS PROVIDED

Officials from the United Way of Dade County discussed activities being provided to the Nicaraguans by the private sector. While data was not available from all the member organizations, United Way officials said that one of the United Way agencies provided assistance to 584 Nicaraguans at a cost of $24,744 during the 6 months ending December 31, 1988.

INFORMATION MIAMI-DADE COMMUNITY COLLEGE OFFICIALS PROVIDED

During the 1987 to 1988 school term, Miami-Dade Community College provided education to 1,890 Nicaraguans [3] at a cost of $2,7132,000, which the college bore. The college expects the number of Nicaraguan students to increase by 40 percent to 2,646 in 1989 to 1990.

As arranged with your offices, unless you publicly announce the contents of this fact sheet earlier, we plan no further distribution until 30 days from the date of issuance. At that time, we will send copies to interested parties and make copies available to others upon request. If there are any questions concerning the contents of this fact sheet, please call me at (202) 275-8389.

[3] Data did not indicate when these students entered the country.

By Mr. HOLLINGS:

S. 442. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to provide a trust fund in the Department of the Treasury restricting the use of revenues from the value added tax to deficit and debt reduction; to the Committee on Finance.

DEFICIT AND DEBT REDUCTION ACT

● Mr. HOLLINGS. Mr. President, I rise to introduce in the Senate a bill aimed at enacting a 5-percent value added tax beginning in fiscal year 1990. I do so knowing full well that, as a revenue bill, this measure must find an appropriate legislative vehicle in the other body. Nonetheless, it is urgently important that this proposal be on the table and under discussion in the Senate.

Likewise, Mr. President, I introduce this bill knowing full well that the VAT is a tax that everyone loves to hate. But I am convinced that it is our best bet for reining in America's self-destructive borrowing binge and returning the Federal budget to balance.

Before discussing the virtues of VAT, let us bear in mind the fiscal realities that make this new revenue initiative so imperative. For 8 years now we have listened to the gospel of "no new taxes" and "economic growth will balance the budget." But the fact is that the deficit picture is getting worse, not better. Last year's deficit was $155 billion. This year's is projected at $161 billion.

The Republican President and Democratic Congress are bipartisan to a fault on spending—and taxes. Both are eager to spend more for child care, education, the environment, fighting drugs, and so forth. And neither is willing to raise taxes to pay for it. Under the cloak of bipartisanship, the President and Congress are ready, willing, and able to spend more and pay less.

Now the rude awakening. Yes, we have cut domestic programs over the last 8 years. But by opposing taxes, by refusing to pay for the increases in defense and entitlement programs, the national debt has tripled to nearly $2.6 trillion. Annual interest costs are now $130 billion more than when President Reagan took office in 1981.

In other words, Mr. President, we have begun a permanent new $130 billion spending program that buys not even a paperclip for the American people—indeed, some 30 percent of the interest on our national debt goes to foreigners, most of them Japanese. The days of Rome have returned whereby we in Government are buying the votes of the people with bread and circuses—and debt.

The games we play in Washington must stop. In the Budget Committee and elsewhere, I have outlined my prescription for the Federal budget mess: Freeze most Government spending and enact a 5-percent value added tax [VAT]. Let me make clear right up front my two stipulations regarding the VAT: First, it must exempt food, housing, and health care, thus preventing undue impact on lower income households; and second, all VAT revenues must be placed in an untouchable escrow trust fund earmarked exclusively to reduce the deficit and debt. We must not use these new revenues to stoke up the Federal gravy train again.

What exactly is a VAT? In a nutshell, a VAT is a consumption tax very similar to a retail sales tax. The difference is that, instead of being collected at the cash register, it is collected at each stage in the production and distribution process. Consider, for example, a simple loaf of bread. The farmer, miller, baker, trucker, and grocer are all involved in growing the ingredients, producing the bread, and delivering it to the consumer. A VAT would be assessed on the value added by each firm that is involved in the production and distribution of the loaf of bread. Lest there be any misunderstanding, let's be clear that we are talking about a 5-percent tax strictly on the added increment of value at each stage of production. The net effect then, is an overall 5-percent tax on the total value of the product or service.

VAT's are currently in place throughout the industrialized world. European nations average a 16-percent VAT; in Korea, its 25 percent. As their experience demonstrates, a VAT fosters higher savings, lower interest rates, and—after the first year—lower inflation. It does this by giving people an incentive to cut back on their consumption of nonnecessities. Bear in mind, too, that a VAT poses no threat whatsoever to economic prosperity. A recent study compared 12 industrialized nations that levy a VAT with 12 nations that do not; the study found no difference in overall growth rates between the VAT and non-VAT nations.

A VAT would also serve to reduce the United States huge trade deficit. After all, many of those nonnecessities are luxury consumer goods imported from abroad. Even more important, under international agreements, a VAT is the only kind of tax that can be legally rebated on exported items. In other words, when Mercedes-Benz exports a car to the United States, the German Government rebates the VAT to the manufacturer; this saves Mercedes-Benz on its tax bill, and it makes German cars less expensive and more competitive on the United States market. As Lester Thurow, dean of the business school at MIT, says:

The rules of international trade are structured to make you stupid if you don't have a value added tax.

Of course, the best rationale for a VAT is that, even at a lower percentage rate, it raises one heck of a lot of money. A 5-percent VAT will bring in $70 billion. We need every penny of it. We can't afford another round of the old game of cutting and pasting, selling assets and adopting marginal revenue enhancements to raise $15 billion; meanwhile, interest costs will jump $20 billion and nullify our efforts.

Mr. President, there is no free lunch. Every year that we delay facing reality on the Federal budget, we deepen the harm to our Nation and further mortgage our children's future. We need the freeze, the VAT tax, and the trust fund—now. I urge my colleagues' support for this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit and Debt Reduction Act of 1989".

TITLE I—VALUE ADDED TAX

SEC. 101. IMPOSITION OF VALUE ADDED TAX.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 30—VALUE ADDED TAX

"SUBCHAPTER A. Imposition of tax.

"SUBCHAPTER B. Taxable transaction.

"SUBCHAPTER C. Taxable amount; rate of tax for certain transactions; credit against tax.

"SUBCHAPTER D. Administration.

"SUBCHAPTER E. Definitions and special rules; treatment of certain transactions.

"Subchapter A—Imposition of Tax

"Sec. 4001. Imposition of tax.

"SEC. 4001. IMPOSITION OF TAX.

"(a) GENERAL RULE.—A tax is hereby imposed on each taxable transaction.

"(b) AMOUNT OF TAX.—Except as otherwise provided in this chapter, the amount of the tax shall be 5 percent of the taxable amount.

"Subchapter B—Taxable Transaction

"Sec. 4003. Taxable transaction.

"Sec. 4004. Commercial-type transaction.

"Sec. 4005. Taxable person.

"Sec. 4006. Transactions in the United States.

"Sec. 4007. Rules relating to other terms used in section 4003.

"SEC. 4003. TAXABLE TRANSACTION.

"For purposes of this chapter, the term 'taxable transaction' means—

"(1) the sale of property in the United States,

"(2) the performance of services in the United States, and

"(3) the importing of property into the United States,

by a taxable person in a commercial-type transaction.

"SEC. 4004. COMMERCIAL-TYPE TRANSACTION.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'commercial-type transaction' means a transaction engaged in by—

"(1) a corporation, or

"(2) any person (other than a corporation) in connection with a business.

"(b) SALES AND LEASES OF REAL PROPERTY; IMPORTS.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'commercial-type transaction' includes—

"(A) any sale or leasing of real property, and

"(B) any importing of property,

whether or not such transaction is described in subsection (a).

"(2) CERTAIN IMPORTED ARTICLES.—Notwithstanding paragraph (1)(B), the importing of an article which is free of duty under part 2 of schedule 8 of the Tariff Schedules of the United States shall not be treated as a commercial-type transaction unless such transaction is described in subsection (a).

"SEC. 4005. TAXABLE PERSON.

"(a) GENERAL RULE.—Except as otherwise provided in this chapter, for purposes of this chapter, the term 'taxable person' means a person who engages in a business or in a commercial-type transaction.

"(b) TREATMENT OF EMPLOYEES, ETC.—For purposes of this chapter, an employee shall not be treated as a taxable person with respect to activities engaged in as an employee.

"SEC. 4006. TRANSACTIONS IN THE UNITED STATES.

"(a) SALES OF PROPERTY.—For purposes of this chapter—

"(1) IN GENERAL.—Except as provided in paragraph (2), the sale of property shall be treated as occurring where delivery takes place.

"(2) REAL PROPERTY.—The sale of real property shall be treated as occurring where the real property is located.

"(b) PERFORMANCE OF SERVICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, a service shall be treated as occurring where it is performed.

"(2) SERVICES PERFORMED INSIDE AND OUTSIDE UNITED STATES.—If a service is performed both inside and outside the United States, such service shall be treated as performed—

"(A) inside the United States, if 50 percent or more of such service is performed inside the United States, and

"(B) outside the United States, if less than 50 percent of such service is performed inside the United States.

"SEC. 4007. RULES RELATING TO OTHER TERMS USED IN SECTION 4003.

"(a) EXCHANGES TREATED AS SALES.—For purposes of this chapter—

"(1) an exchange of property for property or services shall be treated as a sale of property, and

"(2) an exchange of services for property or services shall be treated as the performance of services.

"(b) CERTAIN TRANSFERS TO EMPLOYEES TREATED AS SALES.—For purposes of this chapter, the transfer of property to an employee as compensation (other than a transfer of a type for which no amount is includible in the gross income of employees for purposes of chapter 1) shall be treated as the sale of property.

"(c) PERFORMANCE OF SERVICES.—For purposes of this chapter—

"(1) CERTAIN ACTIVITIES TREATED AS PERFORMANCE OF SERVICES.—Activities treated as included in the performance of services shall include (but shall not be limited to)—

"(A) permitting the use of property,

"(B) the granting of a right to the performance of services or to reimbursement (including the granting of warranties, insurance, and similar items), and

"(C) the making of a covenant not to compete (or similar agreement to refrain from doing something).

"(2) EMPLOYERS AND EMPLOYEES.—

"(A) SERVICES FOR EMPLOYER.—An employee's services for his employer shall not be treated as the performance of services.

"(B) SERVICES FOR EMPLOYEE.—An employer's services for his employee shall not be treated as the performance of services unless such services are of a type which constitute gross income to the employee for purposes of chapter 1.

"(3) PERFORMANCE OF SERVICES TREATED AS SALE OF SERVICES.—The performance of services shall be treated as the sale of services.

"Subchapter C—Taxable Amount; Rate of Tax for Certain Transactions; Credit Against Tax

"Sec. 4011. Taxable amount.

"Sec. 4012. Zero rating for food, housing, and medical care.

"Sec. 4013. Zero rating for farmers, fishermen, mass transit, exports, and interest.

"Sec. 4014. Governmental entities.

"Sec. 4015. Exempt organizations.

"Sec. 4016. Credit against tax.

"SEC. 4011. TAXABLE AMOUNT.

"(a) AMOUNT CHARGED CUSTOMER.—For purposes of this chapter, the taxable amount for any transaction for which money is the only consideration shall be the price charged the purchaser of the property or services by the seller thereof—

"(1) including all invoiced charges for transportation, and other items payable to the seller with respect to this transaction, but

"(2) excluding the tax imposed by section 4001 with respect to this transaction and excluding any State and local sales and use taxes with respect to this transaction.

"(b) EXCHANGES.—For purposes of this chapter, the taxable amount in any exchange of property or services shall be the fair market value of the property or services transferred by the person liable for the tax (determined as if such person had sold the property or services to the other party to the exchange).

"(c) IMPORTS.—For purposes of this chapter, the taxable amount in the case of any import shall be—

"(1) the customs value plus customs duties and any other duties which may be imposed, or

"(2) if there is no such customs value, the fair market value (determined as if the importer had sold the property).

"(d) SPECIAL RULE IN THE CASE OF SALES OF CERTAIN USED CONSUMER GOODS.—For purposes of this chapter, if—

"(1) a taxable person acquires any tangible personal property in a transaction which was not a taxable transaction, and

"(2) such property had been used by an ultimate consumer before such acquisition,

the taxable amount in the case of any sale of such property by such taxable person (determined without regard to this subsection) shall be reduced by the amount paid for such property by such taxable person.

"SEC. 4012. ZERO RATING FOR FOOD, HOUSING, AND MEDICAL CARE.

"(a) ZERO RATING FOR FOOD, HOUSING, AND MEDICAL CARE.—The rate of the tax imposed by section 4001 shall be zero with respect to the following:

"(1) FOOD.—The retail sale of food and nonalcoholic beverages for human consumption (other than consumption on the premises).

"(2) HOUSING.—The sale and renting of residential real property for use by the purchaser or tenant as a principal residence.

"(3) MEDICAL CARE.—Medical care.

"(b) DEFINITIONS.—For purposes of subsection (a)—

"(1) NONALCOHOLIC BEVERAGES.—The term 'nonalcoholic beverages' does not include any article which is taxable under chapter 51.

"(2) MEDICAL CARE.—The term 'medical care' means the performance of any service, and the retail sale of any property, payment for which by the purchaser would constitute medical care within the meaning of section 213.

"(3) MOBILE HOMES, ETC., TREATED AS REAL PROPERTY.—A mobile or floating home shall be treated as real property.

"(c) ADVANCE ZERO RATING.—The Secretary shall prescribe regulations under which any item which becomes clearly identifiable as an item to which subsection (a) will apply when it reaches the retail stage shall be zero rated for all transactions after it becomes so clearly identifiable.

"SEC. 4013. ZERO RATING FOR FARMERS, FISHERMEN, MASS TRANSIT, EXPORTS, AND INTEREST.

"The rate of the tax imposed by section 4001 shall be zero with respect to the following:

"(1) SALES BY FARMERS OR FISHERMEN.—The sale (other than at retail) of—

"(A) agricultural commodities by the producer of such commodities, or

"(B) fish (or other form of aquatic animal life) by a person in whose business such fish (or other forms) were caught.

"(2) MASS TRANSIT.—The performance of mass transportation services in urbanized areas.

"(3) EXPORTS.—Exports of property.

"(4) INTEREST.—Interest.

"SEC. 4014. GOVERNMENTAL ENTITIES.

"(a) ZERO RATING FOR SALES TO GOVERNMENTAL ENTITIES AND EDUCATIONAL ACTIVITIES OF GOVERNMENTAL ENTITIES.—The rate of the tax imposed by section 4001 shall be zero with respect to the following:

"(1) SALES TO GOVERNMENTAL ENTITIES.—Any sale of property or services to a governmental entity.

"(2) EDUCATIONAL ACTIVITIES.—The providing by a governmental entity of property and services in connection with the education of students.

"(b) SALES, ETC., BY GOVERNMENTAL ENTITIES TAXABLE ONLY WHERE SEPARATE CHARGE IS MADE.—For purposes of this chapter, the sale of property and the performance of services by a governmental entity shall be a taxable transaction if (and only if) a separate charge or fee is made therefor.

"(c) GOVERNMENTAL ENTITY DEFINED.—For purposes of this chapter, the term 'governmental entity' means the United States, any State or political subdivision thereof, the District of Columbia, a Commonwealth or possession of the United States, or any agency or instrumentality of any of the foregoing.

"SEC. 4015. EXEMPT ORGANIZATIONS.

"(a) ZERO RATING FOR SECTION 501(c)(3) ORGANIZATIONS; CREDIT ALLOWED FOR ALL PURCHASES.—

"(1) ZERO RATING.—The rate of the tax imposed by section 4001 shall be zero with respect to any taxable transaction engaged in by a section 501(c)(3) organization other than as part of an unrelated business.

"(2) CREDIT ALLOWED FOR ALL PURCHASES.—For purposes of this chapter, a section 501(c)(3) organization shall be treated as engaged in a business with respect to all of its activities.

"(b) TAXABLE TRANSACTIONS IN CASE OF OTHER EXEMPT ORGANIZATIONS.—For purposes of this chapter, the sale of property and the performance of services by any exempt organization other than a section 501(c)(3) organization shall be a taxable transaction if (and only if) a charge or fee is made for such services.

"(c) DEFINITIONS.—For purposes of this chapter—

"(1) SECTION 501(C)(3) ORGANIZATIONS.—The term 'section 501(c)(3) organization' means an organization described in section 501(c)(3) which is exempt from tax under section 501(a).

"(2) OTHER EXEMPT ORGANIZATION.—The term 'other exempt organization' means any organization (other than a section 501(c)(3) organization) which is exempt from tax under chapter 1.

"SEC. 4016. CREDIT AGAINST TAX.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by section 4001 the aggregate amount of tax imposed by section 4001 which has been paid by sellers to the taxpayer of property and services which the taxpayer uses in the business to which the transaction relates.

"(b) EXEMPT TRANSACTIONS, ETC.—If—

"(1) property or services are used partly in the business and partly for other purposes, or

"(2) property or services are used partly for taxable transactions and partly for other transactions,

the credit shall be allowable only with respect to the property and services used for taxable transactions in the business. No credit shall be allowable for any transaction occurring when the taxpayer was a nontaxable person.

"(c) EXCESS CREDIT TREATED AS OVERPAYMENT.—

"(1) IN GENERAL.—If for any taxable period the aggregate amount of the credits allowable by subsection (a) exceeds the aggregate amount of the tax imposed by section 4001 for such period, such excess shall be treated as an overpayment of the tax imposed by section 4001.

"(2) TIME WHEN OVERPAYMENT ARISES.—Any overpayment under paragraph (1) for any taxable period shall be treated as arising on the later of—

"(A) the due date for the return for such period, or

"(B) the date on which the return is filed.

"Subchapter D—Administration

"Sec. 4021. Seller liable for tax.
"Sec. 4022. Tax invoices.
"Sec. 4023. De minimis exemption.
"Sec. 4024. Time for filing return and claiming credit; deposits of tax.
"Sec. 4025. Treatment of related businesses, etc.
"Sec. 4026. Secretary to be notified of certain events.
"Sec. 4027. Regulations.

"SEC. 4021. SELLER LIABLE FOR TAX.

"The person selling the property or services shall be liable for the tax imposed by section 4001.

"SEC. 4022. TAX INVOICES.

"(a) SELLER MUST GIVE PURCHASER TAX INVOICE.—Any taxable person engaging in a taxable transaction shall give the purchaser a tax invoice with respect to such transaction if the seller has reason to believe that the purchaser is a taxable person.

"(b) CONTENT OF INVOICE.—The tax invoice required by subsection (a) with respect to any transaction shall set forth—

"(1) the name and identification number of the seller,

"(2) the name of the purchaser,

"(3) the amount of the tax imposed by section 4001, and

"(4) such other information as may be prescribed by regulations.

"(c) NO CREDIT WITHOUT INVOICE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a purchaser may claim a credit with respect to a transaction only if the purchaser—

"(A) has received from the seller and has in his possession a tax invoice which meets the requirements of subsection (b), and

"(B) is named as the purchaser in such invoice.

"(2) EMPLOYEES OR OTHER AGENTS NAMED IN INVOICES.—To the extent provided in regulations, the naming of an employee or other agent of the purchaser shall be treated as the naming of the purchaser.

"(3) WAIVER OF INVOICE REQUIREMENT IN CERTAIN CASES.—To the extent provided in regulations, paragraph (1) shall not apply—

"(A) where the purchaser without fault on his part fails to receive or fails to have in his possession a tax invoice,

"(B) to a taxable transaction (or category of transactions) where—

"(i) the amount involved is de minimis, or

"(ii) the information required by subsection (b) can be reliably established by sampling or by another method and can be adequately documented.

"(d) TIME FOR FURNISHING INVOICE.—Any invoice required to be furnished by subsection (a) with respect to any transaction shall be furnished not later than 15 business days after the tax point for such transaction.

"SEC. 4023. DE MINIMIS EXEMPTION.

"(a) IN GENERAL.—Under regulations, a person—

"(1) whose aggregate taxable transactions for the calendar year do not exceed $20,000, and

"(2) whose aggregate taxable transactions for the next calendar year can reasonably be expected not to exceed $20,000,

may elect to be treated as a person who is not a taxable person for the next calendar year.

"(b) EXCEPTIONS.—Subsection (a) shall not apply—

"(1) to any sale or leasing of real property, and

"(2) to any importing of property.

"(c) TERMINATION OF ELECTION.—Any election under subsection (a) for a calendar year shall terminate if the aggregate taxable transactions—

"(1) for the first calendar quarter in such year exceed $7,000,

"(2) for the first 2 calendar quarters in such year exceed $12,000, or

"(3) for the first 3 calendar quarters in such year exceed $17,000.

Such termination shall take effect on the first day of the second month following the close of the first period in which the requirements of paragraph (1), (2), or (3) are met.

"(d) TAXABLE AMOUNT TREATED AS ZERO FOR ZERO-RATED TRANSACTIONS.—For purposes of this section, the taxable amount of any zero-rated transaction shall be treated as zero.

"(e) CONDITION OF ELECTION.—In the case of a person who is a taxable person for any period, an election under subsection (a) may be made for succeeding periods only with the consent of the Secretary. Such consent shall be conditioned on placing such person, for all succeeding periods, in the same position with respect to the tax imposed by section 4001 (and the credit allowed by section 4016) he would have been in if all property and services he holds at the time he becomes a nontaxable person had been acquired as a nontaxable person.

"(f) CASUAL SALES AND LEASES OF REAL PROPERTY EXCLUDED.—For purposes of this section, the term 'taxable transaction' does not include a transaction which is treated as a commercial-type transaction solely by reason of section 4004(b)(1)(A).

"SEC. 4024. TIME FOR FILING RETURN AND CLAIMING CREDIT; DEPOSITS OF TAX.

"(a) FILING RETURN.—Before the first day of the second calendar month beginning after the close of each taxable period, each taxable person shall file a return of the tax imposed by section 4001 on taxable transactions having a tax point within such taxable period.

"(b) CREDIT ALLOWED FOR TAXABLE PERIOD IN WHICH PURCHASER RECEIVES INVOICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a credit allowable by section 4016 with respect to a transaction may be allowed only for the first taxable period by the close of which the taxpayer—

"(A) has paid or accrued amounts properly allocable to the tax imposed by section 4001 with respect to such transaction, and

"(B) has a tax invoice (or equivalent) with respect to such transaction.

"(2) USE FOR LATER PERIOD.—Under regulations, a credit allowable by section 4016 may be allowed for a period after the period set forth in paragraph (1).

"(c) TAXABLE PERIOD.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'taxable period' means a calendar quarter.

"(2) EXCEPTION.—

"(A) ELECTION OF 1-MONTH PERIOD.—If the taxpayer so elects, the term 'taxable period' means a calendar month.

"(B) OTHER PERIODS.—To the extent provided in regulations, the term 'taxable period' includes a period, other than a calendar quarter or month, selected by the taxpayer.

"(d) TAX POINT.—For purposes of this chapter—

"(1) CHAPTER 1 RULES WITH RESPECT TO SELLER GOVERN.—Except as provided in paragraph (2), the tax point for any sale of property or services is the earlier of—

"(A) the time (or times) when any income from the sale should be treated by the seller as received or accrued (or any loss should be taken into account by the seller) for purposes of chapter 1, or

"(B) the time (or times) when the seller receives payment for the sale.

"(2) IMPORTS.—In the case of the importing of property, the tax point is when the property is entered, or withdrawn from warehouse, for consumption in the United States.

"(e) MONTHLY DEPOSITS REQUIRED.—To the extent provided in regulations, monthly deposits may be required of the estimated liability for any taxable period for the tax imposed by section 4001.

"SEC. 4025. TREATMENT OF RELATED BUSINESSES, ETC.

"(a) GENERAL RULE.—For purposes of this chapter (other than section 4023), to the extent provided in regulations, the taxpayer may elect—

"(1) to treat as 1 taxable person 2 or more businesses which may be treated under section 52(b) as 1 employer, and

"(2) to treat as separate taxable persons separate divisions of the same business.

"(b) DE MINIMUS EXEMPTION.—For purposes of section 4023, all businesses which are under common control (within the meaning of section 52(b)) shall be treated as 1 business.

"SEC. 4026. SECRETARY TO BE NOTIFIED OF CERTAIN EVENTS.

"To the extent provided in regulations, each person engaged in a business shall notify the Secretary (at such time or times as may be prescribed by such regulations) of any change in the form in which a business is conducted or any other change which might affect the liability for the tax imposed by section 4001 or the amount of such tax or any credit against such tax, or otherwise affect the administration of such tax in the case of such person.

"SEC. 4027. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this chapter.

"Subchapter E—Definitions and Special Rules; Treatment of Certain Transactions

"Sec. 4031. Definitions.

"Sec. 4032. Special rules.

"Sec. 4033. Personal use by owner of business property or services.

"Sec. 4034. Gift of business property or services.

"Sec. 4035. Special rules for dispositions of nonbusiness real property.

"Sec. 4036. Special rule for insurance contracts.

"SEC. 4031. DEFINITIONS.

"(a) PROPERTY.—For purposes of this chapter, the term 'property' means any tangible property.

"(b) BUSINESS.—For purposes of this chapter, the term 'business' includes—

"(1) a trade, and

"(2) an activity regularly carried on for profit.

"(c) EMPLOYEE.—For purposes of this chapter, the term 'employee' has the meaning such term has for purposes of chapter 24 (relating to withholding).

"(d) PERSON.—For purposes of this chapter, the term 'person' includes any governmental entity.

"(e) BUSINESS DAY.—For purposes of this chapter, the term 'business day' means any day other than Saturday and Sunday and other than a legal holiday (within the meaning of section 7503).

"(f) UNITED STATES.—For purposes of this chapter, the term 'United States', when used in a geographical sense, includes a Commonwealth and any possession of the United States.

"SEC. 4032. SPECIAL RULES.

"(a) COORDINATION WITH SUBTITLE A.—For purposes of subtitle A—

"(1) TREATMENT OF CREDIT.—Any credit allowable to a taxpayer under section 4016 which is attributable to any property or services shall be treated as a reduction in the amount paid or incurred by the taxpayer for such property or services.

"(2) AMOUNT OF DEDUCTION FOR TAX.—The amount allowable as a deduction for the tax imposed by section 4001 shall be determined without regard to any credit allowable under section 4016.

"(3) COMPUTATION OF PERCENTAGE DEPLETION.—For purposes of sections 613 and 613A—

"(A) gross income shall be reduced by the amount of the tax imposed by section 4001, and

"(B) taxable income shall be determined without regard to any deduction allowed for such tax.

"(b) SPECIAL RULE WHERE SALE OF PROPERTY INCLUDES INCIDENTAL PERFORMANCE OF SERVICES.—For purposes of this chapter, if in connection with the sale of any property there is an incidental performance of services, such performance of services shall be treated as part of the sale of such property.

"(c) SPECIAL RULE WHERE PERFORMANCE OF SERVICES INCLUDES INCIDENTAL TRANSFER OF PROPERTY.—For purposes of this chapter, if in connection with the performance of any services there is an incidental transfer of property, such transfer shall be treated as part of the performance of such services.

"(d) AUTHORITY TO ZERO RATE DE MINIMIS TRANSACTIONS, ETC.—The Secretary may prescribe regulations providing that the rate of tax shall be zero for a taxable transaction (or category of such transactions) where—

"(1) the amount involved is de minimis, or

"(2) the revenue raised by taxing the transaction is not sufficient to justify the administrative and other costs involved in the payment and collection of the tax.

"(e) IMPORTING TREATED AS SALE AND PURCHASE.—For purposes of this chapter, the importing of any property into the United States shall be treated as both a sale and purchase of such property by the person importing such property.

"(f) SUBCHAPTER S CORPORATION TREATED AS NOT A CORPORATION.—For purposes of this chapter, an S corporation (as defined in section 1361(a)) shall be treated as a person which is not a corporation.

"(g) USE INCLUDES HELD FOR USE.—For purposes of this chapter, property and services held for use by any person shall be treated as used by the person.

"SEC. 4033. PERSONAL USE BY OWNER OF BUSINESS PROPERTY OR SERVICES.

"(a) GENERAL RULE.—If any business property or services are used by an owner of the taxpayer for personal purposes, for purposes of this chapter such use shall be treated as a taxable transaction.

"(b) TAXABLE AMOUNT.—In the case of a use described in subsection (a), for purposes of this chapter, the taxable amount shall be—

"(1) except as provided in paragraph (2), the fair market value of the property or the services, or

"(2) if such use is only the temporary use of property, the fair rental value of such use.

"(c) DEFINITIONS.—For purposes of this section—

"(1) BUSINESS PROPERTY OR SERVICES.—The term 'business property or services' means any property or services if a sale of such property, or the performance of such serv-

ices, by the taxpayer would be a taxable transaction.

"(2) OWNER.—The term 'owner' means—

"(A) in the case of a sole proprietorship, the proprietor,

"(B) in the case of any other business enterprise, any holder of a beneficial interest in the corporation, partnership, or other entity, and

"(C) any member of the family (within the meaning of section 267(c)(4)) of an individual described in subparagraph (A) or (B).

"SEC. 4034. GIFT OF BUSINESS PROPERTY OR SERVICES.

"(a) GENERAL RULE.—In the case of any gift of business property or services, for purposes of this chapter—

"(1) such gift shall be treated as a taxable transaction, and

"(2) the taxable amount shall be the amount determined under section 4033(b).

"(b) GIFTS RELATED TO BUSINESS PROMOTION ACTIVITIES.—For purposes of subsection (a), the term 'gift' includes any gift of property or services transferred in connection with business promotion activities.

"SEC. 4035. SPECIAL RULES FOR DISPOSITIONS OF NONBUSINESS REAL PROPERTY.

"(a) IN GENERAL.—In the case of any sale of real property which is treated as a commercial-type transaction solely by reason of section 4004(b)(1)(A), for purposes of this chapter, the taxable amount shall be the excess (if any) of—

"(1) the amount realized on such sale, over

"(2) the adjusted cost to the taxpayer of such real property.

"(b) ADJUSTED COST.—For purposes of subsection (a)—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'adjusted cost' means, with respect to any property, the basis of such property increased by expenditures properly chargeable to capital account (other than taxes or other carrying charges described in section 266) for periods during the holding period for such property.

"(2) TRANSITIONAL RULE.—The adjusted cost of any property shall include only amounts incurred during periods after December 31, 1989.

"(c) VALUE ADDED TAX NOT TAKEN INTO ACCOUNT.—For purposes of this section, the amount realized on any sale of real property shall not include any amount attributable to the tax imposed by this chapter.

"SEC. 4036. SPECIAL RULE FOR INSURANCE CONTRACTS.

"In the case of any contract of insurance, for purposes of this chapter, the taxable amount is the excess of—

"(1) the portion of the premium attributable to insurance coverage, over

"(2) the actuarial cost to the insurer of providing such insurance coverage.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by inserting before the item relating to chapter 31 the following:

"CHAPTER 30. Value added tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after December 31, 1989.

TITLE II—ALLOCATION OF REVENUES FROM VALUE ADDED TAX

SEC. 201. REVENUE FROM VALUE ADDED TAX TO BE USED TO REDUCE THE PUBLIC DEBT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§ 3114. Certain proceeds of value added tax to reduce public debt

"(a) There is established in the Treasury of the United States a trust fund to be known as the 'Deficit Reduction Trust Fund'.

"(b)(1) There is appropriated to the Deficit Reduction Trust Fund amounts equivalent to amounts received in the Treasury after December 31, 1989, from the tax imposed under section 4001 of the Internal Revenue Code of 1986 (relating to the value added tax).

"(2) The amounts appropriated by paragraph (1) shall be transferred at least monthly from the General Fund in the Treasury to the Deficit Reduction Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1). Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) The Secretary of the Treasury shall use the money in the Deficit Reduction Trust Fund solely to—

"(1) pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt, and

"(2) pay for any administrative costs in collecting the tax imposed under section 4001 of the Internal Revenue Code of 1986 or in operating the Deficit Reduction Trust Fund.

"(d) Any obligation of the Government which is paid, redeemed, or bought with money from the Deficit Reduction Trust Fund shall be canceled and retired and may not be reissued.

"(e) In calculating for any fiscal year the deficit under section 3(6) of the Congressional Budget Act of 1974 for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985 (and in calculating the excess deficit under sections 251 and 252 of such Act)—

"(1) amounts received in the Deficit Reduction Trust Fund during such fiscal year shall not be included in total revenues, and

"(2) the disbursements out of such Trust Fund for such fiscal year shall not be included in total budget outlays.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"3114. Proceeds of value added tax to reduce public debt.".●

By Mr. CHAFEE (for himself and Mr. PELL):

S. 443. A bill to authorize the Secretary of the department in which the Coast Guard is operating to convey the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation; to the Committee on Commerce, Science, and Transportation.

SOUTHEAST LIGHTHOUSE PRESERVATION ACT

● Mr. CHAFEE. Mr. President, I am pleased to introduce legislation today that will transfer the historic Southeast Lighthouse on Block Island from the U.S. Coast Guard to the Block Island Southeast Lighthouse Foundation. This measure represents the first step in the renovation and renewal of one of Rhode Island's most memorable landmarks; the Southeast Light.

Lighthouses have played a glorious role in maritime history. From their beginning as beacon fires in the days of the ancient Egyptians to their latest incarnation as steel towers, lighthouses have guided, warned, and reassured mariners during their sea journeys.

Lighthouses have played a particularly special role in the History of the United States. Colonial settlers depended upon the sea for communication and travel, as well as for trade. As our country grew, our maritime traffic became heavier, and lighthouses began to spread along America's coasts. Today, lighthouses serve as monuments to the skill and determination of those who built them. They are inspiring reminders of our rich maritime heritage, and have become part of our national folklore.

The Southeast Lighthouse, located atop the dramatic Mohegan Bluffs on the south shore of Block Island, was erected in 1873 to guide vessels safely past the perils of the rocky coastline. First illuminated on February 1, 1875, it cast a light visible from 35 miles at sea, and represented the Federal Government's commitment to aid navigation around the island. With the establishment of the Federal Lighthouse Service in 1789, the light took its place as an important element in the Government's fight for marine safety.

But it was the lighthouse's combination of utility and beauty that stirred the pride and emotion of the islanders. With its imposing structure and the powerful light of its imported Fresnel lens, the lighthouse was the object of intense local pride, and became a favorite sight for visitors. Tourists, visiting Block Island in the late 19th century, wrote admiringly of the impressive red brick tower and its light.

That same local pride exists today. Block Islanders continue to cherish the light with the same enthusiasm. Indeed, the image of the light has become one of the most recognizable symbols of Rhode Island, used by many state agencies and commercial organizations to represent the State of Rhode Island and her maritime history.

Unfortunately, the rich and colorful era of traditional lighthouses has ended. Most modern lighthouses are automated, and many of the older lighthouses have fallen into disrepair. Of the more than 1,400 lighthouses that were once operational, only 750 are still standing today. The Southeast Light, located less than 100 feet from the eroding cliff edge, is in real danger of joining the shipwrecked vessels at the base of the cliffs.

But a rescue attempt is in progress. The Southeast Lighthouse Foundation, in conjunction with the Rhode

Island Historical Preservation Commission, the U.S. Coast Guard, and Block Island residents, is making a valiant effort to raise the money needed for the light's restoration and relocation.

Mr. President, the legislation I am introducing will transfer ownership of the Southeast Lighthouse from the Coast Guard to the Southeast Lighthouse Foundation. The Coast Guard, in its role as custodian, has done a commendable job in its efforts to preserve the light as a monument to maritime history in Rhode Island. But the Guard is hindered by the constraints of time and budget.

The Southeast Lighthouse Foundation, with the full approval of the Coast Guard, will take on full responsibility for the light's renovation. It hopes to raise the necessary funding for the light's survival, and help make the lighthouse a center for the interpretation and preservation of Block Island's rich maritime culture. Already the foundation has staged a successful exhibit celebrating the history of the lighthouse and of Block Island.

It is my hope that, with this legislation, the Southeast Light will be preserved for the sake of future generations. Given the strong commitment of the U.S. Coast Guard, the Block Island Southeast Light Foundation, the Rhode Island Historical Society, and Block Island residents, I believe that we can successfuly maintain this important State landmark.

Thank you, Mr. President. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Southeast Lighthouse Preservation Act of 1989".

PURPOSE

SEC. 2. The purpose of this Act is to enable the Block Island Southeast Lighthouse Foundation to establish and maintain a nonprofit center for public benefit at the property commonly referred to as the Block Island Southeast Lighthouse in the town of New Shoreham, Rhode Island, for the interpretation and preservation of the material culture of the United States Coast Guard and Block Island's maritime history.

TRANSFER OF LIGHTHOUSE

SEC. 3. The Secretary of the department in which the Coast Guard is operating is authorized to convey, by any appropriate means of conveyance, to the Block Island Southeast Lighthouse Foundation (hereinafter referred to as the "Foundation") of the town of New Shoreham, State of Rhode Island, all right, title, and interest of the United States, in and to certain property comprising the Block Island Southeast Lighthouse in the town of New Shoreham.

TERMS AND CONDITIONS

SEC. 4. (a) The conveyance pursuant to section 3 shall be made without the payment of consideration and shall be made subject to such terms and conditions as the Secretary of the department in which the Coast Guard is operating shall impose.

(b) In addition to any term or condition imposed pursuant to subsection (a), any such conveyance pursuant to this Act shall be made subject to the condition that if the property, or any part thereof, ceases to be used for the purpose of this Act, title to all such property so conveyed shall be deemed to have immediately reverted to the United States.

(c) Such conveyance shall include provisions necessary to assure that—

(1) the light, antennas, sound signal and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(2) the Foundation will not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(3) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property conveyed as may be necessary for navigation purposes;

(4) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining navigation aids; and

(5) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property conveyed pursuant to this Act.

(d) In no case, however, shall the Foundation have any obligation to maintain any active aid to navigation equipment on such property.

DEFINITION

SEC. 5. For purposes of this Act, the term "Block Island Southeast Lighthouse" means the lighthouse and attached keeper's dwelling, several ancillary buildings, a fog signal, together with such land as may be necessary for the purpose of this Act.

DESCRIPTION

SEC. 6. The Secretary of the department in which the Coast Guard is operating, in his discretion, is authorized to identify, describe, and determine the property and the amount thereof to be conveyed pursuant to this Act.

GRANT

SEC. 7. (a) Subject to subsection (b), the Secretary of Transportation is authorized to make a grant of $2,000,000 to the Block Island Southeast Lighthouse Foundation to enable it to carry out the provisions of section 2. Such grant shall be made at such time and subject to such terms and conditions as the Secretary may prescribe.

(b) No grant shall be made pursuant to subsection (a) unless the Secretary of Transportation has first determined that such Foundation has available to it, from a non-Federal source, not less than $2,000,000 for use in carrying out the purposes of section 2.

AUTHORIZATION

SEC. 8. There is authorized to be appropriated to the Secretary of Transportation the sum of $2,000,000 for use in making grants in accordance with this Act.●

By Mr. GLENN:

S. 444. A bill to amend the Federal Advisory Committee Act; to the Committee on Governmental Affairs.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS

● Mr. GLENN. Mr. President, I join with my distinguished colleagues on the Governmental Affairs Committee, Senators LEVIN, ROTH, PRYOR, KOHL, HEINZ, LIEBERMAN, STEVENS, and SASSER to introduce the Federal Advisory Committee Act Amendments of 1989. This bill represents a slightly modified version of legislation I introduced late in the 100th Congress (S. 2721) to amend FACA, and is part of the Governmental Affairs Committee's ongoing review of the operation of and compliance with this important open Government law.

FACA was enacted 16 years ago last October to provide a means for the Federal Government to account for and manage Federal advisory committees. In 1971 when FACA legislation was first introduced, Congress didn't even know how many advisory committees there were, how much they cost, or what they did, and there was no way to find out. Educated guesses on the number of advisory committees in existence ranged from 1,000 to 3,000 and no agency had the responsibility to monitor them.

In addition, there were no guarantees of public access to the deliberations of these advisory committees. Some met in closed sessions, and there was no requirement that public notice be given of advisory committee meetings that were open to the public. Concern was voiced that special interests could exercise undue influence on Government decisions without scrutiny.

These issues were addressed in FACA. FACA originally provided for OMB to conduct an annual review of all advisory committees, whether they were created by the executive branch or the Congress, and for OMB to review the charters of agency-created committees before they were established. President Carter transferred this responsibility to the General Services Administration in 1977. FACA required that advisory committee deliberations be in public, subject to certain exceptions which are set forth in the Government in the Sunshine Act. FACA also required that advisory committees be terminated after 2 years unless their charter was renewed by the parent agency. This was intended to slow the proliferation of unnecessary and duplicative committees, which were perceived as the largest problem area with advisory committees.

I think it is fair to say that FACA has served the Government and the public quite well. The real costs to the taxpayer have been held reasonably stable, as evidenced by a few very tell-

ing statistics. For instance, the total number of chartered advisory committees has remained relatively constant since 1979 with approximately 1,000 committees, councils, and advisory groups of one type or another in existence at any one time. During fiscal year 1988 alone, over 21,000 individuals served on 1,020 committees providing advice and recommendations to 58 departments and agencies.

The total committee costs have fluctuated, rising from $25 million in 1972 to over $92 million in 1988. However, when we convert these cost figures to 1972 dollars to account for inflation, the increase is much smaller—from $25 million in 1972 to only $35 million in 1988, a very modest increase. And though the nominal cost of each expert's advice per year has risen from $1,800 in 1974 to $4,360 in 1988, when we discount these figures for inflation, the cost per expert in real dollars has actually decreased to only $1,666 in 1988.

However, the story of FACA is not contained in the number of committees or their costs or the numbers of people involved. There is still, even after 16 years, considerable confusion concerning the interpretation of the most fundamental provisions of the act.

I am disturbed to find continued litigation over basic questions such as whether a specific group is an advisory committee as defined in the act or whether the group meets the act's balanced membership requirement. Over the years portions of the act have been criticized by several Federal court judges called upon to interpret its provisions and Congress' legislative intent.

Indeed, one Federal judge commenting on FACA said that it was:

> Obscure, imprecise, and open to broad interpretations. If more expertise were applied to such enactments to ensure that Congress states with more precision what it intends, the rules of the game would be more sharply drawn and court involvement could be less.

In another case involving a dispute over the balanced membership provision of FACA, the Federal district court judge commented that the requirement of FACA that advisory committees be fairly balanced "embodies inherent conceptual and practical difficulties." This very clearly puts the burden on Congress to resolve any difficulties inherent in the act.

Over the last 16 years the Governmental Affairs Committee has held a number of hearings on FACA. In 1976 the committee heard testimony from James Lynn, Director of OMB. He raised a number of questions about attaining an appropriate balance of membership on an advisory committee, open meetings, and the proliferation of advisory committees created by Congress. These comments were echoed again in 1984 by Joseph Wright, Deputy Director of OMB. In his testimony before the Committee's Information Management and Regulatory Affairs Subcommittee, he said:

> Some of the Act's provisions are not drawn, (we see in retrospect), with great clarity. Some are written in a fashion that permit lawyers to argue over their meaning almost endlessly. And, they have. There is also criticism of the way that the Act has been interpreted by the courts, and the effect that these decisions and the ambiguities of the Act have had on the ability of agency officials to obtain advice promptly or even to meet with members of the public.

Mr. Wright went on to cite specific problems with the language of FACA, including the definition and applicability of "balanced membership," the lack of definition of "meeting," and the applicability of FACA to subcommittees.

In response to this record, the Governmental Affairs Committee held two oversight hearings during the 100th Congress on compliance with FACA by the President's AIDS Commission (S. Hrg. 100-538, December 3, 1987) and the Department of Defense/SDIO (S. Hrg. 100-681, April 19, 1988). At both hearings the committee received a number of specific suggestions as to how the act should be clarified and improved. Again, the main areas of concern were the definition of balanced membership, the definition of advisory committee, the openness of meetings and availability of documents, and the need to ensure that members of advisory committees do not have conflicts of interest.

One area of particular concern to me that was highlighted at our oversight hearings is the proliferation of advisory committees created by Congress. So often our response to a problem is to create a committee or commission to study it. And while that in many cases may be the correct thing to do, a number of these committees linger on because Congress has either made the committee permanent, or given it too long a life span, or exempted it from FACA altogether. Mr. Paul T. Weiss, Associate Administrator for Administration of GSA, testified at our December 3 hearing:

> The number of committees directed by the Congress, as a percentage of the total inventory, has doubled over the past 10 years. While the majority of these committees no doubt serve useful purposes, many are established with no fixed date for termination. Consequently, when such groups have accomplished their missions, Federal departments and agencies are hindered in their efforts to comply with FACA's provisions for terminating unneeded advisory committees by the necessity of entering an oftentimes protracted process of seeking legislative relief.

These comments and suggestions received from the witnesses at these hearings formed the basis for the legislation I introduced on August 10, 1988 (S. 2721). S. 2721 was cosponsored by Senators LEVIN, ROTH, PRYOR, STEVENS, CHILES and HEINZ and was the subject of a hearing before the Governmental Affairs Committee on October 5, 1988 (S. Hrg. 100-945). With some minor changes, it is similar to the legislation we are introducing today.

This bill accomplishes three main goals. First, it reorganizes and makes logically consistent the five sections of the act which discuss the establishment, chartering, and management of advisory committees and the responsibilities of Congress, the President, agency heads, and the Administrator of GSA. Second, it clarifies a number of terms, such as "balanced membership," "meeting," and "subcommittee or other subgroup" which have been problematic throughout FACA's history, as well as spelling out more clearly the duties and responsibilities of parties responsible for creating, managing and terminating committees. Third, it clarifies and strengthens ethics controls on advisory committee members.

The amendment will not create many changes in the way the FACA system is implemented, although it is designed to make the current system function much more efficiently. Perhaps the most significant change is that agencies are given the authority to terminate statutorily-created committees in their agencies before the statutory termination date of the committee, after giving 180 days notice to the authorizing committees in both Houses. Congress could during that 180-day period reauthorize the existence of the committee. Another significant change is that for the first time each agency will issue its own annual report, and the President will issue a summary annual report. This is designed to give the committee management secretariat, located in GSA and charged with managing advisory committee functions, more time to selectively monitor agency performance rather than merely collecting and tabulating information from each agency.

This is important because at our October 5, 1988 hearing, GAO testified that the Committee Management Secretariat has not carried out many of its statutory duties, including ensuring that advisory committees are properly established, that each committee was reviewed annually, and that reports on Presidential advisory committees' recommendations were prepared for Congress. For example, as part of its study, GAO reviewed 114 proposed charters and justification letters submitted to GSA by agency heads and found that 52—(or 46 percent)—of these documents were missing items required by the act or the regulations that GSA follows pursuant to the act. However, GSA did not ask the agencies to supply the missing information for any of the 52 committees.

I find it very troubling that the agency charged with Government-wide enforcement of the act is neither enforcing the law nor following its own regulations. I also find encouraging that in recent months efforts have been made by management at GSA to see that this situation is being corrected.

With my colleagues on the Governmental Affairs Committee, I hope to introduce legislation later this year along the lines of an Advisory Committee Elimination Act, which will seek to terminate committees that have outlived their usefulness. We will work with GSA, OMB, GAO, other congressional committees, and the agencies themselves to identify these committees.

Finally, language has been included which will require members of a committee who are Federal employees, prior to participation in any committee meeting or work, to disclose in writing any financial or other interest which may be affected by the work of the committee, or which may present the appearance of a conflict of interest. In addition, all members of a committee should receive ethics counseling prior to their participation in any committee meeting or work. My distinguished colleague on the Governmental Affairs Committee, Senator LEVIN, has devoted a great deal of time and attention to this important element of open and accountable Government.

By passing FACA in 1972, Congress recognized the merits of allowing the Government to draw upon the knowledge and experience of public experts, and at a reasonable cost. In return, the public is given an opportunity to participate actively in the Government's decisionmaking process. These are excellent goals, and FACA has to a large extent furthered them, but we need to ensure that the system continues to improve so that the Government receives the best advice possible, in an open and efficient manner.

Mr. President, what follows is a short summary of the major proposed changes to current FACA. Basically, sections 5-9 of the current laws have been reorganized and split into seven sections—5-11—but sections 1-4 and 10-14 of current law remain substantially the same.

SUMMARY

SECTION 1—SHORT TITLE

SECTION 2—FINDINGS AND PURPOSES

This section reinforces the notion that advisory committees, while a useful and necessary part of government, are not to be created unnecessarily, and that their membership should be fairly balanced in terms of functions to be performed and views represented.

SECTION 3—DEFINITIONS

The definitions for "subcommittee or other subgroup" and "meeting" are intended to clear up confusion which exists over the precise meaning of those terms in the implementation of FACA. These definitions would include any interaction of members, or subgroups of members, authorized to act on behalf of the committee. Exemptions from the definition of "advisory committee" include any committee composed wholly of full-time officers or employees of State or local governments acting in their official capacities who are required by statute to meet with Federal officials regarding programs that are shared by Federal, State, and local Governments or which are administered by State and local governments.

SECTION 4—APPLICABILITY

SECTION 5—ESTABLISHMENT OR AUTHORIZATION OF ADVISORY COMMITTEES BY CONGRESS

Section 5 states criteria Congress should consider in establishing or authorizing the establishment of advisory committees. Congress is required, when creating advisory committees through legislation, to provide that the membership of advisory committees be fairly balanced in terms of the points of view represented and the committees functions to be performed by the advisory committee, and Congress shall prescribe the factors to be considered in achieving balanced membership. Moreover, the legislation shall include the appointing authority for the committee members whether members of the committee are appointed as Federal employees or not.

SECTION 6—ESTABLISHMENT OR UTILIZATION OF ADVISORY COMMITTEES BY PRESIDENT OR AGENCY

This section outlines the requirements and procedures for establishing or utilizing advisory committees by the President or an agency. This replaces the current law's vague "guidelines" for President- and agency-established committees. It states that advisory committees can only be established if they are specifically authorized or established by statute, Presidential directive, or agency directive after consultation between the agency head and the Administrator. The requirements for establishing or utilizing a committee are similar to those required of Congress, including indicating the appointing authority for the committee members and whether members of the committee are appointed as Federal employees or not.

SECTION 7—CHARTERING OF ADVISORY COMMITTEES

This section provides that each committee's charter shall specify which authority created the committee, to whom the committee reports, the plan for achieving a balance in committee membership in terms of the points of view represented and committee functions to be performed, whether committee members are to serve as Federal employees or not, and which agency or official shall be responsible for counseling advisory committee members on Federal ethics rules and criminal conflict of interest statutes.

SECTION 8—RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

This section specifies the ongoing review function of Congressional Committees.

SECTION 9—ADDITIONAL RESPONSIBILITIES OF THE PRESIDENT

This section provides that the President shall ensure that charters are filed in accordance with Section 7 above, except that he may delegate that authority. In addition, the President shall ensure that ethics counseling is provided for all committee members and that members who are Federal employees file financial disclosure forms before they begin work on a Presidential advisory committee. The President may also delegate this authority. The President's annual report summarizing committee activities has been modified to a summary report which will build upon reports that each agency will write. Ideally the President's summary report, which will actually be prepared by GSA, will contain much more significant analysis of advisory committee activities than the current annual report prepared by GSA for the President's submission to Congress.

SECTION 10—ADDITIONAL RESPONSIBILITIES OF AGENCY HEADS

This section provides that agency heads shall: file charters in accordance with Section 7 above; publish timely notice in the Federal Register of meetings; designate a Committee Management Officer; appoint a Designated Federal Official; require committee members who are Federal employees to file financial disclosure forms before they begin work of the committee and for all members of a committee, to address with the designated agency ethics official any conflict of interest or other possible ethical problem; review committees and other groups established, utilized, or contracted for by the agency to determine whether they are subject to FACA and if so, bring into compliance with FACA; and terminate committees when appropriate.

Each agency is tasked with producing an annual report to GSA summarizing its committee activities for the year. The duties of the agency's Committee Management Office include coordinating with the designated agency ethics official to provide counseling on ethics issues and financial disclosure obligations

SECTION 11—RESPONSIBILITIES OF THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

This section provides that agencies have final authority over establishment and termination of advisory committees and that the GSA Administrator shall establish guidelines for the agencies annual reports so they are all uniform. GSA shall also review committees and other groups established, utilized, or contracted for by agencies to determine whether they are subject to FACA and if so, bring into compliance with FACA.

SECTION 12—ADVISORY COMMITTEE PROCEDURE

This section specifies that meetings will be held in an accessible place and that documents will be available for inspection. The duties of the Designated Federal Official are set forth.

SECTION 13—AVAILABILITY OF TRANSCRIPTS

SECTION 14—FISCAL AND ADMINISTRATIVE PROVISIONS

This section specifies the support services for advisory committees which may be supplied either by an agency or the GSA Administrator to an advisory committee.

SECTION 15—RESPONSIBILITY OF LIBRARY OF CONGRESS

SECTION 16—TERMINATION OF ADVISORY COMMITTEES

This section provides that agency heads have the authority to terminate certain statutorily-created committees after giving 180 days notice to the standing Congressional Committees with jurisdiction over the advisory committees. However, Congress could reauthorize the committee within the 180 day period. This provision is being added to provide some mechanism to terminate statu-

tory advisory committees other than the passage of separate legislation. Currently, more than half of all advisory committees are statutorily created, and many have outlived their usefulness.

Mr. President, I hope that our colleagues will join us in enacting this legislation in the 101st Congress. I ask unanimous request that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Advisory Committee Act Amendments of 1989".

REFERENCES

SEC. 2. All references in this Act are to the Federal Advisory Committee Act (5 U.S.C. App.), unless otherwise provided.

FINDINGS AND PURPOSES

SEC. 3. Section 2(b) of the Act is amended—

(1) in paragraph (1) by amending such paragraph to read as follows:

"(1) the need for each existing advisory committee should be periodically reviewed;";

(2) in paragraph (2) by inserting after "essential" the following: "and only when the information to be obtained is not already available through another advisory committee or source within the Federal Government,";

(3) in paragraph (4) by inserting "utilization," after "establishment,";

(4) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively, and inserting after paragraph (4) the following new paragraphs:

"(5) the composition of any such committee should be fairly balanced in membership in terms of the points of view represented and the functions to be performed by the advisory committee, with emphasis given to considering for membership those interests which will be directly affected by the work of the committee and to obtaining expertise relevant to the work of the committee;

"(6) the purpose for and objectives of the committee should be clearly delineated in the charter of such committee";

(5) in paragraph (7) (as redesignated by paragraph (4) of this section) by striking out "and" after the semicolon;

(6) in paragraph (8) (as redesignated by paragraph (4) of this section) by amending such paragraph to read as follows:

"(8) the function of advisory committees should be advisory, and that determinations of action to be taken and policy to be expressed with respect to advisory committee reports or recommendations shall be made solely by the President or an officer or employee of the Federal Government; and"; and

(7) by adding at the end thereof the following new paragraph:

"(9) to the greatest extent practicable, an advisory committee should conduct all business furthering the purpose and objectives of the committee through meetings.".

DEFINITIONS

SEC. 4. Section 3 of the Act is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking out "or reorganization plan, or" and inserting in lieu thereof "or authorized by statute;";

(B) in subparagraph (B) by striking out the comma and inserting in lieu thereof a semicolon; and

(C) by striking out the matter following subparagraph (C) and inserting in lieu thereof:

"in the interest of obtaining advice or recommendations for the President or one or more agencies, officers or employees of the Federal Government, except that such term excludes—

"(i) the Advisory Commission on Intergovernmental Relations;

"(ii) any committee established or utilized by the Central Intelligence Agency;

"(iii) any committee established or utilized by the Federal Reserve System;

"(iv) any committee composed wholly of full-time officers or employees of State or local governments acting in their official capacities who are required by statute to meet with Federal officers and employees regarding programs that are shared by Federal, State, and local Governments, or which are administered by State and local Governments;

"(v) any committee which is composed wholly of full-time officers or employees of the Federal Government;

"(vi) any local civic group whose primary function is that of rendering a public service with respect to a Federal program; and

"(vii) any State or local committee established to advise or make recommendations to State or local officials or agencies."; and

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively, and inserting after paragraph (2) the following new paragraphs:

"(3) The term 'subcommittee or other subgroup' as used in paragraph (2) means any group established by a committee (regardless of whether its members are drawn in whole or in part from the parent committee) which is authorized to act on behalf of the committee and which reports either to the committee or directly to the President or one or more agencies, officers or employees of the Federal Government.

"(4) The term 'meeting' includes any interaction between either a majority of the members of an advisory committee, or a subcommittee or other subgroup thereof, or any smaller number of members which is authorized to act on behalf of the committee, or subcommittee or other subgroup thereof.".

PROHIBITIONS AND APPLICABILITY

SEC. 5. Section 4 of the Act is amended to read as follows:

"PROHIBITIONS AND APPLICABILITY

"SEC. 4. (a) No advisory committee shall be established or utilized by the President or by one or more agencies of the Federal Government, unless the establishment or utilization is—

"(1) specifically authorized by statute or by the President; or

"(2) specifically determined as a matter of formal record, by the head of the agency involved, after consultation with the Administrator, to be in the public interest in connection with the performance of duties imposed on that agency by law.

"(b) No advisory committee shall meet or take any action with respect to its purpose and objectives for the Federal Government unless a committee charter has been filed in accordance with section 7.

"(c) The function of advisory committees shall be advisory only, unless otherwise specifically provided by a statute or Presidential directive. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer or employee of the Federal Government.".

ESTABLISHMENT OR AUTHORIZATION OF ADVISORY COMMITTEES BY CONGRESS

SEC. 6. Section 5 of the Act is amended—

(1) by amending the section heading to read as follows:

"ESTABLISHMENT OR AUTHORIZATION OF ADVISORY COMMITTEES BY CONGRESS";

(2) by amending subsection (a) to read as follows:

"(a) The Congress may by statute establish or authorize the establishment of an advisory committee.";

(3) in subsection (b)—

(A) in the first sentence by—

(i) striking out "In" and inserting in lieu thereof "When";

(ii) striking out "each standing committee" and inserting in lieu thereof "a Committee";

(iii) striking out "determine" and inserting in lieu thereof "consider"; and

(iv) striking out "such determination";

(B) in paragraph (1) by amending such paragraph to read as follows:

"(1) contain the clearly defined and detailed purpose for and objectives of the advisory committee;";

(C) in paragraph (2) by striking out "functions to be performed by the advisory committee;" and inserting in lieu thereof "committee functions to be performed by the advisory committee, and shall prescribe the factors to be considered in achieving balanced membership;";

(D) in paragraph (3) by—

(i) striking out "contain appropriate provisions to assure that" and insert in lieu thereof "contain provisions to indicate the appointing authority for the members of the advisory committee and to"; and

(ii) striking out "will" each place it appears and inserting in lieu thereof "shall"; and

(E) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following new paragraphs:

"(4) indicate whether members of the committee shall—

"(A) be appointed as Federal employees; or

"(B) represent the views of non-Federal interests;

"(5) contain provisions dealing with authorization of appropriations, the duration of the advisory committee if other than the two-year period provided for under section 16(a), and dates for the completion and publication of any reports; and

"(6) contain provisions to assure that the advisory committee shall have adequate staff, quarters, and funds to meet necessary expenses, and for Presidential advisory committees and committees reporting to more than one agency, to indicate the agency responsible for providing support services (as defined in section 14(c)).."; and

(4) by striking out subsection (c).

RESPONSIBILITIES AND ADVISORY COMMITTEE PROCEDURES

SEC. 7. The Act is amended by—

(1) striking out section 15;

(2) redesignating sections 12 through 14 as sections 14 through 16, respectively; and

(3) striking out sections 6 through 11 and inserting in lieu thereof the following new sections:

"ESTABLISHMENT OR UTILIZATION OF ADVISORY COMMITTEES BY PRESIDENT OR AGENCY

"SEC. 6. (a) The President or an agency head may establish or utilize an advisory committee pursuant to a statute, Presidential directive, or agency directive. Any agency directive shall be a matter of formal record, subsequent to consultation with the Administrator.

"(b) When considering establishing or utilizing any advisory committee the President or agency head shall consider whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee in existence, or by enlarging the mandate of an existing advisory committee. At the time any advisory committee is first established or utilized, the President or agency head shall make a determination in writing which shall—

"(1) contain the clearly defined and detailed purpose for and objectives of the advisory committee;

"(2) require the membership of the committee to be fairly balanced in terms of the points of view represented and the committee functions to be performed, and shall prescribe the factors to be considered in achieving balanced membership;

"(3) contain provisions to indicate the appointing authority for the members of the advisory committee and to assure that the advice and recommendations of the advisory committee shall not be inappropriately influenced by the appointing authority or by any special interest, but shall be the result of the independent judgment of the advisory committee;

"(4) indicate whether members of the committee shall—

"(A) be appointed as Federal employees; or

"(B) represent the views of non-Federal interests;

"(5) contain provisions dealing with authorization of appropriations, the duration of the committee if for a duration less than the two-year period provided for in section 16(a), and dates for the completion and publication of any reports; and

"(6) contain provisions to assure that the advisory committee shall have adequate staff, quarters, and funds to meet necessary expenses, and for Presidential advisory committees and committees reporting to more than one agency, to indicate the agency responsible for providing support services (as defined in section 14(c)).

"(c) The information required under subsection (b) shall be in—

"(1) the Presidential directive in the case of an advisory committee established or utilized by the President; or

"(2) a timely notice published in the Federal Register in the case of an advisory committee established or utilized by an agency.

"CHARTERING OF ADVISORY COMMITTEES

"SEC. 7. (a) The charter of an advisory committee shall contain at least the following information:

"(1) the name of the committee;

"(2) whether the committee is—

"(A) established or authorized by statute;

"(B) established or utilized by the President; or

"(C) established or utilized as a matter of formal record by the head of the agency involved;

"(3)(A) the date the charter is filed;

"(B) whether such charter is an original charter or a renewal; and

"(C) if a renewal charter, the date when the committee was first chartered;

"(4)(A) the agency responsible for providing support services to the committee; and

"(B) the agency or official to whom the committee reports;

"(5) the clearly defined and detailed purpose for and objectives of the committee;

"(6) the appointing authority for the advisory committee members and the plan for achieving a fair balance in committee membership in terms of the points of view represented and committee functions to be performed;

"(7) whether committee members are to serve as Federal employees or representatives of non-Federal interests and which agency or official shall be responsible for counseling advisory committee members on Federal ethics rules and criminal conflict of interest statutes;

"(8) the estimated number and frequency of committee meetings and the estimated total period of time necessary for the committee to complete all tasks;

"(9) the location of the records and documents of the committee during its existence and for at least one year after the committee ceases to exist;

"(10) the estimated annual operating costs in dollars and person-years for such committee; and

"(11) the termination date of the committee, if other than the two-year period provided for in section 16(a).

"(b) For each advisory committee, a charter in accordance with this section shall be filed with—

"(1) the Administrator;

"(2) the head of the agency which establishes, utilizes, or provides support services for such advisory committee or in the case of an advisory committee not assigned to an agency for support services, the advisory committee itself; and

"(3) the standing committees, in the Senate and the House of Representatives, having jurisdiction over such advisory committee.

"RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

"SEC. 8. In the exercise of its legislative and oversight functions, each standing committee of the Senate and the House of Representatives may review the activities of each advisory committee under its jurisdiction to determine whether—

"(1) such advisory committee should be terminated or merged with any other advisory committee;

"(2) the responsibilities of such advisory committee should be revised; and

"(3) such advisory committee complies with this Act and any other rule, order, regulation, or policy governing advisory committees.

"ADDITIONAL RESPONSIBILITIES OF THE PRESIDENT

"SEC. 9. (a) The President may delegate responsibilities for evaluating and taking action, where appropriate, with respect to all formal recommendations made to him by Presidential advisory committees.

"(b) Within one year after the date on which a Presidential advisory committee submits formal recommendations to the President, the President or a delegate shall submit a report to the Congress describing either proposals for action or reasons for inaction, with respect to such recommendations.

"(c)(1) The President shall ensure that committee charters required by this Act for Presidential advisory committees are filed in accordance with section 7.

"(2) The President shall also ensure that prior to their participation in any meeting or work of a Presidential advisory committee—

"(A) all members receive counseling on the Federal ethics rules and conflict of interest statutes; and

"(B) those members who are Federal employees disclose in writing any financial or other interest which may be affected by the work of the committee, or create the appearance of a conflict of interest.

"(3) The President may delegate the responsibilities described under paragraphs (1) and (2).

"(d)(1) No later than February 1 of each year, the President shall make an annual summary report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall be a summary and analysis of information contained in the annual report of each agency which established or utilized an advisory committee during that period. The summary report shall include—

"(A) the name of every advisory committee and the total estimated annual cost to the United States to fund, service, supply, and maintain such committees;

"(B) a summary and analysis of data regarding the establishment and termination of advisory committees during the preceding fiscal year;

"(C) whether such committees are ad hoc or standing committees;

"(D) the membership of such committees;

"(E) the frequency and openness of meetings;

"(F) the number of reports submitted;

"(G) a list of the advisory committees which terminated or were abolished by the President or an agency during the preceding year;

"(H) in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished before their specified termination dates, together with the reasons therefor and the statutory authority for their creation; and

"(I) any issues of concern in the functioning of advisory committees or this Act.

"(2) The President may exclude from the annual summary report any information which the President determines should be withheld for reasons of national security, and in lieu thereof shall include in such report a statement that such information has been excluded.

"ADDITIONAL RESPONSIBILITIES OF AGENCY HEADS

"SEC. 10. (a)(1) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees. Such guidelines and controls shall be consistent with this Act and any rule, order, regulation, or policy of the Administrator under sections 11 and 12.

"(2) Each agency head shall conduct annual reviews of committees or other groups established, utilized, or contracted for by the agency to determine whether any are advisory committees subject to this Act and, if so, to bring such committees or groups into compliance with the requirements of this Act.

"(b) Each agency shall maintain systematic information on—

"(1) the nature, functions, and operations of each advisory committee (including each subcommittee or other subgroup as defined

in section 3(3)) within the jurisdiction of the agency; and

"(2) the agency's compliance with this Act and with its own rules for advisory committees.

"(c) The agency head shall—

"(1) designate an Advisory Committee Management Officer for the agency;

"(2) comply with section 6 in establishing or utilizing any advisory committee;

"(3) file a charter in accordance with section 7 of this Act for each advisory committee—

"(A) which is established or utilized by the agency; or

"(B) for which the agency has been delegated this responsibility by the President;

"(4) appoint a designated Federal official for each such advisory committee;

"(5) require members of each committee established or utilized by the agency or of any Presidential advisory committee designated by the President, before participation in any committee meeting or work—

"(A) if they are Federal employees, to disclose in writing any financial or other interest which may be affected by the work of the committee, or create the appearance of a conflict of interest; and

"(B) to address with the designated agency ethics official the Federal ethics rules and conflict of interest statutes, and any possible ethical problem which may arise from serving on the advisory committee;

"(6) publish timely notice of committee meetings in the Federal Register, oversee timely completion of detailed committee minutes and otherwise oversee committee compliance with the procedures in section 12; and

"(7) abolish advisory committees before their specified termination dates when appropriate.

"(d)(1) No later than December 1 of each year, the head of each agency which establishes, utilizes, or provides support services to an advisory committee shall submit an annual report to the Administrator on the activities, status, and changes in the composition of such advisory committees during the preceding fiscal year. The Administrator shall make such reports available to Congress upon request.

"(2) The agency head shall follow guidelines set forth by the Administrator for such annual report by the agency head.

"(3) The report shall include—

"(A) the name of each advisory committee which the agency has established, utilized, or provided support services during the preceding year;

"(B) the date of establishment, authority for creation, and expected termination of each committee;

"(C) whether such committee is an ad hoc or standing committee;

"(D) a list of each subcommittee or other subgroup (as defined in section 3(3)) in existence for each advisory committee;

"(E) the functions of each such committee;

"(F) the number and dates of meetings of each such committee during the preceding year;

"(G) the names and occupations of the current members of each such committee;

"(H) the total estimated annual cost to the United States to fund, service, supply, and maintain each such committee;

"(I) a list of the advisory committees which terminated or were abolished by the agency head during the preceding year;

"(J) in the case of advisory committees established by statute, a list of those advisory committees which the agency head recommends be abolished before their specified termination dates, together with the reasons therefor and the statutory authority for their creation; and

"(K) any issues of concern in the functioning of advisory committees or this Act.

"(4) The agency head may exclude from such annual report any information which such agency head determines should be withheld for reasons of national security, and in lieu thereof shall include in such report a statement that such information has been excluded.

"(e) Each advisory committee management officer shall—

"(1) exercise control and supervision over the establishment, operation, and procedures of advisory committees established or utilized by that agency;

"(2) assemble and maintain the reports, records, and other papers of any such committee during existence of the committee;

"(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers;

"(4) coordinate with the designated agency ethics official to ensure appropriate counseling on ethics issues and timely completion of any written disclosure obligations;

"(5) maintain in a single location a complete set of the charters and membership lists of each of the advisory committees (including each subcommittee or other subgroup as defined in section 3(3)) of such agency;

"(6) maintain information on the nature, functions, and operations of the advisory committees (including each subcommittee or other subgroup as defined in section 3(3)) of such agency; and

"(7) provide upon request copies of minutes of meetings and reports of the advisory committees (including each subcommittee or other subgroup as defined in section 3(3)) of such agencies.

"RESPONSIBILITIES OF THE ADMINISTRATOR OF GENERAL SERVICES

"SEC. 11. (a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

"(b) The Administrator may from time to time request such information as the Administrator determines necessary to carry out the functions under this section. Each agency head and advisory committee members shall cooperate by providing such information to the Administrator.

"(c) The Administrator shall—

"(1) prescribe administrative guidelines and management controls applicable to advisory committees;

"(2) to the maximum extent feasible, provide advice, assistance, and guidance to the President, agency heads, advisory committees, and committee members to ensure compliance with this Act;

"(3) establish guidelines for the annual report required of each agency under section 10(d);

"(4) review committees or other groups established, utilized, or contracted for by an agency to determine whether any are advisory committees subject to this Act and, if so, to bring such committees or groups into compliance with the requirements of this Act; and

"(5) when designated by the President, appoint a designated Federal official for Presidential advisory committees.

"(d)(1) The Administrator shall periodically conduct a comprehensive review of each existing advisory committee to determine whether—

"(A) such committee is carrying out its purpose;

"(B) consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised;

"(C) such committee should be merged with other advisory committees; or

"(D) such committee should be abolished before its specified termination date.

"(2) Upon the completion of a review, the Administrator may make recommendations to the President, an agency head, or the Congress with respect to any action that should be taken.

"(e)(1) The Administrator shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

"(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

"(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service; and

"(C) services may be provided pursuant to section 3102 of title 5, United States Code, for members while in performance of advisory committee duties who—

"(i) are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)); and

"(ii) do not otherwise qualify for assistance under section 3102 of title 5, United States Code, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such title).

"(2) Nothing in this subsection shall prevent—

"(A) an individual who (without regard to service with an advisory committee) is a full-time employee of the United States; or

"(B) an individual who immediately before service with an advisory committee was such an employee,

from receiving compensation at the rate at which such individual otherwise would be compensated (or was compensated) as a full-time employee of the United States.

"(f) If there is disagreement on a material matter between the Administrator and an agency head regarding the establishment, management, or termination of advisory committees, the agency head shall have final authority, but a notice and description of the areas of such disagreement may be placed in the annual summary report required under section 9(d).

"ADVISORY COMMITTEE PROCEDURES

"SEC. 12. (a)(1) Each advisory committee meeting shall be open to the public and held—

"(A) at a reasonable time and in a place reasonably accessible to the public; and

"(B) in a meeting room sufficient to accommodate advisory committee members,

committee or agency staff, and interested members of the public.

"(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator may prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

"(3) Interested persons shall be permitted to attend meetings of, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

"(b) An advisory committee may not report advice or recommendations to the President or one or more agencies or officers or employees of the Federal Government without first holding a meeting at which a majority of the committee members approve the advice or recommendations to be reported.

"(c)(1) Subject to section 552 of title 5, United States Code, records, which were made available to or prepared for or by each advisory committee, including reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents, shall be considered created by the committee. Such records shall be available for public inspection and copying—

"(A) at the time the records are distributed to the advisory committee members;

"(B) at a single location in the offices of the advisory committee or the agency which established, utilizes, or provides support services to the advisory committee during the existence of the advisory committee; and

"(C) at a single location to be specified in the committee's charter for at least one year after the committee ceases to exist.

"(2) Notwithstanding the provisions of paragraph (1), five years after the date on which a record is first created by a committee, such record may be stored in accordance with the provisions of the National Archives and Records Administration Act of 1984, and regulations promulgated thereunder by the National Archives and Records Administration.

"(d) Detailed minutes of each meeting of each advisory committee (including each subcommittee or other subgroup as defined in section 3(3)) shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified by the chairman of the advisory committee, or if appropriate, the chairman of the subcommittee or other subgroup, within forty-five days after the meeting.

"(e) Subsections (a) (1) and (3) of this section shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552b of title 5, United States Code.

"(f)(1) Unless otherwise provided by statute, Presidential directive, or agency directive, the designated Federal official appointed under section 10(c)(4) or section 11(b)(5) shall attend the meetings of an advisory committee and no advisory committee shall conduct any meeting in the absence of such official. The designated Federal official is authorized to—

"(A) adjourn the meetings when such official determines that adjournment is in the public interest;

"(B) approve or call the meeting;

"(C) chair the meeting when so determined by the involved agency head; and

"(D) except for Presidential advisory committees, approve the agenda of the meeting.

"AVAILABILITY OF TRANSCRIPTS

"SEC. 13. (a) Agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts and minutes of agency proceedings or advisory committee meetings.

"(b) As used in this section 'agency proceeding' means any proceeding as defined in section 551(12) of title 5, United States Code.".

ADMINISTRATIVE PROVISIONS

SEC. 8. Section 14 of the Act (as redesignated by section 7(2) of this Act) is amended—

(1) in the third sentence of subsection (b) by inserting "on a reimbursable basis" before the period; and

(2) by adding at the end thereof the following new subsection:

"(c) For purposes of this section, the term 'support services' means the provision of office space, telephone and computer service, and other administrative or clerical services that the advisory committee may need.".

TERMINATION OF ADVISORY COMMITTEES

SEC. 9. Section 16 of the Act (as redesignated by section 7(2) of this Act) is amended—

(1) in subsection (a) by—

(A) striking out paragraph (1);

(B) by redesignating paragraph (2) as subsection (a) and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) striking out "established after such effective date" in the first sentence of subsection (a) (as redesignated in subparagraph (B) of this paragraph); and

(2) by amending subsections (b) and (c) to read as follows:

"(b)(1) In the case of an advisory committee established by statute with a specified duration longer than the two-year period provided for in subsection (a), the President or an agency head may abolish such committee after the two-year period and before its specified termination date if—

(A) the President or agency head gives one-hundred eighty days written notice of the intention to abolish such committee to the standing committee in each House of the Congress with jurisdiction over such advisory committee; and

(B) the President or an agency head first makes a finding that—

"(i) the tasks assigned to such committee are complete or obsolete;

"(ii) the primary functions of such committee have been assumed by another entity; or

"(iii) the termination of such committee is otherwise in the public interest.

"(2) If the Congress determines that the committee is necessary, the Congress may reestablish it within the one-hundred eighty-day period.

"(c)(1) To renew an advisory committee established or utilized by the President or an agency, the President or an agency head shall file, before the date of the scheduled termination of the committee, a committee charter in accordance with section 7.

"(2) An advisory committee may be renewed for a period not to exceed 2 years from the date a new charter is filed.

"(3) Subsequent renewals may be achieved in the same manner before the date on which such advisory committee would otherwise terminate.

"(4) A committee charter shall be filed in accordance with section 7 on behalf of each advisory committee established by statute prior to the expiration of each successive two-year period following the date of the enactment of the Act establishing such advisory committee.".●

● Mr. LEVIN. Mr. President, I am pleased to join Senator JOHN GLENN, today in introducing the Federal Advisory Committee Act Amendments of 1989.

The Federal Advisory Committee Act or "FACA" is a statute that was first enacted in 1972 and has proven to be an essential mechanism for keeping track of the 1,000 Federal advisory committees now in operation. Before its passage, advisory committees operated outside any government-wide rules requiring cost effectiveness and accountability. No one knew how many there were, how mcuh they cost, or what they were doing.

FACA changed that by imposing, for the first time, basic management controls on Federal advisory committees. For the first time, it required agencies to keep track of their committees, to justify creating new ones, and to terminate those whose tasks were complete. It required committees to file charters with basic information about their purpose, membership and activities. It imposed cost controls and recordkeeping requirements so we'd know how much we were spending and what our taxpayer dollars were paying for. It opened committee meetings to the public, unless a valid reason justified closing them, so we'd know what our committees were doing and whether they were engaging in fair and open deliberations. It even appointed an advisory committee watchdog called the Committee Management Secretariat, now operated by the General Services Administration.

FACA's management controls brought a lot more information and accountability to Federal advisory committees. The statute also succeeded in stopping the proliferating number and cost of these committees, holding their number to about 1,000 for the past 10 years and permitting only a modest cost increase since 1972. At the same time, the law has not solved all of the problems associated with these committees.

Three hearings held by the Governmental Affairs Committee last year documented numerous problems with

committee operations, including agency and committee non-compliance with FACA's controls. The first hearing examined an independent Presidential Advisory Commission on AIDS, documenting the confusion and inefficiency that then dominated the Commission's activities. Several resignations of Commission members, including the chairman, led to the appointment of a new chairman who was able to pull the group together and produce a useful report. The Commission's initial difficulties, however, illustrated a number of problems with advisory committee operations as well as with FACA.

The second hearing examined advisory committees sponsored by the Department of Defense [DOD] and, in particular, the Strategic Defense Initiative Organization [SDIO]. It documented poor committee management practices overall and an SDIO record that was simply disgraceful.

The hearing showed, for example, that at least five SDIO advisory committees had ignored FACA's requirements for cost controls, chartering, recordkeeping and open meetings, as well as DOD's rules for filing financial disclosure forms and obeying conflict of interest rules. An example of a possible conflict of interest was discussed in which an SDIO Advisory Committee Chairman played a key role in obtaining a contract for his employer on the very matters his committee was advising SDIO to undertake. SDIO's one chartered committee, the SDI Advisory Committee, also displayed a disturbing insensitivity to ethical concerns. All 12 members of that committee began work prior to receiving an official committee appointment, which means prior to the time they became subject to Federal ethics rules. Nine of the 12 members began committee work prior to filing required financial disclosure forms, and everyone began work before SDIO got around to reviewing the forms for possible conflicts of interest. That's significant, because it turned out that all of the committee members had potential conflicts of interest, due to service as consultants, directors, trustees or stockholders of firms or universities doing SDI related work.

DOD's committee management officials testified that they were unaware of SDIO's FACA violations, despite their responsibility to implement FACA. They acknowledged that, over the past 5 years, they had fallen behind generally in their efforts to review DOD advisory committees for FACA compliance. Instead of reviewing its 60 advisory committees every 3 years, as DOD had promised Congress, DOD conducted 25 committee reviews in 1984, 17 in 1985, 8 in 1986, 6 in 1987, and 0 as of April 1988. DOD and SDIO promised to improve their committee management practices and have since initiated efforts to correct the identified deficiencies.

A third Governmental Affairs hearing received testimony from a university about widespread noncompliance with and resistance to acknowledging FACA's requirements. This university had surveyed its faculty to determine who was serving on Federal advisory bodies and which of these groups were subject to FACA. The school's objective was to ensure that all faculty members serving on FACA committees had complied with appropriate conflict of interest and financial disclosure rules. At the hearing, the school said federal agencies reacted in a "hostile" manner to its inquiries and even made veiled threats to exclude faculty members who pressed questions about particular groups' FACA compliance. The school also reported widespread discrepancies in how Federal agencies interpreted FACA, and numerous advisory groups that should have been complying with FACA but were not, and which were attempting to avoid the advisory committee label by calling themselves "summer studies" or "working groups."

This hearing also revealed a GSA Committee Management Secretariat which was reticent in its oversight responsibilities and apparently preoccupied with bureaucratic concerns. Examples included increasingly late annual reports with less and less analysis of committee management problems, numerous deficient committee charters which had been approved by GSA, weak oversight of DOD and SDIO committee management practices, and a lengthy list of inactive committees which GSA had not recommended for termination. GSA candidly acknowledged its shortcomings, described recent actions taken to strengthen the Secretariat, and promised to renew its commitment to a strong oversight program. The Governmental Affairs Committee has continued to monitor the Secretariat to make sure these promises are kept.

The hearings held by the Governmental Affairs Committee helped improve FACA compliance by alerting individual agencies, as well as GSA, to their committee management responsibilities. They also uncovered deficiencies in FACA itself. Improving that statute is the goal of the bill that Senator GLENN and I are introducing today.

A key change that the bill would make in FACA would be to strengthen its provisions on ethics. The bill would require agencies to evaluate committee members for potential conflicts of interest before those persons begin work on the committee. It would require agencies to determine explicitly whether particular committee members are expected to provide advice as independent consultants or as representatives of interests whose opinions or expertise are being solicited. The bill would also explicitly require agencies to counsel committee members on ethics issues and any disclosure obligations.

A second important change that the bill would make would be to obligate GSA and individual agencies to search for advisory committees that aren't chartered under FACA and aren't complying with the act, but should be. We need to make sure that the distressing example of SDIO, which had 5 unchartered committees to one chartered committee, is not repeated in other parts of the Government. The bill would perform that function by explicitly obligating GSA and individual agencies to examine their operations to determine whether a committee or group, which may have been overlooked for some reason, should be chartered and made subject to FACA's management controls.

Senator GLENN has described a number of other improvements that the bill would make in FACA, such as clarifying the requirement that committees have a balance of viewpoints, establishing a process for the orderly termination of statutorily created committees, and generally reorganizing and simplifying some of the provisions in the act. These changes are valuable, timely and needed.

Federal advisory committees play an important role in public life and warrant careful attention. I commend Senator GLENN for his leadership in addressing this issue and making sure that advisory committees are held accountable. I hope that our colleagues will join us in enacting this worthwhile legislation.●

● Mr. ROTH. Mr. President, I am pleased to join my colleagues, Senators GLENN, LEVIN, PRYOR, KOHL, HEINZ, LIEBERMAN, STEVENS, and SASSER in introducing the Federal Advisory Committee Act Amendments of 1989. As one of the cosponsors of the original Act in the 92d Congress, I continue to have a keen interest in maintaining an orderly advisory committee system. I also continue to believe that advisory committees can and do contribute substantially to effective Federal policymaking.

Since its enactment in 1972, the Federal Advisory Committee Act [FACA] has been successful in terms of imposing management controls over the advisory committee system where they did not previously exist. During this same period, we have also seen that some problems remain, particularly with respect to interpretation of the law. The measure we are introducing today is intended to address many of those remaining problems, the most important of which, in my opinion, is the proliferation of unnecessary and duplicative committees.

I would be less than candid, Mr. President, if I did not express my continuing sense of frustration over our inability to effectively limit the number of Federal advisory committees. One of the most important provisions in the original act is the requirement that each advisory committee be terminated 2 years following its establishment unless specifically reauthorized or renewed by the appointing authority. Some committees are eliminated as a direct result of this sunset provision. However, as the functions of Government have become more complex, we find new committees being chartered every year in virtually the same numbers as those that are eliminated. It is seemingly a never-ending cycle.

A key provision in the measure we are introducing today authorizes agencies to terminate statutorily-established committees prior to their scheduled termination dates after providing notice to the authorizing committees. If advisory committees are inactive or have fulfilled their mandates, I firmly believe they should be eliminated. The time has arrived for us to renew our efforts to keep the number of committees to the minimum necessary. Enactment of this measure will facilitate the elimination of unnecessary advisory committees, and I urge my colleagues' support for it, as well as companion legislation we hope to introduce shortly to automatically terminate committees that have outlived their usefulness.●

● Mr. SASSER. Mr. President, I am pleased today to join Senator GLENN and my other colleagues on the Governmental Affairs Committee in sponsoring the Federal Advisory Committee Amendments Act of 1989.

This bill is a follow-up to S. 2721, which was introduced last year and was the subject of a very constructive hearing chaired by the distinguished Senator from Ohio last October. With some minor changes and clarifications, suggested as a result of that hearing, this bill will accomplish some salutary reforms in the way Federal advisory committees are formed, overseen, and terminated when their objectives have been met.

These advisory committees, composed of members from both the public and private sectors, are found throughout agencies of the Federal Government. I understand there are presently about 1,000 such committees, 600 of which were created pursuant to statutes enacted by the Congress. However, the General Accounting Office has reported that as many of 100 of these advisory committees could be deauthorized and their affairs wound up. In some cases, the committees have already achieved the purpose for which they were formed, and continue to exist simply because their statutory authorization has not expired yet.

Now, the total annual cost of Federal advisory committees is about $93 million. At a time when we are all concerned with reducing unnecessary Federal expenditures, anything we can do to retire an obsolete or superfluous government entity should be pursued. The bill we are introducing today will help in reaching that goal, and make other improvements in the way advisory committees function. Let me point out just a few of the more significant features of this legislation.

First, it will permit executive agencies themselves to terminate Federal advisory committees, including those created by congressional mandate, upon giving 180 days' notice to the authorizing congressional committee. On the one hand, this will facilitate the elimination of unnecessary advisory bodies. On the other hand, the 6-month notice provision will afford Congress ample time to reauthorize the advisory committee in question, if deemed appropriate.

Another issue which this bill addresses is that of balance in membership and viewpoints represented on advisory committees. In recent years, questions have been raised about the composition and outlook of advisory committees on AIDS and on the strategic defense initiative, to cite just two examples. Under present law, written factors and criteria for insuring balanced viewpoints on advisory committees are required, but only when the actual membership is being formed. Our bill will require preparation and publication of such criteria at the outset, when the proposal for an advisory committee is drawn up, and again at several stages in its formation and operation. This will focus attention on the issue of "balance" early and often, and will, I believe, enhance public confidence in the work and findings of these committees.

Another reform will improve annual reporting by the President on the status of Federal advisory committees. Currently, it is the responsibility of the General Services Administration to gather and collate such data. Our bill will require each of the responsible agencies to furnish GSA promptly with the needed information. That will permit GSA to devote fewer resources to gathering primary source data, and more attention to analysis and preparation of its report to the President.

In short, Mr. President, this legislation will help us see to it that Federal advisory committees are not perceived as devices that the government "winds up and lets go" without more supervision. They serve a much more important function than that, one which we hope to improve even further by the passage of this bill.●

By Mr. NICKLES (for himself and Mr. BOREN):

S. 445. A bill to delay the Medicare Catastrophic Coverage Act of 1988 for 2 years and to establish a Commission to assess the health care needs of the elderly as it relates to catastrophic illness; to the Committee on Finance.

CATASTROPHIC COVERAGE DELAY ACT OF 1989

Mr. NICKLES. Mr. President, today I am introducing legislation for myself and Senator BOREN which deals with the Catastrophic Health Insurance Program that passed last year, 1988.

I traveled throughout the State, as many of my colleagues did, I am sure, during the break in January. I heard a lot of things from my constituents. I heard my constituents speak out very loudly that they were opposed to the 51-percent pay raise for Members of Congress and Federal officials and Federal judges.

I also heard very clearly—I am going to say equally as clear—very strong statements in every community meeting I had, and I had over dozen around the State of Oklahoma, concern about the catastrophic health insurance expansion that passed last year, 1988. Senior citizens came up to me and said, "What are you doing to me? I already had this coverage or comparable coverage, and Congress came in and mandated catastrophic health insurance in addition to what I already had, which was very expensive." They said, "How can you do this to us? You are going to cost me a thousand dollars." I have heard people say, "You are going to cost me $2,000 or maybe in a couple of years $3,000." Senior citizens time and time again say, "Why are you doing this? My employer was providing this for me. My employer was paying all of the costs throughout my Medigap policy." In other words, the policy to provide what Medicare was not providing for. "My previous employer was providing this insurance for me at little cost to me, and now you in Congress have mandated a very expensive program that will cost me individually maybe $1,000 a year or $2,000 a year per couple."

All I could do was tell them I agreed. I think Congress made a mistake. We went too far. Congress had a good intention, and I do not fault anyone in the House or the Senate for their intentions. They wanted to help those people, and I think we should help those people, senior citizens, who did not have catastrophic insurance, who could not afford it.

Maybe a senior citizen was in a catastrophic situation—they had to be in the hospital for an extended period of time, beyond the 60 days, as previously provided for under Medicare. Maybe they had an extended stay and they had to be in the hospital for 6 months. It is OK with this Senator if we provide catastrophic insurance for those

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people who cannot afford it. What we did, we provided the insurance not only for those who could not afford it; we provided it for those people who already had it in the private sector. As a matter of fact, it has been estimated by many different groups that between 70 and 75 percent of senior citizens, Medicare-eligible senior citizens, 65 or older, already had Medigap coverage. So they already had the coverage in the private sector, either paid for by themselves or, as I mentioned, many employers provided it for them.

Congress mandated that they had to have this coverage instead or in addition to the coverage that they already had. Right now, we have a lot of "in addition to." We have a lot of duplication; we have a lot of people paying for Medigap policies in the private sector and, in addition, they are going to have to pay and are paying for the Federal policy that we enacted last year that went into effect on January 1. It is a very expensive Federal policy that went into effect for this year.

If you just look at the supplemental premium, for 1989, it is 15 percent of their tax liability. In the year 1990, it goes to 25 percent of tax liability. That is the supplemental tax surcharge. Some people call it a premium, but it is a tax surcharge. Then we also have a flat premium that is $4 a month, $48 a year. Some people say, "Well, this supplemental premium just applies to fat cats, just those people who make a lot of money." I said, "I beg to differ."

If an individual has a taxable income of $18,000, and I do not think that means that you are a fat cat, their tax liability would be about $2,700, and their supplemental premium would be over $400, plus they have to pay $48 of the flat premium.

So they had to pay over $450 per year for this new benefit that, again, 75 percent of senior citizens already had. It gets progressively worse.

If they made $24,000, their tax liability was $3,600, and the catastrophic premium for an individual would be $549. Add that to the flat premium of $48, and they are paying $600 for a benefit that, again, three-fourths already have. If they made $34,000 taxable income, their tax liability before the supplemental premium was $5,600. Now, the catastrophic add-on premium, add-on tax surcharge, is $800, plus the flat fee of $48, and that is $848 more that they have to pay this year than they paid last year to give them this benefit that three-fourths of the senior citizen population already had.

I am not insensitive to senior citizens who were falling between the cracks. I am not insensitive to those people who could not afford the private insurance and did not have the employers who picked up this cost. My bill would delay the catastrophic proposal as passed last year. It would delay the taxes for 2 years, and it would set up a commission for 1 year to evaluate, to try to come up with the means of financing and the coverage necessary to provide this type of insurance for those people who do not have it and who cannot afford it. That is who the Government should be helping in this category. We do not need to duplicate the coverage that people already have. They do not want that help. They are not asking for it. As a matter of fact, they are downright mad about it, and I venture to say that if any of my colleagues in the House or the Senate have had town meetings, they would find out how mad the senior citizen population is about this issue. They are quite upset.

That is the reason why there has been a variety of bills, legislative corrections introduced, to try to change the bill that passed last year, because people are hot about it. They want to see it changed. They do not like Congress mandating a benefit they already have. This bill may cost an individual $848 for the year 1989. For the year 1990, it becomes progressively worse, much worse.

The flat premium, as we will recall, is $4 per month. It only goes to $4.90 per month, or $58.80 per year.

But the catastrophic tax surcharge is 25 percent and so you can just look at the figures very quickly and, Mr. President, I will ask unanimous consent to insert in the RECORD three detailed tables that will show taxable income, tax liabilities and catastrophic supplemental premiums, the flat premiums, the total catastrophic charges, based on payroll, what it would cost for couples as well, and it is mindboggling how expensive this program is; it is mindboggling.

I ask unanimous consent to print these tables in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

POSTCATASTROPHIC TOTAL COSTS FOR INDIVIDUALS

Taxable income	Tax liability	Catastrophic supplemental premium	Catastrophic flat premium	Total catastrophic premium	Total catastrophic premium (couples)	Existing Medicare flat premium	Total premium	Total premium (couples)
Calendar year 1989:								
0	0	0	[2] 48.00	48.00	96.00	[3] 334.80	382.80	765.60
$600	$90	0	[2] 48.00	48.00	96.00	[3] 334.80	382.80	765.60
$1,500	225	$33.75	[2] 48.00	81.75	129.75	[3] 334.80	416.55	799.35
$6,000	900	135.00	[2] 48.00	183.00	231.00	[3] 334.80	517.60	900.60
$10,500	1,575	236.25	[2] 48.00	284.25	332.25	[3] 334.80	619.05	1,001.85
$15,000	2,250	337.50	[2] 48.00	385.50	433.50	[3] 334.80	720.30	1,103.10
$18,250	2,737	410.55	[2] 48.00	458.55	506.55	[3] 334.80	793.35	1,176.15
$21,000	3,150	472.50	[2] 48.00	520.50	568.60	[3] 334.80	855.30	1,238.10
$24,437	3,665	549.75	[2] 48.00	597.75	645.75	[3] 334.80	932.55	1,315.35
$27,875	4,181	627.15	[2] 48.00	675.15	723.15	[3] 334.80	1,009.95	1,392.75
$34,000	5,652	[1] (847.80) 800.00	[2] 48.00	848.00	943.80	[3] 334.80	1,182.80	1,613.40
$38,750	6,982	[1] (1,047.30) 800.00	[2] 48.00	848.00	1,143.30	[3] 334.80	1,1282.80	1,812.90
$43,500	8,312	[1] (1,246.80) 800.00	[2] 48.00	848.00	1,342.80	[3] 334.80	1,182.80	2,012.40
Calendar year 1990:								
0	0	0	[5] 58.80	58.80	117.60	[6] 348.00	406.80	813.60
$600	90	0	[5] 58.80	58.80	117.60	[6] 348.00	406.80	813.60
1,500	225	$56.25	[5] 58.80	115.05	173.85	[6] 348.00	463.05	869.85
$6,000	900	225.00	[5] 58.80	283.80	342.60	[6] 348.00	631.80	1,038.60
$10,500	1,575	393.75	[5] 58.80	452.55	511.35	[6] 348.00	800.55	1,207.35
$15,000	2,250	562.50	[5] 58.80	621.30	680.10	[6] 348.00	969.30	1,376.10
$18,250	2,737	684.25	[5] 58.80	743.05	801.85	[6] 348.00	1,091.05	1,497.85
$21,000	3,150	787.50	[5] 58.80	846.30	905.10	[6] 348.00	1,194.30	1,601.10
$24,437	3,665	[4] (916.25) 850.00	[5] 58.80	908.80	975.05	[6] 348.00	1,256.80	1,671.05
$27,875	4,181	[4] (1,045.25) 850.00	[5] 58.80	908.80	1,104.05	[6] 348.00	1,256.80	1,800.05
$34,000	5,652	[4] (1,413.00) 850.00	[5] 58.80	908.80	1,471.80	[6] 348.00	1,256.80	2,167.80
$38,750	6,982	[4] (1,700.00) 850.00	[5] 58.80	908.80	1,804.30	[6] 348.00	1,256.80	2,500.30
$43,500	8,312	[4] (1,700.00) 850.00	[5] 58.80	908.80	2,136.80	[6] 348.00	1,256.80	2,832.80
Calendar year 1993:								
0	0	0	[8] 122.40	122.40	244.80	[9] 400.80	523.20	1,046.40
$600	90	0	[8] 122.40	122.40	244.80	[9] 400.80	523.20	1,046.40
$1,500	225	$63.00	[8] 122.40	185.40	307.80	[9] 400.80	586.20	1,109.40
$6,000	900	252.00	[8] 122.40	374.40	496.80	[9] 400.80	775.20	1,298.40
$10,500	1,575	441.00	[8] 122.40	563.40	685.80	[9] 400.80	964.20	1,487.40
$15,000	2,250	630.00	[8] 122.40	752.40	874.80	[9] 400.80	1,153.20	1,676.40
$18,250	2,737	766.36	[8] 122.40	888.40	1,011.16	[9] 400.80	1,289.56	1,812.76
$21,000	3,150	882.00	[8] 122.40	1,004.40	1,126.80	[9] 400.80	1,405.20	1,928.40
$24,437	3,665	1,026.00	[8] 122.40	1,148.40	1,270.80	[9] 400.80	1,549.20	2,072.40

POSTCATASTROPHIC TOTAL COSTS FOR INDIVIDUALS—Continued

Taxable income	Tax liability	Catastrophic supplemental premium	Catastrophic flat premium	Total catastrophic premium	Total catastrophic premium (couples)	Existing Medicare flat premium	Total premium	Total premium (couples)
$27,875	4,181	[7] (1,170.68) 1,050.00	[8] 122.40	1,172.40	1,415.48	[9] 400.80	1,573.20	2,217.08
$34,000	5,652	[7] (1,582.56) 1,050.00	[8] 122.40	1,172.40	1,827.36	[9] 400.80	1,573.20	2,628.96
$38,750	6,982	[7] (1,954.76) 1,050.00	[8] 122.40	1,172.40	2,199.56	[9] 400.80	1,573.20	3,001.16
$43,500	8,312	[7] (2,100.00) 1,050.00	[8] 122.40	1,172.40	2,344.80	[9] 400.80	1,573.20	3,146.40

[1] For couples ($1,600 cap). [2] Times 2 for couples ($96). [3] Times 2 for couples ($669.60). [4] For couples ($1,700 cap). [5] Times 2 for couples ($117.60). [6] Times 2 for couples ($696). [7] For couples ($2,100 cap). [8] Times 2 for couples ($244.80). [9] Times 2 for couples ($801.60).

Mr. NICKLES. I certainly will not read everything from the tables, but I will highlight just a couple things.

For the year 1990, on this table it shows that if an individual made $18,000 he would pay a tax of about $2,700. The tax surcharge to pay for catastrophic is almost $700 plus the $58. It is $753 additional tax, if a person had taxable income of $18,000.

If they had taxable income over $24,000 the tax surcharge will be $850 or a total when you add the flat premium of over $900.

So again we are not just talking about the fat cats. We are not talking about the ultrawealthy. We are talking about middle-income America and a great percentage of these people, actually a majority of senior citizens already had this coverage. We are saying we do not care if you had it or not, here is what you have to pay. We are going to duplicate the coverage that you already had.

That is what people are upset about. These are people who worked hard all their lives to save a little money to provide for their postretirement years and maybe they have saved a little bit and Congress is coming up with a new bill to duplicate coverage they already have and charge them as much as $900 or $1,000.

It is a lot worse for couples. If you just look at a couple—I do not have this on this visible chart, but I will enter it into the RECORD—if you have a couple that has a taxable income of say $24,000, that couple will pay $975. If the couple has a taxable income of $34,000, that couple will pay $1,471 just for the catastrophic coverage, $1,471 if their taxable income was $34,000.

That is a big "if." That is a big tax increase. That is an expensive tax increase on senior citizens.

And, frankly, I will tell my colleagues if you hear from your constituents, I think you will find out they are quite upset.

I show one additional table because this is a table on what it will be in the year 1993. A lot of people are not aware of this fact that, yes, the supplemental premium, the tax surcharge which is 15 percent in the year 1989, it is 25 percent in the year 1990, it escalates—it is 28 percent in the year 1993, and it does not cap at that. It continues to escalate. So it can escalate. It will be 28 percent in the year 1993 unless we change it, but it could easily be 35 percent, it could be 50 percent in the future years. Actually, it could be 50 percent in the year 2005. It sounds like a long time. It is not that long. When you are talking about retirement, you are going to have a lot of people say, "Well, OK, if I am 50 years old and am planning on retiring at age 65," do they know that they may have a tax surcharge of 50 percent by the year 2005 by the legislation that was passed last year? Did any of our colleagues know that that supplemental premium or tax surcharge could continue to escalate by 1 percent per year? They should be aware of it because it is very expensive.

The tax liability for the year 1993, the taxable income of $10,500, tax liability is about $1,500. The catastrophic supplemental premium is $441, flat premium. It is $122, in other words, $10 a month per person. The total premium is $563.

If you had income of $27,000, taxable income of $27,000, the tax liability is a little over $4,000, the supplemental premium we used on last year would be over $1,000 per person, $1,050 per person. Add that to the $122 flat premium, you are talking about $1,172 on an individual plan again to provide insurance that Medicare was not paying. We call it Medigap and provide that and charge almost $1,200. Seventy-two percent of senior citizens already had this coverage in the private sector and we said we are sorry, we are going to duplicate it and here is what you get to pay for. If you add the cost of what that is for a couple, it is even more expensive.

That is not fair. We should not do it. We should not penalize those senior citizens for saving for their retirement. We should not penalize those senior citizens for providing for their own Medigap policies.

So what I have proposed is, say, let us just postpone, let us postpone the supplemental premium, let us postpone the flat premium and let us establish a bipartisan commission, let us tell them they have 1 year to report, have them report back to Congress, give us some suggestions on how we can help those who need the help, how we can help those who do not have the coverage and who cannot afford the coverage. I think it is sensible.

Somebody might say how would you help the person during this 2-year period that might fall between the cracks? Since this $4 premium has already been charged and is being charged today, this flat $4 a month premium that is on every senior citizen in America today, $48 per individual, $96 per couple, that is accumulating some money. We can leave that money in escrow and have the Secretary of Health and Human Services come up with a plan that would help those who maybe did fall between the gaps. I am talking about a very small percentage. It is estimated that only 7 percent of the senior citizen population would benefit from this proposal, even benefit in any way from this proposal.

Again, three-fourths of those already have private coverage. Those who do not have private coverage that would fall in the gaps there are some funds in there available to help them. I think that would make sense.

Mr. President, I would like to enter into the RECORD a few comments from a couple of constituents that have written me. One came in from a man whose wife is ill from Stillwater, OK:

> Senator, what are we to do? We know we are in a catastrophic situation. We are being assessed costs for the 1988 Catastrophic Act. No benefits are available to us under the Act. Surely, this situation is not fair or equitable. We ask for your assistance. We have no objection to affordable cost, if there is opportunity to share in the benefits. Otherwise, we ask that the 1988 Catastrophic Act be discontinued or amended. Otherwise, it will continue to increase our health costs, serve no benefit to us, and add to our distress.

Finally, a letter from Arcadia, OK, and I quote:

> Let me explain what you (Congress) have done for myself, and hundreds of other retired teachers across Oklahoma and the nation. The legislation provides us with no benefits we do not already possess through the teacher retirement program. However, it will cost myself and my wife more than $10,000 over the next five years for benefits I neither want nor need. This is an onerous tax. Do not think for a minute that this fact is misperceived by your thousands of constituents. It harms my retirement fund; it harms that for which I have so diligently and carefully planned; it harms my legacy to my children. . . .

That was a teacher in the Oklahoma retirement system that has Medicap coverage and frankly most of the civil servants have Medigap coverage. We all have thousand of civil servants who have this coverage. We did not need to duplicate it for them. We do not need

to sock this heavy burden, this heavy taxation on them.

I urge my colleagues to look at this proposal. There are several other proposals that are similarly aimed. I hope that the Finance Committee will take a look at it. If they have not done so, I hope that they will have some town meetings and meet with their constituents and I think they will find that there is ample reason, amply urgency throughout America to make these changes.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catastrophic Coverage Delay Act of 1989".

SEC. 2. DELAY OF THE CATASTROPHIC COVERAGE ACT OF 1988.

(a) IN GENERAL.—The Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360) is hereby delayed for two years.

(b) EFFECT OF OTHER LAWS.—Any provision of law amended or repealed by such Act is hereby restored or revived, and shall be effective as if such Act had not been enacted.

(c) TRANSITION.—

(1) PREMIUMS.—Premiums collected under section 1839(g) of the Social Security Act for months before the effective date of this Act shall, instead be transferred to (or deposited to the credit of) the Federal Supplementary Medical Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Trust Fund, except that the amounts so transferred shall not exceed the amount of net additional expenditures that the Secretary of Health and Human Services estimates were made from the Federal Hospital Insurance Trust Fund as a result of the changes made by the Medicare Catastrophic Coverage Act of 1988 (as in effect before the delay effected by this section).

(2) BENEFITS.—Under regulations to be promulgated by the Secretary of Health and Human Services, the Secretary shall provide for an appropriate transition so as to assure that individuals affected by this law are not put at an unfair disadvantage during the delay period of the Medicare Catastrophic Coverage Act.

SEC. 3. COMMISSION TO REVIEW THE MEDICARE CATASTROPHIC COVERAGE ACT.

(a) ESTABLISHMENT.—There is hereby established a Commission to be known as The Commission to Review the Medicare Catastrophic Coverage Act of 1988 (hereafter in this Act referred to as the "Commission").

(b) DUTIES.—The Commission shall—

(1) determine how to incorporate the spousal impoverishment provisions of the current Medicare Catastrophic Coverage Act as it relates to Medicaid.

(2) evaluate the needs of Medicare beneficiaries for extended acute illness care beyond what Medicare currently provides;

(3) evaluate differences between the acute care experiences of Medicare beneficiaries who have supplemental insurance or comparable coverage (such as retirement health benefits) and the acute care experiences of those without such coverage;

(4) determine ways in which Medicare benefits may be complimented by government-backed private supplemental insurance or comparable coverage to protect low income persons not covered by Medicaid from excessive acute medical care expenses;

(5) evaluate the relative needs of retirees for extended acute care compared to long-term home care and nursing home insurance for non-acute care situations;

(6) evaluate short and long-term costs and funding mechanisms and other studies and proposals for providing protection against excessive costs of catastrophic illness beyond the scope of current Medicare coverage;

(7) develop proposals to make available extended acute care insurance protection, taking into consideration and not eliminating existing coverage, supplemental insurance, and comparable coverage.

(8) determine the benefits which Medicare beneficiaries prefer and their preferences in methods of financing such benefits;

(9) investigate the effect of catastrophic illness and related expenses, upon non-Medicare eligible individuals; and

(10) evaluate associate health care matters within the discretion of the Chairman.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 9 members appointed as follows:

(A) The President shall appoint 5 members. In the Senate, the Majority Leader shall appoint 1 member and the Minority Leader shall appoint 1 member. In the House, the Speaker of the House shall appoint 1 member and the Minority Leader shall appoint 1 member to the Commission.

(B) No member of Congress shall be appointed or designated as a member of the Commission. The members of the Commission shall be individuals who have experience in such relevant disciplines as tax matters, actuarial matters, and health care and its delivery, and shall include individuals who are representatives of senior citizens.

(2) VACANCIES.—Any vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made and shall not affect the power of the remaining members to execute the duties of the Commission.

(3) QUORUM.—A quorum shall consist of 7 members of the Commission, except that, under the Chairman's discretion, 2 members may conduct a hearing under subsection (e)(1).

(4) MEETINGS.—The Commission shall meet at the call of its chairman or a majority of its members if under the direction of the chairman.

(5) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—Members of the Commission are not entitled to receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(d) STAFF AND CONSULTANTS.—

(1) STAFF.—The Commission may appoint and determine the compensation of such staff as may be necessary to carry out the duties of the Commission. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

(2) CONSULTATIONS.—The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(e) POWERS.—

(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, including but not exclusively, public hearings throughout the United States.

(2) COST ESTIMATES BY CONGRESSIONAL BUDGET OFFICE.—

(A) Upon the request of the Commission, the Director of the Congressional Budget Office shall provide to the Commission such cost estimates as the Commission determines to be necessary to carry out its duties.

(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the commission under subparagraph (A).

(3) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(5) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

(6) OBTAINING INFORMATION.—The Commission may secure directly from any agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Chairman of the Commission.

(7) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report containing its findings and recommendations on an appropriate method for providing extended acute care coverage to Medicare beneficiaries which provides a role for private insurance and which minimizes duplicate coverage by Medicare, current supplemental insurance, other private insurance, and comparable coverage.

(g) TERMINATION.—The Commission shall terminate 30 days after the date of submission of the report required in subsection (f).

By Mr. METZENBAUM:

S. 446. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to provide for the financial accountability of certain contractors of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

PRICE-ANDERSON FINANCIAL ACCOUNTABILITY AMENDMENTS

● Mr. METZENBAUM. Mr. President, I am pleased to introduce legislation today that will hold Department of Energy nuclear contractors more accountable for their work. This legislation will give DOE nuclear contractors the financial incentive to improve the quality of their work by extending a modest degree of liability for accidents caused by their willful misconduct or gross negligence.

Currently the contractors have no legal liability for such accidents, leaving the Federal Government and the taxpayers to pick up the tab for any damage done. This lack of liability is in contrast to the law governing commercial nuclear plant operators, who may have to pay over $7 billion in damages resulting from an accident, whether or not they were negligent. This legislation would have no impact whatsoever on the commercial plant operators.

At his confirmation hearing yesterday, Energy Secretary-designate Adm. James D. Watkins, agreed that the contractors should be held more liable. In reference to a question I posed he responded, "I am of the same mind you are that there is a limit to the degree to which we can accept all liability for any event, particularly negligence."

Admiral Watkins' statement in this respect is very encouraging and gives us reason to be optimistic that the administration will support our call for greater contract accountability.

Under this legislation, the Attorney General would be given the authority to sue a contractor who has been grossly negligent or has engaged in willful misconduct, with a maximum liability of 1 year's value of the contract. Furthermore, the legislation would bar any contractor found guilty under its provisions from receiving any Federal contract for a 5-year period. A contractor could be exempted from these provisions if the President determined that the contractor's services were necessary for national security purposes.

Mr. President, the Price-Anderson Financial Accountability Amendments of 1989 will greatly strengthen the authority of the Secretary of Energy in improving the accountability of nuclear contractors, and in enhancing the public safety. I strongly urge my colleagues to support this legislation.●

By Mr. BOSCHWITZ (for himself, Mr. ARMSTRONG, Mr. GORTON, Mr. KASTEN, Mr. BOND, Mr. SYMMS, Mr. NICKLES, Mr. SHELBY, Mr. RUDMAN, and Mr. MCCAIN):

S. 447. A bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

COMMON SENSE BUDGET ACT

● Mr. BOSCHWITZ. Mr. President, today I am introducing with nine of my colleagues the Common Sense Budget Act of 1989. This bill would, quite simply, require the administration and Congress to draft their budgets based on the current level of spending, not a "current services" baseline.

For years, I have been pointing out that we can balance the Federal budget by just restraining the growth in Federal spending. If we hold the increase in Federal spending to 3 or 4 percent, the natural growth in revenues, which historically runs at about 8 percent, will close the gap and eliminate the deficit.

The problem is, we start every year of budget negotiations with a "Current services" budget baseline that assumes automatic growth in all programs. That makes it far more difficult to restrain—not cut, just restrain— the growth in Federal spending.

To end the bias in favor of higher spending, we need a baseline based on the current level of spending, not an estimate of current services. In my opinion, current services—with all its built-in assumptions of spending growth—misrepresents the budget to the American people. Each year we project an increase in all programs, only restrain the growth in a few areas, and then pat ourselves on the back for "cutting" the Federal budget. The truth is, every year we've let Federal spending increase.

This becomes obvious when you look at the results over a period of years. According to the baseline for the 1986 fiscal budget, for instance, Congress reduced the deficit by a total of $239 billion over the previous 5 years. While we were cutting spending so aggressively, however, Federal spending increased by two-thirds and the deficit almost tripled.

The Budget Summit Agreement of 1987 is another example of manipulating the baseline. Congress claimed credit for $76 billion in deficit reduction in the agreement, but the figures were always based on savings from the current services baseline. In fact, spending will increase almost 15 percent during those 2 years, and both the 1988 and 1989 deficit will be higher than the 1987 deficit of $150 billion.

Current services is—at best—a confused way to debate the budget. Our constituents don't talk about their budgets in these terms and they don't understand us when we do. Try explaining to a town meeting in Minnesota why a 10-percent increase is really a cut, and you quickly discover how senseless the whole system sounds. The American people shouldn't have to learn a new language, where words like "cut" and "increase" have a completely different meaning than in any other context. It's time Congress started using the American people's language.

Mr. President, the legislation I am introducing has three main provisions.

First, it would require the President to present a budget which estimates spending for the current year and then recommends increase—or, in rare cases, decreases—based on the actual level.

Second, my legislation would require Congress to draft its budget in the same way. The starting point would be this year's spending, not a projected "baseline" for next year. The committee report would list proposed spending for each function and indicate the percentage increase, or decrease, over the current year's level.

Finally, my bill would also require the Congressional Budget Office to submit a so-called "current law" baseline. That baseline would project growth under current law for entitlement programs and include all discretionary spending at the current year's level, without an automatic increase for inflation.

It's time to talk about the Federal budget like the rest of the country talks about theirs. We need to replace the arcane concept of a current services baseline with the commonsense notion of a current level baseline. When we do that, we'll stop calling increases "cuts," and we'll start talking straight to the American people.

Mr. President, I ask unanimous consent that the entire text of the Common Sense Budget Act of 1989 be inserted into the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Common Sense Budget Act of 1989".

SEC. 2. THE PRESIDENT'S BUDGET.

Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section—

"(A) estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year;

"(B) estimated expenditures and proposed appropriations the President decides are necessary to support the Government for each function and subfunction in the fiscal year for which the budget is submitted; and

"(C) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;".

SEC. 3. CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the Congressional budget for the next fiscal year shall be from such estimated levels.";

(2) striking paragraphs (2) and (3) and inserting the following:

"(2) a comparison of levels for the current fiscal year with proposed spending for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;

"(3) information, data, and comparisons indicating the manner in which and the basis on which, the committee determined each of the matters set forth in the concurrent resolution, including information on outlays for the current fiscal year and the decisions reached to set funding for the subsequent fiscal years;";

(3) inserting "and" after the semicolon in paragraph (7);

(4) striking paragraph (8); and

(5) redesignating paragraph (9) as paragraph (8).

SEC. 4. CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.

The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including (A) estimated budget outlays in all functions and subfunctions for appropriated accounts for the current fiscal year and estimated budget outlays under current law for all entitlement programs for the next fiscal year, (B) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits), and (C) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year.".●

● Mr. NICKLES. Mr. President, today I join my colleague from Minnesota in introducing what may be the most significant piece of legislation to be introduced in the 101st Congress. The "Common Sense Budget Act" is something that has been long overdue in a budgetary process continually lacking in fiscal restraint.

I have heard many of my colleagues stand here and talk about the budget deficit and recognize the negative economic effects of Congressional spending habits. And there are a great number of theories on the issue of deficit spending. However, the problem is simple—Congress continues to spend more than it can afford. And the solution is just as elementary—Congress must limit Government spending below the level of what it takes in every year.

Each year, Congress starts at a spending disadvantage right from the beginning of the budget process. By adding automatic inflation adjustments to the budget baseline figure, Congress is wasting a great deal of taxpayer dollars on portions of the budget that do not need increases, and in some cases, deserve decreases.

We cannot continue to provide unchallenged, automatic, across-the-board spending increases at such a critical time in our Nation's economic history.

The legislation we are introducing today will put an end to automatic inflation adjustments and provide Congress with a real budget baseline.

This bill will require the President to submit a budget that estimates current year spending and then makes recommendations as to whether certain programs deserve increased funding or, in some cases, reduced funding.

Congress will also be required to prepare a budget resolution listing the current level of spending in each budget function and then listing any necessary increases or decreases in spending levels for each function.

Under the current system of across-the-board increases, Federal programs seem to take on a life of their own as they grow from year to year without any justified benefit to the American taxpayer. The legislation we are introducing today will bring an increased level of accountability to costly Federal programs. It will assist in prioritizing our budgetary needs while helping to curb wasteful spending.

It is about time the American public knows the truth about what is really happening in our current budget process. They hear representatives from various Federal programs complaining about the budgetary "cuts" they are facing. When in reality, what these people call "cuts" are actually increases from what they received the previous year. Their real complaint is not getting their full requested increase for that fiscal year.

Recently, one of my colleagues pointed out a good example of this situation. If an employee making $20,000 a year goes to his boss and asks for a $10,000 raise, and instead his boss gives him a $5,000 raise, only in Washington would this be considered a 50-percent pay cut.

It is time for Congress to live in budgetary reality. We cannot continue to spend money we do not have. Congress must learn to spend its money sparingly. Much thought must go into the usefulness and effectiveness of certain Government spending. Today, with the introduction of this legislation, we are moving ourselves one step closer to fiscal responsibility.●

By Mr. SIMON (for himself, Mr. CRANSTON, and Mr. DASCHLE):

S. 448. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

LEGAL IMMIGRATION REFORM ACT

● Mr. SIMON. Mr. President, I rise in order to introduce the Legal Immigration Reform Act of 1989. I am happy to be joined in this effort by my good friends ALAN CRANSTON and THOMAS DASCHLE from California and South Dakota, respectively. This legislation is a comprehensive effort to make changes to our system of granting immigrant visas.

I have always believed that family reunification is a cornerstone to our immigration policy. Therefore, the Legal Immigration Reform Act makes available additional visas for the spouses and children of permanent residents. Currently, a husband who petitions for his wife and children from Mexico must wait over 10 years for their visa application to be acted upon. That is an intolerably long wait. In fiscal year 1987, we admitted approximately 110,000 second preference holders. The legislation I am introducing today would expand that number to slightly more than 200,000.

Another important change I would make is on the fifth preference visa for the brother or sister of a U.S. citizens. This visa is most frequently used by Asian and Pacific American citizens to be reunited with their adult siblings in the United States. However, in recent years, we have experienced a tremendous backlog in the processing of applications so that there is now a 7-year wait from India, an eight-year wait from Korea and China, a 10-year wait from Hong Kong despite the increase in the Hong Kong quota, and a 12-year wait from the Philippines and Mexico. This is clearly inequitable. My legislation would add additional visas to the fifth preference to address this long backlog. On the fifth preference, I depart from the approach taken by my colleagues on the Subcommittee on Immigration and Refugee Affairs Senators EDWARD KENNEDY and ALAN SIMPSON in their legal immigration bill. Their bill would reduce the number of fifth preference visas and restrict future eligibility to only unmarried brothers and sisters of U.S. citizens. One result of their bill would be to increase the wait for a visa to over 25 years and require an individual to agree at the start of that quarter century wait to remain unmarried as a condition to be reunited with a brother or sister in this country. We can do

better than that and my legislation shows the way.

Another major provision in my bill increases the per country ceiling of visas from the current 20,000 to 22,000. For the people whose only shortcoming in the visa process is to come from a country that already uses a lot of visas, this change is the only way for their wait to be reunited with a father, mother, or spouse to be shortened. My legislation also seriously addresses the concerns of those individuals who do not currently have family ties in the United States but want to come here as independent immigrants. My legislation, much like the bill offered by Senators KENNEDY and SIMPSON, creates a point system taking into account the prospective immigrant's age, education, job skills, experience, and interest in a job in which there are shortages of American workers and in areas of low unemployment. I also include 9,900 investor visas for those people, not faceless foreign corporations, who will come to and invest in our country and create at least 10 new American jobs.

The Legal Immigration Reform Act of 1989 also makes three changes in the area of naturalization. First, it provides justice for veterans of World War II who are of Filipino ancestry. They fought for our country in the Pacific and, in large part because of Japanese occupation of their island in the mid-1940's, were kept from applying for naturalization as U.S. citizens. As a nation, we made this offer to Filipino fighters in the 1940's but it has never been fully implemented. My legislation would remove the remaining barriers to enabling these patriots to apply for U.S. citizenship.

Second, it reduces the waiting period for naturalization of permanent residents to become citizens from the current 5 to 3 years. This is the same proposal that the Immigration and Naturalization Service made last year in its legal immigration reform package. To quote the INS report, "The current law's 5-year residency requirement to become a citizen adversely affects the backlog in immigration to this country and delays the reunification of families." I agree. My legislation would provide for all eligible permanent residents the same waiting period we now require for aliens who marry U.S. citizens. This naturalization waiting period has fluctuated over the years and I believe that 3 years is appropriate. We now have many permanent residents who are taxpayers and law-abiding citizens in virtually every sense of the word but one and contribute to our society and our economy. By reducing this barrier to citizenship, we will further bring them into the mainstream of our country.

Third, my legislation eases the burden on seniors to become citizens. Currently, the law exempts from the language requirement on the naturalization test those individuals who have been in permanent residence for at least 20 years and are over 50 years of age. This bill will apply that same exemption to individuals who are over 65 years of age and have been in permanent residence for at least 10 years. The cognitive obstacles to learning a second language at that age are so great that I believe this exception from current law is warranted.

I have outlined the major provisions of the Legal Immigration Reform Act of 1989. As a member of the Immigration and Refugee Affairs Subcommittee, I want to work with my chairman and ranking subcommittee member in enacting legislation this year. The bill I offer today contains the improvements I would make to the Kennedy-Simpson bill which the Senate passed last year and that they reintroduced earlier this month. I hope all my colleagues will join me in this endeavor to tap the immigrant energy and vitality that has always meant so much to us as a nation. Immigrants continue to make positive contributions to the United States of America. Each one of them is here not because they were lucky enough to be born here but because they have seen other regimes and seek America's freedom. My legislation ensures that these Americans-by-choice can be reunited with their close families without having to wait over a decade; that new immigrants who by dint of their hard work can contribute to the Nation can do so; and that, once they are here for a time and been law-abiding contributors, they can step up and be naturalized as full partners in America.●

By Mr. BOREN (for himself, Mr. JOHNSTON, Mr. BINGAMAN, Mr. NICKLES, Mr. DOMENICI, Mr. WALLOP, and Mr. SIMPSON):

S. 449. A bill to amend the Internal Revenue Code of 1986 to provide incentives for oil and natural gas exploration and production, and for other purposes; to the Committee on Finance.

DOMESTIC ENERGY SECURITY ACT

● Mr. BOREN. Mr. President, today I would like to introduce the Domestic Energy Security Act of 1989 along with my colleagues Senators JOHNSTON, BINGAMAN, NICKLES, DOMENICI, WALLOP, and SIMPSON. This legislation is to be the Senate companion to H.R. 664 as introduced by Congressmen ARCHER and ANDREWS. I have previously stated my concerns about the health of our domestic energy industry and I will not repeat my arguments here. It should, however, be noted that President Bush has recognized the problems we are facing and has proposed his own solutions. It is important that we consider every possible option available to us. I would ask that a brief summary of the bill be printed in the RECORD along with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Energy Security Act of 1989".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I. NATIONAL ENERGY SECURITY TAX CREDITS

Sec. 101. Crude oil and natural gas exploration and development credit.
Sec. 102. Marginal production credit.

TITLE II. ADDITIONAL EXPLORATION AND PRODUCTION INCENTIVES

Sec. 201. Expensing of geological, geophysical and surface casing costs.
Sec. 202. Percentage depletion permitted after transfer of proven property.
Sec. 203. Net income limitation on percentage depletion not to apply to oil and gas wells.
Sec. 204. Repeal of taxable income limitation on percentage depletion.
Sec. 205. Credit for producing fuel from nonconventional sources.

TITLE III. AMENDMENTS TO THE ALTERNATIVE MINIMUM TAX

Sec. 301. Removal of percentage depletion and intangible drilling costs from the alternative minimum tax.

TITLE IV. MISCELLANEOUS TAX AND ADMINISTRATIVE AMENDMENTS

Sec. 401. Repeal of Rev. Rul. 77-176.
Sec. 402. Accrual of offshore production facility dismantlement costs.
Sec. 403. Exemption of oil and gas exploration and production activities from the uniform capitalization rules.

TITLE I—NATIONAL ENERGY SECURITY TAX CREDITS

SEC. 101. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

(a) CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding the following new section:

"SEC. 30. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the taxpayer's qualified investment for the taxable year.

"(b) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means amounts paid or incurred—

"(1) for geological and geophysical expenditures incurred for the purpose of ascertaining the existence, location, extent, or quality of any crude oil or natural gas deposit, including core testing and drilling test wells,

"(2) for the purpose of drilling and equipping crude oil and natural gas wells (including pollution control equipment used in connection with such wells), or

"(3) for the purpose of performing secondary or tertiary recovery techniques, on properties located in the United States or in a possession of the United States as defined in section 638 (relating to Continental Shelf areas), but only to the extent that the expenditure is not a qualifying cost under section 30A.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, and 29.

"(2) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

"(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an oil and gas production credit carryback to each of the 10 taxable years preceding the unused credit year, and

"(ii) an oil and gas production credit carryforward to each of the 15 taxable years following the unused credit year, and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 25 taxable years to which such credit may be carried, and then to each of the other 24 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year."

(b) TECHNICAL AMENDMENT.—The last sentence of section 38(c)(1) of such Code is amended by striking "subparts A and B" each place it appears and inserting in lieu thereof "subpart A and sections 27 and 28".

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 30. Crude oil and natural gas exploration and development credit."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of enactment of this Act in taxable years ending after such date.

SEC. 102. MARGINAL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding the following new section:

"SEC. 30A. MARGINAL PRODUCTION CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year to the producer of eligible crude oil an amount equal to 20 percent of the qualified cost of each barrel of such oil (or fractional part thereof) produced during the taxable year.

"(b) QUALIFIED COST.—For purposes of this section, the term 'qualified cost' means, with respect to each barrel of eligible crude oil, the sum of—

"(1) such barrel's pro rata share of the lease operating expenses (other than business overhead expenses) paid or incurred by the producer of such barrel during the taxable year in which such barrel was produced, plus

"(2) the amount of severance tax paid or incurred by such producer with respect to such barrel.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CRUDE OIL.—The term 'eligible crude oil' means domestic crude oil which is—

"(A) from a stripper well property,

"(B) heavy oil,

"(C) oil recovered through a tertiary recovery method, or

"(D) harsh environment oil.

"(2) OTHER DEFINITIONS.—

"(A) CRUDE OIL.—The term 'crude oil' has the meaning given to such term by the June 1979 energy regulations.

"(B) BARREL.—The term 'barrel' means 42 United States gallons.

"(C) DOMESTIC.—The term 'domestic' when used with respect to crude oil, means crude oil produced from a property located in the United States or a possession of the United States.

"(D) UNITED STATES.—The term 'United States' has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas).

"(E) POSSESSION OF THE UNITED STATES.—The term 'possession of the United States' has the meaning given to such term by paragraph (2) of section 638.

"(F) STRIPPER WELL PROPERTY.—The term 'stripper well property' means any property that produced less than ten barrels per day during any consecutive 12-month period beginning after December 31, 1972.

"(G) PROPERTY.—The term 'property' means property as defined in section 614.

"(H) HEAVY OIL.—The term 'heavy oil' means all crude oil which is produced from a property if crude oil produced and sold from such property during—

"(i) the last month before July 1979 in which crude oil was produced and sold from such property, or

"(ii) the taxable year had a weighted average gravity of 20 degrees API or less (corrected to 60 degrees Fahrenheit).

"(I) TERTIARY RECOVERY METHOD.—The term 'tertiary recovery method' means—

"(i) any method which is described in subparagraphs (1) through (9) of section 212.78(c) of the October 1979 energy regulations, or

"(ii) any other method to provide tertiary enhanced recovery (including steam generation) which is approved by the Secretary for purposes of this section.

"(J) HARSH ENVIRONMENT OIL.—The term 'harsh environment oil' means oil produced from a property located north of the 49th parallel or under at least 400 feet of water.

"(K) SEVERANCE TAX.—The term 'severance tax' means a tax imposed by a State or political subdivision thereof with respect to the extraction of crude oil.

"(L) ENERGY REGULATIONS.—

"(i) IN GENERAL.—The term 'energy regulations' means regulations prescribed under section 4(a) of the Energy Petroleum Allocation Act of 1973 (15 U.S.C. 753(a)).

"(ii) JUNE 1979 ENERGY REGULATIONS.—The June 1979 energy regulations shall be the terms of the energy regulations as such terms existed on June 1, 1979.

"(iii) OCTOBER 1979 ENERGY REGULATIONS.—The October 1979 Energy Regulations shall be the terms of the energy regulations as such terms existed on October 30, 1979.

"(iv) CONTINUED APPLICATION OF REGULATIONS AFTER DECONTROL.—Energy regulations shall be treated as continuing in effect without regard to decontrol of oil prices or any other termination of the application of such regulations.

"(d) SPECIAL RULE FOR OFFSHORE WELLS.—In the case of eligible crude oil produced from a property located under at least 400 feet (but less than 1,200 feet) of water, the percentage determined under the following table shall be substituted for '20 percent' in subsection (a):

"If distance (in feet) of the property under water is—		The percentage is—
At least	But less than	
400	600	5 percent
600	900	10 percent
900	1,200	15 percent

"(e) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, 29, and 30.

"(2) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

"(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an oil and gas production credit carryback to each of the 10 taxable years preceding the unused credit year, and

"(ii) an oil and gas production credit carryforward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit

under this section. The entire amount of the unused credit shall be carried to the earliest of the 25 taxable years to which such credit may be carried, and then to each of the other 24 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year."

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 30A. Marginal production credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of enactment of this Act in taxable years ending after such date.

TITLE II—ADDITIONAL EXPLORATION AND PRODUCTION INCENTIVES

SEC. 201. INTANGIBLE DRILLING COSTS INCLUDE GEOLOGICAL, GEOPHYSICAL, AND SURFACE CASING COSTS.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells) is amended by inserting before the last sentence the following new sentence: "In the case of oil and gas wells, the tax treatment under this subsection which applies to the taxpayer's intangible drilling and development costs shall also apply to surface casing costs and to geological and geophysical costs for the purposes of ascertaining the existence, location, extent or quality of any deposit of oil or gas within the United States (within the meaning of section 638).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after the date of enactment of this Act.

SEC. 202. PERCENTAGE DEPLETION PERMITTED AFTER TRANSFER OF PROVEN PROPERTY.

(a) IN GENERAL.—Subsection (c) of section 613A of the Internal Revenue Code of 1986 (relating to limitations on percentage depletion in case of oil and gas wells) is amended by striking out paragraphs (9) and (10) and by redesignating paragraphs (11), (12), and (13) as paragraphs (9), (10), and (11), respectively.

(b) TECHNICAL AMENDMENT.—Paragraph (11) of section 613A(c) of such Code, as redesignated by subsection (a), is amended by striking out subparagraphs (C) and (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 203. NET INCOME LIMITATION ON PERCENTAGE DEPLETION NOT TO APPLY TO OIL AND GAS WELLS.

(a) IN GENERAL.—The second sentence of subsection (a) of section 613 of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by striking out "Such allowance" and inserting in lieu thereof "Except in the case of an oil or gas well, such allowance".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 204. REPEAL OF TAXABLE INCOME LIMITATION ON PERCENTAGE DEPLETION.

(a) IN GENERAL.—Section 613A(d)(1) of the Internal Revenue Code of 1986 is amended by striking "65 percent" and inserting in lieu thereof "100 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 205. CREDIT FOR PRODUCING FUEL FROM NON-CONVENTIONAL SOURCES.

(a) 7-YEAR EXTENSION.—Clauses (i) and (ii) of section 29(f)(1)(A) of the Internal Revenue Code of 1986 are each amended by striking out "January 1, 1991" and inserting in lieu thereof "January 1, 1998".

(b) TIGHT SANDS GAS ELIGIBLE FOR CREDIT.—Section 29(c)(2) of such Code is amended to read as follows:

"(2) GAS FROM GEOPRESSURED BRINE, ETC.—The determination of whether any gas is produced from geopressured brine, Devonian shale, coal seams, or a tight formation shall be made in accordance with section 503 of the Natural Gas Policy Act of 1978."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to gas produced after the date of the enactment of this Act is taxable years ending after such date.

TITLE III—AMENDMENTS TO THE ALTERNATIVE MINIMUM TAX

SEC. 301. REMOVAL OF PERCENTAGE DEPLETION AND INTANGIBLE DRILLING COSTS FROM THE ALTERNATIVE MINIMUM TAX.

(a) ALTERNATIVE MINIMUM TAX.—Sections 57(a)(1), 57(a)(2), and 57(b) of the Internal Revenue Code of 1986 are hereby repealed.

(b) CORPORATE PREFERENCE ITEMS.—

(1) IN GENERAL.—Paragraph (1) of section 291(b) of such Code is amended to read as follows:

"(1) IN GENERAL.—The amount allowable as a deduction for any taxable year under section 616(a) or 617(a) (determined without regard to this section) shall be reduced by 30 percent."

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (2) and (3) of section 291(b) of such Code are each amended by striking out "263(c), 616(a)," and inserting in lieu thereof "616(a)".

(B) Section 291(b) of such Code is amended by striking out paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(C) Section 59(e)(2) of such Code is amended by striking out subparagraph (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D).

(D) Section 263(c) of such Code is amended by striking out the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

TITLE IV—MISCELLANEOUS TAX AND ADMINISTRATIVE AMENDMENTS

SEC. 401. REPEAL OF REVENUE RULING 77-176.

(a) With respect to mineral sharing arrangements, the application of chapter 1 the Internal Revenue Code of 1986 shall be determined—

(1) without regard to Revenue Ruling 77-176 (and without regard to any other regulation, ruling, or decision reaching the same result as, or a result similar to, the result set forth in such Revenue Ruling); and

(2) with full regard to the rules in effect before Revenue Ruling 77-176.

SEC. 402. ACCRUAL OF OFFSHORE PRODUCTION FACILITY DISMANTLEMENT COSTS.

(a) IN GENERAL.—Subparagraph (A) of section 461(h)(2) of the Internal Revenue Code of 1986 (relating to time when economic performance occurs) is amended by adding at the end thereof the following new sentence: "If, under the terms of an offshore oil or gas lease, there is a liability for removal of the oil or gas production facilities, such liability shall be treated for purposes of this paragraph as arising out of the use of the facilities.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 403. EXEMPT OIL AND GAS EXPLORATION ACTIVITIES FROM THE UNIFORM CAPITALIZATION RULES.

(a) Section 263A(c)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) CERTAIN OIL AND GAS EXPLORATION ACTIVITIES AND OTHER MINERAL PROPERTY COSTS.—

"(A) This section shall not apply to any costs incurred relating to oil and gas exploration and development activities such as lease acquisition and maintenance activities, geological and geophysical activities, or drilling and completing oil and gas wells.

"(B) This section shall not apply to any cost allowable as a deduction under section 616(a) or 617(a)."

(b) EFFECTIVE DATE.—The amendments made by section shall apply to costs paid or incurred after the date of the enactment of this Act.

SUMMARY OF DOMESTIC ENERGY SECURITY ACT OF 1989

1. Exploration and Development Tax Credit. Provide a 20 percent tax credit for exploration and development expenditures. The credit would apply against both the regular and alternative minimum tax.

2. Production Credit for Maintaining Economically Marginal Wells: Provide a 20 percent credit on the costs of operating economically marginal wells. Marginal wells include oil and gas stripper wells, heavy oil wells and oil recovered through tertiary recovery methods. The credit would apply against both the regular and alternative minimum tax.

3. Alternative Minimum Tax: To encourage greater exploration activity, intangible drilling costs and excess depletion are eliminated as preference items.

4. Non-Conventional Fuels Production Credit: Extend the placed-in-service date for qualifying wells or facilities by seven years. Further, include tight sands gas production as qualifying for the credit. Tight sands production was inadvertently precluded from qualifying for the credit due to decontrol.

5. Immediate expensing of all exploration costs: Allow for the immediate expensing of geological, geophysical and unrecoverable surface casing costs.

6. Capitalization of IDC: Eliminate the requirement that integrated producers capitalize 30% of IDCs. Permit full deductibility.

7. Dismantlement Costs of Offshore Production Facilities: Allow for the accrual of costs to dismantle offshore production facilities.

8. Property Transfer Rule: Repeal the transfer rule whereby independent producers loose percentage depletion on properties purchased from major oil companies. This provision would provide an additional incentive to the more efficient independent operator to purchase economically marginal wells from major oil companies.

9. Depletion Limitations: Repeal the 50 percent of net income property limitation on percentage depletion, as well as the 65 percent of taxpayer net income limitation on sustainable depletion.

10. Uniform Capitalization Rules: Exempt all oil and gas exploration and development activities from the Uniform Capitalization rules. Currently, only IDC costs are exempted.

11. Revenue Ruling 77-176: An administrative item to statutorily overrule Rev. Rul. 77-176 relating to "deemed" income resulting from certain farmout agreements where acreage is earned outside of the drillsite.●

● Mr. BINGAMAN. Mr. President, I rise today to join my distinguished colleague from Oklahoma, Senator BOREN, in introducing the Domestic Energy Security Act of 1989. This legislation is needed to help reverse the alarming decline of our domestic oil and gas industry.

The pressing problem of revitalizing the oil and gas industry is one of the greatest challenges facing the Congress and the administration this year. The sense of urgency in dealing with these challenges is more pronounced when you review the industry-related statistics for the past year.

U.S. TRENDS

The United States had its lowest level of production and drilling in 1988, at less than 8 million barrels/day. This figure matches the lowest annual rate of domestic crude oil production in the past 25 years. Active drilling rigs, the key indicator of U.S. petroleum development activity were down to under 800 in January, the slowest January on record. This compared to a high of almost 4,000 in 1981.

Imports grew 9 percent last year. Imports counted for 42 percent of U.S. domestic consumption in 1988 and may exceed 50 percent by 1992, compared to 36 percent in 1973, the year the Nation was crippled by the Arab oil embargo. Since 1985, petroleum imports have grown by more than 2 million barrels per day.

OPEC counts for one-half of these imports, compared to 36 percent in 1973. And Arab OPEC countries accounted for 25 percent of the import activity in 1988 compared to 15 percent in 1973.

The United States is the only major producing area in the world where crude oil output has fallen.

At the same time, petroleum consumption is continuing to increase, 4.4 percent in 1988, and imports will continue to fill the gap.

One of the greatest losses to our domestic industry is our loss of infrastructure which cannot easily be replaced. Several hundreds of thousands of rig workers, oil well servicing employees, petroleum engineers, and geologists have lost their jobs and many will never return to the industry.

NEW MEXICO TRENDS

These national statistics reflect similar trends in New Mexico.

The average number of active rigs has declined from 135 in 1981 to 37 today.

Applications to drill are down from 2,964 in 1981 to 1,297 in 1988.

The average number of wells drilled and completed in New Mexico has declined from 2,720 in 1981 to 1,093 at the end of 1988.

LEGISLATION

If these alarming trends at both the State and national level are not reversed, our energy security will become increasingly threatened. Increasing world reliance on OPEC oil, particularly from the Middle East, strengthens the relative power of these countries to control world oil prices and supplies.

In order to reverse the trend we need to stabilize prices and provide economic incentives to the industry to continue exploration and drilling.

The bill I am cosponsoring today seeks to provide those economic incentives, which are needed to mitigate the negative effects of recent changes in the U.S. tax structure which have discouraged oil and gas investment.

The U.S. petroleum industry has been one of the most heavily taxed U.S. industries throughout the 1980's, a period in which energy prices have fallen almost continuously. This has placed domestic oil companies at a serious disadvantage in terms of competing with other industries for investment capital. The increase in the United States tax burden on oil and gas production has occurred at a time when other producing nations, for example, the United Kingdom, Norway, Canada, and Australia, among others, has begun to encourage energy investment by lowering their taxes on energy production.

CONCLUSION

Improvements to the tax treatment of oil and gas exploration and production is not the only solution to achieving national energy security. We clearly must stabilize the price of crude oil in order for the incentives to work. However, the enactment of improvements to the tax treatment of the industry is an important step.

I ask my colleagues to support this important legislation and protect our energy security.●

By Mr. HATCH (for himself, Mr. DODD, Ms. MIKULSKI, and Mr. KASTEN):

S. 450. A bill to amend the Internal Revenue Code of 1986 to increase the earned income tax credit on the basis of family size, and for other purposes; to the Committee on Finance.

FAMILY EARNED INCOME TAX CREDIT ACT

Mr. HATCH. Mr. President, I am very pleased to introduce today the Family Earned Income Tax Credit Act and to have the cosponsorship of my committee colleagues, Senators DODD and MIKULSKI, as well as my friend from Wisconsin, Senator KASTEN. I hope other Senators will take a look at this proposal, and I especially invite Senators from the Finance Committee to join us in support of this bill which can provide substantive cash assistance to those in low- and moderate-income groups.

When President Bush was campaigning for office, he outlined a four-point child care initiative. The first element of his program was a tax credit which would help families underwrite the costs of child care. His tax proposal met several key criteria: First, it provided a substantial amount of credit; second, it was targetted to low-income families; third, it was based on an existing tax mechanism; and fourth, it was available to all families in the applicable income groups regardless of whether both parents worked or not. The Family Earned Income Tax Credit Act, or Family EITC, adheres to all of these criteria. This bill has the additional advantage of actually adding benefits for many families without reducing or eliminating benefits for others.

I believe a tax credit that meets the criteria described by the President should be a major part of any comprehensive child care program that Congress enacts.

Senator DODD has introduced the Act for Better Child Care, of which I am a cosponsor. This bill authorizes a discretionary program that will increase the availability of child care in areas where it is scarce and where there are few options for parents by permitting States to award grants to local organizations to develop child care programs. It will enhance the quality of child care by providing funds for the training of providers and the inspection of facilities. It will help low-income families by subsidizing the high cost of child care. I agree that such a discretionary program is a necessary part of a comprehensive approach to the child care issue.

The second element of President Bush's fall child care proposal was a block grant program designed to stimulate local initiatives in child care. President Bush's suggestion is very similar to the block grant program contained in the Child Care Services Improvement Act, which Congresswoman NANCY JOHNSON and I intro-

duced in the 100th Congress and will reintroduce shortly.

But, realistically, this program cannot make a dent in the growing need for child care. Even if the ABC bill is fully funded at its authorized level of $2.5 billion, we can subsidize fewer than 700,000 full-time slots at an average cost of $3,000 per child. The need is far greater.

The Family Earned Income Tax Credit Act will provide substantive financial help for families all across America who are struggling to make ends meet.

Current law provides a 14-percent tax credit to families with one child and incomes of up to $6,521, which begins to phase out at a rate of 10 percent between $10,270 and $19,400. At the maximum level, a family receives $875. Under current law, there is no adjustment for family size.

Under the Family Earned Income Tax Credit Act, current law for families with one child—of any age—would be adjusted such that a family would receive a credit equal to 14 percent of their income up to $7,143. That means that a family would receive $1,000 at the maximum level. The credit would begin to phase out at $9,340 at a rate of 10 percent and break even at $19,340.

The Family EITC also provides two additional amounts of credit for families with young children. Care for young children, of course, is the most expensive. Under the Family EITC, a family with two children under age 6 would receive a 21-percent credit, equal to $1,500 at its maximum level. This credit would phase out at a rate of 9.7 percent and end at $23,500. A family with three or more children under age 6 would receive a 28-percent credit. This credit would phase out at a rate of 9.8 percent and end at $28,500. At its maximum level, a family would receive $2,000.

This proposal, which is very similar to separate proposals offered by Senator BRADLEY, Senator BOSCHWITZ, and Congressman TOM PETRI, has several advantages. First, it is geared to those families who traditionally do not benefit from the dependent care tax credit. The Family EITC is, of course, refundable. Second, it is a slight expansion of existing law and not a brand new provision of tax law to implement. Third, the earned income tax credit can be paid on a regular basis so families would have the benefit of an earnings increase all year around. Fourth, this approach recognizes the costs associated with caring for children, including the loss of a second income if a family elects to have a parent in the home on a full-time basis.

The total cost of this proposal is estimated to be $2.4 to $2.7 billion per year after it is phased in. There is no question that the price tag is high, but the benefits are broad based.

Once again, I am delighted to have Senators DODD, MIKULSKI, and KASTEN as cosponsors of this essential tax credit legislation. I believe it goes hand-in-hand with any discretionary program which might be entertained by the Congress. The Family EITC will provide unrestricted, financial resources for families while a grant program seeks to improve the availability and quality of child care options. They are complementary pieces of legislation, and it would be our intention to link them together at the appropriate time.

I urge Senators to give this legislation careful consideration and join us as cosponsors of this key legislation to assist American families.

● Mr. DODD. Mr. President, I rise today to join Senators HATCH, MIKULSKI and KASTEN in introducing the Family Earned Income Tax Credit Act of 1989. I would like to express my deep appreciation to Senator HATCH in particular for his hard work and leadership on this issue and in our mutual effort to enact comprehensive child care legislation for America's working families.

The purpose of this proposal is to supplement such child care legislation and to build upon recent congressional action on tax and welfare reform. The bill revises the existing earned income tax credit [EITC] to include a family size adjuster for low income families with more than one young child. Families with one child would continue to receive an EITC of 14 percent of their income up to a certain amount as under current law, with higher ceilings and phase-out levels to adjust for inflation. For the first time, families with more than one child under age 6 would be eligible for a higher credit equal to 21 percent for families with two children, and 28 percent for families with three or more children.

As with the existing EITC Program, this legislation would target the credit to low income families regardless of whether or not they have work-related child care expenses or annual tax liability. The EITC can be paid to families each month through negative tax withholding, thereby putting additional cash directly into the hands of families for critical expenses when that money is needed most.

Mr. President, Senators HATCH, MIKULSKI and I intend for this proposal to complement the Act for Better Child Care Services, of which I am the chief Senate sponsor. In practical terms, this could be accomplished through a packaging of the two bills into one legislative initiative or through separate legislative actions on the two proposals. But let me be clear about one thing. This measure is no substitute for comprehensive child care legislation nor for a much needed increase in the minimum wage. It can supplement such legislation but not supplant it.

Like the other tax credit proposals before the Congress, this EITC bill is an income supplement for low-income families; it is not child care legislation. Like the exemptions families are allowed on their personal income tax forms today, EITC is designed simply to recognize that familites with dependents need greater disposable income than those without children at similar income levels. This and other tax credit initiatives do not even require that the funds be used for child care expenses. Recipient families may use the money for household items and other expenses totally unrelated to the costs of caring for children.

By the same token, these credits do nothing as far as I am concerned to increase the supply or the quality of child care—two of the three founding principles behind the Act for Better Child Care Services. And while some will say the market effect of the credits will serve to increase supply indirectly, this seems to be nothing more than a rhetorical pipe dream. This trickle down theory is contradicted by the fact that the credit funds need not be used for child care services. Moreover, the sponsors of these credits have implicitly recognized the fallacy of this theory by sponsoring to the tune of hundreds of millions of dollars separate grant proposals to increase child care supply.

Where tax credits can be effective is in helping families afford child care services where they are already available. To this end, the proposal we are introducing today would permit families to receive up to $1,000 per year, which could be applied to child care expenses. This is the most generous per-child credit currently before the Congress and even this would cover only one-third of the $3,000 average annual cost of child care in this country. The Act for Better Child Care Services, on the other hand, would provide low income families with funds up to 100 percent of the cost of care, while concurrently increasing the supply and quality of care under the guidance of parents, local businesses and communities.

For those concerned about the Federal deficit, I sound one last note of caution. Once a tax credit is enacted into law, it becomes an immediate negative entitlement which we cannot control. We would automatically be spending billions of Federal dollars each year, with no opportunity to posit the relative need for the credit against spending priorities in other areas. The Act for Better Child Care, conversely, permits Congress to put a national infrastructure in place and then determine appropriate funding levels each year based on competing priorities.

Mr. President, Senators HATCH, MIKULSKI, and I stand ready to work with other Senators in developing a comprehensive package for American families. In particular, we look to our friends and colleagues on the Finance Committeee for guidance and direction on any tax credit initiative. And should the Senate consider the Act for Better Child Care alone in a more expeditious fashion, we will continue to work for a supplementary income credit which Congress could consider later in the context of a subsequent tax or budget debate.

The American family—the children of this Nation—were just dealt about as good a political hand as any poker player could want. We have a new President who wants a kinder and gentler nation and is willing to invest money to make it happen. We have new leadership in the Senate which is committed to enacting a child care bill this year. We begin 1989 with a remarkable degree of consensus—on a new Federal role in America's child care system, on the targeting of Federal dollars to low-income families; on the importance of parental choice and variety in the delivery of child care services. I look forward to working with the new President and my colleagues in the Senate to see if—together—our mutual goals can be achieved.●

● Ms. MIKULSKI. Mr. President, I rise today to join my colleagues, Senators HATCH, DODD, and KASTEN, in introducing the Family Earned Income Tax Credit Act of 1989.

Expanding the earned income tax credit is a sensible approach to helping the working poor afford child care. We are building on an existing program that we know works if people take advantage of it. By adjusting the EITC by family size for the first time ever, we acknowledge that families with more children have more child care expenses, and that we want to help them meet those expenses.

Mr. President, the number of full-time working poor increased by more than 43 percent from 1978 to 1987. The EITC is designed to give these working moms and dads a little bit of a break on their taxes, so they can get the care for their children that they deserve. I would like to point out, however, that even with the increase we are proposing today, many of these families will still be below the poverty line. Thus, I would not want this legislation to be viewed as a substitute for an increase in the minimum wage, but rather as a complement to such an increase. In this country, families who are working hard full-time all year long should not be forced to live in poverty. This is not the American way.

Mr. President, last month I joined Senators DODD, HATCH and others in introducing a strong new bipartisan version of the Act for Better Child Care. That legislation, in combination with the bill we are introducing today, will go a long way toward meeting child care needs in this country. We need this tax credit bill to give the working poor a little more income they can use to help them afford child care; we need the ABC bill to assure that the child care they find will not only be affordable, but also accessible, competent and safe. It does us no good to give parents a little more money to pay for child care if we have not done all we can to be sure their kids will be safe and sound in their child care program.

In closing, Mr. President, I would like to commend Senator HATCH for his work on this bill and his powerful commitment to meeting the child care needs of families across the country. His willingness to work with me and that other tireless child care champion, Senator DODD, has strengthened our child care package tremendously—our collaboration has been a valuable experience for me.

Mr. President, children are our most valuable resource. And child care is one of the greatest needs working families face everyday. I believe that the bill we are introducing today, in combination with the ABC bill, will go a long way toward meeting those needs.●

By Mr. BINGAMAN:

S. 451. A bill to provide grants to States for fellowships for individuals who have outstanding ability, demonstrate an interest in a teaching career, and will teach in areas of the State in which there is a shortage of quality elementary or secondary school teachers or in fields of study in which there is a shortage of quality elementary or secondary school teachers, or both, and for other purposes; to the Committee on Labor and Human Resources.

FUTURE TEACHER TRAINING CORPS ACT

● Mr. BINGAMAN. Mr. President, I rise today to reintroduce the Future Teacher Training Corps Act, legislation to address the critical shortage of teachers in our country. Today's bill is identical to legislation I introduced in the 99th and 100th Congresses.

I introduced the Future Teacher Training Corps Act 3 years ago because I was gravely concerned about reports of a "future" shortage of quality teachers in our Nation's classrooms. The reports urged us to take action then—3, 5, 6 years ago—but we did not. Instead, we talked about the problem. We conducted more studies. We issued more reports.

Well, the "future" is here today, and the national teacher shortage is real. It is disheartening to report that despite a widespread awareness of the problem, in recent years we have taken precious few steps toward meeting the challenges posed by the Nation's teacher shortage. But it is even more disheartening to report that we have done little to assure our children of the quality education they deserve. Instead, we have spent years talking about these challenges.

Now, we must take action. if we do not, all of the debate about educational reform, all of our good intentions, wil be meaningless. I believe also that any attempt at educational reform will be meaningless if we do not first establish a firm foundation of qualified teachers who can nurture the necessary changes. But our foundation is eroding daily, and we are rapidly reaching the point where the Nation's schools will be besieged by a "teachers deficit."

This deficit comes at a particularly challenging time for us, a time when the effects of our Nation's economic condition threaten our long-term ability to compete in the international marketplace. As the world's nations move toward a global economy, if America is to remain a leader, we must remain competitive. To do this, we must motivate and prepare our children well. We must do all we can to ensure that they receive a quality education. And without question, quality begins in the classroom—in their classroom and in the classroom of their teachers.

Unfortunately, strong demographic and social forces must be overcome if we are to take the steps necessary to assure our children of a quality education. Estimates are that nearly 1 million people will have to enter the teaching profession by 1993 if our children are to have enough teachers to fill their classrooms. That means we will need about 360,000 more teachers than are expected to be available.

Two years ago, a school district in my home State of New Mexico conducted a survey of area colleges to determine the number of students who had chosen education as their profession. Of more than 95,000 undergraduates surveyed at selected universities in Colorado, New Mexico, and Arizona, only 5 percent were enrolled in teacher training. At the University of New Mexico, only 3 percent of those surveyed planned to become teachers. This explains why school districts in New Mexico are forced to go beyond the State's borders to fill 50 percent of their teacher demand.

Adding to the problem is the increasing age of our teaching force. The Carnegie Forum estimates that half of the teachers in public schools today will retire within the next 6 years. This occurs at a time when the children of the "baby boomers" are swelling the enrollment in our schools.

School districts throughout the country are feeling the pinch. One of the largest school districts in my State, the Albuquerque Public School District, reported some time ago that

for the 1987-88 school year, it would need 600 new teachers. Recruiters planned to find 375 of those teachers outside of New Mexico. Annually, the district must replace about 600 teachers from turnover, growth, and retirements. Yet this district is one of the most desirable places to teach in New Mexico. School districts in the remote areas of the State often have even more difficulty attracting and keeping teachers.

As I mentioned, these problems are not unique to New Mexico. School districts around the country have begun recruiting teachers from foreign countries. Many districts looked to Germany, Spain, and other nations with an oversupply of educators to fill their recruitment needs. Schools in New York reported recently that they had imported about 200 teachers from Spain between 1985 and 1987.

Because of the current shortage of trained educators, several States have begun issuing "emergency teaching certificates," thus putting less-qualified or inexperienced people into the classroom. Many of these new or reassigned educators are expected to teach subjects clearly outside of their field of competence. In 1981, the Federal Department of Education found that 58 percent of the Nation's new mathematics teachers were either uncertified or ineligible for certification to teach math courses. The Department also found that 55 percent of our science teachers and 50 percent of our English teachers were unqualified or ineligible to teach the courses to which they were assigned.

The teacher shortage may be felt most by minority children. This is because the proportion of minority teachers in our education work force is declining at a rate sharper than that of the teacher population as a whole. And the changing composition of the student body is directly opposite to the changing composition of our teaching force. Soon, minorities will constitute at least 30 percent of the total school population. Yet they will comprise less than 5 percent of the elementary and secondary teaching force. These students need role models and a teaching system that reflects the diversity of their unique racial and cultural heritage.

Mr. President, by no means do I believe that this legislation is a panacea for all of the challenges I have described. I do believe that it can serve as an excellent starting point from which we in the Federal Government can encourage students and mid-career individuals to go into teaching. At the same time, my bill includes incentives to help achieve excellence in our teaching force.

The Future Teacher Training Corps Act establishes a program through which States could award graduate fellowships to outstanding undergraduate students and mid-career people who are interested in the teaching profession. In return for the award, the recipient would agree to teach in geographical areas or in subject areas where a shortage exists. The bill names mathematics and the sciences as key subject areas, but would allow the States to identify three additional subject areas as being in need of teachers. States also would determine which districts suffer the greatest shortage of teachers, from remote rural areas to inner city schools.

States choosing to participate in the program would receive fellowship grants in proportion to their share of the total school-age population and would select recipients based upon undergraduate academic performance and, if appropriate, previous work experience.

The bill requires participating States to ensure that fellowship recipients attend institutions with State-approved clinical internship programs. States also must have a precertification teachers examination program in place before the first recipients graduate. Currently, more than 40 States have implemented or are considering a precertification exam for incoming teachers. Finally, participating States must ensure that practicing teachers receive continuing education. Whatever our profession, we must all work to maintain and improve our skills; but this is particularly true of teachers, whose profession is constantly evolving.

Because of the serious under-representation of minority teachers throughout the country, this bill encourages States to recruit black, Hispanic, Asian American, and native American teachers.

Mr. President, I will conclude by reiterating that the time to act is now. We in the Congress have talked about the problems facing our educational system long enough. For our children's sake, the talking must end and serious action at the Federal level must begin.

Education will continue to belong to the State and local governments, but I believe there is room for the Federal Government to encourage capable individuals to consider teaching careers. This Nation must be prepared for the challenges of the future, and I believe this legislation step toward that preparation. I urge my colleagues to support the Future Teacher Training Corps Act. ●

By Mr. WILSON:

S. 452. A bill entitled the "California Military Lands Withdrawal Act;" to the Committee on Energy and Natural Resources.

CALIFORNIA MILITARY LANDS WITHDRAWAL ACT

● Mr. WILSON. Mr. President, today I am introducing a bill to withdraw certain Federal lands in the State of California for military and other purposes for a 25-year period.

This bill is similar to legislation I introduced last Congress. It has since been modified such that it now enjoys all known interested parties. For example, the bill makes a minor boundary adjustment to the lands proposed to be withdrawn for the Chocolate Mountain Gunnery Range to exclude approximately 640 acres located at the extreme southern edge of the gunnery range. This boundary modification has the support of the Navy and does not infringe upon the mission of the gunnery range.

The bill is designed to allow for the continued, unimpeded use of certain Federal lands in the California desert for vital military purposes of training, research, and development. It is necessitated by the expiration of the existing withdrawal status of the China Lake Naval Weapons Center and the Chocolate Mountain Aerial Gunnery Range. China Lake is the Navy's pricipal center for research, development, testing, and evaluation of air warfare and missile weapons systems. As the largest Defense Department gunnery range in the continental United States, Chocolate Mountain is an important Marine Corps training base for pilots in air combat, gunnery, and ordnance delivery.

Due to the full-time, extensive military use of these approximately 1,200,000 acres, this withdrawal is indispensable. These lands have been dedicated to military purposes since the 1940's and failure to reinstate the withdrawal status will seriously crippled DOD's capability to test new weapons and train new military personnel.

This bill contains an added feature that was not the part of the previous withdrawal that will enable greater utilization of the land by allowing mining and geothermal development activity to the extent consistent with military uses. It would permit limited access to potentially valuable geothermal and mineral resources under the cooperative management of the Secretary of the Navy and the Secretary of the Interior.

Although we can't know what is out there until the miners are given a chance to do their exploration work, we do know that gold, silver, tungsten and other valuable minerals have been found throughout this section of California. It makes sense to allow these minerals to be extracted if it can be done in such a way as not to impair the military mission at China Lake and Chocolate Mountains. Under the terms of this bill, whatever lands deemed suitable by the Secretary of the Interior in concurrence with the Secretary of the Navy will be open to miners to stake claims in the traditional manner allowed by the 1872 mining

law. The location and operation of these mines will be subject to whatever limitations are deemed necessary by the Secretary of the Navy.

This bill has been prepared in consultation with representatives of the mining industry, the Bureau of Land Management, and the Navy. I would hope that my colleagues will give this legislation the prompt consideration that it deserves.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the Federal lands located within the boundaries of the Naval Weapons Center, within Inyo, Kern, and San Bernardino Counties, California, comprising approximately one million one hundred thousand acres, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal-Proposed," dated June 1988 (hereinafter referred to as "China Lake") are hereby withdrawn from all forms of appropriation under the public land laws, but not the mineral and geothermal leasing laws and to the extent provided in section 2 hereof the mining laws, and are reserved for use of the Naval Weapons Center, China Lake, of the Department of the Navy as a research, development, test and evaluation laboratory and range for air warfare weapons and weapons systems, a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and for other defense related uses consistent therewith.

(b) Subject to valid existing rights, approximately two hundred and twenty-six thousand seven hundred and twenty-nine acres of public land in Riverside and Imperial Counties, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Withdrawal—Proposed," dated June 1988, and all other lands within the boundaries of the Chocolate Mountain Aerial Gunnery Range that are now or may become subject to the operation of the public land laws (hereinafter referred to as "Chocolate Mountain") are hereby withdrawn from all forms of appropriation under the public land laws, but not the mineral and geothermal leasing laws and to the extent provided by section 2 hereof the mining laws, and are reserved for use of the Department of the Navy as a testing and training area for aerial bombing, missile firing, tactical maneuvering and air support, and for other defense related uses consistent therewith.

(c)(1) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(A) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act; and

(B) file maps and the legal description of the lands withdrawn and reserved by this Act with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

(2) Such maps and legal descriptions shall have the same force and effect as if they were included in this Act: *Provided,* That the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(3) Copies of the maps and legal descriptions that are filed with the Committees shall be available for public inspection in the Office of the Director, Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the Office of the Commander, Naval Weapons Center, China Lake, California; and the Office of the Commanding Officer, Marine Corps Air Station—Yuma, Arizona.

(4) The Secretary of the Navy shall reimburse the Secretary of the Interior for the cost of implementing section 1(c) of this Act.

SEC. 2. (a) As soon as possible after the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the Navy, which public and acquired lands covered by the first section of this Act the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, and the Mineral Leasing Act for Acquired Lands of 1947, or either of such Acts. The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable pursuant to this section and specifying the opening date.

(b) On the date specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) of this section as suitable for opening to the operation of the laws specified in subsection (a) shall automatically be open to the operation of such laws subject to an orderly opening procedure identified in regulations promulgated under subsection (d).

(c) No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 1.

(d) The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned shall promulgate such regulations to implement this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands described in section 1 for military purposes. Such regulations shall also contain guidelines to advise mining claimants of what environmental or other requirements shall be required on lands opened pursuant to this section.

(e) In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining pursuant to this section.

(f)(1) Except as otherwise provided in this Act, mining claims located pursuant to this Act shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this Act, this Act shall prevail.

(2) All mining claims located under the the terms of this Act shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g)(1) Patents issued pursuant to this Act for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this section, all minerals subject to location under the Mining Law of 1872 are referred to as "locatable minerals".

SEC. 3. The responsibilities for the Management of the natural resources of the lands withdrawn by this Act are established as follows:

(a) Except as provided in subsection (b) of this section, the Secretary of the Interior shall manage the lands and their resources, to the extent possible in accordance with the provisions of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, as amended; 43 U.S.C. 1701 et seq.), and other applicable laws for uses which may include, but are not limited to, grazing, management of wildlife habitat, mineral leasing, control of predatory animals, and the prevention and suppression of brush and range fires resulting from nonmilitary activities, and shall be responsible for the issuance of all easements, leases, permits, and rights-of-way over the lands withdrawn and reserved by this Act. All such uses, and the issuance of all leases, easements and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with the concurrence of the Secretary of the Navy.

(b) In recognition of the successful management of the lands and resources of China Lake, by the Department of the Navy since 1943, under a cooperative arrangement with the Department of the Interior, the Secretaries of the Navy and the Interior are authorized to continue such cooperative management practices, and the Secretary of the Interior may assign to the Secretary of the Navy the authority to manage the lands and resources withdrawn and reserved by this Act, and the authority to issue all easements, nonmineral leases, permits and rights-of-way on such lands, so long as such actions are consistent with the plan and program required by subsection (d) of this section, except the authority to administer geothermal leases issued by the Secretary of the Interior including the issuance of associated permits, rights-of-way, other authorizations, and approval of required environmental impact mitigation measures within the leasehold consistent with the Secretary of the Interior's authority under applicable federal laws. Leases, permits and rights-of-way that traverse the perimeter of the lands withdrawn by this Act and are required for activities administered by the Secretary of the Interior shall be issued by the Secretary of the Interior, with the consent of the Secretary of the Navy and subject to such conditions as the Secretary of the Navy may prescribe.

(c) Within three years after the date of enactment of this Act, the Secretary of the Interior in consultation with the Secretary of the Navy shall develop a land use plan and management program in accordance with the provisions of the Federal Land Policy and Management Act for the use and management of Chocolate Mountain.

(d) Within three years after the date of enactment of this Act, the Secretary of the

Interior and the Secretary of the Navy shall develop a land use plan and management program for the use and management of China Lake.

(e) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior, on an annual basis, a report on the status of the natural resources of the lands in China Lake.

SEC. 4. The responsibilities of the Secretary of the Navy for management of the lands withdrawn and reserved by this Act are established as follows:

(a) The Secretary of the Navy shall have the authority to control the military use of the lands and may authorize use of the lands by the other military departments and agencies of the Department of Defense, as appropriate.

(b) In accordance with the provisions of section 3(b) of this Act, the Secretary of the Navy may manage the lands and resources withdrawn and reserved by this Act for China Lake and may also be responsible for the issuance of all easements, nonmineral leases, permits, and rights-of-way on such lands.

(c) When military operations, public safety or national security, as determined by the Secretary of the Navy, require the closure of roads and trails commonly in public use, the Secretary of the Navy is authorized to take such action: *Provided*, That such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. A reasonable effort shall be made to maintain warning notices during closures.

(d) The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memoranda of understanding referenced in section 5 of this Act shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) On China Lake, the Secretary of the Navy (1) shall have responsibility for the management of the wild horses and burros and is authorized to utilize helicopters and motorized vehicles for the management and control of such animals, and (2) may utilize sand, gravel, or similar mineral or mineral material resources when the use of such resources is required for construction needs of China Lake.

(f) With respect to China Lake, nothing in this Act shall affect the geothermal exploration and development authorities granted to the Secretary of the Navy by section 6(c)(1) of the Act of July 12, 1982 (10 U.S.C. 2689), except that the Secretary of the Navy is required to obtain the concurrence of the Secretary of the Interior prior to taking any action under that section.

SEC. 5. The Secretary of the Interior and the Secretary of the Navy shall enter into a memorandum of understanding to implement the plan and program developed for Chocolate Mountain in accordance with section 3(c) of this Act and may continue the cooperative arrangement referred to in section 3(b) of this Act. The term of the memorandum of understanding shall be the same as the term of the withdrawal and reservation established by this Act; however, the provisions of the memorandum of understanding may be amended by the Secretaries.

SEC. 6. The withdrawals and reservations established by this Act are not intended to (a) reserve or otherwise withdraw any water for use in connection with the uses identified in the first section of this Act; (b) affect in any manner the future appropriation under State law, by the United States or others, of water in, under, or upon the lands withdrawn and reserved by this Act; (c) affect water rights acquired by the Department of the Navy or other components of the Department of Defense prior to the enactment of this Act for use in connection with military operations at China Lake and Chocolate Mountain.

SEC. 7. (a) DURATION.—The withdrawal and reservation established by this Act shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this Act for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this Act may not be extended or renewed except by an Act or joint resolution.

SEC. 8. (a) PROGRAM.—Throughout the duration of the withdrawals made by this Act, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this Act at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Interior and Insular Affairs of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontaminate of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 9. (a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this Act, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 2 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this Act, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this Act which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this Act the Secretary of the Interior determines that some of the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provisions of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this Act as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 10. (a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 7(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 11. All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 12. The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining, geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 1 of this Act.

SEC. 13. (a) AMENDMENTS.—(1) Section 2(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606) is amended by striking out "the office of the commander, Barry M. Goldwater Air Force Base" and inserting in lieu thereof "the office of the commander, Luke Air Force Base".

(2) Section 3(a)(3)(A) of such Act is amended by striking out "other than" and by inserting in lieu thereof "including".

(3) Section 7(a) of such Act is amended by striking out "cleanup achieved" and by inserting in lieu thereof "decontamination activities performed".

(b) EL CENTRO RANGES.—The Secretary of the Interior is authorized to permit the Secretary of the Navy to use until January 1, 1990 the public lands in Imperial County, California, generally depicted on the map entitled "El Centro Ranges" dated July, 1987, for the same purposes and to no greater extent that such lands were used by the Secretary of the Navy as of July 1, 1987. Such permission shall be through a cooperative agreement or other appropriate means. Such use shall be subject to such terms and conditions as the Secretary of the Interior may require so as to protect the natural, environmetal, scientific, cultural, and other resources and values of such lands and to minimize the extent to which such use by the Secretary of the Navy impedes or restricts use of such or other public lands for recreational and other purposes.

(c) COACHELLA VALLEY.—The Secretary of the Interior is authorized and directed to take all steps necessary to complete land exchanges between the Nature Conservancy and the Bureau of Land Management with regard to the Coachella Valley preserve, as described in Bureau Land Management case files CA 18891, CA 18781, CA 17921, CA 20260, CA 17772, and to consummate such exchanges.

(d) TRAINING CENTER.—Unless otherwise provided by law, the lands within the Toiyabe National Forest, in California, which have been used for purposes of the United States Marine Corps Mountain Warfare Training Center, shall be retained as part of such National Forest. The Secretary of Agriculture shall continue to make such lands available to the United States Marine Corps for purposes of such training center, subject to such restrictions as the Secretary of Agriculture finds appropriate to protect the natural, environmental, aesthetic, scientific, cultural, and other resources and values of such lands. So far as possible, consistent with use of such lands by the United States Marine Corps for purposes of the Mountain Warfare Training Center, the affected lands shall be open to public recreation and other uses.●

By Mr. SIMON (for himself, Mr. DODD, Mr. WILSON, Mr. BURDICK, Mr. BOREN, Mr. GRAMM, Mr. SHELBY, Mr. LEVIN, Mr. GORE, Mr. BRADLEY, Mr. REID, Mr. LIEBERMAN, Mr. BRYAN, Mr. SASSER, Mr. SARBANES, Mr. CONRAD, Mr. HOLLINGS, Mr. METZENBAUM, Mr. PELL, Mr. KERRY, Mr. ROBB, Mr. DOLE, and Mr. MACK):

S.J. Res. 65. Joint resolution designating June 12, 1989, as "Anne Frank Day"; to the Committee on the Judiciary.

ANNE FRANK DAY

● Mr. SIMON. Mr. President, June 12, 1989, marks what would have been the 60th birthday of Anne Frank. It is an appropriate day to remember one of the blackest periods in world history, the Nazi Holocaust. I would like to take this opportunity to introduce this resolution asking the President of the United States to officially designate June 12 as Anne Frank Day.

The "Diary of Anne Frank" recounts the horror and the humiliation of a young girl living in Nazi-controlled Europe during the Holocaust. These years saw the systematic mass extermination of 6 million Jews in Nazi concentration camps. Over the past 40 years, atrocities continue to be committed against many racial, ethnic, and religious groups. Yet the Holocaust remains a singular experience which still today defines the concept of genocide.

Anne Frank's noble spirit and idealism stand as a model for the rest of humanity. Her story provides inspiration and encouragement to people everywhere. Despite her ordeal and that of her family, she concluded: "In spite of everything, I believe that people are basically good."

The commemoration of "Anne Frank Day" will serve an important function. By remembering the story of Anne Frank, we may work to ensure that such a tragedy never happens again.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD in full.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 65

Whereas, Anne Frank's Diary, which has recounted the horror and humiliation of living in Nazi-controlled Europe during the Holocaust, has been an inspiration to young and old throughout the world; and,

Whereas, Anne Frank's spirit, despite her ordeal and that of her family, led her to conclude: "In spite of everything, I believe that people are basically good;" and,

Whereas, Anne Frank's story gives hope that the tragedies and horrors of another Holocaust can be prevented by learning the causes and teaching the remedies; and,

Whereas, June 12, which would have been Anne Frank's 60th birthday, is an appropriate day to remember her courage and wisdom; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That June 12, 1989, is designated as Anne Frank Day. The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. LEVIN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 20, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 29

At the request of Mr. FORD, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alabama [Mr. HEFLIN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 29, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 54

At the request of Mr. METZENBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 54, a bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver

of rights under such act without supervision, and for other purposes.

S. 100

At the request of Mr. ROCKEFELLER, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Utah [Mr. HATCH], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 100, a bill to amend title XVIII to the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 169

At the request of Mr. HOLLINGS, the names of the Senator from Wisconsin [Mr. KASTEN] the Senator from Oregon [Mr. PACKWOOD], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 169, a bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being.

S. 171

At the request of Mr. KASTEN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 171, a bill to amend the Internal Revenue Code of 1986 to provide as variable capital gains tax differential for certain capital assets, to index the basis of capital assets, and for other purposes.

S. 179

At the request of Mr. SASSER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 179, a bill to authorize the insurance of certain mortgages for first-time homebuyers, and for other purposes.

S. 232

At the request of Mr. MOYNIHAN, the names of the Senator from Arkansas [Mr. BUMPERS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 232, a bill to establish the American Conservation Corps, and for other purposes.

S. 242

At the request of Mr. HELMS, the names of the Senator from Utah [Mr. GARN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 242, a bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 271

At the request of Mr. GRAHAM, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 271, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 272

At the request of Mr. LEAHY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 272, a bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment, and for other purposes.

S. 302

At the request of Mr. PRYOR, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Washington [Mr. ADAMS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. DIXON], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. JEFFORDS], the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. WILSON], the Senator from Nevada [Mr. BRYAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. GLENN], the Senator from Indiana [Mr. LUGAR], the Senator from Vermont [Mr. LEAHY], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 302, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 305

At the request of Mr. DIXON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 305, a bill to modernize and reform the regulation of financial services, to strengthen the enforcement authority of depository institutions regulating agencies, and for other purposes.

S. 306

At the request of Mr. BENTSEN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from North Carolina [Mr. SANFORD], the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alabama [Mr. HEFLIN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 306, a bill to amend the Social Security Act to make certain modifications in the Medicare program with respect to payments made under such program to hospitals located in rural areas, to improve the delivery of health services to individuals residing in such areas, and for other purposes.

S. 335

At the request of Mr. MCCAIN, the names of the Senator from California [Mr. WILSON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Washington [Mr. GORTON], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare program, with the exception of the spousal impoverishment benefit.

S. 350

At the request of Mr. LOTT, the names of the Senator from Florida [Mr. MACK], the Senator from Idaho [Mr. SYMMS], the Senator from North Carolina [Mr. HELMS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Idaho [Mr. MCCLURE], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 350, a bill to repeal section 89 of the Internal Revenue Code of 1986 (relating to rules for coverage and benefits under certain employee benefit plans).

S. 357

At the request of Mr. SYMMS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 357, a bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act.

S. 369

At the request of Mr. BOSCHWITZ, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 369, a bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 419

At the request of Mr. SIMON, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

SENATE JOINT RESOLUTION 25

At the request of Mr. D'AMATO, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 25, a joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 32

At the request of Mr. PACKWOOD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 37

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 37, a joint resolution designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989."

SENATE JOINT RESOLUTION 53

At the request of Mr. D'AMATO, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. LEVIN], the Senator from Arizona [Mr. DECONCINI], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate May 25, 1989, as "National Tap Dance Day."

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 58

At the request of Mr. DOMENICI, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Maine [Mr. MITCHELL], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

SENATE JOINT RESOLUTION 62

At the request of Mr. ARMSTRONG, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 62, a joint resolution designating May 1989 as "National Stroke Awareness Month."

SENATE JOINT RESOLUTION 63

At the request of Mr. RIEGLE, the names of the Senator from Washington [Mr. ADAMS], the Senator from Maine [Mr. MITCHELL], the Senator from Tennessee [Mr. SASSER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 63, a joint resolution designating June 14, 1989, as "Baltic Freedom Day," and for other purposes.

SENATE JOINT RESOLUTION 64

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Mr. SARBANES], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from New York [Mr. MOYNIHAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. DIXON], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from Michigan [Mr. RIEGLE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Texas [Mr. BENTSEN], the Senator from Vermont [Mr. LEAHY], the Senator from Arkansas [Mr. PRYOR], the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Mr. SIMON], the Senator from Delaware [Mr. BIDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Colorado [Mr. WIRTH], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. DOMENICI], the Senator from New York [Mr. D'AMATO], the Senator from Delaware [Mr. ROTH], the Senator from Indiana [Mr. LUGAR], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. GARN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from California [Mr. WILSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Utah [Mr. HATCH], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Tennessee [Mr. GORE], were added as cosponsors of Senate Joint Resolution 64, a joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution on the Essential Air Service Program.

SENATE RESOLUTION 14

At the request of Mr. DOMENICI, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Utah [Mr. HATCH], the Senator from Montana [Mr. BURNS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], and the Senator from Minnesota [Mr. BOSCHWITZ], were added as cosponsors of Senate Resolution 14, a resolution to express the sense of the Senate deploring the European Community's ban of U.S. beef and requiring U.S. commissaries in the European Community to buy and sell American meat.

SENATE CONCURRENT RESOLUTION 15—RELATING TO PEACE AND FAMINE RELIEF IN SUDAN

Mr. KENNEDY (for himself, Mr. SIMPSON, Mr. PELL, Mr. SIMON, and Mrs. KASSEBAUM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 15

Whereas starvation and civil war have killed nearly 1,000,000 southern Sudanese civilians since 1983 and displaced 2,000,000 to 3,000,000 of southern Sudan's 6,000,000 people;

Whereas numerous and reliable reports from the field document that both sides of the conflict, the Government of Sudan and the Sudanese People's Liberation Army (hereafter in this concurrent resolution referred to as the "SPLA"), have not only neglected the welfare of southern Sudanese people, but in many instances have deliberately deprived southern Sudanese of food and medicine and have used food as a weapon of war;

Whereas combatants have massacred untold numbers of civilians, destroyed entire villages, and decimated the infrastructure in southern Sudan;

Whereas a national peace accord, which is essential both to an effective emergency relief effort and to a negotiated peace settlement, was endorsed by the SPLA and the Democratic Unionist Party in November 1988, but did not receive the agreement of the Government of Sudan;

Whereas the United States and other international donors have taken several significant steps to alleviate famine, including an October 1988 emergency airlift by the United States Office of Foreign Disaster Assistance and a relief operation carried out by the International Committee of the Red Cross in both rebel and government-held areas in southern Sudan;

Whereas such humanitarian efforts are crucial first steps, but assist only a small

fraction of the more than 2,000,000 Sudanese in dire need of relief;

Whereas the United States has a special relationship with the people and Government of Sudan, including the provision of more than $100,000,000 in bilateral and multilateral assistance in fiscal year 1988, the largest amount received by any nation in sub-Saharan Africa;

Whereas Secretary of State James A. Baker III, in a statement on February 8, 1989, emphasized that "starvation will almost certainly not end until the fighting ends," urged both the Government of Sudan and the SPLA to "put peace first and to agree to an early ceasefire" in order to facilitate relief, and called on "authorities at all levels on both sides to remove remaining obstacles and do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone"; and

Whereas the Secretary General of the United Nations, at the invitation of the Government of Sudan, has announced a relief conference to be held in Khartoum in March 1989: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends Secretary of State Baker's statement of February 8, 1989, as a major step forward in dramatically focusing world attention upon the humanitarian disaster in Sudan and the urgent need for responsible action by the Government of Sudan and the SPLA to bring about a ceasefire, effective emergency relief, and implementation of a meaningful peace accord;

(2) commends the relief activities in Sudan of the Agency for International Development, the Office of Foreign Disaster Assistance, international organizations, and American, international, and indigenous private and voluntary agencies;

(3) condemns and deplores the use of food as a weapon by the Government of Sudan and the SPLA and calls upon each of them to respect and honor the safe passage of food and emergency relief supplies to civilians in affected areas;

(4) supports all efforts by the international community, private and voluntary agencies, and concerned governments to provide assistance to imperiled Sudanese, including cross-border feeding operations and pre-positioning of food in southern Sudan;

(5) commends the International Committee of the Red Cross (ICRC) for its success in working simultaneously with the Government of Sudan and the SPLA to deliver food and emergency assistance to civilians on both sides of the conflict, and supports efforts by the ICRC to rapidly expand the volume of relief delivered and the number of sites reached;

(6) supports the expanding involvement of the Secretary General of the United Nations in promoting peace and relief activities in Sudan and commends the Government of Sudan for welcoming these efforts;

(7) urges the President and the Secretary of State to exercise vigorous international leadership in pressing for a genuine national reconciliation and an end to widescale starvation and suffering in Sudan, through forceful direct representations to the Government of Sudan and the SPLA, through sustained multilateral, diplomatic initiatives, and active United States-Soviet collaborations, and through the designation of a special United States Government envoy;

(8) urges the President and the Secretary of State to conduct a comprehensive reassessment of the United States' relationship with the Government of Sudan, including a critical examination of future bilateral and multilateral assistance given by the United States to Sudan (other than humanitarian assistance), unless within 6 months after the date of adoption of this concurrent resolution—

(A) the Government of Sudan has made demonstrable progress in facilitating increased relief to displaced populations in areas it controls, through for instance, increased mobilization of key government resources and improved controls over government-armed militias, and

(B) the Government of Sudan has made significant progress in negotiations with the SPLA for a national peace accord and a cease-fire; and

(9) urges the President and the Secretary of State to impress upon the SPLA its special responsibility to permit the flow of international relief to civilians in government-controlled southern cities and towns, the imperative for the SPLA to facilitate assistance to noncombatants in SPLA-controlled areas and, finally, the importance for the SPLA to negotiate independently with the Government of Sudan for a national peace accord.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and the Secretary of State.

● Mr. KENNEDY. Mr. President, I am pleased to join today with my colleague on our Immigration and Refugee Affairs Subcommittee, Senator PELL, chairman of the Committee on Foreign Relations, and Senator SIMPSON, our colleagues on the Foreign Relations African Affairs Subcommittee, Senator SIMON and Senator KASSEBAUM, in submitting this concurrent resolution calling for peace and relief in Sudan.

For many months newspapers around the world have carried the story of the extraordinary tragedy that has besieged the people of southern Sudan. The haunting images of masses of starving people have once again filled our television screens.

To help support international efforts to respond to this humanitarian crisis, we are introducing this resolution to express the concern of Congress that far greater international action is required if an even greater human tragedy is to be avoided.

In December, the Subcommittee on Immigration and Refugee Affairs sent a special study mission to the Horn of Africa specifically to look into the question of peace and relief in the Sudan. What the mission witnessed, Mr. President, was tragedy of tremendous proportions requiring the urgent attention of Congress and the new administration, as well as the international community at large.

Certainly, famine is no stranger to the Sudan. But in this case, unlike the famine of 1984–85, the shortages are not due to natural disaster, but are man made. This time food shortages are primarily the result of the ongoing civil war in southern Sudan. Elements in southern Sudan—from Sudanese military officers and local militias to representatives of the rebel Sudanese Peoples Liberation Army [SPLA]—have sought to block food convoys, have fired upon airborne relief supplies, and have prevented the passage of food barges on the Nile.

In fact, not since the Biafra conflict of 1967–70 has food been so cynically used by both sides as a weapon of war.

The result of these actions has been the death due to starvation and violence of an estimated 1 million southern civilians and the displacement of half of the 6 million people in the south.

But, Mr. President, there are some hopeful signs in recent days, and the resolution we are introducing today is intended to support them.

For instance, some relief efforts have begun to succeed even in the presence of civil conflict. Foremost among these is the agreement achieved a few months ago by the International Committee of the Red Cross [ICRC] to deliver food to civilians on all sides of the conflict. The ICRC began its relief flights into southern Sudan on December 3, and has managed to maintain its operations despite the political sensitivities and suspicions which exist between the Khartoum government and the SPLA.

In addition, the U.S. Office of Foreign Disaster Assistance has managed to fly some food into towns bordering the southern region and has been instrumental in a recent food delivery to the south by train. There is also heightened activity by American voluntary agencies and the U.N. community.

But more importantly, Mr. President, there has been increased diplomatic activity to help break the remaining logjams. Our resolution comments the statement of Secretary of State Baker this month placing the U.S. Government strongly in support of expanded relief efforts, and of putting "peace first and to agree to an early ceasefire" to facilitate expanded relief.

And, a few days ago, at the initiative of the United Nations Secretary General, with the agreement of the Government of Sudan, a relief conference will be held in Khartoum in March.

These are important diplomatic initiatives and our resolution calls upon our Government and others in the international community to give them strong support.

But all of these efforts will only buy limited time as long as the war continues. The United States, therefore, must be vigorous in furthering the peace process.

In November, the Democratic Unionist Party, then a part of the Khartoum government, reached a peace agreement with the SPLA which en-

joyed broad popular support in the Sudan. Incredibly, this agreement did not receive the support of the government.

Prime Minister Sadiq al-Mahdi rejected the proposal and recently formed a new government. I know I share the hopes of many in the United States that the first actions of his new government will be to move ahead boldly in achieving the peace that is so desperately needed for his country.

Mr. President, the people and Government of the Sudan have long been friends of the United States. Sometimes even between friends it is necessary to speak frankly, as this resolution does, over the need for all sides to seek peace in Sudan.

Rather than dwell solely on the problems of the past, our resolution today seeks to provide some direction for the future—on questions of peace and ongoing relief efforts and the ways in which the administration and Congress should address these over the coming months.

Mr. President, I ask unanimous consent that correspondence which Senator SIMPSON and I have had with the Secretary General, as well as recent articles on the Sudan crisis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, January 10, 1989.

H.E. JAVIER PEREZ DE CUELLAR,
Secretary General, United Nations, New York, NY.

DEAR MR. SECRETARY GENERAL: Recently our Subcommittee sent a special study mission to the Horn of Africa to examine the many humanitarian and relief needs in the region and to explore the prospects for peace. Their report to us on conditions in the field was extraordinarily distressing. We believe there is an urgent need for you to exercise the good offices of the United Nations in the region to advance the cause of peace and relief in Sudan, Ethiopia and Somalia.

While our mission focused primarily on the crisis in southern Sudan, it is clear from their findings that the conflicts are continuing to extract a heavy toll on civilians in the region—as evidenced by the hundreds of thousands of displaced persons and refugees fleeing across international borders.

Despite the widespread popular support for peace initiatives in all of the countries—particularly with regard to southern Sudan—bold international leadership on these questions is currently lacking. Peace talks have occurred in a number of forums in the region, and some peace discussions are continuing, but the prospects remain uncertain. On the humanitarian side, the International Committee of the Red Cross recently succeeded in finally establishing some mechanisms for the delivery of urgently needed food to civilians on both sides of the conflict in southern Sudan.

Given these conditions, we believe that the United Nations could perform an invaluable service to the international community by appointing a high-ranking, experienced United Nations negotiator and humanitarian envoy to the Sudan—much as you have so successfully done for the people of Afghanistan. Such an eminent individual could seek peaceful solutions to the conflicts in Sudan, and perhaps later to related humanitarian and refugee issues in Ethiopia and Somalia. The immediate task would be to coordinate a more effective international response to the urgent relief needs in the Sudan.

A resolution of the humanitarian and political problems in Sudan, as well as Ethiopia and Somalia, will obviously not be a simple task—but the seeds of peace are clearly there, and may grow with the responsible international stewardship which you and the United Nations have ably demonstrated in recent times in so many other parts of the world. We are convinced that an initiative by you in this area would be welcomed internationally, and we are confident our country stands ready to assist you in any way it can.

Many thanks for your consideration, and we look forward to being in touch on these issues in the days ahead.

With best wishes,

Sincerely,

ALAN K. SIMPSON,
Ranking Member.
EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs.

THE SECRETARY-GENERAL,
New York, NY, January 19, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I wish to thank you for your letter of 10 January 1989 and to assure you that I fully share your concerns regarding the distressing humanitarian problems which plague the Horn of Africa as a result of internal conflicts, political turmoil and famine-related disasters.

I have taken careful note of your proposal that I should consider the appointment of a special envoy to help promote the establishment of peace in the region, particularly in the Sudan, and to enhance the effective delivery of relief assistance. There is, of course, some difficulty in this regard as the governments involved view the political situation in their countries as purely internal matters, falling solely within their sovereign competence. None of the governments have requested any change in the primarily humanitarian role which the United Nations is currently playing nor have the political issues which are at stake in these countries been brought before the United Nations for consideration, as in the case of Afghanistan. Nevertheless, I will certainly look into the matter in the course of my contacts with the governments and explore various alternatives for expanding the role of the United Nations, including the proposal you have suggested.

With regard to the serious humanitarian situation in the Horn of Africa, I should like you to know that there has been a strong response from the United Nations. In two of the three countries mentioned in your letter, namely Sudan and Ethiopia, emergency relief operations have been in force for some time now.

In the Sudan, the situation, unfortunately, has shown few signs of improvement. Following a meeting which I had with Prime Minister Sedeq al-Mahdi in May 1988, and several meetings thereafter with various ministers of his Government, I have strengthened the United Nations' capacity to respond to the situation and reinstituted several emergency relief programmes in the affected provinces of the country. Unfortunately, the military and civil situation in these provinces has continued to prevent the free movement and distribution of humanitarian supplies to affected population centres, although arrangements worked out with the rebels to enable supplies to be delivered to some of the areas controlled by them supplements the ICRC initiative. However, we all recognize that the amount of emergency assistance that we have been able to provide so far is well below what is needed to satisfy the current needs of the affected population, and that major stockpiling of food and emergency commodities must take place before the rains close off these areas in late May.

On the political side, I had hoped that the encouraging developments which took place in late November 1988, involving peace talks between an official Sudanese delegation and the rebel leaders in Addis Ababa, would have borne fruit and created conditions allowing relief and humanitarian agencies to have full and unimpeded access to areas of need. While there has been a general improvement in access to all affected areas as well as a lull in the fighting, this is by no means good enough, and I agree that the suffering being endured by a large part of the civilian population in the south must be brought to an end as rapidly as possible. I am currently reviewing the situation with my collaborators who are actively involved in the Sudan to see what action could be taken to help bring an end to the conflict and improve the flow of emergency supplies to the affected people.

In Ethiopia, the famine situation is practically over as a result of last year's good rains and harvest, and there are now some hopeful signs of national reconciliation in the provinces where conflict has taken a heavy toll on the civilian population. Unfortunately, during the past year, a massive influx of refugees from the Sudan and Somalia has created new strains on the social and economic fabric of the country.

The tragic events in the northwest provinces of Somalia have been of great concern to all of us. In response to an appeal from the Head of State, an inter-agency mission will visit Somalia early next month to help the authorities in developing a programme of emergency assistance for large numbers of people who have been rendered homeless and displaced. Recent statements made by the Government regarding the need for the country to heal itself and for the immediate implementation of a national reconciliation programme are encouraging signs for the future.

I trust that the above information will provide you with a better understanding of the constraints under which the United Nations operates in the Horn of Africa and of the measures which we have taken to address the humanitarian concerns which we all share.

I should like you to know that I have addressed a similar letter to Senator Simpson.

Yours sincerely,

JAVIER PÉREZ DE CUÉLLAR

[From the Washington Post, Feb. 20, 1989]

SUDAN: HEADING OFF HUNGER

Some steps are being taken to avert a new famine in southern Sudan, but whether

they will do the job is up in the air. The problem lies in the increment of hardship that civil war has added to underdevelopment and drought. It is established to the satisfaction of relief providers that the government, run by moslems of the north, has routinely denied food to the insurgent Christian and animist population of the south. Under pressure by food donors, relief agencies and others, however, the government seems to be relenting to a degree. The Red Cross is being permitted conditionally to supply some rebel-held areas. A first truckload of U.S. government emergency food has been dispatched into southern Sudan from Kenya. The Sudanese government is to host a relief conference in Khartoum next month under United Nations auspices.

The question remains of whether such efforts will actually put food in the mouths of the million or more Sudanese at risk in their country's sprawling south. The season of their greatest vulnerability approaches, and the famine toll last year was estimated to be in the hundreds of thousands. Information about need is not reliable, and there are plenty of opportunities for food aid to be misused. The sad fact is that despite recurrent famines in Africa, no reliable system of intelligence and monitoring exists. This is apart from the logical and financial problems of delivering food once a relief effort is set in train.

The real problem in Sudan, of course, is not relief but the six-year war, driven now apparently by official insistence on imposing Islamic law on the non-Moslem south. Prime Minister Sadiq Mahde, caught between fundamentalists and trade unionists in his government, rejected a draft peace accord the latter group negotiated with the rebel south, and is instead reported to be organizing an initiative of his own. It has yet to take specific shape, however. One difficulty seems to lie in the interlocking insurgencies that Sudan and Ethiopia support against each other.

The United States tends to see Sudan as a friendly, moderate Arab state that has cooperated with American interests in the region. In the past anyway, this pattern seems to have induced in Washington a certain hesitation to press the Sudanese government to expedite relief and peace alike. Such hesitation does Sudan no favor. The Bush administration has spoken out pointedly for the free transit of relief. This is the necessary policy.

[From New York Times, Feb. 21, 1989]

AT LAST, PLAIN WORDS ABOUT THE SUDAN

Secretary of State James Baker has broken an unbecoming silence on the Sudan. Pressed by Congress, Mr. Baker has issued a written statement expressing "profound concern" about "massive human suffering" caused by the Sudan's six-year civil war: "Most of the war's victims are civilians who are displaced and impoverished, or who starve to death for lack of delivery of available food. The death toll from starvation in 1988 alone is estimated to range in the hundreds of thousands."

Mr. Baker rightly urges both the Khartoum Government and the insurgent Sudanese People's Liberation Army to "remove remaining obstacles" to emergency relief for victims caught in garrison towns and elsewhere in the war zone.

It might have been fairer to place larger blame on the Sudanese Government for blocking relief shipments, but the Secretary's words represent an immense improvement on previous mumbling. Finally, a high official in Washington is saying out loud that thousands are dying for political reasons.

A State Department policy paper calls on both the Islamic North and non-Islamic South to compromise differences and end the fighting. The department's annual human rights report searingly describes the sectarian nature of the conflict and excesses by both sides: the Government's slaughter of noncombatant tribal peoples, and the execution of dissidents by insurgents. Such frankness has been avoided until now for fear of unsettling a Sundanese Government loosely allied to the United States.

Getting food to stricken areas is difficult. For weeks relief workers have labored to fill barges with food meant for Malakal, a town where thousands now starve. Midway, the barges halted on the Nile, allegedly for "lack of parts." Nobody can be sure whether that's true. What is certain is that without someone making a fuss, the barges are unlikely ever to budge. Secretary Baker's firm words are a good beginning.●

SENATE RESOLUTION 65—DESIGNATING THE "ROBERT C. BYRD ROOMS" IN THE U.S. CAPITOL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 65

Whereas, Senator Robert C. Byrd has served in the Senate with great distinction for more than thirty years, twenty-two of which he served in positions of leadership within the Senate, including six years as Majority Leader and six years as Minority Leader;

Whereas, his service to the Senate has been characterized by diligent work, attention to detail, boundless energy, and intense loyalty;

Whereas, Senator Byrd was the first Majority Leader in Senate history to occupy the suite of rooms S221, S222, S223, and S224 in the United States Capitol Building;

Whereas, Senator Byrd, during the past decade, has prepared a monumental written history of the Senate, which will be widely consulted as the authoritative text on the Senate's past, both now and for decades to come; and

Whereas, by virtue of these extraordinary achievements it is appropriate that he be remembered for as long as there is a Senate of the United States: Now, therefore, be it

Resolved, That the suite of rooms S221, S222, S223, and S224 in the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Robert C. Byrd Rooms", in recognition of the unequaled service in this body of Robert C. Byrd on behalf of the people of the United States.

SENATE RESOLUTION 66—ORIGINAL RESOLUTION REPORTED AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEE OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 66

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1989-1990"

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1989, through February 28, 1990, in the aggregate $53,252,088, and for the period March 1, 1990, through February 28, 1991, in the aggregate of $53,430,099 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms, U.S. Senate, Department of Telecommunications, or (3) for the payments to the Keeper of Stationery, U.S. Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,876,650, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff

of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,914,132, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of Rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,736,267, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $4,828,540, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,728,969, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,785,811, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,560,816, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislation Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,614,125, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of Rule XXVI of the Standing Rules of the Senate, the Committee on Budget is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $3,313,130, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislation Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $3,694,395, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $11,900 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not esceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as au-

thorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Sec. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,673,547, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Sec. 10.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,604,115, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,657,355, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,754,692, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,814,065, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through Febraury 28, 1990, under this section shall not exceed $2,666,656, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,721,004, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under the section shall not exceed $4,951,018 of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $5,051,556, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Gov-

ernment or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure (4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 381 of the One hundredth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out is powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Judiciary is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,748,545, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $4,846,789, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,981,973, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $5,085,260, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

Sec. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized form March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ per-

sonnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,430,672, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations therefor (as authorized by section 202(i) of the Legislation Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

Sec. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,012,941, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,035,734, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

Sec. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,123,937.

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,148,131.

SPECIAL COMMITTEE ON AGING

Sec. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,200,008, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,213,792, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reoganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

Sec. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,305,816, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,353,721, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

Sec. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-Fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,887,941, of which amount not to exceed $174,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,021,116, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(d)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1989, through February 23, 1990, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to State governments, Indian education, health, special services, and other Federal programs, and related matters.

(d)(2) For the purpose of this section the special committee is authorized from March 1, 1989, through February 28, 1990, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make

expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable basis the services of personnel of any such department or agency.

(d)(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(d)(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(e) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1990.

SPECIAL RESERVE

SEC. 22. Of the funds authorized for any Senate committee by Senate Resolution 381, agreed to February 26, 1988 for the funding period ending on the last day of February 1989, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which reserve shall be available to such committee for the period commencing March 1, 1989, and ending with the close of September 30, 1989, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1989, and (2) meeting expense of such committee incurred after such last day and prior to the close of September 30, 1989.

SEC. 23. Of the funds authorized for any Senate committee by this resolution for the funding period ending on the last day of February 1990, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which reserve shall be available to such committee for the period commencing March 1, 1990, and ending with the close of September 30, 1990, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1990, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1990.

LIMITS ON FRANKED MAIL MAILED WITH A SIMPLIFIED FORM OF ADDRESS

SEC. 24. (a) Senate Resolution 458, agreed to September 9, 1988, is hereby repealed.

(b) The total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title 39, United States Code, during any calendar year by a Senator entitled to mail franked mail may not exceed an amount equal to six multiplied by the number of addresses to which such mail may be delivered in the State from which the Senator was elected. Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Senator or such Senator's personal staff representative in the State from which such Senator was elected shall not count against the limitation set forth in the preceding sentence.

SENATE RESOLUTION 67—TO REFER THE BILL S. 423 TO THE COURT OF CLAIMS

Mr. FORD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 67

Resolved, That the bill (S. 423) entitled "For the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs," now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Claims. The Chief Judge shall proceed with the same in accordance with the provisions of Sections 1492 and 2059 of Title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform Congress of the amount, if any, legally or equitably due from the United States to the claimants individually.

SENATE RESOLUTION 68—CONDEMNING THE THREATS AGAINST THE AUTHOR AND PUBLISHERS OF "SATANIC VERSES"

Mr. MOYNIHAN (for himself, Mr. PELL, Mr. MITCHELL, Mr. GRAHAM, Mr. SANFORD, and Mr. GORTON) submitted the following resolution; which was ordered held at the desk:

S. RES. 68

Whereas, on February 14, 1989 Ayatollah Ruhollah Khomeini of the Islamic Republic of Iran called for the assassination of Salman Rushdie, author of "Satanic Verses," and of the officers of Viking, the U.S. publisher of the book;

Whereas, Viking officers have received death threats since the publication of the book, and Viking offices have been evacuated several times following bomb threats;

Whereas, on February 21, 1989 President George Bush condemned Iran's threat against Mr. Rushdie and his publisher as "deeply offensive to the norms of civilized behavior": Now, therefore, be it

Resolved by the Senate, That in recognition of threats of violence made against the above mentioned author and publisher, the Senate—

(1) declares its commitment to protect the right of any person to write; publish, sell, buy, and read books without fear of intimidation and violence;

(2) unequivocally condemns as state-sponsored terrorism, the threat of the government of Iran and Ayatollah Ruhollah Khomeini to assassinate citizens of other countries on foreign soil;

(3) expresses its support for the publishers and booksellers who have courageously printed, distributed, sold, and displayed "Satanic Verses" despite the threats they have received;

(4) applauds President Bush for his strongly worded statement of outrage against the Iranian government's actions and calls upon the President to continue to condemn publicly any and all threats made against the author and his publishers;

(5) commends the European Community member states for withdrawing their diplomatic corps from Iran in response to the Ayatollah's death sentences;

(6) repudiates religious intolerance and bigotry;

(7) calls upon the President of the United States to take swift and proportionate action in consultation, as appropriate, with other interested governments, in the event that violent acts should occur.

SENATE RESOLUTION 69—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 69

Whereas, in 1987 and 1988 the Subcommittee on Terrorism, Narcotics, and International Operations of the Committee on Foreign Relations conducted an investigation of the foreign policy and international implications of narcotics trafficking;

Whereas, in the case of *United States* v. *Norman LeFevre, et al.,* No. 88-131 CR-T-17, pending in the United States District court for the Middle District of Florida, a defendant is seeking a subpoena for the production of documents from the investigation by Senator John Kerry or employees on the staff of the Committee on Foreign Relations, and the Department of Justice has requested that the documents be provided to it so that appropriate materials can be produced for the defendant;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent Members and employees of the Senate with respect to subpoenas issued to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Kerry and employees of the Senate in the case of *United States v. Norman LeFevre, et al.*

SEC. 2. That the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, are authorized to provide records of the Subcommittee's investigation, if in their judgment circumstances so warrant.

SENATE RESOLUTION 70—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 70

Whereas, in the case of *Rodney F. Stich* v. *Senator Edward Kennedy, et al.,* No. 89-

0170, pending in the United States District Court for the District of Columbia, the plaintiff has named Senators Kennedy, Thurmond, Hollings, Gore, Wilson, and Biden as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senators Kennedy, Thurmond, Hollings, Gore, Wilson, and Biden in the case of *Rodney F. Stich* v. *Senator Edward Kennedy, et al.*

AMENDMENTS SUBMITTED

URANIUM ENRICHMENT ACT

FORD (AND JOHNSTON) AMENDMENT NO. 6

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. FORD (for himself and Mr. JOHNSTON) submitted an amendment intended to be proposed by them to the bill (S. 83) to establish the amount of costs of the Department of Energy's uranium enrichment progam that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers; as follows:

Strike everything after the enacting clause and insert the following in lieu thereof:

SEC. 110. SHORT TITLE.—This Act may be cited as the 'Uranium Enrichment Act of 1989.'

SEC. 111. DELETION OF SECTION 161v.—Subsection 161v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

SEC. 112. REDIRECTION OF THE URANIUM ENRICHMENT ENTERPRISE OF THE UNITED STATES.—The Atomic Energy Act of 1954, as amended (42 U.S.C. Sections 2011-2296) is further amended by—

"a. inserting at the commencement thereof after the words 'ATOMIC ENERGY ACT OF 1954':

" 'TITLE I—ATOMIC ENERGY'; and

"b. adding at the end thereof the following:

" 'TITLE II—UNITED STATES ENRICHMENT CORPORATION

" 'CHAPTER 21. FINDINGS

" 'SEC. 1101. FINDINGS.—The Congress of the United States finds that:

" 'a. The enrichment of uranium is essential to the national security and energy security of the United States.

" 'b. A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

" 'c. A strong United States enrichment enterprise promotes United States nonproliferation policies by requiring accountability for United States enriched uranium.

" 'd. The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

" 'e. The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of uranium enrichment services.

" 'f. The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

" 'g. Flexibility is essential to adapt business operations to a competitive marketplace.

" 'h. The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

" 'i. The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objective of ensuring the Nation's common defense and security.

" 'CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION AND PURPOSES

" 'SEC. 1201. DEFINITIONS.—For the purpose of this title:

" 'a. The term "Secretary" means the Secretary of Energy.

" 'b. The term "Department" means the Department of Energy of the United States.

" 'c. The term "Administrator" means the chief executive officer of the United States Enrichment Corporation.

" 'd. The term "Corporation" means the United States Enrichment Corporation.

" 'e. The term "Advisory Board" means the appointed members of the official advisory panel appointed by the President pursuant to section 1503 of this title.

" 'f. The term "uranium enrichment" means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

" 'SEC. 1202. ESTABLISHMENT OF THE CORPORATION.—

" 'a. There is hereby created a body corporate to be known as the "United States Enrichment Corporation".

" 'b. The Corporation shall—

" '(1) be established as a wholly-owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. section 9101-9109), except as otherwise provided herein; and

" '(2) be an agency and instrumentality of the United States.

" 'SEC. 1203. PURPOSES.—The Corporation is created for the following purposes:

" '(1) to acquire feed material for uranium enrichment, enriched uranium and the Department's uranium enrichment and related facilities;

" '(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

" '(3) to market and sell enriched uranium and uranium enrichment and related services to—

" '(A) the Department for governmental purposes; and

" '(B) qualified domestic and foreign persons;

" '(4) to conduct research and development for purposes of identifying, evaluating, improving and testing processes for uranium enrichment;

" '(5) to operate, as a continuing, commercial enterprise, on a profitable and efficient basis;

" '(6) to establish a corporate structure that is self-financing and would obviate the need for appropriations or other sources of Government financing after enactment of this title;

" '(7) to maintain a reliable and economical domestic source of enrichment services;

" '(8) to conduct its activities in a manner consistent with the health and safety of the public;

" '(9) to continue to meet the paramount objectives of ensuring the Nation's common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

" '(10) to take all other lawful action in furtherance of the foregoing purposes.

" 'CHAPTER 23. CORPORATE OFFICES

" 'SEC. 1301. CORPORATE OFFICES.—

" 'The Corporation shall maintain an office for the service and process of papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

" 'CHAPTER 24. POWERS AND DUTIES OF THE CORPORATION

" 'SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—

" 'The Corporation—

" 'a. shall perform uranium enrichment or provide for such enrichment to be performed by others at facilities of the Corporation. The Corporation shall continue in effect contracts in existence as of the date of the enactment of this title between the Department and persons currently under contract to perform uranium enrichment at facilities of the Department;

" 'b. shall conduct, or provide for the conduct of, research and development activities related to the isotopes separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

" 'c. may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

" '(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the license held by such persons;

" '(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

" '(3) as otherwise authorized by law;

" 'd. may—

" '(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium or uranium enrichment and related services; and

" '(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law; *Provided,* That comparable services are made available pursuant to paragraph (1);

"'e. shall sell to the Department as provided in this title, and without regard to the provisions of 31 U.S.C. 1535, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"'f. may grant licenses, both exclusive and nonexclusive, for the use of patent and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporation's activities.

"'SEC. 1402. GENERAL POWERS OF THE CORPORATION.—In order to accomplish the purposes of this title, the Corporation—

"'a. shall have perpetual succession unless dissolved by Act of Congress;

"'b. may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"'c. may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"'d. may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"'e. may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

"'f. (1) may acquire, purchase, lease, and hold real and personal property including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"'(2) Purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition; *Provided*, That advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"'g. with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency, or any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"'h. may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"'i. may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly-owned Government corporations;

"'j. notwithstanding any other provision of law, and without need for further appropriation, may use monies, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"'k. may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"'l. may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"'m. shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"'n. may define appropriate information as "Government Commercial Information" and exempt such information from mandatory release pursuant to 5 U.S.C. 552(b)(3) when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests;

"'o. may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

"'p. may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"'q. may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"'SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS AND REGULATIONS.—

"'a. Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts and power purchase contracts, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"'b. As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title.

"'c. Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings judicial or otherwise, relating to such functions which are pending at the time this title takes affect, and such proceedings shall be continued with the Corporation, as appropriate.

"'SEC. 1404. CERTAIN PENDING LITIGATION.—

"'The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.

"'SEC. 1405. Liabilities.—

"'Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States.

"'CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"'SEC. 1501. ADMINISTRATOR.—

"'a. The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience is specially qualified to manage the Corporation; Provided, however, That upon enactment of this title, the President shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

"'b. The Administrator—

"'(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business.

"'(2) shall serve a term of six years but may be reappointed;

"'(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"'(4) shall have compensation determined by the President except that compensation shall not exceed Executive Level I, as prescribed in 5 U.S.C. 5312;

"'(5) shall be a citizen of the United States;

"'(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"'(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least 30 days prior to the effective date of such removal.

"'c. The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and, notwithstanding the provisions of 31 U.S.C. 9104(a)(4), including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"'SEC. 1502. DELEGATION.—

"'The Administrator may delegate to other officers or employees powers and duties assigned to the Corporation in order to achieve the purpose of this title.

"'SEC. 1503. ADVISORY BOARD.—

" 'There is hereby established an Advisory Board appointed by the President which shall consist of five members, one of whom shall be designated as chairman. Members of the Advisory Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Advisory Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

" 'a. The specific responsibilities of the Advisory Board shall be to:

" '(1) review the Corporation's policies and performance and advise the Administrator on these matters; and

" '(2) advise the Administrator on any other such matters concerning the Corporation as may be referred to the Advisory Board.

" 'b. Except for initial appointments, members of the Advisory Board shall serve five-year terms. Each member of the Advisory Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

" 'c. Upon expiration of the initial term, each Advisory Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

" 'd. The members of the Advisory Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

" 'e. The Advisory Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly.

" 'f. The Corporation shall compensate members of the Advisory Board at a per diem rate equivalent to Executive Level III, as defined in 5 U.S.C. 5314, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Advisory Board. Any advisory Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

" 'g. (1) The Advisory Board shall report at least annually to the Administrator on the performance of the corporation and the issues that, in the opinion of the board, require the attention of the Administrator. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the President, the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

" '(2) Within 90 days after the receipt of any report under this subsection the Administrator shall respond in writing of such report and provide an analysis of such recommendations of the board contained in the report. Such response shall include plans for implementation of each recommendation or a statement of the reasons why that recommendation will not be implemented.

" 'SEC. 1504. EMPLOYEES OF THE CORPORATION.—

" 'Officers and employees of the Corporation shall be officers and employees of the United States:

" 'a. The Administrator shall appoint all officers, employees and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of 5 U.S.C. 5301, with compensation levels not to exceed Executive Level II, as defined in 5 U.S.C. 5315. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of 5 U.S.C. 2301(b) relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principals of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel act is in the competitive service.

" 'b. Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

" '(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under 5 U.S.C. 5551, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

" '(2) An employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by the employee for the Department.

" 'c. This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

" 'd. Officers and employees of the Corporation shall be covered by chapter 73 of title 5 United States Code, relating to suitability, security and conduct.

" 'e. Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation or Congress in accordance with the provisions of this title.

" 'f. The provisions of section 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

" 'SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—

" 'In order to enable the Corporation to exercise the powers and duties vested in it by this title:

" 'a. The Secretary, in consultation with the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following:

" '(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment; *Provided*, That facilities, real estate, improvements and equipment related to the Oak Ridge K-25 plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program located shall not transfer under this subsection. This paragraph shall not prejudice consideration of any site as a candidate site for future expansion or replacement of uranium enrichment capacity.

" '(2) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology.

" '(3) The Department's stocks of preproduced enriched uranium.

" '(4) the portion of the Department's stocks of feed materials needed for a minimum working inventory of 18,000 metric tons of uranium (MTU).

" '(A) The Department's stockpile of enrichment tails, as of the date of enactment, shall remain with the Department.

" '(B) Stocks of feed materials which remain the property of the Department under paragraph (4) shall remain in place at the enrichment plant sites. The Corporation shall have access to and use of these feed materials provided such quantities as are

used are replaced, or credit given, if use by the Department is subsequently needed.

"'(5) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporation's functions and activities, except those iterms required for programs and activities of the Department and those items specifically excluded by this subsection.

"'b. The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the Atomic Vapor Laser Isotope Separation, hereinafter referred to as 'AVLIS', technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"'c. The Secetary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented) together with the right to use or have used any processes and technical information owned or controlled by the Department.

"'d. The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which are related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"'e. The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"'SEC. 1506. CAPITAL STRUCTURE OF THE CORPORATION.—

"'a. Upon commencement of operations of the Corporation, all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation.

"'b. (1) The Corporation shall issue capital stock representing an equity investment equal to the book value of assets transferred to the Corporation, as reported in the Uranium Enrichment Annual Report for fiscal year 1987, modified to reflect continued depreciation and other usual changes that occur up to the date of transfer. The Secretary of the Treasury shall hold such stock for the United States; *Provided,* That all rights and duties pertaining to management of the Corporation shall remain vested in the Administrator as specified in section 1501.

"'(2) The capital stock of the Corporation shall not be sold, transferred, or conveyed by the United States unless such disposition is specifically authorized by Federal law enacted after enactment of this title.

"'c. The Corporation shall pay into miscellaneous receipts of the Treasury of the United States or such other fund as provided by law, dividends on the capital stock, out of earnings of the Corporation, as a return on the investment represented by such stock. The Corporation shall pay such dividends out of earnings, unless there is an overriding need to retain these funds in furtherance of other corporate functions including but not limited to research and development, capital investments and establishment of cash reserves.

"'d. The Corporation shall repay within a 20-year period the amount of $364,000,000 into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on 20-year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection is hereinafter referred to as the 'Initial Debt'.

"'e. Receipt by the United States of the stock issued by the Corporation (including all rights appurtenant thereto) together with repayment of the Initial Debt shall constitute the sole recovery by the United States of previously unrecovered costs that have been incurred by the United States for uranium enrichment activities prior to enactment of this title.

"'SEC. 1507. BORROWING.—

"'a. (1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as 'bonds') in an amount not exceeding $2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"'(2) Nothwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of the interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"'(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"'(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"'b. Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall be such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine; Provided, that at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of 15 U.S.C. 78c(c).

"'c. Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section; *Provided,* that the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"'SEC. 1508. PRICING.—

"'a. To the extent permitted by prevailing business conditions, the Corporation shall establish prices and charges for its products, materials and services that in the opinion of the Corporation will over the long term: (1) recover the costs of performing and maintaining corporate functions, including but not limited to research and development, depreciation of assets, decontamination and decommissioning, and repayment of the Initial Debt and other obligations of the Corporation; and (2) generate profits consistent with the maintenance of the Corporation as a continuing, commercial enterprise and other purposes of this title; *Provided,* That the Corporation in setting prices and charges for products, materials and services provided to the Department shall recover on a yearly basis its costs of providing such products, materials or services, without regard to prevailing business conditions and without generation of profit. Prices and other contractual terms for the provision of products, materials, or services by the Corporation shall be established without regard to the provisions of the Administrative Procedure Act, as amended.

"'b. (1) In accordance with the cost responsibilities defined in paragraphs (3) and (4), the Corporation shall recover from its current customers in the prices and charges established in accordance with subsection (a), amounts that will be sufficient to pay for the costs of decommissioning and decontamination of the various property of the Corporation, including property transferred under section 1505(a). Such costs shall be based on the point in time that such decommissioning and decontamination is to be undertaken and accomplished.

"'(2) In order to meet the objective defined in paragraph (1), the Corporation shall periodically estimate the anticipated or actual costs of decommissioning and decontamination. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including, but not limited to, any changes in applicable environmental requirements. Such estimates shall be reviewed at least every two years.

"'(3) With respect to property that has been used in the production of low-assay separative work,

"'(A) The cost of decommissioning and decontamination that shall be recoverable from commercial customers in prices and charges shall be in the same ratio to the total costs of decommissioning and decontaminating the property in question as the production of separative work over the life of such property for commercial customers bears to the total production of separative work over the life of such property.

"'(B) All other costs of decommissioning and decontaminating such property shall be recovered in prices and charges to the Department.

"'(4) With respect to property that has been used solely in the production of high-assay separative work, all costs of decommissioning and decontaminating of such property shall be recovered in prices and charges to the Department.

"'SEC. 1509. AUDITS.—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of 31 U.S.C. 9105, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards appropriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files, papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"'SEC. 1510. REPORTS.—

"'a. The Corporation shall prepare an annual report of its activities. This report shall contain:

"'(1) A general description of the Corporation's operations;

"'(2) A summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends; and

"'(3) Copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"'(b) A copy of the annual report shall be provided to the President, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than 90 days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"'SEC. 1511. CONTROL OF INFORMATION.—

"'a. The term "Commission" shall be deemed to include the Corporation wherever such term appears in section 141 and subsections a. and b. of section 142 of title I.

"'b. No contracts or arrangements shall be made, nor any contract continued in effect, under Section 1401, 1402, 1403, or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11 y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"'c. The restrictions detailed in subsections b., c., d., e., f., g., and h., of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"'d. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda, or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"'e. Whenever the Corporation submits to the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"'f. The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"'SEC. 1512. PATENTS AND INVENTIONS.—

"'a. The term "Commission" shall be deemed to include the Corporation wherever such term appears in section 152, 153 b. (1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153 b. (1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the ccurse of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"'b. The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151 c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151 d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress.

"'c. The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153 c. of title I subject, except as specified above, to all the provisions of subsections 153 c., d., e., f., g., and h., of title I.

"'d. With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, "any other licensee" in the first sentence thereof and within the phrase "such licensee" in the second sentence thereof.

"'e. The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under 35 U.S.C. 181 through 187.

"'f. The Corporation shall not be liable or responsible for any payments or awards under subsection 157 b. (3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"'g. The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"'CHAPTER 26. LICENSING, TAXATION, AND MISCELLANEOUS PROVISIONS

"'SEC. 1601. LICENSING.—

"'a. Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials for activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of section 57, 62, 81 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities. Such exemption shall remain in effect unless and until the Corporation and its contractors receive all necessary licenses for such facilities, equipment and materials as are required under title I.

"'b. Within four years of the enactment of this title, the Commission shall promulgate regulations under title I for the licensing of facilities described in subsection (a) that employ the gaseous diffusion technology. The Commission shall not consider the need for such facilities, alternatives to such facilities, or the costs compared to the benefits of such facilities.

"'c. As soon as practicable after the promulgation of regulations under subsection (b), the Corporation and its contractors shall make necessary applications for and otherwise seek to obtain such licenses as

will remove the exemption provided under subsection (a).

"'d. The Corporation shall not transfer or deliver any source, special nuclear or by-product materials or production or utilization facilities, as defined in Title I, to any person who is not properly qualified or licensed under the provisions of Title I.

"'e. The Corporation shall be subject to the regulatory jurisdiction of the Committee and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and by-product materials.

"'SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES.—

"'a. In order to render financial assistance to those states and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to state and local governments as provided in this section. Such payments shall be in lieu of any and all state and local taxes on the real and personal property, activities and income of the Corporation. All property of the Corporation, its activities, and income are expressly exempted from taxation in any manner or form by any state, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the corporation to manage, operate and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own acounts, and such income shall not be exempt from taxation.

"'b. The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the state and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria.

"'(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location; *Provided, however,* That there shall be excluded any amount that would be payable as a tax on net income.

"'(2) the Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"'(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"'(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately to the enactment of this title.

"'c. Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable; *Provided,* That no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"'d. The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"'SEC. 1603. MISCELLANEOUS APPLICABILITY OF TITLE I.—

"'a. Any references to the term "Commission" or to the Department in sections 105b., 110a., 161c., 161k., 161q., 165a., 221a., 229, 230 and 232 of title I shall be deemed to include the Corporation.

"'b. Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation:

"'(1) The term "Commission" shall be deemed to refer to the Secretary;

"'(2) There shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accure to the benefit of the Corporation; and

"'(3) The Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"'SEC. 1604. COOPERATION WITH OTHER AGENCIES.—

"'The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of state, territorial, municipal or other local agencies.

"'SEC. 1605. APPLICABILITY OF ANTITRUST LAWS.—

"'a. The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"'b. As used in this subsection, the term "antitrust laws" means:

"'(1) The Act entitled: "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (15 U.S.C. 1-7), as amended;

"'(2) The Act entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (15 U.S.C. 12-27), as amended;

"'(3) Sections 72 and 74 of the Act entitled, "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"'(4) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"'SEC. 1606. NUCLEAR HAZARD INDEMNIFICATION.—

"'The Administrator shall have the same authority to indemnify the contractors of the Corporation as the Secretary has to indemnify contractors under section 170 d. of title I.

"'SEC. 1607. INTENT.—

"'It is hereby declared to be the intent of this title to aid the Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexibility to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"'SEC. 1608. REPORT.—

"'a. Five years after enactment of this title, the Administrator shall submit to the President and to Congress a report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. If the Administrator recommends such transfers, the report shall include a plan for implementation of the transfers.

"'b. Within 180 days after receipt of the report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfer recommended by the President and any recommendations for legislation necessary to effectuate such transfers.

"'CHAPTER 27. DECONTAMINATION AND DECOMMISSIONING

"'SEC. 1701. ESTABLISHMENT.—

"'a. ESTABLISHMENT OF FUND.—

"'(1) There is hereby established in the Treasury of the United States an account of the Corporation to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (hereinafter referred to in this chapter as the "Fund"). In accordance with section 1402(j), such account and any funds deposited therein, shall be available to the Corporation for the exclusive purpose of carrying out the purposes of this chapter.

"'(2) The Fund shall consist of:

"'(A) Amounts paid into it by the Corporation in accordance with section 1702; and

"'(B) Any interest earned under subsection (b)(2).

"'b. ADMINISTRATION OF FUND.—

"'(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Corporation, annually report to the Congress on the financial condition and operations of the Fund during the preceding fiscal year.

"'(2) At the direction of the Corporation, the Secretary of the Treasury shall invest amounts contained within such Fund in obligations of the United States:

"'(A) Having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund, as determined by the Corporation; and

"'(B) Bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to such obligations.

"'(3) At the request of the Corporation, the Secretary of the Treasury shall sell such obligations and credit the proceeds to the Fund.

"'SEC. 1702. DEPOSITS.—Within 60 days of the end of each fiscal year, the Corporation shall make a payment into the Fund in an amount equal to the costs of decontamination and decommissioning that have been recovered during such fiscal year by the Corporation in its prices and charges established in accordance with section 1508 for products, materials, and services.

"'SEC. 1703. PERFORMANCE AND DISBURSEMENTS.—

"'a. When the Corporation determines that particular property should be decommissioned or decontaminated, or both, it

shall enter into a contract for the performance of such decommissioning and decontamination.

"'b. The Corporation shall pay for the costs of such decommissioning and decontamination out of amounts contained within the Fund.'.

"SEC. 113. TREATMENT OF THE CORPORATION AS BEING PRIVATELY-OWNED FOR PURPOSES OF THE APPLICABILITY OF ENVIRONMENTAL AND OCCUPATIONAL SAFETY LAWS.—The United States Enrichment Corporation shall be subject to Federal environmental laws and the Occupational Safety and Health Act (29 U.S.C. 651-678) to the same extent as is the Department of Energy as of the date of enactment. After four years from the date of enactment of this title, the United States Enrichment Corporation shall become subject to such laws to the same extent as a privately-owned corporation, unless the President determines that additional time is necessary to achieve the purposes of title II of the Atomic Energy Act of 1954, as amended.

"SEC. 114. MISCELLANEOUS PROVISIONS.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of 'wholly-owned Government corporation') is amended by adding at the end of the following: '(N) United States Enrichment Corporation.'.

"(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word 'or' appearing before the numeral '(2)' is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: 'or (3) are owned by the United States Enrichment Corporation.'.

"(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word 'or' is inserted before the word 'grant' and the phrase 'or through the provision of production or enrichment services' is deleted in both places where it appears in such subsection.

"(d) The Atomic Energy Act of 1954, as amended, is further amended:

"(1) By adding before the period at the end of the definition of the term 'production facility' in section 11 v. a colon and the following: '*Provided, however,* that as the term is used in Chapters 10 and 16 of this Act, other than with respect to export of a uranium enrichment production facility, it shall not include any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235';

"(2) By striking the period at the end of section 161 b. and adding the following: '; in addition, the Commission shall prescribe such regulations or orders as may be necessary or desirable to promote the Nation's common defense and security with regard to control, ownership or possession of any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235;';

"(3) By striking the phrase 'section 103 or 104' in section 41 a. (2) and inserting in lieu thereof 'this title'; and

"(4) In section 236 by striking the word 'or' following paragraph (2) and adding after paragraph (3) 'or (4) any uranium enrichment facility licensed by the Commission;'.

"(e) Subsection 905(g)(1) of Title II, United States Code, is amended to include 'United States Enrichment Corporation' at the end thereof.

"(f) Section 306 of title III of the Energy and Water Development Appropriations Act, 1988, P.L. 100-202, is repealed.

"SEC. 115. LIMITATION ON EXPENDITURES.—For fiscal year 1990, total expenditures of the United States Enrichment Corporation shall not exceed total receipts.

"SEC. 116. SEVERABILITY.—If any provision of this act, or the application of any provision to any entity, person or circumstance, shall for any reason be adjudged by a court of component jurisdiction to be invalid, the remainder of this act, or the application of the same shall not be thereby affected.

"SEC. 117. EFFECTIVE DATE.—Except as otherwise provided, all provisions of this act shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this act; *Provided, however,* That the Administrator or Acting Administrator of the United States Enrichment Corporation may immediately exercise the management responsibilities and powers of subsection 1501(a) of the Atomic Energy Act of 1954, as amended by this Act and previous Acts.".

● Mr. FORD. Mr. President, today I am submitting an amendment to S. 83, legislation I introduced in January to establish the level of unrecovered costs of the Uranium Enrichment Program. This amendment is not a new piece of legislation: It is similar to a bill that was passed by the Senate twice during the last Congress, which was supported by the administration, and by the electric utility industry.

The Department of Energy [DOE] uranium enrichment enterprise is in need of immediate attention by this Congress. The enrichment enterprise faces stiff competition from foreign, Government-backed consortia. Some of our competitors have equity partners—captive customers—who pay for the facilities and allow them to sell their excess capacity in the open market at very low prices. Others have a technology which takes 2 years to build, but they contract for their sales 10 years in advance. Through this system, they do not need the excess capacity today in order to be able to steal our business tomorrow. In addition, the Soviet Union is selling both uranium and uranium-enrichment services directly and indirectly into the United States.

Today's competition is fierce, and DOE's efforts to meet this competition are hampered by an unwieldy and inflexible bureaucratic agency structure. DOE is also constrained by a statutory pricing provision that requires them to price enrichment services 30 to 40 percent above the world market price. It is not surprising that DOE's share of the world enrichment market has fallen from 100 percent to approximately 50 percent.

DOE's customers clearly have someplace else to go. We must provide the enrichment enterprise with the tools necessary to compete in the world market: a mission to act like a competitive business, and the structure and flexibility to accomplish this mission. Unless we act, and act soon, more customers are likely to choose other suppliers, including the Soviet Union, over DOE. Restructuring the enterprise and providing it with a clear mandate to compete are imperative.

The amendment I introduce today establishes the United States Enrichment Corporation [USEC] as a Government corporation under the Government Corporation Control Act, and directs the uranium-enrichment enterprise to operate as a "continuing, commercial enterprise on a profitable and efficient basis." The Corporation would be responsible for all aspects of the policy making and the operation of the enterprise, including research and development. The USEC is directed to establish a fund to cover the commercial share of liabilities related to the eventual decontamination and decommissioning of the enrichment plants. In addition, this bill requires the USEC to pay the U.S. Treasury $364 million as the sole recovery from customers of any previously unrecovered costs of the Enrichment Program.

Some have referred to this $364 million payment to the Treasury as a bailout. This is hardly the case. The $364 million is not an arbitrary declaration of program debt; it represents the total cash cost of outlays from the U.S. Treasury to the Enrichment Program since the establishment of the program in 1969 through fiscal year 1986.

The idea that this so-called debt may be $3 billion, or as high as $9 or $13 billion is nonsense. The "unrecovered costs" merely constitute the present basis for the pricing of enrichment services. They do not constitute an actual debt to be recovered from enrichment customers under present law. The Enrichment Program has never taken a loan which needs to be repaid. Neither the accounts of the Federal budget, nor those of the U.S. Treasury carry any "debt" for the Uranium Enrichment Program.

In addition, the amount of unrecovered Government investment in the Enrichment Program, represented by the book value of existing productive assets, is not being lost. Rather this value for unrecovered investment will be carried forward on the books of the new Corporation. As the book value is depreciated, there will be a return of the investment. Also, to the extent that the Corporation is able to return dividends to the Treasury, as directed in the legislation, the Treasury will receive a return on these assets.

Clearly, a corporation that provides profit to the taxpayers of this country is far from a bailout.

Any higher estimate of debt than $364 million, jeopardizes DOE's ability to compete in the world market. If the enterprise is not competitive, our customers will leave us. If our customers, who represent the future earning

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power of the enterprise, leave, the value of the enterprise to its owners—the taxpayers—is severely diminished. The Congress cannot support any legislation which sets the debt of the Enrichment Program at any level greater than the $364 million, and thereby reduces the value of the taxpayer investment in these assets.

Congress has consistently recognized energy and national security as strong reasons to maintain an efficient and competitive enrichment capability in the United States. These reasons are more valid today than ever. Congressional action is required to insure that the United States will remain a competitive and an efficient supplier of enrichment services. We must maximize taxpayer investment in the productive enrichment assets, and prevent the loss of a valuable national asset. We must provide the enrichment program with a business-like mission and structure to ensure that there will be any domestic enrichment capability in the future.

The Congress must act, and act soon. I ask for your support as we tackle this very important issue.●

NOTICES OF HEARING

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Service, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Tuesday, February 28, 1989. The focus of the hearing will be on S. 273, Deceptive Mailing Prevention Act of 1989, and consumer mail issues. The subcommittee will hear witnesses from the Postal Service and various profit and nonprofit mailing organizations.

The hearing is scheduled for 9:30 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please call Ed Gleiman, Subcommittee Staff Director, on 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, February 23, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 23, 1989, at 2 p.m. to hold a hearing on war and famine in Sudan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON INVESTIGATIONS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Special Committee on Investigations of the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 23, 1989, at 10 a.m. to hold hearings pursuant to Senate Resolution 381, section 21, agreed February 26, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 23, 1989, at 2 p.m. in executive session to discuss the Tower nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAUDE HOLT BEDSWORTH

● Mr. BOND. Mr. President, on Sunday, February 19, 1989, Maude Holt Bedsworth celebrated her 100th birthday at Stephens College in Columbia, MO. Having graduated in 1906 with a bachelor of arts degree, Mrs. Bedsworth is the most senior alumna of Stephens College.

It is befitting that the oldest women's college west of the Mississipi and the second oldest in the United States has honored Mrs. Bedsworth with a celebration.

Now residing in Fulton, MO, Mrs. Bedsworth was born and raised just east of Columbia in Millersburg. Mrs. Bedsworth and her husband, Will, were farmers in Callaway County where they raised their two sons who carried on the family trade.

As a centenarian, Mrs. Bedsworth has seen two world wars and lived through depressions, recessions, expansion, and slumps. She has seen some 18 Presidents come and go, from Grover Cleveland to Ronald Reagan. She has seen man walk on the Moon and she has seen the civil rights of women and minorities finally being given the attention they truly deserved. But most important to Mrs. Bedsworth, she has seen the growth of her two sons, three grandchildren and six great-grandchildren. She has seen the best and the worst of the world in which we live. Through it all, Mrs. Bedsworth has endured. She now stands as an inspiration to her friends, her family, and her alma mater.

We salute Mrs. Maude Holt Bedsworth and wish her many more years of happiness and prosperity in the great State of Missouri.●

EXPRESSING OPPOSITION TO OIL IMPORT FEES—SENATE RESOLUTION 64

● Mr. CHAFEE. Mr. President, I am pleased to join my distinguished colleague Senator PELL and others in support of this resolution to oppose the imposition of fees on oil imports. An oil import fee proposal would not only be bad policy for Rhode Island and all of New England, it would just be bad policy.

I don't think any of my colleagues in the Senate would advocate making the Federal personal income tax higher in one area of the country than any other area. Yet that is the effect an oil import fee would have on New England. Whether it is structured as a flat dollar fee on each imported barrel of oil, or a floating fee designed to keep a floor under the price of oil, it would penalize States that depend on oil for their energy needs. I am proud of Rhode Island's energy conservation efforts. But we still need oil, and that should not mean we have to bear the brunt of higher costs from these fees.

Today, an average homeowner in Rhode Island pays about $1,000 a year to heat a home with oil. A tax on such a basic commodity as oil would increase the annual bill by up to 25 percent. This prospect is especially frightening to low-income families, who must spend a high percentage of their income on energy costs. That is just not fair.

Our businesses would also suffer. Artificially high domestic energy costs from an oil import fee would erase competitive advantages gained by our companies. With foreign competition as tough as it is, do we really want to compound our trade problems with oil import fees?

Lower energy costs often mean lower inflation, an increase in per capita income, and more jobs for all Americans. I believe consumers should be able to enjoy these benefits. I strongly support this resolution and urge my colleagues in the Senate to join us in opposing the imposition of an oil import fee.●

INDIAN AFFAIRS SPECIAL COMMITTEE ON INVESTIGATIONS

● Mr. McCAIN. Mr. President, 1 year ago, the Senate authorized the formation of the Special Committee on Investigations to look into the entire scope of the relationship between the Federal Government and American Indians. Under the chairmanship of my colleague, Senator DENNIS DECONCINI, we have conducted an investigation that recently began revealing its findings in public hearings. We have heard

shocking, incredible, and sometimes desperate testimony about the way the Government's business is being done on Indian reservations.

This testimony, as unpleasant as it has been, will provide the essential base of information necessary to move forward with the reforms we expect to present at the close of our hearings. The primary purpose of our hearings, and any initiatives we propose, is to assist tribal government efforts to more effectively meet the needs of the Indian people they have been elected to serve.

Senator DANIEL INOUYE, chairman of the Select Committee on Indian Affairs, best stated what the investigation seeks to accomplish when he said:

I think that we would all agree that those who are charged with the responsibility of administering Indian programs and services, be they federal instrumentalities, state agencies, or tribal governments, must be accountable—first, to those for whom a trust responsibility has been established—the Indian people—as well as accountable to the Congress and the American people. This accountability must be achieved, and I believe, can best be realized, by Indian people working with the Congress and with federal agencies to identify the need for change, and to initiate reform where it may be necessary.

The first round of hearings, set to conclude on February 27, has explored problems in the Government's trust responsibility to Indians, minority preference contracts and set-asides for Indian contractors, corruption among elected tribal officials, infiltration of Indian gaming by organized crime, and child abuse on reservations. Further hearings will be held in the spring, when we will look into problems concerning natural resources on Indian lands, health programs, housing, and education. At that time, we will add to the growing record on these issues.

In the meantime, the investigation will continue with an emphasis on understanding the institutional problems that can, and must, be addressed to solve the century-old pattern of despair and misery on the reservation. In the first hearing of the special committee, I recounted the many shifting and failed Government attempts to address the problems faced by Indians, dating back to the First Congress in 1789. With the broad mandate given to the Special Committee by the Senate, however, we intend to provide recommendations that succeed in bringing about the change necessary to give Indians the kind of assistance that will allow them to shape and improve their own future.

Natural resource issues have received the greatest portion of the committee's staff time and effort. The complexity of this particular area, however, has required more time to investigate than have some of the issues already considered in public hearings.

In each area of the investigation, our purpose is the same: To find the obstacles that are depriving Indian people of the services they need. We must know the obstacles before laws, regulations, and programs can be changed to stop the waste, fraud and abuse that have deprived the Indian people, and the taxpayer, of the services they expect and deserve.

Although corruption among elected tribal officials was included in the original scope of our investigation, and our first round of hearings have covered that topic, tribal officials are not the primary focus of our investigation. Indeed it is clear that most tribal leaders are honest, and working hard to both serve and lead their people. However, in the course of our investigation of fraud in minority contracting, we repeatedly heard allegations of corruption by tribal governmental officials. Because these allegations concern duly elected public officials, we investigated them thoroughly.

Our hearings are designed to hasten progress toward the hard won status of Indian self-determination, and to strengthen tribal governments' own ability to manage their affairs. Our simple and straightforward purpose—to uncover and remove any obstacle to Indian opportunity in our society—is not a threat to Indian sovereignty. We are seeking to advance the interests of self-determination by removing those barriers that have hindered the delivery of services and support to Indians.

In fact, it might be that the best solution to some of these problems would be removing at least portions of the Federal Government bureaucracy and turning more authority over to the tribes. Such an alternative would, however, require broad congressional support. To gain such support, it may be necessary to expand statutes covering the use of Federal funds, in a manner similar to the oversight assistance now provided to State and local governments using Federal funds. We most especially do not seek, in the course of our investigation, to involve ourselves in local disputes. Such interference has been a part of the Government's relationship with Indian tribes for too long, and recent gains in self-determination must not be beaten back under the smokescreen of reform.

What has been evident, thus far in our hearings, is a general lack of understanding about the nature of tribal governments. Tribal officials are not the traditional tribal elders of the past, but preside over tribal governments which are sovereign bodies. These leaders are duly elected public officials; their budgets are supported not only by their own revenues, but also by Federal revenues. They must be accountable for their conduct in the use and management of these funds.

A lack of appreciation, among the general public and with some leaders in Washington, for the role of Indian leaders as duly elected public officials has contributed to many of the problems we have explored to date. This lack of understanding has been a two-edged sword for Indian leaders, with both edges cutting away at the effectiveness and the expectations of tribal governments.

Basically, there has been limited appreciation for the responsibility tribal officials assume as elected representatives of their people. Our hearings have vividly shown that tribal officials have not been guided by the legal standards applied to other elected officials at the Federal, State, and local level. However, the tribal officials often have the same involvement as other elected officials, in the distribution of Federal funds and participation in Federal programs. Whereas, State and local officials benefit from a clear and consistent set of standards that help them carry out the aims of Federal programs; Indian leaders have been forced to function under a hodgepodge of rules and regulations, under the direction of a variety of agencies. Rules and regulations which, frankly, are often changed on a whim by Washington officials. In addition, the officials making these changes often have not been sensitive, or have not sought to sensitize themselves, to the extraordinary circumstances that exist on reservations.

One example of this insensitivity can be found in the Department of Housing and Urban Development's [HUD] Indian Housing Program. Until last year, there never was an explicit statutory basis for this program. HUD administratively established the program years ago, as part of its nationwide public housing effort. For years the tribes complained that there were no statutes or public regulations to guide their efforts to implement the Indian Housing Program. Year after year, the tribes told HUD and the Congress that a public housing program designed for our Nation's cities could not be made to work effectively on the reservation. The Federal and tribal governments have now expended millions of dollars on poorly built reservation houses, many of which lack such basic amenities as water, sewer, and electrical services. This situation could have been avoided if the Congress and HUD had been more receptive to the concerns of the tribes. Housing will be among the issues we examine in our spring hearings to determine how situations such as this can best be avoided in the future.

In addition to the lack of standards helping to guide Indian elected officials, these representatives have been denied the respect and authority that go with their position because of the

same lack of understanding. Instead of being consulted and included in the rulemaking and regulation process, as are other elected officials, Indian elected representatives often have been denied a voice in the policies affecting their lives by officials that are, in some cases, ignorant of or unwilling to acknowledge the Indian leader's status as elected representatives of their constituents.

In short, Indian leaders need the guidance and direction provided to other elected leaders, and they also need to be included in the policymaking process for those programs that directly affect their lives and the lives of Indian people.

It is plainly evident that much of the current Federal Government approach to providing essential services and assistance to Indians has failed. Each year, the Federal Government spends nearly $3 billion on Indian programs including education, housing, health, law enforcement, and more. Anyone familiar with reservations in this country, knows that often these funds are not being used effectively to meet the vital needs in Indian country. In addition, various Government agencies set aside millions of dollars in contracts for Indian preference bidding each year, significant portions of which we have found do not reach the areas and businesses for which they are intended. These deficiencies must be corrected. The Federal Government, in partnership with tribal governments, must ensure that funds intended for the benefit of Indian people do in fact reach the Indian people.

Our first week of hearings was dedicated largely to the problems in minority contracting—the contracts the Government sets aside specifically for bid by Indian contractors. In one of those hearings we heard a disturbing report about a Navajo carpenter entering into an illegitimate contract arrangement with a non-Indian contractor. That situation resulted in the non-Indian contractor performing most of the work on a number of Indian preference contracts, and then pocketing the profits from the work. The Indian received a salary for his work, but was denied the opportunity to perform the bulk of the contract, to employ people of his choosing, and to profit from the contracts received for the purpose of advancing Indian opportunity. In the end the funds made available by the Government and the taxpayer, to expand economic opportunity on the reservation through the use of Indian contractors to perform these projects, were misused and, once again, resulted in Indians not receiving the benefit of funds designated for their needs.

Individuals, organizations, corporations, and Government agencies must all be part of the effort to end the disappointment and despair that has been too great a part of Indian life for too long. The unending tragic cycle of poverty, disease, unemployment, and misfortune must be broken. Those who seek illicit gain from funds and programs intended for the benefit of Indian people should be subject to harsh penalties, whether they be a Federal Government employee, a private company official, or a tribal leader.

When the investigation began, we were directed to pursue corruption wherever it was found. We felt that to expose corruption and abuse in the Federal Government, while neglecting corruption in tribal governments, would be a betrayal of the trust placed in us by the U.S. Senate, the American people, and most of all, American Indians.

The Special Committee has been presented an historic opportunity to examine the entire scope of Indian programs and policies. When all the evidence is in, and the hearings are completed, the record will show neglect and mismanagement at every level of the relationship between the Government and the Indian people. At that time, we expect to draw up a comprehensive legislative package to address the many facets of the problem, both in and out of the Government. As we proceed with our work, we welcome the participation of all interested parties.●

IN HONOR OF SIMON WIESENTHAL'S 80TH BIRTHDAY

● Mr. MACK. Mr. President, I would like to join those throughout this Nation and the world who celebrate the 80th birthday of one of the great humanitarians of our time, Simon Wiesenthal. His is truly a story of the triumph of personal courage and faith over evil.

It is almost impossible to comprehend how a man could survive 4 years in Nazi concentration camps and the loss of 89 members of his and his wife's family. To not only survive but to turn this personal tragedy into a force against evil in today's world is truly a testament to the potential for human courage.

Today the Wiesenthal Center has gone beyond the study of the Holocaust to the active pursuit of Nazi war criminals, documentation of antisemitism, terrorism, oppression of Soviet Jewry, and genocide around the world. Now, with the new Beit Hashoah/Museum of Tolerance, the Simon Wiesenthal Center will be able to expand its education efforts.

Thirty years after Simon Wiesenthal pledged to become a "voice of the victims," the Beit Hashoah/Museum of Tolerance will break new ground in the continuing effort to learn and teach the lessons of the Holocaust. One of those lessons is that even the most civilized and educated people are capable of tremendous evil. Another is that we must continue to be vigilant against all forms of totalitarianism, whether the brushfires of resurgent Nazism on the right, or the still entrenched gulags of communism on the left.

Again, I extend my best wishes to Simon Wiesenthal on his 80th birthday, and wish him happiness and success in his future endeavors for many years to come.●

THE RETIREMENT OF WILLIAM H. FITZGERALD, JR.

● Mr. LAUTENBERG. Mr. President, I rise to honor an outstanding public servant, William H. Fitzgerald, Jr. "Fitz," as he is known to his friends, is the Deputy Assistant Secretary for Budget and Programs for the Department of Transportation. He will be leaving the Federal Government on February 24 after 40 years of dedicated and exemplary service.

Those of us who have had the good fortune to work with Fitz found him always ready to serve when called upon. We have all benefited by his insights, advice, and knowledge. He has performed ably in the various positions he has held in those 40 years and he has been an outstanding teacher to all those who have worked with him—a teacher not only by word, but also by deed.

Fitz began his career with the Federal Government in 1948 after receiving his bachelor of science from the U.S. Coast Guard Academy. He had a distinguished Coast Guard career for 23 years. In that time he served in various capacities as a commissioned officer including 11 years in supply or comptroller assignments and 6 years as a line officer on sea duty. From 1966 to 1971, he was chief of the Headquarters Budget Division.

After his Coast Guard service, Fitz was a a senior budget analyst in the Office of the Secretary for 3 years, overseeing Federal Aviation Administration programs. Following that, he was the Director of Planning and Budget for the Federal Railroad Administration. Subsequently, he became Director of the Office of the Secretary of Transportation in 1981. From there he rose to his present position as the Deputy Assistant Secretary for Budget and Programs, one of the highest positions a member of the Senior Executive Service can hold in the department.

Fitz embodies the best of the civil service. We will surely miss him. His knowledge, good cheer, and nonpartisan approach to solving the problems at hand has been invaluable. He has helped all of us keep the goal in mind and the budget process moving smoothly. I thank him and offer him

my best wishes for a well-deserved, happy, and healthy retirement.●

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, in 1970, 1972, and again last year, Congress legislated and the President proclaimed the last Friday in April as "National Arbor Day." I am pleased that the Senate Judiciary Committee voted today to pass legislation I introduced to proclaim the last Friday in April 1989, as "National Arbor Day." This year, 57 of my colleagues joined me in recognizing the important contribution trees make to our lives.

Trees are one of our Nation's most important natural resources. They provide the raw materials for our basic industries, stabilize our environment, and add natural grace to our surroundings. The establishment of a National Arbor Day reminds all our citizens of the vital presence of trees, whether in urban areas or in distant wilderness.

Man's impact on the environment and on the future of our planet is increasingly evident. The importance of trees as a natural resource should compel us to act promptly on the problem of forest decline. Scientists have observed declines, serious damage, and death of a number of species of trees in large areas of Europe and the United States. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the ponderosa pine in southern California.

Because we are concerned about damage to our forests and our trees and because we need to acknowledge the contribution that trees make to our health and well-being, I urge the Congress to designate April 28, 1989, as "National Arbor Day."●

EZRA E. RUSS

● Mr. LUGAR. Mr. President, I would like to bring to your attention an outstanding individual who is being honored during Black History Month for his extreme bravery in helping save the lives of four neighbors.

On December 10, 1977, a fire started in a boarding house which killed two people trapped inside. Thanks to the courage of Ezra Russ, four others were able to escape safely. As the ceiling began to crumble, Reverend Russ rescued one woman who was in a wheelchair and another who was on a walker. For his efforts, Ezra Russ was honored by the mayor of Indianapolis and the Red Cross of Indianapolis.

Reverend Russ has taught math in the Indianapolis public school system; was director of the Westside Economic and Social Service Center; has been an Atterbury Job Corps instructor and a mental health caseworker with the Center Township Trustee. He is now pastor of the Greater St. James Baptist Church of Indianapolis.

I ask you and my colleagues to join in paying tribute to an outstanding Hoosier hero.●

THE CHICAGO BUSINESS COMMUNITY AND ITS CONTRIBUTION TO THE EDUCATION SYSTEM

● Mr. DIXON. Mr. President, I rise today to share with my colleagues a February 15, 1989, editorial in the Chicago Tribune which I find to be noteworthy. The editorial highlights some efforts made by the business community in the city of Chicago to improve the school system.

Because of these efforts, "news about city schools is much brighter" in Chicago. This is a good report and I applaud the business community and the school system.

Mr. President, I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Chicago Tribune, Feb. 15, 1989]

LEADING BY EXAMPLE IN THE CLASSROOM

The trouble at the top of floundering Chicago school system may drag on for some time, as noted in the above editorial. On another front, though, the news about city schools is much brighter. The Chicago business community, which for years was content merely to complain about the poor job the schools do in educating tomorrow's employees, now is working to make the system better.

Business leaders lobbied hard for school reform in the last session of the state legislature; they may not have gotten all that they wanted, but without their pressure the reform bill surely would have been much weaker. Several major companies are financing the new Corporate/Community School in North Lawndale, hoping to create a model for top-quality education in impoverished urban areas. A number of executives are joining Leadership for Quality Education, a nonprofit group funded by Chicago United and the Commercial Club's Civic Committee to muster the resources and the know-how to improve city schools.

Stephen Wolf, the 47-year-old chairman of UAL Corp., the parent of United Airlines, quietly has taken his commitment to better schools directly into city classrooms. He regularly leaves his suburban Elk Grove office to visit elementary schools in poorer city neighborhoods, delivering a forceful and straightforward message: Hard work and education are the ticket to a good job and success.

Wolf hands each youngster a list of United's basic employee requirements, including two essentials: Graduate from high school and don't use drugs. He always takes with him a few United employees—typically, a black pilot and flight attendant—who give the kids firsthand information about their work.

If students don't see the link between the classroom and a good job, no school reform effort, no matter how well planned and executed, can succeed. With his simple message, United's Wolf is providing that link. Here's hoping he's also providing a model that other executives will replicate all over the city.●

RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. BIDEN. Mr. President, I hereby submit for the record, the rules of the Committee on the Judiciary as approved by the committee on February 23, 1989.

The material follows:

RULES OF THE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Eight members shall consitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with eight votes in the affirmative, one of which must be cast by the Minority.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship, and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a

[1] Reaffirmed by the Committee on the Judiciary in executive session on February 23, 1989. Printed in the CONGRESSIONAL RECORD on February 23, 1989, pursuant to the Legislative Reorganization Act of 1970.

majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

BLACK HISTORY MONTH

● Mr. RIEGLE. Mr. President, every February our Nation celebrates Black History Month. With this national recognition, we reaffirm our awareness and appreciation of the many contributions made by black Americans to our national heritage.

In Michigan, we have a long tradition of distinguished black leadership. Our history includes the courageous Sojourner Truth, who helped lead our country out of the dark days of slavery; Elijah McCoy, a noted inventor of steam engines; Ralphe Bunche, a diplomat and Nobel laureate who strived to bring peace to the Middle East; Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the civil rights movement by her refusal to give up her seat on a segregated bus; and Joe Louis, the magnificent "Brown Bomber," one of the greatest boxers of all time. This month, we commemorate these and other black Americans who have enriched our lives and culture.

Black History Month, however, should be more than just a memorial to famous black Americans we read about in our history books. It is a time to pay tribute to the contributions of black Americans in our society and to acknowledge the black heroes of today who are found in communities throughout the United States.

It is a time for us as a society to assess the strides that have been made in the civil rights movement and to set new goals for the future.

Black History Month serves us as an opportunity for national reflection. It is a time to recall the injustices of the past and a chance to focus our attention on the inequities that still exist today and reaffirm our commitment to change. In observance of this special month, events are being conducted in my home State of Michigan.

This is the second year that we have acknowledged Dr. Martin Luther King's birthday as a national holiday. Dr. King's personal commitment to nonviolence and fearless leadership in the fight for freedom and equality for all is something that we all should strive for. Although Dr. King did not live to see his dream realized, we must continue to keep his dream and commitment to equal opportunity alive. Black History Month is an important part of this legacy.●

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I support legislation calling upon the President to proclaim the week of April 23 through April 19, 1989, as "National Organ and Tissue Donor Awareness Week." I commend my distinguished colleague, Senator GARN, for his very personal commitment to this life-giving legislation.

Every year, more than 100,000 Americans whose kidneys, eyes, hearts, lungs, bone, skin, or other tissues or organs are unable to sustain them could be helped or cured through organ transplants. For many, receiving a transplant can represent a new lease on life. Unfortunately, a substantial number of those who could benefit from an organ transplant face an uncertain, often lengthy, and potentially tragic waiting period for needed organs due to a shortage of available donors. This causes pain and frustration for families as they seek suitable organs for transplantation.

To alleviate this difficult situation, it is imperative to increase public awareness of the urgent need for organ donors. The designation of a week in April as "National Organ and Tissue Donor Awareness Week" can be a significant means of achieving this goal. As Americans recognize the opportunity they have to help others in need, I am confident that many will step forward and pledge to make an anatomical gift.

Again, I commend Senator GARN for taking the lead on legislation which can help to give life and hope to the many Americans in need of organ transplants. I encourage all of my colleagues to join me in support of "National Organ and Tissue Donor Awareness Week."●

NATIONAL CHILD ABUSE PREVENTION MONTH

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 54, a joint resolution designating the April months of 1989 and 1990 as "National Child Abuse Prevention Month."

There is nothing more important than our children—our future. Unfortunately, while our children will someday be the leaders of our country, until then, unfortunately, they are especially vulnerable to abuse. Tragically, they are often unable to speak out for themselves, and even report their abuse—studies show that three out of every four instances of abuse go unreported. Each year, an estimated 6,000,000 American children actually fall victim to abuse, resulting in about 4,000–5,000 deaths.

National Child Abuse Prevention Month presents an excellent opportunity to increase public awareness of this tragic problem. I am proud to cosponsor this joint resolution, and urge my colleagues to do the same.●

NATIONAL OLDER AMERICANS ABUSE PREVENTION WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 24, a joint resolution designating the week of May 1 through May 7, 1989, as "National Older Americans Abuse Prevention Week."

All of us are aware of child abuse, but few realize the severity of a similar problem affecting 550,000 to 2.5 million older Americans each year. For reasons similar to those causes of child abuse, older Americans fall victim to physical and emotional abuse, neglect, and denial of fundamental civil rights.

We owe too much to this part of our society to let them suffer this needless abuse. Our parents and grandparents took care of us when we were helpless infants, now it is time that we repaid them with similar love, care, and attention. National Older Americans Abuse Prevention Week presents an excellent opportunity to focus attention on this tragic problem. I commend the Senator from the State of Arizona, Mr. DECONCINI, for taking the lead in this issue, and urge our colleagues to join us in cosponsoring this joint resolution.●

CANCER AWARENESS MONTH

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution introduced by Senator WILSON designating April 1989 as "Cancer Awareness Month." I commend my distinguished colleague from California for introducing this legislation which will call to the attention of the American public the importance of fighting cancer and promoting good health.

Cancer, which causes one of every five deaths in the United States, is one of our most critical medical problems today. Its effects are far-reaching—it is expected that about 75 million living Americans will eventually develop cancer, with three out of every four families being impacted by this disease. It does not discriminate by age—more children die from cancer than any other disease, and the disease attacks more frequently as people grow older. Last year, cancer killed an estimated 494,000 Americans of all ages.

Fortunately, fatality is not always the case—with early detection and

treatment, approximately 174,000 American lives can be saved this year. Today, there are about 3 million Americans alive who are considered cured. Our research efforts have made remarkable strides in the last century, offering hope that we will someday wipe out cancer completely.

Cancer Awareness Month offers an excellent opportunity to educate America about cancer research, treatment, and prevention. I again commend Senator WILSON for taking the lead and introducing this legislation, and I urge my colleagues to join me in cosponsoring Cancer Awareness Month.●

NATIONAL OSTEOPOROSIS WEEK

● Mr. D'AMATO. Mr. President, I support legislation designating the week of May 14 through 20, 1989, as "National Osteoporosis Prevention Week." I commend my colleague, Mr. GRASSLEY, for promoting increased awareness of this widespread disease.

Osteoporosis is a degenerative bone condition which afflicts an estimated 24 million Americans. The risk of developing osteoporosis is greater for women than for men, and this risk increases with age. Up to 90 percent of all women in the United States over the age of 75 suffer from some form of osteoporosis.

Individuals afflicted by this condition are highly susceptible to bone fractures. Every year, more than 1.3 million bone fractures are caused by osteoporosis. For the elderly, fractures—especially fractures of the hip—can be debilitating, and, in many cases, life threatening. Approximately 50,000 elderly women die annually due to complications resulting from hip fractures.

Fortunately, osteoporosis can be successfully prevented. Among the primary measures used to combat osteoporosis are estrogen replacement and calcium supplementation, with exercise and nutrition as important adjuncts. Through research efforts, I hope that someday we can eliminate osteoporosis altogether. I am proud that New York State is the home of one of three specialized centers of research studying this disease.

The fact that osteoporosis can be prevented is a compelling reason to support this joint resolution. By designating a National Osteoporosis Awareness Week, we will help foster the kind of recognition and understanding that can lead to reduced incidence of this widespread condition. I urge my colleagues to join me in this effort.●

NATIONAL MINORITY CANCER AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise in support of Senate Joint Resolution 34, a joint resolution designating the third week in April as "National Minority Cancer Awareness Week."

While all of us are aware of the causes, preventions, and even treatments of cancer, few are aware that a disproportionate number of blacks, Hispanics, and economically disadvantaged populations are especially susceptible to this tragic disease. Various studies and statistics indicate a significantly higher occurrence of cancer among blacks and Hispanics than in the general population. The incidence of cervical cancer in Hispanic women is double that of white women. Furthermore, the cancer survival rate for blacks and Hispanics is dropping, while it is improving for the United States as a whole.

We need to focus on these minority and economically disadvantaged groups to determine what factor or characteristic is causing this phenomena. "National Minority Cancer Awareness Week" provides an excellent opportunity to increase awareness of this problem, and to further educate the targeted groups on the dangers of cancer.

I am proud to offer my support for this joint resolution, and urge my colleagues to do the same.●

BILL BROWNING HONORED

● Mr. LEVIN. On February 3, Bill Browning of Sterling Heights, MI, was honored by the Sterling Heights Area Chamber of Commerce as its "Citizen of the Year." Bill and I go back a long time, back to the days when I served on the Detroit City Council and he was—then as now—a leading southeast Michigan businessman and civic activist.

For 40 years, until 1979, Bill was general manager and vice-president of the Bob-Lo Co. In 1974, Bill was appointed to the Utica Community Schools Board of Education and for the last 8 years has served as its president. In that capacity, Bill has been a strong advocate of vocational education and of an additional emphasis on writing.

Bill has always been a major booster of our community and State. He has served as chairman of the Detroit Convention and Visitors Bureau and was co-chairperson of the first Freedom Festival of Detroit and Windsor. He also was a key figure in bringing the 1980 Republican National Convention to Detroit and in the extraordinary effort made by our community in hosting that event.

In short, Bill is a vital asset to our community. He succeeded in building a business, serving on the board of some of the most important charities in our area, been active in his church and—with his wife, Helen—has raised four children. He has been an inspiration to us all. I salute him and Helen on his selection as Citizen of the Year.●

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. HOLLINGS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the Rules of the Committee on Commerce, Science, and Transportation, to be printed in the RECORD.

These committee rules were adopted at the committee's first executive session of this Congress, held on January 31, 1989.

The rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony, a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during the hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not neccessarily apply.●

SENATE SCHEDULE

Mr. MITCHELL. Mr. President, for the information of my colleagues, I want to recap the Senate's schedule for next week. The Senate will conduct a pro forma session only on Monday at 12 noon and no business will be conducted.

The Senate will meet on Tuesday, February 28, at 2:15 p.m. Following the time for the two leaders, there will be morning business to extend not beyond 4 p.m. At 4 p.m. I intend to go into executive session to consider the nomination of Dr. Louis W. Sullivan to be Secretary of Health and Human Services. I hope to receive and enter a 1-hour time limitation on this nomination, as a result of which a rollcall vote will occur on the nomination at or about 5 p.m. on Tuesday.

After the Senate has disposed of the Sullivan nomination, I expect that the Senate will proceed to the consideration of Senate Resolution 66, the resolution reported from the Rules Committee this morning providing for funding of the Senate committees for the next fiscal year. We hope to obtain and enter a time agreement providing for 1 hour of debate on the resolution and 30 minutes on an amendment to be offered by the distinguished senior Senator from North Carolina, Senator HELMS. There may be one or more votes on this resolution. Accordingly, Senators should expect two or three rollcall votes during Tuesday's session between the hours of approximately 4:30 p.m. and 7 p.m.

NOMINATION OF JOHN TOWER, TO BE SECRETARY OF DEFENSE

Mr. DOLE. Mr. President, I spoke earlier today on the nomination of John Tower, and I do not intend to speak at length on that again. I indicated at that time that I had the sense that it was becoming quite partisan. I think that has been underscored or will be at 6:30 p.m. when the Senate Armed Services Committee votes. But I am still hopeful and still optimistic that, when the nomination reaches the floor, there will be enough independent judgment exercised in this body that we will confirm that nomination.

As I pointed out earlier today, one thing that makes it very difficult is you get all this avalanche of news every night based on rumor, leaks, information that cannot be verified but it is good enough for the networks. I know today at 3:41 p.m. the Associated Press reported:

> One Democratic Senator, speaking on the condition of anonymity, said, "The FBI report contains material concerning an airplane flight from London to Dallas in which at least one witness reported seeing Tower drunk, but FBI investigators were told by an unidentified flight attendant aboard that Tower was not drunk at the time."

Now, that is a release of FBI information. That is just as much of a release as handing out that page and saying. "Here it is." Of course, it is anonymous. And if you want to kill somebody around this place, you just continue to pile up a little garbage today, a little garbage tomorrow, a little garbage the next day, and pretty soon everybody says, "Well, that begins to smell. I don't want anything to do with it."

And that is what has happened in this case—every day, just a little bit more, a little bit here, another rumor.

But I would remind my colleagues in the Senate that there is a rule, rule XXIX, which says that:

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

That is section 5. Section 3 talks about confidential communications made by the President to the Senate. That is what the FBI report is. It is brought up here by the White House.

So it just seems to me that we are treading on pretty dangerous ground. People hide behind the report on one hand, say: "I cannot tell you what is in it, but it is sure bad. I will tell you it is terrible. If anybody knew all that, they would not vote for Tower."

So you can hide behind the report, or you can run around leaking little bits of it. We have ways you can avoid facing up to your responsibility as a Senator. It may be in the best interests of the nominee sooner or later to try to lift that injunction of secrecy and release the whole report. Maybe. It would take a resolution of the Senate.

I might also add that there has been some discussion about how many Senators should see the FBI report in the first place. I recited the example, in the 1950's, when they were looking at someone and wanted to check his FBI report, Senator Taft and Senator Robert Sparkman went down to the FBI and they took a look in the FBI office. They came back to the Senate and the RECORD will show that Senator Taft, the majority leader, got up and said, "We have checked the FBI report," in essence, "and there is nothing to it." That was the end of it.

Everybody wants to rummage through FBI reports. When that starts, you get some anonymous leak that tells you what is in the report but does not tell you anybody's name. In other words, go out and try to do in John Tower but do not mention me. I just want to give you a little tidbit here, and of course the press appreciates those little things, little favors.

I hope this does not become a partisan issue. I recall the President, standing out here less than a little over 30 days ago, saying: I want to reach out my hand to the leadership in the House and the Senate. And he has done that.

Now he is, unavoidably, out of the country and I would hope that many of my colleagues are going to reserve judgment until they have had a chance to discuss this, some with the President, some after they have read the FBI report.

So it seems to me that we have a responsibility that we have to address. I know the Armed Services Committee is going to meet at 6:30 p.m. and vote sometime after that. I hope, again, as I said earlier today, it is not a party line vote.

I have checked since I spoke earlier. There are 71 Senators who are here

today who served with John Tower. And I do not think any 1 of the 71 could stand here and say truthfully they ever saw John Tower on the floor or in his office or anywhere around here when he was not conducting himself properly and in proper condition. But we are not going to rely on what we know. We are going to rely on some rumor or what somebody said in some report that could not be verified and did not even give their name. That is what we want to rely on? We are men and women of judgment and wisdom and we want to face up to our responsibilities.

If we do that he is going to be confirmed by a wide margin. But if we reach the point in this body where we are going to rely on hearsay and rumor and innuendo and political enemies or some unknown person out there, unnamed person, unnamed source, then we have gone quite a way in the U.S. Senate.

If this were some stranger that we did not know, maybe that might be appropriate. So I would just say, as I said earlier, I feel strongly about this. John Tower is a friend of mine. He did not support me when I ran for President. He supported George Bush. That is beside the point. In addition to being the nominee, he is a man of character and integrity and he has really had a job done on him. If you take anybody in this Chamber and spend as much time looking us over as they have looked at John Tower, and as many agents and as many things coming under the door and over the transom, you would not have a quorum in this place. You would not have a quorum.

So, again, I just make the plea. I do not do it with any anger. I do it in the hope that we do not sully someone's name and that we do not give the President a good kick in the teeth when he is respresenting our country overseas, with a party line vote on a very important nomination.

I do not believe John Tower is on trial. It is supposed to be a confirmation. As I said earlier, George Bush picked him out of a crowd. He knew his experience, knew his expertise. The former majority leader alluded to it earlier. John Tower knows the defense business. Very few people in this country know it as well as John Tower, Senator BYRD said just a few moments ago.

The President carefully reviewed all this and looked it over. He has also known the nominee for some time personally. He made the judgment that he was the best person for the job and sent that nomination to us after careful review. I think we owe the President more than a partisan reaction.

So I am an optimist. John Tower will be confirmed, hopefully with a strong, bipartisan vote, notwithstanding what the vote may be in the Senate Armed Services Committee today.

We had a nomination this morning in the Finance Committee. We did not all rummage through the FBI file. The chairman announced: I read the FBI file and I see no indication that he is unfit to serve, and that was the end of it. That was the end of it.

That has not been the case, I might say, with reference to our former colleague who, I think, has been victim of a double standard. He has to be perfect.

He never said he was a saint. But I think he is a man of honor and integrity and I hope we do the right thing and approve his nomination when it comes to the floor next week, as the majority leader has indicated it will.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Idaho.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. SYMMS. Mr. President, I want to compliment the Republican leader for the comments he has made. I too, join with him in saying to my colleagues on both sides of the aisle that I hope we have a strong bipartisan support for our former colleague, John Tower, to be the next Secretary of Defense. It is important that we think through what we are being asked to do as Members of the Senate, Mr. President. John Tower is the choice of President Bush to be Secretary of Defense. John Tower is not the President's choice to be a lifetime Judge of the Supreme Court. He is not his choice to be the Pope. He is his choice to be Secretary of Defense. And I think that the President has the right in many ways to have the Senate confirm a man who we know is capable of holding this Cabinet position. Those of us that know him know that he is intelligent. We know he is disciplined. We know he is tough. We know he is knowledgeable. We know he is competent. Those are all characteristics of John Tower.

I have seen Senator Tower in social environments. As a matter of fact, a year ago this January over New Year's eve, I happened to be at the same place where John Tower was. New Year's eve is known to be a time of year where there are a lot of festivities.

I can tell my colleagues, John Tower conducted himself in an exemplary manner. There was never a time that he had any kind of alcohol in any excess at all. This was in a social setting. Not around the Senate Chamber, but in Mexico.

I believe we are giving a very good and very capable man a raw deal. I agree with what the former majority leader, now Republican leader, Senator DOLE just said the confirmation process has been filled with innuendos, rumors, and disinformation. The FBI reports show no reason to think he would not be capable to be Secretary of Defense.

We hear all this talk about the chain of command. In my view, if the President ever gets a position where he has to give an order to have carried out, the chain of command is he gives it to the Chairman of the JCS on consultation with his Cabinet, of course. However, our job is to confirm President Bush's choice. I do not impugn the motives of any man or woman in this Senate. I do not impugn their motives at all, but I do think that for us to believe it is our duty in this Senate to have such a messianic complex that we have to be sure that we are going to have every "I" dotted and "T" crossed, and be able to control every single thing, that is not our problem.

Our problem is, do we want President Bush to have the choice of the man that he thinks is capable to give him the advice he is going to need to run the Defense Department on a restricted budget? Those of us who are the Budget Committee and others who have been watching these budget numbers know that there are not going to be any big increases in the Defense budget. If anything, it is going to be a no-growth defense budget for the next few years. It is going to take someone with considerable expertise and experience to do that job for the American people so we can preserve peace and freedom and have the credible deterrent we need and have peace through strength. Because we know peace through strength works.

It grieves me, Mr. President, to see this hatchet job on this good patriot, our former colleague. It grieves me to think that the committee that I was on, the Armed Services Committee, will end up in some kind of a partisan vote where all the Democrats vote against Senator Tower and all the Republicans vote for him. I think it is a day of absolute sadness in this Chamber if that is going to happen.

I should probably share a personal experience that happened to me last week when I was in Idaho during the Presidents Day week. I happened to be in Lewiston, ID, when the question had come up about Senator Tower. I had made some observations that I thought he was very capable to do the job. I said it is true there probably are other people in this country who would be capable to be Secretary of Defense. However, it just so happens that the President of the United States, who was elected by the people of the United States, has known John Tower for a long time. All we have to do, if we think the man is capable, intelligent, honest, a patriot, et cetera, et cetera, is vote to confirm him, and I intend to vote to confirm him.

Then I went on to tell them in the 8 years I had known John Tower and seen him frequently when I was a

Member of the Senate, and the 8 years previous to that as a Member of the House, I had never seen him in any way that would appear to be undisciplined, not erudite, not intelligent. He always was in that kind of condition and always disciplined in his decorum, in his actions, and the use of the judicious way that he carried out his duties as U.S. Senator.

So after the meeting, a sweet, little lady came up to me who was many years my senior, pulled me off to the side and said, "Steve, one thing I want to tell you, I didn't want to say it in front of this audience, but," she said, "I know a lot more about this than people in this room may think." She said, "One thing those Senators back there should learn is that Senator Tower is either an alcoholic or a womanizer, but he is not both."

I think that just goes to show you how things have gotten so carried away in this whole exercise, exposé, or inquisition that is taking place. I do not think that it looks very good for the U.S. Senate.

Another person stood up at the same meeting and said, "Why does the U.S. Senate have to have the FBI to run all these checks on Senator Tower if they have been serving with Senator Tower for the last 20-some years that he has been in the Senate?" I thought that was another obvious question.

Mr. President, the only conclusion the American people are going to come to on this issue is that this is becoming a partisan issue. I think that is most unfortunate at the beginning of a new administration to have a former Member of this body voted down by the same committee he was chairman of only 2½ years ago. He did a very able job as chairman of the Armed Services Committee.

When I think that this Senate may allow itself to be dragged into a partisan fight over the confirmation of this good and capable and patriotic, intelligent man, John Tower, it grieves me to think of what are we up to here.

I wonder what the Richard Russells and Henry Jacksons would have done had they been in here. I somehow think that in another era they would have said if this is who the President wants to be the Secretary of Defense, this is who the President is going to have to be Secretary of Defense. Because we all know that John Tower has the capability of being a good Secretary of Defense.

Mr. President, if this becomes a partisan struggle, I think this will do no one any good. It certainly, I do not think, will be good for the majority party in the Senate to refuse the confirmation of John Tower. I hope it does not come to a partisan vote.

I have heard the vote in committee will be partisan. I hope that is not true. I would hope that some of those Senators, who I have had the privilege to work with on that committee for the past 2 years, will see their way clear to vote for the confirmation of John Tower. I hope that the Senator from Illinois, Senator DIXON, who is on the floor waiting, is waiting to speak in favor of Senator Tower. Because I know he is a fair man and that he wants to be fair about this issue.

I hope there will be others who will join in that effort so it will not be a partisan vote. If it is a partisan vote then it makes one ask the rhetorical question: Is it because the Democrats in the Congress want to run the Defense Department, and they do not want George Bush to run the Defense Department? Is that what the question boils down to? Is it some other agenda? Those are questions that I think the American people will be asking.

I would just plead of my colleagues to not allow this inquisition to go on any further and to not allow a good, patriotic, capable, and intelligent man to have his reputation tarnished by a negative vote from the U.S. Senate and by a negative vote from the Committee on Armed Services of this body.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, I understand that the Chair has an announcement before we go out. May I yield to the Chair for the purpose of making that announcement, and then I will make my brief remarks and make the closing statement for the leadership.

PRINTING OF MOTIONS

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD motions to dismiss several of the articles of impeachment against Judge Alcee L. Hastings, and a corrected memorandum in support of those motions, filed by his counsel, pursuant to section 2 of Senate Resolution 39, 101st Congress, 1st session, which were received by the Secretary of the Senate on February 13 and 14, 1989, respectively.

The response to the above-mentioned motions which are to be filed by the managers of the House of Representatives on or before February 24, 1989, as well as any reply counsel to Judge Hastings may wish to file on or before March 3, 1989, in accordance with section 2 of Senate Resolution 39, 101st Congress, 1st session, will be printed in the Senate Journal and the CONGRESSIONAL RECORD upon receipt by the Secretary of the Senate.

The Chair further submits to the Senate for printing in the Senate Journal and the CONGRESSIONAL RECORD the joint statement of counsel to the parties to the impeachment regarding evidentiary matters which are not in dispute, and a separate statement submitted by the managers of the House of Representatives, pursuant to section 4 of Senate Resolution 480, 100th Congress, 2d session, which were received by the Secretary of the Senate on February 21, 1989.

The material follows:

THE UNIVERSITY OF MIAMI
SCHOOL OF LAW,
Coral Gables, FL, February 10, 1989.

Hon. WALTER STEWART,
Secretary of the Senate of the United States, The Capitol, S-208, Washington, DC

DEAR SIR: I am filing the following documents on behalf of United States District Judge Alcee L. Hastings by mail:

1. A motion to dismiss article I though XV without trial based upon 1983 jury verdict and lapse of time;

2. A memorandum in support of motion to dismiss article I though XV without trial based upon 1983 jury verdict and lapse of time; and

3. A motion to dismiss article XVIII.

The Motion to Dismiss Article XVIII includes a brief supporting memorandum and incorporates arguments from the extensive memorandum filed in support of the main motion.

I am dispatching overnight copies to the Managers' impeachment trial staff and have sent a copy to Senate Legal Counsel. Please call if you have any questions. I shall call on Monday to confirm safe receipt.

Sincerely,

TERENCE J. ANDERSON.

[In the Senate of the United States, Sitting for the Trial of an Impeachment]

THE HOUSE OF REPRESENTATIVES, OF THE UNITED STATES, PLAINTIFF, *v.* THE HONORABLE ALCEE L. HASTINGS, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, RESPONDENT

MOTION TO DISMISS ARTICLES I THROUGH XV WITHOUT TRIAL BASED UPON 1983 JURY VERDICT AND LAPSE OF TIME

Respondent United States District Judge Alcee L. Hastings moves that the Senate of the United States enter an order dismissing the first fifteen articles set forth in the Articles of Impeachment exhibited against him by the plaintiff House of Representatives of the United States with prejudice and without trial or further proceedings. The principled grounds that justify and require this relief are developed in the Memorandum in Support of Motion to Dismiss Articles I Through XV Without Trial Based Upon 1983 Jury Verdict and Lapse of Time that accompanies this motion.

Respected submitted,

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THE UNIVERSITY OF MIAMI
SCHOOL OF LAW,
Coral Gables, FL, February 14, 1989.

Hon. WALTER STEWART,
Secretary of the Senate of the United States, The Capitol, S-208, Washington, DC.

DEAR MR. STEWART: I enclose a corrected original and one copy of the Memorandum in Support of Motions to Dismiss Articles I Through XV Without Trial Based Upon 1983 Verdict and Lapse of Time. In the corrected copy, the citation that was omitted from footnote 57 has been supplied and miscellaneous typographical and stylistic errors have been corrected. There have been no changes in substance. I would appreciate your substituting the corrected memorandum for the one we submitted last Friday. I apologize for any inconvenience.

I have dispatched copies of this letter and the corrected memorandum to Senate Legal Counsel and the House Managers and the impeachment trial staff by Federal Express. Please call if you have any questions.

Sincerely,

TERENCE J. ANDERSON.

[In the Senate of the United States, Sitting for the Trial of an Impeachment]

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I. INTRODUCTION AND SUMMARY

The House of Representatives should not be permitted to impose the burdens of a trial on the first fifteen Articles of Impeachment upon either Judge Hastings or the Senate. The central allegations made in those articles—that Judge Hastings participated in a corrupt conspiracy in 1981 (Article I) and that he presented false testimony and fabricated evidence at his trial in 1983 (Articles II through XV)—were submitted to and rejected by the jury at that trial.

Cases of impeachment were criminal cases in England, and the framers intended that they be so viewed under our Constitution. The framers considered the application of double jeopardy principles in cases of impeachment and concluded that only a limited exception was warranted—an exception for a *"party convicted."* They made no exception for a party acquitted. The members of the First Congress again considered the applicability of those principles when they debated proposals for a bill of rights. Madison proposed and the House recommended that "Cases of Impeachment" be excepted generally from the protections afforded by double jeopardy principles. The Senate rejected the House's recommendation. The House receded, and the exception was deleted from the Bill of Rights that became part of the Constitution. Under any fair reading of the Constitution, its history, and the principled jurisprudence of its implementation, the jury's verdict alone bars a retrial before the Senate on the allegations made in the first fifteen articles.[1]

That verdict does not stand alone, however. The 1981 allegation that the judge was a participant in a corrupt conspiracy and the 1983 allegations that the judge had perjured himself at trial accused him of conduct that constituted high crimes under the impeachment standard as well as statutory standards. The allegations and the record necessary to assess the need for further inquiry were complete and available to all by February 1983, at the latest.

More than five years elapsed between the end of that trial in February 1983 and the House's decision to resubmit those allegations to the Senate in August 1988. In the interim, records had been destroyed, witnesses had died, and recollections had dimmed or, worse, been manipulated beyond repair or fair assessment. The lapse of time and the event that have intervened invoke additional constitutional principles that confirm that a trial before the Senate in 1989 would conflict with the requirements of fundamental fairness mandated by the Constitution.[2]

The concerns go beyond fairness to the accused official as an individual. The Constitution sought to protect judicial independence by guaranteeing to every federal judge secure tenure and compensation that could not be diminished in office and by assigning the sole powers by which that security could be challenged and terminated to the House and the Senate, respectively. The policies that led the framers to insist upon those guarantees and to specify that allocation of powers had objectives similar to those that underlie the constitutional prohibitions against double jeopardy and improper delay. They were intended to restrict the means by which a judge's security in office could be undermined, without regard to the legitimacy of the end sought. They were adopted to assure the people that every judge would enjoy extra protection from the exercise of discretionary powers by government officials in order that each might act with the necessary independence. Those policies and the conditions necessary to maintain them confirm that, when the accused in a case of impeachment is a judge, the Constitution requires that the protections accorded the accused judge be measured against a higher, not a lower, standard than that mandated by the Due Process Clause for all accused citizens.

Officials in all three branches of government have now spent more than seven years investigating and reinvestigating the allegations against Judge Hastings, without regard for the extraordinary economic and psychological burdens that their actions have imposed upon the judge and his office. The government has expended more than two million dollars on the postacquittal investigations, just on costs and special staff alone. Those six years of post-trial investigations have produced no material evidence against the judge that was not available to the prosecutors before 1983 trial, and the case against the judge remains now as it was then—circumstantial.

These facts make it clear that something is wrong. Seven years is too long; two million dollars is too much; and one trial was enough. One need not here question the legitimacy of the end, or the motives of those who claim to seek it in this case, to conclude that the means employed have far exceeded the bounds established by the Constitution. If what has been done to Judge Hastings were proper, then every judge must preside knowing that the same powers and procedures may be exercised against him or her also. There may be those who see nothing wrong in this and who see the end they seek in this case as adequate justification for the means that have been employed for the past seven years. The framers, however, viewed the matter differently, and the people adopted their view when they adopted the Constitution.

The Senate cannot, in this proceeding, redress the wrongs that have been done to Judge Hastings; it can, however, by its decision on this motion, send officials in all branches of government a clear message: Never again. That message is necessary to reassure other federal judges and to remind other federal officials that the Constitution struck a balance between the ends of judicial independence and accountability; a balance that limits the means that may be used in order that judges may "be protected against those who would make them afraid";[3] and a balance that must be respected by all concerned. A decent respect for the Constitution and the system of government it established demands that that message be sent.[4]

We develop these points and demonstrate their proper application in this case below. The House has, however, framed the allegations in these articles and published reports that have led some commentators to conclude the allegations are significantly different from those presented at the 1983 trial and that significant evidence, which had not been available to the prosecutors at that time, has since been discovered. Were that true, the issues that the Senate would confront would be somewhat different.[5] It is not.

The basic facts may be simply stated. By 1981, Judge Hastings had established himself as an able, young trial judge in the busiest district court in the nation. He had an established reputation for honesty and integrity of the highest order and was known as a man whose judicial salary was more than adequate to satisfy the modest fiscal needs required to maintain his established lifestyle. His commitment to liberal values informed his work as a judge, and he continued to be an outspoken advocate off the bench on issues that he deemed important. He had remained active in the affairs of his profession, at the local, state, and national levels, and in civic and community organizations. Within the South Florida community, he was viewed as a charismatic black leader whose rise to prominence and high office symbolized the possibility of progress towards racial equality.

Until his arrest in October 1981, the career of William Borders evidenced similar success. He had been elected president of

the National Bar Association. He had risen to prominence in the Democratic Party and had served as an advisor on minority issues to high ranking officials in the Carter administration, particularly in their quest to appoint qualified minorities to the federal bench. Among his professional and political associates, he had apparently enjoyed a universal reputation as a man of ability and unquestioned integrity.

As the trial judge noted, *after* Borders' conviction, there was another William Borders, one that he had successfully concealed from his friends and political and professional associates. That was the secretive and manipulative Borders who had held himself out among criminal associates as having the power to fix cases before selected federal judges by soliciting bribes. It was that Borders who made the representation to an undercover agent posing as one of the Romano brothers, who were the defendants in a criminal case pending before Judge Hastings. It was that Borders who set out to manipulate events to persuade that "defendant" that his power over the judge was real in order to extract $150,000 as a "bribe." The evidence of Borders' enthusiastic participation in the corrupt scheme was clear.

From the day of Borders' arrest, Judge Hastings maintained that he, like everyone else, had been deceived by Borders. He maintained that he was the victim of a corrupt scheme embarked upon by the "other" Borders, the Borders who would trade upon his friends and sell his own integrity if the price was right. The central issues were thus apparent from the outset. Were the events and contacts between the two men that the government proffered as evidence of the judge's participation products of Borders' corrupt manipulation and coincidence, or did they show that there was also an Alcee L. Hastings other than the one who had established an unblemished record for honesty and integrity over more than fifteen years of dedicated service to his community and his profession? Did the innocent explanations that the judge provided for the events and contacts establish his claim of innocence, or was his testimony false, as the prosecutors argued, and thus further evidence corroborating his guilt?

At trial, the prosecutors chose to rely primarily upon the events and contacts that had occurred between September 10 and October 9, 1981, during the period of their undercover operation, to establish the judge's guilt. It was clear that those events and contacts were also consistent with the pattern of innocence provided by the judge's testimony, the view the jury accepted when it rejected the government's claims and returned its verdict.

In the post-acquittal investigations, the judge's accusers have reexamined those events and other events and contacts that occurred in 1981. In all, more than 150 witnesses have testified, and thousands of pages of long-distance telephone bills, message pads, diaries, court records, and other documents have been examined. The most telling result of that inquiry is that, after seven years of investigation with seemingly unlimited resources, the judge's accusers still have no direct evidence of the judge's involvement in any activity that is not fully consistent with his established reputation as a man of principle and integrity.

Nonetheless, these accusers now claim that the tea leaves of circumstances, as they have repackaged them, support anew their claims that the judge was involved in Borders' corrupt 1981 scheme and that the explanations provided by the judge's testimony at the 1983 trial were false. It is also clear from the expanded record, however, that the events and contacts can be viewed as establishing, even more firmly, a pattern that supports the judge's claim that he was the innocent victim of Borders' corrupt scheme, a pattern that is fully consistent with the testimony he gave at trial.

Circumstantial cases such as this are, in their nature, cases that can never be resolved with certainty, only with finality. Against that background, the question posed by these motions is whether it is consistent with established constitutional principle or sound constitutional policy for the Senate to conduct and impose upon Judge Hastings and itself the burdens of a protracted second trial to determine whether its members can see now in the tea leaves of circumstance a pattern so clear as to justify now repudiating the verdict the jury reached six years ago. We submit that it is not.

In order to establish the foundation for that conclusion, we have summarized the protracted proceedings that have taken place and the voluminous records that have compiled over the past seven years with some specificity. That summary provides the background that may be necessary for those whose assessment of the principles and their proper applications requires that they understand the factual contentions in some detail.[6] For others, the principled grounds that require dismissal are developed in part III below (at 52-91), and they will be enough.

II. STATEMENT OF FACTS

A. Events that preceded the indictment

1. Background

The 1983 trial and the investigations that preceded and followed that trial focused upon events in 1981 that involved four men—Judge Hastings, William Borders, Hemphill Pride, II, and, to a lesser extent, Jessie McCrary, Jr. They also focused upon the relationships among these men. The record to date does not reveal any significant dispute over the background necessary to understand the 1981 events as they bear upon the pending motions.

a. Alcee L. Hastings. Judge Hastings attended Florida's then-segregated law school at Florida A & M University. Hemphill Pride, II, was one of his five classmates, and the two men became roommates. Jessie McCrary, Jr., was a first year student during Pride's and the judge's last year in law school and met both men at that time. Judge Hastings graduated in 1963 and established his office in Ft. Lauderdale, Florida.

During the thirteen years following his graduation, Judge Hastings engaged in an active trial practice in civil, criminal, and civil rights matters. He became a political activist within the state Democratic Party and within his local community. He was also an active participant in the affairs of his profession, in the American and National Bar Associations, as well as the Florida Bar. His relationship with Borders developed through their shared activities in the NBA and in Democratic politics.

By 1977, Judge Hastings had established himself as a charismatic political figure, a civic activist, and an able trial lawyer. His political and civic activities and the nature of the clients he chose to serve limited his income, but all concede that his needs appeared modest and his means adequate. After then-Governor Askew appointed him to be a judge of the state trial court in 1977, Judge Hastings promptly established himself as an able trial judge, but one who would remain an outspoken advocate off the bench on issues he deemed important.

In 1979, President Carter nominated Judge Hastings to become the first black to serve on the federal court in the Southern District of Florida. The rigorous FBI examination that followed confirmed the judge's essential characteristics as a man of integrity, competence, and ideals and as an outspoken public advocate. Following confirmation by the Senate, President Carter made the appointment. The judge took office on October 22, 1979.

Judge Hastings assumed the imposing duties of a judge on that court and executed them fully. Among the lawyers who tried cases before him, whether on behalf of the government, plaintiffs, or defendants, he established himself as a scrupulously fair and effective judge, who retained his sense of humor and his respect for practicing attorneys, while maintaining appropriate control over the courtroom. At the same time, he retained the vision and understanding of the Constitution and laws of the United States that he had developed over the years and exercised the judicial power accordingly, irrespective of the parties or the stakes. His views were less popular among higher ranking politically appointed and career attorneys for the federal government.

Judge Hastings also continued to engage in extensive non-judicial activities, as he had while he was a state court judge. He continued to speak publicly on issues of concern on which he thought he had something to say. He regularly lectured from the pulpit to church groups; in secondary schools, colleges, and law schools to students; and at meetings and conferences of lawyers and others around the country. He remained active in bar groups. He served on the American Bar Association's Standing Committee on Professional Discipline and became a committee chair in the Judicial Council of the National Bar Association. He continued to serve on the boards of foundations, colleges, and other civic and educational organizations. Among his established and natural constituencies, he expanded his reputation as a charismatic speaker and dynamic symbol. It seems clear that some of his more staid counterparts were bothered by the outspokenness of the liberal judge who had joined their ranks.

b. William A. Borders. William Borders graduated from Howard Law School and entered practice as a criminal defense lawyer in Washington. He became active in the Democratic Party and in the National Bar Association. By the late 1970's, he had gained national prominence. He had played a prominent role in the campaign to elect President Carter and had become a member of the Democratic Party National Committee and of its finance committee. He had also become one of the principal advisors to Attorney General Bell and President Carter in the quest to find minority lawyers qualified to serve on the federal bench. He had become a partner in a small, prestigious, black law firm in Washington. In 1980, President Carter appointed him to serve on the Judicial Nominations Commission for the District of Columbia.

The record does not reflect what role Borders may have played in President Carter's decision to nominate and appoint Judge Hastings to the federal bench. By 1979, both men had become prominent in the NBA and in Democratic Party politics and knew each other well. Those who testified at Borders'

trial did confirm the extent of his influence among senior officials in the Carter administration and campaigns, and Borders is reported to have bragged to some associates and clients about the number of judges he had "made".

By all accounts, there was another side of William Borders. According to all who knew him, Borders had an extraordinary penchant for secretiveness. With clients and friends alike, he would insist that they converse in the alley behind his office rather than in the office itself. He was cryptic in his conversations: Talking to Borders was "not like talking to a normal human being," in the words of the government's principal informant. In transacting ordinary business, even with other attorneys and prominent politicians, he used and asked others to call him at or from public pay phones rather than using the telephones in his office. He apparently delighted in appearing clandestine and mysterious, appearing when he was not expected, not appearing when he was. At the same time, Borders routinely insisted upon personally meeting important out-of-town friends at the airport, chauffeuring them about, and serving as a host when they were in Washington. His clients, business associates, and political acquaintances noted these characteristics, but everyone appears to have seen them as tolerable eccentricities and not as causes for suspicion.

c. Hemphill Pride, II. After graduation from law school, Hemphill Pride returned to his home in Columbia, South Carolina, and established a practice as a criminal defense lawyer. By all accounts, he was rather successful. Pride also became involved in real estate. He became the owner of a fifty-five unit, six-story housing project in Columbia. In connection with that undertaking, he received a federally subsidized loan for $810,000. There are strong suggestions in the record that Pride encountered serious financial difficulties in the early 1970's.

In any event, by 1976 his circumstances were such that he began misappropriating funds from his federally financed housing project. On October 11, 1977, the United States filed an indictment that charged Pride with willfully misusing rents and other funds from the project in violation of federal statute and regulation. On December 16, 1977, he was convicted of ten counts of criminal misuse of funds. Pride was thereafter sentenced to a three-year term of imprisonment, and he appealed.

At the time of his indictment, Pride turned to Borders for assistance. Pride had apparently met Borders through the NBA and become impressed with his political savvy and experience. It was through Borders that Pride retained John Shorter, the lawyer who ultimately represented him at trial. Pride also turned to Borders for assistance after his conviction. While Pride's appeal was pending, Borders supplied him with a rent-free apartment and found him a job in Washington, D.C. According to Pride, Borders was his principal confidant and advisor during this period.

Pride's financial straits became apparent and increased during this period. He was suspended from practice pending disposition of his appeal and divorced from his first wife. Judgments evidencing unpaid liabilities approaching $150,000 were entered against him. Given the circumstances and Pride's description of their relationship, it seems certain that Borders must have known with some precision the full extent of Pride's financial and legal problems and of Pride's consuming desire eventually to return to the practice of law.

Judge Hastings and Pride had remained close friends since law school days. Both confirmed that the judge had long referred to him by the nicknames "Hemp" or "Hempie." Judge Hastings and Pride each acted as godfather to the other's son. Wisely or not, Judge Hastings's maintained the friendship after he assumed the federal bench, notwithstanding Pride's then troubles. Given that friendship, Judge Hastings must have known the general extent of Pride's legal and financial problems and of his consuming desire to regain his license. These are conclusions that Pride largely admitted. In any event, Pride's appeals failed, and he entered prison in March 1980.

d. Jessie McCrary, Jr. Jessie McCrary played peripheral roles in the events that gave rise to the proceedings against Judge Hastings. Nevertheless, those events and McCrary's credibility became significant at the trial and during the subsequent proceedings, and thus some description of the man and his prior relationships with Judge Hastings, with Pride, and with Borders will aid in understanding the events as they unfolded.

After he graduated, McCrary clerked in Judge Hastings's law office until he was admitted to the bar. Thereafter, he, like Judge Hastings, established his own general practice, primarily in civil litigation. McCrary also became active in civil and political affairs. His reputation and stature as a public citizen and a lawyer were marked by two gubernatorial appointments, the first to serve as a judge of Florida's Industrial Relations Commission and the second to fill a vacancy in the cabinet as Florida's Secretary of State.

Throughout, Judge Hastings and McCrary maintained a close social relationship as well as the political and professional relationships dictated by their common interests and activities. Through the National Bar Association, McCrary also maintained his relationship with Pride and developed a relationship with Borders.

2. The Romano Case

On December 23, 1980, a jury found Thomas and Frank Romano guilty on all counts of a twenty-one count indictment. The indictment had charged the Romanos with violations of the Racketeer Influenced and Corrupt Organization Act. The government claimed that cash proceeds amounting to $846,000 and that property interests in a motel and certain real property valued at $316,000 were subject to forfeiture under the RICO Act. By agreement of the parties, the forfeiture issues were tried before Judge Hastings, sitting without a jury. On May 4, 1981, Judge Hastings adopted the government's position and entered judgment declaring both the cash proceeds and the property interests forfeit.

The Ramanos filed post-trial motions seeking a new trial or judgments of acquittal notwithstanding the verdict. They later filed a motion asking the court to reconsider its forfeiture judgment. On June 19, 1981, while those motions were pending, the circuit court of appeals issued its opinion in *United States* v. *Martino*.[7] That court adopted precedents from other circuits and ruled that income and receipts from racketeering were not subject to forfeiture under the RICO Act. The prosecutor brought the *Martino* decison to the court's attention and tacitly conceded that its application would require that the cash proceeds portion of the forfeiture judgment be set aside. He argued, however, that *Martino* was wrongly decided and should not be applied, even though it constituted the law of the circuit and precedent binding on Judge Hastings' court.

On July 8, 1981, Judge Hastings heard arguments on the Romanos' post-trial motions, their motion to reconsider the forfeiture judgment, and the question of the sentences to be imposed. He denied the post-trial motions and sentenced each of the Romanos to a three-year term of imprisonment. He announced his intention to adhere to the forfeiture judgment, notwithstanding *Martino*, but added that he would issue an order explaining the basis for his decision.

After the hearing, Judge Hastings assigned the task of preparing the order to Jeffrey Miller. Judge Hastings had hired Miller to serve as one of his law clerks for a one-year period beginning October 1, 1980. Miller had assumed responsibility for the *Romano* file at that time and had briefed the judge on the *Martino* opinion and the parties' positions shortly before the July 8 hearing. Miller testified that, after that hearing, he understood that the judge wanted to stand by the original forfeiture judgment, but only if that decision could be justified under the law. According to Miller, he was unable to distinguish *Martino* effectively, but he did prepare an extensive draft order that identified a possible distinction and that called for further briefs. Miller did not submit that draft to Judge Hastings, however, because emergency matters arose in other cases on which Judge Hastings required his assistance in August.

On August 27, 1981, the circuit court of appeals decided *United States* v. *Peacock*.[8] In *Peacock*, the court of appeals summarily reversed a district court order that had included profits in a judgment of forfeiture under the RICO Act. The *Peacock* decision relied solely upon *Martino* as adequate authority for its summary reversal.

Miller reported that he promptly brought *Peacock* to Judge Hastings' attention and told him, "The court of appeals has followed *Martino*. Better give them [the Romanos] their money back." According to Miller, Judge Hastings promptly responded, "Give them the money," but instructed him that the order should make clear that Judge Hastings disagreed with the law of the circuit that he was applying. By all accounts, this conversation occurred *prior* to September 10, 1981.

According to Miller, he began work on the opinion, but did not again discuss the case with the judge until early October. Earlier in the year, Miller had accepted a new one-year position as a clerk to the Honorable James C. Paine, another judge on the same court. He had agreed to start on October 1, 1981, but Judge Hastings had intervened, and Judge Paine had agreed that Miller could continue working for Judge Hastings until the end of October so that Miller could complete his work on matters that had been assigned to him. By the end of September, it was also clear that Judge Hastings' travel commitments would keep him away from the court for most of the last three weeks of October. Miller testified that the judge had first inquired about the status of the order for the *Romano* forfeiture on the morning of October 5 and that, when Miller told him it was not complete, the judge said he wanted it that day.

The following day, on October 6, 1981, Miller submitted and Judge Hastings signed an extensive opinion and order (the "*Romano* order") that conformed to his earlier instructions.[9] The other applied *Martino* and *Peacock* and vacated that portion

of the original forfeiture order that extended to the $846,000 in cash proceeds. The order also expressed Judge Hastings' disapproval of the precedents he was applying. That decision was a proper and predictable application of the law of the circuit as it then stood, and no one has ever suggested otherwise.

On October 9, 1981, agents of the Federal Bureau of Investigation arrested William Borders. The Justice Department alleged that Borders had agreed with an undercover agent posing as Frank Romano that, in exchange for $150,000 paid to Borders, Judge Hastings would restore a substantial portion of the property originally adjudged forfeit and would thereafter grant a motion eliminating the prison terms and placing the Romanos on probation. Within days, the media were reporting details of the Justice Department's investigation and allegations.

Judge Hastings promptly proclaimed his innocence and disclaimed any knowledge of Borders's corrupt scheme. He voluntarily spoke with FBI agents for two hours on the evening of October 9 and responded freely to their questions. As the details of Borders's activities were reported in the press, Judge Hastings asserted that he appeared to have been the victim of what he styled a common "rainmaking" scam by Borders, a scam in which a lawyer extracts a large sum from a criminal defendant by asserting, without basis in fact, that he can influence a particular judge by paying a bribe.

As the leaks to the press continued, Judge Hastings complained to the Justice Department about the apparent violations of professional standards by its employees. He also reported that the "leaks" were enhancing concerns in some quarters that the Justice Department's decision to target him for investigation and its conduct during the investigation and after Borders's arrest may have been influenced by political or other improper factors. The major points of that investigation and the evidence it revealed, as they bear upon the present motions, can now be reconstructed from the records gathered during the post-acquittal investigations.

3. "Operation Apple Eye": The Undercover Investigation

The investigation apparently was authorized based upon information supplied by a man named William Dredge. According to all reports, Dredge was a fence, a burglar, and a drug dealer operating out of Miami. In July 1981, Dredge was the principal defendant in a major drug case pending in federal court in Maryland. On July 20, 1981, he advised Justice Department attorneys in Miami that, in exchange for a deal in his drug case in Baltimore, he could supply information showing that Washington attorney William Borders was soliciting bribes to fix cases pending before Judge Hastings, including the *Romano* case.

The FBI had little trouble finding grounds to launch an investigation into Border's activities. According to the FBI, they were investigating similar allegations against Borders in Washington, and Dredge confirmed that Borders had claimed that he had the power to fix cases before federal judges other than Judge Hastings. In addition, according to records supplied by the FBI, Dredge's initial information concerning Border's movements and activities proved accurate.

The FBI has since acknowledged that all available information indicated that Judge Hastings was a highly improbable candidate for such a scheme. Their extensive file showed him to be a man of conviction and integrity who had largely dedicated his life to public service and political affairs without regard for financial success and who had lived and was living comfortably within his means. Nonetheless, the decision was promptly made to initiate investigations directed not only at Borders, but also at the judge.

"Operation Apply Eye", as the FBI named it, formally began on September 10, 1981, the day on which the Justice Department finally gave Dredge a deal in the drug case that satisfied him. According to the FBI, Dredge called Borders that afternoon and told him that the Romanos were ready to deal. Borders flew to Miami late on Friday, September 11. The following morning, at the airport, Dredge introduced Borders to H. Paul Rico, a retired FBI agent posing as Frank Romano.

The meeting was taped, and the basic elements of a deal were worked out—Borders would instruct Judge Hastings to have dinner at the Fontainebleau Hotel on September 16 as the sign of the judge's involvement in the scheme; Rico/Romano would give Borders an unspecified amount as a downpayment on the following Saturday, September 19; the judge would sign an order within ten days returning a substantial, but unspecified, portion of the forfeited property; Rico/Romano would pay Borders the balance of a $150,000 bribe; and thereafter, the Romanos would dismiss their appeals, and Judge Hastings would grant a motion in mitigation, placing them on probation. Rico/Romano did not suggest that the judge take any action on the 16th that might corroborate his involvement—such as wearing a boutonniere or a specific tie or carrying a specific book.

The first two stages of Operation Apple Eye went as planned. Judge Hastings did dine at the Fontainebleau, with a friend, Essie Thompson, on September 16. Rico/Romano did meet Borders at the airport on September 19 and gave him $25,000 in cash as a downpayment. At that meeting, Borders promised Rico/Romano that the order returning a substantial portion of their property would be out within ten days of that date, by September 29, and the two men agreed to meet at the Miami airport on Saturday, October 3, for the final payoff.

At that point, the plan fell apart. The order was not issued by September 29, and by October 2, the Justice Department had finally become sufficiently concerned to seek a wiretap on Borders' telephones. Several calls between Rico/Romano and Borders were monitored, with Borders giving assurances that he would take care of the problem. The FBI could find no indication, however, of communications between Borders and the judge during the crucial period, and none has since been discovered. Nonetheless, in a telephone call at 4:22 p.m., on October 5, 1981, the FBI intercepted a call in which Borders assured Rico/Romano that the order would go out that afternoon or the following morning and that "your [Rico/Romano's] friend should tell you something." The *Romano* order was, in fact, signed late the following day. There was no evidence, however, of any communication between Borders and Judge Hastings between September 19 and October 5, until forty minutes *after* Borders had assured Rico/Romano that the order would go out.

Judge Hastings did call Borders at 5:12 p.m. on October 5. The government transcription of that call merits reproduction here because the call became the centerpiece of the government's case at trial, and it apparently remains the centerpiece of the House's case seven years later. As presented to the House, it reads:

Mr. BORDERS. Yes, my brother.

Judge HASTINGS. Yeah, my man.

Mr. BORDERS. Um hum.

Judge HASTINGS. I've drafted all those, ah, ah, letters, ah, for Hemp . . .

Mr. BORDERS. Um hum.

Judge HASTINGS. . . . and everything's okay. The only thing, I was concerned with was, did you hear if, ah, you hear from him after we talked?

Mr. BORDERS. Yea.

Judge HASTINGS. Oh. Okay.

Mr. BORDERS. Uh huh.

Judge HASTINGS. Alright, then.

Mr. BORDERS. See, I had, I talked to him and he, he wrote some things down for me.

Judge HASTINGS. I understand.

Mr. BORDERS. And then I was supposed to go back and get some more things.

Judge HASTINGS. Alright. I understand. Well then, there's no great big problem at all. I'll, I'll see to it that, ah, I communicate with him. I'll send the stuff off to Columbia in the morning.

Mr. BORDERS. Okay.

Judge HASTINGS. Okay.

Mr. BORDERS. Right.

Judge HASTINGS. Bye bye.

Mr. BORDERS. Bye.

After the *Romano* order was received and several telephone calls later, Rico/Romano offered to come to Washington later in the week to pay the balance of the bribe, and Borders agreed. At that point, the government's "evidence" of Judge Hastings's involvement in Borders's scheme consisted of only three facts—the dinner at the Fontainebleau, the "letters for Hemp" conversation, and the fact that the predicted (and predictable) *Romano* order had finally been issued, albeit a full week after it had been promised. The extraordinary decisions that the Justice Department and FBI made, on the basis of that record, assured that the case would forever remain circumstantial as to Judge Hastings.

Friday, October 9, 1981, had been planned and advertised as a big day for William Borders. He was to be honored for his service as president of the National Bar Association at a dinner-cruise that evening. Lawyers, judges, and other friends from around the country were scheduled to attend. The L'Enfant Plaza Hotel was to be the headquarters. Judge Hastings had agreed months before to act as one of the sponsors and to be one of the speakers at the dinner itself. Early on October 8, the FBI intercepted a call from the judge. The judge told Borders that he had been unable to get a room at the L'Enfant Plaza. Borders said he would take care of that and made arrangements to pick the judge up at the airport the following morning.

With that knowledge in hand, the Justice Department and FBI made plans for the final payoff. Teams of agents were assigned to follow Borders and the judge on the day of October 9. A room was booked for Rico/Romano and wired for video and sound at the Twin Bridges Marriott in Virginia. Rico/Romano flew to D.C. The $125,000 balance was placed in a carrying bag.

The FBI surveillance teams observed the judge's arrival at the airport. They followed him and Borders to the L'Enfant Plaza and observed them checking in. They followed them to the offices of Borders's law firm. Incredibly, the FBI later reported that its agents did not observe Judge Hastings when

he left Borders's offices and walked down the street to a shopping area and, thus, did not even know that he had returned to the L'Enfant Plaza for lunch.

When Borders arrived at his office, he found a message that Rico/Romano had called and left a number. Shortly before noon, Borders returned the call and agreed that he would come to the Twin Bridges Marriott for the payoff. He went. The FBI *arrested him at the scene.* The FBI did not acknowledge, however, until long after the trial, that the government had *planned in advance* to arrest Borders at the scene of the payoff and had never intended to "let the money run" to see if any part of it would be paid to the judge.

The events that followed the arrest later became important. Borders retained John Shorter as his attorney. Shorter knew that Hemphill Pride was a close friend of both Borders and Judge Hastings and had come to Washington for the dinner-cruise. Shorter called Pride at the L'Enfant Plaza and asked him to tell the judge that Borders had been arrested, that the allegations against Borders concerned bribery in the judge's courtroom, and that the FBI wanted to interview him. Pride reported this conversation to the judge in the hotel corridor outside Pride's room.

According to Pride, the judge was shocked. Nonetheless, Pride advised the judge that, in Pride's view, the judge would be better off on his "home turf" in Miami. The judge concurred. He packed, left the hotel, and took a flight from Baltimore-Washington airport back to Florida. Later that evening, he was interviewed by two FBI agents at the Ft. Lauderdale home of his friend and lawyer, Patricia Williams. According to the agents, the judge denied any knowledge of or involvement in Borders's scheme and responded freely and fully to all the questions that they asked during a two-hour interview.

The Justice Department deployed the resources of the FBI and the subpoena powers of a federal grand jury over the succeeding two-and-one-half months to gather additional evidence to support its views. It was during this period that they gathered the long-distance telephone records for Borders, Ms. Williams, and the judge and other detail that continues to be the subject of study by those who believe the jury got it wrong. They completed that phase of the investigation before the end of the year.

B. The indictment and trials

On December 29, 1981, attorneys from the Public Integrity Section of the Justice Department's Criminal Division filed an indictment in the Southern District of Florida that charged both Judge Hastings and Borders with conspiring to solicit and accept a bribe from the Romanos. Because it is central to this motion, the text of the first two counts of that indictment is reproduced as an addendum to this memorandum.

Judge Hastings moved to dismiss the indictment on a claim that impeachment by the House and conviction and removal by the Senate must *precede* exercise of prosecutorial discretion by the executive against a sitting judge and any exercise of the judicial power by the courts to adjudicate whether he had committed a high crime in office. The judge designated to try the case recognized the significance of the constitutional claims, but denied that motion. He did, however, sever the cases to assure Borders' right to a fair and speedy trial and afford Judge Hastings a proper opportunity to exercise his right to pursue the constitutional claim on appeal.

1. The Borders Trial and Conviction

Borders was tried in March 1982. There was never any real doubt that he was involved in a corrupt scheme to extract money from someone posing as one of the Romanos. His meetings and conversations with Rico/Romano had been observed and recorded. He had taken the $25,000 downpayment. His October telephone conversations with Rico/Romano had been intercepted and recorded. He had shown up for the payoff.

Borders did not take the stand and, except for challenges in detail by his counsel on cross-examination, made no attempt to rebut this evidence. Instead, Borders relied upon the testimony of prominent former members of the Carter administration and campaigns. They all testified that, based upon their own observations, they had believed that Borders was a man of the highest principle and integrity. They all testified that Borders had established a similar reputation among the highest officials in the Democratic Party and the Carter administration. The government made no effort to challenge these conclusions.

The issue, even then, was whether the government could persuade the jury that there was a conspiracy involving the judge. Had the jury *not* accepted the government's theory on that point, it would have had to acquit Borders, notwithstanding the unrebutted evidence of his corrupt conduct. The prosecution succeeded at that trial. The judge was not present, and the circumstantial evidence the prosecutors marshalled stood largely unrebutted.

The extent to which Borders had managed to conceal his "dark side" from persons in high office impressed even the judge who presided at this trial. At the sentencing, the judge noted that the evidence established that there were two William Borders. One was the William Borders "who ha[d] achieved prominence in his profession and in the political life of his country" and gained an "unquestioned reputation among his professional associates, political acquaintances, friends, and family prior to the disclosure of the instant case." The other was the "William Borders who was revealed by the evidence in this [the *Borders*] case." The question at the second trial was, in reality, whether Judge Hastings had shared and accepted the universal view of William Borders prior to October 9, 1981, or had known earlier about the darker side that Borders had so successfully concealed from all his other professional associates and political acquaintances.

2. The Hastings Trial and Acquittal

The judge maintained at his trial, as he has throughout, that he was innocent and was, indeed, the principal victim of the corrupt scheme that the "other Borders" developed with Rico/Romano. It was clear that the "other Borders" would, in any event, have had to manipulate an unknowing Judge Hastings in order to persuade Rico/Romano that the judge was a participant, thereby establishing circumstances suggesting guilt. The issue at that trial was whether the events that occurred were the products of coincidence and manipulation, as the judge's testimony indicated, or whether, as the government repeatedly argued, the judge was presenting false testimony to conceal the guilt suggested by those events.

It took the parties more than three weeks of trial time to present so much of the available evidence and arguments as they thought bore upon the underlying issues. For purposes of the present motions, however, only the evidence and arguments submitted to the jury with respect to the allegations that reappear in the first fifteen articles are significant.

a. *The Alleged Conspiracy and Its Denial (Articles I–IV).* The first four articles realege the conspiracy and claim that Judge Hastings testified falsely when he denied his involvement in an agreement that had the elements specified in the indictment. The jury chose to credit the judge's testimony and reject the government's claim that its evidence showed that the judge was guilty and had testified falsely. These articles simply demand that the Senate permit the House to impeach the jury's verdict so the central allegations may be retried.

b. *September 12: Dinner at the Sheraton (Article VI).* Judge Hastings and Jessie McCrary were staying at the Sheraton Hotel in Washington on September 12. Borders had known of their plans in advance, but had planned to attend a family reunion in West Palm Beach, Florida, that weekend. At trial, the government proved that Borders changed his plans and took considerable pains to return to Washington that evening, after only a short time at the reunion. As Judge Hastings had informed them, Borders arrived at the Sheraton at about 9:00 p.m. that evening, found the judge and McCrary having drinks in their suite with two acquaintances, and joined the group for dinner.

It was the government's theory that Borders had told the judge that he would rush back from Florida to report on his meeting with Rico/Romano. Judge Hastings denied this and testified that he had been surprised when Borders arrived at their rooms. The prosecutors argued to the jury that the judge's testimony on this point was false. The jury considered and rejected the allegation. Article VI restates the allegation here.

c. *September 16: Dinner at the Fontainebleau (Article V).* The indictment had also specifically alleged that the judge's dinner at the Fontainebleau was both a part and an overt act in furtherance of the conspiracy. Judge Hastings testified that it was not. He said that on September 12 or 13, when he was in Washington, Borders had told him he would be in Miami on the following Wednesday and had invited the judge to join him for dinner at the Fontainebleau that evening. There was considerable evidence at both trials establishing that Borders took apparent delight in being mysterious and in showing up when he was not expected and in not showing up when he was. The judge testified he had taken Ms. Thompson to dinner at the Fontainebleau, conscious of the possibility Borders might not be there. After they were seated, however, the judge excused himself, went to another lounge/restaurant in the hotel, and spoke with the *maitre d'.* On this all agreed. The judge testified he had been looking for Borders. Ms. Thompson recalled that upon his return the judge had told her that he had been "looking for some friends from D.C."

The government proved that Borders was, in fact, in Las Vegas attending the Leonard-Hearns fight. Ms. Thompson reported that the judge had not discussed meeting Borders before they arrived for dinner and were seated and had not objected when the other place settings were removed from their table. The prosecutors argued to the jury that the judge's testimony on this point was

false. The jury considered and rejected the claim. Article V restates the allegation here.

d. *October 5: The Instructions to the Law Clerk (Article VII).* The evidence provided by Jeffrey Miller has remained consistent throughout and has never been seriously challenged. Miller testified that the judge had originally asked him to prepare an order after the hearing on July 8, and he explained the reasons for the initial delay. He testified that his next conversation with the judge concerning the case came early in September, when he told the judge about *Peacock* and the judge told him to draft an order giving the money back. He also testified that he did not discuss the case with the judge again until the morning of October 5, when the judge inquired and then said he wanted the order that day. Mr. Miller testified that such a preemptory instruction from Judge Hastings was unusual. The government claimed that the timing and nature of the instruction were evidence that the judge was responding to Borders, notwithstanding the absence of any evidence of communication between the two men.

Judge Hastings testified that he had given the preemptory instruction to the law clerk because the order was long overdue, because the clerk's replacement had already started, and because his travel schedule would keep him out of Miami for most of the remainder of October, at which point Mr. Miller would be gone. There was no dispute over the underlying facts; the argument concerned whether those facts or a corrupt motive had provided the impetus for the judge's instruction. The prosecutors argued that the judge's testimony on this point was false. The jury considered and rejected that claim. Article VII restates the allegation here.

e. *October 5: The Telephone Call to Borders and the Letters for Hemp (Articles VIII and IX).* The prosecutors introduced the intercepted October call from Judge Hastings to Borders concerning "letters for Hemp" and argued that it was a coded conversation that in fact referred to the *Romano* order. According to Judge Hastings, the subject of the conversation was "letters for Hemp." It was undisputed that "Hemp" was a nickname for Hemphill Pride, and one that the judge had long used.

According to the judge, Pride had made it clear that he desperately wanted to regain admission to practice one day, even before he went to prison. The judge reported that, beginning at an NBA meeting in July 1981, Borders had told him that Pride was in bad financial shape and would need their assistance to raise funds and build a record that would support his readmission. The judge reported that he expressed reservations over the propriety of his actively soliciting assistance, given his position as a federal judge. The judge testified that Borders argued that concern for a friend in trouble should override the ethical concerns and thereafter pestered the judge to write letters soliciting assistance for Hemp.

At trial, the judge testified that he had in fact prepared handwitten drafts of such letters while he was on the bench on October 5, 1981. These he claimed were the subject to his and Borders's discussion on the telephone that evening. He produced the handwritten drafts. He explained that they had not been typed because he had decided that, as a judge, he could not appropriately distribute such letters, a point he intended to discuss with Borders and Pride when they were together in Washington for the dinner-cruise the following weekend.

Pride acknowledged that he and the judge had spoken regularly by telephone over the summer and had discussed his prospects for regaining his license. He testified that he was not, however, aware of any efforts on his behalf by Borders and that he would not have approved of such efforts. The prosecutors argued to the jury that the judge's explanation of the telephone call was false and the letters fabricated. Those were allegations the jury considered and rejected. Articles VIII and IX restate those allegations here.

f. *October 9: The Return to Florida (Articles XIV-XV).*—Judge Hastings testified that he was shocked by Pride's report of Borders's arrest and the suggestion that the allegations concerned him. The judge testified that he returned to his room alone and placed telephone calls to his invalid mother and Patricia Williams. According to the judge, Pride later rejoined him and stayed while the judge packed. The judge testified that he took a taxi to Baltimore-Washington International Airport because he believed there was a convenient flight to Florida from the airport and he was not aware of a more convenient flight from nearby National Airport. The government confronted him fully on both points.

The corroborating evidence from both sides was in conflict. Pride testified that he accompanied the judge to his room and did not see the judge make any telephone calls. Shirley Pride, Pride's then wife, testified, however, that after meeting with the judge in the hall, Pride had returned to their room for about fifteen minutes before leaving again to go to the judge's room. The government produced the hotel's "hobic system" computer-generated records that were supposed to record all long-distance telephone calls from the hotel. It showed no calls from the judge's room, not even a third call the judge said he had made to one of his law clerks earlier in the day. The record contained, however, no records of *any* long-distance calls from *any* of the hotel's 472 rooms during the crucial period, and both the judge's law clerk as well as his mother testified that each had received a call from the judge. The prosecution also showed the relative distance of the two airports and established that there had been a flight to Florida leaving from National Airport late that afternoon.

The evidence was fully developed and tested on examination and cross-examination. The prosecutors argued that the judge's testimony on these points was false and that that was further evidence of his guilt. Those were allegations the jury considered and rejected. Articles XIV and XV restate those allegations here.

g. *Misidentification of Telephone Records (Articles X-XIII.* At trial, Pride's and the judge's testimony were consistent on one point. Both men testified that they had spoken to each other regularly, by telephone, over the summer of 1981. That is a fact that was not then (and is not now) in dispute.

The government has gathered relevant long-distance billing records during the grand jury investigation in 1981. These were produced at trial. The records for the telephones of the judge and Patricia Williams's, the judge's friend and co-counsel at trial, were marked and introduced in evidence. During his two days on the stand, the judge identified charges for calls to four telephone numbers in Columbia, South Carolina, as being calls he made to Hemphill Pride. It was apparent to all that this evidence was detail offered to corroborate a fact not in dispute. The prosecutor agreed that calls to Pride had been made, and they did not challenge the judge's identification of telephone numbers on cross-examination or in rebuttal.

The post-acquittal record establishes that the judge was wrong in identifying these as telephone numbers where Pride could be reached. None of the numbers was one of Pride's numbers, and each was for a phone at a place where Pride was not likely to have been present. The judge's testimony was wrong, and he or Ms. Williams should have discovered the error. They did not. The question posed is whether these were trivial errors made by the judge and his then relatively inexperienced trial counsel during more than two grueling days on the stand, or whether the judge perjured himself to corroborate a fact not in dispute. Articles X-XIII ask the Senate to conduct a trial to resolve that issue.

The Justice Department has never suggested that *it* did not have a full and fair opportunity to develop the case *against* Judge Hastings. The Department's lawyers worked with the FBI, from the outset, in the design and implementation of Operation Apple Eye. When that operation ended with Borders' arrest on October 9, the prosecution and the FBI used the rest of the year and the powers of the grand jury to perfect their evidence. As a result of the severance, they were able to test-market one part of their case and have a full year to complete preparations for Judge Hastings's trial. It was the judge who complained that the proceedings were unfair, and the post-acquittal record provided ample support for that claim.

C. The post-acquittal investigations

Most observers confidently predicted that the jury's verdict would end the matter—some on principle; others thought the government's decision to arrest Borders at the scene of the payoff embarrassed its credibility as well as its case so severely as to preclude further action; still others took the view that political considerations alone would preclude the House from undertaking an inquiry to look behind a jury's verdict of acquittal. The record now reflects, however, that senior members of the Eleventh Circuit judiciary had decided to seek Judge Hastings's removal almost immediately after he had been acquitted and resumed his judicial duties.

1. The Judicial Investigation

At a meeting of the Judicial Council of the Eleventh Circuit in March 1983, then Chief Judge John Godbold expressed dissatisfaction that he had not yet received a complaint that would permit him to initiate proceedings against Judge Hastings under the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (the "1980 Act").[10] Two of the then district-judge members of the Council promptly obliged. On March 17, they filed a complaint that alleged that Judge Hastings was guilty of the alleged conspiracy, notwithstanding his acquittal. They appended, as the principal source upon which they relied, a copy of the 1982 opinion, authored by Circuit Judge Frank Johnson, in which the court of appeals had affirmed Borders's conviction, an opinion that had been issued before Judge Hastings had even been tried.[11] In that opinion, Judge Johnson detailed the evidence adduced at Borders's trial which the court of appeals thought sufficient to support a finding that Judge

Hastings had been involved in Borders's corrupt scheme.

The intended outcome of the judicial investigation was signalled less than a month later. Chief Judge Godbold appointed himself and Judge Johnson, the author of the *Borders* opinion, along with three other judges, to constitute the Investigating Committee that would investigate the complaint. The Investigating Committee ignored the some 50,000 lawyers who had offices in the Eleventh Circuit. Instead, it retained John Doar of New York, the lawyer who had served as special counsel to the majority for the Watergate impeachment inquiry conducted by the House Judiciary Committee. Lest the point be lost, on April 15, 1983, Chief Judge Godbold issued a news release reporting these events, notwithstanding the much vaunted confidentiality provisions of the 1980 Act.[12] The point was not lost, at least in the judge's community.

For the next three-and-a half years, Mr. Doar conducted an extensive investigation in an effort to unearth additional material evidence. As he later conceded, he failed. The best he could do was develop evidence which had been available to the prosecutors in 1983, but which had not been presented at trial.[13]

The failure was not, however, attributable to any lack of effort on Mr. Doar's part. One hundred and ten witnesses testified before the Investigating Committee. These included all the witnesses that the prosecutors had called at either Judge Hastings's or Borders's trials. They included only eight of the more than forty witnesses Judge Hastings had called in his defense. The Investigating Committee heard all but one of the FBI agents who have been identified as having participated in Operation Apple Eye and all the other known witnesses whom the prosecutors had decided not to call at either trial.

The Investigating Committee did compel testimony from one witness, William Dredge, that confirmed that the prosecutors had improperly withheld material information from Judge Hastings in order to prevent him from presenting evidence in support of his principal defense. In 1981, the Justice Department had induced Dredge to aid them in implementing Operation Apple Eye by promising, as part of the written plea agreement, that he would never be called to testify concerning his involvement in any proceeding. Judge Hastings had diligently sought to compel Dredge to appear and testify at his 1983 trial and ultimately filed a motion asking the court to order the government to produce him as a material witness. The prosecutors vigorously and successfully opposed that motion, representing to the court that Dredge had no material information.

At trial, Judge Hastings had also sought to introduce evidence to demonstrate that all judges were vulnerable to unfounded claims made by a few unscrupulous lawyers that they had the power to fix cases before particular judges. The government objected, and the trial judge ruled that Judge Hastings could not present such evidence to the jury, unless he first produced evidence showing that Borders had claimed the power to fix cases before judges other than Judge Hastings.

Upon the Investigating Committee's request, the FBI did produce Dredge, and the committee compelled him to testify, notwithstanding his plea agreement. Dredge testified there that Borders had claimed, in Dredge's presence, that he had power to fix cases before several judges, including federal judges other than Judge Hastings. Thus, the prosecutor's representation at Judge Hastings's 1983 trial was not only false; it also enabled the prosecutors to bar the judge from presenting evidence in support of a major defense.[14]

Evidence such as that was not disclosed by the Investigating Committee in the 381-page report it filed with the Council in early August 1986. Instead, the Investigating Committee remarshalled circumstantial evidence that supported the conclusion that the judge was a participant in Borders's corrupt 1981 scheme and that the judge's testimony contradicting that conclusion had been false. The Council refused to provide Judge Hastings or his counsel with a copy of that report or the record that the Investigating Committee had compiled. Less than a month later, on September 2, 1986, the Council adopted the Investigating Committee's findings and certified the matter to the Judicial Conference.

The Conference also declined to give a copy of the Investigating Committee's report or record to Judge Hastings; it did, however, grant his counsel access to the material for a 120-day period. As a result, on January 17, 1987, Judge Hastings filed a petition asking both houses of Congress to intervene and bring the proceedings to an end.[15] That petition was accompanied by a 189-page preliminary report prepared by his counsel analyzing the record compiled by the Investigating Committee and articulating reasons why the matter should be ended then.[16] A copy of that report was also submitted to the Conference. In Congress, the petition and report were promptly referred to the Committees on the Judiciary in both Houses.[17] Thereafter, at its regular semi-annual meeting on March 17, 1987, the Conference concurred in the Council's determination and certified the report and record to the House for consideration of impeachment.

2. The House Inquiry

The Conference certification and an implementing resolution were also referred to the House Committee on the Judiciary, promptly after the Conference issued its certificate in March 1987. Shortly after the committee had retained special counsel and referred the inquiry to this Criminal Justice Subcommittee, Judge Hastings expressed his desire to have his counsel participate in the investigative phase of the inquiry in order to assure that the inquiry was balanced and that it explored areas that the three-and-a-half-year judicial investigation had failed to address. Those letters identified House precedents for the conduct of impeachment inquiries into accusations against a judge supporting these requests.

The Chairmen of the House Committee and Subcommittee rejected those requests, assuring the judge, however, that his rights would "be fully protected." They advised that the Subcommittee had not "adopted rules governing formal proceedings for the conduct of this inquiry" and concluded that the judge's concerns over "matters relating to procedures" could "be more appropriately considered when such rules are formulated."

As it developed, the Subcommittee never adopted rules for the inquiry. The Subcommittee scheduled its hearings to begin on May 18, 1988. As of May 2, its special counsel advised counsel for the judge that the Subcommittee had not adopted or decided upon procedures for the hearings. Thereafter, special counsel sporadically advised counsel for the judge by telephone of the procedures the Subcommittee would apply, the final call coming at 5:30 p.m. on May 17, 1988, the evening before the hearings began.

The procedures used at those hearings were unprecedented. The rules of evidence were not applied, and counsel for Judge Hastings were prohibited from making objections. As a result, the testimony presented by the principal witness before the Subcommittee represented the most dramatic violation of hearsay principles since the impeachment trial of Sir Walter Raleigh in 1603. John Doar, chief counsel to the Investigating Committee, testified for two-and-a-half days, summarizing the testimony that the committee had heard and had seen which supported the conclusions contained in its report. Judge Hastings submitted a list of seventy persons and asked that they be called as witnesses so that avenues identified, but not pursued, by the Investigating Committee or in the pre-hearing phase of the inquiry might finally be explored and that other matters in his defense might be developed. The Subcommittee called only two, and those were persons whose information was relevant only to the "improper disclosure" accusations made in Article XVI.

III. THE CONSTITUTIONAL PRINCIPLES AND THEIR APPLICATION

It is against this backdrop that the Senate must consider whether the accusations made in the first fifteen articles should be retried now before the Senate. We submit that any fair view of the Constitution, its history, and the contemporary need to restore the separation of powers necessary for the proper functioning of all three branches dictates that they should not. We identify and develop the constitutional principles and policies that compel this conclusion below.

A. Fundamental fairness to the accused requires that the articles be dismissed

1. The Constitution, its History, the Framers' Intent, and Established Jurisprudence are Clear: Double Jeopardy Applies and Bars a Second Trial of An Acquitted Judge on Accusations that a Jury Rejected.

The Constitution explicitly addresses the application of the prohibitions against double jeopardy in cases of impeachment. It creates an express exception for a *"party convicted"* of an impeachable offense. It creates no exception for a party acquitted. Moreover, the House initially proposed that a general exception for "Cases of Impeachment" be made in the double jeopardy clause to be included in the Bill of Rights. The Senate rejected that proposal, and the House receded. The exception was deleted, and the double jeopardy clause in the Bill of Rights, as adopted, contains no provision that would justify engrafting an exception for a *party acquitted.*

Unlike former Judge Claiborne, Judge Hastings is a *party acquitted.* The reports that the judiciary and the House have issued to justify the impeachment of Judge Hastings suggest that this distinction should make no difference and do not address the relevent constitutional provisions or the history that led to their adoption. For that reason they are developed in some detail here.

a. *Relevant Constititional Provisions and History.* The Constitution expressly classifies cases of impeachment as criminal in nature. The standard for impeachment is the English criminal standard: "The Presi-

dent, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and *Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.*" U.S. Const. Art. II, § 4.[18] The need to create exceptions in cases of impeachment to rights accorded the accused in ordinary criminal cases was recognized and made explicit: "The Trial of all *Crimes, except in Cases of Impeachment,* shall be by jury." Art, III, § 2, cl. 3. "The President . . . shall have the Power to grant *Reprieves and Pardons* for all *Offenses* against the United States, *except in Cases of Impeachment.*" Art. II, § 2, cl. 1.

The general applicability of the double jeopardy prohibition was also recognized, and one and only one exception was made. That was the exception for parties convicted:

"Judgments in Cases of Impeachment shall not extend further than removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the *party convicted* shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

Art. I, § 3, cl. 7. The Constitution did not and does not include any exception to the general principle for a *party acquitted.* The intent evidenced by the language of the Constitution is confirmed by the history that led to the adoption of these provisions.

Three historical facts are not in dispute. Cases of impeachment originated as and remained criminal cases in England. The framers were aware of the nature and essential characteristics of cases of impeachment in England and in the thirteen states when they drafted our Constitution. They intended the nature and characteristics of cases of impeachment be the same under our Constitution, with specific changes adopted to limit the jurisdiction and powers of the House and Senate in order to eliminate abuses that had occurred in English impeachment cases.[19]

Three aspects of that history bear on the issues now before the Senate. First, the framers considered and rejected proposals that the power of impeachment extend to non-criminal charges, such as those alleging "malpractice or neglect of duty." They also rejected the suggestion that "maladministrations" be added to the standard for impeachment. Instead, the standard adopted was the criminal standard, exactly as it had been established in England: "Treason, Bribery, and other high Crimes and Misdemeanors."[20]

Second, the framers understood, however, that the English impeachment standard embraced political offenses against the state, offenses that were not recognized as crimes at common law. They understood that the House and Senate might also confront abuses by officeholders that should be recognized as offenses against the State in cases of impeachment, even though the challenged conduct might not also constitute statutory crimes which could be prosecuted in the courts.[21]

Third, although the framers recognized the need to preserve the flexibility established by English practice, they also sought to eliminate two abuses that had marked English practice in impeachement cases. Persons other than officeholders could be and had been impeached by the House of Commons and tried and convicted by the House of Lords. More important, the House of Lords had exercised the power to impose the full range of penal sanctions, including the death penalty, upon persons convicted of "offenses against the state" in impeachement trials for conduct that would not have constituted crimes under established common law principles.[22]

The framers sought to minimize the potential for abuse in three ways. They limited the class of persons subject to impeachment to officers of the United States—"The President, Vice President, and all Civil Officers. . . ." They also sought to protect the accused from political passion and bias by raising the standard that was required for conviction: From the simple majority required in the House of Lords to a requirement that ". . . no Person shall be *convicted* without the Concurrence of *two thirds* of the Members present." U.S. Const., art. I, § 3, cl. 6. More important, they limited the punishment the Senate might impose to ". . . removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States. . ."

The apparent meaning established by the language and history of these provisions is confirmed by the explanations Hamilton provided in *The Federalist.* Hamilton confirmed the framers' understanding that cases of impeachement were cases in which the holder of an office of honor and trust was accused of a serious offense and made liable to severe punishment. Hamilton also made it clear that the framers drafted specific provisions to provide adequate protection for the innocent accused; to limit the severity of the punishment that could be imposed upon those convicted of an offense against the state which did not also constitute an offense under the criminal statutes; and, finally, to assure that those convicted of offenses that were crimes under both constitutional and statutory standards could be held accountable in full measure. Hamilton's views have not been recalled thus far by those who have urged that the present case is proper; they should be recalled for those who must decide the present motion.

Hamilton devoted the *Federalist No. 65* to explaining and defending the framers' decision that "the sole power to try all Impeachments" should be assigned to the Senate. He was confronting arguments that placing the judicial power to sit as a court of impeachment in the legislative branch was inconsistent with the separation of powers model and that the power should have been allocated to the Supreme Court. He argued in the first instance that the political nature of the offense, the passions that would be aroused, and the potential consequences to the accused were such that a body more numerous than the Supreme Court and whose members had the security to do impartial justice in the face of public clamor and political pressure was necessary:

"Where else, than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel *confidence enough in its own situation,* to preserve unawed and uninfluenced the necessary impartiality between an *individual* accused, and the *representatives of the people, his accusers*?

* * * * *

"The necessity of a numerous court for the trial of impeachments is equally dictated by the nature of the proceeding. This can never be tied down by such strict rules, either in the delineation of the *offense* by the *prosecutors,* or in the construction of it by the Judges, as in common cases serve to limit the discretion of courts in favor of personal security. There will be no jury to stand between the Judges, who are to pronounce the *sentence* of the law and the party who is to receive or suffer it. *The awful discretion, which a court of impeachments must necessarily have, to doom to honor or to infamy the most confidential and the most distinguished characters of the community, forbids the commitment of the trust to a small number of persons.*"[23]

Hamilton's second argument drew directly upon the express exception to the protecton against double jeopardy that the framers had created for a *"party convicted".* Because a party *convicted* and punished in one forum might be subject to a second trial and further punishment, the proceedings had to be conducted in separate branches.

"These considerations seem alone sufficient to authorise a conclusion, that the Supreme Court would have been an improper substitute for the Senate, as a court of impeachments. There remains a further consideration which will not a little strengthen this conclusion. It is this. The *punishment,* which may be the consequence of *conviction* upon impeachment, is not to terminate the *chastisement* of the offender. After having been *sentenced* to a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country; he will still be liable to *prosecution* and *punishment* in the ordinary course of law. Would it be proper that the persons, who had disposed of his fame and his most valuable rights as a citizen in one trial, should in another trial, for the same offence, be also the disposers of his life and his fortune? . . . Those, who know any thing of human nature, . . . will be at no loss to perceive, that by making the same persons Judges in both cases, those who might happen to be the objects of *prosecution* would in a great measure be deprived of the double security, intended them by a double trial. The loss of life and estate would often be virtually included in a *sentence,* which, in its terms, imported nothing more than dismission from a present, and disqualification for a future office. . . ."[24]

Hamilton again refers to the limitations on the Senate's power in cases of impeachment in his defense of the proposed Constitution against those who decried the absence of a bill of rights.[25] In context, his reference makes it clear that the limitation on the extent of the punishment the Senate might impose was necessary to prevent those charged with non-statutory political offenses from suffering excessive punishments based upon *ex post facto* definitions creating offenses against the state. That reference provides further evidence that it was this limitation that provided the sole justification for a limited exception to the bar of double jeopardy—an exception for a *party convicted* by the Senate for an offense that was also punishable as a crime under established criminal statutes. The limitation on the Senate's power to impose penal sanctions did not, however, create any need or justification for a comparable exception for a *party acquitted,* and none was made in the Constitution as the framers proposed it and as the people adopted it.

This understanding was rather dramatically confirmed in the First Congress. Madison confirmed the framers' understanding that, absent an express exception, the protections against double jeopardy would apply in cases of impeachment as in other criminal cases. He thought a general exception was warranted. Under the language he proposed for a bill of rights, "Cases of Impeachment" would have been excepted en-

tirely from the established protections against double jeopardy. As he framed it, the clause would have read: "No person shall be subject, *except in Cases of Impeachment*, to more than one punishment or one trial for the same offense."[26] The House adopted Madison's proposed language.[27]

The language adopted by the Senate, however, excluded the general exception,[28] and in conference the Senate stood firm. The House receded and the exception was deleted.[29] The language proposed by the Senate was the language that became part of the Bill of Rights adopted by the people: ". . . [N]or shall any person be subject for the same offense to be twice put in jeopardy of life or limb." U.S. Const., amend. V.[30]

The historical evidence, the express language chosen, the contemporary arguments advanced by the framers, and the actions taken in the first Congress are consistent, and, collectively, they establish three propositions. Cases of impeachment were understood and intended to be criminal in nature. Although the precise extent of the rights of an accused in cases of impeachment may be ambiguous in some respects, the framers understood that protection against double jeopardy would apply, absent express exceptions. They twice considered whether and what exceptions should be made, and they agreed upon one and only one exception—an exception for parties *convicted*. Those propositions alone make it clear that the bar of double jeopardy must be recognized where the House seeks to prosecute a party *acquitted* on accusations that a jury has previously rejected.[31]

b. *Due Process and Double Jeopardy.* The Supreme Court has recognized that protection against double jeopardy is one of those guarantees that are so "fundamental to the American scheme of justice" that they are among the core protections embodied in the Due Process Clauses. U.S. Const., amend. V and XIV.[32] The Court has also regularly been called upon to determine whether particular proceedings are criminal in nature in order to determine whether the protection against double jeopardy, or other protections that must be accorded the accused in criminal cases, must be available in those proceedings. The tests established by this jurisprudence, even in the narrowest view, confirms that, for purposes of double jeopardy, cases of impeachment must be viewed as criminal in nature.[33]

The first and ordinarily dispositive test is whether those "establishing the penalizing mechanism . . . indicated either expressly or impliedly a preference for one label [criminal or civil] or the other."[34] The Constitution expressly and impliedly labels cases of impeachment as criminal cases, and the framers' intent could hardly be clearer. Whatever the scope of the conduct embraced, the Constitution requires the accusations be labeled "Treason, Bribery, or Other High Crimes and Misdemeanors." The framers thought it necessary to carve out express exceptions to the principles applicable to the general classes of offenses labeled as crimes for that sub-class of offenses that were to be handled as cases of impeachment: "The Trial of all Crimes, except in Cases of Impeachment, shall be by jury;" "The President . . . shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." The remaining language used confirms, by implication and expression, the intent of the document. If two-thirds of the Senators present concur, a "Person shall be *convicted* . . .", and a "Party *convicted* shall nevertheless be liable and subject to *Indictment*, Trial, Judgment and *Punishment*, according to Law."

The labels chosen and the framers' intent are clear. Cases of impeachment are criminal in nature, and no implication to the contrary can fairly be inferred from the words chosen, the history considered, or the intent expressed by the framers. Double jeopardy applies in cases of impeachment.[35] It is equally clear that double jeopardy *should* apply in cases of impeachment. This is confirmed by an analysis of the function of impeachment and the policies underlying the protection against a second trial.

All proceedings in which the government may properly impose a sanction upon the individual must have a remedial purpose. Imprisonment and the death penalty serve the remedial purpose of removing the convicted offender from society and thereby protecting it from further acts of criminal misconduct. Criminal fines restore some or all of the costs society has expended to enforce the law and may serve other remedial purposes. Functional analysis does not depend upon whether the sanction authorized has a remedial purpose; rather it depends upon the nature and severity of the punishment that may be imposed upon the accused.

The sanction authorized in cases of impeachment is not merely remedial, it is also penal and is so classified in the Constitution. The Senate does not remove; it convicts (or acquits). Removal is merely established as the minimum consequence that follows from a conviction. But the Senate has power to punish further: It may sentence the convicted accused to a permanent "disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States." And those are the only punishments that the Constitution denies the President the power to relieve through the powers of reprieve and pardon.

In Hamilton's words, the Constitution confers upon the Senate sitting in cases of impeachment, "The awful discretion . . . to doom to honor or infamy the most confidential and the most distinguished characters of the community. . . ."[36] That sanction is penal, and surely those who have held positions of high honor must recognize that it is and was intended as a punishment most severe.

Under established jurisprudence, the nature and severity of the sanction that may be imposed in cases of impeachment confirm that they are criminal in nature. The sanction of permanent disqualification "involves an affirmative disability or restraint" and "has historically been regarded as a punishment."[37] "[I]t comes into play only on a finding of *scienter*," and its operation promotes "the traditional aims of punishment—retribution and deterrence."[38] Whatever its full scope, the sanction applies to "behavior . . . [that] is already a crime" and, with respect to disqualification, the sanction has no alternative purpose other than punishment that "may rationally be . . . assignable for it."[39] The functional analysis simply confirms that the framers properly classified cases of impeachment as criminal in nature, and that the House's attempt to reclassify them is improper.

The issue before the Senate is not merely a question of classification and consequence. The core policies underlying the protections afforded by the bar of double jeopardy are clearly applicable here:

"The constitutional prohibition against 'double jeopardy' was designed to protect an individual from being subjected to the hazards of trial and possible conviction more than once for an alleged offense. . . . The underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty.

"In accordance with this philosophy it has long been settled under the Fifth Amendment that a verdict of acquittal is final, ending a defendant's jeopardy, and even when "not followed by any judgment, is a bar to a subsequent prosecution for the same offence." . . . Thus it is one of the elemental principles of our criminal law that the Government cannot secure a new trial by means of an appeal, even though an acquittal may appear to be erroneous. . . ."[40]

All three branches of the federal government have used the resources and powers of the State to lay a foundation for a second attempt to convict Judge Hastings for the offenses now alleged by the House. For seven years, they have subjected him to embarrassment, expense, and ordeal and have compelled him to live in a continuing state of anxiety and insecurity. They have sought to enhance the possibility he might be convicted by utilizing the information he had provided through his defense at trial to develop further evidence against him. They *have* enhanced the possibility of an erroneous conviction by accumulating evidence that supported their accusations and seeking to present it seven years after the fact, long after the record and recollections of those who might have aided the accused have been lost or dimmed beyond repair.

The ordeal and the anxiety should have ended in 1983. They did not. At the urging of the judiciary, the House seeks to evade the prohibition against appeals by collaterally attacking the jury's verdict in the Senate. That cannot be allowed.

The Constitution by its language, intent, and consequences establishes that cases of impeachment are criminal in nature. Established jurisprudence and underlying policy combine with the express language and intent to make it clear that the bar of double jeopardy does and should preclude the House from imposing the burden of a second trial upon an accused who has already been acquitted by a jury of the offenses it alleges.

The first fifteen articles, in essence, make only two accusations—that Judge Hastings participated in the 1981 conspiracy, as alleged in the original indictment, and that he presented false testimony and fabricated evidence at his 1983 trial, as argued by the prosecutors to the jury in 1983. The first accuses the judge of the same offense as that on which he was tried and acquitted in 1983. The second makes an accusation that the prosecutors made and the jury necessarily decided when it found the judge not guilty. A trial on either would require that the managers present and the Senate consider the same evidence as the prosecutors presented to the jury. Those are simply not accusations that can properly be retried. Established double jeopardy principles require that these articles be dismissed.[41]

The Constitution, its history, and its subsequent interpretations provide ample sup-

port for the view that double jeopardy principles are and should be fully applicable in cases of impeachment, with an exception only for those who are *convicted* of a high crime. The Senate may, however, dispose of the first fifteen articles in this case of impeachment on considerably narrower grounds, leaving questions concerning the full scope of the protection that must be afforded to a future case.

In the first instance, the present motion only asks the Senate to prohibit a second trial where the post-acquittal investigations have revealed no material evidence that was not fairly available to the prosecutors at the time the case was first tried. The House has not claimed that it has received or discovered any such evidence: It relies solely upon the fact that there was a large body of evidence available that the prosecutors did not develop or present to the jury at the first trial.[42]

In the second instance, the case against Judge Hastings remains today as it was in 1983—circumstantial. The prosecutors claimed then and the House only claims now that the evidence establishes a chain of events that can be marshalled to support an argument that the judge was a participant in Borders' corrupt scheme. A circumstantial case of this kind is, in its nature, a case that leaves open troubling questions that can never be resolved with certainty, only with finality.

This is not a case in which a post-acquittal investigation has discovered direct and dispositive evidence of guilt that had been concealed from the prosecutors at the time of the first trial. For that reason, this is not a motion that requires the Senate to determine how a case of impeachment that presented that issue should be resolved. The limited rule that the present motion requires the Senate to adopt may be stated thus:

"The core principles embodied in the concepts of double jeopardy and due process preclude a second trial in a case of impeachment, where the House seeks an opportunity to remarshall circumstantial evidence that was available to the prosecution, but not used, in order to seek a conviction on accusations that a jury has rejected."

That modest rule is surely compelled by considerations of policy as well as principle.

The lapse of time and the events that preceded the House's adoption of the Articles of Impeachment provide further grounds and illustrate the need for the proper application of due process principles in this case. They invoke additional constitutional principles evidencing the nation's commitment to fundamental fairness that also bear upon the proper disposition of this case. They also emphasize the narrowness of the precedent that will result.

2. The Lapse of More than Six Years Has Irretrievably Prejudiced the Judge's Right to a Fair Trial, and the Requirements of Fairness Mandated by the Due Process Clause Confirm that These Accusations Must Be Dismissed

The historical record and the text of the Constitution are admittedly less clear in defining the nature and scope of the other protections that must be accorded the accused in cases of impeachment. We submit that, at a minimum, these other protections must include those rights that have been deemed so basic to the American system of justice and so essential to fundamental fairness that they have been viewed as included within the protections mandated by the Due Process Clause, even in the absence of express specification.[43]

The constitutional text and history discussed above establish that cases of impeachment are criminal in nature and, thus, that the protections mandated are of the highest order. The severity of the sanction that may be imposed, a damnation to infamy and a lifetime banishment from any positions of honor and trust, would suffice to compel the same conclusion, however the form of the action were classified. The fact that the rights at stake are constitutional in source and significant to the accused, lifetime tenure and guaranteed compensation, and that those rights were guaranteed to achieve the fundamental public interest in maintaining the independence of the federal courts should foreclose any debate. In that context, the extraordinary delay in initiating this case of impeachment provides further grounds that require that the first fifteen articles be dismissed.

The government filed the indictment that publicly accused Judge Hastings of having been a participant in Borders' corrupt scheme on December 29, 1981. More than six-and-a-half years elapsed between the filing of the indictment that made the accusation and the exhibition of the articles of impeachment that reallege that accusation in this case. The prosecutors publicly accused Judge Hastings of having presented false testimony and fabricated evidence at the trial that ended in early February 1983. More than five years elapsed between the making of those accusations and the exhibition of the articles that reallege those accusations in this case.

All evidence necessary to determine whether further inquiry or action were appropriate was available to the public and the House shortly after the jury returned its verdict. Borders had been tried and convicted, and his conviction had been affirmed by December 1982. The testimony in that case had been transcribed, and the record was complete. The testimony at Judge Hastings' trial was also transcribed throughout the course of his trial, and the record there was also complete. Those records afforded the House advantages in determining whether and how it should proceed far in excess of those it or any holder of prosecutorial discretion enjoys in most cases.

The long interval has increased the House's advantages and prejudiced the judge's right to fairly confront the accusations beyond repair. The House has received such records as the Justice Department chose to gather and preserve as well as those gathered by the Investigating Committee. Some of the sources from which such records could have been obtained had record-retention policies that resulted in the destruction of relevant records long before the Investigating Committee began its hearings in 1985. For example, the House apparently intends to introduce a significant quantity of telephone records to establish that there was a pattern of telelphone calls between telephones in Judge Hastings' home and office and Borders' home and office in 1981 that is consistent with a pattern of contracts that would have occurred if Judge Hastings were a participant in Borders' *Romano* scheme.[44] The telephone company serving the District of Columbia area, however, had a two-year record retention policy for billing records and was unable to supply complete data for Borders' or other telephones in the District by the time the Investigating Committee requested them.

More important, crucial witnesses have died or their minds have become impaired, including two who appeared at the Judge's trial in 1983. For example: Alvoyd Merritt was a material witness at the judge's trial. Frank Romano was called so the jurors could see him and compare his appearance with that of Rico/Romano. Andrew Mavrides was one of the judge's principal counsel, until a nervous breakdown shortly before trial. He was directly involved in negotiations in which the production of the draft "letters for Hemp" was "delayed" to apply pressure on the government to produce Dredge, their informant, so that the materiality of his knowledge might be determined. Borders is reported, in the record, to have dealt with two underworld figures during the relevant period, Santos Trafficante in Miami and Joseph Nesline in Washington. Both men had information the House Committee and Judge Hastings viewed as material.[45] Merritt, Frank Romano (and his codefendant brother, Thomas Romano), Mavrides, and Trafficante are among the dead witnesses. Nesline is reported to have Alzheimers disease. All had material information that cannot be recaptured or fairly used.

Most important, the recollection of every witness has necessarily dimmed, and, for many, their testimony has been so often taken that it must be impossible now to determine whether further testimony would evidence recalled knowledge of the underlying events or merely recalled testimony or statements given on prior occasions. The central accusation concerns events that occurred in 1981, *more than seven years ago.* The House has compiled documents showing the contacts between Judge Hastings and Borders that are consistent with the conspiracy theory it advances. The House and Judge Hastings would have to call witnesses who once had knowledge of those events. The House's witnesses include FBI agents who have memoranda to refresh such recollections as they may have and others who have regularly had their testimony rehearsed before the Investigating Committee and in depositions taken by the House's impeachment staff. How is Judge Hastings to confront their testimony effectively more than seven years after the fact? Of greater import, how is Judge Hastings to reconstruct his own recollections and how is he to find witnesses who still recall the events seven years after the fact?[46]

One requirement of fundamental fairness embodied in the Due Process clause prohibits the government from delaying too long in bringing charges that accuse a citizen of having committed a high crime or misdemeanor. Standing alone, due process may require that the charges be dismissed if the accused can show the delay has caused actual prejudice to his or her ability to defend against the charges, and the government fails to justify the delays, even where prosecution is not barred by the prescribed statute of limitations.[47] The Supreme Court has made it clear, however, that Congress properly establishes an irrebuttable presumption of improper prejudice in adopting the federal statutes of limitations.[48] The delay in the present case exceeds any delay that could be reconciled with the protections mandated by the Due Process Clause or with the purposes those protections were intended to serve, under either view of the standard to be applied.

Congress has established that the irrebuttable presumption of prejudice arises, if offenses of the kind charged in the first fif-

teen articles are not filed within five years of their occurrence.[49] In one view, cases of impeachment are truly criminal, and the statutory limitation should simply be applied. Under a broader view of the constitutional nature of the proceedings, however, the Senate might view the statutes of limitations as declarations of policy creating a presumption that should be applied to give content to the constitutional requirements mandated by fundamental fairness and due process principles in cases of impeachment, absent compelling justification for the delay.

Dismissal of these articles in this case of impeachment would be required under either standard or view. The delay here implicates the precise concerns that have guided Congress in implementing the requirement of prompt indictment and trial through the prescriptions embodied in statutes of limitation and repose:

"The purpose of a statute of limitation is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging law enforcement officials promptly to investigate suspected criminal activity." [50]

Moreover, the delay here has caused actual, apparent, and substantial prejudice to the accused within the meaning of that standard mandated by the Due Process Clause. The reasons proffered by the House cannot excuse the delay in initiating this case of impeachment if the constitutional requirement is to have any application in any case of impeachment. The only substantive reason proffered is that the delay was attributable in large part to the time consumed by the judiciary in the proceedings it conducted under the 1980 Act. These were not proceedings in which the judiciary was considering new accusations. They were proceedings to see whether additional evidence could be found to support accusations that had been publicly made and rejected by a jury.

The reasons proferred provide no justification for the delay in this case. The accusations that were the subject of the 1983 trial alleged offenses that were criminal by any standard. They were not accusations of the kind of over which Congress assigned primary jurisdiction to the judiciary when it adopted the 1980 Act. Congress cannot properly have intended that the House sit on its hands while the judiciary conducted a four-year investigation to determine whether the circumstantial evidence supporting criminal accusations against an acquitted judge could be expanded and remarshalled to support a claim that the jury was wrong and that the judge's testimony supporting his claims of innocence was false. Congress cannot properly have intended to assign to the judiciary the power to compile and recertify a record that would apply political pressure on the House to re-examine a jury verdict that had stood unchallenged for four years. Congress cannot properly have intended that the exercise of those powers should result in the Senate's being forced to conduct a protracted trial to determine whether additional evidence of guilt could be discerned in the tea leaves of circumstance suggested by evidence that was available, but not presented, at trial—evidence such as that provided in hundreds of pages of long-distance telephone records.

It is here that the House's view of the proper separation of powers precludes acceptance of the arguments it makes. Congress declined to delegate or assign the sole power of impeachment when it adopted the 1980 Act. The House retained the sole power, and with that power it retained also the sole responsibility for its exercise. The fact that the accusations and the evidence supporting them had been made part of the public record in 1983 eliminates any justification for the resulting delay. The House cannot claim it holds the sole power and simultaneously claim that delays occasioned by proceedings in another branch relieved it of responsibility for the timely exercise of that power in this case.

The accusations alleged offenses that constituted high crimes and misdemeanors under both constitutional and legal standards. The 1980 Act could not and did not confer jurisdiction upon the circuit councils and the Conference to impose the only sanctions possible, if such offenses were established. The House deferred to the judiciary to await an advisory opinion on whether it should exercise the sole power of impeachment here. Such a deferral may be politically attractive; it is, however, constitutionally impermissible, at least when it results in a delay of the magnitude present in this case. It is at this point that the requirement of fundamental fairness combines with those necessary to maintain the proper separation of powers to compel the conclusion that these articles must be dismissed.

B. Seven years of investigation and more than two million dollars is too much: reprosecution of accusations a jury rejected more than six years after the fact cannot be reconciled with the guarantees established to maintain the necessary judicial independence

1. The "New" Precautions for Maintaining Judicial Accountability That Have Been Implemented Over the Past Fifty Years Enhance the Senate's Role and Responsibility as the Final Guarantor of Judicial Independence

The framers proposed and the people adopted a Constitution that allocated the judicial power to a separate and distinct branch that was to be independent of the other two branches. At the time, this was a revolutionary idea; in retrospect, many have viewed it as the cornerstone which has enabled the Constitution to endure over the past 200 years.

The framers recognized that the judicial department would be the least dangerous and most vulnerable of the three branches of government.[51] In order to protect the federal courts that would exercise the powers of that branch and enable them to perform their constitutional function, the framers proposed to grant institutional protections to the individual judges who would serve on those courts and exercise their powers. The only express provisions adopted to maintain judicial independence were the guarantees of secure tenure and undiminishable compensation for the individual judge and the assignment of the sole powers to attack that security, the power to impeach and the power to try, convict, and thus remove, to the House and the Senate respectively.[52]

Hamilton expressed the framers' views succinctly:

"This provision for the support of the judges bears every mark of prudence and efficacy; and it may be safely affirmed that, together with the permanent tenure of their offices, it affords a better prospect of their independence than is discoverable in the constitutions of any of the states, in regard to their own judges.

"The precautions for their responsibility are comprised in the article respecting impeachments. They are liable to be impeached for mal-conduct by the house of representatives, and tried by the senate, and if convicted, may be dismissed from office and disqualified for holding any other. This is the only provision on the point, which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own constitution in respect to our own judges." [53]

Those views are reinforced by the views the framers expressed elsewhere concerning the importance of judicial independence and the conditions necessary to maintain it.[54]

The conduct of officers in all three branches evidenced a shared understanding of the Constitution for the first 150 years, an understanding that precluded the presentation of the present issue in a prior case of impeachment. The executive never attempted to prosecute a federal judge before the courts. Apart from the established powers to review and issue such writs as were appropriate, the judiciary never claimed or attempted to exercise any powers to regulate or sanction a federal judge.[55] All complaints against judges were submitted directly to the House.[56]

The shared understanding first broke down in 1937, when the executive decided to initiate criminal proceedings against Circuit Judge Marvin Manton. The issue was avoided for a further forty years because the executive exercised its new found prosecutorial discretion carefully. In all but one of the cases, the government obtained a clean conviction. The one ended in two mistrials. The government declined to prosecute further, and the judge resigned to avoid an impeachment inquiry.[57]

The first of the conditions that have caused the issue to arise now and that make its recurrence likely arose in the post-Watergate era. The Justice Department formed its Public Integrity Section with a mandate to aggressively pursue investigations into the conduct of federal officials, including judges. Three federal judges have been prosecuted since 1980. In every case, the government has lost or dropped the major corruption charge. Two judges were convicted on secondary charges, and both were so embittered by what they saw as executive misconduct that they refused to resign, hoping to obtain a forum for their grievances in the impeachment process. One judge, Judge Hastings, was acquitted on all charges. It is that first acquittal that created the first condition necessary to force the Senate now to consider and decide an issue that had lain dormant for more than 200 years.

There had, however, been further developments that were necessary to establish and that have established conditions *sufficient* to assure the Senate would be forced to consider the issue. The intervening fifty years has seen the emergence of the "corporate judiciary" in which the Chief Justice and the chief judges became executives who managed the judiciary's affairs through a complex structure of conferences, councils, and committees.

Throughout this period, Congress sporadically considered proposals to expand the bu-

reaucratic powers of these officers and organizations to include formal powers to investigate, sanction, or remove an offending judge, and the judiciary itself made one such attempt.[58] It was the passage of the 1980 Act, in view of the implementation of prosecutorial policies that viewed the risk of acquittal in judicial prosecutions as acceptable, that established the remaining conditions that were necessary to assure that this issue would come before the Senate.[59]

The issue now has come before the Senate in this case. The presence of the conditions that made that possible requires that the Senate re-examine its constitutional role in protecting judicial independence. Such a re-examination confirms that the challenged articles must be dismissed.

2. The Articles Must be Dismissed to Reassure Judges and Remind Officers in All Three Branches that Seven Years is Too Long, that Two Million Dollars is Too Much, and that One Trial is All the Constitution Permits

In the present case, officials in the executive branch used the resources of the Justice Department, the FBI, and the Grand Jury to investigate and develop their accusations against the judge. They rewarded an established criminal for coming forward with information and accusations. Thereafter, they launched an undercover sting operation to test the accusations. In that operation, they employed the techniques of electronic surveillance as well as an undercover agent to pursue evidence in support of those accusations. One does not need to consider the motives in order to conclude that the initial decision to investigate Judge Hastings and the later decision to arrest Borders before any money had passed were judgments that involved substantial risks and that may be justly criticized.

What has been done to Judge Hastings has been and may be done to other judges. For that reason, any federal district judge called upon to preside over hotly contested disputes between the citizen and the executive must preside aware, in some degree, that, "There, but for the grace of the prosecutor, go I." And the citizen may be forgiven if those circumstances create grounds which to his or her mind suggest that the judge's "impartiality might reasonably be questioned."[60] The Senate cannot here correct this problem; it can, however, consider it as it bears upon the proper disposition of this motion.

Similarly, the Senate need not here consider the motives or conduct of those who initiated, conducted, and pursued the post-acquittal investigations that created a record to justify the accusations that have now come before the Senate. It can and should consider whether a system that permits and encourages such extended post-acquittal investigations by the judiciary, conducted in a way that assures long delays, is consistent with the policies underlying the Constitution or, indeed, those that the Senate intended be implemented when it adopted the 1980 Act.

The Senate cannot avoid these issues in deciding the present motion. If it denies the motion, it will ratify and encourage the aggressive investigatory and prosecutorial stance the Justice Department and its Public Integrity Section have taken with respect to federal judges. If it denies this motion, it will also ratify and encourage the judiciary to initiate and pursue protracted post-acquittal investigations and to use the powers assigned by the 1980 Act to create a record that might generate sufficient political pressure to precipitate an impeachment. If it denies this motion, it will also send a clear message to every federal judge who harbors independent views that depart significantly from those held by the current executive and by the judges who exercise the powers of the judicial establishment: "Beware lest you incur their wrath, and moderate your views and conduct to conform to their norms: For theirs is the power. . . ."

The Senate will also send messages, if it grants this motion. It will inform officials in all three branches that the precautions established to maintain a judge's independence, as well as those established as precautions for their accountability, must be respected. It will inform those in the executive branch that the discretion to investigate or prosecute a federal judge must be balanced by a consideration of the likelihood and consequences of a failure.

By that decision, the Senate will also send a message to the judiciary. It will inform those who hold the powers conferred by the 1980 Act that their role is limited and that they are to be cautious before they use those powers to intervene in the impeachment process. It will remind them that the right to a jury trial was established as a check on the powers of judges, as well as those of the prosecutors. It will remind them further that the primary jurisdiction over the investigation and trial of judges accused of high crimes and misdemeanors remains in the Congress and that the Congress does not require their assistance in deciding whether the records compiled at a public trial that resulted in a judge's acquittal merit further study and investigation.

Most important, by that decision, it will send messages to those in the judiciary who are the objects of the powers conferred by the 1980 Act: "Seven years was too long; two million dollars was too much; and one trial was enough." That will at least assure them that the powers held by those in the executive and judicial establishments are not without limit, and not without end. That reassurance may be inadequate, but it is the only reassurance the Senate can now afford. We submit that it should be given now.

IV. CONCLUSION

The case against Judge Hastings was, is, and always will be circumstantial. From the outset, Borders and the FBI had a common objective: It was necessary for both that Borders demonstrate that he could cause Judge Hastings to take actions that would create the appearance that he was a participant in Borders's scheme. The FBI's decision to accept the judge's dinner at the Fontainebleau, without more, and its decision to arrest Borders at the scene of the payoff assured that the case would forever remain circumstantial.

A circumstantial case of this kind is one that in its nature forever leaves open questions that will be troubling. Some will find clear evidence of guilt in the tea leaves of circumstance, and the accused's denials and explanations will forever seem hollow and false. Some will believe the accused and his explanations and will forever question the motives of those who set out to create, and to prosecute on the basis of, the appearance of guilt shown by circumstantial evidence. Many will be troubled simply because there are questions that can never be resolved with certainty.

Society confronts many questions which can never be resolved with certainty, but which must be resolved with finality. The constitutional plan we adopted resolves that dilemma by assigning responsibility for deciding those questions with finality to institutions such as the jury. Many may remain troubled after the decision has been made because the questions have not been resolved with certainty; some will remain persuaded that the balance struck by the institution chosen was wrong. Under our constitutional plan, however, we do not permit those concerns to affect the finality of the decision made; they are concerns that are left to those who might urge change in the system for the future and to historians, commentators, and others engaged in the speculative enterprise. So let it be with Hastings.

The questions raised by the accusations made in the first fifteen articles can never be resolved with certainty. They have been resolved with finality. The prosecutors presented the circumstantial case to a jury and argued that it established guilt. The judge took the stand, proclaimed his innocence, and provided testimony and evidence that provided innocent explanations for the circumstances offered to establish his guilt. He was cross-examined thoroughly and his explanations were challenged fully. In order to convict, the jury would have had to find that the judge's testimony was false and his evidence fabricated, and the prosecutors so argued. The jury did not convict; it acquitted, and in so doing, it rejected the prosecutors' claims.

The framers were aware of the competing ends that had to be accommodated when they assembled in 1787. They knew that men entrusted with power would tend to abuse it. They also knew that the creation of a federal government that might endure would require that men be entrusted with power and afforded protections that would permit them to exercise it effectively. They proposed a constitutional plan that allocated the powers and created protections for those who would exercise them. That plan also included checks and balances to confine the exericise of those powers to their legitimate ends, insofar as they thought feasible, and precautions to assure the responsibility of the officials would exercise those powers, insofar as they thought necessary and proper. They struck a balance that they acknowledged was imperfect, but that they offered as the best their collective wisdom could offer. The people accepted the wisdom and adopted the plan, and for two hundred years it has worked rather well.

The framers explicitly addressed the competing ends that are the subject of this motion. They established a system by which judges might be impeached and tried for high crimes and misdemeanors and, if convicted, removed and appropriately punished for their conduct. In their view, those were the only precautions consistent with the necessary independence of a judicial character.

The framers also considered traditional tension between the end of subjecting the guilty to proper punishment and protecting the accused from the excesses of power in cases of impeachment. They recognized and labeled those cases as criminal in nature and created one and only one exception to the protection against double jeopardy that that classification mandated—that was a limited exception for a party convicted. The jurisprudence through which we have developed and given content to our commitment to fundamental fairness and to the importance of an independent judiciary confirms the wisdom of that decision as it bears upon

the issues that this case of impeachment now presents 200 years later.

Judge Hastings was acquitted by a jury in 1983. The Constitution, its history, the framers' intent, the established jurisprudence, and contemporary needs—all speak with a common voice: Further prosecution or trail on the accusations made in the first fifteen articles is improper. The Senate should so declare by granting the motion and entering an order dismissing those articles with prejudice.

Respectfully submitted,

Terence J. Anderson, John W. Karr, William G. McLain, Ann B. Richardson, Robert S. Catz, Patricia Graham Williams, Counsel for U.S. District Judge Alcee L. Hastings.

FOOTNOTES

[1] The principled jurisprudence is to be found in the Supreme Court's decisions establishing that the prohibition against placing an accused twice in jeopardy of a trial for the same offense is so fundamental to the scheme of Anglo-American jurisprudence that its observance is one of the requirements of fundamental fairness mandated by our commitment to due process. The policies that have governed the application of this principle in other contexts confirm its applicability here. These points and the supporting authorities are developed below at 52-72.

[2] These points and the supporting authority are developed below at 72-83.

[3] That was the position taken by the House in an earlier day: "We take the position, first, that justice must be done to the respondent. The respondent must be protected against those who would make him afraid." *Proceedings of the United States Senate in the Trial of Impeachment of Halsted L. Ritter*, S. Doc. No. 200, 74th Cong., 2d Sess. 610 (1936) (closing argument of the Hon. Hatton W. Sumners, Chairman of the House Committee on the Judiciary, as a Manager for the House).

[4] These points and the supporting authorities are developed below at 83-91.

[5] The Senate would then have to conduct additional hearings before the trial in order to resolve any factual disputes necessary to enable it to determine the extent to which the allegations made in the articles were litigated at trial and whether there is any material new evidence that was not reasonably available to the prosecutors at that time.

[6] The summary also serves two additional purposes that should be noted here. First, the political nature of the impeachment process required that the House Committee on the Judiciary publish a similarly detailed summary of its view of the evidence in order to support the recommendations it submitted to the House. *See* House Comm. on the Judiciary, *Impeachment of Judge Alcee L. Hastings*, H.R. Rep. No. 810, 100th Cong., 2d Sess. 13-31, 41-56 (1988) ("*House Comm. Rep.*"). Fairness requires that a similarly detailed view of the evidence, from the standpoint of the accused, be available for Senators and others who care. Second, a Senate decision that, in the event a trial is necessary, evidence should be presented before a Rule XI committee is likely to deprive most Senators of the orientation usually provided by the parties' opening statements. The summary provided here may partly redress that deficiency.

We recognize that the records necessary to verify most of the facts reported here are not before the Senate, and for that reason, we adopt the style used by the House Judiciary Committee in its report. We do proffer that the statement is fully and fairly supported in the records compiled by the House and made available to us. Consistent with the view of acceptable procedure taken by the House, we are confident that its managers will note any objections to the facts presented and identify the basis therefor.

[7] 648 F.2d 367 (5th Cir. 1981). At that time, the division of the Fifth Circuit had not become effective, and Fifth Circuit decisions were binding on federal courts in Florida.

[8] 654 F.2d 339 (5th Cir. 1981); *see* note 3 *supra*.

[9] 523 F. Supp. 1209 (S.D. Fla. 1981).

[10] Pub. L. No. 96-458, 94 Stat. 2035 (1980), *codified as amended at* 28 U.S.C. §§ 331, 332, 372(c), 604(h) (1982 & Supp. 1984).

[11] *United States* v. *Borders*, 693 F.2d 1318 (11th Cir. 1982).

[12] *Codified at* 28 U.S.C. § 372(c)(14).

[13] Judge Hastings did not appear and was not represented at the Investigating Committee's hearings. He had filed a suit challenging the constitutionality of the 1980 Act and the proceedings against him more than a year before the Investigating Committee scheduled its first hearing. The Investigating Committee scheduled its hearings to begin after the challenge to the 1980 Act and its authority had been argued and submitted to the United States Court of Appeals for the District of Columbia Circuit. In order to preserve his objections, Judge Hastings failed a Special and Limited Appearance with the Investigating Committee, objecting to its jurisdiction and declining to appear until his constitutional claims had been finally adjudicated. The Investigating Committee conducted its hearings in his absence.

[14] The impropriety of the prosecutors' objection and misrepresentation was confirmed when the FBI's case agent later acknowledged that, in addition to Dredge's report, the FBI also had independent information concerning Borders' claims with respect to other judges.

[15] "The Petition of the Honorable Alcee L. Hastings, a United States District Judge, for Redress of Grievances and Other Legislative Relief" (Jan. 16, 1987); *see* note 17 below.

[16] Anderson, *A Provisional and Preliminary Report on the Proceedings Against United States District Judge Alcee L. Hastings: 1981-1986* (Jan. 16, 1987) (reissued Nov. 1987) (the *"Provisional Report"); see* note 17 below.

[17] 100 Cong. Rec. H. 271 (Jan. 20, 1987); *id.* at S. 1503 (Jan. 21, 1987).

[18] Italics have been supplied for emphasis, unless otherwise noted.

[19] *See, e.g.*, Hamilton, *The Federalist No. 65* at 440-41 (Hamilton) (Cooke ed. 1961) (model borrowed from Great Britain and State constitutions that followed the example), *id. No. 84* at 576 (identifying limit on Senate's power to impose punishment as a protection for the accused) [all further citations to pages in *The Federalist* are to the Cooke ed.]; *The Constitution of the United States: Analysis and Interpretation*, S. Doc. 82, 92d Cong., 2d Sess. 572-78 (1973) (summary of history and interpretation) [hereinafter cited as *"Constitution: Analysis"*]. We have limited our citations and discussions on points that we believe are not open to genuine debate. If the managers' response suggests that we have overlooked a significant disagreement, we shall amplify the point and discuss the relevant authorities in reply.

[20] *See, e.g., Constitution: Analysis* at 575-77. The central issue in prior impeachments and among historians and constitutional scholars has concerned the extent to which that standard embraces political offenses against the United States that are not also legal offenses under statutory standards. Because the articles that are challenged by this motion allege (or could be amended to allege) offenses that would be crimes under either standard, this motion does not raise that issue. *See* note 21 below.

[21] The practice of the Senate has placed this issue beyond serious dispute, if ever it was. *See, e.g.*, Impeachment Inquiry Staff, "Constitutional Grounds for Presidential Impeachment," in *High Crimes and Misdemeanors: Selected Materials on Impeachment*, 1-26 (1973).

[22] *See, e.g.*, R. Berger, *Impeachment: The Constitutional Problems*, 54-55 (Harvard 1973); P.C. Hoffer and N.E.H. Hull, *Impeachment in America, 1635-1895*, 3-8 (Yale 1984) (summaries of English practice on point).

[23] *The Federalist No. 65* at 441-42; emphasis in original in first paragraph quoted, supplied in the second.

[24] *Id.* at 442.

[25] *The Federalist No. 84* at 575-77.

[26] 1 Annals of Congress 434 (June 8, 1789), reprinted in B. Schwartz, The Bill of Rights: A Documentary History ("Documentary History") at 1027.

[27] House of Representatives Journal, September 1789, *reprinted in Documentary History* at 1122-75.

[28] Senate Journal, August-September 1789, *reprinted in Documentary History* at 1147-54.

[29] House Debates, September 24, 1789, *reprinted in Documentary History* at 1162.

[30] The Supreme Court long ago established that the protection extends to all offenses that place an accused "in peril of legal penalties upon the same accusation," under the Constitution as it had at common law, not just to those that expose the accused to loss of life or limb. *Ex Parte Lange*, 85 U.S. (18 Wall.) 163, 172-73 (1873).

[31] The House expressed the view that cases of impeachment should not be viewed as criminal in nature when it adopted the challenged articles. *House Comm. Rep.* at 61-62. The historical record, however, demonstrates that the framers rejected that view in the express language chosen and the declared intent provided when they drafted the Constitution that the people adopted. We submit the position taken by the House cannot be reconciled with the text or intent of the Constitution. If we are in error, it is incumbent upon the managers to assume the burden of demonstrating how the Constitution, in text and history, can be reconciled with the House's demand that these accusations be retired. Absent such demonstration, we ask that the Senators honor the language and intent of the Constitution.

[32] *Benton v. Maryland*, 395 U.S. 784, 794-95 (1969); *cf. Constitution: Anaylsis* at 1094.

[33] After the House Subcommittee's hearings had begun, we were asked to identify one or more constitutional scholars whose views bore upon the application of double jeopardy in cases of impeachment. We promptly located a local scholar, Professor Thomas G. Krattenmaker of the Georgetown University Law Center, who was available and willing to appear. The Subcommittee later decided it did not wish to hear such scholarly views. Nonetheless, we proffered a summary of the views Professor Krattenmaker was prepared to express for the record. (After that proffer, the Subcommittee staff located a professor in Iowa who agreed to express a differing view. Neither was called to testify so that the differences might be examined and explored.) For the convenience of the Senate, we include a copy of the proffer we submitted to the House Subcommittee in the addendum to this memorandum.

[34] *United States v. Ward*, 448 U.S. 242, 248 (1984) (quoted language and summarizing applicable principles).

[35] The House, to date, has relied upon a revisionist view in which the language and intent of the Constitution may be largely ignored in favor of a functional analysis. Under that view, the House urges that cases of impeachment are purely remedial, apparently the constitutional equivalent of administrative proceedings before the Merit Systems Protection Board. In point of fact, the tests employed in a functional analysis under the Due Process Clause simply confirm that cases of impeachment are punitive, as well as remedial, and would have to be viewed as criminal in nature in any event. *See* notes 36-38 and accompanying text.

[36] *The Federalist No. 65* at 441-42.

[37] *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168 (1963). The issue the Supreme Court confronted in *Kennedy* and its disposition bear directly upon this case. Congress had prescribed that an American who left or stayed outside the United States during a time of war or national emergency should be divested of American citizenship. The petitioners had both admittedly violated the statute—one during World War II, the other during the Korean Emergency. They had been divested of their citizenship. They challenged the rulings on grounds that the statute prescribed a criminal penalty without requiring that the sentence be conditioned upon a conviction in a criminal trial. The Court agreed.

The Supreme Court was required to balance the legitimate power of Congress to exercise its powers to provide for the national defense and regulate foreign affairs—both admittedly important and legitimate ends, against the loss of a most precious right—American citizenship. The Court ruled that the end could not justify the means chosen because the sanction of loss of citizenship was clearly penal.

The Constitution authorizes the Senate to impose a similarly severe sanction against an accused officer—to strip him or her of the most precious rights of a citizen, the right to seek or "hold and enjoy any Office of Honor, Trust or Profit under the United States." The principles applied in *Kennedy* would compel the same conclusion here; the proceeding here is criminal in nature.

[38] *Id.*

[39] *Id.* at 168-69. The Supreme Court reaffirmed the validity of these recommendations in *United States v. Ward*, 448 U.S. at 249.

[40] *Green v. United States*, 355 U.S. 184, 187-88 (1957) (citations omitted).

[41] The House has multiplied these two basic accusations into fifteen articles of impeachment. What-

ever the other purposes this fragmentation may serve, the House has not suggested that there are distinctions that might properly be drawn among these articles that would save any from dismissal, if the principle of double jeopardy were found applicable to bar the retrial, in a case of impeachment, of an officer who had been acquitted of the central accusations upon the verdict of a jury. In this view, the Senate should resolve the present motion on fundamental principle. If the principle of double jeopardy bars a second prosecution of an acquitted official in cases of impeachment, all of the first fifteen articles should be dismissed. We believe this position is consistent with sound policy, and, for that reason, we have not burdened this memorandum with an extended discussion of distinctions that should make no difference. Should the House revise its position, we shall, of course, amplify the discussion in our reply.

[42] *House Comm. Rep.* at 65-66.

[43] We do not understand the House to be asserting any claim that the conduct of cases of impeachment need not comport with the essential requirements of due process and fundamental fairness. Nor do we understand the House as disagreeing with the view that the Due Process Clause embodies a commitment that the individual shall be entitled to those guarantees necessary to assure fundamental fairness, whenever the federal government initiates proceedings that may adversely affect his or her rights. Similarly, both parties seemingly agree that the extent of the protections and the kind of procedures mandated depend, in large part, on the nature of the proceedings and the importance of the rights that may be affected. The disagreements stem from their differing views of the nature of cases of impeachment and the importance of the rights at stake.

[44] *House Comm. Report at 27-28.* The available records also establish that the timing of the contacts isolated for the House is also consistent with the timing of other events that occurred in 1981 that were likely to have required communication between the two men. See *Provisional Report, supra* note 16, at 54-58. Other records through which further events might be reconstructed or recollections refreshed have been long since discarded.

[45] *House Comm. Rep.* at 13-18, 65-66, *compare Provisional Report* at 25-28, 96-118. Some of these witnesses have never been forced to testify; their roles are indicated only by secondary accounts. Their death deprives the judge not only of the right to seek their testimony now, but also of the right ever to confront them.

[46] The concerns are heightened by the House's decision to expand its allegations to include events in 1981 that the prosecutors did not raise at the trial in 1983. For example, the record indicates that several of the dates which the House Committee sees as significant coincide with NBA events in which Judge Hastings and Borders had roles. In 1983, other NBA officials and members might have recalled these events and provide accurate information. They have never been called to testify, and it is unfair to make Judge Hastings's defense dependent upon their present recollection of events they have not been asked to consider for more than seven years.

[47] *United States* v. *Marion* 404 U.S. 307, 324 (principle recognized); *United States v. Lovasco,* 431 U.S. 783, 789-90 (reaffirming principle and indicating the test is whether compelling respondent to stand trial after governmental delay would violate fundamental conceptions of justice which define " 'the community's sense of fair play and decency' ").

[48] *United States v. Ewell,* 386, U.S. 116, 120-22 (1966) (statutes of limitation establishes primary means implementing constitutional protection against overly stale charges); *Toussie v. United States,* 397 U.S. 112, 114-15 (1970) (statutes to be construed in favor of repose to implement constitutional purposes); *United States v. Marion,* 404 U.S. 307, 322 (1977) (statutes establish an "irrebuttable presumption that a defendant's right to a fair trial would be prejudiced").

[49] 18 U.S.C. § 3282 (establishing general bar to prosecution of federal offenses, unless indictment is returned within five years).

[50] *Toussi,* 397 U.S. at 114-15, *quoted with approval in Marion,* 404 U.S. at 323. The application of the statutory bar that gave rise to that statement illustrates the importance of the policies declared and the need for their application here. There the Court had before it a citizen whom a jury had found guilty of having willfully failed to register for the draft and who had thereby avoided the possibility of being called to service. The Court recognized that there was merit in the claim that the application of the bar in such a case "is an injustice in a society based upon full and equal application of the laws." Nonetheless, the Court reversed the conviction and ordered that the indictment be dismissed in order to effectuate the overriding purposes established by the statutory definition of policy. Here, the Senate has before it a judge whom a jury acquitted of the accusations the House wishes to reprosecute. The intervening delay confirms that justice to society, as well as the accused, weighs heavily in favor of respecting that verdict.

[51] *See, e.g., The Federalist No. 78* (Hamilton).

[52] U.S. Const., art. III, § 1 (tenure and compensation); art. I, § 2, cl. 5 (sole power of impeachment); art. I, § 3, cl. 6 (sole power to try impeachments).

[53] *The Federalist No. 79* at 532-33 (Hamilton).

[54] *See Hastings v. Judicial Conference of the United States,* 770 F.2d 1093, 1104-11 (D.C. Cir. 1985) (Edwards, J., concurring) (for an eloquent summary).

[55] The judiciary, of course, had and retains the very substantial informal powers inherent in the pressure that peers may always bring to bear upon one of their number whose conduct significantly departs from the norms they deem appropriate.

[56] The problem could not practically arise with officers in the executive branch because a President who intended criminal prosecution would first dismiss the officer.

[57] *See,* J. Borkin, *The Corrupt Judge* (1962) (for a description of all criminal prosecutions of federal judges through 1962).

[58] *See Chandler v. Judicial Council of the Tenth Circuit of the United States,* 398 U. 74 (1970); *see also id.* at 89-130 (Harlan, J., concurring) (for a detailed summary of the evolution of the corporate judiciary through that date).

[59] *See Hastings v. Judicial Conference of the United States,* 829 F.2d 91, 109-11 (D.C. Cir. 1987) (Buckley, J., dissenting) (for a former Senator's views of the constitutional and political consequences of the exercise of the powers conferred by the 1980 Act in the manner done in this case).

[60] A condition that requires disqualification. 28 U.S.C. § 455(a).

ADDENDUM A*

23a

*Reproduced from "Appendix," *Petition for Writ of Certiorari, Hastings v. United States,* No. 82-863 (U.S.).

Appendix D

[United States District Court for the Southern District of Florida]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* WILLIAM A. BORDERS, JR., AND ALCEE L. HASTINGS, DEFENDANTS

Criminal No. 81-596-CR-ETG

Violations of 18 U.S.C. 371 (conspiracy); 18 U.S.C. 1503 (obstruction of justice); 18 U.S.C. 2 (aiding and abetting); 18 U.S.C. 1952 (Travel Act)

INDICTMENT

The grand jury charges:

COUNT I

1. From on or about September 10, 1981 until October 9, 1981 and at all times pertinent to this indictment, William A. Borders, Jr., defendant herein, was an attorney living in Washington, D.C.

2. From on or about September 10, 1981 until October 9, 1981 and at all times pertinent to this indictment, Alcee L. Hastings, defendant herein, was a United States District Court Judge in the Southern District of Florida.

Reproduced from "Appendix," *Petition for Writ of Certiorari, Hastings, v. United States,* No. 82-863 (U.S.).

3. At all times pertinent to this indictment, Paul Rico, a retired agent of the Federal Bureau of Investigation, acted in an undercover capacity for the Government and posed as Frank Romano, who, along with his brother, Thomas Romano, had been convicted by a jury on December 23, 1980 of racketeering charges after a trial before defendant Alcee L. Hastings and had been sentenced by defendant Alcee L. Hastings on July 8, 1981.

4. Beginning on or about September 10, 1981 (the exact date being unknown to the Grand Jury) and continuing until on or about October 9, 1981, in the Southern District of Florida and elsewhere, defendants William A. Borders, Jr. and Alcee L. Hastings did willfully and knowingly combine, conspire, confederate and agree together to:

(a) violate Title 18, United States Code, Section 201(c), to wit: the defendants William A. Borders, Jr. and Alcee L. Hastings did conspire and agree together corruptly to ask, solicit, seek, accept, receive and agree to receive, directly or indirectly, a sum of money for themselves in return for defendant Alcee L. Hastings being influenced in his performance of official acts as a United States District Judge; and

(b) defraud the United States of America and the people of the United States in connection with the performance of lawful governmental functions:

(1) of and concerning the right of the United States and its citizens to have the lawful functions of the federal judiciary exercised and administered free from corruption, conflict of interest, fraud and obstruction;

(2) of and concerning the right of the United States and its citizens to the conscientious, faithful, disinterested and unbiased judgments and actions of the defendant Alcee L. Hastings as a United States District Court Judge, free from fraud, corruption, partiality, dishonesty, conflict of interest, and improper influences.

5. It was an object of the conspiracy that defendants William A. Borders, Jr. and Alcee L. Hastings would agree to receive money from criminal defendants who appeared before Judge Hastings in return for promises that Judge Hastings would perform acts in his official capacity on behalf of said criminal defendants.

6. It was also an object of the conspiracy that defendants William A. Borders, Jr. and Alcee L. Hastings would perform and promise to perform acts to affect cases that were before defendant Alcee L. Hastings, including defendant Alcee L. Hastings making legal rulings and William A. Borders, Jr. giving directions to criminal defendants whom he did not represent, all acts done to facilitate improper payments made by these criminal defendants to defendants William A. Borders, Jr. and Alcee L. Hastings.

7. It was part of said conspiracy that defendants William A. Borders, Jr. and Alcee L. Hastings would receive $150,000 from someone they believed to be Frank Romano, in return for Judge Hastings reducing the sentences he had previously imposed against the Romano brothers.

8. It was further part of said conspiracy that defendant William A. Borders, Jr. would meet with someone he believed to be Frank Romano, and set the terms of the $150,000 payment.

9. It was further part of said conspiracy between the defendants that the terms of the $150,000 payment would be as follows:

(a) Defendant Alcee L. Hastings would have dinner at 8:00 p.m. on September 16, 1981 at a restaurant in the Miami area selected by the Romanos as proof of defendant Alcee L. Hastings' participation in the bribery scheme;

(b) The Romanos would make an "up front" payment to defendant William A.

Borders, Jr. on September 19, 1981 as demonstration of their good faith;

(c) Defendant Alcee L. Hastings would issue an order returning a substantial portion of property owned by the Romano brothers that defendant Alcee L. Hastings had ordered forfeited as part of the criminal penalties imposed against the Romano brothers;

(d) The Romanos would pay the remaining portion of the $150,000 payment;

(e) The Romanos would file a motion to mitigate the three-year prison sentences that had been imposing against them on July 8, 1981 by defendant Alcee L. Hastings; and

(f) Defendant Alcee L. Hastings would resentence the Ronamos and eliminate the prison sentences he had originally imposed against them.

OVERT ACTS

In furtherance of the conspiracy, the following overt acts, among others, were committed:

1. On or about September 12, 1981, in the Southern District of Florida, defendant William A. Borders, Jr. met with Paul Rico, posing as Frank Romano, and discussed the $150,000 bribe that would be paid to reduce the sentences that had been imposed by defendant Alcee L. Hastings against the Romano brothers.

2. On or about September 16, 1981, in the Southern District of Florida, defendant Alcee L. Hastings had dinner at the Fountainbleau Hotel on Miami Beach.

3. On or about September 19, 1981, in the Southern District of Florida, defendant William A. Borders, Jr. received $25,000 from Paul Rico, posing as Frank Romano, as good faith "up front" money of the $150,000 payoff.

4. On or about October 6, 1981, in the Southern District of Florida, defendant Alcee L. Hastings issued an order in which he ordered the return of a substantial portion of property belonging to the Romano brothers that he had previously ordered forfeited.

5. On or about October 7, 1981, defendant William A. Borders, Jr. telephoned Paul Rico, posing as Frank Romano, in the Southern District of Florida and requested that Rico come to Washington, D.C. to pay him the remaining $125,000 of the bribe.

6. On or about October 9, 1981, defendant William A. Borders, Jr. met with Paul Rico at a motel in Arlington, Virginia to receive the remaining $125,000 of the bribe.

(In violation of Title 18, United States Code, Section 371)

COUNT II

1. The allegations of paragraphs one through three of this Indictment are realleged herein as though fully set forth.

2. From on or about September 10, 1981 (the exact date being unknown to the Grand Jury) and contining until October 9, 1981 in the Southern District of Florida and elsewhere, the defendants William A. Borders, Jr. and Alcee L. Hastings, acting unlawfully, willfully and knowingly and aiding and abetting each other, did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due administration of justice in that during the aforesaid period of time:

(a) Defendant Alcee L. Hastings did disclose to defendant William A. Borders, Jr. the substance of a judicial order in the case captioned *United States v. Romano,* 78-364-CR-ALH, that had not yet been issued by defendant Alcee L. Hastings;

(b) Defendant Alcee L. Hastings did give to defendant William A. Borders, Jr. advance notice as to when a judicial order in the case captioned *United States v. Romano,* 78-364-CR-ALH, would be issued;

(c) Defendant Alcee L. Hastings did issue an order in the case captioned *United States v. Romano,* 78-364-CR-ALH, wherein the content and timing of said order were consistent with the information defendant Alcee L. Hastings had previously given to defendant William A. Borders, Jr.;

(d) Defendant William A. Borders, Jr. did reveal to an individual he believed to be a defendant in the case captioned *United States v. Romano,* 78-364-CR-ALH, information that had been disclosed to him by defendant Alcee L. Hastings and described in paragraphs (a) and (b) of this Count; and

(e) Defendant William A. Borders, Jr. did instruct an individual he believed to be a defendant in the case captioned *United States v. Romano,* 78-364-CR-ALH, while not representing that individual and knowing that individual to have an attorney, to take various steps, including withdrawing his appeal to the Fifth Circuit, with all said acts done by defendants Alcee L. Hastings and William A. Borders, Jr. to manipulate and interfere with the judicial process in the case captioned *United States v. Romano,* 78-364-CR-ALH, for the purpose of advancing their own private interests.

(In violation of Title 18, United States Code, Sections 1503 and 2)

ADDENDUM B*

SPECIFIC PROFFER REGARDING FUNDAMENTAL FAIRNESS QUESTIONS

In a telephone conversation and in a letter delivered to Judge Hastings' counsel on May 23, 1988, Special Counsel's staff indicated that the Subcommittee wished to hear the views of a constitutional scholar with respect to the questions of fundamental fairness that are briefly discussed in Section Seven of the Provisional Report. Judge Hastings' counsel accordingly requested Professor Thomas G. Krattenmaker of the Georgetown University Law Center to review and address the relevant issues.

Professor Krattenmaker was approached for two reasons. First, as his attached *curriculum vitae* demonstrates, he is eminently qualified to render an opinion on the novel and complex constitutional questions presented by this proceeding.[1] Secondly, Professor Krattenmaker has had no previous contact with Judge Hastings, his counsel, or this case, and his opinions are, therefore, altogether unaffected by any preconceptions or biases.

After a necessarily abbreviated consideration of the issues presented, it is Professor Krattenmaker's view that the strictures of the Due Process Clause are fully and strictly applicable in an impeachment proceeding against a United States judge. He reaches that conclusion not only from textual analysis, but also from consideration of the functional requirement that impeachments be conducted in a manner that will protect the independence of the federal judiciary.

From that premise, Professor Krattenmaker concludes that the standards of proof are identical or virtually so in a criminal prosecution and in a subsequent impeachment proceeding, and that a judge's acquittal in a criminal trial, although not an absolute bar to a later impeachment, nevertheless raises a strong presumption as a matter of due process that the evidence presented to the criminal trial jury should not be reweighed and that the facts which were litigated in the criminal trial should not be redetermined, absent the discovery of proverbial "smoking gun" evidence which was not available at the time of trial.

Similarly, Professor Krattenmaker believes that due process guarantees limit the ability of Congress to base an impeachment upon stale evidence that was discovered and available long ago. Specifically, he is of the opinion that the present proceeding may well come too late, whether the measuring date is Judge Hastings' indictment in 1981, his acquittal in 1983, or the inception of the Eleventh Circuit investigation shortly thereafter.

Consequently, Professor Krattenmaker concludes that, based upon a combination of the prior acquittal and the substantial delay between Judge Hastings's indictment and the initiation of this proceeding, principles of due process raise the presumption in this case that the impeachment proceeding against Judge Hastings should not go forward, unless exceptional shortcomings are discovered with respect to the previous criminal trial.

If called as a witness or permitted the time necessary to prepare a more extended statement, Professor Krattenmaker would develop these views in greater detail.

CURRICULUM VITAE**

(Thomas G. Krattenmaker, April 1988)

PROFESSIONAL EXPERIENCE

1972-Present—Georgetown University Law Center Associate Professor, 1972-1975. Professor (with tenure), 1975-present (on leave, 1978-1980), Associate Dean for Graduate Studies, 1986-present.

1978-1980—Co-director, Network Inquiry Special Staff, Federal Communications Commission.

1971-1972—Chief, Evaluation Division, Bureau of Consumer Protection, Federal Trade Commission.

1970-1971—Law Clerk to Justice John M. Harlan, Supreme Court of the United States.

1968-1970—Assistant Professor of Law, University of Connecticut School of Law.

EDUCATION BACKGROUND

Swarthmore College, B.A., 1965—Phi Beta Kappa. High Honors (with major in economics). General Motors National Scholar.

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* Submitted to Subcommittee on Criminal Justice of the Committee on the Judiciary of the United States House of Representatives (June 16, 1988).

[1] In addition to the qualifications which are apparent from his *curriculum vitae,* it should be noted that Professor Krattenmaker's advice has also been solicited by federal courts on questions affecting the independence of the judicial branch. *See In re Magwood,* 785 F.2d 1077 (D.C. Cir. 1986), where Professor Krattenmaker was appointed by the court as an *amicus curiae* to address the questions whether bankruptcy judges have the authority to exercise the power of contempt; whether the contempt power is an essential judicial attribute for purposes of Article III of the Constitution; and whether a statute that purported to authorized the exercise of contempt power by non-Article III judges would be constitutional. The *Magwood* court characterized Professor Krattenmaker's presentation as "extraordinarily able and illuminating," and "a resounding tribute to the best attributes of the American system of justice." *Id.,* at 1078.

** 1st of 8 pages included in this Addendum.

Extracurricular activities included: three letters in varsity baseball; President, Delta Upsilon fraternity chapter; head student resident (proctor) for college dormitory system.

Columbia University School of Law, 1968—Magna cum laude. Notes Editor, Columbia Law Review. E.J. Noble Fellowship. Columbia University International Fellow. Harlan Fiske Stone Scholar. James Kent Scholar. Archie O. Dawson Prize (awarded by faculty to member of graduating class judged likely to be the best advocate).

PRINCIPAL SUBJECTS TAUGHT

Antitrust Law; Constitutional Law I and II; Supreme Court Seminar; The Federal Courts and the Federal System; Communications Law Seminar.

[In the Senate of the United States, Sitting for the Trial of an Impeachment]

THE HOUSE OF REPRESENTATIVES, OF THE UNITED STATES, PLAINTIFF, *v.* THE HONORABLE ALCEE L. HASTINGS, A JUDGE OF THE UNITED DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, RESPONDENT

MOTION TO DISMISS ARTICLE XVIII

Respondent United States District Judge Alcee L. Hastings moves that the Senate of the United States enter an order dismissing Article XVII of the Articles of Impeachment exhibited against him by the House of Representatives of the United States. The reasons why dismissal is required and the scope of the order that should be entered are developed below.

REASONS WHY THIS MOTION SHOULD BE GRANTED

There are two reasons why the Senate should dismiss Article XVII. First, the Senate should dismiss this article with prejudice on the ground that it fails to allege a separate "high crime or misdemeanor" within the meaning of the Constitution. Second, the Senate must dismiss this article, if it grants Judge Hasting's *Motion to Dismiss Articles I Through XV Without Trial.*[1] We develop these points separately.

A. Article XVII does not allege a separate offense, and the Senate should not permit the House to further dilute the protections that must be accorded an accused judge under the Constitution:

Prior to the impeachment of Judge Archbald in 1912, the House executed its function by alleging and undertaking to prove facts that stated specific and separate offenses against the United States. This practice enabled the accused to defend himself, confident that he would be acquitted unless the House proved that he had committed one or more of the specific offenses it had alleged to the satisfaction of two thirds of the Senators present on the day of judgment.

That practice clearly conformed to the intent of the framers. The framers had considered and rejected the English practice that permitted removal upon joint address by the two Houses of Parliament on the ground that such a legislative process was too political and undermined the necessary independence of officers in the other branches to whom the procedure would apply. The framers settled instead upon the judicial process of impeachment and trial for high crimes and misdemeanors as the procedure for removal that was consistent with the separation and independence necessary to assure the executive and judicial branches could exercise their constitutional functions properly.

Under that practice, the security of a judge could only be attacked if the House isolated acts of specific conduct that constituted one or more high crimes and misdemeanors within the meaning of the Constitution. This restriction did not, of course, restrict the power of the House to allege and the Senate to consider political offenses against the United States that would not have constituted crimes under statutory standards. Nor did it restrict the House from testing and the Senate from deciding whether acts that constituted specific breaches of good behavior should be also deemed offenses within the impeachment standard as it applied to judges.[2] Although this left judges vulnerable to a somewhat uncertain standard, it did protect them from impeachments based upon accumulations of dissatisfactions where no specific and substantial offense could be proved.

The traditional practice also accorded with the requirements of fundamental fairness to the accused and placed a modest, but healthy, restraint upon the House and, indeed, upon the Senate. The accused received notice of the specific offenses of which he was accused and was able to use the rules governing relevance and the use of evidence of other acts to limit the House's evidence to that which bore upon the specific offenses the House had alleged. Under that practice, the House did not allege the same offense in different forms. More important it did not combine the offenses in a manner that permitted cumulative voting in the Senate. The Senators were required to consider the specific offense alleged separately and to vote to convict or acquit on each based upon the evidence before them. Although few would doubt that a spill-over effect may have influenced some votes, the framers' intent and the accused's rights were honored in form and in substance, insofar as that was practicable.

The House has avoided these modest constraints in three impeachments it has brought to the Senate in this century. In each, it has adopted the practice of exhibiting a culminating article that subsumed and collected the specific accusations made in the prior articles and alleged them as a separate offense. The practice had no real consequences in the *Archbald* and *Claiborne* impeachments; *Archbald* was acquitted in any event, and *Claiborne* was convicted on other counts. Ritter is the only case in which the practice, albeit in a far more restricted form then here, was upheld. We submit that the consequences of the practice in *Ritter,* and the apparent encouragement the House drew from that success as reflected in the articles exhibited in this case, merit the Senate's attention and reconsideration.[3]

In *Ritter,* The House ultimately framed its accusations in seven articles. Six stated separate offenses; the seventh consolidated them all and realleged the combination as a separate offense. The Senate rejected Judge Ritter's motion to dismiss, and the case proceeded to trail. After the trial, Judge Ritter was acquitted of each of the six separate offenses. The votes of those who thought him guilty of one or more were permitted to cumulate in the seventh, and the judge was convicted and removed.[4]

In the present articles, the House has refined and expanded the practice. The articles allege only two independent offenses—that the judge was a participant in a 1981 conspiracy (Article I) and that he improperly disclosed confidential information acquired in the course of his duties in 1985 (Article XI). The fact that the judge was acquitted in 1983 of the offense alleged in Article I made it necessary for the House to allege that the testimony he provided at the trial that produced the acquittal was false. They have taken the necessity as an opportunity to convert what is essentially a single accusation into fourteen separate articles (Articles II-XV). In itself, this is not a practice the Senate should encourage.

The problems addressed here, however, focus upon Article XVII, and those are problems that the Senate can and should do something about. That article combines the prior sixteen articles in a single count and asks the Senate to consider them as a single offense.

B. Article XVII must in any event be dismissed, if the Senate grants relief under the motion to dismiss Articles I through XV:

The House asks the Senate to expose Judge Hastings to jeopardy a third time on three of the specifications included in Article XVII. Those three specifications simply reallege the matters alleged in the first fifteen articles in still a third form.

The first specification alleges that the judge did have "(1) a corrupt relationship with William Borders of Washington, DC." That simply restates in summary form the accusation made in Article I, the conspiracy article, without further particulars. The second specification alleges in summary form the accusations that the House made in Articles II through XV—that the judge presented "(2) repeated false testimony under oath at [his] trial." The third specification alleges in a new form the accusation made in Article IX—that the draft "letters for Hemp" which the judge produced reflected a "(3) fabrication of false documents which were submitted as evidence at his criminal trial", rather than constituting genuine documents as the judge had testified.

A trial on an article that includes any of those specifications is barred for the reasons developed in the memorandum that accompanied the motion to dismiss the first fifteen articles. Moreover, if that motion were granted, those specifications would have to be stricken to give effect to the Senate's order. The dismissal of the first fifteen articles and the elimination of the first three specifications would leave Article

[1] The principles that are developed in the *Memorandum in Support of Motion to Dismiss Articles I Through XV Without Trial Based Upon 1983 Jury Verdict and Lapse of Time* ("Article I-XV Mem.") also bear upon the issues raised in this motion. We adopted them here and will amplify their relationship at argument.

[2] The development of the meaning of "high crimes and misdemeanors" in American impeachment practice is summarized in Impeachment Inquiry Staff, "Constitutional Grounds for Presidential Impeachment," *High Crimes and Misdemeanors: Selected Materials On Impeachment,* 1-26 (1973).

[3] Arguments similar to those made here were properly advanced by counsel for Judge Ritter. *See Proceedings of the United States Senate in the Trial of Impeachment of Halsted v. Ritter,* S. Doc. 200, 74th Cong., 2d Sess., 39-43 (1936) ("*Ritter Trial Proceedings*").

[4] Some measure of the Senate's concern over this action is evidenced by the dispute over parliamentary procedures that erupted after the vote, *Ritter Trial Proceedings* at 638-41. A further indication may be taken from the fact that the Senate then *unanimously* voted, 76-0, not to impose the further sanction of the future disqualification, *id.* at 641.

XVII as nothing more than the mirror image of Article XVI. At trial, that article would be both unnecessary and improper. It would not only violate the prohibition against exposing an accused to two convictions for the same offense; it would also expose both the judge and the Senate to an unnecessary and foolish risk of inconsistent verdicts.

CONCLUSION

The foregoing summary should suffice to define the issues that should be addressed by the Senate at argument. It should also suffice to compel the conclusion that Article XVII should dismissed. If the managers can not secure the Houses objective in sixteen attempts, they should not be encouraged or permitted to insist that they are entitled to repackage their prior accusations as the basis for a seventeenth. If, as we believe, a trial is precluded upon the first fifteen articles, the managers should not be permitted to seek a conviction on a "catch-all," article, when there is nothing to catch.

More important, the multiplication of articles and the use of the catch-all technique reflect a practice by the House that undermines the integrity of the impeachment process as well as the rights of the accused. If the Constitution must be amended, the House and Senate should take the actions necessary to initiate that process. The Senate should not, however, join with the House in practices that have and will tactly undermine the integrity of the Constitution in the interim. Article XVII should be dismissed.

Respectfully submitted,

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WILLIAM G. MCLAIN,
ANN B. RICHARDSON,
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PATRICIA GRAHAM WILLIAMS,
1055 NW. 183rd Street, Miami, FL 33169.

Counsel for United States District Judge Alcee L. Hastings.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 21, 1989.

Re impeachment inquiry of Judge Alcee L. Hastings.

Hon. WALTER J. STEWART,
Secretary of the Senate of the United States, Room S-208.

DEAR SECRETARY STEWART: Enclosed for filing is the Joint Statement Pursuant to S. Res. 480 and the Separate Statement of the House of Representatives Submitted Pursuant to S. Res. 480.

Sincerely yours,

ALAN I. BARON,
Special Counsel for the House Managers.

[In the Senate of the United States Sitting As A Court of Impeachment]

JOINT STATEMENT PURSUANT TO SENATE RESOLUTION 480

Pursuant to Senate Resolution 480, counsel for United States District Judge Alcee L. Hastings and the Managers of the House of Representatives do hereby report to the Senate as follows:

(1) There have been no stipulations agreed to by counsel for the parties.

(2) There has been no other agreement by counsel for the parties on matters which may facilitate the resolution of this impeachment.

On this day, the Managers for the House of Representatives have also submitted to the Senate a Separate Statement of the House of Representatives Submitted Pursuant to S. Res. 480. Counsel for Judge Hastings reserves the right to respond to that Separate Statement.

Respectfully submitted,

TERENCE J. ANDERSON,
Counsel for U.S. District Judge Alcee L. Hastings.
ALAN I. BARON
Special Counsel for the Managers of the House of Representatives.

February 20, 1989.

[In the Senate of the United States Sitting as a Court of Impeachment]

In re Impeachment of Judge Alcee L. Hastings.

SEPARATE STATEMENT OF THE HOUSE OF REPRESENTATIVES SUBMITTED PURSUANT TO SENATE RESOLUTION 480

Senate Resolution 480 directs counsel to the parties to the impeachment:

to work together to stipulate to evidentiary matters that are not in dispute, including stipulations as to documents, and [to] jointly report, by February 20, 1989, on the stipulations to which such counsel have agreed, and on any other matter which such counsel agree may facilitate the resolution of this impeachment.

The Joint Statement of counsel for the parties, filed this day, sets forth the absence of agreement on any such matter. However, in order to apprise the Senate of the exchange of proposals between the parties pertaining to matters that may facilitate the resolution of this impeachment, and the responses thereto, the House Managers respectfully submit the following:

(1) Proposed Stipulation of Documents, submitted by the House Managers on December 15, 1988.

(2) Proposed Stipulation of Facts, submitted by the House Managers on December 15, 1988.

(3) Statement of Respondent concerning stipulations, contained in Statement on Behalf of United States District Judge Alcee L. Hastings Concerning Procedures Necessary for a Fair Trial in the Senate in the Present Case of Impeachment at 8-9, dated January 17, 1989. (This memorandum was submitted to the Senate Committee on Rules and Administration.)

(4) First Request for Production of Documents and Other Tangible Materials, submitted by Respondent on December 28, 1989.

(5) Response of the House of Representatives to Respondent's First Request for Production of Documents and Other Tangible Materials, submitted on January 26, 1989.

(6) Proposal by the House of Representatives concerning Admissions, contained in Response of the House of Representatives to the December 12, 1988 Letter from the Senate Committee on Rules and Administration, at 2-3.

(7) Statement of Respondent concerning admissions, contained in Testimony of Terence J. Anderson on Behalf of United States District Judge Alcee L. Hastings Before the Senate Committee on Rules and Administration, at 10-11.

With respect to the House proposals on stipulations and admissions, the responses of Respondent listed above constitute the only written statements thus far submitted which relate to these matters.

Finally, the House Managers state that the original documents described in their proposed Stipulation as to Documents have been made available for inspection by the counsel for Judge Hastings, but that thus far, counsel has declined to begin that inspection.

Respectfully submitted,

THE U.S. HOUSE OF REPRESENTATIVES,
ALAN I. BARON,
Special Counsel.

Managers of the House of Representatives:

Jack Brooks; John Conyers, Jr., Mike Synar; John Bryant; Hamilton Fish, Jr.; and George W. Gekas.

Impreachment Trial Staff:

Alan I. Baron, Special Counsel; Janice E. Cooper, Assistant Special Counsel; Patricia Wynn, Assistant Special Counsel; and Lori E. Fields, Assistant Special Counsel

House Judiciary Committee Staff Participating in Impeachment Trial Preparation:

William M. Jones, General Counsel; Alan F. Coffey, Jr., Chief Associate Counsel; Daniel M. Freeman, Counsel; Peter Levinson, Associate Counsel; and Raymond V. Smietanka, Associate Counsel.

February 20, 1989.

EXHIBIT 1

[In the Senate of the United States Sitting As a Court of Impeachment]

In re Impeachment of Judge Alcee L. Hastings.

PROPOSED STIPULATION OF DOCUMENTS

The House of Representatives, through its Managers, proposes that the parties stipulate to the following for purposes of this action only:

(1) That each of the documents listed in the attached schedule is genuine.

(2) That the documents listed in the attached schedule in categories A1-13a; A14-15; B; C; I3-7; J5 and J13 and the transcriptions of tape recordings listed in the attached schedule in categories D3-8; D10; D12, D14; D16-19; D21-22 and D24 are all records made at or near the time of the event reported, by a person with knowledge of the event or from information received from a person with knowledge of the event as part of a regularly conducted business activity.[1]

(3) That the documents listed in the attached schedule in categories F1b; F1g; F3a; F3c-d; F4-5; F6a-b; F7-10; F12-14; G1b-d,f,g; J1-4; and J10-11 and the transcriptions of tape recordings listed in the attached schedule in categories F1c-d; F2a; F3b; F6c; G1e and G2 are all records setting

[1] With regard to the transcriptions of tape recordings in this stipulation and in stipulation 3, below, these stipulations are intended to include the transcriptions only, and not the content of the recorded conversations.

forth the activities of a public office or agency or matters observed and reported pursuant to an official duty to observe and report.[2]

These stipulations do not preclude pertinent objections to the admissibility of the documents listed in the attached schedule based on matters not addressed in these stipulations.

Respectfully submitted,

THE U.S. HOUSE OF REPRESENTATIVES,
ALAN I. BARON,
Special Counsel.

Managers of the House of Representatives:

Peter W. Rodino, Jr.; John Conyers, Jr.; Don Edwards; John Bryant; Hamilton Fish, Jr.; and George W. Gekas.

Impeachment Trial Staff:

Alan I. Baron, Special Counsel; Janice E. Cooper, Assistant Special Counsel; Patricia Wynn, Assistant Special Counsel; and Lori E. Fields, Assistant Special Counsel.

House Judiciary Committee Staff Participating in Impeachment Trial Preparation:

M. Elaine Mielke, General Counsel; Alan F. Coffey, Jr., Associate Counsel; and Peter Levinson, Counsel.

SCHEDULE OF DOCUMENTS

A. Telephone Records:

1. Telephone bills for (305) 731-8176, residence telephone of Judge Alcee L. Hastings, January 1, 1981 through November 30, 1981. *See* Appendix II, Part 1, at 500-01, 503-04, 838, 936; Part 2 at 977, 996, 1056, 1063, 1070, 1076, 1198-99, 1434-35; Part 3 at 2099, 2154, 2301-03, 2312-13, 2317, 2321 and 2331.[1]

2. Telephone bills for (305) 731-8176, residence telephone of Judge Alcee L. Hastings, December 26, 1979 through January 5, 1981. *See* Appendix II, Part 3 at 2431-67.

3. Telephone bills for (305) 350-4201, 350-4220, 350-4228, 350-4278, 350-4279, 350-4280, 350-4289 and 350-5011, telephones in the chambers of Judge Alcee L. Hastings. February 24, 1981 through October 20, 1981. *See* Appendix II, Part 3 at 2402-13, 2429 and 2666-68.

4. Telephone bills for (305) 945-9939, residence telephone of William Dredge (under the name of Howard Schlosser), January 1, 1981 through December 15, 1981. *See* Appendix II, Part 1 at 784-85; Part 2 at 1051-52.

5. Telephone bills for (305) 841-0737, business telephone of William Dredge, March 14, 1981 through November 30, 1981. *See* Appendix II, Part 2 at 944, 1073, 1411 and 1418.

6. Telephone bills for (202) 398-6321, residence telephone of William Borders, May 1, 1981 through November 1, 1981. *See* Appendix II, Part 1 at 843, 904, 906; Part 2, at 1061, 1072, 1405; Part 3 at 2343-48 and 2355.

7. Telephone bills for (202) 387-1100, 387-1101, 387-1102, 387-1103, 387-1104, 387-1105, 387-2229 and 387-2255, business telephones of William Borders (under the name of James W. Cobb), July 16, 1981 to August 14, 1981; and September, 1981. *See* Appendix II, Part 2 at 1384, 1420-21; Part 3 at 2326-28, 2350-52, 2354-2400 and 2663.

8. Office telephone logs of William Borders, April 7, 1981 through April 17, 1981; April 22, 1981 through May 7, 1981; May 26, 1981 through June 23, 1981; and July 3, 1981; through October 10, 1981. *See* Appendix II, Part 1 696, 705, 707, 717, 719, 730, 749, 787, 902, 919, 921, 923, 927; Part 2 at 985, 989, 999, 1001, 1005, 1007, 1013, 1177-79, 1188, 1190, 1246, 1407, 1409, 1423, 1445, 1503, 1839; Part 3 at 2305-10, 2315, 2319, 2323-24 and 2340-41.

9. Telephone bills for (305) 757-6530, residence telephone of H. Paul Rico, September 23, 1981 through October 30, 1981. *See* Appendix II, Part 2 at 1662.

10. Telephone bills for (305) 733-1697, residence telephone of Patricia Williams, January 1, 1981 through October 31, 1981. *See* Appendix II, Part 3 at 2096-97, 2680 and 2689.

11. Telephone billing records of Patricia Williams, January 1, 1979 through December 31, 1980. *See* Appendix II, Part 3 at 2690-91.

12. Telephone bills for (305) 486-0733, residence telephone of Mildred Hastings, January 1, 1981 through October 31, 1981. *See* Appendix II, Part 3 at 2051 and 2469-86.

13a. Subscriber information for (202) 789-9108, United States Courthouse, Washington, D.C. 1st Floor Section B, August 7, 1981. *See* Appendix II, Part 3 at 2488.

b. Floor plan for United States Courthouse, Washington, D.C., 1st Floor. *See* Appendix II, Part 3 at 2490.

14. L'Enfant Plaza Hotel Hobic printout, October 9, 1981. *See* Appendix II, Part 3 at 1965-2003.

15. Chesapeake & Potomac Telephone Company computer records, L'Enfant Plaza Hotel, October 9, 1981, *See* Appendix II, Part 3 at 2024-26.

16. List of Identified Telephone Numbers. *See* Appendix II, Part 1 at 505-48.

17. Quick Reference to Identified Telephone Numbers. *See* Appendix II, Part 1 at 550-53.

B. Airline Records:

1. Eastern Airlines Reservation Record for William Borders, May 5, 1981. *See* Appendix II, Part 1 at 751; Part 2 at 1021.

2. Eastern Airlines Reservation Record for William Borders, May 5, 1981. *See* Appendix II, Part 1 at 755; Part 2 at 1025.

3. Eastern Airlines Ticket No. 4447:524:604, coupon 2, issued to William Borders for May 5, 1981. *See* Appendix II, Part 1 at 753; Part 2 at 1019.

4. Eastern Airlines Reservation Record for Judge Alcee L. Hastings, May 5, 1981. *See* Appendix II, Part 1 at 765.

5. Eastern Airlines Reservation Record for William Dredge, July 7, 1981. *See* Appendix II, Part 2 at 941.

6. Eastern Airlines Reservation Record for William Dredge, July 9, 1981. *See* Appendix II, Part 2 at 943.

7. Eastern Airlines Ticket No. 8352:834:885, coupon 1, issued to William Borders for July 7, 1981. *See* Appendix II, Part 2 at 939; and 1074.

8. Eastern Airlines Reservation Record for William and Lorraine Dredge, July 16-19, 1981. *See* Appendix II, Part 2 at 1196.

9. Eastern Airlines Ticket No. 1225:325:511, coupon 1, issued to Lorraine Dredge for July 16, 1981. *See* Appendix II, Part 2 at 1192.

10. Eastern Airlines Ticket No. 1225:325:512, coupon 1, issued to Lorraine Dredge for July 16, 1981. *See* Appendix II, Part 2 at 1194.

11. Eastern Airlines Ticket No. 007:4476:621:095, coupon 1, issued to Judge Alcee L. Hastings for July 17, 1981. *See* Appendix II, Part 2 at 1201.

12. Eastern Airlines Ticket No. 007:4476:621:095, coupon 2, issued to Judge Alcee L. Hastings for July 20, 1981. *See* Appendix II, Part 2 at 1262.

13. Eastern Airlines Ticket No. 007:4479:834:615, coupon 2, issued to William Borders for August 21, 1981. *See* Appendix II, Part 2 at 1315.

14. Eastern Airlines Timetable, effective September 9, 1981. *See* Appendix II, Part 2 at 1431-32, 1464, 1629-30 and 1658-59.

15. Eastern Airlines Information Record for Flight No. 176, September 11, 1981. *See* Appendix II, Part 2 at 1437.

16. Eastern Airlines Boarding Pass for William Borders, September 11, 1981. *See* Appendix II, Part 2 at 1449 and 1458.

17. Eastern Airlines Information Record for Flight No. 664, September 12, 1981. *See* Appendix II, Part 2 at 1518.

18. Eastern Airlines Reservation Record for William Borders, September 12, 1981. *See* Appendix II, Part 2 at 1516.

19. Eastern Airlines Ticket No. 007:4476:120:986, coupon 1, issued to William Borders for September 12, 1981. *See* Appendix II, Part 2 at 1514.

20. Eastern Airlines Ticket No. 007:4455:548:497, coupon 1, issued to Judge Alcee L. Hastings for September 13, 1981. *See* Appendix II, Part 2 at 1562.

21. Eastern Airlines Reservation Record for Flight No. 177, September 14, 1981. *See* Appendix II, Part 3 at 2537.

22. Eastern Airlines Ticket No. 007:4448:664:000, coupon 1, issued to William Borders for September 18, 1981. *See* Appendix II, Part 2 at 1623.

23. Eastern Airlines Ticket No. 007:4448:664:000, coupon 2, issued to William Borders for September 18, 1981. *See* Appendix II, Part 2 at 1625 and 1649.

24. Eastern Airlines Ticket No. 007:4448:664:000, coupon 3, issued to William Borders for September 19, 1981. *See* Appendix II, Part 2 at 1651.

25. Eastern Airlines Request for Information Re: Ticket No. 007:4448:664:000, October 28, 1981. *See* Appendix II, Part 2 at 1633.

26. Eastern Airlines Timetable, effective October 1, 1981. *See* Appendix II, Part 2 at 2086-87.

27. Eastern Airlines Passenger Flight Information Report, October 9, 1981. *See* Appendix II, Part 3 at 2075.

28. Eastern Airlines Ticket No. 007:4476:621:095, coupon 2, issued to Judge Hastings for October 9, 1981. *See* Appendix II, Part 3 at 2073.

29. Delta Airlines Passenger History Record for Judge Alcee L. Hastings, October 9, 1981. *See* Appendix II, Part 1 at 379; Part 3 at 2092.

30. Delta Airlines Ticket No. 006:4813:146:683, coupon 4, issued to Judge Alcee L. Hastings for October 9, 1981. *See* Appendix II, Part 1 at 377; Part 3 at 2094.

31. Air Florida Ticket No. 8401:332:606, coupon 1, issued to William Borders for September 11, 1981. *See* Appendix II, Part 2 at 1447.

32. Air Florida Ticket No. 8401:332:606, coupon 2, issued to William Borders for September 11, 1981. *See* Appendix II, Part 2 at 1505.

33. American Airlines Ticket No. 001:4446:572:005, coupon 1, issued to William Borders for September 15, 1981. *See* Appendix II, Part 2 at 1390, 1564 and 1609.

34. American Airlines Ticket No. 001:4446:572:005, coupon 2, issued to William Borders for September 15, 1981. *See* Appendix II, Part 2 at 1392, 1566 and 1610.

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[2] With respect to G2, the stipulations goes only to the transcript of the Investigating Committee proceedings.

[1] The citations are to the appendices published in the Matter of the Impeachment Inquiry Concerning U.S. District Judge Alcee L. Hastings Before the Subcommittee on Criminal Justice of the House Committee on the Judiciary, 100th Cong., 2nd Sess. (1988).

35. American Airlines Ticket No. 001:4446:572:005, coupon 3, issued to William Borders for September 18, 1981. *See* Appendix II, Part 2 at 1394 and 1611.

36. American Airlines Ticket No. 001:4446:572:005, coupon 4, issued to William Borders for September 18, 1981. *See* Appendix II, Part 2 at 1396 and 1612.

C. HOTEL RECORDS

1. Beverly Hills Hotel, bill of Thomas and Frank Romano, April 7-11, 1981. *See* Appendix II, Part 1 at 657-59.

2. Sheraton Washington Hotel, reservation card of Judge Alcee L. Hastings, September 11, 1981. *See* Appendix II, Part 2 at 1454.

3. Sheraton Washington Hotel, bill of Judge Alcee L. Hastings, September 11-13, 1981. *See* Appendix II, Part 2 at 1456 and 1524.

4. Sheraton Washington Hotel, bill of Jesse McCrary, September 12-13, 1981. *See* Appendix II, Part 2 at 1529.

5. Riviera Hotel (Las Vegas, Nevada), registration card of William Borders, September 15, 1981. *See* Appendix II, Part 2 at 1572.

6. Miami International Airport Hotel, bill of William Borders, September 19, 1981. Appendix II, Part 2 at 1631.

7. L'Enfant Plaza Hotel, bill no. 16182 of Judge Alcee L. Hastings, October 9, 1981. *See* Appendix II, Part 2 at 1953; Part 3 at 2041.

8. L'Enfant Plaza Hotel, room service bill of Judge Alcee L. Hastings, October 9, 1981. *See* Appendix II, Part 2 at 1889.

9. L'Enfant Plaza Hotel, bill no. 15750 of Frank Mitchell, October 10, 1981. *See* Appendix II, Part 3 at 2034.

10. L'Enfant Plaza Hotel, bill no. 16183 of William Borders, October 10, 1981. *See* Appendix II, Part 3 at 2036.

D. TAPE RECORDINGS AND TRANSCRIPTS

1. Tape recording and transcript of conversation by Roger Shuy, September 12, 1981, 8:05 a.m. (Rico and Borders). *See Impeachment Inquiry, Hearings Before the Subcommittee on Criminal Justice,* 100th Cong., 2d Sess. 1988 ["Impeachment Inquiry"] at 26-37.

2. Tape recording and transcript of conversation by Roger Shuy, September 19, 1981, 9:47 a.m. (Rico and Borders). *See* Impeachment Inquiry at 46-53.

3. Tape recording and FBI transcript of telephone conversation, October 2, 1981, 10:20 a.m. (Rico and unidentified receptionist at Borders' office). *See* Appendix II, Part 2 at 1664-65.

4. Tape recording and FBI transcript of telephone conversation, October 2, 1981, 12:29 p.m. (Rico and unidentified receptionist at Borders' office). *See* Appendix II, Part 2 at 1667-68.

5. Tape recording and FBI transcript of telephone conversation, October 2, 1981, 2:20 p.m. (Borders and Bob (last name unknown)). *See* Appendix II, Part 2 at 1670-71.

6. Tape recording and FBI transcript of telephone conversation, October 2, 1981, 2:49 p.m. (Borders and unidentified receptionist at Borders' office). *See* Appendix II, Part 2 at 1673.

7. Tape recording and FBI transcript of telephone conversation, October 2, 1981, 3:01 p.m. (Rico and unidentified receptionist at Borders' office). *See* Appendix II, Part 2 at 1675-76.

8. Tape recording and FBI transcript of telephone conversation, October 2, 1981, 3:02 p.m. (unidentified receptionist at Borders' office and Borders). *See* Appendix II, Part 2 at 1678-79.

9. Tape recording and transcript of telephone conversation by Roger Shuy, October 2, 1981, 3:10 p.m. (Rico and Borders). *See* Impeachment Inquiry at 55-58.

10. Tape recording and FBI transcript of telephone conversation, October 2, 1981, 4:50 p.m. (unidentified secretary at Borders' office and unidentified receptionist in Judge Hastings' chambers). *See* Appendix II, Part 2 at 1686.

11. Tape recording and transcript of telephone conversation by Roger Shuy, October 4, 1981, 9:38 a.m. (Rico and Borders). *See* Impeachment Inquiry at 62.

12. Tape recording and FBI transcript of telephone conversation, October 5, 1981, 4:22 p.m. (Rico and Borders). *See* Appendix II, Part 2 at 1704-06.

13. Tape recording and transcript of telephone conversation by Roger Shuy, October 5, 1981, 5:12 p.m. (Judge Hastings and Borders). *See* Impeachment Inquiry at 67-68.

14. Tape recording and FBI transcript of telephone conversation, October 7, 1981, 10:01 a.m. (Rico and unidentified receptionist at Borders' office). (*See* Day 6).

15. Tape recording and transcript of telephone conversation by Roger Shuy, October 7, 1981, 12:19 p.m. (Rico and Borders). *See* Impeachment Inquiry at 70-72.

16. Tape recording and FBI transcript of telephone conversation, October 7, 1981, 12:22 p.m. (Borders and unidentified female).

17. Tape recording and FBI transcript of telephone conversation, October 7, 1981, 3:14 p.m. (Dredge and Borders). *See* Appendix II, Part 2 at 1799-1800.

18. Tape recording and FBI transcript of telephone conversation, October 7, 1981, 3:32 p.m. (Dredge and Borders). *See* Appendix II, Part 2 at 1802.

19. Tape recording and FBI transcript of telephone conversation, October 7, 1981, 7:39 p.m. (Rico and Borders). *See* Appendix II, Part 2 at 1762-64.

20. Tape recording and transcript of telephone conversation by Roger Shuy, October 8, 1981, 9:37 a.m. (Borders and Judge Hastings). *See* Impeachment Inquiry at 77-78.

21. Tape recording and FBI transcript of telephone conversation, October 9, 1981, 10:20 a.m. (Rico and unidentified receptionist at Borders' office).

22. Tape recording and FBI transcript of telephone conversation, October 9, 1981, 11:08 a.m. (Rico and unidentified receptionist at Borders' office).

23. Tape recording and transcript of telephone conversation by Roger Shuy, October 9, 1981, 11:46 a.m. (Rico and Borders). *See* Impeachment Inquiry at 80-81.

24. Tape recording and FBI transcript of telephone conversation, October 9, 1981, 11:58 a.m. (Borders and unidentified receptionist).

25. Tape recording and transcript of telephone conversation by Roger Shuy, October 9, 1981, 12:15 p.m. (Rico and Borders). *See* Impeachment Inquiry at 83-84.

26. Tape recording of conversation, July 16, 1985 (Rivero and Gordon).

27. Tape recording of conversation, July 16, 1985 (Rivero and Gordon).

28. Tape recording of conversation, August 12, 1985 (Rivero and Gordon).

29. Tape recording of conversation, August 20, 1985 (Rivero and Gordon).

30. Tape recording of conversation, August 21, 1985, 1:22 p.m. (Rivero, Gordon and Gino).

31. Tape recording of conversation, August 22, 1985, 12:50 p.m. (Rivero, Clark, Martin and Ferguson).

32. Tape recording of conversation, August 29, 1985, 12:03 p.m. (Gino and Gordon).

33. Tape recording of conversation, August 29, 1985, 5:16 p.m. (Rivero and Gordon).

34. Tape recording of conversation, September 3, 1985 (Gino, Rivero and Gordon).

35. Tape recording of conversation, September 4, 1985, 10:24 a.m. (Rivero and Gordon).

36. Tape recording of conversation, September 4, 1985, 1:08 p.m. (Gino, Gordon and Rivero).

37. Tape recording of conversation, September 6, 1985, 8:58 a.m. (Ferguson and Gordon).

38. Tape recording of conversation, September 6, 1985, 9:23 a.m. (Gordon and Bonehill).

39. Tape recording of conversation, September 6, 1985, 9:31 a.m. (Gordon and Rivero).

40. Tape recording of conversation, September 6, 1985, 10:34 a.m. (Gordon and Bone-hill).

41. Tape recording of conversation, September 6, 1985, 10:42 a.m. (Gordon and Rivero).

42. Tape recording of conversation, September 9, 1985, 11:04 a.m. (Gordon and Bonehill).

43. Tape recording of conversation, September 10, 1985, 10:10 a.m. (Rivero and Gordon).

44. Tape recording of conversation, September 10, 1985 (Rivero, Gordon and Nahay).

45. Tape recording of conversation, September 11, 1985, 10:01 a.m. (Rivero and Gordon).

46. Tape recording of conversation, September 12, 1985, 10:27 a.m. (Ferguson and Gordon).

47. Tape recording of conversation, September 12, 1985, 10:56 a.m. (Gordon and Rivero).

48. Tape recording of conversation, September 25, 1985 (Rivero and Gordon).

49. Tape recording of conversation, September 30, 1985, 1:06 p.m. (Rivero, Gordon, Clark and Ferguson).

50. Tape recording of conversation, October 1, 1985, 12:40 p.m. (Rivero and Gordon).

51. Tape recording of conversation, October 8, 1985, 12:23 p.m. (Rivero and Gordon).

52. Tape recording of conversation, October 11, 1985 (Rivero, Ferguson and Morrison).

53. Tape recording of conversation, December 18, 1985, 12:09 p.m. (Gordon, Morrison, Younk, Gould and Ferguson).

54. Tape recording of conversation, January 17, 1986 (Gordon, Clark and Ferguson).

E. OTHER FBI AND GOVERNMENT DOCUMENTS

1. FBI 302, Interview of Judge Alcee L. Hastings, October 9, 1981. *See* Appendix II, Part 1 at 391-93; Part 3 at 2120-22.

2. FBI 302, Interview of Essie Thompson, October 10, 1981. *See* Appendix II, Part 3 at 2572-73.

3. FBI Arrest Log of Special Agent Dale Bird, October 9, 1981. *See* Appendix II, Part 1 at 354-57; Part 2 at 1852-55.

4. FBI Surveillance Log, July 21, 1981. *See* Appendix II, Part 2, at 1296-98.

5. FBI Surveillance Log, August 21, 1981. *See* Appendix II, Part 2, at 1336-38.

6. FBI Surveillance Log, August 22, 1981. *See* Appendix II, Part 2, at 1344-45.

7. FBI Surveillance Log, October 9, 1981. See Appendix II, Part 2, at 1833-37.

8. Report of Investigation, January 6, 1977. *See* Appendix II, Part 1, at 591.

9. FBI Document No. 5100, List of Cases Assigned to Judge Alcee L. Hastings, October 22, 1979 through September 24, 1981. *See* Appendix II, Part 1 at 460-64.

10. Report of the FBI Laboratory, December 10, 1981. *See* Appendix II, Part 3 at 2700.

11. FBI Report of Laboratory Examination, December 13, 1982. *See* Appendix II, Part 3 at 2698.

12. FBI teletype, March 6, 1986. *See* Impeachment Inquiry, Exhibit E at 576-577.

13. FBI Teletype, May 1, 1986. *See* Impeachment Inquiry, Exhibit H at 590-611.

14. FBI Teletype, May 21, 1986.

15. FBI 302, Interview of Mayor Stephen Clark, February 28-March 5, 1986.

16. FBI 302, Interview of Mayor Stephen Clark, March 10, 1986.

17. FBI 302, service of grand jury subpoena, March 14, 1986.

18. FBI report of interview of Stephen Clark re: Alcee Hastings' application to the federal bench, April 9, 1979.

F. COURT DOCUMENTS AND OPINIONS

1. *United States v. Hastings,* No. 81-596-Cr-ETG

a. Grand Jury Testimony of Jeffrey Miller, Daniel Simons and Marilyn Carter. *See* Appendix II, Part 2 at 1734, 1736-37 and 1757.

b. Indictment *See* Appendix II, Part 3 at 2158-64.

c. Record on Appeal, Volumes 1-27.

d. Supplemental Record on Appeal, Volumes 1-2.

e. Defendant's Reciprocal Discovery Inventory No. 1. *See* Appendix II, Part 3 at 2272.

f. Defendant's Supplemental Discovery Inventory, December 1, 1982. *See* Appendix II, Part 3 at 2702-04.

g. Verdict, February 4, 1983.

2. *United States v. Borders,* No. Cr-82-75-A.

a. Transcript of Proceedings, Volumes I-VI.

3. *United States v. Frank Romano,* No. 78-364-Cr-ALH.

a. Indictment. *See* Appendix II, Part 1 at 421-56.

b. Record on Appeal, Volumes I-XXII.

c. Verdict. *See* Appendix II, Part 1 at 486.

d. Presentence Reports, Thomas and Frank Romano, May 5, 1981. *See* Appendix II, Part 2 at 1173-75.

4. *United States v. Dredge,* Cr. No. R-81-0209.

a. Indictment, April 29, 1981. *See* Appendix II, Part 1 at 814-25.

b. Docket Sheet. *See* Appendix II, Part 1 at 798-812.

c. Notice of Arraignment, May 14, 1981. *See* Appendix II, Part 1 at 834.

d. Notice of Appearance, June 12, 1981. *See* Appendix II, Part 1 at 925.

e. Agreement Letters, September 11, 1981 and October 6, 1981.

5. *United States v. Pride,* Cr-77-214.

a. Docket Sheet. *See* Appendix II, Part 1 at 405.

b. Judgment and Probation/Commitment Order, December 28, 1977. *See* Appendix II, Part 1 at 411.

c. *United States v. Pride,* No. 78-5045, slip op. (4th Cir., December 11, 1979) (per curiam).

d. Disposition Sheet, March 19, 1980. *See* Appendix II, Part at 469 and 566.

6. *United States v. Accardo,* No. 81-230-Cr-ALH.

a. Indictment.

b. Docket Sheet.

c. Hearing Transcript, July 8, 1981. *See* Appendix II, Part 1 at 909-12.

7. *Borders v. Reagan,* C.A. No. 81-1312.

a. Docket Sheet.

b. Order, July 7, 1989. *See* Appendix II, Part 2 at 974.

8. *United States v. Martino,* No. 78-3611, slip op. at 8274-8276 (5th Cir. June 19, 1981), *vacated* 648 F.2d 367 (1981).

9. *United States v. Peacock,* 654 F.2d 339 (5th Cir. 1981).

10. Courtroom Deputy Diary, April 9, 1981. *See* Appendix II, Part 2 at 987.

11. *In The Matter of the Application of the United States of America for an Order Authorizing the Interception of Wire Communications, Misc. No. 412—Hastings.*

a. Application and exhibits thereto, July 15, 1985.

b. Affidavit in Support of Application, July 15, 1985.

c. Sealing Order, July 15, 1985.

d. Order Authorizing the Interception of Wire Communications, July 15, 1985.

e. Redacted (for Southern Bell) Order Authorizing Interception of Wire Communications, July 15, 1985.

f. Minimization Instructions.

g. Order Authorizing an Extension for Thirty (30) Days of Pen Register Devices, July 15, 1985.

h. First Progress Report and Sealing Order, July 22, 1985.

i. Second Progress Report and Sealing Order, July 29, 1985.

j. Third Progress Report and Sealing Order, August 5, 1985.

k. Fourth Progress Report, August 12, 1985, and Sealing Order, August 13, 1985.

l. Fifth Progress Report, August 14, 1985, and Sealing Order, August 15, 1985.

m. Application (for an Order Authorizing the Continued Interception of Wire Communications), August 15, 1985.

n. Affidavit in Support of Application, August 15, 1985.

o. Sealing Order, August 15, 1985.

p. Order Authorizing the Interception of Wire Communications, August 15, 1985.

q. Redacted (for Southern Bell) Order Authorizing Interception of Wire Communications, August 15, 1985.

r. Minimization Instructions.

s. Order Authorizing an Extension for Thirty (30) Days of Pen Register Devices, August 15, 1985.

t. First Progress Report and Sealing Order, August 22, 1985.

u. Second Progress Report and Sealing Order, August 29, 1985.

v. Third Progress Report and Sealing Order, September 5, 1985.

w. Fourth Progress Report (redacted version submitted to Judge Hastings) and Sealing Order, September 12, 1985.

x. Fourth Progress Report (unredacted version submitted to Chief Judge King) and Sealing Orders, September 12, 1985.

y. Fifth Progress Report (redacted version submitted to Judge Hastings) and Sealing Order, September 16, 1985.

z. Fifth Progress Report (redacted version submitted to Chief Judge King) and Sealing Order, September 15, 1985.

12. Plea Agreement of Kevin Gordon, November 20, 1985. *See* Exhibit F to Hearings Volume.

13. Grand Jury subpoena for Stephen P. Clark, February 27, 1986.

14. Return of Service of Grand Jury Subpoena, March 14, 1986.

G. JUDICIAL COUNCIL OF THE ELEVENTH CIRCUIT

1. In the Matter of Certain Complaints Against United States District Judge Alcee L. Hastings

a. Complaint, *In Re: Alcee J. Hastings, U.S. District Judge, Southern District of Florida,* March 17, 1983. *See* Appendix II, Part 3 at 2875-83.

b. Order (Appointing Investigating Committee), March 29, 1983. *See* Appendix II, Part 3 at 2886-89.

c. Order (appointing John Doar), April 13, 1983. *See* Appendix II, Part 3 at 2891-93.

d. Order (appointing Stewart Webb, Jr.), May 10, 1983. *See* Appendix II, Part 3 at 2895.

e. Transcript of Proceedings before Investigating Committee, Days 1-28.

f. Report of the Investigating Committee to the Judicial Council of the Eleventh Circuit.

g. Special and Limited Appearance of the Honorable Alcee L. Hastings, U.S. District Judge, May 16, 1985. *See* Appendix II, Part 3 at 2908-14.

2. Record of Proceedings before a Special Committee for the Judicial Council of the Eleventh Circuit In the Matter of a Complaint filed by William F. Weld. (As submitted by Judge Alcee Hastings to the House of Representatives Subcommittee on Criminal Justice on June 9, 1988.)

H. MEMORANDA

1. Memorandum from Neil Sonnett to File, April 16, 1981. *See* Appendix II, Part 1 at 668.

2. Memorandum from John Owens to File, July 28, 1981. *See* Appendix II, Part 2 at 1279-83 and 1290-94.

3. Memorandum from Martha P. Rogers to File, July 29, 1981. *See* Appendix II, Part 2 at 1268-71.

4. Memorandum from Special Agent John J. Simmons, Jr. to Special Agent in Charge, November 25, 1981. *See* Appendix II, Part 2 at 1871-74.

5. Memorandum from Jack Swerling to File, January 25, 1982. *See* Appendix II, Part 3 at 2183-85.

6. Interoffice Memorandum from Joel Hirschhorn to Judge Alcee L. Hastings and Joel Hirschhorn, January 22, 1982. *See* Appendix II, Part 3 at 2224-26 and 2732-37.

7. Memorandum from Jack Swerling to File, April 29, 1982. *See* Appendix II, Part 3 at 2294-95.

I. LETTERS

1. Letter from Maude P. Pride to Judge Alcee L. Hastings, October 16, 1980. *See* Appendix II, Part 1 at 471-73.

2. Letter from Judge Alcee L. Hastings to Captain Earle Wallo, March 10, 1981. *See* Appendix II, Part 2 at 1039.

3. Letter from Captain Earle Wallo to Judge Alcee L. Hastings, March 11, 1981. *See* Appendix II, Part 2 at 1041.

4. Letter from James Deichert to Judge Alcee L. Hastings, April 23, 1981. *See* Appendix II, Part 1 at 711.

5. Letter from Captain Earle Wallo to Judge Alcee L. Hastings, May 13, 1981. *See* Appendix II, Part 2 at 1043.

6. Letter from Barbara E. Whiting, Re: Dinner Cruise Honoring William Borders, September 21, 1981. *See* Appendix II, Part 1 at 347.

7. Letter from Jean A. Moran (Financial Officer of Columbian Urban League), September 30, 1981. *See* Appendix II, Part 1 at 571.

8. Letter from James E. Dennis (President of Dennis & Associates, Inc.), September 30, 1981. *See* Appendix II, Part 1 at 573.

9. Letter from Patricia Williams to Judge Alcee L. Hastings, October 14, 1981. *See* Appendix II, Part 3 at 2156 and 2850.

10. Letter from Reid Weingarten to Joel Hirschhorn, January 19, 1982. *See* Appendix II, Part 3 at 2200-03.

11. Letter from Reid Weingarten to H.T. Smith, January 19, 1982. *See* Appendix II, Part 3 at 2204-07.

12. Letter from Joel Hirschhorn to Reid Weingarten, January 25, 1982. *See* Appendix II, Part 3 at 2261-62.

13. Letter from Leroy Kelly (The Florida Bar) re: William Borders is not a member, March 2, 1988.

J. MISCELLANEOUS

1. *In the Matter of Hemphill P. Pride, II,* Complaint, December 22, 1977. *See* Appendix II, Part 1 at 413-14.

2. *In the Matter of Hemphill P. Pride, II,* Certification of the Record of Commissioners on Grievances and Discipline to the South Carolina Supreme Court, September 5, 1980. *See* Appendix II, Part 1 at 416-17.

3. *In the Matter of Hemphill P. Pride, II,* Indefinite Suspension, May 26, 1981. *See* Appendix II, Part 1 at 401-03 and 893-95.

4. Permission to Travel for Hemphill Pride, January 20, 1982. *See* Appendix II, Part 3 at 2220.

5. Personal File of Jeffrey Miller, *United States v. Romano. See* Appendix II, Part 2 at 1104-14.

6. New York Times, "16 Indicated Over Union Fund Use," June 5, 1981. *See* Appendix II, Part 1 at 914.

7. Chicago Tribune, "Accardo Indicted In Union Fraud," June 5, 1981. *See* Appendix II, Part 1 at 916-17.

8. Miami Herald, "Metro Mayor Quizzed About Information Leak," March 27, 1986. *See* Impeachment Inquiry, Exhibit J at 615.

9. Invitation for Dinner Honoring William Borders. *See* Appendix II, Part 1 at 349.

10. Certification, In the Matter of Certain Complaints Against U.S. District Judge Alcee L. Hastings. *See* Appendix II, Part 3 at 2991-96.

11. Report of the Proceedings of the Judicial Conference of the United States, March 17, 1987, at 41-42.

12. Appointment Book of William Borders. *See* Impeachment Inquiry, Exhibit C at 537-61.

13. MMAP Program Brochure September 6, 1985. *See* Impeachment Inquiry, Exhibit D at 563-74.

14. Floor Plan of Hyatt Regency Hotel, Miami, Florida. *See* Appendix III, at 309-311.

15. 1981 Calendar.

16. *Impeachment Inquiry:* Hearings of The Subcommittee on Criminal Justice of the Committee on the Judiciary, House of Representatives, 100th Cong., 2nd Sess., May 18, 19, 24, 25, 26, June 1 and 9, 1988.

EXHIBIT 2

[In the Senate of the United States sitting as a court of impeachment]

IN RE IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

PROPOSED STIPULATION OF FACTS

The House of Representatives, through its Managers, proposes that the parties stipulate to the following facts for the purpose of this action only:

1. Alcee L. Hastings was sworn in as a United States District Judge for the Southern District of Florida on October 22, 1979.

2. William Borders participated in Judge Hastings' federal investiture ceremony.

3. In 1981, William Borders was an attorney practicing in Washington, D.C.

4. As of January 1981, Judge Hastings and William Borders had known each other for eleven or twelve years.

5. As of January 1981, Judge Hastings and William Borders had a long standing personal and professional relationship, stemming, in part, from their active roles in the National Bar Association, an association of black attorneys.

6. The criminal case of *United States* v. *Romano,* Crim. No. 78-364, was assigned to Judge Hastings on October 24, 1979.

7. The *Romano* case was based on a 21-count indictment of two brothers, Thomas and Frank Romano. The charges against the defendants included conducting an enterprise through a pattern of racketeering activity, investing racketeering income in a legitimate enterprise, theft and embezzlement from an employees benefit plan, wire fraud, mail fraud and income tax evasion. The charges were brought under the Racketeer Influenced and Corrupt Organizations statute ["RICO"] which required, under certain circumstances, the forfeiture of property illegally obtained.

8. In December 1980, Thomas and Frank Romano were tried and convicted by a jury with Judge Hastings presiding.

9. During the course of the *Romano* trial a proffer was made to Judge Hastings that Thomas and Frank Romano had a history of making payoffs and kickbacks.

10. During the course of the *Romano* trial, evidence was presented that the Romano brothers had embezzled more than $1,000,000 from an employee's benefit plan.

11. Thomas and Frank Romano waived their right to a jury on the forfeiture matter.

12. Following the conviction of Thomas and Frank Romano, Judge Hastings held hearings on December 30, 1980 and February 20, 1981 to determine whether certain financial interests of the Romano brothers should be forfeited because the interests were the product of racketeering activities and therefore subject to forfeiture under RICO.

13. On February 17, 1981, Neal Sonnett entered his appearance on behalf of Thomas and Frank Romano as additional counsel in the case then pending before Judge Hastings.

14. On February 20, 1981, Judge Hastings reserved ruling on the forfeiture in the *Romano* case, requested that the parties make further submissions and stated that he would schedule the sentencing after he had received the submissions by the parties.

15. On April 23, 1981, one of Judge Hastings' law clerks, Jeffrey Miller, informed James Deichert, the Assistant United States Attorney in the *Romano* case, that the sentencing in the *Romano* case would be held on May 11, 1981.

16. On April 28, 1981, a Notice of Sentencing was filed in the *Romano* case, scheduling the sentencing for May 11, 1981 at 1:00 p.m.

17. On May 4, 1981, Judge Hastings entered an order in the *Romano* case requiring Thomas and Frank Romano to forfeit a total of $1,162,016 to the United States. He adopted all of the proposed findings of fact submitted by the prosecution.

18. On May 11, 1981, Thomas and Frank Romano appeared for sentencing and their counsel, Neal Sonnet, requested a continuance in order to present additional arguments to the court. Counsel for the United States opposed the continuance on the grounds that five months had passed since the conviction and all legal issues had been fully briefed by the parties.

19. On May 11, 1981, Judge Hastings continued the sentencing of Thomas and Frank Romano to a date to be decided by the parties.

20. On June 5, 1981, Thomas and Frank Romano filed a motion for reconsideration of the May 4, 1981, forfeiture order issued by Judge Hastings.

21. On June 19, 1981, a three-judge panel of the Fifth Circuit issued an opinion in the case of *United States v. Martino,* 648 F.2d 367, in which the court held that in using the term "interest" in 18 U.S.C. Section 1963(a) "Congress did not intend to include . . . the fruits and profits obtained from a pattern of racketeering activity" and reversed in part a forfeiture order which had forfeited insurance proceeds received as a result of an arson.

22. On July 8, 1981, Thomas and Frank Romano appeared before Judge Hastings for sentencing. At that time the parties argued the effect of the *Martino* decision on the *Romano* forfeiture.

23. The briefs submitted by the parties in the *Romano* case prior to the July 8, 1981 sentencing hearing argued the effect of the *Martino* decision on the *Romano* forfeiture, and Judge Hastings stated at the hearing that he had read the briefs and was familiar with the *Martino* decision.

24. At the July 8, 1981 sentencing hearing, Judge Hastings confirmed his May 4, 1981 forfeiture order, stating "I will allow the forfeitures as previously set out by the Court to be maintained, and . . . a brief order will be prepared that will recite the reasoning of the Court, at least insofar as the new matters that have arisen, more specifically the cases cited by counsel up to this time."

25. On July 8, 1981, Judge Hastings sentenced each of the Romanos to three years imprisonment to be followed by a three-year period of probation and advised them of their rights to appeal.

26. The sentences imposed on Thomas and Frank Romano on July 8, 1981 were consistent with the recommendations of the United States Probation Office.

27. On July 14, 1981, Thomas and Frank Romano filed notices of appeal from the final judgement and order or conviction, and from the judgement of forfeiture issued from the bench on July 8, 1981.

28. On August 31, 1981, William Dredge told representatives of the FBI that during a meeting with William Borders in Washington, D.C. occurring sometime between August 27-29, 1981, Borders stated that he wanted to deal with Thomas and Frank Romano as soon as possible, but he would only deal with Thomas and Frank Romano themselves, not with a representative.

29. On September 10, 1981, at 1:29 p.m., William Dredge called William Borders at his law office and said "they [Thomas and Frank Romano] are ready to deal."

30. During the September 10, 1981, telephone conversation between William Dredge and William Borders, beginning at 1:29 p.m., Dredge arranged to meet Borders at the Miami International Airport on September 12, 1981, for the purpose of introducing Borders to "Frank Romano."

31. The FBI arranged for H. Paul Rico, a retired FBI agent, to impersonate Frank Romano.

32. FBI Special Agent William Murphy was present with William Dredge during the September 10, 1981 telephone conversation between Dredge and William Borders, beginning at 1:29 p.m.

33. From March through October 1981, Cynthia Rogers was a secretary and receptionist at the law offices of William Borders.

34. On September 10, 1981, at approximately 12:45 p.m., Cynthia Rogers recorded in the telephone log at William Borders' office the following travel reservations for Borders: Fri—Air Fla. #131: 7:30—9:45; Sat—Eastern #890: 9:25-9:51 a.m.; Sun—Delta—West Palm #608: 7 a.m.-9:49—Atlanta.

35. On September 10, 1981, Cynthia Rogers made an entry in the telephone log at William Borders' office reflecting a call at 9:35 a.m. from Judge Hastings to William Borders with the message "not coming to D.C. today. Call him between 4:30 and 5 today; will be in his office for call."

36. On September 10, 1981, at 4:40 p.m., a call, lasting one minute or less, was placed from William Borders' law office to Judge Hastings' chambers.

37. On September 10, 1981, Cynthia Rogers made an entry in the telephone log at William Borders' law office reflecting a call at 5:10 p.m. from Judge Hastings to Borders with the following message: "He'll be waiting for call—Have them get him off the bench. He'll also let them know if you call to get him to phone."

38. On September 10, 1981, at 5:34 p.m., a call, lasting four minutes, was placed from William Borders' law office to Judge Hastings' chambers.

39. On September 11, 1981, Judge Hastings was scheduled to leave Miami International Airport at 3:48 p.m. and arrive in Washington, D.C. at 6 p.m.

40. On September 11, 1981, Judge Hastings' flight was delayed and he actually left Miami International Airport at 5:50 p.m. and arrived at Washington National Airport at 8:04 p.m.

41. On September 11, 1981, Judge Hastings made two calls from the Miami International Airport to the office of William Borders. These calls were charged to Judge Hastings' residence phone.

42. On September 11, 1981, Cynthia Rogers made an entry in the telephone log at William Borders' law offices reflecting a call at 4:20 p.m. from Judge Hastings to William Borders with the message "flight further delayed; not leaving until 5."

43. On September 11, 1981, William Borders was scheduled to leave Washington National Airport for Miami, Florida at 7:30 p.m. on Air Florida flight 131.

44. On September 11, 1981, William Borders did not take Air Florida flight 131 for which he had reservations and instead departed from Washington National Airport on Eastern Airlines flight 459 which was scheduled to depart at 9:20 p.m.

45. On September 12, 1981, William Borders arrived in Miami, Florida at 1:30 a.m. via Eastern Airlines flight 655 from Atlanta.

46. On September 11, 1981, Judge Hastings registered at the Sheraton-Washington Hotel in Washington, D.C. at 10:14 p.m.

47. On September 12, 1981, at about 8:25 a.m., William Dredge William Borders and H. Paul Rico met at the Miami International Airport.

48. On September 12, 1981, at about 8:25 a.m., William Dredge identified H. Paul Rico as Frank Romano and introduced him to William Borders.

49. On September 12, 1981, shortly after 8:25 a.m., William Borders and H. Paul Rico met out of the presence of William Dredge.

50. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., William Borders told H. Paul Rico that within ten days of Rico's paying $150,000, an order would be signed returning a substantial amount of the property Thomas and Frank Romano had lost [in the forfeiture].

51. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., William Borders wrote the following on a paper which he then showed to H. Paul Rico: "$150,000" and "within ten days a order will be signed."

52. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., William Borders told H. Paul Rico that "the other will follow", i.e., the sentences would be reduced, once Thomas and Frank Romano filed a "motion for mitigration."

53. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., in response to H. Paul Rico's request for assurances, William Borders suggested that Rico give the money to William Dredge, and that Dredge would then hold the money until the "first part" was done, i.e., the order returning the property was signed.

54. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., H. Paul Rico rejected William Borders suggestion that the money be held by William Dredge until the order returning the property was signed, and suggested as an alternative means of proving that the judge was in on the birbery scheme that Borders would have Judge Hastings appear at an appointed time and place.

55. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., William Borders selected Wednesday, September 16, 1981, as the date for Judge Hastings' appearance. Borders left it to Rico to select the time and place.

56. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., H. Paul Rico selected 8 p.m. at the main dining room of the Fontainebleau Hotel in Miami Beach, Florida as the time and place for Judge Hastings' appearance.

57. During their meeting on September 12, 1981, beginning shortly after 8:25 a.m., H. Paul Rico and William Borders agreed to meet again at the Miami International Airport on September 19, 1981, at which time Rico would make a payment on the bribery deal.

58. At the time of the September 12, 1981, meeting between H. Paul Rico and William Borders, Borders had no official connection with the *Romano* case, nor was he a member of the Florida bar.

59. In 1981, in the United States District Court for the Southern District of Florida, the official files of criminal matters were kept in the chambers of the judge assigned to the case rather than in the clerk's office.

60. On September 12, 1981, at approximately 11 a.m., as part of an FBI surveillance, William Borders was observed boarding Eastern Airlines Flight 890, departing from Miami, Florida for West Palm Beach, Florida.

61. On September 12, 1981, William Borders arrived at West Palm Beach, Florida after 11:30 a.m.

62. On September 12, 1981, David L. Thomas, a cousin of William Borders, met Borders at the West Palm Beach airport.

63. On September 12, 1981, David L. Thomas drove William Borders from West Palm Beach, Florida to Fort Pierce, Florida.

64. On September 12, 13 and 14, 1981, a family reunion involving the family of William Borders was scheduled in Fort Pierce, Florida.

65. Prior to September 10, 1981, William Borders was planning to attend his family reunion.

66. The drive by David L. Thomas and William Borders from West Palm Beach, Florida to Fort Pierce, Florida on September 12, 1981, took about an hour and twenty minutes.

67. On September 12, 1981, at 1:06 p.m., William Borders called Eastern Airlines and made a reservation for Eastern Airlines flight 532, from West Palm Beach, Florida, to Atlanta, Georgia, for September 12, 1981, scheduled to depart at 4:12 p.m., and for Eastern Airlines flight 904, Atlanta, Georgia to Washington, D.C., for September 12, 1981, scheduled to depart Atlanta at 6:45 p.m.

68. On September 12, 1981, at 3:30 p.m., William Borders called Eastern Airlines and cancelled his reservation for Eastern Airlines flight 532 from West Palm Beach, Florida to Atlanta, Georgia, and made a reservation for Eastern Airlines flight 266 from Melbourne, Florida, to Atlanta, Georgia for September 12, 1981, scheduled to depart Melbourne, Florida at 4:35 p.m.

69. On September 12, 1981, at 4:39 p.m., at the Melbourne Airport, William Borders cancelled his reservation for Eastern Airlines flights 266 (Melbourne to Atlanta) and 904 (Atlanta to Washington), and made a reservation on Eastern Airlines flight 858 from Orlando, Florida to Washington, D.C., for September 12, 1981, scheduled to depart Orlando at 8:08 p.m. and to arrive in Washington at 10 p.m.

70. On September 12, 1981, at 6:02 p.m. at the Orlando, Florida airport, William Borders cancelled his reservation for Eastern Airlines flight 858 (Orlando to Washington) and made a reservation for Eastern Airlines flight 664, Orlando to Baltimore-Washington International Airport, for September 12, 1981, scheduled to depart Orlando at 6:45 p.m. and arrive at Baltimore-Washington International Airport at 8:35 p.m.

71. On September 12, 1981, William Borders flew from Orlando, Florida to Baltimore-Washington International Airport on Eastern Airlines flight 664.

72. On September 12, 1981, Eastern Airlines flight number 664 arrived at the gate at Baltimore-Washington International Airport at 8:58 p.m.

73. On September 12, 1981, Judge Hastings was registered at the Sheraton-Washington Hotel, room 7022.

74. On September 12, 1981, Jessie McCrary, a Florida attorney, was registered at the Sheraton-Washington Hotel, room 7024, the room next to Judge Hastings.

75. During all of 1981, Jessie McCrary, Alcee Hastings, and William Borders were friends.

76. From March through October 1981, William Borders was a social acquaintance of Madeline Petty, and could on occasion be reached at her residence.

77. On September 15, 1981, William Borders and Madeline Petty flew from Washington, D.C. to Las Vegas, Nevada.

78. The purpose of the September 15-18, 1981, trip to Las Vegas, Nevada, by William Borders and Madeline Petty, was to attend the Sugar Ray Leonard-Tommy Hearns championship fight.

79. The September 15-18, 1981, trip to Las Vegas, Nevada, by William Borders and

Madeline Petty, had been planned since at least September 1, 1981.

80. William Borders did not ask Madeline Petty to keep secret the fact that they were planning to attend the championship fight in Las Vegas, Nevada on September 16, 1981.

81. William Borders was a boxing fan and attended virtually every championship fight that was held in the continental United States.

82. In 1981, it was well known among friends of William Borders that he was a boxing fan and attended virtually every championship fight held in the continental United States.

83. Judge Hastings called Essie Thompson on September 15, 1981, and invited her out for dinner on September 16, 1981.

84. Judge Hastings called Essie Thompson on September 16, 1981, to arrange the time that he would pick her up for dinner that night.

85. Judge Hastings did not mention in either of his calls to Essie Thompson on September 15 and 16, 1981, that they would be meeting anyone for dinner on the evening of September 16, 1981.

86. At some time prior to 7:45 p.m. on September 16, 1981, Judge Hastings made reservations for two for dinner at the Fontainebleau Hotel main dining room on September 16, 1981.

87. On September 16, 1981, the maitre d' at the Fontainebleau Hotel seated Judge Hastings and Essie Thompson at a table for four and immediately took away two place settings.

88. On September 16, 1981, Judge Hastings did not protest when the maitre d' at the Fontainebleau Hotel took away two of the four place settings at the table where Judge Hastings and Essie Thompson were seated.

89. On September 16, 1981, at the Fontainebleau Hotel, Judge Hastings did not have William Borders paged.

90. On September 18, 1981, William Borders and Madeline Petty flew from Las Vegas, Nevada to Washington National Airport. Borders did not leave the Washington National Airport and he departed at 9:20 p.m. for Miami, Florida, via Eastern Airlines flights 459 and 655.

91. On September 19, 1981, William Borders registered at the Miami International Airport Hotel at 2:25 a.m.

92. On September 19, 1981, William Borders and H. Paul Rico met at the Miami International Airport Hotel at approximately 10 a.m.

93. During their meeting on September 19, 1981, beginning at approximately 10 a.m., H. Paul Rico told William Borders that Judge Hastings had appeared as Borders had promised, and that Rico had the bribe money in a locker at the airport.

94. During their meeting on September 19, 1981, beginning at approximately 10 a.m., H. Paul Rico gave William Borders a newspaper in which there was $25,000 in cash.

95. During their meeting on September 19, 1981, beginning at approximately 10 a.m., William Borders and H. Paul Rico agreed that the balance of the bribe money would be paid "as soon as the other [was] done", i.e., as soon as the order returning the forfeited property was signed.

96. During their meeting on September 19, beginning at approximately 10 a.m., William Borders and H. Paul Rico agreed to meet again on October 3, 1981, at the Miami International Airport, at which time the final installment of the bribe money would be paid.

97. At their 10 a.m. meeting on September 19, 1981, at the request of William Borders, H. Paul Rico gave Borders his phone number.

98. During the meetings between William Borders and H. Paul Rico on September 12 and September 19, 1981, Rico was wearing a body recorder which recorded their conversations.

99. On September 19, 1981, William Borders left Miami, Florida, for Washington, D.C. on Eastern Airlines flight 190, scheduled to depart the Miami International Airport at 10:55 a.m.

100. As of October 2, 1981, Judge Hastings had not issued an order vacating the previous forfeiture of Thomas and Frank Romano's property.

101. On October 2, 1981, H. Paul Rico made four calls to William Borders' law offices, all of which were recorded pursuant to federal wiretap authorization.

102. On October 2, 1981, prior to 3 p.m. William Borders received a message that "Frank from Florida" (H. Paul Rico) had called.

103. On Friday, October 2, 1981, at approximately 3 p.m. William Borders was out of his law office but he arranged to have "Frank's" (H. Paul Rico's) call put through to him at another office.

104. On October 2, 1981, at 3:10 p.m. William Borders and H. Paul Rico spoke with each other by telephone and Rico informed Borders that the *Romano* forfeiture order had not yet been issued.

105. During their October 2, 1981 telephone conversation, beginning at 3:10 p.m., William Borders and H. Paul Rico agreed to cancel their previously scheduled meeting for October 3, 1981.

106. During their October 2, 1981 telephone conversation, beginning at 3:10 p.m., H. Paul Rico asked William Borders to call him that night with information on the *Romano* forfeiture order but Borders replied that he didn't know whether he would be able to "find out * * * because of the time" and suggested that Rico call again on Sunday.

107. On October 2, 1981, at 4:50 p.m., William Border's secretary called Judge Hastings' chambers and was told that the judge had left for the day. The call was recorded pursuant to a federal wiretap authorization.

108. On October 4, 1981, at 9:38 a.m., William A. Borders and H. Paul Rico had a telephone conversation, in which Rico inquired about the *Romano* forfeiture order and Borders responded that he had not been able to talk to anybody.

109. On the afternoon of October 4, 1981, William Borders called Judge Hastings' home.

110. Between July 8, 1981, the date of the argument on the motion to reconsider the May 4, 1981 *Romano* forfeiture order, and October 6, 1981, the date the order was issued, there was no additional briefing or argument by the parties on any matter in the *Romano* case.

111. On August 27, 1981, the Fifth Circuit issued an opinion in the case of *United States* v. *Peacock*, which followed Martino.

112. On October 5, 1981, in the morning, Judge Hastings instructed Jeffrey Miller to do the *Romano* forfeiture order that day.

113. Daniel Simons, one of Judge Hastings' law clerks, overheard the conversation between Jeffrey Miller and Judge Hastings on the morning of October 5, 1981, concerning the *Romano* forfeiture order. According to Simons, Judge Hastings seemed somewhat disturbed that Miller had not finished the *Romano* forfeiture order.

114. On October 5, 1981, Jeffrey Miller left Judge Hastings' chambers and drove to his home to work on the *Romano* forfeiture order.

115. On October 5, 1981, at 4:22 p.m., William Borders and H. Paul Rico spoke to each other by telephone and the conversation was recorded pursuant to a federal wiretap authorization.

116. During their October 5, 1981, telephone conversation beginning at approximately 4:22 p.m., William Borders told H. Paul Rico that the *Romano* forfeiture order had not gone out yet, but it had been "taken care of" and would probably go out that day or the first thing the next morning.

117. On October 5, 1981, at 5:12 p.m., William Borders and Judge Hastings had a telephone conversation, which was recorded pursuant to a federal wiretap authorization.

118. On October 6, 1981, an order reversing the forfeiture of $845,000 of the $1,162,016 of Thomas and Frank Romano's property previously ordered forfeited was signed by Judge Hastings and mailed out.

119. On October 6, 1981, at approximately 6 p.m., the *Romano* forfeiture order was mailed special delivery by Marilyn Carter, deputy courtroom clerk for Judge Hastings.

120. On October 6, 1981, John Owens, a Miami strike force attorney, saw Jeffrey Miller and Miller told Owens that he had been working on the *Romano* forfeiture order all day because Judge Hastings wanted the order out that day.

121. On October 7, 1981, at 12:19 p.m., William Borders and H. Paul Rico spoke by telephone, and the conversation was recorded pursuant to a federal wiretap authorization.

122. During their October 7, 1981, telephone conversation, beginning at approximately 12:19 p.m., William Borders told H. Paul Rico that the *Romano* forfeiture order had gone out the previous morning.

123. On October 7, 1981, at 7:39 p.m., William Borders and H. Paul Rico spoke by telephone and the conversation was recorded pursuant to a federal wiretap authorization.

124. During their October 7, 1981 telephone conversation, beginning at approximately 7:39 p.m., H. Paul Rico told William Borders that "everything [was] fine", i.e., the *Romano* forefeiture order had been received, and the two agreed that Rico would come to Washington, D.C. with the final bribe payment on Thursday or Friday, October 8 or 9, 1981.

125. On October 8, 1981, at 9:37 a.m., William Borders and Judge Hastings spoke by telephone and the conversation was recorded pursuant to a federal wiretap authorization.

126. During their October 8, 1981 telephone conversation, beginning at 9:37 a.m., Judge Hastings told Borders that he would be arriving at Washington National Airport the next morning at 10:40 on Eastern flight 130.

127. In the late summer of 1981, the National Bar Association planned a testimonial dinner/boat ride in honor of William Borders, the immediate past president of the organization.

128. Judge Hastings was a co-sponsor of the testimonial dinner/boat ride organized by the National Bar Association in honor of William Borders.

129. The National Bar Association dinner/boat ride in honor of William Borders was scheduled for October 9, 1981.

130. On October 9, 1981, at approximately 10:40 a.m., William Borders met Judge Hastings at gate 20 of the Washington National Airport.

131. After picking up Judge Hastings at the Washington National Airport on the morning of October 9, 1981, William Borders drove with Judge Hastings to the L'Enfant Plaza Hotel, arriving at approximately 10:50 a.m.

132. A suite and an adjoining room at the L'Enfant Plaza Hotel had been reserved for William Borders and Judge Hastings, respectively, beginning October 9, 1981.

133. On October 9, 1981, Borders and Judge Hastings left the L'Enfant Plaza Hotel at approximately 11:17 a.m. and proceeded to William Borders' car, where Judge Hastings placed a briefcase in the trunk. They then drove to the Superior Court of the District of Columbia, 500 Indiana Ave., N.W., Washington, D.C., arriving at 11:22 a.m. and departing at 11:29 a.m.; they then drove to W & W Liquors, 1549 7th St. N.W., Washington, D.C., arriving at 11:38 a.m. and departing at 11:42 a.m.; and then drove to Borders' law office at 1621 New Hampshire Ave., N.W., Washington, D.C., arriving at approximately 11:53 a.m.

134. At approximately 11:53 a.m. on October 9, 1981, Borders parked his car at the rear of his office at 1621 New Hampshire Ave., N.W., Washington, D.C.

135. H. Paul Rico, posing as Frank Romano, arrived in Washington, D.C. on October 8, 1981, for the purpose of delivering the remainder of the bribe payment to William Borders.

136. At 11:13 a.m. on October 9, 1981, H. Paul Rico called William Borders' law office and left a message for Borders to call him.

137. Upon arriving at his office with Judge Hastings, William Borders picked up a telephone message to call "Frank" at a number listed for the Twin Bridges Marriott Hotel in Arlington, Virginia. Borders returned the call shortly before noon.

138. On October 9, 1981, H. Paul Rico was staying in room 102 at the Twin Bridges Marriott Hotel, Arlington, Virginia, in which the FBI had installed video and audio equipment.

139. When William Borders called H. Paul Rico on October 9, 1981, Rico told Borders that he had "brought all the necessary papers." They agreed to meet at the Twin Bridges Marriott Hotel in about an hour.

140. On October 9, 1981, William Borders left his office at approximately 12:02 p.m. and drove to the Twin Bridges Mariott Hotel, arriving at H. Paul Rico's room less than an hour after they had talked on the telephone.

141. On October 9, 1981, when H. Paul Rico answered William Borders' knock at the door at the Twin Bridges Marriott Hotel, Borders asked Rico, "You got it with you?" Rico told him that "it" was in the room and Borders said, "Get it, I wanna take a ride."

142. On October 9, 1981, when William Borders and H. Paul Rico got into Borders' car, Rico placed a bag containing $125,000 on the seat between them.

143. On October 9, 1981, the FBI pulled over the car being driven by William Borders as soon as Borders started to drive away from the parking lot of the Twin Bridges Marriott Hotel in Arlington, Virginia. When Borders saw the FBI car, and heard its siren, he said to Rico, "We're busted."

144. On October 9, 1981, at 12:40 p.m., William Borders was placed under arrest by FBI agents, and transported back to room 103 of the Twin Bridges Marriott Hotel.

145. Following his arrest on October 9, 1981 at 1:18 p.m., William Borders requested and received permission to telephone his attorney John Shorter. He then made arrangements for his attorney to come to the Twin Bridges Marriott Hotel.

146. On Friday, October 9, 1981, at 1:31 p.m., attorney John Shorter arrived at room 103 of the Twin Bridges Marriott Hotel. At 1:34 p.m. and 1:42 p.m., William Borders and Shorter spoke privately, and thereafter again spoke privately for several more minutes.

147. At 1:56 p.m. on October 9, 1981, William Borders was escorted by FBI agents from room 103 of the Twin Bridges Marriott Hotel to the Washington FBI field office. At 3:40 p.m., FBI agents took Borders to the United States Magistrate's Office in Alexandria, Virginia. Following a hearing before United States Magistrate W. Harris Grimsley, Borders was remanded to the custody of the United States Marshall.

148. On Friday, October 9, 1981 at 1:55 p.m., FBI Special Agents Dale Bird, Carol Skiles and William Murphy left the Twin Bridges Marriott Hotel for the law office of William Borders at 1621 New Hampshire Ave., N.W., Washington, D.C. They arrived at the office at 2:25 p.m. and found the front door locked.

149. Following the arrest of William Borders, in the mid-afternoon of Friday, October 9, 1981, the Washington, D.C. FBI field office advised Miami FBI personnel to begin interviews of Patricia Williams and the personnel in Judge Hastings' chambers, and to serve a subpoena for office records in Judge Hastings, chambers.

150. Agents of the FBI conducted interviews on October 9, 1981 of persons working in Judge Hastings' Miami and Fort Lauderdale chambers, including Marilyn Carter, Joann Tyson, Barbara Katzen, Daniel Simons, Jeffrey Miller and Alan Ehrlich.

151. In October, 1981, Patricia Williams was an attorney employed by the Equal Employment Opportunity Commission in Miami, Florida, and the fiance of Judge Hastings. She resided at 2401 N.W. 43rd Terrace, Lauderhill, Florida.

152. FBI agents arrived at Judge Hastings' chambers in Miami at approximately 2:50 p.m. and remained there until approximately 5:15 p.m.

153. On October 9, 1981, FBI Special Agents Wendy Loucks and Lawrence Harrigan proceeded from the Miami FBI office to the office of Particia Williams, Suite 412, DuPont Plaza Center, in downtown Miami, Florida, arriving at about 2:50 p.m. After locating Ms. Williams, the agents began the interview at approximately 3 p.m. and continued the interview until about 3:50 p.m.

154. On October 9, 1981, at 2:40 p.m., FBI Special Agents Dale Bird and William Murphy telephoned William Borders' office. Cynthia Rogers answered the telephone and agreed to let the FBI enter the office.

155. FBI agents were present at William Borders' law office on October 9, 1981 to serve a subpoena for Borders' office records.

156. On October 9, 1981, the following attorneys had offices at 1621 New Hampshire Ave., N.W., Washington, D.C.: William Borders, Dudley Williams, James Cobb and Robert L. Bell.

157. On October 9, 1981, Cynthia Rogers was the secretary and receptionist for William Borders and the other attorneys working at 1621 New Hampshire Ave., N.W., Washington, D.C.

158. On October 9, 1981, at approximately 2:50 p.m., Cynthia Rogers told the FBI agents that she was not sure if she should accept service of the subpoena.

159. On October 9, 1981, at approximately 2:50 p.m., FBI Special Agent William Murphy requested that Cynthia Rogers contact John Shorter regarding acceptance of the subpoena for documents from William Borders.

160. On October 9, 1981, at approximately 2:50 p.m., Cynthia Rogers called John Shorter and asked FBI Special Agent William Murphy to speak with Shorter. Murphy got on the telephone and said the FBI had a subpoena for William Borders' office records Shorter said he would tell Ms. Rogers to accept the subpoena.

161. In this telephone conversation from William Borders' office on October 9, 1981 at approximately 2:50 p.m., FBI Special Agent William Murphy told John Shorter that the FBI wanted to interview Judge Hastings and that they could not locate him.

162. In their telephone conversation on October 9, 1981 at approximately 2:50 p.m., FBI Special Agent William Murphy told John Shorter that if Shorter was able to locate Judge Hastings, he should give him Murphy's name, FBI Special Agent Dale Bird's name and the Washington FBI Field Office telephone number.

163. Later William Borders left his office on October 9, 1981 at approximately 12:02 p.m. Judge Hastings left that office, and walked to a book store, and from there to a clothes store, where he spoke with Brenda Russell, the owner, who was a friend, and used her telephone.

164. On October 9, 1981, after leaving Brenda Russell's store, Judge Hastings went to two luggage shops, and purchased a leather purse.

165. On October 9, 1981, after leaving William Borders' office and making stops at several downtown shops, at approximately 1:00 p.m. Judge Hastings returned to his room at the L'Enfant Plaza Hotel and ordered lunch to be sent up by room service.

166. Shortly after Judge Hastings ordered room service at the L'Enfant Plaza Hotal on October 9, 1981, Hemphill Pride came to Judge Hastings' room. Judge Hastings then ordered additional food from room service and the men had lunch together in Judge Hastings' room.

167. After arriving at the L'Enfant Plaza Hotel on October 9, 1981, Judge Hastings sent his suit to the hotel valet service.

168. Judge Hastings left the L'Enfant Plaza Hotel for Florida on October 9, 1981 without picking up his suit from the hotel valet service.

169. Judge Hastings left the hotel for Florida on October 9, 1981 without paying for the cleaning of his suit by that hotel valet service or for the room service charges that he had incurred.

170. Judge Hastings left the L'Enfant Plaza Hotel to go to Florida on October 9, 1981 without checking out.

171. The computer-generated record of all calls charged to rooms at the L'Enfant Plaza Hotel on October 9, 1981 reflect that only one call was made from the hotel to area code 305, which is the area code for south Florida. That call was made at "22:00" (10:00 p.m.), and was placed from a room other than the one occupied by Judge Hastings.

172. On October 9, 1981, the Chesapeake and Potomac Telephone Company ["C&P"] followed the procedure and practice of

maintaining a computer record of all telephone calls from any guest's room at the L'Enfant Plaza Hotel. For each long distance call charged to a room, C&P furnished to the L'Enfant Plaza Hotel a computer run showing, among other things, the date and time of the call, the room number from which the call was placed, the area code and the telephone number called, and the charge for the call. The computer run lists long distance calls in sequential order according to the termination time of the call.

173. The C&P computer runs for October 9 and 10, 1981 show no long distance calls made from room 11229 of the L'Enfant Plaza Hotel until the morning of October 10, 1981 at 1:56 a.m.

174. The telephone records of Judge Hastings' residence and chambers, and the telephone records of Patricia Williams' residence, do not reflect any calls from the L'Enfant Plaza Hotel in Washington, D.C. on Ocober 9, 1981 being charged to those numbers.

175. On October 9, 1981, Judge Hastings was registered for room 11229 of the L'Enfant Plaza Hotel.

176. On Ocober 9, 1981, commencing at about 3 p.m. and continuing until after 3:50 p.m., Patricia Williams was interviewed by FBI Special Agents Wendy Loucks and Lawrence Harrigan. During the interview, Ms. Williams was interrupted once by the office receptionist, to tell her that she had a telephone call. The name of the caller was neither William Borders nor Judge Hastings. After taking the telephone call, Ms. Williams told the FBI Special Agents that the caller was a client inquiring about his upcoming hearing.

177. In an attempt to locate Judge Hastings, at 2:50 p.m., on October 9, 1981, FBI Special Agents left William Borders' office to go to the L'Enfant Plaza Hotel. They arrived at the hotel at about 3:10 p.m.

178. On arrival at the L'Enfant Plaza Hotel at about 3:10 p.m. on October 9, 1981, FBI Special Agent William Murphy called Judge Hastings' room. There was no answer. Murphy called several times over the next few minutes and got no answer. At 3:30 p.m., Murphy again called Judge Hastings' room. There was no answer. Murphy and the other FBI Special Agents accompanying him then proceeded to Judge Hastintgs' room, and knocked at his door. There was no response. At approximately 3:35 p.m. Murphy and the other FBI Special Agents left the hotel.

179. By around 3:00 p.m. on October 9, 1981, Judge Hastings was aware that the FBI in Washington, D.C. wanted to interview him.

180. Judge Hastings left the L'Enfant Plaza Hotel at approximately 3:35 or 3:40 p.m. on October 9, 1981.

181. On October 9, 1981, there was a 4:35 p.m. direct flight to Miami, Florida, leaving from Washington National Airport, with 14 seats available.

182. Washington National Airport is approximately four miles from the L'Enfant Plaza Hotel.

183. On October 9, 1981, Judge Hastings' car was parked at the Miami International Airport.

184. On October 9, 1981, Judge Hastings took a taxi, at a cost of fifty dollars, to Baltimore-Washington International Airport, from the L'Enfant Plaza Hotel in Washington, D.C.

185. Baltimore-Washington International Airport is 32 miles northeast of the L'Enfant Plaza Hotel and approximately an hour's drive in Friday afternoon traffic.

186. On October 9, 1981, at 4:37 p.m., Judge Hastings called his mother from a pay telephone at Baltimore-Washington International Airport and spoke for four minutes. He placed another call to her at 4:43 p.m. and spoke for two minutes.

187. On October 9, 1981, at 5:06 p.m., Judge Hastings called Patricia Williams at her home in Lauderhill, Florida from a pay telephone at Baltimore-Washington International Airport and spoke for one minute.

188. During the 5:06 p.m. telephone call on October 9, 1981, from the Baltimore-Washington International Airport, Judge Hastings told Patricia Williams to call him back at a different pay telephone.

189. When Patricia Williams called Judge Hastings back at 5:07 p.m., on October 9, 1981, at the Baltimore-Washington International Airport, Judge Hastings told her to go outside, find a pay telephone and call him back.

190. On October 9, 1981, at 5:22 p.m., Patricia Williams called Judge Hastings at a pay telephone at the Baltimore-Washington International Airport from a pay telephone in a shopping center near her home in Lauderhill, Florida.

191. After Patricia Williams called him at the Baltimore-Washington International Airport at 5:22 p.m. on October 9, 1981, Judge Hastings took her number, moved to another pay telephone at Baltimore-Washington International Airport and, at 5:24 p.m., called Ms. Williams at her pay telephone.

192. On Friday, October 9, 1981, at 5:31 p.m. Judge Hastings made a reservation to go to Fort Lauderdale, Florida on Delta Airlines flight 237 departing at 6:30 p.m. That flight was scheduled to continue on to Miami from Fort Lauderdale.

193. There is a handwritten notation on Judge Hastings' ticket for Delta flight 237 on October 9, 1981, crossing out Fort Lauderdale as his destination and substituting Miami as the final destination.

194. On October 9, 1981, Judge Hastings disembarked at Fort Lauderdale from Delta flight 237, which was scheduled to arrive at 8:38 p.m.

195. On October 9, 1981, Judge Hastings rented a car when he arrived at the Fort Lauderdale airport.

196. Prior to being interviewed by the FBI on October 9, 1981 in Lauderhill, Florida, Judge Hastings had not contacted anyone in the FBI that day.

197. When Mildred Hastings, the mother of Judge Hastings, was interviewed by the FBI on the night of October 9, 1981, at about 11:00 or 11:30 p.m., she stated that she had not heard from her son.

198. On October 9, 1981, Mildred Hastings lived with her son, Alcee L. Hastings, at 2970 N.W. 55th Ave., Apt. 1-B, Lauderhill, Florida. Two telephone numbers were provided to that residence. Telephone number (305) 486-0733 belonged to Mildred Hastings, and telephone number (305) 731-8176 was used by Judge Hastings.

199. At about midnight on October 9, 1981, FBI Special Agents John J. Simmons, Jr. and Lawrence K. Harrigan arrived at the home of Patricia Williams in Lauderhill, Florida, seeking Judge Hastings. They discovered Judge Hastings was there and he agreed to be interviewed by them.

200. When Judge Hastings was interviewed by the FBI at Patricia Williams' home late on the night of October 9, 1981, he denied any involvement with William Borders in a bribery conspiracy. He stated that he did not believe he had ever discussed the *Romano* case with Borders.

201. On Monday, October 12, 1981, three days after Borders' arrest, at 6:38 p.m. a telephone call was made from Judge Hastings' home telephone number to William Borders' home telephone number. The call lasted 2 minutes.

202. Grand Jury 81-1 (MIA) returned indictments against William Borders and Judge Hastings on December 29, 1981.

203. Grand Jury 81-1 (MIA) indicted William Borders on four counts. The first count charged Borders with conspiring to solicit a bribe in a pending criminal case, namely, *United States v. Romano*, in violation of 18 U.S.C. Section 371. The second count charged Borders with corruptly influencing, obstructing and impeding justice and endeavoring to do so in violation of 18 U.S.C. Section 1503. This count alleged that Judge Hastings had informed Borders of the substance and date of issuance of the forfeiture order he was preparing and that Borders had passed the information to a person, H. Paul Rico, he believed to be a defendant in the *Romano* case. Counts three and four alleged that Borders travelled in interstate commerce with the intent to carry out a bribery in violation of 18 U.S.C. Section 201.

204. Grand Jury 81-1 (MIA) indicted Alcee Hastings on two counts. The first count charged Judge Hastings with conspiring to solicit a bribe in a pending criminal case, namely, *United States v. Romano*, in violation of 18 U.S.C. Section 371. The second count charged Judge Hastings with corruptly influencing, obstructing and impeding justice and endeavoring to do so in violation of 18 U.S.C. Section 1503. This count alleged that Judge Hastings had informed Borders of the substance and date of issuance of the forfeiture order he was preparing and that Borders had passed the information to a person, H. Paul Rico, he believed to be a defendant in the *Romano* case.

205. *United States v. Alcee Hastings*, No. 81-596-Cr. ETG (S.D. Florida) was assigned to Judge Edward T. Gignoux on January 4, 1981, sitting by designation.

206. On January 19, 1982, Judge Gignoux issued an order in *United States v. Alcee Hastings*, No. 81-596-Cr. ETG (S.D. Florida), requiring the defendant to produce for the government, *inter alia*, those documents he intended to introduce as evidence in chief at the trial and requiring the government to produce, *inter alia*, all written or recorded statements made by the defendant.

207. Pursuant to the January 19, 1982 discovery order in *United States v. Hastings*, No. 81-596-Cr. ETG (S.D. Florida), the prosecution produced various documents on January 19, 1982, including the tapes of the intercepted telephone calls between Judge Hastings and William Borders.

208. Pursuant to the January 19, 1982 discovery order in *United States v. Hastings*, No. 81-596-Cr. ETG (S.D. Florida), the defense produced, on February 12, 1982, the documents it intended to introduce as evidence in chief at the trial.

209. No letters or any drafts of letters about or to "Hemp" or Hemphill Pride written by Judge Hastings were included in Judge Hastings' production on February 12, 1982 pursuant to the January 19, 1982 reciprocal discovery order in *United States v. Hastings*, No. 81-596-Cr ETG (S.D. Florida).

210. During his representation of Judge Hastings, Joel Hirschhorn, counsel for Judge Hastings from January 12, 1982 to March 3, 1982, never saw any letters or any

drafts of letters about or to "Hemp" or Hemphill Pride written by Judge Hastings.

211. Joel Hirschhorn withdrew as counsel for Judge Hastings on March 3, 1982.

212. On February 1, 1982, Judge Hastings filed a motion in *United States v. Hastings,* No. 81-596-Cr ETG (S.D. Florida), to quash his indictment and dismiss the criminal proceedings against him for lack of jurisdiction on the ground that a sitting federal judge had to be impeached before a criminal prosecution could proceed.

213. On March 2, 1982, Judge Hastings' trial in *United States v. Hastings,* No. 81-596-Cr ETG (S.D. Florida), was stayed pending the interlocutory appeal of the motion he had filed challenging his prosecution prior to impeachment.

214. On March 8, 1982, in *United States v. Hastings,* No. 81-596-Cr ETG (S.D. Florida), Judge Gignoux granted William Borders' motion for change of venue of his trial, and ordered his case to be tried in Atlanta, Georgia.

215. William Borders was tried before a jury in Atlanta, Georgia from March 22, 1982 until March 29, 1982.

216. In the trial of *United States v. Borders,* (No. CR-82-75-A), neither William Borders nor Judge Hastings was called as a witness to testify.

217. The jury in *United States v. Borders,* (No. CR-82-75-A), convicted Borders on all counts on March 30, 1982.

218. Andrew Mavrides, an attorney then representing Judge Hastings, attended William Borders' trial in March 1982, as an observer, and ordered and received copies of the trial transcript.

219. On July 12, 1982, the United States Court of Appeals for the Eleventh Circuit upheld the trial court's denial of Judge Hastings' motion to quash his indictment and dismiss in *United States v. Hastings.*

220. In December 1982, Judge Hastings produced for the prosecution what he claimed were draft letters regarding Hemphill Pride, which he claimed to have written on October 5, 1981.

221. The letters produced by Judge Hastings in December 1982 consisted of four yellow legal pad sheets, in Judge Hastings' handwriting, comprising three letters, one addressed to Hemphill Pride, and the other two addressed to unspecified friends and supporters.

222. The following attorneys, *inter alia,* filed Notices of Appearance for Judge Hastings in *United States v. Hastings,* for the indicated time periods: Joel Hirschhorn (1/12/82 to 3/2/82); Andrew Mavrides (3/2/82) to 10/27/82); Patricia Williams (10/27/82 through conclusion of case).

223. The prosecution in *United States v. Hastings* submitted the letters produced in December 1982 by Judge Hastings to forensic experts in an attempt to date the creation of the letters. However, the paper and ink employed were such that it was not possible to conclude whether the letters were written on October 5, 1981, or at a subsequent time.

224. Tests conducted by forensic experts in 1982 and 1987 to reveal impressions other than visible writing on the letters produced in December 1982 by the defense in *United States v. Hastings* revealed nothing intelligible.

225. The trial in *United States v. Hastings,* No. 81-596-CR-ETG (S.D. Florida), was held in Miami, Florida, beginning January 19, 1983, and continuing until February 4, 1983.

226. In *United States v. Hastings,* No. 81-596-CR-ETG (S.D. Florida), Judge Hastings was represented by himself and Patricia Williams.

227. In *United States v. Hastings,* No. 81-596-Cr. ETG (S.D. Florida), William Borders was not called to testify.

228. In *United States v. Hastings,* Ho. 81-596-CR-ETG (S.D. Florida), Judge Hastings took the stand, appearing as the final witness in his defense.

229. Judge Hastings testified at his trial that he and William Borders did not agree to solicit a bribe from Thomas and Frank Romano.

230. Specifically, Judge Hastings testified under oath at his criminal trial as follows:

Question: Did you agree with and conspire with William Borders to influence, in any way, the performance of your judicial duties?

Answer: No. I did not.

Question: Did you agree with Bill Borders and intend knowingly and voluntarily to participate in any kind of illegal undertaking?

Answer: None whatsoever. I did not do that, nor would I have done so, nor would I now.

231. Judge Hastings testified at his trial that he and William Borders did not agree that Judge Hastings would modify Thomas and Frank Romanos' sentences from a prison term to probation in exchange for the bribe.

232. Judge Hastings testified at his trial that he and William Borders had never agreed that Judge Hastings would set aside the May 4, 1981 forfeiture order as part of a bribery scheme.

233. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: Let me say it this way: Is not the gist of what Mr. Borders said to the man he thought was Romano was that he could eliminate their jail sentences for $125,000. As a show of proof, A, he'd produce you at any restaurant they wanted, and B, a substantial portion of property would be returned to them?

Answer: I believe that is the gist of the conversation.

Question: Of course, you had no idea that was going on?

Answer: No. I didn't.

234. The letters produced by the defense in December 1982 in *United States v. Hastings,* No. 81-596-CR-ETG (S.D. Florida), were never typed or sent out or shown to Judge Hastings' secretary, Betty Williams.

235. At his trial, Judge Hastings testified that William Borders telephoned and spoke to Hemphill Pride at telephone number (803) 777-7716 on July 24, 1981.

236. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: Judge, I would like to direct your attention to Item No. 11. Is there a phone call dated 7/24?

Answer: The second column. Item No. 11, dated July the 24th, is a telephone call to a number in Columbia, South Carolina, being Area Code 803-777-7716, and that call was for five minutes.

Question: Do you recognize that number?

Answer: The number is a number where Hemphill Pride may have been working. I am not certain if he was working there or not, but I have called that number myself.

Question: All right. And that call was made by Bill Borders, to Hemphill Pride on July 24th?

Answer: On July 24th, correct.

237. On July 24, 1981, telephone number (803) 777-7716 belonged to Andrew Chisholm, a business contact of William Borders.

238. In 1981, Hemphill Pride had no access to telephone number (803) 777-7716, which was in Andrew Chisholm's office.

239. At his trial, Judge Hastings testified that he telephoned and spoke to Hemphill Pride at telephone number (803) 758-8825 on May 5, 1981 and September 2, 1981.

240. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: Judge, would you tell us about the first call that I indicated with a little check on the front page, there?

Answer: The first call would be Item 2 under the second full itemization column, and it is a call . . . to Columbia, South Carolina. And the call is a five-minute call, and it is placed on September 2nd, at 11 something in the morning.

Question: And to whom was that call placed?

Answer: I know for a fact that this particular call was placed to Hemphill Pride.

Question: Did you speak with Hemphill Pride?

Answer: I certainly did.

Question: On that day?

Answer: I certainly did.

Question: All right. Now, would you seek out the second call that I have indicated on those toll records with a little check?

Answer: May 5th.

Question: May 5th?

Answer: '81. I spoke with Mr. Pride.

241. Telephone number (803) 758-8825 on May 5, 1981 and September 2, 1981 belonged to Carolyn McIver, a social acquaintance of Judge Hastings.

242. In 1981, Carolyn McIver did not know Hemphill Pride.

243. At his trial, Judge Hastings testified that he telephoned and spoke with Hemphill Pride at telephone number (803) 782-9387 on August 2, 1981.

244. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: Judge, I direct your attention to the August 2nd call.

Answer: Yes.

Question: The one for eighteen minutes' duration?

Answer: Yes.

Question: Would you tell us what time that call was placed?

Answer: 9:20 in the morning, to Columbia, South Carolina, to a place that I know is the number of Hemphill Pride, and it was a eighteen-minute call.

Question: And did you, in fact, speak with Hemphill Pride for eighteen minutes on August 2nd?

Answer: Yes I did; . . .

245. On August 2, 1981, the telephone number (803) 782-9387 belonged to Patricia Williams' former mother-in-law, Eleanor Golar-Williams.

246. In 1981, Hemphill Price had never been in Eleanor Golar-Williams' home, where telephone number (803) 782-9387 was subscribed.

247. Patricia Williams had telephoned Eleanor Golar-Williams at her home on eleven occasions between April 14, 1979 and August 2, 1981.

248. At his trial, Judge Hastings testified that he was surprised by William Borders' appearance at this Sheraton-Washington Hotel room at 10:00 p.m. on September 12, 1981.

249. Specifically, Judge Hastings testified under oath at his trial as follows:

Answer: He [Mr. Borders] knocked on the door. I answered it . . . and I said words to the effect, "Some kind of surprise," without

trying to remember exactly what I said, but I was surprised to see Bill . . .

* * * * *

Question: And you weren't waiting for Mr. Borders?

Answer: Oh, absolutely not.

250. At his trial, Judge Hastings testified as to why, on October 5, 1981, he told his law clerk, Jeffrey Miller, to prepare the order returning a substantial amount of Thomas and Frank Romano' property.

251. Specifically, Judge Hastings testified under oath at his trial as follows:

Answer: . . . But the most pressing consideration was the complexity of the forfeiture aspect and his leaving the possibility of his not being there when I returned from the long trip with the exception of one day that I was going to come back to try a juvenile that was in jail.

And it is for that reason that I made the statement to him that I wanted the order done.

* * * * *

Question: What was the urgency to issuing the order on October the 6th?

Answer: Because Jeffrey was going to be leaving and I was going to be away for the month of October.

252. At his trial, Judge Hastings testified as to the meaning and purpose of his October 5, 1981 telephone conversation with William Borders.

253. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: At about 5:00 in the afternoon, you called Bill Borders on October 5th?

Answer: yes, I—

Question: Why did you call him?

Answer: I called him, then, because on October 4th, at some time in the afternoon, evidently he left a message for me with my mother . . . something about Hemphill.

And again it had to do with matters that he and I had been in rather ongoing discussions about . . . trying to raise money for him.

* * * * *

Question: Now when you used the word "letters," were you in fact referring to letters?

Answer: I certainly was.

* * * * *

Question: Mr. Borders goes "Ah-hah" and then what do you say?

Answer. I say "And everything's okay. The only thing I was concerned about was, did you hear if, ah, hear from him after we talked?

Question: And what are you talking about there?

Answer. I am referring specifically to the call that I received from Mr. Borders either on September 20th or 21st wherein he indicated to me he expected to see Hemphill again, and he was asking him specifically about his exact financial condition.

* * * * *

Question: And Mr. Borders, "See I talked to him and he wrote some things down for me." What did you take Mr. Borders to mean there?

Answer. The best I can think I took that he meant had to do with Hemphill's financial condition.

* * * * *

Question: Just so I am perfectly clear on your answer, you thought he was going to get some more information about Mr. Pride?

Answer: That is all I could have possibly had in my mind at that time, sir.

* * * * *

Question: Now, are these the letters to which you refer in your October 5th conversation?

Answer: Certainly.

* * * * *

Question: Judge Hastings, you said you wrote these letters on the Bench. On what date did you write these letters?

Answer: October 5th.

* * * * *

Question: All right. So we are 100 percent clear on this, you wrote these letters, Government or Defense Exhibit 29, from the Bench during the Santorelli trial on October 5?

Answer: 100 percent clear.

254. Fort Pierce is approximately 60 miles north of West Palm Beach, Florida.

255. Fort Pierce is approximately 60 miles south of Melbourne, Florida.

256. Fort Pierce is approximately 115 miles from Orlando, Florida.

257. On September 12, 1981, while in the Sheraton-Washington Hotel room of Judge Hastings, with Judge Hastings and others, Pearl Dabreau understood that they were waiting for someone before they went to dinner.

258. On September 13, 1981, while in the Sheraton-Washington Hotel room of Judge Hastings, with Judge Hastings and others, Donna Mendez understood that they were waiting for William Borders.

259. At his trial, Judge Hastings testified that he expected to meet William Borders at the Fontainebleau Hotel on September 16, 1981.

260. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: Judge, would you tell the jury why you went to the Fontainebleau Hotel on September 16th?

Answer: As I indicated, William Borders had indicated to me that he would be at the Fontainebleau Hotel during the dinner hour and for purely social purposes he and I were going to meet expressly for the purpose of socializing . . . I know for a fact that . . . William Borders indicated to me that he would be in Miami at the Fontainebleau Hotel September 16th.

And that is the primary reason I went there.

* * * * *

Question: Judge, did you dine at the Fontainebleau Hotel on September 16, 1981, to show your participation in a bribery scheme?

Answer: Absolutely not.

261. At his trial, Judge Hastings testified that on the afternoon of October 9, 1981, he called his mother and Patricia Williams in Florida from the L'Enfant Plaza Hotel in Washington, D.C.

262. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: . . . What did you do when you got down to your room?

Answer: The very first thing I did, walked straight into the room and picked up the telephone and called my mother.

Question: And when you called your mother, what did you learn?

Answer: When I called my mother, she was—I do not wish to exaggerate—I have never known her to be as hysterical as she was. It was just that simple. And I couldn't calm her down . . .

Question: Did you make any other calls?

Answer: Yes, I did.

Question: Had Hemphill arrived at your room by this time?

Answer: No he had not.

Question: Who did you call?

Answer: I called you [Patricia Williams].

Question: All right. And what happened there?

Answer: I called you at your office at the Economic Opportunities Commission here at the Dupont Plaza Hotel and I learned you had been interviewed by the FBI and the particulars, at least in part, as to what had transpired in your interview with the FBI.

And in addition to that I learned that you had called my office and had learned that the FBI was there for the express purpose, among other things, of interviewing my staff.

* * * * *

Question: You are certain that sitting in the hotel room after Mr. Pride gave you the news, that you made two long distance calls to Florida and you charged them to your room?

Answer: Right . . .

263. Patricia Williams wrote and sent a letter dated October 14, 1981, to Judge Hastings that stated as follows:

2401 N.W. 43RD TERRACE,
LAUDERHILL, FLORIDA 33313,
October 14, 1981.

Hon. ALCEE L. HASTINGS,
U.S. District Judge, 2970 N.W. 55th Avenue, Apartment 1-B, Fort Launderdale, Florida 33313.

DEAR JUDGE: I want you to know that I felt pride and joy as well as horror as a result of our telephone conversation on Friday, October 9th, when you called me from Baltimore and indicated that you required my legal assistance in confronting allegations of bribery which you had just learned were being directed towards you. I am especially pleased to know that you have since invited the legal expertise of Jesse McCrary and Delano Stewart. I feel certain that the best legal treatment conceivable will be administered to your case by this team.

Yours truly,

PATRICIA GRAHAM WILLIAMS.

cc. Jesse McCrary; Delano Stewart.

264. At his trial, Judge Hastings testified as to why, on October 9, 1981, he took a plane from Baltimore-Washington International Airport rather than Washington National Airport.

265. Specifically, Judge Hastings testified under oath at his trial as follows:

Question: Why did you not go to the airport, the nearer airport?

Answer: There was never any question in my mind but that at that time in the evening I thought that all flights that left Washington, D.C. at that particular point in time, either went through Atlanta en route to Miami, but I was absolutely certain that there was none until 10:00 p.m.

Question: Did you consider that there might be FBI agents looking for you at the National Airport?

Answer: It was of no concern to me had there been FBI agents at the National Airport, Dallas [Dulles] or at the Baltimore Airport . . . I had no desire or design to not cooperate with any authorities.

* * * * *

Question: And your thinking was there would be no flights from National Airport that would fly you non-stop from Washington National Airport—

Answer: That was my thinking.

Question: —to Miami? Even though two months ago you had taken one?

Answer: Yes, sir. That was my thinking at that particular time. I have traveled that way an awful lot, an awful lot.

266. Before departing the L'Enfant Plaza Hotel on October 9, 1981, Judge Hastings did not check on airline flight schedules to Miami or Fort Lauderdale, nor on seat availability on flights to those cities from either Washington National Airport or Baltimore-Washington International Airport.

267. On July 20, 1981, Judge Hastings had a reservation on Eastern Airlines flight 197 departing Washington National Airport at 5:30 p.m. for Miami, Florida.

268. On October 9, 1981, there were seats available on an Eastern direct flight to Miami from Washington National Airport, departing at 4:30 p.m. and arriving in Miami at 6:45 p.m.

269. On February 20, 1981, at 7:30 a.m., Judge Hastings called William Borders. The call lasted three minutes.

270. On February 20, 1981, the final evidentiary hearing on the forfeiture issue in the *Romano* case was held.

271. On April 8, 1981, the last of the initial set of memoranda relating to the forfeiture issue in the *Romano* case were filed.

272. On April 9, 1981, at approximately 10:40 a.m., Judge Hastings called William Borders' office. He left a message for William Borders to call and said he would be "at his office between 12 and 1."

273. On April 9, 1981, at 12:15 p.m., a call was placed from a pay telephone in the corridor of the third floor of the federal courthouse in Miami, Florida near Judge Hastings' chambers to a pay telephone in the lobby of the federal courthouse in Washington, D.C. The call lasted one minute or less and was charged to Judge Hastings' residence.

274. The call placed from a pay telephone in the corridor of the third floor of the federal courthouse in Miami, Florida to a pay telephone in the lobby of the federal courthouse in Washington, D.C., on April 9, 1981, at 12:15 p.m., was a call from Judge Hastings to William Borders.

275. On April 9, 1981, at approximately 12:15 p.m., William Borders' secretary made a reservation for Mr. Borders to fly to Miami the following weekend.

276. On April 23, 1981, the parties *Romano* were advised that the sentencing in the case was scheduled for May 11, 1981.

277. Judge Hastings called William Borders on April 30, 1981 (no time recorded), leaving a message saying, "at home at 6:30 only time he will be at home."

278. Judge Hastings called William Borders on May 1, 1981 and left no message.

279. Judge Hastings called William Borders on May 4, 1981, between 10:20 and 10:40 a.m., leaving an "urgent" message, "Will await call between 12 and 1 from you."

280. Judge Hastings called William Borders on May 6, 1981, at the home of Madeline Petty after midnight, from Madison, New Jersey.

281. In 1981, Judge Hastings was not a social acquaintance of Madeline Petty and, in fact, he did not meet her until his trial in 1983.

282. Judge Hastings called William Borders on May 7, 1981, at 4:30 p.m. and left a message for Borders to call him at 7:00 a.m. the next morning.

283. Judge Hastings called William Borders twice on May 11, 1981 before 7:00 a.m. at the home of Madeline Petty.

284. Judge Hastings called William Borders on July 5, 1981, at 8:35 p.m. The call lasted less than one minute.

285. Judge Hastings called William Borders on July 7, 1981, at 11:56 a.m. The call lasted less than one minute.

286. Judge Hastings called William Borders on July 9, 1981, at 11:50 a.m., and left a message saying, "Sat. morning Air Florida #91 at 10:45 from Key West. Will be departing at 1:00."

287. On July 11, 1981, William Borders met Judge Hastings in Fort Lauderdale, Florida, and the two of them drove to the home of Jessie McCrary where they spent the afternoon.

288. On September 20 or 21, 1981, William Borders and Judge Hastings spoke on the telephone.

289. Local 1922, located in Miami, Florida, is a chapter of the International Longshoremen's Association.

290. WAXY are the call letters of a radio station in Miami, Florida.

291. In 1986. Stephen Clark had been Mayor of Dade County, Florida for a total of 14 years, from 1970 to 1972, and from 1974 to 1986.

292. Peter Ferguson was Mayor Clark's campaign manager in 1985 and 1986, among other years. At that time he was also Marketing Director for Fiscal Operations of the Port of Miami.

293. Kevin "Waxy" Gordon was the zoning code enforcer for the city of Surfside, Florida in 1985 and early 1986, among other years. Sometime prior to 1985, Gordon had retired from his position as a code enforcement officer for the city of Miami, Florida.

294. In 1986, Mayor Clark had known Kevin "Waxy" Gordon since the late 1960s.

295. In 1986. Peter Ferguson had known Kevin "Waxy" Gordon for approximately 15 years.

296. In furtherance of an investigation into corrupt union practices at the Port of Miami, on or about July 15, 1985, the U.S. Attorney's Office in Miami, Florida applied to the U.S. District Court for the Southern District of Florida for a wiretap pursuant to 18 U.S.C. 2516.

297. In July 1985, Judge Alcee L. Hastings was the judge of the U.S. District Court for the Southern District of Florida assigned the responsibility of reviewing applications submitted pursuant to 18 U.S.C. 2516.

298. On July 15, 1985, Assistant U.S. Attorneys Roberto Martinez and Mark Schnapp and FBI Case Agent Geoffrey Santini met with Judge Hastings with respect to the application for the wiretap. A few days earlier, Assistant U.S. Attorney Martinez had submitted to Judge Hastings the affidavit accompanying the application for the wiretap.

299. The July 15, 1985 application for the wiretap and the accompanying affidavit stated that a wiretap was necessary because other investigative techniques had failed due to the suspicious and potentially violent nature of the subjects of the FBI investigation.

300. In the July 15, 1985, application and accompanying affidavit, the subjects of the proposed wiretap were identified as: the son of a leading organized crime figure in Cleveland, Ohio who was the Local 1922 member controlling bookmaking, usury and fencing operations at the Port of Miami; the secretary-treasurer of Local 1922 who was the son of the former office manager of Local 1922 (who, in turn, had been convicted of rackeetring, racketerring conspiracy, extortion and Taft-Hartley Act violations); a self-described member of La Costa Nostra; and Kevin "Waxy" Gordon, a zoning code enforcer for the City of Surfside, Florida, who asserted that through political connections he could exercise control over Local 1922 officials.

301. 18 U.S.C. 2517(5) requires judicial approval of the investigation of criminal activity discovered as a result of the wiretap if that criminal activity was not included in the original application for the wiretap.

302. The U.S. Attorney's Office presented Judge Hastings with weekly progress reports, dated July 22 and 29, and August 5 and 12, 1985, describing the information obtained from the wiretap authorized on July 15, 1985 and information obtained from other investigative techniques.

303. Assistant U.S. Attorney Roberto Martinez met with Judge Hastings with respect to the First Progress Report on July 22, 1985, at which time Judge Hastings reviewed and signed the report and entered an order placing under seal all the information contained in the report.

304. Assistant U.S. Attorney Roberto Martinez met with Judge Hastings with respect to the Second Progress Report on July 29, 1985, at which time Judge Hastings reviewed and signed the report and entered an order placing under seal all the information contained in the report.

305. The Second Progress Report, dated July 29, 1985, contains a description of criminal activity that involved the obtaining of illegal zoning changes and licenses for an amusement operation—a project that Johnny Rivero, a confidential source of the FBI, had discussed with Kevin "Waxy" Gordon.

306. Assistant U.S. Attorney Roberto Martinez met with Judge Hastings with respect to the Third Progress Report on August 5, 1985, at which time Judge Hastings signed the report and entered an order placing under seal all the information contained in the report.

307. The First, Second and Third Progress Reports, dated July 22, 29 and August 5, 1985 respectively, contain references by the subjects of the wiretap, including Kevin "Waxy" Gordon, illustrating that they did not trust the telephones and were suspicious that certain persons were law enforcement Special Agents and cars spotted near their homes belonged to Special Agents.

308. Assistant U.S. Attorney Jon A. May met with Judge Hastings with respect to the Fourth Progress Report on August 12, 1985.

309. The Fourth Progress Report, dated August 12, 1985, sets forth a conversation in which Kevin "Waxy" Gordon told Johnny Rivero that he had Mayor Stephen Clark of Dade County, Florida "in his pocket," that Gordon had raised over $40,000 for Mayor Clark during his last election campaign, and that Gordon's buddy was the mayor's campaign manager.

310. Judge Hastings signed the Fourth Progress Report on August 13, 1985 and at that time entered an order placing under seal all the information contained in the report.

311. Assistant U.S. Attorney Jon A. May and FBI Case Agent Geoffrey Santini met with Judge Hastings with respect to the Fifth Progress report on August 15, 1985, at which time Judge Hastings signed the report and entered an order placing under seal all the information contained in the report.

312. The July 15, 1985 wiretap had been authorized by Judge Hastings for 30 days.

On August 15, 1985, in a handwritten statement on the last page of the Fifth Progress Report, Judge Hastings authorized a one day extension of the July 15, 1985 wiretap.

313. The Third, Fourth and Fifth Progress Reports, dated August 5, 12 and 15, 1985 respectively, include information that Kevin "Waxy" Gordon was working through several sources to get Johnny Rivero into Local 1922.

314. The Third, Fourth and Fifth Progress Reports, dated August 5, 12, and 15, 1985 respectively, state that Kevin "Waxy" Gordon was also attempting to find an appropriate location for the amusement operation proposed by Johnny Rivero.

315. On August 15, 1985, Assistant U.S. Attorney Jon A. May and FBI Case Agent Santini met with Judge Hastings with respect to an application for a 30 day extension of the wiretap and a supporting affidavit.

316. The August 15, 1985 affidavit in support of the application for an extension of the wiretap repeated almost verbatim the events reported in the First, Second, Third and Fourth Progress Reports, including all the statements about Mayor Clark.

317. On August 15, 1985, Judge Hastings signed the application for a 30 day extension of the wiretap and entered all the necessary orders, including an order placing under seal all the information contained in the documents that had been presented to him by Assistant U.S. Attorney Jon A. May and FBI Case Agent Geoffrey Santini on August 15, 1985.

318. On August 21, 1985, Johnny Rivero introduced Kevin "Waxy" Gordon to "Gino", an undercover FBI Special Agent posing as a Houston-based entrepreneur who wanted to set up the amusement operation. Gino was being impersonated by FBI Special Agent Richard J. Giannotti.

319. Assistant U.S. Attorney Roberto Martinez presented Judge Hastings with the First Progress Report after the extension of the wiretap on August 22, 1985.

320. The First Progress Report after the extension of the wiretap, dated August 22, 1985, reports a conversation, which took place on August 21, 1985, in which Kevin "Waxy" Gordon stated, when Gino expressed interest in the Hialeah area as a possible location for the amusement operation, that help from a friend of Mayor Clark who is in Hialeah might cost as much as $10,000.

321. Judge Hastings signed the First Progress Report after the extension of the wiretap on August 22, 1985 and at that time entered an order placing under seal all the information contained in the report.

322. Assistant U.S. Attorney Roberto Martinez presented Judge Hastings with the Second Progress Report after the extension of the wiretap on August 29, 1985.

323. The Second Progress report after the extension of the wiretap, dated August 29, 1985, describes a meeting at the Miami Outboard Club, on August 22, 1985, during which Kevin "Waxy" Gordon introduced Johnny Rivero to Mayor Clark, Peter Ferguson and several other people.

324. The Second Progress Report after the extension of the wiretap, dated August 29, 1985, states that on August 22, 1985 Mayor Clark walked into the Miami Outboard Club, went over to Kevin "Waxy" Gordon, and hugged him, at which time Gordon introduced Johnny Rivero to "Steve Clark, the mayor."

325. The Second Progress Report after the extension of the wiretap, dated August 29, 1985, states that on August 22, 1985, at the Miami Outboard Club, after some general conversation and a game of pool, Kevin "Waxy" Gordon told Johnny Rivero that "Steve is going to take care of this Hialeah thing for us, since that's where Gino wants to be."

326. The Second Progress Report after the extension of the wiretap, dated August 29, 1985, describes that on August 22, 1985, at the Miami Outboard Club, Mayor Clark stated, "If you have any problems with that thing in Hialeah get in touch with me." Kevin "Waxy" Gordon then asked again for the name of the contact in Hialeah, and Mayor Clark gave him the name of a Hialeah councilman and added, "If you have any problems with him, get back in touch with me."

327. Assistant U.S. Attorney Roberto Martinez presented Judge Hastings with the Second Progress Report after the extension of the wiretap on August 29, 1985 in the courtroom. Judge Hastings reviewed the report while on the bench and then asked Martinez to see him in the chambers.

328. Judge Hastings signed the Second Progress Report after the extension of the wiretap on August 29, 1985, and at that time entered an order placing under seal all the information contained in the report.

329. On September 5, 1985, Assistant U.S. Attorney Roberto Martinez presented the Third Progress Report after the extension of the wiretap to Judge Hastings in the courtoom. Judge Hastings read the report while on the bench and then called Martinez to the bench.

330. The Third Progress Report after the extension of the wiretap, dated September 5, 1985, quotes Kevin "Waxy" Gordon as saying, in a conversation recorded by the FBI, that the zoning matters in Hialeah will be handled by Mayor Clarks' contact.

331. The Third Progress Report after the extension of the wiretap, dated September 5, 1985, states that Kevin "Waxy" Gordon told Gino, in a conversation recorded by the FBI, that Gordon had made a connection with the Hialeah Zoning Commission through Mayor Clark.

332. The Third Progress Report after the extension of the wiretap, dated September 5, 1985, states that Kevin "Waxy" Gordon reported to Johnny Rivero, in a conversation recorded by the FBI, that he had told Gino all about Hialeah and the mayor.

333. The Third Progress Report after the extension of the wiretap, dated September 5, 1985, states that when Kevin "Waxy" Gordon, Johnny Rivero and Gino met to look at potential sites for the amusement operation, Gordon described a Hialeah councilman as "Steve Clark's man in Hialeah."

334. Judge Hastings signed the Third Progress Report after the extension of the wiretap on September 5, 1985 and at that time entered an order placing under seal all the information contained in the report.

335. The Second Progress Report after the extension of the wiretap, dated August 29, 1985, contains references by the subjects of the wiretap that they had specific concerns about Johnny Rivero.

336. The Second Progress Report after the extension of the wiretap, dated August 29, 1985, describes that when Kevin "Waxy" Gordon made contact with a union official to get Johnny Rivero into Local 1922, he was told that the official had contacted someone in the local chapter of the International Longshoremen's Association in New Orleans and had learned that the New Orleans union official had not heard of Rivero.

337. The Second Progress Report after the extension of the wiretap, dated August 29, 1985, states that as a result of the conversation with the New Orleans local, officials of Local 1922 became very suspicious of Johnny Rivero.

338. The Fourth Progress Report, dated August 12, 1985, states that after Kevin "Waxy" Gordon introduced Johnny Rivero to one of the Local 1922 officials, the union official called back and said he needed a "resume" on Rivero, "where he comes from and who he knows." The Union official stated that before they talk to anybody "they got to know for damn sure who they talking about."

339. The First Progress Report after the extension of the wiretap, dated August 22, 1985, states that after Johnny Rivero provided the requested information, the union official stated that there were no positions available.

340. The Third Progress Report after the extension of the wiretap, dated September 5, 1985, states that the day after Kevin "Waxy" Gordon met with Gino and Johnny Rivero to look at possible locations for the amusement operation. Gordon called Rivero and told him that Gino had better go back to Houston. Gordon explained to Rivero that the Hialeah councilman would be out of town for a week and that he did not know how the councilman would feel about giving someone he does not know "guarantees about zoning matters, it usually isn't done that way . . . It's an illegal act you know."

341. The First and Second Progress Reports after the extension of the wiretap, dated August 22 and August 29, 1985 respectively, explain that Kevin "Waxy" Gordon and another target of the FBI investigation had talked to Johnny Rivero about enlisting the aid of corrupt officers in the North Bay Village, Florida police department to bring in a shipment of cocaine.

342. The Third Progress Report after the extension of the wiretap, dated September 5, 1985, explains that Johnny Rivero had introduced one of the targets of the FBI investigation to an undercover Special Agent posing as a cocaine smuggler interested in obtaining police protection from the North Bay Village, Florida police department.

343. The Third Progress Report after the extension of the wiretap, dated September 5, 1985, explains that Johnny Rivero had met with one of the targets of the FBI investigation and the undercover Special Agent who was posing as a cocaine smuggler in order to set the final terms for the cocaine shipment ($3,000 to each participant). Thereafter, the target of the FBI investigation introduced Rivero to one of the North Bay Village, Florida police officers.

344. The Second and Third Progress Reports after the extension of the wiretap, dated August 29 and September 5, 1985 respectively, explain that Kevin "Waxy" Gordon had introduced Johnny Rivero to a boat captain who was available to bring in the cocaine.

345. The Third Progress Report, dated August 5, 1985, and the Second and Third Progress Reports after the extension of the wiretap, dated August 29 and September 5, 1985 respectively, explain that one of the targets of the FBI investigation had threatened to "blow away" a drug dealer who was later found dead on the beach, and the person who made that threat was staying at the apartment of the confidential source, Johnny Rivero.

346. Judge Hastings' sole source of the information about the actions and statements

of Kevin "Waxy" Gordon and Gordon's relationship with Mayor Clark were the applications, affidavits and progress reports relating to the wiretap initially authorized by Judge Hastings on July 15, 1985 and which he extended on August 15, 1985.

347. In 1985, the Metropolitan Miami Action Plan ["MMAP"] was a community service organization promoting black-white relations in the Miami, Florida area.

348. On September 6 and 7, 1985, MMAP held its Third Annual Conference at the Hyatt Regency Hotel in Miami, Florida.

349. On September 6, 1985, Stephen Clark, Mayor of Dade County, Florida, attended the breakfast meeting of the MMAP Third Annual Conference.

350. On September 6, 1985, Judge Hastings was the guest speaker at the breakfast meeting of the MMAP Third Annual Conference.

351. On September 6, 1985, the breakfast meeting of the MMAP Third Annual Conference was held in the Regency Ballroom on the Terrace Level of the Hyatt Regency Hotel.

352. According to the MMAP Third Annual Conference program, the breakfast meeting on September 6, 1985 was scheduled to begin at 8:30 a.m.

353. According to the MMAP Third Annual Conference program, registration for the conference began at 7:30 a.m. on the Terrace Level of the Hyatt Regency Hotel.

354. During registration for its Third Annual Conference, MMAP served a continental breakfast in the Promenade area on the Terrace Level of the Hyatt Regency Hotel.

355. In 1985, Monsignor Bryan Walsh was the President of Catholic Community Services and Catholic Health and Rehabilitation Services in Miami, Florida.

356. On September 6, 1985, Monsignor Walsh attended the breakfast meeting of the MMAP Third Annual Conference.

357. On September 6, 1985, at approximately 8:15 a.m., Monsignor Walsh arrived at the Hyatt Regency Hotel to attend the breakfast meeting of the MMAP Third Annual Conference.

358. On September 6, 1985, between approximately 8:15 and 8:30 a.m. and prior to the beginning of the breakfast meeting of the MMAP Third Annual Conference, Monsignor Walsh, Judge Hastings and Mayor Clark spoke briefly together on the Terrace Level of the Hyatt Regency Hotel.

359. On September 6, 1985, Mayor Clark called Peter Ferguson and asked him to get in touch with Kevin "Waxy" Gordon and to tell Gordon to meet the mayor at the Miami Outboard Club at 11:30 that day.

360. At 8:58 a.m. on September 6, 1985, the FBI recorded an incoming telephone call to Kevin "Waxy" Gordon from Peter Ferguson in which Ferguson said that Mayor Clark wanted to meet Gordon at "11:30 a.m. today at the Miami Outboard."

361. On September 6, 1985, in telephone calls recorded by the FBI, Kevin "Waxy" Gordon told Johnny Rivero and another individual that he would be meeting Mayor Clark that day.

362. On September 6, 1985, Mayor Clark and Kevin "Waxy" Gordon met at the Miami Outboard Club.

363. On September 6, 1985, at the Miami Outboard Club, Mayor Clark told Kevin "Waxy" Gordon that he had learned from an authoritative source that Gordon was using his name in Hialeah.

364. On September 6, 1985, at the Miami Outboard Club, Kevin "Waxy" Gordon denied that he was using Mayor Clark's name and denied he was doing anything wrong.

365. On September 6, 1985, at the Miami Outboard Club, Kevin "Waxy" Gordon pressed Mayor Clark to identify his source, and the mayor eventually stated that his source was Judge Hastings.

366. In a telephone conversation recorded by the FBI on September 9, 1985, Kevin "Waxy" Gordon told an individual about his meeting with Mayor Clark at the Miami Outboard Club on September 6, 1985, stating that "Steve called me over there to tell me that he heard from Alcee Hastings . . . you know a Federal Judge . . . There's some rumor that I was involved with . . . ah . . . Clark, Ferguson and a councilman from Hialeah on some deal . . ."

367. By September 6, 1985, the FBI was investigating union corruption at the Port of Miami, focusing on Local 1922 admission practices. This investigation focused on getting Johnny Rivero admitted into the union.

368. By September 6, 1985, the FBI was investigating zoning practices in the city of Hialeah, Florida. This investigation involved the undercover operation in which Gino was posing as a Houston-based entrepreneur interested in setting up an amusement operation in the Hialeah area.

369. By September 6, 1985, the FBI was investigating cocaine smuggling in south Florida, focusing on the participation of North Bay Village police officers who offered protection to the drug traffickers.

370. After September 9, 1985, Kevin "Waxy" Gordon immediately suspected that Gino was an informant or law enforcement Special Agent.

371. After September 9, 1985, Kevin "Waxy" Gordon began to investigate Gino by checking the physical location of Gino's office, by attempting to contact an individual in the telephone company in order to determine whether telephone calls made to Gino's office were being forwarded to another location, and by asking a friend, who was a banking official, to check Gino's credit references.

372. On November 20, 1985, Kevin "Waxy" Gordon executed a plea agreement in which he agreed to cooperate with the FBI and U.S. Department of Justice.

373. On December 18, 1985, at the Miami Outboard Club, Kevin "Waxy" Gordon recorded a conversation he had with Peter Ferguson in which Ferguson suggested that Johnny Rivero was an undercover narcotics Special Agent.

374. On February 17, 1986, Kevin "Waxy" Gordon died after suffering a heart attack.

375. On March 6, 1986, Mayor Clark took a polygraph test administered by the FBI. Mayor Clark was asked "Are you lying when you say Judge Hastings told you to 'Stay away from Kevin Gordon?'" Mayor Clark responded "No." This answer was determined to be truthful.

376. In March 1986, Mayor Clark and Special Agent Christopher Mazzella testified before a grand jury regarding the disclosure of confidential wiretap information.

377. On May 20, 1986, Eric Holder of the Public Integrity Section of the U.S. Department of Justice called Judge Hastings in order to interview him.

378. On May 20, 1986, in the telephone call with Eric Holder, Judge Hastings declined to be interviewed and stated that Holder would have to do whatever he planned to do without Judge Hastings' assistance and that he knew how the U.S. Department of Justice worked. Judge Hastings also asked Holder if he knew who Judge Hastings was.

Respectfully submitted,

THE U.S. HOUSE OF REPRESENTATIVES,
By Alan I. Baron.

Managers of the House of Representatives

Peter W. Rodino, Jr., John Conyers, Jr., Don Edwards, John Bryant, Hamilton Fish, Jr., George W. Gekas.

Impeachment Trial Staff

Alan I. Baron, Special Counsel; Janice E. Cooper, Assistant Special Counsel; Patricia Wynn, Assistant Special Counsel; Lori E. Fields, Assistant Special Counsel.

House Judiciary Committee Staff Participating in Impeachment Trial Preparation

M. Elaine Mielke, General Counsel; Alan F. Coffey, Jr., Associate Counsel; Peter Levinson, Counsel.

EXHIBIT 3

The House managers have proposed stipulations that would have precisely that effect.[10] Moreover, many of those stipulations relate to testimony and documents gathered at proceedings other than the 1983 trial. Many are based upon testimonial assertions and documents whose foundation have never been tested by cross-examination. From the judge's standpoint, all are proposed by an adversary who has long had access to relevant materials that has been denied him. So long as those conditions continue, we cannot responsibly consider, recommend, or accept stipulations on the judge's behalf.

Against that background, we believe that it is unlikely that the parties will agree upon stipulations that can be published *prior* to trial. If the Senate is to impeach the jury's verdict acquitting the judge, it will only be after it has conducted a trial at which the testimony and evidence the managers now claim support the House's allegations have been presented through live witnesses who have been cross-examined in open court. Moreover, the extent of any agreement on stipulations that may be used and published *at* trial must necessarily depend upon the extent to which Judge Hastings and his counsel are satisfied that they have had fair access to all materials that may contain relevant information. The stakes are too high to suggest that Judge Hastings partake in a game where he does not have access to the full deck that is now in the control of his opponent. Unless and until that condition is satisfied, we could not responsibly review, recommend, or accept stipulations that might limit the judge's right to insist that the House carry its burden or to confront fully the evidence offered against him.

We have no desire needlessly to consume the time of the judge, the managers, or the Senate. We are prepared to work with the managers to achieve stipulations for use at trial that will enable both sides to prepare and the Senate to conduct a trial that is as expeditious as the demands of fairness will permit. We are not prepared to consider or recommend any stipulation that might later adversely affect any of the judge's rights during the trial, including his right to insist that the House meet the burden the Constitution imposes upon it. Until we are satisfied that we have examined *all* the available

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[10] Copies were also submitted to the committee's chief counsel as well as to Senate Legal Counsel.

evidence and had an adequate opportunity to conduct such tests as may be necessary to eliminate any reservations, we must view all proposed stipulations as suspect, and we will lack the access necessary to resolve our suspicions.

EXHIBIT 4

[In the Senate of the United States Sitting for the Trial of an Impeachment]

THE HOUSE OF REPRESENTATIVES, OF THE UNITED STATES, PLAINTIFF, *v.* THE HONORABLE ALCEE L. HASTINGS, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, RESPONDENT

To: The Managers of the House of Representatives
House of Representatives,
Washington, DC.

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE MATERIAL

United States District Judge Alcee L. Hastings requests that, promptly after the 101st Congress of the United States has convened and the members of the United States House of Representatives (the "House") have qualified, taken office, and appointed managers to prosecute this impeachment on behalf of the House, the House deliver to his counsel copies of the documents and other tangible materials which are described below and which are in the possession or subject to the control of the House or its managers or staff. In addition, Judge Hastings requests that the House make all originals of such documents and other materials as are in its possession and control available to his counsel for inspection and, if necessary, testing.

I. *Documents and Other Materials Obtained or Prepared as a Result of Proceedings Conducted Against Judge Hastings Pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (the "Act").* Judge Hastings requests that copies of the following documents and other materials be delivered and that originals be made available pursuant to this request, excepting only copies of documents delivered prior to or during the Subcommittee's hearings:

A. All documents and other materials transmitted by the Judicial Conference of the United States (the "Conference") to the House, the Speaker of the House, the House Committee on the Judiciary (the "Committee"), or the Committee's Subcommittee on Criminal Justice (the "Subcommittee"), or the regular or special staff of any of the foregoing, pursuant to the Conference's Certificate to the Speaker dated March 17, 1987.

B. All additional documents and other materials received by the House, the Speaker, the Committee, the Subcommittee, or regular or special staff from, at the direction, or on the authority of the Conference, the Judicial Council of the Eleventh Circuit (the "Council"), a special committee appointed by then Chief Judge John C. Godbold in March 1983 (the "Investigating Committee") or its chairman or any of its members, or John Doar, chief counsel to the Investigating Committee, or his associate counsel or staff concerning Judge Hastings or matters alleged in the Articles of Impeachment or in the Answer to Articles of Impeachment. This request specifically includes, but is not limited to, the files and materials transmitted pursuant to two Resolutions of the Judicial Council of the Eleventh Circuit Concerning the Judge Alcee L. Hastings Matter, dated September 25, 1987, and October 9, 1987, respectively, including those files, documents and other materials described in the exhibit appended to each of those resolutions. A copy of each of those resolutions and its appended exhibit is appended to this request marked "Addendum A to Request" and "Addendum B to Request", respectively.

C. All other documents and other materials concerning Judge Hastings or matters alleged in the Articles of Impeachment or in the Answer to Articles of Impeachment transmitted by or obtained from the Conference, the Council, Chief Judge Paul Roney, a special committee appointed to investigate a complaint by William F. Weld (the "Special Committee"), or the Special Committee's counsel, Sidney O. Smith and Bernard Taylor, excepting only those documents and other materials included in a volume entitled *Record of Proceedings Before a Special Committee for the Judicial Council of the Eleventh Circuit: In the Matter of a Complaint Filed by William F. Weld* submitted by Judge Hastings, with the concurrence of Chief Judge Roney, at the Subcommittee's hearings.

II. *Documents and Other Materials Evidencing Statements Made By Persons Who Have Testified or Could Testify Concerning Matters Alleged in the Articles of Impeachment or in the Answer to Articles of Impeachment.* Judge Hastings further requests that copies of the following documents and other material be delivered and that originals be made available pursuant to this request, excepting only copies of documents or materials produced pursuant to section I of this request or delivered prior to or during the Subcommittee's hearings: All documents (including interview or other notes, rough drafts, memoranda, and transcripts) and other materials (including electronic recordings) that report, comment upon, or otherwise evidence statements made by persons who have testified or who have been interviewed or otherwise identified as having information concerning Judge Hastings or matters alleged in the Articles of Impeachment or in the Answer to Articles of Impeachment. This request specifically includes, without limitation, documents and other materials that report, comment upon, or otherwise evidence statements made by persons identified on the Composite List of Witnesses in *United States v. Borders, United States v. Hastings,* Investigating Committee Hearings, Special Committee Hearings, Subcommittee Hearings (Addendum C), the Revised Provisional Witness List submitted to the Subcommittee by Judge Hastings (Addendum D), and the List Other Persons Mentioned as Having Pertinent Information (Addendum E) appended to this request as well as by other persons interviewed or contacted who have never testified or been called to testify in any proceedings. This request includes rough notes, interview notes, recordings, memoranda, transcriptions of any of the foregoing, and signed or transcribed statements prepared or taken by: agents of the Federal Bureau of Investigation (the "FBI"); prosecutors or other persons employed by the United States Department of Justice; the chairman or other members of the Investigating Committee or of the Special Committee; John Doar, Stewart, Webb, Marta Campos, or others acting under Mr. Doar's supervision or at his direction; Sidney O. Smith, Bernard Taylor, or others acting under Mr. Smith's supervision or at his direction; Special Counsel Alan I. Baron or others employed by or acting under the supervision or at the direction of the House, the Committee, the Subcommittee, or special or regular counsel in the conduct of inquiries authorized by the House into the conduct of Judge Hastings, including those authorized by House Resolutions 128 and 499 and purported to be authorized by House Resolution 513.

III. *Documents and Other Materials Gathered by or Submitted to Grand Juries in Connection with Inquiries Concerning Judge Hastings or His Conduct.* Judge Hastings further requests that copies of the following documents and other materials be delivered and that originals be made available pursuant to this request, excepting only copies of documents or other materials produced pursuant to sections I or II of this request or delivered prior to or during the Subcommittee's hearings: Transcripts of statements made or testimony given by any of the persons identified on Addenda A through E or otherwise presented to Grand Jury 81-1 (Miami), Grand Jury 86-3 (Miami), or any other grand jury concerning Judge Hastings or his conduct or any other matter related to the allegations made in the Articles of Impeachment or the Answer to Articles of Impeachment; any documents or other materials presented to any such grand jury concerning any of those matters, and transcripts of colloquies and other proceedings concerning Judge Hastings or such matters before any such grand jury. This request specifically includes, without limitation, transcripts of statements, testimony, colloquies, and other proceedings before and documents and materials presented to Grand Jury 81-1 (Miami) or any successor grand jury between December 29, 1981, and February 4, 1983, or to Grand Jury 86-3 (Miami) or any successor grand jury between September 6, 1985, and the present.

IV. *Documents and Other Materials Obtained from the United States Department of Justice or Other Executive Branch Sources.* Judge Hastings further requests that copies of the following documents and other materials be delivered and that the originals be made available pursuant to this request, excepting only copies of documents or materials produced pursuant to sections I, II, or III of this request or delivered prior to or during the Subcommittee's hearings:

A. All documents and other materials concerning Judge Hastings or the matters alleged in the Articles of Impeachment or in the Answer to Articles of Impeachment obtained from or constituting records of the United States Department of Justice and its agencies, divisions, sections, offices, and its present or former officers, agents, and employees. This request includes, but is not limited to, surveillance logs and any transcriptions thereof, internal and external memoranda authorizing or concerning any investigations or any decisions to prosecute or not to prosecute conducted or made since January 1980 concerning Judge Hastings or William Borders and including the investigations initiated in 1985 concerning Judge Hastings and the alleged disclosure of confidential information to Mayor Stephen Clark and any other investigations or materials concerning Judge Hastings conducted, prepared, or received from January 1980 through the present. This request further includes, but is not limited to, documents and materials compiled, submitted, or maintained by the Attorney General, any Deputy, Associate, or Assistant Attorney General, or by any subordinate officer or employee of the Department of Justice, in-

cluding those in the Criminal Division and its Public Integrity Section; the Organized Crime Strike Forces in Miami, Florida, and Atlanta, Georgia; the United States Attorney's offices for the Southern District of Florida and the District of Maryland; and the FBI and its field offices in Miami, Florida, Washington, D.C., and Columbia, S.C.

B. To the extent not produced pursuant to Section IV.A. above, all investigative, intelligence, or other files maintained on each of the following persons: Judge Hastings, William A. Borders, Mayor Stephen P. Clark, William Dredge, Peter Ferguson, Joseph Nesline, Hemphill Pride, II, H. Paul Rico, and Glen Whittle. This request includes files maintained by the Justice Department and any of its divisions, offices, or bureaus, including the FBI, and by the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department.

C. Personal, disciplinary, investigative, or other files maintained on each of the following present or former executive branch employees: Justice Department attorneys Gerald McDowall, Reid Weingarten, and Robert Richter and FBI agents Anthony A. Amoroso, William J. Murphy, H. Paul Rico, Robert Foster, Thomas Dowd, Christopher Mazzella, and Geoffrey Santini.

D. All memoranda, notes, reports, photographs, sketches, or other material concerning any physical or mental examination or tests, or the results thereof, conducted with respect to any evidence, person, object, or place by or at the direction of the Justice Department or any of its officers or employees, including, without limitation, all records concerning examinations or tests of certain draft letters written by Judge Hastings and of other evidence gathered or received in connection with the investigation, prosecution, and trial of Judge Hastings and of William Borders and all records concerning any polygraph examination administered to Mayor Stephen Clark or others in connection with the investigation of the alleged disclosure of confidential information by Judge Hastings.

V. *Documents and Other Materials Gathered By or Submitted to the House, the Committee, the Subcommittee, the Managers, or Regular or Special Staff.* Judge Hastings further requests that copies of the following documents and other materials be delivered and that the originals be made available pursuant to this request, excepting only copies of documents or materials produced pursuant to sections I, II, III, or IV of this request or delivered prior to or during the Subcommittee's hearings: All documents and other materials concerning matters alleged in the Articles of Impeachment or in the Answer to Articles of Impeachment gathered by or submitted to the House or any member thereof, the Committee, the Subcommittee, the Managers, or regular or special staff. This request specifically includes photographs, sketches, memoranda, notes, reports, or other materials concerning any physical or mental examinations or tests, or the results thereof, conducted or performed with respect to any evidence, person, object, or place, including examinations or tests of electronic recordings or equipment, documents, and other physical materials; polygraph examinations; linguistic examinations; and examinations or tests conducted by consultants or organizations not regularly employed by the House.

VI. *Documents and Other Materials Which the House Intends to Offer at Trial Which are Material to Judge Hastings's Defense, Which are Exculpatory or Favorable to Judge Hastings, or Which May Lead to Such Exculpatory Material.* Judge Hastings further requests that copies of the following documents and other materials be delivered and that originals be made available pursuant to this request, excepting only copies of documents produced pursuant to Sections I, II, III, IV, or V of this request or delivered prior to or during the Subcommittee's hearings:

A. All books, papers, documents, photographs, or other tangible objects, or copies thereof, which the House intends to use as evidence in its case in chief at trial or which are material to the preparation of Judge Hastings's defense or which were obtained from, directly or indirectly, or belong to Judge Hastings.

B. All documents and other material which contain information that is exculpatory in nature or otherwise favorable to Judge Hastings or that may lead to material or information that is exculpatory or favorable to Judge Hastings.

Respectfully submitted,

JOHN W. KARR, WILLIAM G. MCLAIN, ANN B. RICHARDSON,
Karr & McLain,
Washington, DC.
ROBERT S. CATZ,
Cleveland, OH.
TERENCE J. ANDERSON,
Coral Gables, FL.
PATRICIA WILLIAMS,
Miami, FL.

Counsel to United States District Judge Alcee L. Hastings.

ADDENDUM A TO REQUEST

RESOLUTION OF THE JUDICIAL COUNCIL OF THE ELEVENTH CIRCUIT CONCERNING THE JUDGE ALCEE L. HASTINGS MATTER

Whereas the judges of the Judicial Council of the Eleventh Circuit have considered the request for Investigating Committee materials from the Judiciary Committee of the House of Representatives concerning the Judge Alcee L. Hastings matter;

Now therefore be it resolved that the members [1] of the Judicial Council of the Eleventh Circuit hereby release such material to Allan Baron, Counsel to the Criminal Justice Subcommittee of the House Judiciary Committee under the provisions of 28 U.S.C. § 372(C)14(A).

John Doar, Counsel to the Judicial Council's Investigating Committee, is authorized and hereby instructed to transmit the materials shown at Exhibit 1 to Mr. Baron.

Done at Atlanta, Georgia, this 25th day of September 1987.

For the Judicial Council:

NORMAN E. ZOLLER,
Secretary.

[1] Circuit Judge Joseph W. Hatchett has indicated that from his reading of 28 U.S.C. 372(c) and Addendum Three of the Rules of the Eleventh Circuit (Rule for the Conduct of Complaint Proceedings Under 28 U.S.C.A. 372(c)), the Judicial Council of the Eleventh Circuit has no further power to act regarding the Judge Hastings matter which the council heretofore forwarded to the Judicial Conference of the United States. Consequently, Judge Hatchett has indicated that he will not participate in any council action regarding matters heretofore forwarded to the Judicial Conference.

EXHIBIT 1

LIST OF INVESTIGATING COMMITTEE MATERIAL TO BE FURNISHED TO COUNSEL OF COMMITTEE ON THE JUDICIARY OF THE HOUSE OF REPRESENTATIVES IN CONNECTION WITH THE JUDGE ALCEE HASTINGS MATTER

1. FBI MATERIALS

a. Contacts with FBI—Vol. I-III.
b. Oversized Documents from FBI:
Information furnished with October 28, 1985 letter (Aiken to Doar);
Information furnished with February 13, 1986 letter (Aiken to Doar).
c. Original documents from FBI file

2. WITNESS FILES

a. Judge Alcee L. Hastings.
b. ALH's Financial Disclosure Report—1980.
c. ALH's Financial Disclosure Report—1981.
d. ALH's Financial Disclosure Report—1982.
e. ALH's Financial Disclosure Report—1983.
f. ALH's Financial Disclosure Report—1984.
g. Economic Testimony.
h. Cynthia A. Rogers.
i. Delta Airlines.
j. General Telephone Co. (Tampa).
k. C&P Washington, D.C.
l. Neal Sonnett.
m. Loews L'Enfant Plaza Hotel.
n. Custodian of Records, ATF.
o. Wendy Loucks.
p. William Dredge.
q. William Murphy.
r. James Harmon.
s. Michael D. Grogan.
t. J. Kent Cameron.
u. Carol D. Skiles.
v. Peter Schopperle.
w. Richard MacClary.
x. Ronald R. Foster.
y. William G. Connelly.
z. Lucille A. Connelly.
aa. Linda L. Reel.
ab. John J. Simmons, Jr.
ac. Robert B. Foster.
ad. William Borders.
ae. Martha Rogers.
af. Dale E. Bird.
ag. Richard C. Blake, II.
ah. Paul Rico.
ai. Hemphill Pride.
aj. Robert J. Richter.
ak. Charlester Williams.
al. Barbara H. Katzen.
am. Stanley Preiser.
an. Joanne Tyson.
ao. John Shorter.
ap. Jesse McCrary.
aq. John Michael Owens.
ar. Brenda Young Russell.
as. G. Richard Plenty, Jr.
at. Landmark First National Bank.
au. American Airlines.
av. Joanne Farrington.
aw. Joseph Nesline.
ax. Rebecca Sutton.
ay. Catherine A. Bohn.
az. Broward Federal Savings & Loan.
ba. Kenneth J. Fishman.
bb. James Diechert.
bc. Anthony Amoroso.
bd. Walter Merry.
be. Reid Weingarten.
bf. Joel Hirschhorn.
bg. Judicial Advisory Committee (Hon. Howard Markey).
bh. Senora Avery (AT&T).
bi. Essie Thompson.

bj. Donna Mendez Myrill.
bk. G. Golar Williams.
bl. Mayflower Hotel (Carl Crawford).
bm. Shirley Pride.
bn. William Waterman.
bo. Madeline Carole Petty.
bp. Michael Taines.
bq. Sheraton Washington Hotel.
br. U. of South Carolina Telephone Records Custodian.
bs. Governor's Office of Education (Tel. Records).
bt. Bonnie McCrary.
bu. Andrew Chisholm.
bv. C.L. McMillian.
bw. Lottie Harvin.
bx. Andrew Mavrides.
by. Justice Woodrow Lewis.
bz. Harry B. Derry.
ca. Larry White—S.C. Probation Officer.
cb. Carolyn McIver.
cc. James Vickers.
cd. C&P Maryland.
ce. Kenneth Gaines.
cf. Marian Bridgman.
cg. Mike Malone.
ch. Laverne Boone—Eastern Airlines in Day 1: Richard Lowe.
ci. Robert Fritz.
cj. Jack E. Swerling.
ck. Bettina Ayers.
cl. Sheraton Inn (West Palm Beach).
cm. Phil Moscato.
cn. Dale A. Glenn.
co. Mike McCowsky.
cp. First National Bank of Atlanta.
cq. Sun Bank (for A.H. Defense Fund).
cr. Sun Bank (formerly Flagship).
cs. Chase Manhattan Bank.
ct. American National Bank.
cu. American Savings & Loan Association.
cv. Pontiac State Bank.
cw. Beverly Hilton Hotel.
cx. Stonebridge Gardens Condominium.
cy. Dupont Plaza Hotel.
cz. F. Lee Bailey.
da. Le Lion D'Or Restaurant.
db. Holiday Inn (Broward County).
dc. Riviera Hotel (Las Vegas).
dd. US Air.
de. Mary DeRosa.
df. Tom Romano.
dg. James Hogan.
dh. George Boutro.
di. Alzora Simmons.
dj. Lee McCoy.
dk. Georgetown Leather Design.
dl. Santini Brothers.
dm. Midway Express.
dn. Gibraltar Savings & Loan.
do. Louima Ruth Romano.
dp. David Helman.
dq. Patricia Williams.
dr. Shirley Ross.
ds. Pearl and Margaret.
dt. Chief of Police, West Palm Beach.
du. Air Florida.
dv. S.O. Bell, Broward County.
dw. Delta Airlines.
dx. George Boutro.
dy. Marshall G. Curran.
dz. Barbara E. Whiting.
ea. H.T. Smith.
eb. Larry White, U.S. Probation Officer.
ec. Barbara Jean Good (L'Enfant Plaza Hotel).
ed. Laverne Boone (Eastern Airlines).
ee. Kenneth M. Robinson.
ef. Pearl Dabreau.
eg. Margaret Dabreau.
eh. SA Michael Malone.
ei. Henry Gonzalez.
ej. Larry Herr.
ek. Earl Wallo.
el. Steven Allen.
em. SA Ralph Phillips.
en. SSA W. Dennis Aiken.
eo. SA Wayne McDonald.
ep. Georgetown Inn.
eq. Roger C. Spaeder.
er. Madeline Petty.
es. Louima Ruth Romano.
et. Neal R. Sonnett.
eu. Helen Powell.
ev. Jeannette Chappell, Delta.
ew. Jesse McCrary.
ex. John M. Owens.
ey. Rita Gray.
ez. SA John W. Wall, Dea.
fa. James Deichert.
fb. Albert Paul Benton, c/o SA Wall.
fc. Norman Carlson, BOP.
fd. Robert M. March, Clerk, USDC, FL.
fe. Betty Ann Williams.
ff. Jeffrey Miller.
fg. Daniel Simons.
fh. Alan Ehrlich.
fi. Isidore Katz.
fj. Noel B. Smith.
fk. Southern Bell Telephone Company, Columbia, South Carolina.
fl. Southern Bell (Dade/Broward).
fm. Betty Ann Williams.
fn. Dwight Pettit.
fo. Daniel Simons.
fp. Jeffrey Miller.
fq. Willie J. Washington (Eastern Airlines).
fr. Ed Muckinhaupt (Eastern Airlines).
fs. Katherine McKenzie (Eastern Airlines).
ft. Alan Ehrlich.
fu. Allen Ehrlich.
fv. Detroit Plaza Hotel.
fw. Carrillon Hotel, Miami Beach.
fx. Casa Marina Resort, Key West.
fy. Pan American World Airways.
fz. Eastern Airlines.
ga. Best Western Motel, St. Charles.
gb. Sheraton Washington Hotel.
gc. Key Wester Resort Inn.
gd. New Jersey Bell Telephone.
ge. Pacific Northwest Bell, Seattle.
gf. New York Telephone.
gg. Pacific Telephone & Telegraph, L.A.
gh. General Telephone Company of California.
gi. Bell Telephone of Philadelphia.
gj. Illinois Bell.
gk. Michigan Bell Telephone.
gl. South Western Bell, St. Louis.
gm. Southern Bell, Atlanta.
gn. South Central Bell, New Orleans.
go. Cincinnati Bell.
gp. Ohio Bell Telephone.
gq. New England Telephone & Telegraph Co.
gr. Central Telephone Co., Las Vegas.
gs. Bell Atlantic, Arlington.
gt. Southern Bell, Charlotte.
gu. Wisconsin Bell.
gv. Southern Bell, Columbia, S.C.
gw. C&P of Virginia, Richmond.
gx. General Telephone Co., Tampa.
gy. United Telephone, Ft. Myers.
gz. Southern Bell, Jacksonville.
ha. Central Telephone Co., Tallahassee.
hb. North State Telephone, High Point, N.C.
hc. Carolina Telephone & Telegraph, Manteo.

3. NOTEBOOKS

a. Eleventh Circuit Paragraph Chronology with supporting materials (5 volumes):
Vol. 1.—¶¶ 1-55.
Vol. 2.—¶¶ 56-116.
Vol. 3.—¶¶ 117-155.
Vol. 4.—¶¶ 136-234.
Vol. 54.—¶¶ 235-291.

b. Chronology *United States* v. *Thomas and Frank Romano*, No. 78-364-Cr-ALH

c. *United States* v. *Hastings*, No. 81-596-Cr-ETG:

A Digest of Pleadings, Legal Memoranda, Orders and Memorandum Opinions Filed.

Summary of Trial Transcript (Book 1) Exclusive of Judge Hastings' Testimony.

Digest of Judge Hastings' Testimony and Other Statements He Placed on the Record During the Course of His Trial (Book 2).

d. Day-to-day Analysis of Activity Beginning Friday, January 2, 1981, and Concluding Tuesday, October 13, 1981.

e. Telephone Number Analysis:

(1) List of Relevant Telephone Numbers.

(2) Telephone Numbers That Have Been Identified.

(3) Long Distance Telephone Calls Billed to Residence of Jesse J. McCrary, Jr., 305-945-3784, January 1, 1981 through June 8, 1981 (IC-2020A), 305-758-5707, June 8, 1981 through June 16, 1981 (IC-2020A), and 305-758-5707, June 17, 1981 through October 31, 1981 (IC-2020).

(4) Record of Long Distance Telephone Calls Billed to Residence of Hemphill Pride, 803-254-0541, April 16, 1981 through July 16, 1981, and 803-252-5943, July 17, 1981 through October 30, 1981.

(5) Long Distance Telephone Calls Billed to Residence of Alberta Borders, 202-398-6321, April 30, 1981 through October 13, 1981 (IC-62).

(6) Consolidated Record of Long Distance Telephone Calls Billed to Residence of William C. Dredge, a/k/a Howard Schlosser, 305-945-9939, January 1, 1980 through December 8, 1980 (IC-2608), and to Bill's Place, 305-891-0737, January 2, 1980 through December 27, 1980 (IC-2609) (Excluding Any Calls Billed to Bill's Place May 14 through June 23, Which Are Missing From Bill's Place Phone Records).

(7) Consolidated Record of Long Distance Telephone Calls Billed to Residence of William C. Dredge, a/k/a Howard Schlosser, 305-945-9939, January 3, 1981 through March 31, 1981 (IC-130), April 1, 1981 through October 7, 1981 (IC-2046), and to Bill's Place, 305-891-0737, January 8, 1981 through March 1, 1981 (IC-2609), March 2, 1981 through October 12, 1981 (IC-65).

(8) Record of Long Distance Telephone Calls Billed to the Chambers of Judge Alcee L. Hastings, 305-350-4228, 305-350-4279, 305-350-4289, 305-350-4290, January 1, 1980 through July 20, 1982.

(9) Record of Long Distance Telephone Calls Billed to Residence of Judge Alcee L. Hastings 305-731-8176, January 1, 1979 through December 25, 1979 (IC-2681) and December 26, 1979 through December 31, 1980 (IC-2680).

(10) Consolidated Record of Long Distance Telephone Calls Billed to Residence of Judge Alcee L. Hastings 305-731-8176, January 1, 1981 through October 13, 1981, and Chambers of Judge Alcee L. Hastings, 305-350-4228, 305-350-4279, 305-350-4290, 305-350-4289, February 24, 1981 through October 13, 1981.

(11) Record of Long Distance Telephone Calls Billed to Office of James W. Cobb and William Borders, 202-387-1101, 387-1102, 387-1103, 387-1104, 387-1105, 387-2229, and 387-2255, June 27, 1981 through August 17, 1981 (IC-63), and September 1, 1981 through September 16, 1981 (IC-64).

(12) Long Distance Telephone Calls Billed to Residence of Mildred L. Hastings, 305-486-0733, January 2, 1981 through October 13, 1981 (IC-69).

(13) Record of Long Distance Telephone Calls Billed to the Chambers of Judge Alcee L. Hastings, 305-350-4228, 305-350-4279, 305-350-4289, 305-350-4290, 305-350-5951, November 30, 1979 through September 20, 1982.

(14) Confidential Memorandum re: Telephone System in Judge Hastings' Miami Chambers.

(15) Confidential Memorandum re: Judge Hastings' Fort Lauderdale Chambers Telephone Records for 1981-82.

4. DIGEST OF TESTIMONY OF WITNESSES BEFORE INVESTIGATING COMMITTEE BY DAY

Volume I—Day 1—May 20, 1985:

Preliminary, Jeanette Chappell, Richard Lowe, and Cynthia Ann Rogers.

Volume II—Day 2—May 21, 1985:

Angela Heller, Elizabeth A. Royer, Eunice Polloway, Linwood Gerald Greene, Jr., Neal R. Sonnett, Albert H. Blocker, and Charles Friedrichs.

Volume III—Day 3—May 22, 1985:

Wendy R. Loucks and William C. Dredge.

Volume IV, V & VI—Day 4-6—May 23, 24, 25, 1985:

William J. Murphy, Robert B. Foster, Carol Darlene Skiles, J. Kent Cameron, Michael D. Grogan, Peter Schopperle, William G. Connelly, Lucille A. Connelly, Linda Louise Reel, John J. Simmons, Jr., Dale E. Bird, William A. Borders, Jr., Martha Rogers, Richard C. Blake, H. Paul Rico, Hemphill Pride II, and Jimmy C. Harmon.

Volume VII—Day 7—May 27, 1985:

Robert Isacc Richter, Charlester Williams, Barbara H. Katzen, Stanley Preiser, John A. Shorter, Jr., and Joanne T. Colt.

Volume VIII—Day 8—May 28, 1985:

Daniel Scott Simons, John Michael Owens, Brenda Y. Russell, G. Richard Plenty, Jr., and Jesse J. McCrary, Jr.

Volume IX—Day 9—May 29, 1985:

James Deichert, Joseph R. Palese, Jr., Catherine A. Bohn, Rebecca Nesline, Joseph Nesline, Joanne Farrington, Ellen Van Sant, Kenneth J. Fishmann, and Rick N. Ellis.

Volume X—Day 10—May 30, 1985:

Joel Hirschhorn, Reid H. Weingarten, and Joel Hirschhorn.

Volume XII—Day 12—August 12, 1985:

Howard T. Markey, Donna Myrill, Senora Edwards Avery, and Essie M. Thompson.

Volume XIII—Day 13—August 13, 1985:

Eleanor Golar-Williams, Carl Crawford, Shirley Caldwell Pride, Linda Louise Reel, Ronald R. Foster, John J. Simmons, Jr., William Waterman, Michael Taines, and Madeline Carol Petty.

Volume XV—Day 15—August 15, 1985:

Joseph W. Polinski, Bonnie Yvette McCrary, and Loraine Damotta.

Volume XVI—Day 16—August 16, 1985:

Andrew James Chisholm, Lottie Harvin, C.L. McMillian, and Andrew Paul Mavrides.

Volume XVII—Day 17—September 4, 1985: Justice James Woodrow Lewis

Volume XVIII—Day 18—October 1, 1985:

Carolyn Rosito Mciver, John Larry White, James L. Vickers, and Harry B. Derry.

Volume XIX—Day 19—October 2, 1985:

Laverne Boone, Kenneth W. Gaines, Andrew James Chisholm, Marion Frances Bridgman, Robert C. Lewis, Angela Heller, and Michael P. Malone.

Volume XX—Day 20—October 24, 1985:

Hazel Stodgill, Phillip Moscato, Bettina Ayres, Robert A. Fritz, Jr., Michael J. Meczkowski, Linda Senn Roof, Dale Allen Glenn, and Jack Swerling.

Volume XXI—Day 21—April 7, 1986:

Barbara Whiting-Wright, H.T. Smith, Linda Senn Roof, Angela Heller, Eunice Polloway, and Linwood Gerald Green, Jr.

Volume XXII—Day 22—April 8, 1986:

Larry Herr, Maragaret Owens, Barbara Jean Goodwyn, Pearl Dabreua Mapp, Henry Gonzalez, John L. White, and Laverne Boone.

Volume XXIII—Day 23—April 9, 1986:

William J. Murphy, Jr., Helen N. Powell, Ralph Phillips, Wayne McDonald, Louima Ruth Romano, William Franklin Burruss, Jr., and Dennis Aiken.

Volume XXIV—Day 24—April 10, 1986:

Jeannette Chappell and Jesse J. McCrary, Jr.

Volume XXV—Day 25—April 11, 1986: James Deichert.

5. NOTEBOOK—IMPEACHMENT MATERIAL

ADDENDUM B TO REQUEST

RESOLUTION OF THE JUDICIAL COUNCIL OF THE ELEVENTH CIRCUIT CONCERNING THE JUDGE ALCEE L. HASTINGS MATTER

Whereas the judges of the Judicial Council of the Eleventh Circuit have considered the request for supplemental Investigating Committee materials from the Judiciary Committee of the House of Representatives concerning the Judge Alcee L. Hastings matter;

Now therefore be it resolved, That the members [1] of the Judicial Council of the Eleventh Circuit hereby release such material to Allan Baron, Counsel to the Criminal Justice Subcommittee of the House Judiciary Committee under the provisions of 28 U.S.C. § 372(C)14(A).

John Doar, Counsel to the Judicial Council's Investigating Committee, is authorized and hereby instructed to transmit the materials shown at Exhibit 2 with additions to Mr. Baron.

Done at Atlanta, Georgia, this 9th day of October 1987.

(For the Judicial Council)
NORMAN E. ZOLLER,
Secretary.

EXHIBIT 2

LIST OF INVESTIGATING COMMITTEE MATERIAL TO BE FURNISHED TO COUNSEL OF COMMITTEE ON THE JUDICIARY OF THE HOUSE OF REPRESENTATIVES IN CONNECTION WITH THE JUDGE ALCEE HASTINGS MATTER

FILE DRAWER 1

U.S. v. Pride—Cr. 77-214; Civil Action No. 80-1649-9.

U.S. District Court, District of South Carolina.

FILE DRAWER 2

U.S. v. *Borders,* exhibits 1 of 1.

U.S. v. *Hastings,* exhibits 1 of 2.

U.S. v. *Hastings,* exhibits 2 of 2.

Certain Original exhibits not in the clerk's received list—contained in closed yellow folders.

Other complaints:

5/27 handwritten memo of John Doar.

6/18/83 letter Zukernick to Judge Hodges.

6/18/83 letter Hooper to Judge Hodges.

6/24/88 letter Judge Hodges to Doar.

FILE DRAWER 3

Delano Stewart Material.

Pride, Hemphill—South Carolina Disciplinary Procedures.

Police Report of Found Property of Alcee L. Hastings on 5/1/82.

Documents Responsive to the subpoena served on the Judicial Advisory Committee on Judicial Activities.

Hastings' Discovery Material—From FBI file—Lose, Not Inventoried.

Hastings' Discovery Material—From FBI file—Inventoried Items.

FILE DRAWER 4

United States v. *Alcee L. Hastings,* Transcript of hearing on application for release of sealed documents.

Summary of Testimony of Alcee L. Hastings, January 28, 1983.

Investigating Committee Witness Digests:

I. Telephone Records.

II. Borders' Office Records.

III. Airline Records.

IV. Hotel Records.

V. Contributions Records.

VI. The Conspiracy.

VII. Dredge's Credibility.

VIII. Events of September 12, 1981.

IX. Events of September 16, 1981.

X. Events of October 9, 1981: (A) Washington, (B) Miami.

XI. Surveillance of William Borders: (A) July 21, 1981, (B) August 21-22, 1981, (C) September 11-12, 1981, (D) September 19, 1981, (E) October 9, 1981.

XII. Law Clerks.

XIII. Events During Discovery.

XIV. Pride's Reinstatement to the Bar.

FILE DRAWER 13

Flight Records.

Indices and Analysis of Telephone Logs.

Telephone contacts:

Judge Hastings—Pride, Borders—Pride, P. Williams—McCrary, Mrs. Hastings—McCrary, Judge Hastings—McCrary, Judge Hastings—P. Williams, Dredge—Nesline, Borders—Shorter, Borders—McCrary, Borders—Nesline, Judge Hastings—Borders, Borders—Dredge, Borders—Rico, Logs re: Nesline, Logs re: Shorter, Logs re: Judge Hastings, Logs re: Pride, Logs re: McCrary, Logs re: Dredge.

U.S. v. *Borders,* Arrest and Preliminary Hearing Matters.

U.S. v. *Dredge,* Court Papers; Documents received from U.S. Attorney; Materials received from Judge Kaufman.

Borders v. *Reagan,* Civil No. 81-1312, U.S. District Court for the District of Columbia.

Papers in *U.S.* v. *Santiago Cortes,* Cr. 85-167, USDC, Dist. of So. Carolina (Patricia Williams, defense counsel).

FILE DRAWER 18

Probation files: Frank Romano and Thomas Romano.

COURT RECORDS

In the Matter of Complaints filed against United States District Judge Alcee L. Hastings

Motion of the Investigating Committee of the Judicial Council of the Eleventh Circuit to Deny Joel Hirschhorn's Claim of Attorney-Client Privilege Asserted on Behalf of Judge Alcee L. Hastings with Respect to Certain Questions and to Order the Production of Certain Documents Withheld by Hirschhorn on the Ground of the Work Product Doctrine.

Motion of the Investigating Committee of the Judicial Council of the Eleventh Circuit for an Order Directing Patricia Williams to

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[1] Circuit Judge Joseph W. Hatchett has indicated that from his reading of 28 U.S.C. 372(c) and Addendum Three of the Rules of the Eleventh Circuit (Rule for the Conduct of Complaint Proceedings Under 28 U.S.C.A. 372(c)), the Judicial Council of the Eleventh Circuit has no further power to act regarding the Judge Hastings matter which the council heretofore forwarded to the Judicial Conference of the United States. Consequently, Judge Hatchett has indicated that he will not participate in any council action regarding matters heretofore forwarded to the Judicial Conference.

Comply with Subpoena and Subpoena Duces Tecum.

Motion of the Investigating Committee of the Judicial Council of the Eleventh Circuit for an Order Directing David Helman to Comply with Subpoena and Subpoena Duces Tecum.

Preliminary Response of Joel Hirschhorn and Report in Response to Clerk's Notice of March 17, 1986 (Joel Hirschhorn).

Report in Response to March 17, 1986 Notice (Patricia Graham Williams).

MISCELLANEOUS

Drug Enforcement Agency File—Re: William Dredge.

Initial Summary of *U.S.* v. *Hastings* (JD).

ADDITIONS TO EXHIBIT 2

LIST OF INVESTIGATING COMMITTEE MATERIAL TO BE FURNISHED TO COUNSEL OF COMMITTEE ON THE JUDICIARY OF THE HOUSE OF REPRESENTATIVES IN CONNECTION WITH THE JUDGE ALCEE HASTINGS MATTER

MISCELLANEOUS

Letter dated 5/28/84 from James Kreager to John Doar re: Judge Alcee Hastings.

Telephone records of Judge Hastings' chambers obtained from administrative office of United States Courts.

ADDENDUM C TO REQUEST

COMPOSITE LIST OF WITNESSES CALLED IN UNITED STATES v. BORDERS, UNITED STATES v. HASTINGS, INVESTIGATING COMMITTEE HEARINGS, SPECIAL COMMITTEE HEARINGS, AND SUBCOMMITTEE HEARINGS

Aiken, W. Dennis, Alaimo, Anthony A., Allen, Steven A., Amoroso, Anthony, Avery, Senora Edwards, Ayres, Bettina, Benton, Albert Paul, Bird, Dale E., Blake, Ricard C., II, Blocker, Albert H., Bohn, Catherine A., Boone, Laverne, Borders, William A., Jr., Boutro, George, Bridges, Roger, Bridgman, Marion Francis, Brown, Benjamin Daniel, Burns, Guy M. and Burrus, William Franklin, Jr.

Cameron, J. Kent, Chappell, Jeanette, Chisholm, Andrew James, Clark, Stephen P., Clark, Zende Lamar, Colt, Joanne Tyson, Connelly, Lucille A., Connelly, William G., Cortez, Miguel J., Jr., Crawford, Carl, Cruel, Barbara, Crump, John, Cunningham, I. J., and Curran, Marshall G., Jr.

Damotta, Loraine, Dawson, Warren Hope, Deichart, James, Derry, Harry Bishop, Doar, John, Dredge, William C., Duncan, Charles T., Edgecombe, Phil K., Ehrlich, Alan Gordon, Ellis, Rick N., Fales, Michael, Farrington, Joanne, Fishman, Kenneth J., Forsht, Donald, Foster, Robert B., Foster, Ronald R., Friedrichs, Charles, and Fritz, Robert A., Jr.

Gaines, Kenneth W., Gary, Willie E., Gibson, Joseph Wilbert, Glatzer, Phillip, Glenn, Dale Allen, Goldstein, Lisa, Gonzalez, Henry, Goodwin, Barbara Jean,[1] Greene, Linwood Gerald, Jr., Grogan, Michael D., and Gunn, James.

Harmon, Jimmy C., Harvin, Lottie, Hastings Alcee Lamar, Hastings, Mildred, Heller, Angela, Herr, Larry, Hirschhorn, Joel, Hodges, William, Hoeveler, William M., Katz, Richard, Katzen, Barbara Haworth, Latimer, Henry, and Lewis, Carolyn.

Lewis, James Woodrow, Lewis, Robert C., Lipman, David, Loucks, Wendy R., Lowe, Richard A., Lucy, William, MacClary, Richard, Malone, Michael P., Mance, Robert, Mapp, Pearl Dabreau, Markey, Howard T., Martinez, Roberto, Mason, Don, Mavrides, Andrew Paul, and Mazzella, Christopher R.

McCrary, Ronnie Yvette, McCrary, Jesse J., Jr., McDonald, Wayne A., McIver, Carolyn Rosito, McMillan, C.L., Meczkowski, Michael, J., Merritt, Alvoyd, Miller, Jeffrey A., Moscatto, Phillip, Murphy, William J., Jr., Myrill, Donna Mendez, Nesline, Joseph, and Nesline, Rebecca Sutton.

Owens, John Michael, Owens, Margaret Dabreau, Paine, James C., Palese, Joseph H., Jr., Perry, Herman C. Jr., Perry, Mathew J., Pettit, Alvin Dwight, Petty, Madeline Carole, Phillips, Ralph Ian, Plenty, G. Richard, Jr., Polinski, Joseph W., Polloway, Eunice, Powell, Helen N., Preiser, Stanley, Pride, Hemphill, II, and Pride, Mildred.

Pride, Shirley, Pruitt, Robert, Reel, Linda Louise, Reid, Herbert O., Richter, Robert I., Rico, H. Paul, Rivero, Johnny, Robinson, Ken, Rogers, Cynthia Ann, Rogers, Edward, Rogers, Martha, Romano, Frank, Romano, Louima Ruth, Roof, Linda Senn, Ross, Shirley, Royals, Flauren Joyette, Royer, Elizabeth A., and Russell, Brenda Y.

Santini, Geoffrey C., Schopperle, Peter, Selig, Simon Stephen, III, Seymour, Sylvia, Shorter, John A., Jr., Shuy, Roger, W., Simmons, Deborah Ramona, Simons, John J., Jr., Simmons, Daniel Scott, Skiles, Carol Darlene, Smith, Harold Teliaferro, Jr., Snead, Paul, Sonnett, Neal, Spaeder, Roger, C., Stallworth, Norma, Stevenson, Ralph, Stewart, Delano, Stodgill, Hazel, and Swerling, Jack.

Taines, Michael, Thomas, Daivid L, Thompson, Essie M., Thompson, Geraldine Grey, Van Sant, Ellen, Vickers, James L., and Wall, John W.

Wallo, Earle, Walsh, Bryon O., Washington, Wilie James, Waterman, William, Weingarten, Reid H., White, John Larry, Whiting, Barbara, Whiting-Wright, Barbara E.,[2] Whittle, Glen, Williams, Betty Ann, Williams, Charlester, Williams, Dudley R., Williams, Eleanor-Golar, and Williams, Patricia Graham.

ADDENDUM D TO REQUEST

BEFORE THE SUBCOMMITTEE ON CRIMINAL JUSTICE OF THE COMMITTEE ON THE JUDICIARY OF THE HOUSE OF REPRESENTATIVES; HEARINGS IN THE MATTER OF THE IMPEACHMENT INQUIRY CONCERNING UNITED STATES DISTRICT JUDGE ALCEE L. HASTINGS

JUDGE HASTINGS' REVISED PROVISIONAL WITNESS LIST

Judges who have served with United States District Judge Alcee L. Hastings:

The Hon. James Lawrence King, Chief Judge, United States District Court for the Southern District of Florida.

The Hon. William Hoeveler, United States District Judge for the Southern District of Florida.

The Hon. Edward B. Davis, United States District Judge for the Southern Distirct of Florida.

The Hon. Peter Palermo, United States Magistrate for the Southern District of Florida.

The Hon. Patricia Kyle, United States Magistrate for the Southern District of Florida.

Judges and other judicial officials who have participated in cases or administrative proceedings affecting United States District Jduge Alcee L. Hastings:

The Hon. Warren Burger, former Chief Justice of the United States.

The Hon. John C. Goldbold, former Chief Judge, United States Court of Appeals for the Eleventh Circuit.

The Hon. Frank M. Johnson, Jr., Circuit Judge, United States Court of Appeals for the Eleventh Circuit.

The Hon. Gerald B. Tjoflat, Circuit Judge, United States Court of Appeals for the Eleventh Circuit.

The Hon. Sam C. Pointer, Jr., Chief Judge, United States District Court for the Northern District of Alabama.

The Hon. William C. O'Kelley, United States District Judge for the Northern District of Georgia.

The Hon. Edward T. Gignoux, Senior United States District Judge for the District of Maine.

The Hon. Frank Kaufman, United States District Judge, District of South Carolina.

The Hon. Frank Coffin, Chief Judge, United States Court of Appeals for the First Circuit.

The Hon. W.W. Wilkens, United States District Judges, District of South Carolina

The Hon. John Lewis Smith, Jr., Senior United States District Judge, District of Columbia.

William F. Foley, former Director, Administrative Office of the United States Courts.

L. Ralph Mecham, Director, Administrative Office of the United States Courts.

James Macklin, Deputy Director, Administrative Office of the United States Courts.

John Doar, Esq.

Sidney O. Smith, Esq.

Bernard Taylor, Esq.

Norman A. Zoller, Circuit Executive for the Eleventh Circuit.

Thomas Reese, former Circuit Executive for the Eleventh Circuit.

Justice Department lawyers who made decisions on matters affecting United States District Judge Alcee L. Hastings:

Rudolph W. Giuliani, former Associate Attorney General, United States Department of Justice.

William F. Weld, former Assistant Attorney General, United States Department of Justice.

Gerald McDowell, Chief, Public Integrity Section, Criminal Division, United States Department of Justice.

Robert Richter, former Deputy Chief, Public Integrity Section, United States Department of Justice.

Reid Weingarten, former attorney for Public Integrity Secton, United States Department of Justice.

William Hendricks, Deputy Chier, Public Intergrity Section, United States Department of Justice.

John Campbell, attorney, Public Integrity Section, United States Department of Justice.

Eric Holder, attorney, Public Integrity Section, United States Department of Justice.

S. Michael Levin, former Chief, Miami Strike Force, United States Department of Justice.

Martha Rogers, former attorney, Miami Strike Force, United States Department of Justice.

John Ownes, former attorney, Miami Strike Force, United States Department of Justice.

Atlee Wampler, former United States Attorney for the Southern District of Florida.

Steve Allen, former United States Attorney for the District of Maryland.

James Deckhart, for attorney, Miami Strike Force, United States Department of Justice.

---

[1] Formerly Barbara Cruel; testified under both names.

[2] Formerly Barbara Whiting; testified under both names

Agents of the Federal Bureau of Investigation who made or participated in decisions affecting United States District Judge Alcee L. Hastings:

William Webster, former director, Federal Bureau of Investigaton.

Floyd I. Clark, Assistant Director, Federal Bureau of Investigation.

John Kelly, Unit Chief, Federal Bureau of Investigation Headquarters.

Sean Hilly, Supervisory Special Agent, Federal Bureau of Investigation Headquarters.

Robert Foster, Special Agent, Federal Bureau of Investigation, Washington, D.C.

Walter Schemplein, Supervisory Special Agent, Federal Bureau of Investigation Headquarters.

John P. O'Neal, Supervisory, Special Agent, Federal Bureau of Investigation Headquarters.

Anthony Amorso, Special Agent in Charge, Federal Bureau of Investigation, Miami office

Christopher Mazzella, Special Agent, Federal Bureau of Investigation, Miami office

Geoffery Santini, Special Agent, Federal Bureau of Investigation, Miami office.

Other witnesses with material information:

Chief Judge Frank J. Battisti, United States District Court, Northern District of Ohio.

The Hon. Miles A. Lord, Retired United States District Judge, District of Minnesota.

The Hon. Hames G. Carr, United States Magistrate, Northern District of Ohio.

Bernard J. Penetta, II, Esq.

Ira Kurzban, Esq.

Professor Irwin Stotsky.

Cornelius Allen, Staff, Metro-Miami Action Plan.

Pat Thomas, Staff, Metro-Miami Action Plan.

Flauren Joyette Royals, Staff, Metro-Miami Action Plan.

Deborah L McMullen.

Msgr. Bryan Walsh.

Theodore Sakowtiz, Esq.

Ray Ferrero, Esq.

Edward Stamm, Esq.

Larry Stern, Esq.

Chris McAliley, Esq.

Myles Malman, Esq.

Ray Takiff, Esq.

Barbara Petras, Esq.

Bruce Zimet, Esq.

Mario Cano, Esq.

Respectfully submitted,

JOHN W. KARR,
WILLIAM B. MCLAIN,
ROBERT S. CATZ,
TERENCE J. ANDERSON,
PATRICIA WILLIAMS,
Counsel for United States District Judge Alcee L. Hastings.

May 26 1988 [revised June 1, 1988].

ADDENDUM E TO REQUEST

LIST OF OTHER PERSONS MENTIONED AS HAVING PERTINENT INFORMATION

Aldridge, Gary
Aumock, Robert
Babcock, Barbara
Bell, Griffin
Bickley, Betty
Borders, Alberta
Bonehill, Richard
Buckley, John
Campbell, Donald
Chaconas, Peter
Corbin, Harry Nelson
Crawford, Curtis C.
Dennis, Jim (or James)
Evans, John
Ferguson, Peter J.
Foster, Robert Carr
Fuller, Vincent
Gianakis, Peter
Gianotti, Richard J.
Gray, Rita
Harrigan, Lawrence
Hogan, Charles Joseph
Howard, Carolyn
Huguley, Claude
Husick, Ben
Katz, Larry
Kellner, Leon
Kingston, Daniel C.
Kolker, Peter
Marcoline, Peter
McCullers, Margaret
Moran, Jean A.
Nadolsky, Harry
Pantin, Leslie, Jr.
Pride, Maude P.
Romano, Thomas
Schnapp, Mark
Simpson, Thomas
Smith, Noel
Steinhart, Frank
Stierheim, Merrett R.
Sumpter, Lanny J.
Trafficante, Santos
Usher, Joseph
Zuckerman, Roger

EXHIBIT 5

[In the Senate of the United States Sitting As a Court of Impeachment]

IN RE IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

RESPONSE OF THE HOUSE MANAGERS TO RESPONDENT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE MATERIAL

Respondent's "First Request for Production of Documents and other tangible Material" is unprecedented and unwarranted. This request seeks nothing less than everything the House of Representatives examined in the course of its investigation. Even if Respondent were on trial for his life and liberty he would not be afforded anything approaching the scope of discovery sought herein. Respondent's Request is an attempt to cripple the impeachment process.

Extensive disclosure to Respondent of materials obtained by the House has already occurred.[1] Moreover, the House is willing to provide any additional materials that would tend to accomplish the legitimate objective of avoiding unfair surprise to the parties, including providing relevant witness statements and evidence, if any, that might tend to be exculpatory. This response will afford Respondent reasonable discovery of relevant materials while at the same time permitting the trial to proceed on schedule.

In assessing Respondent's Request, it first should be noted that *any* formal discovery in an impeachment proceeding is unprecedented. *Jefferson's Manual*, H.R. Doc. No. 279, 99th Cong., 2d Sess., *Hind's Precedents of the House of Representatives* (1907), and *Cannon's Precedents of the House of Representatives*, H.R. Doc. No. 661, 94th Cong., 2d Sess. (1977) contain no references which would support discovery by the respondent in an impeachment trial. Moreover, the Senate Impeachment Rules do not provide for any discovery practice. Finally, a review of both English and American impeachment trials does not reveal any instance in which discovery took place.[2]

In the impeachment of Judge Harry Claiborne, the respondent filed a "Motion for Discovery," asking the Senate to:

". . . compel the discovery of previously sealed reports, transcripts of grand jury proceedings and exculpatory materials. The production of such materials is necessary and appropriate for the Senate to fulfill its co-equal role in reviewing the full record and determining whether the Executive and the Judicial Branches have fulfilled their Constitutionally mandated duty of providing substantive due process to Respondent, Judge Harry E. Claiborne." [3]

In particular, the respondent sought impeaching and exculpatory evidence which he claimed was likely to be found in certain grand jury testimony and correspondence.[4]

The House Managers opposed Judge Claiborne's Motion for Discovery on the grounds that none of the materials sought by the respondent were in the possession of the House of Representatives, but rather were held solely by non-parties to the impeachment proceeding. The Managers contended that Judge Claiborne had not demonstrated that the information requested could not be obtained directly from those third parties. The Managers argued that the respondent should not be allowed to use the impeachment proceeding to obtain documents which he could not otherwise obtain from a federal grand jury or from the Executive Branch. The House further noted that the respondent had been provided at his criminal trial with material, including grand jury testimony, concerning the witnesses that the government presented at trial and upon which the House intended to place reliance during the impeachment proceedings.[5]

Judge Claiborne's discovery motion was presented to the Rule XI committee appointed to take evidence in his case. After deliberation behind closed doors, the Chairman of the Rule XI committee, Senator Mathias, noted:

". . . The motion seeks assistance in obtaining evidence which may tend to exculpate Judge Claiborne. If the motion could be understood to ask the managers, who are the prosecutors in this impeachment proceeding, to provide to Judge Claiborne any exculpatory material which they possess, then, even though the motion is unprecedented in an impeachment proceeding to my knowledge, there might be some reason to grant it. However, the motion appears to be directed at information possessed by executive and judicial authorities and overlaps, with one exception, subpoenas which Judge Claiborne has requested to establish his allegations of prosecutorial and judicial misconduct.[6]

The Chairman then ruled that a decision would be reserved on these matters. The record does not reflect that the motion was further considered. Accordingly, the Claiborne impeachment proceeding does not support Respondent's request.

As the House previously stated:

"This lack of precedent for pretrial discovery in an impeachment proceeding makes sense in light of the structure of our Government. The House of Representatives and Senate, like the House of Commons and the House of Lords, are coordinate parts of the Legislative Branch. The House of Representatives does not have the authority to order the Senate to act in a particular manner. Likewise, the Senate does not have the authority to compel the House of Rep-

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Footnotes at end of article.

resentatives to take certain action, including the disclosure of investigative files to a respondent in an impeachment proceeding. The fact that the House of Representatives presents the Articles of Impeachment to the Senate for trial, as required by the Constitution, does not in any way limit its independent authority as one of the two houses of Congress".[7]

Notwithstanding the consistent history rejecting discovery in impeachment cases, the House Managers are prepared to provide Respondent with documentation he needs to avoid surprise at trial. A copy of any material falling into any one of the following three categories which has not already been provided to Respondent, will be provided by the House Managers:

A. Any document, tape or other tangible evidence the House Managers intend to use at trial;

B. Any statement of a witness to be called at trial that is sworn, adopted or approved by the witness; or

C. Any transcribed statement by a witness to be called at trial which is a substantially verbatim recital of an oral statement by the witness and was recorded contemporaneously with the making of such statement.

D. Any exculpatory evidence.

It must be emphasized the Respondent and his counsel have had access to extensive materials for months and even years. Under Rule 16 of the Federal Rules of Criminal Procedure at his criminal trial, Judge Hastings was afforded considerable discovery, including grand jury and other witness statements and exculpatory material. In addition, the Investigating Committee of the Eleventh Circuit which investigated the allegations of bribery conspiracy provided Respondent and his counsel access to some 2,800 exhibits, as well as a 4,000 page transcript of the testimony of witnesses who appeared before that committee.

Thereafter, the House of Representatives gave Respondent copies of both the exhibits and the transcripts from the Eleventh Circuit Investigating Committee. In addition, all of the materials introduced at the House Subcommittee hearings, including a 14 volume Statement of Information with thousands of pages of documents and exhibits were given to Respondent. Finally, Respondent sought and obtained the record of the Eleventh Circuit Special Committee which investigated the allegation that Respondent leaked confidential information obtained in his capacity as supervisory judge of an authorized wiretap.

In short, Respondent already has in his possession thousands of pages of discovery materials. The documents that remain to be turned over under the proposal of the House Managers are few in number and length. Their review provides no justification whatsoever for any delay in the trial.

Respondent's Request, on the other hand, is virtually coextensive with all documents in the possession of the House of Representatives. The mere process of identifying and duplicating all these materials would take an extended time. In addition, Respondent undoubtedly will use the volume of the materials as an excuse to petition the Senate for a delay of the trial in order to examine those materials in detail. This should not be permitted, particularly in light of the fact that Respondent could have sought many of these materials from their original source at a much earlier time, but did not.[8] Moreover, the materials consist primarily of items that are not original factual information, but rather, are the analyses by investigators of material already provided to Respondent.

Respondent's legitimate interests will be protected under the proposal of the House Managers. To the extent *any* of the requested materials fall within the categories described above—evidence intended to be introduced, sworn or transcribed statements of trial witnesses, and exculpatory evidence—the House will disclose them. However, consistent with the principles discussed herein, the House Managers' disclosure proposal is conditioned on the imposition of a reciprocal rule requiring Respondent to provide to the House, to wit:

A. all documents, tapes or other tangible evidence Respondent intends to use at trial;

B. any statement of a witness to be called at trial that is sworn, adopted or approved by the witness; and

C. any transcribed statement by a witness to be called at trial which is a substantially verbatim recital of an oral statement by the witness and was recorded contemporaneously with the making of such statement.

These materials are sought to avoid unfair surprise at trial and to expedite the handling of documentary evidence.

Respectfully submitted,

THE U.S. HOUSE OF REPRESENTATIVES.
ALAN I. BARON,
Special Counsel.

MANAGERS OF THE HOUSE OF REPRESENTATIVES

Jack Brooks, John Conyers, Jr., Don Edwards, John Bryant, Hamilton Fish, Jr., George W. Gekas.

IMPEACHMENT TRIAL STAFF

Alan I. Baron, Special Counsel; Janice E. Cooper, Assistant Special Counsel; Patricia Wynn, Assistant Special Counsel; Lori E. Fields, Assistant Special Counsel.

House Judiciary Committee Staff Participating in Impeachment Trial Preparation: William M. Jones, General Counsel; Alan F. Coffey, Jr., Chief Associate Counsel; Daniel M. Freeman, Counsel; Peter Levinson, Associate Counsel; Raymond V. Smietanka, Associate Counsel.

January 17, 1989.

FOOTNOTES

[1] See infra, and Reply of the House Managers to the September 8, 1988 letter from the Senate Committee on Rules & Administration, at 9-10 (hereinafter "Reply of the House Managers").

[2] Id. at 10-11.

[3] Reams, Jr., and C. Gray, *The Congressional Impeachment Process and the Judiciary; Documents and Materials on the Removal of Federal District Judge Harry E. Claiborne,* Vol. 2 at 278 (1987) (hereinafter *"Claiborne").*

[4] "Memorandum in Support of Motion for Discovery," 2 *Claiborne, supra* at 279-280; see also Respondent's argument in support of this motion during the debate thereon. 2 *Claiborne, supra* at 104.

[5] "Opposition to Motion for Discovery," 2 *Claiborne, supra* at 457-459; see also Rep. Kindness' argument in opposition to the discovery motion during the debate thereon. 2 *Claiborne, supra* at 104-106.

[6] 2 *Claiborne, supra* at 115-116.

[7] Reply of the House Managers, *supra,* at 11.

[8] For example, Respondent never requested the working materials from the Eleventh Circuit Investigating Committee investigating the bribery and perjury charges, nor did he ever petition the court or the House of Representatives for the grand jury materials in the bribery conspiracy case.

EXHIBIT 6

Finally, the House of Representatives proposes two procedures that would narrow the issues in dispute and, therefore, would expedite the presentation of the evidence at trial. First, the House asks the Senate to adopt a rule that would hold that any proposed stipulation of fact filed with the Senate by a party to this proceeding will be accepted as true unless the opposing party files a written objection, including a proffer as to why the proposed stipulation of fact should not be taken as true.

Second, the House asks the Senate to adopt a parallel rule addressing the authenticity of documents, which would establish that any proposed stipulation regarding the admissibility of a document filed with the Senate by a party to this proceeding will be accepted as true unless the opposing party files a written objection, including a proffer as to why the proposed stipulation should not be taken as true.

By adopting the above proposed procedures, the Senate would ensure a timely and just resolution of the pending impeachment proceeding.

EXHIBIT 7

First: The managers have submitted a last-minute proposal to further dilute the protections traditionally accorded the accused in the trial of an impeachment. Their staff has prepared voluminous proposed stipulations drawn from the Statement of Information their staff prepared before the House conducted its hearings. The managers now suggest that the burden be shifted to Judge Hastings, before the trial begins, to show what basis he has to refute their staff's claims. That will not do.

The House had its opportunity to formulate the accusations in such detail as it chose in the Articles of Impeachment. Judge Hastings has responded. The managers have replied. The facts in dispute are now defined. The managers must now recognize that they, not their staff, must carry the full burden the House assumed. They must make good the accusations by presenting competent testimony and other evidence. When they rest, then and only then may Judge Hastings be called upon to decide whether and what competent evidence should be produced in his defense.

That was the burden the prosecutors assumed the last time these accusations were tried. That is the procedure that was followed. Debi McMullen and eleven other citizens became constitutional officers and took an oath to do impartial justice there. They did. The House has already enjoyed unprecedented advantage in conducting a reinvestigation. The suggestion that they should be permitted to avoid their responsibility and dilute the accused's rights further is wrong.

If there is to be a trial, the managers must again assume the burdens the prosecutors assumed in 1983, the burden that managers for the House have assumed in trials of impeachment throughout history. If there is to be a trial, Judge Hastings must be accorded at least those protections that he was accorded in 1983 and the protections that have been accorded the accused in trials of impeachment throughout history. If there is to be a trial, the Senators must execute their oaths as fully as did Debi McMullen and her fellow jurors in 1983 and as fully as have Senators in trials of impeachment throughout history.

NOMINATION OF JOHN TOWER

Mr. DIXON. Mr. President, today I will cast my vote against the confirmation of John Tower to be Secretary of Defense. For the past 10 weeks, the Armed Services Committee has scruti-

nized the personal and professional qualifications of Senator Tower to serve in a post that critically impacts not only our defense and national security but our budgetary soundness.

The FBI reports that we have reviewed in recent weeks in no way drew Senators to an inescapable, ironclad conclusion. The FBI reports frankly, often raised more questions than they definitively answered. The FBI reports provided information, subjective information, based upon which each Senator must make a value judgment. The White House has maintained that the FBI reports proved Mr. Tower's fitness for the job. Armed Services Committee Chairman SAM NUNN, on the other hand, found the reports quite damaging. My good friend Senator WARNER, the ranking Republican on the committee, has said that these are matters on which reasonable men of good intent can credibly differ. Mr. President, I quite agree.

Despite a lengthy investigation, questions remain about whether the candidate, once in office, could effectively lead his department while disassociating himself from the defense industry he has represented in the private sector. To avoid a conflict of interest or the appearance of impropriety, Senator Tower, as Secretary of Defense, in way too many cases would have to recuse himself, or remove himself completely from the decisionmaking process.

Many of the allegations in the FBI files, I regret to say, are rumor, innuendo, and heresay. But other allegations offer cause for considerable alarm. Of particular concern to this Senator is that for 10 weeks the firestorm of allegations against Senator Tower has not subsided. There may not be a smoking gun, but there sure is an abundance of smoke.

The continuing allegations and charges have protracted these hearings long beyond the expectations of any of us on the committee, and, even now, show no evidence of dissipating. I am concerned the continuing nature of the allegations have damaged Mr. Tower's ability to serve and would haunt his tenure as Secretary of Defense.

When I learned, some months ago, of President Bush's plans to nominate Senator Tower for Secretary of Defense, I mentioned Senator Tower's expertise and background in the defense and national security field. I have served in the Senate with John Tower and value his service. Because of Senator Tower's contributions to this country, my decision to oppose his confirmation was a particularly difficult decision for me to reach.

In conclusion, I would like to commend Chairman NUNN, the ranking member Senator WARNER, and the Armed Services Committee staff for effectively addressing the difficult issues presented this committee by this confirmation process.

ORDER FOR RECESS UNTIL MONDAY, FEBRUARY 27, 1989, AND FROM MONDAY, FEBRUARY 27, 1989, UNTIL 2:15 P.M., TUESDAY, FEBRUARY 28, 1989

Mr. MITCHELL. Mr. President, I intend to bring the Senate in for a pro forma session on Monday rather than on Friday, as I had previously indicated.

I now ask unanimous consent that when the Senate completes its business today it stand in recess until Monday, February 27, at 12 noon and that on Monday the Senate meet in pro forma session only and that no business be in order; I further ask unanimous consent that when the Senate recesses on Monday, it stand in recess until 2:15 p.m. on Tuesday, February 28.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS ON TUESDAY, FEBRUARY 28, 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, February 28, there be a period for morning business following leader time not to extend beyond 4 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, FEBRUARY 27, 1989

Mr. DIXON. Mr. President, I believe the Republican leader has no further business. Can I have a confirmation of that?

I understand, Mr. President, the Republican leader has no further business. Is there any other Senator seeking recognition?

Mr. President, on behalf of the leadership on this side, Senator MITCHELL, I now ask unanimous consent that the Senate stand in recess under the previous order until 12 noon on Monday, February 27.

There being no objection, the Senate, at 6:25 p.m., recessed until Monday, February 27, 1989, at 12 noon.

EXTENSIONS OF REMARKS

FAIR HOUSING PROBLEMS STILL EXIST

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. MOODY. Mr. Speaker, last year, Congress passed the Fair Housing Act Amendments which I strongly supported. The need for this legislation is clear. Twenty years after the enactment of the Fair Housing Act, discrimination in housing still exists. I want to bring to the attention of Members a new study which shows that vigorous enforcement of fair housing standards is still needed.

The study, "Residential Segregation of Blacks, Hispanics, and Asians by Socio-Economic Status and Generation," was conducted by two researchers at the University of Chicago. It is based on a "dissimilarity index" which measures the percentage of minority group members that would have to move in order to achieve an equal distribution across a metropolitan area. In other words, it determines the extent of housing segregation in a given metropolitan area. A dissimilarity index over 0.600 is considered high and one below 0.300 is considered low.

One conclusion of this study is very revealing: Black Americans are the only ethnic group that fail to achieve integrated housing even after moving into higher income levels. In the 20 largest metropolitan areas, black Americans earning more than $50,000 had a dissimilarity index of 0.768 while those earning less than $2,500 had a dissimilarity index of 0.806. While the figures for Milwaukee—my home city—were not publicly released, Milwaukee's profile is similar to Chicago's, where the index for blacks earning more than $50,000 was 0.863 and the index for those earning less than $2,500 was 0.911. Unfortunately, this is higher than the average for the 20 largest metropolitan areas.

Taken alone, the study does not provide de facto evidence of redlining or discrimination. However, taken in conjunction with another study published a few weeks ago by the Atlanta Journal and Constitution, the evidence of redlining and discrimination is stronger. The Journal and Constitution study found that black applicants for home mortgages were rejected twice as often as whites. Particularly troubling to me is the fact that the disparity in Milwaukee was the widest in the Nation.

I am deeply concerned about the implications of these two studies. All Americans have a right to decent housing in the neighborhood of their choice. The careful compromise of the Fair Housing Amendments will ensure that this right is reality.

Reports on the two studies from the Washington Post follow:

[From the Washington Post, Feb. 8, 1989]

HIGH-INCOME BLACKS STILL LACK INTEGRATED HOUSING, STUDY SAYS WASHINGTON AREA FOUND RELATIVELY LESS SEGREGATED

(By Jay Mathews)

LOS ANGELESTI—A MAJOR STUDY OF 1980 CENSUS DATA HAS DETERMINED THAT BLACKS COMPRISE THE ONLY MAJOR ETHNIC MINORITY IN THE NATION THAT FAILS TO FIND HOUSING IN WELL-INTEGRATED NEIGHBORHOODS AFTER ACHIEVING HIGH INCOMES AND COLLEGE DEGREES.

The analysis by University of Chicago researchers also indicates that, although high-income, well-educated blacks in the Washington area remain segregated, they are less so than similar blacks in 18 of the 19 other major metropolitan areas studied.

The figures show that Hispanics and Asian Americans, unlike blacks, find homes in largely integrated neighborhoods once they reach high income and education levels.

"The fundamental cleavage appears to be between blacks and non-blacks," concluded Nancy Denton, a research associate and demographer at the university's Population Research Center, and Douglas Massey, professor of sociology and center director.

"No matter what their educational or occupational achievements and whatever their incomes, blacks are exposed to higher crime rates, less effective educational systems, higher mortality risks, more dilapidated surroundings and a poorer socioeconomic environment than whites, simply because of the persistence of strong barriers to residential integration," they said.

Denton, the primary researcher, said in an interview that the problem was underscored by a recent report in the Atlanta Journal and Constitution that the percentage of black rejected for mortgages from savings and loans nationwide was twice that of whites.

She said the relative ability of well-educated, high-income blacks to find integrated neighborhoods in the Washington area may reflect the large number of such blacks in the District and local officials' unusual sensitivity to civil rights concerns.

The study, to be published Wednesday in Social Science Quarterly is the latest in a series exposing the extent of black housing segregation through use of what the researchers call a "dissimilarity index."

The index computes the portion of minority group members who would have to move in order to achieve even distribution throughout a metropolitan area. Dissimilarity indexes of .600 and above are considered high and those below .300 low.

In the 20 metropolitan areas studied, blacks who earned more than $50,000 annually had a dissimilarity index of .768, while blacks earning less than $2,500 had an only slighly higher .806. Blacks with 17 or more years of schooling had a .702 index, compared with .803 for blacks with a fourth-grade education or less.

In the Washington area, blacks earning more than $50,000 had an index of .654, compared with .792 for those earning less than $2,500. Only Birmingham, with the traditional integrated housing pattern of some southern cities, had a lower index for high-income blacks—.452 compared with .461 for its lowest-income blacks.

[From the Washington Post, Jan. 24, 1989]

REPORT SAYS S&LS SHOW LOAN BIAS—BLACKS REJECTED MORE OFTEN, ANALYSIS FINDS

(By David S. Hilzenrath)

Savings and loan institutions reject black applicants for home loans twice as often as whites, according to a newspaper analysis of 10 million loan applications during the past five years.

In parts of the country, high-income blacks are rejected at the same rate as low-income whites, the Atlanta Journal-Constitution reported Sunday.

The Journal-Constitution based its analysis on Federal Home Loan Bank Board records of $1 trillion in loan applications submitted to savings and loans nationwide from 1983 through the middle of last year. The report also showed a wide gap between rejection rates of whites and other minority groups.

Calling the findings "extremely disturbing," Senate Banking Committee Chairman Donald W. Riegle Jr. (D-Mich.) yesterday called on the bank board to explain why it had not analyzed the data itself and to offer an accounting of bank board efforts to enforce fair housing laws.

Civil rights activists and minority groups said the newspaper report confirmed what they have long asserted.

"It proves exactly what we have been saying for a long time—that there is . . . discrimination in lending," said Raul Yzaguirre, president of the national council of La Raza, a Hispanic civil rights group. "It means that the laws aren't working and we're going back to them and find a way of strengthening that legislation."

The newspaper reported that nationwide, the loan-application rejection rate was 11.1 percent for whites, 12.2 percent for Asians, 16.5 percent for American Indians, 18.2 percent for Hispanics and 23.7 percent for blacks.

The gap between blacks and whites in the Washington area is slightly narrower than the national average. While 15.7 percent of black applicants were denied mortgages here, only 8.5 percent of whites were rejected.

The disparity was widest in Milwaukee, where black loan applicants were almost four times as likely as whites to be rejected by savings and loans. High-income blacks were rejected more often than low-income whites in 85 of the 100 largest U.S. metropolitan areas during at least one of the past five years, according to the report.

Mark Clark, a spokesman for the U.S. League of Savings Institutions, an industry lobbying group, said the Journal-Constitution report does not show whether discrimination has occurred because key factors, such as the credit rating of the loan applicants, were not addressed.

As part of the settlement of a civil rights suit a decade ago, the bank board agreed to collect and analyze data on the race, sex and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

marital status of loan applicants at each of the 3,100 savings and loan associations and mutual savings banks in the country, the newspaper said. However, the information was not analyzed until the paper obtained it through the Freedom of Information Act.

Jerauld Kluckman, director of compliance at the bank board's office of regulatory activities, said the numbers analyzed by the newspaper should have waved a "red flag" for examiners. "I think generally we could have been more diligent in using this information," Kluckman said, but he added that the bank board has been preoccupied with the financial crisis facing the savings and loan industry.

Until recently, the federal government had virtually no means of enforcing laws designed to protect home buyers from discrimination, according to civil rights activists. Last year, however, Congress amended the Fair Housing Act to create an enforcement mechanism.

Despite federal laws, low-income minority neighborhoods continue to receive a disproportionately low share of home loans, activists said.

In 1986 and 1987, the most recent years for which statistics are available, nine major lenders extended $187 million in housing loans in the District of Columbia, according to Paul Battle, director of Washington Innercity Self Help, a nonprofit group that focuses on housing for low- and moderate-income D.C. residents. Only 12.2 percent of those loans went to low-income and minority-dominated areas of the District, he said.

Predominantly white Ward 3 in Northwest Washington received the largest sum: 998 loans worth $142.8 million, Battle said. At the other end of the spectrum, Ward 8 in Southeast Washington received 160 loans worth $4.2 million, he said.

"Banks and savings institutions must meet the credit needs of low- and moderate-income communities," Battle said. "They aren't doing it right now. They definitely aren't doing it here."

Robert A. Barton, Jr., senior vice president of Perpetual Savings Bank, the area's largest thrift, said he was surprised by the Journal-Constitution's findings but doubted that discrimination was at work.

"I think the lenders in the [Washington] area have done a very good job in meeting those needs," Barton said. "Maybe I'm too naive or too trusting, I don't think so."

SUPPORT THE REAUTHORIZATION OF THE WATER RESOURCES RESEARCH ACT OF 1984

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. MILLER of California. Mr. Speaker, today, Mr. CHENEY and I are introducing legislation to reauthorize the Water Resources Research Act of 1984 for 5 more years.

This bill passed the House last session without dissent. The Senate failed to bring this bill to a vote prior to adjournment. It is important that Congress move quickly on this legislation since the authorization for the Water Resources Research Program expires on September 30 of this year.

This is a highly successful program which deserves our support.

The program is designed to make sure that we have highly trained water resources professionals and well-planned research programs to develop practical solutions to the Nation's water and water-related problems. These objectives are accomplished through a nationwide system of water resources research institutes and a competitive national program for research grants.

This program is a cooperative effort, where State, Federal, and local levels of government come together to seek solutions to water resources issues and to jointly fund much of the work done under this program.

I urge all of my colleagues in Congress to join me, once again, to support this legislation.

ISRAEL, THE MASS MEDIA, AND THE STATE DEPARTMENT HUMAN RIGHTS REPORT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. LANTOS. Mr. Speaker, the State Department recently released its annual country reports on human rights to the Congress of the United States. As the Washington Post commented editorially, "The State Department's country-by-country judgments have a value in focusing attention on things that need to be done, or done better, or not done." As the Democratic cochairman of the Congressional Human Rights Caucus, I welcome the continued scrutiny of human rights conditions in 166 countries around the globe. The issue of human rights is not a Democratic issue or a Republican issue—it is an American issue. It is a unique American contribution to international relations.

While I welcomed the report, I was shocked and appalled by the media coverage given that comprehensive 1,500-page document. Media attention was focused on only one country—Israel. These 15 pages of the State Department report received substantially more media coverage than the rest of the entire report combined. I can only describe the media's obsession with Israel—to the exclusion of the remaining 165 countries—as a pathological preoccupation.

Mr. Speaker, it would be naive for anyone to argue that Israel's human rights record is without blemish. But at the same time, during the last year Israel has been forced to cope with a violent internal uprising, a civil insurrection, while facing the constant threat of internal and external terrorism. Israel has had to take a number of restrictive actions in order to maintain its international security and domestic tranquility. But, in spite of its problems, as the Washington Post appropriately noted, "Israel, being democratic, offers its citizens basic rights and supports a process of law by which they can claim them" and "Israel is at heart a democratic country."

In large part because of Israel's democracy and press freedom, its problems in facing the challenge of civil insurrection are on the front pages of American newspapers and on our television screens each night. In many other countries, where far more serious human rights violations have occurred, there is no freedom of the press or access for foreign journalists to document these abuses. This State Department report provides a balanced review of human rights in 166 countries, but again the media ignores the complete picture and attacks Israel.

The media have seized on the small section of the report dealing with the West Bank and Gaza—virtually disregarding the remaining 99 percent of the report, virtually ignoring some of the most outrageous human rights violations noted by the State Department since the annual reports began.

Mr. Speaker, for the benefit of my colleagues who may not have had the time or opportunity to read the full 1,500-page text of the report, I would like to mention only a few of the most deplorable items from the reports that the media did not deem worthy of mention.

What shocked me most in the report is the widespread use of poison gas and nerve gas by the Government of Iraq against its own civilian population. But since Iraq is a ruthless, totalitarian dictatorship, access to the places where these crimes against humanity were committed was completely restricted. Thus, the report can only estimate that about 8,000 innocent children, women, and men were killed by poison gas by the Iraqi regime. Furthermore, more than half a million Kurds in Iraq were forcibly transferred from their homes and their villages were bulldozed in Iraq's campaign to suppress Kurdish efforts to win political autonomy.

I also find it intriguing that the media has not paid the slightest attention so far to the fact that in 2 days last October—in just 2 short days—the Government of Algeria machinegunned approximately 800 of its own civilian population while attempting to put down food riots.

Another country with serious human rights violations—again ignored by the media—was Sudan. Countless bits of corroborating evidence confirm that between 100,000 and 250,000 Sudanese died as a result of the unwillingness of both the Government and the rebel forces to allow food to reach starving people.

The State Department report also discusses—but again the media ignored—Syria, where there is a "pervasive denial of human rights, including widespread torture and denial of freedoms of speech, press, association, and the right of citizens to change their government." The media also said nothing about Saudi Arabia, a feudal kingdom where amputation is a standard form of criminal punishment, where the practice of Christianity is outlawed, and where conversion from Islam is punishable by death.

Mr. Speaker, I urge my colleagues to examine the full country reports with great care, because the extensive media coverage hardly gives an accurate, balanced view of this comprehensive report.

A DYING BREED

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. BRENNAN. Mr. Speaker, I wish to bring to the attention of my colleagues the following article, entitled "A Dying Breed," by Peter J. Brown. This article appeared January 19 in the Bar Harbor Times of Bar Harbor, ME. Mr. Brown's article documents the troubling decline of our merchant marine fleet and the implications of that decline.

[From the Bar Harbor Times, Jan. 19, 1989]

A DYING BREED—MDI MERCHANT SEAMEN WATCH INDUSTRY DISAPPEAR

(By Peter J. Brown)

Mount Desert Island is home to many active members of the U.S. Merchant Marine. A century ago, Maine sent countless men to sea as the great "Downeasters," and huge coastal schooners plied international waters, laden with grain, lumber from the bustling port of Bangor and other varied cargoes. Times have changed and maritime jobs are fast disappearing.

Today American seamen face what, at the end of World War II, would have been an inconceivable scenario: the U.S. Merchant Marine fleet is shrinking rapidly to a point where more ships fly the flag of the U.S. Navy than belong to the U.S.-flag merchant fleet.

The decline of the U.S. Merchant Marine has prompted the formation of a special national commission to study the situation and make recommendations. This group, known as the Bennett Commission, has issued strong and urgent warnings about the adverse consequences of this ongoing reduction in U.S. merchant ships and skilled manpower.

Maine Maritime Academy (MMA) in Castine has attempted to better prepare its graduates today for a harsh job market that shows no sign of improvement in the near future. Engineers are offered a range of courses, focusing on the operation of large land-based power generating stations. Another new program focuses on the operation of boatyards. Still, many MMA graduates elect to go to sea, filling positions that are well below their level of training.

TROUBLING TESTIMONY

Lester R. Smallidge of Pretty Marsh, MMA class of '57, is probably "the dean" of active island merchant mariners. He is the chief engineer aboard the 700-foot Farrell Lines containership, *American Resolute.*

"People would be amazed by the amount of cargo—general and military—that is carried on foreign ships. The American people don't realize what is happening," said Smallidge. "If this [the U.S. Merchant Marine] goes down the tubes, then the American people will end up paying for it in the future, paying a lot more than we are now."

"The American people aren't aware of what they are losing," said Norris M. Reddish of Somesville, MMA class of '58. Reddish is chief engineer aboard the USMV *PFC William B. Baugh,* a huge so-called "maritime prepositioning ship," operated under contract by the Maersk Line for the Military Sealift Command out of Diego Garcia in the Indian Ocean. This ship carries all the necessary supplies for an entire Marine Amphibious Brigade.

"Look at Canada. They sat back until their fleet was down to only two ships. Then, the Russians and others who were carrying their freight began to demand much higher rates, saying, 'Well, if you don't want to pay these rates, then we won't haul it.' Now, Canada has a massive building program underway," said Reddish.

"Congress doesn't want anything to do with it," said James W. Corbett of Bar Harbor, MMA class of '69.

"Most other nations support and subsidize their merchant marines, ours isn't. In the event of a national emergency, a time when we're really needed, people are going to ask, 'What happened to our merchant marine?' The answer is simply that we don't have one anymore."

A DIFFERENT LIFESTYLE

Corbett is a chief engineer for Crest Tankers, Inc., aboard a 600-foot tanker called *S.S. Chablis.* He has always worked aboard tankers. He likes the job; he's gone for three months at a time and then stays home for two months with his wife, Suzanne, and their three children.

"I prefer seeing different places. It's unpredictable. I go all over the world," he said. "Growing up in Otter Creek, I spent a lot of time on the water. As a senior in high school, I wasn' sure what I was going to do. When the recruiters came to the high school from MMA, they emphasized the travel and the good wages, so I applied and I was accepted."

He has seen many changes in his industry over the last 20 years. He believes that the shipboard environment is much more informal and relaxed than it used to be. It is less military in nature, while at the same time, the long-term job security and the sense of opportunity is gone.

SHIPPING TRANSFORMED BY TECHNOLOGY

The great ports of the world, led by cities such as Hong Kong, Rotterdam, New York-Port Elizabeth, Yokohama and Los Angeles-Long Beach, now function like huge airports with immense containerships, tankers and bulk carriers flowing in and out. This round-the-clock activity is subject to very tight scheduling, and it is monitored by computerized traffic control points.

Fantastic amounts of cargo can be loaded or off-loaded at stunning speeds—measured in hours, not days. Rapid turnaround time is essential as immense ships must be in constant motion in order to achieve profitability. Gone almost entirely are the teeming ranks of stevedores. Machines have replaced muscle-power. Dockside, huge mobile cranes shuttle 20- or 40-foot containers around.

The shipping companies have changed as well. Some lines adapted well to the new technology and shift in trade patterns, but many more have simply disappeared, like American Export Lines and Grace Lines. Two years ago, U.S. Lines folded, a move that stunned the industry, Lester Smallidge mentioned that his company, Farrell Lines, has shrunk from 32 ships to five ships. The only major U.S. shipping companies that have survived a prolonged shakeout in the industry are Sea-Land, Lykes Lines, American Presidential Lines and Farrell Lines.

Sea-Land, for example, is the firm that introduced containerization technology, a move that revolutionized shipping worldwide. Today, Sea-Land is tied into one large "intermodal network" consisting of railroads, trucks and barges as well as a telecommunications grid, all operated by a Virginia-based transportation conglomerate called CSX.

Ships are increasingly automated, able to run virtually by themselves with a handful of men on duty. They are linked to their home offices by satellite. The crews on board the ships have, in most cases, been greatly reduced in number. It is not uncommon to find less than two dozen men running a ship as long as three football fields.

"We do things more efficiently. We move more oil quicker with less people," said Jeff Lambert of Bar Harbor, MMA class of '73. "It's been streamlined to the point where there's really no room for improvement."

Lambert followed in his brother Butch's footsteps, and currently serves as chief mate aboard a 651-foot tanker named *Chevron Colorado.* For years he worked in Alaska, hauling fuel oil to ports all over Alaska, and he has fond memories of that period in his life. However, like most of his fellow merchant mariners, he has become pessimistic in his view of the industry as a whole and its future.

"The job prospects are not there. The U.S. Merchant Marine is a dying breed; we're becoming obsolete. The Jones Act is keeping us alive. Soon, all you will have left is a commercial fleet serving the military," he said. "I don't know how the maritime schools are going to remain open. Things are going to get worse before they get better."

DANGER AT SEA

And a life at sea can be very dangerous; just ask David L. Bracy of Bar Harbor, MMA class of '64. He survived a spectacular collision that claimed a dozen men in New York Harbor in 1972. His entire ship was set ablaze.

A veteran of many crossings of the North Atlantic northern Europe, Bracy has seen his share of angry seas as well. Routine encounters with storms are less frequent today, thanks to a combination of much-improved weather forecasts and satellite communications that enable most ships to avoid bad weather.

"We got hit by one wave between Genoa and Barcelona, in the Mediterranean Sea. I was in the engine room at the time, on this old C-2 cargo ship (about 400 feet long), and I was afraid that the pipes were going to rupture. When we got to the dock, you could see right through this crack in the deck, right through the hull and out the other side of the ship. The wave must have been 60 or 80 feet high, and 40 feet is considered big," he said.

TOUGH ON FAMILIES

Norris Reddish thought about going in the U.S. Coast Guard, but he went to MMA instead. He goes to sea for four months and then returns to his wife, Elaine, and their two children for a two-month vacation. It is a lifestyle that many people find difficult to accept. It takes its toll on family life.

"I was very lucky. I was home a lot of holidays, a lot of summers," Reddish commented. "This kind of life is hard on the children. As for the wives, well, a woman has to be able to stand on her own two feet."

Divorce and alcoholism are often part of the picture. Paula Lambert's husband, George R. "Butch" Lambert, of Bar Harbor, has been going to sea for years, and yet, she still has a hard time adjusting every time he sets sail.

"It's upsetting. When they sail, you have to go back to being independent. People just don't understand this industry," she said.

It's tough on the men, too.

"It's two completely different lifestyles," said Jim Corbett. He describes the ship as "a lonely lifestyle," very different from a home, filled with three kids. It still takes time for him to unwind.

Jack Cunningham of Bar Harbor serves as a third mate. He graduated from MMA in 1980. He is either at sea or fishing, so he feels that things have worked out well for him. He also thinks that the job market is better now than it was four or five years ago.

He has a wife, Beth, and two kids, with a third on the way.

"My wife can adjust to my being away. It's like all of sudden she's everything. As far as the kids are concerned, my oldest seems to take it okay, but my youngest has a hard time for the first couple of weeks, then he gets used to it." He said. "I don't like being away, but I like the work. Once you're on the ship, you throw yourself into it."

Lester Smallidge sums up his feelings this way.

"The Merchant Marine has been very good to me—I've been in it for 32 years, but the romance is gone. There is not that much of a future in it now."

H.R. 128, THE HANDGUN REGISTRATION ACT OF 1989

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mrs. COLLINS. Mr. Speaker, at the onset of the 101st Congress, I introduced H.R. 128, the "Handgun Registration Act of 1989" which would require the States to establish a handgun registration program. The bill specifies characteristics that such a program must include, such as penalties for serious and nonserious violations. Additionally, the bill directs a Federal handgun registration program to go into effect in States which fail to establish an adequate program.

This legislation has become necessary as our country has become addicted to guns. The victims are not often criminals, and, with increasing regularity, the perpetrators had not been criminals either. Often, the simple accessibility of handguns escalates arguments into accidents. Very recently a 6-year-old Virginia boy shot and killed his 8-year-old sister after she scolded him for playing with a gun. This is just one in a string of incidents where very young children are being shot and killed as a result of playing with guns.

The proliferation of firearms is highly visible in Chicago where the numbers of weapons on the streets and resulting crimes is constantly increasing. The Chicago Police Department reports that in 1988, over 14,000 firearms were confiscated, up from 12,602 the previous year; that 10,206 aggravated assaults by shooting were committed, up about 700 from 1987; and that armed robberies increased from 12,943 in 1987 to 13,090 in 1988. These numbers are dramatized by the raids at the beginning of this month on two homes which yielded 31 handguns, 18 other guns, 24 explosives, ammunition and cocaine.

Illegally acquired guns are terrorizing our cities' schools where many youths view them as a symbol of power and glamour. In Baltimore, 64 percent of city high schoolers said they knew someone who had carried a gun in the past 6 months. Sixty percent knew somemone who had been shot, threatened, or robbed at gunpoint in their school And almost half of the male respondents admitted to having carried a gun at least once. The January bloodbath at Wilson High, here in the Washington area, is a clear instance of the catastrophic consequences that can result.

Fear snowballs the problem. Now that classrooom bullies carry guns, their victims and other classmates have started carrying them out of fear—in actuality only putting themselves in greater danger. Typically, one classmate teases another about his weight, one makes a pass at another's girlfriend, or one will try to steal another's jewelry. But instead of being sent to the principal's office, they're being sent to the morgue. In 1985, alone, there were 27,000 handgun victims between the ages of 12 and 15.

The main factor contributing to this violence in schools is the availability of guns. Newsweek reported last year that "in recent years, city streets have become flooded with unregistered and untraceable handguns, available to anyone of any age with a bit of cash. In New York, revolvers can be bought on street corners for as little as $25. Some dealers are even willing to 'rent' a gun for an evening, deferring payment until the teen can raise money through muggings and robberies. Youth gangs in Los Angeles protect their turf with black market Uzi submachineguns and Russian-made AK-47 assault rifles."

This can no longer be ignored. Over 2 million guns are being manufactured and sold annually in the United States alone. Putting tighter controls on them is just common sense. The need for such controls is well demonstrated by a recent article in the Washington Post that described the situation in Portland, ME. Police in this city are not allowed to ask the applicant why he or she wants to carry a weapon. Even when the police know an applicant to be under the care of a psychiatrist, they are not allowed to speak with that psychiatrist. In short, "anyone with a driver's license, birth certificate, and $20 dollars * * * [is] able to walk into police headquarters, complete a form and gain the right to carry a concealed weapon."

What I am proposing is to require States to have a handgun registration program. This idea has aleady proven effective in other States: One year after New York passed a law requiring anyone caught with an unregistered handgun to serve a mandatory 1-year prison sentence, murders were down 20.6 percent. One year after a similar law took effect in Massachusetts, homicides in Boston dropped 57.5 percent.

Under the provisions of the bill, the States must—within a 2-year time period—establish a handgun registration program. Anyone found in serious violation of this registration requirement would be sentenced to not less than 12 years and nonserious violations would result in not less than a 1-year sentence. In the event a State does not comply with the establishment of a registration program within the 2-year timeframe, a Federal handgun registration system would be imposed until the State has complied with the order to create its own system. As incentives for the States to comply, the specifications for the Federal system are even more stringent than those of the required State systems, and certain forms of Federal assistance will be suspended including law enforcement funding and FBI training of State and local criminal justice personnel.

This bill would assist law enforcement officials in apprehending criminals who might evade more serious crimes. Second, it would deter criminal activity in the sale of black market guns and punish those caught with an unregistered handgun. Most importantly, it would reduce the amount of handgun homicides.

Mr. Speaker, this bill has nothing to do with banning handguns. Instead, it is concerned with reining in the untamed violence and bloodshed that is destroying our country.

PHYSICIAN ASSISTANT SERVICES NEEDED

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. WYDEN. Mr. Speaker, today I am joining with the distinguished senior Senator from Iowa, Senator GRASSLEY, in introducing legislation to provide Medicare part B coverage of physician assistant services in all practice settings not presently covered by statute.

This is an effort Senator GRASSLEY and I began several years ago which, while partially successful, still needs to be addressed. Congress has, on several occasions, approved Medicare part B coverage of physician assistant services in a wide variety of practice settings.

Present law currently recognizes PA services provided in hospitals, nursing homes, rural health manpower shortage areas, health maintenance organizations, competitive medical plans, rural health clinics, and for assisting at surgery. However, PA services provided in a physician's office located in nonrural manpower shortage areas or for house calls, are still not covered.

It is my hope and intention, Mr. Speaker, that the 101st Congress will address this inequity. Many low income urban and rural communities, with high Medicare eligible populations are served primarily by physician assistants. But because of inconsistencies between how State laws allow PA's to practice and what Medicare will cover, these beneficiaries are treated as second class citizens.

During both the 99th and 100th Congress, Senator GRASSLEY and I were joined by over 130 of our colleagues in the House and Senate in cosponsoring legislation similar to that being introduced today. Some areas were addressed. However, because the victory was not total, we are introducing this new legislation to cover those PA services not included in the OBRA provisions.

As with past efforts, payment for PA services would be on a discounted fee basis. Specifically, services provided by a PA in the doctor's office or in the patient's home would be covered at a rate not to exceed 85 percent of

the physician's prevailing charge for that same service.

Payment would be to the employer of the PA, not to the PA and the employer would be required to accept assignment for the PA's services. Because physician assistants are dependent practitioners, services would also have to be rendered under the supervision of a physician.

As sometimes happens, Mr. Speaker, considerable confusion has occurred on this issue with respect to the possible costs to Medicare of making such a change. When I first introduced this legislation approximately 3 years ago, the Congressional Budget Office determined that there would be no adverse financial impact on the Medicare Program and that such a change in law could possibly lead to long-term savings in the Medicare Program.

These findings were substantiated by an article in the spring 1987 issue of Health Care Financing Review, which included a report on a Medicare demonstration project established to examine the impact of covering PA services provided in urban clinics. This study found:

The Medicare savings on the inpatient and hospital outpatient side appeared to more than compensate for the increased expenditures for physician and ancillary services, suggesting potential overall savings to Medicare from the wavier program.

This report substantiates the Congressional Budget Office's determination on the original Wyden/Grassley bill that covering PA services would have no short-term budgetary impact and could lead to long-term savings in the Medicare Program.

Finally, Mr. Speaker, I should note that this past fall, the Secretary of Health and Human Services issued a report on impact of the PA provisions included in the 1987 Omnibus Budget Reconciliation Act, as directed by Congress. While the Secretary recommended no changes in the coverage available—either to expand or repeal—his report also points out that there have been no adverse effects.

I believe our legislation represents a reasonable approach to our common concern about improving access to health care while restraining costs. Covering PA services under Medicare will help to improve access to care for millions of Medicare beneficiaries and lead to the long-term savings we are all trying to achieve.

I urge my colleagues to join me and Senator GRASSLEY in making the coverage of PA services a reality in all settings.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICARE PAYMENT FOR PHYSICIAN ASSISTANTS IN ALL SETTINGS.

(a) IN GENERAL.—Section 1861(s)(2)(K)(i) of the Social Security Act (42 U.S.C. 1395x(s)(2)(K)(i)) is amended by striking "(I)" and all that follows through "health manpower shortage area,"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after October 1, 1989.

TRIBUTE TO FLORENCE DOBROW

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. TORRICELLI. Mr. Speaker, it is with admiration and respect that I rise today to pay tribute to Florence Dobrow, a 40-year resident of Fair Lawn, NJ. Florence, or Flossie, as she is affectionately known by her Fair Lawn friends, has held a special place in her community in her terms as mayor, deputy mayor, and councilwoman since 1975.

Flossie's activism on behalf of the citizens of Fair Lawn, and her sense of commitment to her borough, are qualities that we have all come to admire and respect. I, therefore, take pride in recognizing the many accomplishments of this fine friend and public servant. Flossie, besides serving in town government for many years, has also played a part in many other community projects and boasts a long list of accomplishments. She has helped to initiate a free minibus route for seniors and others in town, along with helping to create a senior citizen's recreational center. In terms of the environment, Flossie has been a true champion of this worthy cause as is evident in her work to have contaminated water wells purified, new water wells dug, the implementation of a new recycling program as well as a new yard waste program. She has also taken an active interest in the development of a new master plan for Fair Lawn.

Florence Dobrow is indeed a woman who deserves our respect and appreciation. It is with great honor and pleasure that I am able to pay tribute to her as she is honored for her years of dedication to the Borough of Fair Lawn as councilwoman. I wish her continued health and happiness in the many more productive years to come, and am proud to call her my friend.

THE 1988 REPORT TO THE NATION—BOY SCOUTS OF AMERICA

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. HAYES of Louisiana. Mr. Speaker, the president and chief scout executive of the Boy Scouts of America have submitted their report to the Nation for 1988. I am pleased to include that report in the RECORD, as follows:

THE 1988 REPORT TO THE NATION—BOY SCOUTS OF AMERICA

Scouting has been a participant in American community life for more than 79 years. Although the basic concept of Scouting is the same today as first conceived by Robert S. S. Baden-Powell at the beginning of this century, Scouting is concentrating on meeting the needs of today's youth.

Hunger, drug abuse, child abuse, illiteracy, unemployment: We call these five critical issues the unacceptables of today's society. Scouting is not standing idly by while our society is riddled with these challenges. Scouting is making a difference in the lives of the people of this nation.

Scouting for Food, a 1988 national Scouting Good Turn, became an overwhelming success as more than 60 million cans of food were amassed by Cub Scouts, Boy Scouts, and Explorers. This was the largest collection of foodstuffs ever undertaken in the United States. The food was turned over to local food banks for distribution to the hungry in November 1988. Assisting in loading and delivering the food were the National Guard, Army Reserve, and other organizations that have trucks.

The Drugs: A Deadly Game campaign, which began in 1987, continued to fight the most serious threat to the well-being of our children: Drug and alcohol abuse. BSA antidrug materials were used by organizations nationwide. The "Boston Tea Party II," a reenactment were drugs were symbolically thrown into Boston Harbor by Explorers attending the National Law Enforcement Explorer Conference, is typical of the Drugs: A Deadly Game program. Drugs: A Deadly Game receive a 1988 Presidential Citation for Private Sector Initiatives.

Child abuse is something everyone would like to ignore. However, it is a very real concern through the nation and of the Boy Scouts of America as well. Too many of our nation's children have been victims of abuse. The Boy Scouts of America is providing youth protection training to help leaders recognize and prevent child abuse. Extensive steps have been undertaken to screen potential leaders and reject those who are unacceptable as youth leaders.

The Boy Scouts of America promotes good reading through Boy's Life magazine, the Official Boy Scout Handbook, and thousands of literature items for both youth and adults, much of which is appropriate for nonmembers as well as members. Scouting publications are carefully written for the age and/or grade level of the youth or leader using them.

Scouting teaches goal setting and self-reliance and Scouts are expected to strive toward the highest goals they can achieve—to do their best. In Career Awareness Exploring, out teenagers combat unemployment and discover the world of work through instruction and hands-on experience. Strides made in combating drug abuse, illiteracy and child abuse improve performance in the workplace.

For the ninth consecutive year, the Boy Scouts of America has announced an increase in membership. An overall 1.3 percent gain was achieved over 1987. In 130,990 units there are 5,377,493 youth members and leaders. There are 313,703 Tiger Cubs, 1,835,642 Cub Scouts, 969,685 Boy Scouts, 57,009 Varsity Scouts, 361,733 Explorers, 695,229 Career Awareness Explorers, and 1,144,492 leaders.

As a result of the New-Troop Teleconference, 6,555 new troops have been organized. Hugh Downs, of ABC's "20/20" program and long-time supporter of Scouting, hosted the teleconference held on March 10, 1988. Boy Scout recruiting skyrocketed to new heights with virtually every council participating in this colossal effort to organize new Boy Scout troops. During this telethon event, local councils obtained commitments from potential chartered organizations to organize new Boy Scout troops and telephoned them to the teleconference command center where they were tabulated by volunteer national representatives from chartered organizations.

The National Council of the Boy Scouts of America held its biennial meeting in San Diego, Calif., May 18-20. The meeting was attended by key volunteer and professional leaders. Harold S. Hook, chairman and chief executive officer of American General Corporation, Houston, Texas—and an Eagle Scout—was elected our new national president.

The Silver Buffalo Award for distinguished service to youth was presented by the National Court of Honor to 18 individuals. The 1988 recipients were: Daniel W. Derbes, La Jolla, Calif.; John M. Gibson, Drumore, Pa.; Earl G. Graves, New York, N.Y.; Eugene F. Reid, Santa Barbara, Calif.; Roy W. Hawkinson, Minneapolis, Minn.; Marion D. Hanks, Salt Lake City, Utah; Reuben Hitchcock, Keswick, Va.; James F. Gary, Honolulu, Hawaii; William C. McCord, Dallas, Texas; Marshall M. Sloane, Somerville, Mass.; Vaughn J. Featherstone, Salt Lake City, Utah; A. Gerow Hodges, Birmingham, Ala.; Henry B. Murphy, Trenton, N.J.; John W. Thomas, Jr., High Point, N.C.; Robert F. Harbrant, Washington, D.C.; Ben M. Hauserman, Cleveland, Ohio; Charles M. Schulz, Santa Rose, Calif.; and William Aramony, Washington, D.C.

The National Court of Honor also presented the following to recognize acts of bravery for lifesaving and meritorious action: 6 Honor Medals with Crossed Palms, 25 Honor Medals, 77 Heroism Awards, and 136 Medals of Merit. In 1988, 27,163 youths advanced to the rank of Eagle Scout and 12 Sea Explorers received the Quartermaster Award. The Distinguished Eagle Scout Award was presented to 86 outstanding men who had earned the Eagle Scout Award at least 25 years earlier, have excelled in their business or profession, and are exemplary citizens.

Scouting for the Handicapped continues to be a viable part of the Boy Scouts of America. It is geared to give Scout-age youth with handicaps the opportunity to be a part of Scouting so they can learn, grow, and develop to their maximum potential. Creative and innovative methods are being used to increase the opportunity for serving youth with handicaps. Presently the BSA is using three major support systems to deliver this program: mainstreaming, special organizations, and in-school Scouting for the Handicapped.

Scouting is a positive influence in today's world, while still adhering to Baden-Powell's original idea. Scouting has survived for 79 years because it is in tune with the times. The achievements recorded in this report represent only a small portion of the accomplishments of Scouting in 1988. The real impact of Scouting is seen in the adult, who was a member of a patrol or den in his youth. His life is better because he was a Scout.

DEFEAT OF THE PAYRAISE IS A FAILURE OF DEMOCRACY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. DINGELL. Mr. Speaker, in light of the continuing debate over the efficacy of the recently defeated pay raise for high ranking Federal officials, I thought my colleagues might be interested in a recent column written by Carl Rowan that appeared in the Toledo Blade on February 17, 1989. The headline of the article, "Defeat of the Payraise Is a Failure of Democracy," captures the essence of the article.

[From the Toledo Blade, Feb. 17, 1989]

DEFEAT OF PAY RAISE IS A FAILURE OF DEMOCRACY

(By Carl Rowan)

When democracy works, with well-informed and well-intentioned people speaking their will, it is the best form of government ever devised by man.

When democracy fails because the people become steeped in demagoguery, their visions are blurred by ignorance and jealousy, or their spleens are inflamed by the cowardice and greed of elected and appointed officials, government "by the people" can become a social and political abomination.

The dead pay-raise plan for members of Congress, federal judges, and top officials of the executive branch is a monumental failure of democracy.

A lot of Americans are rejoicing that a "public uprising" defeated "outrageous" pay increases. They would not be celebrating if they understood that they have pushed this nation closer toward a situation where the Senate, and more and more the House, become the private domains of the wealthy or the not-so-wealthy who are willing to take millions of dollars from those buying influence in the White House, the Pentagon, the Small Business Administration, and elsewhere.

The celebrators will wake up to find not only that can a cowardly Congress that won't vote for a pay raise become a corruptible Congress but that we could see an erosion of intellect, integrity, and independence in our judicial system. Oh, there will always be a surplus of people clamoring to become federal judges. But when the pay is outrageously low, those seeking the jobs are bound to lack competitiveness in the private world of law or have some suspect agendas from a simple lust for power to a commitment to protect drug honchos, money launderers, and other crooks.

Some troubled farmers in Iowa, airport skycaps in Washington, plumbers in San Bernardino may think that a $135,000 annual salary for "a bureaucrat" is thievery, but they do not understand what is done and what pay is deserved by the scientists, physicians, and others who sacrifice mightily to try to find cures for cancer, diabetes, AIDS, and other diseases that afflict in disproportion the poorest-paid people in the land.

Middle-class people ought not exult over the defeat of this pay-raise proposal. They should be mounting a crusade to separate the pay of the members fo Congress from the salaries of judges and the top executives who do the public's business at great sacrifice.

Give judges, cabinet members, and others the raises they clearly deserve and let the cowards in Congress stew in their own timidity.

Democracy is nice. But that shouldn't mean that someone bagging groceries at a Boca Raton supermarket or inspecting meat at a packing plant in Minnesota is qualified to set pay levels for people who work incredibly long hours making decisions and passing laws that affect the lives of every citizen of this nation and sometimes all who live on this planet.

So 474 members of Congress, most of whom were salivating over the expected pay raise, turned tail and fled to the high grass when they had to cast a vote. That ought not become social destructiveness that we are powerless to control.

All we need is a president and a few good men in Congress to say that the judges and the leaders of the cabinet and other agencies must get raises that are overdue. If that doesn't give backbone to a majority of Congress, the votes can decide whether they want to re-elect people who would rather hold power on the basis of speech honoraria and influence peddling rather than a straightforward statement, "This is what I'm worth, and I'll take it."

Tuesday's "triumph" by congressional wimps must not remain a curse on the quality and integrity of our government.

THE WORLD TRADE EXPANSION, DEVELOPMENT, AND FINANCIAL STABILITY ACT OF 1989

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. PEASE. Mr. Speaker, today I am reintroducing the World Trade Expansion, Development, and Financial Stability Act of 1989, a bill that addresses the international debt crisis. My colleague, Congressman TORRES, a distinguished member of the Banking Committee, is an original cosponsor.

THE REALITIES OF THE DEBT CRISIS

The first reality of the debt crisis is that it has thrown a monkey wrench into the international economy. The average growth rate for debtor countries has been only 1 percent from 1980–87, compared to an average of 6.1 percent from 1970–79. Because of debt service requirements and little new lending, there exists a net resource transfer from the developing to the developed world of $30 billion annually—an inherently unsustainable position for developing countries. Developing countries must have capital to grow. Since they are unable to generate the needed savings domestically, they must receive a net capital inflow from abroad.

The U.S. trade balance has also suffered. Severe import restrictions and aggressive export promotion by the debtor nations to generate large trade surpluses have seriously distorted international trade patterns. During the first 2 years of the debt crisis, imports of the 17 highly indebted less-developed countries dropped by 40 percent, and by 1986 they only slightly exceeded their 1978 level. Exports of U.S. products to Latin America have dropped by nearly 30 percent, from a high of $42 billion in 1981 to around $30 billion today. The Overseas Development Council estimates that the United States lost 1.8 million jobs between 1980 and 1987 due to the decline of exports to developing countries.

A second reality is that the debt is unlikely to be paid in full. In secondary markets, which reflect the actual value of loans, most LDC loans sell at 40 to 60 percent of face value. Although banks have raised capital reserves in anticipation of future losses, they have no incentive to forgive the amounts charged off; bank managers have a responsibility to their

shareholders to collect every penny of outstanding debt.

Finally, the Baker plan is not working. The Baker plan was premised on the idea that LDC's can outgrow their debt problems if they receive sufficient new lending from the developed world and undertake market-oriented reforms. Though well-intentioned, the Baker plan has not resulted in significantly increased lending to debtor countries. No sane banker is going to lend new money to a heavily indebted LDC knowing that money lent at 100 cents on the dollar today may be discounted at 50 cents on the dollar in a few month's time.

THE URGENT NEED FOR A SOLUTION

Clearly, this is a problem that begs for a solution. A workout between the banks and the highly indebted developing countries—that is, debt relief—is inevitable. Rather than waiting for a crisis to drive this process, creditor countries should seek to manage it in the most orderly and economically beneficial fashion possible.

Increasingly, Congress is recognizing that we need to consider new options for managing the debt crisis. Senators BRADLEY and SARBANES and Representatives SCHUMER, LAFALCE and others have presented thoughtful, well-crafted plans for confronting the debt crisis. The 1988 Trade Act requires the Treasury Department to analyze the feasibility of establishing an international debt facility to serve as an intermediary between creditors and debtors, an idea that my bill promotes. Having received a 3-week extension from its February 23 deadline, Treasury will report its findings to Congress on March 16.

HOW THE PEASE PLAN WOULD WORK

My bill would establish an international debt facility in the International Monetary Fund, which would purchase debt from banks and pass discounts on to debtor countries. Because of the IMF's substantial reserves, an international debt facility would not require appropriated startup funds from the participating countries.

Specifically, my plan would require Treasury and IMF officials and economists to assess the real value of outstanding LDC debt based on the ability of countries to pay; that is, the secondary market value. In response, the banks would have two options: either increase their reserves to the level of the Secretary's estimate of discount—the difference between the face and real values of the loans—or sell LDC debt to the newly created IMF facility at the real value of the loans. If they participate, banks have the option of writing their losses off over 5 years and reaping a tax benefit.

The IMF facility would pass the discounts directly on to the LDC's. In negotiating a payment plan, the IMF would attach conditions to the loan, but the conditionality that I propose is less intrusive than that practiced currently. My plan would require LDC's to meet specific targets for balance of payments and reduction of capital flight. Only if these targets are not met would more traditional conditionality become effective.

ADVANTAGES OF THE BASE PLAN

There are numerous advantages to my plan. For the banks, the plans would remove bad debt from their books and replace it with debt of a reliable institution, the IMF. Management would be free to put the LDC debt problem behind it and move on to greener pastures. In addition, the banks would receive a tax benefit form the writeoff of bad loans, with losses spread over 5 years.

Debtor nations would get a major, immediate reduction of their debt burden, allowing them to increase imports and spur economic growth. As long as the balance of payments and capital flight targets are met, they also have flexibility in their economic policy choices, unlike current IMF conditionality.

The advantage to U.S. taxpayers is that no appropriations are required for the IMF special facility. Granted, tax revenues will fall as a result of banks writing off losses, but if we do not resolve the debt crisis soon, the costs could be much greater. A global economic downturn could lead to an LDC moratoria on debt payments and greater losses both to banks and the IMF, which would affect taxpayers greatly.

U.S. exporters would also gain. If debt service is reduced, LDC's will have greater resources for importing U.S. products.

THE TIME FOR ACTION IS NOW

Time is slipping. We need to act now to resolve the debt problem. While the Bush administration stalls, Congress is taking the initiative on the issue. The Banking Committee, led by new Chairman HENRY GONZALEZ, made international debt the subject of the first congressional hearings of the year. In this opening statement, Chairman GONZALEZ described the debt crisis as a ticking time bomb, which threatens the international financial system, costs the United States jobs, and most importantly, exacerbates the poverty already rampant in the Third World.

Clearly, it is in our best economic and foreign policy interests to reduce Third World debt. I ask the support of my colleagues to make debt reduction a reality. Thank you.

PRICE-ANDERSON FINANCIAL ACCOUNTABILITY AMENDMENTS OF 1989

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. MILLER of California. Mr. Speaker, I am pleased to introduce legislation to extend a modest amount of financial liability to Department of Energy [DOE] nuclear contractors for accident damages caused by their own gross negligence or willful misconduct. This legislation will improve the safety of DOE nuclear facilities by giving DOE contractors a financial incentive to operate these facilities in a safe and responsible manner. The bill will also protect the American taxpayer from paying for accident damages caused by the carelessness of DOE contractors.

This legislation will close a gaping loophole in current law which exempts DOE nuclear contractors from any financial liability for damages that result from an accident they cause. To make matters worse, these contractors are not liable even if the accident is caused by their own gross negligence or willful misconduct. By contrast, commercial nuclear powerplant operators are liable for over $7 billion in damages regardless of whether they are negligent.

In a surprising public admission, one contractor gave the following description of a DOE nuclear contract to the Associated Press on September 11, 1987:

> You have nothing at risk, the Government provides everything, so the return on investment on that kind of business is essentially infinite.

This lack of contractor accountability contributes to the countless safety abuses committed by DOE contractors. These abuses have included: widespread and repeated violation of DOE safety rules and procedures; the failure to report serious safety problems to DOE; and, the release of significant amounts of radioactivity into the environment.

At his February 22, 1989, confirmation hearing, Adm. James Watkins, the DOE Secretary-designate, agreed that DOE contractors need to be made more accountable for the results of their own actions. In reference to a recent reactor operator errors at the Savannah River plant, Admiral Watkins stated, "I don't believe the accident * * * is solely the responsibility of the United States when the procedures the contractor agreed to were not followed. I'm not talking about willful negligence. I'm talking about negligence."

I am extremely heartened by Admiral Watkins' statement in support of increased contractor accountability. I believe that this legislation presents an excellent mechanism to achieve this goal and am hopeful that Admiral Watkins will strongly support it when he becomes Secretary of Energy.

Admiral Watkins' statements on the contractor accountability issue present a stark contrast to the views expressed by former Secretary of Energy Herrington on this issue. From my perspective, recent events have made many of the arguments made by Secretary Herrington and others against contractor liability almost laughable.

In a June 3, 1987, letter to Representative PHILIP R. SHARP, Secretary Herrington opposed increasing contractor liability on the grounds that it would disturb the "special working relationship" that DOE had with its contractors. It is now obvious that this "special working relationship" is a big part of the current problem at DOE nuclear facilities.

We now know that some contractors believed that this "special working relationship" permitted them to ignore DOE safety recommendations, release radioactivity into the environment, and to withhold crucial information from DOE.

In the June 3, 1987, letter Mr. Herrington also wrote, ". . . DOE's relationships with these contractors are founded on an understanding that the interests of the Department and its contractors in running these facilities are largely inseparable." This is a disturbing statement. The safety and environmental abuses committed by DOE contractors over the years certainly have not been in the interest of DOE and the Nation.

Under this legislation, if the Attorney General determines that a contractor has been grossly negligent or has engaged in willful misconduct, he is permitted to sue the con-

tractor for an amount equal to the annual price of their contract. This method of determining liability would shield small contractors from large liabilities. Currently, DOE nuclear contracts range in size from about $1 billion a year to less than $50 million per year.

Because the bill would change the business conditions under which DOE contractors operate by exposing them to potential liability, it permits renegotiation of contracts with DOE. However, it does not permit the contractors to abandon their current contractual obligations.

Finally, this legislation would bar any contractor guilty of gross negligence or willful misconduct from receiving any Federal contract for a 5-year period. A contractor could be exempted from this provision only if the President determined that the contractor's services were absolutely necessary for national security purposes.

It must be noted that this legislation does not in any way affect the Price-Anderson liability law as it applies to commercial nuclear powerplant operators. I support the compromises that were made on the commercial side of Price-Anderson in Public Law 100–408 and do not intend to change that portion of the law.

Unfortunately, the parties concerned with DOE contractor liability during the 100th Congress were not able to reach an acceptable compromise on the liability issue. In light of this fact, and the recent revelations about safety and environmental abuses by DOE contractors, I believe we must take another look at the contractor liability issue.

Mr. Speaker, the Price-Anderson Financial Accountability Amendments of 1989 will significantly improve the safety of DOE nuclear facilities by giving DOE contractors a financial incentive to operate these facilities safely. I strongly urge my colleagues to support this legislation.

BLACK HISTORY MONTH: RECALLING THE BLACK CONTRIBUTION AND RECOMMITTING OURSELVES TO EQUALITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. LANTOS. Mr. Speaker, on the occasion of Black History Month I rise to pay tribute to the members of the black community for the many important contributions they have made to our Nation. Black History Month is also an appropriate time for all of us to take stock of the progress we as Americans have made in achieving our Nation's promise of equal civil and political rights for all Americans. But it is also a time for us to reflect on the continuing struggle to overcome longstanding barriers to economic and social equality.

Mr. Speaker, we have indeed made real progress toward assuring that black Americans are included in our political, economic, and social institutions. Our Nation has greatly benefited from important contributions and significant advances that are the result of the work of black Americans in science, the law, religion, academia and the military.

The Democratic Party stands proudly behind its new national chairman, Ron Brown, the first black American to lead a major political party. Here in the House of Representatives, Congressman WILLIAM H. GRAY III, proved to be an outstanding chairman of the critical House Budget Committee during very difficult times. Lt. Gen. Colin L. Powell restored integrity to our foreign policymaking process as National Security Advisor to the President. Black Americans are now so commonplace within the hierarchy of our religious institutions that the recent ordination of the Reverend Barbara Harris as Bishop of the Episcopalian Church proved to be a landmark event because of Reverend Harris' gender, not her race. Black astronauts have ridden into space as mission specialists and flight officers on the space shuttle, and growing numbers of blacks are rising to positions of prominence and prestige throughout our economy and society.

While we can be justly proud of the important accomplishments of black Americans and while we welcome the progress that has been made in bringing black Americans into the mainstream of our Nation's economic and social progress, there is much that remains to be done. Despite the successes, we must not settle for the state of current affairs.

Recent Supreme Court decisions and the actions of the Justice Department in the past few years raise doubts about the willingness of our Government to confront the tough issues of discrimination in employment, Government contracts, education, and housing. These issues continue to be a serious problem for an important segment of our population.

We must continue to press forward to overcome the historical vestiges of racism and inequality which still haunt our country. During the 100th Congress, we passed, over the threat of a Presidential veto, the Civil Rights Restoration Act. As we debated the issue, those of us here in the Congress heard loud and clear from the people back home that civil rights must not be rolled back.

During this historic 101st Congress, we will continue to deal with issues of racial equality and affirmative action. We must remember that equal access to education, housing, and employment are among the basic principles from which we draw our national strength. Ours is a nation that holds the promise of great rewards for an individual's best efforts, regardless of his or her family background, social status, party affiliation, or especially race.

Mr. Speaker, Black History Month is an opportunity for us here in the Congress to refocus on the fundamental values set forth in our Constitution over 200 years ago, and to assess the extent that our practice, in fact, measures up to those beliefs. Black history is the recounting of the ongoing struggle of one group of Americans to attain what is rightfully theirs. This month, as we remember the trials and triumphs of black Americans, let us also recommit ourselves to continuing the struggle to see that all Americans—regardless of race, color, or religion—fully enjoy the rights and advantages of this great Nation.

"NATIONAL TRIO DAY," RECOGNIZING A PROGRAM THAT OPENS THE EDUCATIONAL DOOR FOR THOUSANDS OF STUDENTS.

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. BRENNAN. Mr. Speaker, I rise today to bring attention to a nationwide program that has had a tremenous effect on disadvantaged youths across the country as well as in my own State of Maine.

February 26, is "National Trio Day." The trio programs, which include Talent Search, Upward Bound, and Student Support Services, have helped over 450,000 students in this country reach their intellectual potentials by assuring equal opportunity to postsecondary education.

I offer my sincere congratulations to the students who have participated in the trio programs, and I would like to commend the colleges, universities, and other institutions that have made such a success of the programs in 1988, and will continue to do so in 1989.

In Maine, Husson College, the University of Maine System, Unity College and Bowdoin College collectively assisted over 3,300 bright young students in their educational endeavors this past year alone.

I would also like to mention one student in particular, Mark Crosby, who received the 1988 trio achiever award in Maine. Academic experience, career success, and civil commitment were all considerations in his being chosen trio achiever for 1988, but other issues also played a part. Mark Crosby is a hard-working, committed individual. He is an inspiring role model for other students in Maine who may have doubts about their potential as students and achievers.

I remind my colleagues that our young people can and do make a difference in today's society. All students who possess the academic necessities should have the available opportunities to attend college, and to pursue their goals and aspirations. We in Congress must do our part to support successful educational initiatives such as the trio programs.

I request my colleagues to recognize "National Trio Day," and to actively support the trio programs in their respective districts. Thank you.

THE TRANSPORTATION OF HAZARDOUS MATERIALS, H.R. 53 AND 136

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mrs. COLLINS. Mr. Speaker, with increasing frequency, the transportation of hazardous materials on our Nation's highways, roads, streets and railways has led to calamity. Liquids have exploded, posing serious conse-

quences for—and threatening the lives of—millions of Americans. Often, the public exposure to hazardous materials has occurred in densely populated areas such as Los Angeles and downtown Denver. During 1988 in Chicago alone there were numerous spills of substances including highly flammable morphaline, caustic potash, and toxic xylene. In one instance at a factory, a propane truck exploded, causing the evacuation of hundreds. And, who among us that work here in Washington does not remember the inferno of fuel which shut down the beltway earlier this year while contaminating our air and environs?

The time to act is now. We must not wait for further catastrophes to occur to justify our taking action. We have seen enough of the damage which can result and we have enough evidence of the capacity for future disaster. With the ever increasing volume of hazardous materials—including highly flammable rocket fuel and other propellants and fuels, explosives, and radioactive and toxic materials—being transported through urban centers, the risks are increasingly steep. All it takes is for one drunken driver to broadside one large transport vehicle at high speed for a death toll in the hundreds and a price tag in the millions to result.

At the onset of the 101st Congress, I reintroduced two bills—H.R. 53 and H.R. 136—which address these concerns. The Hazardous Materials Transportation Safety Amendments of 1989, H.R. 53, adopts a wide variety of measures toward avoiding future problems, such as designating safe parking sites and requiring that transporters conform to certain safety standards. Additionally, emergency response efforts are promoted in the bill by facilitating emergency training and equipment and the creation of an emergency response trust fund. Railroad safety is also addressed and Federal Government technical assistance to the States is made available. H.R. 3677 exclusively deals with the designation of safe routes for the transportation of hazardous materials by directing the Secretary of Transportation to issue regulations giving guidance on this matter.

Mr. Speaker, these two bills take a sizable step in the right direction toward insulating our citizens from the consequences of hazardous materials. It is our responsibility to protect Americans from the needless suffering that exposure to these materials can cause.

INTRODUCTION OF LEGISLATION TO PROVIDE COVERAGE OF SOCIAL WORKER SERVICES IN RURAL HEALTH CLINICS UNDER MEDICARE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. WYDEN. Mr. Speaker, today I am pleased to introduce, along with my colleagues, Mr. LEVIN, Mr. TAUKE, and Mr. SYNAR, legislation to amend the Rural Health Clinic provision of the Medicare Act in order to provide citizens of rural America with access to qualified social worker services.

People living in rural areas are often unable to obtain needed health and mental health care services because of a paucity of providers and Federal policies that exclude qualified providers even when they are available.

My bill would help correct this problem by allowing rural health clinics under Medicare and Medicaid to use the expertise of clinical social workers where appropriate. Under this legislation, the poor and the elderly will be able to obtain direct access to social work services with periodic supervision of the treatment plan by a physician.

I have been particularly concerned about reports that mental health services are difficult to obtain in rural areas. This concern grew when I learned of a recent 1988 six State survey of mental health providers, conducted by the National Center for Social Policy and Practice. In about 25 percent of the counties in the States surveyed, the only mental health providers available were clinical social workers. Most of those counties were rural.

I hope that my colleagues will join me in supporting this effort to make quality health care services available to our Nation's rural citizens.

H.R. —

A bill to amend title XVIII of the Social Security Act to provide for coverage of social worker services in rural health clinics under the medicare program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE OF SOCIAL WORKERS SERVICES IN RURAL HEALTH CLINICS.

(a) IN GENERAL.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C 1395x(aa)(1)(B)) is amended—

(1) by striking "or" before "by", and

(2) by inserting "or by a clinical social worker (as defined in subsection (hh))" after "Secretary),".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to services furnished on or after the first day of the first month that begins 60 days after the date of the enactment of this Act.

SAVINGS AND LOAN—FRAUD AND INTERVENTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. CRANE. Mr. Speaker, in our effort to address the savings and loan [S&L] crisis, we need to thoroughly examine all the contributing factors to the present thrift difficulties in order that we craft an effective solution. It is with these thoughts in mind that I submit the following article from the February 15, 1989, Wall Street Journal. The article discusses some of the fraudulent practices and political intervention that contributed to the current S&L crisis.

[From the Wall Street Journal, Feb. 15, 1989]

THE BANK DICKS' DIRTY LINEN

(By James Ring Adams)

The thrift crisis will get worse before it gets better. It may even spread from the savings and loan ghetto to the banking system. The Bush administration's $100 billion "rescue," although worthy of praise for its comprehensive approach, still fails to confront the real cause of the disaster, the political corruption of bank and thrift supervision.

In every agency confronted with a major failure, whether state or federal, the frontline supervisors have been frustrated and demoralized by an "Iron Triangle" of political fund-raisers, corrupt bank and thrift owners and compliant senior regulators. The triangle rests on a constant flow of campaign contributions, sometimes looted directly from institutions whose collapse cost the deposit-insurance funds billions of dollars.

The problem goes well beyond the Reagan administration's confused attempt at financial deregulation. It can't simply be blamed on the weak training, low pay and inadequate staffing of the bank and thrift examiners. Supervisors had the information and, in most cases, the power to restrain the frauds and incompetents. What was lacking was the will to act, will that had been sapped by decades of political interference.

EPIDEMIC OF FRAUD

This failure of will has opened the banking system to an "epidemic" of fraud, to quote staff of the House Government Operations Committee. Robert Clarke, the comptroller of the currency, last year issued a survey of recent bank failures under his jurisdiction and found that less than 10% came solely from economic pressures.

That jibes with his experience, says William Black, former general counsel of the Federal Home Loan Bank Board, which supervises the thrift industry and its Federal Savings and Loan Insurance Corp. FSLIC has been issuing "profiles" of failed thrifts as it tries to dispose of them, and these case studies almost uniformly recite a tale of looting and insider abuse by owners who took over in the early 1980s. Says Raymond Vickers, formerly the chief appointed bank and thrift supervisor for the state of Florida, "I haven't found a single bank failure that didn't involve a conscious conspiracy to defraud."

The only regulator that plays down fraud is, ominously, the Federal Deposit Insurance Corp., which is supposed to be the white knight of the thrift rescue. In the jumble of federal financial regulation, the FDIC insures and supervises 13,000 commercial banks, but it is stepping in to close more than 200 busted but still open thrifts. The FDIC is supposed to toughen and gradually absorb FSLIC's supervision of the remaining 2,900 thrifts. This de facto merger is the most important administrative shuffle for the two agencies since their founding in the Great Depression. But it has only a slim chance of facing up to the source of the debacle.

Both agencies have been victims of "regulatory capture," where an industry comes to dominate the government body that's supposed to regulate it. In the case of the financial system, the supervisors have been penetrated by the industry's worst elements.

The FDIC, now the hero of the piece, was raising eyebrows just six years ago by its performance in the 1983 collapse of the Butcher brothers. Jacob and C.H. Butcher Jr. were busily looting 23 banks in Tennessee and Kentucky while state and federal examiners looked on with their hands tied. A coordinated FDIC exam of several of the

Butcher's banks identified their insider dealing as early as 1977. But no more multibank exams took place until 1982. In the meantime, the Butchers became confidants of the Carter White House, major contributors to the Democratic National Committee and political powers in Tennessee. In an interview last year at the Federal Prison Camp in Atlanta, where he is now serving a 20-year sentence for bank fraud, Jake Butcher admitted to this writer that he had helped name one member of the FDIC board. The Butcher empire ultimately cost the insurance fund about $1 billion.

FSLIC is now paying the price of its own capture, which first came to light with the 1984 failure of Empire Savings and Loan Association of Mesquite, Texas. At the time the biggest liquidation in FSLIC's history, the case alerted the Bank Board to the network of insider construction loans and payoffs by developers that devastated the Texas thrifts. It also exposed the industry's cozy dealings with the Federal Home Loan Bank of Dallas, one of the 12 regional banks in the Bank Board system.

The chairman of Empire, Spencer Blain Jr., had also been president of the Texas Savings and Loan League, the industry lobbying arm, and in that capacity had been appointed director and vice chairman of the Dallas Home Loan Bank. FSLIC examiners, employed by the Bank Board in Washington, legally had to rely on the supervisory staff of the Dallas Home Loan Bank to handle disciplinary actions against Texas thrifts. The examiners, overmatched as they were, did identify many of the problems, but they were ignored. When Bank Board Chairman Edwin Gray began to see the extent of the Empire problem, one of his first measures was to fire the chief supervisor at Dallas. Mr. Blain, once the leading industry representative at the Dallas Home Loan Bank, has been indicted for bank fraud.

The damage in these cases, and many others, was magnified tenfold and 100-fold by political intervention. Losses that easily could have been cut short at $100 million or less were allowed to climb into the billions. Appropriate notoriety surrounds House Speaker Jim Wright's pressures on FSLIC, including his attempt (with a bipartisan coalition including Texas Sen. Phil Gramm) to deny it the funds to close Texas thrifts. He deserves some gratitude, however, for having so crudely made obvious what many others were doing with more subtlety.

Jim Sasser (D., Tenn.), a ranking member of the Senate Banking Committee, ran interference for C.H. Butcher with the FDIC board. Donald Riegle (D., Mich.), the current Banking Committee chairman, took dozens of contributions from a large out-of-state thrift and then intervened in its federal examination. He denied wrongdoing, but under pressure from the Detroit News returned more than $76,000 in contributions. In 1986, when FSLIC moved to close the FirstSouth thrift in Pine Bluff (which supplanted Empire as its biggest case), members of the Arkansas congressional delegation wrote letters in protest. After the size of the problem became clear, the congressmen wrote a second set of letters, asking to get the embarrassing first letters back.

Even though President Bush is earmarking $50 million to chase the perpetrators of S&L frauds, his plan does little to control the political interference that has allowed them to flourish. Even though both FSLIC and FDIC have vastly improved themselves as each struggled with its disasters, they can't be expected to cope with congressional pressures alone. The only promising solution is to enlist public opinion by throwing open the regulators' attempts at regulation.

END TO SECRECY URGED

The FDIC at one time wanted to make public its final disciplinary actions, only to back down under industry protest. But a few voices are calling for a total end to bank secrecy. Mr. Vickers, the former Florida regulator, says that bank examination reports should be released to the public as soon as they're written. (They are now kept highly confidential under criminal penalty.) At the least, the public should know the numerical ratings that the examiners give their banks or thrifts. All interventions by public officials—letters, phone calls, or personal meetings—should be kept in an open file, by law, so that the press and political challengers can track the fix.

These are measures that violate deeply ingrained habits of regulatory secrecy, habits that date to the trauma of Depression-era bank runs. But a depositor's confidence is more likely to fall when he can't tell the good banks from the bad, or the wolves from the watchdogs. The best cure for the current plague of fraud and political influence is public exposure.

FREE VACLAV HAVEL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. KOSTMAYER. Mr. Speaker, last week 30 Members of the House joined in writing to President Gustav Husak of Czechoslovakia urging him and his government to immediately free the imprisoned Czech playwright, Vaclav Havel.

The following editorial from the Philadelphia Inquirer of Wednesday, February 22, 1989, reiterates many of the points made in the letter to President Husak, as well as those I made in addressing my colleagues on this subject the same day, on the floor of the House.

The aging Stalinists who run Czechoslovakia may silence an eloquent and courageous playwright for a few months, but they can never still the rising clamor for freedom which is stirring people throughout Eastern Europe.

Mr. Speaker, I urge my colleagues to join those of us in the United States and around the world who are making life a little more difficult for the Czechoslovakian Government.

We must continue to press this case until Vaclav Havel is free.

[From the Philadelphia Inquirer, Feb. 22, 1989]

STUCK IN TIME: IN CZECHOSLOVAKIA, REPRESSION LIVES ON

In Czechoslovakia, where writers have a special moral standing, the playwright Vaclav Havel has long been the conscience of his nation. His ideas of how ordinary people can retrieve their dignity from communist control have inspired opposition groups from Poland's Solidarity trade union to proponents of multiparty elections in Hungary. His personal decision to resist the communist authorities in his country—to "live in truth"—has caused him to spend a quarter of the last two decades in prison.

Now, at a time when Eastern Europe is reverberating from the stunning turnabout in Moscow, when freedom is again in the air, Mr. Havel is back in jail. He was sentenced yesterday to nine months in prison for allegedly encouraging a demonstration in memory of a youth who burned himself to death to protest the 1968 Soviet invasion.

The irony here is that no Soviet dissident would be jailed today for a comparable act of defiance. But the Czech leaders, a bunch of aging men who have been in power since the demise of the 1968 "Prague spring," are terrified of being ousted. And no one symbolizes their fears better than Mr. Havel, whose plays have been banned at home, even as they've been hailed abroad. (In Philadelphia, the Wilma Theater is scheduled to stage a Havel play in May.)

So the government jailed Mr. Havel, refusing to acknowledge that the time for brute repression has passed. One thousand establishment intellectuals—who have been holding their tongues for years—signed a petition before the sentencing asking for the playwright's release. The government responded by firing the editor of a cultural journal. But that approach is sure to rouse only more dissent—and, irony of ironies, might inspire the Kremlin to support the cause of Czech intellectual freedom.

More than that, the European community—whose economic assistance the Czech government badly needs—is likely to register its displeasure. After all, the Czech regime just signed a new East-West accord that is supposed to guarantee personal and political freedoms.

Jailing Vaclav Havel is a desperate act by a regime that won't recognize that both superpowers want a new, freer status for Eastern Europe. Prague's leaders may be able to stay that change for a while. But history's dustbin is waiting.

RUSHDIE'S BOOK—A SYMBOL OF FREEDOM OF EXPRESSION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. WEISS. Mr. Speaker, I join today with the international chorus of writers, artists, and government leaders in condemning the actions of the Ayatollah Khomeini of Iran regarding the book "The Satanic Verses" written by Salman Rushdie.

It is imperative that, as a free society, we speak out when one of our important values, in this case freedom of expression, is threatened. Yesterday, in New York and other cities around the Nation, writers gathered to protest the death threats against Mr. Rushdie, his publisher, and the booksellers that display "The Satanic Verses." From these meetings came the important message that the battle for free expression is everybody's battle, and if one author is threatened, all people are threatened.

The columnist Christopher Hitchens reminded all of us yesterday of the prophetic words of the German author Heinrich Heine. Heine wrote, commenting on book burning in Germany in the 1800's, that "where books are

burned, men will be burned." We are all familiar with the history that followed Heine's chillingly accurate statement, and which must never be allowed to repeat.

The United States must stand in solidarity with Mr. Rushdie and the international writing community against this immoral and lawless attack on freedom of expression. I invite my colleagues to join in sending a letter to President Bush expressing our concerns on this matter, the text of which I would like to include in the RECORD.

Mr. Speaker, the safety of Mr. Rushdie and of the principle of freedom of expression is clearly an American interest, and indeed a world interest. Let us join the many members of the international community to protect these interests and preserve artistic freedom.

FEBRUARY 1989.

HON. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our dismay over the Ayatollah Khomeini's soliciting the murder of author Salman Rushdie. We also deplore the threats against booksellers and publishers who trade in the book.

While the government of Iran has been engaged in various acts of extreme behavior for many years, until now it has not attempted to patrol the expression of the international artistic community through death threats and intimidation. All cultures and freedom-loving people have an interest in stopping this most recent example of Iran's disrespect for the norms of international behavior.

We must stand together with the international writing community in condemning this incident. On February 22nd, in public meetings in New York and other cities around the United States, American writers expressed their solidarity with Mr. Rushdie. It is crucial that we join them in this important message. With them, we urge you to recall the prophetic words of the German author Heinrich Heine, "where books are burned, men will be burned."

In recent weeks, many members of the international community have expressed their disapproval of the Ayatollah's actions in various ways. We believe it is important to work closely with all nations who have publicly declared their outrage and to assure, in every way possible, the safety of Mr. Rushdie. Clearly, his safety is an interest shared by the United States along with everyone who seeks to preserve artistic freedom.

Therefore, we respectfully request that the government of Iran be put on public notice that it is the United States' intention to postpone indefinitely any possibility of normalized trade or diplomatic relations until the threats have been rescinded and the safety of the author, publishers, and sellers of "The Satanic Verses" has been assured.

Thank you for your attention to this important matter.

Sincerely,

——— ———.

H.R. 141, TO AMEND TITLE XVIII OF THE SOCIAL SECURITY ACT TO PROVIDE FOR COVERAGE UNDER PART B OF THE MEDICARE PROGRAM FOR ROUTINE PAPANICOLAOU TESTS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mrs. COLLINS. Mr. Speaker, I rise today to speak on behalf of H.R. 141, a bill I introduced on the first day of the 101st Congress which would provide or coverage of routine papanicolaou tests under part B of the Medicare Program. A papanicolaou or pap smear tests cells to provide for early detection of cervical and endometrial—together known as uterine—cancer. The bill would extend Medicare coverage to routine pap exams performed not more frequently than once every 6 months.

The proposed law is part of a continuing movement of change from covering a Medicare patient who is seriously ill to paying for tests for the early detection of diseases. Last year, the Senate version of the Medicare Catastrophic Coverage Act counted a wide range of preventive services toward the catastrophic cap. These services included: glaucoma screening by tonometry, cholesterol screening, a pap test, mammography screening, an immunization or booster for tetanus, influenza, or bacterial pneumonia, an occult blood stool test, and tuberculosis sensitivity testing. The final version of the Catastrophic Coverage Act included coverage for mammography or breast cancer screenings for women over age 65. I am pleased with this partial success and urge Congress to consider covering other cancer detection tests such as the one in H.R. 141.

Statistics show that early detection and treatment prevents the spread of cancer and dramatically improves the survival rate of the patient. The death rate for women diagnosed with cancer of the uterus has dropped 70 percent during the last 40 years due to the general use of pap tests and regular check-ups to discover the cancer or precancer conditions in their early stages.

Women whose cancer is detected at the earliest stages are likely to live longer. The 5-year survival rate among women who are diagnosed with cervical cancer at any stage is 66 percent. The survival rate jumps to 80 to 90 percent if the cancer is detected at stage 1, which is when the carcinoma has not spread past the cervix. Most significantly, virtually 100 percent of women whose cervical cancer is discovered in its earliest stage will live 5 years or longer. And by common definition, a uterine cancer patient who survives 5 years without a recurrence is cured of that cancer.

The lab fees for pap tests are relatively inexpensive compared to other cancer screening tests. The Medicare Program could save money by covering pap tests, instead of allowing gynecological cancers to go undetected and paying for treatment that demands much higher fees at a later date. This approach also would save medical resources, which are at a premium in our society.

Mr. Speaker, pap tests do matter for women across this country. We can save Medicare money and women's lives by enacting my bill, H.R. 141.

THE MEDICAL CARE CRISIS IN SOUTHERN ILLINOIS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. POSHARD. Mr. Speaker, across the Nation and in my southern Illinois district, hospitals are in trouble. They are suffering from rising medical equipment costs, soaring insurance rates, and increasing patient loads.

I am very concerned that many of my constituents are not receiving the medical care they need and others have to drive for miles to receive treatment. During the February district work period, I held a series of 20 town meetings throughout my area and I had a chance to talk with many southern Illinoisans. In every one of those meetings, health care was the No. 1 concern.

From Vandalia in the north to Cairo in the south, veterans, the elderly, and families are all concerned about the quality and availability of medical care. I certainly share their concern, as do the men and women who operate hospitals in Illinois' 22d District. We are all worried that unless Medicare and Medcaid reimbursements to hospitals are increased, more hospitals will close and medical services will further deteriorate.

Recently, one of the major daily newspapers in my district, the Southern Illinoisan, ran a story on Medicaid and area hospitals and I am including the article in the RECORD to demonstrate the seriousness of the health care crisis in southern Illinois:

MEDICAID TURNS HOSPITALS, CLINICS INTO VICTIMS, TOO

(By Beth Haller)

As influenza swept the Carbondale area recently, 31-year-old Loretta Mathis of Carbondale developed a pretty serious cough. So two weeks ago she went to the Carbondale Clinic to see a doctor.

Mathis, however, could not receive care. She is on Medicaid and had just been introduced to the new clinic policy on public aid patients.

In the spring of 1988, the clinic stopped accepting new Department of Public Aid patients for regular office visits. A new Medicaid patient is defined as someone who has not been to the clinic for six months.

For Mathis, this meant a trip to Memorial Hospital of Carbondale's emergency room for treatment of her cough.

Kay Sherman of Carbondale ran up against the same policy when she tried to see the new clinic allergist for a skin rash. She couldn't book a routine appointment with the gynecologist there, either.

"Now, I don't know what's going to happen to me," she said. "It was quite a shock when I found out I couldn't get in there. That's the one place we were all able to go."

It meant leaving physicians we trusted, too.

"I had several doctors at the clinic, none of whom I can go back to," Sherman said.

The clinic's policy still allows for new public aid patients to be seen at the clinic, but they must be routed there as emergency cases or have been referred by another physician or Memorial Hospital. The clinic houses 36 physicians and 15 specialists.

The decision by the Carbondale Clinic's board of directors to control the flow of Medicaid patients there came after losses of millions of dollars.

"The reimbursement rates are lower than half the normal fee," explained William Harris, administrator of the clinic.

And sometimes the clinic receives no reimbursement at all from the state. When the Department of Public Aid hits the middle of its fiscal year, it sometimes runs out of funds and no longer reimburses until the General Assembly appropriates new funds.

The Illinois Hospital Association has called this practice "borrowing illegally from the hospitals of Illinois." The hospital association joined a federal suit against the state over the reimbursement issue last spring. At that time, an average payment cycle of 80 days was anticipated.

Harris said sometimes the clinic must wait four to six months for reimbursement.

Because of the late and low reimbursements, the clinic wrote off $1.5 million in care for Medicaid patients in 1988. In 1987, that figure was $1.25 million.

The clinic traditionally has carried a heavy load of public aid patients, between 10 and 12 percent. The clinic averages 8,000 Medicaid visits per year.

"We felt it was inching up too high, and we have to control that," Harris said.

The clinic still sees about 80 new Medicaid patients per month. The goal is to get the number of public aid patients seen at the clinic down to 9 percent of its total patient load, he said.

Harris does not see the percentage dropping any lower than that.

"We can't ethically and morally close the doors to people," he said.

But the clinic's new policy has had a ripple effect throughout the health care community because it compounds an existing problem.

Some physicians in Southern Illinois will not take any public aid patients, and this puts a burden on those who do.

Shawnee Health Service and Development Corp. operates four health centers in Southern Illinois—in Carterville, Grand Tower, Murphysboro and the Adolescent Health Center in Carbondale.

George O'Neill, executive director of Shawnee Health, reports a 22 percent increase in Medicaid recipients at the clinics during 1988.

The clinics are seeing a number of patients who previously had health insurance, but now have nothing.

"This is a byproduct of the turndown in the economy," O'Neill said.

Obstetrical statistics aptly illustrate the rise in public aid recipients. As the total number of births remains steady, many counties are showing marked increases in public aid births. In Franklin County, for example, 40 percent of all the births are to women on public aid.

"The situation is coming to a crisis point," O'Neill said.

Clara McClure, community support program coordinator for Jackson County Community Mental Health Center, fears that if her clients cannot go to the clinic or find another physician that will take them, they must go to Memorial Hospital's emergency room, causing an overload there.

"I think it's going to get worse before it gets better," she said.

The community support program serves primarily people with major mental illnesses, many of whom are on public aid. Most of the program's clients had gone to the Carbondale Clinic, McClure said.

Mathis, who had to take her cough to the emergency room, said that in the future she probably will try to get medical care for herself and her two teen-agers at the Murphysboro Health Center. But transportation can be a problem.

"I have some transportation, but it's not dependable," she said.

George Maroney, administrator of Memorial Hospital, can attest to the strain the torrent of public aid patients to its emergency room can have on a hospital.

It is the reason the hospital is bordering on operating in the red, he said. In the past 10 years, the hospital has gone from 9 percent public aid patients to 20 percent public aid patients.

The hospital will write off $3.9 million in Medicaid when the 1968-89 fiscal year ends March 31.

"If everyone did their fair share, it wouldn't be so catastrophic," Maroney said, citing those physicians who will not care for Medicaid patients.

And better reimbursement from the state will help, too.

"It is unfortunate that the state is the principle problem, but the hospital and doctors must handle the problem," he said.

Harris of the Carbondale Clinic believes the Medicaid problem keeps physicians from Southern Illinois.

"The net effect is not only to provide limited care but to drive doctors out of the state of Illinois," he said.

Illinois' neighbors, Kentucky, Indiana and Missouri, all have higher reimbursement rates for Medicaid patients, Harris said.

But no matter what the problems, Maroney assures the region that Memorial Hospital will always treat Medicaid patients.

"We will treat all patients."

A TRIBUTE TO MRS. SHIRLEY M. FIGENSHU

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Mrs. Shirley M. Figenshu, who retires today after more than 37 years in the Federal service. Mrs. Figenshu has been serving for the past year as executive assistant to the commander of the Sacramento Air Logistics Center, McClellan Air Force Base, in Sacramento, CA. McClellan AFB is the largest Federal sector employer in northern California.

Originally from Ohio, Mrs. Figenshu joined the Federal service at McClellan AFB as a clerk-typist in August 1951. In July 1955, she was promoted to duties as an accountant in the accounting and finance division, beginning a 36-year period of outstanding service in what would later become the comptroller directorate.

In 1978, she received a bachelor of science degree in business administration from the California State University at Sacramento. In 1982, she was awarded a masters degree in management from Golden Gate University. Following graduation from the Professional Military Comptroller School in 1976, she was selected as chief, systems and procedures office, in the accounting and finance branch. In 1981, she assumed duties as the chief of the operations and maintenance section, and 1 year later she was named budget officer for McClellan Air Force Base. In January 1985, Mrs. Figenshu was selected to be the deputy comptroller, Sacramento Air Logistics Center, a position she held for 3 years until she became the executive assistant to the commander.

As deputy comptroller for one of the largest organizations in the U.S. Air Force, Mrs. Figenshu was responsible for over a $3 billion budget, a payroll of over 17,000 civilian and military personnel, and provided senior financial expertise to all budgeting, accounting and finance, and cost analysis functions at McClellan AFB.

As the executive assistant to the commander, Mrs. Figenshu was responsible for prioritizing all issues brought to the commander and vice commander for their action—a particularly difficult undertaking in 1988, with the budget reductions and threat of civilian work force furloughs that McClellan experienced. She coordinated all important interfunctional programs to ensure that the policies of the center commander were implemented. Mrs. Figenshu was the first woman to serve as executive assistant at McClellan and the first to serve in that position on a permanent basis at any Air Force Logistics Command Base.

Mrs. Figenshu's achievements go beyond her work at the base, and into the Sacramento community. She served as chairman of the Combined Federal Campaign Federal Sector Coordinating Committee and the Sacramento Symphony Fund Raising Committee. She was a key member of the Officers' Club and Civilian Nonappropriated Fund Advisory Committees, and she led the 1987 McClellan Aviation Museum membership drive. Mrs. Figenshu is a member of the American Society of Military Comptrollers, Association of Government Accountants, Institute of Cost Analysts, Air Force Association, Federal Managers Association, McClellan Management Society, and the International Training in Communications organization.

During her public service career, Mrs. Figenshu was named McClellan's Civilian of the Year in 1965; Air Force Association Outstanding Civilian of 1977; Sacramento Federal Women's Council Supervisor of the Year 1980; McClellan's Outstanding Business Woman of the Year in 1984; the American Society of Military Comptrollers' Outstanding Budget Officer for 1985; and the Sacramento Federal Women's Council Manager of the Year in 1988. In 1987, her ability to develop and implement management initiatives earned her the Air Force Logistics Command Distinguished and Honorary Equal Employment Opportunity/Affirmative Action Award. Over the years, she has also received numerous sustained superior performance awards.

I know my colleagues join me today in sincere congratulations and appreciation to Mrs. Shirley Figenshu on the occasion of her well-earned retirement from Federal service. Her devotion, skills, and extraordinary contributions to the public sector are a shining example to all in our country's service. I would like to extend my best wishes for the future to Mrs. Figenshu and her husband, Jack.

H.R. 867

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. MATSUI. Mr. Speaker, on February 6, 1989, Congressman DOWNEY, Congressman MILLER, and Congressman ROYBAL joined with me to introduce three bills, which, taken together, would make the Supplemental Security Income [SSI] Program fairer and more responsive to the truly needy it is intended to serve. The following is a section-by-section summary of the provisions of the second bill in this SSI reform package, H.R. 867.

SUMMARY OF "SSI TECHNICAL AMENDMENTS OF 1989"—H.R. 867

TITLE I. CHANGES IN THE TREATMENT OF INCOME AND RESOURCES

Section 101. Treatment of workers' compensation and unemployment compensation as earned income for SSI purposes

This provision changes the way in which workers' compensation and unemployment compensation benefits are treated. Instead of treating these benefits as unearned income, the benefits will be treated as earned income. The result of this change is a more helpful treatment of the benefits because earned income is subject to more substantial disregards than unearned income. There is a $20 income disregard for unearned income, while with earned income, the statute provides that the first $65 plus ½ of the remainder is deducted.

Section 102. Eligibility determinations for certain months in the cases of individuals with weekly or biweekly income

In cases where a person has earned income and he or she is paid on a weekly or biweekly basis, problems currently arise when there is a fifth weekly payment or a third biweekly payment in the month. Currently, the SSI benefit of the person (or the child or spouse who is receiving SSI and who has income deemed from other family members) will be reduced or terminated as a result of the extra payment. This provision will require the Secretary to avoid this problem by considering the annual income of the person and using the average monthly amount in calculating the amount of the SSI benefit.

Section 103. Disregard of certain in-kind gifts

This provision will permit an SSI recipient to receive a domestic air, bus or train ticket without having it counted as income and resulting in a reduction in the person's SSI benefit. The Secretary currently counts the value of the ticket as income unless it was paid for on the credit card of another person.

Section 104. Reduction in time during which the income and resources of separated couples must be treated as jointly available

Currently, if a husband and wife who are an eligible couple separate, the statute requires the Secretary to treat them as if they are still together and sharing their income for six months after the separation. This works a hardship on the spouse who has little or no other income in her name. This section provides that an individual and a spouse will be treated as individuals for SSI purposes after they have been separated for one month. In addition, if the Secretary determines that the person is faced with a financial emergency, the Secretary is required to waive the one month rule and pay benefits immediately.

Section 105. Disregard of certain interest and dividend income

Effective January 1, 1990, the Secretary would disregard $120 per year of interest and dividend income in determining eligibility for SSI. This disregard would increase by $12 each year after that until it reached $180 in 1995.

Section 106. Increase in face value of life insurance policies whose cash value is disregarded and increase in allowable burial fund

This provision increases the amount of the face value of a life insurance policy which a person can have and not have the cash value of the policy counted for SSI purposes. The face value is increased from $1500 to $2500.

In addition, the law currently provides an alternative to the life insurance rule which permits a person to have a burial fund which does not exceed $1500. This figure would also be increased to $2500. The amendment would also provide that the rules which apply to recovery or waiver of overpayments generally in the SSI program will apply in cases where the person mistakenly uses a portion of the burial account.

TITLE II. SPECIAL PROVISION RELATED TO SSI FOR THE MENTALLY ILL

Section 201. Continued SSI suspension status for certain residents of public mental institutions

Under present law, beginning with the first full month that an individual is a resident of a public mental institution, an SSI recipient is no longer eligible for benefits. [There is an exception for certain cases where the individual is expected to stay for no more than three months and needs to maintain a residence.] An individual who loses eligibility for this or other reasons is placed in a suspension status for up to twelve months and is not required to file a new application for SSI benefits if he or she is once again eligible for benefits within the twelve month period. This provision changes the rule to provide that the time during which a person is in a public mental hospital will not count toward the twelve month suspension status limit.

TITLE III. CERTAIN INDIVIDUALS CONSIDERED TO BE RECEIVING SSI BENEFITS FOR PURPOSES OF MEDICAID ELIGIBILITY

Section 301. Retention of Medicaid when SSI benefits are lost upon entitlement to Social Security spouse benefits or retired workers benefits prior to age 65

Currently, when a person is receiving SSI disability benefits, the Secretary requires the person to apply for all other benefits—including Social Security—for which the person may be eligible. Certain individuals may not be eligible for Social Security disability benefits because of the stricter definition of disability or "recency of work" requirements. However, they may be eligible for SSI disability benefits and thus Medicaid. Two groups of disabled SSI recipients lose their SSI and Medicaid at age 62: Individuals who become eligible for early retirement benefits at age 62; and individuals who become eligible for a spouse's benefit at age 62 on the Social Security record of an insured worker who is eligible for disability or retirement insurance benefits.

Despite the fact that such individuals are disabled, they have no health care coverage under Medicare until they become age 65. This provision will permit these individuals to be considered to be receiving SSI benefits so that their Medicaid eligibility can continue until they turn 65 and become eligible for Medicare. Such individuals will continue on the SSI rolls in a non-cash payment status and SSA will be responsible for determining ongoing eligibility.

Section 302. Retention of Medicaid for certain additional disabled adult children

Under current law, any SSI recipient who first becomes entitled to Social Security disabled adult child's benefits on or after July 1, 1987, and as a result is no longer eligible for SSI, is deemed to be eligible for SSI so that he or she can continue to receive Medicaid. This provision will extend this same benefit to former SSI recipients who lost their SSI eligibility when they began to receive disabled adult child's benefits, if they first became entitled to the disabled adult child's benefits on or after January 1, 1981 (and before the current provision's starting date, July 1, 1987.) However, they will not be eligible for Medicaid benefits under this provision until July 1, 1989.

Section 303. Amendments affecting individuals considered to be receiving SSI for purposes of the Medicaid program

This section addresses the problem which currently exists when a person loses SSI cash benefits but is in one of the categories of people who are deemed to be still receiving SSI so that they remain eligible for Medicaid. There may be a gap in their coverage until they actually go to the state Medicaid office and apply for benefits or their benefits may end if, for whatever reason, they fail to file that application.

This section provides that these individuals will be presumed to have filed a Medicaid application and that their eligibility for Medicaid will continue unless a determination is made that they are not eligible for Medicaid. For a determination of ineligibility to apply back to the date of the change in status, the determination must be made within 45 days of the change. If it is made after that date, the decision will be effective prospectively only.

This section also clarifies that the provisions in current law which protect categories of disabled individuals from loss of Medicaid when they begin to receive Social Security benefits apply in all states, including those states which have chosen the "section 209(b)" option under Medicaid.

SALUTE TO DONALDSONVILLE, LOUISIANA'S, 'PARENTS AS PARTNERS' PROGRAM

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. HOLLOWAY. Mr. Speaker, I rise here today to highly commend children, parents, teachers and those committed to working for educational excellence through Donaldsonville, LA's Parents as Partners Program. Yes, the program is about teaching. It is also a program from which communities across our Nation can learn. This highly successful program should serve as an example of the can do attitude and dedication to excellence so important to a good education.

Mr. Speaker, I am proud to report that the success of Parents As Partners, founded by Louisiana State University professor Patricia Edwards, has recently attracted the attention it deserves. The Washington Post, in a front page story published in its Tuesday, February 21, edition, described the program, along with the many contributions made to its success by parents, children, church leaders and civic minded citizens of the Donaldsonville, LA, area.

The program's story is one of love and concern. Parents As Partners teaches parents how to read to their children. Its goal is to improve the literacy rate among poor families. Families attend classes together; the parents read to their children while classmates observe. Then, classmates and teachers commend them on their reading strengths while advising how to improve those skills. Everyone is involved—a proven method of success.

Professor Edwards' efforts to establish the program weren't easy. As The Washington Post described, and I quote:

Her first task was the most difficult: persuading low income parents to participate. Her method was controversial but successful. With help from (Donaldsonville Elementary) School's assistant principal, Marva Matthews, she first persuaded community leaders to take an interest in the project and pressure parents to attend. Matthews and Edwards used a Saturday night and Sunday morning approach. The two most important community leaders they enlisted were Ray Jacobs, owner of a popular Donaldsonville tavern, Jonelle's, and the Rev. William D. Hogan of St. Catherine's, a predominantly black Roman Catholic church. Jacobs, who hosts a popular local talent show in his bar, started telling mothers who patronized the establishment that they no longer would be welcome unless they put as much time into learning how to read to their children as they spent enjoying themselves at the saloon. He took his commitment one step further, driving women to the weekly class and participating himself. He is one of two men who regularly attend, among an average of 30 to 40 women. Father Hogan, a Josephite priest who has served black Catholics during his entire 37-year career, preached about the benefits of the reading program during his Sunday sermon, saying literacy is an important tool of faith."

Mr. Speaker, I am proud to represent Donaldsonville. The emphasis which the people of Donaldsonville have placed on their children's education, and on their children's future, deserves our admiration. Among other things, the people of Donaldsonville are sending a message to their children. The message is, a good education is not simply a fundamental necessity; a good education is everyone's concern.

Mr. Speaker, I would like to thank the parents, grandparents, teachers and volunteers who have made Parents As Partners such a resounding success.

I reserve special thanks for Professor Patricia Edwards, founder of Parents As Partners and Marva Matthews, assistant principal of Donaldsonville Elementary School. Their concern for the families and children of Donaldsonville should serve as a valuable lesson to us all.

PROVIDENT SAVINGS BANK MARKS 150TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. GUARINI. Mr. Speaker, on February 27, 1989, the Provident Savings Bank, New Jersey's oldest mutual savings bank, will celebrate its 150th anniversary. Gov. Thomas Kean and the New Jersey Legislature, which granted the Provident its original charter in 1839, will cite the bank for its outstanding contributions to the economic growth of New Jersey at a joint session of the legislature to be held in the Senate on Monday, February 27.

The Governor's proclamation will recognize the Provident as the first savings bank in the State, a thrift institution which literally started New Jersey saving and which has, in effect, been imitated ever since, Kenneth F.X. Albers, chairman and chief executive officer, and the bank's board of managers, distinguished members of the State's business community, will be on hand to witness the commemorative ceremonies.

The Provident opened for business in Jersey City in October 1843 with first day's deposits of $227.00. Ten years later, bank growth warranted the erection of its own building at Plymouth and Washington Streets. On December 31, 1988, the bank listed 34 offices throughout the State with assets of over $1.4 billion. The bank has just paid its 290th consecutive semiannual dividend and, since 1839, not one depositor has ever lost one penny at "The Old Beehive," the bank symbol of thrift and industry for a century and a half. It is a record few banks in the country can equal.

The Provident makes no foreign loans, but does invest in the State of New Jersey. Today, mortgage, consumer and commercial loans outstanding to New Jersey people and businesses amount to over $850 million. In the last 10 years alone, Provident depositors were paid over $714 million in dividends.

The bank's new corporate headquarters, recently completed in Jersey City is an architectural landmark, and a very substantial investment that is representative of the confidence, vitality and economic leadership the bank provides in New Jersey communities.

As a mutual savings bank, the Provident is different from other banks in ways that are important to the public. It pays all earnings to its depositors after meeting obligations for operations, taxes, and protective reserves. By law, those who direct the Provident operations may not profit from the bank or its investments. In effect, it is the bank's depositors and the communities they serve who stand to benefit from the bank's operations.

At a time when many banks in this country are in financial difficulty, the Provident continues to be a financially strong institution, a direct result of the bank's own sound, unique principle "to maintain the highest degree of safety and to pay the highest dividends consistent with that aim."

In today's rapidly changing financial markets, the Provident, as a member of the First Nationwide Network of Independent Financial Institutions, is uniquely set up to provide New Jersey savers with a wealth of opportunities to handle their finances intelligently. In addition to CD's, savings, and checking accounts, Provident customers have access to mutual funds, trust advisory accounts, and other traditional bank services. More than ever, the bank's enviable 150-year-old safety record seems to say, "If you bank in New Jersey, you can bank on The Provident."

The history of the bank is so interesting. The three were born at the same time—the city, the county, and the bank. Jersey City was incorporated in 1838. Two years later, in 1840, Hudson County—until then a part of Bergen—was created as a separate entity by the State legislature. In 1839, the year between these two events, the Provident Institution for Savings was granted its charter.

PRESIDENTS OF THE BANK—1839-1975

John F. Ellis, 1839-1841.
Dudley S. Gregory, 1841-1874.
Andrew Clerk, 1874-1886.
David Smith, 1886-1889.
Isaac I. Vanderbeek, 1889-1894.
Freeman A. Smith, 1894-1896.
Edmund W. Kingsland, 1896-1910.
George F. Perkins, 1910-1916.
James B. Throckmorton, 1916-1940.
George R. Beach, 1941-1956.
Karl A. Schwotzer, 1957-1958.
William Neumann, Jr., 1959-1967.
Kenneth F.X. Albers, 1968- .

Provident was the first bank of any kind in Hudson County and the first savings bank in the State of New Jersey. John F. Ellis was the bank's first president, but it was not until the administration of his successor, Dudley S. Gregory, in 1843, that the bank opened for business.

The delay was due in part to the public's distrust of all banks at the time. The panic of 1837, and the widespread distress of the ensuing years in which hundreds of commercial banks collapsed, had caused ruin to thousands of businesses and individuals. The idea of a "mutual savings bank" in which "the income and profit thereof shall be applied and divided among the persons making deposits therein" was a new one.

When Mr. Gregory became president of Provident, John Tyler was President of the United States, and the Nation was fast approaching war with Mexico. During Mr. Gregory's 33-year administration of the bank, Tyler

was succeeded by Presidents Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson, and Grant. The Mexican War came to an end, slavery proved to be an issue that could not be resolved peacefully, and America was plunged into the agony of its great Civil War. Lincoln was assassinated, the Union was saved, and the Nation entered a period of unprecedented growth and change. The railroads forged a connection between the east and west coasts with Jersey City as its eastern terminus—and America became a great industrial Nation.

In Mr. Gregory's final year as president, another major event shook the nation: the panic of 1873. Many fortunes were lost in this disaster, but the Provident survived and prospered.

If any one man may be said to have been the architect of Provident Savings Bank, that man was Dudley S. Gregory. More than anyone else, he built the bank and made it strong and established the precepts from which it has never deviated. Mr. Gregory played an important role in the growth of the community as well, serving for some time as mayor of Jersey City. When he retired, after 33 years, the bank boasted assets of $3,500,000—no mean sum in the year 1874.

In 1910 the makeup of the population of Jersey City and Hudson County—and the makeup of the bank's depositors—had undergone a profound change. This was the great age of immigration. From Ireland, from Italy and Germany and from the nations of Eastern Europe a great wave of immigrants came to the United States. As they waited at Ellis Island, one of the great sights the newcomers could see most clearly was Hudson County. Many liked what they saw and many stayed.

The corporate headquarters is a historical landmark, nine stories tall, on Bergen Avenue, and has a 30-foot high clock tower which is operational and illuminated from within. The four-sided clock has been a Jersey City landmark for many years, and has been recently restored to its original beauty.

Kenneth F.X. Albers, a career banker since 1948, joined Provident Savings Bank in October 1966 as vice president, assistant to the president. He became president and chief executive officer in January 1968 and chairman of the board and chief executive officer in February 1983. Under his leadership the Provident has continued to grow.

I ask my colleagues here in the House of Representatives to join me in extending congratulations to Kenneth F.X. Albers and all those affiliated with the Provident Savings Bank on its 150th anniversary and best wishes for its continued success and prosperity.

ESTONIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. GILMAN. Mr. Speaker, tomorrow, Americans of Estonian descent will note with both joy and sorrow, the 71st anniversary of Estonian Independence Day; joy in remembering that day in 1918 when independence was first declared, and the years that followed which saw the flourishing of Estonian culture and heritage. The sorrow followed when that independence, was forcibly usurped in 1940, when the tiny nation of Estonia was annexed by the Soviet Union.

This past November, the Estonian Parliament took a bold step by declaring their sovereignty within the framework of the Soviet Union. Although ruled by Soviet leader Mikhal Gorbachev to be invalid and unconstitutional, the declaration is nonetheless clear and convincing evidence that the love of freedom and desire for independence prevails throughout Estonia.

Only a few days ago, it was announced that the politburo has consented to give the Soviet Union's 15 constituent republics more independence in making economic decisions, a compromise that is apparently targeted at republics such as Estonia. This overture, meant to assuage some of the discontent brought about by the earlier condemnation, will perhaps ease some of the frustration and anguish. In Estonia, both party members and independent movements have called for complete economic sovereignty from Moscow. Let us continue to hope that they achieve this, as well as the independence for which they so dearly long.

Estonian Independence Day will most certainly bring out hundreds of thousands of supporters, and with them, our own hopes for their future. Accordingly, Mr. Speaker, we acknowledge this anniversary of Estonian independence, certain that this national feeling cannot be stifled.

NATIONAL BOY SCOUTS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. NATCHER. Mr. Speaker, it is a privilege to again recognize the Boy Scouts of America as they celebrated their 79th anniversary this month.

The year 1988 marked the eighth consecutive year of total growth for the Boy Scouts of America, and the membership at the end of last year totaled 4,233,001 youth.

The Boy Scouts of America has identified five unacceptables in today's society: Functional illiteracy, youth unemployment, youth protection, drug abuse, and hunger. To this end, the Boy Scouts of America is promoting reading through Boys' Life magazine, Scout manuals, and other literature. The public service theme is "In Scouting You Do What You Read." Skill and character development is recognized as necesssary in order to produce a more employable youth, and a strategy has been developed to keep undesirables out of the Scouting program through education, leader selection, barriers to abuse, promotion of reporting and swift removal.

"Drugs: A Deadly Game" was launched in 1987 and since that time more than 8 million youth booklets have been distributed to young people in and out of Scouting.

More than 20 million Americans go hungry each month. The National Good Turn "Scouting for Food" in November produced 75 million cans of food which were turned over to local food banks for distribution to those in need. A similar project is scheduled for this year.

Other programs in 1988 on the national level included a new videotape training series for adult leaders, the introduction of Cub Scout resident camping, emphasis on encouraging more Boy Scouts to reach first class rank, national conferences for Explorer past presidents and Law Enforcement past presidents, and a nationwide satellite New Troop Teleconference with commitments to organize new Boy Scout Troops.

In my home State of Kentucky, more young people than ever were served by Scouting in western Kentucky. This is the sixth straight year that this has occurred, and over 4,700 boys and girls participated in Scouting in 1988. The summer Scouting program continues to improve and last year 747 Scouts went to camp, with over 1,000 preregistered for camp this summer. The office trading post was enlarged by 100 percent so that volunteers with the Scouting program could be better served.

Thirty-one Scouts in western Kentucky attained the rank of Eagle Scout last year. This is a record number, and I would like to especially commend these young people.

The year 1988 was another banner year for Scouting, not only in western Kentucky, but all across the Nation. At this time I would like to congratulate everyone associated with the Boy Scouts of America for their accomplishments and I wish them continued success in all their future endeavors.

BILL TO PROHIBIT PURCHASE OF SOVIET URANIUM ENRICHMENT SERVICES BY U.S. UTILITIES

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mrs. LLOYD. Mr. Speaker, I have today introduced a bill indicating that nuclear electric power utilities in the United States should not purchase uranium enrichment services from the Soviet Union.

The United States operates a Uranium Enrichment Program through the Department of Energy, and it is intended to be fully self-sufficient through revenues it generates from the customers it serves. In the recent past, the demand for uranium enrichment services has been substantially reduced causing a significant retrenchment in the Government's program and the closure of one of the Government's three uranium enrichment plants in the United States.

In its desperation for hard currency, the Soviet Union does not apply fair trade practices. The Soviet Union does not operate its uranium enrichment business on the principles of a free market society. They offer their enrichment services at a discount from whatever level is established as the price of enrichment services in the United States. While this may be beneficial for the short-term to purchasers

of uranium enrichment services in the United States, in the long term it is detrimental to the national security and other interests of the United States.

Mr. Speaker, I can remember when the United States objected to the Europeans purchasing natural gas from the Soviet Union. We did that because we feared they would become reliant upon the Soviet Union and reluctant to support the policies of the United States when they contradict those of the Soviet Union. When United States citizens become dependent upon the Soviet Union for the supply of fuel for nuclear powerplants, it provides a potential lever to influence United States policies.

In the long term, it is also potentially detrimental to have domestic electric utilities and others procure Soviet enrichment services because such purchases impair the ability of the United States to continue its Uranium Enrichment Program, which the United States operates for the benefit of electric ratepayers.

The United States operates its uranium enrichment program solely on a cost recovery basis. No profit is obtained for the Government. As the number of customers which are supplied by the Government declines, the unit price of the enrichment services goes up to the detriment of all U.S utility ratepayers. Although competition with European suppliers of enrichment services has also diminished the market for the U.S. enrichment services, the competition based on free market principles has been healthy for the domestic program. This competition has lowered near-term costs and focused the efforts within the program on supplying the least cost enrichment services over the long term.

However, the Soviet Union is an unfair competitor and enrichment service sales to United States citizens detract from the national energy security of the United States.

For these reasons, Mr. Speaker, I urge my colleagues to join me in cosponsoring this legislation and in expressing the sense of the Congress that dealing with the Soviet Union for these services is something that should be avoided by all domestic customers of the United States Government's Uranium Enrichment Program.

DESIGNATING THE CALIFORNIA AND PONY EXPRESS TRAILS AS COMPONENTS OF THE NATIONAL TRAILS SYSTEM

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation which amends the National Trails System Act to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System. As drafted, this legislation reflects, pursuant to Public Law 98-405, the final recommendations of the eligibility study and environmental assessment for the California and Pony Express Trails prepared by the National Park Service at the Department of the Interior which were formally submitted to Congress on January 30, 1989. These two trails closely parallel one another across the West, and at points in the Great Plains region, become a single pathway.

The Pony Express Trail ran between Saint Joseph, MO, the western terminus of the railroads in 1860, and extended to Sacramento, CA, for a total distance of about 2,000 miles. Upon arrival in Sacramento, the letters and important dispatches were taken by steamer to anxious recipients in San Francisco. The route left Missouri and followed the well-traversed Oregon Trail through Kansas and along the Platte River in Nebraska. Before leaving Nebraska, the route dipped south into Julesburg, CO, then headed north into South Pass, WY. At Fort Bridger, WY, the Pony Express Train left the emigrant trail and swung south to Salt Lake City, UT, before running due west across the salt desert and badlands of Nevada, over the Sierra Nevada Mountains, and down into Sacramento.

Pony Express service began on April 3, 1860, and continued until October 24, 1861, when the first transcontinental telegraph line was completed. During the Pony's 18 months of glory, 318 runs were made each way for a total of approximately 600,000 miles. The mail was lost only once.

Although the Pony Express was a financial disaster for its proponents, it proved that correspondence could be delivered in 8 to 12 days over the central route. Like the transcontinental telegraph and railroad which succeeded it, the Pony Express provided an improved communications link between the widely separated eastern and western segments of the country. It heightened the demand for expedient transcontinental linkage prior to the outbreak of the Civil War. In fact, the fastest time recorded by the Pony Express occurred in November 1860 when news of President Lincoln's election victory was carried from Fort Kearny, NE, to Fort Churchill, NV, in 6 days. It is interesting to note that the Pony Express route is generally followed by the interstate highways and airplane flight paths of today.

The historical significance of the California Trail is no less impressive. The trail was one of the major thoroughfares used by settlers and prospectors in their movement to the West during the mid-1800's. The trail breaks from the Oregon Trail—already included in the National Trails System—at the Raft River, in Idaho, and heads southwest toward Sacramento, CA. There were many branches and side trails which were all heavily utilized, particularly by prospectors. First and foremost, though, the California Trail was the main emigration artery to California and eventually, the Gold Rush. In fact, more than 125,000 men, women, and children trod this trail to settle or prospect on the west coast in 1818 alone.

Mr. Speaker, my legislation is a simple, straightforward confirmation of what the many bipartisan proponents of the original study provisions included in H.R. 3787 considered during the 98th Congress already knew: that the acknowledgment of these two trails is a national priority in order to preserve our American heritage. I strongly urge my colleagues to support this legislation and see to its swift enactment.

CONGRESSIONAL SALUTE TO HON. WALTER J. JASINSKI ON 40 YEARS OF SERVICE TO PACKANACK LAKE, NJ, FIRE CO., NO. 5 AND THE WAYNE TOWNSHIP FIRE DEPARTMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. ROE. Mr. Speaker, it is with the greatest admiration that I rise today to salute a truly outstanding civic leader and public servant from my hometown of Wayne, NJ, whose community is truly a better place for his unceasing and dedicated efforts in all aspects of civic life.

I am speaking of the Hon. Walter J. Jasinski, the former mayor of Wayne Township who, on March 3, 1989, will be honored for his tireless and devoted efforts to protect his community through 40 years of outstanding service to Packanack Lake Fire Company No. 5 and the Wayne Township Fire Department, with a testimonial dinner at the Regency House in Pequannock, NJ.

Mr. Speaker, I know this event will be a great source of pride to Walter Jasinski's multitude of colleagues and friends, but most especially to his loving family; his wife, Ruth; his sons, John, David and Jim Jasinski; his daughters, JoAnn Shoemaker and Katie Odom; his daughters-in-law, Sharon, Nancy and Marilyn Jasinski; his sons-in-law, Ritch Shoemaker and Randy Odom, and his nine grandchildren, Tyler, Reed, Hope, Danny, Christopher, Andrew, Ryan and Travis Jasinski, and Sally Shoemaker.

Mr. Speaker, the litany of Walter J. Jasinski's accomplishments, achievements and contributions to his community is, indeed, legend among those who have been fortunate enough to know him. A highly respected engineer by profession who was educated at Tri-State University, Carnegie Tech and the University of Wisconsin, Walter Jasinski has worked to protect his community through his more than four decades of service to the Wayne Township Fire Department and Packanack Lake Fire Company No. 5.

During his long and fruitful tenure, he has served the company in a multitude of capacities, including Wayne fire commissioner and chief of Fire Company No. 5. He has continued his long association with the fire department, currently serving as its assistant treasurer and delegate to the North Jersey Volunteer Fireman's Association.

Mr. Speaker, taken alone, Walter Jasinski's service to the Wayne Township Fire Department would be enough to make anyone proud. But that is only part of the story of his contribution to his community. For a 20-year period beginning in 1964, Walter Jasinski served Wayne as a member of the Township Council (1964-77) representing the municipality's third ward, and as mayor (1977-84).

Among his many other offices, activities and memberships that have provided a great benefit to the people of Wayne Township, Walter Jasinski served as Wayne police commissioner; as a member of the Wayne I-287 River

Route Committee; as a Boy Scout scoutmaster and merit badge counselor; as township baseball commissioner and director of umpires; as a member of the Wayne board of directors of the American Red Cross; as a member of Wayne Elks Lodge No. 2181; as a member of the Wayne Knights of Columbus Council No. 6354; as a member of the Sportsfriends Soccer Club; as a member of the board of trustees of Greater Paterson General Hospital; as a member and president of the Passaic County League of Mayors; as a Passaic County delegate to and vice president of the New Jersey Conference of Mayors; as a member of the Central Basin Flood Committee; as a member of the Pompton Lakes, Oakland and Wayne Organization to Revive Pompton Lakes; as a member of the Polish-American Republican Caucus; as a sustaining member of the New Jersey Republican State Committee, and as a parishioner of Immaculate Heart of Mary Church.

Clearly, Mr. Speaker, while Walter Jasinski is being honored on March 3 for his four decades with the Wayne Township Fire Department, all of those attending this truly special event will be ever mindful of all of Walter J. Jasinski's invaluable contributions to his community and will recognize him for the outstanding public servant and civic leader he is and always has been.

It is with great pride, then, Mr. Speaker, that I ask you to join me in saluting a great New Jerseyan and a great American, the Honorable Walter J. Jasinski of Wayne, NJ, who has truly made his community, his State and his Nation a better place to live.

CAMPAIGN FINANCE REFORM

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. PENNY. Mr. Speaker, today I am introducing a compaign finance reform bill that limits spending for House campaigns and curbs PAC influence by providing for partial public financing of congressional campaigns.

Clearly, the cost of congressional campaigns has escalated dramatically. In 1986, $210.3 million was spent by House candidates in general elections. Thirty-seven percent of this came from PAC's, up from 29 percent in 1980. Since the last major campaign reform initiative was undertaken, individual participation has declined and reliance on political action committee money has increased significantly. It is time to take steps to reverse this unhealthy trend.

My bill would give taxpayers the option of indicating a contribution of $1 or more on their tax return form, similar to the Presidential campaign checkoff. However, it is important to note that the money would come from the individual at no cost to the Federal Treasury. Taxpayers would have the opportunity to designate that their dollar fund Democratic candidates, Republican candidates, or all participating candidates. Candidates who choose to participate in this program would be limited to spending $300,000—$350,000 for challengers—no more than half of which may come from PAC's. In addition, my bill would restore the tax credit for political contributions for up to $50 per individual or $100 for a joint return as a way of encouraging small individual contributions.

Mr. Speaker, the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 RELATING TO LIMITATION ON TOTAL CONTRIBUTIONS TO GENERAL ELECTION CANDIDATES FOR THE HOUSE OF REPRESENTATIVES WHO AGREE TO ACCEPT AMOUNTS FROM THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

"LIMITATION ON TOTAL CONTRIBUTIONS TO GENERAL ELECTION CANDIDATES FOR THE HOUSE OF REPRESENTATIVES WHO AGREE TO ACCEPT AMOUNTS FROM THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND

"SEC. 324. A general election candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may, in such manner as the Commission shall prescribe by regulation, agree to accept amounts from the appropriate account of the House of Representatives Campaign Trust Fund under section 9511 of the Internal Revenue Code of 1986. A candidate who so agrees may not accept contributions from all sources (including funds from the House of Representatives Campaign Trust Fund) with respect to such election totaling in excess of $300,000 ($350,000 if the candidate is not an incumbent of the office involved), of which not more than one-half may be accepted from nonparty multicandidate political committees or from separate segregated funds of corporations, labor unions, and national banks.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections occurring after December 31, 1991.

SEC. 2. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986 RELATING TO CONTRIBUTION OF AMOUNTS FOR THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

"PART IX—CONTRIBUTION OF AMOUNTS FOR THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND

"Sec. 6097. Contribution.

"(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may include with such return a cash contribution for any account of the House of Representatives Campaign Trust Fund.

"(b) MANNER AND TIME OF CONTRIBUTION.—A contribution under subsection (a) may be made with respect to any taxable year only at the time of filing the return of tax imposed by chapter 1 for such taxable year. Such contribution shall be made on the 1st page of the return.".

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end the following new item:

"Part IX. Contribution of amounts for the House of Representatives Campaign Trust Fund.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 3. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986 RELATING TO THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'House of Representatives Campaign Trust Fund', consisting of such amounts as may be appropriated or credited to such trust fund as provided in this section or section 9602(b).

"(b) ACCOUNTS.—The trust fund shall consist of accounts as follows:

"(1) One account for all qualified candidates. The amounts in such account shall be divided equally among such candidates.

"(2) One account for each major party (as defined in section 9002). The amounts in such account shall be divided equally among the candidates of such party.

"(3) One account for each minor party (as defined in section 9002), if, not later than May 30 of the taxable year involved, such party submits to the Federal Election Commission petitions signed by at least 20,000 registered voters from each of at least three-fourths of the States and declaring that the signers desire the party to be eligible for payments under section 324 of the Federal Election Campaign Act of 1971. The amounts in such account shall be divided equally among the candidates of such party.

"(4) One account for each new party (as defined in section 9002), if, not later than May 30 of the taxable year involved, such party submits to the Federal Election Commission petitions signed by at least 20,000 registered voters from each of at least three-fourths of the States and declaring that the signers desire the party to be eligible for payments under section 324 of the Federal Election Campaign Act of 1971. The amounts in such account shall be divided equally among the candidates of such party.

"(c) TRANSFER OF CONTRIBUTED AMOUNTS.—There are hereby appropriated to the House of Representatives Campaign Trust Fund amounts equivalent to the amounts received in the Treasury pursuant to contributions under section 6097.

"(d) EXPENDITURES.—Amounts in the House of Representatives Campaign Trust Fund shall be available to carry out the purposes of section 324 of the Federal Election Campaign Act of 1971. Expenditures from the Fund shall be made, in such manner as the Federal Election Commission may prescribe by regulation, to each candidate who, not later than September 1 of the year of the election, certifies to the Commission that such candidate and the authorized committees of such candidate have received contributions, during a 2-year election cycle, aggregating not less than $25,000, in contributions of $100 or less from individual contributors.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following new item:

"Sec. 9511. House of Representatives Campaign Trust Fund."

SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986 RELATING TO THE CREDIT FOR CONTRIBUTIONS TO CERTAIN CANDIDATES FOR THE HOUSE OF REPRESENTATIVES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 23 the following new section:

"SEC. 24. CONTRIBUTIONS TO QUALIFIED CANDIDATES FOR CONGRESS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified political contributions which are made by the taxpayer during the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $50 ($100 in the case of a joint return under section 6013).

"(2) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any qualified political contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED POLITICAL CONTRIBUTION.—The term 'qualified political contribution' means any contribution or gift of money to—

"(A) an individual who is a qualified candidate for election to the office of Representative in any general election for use by such individual to further his candidacy for election to such office; or

"(B) any authorized committee (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) of a qualified candidate for election to the office of Representative.

"(2) QUALIFIED CANDIDATE.—The term 'qualified candidate' means, with respect to the office of Representative, an individual who—

"(A) publicly announces before the close of the calendar year following the calendar year in which the contribution or gift is made that he is a candidate for election to such office, and

"(B) is a candidate for election to such office within the meaning of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

"(3) OFFICE OF REPRESENTATIVE.—The term 'office of Representative' means the office of Representative in, or Delegate or Resident Commissioner to, the Congress."

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of such Code (relating to special rules for credits and deductions of estates or trusts) is amended by adding at the end the following new subsection:

"(j) CREDIT FOR POLITICAL CONTRIBUTIONS NOT ALLOWED.—An estate or trust shall not be allowed the credit against tax provided by section 24."

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the time relating to section 23 the following new item:

"Sec. 24. Contributions to qualified candidates for the office of Representative.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 5. PROHIBITION OF CONTRIBUTIONS BY MEMBERS OF THE HOUSE OF REPRESENTATIVES AND CANDIDATES FOR THAT OFFICE TO OTHERS WHO ARE SUCH MEMBERS OR CANDIDATES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) An authorized committee of any individual who is a Representative in, or Delegate or Resident Commissioner, to, the Congress, or a candidate for such office may not make any contribution to an authorized committee of any other individual who is a Representative in, or Delegate or Resident Commissioner to, the Congress, or a candidate for such office.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after December 31, 1989.

SEC. 6. AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 RELATING TO IDENTIFICATION OF CANDIDATES INTENDED TO BENEFIT FROM INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by adding at the end the following new subsection:

"(c) Any person who, during the period beginning 30 days before an election and ending on the day of the election, makes an independent expenditure in the form of an advertisement (including any radio advertisement, television advertisement, newspaper advertisement, sign, or billboard) or an informational mailing shall include in the advertisement or mailing the name of the candidate in the election intended to benefit from the advertisement or mailing.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections occurring after December 31, 1989.

FEDERAL TORT CLAIMS ACT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. GRADISON. Mr. Speaker, today I am reintroducing legislation designed to correct a serious inequity in the Federal Tort Claims Act. I am pleased to be joined again in this effort by a bapartisan group of cosponsors, including my distinguished colleague, Representative TOM LUKEN.

As you know, in recent years there has been considerable controversy and litigation concerning the role of the Federal Government in the unnecessary exposure of citizens to risks associated with a number of safety and health hazards. In numerous instances, there is considerable documentation of negligence on the part of the Federal Government. This is particularly true in cases of unnecessary exposure to asbestos, but it is also applicable to incidents involving atomic testing and the development of the polio vaccine.

For example, in cases involving asbestos exposure, it has been documented repeatedly that the Federal Government violated its own safety and health standards at the time of the Second World War, and that it failed to warn, or provide protection for, workers in government and contract shipyards. The courts have found that government officials and safety inspectors were aware of the hazards associated with asbestos exposure and of the dangerous conditions in the shipyards under their control.

Unfortunately, citizens pursuing their cases in the courts have found that the Federal Government can escape any liability for violating its own safety and health standards by exercising a technical legal defense. By invoking the defense of discretionary function provided under section 2680(a) of title 28, United States Code, the Federal Government effectively is able to avoid responsibility.

The case of Shuman versus United States highlights the current problem for citizens seeking redress through the courts. In a 1984 decision, a Federal district court found that the Government had negligently caused the injury and death of a man, exposed to asbestos dust, who worked in a contract shipyard in 1942 and from 1950 to 1953. The court ordered the Government to pay his widow $145,013 in damages. On appeal, the first circuit court overturned the decision, not on the merits of the case, but on the grounds that the Government was able to exempt itself from liability. Private concerns, in similar cases, have been found liable and ordered to compensate plaintiffs.

In its previous term, the Supreme Court considered two cases which were effected by the general issue of Government liability. In Berkowitz versus United States, in spite of the discretionary function defense offered by the Government, the court unanimously held that the Government was partially liable when the Food and Drug Administration wrongfully approved for release to the public an oral polio vaccine. The Court determined that the Government could not shield itself from immunity for all acts arising out of its regulatory programs. However, the court did find that the Government could be insulated from liability in selected cases, but only when its actions and decisions involve an element of choice and are based on public policy considerations.

The second case, Boyle versus United Technologies, Inc., focused on the relative liability of a contractor when a product—in this case, a helicopter—is manufactured to Government specifications. Although the Government was able to maintain its exemption from liability in the case, the Court held that the Government had created the risk which led to a pilot's death and that it was unfair to make the contractor liable.

These examples reflect the uncertainty over who is responsible and who shall bear the appropriate burden for liability in similar situations. In my view, the Federal Government should not be able to hide from its responsibilities in this area. The legislation I am introducing would make it possible for citizens who are injured as a result of the Government's violation of occupational safety and health standards, or by its negligence in workplaces under its control or supervision, to seek to recover damages for those injuries.

I want to stress that the legislation makes no judgment about the merits of the numerous cases currently pending before the courts. It merely asks that the Government be able to prove its case on the merits. If the Govern-

ment did not act negligently, I am certain the courts will recognize that fact. However, if the Government did act in a negligent fashion, it is irresponsible, unjust, and unacceptable for the Federal Government to absolve itself of any responsibility for its actions.

Mr. Speaker, this legislation addresses fundamental questions of equity, fairness, and justice. I urge my colleagues to join me in supporting these principles and this legislation.

TRIBUTE TO MR. MAURICE J. CONNELL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. SMITH of Florida. Mr. Speaker, it is an honor for me to call to the attention of my colleagues the selection of my very good friend Maurice Connell as the recipient of the Greater Hollywood Chamber of Commerce's 1988 Community Service Award. The award, to be presented at a dinner on February 11, 1989 in Hollywood, FL, is given annually in recognition of long and continued service to the community.

Maurie epitomizes the American ideal—that you can accomplish anything you want with hard work and perseverance. His life's accomplishments are a tribute to that belief. An excellent baseball player at the University of Toledo, he went on to try out with the Detroit Tigers. Later, Maurie served his country in the Army as an officer in the Pacific in World War II. Upon returning from the war, Maurie decided to try his hand at three quite different enterprises—a high school basketball coach, a partner in a Ford agency, and in the insurance business. However, Maurie was always drawn to politics, and abandoned his other pursuits to serve as right hand man to former Ohio Gov. Mike DiSalle and followed DiSalle to a position in the Kennedy administration.

At the age of 68, Maurie has not slowed down his hectic pace, serving as president of Maurice J. Connell Enterprises, an intergovernmental consulting firm. He is also the grant coordinator for the city of Hollywood. In this capacity, Maurie has acquired over $100 million in public funding for parks and land for municipal parking and sewers. In recognition of Maurie's contributions, the Hollywood, FL, City Commission dedicated the Maurice J. Connell parking facility on Hollywood Beach on June 6, 1985. While securing grants for Hollywood takes a great deal of his time, he continues to be a prominent leader in the community, serving on a variety of boards, including the Orangebrook Country Club, Memorial Hospital, Chaminade-Madonna College Preparatory School, the Greater Hollywood Chamber of Commerce, the Kiwannis Club, and the Rotary Club. In addition, while most people use the game of golf for recreation, Maurie uses it as an opportunity to organize charity events for the chamber of commerce, the Sheridan House for Girls, and the Celebrity Tournament of Pembroke Pines.

Maurie's life has taken him to many different venues and to many different occupations. Through it all, Maurie has never lost his good humor or his uncanny ability to tell a story. While there is no doubt that Maurie has gained success through his interpersonal skills, he is a competitive man who knows how to achieve what he sets out to accomplish. He is admired and loved by everyone who knows him.

It truly is an honor to call Maurie Connell my friend and I am sure that my colleagues join me in congratulating this extraordinary man on his most recent honor.

TRIBUTE TO MARY AND JAMES CASHMAN, JR.

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to honor two preeminent civic and community leaders of southern Nevada, James and Mary Cashman, Jr. On Monday, March 6, 1989, Bishop Gorman High School will be honoring Mary and Jim at the seventh annual "Knight of the Gael." They will be recoginzed at the Palace Station Hotel in Las Vegas for their outstanding contributions and loyalty to the school. They are both truly deserving of this honor.

James Cashman, Jr., is a member of a family traditionally dedicated to the development of southern Nevada and to service to the people of the area. Jim's father arrived in Las Vegas in 1907 and went on to found a business that, with Jim and Mary's help, has grown to include Cashman Cadillac, Inc., Cashman Equipment Co., J&M Aviation, Inc., and James Cashman Co.

After serving in the U.S. Air Force from 1943 to 1945, Jim, a native of Las Vegas, returned to help run the family business and to marry his childhood sweetheart, Mary. Jim and Mary have continued to lend their considerable talents to a number of worthwhile activities. Their commitment to helping others has benefited the Las Vegas community and the State of Nevada.

Jim has always been recognized as a leader in our community. In the Las Vegas Junior Chamber of Commerce—now the Las Vegas Jaycees—he was director of the local chapter, State president, and national director. He has served in every elective and appointive position with the Las Vegas Chamber of Commerce including being its president for two terms. He has been active in key positions with the United Way of Clark County, Boys and Girls Club of Southern Nevada, the University of Nevada, the Elks Club, Rotary Club, and the Boy Scouts of America. He presently serves as president of the Nevada Taxpayers Association. He was a member of the Governor's Higher Education Advisory Committee and also served as an advisor to the Governor's Conference on Manpower and Economic Education.

Mary, born in Whitetail, MT, coming to Las Vegas as a youngster, has been an active member of the board of directors and the State board of trustees of Catholic Community Services of Nevada for over 16 years and served as president of the board of trustees from 1977 to 1979. She was a founding member of the Service League—now Junior League. She has also served as a member of the Regina Hall Auxiliary since its inception in 1972, the Home of the Good Shepherd Auxiliary and the Sun Youth Forum.

Mr. Speaker, by any standard—be it community service, civic leadership, or professional contributions—Jim and Mary Cashman, Jr., represent the finest in southern Nevada's commitment to excellence. I ask my colleagues to join me today in commending the Cashman's in their well-deserved recognition for outstanding contributions and loyalty to Bishop Gorman.

STEEL AND COAL TRADE RECIPROCITY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. RAHALL. Mr. Speaker, recently, legislation was introduced by the distinguished gentleman from Pennsylvania, JOHN MURTHA, and other steel caucus members, to extend the Steel Import Stabilization Act for an additional 5-year period. I was pleased to join as an original cosponsor of this legislation.

Today, I am introducing a bill which compliments the Murtha legislation. The purpose of my legislation is to provide a formula under which imported steel market shares would be determined under extended or renegotiated voluntary restraint agreements.

The Steel and Coal Trade Reciprocity Act of 1989 would award those countries which are good customers of U.S. metallurgical coal with greater shares of the U.S. imported steel market within the overall quota ceiling set by the Steel Import Stabilization Act should it be extended for an additional 5 years. In effect, it would explicitly link the metallurgical coal trade with the steel trade.

This type of linkage makes good sense in light of the fact that metallurgical coal is an essential ingredient in the steelmaking process. While many countries have quantities of steel products they would like to continue exporting to the United States, we similarly have vast tonnages of metallurgical coal we would like to export.

Under this legislation, the amount of steel product imports within the overall ceiling set by the restraint agreements that would be allowed from any given country under any extension of the Steel Stabilization Act Program would be the same ratio that country's purchases of U.S. metallurgical coal bore to the overall level of U.S. metallurgical coal exported to countries subject to the voluntary restraint agreements during the first 5 years of the program, the period from October 1, 1984, through September 30, 1989.

It is indeed time that we as a Nation begin to seek trade reciprocity of the type suggested by this legislation, not only in the area of our steel and coal trade, but for other commodities where direct linkages can be made.

LYME DISEASE DEMANDS NATIONAL ATTENTION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. GEJDENSON. Mr. Speaker, I would like to call to the attention of my colleagues the importance of a quickly spreading infectious illness called Lyme disease. As an original cosponsor of the "Comprehensive Lyme Disease Act of 1989," and of "Lyme Disease Awareness Week," I hope to see bipartisan support for enhanced research into a cure.

The serious nature of this illness was first brought to my attention by a constituent of mine, Karen Forschner of Tolland, CT. Mr. Speaker, I would like to congratulate Karen for her persistence and hard work in the field of Lyme disease. Karen is the director of the Lyme Borreliosis Foundation in Tolland. The foundation serves as a national information and referral center for those who fear they are afflicted with the disease or those who would like to find out more about this illness. Karen's interest in Lyme disease was sparked after she contracted the disease while pregnant. Unfortunately, her baby developed severe disabilities as a result of Lyme disease. Karen now devotes her time to promoting public awareness and helping others afflicted with this problem.

Lyme, CT, the town where Lyme disease was first discovered in 1975, is in my district. But my concern does not stem from a purely parochial interest. Lyme disease has been reported in over two-thirds of the States in our country, and has even permeated the Halls of Congress. Our former colleague, Berkley Bedell, who represented Iowa's Sixth District for 12 years, contracted the disease while fishing in Virginia and was forced to retire early from Congress due to complications from the disease.

Lyme disease is transmitted by the deer tick. Early symptoms of the disease include a skin rash around the bite and flulike symptoms such as fever, headaches, body pains, and fatigue. About a month after being bitten by the infected tick, 20 percent of the patients suffer from weakness on one side of the face or dizziness and fainting, caused by the slowing of the heart rate. Arthritis also plagues many Lyme disease patients. In its most severe form, the disease is characterized by chronic fatigue, short-term memory loss, and numbness or shooting pain in the limbs.

Public awareness of the symptoms of the infected tick bite is extremely important. If diagnosed early, the disease appears treatable. That is why education is vital if we are to minimize the effects of this rapidly growing and painful disease. The Comprehensive Lyme Disease Act, offered by Representative HOCHBRUECKNER, would provide funding for research and treatment, allocated by the National Institutes of Health, as well as grants through the Centers for Disease Control to promote public education. The American people must know what to look for if they are to take precautions against Lyme disease.

Lyme disease is not just a Connecticut problem. Although our State has taken a lead in researching this disease, it has become a national problem which demands national attention. I urge my colleagues to learn all they can about this disease and to cosponsor Mr. HOCHBRUECKNER's bill.

CONGRATULATING THE SCOTTSBLUFF JUNIOR HIGH SCHOOL BAND AND ITS DIRECTOR GEORGENE DIERS

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today to pay tribute to the Scottsbluff Junior High School Band and its director, Georgene Diers, of Scottsbluff, NE, on the band's selection as the winner of the Sousa Foundation's "Sudler Cup."

This prestigious award is given each year in recognition of outstanding excellence in concert performance by a junior high school band. It was awarded to only one junior high school band from the entire country this year. Only nine junior high bands in the entire Nation have received the award during the 5 years the program has been in operation.

This honor was extremely well deserved, and I congratulate the hardworking, talented, and bright young students who made it possible.

The reward reflects the value of Nebraska's educational system and Mrs. Georgene Diers, the band's director, deserves a great deal of credit and thanks for her efforts. She is an admired, respected, and genuinely well-liked teacher who has been inspiring youngsters in the Scottsbluff school system since 1948. Over the past 41 years, hundreds and hundreds of students have had the opportunity and privilege to learn from this remarkable woman.

It is clear that the education Nebraska students receive is good preparation for the challenges of the future. Nebraska students have consistently scored exceptionally high marks in college entrance examinations and have won top prizes, such as the "Sudler Cup," in national competitions. I have no doubt that the high quality and value of Nebraska's educational system is, in large part, due to teachers like Georgene Diers.

Teaching is one of the most challenging careers a young person can choose. I believe teachers have the most fundamental, important, and difficult jobs in our country. Georgene is an example of "the best."

Her efforts have contributed to making Scottsbluff Junior High School a leader in Nebraska, and the Nation, in the drive toward excellence in education. She has worked hard and succeeded in striving for raising academic standards and goals and setting higher expectations for her students.

I am very proud to claim her as my constituent and join her family, friends, students, and colleagues in wishing her the best of luck for many more successful and productive years in the Scottsbluff school system.

And I am privileged to boast of the achievement of the young people in the Scottsbluff Junior High School Band. They have my congratulations and admiration.

A TRIBUTE TO JAMES P. CAPITAN

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. SCHUETTE. Mr. Speaker, it is with admiration and respect that I rise today to pay tribute to James P. Capitan, mayor of Owosso, MI. Jim has been named the "1989 Citizen of the Year" by the Owosso-Corunna Area Chamber of Commerce for his contributions to the community over a period of many years.

A native of Owosso, Jim graduated from Owosso High School in 1943 and attended Michigan State University. He joined his brother Alex in the family business which was founded in 1903. Alex has retired and now lives in Arizona. Jim has been married to his wife, Maxine, for 39 years and they have three children: Mrs. Joseph (Nancy) Gingras of Union City, MO; Tom of Ionia, MI, and Rich, who is a senior at Owosso High School. Jim's wife Maxine was the foster daughter of the late William A. Seegmiller, an Owosso attorney who served as mayor and postmaster of Owosso.

The mayor's first venture into politics was his election to the Shiawassee County Board of Supervisors in 1970. He was board chairman in 1973 and finance chairman in 1971, 1972, and 1974.

In 1980, Jim was appointed to fill a vacancy on the Owosso City Council and was elected mayor in 1983.

Jim and his family are members of Owosso's First Congregational Church where he was a member of the board of deacons and Maxine served for 20 years as the director of Christian education.

Jim is a member of the Owosso Masonic Lodge and has been active as a fundraiser for the Shiawassee United Way and the Shiawassee chapter of the American Red Cross.

I am proud of the work that Jim has done for the people of Owosso. I am pleased to call Jim a friend and to have had the pleasure of working with him. On behalf of the citizens of Shiawassee County who have benefited from his many years of public service, I want to extend my congratulations on this outstanding award.

"NATIONAL DUCKLING MONTH" RESOLUTION

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. HEFNER. Mr. Speaker, I want to call to my colleague's attention a resolution I am introducing today to proclaim May "National Duckling Month."

Duckling is a centuries-old delicacy that is rising in popularity in the United States among

all people, and not just ethnic groups. The U.S. duckling industry—which is nearly 100 years old—produces over 130 million pounds of duckling annually and generates over $176 milion in revenue. The industry employs over 1,000 U.S. citizens and contracts with over 250 family farms.

My colleagues may not be aware of it, but the U.S. duckling industry is now exporting its products by the thousands of tons to over 40 foreign countries—including the nations of the Far East—thereby helping to reduce our national trade deficit.

In addition to recognizing the industry's achievements, my resolution seeks to educate the consumer on the nutritional value of duckling, which is an excellent source of protein as well as being low in sodium and saturated fats.

Mr. Speaker, I want to encourage my colleagues to join me in this effort by cosponsoring "National Duckling Month."

TRIBUTE TO BLACK CHURCHES IN THE UNITED STATES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. TRAFICANT. Mr. Speaker, I stand today during this month that was specifically designated as a time to honor African-American history, and black individuals, organizations, and institutions that have contributed to the development of American society, to pay tribute to the one group that embodies the dedication and drive of those who have contributed so much to African-American history and culture—the black churches of our country.

This month, we recognize the role of the black churches as the focal point for religious practice and social interaction as well as their role in stimulating the development of organizational experience, self-government, and leadership within the black community.

We recognize the contributions of the black church leaders in their ongoing campaign for civil and human rights: From the founders of the black churches in America, to the Reverend Oliver Brown whose lawsuit brought the historic Supreme Court decision in Brown versus Board of Education, outlawing segregation in public schools, and from the Reverend Martin Luther King, Jr., whose words and deeds stirred the conscience of a nation, to the thousands of black ministers across the Nation who continue to carry on the dreams of their forefathers.

This month, we join the many organizations around the country that are recognizing and honoring black churches and African-American history and culture. Let us take the extra time this month to pause and think about the many contributions of the black churches of America. We truly owe them a great deal. I ask the House to join me today in paving tribute to this special and treasured part of our American society.

LEGISLATION TO CLOSE LOOPHOLES IN FEDERAL TRANSPORTATION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. WELDON. Mr. Speaker, I am pleased to be joined by nine of my colleagues in introducing legislation which will close a loophole in Federal transportation law. I am amazed that there is no statute which prevents a railroad employee from leaving the scene of an accident.

The bill I am introducing today will prevent a railroad employee from leaving his post after an accident unless relieved by the proper authorities or unless the safety of the worker is jeopardized by remaining at the post.

I offered this bill last year, as H.R. 4067. It was incorporated into the Railroad Drug Abuse and Prevention Act of 1988, which was passed by the House. The Senate, however, failed to act on the bill before adjournment of the 100th Congress.

This is not a punitive measure. It does not increase the punishment for those who cause an accident. The bill, instead, is designed to better protect the rail traveler. Further, the bill could substantially increase rail safety. If railroad workers know that they cannot run from the scene of an accident, they may be less likely to use alcohol or drugs while at work.

Like many of my colleagues, I am a frequent rail traveler. This small amendment to Federal transportation policy will help improve the safety of a system on which so many Americans rely everyday. I hope that we can work quickly to make this important change in Federal transportation law.

RAISE THE MINIMUM WAGE TO $4.35

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. KLECZKA. Mr. Speaker, today I have introduced legislation to raise the minimum wage. The Congress must act quickly to raise the wage of the poorest paid workers. Full-time, year round minimum wage workers earn only $6,968 per year. Since the wage was last increased in 1981 inflation has eroded its purchasing power by over 30 percent. Increasing the wage would save millions of Americans from poverty while reinforcing the values of hard work and self-reliance that we so greatly value.

Inflation has had a particularly devastating effect on minimumn wage workers who support families. Currently the yearly earnings of a minimum wage worker with two children provide a standard of living more than 24 percent below the poverty line. Increasing the wage would help these families to pull themselves out of poverty.

The growth of low wage jobs across the country and in my home state of Wisconsin makes it particularly important that we raise the minimum wage. It is certainly true that our economy has expanded in the last few years and many new jobs have been created. But the fact remains that in Wisconsin since 1979 there has been a net loss of high wage jobs and a positive explosion in the numbers of low wage jobs.

An astonishing 73 percent of the increase in employment in Wisconsin from 1979 to 1988 was in the low wage sector of the economy. For instance, more than one-quarter of the increase in jobs was in the retail trade industry which paid an average of just $9,350 per year. How can anyone raise a family on this? It's impossible.

Given the enormous growth in low wage jobs it is particularly important that we raise the minimum wage. The key to U.S. economic success has always been the large U.S. middle class. Its purchasing power has stimulated increases in productivity and consumer demand. Unless we raise the minimum wage, the proliferation of low wage jobs will continue and the wages of middle class Americans could be undercut. Raising the minimum wage can help guarantee a bright economic future for all Americans.

Just over 50 years ago Franklin Roosevelt asked the Congress to enact our first minimum wage laws. In his message to Congress Roosevelt said "Our Nation so richly endowed with natural resources and with a capable and industrious population should be able to devise ways of insuring to all our able-bodied working men and women a fair day's pay for a fair day's work." This is no less true today than it was 50 years ago. We must raise the minimum wage.

HONORING COAST GUARD PETTY OFFICER KELLY M. MOGK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. CONTE. Mr. Speaker, I rise today to honor Aviation Survivalman Third Class Kelly M. Mogk for her citation for heroic achievement as a rescue swimmer aboard H-65 helicopter 6515 on the morning of January 3, 1989.

Kelly was born June 7, 1966 in Minneapolis, MN. She graduated from high school in 1984 before entering the Coast Guard. In October 1986 she completed emergency medical technician training, thereby becoming fully qualified for all rescue swimmer duties. She had the distinction of being the first woman graduate from the Navy's rescue swimmer school in Pensacola, FL.

Mr. Speaker, Kelly Mogk on January 3, 1989 committed a truly heroic act. While serving as a rescue swimmer aboard H-65 helicopter 6515, an urgent distress call was received from an F-4 Phantom which had just ditched 35 miles west of Tillamook Bay. The pilot and navigator had ejected.

After battling violent winds and breaking waves, Petty Officer Mogk eventually reached the downed pilot. With the pilot barely conscious, suffering compound fractures of both

legs, a broken shoulder, and severe hypothermia, Petty Officer Mogk freed the pilot from his entanglement.

While the wounded pilot was taken out of danger and flown to the nearest hospital, Petty Officer Mogk was left waiting in the sea for the next available helicopter. She was returned to Astonia where she was treated for exhaustion and hypothermia.

Mr. Speaker, I would like to commend Petty Officer Mogk for her courage, judgment, and devotion to her duty. She is just a fine example of the Coast Guard's motto Sempre Paritos which means "always ready." Without her being "always ready," those downed airmen may not have survived to continue to serve their country. Kelly Mogk has portrayed the dedication and excellence that has been continuously exhibited by the U.S. Coast Guard.

LEGISLATION PROHIBITING OPEN ALCOHOL CONTAINERS IN VEHICLES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing legislation to encourage States to take a stronger stand against drunk driving. As you may know, 24,000 people are losing their lives to drunk driving each year. As the most widely abused drug in America, alcohol continues to kill an average of 65 people per day on our streets and highways. That is why I feel such an urgency about promoting effective countermeasures to deal with the problem.

Do you know that it is possible to drive—following a reasonably direct route—from the New Hampshire-Canadian border south to Pensacola, FL, and then west to Reno, NV—approximately 4,000 miles, drinking all the way?

In 15 States you can actually drink while driving without violating the law. In 23 States passengers can drink in the car. Allowing open containers in automobiles is senseless.

This is why I am introducing legislation to require States to enact laws prohibiting open alcohol containers in vehicles. Similar to the law setting 21 as the legal age for purchasing alcohol, this bill would withhold 5 percent of the State's highway funds if it does not comply.

Sure withholding State highway moneys is a serious penalty, but drunk driving is a serious nationwide problem; a problem that must be addressed now.

WELCOME TO 40 NEW U.S. CITIZENS

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. SAWYER. Mr. Speaker, I rise today to extend a warm welcome to 40 residents of my district who took the oath of allegiance as U.S. citizens on November 18, 1988, in Akron, OH.

These 40 new Americans have come from Europe, Asia, South America, Canada, India, and the Middle East. All enrich our Nation with the cultures and traditions from which they came. I would like to include their names in this RECORD so that my colleagues can join me in offering our congratulations to each of them on this special occasion:

Abraham Anthony Boom, Jr., Evangelos Kamvouris, Maria Kamvouris, Rudy Caezar Rio, Wonna Sehzue, Ythamar Grose, Thongsouk Vilaivong, Esmail Hosseinarab, Lorraine Ann Blackman, Stavros Theophilos Constantinou, Abdelghani Fares, Xuan-Mai Thi Tran, Sumana Montri Sarkar, Douglas Lamont Leavitt, Ling Quang, Yan Lu Chuang, Oanh Yen Truong, Jean Ann Parsons, Sun Pong Kim, Aurelia Gordon, Yeou-Cheng Suen, Hamedah Saleh Yahia, Saleh Ahmed Yahia, Urte Kurlich, Paul Mascarin, Mohammed Suietman Natour, Rola Mansour Muakkassa, Ziad Hikmat Najib, Nathan Ida, Vera Ida, Grace Feng Wang, Donald Leo Tri in behalf of Jenny Irene Tri, Nickolas Peter Neckar, Cveta Minev, Alexander Emil Minev in behalf of Julia Renee Ninev, Korn Sriphan, Satkari Jash, Eugene and Linda Rohrbough in behalf of Zachary William Rohrbough, Dale and Mary Jean Leonhardt in behalf of Don-Tomis Leonhardt.

There are few in this world who are able to choose the Nation to which they will pledge their allegiance, yet these individuals have chosen to become citizens of the United States of America. As a nation, the United States has always drawn its greatest strengths from the many diverse backgrounds and traditions of its people, and I am sure that these new citizens will add to the strength and prosperity of the Nation we all share.

A TRIBUTE TO UKRAINIAN INDEPENDENCE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. SAXTON. Mr. Speaker, last month, Ukrainian-Americans celebrated the 71st anniversary of the proclamation of Ukrainian independence. It is indeed an honor for me to pay tribute to the unswerving spirit of the Ukrainian people. I would like to take this opportunity both to plead support for the Ukraine and its peoples and to encourage the Soviet leadership to relax its iron fist and grant individual's rights to freedom of religion and cultural practices.

The history of Ukrainian cultural suppression has been brutal. In an effort to centralize all aspects of Soviet life, Josef Stalin, outlawed Byzantine-rite Ukrainian Catholics, and violently ordered the Ukrainians to merge their culture under the umbrella of the forcefully created Soviet life.

As you can see, Mr. Speaker, life in the Ukraine has gone through many cycles of oppression. The American people do not forget the notorious famine and purges and other episodes of misrule during the reigns of Josef Stalin and his successors. Despite this subjugation, the dream for freedom of the men and women of the Ukraine has demonstrated its unshaken determination to survive. It has lived through seven decades of domination.

The marking of the Ukrainian 70th anniversary should energize all in encouraging the Bush administration to address freedom and amnesty issues with the Soviet Government. If the Soviet Union is indeed genuine in its efforts of glasnost and perestroika, then, I believe the individual's right to freedom of culture and religion must undeniably be observed.

DR. DEWAYNE WHITTINGTON: AN INSPIRATION

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. DYSON. Mr. Speaker, Congress has always recognized the value of education in America. With this in mind, I rise today to honor one of the great educators from Maryland's First District, Dr. Harrison DeWayne Whittington. Dr. Whittington is superintendent for Somerset County schools, and the first black superintendent on Maryland's Eastern Shore. He is an inspiration to all of the students in the county and to all of us who appreciate dedication to public service.

Known by family and friends as a modest man, Dr. Whittington doesn't boast about his accomplishments, but lives by his aunt's advice: "Let the works I do speak for me." His works speak loudly. He has led or served on 29 education-related committees and 45 community organizations, while still finding time to be active in the Shiloh United Methodist Church. He has received 39 honors and awards, including Community Leader of America, Personalities of the South, and the Martin Luther King Achievement Award.

Dr. Whittington's dedication to community service is exemplified by his efforts with Shore Up!, Inc. Shore Up! is a community action agency involved in service projects such as the Head Start Program, full assistance for low-income families, employment, and food distribution. In his 15 years with this organization, Dr. Whittington has been a powerful advocate for children and youth. He was instrumental in getting facilities for the food assistance program, and for distributing this food to some 3,500 Somerset County residents. As a member of the training and employment advisory council, he has used his business knowledge to help participants find and keep jobs, jobs that might never have been found without his help.

But for all of these accomplishments, Dr. Whittington is most known as an educator. He has served as title 1 coordinator, director of Federal programs, coordinator of special programs and supervisor supporting services, and assistant superintendent for Somerset County Schools. In 1974, he was coordinator of human relations for the Maryland State Department of Education. Now he has added to his credentials by being named superintendent of Somerset County Schools.

Dr. Whittington is an inspiration for all of us, but especially to our Nation's youth. He was not born with the advantages that many of us can claim. His mother died when he was only 9 days old. He was raised by his grandparents. Education was something he had to work hard to obtain. Throughout high school he served as a custodian in the Somerset County school system, the same system he now leads. He worked his way through Morgan State University, and later earned his master's degree in education from Pennsylvania State University. Dr. Whittington has proven that vision and a commitment to hard work can overcome some of life's most formidable obstacles.

Mr. Speaker, I proudly salute Dr. Whittington. He could not point to a better example for our Nation's youth. His accomplishments will continue to grow, and our educational system and communities will continue to benefit from his work.

ESTONIA'S INDEPENDENCE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mrs. KENNELLY. Mr. Speaker, February 24, 1989, marks the 71st anniversary of the proclamation of the independence of Estonia.

Estonia's independence was hard won. In the years that followed their 1918 proclamation, the people of Estonia had to fight off the occupations of both Germany and Russia. But the Estonian love of freedom prevailed, and the Estonian Constitution of 1920 is testimony to the Estonian commitment to human rights and the dignity of the individual.

Catastrophically, tragedy struck Estonia's people in 1940 when Estonia, along with Lithuania and Latvia, were forcibly incorporated into the Soviet Union. A reign of terror followed in which an estimated 60,000 Estonians were arrested, imprisoned, and then herded into freight cars and sent to the far reaches of the Soviet Union. Next, the people of Estonia endured what amounted to martial law for 3 years under the Nazis. In 1944, the Soviets reoccupied Estonia.

The people of Estonia have suffered greatly but they have not and will not give up hope for their homeland, nor will they give up their culture and their language. The United States has never recognized the Soviet occupation of Estonia. We applaud the people of Estonia for their unwavering commitment to freedom and the dignity of each individual.

Listening to the claims of glasnost, the people of Estonian are demandng greater cultural and national autonomy. Glasnost has brought some hope to all of those who live under the yoke of Soviet oppression. Here in this country we share in that hope for a better life for the people of Estonia hoping that glasnost is much more than rhetoric.

Mr. Speaker, I join Connecticut's Estonian Society in their observance of the 71st anniversary of the proclamation of independence of Estonia. I believe all of us in this Chamber hope, along with free people across the world, that someday soon, the people of Estonia will once again be free.

TRIBUTE TO BEN AND DOTTY KAUFMAN

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. FEIGHAN. Mr. Speaker, on February 20, Ben and Dotty Kaufman of Cleveland, OH, celebrated their 50th wedding anniversary. I would like to take this opportunity to congratulate them on reaching this milestone.

Ben and Dotty are native Clevelanders, one from the southeast side and one from Cleveland Heights. Just after World War II, the Kaufmans met and married. Together, they decided to settle on Cleveland's eastside and raise their family.

In 1951, Ben took control of the Brothers Printing Co. What started as a small "Ma and Pa" operation has blossomed into one of the most respected businesses in the area. Ben put to use his background in printing as Dotty sharpened her secretarial/bookkeeping talents. Many a late night was spent getting the new business on its feet. Despite their success and passing years, one can still find Ben working well past midnight.

Over the years, Mr. and Mrs. Kaufman have given so much back to their community. Through 50-plus years with organizations such as the International Typographical Union, Ben has won the respect of his colleagues. In addition, Ben was recognized as Mason of the Year for the Forest City Masonic Lodge and Man of the Year for the Heights Jewish Center Synagogue. Mrs. Kaufman chairs the Heights area Red Cross and is a member of B'nai B'rith.

Perhaps their most notable achievement is the terrific family that they have raised. Ben and Dotty instilled the value of a college education in each of their four children; Rosean, Laura, Jay, and David. All four graduated from Ashland College.

Ben and Dotty serve as a shining example through their deep love, strength, and sense of family. Their 50 years of marriage give us all a little more hope and reassurance that it can be done. Congratulations, 50 years and still going strong.

ESTONIAN INDEPENDENCE: MICHIGAN ESTONIAN COMMUNITY KEEPS THE FLAME OF HOPE ALIVE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to call the attention of my colleagues to a celebration of hope and freedom, the 71st anniversary of the proclamation of Estonian independence.

On February 24, the Estonian community of Detroit and Michigan will mark this historic occasion with a church-service program in Farmington Hills, MI.

The winds of change are blowing in the Baltic. Freedom is in the air. In recent months, the Baltic Republic of Estonia reaffirmed its recent assertion that it has the right to veto Soviet law. This clearly underscores its intention to seek greater autonomy from Moscow. The Estonian Supreme Soviet also adopted an amendment to the constitution declaring Estonian the official language of the Republic.

I commend the determination of the Estonian people in their struggle for greater independence to include cultural and religious freedom. Estonia has led the way in calling for more political and economic autonomy for the three Baltic Republics. We all remember that the Baltic Republics, Estonia, Latvia, and Lithuania had but a brief moment in the light of freedom. Their independence between the world wars was brutally ended when the Soviet Union annexed those countries in 1940. The Estonian people have never abandoned their struggle to regain that lost liberty.

I want to commend the Estonian community of Detroit and Michigan for keeping the flame of hope alive. They never forgot the sufferings and the aspirations of their friends and relatives in that closed police state. To a large degree, the progress that is now being made in winning greater freedoms for the Estonian people is due to the support of the Michigan Estonian community and its commitment to liberty for all people.

I urge all of my colleagues in the Congress, as well as the administration, to keep up the pressure for greater freedoms in the Soviet Union. We must support the legitimate nationalistic aspirations of the Estonian people.

FAMILY LIVING WAGE ACT OF 1989

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1989

Mr. PETRI. Mr. Speaker, today I introduced the Family Living Wage Act of 1989.

The Family Living Wage Act would increase the earned income tax credit [EITC] and vary it by family size. Its objectives are to supplement wages according to need, as determined by family size, to help people support families by working rather than on welfare, and in particular to help with the costs of child care, which are heaviest for preschool children.

Under current law, low-wage workers with children will receive, in 1991, a maximum earned income credit of about $1,000 per year which can be added to their regular paychecks as "reverse withholding" if they don't have enough tax liability against which to take it. As their incomes rise from $11,000 to $21,000, the credit phases down to zero.

Starting in 1991, the Family Wage Act would provide workers at or near the minimum wage a base credit of $1,050 per year plus $700 per preschool child and $350 per school age child, for up to four children. The maximum credit, for a family with four preschool children would be $3,850 per year which is equivalent to an extra hourly wage of $2.08. A low-wage worker with two preschoolers would receive $2,450, equivalent to a wage of $1.32. These amounts are fully indexed to inflation.

As family income rises above $8,000 per year, the credit phases down gradually until a minimum credit of $200 per preschooler and $100 per school-age child is reached at incomes in the midtwenties, depending on family configuration. This minimum benefit applies to all middle-class families with incomes up to $40,000, after which it phases out by $45,000.

Although the Family Living Wage Act repeals the current dependent care credit [DCC], its minimum EITC benefits actually cost slightly more than providing the DCC for middle-class families in the relevant income range. The EITC just spreads the money fairly across all these families, rather than giving all of it to the minority of families that pay others for child care. Under the bill, all the following types of middle-class families will be better off: Those who forgo income in order to provide child care themselves, those who use relatives or other unpaid sources of care, those who pay small amounts for care, and some who pay substantial amounts for care but have large families. A minority of families will be somewhat worse off but still receive significant benefits.

The bill meets all the basic tests of a sound approach to helping families care for children. First, all the money spent is given directly to parents. None is wasted on bureaucracy. Second, it allow the parents to decide what kind of care their children will receive, not anyone else. Third, it concentrates the available help at the low end of the income scale. Fourth, it provides equal amounts of help to all families with any given set of characteristics.

Finally, it does not discriminate against people who care for their own children in favor of dual earner couples and others who pay other people to care for their children. Those who care for their own children forgo income to do so, work just as hard as those who work outside the home, and often make the greatest economic sacrifices. Any program to help people with children that discriminates against those who work in the home denies the value of that work and is fundamentally unfair. Since the current dependent care credit is not only unfair in this way but also highly regressive—most of its benefits go to the highest income families, it is far better policy to eliminate it and fold its cost into the EITC as is done by the Family Living Wage Act.

Of course, the bill can help families with any of the costs associated with having children, not just the need to look after them, and its benefits are not limited just to families with preschoolers, for whom the child care need is greatest. By directly supplementing the wages of low-income workers with children, it achieves the broader objective of providing general help to these families based on economic need as determined by family size. It thereby achieves the same objective as an increase in the minimum wage but does it in a far better and more targeted way, while avoiding the job losses and inflation associated with minimum wage increases. In particular, it helps millions of family heads already earning more than $4.65 per hour or any other level to which the minimum wage might be raised. A minimum wage boost, by contrast, helps mainly young, single, entry level workers who still manage to find jobs. It is a far cruder tool.

The child care issue and the minimum wage issue are both concerned with the same basic objective, helping low-income working families with children. By achieving that objective with direct wage supplements geared to family configuration as provided in the Family Living Wage Act, we also achieve another goal—helping low skilled family heads earn more working than they would receive on welfare, and thereby helping them get into the work force. This is welfare reform, round II. It advances the principle that one's basic income should be what he or she can earn working, and then if society determines that more is needed, society should supplement those earnings.

By enabling some people to move off welfare into the work force, the bill should help us achieve significant savings in welfare costs. Exclusive of any such savings, the bill's net cost is projected at about $3 billion per year, which will be scored for budget purposes as starting mostly in fiscal year 1982. The overall cost of the EITC will move up from about $6.3 billion under current law to about $13.3 billion, with $4 billion of the increase paid for by the repeal of the dependent care credit. Of the $4 billion saved from the dependent care credit, about $2 billion is used to provide the minimum EITC benefits for middle-class families.

While welfare savings should lower the real cost of the Family Living Wage Act far below $3 billion, the cost of alternative child care oriented proposals tends to be about $2.5 billion and the real Federal budget cost of raising the minimum wage to $4.65 is projected by the Council of Economic Advisers at $2 to $6 billion. Clearly the bill is a cost-effective approach to addressing a number of needs in one package.

Mr. Speaker, at this point in the RECORD I would like to insert a copy of the bill and a summary of the Family Living Wage Act:

H.R. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Living Wage Act".

SEC. 2. INCREASE IN EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $7,000.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $7,000, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $8,000.

"(b) PERCENTAGES.—For purposes of subsection (a)—

"(1) CREDIT PERCENTAGE.—

"(A) IN GENERAL.—The credit percentage is the percentage equal to the sum of—

"(i) 15 percent,

"(ii) 5 percent for each school age qualifying child, plus

"(iii) 10 percent for each preschool age qualifying child.

"(B) NOT MORE THAN 4 CHILDREN TAKEN INTO ACCOUNT.—Not more than 4 children shall be taken into account under subparagraph (A), and preschool age qualifying children shall be taken into account before any other children are taken into account.

"(2) PHASEOUT PERCENTAGE.—

"(A) PHASEDOWN TO MINIMUM BENEFIT.—

"(i) IN GENERAL.—The phaseout percentage is the percentage determined in accordance with the following table:

"If the combination of qualifying children taken into account under paragraph (1) is—	The phaseout percentage is—
1 S	10
2 S, or 1 P	11
3 S, or 1 S and 1 P	12
4 S, or 2 S and 1 P, or 2 P	13
3 S and 1 P, or 1 S and 2 P	14
2 S and 2 P, or 3 P	15
1 S and 3 P	16
4 P	17.

"(i) SYMBOLS USED IN TABLE.—For purposes of clause (i)—

"(I) S means school age qualifying child, and

"(II) P means preschool age qualifying child.

"(B) MINIMUM BENEFIT FOR TAXPAYERS WITH INCOMES BELOW $40,000.—Except as provided in subparagraph (C), subparagraph (A) shall not apply so as to reduce the credit allowed by this section to a taxpayer to less than the minimum benefit determined in accordance with the following table:

"If the phaseout percentage applicable to the taxpayer is—	The minimum benefit is—
10	$100
11	200
12	300
13	400
14	500
15	600
16	700
17	800.

"(C) PHASEOUT OF MINIMUM BENEFIT.—If the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year exceeds $40,000, the minimum benefit determined under subparagraph (B) shall be reduced by 15 percent of such excess.

"(3) SPECIAL RULES FOR INDIVIDUALS WHOSE ONLY CHILDREN HAVE ATTAINED AGE 16.—For purposes of this section, in the case of an individual who is an eligible individual solely by reason of children each of whom has attained age 16 as of the close of the taxable year—

"(A) the credit percentage shall be 14 percent,

"(B) the phaseout percentage shall be 10 percent,

"(C) '$11,000' shall be substituted for '$8,000' in subsection (a)(2)(B), and

"(D) subparagraphs (B) and (C) of paragraph (2) shall not apply."

(b) QUALIFYING CHILD, ETC., DEFINED.—Subsection (c) of section 32 of such Code is amended by adding at the end the following new paragraph:

"(3) QUALIFYING CHILD.—

"(A) IN GENERAL.—The term 'qualifying child' means any child (within the meaning of section 151(c)(3)) of the eligible individual if—

"(i) such individual is entitled to a deduction under section 151 for such child or would be so entitled but for paragraph (2) or (4) of section 152(e), and

"(ii) such child has the same principal place of abode as such individual for more than one-half of the taxable year.

"(B) PRESCHOOL AGE QUALIFYING CHILD.—The term 'preschool age qualifying child' means any qualifying child who has not attained age 6 as of the close of the taxable year.

"(C) SCHOOL AGE QUALIFYING CHILD.—The term 'school age qualifying child' means any qualifying child who has attained age 6 but not age 16 as of the close of the taxable year."

(c) ADVANCE PAYMENT PROVISIONS.—

(1) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number and ages of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year."

(2) Paragraph (2) of section 3507(c) of such Code is amended—

(A) by striking "14 percent" in subparagraphs (B)(i) and (C)(i) and inserting "the credit percentage",

(B) by striking "subsection (b)" in subparagraph (B)(ii) and inserting "subsection (a)(2)", and

(C) by adding at the end the following new sentence: "For purposes of this paragraph, the credit percentage shall be determined under section 32(b) on the basis of the number and ages of qualifying children specified in the earned income eligibility certificate and the determination of the amounts referred to in subparagraph (B)(ii) shall be made on the basis of the number and ages of qualifying children so specified."

(3) Clause (i) of section 3507(e)(3)(A) of such Code is amended by inserting before ", or" the following: "(or changing the percentages applicable to the employee under section 32(b) for the taxable year)".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 32(f) of such Code is amended—

(A) by striking "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting "subsection (a)(2)", and

(B) by adding at the end the following new sentence: "Separate tables shall be prescribed for each of the phaseout percentages specified in the table contained in subsection (b)(2)(A)(i)."

(2) Paragraphs (1) and (2) of section 32(i) of such Code are amended to read as follows:

"(1) IN GENERAL.—In the case of any taxable year beginning after 1991, each amount referred to in paragraph (2) shall be increased by an amount equal to—

"(A) such amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting '1990' for '1987' in subparagraph (B) thereof.

"(2) AMOUNTS.—The amounts referred to in this paragraph are—

"(A) the credit percentages used for purposes of subsection (a),

"(B) the $8,000 amount contained in subsection (a)(2)(B) and the $11,000 amount contained in subsection (b)(3), and

"(C) the $40,000 amount contained in subsection (b)(2)(C)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990; except that the amendments made by subsection (c) shall take effect on January 1, 1991.

SEC. 3. DEPENDENT CARE CREDIT LIMITED TO HANDICAPPED DEPENDENTS AND SPOUSES.

(a) IN GENERAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 (defining qualifying individual and employment-related expenses) is amended by striking subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively, and by adding at the end the following new sentence: "In the case of an individual described in subparagraph (A) who has not attained age 15 as of the close of the taxable year, such individual may be treated as a qualifying individual for purposes of this section only if the taxpayer elects not to treat such individual as a qualifying child under section 32 for such year."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 21(b)(2) of such Code is amended by striking "care of—" and all that follows and inserting "care of a qualifying individual who regularly spends at least 8 hours each day in the taxpayer's household."

(2) Paragraph (2) of section 21(d) of such Code is amended by striking "subsection (b)(1)(C)" and inserting "subsection (b)(1)(B)".

(3) Paragraph (5) of section 21(e) of such Code is amended—

(A) By striking "is under the age of 13 or" in subparagraph (B), and

(B) By striking "subparagraph (A) or (B) of subsection (b)(1) (whichever is appropriate)" and inserting "subsection (b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 4. ELIMINATION OF PROPOSED CHANGES IN TREATMENT OF EARNED INCOME CREDIT IN DETERMINING CERTAIN WELFARE BENEFITS.

Paragraphs (1) and (2)(A) of section 402(c) of the Family Support Act of 1988 are repealed.

FAMILY LIVING WAGE ACT

Summary: Restructure existing earned income tax credit (EITC) as follows:

In 1991, for families with children, provide refundable credit against up to $7000 of annual earned income at percentage rates differentiated by family size as follows: base credit—15% ($1050 maximum base); each pre-school child (age 0 to 5)—extra 10% (extra $700 maximum); each school-age child (6 to 15)—extra 5% (extra $350 maximum).

Four child limit; maximum benefit for family with 4 preschool children is $3850 ($1050 base plus $700 for each child).

Reduce credit by 10% (for lowest credit level) to 17% (for highest credit level) of the amount of total income that exceeds $8000.

Minimum credit of $200 per pre-school child and $100 per school-age child extends from mid-twenties up to $40,000 income, then phases out at 15%.

Repeal current dependent care credit (which is highly regressive and unfair to people who forgo outside income in order to work in the home).

Index phase-in percentages and phase-out starting point for inflation.

People whose only children are over 15 receive only current law EITC.

Cost: $3 billion, starting in FY '92.

Minimum benefit plateau accounts for $2 billion, and costs about the same as retaining the dependent care credit for those families, but speads that money fairly across all families in the relevant income range, not just the minority currently eligible for the dependent care credit.

Purposes: Increase work incentives for welfare families according to the need for incentives, as determined by family size and welfare payment size.

Achieve the same objective as minimum wage increases (to help low skilled workers support families) directly and efficiently, targetting help to those who need it in proportion to their need, including millions already earning more than a $4.65 minimum (reached under H.R. 2 in 1992), without the inflation and job losses associated with minimum wage hikes.

In particular, help families with the costs of child care (heaviest for preschool children), independently of whether others are paid to provide care or one family member forgoes income in order to provide care, and concentrating that help at the lowest income levels while retaining maximum parental freedom to make appropriate arrangements for care.